



City of Duluth

Council Chambers, City
Hall

Meeting Agenda Planning Commission.

Council Chambers

Tuesday, May 9, 2023

5:00 PM

Council Chambers

CALL TO ORDER AND ROLL CALL

APPROVAL OF PLANNING COMMISSION MINUTES

[PL 23-0411](#) Minutes 4/11/23

Attachments: [04-11-2023 PC Minutes \(not approved yet\)](#)

PUBLIC COMMENT ON ITEMS NOT ON AGENDA

CONSENT AGENDA

[PL 23-083](#) Special Use Permit for the Cross City Trail in the Floodway near Keene Creek west of 57th Avenue West by the City of Duluth

Attachments: [PL 23-083 Staff Report - final with attachments](#)

[PL 23-073](#) Variance from Parking Requirements for Child Care at 7628 Pitt Street by Lakeside Early Morning

Attachments: [PL 23-073 Staff report and attachments](#)

[PL 23-075](#) Vacation of 3' of the Alley Adjacent to 1002 E 1st Street for Construction of Parking Ramp Footings by St. Luke's Hospital

Attachments: [PL 23-075 Staff Report and Attachments](#)

[PL 23-074](#) Special Use Permit to Increase Child Care Capacity at 4628 Pitt St by Lakeside Early Learning

Attachments: [PL 23-074 Staff report and attachments](#)

[PL 23-068](#) Interim Use Permit for Vacation Dwelling Unit in a Form District at 4428 Regent St, Unit 2, by Joe Golcz

Attachments: [PL 23-068 Staff Report and Attachments](#)

[PL 23-067](#) Interim Use Permit for Vacation Dwelling Unit in a Form District at 4428 Regent St, Unit 1, by Joe Golcz

Attachments: [PL23-067 Staff Report and Attachments](#)

[PL 23-066](#) Interim Use Permit for New Vacation Dwelling Unit at 1730 E 2nd St by Predictable 2 LLC

Attachments: [PL23-066 Staff Report - final with attachments](#)

[PL 23-055](#) Interim Use Permit for Renewal Vacation Dwelling Unit at 139 Howard Gnesen Road by Douglas McCorison

Attachments: [PL23-055 Staff Report and Attachments](#)

[PL 23-064](#) Interim Use Permit for Vacation Dwelling Unit in a Form District at 20 N 12th Ave E, Unit 4, by New London Land Co., LLC

Attachments: [PL23-064 Staff Report and Attachments](#)

[PL 23-065](#) Interim Use Permit for Vacation Dwelling Unit in a Form District at 20 N 12th Ave E, Unit 5, by New London Land Co., LLC

Attachments: [PL23-065 Staff Report and Attachments](#)

[PL 23-063](#) Interim Use Permit for Vacation Dwelling Unit in a Form District at 20 N 12th Ave E, Unit 3, by New London Land Co., LLC

Attachments: [PL23-063 Staff Report and Attachments](#)

[PL 23-062](#) Interim Use Permit for Vacation Dwelling Unit in a Form District at 20 N 12th Ave E, Unit 2, by New London Land Co., LLC

Attachments: [PL23-062 Staff Report and Attachments](#)

[PL 23-061](#) Interim Use Permit for Vacation Dwelling Unit in a Form District at 20 N 12th Ave E, Unit 1, by New London Land Co., LLC

Attachments: [PI 23-061 Staff Report and Attachments](#)

[PL 23-059](#) Interim Use Permit for Vacation Dwelling Unit in a Form District at 9 E 4th St by BJS Land Co DLH, LLC

Attachments: [PL 23-059 Staff report and attachments](#)

[PL 23-058](#) Interim Use Permit for Vacation Dwelling Unit in a Form District at 320 E Superior St, Unit 2, by Demoiselles LLC

Attachments: [PL23-058 Staff Report - final with attachments](#)

[PL 23-057](#) Interim Use Permit for Vacation Dwelling Unit in a Form District at 320 E Superior St, Unit 1, by Demoiselles LLC

Attachments: [PL23-057 Staff Report - final with attachments](#)

[PL 23-044](#) Interim Use Permit for Renewal of a Vacation Dwelling Unit at 1505 S Lake Avenue by Valerie A. Kennedy

Attachments: [PL23-044 Staff Report and Attachments](#)

[PL 23-023](#) Interim Use Permit for a Renewal Vacation Dwelling Unit at 420 W 9th Street by Ben Gasner

Attachments: [PL 23-023 Staff report and attachments](#)

PUBLIC HEARINGS

[PL 23-072](#) Variance to Building Height at 3801-3811 London Road by London East, LLC

Attachments: [PL23-072 Staff Report - final with attachments](#)

[PL 23-060](#) Variance to MU-W Side Yard Setbacks at 13th Street S and St Louis Avenue by Maria Fierek

Attachments: [PL 23-060 Staff report and attachments](#)

[PL 23-070](#) Preliminary Plat for Amity Bluffs Subdivision East of Woodland Avenue by Kevin Christianson

Attachments: [PL 23-070 Staff report and attachments](#)

[PL 23-076](#) MU-I Planning Review for New Parking Ramp at 1002 E 1st Street by St Luke's Hospital

Attachments: [PL 23-076 Staff Report and Attachments](#)

[PL 23-069](#) Final Plat of "Rearrangement of Part of Western Woods Division" Southeast of Decker Road and Anderson Road by Lon Hovland

Attachments: [PL 23-069 Staff Report with attachments - final](#)

[PL 23-033](#) UDC Map Amendment to Rezone the Former DWP site in the Fairmount Neighborhood, from Roosevelt Street to Raleigh Street, from R-1 and R-2 to R-P

Attachments: [PL 23-033 Staff Report and Attachments](#)

TABLED ITEMS

[PL 23-003](#) UDC Text Amendments to Off-Street Parking Requirements by City of Duluth

Attachments: [PL 23-003 Staff Memo and Attachments Redacted](#)

OTHER BUSINESS

Extension of Variance to Building Height at The Breakers, 22XX Water Street (PL 21-165)

COMMUNICATIONS

Land Use Supervisor Report

Historic Preservation Commission Report

Joint Airport Zoning Board Report

Duluth Midway Joint Powers Zoning Board Report

City of Duluth Planning Commission

April 11, 2023 – City Hall Council Chambers
Meeting Minutes

Call to Order

President Margie Nelson called to order the meeting of the city of Duluth planning commission at 5:00 p.m. on Tuesday, April 11th, 2023 in the Duluth city hall council chambers.

Roll Call

Attendance:

Members Present: Jason Crawford, Gary Eckenberg, Jason Hollinday, Samuel Lobby, Margie Nelson, Danielle Rhodes, Michael Schraepfer, and Andrea Wedul

Members Absent: N/A

Staff Present: Ryan Pervenanze, Jean Coleman, Chris Lee, Kyle Deming, and Cindy Stafford

Approval of Planning Commission Minutes -

Planning Commission Meetings – March 9th (Annual), and March 14th (Regular), 2023

MOTION/Second: Rhodes/Lobby approved

VOTE: (8-0)

Public Comment on Items Not on Agenda

No speakers.

(Item PL 23-031 was removed from the consent agenda and placed under public hearings.)

Consent Agenda

PL 23-041 Minor Subdivision at 2232 Hoover Street by Bluemoon Properties, LLC

PL 23-043 Interim Use Permit for a Vacation Dwelling Unit in a Form District at 4721 E Superior Street by Spruce Living

PL 23-030 Interim Use Permit for Renewal of a Vacation Dwelling Unit at 1802 Minnesota Avenue by William W. Weller

PL 23-042 Interim Use Permit for Renewal of a Vacation Dwelling Unit at 2314 Hoover Street by Matt Anderson

PL 23-045 Interim Use Permit for Renewal of a Vacation Dwelling Unit at 829 S Lake Avenue by Nikki Olson

PL 23-048 Interim Use Permit for Renewal of a Vacation Dwelling Unit at 1137 N 6th Avenue E by Jacob Shaw

PL 23-051 Vacation of a Drainage and Utility Easement in the Kayak Bay Plat near Grand Avenue and Bessemer Street by River West Vacation Homes, LLC

PL 23-052 Vacation of a Drainage and Utility Easement in the Kayak Bay Plat near Grand Avenue and Bessemer Street by River West Vacation Homes, LLC

Commissioners: PL 23-030 - Commissioner Danielle Rhodes asked about the condition on the removal of the fire pit. Chris Lee affirmed the applicant had decided to remove the fire pit.

Public: No speakers.

MOTION/Second: Schraepfer/Crawford approved as per staff recommendations

VOTE: (8-0)

Public Hearings

(Commissioner Michael Schraepfer recused himself from the following item due to a conflict of interest.)

PL 23-031 Interim Use Permit for Renewal of a Vacation Dwelling Unit at 1421 E Superior Street by Endion Land Company

Staff: There was no presentation on this item, but staff was available to answer any questions. There were none

Applicant: N/A

Public: No speakers.

MOTION/Second: Crawford/Wedul approved as per staff recommendations

VOTE: (7-0, Schraepfer Abstained)

PL 23-039 Preliminary Plat at Becks Road and 108th Avenue West by Connor Bambenek

Staff: Chris Lee introduced the applicant's proposal to create a new plat for 12.85 acres of currently vacant and unplatted land. Platting this parcel will establish two buildable lots. Lot 1 will contain 5 acres and Lot 2 will contain 7.85 acres. A single-family home is proposed for Lot 2. Lot 1 of the proposed plat will have 722 feet of frontage on Beck's Road and 259 feet of frontage on 108th Avenue West. Lot 2 will have approximately 479 feet of frontage on 108th Avenue West. This meets the requirement in the RR-1 zone district of 250 feet of frontage. There is an existing sewer easement at the northwest corner of Lot 1. Staff recommends approval with the conditions listed in the staff report.

Applicant: N/A

Public: No speakers.

MOTION/Second: Holliday/Lobby recommended approval as per staff recommendations

VOTE: (8-0)

New Business

PL 23-053 Citizen Petition for Environmental Assessment Worksheet (EAW) for Kinseth Hotel Project on Sundby Road

Staff: Manager Ryan Pervenanze gave an overview. The planning commission shall serve as the responsible governmental unit and conduct or oversee environmental reviews pursuant to Minnesota States Chapter 116D and the applicable state regulations. The planning commission is tasked with reviewing the petition and the proposed Findings of Fact, and determine if an

EAW is required. It is the recommendation of city staff that an EAW is not needed and the petition should be denied.

Commissioners: Commissioner Gary Eckenberg noted the resolution in their packet about denying the petition. Was there a resolution created to accept the petition? Pervenance stated no. Michael Schraepfer asked staff to comment on cost. Manager Pervenance stated an EAW can range between \$25,000 to \$50,000, and estimated the timeline to be approximately seven months. Eckenberg asked if the EAW is a minimal review.

Applicant: Adam Zwak of Northland Consulting (representing the applicant) addressed the commission. He noted an EAW is intensive, and adds to the cost of the project. He noted the addition of a stormwater pond, which will help with sediment removal upstream. The underground system will have an extra filtration system. Commissioner Andrea Wedul noted hydrology and doesn't want to "dewater" this. Wedul noted an EAW will help them better understand the development, and hopes that the developer would be on board. Zwak can't speak for the developer, but noted the cost factor.

Commissioners: Wedul asked if the project is still going through a wetland delineation. Per Lee, the project has gone through the full review. Wedul asked if there were boring reports. Zwak said soil borings were taken.

Public: Becca Mulenberg – 1649 W Page St – addressed the commission. She referred to a boundary line adjustment in where there was a parcel that was not delineated. She urges the commissioners to require an EAW. Her allotted time was up, and she was asked to conclude.

Jill Crawford-Nichols – 1505 W Morgan St – addressed the commission. She listed many reasons why an EAW is needed; including, Miller Creek is an impaired water way. She noted the city is acting as a defense team for the developer. Her allotted time was up, and she was asked to conclude.

Dave Zentner – 2116 Columbus Ave – addressed the commission. He has experience with watershed issues, and was the chair for the Miller Creek task force for several years. They continue to lose natural functioning systems. An EAW should be a mandatory requirement for every project in an impaired watershed. It is not. In the absence of a required EAW, the planning commission should recommend an EAW be done regardless of the statute book. The EAW is a minimal ask.

Commissioners: Schraepfer asked city staff if they could give the public more time to finish their comments.

Staff: Coleman noted the meeting protocol can be changed by the chair and the planning commission.

MOTION/Second: Schraepfer/Wedul add additional six minutes to each side for comments - for a total of 15 minutes per side.

VOTE: (8-0)

Public: Jill Crawford-Nichols – 1505 W Morgan St – re-addressed the commission and noted the floating marsh marigold, which is a state-listed endangered plant species. She says the city's data stating the species isn't present is out of date and excludes an entire parcel. She finds it disconcerting that only one resolution was provided to the commissioners to deny the petition for the EAW. She asks the planning commissioners to be leaders and to require and EAW. Becca Mulenberg – 1649 W Page St – re-addressed the commission. She noted the commission only had a resolution to deny the EAW, and urges them to require an EAW.

Applicant: Zwak – re-addressed the commission. There has been a wetland delineation of the entire area and there are no wetland impacts. The Army Corp has approved. The building will be 340' from the creek.

Staff: Coleman gave an overview of the city of Duluth findings. The city determines that there is not the potential for significant environmental effects reasonably expected to occur from the Project, and that there is not sufficient basis to require the preparation of an EAW.

Commissioners: Jason Crawford asked about the parcel that was left out of the delineation and referred to by Ms. Mulenberg. Planner Chris Lee stated the delineation included the whole development area and no parcel was left out of the delineation. Commissioner Rhodes asked why was there confusion on this parcel. It was noted that the delineation author failed to include the text "010-2710-04575" in Section 1.1 of the report, which got repeated when they filled out the city's application cover sheet for the city's approval of the wetland delineation. Commissioner Wedul asked if the developer would need to fund the EAW. Per Coleman per Minnesota Rules Chapter 4410, it allowed the RGU to request the applicant funds the EAW. The difference between in EAW and EIS (Environmental Impact Statement) is the EAW is a base level analysis. If significant environmental impacts are discovered during the EAW then an EIS would be required. The EAW is not meant to approve or deny a project. Crawford noted a large portion of the EAW fee comes from professional services and not just the application fee. Schraepfer notes from a development side that as stewards to our city for a big project, a \$50k fee might be warranted. Wedul noted nobody wants to spend more money, but we can't put back things we take away. Commissioner Samuel Lobby noted the importance of water quality. The developer may have done everything by the book, but maybe not extra. He feels the need to listen to the experts. Commissioner Eckenberg noted he is torn, and on the bubble. He is not a scientific expert, but he is a citizen advocate. This project is close to an impaired water way. He will be voting in favor of an EAW. Lobby values the community participation and feels the residents are being heard. Wedul agrees with Lobby's comments and is ready to make a motion. President Nelson echoes Eckenberg's comment about being on the bubble. She is struggling with this decision personally. Crawford asked if an EAW is completed, and nothing is found, what is next. Planner Kyle Deming noted if an EAW is completed, Planning Commission will hold a public hearing and, at the end of the 30-day comment period, the Planning Commission will need to decide if an EIS is required. If an EIS is not required, the project can proceed through normal permitting processes.

MOTION/Second: Wedul/Rhodes approve petition to require an EAW due to hydrology and flood plain impacts

VOTE: (6-2, Crawford and Nelson Opposed)

Tabled Item

PL 23-003 UDC Text Amendments to Off-Street Parking Requirements by the City of Duluth
Manager Pervenanze noted this item will remain tabled.

Communications

Land Use Supervisor (LUS) Report – Manager Ryan Pervenanze gave an overview. He noted a round-a-bout on West Superior Street and the on-going St. Lukes project.

Heritage Preservation Commission – Gary Eckenberg noted there was no meeting in April.

Joint Airport Zoning Board – Gary Eckenberg noted no update.

Duluth Midway Joint Powers Zoning Board – Manage Pervenanze noted they are in the process of scheduling a meeting.

Adjournment

Meeting adjourned at 6:31 p.m.

Respectfully,

Adam Fulton – Deputy Director
Planning & Economic Development



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 23-083	Contact	Kyle Deming	
Type	Special Use Permit – fill in a Floodplain	Planning Commission Date	5/9/2023	
Deadline for Action	Application Date	4/4/2023	60 Days	6/3/2023
	Date Extension Letter Mailed	4/19/2023	120 Days	8/2/2023
Location of Subject	North side of Keene Creek west of 57 th Avenue W. (Irving)			
Applicant	City of Duluth	Contact	Patrick Loomis, City Engineering	
Agent	SEH	Contact	Matt Bolf, PE, Project Manager	
Legal Description	Lots 15 & 16, Block 101 and Lots 15 & 16, Block 102, West Duluth 2 nd Division			
Site Visit Date	4/28/2023	Sign Notice Date	4/25/2023	
Neighbor Letter Date	4/20/2023	Number of Letters Sent	36	

Proposal

Special Use Permit for placement of fill in the Keene Creek floodway for Cross City Trail construction.

Staff Recommendation

Staff recommends approval with conditions noted below.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Undeveloped floodplain	Open Space
North	R-1	Undeveloped floodplain	Open Space
South	R-1	Creek and floodplain	Open Space
East	R-1	Park and floodplain	Open Space
West	R-1	Creek and floodplain	Open Space

Summary of Code Requirements

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

- 1) The application is consistent with the Comprehensive Land Use;
- 2) The application complies with all applicable provisions of this Chapter; including without limitations to any use-specific standards applicable to the proposed use, development or redevelopment, and is consistent with any approved district plan for the area.
- 3) Without limiting the previous criteria, the Commission may deny any application that would result in a random pattern of development with little contiguity to existing or programmed development or would cause anticipated negative fiscal or environmental impacts on the community.
- 4) Use Specific Standards – Floodplain Special Use Permits (Section 50-18.1.C(c):

A special use permit for uses and structures listed in subsection (b) above (placement of fill) shall only be issued if the following standards are met:

(i) The proposed use or structure will not cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected;

(ii) Any fill deposited in the floodway shall be no more than the minimum amount necessary to grade or landscape, shall not in any way obstruct the flow of flood waters and shall be protected from erosion by the planting of vegetative ground cover, the use of rip rap or other method approved by the city;

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

Governing Principle #13 – Develop a healthy community – “The City will actively promote access for all to . . . a clean and secure environment.” The Cross City Trail is available for all to use for both transportation, recreation, and health.

Economic Development Policy #4 – Embrace the outdoors as an economic engine and source of community wealth. The Cross City Trail expands Duluth’s trail network that improves the city’s attractiveness for visitors and new and future residents.

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, low intensity uses such as trails and recreation, viewshed protection and access, water access, with some parking and support facilities.

Review and Discussion Items

Staff finds that:

- 1.) The proposal is to extend the Cross City Trail from Irving Park to 59th Ave. W. The 10-foot-wide trail will follow an existing gravel path from 58th Ave. W. to 59th Ave. W., but from 57th Ave. W. to 58th Ave. W., fill must be used to raise the grade of the trail to intersect with 57th Ave. W.
- 2.) The area for trail construction is both a shoreland and a floodway for Keene Creek. Shoreland standards allow for the construction of trails in proximity to the creek, but floodplain regulations require a Special Use Permit for placement of fill in a floodway.
- 3.) Trail designs show placement of 578 cubic yards of fill to raise the grade for the trail. Offsetting the fill placement, plans show removal of 1,365 cubic yards of material from an existing berm along the creek from a previous trail.
- 4.) A modeling study was conducted by SEH to determine if the trail project would cause a rise in the water surface elevation of Keene Creek in the area of the project, which could impact the current flood stage, or cause damages from flooding to increase. The study found the fill will not impact the floodway width or 100-year flood elevation. The attached Minnesota “No-Rise” Certification has been issued for this project by a credentialed flood plain manager.
- 5.) The trail engineer states “the trail was designed to minimize fill in the floodplain by elevating the trail only the amount needed to match the elevation of 57th Ave. W. In addition, slopes of 1:3 were used instead of the standard 1:4 to minimize fill.”
- 6.) The trail design includes two culverts placed at natural grade and at a shallow to flat slope to allow water to flow in either direction under the trail fill in order to equalize water moving through the floodplain.
- 7.) The trail design includes seeding the slope to protect from erosion instead of using rip-rap due to the infrequency of flooding as well as reduction in hazards to trail users who may venture from the pavement.
- 8.) The proposed trail project is consistent with the Comprehensive Plan future land use designation of the site for “open space” uses and policies within the plan calling for recreational trails for resident health, recreational, and transportation purposes.
- 9.) The proposed trail is not expected to cause land use conflicts or negative environmental or fiscal impacts due to the low intensity of the use and limited footprint as well as the design that does not result in a rise if flood elevations.
- 10.) UDC Section 50-37.1.N states that an approved Special Use Permit will expire if the project or activity authorized by the permit has not begun within one year.
- 11.) No public or agency comments have been received as of the publication of this report.

Staff Recommendation

Based on the above findings, Staff recommends that Planning Commission approve the Special Use Permit, subject to the following requirements:

- 1.) The project shall be limited to, constructed, and maintained according to plans by SEH entitled Cross City Trail – Phase 3, 59th Ave. West to Irving Park.
- 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 review; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



PL 23-083

Special Use Permit
Floodway Fill

Applicant: City Engineering Division

Area Map

Legend

Floodplain (Preliminary)

- AE, FLOOD FRINGE
- AE, FLOODWAY

Streams

- Trout Stream (GPS)

Floodplain (UDC)

- Flood Way
- Flood Fringe

Park Lands

- Recreation
- Parks

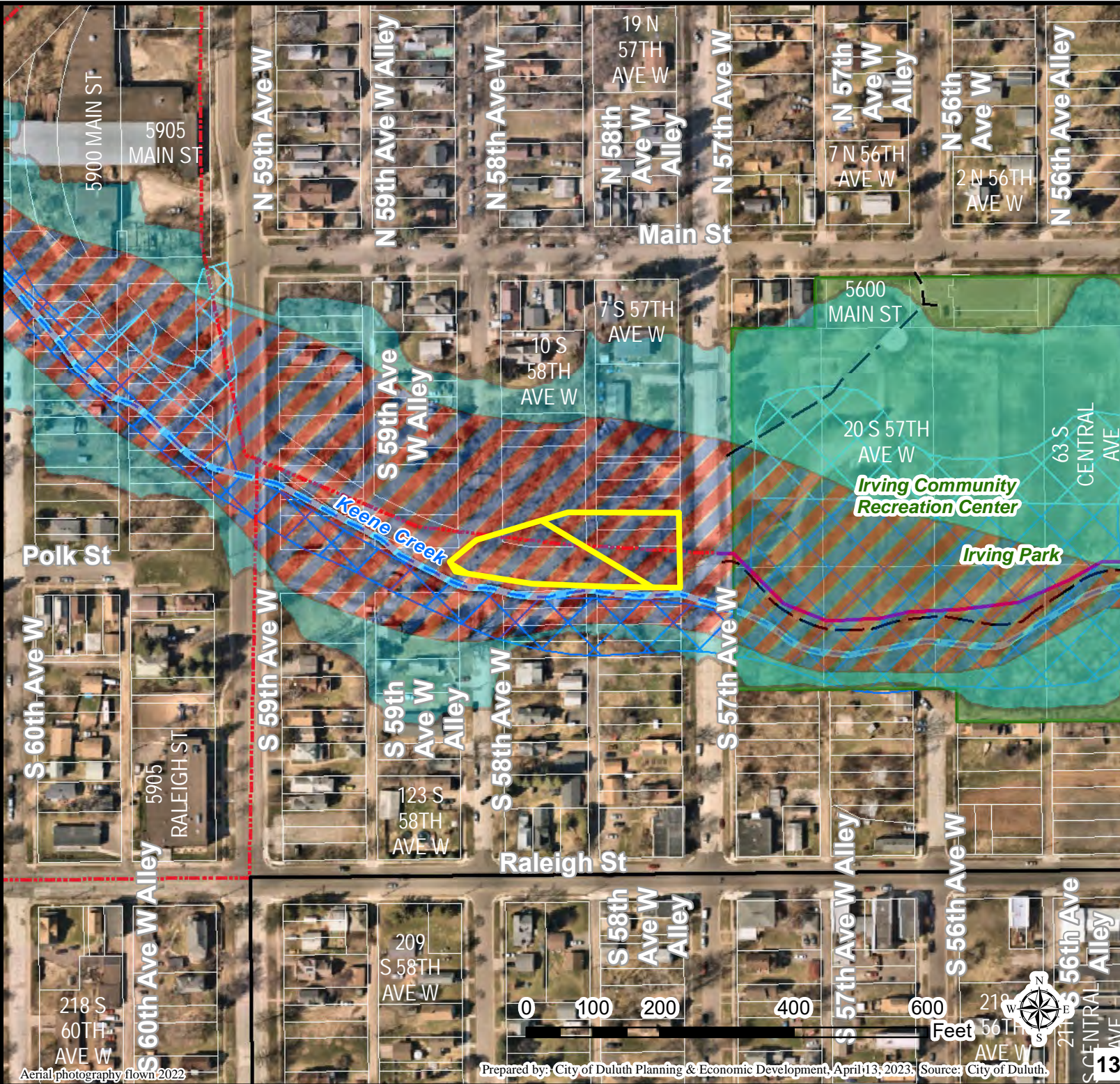
Trails

- Multi-Use - Paved

Bikeways Plan

- Future Bike Facility
- Multi-Use Path
- Signed Shared Lane

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.



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Prepared by: City of Duluth Planning & Economic Development, April 13, 2023. Source: City of Duluth.

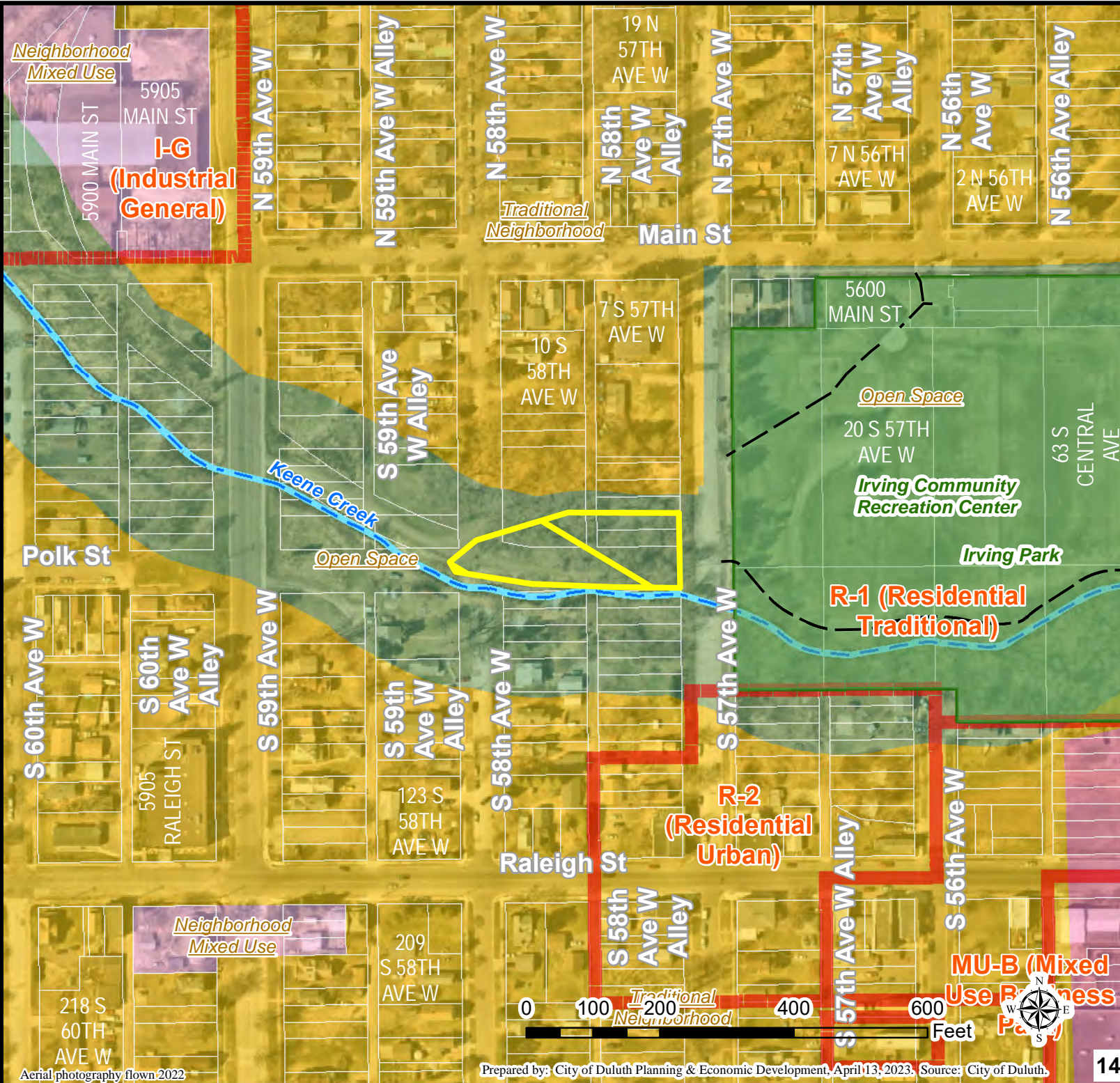


PL 23-083

Special Use Permit
Floodway Fill

Applicant: City Engineering Division

Future Land Use Map



Legend

- Zoning Boundaries
- Streams**
 - Trout Stream (GPS)
- Future Land Use**
 - Open Space
 - Traditional Neighborhood
 - General Mixed Use
 - Neighborhood Mixed Use
- Park Lands**
 - Recreation
 - Parks
- Trails**
 - Multi-Use - Paved

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PL 23-083

Special Use Permit
Floodway Fill

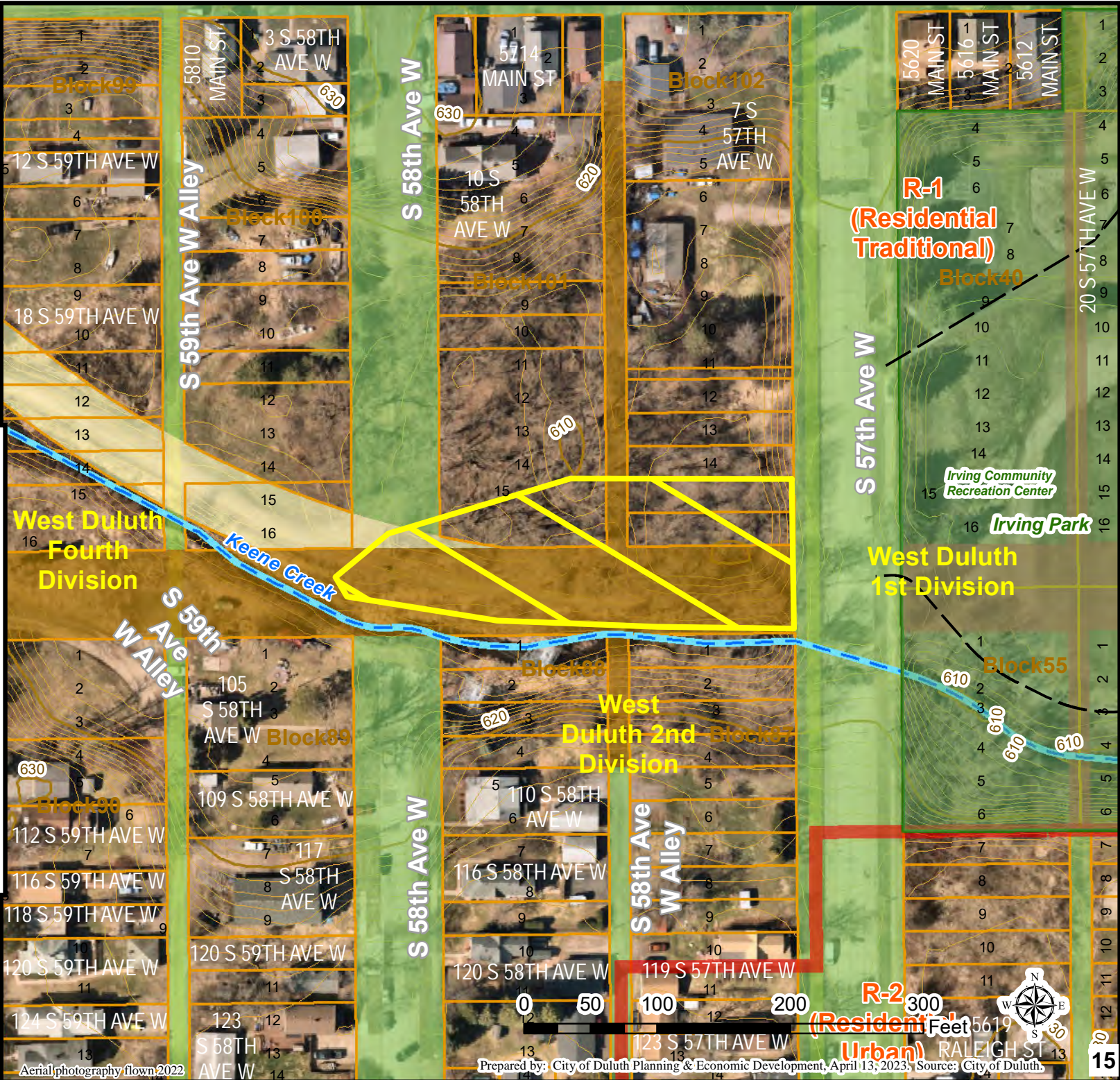
Applicant: City Engineering Division

Site Map

Legend

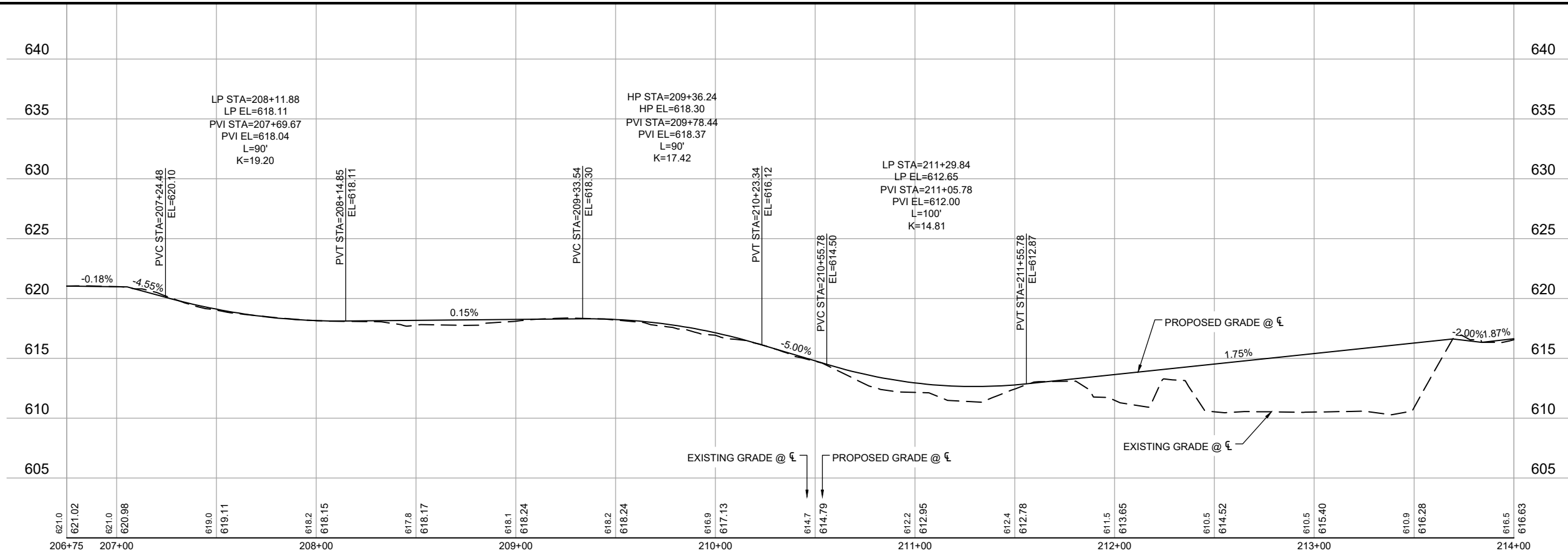
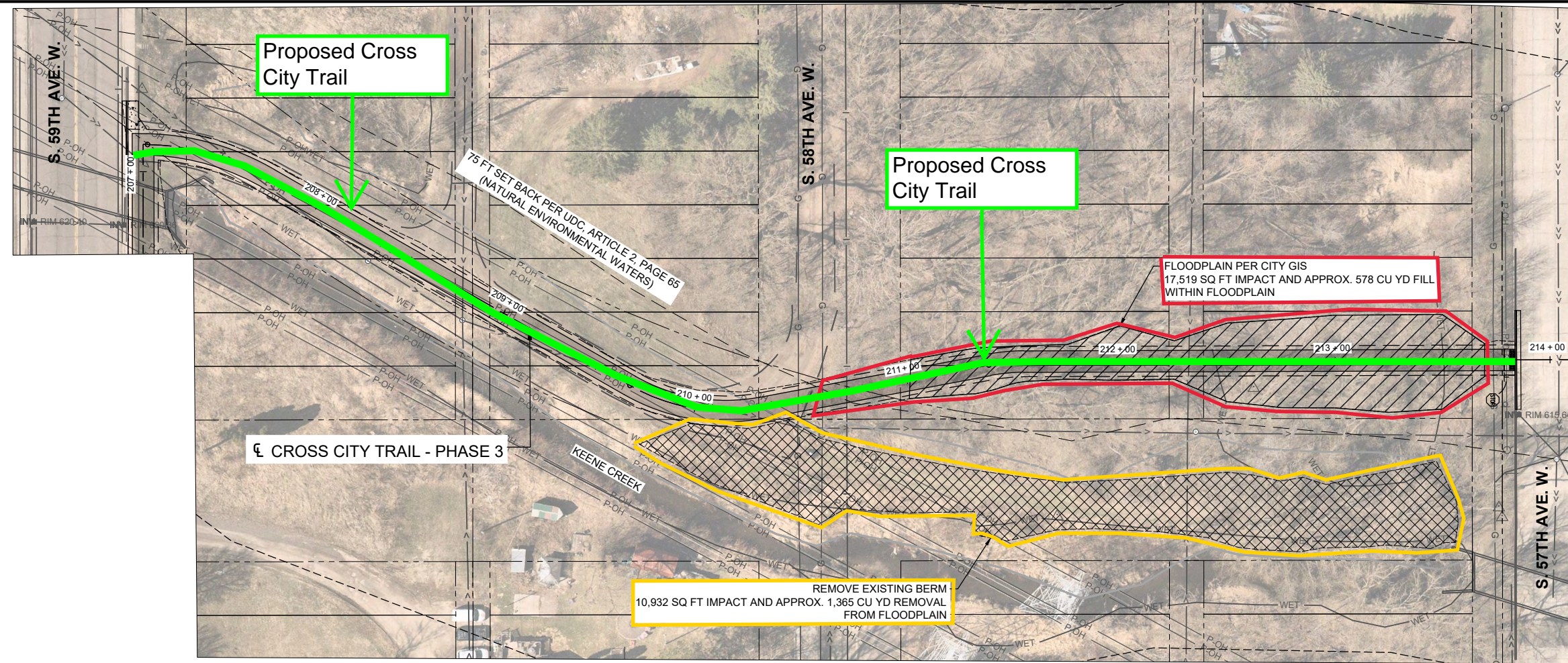
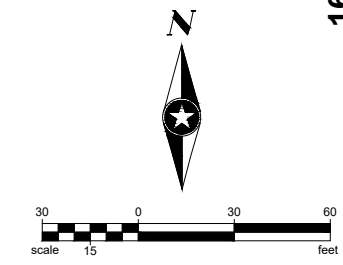
- Zoning Boundaries
- Streams**
- Trout Stream (GPS)
- Parcels**
- Lots
- Blocks
- Park Lands**
- Recreation
- Parks
- Trails**
- Multi-Use - Paved
- Elevation**
- 1 Ft contour
- 10 Ft contour
- Undefined ROW Status
- ROW Status**
- Utility, Active
- Road, Active - currently in use
- Road, Vacated - vacated
- Railroad, Inactive - Ded., not built
- Subdivision Boundaries

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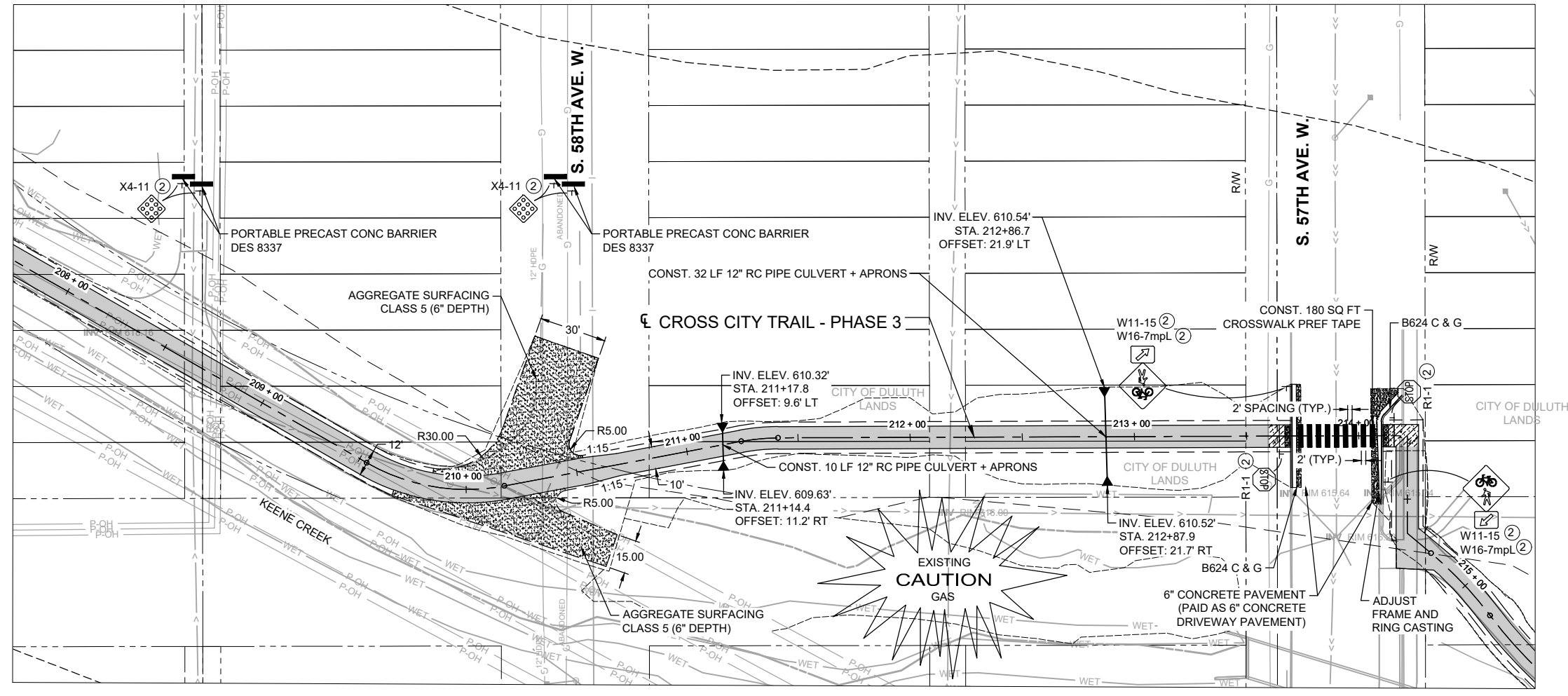
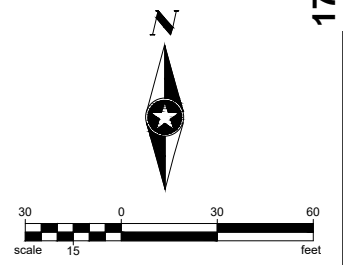
SEH Project	DULUT 159621	Rev.#	Revision Issue Description	Date	Rev.#	Revision Issue Description	Date
Drawn By	ACO						
Designed By	ACO						
Checked By	MJB						

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

Matthew J. Boff
DATE XX-XX-XX LICENSE NO. 43913

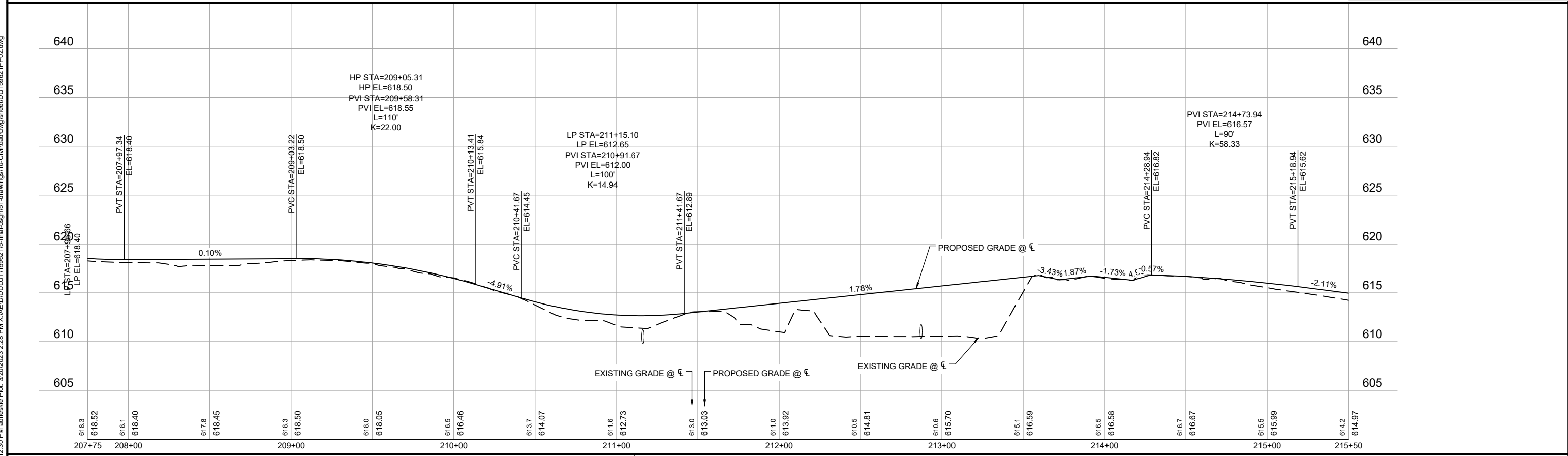
CROSS CITY TRAIL - PHASE 3
DULUTH, MINNESOTA

59TH AVE. WEST TO IRVING PARK
PLAN AND PROFILE



LEGEND:

- 4" CONCRETE WALK
- 6" CONCRETE WALK
- TRUNCATED DOMES
- BITUMINOUS TRAIL
- FURNISH & INSTALL SIGN



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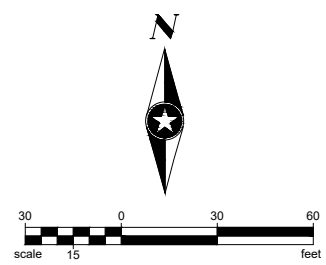
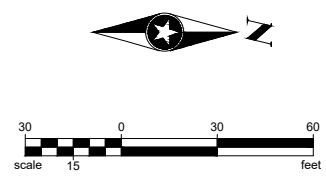
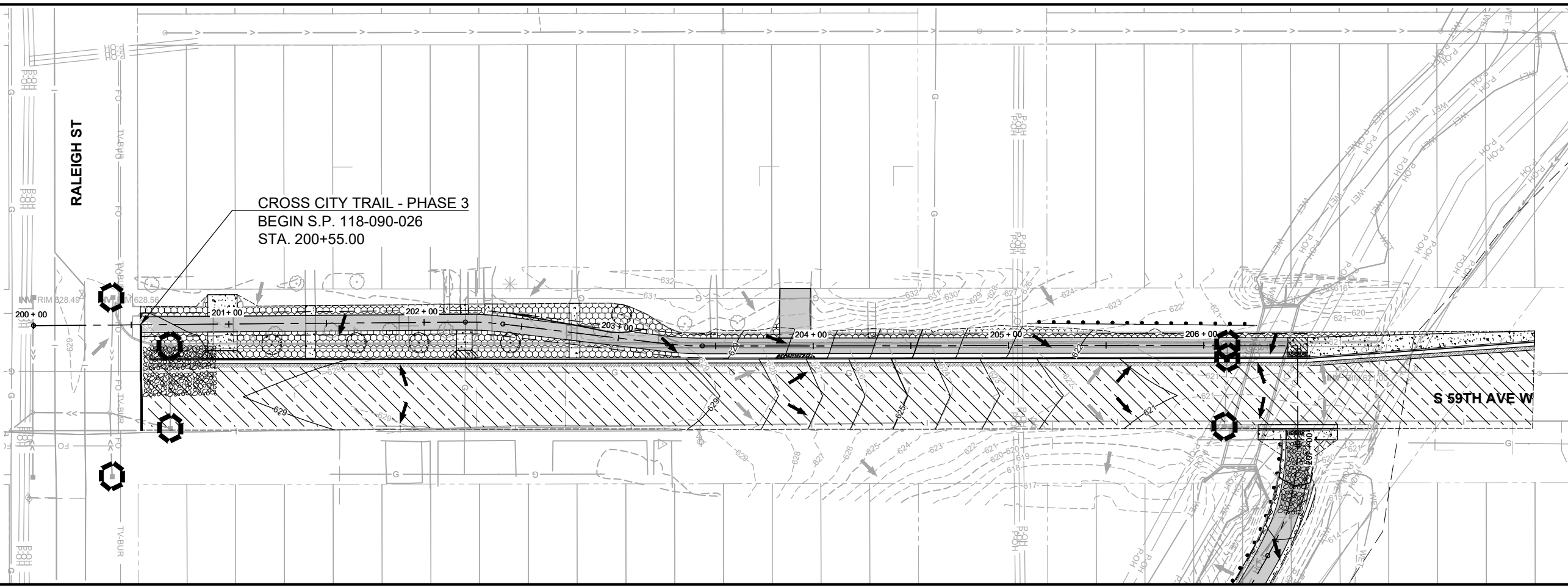
SEH Project	DULUT 159621
Drawn By	ADW
Designed By	ACO
Checked By	MJB









SEH

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

Matthew J. Boff
DATE XX-XX-XX LICENSE NO. 43913

CROSS CITY TRAIL - PHASE 3
DULUTH, MINNESOTA
S.P. 118-090-026 / C.P. 1510



- EROSION CONTROL**
-  EXISTING DRAINAGE DIRECTIONAL FLOW ARROW
 -  PROPOSED DRAINAGE DIRECTIONAL FLOW ARROW
 -  TEMPORARY ROCK CONSTRUCTION ENTRANCE
 -  STORM DRAIN INLET PROTECTION
 -  SILT FENCE
 -  CONTROL LOG TYPE WOOD FIBER
 -  4" TOPSOIL, SEED (MIX 25-141), FERTILIZER, TYPE 3 (22-5-10), AND EROSION CONTROL BLANKET - CATEGORY 3
 -  4" TOPSOIL, SOD, FERTILIZER TYPE 3 (22-5-10)

Save: 3/20/2023 1:45 PM acrafeskie Plot: 3/20/2023 2:36 PM X:\AE\DU\DU\159621\5-final-dsgn\51-drawings\10-Civil\cad\dwg\sheet\DU159621.E02.dwg

SEH Project	DULUT 159621	Rev.#	Revision Issue Description	Date	Rev.#	Revision Issue Description	Date
Drawn By	ACO	.			.		
Designed By	ACO	.			.		
Checked By	MJB	.			.		



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

Matthew J. Boff
DATE XX-XX-XX LICENSE NO. 43913

CROSS CITY TRAIL - PHASE 3
DULUTH, MINNESOTA
S.P. 118-090-026 / C.P. 1510

EROSION CONTROL AND TURF ESTABLISHMENT PLAN



Building a Better World
for All of Us®

MEMORANDUM

TO: Kyle Deming, City of Duluth

FROM: Matt Bolf, PE (Lic. MN, WI)

DATE: March 25, 2023

RE: Cross City Trail Phase 3 Floodplain Impacts
SEH No. DULUT 159621 14.00

The purpose of this memorandum is to describe the proposed floodplain impacts related to the planned construction of Cross City Trail Phase 3. This City of Duluth is planning to construct this trail in late 2023.

Background

The City of Duluth is planning to construct Phase 3 of the Cross City Trail between Central Avenue and 59th Avenue West. There is an existing gravel path between 57th and 59th Avenue West which is located in a floodplain. The City is planning to construct a new 10' trail north of the existing path between 57th and 59th. This will keep the floodplain impacts a minimum of 50' away from Keene Creek and allow the existing gravel path to be removed.

Special Use Permit Requirements

According to the City of Duluth UDC, 50.18.1 Natural Resources Overlay (NR-O), a Special Use Permit is required for placement of fill in a floodway. The proposed project would place 820 c.y. of fill into the floodway and remove 1,365 c.y. of fill from the floodplain.

Impacts and Mitigation

Standard 50.18.1.C.2.c.i – A floodplain analysis was performed on the proposed trail and fill volume in this area. The analysis showed the proposed fill will not raise or lower the 100-year flood elevation on Keene Creek. The “No-Rise” certificate is attached.

Standard 50.18.1.C.2.c.ii – The trail was designed to minimize fill in the floodplain by elevating the trail only the amount needed to match the elevation of 57th Avenue West. In addition, slopes of 1:3 were used instead of the standard 1:4 to minimize fill. This resulted in 820 c.y. of fill to be placed in the floodplain while 1,365 c.y. will be removed. The trail slopes will be seeded with a native seed mix to permanently stabilize and protect them from erosion. Due to the infrequency of the 100 year flood, the use of rip-rap was not selected for stabilization. A copy of the Erosion Control and Stabilization plan is attached.

Standard 50.18.1.C.2.c.vi – Two new floodplain culverts will be installed under this trail segment to allow water to equalize in the Keene Creek floodplain during flood events. These culverts will be placed at a shallow-to-flat slope to allow water to flow in either direction. With these culverts in place, there will be no change in the flow direction or current of the water through the floodplain. The culverts will allow trapped water to flow back to Keene Creek which is not currently possible with the existing gravel trail. The culverts are shown in the attached Plan Sheet.

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 418 West Superior Street, Suite 200, P.O. Box 229, Duluth, MN 55801-0229

218.279.3000 | 888.722.0547 | 888.908.8166 fax | sehinc.com

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Memorandum
March 25, 2023
Page 2

Standard 50.18.1.C.2.c.vii – As stated above, with the two new floodplain culverts being installed and the removal of the existing dike (gravel trail), there will be no increase to the 100- year flood elevation.

Wetlands – The City performed a wetland delineation in the fall of 2022. Based on that delineation, there will be 0.1 acres of permanent wetland impact associated with the filling in the Floodplain. The City of Duluth is proposing to purchase credits to satisfy the compensatory mitigation requirements of both the USACE and the WCA. Review and approval of the wetland delineation and replacement plan by the City will commence in the spring when field conditions allow.

mb

Attachments – Plan sheets of area (3 sheets), Erosion Control and Stabilization Plan (2 sheets), Hydraulic Design and Analysis with Floodplain Assessment Worksheet and No-Rise Certificates (39 pages)

c: Patrick Loomis – City of Duluth

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MINNESOTA "NO-RISE" CERTIFICATION

This is to certify that I am a duly qualified professional engineer licensed to practice in the State of Minnesota.

It is further to certify that the attached technical data supports the fact that the proposal to remove the existing trail and construct a new piece of trail between

S 59th Ave. W and S 57th Ave. W

_____ (development name / short project description)

will not impact the floodway width or 100-year flood elevation (will not raise or lower by more than 0.00 feet) on Keene Creek (Name of stream) at published sections in the Flood Insurance Study for the City of Duluth (Name of Community) dated April 2, 1982 (Study Date) and will not impact the 100-year flood elevation (will not raise or lower by more than 0.00 feet) at unpublished cross-sections in the vicinity of the proposed development / project.

Attached are the following documents that support my findings:

Attachment 4 Keene Creek Modeling Results

Date: 3/17/2023

Signature: Jeremy Welgram

{SEAL}

Title: Water Resources Engineer, CFM



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 23-073	Contact	John Kelley	
Type	Variance from minimum parking requirements – Pre-school	Planning Commission Date	May 9, 2023	
Deadline for Action	Application Date	April 5, 2023	60 Days	June 4, 2023
	Date Extension Letter Mailed	April 11, 2023	120 Days	August 3, 2023
Location of Subject	Parcel 010-3030-00540 located at 4628 Pitt Street			
Applicant	Lakeside Early Learning	Contact		
Agent	Nichole Reed	Contact		
Legal Description	See Attached	Sign Notice Date	April 25, 2023	
Site Visit Date	April 28, 2023	Number of Letters Sent	85	

Proposal

The applicant is seeking a variance to the minimum parking requirements for a day care facility from 26 parking spaces to 10 spaces.

Staff Recommendation

Staff recommends that the Planning Commission approve the variance with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Preschool/day care	Urban Residential
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Urban Residential
East	R-1	Residential	Urban Residential
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements

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

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

Governing Principle #1 - Reuse previously developed lands. Reuse of previously developed lands, including adaptive reuse of existing building stock and historic resources, directs new investment to sites which have the potential to perform at a higher level than their current state. This strengthens neighborhoods and is preferred to a dispersed development pattern with associated alteration of natural landscapes and extensions of public services. Site preparation or building modification costs are offset by savings in existing public infrastructure such as streets and utilities, and transit, fire, and police services.

Future Land Use

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

History

The building and site have functioned as an educational facility; first for elementary aged children, and now for younger children in early childhood programs. A special use permit was approved for the site in 2018 (PL18-119) to increase the student capacity for the preschool from 60-70 students.

Review and Discussion Items:

- 1) The applicant is seeking a variance to the minimum parking requirements for a pre-school. The UDC does not have parking standards for pre-schools but does for day care facilities. Parking is required at 1 space per five persons care capacity.
- 2) The Lakeside Early Learning (LEL) program will serve 131 children effective in 2023, for a total parking requirement of 26 spaces. The variance is for a reduction in the number of required parking spaces from 26 to 10 spaces. The site is served by ten (10) parking spaces to the rear of the building in an existing parking lot along the Pitt Street alley. In addition to the 10 on-site spaces, a 10-car loading zone is located along Pitt Street. .
- 3) The applicant states that the variance is requested due to the site having been previously designed for use as a school and providing busing for students, which did not require additional parking. LEL is required to maintain green space on site. The green space is state-mandated; state licensing rules dictate the minimum outdoor spaces serving the LEL programs, and cannot be reduced.
- 4) A preschool is a reasonable use in the R-1 district. The applicant has stated that the use of the property for the LEL program provides continuity for the neighborhood and maintains greatly needed childcare educational spaces in the community. The proposed use of the building for the LEL program maintains the reasonable use of the site that is consistent with adopted planning documents and community priorities. The program cannot viably construct more parking spaces on the site without negative impacts to the building's operational function and without creating risk to maintaining the required outdoor space ratios required to comply with state licensing
- 5) The applicant's practical difficulty was not created by the landowner but rather is due to the existing lot configuration and site conditions for the previous use as a school facility. The variance will not alter the essential character of the neighborhood as the school and site have been utilized as an educational facility for 50 years.
- 6) The proposed variance will continue the existing parking condition on the site, which was established to provide parking and space for a far more busy and intensive use of a several-hundred space elementary school with a greater number of staff and daily visitors. It will not change the supply of light or air to surrounding properties, and it will not impact the health, safety, or public welfare of the inhabitants of the city.
- 7) No public, agency, or other City comments were received.
- 8) Per UDC Section 50-37.1.N, approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year.

Staff Recommendation

Based on the above findings, Staff recommends that the Planning Commission approve the variance with the following conditions:

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

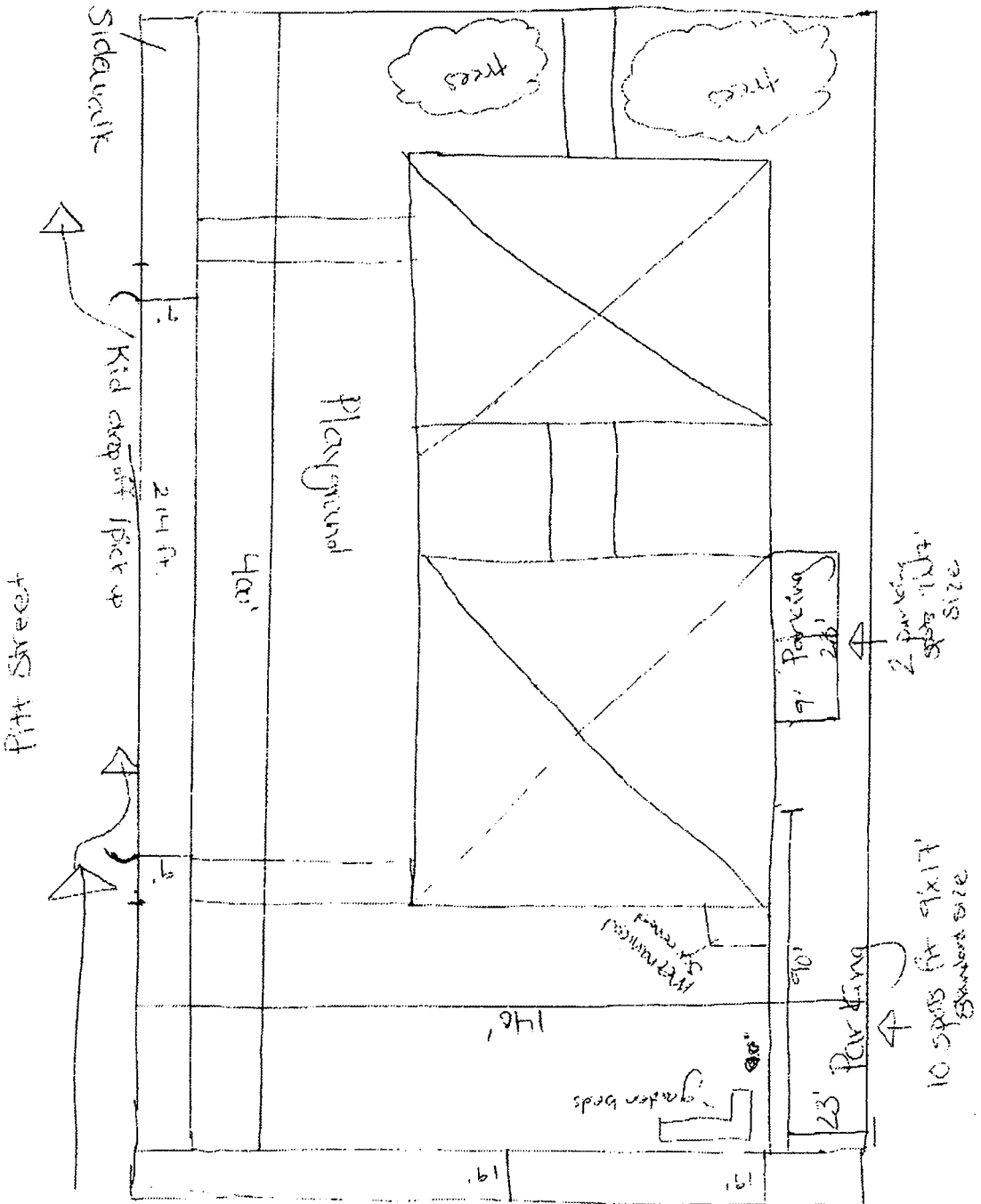


PL 23-073 & PL 23-074
 Variance
 Special Use Permit
 Site Map

Legend
 Zoning Boundaries

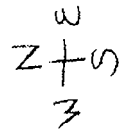
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140' x 400'

N 47th Ave East



Pitt Street

Pitt Street Allen

R-1

N 46th Ave East
 St. Michael's School 010-333-0540 FN



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 23-075	Contact	Jenn Moses, jmoses@duluthmn.gov	
Type	Vacation of Alley	Planning Commission Date	May 9, 2023	
Deadline for Action	Application Date	April 5, 2023	60 Days	June 4, 2023
	Date Extension Letter Mailed	April 27, 2023	120 Days	August 3, 2023
Location of Subject	1002 E 1st Street			
Applicant	St. Luke's Hospital	Contact	Michael Boeselager	
Agent	Erdman Company	Contact	Neil Bright	
Legal Description	See attached	Sign Notice Date	April 21, 2023	
Site Visit Date	April 27, 2023	Number of Letters Sent	11	

Proposal

Applicant is proposing to vacate approximate 3' of an alley in order to place footings for a 3-level, 323-stall parking ramp. Footings will be in the same location as the existing footings.

Staff Recommendation

Staff is recommending Planning Commission approve the Planning Review subject to conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-I	Medical	Medical District
North	MU-I	Medical (Parking)	Medical District
South	MU-I	Medical	Medical District
East	MU-I	Medical (Parking)	Medical District
West	MU-I	Medical	Medical District

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. Is not otherwise needed to promote the public health, safety, or welfare of the citizens of Duluth.

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

Governing Principle #4-Support economic growth sectors: Emerging and growing economic sectors, including medical, add economic, cultural, and social diversity.

Economic Development Policy #2—Foster growth of existing employers and strategically recruit new employers to Duluth.

Future Land Use – Medical District: An area encompassing the medical campuses and adjacent uses that support them.

Recent History

The existing parking ramp was built in the late 1970s. The existing footings were placed under the alley; building code now prevents structural components of buildings to be placed within the right of way.

Discussion

Staff finds that:

- 1) Applicant proposes a 3-level, 323-stall parking ramp to replace the existing parking ramp. Applicant proposes to use the same location as existing footings, which are placed within the right of way of the alley. While allowed in the 1970s, newer building code regulations do not allow structural elements of a building to be located within right of way.
- 2) Applicant originally applied for a concurrent use permit, but due to building code issues is now requesting vacation of the proposed area. This vacation would be 3' of the existing alley right of way.
- 3) An easement would be maintained for use of the alley at the surface level, to allow for continued vehicle movement.
- 4) Underground utilities such as fiber optic, power, and sanitary sewer exist in the alley. Applicants are carefully tracking any construction impacts to these utilities and will work with Engineering to relocate if necessary.
- 5) This portion of the right of way is not needed for pedestrian or utility purposes, and maintaining a surface-level easement for vehicles preserves this need.
- 6) No public, agency, or City comments have been received.
- 7) 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

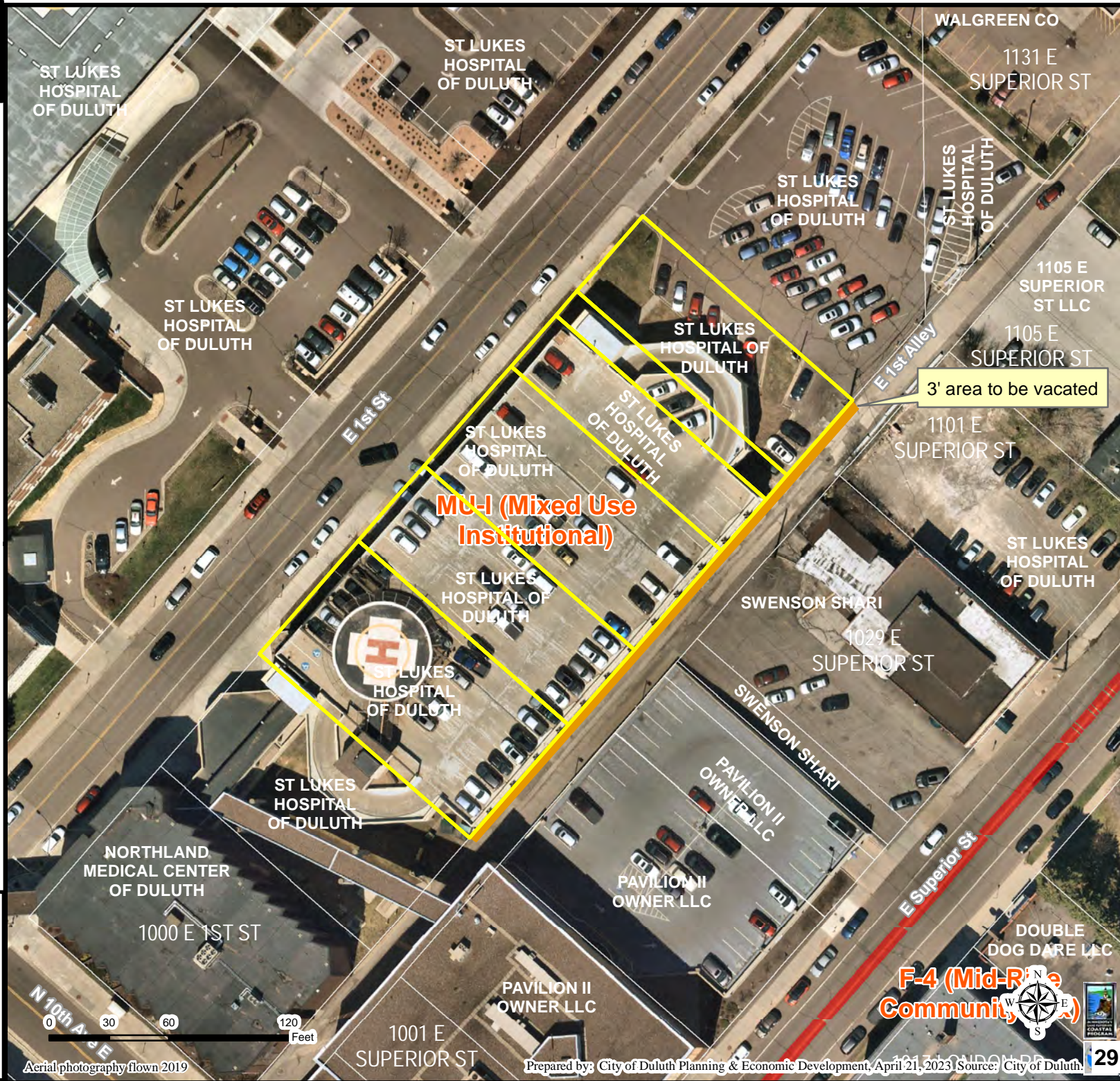
Based on the above findings, Staff recommends that Planning Commission approve the MU-I Planning Review with the following conditions:

1. The Council must approve the vacation with at least a 6/9's vote.
2. Conditions related to relocation, maintenance, and or operations of adjacent utilities may be included as part of the City Council consideration of the proposed vacation.
3. Applicant must present a vacation exhibit meeting the City Engineer's requirements within 90 days of Planning Commission's recommendation or the application will be denied.
4. The vacation must be recorded within 90 days of final approval by City Council, or such approval will lapse.



PL 23-075 and 23-076
 Planning Review and
 Street Vacation
 1000 E 1st St

Legend
Zoning Boundaries



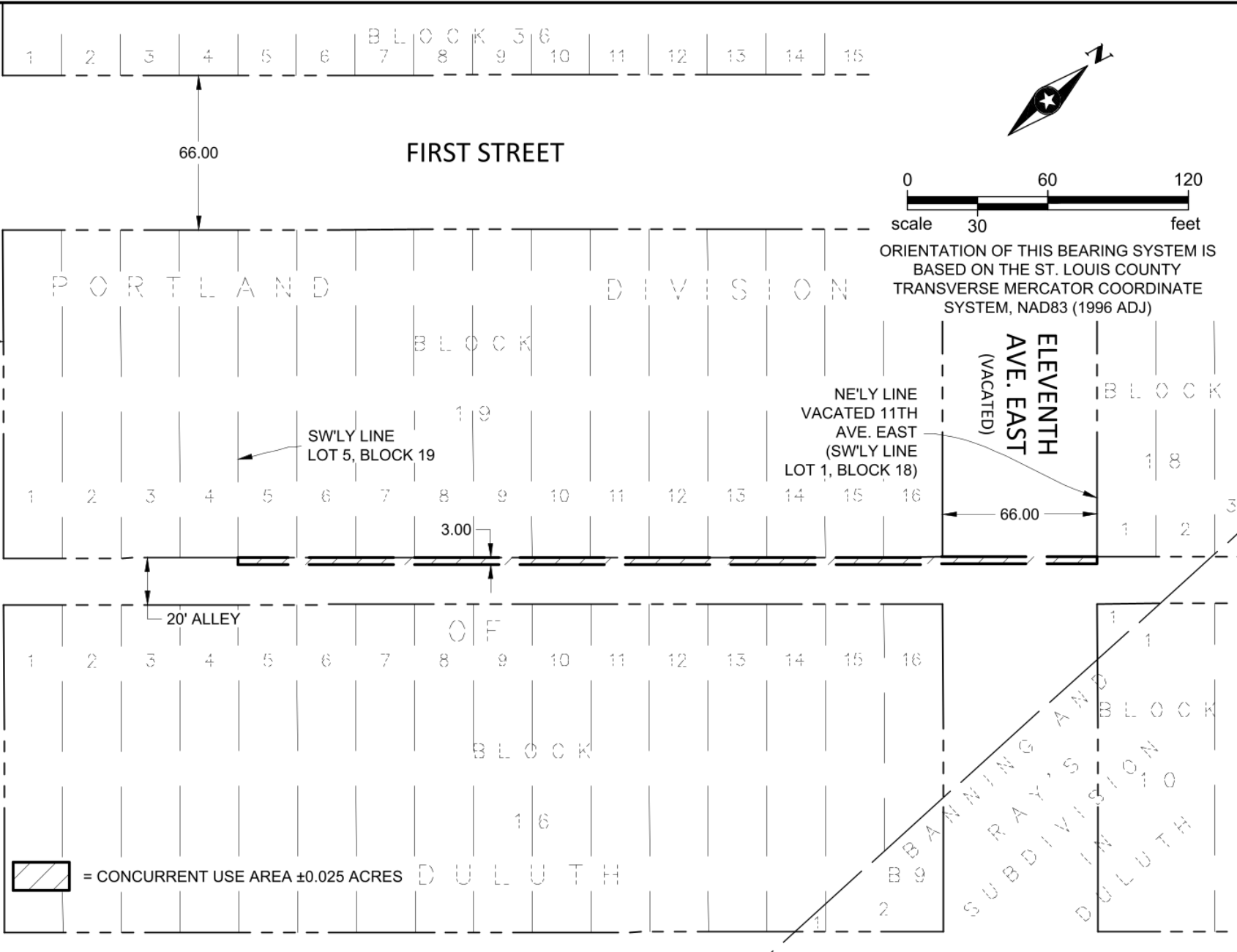
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Aerial photography flown 2019

Prepared by: City of Duluth Planning & Economic Development, April 21, 2023 Source: City of Duluth



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ORIENTATION OF THIS BEARING SYSTEM IS
BASED ON THE ST. LOUIS COUNTY
TRANSVERSE MERCATOR COORDINATE
SYSTEM, NAD83 (1996 ADJ)

 = CONCURRENT USE AREA ±0.025 ACRES

**EXHIBIT FOR
CONCURRENT USE
PERMIT**

SEH Project STLUH 170162
 Drawn By KLA
 Surveyed By SEH
 Checked By CAL

I hereby certify that this exhibit has been checked
and approved this _____ day
of _____, 2023.

Signature: _____
 City Engineer
 Printed Name: _____ Date: _____

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

CHRIS A. LARSEN, L.S.
 DATE 4-4-2023 LICENSE NO. 45848



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St. Lukes Parking Ramp
Proposed Concurrent Use Area
Description

PIN: 010-3830-01880
010-3830-01900
010-3830-01930
010-3830-01960
010-3830-01980
010-3830-01990
010-3830-01720

SEH No. STLUH 170162

Proposed Description:

A 3 foot wide strip of land over, under, and across that part of the platted alley located between Blocks 16 and 19, that part of platted alley located between Blocks 17 and 18, and that part of the platted intersection of 11th Avenue East and said platted alley, as platted and existing prior to the vacation of said 11th Avenue East, all according to the recorded plat of PORTLAND DIVISION OF DULUTH, St. Louis County, Minnesota, more specifically described as being:

Southeasterly of a line beginning at the most southerly corner of Lot 5, Block 19 of said plat and terminating at the most southerly corner of Lot 1, said Block 18, as platted and located prior to the vacation of said 11th Avenue East;

Northwesterly of a line parallel with and 3 feet southeasterly of a line beginning at the most southerly corner of Lot 5, Block 19 of said plat and terminating at the most southerly corner of Lot 1, said Block 18, as platted and located prior to the vacation of said 11th Avenue East;

Northeasterly of the southeasterly extension of the southwesterly line of said Lot 5, Block 19; and

Southwesterly of the southeasterly extension of the southwesterly line of said Lot 1, Block 18.

Containing 0.025 acres. Subject to easements, restrictions, and reservations of record.

CERTIFICATION

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.

Chris A. Larsen, PLS
Minnesota License No. 45848

April 4, 2023
Date

X:\PT\S\STLUH\170162\9-survey\93-doc\15-proposed-desc\Concurrent Use Description - Block 16-19 Alley Portland Div.docx

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 418 West Superior Street, Suite 200, Duluth, MN 55802-1512
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Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 23-073	Contact	John Kelley	
Type	Special Use Permit – Pre-School	Planning Commission Date	May 9, 2023	
Deadline for Action	Application Date	April 5, 2023	60 Days	June 4, 2023
	Date Extension Letter Mailed	April 11, 2023	120 Days	August 3, 2023
Location of Subject	Parcel 010-3030-00540 located at 4628 Pitt Street			
Applicant	Lakeside Early Learning	Contact		
Agent	Nichole Reed	Contact		
Legal Description	See Attached	Sign Notice Date	April 25, 2023	
Site Visit Date	April 28, 2023	Number of Letters Sent	85	

Proposal

Applicant proposes to increase the pre-school enrollment from 110 children to 131 children. The applicant will utilize the existing school building for the additional 21 students. Preschools in an R-1 District require a special use permit.

Staff Recommendation

Staff recommends that the Planning Commission approve the special use permit with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Preschool/day care	Urban Residential
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Urban Residential
East	R-1	Residential	Urban Residential
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements

Sec. 50-37.10 – Special Use Permits: Planning Commission shall approve the application or approve it with modifications, if it is determined that the application meets the following criteria:

1. The application is consistent with the Comprehensive Land Use Plan;
2. The application complies with all applicable provisions ... including any use-specific standards ..., and is consistent with any approved district plan for the area.
3. The Commission may deny any application that would result in a random pattern of development with little contiguity to existing or programmed development or would cause anticipated negative fiscal or environmental impacts.

Sec. 50-20.3.I. Use Specific Standards - 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 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 pick-up and drop-off only, and shall not conflict with safe on-site pedestrian and vehicular movements. The specific standard does not apply to uses with Downtown and Canal Park Special Parking Areas in 50-24.

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

Governing Principle #1 - Reuse previously developed lands. Reuse of previously developed lands, including adaptive reuse of existing building stock and historic resources, directs new investment to sites which have the potential to perform at a higher level than their current state. This strengthens neighborhoods and is preferred to a dispersed development pattern with associated alteration of natural landscapes and extensions of public services. Site preparation or building modification costs are offset by savings in existing public infrastructure such as streets and utilities, and transit, fire, and police services.

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

Future Land Use

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

History

The building and site have functioned as an educational facility; first for elementary aged children, and now for younger children in early childhood programs. A special use permit was approved for the site in 2018 (PL18-119) to increase the student capacity for the pre-from 60-70 students.

Review and Discussion Items:

- 1) The applicant is seeking to amend the current Special Use Permit under UDC Section 50-37.10. The current Special Use Permit was issued in 2018 and allows for 70 children. There is no new or planned construction at the site. The request for the update of the Special Use Permit is solely to support the recent increase from being licensed by the State of Minnesota from 110 children to 131 children.
- 2) A preschool is a reasonable use in the R-1 district. A preschool requires a special use permit to operate in an R-1 district. The site has been operated as a preschool for a number of years, even prior to Lakeside Early Learning (LEL) purchasing the building in 2020. Historically, the site has been used as an elementary school since 1893.
- 3) The school building is open year-round for pre-school and other educational programs. Hours of operation would be from 6:30 a.m. to 5:45 p.m. The pre-school will use other current facilities at the school including the playground, gym and lunch room. There are no plans for expansion of any of the facility for the pre-school use.
- 4) UDC Sec. 50-20.3.I. (Use Specific Standards - Daycare facility, small and large, and preschools). The proposed use as a pre-school and configuration of the facility demonstrate that the site provides for the safe pick-up and drop-off of users of the facility based on the maximum licensed capacity of the facility.
- 5) UDC Sec. 50-24 (Parking and loading). Parking is required at 1 space per five persons care capacity. The LEL program will serve 131 children effective in 2023, for a total parking requirement of 26 parking spaces. The school has an existing parking lot in the southwest corner of the property. The school is also utilizing the drop-off and pick-up area along Pitt Street as short-term parking as well. There is a companion variance application (PL 23-073) to this site for a reduction in the number of required parking spaces from 26 to 20 spaces.
- 6) UDC Sec. 50-25 (Landscaping and Tree Preservation). No additional landscaping is required as this project is not increasing the floor space by 25%, nor is the building expanding to accommodate the increase in the number of preschoolers.
- 7) UDC Sec. 50-26 (Screening, Walls and Fences). Not applicable.
- 8) UDC Sec. 50-29 (Sustainability Standards) and 50-30 (Building Design Standards). These requirements do not apply to this project.

- 9) UDC Sec. 50-31 (Exterior Lighting). No additional lighting is being planned for the use.
- 10) No public, agency, or other City comments were received.

Staff Recommendation

Based on the above findings, Staff recommends that the Planning Commission approve the special use permit with the following conditions:

- 1) The project be limited, constructed, and maintained consistent with plans titled "Survey drawing from 2018 SUP"
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.

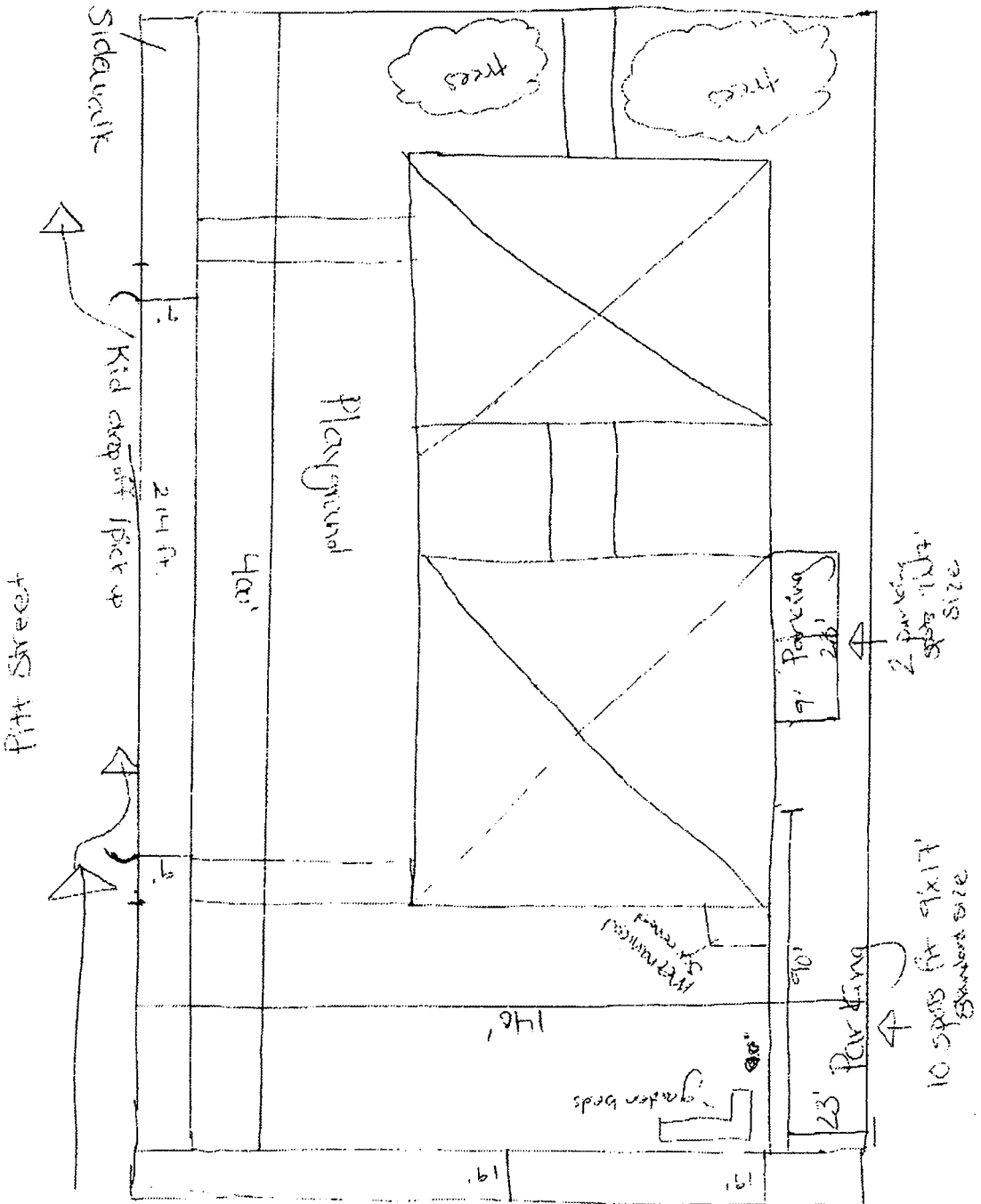


PL 23-073 & PL 23-074
 Variance
 Special Use Permit
 Site Map

Legend
 Zoning Boundaries

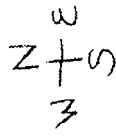
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Pitt Street

Pitt Street Allen



R-1

N 46th Ave East
 St. Michael's School 010-333-0540 FN

N 47th Ave East

140' x 400'

214 ft

400'

Playground

trees

trees

9' Parking

2 parking spots
 218' x 26'

10'

23' Parking

10 spots 17' x 17'
 standard size

146'

garden beds

12' x 22'

19'

19'

Sidewalk

Kid drop off / pick up



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 23-068	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit– Vacation Dwelling Unit	Planning Commission Date	May 9, 2023	
Deadline for Action	Application Date	April 3, 2023	60 Days	June 2, 2023
	Date Extension Letter Mailed	April 17, 2023	120 Days	August 1, 2023
Location of Subject	4428 Regent St, Unit 3			
Applicant	Joe Golcz	Contact		
Agent	Heirloom Property Management	Contact		
Legal Description	PID # 010-3000-00100			
Site Visit Date	April 25, 2023	Sign Notice Date	April 25, 2023	
Neighbor Letter Date	April 14, 2023	Number of Letters Sent	47	

Proposal

Applicant proposes to use the 1 bedroom unit as a short-term rental. Up to 3 people will be allowed to stay in the unit. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of 2 nights.

Staff is recommending approval to Planning Commission.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-1	Mixed Use Building	Neighborhood Commercial
North	MU-N	Public Utility	Neighborhood Commercial
South	F-1	Railroad Tracks	Neighborhood Commercial
East	F-1	Commercial Business	Neighborhood Commercial
West	F-1	Commercial Business	Neighborhood Commercial

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-1 zone district.

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

1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location;
2. The applicant agrees to sign a development agreement with the city . UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-4 Zone District.



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

Governing Principle #5 - Strengthen neighborhoods

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

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

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

Current History: Structure is currently two-story mixed-use building. The lower floor has a commercial tenant and the upper level has two dwelling units.

Review and Discussion Items:

- 1) Applicant's property is located at 4428 Regent St, Unit 3. The proposed vacation dwelling unit contains 1 bedroom, which would allow for a maximum of 5 guests.
- 2) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed Heirloom Property management to serve as the managing agent.
- 3) The site is not required to provide off-street parking. There will not be any campers or trailers parked on the property.
- 4) The site does not have any outdoor amenities.
- 5) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 6) Applicant has applied for all relevant permits and licenses and these are contingent upon approval of the Interim Use Permit for a Vacation Dwelling Unit.
- 7) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").



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planning@duluthmn.gov

8) No comments from citizens, City staff, or any other entity were received regarding the application.

Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission approve the Interim Use Permit subject to the following:

1. The permit shall lapse if no activity is taken within one year of approval.
2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50



PL 23-068
Interim Use Permit
4428 Regent 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



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Aerial photography flown 2019

Unit #3

Vacation Dwelling Unit Worksheet

1. The minimum rental period shall be not less than two consecutive nights (does not apply to Form districts). **What will be your minimum rental period?** 2 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. You may rent no more than four bedrooms.

How many legal bedrooms are in the dwelling?

1

What will be your maximum occupancy?

2

3. Off-street parking shall be provided at the following rate:

a. 1-2 bedroom unit, 1 space

b. 3 bedroom unit, 2 spaces

c. 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.

d. 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.

e. Form districts are not required to provide parking spaces.

How many off-street parking spaces will your unit provide? X

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. **Will you allow motorhome or trailer parking? If so, where?** No

5. 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.

6. 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. Please note that this must be on 8 x 11 size paper.

7. The interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first. 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.

8. Permit holder must keep a guest record including the name, address, phone number, and vehicle (and trailer) license plate information for all guests and must provide a report to the City upon 48 hours' notice. **Please explain how and where you will**

There will be no exterior amenities. This unit is located on the second floor 41

CODE SUMMARY

PROPERTY	4428 REGENT STREET, DULUTH, MN 55804
OWNER	CONCRETE CONSTRUCTION COMPANY
PROJECT DESCRIPTION	APARTMENT REMODEL
DATE OF SURVEY	06/21/2022
SCALE	1" = 20' (PLAN)
PROJECT NUMBER	2226

PROPERTY ADDRESS: 4428 REGENT STREET, DULUTH, MN 55804

OWNER: CONCRETE CONSTRUCTION COMPANY

PROJECT DESCRIPTION: APARTMENT REMODEL

DATE OF SURVEY: 06/21/2022

SCALE: 1" = 20' (PLAN)

PROJECT NUMBER: 2226

PROJECT REQUIREMENTS

NO. OF UNITS	4
TYPE OF UNITS	2-BEDROOM, 1-BATH
APPROXIMATE FLOOR AREA (SQ. FT.)	10,000
APPROXIMATE VOLUME (CU. FT.)	300,000
APPROXIMATE HEIGHT (FEET)	3

NO. OF UNITS	4
TYPE OF UNITS	2-BEDROOM, 1-BATH
APPROXIMATE FLOOR AREA (SQ. FT.)	10,000
APPROXIMATE VOLUME (CU. FT.)	300,000
APPROXIMATE HEIGHT (FEET)	3

COMMENTS

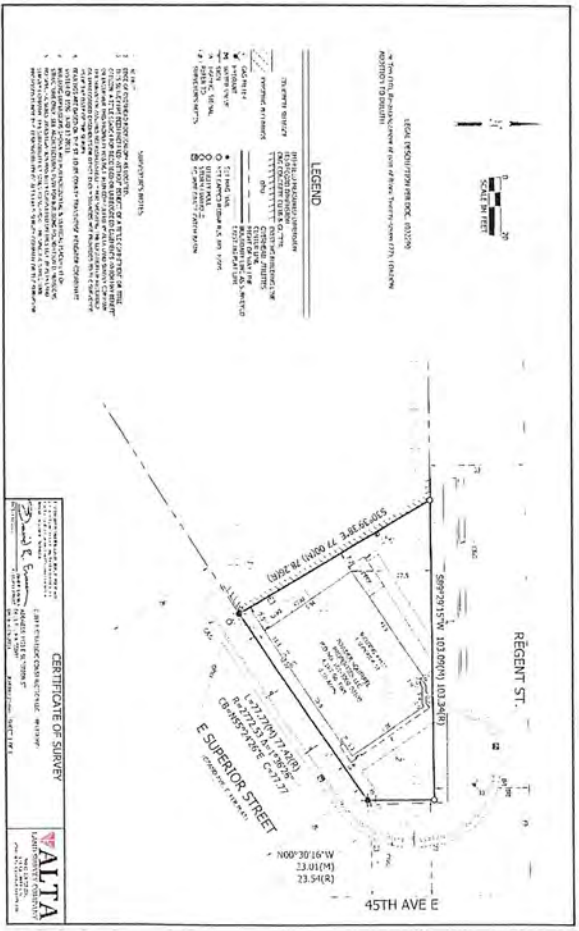
1. THIS SURVEY WAS PERFORMED TO ESTABLISH THE BOUNDARIES AND CORNERS OF THE PROPERTY DESCRIBED HEREON.

2. THE RESULTS OF THIS SURVEY ARE BASED ON THE ASSUMPTION THAT THE RECORD DEEDS AND PLATS REFERRED TO ARE CORRECT.

3. THIS SURVEY DOES NOT CONSTITUTE A GUARANTEE OF ACCURACY OR A WARRANTY OF ANY KIND.

4. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

1. PROPERTY OF ALL INTERESTS
2. APARTMENT REMODEL
3. CONCRETE CONSTRUCTION COMPANY



2022/06/21/2022
 PROJECT NUMBER: 2226
 PROJECT DESCRIPTION: APARTMENT REMODEL
 DATE OF SURVEY: 06/21/2022

AROLA
 ARCHITECTURE STUDIO, LLC

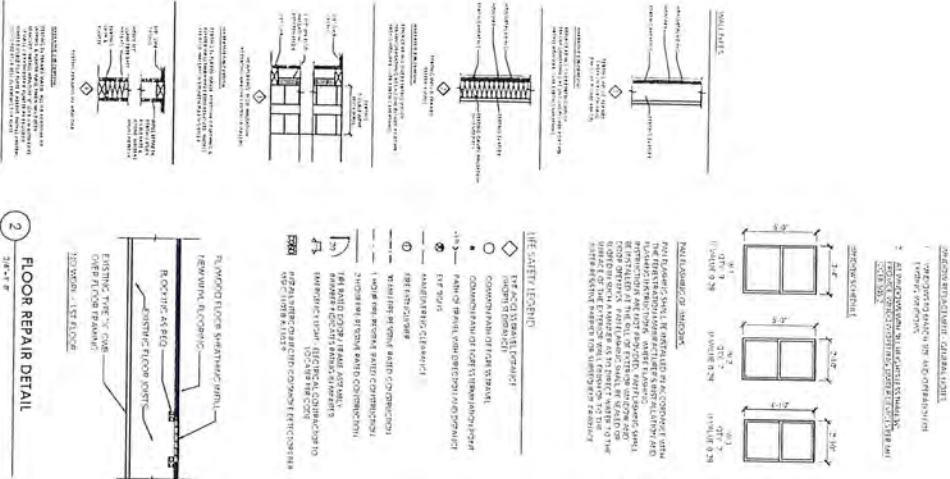
STATE OF MINNESOTA
 COUNTY OF ST. LOUIS
 DISTRICT 11

APARTMENT REMODEL
 4428 REGENT STREET
 DULUTH, MINNESOTA 55804

DATE: 06/21/2022
 PROJECT NO: 2226

ALTA
 SURVEYING CORPORATION
 1500 LEXINGTON AVENUE
 SUITE 100
 MINNEAPOLIS, MN 55405
 (612) 339-8800
 www.alta.com

APARTMENT REMODEL
 4428 REGENT STREET
 DULUTH, MINNESOTA 55804



- SECTION 1: FLOORING**
- EXISTING CARPET
 - REMOVE EXISTING CARPET
 - INSTALL 1/2" X 1/2" X 3/4" T&G VINYL COMPOSITE PLANK OVER CONCRETE
 - INSTALL 1/2" X 1/2" X 3/4" T&G VINYL COMPOSITE PLANK OVER CONCRETE
 - INSTALL 1/2" X 1/2" X 3/4" T&G VINYL COMPOSITE PLANK OVER CONCRETE
- SECTION 2: FLOORING**
- REMOVE EXISTING CARPET
 - INSTALL 1/2" X 1/2" X 3/4" T&G VINYL COMPOSITE PLANK OVER CONCRETE
 - INSTALL 1/2" X 1/2" X 3/4" T&G VINYL COMPOSITE PLANK OVER CONCRETE
 - INSTALL 1/2" X 1/2" X 3/4" T&G VINYL COMPOSITE PLANK OVER CONCRETE
 - INSTALL 1/2" X 1/2" X 3/4" T&G VINYL COMPOSITE PLANK OVER CONCRETE

UNIT #2 (SOFA BED)

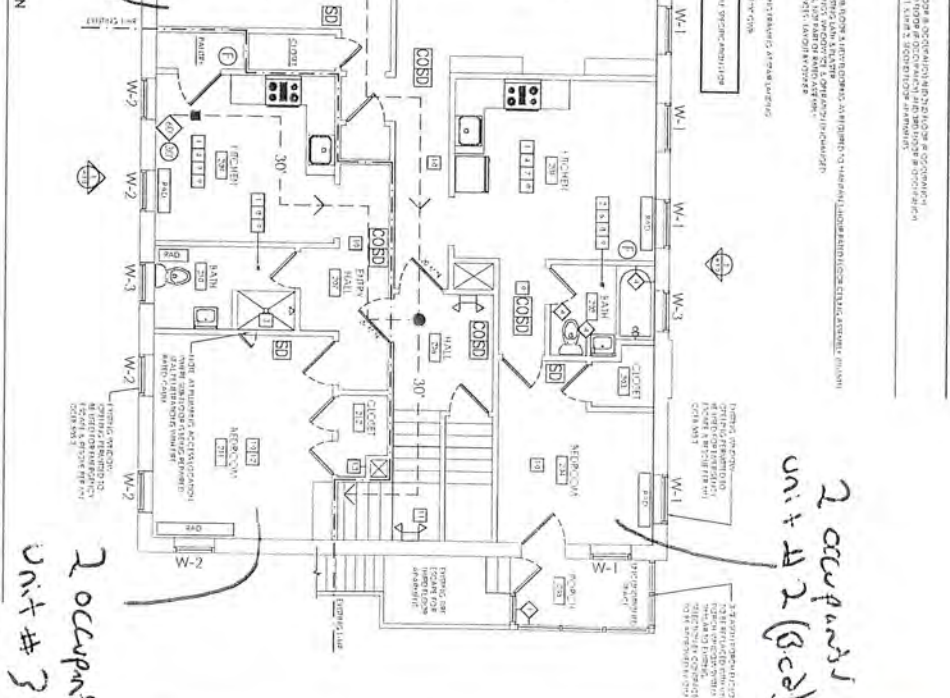
2 OCCUPANTS

UNIT #2 (BED)

2 OCCUPANTS

UNIT #3 (BED)

2 OCCUPANTS



<p>APARTMENT REMODEL</p> <p>4428 REGENT STREET DULUTH, MINNESOTA 55804</p> <p>DATE: 06/27/2022 SCALE: 1/8" = 1' - 0"</p> <p>PROJECT: 2226</p> <p>REVISED:</p> <p>SCALE: 1/8" = 1' - 0"</p> <p>A2.0</p>	<p>AROLA</p> <p>ARCHITECTURE STUDIO, LLC</p> <p>1000 14TH AVENUE N.E. SUITE 100 DULUTH, MN 55812 TEL: 612.275.1000 WWW.AROLAARCHITECTURE.COM</p>
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Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 23-067	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit– Vacation Dwelling Unit	Planning Commission Date	May 9, 2023	
Deadline for Action	Application Date	April 3, 2023	60 Days	June 2, 2023
	Date Extension Letter Mailed	April 17, 2023	120 Days	August 1, 2023
Location of Subject	4428 Regent St, Unit 2			
Applicant	Joe Golcz	Contact		
Agent	Heirloom Property Management	Contact		
Legal Description	PID # 010-3000-00100			
Site Visit Date	April 25, 2023	Sign Notice Date	April 25, 2023	
Neighbor Letter Date	April 14, 2023	Number of Letters Sent	47	

Proposal

Applicant proposes to use the 2 bedroom unit as a short-term rental. Up to 5 people will be allowed to stay in the unit. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of 2 nights.

Staff is recommending approval to Planning Commission.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-1	Mixed Use Building	Neighborhood Commercial
North	MU-N	Public Utility	Neighborhood Commercial
South	F-1	Railroad Tracks	Neighborhood Commercial
East	F-1	Commercial Business	Neighborhood Commercial
West	F-1	Commercial Business	Neighborhood Commercial

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-1 zone district.

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

1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location;
2. The applicant agrees to sign a development agreement with the city . UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-4 Zone District.



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Duluth, Minnesota 55802



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

Governing Principle #5 - Strengthen neighborhoods

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

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

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

Current History: Structure is currently two-story mixed-use building. The lower floor has a commercial tenant and the upper level has two dwelling units.

Review and Discussion Items:

- 1) Applicant's property is located at 4428 Regent St, Unit 2. The proposed vacation dwelling unit contains 2 bedrooms, which would allow for a maximum of 5 guests.
- 2) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed Heirloom Property management to serve as the managing agent.
- 3) The site is not required to provide off-street parking. There will not be any campers or trailers parked on the property.
- 4) The site does not have any outdoor amenities.
- 5) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 6) Applicant has applied for all relevant permits and licenses and these are contingent upon approval of the Interim Use Permit for a Vacation Dwelling Unit.
- 7) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").



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8) No comments from citizens, City staff, or any other entity were received regarding the application.

Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission approve the Interim Use Permit subject to the following:

1. The permit shall lapse if no activity is taken within one year of approval.
2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50



PL 23-067
Interim Use Permit
4428 Regent 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.

Aerial photography flown 2019

Prepared by: City of Duluth Planning & Economic Development, February 23, 2023 Source: City of Duluth



Unit # 2

Vacation Dwelling Unit Worksheet

1. The minimum rental period shall be not less than two consecutive nights (does not apply to Form districts). **What will be your minimum rental period?** 2 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. You may rent no more than four bedrooms.

How many legal bedrooms are in the dwelling?

2

What will be your maximum occupancy?

6

3. Off-street parking shall be provided at the following rate:

- a. 1-2 bedroom unit, 1 space
- b. 3 bedroom unit, 2 spaces
- c. 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.
- d. 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.
- e. Form districts are not required to provide parking spaces.

How many off-street parking spaces will your unit provide? 0

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. **Will you allow motorhome or trailer parking? If so, where?** No

5. 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.

6. 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. Please note that this must be on 8 x 11 size paper.

7. The interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first. 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.

8. Permit holder must keep a guest record including the name, address, phone number, and vehicle (and trailer) license plate information for all guests and must provide a report to the City upon 48 hours' notice. **Please explain how and where you will**

There will be no exterior amenities. This unit is located on the second floor. 48

CODE SUMMARY

2023 MINNESOTA BUILDING DEPARTMENT REGULATIONS

CONSTRUCTION PERMITS
 PERMITS FOR CONSTRUCTION OF BUILDINGS
 OCCUPANCY

SECTION 101
 SECTION 102
 SECTION 103
 SECTION 104
 SECTION 105
 SECTION 106
 SECTION 107
 SECTION 108
 SECTION 109
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 SECTION 111
 SECTION 112
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 SECTION 114
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 SECTION 117
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 SECTION 120

SECTION 101
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 SECTION 119
 SECTION 120

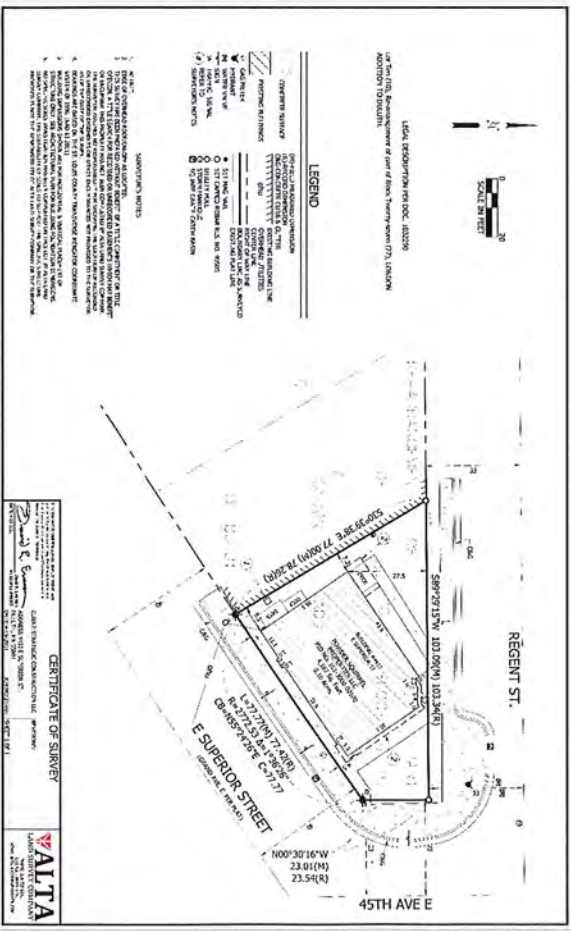
SECTION 101
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 SECTION 113
 SECTION 114
 SECTION 115
 SECTION 116
 SECTION 117
 SECTION 118
 SECTION 119
 SECTION 120

SECTION	DESCRIPTION	DATE	BY	REVISION
1	ISSUE FOR PERMIT	06/21/2022	RS	1
2	REVISION	06/21/2022	RS	2
3	REVISION	06/21/2022	RS	3
4	REVISION	06/21/2022	RS	4
5	REVISION	06/21/2022	RS	5
6	REVISION	06/21/2022	RS	6
7	REVISION	06/21/2022	RS	7
8	REVISION	06/21/2022	RS	8
9	REVISION	06/21/2022	RS	9
10	REVISION	06/21/2022	RS	10

COMMENTS

1. CHECK FOR CONFLICTS WITH EXISTING UTILITIES AND RECORDS.
2. CHECK FOR CONFLICTS WITH EXISTING BUILDINGS AND RECORDS.
3. CHECK FOR CONFLICTS WITH EXISTING ZONING AND RECORDS.
4. CHECK FOR CONFLICTS WITH EXISTING EASEMENTS AND RECORDS.
5. CHECK FOR CONFLICTS WITH EXISTING DEEDS AND RECORDS.
6. CHECK FOR CONFLICTS WITH EXISTING SURVEYS AND RECORDS.
7. CHECK FOR CONFLICTS WITH EXISTING PLATS AND RECORDS.
8. CHECK FOR CONFLICTS WITH EXISTING ORDINANCES AND RECORDS.
9. CHECK FOR CONFLICTS WITH EXISTING RULES AND RECORDS.
10. CHECK FOR CONFLICTS WITH EXISTING REGULATIONS AND RECORDS.

- REVISIONS**
1. REVISION
 2. REVISION
 3. REVISION
 4. REVISION
 5. REVISION
 6. REVISION
 7. REVISION
 8. REVISION
 9. REVISION
 10. REVISION



ZONING SUMMARY
 PARCEL ID: 10-200-0100
 PLANNING BOARD: 06/21/2022
 ADOPTION TO DULUTH
 LOCAL ORDINANCE: 027
 ZONING: R-1

ISSUE DATE	06/21/2022
PROJECT NO.	2226
REVISION	

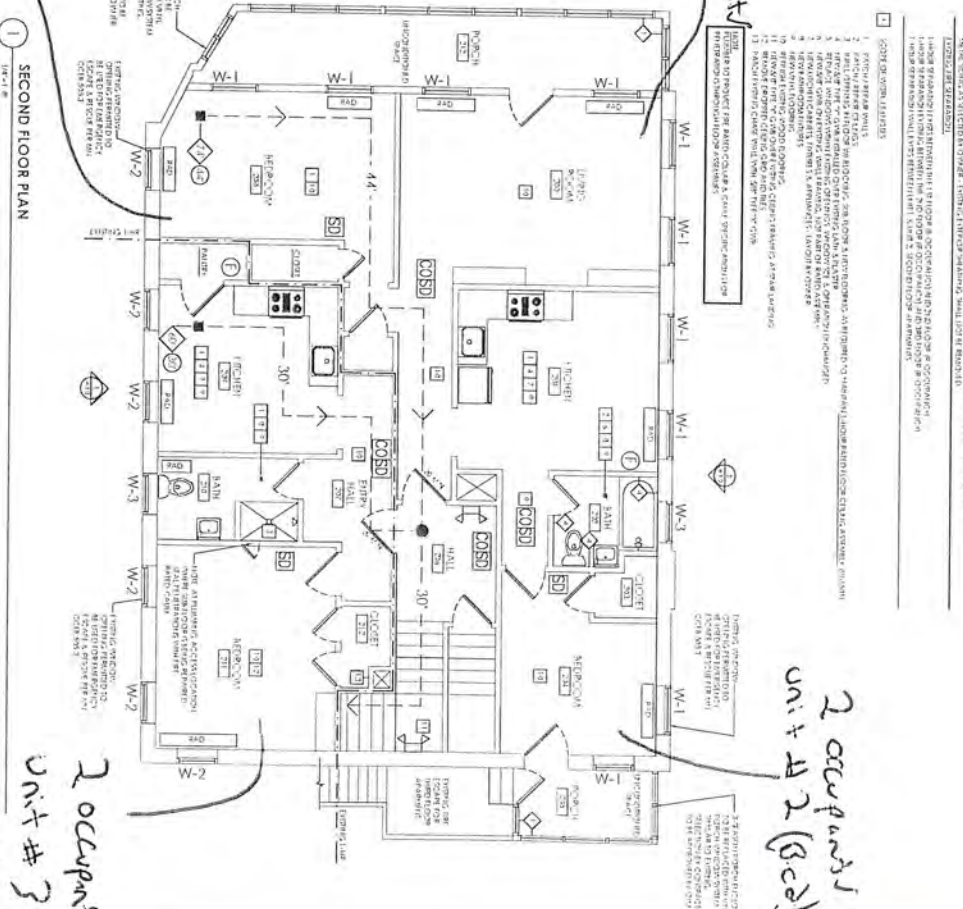
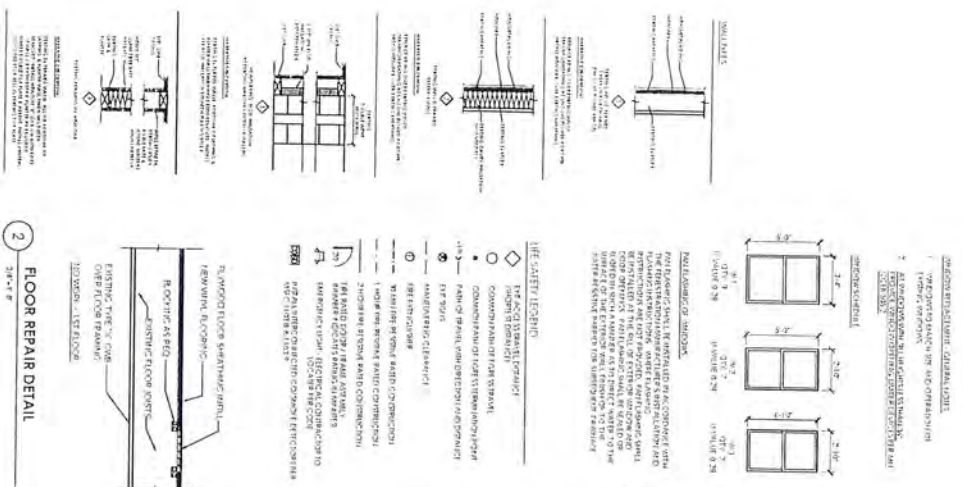
APARTMENT REMODEL
 4428 REGENT STREET
 DULUTH, MINNESOTA 55804

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

SIGNATURE: *[Signature]*
 RYAN J. AROLA
 DATE: 10/31/2022 LICENSE NO. 52478

AROLA ARCHITECTURE STUDIO, LLC
 205 WEST FIRST STREET - DULUTH, MINNESOTA 55802
 218-740-5219
 WWW.AROLAAARCH.COM

SITE



2 occupants
Unit #2
(bed)

2 occupants
Unit #3
(bed)

<p>AROLA ARCHITECTURE STUDIO, LLC</p>	
<p>APARTMENT REMODEL 4428 REGENT STREET DULUTH, MINNESOTA 55804</p>	
<p>DATE: 06/27/2022</p>	<p>PROJECT: 2226</p>
<p>SCALE: A2.0</p>	<p>DATE: 06/27/2022</p>



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 23-066	Contact	Kyle Deming	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date		May 9, 2023
Deadline for Action	Application Date	April 3, 2023	60 Days	June 2, 2023
	Date Extension Letter Mailed	April 19, 2023	120 Days	August 1, 2023
Location of Subject	1732 E. 2 nd St. (Endion)			
Applicant	Predictable 2, LLC	Contact	Andrew Goldfine	
Agent	Heirloom Property Management	Contact		
Legal Description	E 40 feet of N 100 feet of Lot 8, Block 68, Endion Division (010-1480-03080)			
Site Visit Date	April 28, 2023	Sign Notice Date	April 25, 2023	
Neighbor Letter Date	April 17, 2023	Number of Letters Sent	36	

Proposal

Applicant proposes to convert an existing dwelling unit in a duplex to a 2-bedroom vacation dwelling unit with a capacity for 5 guests. The property was randomly selected from the list for eligible permits.

Recommended Action: Approve with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2	Residential	Urban Residential
North	R-2	Residential	Urban Residential
South	R-2	Community center/offices	Urban Residential
East	R-2	Apartment building	Urban Residential
West	R-2	Residential	Urban Residential

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A vacation dwelling unit is an Interim Use in the R-2 zone district.

UDC Section 50-20.3. Use-Specific Standards. Lists all standards specific to vacation dwelling units. Council established a maximum number of vacation dwelling unit permits. The applicant was selected to a permit by a random drawing of interested applicants.

UDC Sec. 50-37.10.E . . . the commission 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; 2. The applicant agrees to sign a development agreement with the City;

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

Governing Principle #8 - Encourage mix of activities, uses, and densities. The project converts an existing dwelling unit in a duplex. A short-term rental allows property owners to generate income and provides a service for tourists.

Econ. Dev. Policy #3 - Build on Existing Economic Strengths & Competitive Advantages

S9: Encourage expansion of the city's tourism economy through efforts to expand in areas of current activity, such as in Canal Park, but also through marketing and investment in destination neighborhoods and iconic tourism experiences unique to Duluth. Short-term rentals provide for a more diverse experience for tourists.

Urban Residential - Greatest variety of residential building types, medium to high densities. Applicable to larger infill areas close to downtown, entertainment or activity centers, and waterfront residential areas. May include student housing areas, live/work units, and limited neighborhood retail. Connected or adjacent to parks and open space. 8 units/acre and up

Review and Discussion Items:

Staff finds:

- 1) The proposed vacation dwelling unit is the easterly unit of a side-by-side duplex.
- 2) The unit has 2 bedrooms, which will accommodate up to 5 guests.
- 3) One off-street parking space will be provided (see site plan) in front of the tuck-under garage in the rear of the dwelling unit, in compliance with UDC parking requirements.
- 4) The applicant has indicated there will not be a space for camper or trailer storage by VDU guests.
- 5) The site plan shows a deck behind the building with a grill.
- 6) The applicant has provided letters from the two abutting property owners waiving the screening requirement for outdoor areas.
- 7) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Heirloom Property Management located in Duluth has been listed as the property manager.
- 8) Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. This will be a condition of approval, with documentation to be provided before final permit issuance.
- 9) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 10) The permit will lapse if no rental activity takes place within 1 year of permit approval.
- 11) Applicant must comply with Vacation Dwelling Unit Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise"). Applicant will do so via a framed sign installed in the kitchen of the rental unit.
- 12) No comments were received from citizens, City staff, or any other entity were received.

Staff Recommendation:

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

- 1) The permit shall not be effective until evidence is given that contact information has been provided to all property owners within 100 feet.
- 2) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.

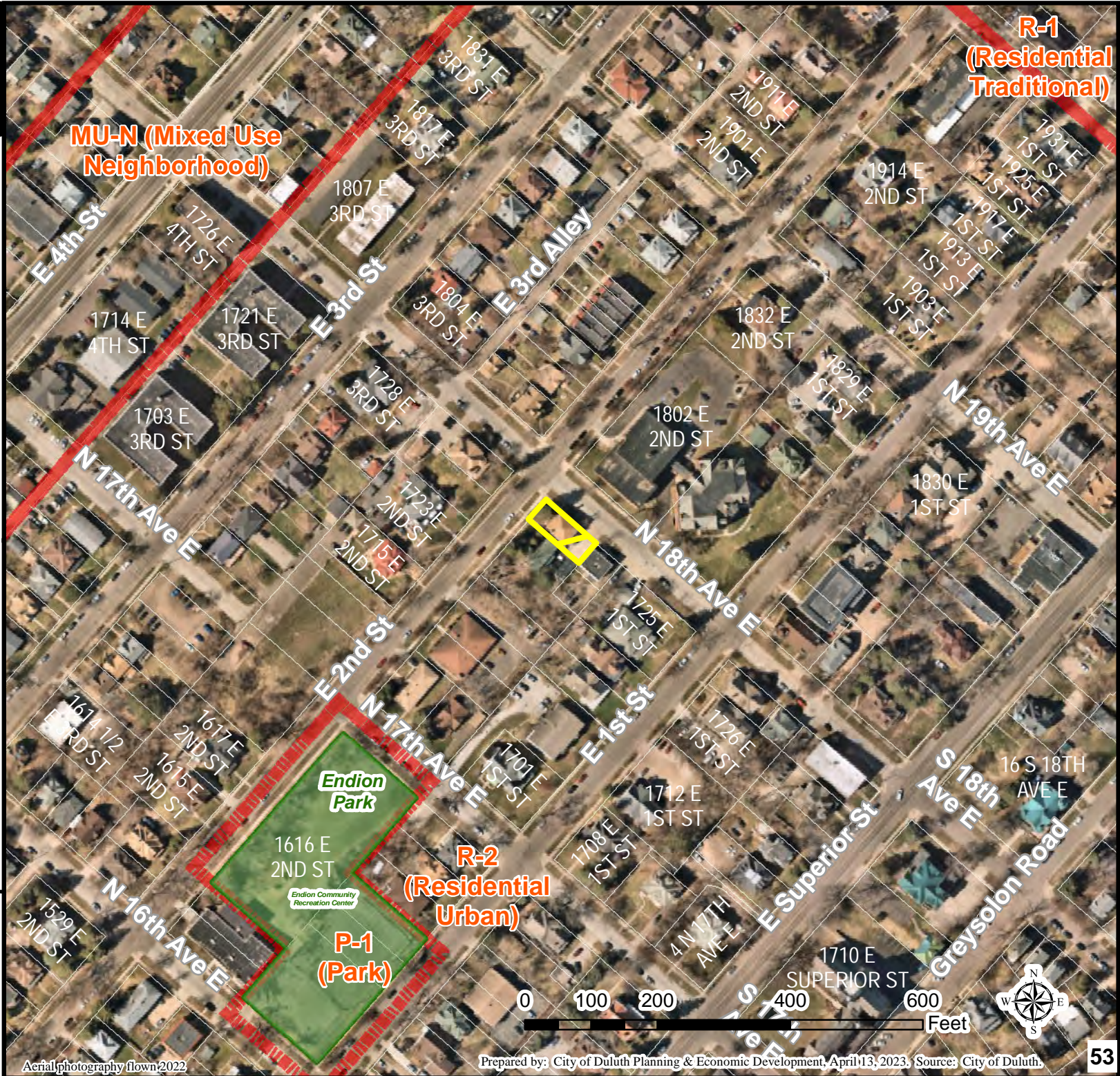


PL 23-066
 Vacation Dwelling Unit
 1732 E. 2nd St.
 Applicant: Predictable 2, LLC

Area Map

- Legend**
- Zoning Boundaries
 - Park Lands**
 - Recreation
 - Parks

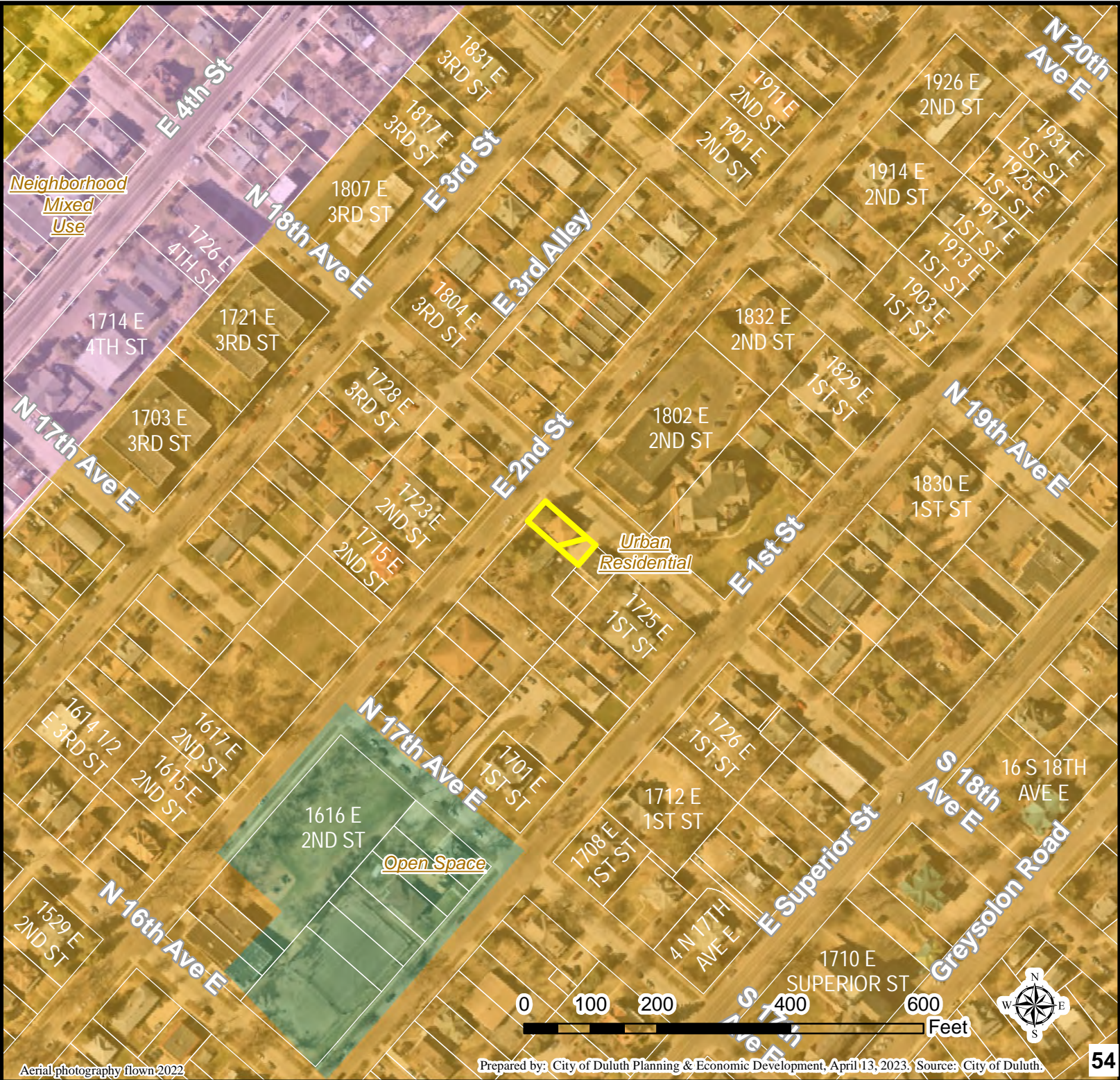
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PL 23-066
 Vacation Dwelling Unit
 1732 E. 2nd St.
 Applicant: Predictable 2, LLC

Future Land Use Map



Legend

Future Land Use

- Open Space
- Traditional Neighborhood
- Urban Residential
- Neighborhood Mixed Use

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Aerial photography flown 2022

Prepared by: City of Duluth Planning & Economic Development, April 13, 2023. Source: City of Duluth.



PL 23-066
 Vacation Dwelling Unit
 1732 E. 2nd St.
 Applicant: Predictable 2, LLC

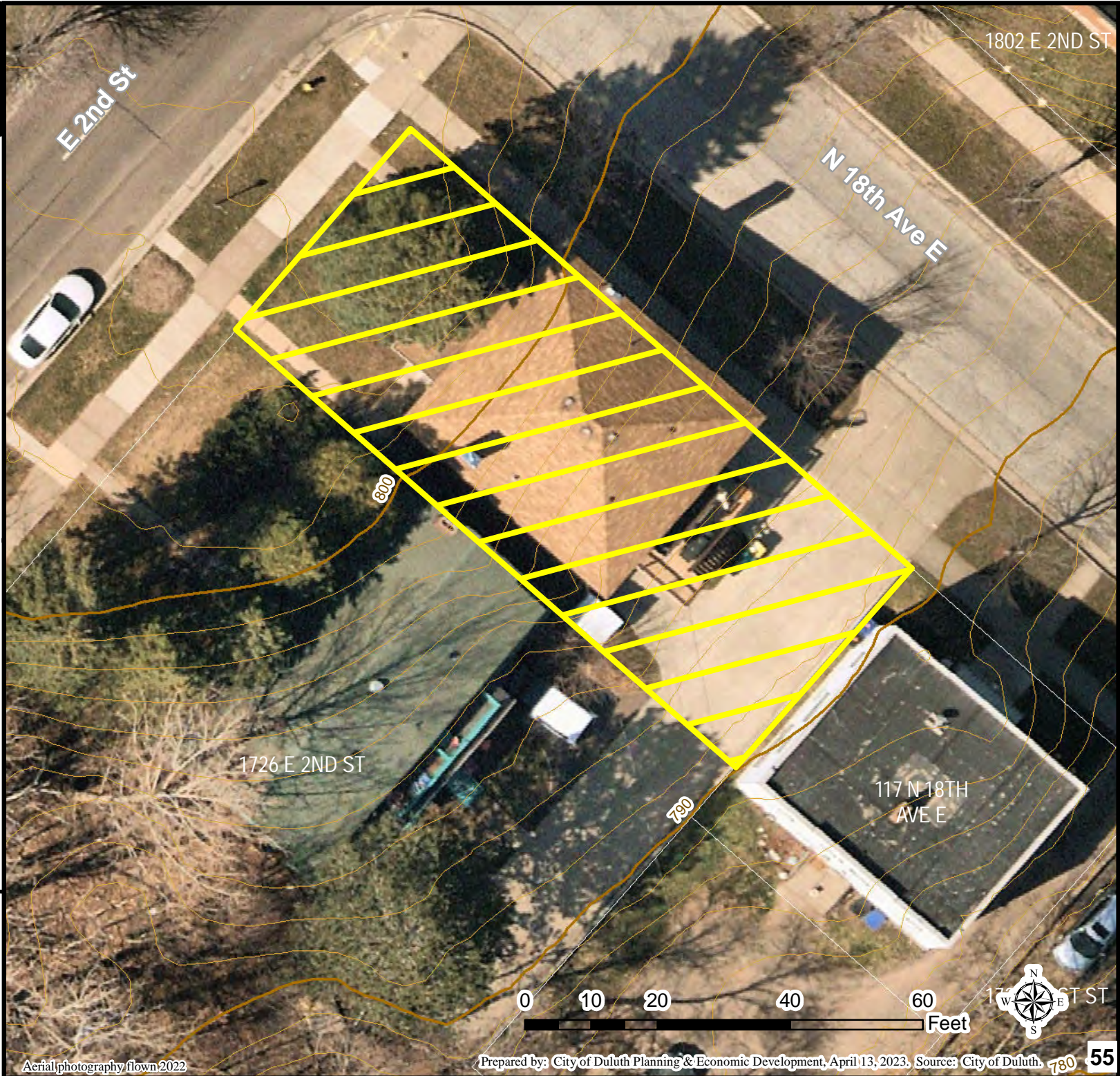
Site Map

Legend

Elevation

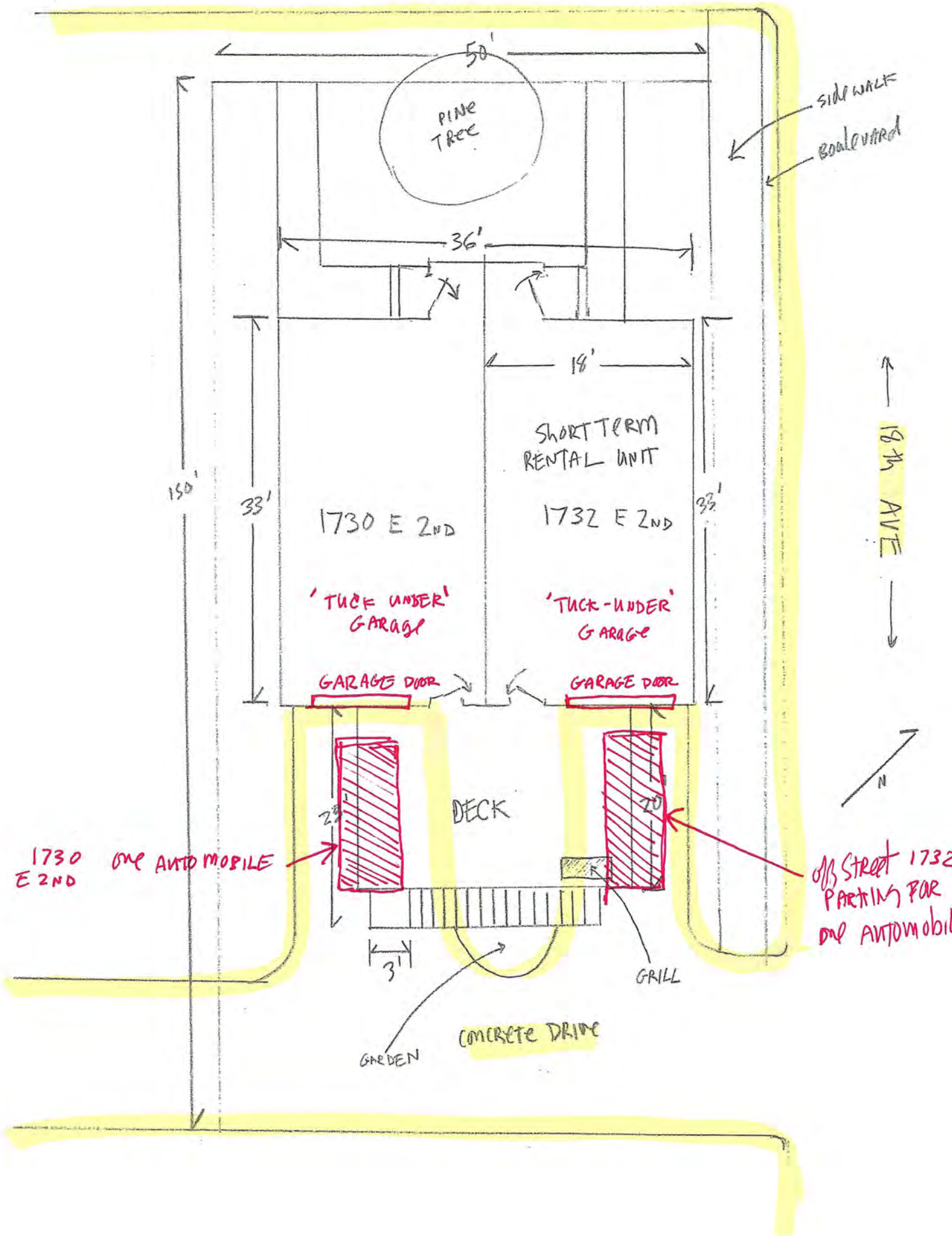
- 1 Ft contour
- 10 Ft contour

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← EAST 2ND ST →

1732 E 2ND ST
SITE PLAN





Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 23-055	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit– Vacation Dwelling Unit-Renewal	Planning Commission Date	May 9, 2023	
Deadline for Action	Application Date	March 27, 2023	60 Days	May 26, 2023
	Date Extension Letter Mailed	April 14, 2023	120 Days	July 25, 2023
Location of Subject	139 Howard Gnesen Rd			
Applicant	Douglas McCorison	Contact		
Agent		Contact		
Legal Description	010-3470-01010			
Site Visit Date	April 26, 2023	Sign Notice Date	April 25, 2023	
Neighbor Letter Date	April 14, 2023	Number of Letters Sent	15	

Proposal

Applicant is proposing a renewal interim use permit (original application was PL 17-015) for a vacation dwelling unit. The permit would allow for a 3-bedroom house with a maximum of 7 occupants.

Staff is recommending Planning Commission approve with conditions.

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

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A vacation dwelling unit is an Interim Use in the R-1 zone district.

UDC Section 50-20.3. Use-Specific Standards. Lists all standards specific to vacation dwelling units.

UDC Sec. 50-37.10.E . . . the commission 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; 2. The applicant agrees to sign a development agreement with the city.

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

Governing Principle #8 - Encourage mix of activities, uses, and densities. A short-term rental allows property owners to generate income and provides a service for tourists.

Econ. Dev. Policy #3 - Build on Existing Economic Strengths & Competitive Advantages

S9: Encourage expansion of the city’s tourism economy through efforts to expand in areas of current activity, such as in Canal Park, but also through marketing and investment in destination neighborhoods and iconic tourism experiences unique to Duluth. The proposed IUP in this location will enhance the level of activity in the downtown, and increase opportunities for additional commerce.

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

Current History: The subject property, 139 Howard Gnesen Road, had an approved interim use permit in 2017, which expires in 2023. There are no known reports of violations to the permit.

Review and Discussion Items:

- 1) Applicant’s property is located at 139 Howard Gnesen Road. The proposed vacation dwelling unit contains 3 bedrooms, which would allow for a maximum of 7 guests.
- 2) Applicant is proposing a renewal interim use permit (original application was PL 17-015) for a vacation dwelling unit. The property is under the same ownership and there are no changes to the occupancy number and no exterior amenities have been added. The site plan shows a fire ring and deck as amenities. There is existing screening/buffering consisting of thick vegetation on all sides of the property,
- 3) The applicant is proposing 2 off-street parking spaces provided on the existing driveway.
- 4) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed themselves to serve as the managing agent.
- 5) A time limit on this Interim Use Permit (“IUP”) is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 6) Applicant will apply for all relevant permits and licenses and these are contingent upon approval of the Interim Use Permit for a Vacation Dwelling Unit.
- 7) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 8) No public, City, or agency comments were received.

Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission approve the interim use permit subject to the following:

- 1) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50



PL 23-055
Interim Use Permit Renewal
139 Howard Gnesen Rd

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



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10' Middle Road.

MIDDLE ROAD

N 89°57'54" E
300.00' Plat
& Measure

N 89°57'54" E

NORTON'S ACRE OUT-LOTS

SCALE 1/2" = 100'

RECEIVED

APR 06 2017

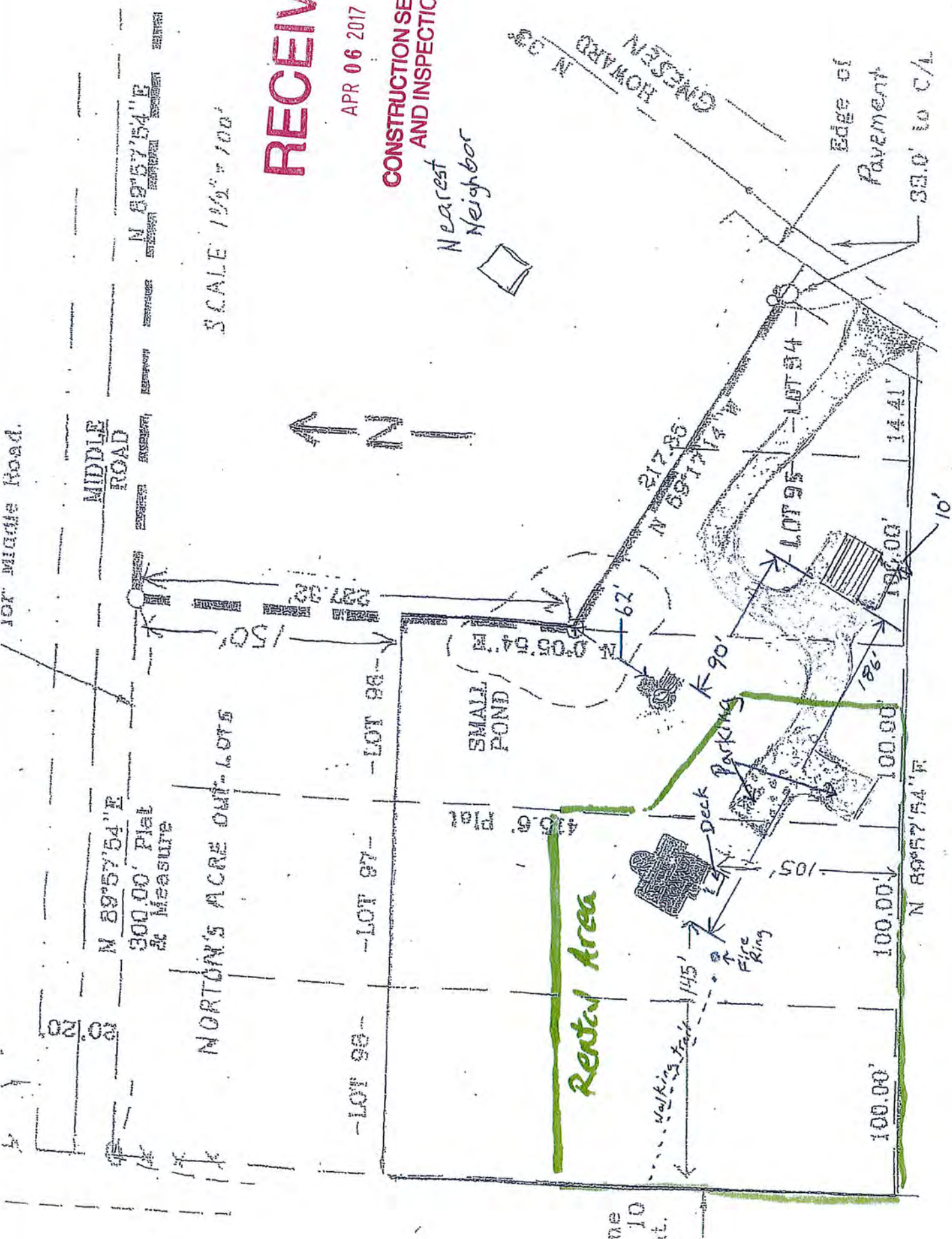
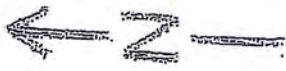
CONSTRUCTION SERVICES
AND INSPECTIONS

Nearest Neighbor

NEISING
GAYMOH
300' N

Edge of
Pavement

33.0' to C/L



ne
10
ft.



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 23-064	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit– Vacation Dwelling Unit	Planning Commission Date		May 9, 2023
Deadline for Action	Application Date	April 3, 2023	60 Days	June 2, 2023
	Date Extension Letter Mailed	April 17, 2023	120 Days	August 1, 2023
Location of Subject	20 North 12 th Avenue East, Unit 4			
Applicant	New London Land Company, LLC	Contact	Mike Schraepfer	
Agent	Heirloom Property Management	Contact		
Legal Description	PID # 010-0190-01120			
Site Visit Date	April 25, 2023	Sign Notice Date	April 25, 2023	
Neighbor Letter Date	April 14, 2023	Number of Letters Sent	21	

Proposal

Applicant proposes to use the one bedroom unit as a short-term rental. Up to 3 people will be allowed to stay in the unit. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of 2 nights. This unit is in the Higher Education Overlay District and must adhere to the standards for a standard vacation rental (no form district exemptions); this includes a minimum 2-night stay and 1 off-street parking space per unit.

This is 1 of 4 identical applications for the same building. This property was previously approved via permit PL 19-179 under a different owner.

Staff is recommending approval to Planning Commission.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-4	Multi-Family Dwelling	Central Business Secondary
North	F-4	Multi-Family Dwelling	Central Business Secondary
South	MU-I	Commercial Business	Institutional
East	F-4	Parking Lot	Central Business Secondary
West	F-4	Commercial Business	Central Business Secondary

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-4 zone district.

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

1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the



Planning & Development Division
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Room 160
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Duluth, Minnesota 55802



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requested use in that location; 2. The applicant agrees to sign a development agreement with the city . UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-4 Zone District.

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

Governing Principle #5 - Strengthen neighborhoods

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

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

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

Current History: Structure is currently a duplex with 6 bedrooms spread across the 2nd and 3rd floors. There was previously a real estate office on the main floor. A long-term rental is on the 3rd floor. The structure was built in 1900 and contains 3,936 square feet.

Review and Discussion Items:

- 1) Applicant's property is located at 20 North 12th Avenue East, Unit 4. The proposed vacation dwelling unit contains 1 bedroom, which would allow for a maximum of 3 guests.
- 2) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed Heirloom Property management at 202 East 1st Street to serve as the managing agent.
- 3) The site has room for the required vehicle parking with 9 total parking stalls. There will not be any campers or trailers parked on the property.
- 4) The site does not have any outdoor amenities.
- 5) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon



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change in ownership of the property or in six years, whichever occurs first.

6) Applicant has applied for all relevant permits and licenses and these are contingent upon approval of the Interim Use Permit for a Vacation Dwelling Unit.

7) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").

8) No comments from citizens, City staff, or any other entity were received regarding the application.

Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission approve the Interim Use Permit subject to the following:

1. The permit shall lapse if no activity is taken within one year of approval.
2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50



PL 23-064
Interim Use Permit
Renewal 20 N 12th Ave E

MU-N (Mixed Use Neighborhood)

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**

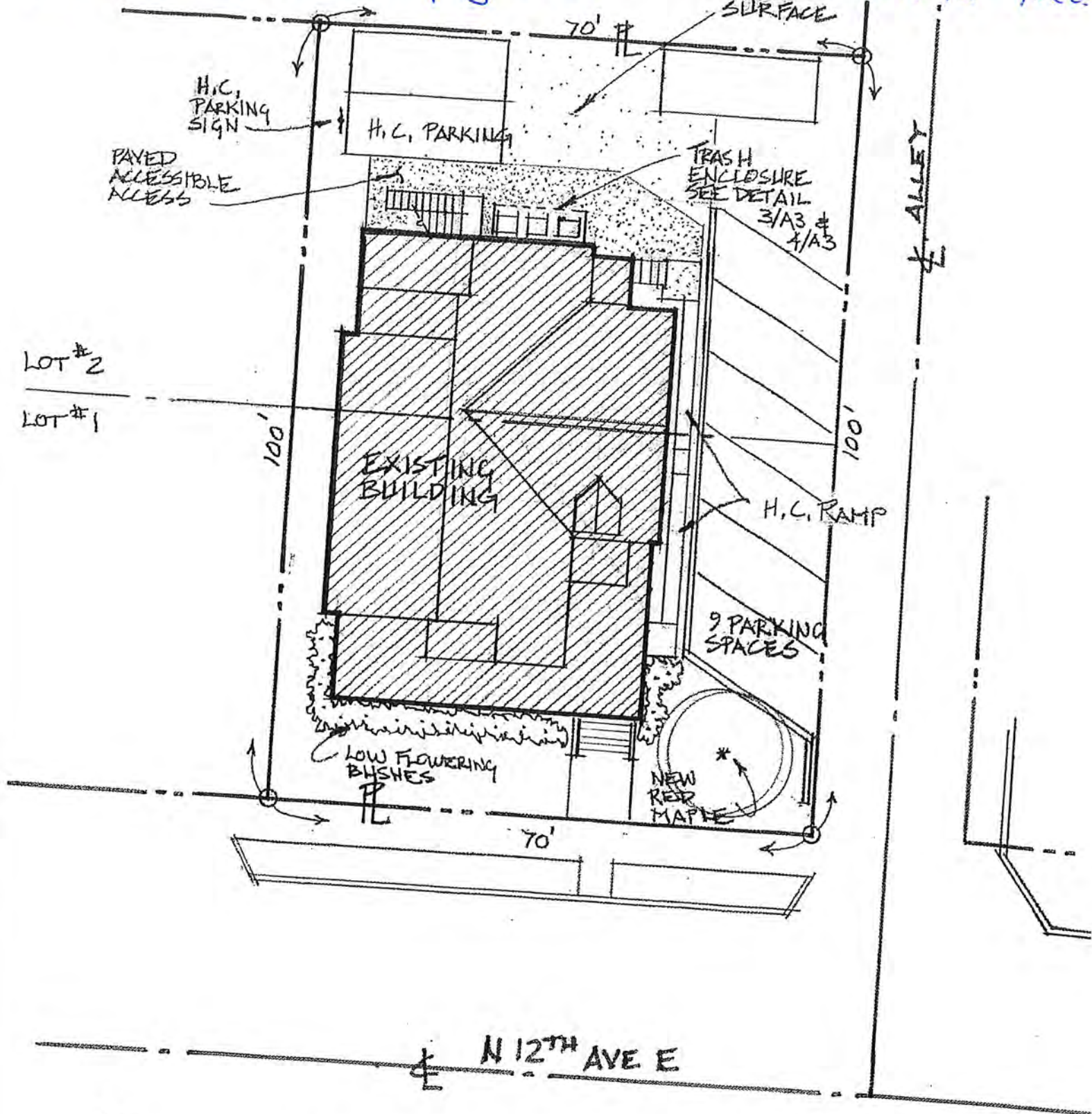


MU-I (Mixed Use Institutional)

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Site Plan and Landscaping Plan

20N 12th Ave.



1
SI

SITE PLAN

1" = 20'-0"



JOB
NORTH

20 N 12th Ave E #1

Vacation Dwelling Unit Worksheet

1. The minimum rental period shall be not less than two consecutive nights (does not apply to Form districts). What will be your minimum rental period? 2 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. You may rent no more than four bedrooms.

How many legal bedrooms are in the dwelling?

1

What will be your maximum occupancy?

3

3. Off-street parking shall be provided at the following rate:

a. 1-2 bedroom unit, 1 space

b. 3 bedroom unit, 2 spaces

c. 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.

d. 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.

e. Form districts are not required to provide parking spaces.

How many off-street parking spaces will your unit provide? 1

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. Will you allow motorhome or trailer parking? If so, where? None allowed.

5. 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.

6. 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. Please note that this must be on 8 x 11 size paper.

7. The interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first. 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.

8. Permit holder must keep a guest record including the name, address, phone number, and vehicle (and trailer) license plate information for all guests and must provide a report to the City upon 48 hours' notice. Please explain how and where you will

keep your guest record (log book, excel spreadsheet, etc):

We keep an excel spreadsheet log of all guests.

9. Permit holder must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24-hours-a-day to any complaints from neighbors or the City. The permit holder must notify the Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information.

Please provide the name and contact information for your local contact:

Heirloom Property Management 218-409-4885

10. Permit holder must disclose in writing to their guests the following rules and regulations:

- a. The managing agent or local contact's name, address, and phone number;
- b. The maximum number of guests allowed at the property;
- c. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked;
- d. Property rules related to use of exterior features of the property, such as decks, patios, grills, recreational fires, pools, hot tubs, saunas and other outdoor recreational facilities;
- e. Applicable sections of City ordinances governing noise, parks, parking and pets;

Please state where and how this information will be provided to your guests:

This will be emailed before check-in and provided on-site in a handbook.

11. Permit holder must post their permit number on all print, poster or web advertisements. Do you agree to include the permit number on all advertisements? Yes

12. Prior to rental, permit holder must provide the name, address, and phone number for the managing agent or local contact to all property owners within 100' of the property boundary; submit a copy of this letter to the Planning and Community Development office. In addition, note that permit holder must notify neighboring properties within 10 days of a change in the managing agent or local contact's contact information.



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 23-065	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit– Vacation Dwelling Unit	Planning Commission Date	May 9, 2023	
Deadline for Action	Application Date	April 3, 2023	60 Days	June 2, 2023
	Date Extension Letter Mailed	April 17, 2023	120 Days	August 1, 2023
Location of Subject	20 North 12 th Avenue East, Unit 5			
Applicant	New London Land Company, LLC	Contact	Mike Schraepfer	
Agent	Heirloom Property Management	Contact		
Legal Description	PID # 010-0190-01120			
Site Visit Date	April 25, 2023	Sign Notice Date	April 25, 2023	
Neighbor Letter Date	April 14, 2023	Number of Letters Sent	21	

Proposal

Applicant proposes to use a two bedroom unit as a short-term rental. Up to 5 people will be allowed to stay in the unit. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of 2 nights. This unit is in the Higher Education Overlay District and must adhere to the standards for a standard vacation rental (no form district exemptions); this includes a minimum 2-night stay and 1 off-street parking space per unit.

This is 1 of 4 identical applications for the same building.

Staff is recommending approval to Planning Commission.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-4	Multi-Family Dwelling	Central Business Secondary
North	F-4	Multi-Family Dwelling	Central Business Secondary
South	MU-I	Commercial Business	Institutional
East	F-4	Parking Lot	Central Business Secondary
West	F-4	Commercial Business	Central Business Secondary

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-4 zone district.

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

1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location;
2. The applicant agrees to sign a development agreement with the city . UDC Section 50-



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Planning & Economic Development Department

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Duluth, Minnesota 55802



218-730-5580



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19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-4 Zone District.

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

Governing Principle #5 - Strengthen neighborhoods

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

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

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

Current History: Structure is currently a duplex with 6 bedrooms spread across the 2nd and 3rd floors. There was previously a real estate office on the main floor. A long-term rental is on the 3rd floor. The structure was built in 1900 and contains 3,936 square feet.

Review and Discussion Items:

- 1) Applicant's property is located at 20 North 12th Avenue East, Unit 5. The proposed vacation dwelling unit contains 2 bedroom, which would allow for a maximum of 5 guests.
- 2) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed Heirloom Property management at 202 East 1st Street to serve as the managing agent.
- 3) The site has room for the required vehicle parking with 9 total parking stalls. There will not be any campers or trailers parked on the property.
- 4) The site does not have any outdoor amenities.
- 5) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon



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change in ownership of the property or in six years, whichever occurs first.

6) Applicant has applied for all relevant permits and licenses and these are contingent upon approval of the Interim Use Permit for a Vacation Dwelling Unit.

7) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").

8) No comments from citizens, City staff, or any other entity were received regarding the application.

Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission approve the Interim Use Permit subject to the following:

1. The permit shall lapse if no activity is taken within one year of approval.
2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50



PL 23-065
Interim Use Permit
Renewal 20 N 12th Ave E

MU-N (Mixed Use Neighborhood)



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

MU-I (Mixed Use Institutional)

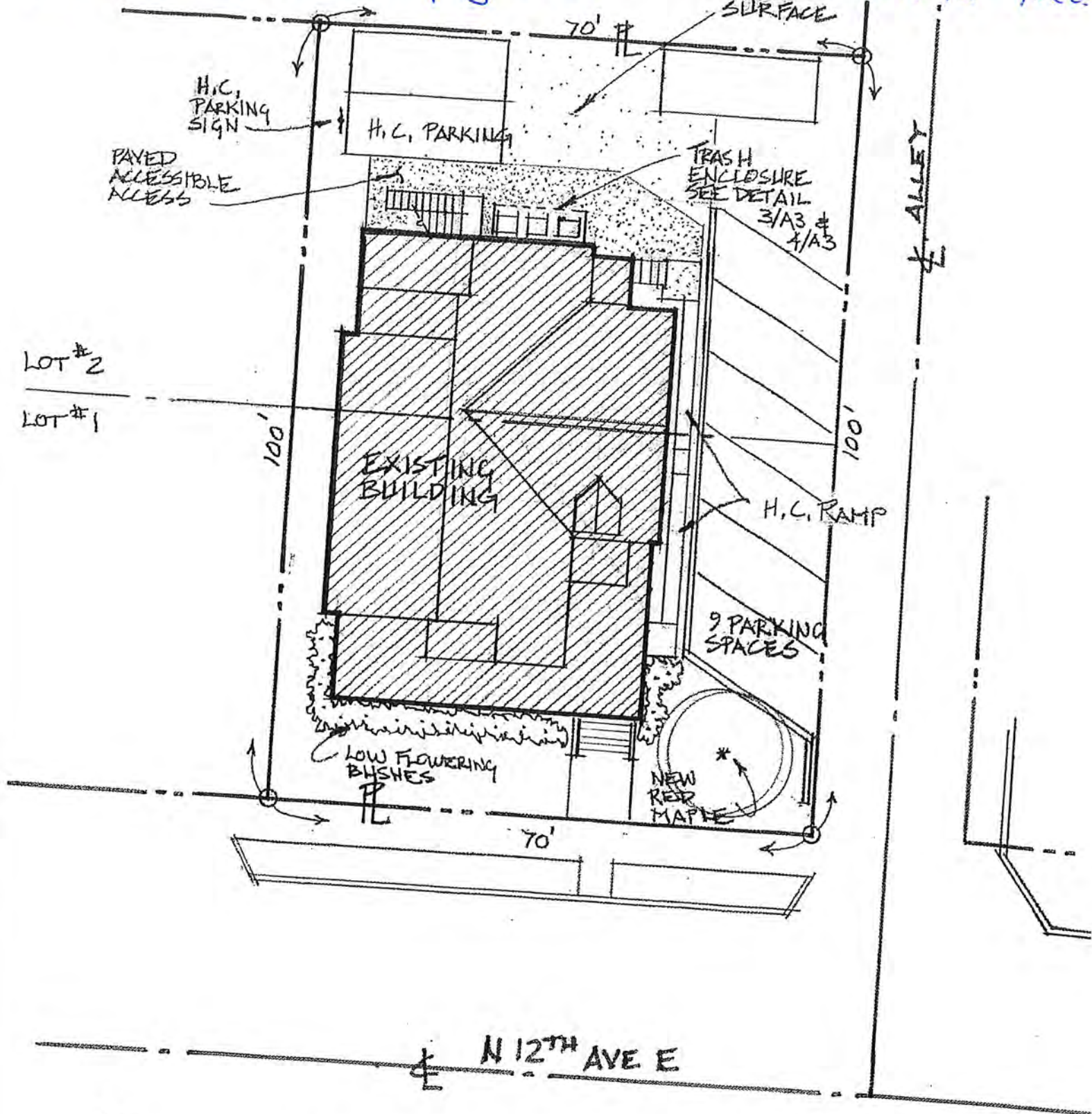
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Aerial photography flown 2019



Site Plan and Landscaping Plan

20N 12th Ave.



1
SI

SITE PLAN

1" = 20'-0"



JOB
NORTH

20 N 12th Ave E #1

Vacation Dwelling Unit Worksheet

1. The minimum rental period shall be not less than two consecutive nights (does not apply to Form districts). What will be your minimum rental period? 2 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. You may rent no more than four bedrooms.

How many legal bedrooms are in the dwelling?

1

What will be your maximum occupancy?

3

3. Off-street parking shall be provided at the following rate:

a. 1-2 bedroom unit, 1 space

b. 3 bedroom unit, 2 spaces

c. 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.

d. 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.

e. Form districts are not required to provide parking spaces.

How many off-street parking spaces will your unit provide? 1

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. Will you allow motorhome or trailer parking? If so, where? None allowed.

5. 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.

6. 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. Please note that this must be on 8 x 11 size paper.

7. The interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first. 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.

8. Permit holder must keep a guest record including the name, address, phone number, and vehicle (and trailer) license plate information for all guests and must provide a report to the City upon 48 hours' notice. Please explain how and where you will

keep your guest record (log book, excel spreadsheet, etc):

We keep an excel spreadsheet log of all guests.

9. Permit holder must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24-hours-a-day to any complaints from neighbors or the City. The permit holder must notify the Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information.

Please provide the name and contact information for your local contact:

Heirloom Property Management 218-409-4885

10. Permit holder must disclose in writing to their guests the following rules and regulations:

- a. The managing agent or local contact's name, address, and phone number;
- b. The maximum number of guests allowed at the property;
- c. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked;
- d. Property rules related to use of exterior features of the property, such as decks, patios, grills, recreational fires, pools, hot tubs, saunas and other outdoor recreational facilities;
- e. Applicable sections of City ordinances governing noise, parks, parking and pets;

Please state where and how this information will be provided to your guests:

This will be emailed before check-in and provided on-site in a handbook.

11. Permit holder must post their permit number on all print, poster or web advertisements. Do you agree to include the permit number on all advertisements? Yes

12. Prior to rental, permit holder must provide the name, address, and phone number for the managing agent or local contact to all property owners within 100' of the property boundary; submit a copy of this letter to the Planning and Community Development office. In addition, note that permit holder must notify neighboring properties within 10 days of a change in the managing agent or local contact's contact information.



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File Number	PL 23-063	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit– Vacation Dwelling Unit	Planning Commission Date	May 9, 2023	
Deadline for Action	Application Date	April 3, 2023	60 Days	June 2, 2023
	Date Extension Letter Mailed	April 17, 2023	120 Days	August 1, 2023
Location of Subject	20 North 12 th Avenue East, Unit 3			
Applicant	New London Land Company, LLC	Contact	Mike Schraepfer	
Agent	Heirloom Property Management	Contact		
Legal Description	PID # 010-0190-01120			
Site Visit Date	April 25, 2023	Sign Notice Date	April 25, 2023	
Neighbor Letter Date	April 14, 2023	Number of Letters Sent	21	

Proposal

Applicant proposes to use the one bedroom unit as a short-term rental. Up to 3 people will be allowed to stay in the unit. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of 2 nights. This unit is in the Higher Education Overlay District and must adhere to the standards for a standard vacation rental (no form district exemptions); this includes a minimum 2-night stay and 1 off-street parking space per unit.

This is 1 of 4 identical applications for the same building. This property was previously approved via permit PL 19-178 under a different owner.

Staff is recommending approval to Planning Commission.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-4	Multi-Family Dwelling	Central Business Secondary
North	F-4	Multi-Family Dwelling	Central Business Secondary
South	MU-I	Commercial Business	Institutional
East	F-4	Parking Lot	Central Business Secondary
West	F-4	Commercial Business	Central Business Secondary

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-4 zone district.

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

1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the



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requested use in that location; 2. The applicant agrees to sign a development agreement with the city . UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-4 Zone District.

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

Governing Principle #5 - Strengthen neighborhoods

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

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

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

Current History: Structure is currently a duplex with 6 bedrooms spread across the 2nd and 3rd floors. There was previously a real estate office on the main floor. The structure was built in 1900 and contains 3,936 square feet.

Review and Discussion Items:

- 1) Applicant’s property is located at 20 North 12th Avenue East, Unit 3. The proposed vacation dwelling unit contains 1 bedroom, which would allow for a maximum of 3 guests.
- 2) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed Heirloom Property management at 202 East 1st Street to serve as the managing agent.
- 3) The site has room for the required vehicle parking with 9 total parking stalls. There will not be any campers or trailers parked on the property.
- 4) The site does not have any outdoor amenities.
- 5) A time limit on this Interim Use Permit (“IUP”) is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon



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change in ownership of the property or in six years, whichever occurs first.

6) Applicant has applied for all relevant permits and licenses and these are contingent upon approval of the Interim Use Permit for a Vacation Dwelling Unit.

7) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").

8) No comments from citizens, City staff, or any other entity were received regarding the application.

Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission approve the Interim Use Permit subject to the following:

1. The permit shall lapse if no activity is taken within one year of approval.
2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50



PL 23-063
Interim Use Permit
Renewal 20 N 12th Ave E

MU-N (Mixed Use Neighborhood)

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**

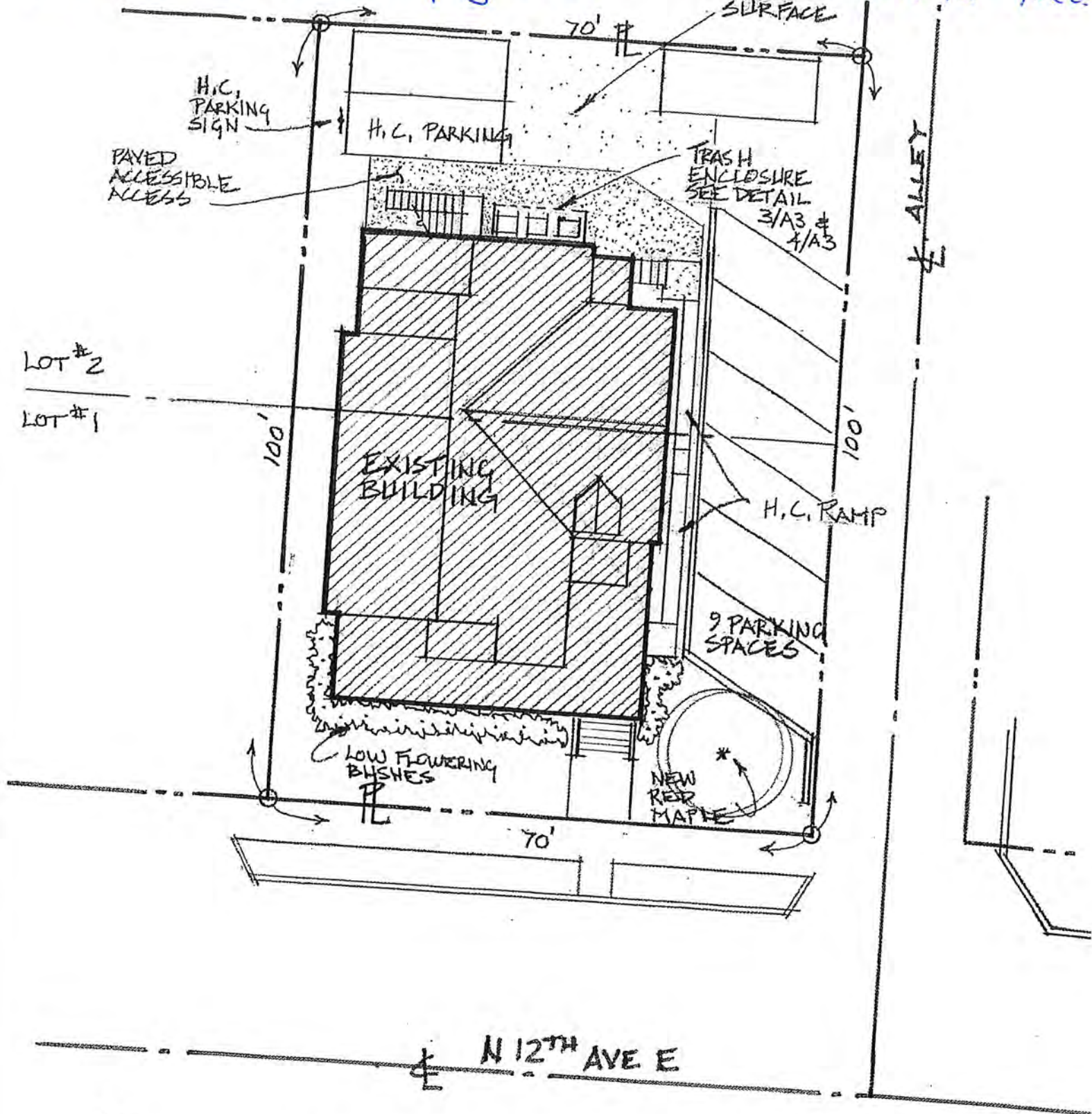


MU-I (Mixed Use Institutional)

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Site Plan and Landscaping Plan

20N 12th Ave.



1
SI

SITE PLAN

1" = 20'-0"



JOB NORTH

20 N 12th Ave E #1

Vacation Dwelling Unit Worksheet

1. The minimum rental period shall be not less than two consecutive nights (does not apply to Form districts). What will be your minimum rental period? 2 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. You may rent no more than four bedrooms.

How many legal bedrooms are in the dwelling?

1

What will be your maximum occupancy?

3

3. Off-street parking shall be provided at the following rate:

a. 1-2 bedroom unit, 1 space

b. 3 bedroom unit, 2 spaces

c. 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.

d. 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.

e. Form districts are not required to provide parking spaces.

How many off-street parking spaces will your unit provide? 1

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. Will you allow motorhome or trailer parking? If so, where? None allowed.

5. 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.

6. 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. Please note that this must be on 8 x 11 size paper.

7. The interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first. 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.

8. Permit holder must keep a guest record including the name, address, phone number, and vehicle (and trailer) license plate information for all guests and must provide a report to the City upon 48 hours' notice. Please explain how and where you will

keep your guest record (log book, excel spreadsheet, etc):

We keep an excel spreadsheet log of all guests.

9. Permit holder must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24-hours-a-day to any complaints from neighbors or the City. The permit holder must notify the Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information.

Please provide the name and contact information for your local contact:

Heirloom Property Management 218-409-4885

10. Permit holder must disclose in writing to their guests the following rules and regulations:

- a. The managing agent or local contact's name, address, and phone number;
- b. The maximum number of guests allowed at the property;
- c. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked;
- d. Property rules related to use of exterior features of the property, such as decks, patios, grills, recreational fires, pools, hot tubs, saunas and other outdoor recreational facilities;
- e. Applicable sections of City ordinances governing noise, parks, parking and pets;

Please state where and how this information will be provided to your guests:

This will be emailed before check-in and provided on-site in a handbook.

11. Permit holder must post their permit number on all print, poster or web advertisements. Do you agree to include the permit number on all advertisements? Yes

12. Prior to rental, permit holder must provide the name, address, and phone number for the managing agent or local contact to all property owners within 100' of the property boundary; submit a copy of this letter to the Planning and Community Development office. In addition, note that permit holder must notify neighboring properties within 10 days of a change in the managing agent or local contact's contact information.



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File Number	PL 23-062	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit– Vacation Dwelling Unit	Planning Commission Date	May 9, 2023	
Deadline for Action	Application Date	April 3, 2023	60 Days	June 2, 2023
	Date Extension Letter Mailed	April 17, 2023	120 Days	August 1, 2023
Location of Subject	20 North 12 th Avenue East, Unit 2			
Applicant	New London Land Company, LLC	Contact	Mike Schraepfer	
Agent	Heirloom Property Management	Contact		
Legal Description	PID # 010-0190-01120			
Site Visit Date	April 25, 2023	Sign Notice Date	April 25, 2023	
Neighbor Letter Date	April 14, 2023	Number of Letters Sent	21	

Proposal

Applicant proposes to use the one bedroom unit as a short-term rental. Up to 3 people will be allowed to stay in the unit. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of 2 nights. This unit is in the Higher Education Overlay District and must adhere to the standards for a standard vacation rental (no form district exemptions); this includes a minimum 2-night stay and 1 off-street parking space per unit.

This is 1 of 4 identical applications for the same building. This property was previously approved via permit PL 19-177 under a different owner.

Staff is recommending approval to Planning Commission.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-4	Multi-Family Dwelling	Central Business Secondary
North	F-4	Multi-Family Dwelling	Central Business Secondary
South	MU-I	Commercial Business	Institutional
East	F-4	Parking Lot	Central Business Secondary
West	F-4	Commercial Business	Central Business Secondary

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-4 zone district.

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

1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the



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requested use in that location; 2. The applicant agrees to sign a development agreement with the city . UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-4 Zone District.

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

Governing Principle #5 - Strengthen neighborhoods

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

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

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

Current History: Structure is currently a duplex with 6 bedrooms spread across the 2nd and 3rd floors. There was previously a real estate office on the main floor. A long-term rental is on the 3rd floor. The structure was built in 1900 and contains 3,936 square feet.

Review and Discussion Items:

- 1) Applicant’s property is located at 20 North 12th Avenue East, Unit 2. The proposed vacation dwelling unit contains 1 bedroom, which would allow for a maximum of 3 guests.
- 2) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed Heirloom Property management at 202 East 1st Street to serve as the managing agent.
- 3) The site has room for the required vehicle parking with 9 total parking stalls. There will not be any campers or trailers parked on the property.
- 4) The site does not have any outdoor amenities.
- 5) A time limit on this Interim Use Permit (“IUP”) is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon



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change in ownership of the property or in six years, whichever occurs first.

6) Applicant has applied for all relevant permits and licenses and these are contingent upon approval of the Interim Use Permit for a Vacation Dwelling Unit.

7) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").

8) No comments from citizens, City staff, or any other entity were received regarding the application.

Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission approve the Interim Use Permit subject to the following:

1. The permit shall lapse if no activity is taken within one year of approval.
2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50



PL 23-062
Interim Use Permit Renewal
20 N 12th Ave E

MU-N (Mixed Use Neighborhood)

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



MU-I (Mixed Use Institutional)

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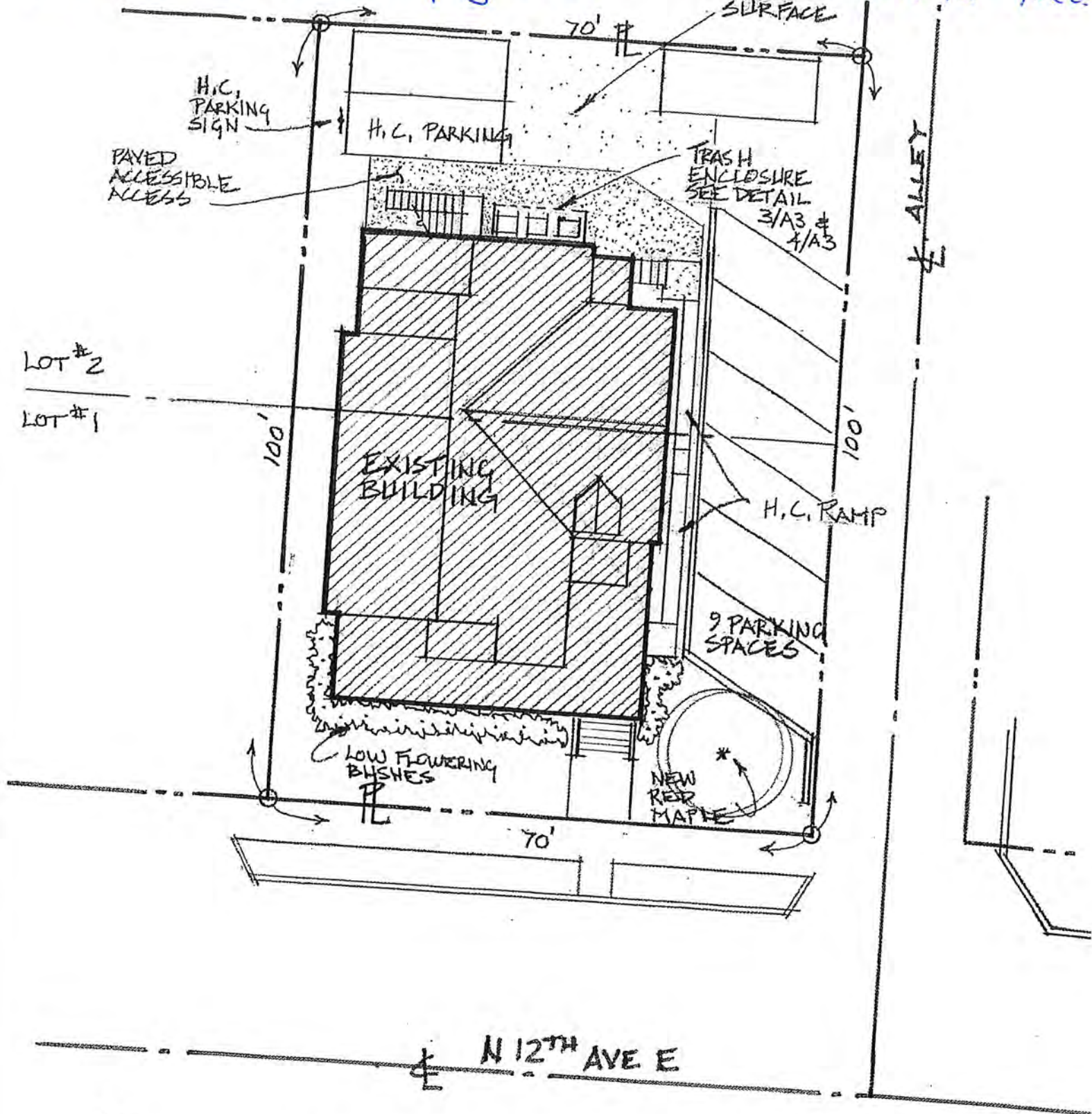
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1131 E
SUPERIOR ST
WALGREEN CO

Aerial photography flown 2019



Site Plan and Landscaping Plan

20N 12th Ave.



1
SI

SITE PLAN

1" = 20'-0"



20 N 12th Ave E #1

Vacation Dwelling Unit Worksheet

1. The minimum rental period shall be not less than two consecutive nights (does not apply to Form districts). What will be your minimum rental period? 2 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. You may rent no more than four bedrooms.

How many legal bedrooms are in the dwelling?

1

What will be your maximum occupancy?

3

3. Off-street parking shall be provided at the following rate:

a. 1-2 bedroom unit, 1 space

b. 3 bedroom unit, 2 spaces

c. 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.

d. 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.

e. Form districts are not required to provide parking spaces.

How many off-street parking spaces will your unit provide? 1

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. Will you allow motorhome or trailer parking? If so, where? None allowed.

5. 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.

6. 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. Please note that this must be on 8 x 11 size paper.

7. The interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first. 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.

8. Permit holder must keep a guest record including the name, address, phone number, and vehicle (and trailer) license plate information for all guests and must provide a report to the City upon 48 hours' notice. Please explain how and where you will

keep your guest record (log book, excel spreadsheet, etc):

We keep an excel spreadsheet log of all guests.

9. Permit holder must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24-hours-a-day to any complaints from neighbors or the City. The permit holder must notify the Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information.

Please provide the name and contact information for your local contact:

Heirloom Property Management 218-409-4885

10. Permit holder must disclose in writing to their guests the following rules and regulations:

- a. The managing agent or local contact's name, address, and phone number;
- b. The maximum number of guests allowed at the property;
- c. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked;
- d. Property rules related to use of exterior features of the property, such as decks, patios, grills, recreational fires, pools, hot tubs, saunas and other outdoor recreational facilities;
- e. Applicable sections of City ordinances governing noise, parks, parking and pets;

Please state where and how this information will be provided to your guests:

This will be emailed before check-in and provided on-site in a handbook.

11. Permit holder must post their permit number on all print, poster or web advertisements. Do you agree to include the permit number on all advertisements? Yes

12. Prior to rental, permit holder must provide the name, address, and phone number for the managing agent or local contact to all property owners within 100' of the property boundary; submit a copy of this letter to the Planning and Community Development office. In addition, note that permit holder must notify neighboring properties within 10 days of a change in the managing agent or local contact's contact information.



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 23-061	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit– Vacation Dwelling Unit	Planning Commission Date	May 9, 2023	
Deadline for Action	Application Date	April 3, 2023	60 Days	June 2, 2023
	Date Extension Letter Mailed	April 17, 2023	120 Days	August 1, 2023
Location of Subject	20 North 12 th Avenue East, Unit 1			
Applicant	New London Land Company, LLC	Contact	Mike Schraepfer	
Agent	Heirloom Property Management	Contact		
Legal Description	PID # 010-0190-01120			
Site Visit Date	April 25, 2023	Sign Notice Date	April 25, 2023	
Neighbor Letter Date	April 14, 2023	Number of Letters Sent	21	

Proposal

Applicant proposes to use the one bedroom unit as a short-term rental. Up to 3 people will be allowed to stay in the unit. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of 2 nights. This unit is in the Higher Education Overlay District and must adhere to the standards for a standard vacation rental (no form district exemptions); this includes a minimum 2-night stay and 1 off-street parking space per unit.

This is 1 of 4 identical applications for the same building. This property was previously approved via permit PL 19-176 under a different owner.

Staff is recommending approval to Planning Commission.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-4	Multi-Family Dwelling	Central Business Secondary
North	F-4	Multi-Family Dwelling	Central Business Secondary
South	MU-I	Commercial Business	Institutional
East	F-4	Parking Lot	Central Business Secondary
West	F-4	Commercial Business	Central Business Secondary

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-4 zone district.

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

1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the



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requested use in that location; 2. The applicant agrees to sign a development agreement with the city . UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-4 Zone District.

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

Governing Principle #5 - Strengthen neighborhoods

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

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

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

Current History: Structure is currently a duplex with 6 bedrooms spread across the 2nd and 3rd floors. There was previously a real estate office on the main floor. A long-term rental is on the 3rd floor. The structure was built in 1900 and contains 3,936 square feet.

Review and Discussion Items:

- 1) Applicant’s property is located at 20 North 12th Avenue East, Unit 1. The proposed vacation dwelling unit contains 1 bedroom, which would allow for a maximum of 3 guests.
- 2) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed Heirloom Property management at 202 East 1st Street to serve as the managing agent.
- 3) The site has room for the required vehicle parking with 9 total parking stalls. There will not be any campers or trailers parked on the property.
- 4) The site does not have any outdoor amenities.
- 5) A time limit on this Interim Use Permit (“IUP”) is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon



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change in ownership of the property or in six years, whichever occurs first.

6) Applicant has applied for all relevant permits and licenses and these are contingent upon approval of the Interim Use Permit for a Vacation Dwelling Unit.

7) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").

8) No comments from citizens, City staff, or any other entity were received regarding the application.

Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission approve the Interim Use Permit subject to the following:

1. The permit shall lapse if no activity is taken within one year of approval.
2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50



PL 23-055
Interim Use Permit Renewal
139 Howard Gnesen Rd

MU-N (Mixed Use Neighborhood)

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**



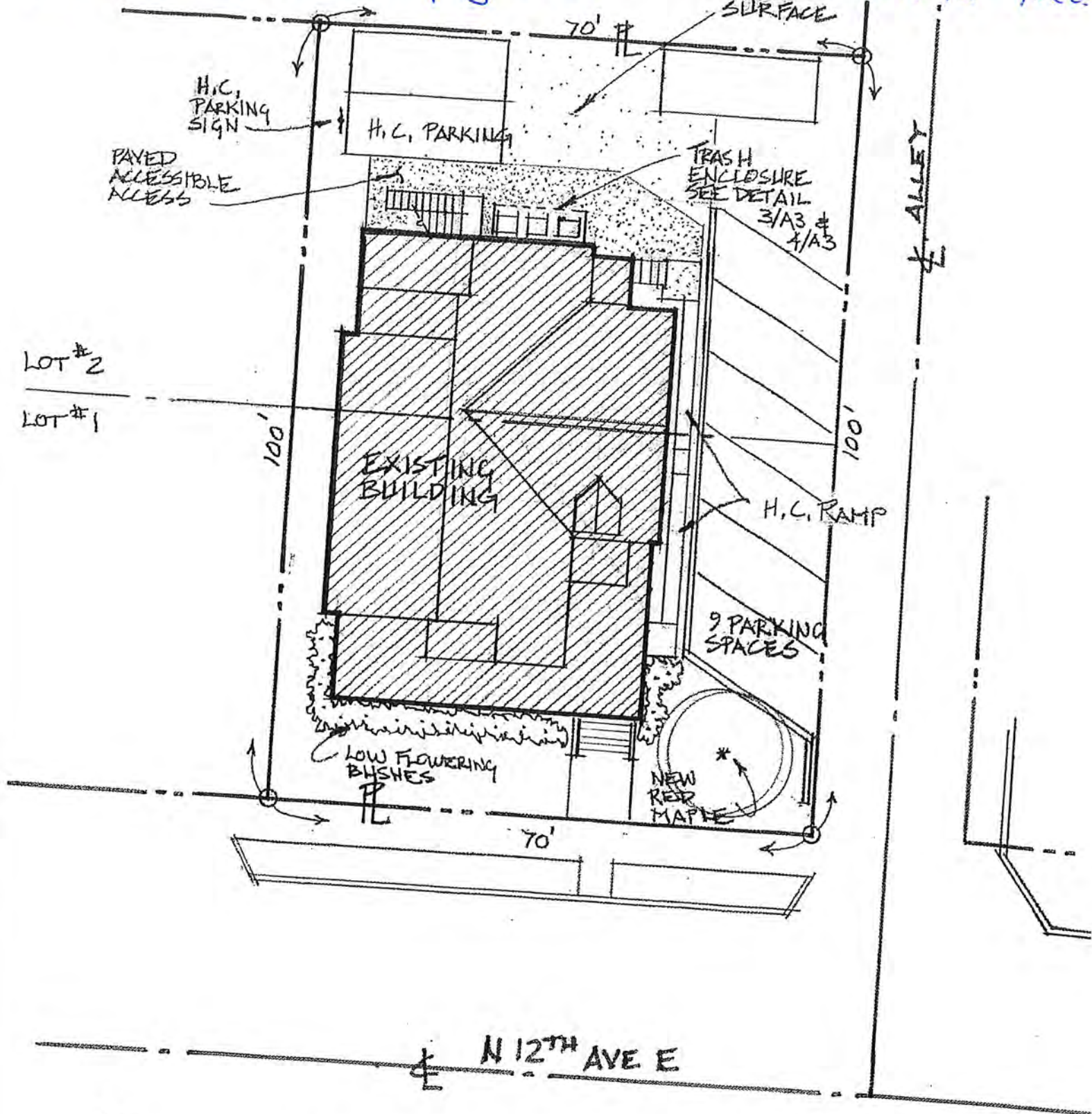
MU-I (Mixed Use Institutional)

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Aerial photography flown 2019

Site Plan and Landscaping Plan

20N 12th Ave.



1
SI

SITE PLAN

1" = 20'-0"



JOB
NORTH

20 N 12th Ave E #1

Vacation Dwelling Unit Worksheet

1. The minimum rental period shall be not less than two consecutive nights (does not apply to Form districts). What will be your minimum rental period? 2 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. You may rent no more than four bedrooms.

How many legal bedrooms are in the dwelling?

1

What will be your maximum occupancy?

3

3. Off-street parking shall be provided at the following rate:

a. 1-2 bedroom unit, 1 space

b. 3 bedroom unit, 2 spaces

c. 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.

d. 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.

e. Form districts are not required to provide parking spaces.

How many off-street parking spaces will your unit provide? 1

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. Will you allow motorhome or trailer parking? If so, where? None allowed.

5. 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.

6. 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. Please note that this must be on 8 x 11 size paper.

7. The interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first. 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.

8. Permit holder must keep a guest record including the name, address, phone number, and vehicle (and trailer) license plate information for all guests and must provide a report to the City upon 48 hours' notice. Please explain how and where you will

keep your guest record (log book, excel spreadsheet, etc):

We keep an excel spreadsheet log of all guests.

9. Permit holder must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24-hours-a-day to any complaints from neighbors or the City. The permit holder must notify the Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information.

Please provide the name and contact information for your local contact:

Heirloom Property Management 218-409-4885

10. Permit holder must disclose in writing to their guests the following rules and regulations:

- a. The managing agent or local contact's name, address, and phone number;
- b. The maximum number of guests allowed at the property;
- c. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked;
- d. Property rules related to use of exterior features of the property, such as decks, patios, grills, recreational fires, pools, hot tubs, saunas and other outdoor recreational facilities;
- e. Applicable sections of City ordinances governing noise, parks, parking and pets;

Please state where and how this information will be provided to your guests:

This will be emailed before check-in and provided on-site in a handbook.

11. Permit holder must post their permit number on all print, poster or web advertisements. Do you agree to include the permit number on all advertisements? Yes

12. Prior to rental, permit holder must provide the name, address, and phone number for the managing agent or local contact to all property owners within 100' of the property boundary; submit a copy of this letter to the Planning and Community Development office. In addition, note that permit holder must notify neighboring properties within 10 days of a change in the managing agent or local contact's contact information.



Planning & Development Division
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Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 23-059	Contact	John Kelley	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date		May 9, 2023
Deadline for Action	Application Date	April 3, 2023	60 Days	June 2, 2023
	Date Extension Letter Mailed	April 10, 2023	120 Days	August 1, 2023
Location of Subject	9 E. Fourth St., Unit B (Central Hillside)			
Applicant	BJ’s Land Co. DLH, LLC	Contact	Neal Jacobi	
Agent	Heirloom Property Management	Contact		
Legal Description	Living Unit 1 and an undivided interest in the Common Elements, CIC #81 Lake Superior View Condominiums (010-2785-0010)			
Site Visit Date	April 28, 2023	Sign Notice Date	April 25, 2023	
Neighbor Letter Date	April 13, 2023	Number of Letters Sent	34	

Proposal

Applicant proposes to convert an existing dwelling unit containing 2 bedrooms on the second floor of the building into a vacation dwelling unit for 4 guests with a deck facing East 4th Street and one off-street parking space.

Recommended Action: Approve with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-6	Residential	Neighborhood Mixed Use
North	R-2	Residential	Traditional Neighborhood
South	F-6	Community center/offices	Neighborhood Mixed Use
East	F-6	Residential	Neighborhood Mixed Use
West	F-6	Residential	Neighborhood Mixed Use

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A vacation dwelling unit is an Interim Use in the F-6 zone district.

UDC Section 50-20.3. Use-Specific Standards. Lists all standards specific to vacation dwelling units.

UDC Sec. 50-37.10.E . . . the commission 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; 2. The applicant agrees to sign a development agreement with the City; 3. Vacation dwelling units in Form Districts are not counted in the maximum number of permits that may be issued.

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 in Form Districts.

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

Governing Principle #8 - Encourage mix of activities, uses, and densities. The project converts an existing condo dwelling to a vacation rentals near the downtown business district with a mix with the restaurants, shops, and offices.

Econ. Dev. Policy #3 - Build on Existing Economic Strengths & Competitive Advantages

- **S9:** Encourage expansion of the city’s tourism economy through efforts to expand in areas of current activity, such as in Canal Park, but also through marketing and investment in destination neighborhoods and iconic tourism experiences unique to Duluth.

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

History:

1905 – Structure was built as a two-unit dwelling. Subject unit is the lower unit of an up-down duplex.

2006 – Property was combined with 11 E. Fourth St. (2 units), 13 E. Fourth St. (2 units) and a new building constructed to the west (8 units) to form Lake Superior View Condominiums (16 units total).

2017 – 11 E. Fourth St., Unit B, granted a vacation dwelling unit interim use permit (PL 17-073).

2021 – 11 E. Fourth St., Unit B, granted a vacation dwelling unit interim use permit (PL 21-175) to a new owner of the unit.

Review and Discussion Items:

Staff finds:

- 1) The structure containing the proposed vacation dwelling unit is the upper unit of an up-down duplex that was constructed in 1905.
- 2) The structure was combined in 2006 with three other adjacent structures containing a total of 16 dwelling units into a common interest community called Lake Superior View Condominiums. The Board of the condo’s home owner’s association has communicated support for the proposed vacation dwelling unit.
- 3) The unit has 2 bedrooms, which the applicant has decided to limit to 4 guests.
- 4) The vacation dwelling unit worksheet submitted by the applicant states there will be one off street parking space provided. The site plans show one off-street parking space provided with access off the alley just to the west of the rear of the dwelling and one space provided underneath the building (see site plan).
- 5) The applicant has indicated there will not be a space for camper or trailer storage by VDU guests.
- 6) The unit is on the second floor of the building with an exterior deck facing East 4th Street. No screening is required.
- 7) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Heirloom Property Management located in Duluth has been listed as the property manager.
- 8) Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. This will be a condition of approval, with documentation to be provided before final permit issuance.
- 9) A time limit on this Interim Use Permit (“IUP”) is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 10) The permit will lapse if no rental activity takes place within 1 year of permit approval.
- 11) Applicant must comply with Vacation Dwelling Unit Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise"). Applicant will do so via a welcome folder left on site as well as via email at time of booking guests.
- 12) No comments were received from citizens, City staff, or any other entity were received.

Staff Recommendation:

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

- 1) The permit shall not be effective until evidence is given that contact information has been provided to all property owners within 100 feet.
- 2) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PL 23-059
 Interim Use Permit
 9 Esat 4th Street, Unit B

**R-2 (Residential
 Urban)**

Legend
 Zoning Boundaries

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Aerial photography flown 2016

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

Trash

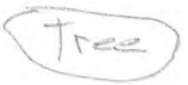
Alleyway

9B E 4th
parking
spot
#2

9A
#2
parking

stairs/walkway

Parking Pad
11 E 4th St



7E 4th St.

Underground
parking - 1 spot
access off of
Lake ave.

Walkway

Back of
unit 9B

9B is upper unit

11 E 4th St

Front

9B

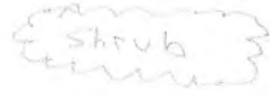
9A

11A

11B upper

Upper Deck

Steps



E 4th St.



Parking Spot #2
QB

Leake
AVE.

Parking
Spot
#1
underground
QB

E 4th St

QB E 4th St



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 23-058	Contact	Kyle Deming	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date		May 9, 2023
Deadline for Action	Application Date	March 31, 2023	60 Days	May 30, 2023
	Date Extension Letter Mailed	April 19, 2023	120 Days	July 29, 2023
Location of Subject	320 E. Superior St., Unit 2 (Downtown)			
Applicant	Demoiselle 5, LLC	Contact	Thomas Stender	
Agent	Heirloom Property Management	Contact	Nicholas Adams	
Legal Description	N 100 feet of Lot 19, Block 5, except part take for State, Part of Duluth Formerly Portland Div. (010-3820-01330)			
Site Visit Date	April 28, 2023	Sign Notice Date	April 25, 2023	
Neighbor Letter Date	April 19, 2023	Number of Letters Sent	48	

Proposal

Applicant proposes to convert an existing apartment unit above a commercial space into a 1-bedroom vacation dwelling unit for 3 guests.

Recommended Action: Approve with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-8	Commercial with apartments above	Central Business Primary
North	F-8	Vacant	Central Business Primary
South	I-G	I-35	Transportation
East	F-8	Vacant	Central Business Primary
West	F-8, F-7	Commercial	Central Business Primary

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A vacation dwelling unit is an Interim Use in the F-8 zone district.

UDC Section 50-20.3. Use-Specific Standards. Lists all standards specific to vacation dwelling units.

UDC Sec. 50-37.10.E . . . the commission 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; 2. The applicant agrees to sign a development agreement with the City; 3. Vacation dwelling units in Form Districts are not counted in the maximum number of permits that may be issued.

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 in Form Districts.

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

Governing Principle #8 - Encourage mix of activities, uses, and densities. The project converts an existing apartment dwelling to a vacation rental in the downtown business district with a mix with the restaurants, shops, and offices.

Econ. Dev. Policy #3 - Build on Existing Economic Strengths & Competitive Advantages

S9: Encourage expansion of the city's tourism economy through efforts to expand in areas of current activity, such as in Canal Park, but also through marketing and investment in destination neighborhoods and iconic tourism experiences unique to Duluth. This project will enhance downtown as a tourist destination by providing additional space for guests to lodge.

Central Business Primary - Encompasses a broad range of uses and intensities: Significant retail, entertainment and lodging, high-density housing, plaza, public/ open space, public parking facilities, high height and density limits. Protection of historic buildings or building groups, Form-based guidelines, pedestrian-oriented design. No off-street parking required, but loading required

Review and Discussion Items:

Staff finds:

- 1) The location of the proposed vacation dwelling unit is one of two 2nd floor apartments above a commercial space on Superior St. See PL 23-057 for related vacation dwelling unit interim use permit in Unit 1.
- 2) The unit has 1 bedroom, which allows a maximum of 3 guests.
- 3) One off-street parking space will be provided (see site plan) in the parking lot behind the building, accessed from Michigan St.
- 4) The applicant has indicated there will be no space for camper or trailer storage by VDU guests.
- 5) The site plan shows no outdoor space for guests' use. Trash carts will be screened as part of this permit.
- 6) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Heirloom Property Management located in Duluth has been listed as the property manager.
- 7) Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. This will be a condition of approval, with documentation to be provided before final permit issuance.
- 8) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 9) The permit will lapse if no rental activity takes place within 1 year of permit approval.
- 10) Applicant must comply with Vacation Dwelling Unit Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise"). Applicant will provide the rules on the listing and in a folder left on site as well as via email at time of booking guests.
- 11) No comments were received from citizens, City staff, or any other entity were received.

Staff Recommendation:

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

- 1) The permit shall not be effective until evidence is given that contact information has been provided to all property owners within 100 feet.
- 2) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PL 23-057, PL 23-058
 Two Vacation Dwelling Units
 320 E. Superior St.
 Applicant: Demoiselle 5, LLC

Area Map

Legend

- Zoning Boundaries
- Park Lands**
- Recreation
- Parks
- Trails**
- Multi-Use - Paved

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Aerial photography flown 2022

Prepared by: City of Duluth Planning & Economic Development, April 13, 2023. Source: City of Duluth.



PL 23-057, PL 23-058

Two Vacation Dwelling Units
320 E. Superior St.
Applicant: Demoiselle 5, LLC

Future Land Use Map



Legend

Future Land Use

- Open Space
- Central Business Primary
- Tourism/Entertainment District
- Transportation and Utilities
- Institutional

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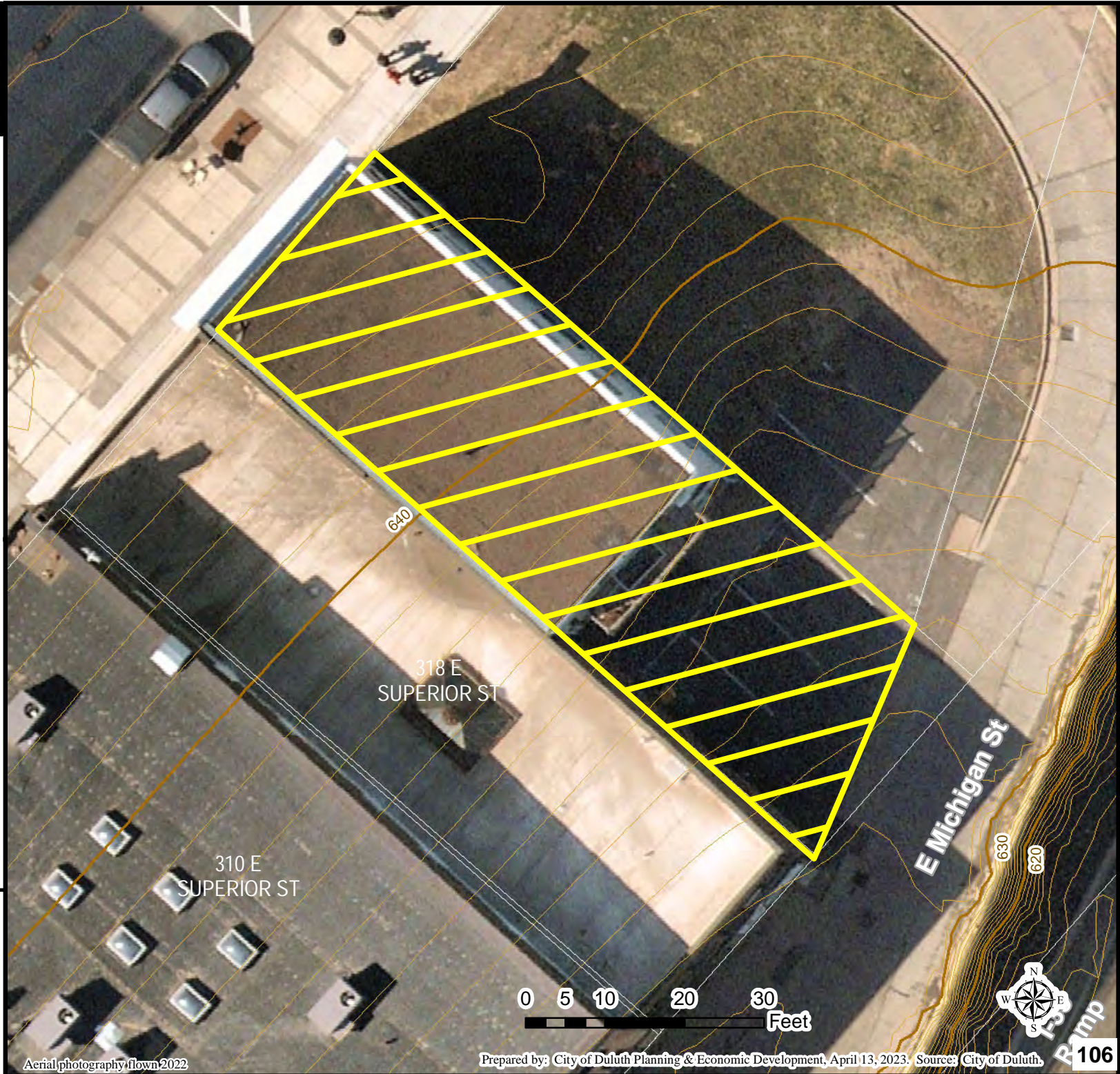
Aerial photography flown 2022

Prepared by: City of Duluth Planning & Economic Development, April 13, 2023. Source: City of Duluth.



PL 23-057, PL 23-058
 Two Vacation Dwelling Units
 320 E. Superior St.
 Applicant: Demoiselle 5, LLC

Site Map



Legend

Elevation

- 1 Ft contour
- 10 Ft contour

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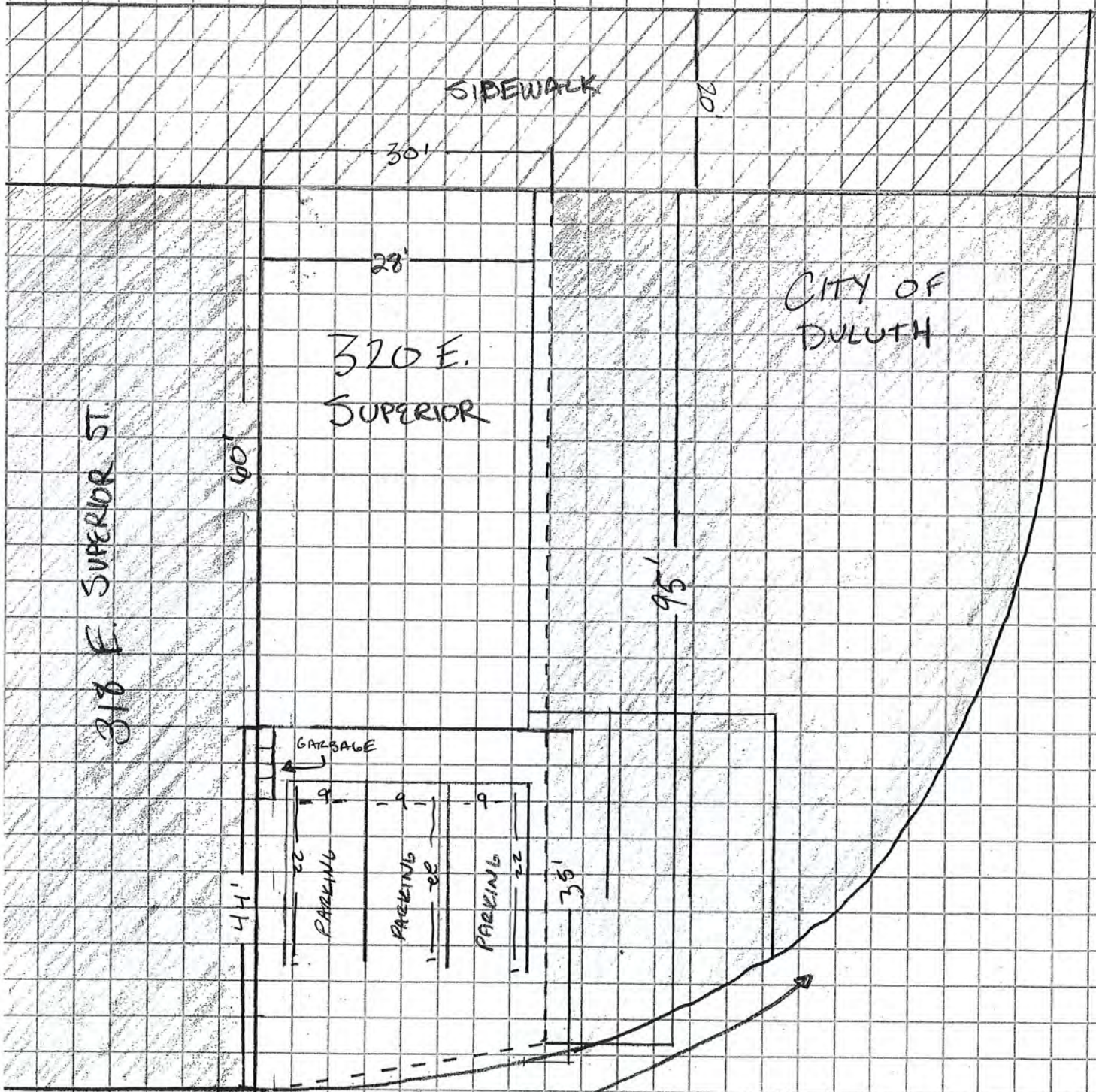
320 E. SUPERIOR ST

1" = 16 FEET

PARCEL ID: 010-3820-01130



← E. SUPERIOR ST. →



320 E.
SUPERIOR

CITY OF
DULUTH

318 E SUPERIOR ST.

GARBAGE

PARKING

PARKING

PARKING

SIDEWALK

← E. MICHIGAN ST →



Planning & Development Division
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Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 23-057	Contact	Kyle Deming	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date		May 9, 2023
Deadline for Action	Application Date	March 31, 2023	60 Days	May 30, 2023
	Date Extension Letter Mailed	April 19, 2023	120 Days	July 29, 2023
Location of Subject	320 E. Superior St., Unit 1 (Downtown)			
Applicant	Demoiselle 5, LLC	Contact	Thomas Stender	
Agent	Heirloom Property Management	Contact	Nicholas Adams	
Legal Description	N 100 feet of Lot 19, Block 5, except part take for State, Part of Duluth Formerly Portland Div. (010-3820-01330)			
Site Visit Date	April 28, 2023	Sign Notice Date	April 25, 2023	
Neighbor Letter Date	April 19, 2023	Number of Letters Sent	48	

Proposal

Applicant proposes to convert an existing apartment unit above a commercial space into a 1-bedroom vacation dwelling unit for 3 guests.

Recommended Action: Approve with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-8	Commercial with apartments above	Central Business Primary
North	F-8	Vacant	Central Business Primary
South	I-G	I-35	Transportation
East	F-8	Vacant	Central Business Primary
West	F-8, F-7	Commercial	Central Business Primary

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A vacation dwelling unit is an Interim Use in the F-8 zone district.

UDC Section 50-20.3. Use-Specific Standards. Lists all standards specific to vacation dwelling units.

UDC Sec. 50-37.10.E . . . the commission 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; 2. The applicant agrees to sign a development agreement with the City; 3. Vacation dwelling units in Form Districts are not counted in the maximum number of permits that may be issued.

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 in Form Districts.

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

Governing Principle #8 - Encourage mix of activities, uses, and densities. The project converts an existing apartment dwelling to a vacation rental in the downtown business district with a mix with the restaurants, shops, and offices.

Econ. Dev. Policy #3 - Build on Existing Economic Strengths & Competitive Advantages

S9: Encourage expansion of the city's tourism economy through efforts to expand in areas of current activity, such as in Canal Park, but also through marketing and investment in destination neighborhoods and iconic tourism experiences unique to Duluth. This project will enhance downtown as a tourist destination by providing additional space for guests to lodge.

Central Business Primary - Encompasses a broad range of uses and intensities: Significant retail, entertainment and lodging, high-density housing, plaza, public/ open space, public parking facilities, high height and density limits. Protection of historic buildings or building groups, Form-based guidelines, pedestrian-oriented design. No off-street parking required, but loading required

Review and Discussion Items:

Staff finds:

- 1) The location of the proposed vacation dwelling unit is one of two 2nd floor apartments above a commercial space on Superior St. There is a related vacation dwelling unit interim use permit for Unit 2 (PL 23-058).
- 2) The unit has 1 bedroom, which allows a maximum of 3 guests.
- 3) One off-street parking space will be provided (see site plan) in the parking lot behind the building, accessed from Michigan St.
- 4) The applicant has indicated there will be no space for camper or trailer storage by VDU guests.
- 5) The site plan shows no outdoor space for guests' use. Trash carts will be screened as part of this permit.
- 6) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Heirloom Property Management located in Duluth has been listed as the property manager.
- 7) Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. This will be a condition of approval, with documentation to be provided before final permit issuance.
- 8) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 9) The permit will lapse if no rental activity takes place within 1 year of permit approval.
- 10) Applicant must comply with Vacation Dwelling Unit Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise"). Applicant will provide the rules on the listing and in a folder left on site as well as via email at time of booking guests.
- 11) No comments were received from citizens, City staff, or any other entity were received.

Staff Recommendation:

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

- 1) The permit shall not be effective until evidence is given that contact information has been provided to all property owners within 100 feet.
- 2) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.







PL 23-057, PL 23-058

Two Vacation Dwelling Units
320 E. Superior St.
Applicant: Demoiselle 5, LLC

Area Map

Legend

-  Zoning Boundaries
- Park Lands**
-  Recreation
-  Parks
- Trails**
-  Multi-Use - Paved

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Aerial photography flown 2022

Prepared by: City of Duluth Planning & Economic Development, April 13, 2023. Source: City of Duluth.



PL 23-057, PL 23-058

Two Vacation Dwelling Units
320 E. Superior St.
Applicant: Demoiselle 5, LLC

Future Land Use Map



Legend

Future Land Use

- Open Space
- Central Business Primary
- Tourism/Entertainment District
- Transportation and Utilities
- Institutional

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Aerial photography flown 2022

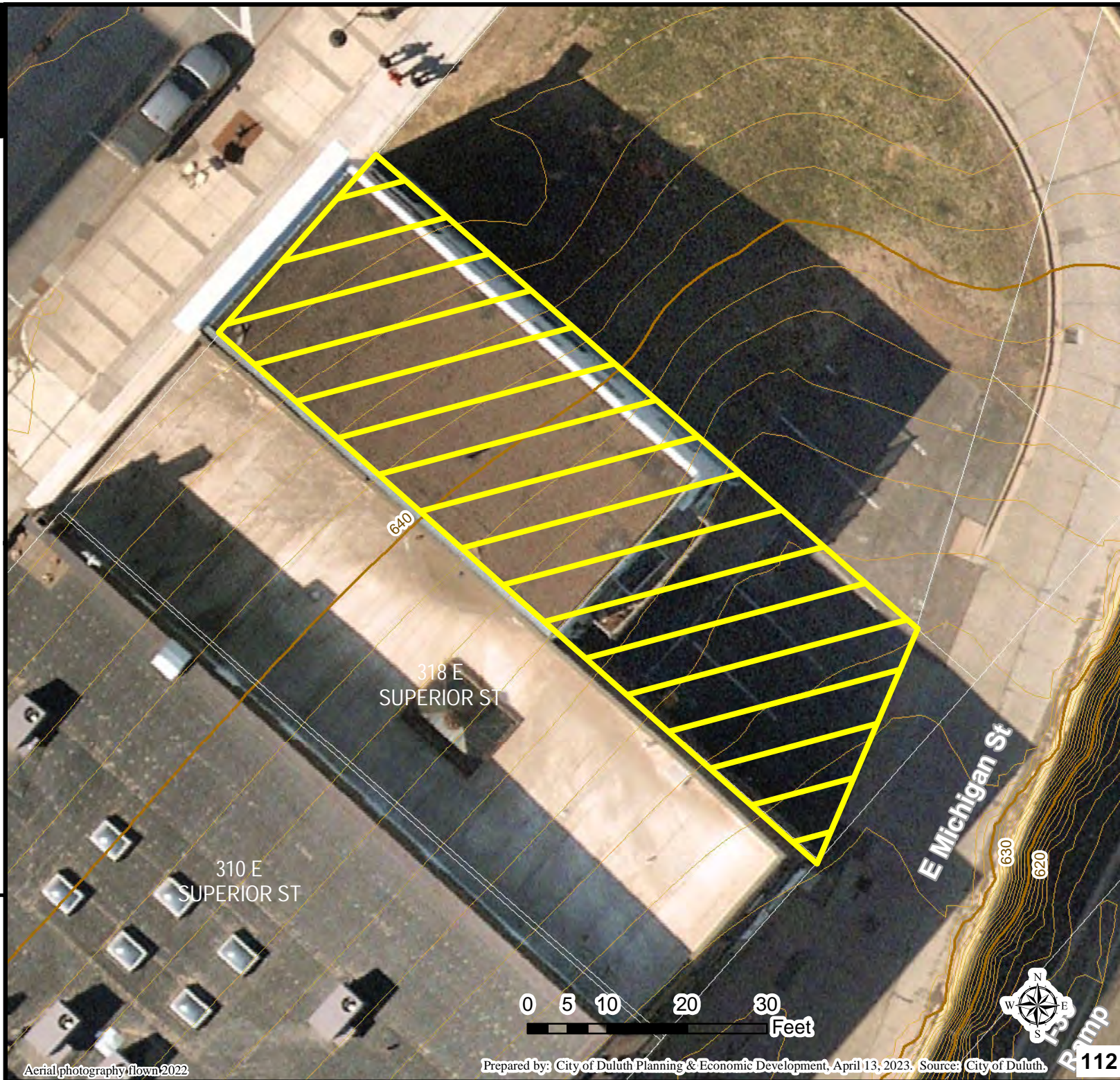
Prepared by: City of Duluth Planning & Economic Development, April 13, 2023. Source: City of Duluth.



PL 23-057, PL 23-058

Two Vacation Dwelling Units
320 E. Superior St.
Applicant: Demoiselle 5, LLC

Site Map



Legend

Elevation

- 1 Ft contour
- 10 Ft contour

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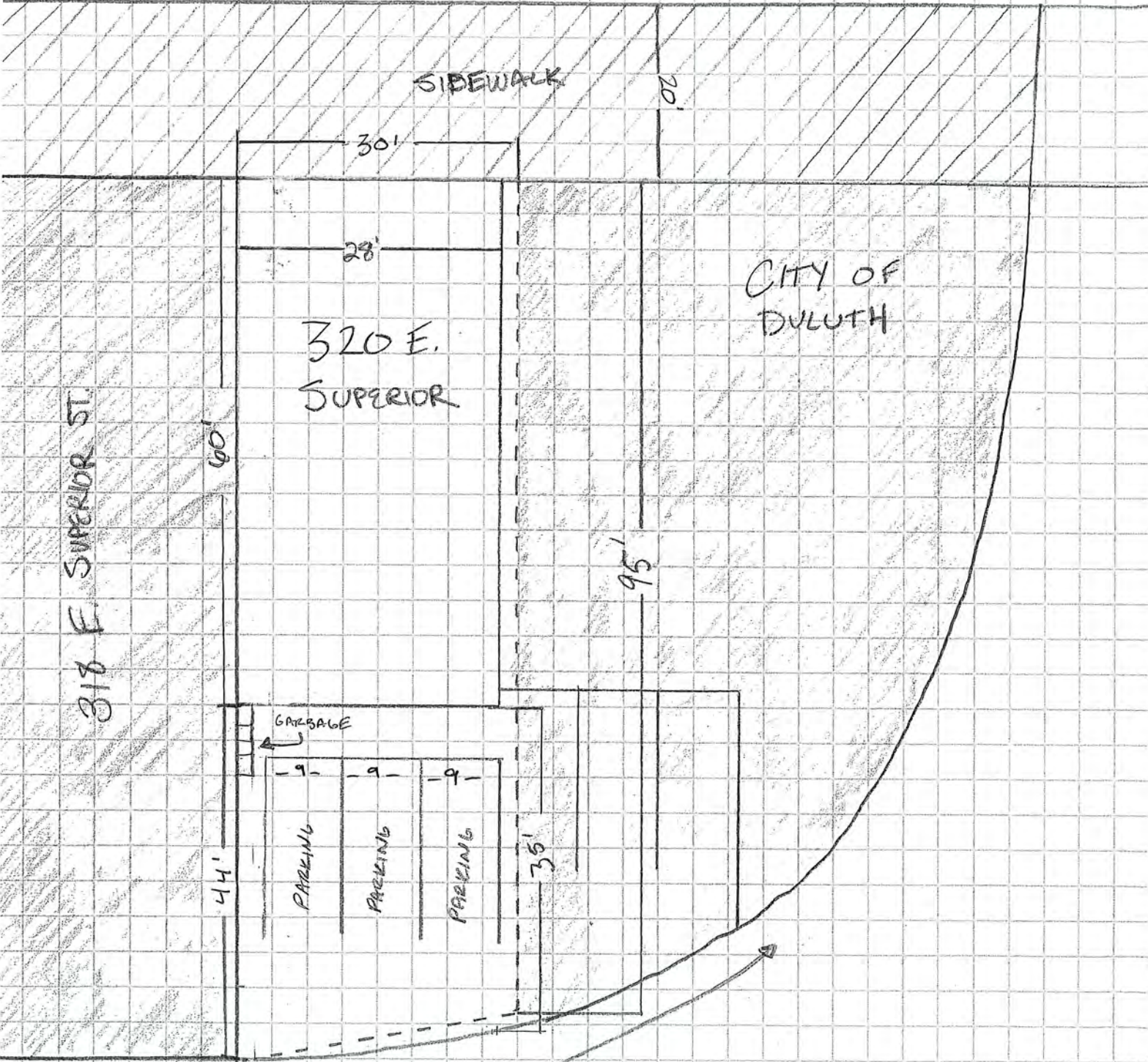
320 E. SUPERIOR ST

1" = 16 FEET

PARCEL ID: 010-3820-01130



E. SUPERIOR ST.



318 E. SUPERIOR ST.

320 E. SUPERIOR

CITY OF DULUTH

E. MICHIGAN ST.



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580
 planning@duluthmn.gov

File Number	PL 23-044		Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit		Planning Commission Date		May 9, 2023
Deadline for Action	Application Date		March 8, 2017	60 Days	May 7, 2017
	Date Extension Letter Mailed		March 18, 2017	120 Days	July 6, 2017
Location of Subject	1505 S. Lake Ave				
Applicant	TJ and Val Kennedy		Contact	1505 South Lake Ave	
Agent			Contact		
Legal Description	LOTS 78 AND 80 UPPER DULUTH LAKE AVENUE PID: 010-4380-01620				
Site Visit Date	April 26, 2023		Sign Notice Date	April 25, 2023	
Neighbor Letter Date	April 14, 2023		Number of Letters Sent	24	

Proposal

Applicant proposes use of a single family home with 5 legal bedrooms as a vacation rental property. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of 2 nights. This is a renewal of permit PL 17-044.

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

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in an R-1 District.

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

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

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

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

Governing Principle #8 - Encourage 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 site is developed consistent with the future land use as described and the applicant is not proposing alterations to the use.

Review and Discussion Items:

- 1) Applicant's property is located on 1505 South Lake Avenue. The proposed vacation dwelling unit has 5 bedrooms, which would allow for a maximum of 11 guests.
- 2) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. Applicant has designated Gary Hopp as the managing agent.
- 3) Parking for the house is located in the attached garage on the north side of the parcel along with a six off-street parking spaces.
- 4) The site plan indicates that there is a wooden deck off the east side of the home as well as a fire pit as exterior amenities. The site plan indicates buffering on three sides of the home.
- 5) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 7) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 8) No comments from citizens, City staff, or any other entity were received regarding the application.

Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission approve the Interim Use Permit subject to the following:

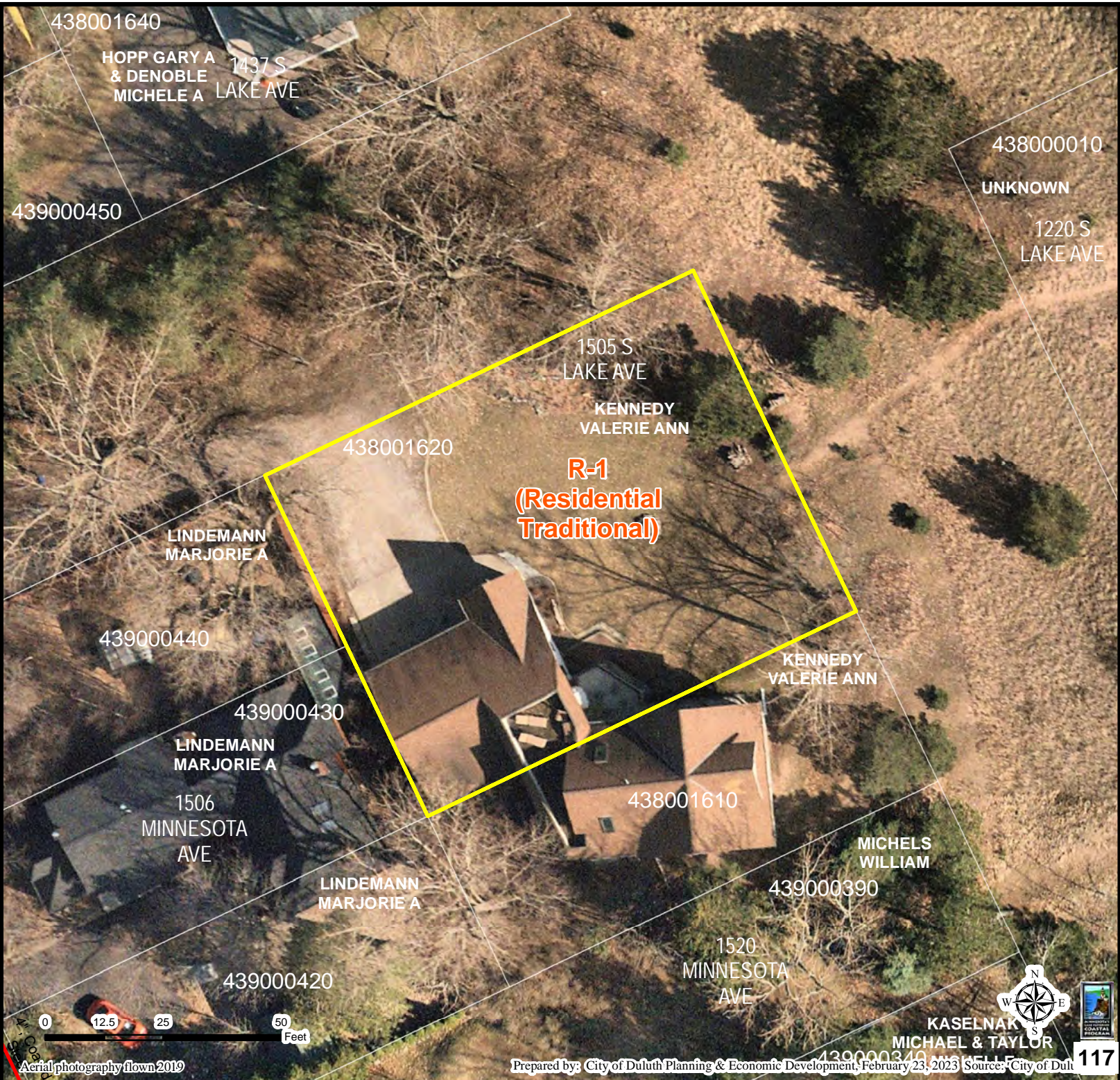
1. The permit shall lapse if no activity is taken within one year of approval.
2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50



PL 23-044
Interim Use Permit
1505 S Lake Ave

Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
 - CITY OF DULUTH
 - WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- PS Pump Station
- Storm Sewer Mains**
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin
- Zoning Boundaries**



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1505 S Lake Ave

1505 S Lake Ave, Dulut...

46.77°N, 92.09°W



1505 S Lake Ave

6 parking spaces



Google Earth

Imagery date: 8...

10 m

Camera: 348 m 46°46'06"N 92°05'0...

Vacation Dwelling Unit Worksheet

1. The minimum rental period shall be not less than two consecutive nights (does not apply to Form districts). **What will be your minimum rental period?** 2 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. You may rent no more than four bedrooms.

How many legal bedrooms are in the dwelling?

4 bedrooms
2 loft rooms -

What will be your maximum occupancy?

11

3. Off-street parking shall be provided at the following rate:

- 1-2 bedroom unit, 1 space
- 3 bedroom unit, 2 spaces
- 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.
- 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.
- Form districts are not required to provide parking spaces.

How many off-street parking spaces will your unit provide? 6

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. **Will you allow motorhome or trailer parking? If so, where?** 1 trailer, driveway

5. 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.

6. 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. Please note that this must be on 8 x 11 size paper.

7. The interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first. 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.

8. Permit holder must keep a guest record including the name, address, phone number, and vehicle (and trailer) license plate information for all guests and must provide a report to the City upon 48 hours' notice. **Please explain how and where you will**

keep your guest record (log book, excel spreadsheet, etc):

log book * electronic record - computer

9. Permit holder must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24-hours-a-day to any complaints from neighbors or the City. The permit holder must notify the Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information.

Please provide the name and contact information for your local contact:

Gary Hopp 1437 S Lake Ave, Duluth, MN 218-590-3534

10. Permit holder must disclose in writing to their guests the following rules and regulations:

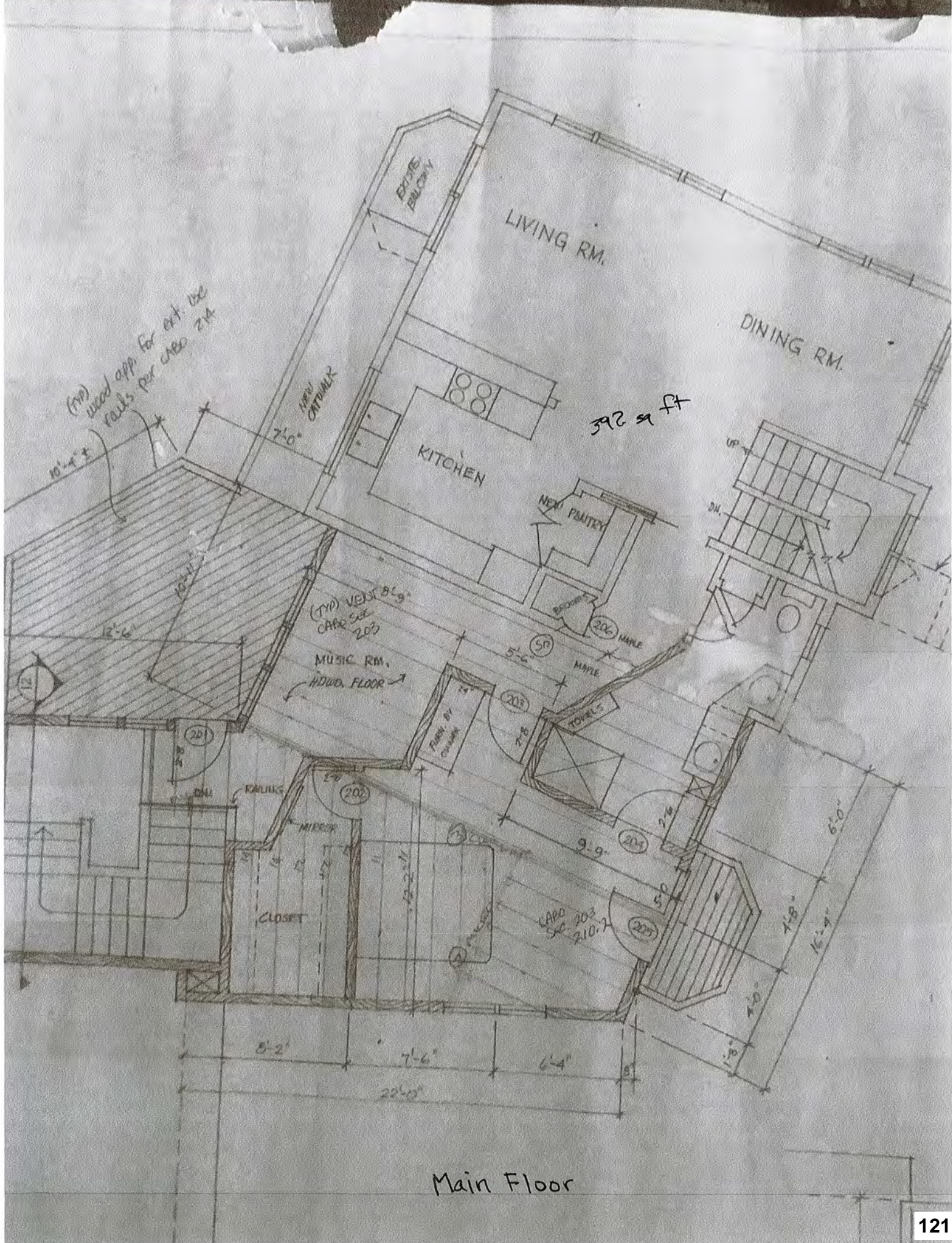
- a. The managing agent or local contact's name, address, and phone number;
- b. The maximum number of guests allowed at the property;
- c. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked;
- d. Property rules related to use of exterior features of the property, such as decks, patios, grills, recreational fires, pools, hot tubs, saunas and other outdoor recreational facilities;
- e. Applicable sections of City ordinances governing noise, parks, parking and pets;

Please state where and how this information will be provided to your guests:

Rental agreement / contract which will require guest signature prior to rental of rooms.

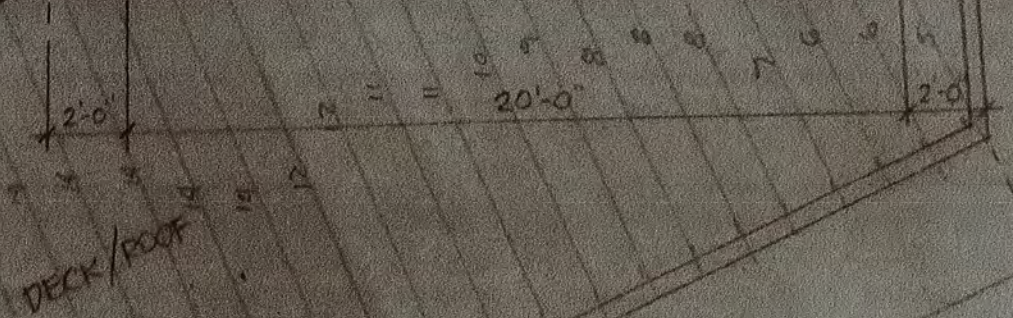
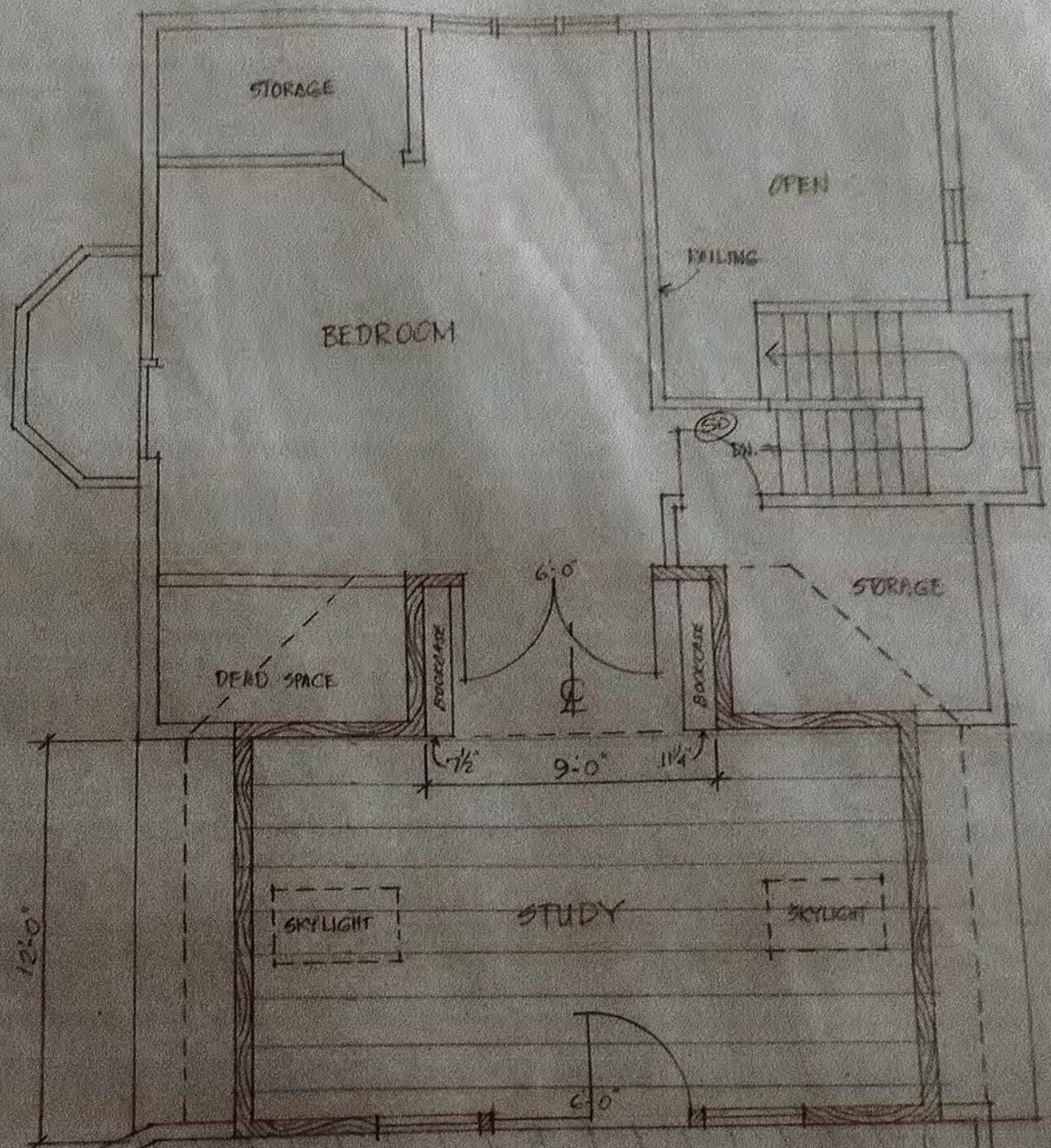
11. Permit holder must post their permit number on all print, poster or web advertisements. Do you agree to include the permit number on all advertisements? yes

12. Prior to rental, permit holder must provide the name, address, and phone number for the managing agent or local contact to all property owners within 100' of the property boundary; submit a copy of this letter to the Planning and Community Development office. In addition, note that permit holder must notify neighboring properties within 10 days of a change in the managing agent or local contact's contact information.

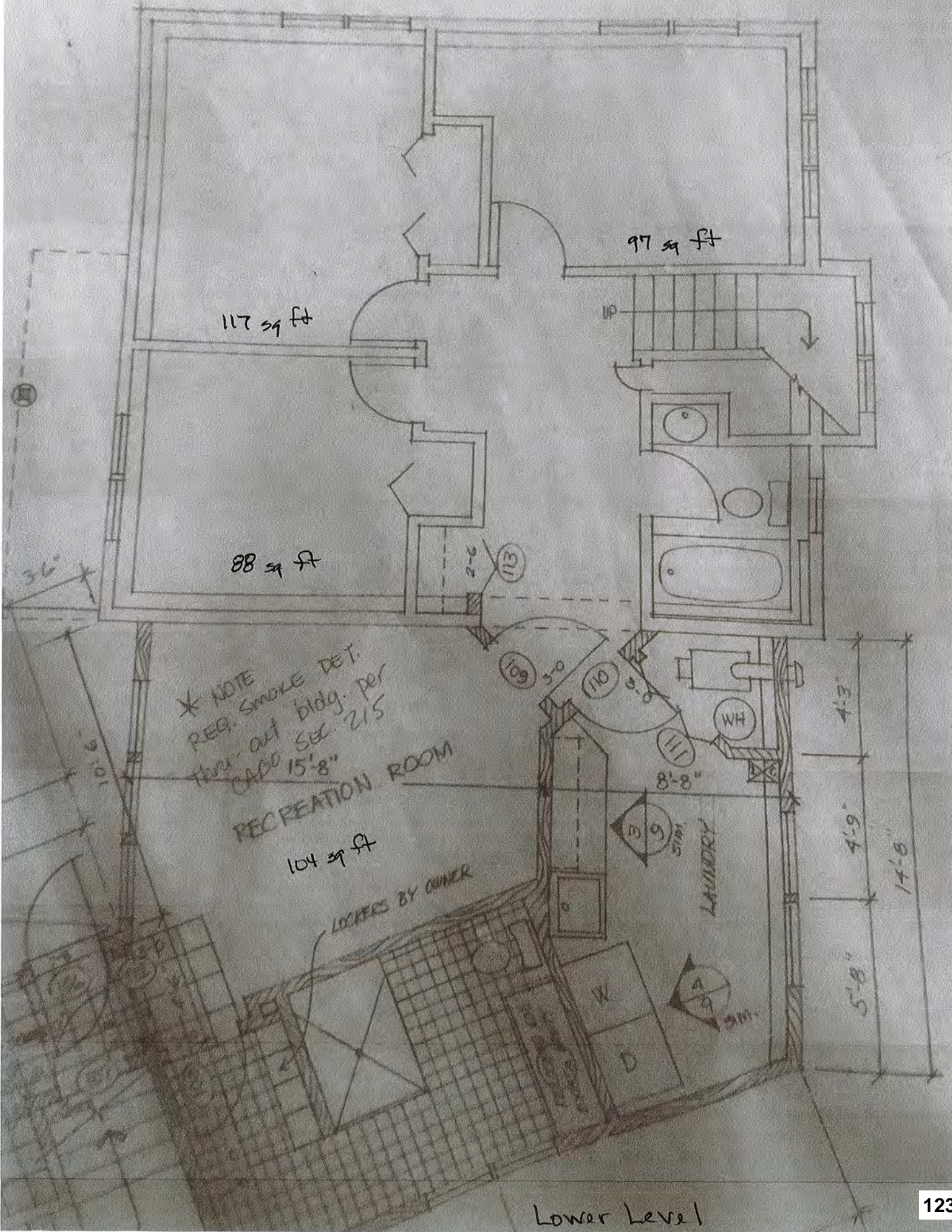


Main Floor

NOT TO BE IN PLACE
MODIFY
TO NEXT CODE.



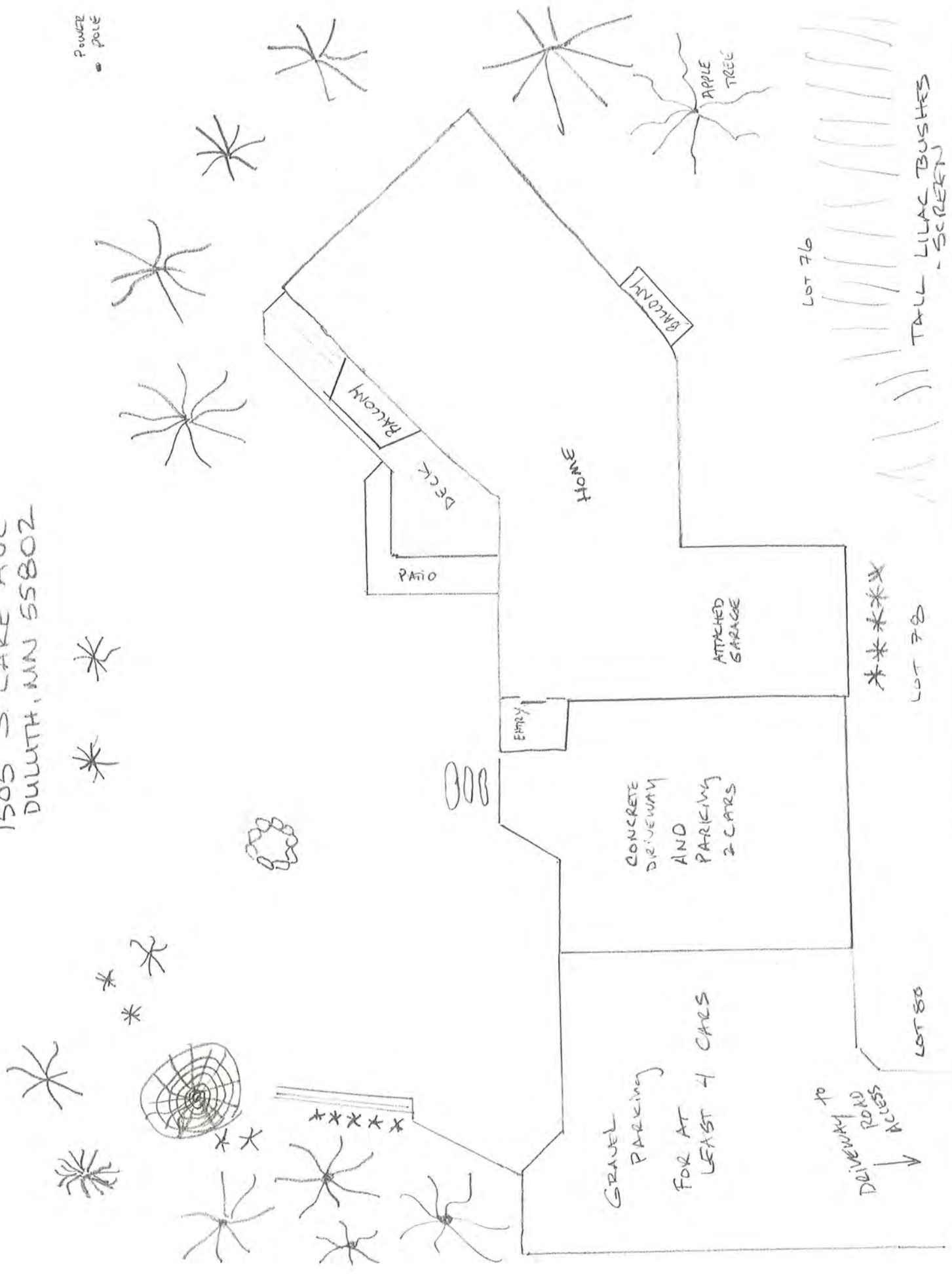
32'-4"
2ND FLOOR PLAN 4'-1-0"
Loft 468 sq ft



Lower Level

1506 S LAKE AVE
DULUTH, MN 55802

POWER
POLE



LOT 76

TALL LILAC BUSHES - SCREEN

LOT 78

LOT 80

DRIVEWAY TO ROAD ACCESS



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 23-023	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Interim Use Permit – Accessory Vacation Dwelling Unit	Planning Commission Date		May 9, 2023
Deadline for Action	Application Date	January 31, 2023	60 Days	April 1, 2023
	Date Extension Letter Mailed	February 28, 2023	120 Days	May 31, 2023
Location of Subject	420 West 9 th Street			
Applicant	Ben Gasner	Contact		
Agent		Contact		
Legal Description	PID # 010-1350-05230			
Site Visit Date	April 28, 2023	Sign Notice Date		April 25, 2023
Neighbor Letter Date	April 13, 2023	Number of Letters Sent		12

Proposal

Applicant proposes to use a one-bedroom accessory home as a vacation dwelling unit. Up to 3 people will be allowed to stay in the home.

The applicant has applied for a renewal to their Interim Use Permit PL 17-099.

Recommended Action: Staff recommends that Planning Commission approve with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	RR-1	Communication towers	Traditional Neighborhood
South	R-1	Vacant land	Traditional Neighborhood
East	R-1	Vacant land	Traditional Neighborhood
West	R-1	Vacant land	Traditional Neighborhood

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A vacation dwelling unit is an Interim Use in the R-1 zone district.

UDC Section 50-20.3. Use-Specific Standards. Lists all standards specific to vacation dwelling units.

UDC Sec. 50-37.10.E . . . the commission 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; 2. The applicant agrees to sign a development agreement with the city.



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

Governing Principle #8 - Encourage mix of activities, uses, and densities. A short-term rental allows property owners to generate income and provides a service for tourists.

Econ. Dev. Policy #3 - Build on Existing Economic Strengths & Competitive Advantages

- **S9:** Encourage expansion of the city's tourism economy through efforts to expand in areas of current activity, such as in Canal Park, but also through marketing and investment in destination neighborhoods and iconic tourism experiences unique to Duluth.

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

History: The subject property, 420 West 9th Street, had an approved interim use permit in 2017, which expires in 2023. Records do not indicate any known violation to the existing permit.

Review and Discussion Items:

- 1) Applicant's property is located at 420 West 9th Street. The vacation dwelling unit contains 1 bedroom, which would allow for a maximum of 3 guests.
- 2) This is a renewal interim use permit. When originally permitted in 2017, this unit was the only structure on the property. Applicant proposes to build a new house on the property for personal use, making this structure an accessory dwelling unit.
- 3) When originally created as a dwelling unit in 2017, applicant was required to build road frontage as required by UDC Section 50-21.2.E. This road has not been constructed to date; however, applicant has submitted road plans to City Engineering which have been approved. Applicant has indicated this road will be constructed in spring 2023 as soon as the construction season begins.
- 4) Parking for the accessory dwelling unit is located in the driveway and by the dwelling unit. The applicant has stated that 6 parking spaces are provided.
- 5) The applicant has indicated there will not be a space for camper or trailer.
- 6) The site plan does not indicate any outdoor amenities. However aerial photography does show a fire pit located north and east of the dwelling unit. Aerial photography also identifies vegetation along the property lines. The property is adjacent to residential zoning but does not have residential uses adjacent to the site. Staff believes this is a sufficient dense urban screening for the outdoor amenity from the adjacent properties.
- 7) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must



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provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed themselves to serve as the managing agent.

8) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.

9) Applicant must comply with Vacation Dwelling Unit Regulations, including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").

10) No comments from citizens, City staff, or any other entity were received regarding the application. No issues or complaints have been reported since the initial vacation dwelling unit was authorized in 2017.

11) The permit will lapse if no activity takes place within 1 year of approval.

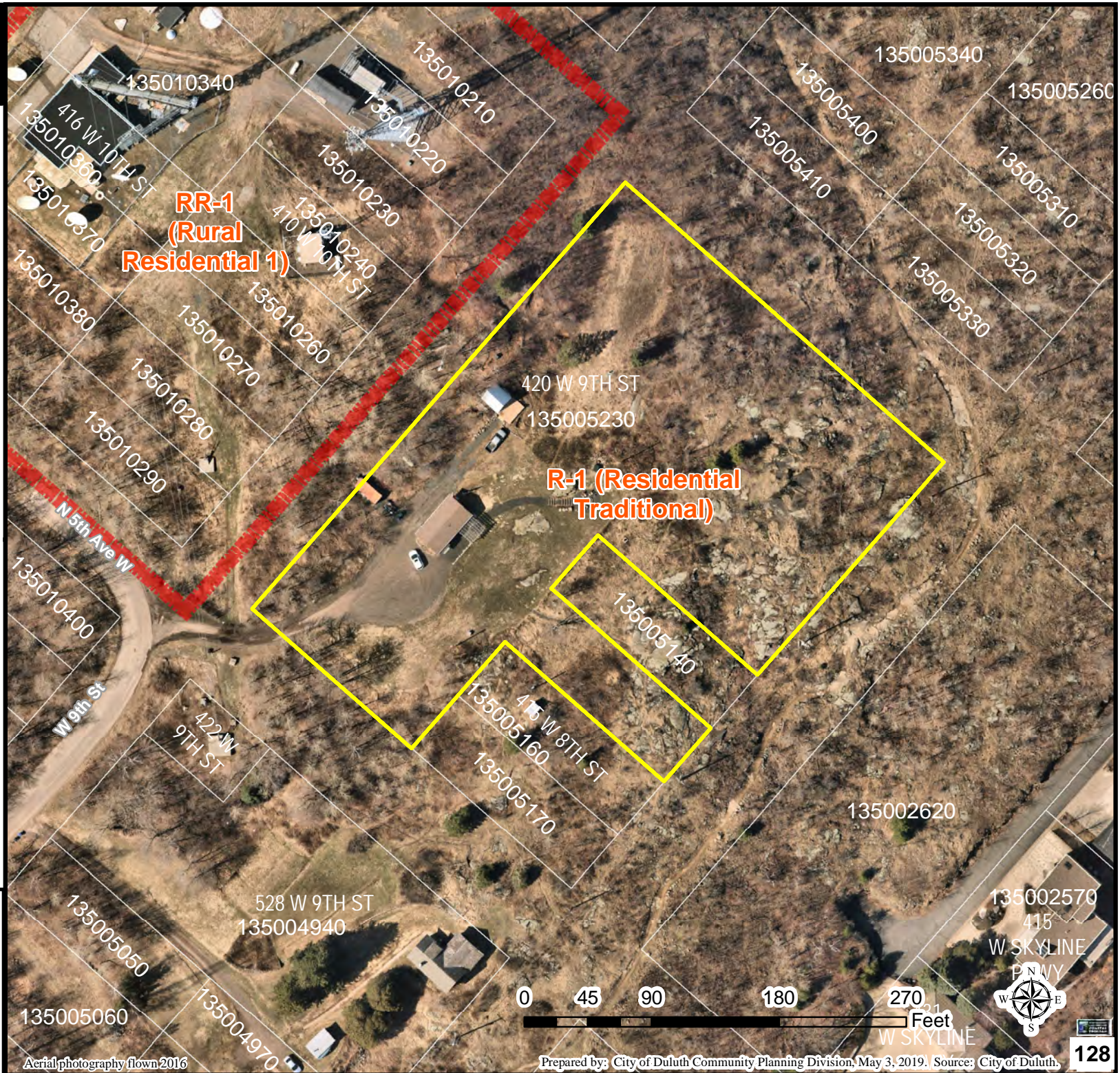
Staff Recommendation:

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

- 1) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 2) Applicant shall construct a 50-foot section of road satisfying the administratively adjusted street frontage requirements to city street construction standards prior to the activation of the approved Interim Use Permit PL 23-023.
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.

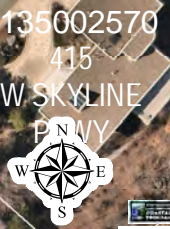


PL 23-023
420 West 9th Street

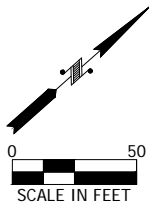
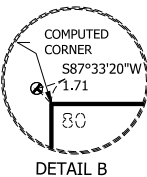
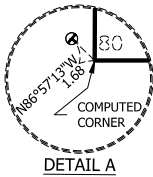


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Aerial photography flown 2016



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



LEGEND

- ⊗ FENCE POST
- ⊖ GUY WIRE
- ⊕ UTILITY POLE
- ◆ FOUND REBAR RLS. NO. 40077
- ▣ UTILITY VAULT
- FOUND REBAR RLS. NO. 49505
- FOUND 1/2" IRON PIPE
- SET CAPPED REBAR RLS. NO. 49505
- ⊕ FOUND T-STAKE MONUMENT
- FOUND REBAR RLS. NO. 21774
- ▨ CONCRETE SURFACE
- ▩ GRAVEL SURFACE
- OHP — OVERHEAD UTILITIES

LEGAL DESCRIPTION PER CLIENT

Lot 65 thru 72, 74, 76, 78 and 80, Block 111, DULUTH PROPER THIRD DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota.

BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996.

BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY.

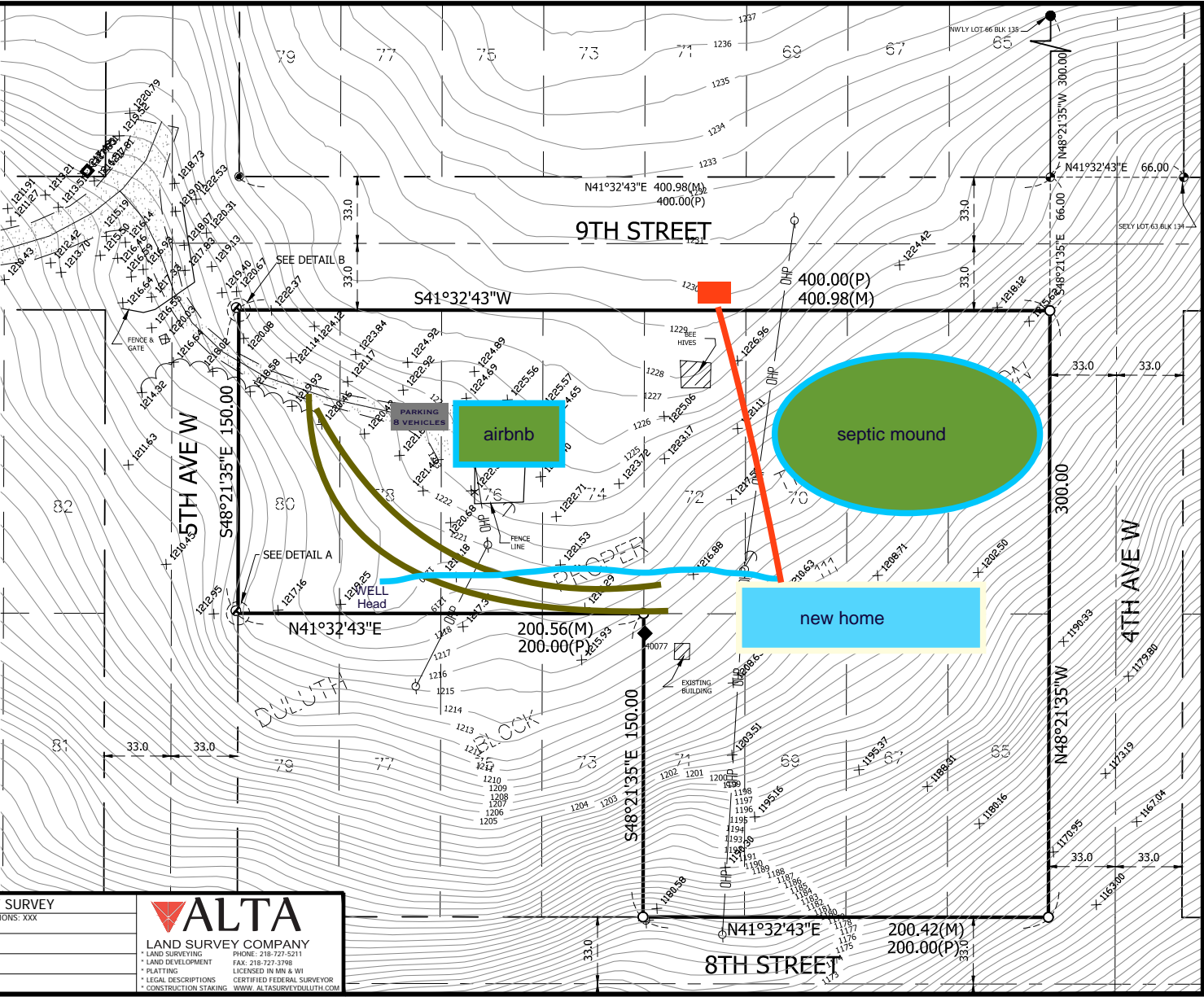
NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA SURVEY COMPANY, INC. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA SURVEY COMPANY, INC. OR THE SURVEYOR.

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 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.
 Date: NOVEMBER 3, 2014
David R. Evanson
 David R. Evanson MN License No. 49505

CERTIFICATE OF SURVEY	
CLIENT: BENJAMIN GASNER	REVISIONS: XXX
DATE: 11-3-14	
ADDRESS: XXX	
JOB NUMBER: 14-457	

ALTA
 LAND SURVEY COMPANY
 * LAND SURVEYING * PHONE: 218-727-5211
 * LAND DEVELOPMENT * FAX: 218-727-3798
 * PLATTING * LICENSED IN MN & WI
 * LEGAL DESCRIPTIONS * CERTIFIED FEDERAL SURVEYOR
 * CONSTRUCTION STAKING * WWW.ALTA-SURVEY.COM





Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 23-072	Contact	Kyle Deming	
Type	Variance – building height	Planning Commission Date	May 9, 2023	
Deadline for Action	Application Date	April 4, 2023	60 Days	June 3, 2023
	Date Extension Letter Mailed	April 19, 2023	120 Days	August 2, 2023
Location of Subject	3801-3803, 3805-3807, 3809-3811 London Rd.			
Applicant	London East, LLC	Contact	Ted Stocke	
Agent		Contact		
Legal Description	Lots 17-22, Block 1, London East Division (010-3075-00170, -00180, -00190, -00200, -00210, -00220)			
Site Visit Date	April 24, 2023	Sign Notice Date		
Neighbor Letter Date	April 20, 2023	Number of Letters Sent	14	

Proposal

A variance to allow three twin homes (a form of two-family dwelling) to be constructed at 39.5 feet tall instead of the 30 feet maximum building height per UDC Section 50-14.5. The project is within the London East development which includes both single-family detached homes and twin homes.

Recommended Action: Approve with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Undeveloped	Traditional Neighborhood
North	R-1	Railroad	Traditional Neighborhood
South	MU-N	Apartment buildings	Urban Residential
East	R-1	Undeveloped	Traditional Neighborhood
West	R-1	Twinhomes	Traditional Neighborhood

Summary of Code Requirements

Sec. 50-14.5 – Maximum building height – 30 feet

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

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

Housing Strategy 5 - Foster opportunities for creative housing types and concepts, including tiny houses, townhomes, housing for individuals in Duluth on a temporary basis, and passive energy homes. This project fosters opportunities for creative housing type and concepts because it includes single-family detached and twin homes with unique amenities such as roof terraces.

Applicable UDC Purpose Statements - (a) To provide for more sustainable development within the city by reducing carbon emissions, vehicle miles travelled, energy consumption, and water consumption, and by encouraging production of renewable energy and food production; and (k) To promote, preserve, and enhance the water resources and environment within the city and protect them from adverse effects caused by poorly sited or incompatible development in wetlands, shorelands and floodplains. This project would allow taller buildings that reduce the impervious footprint of the building allowing more space for pervious surfaces and landscaping to reduce water runoff.

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

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. Includes many of Duluth 's older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas. Residential unit density of 4 -8 units/acre with a mix of housing types (i.e. town homes and 4-plexes) at corners. This project includes dwellings with shorter dimension to the street and includes a mix of single-family detached and twin homes.

History:

1. April 14, 2020 – Variance to reduce rear yard setback by 5 feet (PL 20-016) approved by Planning Commission;
2. April 14, 2020 – Vacate utility easement in former 38th Ave. E. (PL 20-027, Resolution 20-0470R);
3. April 14, 2020 – Preliminary Plat of London East (PL 20-035) approved by Planning Commission.
4. April 29, 2020 – Approval of Wetland Replacement Plan (PL 20-017) by City Land Use Supervisor;
5. June 9, 2020 – Final Plat approval (PL20-058) approved by Planning Commission;
6. June 14, 2022 – Variance to allow four 40-foot-tall one-family dwellings on certain lots in London East plat;
7. 2020 through today – 4 twinhomes constructed and occupied, 3 twinhomes and 2 one-family dwellings under construction in London East plat.

Review and Discussion Items

Staff finds that:

1. The site for which the variance is requested is part of the 3.14 ac. London East development with a mix of 10 twin homes (a form of two-family dwelling defined in the UDC) and 3 single-family dwellings.
2. Applicant is proposing to construct 3 twin homes in the middle part of the development that would be 39.5 feet tall instead of the 30 feet allowed in the R-1 district. According to the plans, two parts of the building exceed the maximum height, a 22-foot-wide by 26-foot-deep enclosed space and an open terrace/deck with standard height fall protection walls or railings at the building perimeter.
3. The variance application states that MN-DOT's access control on London Rd. requires them to build a frontage road to access each individual lot and City rules require the frontage road to be sufficiently wide for emergency vehicles and guest parking. In addition, because of site slopes, to meet City stormwater requirements the applicant is required to incorporate 7 stormwater retention ponds along the front of the site to accommodate drainage. The application further states that "All of these factors led to a shrinking of the buildable area for each dwelling unit. In keeping with the limited size of the unit [footprints,] building up has made all the difference in being able to market homes that fit in this neighborhood."
4. The applicant is proposing a reasonable use of the site by developing single-family and two-family dwellings (twin homes) which are permitted uses in the R-1 zone district at approximately 7 units per acre, which is consistent with the Comprehensive Plan future land use designation as well as the R-1 zone district.

5. The proposal is consistent with the Comprehensive Plan principles and strategies and UDC intent listed in the section above by facilitating the development of a site that reduces impacts to the environment by shrinking the building footprint while providing a unique housing form with rooftop terraces.
6. The need for a variance is caused by site constraints unique to this site and not caused by the applicant, and includes the need to accommodate vehicle circulation to each lot (due to MN-DOT access restrictions) and storm water treatment (due to site slope) both in the front part of the site. City wetland rules require preservation of four wetland corridors crossing the site while the existing MN-DOT drainage culverts further restrict options for storm water treatment. Additionally, City zoning requirements limit the area on the rear of the site available for building construction and require space be dedicated to planting replacement trees as well as general landscaping. Due to characteristics of the property which require a frontage road and multiple stormwater retention ponds, strict enforcement of the ordinance would cause the landowner exceptional practical difficulties.
7. Granting the variance will not alter the essential character of the area because the proposed 48-foot-wide, 39.5-foot-tall structures will have a similar bulk to the twin homes on the adjacent lots within the development. Additionally, across London Rd. are three large apartment buildings, one 170 feet long by 3 stories, one 270 feet long by 3 stories, and one 240 feet long by 6 stories tall. The recently completed Zvago condominium building is 4 stories tall and the Ecumen Lakeshore complex includes 3-story buildings of a similar height when including the steeply pitched roofs.
8. The variance, if granted, will not impair an adequate supply of light or air because the buildings are proposed to be set far back from London Rd. as well as 20 feet from the railroad right of way line (65 feet from the railroad). Spacing between buildings in the development will be the same as established in the original plat, which includes extra space due to wetland corridors separating the buildings.
9. The variance, if granted, will not increase congestion on public streets because the development will connect to London Rd. via two driveways serving the 23 dwellings rather than 23 individual driveways. MN-DOT has evaluated the traffic situation and issued the two needed driveway permits.
10. The variance, if granted, will not increase fire danger as the Fire Department possesses equipment for fighting fires on structures of this size and larger. Additionally, the project is located in an area already served by police and fire departments and includes an appropriately sized roadway directly in front of the buildings to provide access for emergency vehicles.
11. Granting the variance is not expected to unreasonably diminish established property values in the area because the building height will not impact the view from the northwest compared to the pre-development site condition that consisted of dense tree cover in excess of the proposed building heights. The building locations far back from London Road are not expected to impact the values of property on the lower side of London Road due to the distance and mature vegetation on the properties providing screening.
12. Granting the variance is not expected to impair the health, safety, or public welfare of inhabitants of the city due to factors identified above.
13. No comments from citizens, City staff, or any other entity were received regarding the application.
14. Per UDC Section 50-37.1.N. approved variances lapse if the project or activity authorized by the permit or variance is not begun within one year.

Staff Recommendation:

Based on the above findings, Staff recommends that the Planning Commission grant the variance to allow a height of up to 39.5 feet for structures on Lots 17-22, Block 1, London East Division, with the following conditions:

- 1) The project be limited to, constructed, and maintained based on the plans submitted with the application that shows the portion of the building exceeding the maximum height consisting of a 22-foot-wide by 26-foot-deep and an open terrace/deck with standard height fall protection walls or railings at the building perimeter.
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PL 23-072

3801-3811 London Rd.
Variance to Building Height
Applicant: London East, LLC

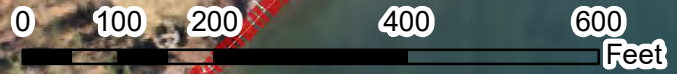
Area Map



Legend

- Zoning Boundaries
- Streams**
- Other Stream (GPS)
- Floodplain (UDC)**
- General Flood Plain
- Trails**
- Multi-Use - Paved

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PL 23-072

3801-3811 London Rd.
Variance to Building Height
Applicant: London East, LLC

Future Land Use Map



Legend

- Streams**
- Other Stream (GPS)
- Future Land Use**
- Open Space
 - Traditional Neighborhood
 - Urban Residential
 - Institutional

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


PL 23-072

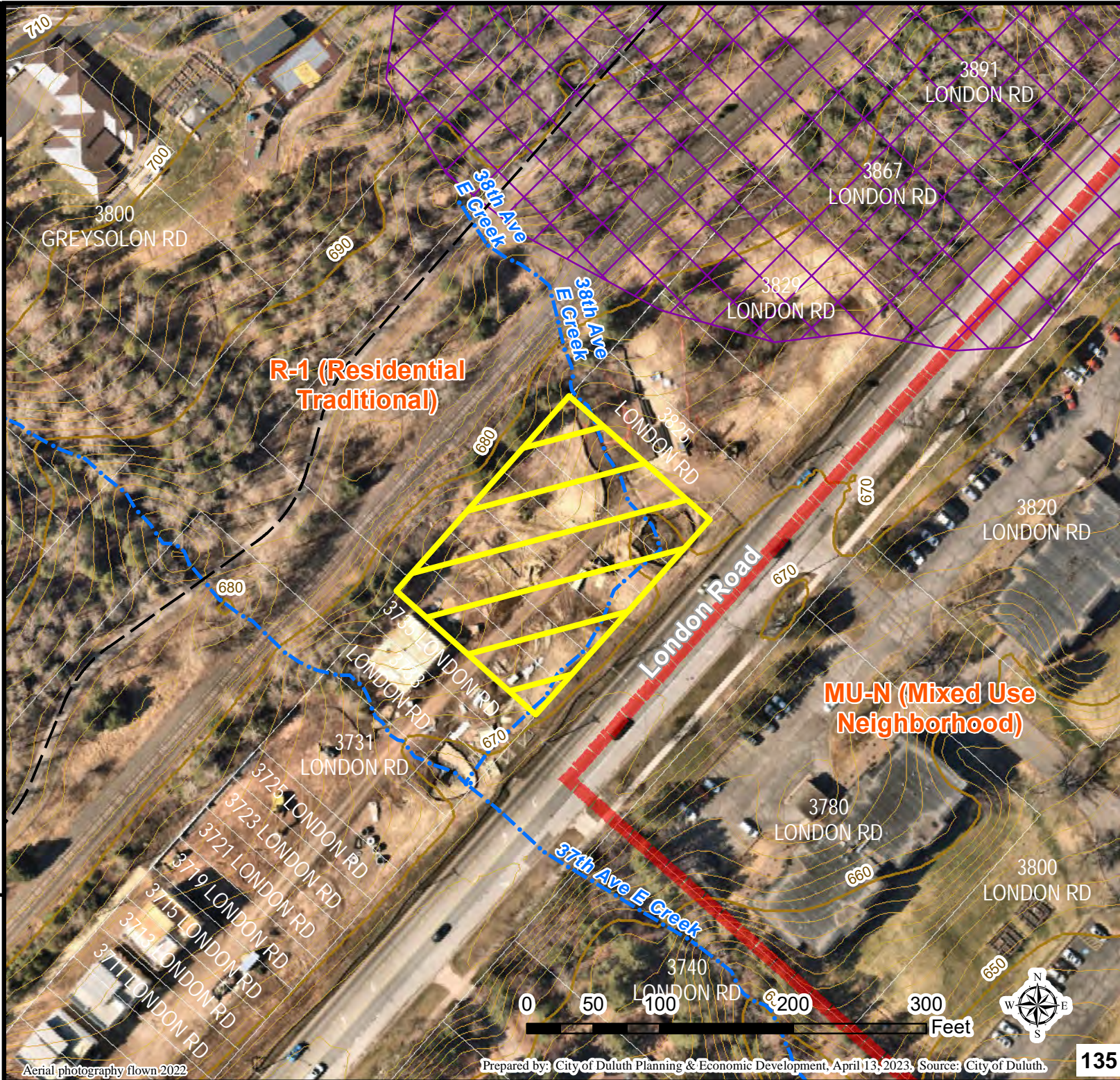
3801-3811 London Rd.
Variance to Building Height
Applicant: London East, LLC

Site Map

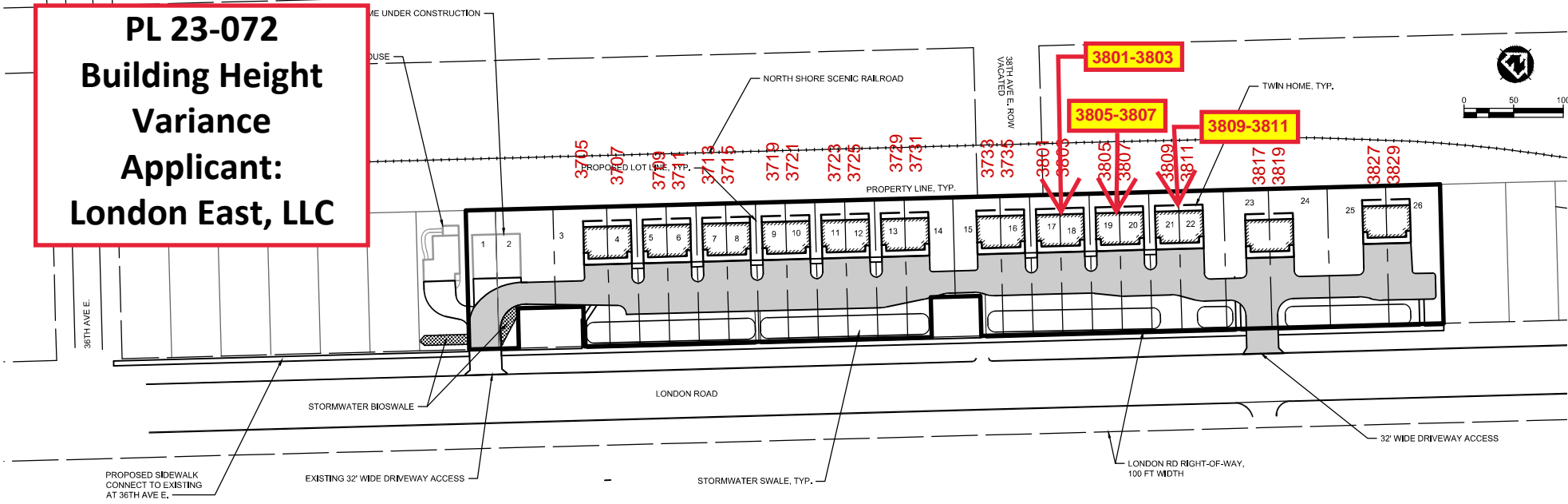
Legend

-  Zoning Boundaries
- Streams**
-  Other Stream (GPS)
- Floodplain (UDC)**
-  General Flood Plain
- Trails**
-  Multi-Use - Paved
- Elevation**
-  1 Ft contour
-  10 Ft contour

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PL 23-072
Building Height
Variance
Applicant:
London East, LLC



PROJECT SUMMARY:

1. EXISTING PARCELS:
 REARR PART EAST DULUTH & FIRST ADD TO EAST DU LOTS 10 THRU 18 BLK 33 INC W1/2 OF VACATED 38TH AVE E; EX SELY40 FT OF LOTS 10 AND 18,
 REARR PART EAST DULUTH & FIRST ADD TO EAST DU LOT 9 INC E1/2 OF 38TH AVE E VACATED & ALL OF LOTS 10 THRU 16,
 REARR PART EAST DULUTH & FIRST ADD TO EAST DU LOTS 8 & 9

PARCEL IDs:
 010-1370-05190, 010-1370-05360, 010-1370-5590

2. ZONING AND SETBACKS:
 PROPERTY ZONING: R-1
 PROPOSED USE: TWIN-HOMES (NO CHANGE NEEDED)

	REQUIRED	PROVIDED
FRONT SETBACK:	25 FT	31 FT
REAR SETBACK:	25 FT	25 FT
SIDE YARD SETBACK:	6 FT	6 FT
MAXIMUM HEIGHT OF BUILDING:	30 FT	30 FT
MINIMUM LOT SIZE:	3000 SF	4200 SF

DEVELOPER HAS APPLIED FOR A REAR YARD SETBACK REDUCTION FROM 25 FT TO 20 FT DUE TO SITE CONSTRAINTS.

3. LAND USE BREAKDOWN:
 TOTAL LOT AREA: 3.20 AC
 AREA IMPACTED FOR CONSTRUCTION: 3.0 AC

BUILDINGS: 0.58 AC
 PAVEMENT: 1.09 AC
 TOTAL IMPERVIOUS: 1.67 AC

TOTAL PERVIOUS: 1.68 AC

4. PARKING REQUIREMENTS: REQUIRED PROVIDED
 DWELLING, ONE-FAMILY 1 SPACE 2 SPACES
 PER UNIT

5. LANDSCAPE/BUFFER REQUIREMENTS:
 STREET FRONTAGE: ONE TREE PER 35 LF, ONE SHRUB PER 25 LF

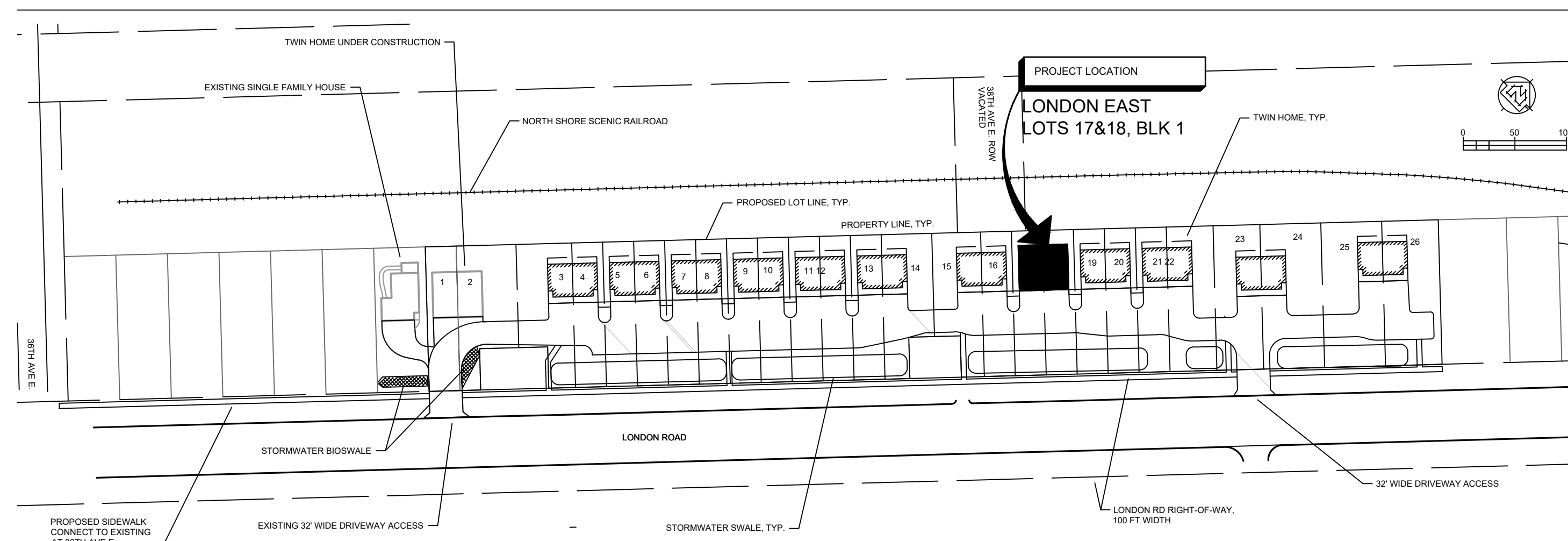
TREE REPLACEMENT REQUIREMENTS: NOT MORE THAN 30% OF REPLACEMENT TREES SHALL BE THE SAME SPECIES WITHOUT APPROVAL FROM THE CITY FORESTER.

6. WETLAND DISTURBANCES:
 13,613 SF - PERMANENT DISTURBANCE

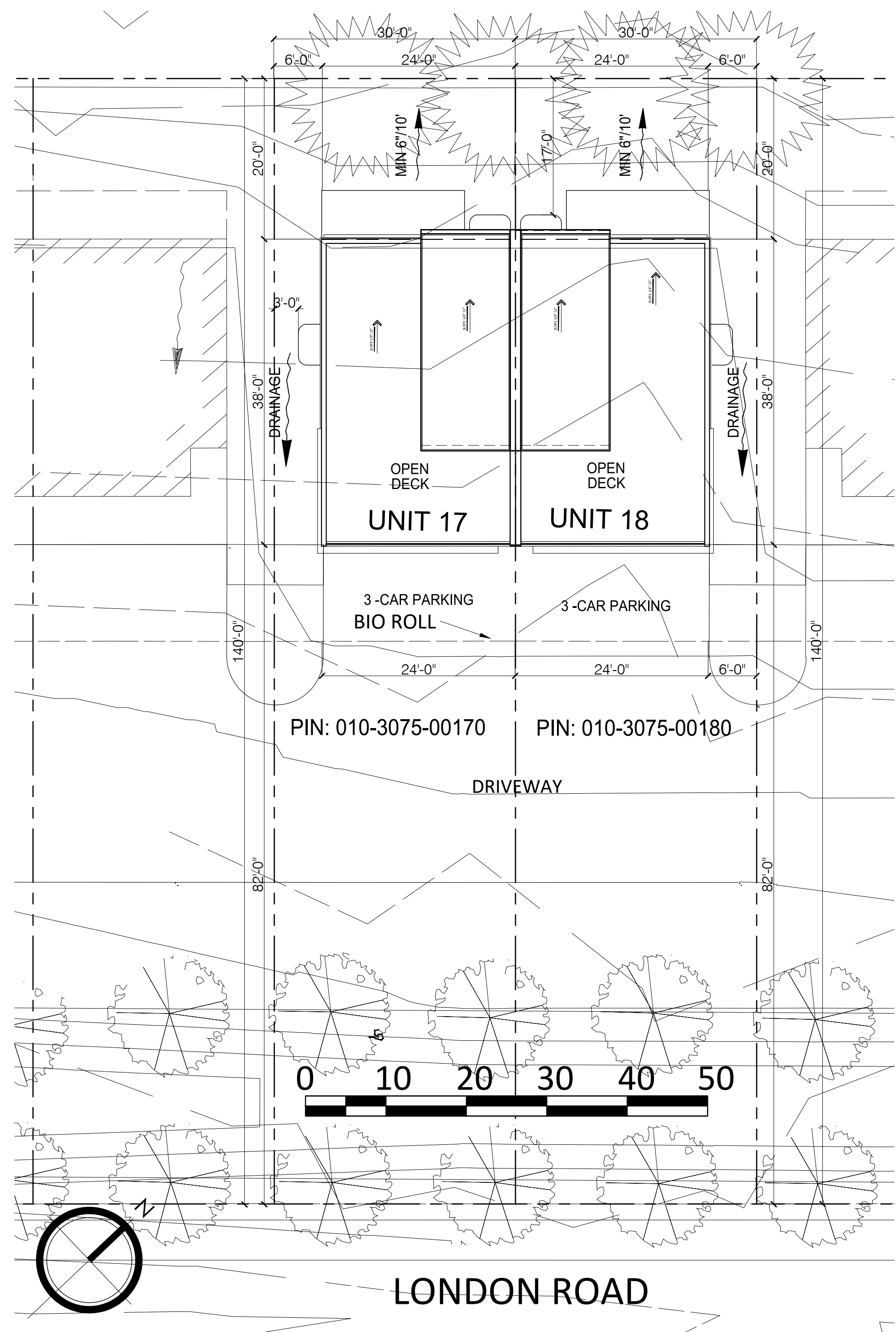
952 SF - TEMPORARY DISTURBANCE

Subject Buildings

PROJECT DATE: 02/17/20	DRAWN BY: EDC	NO.:	DATE:	REVISION:	BY:	I HEREBY CERTIFY THAT THIS PLAN, REPORT, OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULUTH LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. JOSEPH [Signature]	04/16/20 50306 License No.	ENGINEERING ARCHITECTURE SURVEYING FUNDING PLANNING ENVIRONMENTAL 332 W Superior Street, Duluth MN 55802 (218) 722-3915 www.msa-ps.com © MSA Professional Services, Inc.	LONDON ROAD UTILITY EXTENSIONS 37TH TO 38TH AVENUE EAST DULUTH, MN	OVERALL SITE PLAN	PROJECT NO. 05331006 SHEET G-1
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1 KEY PLAN
SCALE: NTS
A0



2 SITE PLAN
SCALE: 3/32" = 1'-0"
A0



3 PERSPECTIVE
SCALE: NTS
A0

GENERAL NOTES:
 ALL WORK TO BE DONE IN ACCORDANCE WITH LOCAL BUILDING CODES
 ALL REQUIRED BUILDING PERMITS TO BE OBTAINED
 A LICENSED GENERAL CONTRACTOR IS RESPONSIBLE FOR HAVING ALL PROJECT ENGINEERING DONE FOR THIS HOME
 A LICENSED GENERAL CONTRACTOR IS TO VERIFY ALL EXISTING SITE CONDITIONS PRIOR TO START OF CONSTRUCTION
 A LICENSED GENERAL CONTRACTOR IS TO VERIFY ALL PLAN DIMENSIONS AND MEASUREMENTS PRIOR TO START OF PROJECT, AND BEFORE ORDERING ANY SUPPLIES
 STOCKE CONSTRUCTION WILL NOT BE HELD RESPONSIBLE FOR ANY WINDOW OR DOOR ROUGH OPENINGS, CONTRACTOR OR HOMEOWNER MUST VERIFY ALL ROUGH OPENINGS WITH TYPE OF WINDOWS AND DOORS BEFORE CONSTRUCTION BEGINS
 STOCKE CONSTRUCTION IS NOT RESPONSIBLE FOR ANY DISCREPANCIES THAT RESULT IN ERROR OR OMISSION FROM THESE PLANS
 STOCKE CONSTRUCTION REQUESTS THAT ANY DISCREPANCIES OR OMISSIONS FOUND ON THESE DRAWINGS BEFORE, CONSTRUCTION BEGINS BE REPORTED TO STOCKE CONSTRUCTION IMMEDIATELY FOR REVISIONS
 PLANS HAVE BEEN REVIEWED AND APPROVED BY THE HOMEOWNERS OR CONTRACTOR. HOMEOWNER(S) OR CONTRACTOR ARE AWARE THAT STOCKE CONSTRUCTION HAS DONE THEIR BEST TO FURNISH COMPLETE AND ACCURATE PLANS.
 BY SIGNING BELOW THE HOMEOWNER(S) OR CONTRACTOR RELEASES DESIGNER FROM ANY LIABILITY THAT MAY RESULT IN ERROR OR OMISSION ON SAID PLANS.

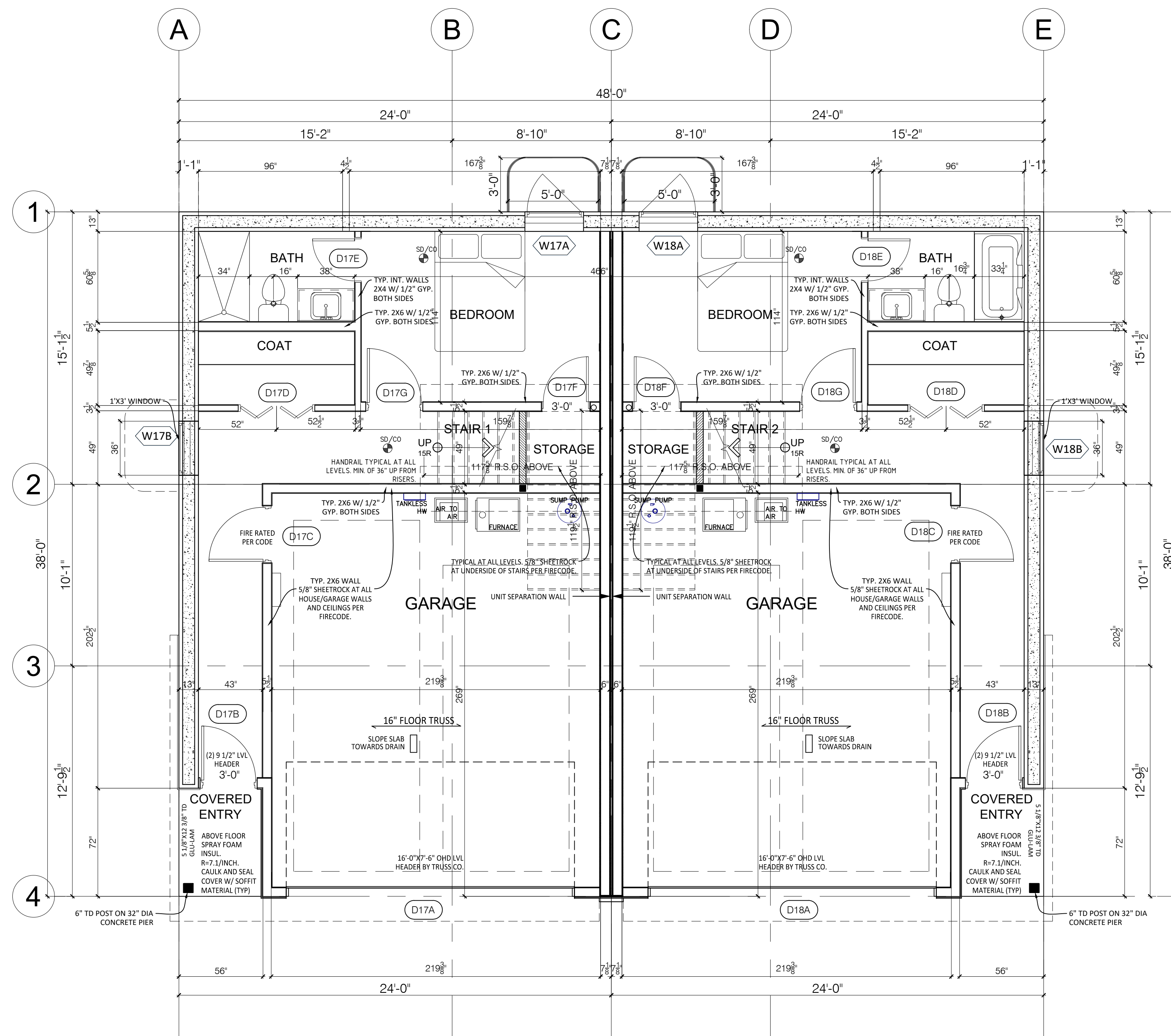
TABLE OF CONTENTS	
SHEET	CONTENTS
A-0	KEY PLAN, SITE PLAN AND PERSPECTIVE
A-1	GROUND FLOOR PLAN AND SECOND FLOOR PLAN
A-2	THIRD FLOOR PLAN AND ROOF DECK PLAN
A-3	FRONT ELEVATION AND REAR ELEVATION
A-4	LEFT ELEVATION AND RIGHT ELEVATION
A-5	ROOF PLAN AND FOUNDATION PLAN
A-6	TYPICAL WALL AT FRONT, TYPICAL WALL AT REAR, DECK DETAIL, PARTY WALL DETAIL AND STAIR DETAILS
A-7	DETAILS
A-8	DOOR & WINDOW SCHEDULE



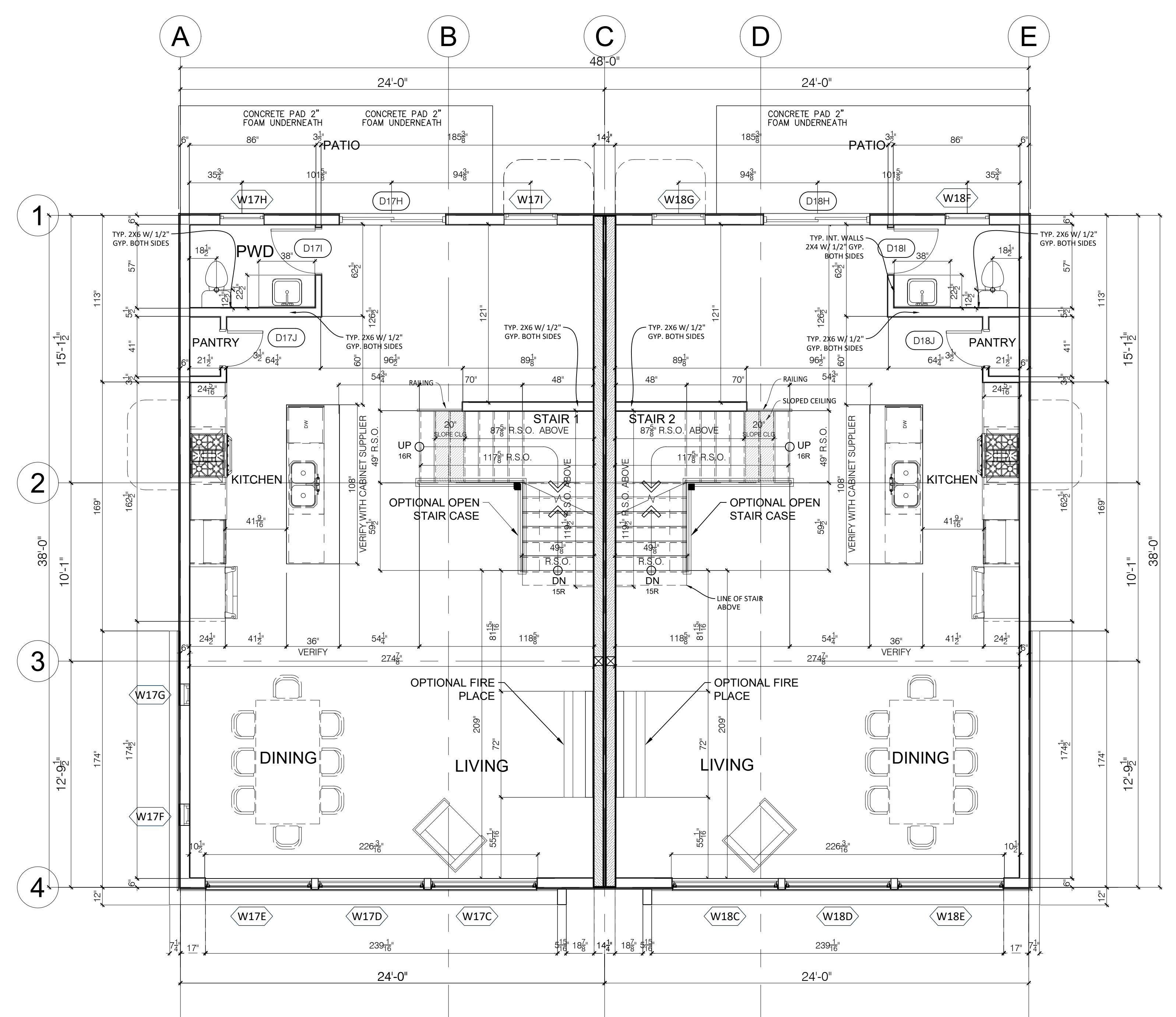
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Client	TED STOCKE		Scale	AS NOTED	Drawing No.
			Print Date	Nov. 03, 2022	
			Drawn by		
			Checked by	TS	
			REVISION:		

Units 3801 (LEFT SIDE) & 3803 (RIGHT SIDE)
 LOT 17&18, BLK 1, LONDON EAST, LONDON ROAD, DULUTH MN 55804
 PIN: 010-3075-00170 & PIN: 010-3075-00180

A0



1 GROUND LEVEL PLAN
SCALE: 1/4" = 1'-0"
DATE: 11/03/2022

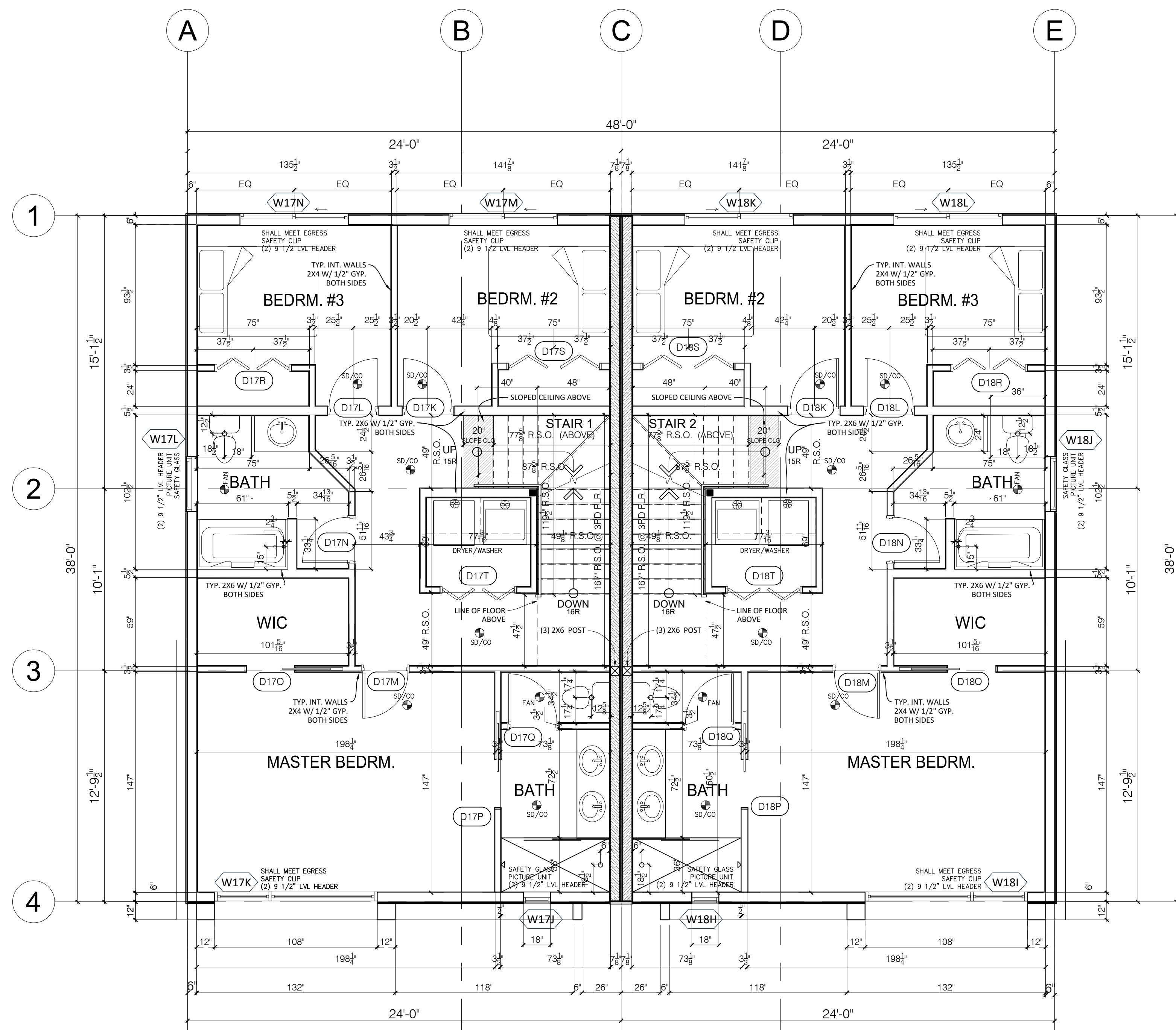


2 2ND LEVEL PLAN
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DATE: 11/03/2022

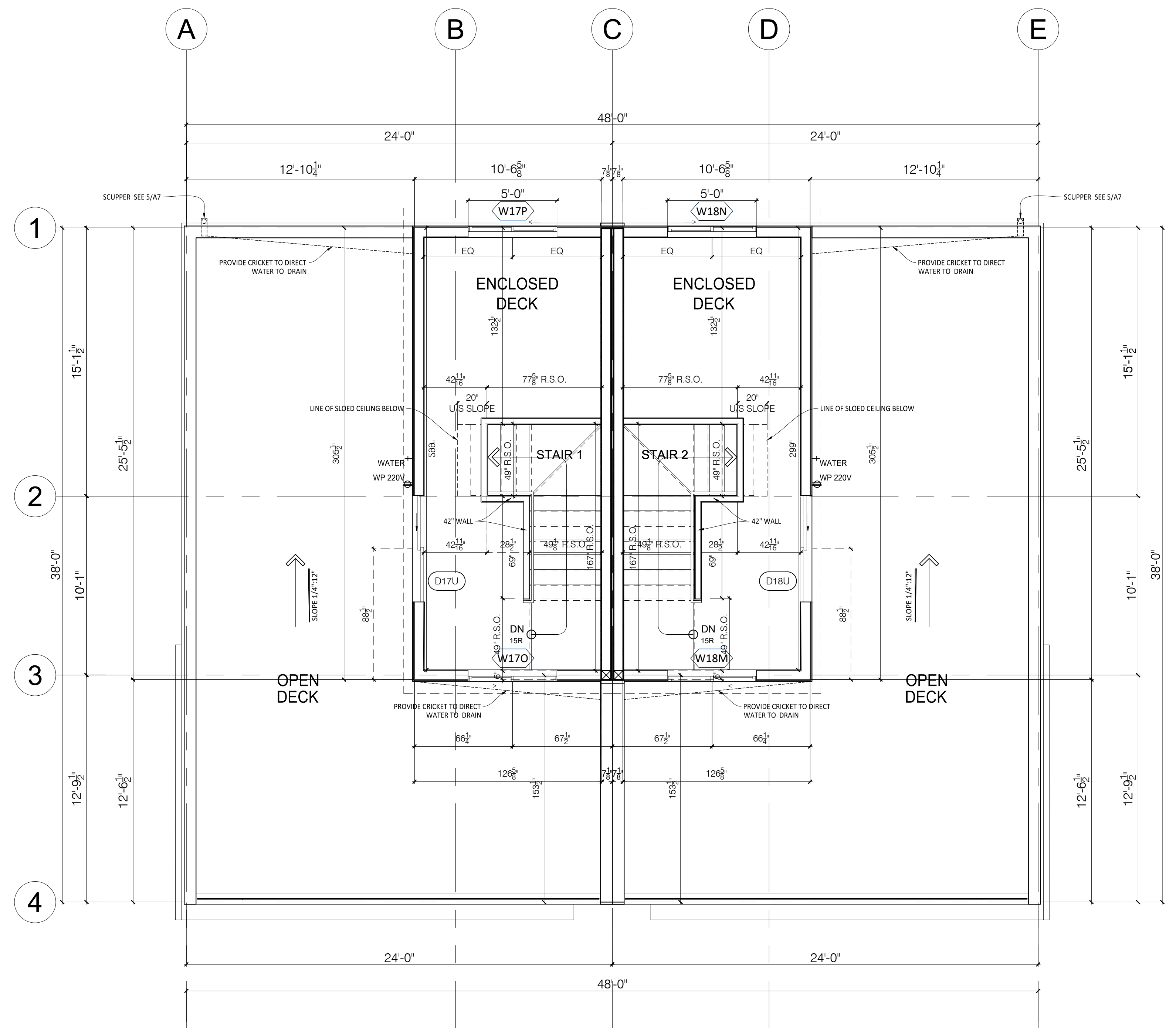
DIMENSIONS ARE TO OUTSIDE OF 2X6 WALL OR ICF FORM. ADJUST FOR WALL SHEATHING.

WINDOW RO'S TO BE PROVIDED BY WINDOW MANUF. WINDOW SIZES LISTED ARE GENERAL SIZES. U FACTOR IS 0.3 CAULK AND SEAL ALL DOORS/WINDOWS AS PER CODE

	Project	PROPOSED 3-STORY DUPLEX		Drawing title	FLOOR PLANS	
	Client	TED STOCKE		Scale	AS NOTED	Drawing No.
				Print Date	Nov. 03, 2022	A1
				Checked by	TS	
			REVISION:			
<small>Units 3801 (LEFT SIDE) & 3803 (RIGHT SIDE) LOT 17818, BLK 1, LONDON EAST, LONDON ROAD, DULUTH MN 55804 P/N: 010-3075-00170 & P/N: 010-3075-00180</small>						



1 3RD LEVEL PLAN
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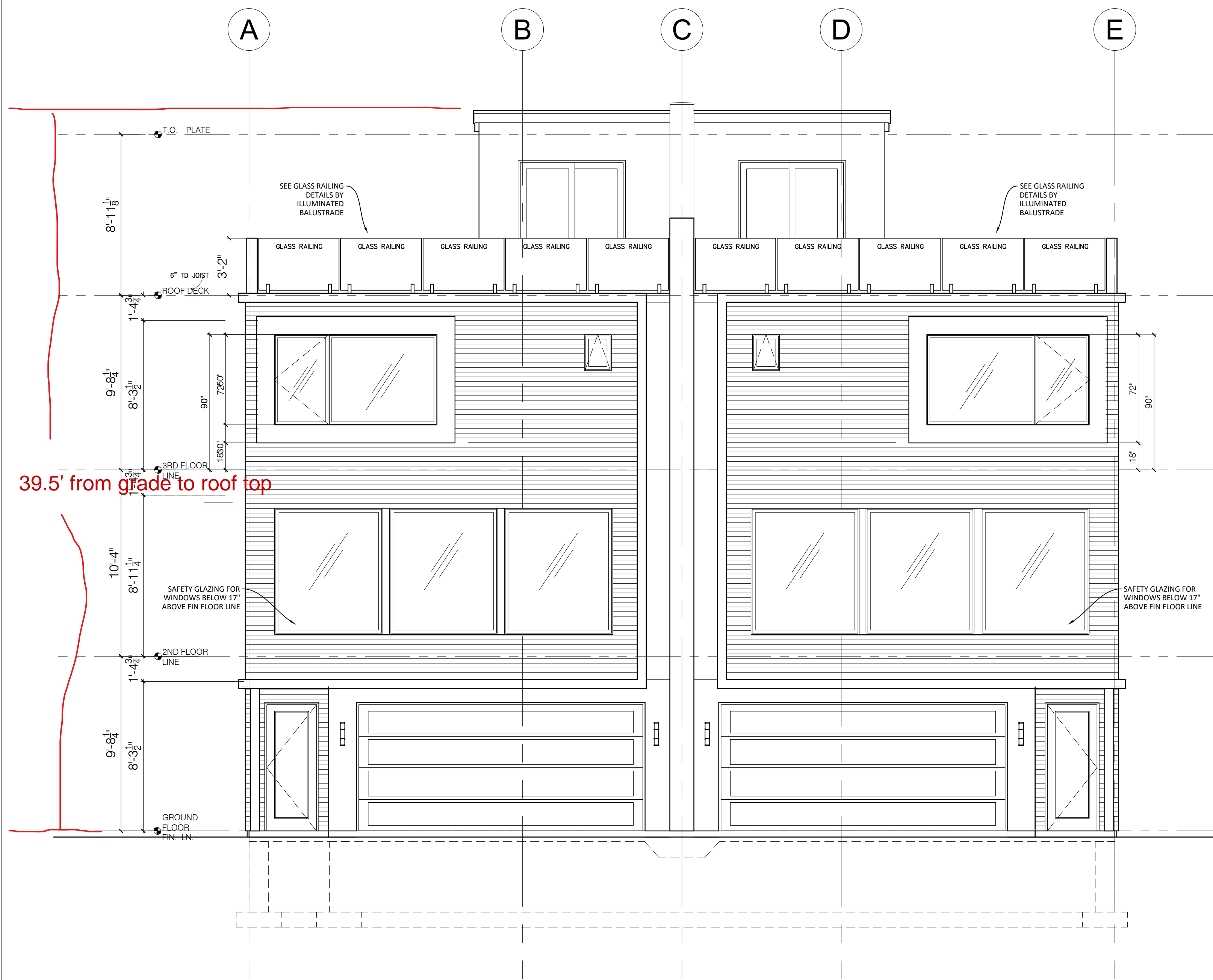


2 ROOF DECK LEVEL PLAN
SCALE: 1/4" = 1'-0"

DIMENSIONS ARE TO OUTSIDE OF 2X6 WALL OR ICF FORM. ADJUST FOR WALL SHEATHING.

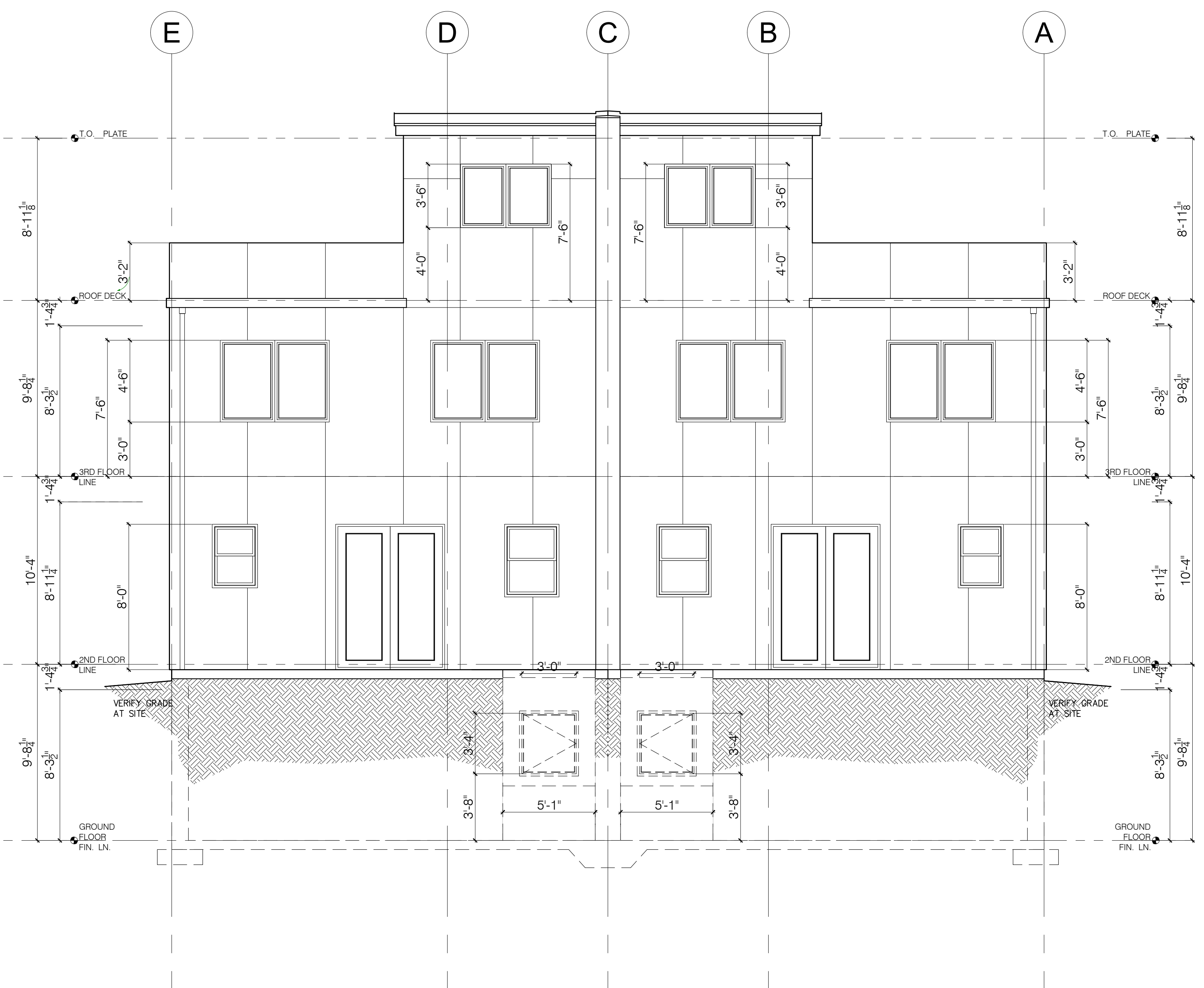
WINDOW RO'S TO BE PROVIDED BY WINDOW MANUF. WINDOWS SIZES LISTED ARE GENERAL SIZES. U FACTOR IS 0.3 CAULK AND SEAL ALL DOORS/WINDOWS AS PER CODE

	Project PROPOSED 3-STORY DUPLEX	Drawing title FLOOR PLANS	
	Client TED STOCKE	Scale AS NOTED	Print Date Nov. 03, 2022
		Checked by TS	Drawing No. A2
	Units: 3801 (LEFT SIDE) & 3803 (RIGHT SIDE) LOT 17&18, BLK 1, LONDON EAST, LONDON ROAD, DULUTH MN 55804 P/N: 010-3075-00170 & P/N: 010-3075-00180		



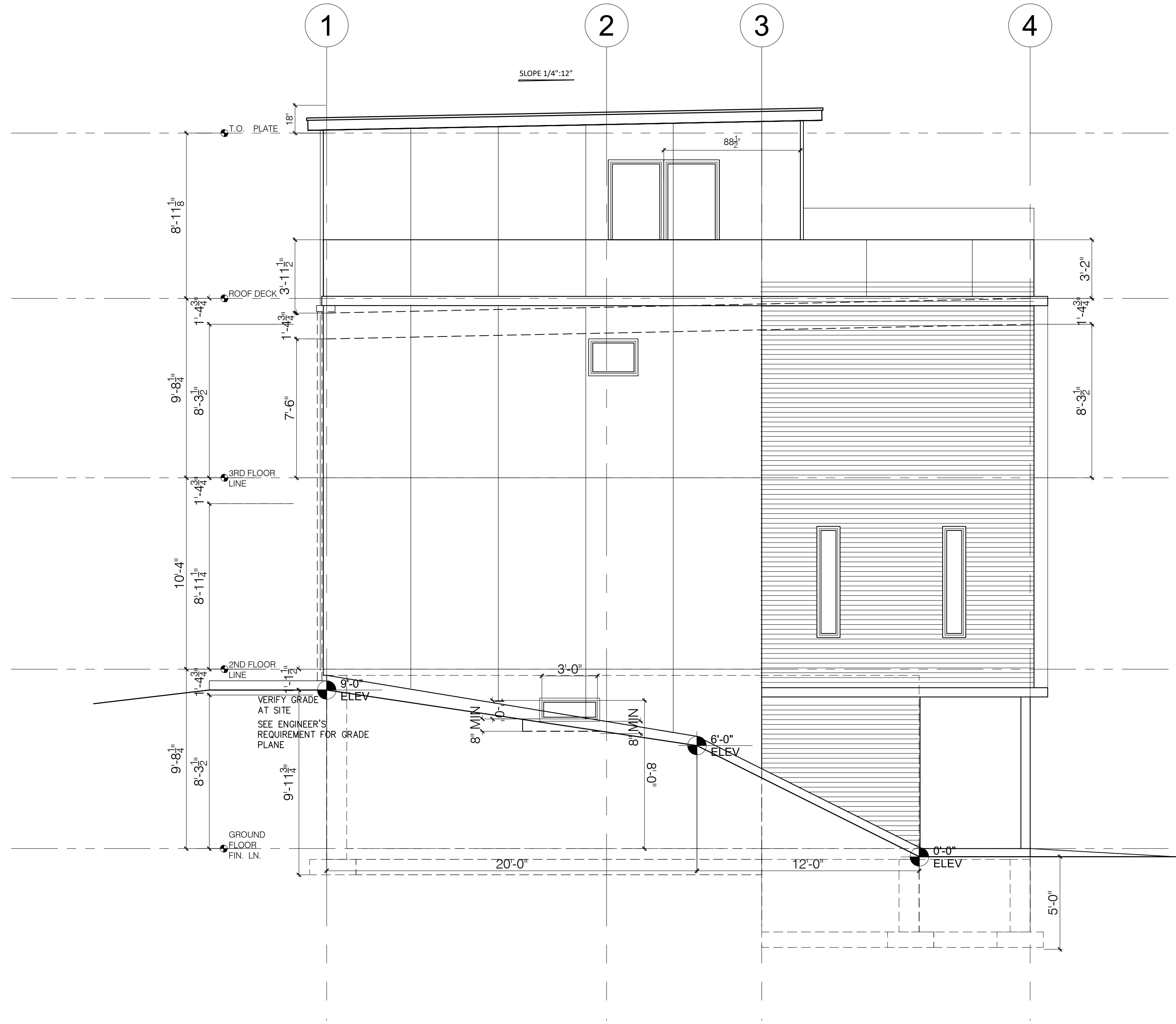
39.5' from grade to roof top

1
A3 FRONT ELEVATION
SCALE: 1/4" = 1'-0"
Asst Ref:

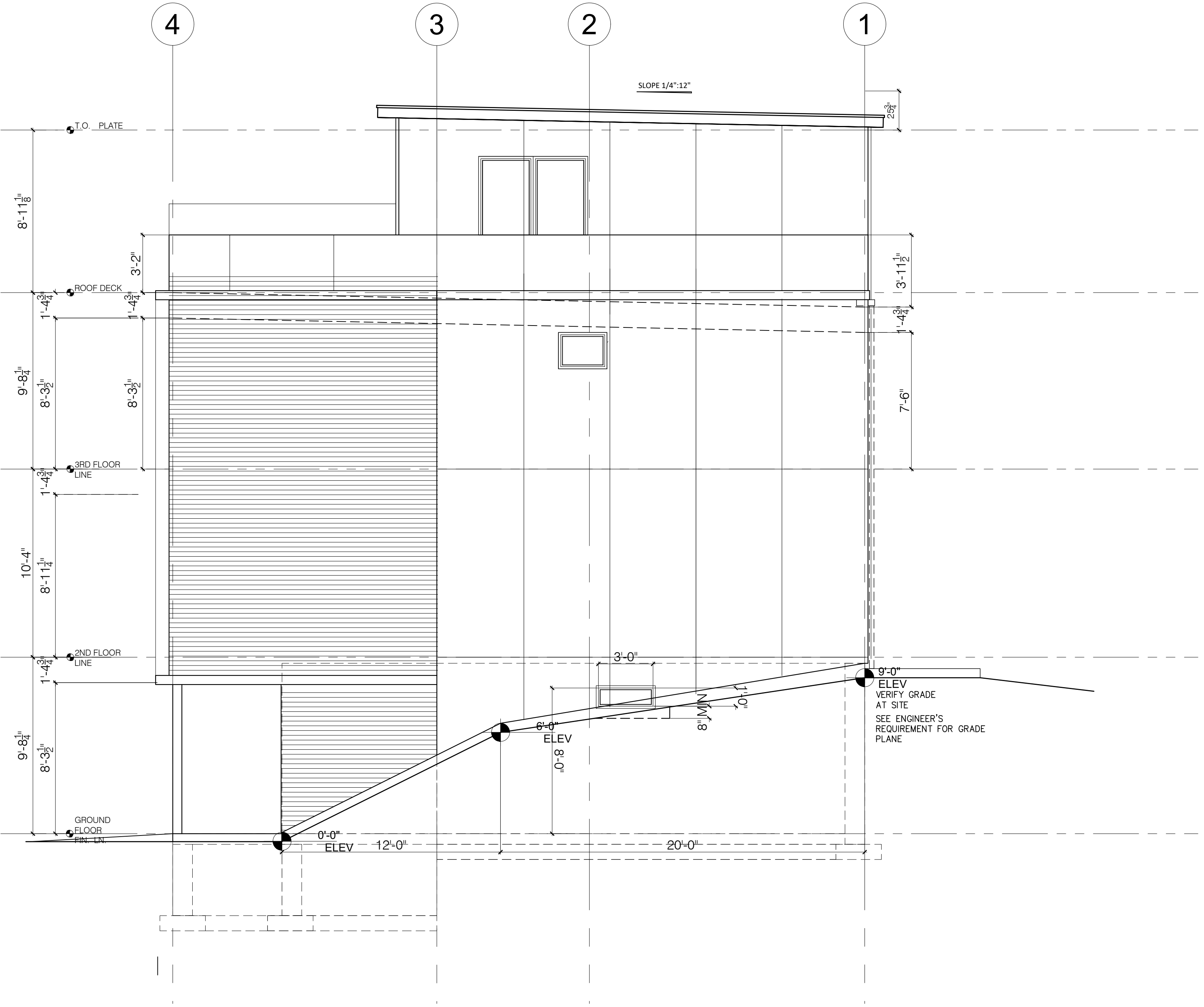


2
A3 REAR ELEVATION
SCALE: 1/4" = 1'-0"
Asst Ref:

<p>STOCKE CONSTRUCTION</p>	Project	PROPOSED 3-STORY DUPLEX		Drawing title	ELEVATIONS	
	Client	TED STOCKE		Scale	AS NOTED	Drawing No.
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				Drawn by		
				Checked by	TS	
			REVISION:			
<small>Units: 3801 (LEFT SIDE) & 3803 (RIGHT SIDE) LOT 17&18, BLK 1, LONDON EAST, LONDON ROAD, DULUTH MN 55804 PH: 010-3075-00170 & PFK: 010-3075-00180</small>						



1 LEFT ELEVATION
SCALE: 1/4" = 1'-0"
A4

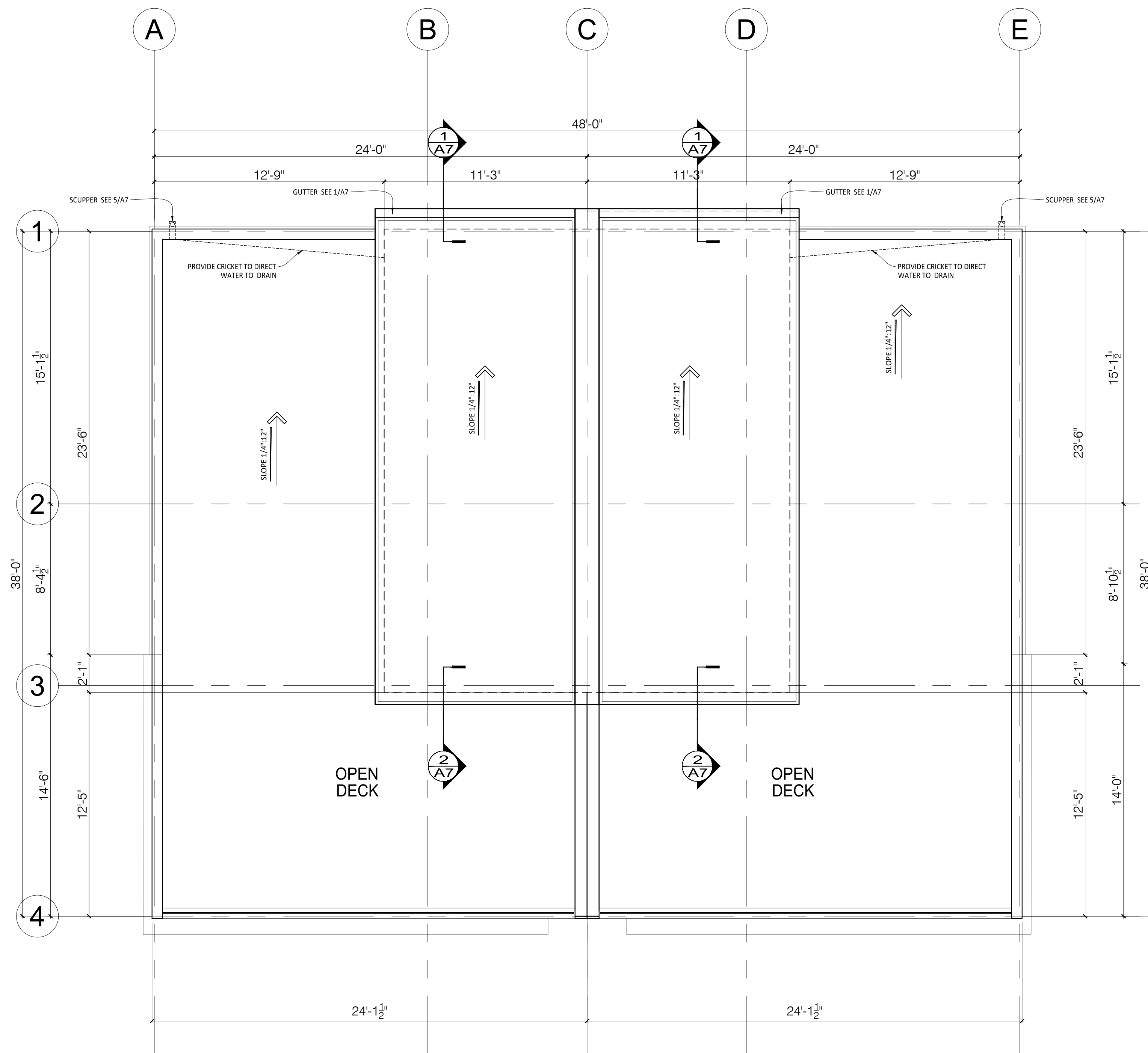


2 RIGHT ELEVATION
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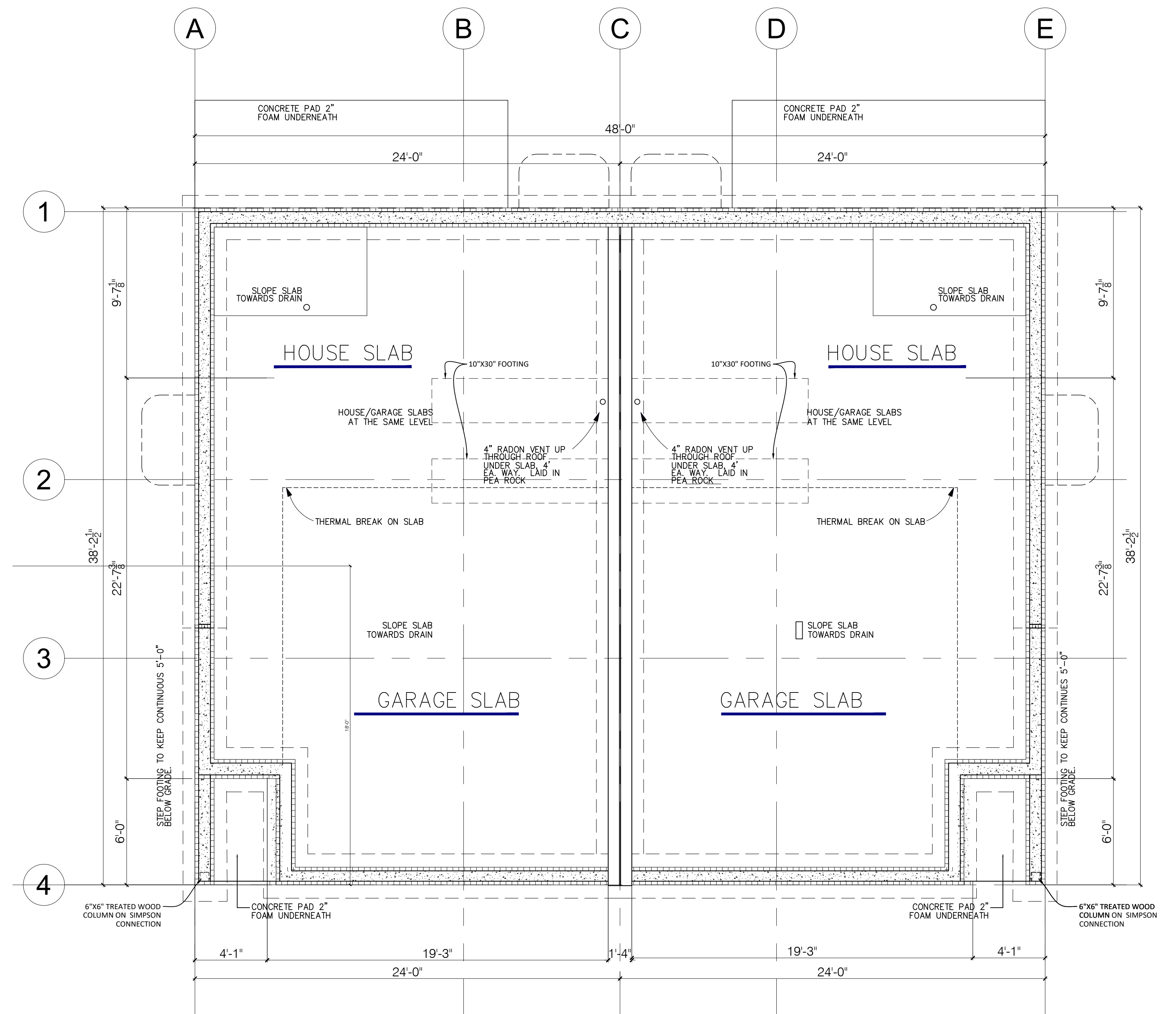


Project	PROPOSED 3-STORY DUPLEX		Drawing title	ELEVATIONS	
Client	TED STOCKE		Scale	AS NOTED	Drawing No.
			Print Date	Nov. 03, 2022	
			Drawn by		
			Checked by	TS	
			REVISION:		
<small>Units: 3801 (LEFT SIDE) & 3803 (RIGHT SIDE) LOT 17&18, BLK 1, LONDON EAST, LONDON ROAD, DULUTH MN 55804 PH: 010-3075-00170 & PH: 010-3075-00180</small>					

A4



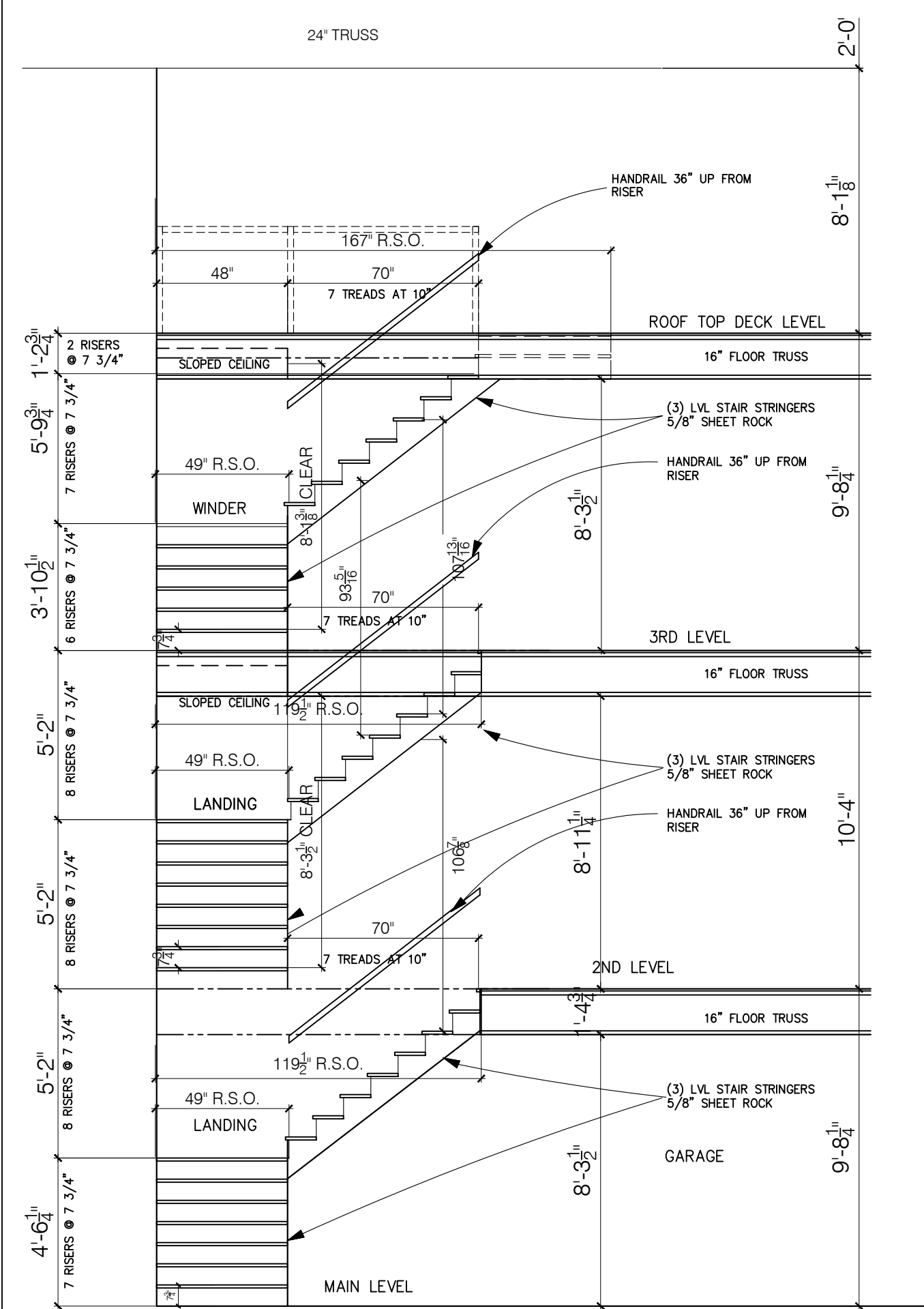
1 ROOF PLAN
SCALE: 1/4" = 1'-0"
DATE: 11/03/22



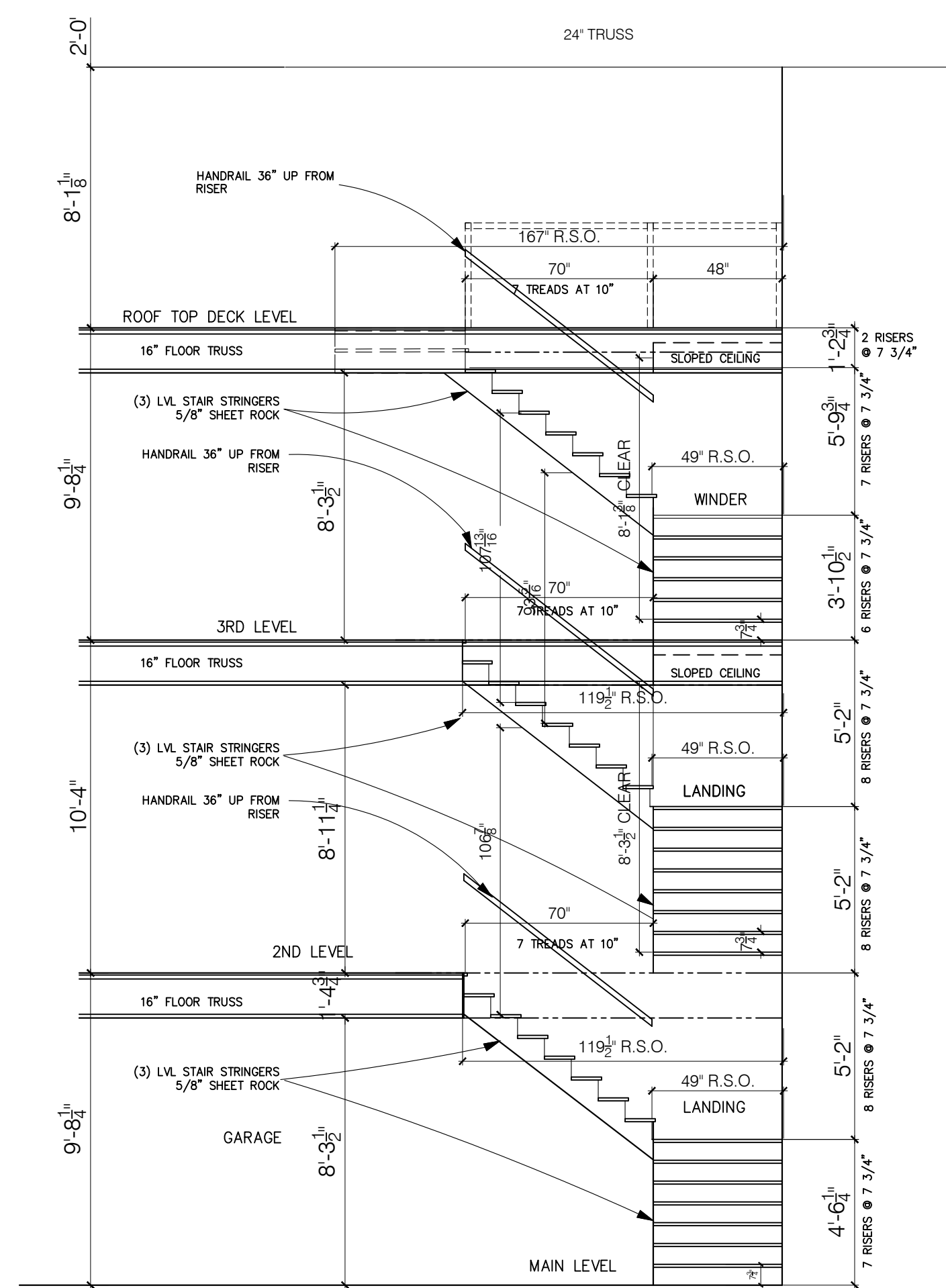
2 FOUNDATION PLAN
SCALE: 1/4" = 1'-0"
DATE: 11/03/22



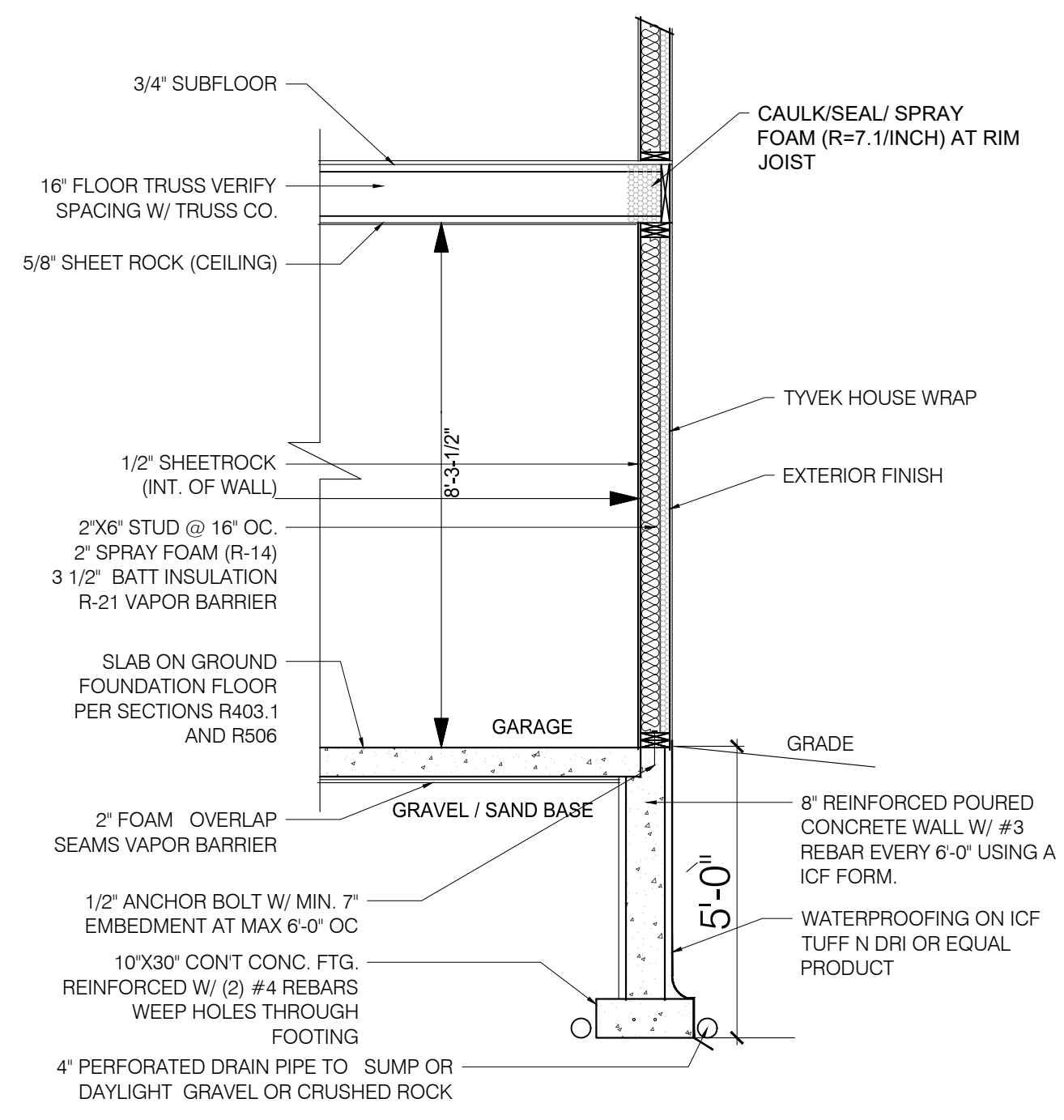
Project PROPOSED 3-STORY DUPLEX	Drawing title ROOF PLAN FOUNDATION PLAN	
Client TED STOCKE	Scale AS NOTED	Drawing No. A5
Units 3801 (LEFT SIDE) & 3803 (RIGHT SIDE) LOT 17&18, BLK 1, LONDON EAST, LONDON ROAD, DULUTH MN 55804 PH: 010-3075-00170 & PFK: 010-3075-00180	Print Date Nov. 03, 2022	
	Drawn by TS	
	Checked by TS	
	REVISION:	



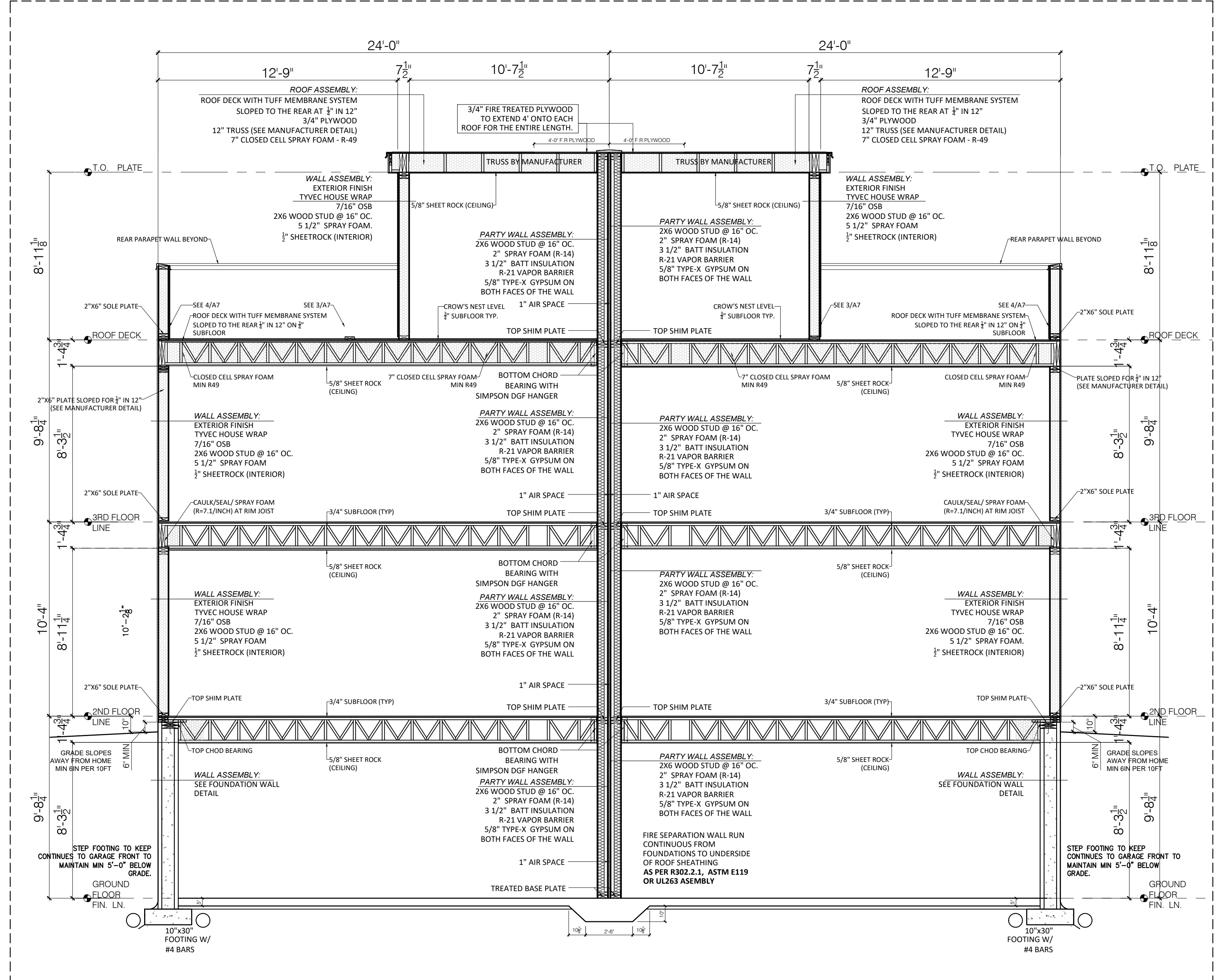
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DATE: 11/22/22



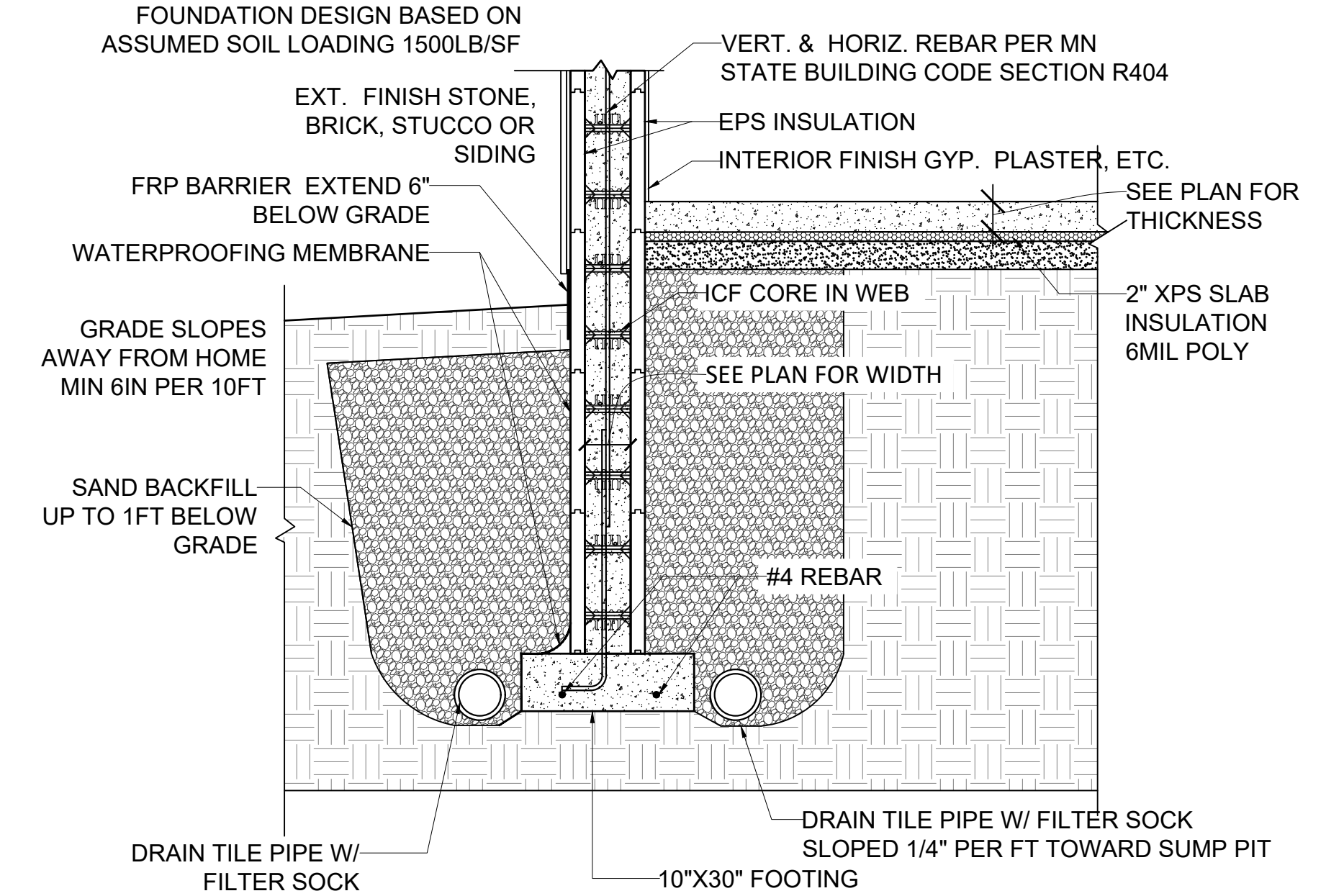
2 STAIR-2 DETAIL
SCALE: 1/4" = 1'-0"
DATE: 11/22/22



3 TYPICAL WALL AT FRONT
SCALE: 3/8" = 1'-0"
DATE: 11/22/22



4 ASSEMBLY - 3 STORY ON GRADE
SCALE: 3/8" = 1'-0"
DATE: 11/22/22



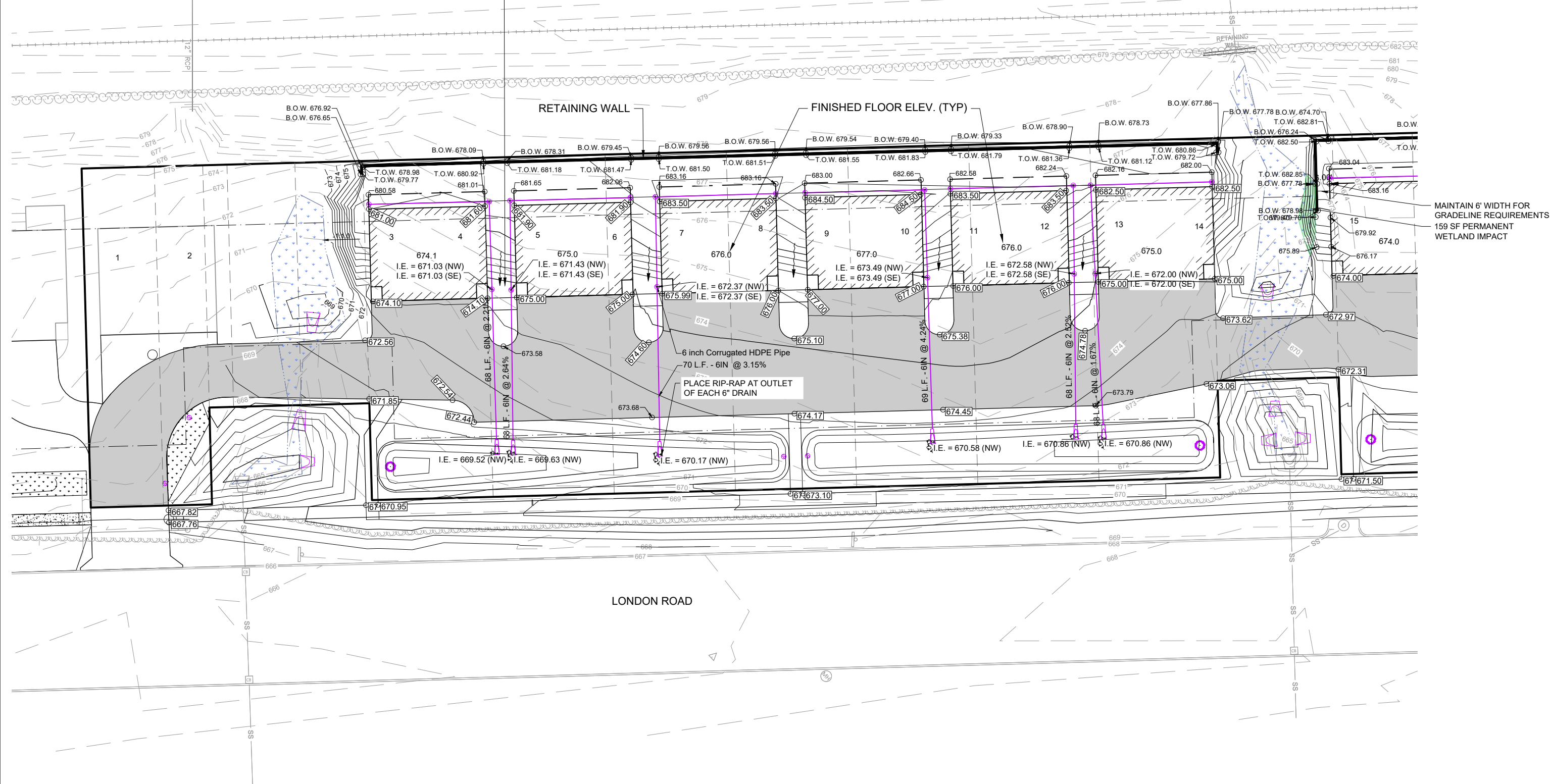
5 ICF FOUNDATION DETAIL
SCALE: 1/2" = 1'-0"
DATE: 11/22/22

	Project PROPOSED 3-STORY DUPLEX	Drawing title DETAILS	
	Client TED STOCKE	Scale AS NOTED	AS NOTED
	Units 3801 (LEFT SIDE) & 3803 (RIGHT SIDE) LOT 17&18, BLK 1, LONDON EAST, LONDON ROAD, DULUTH MN 55804 PH: (612) 3075-0017 & (612) 3075-0018	Print Date Nov. 03, 2022	Drawing No. A6
		Drawn by Checked by TS	REVISION:



1-2' RETAINING WALL TO BE INSTALLED BETWEEN UNITS AS NEEDED FOR UTILITY CONFLICTS, TYP.

PLAN UPDATE 1.23.2023
REVISED TO MEET
GRADELINE REQUIREMENT



MAINTAIN 6' WIDTH FOR GRADELINE REQUIREMENTS
159 SF PERMANENT WETLAND IMPACT

LONDON ROAD

- CONSTRUCTION NOTES:
1. CONTRACTOR TO GRADE BETWEEN BUILDINGS SO WATER FLOWS FROM THE BACK YARDS TO THE ROAD/STORMWATER SWALES.
 2. CONTRACTOR TO GRADE SIDEWALK CROSSING DRIVEWAY TO APPLICABLE ADA REQUIREMENTS.

NO.	DATE	REVISION	BY
1	8.2.2021	REGRADED BACK OF HOUSED, BOULEVARD, & SIDEWALK	SFS
2	11.5.2021	ALIGNMENT CHANGES, REGRADED OF PAVED AREAS	JAS
3	11.18.21	UNDERDRAIN AND REGRADED BACK OF LOTS	DAL
4	11.22.22	ADDED SIDE RETAINING WALLS & REGRADED	SEA
5	12.14.22	REVISED GRADING TO MEET GRADELINE REQUIREMENT	SEA

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

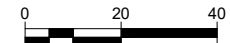
08/02/2021 Date
52222 License No.
JON M. LOYE

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LONDON ROAD UTILITY EXTENSIONS
37TH TO 39TH AVENUE EAST
DULUTH, MN

GRADING PLAN 1

PROJECT NO.
05331006
SHEET
S-5



PLAN UPDATE 1.23.2023
REVISED TO MEET
GRADELINE REQUIREMENT

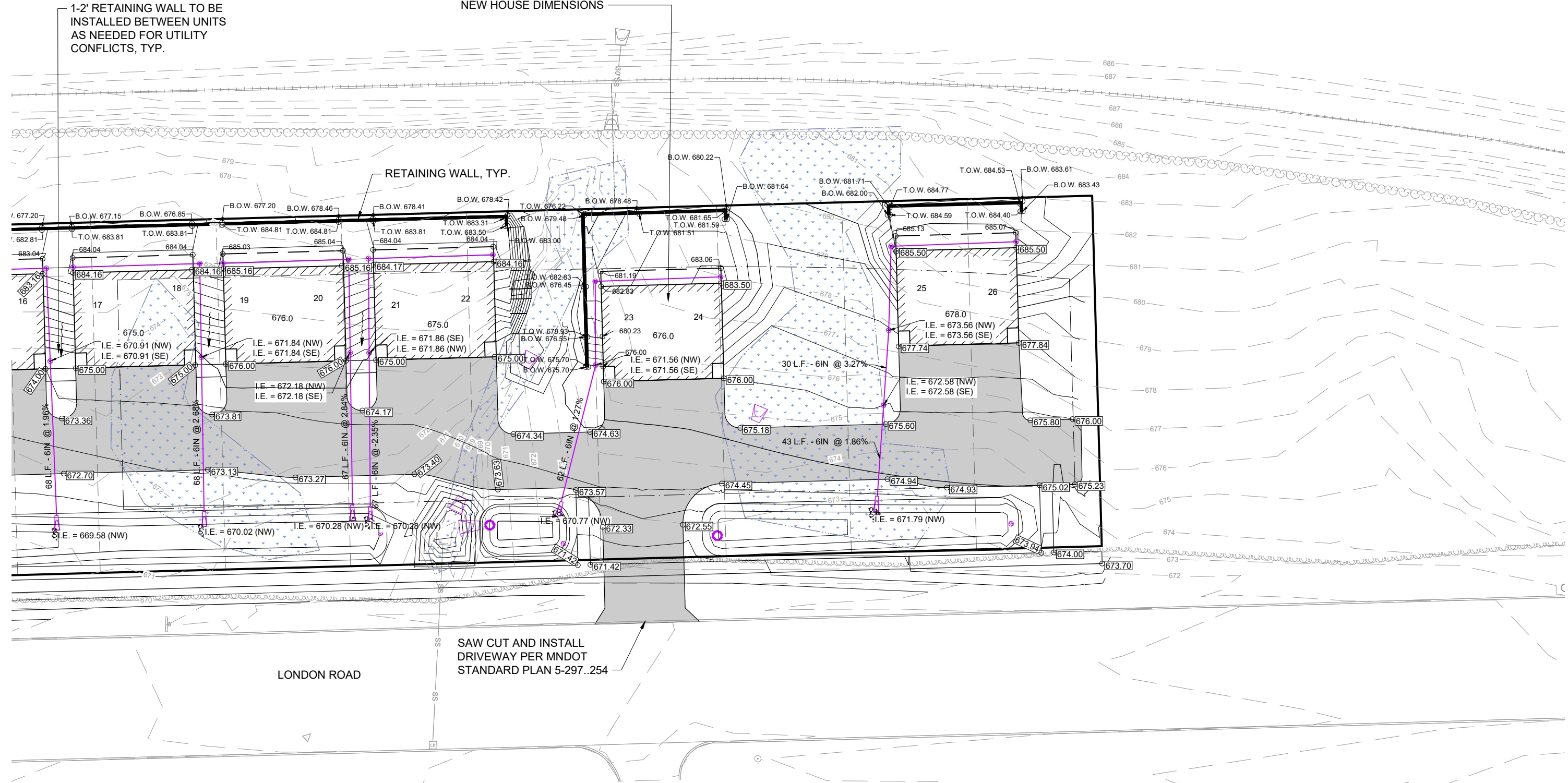
1-2' RETAINING WALL TO BE
INSTALLED BETWEEN UNITS
AS NEEDED FOR UTILITY
CONFLICTS, TYP.

GRADING TO BE DETERMINED WITH
NEW HOUSE DIMENSIONS

RETAINING WALL, TYP.

SAW CUT AND INSTALL
DRIVEWAY PER MNDOT
STANDARD PLAN 5-297..254

LONDON ROAD



- CONSTRUCTION NOTES:
1. CONTRACTOR TO GRADE BETWEEN BUILDINGS SO WATER FLOWS FROM THE BACK YARDS TO THE ROAD/STORMWATER SWALES.
 2. CONTRACTOR TO GRADE SIDEWALK CROSSING DRIVEWAY TO APPLICABLE ADA REQUIREMENTS.

PROJECT DATE:	NO.	DATE	REVISION	BY
02/17/20	1	8.2.2021	REGRADED BACK OF HOUSE, BOULEVARD, & SIDEWALK	SFS
	2	11.5.2021	ALIGNMENT CHANGES, REGRADE OF PAVED AREAS	JAS
	3	11.18.21	UNDERDRAIN AND REGRADE BACK OF LOTS	DAL
	4	11.22.22	ADDED SIDE RETAINING WALLS & REGRADE	SEA
	5	11.22.22	REVISED GRADING TO MEET GRADELINE REQUIREMENT	SEA

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

08/02/2021 Date
52222 License No.
JON M. LOYE

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LONDON ROAD UTILITY EXTENSIONS
37TH TO 39TH AVENUE EAST
DULUTH, MN

GRADING PLAN 2

PROJECT NO.
05331006
SHEET
S-6

Variance Application
London East
Height Restrictions

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

This project has 28 lots on 3.14 acres along London Road. Being that London Road is state owned & operated, we were only allowed 2 ingress/egress curb cuts. We therefore needed to build a service road to access each individual lot. Further, we were requested to build a wider road than the normal to accommodate emergency vehicles. We also needed to widen the road to accommodate additional guest parking for guests. Additionally, a sidewalk was required to accommodate pedestrian traffic. We also needed to incorporate 7 stormwater retention ponds to accommodate drainage.

All of these factors led to a shrinking of the buildable area for each dwelling unit. In keeping with the it has limited the size of the units and building up has made all the difference in being able to market homes that fit in this neighborhood. (This references Imagine Duluth 2035 plan: policy number 1, S4)

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

Being on a state highway with only two curb cuts being allowed created the need to build the service road. Being at the lowest point of the hill that is Duluth created the need for the large retention ponds.

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

The neighborhood is comprised of several mansions, an apartment complex, an assisted living facility, and East High School. The character and feel is for larger structures. We feel these attributes of the neighboring properties are in line with our request.

Also, these proposed Scenery Lofts on these new homes will be exactly the same width as the adjacent townhomes, keeping a similar style and symmetry to the project.

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

As the buildable footprints in this site are small, the only method to design in the square footage necessary to meet the demand for this area is to go up. The views of Lake Superior are at a premium. This use would allow for Scenic Lofts, which are a permitted exception to the height restriction in the code. Also, keeping the footprints to a minimum minimizes the need for excavation on each site.

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

The additional height, if granted, will not affect any surrounding properties as one side is London Road and the other is the railroad. The height variance would not affect the traffic on London Road. The variance requested will not impair safety, as the backyard is similar to any 2 story structure and does not impose an undue safety concern. The height would not impair the established property values. Due to the unique characteristics of the variance, it would help to increase property values.

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

If the intent of the code is to follow the Imagine Duluth 2035 Forward Together outline; Section 8, Housing, each item in Policy #1 fits with our request:

Policy #1 – Increase density in and around the designated Core Investment Areas

- Promote infill development with a mix of densities appropriate to the context of the surrounding neighborhood.
 - This is an infill site, with the requested variance allowing for a fit with the neighboring properties
- Encourage and incentivize live/work opportunities.
 - With the variance, we are allowing for the space necessary for a home office
- Explore opportunities to increase amenities to create livable and walkable neighborhoods.
 - The sidewalk being added into this project increased the walkability of the neighborhood, but inhibited the horizontal footprint of the structures, necessitating a vertical build to accommodate the square footage necessary to maintain the character of the Congdon neighborhood.
- Focus on creative housing options of a non-traditional neighborhood design, such as homeownership through dense attached or detached single-family housing development fronting a pedestrianized street.

- The variance requested is a creative design approach to overcoming the site's given parameters and helps to keep the character of the Congdon neighborhood.
- Create walk-to-work incentives for employers to support housing near employment centers.
 - This site incentivises walk-to-work for downtown employers. The requested variance adds the square footage that is being demanded of these residents of our city, and also helps to keep the character of the neighborhood.

Further, There is a provision in the code for Exceptions to Height Restrictions; 50-21.3 Exceptions and encroachments for Scenery Lofts and Elevator Penthouses. There are no descriptions in the code under Article 6: Definitions depicting what Scenery Lofts or Elevator Penthouses are. We felt that this variance request fell into this parameter.

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

- No



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 23-060	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Variance from side yard setbacks	Planning Commission Date	May 9, 2023	
Deadline for Action	Application Date	April 3, 2023	60 Days	June 2, 2023
	Date Extension Letter Mailed	April 10, 2023	120 Days	August 1, 2023
Location of Subject	Parcel 010-4400-01780 located at 13th Street South and St. Louis Avenue			
Applicant	Marie Fierek	Contact		
Agent	AROLA Architecture Studio LLC	Contact		
Legal Description	See Attached	Sign Notice Date	April 25, 2023	
Site Visit Date	April 28, 2023	Number of Letters Sent	19	

Proposal

The applicant is seeking a side yard variance to reduce the setback from the required 25' setback to zero feet to construct a two-story building for residential and retail use, and garage on a 40' x 240' lot in the MU-W, Mixed Use Waterfront zone district.

Staff Recommendation

Staff recommends that the Planning Commission approve the variance with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-W	Vacant land	Transportation & Utilities/Open Space
North	MU-W	US Coast Guard	Transportation & Utilities
South	P-1	Street	Open Space
East	MU-W	Allete Inc. Building	Traditional Neighborhood
West	Mu-w	Harbor	Harbor

Summary of Code Requirements

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

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

Governing Principle #8 - Encourage mix of activities, uses, and densities. Cities have evolved as a mix of land uses, building types, housing types, and activities. Accommodating choice while protecting investment is a balance to strike in land use regulation. Mixed uses provide opportunities for a diversity of activity that segregated, uniform uses do not provide.

Future Land Use

Transportation and Utilities: Applicable to airports, the port terminals, large highway rights-of-way, and similar uses.

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) The applicant is seeking a variance to the side yard setback to construct a two-story building for residential and retail use, and garage on a 40' x 240'+/- lot in the MU-W, Mixed Use Waterfront zone district. The parcel is considered a corner lot as a portion of it is adjacent to the unimproved right of way for 13th Street South. The variance is for a reduction in the side yard setbacks from 25' to zero feet along the north and south property lines.
- 2) The applicant states that the variance is requested due to the 40' lot width; a 25' side yard setback requirement creates a practical difficulty in designing a structure for this lot. By strictly applying the required 25-foot side yard setbacks the lot would not be buildable.
- 3) The property is considered a legal non-conforming lot in terms of lot frontage in the MU-W (Mixed Use Waterfront) zoning district. This area was platted prior to the existing setback standards and is unique in terms of lot width and frontage for the MU-W zone district.
- 4) The applicant is proposing to use the property in a reasonable manner by constructing a live-work building, which is a permitted use in the MU-W zone district. It will include a studio space for craft production and a living space for the owner's residence.
- 5) The proposed driveway shown on the site plan that is located within the platted right of way will require the issuance of a driveway permit from the City Engineering Department. The driveway can only be used for the dwelling unit within the building. Parking for the commercial component of this site will need to be provided on site.
- 6) The parcel is an unsewered area and the extension of a sewer line and related infrastructure is required. The applicant is working with City Engineering on utility extensions to the property.
- 7) The applicant's practical difficulty was not created by the landowner but rather is due to the existing lot width. The variance will not alter the essential character of the neighborhood as it abuts other lots zoned MU-W to the north occupied by the Coast Guard and an Allete Inc. utility building to the east, and vacant city land to the south zoned P-1, Park and Open Space.
- 8) The proposed variance is consistent with other properties in the nearby vicinity and with other properties in the Park Point neighborhood where there are minimal side yard setbacks due to the constrained land mass of Minnesota Point. The proposed variance will provide for construction and design that is consistent with the surrounding neighborhood.
- 9) The adjacent property to the north has an existing structure located along the lot line of the applicant's property. The existing structure is set back from the lot line. The property to the south is vacant land. The variance will not impair an adequate supply of light and air to adjacent properties.
- 10) Construction Services and Inspections stated that structures built up to the lot line may have some challenges with the building code, and can create challenges for the property owner if the proposed structure is not planned with care (paying attention to fire walls, with no openings at zero lot line buildings). The Parks Department commented on the driveway within the unimproved right of way and said that this could impact future access to a boat club-like site or other park-like simple improvements in the future on the property to the south. An email was received from a property owner (see attached) in proximity to the applicant's site, concerned about use of the City parcel zoned P-1 as a parking lot. No other public, agency, or other City comments were received.
- 11) Per UDC Section 50-15.6.D, a planning review by the Planning Commission shall be required for the proposed development of the site for a live-work building.

12) Per UDC Section 50-37.1.N, approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year.

Staff Recommendation

Based on the above findings, Staff recommends that the Planning Commission approve the variance with the following conditions:

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



Legend
Zoning Boundaries

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



PROPOSED USE: LIVE-WORK DWELLING

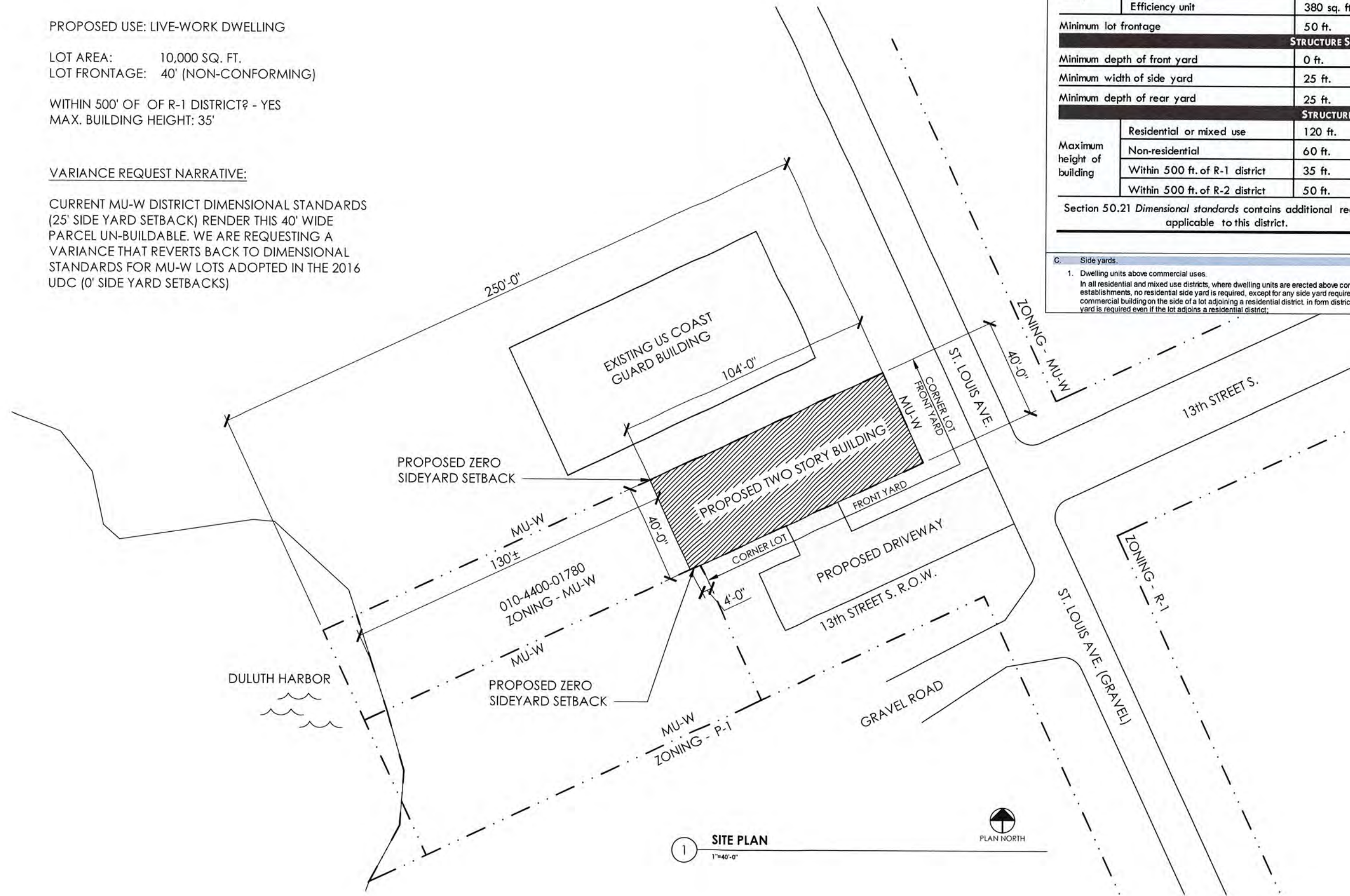
LOT AREA: 10,000 SQ. FT.
 LOT FRONTAGE: 40' (NON-CONFORMING)

WITHIN 500' OF OF R-1 DISTRICT? - YES
 MAX. BUILDING HEIGHT: 35'

VARIANCE REQUEST NARRATIVE:

CURRENT MU-W DISTRICT DIMENSIONAL STANDARDS (25' SIDE YARD SETBACK) RENDER THIS 40' WIDE PARCEL UN-BUILDABLE. WE ARE REQUESTING A VARIANCE THAT REVERTS BACK TO DIMENSIONAL STANDARDS FOR MU-W LOTS ADOPTED IN THE 2016 UDC (0' SIDE YARD SETBACKS)

TABLE 50-15.6-1 MU-W DISTRICT DIMENSIONAL STANDARDS		
LOT STANDARDS		
Minimum lot area per family	Townhouse or live-work dwelling	2,200 sq. ft.
	Multi-family	500 sq. ft.
	Efficiency unit	380 sq. ft.
Minimum lot frontage		50 ft.
STRUCTURE SETBACKS		
Minimum depth of front yard		0 ft.
Minimum width of side yard		25 ft.
Minimum depth of rear yard		25 ft.
STRUCTURE HEIGHT		
Maximum height of building	Residential or mixed use	120 ft.
	Non-residential	60 ft.
	Within 500 ft. of R-1 district	35 ft.
	Within 500 ft. of R-2 district	50 ft.
Section 50.21 Dimensional standards contains additional regulations applicable to this district.		
C. Side yards.		
1. Dwelling units above commercial uses. In all residential and mixed use districts, where dwelling units are erected above commercial establishments, no residential side yard is required, except for any side yard required for the commercial building on the side of a lot adjoining a residential district. In form districts, no side yard is required even if the lot adjoins a residential district.		



1 SITE PLAN
 1"=40'-0"

PRELIMINARY
 NOT FOR CONSTRUCTION
 DATE: 3/15/2023

Subject: Variance to Side Yard Setbacks for parcel 010-4400-01780 at 13th St. So. & St. Louis Ave (PL 23-060)

Hello,

I received notice of the application for variance to reduce side yard setbacks from 25 to 0 feet to construct a 2 story building for residential and retail use.

I live on the 1300 block of Minnesota Avenue on the bay side. Will this request affect the P-1 park zoned area behind us?

Some neighbors and I are concerned about the increase in short term rental properties in and around our neighborhood, and the increase in car traffic. After the recent turnover of the boat club property back to the city we are hoping our nice little wooded area doesn't end up becoming a parking lot.

Any information you could provide would be appreciated.

Sincerely,

Randine Anderson



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 23-070	Contact	John Kelley, jkelly@duluthmn.gov	
Type	Preliminary Plat	Planning Commission Date	May 9, 2023	
Deadline for Action	Application Date	April 4, 2023	60 Days	June 3, 2023
	Date Extension Letter Mailed	April 10, 2023	120 Days	August 2, 2023
Location of Subject	Parcels 010-2720-00320, 010-2720-00321, 010-2720-00322, 010-2720-00260, 010-2720-00340 east of Woodland Avenue and north of Vassar Street			
Applicant	Kevin Christiansen	Contact		
Agent		Contact		
Legal Description	See attached			
Site Visit Date	April 28, 2023	Sign Notice Date	April 25, 2023	
Neighbor Letter Date	April 13, 2023	Number of Letters Sent	39	

Proposal

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

Recommendation

Staff is recommending approval subject to included conditions.

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

Summary of Code Requirements

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

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

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

Governing Principle #5 - Promote reinvestment in neighborhoods.

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

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

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

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

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

Site history: The site consists of 5 parcels. The proposed plat area was rezoned in 2021 (21-064) from RR-1 to R-1.

Review and Discussion Items

Staff finds:

- 1) Request. The applicant is seeking Planning Commission approval of a preliminary plat. The proposal is to plat a 25 acre unplatted area into 15 single family lots and two outlots. Outlot A will be used for storm water treatment purposes and Outlot B will be open space. Each lot will have frontage on a new public street connected to Woodland Avenue and running east terminating with a hammer head turnaround, and to the south ending in a cul-de-sac. The proposed lot sizes and widths conforms to the basic requirements of the R-1, Residential Traditional zoning district.
- 2) Character of Area. Lots range in size from .26 acres to 1.96 acres and the Outlots are .35 and 13.48 acres. The proposed development is generally consistent with the lot configuration in the surrounding Woodland Neighborhood area with some lots of larger size.
- 3) Area Transportation System. Woodland Avenue is classified as a minor collector street with no sidewalks along the section of road between platted James Street to West Chisholm Street. The nearest transit route is 1/3 mile away at the intersection of Woodland Avenue and Calvary Road.
- 4) Site Access. The proposed plat includes dedication of a 66-foot-wide street, unnamed at this time, extending from Woodland Avenue running east along platted James Street and terminating with a hammer head turnaround, and to the south ending in a cul-de-sac. Final street design details will be determined by the City Engineer, but plans include a 24-foot-wide street with curb and gutter and 5-foot wide sidewalk on one side. The UDC connectivity/circulation standards require that whenever cul-de-sac streets are created one ten-foot-wide pedestrian access/public utility easement shall be provided, between the cul-de-sac head or street turnaround and the sidewalk system of the closest adjacent street or pedestrian sidewalk or pathway. To comply with site connectivity requirements, the applicant is proposing a 15 foot wide pedestrian easement extending south from the terminus of the road on the east end of the site to an existing water line easement and trail that is used by adjacent residents to access Amity Creek to the west.
- 5) Natural Features. The site is wooded with wetlands and undeveloped. The property consists of rolling topography with sloped areas to the north, south and east. The site is west of Amity Creek. The northwest corner of the site is within the shoreland area for Amity Creek but outside of the 150 foot setback requirement for structures and impervious surface. Amity Creek is 300+ feet downslope from the proposed developable area.

- 6) Wetlands. A complete wetland delineation is on file (PL 21-181). The proposed residential development plan would impact Type 6 Wet Meadow and Type 7 Forested (Black Ash) Swamp Wetland. The proposed street entering the site from Woodland Avenue crosses the Type 7 wetland at its narrowest point to minimize impacts. The street ending with a cul-de-sac will be constructed over a portion of the Type 2 wetland and is proposed as a wetland fill area. Lots are arranged along the fringes of wetlands with access from the proposed streets. There is sufficient space for development shown on a majority of the lots without impacting wetlands. The preliminary plat exhibit shows proposed 2,700 square foot building pads. Lots 1 and 3 of Block 1 and lots, 6, 9 and 11, Block 2, have proposed building pads that abut wetland areas. Staff recommends that these building pads be located further away from the wetlands. The preliminary plat depicts drainage and utility easements placed over the wetlands to protect against potential impacts. Staff recommends the development agreement include a requirement that wetland boundaries be permanently marked to prevent accidental impact and that the utility and drainage easements be in place. The applicant has applied for a wetland replacement plan and is tentatively proposing wetland mitigation using an established wetland bank.
- 7) Tree Inventory and Replacement Plans. The land is forested with pockets of open area. The applicant has submitted a comprehensive tree inventory report that identifies tree size, species and whether they are of significant or special importance for the entire plat area. Trees within the proposed right of ways are exempt from the tree replacement requirements. The tree inventory identified one Special Tree over 20 inches in diameter in the northwest corner of the site, intended to be preserved during development. Staff recommends the tree inventory be approved by the City before application for the Final Plat is made and that the tree replacement plan be approved by the City prior to issuance of any permits for land disturbing activities on the site.
- 8) Utilities. The applicant is proposing to put public utilities including water and sanitary sewer within the proposed street right-of-ways to the east and south extending from existing utilities within Woodland Avenue. The applicant is working with the City Engineering Department on the proposed utilities connections.
- 9) Storm Water. A stormwater management summary was submitted by the applicant and is being reviewed by the City Engineering Department. Two storm water detention basins are planned for the development. One basin is located on the south side of the road entering the site adjacent to Lot 11 and the second basin is located north of the hammer head at the terminus of the street to the east and between lots 3 and 4 of Block 1. The next step will require a civil engineer to design the stormwater management facilities and provide a drainage report showing that the development will manage stormwater.
- 10) Conformance with UDC and State Statute. The preliminary plat is consistent with the comprehensive land use plan designation of this site, which is for a traditional neighborhood development. The preliminary plat is located in an area of the city with adequate police, fire, and emergency facilities to serve the anticipated housing development. Staff finds that, other than the items addressed above and referenced in the recommendations below, the preliminary plat conforms to the requirements of Sec 50-37.5. and is consistent with all applicable requirements of MSA 462.358 and Chapter 505.
- 11) Development Agreement. A development agreement for the improvement of public streets and dedication of needed pedestrian easements is required, and will be reviewed by City staff and approved by the City Council prior to initiating site work for the project.
- 12) Platting of the property will not result in adverse material impacts to surrounding properties as any projects to be developed as a result of the plat will need to obtain environmental, public works, and development permitting that will require avoidance or mitigation of any potential impacts.
- 13) A comment was received from Jim Shoberg, Senior Parks Planner, regarding future use of Outlot B, proposed home location on Lot 4, Block 1, and about land preservation and recreation along the portion of Amity Creek east of the site. No other citizen or City comments have been received to date.

Staff Recommendation

Based on the above findings, staff recommends that Planning Commission approve the application with the following conditions:

1. Prior to undertaking any site work, the following conditions shall be met:
 - a. The development agreement and final plat shall be recorded;
 - b. All necessary permits shall be obtained;
 - c. Erosion control measures shall be installed and inspected by appropriate city officials;
2. Drainage and utility easements shall be established over all wetland areas.
3. Wetland boundaries shall be permanently marked to prevent accidental impact.
4. The applicant shall enter into a development agreement addressing applicable development terms as identified by City staff herein, and as further identified in the review of the Final Plat of Amity Bluffs. The development agreement shall be approved and recorded with the appropriate St. Louis County offices.
5. The development agreement must be recorded prior to the Planning Commission President and Secretary signing the Final Plat.
6. Wetlands shall be fully protected during construction, monitored for impacts due to silt and sediment, and restored if required upon inspection by appropriate city officials.
7. The City Forester must approve the tree replacement plan and shall validate that the construction process does not impact the trees indicated for preservation on the site.



PL 23-070
Preliminary Plat
Site Map

Legend
Zoning Boundaries

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



PRELIMINARY PLAT OF AMITY BLUFFS

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

LEGEND

- R-W RIGHT OF WAY
- (0)- FIELD MEASURED DIMENSION
- (R)- RECORD DIMENSION
- (P)- RECORD PLAT DIMENSION
- SECTION SUBDIVISION LINE
- CENTER LINE
- RIGHT OF WAY LINE
- EXISTING EASEMENT LINE
- BOUNDARY LINE AS SURVEYED
- EXISTING PLAT LINE
- PROPOSED PARCEL LINE
- CONCRETE CURB & GUTTER
- SHORELINE
- UNDERGROUND GAS
- SANITARY SEWER
- STORM SEWER
- WATER MAIN
- psan PROPOSED SANITARY SEWER
- pw PROPOSED WATER MAIN
- psm PROPOSED STORM SEWER
- SETBACK LINE

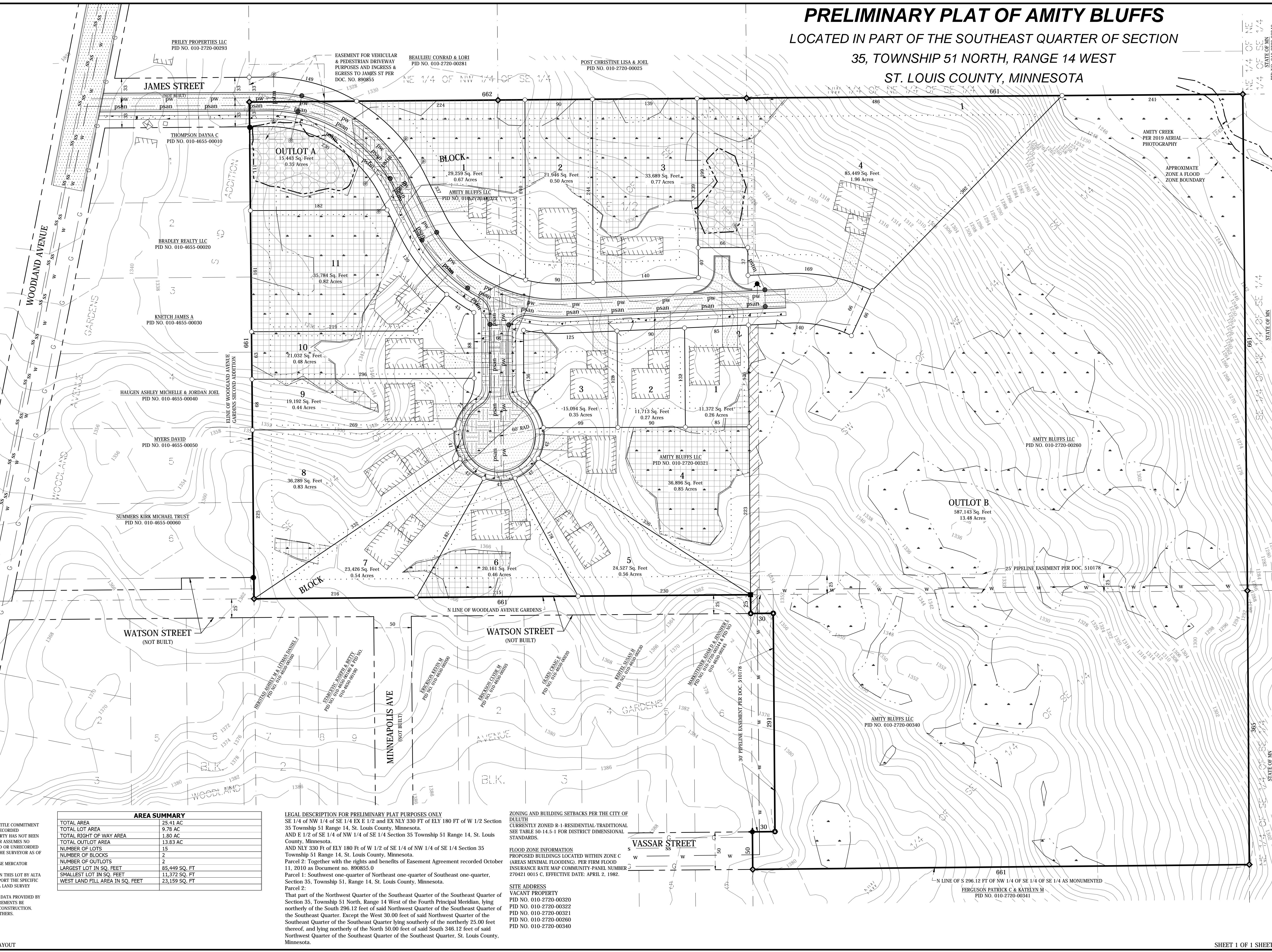
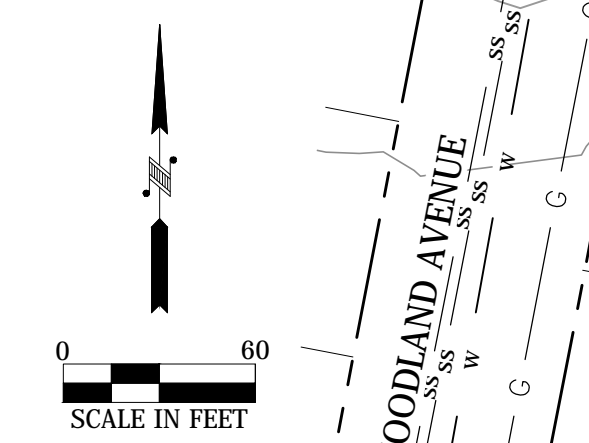
- CONCRETE SURFACE
- BITUMINOUS SURFACE
- PROPOSED BIT SURFACE
- PROPOSED CONCRETE SURFACE
- LANDSCAPED SURFACE
- PROPOSED PEDESTRIAN EASEMENT
- PROPOSED POND
- PROPOSED DRAINAGE & UTILITY EASEMENT
- PROPOSED WET LAND FILL AREA
- WET LAND PER OTHERS
- 2,700 Sq Feet PROPOSED BUILDING PAD

- FOUND 1" REBAR
- FOUND SANDSTONE MONUMENT
- FOUND MAG NAIL
- SET CAPPED REBAR RLS. NO. 49505
- FOUND CAPPED REBAR RLS. NO. 10725
- PROPOSED STORM OUTLET
- PROPOSED HYDRANT
- CATCH BASIN

OWNER/DEVELOPER
AMITY BLUFFS LLC
5331 HOWARD GNESSEN RD
DULUTH, MN 55803

CIVIL ENGINEER
NORTHLAND CONSULTING ENGINEERS L.L.P.
102 S 21ST AVENUE WEST, SUITE 1
DULUTH, MN 55806
PHONE (218) 727-5995
EMAIL info@nce-duluth.com

SURVEYOR
ALTA LAND SURVEY COMPANY
DAVID R. EVANSON, MN STATE REG. NO. 49505
P.O. BOX 161138
102 S 21ST AVENUE WEST, SUITE 4
DULUTH, MN 55816-1138
PHONE (218) 727-5211
EMAIL info@altasurveyduluth.com
PRELIMINARY PLAT COMPLETED AUGUST 2, 2021



AREA SUMMARY	
TOTAL AREA	25.41 AC
TOTAL LOT AREA	9.78 AC
TOTAL RIGHT OF WAY AREA	1.80 AC
TOTAL OUTLOT AREA	13.83 AC
NUMBER OF LOTS	15
NUMBER OF BLOCKS	2
NUMBER OF OUTLOTS	2
LARGEST LOT IN SQ. FEET	85,449 SQ. FT
SMALLEST LOT IN SQ. FEET	11,372 SQ. FT
WEST LAND FILL AREA IN SQ. FEET	23,159 SQ. FT

LEGAL DESCRIPTION FOR PRELIMINARY PLAT PURPOSES ONLY
SE 1/4 of NW 1/4 of SE 1/4 EX E 1/2 and EX NLY 330 FT of ELY 180 FT of W 1/2 Section 35 Township 51 Range 14, St. Louis County, Minnesota.
AND E 1/2 of SE 1/4 of NW 1/4 of SE 1/4 Section 35 Township 51 Range 14, St. Louis County, Minnesota.
AND NLY 330 FT of ELY 180 FT of W 1/2 of SE 1/4 of NW 1/4 of SE 1/4 Section 35 Township 51 Range 14, St. Louis County, Minnesota.
Parcel 2: Together with the rights and benefits of Easement Agreement recorded October 11, 2010 as Document No. 890855.0
Parcel 1: Southwest one-quarter of Northeast one-quarter of Southeast one-quarter, Section 35, Township 51, Range 14, St. Louis County, Minnesota.
Parcel 2:

ZONING AND BUILDING SETBACKS PER THE CITY OF DULUTH
CURRENTLY ZONED R-1-RESIDENTIAL-TRADITIONAL
SEE TABLE 50-14.5-1 FOR DISTRICT DIMENSIONAL STANDARDS.

FLOOD ZONE INFORMATION
PROPOSED BUILDINGS LOCATED WITHIN ZONE C (AREAS MINIMAL FLOODING), PER FIRM FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 270421 0015 C, EFFECTIVE DATE: APRIL 2, 1982.

SITE ADDRESS
VACANT PROPERTY
PID NO. 010-2720-00320
PID NO. 010-2720-00322
PID NO. 010-2720-00321
PID NO. 010-2720-00280
PID NO. 010-2720-00340



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 23-076	Contact	Jenn Moses	
Type	MU-I Planning Review	Planning Commission Date	May 9, 2023	
Deadline for Action	Application Date	April 5, 2023	60 Days	June 4, 2023
	Date Extension Letter Mailed	April 27, 2023	120 Days	August 3, 2023
Location of Subject	1002 E 1st Street			
Applicant	St. Luke's Hospital	Contact	Michael Boeselager	
Agent	Erdman Company	Contact	Neil Bright	
Legal Description	N/A	Sign Notice Date	April 21, 2023	
Site Visit Date	April 27, 2023	Number of Letters Sent	11	

Proposal

Applicant is proposing a 3-level, 323-stall parking ramp to replace the existing parking ramp. The height of the proposed building is 43'-10" from the average grade surrounding the structure to the top of the highest roof point.

Staff Recommendation

Staff is recommending Planning Commission approve the Planning Review subject to conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-I	Medical	Medical District
North	MU-I	Medical (Parking)	Medical District
South	MU-I	Medical	Medical District
East	MU-I	Medical (Parking)	Medical District
West	MU-I	Medical	Medical District

Summary of Code Requirements

50-15.4 MU-I Planning Review

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

50-24 Parking and Loading – Addresses required parking spaces, loading docks, and snow storage.

50-25 Landscaping and Tree Preservation – Landscaping requirements and tree preservation

50-26 Screening, Walls, & Fences – Includes requirements for screening of commercial containers & mechanical equipment

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

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

50-31 Exterior Lighting – Requires lighting to be downcast, full-cutoff fixtures.

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

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

Governing Principle #4-Support economic growth sectors: Emerging and growing economic sectors, including medical, add economic, cultural, and social diversity.

Economic Development Policy #2—Foster growth of existing employers and strategically recruit new employers to Duluth.

Future Land Use – Medical District: An area encompassing the medical campuses and adjacent that support them.

Recent History

The existing parking ramp was built in the late 1970s and had a capacity of 263 spaces. Due to deterioration of the slab, the 3rd floor has been closed to use, leaving 170 usable parking spaces.

In January 2013, Planning Commission approved a District Plan for St. Luke's (PL 12-170), establishing guidelines for signage, traffic calming, and lighting.

Discussion

Staff finds that:

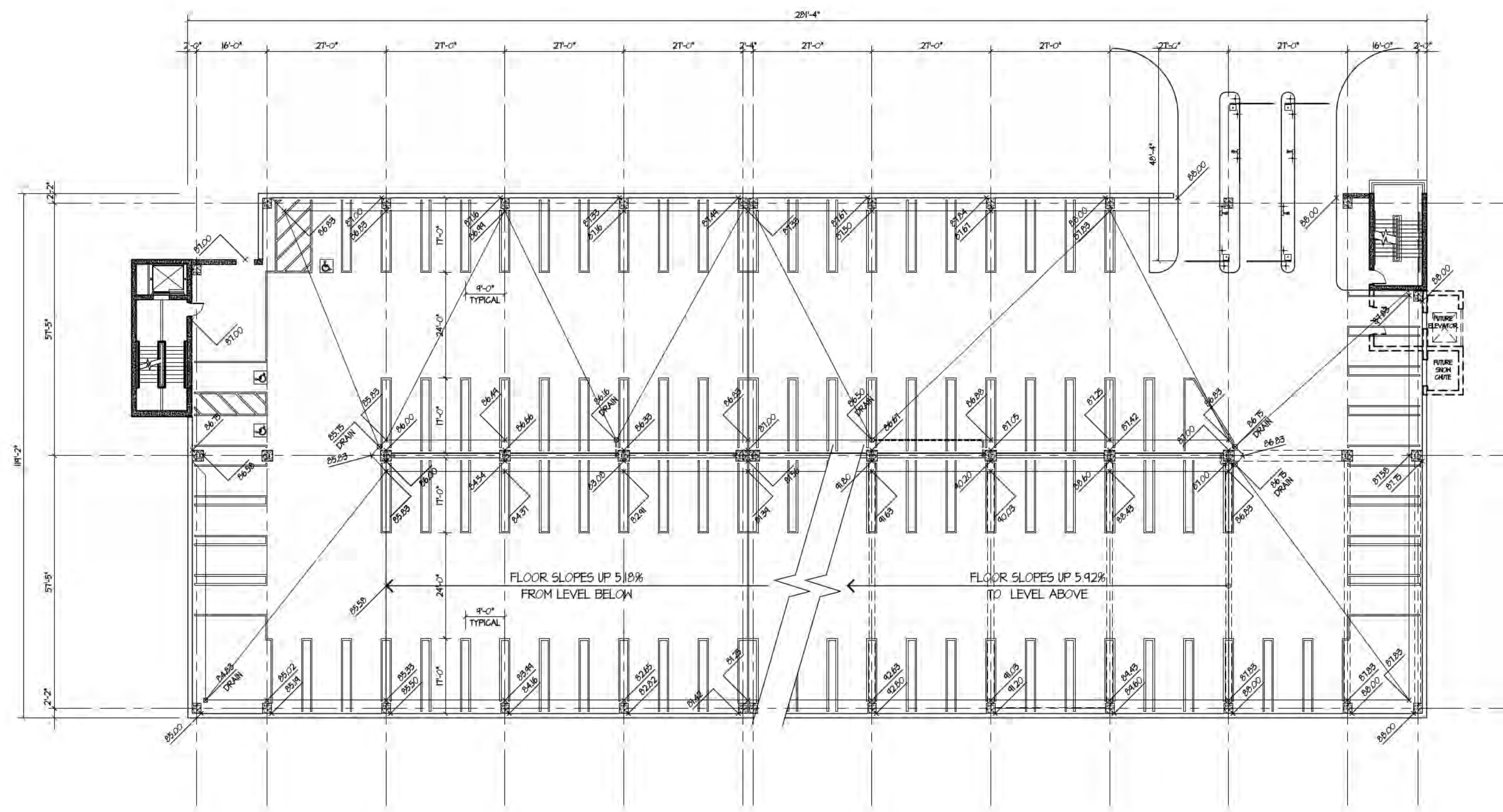
- 1) Applicant proposes a 3-level, 323-stall parking ramp to replace the existing parking spaces. This will provide an additional 60 spaces, or 20% capacity over the existing ramp.
- 2) There is a development agreement, separately approved, between the City and St. Luke's related to the ramp. The City, in conjunction with the state of Minnesota, is providing funding to support construction of this ramp.
- 3) Design of the structure, including structural columns and size of the elevator and stairs, will support an additional 3 levels if needed in the future. A potential space for a future second elevator is accommodated on the east end, and space for a future snow chute when the structure is expanded.
- 4) St. Luke's, as a regional medical system, takes a campus-wide approach to accommodating parking needs. The hospital has identified a shortage of staff parking, which will be alleviated with this ramp.
- 5) Continued use of off-street parking in a parking structure, in comparison to surface level off-street parking spaces, provides stronger access to the St. Luke's campus and reduces negative externalities to the neighborhood. Should the new ramp provide the opportunity to reduce or eliminate off-street surface parking, such an action would be consistent with the directives of adopted planning documents.
- 6) As this location already has an existing parking ramp, traffic levels and flow are not expected to change. The new ramp adds an additional entry/exit lane as well as more queuing space over what is available today. No traffic study is needed for this project.
- 7) Applicant plans minimal signage for the parking ramp; signage will meet requirements in the approved MU-I District Plan (PL 12-170). Signage will be strategically placed to direct people to the Lakeview building, Northland building, and St. Luke's campus, as well as to identify the ramp for users. All signage will need to also meet UDC requirements and receive sign permits prior to installation.
- 8) Landscaping and Tree Preservation: Proposal shows trees and shrubs that meet the street frontage requirements of UDC Section 50-25.
- 9) Screening, Walls, and Fences: Does not apply.
- 10) Sustainability Standards: Ramp will include LED lighting, a drainage separation system to remove oil and gas contamination, and a majority of materials that are reuseable if and when the ramp is demolished. Spaces will be programmed for compact parking where appropriate, and conduit will allow for EV charging in the future. Final sustainability points will need to be identified at the time of building permit application.
- 11) Building Design Standards: The design includes precast spandrel walls to cover the headlights and fronts of cars parked along the street and alley facing facades. Stamped precast gives the impression of brick and creates façade breaks to add interest. A large signage wall, stairs at both ends, and a glass curtain wall at the east stair all add interest. Building design will need to meet requirements in Section 50-30.5 and will be verified at the time of building permit.
- 12) Exterior Lighting: All lighting will be 3000K or less with full cut-off fixtures and will meet all requirements in Section 50-31.
- 13) No public, agency, or City comments have been received.
- 14) According to UDC 50-37.1.N, an approved Planning Review will expire if the project or activity authorized by the permit is not begun within 1 year.

Staff Recommendation

Based on the above findings, Staff recommends that Planning Commission approve the MU-I Planning Review with the following conditions:

1. The project be constructed, limited to, and maintained according floor plans, exterior elevations, landscape plan, and lighting details submitted with the application.
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.





GROUND LEVEL

CAR COUNT SUMMARY			
LEVEL	STANDARD	BARRIER FREE	TOTAL/LEVEL
LOWER LEVEL	29	0	29
GROUND LEVEL	100	3	103
SECOND LEVEL	106	3	109
THIRD LEVEL	80	2	82
TOTALS	315	8	323

No.	Description	Date
	Document Release	

FOR REFERENCE ONLY

Sheet Name

Drn: Chk:

Sheet Number
A101

JOB #667220



Parking Ramp Replacement

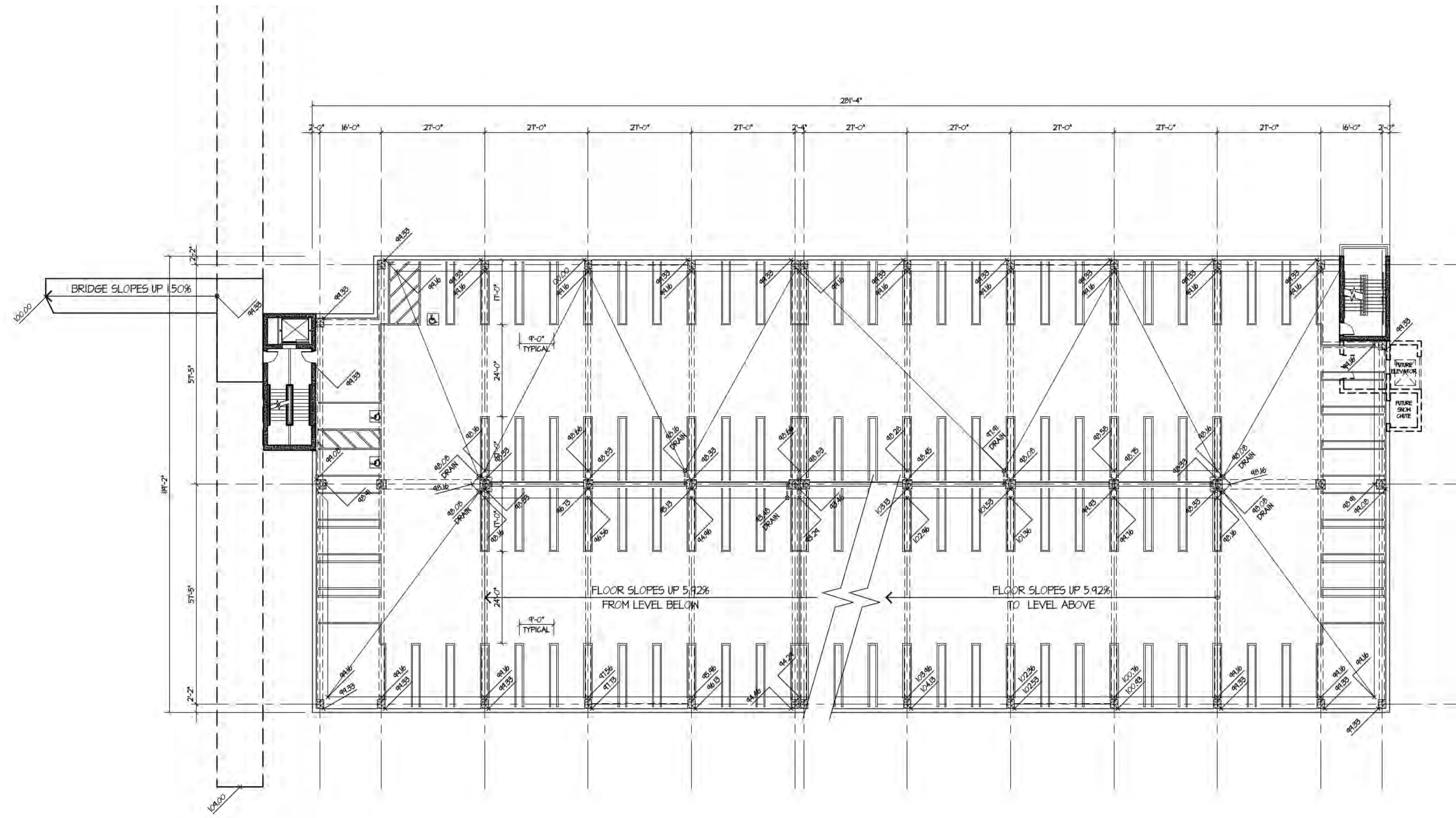
1000 E. 1st Street
 Duluth, MN. 55805

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ERDMAN COMPANY

Engineering Services Provided By:
ERDMAN COMPANY
MEYER/BORGMAN/JOHNSON
SEH, INC.

Contractor Services Provided By:
ERDMAN COMPANY
 Lic. No. IR652277

Consultant Services Provided By:
RICH & ASSOCIATES INC.



SECOND LEVEL

No.	Description	Date
	Document Release	

FOR REFERENCE ONLY

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Sheet Number
A102

JOB #667220



Parking Ramp Replacement

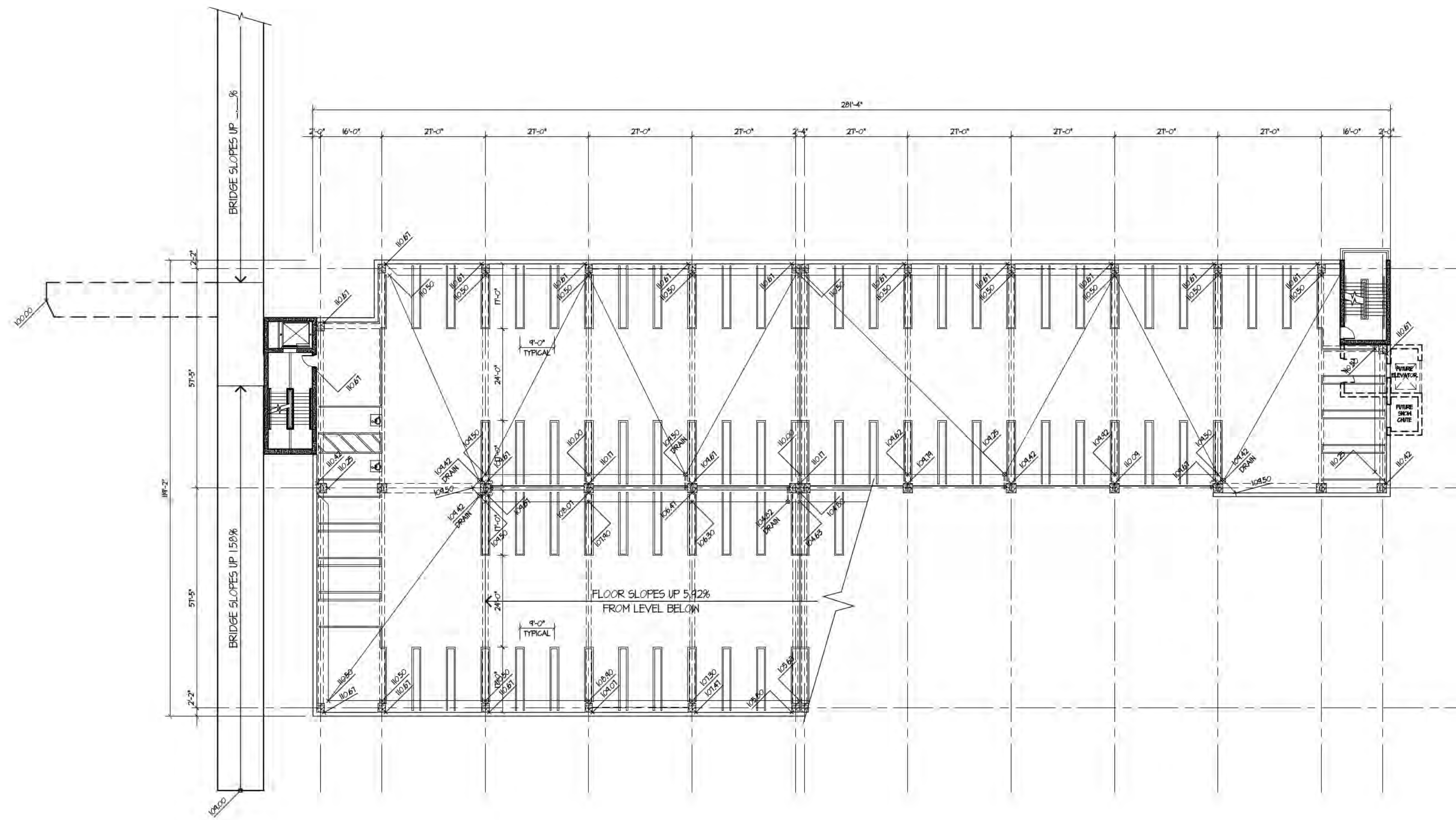
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 Duluth, MN 55805

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SEH, INC.

Contractor Services Provided By:
ERDMAN COMPANY
 Lic. No. IR652277

Consultant Services Provided By:
RICH & ASSOCIATES INC.



THIRD (ROOF) LEVEL

No.	Description	Date
	Document Release	

FOR REFERENCE ONLY

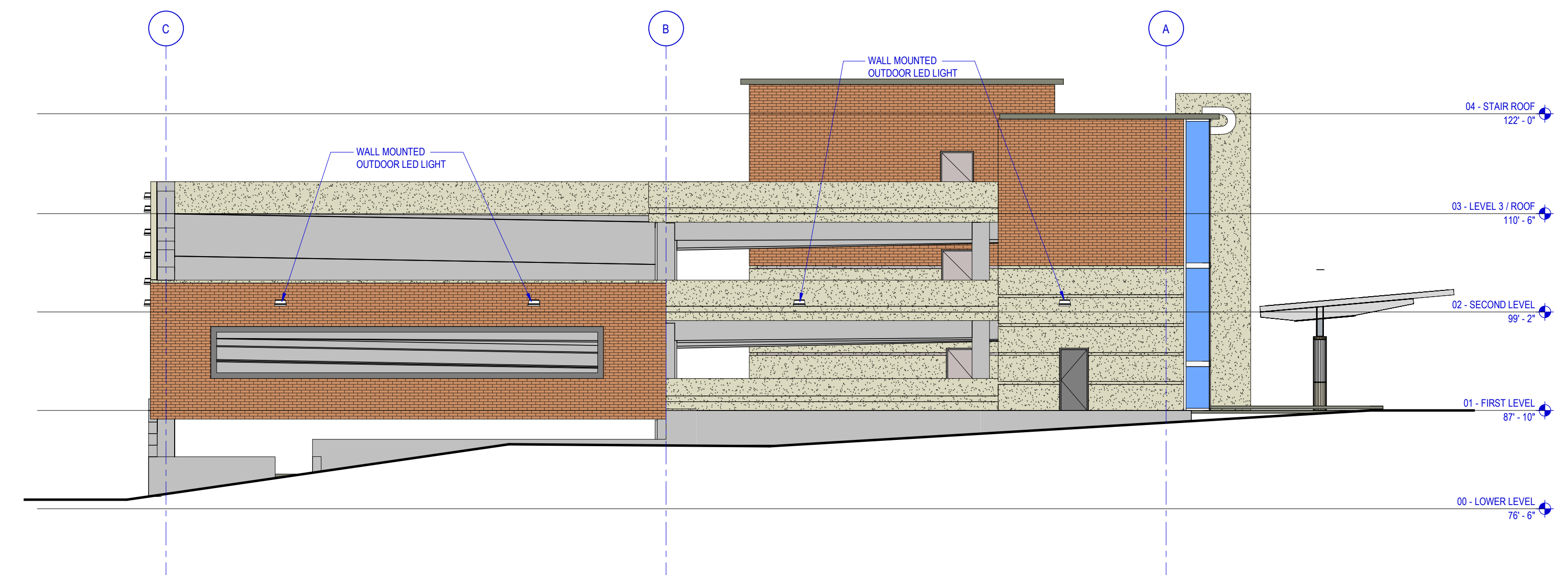
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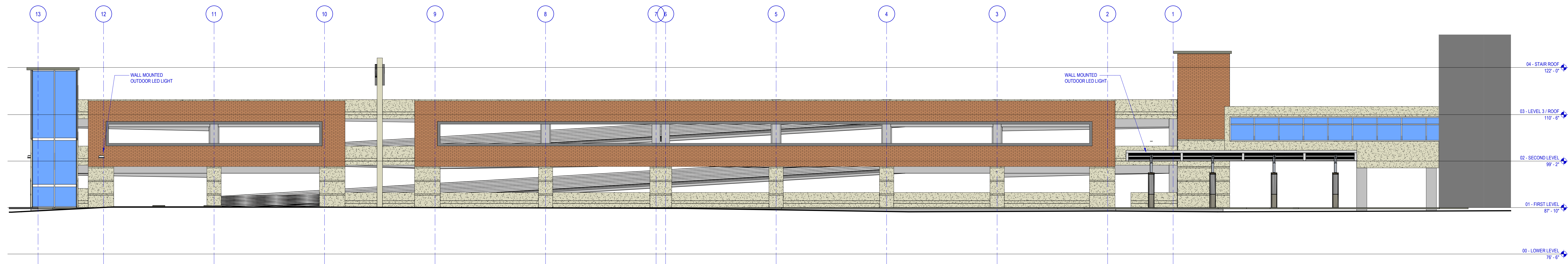
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A103

JOB #667220



2 EAST ELEVATION
SCALE: 3/32" = 1'-0"



1 NORTH ELEVATION
SCALE: 3/32" = 1'-0"

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	Document Release	

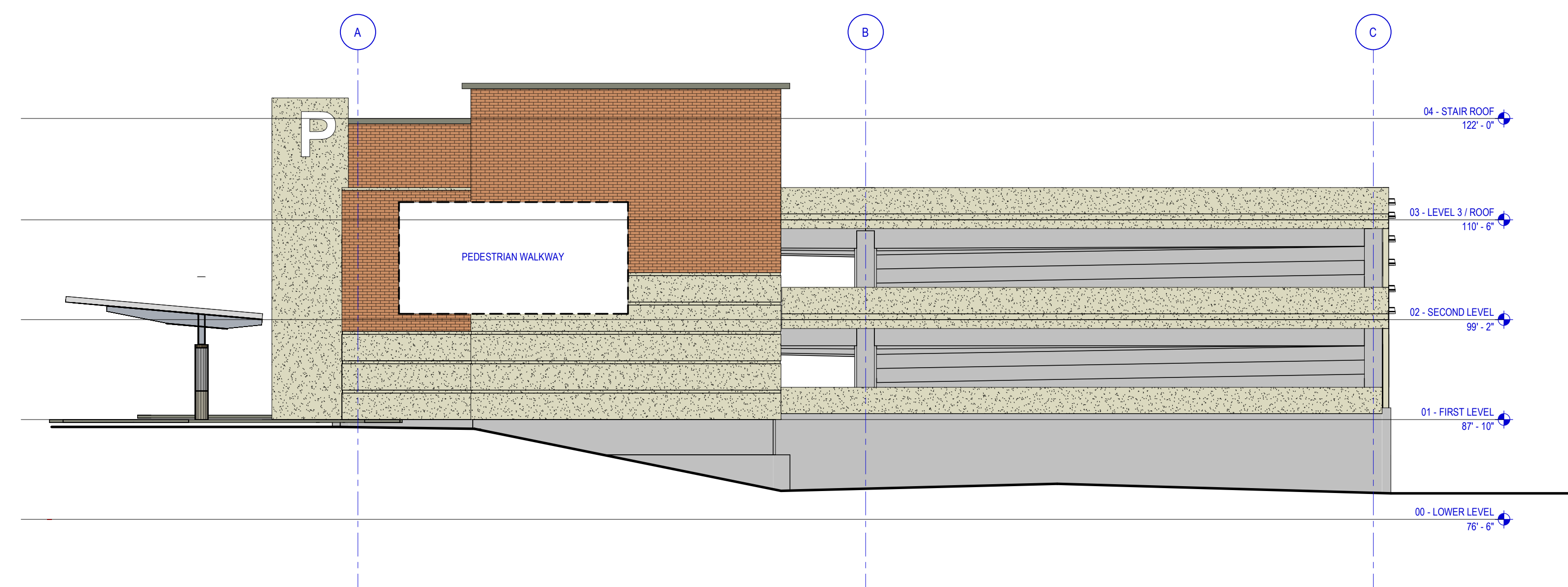
INTERIM REVIEW
THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW. IT IS NOT TO BE USED FOR REGULATORY APPROVAL, BIDDING, PERMIT OR CONSTRUCTION PURPOSES.

Sheet Name
**EXTERIOR
ELEVATIONS**

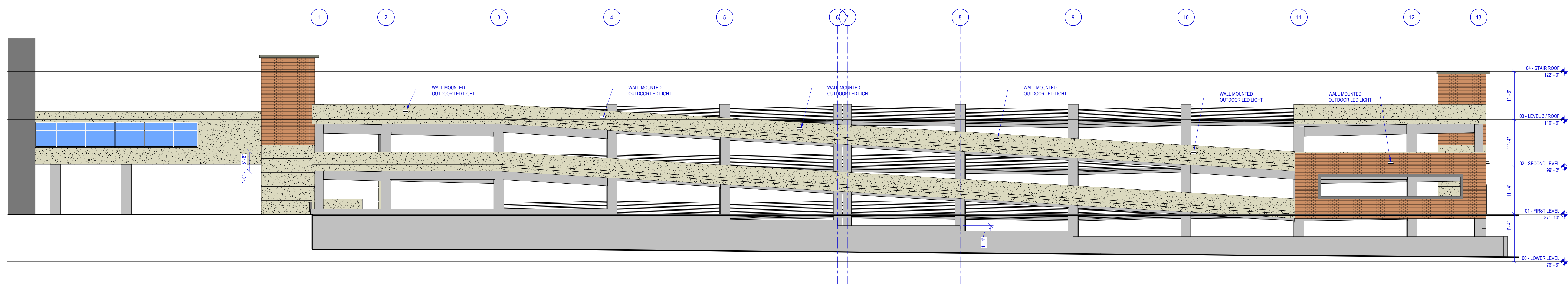
Drn:ERDMAN Chk:ERDMAN
Sheet Number

A201

JOB #667220



1 WEST ELEVATION
SCALE: 3/32" = 1'-0"



2 SOUTH ELEVATION
SCALE: 3/32" = 1'-0"

No.	Description	Date
	Document Release	

INTERIM REVIEW
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Sheet Name
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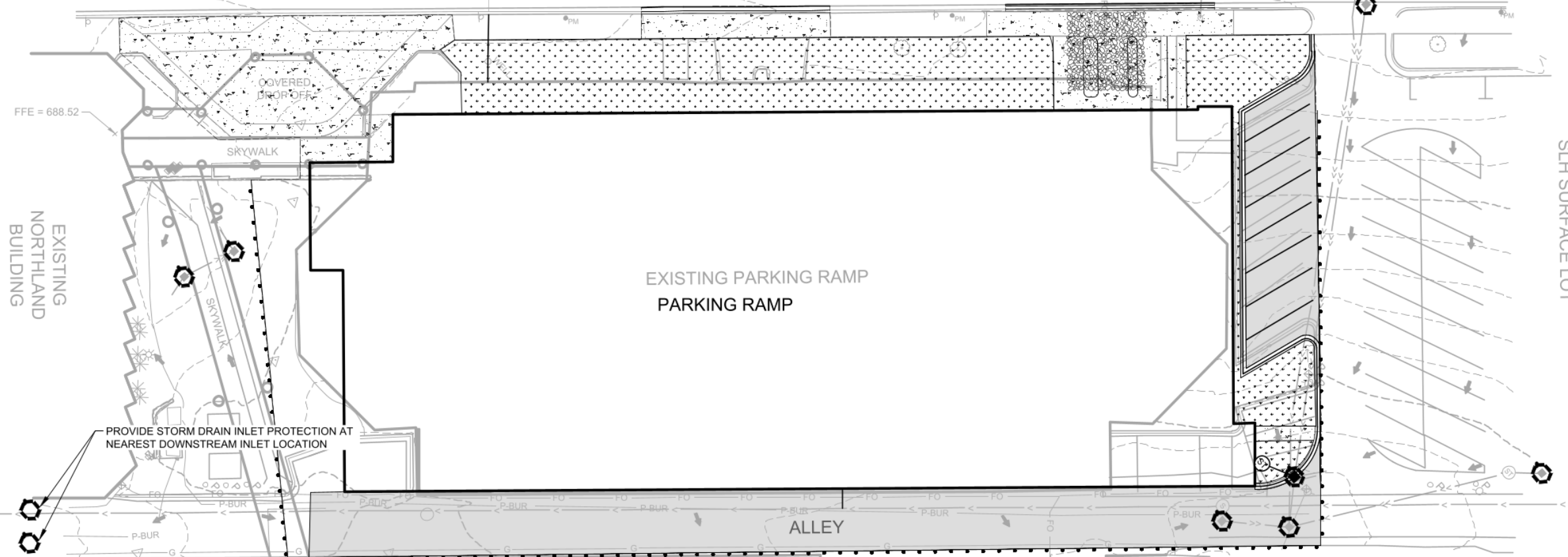
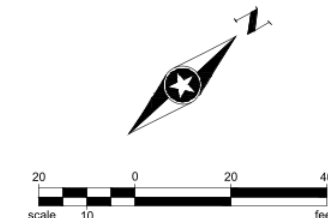
Drn: Author Chk: Checker

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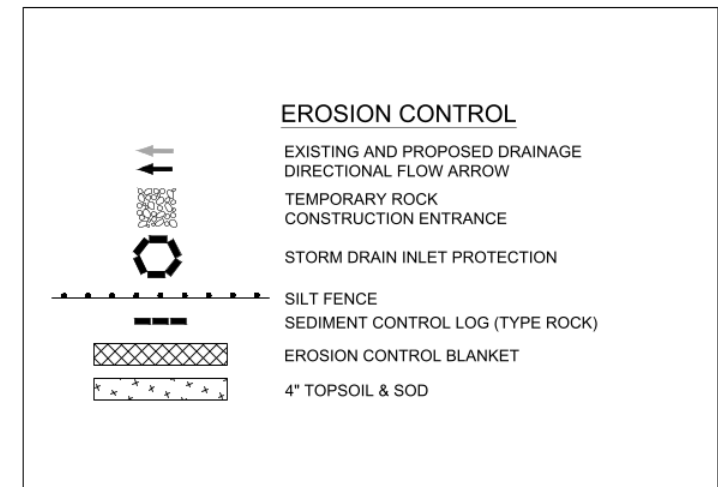
A202

JOB #667220

EAST 1ST STREET



PROVIDE STORM DRAIN INLET PROTECTION AT NEAREST DOWNSTREAM INLET LOCATION



EROSION CONTROL

- EXISTING AND PROPOSED DRAINAGE DIRECTIONAL FLOW ARROW
- TEMPORARY ROCK CONSTRUCTION ENTRANCE
- STORM DRAIN INLET PROTECTION
- SILT FENCE
- SEDIMENT CONTROL LOG (TYPE ROCK)
- EROSION CONTROL BLANKET
- 4" TOPSOIL & SOD

ST. LUKE'S 1ST STREET PARKING RAMP

Save: 4/4/2023 9:49:49 AM jboaggio Plot: 4/4/2023 10:30 AM X:\PT\GIS\STLUH170162\5-final-dsgn\51-drawings\10-Civil\cad\dwg\sheet\ST170162E.dwg

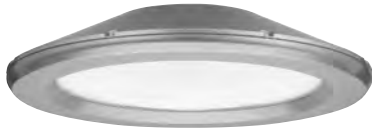
SEH Project	STLUH170162	Rev.#	Revision Issue Description	Date	Rev.#	Revision Issue Description	Date
Drawn By	-						
Designed By	-						
Checked By	-						



DD SUBMITTAL

ST. LUKE'S 1ST STREET PARKING RAMP
DULUTH, MN

EROSION CONTROL PLAN



VCPG LED Parking Garage

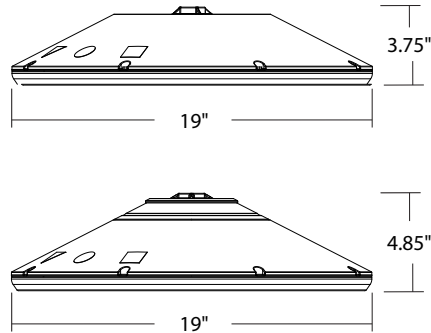


Catalog Number
Notes
Type

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Specifications

- Diameter:** 19"
- Height:** 3.75"
(4.85" with Up-Light)
- Weight** 18 lbs
(max, with no options):



Introduction

The all new VCPG LED (Visually Comfortable Parking Garage) luminaire is designed to bring glare control, optical performance and energy savings into one package. The recessed lens design of VCPG LED minimizes high angle glare, while its precision molded acrylic lens eliminates LED pixilation and delivers the required minimums, verticals and uniformity. The dedicated up-light module option reduces the contrast between the luminaire and the ceiling creating a more visually comfortable environment.

The VCPG LED delivers up to 87% in energy savings when replacing 175W metal halide luminaires. With over 100,000 hour life expectancy (12+ years of 24/7 continuous operation), the VCPG LED luminaire provides significant maintenance savings over traditional luminaires.

A+ Capable options indicated by this color background.

Ordering Information

EXAMPLE: VCPG LED V4 P4 40K 70CRI T5M MVOLT SRM DNAXD

Series	LED Light Engines	Package	Color temperature	Color Rendering Index	Distribution	Voltage	Mounting
VCPG LED	V4 ¹ 4 Light Engines	P1 ¹	30K 3000 K	70CRI	T5M Type V, medium	MVOLT	Shipped included PM Pendant mount standard (24-inch length supply leads) SRM Surface mount (24-inch length supply leads) Shipped separately YK Yoke/trunnion mount ⁹
		P2 ¹	35K 3500 K	80CRI	TSR ² Type V, rectangular	347	
	P3 ¹	40K 4000 K	TSE Type V entry	480			
	P4 ¹	50K 5000 K	LANE ² Drive lane	240			
	P5 ¹			277			
	P6 ¹			347			
	P7 ¹			480			

Options	Finish (required)
Shipped installed UPL1 Up-Light: 500 lumens UPL2 Up-Light: 700 lumens E8WC Emergency battery backup, CEC compliant (8W, -20°C min) ^{3,4,5} E10WH Emergency battery backup, CEC compliant (10W, 5°C min) ^{3,4,5} HA High ambient (50°C, only P1-P4) SF Single fuse (120V, 277V, 347V) DF Double fuse (208V, 240V, 480V) SPD10KV 10KV Surge Pack LDS36 36in (3ft) lead length LDS72 72in (6ft) lead length LDS108 108in (9ft) lead length DMG External 0-10V leads (no controls) ⁶ Shipped Separately WG Wire Guard BDS Bird Shroud ⁷ HS House Side Shield	Standalone Sensors/Controls² PIR Motion/ambient sensor for 8-15' mounting heights PIRH Motion/ambient sensor for 15-30' mounting heights PIR3FC3V Motion/ambient sensor for 8-15' mounting heights, pre programmed to 3fc and 35% light output PIRH3FC3V Motion/ambient sensor for 15-30' mounting heights, pre programmed to 3fc and 35% light output PIR3FC3V924 UL924 Listed motion/ambient sensor for emergency circuit for 8-15' mounting heights, pre programmed to 3fc and 35% light output ¹⁰ PIRH3FC3V924 UL924 Listed motion/ambient sensor for emergency circuit for 15-30' mounting heights, pre programmed to 3fc and 35% light output ¹⁰ Networked Sensors/Controls² NLTAIR2 PIR nLIGHT AIR Wireless enabled motion/ambient sensor for 8-15' mounting heights NLTAIR2 PIRH nLIGHT AIR Wireless enabled motion/ambient sensor for 15'-30' mounting heights XAD XPoint™ Wireless enabled ⁸ XAD924 XPoint™ Wireless enabled, UL 924 Listed for emergency circuit ^{8,10} XAD PIR XPoint™ Wireless enabled motion/ambient sensor for 8-15' mounting heights XAD PIRH XPoint™ Wireless enabled motion/ambient sensor for 15-30' mounting heights XAD924 PIR XPoint™ Wireless enabled, UL 924 Listed motion/ambient sensor for emergency circuits for 8-15' mounting heights ¹⁰ XAD924 PIRH XPoint™ Wireless enabled, UL 924 Listed motion/ambient sensor for emergency circuits for 15-30' mounting heights ¹⁰
	DWHXD White DNAXD Natural aluminum DDBXD Dark bronze DBLXD Black





WEDGE2 LED

Architectural Wall Sconce

Precision Refractive Optic



Catalog Number

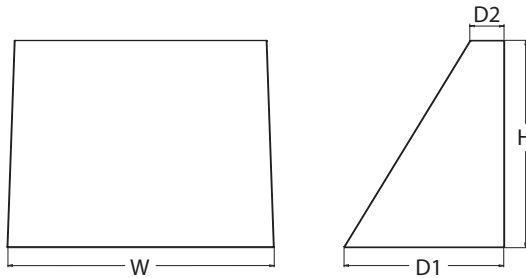
Notes

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Specifications

- Depth (D1):** 7"
- Depth (D2):** 1.5"
- Height:** 9"
- Width:** 11.5"
- Weight:** 13.5 lbs
(without options)



Introduction

The WEDGE LED family is designed to meet specifier's every wall-mounted lighting need in a widely accepted shape that blends with any architecture. The clean rectilinear design comes in four sizes with lumen packages ranging from 1,200 to 25,000 lumens, providing a true site-wide solution. Embedded with nLight® AIR wireless controls, the WEDGE family provides additional energy savings and code compliance.

WEDGE2 with industry leading precision refractive optics provides great uniform distribution and optical control. When combined with multiple integrated emergency battery backup options, including an 18W cold temperature option, the WEDGE2 becomes the ideal wall-mounted lighting solution for pedestrian scale applications in any environment.

WEDGE LED Family Overview

Luminaire	Optics	Standard EM, 0°C	Cold EM, -20°C	Sensor	Approximate Lumens (4000K, 80CRI)						
					P0	P1	P2	P3	P4	P5	P6
WEDGE1 LED	Visual Comfort	4W		--	750	1,200	2,000	--	--	--	--
WEDGE2 LED	Visual Comfort	10W	18W	Standalone / nLight	--	1,200	2,000	3,000	4,500	6,000	--
WEDGE2 LED	Precision Refractive	10W	18W	Standalone / nLight	700	1,200	2,000	3,200	4,200	--	--
WEDGE3 LED	Precision Refractive	15W	18W	Standalone / nLight	--	7,500	8,500	10,000	12,000	--	--
WEDGE4 LED	Precision Refractive			Standalone / nLight	--	12,000	16,000	18,000	20,000	22,000	25,000

Ordering Information

EXAMPLE: WEDGE2 LED P3 40K 80CRI VF MVOLT SRM DDBXD

Series	Package	Color Temperature	CRI	Distribution	Voltage	Mounting
WEDGE2 LED	P0 ¹ P1 ² P2 ² P3 ² P4 ²	27K 2700K 30K 3000K 40K 4000K 50K 5000K AMB ³ Amber	70CRI ⁴ 80CRI LW ³ Limited Wavelength	T1S Type I Short T2M Type II Medium T3M Type III Medium T4M Type IV Medium TFTM Forward Throw Medium	MVOLT 347 ⁵ 480 ⁵	Shipped included SRM Surface mounting bracket ICW Indirect Canopy/Ceiling Washer bracket (dry/damp locations only) ⁶ Shipped separately AWS 3/8inch Architectural wall spacer PBBW Surface-mounted back box (top, left, right conduit entry). Use when there is no junction box available.

Options	Finish
E10WH Emergency battery backup, Certified in CA Title 20 MAEDBS (10W, 5°C min) E20WC Emergency battery backup, Certified in CA Title 20 MAEDBS (18W, -20°C min) PE⁷ Photocell, Button Type DMG⁸ 0-10V dimming wires pulled outside fixture (for use with an external control, ordered separately) BCE Bottom conduit entry for back box (PBBW). Total of 4 entry points. BAA Buy America(n) Act Compliant	DDBXD Dark bronze DBLXD Black DNAXD Natural aluminum DWHXD White DSSXD Sandstone DDBTXD Textured dark bronze DBLBXD Textured black DNATXD Textured natural aluminum DWHGXD Textured white DSSTXD Textured sandstone
Standalone Sensors/Controls PIR Bi-level (100/35%) motion sensor for 8-15' mounting heights. Intended for use on switched circuits with external dusk to dawn switching. PIRH Bi-level (100/35%) motion sensor for 15-30' mounting heights. Intended for use on switched circuits with external dusk to dawn switching. PIR1FC3V Bi-level (100/35%) motion sensor for 8-15' mounting heights with photocell pre-programmed for dusk to dawn operation. PIRH1FC3V Bi-level (100/35%) motion sensor for 15-30' mounting heights with photocell pre-programmed for dusk to dawn operation. Networked Sensors/Controls NLTAIR2 PIR nLightAIR Wireless enabled bi-level motion/ambient sensor for 8-15' mounting heights. NLTAIR2 PIRH nLightAIR Wireless enabled bi-level motion/ambient sensor for 15-30' mounting heights. See page 4 for out of box functionality	

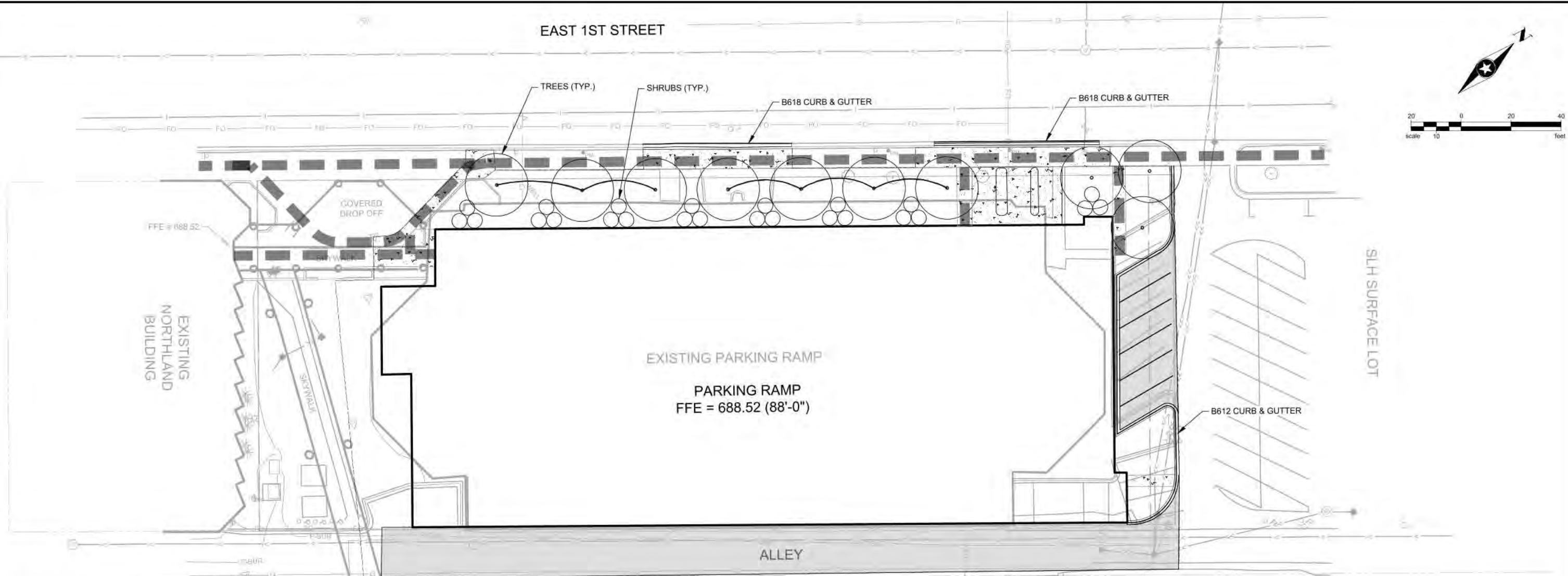


COMMERCIAL OUTDOOR

One Lithonia Way • Conyers, Georgia 30012 • Phone: 1-800-705-SERV (7378) • www.lithonia.com
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WEDGE2 LED
 Rev. 11/21/22

EAST 1ST STREET



COMMON NAME	SCIENTIFIC NAME	SIZE	ROOT	SPACING
CANOPY TREE				
American Elm 'Princeton'	Ulmus americana 'Princeton'	2.5" Cal.	B&B	35' o.c.
Honeylocust Street Keeper	Gleditsia triacanthos 'Draves'	2.5" Cal.	B&B	as shown
ORNAMENTAL TREES				
Autumn Brilliance Serviceberry	Amelanchier x grandiflora 'Autumn Brilliance'	2" Cal.	B&B	as shown
Snowdrift Crabapple	Malus 'Snowdrift'	2" Cal.	B&B	15' o.c.
DECIDUOUS SHRUBS				
Dwarf Ninebark 'Dart's Gold'	Physocarpus opulifolius 'Dart's Gold'	#5	Cont.	5' o.c.
Goldflame Spiraea	Spiraea x bumalda 'Goldflame'	#5	Cont.	5' o.c.
Gro-Low Fragrant Sumac	Rhus aromatica 'Glo-Low'	#5	Cont.	6' to 8' o.c.
Gray Dogwood	Cornus racemosa	#5	Cont.	as shown
Red Twiggged Dogwood 'Isanti'	Cornus sericea 'Isanti'	#5	Cont.	as shown
PERENNIALS				
Karl Foerster Reed Grass	Calamagrostis x acutiflora 'Karl Foerster'	#1	Cont.	24" o.c.
Switch Grass 'Northwind'	Panicum virgatum 'Northwind'	#1	Cont.	24" o.c.
Switch Grass 'Shenandoah'	Panicum virgatum 'Shenandoah'	#1	Cont.	24" o.c.

UDC Landscaping Requirements:

Do Landscaping Requirements Apply?: Yes (50-25.1.A.1)

Do Tree Preservation Requirements Apply: No (No trees of interest to be removed)

Total Frontage = Approx 325 feet along 1st Street.

Trees Required = 1 per 35 feet of frontage (50-25.3.B).
 - Total required = 325/35 = 10
 - Total provided = 10

Shrubs Required = 1 per 25 feet of frontage (50-25.3.B).
 - Total required = 325/25 = 13
 - Total provided = 24

LEGEND

- BITUMINOUS
- CONCRETE
- ADA COMPLIANT ROUTE (MIN. 4' PAR)
- SHADE TREE (2.5" CALIPER)
- LARGE SHRUB

ST. LUKE'S 1ST STEET PARKING RAMP

Save: 4/20/2023 11:39 AM jiboggie Plot: 4/20/2023 12:03 PM X:\P\STLUH170162\5-final-dsgn\51-drawings\1D-Civil\cardvdwg\sheet\ST170162PL.dwg



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 23-069	Contact	Kyle Deming	
Type	Final Plat	Planning Commission Date	May 9, 2023	
Deadline for Action	Application Date	April 4, 2023	60 Days	June 3, 2023
	Date Extension Letter Mailed	April 19, 2023	120 Days	August 2, 2023
Location of Subject	South and east of the intersection of Anderson Rd. and Decker Rd. (Piedmont Heights)			
Applicant	HNH LLC (Lon Hovland – Owner) and Michael and Kathleen Wilson (owners)	Contact	Available, on file	
Agent	Northland Consulting Engineers – Adam Zwak; Alta Land Survey Co. – David Evanson	Contact	Available, on file	
Legal Description	See Attached Map			
Site Visit Date	April 24, 2023	Sign Notice Date	April 25, 2023	
Neighbor Letter Date	April 17, 2023	Number of Letters Sent	58	

Proposal: Approval of the final plat of REARRANGEMENT OF PART OF WESTERN WOODS DIVISION to provide for re-platting of 17 lots and a 3 acre unplatted parcel totaling 11.3 acres into 15 lots on a shortened street. The proposal includes construction of a new public street with sidewalk and utilities.

Staff Recommendation: Approval of the final plat, subject to included conditions.

	<i>Current Zoning</i>	<i>Existing Land Use</i>	<i>Future Land Use Map Designation</i>
Subject	R-1	Vacant	Traditional Neighborhood
North	R-1	Dwellings	Traditional Neighborhood
South	R-1	Dwelling on large lot	Traditional Neighborhood
East	R-1	Dwellings and wetland	Traditional Neighborhood
West	R-1	Dwellings	Traditional Neighborhood

Summary of Code Requirements

The planning commission shall approve the application, or approve it with modifications if it determines that the application meets the following criteria (Section 50-37.5.H.3):

- (a) Is consistent with all applicable requirements of MSA 462.358 and Chapter 505;
- (b) Is consistent with the terms and provisions of the preliminary plat approval for the property;
- (c) Demonstrates that all required improvements have been installed or that (a) the applicant has signed a development agreement committing to construct those improvements within 2 years after approval of the final plat and (b) adequate security for the construction of the required improvements has been posted with the City pursuant to Section 50-37.1.P. Once approved, the applicant shall file the plat in the office of the County Recorder within two years or the approval will lapse per Section 50-37.5.H.4.

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

Governing Principles

The following Imagine Duluth 2035 Governing Principles should be considered when reviewing the request:

- Governing Principle #7 – Create and maintain connectivity. A condition of approval of this subdivision provides the potential for pedestrian connectivity through the end of the cul du sac and road connectivity to Decker Rd.
- Governing Principle #12- Create efficiencies in delivery of public services. This subdivision provides space for public utilities serving the surrounding neighborhood to flow through to an existing sanitary sewer, which is at a lower cost to the alternative disconnected systems.
- Housing Policy #2 - Provide affordable, attainable housing opportunities. Two of the lots in the subdivision will be smaller and, therefore, more affordable.
- Housing Policy #4 – Improve the quality of the city’s housing stock and neighborhoods. This subdivision will provide building lots for new housing development.

Future Land Use

Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Includes many of Duluth’s older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas. Densities of 4 -8 units/acre. Development types include a mix of housing types (i.e. town homes and 4-plexes) at corners and conservation development an option.

Zoning

Residential-Traditional (R-1): traditional neighborhoods of single-family, duplexes and townhouses on moderately sized lots. Intended to be used primarily in established neighborhoods. Dimensional standards require development and redevelopment to be consistent with development patterns, building scale, and building location of nearby areas.

Site History or Previous Studies

1. 1960 – Western Woods Division recorded. The proposed final plat is a portion of that plat.
2. 12/20/2016 - Wetland Delineation approved (file no. PL 16-133)
3. 1/27/2020 and 2/3/2020 – Pre-application concept review.
4. 10/12/2021 – Preliminary Plat of Rearrangement of Western Woods approved 10/12/2021 (file no. PL 21-156). No Final Plat was filed for this version of the plat.
5. 10/12/2021 – Vacation of streets and easements in a portion of Western Woods Division (PL 21-158) was recommended for approval by Planning Commission.
6. 8/24/2022 – Updated Wetland Delineation approved (PL 22-127)
7. 9/13/2022 – Preliminary Plat of Rearrangement of Western Woods with the addition of 3 acres at south end approved by Planning Commission (PL 22-141)

Review and Discussion Items

- 1) The proposal will re-plat 17 lots and a 3-acre area of unplatted land to form a new plat called the Rearrangement of Part of Western Woods Division that consists of 15 residential building lots. Please note that lot numbers have changed between the approved preliminary plat and the proposed final plat due to reconfiguring lots.
- 2) The Planning Commission’s approval of the Preliminary Plan was conditioned on the following:
 - A. The City Council’s approval of the vacation of existing streets and utility easements in the plat area (file no. PL 21-158).
 - B. Drainage and utility easements shall be provided over wetlands on those portions of Lots 12-16 (Lots 9-13 in the final plat). Permanent metallic markers on rigid metal posts shall be placed at the location of wetland boundaries with signs indicating the presence of wetlands to be left in a natural state.
 - C. Stormwater treatment facilities shall be sized and located in utility easements as approved by City Engineering.
 - D. Plat boundaries be adjusted in the area of existing streets relative to surveying and legal requirements.
 - E. Prior to undertaking any tree or land disturbing work, the following conditions shall be met:
 - (i) The developer shall enter into a development agreement addressing applicable development terms as identified by City staff in this report and as further identified in the review of the Final Plat. The development agreement shall be approved by City Council and recorded with the appropriate St. Louis County offices.
 - (ii) A pedestrian easement through Lot 11 (Lot 8 on the final plat) connecting the cul du sac to Anderson Rd. shall be conveyed to the public and its presence noted on the Final Plat.

(iii) The Final Plat shall be recorded.

- 3) Below is staff's response on the satisfaction of the preliminary plat conditions listed above:
- A. The Vacation resolution will be brought to the City Council following approval of the Final Plat.
 - B. Applicant has added the required drainage and utility easements. The applicant has stated in writing that the wetland signage will be installed. This requirement is also listed in the development agreement.
 - C. Applicant has provided ample space in utility easements for required storm water basins.
 - D. Some of the plat boundary amendments have been made, but additional amendments will be made per guidance from City staff before the final plat is recorded.
 - E(i) The development agreement is under development and will need to be approved by City Council and recorded before the plat is recorded.
 - E(ii) The required pedestrian easement through Lot 11 (Lot 8 on the final plat) will be required as a condition of approval of the final plat. Statutory platting rules do not allow the pedestrian easement to be dedicated on the plat, but through a separate easement agreement with the City.
 - E(iii) The Final Plat will need to be recorded within 2 years or this approval will lapse.
- 4) The final plat is consistent with the comprehensive land use plan designation of this site, which is for a traditional neighborhood development. The final plat is located in an area of the city with adequate police, fire, and emergency facilities to serve the anticipated housing development. Staff finds that, other than the items addressed above and referenced in the recommendations below, the preliminary plat conforms to the requirements of Sec 50-37.5. and is consistent with all applicable requirements of MSA 462.358 and Chapter 505.
- 5) No citizen or City comments have been received to date.

Staff Recommendation

Based on the above findings, staff recommends that Planning Commission approve the application with the following conditions:

1. The Land Use Supervisor shall not sign the plat until the development agreement has been approved by City Council and signed by the applicant.
2. The Land Use Supervisor shall not sign the plat until the City Council has approved the vacation of existing streets and utility easements in the underlying Western Woods plat.
3. Prior to conveyance of Lot 8, the applicant must have recorded a pedestrian easement a minimum of 20 feet wide connecting Westwood Circle with the 33-foot-wide "Platted Road" in the adjacent Weiler Addition.
4. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

















PL 23-069
Final Plat

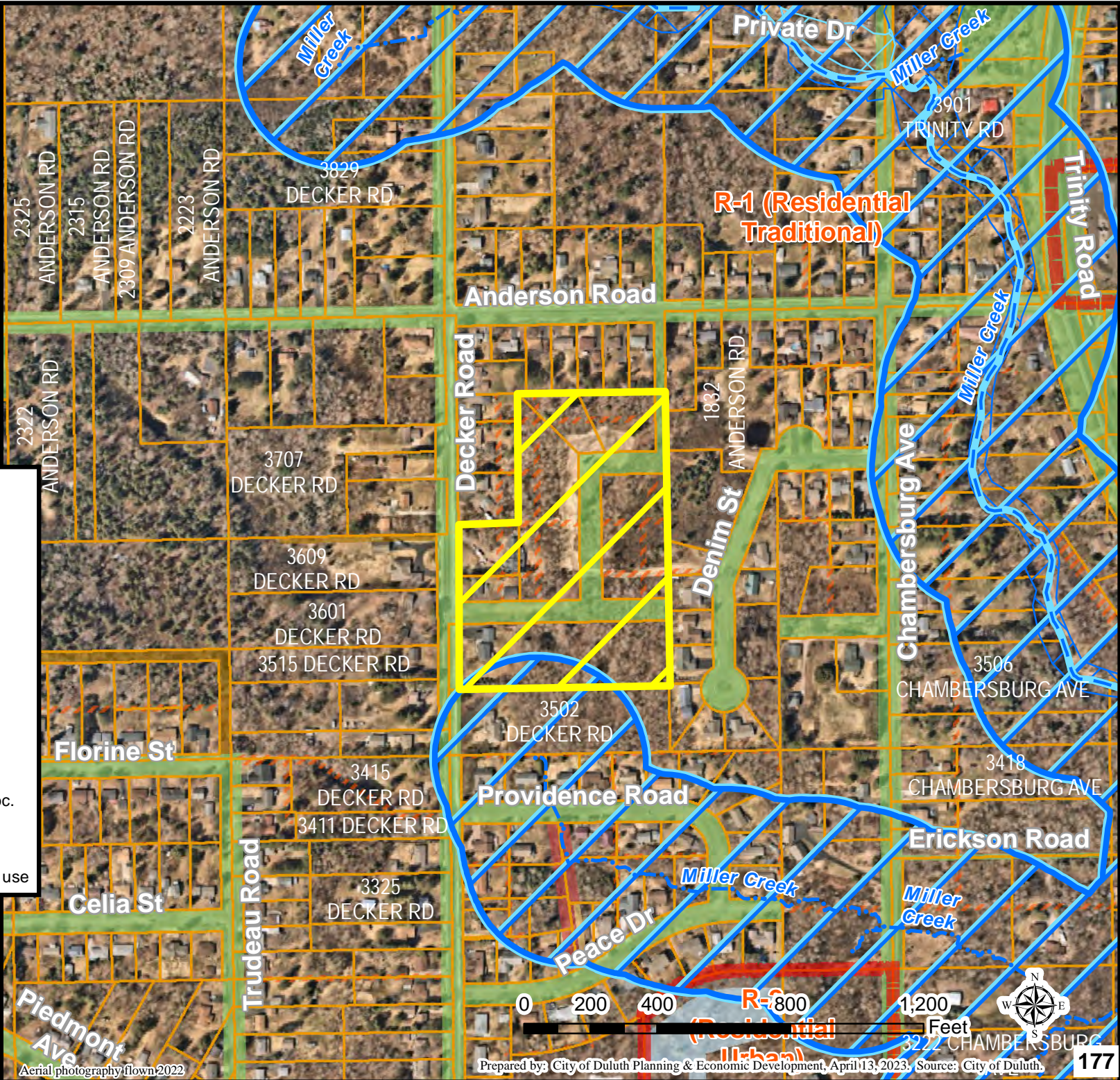
Rearrangement of Part of
Western Woods Division
Applicant: Lon Hovland

Area Map

Legend

-  Zoning Boundaries
- Streams**
-  Trout Stream (GPS)
-  Other Stream (GPS)
- Shoreland (UDC)**
-  Cold Water
- Floodplain (UDC)**
-  Flood Way
-  Flood Fringe
- Parcels**
-  Undefined ROW Status
- ROW Status**
-  Utility, Active
-  Access, Active - currently in use
-  Access, Vacated - via recorded doc.
-  Road, Active - currently in use
-  Utility, Vacated - via recorded doc.
-  Road, Vacated - vacated
-  Conservation, Active - currently in use

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.

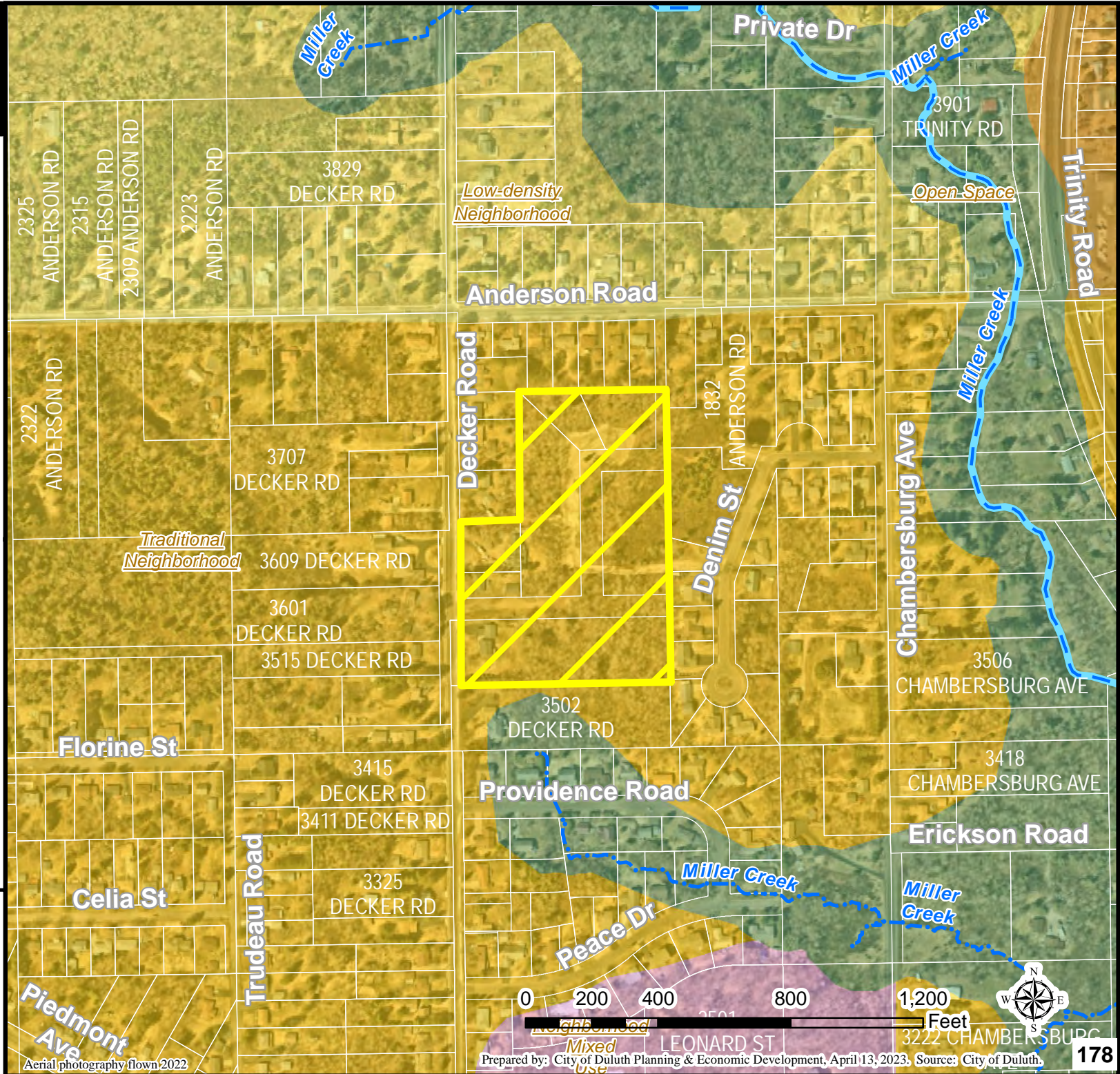




PL 23-069
Final Plat

Rearrangement of Part of
Western Woods Division
Applicant: Lon Hovland

Future Land Use Map



Legend

Streams

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

Future Land Use

- Open Space
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Mixed Use

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0 200 400 800 1,200 Feet

Prepared by: City of Duluth Planning & Economic Development, April 13, 2023. Source: City of Duluth.

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PL 23-069

Final Plat

Rearrangement of Part of
Western Woods Division
Applicant: Lon Hovland

Site Map

Legend

Streams

Other Stream (GPS)

Parcels

Elevation

1 Ft contour

10 Ft contour

Undefined ROW Status

ROW Status

Utility, Active

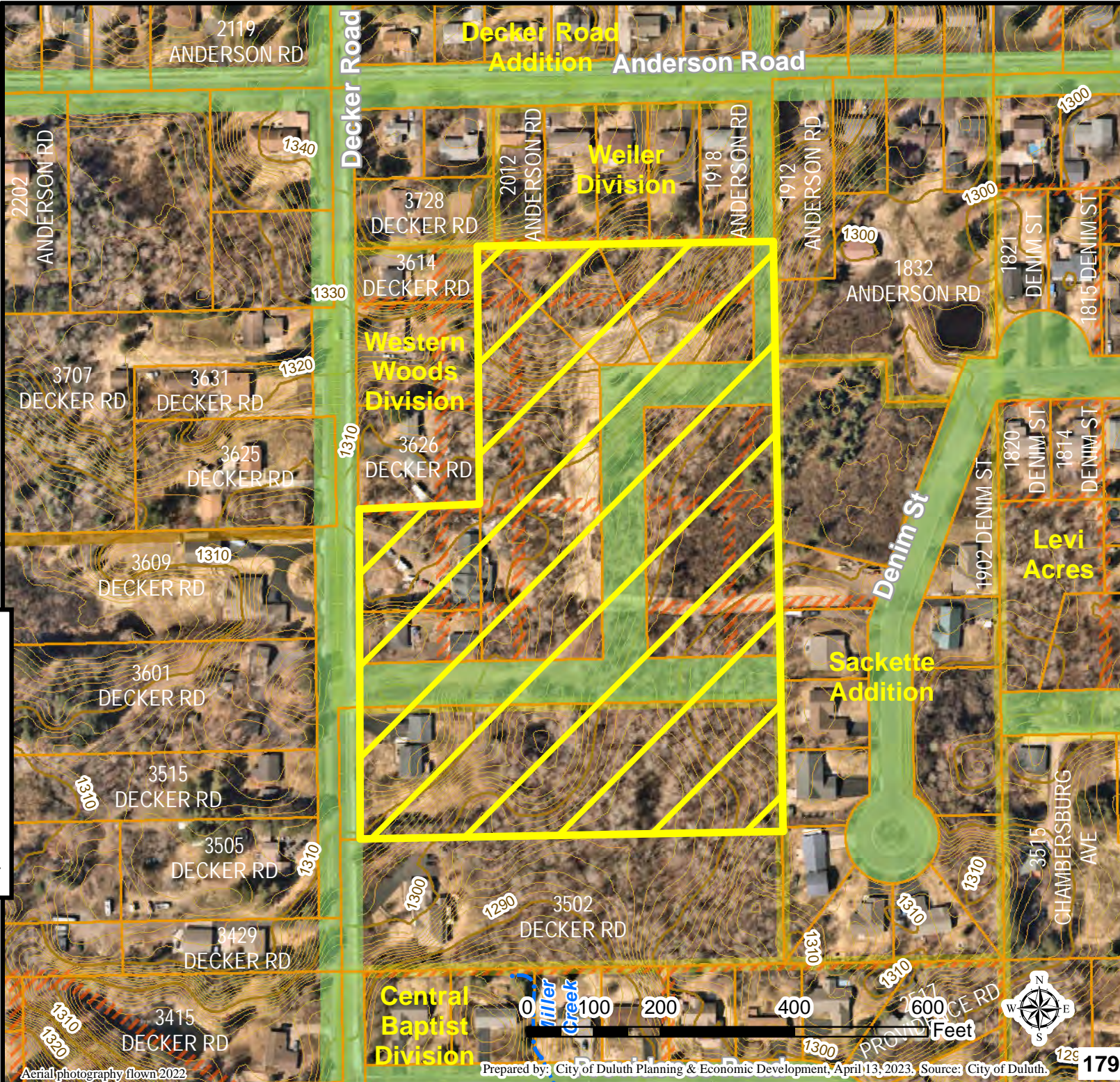
Road, Active - currently in use

Utility, Vacated - via recorded doc.

Subdivision Boundaries

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

Aerial photography flown 2022



REARRANGEMENT OF PART OF WESTERN WOODS DIVISION

LOCATED IN PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER SECTION 30, TOWNSHIP 50 NORTH, RANGE 14 WEST OF THE FOURTH PRINCIPAL MERIDIAN, ST. LOUIS COUNTY, MINNESOTA

KNOW ALL PERSONS BY THESE PRESENTS: That Lon Hovland, a single person, fee owner of the following property:

CERTIFICATE OF TITLE NO. 344559
Lots 9 thru 17 Block 1 WESTERN WOODS DIVISION and Lots 1 thru 5 Block 2 WESTERN WOODS DIVISION
AND
CERTIFICATE OF TITLE NO. 344558
Lot 6 Block 1 WESTERN WOODS DIVISION and Lot 7 Block 1 WESTERN WOODS DIVISION
AND

North One-Half of South 6 Acres of West One-Half of Northwest One-Quarter of Northeast One-Quarter (N1/2 of S 6 of W 1/2 of NW 1/4 of NE 1/4, Section Thirty (30), Township Fifty (50) North of Range Fourteen (14), St. Louis County, Minnesota
And: All of Westwood Street, as delineated and dedicated in WESTERN WOODS DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota.
And: All of Wildwood Lane, as delineated and dedicated in WESTERN WOODS DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota.
And: All of the Platted Road, lying adjacent to Lot 5, WEILER DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota.

Has caused the same to be surveyed and platted as REARRANGEMENT OF PART OF WESTERN WOODS DIVISION and does hereby dedicate to the public for public use the public way(s) and/or the drainage and utility easement(s) as created by this plat.

In witness whereof said Lon Hovland, a single person, has hereunto set his hand this ____ day of _____, 2023.

Lon Hovland

STATE OF MINNESOTA
COUNTY OF ST LOUIS

This instrument was acknowledged before me on this ____ day of _____, 2023 by Lon Hovland, a single person.

Notary Public for the State of Minnesota My Commission Expires _____

AND

KNOW ALL PERSONS BY THESE PRESENTS: That Michael E. Wilson and Kathleen M. Wilson, husband and wife, fee owner of the following property:

CERTIFICATE OF TITLE NO. 278724
Lot 8 Block 1 WESTERN WOODS DIVISION

Have caused the same to be surveyed and platted as REARRANGEMENT OF PART OF WESTERN WOODS DIVISION and does hereby dedicate to the public for public use the public way(s) and/or the drainage and utility easement(s) as created by this plat.

In witness whereof said Michael E. Wilson and Kathleen M. Wilson, husband and wife, has hereunto set their hands this ____ day of _____, 2023.

Michael E. Wilson Kathleen M. Wilson

STATE OF MINNESOTA
COUNTY OF ST LOUIS

This instrument was acknowledged before me on this ____ day of _____, 2023 by Lon Hovland, a single person.

Notary Public for the State of Minnesota My Commission Expires _____

I, David R. Evanson, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.
Dated this ____ day of _____, 2023.

David R. Evanson, Licensed Land Surveyor
Minnesota License Number 49505

STATE OF MINNESOTA
COUNTY OF ST. LOUIS

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by David R. Evanson, a Licensed Professional Land Surveyor.

Notary Public, St. Louis County, Minnesota
My commission expires _____

CITY OF DULUTH PLANNING COMMISSION

Approved by the Planning Commission of the City of Duluth, St. Louis County, Minnesota, at a regular meeting thereof, on the ____ day of _____, 2023.

President, Duluth City Planning Commission Executive Secretary, Duluth City Planning Commission

ST. LOUIS COUNTY SURVEYOR

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this ____ day of _____, 2023.

Nick C. Stewart Deputy
County Surveyor

ST. LOUIS COUNTY AUDITOR

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, and to Minnesota Statutes, Section 272.12, taxes payable in the year 20__ on the land hereinbefore described have been paid; there are no delinquent taxes and transfer entered this ____ day of _____, 2023.

Nancy Nilsen Deputy
County Auditor

ST. LOUIS COUNTY REGISTRAR OF TITLES

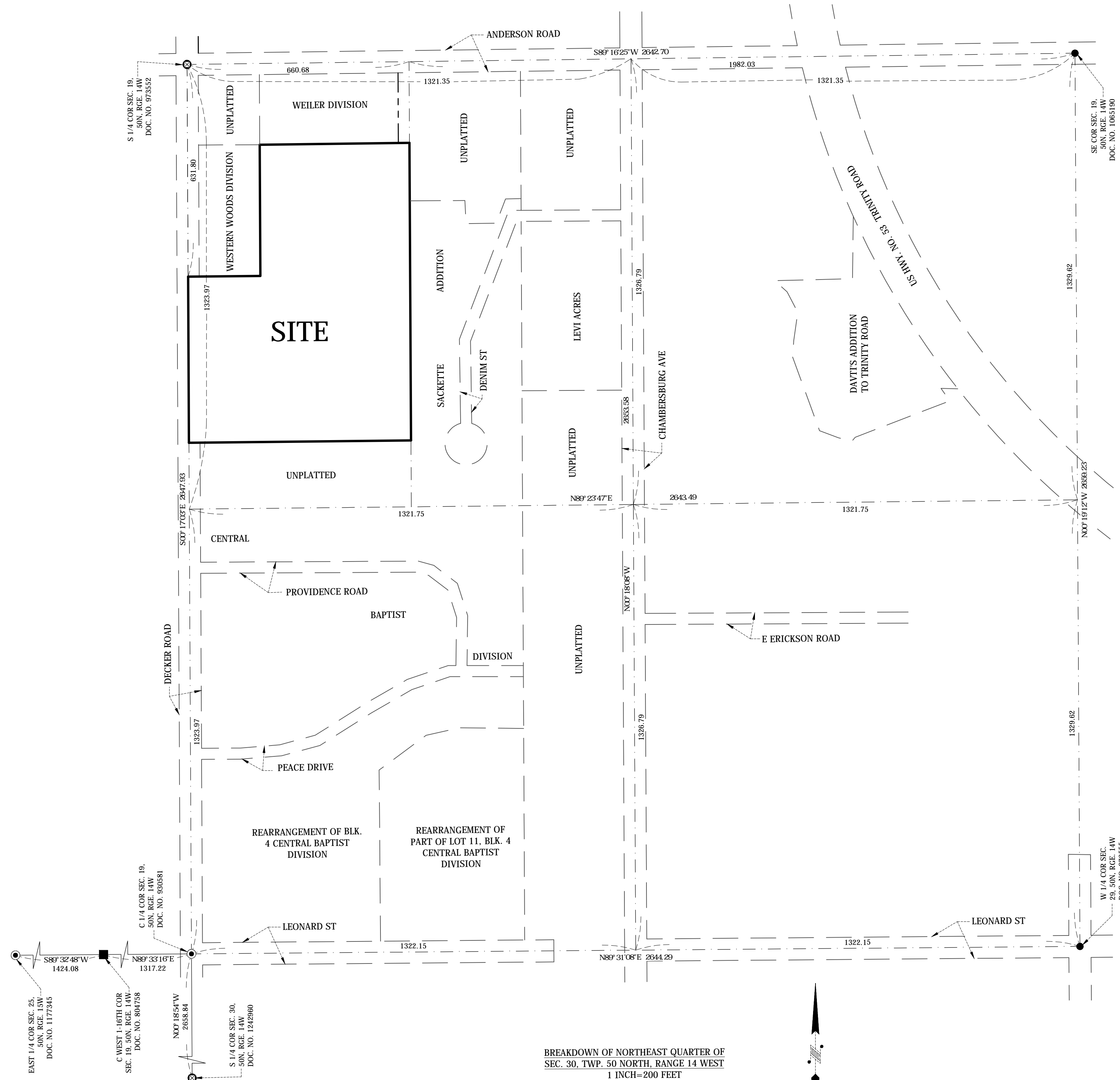
I hereby certify that this plat of REARRANGEMENT OF PART OF WESTERN WOODS DIVISION was filed in this office of the Registrar of Titles for public record on this ____ day of _____, 2023 at ____ o'clock ____ M., as Document No. _____ affecting Certificate(s) of Title No's 344559, 344558 and 278724.

Wendy Levitt Deputy
Registrar of Titles

ST. LOUIS COUNTY RECORDER

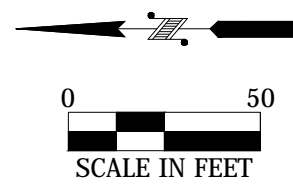
I hereby certify that this plat of REARRANGEMENT OF PART OF WESTERN WOODS DIVISION was filed in this office of the County Recorder for public record on this ____ day of _____, 2023, at ____ o'clock ____ M., as Document No. _____.

Wendy Levitt Deputy
County Recorder



REARRANGEMENT OF PART OF WESTERN WOODS DIVISION

LOCATED IN PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER SECTION 30, TOWNSHIP 50 NORTH, RANGE 14 WEST OF THE FOURTH PRINCIPAL MERIDIAN, ST. LOUIS COUNTY, MINNESOTA



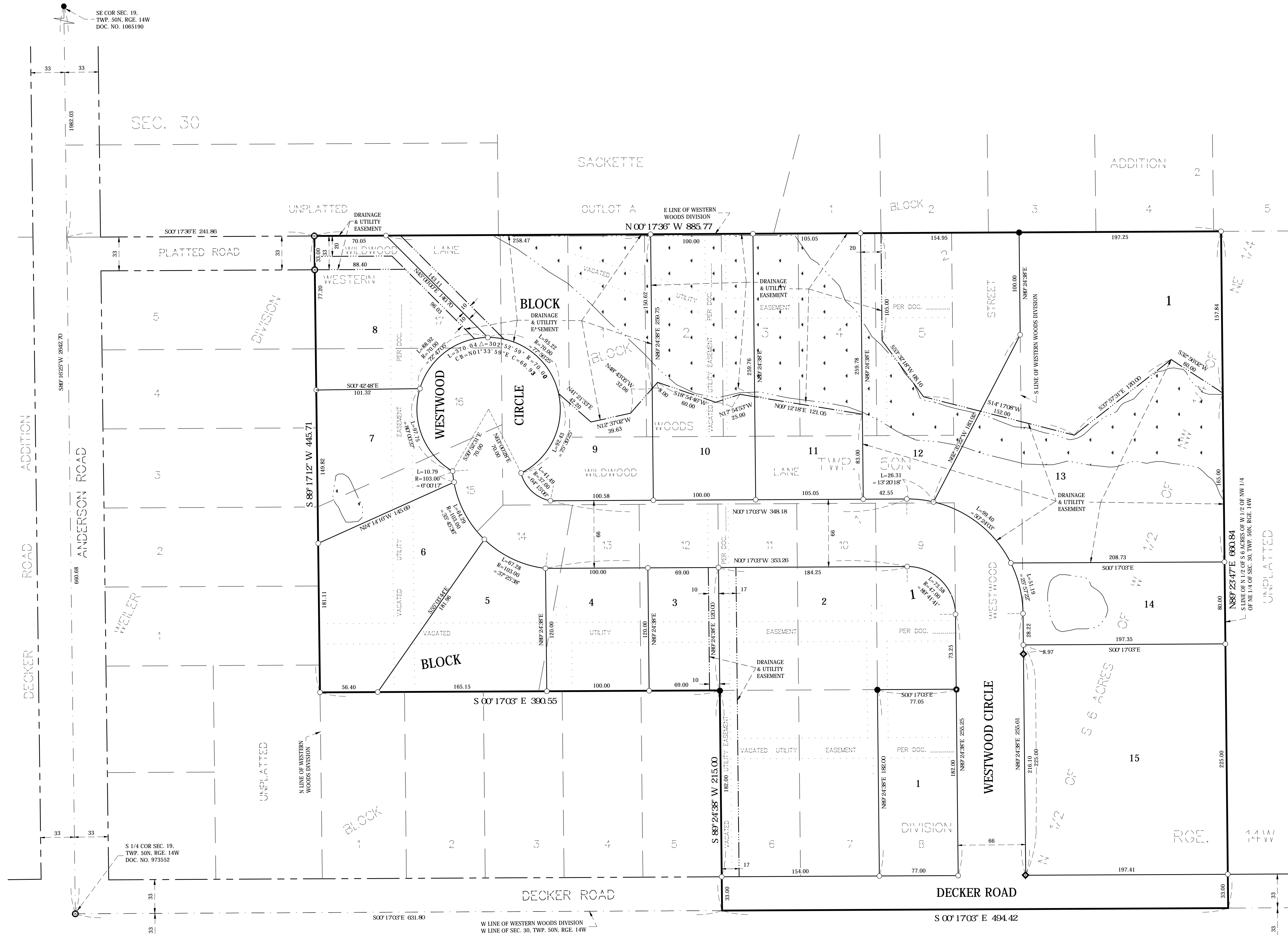
SE COR. SEC. 19,
TWP. 50N, RGE. 14W
DOC. NO. 1065190

S 1/4 COR. SEC. 19,
TWP. 50N, RGE. 14W
DOC. NO. 973552

BASIS OF BEARING
BEARINGS ARE BASED ON THE WEST LINE OF WESTERN WOODS DIVISION, ALSO KNOWN AS THE WEST LINE OF SECTION 30, TOWNSHIP 50 NORTH, RANGE 14 WEST OF THE FOURTH PRINCIPAL MERIDIAN WHICH IS SAID TO HAVE A BEARING OF S00°17'03"E.

LEGEND

- SECTION SUBDIVISION LINE
- EXISTING PLAT/PARCEL LINE
- EXISTING RIGHT OF WAY LINE
- VACATED UTILITY EASEMENT LINE
- BOUNDARY LINE AS SURVEYED
- LOT LINE
- DRAINAGE & UTILITY EASEMENT LINE
- RIGHT OF WAY LINE LINE
- WET LAND LINE
- FOUND IRON PIPE
- FOUND REBAR
- ◆ FOUND CAPPED REBAR RLS. NO. 14374
- FOUND IRON PIN
- SET CAPPED 1/2" REBAR RLS. NO. 49505
- CAST IRON MONUMENT
- FOUND SANDSTONE MONUMENT
- ▲ WET LAND





Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 23-033	Contact	Jenn Moses, jmoses@duluthmn.gov	
Type	UDC Map Amendment--R-1 and R-2 to R-P	Planning Commission Date	May 9, 2023	
Deadline for Action	Application Date	April 4, 2023	60 Days	June 3, 2023
	Date Extension Letter Mailed	April 26, 2023	120 Days	August 2, 2023
Location of Subject	Former DWP Site in the Fairmount Neighborhood			
Applicant	Duluth Economic Development Authority	Contact	Chris Fleege	
Agent	N/A	Contact	N/A	
Legal Description	See Attached Map			
Site Visit Date	April 30, 2023	Sign Notice Date	April 21, 2023	
Neighbor Letter Date	April 20, 2023	Number of Letters Sent	116	

Proposal

Applicant is requesting a UDC Map Amendment (rezoning) for the former DWP site in the Fairmount neighborhood, from R-1 and R-2 to Residential-Planned (R-P) to support redevelopment of the property.

Staff Recommendation

Staff recommends that the Planning Commission recommend approval of the rezoning amendment to the City Council (via ordinance).

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1 and R-2	Former DWP Site	Open Space, Urban Residential
North	R-1 and RR-1	Undeveloped	Open Space
South	R-1 and R-2	Residential	Urban Residential, Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	RR-1	Undeveloped	Open Space

Summary of Code Requirements

- UDC Sec. 50-14.07.E: The establishment of an R-P district requires rezoning the property per Section 50-37.3 from a current zone district to R-P and the approval of an R-P plan per Section 50-37.11. that governs the uses, location, density, dimensional standards and character of the proposed project.
- 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.

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

Governing Principles

Governing Principle #1 – Reuse previously developed lands.

Future Land Use

Open Space: High natural resource or scenic value, with substantial restrictions and development limitations. Examples include: city parks and recreation areas, primary viewsheds, shorelands of the lake and streams, wetlands and floodplains, and high-value habitat.

Urban Residential: Greatest variety of building types, medium to high densities. May include student housing areas, live/work units, and limited neighborhood retail. Connected or adjacent to parks and open space.

History

This property was previously owned and used by DWP (Duluth Winnipeg and Pacific) Railroad, which originally opened in 1912. Based on review of aerial photographs, the railroad tracks were active since at least 1939 until 1989; an extensive network of railroad tracks passed through the property, with at least 10 sets of parallel railroad tracks; by 1961 at least two structures were built in association with the railroad. In the mid-1980s, the Interstate 35 project resulted in removal of the rail operations and tracks. The property was deeded to the City of Duluth. The main rail line area is now the DWP Trail.

Review and Discussion Items:

Staff finds that:

1. The proposed DWP R-P District incorporates a total of 26.2 acres. The area is currently zoned R-1 (Residential-Traditional) and R-2 (Residential-Urban).
2. Applicant proposes rezoning to Residential-Planned (R-P). The R-P district is established to provide a flexible development option for residential projects. Both the R-1 and R-2 districts are eligible to be rezoned to R-P.
3. As part of the Map Amendment process, an R-P plan identifying uses, density, and height is required. Area A would have an overall density of 7 units/acre for a maximum of 77 units; this is less than allowed with the current zoning and less than what would be allowed under the Future Land Use designation. Area B would be kept entirely in open space. Permitted uses and maximum height are shown in the attached concept plan.
4. The R-P district requires a minimum of 30% of the area of the project be kept in open space; applicant is proposing to preserve 58% of the project as open space. As required in UDC Section 50-14.7.F, common open space includes shore and bluff impact zones, floodplains, and areas unsuitable for development.
5. An R-P district requires a greater level of public benefit than what would be required in the underlying zone district. The proposed DWP R-P District identifies preservation of 58% of the area as permanent open space. In planning for this district, the open space area has been part of over 40 acres of invasive species clearing. Native shrubs and trees were planted to increase diversity, improve habitat, and add resiliency; a total of 6500 trees were planted below the DWP railroad grade. Areas of contamination from the previous railway use were capped. The open space area includes two branches of 62nd Avenue W creek; preservation of this is the equivalent of more than double the structure and impervious surface setbacks in existing shoreland areas. Additional public benefits include a 50' vegetative buffer along the DWP Trail to protect the views and rural character along the trail, and a future connector trail between the neighborhood and DWP Trail.
6. As adopted with the comprehensive plan (Imagine Duluth 2035), the Future Land Use for the area is a mix of Open Space and Urban Residential. Although the Future Land Use Map shows Urban Residential as a preferred development pattern scattered across both "triangles" of the site, staff finds that the proposed R-P district meets the intent of providing a mix of both land uses, while better preserving natural resources. 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 and the generally applicable provisions of the adopted comprehensive plan. This proposed R-P district implements the future land uses, development goals, and natural resource preservation goals of the comprehensive plan.
7. A public meeting is required in advance of an application for a UDC Map Amendment to R-P. A meeting was held on Tuesday, March 14, 2023, with 23 people in attendance. Comments received are attached. After the public meeting, the applicant amended the proposal, reducing the total number of units, reducing the height allowed, and removing "multi-family" as a use in response to neighbor concerns. One additional email was received asking questions about the proposal. No other public, City, or agency comments have been received.
8. This amendment will not create material adverse impacts on nearby properties due to the requirements contained in City ordinances such as stormwater, landscaping and buffering, shielding of exterior lighting, and screening of trash and mechanical equipment.
9. The proposed zoning amendment is consistent with purpose statement in the R-P zone district. The amendment is consistent with the character of the neighborhood in general and the proposed rezoning area in particular. The developments must follow all applicable building and fire code standards and other regulations related to life safety.

Staff Recommendation:

Based on the above findings, staff recommends to Planning Commission that the proposed amendment to change the building, lot configuration, and use of the R-P Regulating Plan as depicted in the attached Exhibits be recommended for approval by City Council for the following reasons:

- 1) This proposal is consistent with the Comprehensive Land Use Plan.
- 2) The proposal R-P District is consistent with the future land use categories "Open Space" and "Urban Residential."
- 3) Material adverse impacts on nearby properties are not anticipated.

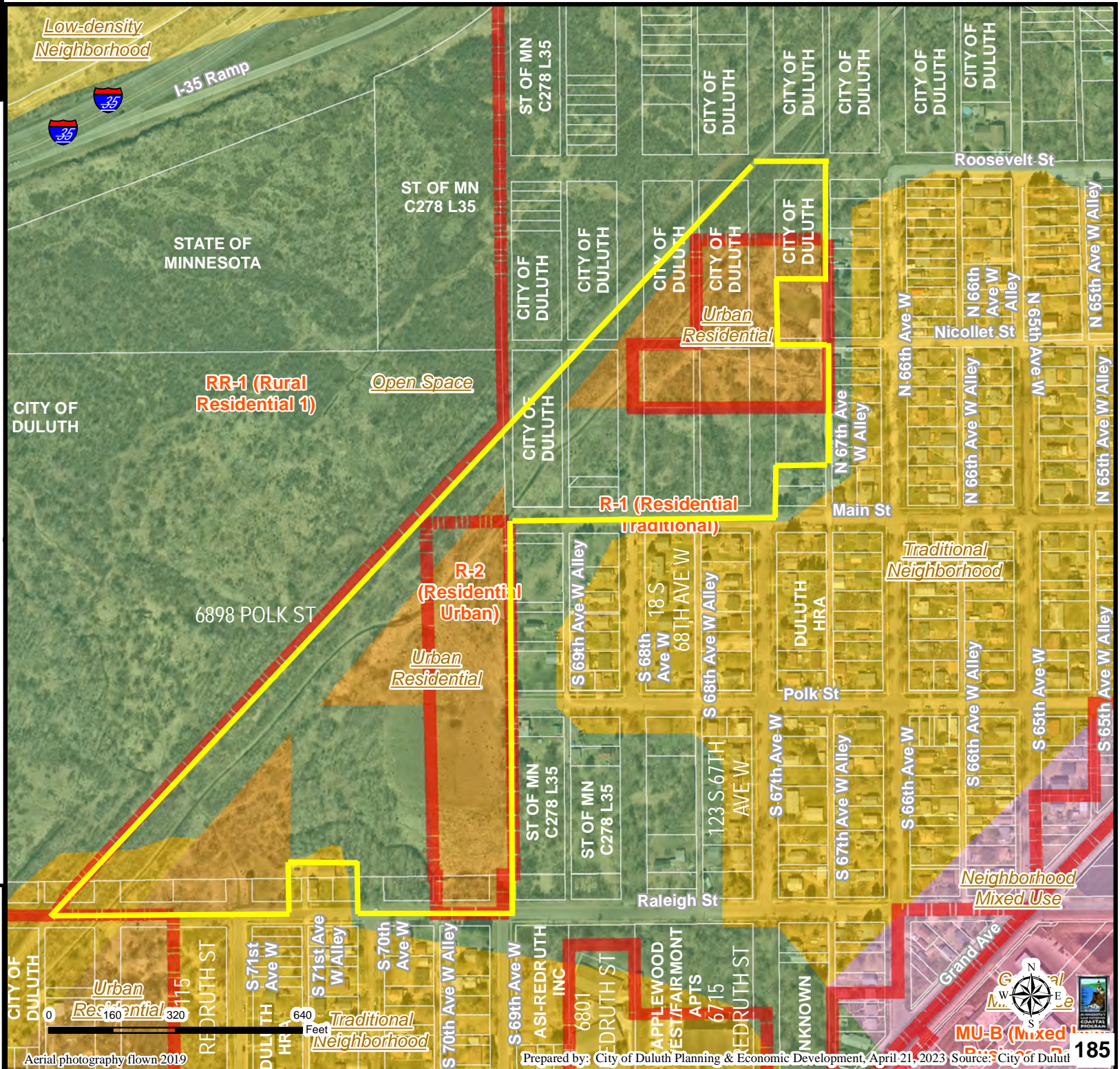


Legend

Zoning Boundaries

Future Land Use Plus

- 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

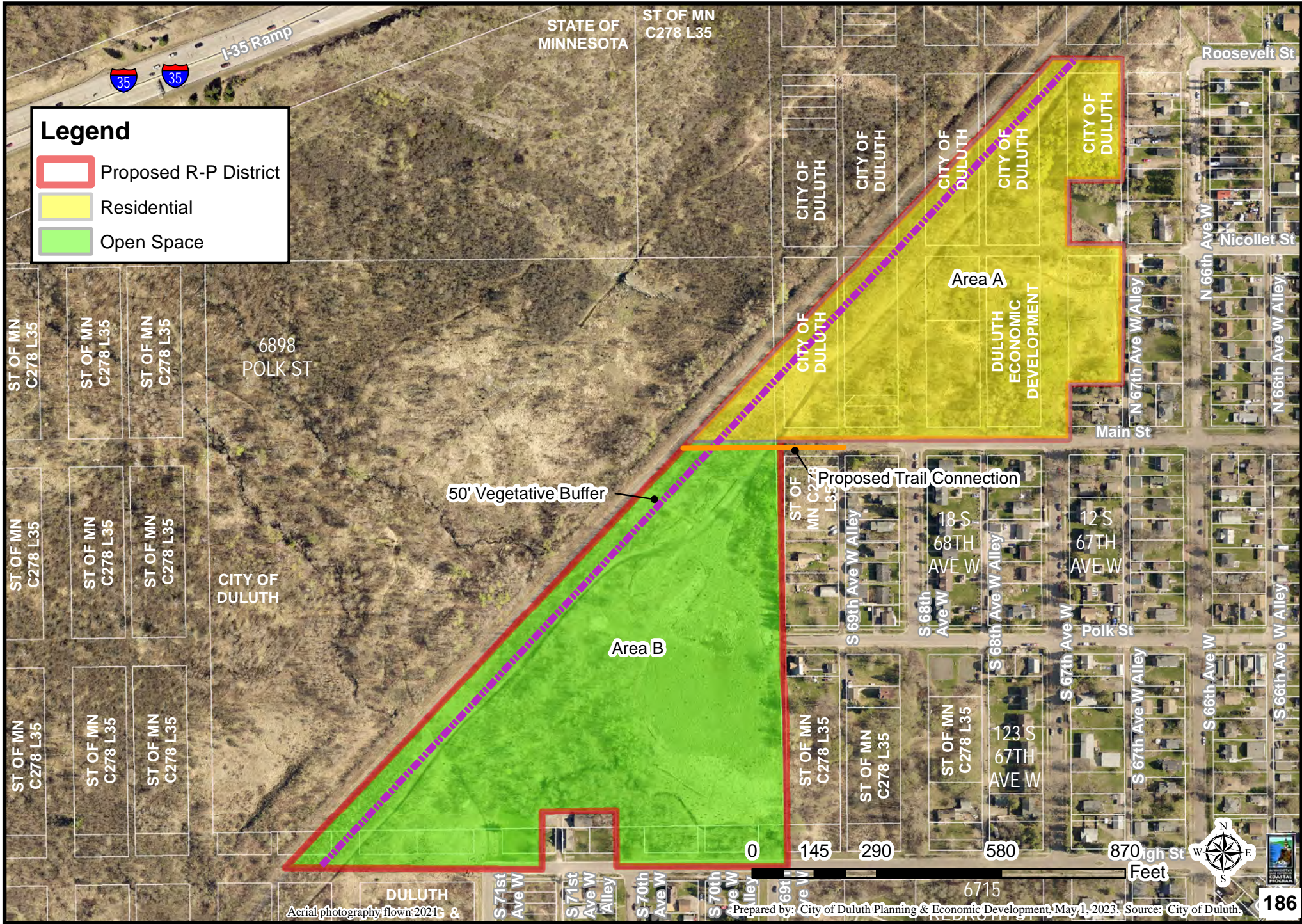


The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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

DWP R-P District

Legend

- Proposed R-P District
- Residential
- Open Space



DWP R-P District

The proposed R-P district encompasses land previously owned by the former Duluth-Winnipeg-Pacific (DWP) Railway; the rail line was decommissioned and is now the location of a paved trail connecting the Cross-City Trail to Spirit Mountain and the Magney-Snively Natural Area.

Land adjacent to the former rail line was previously used as a roundhouse and railyard. As DWP has divested the property, community plans have helped envision the future of the area. Recent plans including the *Irving Fairmount Brownfields Revitalization Plan* and *Imagine Duluth 2035* have identified the area as a mixture of open space and residential. The current zoning of the area shown in the R-P Concept Plan is a mixture of R-1 and R-2.

More recently, site investigation has shown that the southern triangular area of land included significant contamination that hinders future residential development. Because of this, this R-P District proposes to rezone the area to R-P to accommodate development options that still incorporate residential and open space uses in close proximity, while being flexible in the approach, conserving and enhancing natural features, and increasing pedestrian connectivity.

PRESERVATION OF OPEN SPACE

The proposed R-P district includes a total of 26.2 acres. Of this area, 15.2 acres would remain as designated open space, while the remaining 11 acres would allow for development.

Total acres	Open space/green space	Net developable acres
26.2	15.2	11

DENSITY AND HEIGHT

Area A, adjacent to existing single-family uses, would maintain a maximum density of 7 units per acre. This density conforms with the average lot size of parcels throughout the neighborhood. Area B would remain as open space, preserving the urban wilderness space for the neighborhood.

Area	Base Zone District	Size	Maximum Density	Maximum Height
A	R-1, R-2	11 acres	7 units/acre	40'
B	R-1, R-2	15.2 acres	0	N/A

As can be seen in the below table, this density is in line with both the zoning for the R-P area as well as the future land uses for the area:

	Area A	Area B	Total
Current Zone District	R-1, R-2	R-1, R-2	
# Units Under Current Zoning	16 units	79 Units	135 units
# Units Under Future Land Use	39 units	45 units	84 units
Proposed Maximum Units	77 units	0 units	77 units

*Table uses land use recommendations for 4 units/acre for R-1 and 8 units/acre for R-2

PERMITTED USES

Area	Uses
A	Dwelling, one-family Dwelling, two-family Dwelling, Townhouse Cottage Home Park Agriculture, community garden Accessory dwelling unit Accessory home occupation Accessory solar or geothermal power equipment Accessory daycare Accessory uses and structures not listed elsewhere
C	Park, playground, or forest reserve

PUBLIC BENEFITS

R-P districts require demonstration of a greater level of public benefit than what would be required in the underlying zone district. The proposed R-P district would incorporate the following:

- Cleanup work in the southern portion to remain as open-space, including a 3-acre cap on contamination from the former rail use.
- Significant habitat restoration including the planting of hundreds of trees.
- Protection of habitat along two branches of 62nd Ave W creek, to the equivalent of more than double the structure and impervious surface setbacks in existing shoreland areas.
- A 50' vegetative buffer would protect the views and rural character along the DWP Trail.
- Along with the proposed development, a connector trail will be constructed, connecting the existing neighborhood to the DWP Trail.

To: Duluth Planning Department staff,

March 14, 2023

My name is Allan Kehr and I live at 12 South 66th Ave. W.

I was told that the planning department is tasked to make the land in the Fairmount Neighborhood more attractive for development, but this is not what we want for our neighborhood.

I have long been an advocate of establishing the undeveloped parts of the Fairmount Neighborhood as an urban wilderness meaning the land is put into preservation. Please refer to the black and white map indicating the urban wilderness boundary. See the first page of my enclosures. To my knowledge, and until this past summer, there has been only one house built outside this boundary since the end of World War II. This might be the number one reason the residents of Fairmount have for choosing Fairmount as their home. The neighborhood is extremely stable.

We, the residents of Fairmount, thought that the establishment of the urban wilderness was already done. I went door-to-door with a petition, getting 117 signatures, and we went to many meetings over the years that finally culminated in the city agreeing to preserve the area shown on the black and white map. The second page of the enclosures is from the comprehensive planning process of 2006, which shows the area beyond the developed area of Fairmount to be placed in preservation. We thought that our neighborhood was protected from development beyond the urban wilderness boundary.

The Imagine Duluth 2035 Plan says that the city continues to use the 2006 Comprehensive Plan as the basis of decision making. There are 12 principals that are spelled out in the comprehensive plan. Three of the 12 principals are: reuse previously developed lands, declare the necessity and secure the future of undeveloped places and strengthen neighborhoods. The Irving and Fairmount Brownfields Revitalization Plan (pages 33 and 52) shows several

hundred housing units in the urban wilderness preservation area. Clearly the Fairmount portion of the Irving and Fairmount Brownfields Revitalization Plan is in conflict with the comprehensive plan.

I would argue that the comprehensive plan of 2006 is the legitimate plan. I have no problem with the Irving and Fairmount Plan being used as a plan for Irving but the Irving and Fairmount Plan should not be used as a plan for Fairmount. For one, I was not aware of the Irving and Fairmount Plan being worked on. If I had known, I would have been involved as I have been all along. For another, if you look at the stakeholders group in the Irving and Fairmount Plan, Irving had 7 people and Fairmount had no one.

Hopefully, we can all agree that it makes the most sense to locate housing where there was housing in the past because we are already paying for streets and utilities to serve those lots. This in-fill housing makes the most economic sense and preserves the natural areas.

The recreational value is too high to build in the urban wilderness area. The hiking, mountain biking, dog walking, sliding and just enjoying the wilderness and wildlife in this area is awesome. It is such a wonderful asset to Duluth and the city spends virtually nothing to maintain it. As a boy, I spent countless hours playing there. We built tree forts, and trampled down the grass to make a baseball field. Try doing that in a city park. It is a place where kids can just be kids. You could think of it as an unofficial city park.

I am not generally against development but I feel that some places need to be preserved. I ask that you work to place in preservation the urban wilderness area as shown in the attached. I have been told that the terms preservation and urban wilderness are not in the current planning documents. Why?

Feel free to contact me with questions or comments. I am at 218 – 628 - 2082.

A handwritten signature in blue ink that reads "Alan Fehr".

Fairmount Neighborhood Meeting
Proposed R-P District

Comments
March 14, 2023

I WANT THE EXISTING BOUNDRY BETWEEN THE
DEVELOPED AND UNDEVELOPED AREAS LEFT AS THEY
ARE. I WANT THE TRIANGULAR SHAPED FIELDS,
THE DWP PROPERTY AND THE HILLSIDE PUT
INTO PRESERVATION !!! ANY HOUSING
SHOULD BE DONE BY IN-FILL.

Name and Contact Info (Optional)

ALLAN KEAR 218-628-2082

Contact

Jenn Moses, Senior Planner
jmoses@duluthmn.gov

Fairmount Neighborhood Meeting
Proposed R-P District

Comments
March 14, 2023

Concerns include contaminate soils in all of the proposed area, loss of vegetation which holds water back in what is already a wet neighborhood with high sump pump use, road infrastructure, and already Blighted, abandoned homes.

I am in favor of low density development with 35' height restriction^(P-1) in pale yellow and yellow area on map

Name and Contact Info (Optional)

Megan Udd megan.udd@gnialb.com

Contact

Jenn Moses, Senior Planner
jmoses@duluthmn.gov

Fairmount Neighborhood Meeting
Proposed R-P District

Comments
March 14, 2023

I am against all current rezoning
and proposed building for the
Fairmount Heights neighborhood.

I currently endorse only the
Duluth Comprehensive Plan
established and accepted in
February, 2006.

Name and Contact Info (Optional)

CARMAN BATES
11-N. 66 Ave W, Duluth MN 55807
218-464-4200

Contact
Jenn Moses, Senior Planner
jmoses@duluthmn.gov

Fairmount Neighborhood Meeting
Proposed R-P District

Comments
March 14, 2023

My thoughts are as per current zoning - Keep for
allowing 2, 3, or 4 Bedroom units maximum height of 35 feet
allow duplexes. No more than 10% for Section 8 housing.

Name and Contact Info (Optional)

Contact

Jenn Moses, Senior Planner
jmoses@duluthmn.gov

Fairmount Neighborhood Meeting
Proposed R-P District

Comments
March 14, 2023

Current resident at 192 N. 16th
Ave W. - would like to see the
City stay with the 2006 plan -
because there is no assurance
that an apartment Bldg. won't
be built right behind -

Name and Contact Info (Optional)

BETH Williams 28-591-9654

Contact

Jenn Moses, Senior Planner
jmoses@duluthmn.gov

Fairmount Neighborhood Meeting
Proposed R-P District

Comments
March 14, 2023

no more low income housing
in fairmount. Just added 18 units
next to me. This is going to devalue
my property very much.

Build houses that people
can afford to buy. Not free
homes for low income to ruin.
They will not take care of
something they do not own.

The soil is so contaminated
it is unsafe to build on.

Name and Contact Info (Optional)

Toni Merritt (218) 391-9684

Contact

Jenn Moses, Senior Planner
jmoses@duluthmn.gov

Fairmount Neighborhood Meeting
Proposed R-P District

Comments
March 14, 2023

MAKE AREA PRESERVATION

Name and Contact Info (Optional)

JOHN ZANTER 2014 6644 218 343-9634

Contact

Jenn Moses, Senior Planner
jmoses@duluthmn.gov

Fairmount Neighborhood Meeting
Proposed R-P District

Comments
March 14, 2023

I am in favor of as much preservation as possible, I'm pro multi + 5
to the infrastructure. Parks, trails open space or natural forest

I am against multi-story units, small lots (under 50x100), crowding
and excessive traffic.

Really just preserve as much as possible

Name and Contact Info (Optional)

Jesse LaFreniere - 6702 Polk St 218-206-5644

Contact

Jenn Moses, Senior Planner
jmoses@duluthmn.gov

jlafr2000@yahoo.com

Fairmount Neighborhood Meeting
Proposed R-P District

Comments
March 14, 2023

Keep it in preservation.

Turn area A. and area B. into what area C, is zoned

Name and Contact Info (Optional)

Contact

Jenn Moses, Senior Planner
jmoses@duluthmn.gov

Please hear us.

**Fairmount Neighborhood Meeting
Proposed R-P District**

Comments

March 14, 2023

Option A is to not build anything at all.

Definitely single family homes with space not
packed into an over ~~crowded~~ space.

I understand the current plan shows both
properties can be built to R2 which is not OK.
If the new rezone plan ^{of zone B} would be single family
homes with space, that is something some may be able
to swallow. I want to voice concerns that zone C
would change in the future as this plan is changing.
The neighborhood understands the need for housing, but
our feelings need to be ~~heard~~ understood. I purchased my
property 2 years ago because of the area & community.
Another note is the animals, if we keep pushing them out,
Name and Contact Info (Optional) where do they go? to the new homes
and killed @

Contact

Jenn Moses, Senior Planner
jmoses@duluthmn.gov

Angie & Gary Hendrickson
25568th Ave W
218-481-5979

Fairmount Neighborhood Meeting
Proposed R-P District

Comments
March 14, 2023

I Propose That we keep the Land use Plan
of February 2006 - Preserve the current designation
As shown in Duluth Comprehensive Plan of 2/2006.

Name and Contact Info (Optional)

James R. Stukel 218-348-7909 jrstukel@ysk.com

Contact

Jenn Moses, Senior Planner
jmoses@duluthmn.gov

Fairmount Neighborhood Meeting
Proposed R-P District

Comments
March 14, 2023

- I'd prefer honoring the 2006 boundaries -
- If this goes forward:
 - I wouldn't want anything built higher than 35 feet
 - I'd prefer the large 'green space' section to be specifically preserved
 - I am opposed to apartment buildings, tiny homes, condos and/or trailer homes in any space
 - I would support single family homes on larger lots
 - Fix the dilapidated properties in the neighborhood

Name and Contact Info (Optional)

Contact

Jenn Moses, Senior Planner
jmoses@duluthmn.gov

**Fairmount Neighborhood Meeting
Proposed R-P District**

**Comments
March 14, 2023**

I would like to see the boundaries set in
2006 kept in place. I am not opposed to single
family houses, on larger lots. I don't feel
like this would be a good area for large
apartments / multiple unit housing

Name and Contact Info (Optional)

Martin Roda - Marty@4collision.com

Contact

Jenn Moses, Senior Planner
jmoses@duluthmn.gov

**Fairmount Neighborhood Meeting
Proposed R-P District**

Comments

March 14, 2023

While I don't have strong feelings about this plan, I know many in my neighborhood do. I appreciate you bringing this to us, and am not opposed to this plan. Ideally I would like to see as much preservation as possible, and lower density housing if anything ~~new~~ has to be used.

Name and Contact Info (Optional)

Jesse Murray - 214-290-9777 murra300@gmail.com

Contact

Jenn Moses, Senior Planner
jmoses@duluthmn.gov

Fairmount Neighborhood Meeting
Proposed R-P District

Comments
March 14, 2023

Please do not allow this proposal to go to the planning commission. On proposed changes, area B should be low density or open space. Should be open space due to soil contamination. Lot size should be large enough to allow for large single or multi family developments ~~with~~ out with a max of 8 unit buildings.

Name and Contact Info (Optional)

Johnathan Garrabone j.garrabear@gmail.com

Contact

Jenn Moses, Senior Planner
jmoses@duluthmn.gov

Fairmount Neighborhood Meeting
Proposed R-P District

Comments
March 14, 2023

Thank you for coming and taking comments into consideration. I am in favor of ~~the~~ preserving the land that is greatly contaminated and not using it for housing. I don't want anything to change the environment and property value of my house. ~~and~~ I don't want high-end condos and low income cottages and if anything changes with zoning that could be a reality.

Name and Contact Info (Optional)

Sarah Carramone sigmone33@gmail.com

Contact
Jenn Moses, Senior Planner
jmoses@duluthmn.gov

Fairmount Neighborhood Meeting
Proposed R-P District

Comments
March 14, 2023

leave in preservation

IF R1 25' Height Restriction

lot size minimum 25-30 thousand sq ft

Name and Contact Info (Optional)

Dave Seehus 218 391-8241

Contact

Jenn Moses, Senior Planner
jmoses@duluthmn.gov

Fairmount Neighborhood Meeting
Proposed R-P District

Comments
March 14, 2023

Keep the 2006 plan a lot of work went into
it keep it! Preserve wetlands part of area A
are ~~wet~~ very wet.

Name and Contact Info (Optional)

Greg Kmeringer ~~218-271~~ 218-628-0641

Contact

Jenn Moses, Senior Planner
jmoses@duluthmn.gov

Fairmount Neighborhood Meeting
Proposed R-P District

Comments
March 14, 2023

Leave the yellow AND green areas the SAME.
No. Building at all. Rezone it to R-1

Name and Contact Info (Optional)

Rod Polson 218-269-3430 66th Ave. West

Contact

Jenn Moses, Senior Planner
jmoses@duluthmn.gov

Fairmount Neighborhood Meeting
Proposed R-P District

Comments
March 14, 2023

I understand your purpose for
the mtg. tonight. I support a
plan to add housing in a
modest number (40-60) at a
max height of 35 feet.

Name and Contact Info (Optional)

John B. 218-624-1642


Contact


Jenn Moses, Senior Planner
jmoses@duluthmn.gov



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802

 218-730-5580

 planning@duluthmn.gov

MEMORANDUM

DATE: February 7, 2023
TO: Planning Commission
FROM: Jenn Reed Moses, Senior Planner
SUBJECT: Proposed UDC Changes to Parking Regulations (PL 23-003)

Staff is proposing changes to Section 50 of the City of Duluth Legislative Code, the Unified Development Chapter (UDC). These changes impact Section 50-18.5, Higher Education Overlay; 50-19, Permitted Use Table; 50-20, Use-Specific Standards; 50-24, Parking and Loading; and 50-41, Definitions.

City staff have reviewed the zoning regulations pertaining to off-street parking, reviewed best practices in planning in Minnesota and other places in the country, as well as current development patterns and needs in Duluth, and find the following:

- Innovation in technology and changing trends demonstrate that modes like automatic vehicles will impact needs for off-street parking at destinations. In addition, there is an increased need for bike parking and EV charging stations.
- Parking needs can be accommodated in myriad ways, as demonstrated in the downtown and Canal Park areas, which have been exempt from parking minimums, and form districts, which have flexibility in parking minimums. These areas also demonstrate that the absence of parking minimums does not result in an overall loss of parking available.
- Construction costs have increased drastically in recent years; the cost of providing parking lots and parking structures is significant, causing parking regulations to become a deterrent to development.
- Developers often have thresholds for parking from lenders, or conduct their own market assessments to determine needed parking. As vehicles have become a pervasive form of transportation, market demand increasingly drives the parking needs of any development.
- It is increasingly difficult to identify minimum numbers of off-street parking spaces that should be included in zoning regulations, as land uses become increasingly varied. Businesses and developers report changes in service delivery and customer mix that indicate there is no standard that fits every restaurant, retail store, or housing development (using restaurants as an example, this category includes everything from a drive-through coffee hut to a pizza restaurant that is delivery/pick-up only and a full-service sit-down restaurant).

Based on conversations with Planning Commission and community members, Staff are proposing a series of changes to update parking regulations in zoning, including:

- Removal of off-street parking requirements in the remaining areas of the city. Those that choose to provide parking will still need to meet requirements related to parking space and drive aisle dimensions, parking location, stormwater requirements, and landscaping.

- A new land use category, overflow parking area, to allow flexibility where demand warrants. This overflow parking area would be allowed via an Interim Use Permit, which could be renewed annually.
- Requirements for bicycle parking, including short-term, employee, and resident bicycle parking.
- Requirements for certain overnight uses (multi-family and hotel/motel) to either provide EV charging stations or be EV ready.

These changes are shown in the attached pages. These modifications were developed through several months of discussion at Planning Commission meetings, a Planning Commission Brown Bag on November 7, 2022, and a meeting on January 10, 2023, which included public comment on a draft of these changes. A press release on January 9, 2023, elicited widespread media coverage, and a legal notice was posted in the Duluth News Tribune on January 28, 2023, February 4, 2023, and February 11, 2023. Copies of all comments received are attached.

Staff recommends that Planning Commission recommend approval of these changes. An ordinance with these changes will then go to City Council, and will require two readings before a vote.

Proposed UDC Code Changes – Parking

50-18.5 Higher Education Overlay (HE-O).

A Purpose.

The purpose of this Section 50-18.5 is to minimize the impacts of potential student use on adjacent residential neighborhoods and to encourage the development of pedestrian friendly neighborhood destinations near the UMD [University of Minnesota-Duluth] and St. Scholastica campuses;

B Applicability.

This Section applies to land within the HE-O, shown in Exhibit 50-18.5-1, that (a) is zoned R-2 or MU-N; and (b) includes new development or redevelopment where the value of the redevelopment exceeds 75 percent of the market value of the land and buildings, as indicated by tax assessor's records; except for:

1. One-family or two-family dwellings;
2. Any residential development where all of the dwelling units are restricted by development agreement or covenant for occupancy by those aged 50 and over or for occupancy by those individuals and households protected by the federal Fair Housing Act amendments of 1988.

A planning review by the planning commission, pursuant to the procedures in Article 5, shall be required unless exempt in the above applicability standards;

C Development standards.

1. General.

- (a) Vehicle ingress and egress shall be located in a manner that avoids or minimizes impacts to residents in adjacent R-1 districts and that reduces the potential for pedestrian-vehicular conflicts;
- (b) Primary buildings shall adhere to a build-to zone of five feet to 20 feet along primary streets. This requirement shall supersede building setbacks in Section 50-14.6 and 50-15.2. Alternatively, if the land use supervisor determines that site conditions such as existing buildings or topography make this unfeasible, pedestrian walkways can be used to connect people from public sidewalks along primary streets to businesses and residences. These walkways shall:
 - Include pedestrian-scaled lighting;
 - Be raised or otherwise designed to encourage run-off and limit ponding during wet weather;
 - Be visually recognizable to both pedestrians and motorists;
 - Include trees and other landscaping along the length of the walkway; this landscaping can also be used to meet parking lot landscaping requirements in Section 50-25.4;
 - Be at least five feet wide;
 - Include well-marked crossings where the walkway intersects with private vehicle drives;
- (c) Unless lighting meets exception criteria in Section 50-31.1.B, the maximum height of any light pole is 20 feet;

2. Residential.

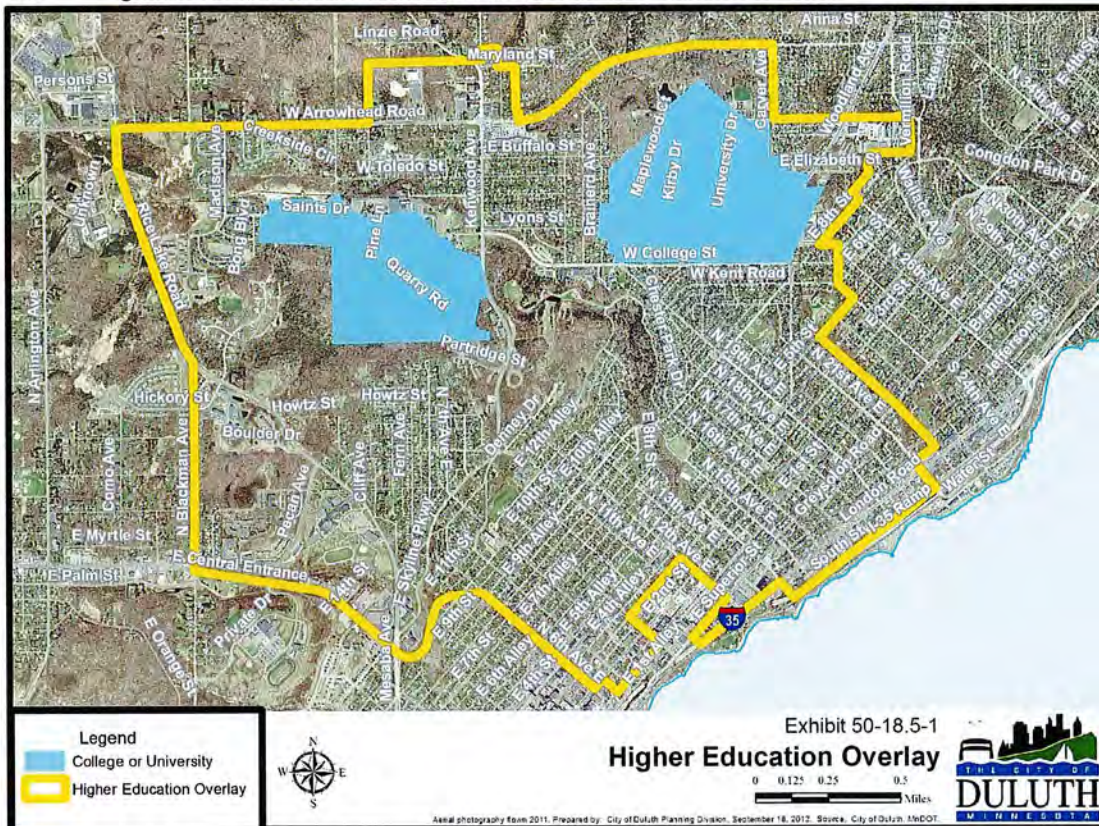
- (a) Required resident parking spaces shall be provided at the ratio of 0.7 space per bedroom, with a minimum of one space per dwelling unit;
- (b) Visitor parking spaces shall be provided at the rate of 15 percent of required resident parking spaces;
- (c) At least one bicycle or motorized scooter parking space per five parking spaces shall be provided, which shall not be located in any required yard or between the principal dwelling and the street;
- (d) A development that provides an enhanced shelter with space dedicated solely for bicycle or motorized scooter parking shall be granted a reduction in the off-street parking requirement of five percent if the shelter complies with the following standards:
 - The enhanced shelter shall not be located in any required yard setback;
 - The enhanced shelter shall not be located between the principal building and a public street;
 - The enhanced shelter shall be enclosed on at least three sides and covered to adequately protect bicycles from the elements;
 - The enhanced shelter shall utilize primary exterior materials that match the primary exterior materials of the principal structure;
- (e) If the development or redevelopment is determined to have mitigated the impacts of potential student use in the adjacent residential neighborhood, the development or redevelopment may adjust the parking requirements as provided in either Section 50-24.3.A or 50-24.3.B if eligible, but may not utilize both adjustments;

- (f) No residential balcony, patio, or deck shall be located on any side of the property facing and within 200 feet of an R-1 district;
- 3. Commercial.
 - (a) Commercial development shall be concentrated on major roads, not on streets intended primarily for neighborhood traffic;

D Primary streets.

The following streets are designated as primary streets in the Higher Education Overlay District:

1. Woodland Avenue;
2. St. Marie Street;
3. Arrowhead Road;
4. College Street;
5. Kenwood Avenue, north of College Street;
6. Fourth Street;
7. London Road;
8. Superior Street;
9. Ninth Street, between Sixth Avenue East and 15th Avenue East; and
10. Eighth Street, between 15th Avenue East and Woodland Avenue.



(Added by Ord. No. 10192, 12-17-2012, § 8; Ord. No. 10286, 3-10-2014, § 5)

50-19.8 Permitted use table.

TABLE 50-19.8: USE TABLE, REVISED DEC 2022

P: Permitted Use I: Interim Use U: Permitted Only in Upper Stories (Form Dist.) 1, 2, 3, as per table 50-19.1	Residential						Mixed Use						Form						Special			Use Specific Standards			
	RR-1	RR-2	RR-1	R-2	R-P	MU-N	MU-C	MU-1	MU-B	MU-W	MU-P	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9	I-G		I-W	P-1	AP
Retail Sales																									
Adult bookstore																						P			Chapter 5
Building materials sales							S ¹	P		P ³														50-20.3.G	
Garden material sales	S						P ¹			P ³				P											
Grocery store, small (less than 15,000 sq. ft.)							S ²	P ³	P ¹															50-20.3.K	
Grocery store, large (15,000 sq. ft. or more)									P ¹															50-20.3.K	
Retail store not listed, small (less than 15,000 sq. ft.)							S ²	P ³	P ¹															50-20.3.R	
Retail store not listed, large (15,000 sq. ft. or more)									P ¹															50-20.3.R	
Vehicle Related																									
Automobile and light vehicle, service							S ²	P ¹	P															50-20.3.C	
Automobile and light vehicle, repair								P ¹	P ¹															50-20.3.C	
Automobile and light vehicle sales, rental, or storage								P ¹	P															50-20.3.D	
Automobile and light vehicle impound lot								S ¹	P ¹															50-20.3.V	
Car wash (primary use)							S ²	P ¹	P ¹															50-20.3.W	
Filling station (small)								S ²	P ³	P ¹														50-20.3.J	
Filling station (large)									P ¹															50-20.3.J	
Parking lot (primary use)							S ²	P ¹	P ¹															50-20.3.O	
Parking structure								P ¹	P ¹															50-20.3.O	
Overflow Parking Area	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	50-20.3.N	
Truck or heavy vehicle sales, rental, repair or storage									P																

50-20.1 Residential Uses

D. Accessory dwelling unit.

An accessory dwelling unit may be created within, or detached from, any one-family or two-family dwelling, as a subordinate use, in those districts shown in Table 50-19.8, provided the following standards are met:

1. Only one accessory dwelling unit may be created per lot;
2. No variances shall be granted for an accessory dwelling unit;
3. Only the property owner, which shall include title holders and contract purchasers, may apply for an accessory dwelling unit;
4. ~~One off-street parking space shall be provided in addition to off-street parking that is required for the primary dwelling;~~
5. Accessory dwelling units shall contain no more than 800 square feet of total floor space and shall be consistent in character and design with the primary dwelling. An accessory dwelling unit shall not exceed the total floor area square footage of the principal structure;
6. If a separate outside entrance is necessary for an accessory dwelling unit located within the primary dwelling, that entrance must be located either on the rear or side of the building;
7. An accessory dwelling unit shall not be considered a principal one-family dwelling. An accessory dwelling must be located on the same tax parcel as the principal one or two-family dwelling;
8. An accessory dwelling unit shall not exceed the height of the principal residential structure or 20 feet, whichever is greater.

50-20.3 Commercial uses.

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;

N. Overflow Parking Area

1. Interim use permits for Overflow Parking Areas may be granted for a period of 1 year. If the applicant has documented an ongoing parking need, with a parking study documenting the location, use, and adequacy of existing parking in the surrounding area, the Interim use permit may be approved for up to 5 years.

2. If located in a neighborhood or district that demonstrates a need for additional off-street parking, the Overflow Parking Area shall be public parking (either free or paid), or shared with other nearby uses. Applicant shall include information about parking demand in the application for the Interim use permit, as well as a plan for how the parking will be shared and/or open to the public.
3. Overflow Parking Areas, being temporary in nature, are not required to meet the paving requirements of Section 50-24. or the landscaping requirements of Section 50-25.4; however, if paving is provided, all requirements of Sections 50-24 and 50-25 must be met, if applicable.
4. Applicant must work with City Engineering on a stormwater and erosion plan that adequately meets stormwater requirements for the duration of the anticipated use of the parking area, and shall provide the approved plan as part of the application; applicant is responsible for ongoing maintenance of stormwater and erosion infrastructure and is expected to provide proof of such maintenance upon request during the course of the Interim use permit.
5. Prior to establishment of the parking area, applicant shall provide financial security, in the amount necessary to reestablish the area to natural vegetation once the overflow parking area is terminated. This security shall be held without interest until the parking area is discontinued and applicant or property owner has provided proof that the area has either been reestablished to natural vegetation or been developed with an approved use on the property.
6. The interim use permit shall terminate upon change in ownership of the property and is not transferable.

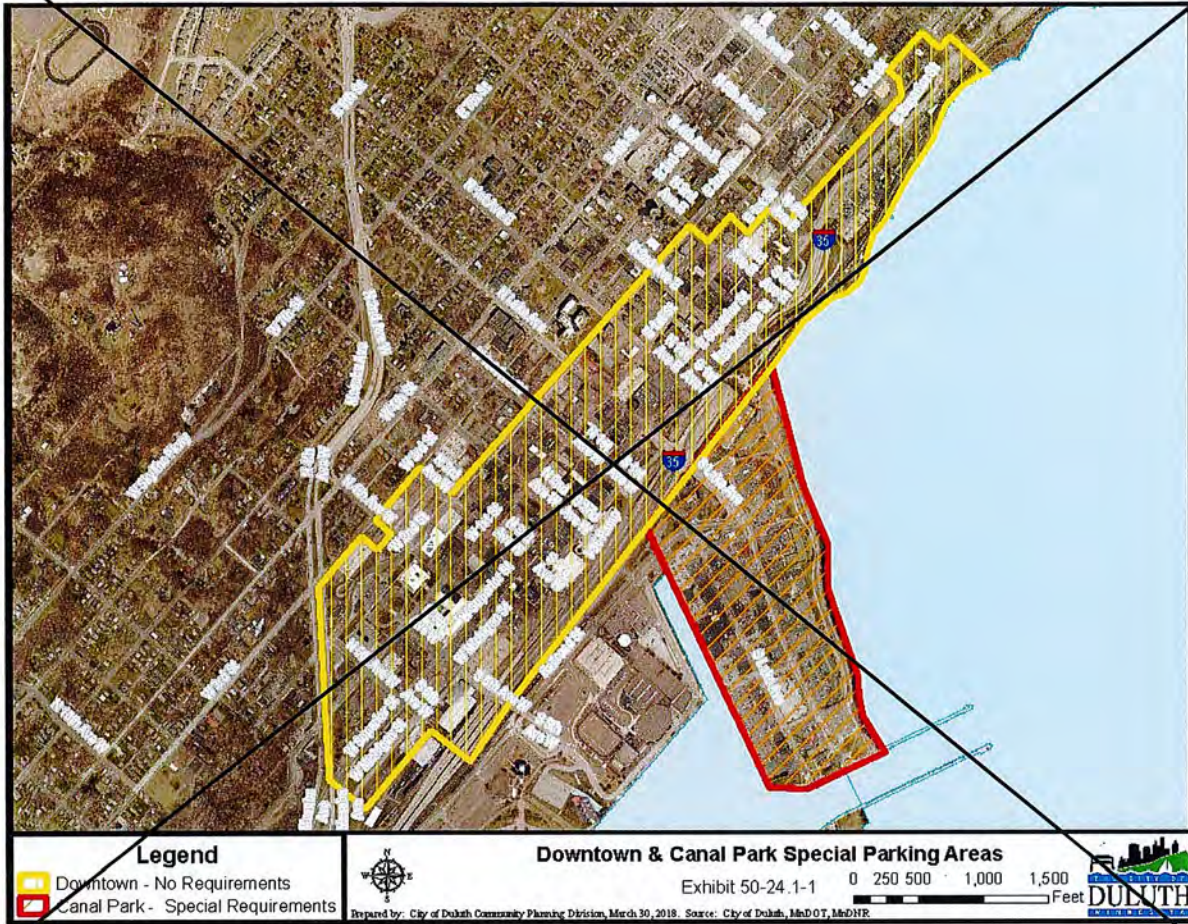
50-24 PARKING AND LOADING.

50-24.1 Applicability.

The standards of this Section 50-24 shall apply to all development and redevelopment, except that:

1. ~~Development and redevelopment in any of the form districts shall only be required to provide that amount of parking that can be accommodated on the development parcel while allowing the principal building to meet all of the building form standards in Section 50-22;~~
2. ~~No off-street parking shall be required for any non-residential use on a lot smaller than 10,000 square feet in any mixed-use district or special-purpose district;~~
3. ~~No off-street parking shall be required for any building with less than 10,000 square feet of gross floor area and with a non-residential primary use in any mixed-use district or special-purpose district;~~
4. ~~No off-street parking shall be required within the boundaries of the Downtown area shown in Exhibit 50-24.1-1;~~
5. ~~No off street parking shall be required for any use except (1) hotels or motel, and (2) residential developments with more than ten units, within the boundaries of the Canal Park area shown in Exhibit 50-24.1-1;~~
6. ~~Development and redevelopment that is exempt from being required to provide off-street parking but does provide parking, must follow all the provisions of this Section.~~

(Ord. No. 10044, 8 16 2010, § 6; Ord. No. 10096, 7 18 2011, § 26.)



50-24.2-Required Maximum parking spaces.

In all districts there shall be provided, at the time any building or structure is erected, except as provided in Section 50-24.5, *Calculation of parking spaces*, the number of off-street parking spaces shown in Table 50-24-1. All development and redevelopment after [insert effective date] shall adhere to a maximum amount of off-street parking as stated in the table below unless an exemption from or variation of this requirement is provided in another section of this Chapter. Any use not listed is exempt from maximum parking requirements.

Off-street parking spaces that existed on November 18, 2010, and that were composed of hard-surfaced, dust-free material such as concrete, bituminous, or pervious paving materials may continue even if they exceed the maximum parking limit. (Ord. No. 10042, 8-16-2010, § 4; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 29; Ord. No. 10153, 5-14-2012, § 4.)

Table 50-24-1: Maximum-Off-Street Parking Spaces Required	
Use	Maximum Requirement* (May Be Adjusted to 30% Less or 50% More)
RESIDENTIAL USES	
Dwelling, one-family	4 <u>2.5</u> spaces per dwelling unit
Dwelling, two-family	
Dwelling, townhouse	
Dwelling, live-work	
Co-housing facility	
Manufactured home park	
Dwelling, multi-family	1.25- <u>2.5</u> spaces per dwelling unit
Assisted living facility (elderly)	1 space per 3 habitable units
Residential care facility	1 space per <u>6-3</u> residential care beds, but not less than 2 spaces
Sober house	1 space per <u>6-3</u> single occupancy beds, but not less than 2 spaces
Rooming house	4 <u>2</u> spaces per habitable unit
PUBLIC, INSTITUTIONAL AND CIVIC USES	
Bus or rail transit station	No requirement
Business, art, or vocational school	1 parking space for each 8 seats in the main auditorium or 3 spaces for each classroom, whichever is greater
Cemetery or mausoleum	No requirement
Club or lodge (private)	2.5- <u>4</u> spaces per 1,000 sq. ft. of floor area
Government building or public safety facility	As determined by land use supervisor based on anticipated use and neighborhood impacts
Hospital	2 spaces per 1,000 sq. ft. As determined by approved MU-I Plan

Table 50-24-1: Maximum Off-Street Parking Spaces Required

Use	Maximum Requirement* (May Be Adjusted to 30% Less or 50% More)
Medical or dental clinic	4-6 spaces per 1,000 sq. ft. of gross floor area
Museum, library or art gallery	1 space per 1,000 sq. ft. of gross floor area
Nursing home	1-2 spaces per 6 beds
Park, playground or forest reserve	No requirement
Religious assembly	1 space per 4-2 seats or per 100 sq. ft. in main auditorium, whichever is greater
School, elementary	1 parking space for each 10 seats in the auditorium or main assembly room or 1 space for each classroom, whichever is greater
School, middle	1 parking space for each 8 seats in the main auditorium or 3 spaces for each classroom, whichever is greater
School, high	5 parking spaces for each classroom or 1.5 parking spaces per 1,000 square feet, whichever is greater
University or college	2 spaces per 1,000 sq. ft. of office, research and library area plus 1 space per 125 sq. ft. of auditorium space.
Other community facility or institutional support uses not listed	As determined by land use supervisor based on anticipated use and neighborhood impacts
COMMERCIAL USES	
Adult bookstore	2.5-4 spaces per 1,000 sq. ft. of gross floor area
Adult entertainment establishment	5-7 spaces per 1,000 sq. ft. of gross floor area
Agriculture	No requirement
Automobile and light vehicle repair and service	2-3 spaces per 1,000 sq. ft. of gross floor area
Automobile and light vehicle sales, rental or storage	2-3 spaces per 1,000 sq. ft. of gross floor area
Bank	3.5-5 spaces per 1,000 sq. ft. of gross floor area
Bed and breakfast	1 space for manager plus 1-1.5 spaces per habitable unit
Building material sales	4-1.5 spaces per 1,000 sq. ft. of gross floor area
Business park support activities	2-3 spaces per 1,000 sq. ft. of gross floor area
Convention and event center	1 space per 4-2.5 seats or per 100 sq. ft. in main auditorium and event spaces, whichever is greater
Daycare facility	1-1.5 spaces per 5 persons care capacity
Data center	1 space per 1,000 sq. ft. of gross floor area
Filling station	4-6 spaces per 1,000 sq. ft. gross floor area plus 1 per service stall
Funeral home or crematorium	1-2 spaces per 50-100 square feet of floor space in slumber rooms, parlors or individual funeral service rooms

Table 50-24-1: Maximum Off-Street Parking Spaces Required

Use	Maximum Requirement* (May Be Adjusted to 30% Less or 50% More)
Garden material sales	4 <u>1.5</u> spaces per 1,000 sq. ft. of gross floor area
Grocery store	3 <u>5</u> space per 1,000 sq. ft. of gross floor area
Golf course	2.5 <u>4</u> spaces per 1,000 square feet of clubhouse area
Hotel or motel	2 <u>1</u> spaces per 3 guest rooms plus 1 per 200-150 sq. ft. of gross floor area in all accessory uses including restaurants and meeting rooms
Indoor entertainment facility	2.5 <u>4</u> spaces per 1,000 sq. ft. of gross floor area.
Kennel	4 <u>1.5</u> spaces per 1,000 sq. ft. of gross floor area
Marina or yacht club	2.5 <u>4</u> spaces per 1,000 sq. ft. of clubhouse area, plus 1 per 10 boat slips
Mini-storage facility	1 space per 20 <u>15</u> storage units
Office	2.5 <u>4</u> spaces per 1,000 sq. ft. of gross floor area
Parking lot or parking structure (primary use)	No requirement
Personal service or repair	2.5 <u>4</u> spaces per 1,000 sq. ft. of gross floor area
Preschool	1 <u>5</u> spaces per 5 persons care capacity
Restaurant	6.5 <u>10</u> spaces per 1,000 sq. ft. of gross floor area
Retail store	3 <u>4.5</u> spaces per 1,000 sq. ft. of gross floor area
Riding stable	No requirement
Seasonal camp or cabin	1 space for every two beds, or <u>2</u> for each cabin or sleeping unit, whichever is greater
Theater	1 space per 6 <u>4</u> seats or <u>2</u> per 400 <u>150</u> sq. ft. in main auditorium, whichever is greater
Tourist or trailer camp	2 <u>1</u> spaces per 3 sleeping rooms, suites, or trailer
Truck or heavy vehicle sales, rental, repair or storage	4 <u>1.5</u> spaces per 1,000 sq. ft. of gross floor area
Vacation dwelling unit	1 space for 1-2 bedrooms, 2 spaces for 3-4 bedrooms, 3 spaces for 5+ bedrooms As indicated in Section 50-20.3
Veterinarian or animal hospital	2.5 <u>4</u> spaces per 1,000 sq. ft. of gross floor area
Other commercial use not listed	As determined by land use supervisor based on anticipated use and neighborhood impacts
INDUSTRIAL USES	
Airport and related facilities	As determined by airport management
<ul style="list-style-type: none"> • Electric power or heat generation plant • Electric power transmission line • Junk and salvage services • Major utility or wireless communication tower 	No requirement

Table 50-24-1: Maximum Off-Street Parking Spaces Required

Use	Maximum Requirement* (May Be Adjusted to 30% Less or 50% More)
<ul style="list-style-type: none"> • Radio or television broadcasting tower • Railroad or shipyard and related facilities • Solar or geothermal power facility (primary use) • Truck freight or transfer terminal • Water or sewer works • Wind power facility (primary use) • Bulk storage not listed 	
<ul style="list-style-type: none"> • Contractor's shop and storage yard • Dry cleaning or laundry plant • Recycling collection point (primary use) • Solid waste disposal or processing facility 	4-1.5 spaces per 1,000 sq. ft. of gross floor area
<ul style="list-style-type: none"> • Manufacturing, light manufacturing, heavy manufacturing, hazardous or special • Storage warehouse • Water-dependent manufacturing, light or heavy • Wholesaling 	4-1.5 spaces per 1,000 sq. ft. of gross floor area
Research laboratory	As determined by land use supervisor based on anticipated use and neighborhood impacts
Other industrial uses not listed	As determined by land use supervisor based on anticipated use and neighborhood impacts
ACCESSORY USES	
Accessory bed and breakfast	1 space for primary use dwelling; plus 1.5 space per habitable unit
Accessory caretaker quarters	1 space
All other accessory uses	No requirement
TEMPORARY USES	
Temporary real estate sales office	23 spaces
All other temporary uses	No requirement
<p>*The parking space requirement may be modified by Section 50-18.5 (Higher Education Overlay District), Section 50-24.3 (Adjustment to required off-street parking) and Section 50-24.4 (Maximum parking spaces), and Section 50-37.1.L (Administrative Adjustments).</p>	

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 27; Ord. No. 10286, 3-10-2014, § 10; Ord. No. 10340, 11-24-2014, § 1; Ord. No. 10458, 7-11-2016, § 2; Ord 10746, 5-10-2021, § 5)

50-27.1 Adjustment to required off-street parking.

The minimum parking requirements listed in Section 50-24.2 above shall be adjusted as follows:

A. Proximity to transit.

1. The minimum number of off-street parking spaces required for any development or redevelopment lands may be reduced by 30 percent if they are located within 1/4 mile of existing Duluth Transit Authority routes in operation for one year, or they may be reduced by 20 percent if

located within 1/2 mile of any Duluth Transit Authority transit center, as indicated by a "T" on Exhibit 50-24.3-1;

2. If an existing transit route or center is eliminated or changed in location, any development approved in conformance with this Section 50-24.3 shall not be deemed nonconforming in terms of required parking.

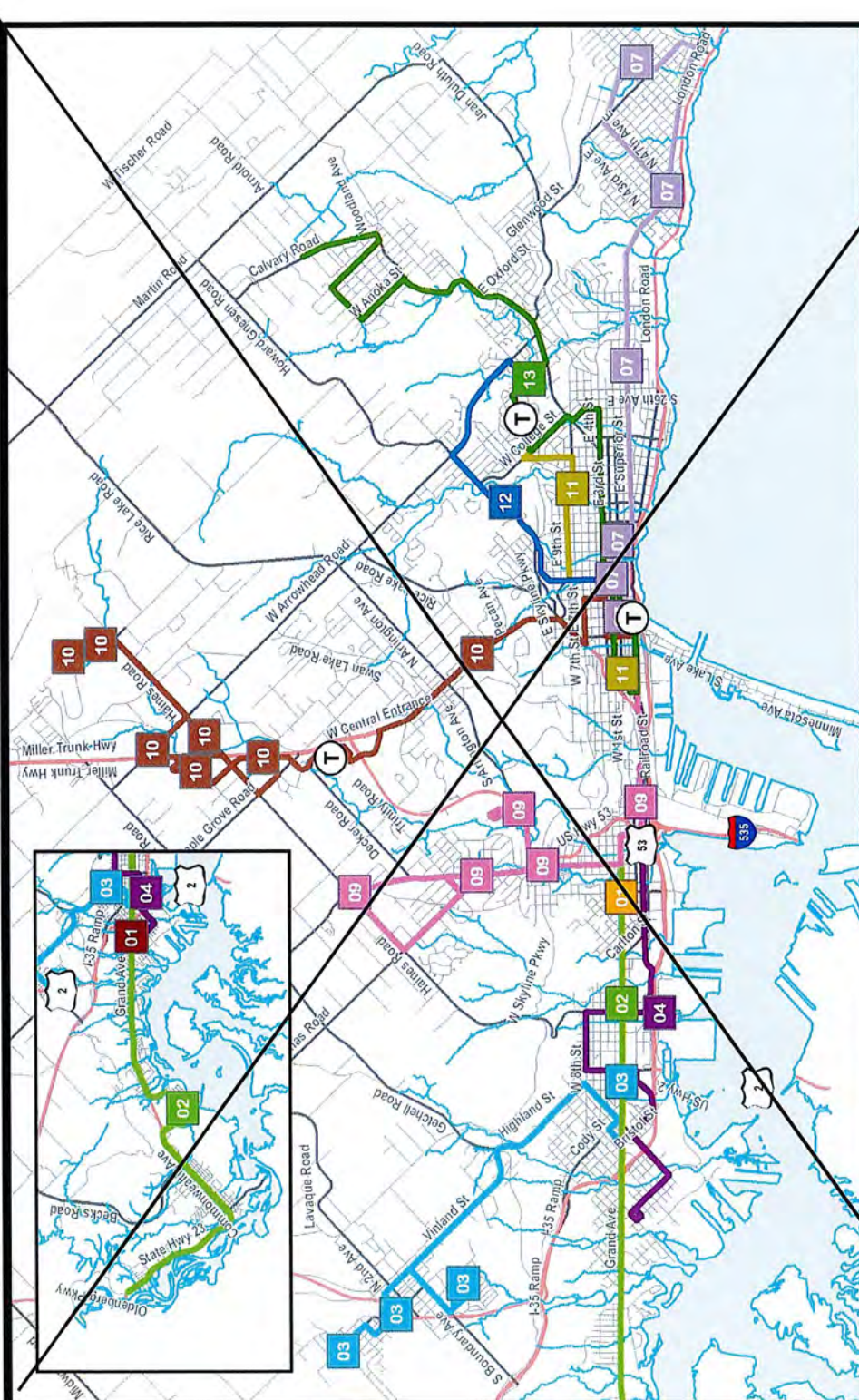


Exhibit 50-24.3-1: DTA Route Map
Adjustment to Parking - Proximity to Transit
 0 0.5 1 2 Miles
 Aerial photography from 2007. Prepared by: City of Duluth, Mn/DNR, May 21, 2010. Source: City of Duluth, Mn/DNR, Mn/DOT.



- Legend**
- Route 01
 - Route 02
 - Route 03
 - Route 04
 - Route 07
 - Route 09
 - Route 10
 - Route 11
 - Route 12
 - Route 13
 - Transit Center

B Sharing of parking spaces.

1. General.

Where two land uses listed in separate use categories in Table 50-19.8 share a parking lot or structure, the total off-site parking required for those uses may be reduced by the factors shown in Table 50-24-2. Total off-street parking required shall be the sum of the two parking requirements for the two uses divided by the factors in Table 50-24-2. If uses in three or more categories of Table 50-19.8 share a parking lot or structure, the land use supervisor shall determine the parking reduction based on the relative sizes of the various uses and the reduction factors listed in Table 50-24-2;

Table 50-24-2: Shared Parking Reduction Factors					
Add the two parking requirements and divide by these factors					
Property Use	Multi-family Residential	Public, Institutional, or Civic	Food, Beverage, Indoor, Entertainment, or Lodging	Retail	Other Commercial
Public, institutional or civic	1.1	1.0			
Food, beverage, indoor, entertainment or lodging	1.1	1.2	1.0		
Retail	1.2	1.3	1.3	1.0	
Other commercial	1.3	1.5	1.7	1.2	1.0

2. Additional sharing permitted for certain uses.

As an alternative to those reduction factors listed in Table 50-24-2, (a) up to 50 percent of the parking spaces required for food, beverage and indoor entertainment uses, and up to 100 percent of parking spaces required for religious assembly uses and elementary, middle, high school, university or college auditoriums may be used jointly by (b) any non-residential use not normally open, used or operated during the same hours as those listed in (a), or any non-residential use that has excess parking capacity based on the minimum off-street parking for that use. A written agreement assuring the continued availability of the parking spaces for the uses they serve shall be required on a form approved by the city and shall be filed with the application for a building permit. (Ord. No. 10042, 8-16-2010, § 3; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 28.)

50-27.2 Maximum parking limits.

No more than 150 percent of the minimum required number off-street parking spaces, excluding the adjustments allowed in 50-24.3, shall be provided. This limit does not apply to the following uses: one-family, two-family, townhouse and live-work dwellings. Accessory parking shall be subject to parking maximums shown in Table XX.X. Off-street parking spaces that existed on November 18, 2010, and that were composed of hard-surfaced, dust-free material such as concrete, bituminous, or pervious paving materials may continue even if they exceed the maximum parking limit. (Ord. No. 10042, 8-16-2010, § 4; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 29; Ord. No. 10153, 5-14-2012, § 4.)

50-24.3 Calculation of parking spaces.

The following rules shall apply to calculation of the number of required parking spaces:

- A. Floor area shall mean the gross floor area of the specific use;
- B. Requirements for a fraction of a parking space shall be ignored;
- C. The parking space requirement for a use not specifically listed in Table 50-24-1 shall be the same as for the most similar use listed in that table, as determined by the land use supervisor;
- D. Whenever a building or use is enlarged to the extent of 25 percent or more in floor area or in the site area used, the building or use shall be required to (a) retain any on-site parking existing prior to the expansion, and if that is not sufficient to comply with the parking required for the use as expanded, then (b) to comply with the requirements in Table 50-24-1 for the expansion area;
- E. Required off-street parking for one-, two-family, townhouse, multi-family, and live-work dwellings may be located in a garage or carport. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10509, 6-12-2017, §1)

50-24.4 Location of parking spaces.

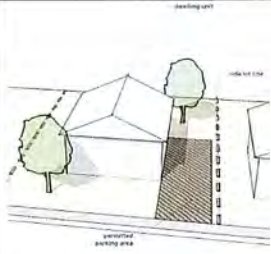
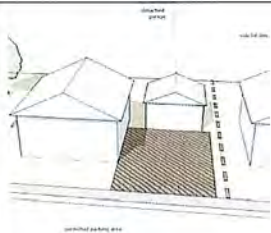
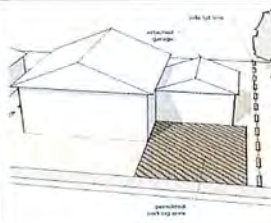
F. ~~On site location and exceptions:~~

- ~~1. All required parking spaces shall be located on the same lot with the principal building or the primary use served; except as provided in subsection 2 below;~~
- ~~2. If an increase in the number of parking spaces is required by a change or enlargement of any use the increased parking requirement may be satisfied by utilizing:
 - ~~(a) Primary use parking lots or parking structures located and maintained up to 500 feet from the lot containing the change or enlargement, or~~
 - ~~(b) Accessory parking lots that existed on November 18, 2010, were composed of hard-surfaced, dust free material such as concrete, bituminous, or pervious paving materials, and that are located and maintained up to 500 feet from the lot containing the change or enlargement;~~~~
- ~~3. Where required parking spaces are not provided on site, a written agreement assuring the continued availability of the parking spaces for the uses they serve shall be required on a form approved by the city and shall be filed with the application for a building permit;~~
- ~~4. Parking located in a public street right of way pursuant to a concurrent use permit or other public grant shall not be used to satisfy off-street parking required by Chapter 50.~~

G. Parking location within the site.

Parking spaces for all motorized vehicles and trailers shall only be provided on those portions of the lot indicated in Table 50-24-3. (Ord. No. 10509, 6-12-17, §2)

Table 50-24-3: Permitted Parking Areas

Type of Lot	Permitted Parking Area	
Residential Districts		
Non-corner lot with non-residential use	The rear yard and one side yard	
Non-corner lot with residential use and no garage	The rear yard, and the area between one side lot line and the nearest side wall of the dwelling unit and its extension to the improved street abutting the front yard (see diagram to the right).	
Non-corner lot with residential use and detached garage	The rear yard, and the area between the closest side lot line to the side wall of the dwelling unit nearest to the garage, and its extension to the improved street abutting the front yard (see diagram to the right).	
Non-corner lot with residential use and attached garage	The rear yard, and the area between the closest side lot line to the common wall separating the dwelling unit and garage, and its extension to the improved street abutting the front yard (see diagram to the right).	
Corner lot with residential use or non-residential use	The rear yard and one side yard	
Mixed Use and Special Purpose Districts		
All mixed use and special purpose districts	Buildings or projects constructed after November 19, 2010, shall locate no more than 50 percent of off-street accessory parking within the front yard, except as provided in Section 50-24.6.C or unless modified as part of an approved MU-I District Plan.	
Form districts	Parking only permitted on those portions of the lot permitted for the building type being constructed pursuant to secs. 50-16 and 50-22.	

H. Optional pedestrian walkways within parking areas.

For parking areas within mixed use and special purpose districts identified in Table 50-24.3, buildings or projects may locate up to 60 percent of off-street accessory parking within the front yard if a pedestrian walkway is provided. The pedestrian walkway shall:

- Include pedestrian-scaled lighting;
- Be raised or otherwise designed to encourage run-off and limit ponding during wet weather;
- Be visually recognizable to both pedestrians and motorists;
- Include trees and other landscaping along the length of the walkway, this landscaping can also be used to meet parking lot landscaping requirements in Section 50-25.4;
- Be at least eight feet wide; and
- Include well-marked crossings where the walkway intersects with private vehicle drives. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 30; Ord. No. 10153, 5-14-2012, § 5; Ord. No. 10286, 3-10-2014, § 11; Ord. No. 10509, 6-12-2017, § 2; Ord. No. 10769, 9-27-2021, § 2)

50-24.5 Parking lot design standards.

I. General standards.

The design of off-street parking spaces, drive aisles, and driveways shall meet the standards shown in Table 50-24-4;

Table 50-24-4: Parking Design Standards		
Parking Space Size*		
Size of Car	Minimum Size of Parking Space	
Small	8.5 ft. x 15 ft.	
Standard	9 ft. x 17 ft.	
Aisle Widths		
Angle of Parking	Minimum Width of Aisle	
	One-Way	Two-Way
Parallel/no parking	11 ft.	21 ft.
30 degree	11 ft.	21 ft.
45 degree	13 ft.	23 ft.
60 degree	18 ft.	24 ft.
75 degree	20 ft.	24 ft.
90 degree	20 ft.	24 ft.
Permitted Percentage of Small Car Spaces (Applies to lots with more than 5 spaces)		
Size of Parking Lot	Maximum Percentage of Small Cars	
6 to 100 spaces	40%	
100 to 149 spaces	45%	
150 or more spaces	50%	

Table 50-24-4: Parking Design Standards

Required Surface Treatment/Paving	
Zone District	Requirement
All residential district parking areas	Surfaced in a dust free, hard surface material such as concrete or bituminous, or pervious paving materials, except for rear yards which may be surfaced in aggregate materials, compressed aggregates or similar surfaces.
All mixed use and special purpose districts	All parking areas and vehicle display lots, including on- and off-road vehicles, trailers, and all terrain vehicles, shall be surfaced in a dust free, hard surface material such as concrete or bituminous. Pervious paving material shall be approved by the city engineer.

*The area set aside for a parking space may encroach beyond the face of a curb a maximum of 1.5 ft., provided that (a) it does not include trees, posts, or other obstructions that would prevent a vehicle from fully utilizing the space, and (b) it is not included in required open space, landscape area requirements, or required pedestrian walkways.

J. Parking lot and driveway entrances.

All parking lot and driveway entrances must conform to the design specification regulations of the city engineer;

K. Snow storage areas.

A portion of each surface parking area shall be designated for snow storage. The areas required to meet the minimum parking requirements of this Section 50-24 shall not be used for snow storage. Snow storage areas may be landscaped if the vegetation is selected and installed so as not to be harmed by snow storage. Snow storage areas shall not count towards those landscape areas required by Section 50-25 unless it they are integrated with a side or rear buffer required by Section 50-25;

L. Parking lot walkways.

Each surface parking area that (a) serves a multi-family residential, commercial, public, institutional, civic, or mixed use, and (b) contains 50 or more parking spaces, and (c) contains any parking spaces located more than 300 feet from the front façade of the building shall contain at least one pedestrian walkway from allowing pedestrians to pass from the row of parking furthest from the primary building façade to the primary building entrance or a sidewalk allowing the pedestrian to reach the primary building entrance without crossing additional driving spaces or aisles. The required walkway must be at least five feet wide, shall not be located within a driving aisle, and shall be located in a landscaped island running perpendicular to the primary building façade if possible. If located in a landscaped island, the minimum width of the island shall be increased by five feet to accommodate the walkway without reducing the amount of landscaped area. If any parking space in the parking aisle located furthest from the primary structure is more than 200 feet from the walkway, additional similar walkways shall be required within 200 feet of those spaces. If there is a public sidewalk along the street frontage located within 50 feet of any required walkway, the walkway shall connect to that sidewalk;

M. Tandem or in-line parking.

Tandem or in-line parking, or other similar arrangements that involve the placement of two or more parking spaces in a row directly behind one another so that one parking space is blocking access for other parking spaces, is not allowed for off street parking spaces required by Chapter 50, but is allowed to meet off-street parking required in Chapter 29A. This provision does not apply to required off street parking spaces within enclosed structures, such as garages or parking structures. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10286, 3-10-2014, § 12; Ord. No. 10340, 11-24-2014, § 2; Ord. No. 10509, 6-12-2017, §3)

50-24.6 Required loading space.

Unless otherwise provided in this Chapter, all construction of new buildings or expansions of existing buildings shall provide off street loading space shown in Table 50-24-5 below.

Type of Use or Facility	Off-Street Loading Requirement
Office, hotel or motel	1 space for 20,000 sq.ft. of gross floor area
Personal service and repair not otherwise listed; building material sales; garden material sales; retail store not listed (large); automobile and light vehicle repair and service, automobile and light vehicle sales, rental, or storage; truck or heavy vehicle sales, rental, repair, or storage; wholesaling.	1 space for 20,000-50,000 sq.ft. of gross floor area; and 2 spaces for more than 50,000 sq.ft. gross floor area
Manufacturing	1 space for 25,000 to 50,000 sq.ft. of gross floor area; 2 spaces for more than 50,000 sq.ft. of gross floor area.

(Ord. No. 10044, 8-16-2010, § 6.)

50-24.6 Bicycle parking.

With the exception of single-family and two-family dwelling units, any new development, building expansions of more than 50% of the building's square footage, or renovations that exceed 50% of the building's value shall provide bicycle parking.

1. Short-term and employee bicycle parking (non-residential uses). Provide permanently anchored bicycle racks, which provide two points of contact with the frame at least 6-inches apart horizontally, within 50 feet of the building entrance. Racks shall accommodate parking for two bicycles plus 5 percent of motorized vehicle parking spaces on the site, and shall be located entirely on the property and not within the right of way. This requirement may be waived if the Land Use Supervisor and City Engineer determine there is no acceptable space for bicycle parking on the site.
2. Resident parking (residential uses). Secure bicycle parking shall be provided at a rate of 1 bicycle for every 5 dwelling units. Parking shall be convenient from the street and shall meet one or more of the following conditions: a) covered, lockable enclosures with permanently anchored racks for bicycles; b) lockable bicycle rooms with racks; or c) lockable bicycle lockers. This requirement may be waived if the Land Use Supervisor and City Engineer determine there is no acceptable space for bicycle parking on the site.

50-24.7 Electric vehicle charging stations.

1. In any new parking lot that is accessory to either a multi-family or hotel or motel use, electric vehicle (EV) charging stations shall be provided as follows: parking lots with 10 or more parking spaces must have EV charging stations or be EV ready for a minimum of 10% of the parking spaces. Charging stations must include Level 2 or higher chargers; if spaces are EV ready, the

wiring must support Level 2 chargers. If the EV charging stations are connected to solar or other renewable energy source, only 5% of the parking spaces are required to provide EV charging.

2. If the parking capacity of an existing parking lot with 20 or more spaces, that is also accessory to either a multi-family or hotel or motel use, is increased by 30% or more, EV charging stations shall be provided as noted in 50-24.7.1 above.
3. EV ready spaces shall include a cabinet, box or enclosure connected to a conduit linking parking spaces with 208/240V or higher voltage AC electrical service suitable for the number of charging stations.

Article 6.

"Overflow parking area." A parking lot that provides extra parking for a site or neighborhood, intended for areas where there is a need for parking over the allowed maximum, or a need for stand-alone parking to address parking in a neighborhood or district, over and above existing primary use parking lots in the area

January 10, 2023

City of Duluth Planning Commission
Care of Adam Fulton
411 West First Street, Room 160
Duluth, MN 55802

Members of the City of Duluth Planning Commission,

On behalf of the Duluth Area Chamber of Commerce, we write in strong support of PL 23-D1, Draft UDC Text Amendment: Changes to Parking Regulations.

We have heard from several Chamber members/local developers who are in favor of these changes and believe these updates help foster additional development in the City of Duluth.

We appreciate your service to our community, consideration of this important topic, and hope there continues to be updates to the Unified Development Chapter (UDC) to help encourage and support development and growth.

Please feel free to contact us if you have any questions, concerns and/or if there are other ways we can work together to continue to support our members, our business community and our community at large. Again, thank you for your service and consideration.

Respectfully,



Matt Baumgartner, President
Duluth Area Chamber of Commerce
mbaumgartner@duluthchamber.com



Daniel Fanning, Vice President
Duluth Area Chamber of Commerce
dfanning@duluthchamber.com



Duluth Transit Authority

2402 West Michigan Street • Duluth, Minnesota 55806-1988 • 218/722-4426 • Fax 218/722-4428
www.duluthtransit.com • general e-mail: dta@duluthtransit.com

1/10/2023

City of Duluth Planning Commission
411 W 1st St
Duluth, MN 55802

Subject: Proposed UDC Code Changes - Parking

Dear Commissioners and City Officials:

As the Duluth Planning Commission considers the changes to the parking requirements in the UDC, we would like to express the Duluth Transit Authority's strong support of the proposed changes. It is great to see the City of Duluth looking at ways to reform outdated and complicated parking regulations, just as many other cities around the country have been doing and have had positive outcomes. We would also encourage exploring revisions to rental and multifamily requirements as they related to parking.

Parking requirements have been shown to cause many unintended consequences that have shifted our cities away from their historically walkable built environments to those that make it a requirement to own a car to move around a city. Over-prescribing parking can lead to underutilized property, lower tax revenues, increased development costs, safety concerns, blight, environmental issues, and other negative outcomes. Allowing developers to allocate the parking they feel is necessary, while setting maximums, will certainly improve our community in many ways. Potentially freeing up land availability for further development and densities will make our community more fiscally resilient. Urban population density also impacts the DTA's federal funding allocations.

The DTA offers fixed-route mass transit and on-demand paratransit to the vast majority of the City of Duluth and has strong ridership compared to similar-sized cities. We have seen this community embrace alternative modes of transportation for generations. Reforming parking minimums does not take away someone's choice to drive a personal automobile. It does however make other modes more viable and attractive. Parking minimums have hindered growth in our community and have undermined the investments that this community and state have made in mass transit options. The proposed changes are a commonsense approach to letting the market determine its needs while making our community more affordable and livable.

Thank you for your consideration.

Sincerely,

Christopher Belden
Director of Planning
Duluth Transit Authority



Mindy Granley
Sustainability Officer

218-730-5334

mgranley@duluthmn.gov

Room 422
411 West First Street
Duluth, Minnesota 55802

January 10, 2023

To: Jenn Moses, Planning and Economic Development

Re: PL 23-D1 Draft UDC Text Amendment: Changes to Parking Regulations

I am writing to support the proposed UDC code changes related to Parking that support the City of Duluth Climate Action Work Plan including:

Objective 3.7: Reduce per-person, single-occupancy driving citywide

- Review city code and policy to remove barriers and enable more opportunities for biking, walking, transit, and low emissions vehicles
- Enhance and institutionalize complete streets policy to include user experience and green infrastructure, prioritize connectivity for vulnerable communities
- Gather early input on street projects to increase bike, walk, and wheelchair access along highly-used routes
- Collaborate with DTA to expand first-mile and last-mile mobility options for transit
- Eliminate minimum parking requirements for new development
- Revise policies and regulations to promote an increase of EV charging infrastructure.

I fully support the new Requirement 50-24.6 on bicycle parking.

I also support Requirement 50.24.7 for EV charging stations. This would help expand charging options and promote adoption of low-emission vehicles. Note:

- The Minnesota Public Utilities Commission (Docket No. E999/CI-17-879) found that "barriers to increased EV adoption in Minnesota include but are not limited to: (a) inadequate supply of and access to charging infrastructure, and (b) lack of consumer awareness of EV benefits and charging options."
- Most EV charging will happen at work or home, but many people live in multi-family housing or buildings which are unequipped for charging.
- Helping to increase access to EV charging is supportive of overall EV adoption.
- With clean car rules recommended for adoption by an Administrative Law Judge on May 7, 2021, access to EVs is set to expand in Minnesota.

On the renewable energy requirement for 50-24.6: many locations will not have feasible options, due to building shading or the installation/structural costs of installing solar in parking lots. However, our local electric utility is moving towards 80% carbon-free power by 2030, and analysis shows that emission reduction from EVs come from efficiency and pollution reduction equipment and do not solely rely on renewable energy availability. Note that the lifecycle emissions of EVs being lower even without 100% renewable energy. (source: https://afdc.energy.gov/vehicles/electric_emissions.html)

Thank you for your leadership,

Mindy Granley, Sustainability Officer

www.duluthmn.gov

The City of Duluth is an Equal Opportunity Employer.



Parking Services

Ground Floor
411 West First Street
Duluth, Minnesota 55802

218-730-5470

ParkingTickets
@duluthmn.gov

Recommendations Regarding Potential Elimination of Off-Street Parking Requirements for New Developments

January 9, 2023

The following are potential/likely outcomes of removal of off-street parking requirements for new commercial and/or housing development projects. All are related to the resultant increased parking pressure on the surrounding community, particularly in residential areas, and assume that less onsite parking would be created on the project site. Historically, projects on the perimeter of residential areas that do not include enough onsite parking to serve their needs result in a large increase in on-street parking, both legal and illegal.

1. Resident requests for Residential Permit Parking Zones. These types of zones are not generally applicable or effective in these situations, as they tend to simply push parking to the next block, and then the next block, etc. Rather, these zones are intended to serve much larger areas, such as those surrounding larger local educational institutions. Also, setting such a precedent would be problematic, as it would be difficult to evenly apply such zones throughout the city without effectively undermining the concept of on-street public parking. Finally, establishment of such zones in relation to a development with a residential component would be counterproductive, as residents of the new building would also qualify for zone permits.
2. Reports of illegal parking, particularly items such as parking too close to driveways, blocking driveways, parking on boulevards, and parking in marked accessible parking stalls.
3. Perception of blight – the increased number of parked cars usually causes area residents to feel that the value of their homes has decreased.
4. Increased public safety concerns associated with the increased parking and traffic congestion.
5. Generally increased tensions between the building owners/management and the area residents.

Due to the negative impacts on public safety and the quality of life for the residents and other stakeholders in the area of a new commercial of mixed-use development, the City's Parking Services Division does not recommend the elimination or reduction of onsite parking requirements for new development projects.

Mark Bauer | Duluth Police Department
Parking Services Manager



www.duluthmn.gov

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Jennifer Moses

From: Cindy Stafford
Sent: Tuesday, January 10, 2023 5:00 PM
To: Adam Fulton; Jennifer Moses
Subject: FW: Parking Plan Comment

From: planning
Sent: Tuesday, January 10, 2023 4:59 PM
To: Noah Hobbs <nhobbs@DuluthMN.gov>
Subject: RE: Parking Plan Comment

Thank you for your email. It will be shared with the planning commission.

Cindy Stafford

From: Noah Hobbs <nhobbs@DuluthMN.gov>
Sent: Tuesday, January 10, 2023 4:47 PM
To: planning <planning@DuluthMN.gov>
Subject: Parking Plan Comment

Esteemed Planning Commissioners,

I want to thank you for the amount of time you took to look at revisiting our planning regulations in the UDC. I've reviewed the proposed changes and I think it's a well-thought-out proposal to incentivize development, promote multimodal transportation, and prioritize the productive use of land over concrete to house a car for 8 hours a day. I believe that this is the direction we want to move in as a city. You have my full support in passing the proposal as presented.

Thank you for your service!

Noah Hobbs

Duluth City Councilor At-Large

nhobbs@duluthmn.gov



Jennifer Moses

From: planning
Sent: Tuesday, January 10, 2023 11:16 AM
To: Jennifer Moses
Subject: FW: Parking Minimum and Maximums

From: Andrea Crouse <andrea@zeitgeistarts.com>
Sent: Tuesday, January 10, 2023 11:00 AM
To: planning <planning@DuluthMN.gov>
Subject: Parking Minimum and Maximums

Hello Planning Commissioners,

I am writing today to encourage you to support the code revision to eliminate parking minimums, instate parking maximums, and improve bike parking requirements in City Codes.

The work I do to support active living and health equity with a focus on Duluth's Hillside neighborhood has put me in contact with thousands of residents to talk about their needs and vision for a healthier, more connected community. And I'll tell you, in our conversations, not a single time have we heard residents express a need for more parking. Now I'm not saying this isn't an issue, but it's clearly not a pressing or priority issue. In fact, what we hear from residents is the need for investing in our community to address the housing crisis, create green space and areas for public gatherings, develop space for new, locally owned businesses, and create safe and walkable communities. There is a wealth of data that identifies the increased value walkable/bikeable communities have to the bottom line of business. For folks who continue to struggle to find quality, affordable housing, a requirement to invest in additional built infrastructure for cars, especially parked cars, demonstrates a priority for cars over people and specifically prioritizes the needs of those with personal vehicles over those who don't have vehicles.

While cars can provide important access to jobs, medical appointments, school, and other needs, they are not required for this if we build communities that are safe, walkable, and have thriving public transportation options. Not only is this good for the economy, for physical health, but it's good for sustainability and CO2 emissions.

Over a 1/3 of the households in the Hillside don't own personal vehicles. This means folks want to invest in transportation networks that de-center personal vehicles and support safe walking, biking, and public transportation options. To that end, I'm grateful to see that in addition to removing parking minimum requirements, improving bike parking is a priority in this proposed code change.

Thank you for your service to the community and your thoughtful consideration of how we build the future Duluth which supports the personal and economic health and connectivity we need in the future!

Respectfully,
Andrea B. Crouse



Andrea B. Crouse (They/Them or She/Her)
Community Development Manager, [Zeitgeist](#)
andrea@zeitgeistarts.com
218.590.1139
[Donate to support Zeitgeist's work](#)

Jennifer Moses

From: Steven Robertson
Sent: Tuesday, January 31, 2023 4:14 PM
To: Jennifer Moses; Adam Fulton
Subject: My Comment on UDC Min Parking Changes

Thank you for the opportunity to comment on the zoning code proposal! My understanding is that the proposed UDC change to eliminate minimum off-street parking requirements throughout the entire city is based on the desire to reduce impervious surfaces (particularly parking lots), and the desire to decrease development costs by eliminating the need to provide costly off-street parking spaces which may not be fully utilized, and the desire to promote other means of transportation (walking, biking, bussing) rather than the car/truck/SUV.

I wanted to share comments related to the building code, but I also I wanted to share some general comments. If it is not inappropriate, please include my comment with the other written comments from city staff and citizens that have been received on this matter.

ADA, State Building Code, and Off-Street Parking

The Americans with Disabilities Act (ADA) was signed into law in 1990, with the intent to increase access and opportunities for people living with disabilities. The ADA is a federal regulation, and violations of the ADA requirements are generally settled through lawsuits.

The Minnesota State Building Code (SBC) is a compilation of various state rule chapters that regulate different parts of building construction. Although compiled as separate rule chapters, the compilation itself is identified as the Minnesota State Building Code. The purpose of the Minnesota State Building Code is to provide minimum standards to safeguard life and limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy of all structures covered by the code. The MN Accessibility Code is Chapter 1341 of Minnesota Rule, and one of the chapters of the Minnesota State Building Code.

When new buildings are constructed or existing buildings are altered or their use of change, the Construction Services and Inspections Office administers the State Building Code, including the Accessibility Code. Sometimes people confuse ADA with the Mn Accessibility Code. The ADA is enforced through private actions and litigation; it is not administered by the Construction Services and Inspections Office.

Section 1106 of the Mn Accessibility Code states that where parking is provided, accessible parking spaces shall be provided. For example, for a parking lot of 76 to 100 spaces, a minimum of four accessible spaces is required. However, if no parking is provided by a future housing or commercial development, the Mn Accessibility Code can not require the provision of an accessible parking space as a condition of building permit review and approval. There is no requirement to provide accessible parking on site, unless some minimum number of off-street parking spaces is required by the zoning code.

Ongoing Planning Studies

There are several ongoing planning studies/projects, one a housing study (analysis of residential market potential), and another being a green infrastructure code audit. The results of both planning efforts may provide information relevant to the issue of off-street parking and parking lots. If this proposal is delayed several months city staff can more easily incorporate recommendations from both these ongoing planning efforts. In particular, the green infrastructure and code audit will most likely have recommendations (based on previous work they have done) that impact standards for additional parking lot landscaping and a reduction in the number of restaurant and retail drive through lanes. There is also a parking utilization study being conducted in portions of the Lincoln Park Neighborhood at the end of this February; the results of that study could be evaluated before making permanent changes to the parking requirements.

In addition, the city conducts an annual housing indicator report, the last one was for 2021 which had 4,164 units surveyed. This housing indicator report is an incredibly useful tool for understanding the rental market and costs for renters. It would be interesting to see if the 2022 housing study survey could be amended to ask about off-street parking provisions. Then it could be determined, after adjusting for age of the housing stock and other variables, if there is clear Duluth based evidence that rental properties that do not provide off-street parking have lower rents than rental properties that do provide parking. If true, this would lend real world Duluth evidence to support the parking proposal.

Off-Street Parking Fees and Rentals

Chapter 29A of the City Code (Housing, Property Maintenance and Rental Code) has several references Chapter 50 (UDC). There is a requirement that single family homes used as rental property pay an additional fee for not providing off-street parking spaces. There may be a conflict between striking the requirement for off-street parking for new single or multifamily rentals in the zoning code but then still requiring existing single family rentals to pay the off-street parking fee.

UDC questions/details

Several code questions; these may have already been addressed by staff:

Current language does not allow tandem parking, proposed rules are striking that provision, allowing tandem parking. Is that the intent? Tandem parking are spaces that are typically 2 or 3 vehicles deep that in which only the rear most parking space has access to the drive aisle.

Current language does not allow private parking spaces in the public right of way without a concurrent use permit, proposed rules are striking that provision, presumably allowing private parking spaces on the public right of way. Is that the intent? This may conflict with City Engineering standards and specifications.

Current language does not allow required parking spaces to be located off-site; in other words required off-street parking must be located on the same parcel as the use/business/development generating the need for parking. The proposed rules are striking that provision. Understanding that "required parking" is being eliminated, would new optional off-site off-street parking spaces for new development be considered accessory parking spaces or primary use parking lots? To be more specific, would a new retail store in a MU-C district be allowed to create an off-site parking lot in an adjacent R-2 zone district as an accessory parking lot by right or as primary use parking lot or overflow parking lot with a special use permit?

Current language exempts single family homes from the maximum number off-street parking spaces, the proposed rules are striking that provision, establishing that the maximum number of off-street parking spaces that a single-family home may have is 2.5 parking spaces. Is that the intent? Many homes constructed since the 1970s will likely exceed this maximum, creating many new legal non-conformities.

Proposed language is striking the requirement for additional off-street parking for developments within the higher education overlay. The current standard in the overlay is .7 parking spaces per bedroom, with requirements for additional visitor parking, instead of 1 space per dwelling unit in the rest of the city. The 2012 public input asking for higher off-street parking standards in neighborhoods near the colleges was a primary driver of the higher education overlay, with the build to zones and restrictions on balconies less critical. I suggest eliminating this overlay zone entirely if the additional off-street parking restrictions are stricken, as the primary purpose for the overlay would now be eliminated.

Proposed language for overflow parking requires that a demonstrated need for neighborhood parking must be established first, but doesn't list the criteria for establishing need. There is no requirement for screening of headlights from nearby residential properties, and no requirement that the overflow parking lot be accessible from an accessible sidewalk.

If there is no longer any required minimum off-street parking in the UDC, can the Planning Commission require off-street parking as a condition of approval on future Special or Interim Use Permit?

Redevelopment Strategy and Shared Vision

In the context of economic development, the city is sometimes asked to partner with developers to provide assistance to find or create off-street parking spaces for new developments or redevelopments. Assistance includes tools such as Tax Increment Financing or Tax Abatement, or seeking bonding dollars from the state legislature to fund new parking ramps, or privatizing or leasing existing public parking spaces to developments. Will eliminating the zoning code's role in mandating off-street parking spaces create inconsistency with the economic development strategy to provide public city financial support for off-street parking for new developments?

City engineering manages public right of way and has standards on access management (driveways and curb cuts). City Planning has standards for new development and redevelopment, including guidelines for off-street parking. City Parking Services manages on-street parking, including provision of accessible parking spaces and loading zones, and residential parking permits (typically near schools are other areas high demand for on-street parking). There are several city departments that have a leading role in the "transportation" arena. And there are competing strategic values in play with this proposal (the strategy to eliminate parking requirements for new development to reduce impervious surface vs the strategy to use public subsidies to provide public or public/private off-street parking spaces for new private development). The "complete streets" policy notwithstanding, there are a lot of friction points over what is the best use of public street/right of way use, and no unifying vision or direction. For example, during the Superior Street reconstruction planning phase, there was a lot of discussion over maintaining abundant on-street parking spaces (critical for adjacent businesses) vs more pedestrian amenities or bike lanes to make the area attractive and safe for tourists and visitors. This proposed ordinance change could be a spring board to have a wider discussion about how the community can weigh these competing values into one framework or policy.

Current Bus and Pedestrian Infrastructure

The City of Duluth does not have the same breadth and quality of pedestrian infrastructure that some of the urban areas of the twin cities have. Duluth has several large areas that are rural, semi-rural, and suburban, that lack sidewalks and ADA complaint pedestrian ramps at crosswalks. In addition, the DTA currently has approximately 1,500 designated bus stops throughout Duluth. Approximately 50% of these bus stops and bus routes (from 33 routes to 15 routes) will be eliminated as part of the stream-lining of DTA's Better Bus Blueprint, a bold initiative to improve the transit service by reducing travel times and upgrading the bus experience. The Better Bus Blueprint will absolutely be a major improvement in quality and efficiencies of the transit service, but it will reduce access in some areas of the city. In addition, the city is wrestling with the process of ensuring that sidewalks and pedestrian ramps are shoveled. So even when there is a bus stop and a bus shelter, getting to it may be problematic to people with access or mobility limitations. The reality is that in many areas of Duluth the personal vehicle is still the safest and most effective means of transportation, and there is still a need for requiring developments in some areas of Duluth to provide off-street parking.

Stakeholder input

In the past, when there was a major ordinance change that could potentially have wide community impact, city staff have held additional optional public information meetings. I am suggesting it might be useful and appreciate to make an effort to have one or more public information meetings, and/or presentations to stakeholder groups that expressed an interest in parking issues in the past (such as our various business/community organizations). In addition, input from either the Parking Commission or the Commission on Disabilities may provide useful feedback on this proposal, and would further a culture of diversity, equity, and inclusion.

Thank you

Thank you for the opportunity to comment. I apologies for the length of the email, but I wanted to highlight several items, particularly the issue with the Mn State Building Code and the chapter on accessibility. It should be understood that the city can not use the state building code to compel the provision of off-street parking spaces.

Steven Robertson, CSI Manager

Jennifer Moses

From: planning
Sent: Tuesday, January 10, 2023 11:15 AM
To: Jennifer Moses
Subject: FW: Eliminate parking minimums

From: Dave Zbaracki <[REDACTED]>
Sent: Tuesday, January 10, 2023 10:09 AM
To: planning <planning@DuluthMN.gov>
Subject: Eliminate parking minimums

Dear Planning Commission,

I fully support the proposal to eliminate parking minimums. It is long past time that our city does something to live up to the progressive values that it espouses. Cars as default transportation is suburban planning, not urban planning. We need better, less costly, and more sustainable infrastructure. This proposal does not wave a magic wand, but goes a long way to fixing our problems.

-Dave Zbaracki

Jennifer Moses

From: planning
Sent: Tuesday, January 10, 2023 5:00 PM
To: Jocelyn Heid
Cc: Jennifer Moses; Adam Fulton
Subject: RE: Proposed Parking Code Changes

Hello =

Thank you for your comment. It will be shared with the planning commission.

Cindy Stafford

From: Jocelyn Heid <[REDACTED]>
Sent: Tuesday, January 10, 2023 4:49 PM
To: planning <planning@DuluthMN.gov>
Subject: Proposed Parking Code Changes

I urge you to approve the proposed parking code changes. These changes will move Duluth forward to a better, more efficient use of public resources.

I apologize for sending th email of support so late in the day.

Thank you,
Jocelyn Heid
3028 E Superior St, Duluth, MN 55812
[REDACTED]

Jennifer Moses

From: JOSEPH KLEIMAN <[REDACTED]>
Sent: Wednesday, January 11, 2023 9:32 AM
To: Adam Fulton
Cc: Jennifer Moses
Subject: Re: Proposed parking changes

Adam,

One other thought, will the electrical code require a separate electrical service for the charging station? Would it be required to be separated of the electrical entrance that serves the building? Again, adding expense could very well have little or no demand. Sorry to bother you but just another thought of mandating the need can cause many unwanted expenses. Thank you.

Joe Kleiman

From: Adam Fulton <afulton@DuluthMN.gov>
Sent: Tuesday, January 10, 2023 5:16 PM
To: JOSEPH KLEIMAN <kleimanrealty@msn.com>
Subject: RE: Proposed parking changes

Joe,

[Thanks for being here tonight and providing these comments. We'll add to the file and consider impacts on this one.](#)

Thanks,

ADam

From: JOSEPH KLEIMAN <[REDACTED]>
Sent: Tuesday, January 10, 2023 2:16 PM
To: Adam Fulton <afulton@DuluthMN.gov>
Subject: Proposed parking changes

Adam,

The need to provide EV charging stations for new commercial development, isn't that something that the market will decide? Mandating the expense for something that might arise years in the future would seem to be a burden for developers, property owners. If there is a need I am the first to make the installation but to force the move just adds additional expense whether or not there is a need. Not a fan. Thanks.

Joe Kleiman
[REDACTED]

Jennifer Moses

From: JOSEPH KLEIMAN <[REDACTED]>
Sent: Wednesday, January 11, 2023 9:01 AM
To: Adam Fulton
Cc: Jennifer Moses
Subject: Re: Proposed parking changes

Adam,

As an additional follow-up to last night's comments, I would like to know how many electric vehicles are currently registered in the State of Minnesota, this would be important to know. The latest information I had was that less than 1% of vehicles registered in the State of Minnesota were EV's. Is that enough EV's to mandate the expense of providing charging stations on all new commercial developments? I recently completed the new Orthodontic office on Central Entrance, three employees on site, I don't see how that type of business should have a mandatory need for a charging station. Is the planning department suggesting that Orthodontic office needs to provide patients with capacity to charge there EV's? If so, who will pay for the electricity, will there be a cap on what a property owner might charge to use the charging station? For those developers who provide first class developments which include many amenities, providing charging stations would be voluntarily provided should the market dictate the need. Should the planning department feel the need to adjust maximum and minimum parking requirements I understand but don't feel an EV charging station is something the planning department needs to get involved in. Additionally, regarding on-street parking for residential use I think the City of Duluth better take a closer look at policy in place for snow emergencies and snow removal. Currently parking on the street is very difficult and lanes of traffic have narrowed significantly. I see a statement that the City of Duluth will not be removing snow due to the fact that they have no money to complete the task. Lessening the requirement for off-street parking will certainly add to the problem. Thank you for your consideration on this matter.

Joe Kleiman
[REDACTED]

From: Adam Fulton <afulton@DuluthMN.gov>
Sent: Tuesday, January 10, 2023 5:16 PM
To: JOSEPH KLEIMAN <kleimanrealty@msn.com>
Subject: RE: Proposed parking changes

Joe,

Thanks for being here tonight and providing these comments. We'll add to the file and consider impacts on this one.

Thanks,

ADam

From: JOSEPH KLEIMAN <[REDACTED]>
Sent: Tuesday, January 10, 2023 2:16 PM

To: Adam Fulton <afulton@DuluthMN.gov>

Subject: Proposed parking changes

Adam,

The need to provide EV charging stations for new commercial development, isn't that something that the market will decide? Mandating the expense for something that might arise years in the future would seem to be a burden for developers, property owners. If there is a need I am the first to make the installation but to force the move just adds additional expense whether or not there is a need. Not a fan. Thanks.

Joe Kleiman

~~XXXXXXXXXX~~

Jennifer Moses

From: planning
Sent: Tuesday, January 10, 2023 4:31 PM
To: Dave & Dina
Cc: Adam Fulton; Jennifer Moses
Subject: RE: Duluth Parking Code update

Hello -

We are in receipt of your comment. It will be shared with the planning commission members.

Thanks, Cindy

-----Original Message-----

From: Dave & Dina <[REDACTED]>
Sent: Tuesday, January 10, 2023 4:21 PM
To: planning <planning@DuluthMN.gov>
Subject: Duluth Parking Code update

Commissioners,

I'm writing to voice my support for the proposed changes to the Parking Code. Changes like these that will provide more flexibility and sensibility in how housing is developed and will incentivize alternative modes of transportation (buses, bikes, EVs) instead of just gasoline powered cars and trucks are definitely signs of a community that is forward thinking and actively working to provide smart solutions, rather than simply defaulting to antiquated codes. I urge you to support these proposed changes.

Sincerely,

Dave Pagel

801 Woodland Ave.

Jennifer Moses

From: planning
Sent: Tuesday, January 10, 2023 4:15 PM
To: Rebecca Bischoff
Cc: Jennifer Moses; Adam Fulton
Subject: RE: Parking Code Changes

Hello Rebecca –

Thank you for your comment. It will be shared with the planning commission members.

Cindy



Cindy Stafford City of Duluth
Planning & Economic Development
411 W. 1st St. Room 100, Duluth, MN 55802
cstafford@duluthmn.gov Phone (218) 733-5161

From: Rebecca Bischoff <rebecca.bischoff@planning.duluthmn.gov>
Sent: Tuesday, January 10, 2023 3:28 PM
To: planning <planning@duluthmn.gov>
Subject: Parking Code Changes

Hi Planning Commission,

I am in favor of the proposed parking code changes that incentives multi-modal transportation.

Thanks,

Rebecca Bischoff
Lincoln Park Resident

Jennifer Moses

From: planning
Sent: Wednesday, January 11, 2023 7:05 AM
To: Adam Fulton
Cc: Jennifer Moses
Subject: RE: Concerns About Proposed Parking Changes

Copying Jenn for her to file.

Thanks, Cindy



Cindy Stafford - City of Duluth
Planning & Economic Development
411 W. 1st St. Room 100, Duluth, MN 55802
cstafford@duluthmn.gov Phone (218) 723-5161

From: Adam Fulton <afulton@DuluthMN.gov>
Sent: Tuesday, January 10, 2023 5:18 PM
To: planning <planning@DuluthMN.gov>
Subject: FW: Concerns About Proposed Parking Changes

Please retain for file

From: Branden Robinson [REDACTED]
Sent: Tuesday, January 10, 2023 2:01 PM
To: Adam Fulton <afulton@DuluthMN.gov>
Subject: Concerns About Proposed Parking Changes

Hi Adam,

I'm writing with concerns about the proposed changes to the UDC, to remove minimum parking requirements and impose more restrictive maximum parking requirements across the City.

We see this as an exceptionally burdensome change for many businesses and the broader community.

- The City has recently implemented parking policies to lessen the burden on neighborhood residential parking and snow removal efforts, both of which will be thwarted by these new proposed standards.
- There are many businesses where ample parking is, and will always be, a critical part of the business model.
- We rely nearly 100% on vehicular travel for our guests. Guests do not use public transit, and rely on personal vehicles to access and explore the area.
- The freedom of vehicular travel is paramount to the guest experience, due to the variety of attractions and natural attributes that define our unique geographical location. Guests travel to the North Shore, state parks, Iron Range, etc., all areas that cannot be effectively serviced by public transit and are nearly impossible to access by bicycle.

- Guests who visit Duluth carry a lot of luggage and gear for team events and various outdoor activities, underscoring the importance of reliance on personal vehicles.
- Changing these ordinances will not change consumer behavior. They will only create excess future challenges for businesses and residents.
- The proposed maximum parking limits for hotels and motels do not account for the true parking demand, comprised of guest vehicles and vehicles of staff who live outside of effective public transportation corridors.
- The maximum allowable parking under this new model would not meet our parking demand, nor would it meet that of other, larger properties.
- These new standards would push an extreme burden onto surrounding neighborhoods to handle the parking demand created by businesses,
- Businesses would have the added burden of patrolling private lots from vehicles visiting neighboring businesses.

We are strongly opposed to the proposed changes, and look for your guidance to create a model that will address the ongoing needs of this community.

Respectfully Submitted,

Branden H. Robinson

General Manager
South Pier Inn
701 S. Lake Ave.
Duluth, MN 55802
P: (218) 786-9007 x. 801
F: (218) 786-9015



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Jennifer Moses

From: Adam Fulton
Sent: Tuesday, January 24, 2023 11:10 AM
To: Jennifer Moses
Subject: FW: Parking

FYI

Adam Fulton | Deputy Director, Planning & Economic Development | he/him/his | **City of Duluth** | 411 West First Street, Duluth, MN 55802 | 218-730-5325 | afulton@duluthmn.gov

From: Barbara Montee <[REDACTED]>
Sent: Tuesday, January 24, 2023 10:59 AM
To: Council <Council@duluthmn.gov>
Subject: Parking

I am emailing to bring attention to the parking mandate for rental houses. I am happy that you are looking at parking mandates and I am hoping you will be willing to review the rental lease fine for not providing parking and add that to the changes that are being proposed.

I am the President of the Duluth Landlord Association, and have been for more than a decade. This is my brief and quickly written synopsis of the history of the parking requirement- it goes back to the 300 foot mandate that the city council passed at one time. The neighborhood by UMD was upset to say goodbye to their old neighbors where they had raised kids and played together. Many of the houses turned into rentals and started housing students, and the fallout was the mandate for limited rentals and the 300 ft rule. The mortgage crisis brought that to a halt and then some properties were hardshipped by not being allowed to become a rental because 100+ years ago they were built with no off street parking and ~50 years ago, the city turned these streets into mini-highways and eliminated the street parking so more driving autos could get where they wanted to go, more quickly. Also, the ambulance route on E 6th Ave was hard hit by the now street parking and most of those houses have front yard parking, which was another big issue we could discuss and change for the better. In order to allow "parking hardshipped" properties, we accepted the license "fine" of \$100 per property for not providing off street parking per bedroom. It was one way to get past old issues. Now might be the time to get past this parking fine issue. I am happy to receive your phone call (218-393-9236 Barb) to better discuss this, as it is a lot of past ordinance changes that pre-date most of you. Essentially, Duluth had a period of time when we passed ordinances for the privileged few with autos, and now I am happy the council is looking to change that to a better bike/ pedestrian friendly community. Let me know how I can help. I do have some pull with some landlords and I understand we are approaching 50% rental in Duluth.

Thanks for all you do!

--
Barbara Montee

Jennifer Moses

From: planning
Sent: Thursday, January 26, 2023 7:39 AM
To: Jennifer Moses
Subject: FW: E 2nd Street Parking Issues

From: Andrea Habedank <ahabedank@duluthmn.gov>
Sent: Thursday, January 26, 2023 1:35 AM
To: Gary Anderson <ganderson@duluthmn.gov>; Azrin Awal <aawal@duluthmn.gov>; Arik Forsman <aforsman@duluthmn.gov>; Noah Hobbs <nhobbs@duluthmn.gov>; Janet Kennedy <jkennedy@duluthmn.gov>; Mike Mayou <mmayou@duluthmn.gov>; Roz Randorf <rrandorf@duluthmn.gov>; Terese Tomanek <ttomanek@duluthmn.gov>; Hannah Alstead <halstead@duluthmn.gov>; planning <planning@duluthmn.gov>
Subject: Re: E 2nd Street Parking Issues

Good evening,

I am a tenant at 316 E 2nd St and wanted to add my thoughts on how the current parking situation affects me personally. I am on my second year living in the building and have loved calling it home. However, the current parking situation has made things very difficult for me and many others.

I work nights as a 911 dispatcher for St. Louis County. Currently, one of the most stressful parts of my job ends up being trying to find a place to put my car when I go home afterwards. There are still cones blocking off part of our road as well as a "Road Closed" sign farther down. This ends up resulting in large snow piles blocking the limited parking we do have at the building, as it's unable to be plowed normally. Some roads, such as 4th Ave E, remain completely closed. Until a month ago, Essentia was allowing us to park in their ramp outside of business hours due to the construction. As a night shift worker, I'd end up needing to park in Essentia's for a few hours overnight (due to lack of street parking), then set an alarm to wake up in the middle of my "night" to move my car once ramp access was no longer allowed. At that time, I would have to hope that another tenant or contractor had recently left, so that I could park again and go back to bed. Although less convenient than being able to leave my car in one place, this option was incredibly valuable to me as it at least gave me a way to be able to get home and go to sleep. Now that the Essentia ramp is also unavailable, I have had an even more difficult time being able to get home. I often leave work in the morning, extremely exhausted and ready for bed, only to find any available parking spots taken by Vision Northland contractors/other employees and nowhere left for me to park within several blocks of my apartment. As you know, a lot of Downtown has meters, so there are not a lot of other options for those of us who live in the area as it currently stands.

I tried contacting the Sheraton ramp about parking there, but was told that there was a waitlist of approximately 40 people and that this would be unlikely to clear in the near future. Even if this was not the case, they state that they would not be able to honor the discounted parking rate our landlord had previously mentioned. I have loved living Downtown and want to continue doing so, but at the moment I am afraid that I might have to find a new home due to being unable to park. All I want is to be able to go home and sleep after work, and I would be very appreciative of any help or ideas that would make this possible.

Thank you,

Andrea Habedank

On Wed, Jan 25, 2023 at 10:51 AM Friday Properties <[REDACTED]> wrote:

I just wanted to give you all an email I just sent out to the city council and the Duluth Planning Commission. Feel free to write to any of them as well to express your thoughts :)

Bridget

----- Forwarded message -----

From: **Friday Properties** <[REDACTED]>

Date: Wed, Jan 25, 2023 at 10:50 AM

Subject: Fwd: E 2nd Street Parking Issues

To: <ganderson@duluthmn.gov>, <aawal@duluthmn.gov>, <aforsman@duluthmn.gov>, <nhobbs@duluthmn.gov>, <jkennedy@duluthmn.gov>, <mmayou@duluthmn.gov>, <rrandorf@duluthmn.gov>, <ttomanek@duluthmn.gov>, <halstead@duluthmn.gov>, <planning@duluthmn.gov>

We own a 22 unit residential building (316 E 2nd Street) with no parking and a single office building (320 E 2nd Street) with 6 parking spots in the alley. I would like to take a few minutes of your time to address some parking issues that have not gotten any better over the past 10 years for our tenants.

We are on the western edge of the Vision Northland project. The original hospital plan was to have a jumbo ramp the size of a city block. That was then "downsized" and was going to only be built on 1/2 the city block instead. NOW, we have heard the new ramp will be EVEN smaller due to rising costs. I find it hard to believe this is happening "coincidentally" at the same time that the City is deciding to get rid of minimum parking spaces.. does this also include the hospital system and their ramps? (including the city owned ramps that are attached to all medical buildings?) To only add a very small, very downsized ramp for a hospital is not in the best interest of anyone. Where will our tenants park when they are still competing with patients, vendors and employees? The issue just isn't for our tenants. It is the entire area. Businesses, churches, & other residents are all dealing with this issue.

Many years ago, when the city decided to put parking meters up all around our building, we fought for our tenants. They weren't going to have anywhere to park because of the meters down 3rd and 4th ave e. The city gave our tenants a deal in the 1st street/sheraton ramp. It was 50% off the public rate when they showed their lease. Many of our tenants used it.

Since the essentia construction has started, it has been a nightmare for our tenants. Contractors, employees, etc have been parking in our alley areas, and also not to mention all of the road closures, and blocking of the parking areas in front of our buildings They have not been able to have city plowing regularly since the contractors are continually moving cones and trying to block off more areas for their trucks to enter. We worked very hard with city employees (Ms Voight) to get the city to ensure the contractors at Essentia at least let them use the 3 spots in front of our building since 4th has been closed. (it isn't guaranteed spots, usually the employees, patients, contractors take them)

Essentia had been very gracious for about the past year giving our tenants use of free overnight and weekend parking in their green ramp. They decided at the end of December to end that favor. They said there was enough road parking again. Roads are still closed, spots are still missing. We had at least 5 tenants call to

find out the sheraton ramp is on a waitlist for parking and they were told they will not be given the 50% off as the new company has taken over the parking ramp management from the city.

I am asking to help with this parking issue. Some of my thoughts --- Can we get tenant-only parking on streets (just like by schools)? Can we utilize the sheraton ramp at night just like they did at Essentia? Could residents have special parking passes to park at the meters? I am just trying to think outside of the box to get some ideas moving.

I am at a loss for my tenants and want them to be able to enjoy living in the downtown area. Many of them work for both hospital system or in the downtown area. They are a vibrant part of the neighborhood and extremely good people - the kind we want to KEEP in the area.

Thank you for your time.

--

Bridget Friday
Managing Director
Friday Properties Management



www.fridayproperties.net