



**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

 218-730-5580

 [planning@duluthmn.gov](mailto:planning@duluthmn.gov)

Planning Commission Agenda

City Council Chambers, 3<sup>rd</sup> Floor Duluth City Hall  
 Tuesday, July 9, 2019 – 4:00 PM

Discussion on Tax Increment Financing in Duluth

Tuesday, July 9, 2019 – 5:00 PM

Call to Order and Roll Call

Approval of Planning Commission Minutes (June 11, 2019)

Consent Agenda

1. PL 19-075 Interim Use Permit for a Vacation Dwelling Unit (Renewal of Existing Permit) at 13402 W. 3<sup>rd</sup> St. by Matthew Evingson
2. PL 19-080 Interim Use Permit for a Vacation Dwelling Unit (Renewal of Existing Permit) at 611 W. Skyline Parkway by Connie and Lee Hoffman
3. PL 19-083 Interim Use Permit for a Vacation Dwelling Unit (Renewal of Existing Permit) at 10 Industrial Avenue by Riverside Retreat
4. PL 19-089 Minor Subdivision at 425 East Superior Street by Essentia Health and MnDOT

Old Business

5. PL 19-074 Redevelopment of the Board of Trade Building TIF Conformity with Comp Plan

Public Hearings

6. PL 19-073 MU-C Planning Review for new multi-family development at 2215 South Street by Launch Properties
7. PL 19-065 Concurrent Use Permit for Parking in the Public Right of Way of South Street by Launch Properties at 2215 South Street
8. PL 19-090 Variance from Multi-Family Structure Height Limits with 500' of Residential Zone Districts for Launch Properties
9. PL 19-081 Special Use Permit for Middle/High School at 2430 W. 3<sup>rd</sup> Street by Holy Family Church

10. PL 19-076 Special Use Permit at 2302 W. 3<sup>rd</sup> St. for a Restaurant (under 5,000 square feet) by Bob Bagley
11. PL 19-077 Special Use Permit at 2302 W. 3d St. for Urban Agriculture by Bob Bagley
12. PL 19-079 Interim Use Permit for a Vacation Dwelling Unit (New) at 702 S. Lake Avenue by Jeff Huotari
13. PL 19-085 Variance to Allow Expansion of a Legal Non-Conforming Structure at 3158 Vernon Street by Gary Fick and Juanita Puglisi (Mitchell)

#### Other Business

14. PL 19-072 Review for Completeness for Spirit Lake Sediment Remediation Project Environmental Assessment Worksheet (EAW)

#### Communications

##### Manager's Report

- June 25, 2019, Public Information Meeting on Proposed UDC Text Changes
- Brown Bag Lunch Meeting, Wednesday, July 17, 12:00 pm, 4<sup>th</sup> Floor Large Admin Conference Center

##### Reports of Officers and Committees

- Heritage Preservation Commission Representative

#### Adjournment

City of Duluth  
 Planning Commission  
 June 11, 2019 Meeting Minutes  
 Council Chambers - Duluth City Hall

Call to Order

President Janet Kennedy called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, June 11, 2019, in city hall council chambers.

Roll Call

Attending: Gary Eckenberg, Janet Kennedy, Tim Meyer, Margie Nelson, Michael Schraepfer, Luke Sydow, Sarah Wisdorf, and Zandra Zwiebel

Absent: Jason Crawford

Staff Present: Adam Fulton, Robert Asleson, Steven Robertson, Kyle Deming, Mollie Hinderaker, and Cindy Stafford

Approval of Planning Commission Minutes

May 14, 2019, Regular Meeting –

MOTION/Second: Zwiebel/Wisdorf approve the minutes with minor changes

VOTE: (8-0)

May 29, 2019, Special Meeting

MOTION/Second: Meyer/Nelson approve the minutes with minor changes

VOTE: (8-0)

Presentation

1. Revised Report, Local Designation of the Lake Superior and Mississippi Railroad by City of Duluth – Deputy Director Adam Fulton gives an overview. The railroad runs between Boy Scout Landing on the west to Spring Street on the east. City council elected to hold off on this nomination until further analyses regarding Make Lake alternatives were completed. This information was shared at the public Mud Lake Workshop on 5/30/19. Now that this has been completed, the nomination process can be renewed. The planning commission is tasked to review and forward their recommendation to the city council. Staff recommends approval. Gary Eckenberg asks about the four options that were considered at the meeting. Per Deputy Director Fulton, the options have no bearing on the consideration of a historic resource designation, as it will be evaluated on the basis of the history of the railroad under any of the options. Chair Kennedy is in support of the nomination and feels it is important to support the community members.

MOTION/Second: Zwiebel/Sydow support the historic nomination

VOTE: (8-0)

Consent Agenda

2. PL 19-051 Interim Use Permit for a Vacation Dwelling Unit renewal, 702 N. 7<sup>th</sup> Ave. E., by Charles Sill and Linda Simmons

3. PL 19-054 Final Plat of Hawthorne Division at northwest corner of E. Fourth St. and Hawthorne Rd. by Julie Ann Kubat

Staff: Steven Robertson lists the consent agenda items.

Public: There are no speakers.

MOTION/Second: Eckenberg/Sydow recommend approval of the consent agenda items **as per staff's** recommendations.

VOTE: (8-0)

Public Hearings

4. PL 19-068 UDC Map Amendment to Rezone Property at Lester River Golf Course, From RR-1 (Rural Residential 1) and R-1 (Residential-Traditional), to MU-N (Mixed Use-Neighborhood), and P-1 (Park and Open Space) by the City of Duluth  
 Staff: **Steven Robertson introduces the city's proposal to rezone property from the current zoning of RR-1 (Rural Residential – 1) and R-1 (Residential – Urban), to MU-N (Mixed Use – Neighborhood) and P-1 (Parks and Open Space).** Staff recommends approval of the rezoning at Lester Park Golf Course to MU-N and P-1. Eckenberg asks staff to clarify item 2 in the staff report, which states the resolution was approved by the city council on May 13, 2019. Luke Sydow said in the past rezoning, it allowed golf courses to exist in MU-N. Robertson affirms.

Applicant: N/A

Public: Molly Thompson, 5922 North Shore Dr., addresses the commission. She doesn't understand selling park/green space. She refers to the 2035 comp plan in regards to green space. A formal review structure has not yet been established, which includes reviewing studies and prioritizing land according to importance. She is opposed to the rezoning. Virgil Boehland, 9 Amber Ln., is a long time user of the city golf courses. He doesn't understand taking Lester Park and make it something else. What is the need to rezone? Can it stay a park without rezoning? Robertson affirms. Aaron Crowell, 5082 Glenwood St., addresses the commission. He noted the 2035 comp plan and how public input is welcomed. He notes the added car traffic in the area, and has not seen proactive designs to put people before cars. He is opposed to the rezoning. David Nelson, 7100 Glenwood St., addresses the commission. He is concerned about potential density issues. He asks about the maintenance of the park. Deputy Director Fulton defers to public administration and the parks department. Will Salmon, 4411 Luverne St., addresses the commission. He is concerned about turning over park space to non-park space. Five acres doesn't sound like much, but what is next? Duluth is known for tourism and aviation. This is a valuable resource that we won't get back. He is opposed to the rezoning.

Commissioners: Sydow questions the general intent of why this is being rezoned with the purpose of selling. What is the benefit to the citizens? He is concerned with setting a precedent. There is land in the city that is currently for sale. Deputy Director Fulton notes that public administration was invited to attend the meeting. The planning commission is making a recommendation for the rezoning based on the comprehensive plan. The city council would need to approve the rezoning ordinance. He doesn't have the specific details about development or the price of the land. Robertson notes if this was sold, a portion of the proceeds could allow city to purchase tax forfeit land. Sydow asks if the money would go back into the golf course fund. Robertson understands Sydow's concerns, but refers back to the task at hand, which is the rezoning. Tim Meyer lives in lakeside and is also an avid golfer. He notes the deterioration of the golf courses. He notes if this was properly managed, they wouldn't be having this conversation right now. He thinks developers are driving the way the city is zoned. Duluth has great demand for housing, but doesn't feel it should involve park land. He would like to see the zoning stay the way it is. Mike Schraepfer states there are 173 parks in our community. They only mow nine of them. There is a huge park system, and it is financially defunct. He notes this wasn't originally a park area. Looking at the system as a whole, he would like to see money go to the parks system. Zandy Zwiebel notes they are looking at zoning. As R-1 they could be selling to develop single family homes, and

other designation allowed in R-1. It all could be sold for homes. She notes schools, and the need for more students. There are a lot of other considerations that need to be analyzed. She wants to see funding go back into schools and the neighborhood. There is no protection for the land. Eckenberg makes a motion, but encourages more discussion. He notes there is no protection unless the area is designated as P-1. Sydow notes there is a lot of parkland, but not a lot of recreational space. There are development driven factors. He **can't see** selling parkland for management downfalls. Schraepfer notes the development driven piece involved more parkland. He is not sure if it's a decline in the interest of golf or a management downfall. Margie Nelson there will be lots of vetting. She notes others will be responsible for the sale. They are tasked with just the rezoning. Chair Kennedy notes the city does have a lot of green space. There is not enough economic base to pay for the all of the green space. As taxpayers, they need to make tough choices. This is a good way to use zoning to ensure a better community.

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

VOTE: (6-2, Meyer and Sydow opposed)

(Sydow recused himself for the next item).

5. PL 19-069 UDC Map Amendment to Rezone Property at Enger Park Golf Course, From R-1 (Residential-Traditional), to R-2 (Residential-Urban), by the City of Duluth  
Staff: **Steven Robertson introduces the city's proposal to rezone property from the** current zoning of R-1 (Residential – Traditional), to R-2 (Residential – Rural). Staff recommends approval of the proposed rezoning at Enger Park Golf Course to R-2.  
Applicant: N/A

Public: Mike Casey, lives in Smithville, addresses the commission. He would like clarification on why this is being entertained. Deputy Director Fulton notes the city looked for a variety of sites with access to utilities. Changing of Skyline Parkway is speculative. The exact layout hasn't **been determined**. Because of the clubhouse, there could be a logical option for shared parking, which is also speculative. Dennis Isernhagen, 2318 Shore Dr., addresses the commission. He serves on the parks commission, and also on the golf course task force. He would like to create an advisory board for the golf courses. There is not a master plan for the golf courses. The parks being maintained have plans. He urges the commission to urge the city to develop a master plan for the golf courses. He suggests a multi-use facility that can be used year-round.

Commissioners: Chair Kennedy notes there are many buildings that are under-utilized in the community. She is in support of multi-use buildings. Zwiebel clarifies the difference between R-1 and R-2. Robertson notes R-2 includes multi-family development. Zwiebel is in support of the rezoning.

MOTION/Second: Eckenberg/Wisdorf recommend **approval as per staff's** recommendations.

VOTE: (6-1, Meyer opposed, Sydow abstained)

6. PL 19-052 Special Use Permit for a Day Care Center at 4402 Haines Rd., Ste. 2 by Building Blocks Learning Center  
Staff: Steven Robertson present the applicant's **proposal** to expand an existing daycare to allow up to 120 students/children. Staff recommends approval with the conditions listed in the staff report.  
Applicant: Luke Petrich address the commission. There are no questions.

Public: No speakers.

Commissioners: Zwiebel is in support, but asks if there are other businesses that **can't be invited here because of the daycare. Per Robertson, they did not see any yellow flags.** Deputy Director Fulton notes it's **adjacent to Johnson/Mertz.** This is an existing operation, and has not indicated any concerns. Per Robertson, heavy industrial would not typically be allowed in this zoning.

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

VOTE: (8-0)

7. PL 19-059 Variance from Shoreland Setback at 120 Charlotte Place by Dan Russell  
 Staff: **Kyle Deming shares the applicant's proposal for a variance to reconstruct an** existing detached garage, which would be 40 feet from Tischer Creek rather than the required 150 feet. Staff recommends approval with the conditions listed in the staff report. There was a comment received asking if it should be moved closer to the street, rather than be built closer to the stream.  
 Applicant: Dan Russell addresses the commission. He notes his concern about the slab elevation listed as a condition.. The flood of 2012 did not effect their current garage. Per Deming, it's **a FEMA rule, which is not the City's jurisdiction.**  
 Public: No speakers.  
 Commissioners: N/A  
 MOTION/Second: Sydow/Wisdorf approved **as per staff's** recommendations.

VOTE: (8-0)

(The following two items were presented together.)

8. PL 19-062 Variance from Minimum Lot Frontage at the NE Corner of 59<sup>th</sup> Avenue West and Redruth Street by 1 LLC  
 Staff: Mollie Hinderaker gives an overview of the applicant's **proposal for a variance** from the minimum lot frontage to be able to construct two infill single-family dwellings on the subdivided 75 foot lot following the pending approval of the minor subdivision application PL 19-063. A reduction of 5 feet from the minimum lot frontage standard 40 feet in an R-1 district is proposed to create a lot frontage of 35 feet and 40 feet on Parcel A and Parcel B respectively. Staff recommends approval with the conditions listed in the staff report. Eckenberg notes the small lots surrounding the area. They are all owned by the same owner. Deputy Director Fulton notes there are many lots that are 25 feet.  
 Applicant: 1 LLC, Josh MacInnes addresses the commission. Eckenberg asks about the other houses that are a couple of blocks away. Two homes were built about 40 feet wide. They are proposing a more narrow design. Eckenberg asks if there is space on the lot to add garages. MacInnes shares there will be space allotted for a **20- x 20' garage.** Eckenberg is concerned about affordable housing and the small size of the garage. MacInnes notes it is market rate housing. They want to keep the construction price low, in order to pass it off to the buyer. Eckenberg wants to make sure it fits the neighborhood. He notes the lot is very small. Meyer asks what the practical difficulty is. Per MacInnes, the size of the site itself. They **don't want to change the character of the** neighborhood, but want to offer new homes for prospective buyers.  
 Public: No speakers.  
 Commissioners: Schraepfer thinks this is a good precedent to set, in keeping with the comprehensive plan. He supports new construction and feels it is a big win for the

community. Sarah Wisdorf is in support. Chair Kennedy thanks the applicant for their investment in the community.

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

VOTE: (6-2, Eckenberg and Meyer Opposed)

9. PL 19-063 Minor Subdivision at the NE Corner of 59<sup>th</sup> Avenue West and Redruth Street by 1 LLC

Staff: Mollie Hinderaker introduces the applicant's proposal for a minor subdivision to divide a single lot into two lots, named Parcel A and Parcel B. The current parcel is 9,375 feet and the division would create Parcel A with 4,375 feet and Parcel B with 5,000 feet. Staff recommends approval with the conditions listed in the staff report.

Applicant: Present, but did not speak.

Public: No speakers.

Commissioners: N/A

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

VOTE: (6-2, Eckenberg and Meyer Opposed)

#### Other Business

10. PL 19-074 Board of Trade Tax Increment Financing (TIF) Request, Conformity with Comp Plan

Staff: Deputy Director Fulton gives an overview. Eckenberg asks about the 84 apartments. What is the parking plan? Per Fulton, the owner has adjacent land for parking. It is a form district. Sydow is concerned about the 8<sup>th</sup> floor. Per Deputy Director Fulton the plans have not been finalized. Sydow notes the 700 square foot apartments. He wants to clarify there are no jobs involved, and no taxes coming in. Deputy Director Fulton states the TIF plan will be reviewed by DEDA. City attorney Robert Asleson clarifies that any TIF is a pay as you go financing. The developer pays their taxes and those taxes are used to fund the items in the TIF Plan. Zwiebel asks how it effects the school district. Eckenberg notes the resolution. Was the planning commission supposed to receive documents prior to this vote? Asleson notes there is both a project plan and a program plan. The program plan dates back to 1992. Individual TIF plans are brought forth per individual project. Eckenberg notes the commissioners are not informed about TIF districts. He asks staff about the immediacy of approval. He would like to wait and have a brown bag informational meeting before approval.

Applicant: N/A

Public: N/A

Commissioners: N/A

MOTION/Second: Eckenberg/Meyer table for more information

VOTE: (4-4 Wisdorf, Schraepfer, Nelson and Kennedy Opposed)

Schraepfer thinks this is worth saving and is in support. Wisdorf clarifies the intent is to look at the proposal if it's **consistent with the comprehensive plan**. Deputy Director Fulton affirms. Sydow questions the 84 units. There are questions he needs answered. Zwiebel asks if the HPC will be involved. Deputy Director Fulton notes it is not locally designated. The developer is invited to share. Request for staffs comment on timeliness. Fulton would like to establish a basis in front of DEDA action. A delay could require a special planning commission meeting. Chair Kennedy feels they need to be careful and

wouldn't mind stepping back from a vote. Eckenberg refers back to the resolution and notes they didn't receive the plan ahead of time.

MOTION/Second: Meyer/Skraepfer table for more information

VOTE: (8-0)

Communications

Deputy Director's Report – Fulton notes this is Commissioner Sydow's last meeting. He has completed his term and a new member will start next month. The Zenith awards will also be awarded next month. He gives an overview of his report. There are upcoming meetings that the commissioners are invited to. Staff will forward invitations via email. The Mud Lake meeting notes will be shared soon. There will be actions brought forth before the planning commissioners including the clean-up environmental process.

Reports of Officers and Committees -

Heritage Preservation Commission – Wisdorf shares there was no meeting this month.

Adjournment

Meeting adjourned at 7:48 p.m.

Respectfully,

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Adam Fulton – Deputy Director  
Planning and Economic Development





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<b>File Number</b>	PL 19-075	<b>Contact</b>	Chris Lee, clee@duluthmn.gov	
<b>Type</b>	Interim Use Permit Renewal – Vacation Dwelling Unit	<b>Planning Commission Date</b>		July 9, 2019
<b>Deadline for Action</b>	<b>Application Date</b>	May 28, 2019	<b>60 Days</b>	July 27, 2019
	<b>Date Extension Letter Mailed</b>	June 12, 2019	<b>120 Days</b>	September 25, 2019
<b>Location of Subject</b>	13402 West 3 <sup>rd</sup> Street			
<b>Applicant</b>	Matthew Evingson	<b>Contact</b>	mevingson@hotmail.com	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	E 10 ft. of Lot 17 and all of Lot 19, Fond du Lac, Third Street (010-1610-00090, 00100)			
<b>Site Visit Date</b>	June 24, 2019	<b>Sign Notice Date</b>	June 25, 2019	
<b>Neighbor Letter Date</b>	June 20, 2019	<b>Number of Letters Sent</b>	9	

**Proposal**

This is a renewal for permit PL 13-065. Applicant proposes to use the house with 5 bedrooms each for vacation rentals. Up to 11 people will be allowed to stay in the home. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of 2 nights.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-N	One-Family Dwelling	Neighborhood Commercial
<b>North</b>	R-1	One-Family Dwelling	Traditional Neighborhood
<b>South</b>	MU-N	Campground	Traditional Neighborhood
<b>East</b>	MU-N	One-Family Dwelling	Traditional Neighborhood
<b>West</b>	MU-N	Campground	Traditional Neighborhood

**Summary of Code Requirements:**

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the MU-N 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



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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 #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

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 at 13402 West 3<sup>rd</sup> Street. The proposed vacation dwelling units contains 5 bedrooms, which would allow for a maximum of 11 guests. This 2,446 square foot traditional home was constructed in 1920 and features a tuck under garage.
- 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 listed himself to serve as the managing agent.
- 3) The site has room for 4 vehicles to be parked on the driveway and off the street. There will be a space on the east side of the home for a camper parked on a pad. The camper must be unoccupied during rental period.
- 4) The applicant has indicated that a deck and fire pit will be used as outdoor amenities. These amenities are screened with an existing privacy fence.
- 5) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses



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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 obtained the City of Duluth Tourism Tax license, the Minnesota Department of Health Lodging License, have a Tax ID number, a fire operational permit, and a Hotel/Motel License.

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

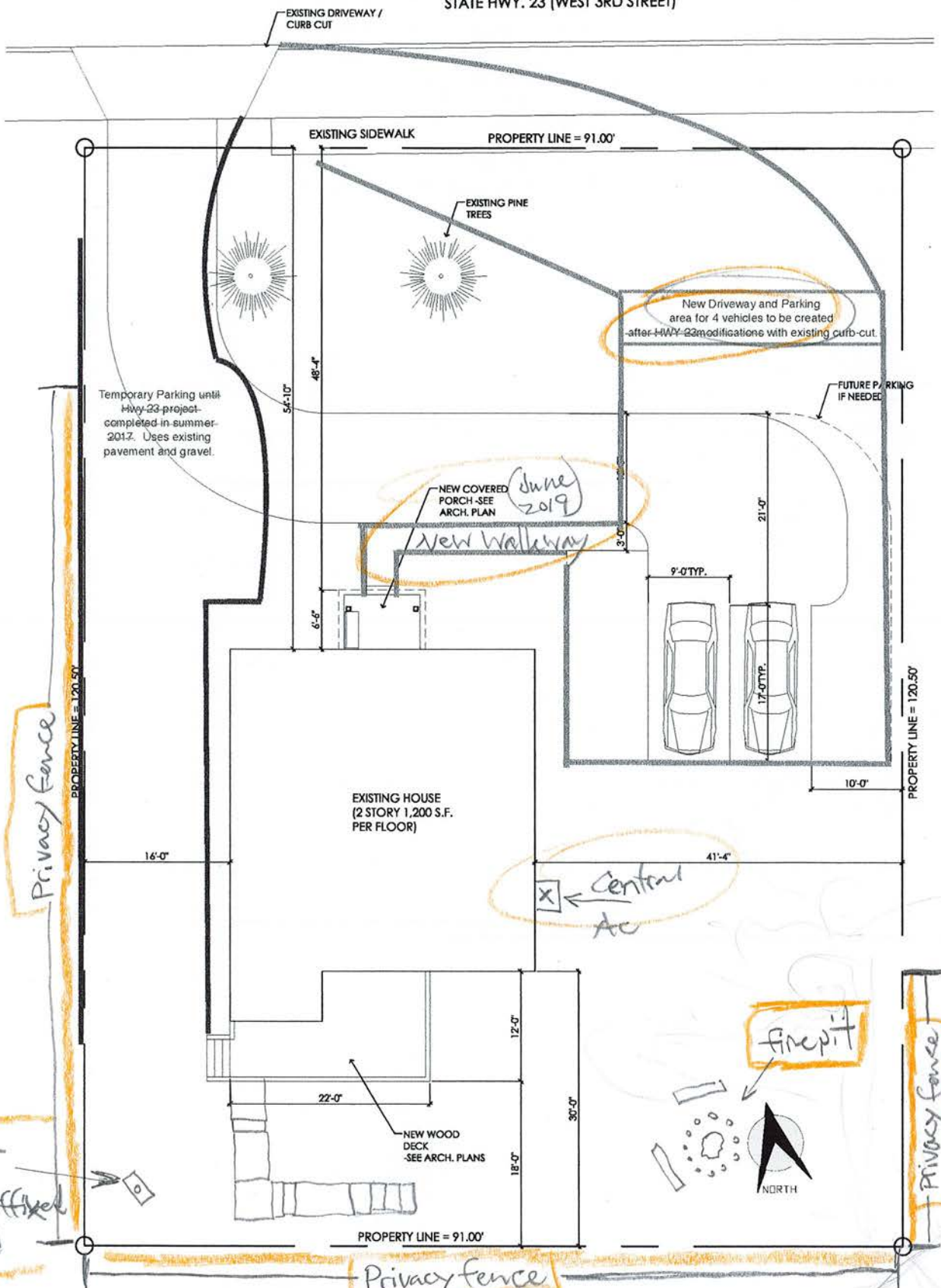
8) No comments from citizens, City staff, or any other entity were received regarding the application.

**Staff Recommendation:**

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

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

STATE HWY. 23 (WEST 3RD STREET)

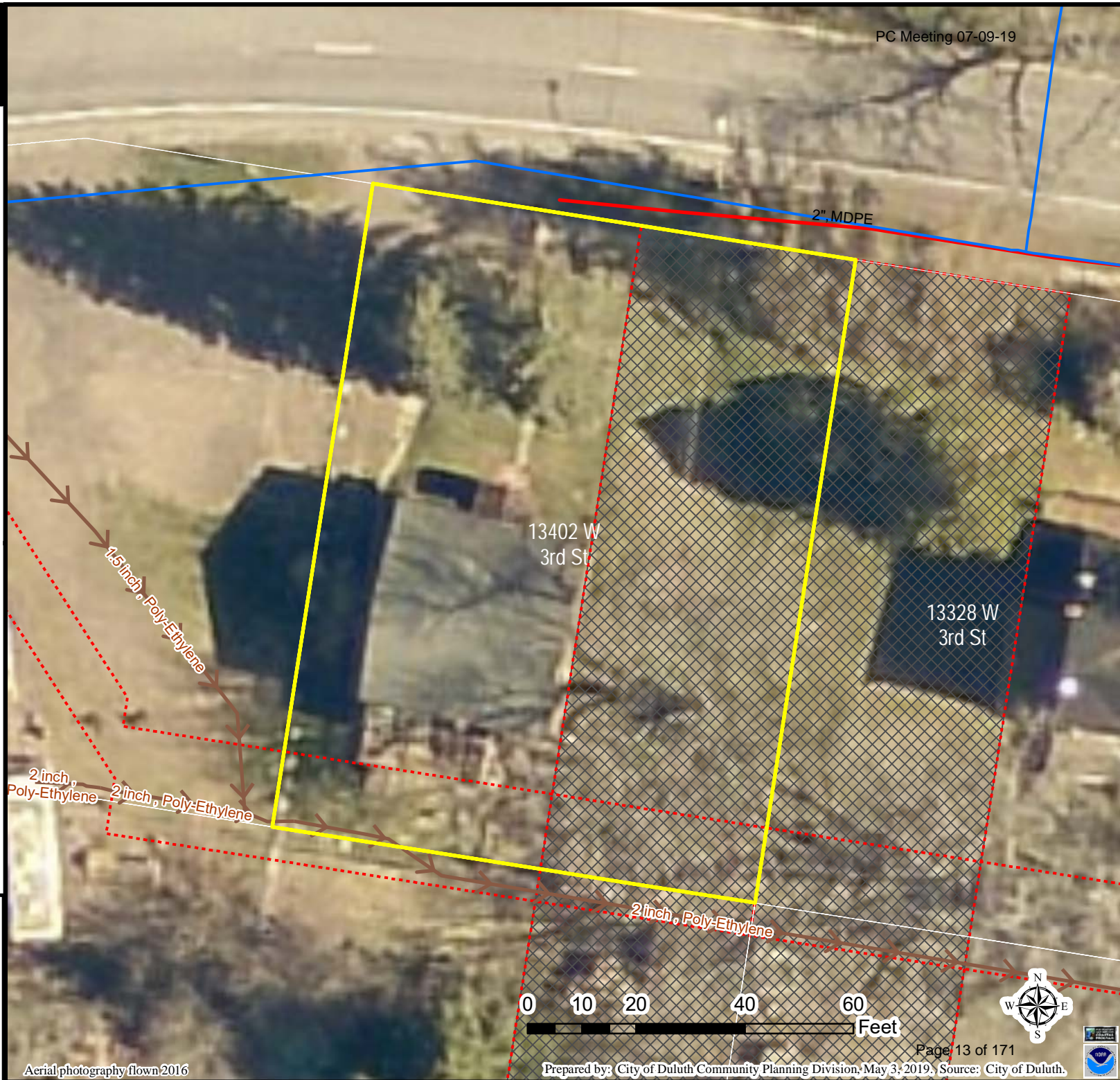


1 architectural site plan

1/8" = 1'-0"



13402 W 3rd St



**Legend**

- Gas Main
- Water Main
- Hydrant

**Sanitary Sewer Mains**

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

**Storm Sewer Mains**

- Storage Basin
- PS Pump Station
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Vacated ROW

**Easement Type**

- Utility Easement
- Other Easement

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

Aerial photography flown 2016







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<b>File Number</b>	PL 19-080	<b>Contact</b>	Chris Lee, clee@duluthmn.gov	
<b>Type</b>	Interim Use Permit Renewal – Vacation Dwelling Unit	<b>Planning Commission Date</b>	July 9, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>	June 3, 2019	<b>60 Days</b>	June 20, 2019
	<b>Date Extension Letter Mailed</b>	June 10, 2019	<b>120 Days</b>	October 1, 2019
<b>Location of Subject</b>	611 W. Skyline Pkwy			
<b>Applicant</b>	Connie & Lee Hoffman	<b>Contact</b>	hoffman@chartermi.net	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	Lot 101, Block 96, Duluth Proper Third Division (010-1350-02900)			
<b>Site Visit Date</b>	June 24, 2019	<b>Sign Notice Date</b>	June 25, 2019	
<b>Neighbor Letter Date</b>	June 20, 2019	<b>Number of Letters Sent</b>	28	

**Proposal**

This is a renewal for permit PL 13-084. Applicant proposes to use the house with 4 bedrooms each for vacation rentals. Up to 9 people will be allowed to stay in the home. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of 2 nights.

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



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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 #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 – 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 at 611 West Skyline Parkway. The proposed vacation dwelling units contains 4 bedrooms, which would allow for a maximum of 9 guests. This 1,610 square foot traditional home was constructed in 1911.
- 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 listed Jen McPherson to serve as the managing agent.
- 3) The site has room for 6 vehicles to be parked on the driveway and off the street. There will not be any campers or trailers parked on the property.





**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

 218-730-5580

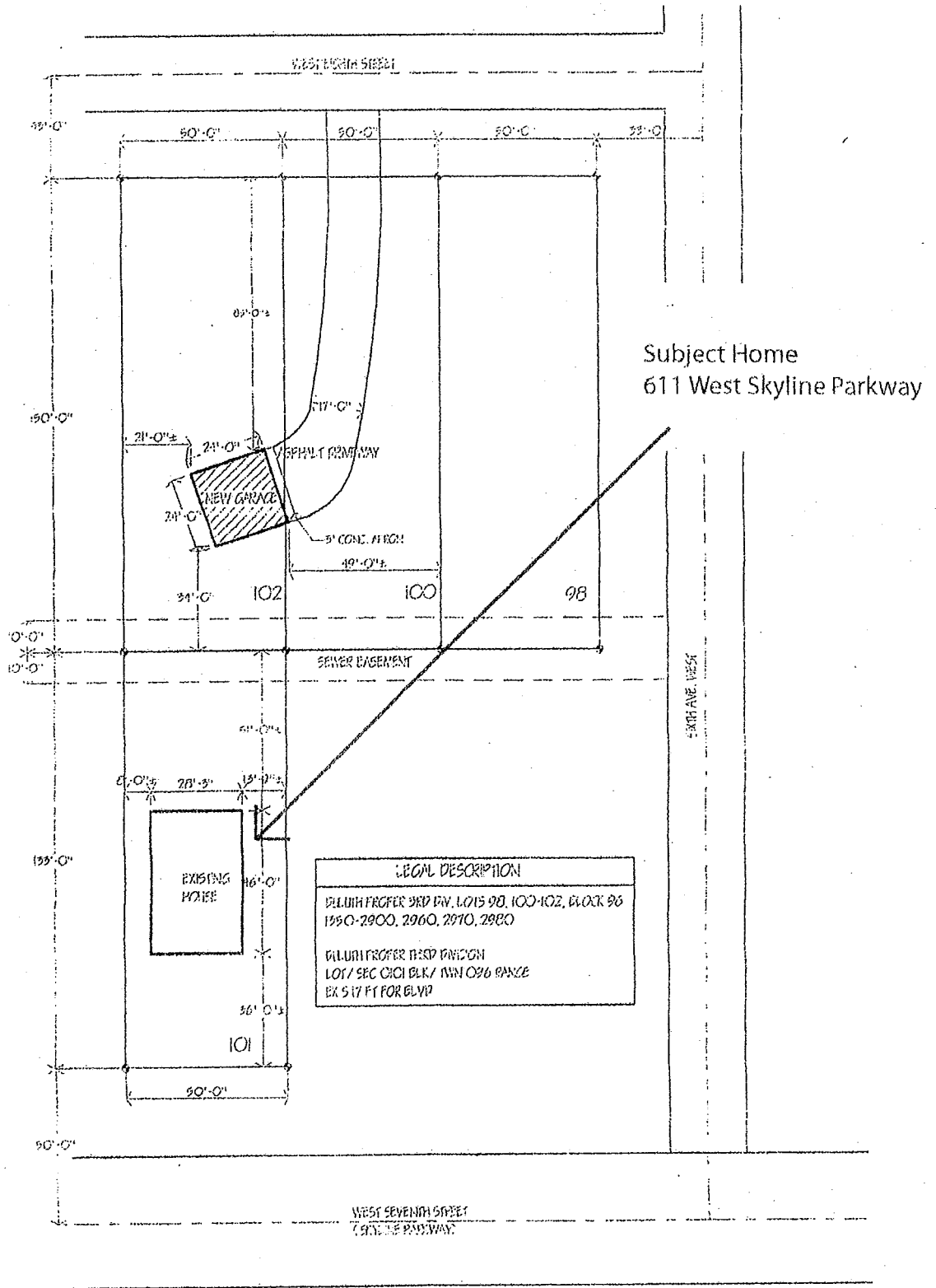
 [planning@duluthmn.gov](mailto:planning@duluthmn.gov)

- 4) The applicant has indicated that there are no additional 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 obtained the City of Duluth Tourism Tax license, the Minnesota Department of Health Lodging License, have a Tax ID number, a fire operational permit, and a Hotel/Motel License.
- 7) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 8) No comments from citizens, City staff, or any other entity were received regarding the application.

**Staff Recommendation:**

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

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



1 SITE PLAN  
1" = 50'



NORTH

	<p>GARAGE 611 WEST SKYLINE DULUTH, MN</p>	<p>THIS SET OF DRAWINGS, SPECIFICATIONS AND CONTRACT AGREEMENT, when taken together with the General Conditions, shall constitute the entire contract between the parties. No verbal agreement shall be binding unless it is in writing and signed by both parties.</p> <p><i>Robert H. Anderson</i> 10/15/19</p>	<p>anderson architects 521 spear ave. duluth, mn 218-724-440</p>
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# 611 W Skyline

PC Meeting 07-09-19

**Legend**

- Gas Main
- Water Main
- Hydrant

**Sanitary Sewer Mains**

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

**Storm Sewer Mains**

- Storage Basin
- Pump Station
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Vacated ROW

**Easement Type**

- Utility Easement
- Other Easement



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

Aerial photography flown 2016





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*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

<b>File Number</b>	PL 19-083	<b>Contact</b>	Chris Lee, clee@duluthmn.gov	
<b>Type</b>	Interim Use Permit Renewal – Vacation Dwelling Unit	<b>Planning Commission Date</b>		July 9, 2019
<b>Deadline for Action</b>	<b>Application Date</b>	June 7, 2019	<b>60 Days</b>	August 6, 2019
	<b>Date Extension Letter Mailed</b>	June 20, 2019	<b>120 Days</b>	October 5, 2019
<b>Location of Subject</b>	10 Industrial Avenue			
<b>Applicant</b>	Riverside Retreat	<b>Contact</b>	nancynilsen@hotmail.com	
<b>Agent</b>	Nancy Nilsen	<b>Contact</b>		
<b>Legal Description</b>	Lot 5, Block 3, Riverside Division (010-3970-00260)			
<b>Site Visit Date</b>	June 24, 2019	<b>Sign Notice Date</b>	June 25, 2019	
<b>Neighbor Letter Date</b>	June 20, 2019	<b>Number of Letters Sent</b>	44	

**Proposal**

This is a renewal for permit PL 13-064. Applicant proposes to use the house with 4 bedrooms each for vacation rentals. Up to 9 people will be allowed to stay in the home. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of 2 nights.

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



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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 #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 – 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 at 10 Industrial Avenue. The proposed vacation dwelling units contains 3 bedrooms, which would allow for a maximum of 7 guests. This 1,184 square foot traditional home was constructed in 1917.
- 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 listed Nancy Nilsen to serve as the managing agent.
- 3) The site has room for 4 vehicles to be parked on the driveway and off the street. There will be a space for trailers on the south west side of the property.
- 4) The applicant has indicated that there will be a patio and a grill for use by renters and it is adequately screened.



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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 obtained the City of Duluth Tourism Tax license, the Minnesota Department of Health Lodging License, have a Tax ID number, a fire operational permit, and a Hotel/Motel License.

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

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

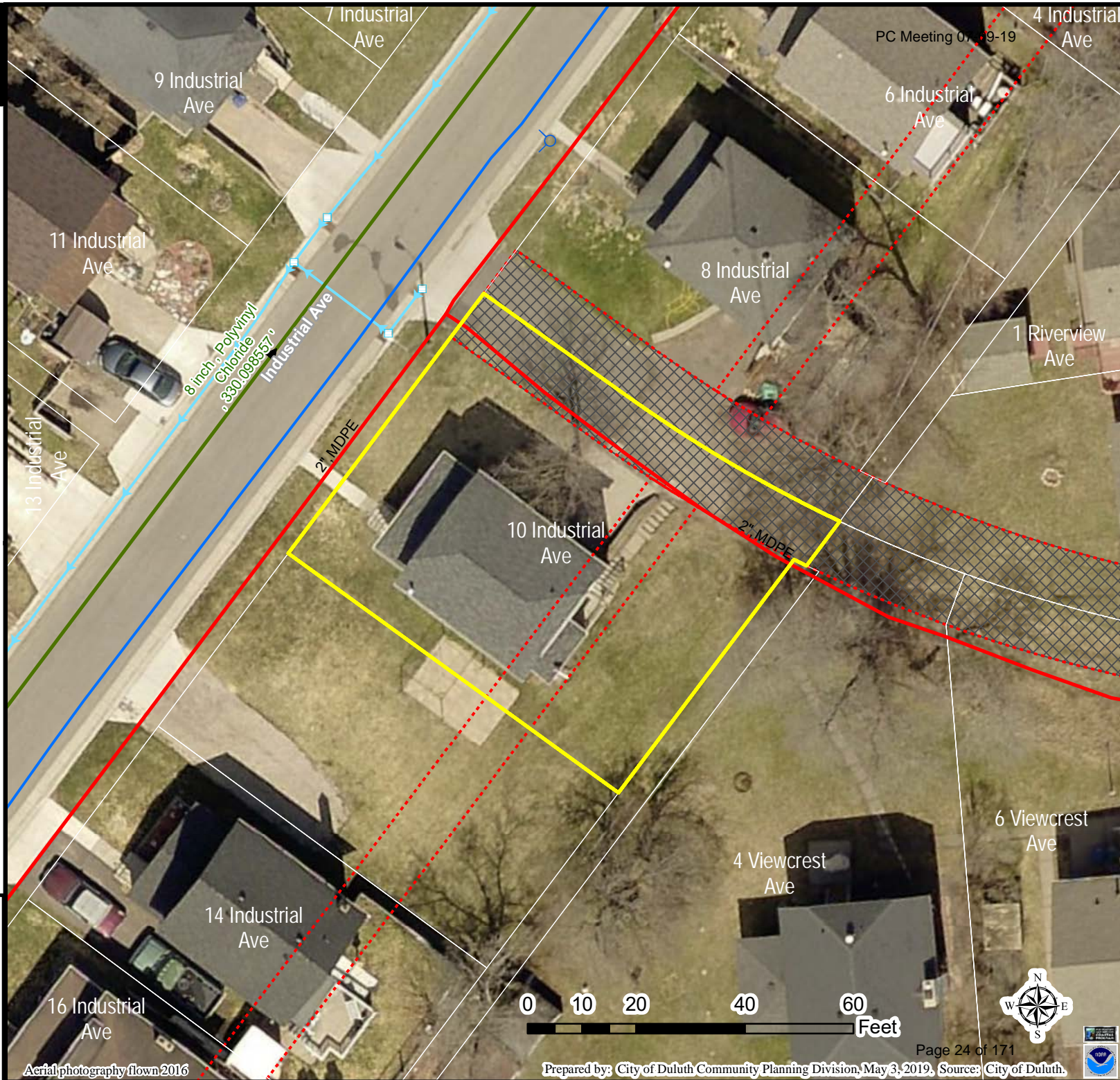
**Staff Recommendation:**

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

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



10 Industrial Ave



**Legend**

- Gas Main
- Water Main
- Hydrant

**Sanitary Sewer Mains**

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

**Storm Sewer Mains**

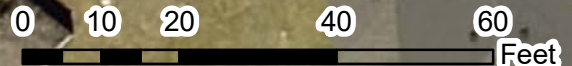
- Storage Basin
- Pump Station
- Storm Sewer Pipe
- Storm Sewer Catch Basin

**Easement Type**

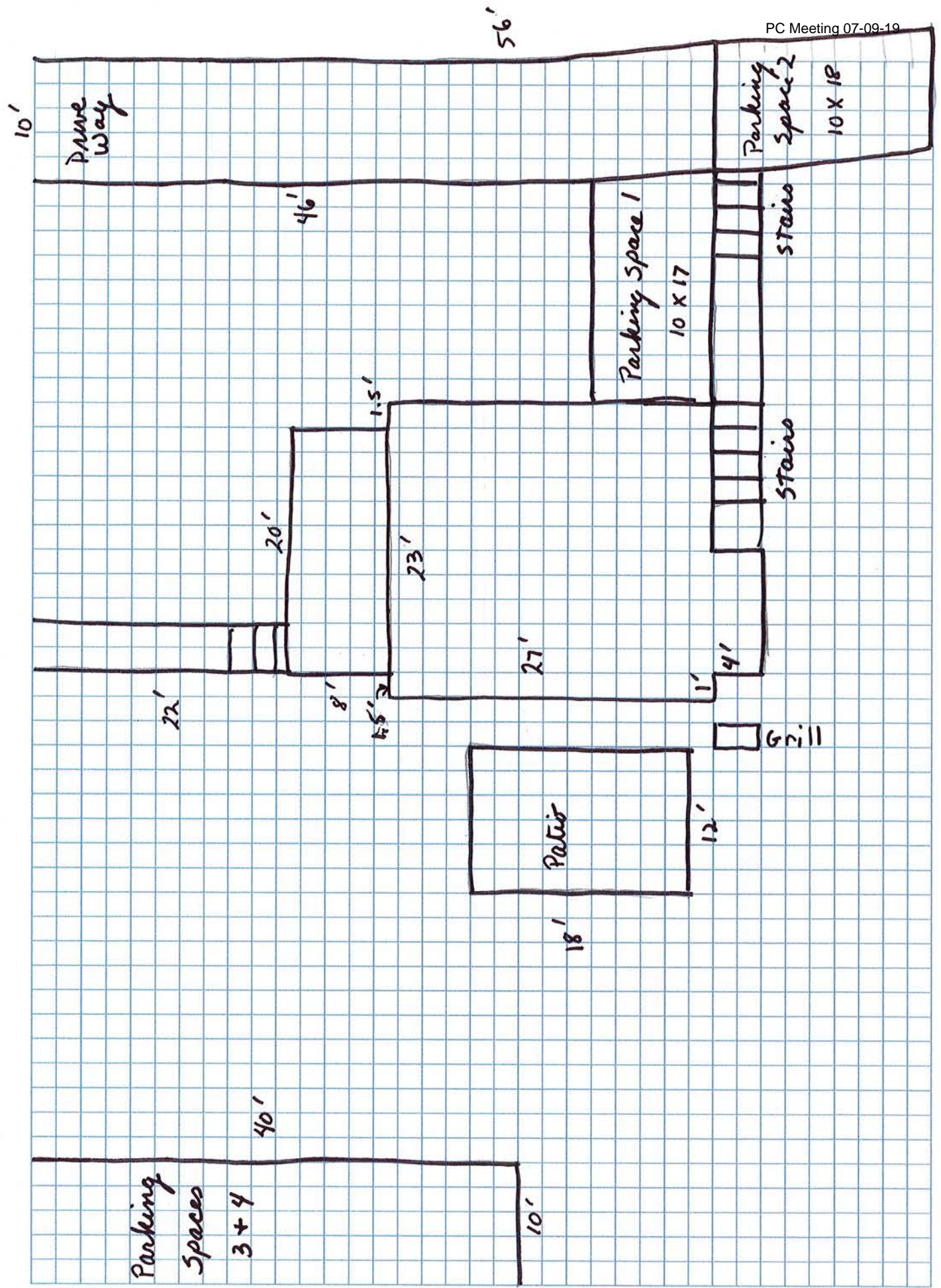
- Utility Easement
- Other Easement

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Aerial photography flown 2016







75'





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Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

☎ 218-730-5580

✉ [planning@duluthmn.gov](mailto:planning@duluthmn.gov)

<b>File Number</b>	PL 19-089	<b>Contact</b>	Steven Robertson	
<b>Type</b>	Minor Subdivision	<b>Planning Commission Date</b>	July 9, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>	June 20, 2019	<b>60 Days</b>	August 19, 2019
	<b>Date Extension Letter Mailed</b>	July 2, 2019	<b>120 Days</b>	October 18, 2019
<b>Location of Subject</b>	Near Intersection of West Superior Street and 4 <sup>th</sup> Avenue East			
<b>Applicant</b>	Essentia Health	<b>Contact</b>		
<b>Agent</b>	Johnson, Killen & Seller	<b>Contact</b>	Roy Christensen, Susan Waldie	
<b>Legal Description</b>	See Attached			
<b>Site Visit Date</b>	June 26, 2019	<b>Sign Notice Date</b>	N/A	
<b>Neighbor Letter Date</b>	N/A	<b>Number of Letters Sent</b>	N/A	

**Proposal**

The applicant is requesting a Minor Subdivision to ultimately create two new parcels, one to be used as part of the Essentia Health's Vision Northland Project (medical facility), and the other to remain under MnDOT control to be used to maintain Interstate Highway 35.

**Recommended Action:**

Approve Minor Subdivision.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	F-8	Undeveloped/Transportation	Open Space
<b>North</b>	MU-I	Medical	Institutional
<b>South</b>	F-8	Highway/Commercial	Tourism
<b>East</b>	F-8	Highway/Commercial	Transportation and Utilities
<b>West</b>	F-8	Commercial	Central Business Primary

**Summary of Municipal Planning Act & City Code Requirements**

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

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

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

Governing Principle #5 – Promote reinvestment in neighborhoods

Governing Principle #9 - Support private actions that contribute to the public realm

**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.

**History:**

This minor subdivision is related to the MU-I Planning Review for the New Essentia Medical Facility (PL 19-018) and rezoning (PL 19-023) of the project area.

**Review and Discussion Items**

1. The applicant is requesting a Minor Subdivision.
2. No existing platted right of way is being proposed to be vacated with this proposal.
3. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
4. The project area is in the process of being rezoned from F-8 to MU-I; neither of these two zone districts have minimum lot size or frontage for new parcels or lots (for non-residential use).
5. No public, agency, or City comments were received.
6. Approval of this Minor Subdivision signifies that City of Duluth UDC standards are met. St. Louis County may have additional requirements. This subdivision approval lapses if deeds are not recorded with St. Louis County within 180 days. Applicant must provide the City with proof of recording.

**Staff Recommendation**

Based on the above findings, Staff recommends that Planning Commission approve the Minor Subdivision application PL 19-089 subject to the following standard conditions:

1. Appropriate deeds be filed with St. Louis County within 180 days. Prior to recording the deed that results from this adjustment, the Planning Division will need to stamp the deed, indication compliance with the local zoning code.
2. Any new tax parcels that are created as new separate parcels following completion of this transaction, but under the same ownership, be combined within one year with St. Louis County.
3. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

# JOHNSON, KILLEN & SEILER,

A PROFESSIONAL ASSOCIATION

A TRADITION OF TRUST

STEVEN J. SEILER \*  
ROBERT C. PEARSON \*  
JOSEPH J. ROBY, JR. \* ◇  
RICHARD J. LEIGHTON \* ^  
ALOK VIDYARTHI  
ROY J. CHRISTENSEN \*  
JESSICA L. DURBIN \*  
DIANA BOUSCHOR DODGE \*  
JACOB K. STONESIFER \*  
KEVIN C. PILLSBURY \*  
DARYL T. FUCHIHARA  
SUSAN L. WALDIE  
AMANDA M. MANGAN

WRITER'S E-MAIL ADDRESS:  
rchristensen@duluthlaw.com

OF COUNSEL  
ROBERT J. ZALLAR  
NICHOLAS OSTAPENKO \*  
JOSEPH V. FERGUSON \*

\* ALSO MEMBER OF  
WISCONSIN BAR  
^ ALSO MEMBER OF  
NORTH DAKOTA BAR  
◇ MINNESOTA STATE BAR ASSOCIATION  
CERTIFIED LABOR AND  
EMPLOYMENT LAW SPECIALIST

June 18, 2019

Community Planning Division  
City Hall – 411 W. 1st St., Rm 110  
Duluth, MN 55802

**Re: Minor Subdivision Application by Essentia Health  
Our File No. 23,170-015**

Dear Community Planning Division:

This letter accompanies an Application Cover Sheet, which requests a minor subdivision of property in the Portland Division of Duluth.

Essentia Health requests this subdivision because the seller, Minnesota Department of Transportation (“MN DOT”), is required by federal law to retain fee title to part of the involved parcels.

Essentia Health is purchasing from MN DOT the lots described in the survey accompanying this letter and application. As platted, the underlying lots extend over the tunnel through which Interstate 35 passes. Essentia Health is purchasing this property as part of its extensive re-build in Duluth, Vision Northland. MN DOT, however has informed Essentia Health that federal regulations require MN DOT to retain the fee title to the part of the platted lots that extend over the I-35 tunnel, so that MN DOT can access the tunnel for maintenance. As a result, MN DOT cannot convey to Essentia Health (or anyone) the entirety of the lots as platted.

Thus, it becomes apparent that Essentia Health must request a minor subdivision, so that it may purchase the valuable property it needs for Vision Northland, and MN DOT can retain the property it needs for highway maintenance. Without the minor subdivision requested, the lots, as platted, would be non-transferrable.

Essentia Health requests the combination of the portions of the lots as described in Exhibit B to the application into one tax parcel, and the combination of the portion of the lots as described in Exhibit C to the application into a second tax parcel.

800 Wells Fargo Center  
230 West Superior Street  
Duluth, MN 55802



Ph: 218.722.6331  
Fax: 218.722.3031  
W: duluthlaw.com

JOHNSON, KILLEN & SEILER, P.A.

June 18, 2019  
Page 2

Please contact me if you have any questions about this request.

Yours truly,



Roy Christensen

RJC/slw

Encl.

Cc: Susan Waldie *via e-mail*

W:\23170\015\Portland Div\Minor subdivision\reasons for this request letter w. application.docx



**Portland  
Division  
of Duluth**

**MU-I (Mixed Use  
Institutional)**

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

**F-8  
(Downtown  
Mix)**

**Part of Duluth  
Formerly Portia**

**Fitger  
Addition  
Duluth**

383003415  
ST MARYS/POLINSKY  
CNTR PERSNL FTNS  
383003412  
DULUTH CLINIC  
LTD  
383006360

383002940  
DULUTH  
CLINIC LTD

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STATE OF  
MINNESOTA  
STATE OF  
MINNESOTA

STATE OF  
MINNESOTA  
PC Meeting 07-09-19

E 1st St

E Superior St

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ST MARYS  
DULUTH CLINIC  
HEALTH SYSTM

383002870  
DULUTH  
CLINIC LTD

383002860  
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HEALTH SYSTM

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CENTER  
383000290

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MINNESOTA  
383000350

STATE OF  
MINNESOTA  
383000360



I-35 Ramp

E Superior St

N 4th Ave E  
E 1st Alley

E 1st Alley

STATE OF  
MINNESOTA  
382000930

CITY OF  
DULUTH  
382000932

STATE OF  
MINNESOTA  
382001010

STATE OF  
MINNESOTA  
382001030

ST PAUL  
& DULUTH  
RY CO  
382000880

FITGERS  
ON-THE-LAKE  
LLC  
382000015

382000940

UNIDENTIFIED

FITGERS  
ON-THE-LAKE  
LLC  
158000010

382000870  
THE WICK LLC

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THE WICK LLC

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THE WICK LLC

382000830  
THE WICK LLC

382000820  
THE WICK LLC

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382001010

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382000015

382000940

382000870

382000850

382000830

382000820

382000810

382000800

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382000780

382000770

382000760





### LEGEND

	(M)-FIELD MEASURED DIMENSION (R)-RECORD DIMENSION FOR POINT OF BEGINNING		TELECOM PEDESTAL		SET MAG NAIL
	TREE/BRUSH LINE		LIGHT POLE		FOUND CAPPED REBAR RLS. NO. 4950S
	EXISTING BUILDING LINE		SIGN		SET CAPPED REBAR RLS. NO. 4950S
	UNDERGROUND ELEC		CONFEDEROUS TREE		ELEC PEDESTAL
	UNDERGROUND GAS		DECIDUOUS TREE		ELEC METER
	STEEL HAND RAILING		POST/BOLLARD		ELEC TRANSFORMER
	UNDERGROUND FIBER OPTIC		REFER TO SURVEYOR'S NOTES		UTILITY POLE
	UNDERGROUND STEAM LINE		MISC MANHOLE		SANITARY MANHOLE
	OVERHEAD UTILITIES		SQUARE GRATE CATCH BASIN		
	BOUNDARY LINE AS SURVEYED				

### SURVEYOR'S NOTES

- A PORTION OF THE BUILDING WALL LOCATED ALONG THE SOUTHWESTERLY LOT LINE OF LOT 8, BLOCK 8 IS 9.3 FT NORTHEASTERLY OF THE LOT LINE.
- PORTIONS OF THE BITUMINOUS PAVEMENT, CONCRETE CURB & GUTTER FOR PARKING ARE LOCATED ON THE PROPERTY DESCRIBED AS TRACT A & B.
- TRACTS A, B & C IN THE TITLE COMMITMENT PROVIDED ARE DESCRIBED AS LOTS 8 THRU 16 EXCEPT THE NORTHERLY 20 FEET OF LOTS 10 AND 11, AND THAT PART OF THE VACATED ALLEY ACCORDING TO SAID LOTS BY REASON OF THE VACATION ITEM #11 SCHEDULE B EJECTMENT, RESOLUTION OCTOBER 1988 IN BOOK C OF MISC. PAGE 590. THE ALLEY APPEARS TO BE AN ACTIVE ALLEY AND CURRENTLY USED BY THE PUBLIC WITH PUBLIC UTILITIES LOCATED WITHIN THE RIGHT OF WAY.
- UNDERGROUND ELECTRIC LINES PASS ACROSS PORTIONS OF TRACTS A, B & C. NO EASEMENTS PROVIDED FOR THESE UNDERGROUND ELECTRIC LINES.
- AN UNDERGROUND FIBER OPTIC LINE PASSES ACROSS A PORTION OF TRACT A. NO EASEMENT PROVIDED FOR THIS UNDERGROUND FIBER OPTIC LINE.
- ELECTRIC TRANSFORMERS ARE LOCATED ON TRACT A. NO EASEMENTS PROVIDED FOR THESE ELECTRIC TRANSFORMERS.
- VARIOUS UNDERGROUND PUBLIC AND PRIVATE UTILITIES ARE LOCATED ALONG THE ALLEY CORRIDOR ON TRACTS A, B & C. NO EASEMENTS PROVIDED FOR THESE UNDERGROUND UTILITIES.
- CURB, GUTTER, PAVEMENT & GUARD RAILS FOR ALLEY ARE LOCATED SOUTHEASTERLY OF THE VACATED ALLEY TRACTS A, B & C. NO EASEMENTS PROVIDED FOR THESE LOCATED FEATURES.
- THIS SURVEY WAS PREPARED ACCORDING TO OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY TITLE COMMITMENT NO. 190604 HGT, DATED MARCH 27, 2019 AT 8:00 AM.

### UNDERGROUND UTILITIES

- THESE RECORD DRAWINGS HAVE BEEN PREPARED, IN PART, ON THE BASIS OF INFORMATION COMPILED AND FURNISHED BY OTHERS. THE SURVEYOR, ENGINEER AND ARCHITECT WILL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS WHICH HAVE BEEN INCORPORATED INTO THIS DOCUMENT AS A RESULT.
- UNDERGROUND UTILITIES SHOWN ON THIS SURVEY ARE BASED IN PART ON MARKING PROVIDED BY CORNER STATE ONE CALL TICKET NUMBER 19060305.
- SOME UTILITIES SHOWN ON THIS SURVEY HAVE BEEN LOCATED BY MAPS AND OR UTILITY SKETCHES PROVIDED BY UTILITY COMPANIES, CITY OR COUNTY CDS. LOCATIONS ARE APPROXIMATE.
- UTILITIES SHOWN ON THIS SURVEY ARE SHOWN FOR APPROXIMATE LOCATION ONLY AND SHOULD BE VERIFIED BEFORE ANY EXCAVATION OR CONSTRUCTION.
- PRIVATE UTILITIES MAY EXIST BUT ARE NOT SHOWN ON THIS SURVEY. CONTACT Gopher State One Call for Locations.
- FIELD VERIFY SANITARY AND STORM SEWER PIPE SIZE AND LOCATION.

Company Name	Facility Types	Status	Time	Comments
CHARTER COMMUNICATIONS - TVFO	TVFO	Marked	04/01/19 12:43 PM	
CITY OF DULUTH - ENGINEERING - COLUTH01	W.G.S.S	Clear/No conflict	04/01/19 12:12 PM	
CITY OF DULUTH - TRAFFIC - COLUTH04	TS SL	Not yet responded	03/27/19 6:27 AM	
DULUTH ENERGY SYSTEMS - STEAM - COLUTH05	STM	Marked	03/28/19 11:06 AM	
CENTURYLINK - CTLOK - CTLM01	TEL	Marked	04/01/19 11:10 AM	
CONSOLIDATED COMMUNICATIONS - TEL ENVT01A	TEL	Clear/No conflict	04/01/19 11:58 AM	
MINNOCOT - MNSD0010	E	Clear/No conflict	03/27/19 3:08 PM	
MINNESOTA POWER - MPEFB01	FO	Clear/No conflict	03/27/19 10:34 AM	MF F-01 Clear in work area
MINNESOTA POWER - MPELC01	E	Marked	03/29/19 3:45 PM	marked primary and secondary per Steve Snyder 3/29/19
NORTHEAST SERVICE COOPERATIVE - NSCCO0P2	FO	Clear/No conflict	04/01/19 7:43 AM	
WESTERN LAKE SUPERIOR SANITARY		Not yet responded	03/27/19 6:27 AM	

### 50-16.9 Farm District 8 (F-8) downtown mix.

**H. Purpose.**  
F-8 applies to other Downtown areas not included in the F-7 district. The district provides slightly more flexibility in building form than does F-7, as it permits both Main Street Building III and Corridor Building III for office and residential uses. Permitted and special uses are shown in Table 50-16.8.

Form District	Office	Residential	Community	Public	Special
Main Street Building I	X	X	X	X	X
Main Street Building II	X	X	X	X	X
Main Street Building III	X	X	X	X	X
Corridor Building I	X	X	X	X	X
Corridor Building II	X	X	X	X	X
Corridor Building III	X	X	X	X	X
Levittown Corridor	X	X	X	X	X
Cottage Commercial I	X	X	X	X	X
Cottage Commercial II	X	X	X	X	X
Rowing Building	X	X	X	X	X

**I. Example.**

Example of Main Street Building III

Example of Corridor Building III

See Section 50-22 for illustrations of building types permitted in the F-8 district. (Ord. No. 10244, 8-16-2010, § 6, Ord. No. 10284, 3-10-2014, § 1.)

### TABLE 50-16.8 USE TABLE

Use	Office	Residential	Community	Public	Special
<b>PUBLIC INSTITUTIONS AND CIVIC USES</b>					
Community and Cultural Facilities					
Bus or rail transit station	S	S	S	S	S
Cemetery or mausoleum	S	S	S	S	S
Club or lodge (except)	P	P	P	P	P
Government building or public safety facility	P	P	P	P	P
Museum, store or gallery	S	S	S	S	S
Park, playground or listed resource	P	P	P	P	P
Religious assembly, small (less than 50,000 sq. ft.)	S	S	S	S	S
Religious assembly, large (50,000 sq. ft. or more)	S	S	S	S	S
<b>Employment purposes</b>					
Business, not an educational school	P	P	P	P	P
School, elementary	P	P	P	P	P
School, middle or high	S	S	S	S	S
University or college	P	P	P	P	P
<b>Health Care Facilities</b>					
Medical or dental clinic	S	S	S	S	S
Nursing home	S	S	S	S	S
Medical cannabis distribution facility					
Medical cannabis laboratory					
Medical cannabis manufacture					
Other medicinal product - where not listed in the table					



SCALE IN FEET

**ALTA**  
LAND SURVEY COMPANY  
1000 W. WASHINGTON ST.  
DULUTH, MN 55812  
TEL: 218-822-1111  
WWW.ALTA-SURVEY.COM

DATE:  
4-8-19

JOB NO.  
19-047

SHEET NO.  
2

**EXHIBIT B**

**LEGAL DESCRIPTION OF NEW PARCEL TO ESSENTIA**

Tract A. Lots 8 and 9, Block 8, Portland Division of Duluth, according to the plat thereof on file and of record in the office of the County Recorder in and for St. Louis County, Minnesota, including that part of the vacated alley accruing to said lots by reason of the vacation thereof; the title thereto being registered;

**Torrens Property - Certificate of Title No. 314701**

Tract B. Lots 10, 11 and 12, Block 8, Portland Division of Duluth, according to the plat thereof on file and of record in the office of the County Recorder in and for St. Louis County, Minnesota, including that part of the vacated alley accruing to said lots by reason of the vacation thereof; excepting therefrom the northerly 20 feet of Lots 10 and 11, Block 8, said Portland Division of Duluth;

**Abstract Property**

Tract C. Lots 13, 14, 15 and 16, Block 8, Portland Division of Duluth, according to the plat thereof on file and of record in the office of the County Recorder in and for St. Louis County, Minnesota, also that part of the alley shown by said plat adjoining the rear of said Lots, which was vacated by the City of Duluth by resolution recorded in Book C of Miscellaneous, page 590; the title thereto being registered;

**Torrens Property - Certificate of Title No. 224544**

which lies southwesterly and northwesterly of the Line 1 described below:

Line 1. Beginning at the intersection of the northwesterly line of said Tract C and a line run parallel with and distant 12.5 feet northeasterly of the southwesterly line of Lot 15, said Block 8, extended northwesterly; thence southeasterly along said parallel line for 60 feet; thence southwesterly to the most southerly corner of Lot 8, said Block 8 and there terminating;

**EXHIBIT C****LEGAL DESCRIPTION OF MN/DOT RESIDUE PARCEL**

Tract A. Lots 8 and 9, Block 8, Portland Division of Duluth, according to the plat thereof on file and of record in the office of the County Recorder in and for St. Louis County, Minnesota, including that part of the vacated alley accruing to said lots by reason of the vacation thereof; the title thereto being registered;

**Torrens Property - Certificate of Title No. 314701**

Tract B. Lots 10, 11 and 12, Block 8, Portland Division of Duluth, according to the plat thereof on file and of record in the office of the County Recorder in and for St. Louis County, Minnesota, including that part of the vacated alley accruing to said lots by reason of the vacation thereof; excepting therefrom the northerly 20 feet of Lots 10 and 11, Block 8, said Portland Division of Duluth;

**Abstract Property**

Tract C. Lots 13, 14, 15 and 16, Block 8, Portland Division of Duluth, according to the plat thereof on file and of record in the office of the County Recorder in and for St. Louis County, Minnesota, also that part of the alley shown by said plat adjoining the rear of said Lots, which was vacated by the City of Duluth by resolution recorded in Book C of Miscellaneous, page 590; the title thereto being registered;

**Torrens Property - Certificate of Title No. 224544**

which lies southeasterly and northeasterly of the Line 1 described below:

Line 1. Beginning at the intersection of the northwesterly line of said Tract C and a line run parallel with and distant 12.5 feet northeasterly of the southwesterly line of Lot 15, said Block 8, extended northwesterly; thence southeasterly along said parallel line for 60 feet; thence southwesterly to the most southerly corner of Lot 8, said Block 8 and there terminating;





**PLANNING & ECONOMIC DEVELOPMENT**

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

**DATE:** July 1, 2019  
**TO:** President and Planning Commissioners  
**FROM:** Adam Fulton, Deputy Director, Planning & Economic Development  
**RE:** Update: PL 19-074, Redevelopment of the Board of Trade Building  
Conformance of Development District for 301 West 1st Street to Comprehensive Plan

**Background:**

Planning Commissioners requested additional information regarding the Board of Trade redevelopment, including specific plans described in the resolution. The original memo from June 11, 2019, is attached, as well as the TIF Plan for the Board of Trade, and the Redevelopment Plan from 1989.

**Recommendation:**

Staff recommends adoption of a Resolution finding that the Project conform to the general plans for the development and redevelopment of the City.

The complete Resolution, along with zoning and future land use maps, are incorporated herein by reference and attached to this report for review.

**PLANNING COMMISSION  
CITY OF DULUTH, MINNESOTA**

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY OF DULUTH PLANNING COMMISSION FINDING THAT A  
MODIFICATION TO THE DEVELOPMENT PROGRAM FOR DEVELOPMENT DISTRICT NO. 17  
AND A TAX INCREMENT FINANCING PLAN FOR TAX INCREMENT FINANCING DISTRICT NO.  
32 (BOARD OF TRADE) CONFORM TO THE GENERAL PLANS FOR THE DEVELOPMENT AND  
REDEVELOPMENT OF THE CITY.**

WHEREAS, the Duluth Economic Development Authority (the "DEDA") and the City of Duluth (the "City") have proposed to adopt a Modification to the Development Program for Development District No. 17 (the "Development Program Modification") and a Tax Increment Financing Plan for Tax Increment Financing District No. 32 (Board of Trade) (the "TIF Plan") therefor (the Development Program Modification and the TIF Plan are referred to collectively herein as the "Program and Plan") and have submitted the Program and Plan to the City Planning Commission (the "Commission") pursuant to Minnesota Statutes, Section 469.175, Subd. 3, and

WHEREAS, the Commission has reviewed the Program and Plan to determine their conformity with the general plans for the development and redevelopment of the City as described in the comprehensive plan for the City.

NOW, THEREFORE, BE IT RESOLVED by the Commission that the Program and Plan conform to the general plans for the development and redevelopment of the City as a whole.

Dated: \_\_\_\_\_, 2019

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Secretary



## PLANNING & ECONOMIC DEVELOPMENT

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

**DATE:** June 11, 2019  
**TO:** President and Planning Commissioners  
**FROM:** Adam Fulton, Deputy Director, Planning & Economic Development  
**RE:** PL 19-074, Redevelopment of the Board of Trade Building  
 Conformance of Development District for 301 West 1st Street to Comprehensive Plan

### **Background:**

In order to facilitate the redevelopment of the Board of Trade Building at 301 West 1<sup>st</sup> Street (the “Project”), the City needs to modify existing Development District 17. The role of the Planning Commission is to make sure the proposed development and its uses are consistent with the Comprehensive Plan and Unified Development Code (UDC). Tax Increment Financing (TIF) is a financing tool that uses the increase in property taxes generated from site improvements to pay for a portion of those improvements.

The Project will consist of reconfiguring and remodeling the approximately 99,000 square foot, 9-story building. The building will host approximately 18,000 square feet of commercial space and 84 apartment units. Of the apartments, 17 units will be rented at no greater than 50% of the Area Median Income. The building’s first floor currently hosts commercial retail, but the remaining eight stories are mostly vacant. This project will utilize historic tax credits and reinvest in deferred maintenance for critical elements of the building, including the roof and elevators.

The final plans for the top level of the building, the former Grain Exchange trading floor, are not yet finalized. The developer intends to retain intact the historic character of that element of the building, as well as other historic aspects such as the building’s exterior along 1<sup>st</sup> Street and other internal historic elements allowable by the State Building Code.

### **UDC Conformity:**

The area is zoned F-8, Downtown Mix; according to the Unified Development Chapter, the district provides slightly more flexibility in building form than does F-7, as it permits both Main Street Building III and Corridor Building III for office and residential uses.

### **Comprehensive Plan Conformity:**

The future land-use designation of the redevelopment site is Central Business Primary (CBP). According to the Imagine Duluth 2035 Comprehensive Plan, CBP:

Encompasses a broad range of uses and intensities:

- Governmental campus
- Significant retail
- Entertainment and lodging
- Opportunities for high-density housing
- Central plaza, public/ open space
- Public parking facilities

This project implements the following Comprehensive Plan Principles:

**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 attendant 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, utilities, and transit, fire and police services.

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

Staff has determined that the proposed development conforms to and implements the Comprehensive Plan principles.

**Recommendation:**

Staff recommends adoption of a Resolution finding that the Project conform to the general plans for the development and redevelopment of the City.

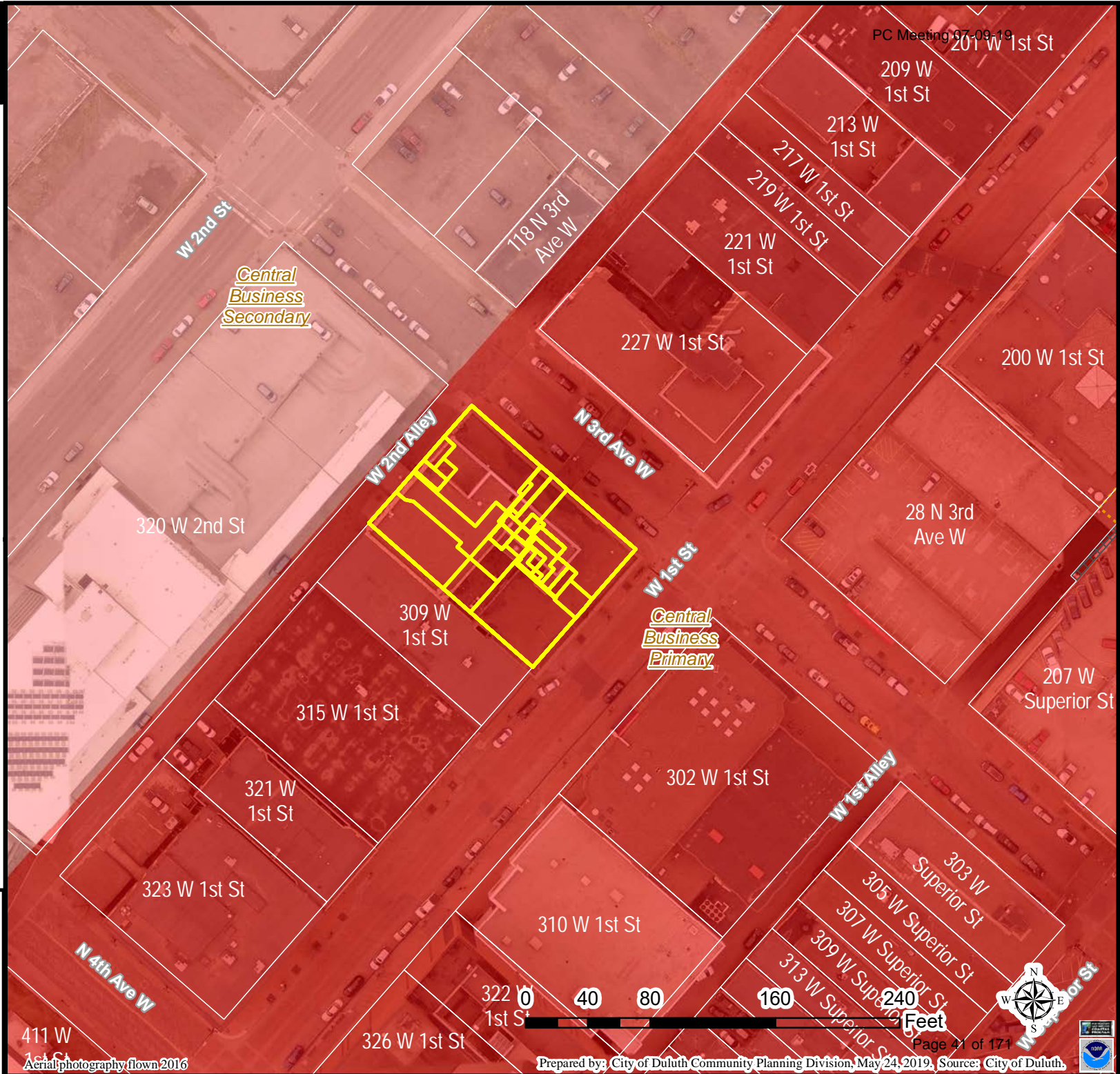
The complete Resolution, along with zoning and future land use maps, are incorporated herein by reference and attached to this report for review.





Legend

- Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement
- 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.



MODIFICATION TO REDEVELOPMENT PLAN/  
MUNICIPAL DEVELOPMENT DISTRICT PROGRAM  
PLAN DATED MAY 15, 1989

A. Statement of Statutory Authority

Pursuant to Minnesota Statutes, Sections 469.090 through 469.108 (the "EDA Act"), the City Council of the City of Duluth, Minnesota (the "City"), established the Duluth Economic Development Authority ("DEDA") by resolution dated April 24, 1989 (the "Resolution"). The EDA Act and the Resolution authorize DEDA to establish municipal development districts pursuant to Minnesota Statutes, Sections 469.124 through 469.134, and housing development projects pursuant to Minnesota Statutes, Sections 469.001 through 469.047. Within such projects, DEDA is authorized, pursuant to Minnesota Statutes, Sections 469.174 through 469.179 (the "Act"), to create tax increment financing districts.

In accordance with the above-referenced statutory authority, DEDA established the Redevelopment Plan/Municipal Development District (the "Project") and adopted the Redevelopment Plan/Municipal Development District Program Plan, dated May 15, 1989, for the Project (the "Project Plan").

B. Modification to the Project

DEDA desires to utilize TIF monies outside the current geographic boundaries of the Project. Additionally, DEDA may desire to provide tax-increment assistance for housing developments located in areas of the City that are outside the current geographic boundaries of the Project.

DEDA is modifying the Project and the Project Plan by expanding the geographic boundaries of the Project to include all property within the City of Duluth as legally described in Exhibit A and as shown on Exhibit B attached hereto and incorporated herein.

C. Statement of Objectives

As provided in the Redevelopment Plan/Municipal Development District Program Plan, the general objectives for the Project are as follows:

1. to increase the supply of decent, safe and sanitary housing within the community for persons of all income levels, with emphasis on the creation of rental and ownership opportunities for persons and families of low and moderate income;
2. to provide such housing in areas that are appropriate for such uses and

- in need of housing investment, with emphasis upon lands potentially useful for contributing to the public welfare, but which, by reason of special problems or conditions, have not reached full development potential by the ordinary operations of private enterprise;
3. to carry out the provision of housing and development of undeveloped and underdeveloped lands within the City, compatible with the planning needs of such areas and consistent with the general land use plan and other components of the City's Comprehensive Plan;
  4. where necessary, to further the projection of low- and moderate-income units in an appropriate economic mix, in such ratio as DEDA determines is necessary to meet the objectives of the City's Comprehensive Plan and project development financing requirements;
  5. to coordinate acquisition, site preparation and improvements, provision of necessary public improvements and facilities, provision of low and moderate income housing and other Project activities on Project housing sites, and to spread and equalize the costs thereof, in order to accomplish the entire Project development at a cost reasonably related to the public purposes to be served;
  6. to establish re-use valuations based on housing re-use, or use ancillary to the provision of housing, including the provision of low- and moderate-income units, and to sell acquired project sites for private redevelopment in accordance with the Housing Development Project/Municipal Development District Program Plan, dated May 15, 1989, at economically feasible land sale prices in order to induce and make possible private participation in the Project District development;
  7. to provide private developers with information regarding zoning, land use controls, and other City and Project requirements; information and assistance in obtaining construction and permanent financing; and information and assistance regarding construction of site and public improvements and financing for measures necessary to correct site sub-soil conditions or other characteristics which are inhibiting normal development, all in accordance with development agreements;
  8. to assist in the provision of rental opportunities to persons of low and moderate income at prices or rents within their means and to make advance commitments with respect to such rental assistance in low and moderate income units in order to assist developers in securing financing for housing improvements;

9. to finance the development costs of the Project and the provision of low- and moderate-income housing by means of tax increment generated by Project improvements and development and through the use of other available funding sources; and
10. to finance housing development and land redevelopment by a combination of private and public financing sources under the authority of and subject to the requirements of applicable federal, state and local laws and ordinances.
11. to encourage and promote the development of tax-forfeited lands located in the Project and thereby guide the type of developments which will enhance the quality of the surrounding neighborhood.
12. to promote the voluntary rehabilitation of substandard, or deteriorated or deteriorating housing units within the Project through the use of tax increment and other available funds.
13. to encourage and assist the development of private and public improvements which do not by themselves provide additional housing units within the Project, but which are necessary to serve the needs of residents of existing and projected residential areas.

D. Exhibits.

The Exhibits to this document are as follows:

- Exhibit A: Legal Description of Redevelopment Plan/Municipal Development District
- Exhibit B: Map of Redevelopment Plan/Municipal Development District

I:\BUS\_DEV\DEDA\TIF\housingdistrict\districtplan

## Exhibit A

That property located in St. Louis County, Minnesota as follows:

### CHAPTER I. NAME AND GENERAL POWERS.

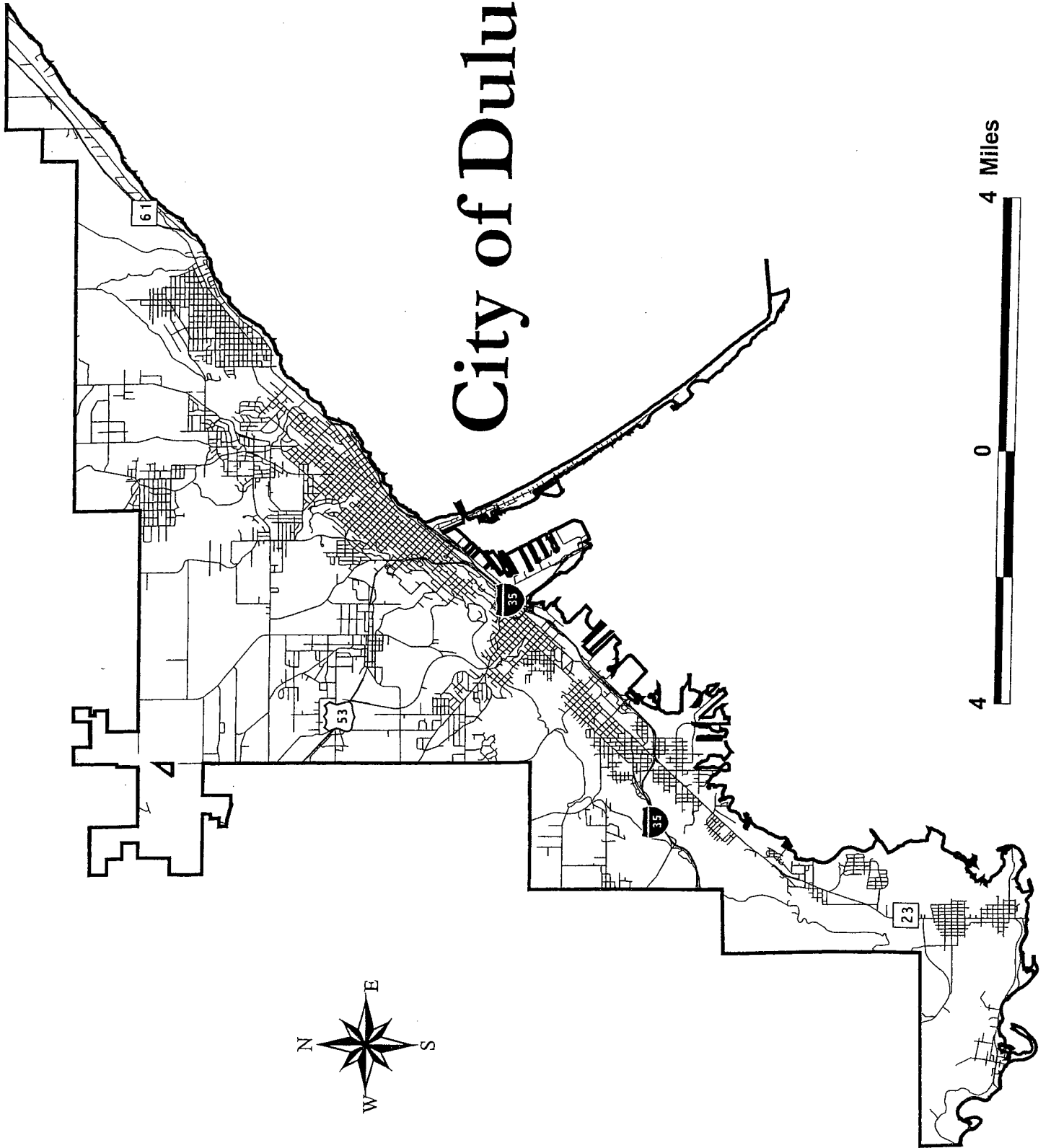
#### Sec. 1. Generally.

The city of Duluth in the County of St. Louis and State of Minnesota shall continue to be, upon the adoption of this Charter, a municipal corporation of the same name, and with the same boundaries as it now has, to-wit: Commencing at a point where the north line of section twenty-five (25) township fifty-one (51) north of range thirteen (13) west, in St. Louis County, Minnesota, intersects the shore line of Lake Superior; thence west to the northwest corner of section twenty-six (26), in said township fifty-one (51) north of range thirteen (13) west; thence south to the quarter corner post on the west line of said section twenty-six (26); thence west to the center of section twenty-seven (27) in said township fifty-one (51) north of range thirteen (13) west; thence south to the quarter corner post on the south line of said section twenty-seven (27); thence west to the northwest corner of section thirty-five (35) in township fifty-one (51) north of range fourteen (14) west; thence south to the southwest corner of said section thirty-five (35); thence west to the northwest corner of township fifty (50) north of range fourteen (14) west; thence south to the southwest corner of said township fifty (50) north of range fourteen (14) west; thence west to the northwest corner of section two (2) in township forty-nine (49) north of range fifteen (15) west; thence south to the southwest corner of section fourteen (14) in said township forty-nine (49) north of range fifteen (15) west, thence west to the northwest corner of section twenty-two (22) in said township forty-nine (49) north of range fifteen (15) west; thence south to the southwest corner of section thirty-four (34) in said township forty-nine (49) north of range fifteen (15) west; thence west on the town line between township forty-eight (48) north of range fifteen (15) west and township forty-nine (49) north of range fifteen (15) west, to the southwest corner of said township forty-nine (49) north of range fifteen (15) west; thence south on the range line between township forty-eight (48) north of range fifteen (15) west and township forty-eight (48) north of range sixteen (16) west, to the center line of the channel of the St. Louis River; thence along the center line of the channel of said river to the state boundary line between the States of Minnesota and Wisconsin; thence along said state boundary line to the mouth of the St. Louis River at the entry of the Bay of Superior between Minnesota and Wisconsin points; thence in a straight line to the place of beginning.

By and in its corporate name, it shall have perpetual succession; save as herein otherwise provided and save as prohibited by the Constitution or Statutes of the State of Minnesota, it shall have and exercise all powers, functions, rights and privileges possessed by the city of Duluth prior to the adoption of this Charter; also all powers, functions, rights and privileges now or hereafter given or granted to municipal corporations of the first class having "home rule charters" by the Constitution and laws of the State of Minnesota; also all powers, functions, rights and privileges usually exercised by, or which are incidental to, or inhere in, municipal corporations of like power and degree; also all municipal power,<sup>2</sup> functions, rights, privileges and immunities of every name and nature whatsoever; and in addition, it shall have all the powers, and be subject to the restrictions contained in this Charter. In its corporate name, it may take and hold, by purchase, condemnation, gift or devise, and lease and convey any and all such real, personal or mixed property, within or without its boundaries as its purposes may require, or as may be useful or beneficial to its inhabitants.

(A). Certain lands upon which the Duluth International Airport is located were annexed to the corporate limits of the city of Duluth by Ord. No. 7564, passed February 13, 1967, under authority of M.S.A. 414.03, Subd. 2.

# City of Duluth





# MODIFICATION OF THE DEVELOPMENT PROGRAM

Development District No. 17

AND

# TAX INCREMENT FINANCING PLAN

Establishment of Tax Increment Financing District No. 32:  
Board of Trade  
(a housing district)

Duluth Economic Development Authority  
City of Duluth, St. Louis County, Minnesota

Public Hearing: July 15, 2019



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# Modification to the Development Program for Development District No. 17

## Foreword

The following text represents a Modification to the Development Program for Development District No. 17. This modification represents a continuation of the goals and objectives set forth in the Development Program for Development District No. 17. Generally, the substantive changes include the establishment of Tax Increment Financing (TIF) District No. 32: Board of Trade.

For further information, a review of the Development Program for Development District No. 17 is recommended. Other relevant information is contained in the Tax Increment Financing Plans for the Tax Increment Financing Districts located within Development District No. 17. The Development Program for Development District No. 17 and the Tax Increment Financing Plans for the Tax Increment Financing Districts located within Development District No. 17 are available from the Director of Planning and Economic Development at Duluth City Hall in room 402.

# Tax Increment Financing Plan for Tax Increment Financing District No. 32: Board of Trade

## Foreword

The Duluth Economic Development Authority (the "DEDA"), the City of Duluth (the "City"), staff and consultants have prepared the following information to expedite the establishment of Tax Increment Financing District No. 32: Board of Trade (the "District"), a Housing Tax Increment Financing District, located in Development District No. 17.

## Statutory Authority

Within the City, there exist areas where public involvement is necessary to cause development or redevelopment to occur. To this end, the DEDA and City have certain statutory powers pursuant to *Minnesota Statutes ("M.S."), Sections 469.090 to 469.1082*, inclusive, as amended, and *M.S., Sections 469.174 to 469.1794*, inclusive, as amended (the "Tax Increment Financing Act" or "TIF Act"), to assist in financing public costs related to this project.

This section contains the Tax Increment Financing Plan (the "TIF Plan") for the District. Other relevant information is contained in the Modification to the Development Program for Development District No. 17.

## Statement of Objectives

The District currently consists of one parcel of land and adjacent and internal rights-of-way. The District is being created to facilitate rehabilitation of the historic Board of Trade Building. The rehabilitated building will include 84-units of rental housing, 17 of which will be affordable, and approximately 16,645 square feet of commercial space in the City. The DEDA and the City anticipate entering into an agreement with Three D I, LLC, and development is likely to begin in 2019. This TIF Plan is expected to achieve many of the objectives outlined in the Development Program for Development District No. 17.

The activities contemplated in the Modification to the Development Program and the TIF Plan do not preclude the undertaking of other qualified development or redevelopment activities. These activities are anticipated to occur over the life of Development District No. 17 and the District.

## Development Program Overview

1. Property to be Acquired - Selected property located within the District may be acquired by the DEDA and City and is further described in this TIF Plan.
2. Relocation - Relocation services, to the extent required by law, are available pursuant to *M.S., Chapter 117* and other relevant state and federal laws.
3. Upon approval of a developer's plan relating to the project and completion of the necessary legal requirements, the DEDA or City may sell to a developer selected

properties that it may acquire within the District or may lease land or facilities to a developer.

4. The DEDA or City may perform or provide for some or all necessary acquisition, construction, relocation, demolition, and required utilities and public street work within the District.

## Description of Property in the District and Property to be Acquired

The District encompasses all property and adjacent rights-of-way and abutting roadways identified by the parcels listed below.

Parcel number	Address	Owner
010-0940-00400	301 West 1st Street	Dubin Does Duluth, LLC

Please also see the map in Appendix A for further information on the location of the District.

The DEDA or City may acquire any parcel within the District including interior and adjacent street rights of way. Any properties identified for acquisition will be acquired by the DEDA or City only in order to accomplish one or more of the following: storm sewer improvements; provide land for needed public streets, utilities and facilities; carry out land acquisition, site improvements, clearance and/or development to accomplish the uses and objectives set forth in this plan. The DEDA or City may acquire property by gift, dedication, condemnation or direct purchase from willing sellers in order to achieve the objectives of this TIF Plan. Such acquisitions will be undertaken only when there is assurance of funding to finance the acquisition and related costs.

## Classification of the District

The DEDA and City, in determining the need to create a tax increment financing district in accordance with *M.S., Sections 469.174 to 469.1794*, inclusive, as amended, find that the District, to be established, is a Housing District pursuant to *M.S., Section 469.174, Subd. 11 and M.S., Section 469.1761*.

In meeting the statutory criteria, the DEDA and City rely on the following facts and findings;

- The District consists of one parcel.
- The development will consist of 84-units of rental housing, 17 of which will be affordable, and approximately 16,645 square feet of commercial space in the City.
- 20% of the units will be occupied by persons or families with incomes less than 50% of median income.
- No more than 20 percent of the square footage of the building that receiving assistance from tax increments consists of commercial, retail, or other nonresidential uses.

Pursuant to *M.S., Section 469.176, Subd. 7*, the District does not contain any parcel or part of a parcel that qualified under the provisions of *M.S., Sections 273.111, 273.112, or 273.114* or *Chapter 473H* for taxes payable in any of the five calendar years before the filing of the request for certification of the District.

## Duration and First Year of Tax Increment of the District

Pursuant to *M.S., Section 469.175, Subd. 1, and Section 469.176, Subd. 1*, the duration and first year of tax increment of the District must be indicated within the TIF Plan. Pursuant to *M.S., Section 469.176, Subd. 1b.*, the duration of the District will be 25 years after receipt of the first increment by the DEDA and City. The DEDA and City elect to receive the first tax increment in 2022, which is no later than four years following the year of approval of the District. Thus, it is estimated that the District, including any modifications of the TIF Plan for subsequent phases or other changes, would terminate after 2047, or when the TIF Plan is satisfied. The DEDA and City reserve the right to decertify the District prior to the legally required date.

## Original Tax Capacity, Tax Rate and Estimated Captured Net Tax Capacity Value/Increment and Notification of Prior Planned Improvements

Pursuant to *M.S., Section 469.174, Subd. 7 and M.S., Section 469.177, Subd. 1*, the Original Net Tax Capacity (ONTC) as certified for the District will be based on the market values placed on the property by the assessor in 2019 for taxes payable 2020.

Pursuant to *M.S., Section 469.177, Subds. 1 and 2*, the County Auditor shall certify in each year (beginning in the payment year 2021) the amount by which the original value has increased or decreased as a result of:

1. Change in tax exempt status of property;
2. Reduction or enlargement of the geographic boundaries of the district;
3. Change due to adjustments, negotiated or court-ordered abatements;
4. Change in the use of the property and classification;
5. Change in state law governing class rates; or
6. Change in previously issued building permits.

In any year in which the current Net Tax Capacity (NTC) value of the District declines below the ONTC, no value will be captured and no tax increment will be payable to the City.

The original local tax rate for the District will be the local tax rate for taxes payable 2020, assuming the request for certification is made before June 30, 2020. The ONTC and the Original Local Tax Rate for the District appear in the table below.

Pursuant to *M.S., Section 469.174 Subd. 4 and M.S., Section 469.177, Subd. 1, 2, and 4*, the estimated Captured Net Tax Capacity (CTC) of the District, within Development District No. 17, upon completion of the project within the District, will annually approximate tax increment revenues as shown in the table below. The City requests 100 percent of the available increase in tax capacity for repayment of its obligations and current expenditures, beginning in the tax year payable 2022. The Project Tax Capacity (PTC) listed is an estimate of values when the project within the District is completed.

Project Tax Capacity		
Project estimated Tax Capacity upon completion	\$229,161	
Original estimated Net Tax Capacity	\$11,253	
<u>Fiscal Disparities</u>	<u>\$0</u>	
<b>Estimated Captured Tax Capacity</b>	<b>\$217,907</b>	
Original Local Tax Rate	<u>144.7740%</u>	Pay 2019
<b>Estimated Annual Tax Increment</b>	<b>\$315,473</b>	
Percent Retained by the City	100%	

Note: Tax capacity includes a 3.0% inflation factor for the duration of the District. The tax capacity included in this chart is the estimated tax capacity of the District in year 25. The tax capacity of the District in year one is estimated to be \$47,323.

Pursuant to *M.S., Section 469.177, Subd. 4*, the DEDA and City shall, after a due and diligent search, accompany its request for certification to the County Auditor or its notice of the District enlargement pursuant to *M.S., Section 469.175, Subd. 4*, with a listing of all properties within the District or area of enlargement for which building permits have been issued during the eighteen (18) months immediately preceding approval of the TIF Plan by the municipality pursuant to *M.S., Section 469.175, Subd. 3*. The County Auditor shall increase the original net tax capacity of the District by the net tax capacity of improvements for which a building permit was issued.

The City has reviewed the area to be included in the District and found no parcels for which building permits have been issued during the 18 months immediately preceding approval of the TIF Plan by the City.

### Sources of Revenue/Bonds to be Issued

The costs outlined in the Uses of Funds will be financed primarily through the annual collection of tax increments. The DEDA and City reserve the right to incur bonds or other indebtedness as a result of the TIF Plan. As presently proposed, the project within the District will be financed by a pay-as-you-go note and interfund loan. Any refunding amounts will be deemed a budgeted cost without a formal TIF Plan Modification. This provision does not obligate the DEDA or City to incur debt. The DEDA and City will issue bonds or incur other debt only upon the determination that such action is in the best interest of the City.

The total estimated tax increment revenues for the District are shown in the table below:

SOURCES	
Tax Increment	\$ 5,571,951
<u>Interest</u>	<u>557,195</u>
<b>TOTAL</b>	<b>\$ 6,129,146</b>

The DEDA and City may issue bonds (as defined in the TIF Act) secured in whole or in part with tax increments from the District in a maximum principal amount of \$3,914,681. Such bonds may be in the form of pay-as-you-go notes, revenue bonds or notes, general obligation bonds, or interfund loans. This estimate of total bonded indebtedness is a cumulative statement of authority under this TIF Plan as of the date of approval.

## Uses of Funds

Currently under consideration for the District is a proposal to facilitate rehabilitation of the historic Board of Trade Building. The rehabilitated building will include 84-units of rental housing, 17 of which will be affordable, and approximately 16,645 square feet of commercial space. The DEDA and City have determined that it will be necessary to provide assistance to the project for certain District costs, as described. The DEDA and City have studied the feasibility of the development or redevelopment of property in and around the District. To facilitate the establishment and development or redevelopment of the District, this TIF Plan authorizes the use of tax increment financing to pay for the cost of certain eligible expenses. The estimate of public costs and uses of funds associated with the District is outlined in the following table.

<b>USES</b>	
Land/Building Acquisition	\$ 1,000,000
Site Improvements/Preparation	200,000
Affordable Housing	2,000,000
Utilities	100,000
Other Qualifying Improvements	57,486
Administrative Costs (up to 10%)	557,195
<b>PROJECT AND INTEREST COSTS TOTAL</b>	<b>\$ 3,914,681</b>
Interest	2,214,464
<b>PROJECT AND INTEREST COSTS TOTAL</b>	<b>\$ 6,129,146</b>

The total project cost, including financing costs (interest) listed in the table above does not exceed the total projected tax increments for the District as shown in the Sources of Revenue section.

## Estimated Impact on Other Taxing Jurisdictions

The estimated impact on other taxing jurisdictions assumes that the redevelopment contemplated by the TIF Plan would occur without the creation of the District. However, the DEDA and City have determined that such development or redevelopment would not occur "but for" tax increment financing and that, therefore, the fiscal impact on other taxing jurisdictions is \$0. The estimated fiscal impact of the District would be as follows if the "but for" test was not met:

Impact on Tax Base			
Entity	2018/Pay 2019 Total Net Tax Capacity	Estimated Captured Tax Capacity (CTC) upon completion	Percent of CTC to Entity Total
St. Louis County	191,650,690	217,907	<b>0.1137%</b>
City of Duluth	74,108,442	217,907	<b>0.2940%</b>
ISD 709	83,439,718	217,907	<b>0.2612%</b>

Impact on Tax Rates				
Entity	Pay 2019 Extension Rate	Percent of Total	CTC	Potential Taxes
St. Louis County	65.1630%	45.01%	217,907	<b>141,995</b>
City of Duluth	42.0940%	29.08%	217,907	<b>91,726</b>
ISD 709	31.4890%	21.75%	217,907	<b>68,617</b>
Other	6.0280%	4.16%	217,907	<b>13,135</b>
<b>Total</b>	<b>144.7740%</b>	<b>100.00%</b>		<b>315,473</b>

The estimates listed above display the captured tax capacity when all construction is completed. The tax rate used for calculations is the Pay 2019 rate. The total net capacity for the entities listed above are based on Pay 2019 figures. The District will be certified under the Pay 2020 rates, which were unavailable at the time this TIF Plan was prepared.

Pursuant to *M.S. Section 469.175 Subd. 2(b)*:

- (1) Estimate of total tax increment. It is estimated that the total amount of tax increment that will be generated over the life of the District is \$5,571,951;
- (2) Probable impact of the District on city provided services and ability to issue debt. An impact of the District on police protection is expected. With any addition of new residents or businesses, police calls for service will be increased. New developments add an increase in traffic, and additional overall demands to the call load. The City does not expect that the proposed development, in and of itself, will necessitate new capital investment in vehicles or facilities.

The probable impact of the District on fire protection is not expected to be significant. The improvements to the building and conversion to a residential building are anticipated to make the building safer to both the community and firefighters. Currently only the basement has an automatic sprinkler system. In addition, the building has only one standpipe. With the improvement, a second standpipe will be added along with code compliant fire alarms. These improvements are anticipated to make the building safer to occupants, firefighters and neighboring buildings.

The impact of the District on public infrastructure is expected to be minimal. The development is not expected to significantly impact any traffic movements in the area. The current infrastructure for sanitary sewer, storm sewer and water will be able to

handle the additional volume generated from the proposed development. It is possible a larger pipe may be needed to accommodate the required sprinkler load; long-term plans include replacing current infrastructure with a larger main, but these plans are a few years in the future. Based on the development plans, there are no additional costs associated with street maintenance, sweeping, plowing, lighting and sidewalks. The development in the District is expected to contribute an estimated \$86,000 in fees.

The probable impact of any District general obligation tax increment bonds on the ability to issue debt for general fund purposes is expected to be minimal. It is not anticipated that there will be any general obligation debt issued in relation to this project, therefore there will be no impact on the City's ability to issue future debt or on the City's debt limit.

- (3) Estimated amount of tax increment attributable to school district levies. It is estimated that the amount of tax increments over the life of the District that would be attributable to school district levies, assuming the school district's share of the total local tax rate for all taxing jurisdictions remained the same, is \$1,211,925.
- (4) Estimated amount of tax increment attributable to county levies. It is estimated that the amount of tax increments over the life of the District that would be attributable to county levies, assuming the county's share of the total local tax rate for all taxing jurisdictions remained the same, is \$2,507,944.
- (5) Additional information requested by the county or school district. The City is not aware of any standard questions in a county or school district written policy regarding tax increment districts and impact on county or school district services. The county or school district must request additional information pursuant to *M.S. Section 469.175 Subd. 2(b)* within 15 days after receipt of the tax increment financing plan.

No requests for additional information from the county or school district regarding the proposed development for the District have been received.

## Supporting Documentation

Pursuant to *M.S. Section 469.175, Subd. 1 (a), clause 7*, the TIF Plan must contain identification and description of studies and analyses used to make the determination set forth in *M.S. Section 469.175, Subd. 3, clause (b)(2)* and the findings are required in the resolution approving the District.

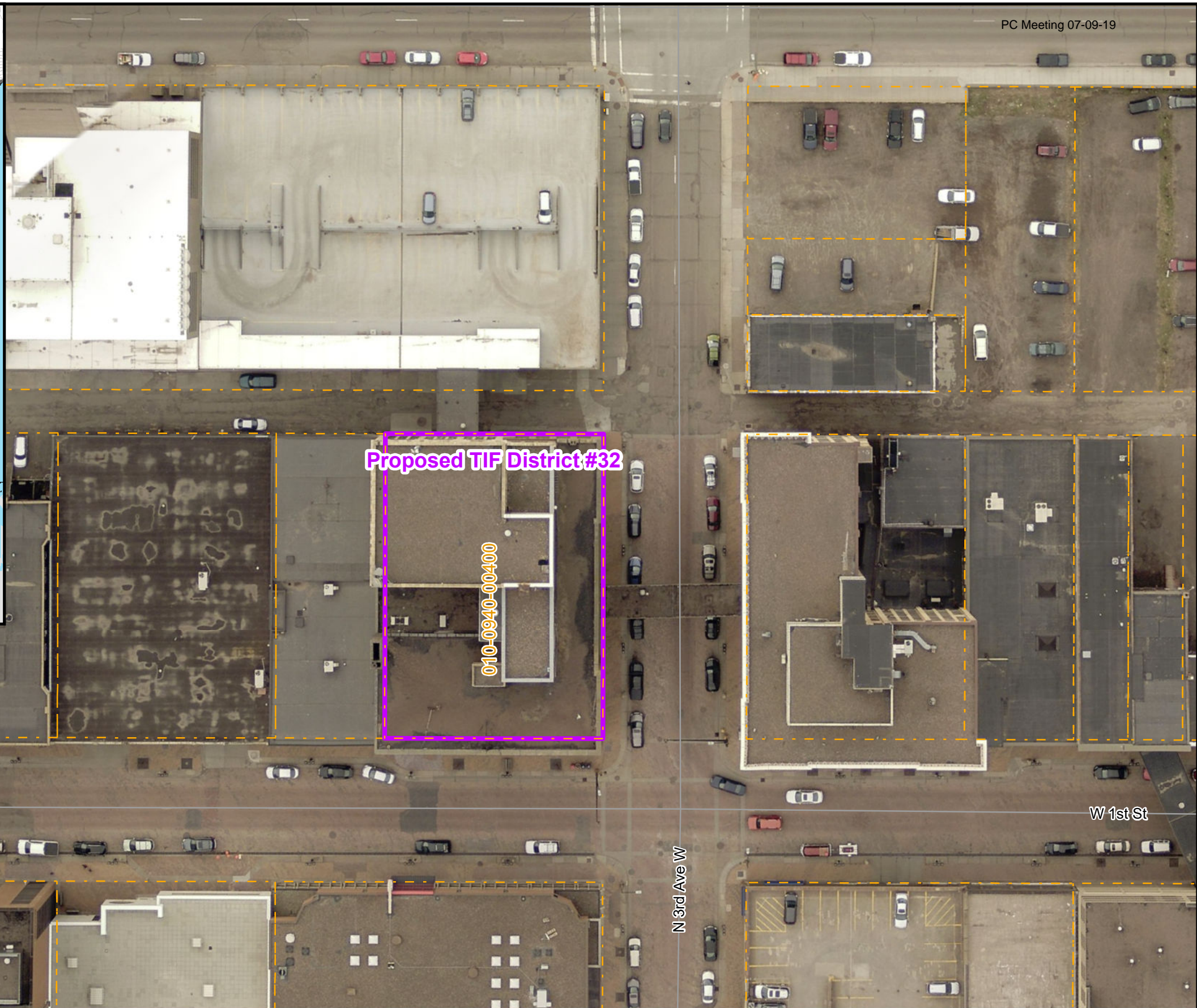
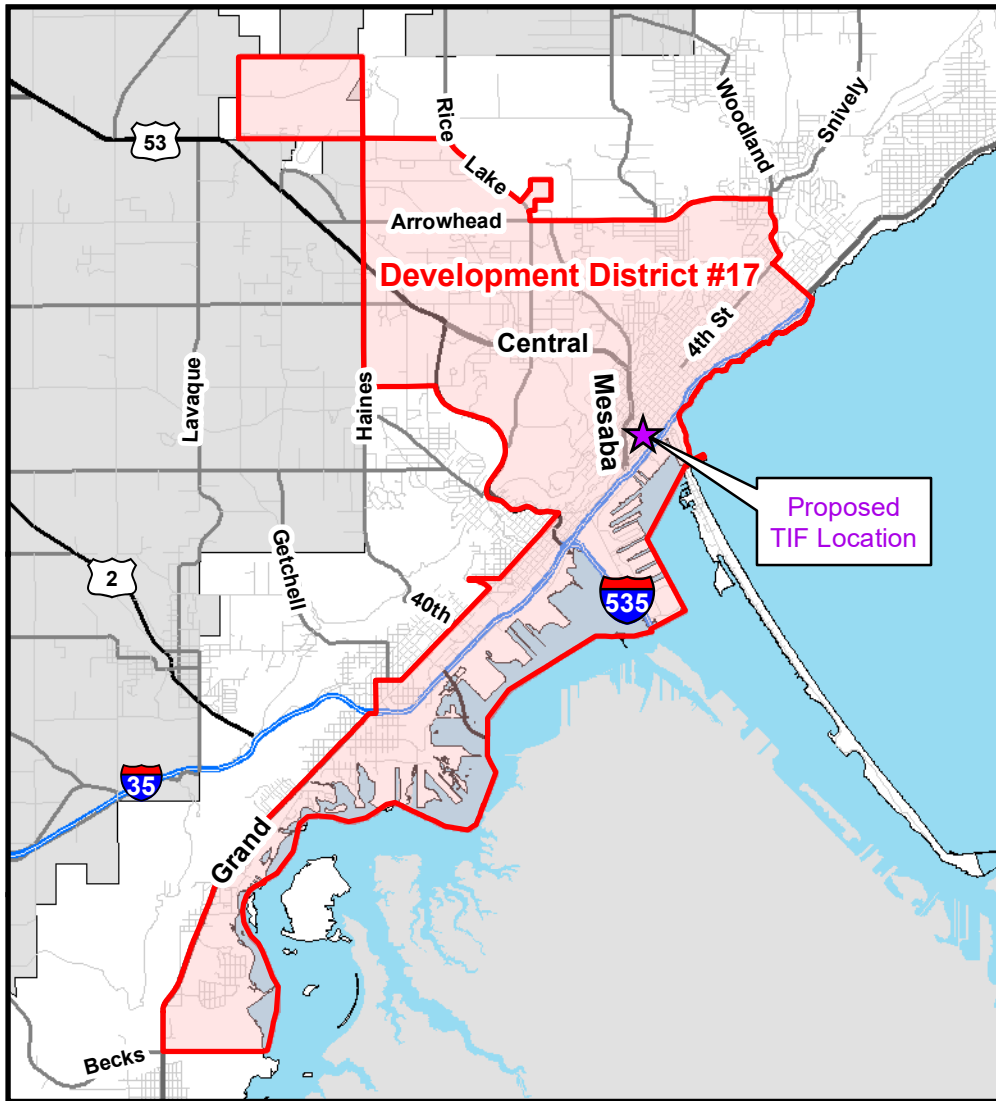
- (i) In making said determination, reliance has been placed upon (1) written representation made by the developer to such effects; and (2) City staff awareness of the feasibility of developing the project site within the District, which is further outlined in the city council resolution approving the establishment of the TIF District.
- (ii) A comparative analysis of estimated market value both with and without establishment of the TIF District and the use of tax increments has been performed. Such analysis is included with the cashflow in Appendix B and indicates that the increase in estimated market value of the proposed development (less the indicated subtractions) exceeds the estimated market value of the site absent the establishment of the TIF District and the use of tax increments.






## **Administration of the District**

Administration of the District will be handled by the Director of Planning and Economic Development.

## **Appendix A: Map of Development District No. 17 and the District.**



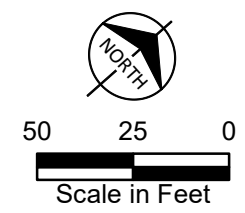
Path: I:\DEVELOPMENT\BUS\_DEV\New BD\PROJECTS\Specific Projects\Board of Trade Building\TIF\GIS\PotentialDistrictTIF32.mxd 5/7/2019

-  Proposed TIF District #32 Boundary
-  Development District #17 Boundary
-  Parcel Boundary



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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### Proposed TIF District #32

## **Appendix B: Estimated Cash Flow for the District**



**Board of Trade Historic Redevelopment**  
City of Duluth, MN

67 Market Rate Apartments and 17 Affordable Apartments; 16,645 Sq. Ft. Commercial

**ASSUMPTIONS AND RATES**

<b>DistrictType:</b>	<b>Housing</b>
<b>District Name/Number:</b>	
<b>County District #:</b>	
<b>First Year Construction or Inflation on Value</b>	<b>2020</b>
<b>Existing District - Specify No. Years Remaining</b>	
<b>Inflation Rate - Every Year:</b>	<b>3.00%</b>
<b>Interest Rate:</b>	<b>4.00%</b>
<b>Present Value Date:</b>	<b>1-Aug-21</b>
<b>First Period Ending</b>	<b>1-Feb-22</b>
<b>Tax Year District was Certified:</b>	<b>Pay 2020</b>
<b>Cashflow Assumes First Tax Increment For Development:</b>	<b>2022</b>
<b>Years of Tax Increment</b>	<b>26</b>
<b>Assumes Last Year of Tax Increment</b>	<b>2047</b>
<b>Fiscal Disparities Election [Outside (A), Inside (B), or NA]</b>	<b>NA</b>
<b>Incremental or Total Fiscal Disparities</b>	<b>NA</b>
<b>Fiscal Disparities Contribution Ratio</b>	<b>NA Pay 2019</b>
<b>Fiscal Disparities Metro-Wide Tax Rate</b>	<b>NA Pay 2019</b>
<b>Maximum/Frozen Local Tax Rate:</b>	<b>144.774% Pay 2019</b>
<b>Current Local Tax Rate: (Use lesser of Current or Max.)</b>	<b>144.774% Pay 2019</b>
<b>State-wide Tax Rate (Comm./Ind. only used for total taxes)</b>	<b>42.4160% Pay 2019</b>
<b>Market Value Tax Rate (Used for total taxes)</b>	<b>0.19418% Pay 2019</b>

Tax Rates	
Exempt Class Rate (Exempt)	0.00%
Commercial Industrial Preferred Class Rate (C/I Pref.)	
First \$150,000	1.50%
Over \$150,000	2.00%
Commercial Industrial Class Rate (C/I)	2.00%
Rental Housing Class Rate (Rental)	1.25%
Affordable Rental Housing Class Rate (Aff. Rental)	
First \$150,000	0.75%
Over \$150,000	0.25%
Non-Homestead Residential (Non-H Res. 1 Unit)	
First \$500,000	1.00%
Over \$500,000	1.25%
Homestead Residential Class Rate (Hmstd. Res.)	
First \$500,000	1.00%
Over \$500,000	1.25%
Agricultural Non-Homestead	1.00%

**BASE VALUE INFORMATION (Original Tax Capacity)**

Map ID	PID	Owner	Address	Land Market Value	Building Market Value	Total Market Value	Percentage Of Value Used for District	Original Market Value	Tax Year Original Market Value	Property Tax Class	Current Original Tax Capacity	Class After Conversion	After Conversion Orig. Tax Cap.	Area/Phase
1	010-0940-00400	Dubin Does Duluth, LLC	111 N 3rd Ave. W	0	928,700	928,700	66%	612,942	Pay 2020	C/I Pref.	11,509	Rental	7,662	1
1	010-0940-00400	Dubin Does Duluth, LLC	111 N 3rd Ave. W	0	928,700	928,700	17%	157,879	Pay 2020	C/I	3,158	Aff. Rental	1,184	
1	010-0940-00400	Dubin Does Duluth, LLC	111 N 3rd Ave. W	0	928,700	928,700	17%	157,879	Pay 2020	C/I	3,158	C/I Pref.	2,408	
				0	2,786,100	2,786,100		928,700			17,824		11,253	

**Note:**

1. Base values are for pay 2020 based upon information received from the City.
2. UTA 010-0709-00-02-00-00



**Board of Trade Historic Redevelopment**

City of Duluth, MN

67 Market Rate Apartments and 17 Affordable Apartments; 16,645 Sq. Ft. Commercial

PROJECT INFORMATION (Project Tax Capacity)														
Area/Phase	New Use	Estimated Market Value Per Sq. Ft./Unit	Taxable Market Value Per Sq. Ft./Unit	Total Sq. Ft./Units	Total Taxable Market Value	Property Tax Class	Project Tax Capacity	Project Tax Capacity/Unit	Percentage Completed 2020	Percentage Completed 2021	Percentage Completed 2022	Percentage Completed 2023	First Year Full Taxes Payable	
1	Apartments	90,000	90,000	67	6,030,000	Rental	75,375	1,125	40%	100%	100%	100%	2023	
1	Apartments	90,000	90,000	17	1,530,000	Aff. Rental	11,475	675	40%	100%	100%	100%	2023	
1	Commercial	80	80	16,645	1,331,600	C/I Pref.	25,882	2	40%	100%	100%	100%	2023	
<b>TOTAL</b>					<b>8,891,600</b>		<b>112,732</b>							
<b>Subtotal Residential</b>				<b>84</b>	<b>7,560,000</b>		<b>86,850</b>							
<b>Subtotal Commercial/Ind.</b>				<b>16,645</b>	<b>1,331,600</b>		<b>25,882</b>							

**Note:**

1. Market values are based upon estimates received from the County Appraiser.

TAX CALCULATIONS									
New Use	Total Tax Capacity	Fiscal Disparities Tax Capacity	Local Tax Capacity	Local Property Taxes	Fiscal Disparities Taxes	State-wide Property Taxes	Market Value Taxes	Total Taxes	Taxes Per Sq. Ft./Unit
Apartments	75,375	0	75,375	109,123	0	0	11,709	120,832	1,803.47
Apartments	11,475	0	11,475	16,613	0	0	2,971	19,584	1,151.99
Commercial	25,882	0	25,882	37,470	0	10,342	2,586	50,398	3.03
<b>TOTAL</b>	<b>112,732</b>	<b>0</b>	<b>112,732</b>	<b>163,207</b>	<b>0</b>	<b>10,342</b>	<b>17,266</b>	<b>190,814</b>	

**Note:**

1. Taxes and tax increment will vary significantly from year to year depending upon values, rates, state law, fiscal disparities and other factors which cannot be predicted.

WHAT IS EXCLUDED FROM TIF?	
Total Property Taxes	190,814
less State-wide Taxes	(10,342)
less Fiscal Disp. Adj.	0
less Market Value Taxes	(17,266)
less Base Value Taxes	(16,292)
<b>Annual Gross TIF</b>	<b>146,915</b>

MARKET VALUE BUT / FOR ANALYSIS	
Current Market Value - Est.	928,700
New Market Value - Est.	8,891,600
Difference	7,962,900
Present Value of Tax Increment	3,122,676
Difference	4,840,224
Value likely to occur without Tax Increment is less than:	<b>4,840,224</b>



**Board of Trade Historic Redevelopment  
City of Duluth, MN**

**67 Market Rate Apartments and 17 Affordable Apartments; 16,645 Sq. Ft. Commercial**

<b>TAX INCREMENT CASH FLOW</b>														
% of OTC	Project Tax Capacity	Original Tax Capacity	Fiscal Disparities NA	Captured Tax Capacity	Local Tax Rate	Annual Gross Tax Increment	Semi-Annual Gross Tax Increment	State Auditor 0.36%	Admin. at 10%	Semi-Annual Net Tax Increment	Semi-Annual Present Value	PERIOD ENDING Yrs.	Tax Year	Payment Date
100%	45,093	(11,253)	-	33,839	144.774%	48,991	24,495	(88)	(2,441)	21,966	21,113	0.5	2022	02/01/22
100%	112,732	(11,253)	-	101,479	144.774%	146,915	24,495	(88)	(2,441)	21,966	41,813	1	2022	02/01/23
100%	116,114	(11,253)	-	104,861	144.774%	151,811	73,457	(264)	(7,319)	65,874	102,670	1.5	2023	08/01/23
100%	119,597	(11,253)	-	108,344	144.774%	156,854	73,457	(264)	(7,319)	65,874	162,334	2	2023	02/01/24
100%	123,185	(11,253)	-	111,932	144.774%	162,048	75,905	(273)	(7,563)	68,069	222,777	2.5	2024	08/01/24
100%	126,881	(11,253)	-	115,627	144.774%	167,398	75,905	(273)	(7,563)	68,069	282,035	3	2024	02/01/25
100%	130,687	(11,253)	-	119,434	144.774%	172,909	78,427	(282)	(7,814)	70,330	342,061	3.5	2025	08/01/25
100%	134,608	(11,253)	-	123,354	144.774%	178,585	78,427	(282)	(7,814)	70,330	400,910	4	2025	02/01/26
100%	138,646	(11,253)	-	127,393	144.774%	184,431	81,024	(292)	(8,073)	72,659	460,516	4.5	2026	08/01/26
100%	142,806	(11,253)	-	131,552	144.774%	190,453	81,024	(292)	(8,073)	72,659	518,953	5	2026	02/01/27
100%	147,090	(11,253)	-	135,836	144.774%	196,656	83,699	(301)	(8,340)	75,058	578,136	5.5	2027	08/01/27
100%	151,502	(11,253)	-	140,249	144.774%	203,044	83,699	(301)	(8,340)	75,058	636,158	6	2027	02/01/28
100%	156,047	(11,253)	-	144,794	144.774%	209,624	86,455	(311)	(8,614)	77,529	694,915	6.5	2028	08/01/28
100%	160,729	(11,253)	-	149,475	144.774%	216,402	86,455	(311)	(8,614)	77,529	752,521	7	2028	02/01/29
100%	165,551	(11,253)	-	154,297	144.774%	223,382	89,293	(321)	(8,897)	80,074	810,850	7.5	2029	08/01/29
100%	170,517	(11,253)	-	159,264	144.774%	230,573	89,293	(321)	(8,897)	80,074	868,036	8	2029	02/01/30
100%	175,633	(11,253)	-	164,379	144.774%	237,979	92,216	(332)	(9,188)	82,695	925,936	8.5	2030	08/01/30
100%	180,902	(11,253)	-	169,648	144.774%	245,607	92,216	(332)	(9,188)	82,695	982,701	9	2030	02/01/31
100%	186,329	(11,253)	-	175,075	144.774%	253,464	95,227	(343)	(9,488)	85,395	1,040,169	9.5	2031	08/01/31
100%	191,919	(11,253)	-	180,665	144.774%	261,556	95,227	(343)	(9,488)	85,395	1,096,511	10	2031	02/01/32
100%	197,676	(11,253)	-	186,423	144.774%	269,892	98,328	(354)	(9,797)	88,176	1,153,547	10.5	2032	08/01/32
100%	203,607	(11,253)	-	192,353	144.774%	278,477	98,328	(354)	(9,797)	88,176	1,209,465	11	2032	02/01/33
100%	209,715	(11,253)	-	198,461	144.774%	287,320	101,522	(365)	(10,116)	91,041	1,266,067	11.5	2033	08/01/33
100%	216,006	(11,253)	-	204,753	144.774%	296,429	101,522	(365)	(10,116)	91,041	1,321,559	12	2033	02/01/34
100%	222,486	(11,253)	-	211,233	144.774%	305,810	104,812	(377)	(10,443)	93,991	1,377,726	12.5	2034	08/01/34
100%	229,161	(11,253)	-	217,907	144.774%	315,473	104,812	(377)	(10,443)	93,991	1,432,792	13	2034	02/01/35
100%							108,201	(390)	(10,781)	97,030	1,488,524	13.5	2035	08/01/35
100%							108,201	(390)	(10,781)	97,030	1,543,163	14	2035	02/01/36
100%							111,691	(402)	(11,129)	100,160	1,598,458	14.5	2036	08/01/36
100%							111,691	(402)	(11,129)	100,160	1,652,669	15	2036	02/01/37
100%							115,286	(415)	(11,487)	103,384	1,707,529	15.5	2037	08/01/37
100%							115,286	(415)	(11,487)	103,384	1,761,312	16	2037	02/01/38
100%							118,989	(428)	(11,856)	106,705	1,815,734	16.5	2038	08/01/38
100%							118,989	(428)	(11,856)	106,705	1,869,090	17	2038	02/01/39
100%							122,803	(442)	(12,236)	110,125	1,923,076	17.5	2039	08/01/39
100%							122,803	(442)	(12,236)	110,125	1,976,003	18	2039	02/01/40
100%							126,732	(456)	(12,628)	113,648	2,029,552	18.5	2040	08/01/40
100%							126,732	(456)	(12,628)	113,648	2,082,052	19	2040	02/01/41
100%							130,778	(471)	(13,031)	117,277	2,135,165	19.5	2041	08/01/41
100%							130,778	(471)	(13,031)	117,277	2,187,237	20	2041	02/01/42
100%							134,946	(486)	(13,446)	121,014	2,239,915	20.5	2042	08/01/42
100%							134,946	(486)	(13,446)	121,014	2,291,560	21	2042	02/01/43
100%							139,239	(501)	(13,874)	124,864	2,343,803	21.5	2043	08/01/43
100%							139,239	(501)	(13,874)	124,864	2,395,022	22	2043	02/01/44
100%							143,660	(517)	(14,314)	128,829	2,446,831	22.5	2044	08/01/44
100%							143,660	(517)	(14,314)	128,829	2,497,624	23	2044	02/01/45
100%							148,214	(534)	(14,768)	132,913	2,549,000	23.5	2045	08/01/45
100%							148,214	(534)	(14,768)	132,913	2,599,368	24	2045	02/01/46
100%							152,905	(550)	(15,235)	137,119	2,650,312	24.5	2046	08/01/46
100%							152,905	(550)	(15,235)	137,119	2,700,257	25	2046	02/01/47
100%							157,737	(568)	(15,717)	141,452	2,750,769	25.5	2047	08/01/47
100%							157,737	(568)	(15,717)	141,452	2,800,291	26	2047	02/01/48
<b>Total</b>							<b>5,592,082</b>	<b>(20,131)</b>	<b>(557,195)</b>	<b>5,014,756</b>				
		<b>Present Value From 08/01/2021</b>		<b>Present Value Rate</b>	<b>4.00%</b>		<b>3,122,676</b>	<b>(11,242)</b>	<b>(311,143)</b>	<b>2,800,291</b>				

## Appendix C: Findings Including But/For Qualifications

The reasons and facts supporting the findings for the adoption of the Tax Increment Financing Plan for Tax Increment Financing District No. 32, as required pursuant to Minnesota Statutes, Section 469.175, Subdivision 3 are as follows:

1. *Finding that Tax Increment Financing District No. 32 is a housing district as defined in M.S., Section 469.174, Subd. 11.*

TIF District No. 32 consists of one parcel. The District is being created to facilitate rehabilitation of the historic Board of Trade Building. The rehabilitated building will include 84-units of rental housing, 17 of which will be affordable, and approximately 16,645 square feet of commercial space in the City, all or a portion of which will receive tax increment assistance and will meet income restrictions described in M.S. 469.1761. At least 20 percent of the units receiving assistance will have incomes at or below 50 percent of statewide median income.

2. *Finding that the proposed development, in the opinion of the City Council, would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future.*

*The proposed development, in the opinion of the City, would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future:* This finding is supported by the fact that the development proposed in this plan is an adaptive reuse of a historic building that will contain affordable housing units meeting the City's objectives for development. The cost of building rehabilitation makes this housing development infeasible without City assistance. The cost to rehabilitate the building for housing is the same for affordable housing units as it is for market rate housing units. The decreased rental income from the affordable units means there is less cash flow available to service the operating and debt expenses for the project. That leaves a gap in funding for the project. The need to offset this reduction in rents for the affordable housing units makes this development feasible only through assistance, in part, from tax increment financing. The developer was asked for and provided a letter and a pro forma as justification that the project would not have gone forward without tax increment assistance.

*The increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the TIF District permitted by the TIF Plan:* This finding is justified on the grounds that the costs of building acquisition, and rehabilitation for housing adds to the total development cost. Historically, the costs of construction and/or rehabilitation in the City have made development of affordable housing infeasible without tax increment assistance. Although other projects could potentially be proposed, the



City reasonably determines that no other redevelopment of similar scope providing the desired affordability can be anticipated on this site without substantially similar assistance being provided to the development.

3. *Finding that the TIF Plan for Tax Increment Financing District No. 32 conforms to the general plan for the development or redevelopment of the municipality as a whole.*

The Planning Commission reviewed the TIF Plan and found that the TIF Plan conforms to the general development plan of the City.

4. *Finding that the TIF Plan for Tax Increment Financing District No. 32 will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the development or redevelopment of Development District No. 17 by private enterprise.*

Through the implementation of the TIF Plan, the DEDA or City will provide an impetus for residential development, which is desirable or necessary for increased population and an increased need for life-cycle housing within the City.





**CITY OF DULUTH**

Community Planning Division

411 W 1<sup>st</sup> St, Rm 110 \* Duluth, Minnesota 55802-1197

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

<b>File Number</b>	PL 19-073	<b>Contact</b>	Chris Lee	
<b>Type</b>	Planning Review for Apartment Building	<b>Planning Commission Date</b>	July 9, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>	May 7, 2019*	<b>60 Days</b>	August 24, 2019
	<b>Date Extension Letter Mailed</b>	May 21, 2019	<b>120 Days</b>	July 4, 2019
<b>Location of Subject</b>	Approx. 2215 London Road			
<b>Applicant</b>	Launch Properties	<b>Contact</b>	Scott Moe, Sr, Vice Pres.	
<b>Agent</b>	Kimley-Horn; DSGW	<b>Contact</b>	Brian Wurdeman, Scott Erickson	
<b>Legal Description</b>	See Attached			
<b>Site Visit Date</b>	June 25, 2019	<b>Sign Notice Date</b>	June 25, 2019	
<b>Neighbor Letter Date</b>	June 25, 2019	<b>Number of Letters Sent</b>	14	

**Proposal**

The applicant is proposing to construct a multi-family dwelling that will be 4 stories in height; however, because of topography, to 6 floors high, depending on grade. The structure will contain 98 units along with other amenities. The ground floor will provide space for operations (leasing, maintenance, and other functions) of the building with parking provided on the interior of the second level.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-C	Single Family homes	Central Business Secondary
<b>North</b>	MU-C	Commercial	Neighborhood Mixed Use
<b>South</b>	MU-B	Highway	Transportation and Utilities
<b>East</b>	MU-C	Commercial	Central Business Secondary
<b>West</b>	MU-C	Multi-family	Central Business Secondary

**Summary of Code Requirements**

- 50-15.3 MU-C District – Planning review by the Planning Commission is required for most development and redevelopment.
- 50-18.1.E Storm Water Management – Addresses water runoff quality and quantity pre- and post-construction.
- 50-20.3 Use Specific Standards for Commercial Uses – Delineates use specific standards.
- 50-23 Connectivity and Circulation – Focuses on pedestrian and bicycle accommodations.
- 50-24 Parking and Loading – Addresses required minimum and maximum parking spaces and loading docks, dimensional standards, snow storage, and pedestrian circulation.
- 50-25 Landscaping and Tree Preservation – Landscaping standards such as materials, plant size, location, and tree preservation.
- 50-26 Screening, Walls, and Fences – Screening of mechanical equipment, loading areas, and commercial containers, plus regulations regarding fences and retaining walls.
- 50-31 Exterior Lighting – Directs the minimum and maximum illumination values and lighting fixtures for a site.
- 50-37.11 Planning Review – Planning Commission shall approve the Planning Review or approve it with modifications, if it is determined that the application complies with all applicable provisions of the Chapter.

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

- Governing Principle #4 – Support economic growth sectors.
- Governing Principle #5 – Promote reinvestment in neighborhoods.
- Governing Principle #8 – Encourage mix of activities, uses, and densities.
- Governing Principle #9 – Support private actions that contribute to the public realm.

Future Land Use – 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.

Site History – The site currently contains 4 single-family homes that will be demolished.

In 2015, the Endi building was constructed to the west to provide 148 market rate apartments and 12,900 square feet of retail space.

**Review and Discussion Items**

Staff finds that:

- 1) 50-15.3 (MU-C District) – Site plan and building elevations show that the building will meet MU-C structure setbacks. The structure will need a variance to the height requirements due to its proximity to R-districts. The structure will be 66 feet tall plus additional height for the elevator shed.
- 2) 50-18.1.E (Storm Water Management) – The proposed structure will increase the site’s impervious surface area and the site must meet storm water requirements as stipulated in the UDC. A storm water plan has been submitted for review by City Engineering.
- 3) 50-20.1 C (Use Specific Standards) – Use specific standards do not apply to multi-family dwellings in an MU-C district.
- 4) 50-23 (Connectivity) – Site plan indicates that there will be connectivity around the building using sidewalks. The applicant will dedicate a new easement along South Street for pedestrian circulation between the building and the parking (some of the off-street parking will be located in right of way, if concurrent use permit is approved).
- 5) 50-24 (Parking and Loading) – The standard off-street parking requirement for a multi-family dwelling is 1.25 spaces per unit. The 98 units would require 122 off-street parking spaces. The site plan indicates that there will be 84 spaces for automobiles and 5 motorcycle spaces within the interior. The applicant is also proposing a concurrent use permit for an additional 19 spaces in the right of way for South Street. Due to the proximity to a transit line, the parking may be reduced to 85 spaces. If the concurrent use is approved, there will be ample parking on the site. An Administrative Adjustment may be needed if parking would be reduced further (up to 3 spaces). A traffic study has been completed and it was determined that there will not be a substantial increase in traffic nor will the project result in additional delays at intersections.
- 6) 50-25 (Landscaping and Tree Preservation) –The site plan indicates 20 trees and 39 shrubs on the site. The landscaping plan indicates that 25 new trees, both regular and special, are required. The applicant has indicated that overhead utilities result in an inability to place all required trees, and are therefore 5 trees short of the requirement. They are proposing to mitigate this by planting 21 more shrubs than required and they are proposing the shrubs be spaced as required in the code along the street frontage. Staff recommends a condition for landscape escrow in the amount of 125% the cost of landscaping prior to building permit issuance to insure landscape survival.
- 7) 50-26 (Screening, Walls, and Fences) – The applicant is not proposing any screening for dumpsters as all trash will be contained to an interior room. All rooftop mechanical equipment will be screened from view by parapets as part of the exterior.
- 8) 50-31 (Exterior Lighting) – No lighting plan has been submitted with the original site plans. A lighting plan will need to be submitted prior to issuing the building permit. Staff recommends a light temperature of 2700K, but will require temperature stay under 3000K for all lights on the site. All fixtures will need to be downcast and full cut-off.
- 9) To date, no City, public, or agency comments have been received.

10) Per UDC 50-37.1.N, an approved Planning Review will expire if the project or activity authorized is not begun within one year, which can be extended for one additional year at the discretion of the Land Use Supervisor.

**Staff Recommendation**

Based on the above findings, staff recommends approval of the Planning Review, subject to the following conditions:

- 1) The project be limited to, constructed, and maintained according to the site plans, landscaping plans, and exterior elevations provided with this application and dated May 7, 2019;
- 2) The applicant must provide a photometric plan for all new and updated exterior lighting (indicating 3000K maximum color temperature) at the time of application for a building permit and comply with UDC lighting criteria in 50-31;
- 3) The applicant will submit a landscape escrow or letter of credit in the amount of 125% the cost of landscaping installation to insure landscape survival for one year;
- 4) Any alterations to the approved plans that do not alter major elements of the plans may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of UDC Chapter 50.



Launch Properties:  
CUP, Plan Review, Variance

**R-1 (Residential  
Traditional)**

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

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

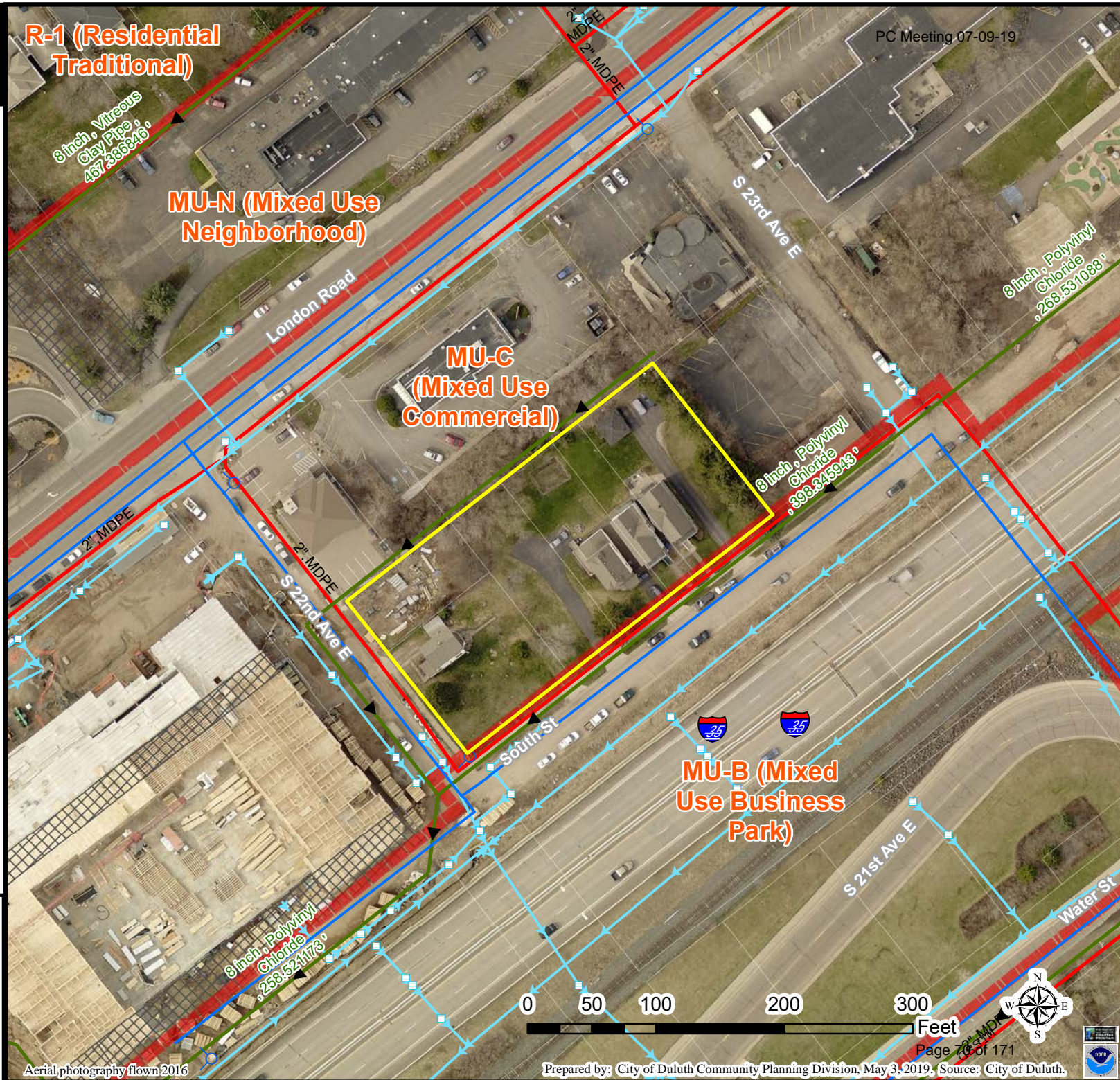
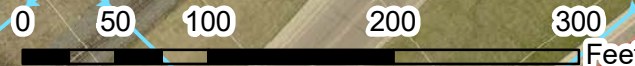
**MU-B (Mixed  
Use Business  
Park)**

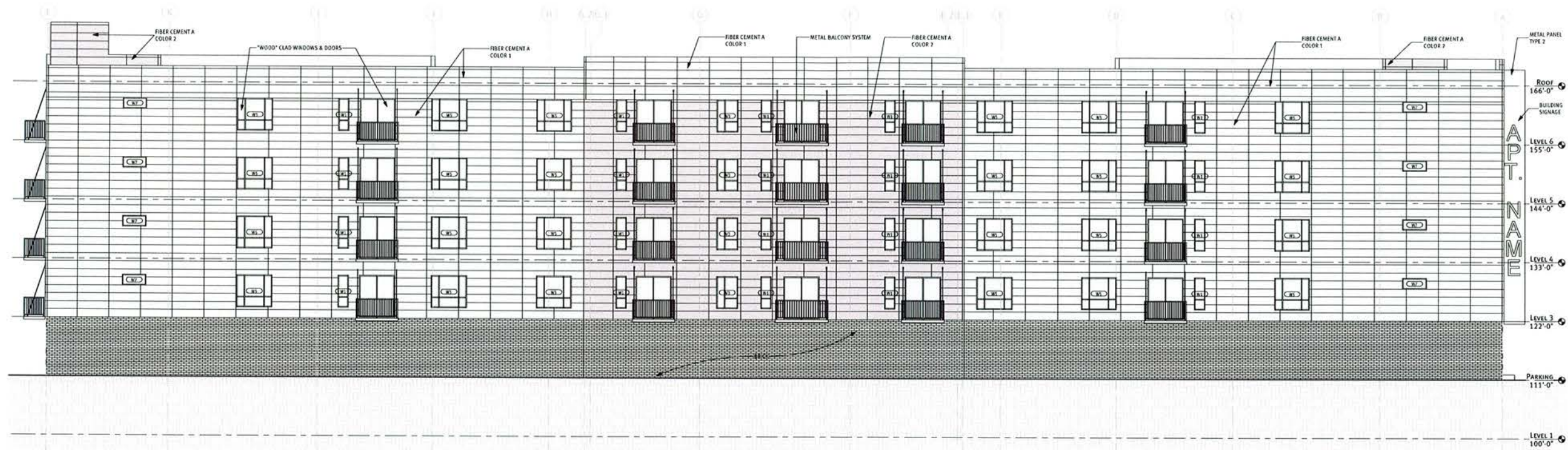
**Legend**

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

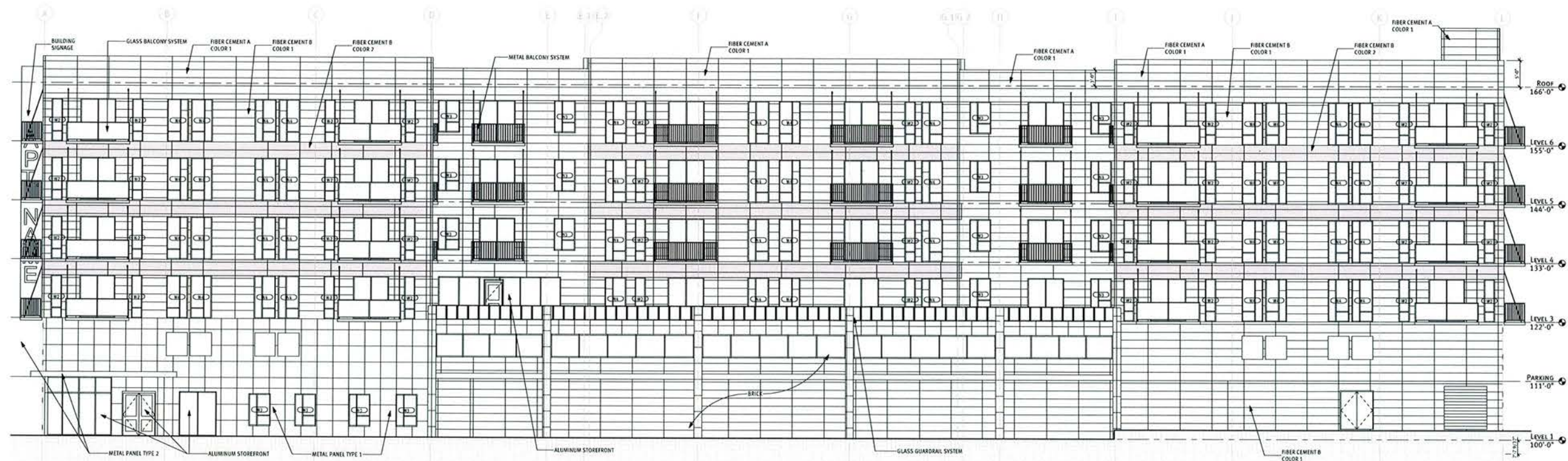
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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

Aerial photography flown 2016

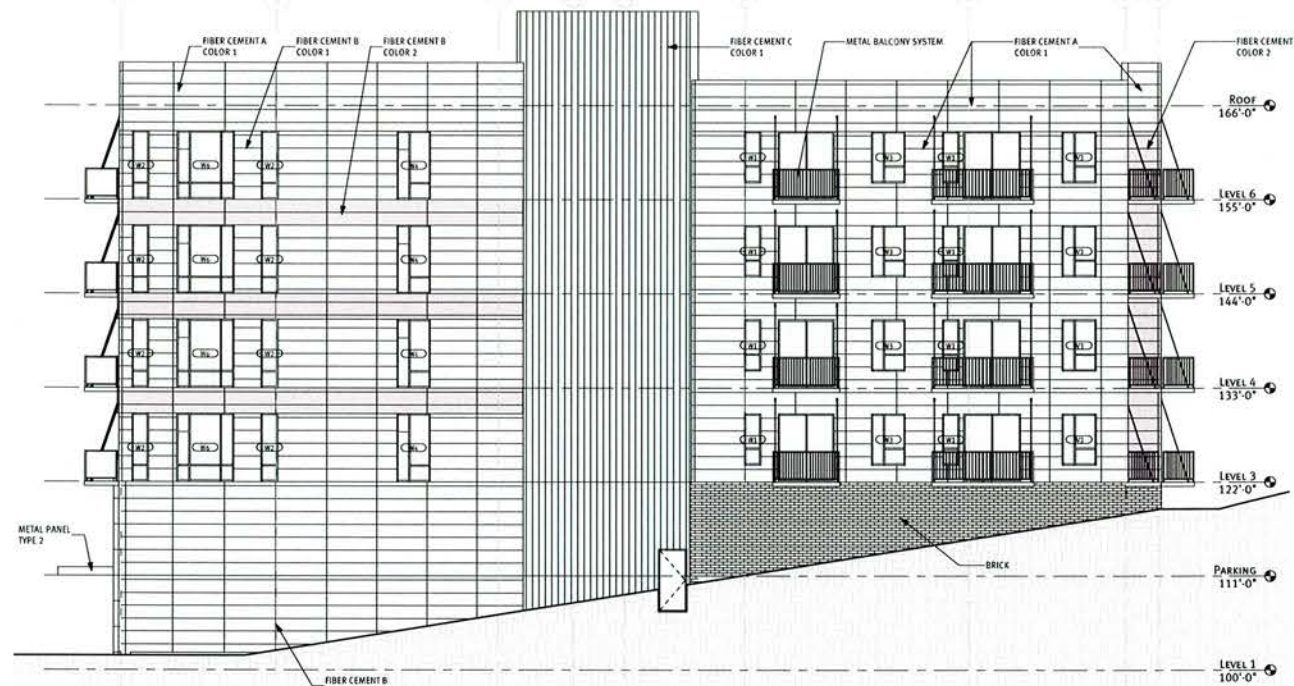




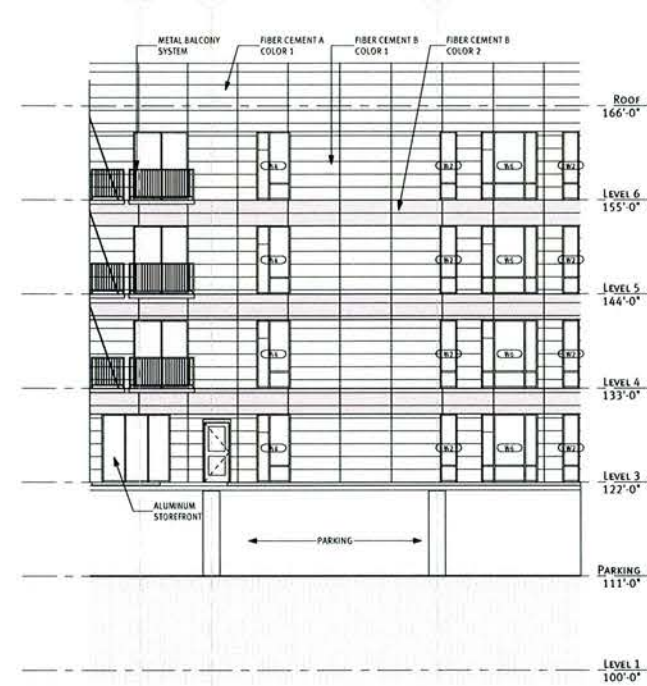
1 NORTH ELEVATION  
1/8" = 1'-0"



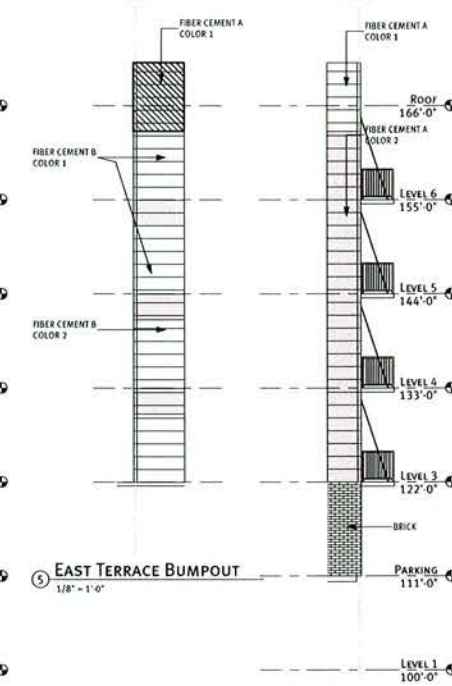
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1/8" = 1'-0"



1 EAST ELEVATION  
1/8" = 1'-0"

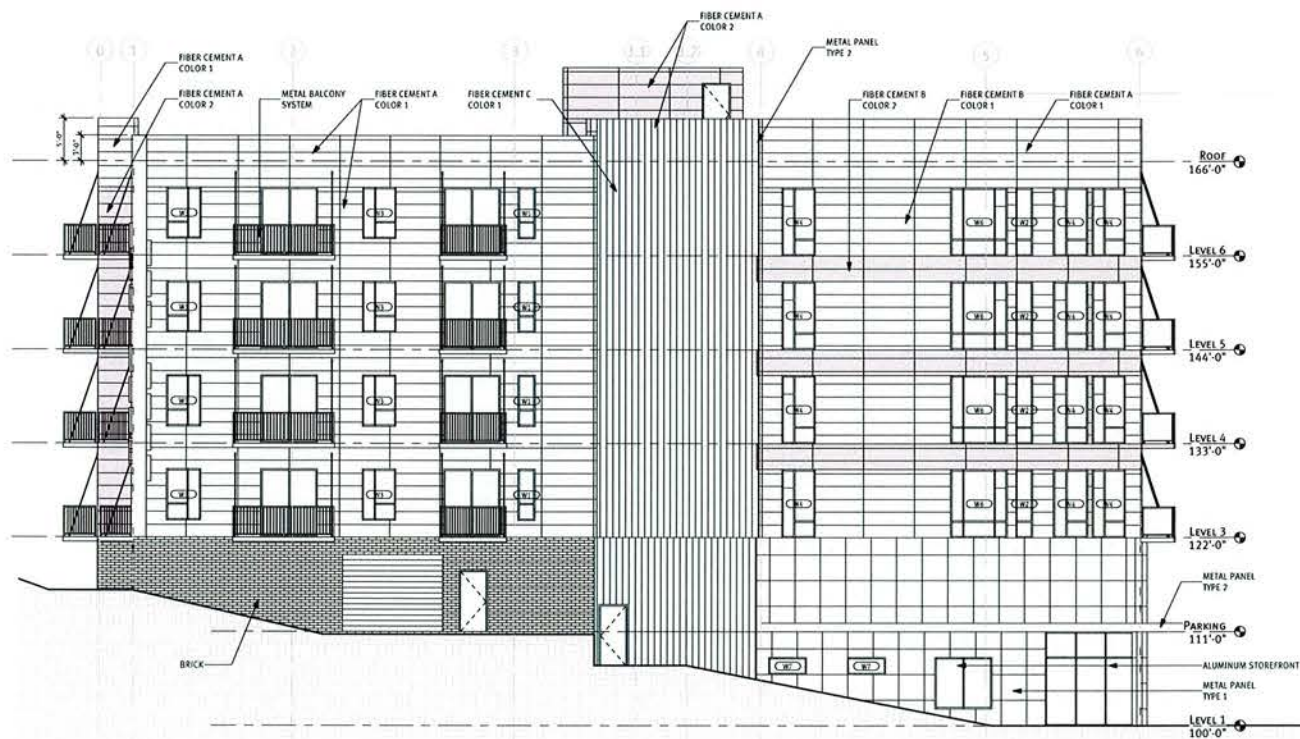


3 EAST TERRACE ELEVATION  
1/8" = 1'-0"

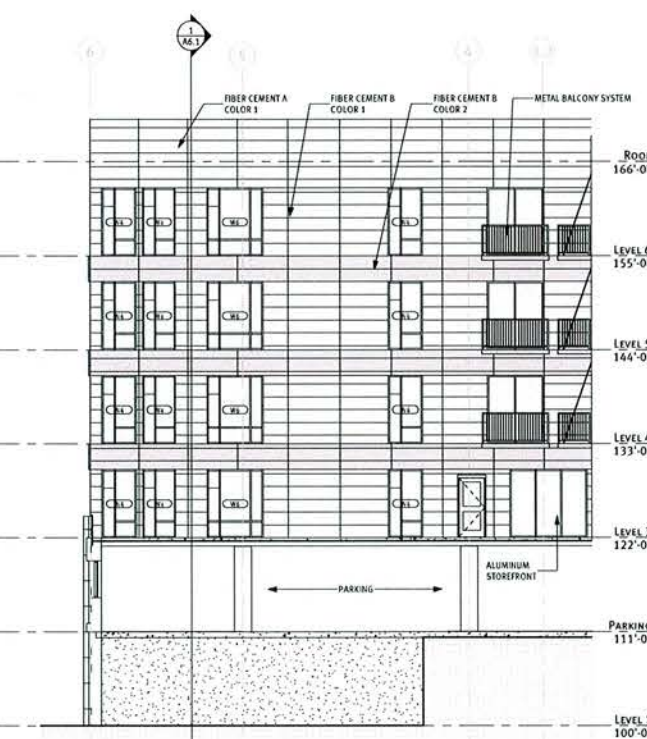


5 EAST TERRACE BUMPOUT  
1/8" = 1'-0"

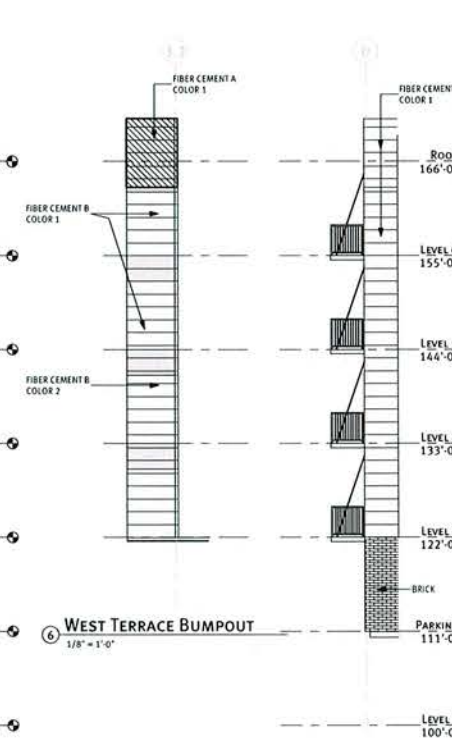
7 EAST HILL BUMPOUT  
1/8" = 1'-0"



2 WEST ELEVATION  
1/8" = 1'-0"



4 WEST TERRACE ELEVATION  
1/8" = 1'-0"



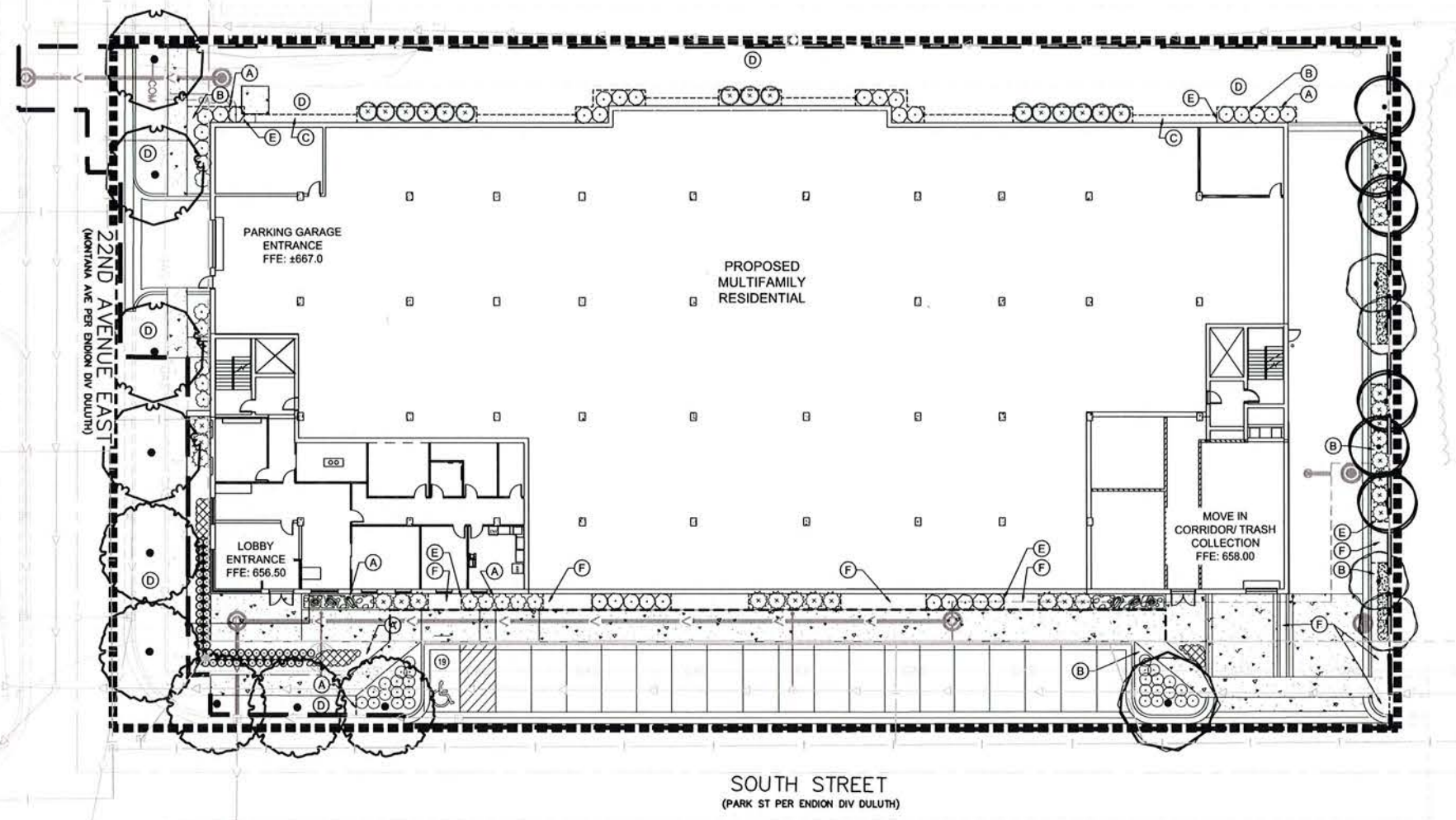
6 WEST TERRACE BUMPOUT  
1/8" = 1'-0"

8 WEST HILL BUMPOUT  
1/8" = 1'-0"



K:\TWC\_LDEV\launch properties\duluth-lake superior\3 Design\CAD\plansheets\L1-LANDSCAPE PLAN.dwg May 07, 2019 - 9:07am

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**LANDSCAPE LEGEND**

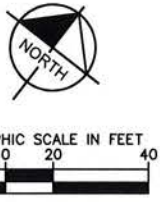
- BOULDERS, SEE LANDSCAPE NOTE 24 (TYP.)
- EDGER (TYP.)
- APPROXIMATE LIMITS OF SOD / IRRIGATION, SOD ALL DISTURBED AREAS (TYP.)

**LANDSCAPE KEYNOTES (A)**

- (A) EDGER (TYP.)
- (B) DOUBLE SHREDDED HARDWOOD MULCH (TYP.)
- (C) MAINTENANCE STRIP (TYP.)
- (D) SOD (TYP.)
- (E) EDGER SEPERATING MULCH TYPES (TYP.)
- (F) ROCK MULCH (TYP.)

LANDSCAPE REQUIREMENTS		
CODE DESCRIPTION	REQUIRED	PROPOSED
<b>REGULAR STREET FRONTAGE:</b> 1 TREE PER 35 L.F. 1 SHRUB PER 25 L.F.	451' L.F. 13 TREES 18 SHRUBS	10 TREES * 39 SHRUBS*
<b>TREE REPLACEMENT</b>	12 SPECIAL TREES (29" DBH) OR 18 TREES (43.5" DBH)	10 TREES (25" DBH) *

\*UNABLE TO MEET TREE REQUIREMENTS AND TREE REPLACEMENT DUE TO SITE CONSTRAINTS. SITE CONSTRAINTS INCLUDE A UTILITY EASEMENT AND OVERHEAD POWER LINES ON THE NORTHWEST PROPERTY LINE AND LIMITED SITE AREA TO PLANT TREES. ADDITIONAL PERENNIALS, SHRUBS, BOULDERS, AND DECORATIVE ROCK MULCH HAVE BEEN USED TO SUPPLEMENT THE REDUCED NUMBER OF TREES PROPOSED.



**PLANT SCHEDULE**

OVERSTORY TREES								DECIDUOUS SHRUBS							
CODE	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	SIZE		CODE	QTY	BOTANICAL NAME	COMMON NAME	CONT	SPACING	SIZE	
NWM	5	ACER RUBRUM 'NORTHWOOD'	NORTHWOOD MAPLE	B & B	2.5" CAL.			ANH	12	HYDRANGEA ARBORESCENS 'ANNABELLE'	ANNABELLE HYDRANGEA	#5 CONT.	4' O.C.		
PRE	4	ULMUS AMERICANA 'PRINCETON'	AMERICAN ELM	B & B	2.5" CAL.			NEO	30	CORNUS ALBA 'BYBOUGHEN'	NEON BURST DOGWOOD	#5 CONT.			
QUA	4	POPULUS TREMULOIDES	QUAKING ASPEN	B & B	2.5" DBH			<b>GRASSES</b>							
SWO	1	QUERCUS BICOLOR	SWAMP WHITE OAK	B & B	2.5" CAL.			PDS	57	SPOROBOLUS HETEROLEPIS	PRAIRIE DROPSEED	#1 CONT.		24" OC	
WSB	6	BETULA POPULIFOLIA 'WHITESPIRE'	WHITESPIRE BIRCH	B & B	2.5" CAL.			<b>PERENNIALS</b>							
<b>SHRUBS</b>								FVL	12	LIATRIS SPICATA 'FLORISTAN VIOLET'	TALL VIOLET GAYFEATHER	#1 CONT.		18" O.C.	
DBH	28	DIERVILLA LONICERA	DWARF BUSH HONEYSUCKLE	#5 CONT.	3' O.C.			RBC	14	ECHINACEA PURPUREA 'RUBY STAR'	RUBY STAR CONEFLOWER	#1 CONT.		20" O.C.	
<b>CONIFEROUS SHRUBS</b>								<b>GROUND COVERS</b>							
SGJ	27	JUNIPERUS CHINENSIS 'SEA GREEN'	SEA GREEN JUNIPER	#5 CONT.	5' O.C.			AJS	38	SEDUM X 'AUTUMN JOY'	AUTUMN JOY SEDUM	#1 CONT.		18" OC 18" o.c.	
TAU	15	TAXUS X MEDIA 'TAUNTONII'	TAUTON YEW	#5 CONT.	5' O.C.			BES	47	RUDBECKIA 'GOLDSTRUM'	GOLDSTRUM RUDBECKIA	#1 CONT.		18" o.c.	
								BHG	28	SCHIZACHYRIUM SCOPARIUM 'BLUE HEAVEN'	BLUE HEAVEN LITTLE BLUESTEM	#1 CONT.		24" OC 24" o.c.	

**Kimley-Horn**  
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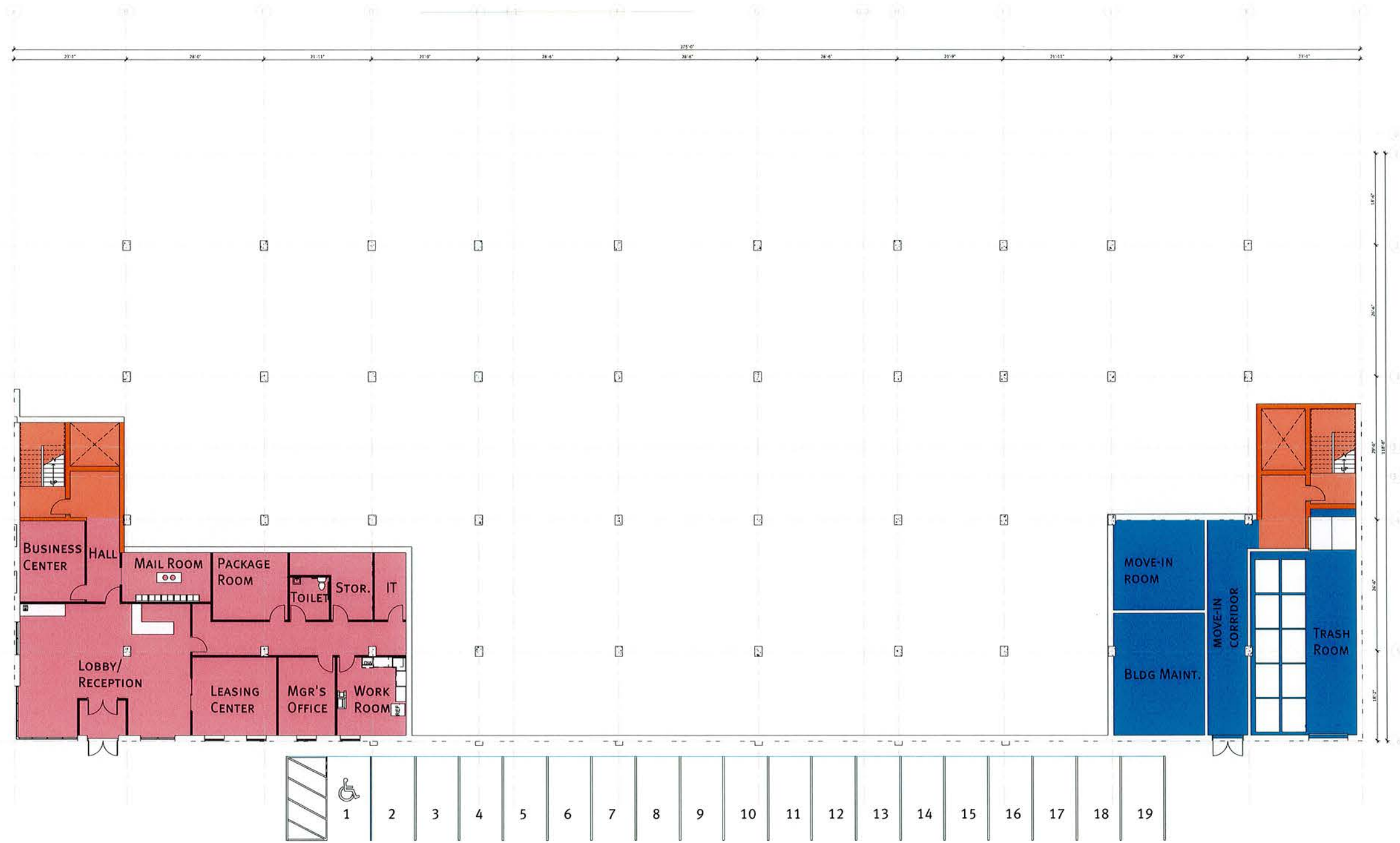
RYAN A. HYLLESTED, P.L.A.  
 MN 55113  
 DATE: 05/07/2019 LIC. NO. 55113

**LANDSCAPE PLAN**

**LAUNCH LAKE**  
 PREPARED FOR  
**LAUNCH**  
 PROPERTIES  
 MINNESOTA  
 DULUTH

NO.	REVISIONS	DATE	BY

22ND AVE EAST



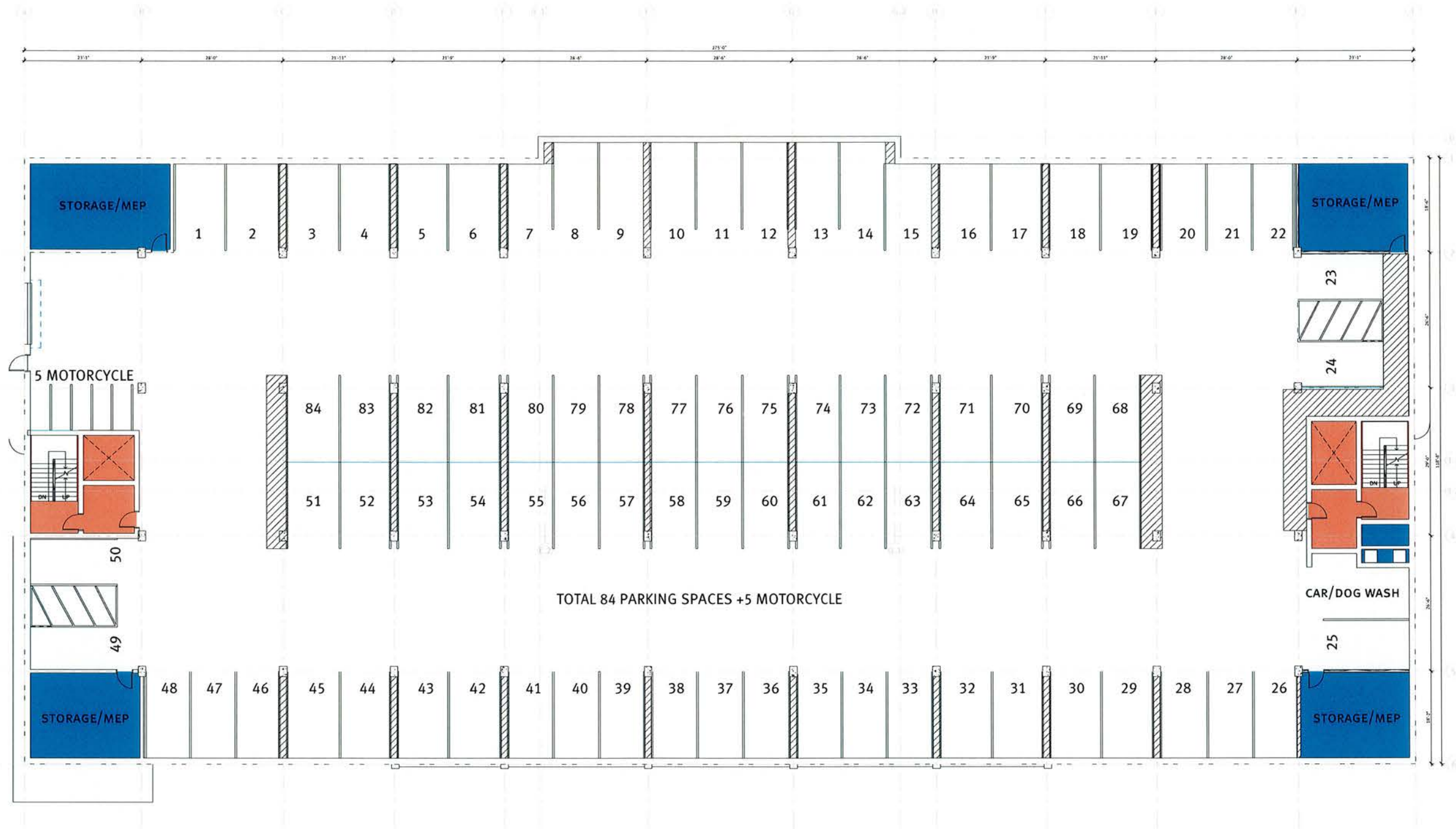
LEVEL 1  
1/8" = 1'-0"



SOUTH STREET

ROOM LEGEND

- BOH
- CIRCULATION
- LOBBY



① LEVEL 2 - PARKING  
1/8" = 1'-0"



ROOM LEGEND

- BOH
- CIRCULATION



LEVEL 3  
1/8" = 1'-0"



ROOM LEGEND

GUEST SUITE	1 BEDROOM	BOH	2 BEDROOM LARGE
MICRO	1 BEDROOM DEN	CIRCULATION	CLUB ROOM
ALCOVE	AMENITY DECK	2 BEDROOM	FITNESS ROOM



LEVEL 4  
1/8" = 1'-0"



**ROOM LEGEND**

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<span style="display:inline-block; width:10px; height:10px; background-color: #f4b400; border:1px solid black;"></span> ALCOVE	<span style="display:inline-block; width:10px; height:10px; background-color: #e67e22; border:1px solid black;"></span> CIRCULATION
<span style="display:inline-block; width:10px; height:10px; background-color: #00a0c0; border:1px solid black;"></span> 1 BEDROOM	<span style="display:inline-block; width:10px; height:10px; background-color: #99c0e6; border:1px solid black;"></span> 2 BEDROOM
<span style="display:inline-block; width:10px; height:10px; background-color: #00c0e6; border:1px solid black;"></span> 1 BEDROOM DEN	<span style="display:inline-block; width:10px; height:10px; background-color: #0070c0; border:1px solid black;"></span> 2 BEDROOM LARGE



LEVEL 5  
1/8" = 1'-0"



ROOM LEGEND

- MICRO
- ALCOVE
- 1 BEDROOM
- 1 BEDROOM DEN
- BOH
- CIRCULATION
- 2 BEDROOM
- 2 BEDROOM LARGE

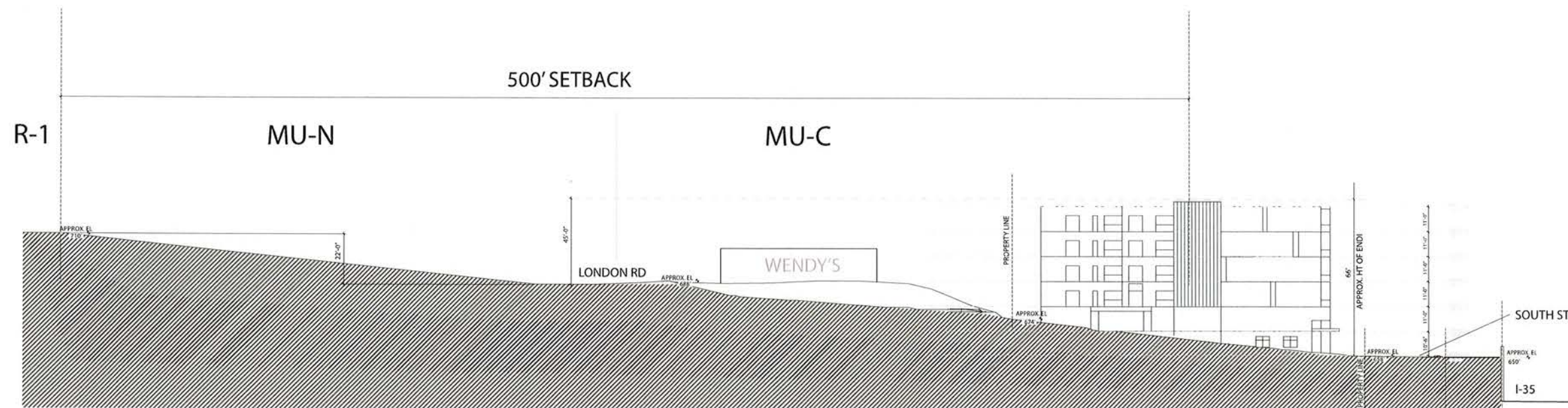


LEVEL 6  
1/8" = 1'-0"



ROOM LEGEND

- MICRO
- ALCOVE
- 1 BEDROOM
- 1 BEDROOM DEN
- BOH
- CIRCULATION
- 2 BEDROOM
- 2 BEDROOM LARGE



HILLSIDE SECTION  
1" = 20'-0"





Google Earth

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### LAUNCH LAKE APARTMENTS

22ND AVE E. & SOUTH ST.  
DULUTH, MN 55812

### 3D VIEWS

Date: 5/7/2019

# A12

Scale:

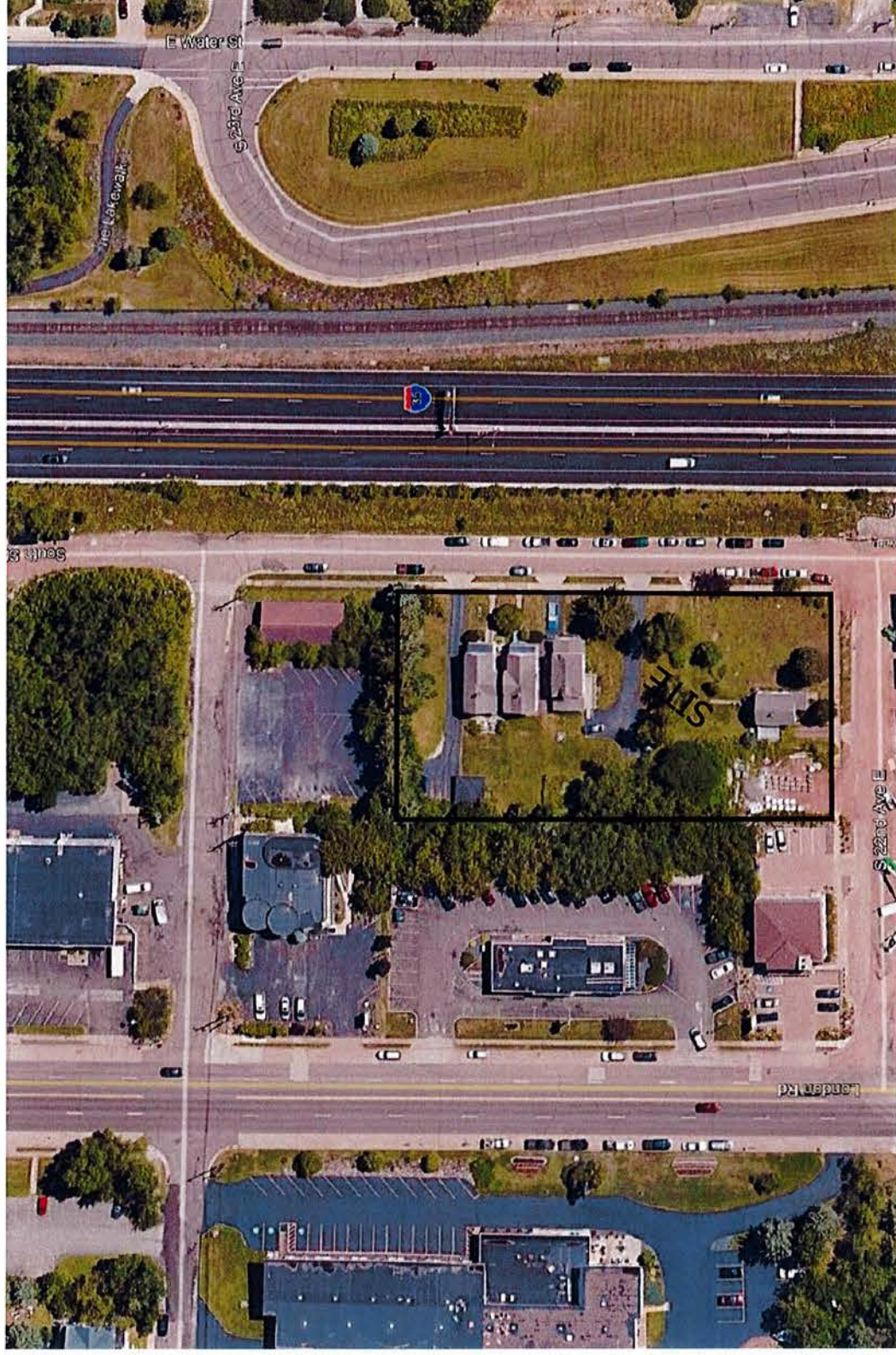












**LEGAL DESCRIPTION PER TITLE COMMITMENT NO. 578890  
EFFECTIVE DATE SEPTEMBER 12, 2018 AT 8:00 AM**

- Parcel A: (Torrens)  
Lot 11, Block 26, Endion Division of Duluth, St. Louis County, Minnesota.
- Parcel B: (Torrens)  
West 1/2 of Lot 12, Block 26, Endion Division of Duluth, St. Louis County, Minnesota.
- Parcel C: (Abstract)  
Easterly Half (E 1/2) of Lot 12, Block 26, Endion Division of Duluth, St. Louis County, Minnesota.
- Parcel D: (Abstract)  
Lot 13, Block 26, Endion Division of Duluth, St. Louis County, Minnesota.
- Parcel E: (Abstract)  
Lot 14, Block 26, Endion Division of Duluth, St. Louis County, Minnesota.
- Parcel F: (Abstract)  
Northerly Fifty feet (N'ly 50') of Lots 15 and 16, Block 26, Endion Division of Duluth, St. Louis County, Minnesota.
- Parcel G: (Abstract)  
Southerly One-Hundred feet (S'ly 100') of Lots 15 and 16, Block 26, Endion Division of Duluth, St. Louis County, Minnesota.

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

*David R. Evans*  
David R. Evans

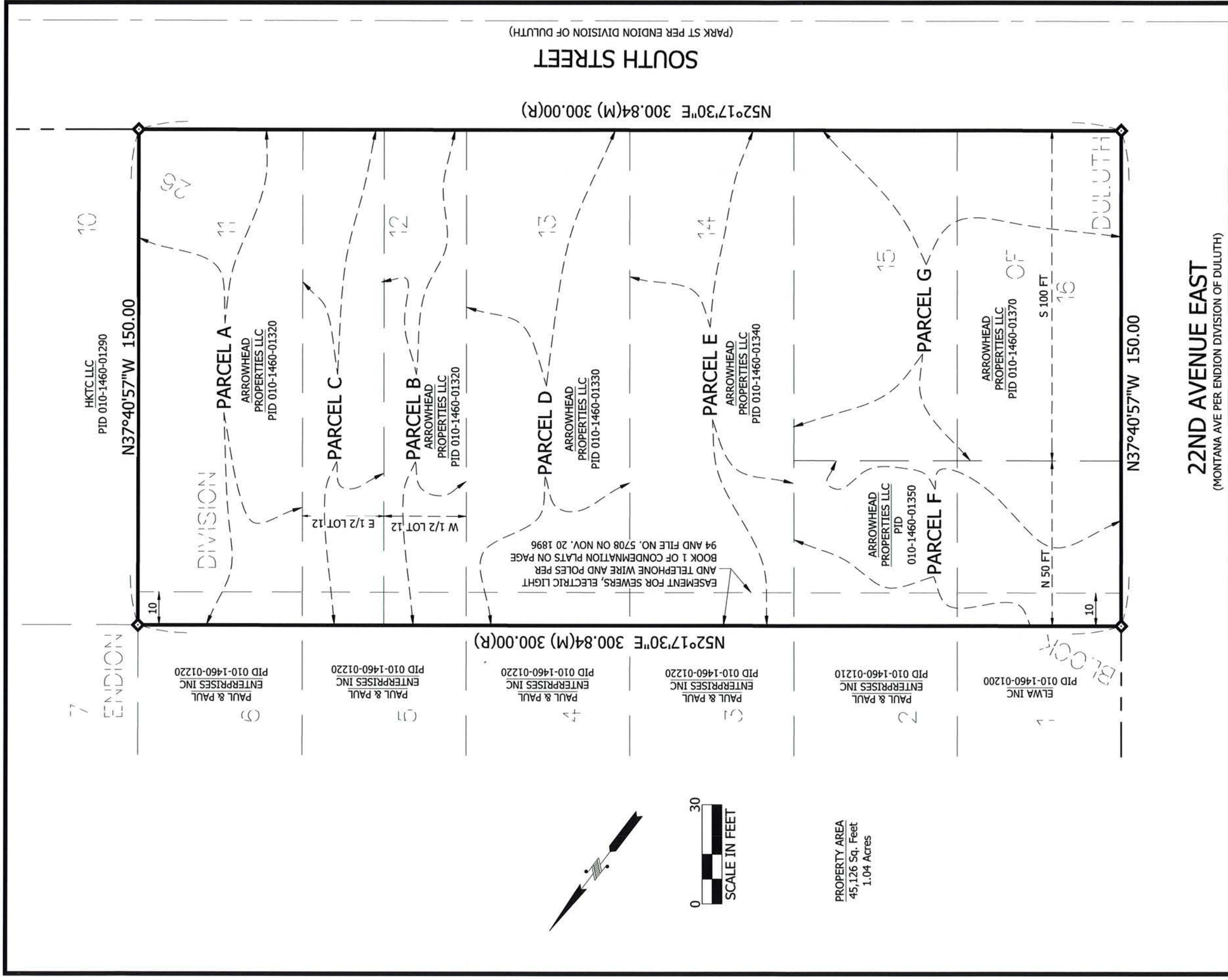
Date: 5-3-2019 MN Lic. No. 49505

**DEVELOPMENT PARCEL EXHIBIT**

CLIENT: LAUNCH PROPERTIES	REVISIONS: XXX
DATE: 5-3-2019	
ADDRESS: SOUTH STREET DULUTH, MN	
JOB NUMBER: 18-177	SHEET 1 OF 2 SHEETS



**LAND SURVEY COMPANY**  
PHONE: 218-727-5211  
\* LAND SURVEYING  
\* LAND DEVELOPMENT  
\* PLATTING  
\* LEGAL DESCRIPTIONS  
\* CONSTRUCTION STAKING  
WWW.ALTLANDSURVEYDULUTH.COM



**22ND AVENUE EAST**  
(MONTANA AVE PER ENDION DIVISION OF DULUTH)

**LEGEND**

- (M)-FIELD MEASURED DIMENSION
- (R)-RECORD DIMENSION
- CENTER LINE
- RIGHT OF WAY LINE
- EXISTING EASEMENT LINE
- BOUNDARY LINE AS SURVEYED
- ◆ FOUND CAPPED REBAR RLS. NO. 49505

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



PROPERTY AREA  
45,126 Sq. Feet  
1.04 Acres

<b>ALTA</b>	
LAND SURVEY COMPANY PHONE: 218-727-5211 LICENSED IN MN & WI CERTIFIED FEDERAL SURVEYOR WWW.ALTLANDSURVEYDULUTH.COM	
DEVELOPMENT PARCEL EXHIBIT	REVISIONS: XXX
CLIENT: LAUNCH PROPERTIES	DATE: 5-3-2019
ADDRESS: SOUTH STREET DULUTH, MN	JOB NUMBER: 18-177
SHEET 2 OF 2 SHEETS	













Launch Properties:  
CUP, Plan Review, Variance

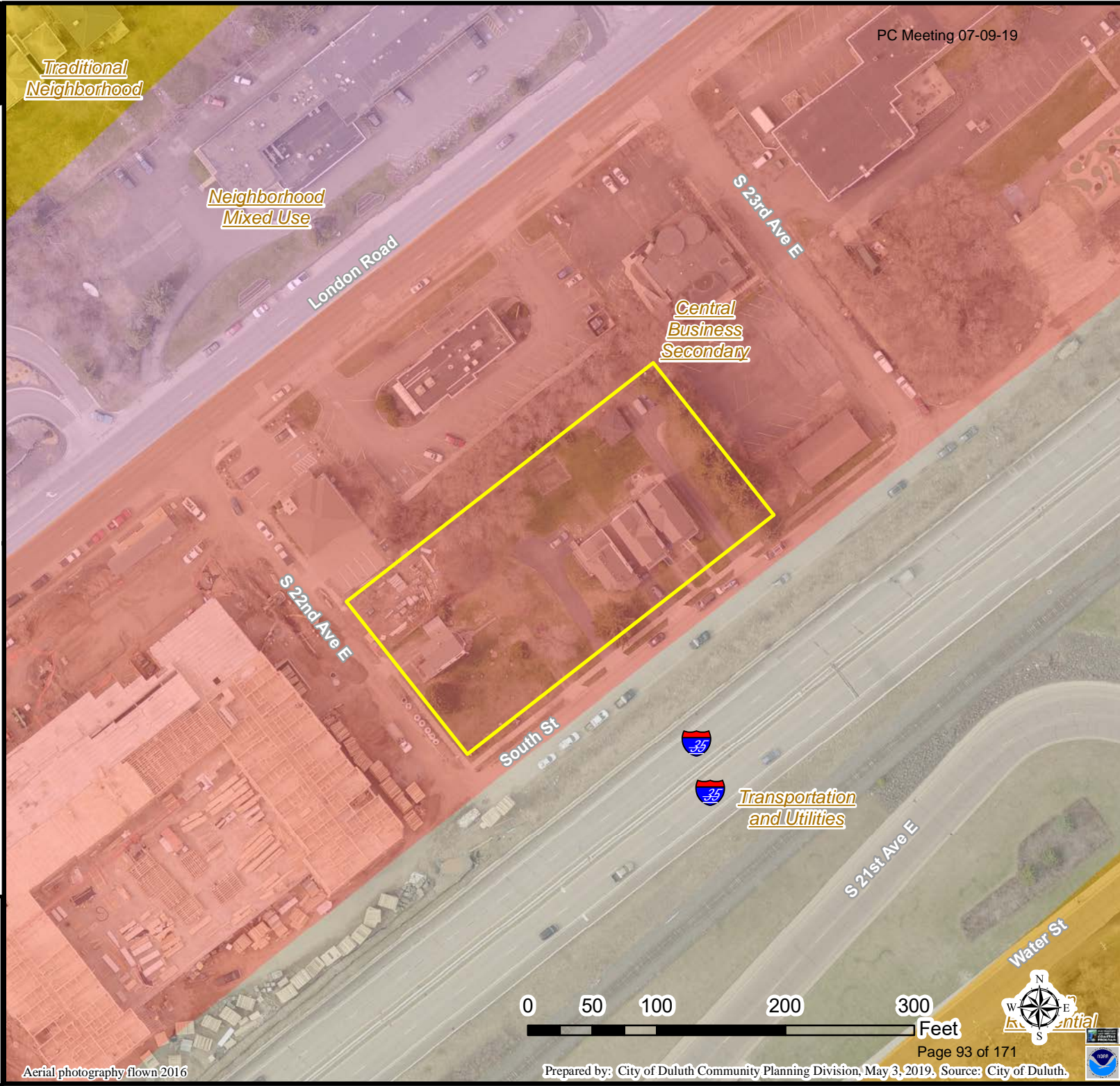
*Traditional  
Neighborhood*

*Neighborhood  
Mixed Use*

*Central  
Business  
Secondary*

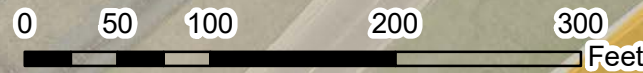
**Legend**

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



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Aerial photography flown 2016







**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

<b>File Number</b>	PL 19-065	<b>Contact</b>	Chris Lee	
<b>Type</b>	Concurrent Use Permit	<b>Planning Commission Date</b>	July 9, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>	May 7, 2019*	<b>60 Days</b>	July 8, 2019
	<b>Date Extension Letter Mailed</b>	May 21, 2019	<b>120 Days</b>	September 6, 2019
<b>Location of Subject</b>	Approx. 2215 London Road (east of 22 <sup>nd</sup> Ave E., uphill of South Street)			
<b>Applicant</b>	Launch Properties	<b>Contact</b>	Scott Moe	
<b>Agent</b>	Kimley-Horn; DSGW	<b>Contact</b>	Brian Wurdeman, Scott Erickson	
<b>Legal Description</b>	See Attached			
<b>Site Visit Date</b>	June 25, 2019	<b>Sign Notice Date</b>	June 25, 2019	
<b>Neighbor Letter Date</b>	June 25, 2019	<b>Number of Letters Sent</b>	14	

### Proposal

The applicant is seeking a concurrent use permit to construct 19 parking stalls for a multifamily development over the public right of way for South Street.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-C	Single Family homes	Central Business Secondary
<b>North</b>	MU-C	Commercial	Neighborhood Mixed Use
<b>South</b>	MU-B	Highway	Transportation and Utilities
<b>East</b>	MU-C	Commercial	Central Business Secondary
<b>West</b>	MU-C	Multi-family	Central Business Secondary

### Summary of Code Requirements

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

1. The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city;
2. Any proposed skywalk will significantly improve the circulation of pedestrians in the city without exposure to weather conditions;
3. No portion of a public easement proposed for use is being physically used or occupied by the public.

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

Principle #5 -Promote reinvestment in neighborhoods.

Duluth is strongly defined by its neighborhoods. This system should be supported through land use and transportation that foster neighborhood reinvestment. New development or redevelopment should maximize public investment that strengthens neighborhood commercial centers or diversifies residential opportunities that fit the neighborhood's character.

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 opportunity for a diversity of activity that segregated, uniform uses do not provide.

Future Land Use

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.

**Review and Discussion Items**

The applicant is seeking a concurrent use permit to construct 19 parking stalls on 3,744 square feet of the public right of way for South Street. This is related to the construction of a new multifamily development. This parking will be used for visitors of the building.

The applicant is proposing to dedicate a public sidewalk easement, 8' x 197', at the front of the parking to allow pedestrian movement through the parking area.

- 1) The area proposed for the concurrent use permit will not take away from the public's ability to use the public right-of-way, nor will it harm or inconvenience the health, safety and general welfare of the city.
- 2) Concurrent use permits are approved by the City Council via an ordinance. Unlike street right-of-way vacations, concurrent use permits are not recorded at with St. Louis County as they are voidable agreements between the City and property owners. At the time that this staff report was written, City engineering is still reviewing the legal exhibits for accuracy; concurrent use permits are not sent to the City Council for their consideration until the review has been completed.
- 3) The City of Duluth requires concurrent use permits to include liability insurance to indemnify the City against all occurrences in the right-of-way. Other protections for the city and the public are typically included in the ordinance that is submitted for the City Council's review.
- 4) No comments were received from the public or other government agencies at the time this staff report was written (May 22, 2019).
- 5) Per UDC Sec. 50-37.1.N, approved concurrent use permits lapse if the project or activity authorized by the permit has not begun within one-year.



**Staff Recommendation**

Based on the above findings, Staff recommends that Planning Commission recommend approval of the concurrent use permit with the following conditions:

- 1) Applicant shall construct and maintain the project as identified in the attached exhibits.
- 2) Applicant shall provide annual proof of liability insurance to indemnify the City against any occurrences in the right of way that are due to items covered under this permit.
- 3) Applicant must remove the obstructions at the applicant's expense if directed to by the City with appropriate notice.
- 4) The structure will need to comply with any applicable engineering standards, or building or fire code requirements.
- 5) 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.



Launch Properties:  
CUP, Plan Review, Variance

**R-1 (Residential  
Traditional)**

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

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

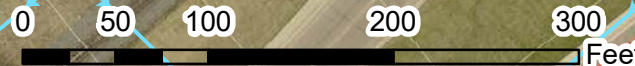
**MU-B (Mixed  
Use Business  
Park)**

**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
- Vacated ROW
- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

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Aerial photography flown 2016



PC Meeting 07-09-19

8 inch, Vitreous  
Clay Pipe  
497.836346

8 inch, Polyvinyl  
Chloride  
268.531088

S 23rd Ave E

London Road

S 22nd Ave E

South St

S 21st Ave E

Water St

8 inch, Polyvinyl  
Chloride  
258.621178

8 inch, Polyvinyl  
Chloride  
398.245948





Launch Properties:  
CUP, Plan Review, Variance

PC Meeting 07-09-19

Endion  
Division of  
Duluth

Endion  
Division  
of Duluth

**Legend**

**Lots**  
Parcels

**ROW**  
<all other values>

**SUBTYPE, ROW\_STATUS**

- Utility, Active
- Railroad, Active
- Access, Active - currently in use
- Access, Vacated - vacated via recorded document
- Road, Active - currently in use
- Utility, Vacated - vacated via recorded document
- Road, Vacated - vacated via recorded document
- Conservation, Vacated - vacated via recorded document
- Conservation, Active - currently in use
- Railroad, Inactive - Dedicated, but not built

**Subdivision Boundaries**

**Boundary Lines**  
<all other values>

**Subtype, ROW\_TYPE**

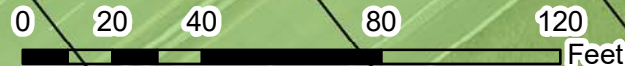
- Lot Line
- Parcel Line
- ROW (Road)
- ROW (Not Road)
- Subdivision Line
- Water Line
- Survey Line
- Municipal Boundary
- Trout Stream (GPS)
- Other Stream (GPS)

Dedicated Easement

Concurrent Use Area

South St

S 22nd Ave E



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Aerial photography flown 2016

Page 99 of 171  
Prepared by: City of Duluth Community Planning Division, May 3, 2019, Source: City of Duluth.





ALTA LAND SURVEY COMPANY  
1100 W. WASHINGTON ST. SUITE 100  
ST. LOUIS, MO 63101  
TEL: 314.433.1100  
WWW.ALTA-SURVEY.COM

CLIENT/CAMPAIGN INFORMATION:  
PROJECT NAME:  
ADDRESS:  
DATE:

DATE: 6-29-18  
JOB NO. 18-177  
SHEET NO.

ALTA/NSPS LAND TITLE SURVEY

ALTA/NSPS TABLE A

- OPTIONAL SURVEY RESPONSIBILITIES AND SPECIFICATIONS REQUESTED BY CLIENT, LEASER OR INSURER
1. Monuments placed (or a reference monument or witness to the corner) at all major corners of the boundary of the property, unless already marked or referenced by existing monuments or witnesses in close proximity to the corner. SHOWN ON SURVEY.
2. Address(es) of the surveyed property if discussed in documents provided to or obtained by the surveyor, or observed while conducting the fieldwork. 822 & 824 S 22ND AVE E, 2215, 2217 AND 2219 SOUTH STREET DULUTH, MN 55802, PER ST. LOUIS COUNTY GIS.
3. Flood zone classification (with proper annotations based on Federal Flood Insurance Map or the state or local equivalent) depicted by shaded map location and graphic plotting only. BUILDINGS ARE IN FLOOD ZONE C (AREAS OF MINOR FLOODING PER FLOOD ZONE MAP FOR THE CITY OF DULUTH PARCEL NUMBER 270423 0025 C DATED APRIL 2, 1982).
4. Gross lot area (and other areas if specified by the client). PARCEL A: 7,211 SQ. FEET OR 0.17 ACRES, PARCEL B: 3,761 SQ. FEET OR 0.09 ACRES, PARCEL C: 3,761 SQ. FEET OR 0.09 ACRES, PARCEL D: 7,211 SQ. FEET OR 0.17 ACRES, PARCEL E: 3,761 SQ. FEET OR 0.09 ACRES, PARCEL F: 7,211 SQ. FEET OR 0.17 ACRES, PARCEL G: 10,814 SQ. FEET OR 0.25 ACRES. GROSS LAND AREA 45,129 SQ. FEET OR 1.04 ACRES.
5. Vertical datum with the source of information (e.g., ground survey, bench mark, datum, and geoid) and geoid height. REFER TO SURVEY.
6. (a) If set forth in a zoning report or letter provided to the surveyor by the client, list the current zoning classification, setback requirements, the height and floor space area restrictions, and parking requirements. Identify the date and source of the report or letter. NO REQUEST ON THIS SURVEY.
(b) If the zoning setback requirements are set forth in a zoning report or letter provided to the surveyor by the client, and if these requirements do not require an interpretation by the surveyor, graphically depict the building setback requirements. Identify the date and source of the report or letter. NO REQUEST ON THIS SURVEY.
7. (a) Exterior dimensions of all buildings at ground level. NO REQUEST ON THIS SURVEY.
(b) Square footage of: NO REQUEST ON THIS SURVEY.
(c) Interior footprint of all buildings at ground level. NO REQUEST ON THIS SURVEY.
(d) Other areas as specified by the client. NO REQUEST ON THIS SURVEY.
8. Measured height of all buildings above grade at a location specified by the client. If no location is specified, the point of measurement shall be identified. NO REQUEST ON THIS SURVEY.
9. Substantial features observed in the process of conducting the fieldwork (in addition to the improvements and features required pursuant to Section 5 above) (e.g., parking lots, billboards, signs, swimming pools, landscaped areas, substantial areas of refuse). REFER TO SURVEY.
10. Number and type (e.g., finished, unexcavated, regular and other marked) of clearly identifiable parking spaces on surface parking areas, lots and parking structures. Striping of clearly identifiable parking spaces on surface parking areas and lots. NO REQUEST ON THIS SURVEY.
11. As designated by the client, a determination of the relationship and location of certain division or party walls with respect to adjoining properties (client to obtain necessary permissions). NO REQUEST ON THIS SURVEY.
12. As designated by the client, a determination of whether certain walls are party walls (client to obtain necessary permissions). NO REQUEST ON THIS SURVEY.
13. Location of utilities existing on or serving the surveyed property as determined by:
(a) observed evidence collected pursuant to Section 5.2.b.
(b) evidence from plans requested by the surveyor and obtained from utility companies, or provided by client (with reference as to the source of information), and
(c) markings requested by the surveyor pursuant to an E11 utility locate or similar request.
Representative examples of such utilities include, but are not limited to:
- Manholes, catch basins, valve vaults and other surface indications of subsurface uses;
- Wires and cables (including their function, if readily identifiable) crossing the surveyed property, and all poles on or within ten feet of the surveyed property, without expressing a legal opinion as to the ownership or nature of the potential encroachment, the dimensions of all encroaching utility poles, crossarms or cross-arms; and
- Utility company installations on the surveyed property.
Note to the client, insurer, and lender - With regard to Table A, Item 13, source information from plans and markings will be combined with observed evidence of utilities pursuant to Section 5.2.b. To develop a view of the underground utilities, however, planning excavation, the exact location of underground features cannot be accurately, completely, and reliably depicted. In addition, in some jurisdictions, E11 or other similar utility locate requests from surveyors may be ignored or result in an incomplete response, in which case the surveyor shall note on the plat or map how this affected the surveyor's assessment of the location of the utilities. Where additional or more detailed information is required, the client is advised that excavation and/or a private utility locate request may be necessary. REFER TO SURVEY.
14. As required by the client, Governmental Agency survey-related requirements (e.g., HUD surveys, surveys for leases on Bureau of Land Management managed lands). NO REQUEST ON THIS SURVEY.
15. Names of adjoining owners according to current tax records. If more than one owner, identify the first owner's name listed in the tax records followed by "et al." REFER TO SURVEY.
16. As specified by the client, distance to the nearest intersecting street. REFER TO SURVEY.
17. Rectified orthophotography, photogrammetric mapping, remote sensing, airborne/mobile laser scanning and other similar products, tools or technologies as the basis for the showing the location of certain features (including monuments) where ground measurements are not deemed necessary to locate those features to an appropriate and acceptable accuracy relative to a nearby boundary. The surveyor shall (a) discuss the ramifications of such methodologies (e.g., the potential precision and completeness of the data gathered thereby) with the insurer, lender, and client prior to the performance of the survey, and (b) place a note on the face of the survey explaining the source, date, precision, and other relevant qualifications of any such data. NO REQUEST ON THIS SURVEY.
18. Evidence of recent earth moving work, building construction, or building addition observed in the process of conducting the fieldwork. NO REQUEST ON THIS SURVEY.
19. Proposed changes in street right of way lines, if such information is made available to the surveyor by the controlling jurisdiction. Evidence of recent street or sidewalk construction or repairs observed in the process of conducting the fieldwork. NO REQUEST ON THIS SURVEY.
20. If there has been a field delineation of wetlands conducted by a qualified specialist used by the client, the surveyor shall locate any delineation markers observed in the process of conducting the fieldwork and show them on the face of the plat or map. If no markers were observed, the surveyor shall so state. NO REQUEST ON THIS SURVEY.
21. Include any platable title (i.e., appurtenant) easements or servitudes disclosed in documents provided to or obtained by the surveyor as a part of the survey pursuant to Sections 5 and 6 (and applicable selected Table A items) (client to obtain necessary permissions). EASEMENTS PROVIDED SHOWN ON SURVEY.
22. Professional Liability Insurance policy obtained by the surveyor in the minimum amount of \$\_\_\_\_\_ to be in effect throughout the contract term. Certificate of insurance to be furnished upon request, but this item shall not be addressed on the face of the plat or map. NO REQUEST ON THIS SURVEY.

LEGAL DESCRIPTION PER TITLE COMMITMENT

- Parcel A: (Torneo) Lot 11, Block 26, Endion Division of Duluth, St. Louis County, Minnesota.
Parcel B: (Torneo) West 1/2 of Lot 12, Block 26, Endion Division of Duluth, St. Louis County, Minnesota.
Parcel C: (Abstract) Eastern Half (E 1/2) of Lot 12, Block 26, Endion Division of Duluth, St. Louis County, Minnesota.
Parcel D: (Abstract) Lot 13, Block 26, Endion Division of Duluth, St. Louis County, Minnesota.
Parcel E: (Abstract) Lot 14, Block 26, Endion Division of Duluth, St. Louis County, Minnesota.
Parcel F: (Abstract) Northern Fifty feet (N 1/2 50') of Lots 15 and 16, Block 26, Endion Division of Duluth, St. Louis County, Minnesota.
Parcel G: (Abstract) Southern One Hundred feet (S 100') of Lots 15 and 16, Block 26, Endion Division of Duluth, St. Louis County, Minnesota.

SURVEYOR'S NOTES

- 1. MEASUREMENTS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MEASUREMENT SYSTEM OF 1946 (NAD 83 2011).
2. BENCHMARK SHOWN ON SURVEY.
3. THIS SURVEY WAS PREPARED BASED ON A TITLE COMMITMENT PREPARED BY STEWART TITLE GUARANTEE COMPANY, FILE NO. 57890 DATED SEPTEMBER 12, 2017 AT 6:00 AM.

ALTA/NSPS LAND TITLE SURVEY CERTIFICATION

To Launch Properties LLC, a Minnesota limited liability company, Annotated Properties, LLC, a Minnesota limited liability company, John B. Fisher, Teresa Fisher, Douglas E. Ireland, Susan Ireland and Stewart T. Cooney are hereby certified by the undersigned as follows:
This is to certify that the map or plat and the survey on which it is based were made in accordance with the 2018 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 of Table A thereof. The fieldwork was completed on October 23, 2018.
Date of Plat or Map: November 1, 2018
David R. Evanson, PLS #49505

SCHEDULE B

- 1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Effective Date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment. NONE KNOWN OR PROVIDED.
NOTE: Upon closing with Land Title, Inc., Item 1 on Schedule B-II will be deleted. The Final Policy will extend coverage as to the gap between the Effective Date listed in Item 1 of Schedule A and the date of recording of the instruments creating the interest to be insured.
2. Rights or claims of parties in possession not shown by the public records. NONE KNOWN OR PROVIDED.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. NONE KNOWN OR PROVIDED.
4. Easements or claims of easements, which are not shown by the public records. NONE KNOWN OR PROVIDED.
5. Any lien or right to a lien for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records. DOES NOT AFFECT SURVEY.
6. Taxes or special assessments which are not shown as existing liens by the records. DOES NOT AFFECT SURVEY.
7. General and special taxes and assessments as hereafter listed, if any (all amounts shown being exclusive of interest, penalties and costs). DOES NOT AFFECT SURVEY.
8. No coverage is provided for municipal code compliance matters and fees including, but not limited to, utilities, right of way maintenance, water or sewer services, or fees for tree, weeds, grass, and snow or garbage removal, police boarding, vacant building registration and zoning. DOES NOT AFFECT SURVEY.
9. Any lease, grant, exception or reservation of minerals or mineral rights appearing in the public records. DOES NOT AFFECT SURVEY.
10. Tax I.D. No.: 010-1460-01370 (Parcel G) Taxes for the year 2018: \$2,688.00, Total, are 1st 1/2 Paid, 2nd 1/2 Due, Base Tax: \$2,663.00 (Non-Homesteaded).
Tax I.D. No.: 010-1460-01350 (Parcel F) Taxes for the year 2018: \$1,272.00, Total, are 1st 1/2 Paid, 2nd 1/2 Due, Base Tax: \$1,272.00 (Non-Homesteaded).
Tax I.D. No.: 010-1460-01340 (Parcel E) Taxes for the year 2018: \$1,556.00, Total, are 1st 1/2 Paid, 2nd 1/2 Due, Base Tax: \$1,556.00 (Non-Homesteaded).
Tax I.D. No.: 010-1460-01330 (Parcel D) Taxes for the year 2018: \$2,414.00, Total, are 1st 1/2 Paid, 2nd 1/2 Due, Base Tax: \$2,389.00 (Non-Homesteaded).
Tax I.D. No.: 010-1460-01320 (Parcel B) Taxes for the year 2018: \$2,046.00, Total, are 1st 1/2 Paid, 2nd 1/2 Due, Base Tax: \$2,021.00 (Non-Homesteaded).
Tax I.D. No.: 010-1460-01300 (Parcels A and C) Taxes for the year 2018: \$3,524.00, Total, are 1st 1/2 Paid, 2nd 1/2 Due, Base Tax: \$3,529.00 (Non-Homesteaded).
NOTE: 1st Half Taxes are payable on or before May 15th and 2nd Half Taxes are payable on or before October 15th. DOES NOT AFFECT SURVEY.
11. Levied and pending special assessment searches have been ordered. DOES NOT AFFECT SURVEY.
12. Rights of tenants in possession as tenants only under unrecorded leases. DOES NOT AFFECT SURVEY.
13. Reservation of all minerals and mineral rights by the State of Minnesota as reserved in Conveyance of Forfeited Land filed July 16, 1986 as Document Number 415039. (affects Parcel E) DOES NOT AFFECT SURVEY.
14. Easement in favor of the public for right-of-way for sewers, telephone and electric light wires and poles, the condemnation plat for which is not dated but was filed in the office of the Registrar of Deeds on November 20, 1996, as Registrar's No. 5768 and recorded in Book I of Plats on page 94, all as shown as recitals on the certificates of title. REFER TO SURVEY.
15. If there are any questions regarding this Commitment, please contact Mark Hagensen at (651) 492-0191 or by email at m.hagensen@stbtinc.com. Please reference LT File No. 57890. DOES NOT AFFECT SURVEY.

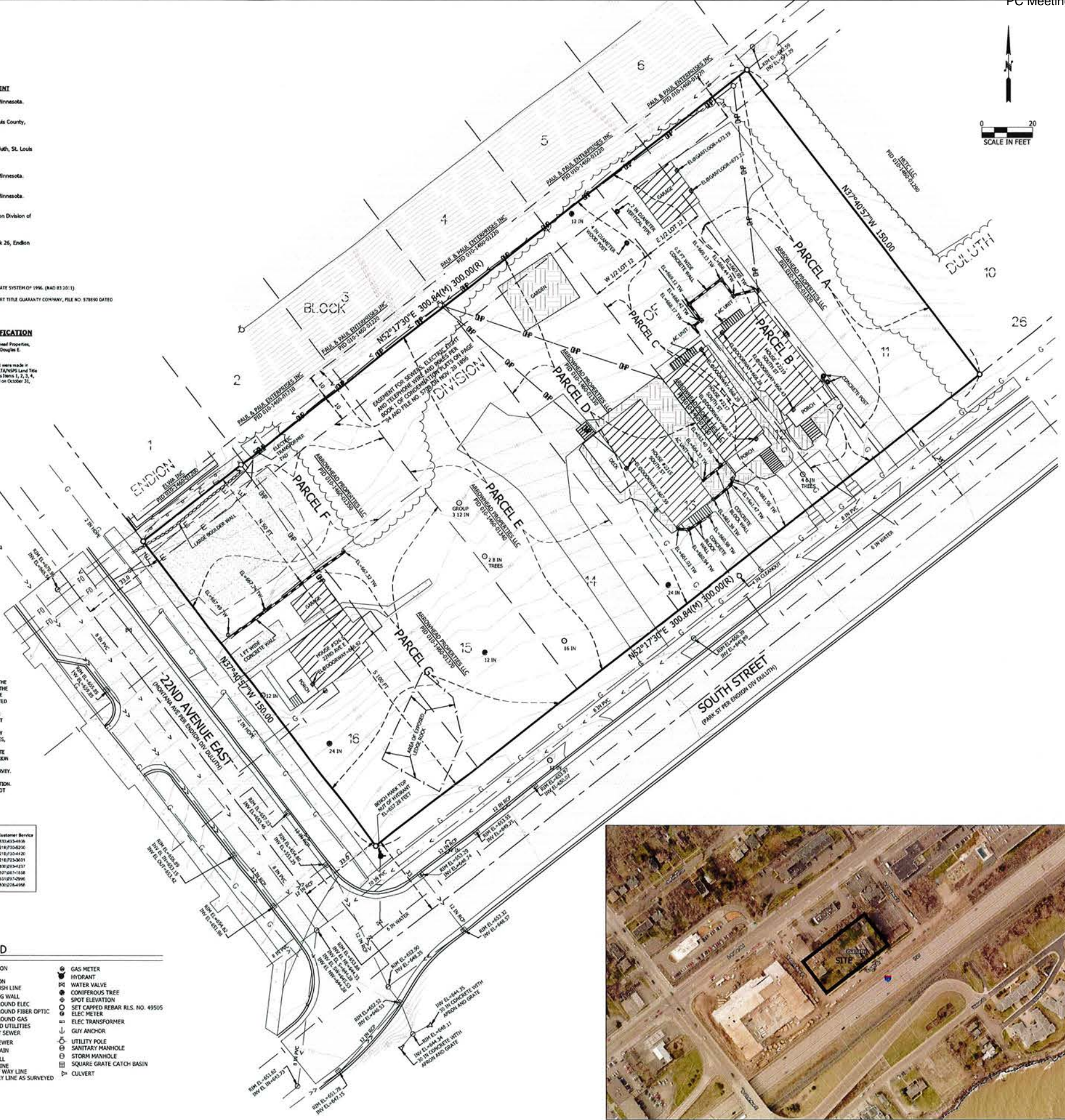
UNDERGROUND UTILITIES

- 1. UTILITIES SHOWN HEREON, HAVE BEEN PREPARED, IN PART, ON THE BASIS OF INFORMATION COMPILED AND FURNISHED BY OTHERS. THE SURVEYOR, ENGINEER AND ARCHITECT WILL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS WHICH HAVE BEEN INCORPORATED INTO THIS DOCUMENT AS A RESULT.
2. UNDERGROUND UTILITIES SHOWN ON THIS SURVEY ARE BASED IN PART ON HANDING PROVIDED BY GORHAM STATE ONE CALL TICKET NUMBER 88711849.
3. SOME UTILITIES SHOWN ON THIS SURVEY HAVE BEEN LOCATED BY MAPS AND OR UTILITY SKETCHES PROVIDED BY UTILITY COMPANIES, CITY OR COUNTY GIS. LOCATIONS ARE APPROXIMATE. UTILITIES SHOWN ON THIS SURVEY ARE SHOWN FOR APPROXIMATE LOCATION ONLY AND SHOULD BE VERIFIED BEFORE ANY EXCAVATION OR CONSTRUCTION.
4. PRIVATE UTILITIES MAY EXIST BUT ARE NOT SHOWN ON THIS SURVEY. CONTACT GORHAM STATE ONE CALL FOR LOCATIONS.
5. FIELD READY SANITARY AND STORM SEWER PIPE SIZE AND LOCATION.
6. DUE TO SHOW AND ICE COVERAGE, SOME FEATURES MAY HAVE NOT BEEN VISIBLE DURING THE COURSE OF THIS SURVEY.

Table with columns: Code, Company Name, Facility Operator(s) Name/ID, Metering Concerns, Damage, Customer Service. Lists utility providers like CHARTER COMMUNICATIONS, CITY OF DULUTH-ENGINEERING, CITY OF DULUTH-TRAVEL, DULUTH ENERGY SYSTEMS-STEAM, CENTURYLINK-COM, CONSOLIDATED COMMUNICATIONS, MISCOT, MINNESOTA POWER.

LEGEND

Legend symbols and descriptions: CONCRETE SURFACE, BITUMINOUS SURFACE, GRAVEL SURFACE, LANDSCAPED SURFACE, EXISTING BUILDINGS, FIELD MEASURED DIMENSION, RECORD DIMENSION, FINISHED FLOOR ELEVATION, TREE/BURSH LINE, RETAINING WALL, UNDERGROUND ELEC, UNDERGROUND FIBER OPTIC, UNDERGROUND GAS, OVERHEAD UTILITIES, SANITARY SEWER, STORM SEWER, WATER MAIN, ROCK WALL, CENTER LINE, RIGHT OF WAY LINE, BOUNDARY LINE AS SURVEYED, GAS METER, HYDRANT, WATER VALVE, CONIFEROUS TREE, SPOT ELEVATION, SET CAPPED REBAR RLS. NO. 49505, ELEC. METERS, ELEC. TRANSFORMER, GUY ANCHOR, UTILITY POLE, SANITARY MANHOLE, STORM MANHOLE, SQUARE GRATE CATCH BASIN, CULVERT.



VICINITY MAP NO SCALE

LEGAL DESCRIPTION OF PROPOSED CONCURRENT USE AREA

A 20.65 foot wide area for concurrent use purposes lying over, under and across that part of the Northwesterly 33.00 feet of South Street formerly Park Street, lying adjacent to the Southeastery line of Block 26, ENDION DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, described as follows:










Commencing a the Southwesterly corner of Lot 16, Block 26, said ENDION DIVISION OF DULUTH; thence North 52 degrees 17 minutes 30 seconds East, along said Southeastery line of said Block 26 for a distance of 54.40 feet to the point of beginning of the parcel herein described; thence continue North 52 degrees 17 minutes 30 seconds East, along said Southwesterly line of Block 26 for a distance of 181.34 feet; thence South 37 degrees 42 minutes 30 seconds East 20.65 feet to the intersection with a line parallel with and distant 20.65 feet Southeastery of said Southeastery line of Block 26; thence South 52 degrees 17 minutes 30 seconds West, along said parallel line 181.34 feet; thence North 37 degrees 42 minutes 30 seconds West 20.65 feet to the point of beginning.

Said concurrent use area contains 3,745 Sq. Feet or 0.09 Acres.

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

By \_\_\_\_\_

**LEGEND**

 <p>CONCRETE SURFACE</p>	<p>POC-POINT OF COMMENCEMENT POB-POINT OF BEGINNING</p>  <p>PROPOSED BUILDING LINE</p>  <p>PROPOSED IMPROVEMENT LINE</p>  <p>CENTER LINE</p>  <p>RIGHT OF WAY LINE</p>  <p>PROPOSED CONCURRENT USE LINE</p>  <p>FOUND CAPPED REBAR</p>
 <p>BITUMINOUS SURFACE</p>	
 <p>PROPOSED CONCURRENT USE AREA</p>	

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

*David R. Evanson*  
David R. Evanson

Date: 5-3-2019 MN Lic. No. 49505

**DEVELOPMENT PARCEL EXHIBIT**

REVISIONS: XXX

CLIENT: LAUNCH PROPERTIES

DATE: 5-3-2019

ADDRESS: SOUTH STREET  
DULUTH, MN

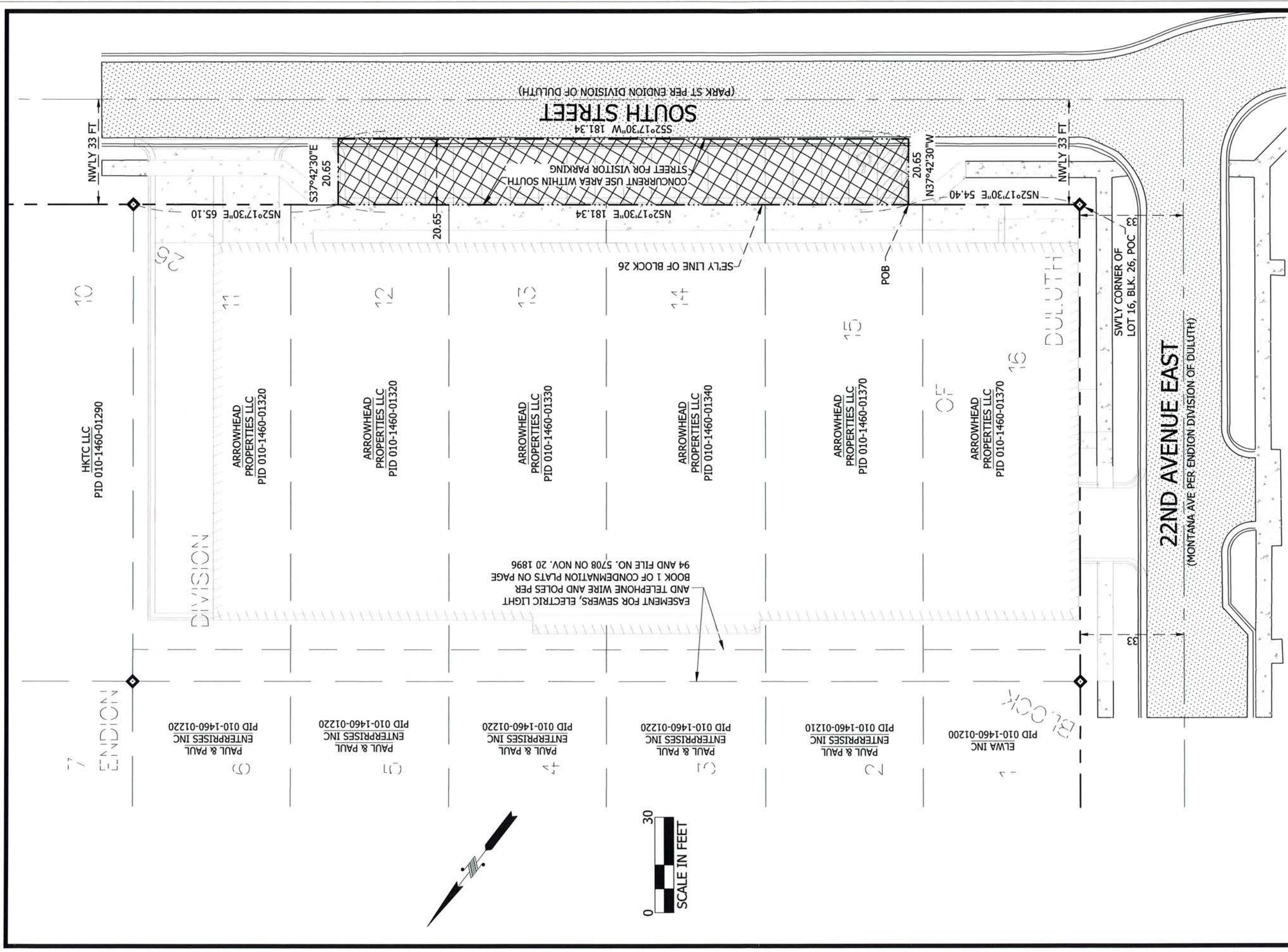
JOB NUMBER: 18-177

SHEET 1 OF 2 SHEETS



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

- LAND SURVEYING
- LAND DEVELOPMENT
- PLATTING
- LEGAL DESCRIPTIONS
- CONSTRUCTION STAKING



**SURVEYOR'S NOTES**

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

**CONCURRENT USE AREA**  
 3,745 Sq. Feet  
 0.09 Acres

<p><b>ALTA</b>                  LAND SURVEY COMPANY                  PHONE: 218-727-5211                  LICENSED IN MN &amp; WI                  CERTIFIED FEDERAL SURVEYOR                  WWW.ALTLANDSURVEYDULUTH.COM</p>		<p><b>CONCURRENT USE AREA EXHIBIT</b></p>	
		<p>CLIENT: LAUNCH PROPERTIES                  REVISIONS: XXX</p>	<p>DATE: 5-3-2019                  ADDRESS: SOUTH STREET                  DULUTH, MN</p>
<p>CONCURRENT USE AREA EXHIBIT</p>		<p>JOB NUMBER: 18-177</p>	<p>SHEET 2 OF 2 SHEETS</p>





**LEGAL DESCRIPTION FOR PUBLIC SIDEWALK EASEMENT**

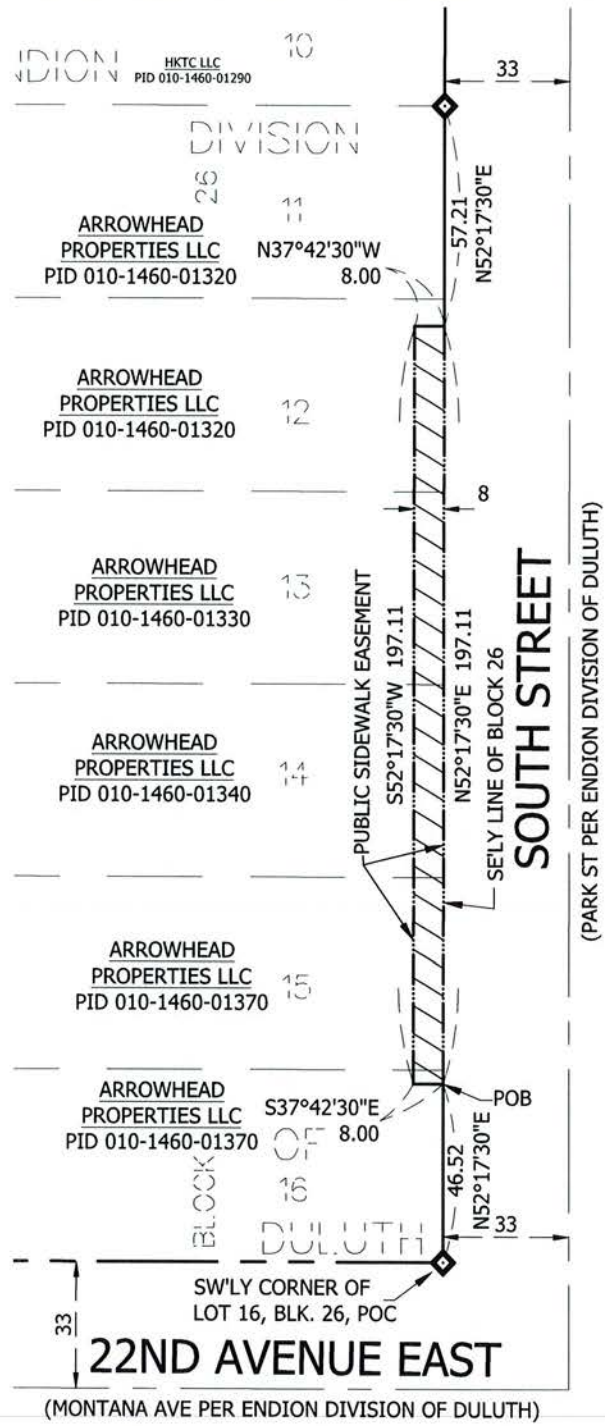
A 8.00 foot wide easement for public sidewalk purposes lying over, under and across that part of Lots 12, 13, 14, 15 and 16, Block 26, ENDION DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, described as follows:

Commencing at the Southwesterly corner of said Lot 16, Block 26; thence on an assumed bearing of North 52 degrees 17 minutes 30 seconds East, along the Southeasterly line of said Block 26 for a distance of 46.52 feet to the point of beginning of the easement herein described; thence continue North 52 degrees 17 minutes 30 seconds East, along said Southeasterly line of Block 26 for a distance of 197.11 feet; thence North 37 degrees 42 minutes 30 seconds West 8.00 feet to the intersection with a line parallel with and distant 8.00 feet Northwesternly of said Southeasterly line of Block 26; thence South 52 degrees 17 minutes 30 seconds West, along said parallel line 197.11 feet; thence South 37 degrees 42 minutes 43 minutes East 8.00 feet to the point of beginning.

Said easement contains 1,577 Sq. Feet or 0.04 Acres.

**LEGEND**

-  PROPOSED PUBLIC SIDEWALK EASEMENT
-  FOUND CAPPED REBAR RLS. NO. 49505
- POC-POINT OF COMMENCEMENT
- POB-POINT OF BEGINNING
- CENTER LINE
- - - - - RIGHT OF WAY LINE
- ..... PROPOSED EASEMENT LINE



- SURVEYOR'S NOTES**
- BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
  - THIS IS NOT A BOUNDARY SURVEY.

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

*David R. Evanson*  
 David R. Evanson  
 MN Lic. No. 49505

PUBLIC SIDEWALK EASEMENT EXHIBIT	
CLIENT: LAUNCH PROPERTIES	REVISIONS: XXX
DATE: 5-3-2019	
ADDRESS: SOUTH STREET DULUTH, MN	
JOB NUMBER: 18-177	

**ALTA**  
 LAND SURVEY COMPANY

• LAND SURVEYING  
 • LAND DEVELOPMENT  
 • PLATTING  
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PHONE: 218-727-5211  
 LICENSED IN MN & WI  
 CERTIFIED FEDERAL SURVEYOR  
 WWW.ALTAANDSURVEYDULUTH.COM



Launch Properties:  
CUP, Plan Review, Variance

*Traditional  
Neighborhood*

*Neighborhood  
Mixed Use*

*Central  
Business  
Secondary*

S 23rd Ave E

London Road

S 22nd Ave E

South St



*Transportation  
and Utilities*

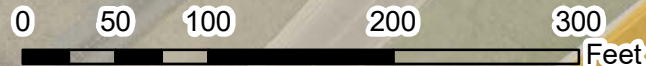
S 21st Ave E

Water St

- Legend**
- Trout Stream (GPS)
  - Other Stream (GPS)
  - 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

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Aerial photography flown 2016















**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580  
 planning@duluthmn.gov

<b>File Number</b>	PL 19-090		<b>Contact</b>	Chris Lee, clee@duluthmn.gov	
<b>Type</b>	Variance from multi-family height requirements with 500' of R-zones		<b>Planning Commission Date</b>		July 9, 2019
<b>Deadline for Action</b>	<b>Application Date</b>	June 25, 2019	<b>60 Days</b>	August 24, 2019	
	<b>Date Extension Letter Mailed</b>	June 25, 2019	<b>120 Days</b>	October 23, 2019	
<b>Location of Subject</b>	2215 London Road				
<b>Applicant</b>	Launch Properties		<b>Contact</b>	Scott Moe	
<b>Agent</b>	Kimley-Horn; DSGW		<b>Contact</b>	Brian Wurdeman, Scott Erickson	
<b>Legal Description</b>	PID 010-2830-00370				
<b>Site Visit Date</b>	June 25, 2019		<b>Sign Notice Date</b>	June 25, 2019	
<b>Neighbor Letter Date</b>	June 25, 2019		<b>Number of Letters Sent</b>	14	

**Proposal**

The applicant is requesting a variance from the height requirements in the MU-C district for a multi-family apartment building. The MU-C district allows heights of 75 feet, except within 500 feet of R-1 and R-2 districts, where the height restriction is 45 feet. The proposed building is 253 feet from an R-2 district, and 350 feet from an R-1 district. The proposed structure is 66 feet in height, though the overall height varies due to topography.

**Recommendation**

Staff recommends approval of the variance based on the findings below.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-C	Single Family homes	Central Business Secondary
<b>North</b>	MU-C	Commercial	Neighborhood Mixed Use
<b>South</b>	MU-B	Highway	Transportation and Utilities
<b>East</b>	MU-C	Commercial	Central Business Secondary
<b>West</b>	MU-C	Multi-family/Mixed Use	Central Business Secondary

## Summary of Code Requirements

Sec. 50-15.3-1 - Table 50-15.3-1 sets a maximum height of 45 ft. for a residential use within 500 ft. of R-1 or R-2 districts.

Sec. 50-37.9.B – Variance Procedures: “The Planning Commission shall... make a decision on the application based on the criteria in subsections 50-37.9.C – 50-37.9.M...”

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):

Principle #5 -Promote reinvestment in neighborhoods.

Duluth is strongly defined by its neighborhoods. This system should be supported through land use and transportation that foster neighborhood reinvestment. New development or redevelopment should maximize public investment that strengthens neighborhood commercial centers or diversifies residential opportunities that fit the neighborhood’s character.

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 opportunity for a diversity of activity that segregated, uniform uses do not provide.

### Future Land Use

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.

**Staff finds that:**

- 1) The applicant proposes to construct a 4-story apartment building. This building will have 98 apartment units and sits on approximately 1.04 acres. The structure is proposed to be 66 feet tall and feature four stories of units and interior parking on the ground floor.
- 2) The proposed building will be lower in height than the apartment building to the west, Endi Apartments.
- 3) This property is approximately 253 feet from R-2 to the south east and 350 feet to the northwest R-1 zone district.
- 4) Staff evaluated and found to be valid the practical difficulties the factors impacting building height for this site, including:
  - a. The steep slope of the hillside (topography);
  - b. The shallowness of the bedrock on the site, which impacts the construction basis for setting the building's elevation because of the required off-street parking (geographic conditions);
  - c. The location of the freeway, which impacts the site due to noise and dust, making ground-level units impractical.
- 5) Granting the variance will not alter the essential character of the area. The Endi building is directly west and is a taller building than the proposed structure. This variance would not result in reductions of light and air to surrounding properties. Traffic generation will not exceed typical levels in this location, and will not result in congestion in surrounding neighborhoods. Threats to public safety would not increase. Property values in the area would not be affected by the granting of the variance.
- 6) The proposed height of the property is reasonable and consistent with the intent for site redevelopment in this area.
- 7) The variance, if granted, would not impair the intent of the UDC expressed in Sec. 50-2. The variance is consistent with the Comprehensive Plan designation of the property as Traditional Neighborhood.
- 8) No additional landscaping is recommended as mitigation for the reduced setback per Sec. 50-37.9. H.
- 9) No letters were received concerning this proposed variance.
- 10) Per UDC Section 50-37.1.N, approved variances shall lapse if the project or activity authorized by the permit or variance is not begun within one year of the permit date.

**Staff Recommendation**

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

- 1) The project be limited to, constructed, and maintained according to the site plan and building elevations submitted on May 7, 2019 and incorporated by reference herein;
- 2) The height of the building shall not exceed those depicted in the exhibits as submitted;
- 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; however, no such administrative approval shall constitute a variance from the provisions of UDC Chapter 50.



Launch Properties:  
CUP, Plan Review, Variance

**R-1 (Residential  
Traditional)**

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

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

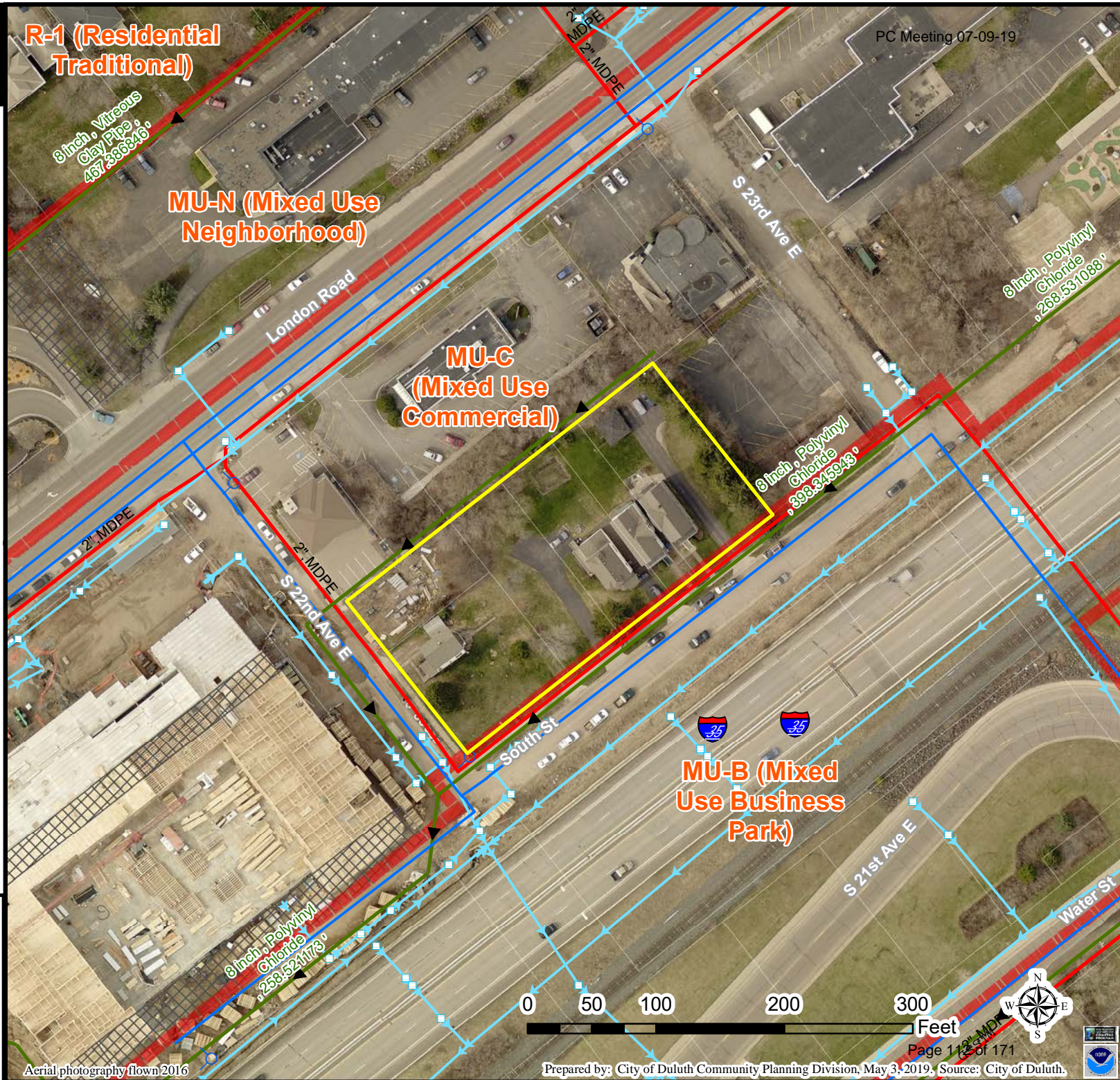
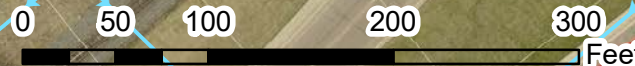
**MU-B (Mixed  
Use Business  
Park)**

**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
- Vacated ROW
- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

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Aerial photography flown 2016







Launch Properties  
Variance

PC Meeting 07-09-19



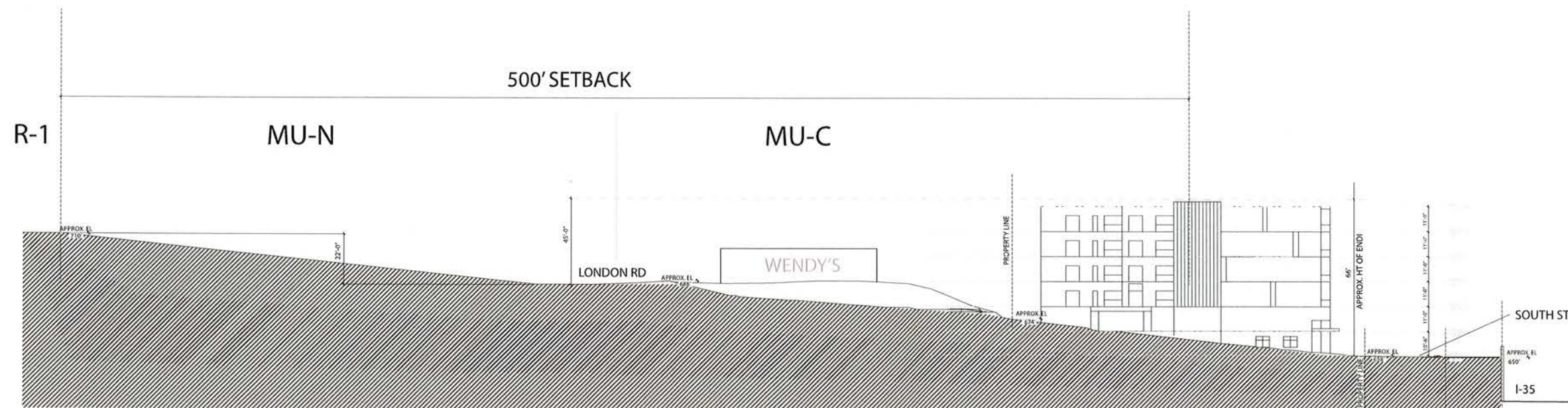
**Legend**

- 500 foot buffer
- Zoning Boundaries

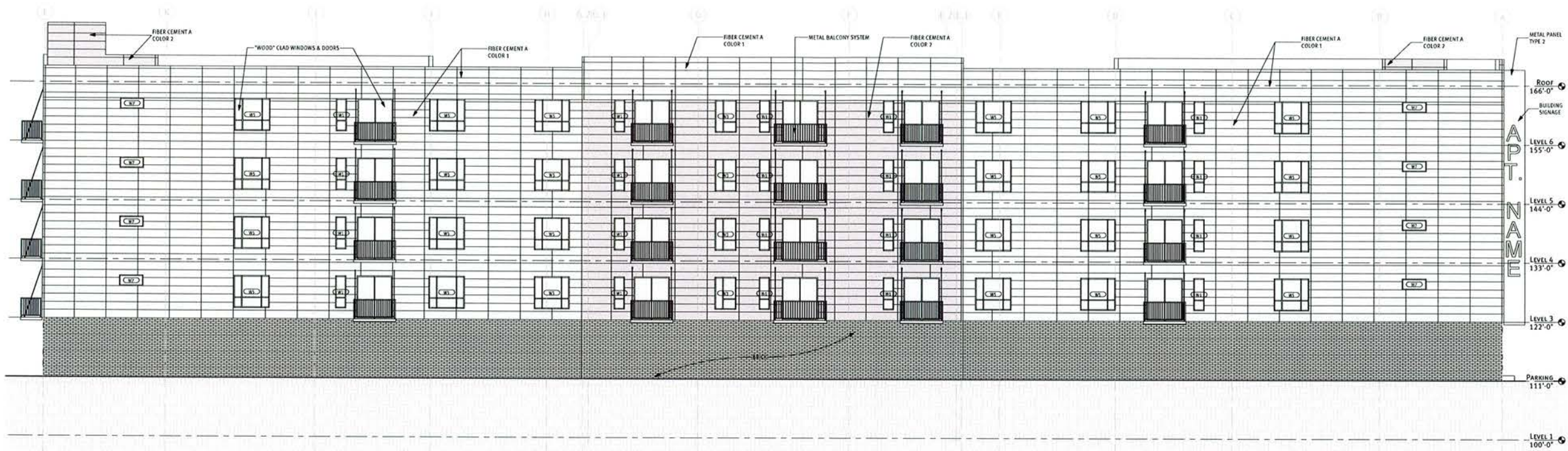
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Aerial photography flown 2016

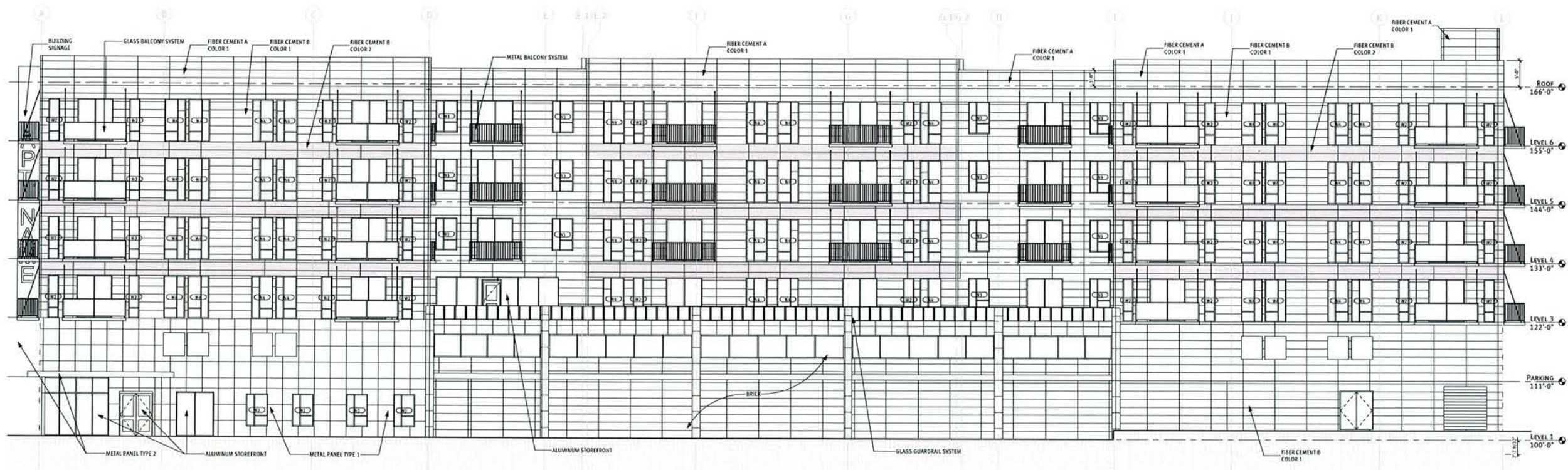




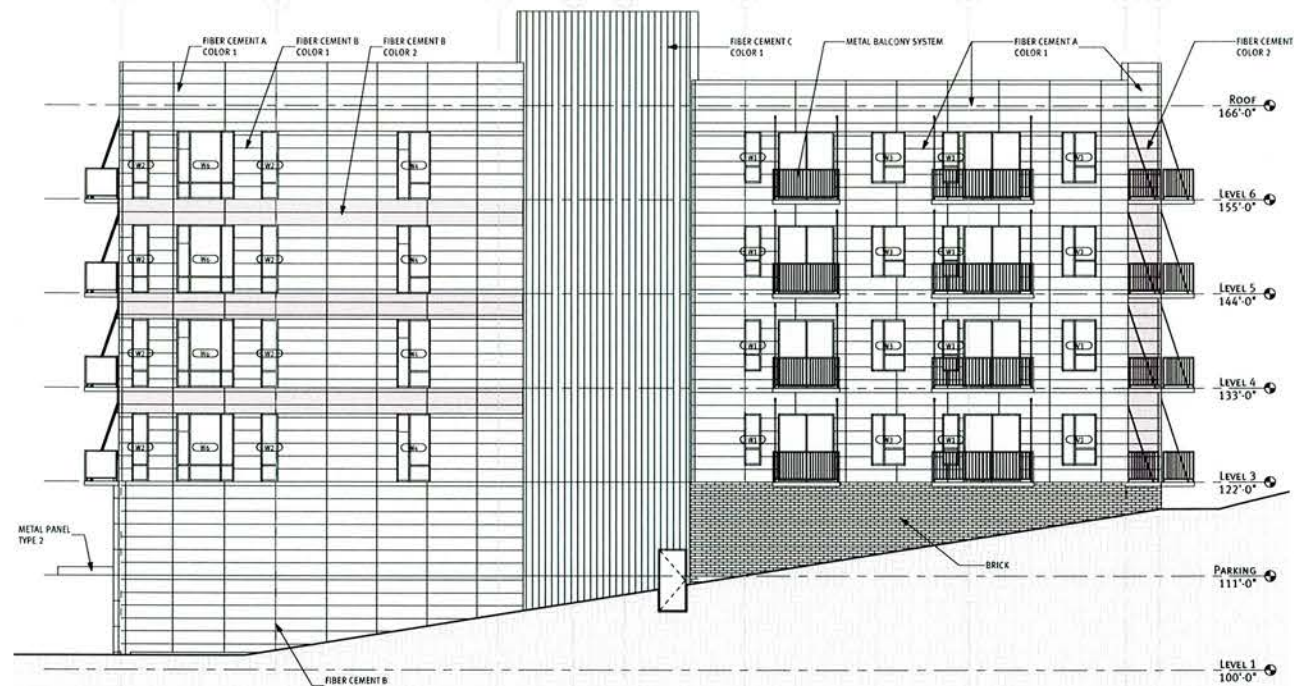
HILLSIDE SECTION  
1" = 20'-0"



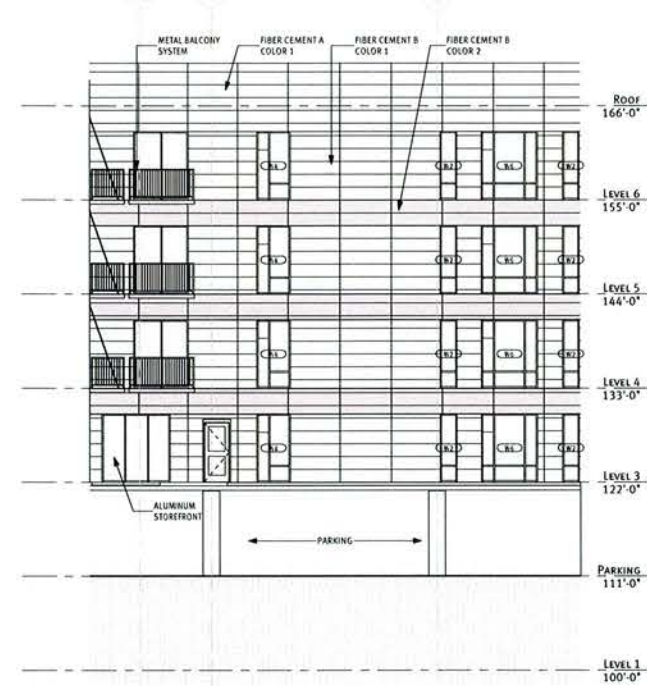
1 NORTH ELEVATION  
1/8" = 1'-0"



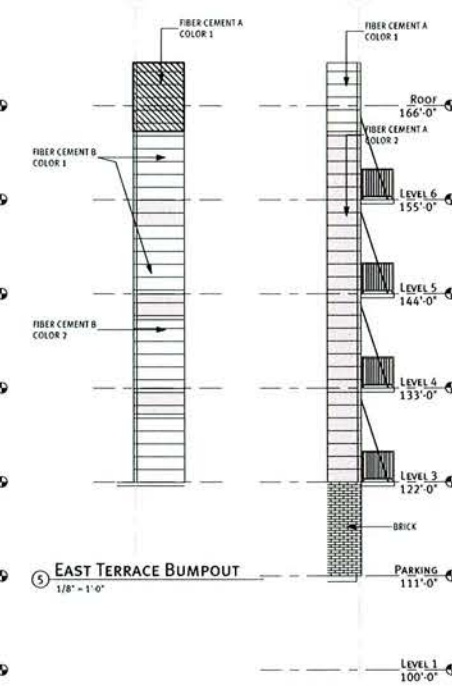
2 SOUTH ELEVATION  
1/8" = 1'-0"



1 EAST ELEVATION  
1/8" = 1'-0"

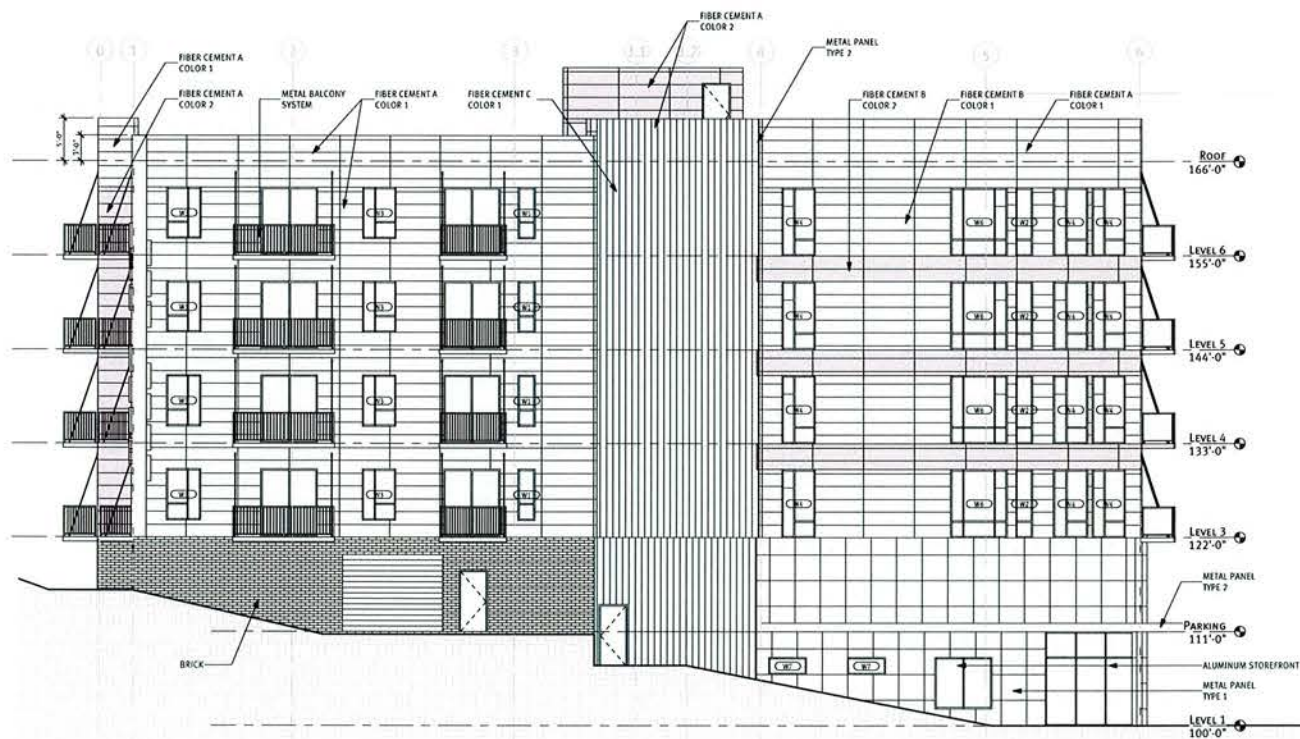


3 EAST TERRACE ELEVATION  
1/8" = 1'-0"

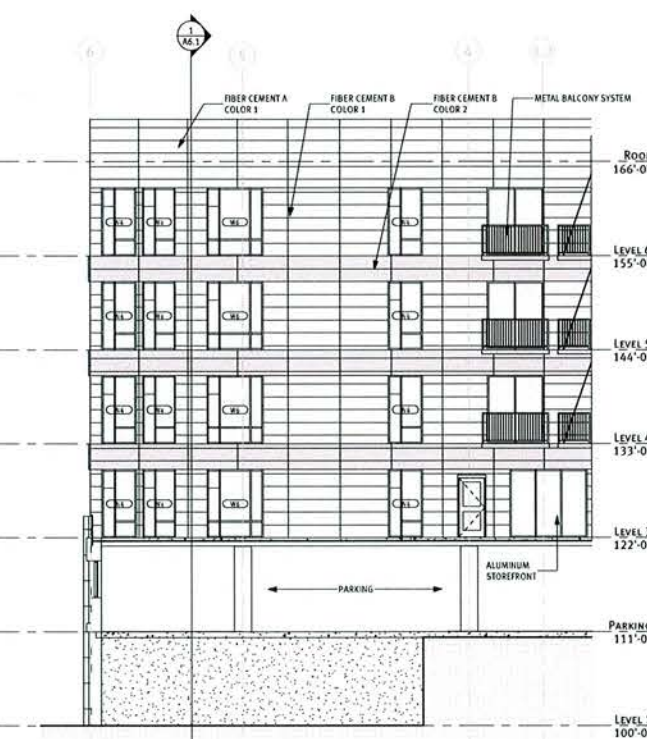


5 EAST TERRACE BUMPOUT  
1/8" = 1'-0"

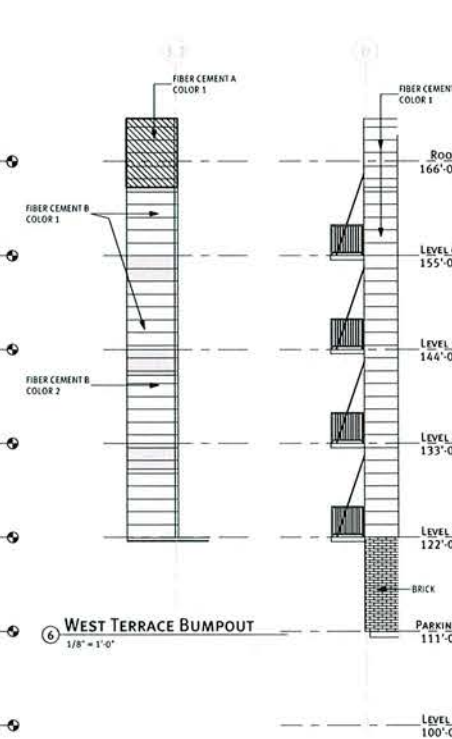
7 EAST HILL BUMPOUT  
1/8" = 1'-0"



2 WEST ELEVATION  
1/8" = 1'-0"



4 WEST TERRACE ELEVATION  
1/8" = 1'-0"



6 WEST TERRACE BUMPOUT  
1/8" = 1'-0"

8 WEST HILL BUMPOUT  
1/8" = 1'-0"

















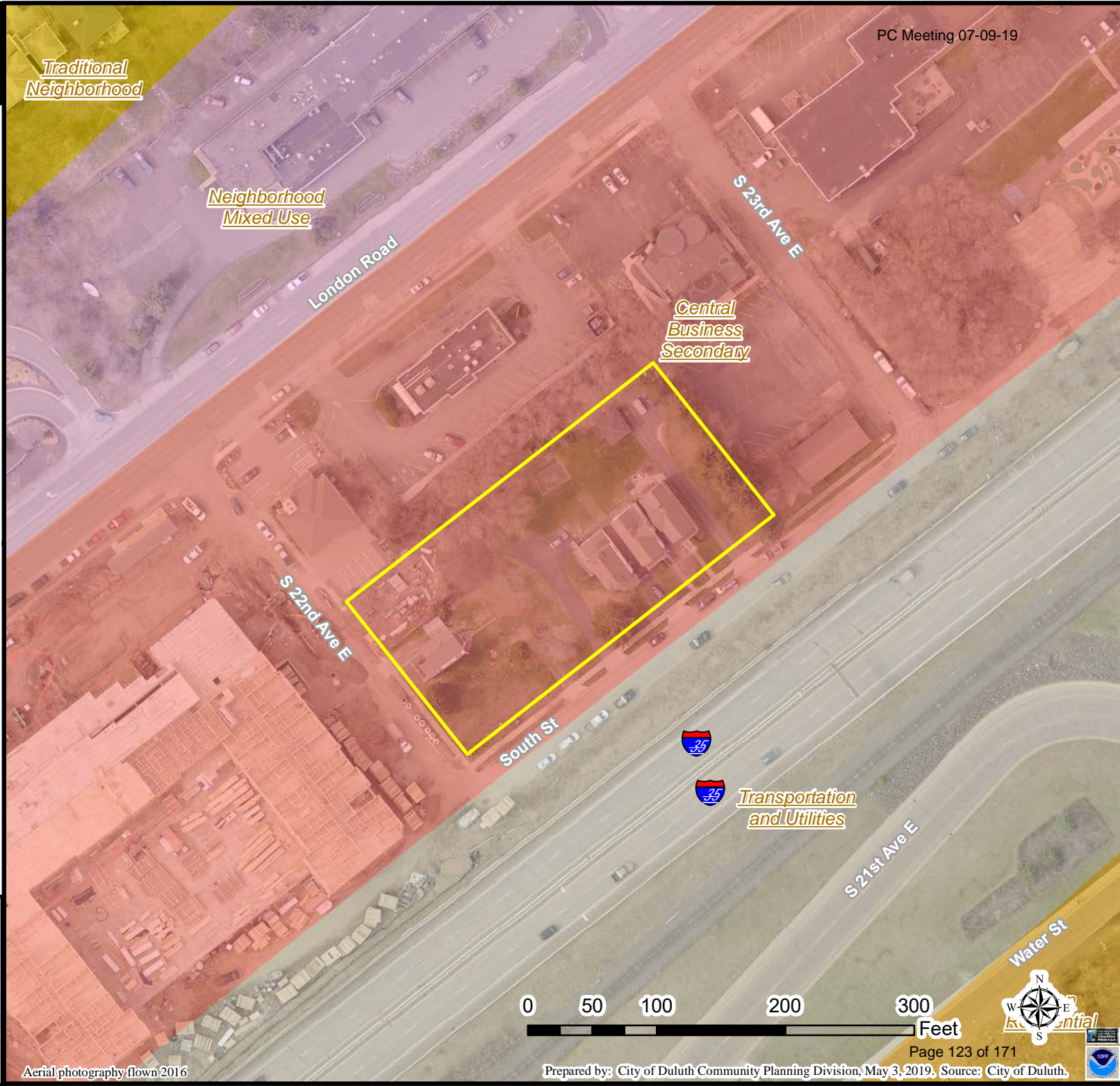
Launch Properties:  
CUP, Plan Review, Variance

*Traditional  
Neighborhood*

*Neighborhood  
Mixed Use*

*Central  
Business  
Secondary*

Legend	
	Trout Stream (GPS)
	Other Stream (GPS)
	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



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**CITY OF DULUTH**

Planning and Development

411 W 1<sup>st</sup> St, Rm 110 \* Duluth, Minnesota 55802-1197

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

<b>File Number</b>	PL19-081		<b>Contact</b>	John Kelley, 218-730-5326	
<b>Type</b>	Special Use Permit for Middle School/High School		<b>Planning Commission Date</b>	July 9, 2017	
<b>Deadline for Action</b>	<b>Application Date</b>	June 4, 2019	<b>60 Days</b>	August 3, 2019	
	<b>Date Extension Letter Mailed</b>	June 12, 2019	<b>120 Days</b>	October 2, 2019	
<b>Location of Subject</b>	2460 West 3 <sup>rd</sup> Street				
<b>Applicant</b>	Mater Dei Apostolate New Education Center		<b>Contact</b>		
<b>Agent</b>	Mater Dei Apostolate New Education Center		<b>Contact</b>		
<b>Legal Description</b>	010-1140-04520				
<b>Site Visit Date</b>	June 28, 2019		<b>Sign Notice Date</b>	June 25, 2019	
<b>Neighbor Letter Date</b>	June 26, 2019		<b>Number of Letters Sent</b>	99	

**Proposal**

Applicant proposes to operate an educational center for homeschooled middle school/high school grade students in the basement of the existing Holy Family Church located in the Lincoln Park neighborhood. The special use permit is needed to operate the middle/high school in the MU-N Zoning District.

**Recommendation**

Staff are recommending approval with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-N	Church	Neighborhood Mixed Use
<b>North</b>	MU-N	Residential	Neighborhood Mixed Use
<b>South</b>	R-2	School - Church	Neighborhood Mixed Use
<b>East</b>	R-2	Residential/Park	Neighborhood Mixed Use
<b>West</b>	MU-N/ R-1	Residential	Neighborhood Mixed Use/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.

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

Governing Principle #1 - Reuse previously developed lands  
 Governing Principle #8 - Encourage mix of activities, uses, and densities.  
 Governing Principle #11 - Include consideration for education systems in land use actions

Future Land Use- 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.

**Review and Discussion Items**

Staff Finds that:

- 1) Applicant proposes to use existing facilities in the basement of the Holy Family Church as an educational center for middle/high school age homeschooled students. The school's goal is to have 10 students enrolled for the 2019 school year and by 2020 it is anticipated that 60 students will be attending with the expectation of not exceeding 100 students. Hours for school operation will be 8:00am to 3:30pm Monday through Friday.
- 2) A middle or high school requires a special use permit to operate in an MU-N district.
- 3) The school use will not alter the essential character of the neighborhood, which includes a variety of uses including single-family homes and commercial uses.
- 4) UDC Sec. 50-20.2 (Use Specific Standards). The school will be in an existing church building that was constructed in 1996 meeting the zoning requirements for setbacks and height. The school intends to use the basement of the church with no plans for facility expansion that would cause an increase in height of encroach into existing setbacks. In the MU-N district, each property boundary with a lot occupied by a residential use shall be buffered with a dense urban screen. The school property does have one adjacent lot to the east occupied by a residential use. The applicant will be required to provide street frontage landscaping along West 2<sup>nd</sup> Street when the existing graveled parking lot paved (see below).
- 5) UDC Sec. 50-24 (Parking and loading). There is a requirement for 5 parking spots per each class room. The applicant is required to provide 20 spaces for high school use. The existing paved parking lot provides approximately 85 parking spaces. With a shared parking agreement with the church, the parking requirements for the high school use can be satisfied. The applicant is proposing to use the church's main entrance located on the north side of the building for the school entrance and student drop off. The site also depicts an existing graveled parking lot with access from West 2<sup>nd</sup> Street. The site plan notes that the graveled parking lot will be paved within 4 years to align with the churches building improvement plan.
- 6) UDC Sec. 50-25 (Landscaping and Tree Preservation). Street frontage landscaping must be installed along West 2<sup>nd</sup> Street meeting the requirements of Section 50-25.3 of the Unified Development Chapter (UDC).
- 7) UDC Sec. 50-26 (Screening, Walls and Fences). There is an existing dumpster located along North 25<sup>th</sup> Avenue West. The applicant intends to relocate the dumpster to the existing gravel parking lot. The dumpsters will be screened meeting the requirements of Section 50-26.3 of the UDC.
- 8) UDC Sec. 50-29 (Sustainability Standards) and 50-30 (Building Design Standards). These requirements do not apply for this project.
- 9) UDC Sec. 50-31 (Exterior Lighting). No additional lighting is being planned for this project.
- 10) No citizen or City Department comments were received at the time that this report was compiled.

**Staff Recommendation**

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


- 1) The proposal is consistent with the Comprehensive Land Use Plan.
- 2) The graveled parking lot with access from West 2<sup>nd</sup> Street shall be paved within 4 years of the issuance of the special use permit.
- 3) Street frontage landscaping along West 2<sup>nd</sup> Street shall be installed meeting the requirements of Section 50-26.3 of the UDC within one year of the issuance of the special use permit.
- 4) Dumpsters must be screened meeting the requirements of the UDC within one year of the issuance of the


special use permit.

- 5) 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.



**Legend**

 Vacated ROW

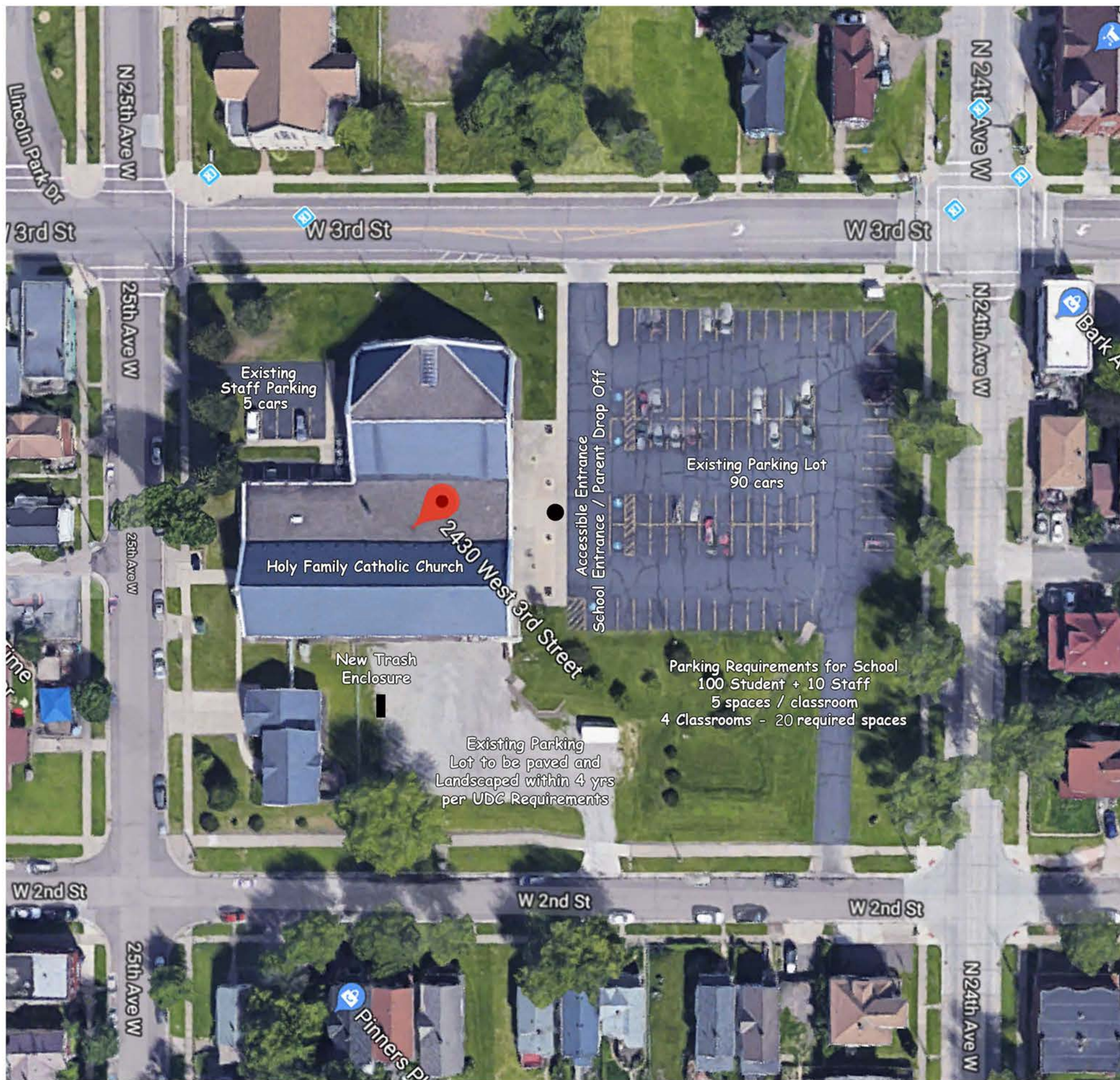
 Zoning Boundaries

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



# Mater Dei Apostolate New Education Center

Holy Family Catholic Church  
2430 West 3rd Street



**Aerial Photo / Site Layout**

Revised 6/20/19  
Revised 6/17/19

Job No.	2477	Date	5/24/19
Drawn By	RWF	Checked	
Sheet:	<b>1</b>		
of:	1		

RW Fern Associates Inc. Architects, 5517 Grand Ave, Duluth, Minnesota 55807 (218) 722-8271

**Mater Dei Apostolate Education Center - Special Use Application**  
Holy Family Catholic Church  
2430 West 3rd Street Duluth, MN 55806



*Holy Family Catholic Church*

*2430 W 3<sup>rd</sup> St.*

*Duluth, MN 55806*

*(218) 722-4445*

Community Planning Committee

411 West 1st Street, Room 110

Duluth, MN 55802

To Whom it May Concern,

I am writing in relation to the special use permit at Holy Family Church submitted by Mater Dei Apostolate. We are in the process of planning a 5-year capital improvement plan. It will include the paving of the lower lot and landscaping according to code. We plan to accomplish this portion of our plan within the first 4 years of our improvement plan.

If you need any further information, please contact me at the parish.

Sincerely,



Rev. Ryan Moravitz

*e-mail: [holyfamilyduluth@yahoo.com](mailto:holyfamilyduluth@yahoo.com)*

*Website: [www.catholicduluth.org](http://www.catholicduluth.org)*

I just received my notice regarding the school that they would like to have at the church on 24th Avenue West and 3rd Street, I feel that it not only would be a great addition to our neighborhood but our city as well, I hope that they are able to move forward with this and I wish the best of luck in making it happen.





**CITY OF DULUTH**

Planning and Development

411 W 1<sup>st</sup> St, Rm 110 \* Duluth, Minnesota 55802-1197

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

<b>File Number</b>	PL 19-076	<b>Contact</b>	John Kelley	
<b>Type</b>	Special Use Permit for a Restaurant under 5,000 square feet	<b>Planning Commission Date</b>	July 9, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>	June 3, 2019	<b>60 Days</b>	August 2, 2019
	<b>Date Extension Letter Mailed</b>	June 12, 2019	<b>120 Days</b>	October 1, 2019
<b>Location of Subject</b>	2302 West 3 <sup>rd</sup> Street			
<b>Applicant</b>	Bob Bagley	<b>Contact</b>		
<b>Agent</b>	Doug Zaun	<b>Contact</b>		
<b>Legal Description</b>	010-1140-04800			
<b>Site Visit Date</b>	June 28, 2019	<b>Sign Notice Date</b>	June 25, 2019	
<b>Neighbor Letter Date</b>	June 26, 2019	<b>Number of Letters Sent</b>	92	

**Proposal**

Applicant proposes to operate a restaurant (less than 5,000 sqft) in an MU-N district. A restaurant in a MU-N district requires a Special Use Permit.

**Recommendation**

Staff are recommending approval with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-N	Vacant Church	Neighborhood Mixed Use
<b>North</b>	MU-N	Residential	Neighborhood Mixed Use
<b>South</b>	R-2	Residential	Neighborhood Mixed Use
<b>East</b>	R-2	Residential/commercial	Neighborhood Mixed Use
<b>West</b>	MU-N	Residential	Neighborhood Mixed Use

**Summary of Code Requirements**

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

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

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

Governing Principle #1 - Reuse previously developed lands

Reuse of previously developed lands, including adaptive reuse of existing building stock - residential structures suitable for rehabilitation, (creates individual improvement as well as contributes to neighborhood vitality).

Principle 5 -Promote reinvestment in neighborhoods.

Duluth is strongly defined by its neighborhoods. This system should be supported through land use and transportation that foster neighborhood reinvestment. New development or redevelopment should maximize public investment that strengthens neighborhood commercial centers or diversifies residential opportunities that fit the neighborhood's character.

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 opportunity for a diversity of activity that segregated, uniform uses do not provide

Future Land Use, 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.

**Review and Discussion Items**

- 1) Applicant proposes to re-use an existing church building for a restaurant (less than 5,000 sqft) and improvements to the site including a dumpster enclosure and street landscaping.
- 2) A restaurant under 5,000 square feet requires a special use permit to operate in an MU-N district. The site will have vehicular access via the West 3<sup>rd</sup> Street alley.
- 3) UDC Sec. 50-20.3 (Use Specific Standards). The restaurant is under 5,000 square feet and will not have a drive-through.
- 4) UDC Sec. 50-24 (Parking and loading). Parking for the restaurant is 6.5 spaces per 1,000 square feet of gross floor area and would require 32 parking spaces. A 30% transit reduction in the required parking spaces is permitted as the restaurant is along a bus route. This reduction would allow for 22 parking spaces. The applicant is proposing 7 onsite parking spaces and 16 additional parking spaces located at the Church at West 3<sup>rd</sup> Street and North 22<sup>nd</sup> Avenue West. The applicant will need to provide a written agreement assuring the continued availability of the offsite parking spaces.
- 5) UDC Sec. 50-25 (Landscaping and Tree Preservation). The existing parking lot contains less than 25 space and does not require landscaped islands. However, the parking lot must have 30% tree canopy coverage. Street frontage landscaping is depicted on the site plan along West 3<sup>rd</sup> Street and North 23<sup>rd</sup> Avenue West. Landscaping is proposed in the right-of-way (ROW) along North 23<sup>rd</sup> Avenue West. The applicant will need to coordinate with the City Engineering Department on tree planting in the ROW. Shrubs must be planted on the applicant's property adjacent to the ROW within the existing green space. The applicant must provide a landscaping plan for the street frontage and tree canopy landscaping meeting the requirements of the UDC.
- 6) UDC Sec. 50-26 (Screening, Walls and Fences). The applicant is proposing to provide a dumpster enclosure. The screening of the dumpster must comply with Section 50-26.3 of the UDC for commercial containers. The site plan also notes that mechanical equipment to be screened and must meet the requirements of Section 50-26.1 of the UDC.
- 7) UDC Sec. 50-29 (Sustainability Standards) and 50-30 (Building Design Standards). These requirements do not apply for this project.
- 8) UDC Sec. 50-31 (Exterior Lighting). No new lighting will be installed as part of this project
- 9) No citizen or city departments comments were received at the time that this report was written.

**Staff Recommendation**

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

- 1) The proposal is limited to the site plan and documents submitted with this application;
- 2) The applicant must provide a written agreement with the property owner for the shared offsite parking spaces;
- 3) The screening of the dumpster must comply with Section 50-26.3 of the UDC for commercial containers;
- 4) The mechanical equipment to be screened must meet the requirements of Section 50-26.1 of the UDC;
- 5) The applicant must submit a landscape plan for approval prior to the issuance of the special use permit;
- 6) Dumpster and mechanical screening to meet minimum UDC standards; and
- 7) 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 19-076 SUP Area Map

PC Meeting 07-09-19



## Legend

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Aerial photography flown 2016

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







2305 W 3rd St  
118001270

2230 W 3rd St  
PC Meeting 07-09-19  
114005270



W 3rd St

114004800

N 23rd Ave W

114004820

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

2302 W 3rd St

114004840

2310 W 3rd St

114004850

W 3rd St Alley

2301 W 2nd St  
114004630

2312 W 3rd St

**R-2  
(Residential  
Urban)**

114004860

2314 W 3rd St

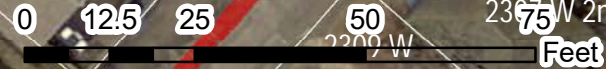
114004640

2316 W 3rd St

114004650

2305 W 2nd St

2318 W  
3rd St



114004880  
Aerial photography flown 2016

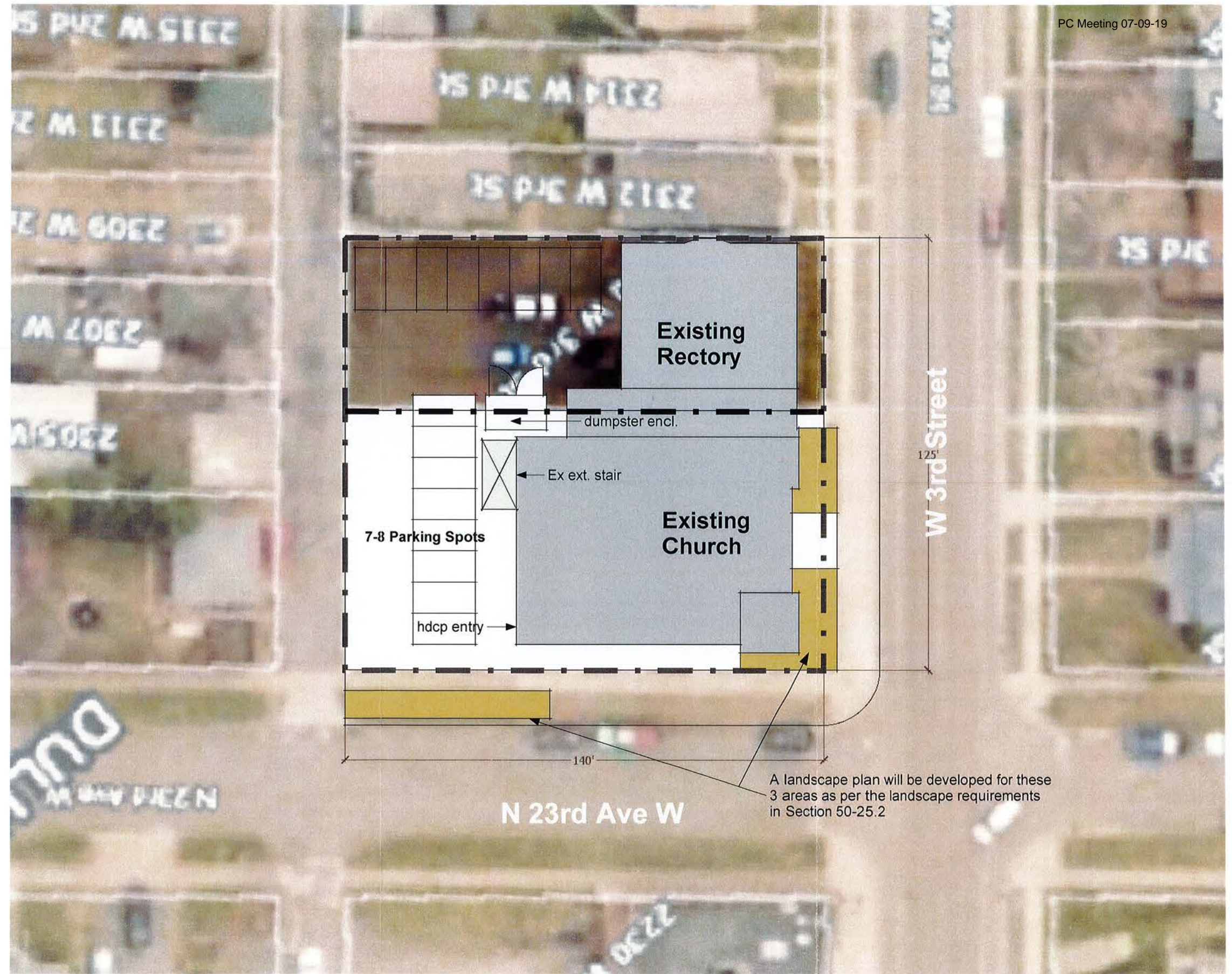
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# Zoning Summary

## Duluth UDC - January 2018

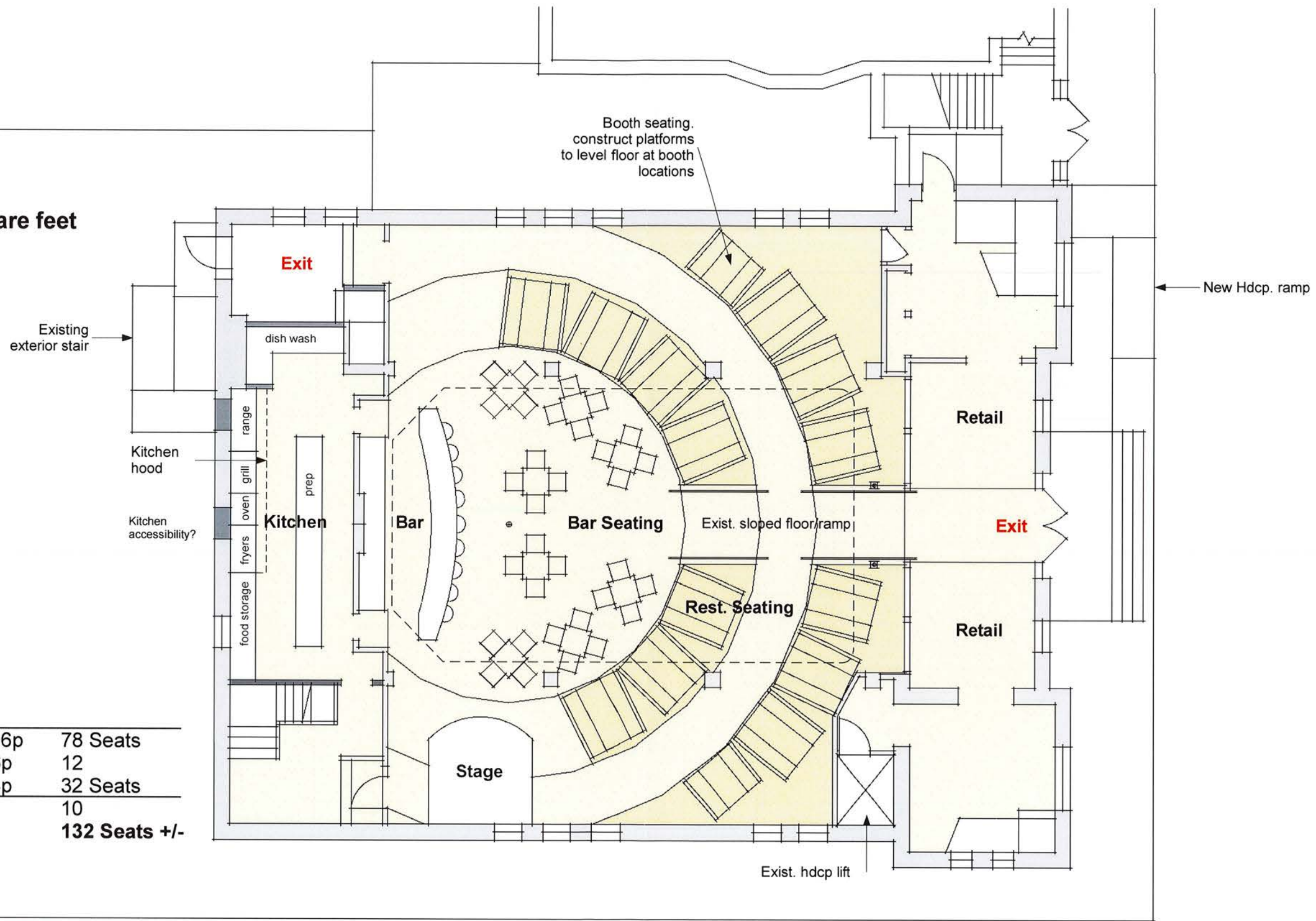
1. Location: 2302 W 3rd St  
Duluth MN
2. Zoning: MU-N  
Mixed Use Neighborhood  
Abuts R2 (across alley)
3. Permitted Uses: 1 & 2 family dwelling  
Multi-family dwelling  
Restaurant (Max. size 5,000sf)  
Offices  
Other uses permitted but not listed
4. Parking  
For Restaurant Use  
6.5 spaces per 1,000gsf  
5,000gsf / 1,000 = 5  
5 x 6.5 = 32 req. spaces  
30% transit reduction = 10  
**22 req spaces for 5,000sf rest.**  
For Office Use  
2.5 spaces per 1,000gsf  
5 x 2.5 = 12 req. spaces  
30% transit reduction = 4  
**8 req. spaces for 5,000sf office**
5. Landscaping Existing parking to have 30% tree canopy coverage (verify)  
No screening or fence between MU-N & R2 because of alley (verify)
6. Screening Mech equip. to be screened  
Dumpsters to be screened
7. Signage Signage ordinance and permit req.
8. Ext. Lighting Ext. lighting to be shielded



# Site Plan

1" = 30' @ 11x17

4,940 gross square feet



**Seating Tabulation**

Booth Seating	13 x 6p	78 Seats
	2 x 6p	12
Bar Tables	8 x 4p	32 Seats
Bar Seating		10
<b>TOTAL</b>		<b>132 Seats +/-</b>

# 1st Floor Plan

1" = 10' @ 11x17

Pre Design Phase  
Apr 25 2019

**Bethany Church - Re-use - Restaurant**  
Duluth MN

**Wagner Zaun**  
ARCHITECTURE

I just received the notice regarding a permit required request for the church on my corner to be used as a restaurant, I am unable to attend the meeting but I feel like this is a great move for our neighborhood as I would like to bring it back to a family friendly neighborhood that it once was. My only concern would be the parking issue as parking is very scarce right now, I would recommend that they buy the empty lot in the Alley or 2nd Street for additional parking otherwise I feel that would be a great fit for our neighborhood and something to look forward to.



**CITY OF DULUTH**

Planning and Development

411 W 1<sup>st</sup> St, Rm 110 \* Duluth, Minnesota 55802-1197

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

<b>File Number</b>	PL 19-077	<b>Contact</b>	John Kelley	
<b>Type</b>	Special Use Permit for Urban Agriculture	<b>Planning Commission Date</b>	July 9, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>	June 3, 2019	<b>60 Days</b>	August 2, 2019
	<b>Date Extension Letter Mailed</b>	June 12, 2019	<b>120 Days</b>	October 1, 2019
<b>Location of Subject</b>	2302 West 3 <sup>rd</sup> Street			
<b>Applicant</b>	Bob Bagley	<b>Contact</b>		
<b>Agent</b>	Doug Zaun	<b>Contact</b>		
<b>Legal Description</b>	010-1140-04800			
<b>Site Visit Date</b>	June 28, 2019	<b>Sign Notice Date</b>	June 25, 2019	
<b>Neighbor Letter Date</b>	June 26, 2019	<b>Number of Letters Sent</b>	92	

**Proposal**

Applicant proposes to operate a 5,000 square foot indoor urban agriculture facility in the basement of a former church in an MU-N district. Urban Agriculture in a MU-N district requires a Special Use Permit.

**Recommendation**

Staff are recommending approval with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-N	Vacant Church	Neighborhood Mixed Use
<b>North</b>	MU-N	Residential	Neighborhood Mixed Use
<b>South</b>	R-2	Residential	Neighborhood Mixed Use
<b>East</b>	R-2	Residential/commercial	Neighborhood Mixed Use
<b>West</b>	MU-N	Residential	Neighborhood Mixed Use

**Summary of Code Requirements**

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

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

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

Governing Principle #1 - Reuse previously developed lands

Reuse of previously developed lands, including adaptive reuse of existing building stock - residential structures suitable for rehabilitation, (creates individual improvement as well as contributes to neighborhood vitality).

Principle 5 -Promote reinvestment in neighborhoods.

Duluth is strongly defined by its neighborhoods. This system should be supported through land use and transportation that foster neighborhood reinvestment. New development or redevelopment should maximize public investment that strengthens neighborhood commercial centers or diversifies residential opportunities that fit the neighborhood's character.

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 opportunity for a diversity of activity that segregated, uniform uses do not provide

Future Land Use, 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.

**Review and Discussion Items**

- 1) Applicant proposes to use the basement of a former church building to operate an urban agriculture facility. The facility will be approximately 5,000 square feet in size containing a growing area, storage and a kitchen area. The urban agriculture facility will be located in the same building as a proposed restaurant.
- 2) UDC Sec. 50-20.3.B.4 (Use Specific Standards). The growing facility will operate entirely within the building and will have no outdoor use on the property for urban agriculture. The applicant intends to use the facility to grow vegetables and fruit for use in the restaurant and sell produce in the entry vestibule area of the first floor.
- 3) UDC Sec. 50-24 (Parking and loading). Parking is not required for urban agriculture use. Parking for employees and patrons of the urban agriculture facility buying produce in the vestibule area of the building will be in the existing parking lot and the proposed off-site parking arrangement. The applicant is proposing 7 onsite parking spaces and 16 additional parking spaces located at the Church at West 3<sup>rd</sup> Street and North 22<sup>nd</sup> Avenue West. The applicant will need to provide a written agreement assuring the continued availability of the off-site parking spaces.
- 4) UDC Sec. 50-25 (Landscaping and Tree Preservation). These requirements do not apply for this project.
- 5) UDC Sec. 50-26 (Screening, Walls and Fences). The applicant is proposing to provide a dumpster enclosure. The screening of the dumpster must comply with Section 50-26.3 of the UDC for commercial containers.
- 6) UDC Sec. 50-29 (Sustainability Standards) and 50-30 (Building Design Standards). These requirements do not apply for this project.
- 7) UDC Sec. 50-31 (Exterior Lighting). No new external lighting will be installed as part of this project
- 8) No citizen or city departments comments were received at the time that this report was written.

**Staff Recommendation**

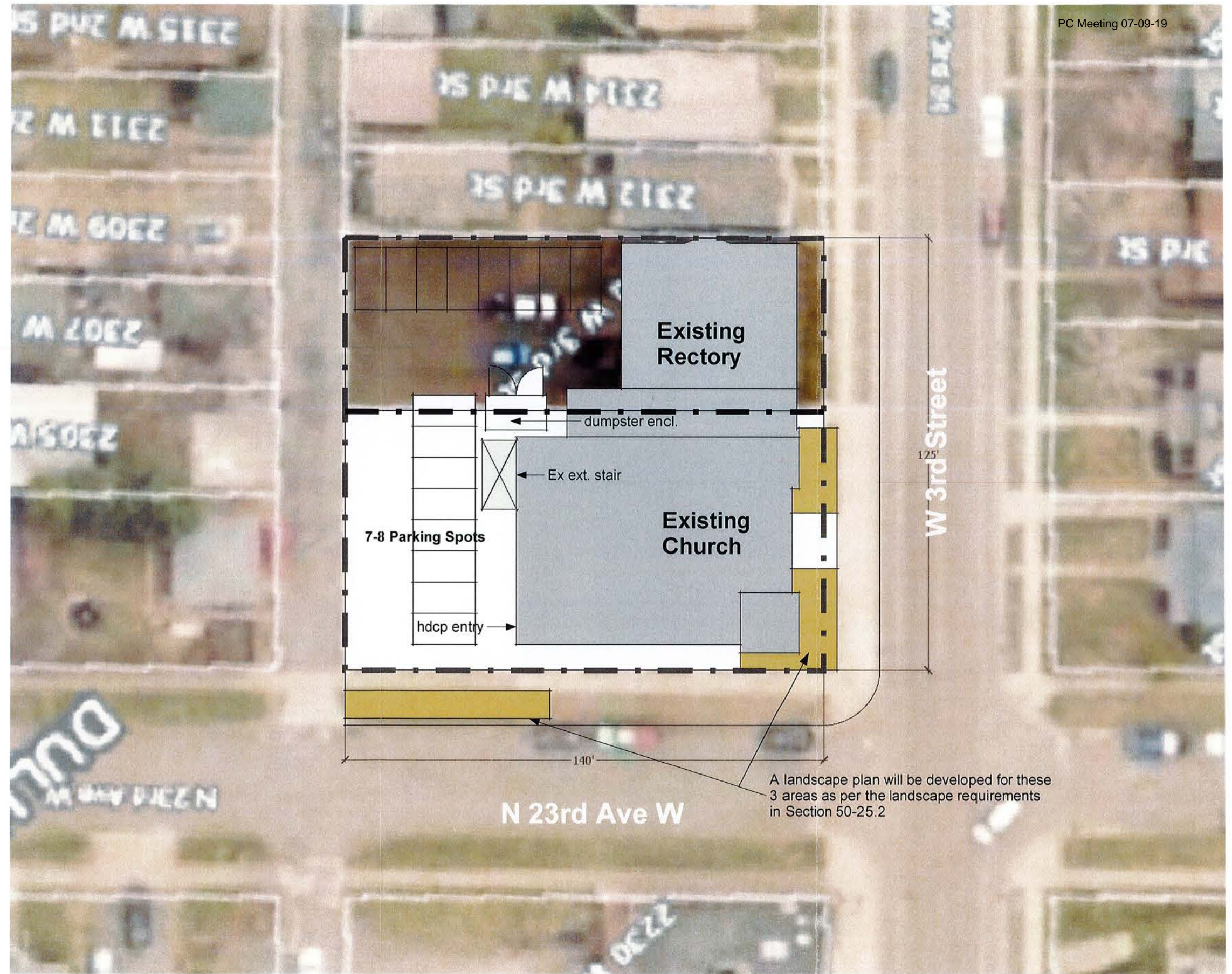
Based on the above findings, Staff recommends that Planning Commission approve the special use permit subject to the following conditions:

- 1) The proposal is limited to the site plan and documents submitted with this application;
- 2) The sale of produce and goods associated with the urban agriculture shall be confined to the entry vestibule area; and
- 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 administrative approval shall constitute a variance from the provisions of Chapter 50.

# Zoning Summary

## Duluth UDC - January 2018

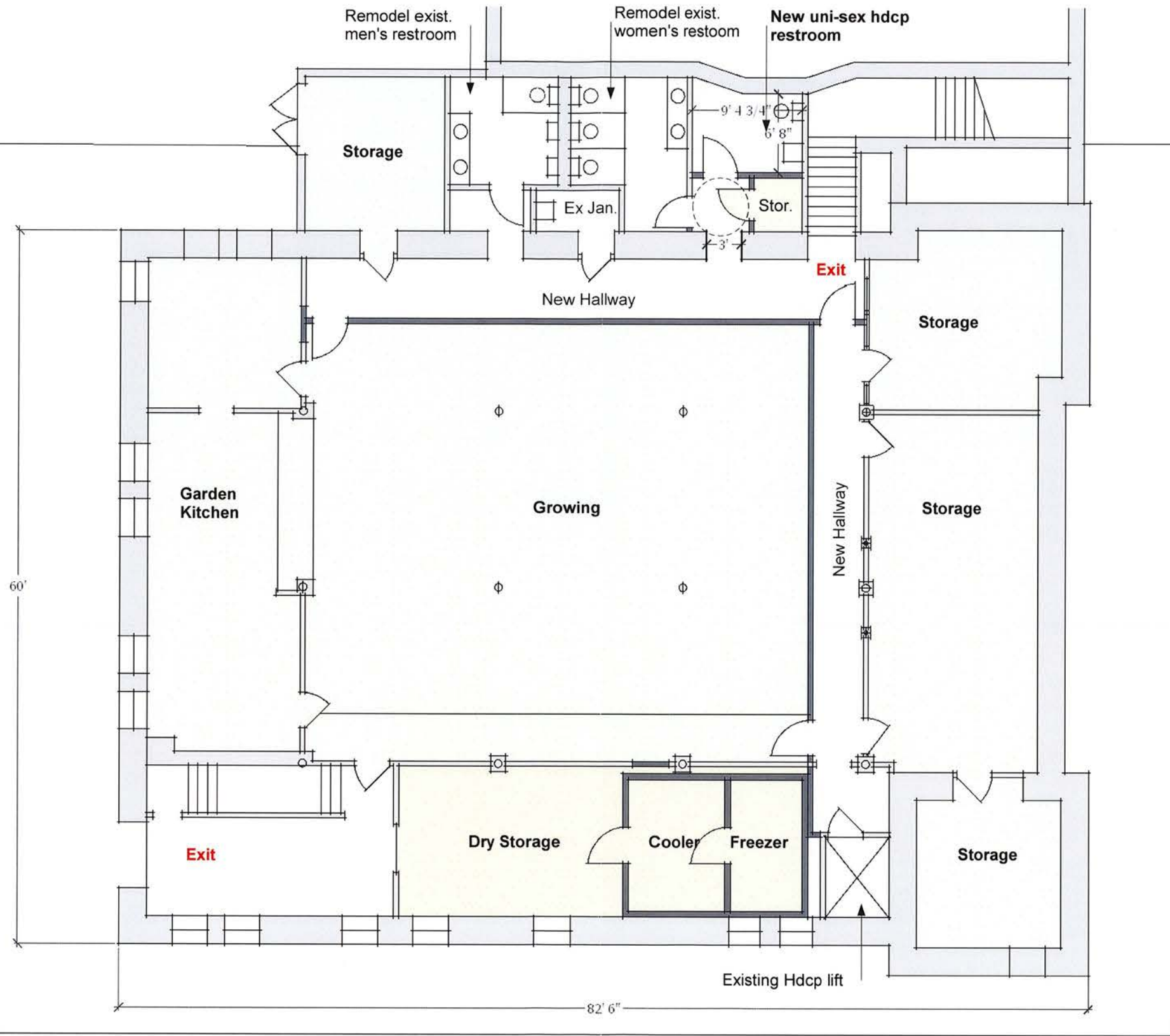
1. Location: 2302 W 3rd St  
Duluth MN
2. Zoning: MU-N  
Mixed Use Neighborhood  
Abuts R2 (across alley)
3. Permitted Uses: 1 & 2 family dwelling  
Multi-family dwelling  
Restaurant (Max. size 5,000sf)  
Offices  
Other uses permitted but not listed
4. Parking  
For Restaurant Use  
6.5 spaces per 1,000gsf  
5,000gsf / 1,000 = 5  
5 x 6.5 = 32 req. spaces  
30% transit reduction = 10  
**22 req spaces for 5,000sf rest.**  
For Office Use  
2.5 spaces per 1,000gsf  
5 x 2.5 = 12 req. spaces  
30% transit reduction = 4  
**8 req. spaces for 5,000sf office**
5. Landscaping Existing parking to have 30% tree canopy coverage (verify)  
No screening or fence between MU-N & R2 because of alley (verify)
6. Screening Mech equip. to be screened  
Dumpsters to be screened
7. Signage Signage ordinance and permit req.
8. Ext. Lighting Ext. lighting to be shielded



# Site Plan

1" = 30' @ 11x17

5,840 gross square feet



# Basement Plan

1" = 10' @ 11x17

Pre Design Phase  
Apr 25 2019

Bethany Church - Re-use - Restaurant  
Duluth MN

Wagner Zaun  
ARCHITECTURE







**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

<b>File Number</b>	PL 19-079	<b>Contact</b>	Steven Robertson	
<b>Type</b>	Interim Use Permit – Vacation Dwelling	<b>Planning Commission Date</b>	July 9, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>	June 4, 2019	<b>60 Days</b>	August 3, 2019
	<b>Date Extension Letter Mailed</b>	June 26, 2019	<b>120 Days</b>	October 2, 2019
<b>Location of Subject</b>	702 South Lake Avenue			
<b>Applicant</b>	Jeff Huotari	<b>Contact</b>		
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	010-4380-01220			
<b>Site Visit Date</b>	June 26, 2019	<b>Sign Notice Date</b>	June 24, 2019	
<b>Neighbor Letter Date</b>	June 26, 2019	<b>Number of Letters Sent</b>	14	

**Proposal**

The applicant proposes use of the dwelling unit with three 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.

**Recommended Action:** Recommend to City Council approval of an Interim Use Permit – Vacation Dwelling Unit

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Residential	Traditional Neighborhood
<b>North</b>	R-1	Park	Open Space
<b>South</b>	R-1	Residential	Traditional Neighborhood
<b>East</b>	R-1	Park/Beach	Open Space
<b>West</b>	MU-N	Hotel	Commercial Waterfront

**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

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 and neighborhood extensions, and new traditional neighborhood areas.

**Current History:**

According to St Louis County's Land Explorer, the 1,500 square foot home was constructed in 1904; the lot is 40 by 100 feet. The property owner currently has an active rental license for the property (issued 11/25/18).

**Review and Discussion Items:**

- 1) The principle dwelling unit has three bedrooms, which would allow for a maximum of 7 people.
- 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's agent will serve as the managing agent (Heirloom Property Management, 202 East First Street Duluth MN).
- 3) The required parking for a 3-bedroom vacation dwelling unit in 2 off-street spaces. The site plan provides for 3 parking spaces (parked tandem).
- 4) The applicant has provided a site plan showing limited backyard amenities. The site plan shows existing buffering/screening between adjacent properties.
- 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 obtained a Minnesota Tax ID number, and has applied for City of Duluth Tourism Tax Vacation Rental license. Applicant currently has a valid Fire Department Live Safety occupational permit, but will need to apply for a new inspection, and a Minnesota Department of Health Lodging License.

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

8) The site plan reflects the property as being 124 feet deep, however according to information available to City Staff, the property was platted at 100 feet deep. The property line stops approximately near the edge of the flower bed shown on the site map. Private obstructions on public property, including public parks/beaches, are not allowed. These items must be removed.

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

**Staff Recommendation:**

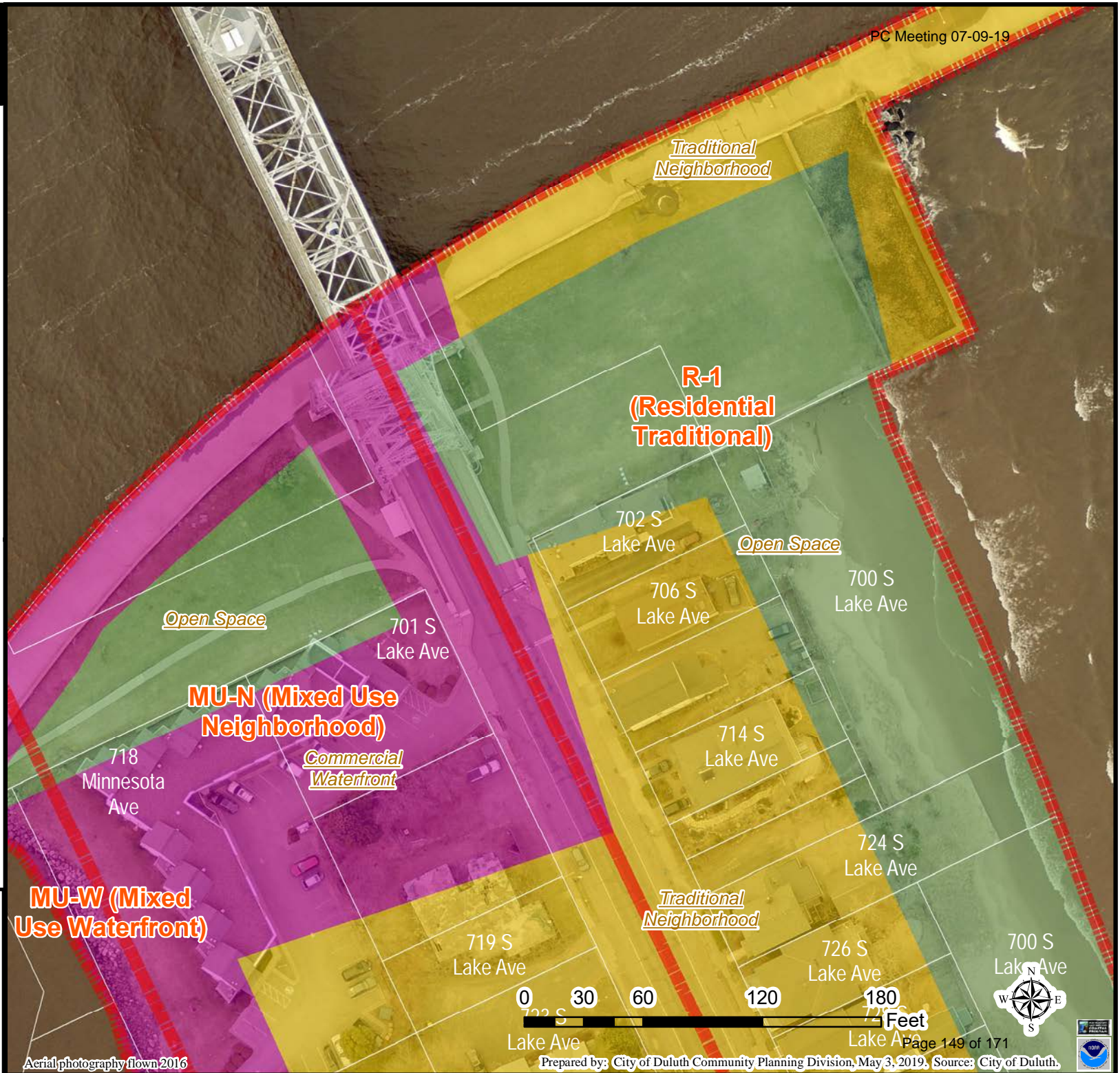
Based on the above findings, Staff recommends that Planning Commission recommend approval subject to the following:

- 1) The Interim Use Permit shall not be effective until the applicant has received all required licenses and permits for operation.
- 2) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit document and provide evidence of compliance, which will be included in the resolution.
- 3) Property owner remove the shed and fence that is on city park property prior to operating this property as a vacation dwelling, or by September 1, 2019, whichever occurs first.
- 4) The applicant must provide a written disclosure to all guests, in writing, stating that quiet hours shall be observed between the hours of 10 p.m. and 8 a.m.



**Legend**

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



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Aerial photography flown 2016







Google Earth

feet  
meters





## Selected City Ordinances on Parking, Parks, Pets & Noise

*Thanks for choosing to visit our wonderful city. The summary of ordinances below was assembled to answer commonly asked questions related to vehicle parking, park use, pets and noise. We hope you enjoy all that Duluth has to offer and that you'll return again soon!*

### Vehicle Parking Rules:

**Sec. 33-82. Prohibitions generally.**

(c) No person shall, for the purpose of camping, lodging, or residing therein, leave or park a vehicle or motor vehicle on or within the limits of any highway or on any highway right-of-way, except where signs are erected designating the place as a camp site;

**Sec. 33-85. Parking more than 24 consecutive hours prohibited.**

No vehicle shall be left standing or parked more than 24 consecutive hours on any street or highway within the city.

**Sec. 33-97.8. Alternate side parking.**

Except where signs direct otherwise, all vehicles parked on streets in Duluth must observe the alternate side parking program to enable street cleaning, plowing, and other maintenance. All vehicles must be parked on the side of the street designated for parking for the week with house numbers that are either odd or even, see <http://www.duluthmn.gov/> for the designation of "odd" or "even" side parking for the week. The following week vehicles must be parked on the opposite side of the street. Every Sunday between the hours 4:00 p.m. and 8:00 p.m. shall be a changeover period and the provisions of this Section shall not be in force during such time.

### Park Rules:

**Sec. 35-9.3. Use of parks between certain hours prohibited without prior registration. Nearly all parks and beaches in Duluth are closed to public use after 10:00 p.m., including the beaches along Park Point.**

**Sec. 35-6. Vehicles, parking and recreational trails and paths.**

(b) No person shall operate any motor vehicle or bicycle or ride a horse in any area of any park except on the roadway portion of streets, or highways, or parking areas in such park.

Many of the trails in Duluth are reserved for specific users year round or only during certain times of the year. This information is posted near trailheads to designate where bicycles, skis, and hikers are allowed. Direction of travel for trails may also be designated. Please observe these rules.

Additionally, winter use of ski trails within the City of Duluth requires that users have a DNR Ski Pass. See <http://www.dnr.state.mn.us/licenses/skipass/index.html> for more info. on obtaining this pass.

**Sec. 35-7. Setting fires, prohibited.**

(a) Except as provided in this Section, no person shall start or maintain any fire or hot coals in any park other than in designated park grills or privately owned grills suitable for the purpose for which they are used;

(c) The director of parks and recreation or the fire chief may ban all burning, including burning in grills, in parks at times of high fire danger.

**It is a violation of this section to create a recreational fire on the beaches of Park Point.**



**Sec. 35-8. Prohibited activities.**

Within any public park, no person shall:

- (a) Discharge any firearm, air gun, crossbow, bow and arrow, slingshot or other missile firing device, provided that the director of parks may, by written permit, authorize archery exhibitions and contests
- (b) Do any hunting or trapping or in any other manner disturb or injure or attempt to disturb or injure any animal, including birds;
- (c) Urinate or defecate anywhere but in a proper toilet facility;
- (d) Throw, deposit or place or cause to be thrown, deposited or placed any papers, bottles, cans or any other garbage or waste at any place except into a trash container;
- (e) Tip over any trash container or otherwise cause the contents of a trash container to be deposited on the ground;
- (i) Possess any glass beverage container while outside of a motor vehicle;
- (j) Consume alcoholic beverages or possess opened or unopened alcoholic beverages.

**Sec. 35-2. Animals running at large, animal control.**

- (a) No dogs, cats or other domestic pets shall be allowed to run at large upon any park. Dogs, cats and other domestic pets shall be considered to be at large if they are not under control of the owner or other responsible person by means of a leash of suitable strength not exceeding six feet in length;
- (b) The director of parks and recreation may designate any park or area in a park as prohibited to pets or other animals. Any area so designated shall be clearly marked by signs indicating such prohibition. No person owning, controlling or caring for any animal shall allow such animal to enter any park area where such animal is prohibited.

**Sec. 35-3. Fastening animals to fences, trees, etc., prohibited.**

No person shall tie or fasten any animal to any fence, building, railing, tree, shrub or plant in or upon any park in the city.

**Pet Rules:****Sec. 6-33. Animal noise.**

- (a) No person shall harbor or keep any dog which, by loud and frequent or habitual barking, yelping or howling shall cause reasonable annoyance of another person or persons;

**Sec. 6-36. Running at large prohibited.**

No person shall suffer or permit any animal owned or controlled by that person to run at large within the city.

**Sec. 6-38. Animal litter.**

- (a) The owner of any animal or any person having the custody or control of any animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner;
- (b) It is unlawful for any person owning, keeping or harboring an animal to cause said animal to be on property, public or private, not owned or possessed by such person without having in his/her immediate possession a device for the removal of feces and depository for the transfer of animal feces to a receptacle located on property owned or possessed by such person. A device may include a plastic or paper bag which is used to recover animal feces;
- (c) It is unlawful for any person in control of, causing or permitting any animal to be on any property, public or private, not owned or possessed by such person to fail to remove feces left by such animal to a proper receptacle located on the property owned or possessed by such person;
- (d) For the purposes of this Section, the term public property includes, without limitation, streets, sidewalks, boardwalks, trails, boulevards, playgrounds and parks;

## Noise Rules:

### Sec. 34-5. Disturbing the neighborhood.

No person, within the city, shall keep a dwelling, gaming area, party room, or meeting area which attracts people to the neighborhood at times or in such a manner that their arrival or leaving or activities while in the neighborhood result in an unreasonable disturbance of the usual peace, quiet, comfort, or decency of the neighborhood.

### Sec. 34-6. Disorderly conduct.

(a) No person shall commit or suffer to be committed in any apartment or other dwelling owned, occupied or controlled by him, any rioting, quarreling, fighting, reveling, shouting, loud music or electronically amplified noise, or disorderly conduct which disturbs or annoys another person in a neighboring apartment or other dwelling, or in a neighboring building, or lawfully in the vicinity of said neighboring dwelling or building;

(b) No person within any public or private place shall take part in or incite or encourage any brawling, shouting, dancing, or noise production, which unreasonably disturbs others lawfully in the vicinity.

### Sec. 40-10. Definitions, User Charge for Excessive Consumption of Police Services.

Nuisance event. An event requiring special security assignment in order to protect the public peace, health, safety and welfare. A nuisance event includes, but is not limited to, the following:

- (e) Loud and boisterous conduct, noises and activities that disturb the peace;
- (f) Events between 11:00 p.m. and sunrise which disturb the peace and tranquility of the neighborhood;
- (g) Congregating in a tumultuous, noisy or rowdy crowd;
- (h) Fighting or use of obscene or inflammatory language;
- (i) Loud music constituting a nuisance or disturbing the peace;
- (j) Activities causing excessive pedestrian or vehicular traffic and parking problems and congestion.



**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

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[planning@duluthmn.gov](mailto:planning@duluthmn.gov)

<b>File Number</b>	PL19-085	<b>Contact</b>	Kyle Deming, <a href="mailto:kdeming@duluthmn.gov">kdeming@duluthmn.gov</a>	
<b>Type</b>	Variance – Side yard structure setback	<b>Planning Commission Date</b>	July 9, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>	June 11, 2019	<b>60 Days</b>	August 10, 2019
	<b>Date Extension Letter Mailed</b>	June 25, 2019	<b>120 Days</b>	October 9, 2019
<b>Location of Subject</b>	3158 Vernon Street (Lincoln Park)			
<b>Applicant</b>	Gary Fick & Juanita Puglisi (Mitchell)	<b>Contact</b>	N/A	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	West Park Division; Block 4, Lot 9			
<b>Site Visit Date</b>	June 24, 2019	<b>Sign Notice Date</b>	June 25, 2019	
<b>Neighbor Letter Date</b>	June 27, 2019	<b>Number of Letters Sent</b>	67	

### Proposal

A variance to construct roof eaves extending 12 inches from the wall of their house with the ends of the eaves 9.6 inches from the east property line and 18 inches from the west property line.

Recommended Action: Approve variance with conditions

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Home with detached garage	Traditional Residential
<b>North</b>	R-1	Home with detached garage	Traditional Residential
<b>South</b>	R-1	Home with detached garage	Traditional Residential
<b>East</b>	R-1	Home with detached garage	Traditional Residential
<b>West</b>	R-1	Home with detached garage	Traditional Residential

### Summary of Code Requirements

Sec. 50-37.9. B – Variance Procedures. “The Planning Commission shall...make a decision on the application based on the criteria in subsections 50-37.9. C – M...”

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.

Sec. 50-37.9.L – Standards for variances in Shorelands: No variance shall be granted that compromises the general purposes or intent of Section 50-18.1.D or results in adverse consequences to the environment.

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

Governing Principle #5 – Promote reinvestment in neighborhoods

Governing Principle #6- Reinforce the place-specific

Governing Principle #9 – Support private actions that contribute to the public realm

Governing Principle #10 – Take actions that enhance the environment, economic, and social well-being of the community.

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

Future Land Use – Traditional Neighborhood - Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth’s older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas. 4-8 units/acre, conservation development an option, mix of housing types (i.e. town homes and 4-plexes) at corners, limited commercial uses (i.e. ‘corner store’) serving neighborhood market

**History:**

1900 - Building with a flat roof constructed; may have been a store.

1/2/2013 – Condemned for human habitation due to condition of home and utilities being disconnected.

1/1/2018 – Restoration agreement signed to bring building into compliance with building code.

3/27/2018 – Condemnation order lifted with additional work to be completed.

8/2/2018 – Permit issued for construction of a 14-foot x 24-foot detached garage.

**Review and Discussion Items**

Staff finds that:

- 1) The existing 20-foot wide by 53-foot deep two-story structure is located at the front lot line with distances to the side lot lines of only 1.8 feet on one side and 2.5 feet to 2.9 feet on the other side. The existing building with no roof overhangs is a legal, nonconforming structure and so the proposal to add 12-inch roof eaves is an expansion of the nonconforming structure, which requires a variance. The ends of the roof eaves would be 9.6 inches from the east side property line and 18 inches from the west property line.
- 2) Side yard setbacks are written into the UDC to provide space for light and air circulation around buildings as well as fire safety. The State Building Code restricts projections closer than two feet from the property line. In this case, the applicant submitted an alternate method of protecting the eave with gypsum board, which the Building Official has accepted. This provides fire protection to the home and is in line with the intention of the State Building Code.
- 3) The applicant is proposing a reasonable use of the site consisting of roof eaves to direct rainwater away from the walls and foundation of the building as is common for most structures. The home was previously condemned due to deterioration of exterior walls and utilities being disconnected. This project is also consistent with the purpose statement of the R-1 zone district that is for a detached residential structures and associated accessory structures.
- 4) Relief from the side yard setback requirements is needed because the roof eaves are needed to protect the structural integrity of the home and the narrowness of the lot constricts the area allowed for this improvement.
- 5) The proposal will not alter the essential character of the area because the neighborhood has many homes on small lots with pitched roofs.
- 6) The applicant’s project will not result in additional adverse consequences due to the construction of the eaves with gypsum board according to the alternate method accepted by the Building Official. The eaves are at the second floor level and will not significantly affect access to light or air on neighboring properties, who have provided written support for the project.
- 7) Comments received include a petition signed by seven of the applicant’s neighbors, including both of the neighbors immediately adjacent to the subject property, stating support for the addition of roof eaves. No City or agency comments.
- 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 Planning Commission grant the Variance with the following conditions:

- 1) The project be limited to, constructed, and maintained with roof eaves that extend no more than 12 inches from the walls of the existing 20-foot x 53-foot, two-story structure which results in eaves that project to a point no less than 9.6 inches from the east property line and no less than 18 inches from the west property line, and
- 2) The applicant apply for and be granted a building permit for the eaves and that they be constructed with the alternate method accepted by the Building Official, and
- 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; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PL 19-085  
3158 Vernon St.  
Side Yard Setback Variances

### Legend

- Blocks
- Lots
- Parcels
- 1 Ft contour
- 10 Ft contour
- Subdivision Boundaries

#### Boundary Lines

- <all other values>

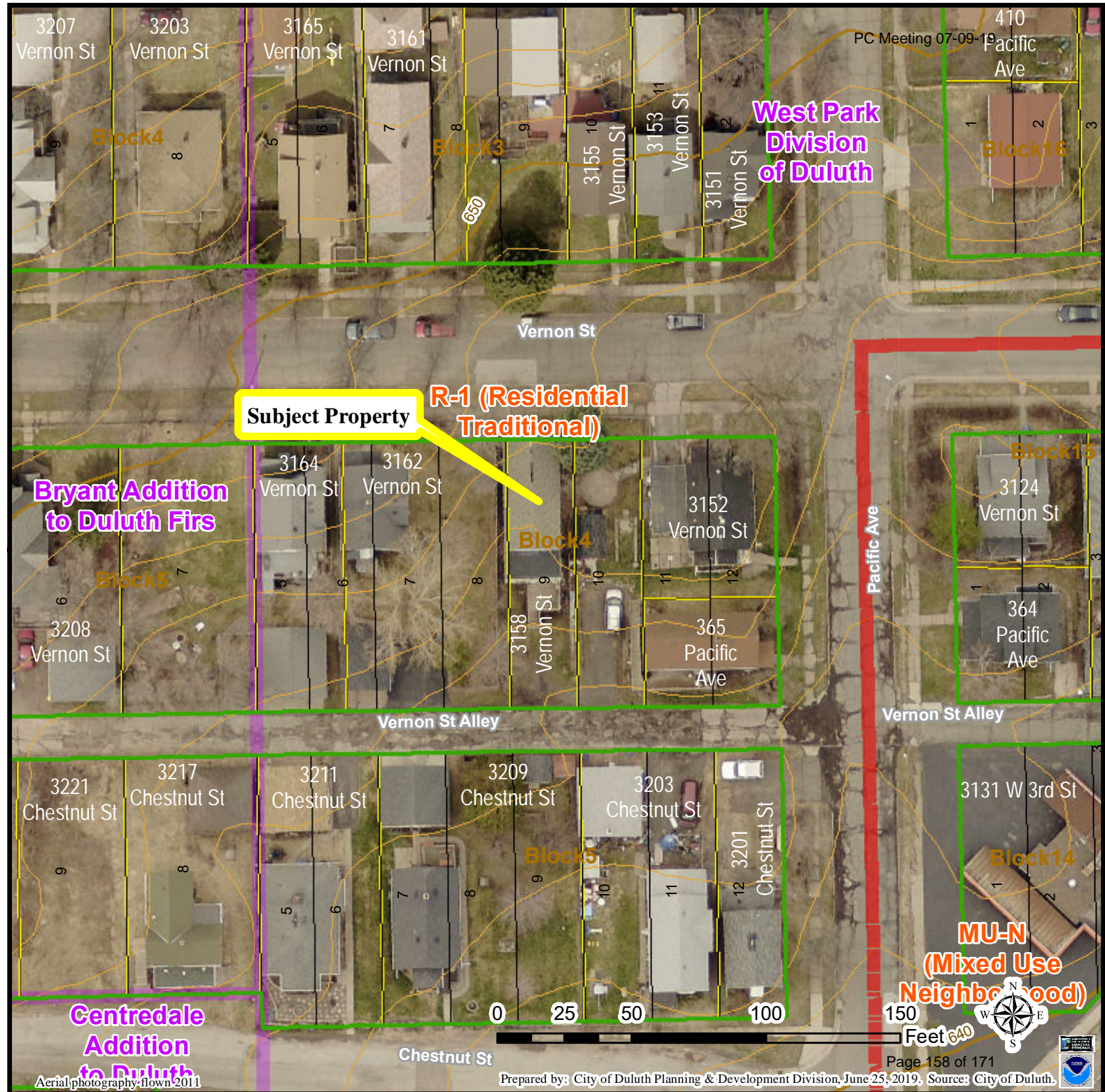
#### Subtype, ROW\_TYPE

- Lot Line
- Parcel Line
- ROW (Road)
- ROW (Not Road)
- Subdivision Line
- Water Line
- Survey Line
- Municipal Boundary

#### Easement Type

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

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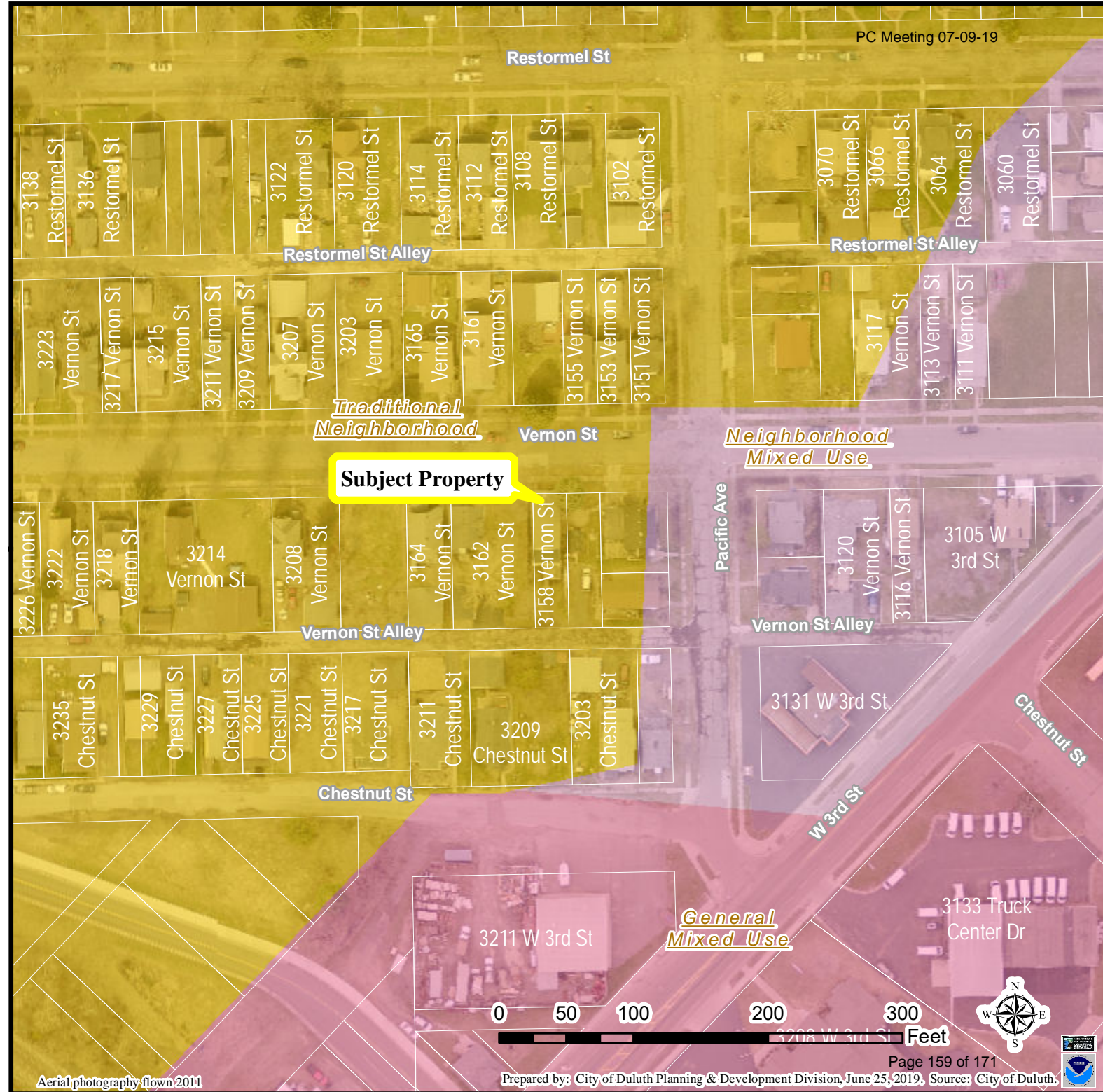


**Legend**

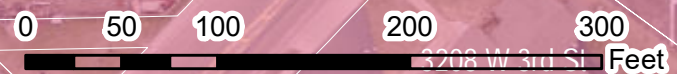
- Trout Stream (GPS)
- Other Stream (GPS)

**Future Land Use**

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



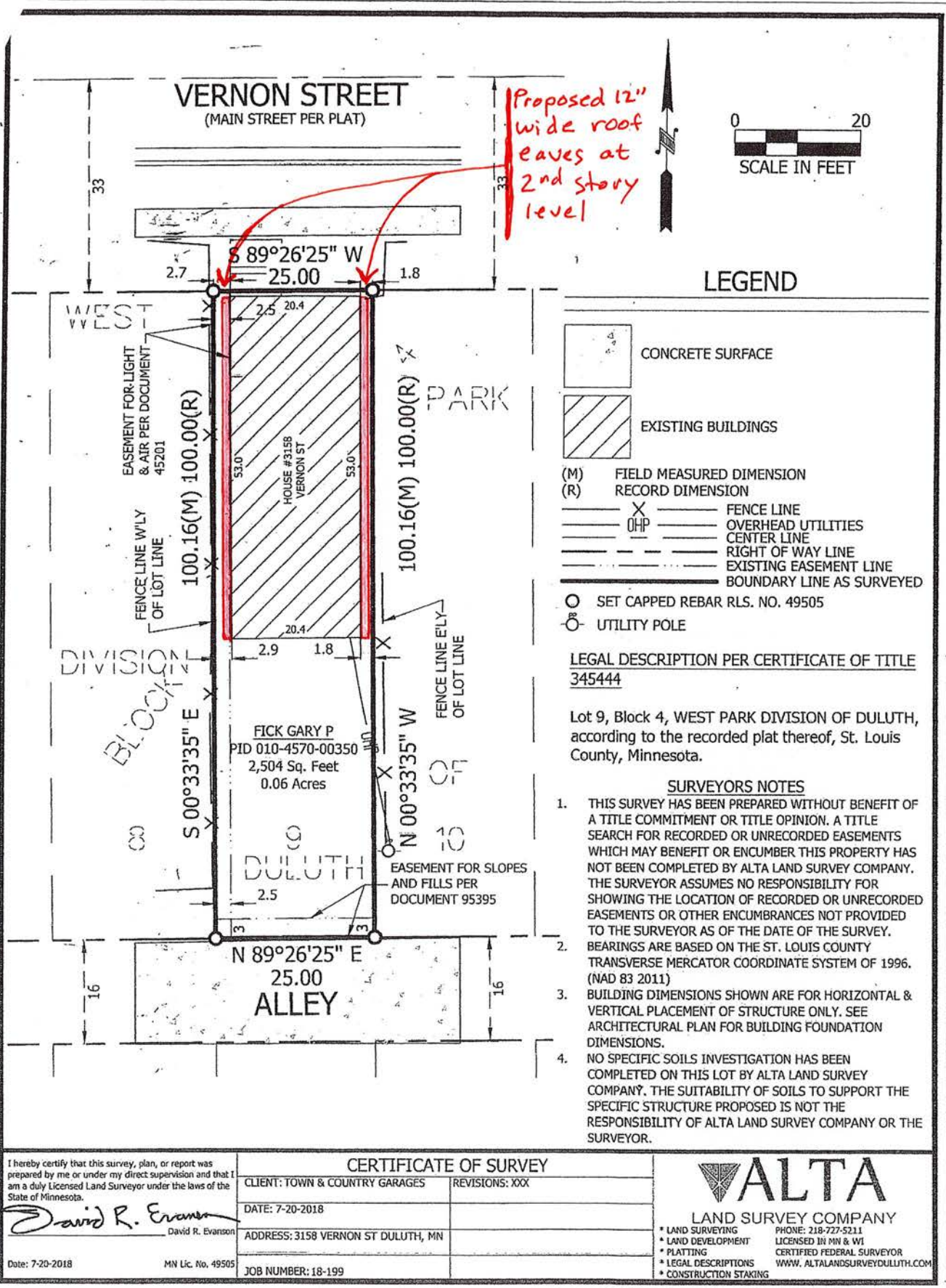
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PL 19-085: 3158 Vernon St. – Street side









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## **Tiny Houses & Small Lot Development: Proposed UDC Changes & Review**

### **June 25, 2019**

In order to provide more opportunities for housing to suit all needs across Duluth's neighborhoods, the Planning & Development Division proposes a number of updates to the City's zoning code (Unified Development Chapter, or UDC).

A tiny house is a detached one-family dwelling or dwelling unit with a gross floor area of 400 sq.ft. or less. A tiny house can be an accessory dwelling unit (ADU) subordinate to a principal one-family dwelling, or it can be the primary dwelling on a parcel. Each tiny house is subject to UDC standards and regulations based on its classification as either an ADU or a one-family dwelling.

Any structure built on a permanent chassis, transportable in one or more sections, and intended for use as a permanent dwelling, with or without a permanent foundation, is classified by the UDC as a manufactured home and thereby subject to all associated zoning standards and regulations. This category does not include recreational vehicles.

Any vehicle built on a single chassis, that is designed to be self-propelled or permanently towable, that is 400 sq.ft. or less when measured at its largest horizontal projection, and that is intended primarily for temporary use as living quarters, is classified by the UDC as a recreational vehicle and thereby subject to all associated zoning standards and regulations.

See below for principal proposed updates and a brief review of relevant sections of the UDC.

- Definitions:
  - Update the definition of dwelling, one-family to allow for residential structures narrower than 20 feet.
  - Update the definition of accessory dwelling unit to specify that except in the case of accessory vacation dwelling units, the minimum rental period for an accessory dwelling unit is 30 consecutive days, and to clarify that ADUs must be placed on permanent foundations that comply with the state building code.
- Districts and dimensions:
  - Except in the case of two-family dwellings, the UDC generally does not limit dwelling size, neither maximum nor minimum. Maximum dwelling size is nonetheless effectively limited by zoning setbacks. All dwellings and dwelling units must also comply with the building code, which regulates minimum dwelling size.
  - Accessory dwelling units are currently permitted accessory uses in all Residential districts, including the Residential-Planned district, and in Mixed Use-Neighborhood districts.

*(see other side)*

- Setbacks:
  - Update Residential-Traditional (R-1) side yard and corner lot front side yard setbacks, as follows:
    - Lots with 25 ft. or less frontage ... Combined width of side yards must be at least 8 ft., with no side yard less than 2 ft. wide
    - Corner lot: front side yard setback for a detached accessory building ... 15 ft.
  - Update Residential-Urban (R-2) side yard and corner lot front side yard setbacks, as follows:
    - Minimum width of side yard for buildings less than 3 stories (one-family) ... Combined width of side yards must be at least 8 ft., with no side yard less than 2 ft. wide
    - Corner lot: front side yard setback for a detached accessory building ... 15 ft.
- Use specific standards for ADUs
  - An accessory dwelling unit may be created within, or detached from, any one-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;
    - Update ~~4. One off-street parking space shall be provided in addition to off-street parking that is required for the primary dwelling;~~
    - ~~4~~ 5. Accessory dwelling units shall contain no more than 800 square feet of floor space and shall be consistent in character and design with the primary dwelling;
    - ~~5~~ 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;
  - Add three further provisions:
    - 6. An accessory dwelling unit shall not exceed the floor area square footage of the principal structure and shall not exceed the height of the principal structure;
    - 7. The creation of an accessory dwelling unit shall not create a separate tax parcel;
    - 8. An accessory dwelling unit shall not be considered a principal one-family dwelling
- Development standards
  - The UDC requires 1 off-street parking space per dwelling unit for one-family and two-family dwellings, as well as for townhouses, live-work dwellings, co-housing facilities, and manufactured home parks. 1.25 off-street parking spaces per dwelling unit are required for multi-family dwellings.
  - Update no additional off-street parking spaces shall be required for ADUs.



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**Craft Brewing and Distilleries, Tree Preservation, and Temporary Structures/Shipping Containers: Proposed UDC Changes & Review**  
**June 25, 2019**

**Craft Brewing and Distilleries**

Craft brewing is currently allowed in the MU-B and F3, F4, F5 and F7 Form Districts.

- The proposal is to generally maintain current standards in the zoning code, but to also allow this use in all the remaining Form Districts.

Craft distilleries are currently allowed in the MU-B and F5 and F7 Form Districts.

- The proposal is to generally maintain current standards in the zoning code, but to also allow this use in the MU-C District and F3 and F4 Form Districts.

Brewery, craft, small. A facility with a capacity to manufacture 3,500 or fewer barrels of alcoholic and nonalcoholic malt liquor in a calendar year. A small craft brewery is one that contains less than 7,000 square feet of gross floor area. This definition excludes small breweries operated in conjunction with a bar or restaurant defined herein as an accessory use.

Brewery, craft, large. A facility with a capacity to manufacture more than 3,500 barrels of alcoholic and nonalcoholic malt liquor in a calendar year. A large craft brewery is one that contains 7,000 square feet or more of gross floor area.

Distillery, craft. A facility that manufactures distilled spirits, as defined by Minn. Stat. § 340A.301, with a capacity to manufacture 40,000 or fewer proof gallons in a calendar year. A small craft distillery is one that contains less than 7,000 square feet of gross floor area. A large craft distillery is one that contains 7,000 square feet or more of gross floor area.

**Tree Preservation**

A tree preservation plan is required for new development or redevelopment (excluding single-family homes) on lots greater than 10,000 square feet.

- The proposal is to generally maintain current standards in the zoning code, but change the terminology from “special trees” and “significant trees” to reduce confusion, improve the preservation plan reporting submission and review process, increase the replacement requirement for removing special trees, and strengthen the requirement that replacement trees be installed by (or under the direction of) an arborist, forester, or landscape architect.

*(see other side)*

Special Trees. White pines, red (Norway) pines, white cedars, white spruces, eastern hemlocks, sugar maples, American basswoods, American elms, yellow birches and all oak species.

Other Trees of Interest. All trees of more than ten inches DBH (diameter at breast height, or the measurement of the tree's diameter at 54 inches above the ground), and all trees of interest species of more than six inches DBH shall be considered significant.

### **Temporary Structures/Shipping Containers**

Shipping containers are currently allowed on property with approved residential uses for no more than 14 consecutive days, and allowed on property with non-residential uses no more than 90 days during any calendar year unless screened and buffered from adjacent uses.

- Proposal is to generally leave standards for residential uses unchanged, other than to clarify a maximum of 14 days in any calendar year.
- Proposal is to change the limit for non-residential uses to no more than 90 days regardless of screening and buffering, unless in an industrial zone district (I-G, I-W) or business park district (MU-B).
- Also, except as identified above, the use of any shipping container as an accessory building, storage building, or living unit on residentially zoned land and/or land used for residential purposes will be prohibited. Licensed and bonded contractors may use shipping containers for temporary housing of equipment and materials during construction as authorized by a City building permit.

## What is a TINY HOUSE?

- detached one-family dwelling or dwelling unit
- gross floor area of 400 sq.ft. or less
- **not** a specific category in the UDC:
  - can be accessory dwelling unit (ADU) subordinate to a principal one-family dwelling
  - can be principal dwelling on a parcel (one-family dwelling)
- UDC standards are based on classification as ADU or one-family dwelling



Source: <https://accessorydwellings.org/2018/07/03/asmund-jennys-adu/>



Source: <https://accessorydwellings.org/2016/09/30/rainbow-valley-adu-profiles/>

## What is a MANUFACTURED HOME?

- built on a permanent chassis
- intended for use as a permanent dwelling
- with or without a permanent foundation
- transportable in one or more sections
- subject to UDC standards for manufactured homes

## What is a RECREATIONAL VEHICLE?

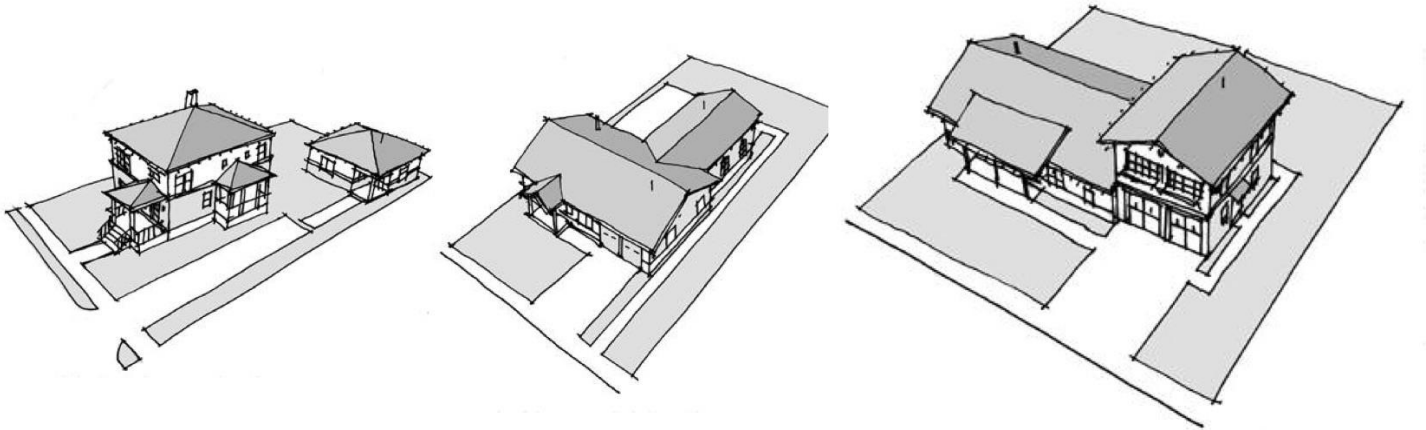
- built on a single chassis
- self-propelled or permanently towable
- 400 sq.ft. or less when measured at largest horizontal projection
- intended primarily for temporary use as living quarters
- subject to UDC standards for recreational vehicles (also called “travel trailers/travel vehicles”)

## ZONING:

- ADUs and tiny houses permitted in all Residential districts and Mixed Use-Neighborhood districts

## PARKING:

- 1 off-street parking space required for all one-family dwellings
- Update no off-street parking required for ADUs



Examples of accessory dwelling units. Source: City of Santa Cruz

## USE SPECIFIC STANDARDS for ACCESSORY DWELLING UNITS (ADUs):

- An accessory dwelling unit may be created within, or detached from, any one-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;
  - ~~Update 4. One off-street parking space shall be provided in addition to off-street parking that is required for the primary dwelling;~~
  - 4 ~~5~~. Accessory dwelling units shall contain no more than 800 square feet of floor space and shall be consistent in character and design with the primary dwelling;
  - 5 ~~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;



Source: <https://www.planning.org/home/engage/cottagehome/>

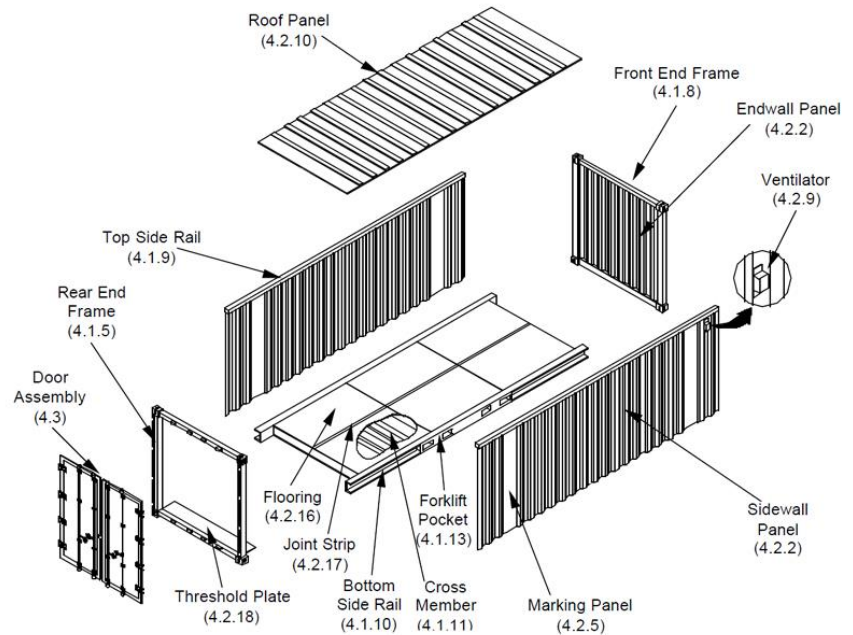
- Update with three new provisions:
  - 6. An accessory dwelling unit shall not exceed the floor area square footage of the principal structure and shall not exceed the height of the principal structure;
  - 7. The creation of an accessory dwelling unit shall not create a separate tax parcel;
  - 8. An accessory dwelling unit shall not be considered a principal one-family dwelling



# Temporary Structures-Shipping Containers

## What are the pros and cons of SHIPPING CONTAINERS for temporary storage?

Shipping containers present a durable structure that is economical, as well as weather tight. A major issue with used shipping containers involves removing any contaminants that may have been spilled within the units, as well as removing toxins that have been applied to the wood floors in order to meet international standards for the transport of wood or similar goods. The toxicity of units can vary considerably, depending upon the history of the unit (and pesticides/insecticides/fungicides used in/within the unit).



## What is currently allowed?

Shipping containers are currently allowed on property with residential uses for no more than 14 consecutive days, and allowed on property with non-residential uses no more than 90 days during any calendar year unless screened and buffered from adjacent uses.

## What is being proposed?

The Proposal is to generally leave standards for residential uses unchanged, other than to clarify a maximum of 14 days in any calendar year.

Also to change the limit for non-residential uses to no more than 90 days per calendar year regardless of screening and buffering, unless in an industrial zone district (I-G, I-W) or business park district (MU-B).

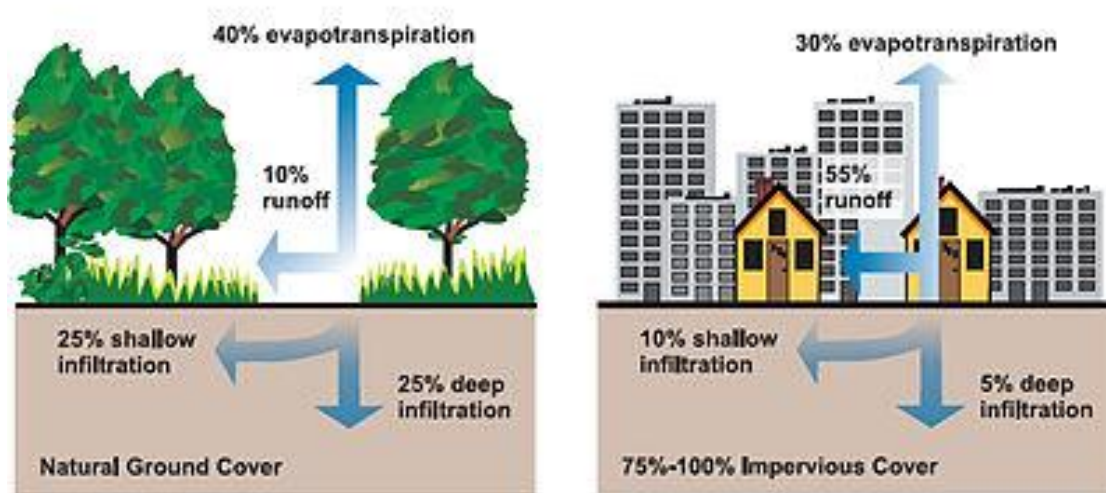
Finally, except as identified above, the use of any shipping container as an accessory building, storage building, or living unit on residentially zoned land and/or land used for residential purposes will be prohibited. Licensed and bonded contractors may use shipping containers for temporary storage of equipment and materials during construction as authorized by a City building permit.

## What are the current requirements for a TREE PRESERVATION PLAN?

A tree preservation plan is required for new development or redevelopment (excluding single-family homes) on lots greater than 10,000 square feet.

## What are the benefits?

Minimizing tree impacts when greenfield sites are development helps to minimize the impacts of stormwater runoff and potential damages from flooding, and it helps to maintain our community character.



## What is being proposed?

The proposal generally to maintain current standards in the zoning code, but improve terminology to reduce confusion, improve the preservation plan reporting submission and review process, increase the replacement requirement for removing special trees, and strengthen the requirement that replacement trees be installed by (or under the direction of) an arborist, forester, or landscape architect.

Special Trees. White pines, red (Norway) pines, white cedars, white spruces, eastern hemlocks, sugar maples, American basswoods, American elms, yellow birches and all oak species.

Other Trees of Interest. All trees of more than ten inches DBH (diameter at breast height, or the measurement of the tree's diameter at 4.5 ft. above the ground), and all trees of interest species of more than six inches DBH shall be considered significant.

## What is a CRAFT BREWERY?

Brewery, craft, small. A facility with a capacity to manufacture 3,500 or fewer barrels of alcoholic and nonalcoholic malt liquor in a calendar year. A small craft brewery is one that contains less than 7,000 square feet of gross floor area. This definition excludes small breweries operated in conjunction with a bar or restaurant defined herein as an accessory use.

Brewery, craft, large. A facility with a capacity to manufacture more than 3,500 barrels of alcoholic and nonalcoholic malt liquor in a calendar year. A large craft brewery is one that contains 7,000 square feet or more of gross floor area.

## What is the proposed change?

Craft brewing is currently allowed in the MU-B (Mixed Use Business) and F3, F4, F5 and F7 Form Districts. The proposal is to generally maintain current standards in the zoning code, but to also allow this use in all other Form Districts.

## What is a CRAFT DISTILLERY

Distillery, craft. A facility that manufactures distilled spirits, as defined by Minn. Stat. § 340A.301, with a capacity to manufacture 40,000 or fewer proof gallons in a calendar year. A small craft distillery is one that contains less than 7,000 square feet of gross floor area. A large craft distillery is one that contains 7,000 square feet or more of gross floor area.

## What is the proposed change?

Craft distilleries are currently allowed in the MU-B (Mixed Use Business), I-G (Industrial-General), and F5 and F7 Form Districts. The proposal is to generally maintain current standards in the zoning code, but to also allow this use in the MU-C District and the F3 and F4 Form Districts.