



# MEETING AGENDA

Planning Commission Agenda  
City Council Chambers, 3<sup>rd</sup> Floor Duluth City Hall  
Tuesday, December 10, 2019 – 5:00 PM

Call to Order and Roll Call

Presentations

Hartley Natural Area Management Plan

Approval of Planning Commission Minutes (November 12, 2019)

Consent Agenda

1. PL 19-158 Interim Use Permit for a Vacation Dwelling Unit at 1329 Minnesota Avenue by Kate Horvath and Joe Wicklund
2. PL 19-159 Vacation of Austin Street Near Calvary Road and Woodland Avenue by City of Duluth
3. PL 19-161 Variance to Corner Side Yard Setback at 4802 Otsego Street by Kathy Gore
4. PL 19-166 Interim Use Permit for a Vacation Dwelling Unit at 5802 London Road by Dean and Carin Jablonsky

Recommended Motion for Consent Agenda items: Approve with Conditions

Public Hearings

5. PL 19-160 Preliminary Plat for Hartley Hills Fourth Addition by Sanford Hoff  
Recommended Motion: Table
6. PL 19-163 Special Use Permit for Parking Lot at 725 E 3<sup>rd</sup> Street by Human Development Center  
Recommended Motion: Approve with Conditions
7. PL 19-165 Special Use Permit for Junk and Salvage Services **on Rice's Point** by Bernard McCarthy  
Recommended Motion: Approve with Conditions

8. PL 19-114 Future Land Use Change for Areas Near Highland Street between 59<sup>th</sup> to 62<sup>nd</sup> Avenue West  
Recommended Motion: Table
  
9. UDC Map Amendments to Rezone into Conformance with Imagine Duluth 2035, by the City of Duluth
  - PL 19-149 Rezone from Residential Traditional (R-1) to Urban Residential (R-2), Lake Side of Snively Road Approximately Between Glenwood Street and Morningside Avenue
  - PL 19-167 Rezone from Rural Conservation (R-C) to and Industrial-General (I-G) Midway Annexation
  - PL 19-168 Rezone to Extend Shoreland Protection for East Branch Amity Creek (Riley Road Annexation Area) and Mission Creek, Sargent Creek, Stewart Creek, and US Steel Creek (Midway Annexation Area)
  - PL 19-169 Rezone from Rural-Residential (RR-1) to Park and Open Space (P-1) Hartley Park
  - PL 19-170 Rezone from Rural-Residential (RR-1) and Rural-Conservation (R-C) to Park and Open Space (P-1) Frederick Rodney Paine Forest Preserve
  - PL 19-171 Rezone from Rural-Residential (RR-1) to Park and Open Space (P-1) Magney-Snively Natural AreaRecommended Motion: Recommend Approval

Other Business

Communications

**Manager's Report**

Reports of Officers and Committees

- Heritage Preservation Commission Representative

Adjournment

City of Duluth  
 Planning Commission  
 November 12, 2019 Meeting Minutes  
 Room 330 - Duluth City Hall

Call to Order

President Janet Kennedy called to order the meeting of the city planning commission at 5:06 p.m. on Tuesday, November 12, 2019, in Room 330 in Duluth city hall.

Roll Call

Attending: Gary Eckenberg, Janet Kennedy, Tim Meyer, Margie Nelson, Andrea Wedul, Sarah Wisdorf, and Zandra Zwiebel

Absent: Jason Crawford and Michael Schraepfer

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

Approval of Planning Commission Minutes

October 8, 2019

MOTION/Second: Wisdorf/Wedul approved the minutes

VOTE: (7-0)

Consent Agenda

1. PL 19-146 Special Use Permit for Daycare at 301 W. St. Marie Street by Hope United Methodist Church
  
2. PL 19-153 Special Use Permit for Daycare at 7210 Fremont Street (Zoo) by Leah Budnik  
 Staff: N/A  
 Applicant: N/A  
 Public: No speakers.  
 Commissioners: Andrea Wedul asked about PL 19-153 accessibility concerns. Chris Lee notes there will be access to the back of the building avoiding the stairs. Zandra Zwiebel asked about item PL 19-146, when did it stop being a daycare? Lee mentions in January, and now a new daycare is going in.  
 MOTION/Second: Meyer/Eckenberg recommended approval of the consent agenda **items as per staff's recommendations.**

VOTE: (7-0)

Public Hearings

3. PL 19-147 Mixed Use-Institutional (MU-I) Campus Sign Plan for Essentia Health  
 Staff: Steven Robertson introduced **Essentia Health and Ewing Cole's campus sign plan** for the new Vision Northland facility near the corner of 2<sup>nd</sup> Street East and North 4<sup>th</sup> Avenue East. The intent of a campus plan is to provide a uniform signage plan for a large institutional site. It also allows for more rapid zoning review of pending sign permit applications. Every room within the campus will have a unique and non-repeating **identification; there will not be the confusion of having more than one "room 100" within the project area.** Staff recommends approval of the campus sign plan with the conditions listed in the staff memo dated 11-4-19. Wedul asked about the lighting requirements. Will they be required to meet UDC requirements? Robertson stated yes. The lighting rule takes precedent. Wedul in reference to color blindness she asks if gradient of shading will be applied. Interim Director Fulton notes there are other labels

to the sign rather than just a color. It is noted in the record that the color factor will be addressed.

Applicant: Not present.

Public: No Speakers

Commissioners: **Zwiebel doesn't feel the allowance is slight, but she is in support.**

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

VOTE: (8-0)

4. PL 19-157 Preliminary Plat of 56 acres at the northeast corner of Haines Road and Arrowhead Road to become the Kirkland Addition by Costco Wholesale

Staff: **Kyle Deming introduced the applicant's proposal for a preliminary plat of 56 acres of land into three lots ranging from 6.3 acres to 28.6 acres into "Kirkland Addition".** There are wetlands scattered throughout the property. Staff recommended approval with the conditions listed in the staff report. Wedul asked about future utilities beyond this. Are there granted easements they should be considering? Deming noted city engineering is involved. There are no additional needed drainage easements. Zwiebel noted the turn lanes on Arrowhead Road. The commission received correspondence from a neighbor who had concerns. Deming stated they were concerned about the widening of Arrowhead Road. The developer only will widen the **the road by the applicant's property.**

Applicant: Tom Meyer, civil engineer for Costco addressed the commission. The site is challenging, but they have minimized the impacts and are anxious to get the project started.

Public: Cindy Beaulier, 4320 W. Arrowhead Rd., addressed the commission. She has lived there for 20 years. She is concerned about run-off into Miller Creek, increased traffic, and she feels the zoning has been inconsistent. It is going to affect her daily life. **She isn't against Costco, but feels there could be a better location** for it. Mike Casey, 415 S. 88<sup>th</sup> Ave. W, addresses the commission. The 2019 bikeway plan has been approved. He feels Arrowhead Road is a dangerous place to ride a bike. He would like to see safe DTA bus stops. He feels Costco can set a positive example. Nathan Bentley (owns Advantage Emblem) addresses the commission. Making a left hand turn into their property on Haines Road is difficult. He hopes there are turn lanes going both directions on Haines Road. Deming noted there is a provision to include turn lanes. Interim Director Fulton noted these are county roads, and the applicant can address the turn lanes topic. Dwayne Timo, addressed the commission. He drives on Arrowhead on a weekly basis. He is neutral on the proposal. He feels it is good for the community in the long run. Dennis Jensen, 4219 W. Arrowhead Rd., addressed the commission. He lives to the right of the property, and owns two other properties in the area. He is concerned **this won't be considered a residential area anymore. Is there a plan to** rezone Arrowhead Road, or will the city continue to spot zone? He is neutral on the proposal. Chris Addette, 823 Grandview Avenue addressed the commission. He is in favor of the development. He works construction and feels Miller Creek will not be at risk. Commissioners: Zwiebel asked about Miller Creek. She asks staff to show the boundary. It would be to the left of the wetland area. She asked staff to talk about the zoning changes. Deming noted the Northwest corner study. The proposal was to contain development to the edges. There is no sanitary sewer service on Arrowhead Road, which limits development. Tim Meyer asked what they are proposing for outlot B. He **can't consider the plot without knowing what they are going to build on it. He suggested** combining the **items, and doesn't understand why they are doing them separately.** Interim



Director Fulton stated it is standard order of operation to consider the preliminary plat first, and then discuss the plan. Any development on the outlot will require further review. There are limitations to the outlots because of the wetlands. Sarah Wisdorf asked if future development plans will come back to the planning commission. Interim Director Fulton affirmed. Gary Eckenberg would like staff to clarify the zoning. Per Deming it is already zoned MU-C. Meyer noted there is potential for more big box retail in the area. Is this what is wanted?

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

VOTE: (6-1, Meyer Opposed)

5. PL 19-156 Mixed Use-Commercial (MU-C) Planning Review of Costco Wholesale at the northeast corner of Haines Road and Arrowhead Road

Staff: **Kyle Deming introduced the applicant's proposal to build and operate a 161,226** square foot member-only retail warehouse with a tire center, liquor store, and vehicle fueling facility on 20.9 acres. Staff recommended approval with the conditions listed in the staff report. Wedul asked staff about the landscaping requirements. Does the tree replacement have to be in addition. Per Deming the tree addition can meet both requirements.

Applicant: Tom Meyer, civil engineer for Costco, addressed the commission. Wedul asked about infiltration capacity. Meyer noted the infiltration basins on the overhead slide. It is currently designed for one inch of run-off which meets MPCA requirements. Wedul noted the trees and landscaping proposed. The **trees aren't labeled** for zone hardiness. She noted the high mortality rate. Meyer noted their landscape designer is willing to work with the city to include more appropriate trees/shrubs. Zwiebel noted the variation from the parking lot landscape area. Can you couple water retention system with the tree plan? Interim Director Fulton noted it is challenging for landscaping areas which usually have islands with dead trees in them. They viewed the pairing with the water cooling system as acceptable. Wedul noted the soil limitation. Per Meyer, they are willing to work with staff. They do have islands, but also have trees around the perimeter. Interim Director Fulton noted bigger islands would require the need to expand the site, which further effects wetlands. It all goes into their analysis. Zwiebel would like to be consistent in what they are asking applicants to do. She mentions Aldis and the mall area and noted adding trees is aesthetically pleasing.

Public: Mike Casey, 415 S. 88<sup>th</sup> Ave. W., addresses the commission. He welcomes Costco, but he feels people need access to the store. He wants to make it safe for pedestrians. Dwayne Timo, addressed he commission. He asked if there will be any electric car charging stations.

Commissioners: Wedul would like to add the condition that landscaping plan be agreed upon by planning staff. Interim Director Fulton noted they will keep the commissioners updated. A credit for their filtration system is also being utilized as landscaping requirements. Deming notes the final plat will come back to the planning commission for approval.

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

VOTE: (7-0)

(Wedul recused herself on the next item because she worked directly on this project. She exited the room for this item.)

Other Business

6. PL 19-072 Spirit Lake Sediment Remediation Project Environmental Assessment Worksheet (EAW) Review of Comments and Decision  
 Staff: Kyle Deming gives an overview of the process. As the Responsible Governmental Unit (RGU), the city planning commission is tasked with making the decision on whether an Environmental Impact Statement (EIS) is required for the Spirit Lake Sediment Remediation Project. The comments received during the 30-day comment period were included in the planning commission packet. Environmental issues summary highlights two items: the proposal as a self-mitigating project and the project potential impacts on fish habitat. The DNR and MPCA will be issuing permits, so they both have the ability to require mitigation. The fish will be better off with a betterment provided of over 126 acres of aquatic habitat in the project area. Staff thinks an EIS should not be required.  
 Applicant: N/A  
 Public: N/A  
 Commissioners: Zwiebel verified there is no public hearing tonight. Deming affirmed.  
 MOTION/Second: Zwiebel/Wisdorf Environmental Impact Statement (EIS) is not necessary

VOTE: (6-0, Wedul Abstained)

Wedul reenters the room. Eckenberg recuses himself for the next item, since he sits on the board of the applicant. He remained in the room, but will not vote.

7. PL 19-164 Comprehensive Plan Compliance, Proposed TIF District for Decker Dwellings  
 Staff: Interim Director Adam Fulton gave an overview. In order to facilitate **development of One Roof Community Housing's affordable housing project located at 47xx Decker Rd**, the city is proposing to use Tax Increment Financing (TIF). TIF is a financial tool that uses the increase in property taxes generated from site improvements to pay for a portion of those improvements. The planning commission is tasked to determine if the TIF is in conformity with the Imagine Duluth 2035 Comprehensive Plan.  
 Applicant: N/A  
 Public: N/A  
 Commissioners: Zwiebel asked how often are TIF districts considered when taking away a green space. Interim Director Fulton noted housing TIF districts support affordable housing and is in a core investment area. It is a new development, which has different requirements from redevelopments. Zwiebel shared TIF districts are low, and this is a good use of funds. She is in support. Margie Nelson is in support. Chair Kennedy would like to see additional housing. City council and HRA will have public comment for the TIF District.  
 MOTION/Second: Zwiebel/Wisdorf TIF is in conformity with Comp Plan

VOTE: (6-0, Eckenberg Abstained)

Communications

**Manager's Report** – Interim Director Fulton gave an overview. He noted the elections last week. And congratulated chair Kennedy on her new role as a city councilor. Her last planning commission will be in December. Construction is under way in the medical districts.

Reports of Officers and Committees

- Heritage Preservation Commission Representative – Wisdorf gave an overview. They discussed the Lincoln Park Plan and approved the memorandum of understanding. They

will submit a public comment to the consolidated plan that they consider historic preservation.

- Joint Airport Zoning Board (JAZB) – Nelson gave an overview. There is a draft ordinance to update the airport maps. They are waiting for funds from MNDot.

Adjournment

Meeting adjourned at 7:01 p.m. A Brown Bag discussion regarding vacation dwellings will follow after a short recess.

Respectfully,

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Adam Fulton – Interim Director  
Planning and Economic Development





## Parks & Recreation

Ground Floor  
411 West First Street  
Duluth, Minnesota 55802



218-730-4300



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

November 5, 2019

To: President Kennedy and Members of the Duluth Planning Commission

### **Re: Request to Finalize the Nomination of the Hartley Natural Area to the Duluth Natural Area Program**

Duluth City Council nominated the Hartley Natural Area on September 24, 2018, after receiving a positive recommendation from the Planning Commission on September 11, 2018. A management plan for restoration and preservation, along with guidelines for program protections have been completed. The Hartley Natural Area Management Plan (Plan) is included in your packet of materials.

The Plan was reviewed and approved by the Natural Resources Commission on November 6, 2019. The Plan was also presented to the Parks and Recreation Commission on October 9, 2019. City Ordinance requires approval of this Plan from the Planning Commission and City Council in order to finalize the nomination of this area to the Duluth Natural Areas Program.

Staff intend to submit resolution to the City Council for approval on December 16, 2019, and request that the Planning Commission make a recommendation to approve the nomination of the Hartley Natural Area to the Duluth Natural Area Program, as all program elements are in place to manage, restore, and protect these lands as part of the City's significant natural resources.

Thank you for this consideration.

Jessica Peterson  
Parks and Recreation Manager  
City of Duluth  
[jpeterson@duluthmn.gov](mailto:jpeterson@duluthmn.gov)  
218-730-4309





November 2019

Dear Members of the Planning Commission,

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

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

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

Sincerely

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

Tom O'Rourke  
Executive Director



**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 19-158	<b>Contact</b>	Chris Lee, cleee@duluthmn.gov	
<b>Type</b>	Interim Use Permit Renewal – Vacation Dwelling Unit	<b>Planning Commission Date</b>		December 10, 2019
<b>Deadline for Action</b>	<b>Application Date</b>	October 29, 2019	<b>60 Days</b>	October 27, 2019
	<b>Date Extension Letter Mailed</b>	November 8, 2019	<b>120 Days</b>	February 26, 2020
<b>Location of Subject</b>	1329 Minnesota Ave			
<b>Applicant</b>	Kate Hovarth and Joe Wicklund	<b>Contact</b>		
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	Lot 0106 of Block 000 of the Upper Duluth Minnesota Avenue (PID 010-4390-01850 & 010-4400-00540)			
<b>Site Visit Date</b>	November 26, 2019	<b>Sign Notice Date</b>	November 26, 2019	
<b>Neighbor Letter Date</b>	November 25, 2019	<b>Number of Letters Sent</b>	30	

**Proposal**

Applicant proposes to renew an interim use permit and continue use of the house with 3 bedrooms for a vacation rental. The current permit allows up to 7 people to stay in the home. No changes to the use, occupancy, or site layout are proposed. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of 2 nights.

Staff is recommending approval with conditions.

	<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.E . . . the Council shall only approve an interim use permit, or approve it with conditions, if it determines that:

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



**Planning & Development Division**  
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 218-730-5580

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

Governing Principle #5 - Strengthen neighborhoods

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

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

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

Future Land Use – 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.

**History:** The site is developed consistent with the future land use as described and the applicant is not proposing alterations to the use. There have been no complaints filed with the City related to the vacation dwelling unit.

**Review and Discussion Items:**

- 1) Applicant's property is located at 1329 Minnesota Avenue. The proposed vacation dwelling unit contains 3 bedrooms, which would allow for a maximum of 7 guests. This 1,172 square foot home was constructed in 1899.
- 2) The property was previously permitted for a Vacation Dwelling Unit (PL 13-030 and PL 16-046).
- 3) The applicant has listed Heirloom Properties as the managing agent. This is a new managing agent and the applicant will be required to notify property owners within 100' of the property of the managers contact information.
- 4) The site has room for 2 vehicles to be parked on a parking pad behind the property.
- 5) The applicant has indicated on the site plan that a deck, a patio with basketball hoop, and fire pit will be used as an outdoor amenity. The deck and patio is screened by an existing fence. These amenities are unchanged from previous permits.
- 6) In previous vacation dwelling unit interim use permit reviews in the Park Point neighborhood, the Planning Commission has recommended conditions that the applicant notify their guests in writing where the nearest pedestrian access to the Lake Superior beach may be found as well as the requirements no fires on the beach and of quiet hours at the property between 10 p.m. and 8 a.m.
- 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, and has a Tax ID number, a fire operational permit, and a Hotel/Motel License.





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7) Applicant must comply with vacation dwelling unit regulations, including providing information to guests on city rules such as 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 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.
- 2) The applicant shall adhere to the site plan submitted on October 29, 2019 and terms and conditions listed in the Interim Use Permit document and provide evidence of compliance, which will be included in the resolution.
- 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, and any modifications deemed necessary by the Land Use Supervisor, provided that no such administrative approval shall constitute a variance from Chapter 50.





PL 19-158: Interim Use  
1329 Minnesota Ave

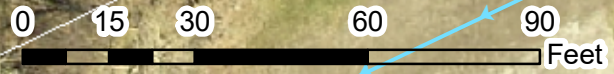


**Legend**

- 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)

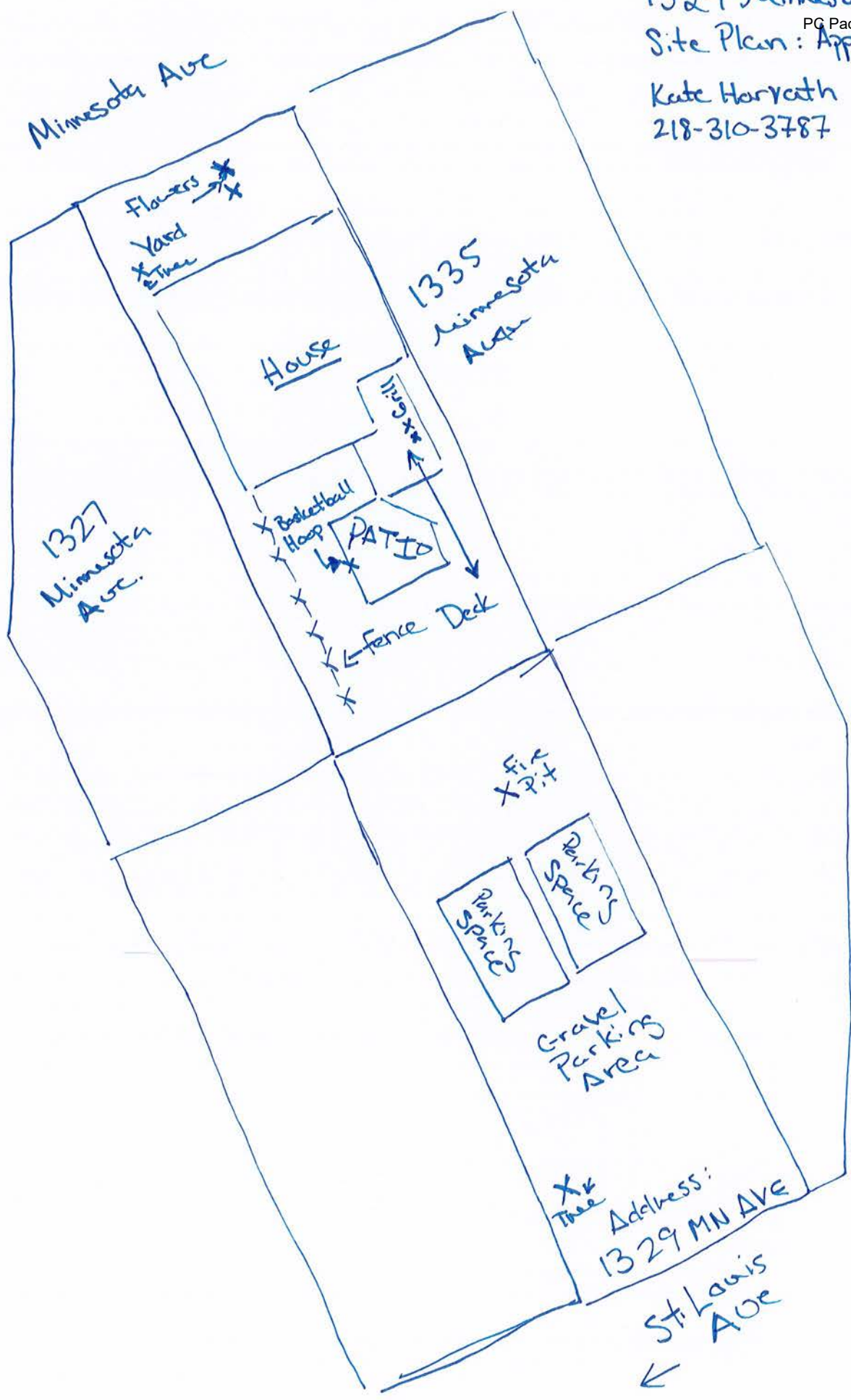
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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

**P-1 (Park)**





1329 Minnesota Ave.  
PC Packet 12-10-19  
Site Plan: Application date  
10/28/19  
Kate Horvath  
218-310-3787













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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

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<b>File Number</b>	PL 19-159	<b>Contact</b>	John Kelley, jkelley@duluthmn.gov	
<b>Type</b>	Vacation of Right-Of-Way	<b>Planning Commission Date</b>	December 10, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>	October 30, 2019	<b>60 Days</b>	December 29, 2019
	<b>Date Extension Letter Mailed</b>	November 8, 2019	<b>120 Days</b>	February 27, 2019
<b>Location of Subject</b>	Portion of Austin Street adjacent to 4023 Woodland Avenue			
<b>Applicant</b>	City of Duluth	<b>Contact</b>		
<b>Agent</b>	Cindy Voigt	<b>Contact</b>		
<b>Legal Description</b>	See Attached			
<b>Site Visit Date</b>	November 26, 2019	<b>Sign Notice Date</b>	November 26, 2019	
<b>Neighbor Letter Date</b>	November 26, 2019	<b>Number of Letters Sent</b>	33	

**Proposal**

The City of Duluth is requesting to vacate a portion of Austin Street adjacent to 4023 Woodland Avenue and the intersection of Calvary Road. St. Louis County has undertaken a street reconstruction project in the immediate area and have determined that the area to be vacated is not needed for use by the City or County for street or pedestrian use.

Staff is 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	Access/Parking	Neighborhood Commercial
<b>North</b>	MU-N	Street/Commercial	Neighborhood Commercial
<b>South</b>	MU-N	Commercial	Neighborhood Commercial
<b>East</b>	MU-N	Street/Commercial	Neighborhood Commercial
<b>West</b>	MU-N	Street/Parking	Neighborhood Commercial

**Summary of Code Requirements:**

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

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

1. Is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles, or pedestrians or the efficient supply of utilities or public services in the city;

2. Where the street terminates at a waterfront or shoreline, the street is not and will not be needed to provide pedestrian or recreational access to the water;
3. Is not otherwise needed to promote the public health, safety, or welfare of the citizens of Duluth.

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

**Governing Principle #5** - Promote reinvestment in neighborhoods.

**Transportation Chapter Policy #2** – Reduce infrastructure costs through innovation and wholesale design change

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

**Review and Discussion Items:**

Staff finds that:

1. The City of Duluth is requesting to vacate a portion of Austin Street in proximity to the intersection of Calvary Road as shown on the attached exhibit.
2. The proposed vacation of a portion of Austin Street is triangular in shape and is approximately 1,140 square feet in size. The proposed vacated area is currently utilized for access and parking for the property located at 4023 Woodland Avenue.
3. The City and County has determined that this portion of the right of way is not needed for street or pedestrian use. Vacating the right of way will not impact or deny access to other property owners.
4. No other public or City comments have been received at the time of drafting this report.
5. Vacations of rights of way and easements lapse unless the vacation is recorded with the county recorder within 90 days after final approval. The vacation recording is facilitated by the City of Duluth.

**Staff Recommendation:**

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

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





**Legend**

- Gas Main
- Water Main
- Hydrant

**Sanitary Sewer Mains**

- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station

**Storm Sewer Mains**

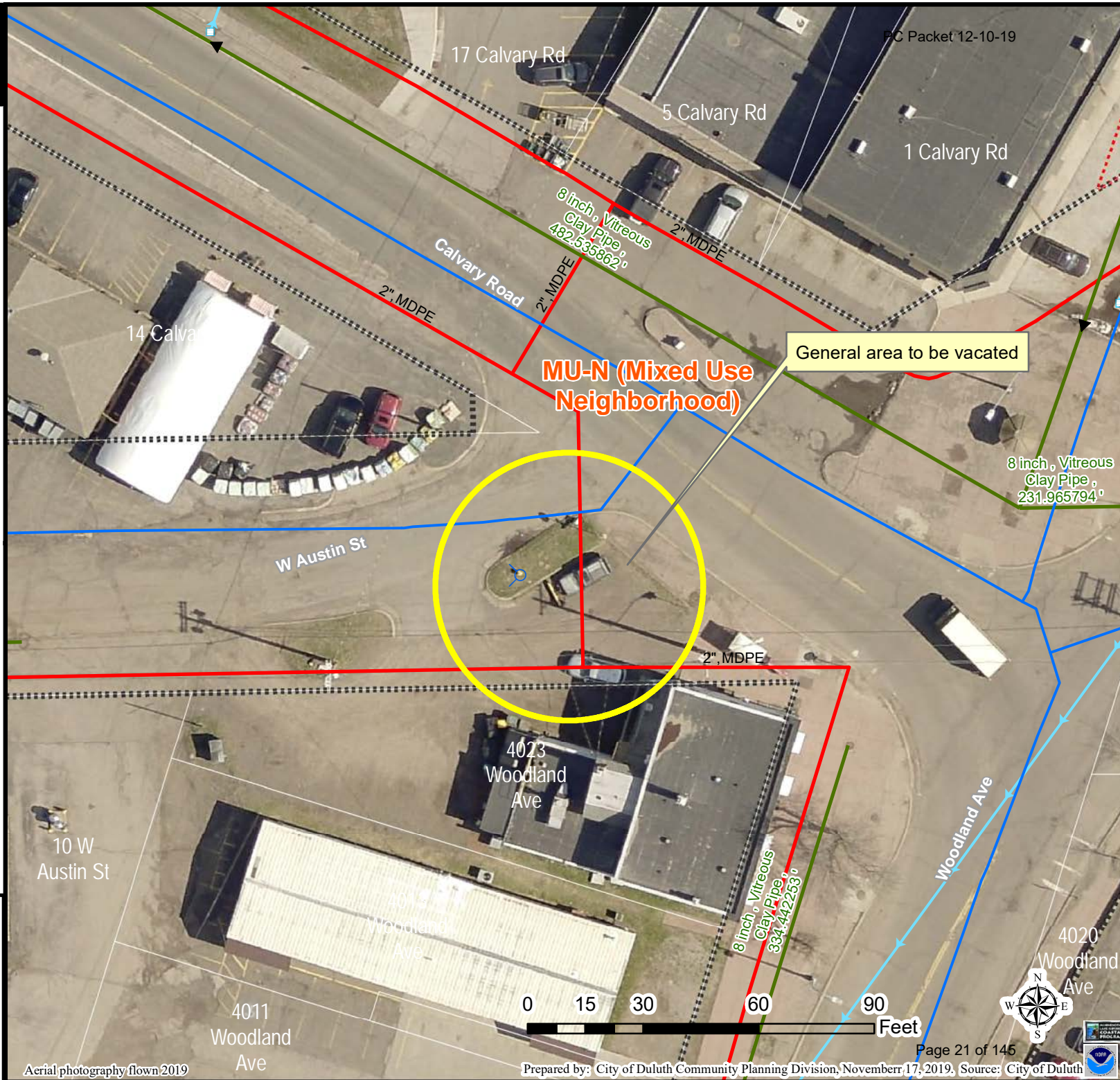
- Storm Sewer Pipe
- Storm Sewer Catch Basin

**Road or Alley ROW**

- Vacated ROW

**Easement Type**

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

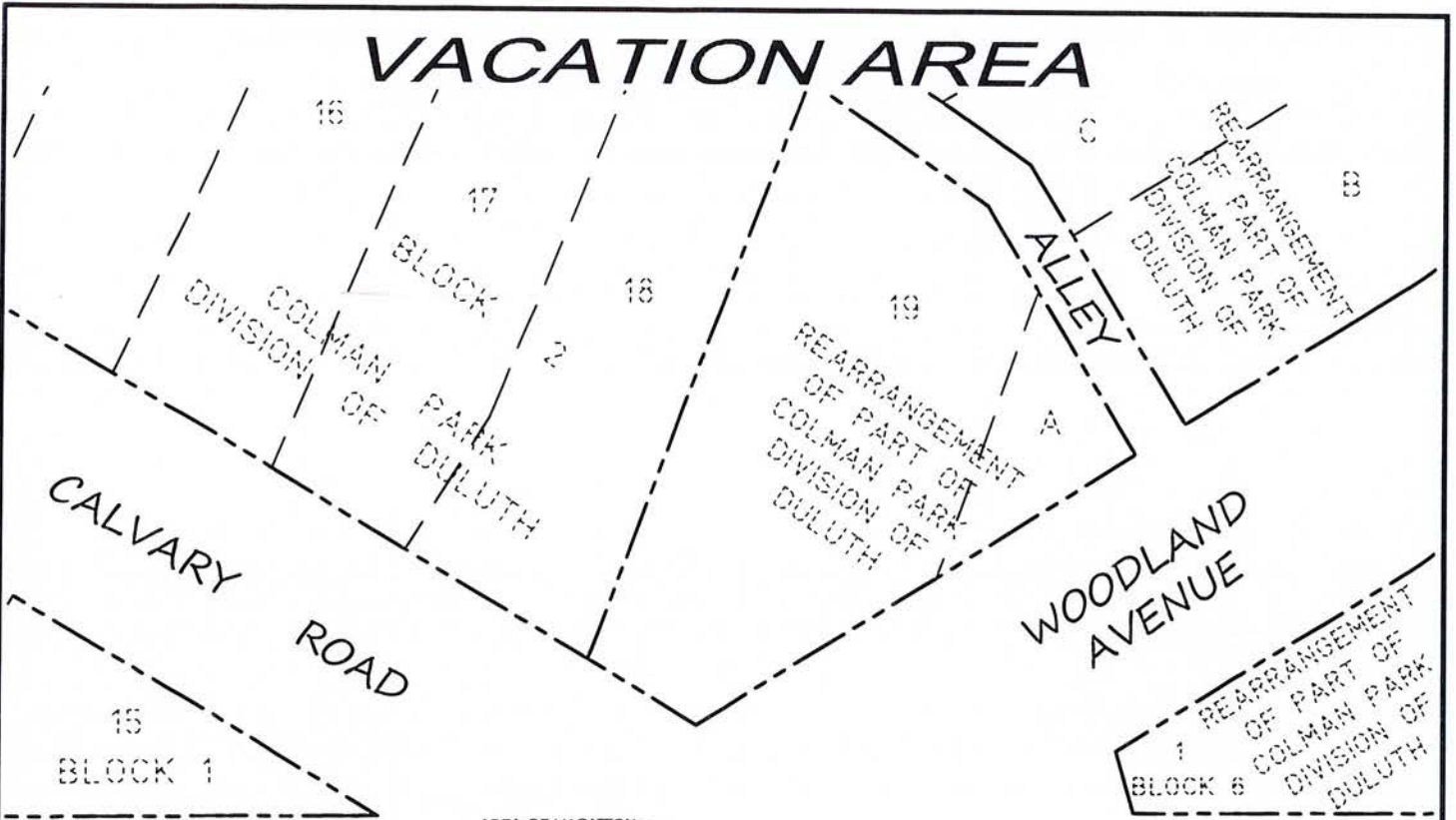


The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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





# VACATION AREA



AREA OF VACATION =  
1,140 SQUARE FEET

NW CORNER OF LOT 1, BLOCK 2,  
WOODLAND PARK 2ND ADDITION.

NORTH LINE OF LOT 1,  
POINT OF BEGINNING.

NORTH LINE OF LOT 1,  
BLOCK 2, WOODLAND  
PARK 2ND DIVISION.

59.63  
N89°25'07"E

76.21  
S89°25'07"W

BLOCK 2  
WOODLAND PARK  
2ND DIVISION

WOODLAND  
AVENUE

BLOCK 3 7  
WOODLAND PARK  
2ND DIVISION  
8

Approved by:

*[Signature]*  
City Engineer

10-7-19  
Date

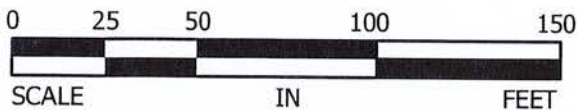
NOTE:



Denotes vacation area with utility  
easement retained.

Orientation of this bearing system is based on the north  
line of Lot 1, Block 2, WOODLAND PARK 2ND ADDITION  
to have an assumed bearing of N89°25'07"E.

SCALE: 1 INCH = 50 FEET



5670 Miller Trunk Hwy  
Suite A,  
Duluth, MN 55811  
(218) 720-6219  
www.jpjeng.com

## EXHIBIT A

For: The City of Duluth, Minnesota

PROJECT NUMBER

16-334

SHEET NUMBER

# VACATION AREA

## VACATION DESCRIPTION:

That part of Austin Street, as platted and dedicated in WOODLAND PARK 2ND DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota, described as follows:

Commencing at the northwest corner of Lot 1, Block 2, said WOODLAND PARK 2ND DIVISION; thence North 89 degrees 25 minutes 07 seconds East, assumed bearing along the north line of said Lot 1, a distance of 59.63 feet to the point of beginning of the tract to be described; thence North 53 degrees 13 minutes 39 seconds East 50.66 feet; thence South 50 degrees 19 minutes 23 seconds East 46.29 feet to the north line of said Lot 1; thence South 89 degrees 25 minutes 07 seconds West along said north line 76.21 feet to the point of beginning.

## NOTE:

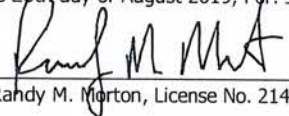
Orientation of this bearing system is based on the north line of Lot 1, Block 2, WOODLAND PARK 2ND ADDITION to have an assumed bearing of N89°25'07"E.

Area of vacation = 1,140 square feet.

## CERTIFICATION:

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

Signed this 28<sup>th</sup> day of August 2019, For: JPJ Engineering

  
 Randy M. Morton, License No. 21401



5670 Miller Trunk Hwy  
 Suite A,  
 Duluth, MN 55811  
 (218) 720-6219  
 www.jpjeng.com

## EXHIBIT A

For: The City of Duluth, Minnesota

PROJECT NUMBER

16-334

SHEET NUMBER





**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>	PL19-161	<b>Contact</b>	John Kelley, <a href="mailto:jkelly@duluthmn.gov">jkelly@duluthmn.gov</a>	
<b>Type</b>	Variance – Corner side yard structure setback	<b>Planning Commission Date</b>	December 10, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>	October 31, 2019	<b>60 Days</b>	December 30, 2019
	<b>Date Extension Letter Mailed</b>	September 12, 2019	<b>120 Days</b>	February 28, 2020
<b>Location of Subject</b>	4802 Otsego Street			
<b>Applicant</b>	Kathy Gore	<b>Contact</b>		
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	010-2950-02640			
<b>Site Visit Date</b>	November 27, 2019	<b>Sign Notice Date</b>	November 26, 2019	
<b>Neighbor Letter Date</b>	November 26, 2019	<b>Number of Letters Sent</b>	60	

**Proposal**

A variance to construct a 24' x 24' garage in the corner side yard setback on the property located at 4802 Otsego Street. The garage will encroach into the 20-foot corner side yard setback by approximately 7.5 feet.

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	Single family dwelling	Traditional Residential
<b>North</b>	R-1	Single family dwelling	Traditional Residential
<b>South</b>	R-1	Single family dwelling	Traditional Residential
<b>East</b>	R-1	Single family dwelling	Traditional Residential
<b>West</b>	R-1	Single family dwelling	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 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 Principles and/or Policies and Current History (if applicable):**

Governing Principle #5 – Promote reinvestment in neighborhoods

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:

1951 – 1,638 square foot two story home constructed. .

**Review and Discussion Items**

Staff finds that:

- 1) The applicant's property is 50 feet by 140 feet in length with frontage along Otsego Street and corner side yard frontage along 48<sup>th</sup> Avenue East. The UDC requires a corner side yard setback of 20 feet for a detached accessory building. The applicant is proposing to encroach into the corner side yard set back by approximately 7.5 feet to construct a 24 x 24 garage.
- 2) The applicant did have a garage on the property in the same location that is proposed but was removed do to the age and condition of the structure.
- 3) The applicant is proposing to use the property in a reasonable manner through reinvestment by constructing a new garage.
- 4) The applicant states that the intent of this variance is to construct the garage in the proposed location to allow for use of the rear yard area of the home and to minimize impacts to the adjacent neighbor to the east. The corner side yard setback of 20 feet would require the 24 x 24 garage to be placed on the lot in a manner that would constrain access from the dwelling to the rear yard area of the property.
- 5) The proposed location for the garage is a generally flat with access from 48<sup>th</sup> Avenue East. The parcel slopes downward from the north to the southeast corner of the rear yard. The applicant has stated that it is an approximate 4-foot drop in elevation from the garage location to the rear lot line. The applicant has also stated that site drainage is issue with runoff from the roadway above the property flowing downhill and into their rear yard area.
- 6) Staff finds that the applicant could consider locating the garage along the rear lot line with access from the unimproved Otsego Street Alley. This alternative would require improvements to the alley for access and may present drainage issue for a structure in that location.
- 7) The proposed garage would be built in alignment with existing building lines along 48<sup>th</sup> Avenue east.
- 8) Granting the variance will not alter the essential character of the area. Other houses in the area have similar garages with access from 48<sup>th</sup> Avenue East. This variance would not result in reductions of light and air to surrounding properties.
- 9) 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.
- 10) No additional landscaping is recommended as mitigation for the reduced setback per Sec. 50-37.9. H.
- 11) No comments from citizens other than letters submitted with the application, City staff, or any other entity were received for the proposed variance.
- 12) Per UDC Section 50-37.1.N. approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year.

**Staff Recommendation**

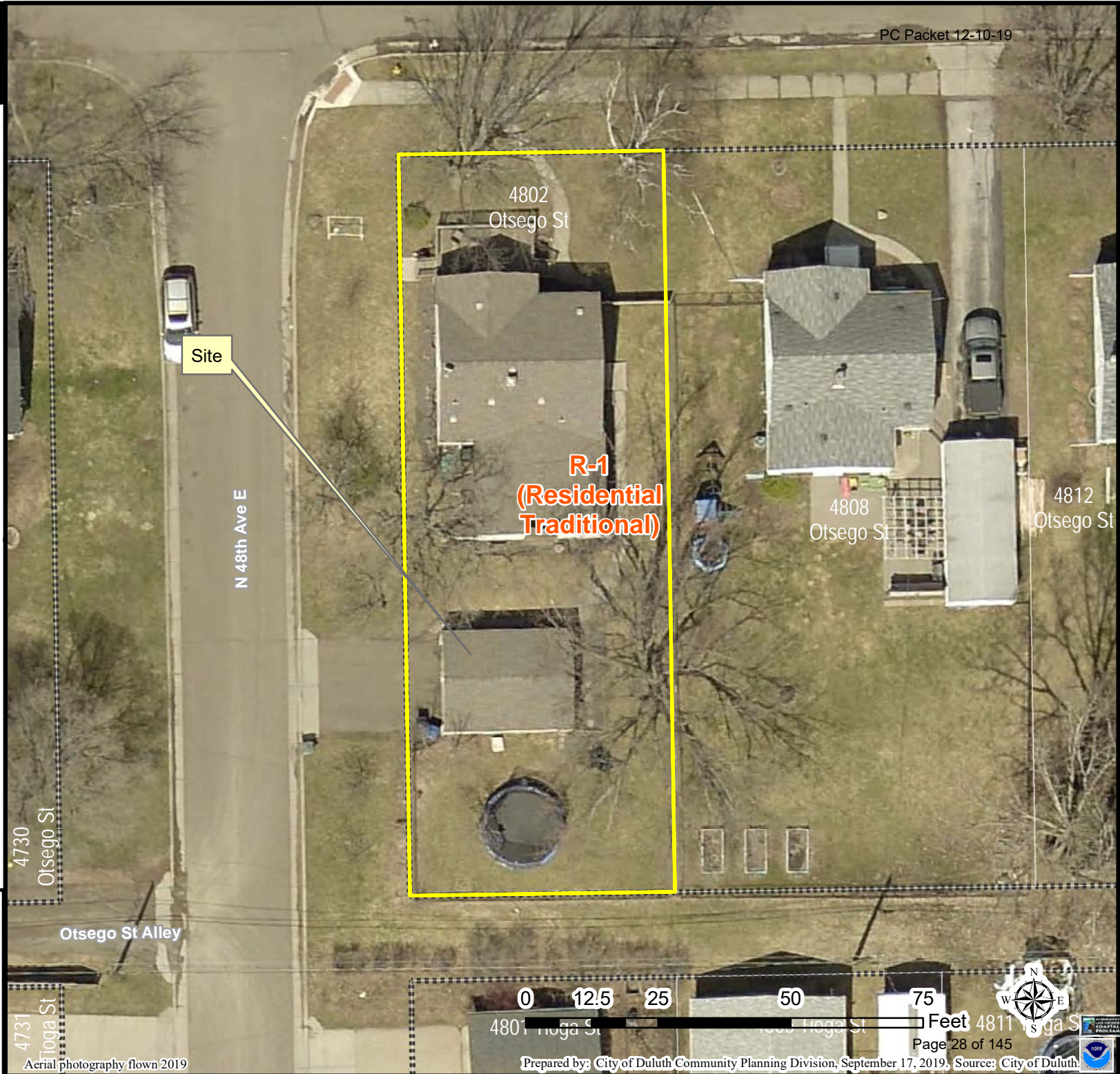
Based on the above findings, Staff recommends that Planning Commission grant the Variance with the following conditions:

- 1) The 24 x 24 garage, be limited to, constructed, and maintained no closer than 7.5 ft from the corner side yard property line and within the area on the survey dated October 16, 2019 noted as a gravel surface.
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.





PL 19-161  
 Variance  
 4802 Ostego



**Legend**

- ..... Road or Alley ROW
- Easement Type**
- Utility Easement
- Other Easement
- Zoning Boundaries

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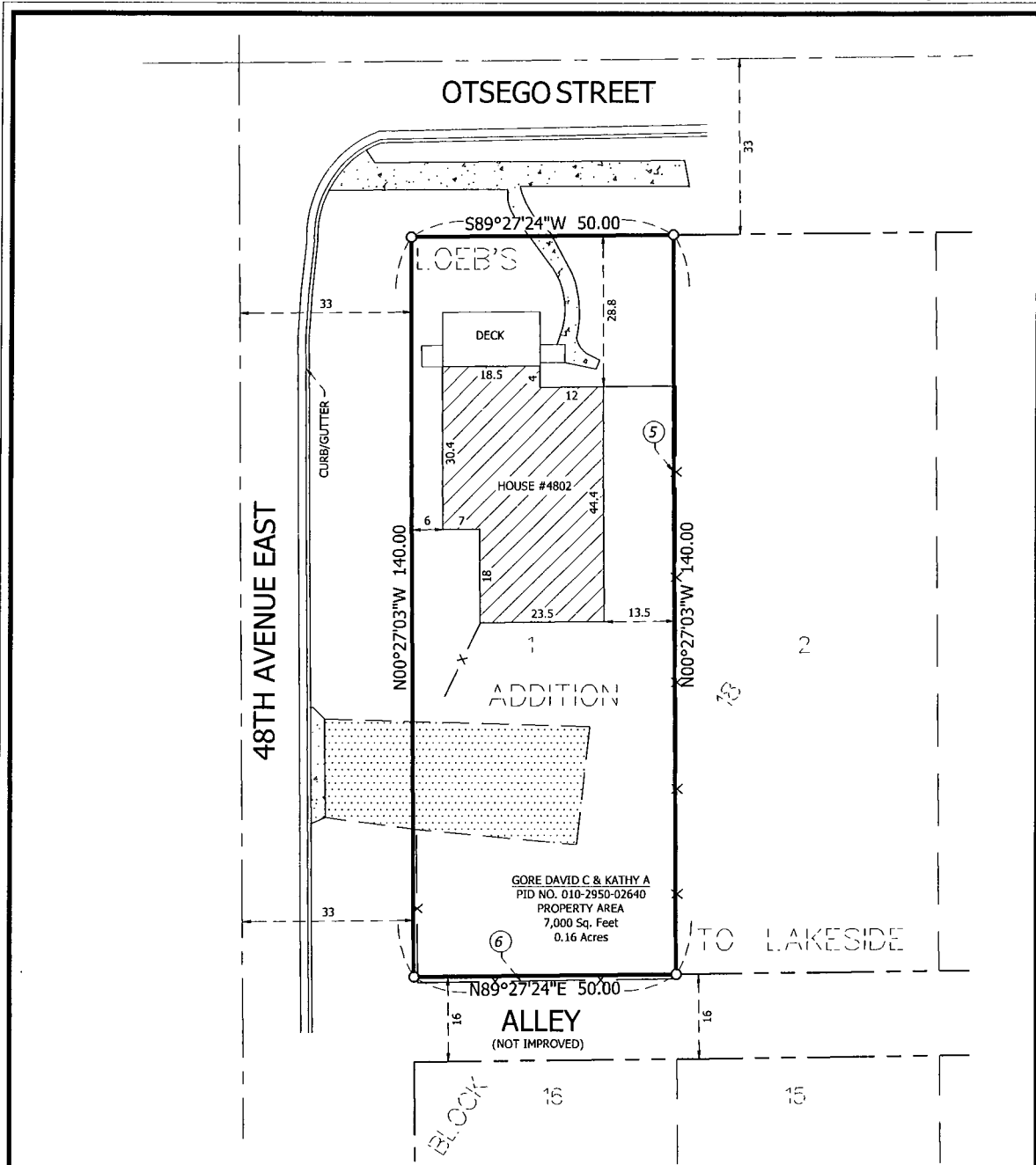
## Variance Application Supplemental Form

1. The lot width of my property is only 50ft. Placing the new garage 20ft from the property line will result in a narrow, 6-foot passage into the main part of my back yard essentially cutting off access from the house. This restriction will limit our use of the space behind the garage. We are wishing to build the new garage in the same location as the old one, which is in line with the house, as are most of the garages in our neighborhood. The garage could not be moved into the back corner of the property due to the slope of the area and the potential for pooled water developing. While there is a flat area where the old garage was, the ground level from the front left corner of the garage to the far back property line corner decreases by almost 4 feet.
  
2. The house was built many years ago by others and they decided where to build and how to configure it on the property. The slope of the property and the other lots and streets around us limit the location of the garage.
  
3. Our lot is only 50 ft wide with a large amount of city owned property around the actual property line. The avenue is very narrow with dead ends on either side. The undeveloped alley to the back of our property is also very narrow. The houses on the upper side of Otsego St. are on a much higher elevation and water naturally flows down hill and through our property. Placing our garage within 6ft of the neighbor's yard would block this natural flow of water and push it into my neighbor's yard causing standing water and flooding.
  
4. We would like to keep the property the same as it was before by placing the new garage in the same location as the old one. The area behind the garage where our children could run and play and where they can access the larger area of the yard would be restricted and essentially cut off if the garage is placed at the required set back. We are trying to preserve the green space on the property and build a garage that can accommodate two cars instead of one for the harsh Minnesota winters.
  
5. By placing the garage in the location specified in the variance request, there would be no change to any of the surrounding area. We will be putting the new garage in the same location that the previous garage was in, therefore not changing anything. This would cause no harm or inconvenience to anyone.
  
6. The variance would simply allow us to put the new garage in the exact same place as the old garage and not change the zoning or character of the neighborhood at all. Most of the garages in the neighborhood are in line with the houses and that is what we would like to do.

To my knowledge, all required City permits have been obtained for any and all work done at 4802 Otsego St.

A handwritten signature in black ink, appearing to read 'Kathy Gore', with a stylized flourish at the end.

Kathy Gore



**LEGEND**

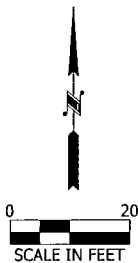
	CONCRETE SURFACE		FENCE LINE
	GRAVEL SURFACE		CENTER LINE
	EXISTING BUILDINGS		RIGHT OF WAY LINE
			PLAT LINE
			BOUNDARY LINE AS SURVEYED
			SET CAPPED REBAR RLS. NO. 49505
			REFER TO SURVEYOR'S NOTES

LEGAL DESCRIPTION PER CERTIFICATE OF TITLE NO. 304276

Lot 1 Block 18 LOEB'S ADDITION TO LAKESIDE

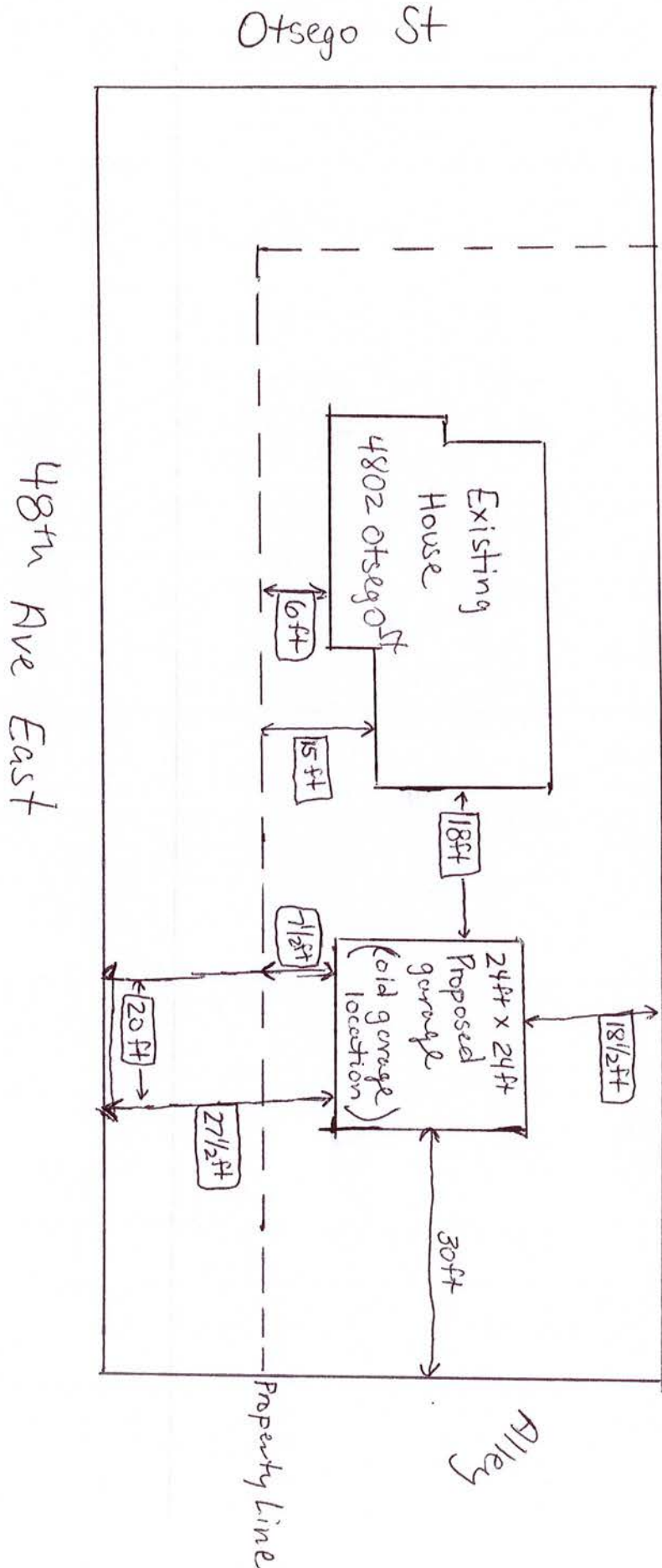
**SURVEYOR'S NOTES**

- 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)
- BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL PLAN FOR FOUNDATION DIMENSIONS.
- NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.
- FENCE LINE LOCATED ±0.5 FEET EAST OF THE EAST BOUNDARY LINE.
- FENCE LINE LOCATED ± 0.9 FEET SOUTH OF SOUTH BOUNDARY LINE.



<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.</p> <p><i>David R. Evans</i> David R. Evans          DATE: 10-16-2019 MIN Lic. No. 49562</p>		<p><b>CERTIFICATE OF SURVEY</b></p> <p>CLIENT: KATHY GORE REVISIONS:</p> <p>ADDRESS: 4802 OTSEGO STREET          DULUTH, MN 55803          DATE: 10-16-2019 JOB NO: 19-335 SHEET 1 OF 1</p>		<p><b>ALTA</b>          LAND SURVEY COMPANY</p> <p>PHONE: 218-727-5211          LICENSED IN MN &amp; WI          WWW.ALTLANDSURVEYDULUTH.COM</p>
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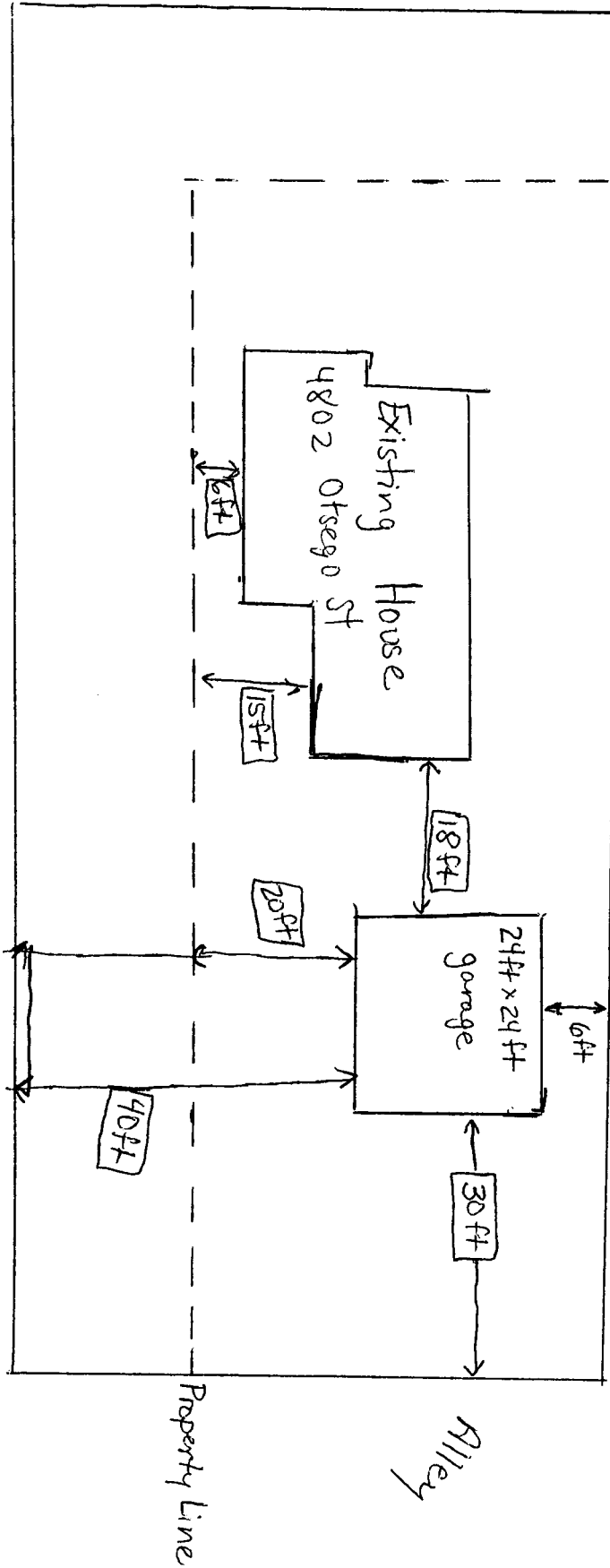
1" = 20 ft Desired Location



1" = 20 ft City Set Back Location

Otsego St

48<sup>th</sup> Ave East



October 30, 2019

City of Duluth Planning and Development Division


Room 160

411 west First Street

Duluth, MN 55802

Dear Planning Commission-

My husband Tom and I have no problem with the Gore family at 4802 Otsego St building their new garage in the same location as the old one. We received a variance several years ago for our own garage to be build at about the same set back as they are desiring. This decreased set back allowed us to build a garage on the same line as our house which is the common location for garages in our neighborhood. It also allowed us to utilize the yard behind the garage as we wanted and we did not have to put in a long driveway, decreasing the green space on our property. Please grant them the variance.

A handwritten signature in black ink that reads "Julie Morgan". The signature is written in a cursive, flowing style.

Julie Morgan


4801 Tioga St.

October 30, 2019

Dear Planning Commission-

I am writing today to ask you to grant the variance for the Gore Family at 4802 Otsego St. We would prefer that they are granted the approval to build their new garage in the same location as their last one. If the garage is built with the current set back, it would really crowd our property. We have a play area set up for our children very close to the fence in that part of the yard and a built-in fire pit also in close proximity to that area. If their garage is built that close to the fence line, it would cause an increase in noise and exhaust in the area where our children play and would direct the water runoff from the garage directly into my property. I am asking that you grant the variance so that there is not an impact on my property and what I am able to do on it.

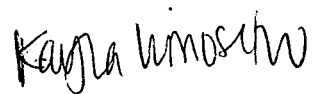
4808 Otsego St.

Coty Jacques  


October 26, 2019

City of Duluth Planning Commission

I have no opposition to the Gore Family at 4802 Otsego St building their new garage in the same location as their old one. In keeping with the character of the neighborhood, it should be build in line with the house.

A handwritten signature in black ink, appearing to read "Kayla Wmosch". The signature is written in a cursive, somewhat stylized font.

4731 Tioga St.



October 26, 2019

City of Duluth Planning Commission

I have no objection to my neighbors at 4802 Otsego St building their new garage in the same location as their old one. That location seems like the logical place to build based on the lot and the surrounding houses with detached garages.

Autumn Brinkman



4730 Otsego St.





**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 19-166	<b>Contact</b>	John Kelley, jkelley@duluthmn.gov	
<b>Type</b>	Interim Use Permit Renewal – Vacation Dwelling Unit	<b>Planning Commission Date</b>		December 10, 2019
<b>Deadline for Action</b>	<b>Application Date</b>	November 6, 2019	<b>60 Days</b>	January 5, 2020
	<b>Date Extension Letter Mailed</b>	November 8, 2019	<b>120 Days</b>	March 5, 2020
<b>Location of Subject</b>	5802 London Road			
<b>Applicant</b>	Dean & Carin Jablonsky	<b>Contact</b>	deanjablonsky@gmail.com	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	PID # 010-2830-00160			
<b>Site Visit Date</b>	November 26, 2019	<b>Sign Notice Date</b>	November 26, 2019	
<b>Neighbor Letter Date</b>	November 26, 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>	N/A	N/A	N/A
<b>East</b>	R-1	One-Family Dwelling	Traditional Neighborhood
<b>West</b>	R-1	One-Family Dwelling	Traditional Neighborhood/Open Space

**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.E . . . the Council shall only approve an interim use permit, or approve it with conditions, if it determines that:

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



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

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 Duluth, Minnesota 55802

 218-730-5580

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

**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.

**Current History:** The previous owner of the property was approved for an Interim Use Permit to operate a Vacation Dwelling Unit in 2017 (PL 17-093).

2018 – PL 18-141 Boundary Line Adjustment

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 5802 London Road. The proposed vacation dwelling units contains 2 bedrooms, which would allow for a maximum of 5 guests. This 1,714 square foot home was constructed in 1937.
- 2) Permit holders must designate a managing agent or local contact who resides with 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed Heirloom Property management at 202 East 1<sup>st</sup> Street to serve as the managing agent.
- 3) The site has room for the required vehicle parking. There will not be any campers or trailers parked on the property.
- 4) The site does have an outdoor concrete patio area and a fire pit in the rear yard area. The property is screened sufficiently by trees and shrubs along the east and west property lines from neighboring 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 applied for all relevant permits and licenses and these are contingent upon approval of the Interim Use



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 218-730-5580

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

Permit for a Vacation Dwelling Unit.

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

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

**Staff Recommendation:**

Based on the above findings, Staff recommends that Planning Commission 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.



# Landscaping and Screening Plan

5802 London Road, Duluth, MN

Fence along front of entire property



Trees and shrubs around east side of property

Trees and shrubs around east side of property

Property ~25' - 30' below London Road and can to use entire property

Driveway and parking for 5 cars. 7 cars with garage

Retaining wall along east side of property

Trees and shrubs west side of property

Additional Trees and shrubs






PL 19-166  
Interim Use Permit  
5802 London Road

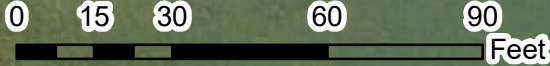
PC Packet 12-10-19



**Legend**  
 Zoning Boundaries

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Aerial photography flown 2019







**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 19-160	<b>Contact</b>	John Kelley, <a href="mailto:jkelly@duluthmn.gov">jkelly@duluthmn.gov</a>	
<b>Type</b>	Preliminary Plat	<b>Planning Commission Date</b>	January 14, 2020	
<b>Deadline for Action</b>	<b>Application Date</b>	October 30, 2019	<b>60 Days</b>	December 29, 2019
	<b>Date Extension Letter Mailed</b>	October 31, 2019	<b>120 Days</b>	February 5, 2020
<b>Location of Subject</b>	East of Hastings Drive and West of Northfield Street and Kolstad Avenue			
<b>Applicant</b>	Sandy Hoff	<b>Contact</b>	Sandy Hoff	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	See attached			
<b>Site Visit Date</b>	November 26, 2019	<b>Sign Notice Date</b>	November 26, 2019	
<b>Neighbor Letter Date</b>	November 26, 2019	<b>Number of Letters Sent</b>	47	

**Proposal**

Preliminary plat of 11.96 acres of land into 18 lots ranging from .25 acres to .85 acres into "Hartley Hills Fourth Addition."

Staff is recommending tabling the application until the January Planning Commission meeting.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Vacant/Undeveloped	Traditional Neighborhood
<b>North</b>	R-1	Single Family	Traditional/Low Density Neighborhood
<b>South</b>	RR-1	Hartley Park	Open Space
<b>East</b>	R-1	Vacant/Undeveloped	Open Space
<b>West</b>	R-1	Single Family	Low Density Neighborhood

**Summary of Code Requirements**

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

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



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

Governing Principle #5 - Promote reinvestment in neighborhoods.

Housing Policy #2 - Provide affordable, attainable housing opportunities

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

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

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

Site history: The site was previously platted as part of the Hartley Hills Fourth Addition-- Block 1 Lots 1 through 11, Block 2 Lots 1 through 6, and Block 3--in 1965. The property is located immediately north of Hartley Park.

**Review and Discussion Items**

Staff finds:

- 1) The land was previously platted as part of the Hartley Hills Fourth Addition in 1965 and contains 19 existing lots. The applicant is submitting a preliminary plat to replat approximately 11.96 acres into 18 lots and 1 Outlot. Lots range in size from .25 acres to .85 acres and the Outlot is .29 acres. Outlot A will be used for storm water treatment purposes. Access to the 18 lots will be by extending Hastings Drive to the east and one future street to the north ending in cul-de-sac. All of the lots in the proposed plat will have frontage on one of the two improved public roadways. Three of the lots could be considered through lots as they have frontage along the unimproved portion of Kolstad Avenue along the western portion of the plat.
- 2) The property consists of gently rolling topography with sloped areas to the south and east. The site is west of Tischer Creek. There are no shoreland or flood plain areas in the proposed plat. A recent wetland delineation report identified .19 acres of wetlands located on the northern portion of the site. The wetland areas are located on proposed buildable lots outside of the right-of-ways. The applicant will be applying for a wetland impact permit at the time of final plat and is tentatively proposing wetland mitigation using an established wetland bank.
- 3) The land is forested with pockets of open area. The applicant has submitted a tree inventory report that identifies three areas sampled for tree species and size. The areas shown on the tree inventory map sampled appear to be within the proposed right-of-ways, which are exempt from the tree replacement requirements. Further review of the site by the applicant’s consultant did identify 9 Red Pine trees ranging from 10” to 24” inches in diameter. The applicant has stated that the potential impact to any individual tree on the site will not be known until all design work has been completed, including surveying, architectural, site, road and utility design has been completed. It is the developer’s proposal to require the buyer of each individual lot to have a tree inventory conducted, and a tree protection and replacement plan in place, compliant with the City of Duluth's UDC, as part of any site disturbance and construction approval. Because some of the trees exceed 20” diameter and would not be allowed to be removed, applicant must demonstrate that it is feasible to build on the proposed lots without removing any special tree species over 20” diameter.



- 4) The applicant is proposing to put public utilities including water and sanitary sewer within the street right-of-ways extending from existing utilities within Hastings Drive to the west and Northfield Street to the northeast. The Engineering Department has indicated that the proposed utilities should be ok for connections.
- 5) A stormwater management summary was submitted by the applicant and reviewed by the City Engineering Department. The City Stormwater Engineer has stated that the information provided for the preliminary plat demonstrates that the development can meet the intent of the requirements of the UDC regarding stormwater management. The next step will require a civil engineer to design the stormwater management facilities and provide a drainage report showing that the development will manage stormwater to minimize the risk of flooding down gradient properties, and provide water quality controls to capture sediment and debris. The down gradient receiving waters is Tischer Creek, a designated trout stream, therefore the development is required to provide a stormwater facility that will minimize impacts of temperature increases from urban runoff. Additionally the development will install a facility to provide water quality benefits for the adjacent storm sewer system, due to some limitations of the proposed development capturing all of the runoff from the new impervious surfaces and meeting the volume reduction component.
- 6) The applicant is proposing a 5-foot wide sidewalk along one side of the proposed streets. The general circulation requirements of the UDC require that all public streets within the R-1 District shall include a sidewalk at least 5-foot wide on both sides of the proposed streets. The sidewalk requirement can be waived by the City Engineer based on concerns of public safety, or due to site/topography constraints. The applicant is providing the required 10-foot wide pedestrian/utility easements from the head of each cul-de-sac to existing adjacent streets and pathways to the east. The two pedestrian easements proposed at the head of each cul-de-sac will be improved with a minimum of a 3' foot wide crushed stone pathway within the easement at the time of street construction. Construction of these pathways allow the plat to meet the connectivity requirements established in UDC Section 50-23. The plat does show one additional 10-foot wide unimproved pedestrian easement between Lots 4 and 5 of Block 2. The applicant has stated that the proposed layout strikes a healthy balance between creating vehicular connections and safe, accessible pedestrian connections, benefiting both current and future residents.
- 7) Platting of the property will not result in adverse material impacts to surrounding properties as any projects to be developed as a result of the plat will need to obtain environmental, public works, and development permitting that will require avoidance or mitigation of any potential impacts.
- 8) Staff find that, other than the items addressed above, the preliminary plat conforms to the requirements of Sec 50-37.5. The preliminary plat is consistent with the comprehensive land use plan, and is consistent with all applicable requirements of MSA 462.358 and Chapter 505.
- 9) One neighbor has indicated concern with loss of trees behind existing homes. It should be noted that as the development contains fewer residential lots than currently platted, the density of homes under the proposed plat would be less than currently allowed. No other citizen or City comments have been received to date.

### Staff Recommendation

Based on the above findings, staff recommends that Planning Commission Table the application until the January Planning Commission, with the following information requested:

- 1) Applicant must complete a Tree Inventory and Preservation Plan compliant with UDC Standards.
- 2) Any necessary utility easements should be shown on the plat.
- 3) Applicant should provide sidewalks along both sides of the streets.
- 4) Provide 10 foot wide pedestrian easement along southern lot line of Outlot A.





**Legend**  
Zoning Boundaries

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



# PRELIMINARY PLAT OF RE-ARRANGEMENT OF HARTLEY HILLS FOURTH ADDITION

## AREA SUMMARY

Total Acreage	11.96 AC
Total Outlot Acreage	0.29 AC
Total Lot Acreage	9.42 AC
Total R/W Acreage	2.25 AC
Number of Outlots	1
Number of Lots	18
Largest lot in Sq. ft.	37,075 SQ. FT
Smallest lot in Sq. ft.	10,836 SQ. FT
Total Wet Land Area in Acres (per others)	0.19 AC



ZONING AND BUILDING SETBACKS PER THE CITY OF DULUTH CURRENTLY ZONED: R1 RESIDENTIAL-TRADITIONAL. SEE TABLE SD-14.5-1 FOR DISTRICT DIMENSIONAL STANDARDS.

FLOOD ZONE INFORMATION: PROPERTY IS LOCATED WITHIN ZONE C (AREAS MINIMAL FLOODING). PER FIRM FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 270421 0025 C, EFFECTIVE DATE: APRIL 2, 1982.

TABLE SD-14.5-1 R1 DISTRICT DIMENSIONAL STANDARDS	
	Lot Standards
Minimum lot area per family (Two-family) (1)	The smaller of 4,000 sq. ft. or average of developed 1-family lots on the block face
Minimum lot area per family (Three-family) (1)	The smaller of 3,000 sq. ft. or average of developed 2-family lots on the block face
Minimum lot area per family (Four-family) (1)	3,000 sq. ft.
Minimum lot coverage (one-family) (1)	The smaller of 40% or average of developed lots with similar uses on the block face, but not less than 40%
Minimum lot coverage (two-family or three-family) (1)	
Minimum depth of front yard	The smaller of 25 ft. or average of adjacent developed lots facing the same street
Minimum width of side yard (one- and two-family) (1)	General: 5 ft. Corner: 5 ft. Confronted width of side yards must be at least 12 ft.
Minimum width of side yard (three-family) (1)	15 ft. if adjacent to another lot 25 ft. if adjacent to principal street
Corner lot, width of front side yard	Dwelling: 15 ft. Detached accessory building: 20 ft. Attached residential building: 25 ft.
Minimum depth of rear yard	25 ft.
Minimum height of building	10 ft.

SURVEYOR'S NOTES:  
1. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996.  
2. CONTOUR DATA SHOWN HEREON THIS SURVEY WAS DERIVED FROM LIDAR DATA PROVIDED BY THE MN/DNR. ELEVATIONS HAVE NOT BEEN FIELD VERIFIED. IT IS RECOMMENDED ON THE GROUND MEASUREMENTS BE INCORPORATED INTO ANY AREAS OF PROPOSED DESIGN AND CONSTRUCTION.  
3. NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA SURVEY COMPANY, INC. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.

SITE ADDRESS  
SITE HAS NO ADDRESS

SITE IS TREED AND UNDEVELOPED.

LEGAL DESCRIPTION FOR PRELIMINARY PLAT PURPOSES ONLY  
Lots 1 thru 11, Block 1, Lots 1 thru 6, Block 2, all of Block 3, Hastings Street lying adjacent to Blocks 1 and 2, Tracy Street lying adjacent to Blocks 1, 2 and 3, Westley Half of Kolstad Avenue lying adjacent to Blocks 1 and 3 and Richfield Street lying adjacent to Block 3, HARTLEY HILLS FOURTH ADDITION, according to the recorded plat thereof, St. Louis County, Minnesota.

OWNER  
TO BE DETERMINED LLC

DEVELOPER  
SANDY HOFF PRESIDENT  
F.J. SALTER REAL ESTATE SERVICES  
8008 W. RAILROAD ST. DULUTH, MN 55802  
PHONE (218) 722-5556  
EMAIL: shoff@fsalter.com

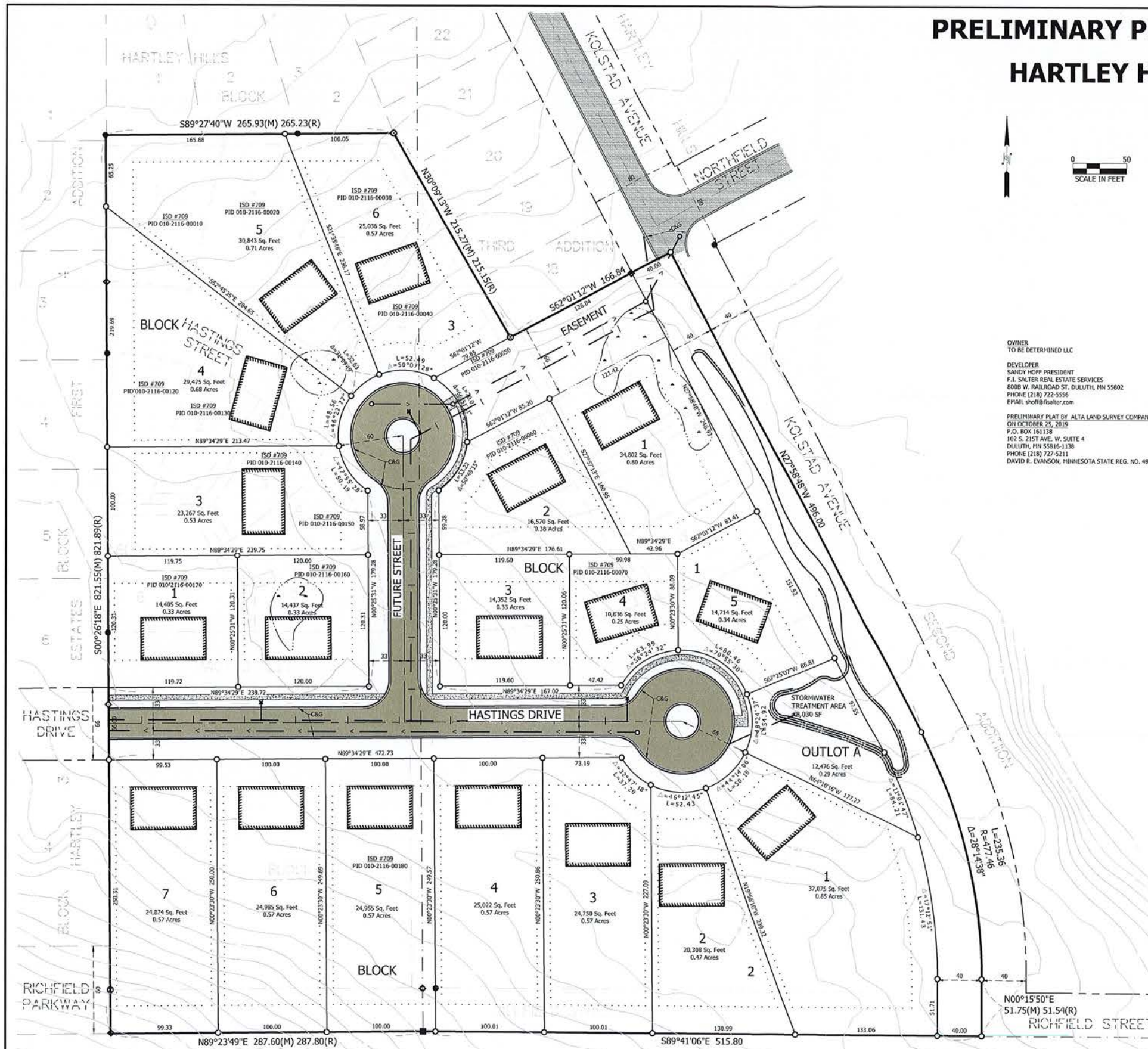
PRELIMINARY PLAT BY ALTA LAND SURVEY COMPANY  
ON OCTOBER 25, 2019  
P.O. BOX 161138  
102 S. 21ST AVE. W. SUITE 4  
DULUTH, MN 55816-1138  
PHONE (218) 727-5211  
DAVID R. EVANSON, MINNESOTA STATE REG. NO. 49505

## LEGEND

	(H)-FIELD MEASURED DIMENSION		FOUND SANDSTONE MONUMENT
	(R)-RECORD DIMENSION		FOUND REBAR
	C&G-CONCRETE CURB & GUTTER		FOUND CAPPED REBAR
	>>> SANITARY SEWER PER OTHERS		FOUND SURVEY MONUMENT
	>>> STORM SEWER PER OTHERS		FOUND IRON ROD
	--- WATER MAIN PER OTHERS		SET CAPPED REBAR RLS. NO. 49505
	--- SETBACK LINE		SINGLE FAMILY BUILDING FOOTPRINT
	--- WET LAND LINE PER OTHERS		
	--- PROPOSED EASEMENT LINE		
	--- SECTION SUBDIVISION LINE		
	--- CENTER LINE		
	--- RIGHT OF WAY LINE		
	--- PROPOSED LOT LINES		
	--- BOUNDARY LINE AS SURVEYED		



VICINITY MAP  
NO SCALE





STORMWATER CALCULATIONS		
SURFACE	QUANTITY	UNIT
ROADS	29,743	SF
WALKS	4,600	SF
HOME SITES	75,600	SF
TOTAL IMPERVIOUS	109,943	SF
<hr/>		
STORMWATER TREATMENT AREA	13,068	SF



**ASSOCIATES**

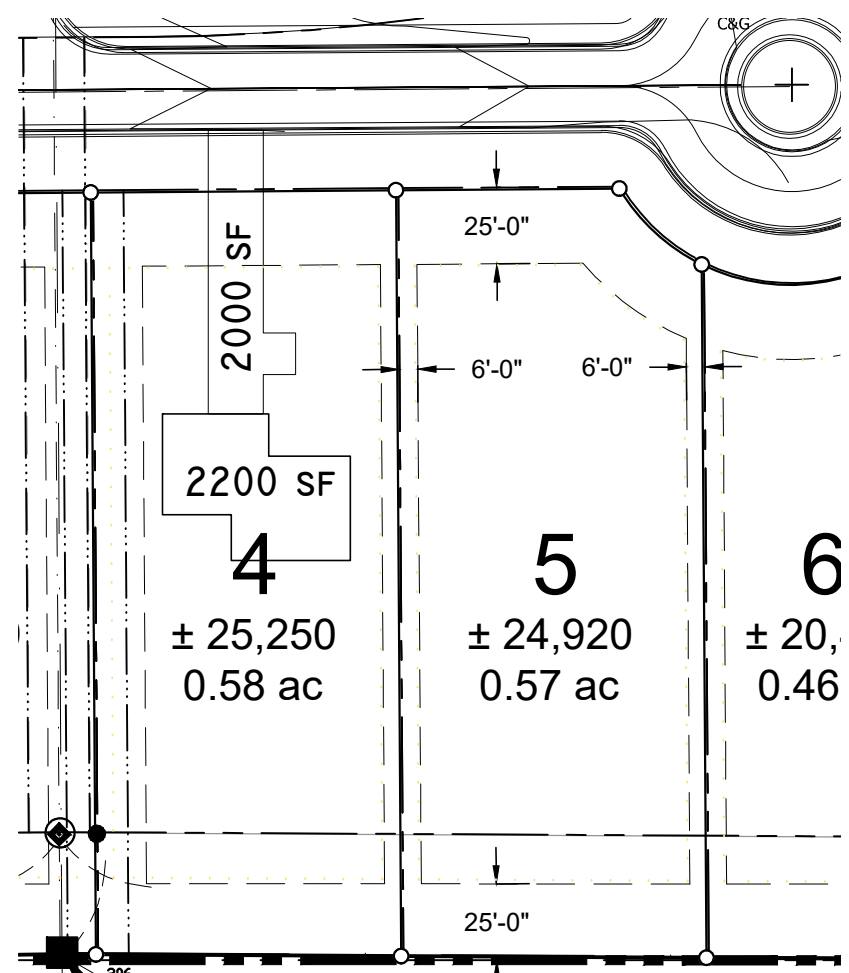
WWW.SASLANDARCH.COM

219 WEST FIRST STREET, SUITE 350  
 DULUTH, MN 55802  
 (P) 218.391.1335  
 (F) 218.722.6697

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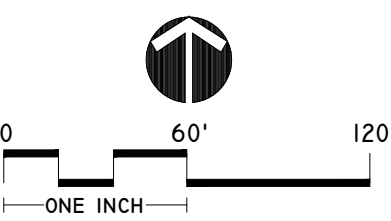
ISSUE RECORD/REVISION

PURPOSE DATE

TYP BUILDING AREA

**HARTLEY HILLS**  
 CITY OF DULUTH, MINNESOTA



SHEET KEY

SHEET TITLE  
**CONCEPT GRADING/  
 STORMWATER PLAN**

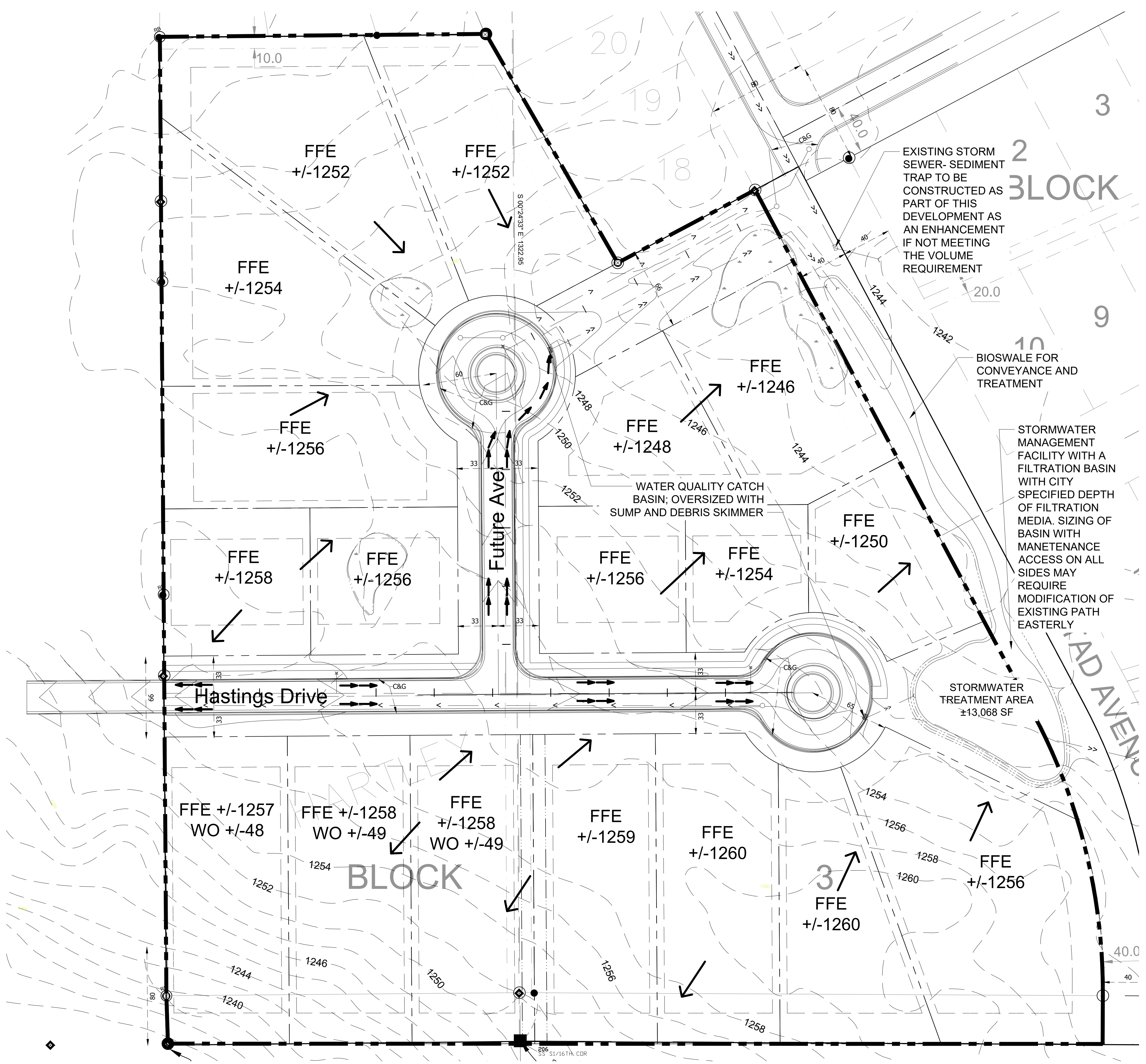
DATE: 7-31-2019

DRAWN BY: LWS

CHECKED BY: LWS

PROJECT NUMBER  
 19030

SHEET NUMBER  
**C-GI**

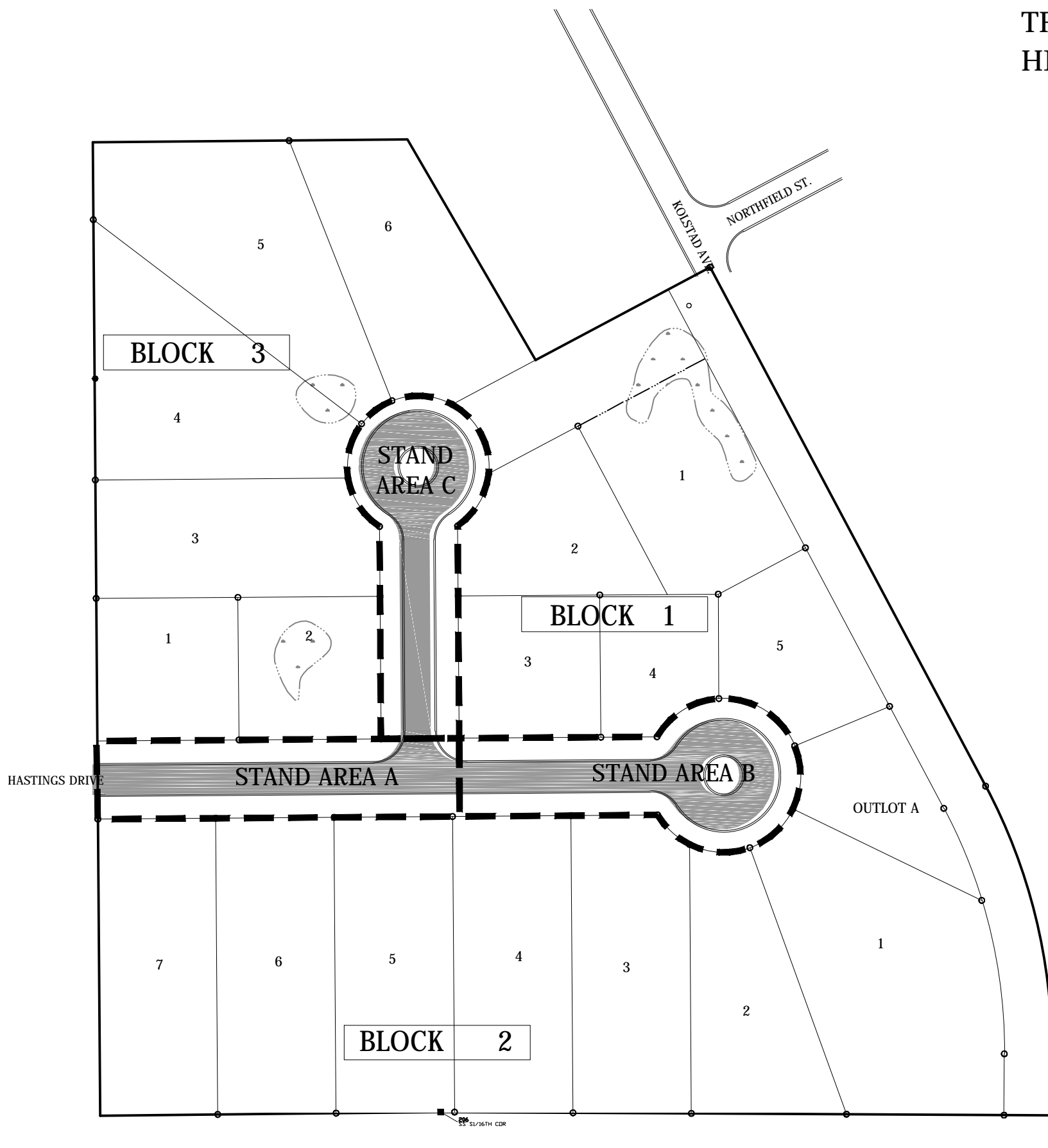




# TREE INVENTORY OF PROPOSED HARTLEY HILLS FOURTH ADDITION RIGHT-OF-WAY

Hartley Hills Fourth Addition Tree Inventory		
Tree Inventory		
21-Nov-19		
Tree Inventory Stand Area	Total Stand Square Footage	Percentage of Total Plat Area
A	0.46 ac (20,177 sf)	3.85%
B	0.55 ac (23,900)	4.60%
C	0.52 ac (22,691)	4.35%
Total Plat Area	11.96 ac (520,977 sf)	
Required Tree Inventory Area	10% (1.19 acres)	
Tree Inventory Area as a Percentage of Plat		
	1.53 ac (12.8% of plat area)	
Stand Area Tree Inventory Summary Data		
Stand Area	Special Trees (Cal. Inches)	Significant Trees (>10" Cal. Inches)
A	130	557
B	15	348
C	0	111

**TREE INVENTORY NOTES:**  
 1. TREE INVENTORY IS BASED OFF OF FIELD OBSERVATIONS AND MEASUREMENTS ON NOVEMBER 20-21, 2019 BY SAS+ASSOCIATES.  
 2. TREES WITHIN THE ROW OF THIS PRELIMINARY PLAT WERE RECORDED.  
 3. ROW LOCATION WAS DETERMINED IN THE FIELD THROUGH THE USE OF THIS PROPOSED PLAT LAYOUT, ST. LOUIS COUNTY LAND EXPLORER, AND ESRI ARC GIS SOFTWARE. TREE LOCATIONS HAVE NOT BEEN SURVEYED. ADJUSTMENTS TO THESE QUANTITIES ARE TO BE EXPECTED.  
 4. INDIVIDUAL INVENTORIED TREES MAY OR MAY NOT BE REMOVED FOR THE CONSTRUCTION OF THE ROAD AND UTILITIES. PROPOSED TREE REMOVAL WILL NOT BE DETERMINED UNTIL COMPLETION OF SITE SURVEY, UTILITY AND ROADWAY DESIGN, GRADING AND STORMWATER DESIGN. HOME AND DRIVEWAY LOCATIONS ARE ESTABLISHED.  
 5. TREE REPLACEMENT IS NOT REQUIRED FOR THE CONSTRUCTION OF PUBLIC ROADS AND UTILITIES PER THE CITY OF DULUTH UDC 50-25.9 TREE PRESERVATION REQUIREMENTS B. TREE REPLACEMENT 1. EXEMPTIONS (h).



LEGEND	
	BITUMINOUS SURFACE
	PROPOSED BITUMINOUS ROAD
	WET LAND
	WET LAND LINE PER OTHERS
	PROPOSED LOT LINES
	BOUNDARY LINE AS SURVEYED
	STAND AREA BOUNDARY



VICINITY MAP  
NO SCALE

Sanford (Sandy) Hoff | President  
 800B W Railroad St. | Duluth, MN 55802  
 P: 218.722.5556 | E: shoff@fsalter.com



<b>Hartley Hills Fourth Addition ROW Tree Inventory</b>						
<b>11/21-22/2019</b>						
<b>AREA A</b>						
<b>Tree Tag #</b>	<b>Tree Type</b>	<b>Diameter (In Inches)</b>	<b>Significant Tree</b>	<b>Special Tree</b>	<b>Special Tree Caliper Inches</b>	<b>Significant Tree Caliper Inches</b>
1920	Red Pine	19		X	130	557.25
1922	Red Pine	16		X		
1923	Red Pine	19		X		
1924	Red Pine	16		X		
1925	Red Pine	12		X		
1926	Red Pine	15		X		
1927	Red Pine	17		X		
1928	Jack Pine	11.5	X			
1929	Jack Pine	14	X			
1930	Jack Pine	16.25	X			
1931	Jack Pine	17	X			
1932	Jack Pine	19	X			
1933	Jack Pine	19	X			
1934	Jack Pine	11.5	X			
1935	Jack Pine	14.5	X			
1936	Jack Pine	10	X			
1937	Jack Pine	10	X			
1938	Jack Pine	12.5	X			
1939	Jack Pine	14	X			
1940	Jack Pine	11	X			
1941	Jack Pine	12	X			
1942	Jack Pine	9.25				
1943	Jack Pine	8.5				
1944	Jack Pine	11	X			
1945	Jack Pine	11.5	X			
1946	Jack Pine	10.5	X			
1949	Jack Pine	11.5	X			
1950	Jack Pine	9.5				
1951	Jack Pine	8.5				
1952	Jack Pine	9.5				
1953	Paper Birch	10	X			
1954	Poplar	9				
1955	Jack Pine	10	X			
1956	Jack Pine	8				
1957	Jack Pine	8.5				
1958	Red Pine	16		X		
1959	Jack Pine	11.5	X			
1960	Jack Pine	18	X			
1961	Jack Pine	14.5	X			
1962	Jack Pine	11	X			
1963	Jack Pine	9				
1964	Jack Pine	16	X			
1965	Jack Pine	10	X			
1966	Jack Pine	13	X			
1967	Jack Pine	11.5	X			





<b>AREA C</b>						
<b>Tree Tag #</b>	<b>Tree Type</b>	<b>Diameter (In Inches)</b>			<b>Special Tree Caliper Inches</b>	<b>Significant Tree Caliper Inches</b>
1820	Jack Pine	10	X		0	110.75
1821	Paper Birch	10	X			
1822	Spruce	10.5	X			
1823	Spruce	11.5	X			
1824	Paper Birch	11	X			
1825	Poplar	11.5	X			
1826	Poplar	11.5	X			
1827	Jack Pine	11.5	X			
1828	Jack Pine	13	X			
1829	Poplar	10.25	X			

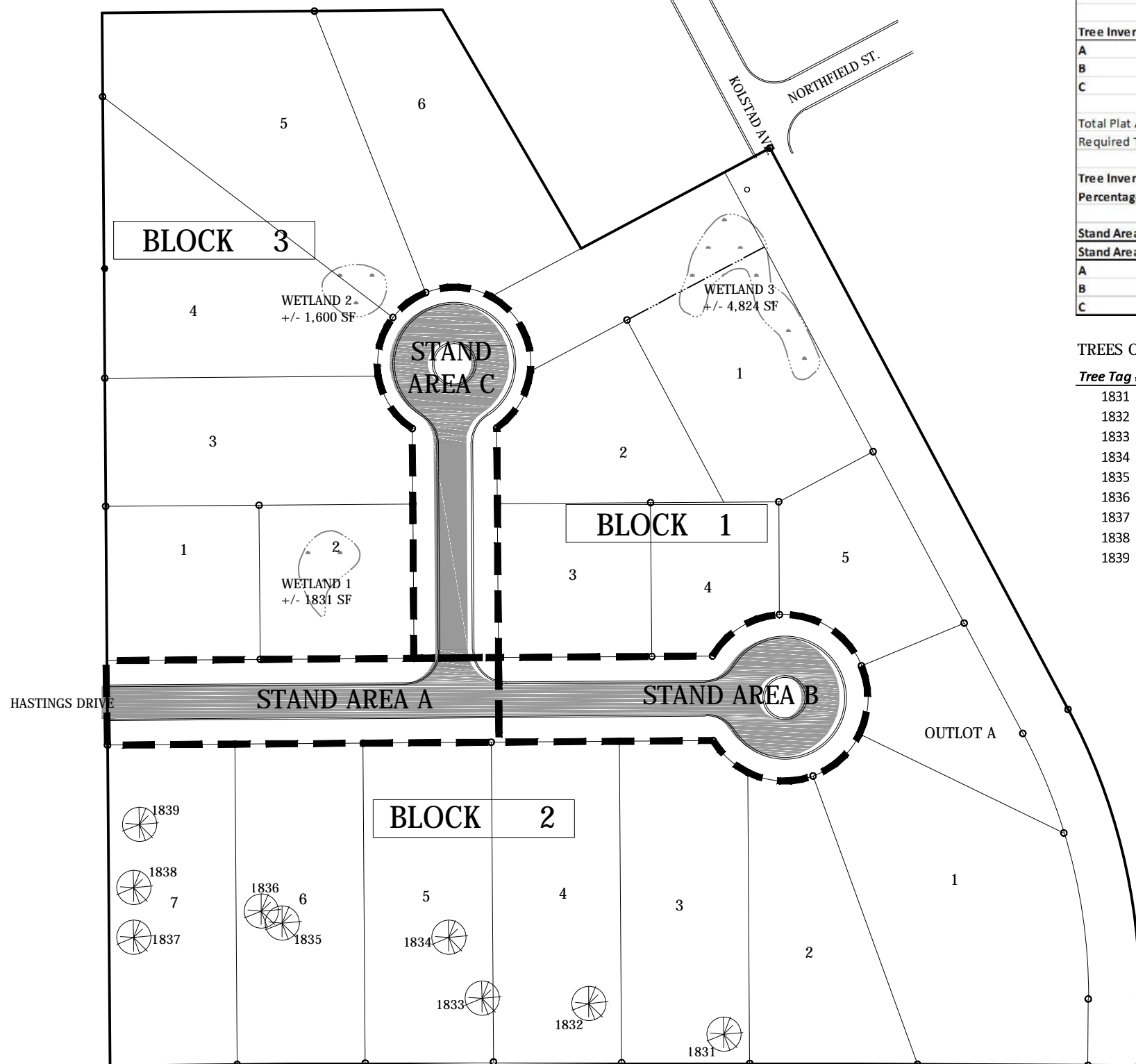
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Total Plat Area		11.96 ac (520,977 sf)
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Tree Inventory Area as a Percentage of Plat		
		1.53 ac (12.8% of plat area)
Stand Area Tree Inventory Summary Data		
Stand Area	Special Trees (Cal. Inches)	Significant Trees (>10" Cal. Inches)
A	130	557
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C	0	111

**TREE INVENTORY NOTES:**  
 1. TREE INVENTORY IS BASED OFF OF FIELD OBSERVATIONS AND MEASUREMENTS ON NOVEMBER 20-21, 2019 BY SAS+ ASSOCIATES.  
 2. TREES WITHIN THE ROW OF THIS PRELIMINARY PLAT WERE RECORDED.  
 3. ROW LOCATION WAS DETERMINED IN THE FIELD THROUGH THE USE OF THIS PROPOSED PLAT LAYOUT, ST. LOUIS COUNTY LAND EXPLORER, AND ESRI ARC GIS SOFTWARE. TREE LOCATIONS HAVE NOT BEEN SURVEYED. ADJUSTMENTS TO THESE QUANTITIES ARE TO BE EXPECTED.  
 4. INDIVIDUAL INVENTORIED TREES MAY OR MAY NOT BE REMOVED FOR THE CONSTRUCTION OF THE ROAD AND UTILITIES. PROPOSED TREE REMOVAL WILL NOT BE DETERMINED UNTIL COMPLETION OF SITE SURVEY, UTILITY AND ROADWAY DESIGN, GRADING AND STORMWATER DESIGN, HOME AND DRIVEWAY LOCATIONS ARE ESTABLISHED.  
 5. TREE REPLACEMENT IS NOT REQUIRED FOR THE CONSTRUCTION OF PUBLIC ROADS AND UTILITIES PER THE CITY OF DULUTH UDC 50-25.9 TREE PRESERVATION REQUIREMENTS B. TREE REPLACEMENT 1. EXEMPTIONS (h).

**TREES OVER 20" DBH**

Tree Tag #	Tree Type	Diameter (In Inches)
1831	Red Pine	23
1832	Red Pine	23
1833	Red Pine	24
1834	Red Pine	22
1835	Red Pine	21.5
1836	Red Pine	22
1837	Red Pine	21
1838	Red Pine	10
1839	Red Pine	23.5



**LEGEND**

- BITUMINOUS SURFACE
- PROPOSED BITUMINOUS ROAD
- WET LAND
- EXISTING TREE OVER 20" DBH
- WET LAND LINE PER OTHERS
- PROPOSED LOT LINES
- BOUNDARY LINE AS SURVEYED
- STAND AREA BOUNDARY



VICINITY MAP  
NO SCALE



Sanford (Sandy) Hoff | President  
 800B W Railroad St. | Duluth, MN 55802  
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Dear Mr Kelly

I own own a lot I was planning to build a home on at the corner of Hastings and Ewing . I got the letter you sent recently about the planned Harley Hills project

I was upset about this development when I got the letter but did not realize how much it would impact me until went on your website and found out that the only way in and out of this new development will be through Ewing and Hastings street This is not acceptable !

I think it was unfair to homeowners in the area to send a letter about the project without including the plat map that is on your website You did not give us a true picture about what is proposed because that map was not included with your letter. Homeowners in the area will be much more likely to have concerns and attend the meeting on the 10th if they have seen the plat Many people living in the area are not going to try to try and navigate your website to search for that plat map

Right now it looks like the city is being untruthful to citizens by not telling us exactly what this proposed Hartley Hills development will actually look like.

Please do a service to our neighborhood and sent out another letter containing the plat map as soon as possible

Sincerely

Judy Gordon

I am an adjoining property to the proposed development PL-19-160 and received my notice of the public hearing today. I will be in the hospital December 9 for surgery and unable to attend. I would like copies of any opinions stated by staff on this development. I have been in communication with Sanford about the implementation of a greenbelt around the development as a buffer between existing homes and proposed homes to afford privacy for all concerned and a safe passage for wildlife that is used to traveling through this area. This is not the best outcome for this property, the City should have purchased the entire piece and added it to Hartley Park. Fragmenting this area makes no sense. It is my hope that the developer will at least be amenable to working to establish habitat and privacy for all concerned and wildlife will not be severely affected by this change.

Wilma Rahn







**CITY OF DULUTH**  
Community Planning Division

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

<b>File Number</b>	PL19-163		<b>Contact</b>	Chris Lee, cleee@duluthmn.gov	
<b>Type</b>	Special Use Permit – Parking Lot (primary use)		<b>Planning Commission Date</b>	December 10, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>	November 5, 2019	<b>60 Days</b>	January 4, 2020	
	<b>Date Extension Letter Mailed</b>	November 11, 2019	<b>120 Days</b>	March 4, 2020	
<b>Location of Subject</b>	721 E 3 <sup>rd</sup> Street				
<b>Applicant</b>	Human Development Center		<b>Contact</b>	Gary Vogt	
<b>Agent</b>	Northland Consulting Engineers		<b>Contact</b>	Tom DeMaris	
<b>Legal Description</b>	PID # 010-3830-10770				
<b>Site Visit Date</b>	November 26, 2019		<b>Sign Notice Date</b>	November 26, 2019	
<b>Neighbor Letter Date</b>	November 21, 2019		<b>Number of Letters Sent</b>	53	

**Proposal**

Applicant requests a Special Use Permit to construct a parking lot as a primary use located at 721 East 3<sup>rd</sup> Street. As a primary use parking lot, site features such as drive aisles and accesses must function independently of other neighboring sites and businesses. A Special Use Permit is required to construct a primary use parking lot in a MU-N zone district.

Staff is recommending approval of the special use permit.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-N	Vacant Site	Neighborhood Mixed Use/Urban Residential
<b>North</b>	F-6	Residential	Neighborhood Mixed Use
<b>South</b>	R-2	Residential	Urban Residential
<b>East</b>	MU-N	Residential	Neighborhood Mixed Use/Urban Residential
<b>West</b>	MU-N	Vacant	Neighborhood Mixed Use/Urban Residential

**Summary of Code Requirements**

UDC Section 50-19.8. Special Use Permit required for a Parking Lot (primary use) in a MU-N district.

UDC Section 50-20.3.O. Use Specific Standards – Parking lot or parking structure (primary use)

UDC Section 50-37.10. Special Use Permits. The Planning Commission shall approve the application or approve it with modifications if the commission determines that the application meets the following criteria:

- 1.) The application is consistent with the Comprehensive Land Use Plan;
- 2.) The application complies with all applicable provisions to this Chapter, including without limitation 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):**

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.

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

Governing Principle #1 - Reuse previously developed lands.

General Development Strategy S6 – Avoid surface parking between buildings and the street to reduce the visual impact of parking lots and provide landscape screening from public areas for all surface parking areas.

The site previously contained two condemned residential structures and accessory buildings that were torn down in 2012.

The facility will provide parking for both employees and clients of the Human Development Center.

**Review and Discussion Items**

Staff finds that:

- 1.) 50-19.8 (MU-N) - A primary use parking lot is allowed as a special use in the MU-N zone district.
- 2.) 50-23 (Connectivity) – The parking lot will be accessed via the 4<sup>th</sup> Street Alley.
- 3.) 50-24 (Parking) - Site contains 50 parking stalls. There are no minimums or maximums for primary use parking lots. Standard parking space size is 9' x 17'. The site plan depicts 9' x 18' parking stalls. The drive aisle meets the required 24 feet in width to accommodate two-way traffic.
- 4.) 50-25 (Landscaping) - The site contains 17,888 square feet and 50 stalls, requiring internal landscaping. The parking lot canopy coverage plan shows 12 blaze maples and 5 dogwoods around the perimeter. The trees will exceed the requirement for 30% tree canopy coverage at maturity.
- 5.) 50-26 (Screening) – Applicant will need to screen between the parking lot and the adjacent residential structures. (UDC Section 50-20.3.O.1.b)
- 6.) 50-29 (Sustainability) and 50-30 (Building Design Standards) - These do not apply as the proposed project does not include a structure.
- 7.) 50-31 (Exterior Lighting) – There is no lighting planned for this project. Any future lighting will need to be downcast and full cut-off fixtures.
- 8.) The parking lot drainage will utilize existing stormwater catch basins on 8<sup>th</sup> Avenue East and 3<sup>rd</sup> Street. A storm water management plan and erosion control permit will be needed prior to construction.
- 9.) No public, City or agency comments were received.
- 10) UDC 50-37.1.N. states that an approved Special Use Permit will expire if the project or activity authorized by the permit has not begun within one-year.

**Staff Recommendation**

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

- 1) The project must be limited to, constructed, and maintained according to the Site Plan and Canopy Coverage Plan submitted with the special use permit application and dated November 4, 2019.
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.





721 E 3rd St

PC Packet 12-10-19



**Legend**

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

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**Human Development Center**  
Comprehensive Behavioral Healthcare

Professional. Compassionate. Dedicated.

Human Development Center has been revitalizing the 810 East 4<sup>th</sup> Street building the last three (3) years. In order to accommodate our continued expansion in the medical growth sector, we have a need for more off-street parking for our clients and staff so that we do not interfere with the neighborhood's existing on-street residential parking needs.

The adjacent property has been vacant for approximately 10 years. There were homes on the lots at one time but they were vacant, uninhabitable and were torn down years ago. The lots are not a natural amenity or a usable resource in the neighborhood as they are overgrown and are often used as a dumping ground.

Human Development Center is planning to add forty (40) new fulltime employees and this expansion will invest approximately \$1,000,000 in improvements. The neighborhood is a mix of residential and medical/commercial use today and I believe our plans will blend into and enhance the neighborhood.

We will have a landscaped buffer between the parking area and sidewalk. If we add lighting, it will be ground lighting rather than high-aerial light structures so it will not directly impact neighboring properties. Naturally, we will continue to maintain the sidewalk during the winter season.

This is a very important project for Human Development Center. We are eager to offer these new employment opportunities and expand our mental health services. We have been caring for our community for over 75 years. Thank you.

Gary Vogt

Director of Facilities for Human Development Center

HDC's mission is to lead our communities by providing integrated, culturally respectful mental health and addiction services that foster hope, self-determination, and recovery. Our focus on serving those most in need improves the quality of life for all.

[www.humandevlopmentcenter.org](http://www.humandevlopmentcenter.org)

**St. Louis County Main Office**  
1401 East First Street  
Duluth, MN 55805  
218-728-4491

**Carlton County Office**  
40 11<sup>th</sup> Street  
Cloquet, MN 55720  
218-879-4559

**Lake County Office**  
629 First Avenue  
Two Harbors, MN 55616  
218-834-5520

**Cook County Office**  
1807 West Highway 61  
Grand Marais, 55604  
218-387-9444

**Douglas County Office**  
1500 North 34<sup>th</sup> Street  
Superior, WI 54880  
715-392-8216

**HDC Foundation**  
1401 East First Street  
Duluth, MN 55805  
218-302-8717





**LEGEND**

- CENTER LINE
- - - RIGHT OF WAY LINE
- - - EXISTING EASEMENT LINE
- BOUNDARY LINE AS SURVEYED
- SET CAPPED REBAR RLS. NO. 49505

**LEGAL DESCRIPTION PER DOCUMENT NO. 10699431-ABSTRACT**

PARCEL I (Torrens Property):  
 Lot 7 and 8, Block 73, Portland Division of Duluth.  
 Parcel II (Abstract Property):  
 Lots 9 and 10, Block 73, Portland Division of Duluth  
 Parcel III (Abstract Property):  
 Lot 11 and the W1/2 of Lot 12, Block 73, Portland Division of Duluth.  
 Parcel IV (Torrens Property):  
 Lot 13 and the E1/2 of Lot 12, Block 73, Portland Division of Duluth.

**LEGAL DESCRIPTION PER DOCUMENT NO. 1240399-ABSTRACT**

Lots 5 and 6, Block 73, Portland Division of Duluth

- 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 ENCLUMBER 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)
  - NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.
  - SLOPE/FILL EASEMENT PER BOOK 2 OF PLATS, PAGE 134.

<p><small>This is to certify that the 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.</small></p> <p><i>David R. Evans</i>                  David R. Evans                  DATE: 10-01-2019                  M.S. No. 49505</p>		<p align="center"><b>CERTIFICATE OF SURVEY</b></p> <p>CLIENT/JOE: ADDRESS: 721 E 3RD STREET                  DULUTH, MN 55805                  DATE: 01-2019</p> <p>REVISIONS: JOB NO: 19-280 SHEET 1 OF 1</p>		<p align="center"><b>ALTA</b>                  LAND SURVEY COMPANY</p> <p><small>PHONE: 218-727-5111                  LICENSED IN MN &amp; WI                  WWW.ALTLANDSURVEY.COM</small></p>
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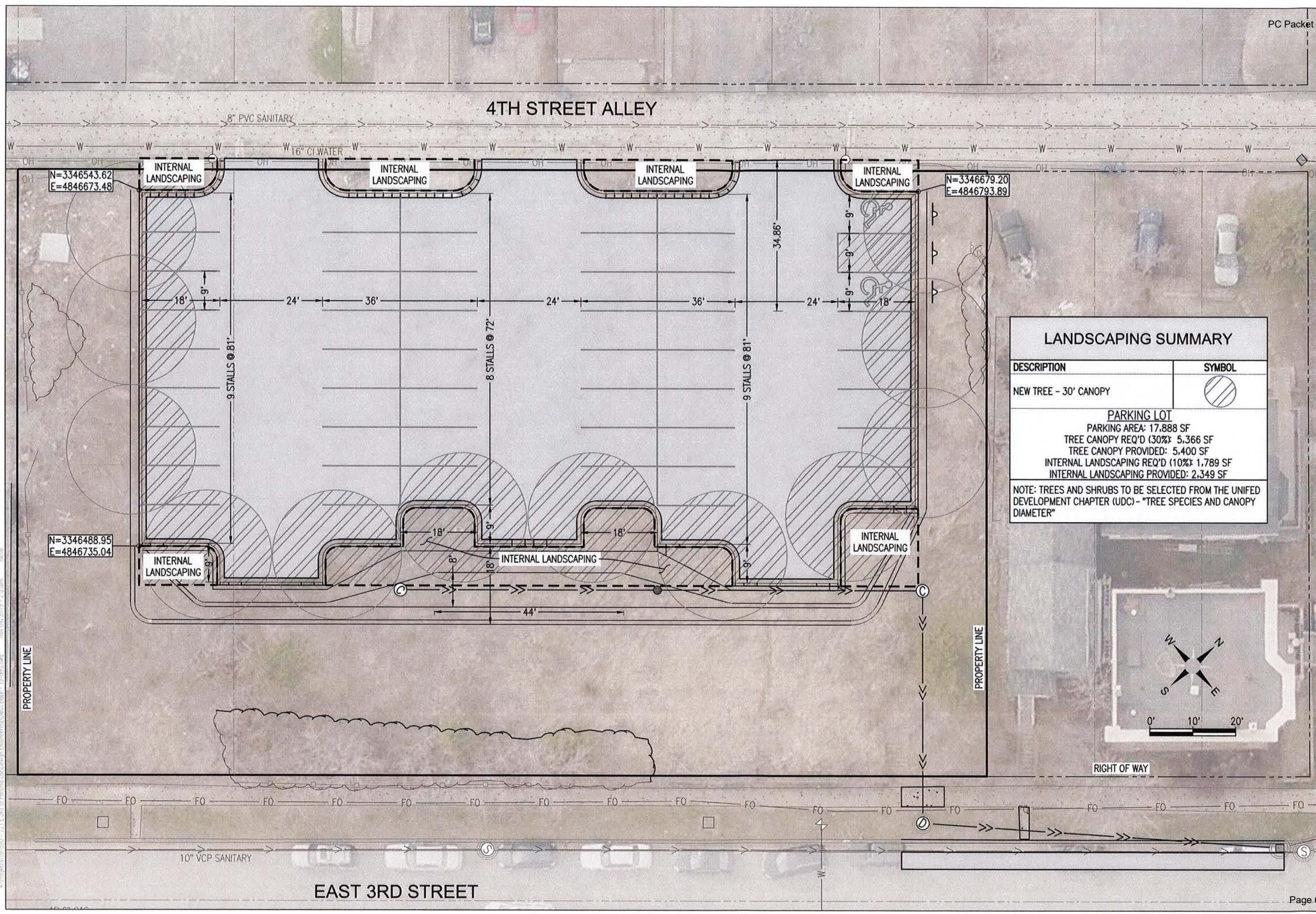
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.  
 PRELIMINARY  
 NOT FOR CONSTRUCTION  
 Engineer: David G. Balf  
 Lic. No: 40926  
 XXX/XX/XX

revision

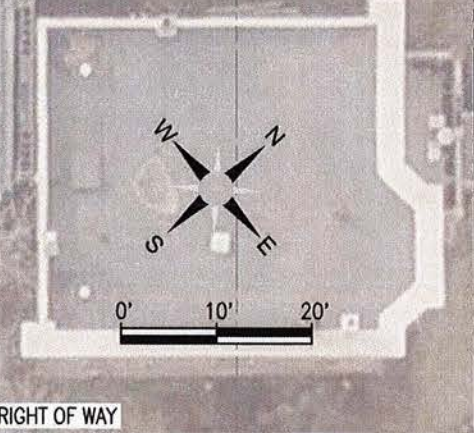
Proj: 19-590  
 Date: 11/04/19  
 Drawn: JDO  
 Checked: TPD

**SITE PLAN**

Sheet Title  
 Sheet Number

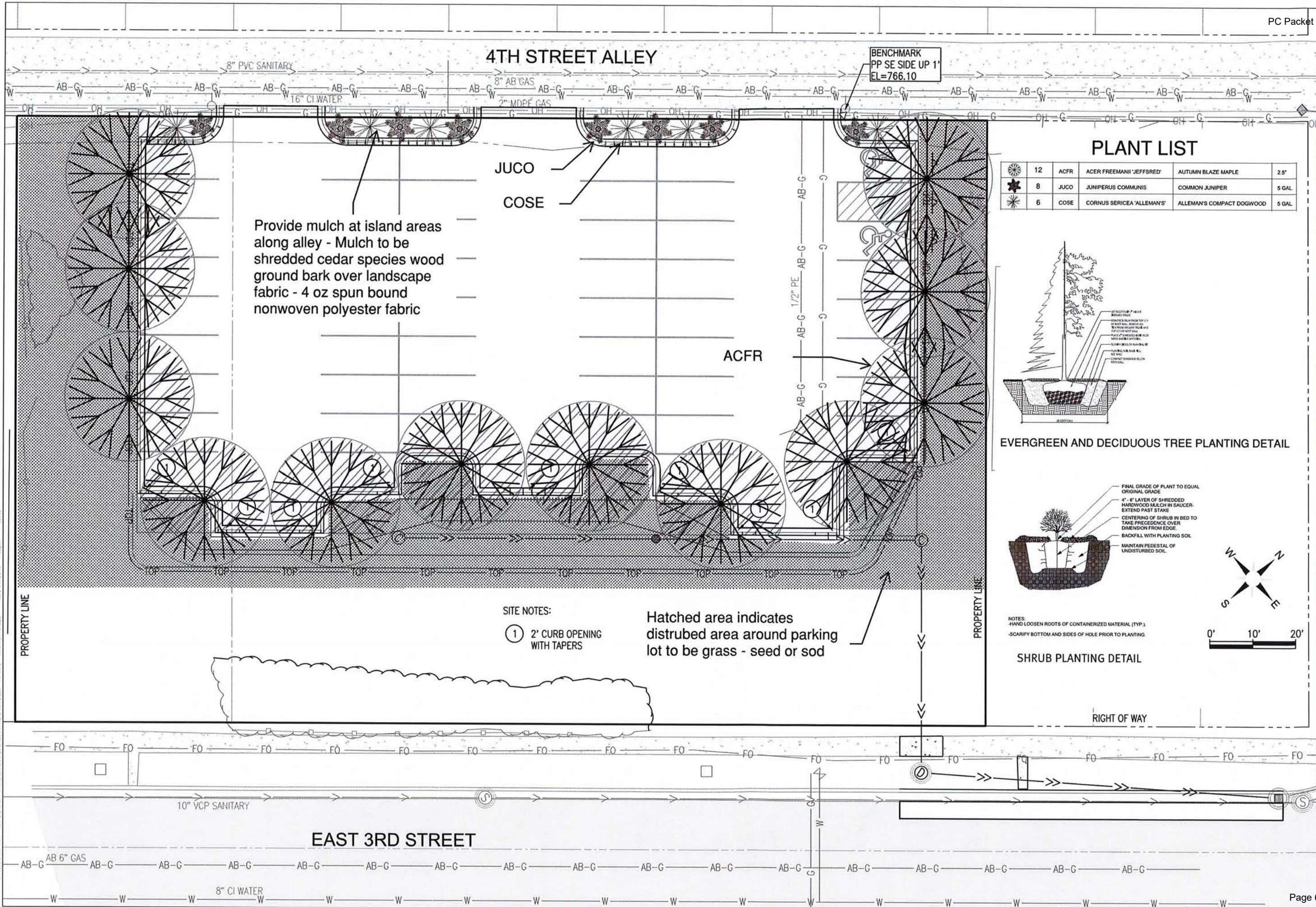


LANDSCAPING SUMMARY	
DESCRIPTION	SYMBOL
NEW TREE - 30' CANOPY	
<b>PARKING LOT</b>	
PARKING AREA: 17,888 SF	
TREE CANOPY REQ'D (30%): 5,366 SF	
TREE CANOPY PROVIDED: 5,400 SF	
INTERNAL LANDSCAPING REQ'D (10%): 1,789 SF	
INTERNAL LANDSCAPING PROVIDED: 2,349 SF	
NOTE: TREES AND SHRUBS TO BE SELECTED FROM THE UNIFIED DEVELOPMENT CHAPTER (UDC) - "TREE SPECIES AND CANOPY DIAMETER"	



C:\Projects\19-590 - 721 E 3rd St Parking Lot\Design\Engineering\DWG\Plan - 19-590.dwg  
 Date: 11/04/19 2:53pm  
 User: jdo





Provide mulch at island areas along alley - Mulch to be shredded cedar species wood ground bark over landscape fabric - 4 oz spun bound nonwoven polyester fabric

JUCO  
COSE

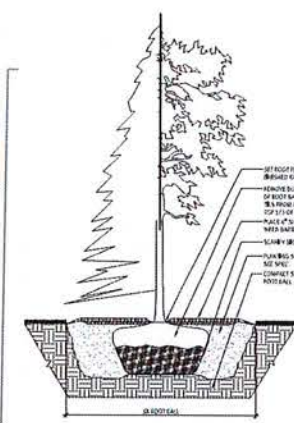
ACFR

SITE NOTES:  
① 2' CURB OPENING WITH TAPERS

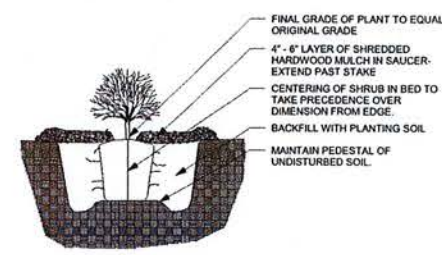
Hatched area indicates disturbed area around parking lot to be grass - seed or sod

PLANT LIST

	12	ACFR	ACER FREEMANII 'JEFFSRED'	AUTUMN BLAZE MAPLE	2.5'
	8	JUCO	JUNIPERUS COMMUNIS	COMMON JUNIPER	5 GAL
	6	COSE	CORNUS SERICEA 'ALLEMANS'	ALLEMANS COMPACT DOGWOOD	5 GAL



EVERGREEN AND DECIDUOUS TREE PLANTING DETAIL



NOTES:  
-HAND LOOSEN ROOTS OF CONTAINERIZED MATERIAL (TYP.)  
-SCARIFY BOTTOM AND SIDES OF HOLE PRIOR TO PLANTING

SHRUB PLANTING DETAIL



**Northland**  
Consulting Engineers L.L.P.  
Structural, Civil and Forensic Engineering Services  
Voice: (218) 271-5995  
Fax: (218) 271-7779

**HDC**  
PARKING LOT  
721 E 3RD STREET DULUTH, MN

enriching communities through architecture  
**dsgw**

Signature: John Erickson  
JOHN ERICKSON  
REG. # 24199  
Exp. Date: Nov. 5, 2019

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

LANDSCAPE PLAN  
Sheet Title  
Sheet Number



### **Preliminary Storm Water Plan (11/4/2019) – 721 E 3<sup>rd</sup> St Parking**

Northland Consulting Engineers along with HDC is working to develop the property at 721 E 3<sup>rd</sup> St into a primary use parking lot. An existing house foundation, and parking area will be removed and a 50 stall parking lot will be constructed on the property.

#### **Existing Site Drainage Conditions**

The existing site is approximately .72 acres. The current site has a concrete pad/foundation where a house once stood and small gravel lot adjacent to the concrete pad. Additionally there is a larger, approximately 4,900 SF, gravel parking lot on the northeast side of the site. This parking lot was not planned or permitted through the City and was previously vegetative land. For storm water calculations this area is designated as vegetative. The site runoff generally flows to the south east towards 3<sup>rd</sup> St, crosses City boulevard and sidewalk, before reaching 3<sup>rd</sup> St and ultimately entering the City storm sewer at the intersection of 8<sup>th</sup> Ave W & 3<sup>rd</sup> St. Currently there are no BMP's on site to treat storm water. The existing concrete pad and gravel lots will be removed to clear the way for proposed parking lot.

#### **Post-Construction Site Drainage Conditions**

The post construction site will consist of a 50 stall parking lot (15,430 SF). The new site will be graded similar to the existing topography towards 3<sup>rd</sup> St. the increase in impervious surfaces will be approximately 12,888 SF giving the site 15,430 SF of impervious area. That leaves 16,145 SF of green space.

For this location, below the bluff line, the post construction peak flow rates shall not exceed the predevelopment peak flow rates for all storm events. The entire surface of the proposed parking lot will be conveyed to an onsite stormwater treatment system. This system will be routed to the City storm sewer, rather than being allowed to flow over the sidewalk as it does today, potentially causing a freeze/thaw hazard. Because there is no storm sewer along 3<sup>rd</sup> St, a sewer extension will be constructed to the existing catch basin at the intersection of 3<sup>rd</sup> St and 8th Ave East. NCE will continue to work closely with Tom Johnson at the City of Duluth to ensure all requirements are met as the stormwater design becomes more detailed.

The site and stormwater design will be designed to meet the requirements of the City of Duluth UDC and Engineering Guidelines. Prior to the issuance of building permits, an MS4 Statement of Compliance will be issued when the stormwater management plan is approved. The system will include discharge rate control, sediment reduction, and temperature controls. The stormwater conveyance and treatment system will be owned and operated privately. The owner will be required to maintain the system to ensure it is functioning properly and correct all deficiencies should there be any.

	Pre-Development		Post-Development	
	Area (SF)	% of Total Site	Area (SF)	% of Total Site
<b>Total Site Area</b>	31,575	100%	31,575	100%
<b>Impervious Area</b>	2,542	8%	15,430	49%
<b>Pervious Area</b>	29,033	92%	16,145	51%

Narrative Prepared by:

Tom DesMarais, P.E.

Tom 














**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 19-165	<b>Contact</b>	Chris Lee, 730-5304	
<b>Type</b>	Special Use Permit	<b>Planning Commission Date</b>	December 10, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>	November 6, 2019	<b>60 Days</b>	January 5, 2020
	<b>Date Extension Letter Mailed</b>	November 12, 2019	<b>120 Days</b>	March 5, 2020
<b>Location of Subject</b>	near 1100 Garfield Avenue			
<b>Applicant</b>	Twin Ports Trailer Trash	<b>Contact</b>	Bernard McCarthy	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	Parcel ID Number 010-3910-03090			
<b>Site Visit Date</b>	November 26, 2019	<b>Sign Notice Date</b>	November 26, 2019	
<b>Neighbor Letter Date</b>	November 21, 2019	<b>Number of Letters Sent</b>	8	

### Proposal

The applicant is proposing to use the lots as a Junk and Salvage Service operated by Twin Ports Trailer Trash. Twin Ports Trailer Trash is a state licensed junk hauler who picks up discarded items from customers for reuse or disposal.

### Staff Recommendation

Staff recommends that planning commission approve the special use permit with conditions noted below.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	I-G	Vacant	Industrial Waterfront
<b>North</b>	I-G	Warehouse	Industrial Waterfront
<b>South</b>	I-G	Vacant	Industrial Waterfront
<b>East</b>	I-G	Interstate	Industrial Waterfront
<b>West</b>	I-G	Concrete Plant	Industrial Waterfront

### 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

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

Governing Principle #3: Support existing economic base - Supporting Duluth's existing economic foundation maintains jobs, tax base, and opportunity. Economic activity with specific location requirements may be subject to displacement or site competition with changes in real estate values. This traditional economic activity faces change as a result of global economic patterns, changing markets, new regulation, and aging of extensive infrastructure. Nevertheless, fundamentals remain and the economic contribution, sometimes taken for granted, is significant.

Future Land Use – Industrial Waterfront: Waterfront or port dependent industrial uses. May co-exist in proximity to other waterfront related uses. Should have access to regional roads or rail.

**Recent History:**

- The site was previously home to Premier Landscaping which had a metal building that was torn down in 2015. Currently the site sits as a gravel lot with a fence and the property is owned by the Duluth Seaway Port Authority.

**Review and Discussion Items****Staff finds that:**

- 1.) The applicant is proposing to add a small office trailer for logistics and employee parking. There will be spaces to park trucks as well as a place to store roll-off containers and shipping containers. The roll-offs stored on site will be primarily empty as full ones will be emptied in the landfill after going to pick-up refuse. The shipping containers will contain salvageable or repurposed items for a short time period. The applicant intends to keep no trash on the site.
- 2.) Currently Twin Ports Trailer Trash operates out of a leased space in Lincoln Park. The zoning there is not conducive to the use and those parcels will also be used for highway with the new Twin Ports Interchange.
- 3.) UDC Sec. 50-24 (Parking and loading). The proposed site plan includes 6 parking spaces for employees and 4 large spaces for truck parking. The UDC does not have a parking requirement for junk and salvage service. The applicant was indicated that there would be no outside visitor parking.
- 4.) UDC Sec. 50-25 (Landscaping and Tree Preservation). This requirement does not apply for this project. Applicant is proposing to add landscaping in the future for site attractiveness.
- 5.) UDC Sec. 50-26 (Screening, Walls and Fences). Applicant is not proposing any new screening for the site. There is an existing fence bordering the property. Staff would recommend the applicant screen the containers from the street.
- 6.) UDC Sec. 50-28 (Stormwater). The applicant is not proposing any storm water improvements on this site.
- 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). The applicant is not proposing any additional lighting as part of this application.
- 9.) No City or other agency comments were received on this proposal.
- 10.) UDC Section 50-37.1.N states that an approved Special Use Permit will expire if the project or activity authorized by the permit has not begun within one year.

**Staff Recommendation**

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

- 1.) The project shall be limited to, constructed, and maintained according to the site plan submitted on November 6, 2019.
- 2.) Applicant install view-obstructing screening for the containers by December 10, 2020.
- 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.

Project Narrative:

Twin Ports Trailer Trash will use this land as a headquarters for its Junk Removal operation. It will be a place to park our trucks and for our employees to park. Items that we pickup that can be reused or repurposed will be stored here in shipping containers short term. We hope to add Roll-Off containers to our business and store empty Roll-Off containers on this land.

Twin Ports Trailer Trash is Steward of the community, the fencing will have privacy screening, we will improve the landscaping and we will be good neighbors. We will not have any garbage or junk laying around, everything will be neat, organized and contained. No garbage or waste will be stored on site.



1100  
Garfield  
Ave

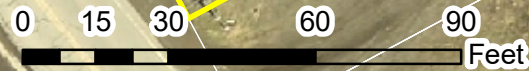
**Legend**

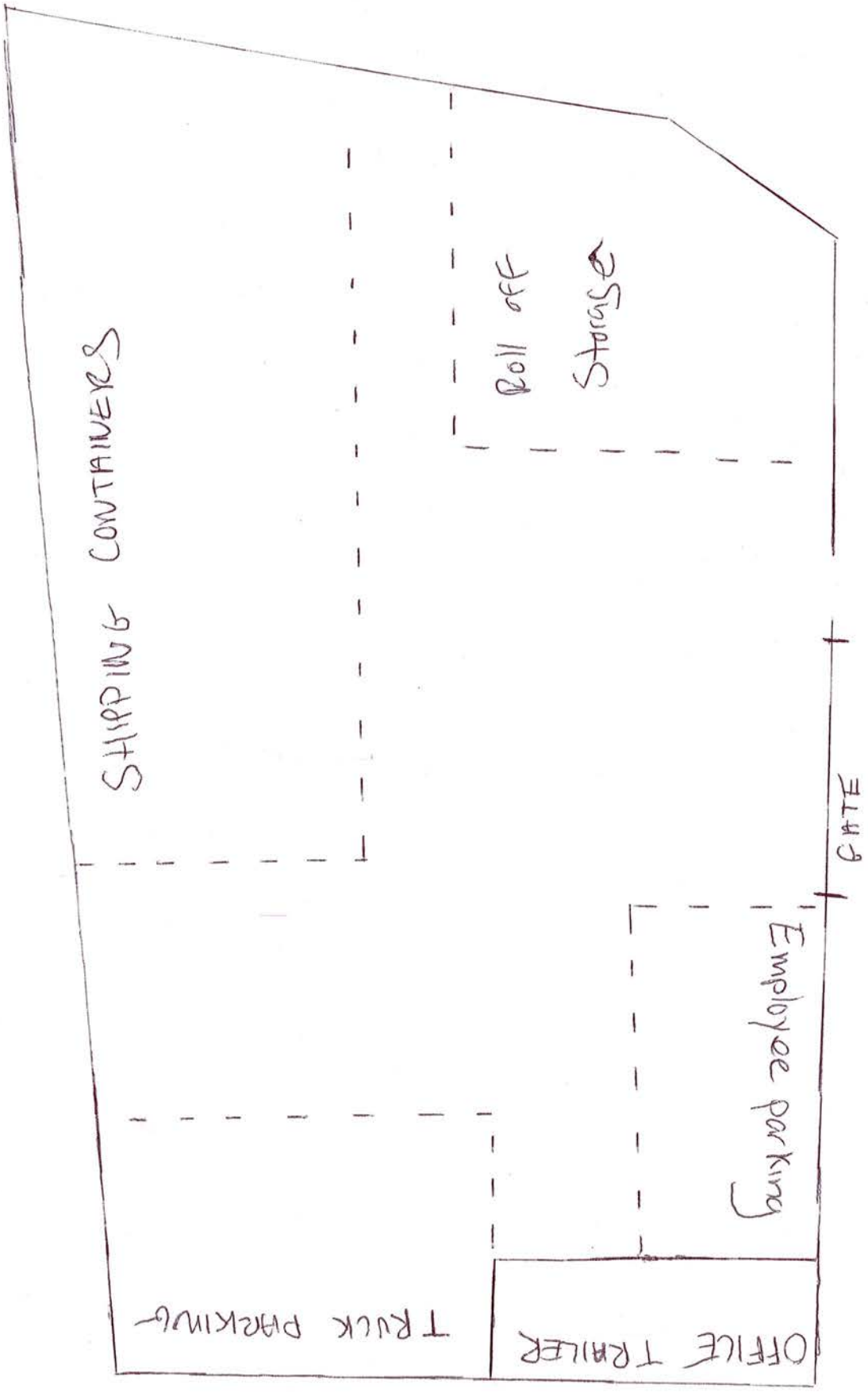
- Gas Main
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- Sanitary Sewer Forced Main
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Aerial photography flown 2019

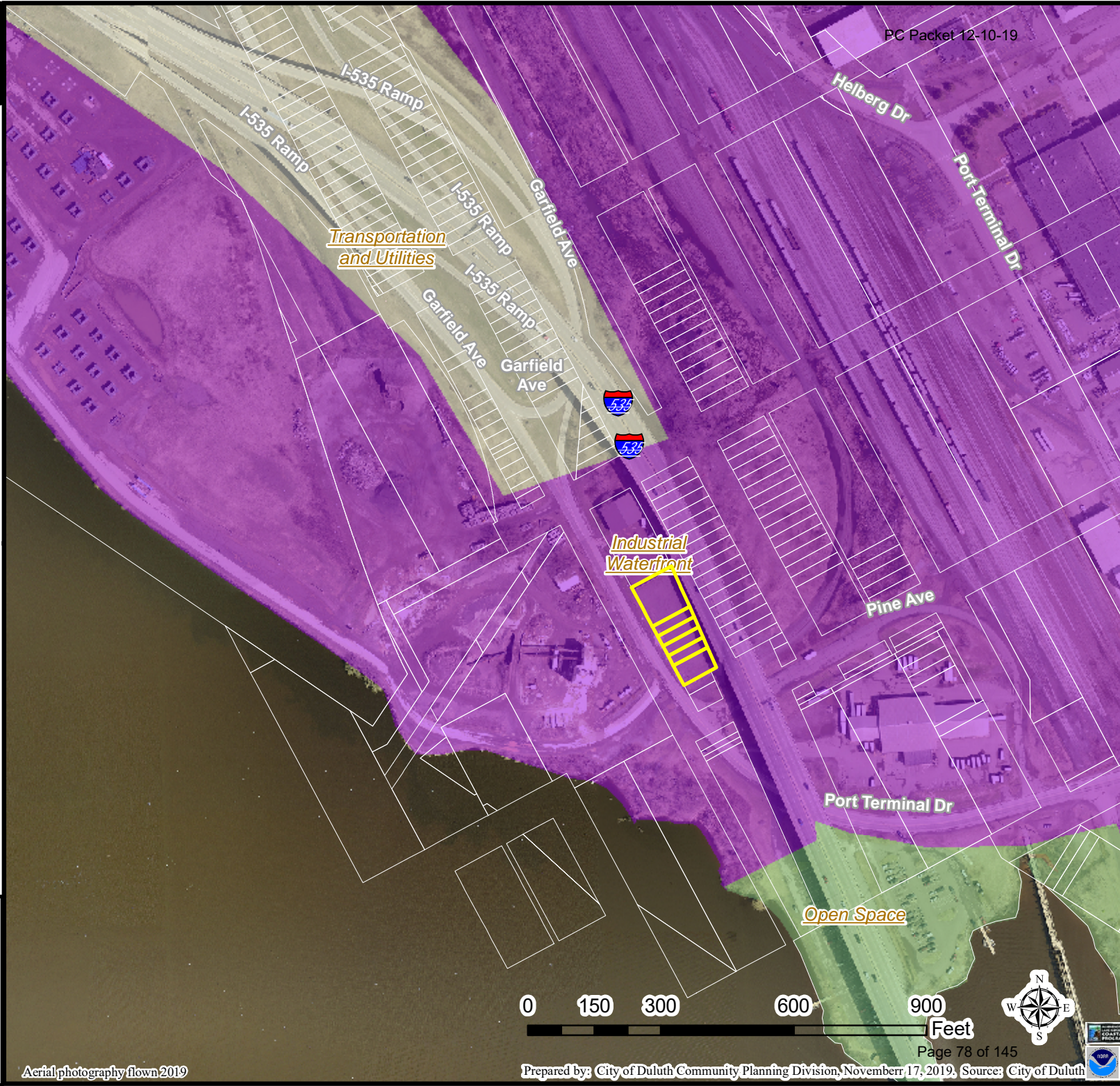








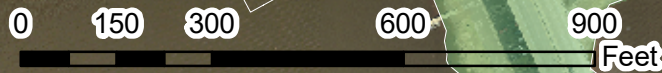




**Legend**

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

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

Room 160  
411 West First Street  
Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

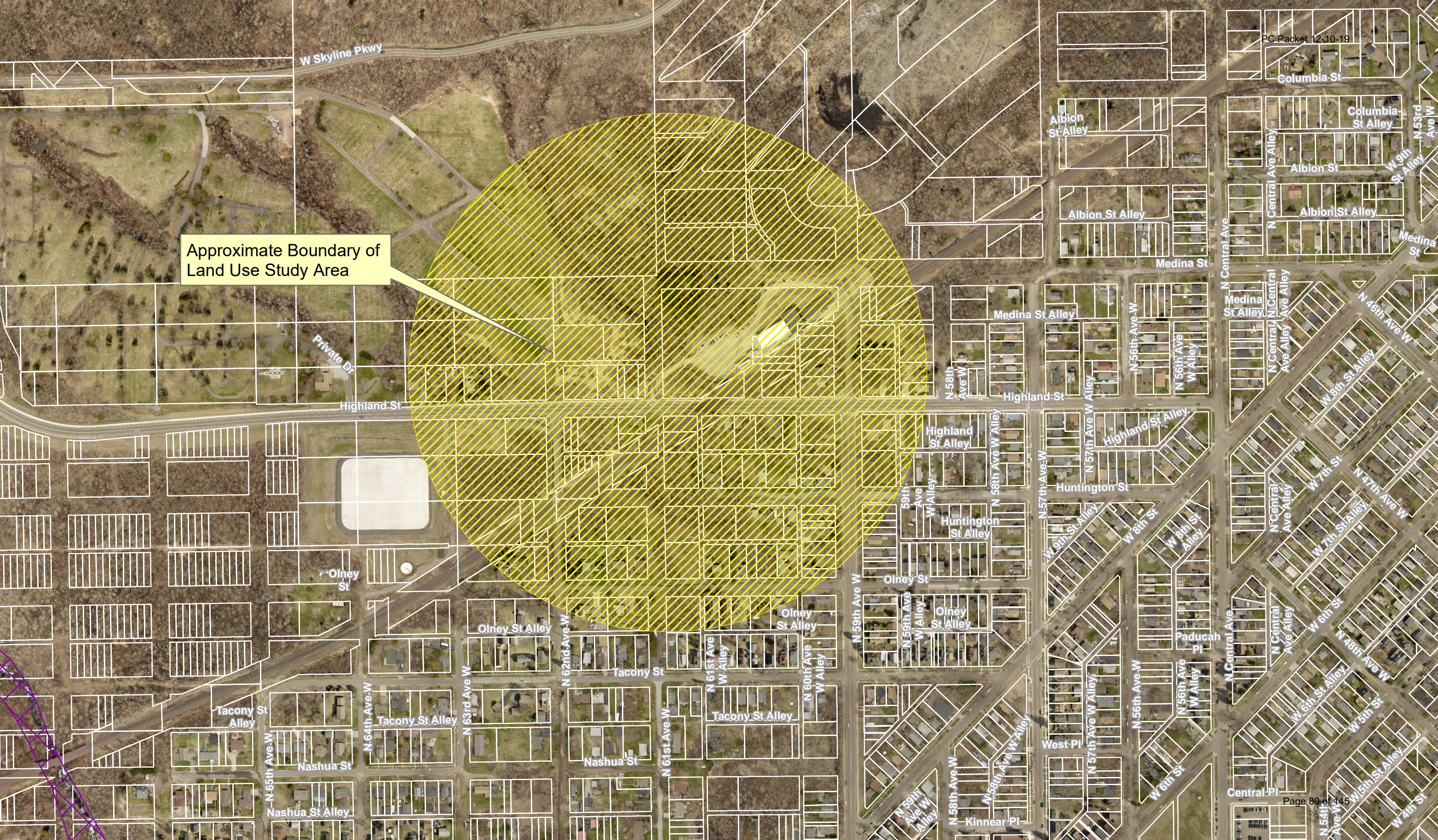
Date: December 2, 2019  
To: Planning Commission  
From: Steven Robertson, Senior Planner  
RE: Proposed Future Land Use Change

On Monday, December 9, 2019, at 6:00 pm in Room 330 of Duluth City Hall, staff will have a citizen informational meeting regarding land use and development in the general area along Highland Street, from approximately 59<sup>th</sup> Avenue West to 63<sup>rd</sup> Avenue West. City staff are studying in more detail such factors as existing land uses, utilities and roadways, and natural resources to determine whether any detailed changes to this Future Land Use Map are warranted in this specific neighborhood. Much of the area around Highland Street has a future land use designation for traditional neighborhood, meaning that the long term 20 year vision for this area is for it to remain generally residential in nature. However there is a manufacturing area just north of Highland and 59<sup>th</sup> Street that is zoned industrial (I-G), and the cemetery to the west is zoned rural residential (RR-1). Included with this memo are three maps, one showing the general area of discussion in yellow, a map showing the future land uses, and a map showing the current zone districts.

Comments and recommendations will be shared with the Planning Commission at their Tuesday, December 10, 2019 public hearing, and depending on the comments and recommendations, for action at their January 14, 2020 meeting.



Approximate Boundary of Land Use Study Area

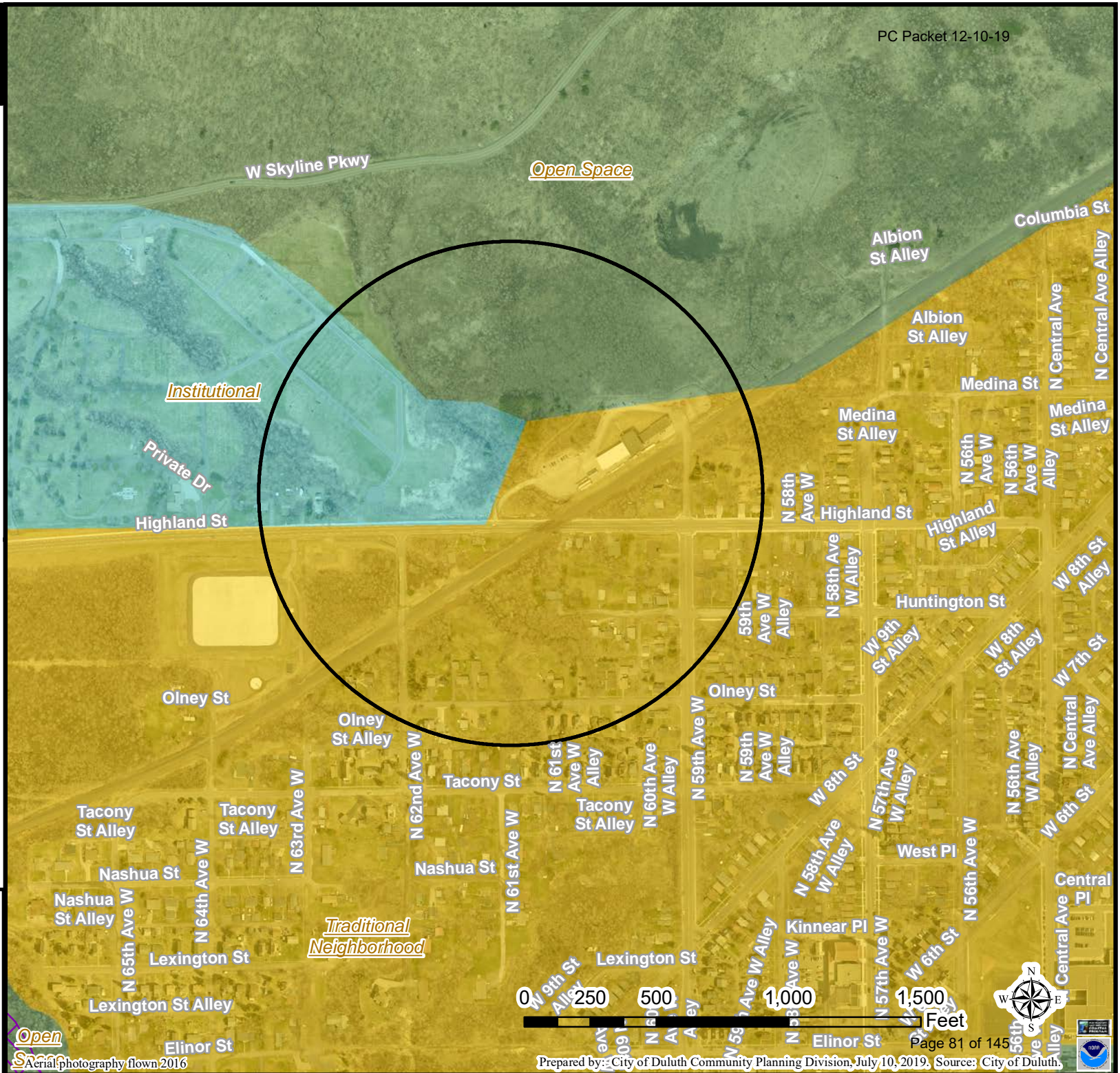






Legend

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- Low-density Neighborhood
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- Neighborhood Commercial
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- Large-scale commercial
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- Institutional



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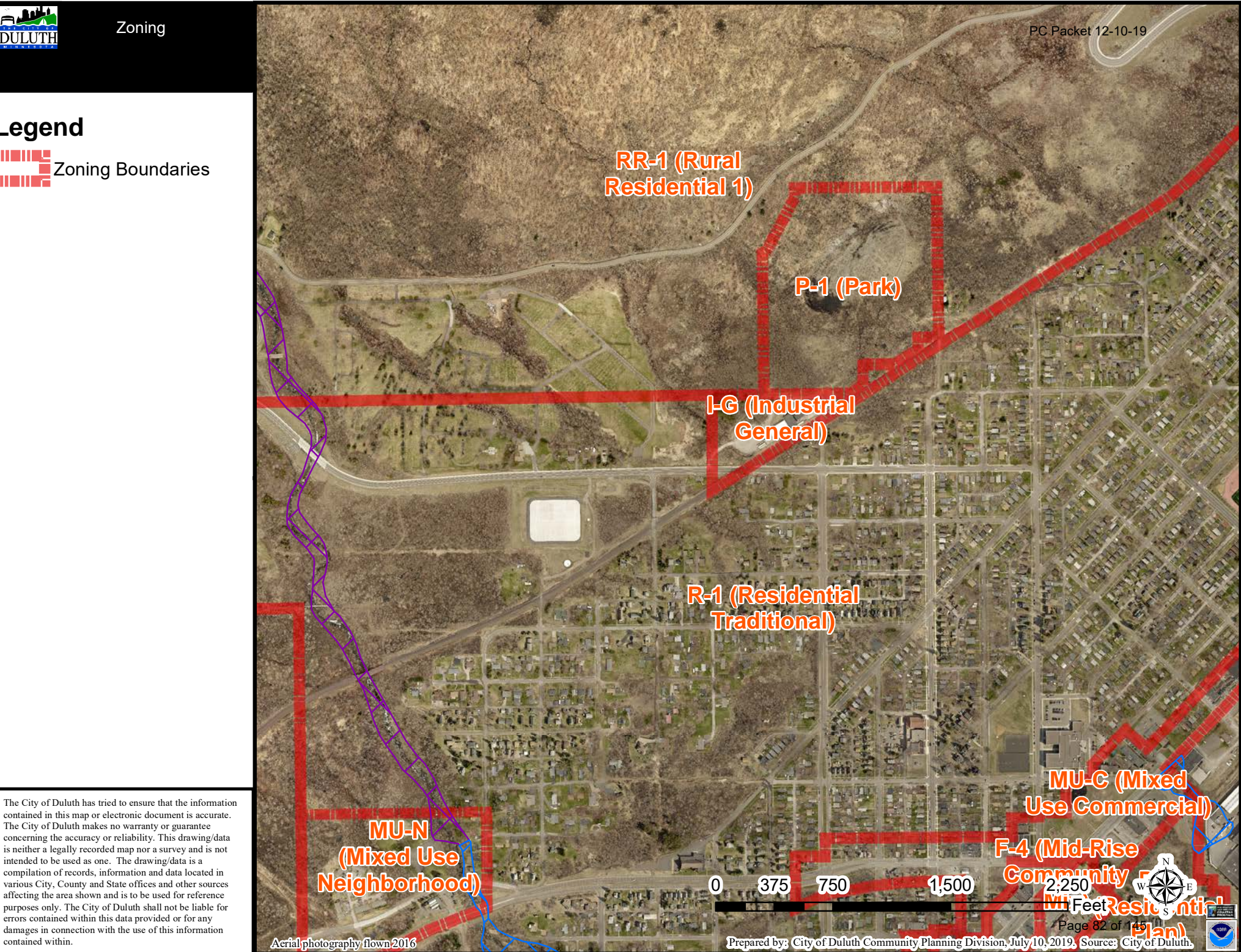
Open Space  
Aerial photography flown 2016





# Legend

Zoning Boundaries



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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

<b>File Number</b>	PL 19-149	<b>Contact</b>	Steven Robertson	
<b>Type</b>	Rezone from R-1 to R-2	<b>Planning Commission Date</b>	December 10, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>		<b>60 Days</b>	N/A City Application
	<b>Date Extension Letter Mailed</b>	N/A	<b>120 Days</b>	N/A
<b>Location of Subject</b>	Lake Side of Snively Road Approximately Between Glenwood Street and Morningside Avenue			
<b>Applicant</b>	City of Duluth	<b>Contact</b>	Planning and Development	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	See Attached Map			
<b>Site Visit Date</b>	November 25, 2019	<b>Sign Notice Date</b>	November 25, 2019	
<b>Neighbor Letter Date</b>	November 22, 2019	<b>Number of Letters Sent</b>	108	

**Proposal**

The City is proposing to rezone property from the current zoning of Residential-Traditional (R-1), to Residential Urban (R-2).

**Staff Recommendation**

Staff is recommending approval of the proposed rezoning to R-2

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

**Summary of Code Requirements**

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

- UDC Sec. 50-37.3.B.3 Where a proposed amendment to the zoning map would change any property from a residential district to a mixed use, form or special purpose district, a planning commission hearing and a notice of three weeks shall be required. In addition, the affirmative vote of 2/3 of the council shall be required The city has not received the written consent of the owners of 2/3 of those properties located wholly or partially within 100 feet of the property proposed to be rezoned;

- UDC Sec. 50-37.3.C: The Planning Commission shall review the application, and Council shall approve the application or approve it with modifications, if it determines that the application: 1. Is consistent with the Comprehensive Land Use Plan; 2. Is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use; 3. Is required by public necessity, convenience, or general welfare, or good zoning practice; 4. Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible.

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

Governing Principle 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.

Principle #12 -Create efficiencies in delivery of public services. The costs of public service must be considered in land use decisions. Street construction and maintenance, utilities, libraries, fire, police, snow removal, and recreation facilities are services directly related to the physical location of development. Infrastructure should help direct development location rather than react to it. The integration of public services to maximize efficiencies with all related use decisions should be evaluated.

Future Land Use

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

Site History or Previous Studies

The Imagine Duluth 2035 Comprehensive Land Use Plan was adopted on June 25, 2018. The plan recommended 21 changes to the future land use plan. This area is addressed as Glenwood North (Site 18) "For this site adjacent to Glenwood Street and Snively Road, the land use map is changed from Recreation/Preservation to Neighborhood Mixed Use. This change takes advantage of adjacent utilities to provide additional residential opportunities and services. The Skyline Parkway Overlay District will restrict viewshed obstructions."

**Review and Discussion Items:**

- 1) The City is proposing to rezone property from the current zoning of Residential-Traditional (R-1), to Residential Urban (R-2), in conformance with the future land use map.
- 2) Prior to the adoption of the Imagine Duluth 2035 Plan, the future land use designation of this area was preservation. Areas with a future land use designation of preservation generally have a zoning designation of R-C or RR-1.
- 3) This area is within the Skyline Parkway Overlay, 50-18.4. New development within the overlay (200 feet of the downhill side of Skyline Parkway), is limited in order to protect the unique character and visual qualities of Skyline Parkway.
- 4) The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan, and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or be considered arbitrary and capricious. Good zoning practice requires that zone districts be consistent with the future land use category identified for the area. The future land use category of Urban Residential is most commonly reflected in the City's zoning map as R-2. Other criteria for zoning may include considering existing land use patterns and if the rezoning is related to the needs to the community or existing land use.
- 5) The purpose of the R-2 district is to accommodate multi-family apartments and townhouses, in an urban setting. This district also allows for single-family detached dwellings, duplexes and group living accommodations. The district is intended primarily for locations closer to commercial and mixed use activity centers, and may serve as a transition between lower density residential areas and more intense commercial and mixed use neighborhoods.
- 6) Based on the future land use designation and the purpose statement of the R-2 zone district, rezoning as proposed is appropriate for this subject area.



7) No written correspondence has been received as of the date that this memo was printed. One citizen called and voiced opposition to the rezoning and redevelopment of this area. An optional public information meeting is scheduled for the evening of December 5, and comments from the public are anticipated at that meeting.

**Staff Recommendation:**

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning to R-2, Residential Urban.

- 1) The rezoning is consistent with the Comprehensive Plan Future Land Use Map.
- 2) The proposed zone districts are the most reasonably able to implement the objectives of the Comprehensive Plan related to the proposed land use for this area.
- 3) Material adverse impacts on nearby properties are not anticipated.



**Legend**

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

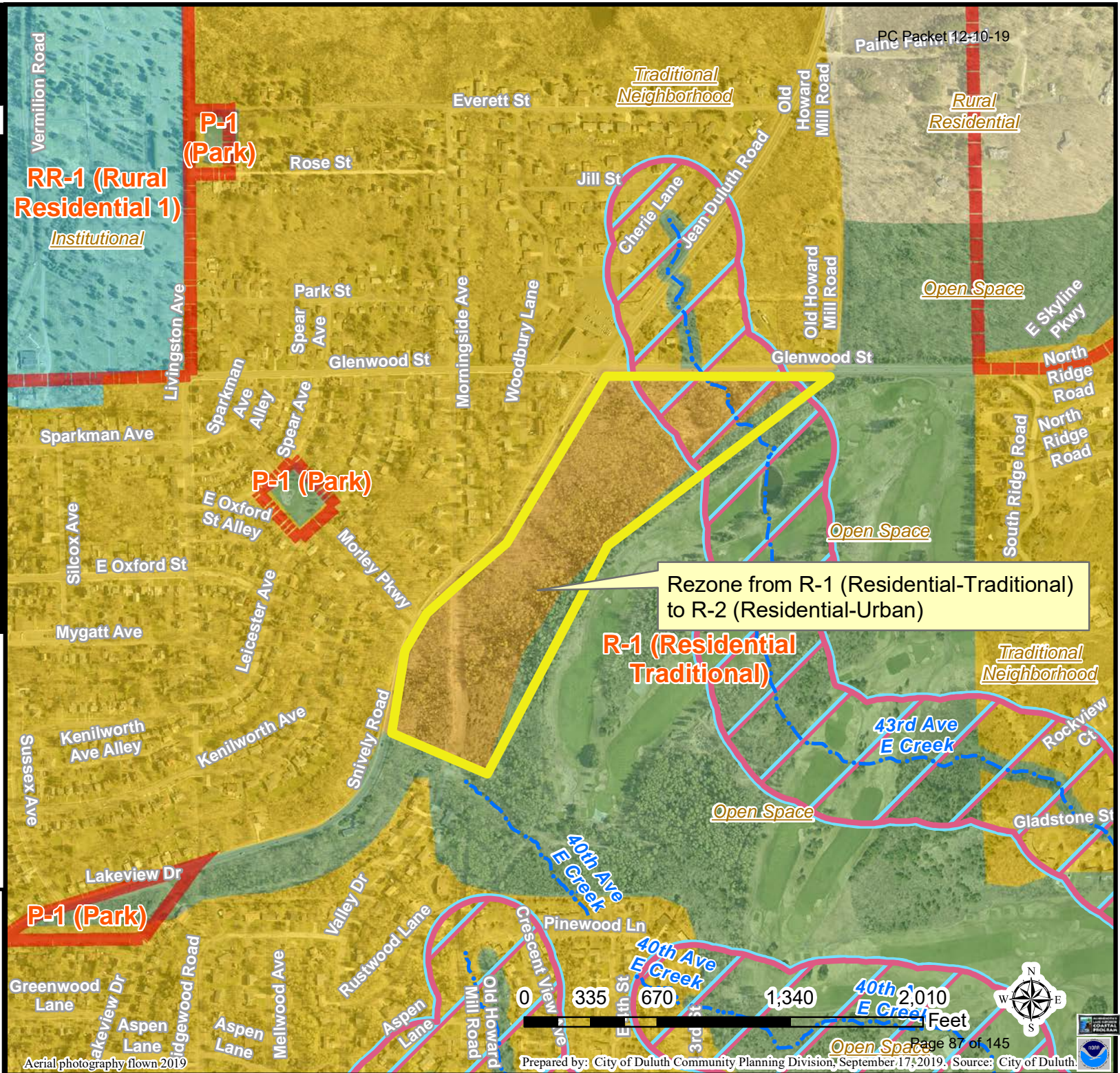


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### Legend

- Zoning Boundaries
- Shoreland (UDC)**
- Cold Water
- Natural Environment
- General Development
- 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



Rezone from R-1 (Residential-Traditional) to R-2 (Residential-Urban)

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# Snively and Glenwood





## Haines and Arrowhead (Site 12)

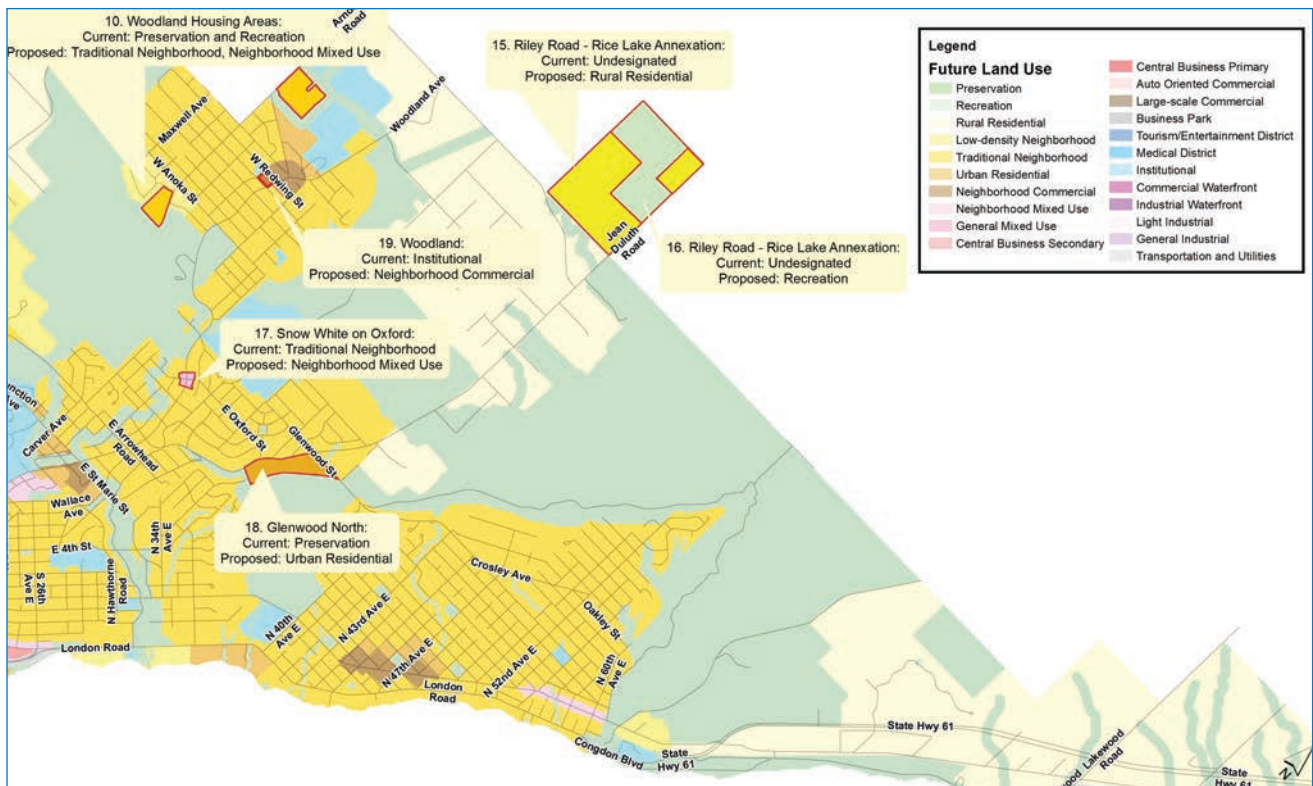
This area had been designated Auto-Oriented Commercial. It is changed to Central Business Secondary to continue to accommodate commercial activities which are complementary to surrounding uses in both Duluth and Hermantown.

## Arrowhead & Rice Lake (Site 13)

This study area was originally designated for Auto-Oriented Commercial. Based on surrounding uses and evaluation of opportunities for development, including analysis of surrounding infrastructure, this area is designated Neighborhood Commercial.

## Rice Lake and Norton Road (Site 14)

Evaluation of the Rice Lake and Norton area indicates a lack of access to utilities. A portion of the area remains General Mixed Use, but other areas of the analysis area are changed to Rural Residential. Proximity to the airport and changes within the recently created City of Rice Lake may result in some development pressure; however, this area is in the headwaters of Chester Creek and preservation of the low intensity character is appropriate.



## Riley Road – Rice Lake Annexation (Site 15)

This action designates land use categories for lands annexed since adoption of the 2006 comprehensive plan. These lands are designated for Rural Residential. There are no utilities available in the area, which has a rural character associated with very low density areas of the city.

## Riley Road – Rice Lake Annexation (Site 16)

This action designates land use categories for lands annexed since adoption of the 2006 comprehensive plan. The designation of Open Space is due to the presence of a large sports complex and dog park.

## Former Snow White on Oxford Ave (Site 17)

This area was historically a small commercial node. The change will enable additional revitalization in this location to allow for a small area of mixed use types of development.

## Glenwood North (Site 18)

For this site adjacent to Glenwood Street and Snively Road, the land use map is changed from Recreation/Preservation to Neighborhood Mixed Use. This change takes advantage of adjacent utilities to provide additional residential opportunities and services. The Skyline Parkway Overlay District will restrict viewshed obstructions.

## Woodland, Near Former Cobb School (Site 19)

This change from Recreation to Neighborhood Commercial is consistent with the goal of increasing density, provides new opportunities for housing, and allows a mixture of uses within a Core Investment Area.

## Areas for Future Study

During the evaluation process, two areas were designated for future study:

### US Steel Site in the Morgan Park Neighborhood

This area is broadly designated General Mixed Use. As continued remediation takes place, additional study may help to clarify the City's preference for continued redevelopment of this site in relationship to surrounding land uses.



### 50-18.4 Skyline Parkway Overlay (SP-O).

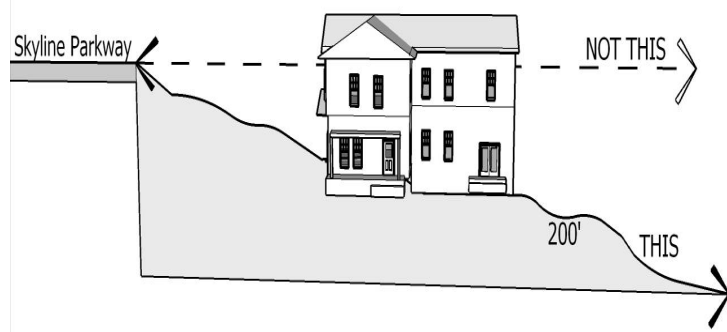
#### A. Purpose.

The purpose of this Section 50-18.4 is to protect the unique character and visual qualities of Skyline Parkway as documented in the Skyline Parkway corridor management plan and the comprehensive land use plan while protecting the property rights of private property owners affected by these regulations. One key purpose is to protect views from Skyline Parkway toward Lake Superior, the St. Louis River, and the harbor, from a wide variety of vantage points along the Parkway and to encourage the construction of narrower buildings located farther from the Skyline Parkway rather than wider buildings located closer to the parkway;

#### B. Land affected.

The regulations of this Section 50-18.4 apply to all private and public property located within 200 feet of the downhill side of Skyline Parkway as shown on Exhibits 50-18.4-2 to 4. The 200 foot distance shall be measured from the edge of the right-of-way along the slope of the affected property (not horizontally from the road), as shown in Figure 50-18.4-1. The Skyline Parkway Overlay maps are shown only for illustrative purposes and are not intended to regulate the boundary of the 200 feet distance as described above;

**Exhibit 50-18.4-1: Measurement of 200' boundary**



### C. Construction and reconstruction affected.

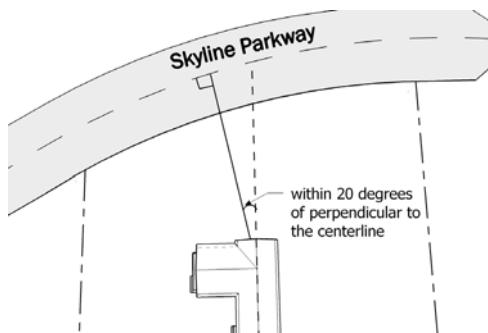
This Section 50-18.4 shall apply to (1) all construction of new buildings or additions to buildings, (2) all reconstruction of an existing building or addition, (3) all construction of fences and walls, and (4) all installation and maintenance of landscaping within the SP-O zone district, after November 10, 2010. Buildings, additions, fences and walls that are permitted or exist on November 19, 2010, shall not be required to comply with the provisions of this Section, and shall be considered conforming structures for zoning purposes;

### D. Design controls.

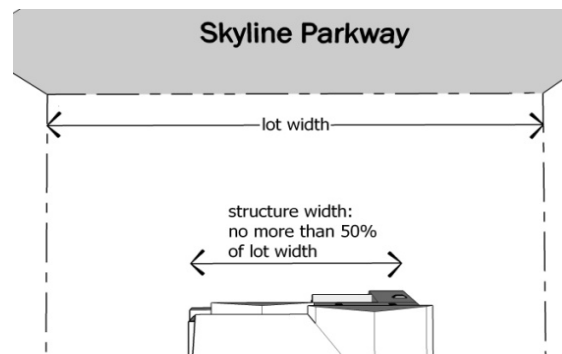
When construction of a building or an addition to a building, or reconstruction of an existing building or addition is proposed within the SP-O zone district, the following standards shall apply:

1. The building or addition shall be located at least 50 feet from the right-of-way of Skyline Parkway, or as close to that distance as is reasonably possible without violating required side or rear setbacks;
2. The long axis of a new structure shall be located within 20 degrees of perpendicular to the right-of-way line of Skyline Parkway at the midpoint of the front property line, or if that is not possible due to site or engineering constraints, then as close to that number as is reasonably possible;

**Exhibit 50-18.4-6:**  
Measurement of Long Axis



**Exhibit 50-18.4-7:**  
Measurement of 50% of Lot Width



3. The width of a new primary structure closest to Skyline Parkway shall not exceed 50 percent of the width of the lot at the point closest to or adjacent to the Skyline Parkway right-of-way. For purposes of this paragraph, the width shall include all portions of the structure (including attached garages or enclosed porches);
4. Where an addition to an existing structure is proposed, the location of that addition shall not result in the width of structure and addition, taken together, exceeding 50 percent of the width of the lot at the point closest to or adjacent to the Skyline Parkway right-of-way;
5. The provisions of subsections 1 through 4 above shall not apply to any structure located and designed so that no part of the structure (other than chimneys) extends taller than three feet above the elevation of Skyline Parkway closest to the structure;
6. No wall located within 50 feet of horizontal distance from the property line along Skyline Parkway shall exceed a height of three feet above the elevation of the centerline of Skyline Parkway;
7. All portions of a fence located within 50 feet of horizontal distance from the property line along Skyline Parkway and extending more than three feet above the elevation of the centerline of Skyline Parkway shall be at least 75 percent transparent. No more than 25 percent of the area bounded by the top, bottom, and sides of the fence may be constructed of solid or opaque materials;

8. No landscaping located on the 50 percent of the lot width not occupied by the primary structure may be of a species that will have a height at maturity of more than three feet above the elevation of the centerline of Skyline Parkway, and all installed landscaping in those areas shall be maintained so that its height does not exceed three feet above the elevation of the centerline of Skyline Parkway. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10192, 12-17-2012, § 7.)



## Uses Allowed in Residential-Traditional (R-1) Zone District Revised January 2019

### Permitted Uses

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>- Dwelling, one-family</li> <li>- Dwelling, two-family</li> <li>- Residential care facility/assisted Living (6 or fewer)</li> <li>- Park, playground or forest reserve</li> </ul> | <ul style="list-style-type: none"> <li>- School, elementary</li> <li>- Agriculture, community garden</li> <li>- Day care facility, small (14 or fewer)</li> </ul> |
|--|---|

### Special or Interim Uses

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>- Dwelling, townhouse</li> <li>- Manufactured Home Park</li> <li>- Co-housing facility</li> <li>- Residential care facility/assisted living (7 or more)</li> <li>- Cemetery or mausoleum</li> <li>- Government building or public safety facility</li> <li>- Museum, library, or art gallery</li> <li>- Religious assembly, small (less than 50,000 sq. ft. or more)</li> <li>- Religious assembly, large (50,000 sq. ft. or more)</li> </ul> | <ul style="list-style-type: none"> <li>- School, middle or high</li> <li>- Agriculture, urban</li> <li>- Bed and breakfast</li> <li>- Preschool</li> <li>- Day care facility, large (15 or more)</li> <li>- Electric power transmission line or substation</li> <li>- Major utility or wireless telecommunication facility</li> <li>- Water or sewer pumping stations/reservoirs</li> </ul> |
|--|---|

### Interim Uses

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>- Vacation dwelling unit</li> </ul> | <ul style="list-style-type: none"> <li>- Accessory vacation dwelling unit</li> </ul> |
|--|--|

## Uses Allowed in Residential-Urban (R-2) Zone District Revised January 2019

### Permitted Uses

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>- Dwelling, one family</li> <li>- Dwelling, two family</li> <li>- Dwelling, townhouse</li> <li>- Dwelling, multifamily</li> <li>- Residential care facility/assisted living (6 or fewer)</li> <li>- Residential care facility/assisted living (7 or more)</li> <li>- Government building or public safety building</li> <li>- Park, playground, or forest reserve</li> </ul> | <ul style="list-style-type: none"> <li>- Religious assembly, small (less than 50,000 sq. ft. or more)</li> <li>- School, elementary</li> <li>- Nursing home</li> <li>- Agriculture, community garden</li> <li>- Veterinarian or animal hospital</li> <li>- Bed and breakfast</li> <li>- Preschool</li> <li>- Day care facility, small (14 or fewer)</li> </ul> |
|---|--|

### Special Uses

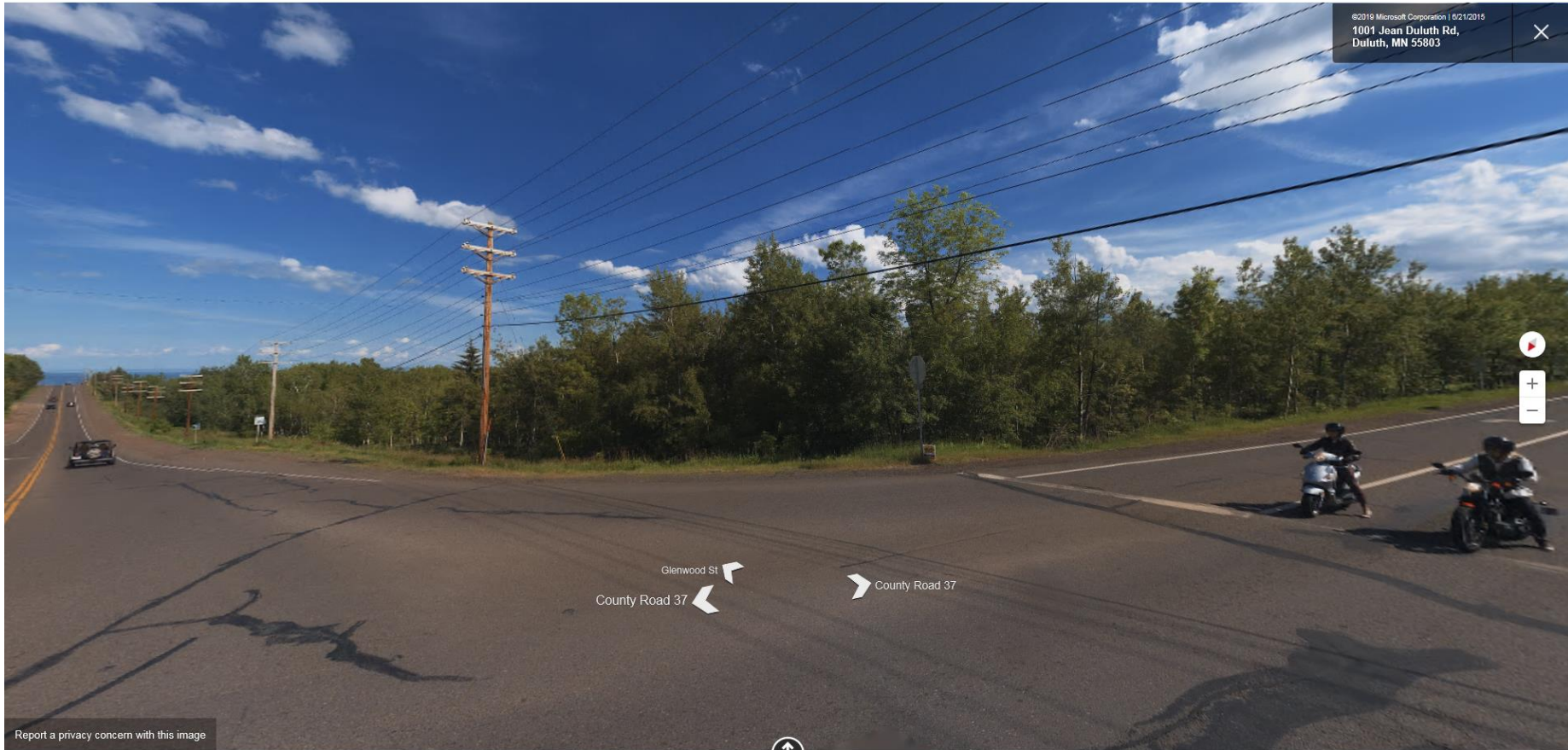
- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>- Manufactured Housing Park</li> <li>- Co-housing facility</li> <li>- Rooming house</li> <li>- Cemetery or mausoleum</li> <li>- Club or lodge (private)</li> <li>- Museum, library, or art gallery</li> <li>- Religious assembly, large (50,000 sq. ft. or more)</li> <li>- School, middle or high</li> <li>- Agriculture, farmers market</li> <li>- Agriculture, urban</li> <li>- Medical or dental clinic</li> <li>- Restaurant (less than 5,000 sq. ft.)</li> </ul> | <ul style="list-style-type: none"> <li>- Office</li> <li>- Day care facility, large (15 or more)</li> <li>- Funeral Home or crematorium</li> <li>- Retail store not listed, small (less than 15,000 sq. ft.)</li> <li>- Filling station</li> <li>- Electric power transmission line or substation</li> <li>- Major utility or wireless telecommunication facility</li> <li>- Water or sewer pumping stations/reservoirs</li> </ul> |
|---|--|

### Interim Uses

- Vacation Dwelling Unit

Search bar with icons for search, share, and full screen.

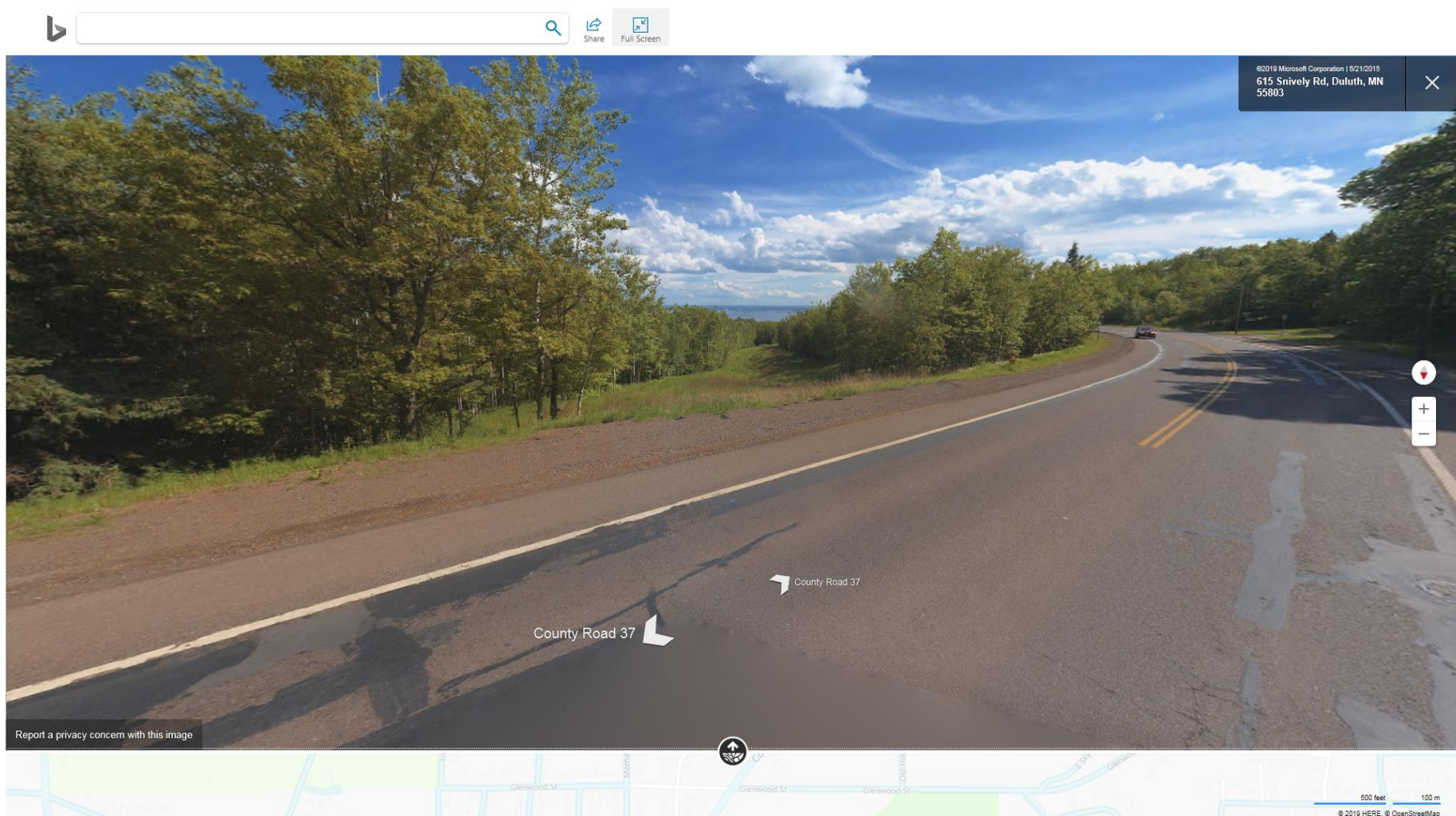
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**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

<b>File Number</b>	PL 19-167	<b>Contact</b>	Steven Robertson	
<b>Type</b>	Rezone from R-C to I-G	<b>Planning Commission Date</b>	December 10, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>		<b>60 Days</b>	N/A City Application
	<b>Date Extension Letter Mailed</b>	N/A	<b>120 Days</b>	N/A
<b>Location of Subject</b>	Becks Road (Midway Annexation Area)			
<b>Applicant</b>	City of Duluth	<b>Contact</b>	Planning and Development	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	See Attached Map			
<b>Site Visit Date</b>	November 25, 2019	<b>Sign Notice Date</b>	November 25, 2019	
<b>Neighbor Letter Date</b>	November 25, 2019	<b>Number of Letters Sent</b>	13	

**Proposal**

The City is proposing to rezone property from the current zoning of Residential-Conservation (R-C), to Industrial-General (I-G).

**Staff Recommendation**

Staff is recommending approval of the proposed rezoning to I-G.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-C	Industrial, Excavation	General Industrial
<b>North</b>	Midway Township	Residential, Undeveloped	
<b>South</b>	R-C	Residential, Undeveloped	Open Space
<b>East</b>	R-C	Undeveloped	Open Space
<b>West</b>	R-C	Undeveloped	Open Space

**Summary of Code Requirements**

- UDC Sec. 50-37.3.B: Planning Commission shall review the application, conduct a public hearing ... with public notice ... and make a written recommendation to council.
- UDC Sec. 50-37.3.B.3 Where a proposed amendment to the zoning map would change any property from a residential district to a mixed use, form or special purpose district, a planning commission hearing and a notice of three weeks shall be required. In addition, the affirmative vote of 2/3 of the council shall be required The city has not received the written consent of the owners of 2/3 of those properties located wholly or partially within 100 feet of the property proposed to be rezoned;
- UDC Sec. 50-37.3.C: The Planning Commission shall review the application, and Council shall approve the application or approve it with modifications, if it determines that the application: 1. Is consistent with the Comprehensive Land Use Plan; 2. Is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use; 3. Is required by public necessity, convenience, or general welfare, or good zoning practice; 4. Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible.



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

Governing Principle 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

Industrial General- Areas for manufacturing, processing, and other activities that may have off-site impacts and are generally isolated or buffered from other uses. Sites should have direct access to major regional transportation facilities and other infrastructure.

Site History or Previous Studies

The Imagine Duluth 2035 Comprehensive Land Use Plan was adopted on June 25, 2018. The plan recommended 21 changes to the future land use plan. This area is addressed as Midway Annexation (Site 1) "The areas subject to this change were brought into the city from Midway Township as part of the City and Township's orderly annexation agreement. The majority of the lands are in public ownership and are designated Open Space. Lands along Becks Road, which provides a strong connection to Interstate 35, are designated General Industrial. This reflects existing heavy industrial land uses, including gravel mining and cement and asphalt production."

On September 23, 2019, the City Council approved a rezoning from RR-1 to MU-B for Becks Road, designated as Site 2 in the Land Use Chapter of Imagine Duluth 2035.

**Review and Discussion Items:**

- 1) The City is proposing to rezone property from the current zoning of Residential-Conservation (R-C), to Industrial-General (I-G), in conformance with the future land use map.
- 2) Prior to the adoption of the Imagine Duluth 2035 Plan, this area had no future land use designation. When it was annexed into the city, this entire area was zoned R-C, as per UDC 50-13.4.F, which requires that all territory annexed to the city after November 19, 2010, shall be automatically classified as R-C, until a different zone district is assigned by council
- 3) The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan, and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or be considered arbitrary and capricious. Good zoning practice requires that zone districts be consistent with the future land use category identified for the area. The future land use category of General Industrial is reflected in the City's zoning map as I-G. Other criteria for zoning may include considering existing land use patterns and if the rezoning is related to the needs to the community or existing land use.
- 4) The purpose of the I-G district is to provide for general- to heavy-impact industrial, processing, assembly, fabrication and manufacturing uses. Office uses are allowed provided they are clearly incidental to and supportive of on-site industrial uses. The district is intended primarily for locations close to major transportation corridors and active commercial centers. This district should be located away from residential development;
- 5) Based on the development pattern of adjacent areas and the purpose statement of I-G zone district, rezoning as proposed in the attached map is appropriate for this area.
- 6) No written correspondence has been received as of the date that this memo was printed (December 2, 2019). An optional public information meeting is scheduled for the evening of December 5, and comments or questions from the public are anticipated at that meeting.

**Staff Recommendation:**

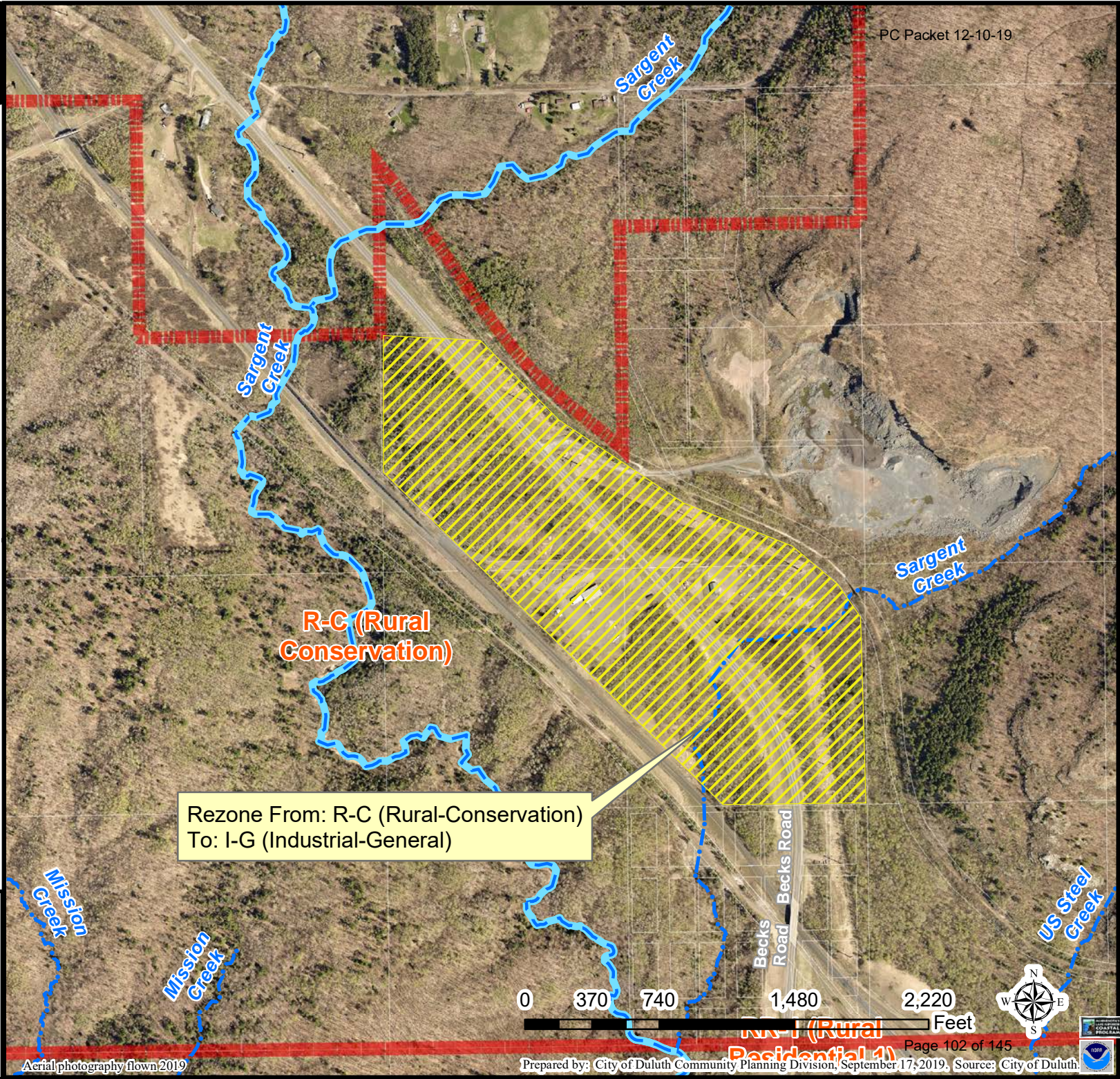
Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning to I-G, Industrial General.

- 1) The rezoning is consistent with the Comprehensive Plan Future Land Use Map.
- 2) The proposed zone districts are the most reasonably able to implement the objectives of the Comprehensive Plan related to the proposed land use for this area.
- 3) Material adverse impacts on nearby properties are not anticipated.



**Legend**

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



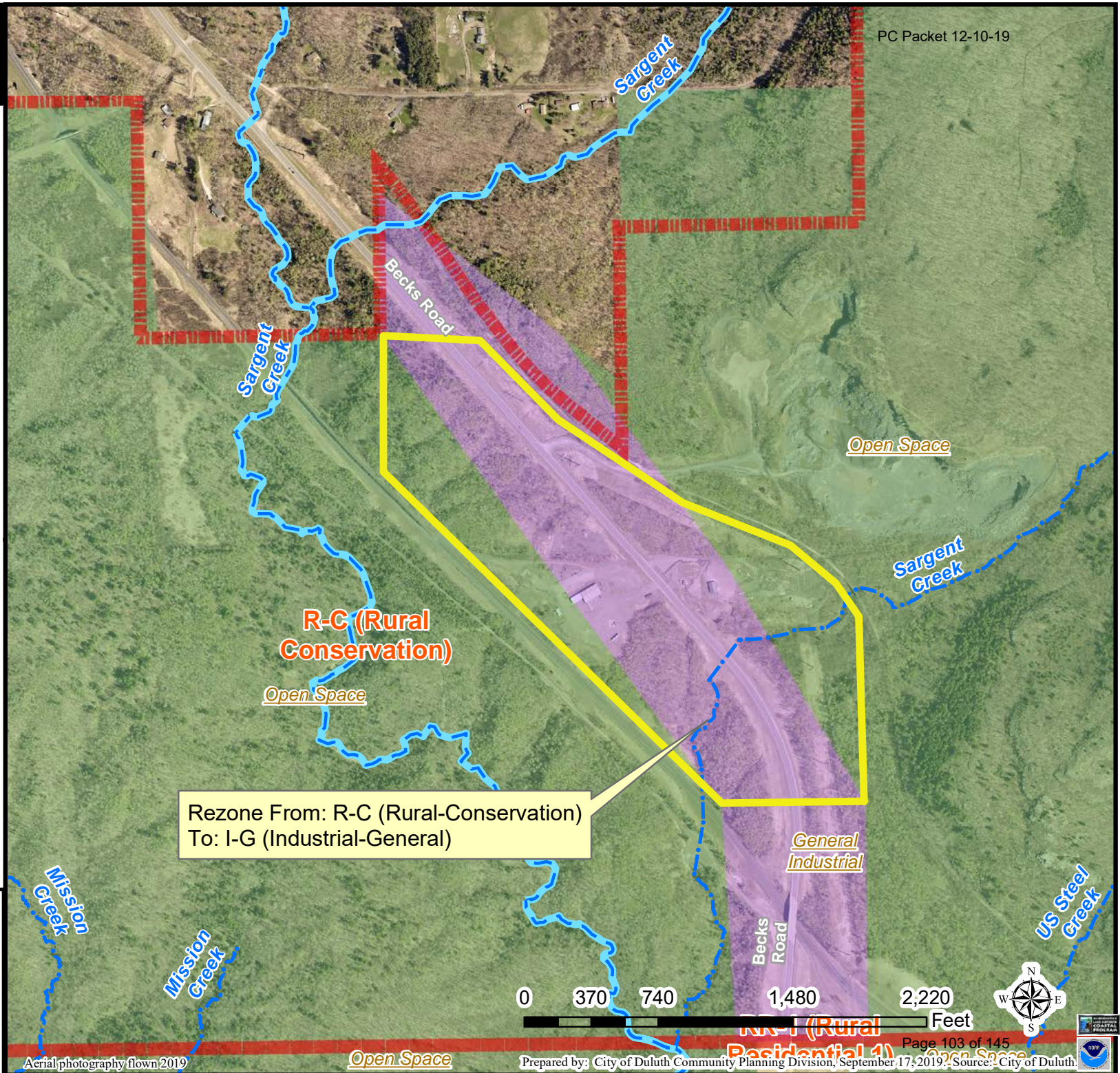
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### Legend

- Zoning Boundaries
- 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



Rezone From: R-C (Rural-Conservation)  
To: I-G (Industrial-General)

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# Becks Road





waterfront-related uses. Given these similarities, in the future these categories should be evaluated to determine if combining them is desirable. The boom in craft manufacturing and artisan spaces further supports a blending of industrial and commercial areas. The resulting land use category should encourage a variety of water dependent uses, preserve necessary industrial areas, and promote public water access.

**Form Districts**—The 2006 Comprehensive Land Use Plan called for form-based guidelines in the Central Business Primary and Central Business Secondary areas, as well as in some Urban Residential and Traditional Neighborhood areas. The study done as part of the UDC creation in 2009-2010 further defined and mapped form district areas, including some (but not all) of the Central Business Primary and Central Business Secondary areas, and Neighborhood Commercial and Mixed Use Neighborhood. The Future Land Use categories and map should be amended to clarify those areas designated for form districts and to better align with the UDC. In addition, it should include an analysis of streetscape and form type that is being identified for the area.

## Map Amendments

In addition to changes to the categories as mentioned above, Imagine Duluth 2035 amends the Future Land Use Map as follows:

### Midway Annexation (Site 1)

The areas subject to this change were brought into the city from Midway Township as part of the City and Township's orderly annexation agreement. The majority of the lands are in public ownership and are designated Open Space. Lands along Becks Road, which provides a strong connection to Interstate 35, are designated General Industrial. This reflects existing heavy industrial land uses, including gravel mining and cement and asphalt production.

### Becks Road (Site 2)

The area along Becks Road is changed from Preservation to Business Park. Much of this area is currently owned by the State of Minnesota due to tax forfeiture. It is in close proximity to the demolition landfill and has good access to Becks Road, as well as water and sewer infrastructure.



## Becks Road & Commonwealth Ave Intersection (Site 3)

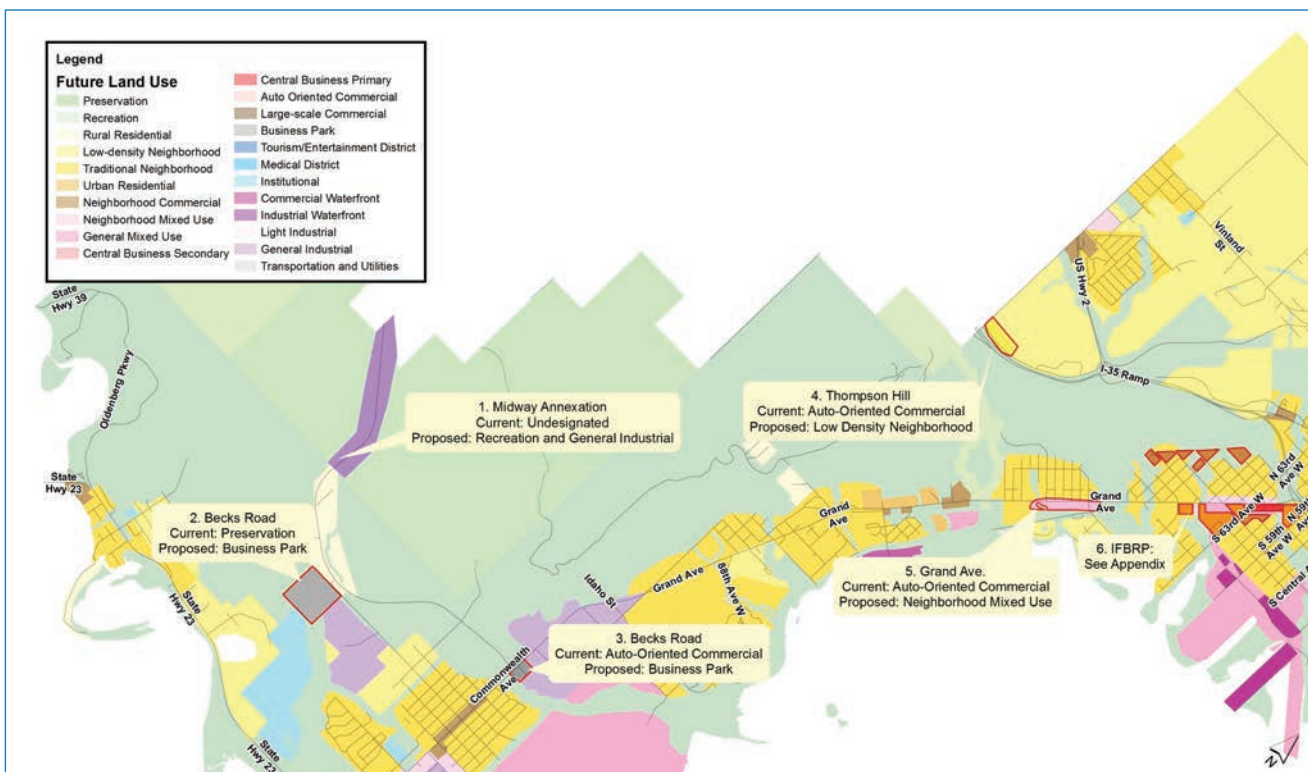
In this location, lands were previously designated for Auto-Oriented Commercial uses. This area is now designated for Business Park development, which is intended for job-intensive uses.

## Thompson Hill (Site 4)

This site changes from Auto-Oriented Commercial to Low Density Neighborhood. The change is based on the availability of utilities and consistency between this area and other lands immediately to the north. This area of the city is part of the Kingsbury Creek and Knowlton Creek watersheds; low intensity uses are appropriate.

## Grand Avenue (Site 5)

This changes from Auto-Oriented Commercial to Neighborhood Mixed Use. Change to neighborhood oriented commercial activities will allow for redevelopment of sites serving the residential area on the uphill side of Grand Avenue. Neighborhood oriented uses are most appropriate, allowing higher intensity commercial activities to be located in the Core Investment Areas to the east and west of this area of the city.



## Uses Allowed in Industrial-General (I-G) Zone District Revised January 2019

### Permitted Uses

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>- Adult entertainment establishment</li> <li>- Data center</li> <li>- Funeral home or crematorium</li> <li>- Mini-storage facility</li> <li>- Personal service and repair, large (10,000 sq. ft. or more)</li> <li>- Adult book store</li> <li>- Automobile and light vehicle repair and service</li> <li>- Automobile and light vehicle sales, rental, or storage</li> <li>- Filling station</li> <li>- Parking lot (primary use)</li> <li>- Parking structure</li> <li>- Truck or heavy vehicle sales, rental, repair, or storage</li> <li>- <b>Contractor's shop</b> and storage yard</li> <li>- Dry cleaning or laundry plant</li> <li>- Research laboratories</li> <li>- Industrial services</li> </ul> | <ul style="list-style-type: none"> <li>- Manufacturing, craft, brewery or distillery</li> <li>- Manufacturing, light</li> <li>- Manufacturing, heavy</li> <li>- Airport and related facilities</li> <li>- Railroad yard or shipyard and related facilities</li> <li>- Truck freight or transfer terminal</li> <li>- Electric power or heat generation plant</li> <li>- Solar, geothermal, or biomass power facility (primary use)</li> <li>- Water or sewer treatment facilities</li> <li>- Wind power facility (primary use)</li> <li>- Recycling collection point (primary use)</li> <li>- Storage warehouse</li> <li>- Wholesaling</li> <li>- Bulk storage not listed elsewhere</li> </ul> |
|---|---|

### Special Uses

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>- Government building or public safety facility</li> <li>- Manufacturing, hazardous or special</li> <li>- Mining, extraction and storage</li> <li>- Electric power transmission line or substation</li> <li>- Major utility or wireless telecommunication facility</li> </ul> | <ul style="list-style-type: none"> <li>- Radio or television broadcasting tower</li> <li>- Water or sewer pumping stations/reservoirs</li> <li>- Junk and salvage services</li> <li>- Solid waste disposal or processing facility</li> </ul> |
|--|--|

### Interim Uses

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>- Medical cannabis distribution facility</li> <li>- Medical cannabis laboratory</li> </ul> | <ul style="list-style-type: none"> <li>- Medical cannabis manufacture</li> </ul> |
|---|--|

## Uses Allowed in Rural-Conservation (R-C) Zone District Revised January 2019

### Permitted Uses

- Dwelling, one-family
- Park, playground, or forest reserve
- Agriculture, community garden
- Agriculture, general
- Seasonal camp or cabin
- Day care facility, small (14 or fewer)

### Special or Interim Uses

- Cemetery or mausoleum
- Kennel
- Riding stable
- Veterinarian or animal hospital
- Recreational Vehicle Park
- Airport and related facilities
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs



Google Maps Becks Rd

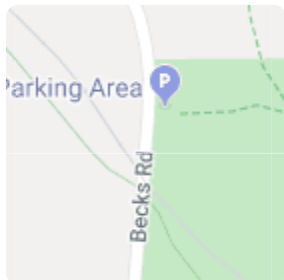


Image capture: Oct 2012 © 2019 Google

Duluth, Minnesota

Google

Street View - Oct 2012



Google Maps 12396 County Hwy 3

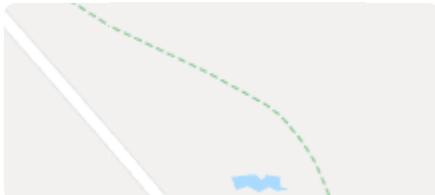


Image capture: Oct 2012 © 2019 Google

Duluth, Minnesota

Google

Street View - Oct 2012





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

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 Duluth, Minnesota 55802

218-730-5580

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

<b>File Number</b>	PL 19-168		<b>Contact</b>	Steven Robertson	
<b>Type</b>	Rezone to Extend Natural Resources Overlay (Shoreland)		<b>Planning Commission Date</b>	December 10, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>			<b>60 Days</b>	N/A City Application
	<b>Date Extension Letter Mailed</b>		N/A	<b>120 Days</b>	N/A
<b>Location of Subject</b>	Areas of the Riley Road and Midway Annexation Areas				
<b>Applicant</b>	City of Duluth		<b>Contact</b>	Planning and Development	
<b>Agent</b>			<b>Contact</b>		
<b>Legal Description</b>	See Attached Map				
<b>Site Visit Date</b>	November 25, 2019		<b>Sign Notice Date</b>		
<b>Neighbor Letter Date</b>	November 25, 2019		<b>Number of Letters Sent</b>	101	

**Proposal**

The City is proposing to extend the Natural Resources Overlay into areas annexed by the City of Duluth (Riley Road and Midway Township/Becks Road), to allow for shoreland protections for East Branch Amity Creek and Mission Creek, Sargent Creek, Stewart Creek, and US Steel Creek.

**Staff Recommendation**

Staff is recommending approval of the proposed rezoning to extend the natural resources overlay.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	Varies		
<b>North</b>	Varies		
<b>South</b>	Varies		
<b>East</b>	Varies		
<b>West</b>	Varies		

**Summary of Code Requirements**

- UDC Sec. 50-37.3.B: Planning Commission shall review the application, conduct a public hearing ... with public notice ... and make a written recommendation to council.
- UDC Sec. 50-37.3.C: The Planning Commission shall review the application, and Council shall approve the application or approve it with modifications, if it determines that the application: 1. Is consistent with the Comprehensive Land Use Plan; 2. Is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use; 3. Is required by public necessity, convenience, or general welfare, or good zoning practice; 4. Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible.



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

Principle #2 - Declare the necessity and secure the future of undeveloped places. Undeveloped areas are an essential part of Duluth's municipal fabric - urban plazas, neighborhood parks, large tracts of public ownership and private lands zoned for minimal development. These minimally or undeveloped areas collectively create an open space system. These areas contribute to Duluth's cultural, health, recreational, and economic value and community identity. This open space system provides vistas, encourages active recreation, provides natural infrastructure as storm water retention, plant and animal habitat and water quality, and is the strongest visual element defining Duluth's sense of place.

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.

Rural Residential-Areas of single-family lots of at least five acres. Limits the extension of municipal utilities for new development. Includes existing rural density areas with lots as small as an acre now served by municipal utilities but not planned for further subdivision.

**Review and Discussion Items:**

- 1) The City is proposing to extend the Natural Resources Overlay into areas annexed by the City of Duluth (Riley Road and Midway), to allow for shoreland protections for East Branch Amity Creek and Mission Creek, Sargent Creek, Stewart Creek, and US Steel Creek.
- 2) The annexation areas near Riley Road and Becks Road contain five major waterways. The same shoreland protections that apply to waterways in the rest of Duluth also protect waterways in the two annexed areas. However, in order to update the Natural Resource Overlay map (the map that shows the shoreland protections), a rezoning process and public hearing is required.
- 3) The purpose of the Natural Resource Overlay is to promote, preserve and enhance the water resources and environment within the city and protect them from adverse effects caused by poorly sited or incompatible development. It is intended to implement the Minnesota Wetland Conservation Act (WCA), federal emergency management agency (FEMA) rules, and the Minnesota department of natural resources (DNR) shoreland and flood plain regulations. Waters in the city have been classified as general development waters (GD), natural environment waters (NE) or coldwater rivers (CW). The shoreland overlay applies to lands within 1,000 feet of Lake Superior or within 300 feet of rivers, creeks, streams and tributaries and floodplains, as designated on the NR-O map (Natural Resources Overlay). If a parcel or development lies only partially within a shoreland area, only the portion of the property within the shoreland is subject to additional standards.
- 4) US Steel Creek is designated as a Natural Environment Waters, while East Branch Amity Creek, Mission Creek, Sargent Creek, and Stewart Creek are Coldwater Rivers. Natural Environment Shorelands have a structure setback of 75 feet and an impervious surface setback of 50 feet, while Coldwater River Shorelands have a structure setback of 150 feet and an impervious surface setback of 75 feet.
- 5) No written correspondence has been received as of the date that this memo was printed (December 2, 2019). One citizen called and asked about potential development impacts or limitations on their property if shoreland protections are extended. A public information meeting is scheduled for the evening of December 5, and comments or questions from the public are anticipated at that meeting.

**Staff Recommendation:**

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning of the Natural Resources Overlay.

- 1) The proposed shorelands are the most reasonably able to implement the objectives of the Comprehensive Plan related to the land use for these areas.
- 2) Material adverse impacts on nearby properties are not anticipated.



**Legend**

**Floodplain (UDC)**

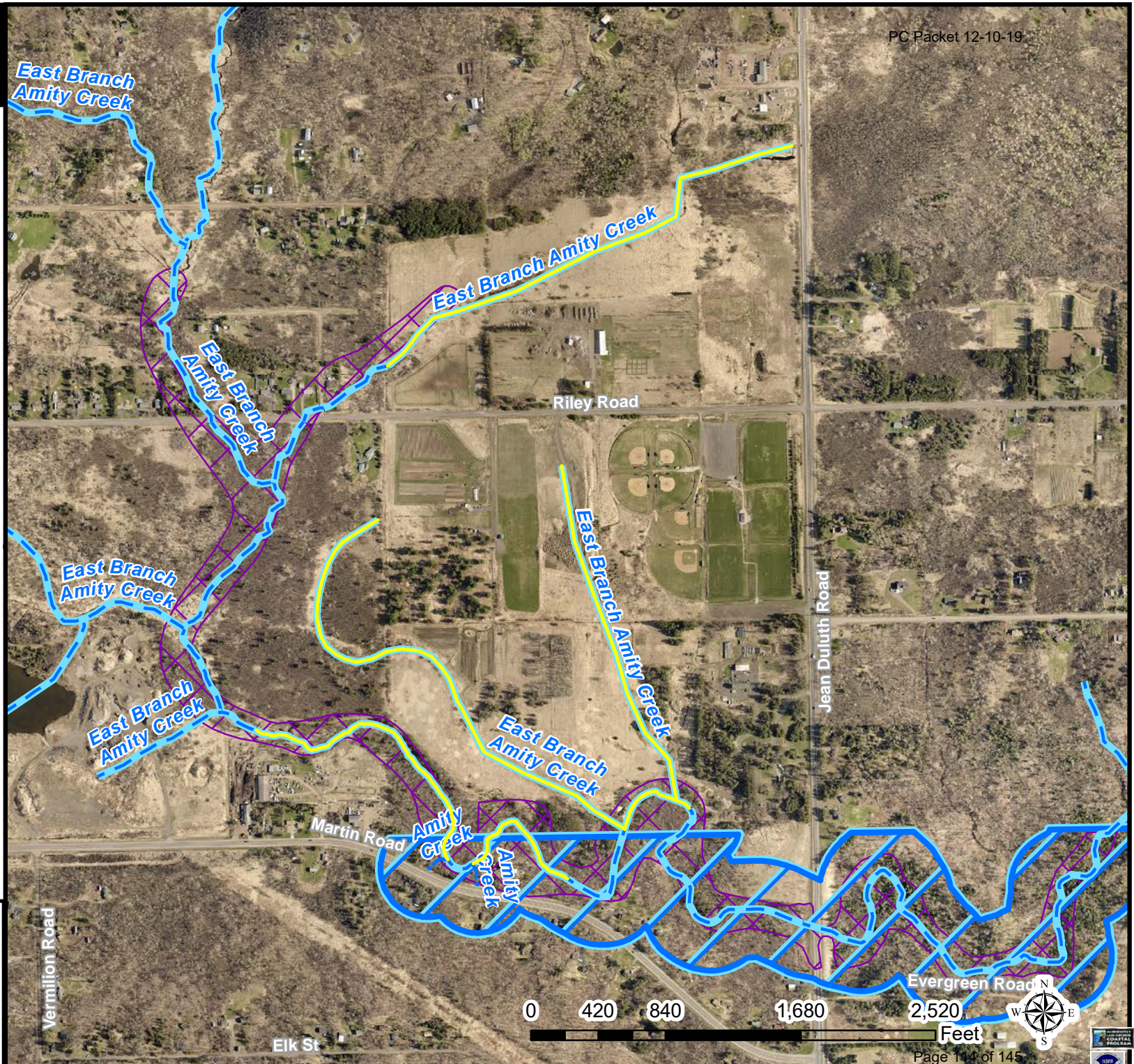
- General Flood Plain
- Flood Way
- Flood Fringe

**Shoreland (UDC)**

- Cold Water
- Natural Environment
- General Development

**Stream (GPS)**

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

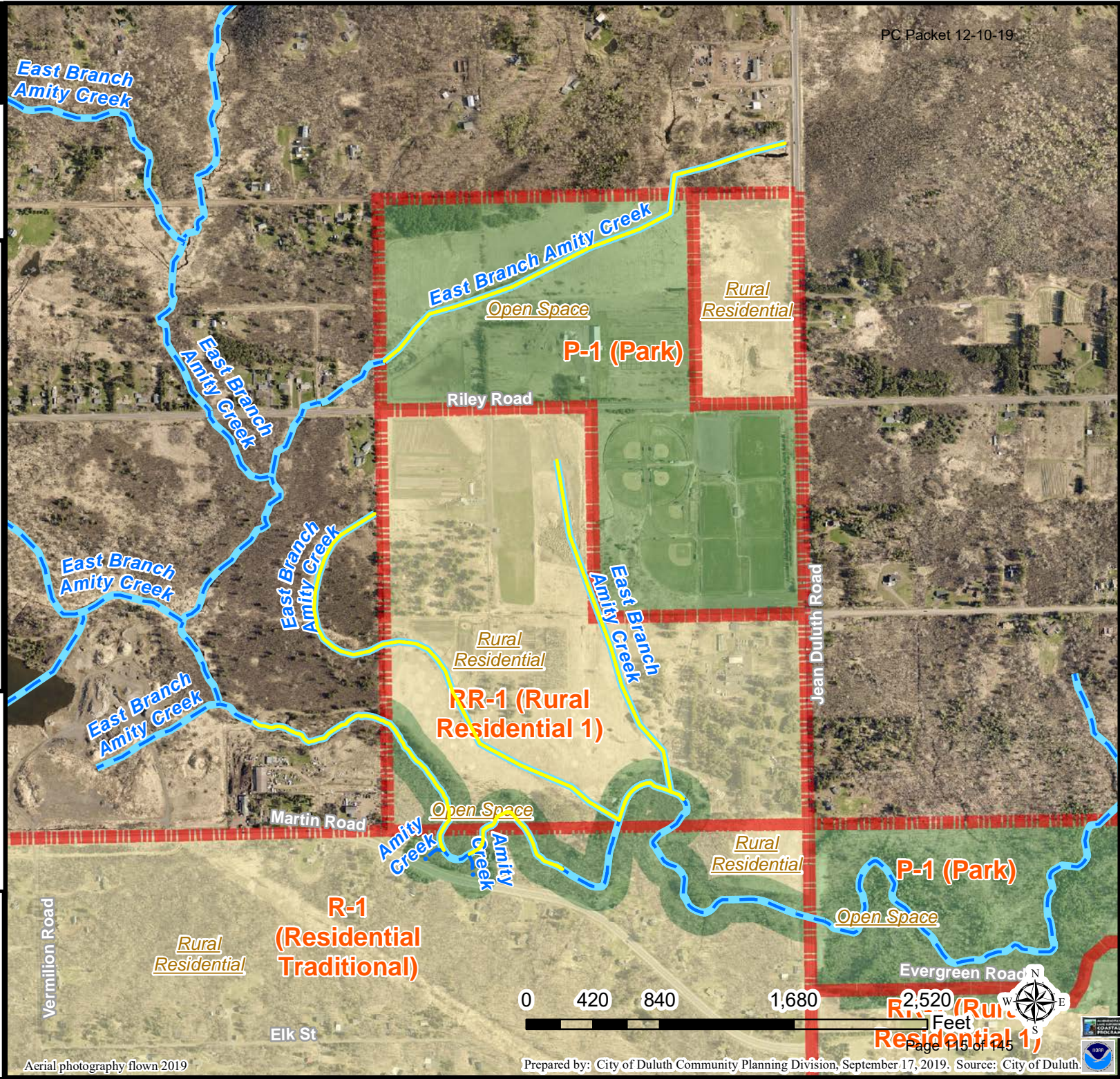


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**Legend**

- Zoning Boundaries
- 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
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- Industrial Waterfront
- Business Park
- Transportation and Utilities
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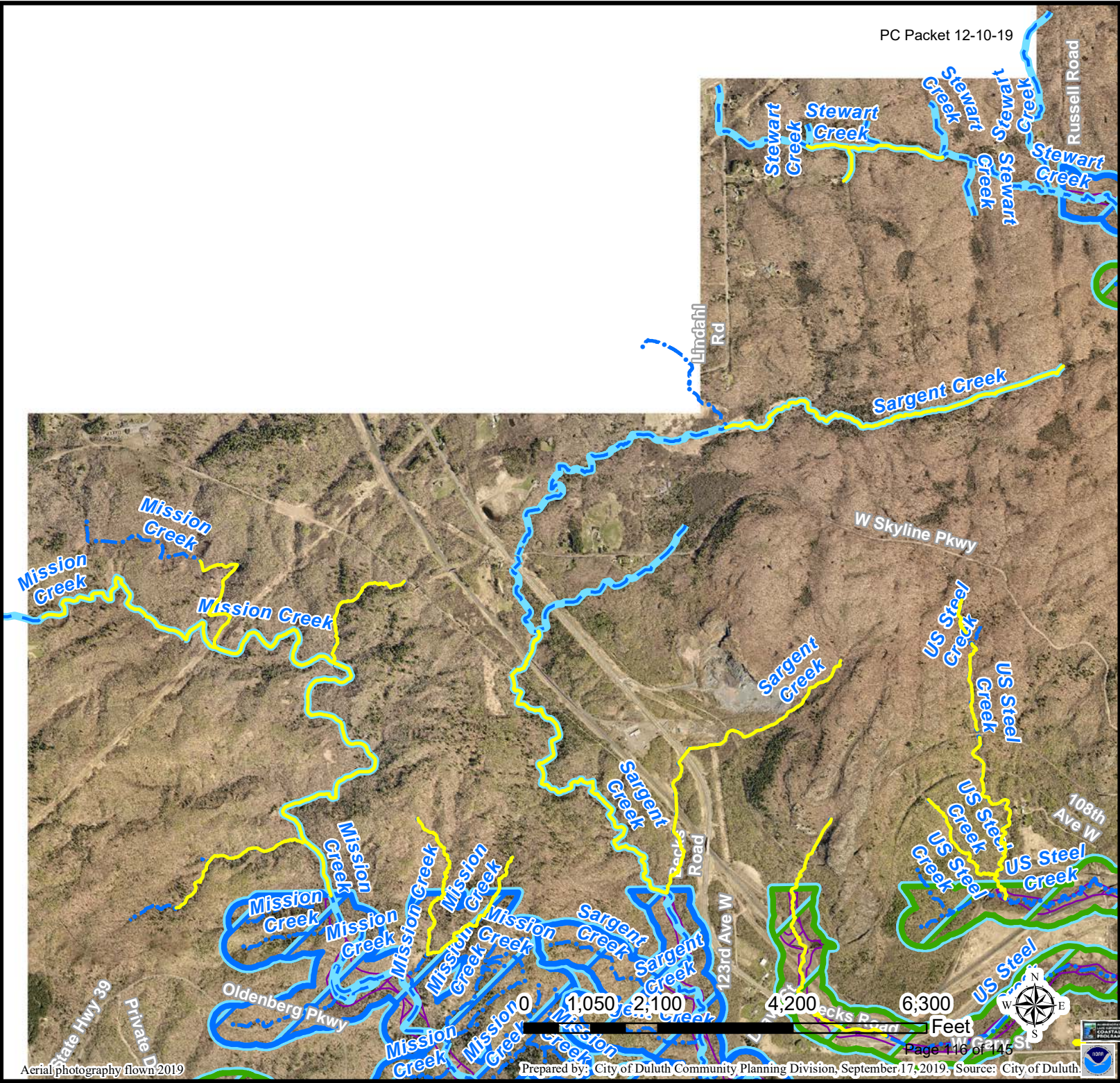
**Legend**

**Floodplain (UDC)**

- General Flood Plain
- Flood Way
- Flood Fringe

**Shoreland (UDC)**

- Cold Water
- Natural Environment
- General Development
- Trout Stream (GPS)
- Other Stream (GPS)

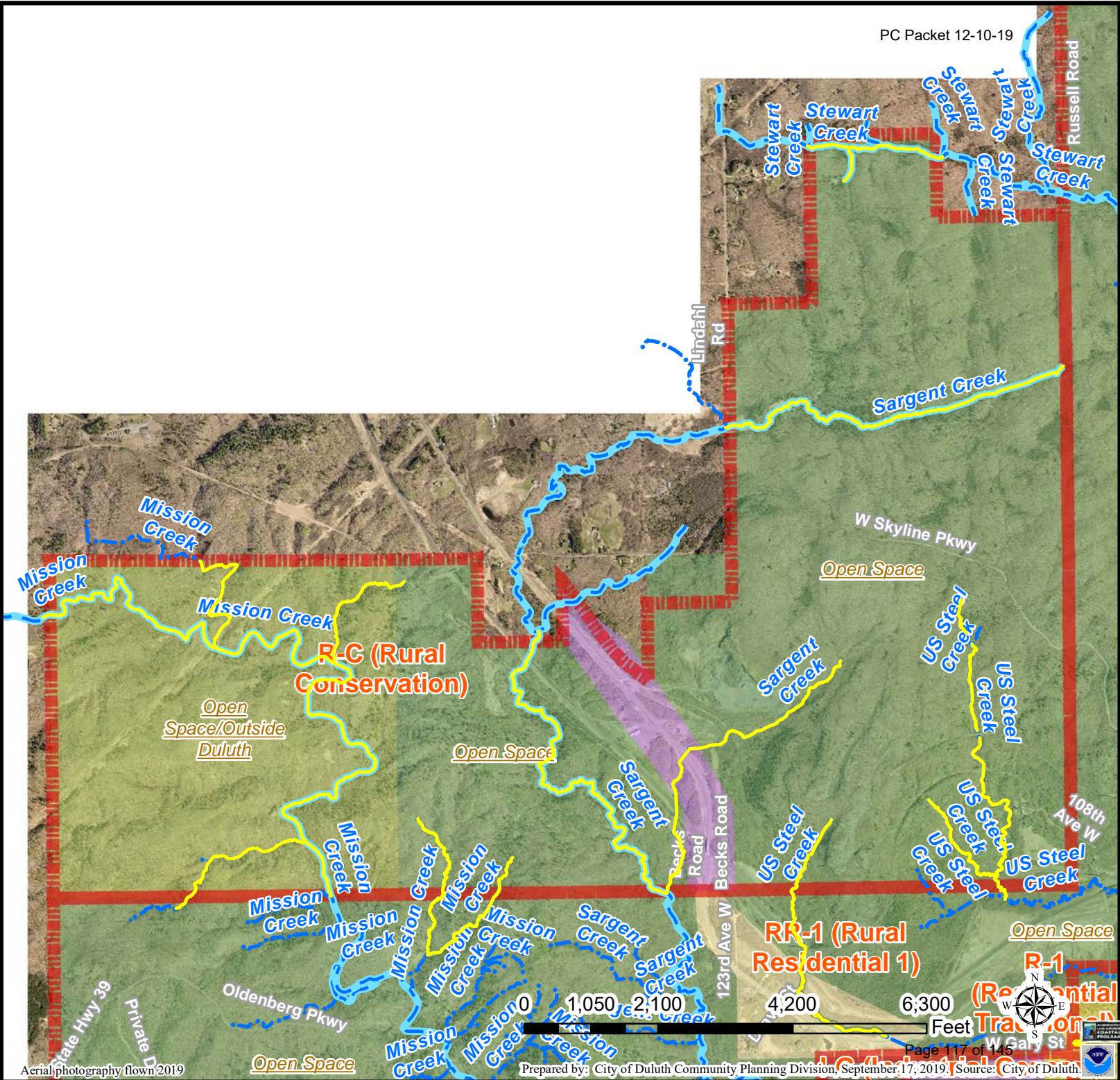


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**Legend**

- Zoning Boundaries
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**D. Shorelands.**

In furtherance of the policies declared by the state legislature, waters in the city have been classified as general development waters (GD), natural environment waters (NE) or coldwater rivers (CW). The shoreland overlay applies to lands within 1,000 feet of Lake Superior or within 300 feet of rivers, creeks, streams and tributaries and floodplains, as designated on the NR-O map. If a parcel or development lies only partially within a shoreland area, only the portion of the property within the shoreland is subject to these provisions;

1. Shoreland permit required.  
The following activities and structures require a shoreland permit if located within a shoreland:
  - (a) All structures;
  - (b) All grading, filling and excavating;
  - (c) All construction of impervious surfaces, including roads, driveways, parking areas and trails;
  - (d) All removal of natural vegetation;
  - (e) Any construction activity that removes or disturbs natural beach grasses on Park Point;
2. Standards for shoreland permit.
  - (a) Erosion and sediment control measures shall be required for any land disturbing activity;
  - (b) Grading and filling of more than 250 square feet or placement of more than ten cubic yards of material within the shore impact zone shall only be permitted if a plan for erosion control, stormwater management and shoreline buffer restoration is approved by the city and effectively implemented;
  - (c) Impervious surfaces shall be designed and constructed to minimize and control runoff and erosion into the regulated waters;
  - (d) Any removal of natural vegetation shall be designed to prevent erosion into regulated waters and to preserve shoreland aesthetics;
  - (e) Removal of trees or shrubs in a contiguous patch, strip, row or block is prohibited in shore impact zones;
  - (f) The project does not result in the proposed building being located in a shore or bluff impact zone;
  - (g) Natural vegetation buffers shall be restored to the extent feasible after any project is complete;
3. Dimensional standards.
  - (a) No shoreland permit shall be approved unless the standards in Table 50-18.1.D-1 are met or a variance obtained pursuant to Article V;

**Table 50-18.1.D-1: Minimum Shoreland Area Standards**

Standards	General Development Waters <sup>[1]</sup>	Natural Environmental Waters	Coldwater River
Minimum setbacks from Ordinary High Water Level or highest known water level, whichever is higher			
<i>Structures</i>	50 ft.	75 ft.	150 ft.
<i>Commercial, mixed use, &amp; industrial structures in the harbor, shown in Figure 50-18.1.- 3</i>	25 ft.	N/A	N/A
<i>Impervious surfaces in the Shore Impact Zone</i>	50 ft.	50 ft.	75 ft.
Lowest floor elevation above Ordinary High Water Level or highest known water level, whichever is higher <sup>[2]</sup>	3 ft.		
Width of naturally vegetative buffer	50 ft.		


<sup>[1]</sup> All Lake Superior shoreland is classified as general development waters.

<sup>[2]</sup> For a structure located in an area where FEMA has established a base flood elevation, the structure is exempt from this shoreland elevation requirement, but must meet flood plain regulations.



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

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<b>File Number</b>	PL 19-169	<b>Contact</b>	Steven Robertson	
<b>Type</b>	Rezone from RR-1 to P-1	<b>Planning Commission Date</b>	December 10, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>		<b>60 Days</b>	N/A City Application
	<b>Date Extension Letter Mailed</b>	N/A	<b>120 Days</b>	N/A
<b>Location of Subject</b>	Land in and Around/Near Hartley Park			
<b>Applicant</b>	City of Duluth	<b>Contact</b>	Planning and Development	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	See Attached Map			
<b>Site Visit Date</b>	November 25, 2019	<b>Sign Notice Date</b>		
<b>Neighbor Letter Date</b>	November 22, 2019	<b>Number of Letters Sent</b>	358	

**Proposal**

The City is proposing to rezone subject property from the current zoning of Rural Residential 1 (RR-1) to Parks and Open Space (P-1).

**Staff Recommendation**

Staff is recommending approval of the proposed rezoning to P-1.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	RR-1	Recreation, Undeveloped	Open Space
<b>North</b>	R-1	Residential	Low Density Neighborhood, Traditional Neigh.
<b>South</b>	R-1	Residential	Low Density Neighborhood, Traditional Neigh.
<b>East</b>	R-1	Residential	Traditional Neighborhood
<b>West</b>	R-1	Residential	Traditional Neighborhood

**Summary of Code Requirements**

- UDC Sec. 50-37.3.B: Planning Commission shall review the application, conduct a public hearing ... with public notice ... and make a written recommendation to council....Where a proposed amendment to the zoning map would change any property from a residential district to a mixed use, form or special purpose district, a planning commission hearing and a notice of three weeks shall be required. In addition, the affirmative vote of 2/3 of the council shall be required The city has not received the written consent of the owners of 2/3 of those properties located wholly or partially within 100 feet of the property proposed to be rezoned;

- UDC Sec. 50-37.3.C: The Planning Commission shall review the application, and Council shall approve the application or approve it with modifications, if it determines that the application: 1. Is consistent with the Comprehensive Land Use Plan; 2. Is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use; 3. Is required by public necessity, convenience, or general welfare, or good zoning practice; 4. Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible.



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

### Governing Principles

Principle #2 - Declare the necessity and secure the future of undeveloped places. Undeveloped areas are an essential part of Duluth's municipal fabric - urban plazas, neighborhood parks, large tracts of public ownership and private lands zoned for minimal development. These minimally or undeveloped areas collectively create an open space system. These areas contribute to Duluth's cultural, health, recreational, and economic value and community identity. This open space system provides vistas, encourages active recreation, provides natural infrastructure as storm water retention, plant and animal habitat and water quality, and is the strongest visual element defining Duluth's sense of place.

Principle #6 Reinforce the place-specific. Public and private actions should reinforce cultural, physical, and economic features which have traditionally defined Duluth, its open space, and its neighborhoods. This includes commercial areas providing neighborhood goods and services, ravine parks and other natural features that define neighborhood edges, and view corridors to the lake or river which serve to provide location and context.

### 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.

Open Space is a new future land use designation, created with the Imagine Duluth 2035 Comprehensive Plan. It is a combination of two previous future land use categories, Preservation and Recreation. Because of overlap and similarity, the Preservation and Recreation land uses were merged to form a new category, Open Space.

### Site History or Previous Studies

Woodland's Hartley Park sits on the site of the former Allendale Farms, owned by Duluth businessman Guilford G. Hartley, which once produced lettuce, celery, and other vegetables. The 640-acre park contains ten miles of multi-purpose trails that weave through forest land, including a pine grove, as well as wetlands that include a pond made by damming Tischer Creek. It is also home to the Hartley Nature Center. <https://duluthmn.gov/parks/parks-listing/hartley-park/>

At the December 10, 2019, Planning Commission meeting, staff from the Duluth Parks and Recreation Department will present on the nomination of land in and around Hartley Park to be included in the Duluth Natural Area Program. The area covered by the proposed DNAP is very similar, but not identical, to land within Hartley Park or the land proposed to be rezoned to P-1 by this zoning application.

### **Review and Discussion Items:**

- 1) The City is proposing to rezone property from the current zoning of Rural Residential 1 (RR-1) to Parks and Open Space (P-1). A small portion of the subject area is also zoned Residential-Traditional (R-1).
- 2) The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan, and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or be considered arbitrary and capricious. Good zoning practice requires that zone districts be consistent with the future land use category identified for the area. Prior to the adoption of the Imagine Duluth 2035 Plan, the future land use designation of this area was Preservation, but now it has a future land use designation of Open Space. Areas with a future land use designation of open space generally have a zoning designation of P-1. The current land use of the subject area is generally undeveloped, with a parking area, structure for the Hartley Center, and trails crossing the area.

3) The purpose the RR-1 district is accommodate large-lot, single-family detached residential uses, typically surrounded by significant open space, on lots of at least 5 acres each. The district encourages distinctive neighborhoods with a semi-rural character. Complimentary uses such as limited agriculture, small-scale institutional uses, parks, minor utilities and certain temporary uses are allowed.

4) The P-1 district is intended to protect and reserve lands for recreational, scenic and natural resource uses. It is intended to be applied to publicly owned land but may be applied to private property with the landowner's written consent. Both passive recreational (e.g., walking paths, picnic tables) and active recreational (e.g., playgrounds, ball fields, tennis courts) uses may be permitted. Small-scale buildings, structures and development (e.g., parking) that are incidental to and supportive of an approved use may also be permitted.

5) This rezoning application is primarily for the Hartley Park area, but the action is also being applied to land owned by Hartley Nature Center Corporation as well as Glen Avon Park and Woodland Community Recreation Center adjacent to Hartley Park.

6) Based on the development pattern of adjacent areas and the purpose statement of P-1 zone districts, rezoning as proposed in the attached map is appropriate for this area. Parks are a permitted use in the RR-1 and R-1 zone district, but the P-1 is the most correct designation based on the purpose statement and future land use of the area.

7) No written correspondence has been received as of the date that this memo was printed (December 2, 2019). A public information meeting is scheduled for the evening of December 2, and comments from the public are anticipated at that meeting. One citizen called the city expressing concern and opposition to the rezoning, stating their concern for the loss of public open space, and two citizens called to get more information about the general purpose of the rezoning action.

**Staff Recommendation:**

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning to P-1 Park and Open Space.

1) The rezoning is consistent with the Comprehensive Plan Future Land Use Map.

2) The proposed zone districts are the most reasonably able to implement the objectives of the Comprehensive Plan related to the proposed land use for this area.

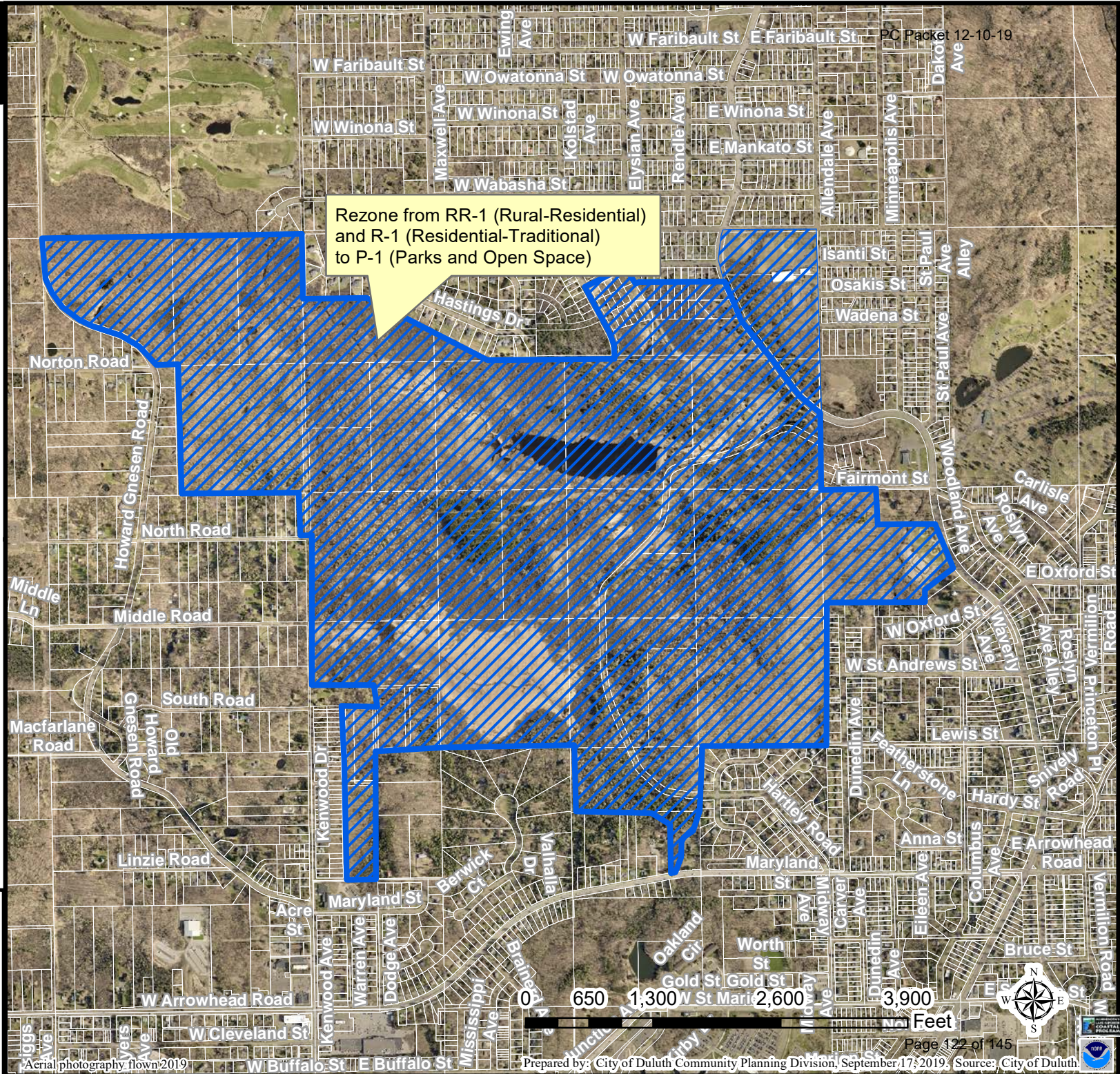
3) Material adverse impacts on nearby properties are not anticipated.



**Legend**

Rezone from RR-1 (Rural-Residential) and R-1 (Residential-Traditional) to P-1 (Parks and Open Space)

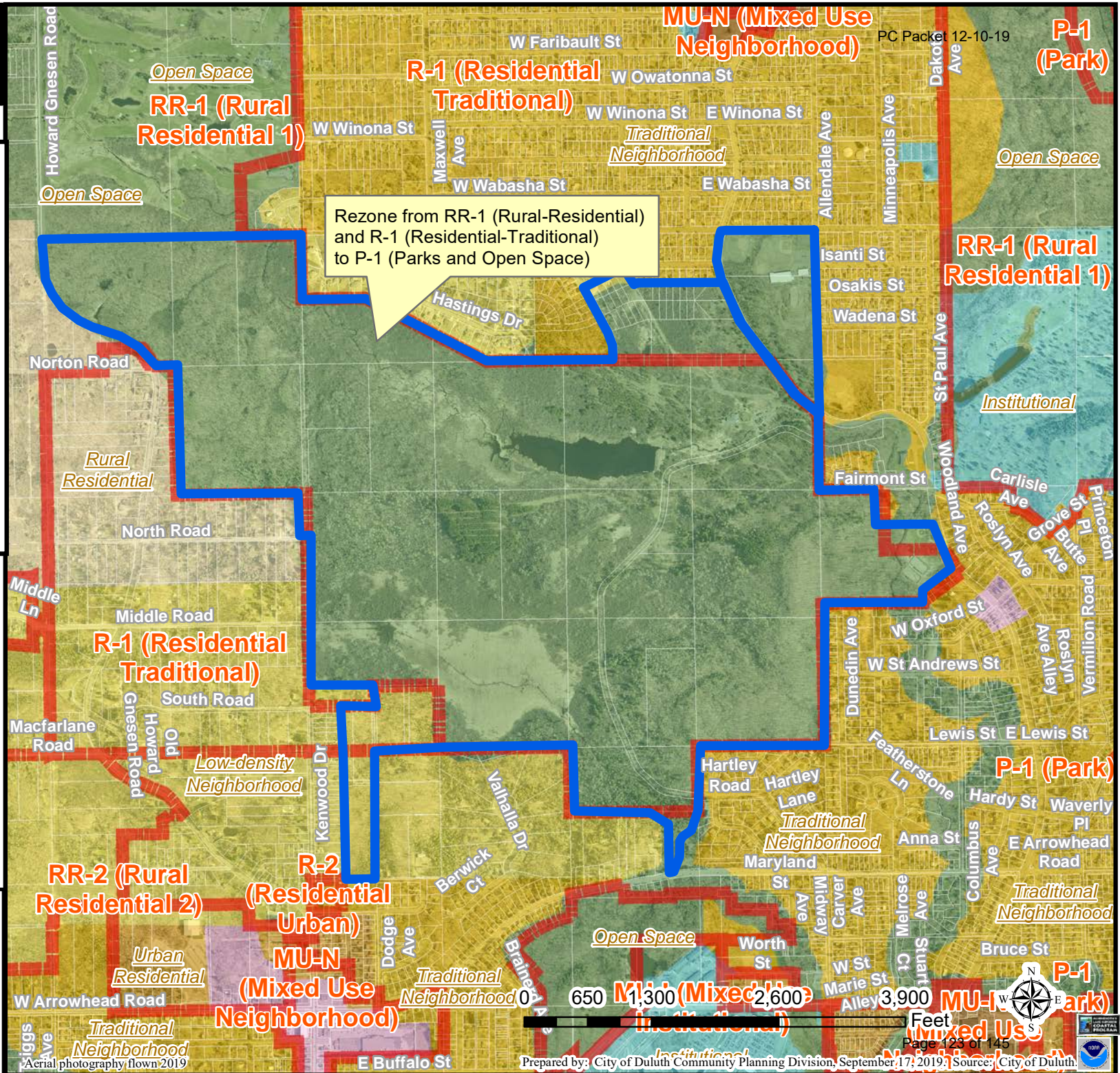
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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







- 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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# Hartley Park





## Uses Allowed in Park & Open Space (P-1) Zone District Revised January 2019

### Permitted Uses

- Park, playground, or forest reserve
- Golf course

### Special Uses

- Cemetery or mausoleum
- Club or lodge (private)
- Government building or public safety facility
- Museum, library, or art gallery
- Riding stable
- Seasonal camp or cabin
- Marina or yacht club
- Recreational vehicle park
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs

## Uses Allowed in Residential-Rural 1 (RR-1) Zone District Revised January 2019

### Permitted Uses

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>- Dwelling, one family</li> <li>- Residential care facility/assisted living (6 or fewer)</li> <li>- Government building or public safety facility</li> <li>- Park, playground, or forest reserve</li> <li>- Religious assembly, small (less than 50,000 sq. ft.)</li> </ul> | <ul style="list-style-type: none"> <li>- School, elementary</li> <li>- Agriculture, community garden</li> <li>- Agriculture, general</li> <li>- Agriculture, urban</li> <li>- Seasonal camp or cabin</li> <li>- Day care facility, small (14 or fewer)</li> </ul> |
|--|---|

### Special Uses

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>- Cemetery or mausoleum</li> <li>- Religious assembly, large (50,000 sq. ft. or more)</li> <li>- School, middle or high</li> <li>- Kennel</li> <li>- Riding Stable</li> <li>- Veterinarian or animal hospital</li> <li>- Golf course</li> <li>- Recreational Vehicle Park</li> <li>- Other outdoor entertainment or recreation use not listed</li> <li>- Preschool</li> <li>- Day care facility, large (15 or more)</li> <li>- Mini-Storage or Self-Service Storage Facility</li> </ul> | <ul style="list-style-type: none"> <li>- Garden material sales</li> <li>- Mining, extraction and storage</li> <li>- Electric power transmission line or substation</li> <li>- Major utility or wireless telecommunication facility</li> <li>- Radio or television broadcasting tower</li> <li>- Solar, geothermal, or biomass power facility (primary use)</li> <li>- Water or sewer pumping stations/reservoirs</li> <li>- Wind power facility (primary use)</li> <li>- Solid waste disposal or processing facility</li> </ul> |
|--|---|

### Interim Uses

- Vacation dwelling unit





**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 19-170	<b>Contact</b>	Steven Robertson	
<b>Type</b>	Rezone from RR-1 and R-C, to P-1	<b>Planning Commission Date</b>	December 10, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>		<b>60 Days</b>	N/A City Application
	<b>Date Extension Letter Mailed</b>	N/A	<b>120 Days</b>	N/A
<b>Location of Subject</b>	Generally North of State Highway 23 and South and West of Becks Road			
<b>Applicant</b>	City of Duluth	<b>Contact</b>	Planning and Development	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	See Attached Map			
<b>Site Visit Date</b>	November 25, 2019	<b>Sign Notice Date</b>		
<b>Neighbor Letter Date</b>	November 22, 2019	<b>Number of Letters Sent</b>	39	

**Proposal**

The City is proposing to rezone subject property from the current zoning of Rural Residential 1 (RR-1) and Rural Conservation (R-C) to Parks and Open Space (P-1).

**Staff Recommendation**

Staff is recommending approval of the proposed rezoning to P-1.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	RR-1/R-C	Recreation, Undeveloped	Open Space
<b>North</b>	Midway Township	Residential, Undeveloped	
<b>South</b>	R-1	Residential	Low Density Neighborhood, Traditional Neigh.
<b>East</b>	R-1	Residential	Traditional Neighborhood
<b>West</b>	Carlton County	Undeveloped	

**Summary of Code Requirements**

- UDC Sec. 50-13.4.F: All territory annexed to the city after November 19, 2010, shall be automatically classified as R-C, until a different zone district is assigned by council. In a newly annexed area classified as R-C, no permit for construction of a building other than a single-family dwelling or accessory building permitted in an R-C district shall be issued by the city until such permit has been specifically authorized by council, or until the area is reclassified according to the rezoning procedures in Article V;

- UDC Sec. 50-37.3.B: Planning Commission shall review the application, conduct a public hearing ... with public notice ... and make a written recommendation to council....Where a proposed amendment to the zoning map would change any property from a residential district to a mixed use, form or special purpose district, a planning commission hearing and a notice of three weeks shall be required. In addition, the affirmative vote of 2/3 of the council shall be required. The city has not received the written consent of the owners of 2/3 of those properties located wholly or partially within 100 feet of the property proposed to be rezoned;

- UDC Sec. 50-37.3.C: The Planning Commission shall review the application, and Council shall approve the application or approve it with modifications, if it determines that the application: 1. Is consistent with the Comprehensive Land Use Plan; 2. Is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use; 3. Is required by public necessity, convenience, or general welfare, or good zoning practice; 4. Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible.

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

#### Governing Principles

Principle #2 - Declare the necessity and secure the future of undeveloped places. Undeveloped areas are an essential part of Duluth's municipal fabric - urban plazas, neighborhood parks, large tracts of public ownership and private lands zoned for minimal development. These minimally or undeveloped areas collectively create an open space system. These areas contribute to Duluth's cultural, health, recreational, and economic value and community identity. This open space system provides vistas, encourages active recreation, provides natural infrastructure as storm water retention, plant and animal habitat and water quality, and is the strongest visual element defining Duluth's sense of place.

Principle #6 Reinforce the place-specific. Public and private actions should reinforce cultural, physical, and economic features which have traditionally defined Duluth, its open space, and its neighborhoods. This includes commercial areas providing neighborhood goods and services, ravine parks and other natural features that define neighborhood edges, and view corridors to the lake or river which serve to provide location and context.

#### 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.

Open Space is a new future land use designation, created with the Imagine Duluth 2035 Comprehensive Plan. It is a combination of two previous future land use categories, Preservation and Recreation. Because of overlap and similarity, the Preservation and Recreation land uses were merged to form a new category, Open Space.

### **Review and Discussion Items:**

1) The City is proposing to rezone subject property from the current zoning of Rural Residential 1 (RR-1) and Rural Conservation (R-C), to Parks and Open Space (P-1).

2) The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan, and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or be considered arbitrary and capricious. Good zoning practice requires that zone districts be consistent with the future land use category identified for the area. Prior to the adoption of the Imagine Duluth 2035 Plan, the future land use designation of this area was generally Preservation, but now it has a future land use designation of Open Space. Areas with a future land use designation of open space generally have a zoning designation of P-1. The current land use of the subject area is generally undeveloped with trails crossing the area.

3) The northern portion of this area was annexed. All newly annexed land is automatically reclassified as R-C until a different zoning designation is determined by the City. The southern portion of the subject area is zone RR-1.



4) The purpose the RR-1 district is accommodate large-lot, single-family detached residential uses, typically surrounded by significant open space, on lots of at least 5 acres each. The district encourages distinctive neighborhoods with a semi-rural character. Complimentary uses such as limited agriculture, small-scale institutional uses, parks, minor utilities and certain temporary uses are allowed.

5) The purpose of the R-C district is to accommodate low-density, single-family detached residential uses on parcels of at least ten acres each in areas where the comprehensive land use plan calls for protection of rural character. The district encourages development designs that conserve open space and natural resources and preserve rural character. Complimentary uses such as limited agriculture, parks, minor utilities and certain temporary uses are allowed.

6) The P-1 district is intended to protect and reserve lands for recreational, scenic and natural resource uses. It is intended to be applied to publicly owned land but may be applied to private property with the landowner's written consent. Both passive recreational (e.g., walking paths, picnic tables) and active recreational (e.g., playgrounds, ball fields, tennis courts) uses may be permitted. Small-scale buildings, structures and development (e.g., parking) that are incidental to and supportive of an approved use may also be permitted.

7) This rezoning application is primarily for the Frederick Rodney Paine Forest Preserve, but the action is also being applied to Chambers Grove Park and Fon Du Lac Community Recreation Center adjacent to the Frederick Rodney Paine Forest Preserve.

8) Based on the development pattern of adjacent areas and the purpose statement of P-1 zone districts, rezoning as proposed in the attached map is appropriate for this area. Parks are a permitted use in the RR-1 and R-C zone districts, but the P-1 is the most correct designation based on the purpose statement and future land use of the area.

9) No written correspondence has been received as of the date that this memo was printed (December 2, 2019). An optional public information meeting is scheduled for the evening of December 5, and comments or questions from the public are anticipated at that meeting.

**Staff Recommendation:**

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning to P-1 Park and Open Space.

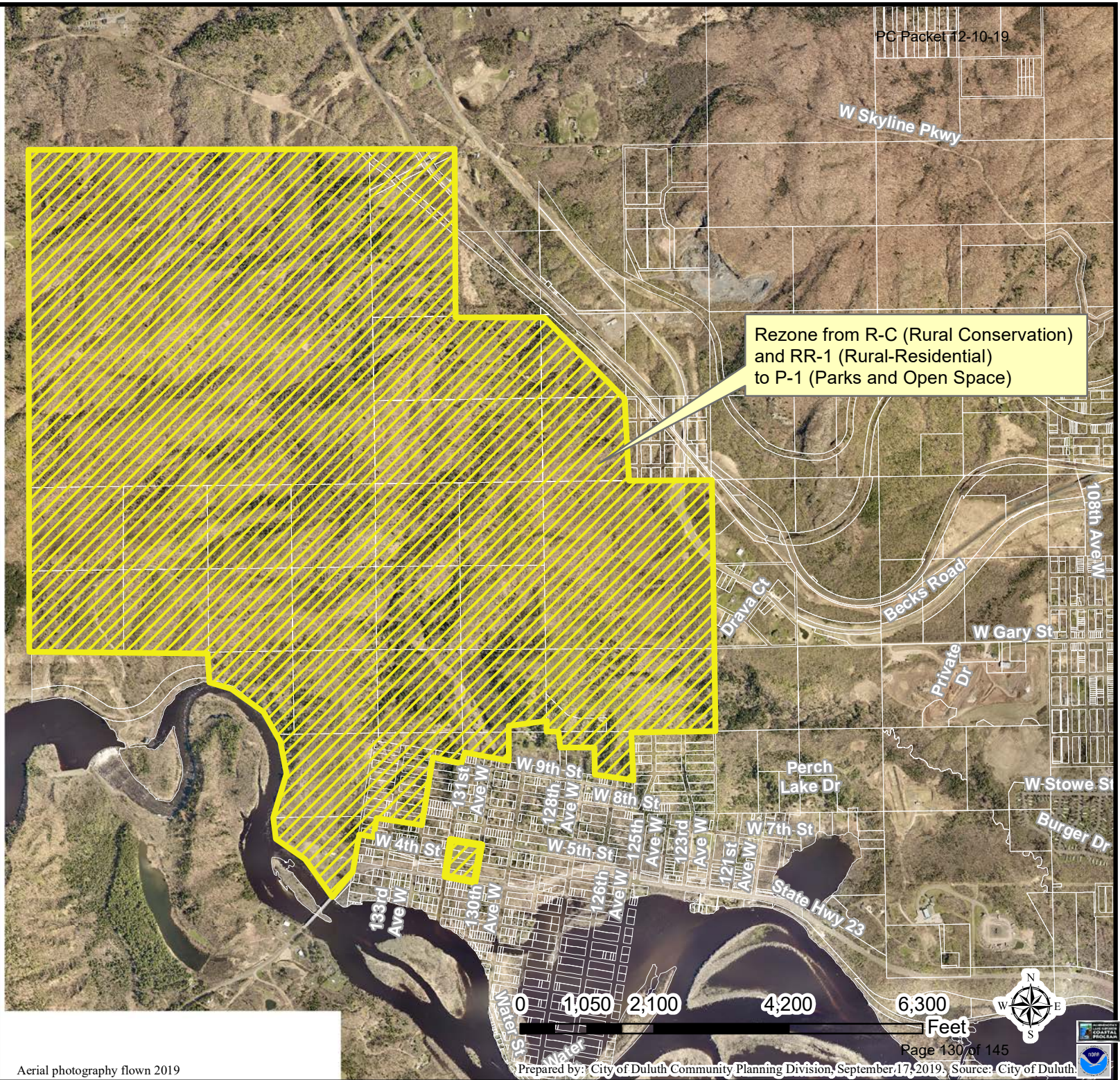
1) The rezoning is consistent with the Comprehensive Plan Future Land Use Map.

2) The proposed zone districts are the most reasonably able to implement the objectives of the Comprehensive Plan related to the proposed land use for this area.

3) Material adverse impacts on nearby properties are not anticipated.



**Legend**



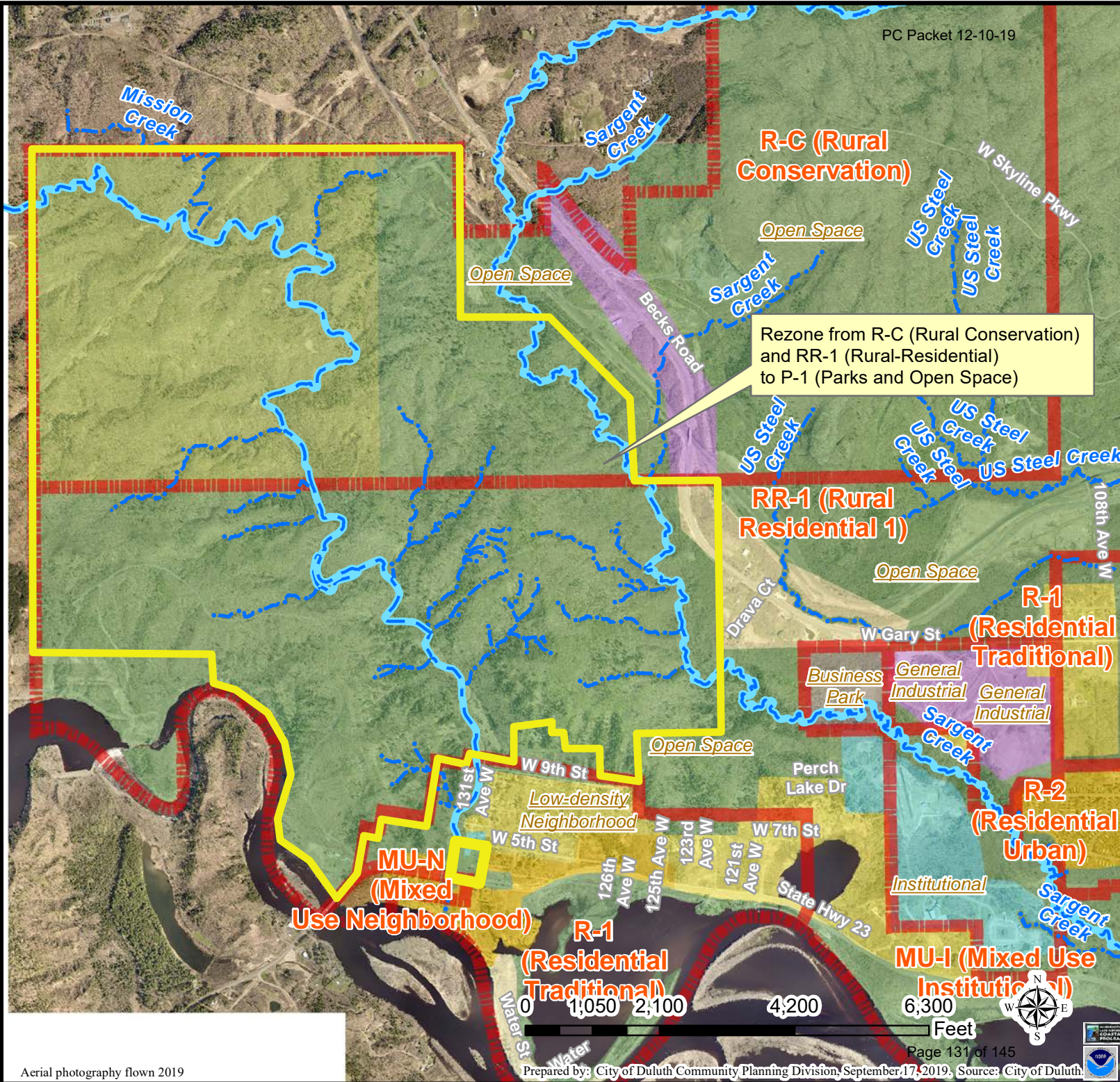
Rezone from R-C (Rural Conservation) and RR-1 (Rural-Residential) to P-1 (Parks and Open Space)

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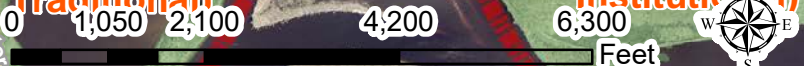
**Legend**

- Zoning Boundaries
- 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 2019





# Frederick Rodney Paine





## Uses Allowed in Park & Open Space (P-1) Zone District Revised January 2019

### Permitted Uses

- Park, playground, or forest reserve
- Golf course

### Special Uses

- Cemetery or mausoleum
- Club or lodge (private)
- Government building or public safety facility
- Museum, library, or art gallery
- Riding stable
- Seasonal camp or cabin
- Marina or yacht club
- Recreational vehicle park
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs

Uses Allowed in Rural-Conservation (R-C) Zone District  
Revised January 2019

Permitted Uses

- |                                       |  |
|---------------------------------------|--|
| - Dwelling, one-family                | - Agriculture, general                   |
| - Park, playground, or forest reserve | - Seasonal camp or cabin                 |
| - Agriculture, community garden       | - Day care facility, small (14 or fewer) |

Special or Interim Uses

- |                                   |  |
|-----------------------------------|--|
| - Cemetery or mausoleum           | - Electric power transmission line or substation       |
| - Kennel                          | - Major utility or wireless telecommunication facility |
| - Riding stable                   | - Water or sewer pumping stations/reservoirs           |
| - Veterinarian or animal hospital |  |
| - Recreational Vehicle Park       |  |
| - Airport and related facilities  |  |



## Uses Allowed in Residential-Rural 1 (RR-1) Zone District Revised January 2019

### Permitted Uses

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>- Dwelling, one family</li> <li>- Residential care facility/assisted living (6 or fewer)</li> <li>- Government building or public safety facility</li> <li>- Park, playground, or forest reserve</li> <li>- Religious assembly, small (less than 50,000 sq. ft.)</li> </ul> | <ul style="list-style-type: none"> <li>- School, elementary</li> <li>- Agriculture, community garden</li> <li>- Agriculture, general</li> <li>- Agriculture, urban</li> <li>- Seasonal camp or cabin</li> <li>- Day care facility, small (14 or fewer)</li> </ul> |
|--|---|

### Special Uses

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>- Cemetery or mausoleum</li> <li>- Religious assembly, large (50,000 sq. ft. or more)</li> <li>- School, middle or high</li> <li>- Kennel</li> <li>- Riding Stable</li> <li>- Veterinarian or animal hospital</li> <li>- Golf course</li> <li>- Recreational Vehicle Park</li> <li>- Other outdoor entertainment or recreation use not listed</li> <li>- Preschool</li> <li>- Day care facility, large (15 or more)</li> <li>- Mini-Storage or Self-Service Storage Facility</li> </ul> | <ul style="list-style-type: none"> <li>- Garden material sales</li> <li>- Mining, extraction and storage</li> <li>- Electric power transmission line or substation</li> <li>- Major utility or wireless telecommunication facility</li> <li>- Radio or television broadcasting tower</li> <li>- Solar, geothermal, or biomass power facility (primary use)</li> <li>- Water or sewer pumping stations/reservoirs</li> <li>- Wind power facility (primary use)</li> <li>- Solid waste disposal or processing facility</li> </ul> |
|--|---|

### Interim Uses

- Vacation dwelling unit







**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)

<b>File Number</b>	PL 19-171	<b>Contact</b>	Steven Robertson	
<b>Type</b>	Rezone from RR-1 and R-C, to P-1	<b>Planning Commission Date</b>	December 10, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>		<b>60 Days</b>	N/A City Application
	<b>Date Extension Letter Mailed</b>	N/A	<b>120 Days</b>	N/A
<b>Location of Subject</b>	Generally West of Grand Avenue and North of Becks Road			
<b>Applicant</b>	City of Duluth	<b>Contact</b>	Planning and Development	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	See Attached Map			
<b>Site Visit Date</b>	November 25, 2019	<b>Sign Notice Date</b>		
<b>Neighbor Letter Date</b>	November 22, 2019	<b>Number of Letters Sent</b>	52	

**Proposal**

The City is proposing to rezone subject property from the current zoning of Rural Residential 1 (RR-1) and Rural Conservation (R-C), to Parks and Open Space (P-1).

**Staff Recommendation**

Staff is recommending approval of the proposed rezoning to P-1.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	RR-1/R-C	Recreation, Undeveloped	Open Space
<b>North</b>	Midway Township	Residential, Undeveloped	
<b>South</b>	R-1	Residential	Low Density Neighborhood, Traditional Neigh.
<b>East</b>	R-1	Residential	Traditional Neighborhood
<b>West</b>	Midway Township	Residential, Undeveloped	

**Summary of Code Requirements**

- UDC Sec. 50-13.4.F: All territory annexed to the city after November 19, 2010, shall be automatically classified as R-C, until a different zone district is assigned by council. In a newly annexed area classified as R-C, no permit for construction of a building other than a single-family dwelling or accessory building permitted in an R-C district shall be issued by the city until such permit has been specifically authorized by council, or until the area is reclassified according to the rezoning procedures in Article V;

- UDC Sec. 50-37.3.B: Planning Commission shall review the application, conduct a public hearing ... with public notice ... and make a written recommendation to council....Where a proposed amendment to the zoning map would change any property from a residential district to a mixed use, form or special purpose district, a planning commission hearing and a notice of three weeks shall be required. In addition, the affirmative vote of 2/3 of the council shall be required. The city has not received the written consent of the owners of 2/3 of those properties located wholly or partially within 100 feet of the property proposed to be rezoned;

- UDC Sec. 50-37.3.C: The Planning Commission shall review the application, and Council shall approve the application or approve it with modifications, if it determines that the application: 1. Is consistent with the Comprehensive Land Use Plan; 2. Is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use; 3. Is required by public necessity, convenience, or general welfare, or good zoning practice; 4. Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible.

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

#### Governing Principles

Principle #2 Declare the necessity and secure the future of undeveloped places. Undeveloped areas are an essential part of Duluth's municipal fabric - urban plazas, neighborhood parks, large tracts of public ownership and private lands zoned for minimal development. These minimally or undeveloped areas collectively create an open space system. These areas contribute to Duluth's cultural, health, recreational, and economic value and community identity. This open space system provides vistas, encourages active recreation, provides natural infrastructure as storm water retention, plant and animal habitat and water quality, and is the strongest visual element defining Duluth's sense of place.

Principle #6 Reinforce the place-specific. Public and private actions should reinforce cultural, physical, and economic features which have traditionally defined Duluth, its open space, and its neighborhoods. This includes commercial areas providing neighborhood goods and services, ravine parks and other natural features that define neighborhood edges, and view corridors to the lake or river which serve to provide location and context.

#### 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.

Open Space is a new future land use designation, created with the Imagine Duluth 2035 Comprehensive Plan. It is a combination of two previous future land use categories, Preservation and Recreation. Because of overlap and similarity, the Preservation and Recreation land uses were merged to form a new category, Open Space.

#### Site History or Previous Studies

Once six separate parks, Magney-Snively Park consists of 728 undeveloped acres that stand above several neighborhoods in western Duluth. It is named for former Duluth mayors—and park supporters—Clarence Magney and Samuel F. Snively. The park is home to hiking, biking, and cross-country ski trails and the Snively Monument.

The Magney-Snively Natural Area is comprised of almost 1,800 acres in west Duluth. The natural area is a highly functional, viable ecosystem consisting of a diverse mosaic of wetlands, uplands, and rock outcrop communities. These characteristics, as well as its large size, make Magney-Snively of the highest ecological significance and quality to be found within an urban area. <https://duluthmn.gov/parks/parks-listing/magney-snively-park/>



**Review and Discussion Items:**

- 1) The City is proposing to rezone subject property from the current zoning of Rural Residential 1 (RR-1) and Rural Conservation (R-C), to Parks and Open Space (P-1).
- 2) The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan, and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or be considered arbitrary and capricious. Good zoning practice requires that zone districts be consistent with the future land use category identified for the area. Prior to the adoption of the Imagine Duluth 2035 Plan, the future land use designation of this area was generally Preservation, but now it has a future land use designation of Open Space. Areas with a future land use designation of open space generally have a zoning designation of P-1. The current land use of the subject area is generally undeveloped with trails crossing the area.
- 3) The western portion of this area was annexed. All newly annexed land is automatically reclassified as R-C until a different zoning designation is determined by the City. The eastern portion of the subject area are zone RR-1.
- 4) The purpose the RR-1 district is accommodate large-lot, single-family detached residential uses, typically surrounded by significant open space, on lots of at least 5 acres each. The district encourages distinctive neighbor-hoods with a semi-rural character. Complimentary uses such as limited agriculture, small-scale institutional uses, parks, minor utilities and certain temporary uses are allowed.
- 5) The purpose of the R-C district is to accommodate low-density, single-family detached residential uses on parcels of at least ten acres each in areas where the comprehensive land use plan calls for protection of rural character. The district encourages development designs that conserve open space and natural resources and preserve rural character. Complimentary uses such as limited agriculture, parks, minor utilities and certain temporary uses are allowed.
- 6) The P-1 district is intended to protect and reserve lands for recreational, scenic and natural resource uses. It is intended to be applied to publicly owned land but may be applied to private property with the landowner's written consent. Both passive recreational (e.g., walking paths, picnic tables) and active recreational (e.g., playgrounds, ball fields, tennis courts) uses may be permitted. Small-scale buildings, structures and development (e.g., parking) that are incidental to and supportive of an approved use may also be permitted.
- 7) Based on the development pattern of adjacent areas and the purpose statement of P-1 zone districts, rezoning as proposed in the attached map is appropriate for this area. Parks are a permitted use in the RR-1 and R-C zone districts, but the P-1 is the most correct designation based on the purpose statement and future land use of the area.
- 8) No written correspondence has been received as of the date that this memo was printed (December 2, 2019). An optional public information meeting is scheduled for the evening of December 5, and comments or questions from the public are anticipated at that meeting.

**Staff Recommendation:**

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning to P-1 Park and Open Space.

- 1) The rezoning is consistent with the Comprehensive Plan Future Land Use Map.
- 2) The proposed zone districts are the most reasonably able to implement the objectives of the Comprehensive Plan related to the proposed land use for this area.
- 3) Material adverse impacts on nearby properties are not anticipated.

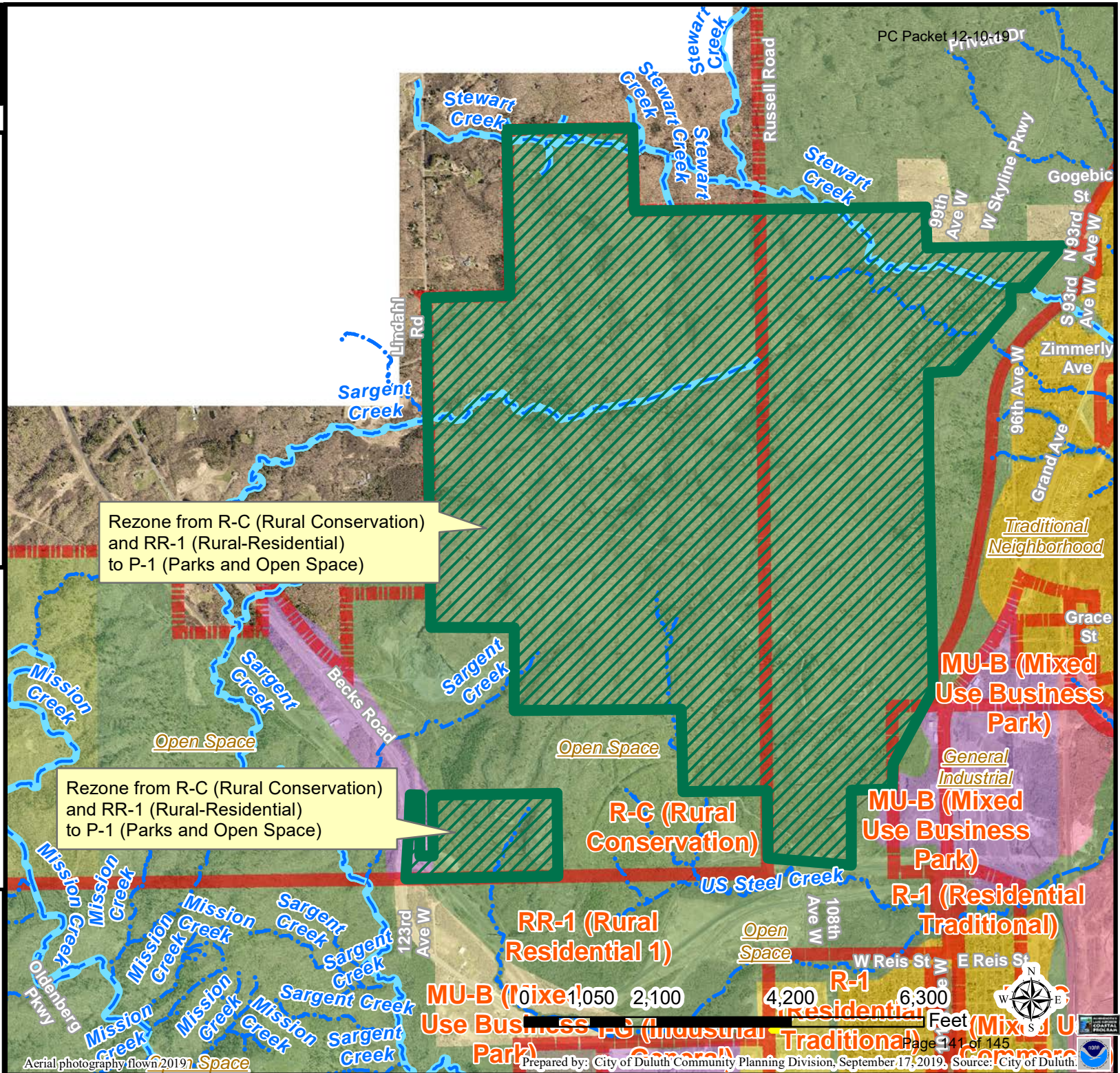






### Legend

- Zoning Boundaries
- 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



Rezone from R-C (Rural Conservation) and RR-1 (Rural-Residential) to P-1 (Parks and Open Space)

Rezone from R-C (Rural Conservation) and RR-1 (Rural-Residential) to P-1 (Parks and Open Space)

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## Uses Allowed in Park & Open Space (P-1) Zone District Revised January 2019

### Permitted Uses

- Park, playground, or forest reserve
- Golf course

### Special Uses

- Cemetery or mausoleum
- Club or lodge (private)
- Government building or public safety facility
- Museum, library, or art gallery
- Riding stable
- Seasonal camp or cabin
- Marina or yacht club
- Recreational vehicle park
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs

## Uses Allowed in Rural-Conservation (R-C) Zone District Revised January 2019

### Permitted Uses

- Dwelling, one-family
- Park, playground, or forest reserve
- Agriculture, community garden
- Agriculture, general
- Seasonal camp or cabin
- Day care facility, small (14 or fewer)

### Special or Interim Uses

- Cemetery or mausoleum
- Kennel
- Riding stable
- Veterinarian or animal hospital
- Recreational Vehicle Park
- Airport and related facilities
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs



## Uses Allowed in Residential-Rural 1 (RR-1) Zone District Revised January 2019

### Permitted Uses

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>- Dwelling, one family</li> <li>- Residential care facility/assisted living (6 or fewer)</li> <li>- Government building or public safety facility</li> <li>- Park, playground, or forest reserve</li> <li>- Religious assembly, small (less than 50,000 sq. ft.)</li> </ul> | <ul style="list-style-type: none"> <li>- School, elementary</li> <li>- Agriculture, community garden</li> <li>- Agriculture, general</li> <li>- Agriculture, urban</li> <li>- Seasonal camp or cabin</li> <li>- Day care facility, small (14 or fewer)</li> </ul> |
|--|---|

### Special Uses

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>- Cemetery or mausoleum</li> <li>- Religious assembly, large (50,000 sq. ft. or more)</li> <li>- School, middle or high</li> <li>- Kennel</li> <li>- Riding Stable</li> <li>- Veterinarian or animal hospital</li> <li>- Golf course</li> <li>- Recreational Vehicle Park</li> <li>- Other outdoor entertainment or recreation use not listed</li> <li>- Preschool</li> <li>- Day care facility, large (15 or more)</li> <li>- Mini-Storage or Self-Service Storage Facility</li> </ul> | <ul style="list-style-type: none"> <li>- Garden material sales</li> <li>- Mining, extraction and storage</li> <li>- Electric power transmission line or substation</li> <li>- Major utility or wireless telecommunication facility</li> <li>- Radio or television broadcasting tower</li> <li>- Solar, geothermal, or biomass power facility (primary use)</li> <li>- Water or sewer pumping stations/reservoirs</li> <li>- Wind power facility (primary use)</li> <li>- Solid waste disposal or processing facility</li> </ul> |
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### Interim Uses

- Vacation dwelling unit