



City of Duluth

Meeting Agenda

Planning Commission.

Tuesday, January 14, 2020

5:00 PM

Council Chamber, Third Floor, City Hall, 411
West First Street

1. Call to Order and Roll Call
2. Public Comment

Approval of Minutes

3. December 10, 2019 Minutes
4. August 27, 2019 Minutes (Brown Bag)

Consent Agenda

5. PL 19-058 Duluth Natural Areas Program (DNAP) Nomination for Hartley (Presented at the December 10, 2019, Planning Commission Meeting)
6. 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 (Second Public Hearing to Allow Additional Public Comment)
7. PL 19-173 Interim Use Permit for Renewal of a Vacation Dwelling Unit at 1520 Minnesota Avenue by William Michels
8. PL 19-176 Interim Use Permit for a New Vacation Dwelling Unit at 20 N. 12th Avenue East (1 of 4) by North Shore Land Company, LLC (F-4 District)
9. PL 19-177 Interim Use Permit for a New Vacation Dwelling Unit at 20 N. 12th Avenue East (2 of 4) by North Shore Land Company, LLC (F-4 District)
10. PL 19-178 Interim Use Permit for a New Vacation Dwelling Unit at 20 N. 12th Avenue East (3 of 4) by North Shore Land Company, LLC (F-4 District)
11. PL 19-179 Interim Use Permit for a New Vacation Dwelling Unit at 20 N. 12th Avenue East (4 of 4) by North Shore Land Company, LLC (F-4 District)
12. PL 19-180 Minor Subdivision at 5808 London Road by Dean Jablonsky
13. PL 19-182 Special Use Permit for a Daycare at 26 E. Superior Street by Shelly Vanneste

14. PL 19-183 Concurrent Use of Streets Permit at 1832 W. Superior Street by 1 LLC

Public Hearings

15. PL 19-160 Preliminary Plat for Hartley Hills Fourth Addition by Sanford Hoff (Tabled from the December 10, 2019, Planning Commission Meeting)
16. PL 19-184 Mixed Use Commercial (MU-C) Planning Review for a Car Wash at 315 and 321 East Central Entrance by PWS Holdings 19, LLC
17. PL 19-148 Rezone from Residential Traditional (R-1) to Mixed Use Neighborhood (MU-N), Intersection of Oxford Street and Woodland Avenue
18. PL 19-185 Rezone from Residential-Traditional (R-1) and Mixed Use Neighborhood (MU-N) to Rural Residential (RR-1), 8600 to 9200 Block of West Skyline Parkway (Thompson Hill)
19. PL 19-186 Rezone In Accordance with the Irving and Fairmount Brownfields Revitalization Plans, Portions of Irving and Fairmount Neighborhood to R-1, R-2, MU-N, and MU-B

Other Business

20. Discussion on Potential Amendments to the UDC Related to Short Term Vacation Rentals
21. Options for Annual Planning Commission Meeting

Communications

22. PL 19-114 Future Land Use Change for Areas Near Highland Street between 59th to 62nd Avenue West
23. Manager's Report
24. Reports of Officers and Committees
- Heritage Preservation Commission*
- Joint Airport Zoning Board*
- Duluth-Midway Joint Powers Zoning Board*
25. Adjournment

City of Duluth
 Planning Commission
 December 10, 2019 Meeting Minutes
 Council Chambers - Duluth City Hall

Call to Order

President Janet Kennedy called to order the meeting of the city planning commission at 5:03 p.m. on Tuesday, December 10, 2019, in the council chambers in Duluth city hall.

Roll Call

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

Absent: N/A

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

Presentation

Hartley Natural Area Management Plan – Diane DeSotelle, the Natural Resource Director for the city of Duluth addressed the commission. The Duluth city council nominated the Hartley Natural Area on September 24, 2019, after receiving a positive recommendation from the planning commission on September 11, 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. The outline of the plan has five areas. Desotelle presented an overview of the program. A vote on whether to approve the nomination of Hartley Natural Area will be on the planning commission’s January agenda. Zandy Zwiebel pointed out the northern half of the map and asks about the northeast corner. The DNAP includes the school lands that were purchased. The area Zwiebel asked about was slated for development and not included in the DNAP.

Approval of Planning Commission Minutes

November 12, 2019

MOTION/Second: Zwiebel/Wisdorf approved the minutes

VOTE: (9-0)

Consent Agenda

(Items 1 and 4 were asked to be removed from the consent agenda by Commissioner Gary Eckenberg)

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
Staff: N/A
Applicant: N/A
Public: No speakers.
Commissioners: N/A
MOTION/Second: Nelson/Zwiebel recommended approval of the consent agenda items as per staff’s recommendations.

VOTE: (9-0)

Public HearingsSchraepfer (recused himself for the next two items)

1. **PL 19-158** Interim Use Permit for a Vacation Dwelling Unit at 1329 Minnesota Avenue by Kate Horvath and Joe Wicklund

Staff: Chris Lee gave an overview. Staff recommends approval with the conditions listed in the staff report. Gary Eckenberg asks staff if this is a new owner of the property. Lee affirms, the permit stayed with the property and the new owner is applying. Deputy Director Adam Fulton noted it is anticipated that a code amendment will be forthcoming soon. Eckenberg noted two items of concern from neighbors which included loud noise. He doesn't understand why neighbor's concerns weren't included but they might wait until it comes up again. Zwiebel asked about the driveway off Minnesota Avenue. Is it shared? Per Lee it belongs to the neighboring property. Zwiebel asked how the back lot is being used. Lee stated there is a back entrance. Andrea Wedul noted complaint stated 4-6 cars. Is there a limit? Lee stated the applicant is providing the required parking spaces, and the rest can park on the street.

Applicant: Kate Horvath, 1617 Minnesota Avenue, addressed the commission. The back parking spaces are accessed in the back. Eckenberg asked if the applicant knew about the concerns. Horvath did not, and she knows the neighbors quite well. Eckenberg asks about parking. Horvath said there is plenty of space there. Horvath hopes to stake out the places where the renters can park.

Public: No speakers.

Commissioners: N/A

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

VOTE: (8-0, Schraepfer abstained)

4. **PL 19-166** Interim Use Permit for a Vacation Dwelling Unit at 5802 London Road by Dean and Carin Jablonsky

Staff: John Kelley stated the new owner is applying. There was an error in the staff report. It should be listed as a two-bedroom vacation rental with a maximum of five guests. Eckenberg affirms this address is not going back to the pool or lottery, and transferred with the house. Kelley affirms.

Applicant: Out of the country.

Public: No speakers

Commissioners: N/A

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

VOTE: (8-0, Schraepfer abstained)

5. **PL 19-160** Preliminary Plat for Hartley Hills Fourth Addition by Sanford Hoff

Staff: John Kelley introduces the applicant's proposal for the 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 for more information including: 1) a tree inventory compliant with UDC standards, 2) any necessary utility easements be shown on the plat; 3) applicant should provide sidewalks along both sides of the streets; 4) Provide 10 foot wide pedestrian easement along the southern lot line of Outlot A. Zwiebel asks about the easement. She wants to make sure it's labeled and pedestrian access should remain. Zwiebel doesn't think the access needs to be improved, just labeled. Kelley defers to

the applicant. Eckenberg asks why is staff recommending tabling. Tim Meyer thinks maybe they should hold the public hearing after they have more information. Wedul asked if Kolstad Avenue has been vacated. Per Kelley, no it has not, it is a right of way. Wedul asked about stormwater, and needs clarification. Kelley noted city engineering is asking for more detailed drawings, but is comfortable at this time. Wedul would like to see more details as well. She asked about the cul de sac. Is the size in compliance with engineering right of ways? Meyer asked if they can approve a plat prior to the vacation of right of way. Deputy Director Fulton stated that a right of way can be vacated at the time of final plat. The preliminary plat is okay. Deputy Director Fulton stated the neighbors have been notified for a public hearing. The Commissioners have the option to continue the public hearing to the next meeting, if the planning commission decides to table the item.

Applicant: Sandy Hoff addressed the commission. Zwiebel noted several inquiries on why there is no access on Kolstad. Hoff stated it is challenging to develop in Duluth. The current plan is the best scenario they came up with. He noted the balanced lot sizes, and it is financially feasible. Luke Sydow, of SAS Architects addressed the commission. Stormwater in the right of way was requested by Tom Johnson of city engineering for ease of upkeep, and is adequate. More details and designs will be forthcoming. Size of cul de sac has been reviewed by engineering, and has been approved. Kolstad Avenue is not being vacated. Westerly line of Kolstad will be used for utility and pedestrian easements. Trees in right of way will be removed. A tree inventory will be based on each individual lot.

Public: Sarah Mikesell, 412 Hastings Drive, addressed the commission. She is in support, but has concerns. She is proud of future planning for Duluth, which includes housing and recreation. She noted the access road for the development via Hastings Drive. She thinks they should extend Kolstad Avenue. She gives an overview of how to access the new development. There are awkward angles with limited sight lines and a couple of the access points. She is concerned about the width of the street Marshall, Ewing are 28 feet, Northfield and Kolstad are 40 feet wide. Extending Kolstad would allow for safer passage. Eckenberg asked speaker, why not make a left turn on Anoka? Mikesell said there is more traffic, and it's more out of the way. Judy Gordon, plans to build at 3201 Ewing, addressed the commission. She thinks there should be two-way in and out, and doesn't agree with the circuitous route. She requested if the item is tabled, correct plat be distributed. She approves of the development, but not at its current state. Rhett Bonner, 330 Hastings Drive, addressed the commission. There is nothing developed south of the line of Hastings. He doesn't agree with the plat as proposed. He supports entry via Northfield and Kolstad. He disagrees with the plat and is opposed. Patrick Flattery, 324 Hastings Drive, addressed the commission. He is opposed. 10 acres directly adjacent to 10 more acres to extend Hartley Park. He feels the proposed project will hurt the park. The routing is circuitous and not safe for the neighborhood. There are no sidewalks. The streets are used as sidewalks. If the project is built he thinks Kolstad and Northfield would be better options for entry. Faris Keeling, 405 Hastings Drive addressed the commission. He is an emergency physician. He is in favor of the development, but is concerned about the access as it pertains to emergency situations. The circuitous route has terrible sight lines and it's hard to imagine emergency ingress and egress. Carol Thompson, 3230 Ewing Avenue, addressed the commission. She is neither for or against the development. They have lowlands in their back yard and is concerned about flooding. Having the Kolstad access is almost mandatory. She also noted the plowing situation. She is a 15-year resident, and it takes much longer for the plows to get to them. Alayne Degonia, 226 W. Anoka Street, addressed the commission.

Hartley is a jewel. She doesn't think the map they received from staff was very current. She thinks West Anoka is almost a highway at times. Regarding traffic patterns, she thinks there should be 2 ways in and 2 ways out. West Anoka was assessed for being repaved. Her and her neighbors are paying for their street for other peoples' access. Per Deputy Director Fulton, the public hearing will remain open if the item is tabled.

Commissioners: N/A

MOTION/Second: Nelson/Wedul tabled as per staff's recommendations.

VOTE: (9-0)

6. **PL 19-163** Special Use Permit for Parking Lot at 725 E 3rd Street by Human Development Center

Staff: Chris Lee introduced the applicant's proposal for a special use permit to construct a parking lot as a primary use located at 721 E. 3rd 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 an MU-N zone district. Staff recommended approval with the conditions listed in the staff report. Eckenberg asked about the HDC location at 810 E. 4th Street. Is the parking lot is for that facility? Lee affirms. Eckenberg asks about access. Will it be on the alley? Deputy Director Fulton notes it's in an area of high pedestrian connectivity. In this case it's a primary parking lot. Eckenberg doesn't see access to sidewalks and notes pedestrians walking in alley. The nearest sidewalk would be 8th avenue east.

Applicant: Human Development Center, Tom Demarais, Nothland Constructors and Gary Vogt of HDC addressed the commission. They invite questions. Eckenberg adding 40 new employees. Will this be used for employees. Gary said yes, during working hours. He is trying to be a good neighbor in regards to neighborhood parking. There is some interest in after hour neighbor parking and they are not opposed.

Public: Tamara Welzant, 727 E. 3rd St. addressed the commission. She is concerned the drain sewer will tear up her yard. Dirt will knock out her solid retaining walls. Will water run-off go underground? She isn't opposed, but has questions. Her land is lower in elevation and is concerned how it will effect her property. Dawn Olson (friend of Tamara) addressed the commission. They are concerned with traffic, and lighting.

Commissioners: Zwiebel called the applicant back to address the previous public speakers' questions. Demarais stated all of their concerns have been addressed. Stormwater run-off will be contained by curb and gutter and will be contained in an underground holding pond. There is not a city stormwater sewer nearby. They will be extending 80' for a direct connection to the city stormwater system. It will be a better situation than it stands today. There is no overhead lighting proposed. Zwiebel asked if traffic will increase. Demarais noted this is a 50-stall parking lot for staff during working hours. It will involve typical staff use. Retaining wall on East 3rd Street will be removed to accommodate the storm sewer. Straight slope grade will be added to the HDC property. Eckenberg is concerned about no lighting. Alley access on an unlit parking lot especially in the winter months may be construed as a safety issue. Wedul asks about the islands on the alley access. For snow removal will the removal of the islands help? Demarais noted the islands helps with the delineation of the parking lot. They want to break up the parking lot to allow for screening and shading.

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

VOTE: (9-0)

7. **PL 19-165** Special Use Permit for Junk and Salvage Services on Rice's Point by Bernard McCarthy (near 1100 Garfield Avenue)
Staff: Chris Lee introduced the applicant's proposal to use the lots as a junk and salvage service operation 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 recommended approval with the conditions listed in the staff report.
Applicant: Bernard McCarthy of Twin Ports Trailer Trash addressed the commission. Wedul asked what the applicant is storing on site. Would it include hazardous materials? McCarthy states no hazardous materials are allowed. Materials are either resued, or disposed of. Eckenbeg appreciates what the applicant does, and is eager to make a motion to approve. Meyer has a beautiful clean garage thanks to Bernard. He is in support. Chair Kennedy asks about hazardous waste. McCarthy noted they aren't licensed to carry hazardous waste in their vehicles.
Public: No speakers.
Commissioners: N/A
MOTION/Second: Eckenberg/Wisdorf approved as per staff's recommendations.

VOTE: (9-0)

8. ~~**PL 19-114** Future Land Use Change for Areas Near Highland Street between 59th to 62nd Avenue West~~
 Recommended Motion: Table
 (Staff asked to remove from agenda due to lack of public meetings due to weather.)
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 Area
Staff: Steven Robertson introduced the city's proposal to rezone the above items/areas. The rezonings are consistent with the Comprehensive Plan Future Land Use Map from Imagine Duluth 2035. The proposed zone districts are the most reasonably able to implement the objectives of the Comp plan related to the proposed use for these areas. Material adverse impacts on nearby properties are not anticipated. Staff recommended approval.
Applicant: N/A
Public: Robert Hollenhorst, 1122 Valley Drive, addressed the commission. He feels this is area is a hidden gem for the city. He is not in support of changing the rezoning to R-

2. He feels the trails are best used for walking and mountain bikers. He would hate to see it be developed. He would like to keep it as an R-1 zoning district.

Eric Zimmerman, 1419 South Ridge Road, addressed the commission. He is opposed to the rezoning. He feels R-1 is more congruous to the neighborhood. Multi-dwelling units would not be a good fit. Land directly adjoining a country club is scarce. Problems with multiples include increased traffic. Glenwood already backs up every morning.

Hugh Renier, 1311 South Ridge Road, addressed the commission. He isn't opposed or for, but has concerns. What impact will this have on the environment? This is an important resource and is in the fly-way of birds of prey. He takes pride in Duluth making informed decisions. He asks that an EIS be done.

Julie Bachhuber, 1034 Valley Drive, lives on the southwest edge of the proposed rezoning. She is opposed to rezoning it to R-2. They have owls, deer and wildlife and thinks it is a huge asset. She is concerned about the stormwater run-off a new development. She also would like to see an EIS performed.

Commissioners: Zwiebel asked if there are any height regulations. Robertson stated 45 feet for R-2, but noted that the skyline overlay doesn't address height.

Wedul noted the topography. She is concerned about what might be allowed. Robertson townhouses and apartments are allowed uses in an R-2. This matches the comprehensive plan. It values having more density in easy transportation areas. Wedul would like to see what the impacts are before changes are made. Margie Nelson doesn't think anything more than a townhouse should be allowed.

Zwiebel noted the allowed special use permits including restaurants and filling stations. Zwiebel asked Deputy Director Fulton about special uses in an R-2. He noted commissioners have the ability to add conditions. This site is well-situated for development. Any SUP would require a neighborhood meeting. Height is a consideration, and they want to be cautious. Traffic in the area is a focal point. City and county infrastructure exist. There are many items to consider for special use permits. Robertson stated as there is no proposal for this site, no EIS should be required. Deputy Director Fulton stated they want to adopt the comp plan to bring sites into conformity. If this site isn't appropriate, the planning commission could consider revisiting the comp plan.

Eckenberg doesn't feel it's the planning commission's role to upend the comp plan. Wedul countered Eckenberg's view and encouraged vision outside and to think through items. Wedul is not in support. Mike Schraepfer asks staff where the closest R-2 is, and what's on it. Nelson noted they need to be very intentional about aligning with the Imagine Duluth 2035 comp plan. Jason Crawford grew up in the area. Comp plan states to change it, but to put something more than R-1 doesn't make sense to him. He is not in support. Meyer agrees with Wedul and Crawford. He thinks it would be disruptive to the neighborhood. Zwiebel is in support.

Chair Kennedy noted involvement in the process of Imagine Duluth 2035. Many neighborhoods started out as single-family homes. Sustaining neighborhoods includes having multiples. She feels they are investing in their community more than they are

invading the neighborhood. Neighborhoods as a whole look and live in a variety of ways. She feels it deals with fairness. Shraepfer asked Chair Kennedy to clarify. She noted the density in East Duluth, and the not in my back yard attitude. She has heard that poor people, or working people maybe not be welcomed in this neighborhood. Wedul does not agree.

Chair Kennedy noted fairness and health as new governing principles in the comprehensive plan. They have an opportunity to continue down a path for discovering growth for housing. She agrees with Eckenberg not to overturn the comp plan's guidelines. Zwiebel noted the importance of green space, but the city does need to develop some areas, especially where utilities are available. They need to give up some, in order to preserve a larger portion. Eckenberg noted the governing principles and mixture of densities.

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

VOTE: (6-3, Crawford, Wedul and Meyer Opposed)

19-167 no speakers

MOTION/Second: Wisdorf/Nelson recommended approval as per staff's recommendations.

VOTE: (9-0)

19-168 no speakers

MOTION/Second: Zwiebel/Wisdorf recommended approval as per staff's recommendations.

VOTE: (9-0)

19-169 no speakers – 1 recommendation letter

MOTION/Second: Wisdorf/Zwiebel recommended approval as per staff's recommendations.

VOTE: (9-0)

19-170 no speakers –

MOTION/Second: Zwiebel/Wedul recommended approval as per staff's recommendations.

VOTE: (9-0)

19-171 no speakers –

MOTION/Second: Nelson/Wedul recommended approval as per staff's recommendations.

VOTE: (9-0)

Other Business

Chair Kennedy noted there is an added item regarding officers. Deputy Director Fulton noted there will be an upcoming vacancy due to Chair Kennedy becoming a member of the city council. Congratulations are extended to her.

Typically officers are elected at the annual meeting. When there is a vacancy, the practice is nomination (to nominate themselves or nominate others) and then the nomination is voted on by a secret ballot. Deputy Director Fulton noted the by-laws, and they will follow them by proceeding with the process. He recommends a special meeting in advance of the next planning commission meeting. He suggests holding an election at 4:45 to allow for commissioners to allow for a secret ballot. Chair Kennedy would like the planning commissioners to consider Tim

Meyer for vice president. Chair Kennedy stated it was a pleasure to serve with the other commissioners on the planning commission.

Communications

Manager's Report – Deputy Director Fulton gave an overview. Director Chris Fleege started Monday. On 12/19 there will be a Midway Township Board public meeting. Deputy Director Fulton and Roberston will attend to discuss the city's rezonings close to Midway. Appeal for hotel project/19-128 pc commission denied, city council reversed the decision. Council approved the south street rezoning. There are technical tweeks to the zoning code needed. Clean-up amendments will be brought forward to address. Deputy Director Fulton noted the substantial amount of pre-application meetings. The city will continued to keep the rezonings at a measured pace. In January - March there will be a substantial number of items brought before the planning commission.

Reports of Officers and Committees

- Heritage Preservation Commission Representative – Wisdorf gave an overview.
- Joint Airport Zoning Board (JAZB) – Nelson gave an overview.
- Midway – upcoming meeting on 12/19

Adjournment

Meeting adjourned at 8:33 p.m.

Respectfully,

Adam Fulton – Deputy Director
Planning and Economic Development



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

Brownbag Work Session of the Planning Commission
 Tuesday, August 27, 2019 - 12:00 p.m. – 1:00 p.m.
 Conference Room 155

1. Call to Order and Roll Call
 Present: Sarah Wisdorf, Janet Kennedy, Gary Eckenberg and Margie Nelson, Andrea Wedul (arrived late)
2. Discussion
 - A- UDC Text Amendments (Tiny House, Shipping Containers/Temporary Structures, Craft Brewing, Tree Preservation)
 - B- Items of Note for September PC meeting

Steven Robertson noted there is no quorum, which is okay because this is for discussion only.

Robertson reviewed cottage housing standards.

Commission discussed density of these developments, and how many could fit on a single lot. They discussed the appropriate maximum size for cottage houses. Sarah Wisdorf asked about utility connections.

Janet Kennedy asked how these relate to affordable housing.

Robertson will clarify density requirements, and utilities being provided.

Gary Eckenberg said that these should not be campgrounds. Robertson will clarify.

Commissioners discussed utility connections.

Robertson raises issue of off-street parking for ADVs. Commission discusses the issue.

Commissioners suggest we leave the ADV requirement for parking as-is.

Robertson presented the issue of design standards for tiny houses and ADVs.

Eckenberg would like similarity of these structures with principle dwelling, but is opposed to the idea in general. Refers to GND Habitat project that is unbalanced.

Wisdorf would not like front door regulation – too proscriptive.

Focus on aesthetics versus function.

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Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802



218-730-5580



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Date: January 6, 2020
To: Planning Commission
From: Steven Robertson, Senior Planner
RE: Duluth Natural Areas Program for Hartley Natural Area

The 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.

At the December 10, 2019, Planning Commission meeting, Diane Desotelle, Duluth Natural Resources Coordinator, presented an overview of the nomination process and management plan for Hartley. The request is that the Planning Commission make a recommendation to approve the nomination of the Hartley Natural Area to the Duluth Natural Area Program. This item will be on the January 14, 2020, Planning Commission meeting as a consent agenda item.



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



MANAGEMENT PLAN FOR THE

Hartley Natural Area

OF THE DULUTH NATURAL AREAS PROGRAM

DATE: 11/25/19

Nominated by: City of Duluth Parks & Recreation Division



Introduction

This management plan for the Hartley Natural Area was developed following the requirements of the Duluth Natural Area Program (DNAP) ordinance. The purpose of this plan is to provide guidance for maintaining and improving the ecological function of the natural features for which the Hartley Natural Area was nominated to the program (see nomination report in Appendix A), including significant native plant communities, natural water feature area, and geological landform area.

The 2014 Hartley Park Master Plan, 2017 Duluth Traverse Mini Master Plan, and the 2015 Duluth Cross Country Ski Trail Master Plan, as well as agreements with the Hartley Nature Center (HNC) and others are additional guiding documents related to the infrastructure and uses within the Hartley Natural Area that this plan is intended to inform and does not supersede.

The City of Duluth will implement this plan with the assistance of its partners with interests within the natural area. In particular, HNC, located immediately adjacent to the natural area, is the primary partner in stewardship. Other partners involved in stewardship, management, and maintenance of features within the natural area include Stewardship Network Duluth Cooperative Invasive Species Management Area (CISMA), Cyclists of Gitchee Gumees Shores (COGGS), Duluth Cross Country Ski Club (DXC), and the Superior Hiking Trail Association (SHTA).

This plan presents an inventory of natural resources and human uses within the natural area, describes threats to the ecological function of these features, describes strategies for preserving the natural features, and presents an implementation plan with prioritized actions, timelines, and costs.

Natural Area Conditions

This section provides an inventory of natural resources in each of the three scientific categories for which the Hartley Natural Area was nominated to the DNAP, describes human use of the natural area, and discusses the current status of land ownership for future preservation.

While the boundaries of the Hartley Natural Area predominantly overlap with the boundaries of Hartley Park, there are some distinct differences (Figure 1). In particular, the natural area boundary does not include HNC and the adjoining large parking lot or the ballfields at Como Park (Glen Avon). Though the boundaries are slightly different, existing plans developed for Hartley Park, such as those listed in the Introduction, apply to those areas of the park located within the natural area.

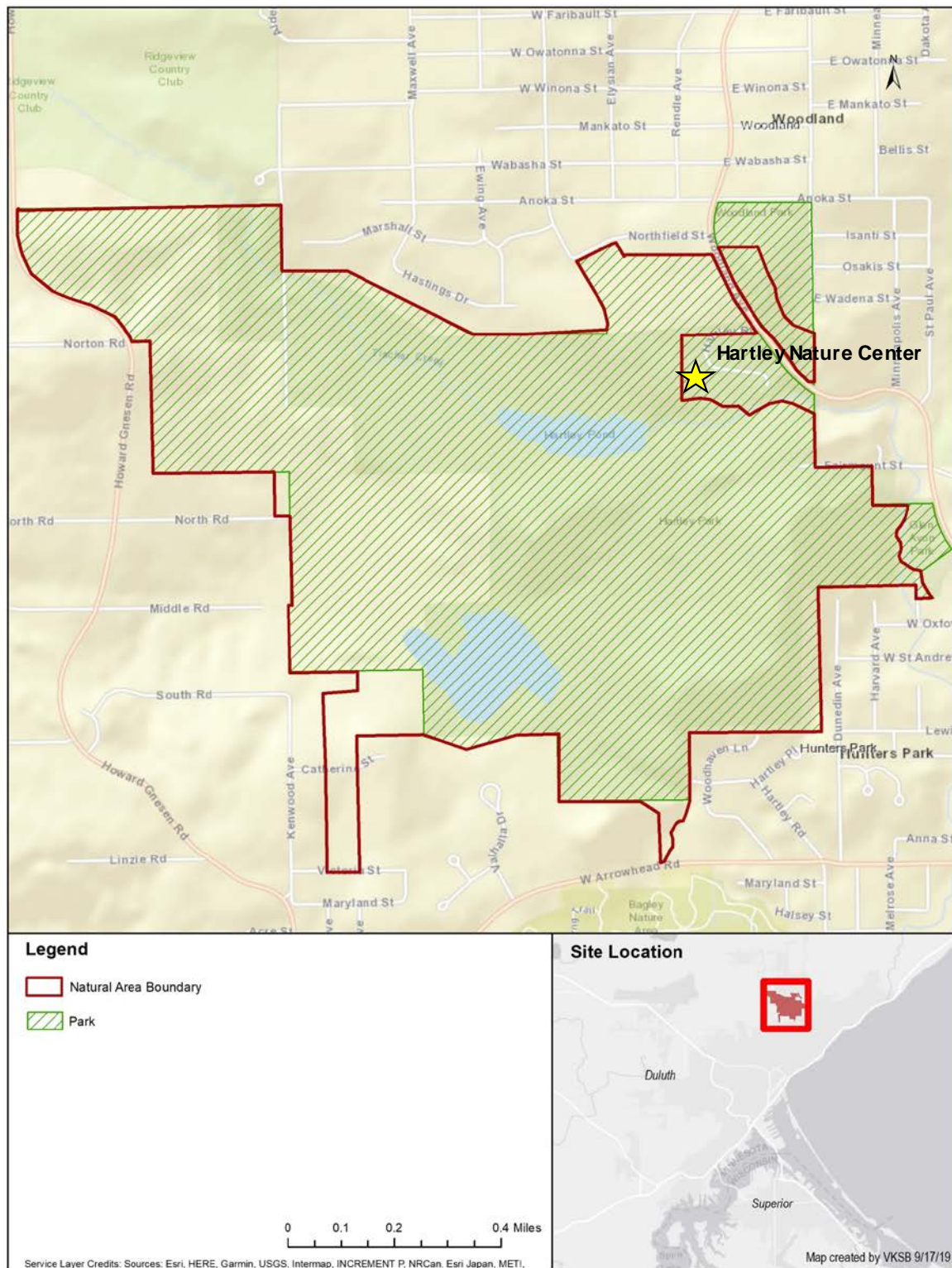


Figure 1: Hartley Natural Area in Comparison to Hartley Park



Planning & Development Division
 Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

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

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



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

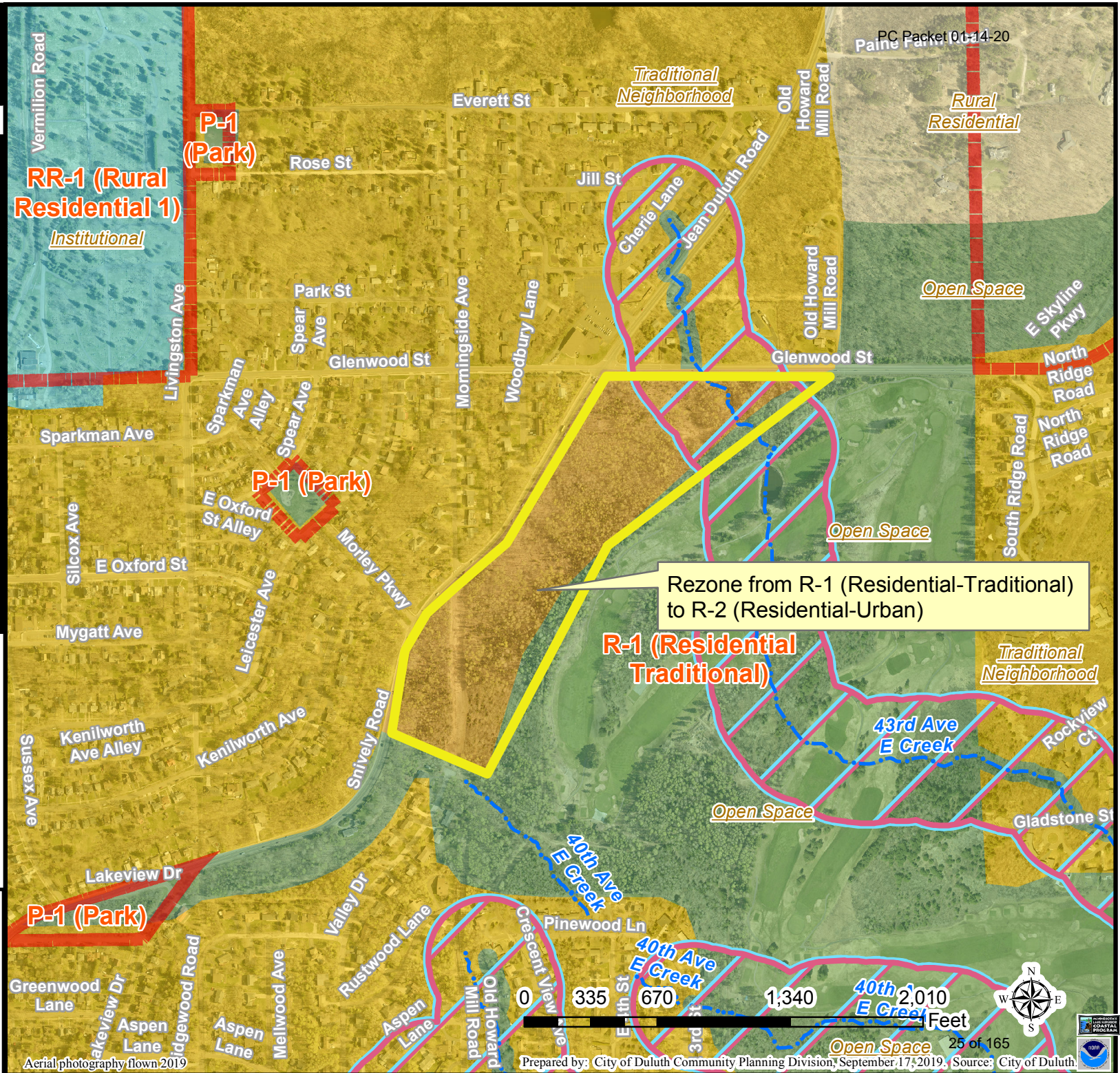
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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

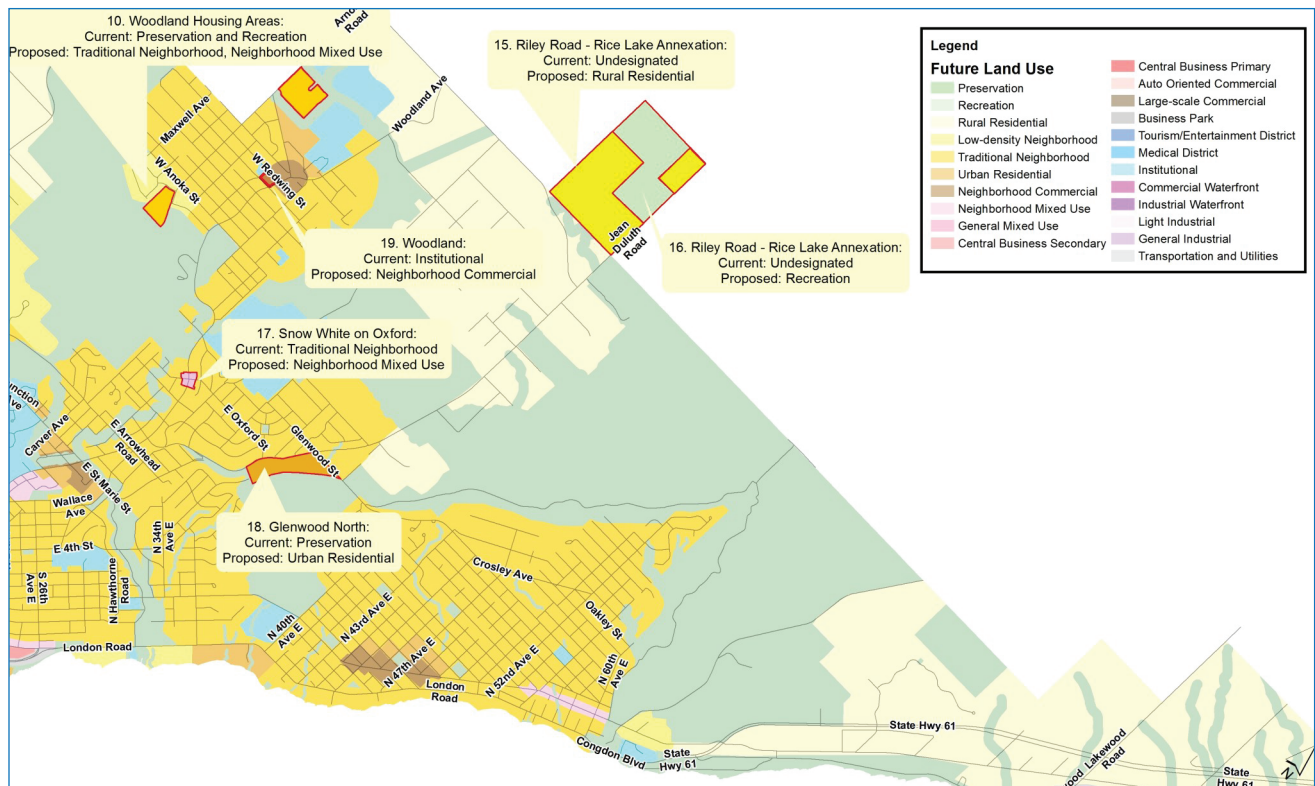
This area had been designated Auto-Oriented Commercial. It is changed to Central Business Secondary to continue to accommodate commercial activities which are complementary to surrounding uses in both Duluth and Hermantown.

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).

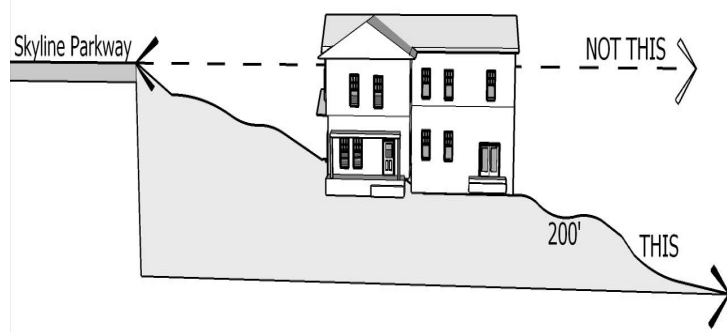
A. Purpose.

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

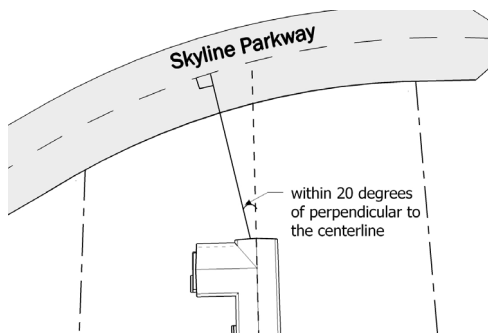
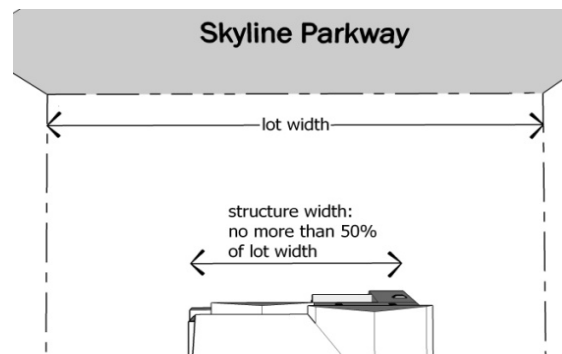


Exhibit 50-18.4-7:
Measurement of 50% of Lot Width



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

Special or Interim Uses

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

Interim Uses

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

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

Permitted Uses

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

Special Uses

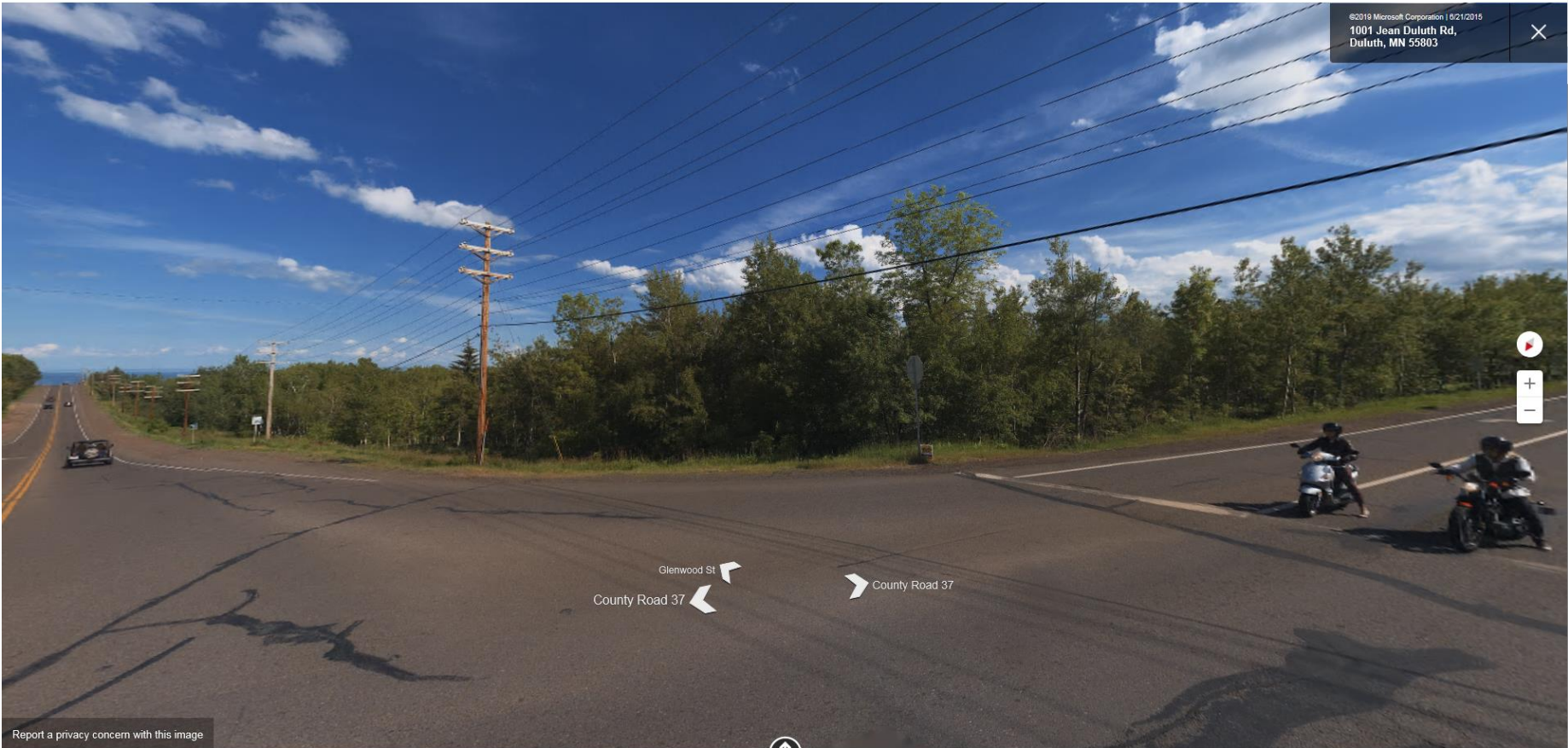
- | | |
|---|--|
| <ul style="list-style-type: none"> - Manufactured Housing Park - Co-housing facility - Rooming house - Cemetery or mausoleum - Club or lodge (private) - Museum, library, or art gallery - Religious assembly, large (50,000 sq. ft. or more) - School, middle or high - Agriculture, farmers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

Interim Uses

- Vacation Dwelling Unit

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

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1001 Jean Duluth Rd,
Duluth, MN 55803



Glenwood St
County Road 37
County Road 37







Planning & Development Division
Planning & Economic Development Department

Room 160
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 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 19-173	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit Renewal – Vacation Dwelling Unit	Planning Commission Date		January 14, 2020
Deadline for Action	Application Date	November 20, 2019	60 Days	January 19, 2020
	Date Extension Letter Mailed	December 14, 2019	120 Days	March 19, 2020
Location of Subject	1520 Minnesota Avenue			
Applicant	William Michels	Contact	wamichels@gmail.com	
Agent	Lynn Taipale	Contact		
Legal Description	PID # 010-4390-00390			
Site Visit Date	December 31, 2019	Sign Notice Date	January 1, 2020	
Neighbor Letter Date	January 4, 2020	Number of Letters Sent	28	

Proposal

Applicant is proposing a renewal of an existing interim use permit for a vacation rental. The permit is good for a 5 bedroom home with 11 occupants. The previous permit is PL 13-075 with no proposed changes to this renewal.

Staff is recommending Planning Commission recommend approval.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Single Family Dwelling	Central Business Secondary
North	R-1	Single Family Dwelling	Central Business Secondary
South	R-1	Single Family Dwelling	Institutional
East	R-1	Lake	Central Business Secondary
West	R-1	Single Family Dwelling	Central Business Secondary

Summary of Code Requirements:

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


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

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



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

Governing Principle #5 - Strengthen neighborhoods

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

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

Future Land Use – 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.

Current History: The property currently has two structures - both built in 1905. The primary home is 1,019 square feet and the cottage is 528 square feet. Each structure has 3 bedrooms. There is an existing interim use permit for a vacation rental issued in 2013.

Review and Discussion Items:

- 1) Applicant's property is located at 1520 Minnesota Avenue. The proposed vacation dwelling unit contains 5 bedrooms spread among 2 structures (a 2-story home and 1-story cottage), which would allow for a maximum of 11 guests.
- 2) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed Lynn Taipale to serve as the managing agent.
- 3) The site has room for the required vehicle parking with 3 parking stalls. Campers and trailers will have parking that is off the street.
- 4) The site does have a deck and fireplace as amenities. These are screened from the neighboring properties via tall shrubs on the northwest property line.
- 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.



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

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

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


Staff Recommendation:

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





- 1) The Interim Use Permit shall not be effective until the applicant has received all required licenses and permits for operation.
- 2) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.





Legend

- Gas Main
- Water Main
-  Hydrant

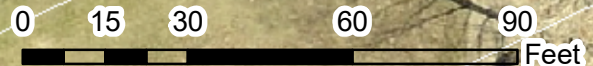
Sanitary Sewer Mains

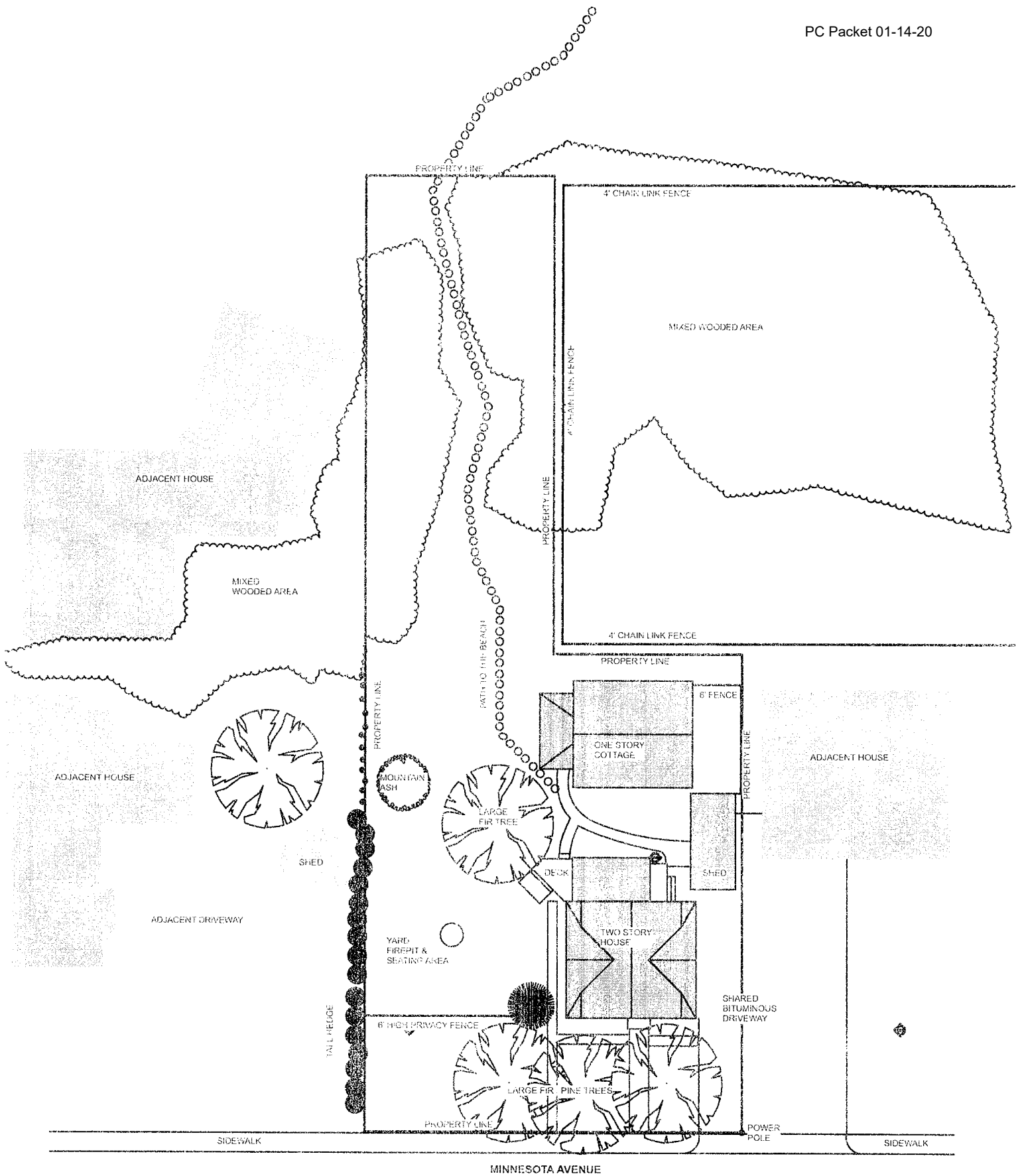
-  CITY OF DULUTH
-  WLSSD; PRIVATE
- Sanitary Sewer Forced Main
-  Storage Basin
-  Pump Station

Storm Sewer Mains

- Storm Sewer Pipe
-  Storm Sewer Catch Basin
-  Zoning Boundaries

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Site Plan





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File Number	PL 19-176	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit– Vacation Dwelling Unit	Planning Commission Date		January 14, 2020
Deadline for Action	Application Date	December 4, 2019	60 Days	February 2, 2020
	Date Extension Letter Mailed	December 14, 2019	120 Days	April, 2, 2020
Location of Subject	20 North 12 th Avenue East			
Applicant	North Shore Land Company, LLC	Contact	Rollie Schraepfer	
Agent	Heirloom Property Management	Contact	Mike Schraepfer	
Legal Description	PID # 010-0190-01120			
Site Visit Date	December 31, 2019	Sign Notice Date	January 1, 2020	
Neighbor Letter Date	January 4, 2020	Number of Letters Sent	21	

Proposal

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

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

Staff is recommending Planning Commission recommend approval.

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

Summary of Code Requirements:

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


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

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



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

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

Governing Principle #5 - Strengthen neighborhoods

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

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

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

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

Review and Discussion Items:

1) Applicant's property is located at 20 North 12th Avenue East. The proposed vacation dwelling unit contains 1 bedroom, which would allow for a maximum of 3 guests. The property currently consists of 6 bedrooms on the 2nd and 3rd floors with a real estate office on the main floor. The applicant is proposing the convert the main floor and 2nd floor into 2 1-bedroom units for each floor. A long rental will remain on the 3rd floor.

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 1st Street to serve as the managing agent.


3) The site has room for the required vehicle parking with 9 total parking stalls. There will not be any campers or trailers parked on the property.

4) The site does not have any outdoor amenities.



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

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

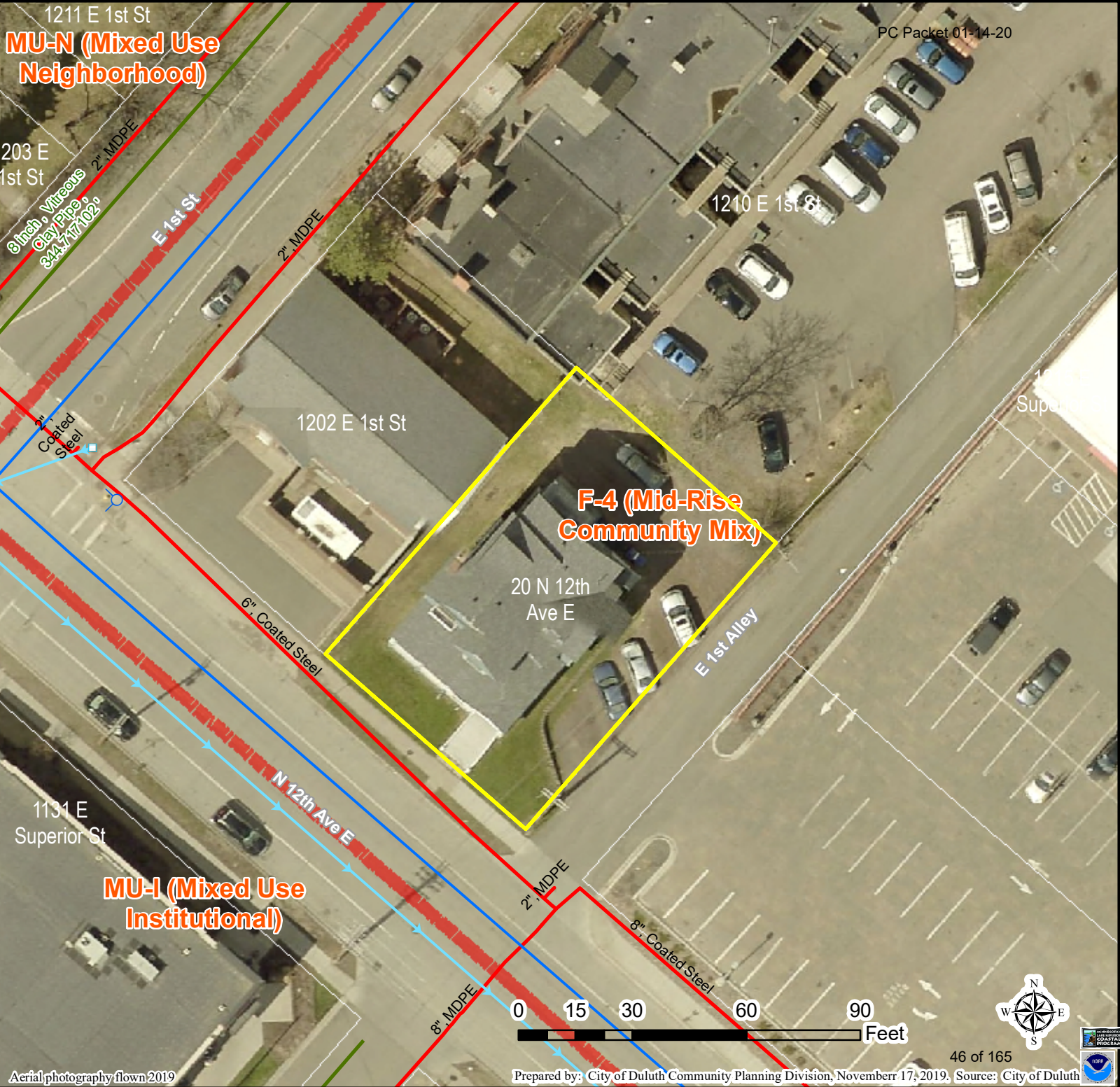
7) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").

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

Staff Recommendation:

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



MU-N (Mixed Use Neighborhood)

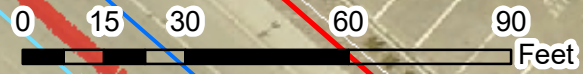
F-4 (Mid-Rise Community Mix)

MU-I (Mixed Use Institutional)

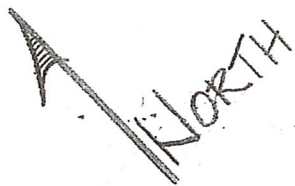
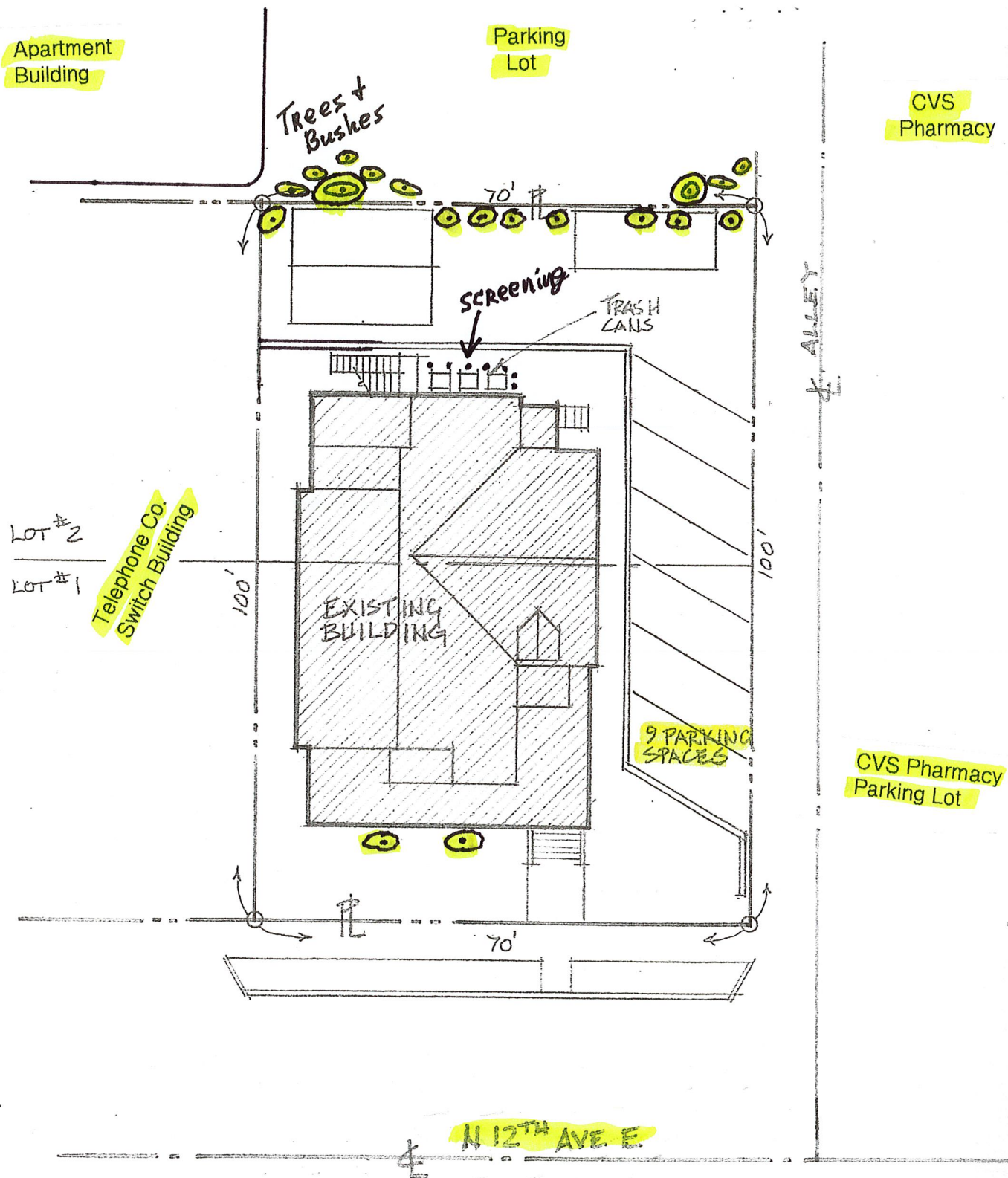
Legend

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

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Site Plan for 20 N 12th Ave E



SITE PLAN

1" = 20'-0"

Walgreens Pharmacy

JNETEXPLORER





Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580
 planning@duluthmn.gov

File Number	PL 19-177	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit– Vacation Dwelling Unit	Planning Commission Date		January 14, 2020
Deadline for Action	Application Date	December 4, 2019	60 Days	February 2, 2020
	Date Extension Letter Mailed	December 14, 2019	120 Days	April, 2, 2020
Location of Subject	20 North 12 th Avenue East			
Applicant	North Shore Land Company, LLC	Contact	Rollie Schraepfer	
Agent	Heirloom Property Management	Contact	Mike Schraepfer	
Legal Description	PID # 010-0190-01120			
Site Visit Date	December 31, 2019	Sign Notice Date	January 1, 2020	
Neighbor Letter Date	January 4, 2020	Number of Letters Sent	21	

Proposal

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

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

Staff is recommending Planning Commission recommend approval.

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

Summary of Code Requirements:

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

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

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

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

Governing Principle #5 - Strengthen neighborhoods

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

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

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

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

Review and Discussion Items:

1) Applicant's property is located at 20 North 12th Avenue East. The proposed vacation dwelling unit contains 1 bedroom, which would allow for a maximum of 3 guests. The property currently consists of 6 bedrooms on the 2nd and 3rd floors with a real estate office on the main floor. The applicant is proposing the convert the main floor and 2nd floor into 2 1-bedroom units for each floor. A long rental will remain on the 3rd floor.

2) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed Heirloom Property management at 202 East 1st Street to serve as the managing agent.


3) The site has room for the required vehicle parking with 9 total parking stalls. There will not be any campers or trailers parked on the property.

4) The site does not have any outdoor amenities.



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

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

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

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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.
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- 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.

1211 E 1st St
MU-N (Mixed Use Neighborhood)

1203 E 1st St

6" In. Vitreous Clay Pipe
 344-477-1020
 2" MDPE

E 1st St

2" MDPE

1210 E 1st St

1202 E 1st St

F-4 (Mid-Rise Community Mix)

20 N 12th Ave E

6" Coated Steel

E 1st Alley

1131 E Superior St

MU-I (Mixed Use Institutional)

8" MDPE

2" MDPE

8" Coated Steel

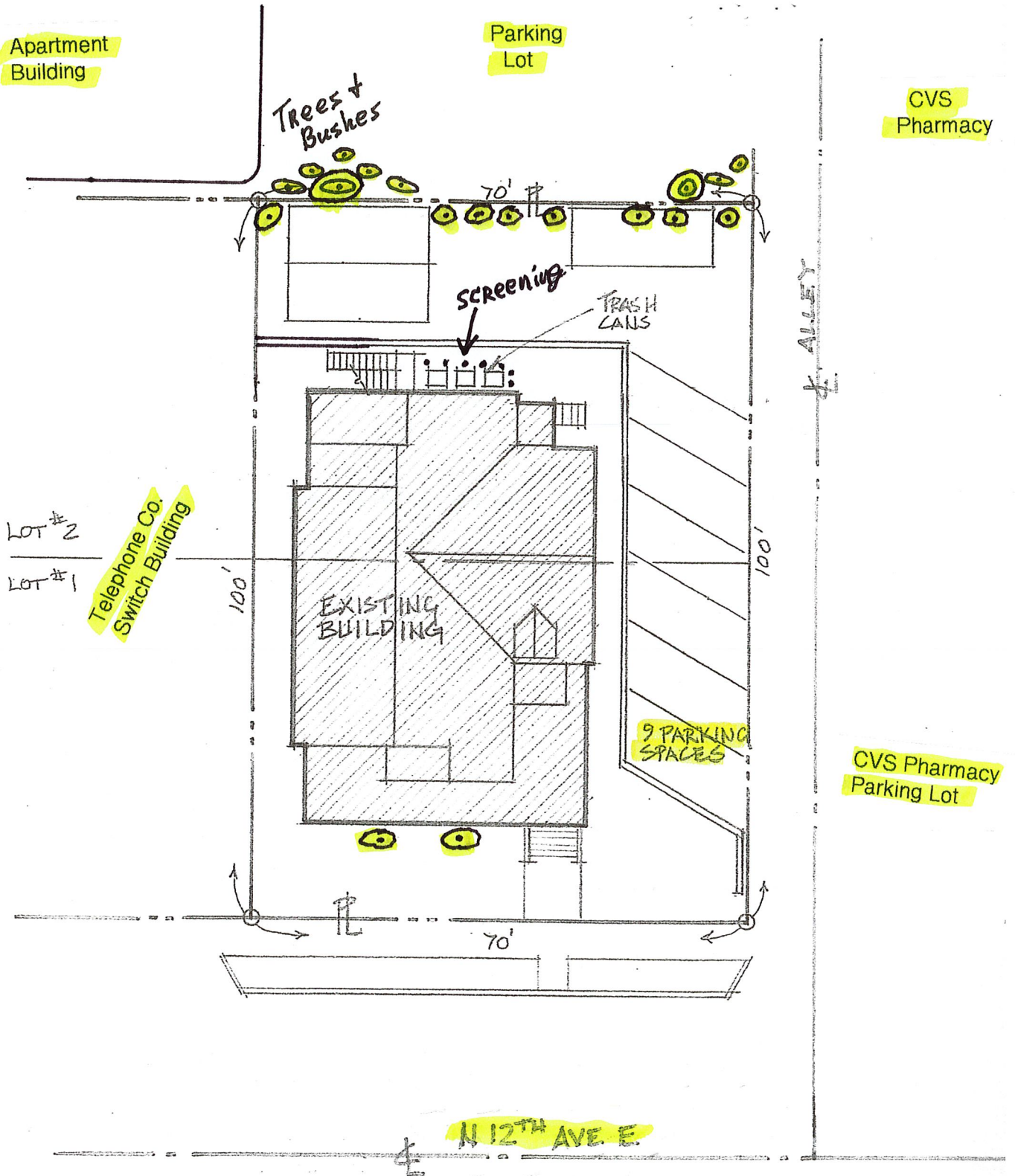
Legend

- Gas Main
- Water Main
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Site Plan for 20 N 12th Ave E



Apartment Building

Parking Lot

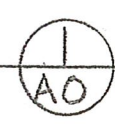
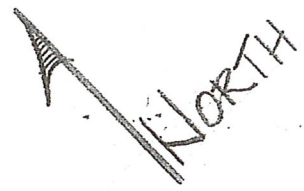
CVS Pharmacy

LOT # 2
LOT # 1
Telephone Co. Switch Building

ALLEY

CVS Pharmacy Parking Lot

N 12TH AVE E



SITE PLAN

1" = 20'-0"

Walgreens Pharmacy

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File Number	PL 19-178	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit– Vacation Dwelling Unit	Planning Commission Date		January 14, 2020
Deadline for Action	Application Date	December 4, 2019	60 Days	February 2, 2020
	Date Extension Letter Mailed	December 14, 2019	120 Days	April, 2, 2020
Location of Subject	20 North 12 th Avenue East			
Applicant	North Shore Land Company, LLC	Contact	Rollie Schraepfer	
Agent	Heirloom Property Management	Contact	Mike Schraepfer	
Legal Description	PID # 010-0190-01120			
Site Visit Date	December 31, 2019	Sign Notice Date	January 1, 2020	
Neighbor Letter Date	January 4, 2020	Number of Letters Sent	21	

Proposal

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

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

Staff is recommending Planning Commission recommend approval.

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

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


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

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

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

Review and Discussion Items:

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3) The site has room for the required vehicle parking with 9 total parking stalls. There will not be any campers or trailers parked on the property.

4) The site does not have any outdoor amenities.



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1210 E 1st St

1202 E 1st St

20 N 12th Ave E

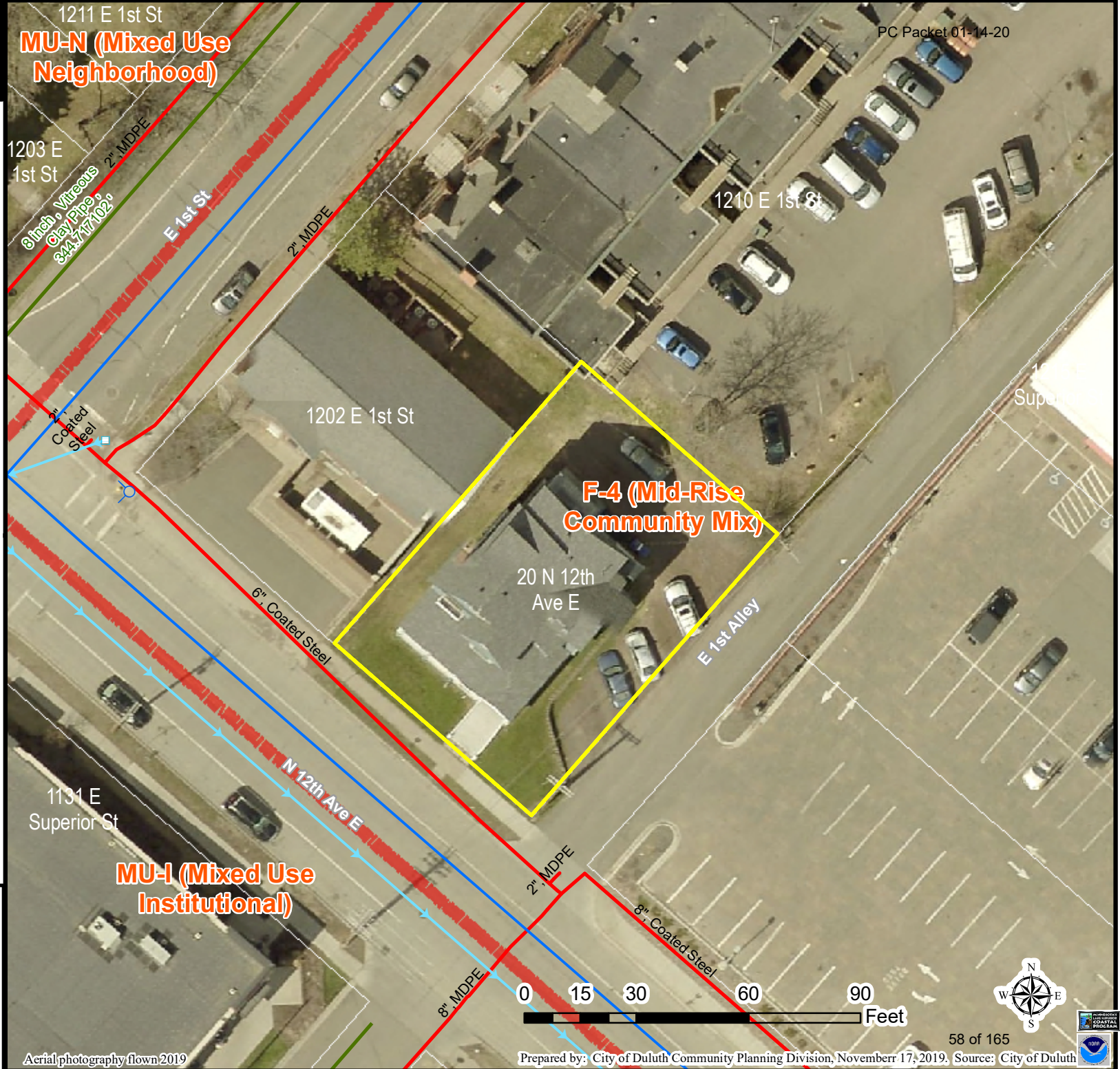
1131 E Superior St

MU-I (Mixed Use Institutional)

F-4 (Mid-Rise Community Mix)

Legend

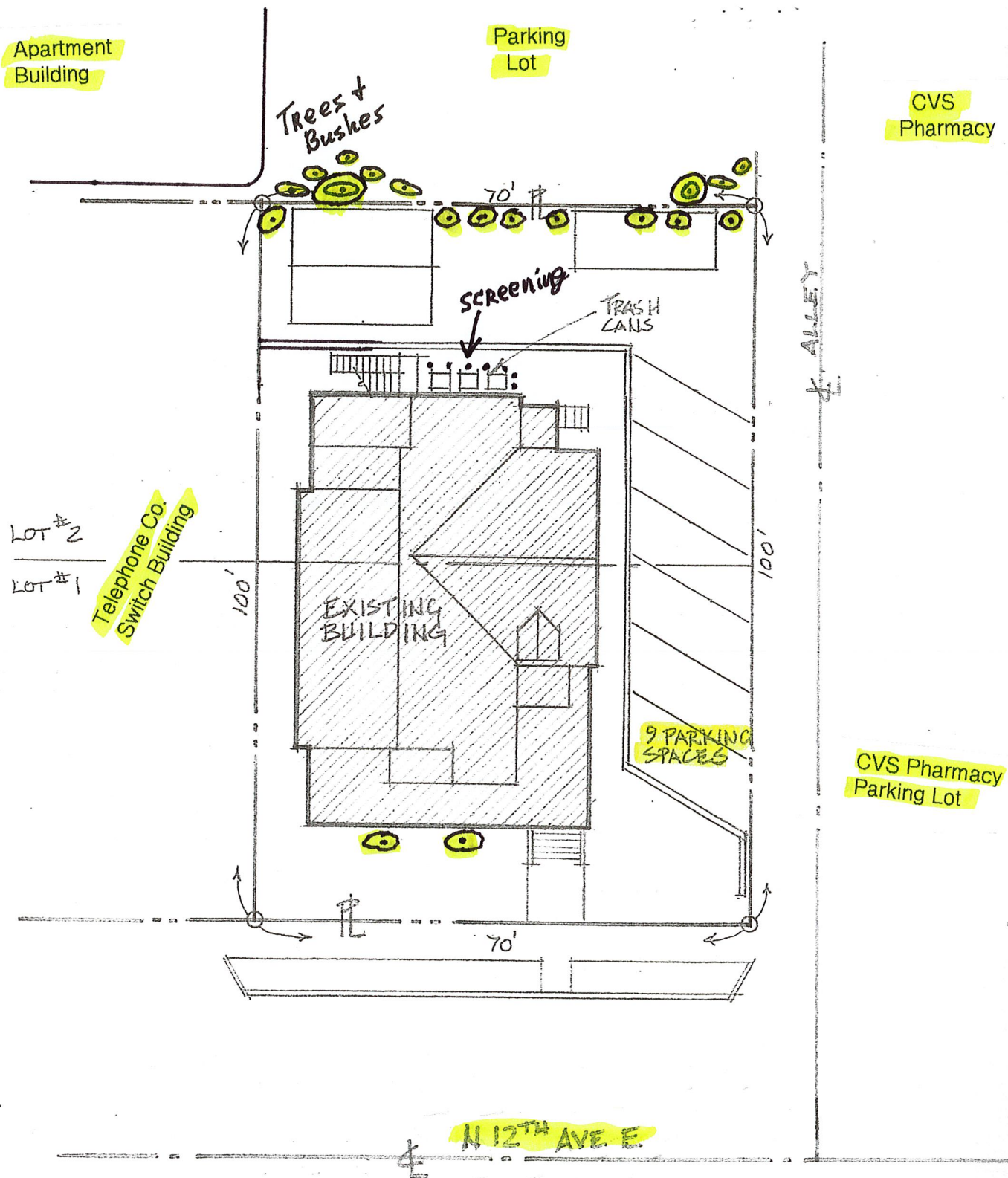
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Site Plan for 20 N 12th Ave E



Apartment Building

Parking Lot

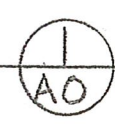
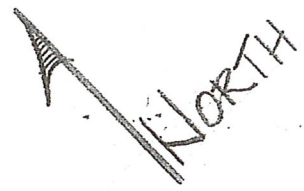
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N 12TH AVE E



SITE PLAN

1" = 20'-0"

Walgreens Pharmacy

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File Number	PL 19-179	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit– Vacation Dwelling Unit	Planning Commission Date		January 14, 2020
Deadline for Action	Application Date	December 4, 2019	60 Days	February 2, 2020
	Date Extension Letter Mailed	December 14, 2019	120 Days	April, 2, 2020
Location of Subject	20 North 12 th Avenue East			
Applicant	North Shore Land Company, LLC	Contact	Rollie Schraepfer	
Agent	Heirloom Property Management	Contact	Mike Schraepfer	
Legal Description	PID # 010-0190-01120			
Site Visit Date	December 31, 2019	Sign Notice Date	January 1, 2020	
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Proposal

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

Summary of Code Requirements:

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


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

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3) The site has room for the required vehicle parking with 9 total parking stalls. There will not be any campers or trailers parked on the property.

4) The site does not have any outdoor amenities.



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Staff Recommendation:

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1211 E 1st St
MU-N (Mixed Use Neighborhood)

1203 E 1st St

6" In. Vitreous Clay Pipe 344-77102
 2" MDPE
 E 1st St
 2" MDPE

1210 E 1st St

1202 E 1st St

F-4 (Mid-Rise Community Mix)

20 N 12th Ave E

E 1st Alley

1131 E Superior St

MU-I (Mixed Use Institutional)

6" Coated Steel
 N 12th Ave E
 2" MDPE

8" MDPE
 8" Coated Steel

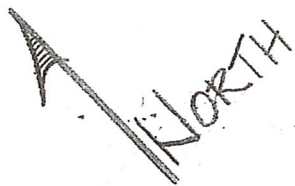
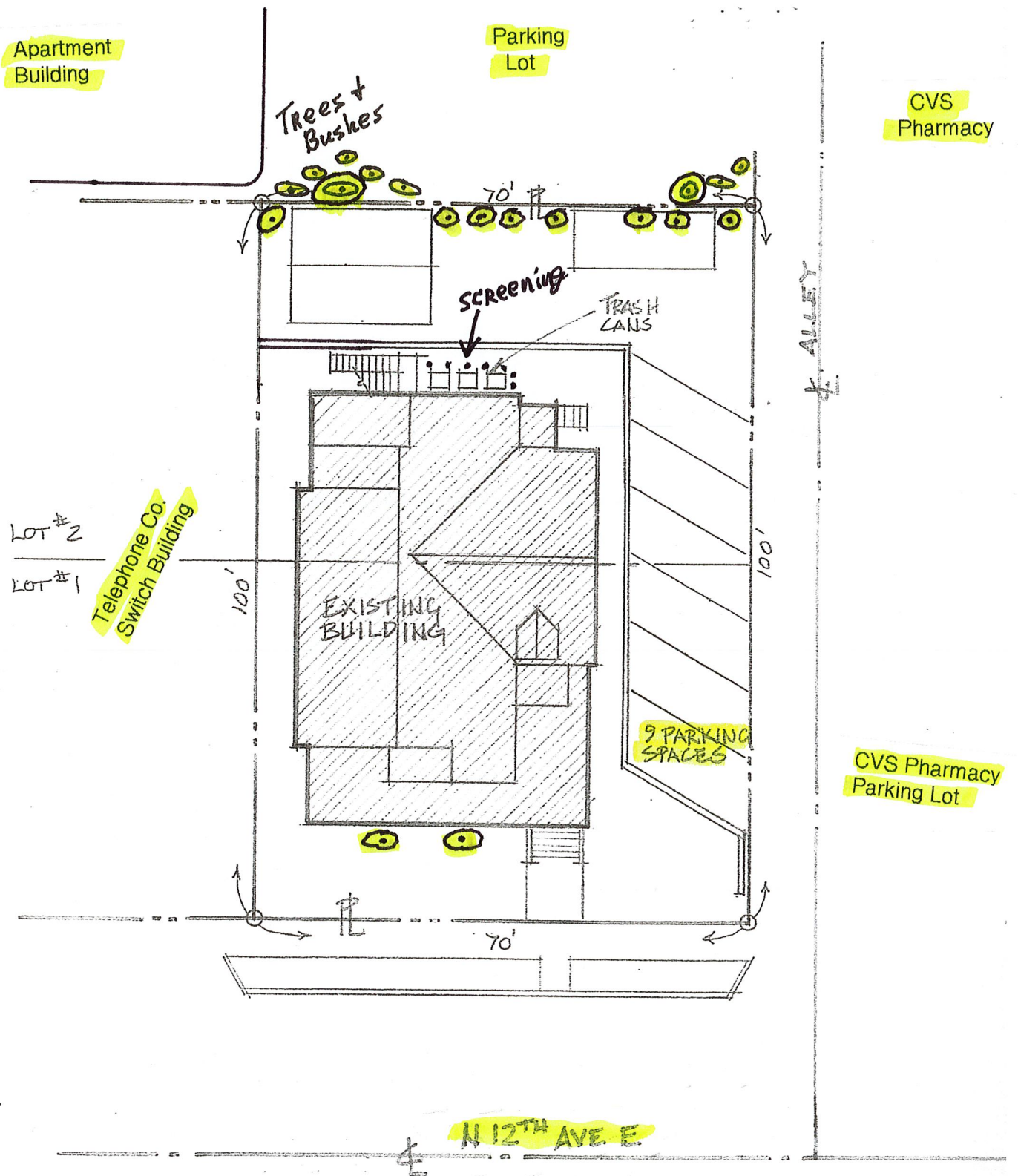
Legend

- Gas Main
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Site Plan for 20 N 12th Ave E



SITE PLAN

1" = 20'-0"

Walgreens Pharmacy

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File Number	PL19-180	Contact	John Kelley	
Type	Minor Subdivision	Planning Commission Date	January 14, 2020	
Deadline for Action	Application Date	December 9, 2019	60 Days	February 7, 2020
	Date Extension Letter Mailed	December 13, 2019	120 Days	April 7, 2020
Location of Subject	5808 London Road, PID# 010-2830-00170			
Applicant	Dean Jablonsky	Contact		
Agent	N/A	Contact	N/A	
Legal Description	See attached			
Site Visit Date	N/A	Sign Notice Date	N/A	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal

The applicant is requesting a Minor Subdivision of an existing single tax parcel into two tax parcels each with an existing dwelling unit. Access to Parcel A and Parcel B is through a shared driveway on London Road.

Recommended Action:

Approve Minor Subdivision with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Single-family Residential	Traditional Neighborhood
North	R-1	Single-family Residential	Traditional Neighborhood
South	N/A	N/A	N/A
East	R-1	Single-family Residential	Traditional Neighborhood
West	R-1	Single-family Residential	Traditional Neighborhood

Summary of Municipal Planning Act & City Code Requirements

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

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

- (a) The lot or lots to be subdivided or combined have frontage on an improved public street;
 - (b) Each proposed lot meets the minimum zoning requirements of the district that it is in.
 - (c) If an existing structure on a lot complies with the requirements of this Chapter, then after the minor subdivision structures on each of the resulting lots will still comply with the requirements of this Chapter;
- and

(d) If one or more of the existing lots, or a structure on one or more of those lots, does not comply with the requirements of this Chapter, the proposed relocation will not create any new nonconformity or increase any existing nonconformity between the requirements of this Chapter.

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

Governing Principle #5 –Promote reinvestment in neighborhoods

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

The minor subdivision is consistent with promoting reinvestment in neighborhoods by allowing a large lot to be subdivided and creating a second lot. The new lot has an existing dwelling unit on the property, which will provide additional housing for the City of Duluth.

Future Land Use:

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:

Parcel A - The 1,200 square structure was built in 1913.

Parcel B – The 2,000 square foot 3 bedroom home was built in 1901.

Review and Discussion Items

Staff finds that:

1. The applicant is requesting a Minor Subdivision to divide a 115-foot wide parcel into two parcels. Parcel A will be 50 feet wide and has an existing 1,200 square foot home located in the southeast corner of the property. Parcel B will be 65 feet wide and has an existing 2,000 square foot house situated on the central portion of the property.
2. Proposed Parcel A will be 7,815 sq. ft. with 50 feet of frontage on London Rd. and Parcel B will be 8,876 sq. ft. with 65 feet of frontage on London Rd. The minimum lot area required for a single-family dwelling in an R-1 zone is 3,000 sq. ft. per dwelling and a minimum lot frontage of 40 feet is required, which both proposed parcels comply with.
3. Access to the parcels is via a shared driveway. The two parcels will also have a shared parking arrangement. The shared access and parking easement exhibit provided by the applicant shows the parking for both parcels on Parcel A.
4. Parcel A has existing water and sewer lines extending from the house on Parcel B. The applicant has capped the water and sewer line at the house on Parcel A and will be installing new independent lines out to London Road.
5. City Engineering’s comments were discussed above regarding access and utilities. MnDot has recommended a single access off London Road for the two parcels. No public or additional City comments were received.
6. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
7. Approval of this Minor Subdivision signifies that City of Duluth UDC standards are met. St. Louis County may have additional requirements. This subdivision approval lapses if deeds are not recorded with St. Louis County within 180 days. Applicant must provide the City with proof of recording.

Staff Recommendation

Based on the above findings, Staff recommends that Planning Commission approve the Minor Subdivision application PL 19-180 subject to the following conditions:

1. Appropriate deeds be filed with St. Louis County within 180 days. Prior to recording the deed that results from this adjustment, the Planning Division will need to stamp the deed, indicating compliance with the local zoning code.

2. Applicant must provide evidence of recording of "shared access and shared parking easement" with the office of St. Louis County Recorder within 180 days of approval by Planning Commission or the approval shall lapse.
3. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

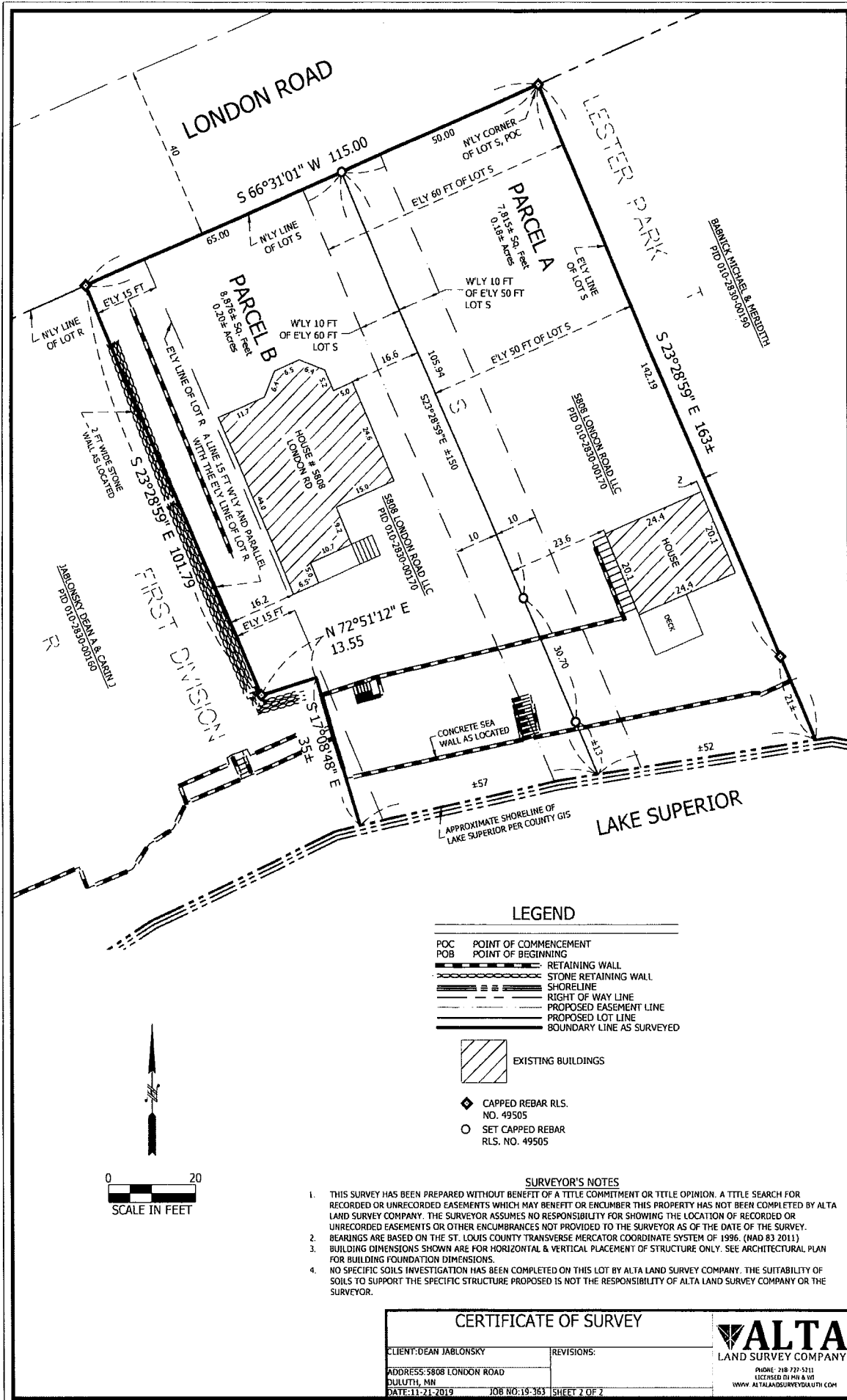


Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains**
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

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CERTIFICATE OF SURVEY	
CLIENT: DEAN JABLONSKY	REVISIONS:
ADDRESS: 5808 LONDON ROAD	
DULUTH, MN	
DATE: 11-21-2019	JOB NO: 19-363 SHEET 2 OF 2

ALTA
LAND SURVEY COMPANY
PHONE: 218-727-5211
LICENSED IN MN & WI
WWW.ALTLANDSURVEYDIAUTH.COM

PARENT LEGAL DESCRIPTION PER CERTIFICATE OF TITLE NO. 350741

Lot S and all that part of Lot R, LESTER PARK FIRST DIVISION lying E'ly and N'ly of the following described line:

Commencing at the N'ly corner of Lot S; thence on an assumed bearing of South 66 degrees 31 minutes 01 seconds West along the N'ly lines said Lots R and S for a distance of 115.00 feet to the point of beginning of the line herein described; thence South 23 degrees 28 minutes 59 seconds East along a line 15 feet W'ly and parallel with E'ly line of said Lot R 101.79 feet; thence North 72 degrees 51 minutes 12 seconds East 13.55 feet; thence South 17 degrees 08 minutes 48 seconds East 35 feet, more or less, to the shoreline of Lake Superior and there terminating.

LEGAL DESCRIPTION OF PARCEL A

The Easterly 50.00 feet of Lot S, LESTER PARK FIRST DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota

Said parcel contains 7,815 square feet or 0.18 acres, more or less.

SUBJECT to a 10.00 foot wide easement for utility purposes lying over, under and across the Westerly 10.00 feet of the Easterly 50.00 feet of said Lot S.

TOGETHER with a 10.00 foot wide easement for utility purposes lying over, under and across the Westerly 10.00 feet of the Easterly 60.00 feet of said Lot S.

LEGAL DESCRIPTION OF PARCEL B

Lot S, LESTER PARK FIRST DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota, EXCEPT the Easterly 50.00 feet thereof.

SUBJECT to a 10.00 foot wide easement for utility purposes lying over, under and across the Westerly 10.00 feet of the Easterly 60.00 feet of said Lot S.

TOGETHER with a 10.00 foot wide easement for utility purposes lying over, under and across the Westerly 10.00 feet of the Easterly 50.00 feet of said Lot S.

AND

That part of Lot R, LESTER PARK FIRST DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota lying Easterly and Northerly of the following described line:

Commencing at the Northerly corner of Lot S, said LESTER PARK FIRST DIVISION; thence on an assumed bearing of South 66 degrees 31 minutes 01 seconds West along the Northerly lines of said Lots R and S for a distance of 115.00 feet to the point of beginning of the line herein described; thence South 23 degrees 28 minutes 59 seconds East along a line 15.00 feet Westerly and parallel with the Easterly line of said Lot R 101.79 feet; thence North 72 degrees 51 minutes 12 second East 13.55 feet; thence South 17 degrees 08 minutes 48 seconds East 35 feet, more or less, to the shoreline of Lake Superior and there terminating.

Said parcel contains 8,876 square feet or 0.20 acres.

<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. Evanson</i> David R. Evanson MPLC No. 9595</p>	CERTIFICATE OF SURVEY		<p>ALTA LAND SURVEY COMPANY</p> <p>PHONE: 218-727-5211 LICENSED IN MN & WI WWW.ALTAANDSURVEYDULUTH.COM</p>
	<p>CLIENT: DEAN JABLONSKY</p> <p>ADDRESS: 5808 LONDON ROAD DULUTH, MN</p> <p>DATE: 11-21-2019</p>	<p>REVISIONS:</p>	

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TOGETHER with a 10.00 foot wide easement for utility purposes lying over, under and across the Westerly 10.00 feet of the Easterly 50.00 feet of said Lot S.

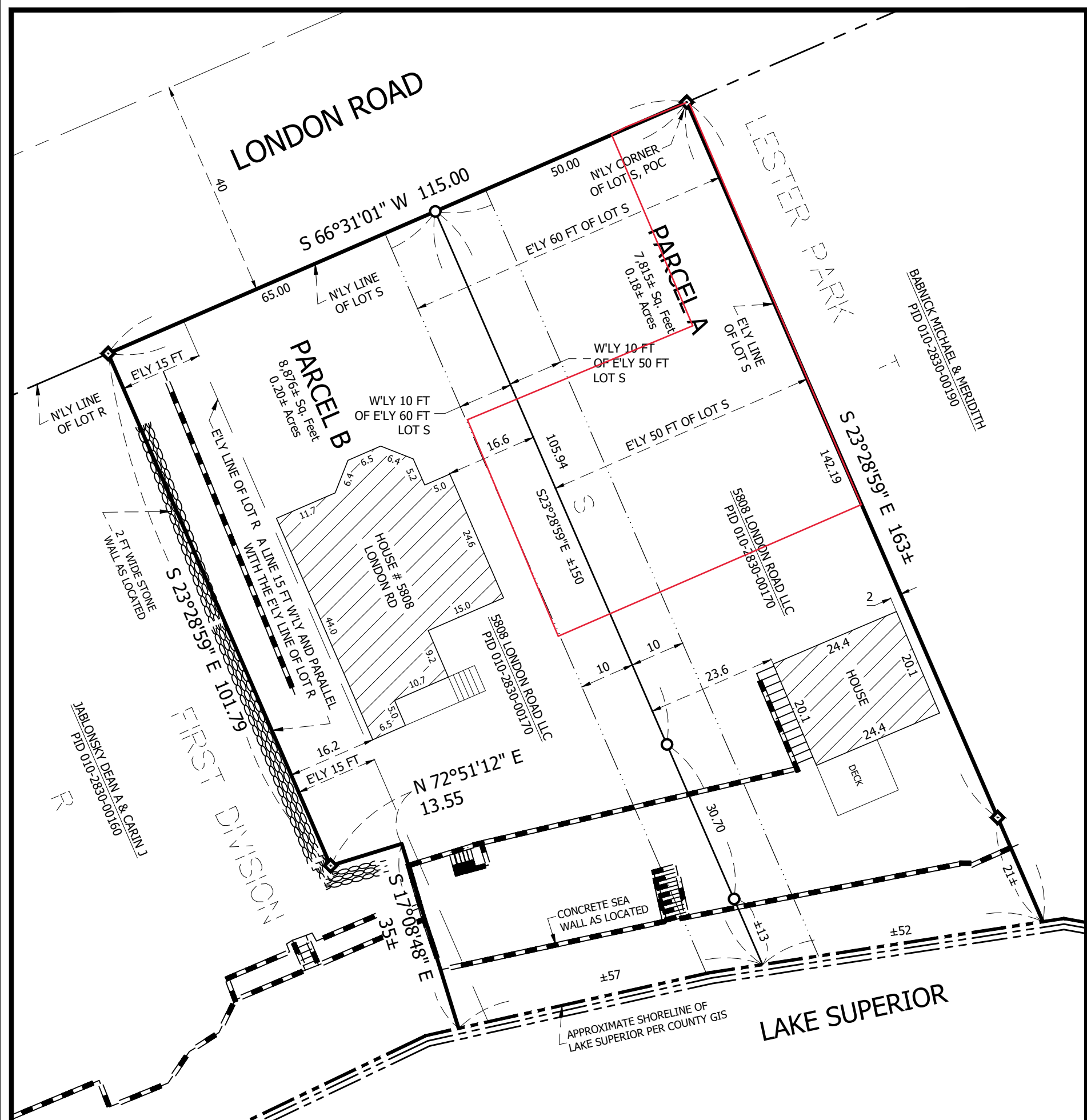
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Said parcel contains 8,876 square feet or 0.20 acres.

<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. Evanson</i> David R. Evanson MN Lic. No. 49505</p>	CERTIFICATE OF SURVEY		 <p>ALTA LAND SURVEY COMPANY PHONE: 218-727-5211 LICENSED IN MN & WI WWW: ALTALANDSURVEYDULUTH.COM</p>
	<p>CLIENT: DEAN JABLONSKY</p> <p>ADDRESS: 5808 LONDON ROAD DULUTH, MN</p> <p>DATE: 11-21-2019</p>	<p>REVISIONS:</p> <p>JOB NO: 19-363</p>	

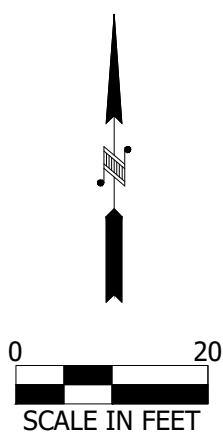


LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- RETAINING WALL
- STONE RETAINING WALL
- SHORELINE
- RIGHT OF WAY LINE
- PROPOSED EASEMENT LINE
- PROPOSED LOT LINE
- BOUNDARY LINE AS SURVEYED
- EXISTING BUILDINGS
- CAPPED REBAR RLS. NO. 49505
- SET CAPPED REBAR RLS. NO. 49505

SURVEYOR'S NOTES

1. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
2. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
3. BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL PLAN FOR BUILDING FOUNDATION DIMENSIONS.
4. 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.



CERTIFICATE OF SURVEY

CLIENT: DEAN JABLONSKY
 ADDRESS: 5808 LONDON ROAD
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 SHEET 2 OF 2

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Legal Description

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Planning & Development Division
 Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580
 planning@duluthmn.gov

File Number	PL 19-182	Contact	John Kelley	
Type	Special Use Permit for Preschool Use	Planning Commission Date	January 14, 2020	
Deadline for Action	Application Date	December 10, 2019	60 Days	February 8, 2020
	Date Extension Letter Mailed	December 16, 2019	120 Days	April 8, 2020
Location of Subject	26 East Superior Street, Suites 103 and 105. PID# 010-0410-00390			
Applicant	Mesabi Preschool Academy, LLC	Contact	Shelly Vanneste	
Agent		Contact		
Legal Description	Central Division of Duluth Plat, Lots 12,14 and 16, Block 003			
Site Visit Date	January 6, 2020	Sign Notice Date	December 31, 2019	
Neighbor Letter Date	January 2, 2020	Number of Letters Sent	39	

Proposal

Applicant is proposing to open a new preschool in suites 103 and 105 of the Wieland Building located at 26 East Superior Street. The preschool will provide space for up to 7 infants, 25 Toddlers and 26 Pre-K students.

Recommendation

Staff are recommending approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-7	Office/Residential	Central Business Primary
North	F-7	Open space	Central Business Primary
South	MU-C	Single Family Homes	Central Business Primary
East	MU-C	Single Family Homes	Transportation and Utilities
West	F-7	Open space	Central Business Primary

Summary of Code Requirements

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

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

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

Governing Principle 8 - Encourage mix of activities, uses and densities. The downtown area is a major employment center for Duluth with a mix of commercial, retail and residential as well. Educational services are a supportive use for these downtown activities.

Governing Principle #11 - Consider education systems in land use actions. Employees and residents with children that work and live within the downtown area need educational opportunities such as preschools to be in proximity to their workplace.

Future Land Use, Central Business Primary: Encompass a broad range of uses and intensities: Governmental campus, significant retail, entertainment and lodging, opportunities for high-density housing, central plaza, public/open space, public parking facilities.

The subject property operates as a commercial office building including P.S. Rudie Medical Clinic and 14 residential condominiums.

Review and Discussion Items

- 1) Applicant proposes to open a preschool for up to 58 students starting at 6 weeks of age through preschool (up to kindergarten/age 5). The preschool will have approximately 15 full and part time staff.
- 2) A preschool requires a special use permit to operate in an F-7 district. The applicant proposes to use suites 103 and 105 of the Wieland Building for the preschool. The Wieland Building operates as a commercial and residential building with the P.S. Rudie Medical Clinic and 14 residential condominiums. The main entrance to the Mesabi Preschool Academy will be on the East Michigan Street side of the Wieland Building. Hours of operation for the preschool will be Monday through Friday 6:30 am to 5:30 pm. The Academy is licensed by the Minnesota Department of Human Services for up to 70 children.
- 3) UDC Sec. 50-20.2 (Use Specific Standards). The applicant is not proposing any new buffer or similar screening around the structure as this use will be primarily on the interior of the existing Wieland Building. The preschool will not have a visible impact on adjacent properties.
- 4) UDC Sec. 50-24 (Parking and loading). Drop off and pick up for students and parents will be along East Michigan Street. The applicant has stated that this could be an area of concern for negative impact to the community. The area intended for drop off and pick up is currently signed as a no parking and drop-off zone and is utilized by P.S. Rudie & Associates with hours of operation Monday through Friday from 8:00 am to 5:00 pm. The Academy is hoping to share the drop-off zone with P.S. Rudie & Associates and believes most of their drop-offs and/or pick-ups will occur outside of the clinic hours. Section 50-24.1.4 of the UDC states that no off-street parking shall be required within the boundaries of the Downtown Special Parking area, which includes the Wieland Building. The applicant is working with the Duluth Parking Commission to secure a second drop-off area if necessary and is willing to provide curbside assistance for quick drop-offs/pick-ups.
- 5) UDC Sec. 50-25 (Landscaping and Tree Preservation). No specific standards applicable.
- 6) UDC Sec. 50-26 (Screening, Walls and Fences). The applicant is not proposing any new screening, walls or fences.
- 7) UDC Sec. 50-29 (Sustainability Standards) and 50-30 (Building Design Standards). These requirements do not apply for this project.
- 8) UDC Sec. 50-31 (Exterior Lighting). No new lighting will be installed as part of this project
- 9) No citizen or city departments comments were received at the time that this report was written (January 6, 2020).

Staff Recommendation

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

- 1) The proposal is limited to the site plan and documents submitted with this application; and
- 2) Applicant will ensure a suitable drop-off/pick-up location is identified and that such a location will not interfere with traffic and circulation.
- 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.



091000090

5 E Superior St

102 E Superior St

24" inch Brick
439.177.409
E Superior St

041000390

F-7
(Downtown Shopping)

26 E Superior St

I-G
(Industrial General)

394300010

16 E Superior St

459800070

459800020

459800080

459800130

459800090

459800060

459800020

459800050

459800120

36 inch Brick
535.562.916
E Michigan St

12" Coated Steel

041001621

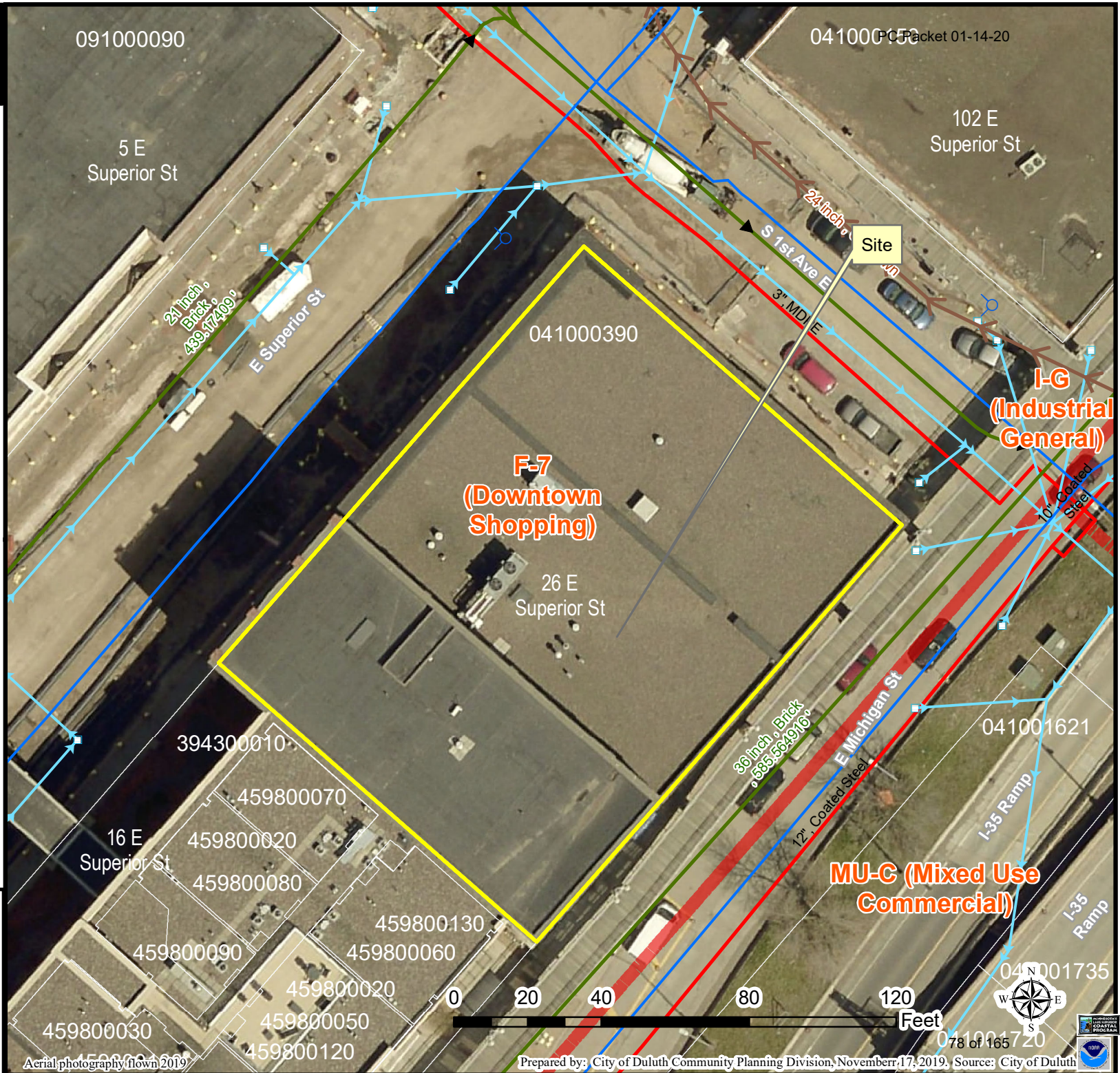
MU-C (Mixed Use Commercial)

04 N 001735

078 of 165

Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
 - CITY OF DULUTH
 - WLSSD; PRIVATE
 - Sanitary Sewer Forced Main
- Storage Basin
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Exhibits

Exhibit 1



Michigan Street, Looking East

Exhibit 2

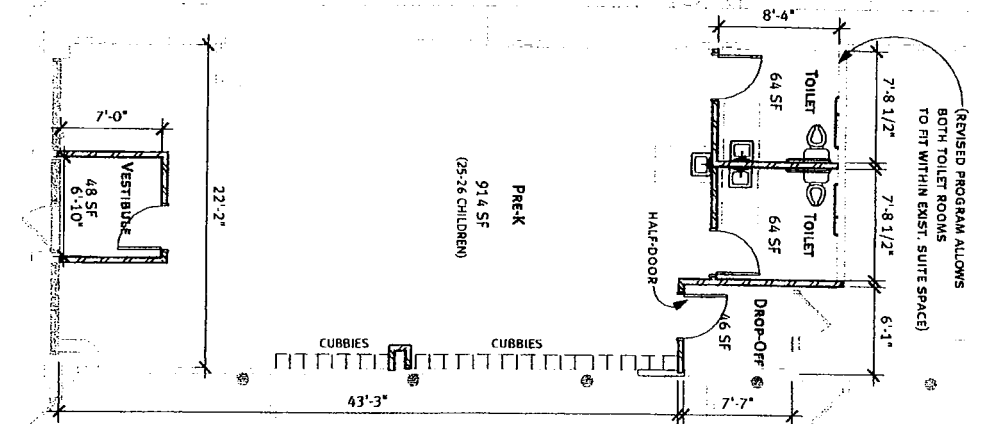


Exhibit 3



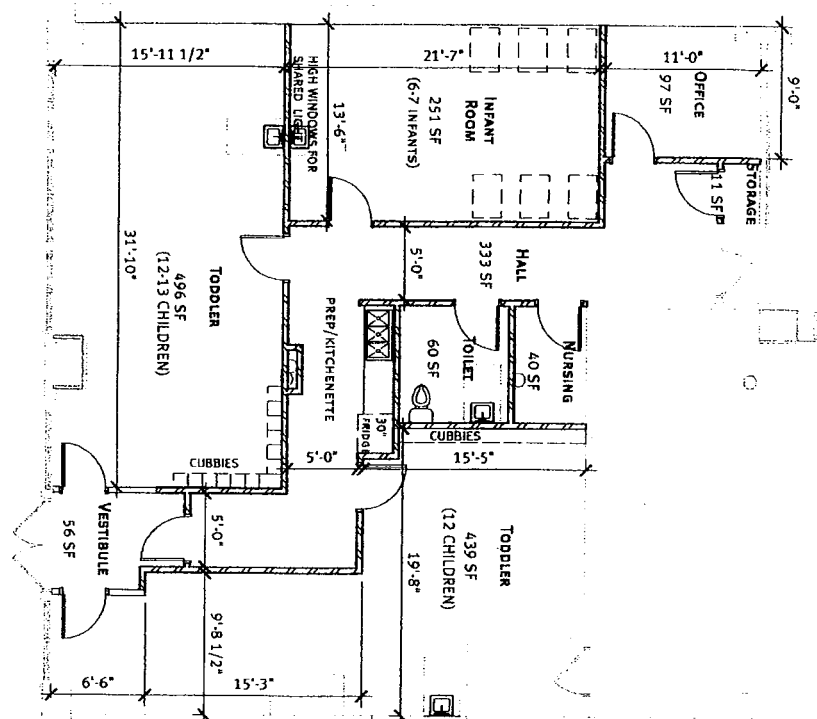
1 PRELIMINARY LAYOUT
1/8" = 1'-0"

SUITE 105



(REVISED PROGRAM ALLOWS BOTH TOILET ROOMS TO FIT WITHIN EXIST. SUITE SPACE)

SUITE 103



WIELAND BLOCK SUITE 103 & 105 FIT PLAN
DULUTH, MN

project # NA
date 12/6/2019 9:31:38 AM

revision / issue
PLAN
sheet number



Architectural
communications
through
architecture

A&L PROPERTIES
DOWNTOWN RENAISSANCE
PHASE 3
BID PACKAGE 2
ARCHITECTURAL

1624 E. Superior Street
DULUTH, MN

Project # 06085-3
Date FEBRUARY 22, 2008
File # 06085-3.A01 TITLE SHEET

Prepared by KCK
Checked by RJL
Drawn by REBECCA J. LEWIS, AIA
Project # 23539
Update FEBRUARY 22, 2008

Make any changes to this plan
at your own risk. The design is
prepared by the architect and
is not a contract document. The
contract documents shall govern.
The architect is not responsible for
the accuracy of the information
provided by the client.

Architect
A&L PROPERTIES
1624 E. Superior Street
Duluth, MN 55802
Phone: 218.727.9556
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Fax: 218.727.5947
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Mechanical Consultant
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Electrical Consultant
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Fax: 218.727.5947
E-mail: info@jensenc.com

Construction Manager
Kokus Associates - Midwest Division
275 Grand Street
Duluth, MN 55802
Phone: 218.727.3775
Fax: 218.727.3778
E-mail: info@kokus.com

Architectural Site Plan / Phasing Plan
Technology Village
Elev. # 710.62
Elev. # 543.97

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Elev. # 710.62
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A&L PROPERTIES DOWNTOWN RENAISSANCE PHASE 3 BID PACKAGE 2 ARCHITECTURAL

DULUTH, MN

SHEET INDEX

ARCHITECTURAL	STRUCTURAL	MECHANICAL (DESIGN BUILD)	ELECTRICAL (DESIGN BUILD)	CONSTRUCTION MANAGER
A0.1 Title Sheet				
A1.1 First Floor Core Plan				
A1.2 Second & Third Floor Core Plans				
A1.3 Fourth & Fifth Floor Core Plans				
A2.1 First Floor Parking				
A2.2 Second Floor Plan				
A2.3 Third Floor Plan				
A2.4 Fourth Floor Plan				
A2.5 Fifth Floor Plan				
A2.6 Roof Plan				
A3.1 Room Finish Schedule, Window Types Int Elev				
A3.2 Door Schedule and Panel Types				
A3.3 Window Details				
A3.4 Door and Window Details				
A4.1 Reflected Ceiling Plans				
A4.2 Exterior Elevations				
A4.3 Exterior Elevations - Alternate #1				
A4.4 Building Sections				
A4.5 Wall Sections				
A4.6 Details				
A4.7 Stair Sections				
S1.0 Notes / Sheet Index				
S2.1 Foundation Plan / Sections				
S2.2 Second Floor Framing Plan / Sections				
S2.3 Third Floor Framing Plan / Sections				
S2.4 Fourth Floor Framing Plan / Sections				
S2.5 Fifth Floor Framing Plan / Sections				
S2.6 Roof Framing Plan / Sections				
S3.1 Sections / Details				
S3.2 Sections / Details				
S3.3 Sections / Details				
S3.4 Sections / Details				
S3.5 Sections / Details				
S3.6 Sections / Details				
S3.7 Sections / Details				

BID PACKAGE 1
REFERENCE ONLY

ARCHITECTURAL
A0.1 TITLE SHEET

STRUCTURAL
S1.0 NOTES / SHEET INDEX

MECHANICAL (DESIGN BUILD)
M1.1 MECHANICAL SYSTEMS

ELECTRICAL (DESIGN BUILD)
E1.1 ELECTRICAL SYSTEMS

CONSTRUCTION MANAGER
C1.1 CONSTRUCTION SCHEDULE

PHASE 1: DEMO EXISTING OLD BUILDINGS

PHASE 2: OFFICE BLDG - "A" (3 STORY) & "B" (5 STORY) UNDER CONSTRUCTION

PHASE 3: 1 STORY PARKING 2 STORY OFFICE

EXISTING RETAIL (BY OTHER OWNER)

EXISTING ELEVATOR WOODEN WALKWAY

EXISTING ELEVATOR WOODEN WALKWAY

EXISTING ELEVATOR WOODEN WALKWAY

EXISTING ELEVATOR WOODEN WALKWAY

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EXISTING ELEVATOR WOODEN WALKWAY

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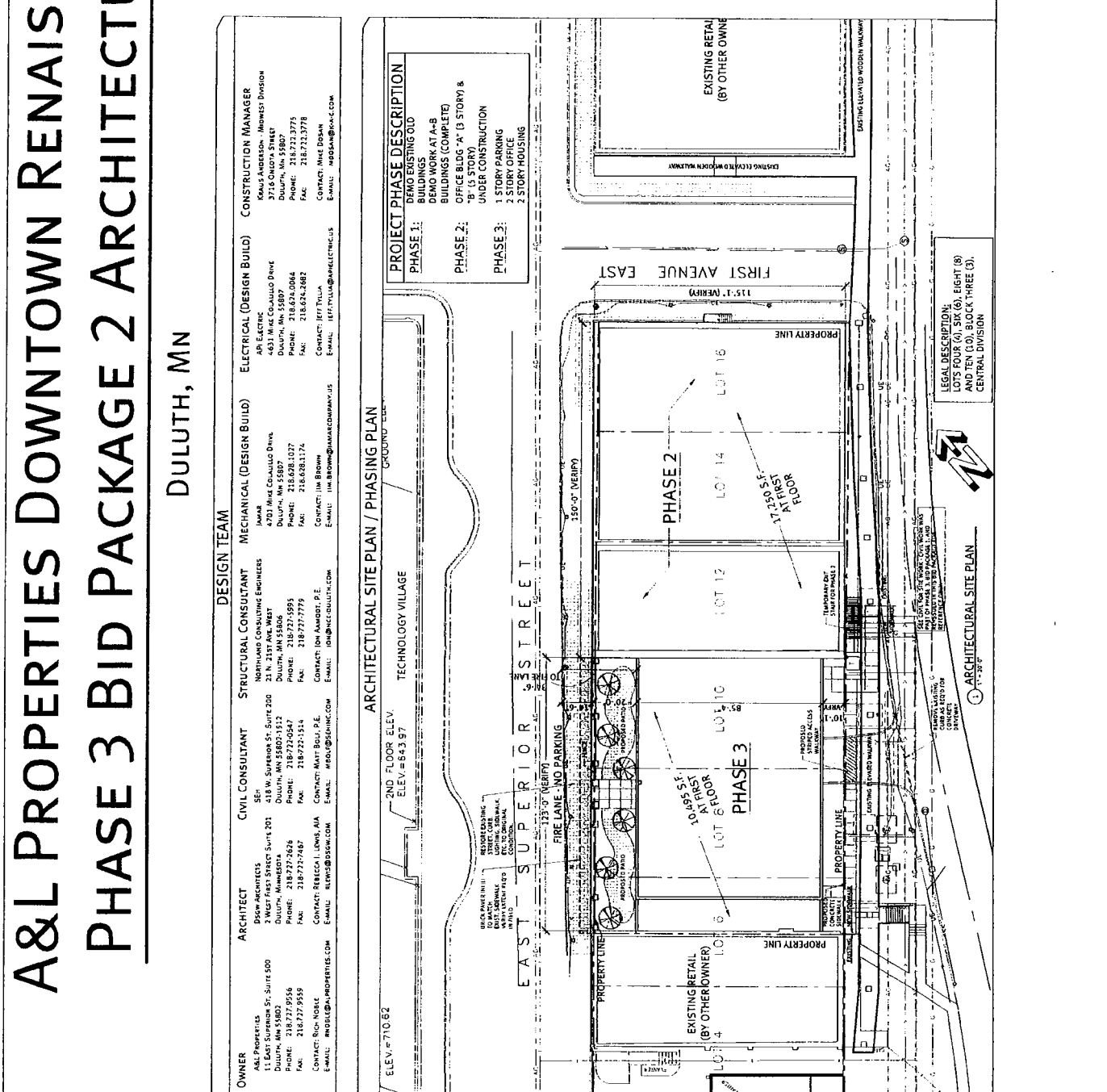
EXISTING ELEVATOR WOODEN WALKWAY

EXISTING ELEVATOR WOODEN WALKWAY

EXISTING ELEVATOR WOODEN WALKWAY

EXISTING ELEVATOR WOODEN WALKWAY

EXISTING ELEVATOR WOODEN WALKWAY



LEGAL DESCRIPTION:
LOTS FOUR (4), SIX (6), EIGHT (8)
AND TEN (10), BLOCK THREE (3),
CENTRAL DIVISION



P R O P E R T I E S

Commercial Real Estate, Leasing and Property Management

December 9, 2019

City of Duluth
Planning & Development
City Hall, Room 160
411 West First Street
Duluth, MN 55802

**Re: Mesabi Preschool Academy Special Use Permit Application
Wieland Building – 26 E. Superior Street**

To Whom It May Concern:

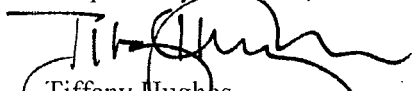
As property manager of the Wieland Building located at 26 E. Superior Street and working in conjunction with Shelly Vanneste of Mesabi Preschool Academy, LLC we willingly accept and strongly support Mrs. Vanneste's request to operate within the Wieland building under a special use permit for her proposed childcare center.

Currently the Wieland building operates as a commercial office building including P.S. Rudie Medical Clinic with fourteen (14) residential condominiums contained within. There has never been any retail within this building since its transformation to current state back in 2009. There is also no retail contained within the adjacent Duluth Technology Village connected via skywalk.

We believe Mrs. Vanneste's desire to bring a childcare center to Downtown Duluth would be an excellent fit for our building, the downtown community and City of Duluth as a whole.

Please feel free to contact our office with any additional information needed regarding the above-mentioned matter.

Respectfully remitted,


Tiffany Hughes
A&L Property Management, LLC


Duluth Technology Village
11 East Superior Street / Suite 130
Duluth, MN 55802

Phone / (218) 727-9556
Fax / (218) 727-9559
www.alproperties.us



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

 218-730-5580

 planning@duluthmn.gov

File Number	PL 19-183	Contact	John Kelley, 730-5326	
Type	Concurrent Use Permit	Planning Commission Date	January 14, 2020	
Deadline for Action	Application Date	December 10, 2019	60 Days	February 8, 2020
	Date Extension Letter Mailed	December 17, 2019	120 Days	April 4, 2020
Location of Subject	1832 West Superior Street			
Applicant	Josh Macinnes – Store & Flats/1 LLC	Contact		
Agent	Doug Zaun	Contact		
Legal Description	Parcel ID Number 010-1120-02480			
Site Visit Date	January 6, 2020	Sign Notice Date	December 31, 2019	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal

The applicant is proposing to construct a deck and accessible ramp within the right of way along the Michigan Street frontage of the building at 1832 West Superior Street. The purpose of the deck and ramp is to provide access into the main level of the building for proposed reuse of the structure for apartments and retail.

Staff Recommendation

Staff is recommending that planning commission recommend approval to City Council.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-5	Vacant building	Central Business Secondary
North	F-5	Commercial/Retail	Central Business Secondary
South	MU-C	Parking lot	Central Business Secondary
East	MU-C	Commercial/Retail	Central Business Secondary
West	F-5	Commercial/Retail	Central Business Secondary

Summary of Code Requirements

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

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

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

Governing Principle #1 – Reuse previously developed lands: includes adaptive reuse of existing building stock and historic resources, as this strengthens neighborhoods. This property is a former furniture store that is vacant, and will now be used for residential and retail purposes.

Governing Principle #5 - Promote reinvestment in neighborhoods. Duluth is strongly defined by its neighborhoods. The Lincoln Park neighborhood is experiencing a revitalization of the commercial core area. The proposed concurrent use of the public right-of-way will allow accessible access to a building for residential and commercial use.

Governing Principle #8 - Encourage mix of activities, uses, and densities. As noted above the existing building will now have accessible access from both building entrances along West Superior Street and West Michigan Street. The building will be used for mixed commercial and residential use.

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

Review and Discussion Items

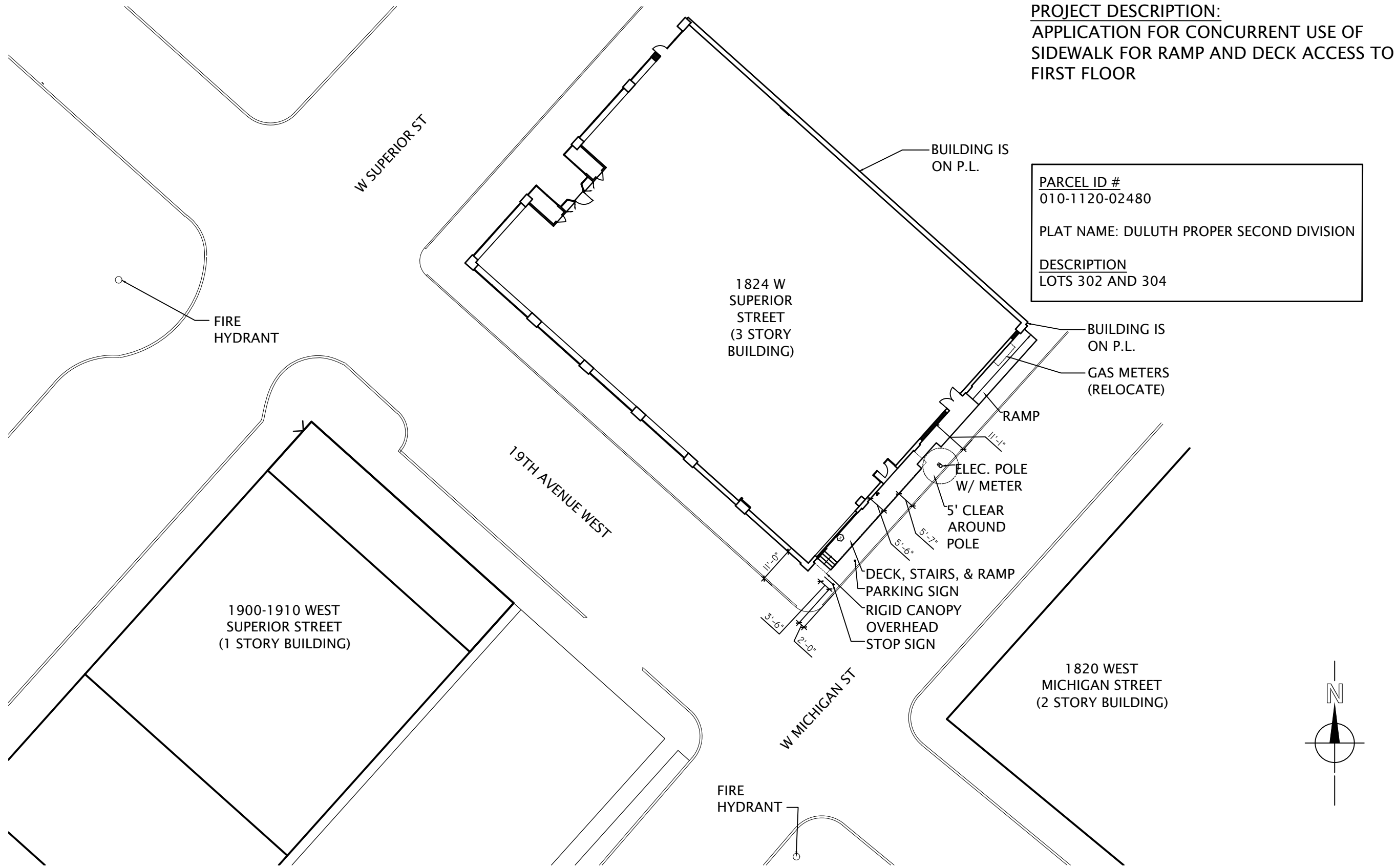
Staff finds that:

- 1.) The applicant is seeking a concurrent use permit to construct a frost protected deck and accessible ramp along the West Michigan Street frontage of the building at 1832 West Superior Street. The building abuts the right-of-way of Michigan Street. The existing sidewalk is approximately 11 feet deep from building to curb in the area for the proposed deck. The building entry/floor level from the West Michigan Street frontage is 28 inches above the existing sidewalk grade.
- 2.) The concurrent use area contains 550 square feet. The proposed deck and ramp would be 5' – 6" wide and approximately 100 feet in length. The applicant has stated that the purpose of the deck is to provide a better street presence/engagement along West Michigan Street and accessibility to the main level of the building. This will establish primary accessible entries at both the West Superior Street and West Michigan Street sides of the building.
- 3.) The gas meter is located on the southeast corner of the building along West Michigan Street. The applicant must relocate the gas meter/line to accommodate the deck and ramp use for the concurrent use of streets area. The applicant will need to coordinate with the City Utility Engineer for relocation of the gas meter.
- 4.) The City Engineering Department has requested the applicant enter into an agreement with the City outlining their snow removal responsibilities and holding the city harmless for any damage from City snow removal crews. The agreement will also state that the applicant is responsible to remove/replace the private improvements should the City need to complete work within the concurrent use of the right-of-way adjacent to the building.
- 5.) The City of Duluth requires concurrent use permits to include liability insurance to indemnify the City against occurrences in the right of way. Other protections for the city and the public are typically included in the ordinance that is submitted to City Council. The ordinance will require the applicant be responsible for snow removal responsibilities within the concurrent use area, including snow from City plowing operations that lands within the area, and the City is not responsible for remove/replacement of the applicants infrastructure should the City need to access the right-of-way in the permitted area.
- 6.) The area proposed for the concurrent use permit will not take away from the public's ability to use the public right of way, nor will it harm or inconvenience the health, safety, and general welfare of the city.
- 7.) No public, agency, or other comments have been received as of January 6, 2020.

Staff Recommendation

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

- 1.) Applicant shall construct and maintain the project as identified in the attached exhibits.
- 2.) Applicant shall relocate the gas meter/line prior to the issuance of a building permit.
- 3.) Applicant to enter into an agreement acceptable to the City for their snow removal responsibilities and holding the City harmless for damage to the structure by City crews prior to the issuance of a building permit.
- 4.) The structure will need to comply with any applicable engineering standards, or building or fire code requirements.
- 5.) Applicant shall provide annual proof of liability insurance to indemnify the City against any occurrences in the right of way that are due to items covered under this permit.
- 6.) Applicant will remove the obstructions at the applicant's expense if directed to by the City with appropriate notice.
- 7.) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



PROJECT DESCRIPTION:
 APPLICATION FOR CONCURRENT USE OF
 SIDEWALK FOR RAMP AND DECK ACCESS TO
 FIRST FLOOR

PARCEL ID #
 010-1120-02480

PLAT NAME: DULUTH PROPER SECOND DIVISION

DESCRIPTION
 LOTS 302 AND 304



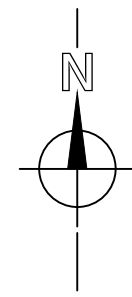
3 W. Superior Street
 Duluth, MN 55802

(218) 733-0690

www.wagnerzaun.com

dzaun@wagnerzaun.com
 rwagner@wagnerzaun.com

IF PRINTED TO SCALE
 THIS LINE WILL BE 1" LONG



PROJECT #: 1913

STORE + FLATS
 MIXED USE
 DEVELOPMENT

1824 W. SUPERIOR STREET
 DULUTH, MN

REVISION/ISSUE	DATE
CUP APPLICATION	09 DECEMBER 2019
REVISED CUP APP. PLAN	20 DECEMBER 2019

1 SITE PLAN
 CUP1.1 1" = 30'-0"

SHEET NAME:
 SITE PLAN

SHEET #:
 C.U.P 1.1





Design Phase
Nov 20 2019

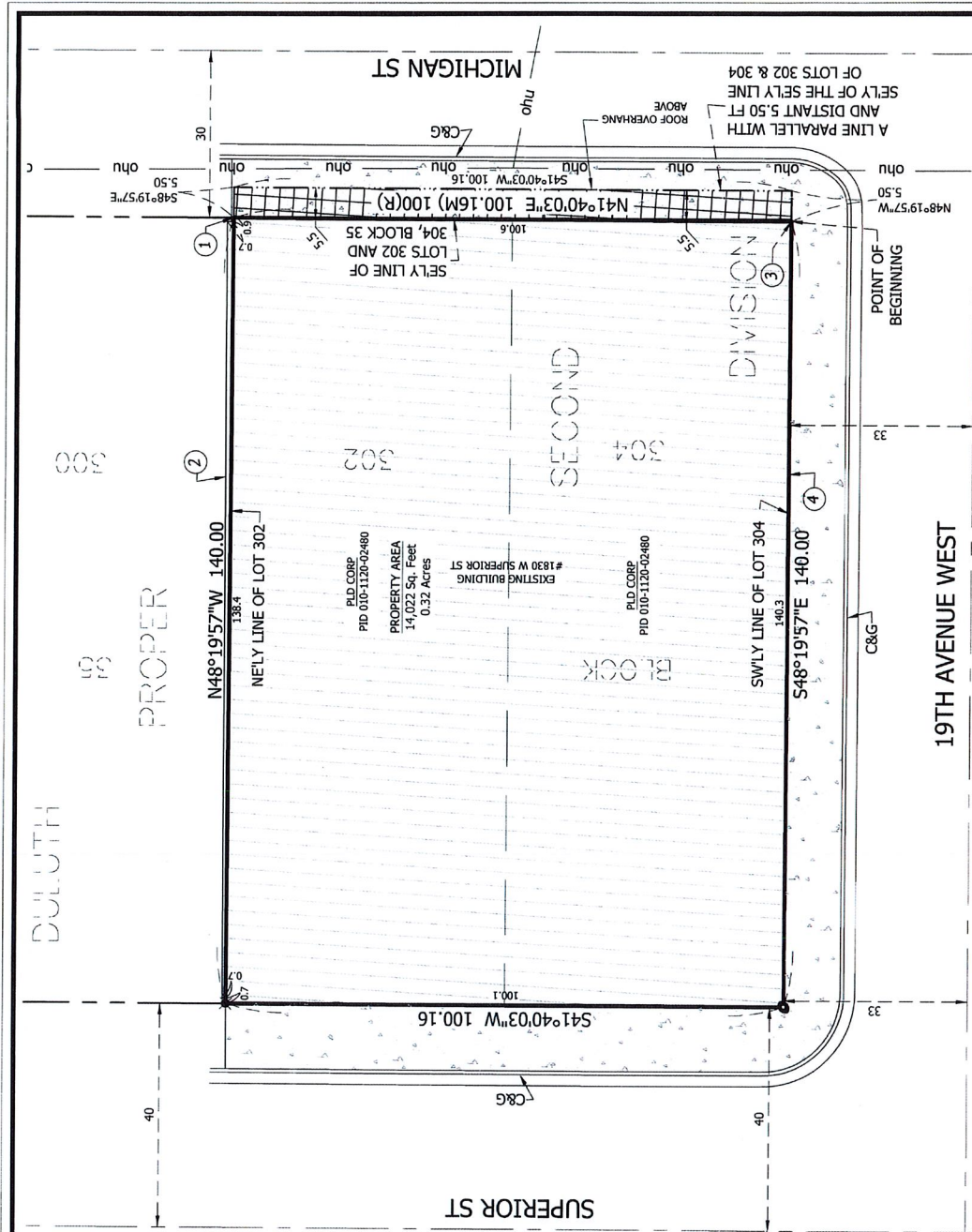


Store + Flats

1832 W Superior St, Duluth MN

Wagner Zaun
ARCHITECTURE





LEGEND

- (M)-FIELD MEASURED DIMENSION
- (R)-RECORD DIMENSION
- C&G-CONCRETE CURB & GUTTER
- OHU-OVERHEAD UTILITIES
- CENTER LINE
- RIGHT OF WAY LINE
- EDGE OF CONCURRENT USE LINE
- BOUNDARY LINE AS SURVEYED
- REFER TO SURVEYOR'S NOTES
- SET SPIKE
- ⊙ SET MAG NAIL
- ⊕ UTILITY POLE
- CONCRETE SURFACE
- ▨ BITUMINOUS SURFACE
- ▩ PROPOSED CONCURRENT USE AREA
- ▧ EXISTING BUILDING

LEGAL DESCRIPTION PER CERTIFICATE OF TITLE NO. 25-4893
 Lot 302 Block 35 DULUTH PROPER SECOND DIVISION
 Lot 304 Block 35 DULUTH PROPER SECOND DIVISION

LEGAL DESCRIPTION OF PROPOSED CONCURRENT USE AREA
 The Northeastly 5.50 feet of Michigan Street as dedicated and lying adjacent to Lots 302 and 304, Block 35, DULUTH PROPER SECOND DIVISION, according to the recorded plat thereof, St. Louis County Minnesota described as follows:
 Beginning at the South most corner of said Lot 304; thence on an assumed bearing of North 41 degrees 40 minutes 03 seconds East, along the Southeastly lines of Lots 302 and 304, said Block 35 for a distance of 100.16 feet to the East most corner of said Lot 302; thence South 48 degrees 19 minutes 57 seconds East, along the Southeastly extension of the Northeastly line of said Lot 302 for a distance of 5.50 feet to the intersection with a line parallel with and distant 5.50 feet Southeastly of the Southeastly line of said Lots 302 and 304; thence South 41 degrees 40 minutes 03 seconds West, along said parallel line 100.16 feet to the intersection with the Southeastly extension of the Southwestly line of said Lot 304; thence North 48 degrees 19 minutes 57 seconds West, along said Southeastly extension 5.50 feet to the point of Beginning.
 Said concurrent use area contains 550 Sq. Feet or 0.01 Acres.

SURVEYOR'S NOTES

1. THE EAST MOST CORNER OF LOT 302, BLOCK 35 LIES INSIDE THE BUILDING WALL COULD NOT SET MONUMENT AT THIS CORNER.
2. THE NORTHEASTERLY WALL OF THE BUILDING LOCATED AT 1830 W SUPERIOR ST LIES 0.9± FT NORTHEASTERLY OF THE NORTHEASTERLY LINE OF LOT 302, BLOCK 35.
3. THE SOUTH MOST CORNER OF LOT 304, BLOCK 35 LIES INSIDE THE BUILDING WALL. COULD NOT SET MONUMENT AT THIS CORNER.
4. THE SOUTH WESTERLY LINE OF THE BUILDING LOCATED AT 1830 W SUPERIOR ST LIES 0.7± FEET WESTERLY OF THE CORNER OF LOT 304.
5. THIS SURVEY HAS BEEN PREPARED WITHOUT BEARING OF 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.
6. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
7. BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL PLAN FOR BUILDING FOUNDATION DIMENSIONS.

ALTA
LAND SURVEY COMPANY
PHONE: 218-227-2111
WWW.ALTLANDSURVEY.COM

CERTIFICATE OF SURVEY

CLIENT: WAGNER ZAUN
 ADDRESS: 1830 W SUPERIOR ST,
 DULUTH, MN 55806
 DATE: 11-5-2019
 MN LIC. NO. 4552

REVISIONS:

DATE: 11-5-2019
 JOB NO: 19-372 SHEET 1 OF 1



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

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

Proposal

Preliminary plat of 11.96 acres of land into 18 lots ranging from .24 acres to .84 acres into "Hartley Hills Fourth Addition."

Staff is recommending approval with conditions for the Preliminary Plat.

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

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.

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 .24 acres to .84 acres and the Outlot is .29 acres. Outlot A will be used for storm water treatment purposes.
- 2) Based on discussion and public comment received at the December 10, 2019 Planning Commission meeting the applicant has revised the Plat layout. Access to the 18 lots will be from the intersection of Kolstad Avenue and Northfield Street, extending south on an unnamed (Future) street then into Hastings Drive which will extend to the east and west ending in culs-de-sac. All of the lots in the proposed plat will have frontage on one of the two improved public roadways. Two of the lots could be considered through lots as they have frontage along the unimproved portion of Kolstad Avenue on the eastern portion of the plat. The City Engineer is working with the applicant on the street layout and design. The Fire Marshall has stated that the radius of the “eye brow” or half cul-de-sac does not meet the turning radius for the widest City Fire Truck. The radius of the “eye brow” must be adjusted to accommodate the widest City Fire Truck vehicle.
- 3) 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.
- 4) The land is forested with pockets of open area. The applicant had submitted a tree inventory report that identified three areas sampled for tree species and size in the previous plat drawing. The new street configuration is generally inclusive of the previously sampled area and is 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 located in the southwest portion of the plat. A majority of these trees exceed 20” diameter and cannot be removed. 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. It is the developer’s proposal to complete a tree inventory by Plat Block compliant with the UDC. The applicant has stated that the buyer of each individual lot will need to have a tree protection and replacement plan in place, compliant with the City

UDC, as part of any site disturbance and construction approval. The City Forester is in agreement with the proposed tree inventory process and the proposed lot by lot tree preservation plans.

- 5) 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.
- 6) A stormwater management summary was submitted by the applicant. The City Stormwater Engineer has stated this information demonstrates the development can meet the requirements for stormwater management. The City will require a drainage report showing that the development will minimize the risk of flooding down gradient properties, and provide water quality controls to capture sediment and debris. The 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.
- 7) The general circulation requirements of Section 50-23.2 of the UDC require that all public streets within the R-1 District shall include a sidewalk at least 5-feet 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 proposing 5' sidewalk on one side of the street that would connect to the "improved natural trails" at the street ends. The applicant has stated that with the limited traffic, small neighborhood and proximity to Hartley a wider path or walks on both sides will result in additional tree loss, larger storm water area (more tree loss) and additional expense. The applicant is providing the required 20-foot wide pedestrian easement at the head of the east cul-de-sac to existing pathways to the east and a 33 foot wide utility and pedestrian easement at the head of the west cul-de-sac to adjacent streets to the west. These two pedestrian easements will be improved with a minimum of a 4-foot wide crushed stone pathway at the time of street construction. Construction of these pathways allows the plat to meet the connectivity requirements in UDC Section 50-23.3. The plat does show one additional 20-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. The proposed plat is in general compliance with connectivity and circulation requirements with the exception of not having sidewalks on both sides of the street.
- 8) 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.
- 9) Staff find that, other than sidewalks not being on both sides of the streets, 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.
- 10) A number of residents have provided comments regarding the proposed plat (see attached). 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. City comments have been received and are incorporated into the staff report. Note that a second neighbor letter was mailed on 1/3/20.

Staff Recommendation

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

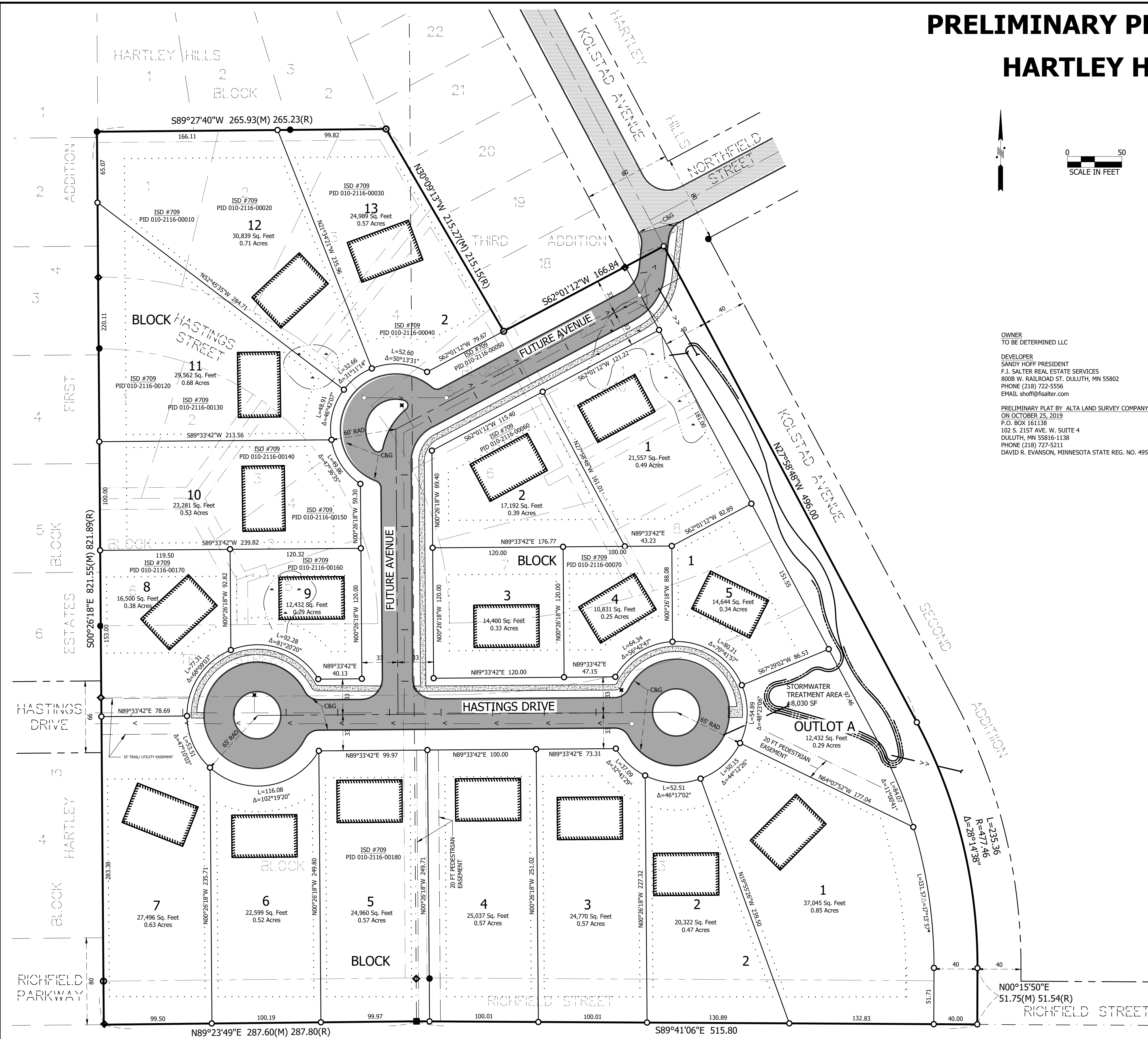
- 1) Any necessary utility easements should be shown on the plat.
- 2) Applicant should provide sidewalks along both sides of the streets.



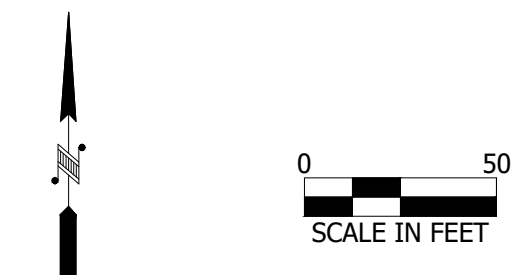
Legend
Zoning Boundaries

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	9.14 AC
Total R/W Acreage	2.53 AC
Number of Outlots	1
Number of Lots	18
Largest lot in Sq. ft.	30,839 SQ. FT
Smallest lot in Sq. ft.	10,8316 SQ. FT
Total Wet Land Area in Acres (per others)	0.19 AC



OWNER
TO BE DETERMINED LLC

DEVELOPER
SANDY HOFF PRESIDENT
F.I. SALTER REAL ESTATE SERVICES
800B W. RAILROAD ST. DULUTH, MN 55802
PHONE (218) 722-5556
EMAIL shoff@fisalter.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

ZONING AND BUILDING SETBACKS PER THE CITY OF DULUTH CURRENTLY ZONED- R1 RESIDENTIAL-TRADITIONAL. SEE TABLE 50-14.5-1 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.

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.

TABLE 50-14.5-1 R-1 DISTRICT DIMENSIONAL STANDARDS	
Minimum lot area per family (One-family) [1]	The smaller of 4,000 sq. ft. or coverage of developed 1-family lots on the block face
Minimum lot area per family (Two-family) [1] (2)	The smaller of 3,000 sq. ft. or coverage of developed 2-family lots on the block face
Minimum lot area per family (Townhouse) [1]	3,000 sq. ft.
Minimum lot frontage (one-family) [1]	The smaller of 40 ft. or coverage of developed lots with similar uses on the block face
Minimum lot frontage (two-family and townhouses) [1]	The coverage of developed lots with similar uses on the block face, but not less than 40 feet
Minimum depth of front yard	The smaller of 25 ft. or coverage of adjacent developed lots facing the same street
Minimum width of side yard (one- and two-family)	General: 5 ft. Lots with less than 50 ft. frontage and garage: Combined width of side yards must be at least 12 ft.
Minimum width of side yard (Townhouse)	10 ft. if adjacent to another lot 25 ft. if adjacent to platted street
Corner lot width of front side yard	Dwelling: 15 ft. Detached accessory building: 20 ft.
Permitted non-residential building	25 ft.
Minimum depth of rear yard	25 ft.
Maximum height of building	30 ft.

[1] Determined using "Ties on the block face" definition. When doing this calculation, exclude the subject lot from the calculation.
[2] Lots without municipal sewer must also meet requirements of 50-21.2.
[3] Existing structures that have a change of use from one-family to two-family must meet minimum lot area and frontage, but not setbacks.
Section 50.21 Dimensional standards contains additional regulations applicable to this district.

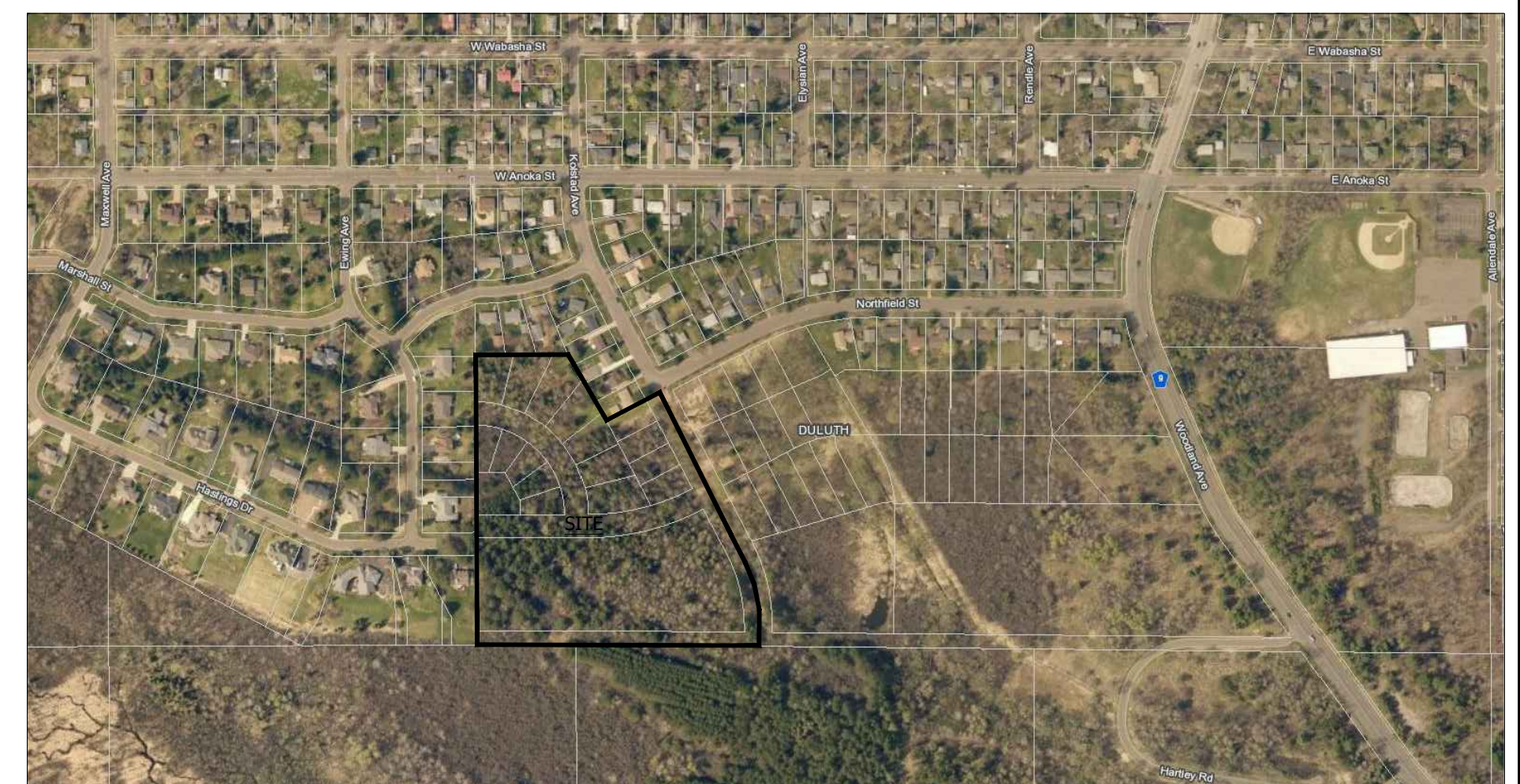
SITE ADDRESS
SITE HAS NO ADDRESS

SITE IS TREADED AND UNDEVELOPED.

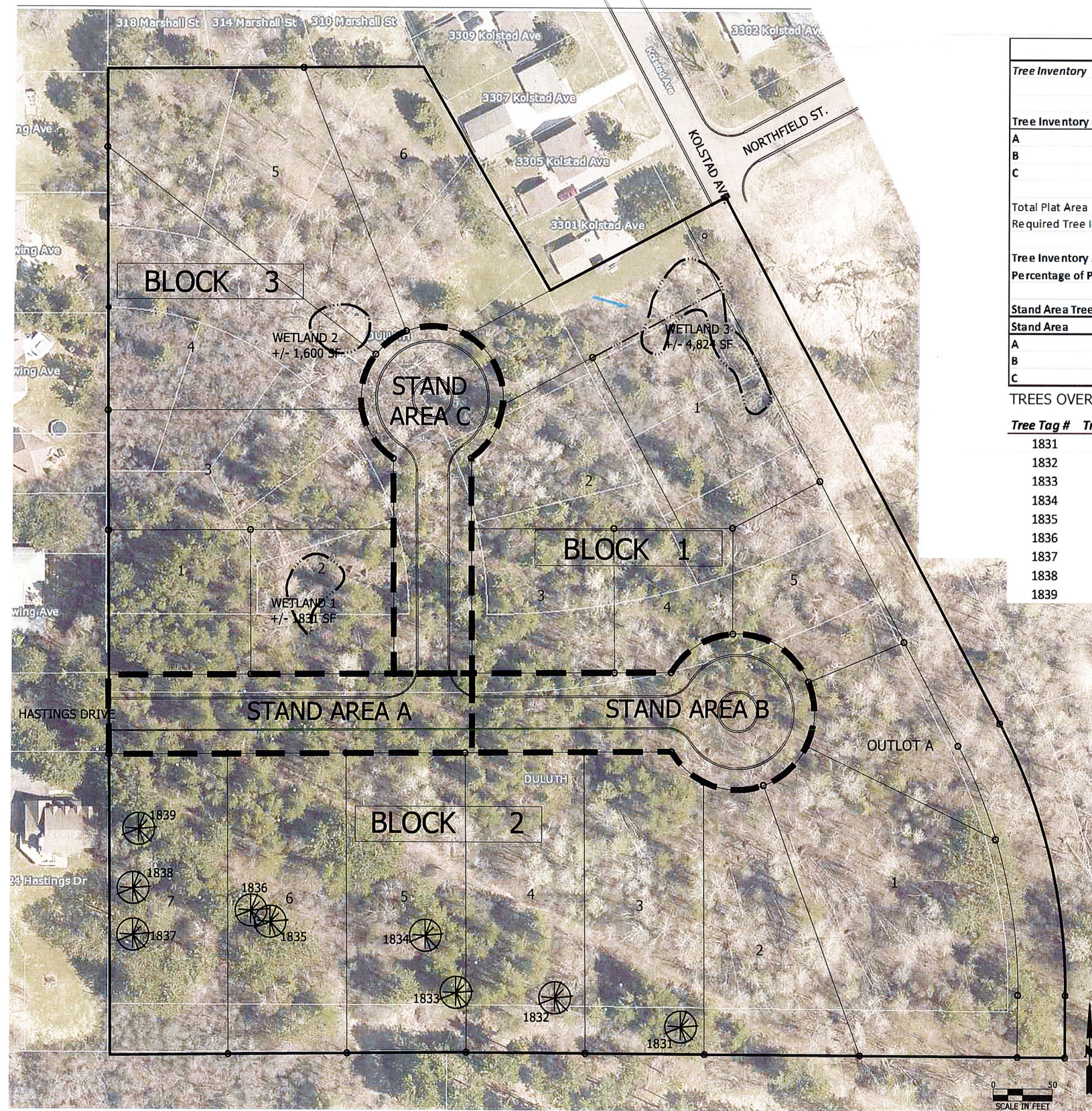
LEGAL DESCRIPTION FOR PRELIMINARY PLAT PURPOSES ONLY
Lots 1 thru 11, Block 1, Lots 1 thru 6, Block 2, all of Block 3, Hastings Street lying adjacent to Blocks 1 and 2, Tracy Street lying adjacent to Blocks 1 and 2, Westerly Half of Kolstad Avenue lying adjacent to Blocks 1 and 3 and Richfield Street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

LEGEND

	(M)-FIELD MEASURED DIMENSION	
	(R)-RECORD DIMENSION	
	C&G-CONCRETE CURB & GUTTER	
	SANITARY SEWER PER OTHERS	
	STORM SEWER PER OTHERS	
	WATER MAIN PER OTHERS	
	SETBACK LINE	
	WET LAND LINE PER OTHERS	
	PROPOSED EASEMENT LINE	
	SECTION SUBDIVISION LINE	
	CENTER LINE	
	RIGHT OF WAY LINE	
	PROPOSED LOT LINES	
	BOUNDARY LINE AS SURVEYED	



TREE INVENTORY OF PROPOSED HARTLEY HILLS FOURTH ADDITION RIGHT-OF-WAY (APPENDIX A)



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).

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

F.I. SALTER Real Estate Services
 Sanford (Sandy) Hoff | President
 800B W Railroad St. | Duluth, MN 55802
 P: 218.722.5556 | E: shoff@fialter.com



November 25, 2019
SHEET 1 OF 1 SHEETS

STOP SELLING OFF OUR LAND!!!

Duluth is so fortunate to have all the natural assets so close to the people that pay the taxes. I want to keep it that way so that i can roll out my back door and play.

This city has sold the idea that it is a play ground for outdoor enthusiasts. The tax rates rank as some of the highest in the state. We as residents are stuck with the bill so that the city can advertise and build for tourists to spend their money in Duluth. So they tear down what they are advertising and put up the same thing they could get in the cities. There is a reason I live here and not a metropolis.

I see very very little return from my city. So little in fact that when I saw that the Lake Walk was plowed before the roads this past grand snowfall, I was ecstatic!!! Finally! Duluth did something for US.

Please reject this proposal to tear down one of the last unique parts of Duluth and preserve it for years to come so our children's children can learn what it means to be a Duluthian.

Respectfully,

Stephen Paul Glowacki

To whom it may concern,

I want to express my concern for this development. I think it's a short term gain for such a precious park. In short, myself along with many of my neighbors in the woodland area vigorously oppose this.

Sincerely

Rod Raymond

...Cheers to the good life!

As a frequent user of Hartley Park I support the purchase of this land by nearby residents and gifting it to the city to keep it green.

The value of the nearby residents property values will go up due to proximity to Hartley Park and you'll get property taxes that way.

Hope to see you on the Trails!

Nikolai

c218-491-1560

Please DO NOT approve the above noted plan (in subject line).

Thank you so much for your assistance with this matter!

Sincerely,

Mary Young

John Kelley

From: Mary Young <[REDACTED]>
Sent: Sunday, December 29, 2019 4:02 PM
To: John Kelley
Subject: PL-19-160 / Hartley hills 4th edition

Please DO NOT approve the above noted plan (in subject line).

Thank you so much for your assistance with this matter!

Sincerely,

Mary Young

Dear mr Kelley

I want to express my concern for this development. I think it's a short term gain for such a precious park. In short, myself along with many of my neighbors in the woodland area vigorously oppose this.

Sincerely

Rod Raymond

...Cheers to the good life!

From: Chris White <[REDACTED]>
Sent: Friday, December 20, 2019 1:54 PM
To: Adam Fulton <afulton@DuluthMN.gov>
Subject: hartley

Please don't allow any more development in the Hartley park, our parks are what keep Duluth special there are few cities with our green space and we must begin to protect what we have.

thanks

From: rod raymond <[REDACTED]>

Sent: Friday, December 20, 2019 6:06 PM

To: Adam Fulton <afulton@DuluthMN.gov>

Subject: PL-19-160 / Hartley hills 4th edition

Hi Adam

I want to express my concern for this development. I think it's a short term gain for such a precious park. In short, myself along with many of my neighbors in the woodland area vigorously oppose this.

Sincerely

Rod Raymond

...Cheers to the good life!

From: Wilma Rahn <[REDACTED]>
Sent: Friday, December 20, 2019 9:19 AM
To: Adam Fulton <afulton@DuluthMN.gov>
Subject: Re: Meeting

You are going to be having more attendees at the next hearing. No one thinks this makes any sense to fragment the park and increase traffic like it will. It will be like the detour we had last summer when Woodland was closed, only it will be all the time. Our relatively quiet neighborhood will be lost.

Additionally, nothing is done on the new plat (talked to Sanford) to reduce the density and in my opinion putting a 25 foot vegetation area on the north and west side of the development doesn't go far enough, especially if it is not deeded in. A red flag went up when he said they would be "removing invasive species in this area". The land behind the homes on Hastings and Northfield is now all part of Hatley, destroying what is between these two areas doesn't make good sense, very disruptive to the wildlife and environment.

Still trying to find the legal description for this property.

Good people of the City,

Please don't approve of the proposed 18 new homesites and development that would impact the northern Hartley pine forest, and the public's longstanding use of this northern section of Hartley Park. My wife and I on a daily basis either run, walk, snowshoe, bike or ski this section as we enter and enjoy the greater Hartley Park area. We occasionally help the local COGGS bike group to maintain the park bike trails as needed. It is not unusual for us to enjoy multiple sports on any given day, entering and enjoying this northern tier of the park as we enter Hartley Park. We frequently see other Hartley Park users in this section of the Park.

We love the Park, and have thought these many years since we moved to Duluth in 1979 that this beautiful northern section was part of the Park. It should be. Please allow the citizen's group formed to preserve this section be given time to help the city enlarge the Park by purchasing this parcel and having it added to the Park. Perhaps the city could work together with the citizens to make this happen.

It is the right thing to do. I was just at Hartley yesterday, and wow was it busy. The parking lot was full. Quite a bit of the recreational traffic was entering on foot yesterday through this northern woodland and accessing the hiking/biking/ski/snowshoe trails leading in from the northern section of the Park.

Of course you realize that with the pending expansion of the Hartley Nature Center Preschool, that this project will impact their wonderful program. The Preschool makes frequent use to this Northern slope above the pond to the north as teachers lead their students on hikes and exploration. This activity will be negatively impacted by their proximity to the new development and its removal of nearby woods and open space. Many days on my bike ride through this northern slope area and section I see the preschoolers and their teachers out enjoying this very area, north of the pond, and fairly near to where this development is proposed. For the past two years my two 5 year old grandchildren have enjoyed and benefitted from the Hartley Preschool, and the wonderful expanse of woodlands extending north, west and south of the Preschool.

Please consider the every increasing need for this open space in this heavily used Park, and disapprove of this proposal from the developer.

Thank you.

Bob Beresford

218-349-7925

533 West Wabasha St.

Duluth, MN. 55803

Planning Commission Members:

This email concerns the proposed housing development in Woodland. For the record, I live further up in Woodland and have no connection with the developer or anyone living in the proposed development area.

First, Duluth needs more housing. While these units will not fall into the category of workforce affordable housing they will attract a market segment that too often opts for locations outside of Duluth.

Second, the housing is within the existing footprint of Duluth's road and utility service area and, as such, constitutes infill housing as opposed to sprawl at our margins.

Third, I sympathize with the neighbors whose undeveloped back yards will now bloom with housing. However, if one wishes to maintain undeveloped surroundings the answer is to acquire it and not to ask the City to do your work for you.

Fourth, as to the proposed single entrance serving the proposed development:

- One argument voiced to date against the proposed entrance is that a development of 18 units should have more than one entrance. That would be nice but is not imperative. The city has a large number of developments containing far more housing units that are served by a single access road. Immediately west of the proposed development there is Marshall Street which ends with a cul-de-sac serving 13 homes and empty lots for at least four more.
- The push for access to come off Northfield seems, on the surface, to be pure NIMBYism. The proposed access via Ewing impacts just 11 homes directly along the route with an average value of \$431,900. The alternative route mentioned by some who are opposed to the project is to use Northfield; that route impacts 32 existing homes with an average value of \$171,600.

From this I conclude that the proposed access route is acceptable and should be supported by the Planning Commission.

Finally, it is important that the proposed development not just protect but also enhance access to Hartley Park via Kolstad Avenue. This is an invaluable access allowing residents to use the park without traveling along Woodland Avenue. In that regard, I am not sure that a three-foot pathway is sufficient but that can be addressed in the final plat design.

Sincerely,

John Powers

181 Farley Lane / Duluth 55803

Dear Mr. Kelley,

My wife and I recently returned to Duluth after living for 5 years in North Dakota. Besides returning for the most important reason – family – we also came back to live in the Zenith city's natural beauty and re-adopt the outdoors as an integral part of the city's unique culture into our lives. As new neighbors on Kolstad Avenue near the planned Hartley Hills addition, we are currently opposed to this development and ask that the commission continue to table this matter until further review. Better yet, the city should contemplate stepping in to expand Hartley Park into the land that ISD 709 currently owns for the purposes of preserving the land for outdoor activity and usage.

As openminded individuals who want to see Duluth prosper, we realize that there is a housing shortage that the city is painfully experiencing and that the only way forward is to expand however, every week, even in frigid temperatures and an unprecedented 50 inches of total snowfall for the year, we see dozens of families walk by our house to the trail that starts at the dead end of Kolstad leading into the northern section of Hartley. We have also taken a few walks down the trail and are a bit surprised that this proposed development is being considered because it doesn't appear to harmonize very well with city's "Imagine Duluth 2035" for housing Policy 5, which specifically points out "...expanding a variety of housing opportunities throughout the city while maintaining unique community characteristics within distinct individual neighborhoods." When I read that policy, I think of the uniqueness of the Woodland neighborhood that borders Hartley. Additionally, in reviewing the information sent by you, which is still rather confusing to us, we are not confident that the development would stop there. There is a grayed out section labeled "second addition" to the east of where it looks like Kolstad Avenue could eventually be pushed through in years to come. We imagine seeing additional houses built in the entire ISD 709 owned property that borders Hartley.

These are opinions and concerns that we respectfully submit to you – thank you for reviewing.

Sincerely,

Jason and Morgan Reid

Hello,

I live at 330 Hastings Dr. in a house that faces Ewing Drive. Ewing Ts with our driveway. This is also the ONLY proposed route that 18 households of vehicles will use to go into the new planned development on the proposed extension of Hastings Dr. Since we have lived here, I have watched many many cars travel to and from Woodland Avenue via Northfield, Kolstad, Marshall, Ewing, and Hastings Drive as though it is a matchbox race car track. I predict adding this development is going to make things MUCH WORSE. Hastings CANNOT be the only access into this development. That is a huge mistake. Personally, I do not want countless sets of headlights beaming into my living room but it will also not serve this neighborhood well at all. I realize that is likely to late to voice our opinions now, as it seems a done deal but at the very least you need to reconsider the routing.

That is not my only concern. When we purchased this property, we were told that the city designated/zoned this land (the former school district land) as recreational only. This WAS the reason we moved here. I don't believe the city did their due diligence in informing all of the nearby property owners of this rezoning.

The letters that came out two weeks ago informing us of this planned development were very confusing. The first one made no sense to us (me and my neighbors) and then it was followed with a second letter without explaining the first one (or that it was replacing the first one). Is this an attempt to confuse us? There seems to be a lot of behind the scenes decisions without properly informing residences and without giving us time to respond.

When we attended meetings two years ago, it was expressly conveyed that this land would not be developed to the south of the footpath (closest to the pond). We thought there would be only one cul de sac and that the road would extend to Kolstad. Both of these things have changed. When did this happen and when were we informed? What happened to green space and watershed preservation?

It appears the School Board approved the sale to Sanford Hoff last night (Monday 12/9) but the letters that came out last week indicated that this was already a done deal. Another misleading bit of information.

We will be at the meeting tonight to take up these matters further. It would be nice to have email responses as well.

Looking forward to your reply.

Laurie Anderson

Hi Adam,

My name is Matt Wiklund and I live at 310 Marshall St. I intended to go to the hearing yesterday, but unfortunately had a work conflict and was unable to attend. I intend to attend the January 14th hearing. Am I able to still submit my testimony? If so, shall I do so prior to the hearing as opposed to during the hearing?

The previous owner of my house has documents dating back to 1978 relating to the planned development of this acreage (in addition to the other 35 conservation zoned acres). While much of the literature relates to the full 40 acres, I have quite a few documents pertaining to the 5 that is being discussed in yesterday's hearing.

I have meeting minutes and written testimony from several residents over the past 30 years as to why the area cannot or should not be developed. The area isn't just countless residents' access to one of Duluth's most pristine parks, but provides habitat to deer, birds, turtles, frogs, bats, among several other species. My wife and I love watching the turtles sunning on the trail just behind our house in the summer. Last spring/summer we had wood ducks nesting in a tree just beyond our property and we were able to watch the ducklings jump from the nest as they ventured (a long journey!) back to the pond. I strongly believe that a formal assessment needs to be made to determine if the lowlands in the proposed development area are protected wetland habitat. These areas hold surface water during most of the spring and summer.

In addition to the wildlife habitat and wetlands, there are towering, old-growth trees that I urge be reviewed prior to allowing any development to commence. Putting this decision in the hands of a developer, contractor, or lot buyer would be morally reprehensible - especially after the wind storms devastated much of the area's old growth forest. Even further, just prior to the major windstorm, Hartley elected for a selective harvest. The large trees in Hartley are a direct reflection of the character and health of this city.

I have documents from the EPA pertaining to it being a watershed and the environmental sensitivities relating to stormwater runoff. I have former city planning committee opinions stating the area is unsuitable for development. The area abuts a stream that feeds into the headwaters of Tischer Creek. Based on all of this literature and former public testimony and opinions from environmental regulators and city commissions, I believe an environmental assessment (EA) is absolutely necessary to ensure groundwater in the proposed development area will not pollute the area's greatest resource - its water.

As a lifelong resident of Duluth, I believe it is special for two reasons: its water and its parks. Beyond undermining Duluth's identity, development in this area is environmentally irresponsible, if not criminal - something that can only be determined with a formal environmental assessment.


Thank you,

Re: Proposed housing development next door to Hartley Park I see the plan as published by the Duluth News Tribune. I see two cul-de-sacs, neither of which has an island. I notice that each lot on the cul-de-sac is very narrow, almost just enough space for a driveway. I also see the easement into the park from Northfield. My question is, when we get the next 22" snowfall, where is the City planning on putting all that snow? There is not much room on each lot. The City will have to fill up the easement, thus cutting off access to the Park in winter. I live at the west end of Marshall and we have an island in the cul-de-sac. Our island is already 6 feet high with snow. How the City plans to plow those new cul-de-sacs is beyond me. I suggest you discuss it with your people responsible for snow removal. I am afraid the City is asking for a lot of grief from the new homeowners. There are too many lots in that area to be able to reasonably maintain the streets. And when the streets and cul-de-sac are full of snow like we have now just at the beginning of winter, how is the City going to get a fire truck in and out of those cul-de-sacs? I would appreciate an answer to all this.



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

 218-730-5580

 planning@duluthmn.gov

File Number	PL 19-184	Contact	Chris Lee, clee@duluthmn.gov	
Type	MU-C Planning Review	Planning Commission Date	January 14, 2020	
Deadline for Action	Application Date	December 11, 2019	60 Days	February 9, 2020
	Date Extension Letter Mailed	December 13, 2019	120 Days	April 9, 2020
Location of Subject	315 and 321 East Central Entrance			
Applicant	PWS Holdings 19, LLC	Contact	Tanner Brandt	
Agent		Contact		
Legal Description	See attached PIN: 010-0400-00720, 010-0400-00715, 010-0400-00700			
Site Visit Date	December 15, 2019	Sign Notice Date	January 1, 2020	
Neighbor Letter Date	December 31, 2019	Number of Letters Sent	23	

Proposal

The applicant is proposing to construct a new automated drive-through carwash with 11 vacuums. This carwash will be self-serve with a small staff to oversee daily operations.

Recommendation

Staff recommends approval, subject to conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-C	Commercial Use	Central Business Secondary
North	R-1	Single Family Residential	Central Business Secondary
South	MU-C	Commercial	Central Business Secondary
East	MU-C	Single Family	Central Business Secondary
West	MU-C	Restaurant	Central Business Secondary

Summary of Code Requirements

50-15.3 MU-C District – Planning review by the Planning Commission is required
 50-18.1 Shoreland, Flood Plains, Wetlands, Stormwater
 50-23 Connectivity and Circulation – Focuses on pedestrian and bicycle accommodations.
 50-24 Parking and Loading – Addresses required parking spaces, loading docks, and snow storage.
 50-25 Landscaping and Tree Preservation – Landscaping requirements and tree preservation
 50-26 Screening, Walls, and Fences – Screening of equipment, loading areas, etc., plus fences & retaining walls.
 50-29 Sustainability Standards – Sustainability point system for new development.
 50-30 Design Standards – Building standards for multi-family, commercial, institutional, and industrial buildings.
 50-31 Exterior Lighting – Directs the minimum and maximum illumination values and lighting fixtures for a site.
 50-37.11 Planning Review – Planning Commission shall approve the Planning Review or approve it with modifications, if it is determined that the application complies with all applicable provisions of this Chapter.

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

Governing Principle #1 – Reuse previously developed lands.

Economic Development Policy #3: Priority will be given to investment that reuses previously developed lands and limits increase in utility operation or maintenance costs.

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

Site history: The site is currently home to a closed Dairy Queen and a mixed-use structure. All structures will be removed for the new car wash.

Review and Discussion Items

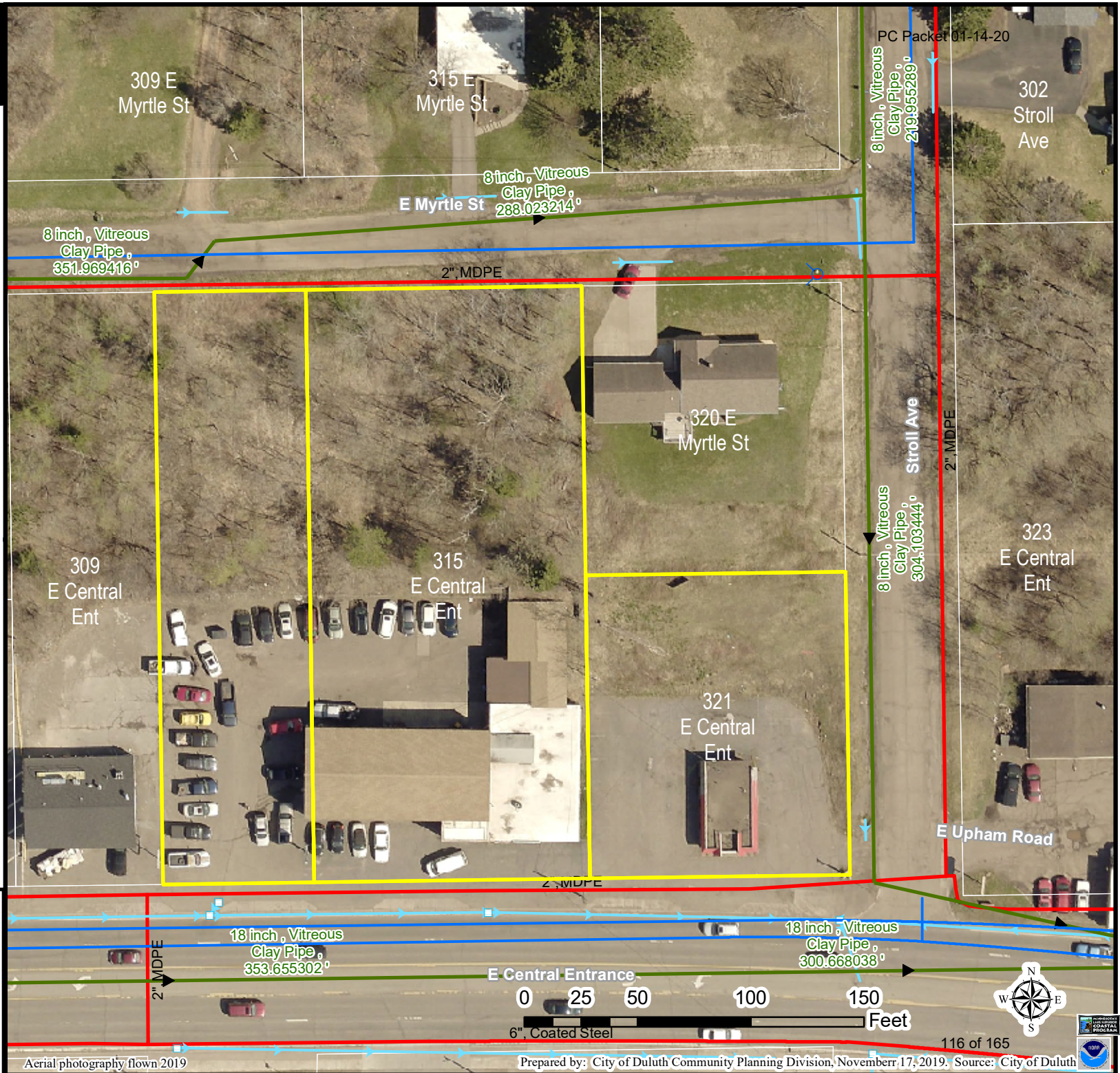
Staff finds that:

- 1) 50-15.3 (MU-C District) – Site plan shows that the building and parking will meet MU-C setbacks. The building is proposed to be 28 feet tall including a parapet and tower to screen the roof-mounted mechanical equipment, which is less than the maximum 45 feet allowed.
- 2) 50-18.1 (Stormwater Management) – The applicant will be required to submit a storm water plan for review by the City's Engineering department prior building permits approved. Currently the site has 26,000 square feet of impervious surface. The new development will decrease that to 24,500 square feet.
- 3) 50-23 (Connectivity) – There is no proposed pedestrian connectivity to this site. The site currently does not have sidewalks. The nearest sidewalks are located on the south side of Central Entrance. Sidewalks in the right of way would be at MnDOT's discretion.
- 4) 50-24 (Parking) – The site plan indicates 7 parking stalls. Access to the site will be from Central Entrance. The applicant is proposing to consolidate curb cuts and have only one point of entry to the property
- 5) 50-25 (Landscaping) – The landscape plan shows street frontage landscaping with trees and shrubs that comply with UDC requirements. In total there are 14 trees, and 35 shrubs on the proposed site plan.
- 6) 50-26 (Screening) – Mechanical units will either be located on the roof and screened by the building parapet or be kept inside the structure. They will not be visible from the street or neighboring properties. The trash enclosure will meet the UDC requirements.
- 7) 50-27 (Signs) – Applicant will apply for sign permits separately from this application.
- 8) 50-29 (Sustainability) – Not Applicable.
- 9) 50-30 (Design Standards) – Not Applicable.
- 10) 50-31 (Exterior Lighting) – The property exterior will be lit via pole-mounted and building-mounted lights compliant with UDC fixture and light level requirements.
- 11) No public comments have been received on this project to date.
- 12) Per UDC 50-37.1.N, an approved Planning Review will expire if the project or activity authorized is not begun within one year, which may be extended for one additional year at the discretion of the Land Use Supervisor.

Staff Recommendation

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

- 1) The project be limited to, constructed, and maintained according to the construction and building plans drawn for this zoning application and included with this staff report on December 11, 2019.
- 2) The landscaping plan, lighting plan, and mechanical screening plan will need to be approved by the Land Use Supervisor prior to a building permit being issued.
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of UDC Chapter 50.

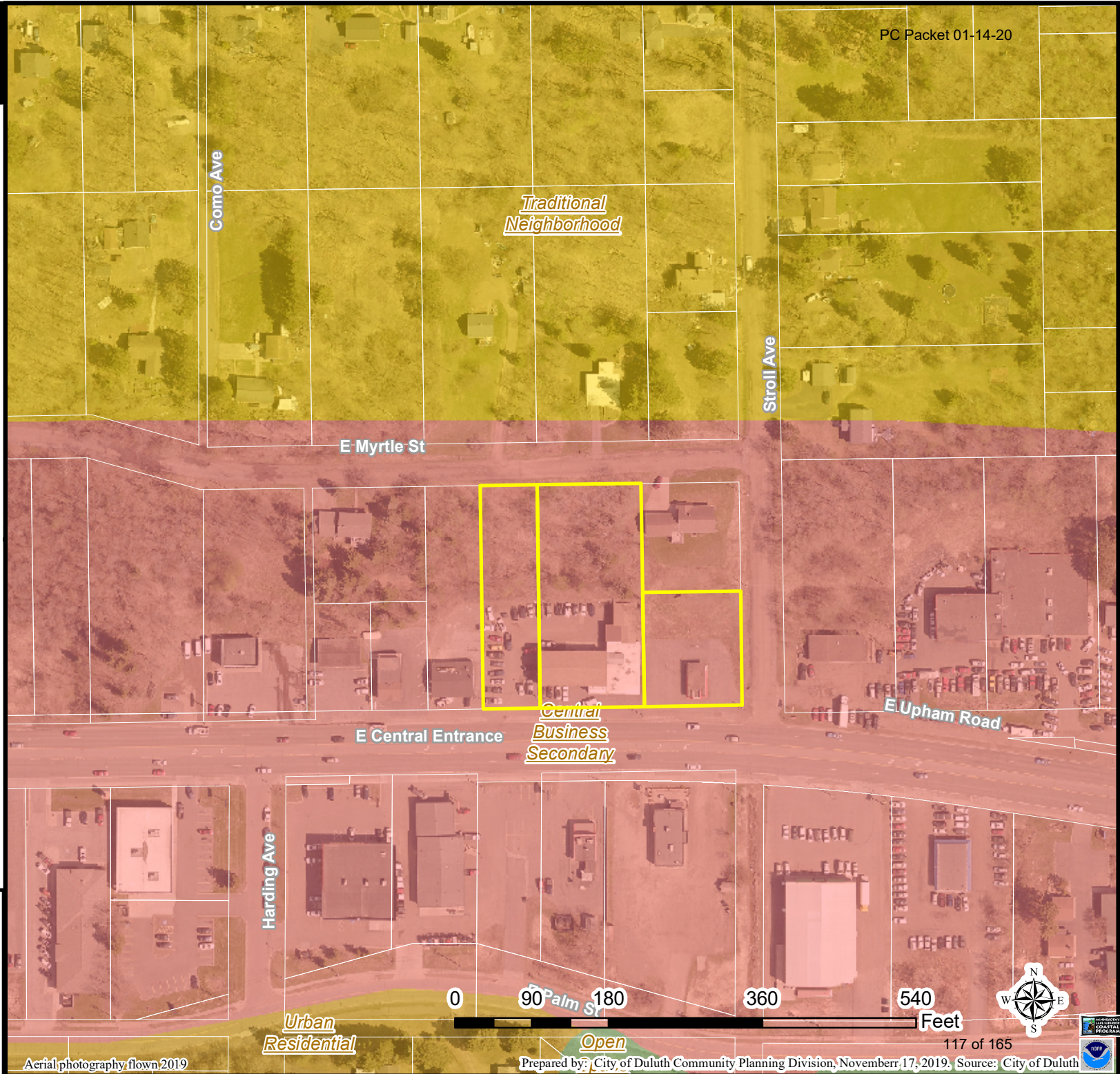


Legend

- 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

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.



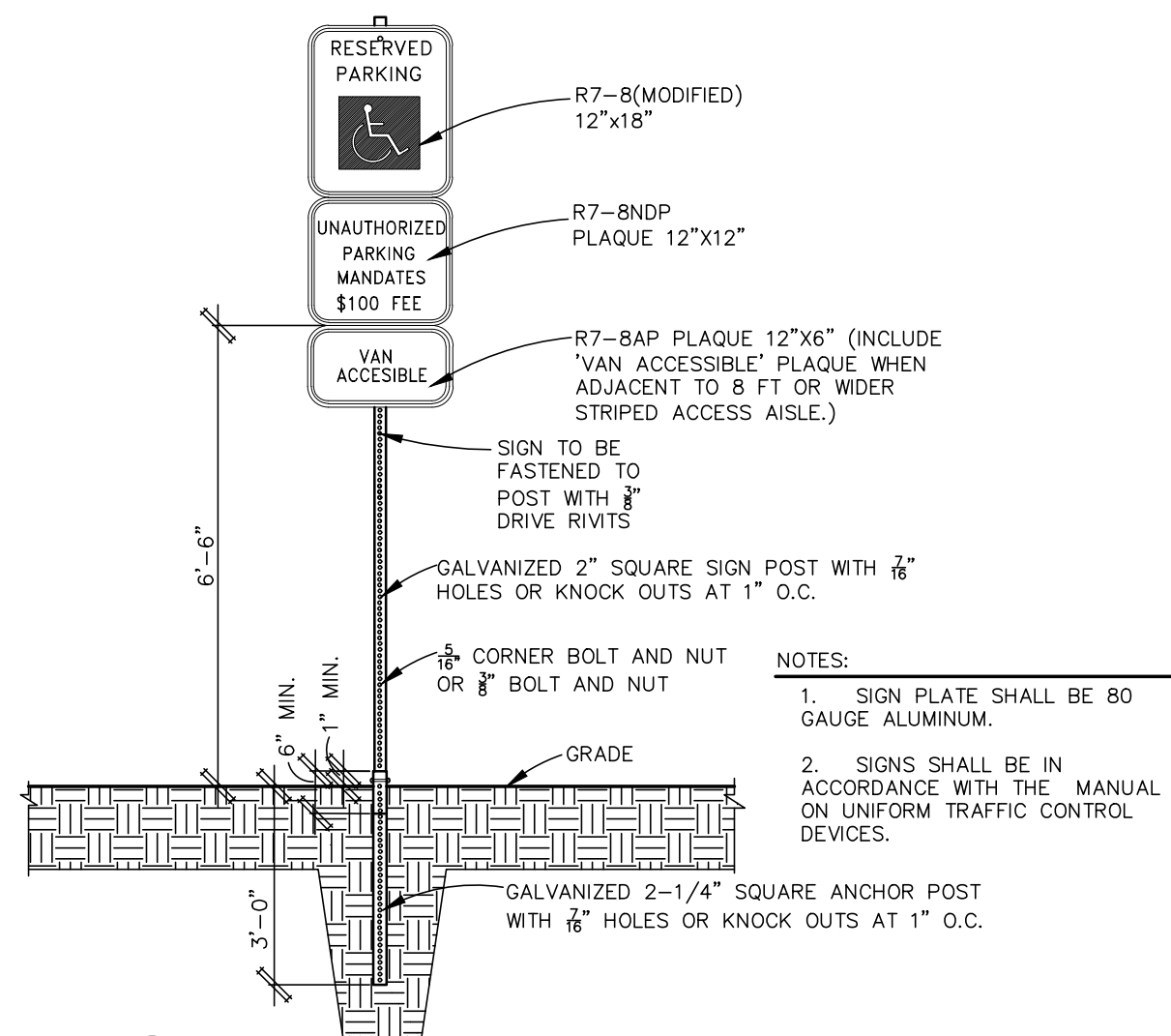


Legend

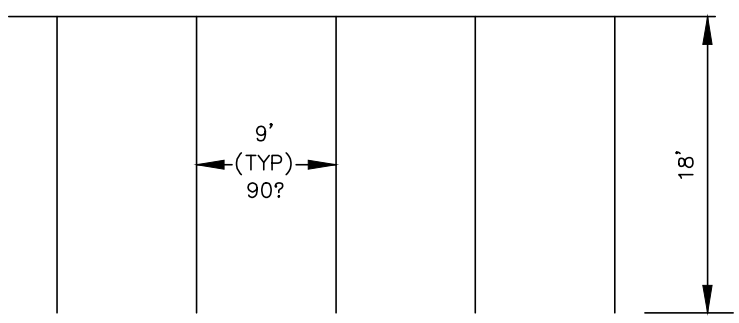
- Open Space
- Open Space/Outside Duluth
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Central Business Secondary
- Central Business Primary
- Large-scale commercial
- Tourism/Entertainment District
- Commercial Waterfront
- 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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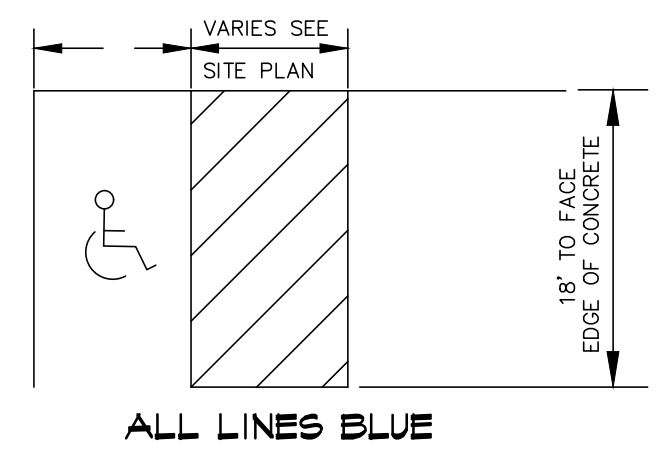


C13 HC PARKING SIGN
NOT TO SCALE



- NOTES:**
1. THE CONTRACTOR SHALL PAINT 4" WIDE STRIPES FOR THE PARKING STALLS AND HANDICAP SYMBOL AS SHOWN HERE AND AT LOCATIONS ON THE SITE PLAN. THE PAINT SHALL BE: DIAMOND VOGEL TB/3509 (WHITE) OR APPROVED EQUAL.
 2. SEE SITE LAYOUT FOR OTHER STALL DIMENSIONS.
 3. ALL GORE AREAS BESIDES ADA PARKING AREAS, SHALL BE 4" LINES WITH 3" SPACING BETWEEN LINES.

E13 TYPICAL PARKING STALL LAYOUT
NOT TO SCALE



- NOTES:**
1. THE CONTRACTOR SHALL PAINT 4" WIDE STRIPES FOR PARKING STALLS AND HANDICAP SYMBOL AS SHOWN HERE AND AT LOCATIONS ON THE SITE PLAN. THE PAINT SHALL BE AS STATED IN THE SPECIFICATIONS.
 2. THE GORE AREAS SHALL BE 4" LINES WITH 3" SPACING BETWEEN LINES.
 3. DIAMOND VOGEL TB/7501 (BLUE) OR APPROVED EQUAL.

G13 TYPICAL ADA PARKING STALL LAYOUT
NOT TO SCALE

- KEY NOTES**
1. HANDICAP SIGN S.D. C13.
 2. PROVIDE TRANSFORMER PAD, COORDINATE SIZE AND EXACT LOCATION WITH THE ELECTRICAL CONTRACTOR AND CASS COUNTY ELECTRIC.
 3. TRASH ENCLOSURE S.D. D4, SHT. C6.1.
 4. AIR CONDITIONING CONDENSING UNIT.
 5. SNOW STORAGE AREAS
 6. NEW RETAINING TO BE DESIGNED BY CIVIL AND STRUCTURAL ENGINEER.
 7. EXISTING RETAINING WALL.

LEGEND

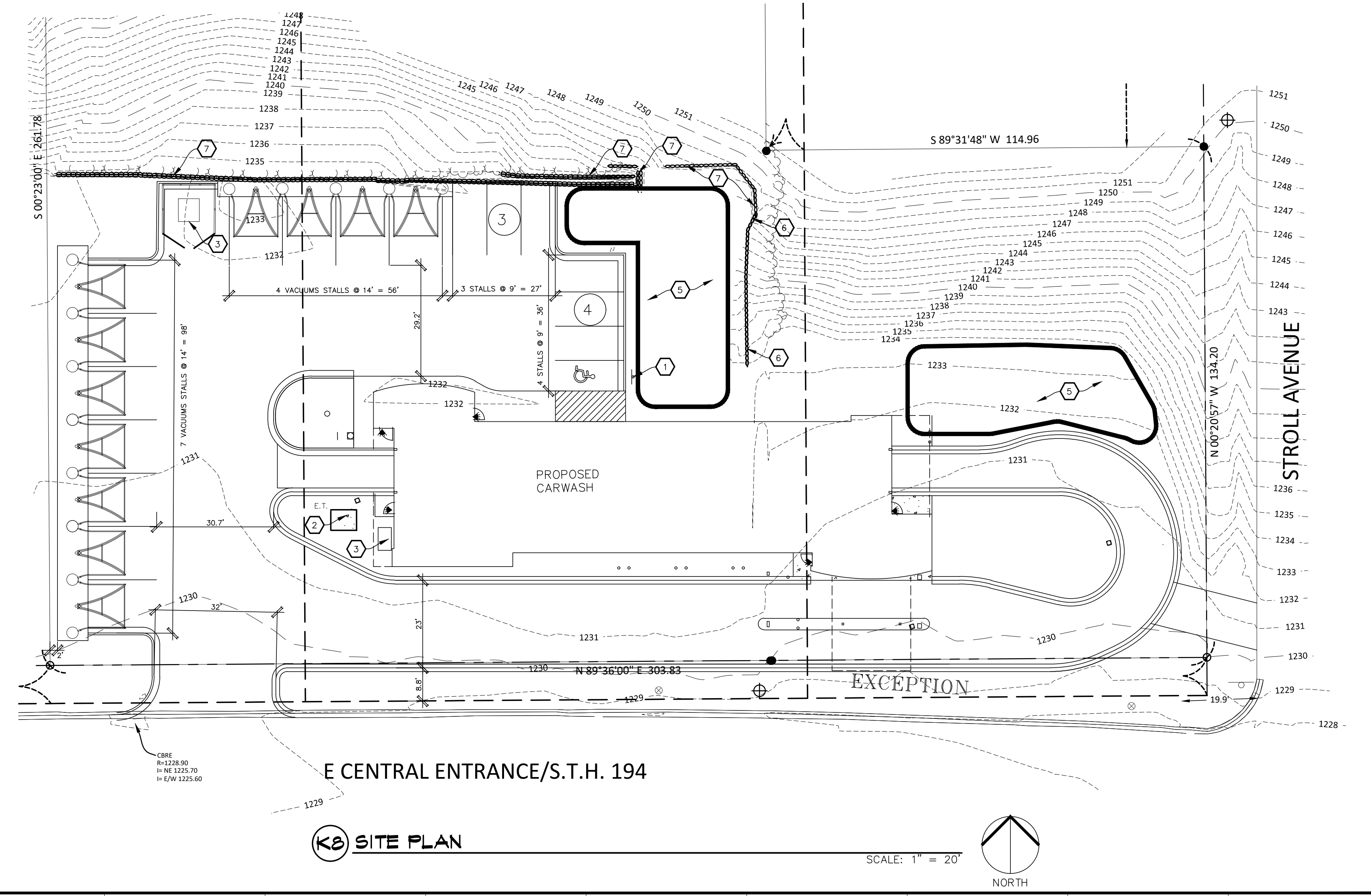
--- SETBACK	PROPERTY LINE	--- S	NEW SEWER MAIN
--- EASEMENT	SETBACKS	--- S	NEW SANITARY CLEANOUT
--- EX. PROP CORNERS	EX. PROP CORNERS	--- W	NEW SANITARY SEWER MANHOLE
--- EX. LIGHT POLE	EX. LIGHT POLE	--- W	NEW WATER MAIN
--- EX. POWER POLE	EX. POWER POLE	--- T	NEW TAPPING TEE W/ VALVE
--- EX. TELEPHONE PEDESTAL	EX. TELEPHONE PEDESTAL	--- T	NEW TEE
--- EX. UTILITY PEDESTAL	EX. UTILITY PEDESTAL	--- T	NEW 22 1/2" ELBOW
--- EX. ELEC. TRANSFORMER	EX. ELEC. TRANSFORMER	--- T	NEW 90° ELBOW
--- ACCESSIBLE PARKING SIGN	ACCESSIBLE PARKING SIGN	--- T	NEW GATE VALVE
--- EX. CURB AND GUTTER	EX. CURB AND GUTTER	--- T	NEW HYDRANT W/ GATE VALVE
--- EX. UNDERGROUND TELEPHONE	EX. UNDERGROUND TELEPHONE	--- S	NEW STORM SEWER
--- EX. UNDERGROUND TELEVISION	EX. UNDERGROUND TELEVISION	--- S	NEW STORM SEWER MANHOLE
--- EX. UNDERGROUND ELECTRIC	EX. UNDERGROUND ELECTRIC	--- S	NEW CATCH BASIN
--- EX. UNDERGROUND GAS	EX. UNDERGROUND GAS	--- S	REMOVE CURB AND GUTTER
--- EX. OVERHEAD ELECTRIC	EX. OVERHEAD ELECTRIC	--- S	LIGHT POLE
--- EX. SANITARY SEWER MAIN	EX. SANITARY SEWER MAIN	--- S	906.3 FL. PROPOSED ELEVATIONS
--- EX. WATER MAIN	EX. WATER MAIN	--- S	905.6 GS. EXISTING ELEVATIONS
--- EX. STORM SEWER	EX. STORM SEWER	--- S	1' EX. CONTOUR INTERVALS
--- EX. STORM SEWER MANHOLE	EX. STORM SEWER MANHOLE	--- S	.5' EX. CONTOUR INTERVALS
--- EX. SANITARY SEWER MANHOLE	EX. SANITARY SEWER MANHOLE	--- S	1' NEW CONTOUR INTERVALS
--- EX. STORM CATCH BASIN	EX. STORM CATCH BASIN	--- S	.5' NEW CONTOUR INTERVALS
--- NEW INFLOW CURB AND GUTTER	NEW INFLOW CURB AND GUTTER	---	
--- NEW OUT FLOW CURB AND GUTTER	NEW OUT FLOW CURB AND GUTTER	---	
--- FUTURE CURB AND GUTTER	FUTURE CURB AND GUTTER	---	
--- NEW CONCRETE PAVING EDGE	NEW CONCRETE PAVING EDGE	---	
--- EX. CONCRETE PAVING EDGE	EX. CONCRETE PAVING EDGE	---	

TOMMY CARWASH SITE DATA ZONED "MU-C"

TOTAL SITE AREA:	67,938 S.F. (1.55 ACRES)
ACTUAL BUILDING HEIGHT:	28 FT
FRONT SETBACK:	0 FT
SIDE SETBACK:	0 FT
REAR SETBACK:	0 FT
POST CONSTRUCTION IMPERVIOUS:	(38.2%) OR 25,965 S.F.
PRE-CONSTRUCTION IMPERVIOUS:	(50.8%) 34,565 S.F.
PARKING LOT SIZE:	18,322 S.F.

PARKING REQUIREMENTS

3 EMPLOYEES ON THE LARGEST SHIFT = 6 SPACES FOR SHIFT CHANGE	
+ 1 HANDI CAP PARKING SPACE	
TOTAL SPACES REQUIRED:	7 SPACES
TOTAL SPACES PROVIDED:	7 SPACES



K3 SITE PLAN

DATE: DEC. 8, 2019
PROJECT NO.: 19-???
DRAWN BY: CM
CHECKED BY:
ADDENDUMS:

REVISIONS:

**TOMMY'S EXPRESS
CAR WASH SYSTEMS**
EAST CENTRAL ENTRANCE
DULUTH, MINNESOTA

PACES
PH. (701) 281-9500
FAX (701) 281-9501

4265 45TH ST. SOUTH
SUITE 200
FARGO, ND 58104

DG
DESIGN RESOURCES GROUP
PH. (701) 499-0212
FAX (701) 281-9501

SHEET DESCRIPTION:
SITE PLAN

Sheet
C1.1
118 of 165

DATE: DEC. 7, 2019
 PROJECT NO: 19-???
 DRAWN BY: CM
 CHECKED BY:
 ADDENDUMS:
 REVISIONS:
 COPYRIGHT © DESIGN RESOURCES GROUP

**TOMMY'S EXPRESS
 CAR WASH SYSTEMS**
 EAST CENTRAL ENTRANCE
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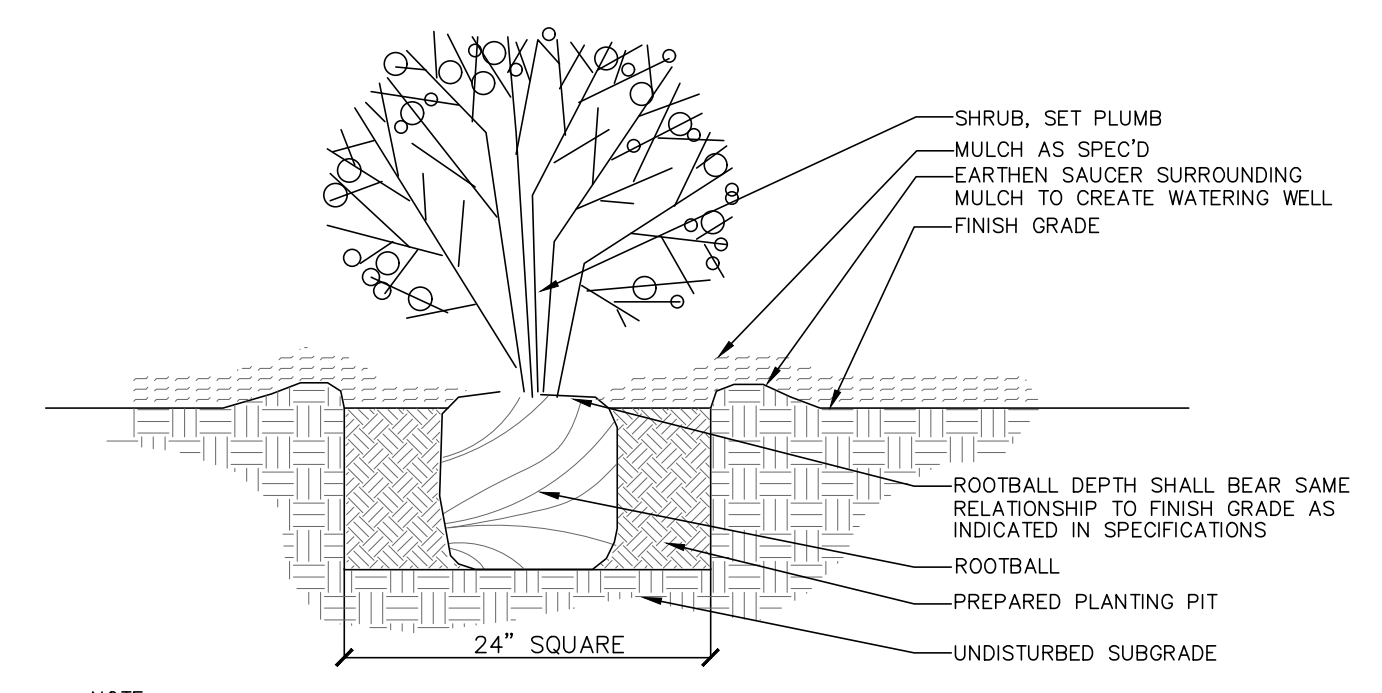
4265 45TH ST. SOUTH
 SUITE 200
 FARGO, ND 58104

DG
 DESIGN RESOURCES GROUP
 PH. (701) 499-0212
 FAX (701) 281-9501

SHEET DESCRIPTION:
 LANDSCAPE PLAN

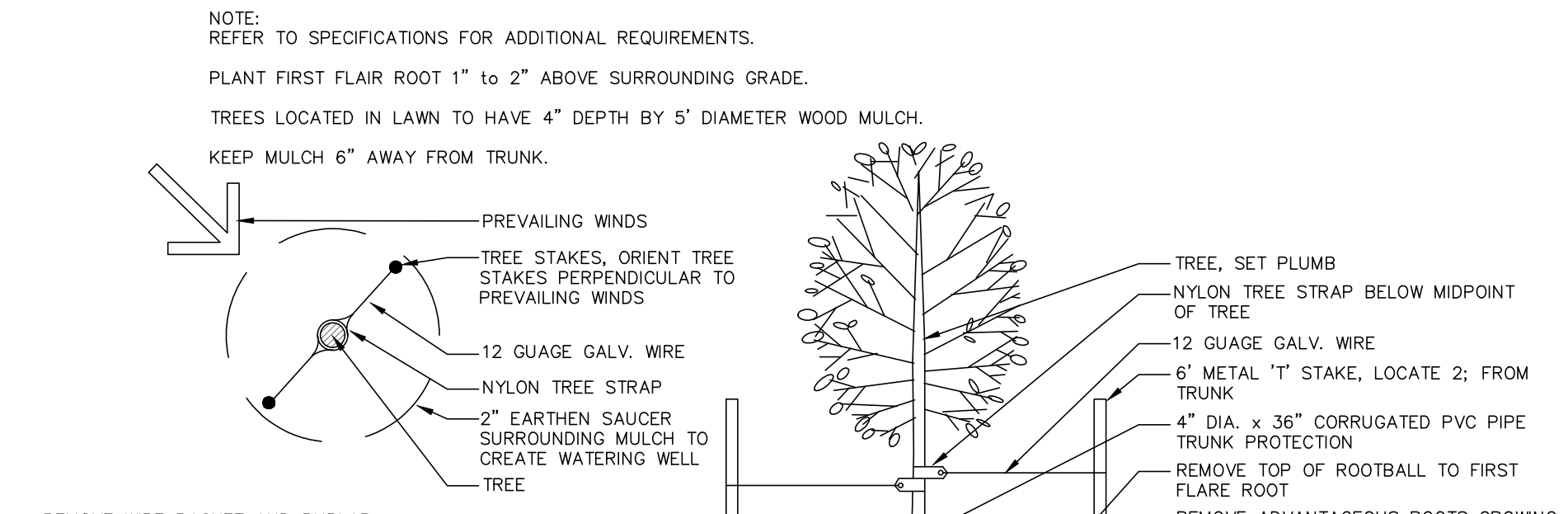
Sheet
L1.1
 119 of 165

PLANTING SCHEDULE					
[NOTE: ALL QUANTITIES ARE TO BE VERIFIED AGAINST PLAN. IN CASE OF DISCREPANCY - PROVIDE GREATEST QUANTITIES]					
SYM.	COMMON NAME	SCIENTIFIC NAME	SIZE	METHD	QUAN. REMARKS
A	DWARF BUSH HONEYSUCKLE	DIERVILLA LONICERA	5 GL.	CONTNR.	9 SEE PLANTING DETAIL C14
B	AMERICAN CRANBERRY BUSH "BAILEY COMPACT"	VIBURNUM "BAILEY COMPACT"	5 GL.	CONTNR.	6 SEE PLANTING DETAIL C14
C	WEIGELA "MINUET"	WEIGELA FLORIDA "MINUET"	5 GL.	CONTNR.	7 SEE PLANTING DETAIL C14
D	DWARF BURNING BUSH "COMPACTUS"	EUONYMUS ALATUS	5 GL.	CONTNR.	6 SEE PLANTING DETAIL C14
E	TANGO WEIGELA	WEIGELA FLORIDA "TANGO"	5 GL.	CONTNR.	6 SEE PLANTING DETAIL C14
F	FRITSCH SPIREA	SPIREA FRITSCHIANA	2.5"	CONTNR.	0 SEE PLANTING DETAIL C11
G	MCKAYS WHITE POTENTILLA	POTENTILLA FRUITICOSA "MCKAYS WHITE"	2.5"	CONTNR.	0 SEE PLANTING DETAIL C11
H	NORWAY MAPLE	ACER PLATANOIDES	2.5"	CONTNR.	7 SEE PLANTING DETAIL C11
J	AMERICAN LINDEN	TILIA AMERICANA	2.5"	CONTNR.	7 SEE PLANTING DETAIL C11
TOTAL PLANT UNITS					



NOTE:
 1. REFER TO SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS
 2. SPREAD MULCH SO THAT IT IS NOT IN CONTACT WITH WOODY BASE OF PLANT
 3. KEEP PLANTS MOIST AND SHADED UNTIL PLANTED
 4. FOR CONTAINER PLANTS: MAKE 4 TO 5 VERTICAL CUTS IN ROOTBALL AFTER PLANT HAS BEEN REMOVED. MAKE CUTS 1/2" DEEP. PLANT IMMEDIATELY.
 5. WATER COMPLETELY AFTER PLANTING.

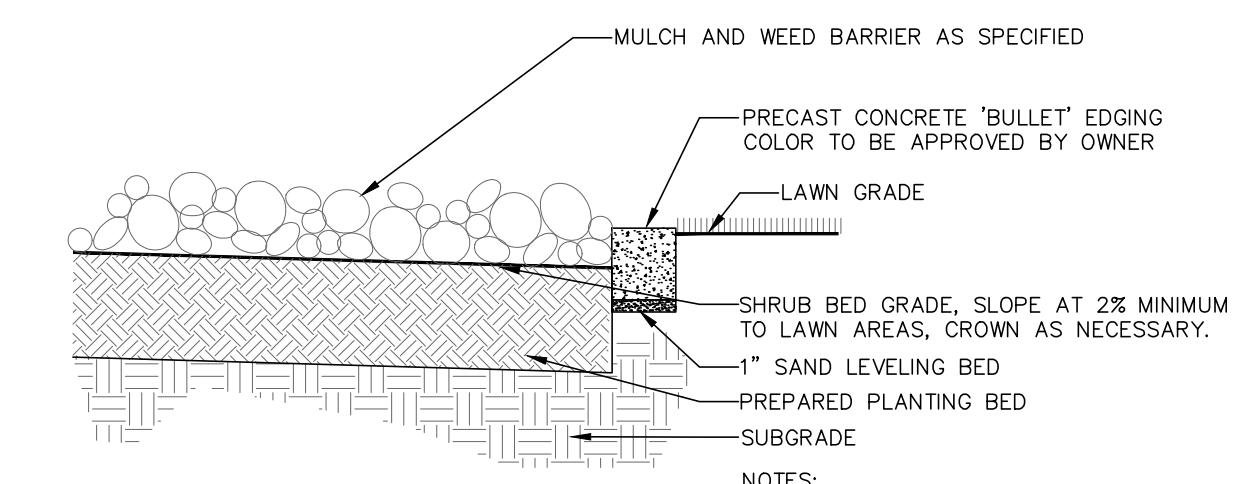
C14 SHRUB PLANTING DETAIL
 NOT TO SCALE



NOTE:
 REFER TO SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS.
 PLANT FIRST FLARE ROOT 1" TO 2" ABOVE SURROUNDING GRADE.
 TREES LOCATED IN LAWN TO HAVE 4" DEPTH BY 5' DIAMETER WOOD MULCH.
 KEEP MULCH 6" AWAY FROM TRUNK.

REMOVE WIRE BASKET AND BURLAP:
 REMOVE TOP OF ROOTBALL, ADVANTAGEOUS ROOTS AND FIBEROUS ROOTS LOCATED ABOVE FLARE ROOTS TO DETERMINE PROPER PLANTING DEPTH.
 REMOVE WIRE BASKET AND BURLAP FROM BOTTOM OF ROOT-BALL BEFORE PLACING ROOT-BALL IN HOLE.
 ALL TWINE, ROPE, WIRE BASKET AND BURLAP TO BE REMOVED.
 AFTER PLACING ROOT-BALL IN HOLE, ADJUST PLANTING DEPTH AS NECESSARY TO PLACE ROOT FLARE AT OR SLIGHTLY ABOVE ADJACENT GRADE.
 REMOVE REMAINDER OF WIRE BASKET AND BURLAP PRIOR TO BACKFILLING.

C11 TREE PLANTING DETAIL
 NOT TO SCALE



NOTE:
 1. REFER TO SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS.

E14 EDGING DETAIL
 NOT TO SCALE

KEY NOTES

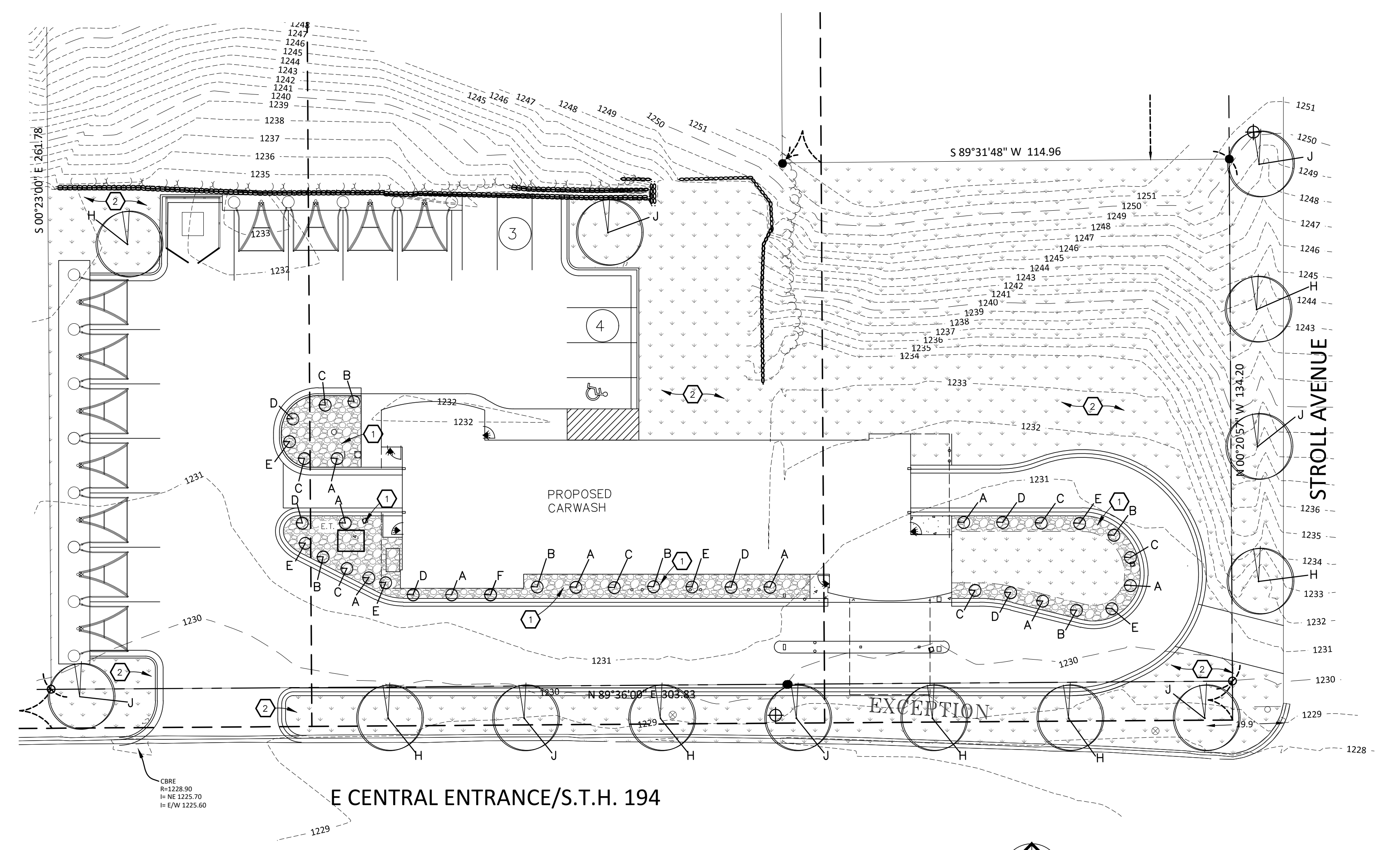
- 2" TO 5" ROCK OVER FABRIC WEED BARRIER.
- SOD.
- 4" PVC IRRIGATION PIPE SLEEVE COORDINATE W/ PAVING CONTRACTOR.
- PROVIDE LANDSCAPING EDGING S.D. E14.

LEGEND

- SOD
- 1.5" TO 2" ROCK OVER FABRIC WEED BARRIER.
- IRRIGATION SLEEVE

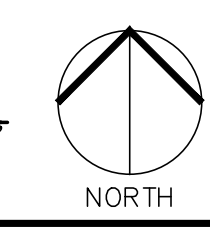
IRRIGATION NOTES

- ALL ROCK PLANTING BEDS SHALL BE PROVIDED WITH DRIP IRRIGATION.
- ALL SOD AREAS SHALL BE PROVIDED WITH A POP-UP IRRIGATION SYSTEM SPACED TO ADEQUATELY WATER ALL TURF AREAS.



K8 LANDSCAPE PLAN

SCALE: 1" = 20'



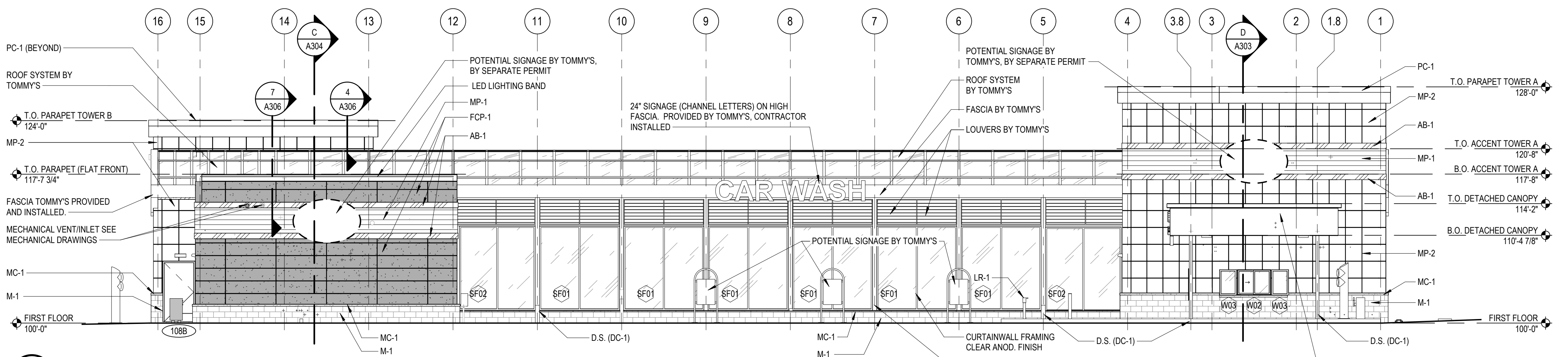
16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1
 A B C D E F G H J K

EXTERIOR MATERIALS LEGEND

- PREFINISHED METAL PANELS
- CEMENT BOARD PANEL
- PREFINISHED METAL COPING
- ALUM. FLAT STOCK (BLACK)
- PROFILED METAL PANEL
- MCM PANEL (BLACK)
- GLAZING
- SPLIT FACED CONCRETE MASONRY UNIT

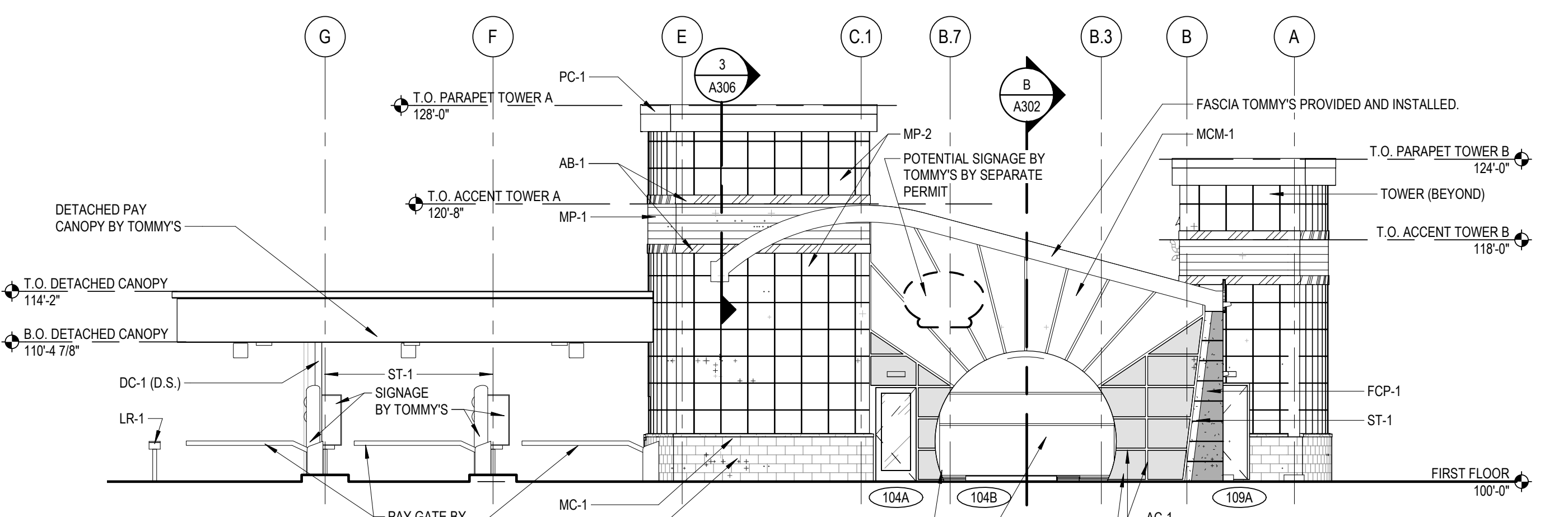
NOTE: ALL PROFILED METAL PANEL ACCENT (MP-1) SHALL BE CRIMP CURVED AT CURVED FACE OF TOWERS AND SHALL HAVE MITERED CORNERS. NO CORNER TRIMS. NO EXCEPTIONS

TOMMY'S EXPRESS CAR WASH
 315 EAST CENTRAL ENTRANCE
 DULUTH MINNESOTA



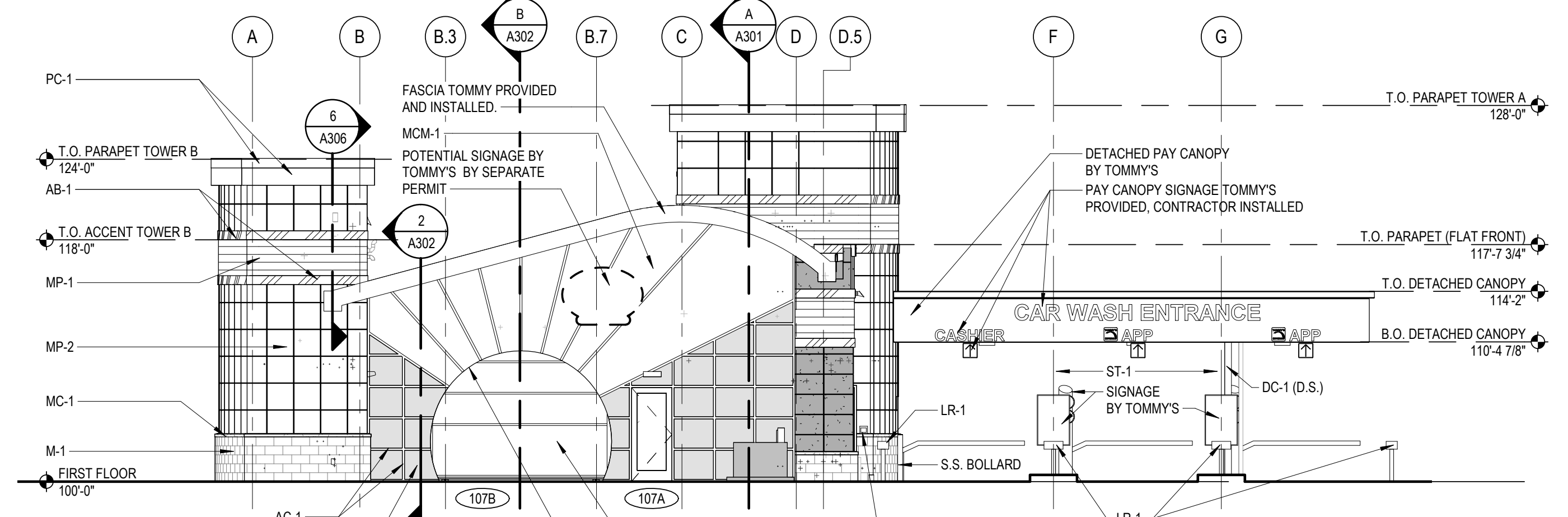
1 FRONT ELEVATION
 A101 1/8" = 1'-0"

NOTE:
 D.S. DOWNSPOUTS PROVIDED AND INSTALLED BY G.C.
 ENCLOSURES DC-1 PROVIDED AND INSTALLED BY TOMMY'S

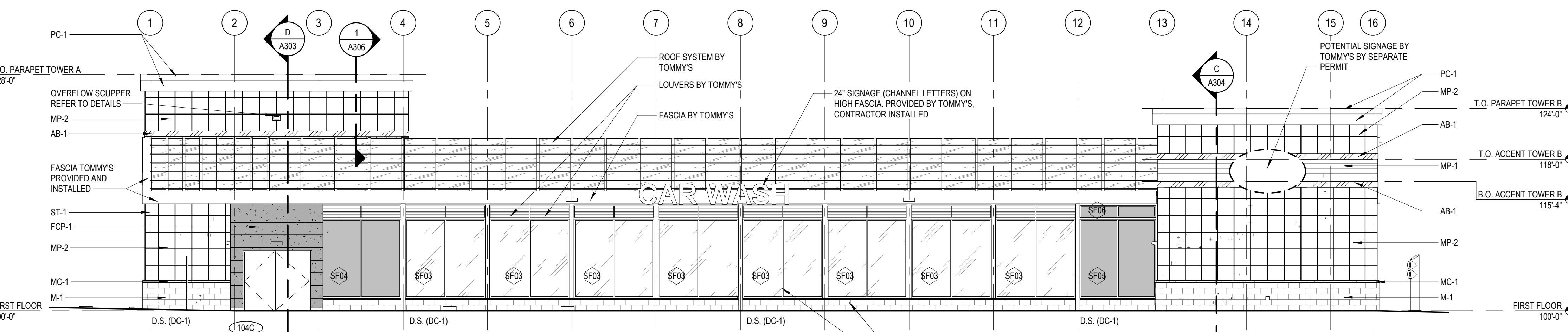


2 ENTRY END ELEVATION
 A101 1/8" = 1'-0"

NOTE:
 D.S. DOWNSPOUTS PROVIDED AND INSTALLED BY G.C.
 ENCLOSURES DC-1 PROVIDED AND INSTALLED BY TOMMY



3 EXIT END ELEVATION
 A101 1/8" = 1'-0"



4 BACK ELEVATION
 A101 1/8" = 1'-0"

NOTE:
 D.S. DOWNSPOUTS PROVIDED AND INSTALLED BY G.C.
 ENCLOSURES DC-1 PROVIDED AND INSTALLED BY TOMMY

TAG	MATERIAL	MANUFACTURER	DESCRIPTION	COLOR	SUPPLIED BY
ST-1	STRUCTURAL STEEL	R.B.I.	POWDER COATED STRUCTURAL STEEL	RAL 3001	TOMMY'S
MP-1	PROFILED ALUMINUM METAL PANEL	ATAS	ATAS 7.2 BWR360 BELVEDERE	SILVERSMITH	G.C.
MP-2	PREFINISHED METAL PANEL	DRI-DESIGN	30"x30" PANEL SIZE	RAL 3001	G.C.
AB-1	PREFIN. ALUM. ACCENT BANDING	ATAS	ATAS FLAT SHEET	BLACK	G.C.
PC-1	PREFIN. ALUM. PARAPET CORNICE	ARCONIC	REYNOBOND COMPOSITE PANELS	BRIGHT SILVER METALLIC	G.C.
M-1	SPLIT-FACE CMU	CONSUMERS	4" VENEER SPLIT-FACED	ASH	G.C.
MC-1	PRECAST STONE		MASONRY CAP	MATCH CMU COLOR	G.C.
FCP-1	ARCHITECTURAL BLOCK	NICHIHA	FIBER CEMENT PANELS 18" H x 72" W	GREY	G.C.
MCM-1	PREFIN. ALUM. COMPOSITE PANELS	LAMINATORS	LAMINATORS OMEGA SERIES	BRITE RED	G.C.
MCM-2	PREFIN. ALUM. COMPOSITE PANELS	CITADEL	SINOCORE	EBONY	G.C.
AC-1	PREFIN. ALUM. CLOSURE CAPS	TUBELITE	TUBELITE 200 SERIES CURTAINWALL	CLEAR ANODIZED	TOMMY'S
SF01, SF02, SF03	INSULATED GLASS	KAWNEER	1" INSULATED GLASS LOW-E	CLEAR	G.C.
SF04, SF05, SF06	METAL PANEL INFILL	KAWNEER	1" MCM PANEL INFILL (CITADEL) SEE DETAIL S/A601	CLEAR/EBONY	G.C.
DC-1	PREFINISHED ALUMINUM	RBI	DOWNSPOUT COVER		TOMMY'S
LR-1	LICENSE PLATE READER	TOMMY'S	BOLLARD	STAINLESS STEEL	TOMMY'S



PH. (701) 281-9500
 FAX (701) 281-9501



PH. (701) 499-0212
 FAX (701) 281-9501

SHEET DESCRIPTION:
 EXTERIOR ELEVATIONS

Sheet
A201









Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

 218-730-5580

 planning@duluthmn.gov

File Number	PL 19-148	Contact	Steven Robertson	
Type	Rezone from R-1 to MU-N	Planning Commission Date	January 14, 2020	
Deadline for Action	Application Date		60 Days	N/A (City Application)
	Date Extension Letter Mailed	N/A	120 Days	
Location of Subject	Intersection of Oxford Street and Woodland Avenue			
Applicant	City of Duluth	Contact	Planning and Development	
Agent		Contact		
Legal Description	See Attached Map			
Site Visit Date	December 31, 2019	Sign Notice Date	December 31, 2019	
Neighbor Letter Date	December 27, 2019	Number of Letters Sent	66	

Proposal

The City proposes rezoning property from the current zoning of R-1 (Residential-Traditional) to MU-N (Mixed Use Neighborhood). The proposal is consistent with the Comprehensive Plan.

Staff Recommendation

Staff is recommending approval of the proposed rezoning to MU-N.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential, Commercial	Neighborhood Mixed Use
North	R-1	Residential	Traditional Neighborhood, Open Space
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	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:

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

Principle 5 -Promote reinvestment in neighborhoods.

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

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

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

Future Land Use

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

History

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 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".

Review and Discussion Items:

- 1) The City proposes rezoning property from the current zoning of R-1 (Residential-Traditional) to MU-N (Mixed Use Neighborhood). The proposal is consistent with the Comprehensive Plan.
- 2) The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan, and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or be considered arbitrary and capricious. Good zoning practice requires that zone districts be consistent with the future land use category identified for the area.
- 3) State Statute requires that a community's zoning map implement the general objectives of the Comprehensive Plan. Other criteria for zoning 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 MU-N district is to accommodate a mix of neighborhood-scale, neighborhood serving non-residential uses and a range of residential uses located in close proximity. This district accommodates both horizontal (uses located in separate structures) and vertical (uses located in the same building) types of mixed use. Non-residential uses may include small-scale retail, service and professional offices that provide goods and services to the residents of the surrounding neighborhood.
- 5) This specific rezoning action is not in anticipation of any specific development proposal; it is instead intended to update the zoning map to reflect the recent change to the future land use designation per the Imagine Duluth 2035 Comprehensive Plan.
- 6) Based on the development pattern of adjacent areas, character of the subject area, and the purpose statement of the MU-N district, rezoning as proposed in the attached map is appropriate for this area.

7) No written correspondence has been received as of the date that this memo was printed. One citizen called and voiced concern to the rezoning and redevelopment of this area and potential tax impact on rezoning, and another contacted the office and expressed concerns over the possibility of a potential new gas station. An optional public information meeting is scheduled for the evening of January 7, and comments from the public are anticipated at that meeting.

Staff Recommendation:

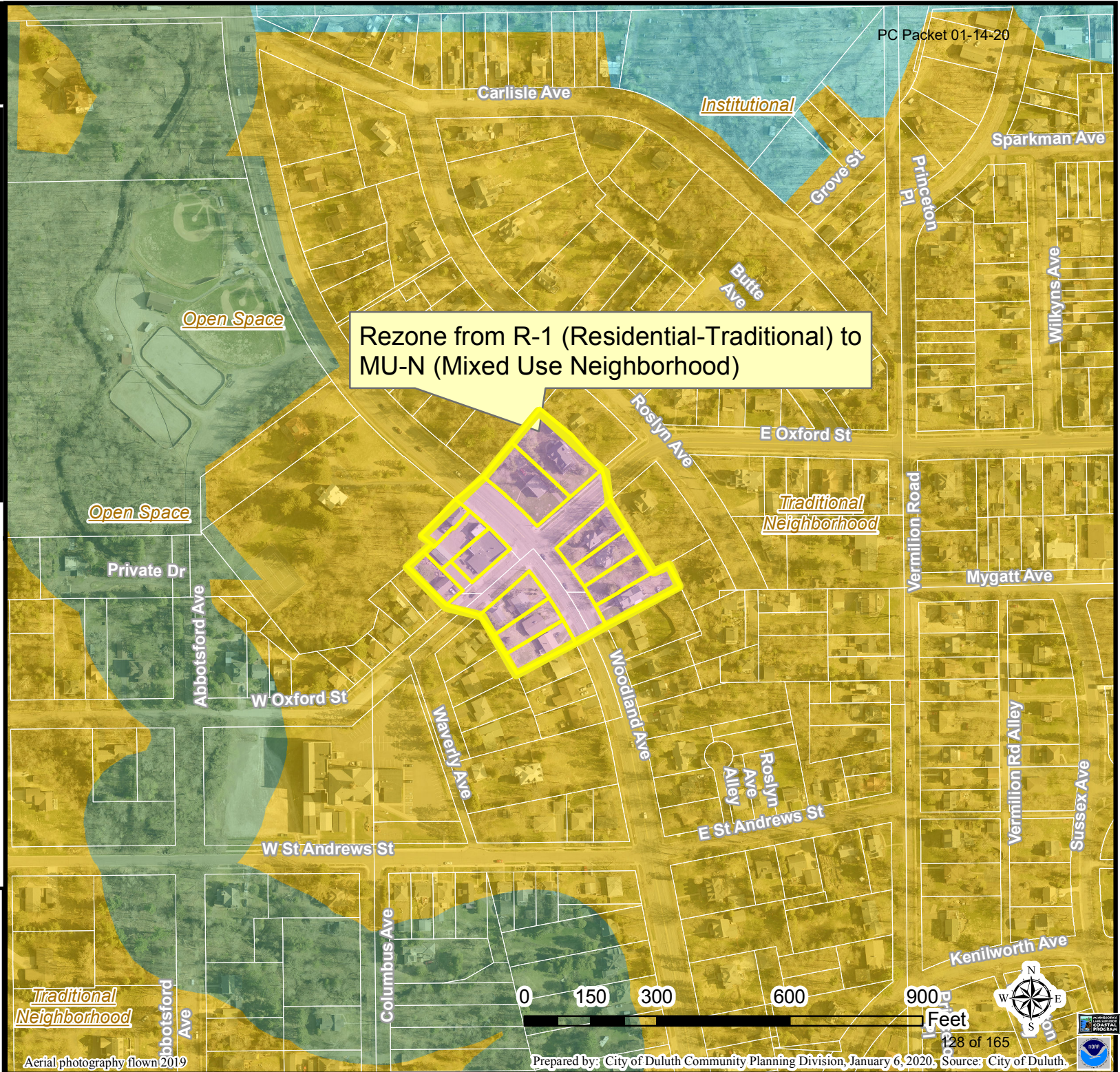
Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning as shown on the attached map.

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

Legend

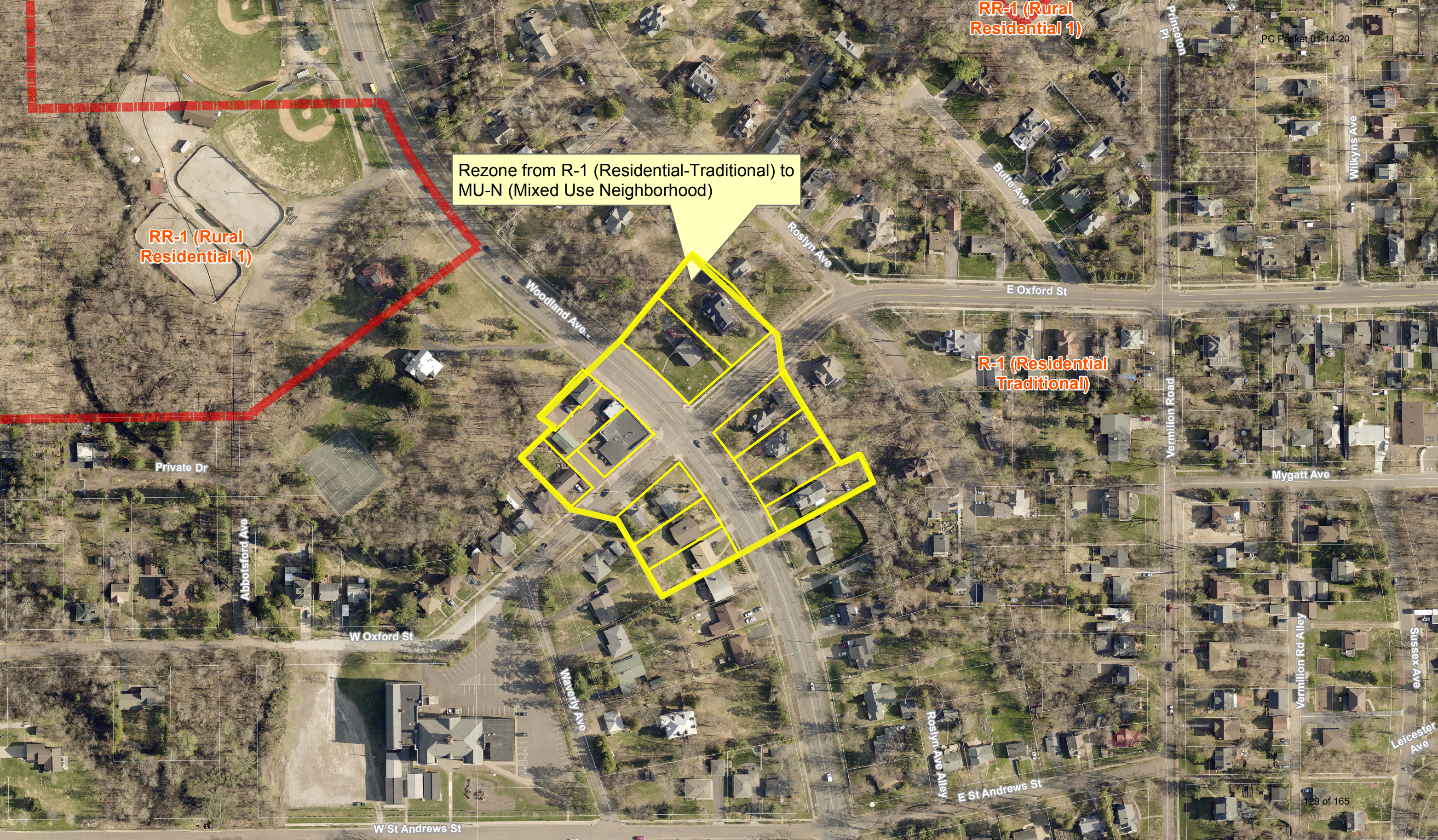
- Open Space
- Open Space/Outside Duluth
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Central Business Secondary
- Central Business Primary
- Large-scale commercial
- Tourism/Entertainment District
- Commercial Waterfront
- 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

Rezone from R-1 (Residential-Traditional) to MU-N (Mixed Use Neighborhood)



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.





RR-1 (Rural Residential 1)

PC Packet 01-14-20

Rezone from R-1 (Residential-Traditional) to MU-N (Mixed Use Neighborhood)

RR-1 (Rural Residential 1)

R-1 (Residential Traditional)

Private Dr

Abbotsford Ave

W Oxford St

W St Andrews St

Woodland Ave

Waverly Ave

Roslyn Ave

Roslyn Ave Alley

E St Andrews St

E Oxford St

Princeton Pl

Vermilion Road

Mygatt Ave

Vermilion Rd Alley

Wilkyms Ave

Sussex Ave

Leicester Ave

Haines and Arrowhead (Site 12)

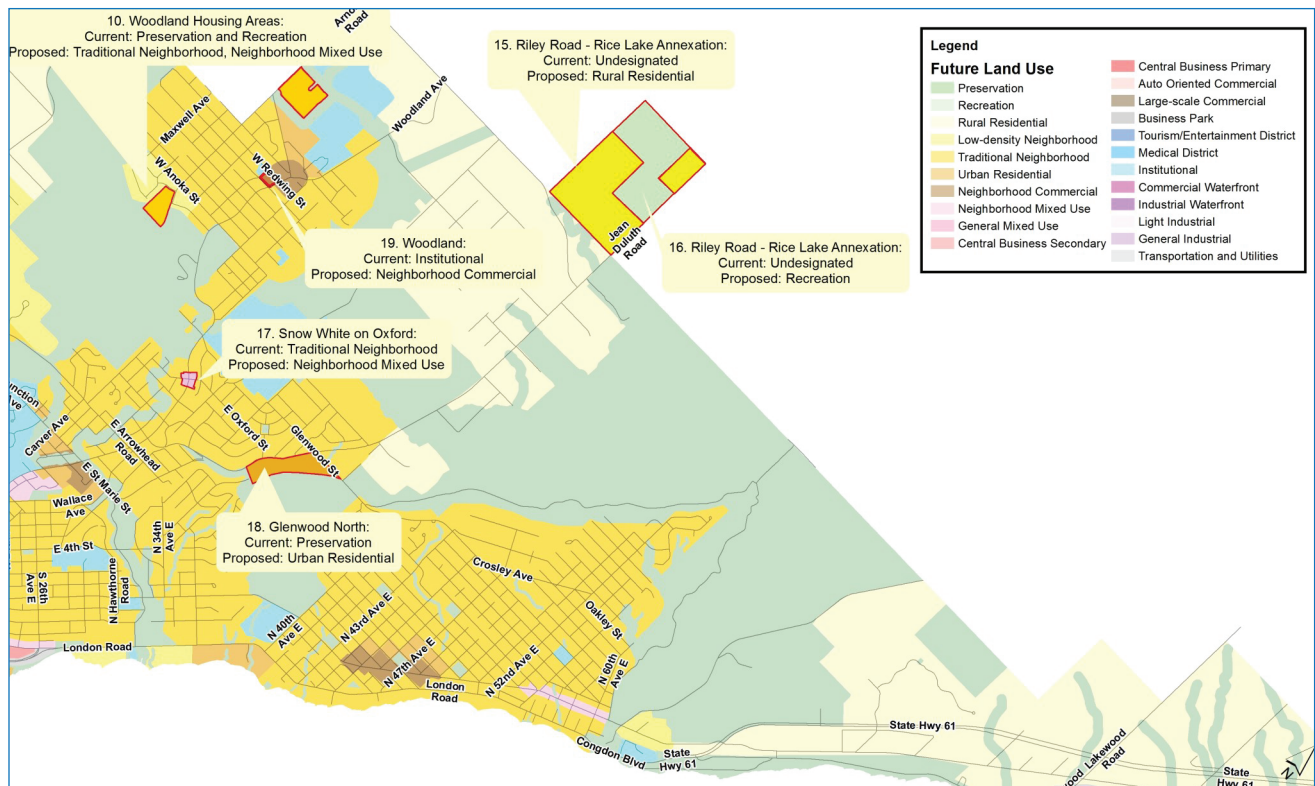
This area had been designated Auto-Oriented Commercial. It is changed to Central Business Secondary to continue to accommodate commercial activities which are complementary to surrounding uses in both Duluth and Hermantown.

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.

Uses Allowed in Mixed Use-Neighborhood (MU-N) Zone District Revised January 2019

Permitted Uses

- | | |
|--|--|
| <ul style="list-style-type: none"> - Dwelling, one family - Dwelling, two-family - Dwelling, townhouse - Dwelling, multi-family - Dwelling, live-work - Co-housing facility - Residential care facility/assisted living (6 or fewer) - Residential care facility/assisted living (7 or more) - Rooming house - Bus or rail transit station - Club or lodge (private) - Government building or public safety facility - Museum, library, or art gallery - Park, playground, or forest reserve - Religious assembly, small (less than 50,000 sq. ft. or more) | <ul style="list-style-type: none"> - Religious assembly, large (50,000 sq. ft. or more) - Business, art, or vocational school - School, elementary - Medical or dental clinic - Nursing home - Agricultural, community garden - Veterinary or animal hospital - Bed and breakfast - Office - Preschool - Day care facility, small (14 or fewer) - Day care facility, large (15 or more) - Personal service and repair, small (less than 10,000 sq ft) - Grocery store, small (less than 15,000 sq ft) - Retail store not listed, small (less than 15,000 sq ft) |
|--|--|

Special Uses

- | | |
|--|--|
| <ul style="list-style-type: none"> - Manufactured Home Park - Cemetery or mausoleum - School, middle or high - Bank - Data Center - Agricultural, farmers' market - Agricultural, urban - Restaurant (less than 5,000 sq ft) - Theater - Hotel or motel - Funeral Home or Crematorium | <ul style="list-style-type: none"> - Personal service and repair, large (10,000 sq ft or more) - Automobile and light vehicle repair and service - Filling Station - Parking Lot (primary use) - Electric power transmission line or substation - Major utility or wireless telecommunication facility - Water or sewer pumping stations/reservoirs |
|--|--|

Interim Uses

- Vacation dwelling unit

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

Permitted Uses

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

Special or Interim Uses

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

Interim Uses

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

File Number	PL 19-185	Contact	Steven Robertson	
Type	Rezone from MU-N and R-1, to RR-1	Planning Commission Date	January 14, 2020	
Deadline for Action	Application Date		60 Days	N/A (City Application)
	Date Extension Letter Mailed	N/A	120 Days	
Location of Subject	8600 to 9200 Block of West Skyline Parkway			
Applicant	City of Duluth	Contact	Planning and Development	
Agent		Contact		
Legal Description	See Attached Map			
Site Visit Date	December 31, 2019	Sign Notice Date	December 31, 2019	
Neighbor Letter Date	December 27, 2019	Number of Letters Sent	15	

Proposal

The City proposes rezoning property from the current zoning of MU-N (Mixed Use Neighborhood) and R-1 (Residential-Traditional), to RR-1 (Rural Residential 1). The proposal is consistent with the Comprehensive Plan.

Staff Recommendation

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

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1/MU-N	Recreation, Residential	Low Density Neighborhood
North	RR-1	Residential	Low Density Neighborhood
South	RR-1	Residential	Open Space
East	RR-1	Residential, Open Space	Low Density Neighborhood
West	City of Proctor	Commercial	-

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...

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

Principle 5 -Promote reinvestment in neighborhoods.

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

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

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

Future Land Use, 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.

History

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 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."

A recent planning action occurred within the rezoning subject area, PL 19-128, Special Use Permit for a 5 Unit Hotel (4 Detached Cabins). The application was granted by the City Council upon appeal of the Planning Commission's denial.

Review and Discussion Items:

- 1) The City proposes rezoning property from the current zoning of R-1 (Residential-Traditional) and MU-N (Mixed Use Neighborhood), to RR-1 (Rural Residential 1). The proposal is consistent with the Comprehensive Plan.
- 2) The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan, and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or be considered arbitrary and capricious. Good zoning practice requires that zone districts be consistent with the future land use category identified for the area.
- 3) State Statute requires that a community's zoning map implement the general objectives of the Comprehensive Plan. Other criteria for zoning include considering existing land use patterns and if the rezoning is related to the needs to the community or existing land use. The proposed rezoning area is interspersed with larger lot single family residential lots that are more in keeping with the purpose statement of the proposed RR-1 district (in the areas surrounding the subject site).
- 5) The RR-1 district is established to accommodate large-lot, single-family detached residential uses, typically surrounded by significant open space, on lots of at least 5 acres each. The district encourages distinctive neighborhoods with a semi-rural character. Complimentary uses such as limited agriculture, small-scale institutional uses, parks, minor utilities and certain temporary uses are allowed.

- 6) While the RR-1 zone district has a minimum lot size of 5 acres, existing approved land uses in this proposed rezoning area, such as single-family homes, vacation dwellings, etc, would be considered legal uses, even if the existing lots that the structures are located on are less than 5 acres. However, new development parcels that were proposed to be created would need to be at least 5 acres in size.
- 7) This specific rezoning action is not in anticipation of any specific development proposal; it is instead intended to update the zoning map to reflect the recent change to the future land use designation per the Imagine Duluth 2035 Comprehensive Plan.
- 8) Based on the development pattern of adjacent areas and the purpose statement of the RR-1 zone districts, rezoning as proposed in the attached map is appropriate for this area.
- 9) No written correspondence has been received as of the date that this memo was printed. Staff were contacted by applicants of the proposed hotel project (PL 19-128), to verify the continued conforming status of their proposal. An optional public information meeting is scheduled for the evening of January 7, 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 as shown on the map titled Proposed Rezoning Area Map.

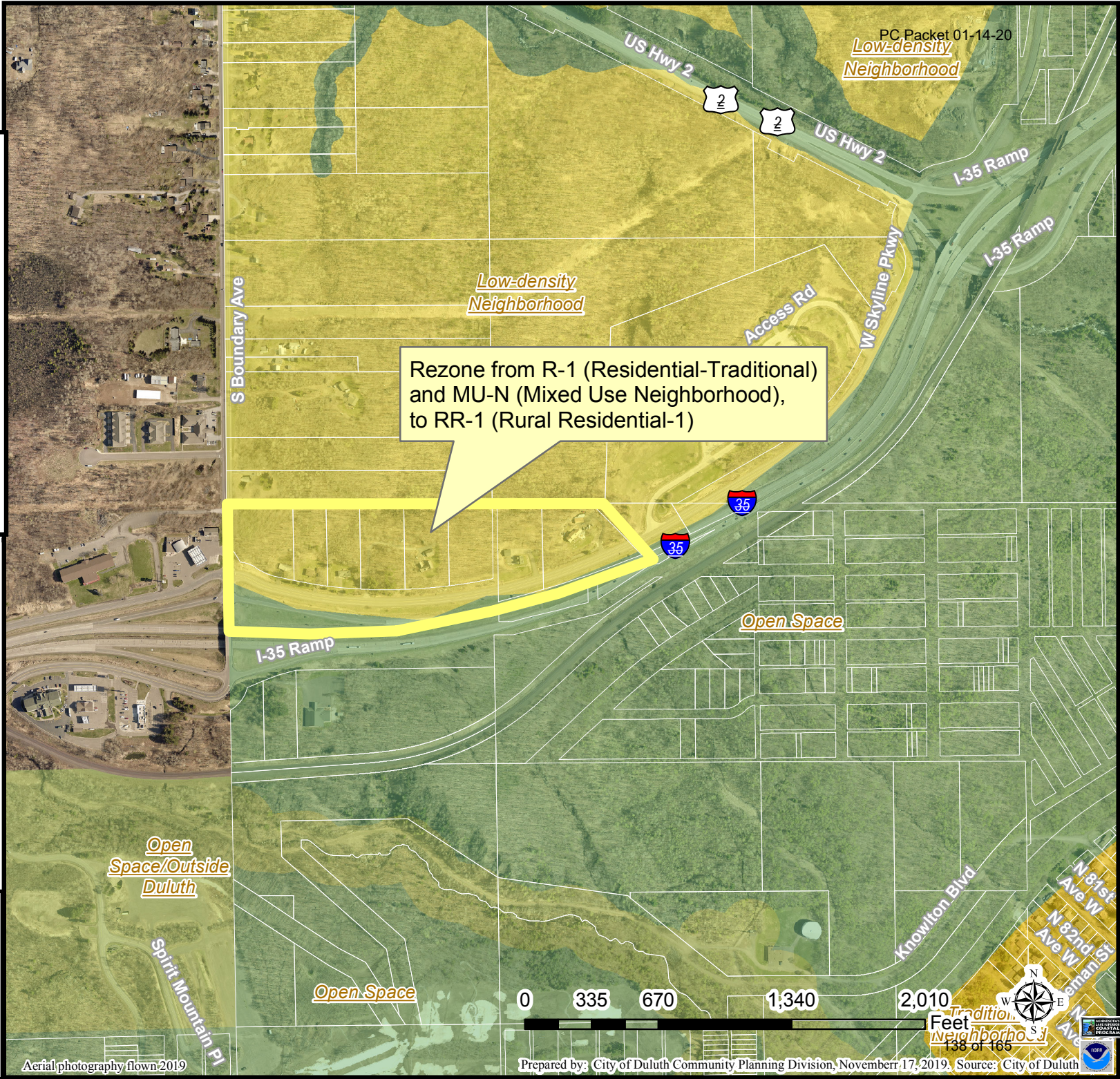
- 1) The proposed zone districts are the most reasonably able to implement the objectives of the Comprehensive Plan related to the land use for this area.
- 2) Material adverse impacts on nearby properties are not anticipated.



Rezoning

Legend

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



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

Aerial photography flown-2019

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

0 335 670 1,340 2,010 Feet



**R-2
(Residential
Urban)**

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

**R-1
(Residential
Traditional)**

Rezone from R-1 (Residential-Traditional) and MU-N (Mixed Use Neighborhood), to RR-1 (Rural Residential-1)

S Boundary Ave

US Hwy 2

US Hwy 2

I-35 Ramp

I-35 Ramp

Access Rd

W Skyline Pkwy

I-35 Ramp

Knowlton Blvd

Spirit Mountain Pl



Becks Road & Commonwealth Ave Intersection (Site 3)

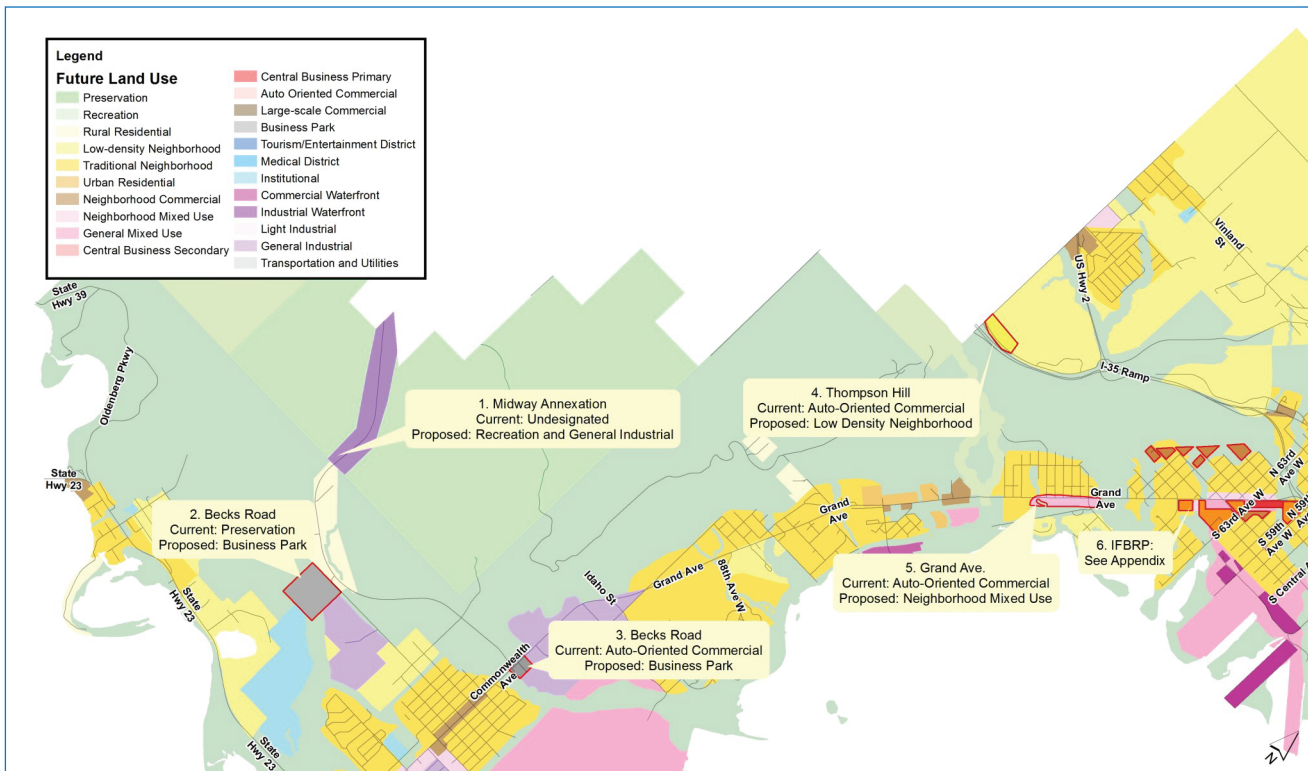
In this location, lands were previously designated for Auto-Oriented Commercial uses. This area is now designated for Business Park development, which is intended for job-intensive uses.

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.



Comparison of Current and Proposed Zone Districts and Comprehensive Plan Future Land Uses

Current Zone Districts	Proposed Zone Districts	Future Land Use Categories
Residential	Residential	
	R-C Rural-Conservation	P Preservation (private owned land)
S Suburban	RR-1 Rural Residential 1	RR Rural Residential &
S-2 Suburban Residential	RR-2 Rural Residential 2	LDN Low-Density Neighborhood
R-1-a One-Family Residential	R-1 Traditional Neighborhood	LDN Low-Density Neighborhood & TN Traditional Neighborhood
R-1-b One-Family Residential		
R-1-c One-Family Residential		
R-2 Two-Family Residential		
R-3 Apartment Residential	R-2 Urban Residential	UR Urban Residential
R-4 Apartment Residential	(Merged into MU-N Mixed-Use Neighborhood)	
TND	R-P Planned Residential	
Commercial	Mixed Use	
C-1 Commercial	MU-N Mixed Use-Neighborhood (formerly R-4 and C-1)	NC Neighborhood Commercial NMU Neighborhood Mixed Use
C-2 Highway Commercial	[Retired]	AOC Auto-Oriented Commercial
C-3 Shopping Center	[Retired]	
C-5 Planned Commercial	MU-C Mixed Use-Commercial	CBS Central Business Secondary AOC Auto-Oriented Commercial LSC Large-Scale Commercial
	MU-I Mixed Use-Institutional (formerly MC)	MD Medical District
	MU-B Mixed Use-Business Park (formerly M-1, I-P, and I-T)	BP Business Park GMU General Mixed Use
	MU-W Mixed Use-Waterfront (formerly part of W-1)	CW Commercial Waterfront
	Form Districts	
C-4 Business Center Commercial	F-1 Form District 1	CBP Central Business Primary
	F-2 Form District 2	
	F-3 Form District 3	
DWMX-D Downtown Waterfront Mixed-Use Design	F-4 Form District 4	TE Tourism/Entertainment
	F-5 Form District 5	
	F-6 Form District 6	CBS Central Business Secondary
Institutional	Special Purpose	
MC Medical Center	(replaced with MU-I)	MD Medical District
MCL Medical Center Link	[Retired]	
Skyharbor Airport	A-1 Airport	TU Transportation & Utilities
	P-1 Park & Open Space	P Preservation (public owned land) R Recreation
		INST Institutional
Manufacturing		
M-1 Manufacturing	(Merged into MU-B)	LI Light Industrial
I-P Industrial Park	(Merged into MU-B)	BP Business Park
I-T Industrial Technology		
M-2 Manufacturing	I-G Industrial-General	GI General Industrial
W-1 Waterfront	W-I Waterfront Industrial	IW Industrial Waterfront
Overlay Districts	Overlay Districts	
Water Resources Management	Natural Resources Overlay	SLO Sensitive Lands Overlay
	Skyline Parkway Overlay	
	Historic Resources Overlay	HISTO Historic Resources Overlay
	University Housing Overlay	HEO Higher Education Overlay

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

Permitted Uses

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

Special Uses

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


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

File Number	PL 19-186	Contact	Steven Robertson	
Type	Rezone in Accordance with Small Area Plan	Planning Commission Date	January 14, 2020	
Deadline for Action	Application Date		60 Days	N/A (City Application)
	Date Extension Letter Mailed	N/A	120 Days	
Location of Subject	Irving and Fairmount Neighborhoods			
Applicant	City of Duluth	Contact	Planning and Development	
Agent		Contact		
Legal Description	See Attached Map			
Site Visit Date	December 31, 2019	Sign Notice Date	December 31, 2019	
Neighbor Letter Date	December 27, 2019	Number of Letters Sent	144	

Proposal

The City proposes rezoning property in accordance with the 2017 Irving and Fairmount Brownfields Small Area Plan. The proposal is also consistent with the Comprehensive Plan.

Staff Recommendation

Staff is recommending approval of the proposed rezoning to R-1, R-2, MU-N, and MU-B

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1/MU-N and MU-B	Undeveloped/Commercial	Urban Residential/Gen Mix Use and Neigh. Mix
North	RR-1/R-1 and R-2	Undeveloped/Com. and Res.	Open Space/Traditional Neighborhood
South	R-1/ R-1	Residential/Residential	Traditional Neighborhood/Trad. Neighborhood
East	R-1/ R-1	Residential/Residential	Traditional Neighborhood/ Trad. Neighborhood
West	R-1 and RR-1/R-1 and R-2	Undeveloped/Residential	Open Space/ Trad. 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...

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

Governing Principle 5 -Promote reinvestment in neighborhoods.

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

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

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

Future Land Use

Future Land Use, 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.

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.

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.

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.

Future Land Use, General Mixed Use: The broadest mix of uses, including light industrial, office, commercial, and residential use, with performance standards to ensure compatibility. Includes areas that are in transition from industrial uses and large redevelopments that require master plans and phased development. General or heavy industrial can be included when a large site is master planned to allow appropriate separation of uses.

History

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 Site 6: "The map changes include opportunities for new residential and commercial development, including mixed-use redevelopment. The complete analysis and documentation of these changes is included in the IFBRP study, an appendix to the plan."

According to the executive summary of the 2017 plan, "the Irving and Fairmount Brownfields Revitalization Plan (previously named the Western Port Area Neighborhood Plan) is an area-wide planning effort focusing on the Fairmount and Irving neighborhoods in western Duluth. These neighborhoods have many amenities that include residential areas, commercial districts, parks, trails and access to the St. Louis River. The area also has unique opportunities for better connection to the Spirit Valley commercial area, increased walkability, redevelopment of post-industrial sites, and infrastructure improvements. The U.S. Environmental Protection Agency's Brownfields Area-Wide Planning program funded this work. The Area-Wide Planning (AWP) program is designed to help communities confront local environmental and public health challenges related to brownfields and benefit underserved or economically disadvantaged communities...the program encourages community-based involvement in site assessment, cleanup, and reuse planning, as well as overall neighborhood revitalization..."

Review and Discussion Items:

- 1) The City proposes rezoning approximately 30 acres of land in accordance with the Irving and Fairmount Brownfields Plan. The proposal is consistent with the Imagine Duluth 2035 Comprehensive Plan. This proposed rezoning generally encourages more residential uses to the north and west of Grand Avenue, and more commercial and light industrial to the east and south of Grand Avenue (while still preserving some opportunities for potential new housing near 63rd Avenue West).
- 2) The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan, and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or be considered arbitrary and capricious. Good zoning practice requires that zone districts be consistent with the future land use category identified for the area.
- 3) State Statute requires that a community's zoning map implement the general objectives of the Comprehensive Plan. Other criteria for zoning include considering existing land use patterns and if the rezoning is related to the needs to the community or existing land use.
- 4) The goals of the Irving and Fairmount Brownfields Revitalization Plan were to: A. Increase economic activity (e.g., more employment, more businesses, etc.), B. Increase housing choices, C. Improve health outcomes of residents, workers, and visitors (e.g., safer conditions, cleaned-up polluted sites, etc), D. Improve multi-modal connections (e.g., safer truck route to Grand Avenue, better sidewalk access to Spirit Valley stores, more connections to parks and trails), E. Make Grand Avenue more inviting, and F. Provide opportunities for community gardens and other community gathering spaces.
- 5) The land use changes that were proposed in the Small Area Plan, as it relates to this specific rezoning proposal, are shown on page viii of the plan as: 1. Redevelop DW&P site into a variety of new housing styles with open space, 2. Develop vacant lands north of Main St and west of 67th Ave into a variety new housing styles, 3. Develop vacant lands east of 71st Ave on the north and south sides of Redruth St into a variety of new housing styles, 7. Redevelop aging business park into a new district with a mixture of commercial and light industrial businesses and potentially multifamily housing, and 9. Develop vacant properties along east side of Grand Avenue at Redruth St and 67th Ave W into a mixture of commercial and potentially residential uses.
- 6) The purpose of the R-1 district is 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.
- 7) 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.
- 8) The purpose of the MU-N district is to accommodate a mix of neighborhood-scale, neighborhood serving non-residential uses and a range of residential uses located in close proximity. This district accommodates both horizontal (uses located in separate structures) and vertical (uses located in the same building) types of mixed use. Non-residential uses may include small-scale retail, service and professional offices that provide goods and services to the residents of the surrounding neighborhood.
- 9) This specific rezoning action is not in anticipation of any specific development proposal; it is instead intended to update the zoning map to reflect the recent change to the future land use designation per the Imagine Duluth 2035 Comprehensive Plan. The proposed rezoning is in accord with the conclusion and recommendations of the Irving and Fairmount Brownfields Revitalization Plan, October 2017.

10) Based on the development pattern of adjacent areas, the purpose statement of the zone districts, and the recommendations of the small area plan, rezoning as proposed in the attached map is appropriate for this area.

11) One written correspondence has been received as of the date that this memo was printed, which is included with this memo. An optional public information meeting is scheduled for the evening of January 7, 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 as shown on the included map.

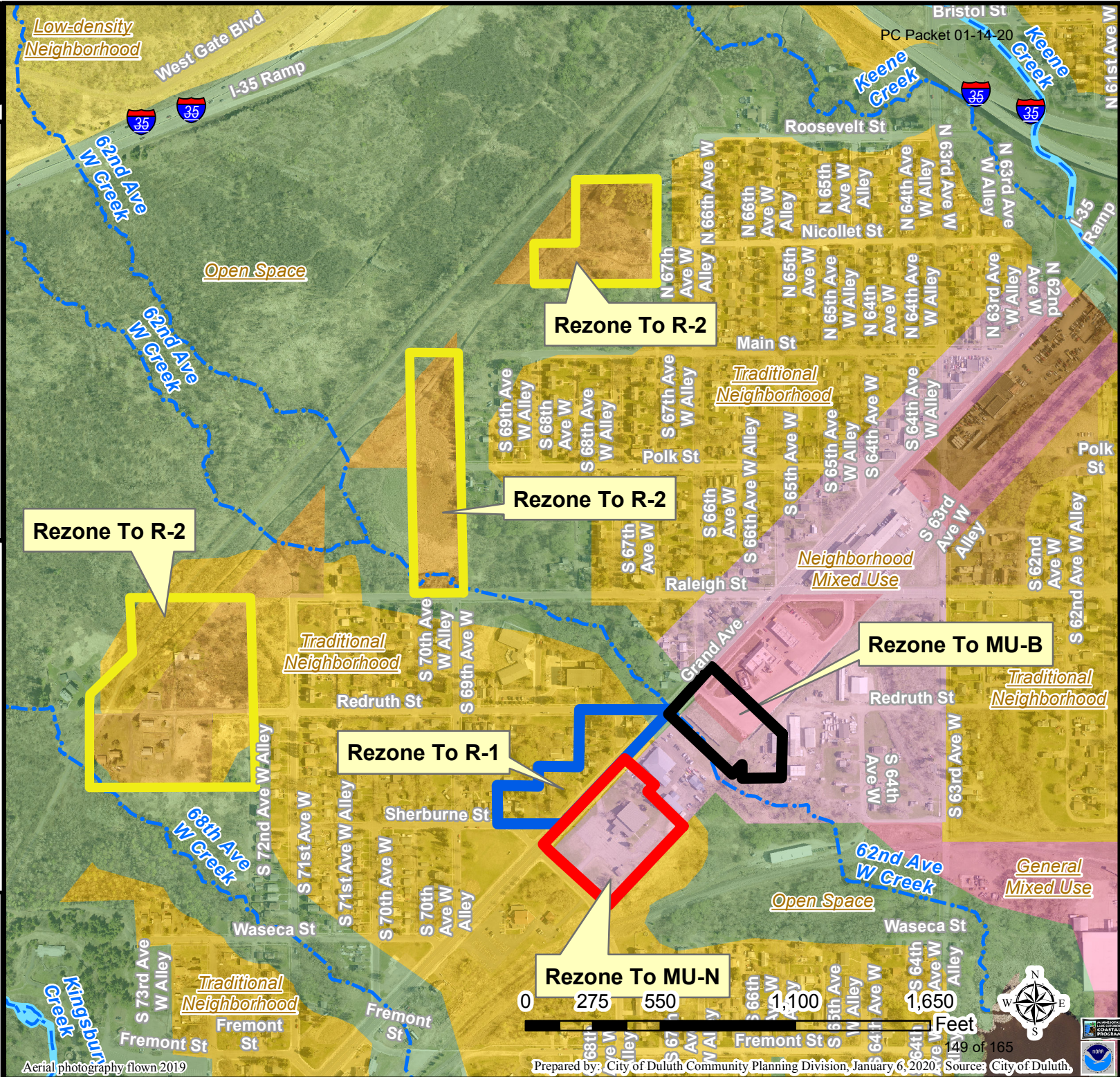
- 1) The proposed zone districts are the most reasonably able to implement the objectives of the Comprehensive Plan related to the land use for this area.
- 2) Material adverse impacts on nearby properties are not anticipated.



Rezoning

Legend

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



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RR-1 (Rural Residential 1)

62nd Ave W Creek

62nd Ave W Creek

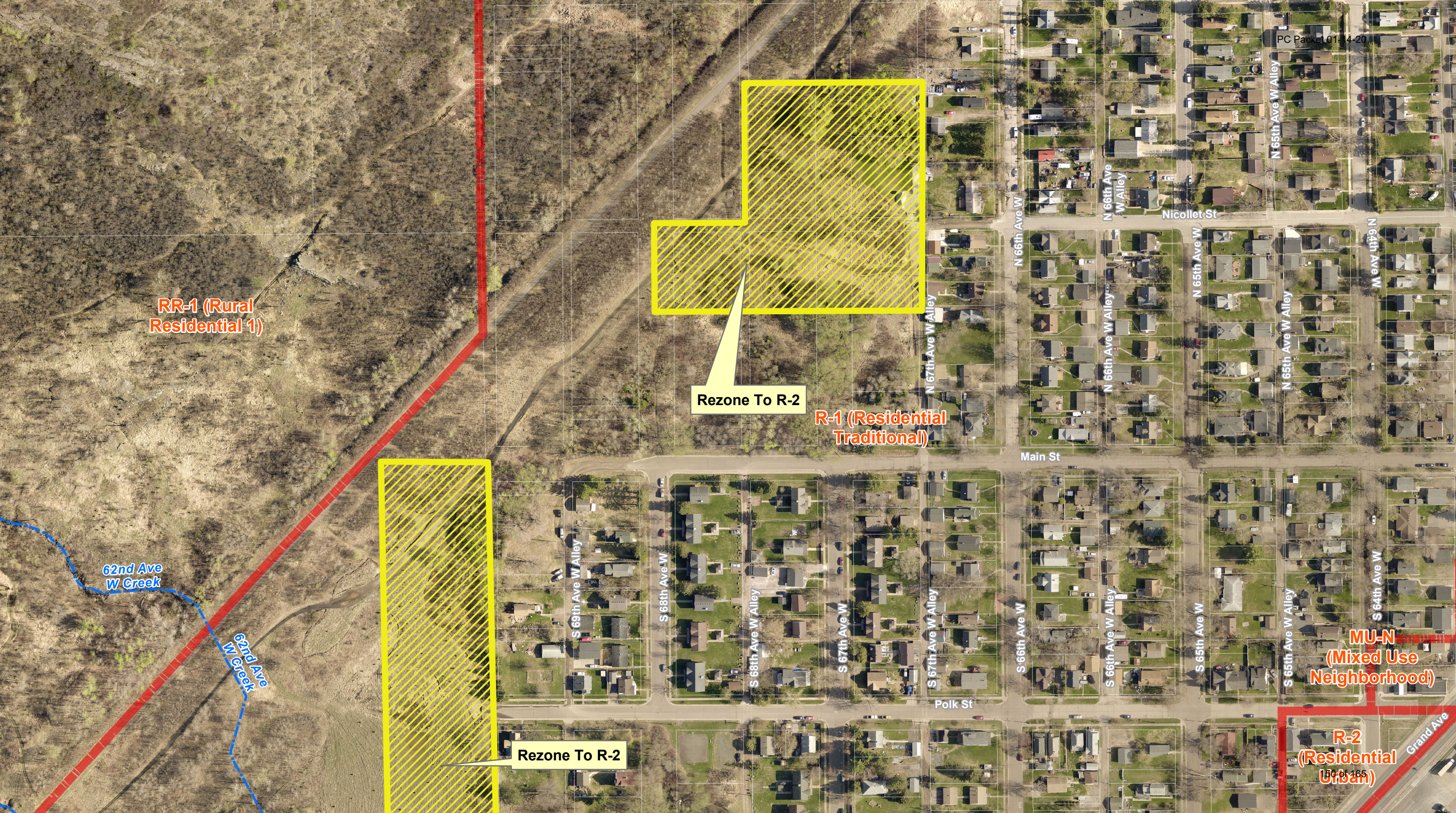
Rezone To R-2

R-1 (Residential Traditional)

Rezone To R-2

MU-N (Mixed Use Neighborhood)

R-2 (Residential Urban)



Rezone To R-2

62nd Ave W Creek

62nd Ave W Creek

RR-1 (Rural Residential 1)

Rezone To R-2

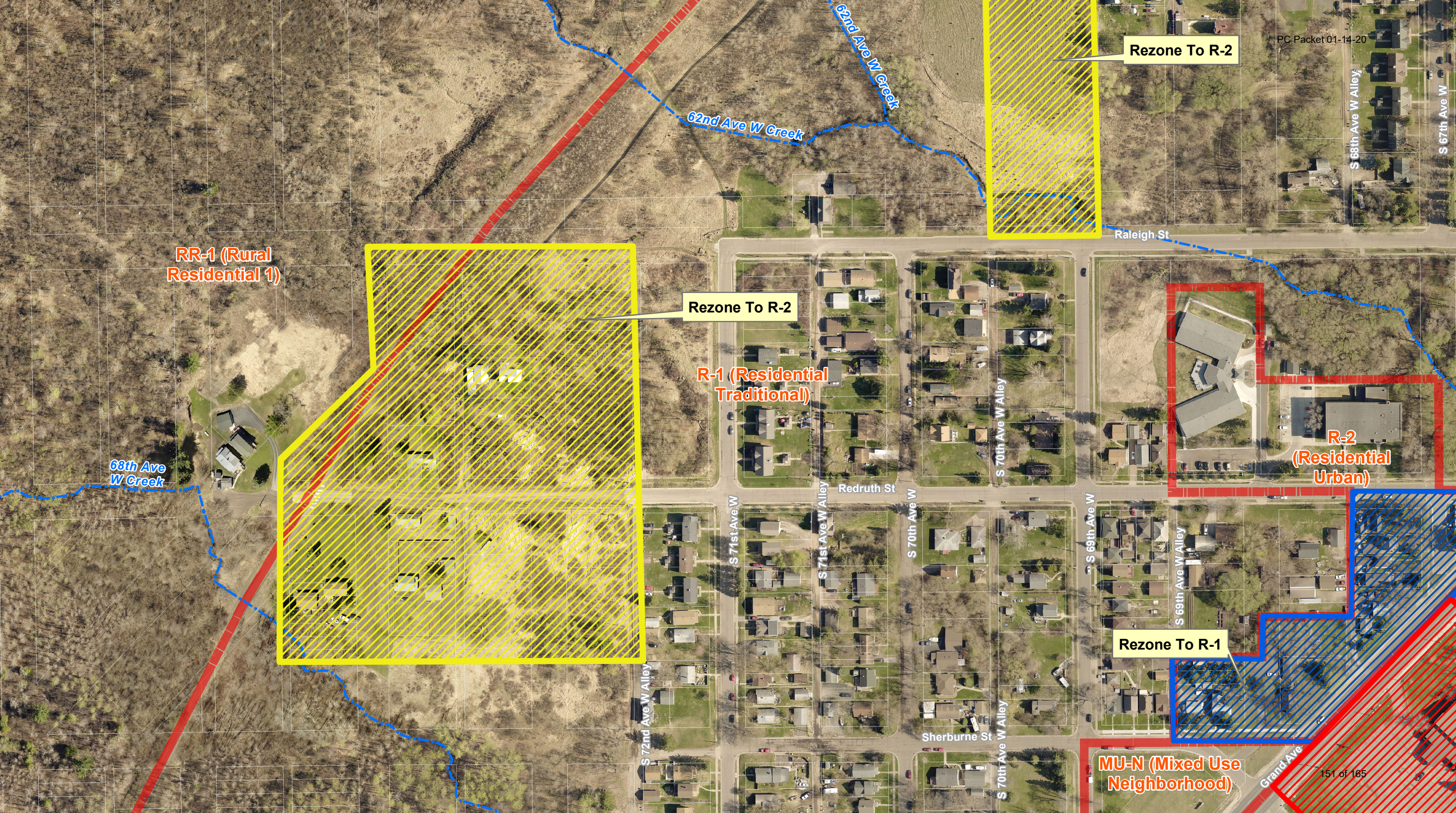
R-1 (Residential Traditional)

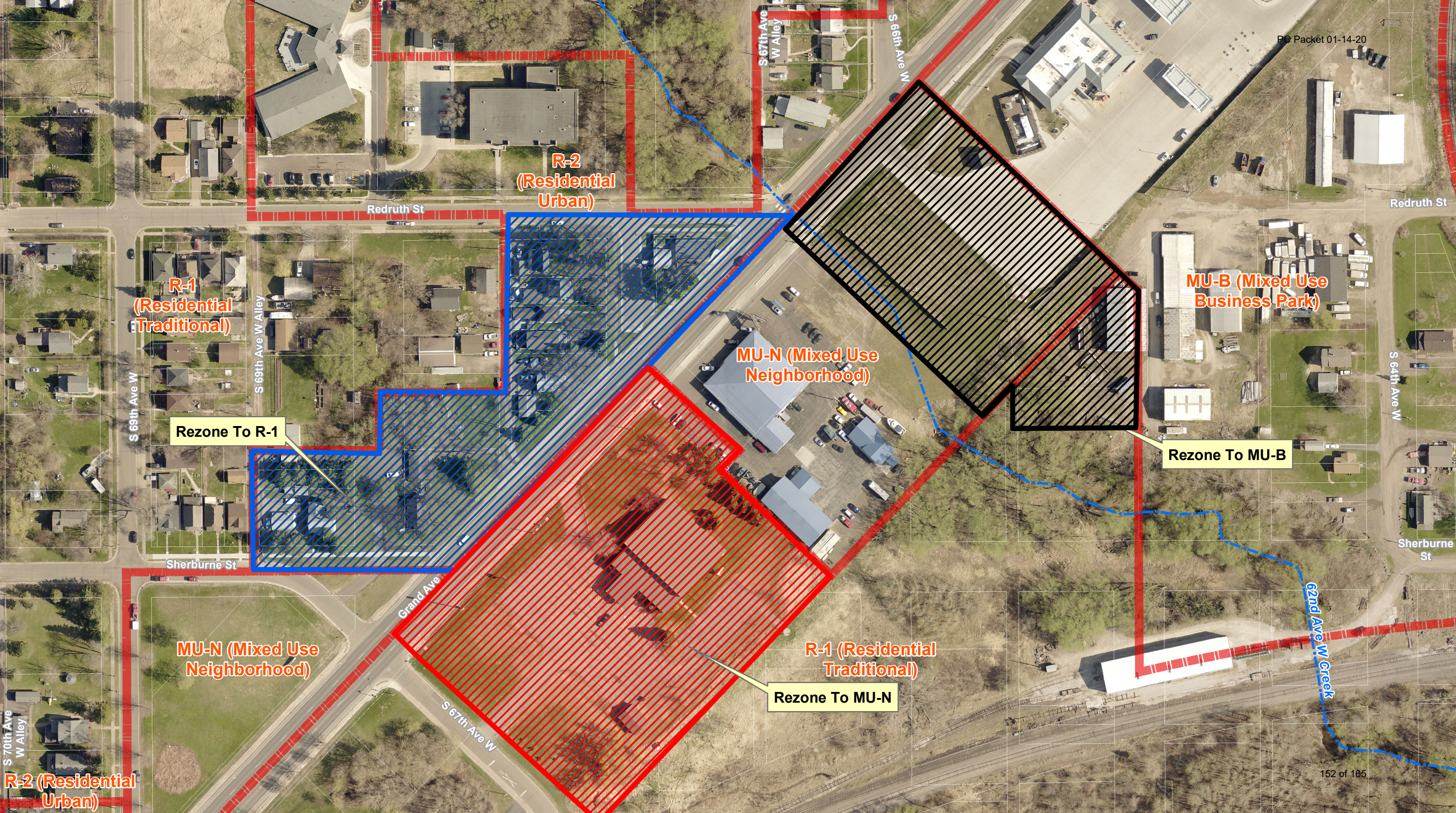
68th Ave W Creek

R-2 (Residential Urban)

Rezone To R-1

MU-N (Mixed Use Neighborhood)





**R-2
(Residential
Urban)**

**R-1
(Residential
Traditional)**

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

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

Rezone To R-1

Rezone To MU-B

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

**R-1 (Residential
Traditional)**

Rezone To MU-N

**R-2 (Residential
Urban)**

Becks Road & Commonwealth Ave Intersection (Site 3)

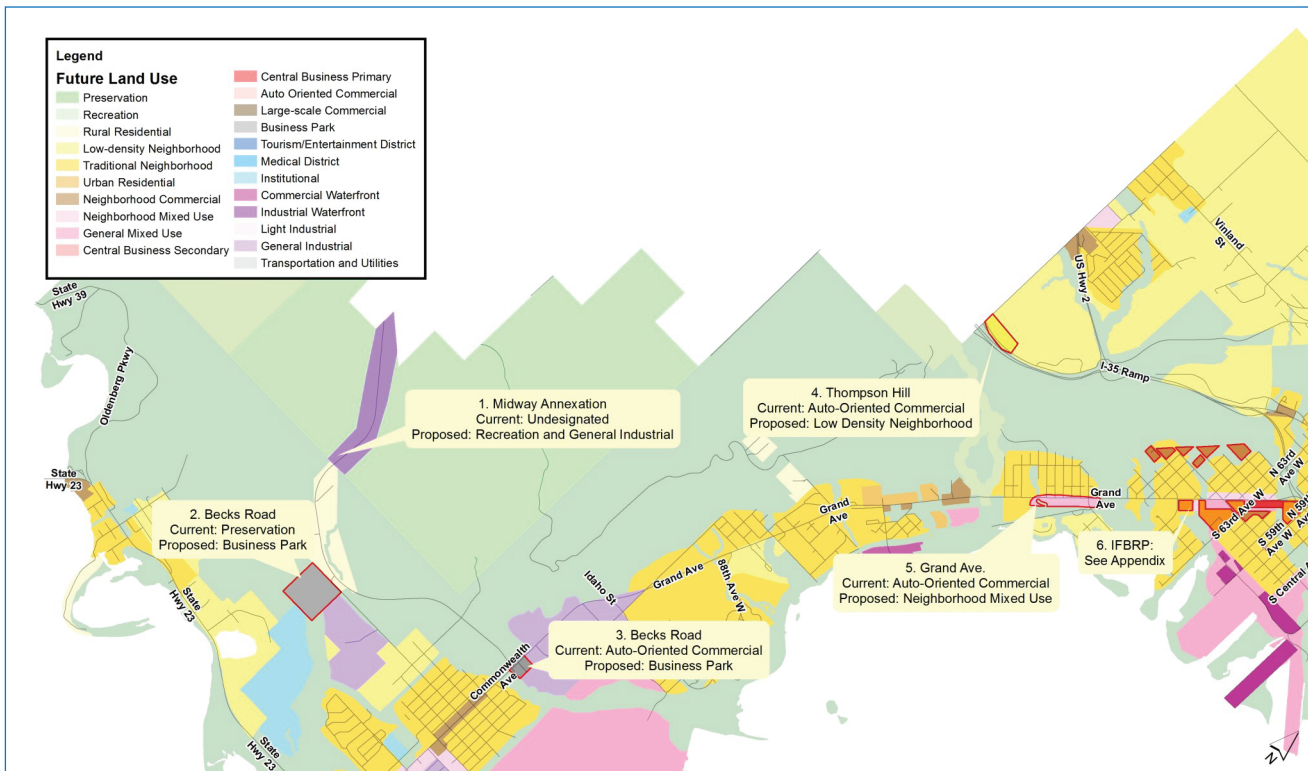
In this location, lands were previously designated for Auto-Oriented Commercial uses. This area is now designated for Business Park development, which is intended for job-intensive uses.

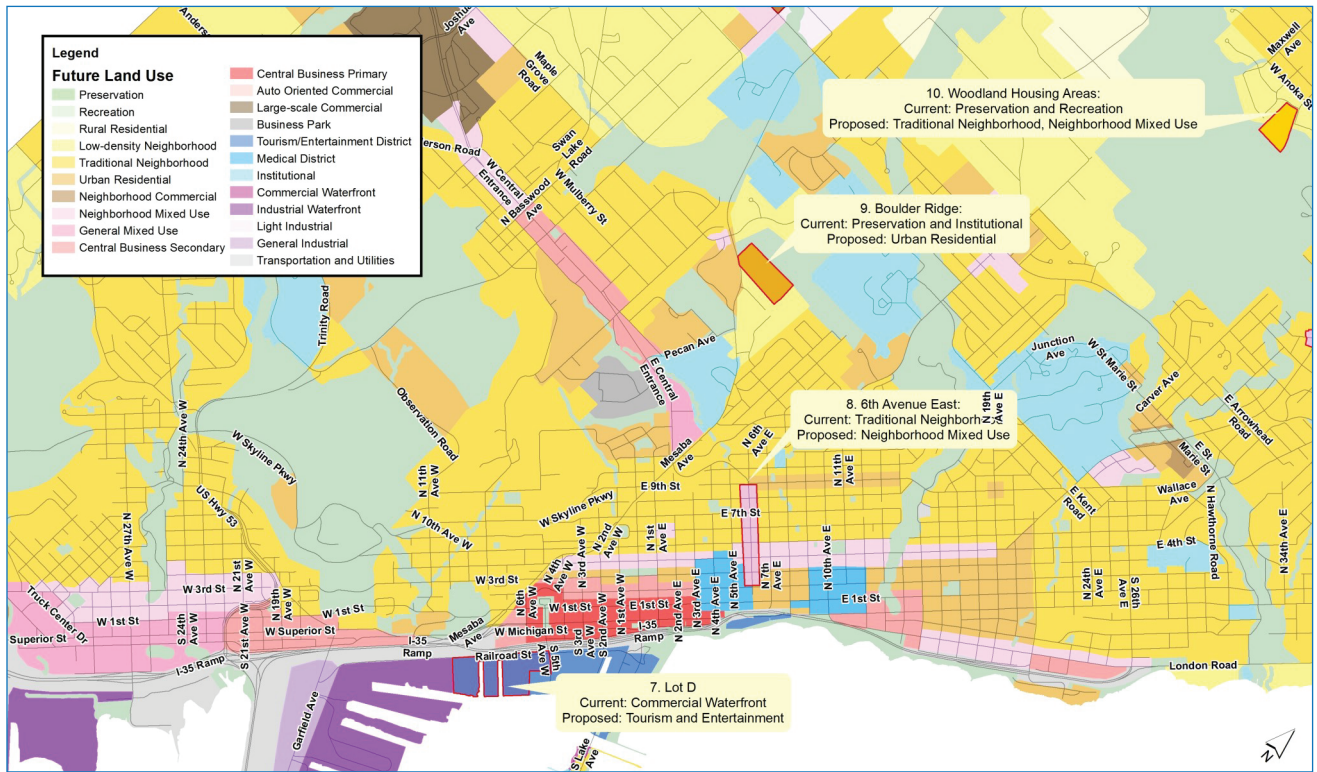
Thompson Hill (Site 4)

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.





Irving/Fairmont Brownfield Remediation Plan (IFBRP) (Site 6)

The map changes include opportunities for new residential and commercial development, including mixed-use redevelopment. The complete analysis and documentation of these changes is included in the IFBRP study, an appendix to the plan.

Lot D (Site 7)

Map change from Commercial/Industrial Waterfront to Tourism and Entertainment. This alteration is consistent with the Bayfront Small Area Plan and delineates the furthest present extent of the Tourism and Entertainment land use category.

6th Avenue East (Site 8)

6th Avenue East below East 9th Street has historically had a mixed-neighborhood character. This area is part of the city’s medical district. There are several vacant and unused properties along this corridor. Transportation analysis of the function of 6th Avenue East, an undivided four-lane road, is anticipated. The land use change from Traditional Neighborhood to Neighborhood Mixed Use will better allow for redevelopment of this corridor.



IRVING AND FAIRMOUNT BROWNFIELDS REVITALIZATION PLAN

October 2017



ACKNOWLEDGEMENTS

This plan was funded through the U.S. Environmental Protection Agency's Brownfields Area-Wide Planning Grant Program.

Mayor of Duluth, Minnesota

- Emily Larson

City of Duluth City Council

- Zack Filipovich
- Jay Fosle
- Howie Hanson
- Barb Russ
- Joel Sipress, Council President
- Elissa Hansen
- Noah Hobbs
- Gary Anderson
- Em Westerlund

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- John Kelley, City of Duluth
- Lisa Luokkala, City of Duluth
- Cari Pedersen, City of Duluth
- Judy Gibbs, City of Duluth

Project Advisory Team

- Rosita Clarke, EPA
- Katie Williams, EPA
- Deb DeLuca, Duluth Superior Port Authority
- Pam Kramer, Duluth LISC
- Josh Gorman, St. Louis County Health Department
- Kris Eilers, St. Louis River Alliance
- Martha Faust, Minnesota Brownfields
- Natalie Brown, Minnesota Brownfields

Stakeholders Group

- Kathy Resberg, Irving Community Club
- Jack Paquetta, Irving Neighborhood Resident
- Jeanne Koneczny, Irving Recreation and Events Association
- Susan Coen, West Duluth Business Club
- David Knight/Shanna Schmitt, MPCA
- Charlie Stauduhar, Spirit Lake Development
- Denette Lynch, Irving Neighborhood Advocate
- James Gittemeier, Metropolitan Interstate Council
- Dan Moline, Moline Machinery
- Greg Benson, Loll Designs
- Mike Casey, Friends of West Duluth Parks and Trails
- Jim Heilig/Sophia Parr, Duluth Transit Authority
- Genny Hinnenkamp, Irving Community Club
- Rose Hanson, Irving Neighborhood Resident
- Larry Sampson, Superior Hiking Trail Association

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- Anna Tanski, Visit Duluth
- Guy Priley, Verso
- Jeff Urbaniak, Irving Recreation and Events Association
- Hansi Johnson, MN Land Trust
- Terry Olson, Asbury Church
- Jamie Bodette, Raleigh Edison Charter School
- Rachel Thapa, Lincoln Park Middle School
- Emily Richey, Duluth Community Garden
- David Tomporowski, MN DOT
- Jill Keppers, Duluth HRA

Special thanks to the following groups, organizations, and individuals that lent their time and input in supporting the development of this plan:

- MN DOT
- Duluth EDA Technical Advisory Committee
- Follmer Real Estate
- ASP
- HDPE
- IPS Cranes
- Hallett Dock Company
- Raleigh Edison PAC
- Valley Youth Center
- Diane Dyste
- Andrew Michaelson
- Joe Kleiman
- Greg Wegler
- Ron Johnson
- Fred Strom

Consultants

- Jay Demma, Perkins+Will, Project Manager
- John Slack, Perkins+Will
- Bridget Ayers-Looby, Perkins+Will
- Hannah Pritchard, Toole Design Group
- Tom Leighton, Tangible Consulting Services
- Matt Bolf, SEH, Inc.

EXECUTIVE SUMMARY

Overview

The Irving and Fairmount Brownfields Revitalization Plan (previously named the Western Port Area Neighborhood Plan) is an area-wide planning effort focusing on the Fairmount and Irving neighborhoods in western Duluth.

These neighborhoods have many amenities that include residential areas, commercial districts, parks, trails and access to the St. Louis River. The area also has unique opportunities for better connection to the Spirit Valley commercial area, increased walkability, redevelopment of post-industrial sites, and infrastructure improvements.

The U.S. Environmental Protection Agency's Brownfields Area-Wide Planning program funded this work. The Area-Wide Planning (AWP) program is designed to help communities confront local environmental and public health challenges related to brownfields and benefit underserved or economically disadvantaged communities.

The Brownfields AWP program employs a place-based planning strategy that is inclusive of surrounding conditions, the

local community, and assets and barriers to brownfield redevelopment. The program encourages community-based involvement in site assessment, cleanup, and reuse planning, as well as overall neighborhood revitalization. T

through a brownfields area-wide planning approach, the community identifies a specific project area that is affected by one or multiple brownfields, then works with residents and other stakeholders to develop reuse plans for catalyst, high priority brownfield sites and their surroundings.

Planning Process

The planning process began in earnest during summer 2016. Day-to-day project activities were guided by a collaboration between City of Duluth departmental staff and a consultant team led by the firm Perkins+Will. A project advisory team consisting of several Duluth area agencies provided technical input and oversight throughout the planning process.

A stakeholders group consisting of businesses, neighborhood advocates, and a broader group of local, regional, and state agencies, was convened at strategic

intervals to review draft plans and assist with community engagement. In addition, numerous outreach efforts were targeted to community groups that are often difficult to reach through traditional engagement activities.



Recognizing the importance of integrating health equity and resiliency into the plan, an innovative health assessment tool developed by MN Brownfields and the Minnesota Department of Health was incorporated into and throughout the planning process to ensure how well each plan recommendation contributes to the health, safety, and economic conditions of

EXECUTIVE SUMMARY

neighborhood residents, workers, and visitors.

Goals and Objectives

Extensive community engagement resulted in the identification of key goals and objectives that guided the creation of the plan, which are as follows:

- **Increase economic activity (e.g., more employment, more businesses, etc.)**
- **Increase housing choices**
- **Improve health outcomes of residents, workers, and visitors (e.g., safer conditions, cleaned-up polluted sites, more physical activity, healthier foods, etc.)**
- **Improve multi-modal connections (e.g., safer truck route to Grand Avenue, better sidewalk access to Spirit Valley stores, more connections to parks and trails)**
- **Make Grand Avenue more inviting**
- **Provide opportunities for community gardens and other community gathering spaces**

Coordination with Other Planning Activities

Recognizing the importance and significance of other parallel planning processes, the Irving and Fairmount Brownfields Revitalization Plan was

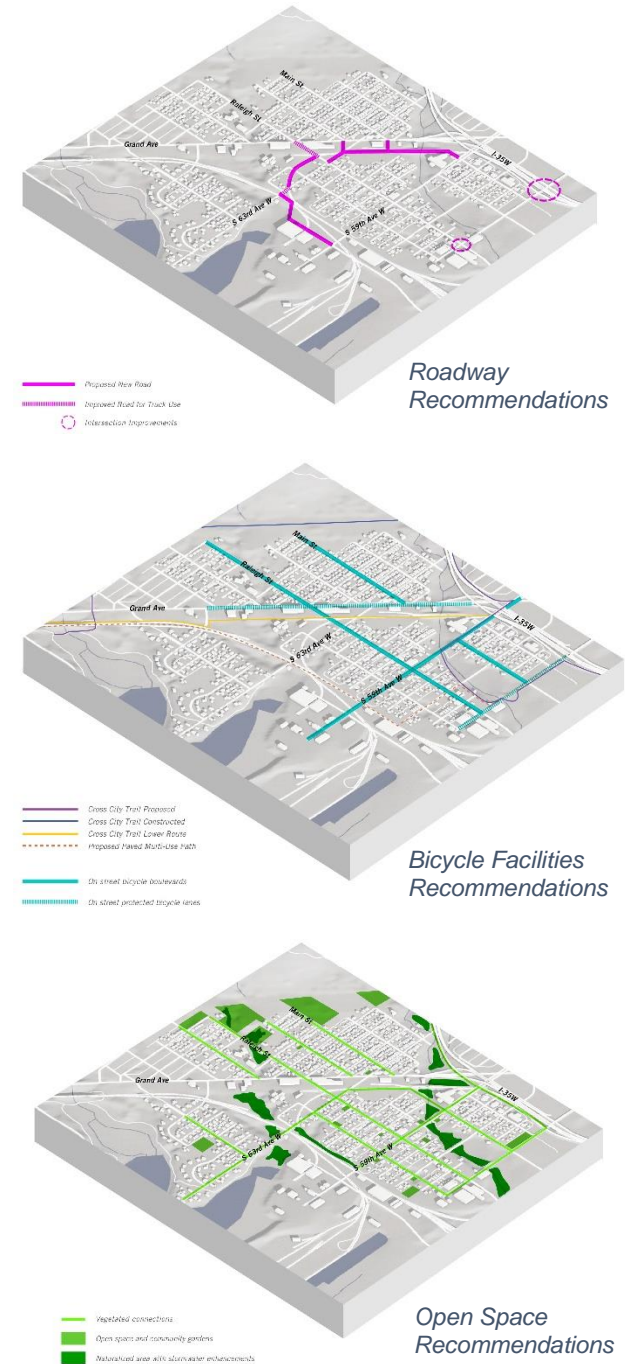
coordinated with activities associated with Imagine Duluth 2035 (the City’s comprehensive plan update), the St. Louis River/Interlake/Duluth Tar (SLRIDT) superfund redevelopment initiative, and the Kingsbury Bay Habitat Restoration Health Impact Assessment.

Background Studies

In addition to building on the work of previous plans for the Irving and Fairmount neighborhoods, several new studies were conducted in order to understand current conditions and establish a starting point from which to identify needed change. These studies included a market and economic analysis, a transportation analysis, an infrastructure analysis, an environmental review, an urban design and connectivity analysis, and a health indicators analysis.

Master Plan Recommendations

The cornerstone of the plan is a vision for revitalizing and/or redeveloping brownfields in the Irving and Fairmount neighborhoods. However, brownfields are a byproduct not only of their former use but also their context within the community. Therefore, as an area-wide plan, it was also important to assess these broader systems, such as roads, trails, and green spaces, to determine a more holistic vision that is resilient and sustainable.



The result was 27 recommendations that touch on all aspects of the study area, such as the addition of new housing, the development of new roads that would both stimulate economic development and increase safety, and the preservation of important ecological areas that would assist in stormwater management while at the same time creating amenity for residents, workers, and visitors.

Implementation

Implementation is a significant part of the Irving and Fairmount Brownfields Revitalization Plan. Astute observers will note that many of the recommendations and ideas presented in this plan have been around for many years. Therefore, it was important to elevate the role of implementation in moving the plan forward from ideas and concepts to reality.

Emphasis was placed on strategies that can overcome common implementation barriers. A detailed matrix including every recommendation was created to help identify project specific barriers and resources needed to overcome barriers. Moreover, an implementation workshop was held with key city and regional leaders who are in a position to lead many types of implementation efforts to help them identify the steps necessary to overcome such barriers.

Map Key	Action Item
1	Redevelop DW&P site into a variety of new housing styles with open space
2	Develop vacant lands north of Main St and west of 67th Ave into a variety new housing styles
3	Develop vacant lands east of 71st Ave on the north and south sides of Redruth St into a variety of new housing styles
4	Redevelop parcels along east side of Grand Ave between 63rd Ave and Keene Creek into 1-2 story commercial structures with surface parking
5	Redevelop MN Steel Fabricators site into new multifamily housing and community space
6	Develop vacant land bounded by Keene Creek on the south, Grand Ave on the west, I-35 on the north, and the Irving rail spur on the east into new senior housing
7	Redevelop aging business park into a new district with a mixture of commercial and light industrial businesses and potentially multifamily housing
8	Redevelop property at northeast corner of Grand Ave and Raleigh St into a mixture of commercial and potentially residential uses
9	Develop vacant properties along east side of Grand Avenue at Redruth St and 67th Ave W into a mixture of commercial and potentially residential uses
10	Promote industrial development south of BNSF tracks and east of Stryker Bay
11	Redevelop the lands underneath MN Power's transmission lines when they go fully off-line
N/A	Preservation of housing affordability
12	Create a vegetative buffer on the north side of the main line BNSF tracks between 63rd Ave and 57th Ave
13	Improve stormwater enhancements in naturalized areas along Keene Creek and the 68th/62nd Aves Creek (Stryker Bay)
N/A	Activate small vacant brownfield sites throughout the study area with green infrastructure or natural vegetation
N/A	Enhance streetlighting throughout the Irving and Fairmount neighborhoods
14	Improve the 57th Ave underpass below I-35
N/A	As streets are reconstructed, design them to include green infrastructure to handle more sustainably treat stormwater runoff and serve as vegetated connections to other open spaces
15	Where Cross City Trail is not implemented add on-street bike boulevards along Main St, 59th Ave, and Raleigh St
16	Convert Grand Avenue to a safer, 3-lane roadway with a center turn lane
17	Grand Avenue conversion to 3-lane (restriping) with protected bikeway
18	Grand Avenue conversion to 3-lane with intersection improvements and protected bikeway
19	Add a protected bikeway to Central Avenue south of I-35
20	Extend Waseca Industrial Rd to Grand Avenue via a vacated BNSF spur
21	Improve 63rd Ave to handle regular truck traffic from new Waseca Industrial Rd to BNSF spur
22	Improve Raleigh St to handle regular truck traffic from 63rd Ave to Grand Ave
23	Construct a new "backage" road parallel to east side of Grand Avenue from Polk St to Nicollet St (separate Cross City Trail project would run parallel to the new "backage" road)
24	Improve 63rd Ave from Raleigh St to new "backage" road parallel to Grand Ave
25	Construct new truck route along BNSF spur from 63rd Ave to Raleigh St
26	Add truck safety improvements to Raleigh St and Central Ave
27	Conduct a traffic study at Central Ave and I-35 intersection to determine necessary improvements to make safer for pedestrians, bicyclists, trucks, and motorists

Irving and Fairmount Brownfields Revitalization Plan Action Items

EXECUTIVE SUMMARY



Irving and Fairmount Brownfields Revitalization Plan Master Plan Recommendations

January 4, 2020

Dear Planning Commission Member,

I am writing to express my deep concern and disappointment with the proposed zoning changes in the Fairmount neighborhood (marked in yellow on the enclosures mailed "...to property owners within 350 feet of a pending zoning action.") The letter from Steve Robertson is dated December 27, 2019. With the public informational meeting on the 7th of January and the public hearing on the 14th, this is hardly enough time to prepare an adequate response. Furthermore, a notice radius of only three fourths of a block is inadequate for such large parcels under consideration. The entire Fairmount neighborhood should have been notified.

The Irving and Fairmount Brownfields Revitalization Plan (October 2017) is the document that these proposed zoning changes are based on. I live in the Fairmount neighborhood and have been involved in previous planning processes concerning Fairmount through the years but for some reason I was not aware of this particular planning process. I feel left out. In looking at this plan, I noticed that the list of stakeholders include 7 from the Irving neighborhood and no one from the Fairmount neighborhood.

I have gone door – to – door surveying those who live in Fairmount and the great majority agreed that the stability of the neighborhood is very important to them and so do not want to see development into areas not previously developed. There are still parcels that are vacant that can be used as in – fill housing. I distinctly remember at a planning meeting, at City Center West, that we agreed and were promised that the existing edge of the Fairmount neighborhood would be maintained. (The edge of Fairmount being the triangular shaped parcels along the south east edge of the former DW&P yard, the former DW&P yard itself and the hillside.)

The recreational value is too high to build in this area. It seems that while there are positives to development there are negatives that are being overlooked. The hiking, mountain biking, dog walking and just enjoying the wilderness and wildlife in this area is awesome. It is such a wonderful asset to Duluth and the city spends virtually nothing to maintain it. As a boy, I spent countless hours playing there. We built tree forts, cross-country skied, trampled down the grass to make a baseball field (sometimes finding it a challenge to find the ball in the tall grass). Try building a tree fort in a city park. I don't think that would be allowed. It is a place where kids can just be kids. I suppose you could think of it as an unofficial city park.

So, I would like to see this area placed in preservation. It is currently in RR-1 and R-1. The proposal before you is to rezone the area in yellow to R-2. In looking at the definition of R-2, I was shocked to see what that would allow. The UDC Article 2, Page 14 shows apartment buildings 4 stories high taking up the better part of a city block. This is totally unacceptable. It would just ruin the feel of the neighborhood.

I am not against development but I feel that some places need to be preserved.

Allan Kehr, 12 South 66th Ave. W. Duluth 55807



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

 218-730-5580

 planning@duluthmn.gov

Date: January 6, 2020
 To: Planning Commission
 From: Steven Robertson, Senior Planner
 RE: Proposed UDC Text Amendments for Consideration

Planning Staff are proposing some potential changes to the Unified Development Chapter; the proposals reflect, in part, the discussion of the Planning Commission at the end of the November 2019 Planning Commission meeting. The items below are for discussion on January 14, with a draft ordinance for review/discussion on February 11.

Proposed Change:

A For Accessory Home Shares, change the permit length from one year to three years (to align with the three year duration of typical rental permits from Life Safety). Also, change the language to allow owners of twin homes, duplexes, or single-family homes with attached accessory dwelling units to rent under this permit. The current standards would not allow this, since the rule is explicit that the property owner must be present within the specific dwelling while a room is rented. A twin home, duplex, or accessory dwelling unit is not considered the same dwelling for purposes of this rule as currently written.

B For Accessory Vacation Dwelling Units, clarify that the maximum stay (29 nights) in use specific standards and definitions.

C For Vacation Dwellings, clarify that vacation rental interim use permits will be voided in the event that the current permit holder sells their property or discontinues the use, instead of allowing them to transfer/delegate the interim use permit to new owners. Also for vacation dwellings, increase the number of allowed vacation permits. Note that a proposed ordinance in 2017 did not receive council approval (proposal: 0.5% of the total owner occupied housing units in Duluth, or 112). Finally, clarify that the maximum stay (29 nights) in use specific standards and definitions.

D Add a new use (and definition) to the use table, as a companion use between "Hospital" and Medical or Dental Clinic", Ambulatory Care Facility or Medical Facility: an establishment engaged in providing medical, surgical or psychiatric care on a less than 24 continuous hour basis, which may include overnight stays.



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Date: January 6, 2020
To: Planning Commission
From: Steven Robertson, Senior Planner
RE: Proposed Future Land Use Change

On Tuesday, January 7, 2020, at 5:00 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 59th Avenue West to 63rd 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 59th Street that is zoned industrial (I-G), and the cemetery to the west is zoned rural residential (RR-1).

Comments and recommendations will be shared with the Planning Commission at their Tuesday, January 14, 2020 public hearing, and depending on the comments and recommendations, for action at their February 11, 2020 meeting.