



# City of Duluth

## Meeting Agenda

### Planning Commission.

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Tuesday, August 24, 2021

5:00 PM

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

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#### Special Meeting

To view the meeting, visit <http://www.duluthmn.gov/live-meeting>

#### Call to Order and Roll Call

#### Old Business

[PL 21-110](#) Planning Review for Parking Lot and Site Improvements at 339 E Central Entrance by Brad Rixman, RFP LLC

**Attachments:** [PL 21-111 Memo](#)  
[PL 21-110 Staff Report and Attachments REVISED](#)

[PL 21-111](#) Vacation of a Portion of Upham Road at 339 E Central Entrance by Brad Rixmann, RFP LLC

**Attachments:** [PL 21-111 Memo](#)  
[21-111 Staff Report and Attachments 8-17](#)

#### Public Hearings

[PL 21-113](#) Concurrent Use of Streets Permit for a New Skywalk Over 4th Avenue E at 502 E 2nd Street by Essentia Health East

**Attachments:** [PL 21-113 Staff Reports and Attachments Final](#)

[PL 21-114](#) Concurrent Use of Streets Permit for a New Parking Structure Over the E 1st Street Alley at 502 E 2nd Street by Essentia Health East

**Attachments:** [PL 21-114 Staff Report and Attachments](#)

[PL 21-115](#) Planning Review for an 800-Stall Parking Structure at 502 E 2nd Street by Essentia Health East

**Attachments:** [PL 21-115 Staff Report and Attachments](#)

[PL 21-127](#) UDC Text Amendments Related to Enforcement and Zoning Permit Revocation

**Attachments:** [PL 21-127 Staff Memo and Attachment](#)

[PL 21-135](#) UDC Text Amendments for Mixed Use-Institutional (MU-I), Residential-Planned (R-P), and Mixed Use-Planned (MU-P) Districts

**Attachments:** [082421 - Memo, Potential UDC Change, MU-I, MU-P, R-P](#)

### Other Business

[PL 21-133](#) Tax Increment Financing Comprehensive Plan Compliance for the Greysolon Plaza Project at East Superior Street and 3rd Avenue E

**Attachments:** [Staff Report PL21-133](#)

[PL 21-136](#) UDC Text Amendments for Vacation Dwelling Units

**Attachments:** [PL 21-136 Staff Memo and Attachments](#)

NOTICE: The Duluth Planning Commission will be holding its August 24, 2021 Special Meeting by other electronic means pursuant to Minnesota Statutes Section 13D.021 in response to the COVID-19 emergency. Some members of the Commission will be participating through video conference. Due to the COVID-19 emergency and the closure of City facilities, public comment will not be taken in person. However, members of the public can monitor the meeting and provide public comment on agenda items through WebEx Events. Visit <https://duluthmn.gov/live-meeting> to access the meeting. The public is also encouraged to submit written comment to [planning@duluthmn.gov](mailto:planning@duluthmn.gov) prior to the meeting. Please include "Planning Commission Agenda" in the subject line, and include your name and address and the agenda item you are speaking to. Please note that all public comment is considered Public Data.



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

Room 160  
411 West First Street  
Duluth, Minnesota 55802



218-730-5580



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

Date: August 16 2021  
To: Planning Commission  
From: Chris Lee, Planner I  
RE: PL 21-110 and PL 21-111, MU-C Planning Review and Vacation of Upham Road

During the public hearing for items PL 21-110 and PL 21-111 at the August 10th the meeting, an adjacent property owner addressed the Planning Commission with two concerns; the access over vacated Upham Road and the concern of their private utilities located under Upham Road.

The applicant intends to work with the adjacent owner for use of the private easement over the vacated right of way. The applicant indicates that they only know of Pawn America's utilities in the area, and are unaware of any other private utilities located there. City Engineering has confirmed there are public utilities in the right of way for Central Entrance.

Staff removed the recommendation of the easement for private access across vacated Upham Road from the staff report and is no longer part of staff recommendation.

Staff continues to recommended approval for PL 21-110 and PL 21-111.





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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

<b>File Number</b>	PL 21-110	<b>Contact</b>	Chris Lee, clee@duluthmn.gov	
<b>Type</b>	MU-C Planning Review	<b>Planning Commission Date</b>	August 10, 2021	
<b>Deadline for Action</b>	<b>Application Date</b>	July 7, 2021	<b>60 Days</b>	September 5, 2021
	<b>Date Extension Letter Mailed</b>	July 20, 2021	<b>120 Days</b>	November 4, 2021
<b>Location of Subject</b>	339 E Central Entrance, Pawn America			
<b>Applicant</b>	RFP LLC	<b>Contact</b>	Brad Rixmann	
<b>Agent</b>	TKDA	<b>Contact</b>	Jeff Goetzman, PE	
<b>Legal Description</b>	BEGINNING AT SE CORNER OF SE 1/4 OF NW 1/4 RUNNING THENCE N 330 FT THENCE W 132 FT THENCE S 330 FT THENCE E 132 FT TO PLACE OF BEGINNING EX NLY 150 FT			
<b>Site Visit Date</b>	July 27, 2021	<b>Sign Notice Date</b>	July 27, 2021	
<b>Neighbor Letter Date</b>	July 30, 2021	<b>Number of Letters Sent</b>	32	

**Proposal**

An expansion and reconstruction of 14 parking spaces to the south of the store along with landscaping and retaining wall reconstruction to the north of the structure. The current store will not change in size, but there will be updates to exterior materials.

Staff recommends approval with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-C	Retail	General Mixed Use
<b>North</b>	MU-C	Residential	General Mixed Use
<b>South</b>	MU-C	Parking Lot	General Mixed Use
<b>East</b>	R-1	Residential	Traditional Neighborhood
<b>West</b>	MU-C	Auto Sales	General Mixed Use

**Summary of Code Requirements:**

50-15.3.E MU-C District – Planning review by the Planning Commission is required for most development and redevelopment. Development Standards:

1. The location, size and number of curb cuts shall be designed to minimize traffic congestion or hazard in the area. Any traffic control improvements required as a result of the proposal such as traffic signals, turning lanes, medians, signage and other types of improvements necessary to accommodate traffic flow to and from the proposed project shall be paid for by the property owner. Any additional right-of-way or easements needed shall be provided by the property owner at no cost to the city;
2. Any necessary public easements over the subject property shall be dedicated, and any necessary improvements within such easements or other easements adjacent to the subject property shall be made.

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.
1. 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: includes adaptive reuse of existing building stock and historic resources, as this strengthens neighborhoods. The applicant is proposing to make substantial investments by improving the current store and parking lot. This will include storm water improvements for the new parking.

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 property is currently a 7,000 square foot retail store built in 1970 with parking located to the south of the building. Upham Road in this location bisects the property, and there is private parking located across the existing roadway from the store.

Related files: PL 21-111 - Vacation of Upham Road to allow for the parking across the right of way.

**Review and Discussion Items:**

Staff finds that:

- 1) 50-15.3 (MU-C District) – Applicant has provided required plan documents.
- 2) 50-15.3.E (Development Standards) – Not Applicable for this proposal.
- 3) 50-18.1.E (Stormwater Management) – The applicant’s plans show storm water infrastructure that discharges to a City stormwater pipe in Blackman Avenue. Stormwater plans will need to be approved by the Engineering division prior to building permit issuance.
- 4) 50-23 (Connectivity) – The plans indicate a future MNDOT sidewalk on the south property line. MNDOT is planning to add connectivity to Central Entrance during reconstruction in 2026. Staff would suggest adding pavement marking and barricades as appropriate to connect the entrance to the planned sidewalk after the sidewalk is created to ensure pedestrian safety.
- 5) 50-24 (Parking) – Minimum required parking is 14.7 spaces (utilizing the 30% transit reduction) and plans show 14 spaces. The applicant should seek an administrative adjustment to further reduce parking by 1 space to be complaint. The applicant intends to make improvements to the driveway from Blackman Avenue.
- 6) 50-25 (Landscaping) – The landscape plan shows street frontage landscaping compliance, with the exception of Blackman Avenue where the grade and the right of way width restrict the viable placement of vegetation. The improved parking does have landscape islands and tree canopy coverage that meets the minimum requirements. As part of the landscaping, there will be a new low retaining wall to level the parking along Central Entrance. The proposal also includes a new rock wall in the rear to retain the grade going uphill from the site.
- 7) 50-26 (Screening) – Plans do not indicate there will be new screening anywhere on the site. The proposed reconstructed trash area requires screening, and the plans shall be modified to reflect this screening.
- 8) 50-27 (Signs) – Plans show the addition of shrubs at the base of a new or relocated sign to bring it to compliance. All changes to the sign would need a separate sign permit; this includes wall signs and relocating structure signs.
- 9) 50-29 (Sustainability) – Not Applicable.
- 10) 50-30 (Design Standards) – Not Applicable.
- 11) 50-31 (Exterior Lighting) – No photometric plan was provided. Plans indicate sonotubes for light poles.

Photometric plans for the site indicating compliance shall be submitted prior to issuance of permits.

- 12) No comments were received from the city, outside agencies, and the public at the time of writing this report.
- 13) 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 recommend approval of the vacation with the following conditions:

1. The inclusion of a photometric plan in the final building permit package.
2. The project be limited to, constructed, and maintained according to the construction and building plans submitted with this application titled "Pawn America Site Improvements" dated 7/7/2021.
3. Applicant must provide 15 parking spaces or seek and receive an Administrative Adjustment for the parking requirement.
4. Applicant will provide details on trash enclosure screening to fully comply with the UDC.
5. Financial security to guarantee installation of required landscaping shall be provided consistent with UDC requirements in advance of the issuance of a building permit. Landscaping shall be continuously maintained on the site consistent with the submitted landscape plans.
6. Requirements of the vacation of right of way related to a concurrent application related to Upham Road shall be incorporated into this Planning Review, and shall be met prior to issuance of the building permit.
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.



PL 21-110 and 21-111  
 MU-C Planning Review  
 Street Vacation  
 339 E Central Ent.



**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.









**LEGEND**

**EXISTING**

-  EXISTING CONTOUR - MAJOR (5')
-  EXISTING CONTOUR - MINOR (1')
-  EXISTING BUILDING
-  EXISTING BITUMINOUS
-  BITUMINOUS REMOVAL

**PROPOSED**

-  PROPOSED CONTOUR - MAJOR (5')
-  PROPOSED CONTOUR - MINOR (1')
-  BITUMINOUS PAVEMENT
-  LANDSCAPING

**EXISTING UTILITY LOCATIONS**

THE CONTRACTOR SHALL VERIFY ALL EXISTING UNDERGROUND UTILITY LOCATIONS AND ELEVATIONS PRIOR TO CONSTRUCTION. ALL INPLACE UTILITIES MAY NOT BE SHOWN ON THIS PLAN & THOSE THAT ARE SHOWN, MAY NOT BE SHOWN IN THE EXACT LOCATIONS.

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL "D". THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CI/ASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA."

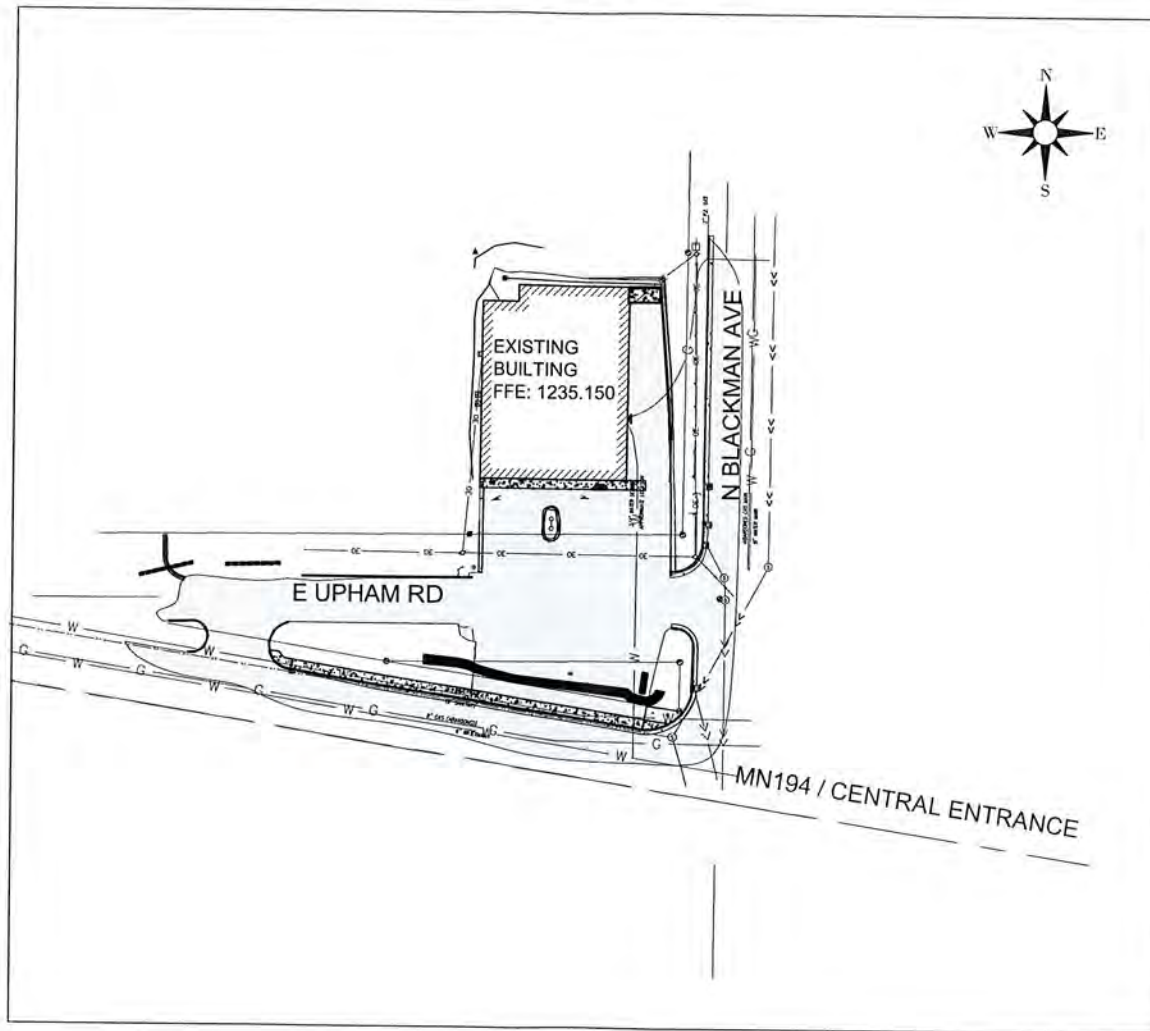
CONSTRUCTION PLANS FOR:

**PAWN AMERICA SITE IMPROVEMENTS:  
CONSTRUCTION PLANS FOR PARKING LOT  
IMPROVEMENTS, SITE GRADING, LANDSCAPING, SIGN  
RELOCATION AND STORMWATER CONTROLS.**

**SPECIFICATION REFERENCES**

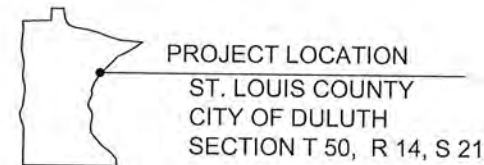
1. THE 2019 CITY OF DULUTH, MINNESOTA CONSTRUCTION STANDARDS SHALL APPLY.
2. THE 2018 MNDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION SHALL APPLY.

**LOCATION MAP**



SHEET INDEX	
SHEET NUMBER	SHEET TITLE
1	TITLE SHEET
2-5	DETAILS
6	EXISTING CONDITIONS AND REMOVALS
7-9	PROPOSED CONDITIONS
10-11	SWPPP

THIS PLAN SET CONTAINS 11 SHEETS



**GOPHER STATE ONE CALL**  
 651.454.0002  
 800.252.1166  
 811  
 1.866.640.3637 (EMERGENCY LOCATES ONLY)  
<http://www.gopherstateonecall.org/submit>

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

*Jeffery S. Goetzman*  
 JEFFERY S. GOETZMAN

DATE 07/06/2021 LIC. NO. 26422


CONTRACTOR TO NOTIFY 911 PERSONNEL PRIOR TO ALL ROAD CLOSURES.

ALL CONTRACTORS AND SUBCONTRACTORS SHALL VERIFY ALL DIMENSIONS BY MEASUREMENT AT THE BUILDING AND/OR SITE. BAR IS ONE INCH ON ORIGINAL DRAWING. IF NOT ONE INCH ON THIS DRAWING ADJUST SCALES ACCORDINGLY.

PLOT DATE: Jul 06, 2021 - 3:53pm  
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NO.	DATE	BY	DESCRIPTION OF REVISIONS

DESIGNED TSM  
 DRAWN TSM  
 CHECKED JML  
 I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  
 SIGNATURE: *Jeffery S. Goetzman* DATE: 07/06/2021  
 PRINTED NAME: JEFFERY S. GOETZMAN LIC. NO.: 26422

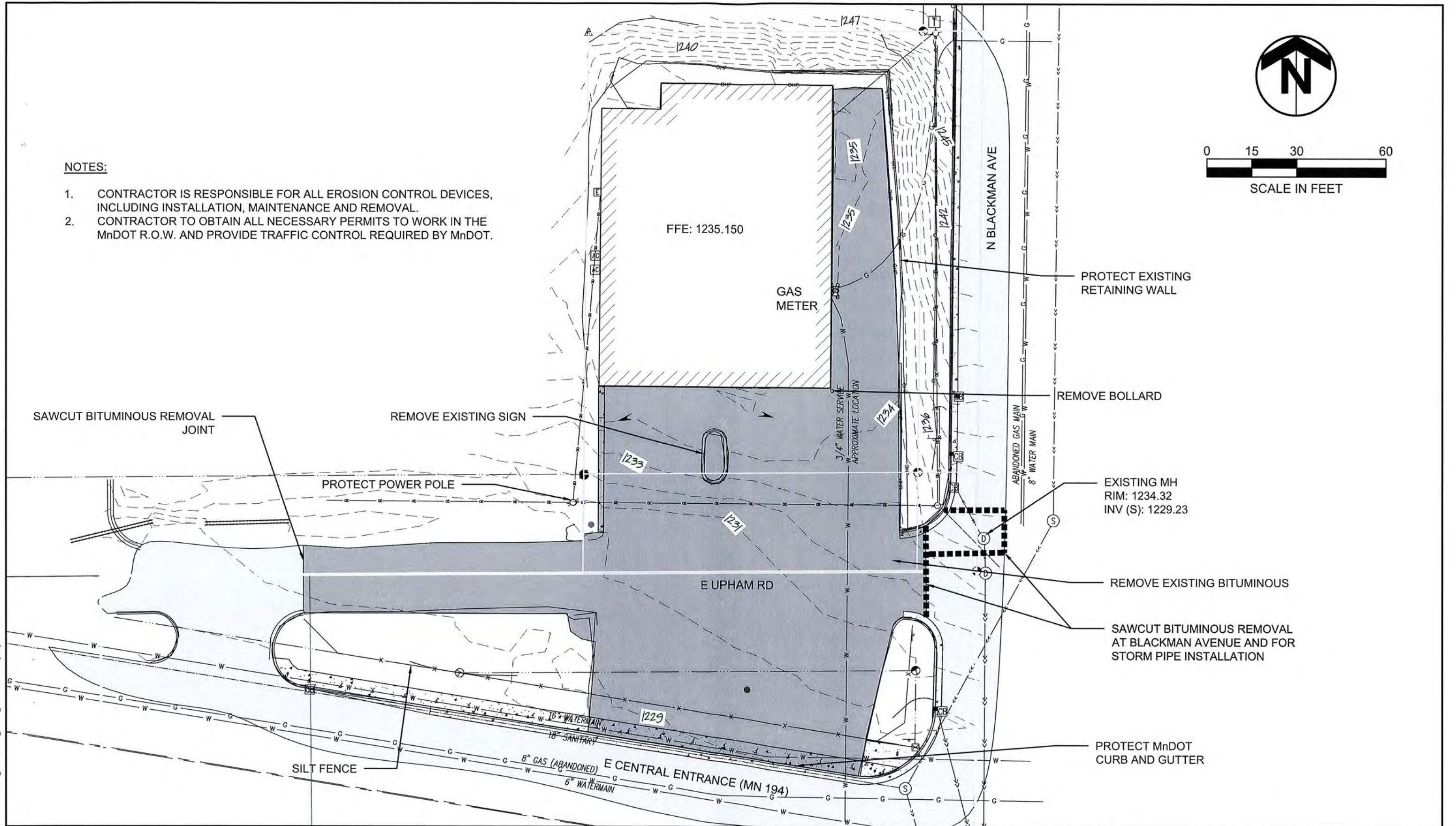
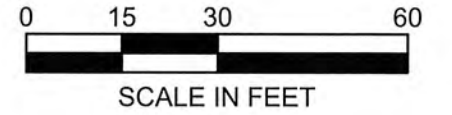
 11 E. Superior Street, Suite 420  
 Duluth, MN 55802  
 218.724.8578  
 tkda.com

**PAWN AMERICA SITE IMPROVEMENTS  
TITLE SHEET**

PROJ. NO. 17670003  
 DRAWING NO.  
 Page 9 of 142

**NOTES:**


1. CONTRACTOR IS RESPONSIBLE FOR ALL EROSION CONTROL DEVICES, INCLUDING INSTALLATION, MAINTENANCE AND REMOVAL.
2. CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS TO WORK IN THE MnDOT R.O.W. AND PROVIDE TRAFFIC CONTROL REQUIRED BY MnDOT.



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DESIGNED TSM  
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 I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  
 SIGNATURE: *[Signature]* DATE: 7/06/2021  
 PRINTED NAME: JEFFERY S. GOETZMAN LIC. NO.: 26422


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 Duluth, MN 55802  
 218.724.8578  
 tkda.com

**PAWN AMERICA SITE IMPROVEMENTS  
EXISTING CONDITIONS AND REMOVALS**

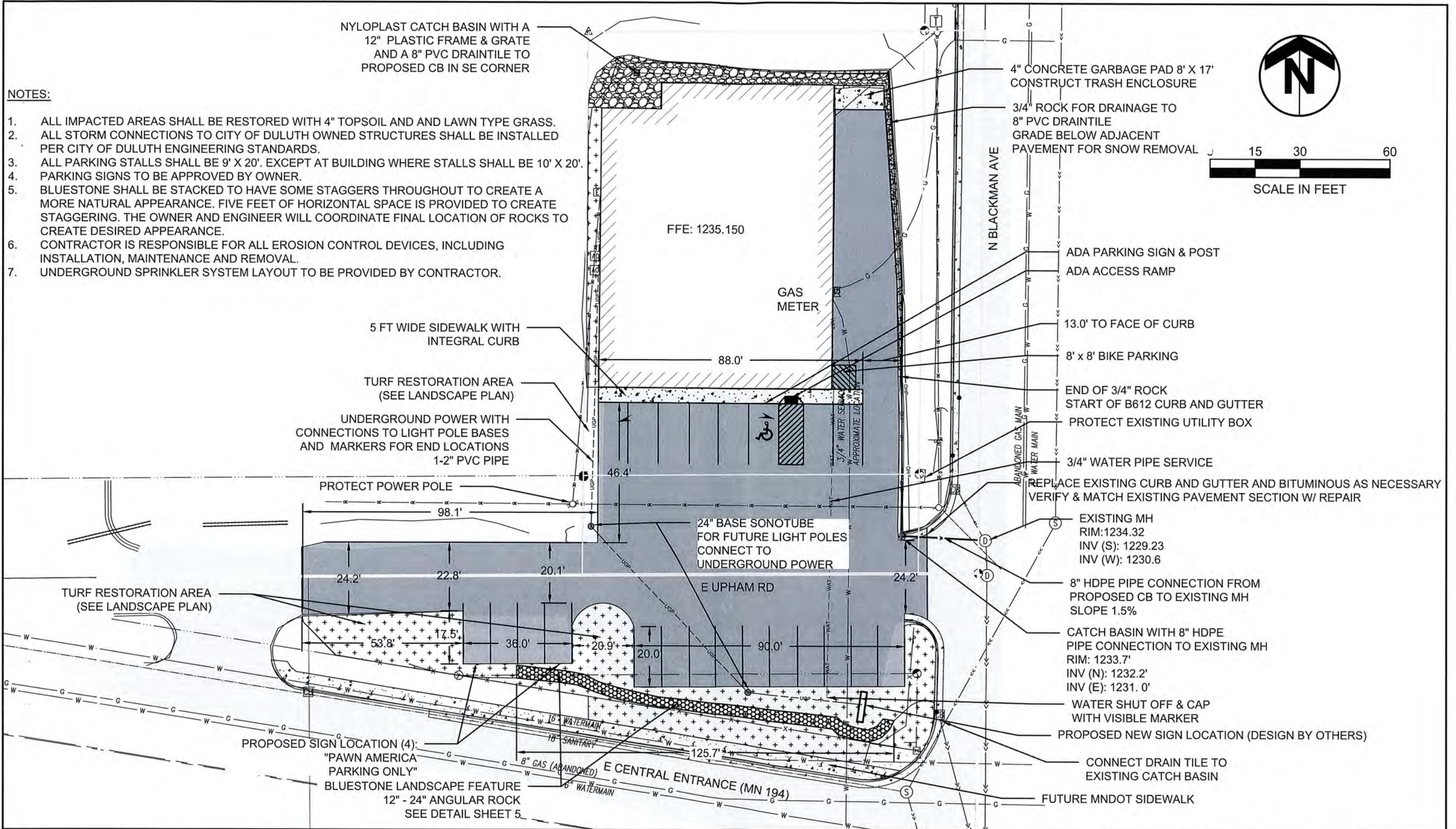
ALL CONTRACTORS AND SUBCONTRACTORS SHALL VERIFY ALL DIMENSIONS BY MEASUREMENT AT THE BUILDING AND/OR SITE.  
 BAR IS ONE INCH ON ORIGINAL DRAWING. IF NOT ONE INCH ON THIS DRAWING ADJUST SCALES ACCORDINGLY.

PROJ. NO. 17670000 DRAWING NO.	Page 10 of 14
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NYLOPLAST CATCH BASIN WITH A 12" PLASTIC FRAME & GRATE AND A 8" PVC DRAINTILE TO PROPOSED CB IN SE CORNER

**NOTES:**

1. ALL IMPACTED AREAS SHALL BE RESTORED WITH 4" TOPSOIL AND AND LAWN TYPE GRASS.
2. ALL STORM CONNECTIONS TO CITY OF DULUTH OWNED STRUCTURES SHALL BE INSTALLED PER CITY OF DULUTH ENGINEERING STANDARDS.
3. ALL PARKING STALLS SHALL BE 9' X 20'. EXCEPT AT BUILDING WHERE STALLS SHALL BE 10' X 20'.
4. PARKING SIGNS TO BE APPROVED BY OWNER.
5. BLUESTONE SHALL BE STACKED TO HAVE SOME STAGGERS THROUGHOUT TO CREATE A MORE NATURAL APPEARANCE. FIVE FEET OF HORIZONTAL SPACE IS PROVIDED TO CREATE STAGGERING. THE OWNER AND ENGINEER WILL COORDINATE FINAL LOCATION OF ROCKS TO CREATE DESIRED APPEARANCE.
6. CONTRACTOR IS RESPONSIBLE FOR ALL EROSION CONTROL DEVICES, INCLUDING INSTALLATION, MAINTENANCE AND REMOVAL.
7. UNDERGROUND SPRINKLER SYSTEM LAYOUT TO BE PROVIDED BY CONTRACTOR.



PLOT DATE: Jul 06, 2021 - 3:54pm  
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**PAWN AMERICA SITE IMPROVEMENTS**

**PROPOSED CONDITIONS**

PROJ. NO. 17670000  
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 Page 11 of 142

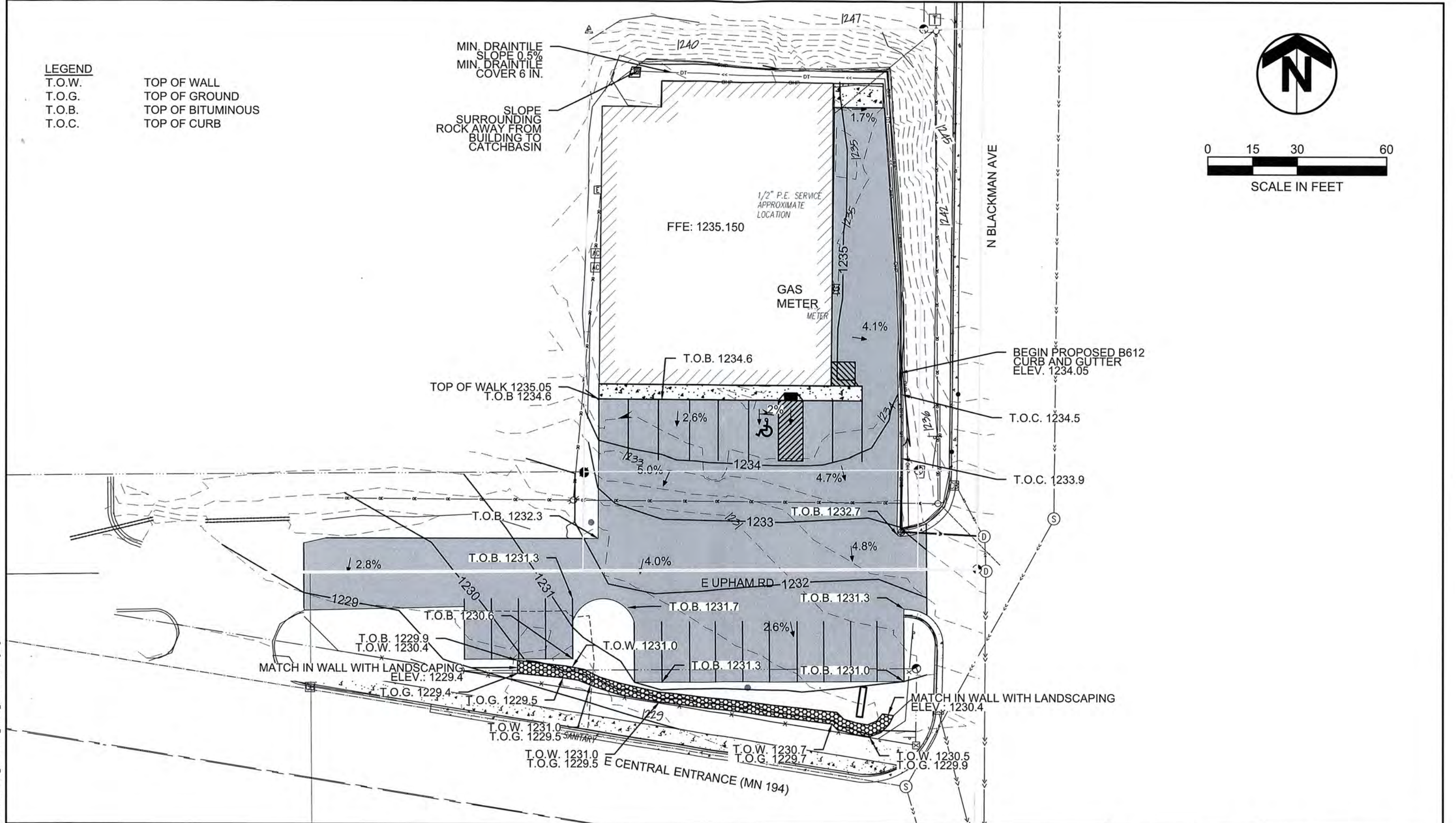
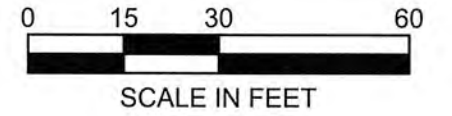
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**LEGEND**

T.O.W. TOP OF WALL  
 T.O.G. TOP OF GROUND  
 T.O.B. TOP OF BITUMINOUS  
 T.O.C. TOP OF CURB

MIN. DRAINTILE  
 SLOPE 0.5%  
 MIN. DRAINTILE  
 COVER 6 IN.

SLOPE  
 SURROUNDING  
 ROCK AWAY FROM  
 BUILDING TO  
 CATCHBASIN




PLOT DATE: Jul 05, 2021 - 3:54pm  
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NO.	DATE	BY	DESCRIPTION OF REVISIONS

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SIGNATURE: *[Signature]* DATE: 7/06/2021  
 PRINTED NAME: JEFFERY S. GOETZMAN LIC. NO.: 26422



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 Duluth, MN 55802  
 218.724.8578  
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**PAWN AMERICA SITE IMPROVEMENTS  
 PROPOSED GRADING**

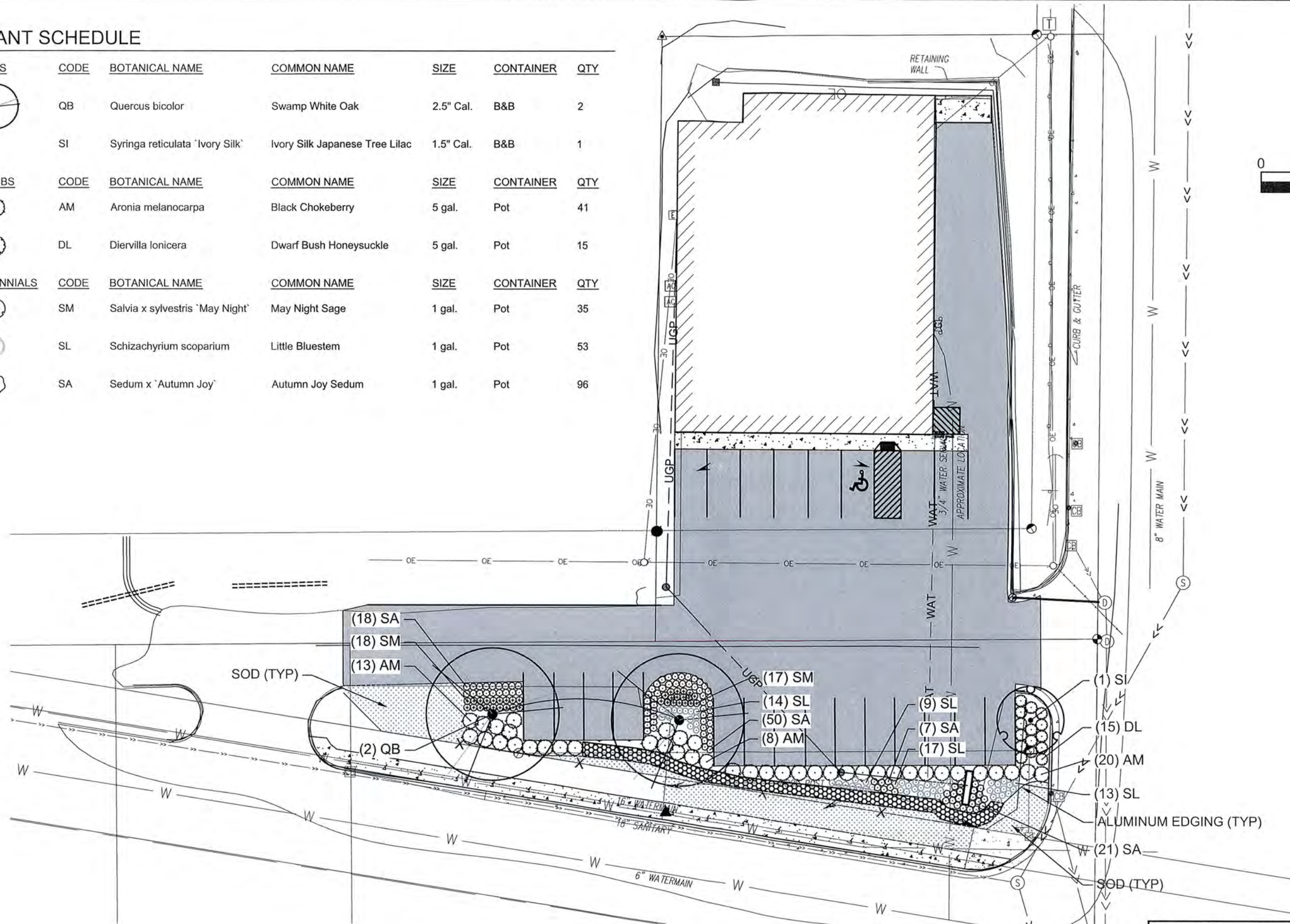
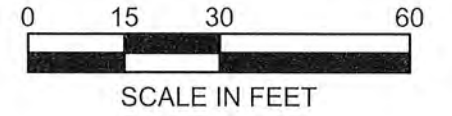
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 Page 12 of 148

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### PLANT SCHEDULE

TREES	CODE	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	QTY
	QB	Quercus bicolor	Swamp White Oak	2.5" Cal.	B&B	2
	SI	Syringa reticulata 'Ivory Silk'	Ivory Silk Japanese Tree Lilac	1.5" Cal.	B&B	1
SHRUBS	CODE	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	QTY
	AM	Aronia melanocarpa	Black Chokeberry	5 gal.	Pot	41
	DL	Diervilla lonicera	Dwarf Bush Honeysuckle	5 gal.	Pot	15
PERENNIALS	CODE	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	QTY
	SM	Salvia x sylvestris 'May Night'	May Night Sage	1 gal.	Pot	35
	SL	Schizachyrium scoparium	Little Bluestem	1 gal.	Pot	53
	SA	Sedum x 'Autumn Joy'	Autumn Joy Sedum	1 gal.	Pot	96



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NO.	DATE	BY	DESCRIPTION OF REVISIONS

DESIGNED: S.J.M.  
DRAWN: S.J.M.  
CHECKED: J.M.L.

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

SIGNATURE:   
DATE: 7/06/2021  
PRINTED NAME: JEFFERY S. GOETZMAN  
LIC. NO.: 26422

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## PAWN AMERICA SITE IMPROVEMENTS LANDSCAPE PLAN

PROJ. NO. 17670000  
DRAWING NO. 17670000  
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**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

<b>File Number</b>	PL 21-111	<b>Contact</b>	Chris Lee, clee@duluthmn.gov	
<b>Type</b>	Vacation of platted road, Upham Road	<b>Planning Commission Date</b>	August 10, 2021	
<b>Deadline for Action</b>	<b>Application Date</b>	July 7, 2021	<b>60 Days</b>	September 5, 2021
	<b>Date Extension Letter Mailed</b>	July 20, 2021	<b>120 Days</b>	November 4, 2021
<b>Location of Subject</b>	Adjacent to 339 E Central Entrance, near the intersection of Central Entrance and Blackman Road			
<b>Applicant</b>	RFP LLC	<b>Contact</b>	Brad Rixmann	
<b>Agent</b>	TKDA	<b>Contact</b>	Jeff Goetzman, PE	
<b>Legal Description</b>	See Attached			
<b>Site Visit Date</b>	July 27, 2021	<b>Sign Notice Date</b>	July 27, 2021	
<b>Neighbor Letter Date</b>	July 30, 2021	<b>Number of Letters Sent</b>	32	

**Proposal**

The purpose of this application is to vacate a portion of platted Upham Road to allow the property owner on both sides to make parking lot improvements.

Staff recommends approval with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-C	Retail	General Mixed Use
<b>North</b>	MU-C	Residential	General Mixed Use
<b>South</b>	MU-C	Parking Lot	General Mixed Use
<b>East</b>	R-1	Residential	Traditional Neighborhood
<b>West</b>	MU-C	Auto Sales	General Mixed Use

**Summary of Code Requirements:**

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

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

1. Is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles, or pedestrians or the efficient supply of utilities or public services in the city;
2. Is not otherwise needed to promote the public health, safety, or welfare of the citizens of Duluth.

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

Governing Principle #1 – Reuse previously developed lands: includes adaptive reuse of existing building stock and historic resources, as this strengthens neighborhoods. The applicant is proposing to make substantial investments in improving the current store and parking lot. This will include storm water improvements for the new parking.

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 property is currently a 7,000 square foot retail store built in 1970 with parking located to the south of the building. Upham Road in this location bisects the property, and there is private parking located across the existing roadway from the store.

Related files: PL 21-110 – MU-C Planning review to be heard by Planning Commission for building and parking improvements.

**Review and Discussion Items:**

Staff finds that:

1. The applicant is requesting to vacate a 66' x 203' portion of platted Upham Road.
2. The applicant will be dedicating a public easement running north-south on the east side of the parcel for Blackman Avenue.
3. The purpose is to remove the 66' wide right of way to combine both tax parcels for redevelopment.
4. There are no existing utilities installed in this right of way.
5. The proposed vacated area of the platted street will not be needed by the City for the efficient supply of utilities or public services in the City, nor for the promotion of public health, safety, or welfare of the citizens of Duluth.
6. No other public or City comments have been received at the time of drafting this report. City engineering has reviewed and does not have concerns with the width of the easement. Planning staff approves of the width.
7. Vacations of rights of way and easements lapse unless the vacation is recorded with the county recorder within 90 days after final approval. The vacation recording is facilitated by the City of Duluth.

**Staff Recommendation:**

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

1. The vacation must be recorded within 90 days of final approval by City Council or such approval will lapse.
2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

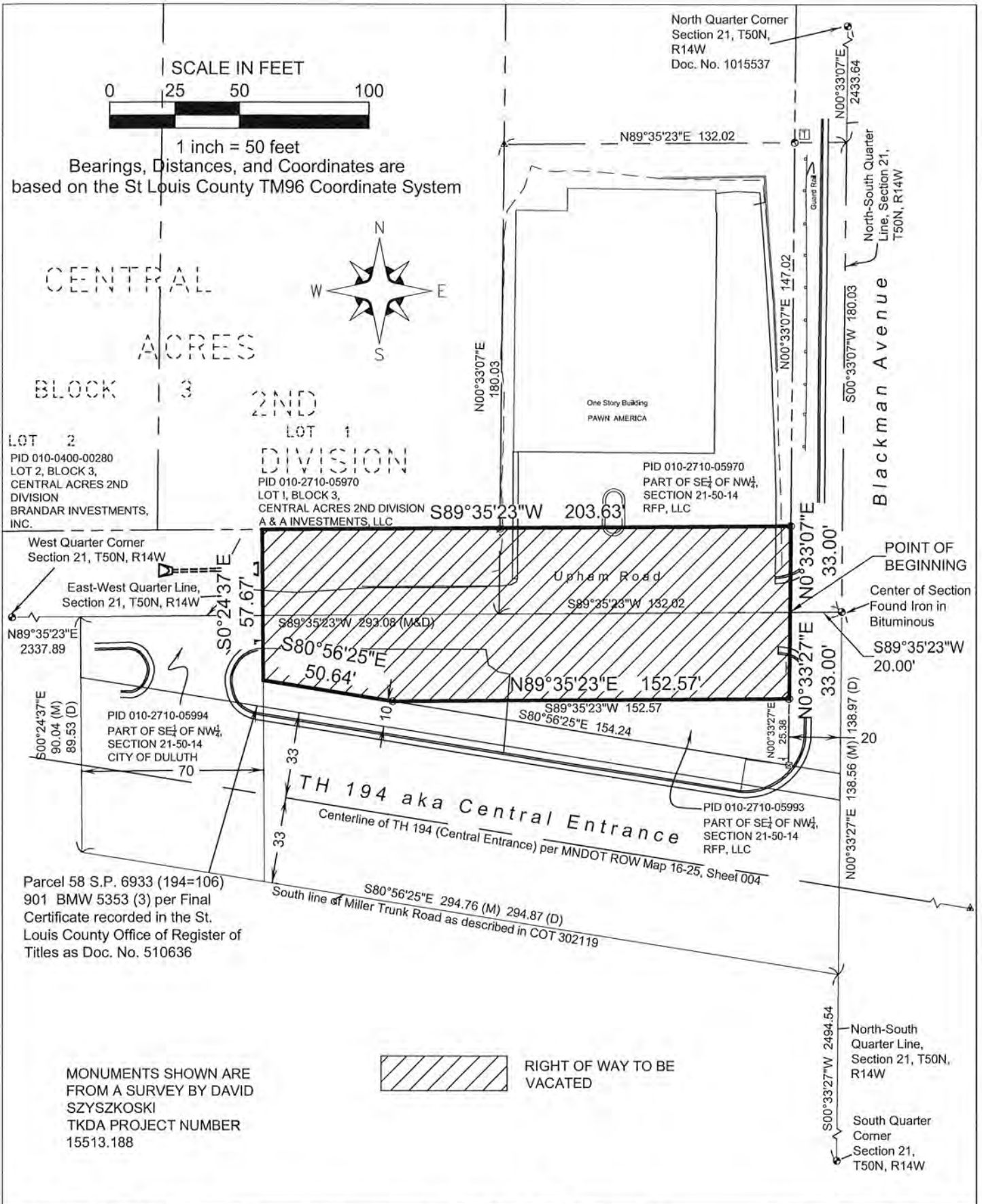


PL 21-110 and 21-111  
 MU-C Planning Review  
 Street Vacation  
 339 E Central Ent.



**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.



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

Date : 07/02/2021  
 Greg Stoewer  
 Greg Stoewer  
 MINNESOTA LICENSE NO. 21774

11 East Superior Street  
 Suite 420  
 Duluth, MN 55802  
 218-724-8578  
 tkda.com  
 Job Number: 17970.000

VACATED PARCEL EXHIBIT C  
 Sheet 1 of 2 Sheets  
 Page 20 of 142

## PROPOSED VACATED PARCEL DESCRIPTION

That part of the Section 21, Township 50 North, Range 14 West of the 4<sup>th</sup> Principal Meridian, described as follows:

Commencing at the Center of said Section 21;

Thence South 89 degrees 35 minutes 23 seconds West along the south line of the Northwest Quarter of said Section 21 a distance of 20.00 feet to the Point of Beginning;

Thence along a line parallel with and 20.00 feet west of the East line of said Northwest Quarter North 0 degrees 33 minutes 07 seconds East 33.00 feet to a line that is an easterly extension of the south line of Block 3 of Central Acres 2<sup>nd</sup> Division as recorded in St. Louis County, Minnesota;

Thence South 89 degrees 35 minutes 23 seconds West along said south line of Block 3 and its easterly extension 203.63 feet to a point on a line and its northerly extension that is 70.00 feet east of the west line of Parcel 58 S.P. 6933 (194=106) 901 BMW 5353 (3) per Final Certificate recorded in the St. Louis County Office of Register of Titles as Doc. No. 510636;

Thence South 0 degrees 24 minutes 37 seconds East along said 70.00 offset line and its extension 57.67 feet to a line that is parallel with and 43.00 feet north of the centerline of TH 194 (Central Entrance) per MnDOT ROW Map 16-25, Sheet 004;

Thence South 80 degrees 56 minutes 25 seconds East 50.64 feet along said 43.00 foot offset line to a line that is parallel with and 33.00 feet south of said south line of the Northwest Quarter;

Thence North 89 degrees 35 minutes 23 seconds East 152.57 feet along said line 33.00 feet south of the south line of the Northwest Quarter to a line that is parallel with and 20.00 feet west of the east line of the Southwest Quarter of said Section 21;

Thence North 0 degrees 33 minutes 27 seconds East to the Point of Beginning.

Subject to the public forever the right to use the easterly 20 of said tract of roadway purposes.

Said Vacated Parcel is 13195 square feet more or less.

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

Date : 07/02/2021

*Greg Stoewer*

Greg Stoewer  
MINNESOTA LICENSE NO. 21774

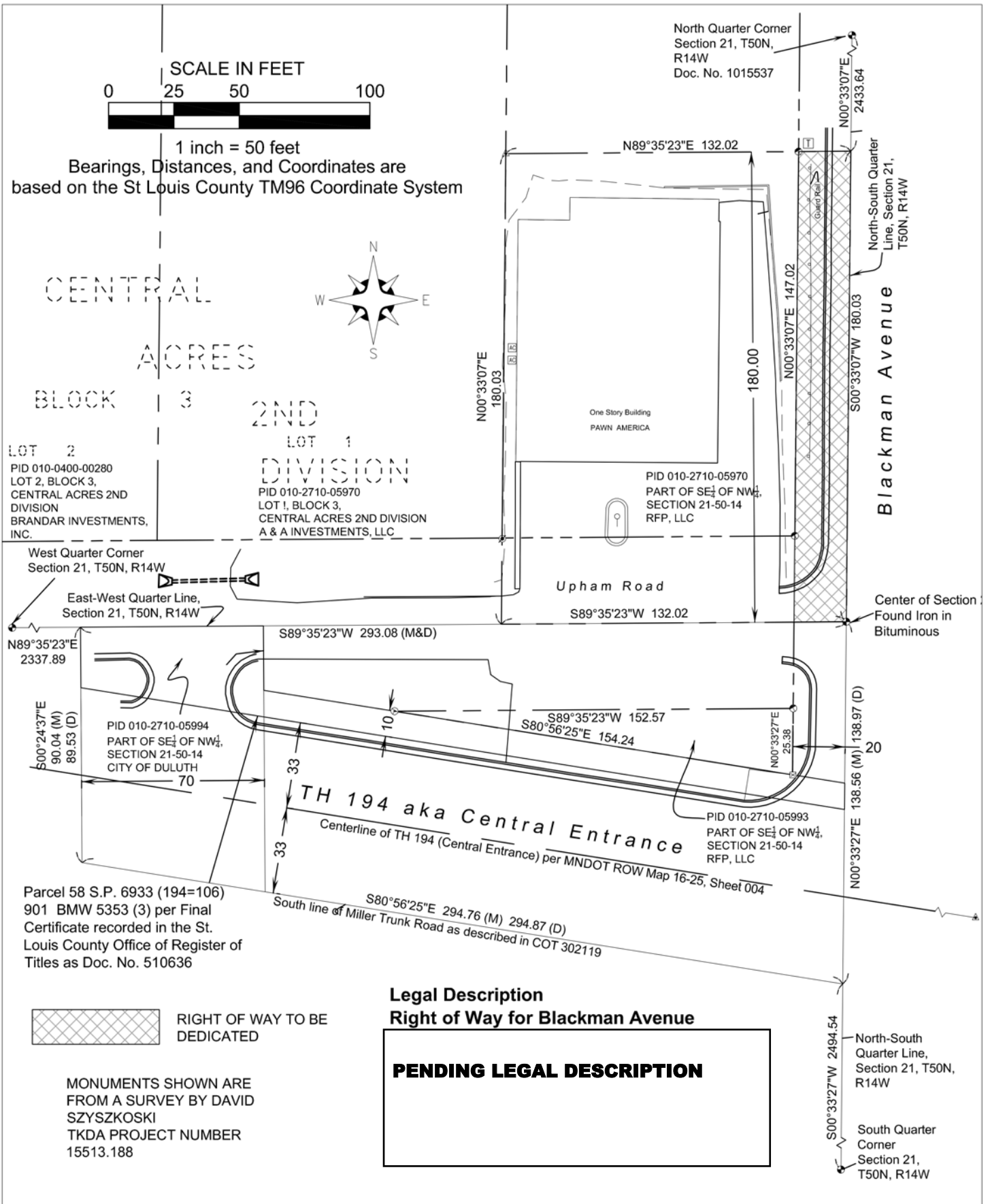


11 East Superior Street  
Suite 420  
Duluth, MN 55802  
218-724-8578  
tkda.com  
Job Number: 17970.000

VACATED PARCEL  
EXHIBIT C

Sheet 2 of 2 Sheets  
Page 21 of 142

# PROPOSED EXHIBIT - PENDING LEGAL DESCRIPTION



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

Date: 07/02/2021  
*Greg Stoeuer*  
Greg Stoeuer  
MINNESOTA LICENSE NO. 21774



11 East Superior Street  
Suite 420  
Duluth, MN 55802  
218-724-8578  
tkda.com  
Job Number: 17970.000

**RIGHT OF WAY EXHIBIT in SECTION 21-50-14**  
Sheet 1 of 1 Sheets  
Page 22 of 142











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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

 218-730-5580

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

<b>File Number</b>	PL 21-113	<b>Contact</b>	Steven Robertson	
<b>Type</b>	Concurrent Use Permit, Skywalk	<b>Planning Commission Date</b>	August 24, 2021	
<b>Deadline for Action</b>	<b>Application Date</b>	July 7, 2021	<b>60 Days</b>	September 4, 2021
	<b>Date Extension Letter Mailed</b>	July 29, 2021	<b>120 Days</b>	October 3, 2021
<b>Location of Subject</b>	East First Street, Between North 3 <sup>rd</sup> and 4 <sup>th</sup> Avenues East			
<b>Applicant</b>	Essentia Health	<b>Contact</b>		
<b>Agent</b>	LHB	<b>Contact</b>	Evan Aljoe, Healthcare Studio Lead	
<b>Legal Description</b>	See Attached	<b>Sign Notice Date</b>	July 22, 2021	
<b>Site Visit Date</b>	July 27, 2021	<b>Number of Letters Sent</b>	96 (PL 21-115)	

#### Proposal

The applicant is seeking a concurrent use permit to construct skywalk (pedestrian walkway) over public right of way, as part of the proposed parking ramp (PL 21-115). The parking ramp will ultimately be owned and operated by the City of Duluth. This item was initially on the August 10, 2021, Planning Commission agenda.

#### Staff Recommendation

Staff recommend that the Planning Commission recommend approval of the concurrent use permit to the City Council (via ordinance).

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-I	Medical	Medical District
<b>North</b>	MU-I	Medical	Medical District
<b>South</b>	MU-I	Medical	Medical District
<b>East</b>	F-7	Residential/Commercial	Central Business Primary
<b>West</b>	F-5/F-7	Residential/Commercial	Central Business Secondary/Primary

#### 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 #4-Support economic growth sectors.**

Emerging and growing economic sectors, including medical, add economic, cultural, and social diversity.

**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.

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

**Duluth. Strategy #1-** Prioritize redevelopment efforts in the Core Investment Areas. Encourage collaboration between existing businesses in individual Core Investment Areas to support increased business activity overall and to improve their aesthetic and social environments. Recognize Core Investment Areas as hubs of the sharing and remote-work economy (Hillside CIA/Downtown Duluth).

Future Land Use

Institutional: applicable to medical, university/college, public school, religious, or governmental campuses. Can include adjacent areas that support them, with related commercial and/or office uses, and residential uses in the fringe areas of the district.

Recent History

See PL 21-115.

**Review and Discussion Items:**

- 1) The applicant is seeking a concurrent use permit to construct skywalk over public right of way, as part of the proposed parking ramp (PL 21-115). The skywalk will connect the new proposed parking ramp with the Essentia Health's Vision Northland medical facility currently under construction (PL 19-018).
- 2) 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. The lowest level of the skywalk will be 22 feet, 8 inches, over the road surface.
- 3) According to 50-23.6, skywalks should not comprise the historic or architectural integrity of existing buildings, and design of skywalks shall be based on their architectural sensitivity harmony and cohesiveness with the character of the surrounding area. New skywalks installed shall be designed so that 66 percent of each vertical side is made of glass or transparent materials; a lower level of transparency can be reduced but not less than 50 percent, if a higher level of transparency is technically infeasible due to span length and engineering limitations. The skywalk design will match the skywalk that is being constructed between the new medical facility and the existing city parking ramp. The skywalk design will exceed the 60 percent transparency requirements.
- 4) Concurrent use permits are approved by the City Council via an ordinance. Unlike street right-of-way vacations, concurrent use permits are not recorded at with St. Louis County as they are voidable agreements between the City and property owners.

- 5) The City of Duluth requires concurrent use permits to include liability insurance to indemnify the City against all occurrences in the right-of-way. Other protections for the city and the public are typically included in the ordinance that is submitted for the City Council's review. The ordinance will require that the project proposer will locate any underground items in accordance with Gopher State One Call rules, and that the city will bear no responsibility for locating any facility related to the concurrent use permit except as it is legally responsible under the Gopher State One Call rules. A condition of earlier zoning applications was that Essentia Health locate any private improvements in accordance with Gopher State Once Call rules and that they or subsequent owner of the private improvements shall relocate any improvements found to be in conflict with existing or future city utility or street projects. On August 14, 2019, Essentia Health was enrolled in Gopher One as a provider (MN01741).
- 6) No comments were received from the public or other government agencies at the time this staff report was written, except for minor comments from engineering on the exhibits (scale bars have the wrong dimensions).
- 7) Per UDC Sec. 50-37.1.N, approved concurrent use permits lapse if the project or activity authorized by the permit has not begun within one-year.

**Staff Recommendation**

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

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



PL 21-113, 114, 115

### Legend

- Gas Main
- Water Main
- Hydrant

### Sanitary Sewer Mains

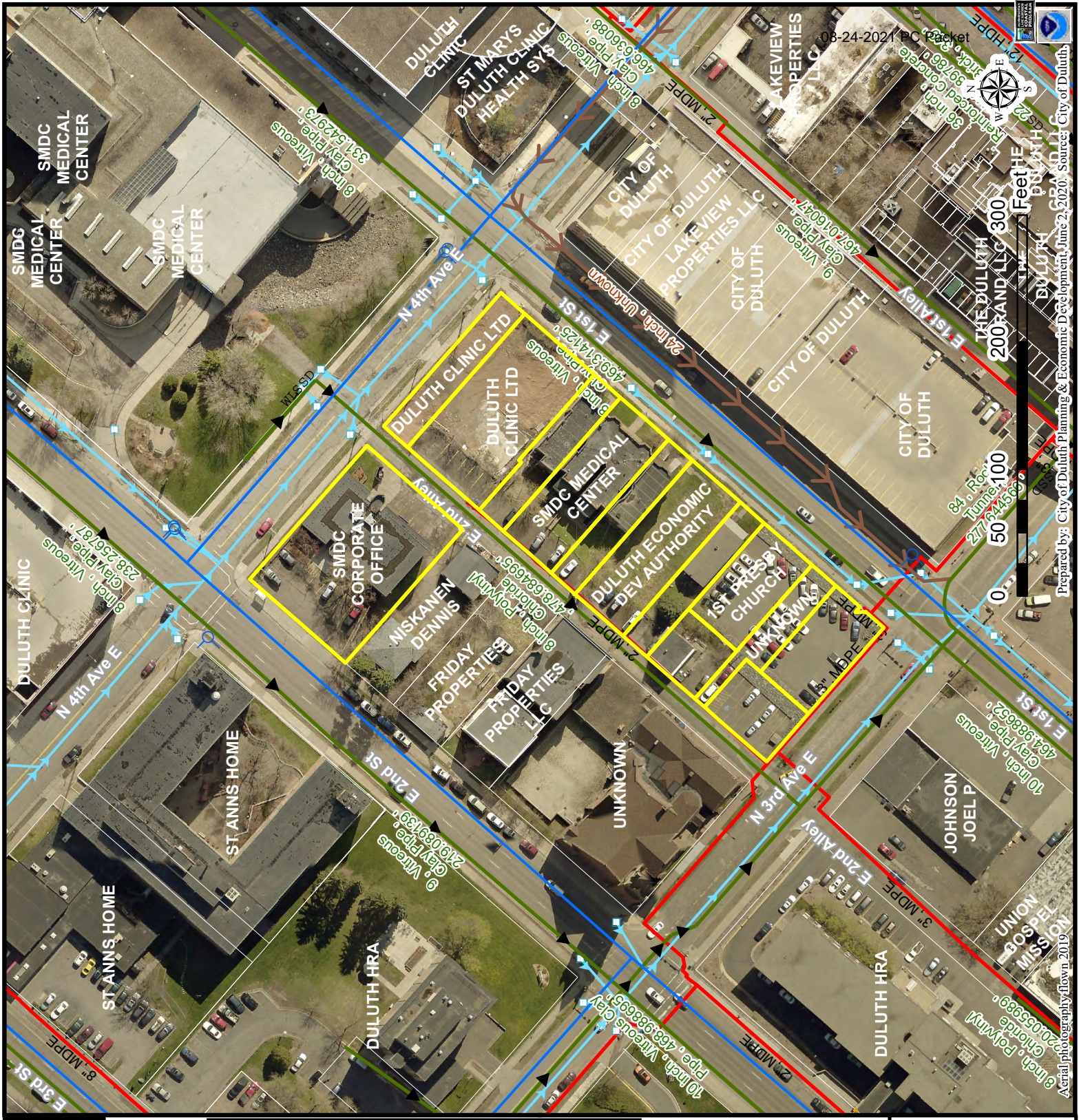
- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main

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

### Easement Type

- Utility Easement
- Other Easement

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July 6, 2021

Community Planning Division – City Hall  
c/o Adam Fulton  
411 West 1<sup>st</sup> Street  
Duluth, Minnesota 55802

RE: Concurrent Use Permit Application

Dr. Mr. Fulton,

On behalf of Essentia Health, attached please find our application for a Concurrent Use Permit to construct a pedestrian walkway (skywalk) spanning over 4<sup>th</sup> Avenue East between Essentia Health's new inpatient medical tower and a proposed new 800 stall parking structure. This new pedestrian walkway is intended to match the walkway currently under construction between Essentia Health and the existing Medical District Parking Structure one block south.

If there is any additional information or clarifications that we may provide, please do not hesitate to contact me directly. Thank you for your consideration of our request.

LHB, INC.

Evan Aljoe, Healthcare Studio Leader

LHB Project No. 180712

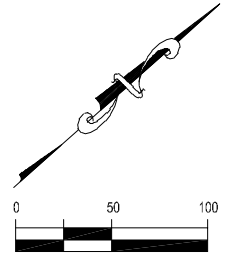
Q:\18Proj\180712\400 Design\403 Regulatory\Planning and Zoning\Skywalk concurrent use\180712 Skywalk CUP Application Letter.docx

# EXHIBIT CONCURRENT USE


PRIVATE SKYWALK IN CITY RIGHT-OF-WAY

Part of Second Street

PORTLAND DIVISION OF DULUTH



### LEGEND

 = CONCURRENT USE AREA

APPROVED BY: \_\_\_\_\_  
CITY ENGINEER

BLOCK 49

DULUTH PROPER FIRST DIVISION  
PORTLAND DIVISION

**EAST SECOND STREET**

SOUTHEASTERY LINE OF  
EAST 2ND STREET

BLOCK 48

BLOCK 47

5'  
VACATED  
ALLEY

**4TH AVENUE EAST**

VACATED  
ALLEY

BLOCK 28

BLOCK 29

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

Print Name: Paul A. Vogel License # 44075

Signature:  Date: 04/20/2021

DATE PREPARED: 04/20/21

PROJ NO: 180712

FILE: 180712 Concu

SHEET 1 of 1 SHEETS



**PERFORMANCE  
DRIVEN DESIGN.**  
LHBcorp.com

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

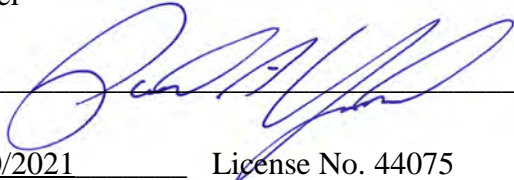
LEGAL DESCRIPTION:

That part of Fourth Avenue East adjacent to Lot 16, Block 48 and Lot 1, Block 47, PORTLAND DIVISION OF DULUTH, City of Duluth, St. Louis County, Minnesota between two lines 88.00 feet and 112.00 feet southeasterly of the southeasterly line of Second Street said PORTLAND DIVISION OF DULUTH and between elevations 748.00 feet and 767.00 feet, North American Datum of 1988 (NAVD 88).

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

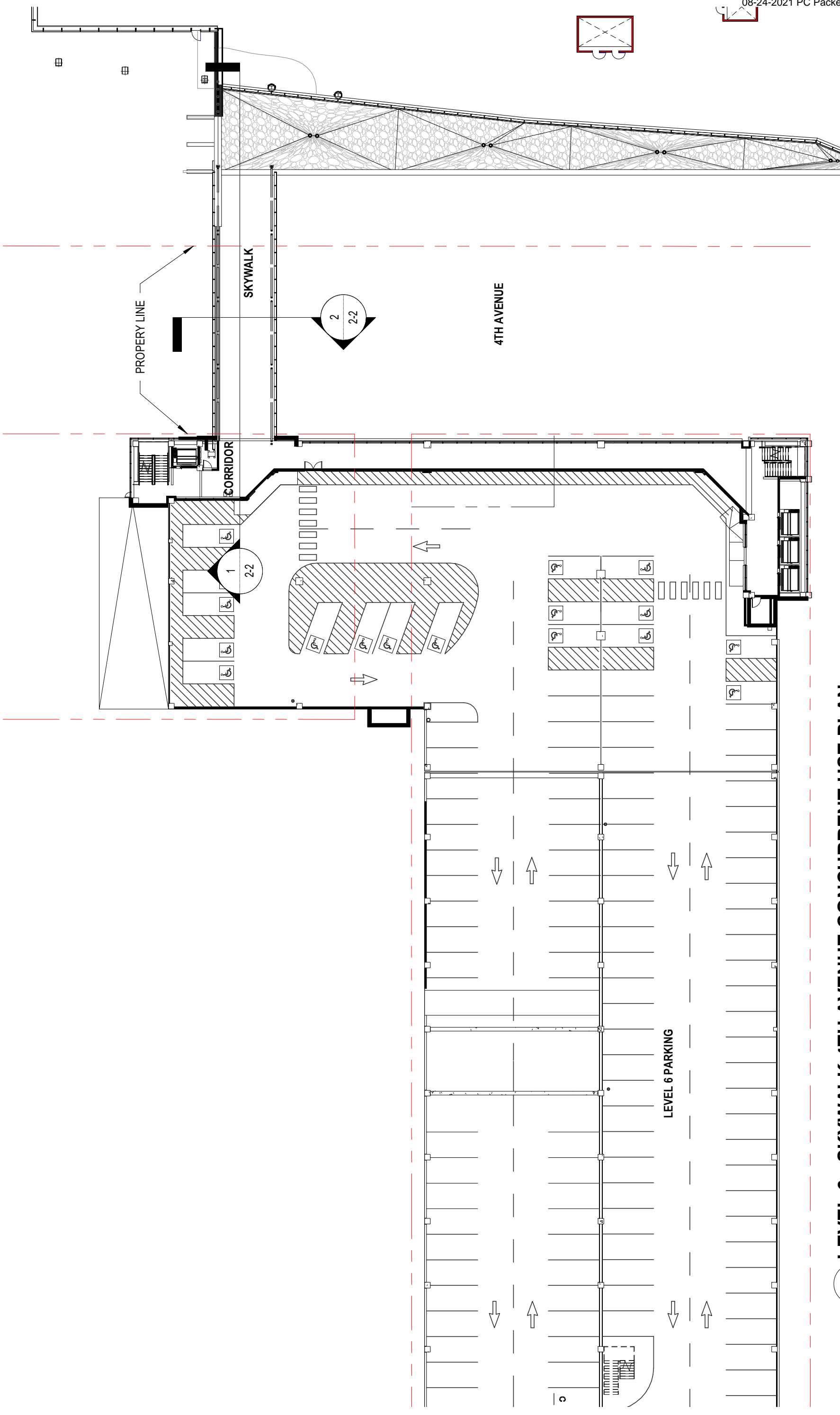
Paul A. Vogel

Signed \_\_\_\_\_



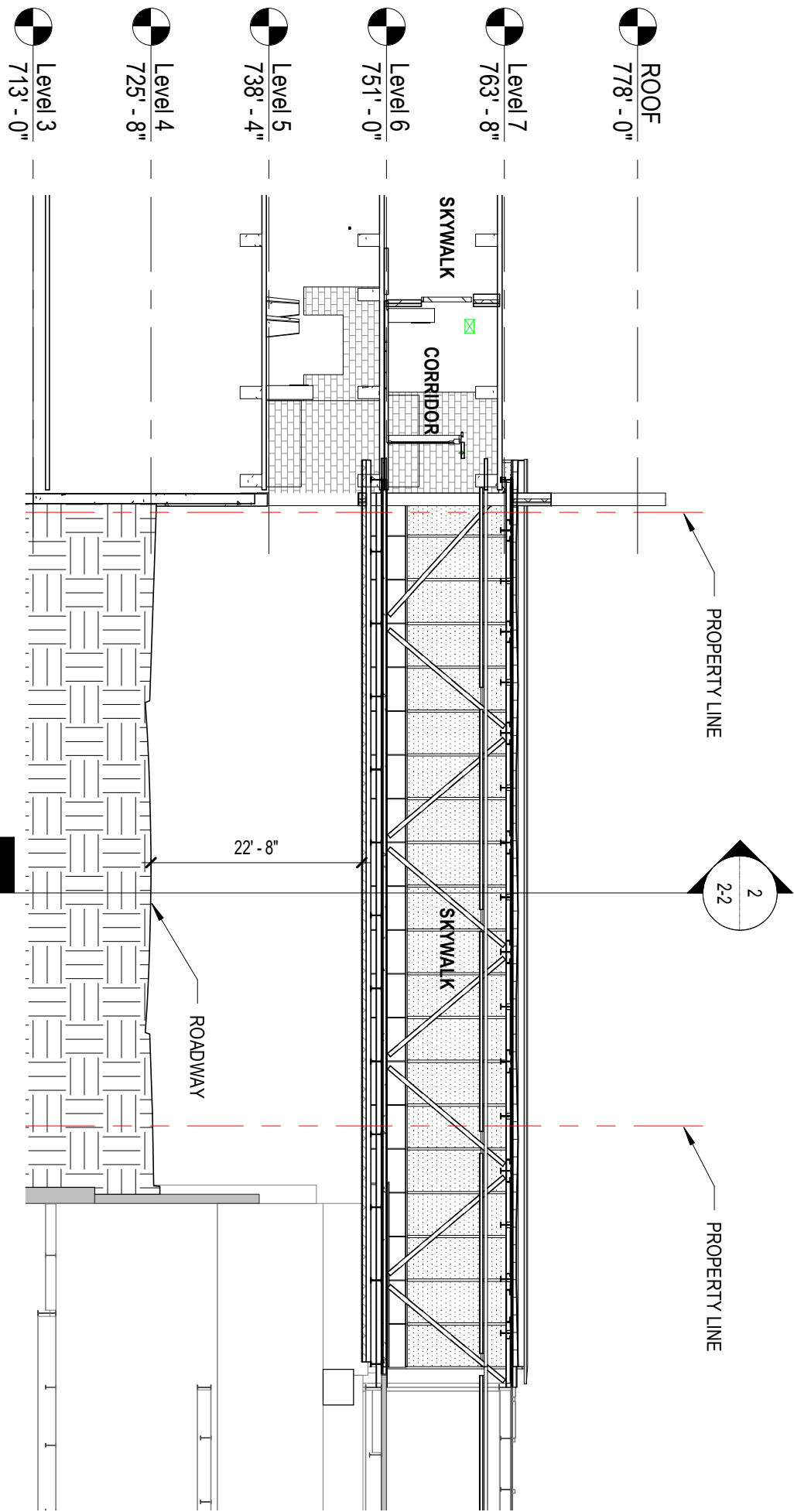
Date 4/20/2021

License No. 44075

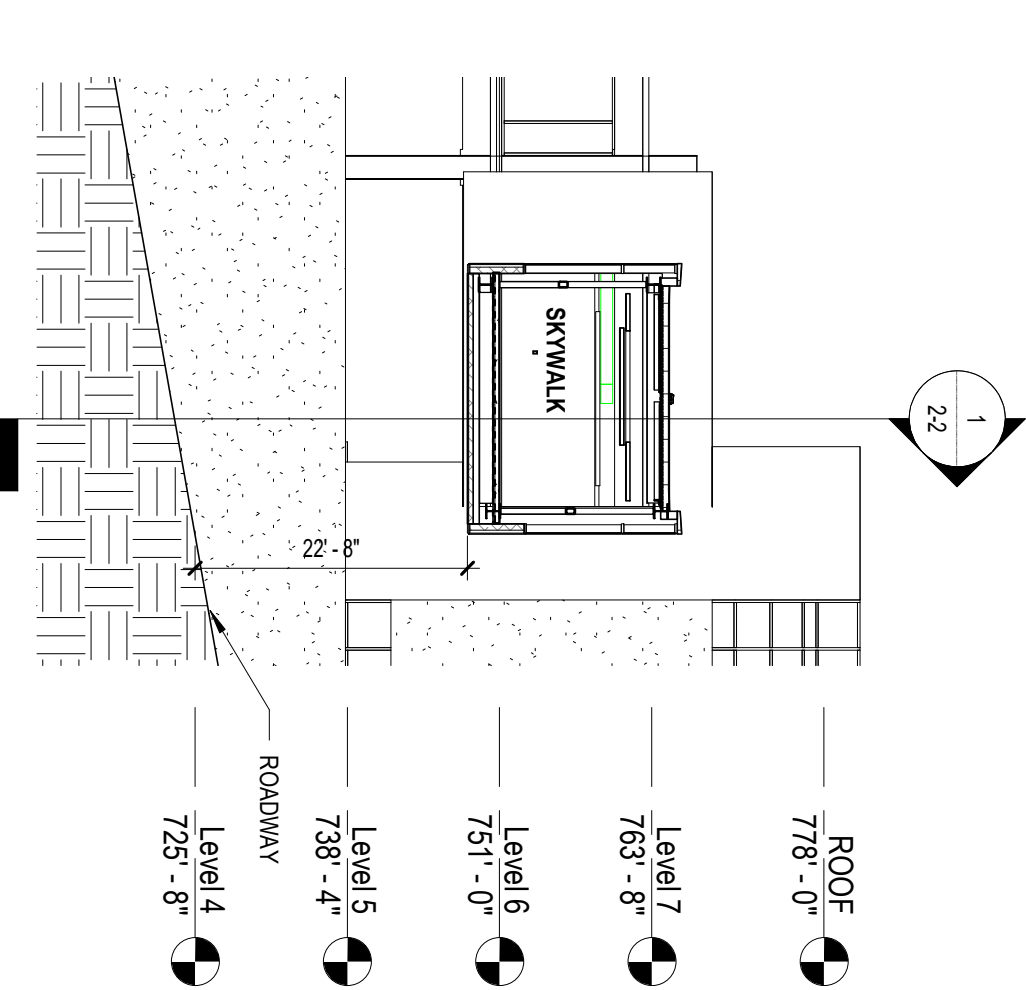


**1 LEVEL 6 - SKYWALK 4TH AVENUE CONCURRENT USE PLAN**  
 1/32" = 1'-0"

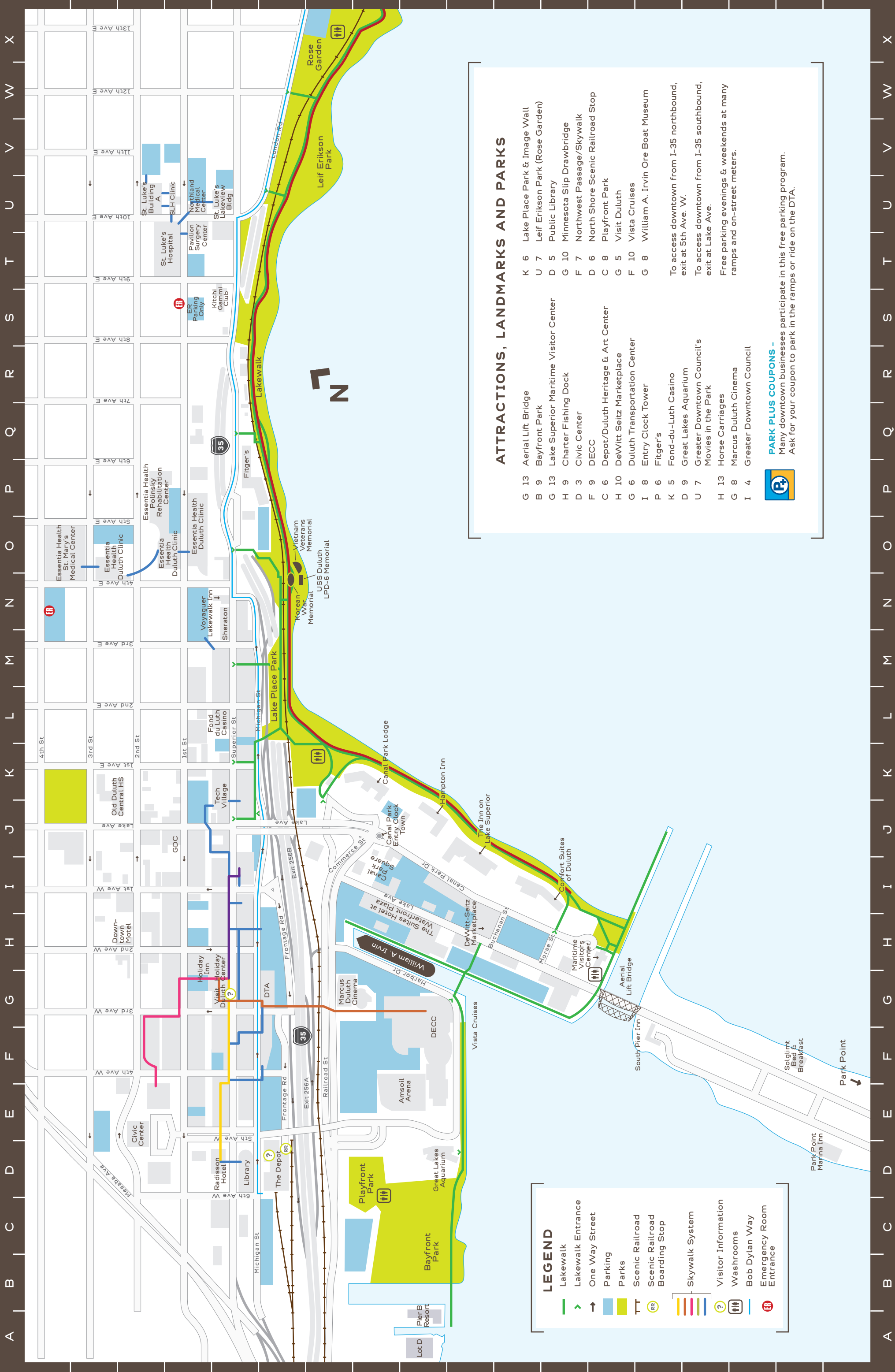




**1** E/W SKYWALK SECTION  
1/16" = 1'-0"



**2** N/S SKYWALK SECTION  
1/16" = 1'-0"



**ATTRactions, LANDMARKS AND PARKS**

- G 13 Aerial Lift Bridge
  - B 9 Bayfront Park
  - G 13 Lake Superior Maritime Visitor Center
  - H 9 Charter Fishing Dock
  - D 3 Civic Center
  - F 9 DECC
  - C 6 Depot/Duluth Heritage & Art Center
  - H 10 DeWitt Seitz Marketplace
  - G 6 Duluth Transportation Center
  - I 8 Entry Clock Tower
  - P 6 Fitger's
  - K 5 Fond-du-Luth Casino
  - D 9 Great Lakes Aquarium
  - U 7 Greater Downtown Council's Movies in the Park
  - H 13 Horse Carriages
  - G 8 Marcus Duluth Cinema
  - I 4 Greater Downtown Council
  - K 6 Lake Place Park & Image Wall
  - U 7 Leif Erikson Park (Rose Garden)
  - D 5 Public Library
  - G 10 Minnesota Slip Drawbridge
  - F 7 Northwest Passage/Skywalk
  - D 6 North Shore Scenic Railroad Stop
  - C 8 Playfront Park
  - G 5 Visit Duluth
  - F 10 Vista Cruises
  - G 8 William A. Irvin Ore Boat Museum
- To access downtown from I-35 northbound, exit at 5th Ave. W.
- To access downtown from I-35 southbound, exit at Lake Ave.
- Free parking evenings & weekends at many ramps and on-street meters.



**PARK PLUS COUPONS -**  
 Many downtown businesses participate in this free parking program.  
 Ask for your coupon to park in the ramps or ride on the DTA.

**LEGEND**

- Lakewalk
- Lakewalk Entrance
- One Way Street
- Parking
- Parks
- Scenic Railroad
- Scenic Railroad Boarding Stop
- Skywalk System
- Visitor Information
- Washrooms
- Bob Dylan Way
- Emergency Room Entrance



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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

<b>File Number</b>	PL 21-114	<b>Contact</b>	Steven Robertson	
<b>Type</b>	Concurrent Use Permit	<b>Planning Commission Date</b>	August 24, 2021	
<b>Deadline for Action</b>	<b>Application Date</b>	July 7, 2021	<b>60 Days</b>	September 4, 2021
	<b>Date Extension Letter Mailed</b>	July 29, 2021	<b>120 Days</b>	October 3, 2021
<b>Location of Subject</b>				
<b>Applicant</b>	Essentia Health	<b>Contact</b>		
<b>Agent</b>	LHB	<b>Contact</b>	Evan Aljoe, Healthcare Studio Lead	
<b>Legal Description</b>	See Attached	<b>Sign Notice Date</b>	July 22, 2021	
<b>Site Visit Date</b>	July 27, 2021	<b>Number of Letters Sent</b>	96 (PL 21-115)	

#### Proposal

The applicant is seeking a concurrent use permit to construct private structure over public right of way, as part of the proposed parking ramp (PL 21-115). The parking ramp will ultimately be owned and operated by the City of Duluth. This item was initially on the August 10, 2021, Planning Commission agenda.

#### Staff Recommendation

Staff recommend that the Planning Commission recommend approval of the concurrent use permit to the City Council (via ordinance).

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-I	Medical	Medical District
<b>North</b>	MU-I	Medical	Medical District
<b>South</b>	MU-I	Medical	Medical District
<b>East</b>	F-7	Residential/Commercial	Central Business Primary
<b>West</b>	F-5/F-7	Residential/Commercial	Central Business Secondary/Primary

#### 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 (does not apply in this instance);
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 #4-Support economic growth sectors.**

Emerging and growing economic sectors, including medical, add economic, cultural, and social diversity.

**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.

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

**Duluth. Strategy #1-** Prioritize redevelopment efforts in the Core Investment Areas. Encourage collaboration between existing businesses in individual Core Investment Areas to support increased business activity overall and to improve their aesthetic and social environments. Recognize Core Investment Areas as hubs of the sharing and remote-work economy (Hillside CIA/Downtown Duluth)

Future Land Use

Institutional: applicable to medical, university/college, public school, religious, or governmental campuses. Can include adjacent areas that support them, with related commercial and/or office uses, and residential uses in the fringe areas of the district.

Recent History

See PL 21-115.

**Review and Discussion Items:**

- 1) The applicant is seeking a concurrent use permit to construct private structure over public right of way, as part of the proposed parking ramp (PL 21-115). This request is to allow levels 5 and 6 of the proposed parking ramp to permanently cross over the alley.
- 2) 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. The lowest level of the parking ramp over the alley will be 22 feet, 3 inches, over the alley surface.
- 3) Concurrent use permits are approved by the City Council via an ordinance. Unlike street right-of-way vacations, concurrent use permits are not recorded at with St. Louis County as they are voidable agreements between the City and property owners.
- 4) The City of Duluth requires concurrent use permits to include liability insurance to indemnify the City against all occurrences in the right-of-way. Other protections for the city and the public are typically included in the ordinance that is submitted for the City Council's review. The ordinance will require that the project proposer will locate any underground items in accordance with Gopher State One Call rules, and that the city will bear no responsibility for locating any facility related to the concurrent use permit except as it is legally responsible under the Gopher State One Call rules. A condition of earlier zoning applications was that Essentia Health locate any private improvements in accordance with Gopher State Once Call rules and that they or subsequent owner of the private improvements shall relocate any improvements found to be in conflict with existing or future city utility or street projects. On August 14, 2019, Essentia Health was enrolled in Gopher One as a provider (MN01741).

- 5) No comments were received from the public or other government agencies at the time this staff report was written, except for minor comments from engineering on the exhibits (scale bars have the wrong dimensions), also as noted with PL 21-113.
- 6) Per UDC Sec. 50-37.1.N, approved concurrent use permits lapse if the project or activity authorized by the permit has not begun within one-year.

**Staff Recommendation**

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

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



PL 21-113, 114, 115

### Legend

- Gas Main
- Water Main
- Hydrant

### Sanitary Sewer Mains

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

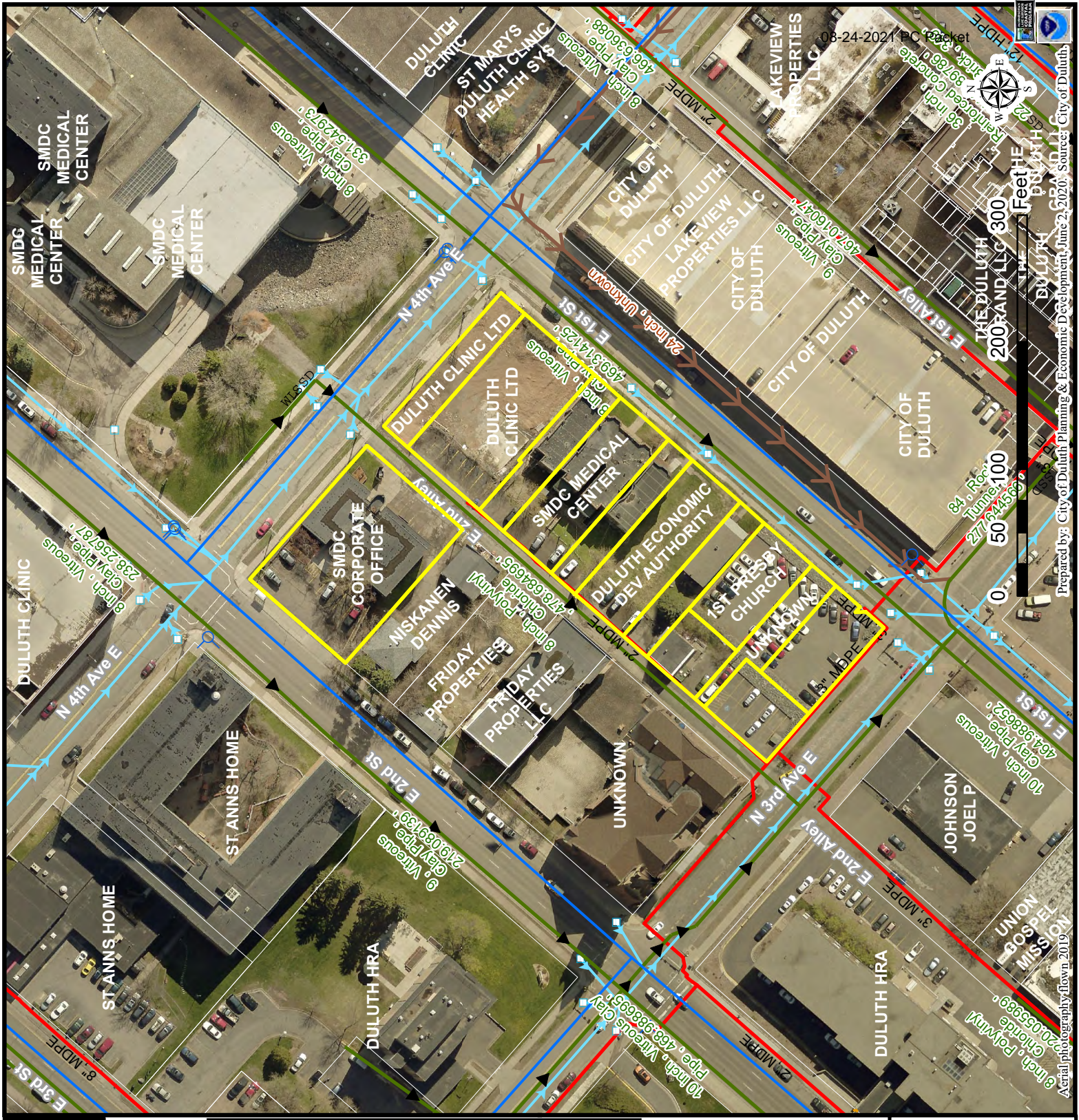
### Storm Sewer Mains

- Storm Sewer Pipe
- Storm Sewer Catch Basin

### Easement Type

- Utility Easement
- Other Easement

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





July 6, 2021

Community Planning Division – City Hall  
c/o Adam Fulton  
411 West 1<sup>st</sup> Street  
Duluth, Minnesota 55802

RE: Concurrent Use Permit Application

Dr. Mr. Fulton,

On behalf of Essentia Health, attached please find our application for a Concurrent Use Permit to construct a new 800 stall parking structure that spans over the alley between 1<sup>st</sup> Street and 2<sup>nd</sup> Street near 4<sup>th</sup> Avenue East. If there is any additional information or clarifications that we may provide, please do not hesitate to contact me directly. Thank you for your consideration of our request.

LHB, INC.

A handwritten signature in blue ink that reads 'Evan Aljoe'.

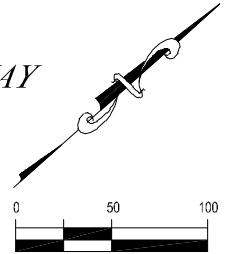
Evan Aljoe, Healthcare Studio Leader

LHB Project No. 180712

Q:\18Proj\180712\400 Design\403 Regulatory\Planning and Zoning\Alley concurrent use\180203 Alley CUP Application - City of Duluth Cover Letter.docx

# EXHIBIT CONCURRENT USE

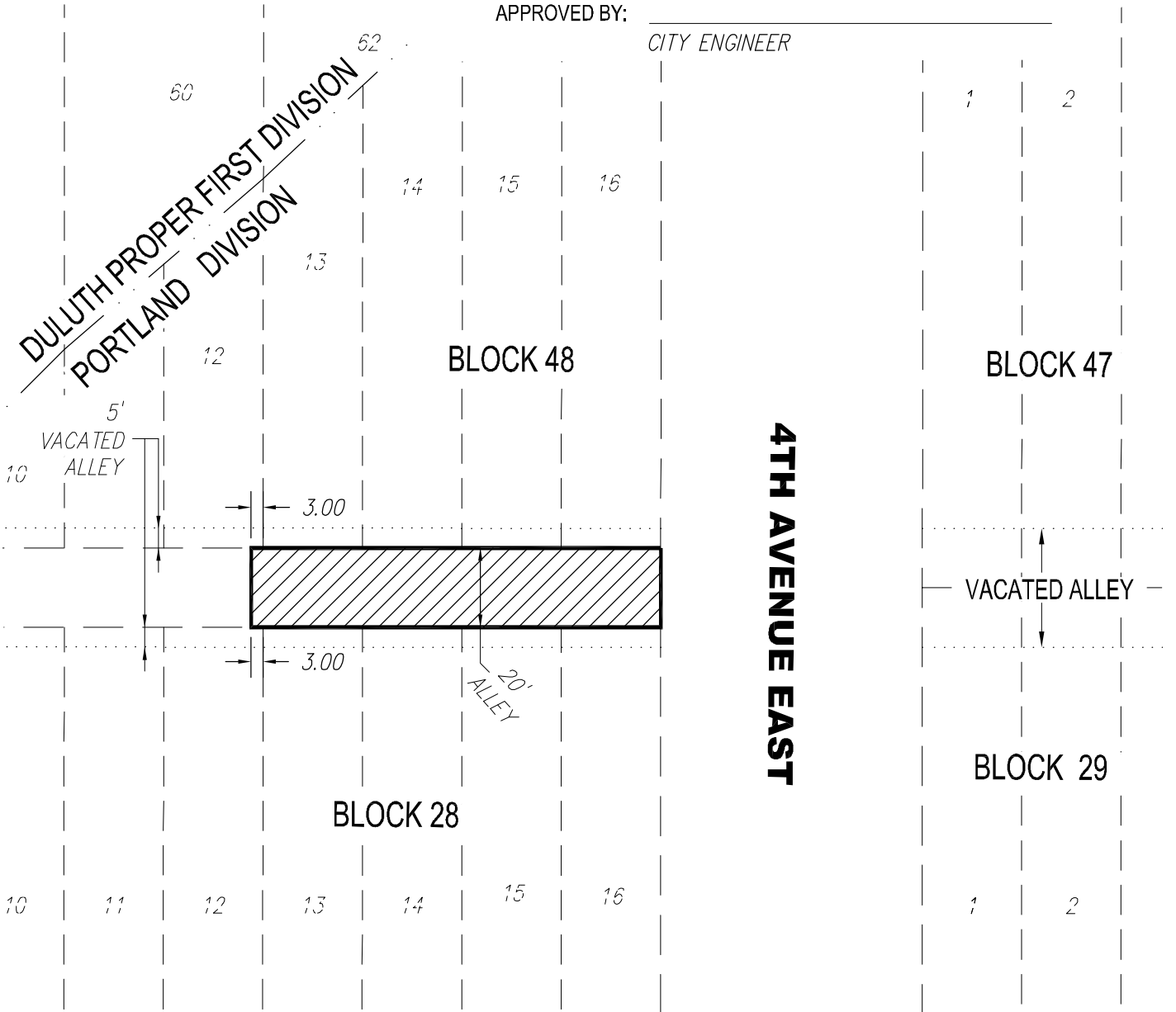
PARKING STRUCTURE OVERBUILD IN CITY RIGHT-OF-WAY  
Part of Alley  
PORTLAND DIVISION OF DULUTH



**LEGEND**

= CONCURRENT USE AREA

APPROVED BY: \_\_\_\_\_  
CITY ENGINEER



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

Print Name: Paul A. Vogel License # 44075

Signature: Date: 04/20/2021

DATE PREPARED: 04/20/21
PROJ NO: 180712
FILE: 180712 Concu
SHEET 1 of 1 SHEETS

**PERFORMANCE  
DRIVEN DESIGN.**

LHBcorp.com

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



LEGAL DESCRIPTION:

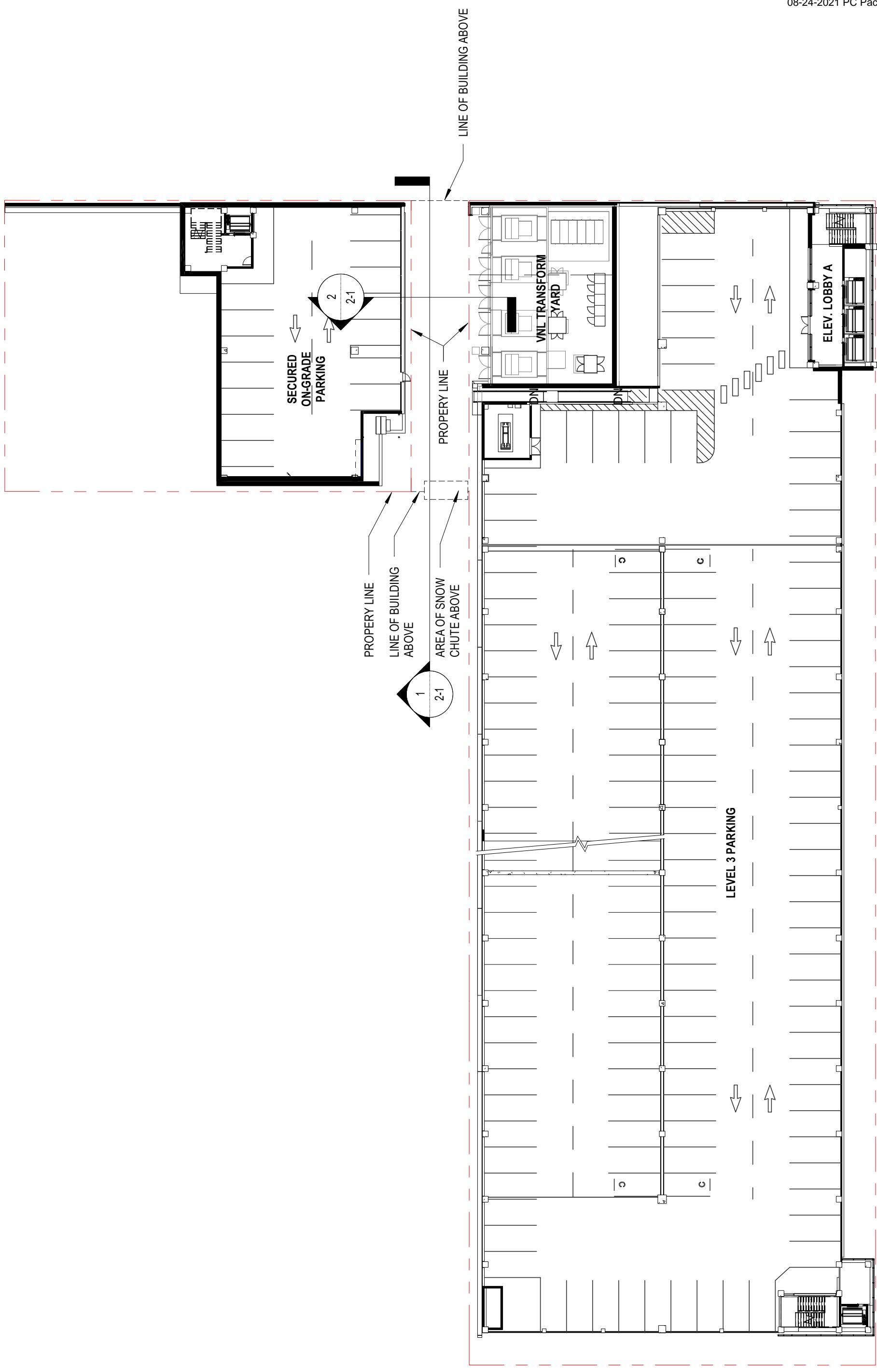
Second Street Alley adjacent to the northeasterly 3.00 feet of Lot 12 and all of Lots 13 thru 16, Block 48 together with the northeasterly 3.00 feet of Lot 12 and all of Lots 13 thru 16, Block 28; all in PORTLAND DIVISION OF DULUTH, City of Duluth, St. Louis County, Minnesota.

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

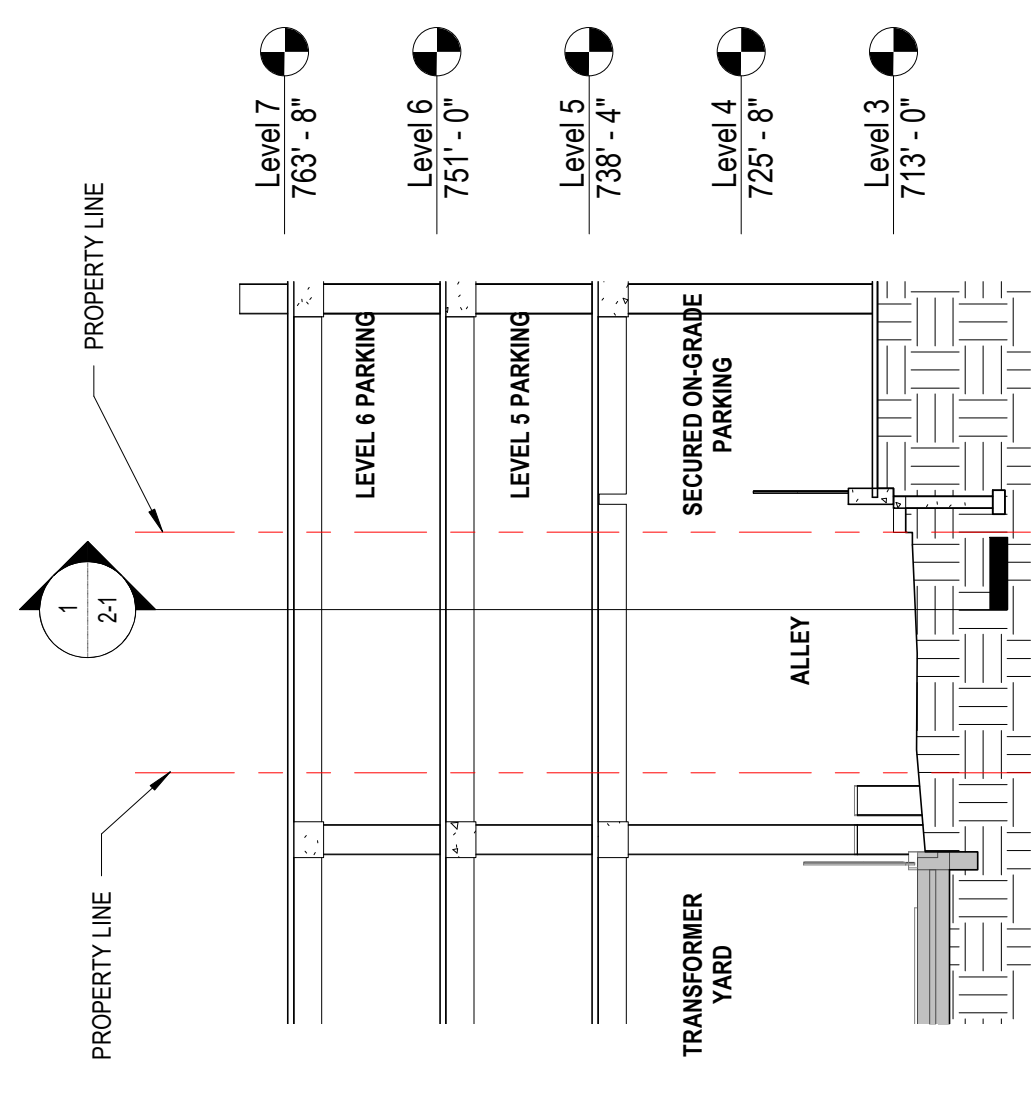
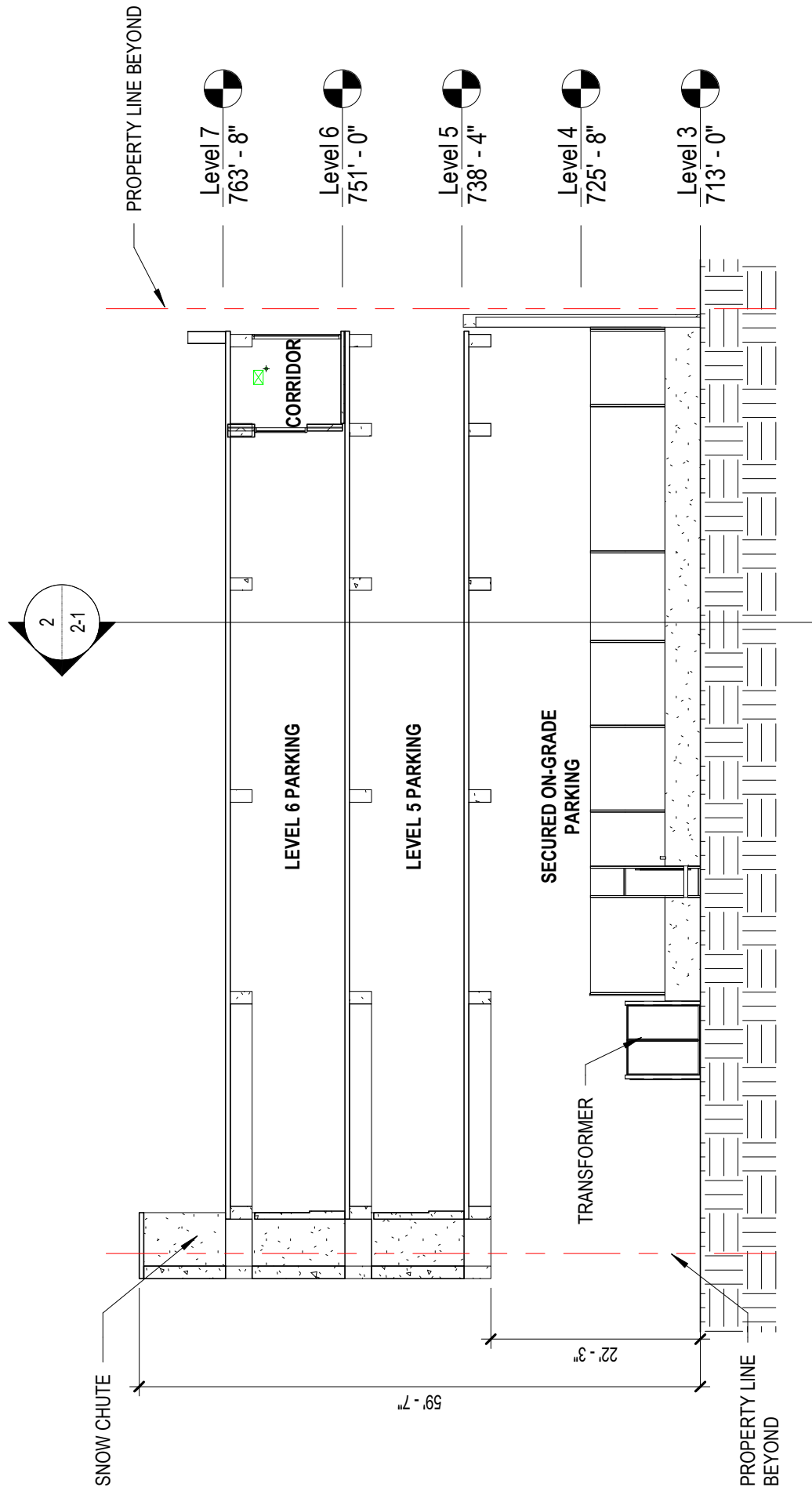
Paul A. Vogel

Signed  \_\_\_\_\_

Date 4/20/2021 License No. 44075



**1** LEVEL 3 - ALLEY CONCURRENT USE PLAN  
 1/32" = 1'-0"



1 E/W SECTION AT ALLEY  
1/16" = 1'-0"


2 N/S SECTION AT ALLEY  
1/16" = 1'-0"





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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

 218-730-5580

 planning@duluthmn.gov

<b>File Number</b>	PL 21-115	<b>Contact</b>	Steven Robertson	
<b>Type</b>	MU-I Planning Review	<b>Planning Commission Date</b>	August 24, 2021	
<b>Deadline for Action</b>	<b>Application Date</b>	July 7, 2021	<b>60 Days</b>	September 4, 2021
	<b>Date Extension Letter Mailed</b>	July 29, 2021	<b>120 Days</b>	October 3, 2021
<b>Location of Subject</b>	East First Street, Between North 3rd and 4th Avenues East			
<b>Applicant</b>	Essentia Health (City of Duluth, Owner)	<b>Contact</b>	On file	
<b>Agent</b>	LHB	<b>Contact</b>	Evan Aljoe, Healthcare Studio Lead	
<b>Legal Description</b>	See Attached	<b>Sign Notice Date</b>	July 22, 2021	
<b>Site Visit Date</b>	July 27, 2021	<b>Number of Letters Sent</b>	96 (PL 21-115)	

### Proposal

Applicant is seeking a MU-I Planning Review approval to construct a new 800-space parking ramp. According to the applicant, "It will be a 6 story, 290,000 sf multi-model parking structure in Duluth's Downtown Medical District. The post-tension concrete structure will provide parking for cars, motorcycles, and bicycles; and include provisions for electric vehicle charging stations. Connected to Essentia Health's new inpatient medical tower by way of a pedestrian walkway above 4th avenue east, this parking structure will ultimately be owned and operated by the City of Duluth and is intended to serve patients and visitors to Essentia Health as well as other developing businesses in the west medical district of the city". This project is related to PL 21-114 and PL 21-113, and approvals for the Essentia Health Vision Northland project, PL 19-018 (MU-I Planning Review). This item was initially on the August 10, 2021, Planning Commission agenda; three staff recommendations and conditions were altered or deleted from the original August 10, 2021, memo.

### Staff Recommendation

Staff is recommending Planning Commission approval, subject to conditions specified below.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-I	Medical	Medical District
<b>North</b>	MU-I	Medical	Medical District
<b>South</b>	MU-I	Medical	Medical District
<b>East</b>	F-7	Residential/Commercial	Central Business Primary
<b>West</b>	F-5/F-7	Residential/Commercial	Central Business Secondary/Primary

### Summary of Code Requirements

50-15.4 MU-I Planning Review

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

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

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

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

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

50-37.11 Planning Review – Planning Commission shall approve the Planning Review or approve it with modifications, if it is

determined that the application complies with all applicable provisions of this Chapter.

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

Governing Principle #4-Support economic growth sectors.

Emerging and growing economic sectors, including medical, add economic, cultural, and social diversity.

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.

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

Strategy #1- Prioritize redevelopment efforts in the Core Investment Areas. Encourage collaboration between existing businesses in individual Core Investment Areas to support increased business activity overall and to improve their aesthetic and social environments. Recognize Core Investment Areas as hubs of the sharing and remote-work economy (Hillside CIA/Downtown Duluth)

Future Land Use

Institutional: applicable to medical, university/college, public school, religious, or governmental campuses. Can include adjacent areas that support them, with related commercial and/or office uses, and residential uses in the fringe areas of the district.

Recent History

See attached summary of recent zoning permits for the Essentia Health Campus. This site was previously zoned as part of a Form District, which would have required active spaces (such as retail or service uses) along the 1<sup>st</sup> Street façade of the structure. The site was rezoned in 2019 to be part of the MU-I campus for Essentia Health. A Planning Review is proposed at this time because there is no campus plan on file for the MU-I campus for Essentia.

The parking ramp is intended to provide replacement parking for existing Essentia Health surface parking lots, some of which will be repurposed for future housing or commercial development with those remaining to be updated with improvements to landscaping and stormwater control, as per PL 19-018.

**Staff Recommendation**

## Review and Discussion Items:

- 1) The applicant is seeking a MU-I Planning Review to construct a new 800-unit parking ramp. The ramp will be six stories and 290,000 square feet. It will include parking for motorcycles and bicycles. The parking ramp will span a complete block, from 3<sup>rd</sup> Avenue East to 4<sup>th</sup> Avenue East along the upper side of East 1<sup>st</sup> Street. It is located directly across the street from the Medical District parking ramp, which also spans the full block on the lower side of West 1<sup>st</sup> Street.
- 2) The proposed ramp is part of Duluth's medical district "Regional Exchange District," established by the Minnesota State Legislature. It is one of several projects within the Regional Exchange District, and is being established to provide parking services to the new Essentia Health Vision Northland hospital, and to provide for an opportunity to reduce the quantity of surface parking areas surrounding the hospital campus. As such, it is intended more to displace existing surface parking than it is to expand the total supply of available parking in the medical district and the Central Hillside neighborhood.
- 3) The primary vehicle access will be off of Second Street, with the secondary vehicle access will be off of First Street. A skywalk is proposed on the 6th floor of the ramp, to connect it the adjacent medical facility to the east (currently under construction). Traffic evaluation has been done by Essentia Health and the City Engineering division to ensure adequate infrastructure availability to serve the ramp.
- 4) The ramp will have six floors. Standard parking spaces will be 9 feet by 18 feet, and compact spaces will be 8 feet by 16 feet. 756 parking spaces will be for standard parking spaces, 17 for compact spaces, and 28 will be ADA compliant, for a total of 801 parking spaces. There will also be 25 motorcycle parking spaces. There will be a bike rack for 14 bikes under the canopy adjacent to the 2<sup>nd</sup> Street entry, and bike rack for 14 more bikes inside the ramp near the 1<sup>st</sup> Street entry. There is a potential for a future storage of 49 more bikes near the elevator lobby on the first floor if the project costs are lower than the engineer's estimates.
- 5) UDC 50-30.5 Parking design standards require that each facade of the parking structure that faces a public street shall contain, or have the appearance of containing, horizontal rather than sloped floor planes and shall not reveal interior ramps. Where the ramp may be visible, the applicant will screen with "decorative metal screening". UDC 50-30.5 also requires that all sides of the structure not occupied by retail, office or residential uses must be articulated through the applicant's choice of at least three items.

According to the applicant, each façade of the proposed parking structure that faces a public street has horizontal rather than sloped floor planes and does not reveal interior vehicular ramps. The ramps required for vehicles to circulate between levels are located along the alley façade and are not visible from public streets. Further, the facades facing public streets are articulated with decorative wall insets and changes in color and material textures. Along 2nd street, the structure and entry/exit gates are set back from the property line and a landscaped pedestrian plaza has been created at the northeast corner of the block. The parking structure is also set back from the property line along most of 1st street as well as along the 3rd avenue. The base of the structure is finished with a combination of brick and concrete masonry units to reflect the finishes selected for the podium of Essentia's new medical tower across 4th avenue to the east. For floors above the first-floor perforated metal panels have been selected to reflect the smooth lines of Essentia's glass tower but painted to reflect the color of precast panels on the existing parking structure to the south. A blue tube steel accent along the top of the metal panel auto barriers also recalls the blue tubular arches found on the existing parking structure. Glass-backed elevators and glazed stairwells are included to permit visibility into the vertical circulation paths from the exterior of the building. At the top of the parking structure along 1st street and 3rd avenue an additional height of perforated panels is proposed to discourage attempted suicides by increasing the height of the barrier at that level. These additional panels will have larger openings to provide a more open appearance while still providing a barrier.

- 6) Lighting plans are not available at this time. Applicant is aware that the proposed ramp must comply with UDC lighting standards (as well as signage, etc) when they submit for a building permit.

- 7) Section 50-29 of the UDC requires that this facility provide 4 sustainability points. They are proposing to meet it by reuse of previously developed land, building envelope design, lighting, HVAC equipment, and site water use reduction. The structure is designed to accommodate loads for potential future solar panels and supports above the top parking level. In addition, the project is designed to accommodate potential future hybrid/electric/low energy vehicles in preferred locations near the primary building entrances (8 are located on level 5 near the 2<sup>nd</sup> street entry and 8 are located on level 2 near the elevator lobby). Included in the base bid are conduits and pathways to these locations to accommodate future electric vehicle charging stations, but at this point no electric vehicle charging stations have been included in the base bid but are possible if the project costs are lower than the engineer's estimates.
- 8) Landscaping will be provided along the boulevards, but an irrigation system will not be included. Landscaping will include: 2 Whitespire Birch, 9 Prairie Gold Aspen, 10 Autumn Brilliance Serviceberry, 63 Low Mound Chokeberry shrubs, and 49-Firedance Dogwood shrubs. The landscaping is balanced to meet UDC requirements while keeping security issues in mind.
- 9) Snow will be removed through two snow chutes that will direct snow down to waiting dump trucks for removal.
- 10) Pedestrian safety is important for parking ramps which feature high levels of vehicular activity such as this proposed ramp. This parking ramp will feature sidewalks on all sides of the structure, with two exterior pedestrian doors (SE and NE corners of the structure). Safety around the ramp will be enhanced through adequate provision of lighting, etc. A new bus shelter is being located mid-block on 2nd street between 4th avenue and 5th avenue where existing bus shelters exist. The mid-block shelter will replace these two corner bus shelters.
- 11) This project is identified in the plans as the Blue Ramp. The City will more formally name the ramp in the near future.
- 12) Additional information related to off-street parking capacity in the downtown area is included at the end of the staff report. The information was accurate as of 2017, before two downtown parking ramps were closed by their owners or condemned for safety reasons by the City of Duluth.
- 13) At the time that this staff report was printed, one citizen comment was received.
- 14) According to UDC 50-37.1.N, an approved Planning Review will expire if the project or activity authorized by the permit is not begun within 1 year.



**Staff Recommendation**

Staff recommended Planning Commission approve the MU-I planning review, with the following conditions that must be met. Conditions can be contingent upon either: issuance of a building permit, a certificate of occupancy, or a development agreement:

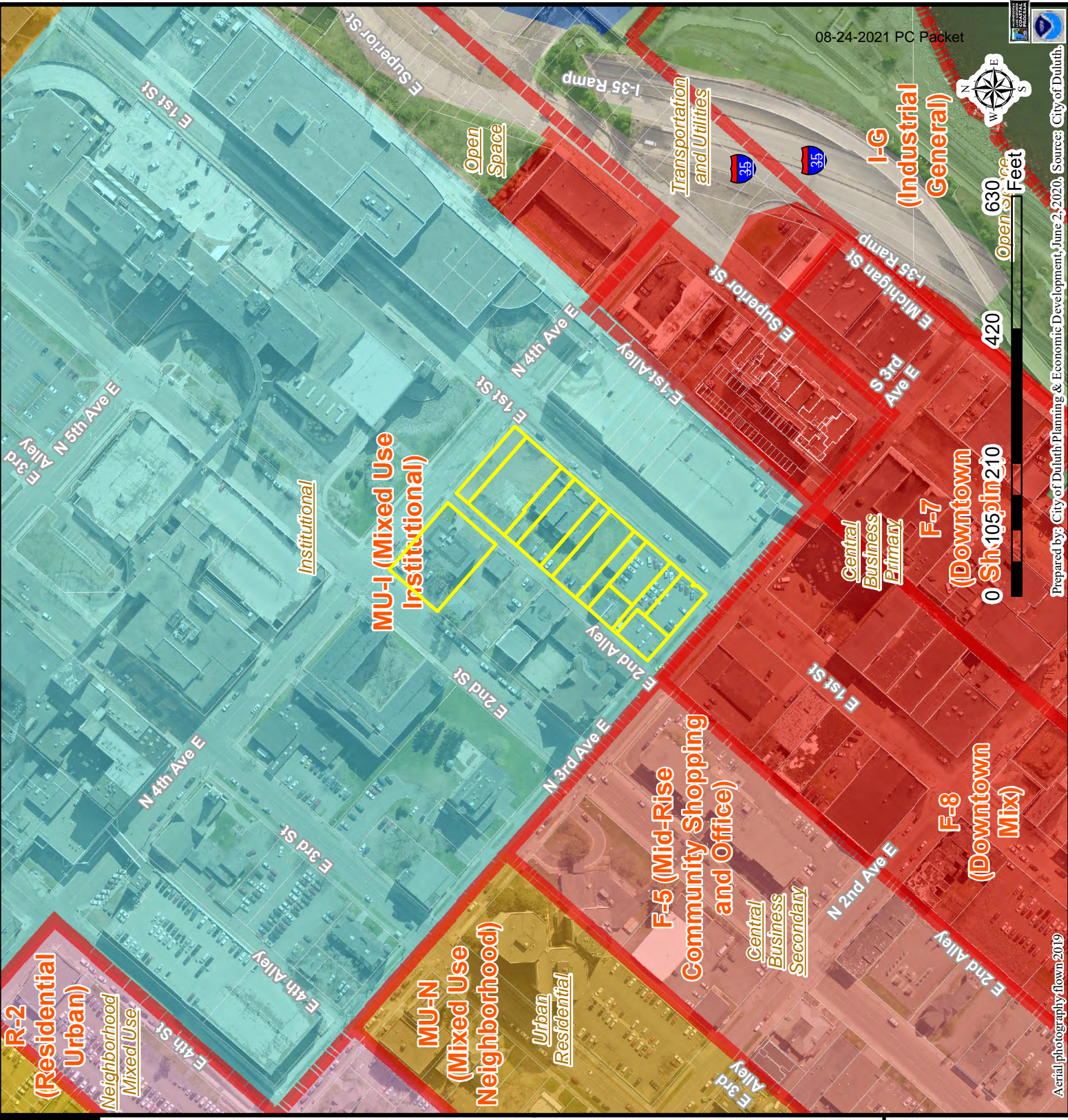
- 1) Applicant must identify and post/sign locations for contractor and temporary construction employee parking;
- 2) Applicant shall submit a lighting plan with photometric plan that fully conforms to the requirements of the UDC;
- 3) Applicant shall amend the location and size of the proposed bus shelters in collaboration with the Duluth Transit Authority, if required by the DTA to accommodate proposed 2022 realignment of bus services (Better Bus Blueprint);
- 4) Essentia Health will submit a complete application for a MU-I District Plan that complies with all the requirements of the UDC for Planning Commission review and approval at a date no later than December 31, 2022. The MU-I District Plan will include all required elements outlined in the UDC with particular focus on addressing Essentia's surface parking lots surrounding the present downtown hospital campus. The MU-I plan will also identify surface parking lots that will be redeveloped for new uses (housing, mixed use commercial development, etc.) and those surface parking lots to be retained for Essentia Health staff, contractor, patient, or visitor use and ensure that all retained surface parking lots will meet or exceed UDC standards for stormwater, lighting, and landscaping within a timely schedule, no later than December 31, 2023.
- 5) Any alterations to the approved plans that do not alter major elements of the plans may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of UDC Chapter 50.



PL 21-113, 114, 115

**Legend**

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



08-24-2021 PC Packet



Prepared by: City of Duluth Planning & Economic Development, June 2, 2020. Source: City of Duluth.

Aerial photography flown 2019

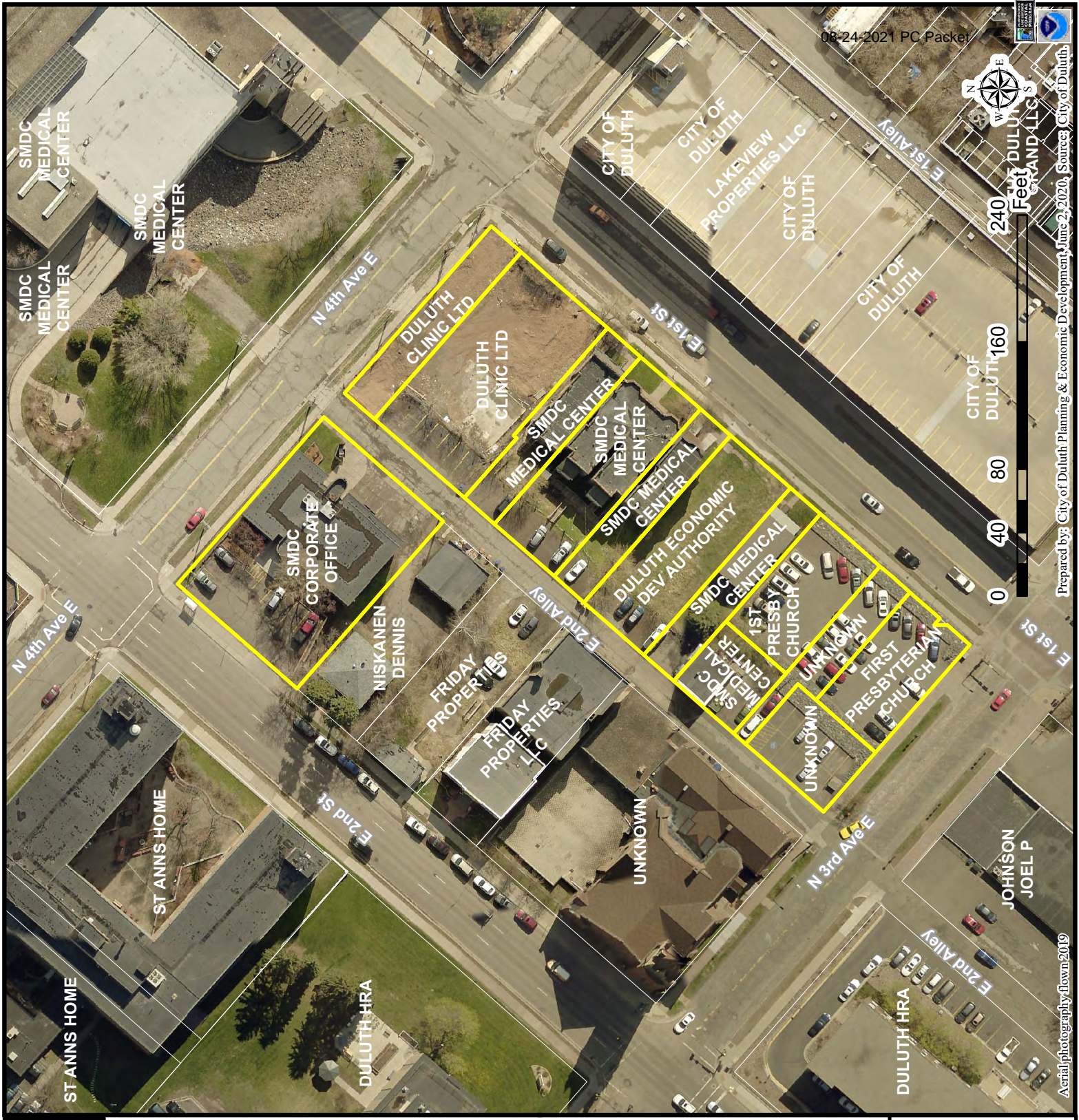
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**Legend**

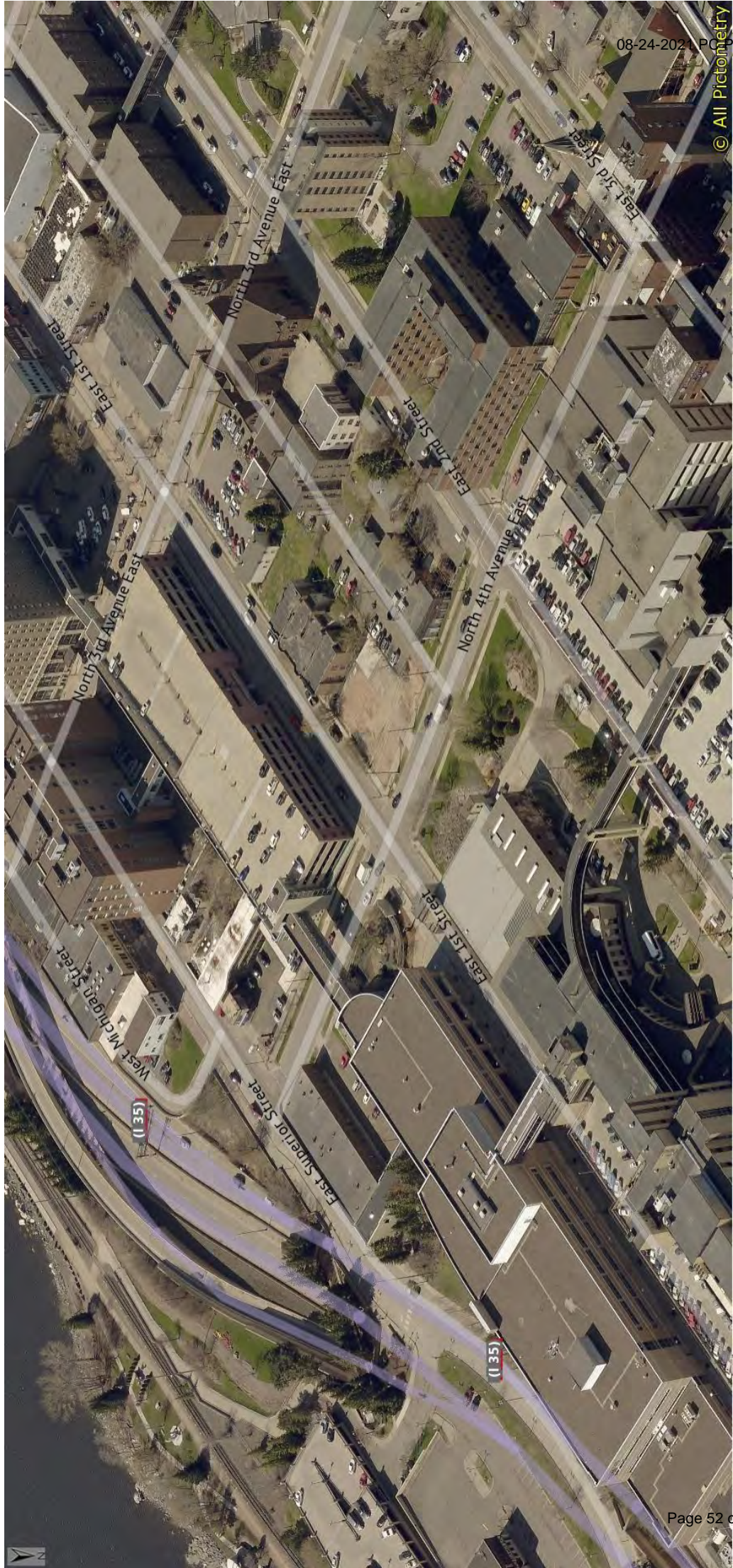
**Easement Type**

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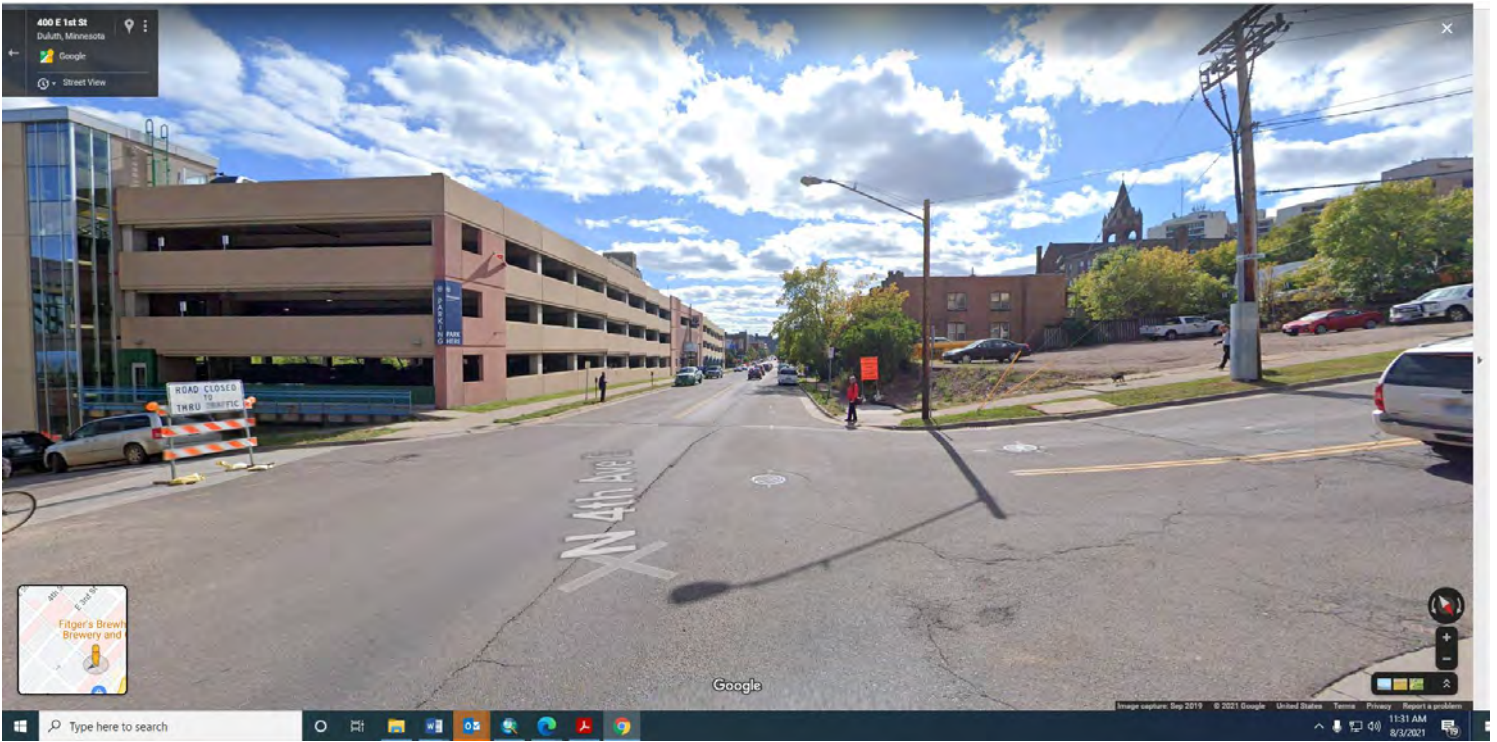
# PL 21-115



# PL 21-115









July 6, 2021

Community Planning Division – City Hall  
 c/o Adam Fulton  
 411 West 1<sup>st</sup> Street  
 Duluth, Minnesota 55802

RE: Planning Review Application

Dr. Mr. Fulton,

On behalf of Essentia Health, attached please find our planning review application for a 6 story, 290,000 sf multi-model parking structure in Duluth’s Downtown Medical District. The post-tension concrete structure will provide parking for cars, motorcycles, and bicycles; and include provisions for electric vehicle charging stations. Connected to Essentia Health’s new inpatient medical tower by way of a pedestrian walkway above 4<sup>th</sup> avenue east, this parking structure will ultimately be owned and operated by the City of Duluth and is intended to serve patients and visitors to Essentia Health as well as other developing businesses in the west medical district of the city.

**Zoning District Requirements**

The project is located within the MU-I zoning district which was established to provide for the unique development needs and impacts of major medical, educational, and research institutional development. As such, it meets the following dimensional standards for the MU-I district:

<b>TABLE 50-15.4-1 MU-I DISTRICT DIMENSIONAL STANDARDS</b>		
<b>LOT STANDARDS</b>		
Minimum lot area per family	Multi-family	500 sq. ft.
	Efficiency unit	380 sq. ft.
<b>STRUCTURE SETBACKS</b>		
Structures and parking facility setbacks	0 ft.	
<b>STRUCTURE HEIGHT</b>		
Maximum height of building	Generally	120 ft.
	On development sites totaling not more than 15% of developable area of the zone district, but not within those areas where a lower maximum is noted below.	300 ft.
	Within 200 ft. of R-1	46 ft.
	Within 200 ft. of R-2	66 ft.
	Within 200 ft. of MU-N	91 ft.
Section 50.21 <i>Dimensional standards</i> contains additional regulations applicable to this district.		

**UCD Section 50.29 Sustainability Standards**



In compliance with section 50.29 of the UDC, the project will achieve the required 4 sustainability points through a combination of the following strategies:

- 0.75 points through the development on previously used or developed land that is not contaminated.
- 1.50 points by meeting ASHRAE standard 189.1, section 7.4.2, for building envelope design.
- 0.75 points by meeting ASHRAE standard 189.1, section 7.4.6, for lighting.
- 0.75 points by meeting ASHRAE standard 189.1, section 7.4.3, for HVAC equipment.
- 0.75 points by meeting ASHRAE standard 189.1, section 6.3.1, for site water use reduction.

The structure is designed to accommodate loads for future solar panels and supports above the top parking level. In addition, the project is designed to accommodate future hybrid/electric/low energy vehicles in preferred locations near the primary building entrances. Included in the base bid are conduits and pathways to these locations to accommodate future electric vehicle charging stations. Alternates have been incorporated into the project design to incorporate electric vehicle charging stations into the project should funding permit.

### **UDC Section 30.5 Parking structure design standards**

In compliance with section 30.5 of the UDC, each façade of the proposed parking structure that faces a public street has horizontal rather than sloped floor planes and does not reveal interior vehicular ramps. The ramps required for vehicles to circulate between levels is located along the alley façade and is not visible from public streets. Further, the facades facing public streets are articulated with decorative wall insets and changes in color and material textures. Along 2nd street, the structure and entry/exit gates are set back from the property line and a landscaped pedestrian plaza has been created at the northeast corner of the block. The parking structure is also set back from the property line along most of 1st street as well as along the 3rd avenue. These setbacks not only provide for better site lines and queuing space for vehicles entering and exiting the structure, thereby improving safety, but also permit the introduction of landscaping around most of the structure.

Materials have been selected for their compatibility with adjacent structures. The base of the structure is finished with a combination of brick and concrete masonry units to reflect the finishes selected for the podium of Essentia's new medical tower across 4<sup>th</sup> avenue to the east. For floors above the first-floor perforated metal panels have been selected to reflect the smooth lines of Essentia's glass tower but painted to reflect the color of precast panels on the existing parking structure to the south. A blue tube steel accent along the top of the metal panel auto barriers also recalls the blue tubular arches found on the existing parking structure.

Glass-backed elevators and glazed stairwells are included to permit visibility into the vertical circulation paths from the exterior of the building. These passive security measures are intended to provide a safe and comfortable environment to visitors using the parking structure. Landscaping has been selected to minimize places for people to hide and partial height walls are minimized for the same reason. At the top of the parking structure along 1st street and 3rd avenue an additional height of perforated panels is proposed to discourage attempted suicides by increasing the height of the barrier at that level. These additional panels will have larger openings to provide a more open appearance while still providing a barrier.

If there is any additional information or clarifications that we may provide, please do not hesitate to contact me directly. Thank you for your consideration of our request.

LHB, INC.

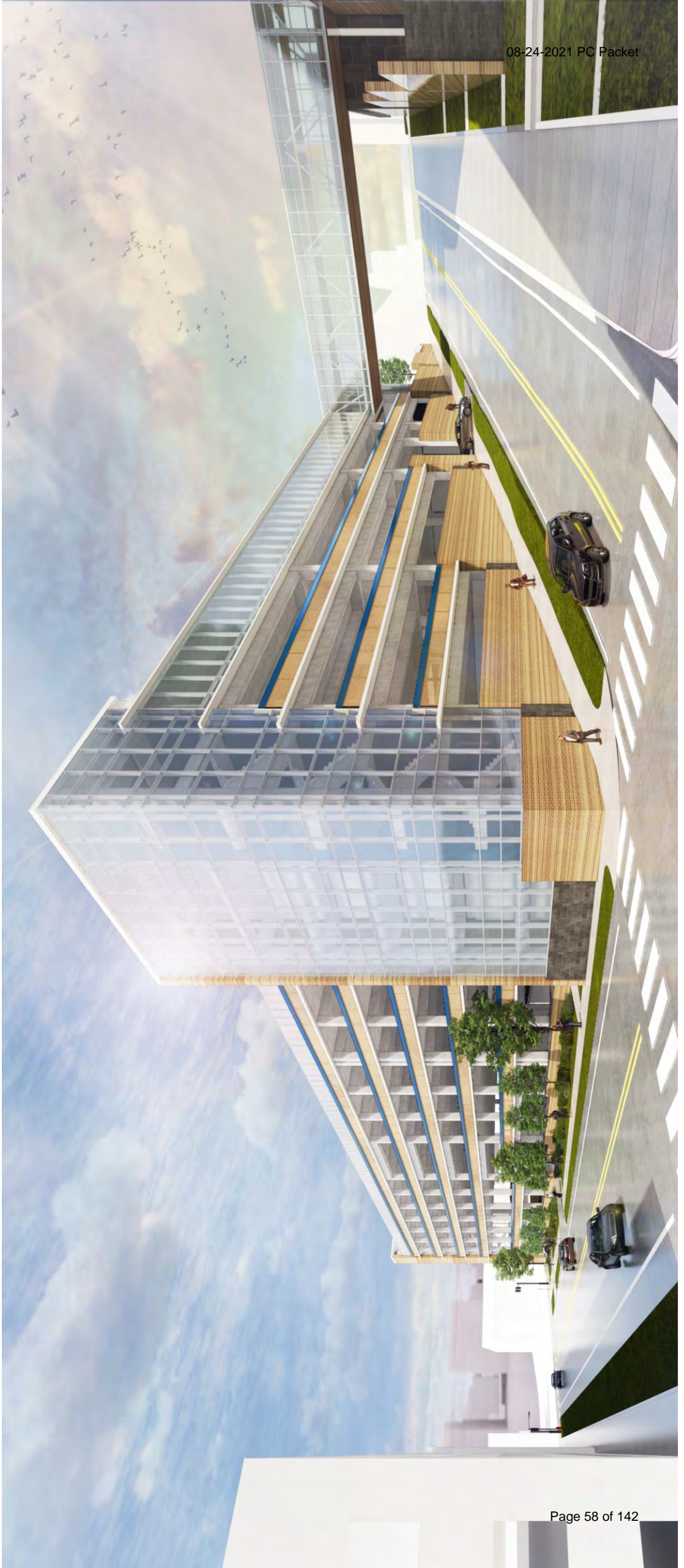


Evan Aljoe, Healthcare Studio Leader

LHB Project No. 180712

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# SE Corner



# South Elevation



08-24-2021 PC Packet

# 1st Street View



# Sidewalk View

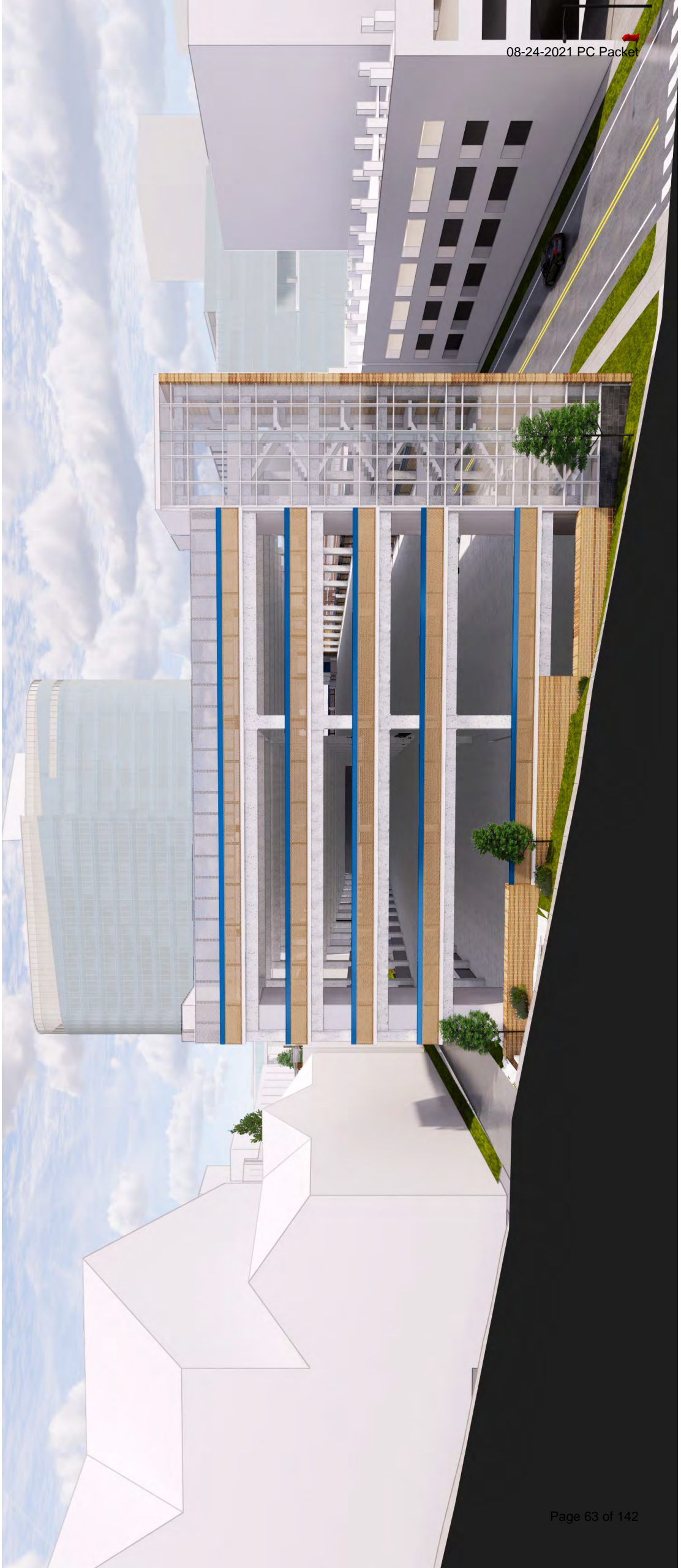


08-24-2021 PC Packet

# East Elevation



# West Elevation



08-24-2021 PC Packet

# North Entry





# North East View



# OWNERSHIP SKETCH

SECOND STREET

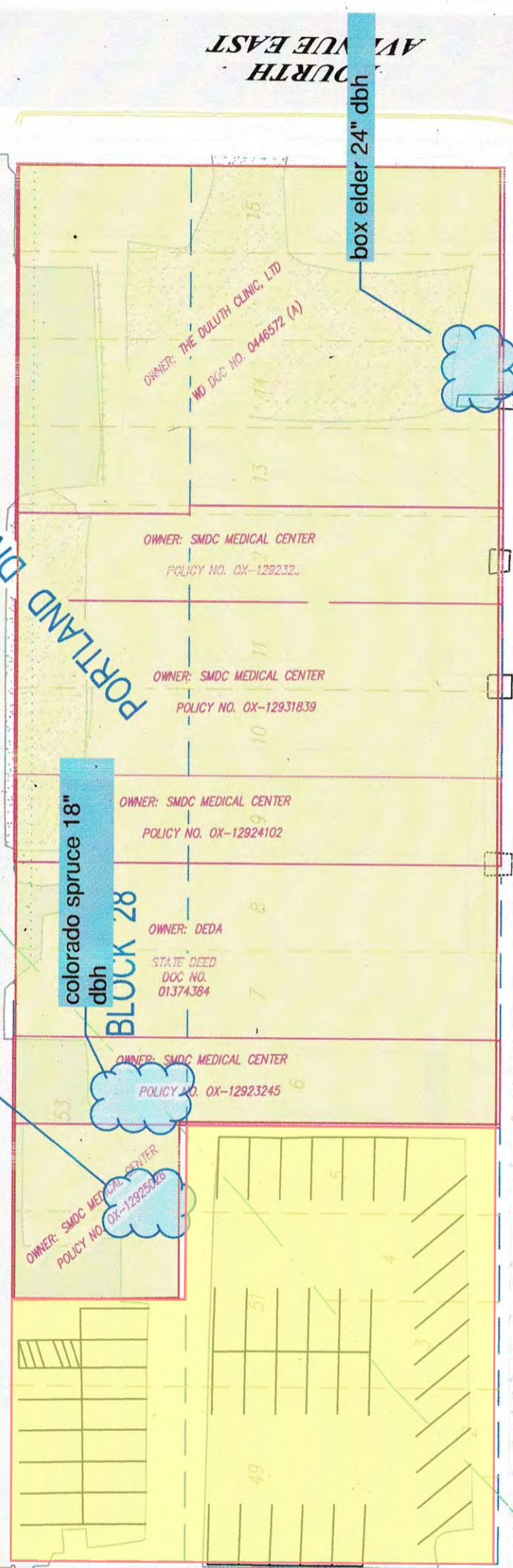
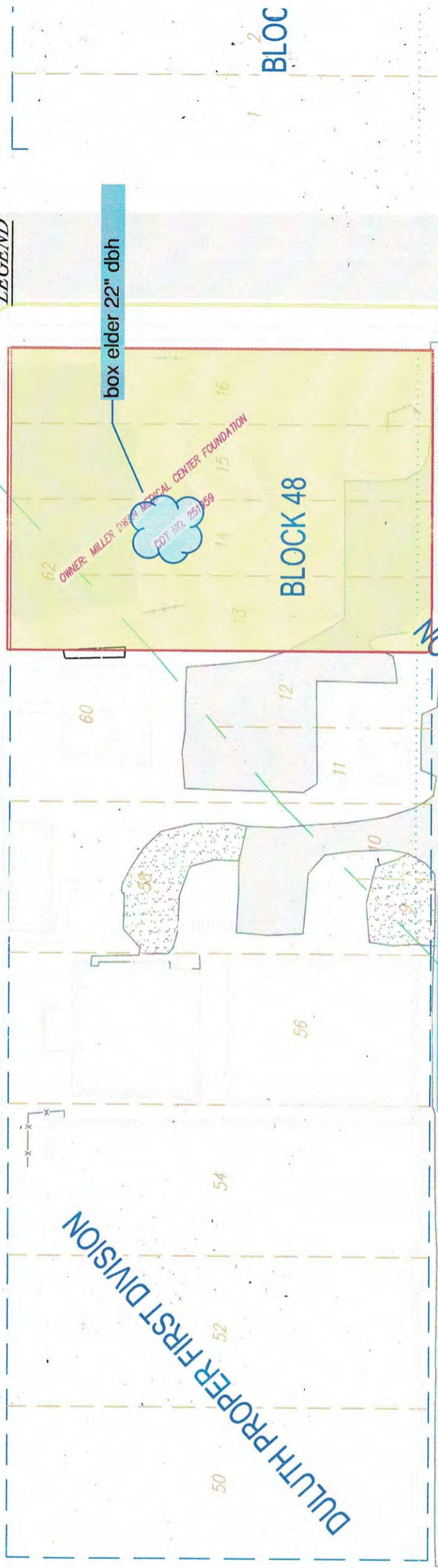
LEGEND

box elder 22" dbh

box elder 15" dbh

colorado spruce 18" dbh

box elder 24" dbh



DULUTH PROPER FIRST DIVISION

FOURTH AVENUE EAST

THIRD AVENUE EAST

FIRST STREET





PERFORMANCE  
DRIVEN DESIGN.  
LHBgroup.com

21 W. Superior St., Ste. 300 | Duluth, MN 55802 | 218.727.4446



WEL INC. - CS&M  
5138 Lyman Lane, Suite 200, Kalamazoo, MI 49002  
P 866.999.2228 - WGI Michigan Inc.

**EWING  
COLE**

Federal Reserve Bank Building  
100 West 10th Street  
Duluth, MN 55802  
Tel: 218-523-2020 Fax: 218-574-0682

**WARNING**

LOCATION OF ALL UNDERGROUND UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR. CALL BEFORE DIGGING.

MINNESOTA  
ONE-CALL SYSTEM  
1-800-252-1166  
REQUIRED BY  
MN STATUTE 216D

CLIENT:



502 East 2nd Street  
Duluth, MN 55805

THIS SQUARE APPEARS 1/2" x 1/2" ON FULL SIZE SHEETS.

NO.	DATE	ISSUED FOR
07/06/21		LAND USE APPLICATION
03/29/21		SCHEMATIC DESIGN

NO.	DATE	REVISION

**PRELIMINARY**  
NOT FOR CONSTRUCTION  
07/16/2021

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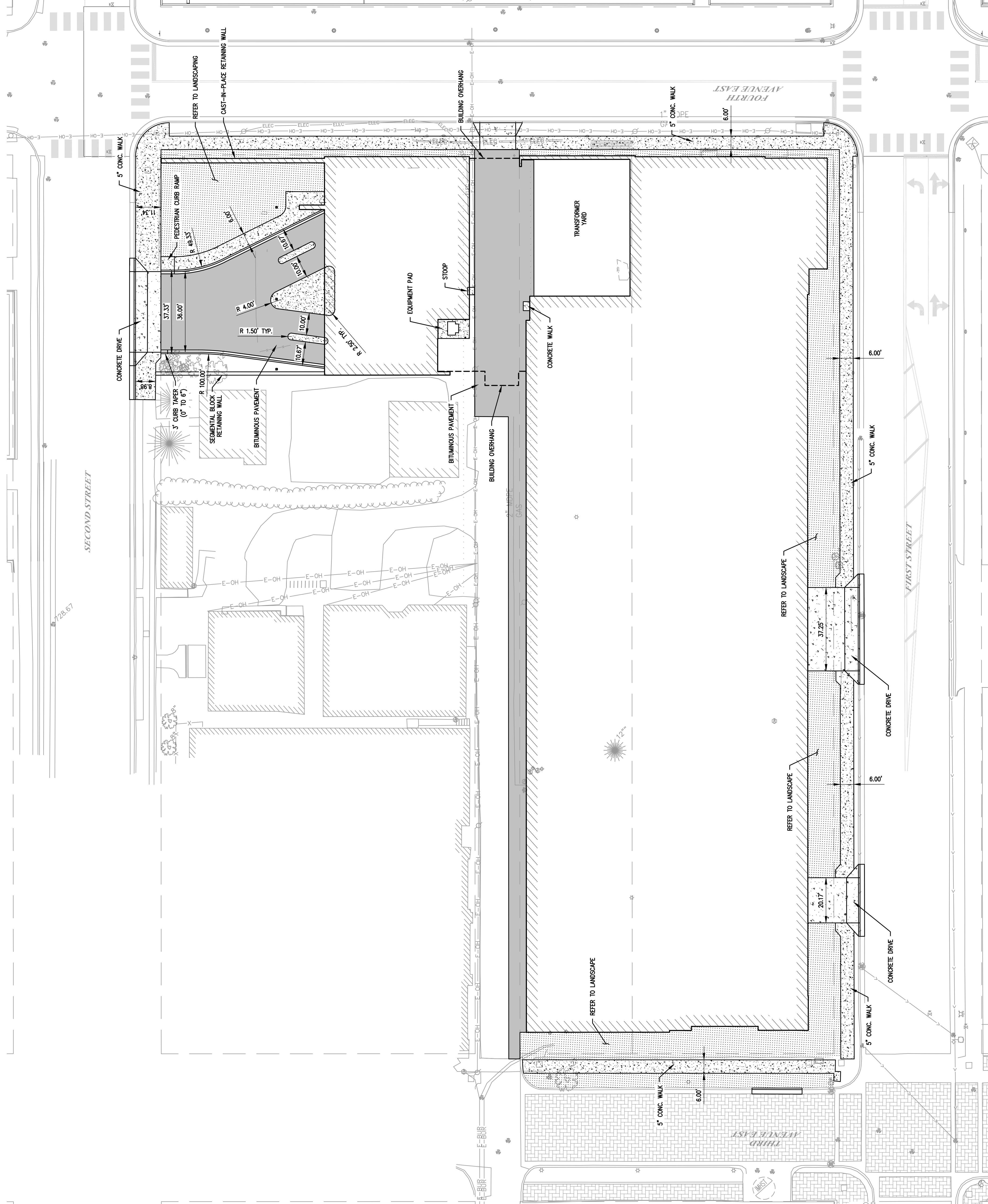
PROJECT NAME:  
**WEST MEDICAL DISTRICT  
PARKING RAMP**

XXX EAST 2nd STREET  
DULUTH, MN 55805

DRAWING TITLE:

FILE:  
DRAWN BY:  
CHECKED BY:  
PROJ. NO.:  
DRAWING NO.:

**C4.01**





PERFORMANCE  
DRIVEN DESIGN.  
LHBDP.com

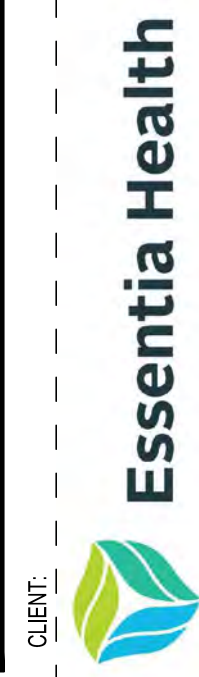
21 W. Superior St., Ste. 300 | Duluth, MN 55802 | 218.727.8446



WEL INC. CSM  
5138 Lovers Lane, Suite 200, Kalamazoo, MI 49002  
P 866.393.2228 - WGI Michigan Inc.



Federal Reserve Bank Building  
100 East 2nd Street  
Duluth, MN 55805  
Tel: 218-523-2020 Fax: 218-574-6882



502 East 2nd Street  
Duluth, MN 55805

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FULL SIZE SHEETS.

NO.	DATE	ISSUED FOR
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03/09/21		SCHEMATIC DESIGN

NO.	DATE	REVISION

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07/16/2021

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PROJECT NAME  
**WEST MEDICAL DISTRICT  
PARKING RAMP**

XXX EAST 2nd STREET  
DULUTH, MN 55805

DRAWING TITLE  
**PARKING RAMP  
LANDSCAPE PLAN**

FILE: \\server\ACD\du\187172\Medical District Parking Structure\Project  
DRAWN BY: USA  
CHECKED BY: USA  
PROJ. NO: 187172  
DRAWING NO: L1.00





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LHBcorp.com

701 Washington Ave. N, Ste. 200 | Minneapolis, MN 55401 | 612.333.2029



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P 866.992.2220 • WGL Michigan Inc.

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100  
Philadelphia, PA 19106-1580  
Tel: 215-623-2020 Fax: 215-747-0562



502 East 2nd Street  
Duluth, MN 55805

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07/06/21 LAND USE APPLICATION  
02/29/21 SCHEMATIC DESIGN  
NO DATE ISSUED FOR

NO DATE REVISION

**PRELIMINARY  
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01/06/2021**

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PROJECT NAME  
**WEST MEDICAL DISTRICT  
PARKING RAMP**

DRAWING TITLE  
**XXX EAST 2nd STREET  
DULUTH, MN 55805**

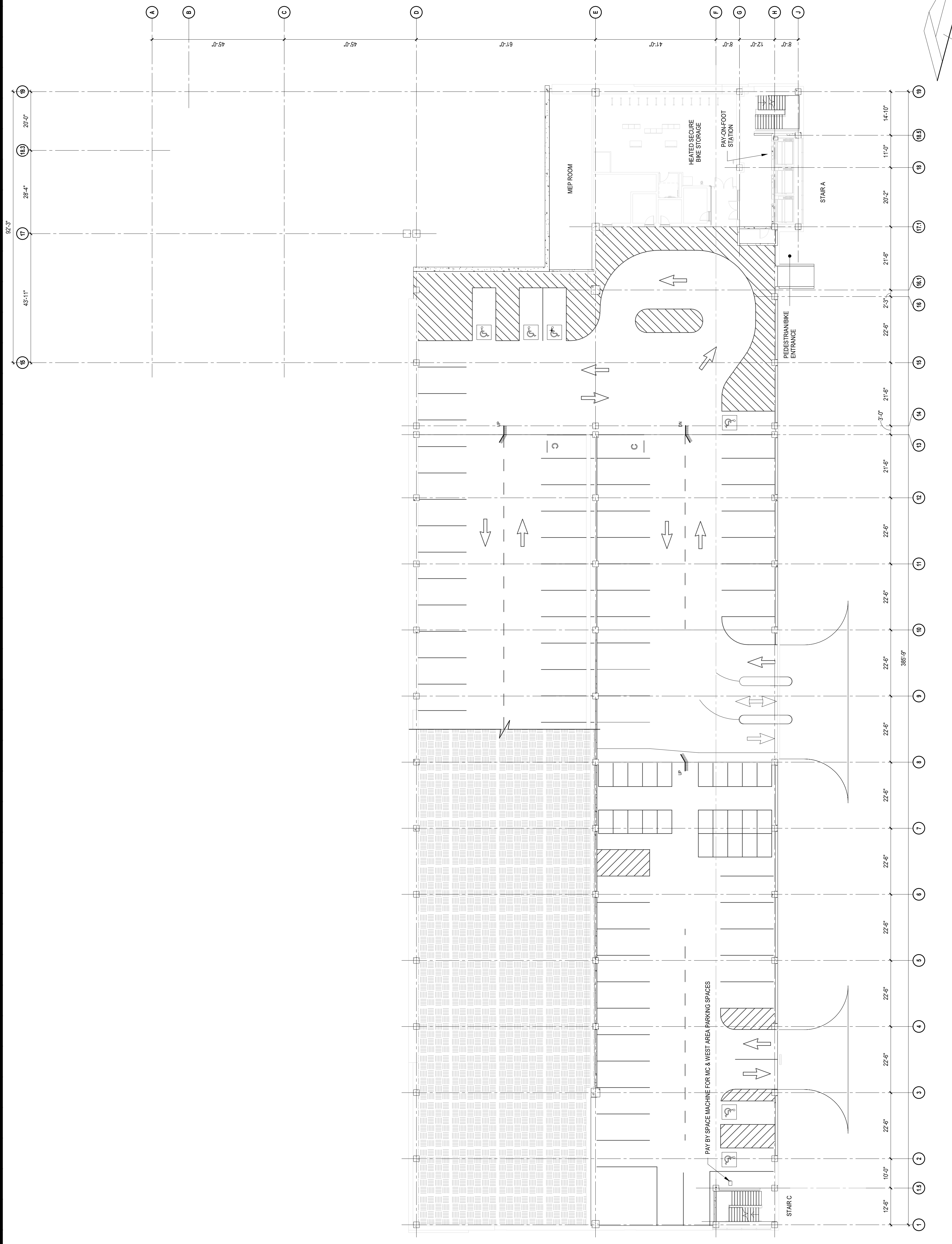
DRAWING TITLE  
**LEVEL 1 PLAN -  
ARCHITECTURAL  
PARKING**

FILE  
DRAWN BY: MLL/MNY  
CHECKED BY: RCH  
PROJ. NO.:  
DRAWING NO.:  
**AP101**

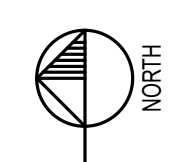
08-24-2021 PC/Packet

**SHEET NOTES:**

- | NO | SYMB | NOTE  |
|----|------|---|
| 1  |      | REPRESENTS PLAN MATCH LINE BETWEEN LEVELS.  |
| 2  |      | PARKING SPACE STRIPING TO BE 4" WIDE TRAFFIC YELLOW STRIPING - SINGLE LINE CONFIGURATION. ALSO REFER TO SHEET AP201 FOR ADDITIONAL STRIPING INFORMATION.          |
| 3  |      | CROSS HATCH STRIPING TO BE 4" WIDE TRAFFIC YELLOW STRIPING - SINGLE LINE CONFIGURATION. ALSO REFER TO SHEET AP201 FOR ADDITIONAL STRIPING INFORMATION.            |
| 4  |      | DIRECTIONAL ARROWS TO BE PAINTED TRAFFIC YELLOW WITH BACK-ROLLED REFLECTIVE BEADS AS SHOWN ON PLANS. REFER TO SHEET AP201 FOR ADDITIONAL INFORMATION.             |
| 5  |      | PAVEMENT GRAPHICS TO BE PAINTED AS SHOWN ON PLANS. REFER TO SHEET AP201 FOR ADDITIONAL INFORMATION.   |
| 6  |      | AISLE CENTERLINE STRIPING TO BE 4" WIDE TRAFFIC YELLOW STRIPING WITH BACK-ROLLED REFLECTIVE BEADS AS SHOWN ON PLANS. REFER TO XAWP501 FOR ADDITIONAL INFORMATION. |
| 7  |      | REPRESENTS A STEEL BOLLARD (CONCRETE FILLED). REFER TO XAWP501 FOR ADDITIONAL INFORMATION.  |
| 8  |      | REPRESENTS A FLEX BOLLARD (ALUM. BELUMATOR). REFER TO XAWP501 FOR ADDITIONAL INFORMATION.   |
| 9  |      | REPRESENTS A PRECAST CONCRETE BOLLARD. REFER TO XAWP501.  |
| 10 |      | REPRESENTS AN ELECTRIC VEHICLE CHARGING STATION. REFER TO ELECTRICAL DRAWINGS & SPECS FOR ADDL INFO.  |
| 11 |      | REPRESENTS A PARKING COUNT SENSOR FOR COUNTING VEHICLES IN PARKING SPACES. REFER TO ELECTRICAL DRAWINGS & SPECS FOR ADDL INFO. (ALTERNATE 2A AND 2B)              |



**1** LEVEL 1 PLAN - ARCHITECTURAL PARKING - ALTERNATE  
1/16" = 1'-0"



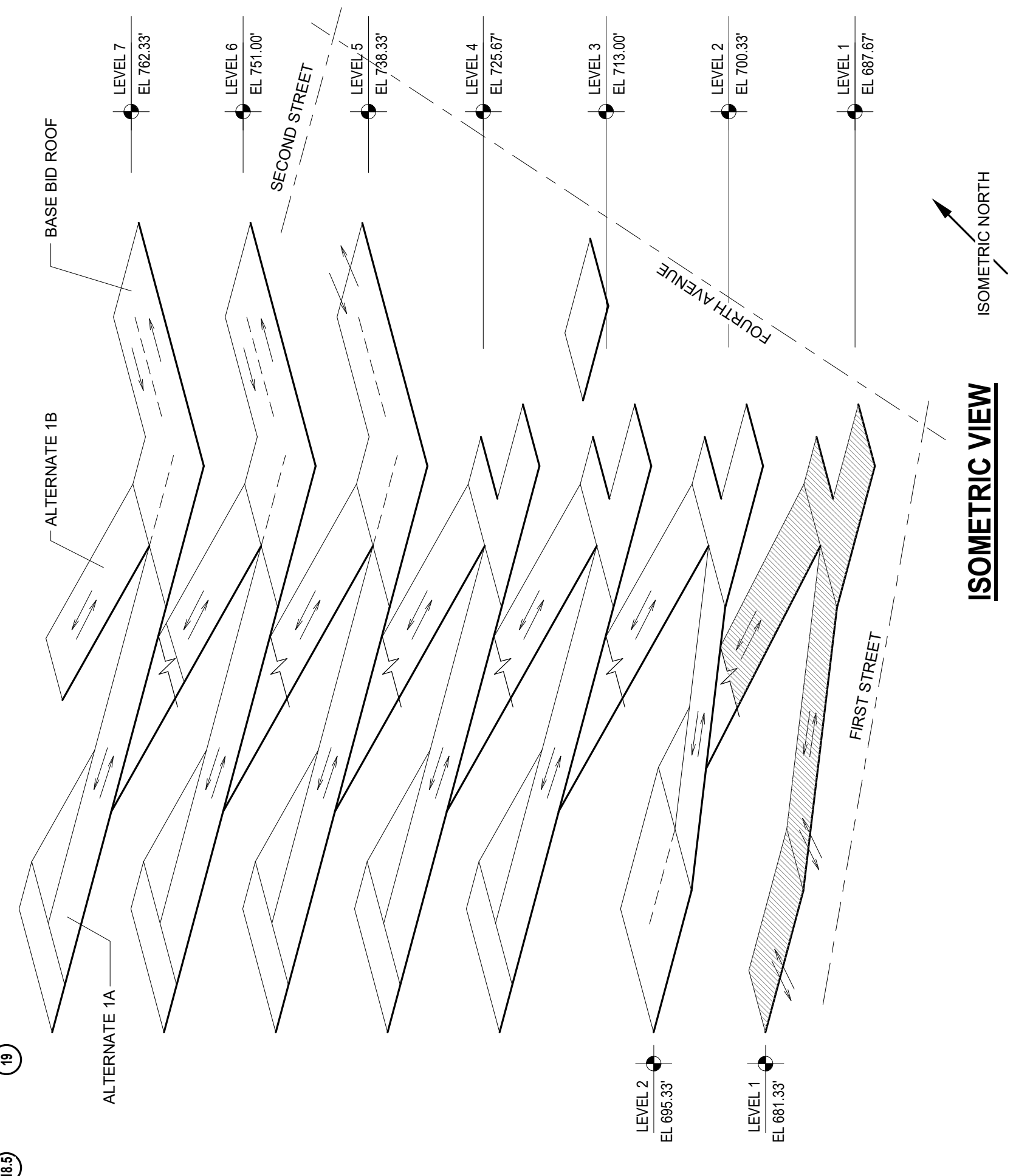
**SPACE TABULATION**

LEVEL	PARKING SPACES		TOTAL	AREA (SF)
	STANDARD	COMPACT		
6	123	17	142	56,800
5	164	4	170	57,500
4	132	4	136	45,200
3	147	4	151	51,200
2	127	4	132	45,200
1	63	4	70	28,000
<b>GARAGE TOTAL</b>	<b>786</b>	<b>17</b>	<b>801</b>	<b>291,900</b>

STANDARD SPACE SIZE = 9'-0" X 18'-0" @ 70' & 90"  
COMPACT SPACE SIZE = 8'-0" X 16'-0" @ 70' & 90"  
ADA = 8'-0" X 18'-0" W/ 8'-0" ACCESSIBLE AISLE @ 70' & 90"  
PARKING EFFICIENCY = 384.4 SF/SPACE  
MOTORCYCLE SPACE SIZE = 5'-0" X 8'-0"  
MOTORCYCLE SPACES = 25

**ALTERNATE SPACE TABULATION**

PARKING STRUCTURE SIZE OPTION	LEVEL SPACES	TOTAL SPACES	ADDED FLOOR AREA (SF)	TOTAL FLOOR AREA (SF)	PARKING EFFICIENCY (SF/SPACE)
BASE BID (LEVELS)	0	800	0	291,900	364.4 SF/SPACE
ADD ALTERNATE #1A	153	953	51,500	343,400	360.3 SF/SPACE
ADD ALTERNATE #1B	19	972	5,750	349,150	352.2 SF/SPACE



**ISOMETRIC VIEW**



THIS SQUARE APPEARS 1/2" X 1/2" ON FULL SIZE SHEETS

07/06/21	LAND USE APPLICATION
02/29/21	SCHEMATIC DESIGN
NO	DATE
	ISSUED FOR
NO	DATE
	REVISION

**PRELIMINARY**  
**NOT FOR CONSTRUCTION**  
 01/06/2021

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 PROJECT NAME:  
**WEST MEDICAL DISTRICT PARKING RAMP**

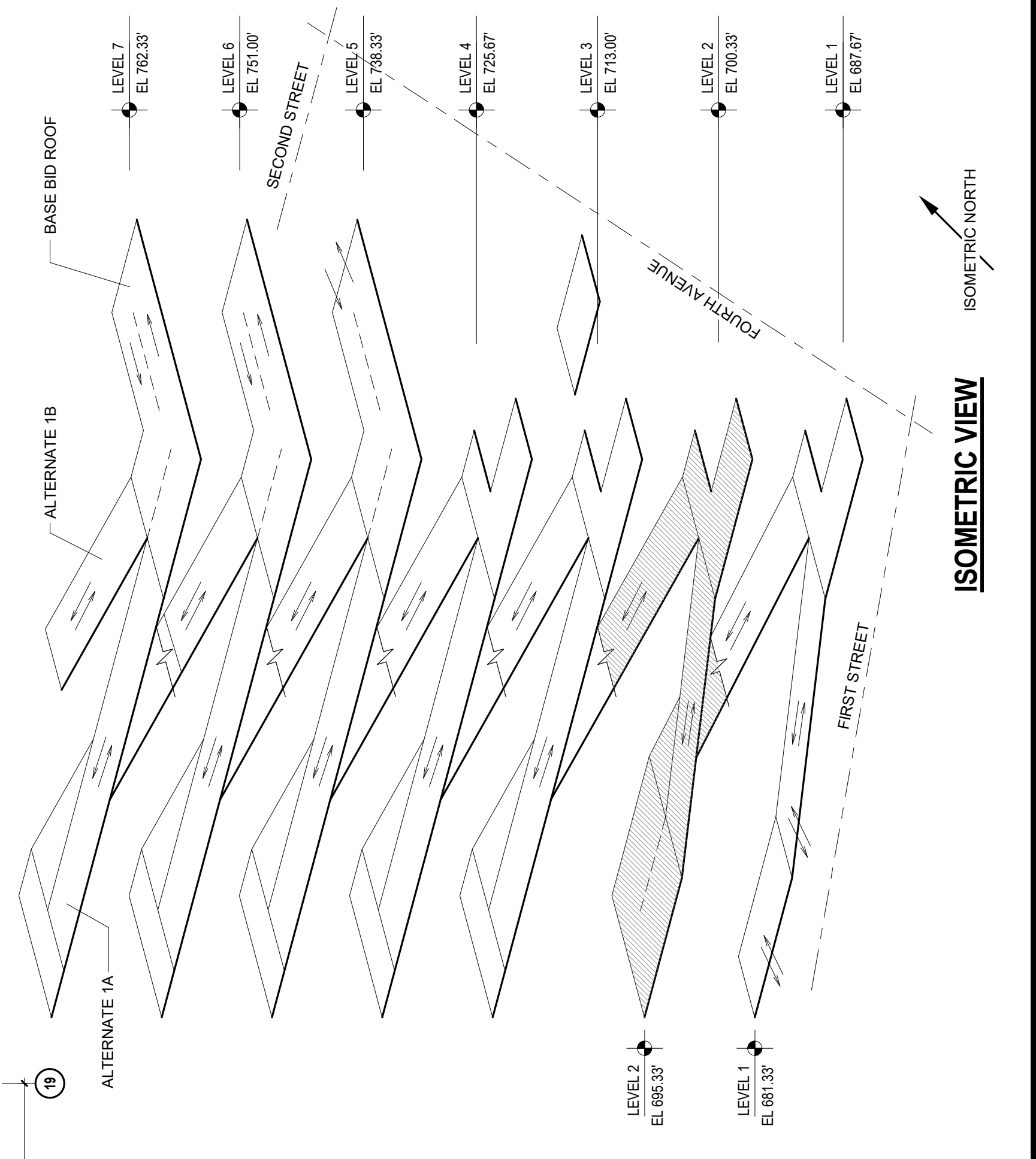
XXX EAST 2nd STREET  
 DULUTH, MN 55805  
 DRAWING TITLE:  
**LEVEL 2 PLAN - ARCHITECTURAL PARKING**

**SHEET NOTES:**

NO	SYMB	NOTE
1		REPRESENTS PLAN MATCH LINE BETWEEN LEVELS.
2		PARKING SPACE STRIPING TO BE 4" WIDE TRAFFIC YELLOW STRIPING, SINGLE LINE CONFIGURATION. ALSO REFER TO SHEET AP201 FOR ADDITIONAL STRIPING INFORMATION.
3		CROSS HATCH STRIPING TO BE 4" WIDE TRAFFIC YELLOW STRIPING AT 24" OC. REFER TO SHEET AP501 FOR ADDITIONAL INFORMATION.
4		DIRECTIONAL ARROWS TO BE PAINTED TRAFFIC YELLOW WITH BLACK CENTERLINE STRIPING. REFER TO SHEET AP201 FOR ADDITIONAL INFORMATION.
5		PAVEMENT GRAPHICS TO BE PAINTED AS SHOWN ON PLANS. REFER TO SHEET AP501 FOR ADDITIONAL INFORMATION.
6		AISLE CENTERLINE STRIPING TO BE 4" WIDE TRAFFIC YELLOW STRIPING, SINGLE LINE CONFIGURATION. REFER TO SHEET AP201 FOR ADDITIONAL INFORMATION.
7		REPRESENTS A STEEL BOLLARD (CONCRETE FILLED). REFER TO XXAR501 FOR ADDITIONAL INFORMATION.
8		REPRESENTS A FLEX BOLLARD (LANE DELINEATOR). REFER TO XXAR501 FOR ADDITIONAL INFORMATION.
9		REPRESENTS A PRECAST CONCRETE BOLLARD. REFER TO XXAR501.
10		REPRESENTS AN ELECTRIC VEHICLE CHARGING STATION. REFER TO ELECTRICAL DRAWINGS & SPECS FOR ADDL INFO.
11		REPRESENTS A PARKING COUNT SENSOR FOR COUNT SPACES FOR THE UPPER AND LOWER SPACES AVAILABLE SIGN. (ALTERNATE 2A AND 2B)



**1** LEVEL 2 PLAN - ARCHITECTURAL PARKING  
 1/8" = 1'-0"



**ISOMETRIC VIEW**  
 ISOMETRIC NORTH



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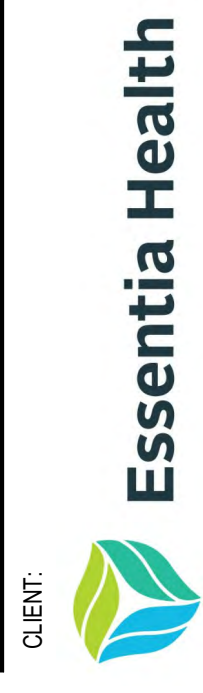
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Minneapolis, MN 55403-1580  
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Duluth, MN 55805

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07/06/21	LAND USE APPLICATION
02/29/21	SCHEMATIC DESIGN
NO	DATE
	ISSUED FOR
NO	DATE
	REVISION

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01/06/2021

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PROJECT NAME  
**WEST MEDICAL DISTRICT  
PARKING RAMP**

XXX EAST 2nd STREET  
DULUTH, MN 55805

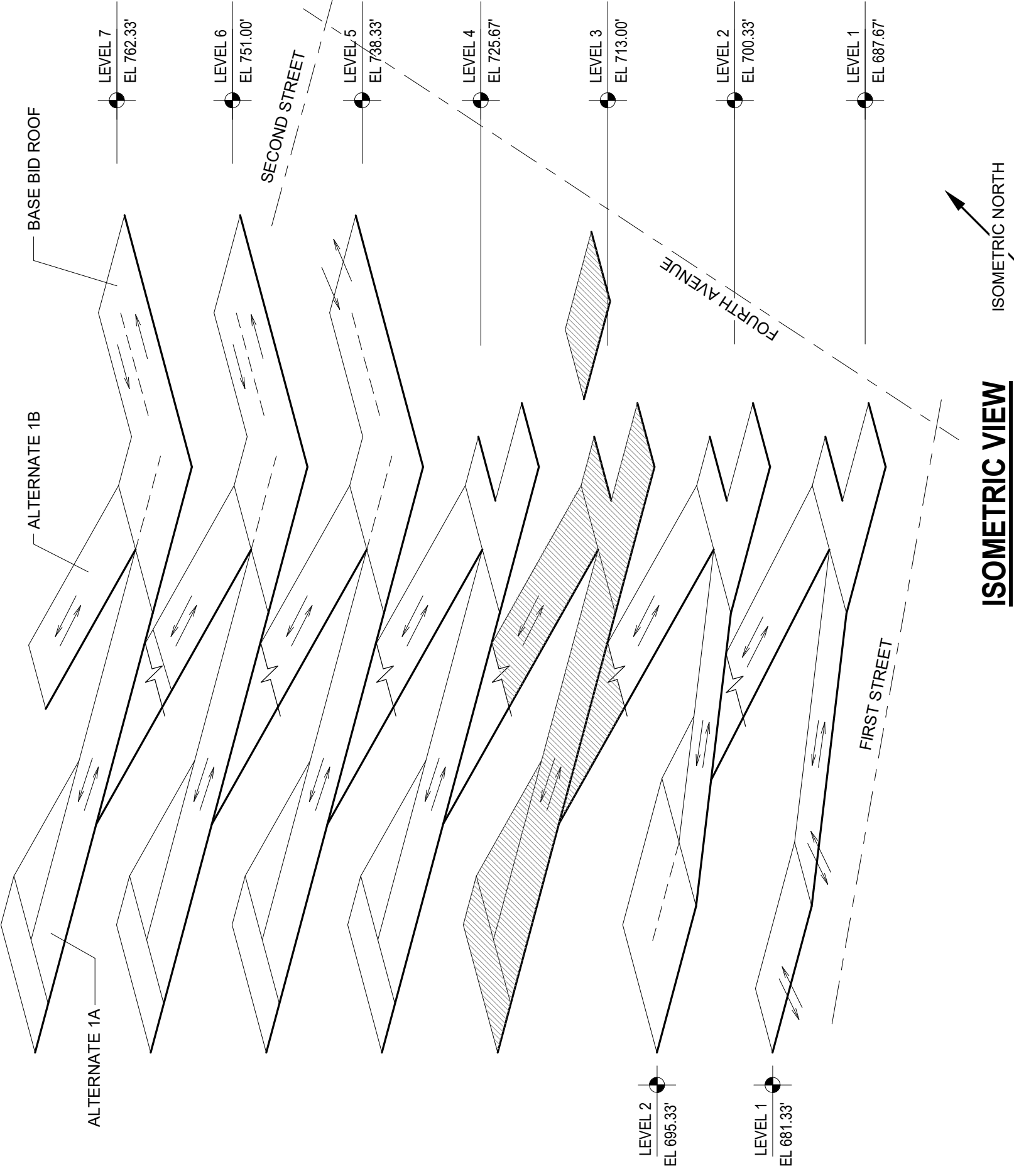
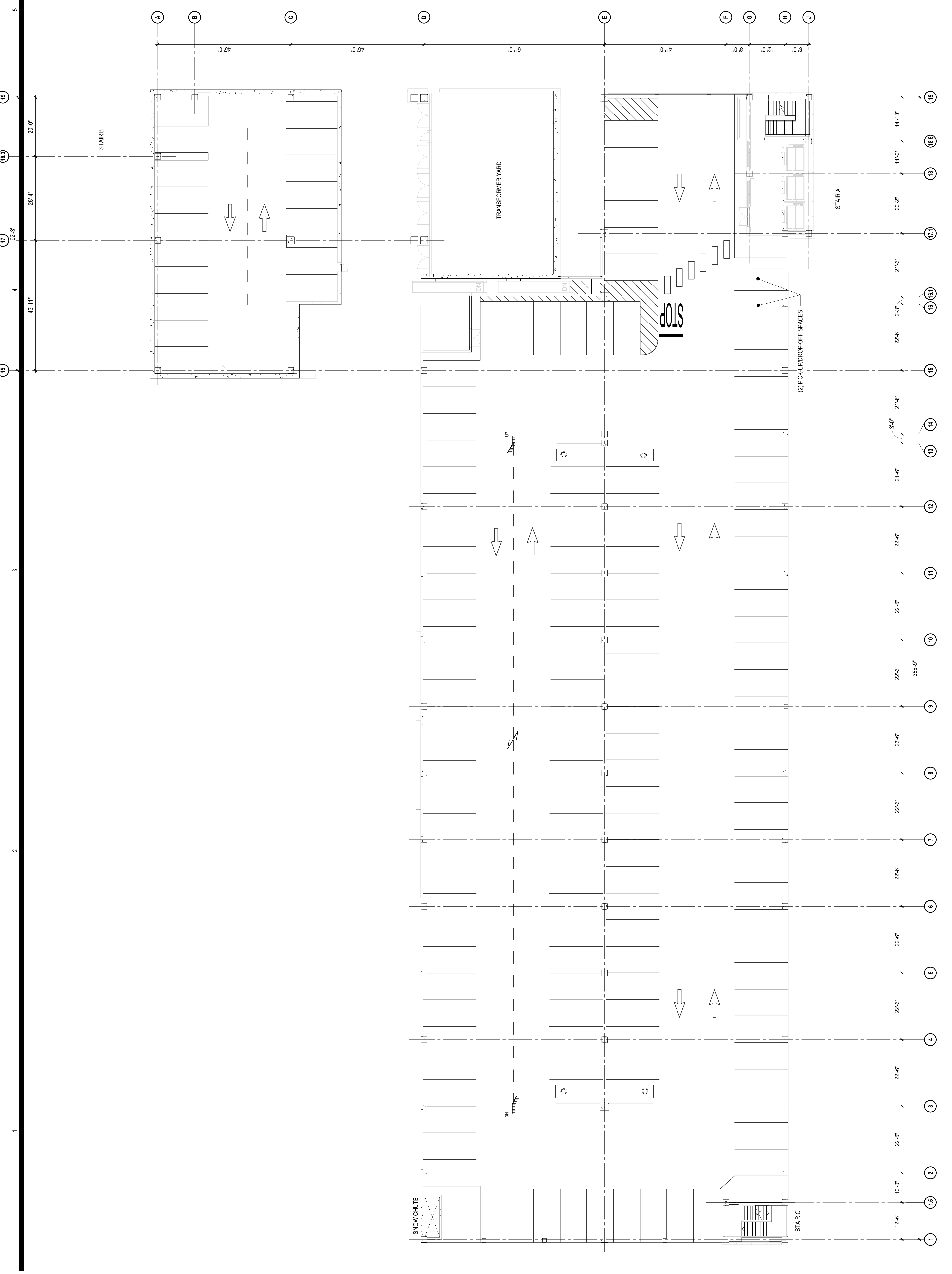
DRAWING TITLE  
**LEVEL 3 PLAN -  
ARCHITECTURAL  
PARKING**

FILE: XXX  
DRAWN BY: MLL/MVNY  
CHECKED BY: RCH  
PROJ. NO.: 19001  
DRAWING NO.: 00000

**AP103**

**SHEET NOTES:**

- | NO | SYMB | NOTE   |
|----|------|--|
| 1  |      | REPRESENTS PLAN MATCH LINE BETWEEN LEVELS.   |
| 2  |      | PARKING SPACE STRIPING TO BE 4" WIDE TRAFFIC YELLOW STRIPING - SINGLE LINE CONFIGURATION. ALSO REFER TO SHEET AP201 FOR ADDITIONAL STRIPING INFORMATION. |
| 3  |      | CROSS MATCH STRIPING TO BE 4" WIDE TRAFFIC YELLOW STRIPING AT 24" OC. REFER TO SHEET AP201 FOR ADDITIONAL INFORMATION.                                   |
| 4  |      | DIRECTIONAL ARROWS TO BE PAINTED TRAFFIC YELLOW WITH BACK-ROLLED REFLECTIVE BEADS AS SHOWN ON INFORMATION TO SHEET AP201 FOR ADDITIONAL INFORMATION.     |
| 5  |      | PAVEMENT GRAPHICS TO BE PAINTED AS SHOWN ON PLANS. REFER TO SHEET AP201 FOR ADDITIONAL INFORMATION.  |
| 6  |      | REPRESENTS A STEEL BOLLARD (CONCRETE FILL). REFER TO XXAP201 FOR ADDITIONAL INFORMATION.   |
| 7  |      | REPRESENTS A PRECAST CONCRETE BOLLARD. REFER TO XXAP201.   |
| 8  |      | REPRESENTS A FLEX BOLLARD (LANE DELINEATOR). REFER TO XXAP201 FOR ADDITIONAL INFORMATION.  |
| 9  |      | REPRESENTS AN ELECTRIC VEHICLE CHARGING STATION. REFER TO ELECTRICAL DRAWINGS & SHEETS FOR ADD. INFO.  |
| 10 |      | REPRESENTS A PARKING COUNT SIGN. REFER TO SHEET AP201 FOR ADDITIONAL INFORMATION.  |
| 11 |      | REPRESENTS AN AVAILABLE SIGN (ALTERNATE 2A AND 2B).  |



**1 LEVEL 3 PLAN - ARCHITECTURAL PARKING**  
1/16" = 1'-0"





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1000 Broadway  
Philadelphia, PA 19106-1580  
Tel: 215-523-2020 Fax: 215-574-0562

CLIENT:



502 East 2nd Street  
Duluth, MN 55805

THIS SQUARE APPEARS 1/2"X1/2"  
ON FULL SIZE SHEETS

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02/29/21	SCHEMATIC DESIGN
NO	DATE
	ISSUED FOR
NO	DATE
	REVISION

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01/06/2021

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PROJECT NAME:  
**WEST MEDICAL DISTRICT  
PARKING RAMP**

XXX EAST 2nd STREET  
DULUTH, MN 55805

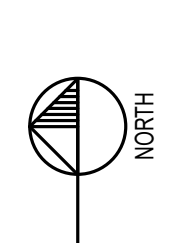
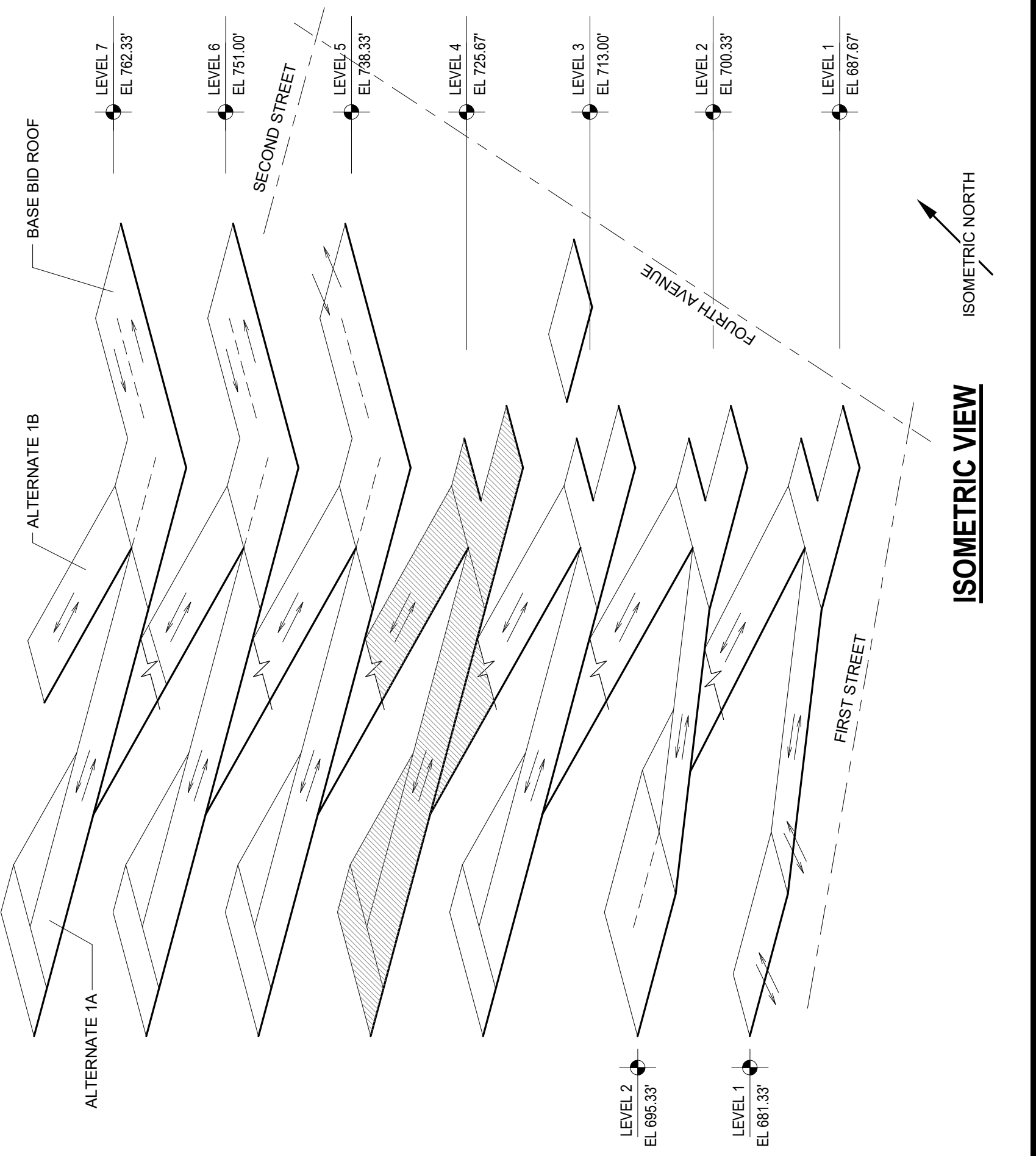
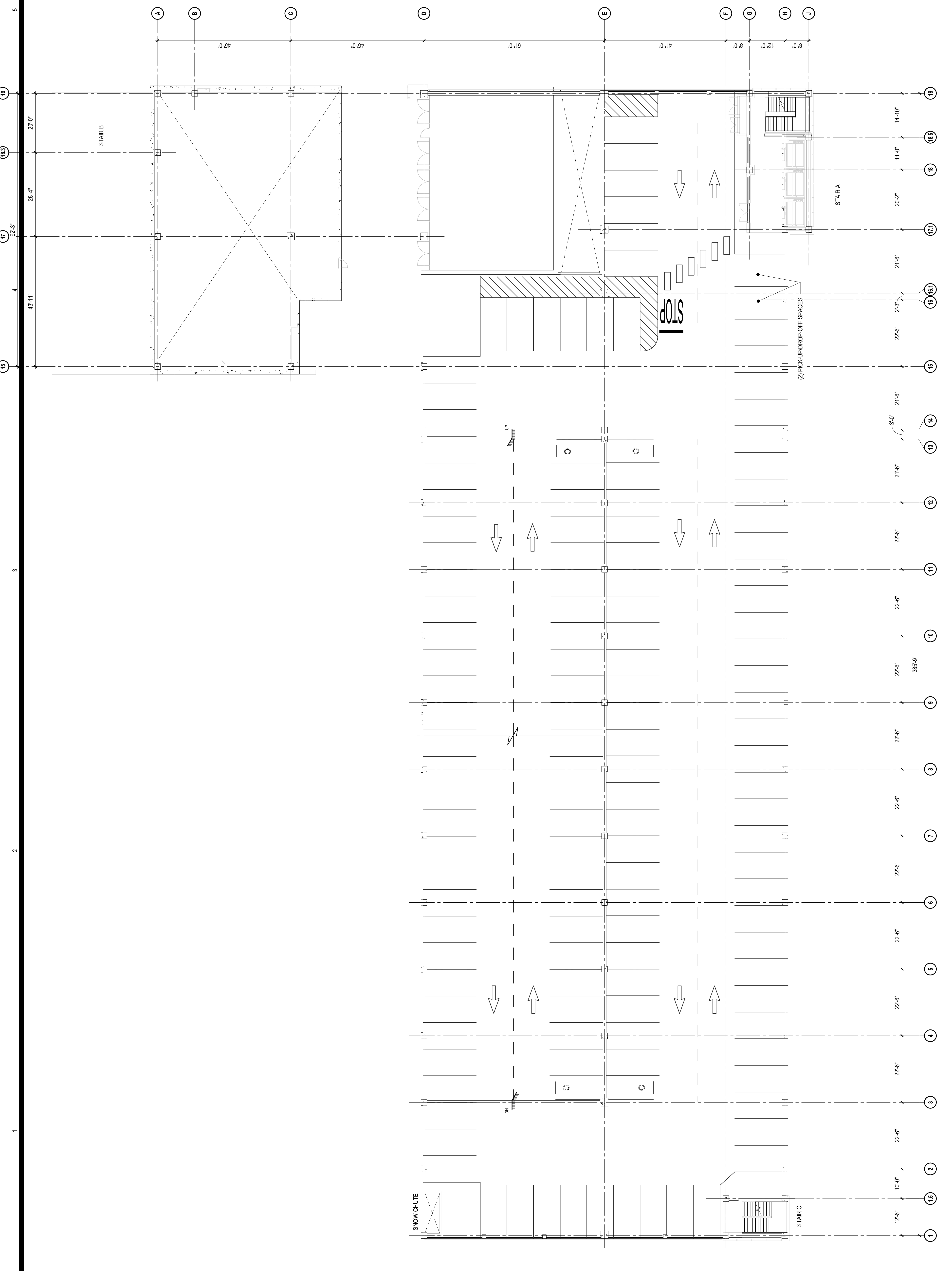
DRAWING TITLE:  
**LEVEL 4 PLAN -  
ARCHITECTURAL  
PARKING**

FILE: XXX  
DRAWN BY: MLL/MVNY  
CHECKED BY: RCH  
PROJ. NO: 19004-1580  
DRAWING NO: 04004

**AP104**

**SHEET NOTES:**

- | NO | SYMB | NOTE   |
|----|------|--|
| 1  |      | REPRESENTS PLAN MATCH LINE BETWEEN LEVELS.   |
| 2  |      | PARKING SPACE STRIPING TO BE 4" WIDE TRAFFIC YELLOW STRIPING - SINGLE LINE CONFIGURATION. ALSO REFER TO SHEET AP501 FOR ADDITIONAL STRIPING INFORMATION. |
| 3  |      | CROSS MATCH STRIPING TO BE 4" WIDE TRAFFIC YELLOW STRIPING AT 24" OC. REFER TO SHEET AP501 FOR ADDITIONAL INFORMATION.                                   |
| 4  |      | DIRECTIONAL ARROWS TO BE PAINTED TRAFFIC YELLOW WITH BACK-ROLLED REFLECTIVE BEADS AS SHOWN ON SHEET AP501 FOR ADDITIONAL INFORMATION.                    |
| 5  |      | PAVEMENT GRAPHICS TO BE PAINTED AS SHOWN ON PLANS. REFER TO SHEET AP501 FOR ADDITIONAL INFORMATION.  |
| 6  |      | AISLE CENTERLINE STRIPING TO BE 4" WIDE TRAFFIC YELLOW STRIPING - SINGLE LINE CONFIGURATION. ALSO REFER TO SHEET AP501 FOR ADDITIONAL INFORMATION.       |
| 7  |      | REPRESENTS A STEEL BOLLARD (CONCRETE FULLED). REFER TO XXAP501 FOR ADDITIONAL INFORMATION.   |
| 8  |      | REPRESENTS A FLEX BOLLARD (LANE DELINEATOR). REFER TO XXAP501 FOR ADDITIONAL INFORMATION.  |
| 9  |      | REPRESENTS A PRECAST CONCRETE BOLLARD. REFER TO XXAP501.   |
| 10 |      | REPRESENTS AN ELECTRIC VEHICLE CHARGING STATION. REFER TO ELECTRICAL DRAWINGS & SPECS FOR ADJ. INFO.   |
| 11 |      | REPRESENTS A PARKING COUNT SENSOR FOR COUNT SPACES FOR THE UPPER AND LOWER SPACES AVAILABLE SIGN. (ALTERNATE 2A AND 2B)                                  |



**1** LEVEL 4 PLAN - ARCHITECTURAL PARKING  
1/16" = 1'-0"









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1000 Federal Reserve Bank Building  
Philadelphia, PA 19106-1880  
Tel: 215-582-2020 Fax: 215-574-0562

CLIENT:



Essentia Health

502 East 2nd Street  
Duluth, MN 55805

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07/07/21		LAND USE APPLICATION
07/07/20		SCHEMATIC DESIGN

NO.	DATE	REVISION

**PRELIMINARY**  
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01/06/2021

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PROJECT NAME:  
**WEST MEDICAL DISTRICT  
PARKING RAMP**

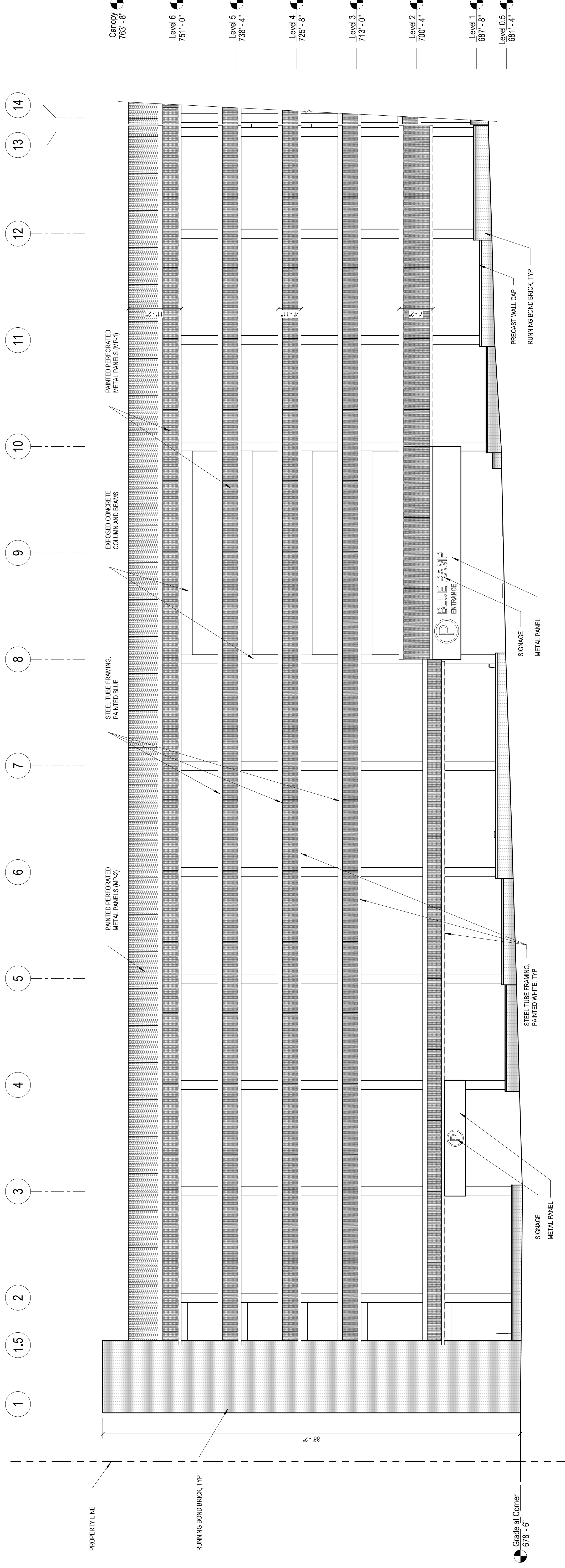
XXX EAST 2nd STREET  
DULUTH, MN 55805

DRAWING TITLE:  
**EXTERIOR ELEVATIONS**

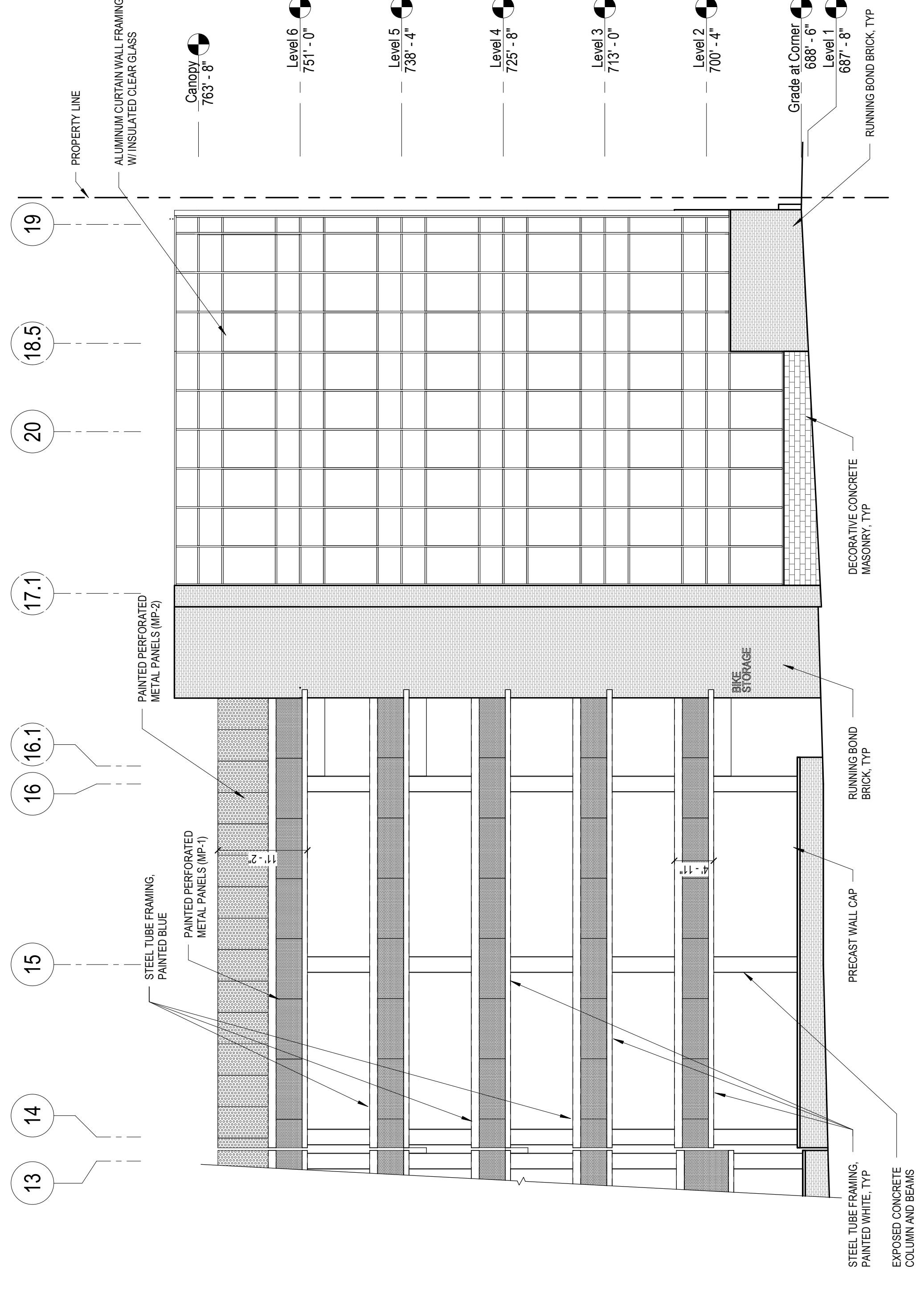
FILE: XXX  
DRAWN BY: Aduhy  
CHECKED BY: Cheah  
PROJ. NO.: 18072  
DRAWING NO.

**A202**

17/02/2021 3:35:39 PM  
BIM: 380/1180712 Medical District parking Structure/180712 Med District Ramp A19.rvt



**2 PARTIAL SOUTH ELEVATION (WEST)- BASE BID**  
3.02' x 11'-0"

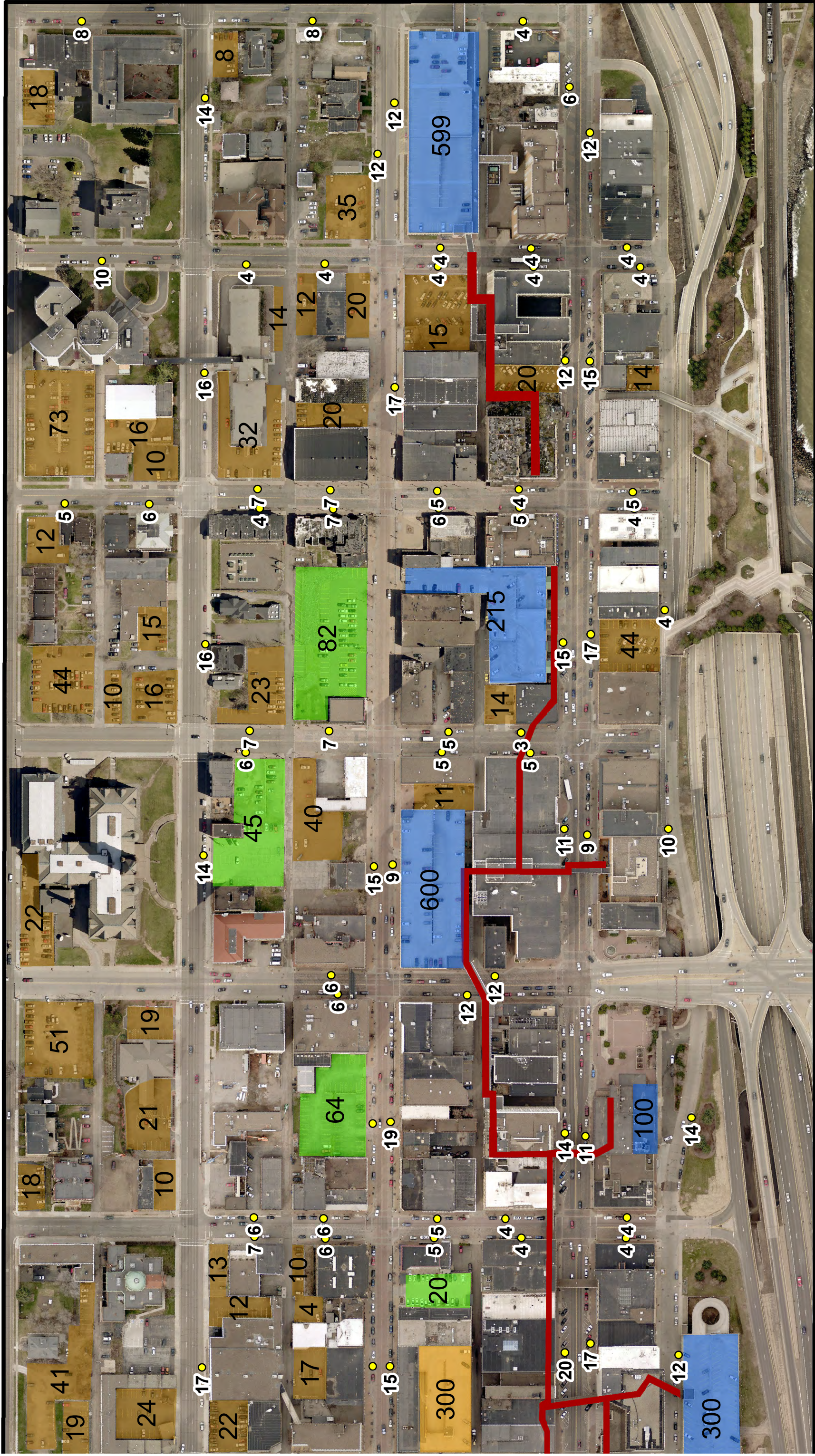


**1 PARTIAL SOUTH ELEVATION (EAST) - BASE BID**  
3.02' x 11'-0"





# Duluth Downtown Parking- East Side



629 Private Lots

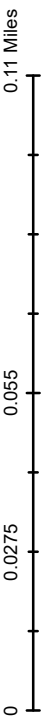
905 Public Lots

1,518 Sky Walk

640 Private Ramps

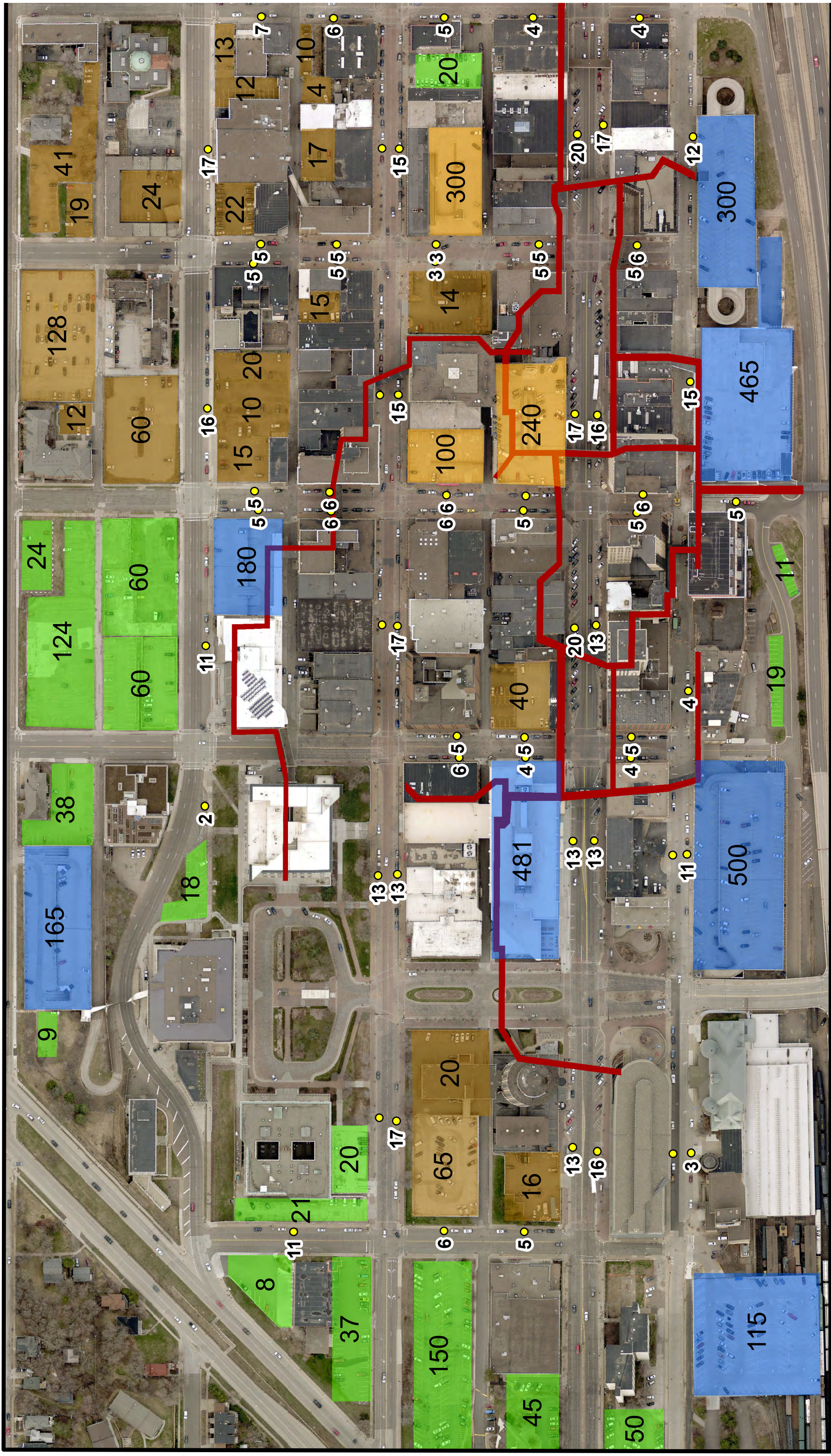
3720 Public Ramps

1,518 Street Parking

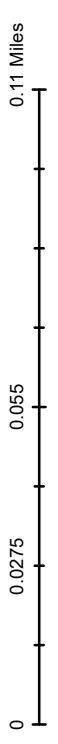


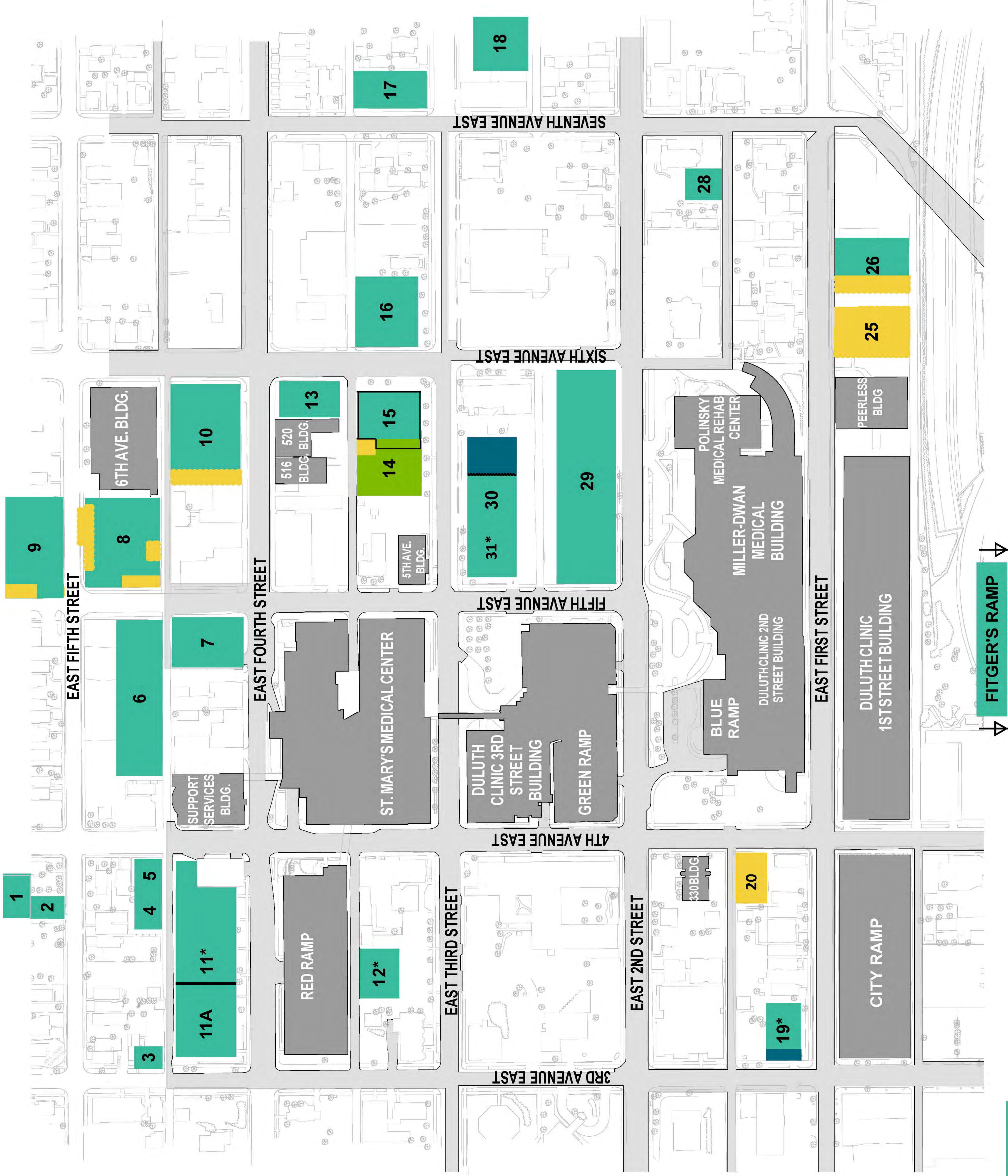


# Duluth Downtown Parking- West Side



- Private Lots  Public Lots
- Private Ramps  Public Ramps
- Sky Walk
- 1,518 Street Parking





DECC SHUTTLE

**Legend**

Click on the surface lot you are interested in parking at and a web browser will open the location on Google Maps. From there, you are able to enter your starting address to get directions to the lot if necessary.

■ = staff parking

■ = physician parking

■ = patient parking

■ = church parking

■ = restricted area

★Exceptions

Lot 12, 19: closed on funeral days

Lot 11: opens at 8:45am

Lot 31: opens at 9:45am

**DESIGNATED EMPLOYEE PARKING AREAS**

PARKING AND LANDSCAPING:

Existing Surface Lot Study



**Steven Robertson**

---

**From:** Libby Bent  
**Sent:** Tuesday, August 3, 2021 5:18 PM  
**To:** Steven Robertson  
**Cc:** Skip Williams  
**Subject:** Official questions from We Walk in Duluth for the Aug. 10th PC meeting

Hello Steven,

We Walk in Duluth would like the following questions included as official questions in the PC packet for the Planning Commission's August 10th meeting regarding applications PL 21-113, 114, 115:

1. What other funds besides state money are being used to pay for the Essentia Ramp?
2. The legislation describing the Exchange District projects and funding amounts contained this statement regarding the Essentia Ramp: "(7) a ramp with up to 400 new parking stalls to serve medical entity east in an amount not to exceed \$14,000,000". Why is a 800-car ramp being proposed?
3. Since the ramp is public Infrastructure to be owned and operated by the City, why is the application to be reviewed by the PC coming from Essentia? Who determines the specific amenities and details of the ramp, such as electric vehicle charging capabilities, bicycle parking, etc?

Thank you,

Libby Bent, Skip Williams  
WWID, parking subcommittee

---



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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

Date: August 17, 2021  
 To: Planning Commission  
 From: Steven Robertson, Senior Planner  
 RE: PI 21-127, UDC Text Amendment, Revocation of Planning Commission Permit

---

The Planning Staff are recommending a change to the UDC related to revocation of special use permits, interim use permits, and variances. The amended language provides an additional enforcement tool for the Land Use Supervisor and staff to more easily, speedily, and efficiently enforce the zoning code and ensure that conditions attached to Planning Commission approval have been implemented.

**Recommendation:**

Staff recommends that the Planning Commission discuss the items and suggests changes or edits as appropriate, to be brought back to the Plan

---

**General Development, Development Process 1** Ensure that land use regulation sets clear expectations for development, redevelopment, and protection of Duluth's natural, cultural, economic, and social assets.

**General Development, Development Process 2** In order to keep the regulatory burden reasonable and equitable, the City will implement the Comprehensive Plan through cooperation, incentives, and education, in addition to regulation.

## **50-39 ENFORCEMENT AND PENALTIES.**

This Section describes how this Chapter will be enforced, as well as the penalties for violation of the Chapter. This Section is intended to comply with the provisions of MSA 462.362 as amended, and shall be interpreted to comply with those provisions wherever possible. All violations of this Chapter are hereby declared to be public nuisances.

### **50-39.1 Violations.**

#### **A. Violations defined.**

It shall be a violation of this Chapter, and a public nuisance, to do any of the following:

1. Activities inconsistent with UDC.  
To erect, construct, reconstruct, remodel, alter, maintain, expand, move or use any building, structure or sign, or to engage in development or subdivision of any land inconsistent with this Chapter, or to fail to obtain required approvals for any of those activities;
2. Use of nonconformities inconsistent with UDC.  
To use, occupy, create, expand, replace, or change a nonconforming use, structure, lot or sign except in compliance with this Chapter;
3. Making lots or setbacks nonconforming.  
To reduce or diminish the lot area, setbacks, or open space on any parcel of land below the minimum required by this Chapter;
4. Increasing intensity of use.  
To increase the intensity of use of any land or structure, except in accordance with the procedural and substantive standards of this Chapter;
5. Activities inconsistent with approval or permit.  
To engage in any development, redevelopment, use, construction, remodeling or other activity inconsistent with the terms and conditions of any permit or approval issued by the city;
6. Violation of stormwater permits.  
In the case of violation of a stormwater permit, the permittee shall take the following actions prior to imposition of a penalty, if any, by the city:
  - (a) Submit reports of noncompliance with requirements contained in a compliance schedule of the permit in writing within 14 days after the compliance schedule deadline. Reports of noncompliance shall include a description of the noncompliance, its cause, the steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance and the effect of the noncompliance on the permittee's ability to meet remaining deadlines;
  - (b) Take all reasonable steps to minimize or prevent any adverse impacts on the waters of the state resulting from noncompliance with a stormwater permit;
7. Violations related to wireless telecommunications facilities.  
Under the following circumstances, the city may declare the wireless telecommunications facility a public nuisance and take all available enforcement actions including, but not limited to, revocation of the special use permit:
  - (a) The wireless telecommunications facility has been abandoned. A facility is deemed abandoned if it is not used as wireless telecommunications facility for a period exceeding 90 consecutive days or a total of 180 days in any 365 day period, except for periods caused by force majeure or Acts of God, in which case repair or removal shall commence within 90 days;
  - (b) The wireless telecommunications facility fall into a state of disrepair and creates a health or safety hazard;
  - (c) The wireless telecommunications facility has been located, constructed, repaired, maintained or modified without first obtaining the required special use permit, or in any manner that constitutes a violation of Section 50-20.4.D;
  - (d) For a violation of the conditions and provisions of the special use permit;

8. Failure to remove signs.  
To fail to remove any sign installed, created, erected or maintained in violation of this Chapter, or for which a required sign permit was not obtained, or for which the sign permit has lapsed, or for which the business or use for which the sign was permitted has been closed for more than one year;
9. Failure to maintain.  
To fail to maintain any property, including without limitation (a) any dwellings, dwelling units, housekeeping units, or rooming units, and (b) any sign, and (c) any required landscaping or screening in the condition required by this Chapter;
10. Failure to replace.  
To fail to replace any site feature or element required by this Chapter if that site feature is removed, or to fail to replace any required landscaping or screening that dies or becomes diseased;
11. Unauthorized actions involving historic resources.  
To fail to obtain required approvals before construction, remodeling, repainting or altering a historic preservation landmark or a structure in a historic preservation district identified in Section 50-18.3;
12. Violations related to vacation dwelling units, accessory vacation dwelling units or accessory home shares.  
To use any lot, structure, dwelling or dwelling unit as a vacation dwelling unit, accessory vacation dwelling unit, or accessory home share without the approvals or permits required by this chapter, in violation of the provisions of this chapter, or in violation of any other applicable provisions of city code; (Ord No. 10466, 4-11-2016, §4; 10590, 9-24-2018, §1)

#### **B. Continuing violations.**

Each day that a violation occurs or remains uncorrected after receipt of notice of the violation from the city shall constitute a separate violation.

### **50-39.2 Enforcement.**

#### **A. Responsibility.**

The building official is responsible for enforcing this Chapter. No permit or approval for the construction, alteration or demolition of any building, or for the use of land, shall be issued if the building as proposed to be constructed, altered or demolished would be a violation of this Chapter;

#### **B. Authorization for inspections.**

For the purposes of enforcing this Chapter, the building official is authorized to enter, examine and survey, between the hours of 8:00 a.m. and 5:00 p.m., any property subject to the regulations of this Chapter. Prior to making an inspection based on a possible violation, the building official shall inform the owner of the property to be inspected, or their agent, of the date and time of the inspection in writing at least four days prior to the inspection. Advance notice need not be given in the case of routine inspections. After written notice has been given, the owner or occupant of the property to be inspected, or the person in charge of that property, shall give the building official free access to the property between 8:00 a.m. and 5:00 p.m., for the purpose of inspection. The inspection shall not have for its purpose the harassment of the owner or occupant and shall be made so as to cause the least amount of inconvenience to the owner or occupant of the property consistent with the efficient performance of the duties of the building official. Nothing in this Section 50-39.2.B shall be construed to prohibit the entry of the building official:

1. At any time when in the opinion of the building official an actual emergency tending to create an immediate danger to public health and safety exists;
2. At any time when an inspection is requested by the owner or occupant;

## C. Enforcement tools.

The city may use any of the following tools and powers to enforce this Chapter, in any order, and the use of one tool or power shall not restrict the city from using an additional tool or power to remedy the same violation.

1. Order requiring compliance.
  - (a) The city may issue a written order identifying the violation(s) of this Chapter and requiring that the property owner or occupant bring the property into compliance with this Chapter, at the owner or occupant's expense, within a specified time. The notice shall state what actions are necessary to bring the property into compliance;
  - (b) The time allowed for correction shall be not less than 14 days, except that (i) if the order identifies a threat to public health or safety then a compliance shorter than 14 days may be required, and (ii) if the order involves a violation of the provisions of the Airport Overlay district or the sign regulations in Section 50-27, or the vacation dwelling unit, accessory vacation dwelling unit, or accessory home share regulations in Sections 50-19 and 50-20, the time for compliance shall be not less than ten days. In determining a reasonable time for performance the building official shall consider the nature and extent of the work involved, the season of the year, the existence of any immediate danger to public health and safety, and any other pertinent factors. The building official may extend the time for compliance in writing for good cause shown;
  - (c) The property may continue to be used for occupancy or habitation pending compliance with the order unless the notice identifies an imminent threat to public health or safety and requires that occupancy or habitation be limited or end by a certain date;
  - (d) When an order to correct a violation of this Chapter has been issued, the building official is authorized to enter and re-inspect the property subject to the order for the purpose of determining compliance with the order. The owner or occupant of the property, or the person in charge of the property, shall give free access to the property for the purpose of the inspection;
  - (e) Every occupant of property shall give the owner of the property, or his agent or employee, access to any part of the property at all reasonable times for the purpose of making repairs or alterations required to comply with the order;
  - (f) The city shall not charge a fee for inspections made in response to complaints or to confirm compliance with an order;
2. Enforcement of wireless telecommunications facility violations.
  - (a) If the city determines that the wireless telecommunication facility is a public nuisance, the building official shall notify the holder of the special use permit in writing and order the correction of the violation or removal of the facility;
  - (b) If the order requires removal of the wireless telecommunication facility the holder of the special use permit, or its successors or assigns, shall dismantle and remove such facility and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within the deadline provided for in the order to remove. If the owner of the property upon which the wireless telecommunications facilities are located wishes to retain any access roadway to the wireless telecommunications facilities, the owner may do so if the land use supervisor determines that the retention of those access roads would promote the purposes of this Chapter;
  - (c) Notwithstanding anything in this subsection to the contrary, the building official may approve a temporary extension of the order, for no more 90 days, during which time a suitable plan for the repair, sale, removal, conversion, or re-location of the affected wireless telecommunications facilities shall be developed by the holder of the special use permit, subject to the approval of the city, and an agreement to such plan shall be executed by the holder of the special use permit and the city. If such a plan is not developed, approved and executed within the 90 day time period, then the city may exercise all available legal rights;



- (d) The holder of the special use permit for wireless telecommunications facilities may not use the payment of fines, liquidated damages or other penalties, to evade or avoid compliance with an order of the building official or any provision of Section 50-20.4.D;
  - (e) If compliance or substantial progress towards compliance with the order has not been made by the compliance deadline, the city may exercise any legal remedies available to secure compliance with the order at the sole expense of the owner or special use permit holder;
3. Enforcement of Vacation Dwelling Unit, Accessory Vacation Dwelling Unit or Accessory Home Share Violations
- (a) If the city determines that a vacation dwelling unit, accessory vacation dwelling unit, or accessory home share is a public nuisance, operating without approvals or permits required by this Chapter, or operating in violation of this Chapter or any other applicable provisions of city code, the city shall notify the holder of the interim use permit or home share permit in writing and order the correction of the violation in accordance with this Section;
  - (b) Any vacation dwelling unit, accessory vacation dwelling unit, or home share permit issued pursuant to this chapter may be suspended for up to six (6) months or revoked by the city for good cause. If the city intends to suspend or revoke a permit, the land use supervisor shall issue written notice of such intent to the permit holder at least twenty-one (21) days before such suspension or revocation is set to begin. The permit holder may then demand a hearing before the land use supervisor. Such demand shall be made in writing to the land use supervisor within ten (10) days following issuance of the notice;
  - (c) For purposes of this section, "good cause" shall include, but not be limited to:
    - (i) failure to remedy a violation noted pursuant to 50-39.2.C.1;
    - (ii) issuance of three or more violation notices under section 50-39.2.C.1 within a single permit cycle;
    - (iii) the occurrence of one or more nuisance events as defined in Duluth City Code § 40-10;
    - (iv) use or operation of the dwelling unit or home share in a manner that imperils public health, safety or welfare, including, but not limited to, violation of this Chapter or any other provision of local, state, or federal law intended to protect the occupants of the dwelling or the surrounding neighborhood and community;
  - (d) Any permit holder whose license is suspended or revoked by the land use supervisor may appeal the final suspension or revocation to the Planning Commission in accordance with 50-37.1.O.
4. Withholding permits or approvals.
- The city may refuse to process applications for permits and approvals under this Chapter if the application concerns a property where (a) the building official has determined to be in violation of the Chapter, (b) the city has issued an order requiring that the violation be corrected, and (c) the owner occupant has not remedied the violation within the time stated in that order, unless the application is for the purposes of remedying the existing violation;
5. Prevention of violation.
- If the city becomes aware that a building, structure, sign or site feature is about to be constructed in violation of this Chapter, the city may take appropriate action to prevent the violation. The city's action may include but is not limited to withdrawal of any permits or approval related to the construction or activity that would constitute a violation;
6. Abatement.
- (a) The city may take action to abate or remove the violation, and to charge the costs of the abatement or removal to the property owner if the property owner or occupant of a property fails to comply with an order to correct a violation of this Chapter within the time specified in the order, as that time may be extended by the building official in writing for good cause shown, and the building official determines that the continuance of the violation creates a threat to public health or safety;

- (b) Following the abatement or removal, the city shall issue an order that the owner of the land on which the violation occurred pay to the city the documented costs of the abatement or removal with 30 days;
  - (c) If the owner of the land does not pay the documented costs of abatement or removal to the city within 30 days, those costs may be assessed against the land on which the violation occurred, and the city shall provide the owner of the land written notice of the assessment. Unless the assessment is paid within 90 days from the service of notice on the property owner, the sum shall bear interest at the rate set in accordance with Section 31-8 of this Code, per annum from the date the cost was incurred until paid, and shall be collected in the same manner as are general taxes;
  - (d) The city shall end the process of assessing abatement and removal costs against the land, or shall cancel the assessment if it has been finalized, upon receipt of payment in full of all costs documented in the order and all accrued interest on those costs;
7. Administrative citations.  
The city may issue an administrative citation pursuant to Chapter 12 of the City Code and may take all actions authorized;
  8. Court actions.  
The city may enforce this Chapter by filing an action in law or equity in any court of competent jurisdiction, including without limitation a request for a declaratory judgment, a request for a restraining order or a temporary or permanent injunction, or a request for money damages based on the penalties for violation established in this Chapter or elsewhere in the City Code. The decision as to whether to seek enforcement in the courts, and what type of enforcement to seek, shall be at the discretion of the city;
  9. Nuisance abatement.  
If the building official determines that the violation constitutes a public nuisance under state law, the city may use all powers granted by state law to abate public nuisances;
  10. Other enforcement powers.  
The city may enforce this Chapter through any other powers granted to the city by state law;

#### D. Notices and orders.

1. Any notice and order under Section 50-39.2.C.1 shall be served upon the owner or the owner's agent and the occupant as the case may require. In the case of a notice involving the sign regulations in Section 50-27, the notice shall also be served on the owner of the sign or the person or entity that erected or caused the erection of the sign;
2. The notice shall be deemed to be properly served upon those individuals or entities identified in subsection 1 if a copy of the notice is:
  - (a) Served personally; or
  - (b) Sent by United States mail, postage prepaid, to the last known address of the owner, occupant or agent shows in the city records; or
  - (c) Posted in a conspicuous place in or about the property affected by the notice; or
  - (d) Served by any other method authorized or required by state law;
3. Any notice served pursuant to subsection 1 shall automatically become an order if a written petition for a hearing is not filed with the building official within 14 days after the notice is served. An order is final unless an appeal is filed pursuant to Section 50-37.1.O;
4. If the building official finds that an emergency exists that requires immediate action to protect the public health and safety, the building official may, without notice or hearing, issue an order declaring that emergency and requiring those actions that the building official deems necessary to meet the emergency notwithstanding the other provisions of this Chapter, and that order shall be effective immediately. Any person to whom the order is directed shall comply with the order immediately, but may file with the building official a request for a hearing following compliance with the order.

### **50-39.3 Revocation of Special Use Permit, Interim Use Permit, or Variance**

In the event the land use supervisor determines that property for which a special use permit, interim use permit, or variance has been approved is being used in violation of the terms or conditions of the permit or variance, the Planning Commission may revoke the permit or variance in accordance with the following procedure:

- A. The land use supervisor shall cause written notice of pending revocation to be served in accordance with the process set forth in Section 50-39.2.D, "Notices and orders." The notice of pending revocation shall specify the terms or conditions of the permit or variance which are being violated, state the nature of the violation or violations, and specify the date on which the pending revocation will be effective. The effective date of the revocation shall be no sooner than 14 calendar days after the date of the notice. The notice shall be served upon the following: (a) the owner of the property to which permit or variance applies at the address of such owner as listed on the records of the St. Louis County Auditor; (b) To the applicant for the permit or variance; (c) to the occupant of the property.
- B. The owner, applicant, or occupant may appeal the notice of pending revocation by filing an appeal of the land use supervisor's decision with the planning commission consistent with the requirements of Section 50-37.1.O, "Appeals."
1. During the planning commission hearing to consider the appeal, the land use supervisor shall present evidence supporting the revocation of the permit or variance. The owner, applicant, or occupant of the site, acting as an "appellant", shall have the opportunity to present testimony, evidence, and argument in opposition to such revocation.
  2. The planning commission shall determine whether the terms or conditions of the permit or variance have been violated and whether the permit or variance should be revoked. The Commission may approve or deny the revocation of the permit or variance and shall make findings of fact and conclusions setting forth the basis of its decision. The commission shall also have the authority to continue the appeal hearing to allow either the land use supervisor or the appellant to submit additional information to the commission.
  3. After the planning commission renders its decision, the land use supervisor shall mail a notice of the commission's decision to the appellant. The decision of the planning commission shall be final unless a further appeal is filed pursuant to the requirements of Section 50-37.1.O, "Appeals".

### **50-39.3.4 Penalties.**

- A. The owner of any property where the violation of this Chapter occurs, and any person violating this Chapter, shall be guilty of a misdemeanor and may be fined as provided in Section 1-7 or Section 12-6 of the City Code;
- B. In the case of violation of a stormwater permit, if the contractor or owner fails to install or correct deficiencies related to erosion or sediment control BMPs ordered by the city engineer, the city engineer may withhold payment from related work or levy a fine until adequate BMPs are installed by the contractor or owner. When the contractor or owner fails to conduct quality control or adequately inspect BMPs to ensure function, or fails to take action ordered by the city engineer to remedy erosion or sediment control problems, the city engineer will issue a written order to the contractor and owner. The contractor or owner shall respond within 24 hours with sufficient personnel, equipment, and materials and conduct the required remedial work or be subject to a per calendar day deduction or fine for noncompliance, which shall be set in accordance with Section 31-8 of this Code;
- C. Penalties shall be waived if the violation is corrected within the time stated in any enforcement notice or order.





**Planning & Development Division**  
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Date: August 18, 2021  
 To: President Nelson and Planning Commissioners  
 From: Adam Fulton, Deputy Director  
 RE: Public Hearing, Proposed UDC Text Amendments – MU-I, MU-P, R-P districts

Proposed changes to the UDC text for the referenced districts are based on updates discussed over the past several months with the Commission, and based on previous work plan items for UDC updates, and the policy direction of the Imagine Duluth 2035 Comprehensive Plan. If recommended for approval by the Planning Commission, the proposed changes will be brought before the City Council for consideration in September.

**Recommendation:**

Staff recommends that the Planning Commission conduct a public hearing on the proposed UDC changes, and make a recommendation of approval for those changes to the City Council.

Proposed changes are as follows:

**Mixed Use – Institutional (MU-I) – Section 50-15.4**

Code changes for the MU-I district are predominately technical in nature, providing for:

- Planning Commission to recommend, and City Council to require, that a property rezoned to MU-I complete a district plan for the institutional campus. At present, such a plan is considered “optional” and is infrequently pursued. This change will allow discretion by the City in circumstances where such a plan is a necessity to a functionally operating MU-I area.
- The district plan may allow for modified height restrictions, if lower than overall permitted height. At present, there is a height limit of 300 feet in the MU-I district. In some circumstances, it may be appropriate for a district plan to establish alternative height limitations based on information obtained during the district plan development process. This amendment would allow for this change.
- Provide for flexibility in design of parking areas and building location to maximize the use of the site and protect views from other properties.

The proposed MU-I changes relate directly to the following Imagine Duluth 2035 statement:

**Economic Development Policy #3—Build on Existing Economic Strengths & Competitive Advantages (page ED-18)**

Strategy 2: Coordinate with major institutions, including hospital and university campuses, to plan for their growth, minimize development impacts, and provide for stability and livability for the campuses, their employees, and surrounding neighborhoods.

**Mixed Use – Planned (MU-P) – Section 50-15.7**

The MU-P district allows for modifications to the underlying zoning requirements through adoption of a regulating plan for a given development site. The proposed changes for the MU-P district would clarify the requirements for

circumstances when an MU-P is permitted, providing for a minimum of three policy directives to be met from the list in 50-15.7.C before such modifications can be pursued.

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The remainder of the proposed changes for the MU-P district relate predominately to the table following 50-15.7.C, providing for additional modifications in the categories such as lot frontage, height, and parking. The proposed minimum size for a MU-P-eligible site would be reduced from a minimum of two acres to one acre.

These changes are related long-identified issues in the UDC that do not function for use of the MU-P district in new development scenarios, and to the Imagine Duluth 2035 comprehensive plan, which included the following direction:

**General Development Policies, Zoning Updates (page GD-7):**

Strategy 2: Revise UDC lot size and dimensional standards to determine appropriateness of using small lots, including 25-foot lots, for new development. Consider educational measures about how to execute small-lot development while maintaining consistency with neighborhood form and creating modern, desirable housing.

**Economic Development Policy #3—Build on Existing Economic Strengths & Competitive Advantages (page ED-18)**

Strategy 4: Create a menu of options and next steps to encourage redevelopment of short-term priority sites.

**Governing Principle #8: Encourage mix of activities, uses, and densities. (page G-4)**

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

Residential-Planned (R-P) – Section 50-14.7

Similar to the MU-P district, the R-P allows for modifications to the underlying zoning requirements through adoption of a regulating plan for a given development site with a stronger focus on development of new housing options in the City.

The proposed amendments would address establishment of a minimum standard to allow for modifications to underlying base zoning, but would establish additional flexibility in site plan development should the project achieve those minimum standards as part of development of an effective regulating plan. That flexibility is proposed to be expanded, through broader options in property setbacks, frontage, and lot area, as well as through additional options for height and parking. The standards for ‘common open space’ are also streamlined, as this area of the R-P requirements has resulted in substantial challenge in its utility for development sites because it is written in a highly proscriptive way. The minimum lot size for R-P districts would also be reduced, to match MU-P at a minimum size of one acre.

The proposed changes were evaluated and developed based on guidance of the comprehensive plan, as follows:

**Housing Policy #1 - Increase density in and around the designated Core Investment Areas. (page HS-20)**

Strategy 3: Explore opportunities to increase amenities to create livable and walkable neighborhoods

Strategy 4: Focus on creative housing options of a non-traditional neighborhood design, such as homeownership through dense attached or detached single-family housing development fronting a pedestrianized street.

**Housing Policy #2 – Provide affordable, attainable housing opportunities (page HS-21)**

Strategy 6: Continue to adjust applicable UDC criteria for housing development to encourage innovation and to simplify and accelerate the development process.

**Proposed code changes: MU-I district, MU-I standards (parking), MU-P district, R-P district****MU-I district (Section 50-14.4):**

## 50-14.4 Mixed-Use Institutional

**B. ~~District plan option.~~**

1. In an MU-I zone district that contains ~~ten acres or more of~~ land and multiple buildings owned or operated by a single institution, the institution may choose to obtain approval of a district plan from the city as set forth in Article V, or such a plan may be required as part of a rezoning ordinance approved by City Council;
2. After a district plan that complies with this Section 50-15.4 is approved, all subsequent development proposed by the institution that substantially complies with the density, location and uses of the approved district plan shall be administratively approved by the land use supervisor through the planning review process in Section 50-37.11 without the need for additional planning commission review or public hearings;

**B. ~~Optional~~ District plan requirements.**Planning area.

1. The planning area for the ~~optional~~ district plan shall include all the contiguous areas and properties under the ownership and control of the institution. All maps submitted under this Section also shall depict properties within 500 feet of the planning area boundaries;

Plan requirements.

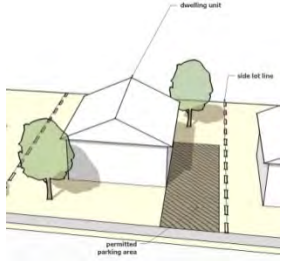
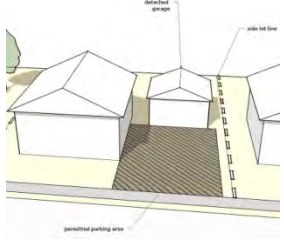
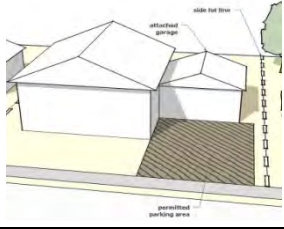
2. An ~~optional~~ district plan shall, at a minimum, include the following information unless the land use supervisor determines that some elements are not necessary to evaluate the institution's future impacts on surrounding neighborhoods:
  - (a) A statement as to whether the institution intends to acquire any additional properties in the surrounding area for conversion to institution uses over the ten year period, and, if so, the general direction of that proposed expansion;
  - (b) A plan and description of the maximum amount of development of land and buildings expected to occur within the planning area boundaries within over the next ten years, including:
    - (i) Location of each potential new building or significant expansion of or addition to existing buildings;
    - (ii) Maximum floor area and height of potential new buildings and additions to and expansions of existing buildings;
    - (iii) Any setbacks and buffering from the external planning area boundaries;
    - (iv) Total number and location of parking spaces that will be developed to serve any new development;
    - (v) A statement of any sensitive natural areas or site features that will be protected from development, and the measures to be taken to protect them;
    - (vi) A statement as to any public improvements anticipated to be required from the city or any public or quasi-public entity to serve the proposed development;
  - (c) A transportation and parking management element that identifies traffic circulation patterns, entry and exit points for traffic at the planning area boundaries, any anticipated increases or decreases in traffic entering or exiting the planning area, how parking needs and transit service will be accommodated within the planning area and any measures to be used to mitigate traffic and parking impacts on surrounding areas.

If the district plan reflects an increase of ten percent or more in building gross square footage or an increase of ten percent or more of employment or enrolled students within the planning areas, the city may require that the institution base this element on a traffic and parking study prepared by a qualified consultant;

- (d) An open space, trail and pedestrian/bicycle circulation element that describes how those features will be integrated into the proposed development and connected to similar features in the surrounding area;
- (e) A massing plan showing the locations of all existing and planned buildings more than 20 feet taller than the maximum height allowed in any adjacent residential zone district, together with any design standards to be applied on those buildings to reduce the degree to which those buildings obstruct views of Lake Superior from adjacent residential neighborhoods;
- (f) A description of any requested variation from the development standards in Article IV that would otherwise apply to the planning area. Unless varied by the district plan, the provisions otherwise applicable to the MU-I zone district will apply;
- (g) The district plan may establish height limitations below the maximum heights established as permissible in the MU-I zone based on verifiable information pertaining to impacts to views by uphill properties, or to access to light and air by adjacent properties.



**MU-I standards – parking (Table 50-24-3)**

Table 50-24-3: Permitted Parking Areas	
Type of Lot	Permitted Parking Area
<b>Residential Districts</b>	
Non-corner lot with non-residential use	The rear yard and one side yard
Non-corner lot with residential use and no garage	The rear yard, and the area between one side lot line and the nearest side wall of the dwelling unit and its extension to the improved street abutting the front yard (see diagram to the right). 
Non-corner lot with residential use and detached garage	The rear yard, and the area between the closest side lot line to the side wall of the dwelling unit nearest to the garage, and its extension to the improved street abutting the front yard (see diagram to the right). 
Non-corner lot with residential use and attached garage	The rear yard, and the area between the closest side lot line to the common wall separating the dwelling unit and garage, and its extension to the improved street abutting the front yard (see diagram to the right). 
Corner lot with residential use or non-residential use	The rear yard and one side yard
<b>Mixed Use and Special Purpose Districts</b>	
All mixed use and special purpose districts	Buildings or projects constructed after November 19, 2010, shall locate no more than 50 percent of off-street accessory parking within the front yard, except as provided in Section 50-24.6.C, <u>unless modified as part of an approved District Plan.</u>
Form districts	Parking only permitted on those portions of the lot permitted for the building type being constructed pursuant to secs. 50-16 and 50-22.

**MU-P district****50-15.7 Mixed Use-Planned (MU-P).****A. Purpose.**

The MU-P district is established to provide a flexible development option for mixed use projects that integrate creative site design, provide a variety of building types, provide unique on-site amenities, conserve natural features, increase pedestrian connectivity, or otherwise result in a final product that provides a greater level of public benefit than would be required under the existing zone district. Each MU-P district requires approval of an MU-P regulating plan that includes the location, type, and intensity of proposed development and a description of public amenities or benefits included. A variety of residential and commercial uses are permitted, as shown in Table 50-19.8, provided projects are compatible in scale and character with the surrounding neighborhood and are included in the approved MU-P plan;

**B. Examples.****C. Modifications.**

An applicant may seek only the modifications in Table 50-15.7-1, based on demonstration of how the proposal supports the purpose of the MU-P district as stated in Section 50-15.7.A and proposes as part of the project to be achieved through the MU-P rezoning three or more of the following priorities the following desired MU-P amenities:

1. Significant preservation and protection of natural resources and undeveloped areas, including wetlands, trees, key habitat, and wildlife areas;
2. A higher level of sustainability, demonstrated in buildings, site design, and transportation, than required by Section 50-28;
3. More efficient and effective use of streets, utilities, and public facilities to support high quality development at a lesser cost;
4. Recreational facilities that are open available for regular to the public use, such as parks, trails, and playgrounds.
5. Accommodations for and linkages to mass transit;
6. Creative site and building design;
7. Bike lanes and trails within the development and that connecting to other trails and destinations in the city's transportation systems;
8. Pedestrian services amenities such as benches, plazas, pedestrian-scaled lighting, traffic calming, and art;

Table 50-15.7-1: Modifications Allowed.	
Chapter Requirement	Maximum Modification Allowed
Distance from property lines	No required yards
Building height	<del>50%</del> <u>20% increase if not within 200' of an R-1 or R-2, if application demonstrates avoidance of substantial impacts to views from uphill sites</u>
Lot frontage	<del>40% decrease</del> <u>No required lot frontage</u>
Buildings per lot	More than one building may be placed on one lot
Parking	<del>10% decrease in addition to other allowable chapter reductions or a 10% increase over the maximum</del> <u>Provided in accordance with the parking needs for proposed development, as demonstrated through a professionally completed parking study</u>
Landscaping	<del>20% decrease</del> <u>Alternative or off-site landscaping permitted</u>
Street <u>cross-section width</u>	<u>Public or private street permitted; street cross section as determined by City Engineer and Land Use Supervisor</u>
Building design standards	<del>Can</del> <u>May</u> propose alternative standards
Higher Education Overlay	<del>Can</del> <u>May</u> propose alternative standards

#### D. Applicability.

An MU-P district shall only be established in the R-2, MU-N, MU-C, and MU-B districts provided the property meets the requirements in Table 50-15.7-2.

TABLE 50-15.7-2: Characteristics of MU-P Areas.	
Current zoning	R-2, MU-N, MU-C, MU-B
Minimum lot size	<del>2</del> <u>acres</u> <del>1</del> <u>acre</u>

#### E. Rezoning approval and regulating plan required.

The establishment of an MU-P district requires rezoning the property per Section 50-37.3 from a current zone district to MU-P and the approval of an MU-P plan per Section 50-37.11, that governs the uses, location, density, dimensional standards and character of the proposed project.

In accordance with the purpose of the MU-P district, approval of the MU-P plan is deemed to include subdivision approval; MU-P districts are not required to submit a separate subdivision application under Section 50-37.5,

#### F. Development standards.

1. The development standards of the base zone district(s) where the property is located shall apply to any MU-P zoned land unless waived or varied by the terms of an approved MU-P regulating plan. The ordinance approving an MU-P district and the approved regulating plan shall identify the previous base zone districts for each portion of the property;
2. Overall density in residential portions of the MU-P shall be identified; ~~follow the density requirements of the previous zone district unless modified as part of the MU-P plan;~~
3. ~~Height standards:~~
  - ~~(a) Maximum building height within 200 feet of an R-1 district is 35 feet;~~
  - ~~(b) Maximum building height within 200 feet of an R-2 district is 50 feet;~~
  - ~~(a) Common open space. Adequate provisions shall be made for the permanent preservation and maintenance of active or passive open space. Common open space shall not be less than 20 percent of the area of the project and shall comply with the following requirements: Common open space shall include the shore and bluff impact zones;~~
  - ~~(b) Common open space shall include, where possible, wetlands, floodplains, wildlife areas, steep slopes, rock outcrops, tree stands and areas unsuitable for development in their natural state;~~
  - ~~(c) At least 50 percent of the common open space shall be retained in a contiguous area;~~
4. ~~Common open space shall not include roads or right-of-way;~~
5. The development shall encourage walkable, bikeable communities through the use of complete streets, alleys, sidewalks and trails, interconnected street networks, small blocks, front porches, and buildings that are sited adjacent to streets;
6. All ~~shoreland setbacks and other dimensional~~ natural resource requirements from Section 50-18.1 (NR-O) shall continue to apply and cannot be varied through the MU-P process;

#### G. Required community meeting.

The applicant shall hold at least one community meeting to discuss the project plan before submitting an application for MU-P rezoning ~~the plan~~ for review and approval by the city. Notice of the public meeting shall be mailed to all property owners within 350 feet outside the planning area boundaries, and the city shall provide the applicant with the names and address of those property owners upon request. The applicant shall submit with the application documentation that the community meeting has taken place, the date and time of the meeting, the number of attendees, any issues raised regarding the plan and any responses to those concerns incorporated in the plan;

#### H. Required rezoning application and regulating plan contents.

1. The rezoning application (approved per Section 50-37.3) shall include the following information:
  - (a) A concept map showing the property to be rezoned and general uses within the area;
  - (b) Maximum residential densities and maximum square footage for nonresidential land uses;
  - (c) Maximum building heights;
2. The regulating plan (approved per Section 50-37.11) shall cover all of the land in the proposed MU-P district and shall regulate all future development in the MU-P district. An approved MU-P plan is required before any building permits may be issued within the MU-P district. The MU-P plan shall include maps and text describing the following information:
  - (a) General layout of development areas and building parcels in relation to the natural features to be protected and the proposed road, trail and bicycle circulation systems;
  - (b) Lot sizes and widths, building setbacks, and maximum building heights for all proposed development parcels;
  - (c) Previous base zone districts;
  - (d) A traffic impact analysis;

- (e) A road, trail and bicycle circulation plan (including how the circulation may intersect with transit use) and a description of proposed road, trail and bike route widths, trail surfaces, a proposal for maintenance of each road and trail (which may include dedication to and maintenance by the city), and a statement as to whether public access will be permitted on each road, trail, and bicycle route;
- (f) A natural resources inventory and natural site features to be protected;
- (g) Common open space to be provided, the location of that open space, a calculation of proposed open space as a percentage of the total land area in the MU-P zone, a proposal for protection and maintenance of the open space over time and a statement as to whether public access to the open space shall be provided;
- (h) Permitted and special uses for the site, which shall be consistent with those shown in Table 50-19.8; special uses listed in the MU-P plan will need to apply for and receive a special use permit prior to building;
- (i) Maximum residential densities and maximum square footage for nonresidential land uses;
- (j) A plan describing the demand for and location of water, sewer, and utility service to the property, including any additional right-of-way needed to accommodate those utilities. In addition, the plan shall indicate all utilities that will be owned or maintained by the public, and if any of those services are to be provided by the city or a public or quasi-public district, and provide a statement as to whether the proposed facilities will meet the engineering and maintenance standards of that entity;
- (k) Details on buffering or transitioning between uses of different intensities both on- and off-site;
- (l) A plan for stormwater collection and treatment that includes a summary of land use and technical methods used to minimize storm water run-off from the site;
- (m) Off-street parking to be provided in driveways, surface lots and garages;
- (n) Any public amenities, other than common open space, to be provided by the applicant, together with a statement as to whether those amenities shall be available for public use;
- (o) Any required building types, form-based regulation or architectural design requirements, as well as a description of how those standards will be maintained and enforced over time;
- (p) If a project involves construction over a period of time in two or more phases, a phasing plan demonstrating that each phase meets density requirements, open space requirements, and provision of public amenities. Phasing plan shall include an approximate time frame for each phase of development. The applicant shall provide agreements, contracts, covenants, deed restrictions, and sureties acceptable to the city attorney for the completion of the development according to the approved MU-P plan;
- (q) Cross sections demonstrating the proportions of buildings and the relationship between those buildings, pedestrian spaces and the streetscape;

#### I. Amendments.

Applications to amend an existing MU-P plan shall follow the process described in Section 50-37.3 if they relate to uses, densities, or height. All other amendments shall follow the process in Section 50-37.11. (Added by Ord. No. 10192, 12-17-2012, § 6; Ord. No. 10286, 3-10-2014, § 4.)

## 50-14.7 Residential-Planned (R-P).

## A. Purpose.

The R-P district is established to provide a flexible development option for residential projects that integrate creative site design, provide a variety of housing types, provide unique on-site amenities, conserve natural features, increase pedestrian connectivity, or otherwise result in a final product that provides a greater level of public benefit than would be required under the existing zone district. Each R-P district requires approval of an R-P regulating plan that includes the location, type and intensity of proposed development and a description of public amenities or benefits included. Single-family residences, two-family residences and townhouses, as well as accessory uses, are permitted, as shown in Table 50-19.8, provided projects are compatible in scale and character with the surrounding neighborhood and are included in the approved R-P plan;

## B. Examples.

## C. Modifications.

An applicant may seek only the modifications in Table 50-14.7-1, based on demonstration of how the proposal supports the purpose of the R-P district as stated in subsection 50-14.7.A and proposes as part of the project to be achieved through the R-P rezoning three or more of the following priorities the following desired R-P amenities:

1. Significant preservation and protection of natural resources and undeveloped areas, including wetlands, trees, key habitat, and wildlife areas.
2. A higher level of sustainability, demonstrated in buildings, site design, and transportation, than required by Section 50-28.
3. More efficient and effective use of streets, utilities, and public facilities to support high quality development at a lesser cost.
4. Recreational facilities that are ~~open~~ available for regular to the public use, such as parks, trails, and playgrounds.
5. Accommodations for and linkages to mass transit.
6. ~~Creative site design as appropriate for the site, such as New Urbanist design for a walkable community or conservation development for a rural neighborhood.~~ Compact residential development that incorporates small lots and significant density (for single-family developments this would be 4-10 units/acre).
7. Bike lanes and trails within the development ~~and that connecting to other trails and destinations in the city's transportation system.~~
8. Pedestrian ~~services~~ amenities such as benches, plazas, pedestrian-scaled lighting, traffic calming, and art.

Table 50-14.7-1: Modifications Allowed	
Chapter Requirement	Maximum Modification Allowed
Distance from property lines	<del>Reduction in setbacks; minimum 5' setback from rights of way</del> <u>No required yards</u>
Lot frontage	<del>25% decrease</del> <u>No required minimum lot frontage</u>
Lot area, general	<del>20% decrease</del> <u>No required minimum lot area</u>
<del>Lot area, when clustering is used to preserve open space</del>	<del>Overall density of the R-P district should demonstrate a maximum of 20% decrease over base zone districts. Individual lot sizes are allowed up to a 50% decrease.</del>
Building height	<del>Up to a 5' increase</del> <u>Up to a 50% increase, if application demonstrates avoidance of substantial impacts to views from uphill sites</u>
Parking	<del>Provided in accordance with the parking needs for proposed development, as demonstrated through a professionally completed parking study</del>
Landscaping	<del>15% decrease</del> <u>Alternative or off-site landscaping permitted</u>
Street <del>cross-section width</del>	<del>As determined by city engineer and land use supervisor</del>

D. Applicability.

An R-P district shall only be established in the ~~RR-1, RR-2, and R-1, and R-2~~ districts provided the property meets the requirements in Table 50-14.7-2;

TABLE 50-14.7-2: Characteristics of High-Density and Low-Density in R-P Areas	
Current zoning	<del>RR-1, RR-2, R-1, R-2</del>
Minimum lot size	<del>4</del> <u>1</u> acres

E. Rezoning approval and regulating plan required.

The establishment of an R-P district requires rezoning the property per Section 50-37.3 from a current zone district to R-P and the approval of an R-P plan per Section 50-37.11 that governs the uses, location, density, dimensional standards and character of the proposed project.

In accordance with the purpose of the R-P district, approval of the R-P plan is deemed to include subdivision approval; R-P districts are not required to submit a separate subdivision application under Section 50-37.5;

F. Development standards.

1. The development standards of the base zone district(s) where the property is located shall apply to any R-P zoned land unless waived or varied by the terms of an approved R-P regulating plan. The ordinance approving an R-P district and the approved regulating plan shall identify the previous base zone districts for each portion of the property;

2. Overall density in residential portions of the R-P shall follow the density requirements of the previous zone district unless modified as part of the R-P plan;

3. Minimum percentage of property (excluding common open space) used for residential purposes shall be 66 percent;

4. Common open space. Adequate provisions shall be made for the permanent preservation and maintenance of active or passive open space. Common open space shall not be less than 30 percent of the area of the project (not including right-of-way) and shall follow generally accepted conservation design practices and include preservation of views, sensitive natural areas, trees, and natural habitat. Common open space should endeavor to be contiguous and shall be owned and managed by a property owners association or, if acceptable to the city, dedicated to the public. comply with the following requirements:

~~(a) Common open space shall include the shore and bluff impact zones;~~

~~(b) Common open space shall include, where possible, lands within the Skyline Overlay;~~

~~(c) Common open space shall include, where possible, wetlands, floodplains, wildlife areas, steep slopes, rock outcrops, tree stands and areas unsuitable for development in their natural state;~~

~~(d) No more than one-quarter of the required common open space shall consist of wetlands;~~

~~(e) Common open space shall not include areas within 25 feet of any structure, any impervious surface, or the area between buildings within an individual cluster of buildings;~~

~~(f) At least 50 percent of the common open space shall be retained in a contiguous area;~~

~~(g) Where possible, the design should utilize features such as vegetation, fences, topography, roads or trails to delineate the boundary of the common open space to minimize potential physical encroachments into the common open space by adjacent homeowners;~~

~~(h) Common open space shall not include land within rights of way;~~

~~(i) Ownership of common open space. Common open space shall be owned and managed by a property owners association and shall be encumbered through an easement, restrictive covenant or other instrument suitable to the city;~~

5. All shoreland setbacks and other dimensional requirements from Section 50-18.1 (NR-O) shall continue to apply and cannot be varied through the R-P process;

G. Required community meeting.



The applicant shall hold at least one community meeting to discuss the plan before submitting the rezoning application plan for review and approval by the city. Notice of the public meeting shall be mailed to all property owners within 350 feet outside the planning area boundaries, and the city shall provide the applicant with the names and address of those property owners upon request. The applicant shall submit with the application documentation that the community meeting has taken place, the date and time of the meeting, the number of attendees, any issues raised regarding the plan and any responses to those concerns incorporated in the plan;

- H. Required rezoning application and regulating plan contents.
1. The rezoning application (approved per Section 50-37.3) shall include the following information:
    - (a) A concept map showing the property to be rezoned and general uses within the area;
    - (b) Maximum residential densities and maximum square footage for nonresidential land uses;
    - (c) Maximum building heights;
  2. The regulating plan (approved per Section 50-37.11) shall cover all of the land in the proposed R-P district and shall regulate all future development in the R-P district. An approved R-P plan is required before any building permits may be issued within the R-P district. The R-P plan shall include maps and text describing the following information:
    - (a) General layout of development areas and building parcels in relation to the natural features to be protected and the proposed road, trail and bicycle circulation systems;
    - (b) Lot sizes and widths, building setbacks, and maximum building heights for all proposed development parcels;
    - (c) Previous base zone districts;
    - (d) A road, trail and bicycle circulation plan (including how the circulation may intersect with transit use) and a description of proposed road, trail and bike route widths, trail surfaces, a proposal for maintenance of each road and trail (which may include dedication to and maintenance by the city), and a statement as to whether public access will be permitted on each road, trail, and bicycle route;
    - (e) A natural resources inventory and natural site features to be protected;
    - (f) Common open space to be provided, the location of that open space, a calculation of proposed open space as a percentage of the total land area in the R-P zone, a proposal for protection and maintenance of the open space over time and a statement as to whether public access to the open space shall be provided;
    - (g) Permitted and special uses for the site, which shall be consistent with those shown in Table 50-19.8; special uses listed in the R-P plan will need to apply for and receive a special use permit prior to building;
    - (h) Maximum residential densities and maximum square footage for nonresidential land uses;

- (i) A plan describing the demand for and location of water, sewer, and utility service to the property, including any additional right-of-way needed to accommodate those utilities. In addition, the plan shall indicate all utilities that will be owned or maintained by the public, and if any of those services are to be provided by the city or a public or quasi-public district, and provide a statement as to whether the proposed facilities will meet the engineering and maintenance standards of that entity;
- (j) Details on buffering or transitioning between uses of different intensities both on- and off-site;
- (k) A plan for stormwater collection and treatment that includes a summary of land use and technical methods used to minimize storm water run-off from the site;
- (l) Off street parking to be provided in driveways, surface lots and garages;
- (m) Any public infrastructure, amenities, other than common open space, to be provided by the applicant, together with a statement as to whether those amenities shall be available for public use;
- (n) Any required building types, form-based regulation or architectural design requirements, as well as a description of how those standards will be maintained and enforced over time;
- (o) If a project involves construction over a period of time in two or more phases, a phasing plan demonstrating that each phase meets density requirements, open space requirements, and provision of public amenities. Phasing plan shall include an approximate time frame for each phase of development. The applicant shall provide agreements, contracts, covenants, deed restrictions, and sureties acceptable to the city attorney for the completion of the development according to the approved R-P plan;
- (p) Cross sections demonstrating the proportions of buildings and the relationship between those buildings, pedestrian spaces, and the streetscape;

#### I. Previously approved developments.

All residential developments approved prior to November 19, 2010, as low-density planned developments pursuant to Sections 50-36.1 through 50-36.3 of the previous zoning code shall be treated as approved developments, and will be rezoned to the R-P zone district;

#### J. Amendments.

Applications to amend an existing R-P plan shall follow the process described in Section 50 37.3 if they relate to uses, densities, or height. All other amendments shall follow the process in Section 50-37.11. (Ord. No. 10044, 8 16 2010, § 6; Ord. No. 10096, 7 18 2011, § 9; Ord. No. 10192, 12 17 2012, § 4; Ord. No. 10286, 3 10 2014, § 1.)



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

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 411 West First Street  
 Duluth, Minnesota 55802



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planning@duluthmn.gov

# MEMO

**TO:** Planning Commission

**FROM:** Adam Fulton, Deputy Director of Planning and Development

**DATE:** August 18, 2021

**RE:** Conformance of Greysolon Plaza Redevelopment to Comprehensive Plan

In order to facilitate redevelopment and preservation of the Greysolon Plaza affordable apartments located at the corner of East Superior Street and 3<sup>rd</sup> Avenue East (the “Project”), the City needs to approve adoption of the Greysolon Plaza Tax Increment Financing Plan. Staff recommends a motion to adopt the findings that the Tax Increment Financing Plan for Greysolon Plaza Apartments conforms to the general plans for the development and redevelopment of the City via resolution PL21-133. The role of the Planning Commission is to make sure the proposed development and its uses are consistent with the Comprehensive Plan and Unified Development Code (UDC). Tax Increment Financing (TIF) is a financing tool that uses the increase in property taxes generated from site improvements to pay for a portion of those improvements.

The 150-unit Greysolon Plaza Apartments will be reinvested in to preserve the one- bedroom units for seniors 62+ earning 50% or less of the Area Median Income, with support from Section 8 Project Based Vouchers. The project includes upgrades to existing units, elevators, common areas; including installation of the WiFi system throughout.

The future land use designation of the development site is Central Business Primary (CBP). According to the Imagine Duluth 2035 Comprehensive Plan, CBS areas are intended for a broad range of uses and intensities that support high density housing with retail. This proposed development meets the intent of this future land use.

The property is zoned F-7 and F-8; according to the Unified Development Chapter, these districts were intended “To preserve the historic mixed-use core of Downtown”. F-7 and F-8 are appropriate zone designations for the CBP future land use category and allow multi-family and commercial retail uses.

This project implements the following Comprehensive Plan principles:

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

services.

*Principle #3 -Support existing economic base.* Supporting Duluth's existing economic foundation maintains jobs, tax base, and opportunity. Economic activity with specific location requirements may be subject to displacement or site competition with changes in real estate values. This traditional economic activity faces change as a result of global economic patterns, changing markets, new regulation, and aging of extensive infrastructure. Nevertheless, fundamentals remain and the economic contribution, sometimes taken for granted, is significant. This project supports the significant economic base of nearby business districts, which contains Duluth's highest concentration of commercial and retail businesses. Residential units in this area will contribute to more patronization of these businesses.

*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 #6 Reinforce the place-specific.* Public and private actions should reinforce cultural, physical, and economic features which have traditionally defined Duluth, its open space, and its neighborhoods. This includes commercial areas providing neighborhood goods and services, ravine parks and other natural features, and view corridors to the lake or river which serve to provide location and context. Repair and preservation of this historic building for residential and commercial use supports the Downtown area.

*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.

City staff believe that the proposed development conforms to and implements the Comprehensive Plan principles. City staff ask that the Planning Commission review this item, and following discussion, make a finding that it conforms to the Imagine Duluth 2035 Comprehensive Plan via resolution PL21-133.

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**PLANNING COMMISSION  
CITY OF DULUTH, MINNESOTA**

**RESOLUTION NO. 21-133**

**RESOLUTION OF THE CITY OF DULUTH PLANNING COMMISSION FINDING THAT A  
A TAX INCREMENT FINANCING PLAN FOR TAX INCREMENT FINANCING DISTRICT  
GREYSOLON PLAZA APARTMENTS CONFORMS TO THE GENERAL PLANS FOR THE  
DEVELOPMENT AND REDEVELOPMENT OF THE CITY.**

WHEREAS, the Housing and Redevelopment Authority of Duluth, Minnesota (the "HRA") and the City of Duluth (the "City") have established Project Area No. 1 and adopted a Housing Development Plan for Tax Increment Financing District Greysolon Plaza Apartments (the "TIF Plan") and have submitted the Plan to the City Planning Commission (the "Commission") pursuant to Minnesota Statutes, Section 467.175, Subd. 3, and

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

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

Dated: \_\_\_\_\_, 2021

\_\_\_\_\_

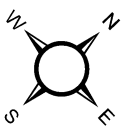
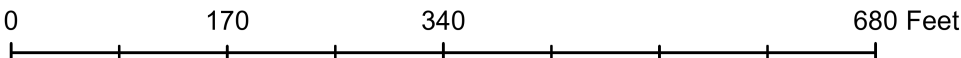
Chair

ATTEST:

\_\_\_\_\_

Secretary

# PL21-133 Location Map



## Zoning

### UDC Zoning

- F-1 (Low-Rise Neighborhood Shopping)
- F-2 (Low-Rise Neighborhood Mix)
- F-3 (Mid-Rise Community Shopping)
- F-4 (Mid-Rise Community Mix)
- F-5 (Mid-Rise Community Shopping and Office)
- F-6 (Mid-Rise Neighborhood Shopping)
- F-7 (Downtown Shopping)

- F-8 (Downtown Mix)
- F-9 (Canal Park Lakefront)
- MU-W (Mixed Use Waterfront)
- RR-1 (Rural Residential 1)
- RR-2 (Rural Residential 2)
- R-1 (Residential Traditional)
- R-2 (Residential Urban)
- R-P (Residential Planned)
- MU-P (Mixed Use Planned)
- MU-N (Mixed Use Neighborhood)
- MU-C (Mixed Use Commercial)
- MU-I (Mixed Use Institutional)
- MU-B (Mixed Use Business Park)
- I-G (Industrial General)
- I-W (Industrial Waterfront)
- P-1 (Park)
- R-C (Rural Conservation)
- Project Location

Adoption Date: September 13, 2021

# Duluth Housing and Redevelopment Authority

City of Duluth, St. Louis County,  
Minnesota

## MODIFICATION TO THE DEVELOPMENT PROGRAM

Project Area No. 1

&

## Tax Increment Financing (TIF) Plan

Establishment of Greysolon Plaza

Tax Increment Financing District

(a housing district)



Prepared by:

Ehlers  
3060 Centre Pointe Drive  
Roseville, Minnesota 55113

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**BUILDING COMMUNITIES. IT'S WHAT WE DO.**

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# **Modification to the Development Program for Project Area No. 1**

## **FOREWORD**

The following text represents a Modification to the Development Program for Project Area No. 1. This modification represents a continuation of the goals and objectives set forth in the Development Program for Project Area No. 1. Generally, the substantive changes include the establishment of the Greysolon Plaza Tax Increment Financing District.

For further information, a review of the Development Program for Project Area No. 1, is recommended. It is available from the Executive Director at the Duluth Housing and Redevelopment Authority. Other relevant information is contained in the Tax Increment Financing Plans for the Tax Increment Financing Districts located within Project Area No.1.

# Tax Increment Financing Plan for the Greysolon Plaza Tax Increment Financing District

## FOREWORD

The Duluth Housing and Redevelopment Authority (the "HRA"), the City of Duluth (the "City"), staff and consultants have prepared the following information to expedite the establishment of the Greysolon Plaza Tax Increment Financing District (the "District"), a housing tax increment financing district, located in Project Area No. 1.

## STATUTORY AUTHORITY

Within the City, there exist areas where public involvement is necessary to cause development or redevelopment to occur. To this end, the HRA and City have certain statutory powers pursuant to *Minnesota Statutes ("M.S."), Sections 469.001 - 469.047*, inclusive, as amended, and *M.S., Sections 469.174 to 469.1794*, inclusive, as amended (the "Tax Increment Financing Act" or "TIF Act"), to assist in financing public costs related to this project.

This section contains the Tax Increment Financing Plan (the "TIF Plan") for the District. Other relevant information is contained in the Modification to the Development Program for Project Area No. 1.

## STATEMENT OF OBJECTIVES

The District currently consists of two parcels of land and adjacent roads and internal rights-of-way. The District is being created to facilitate the acquisition and rehabilitation of 150 units of affordable rental housing in the City. The HRA intends to enter into an agreement with OAHS Greysolon, LLC as the developer. Development is anticipated to begin in 2021. This TIF Plan is expected to achieve many of the objectives outlined in the Development Program for Project Area No. 1.

The activities contemplated in the Modification to the Development Program and the TIF Plan do not preclude the undertaking of other qualified development or redevelopment activities. These activities are anticipated to occur over the life of Project Area No. 1 and the District.

## DEVELOPMENT PROGRAM OVERVIEW

Pursuant to the Development Program and authorizing state statutes, the HRA or City is authorized to undertake the following activities in the District:

1. Property to be Acquired – Although not anticipated at this time, selected property located within the District may be acquired by the HRA.
2. Relocation - Relocation services, to the extent required by law, are available pursuant to *M.S., Chapter 117* and other relevant state and federal laws.
3. Upon approval of a developer's plan relating to the project and completion of the necessary legal requirements, the HRA or City may sell to a developer selected properties that it may acquire within the District or may lease land or facilities to a developer.
4. The HRA or City may perform or provide for some or all necessary acquisition, construction, relocation, demolition, and required utilities and public street work within the District.

## DESCRIPTION OF PROPERTY IN THE DISTRICT AND PROPERTY TO BE ACQUIRED

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

Parcel number	Address	Owner
010-0910-00420	Unassigned	OAHG Greysolon, LLC
010-0910-00435	231 E. Superior St.	OAHG Greysolon, LLC

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

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

## DISTRICT CLASSIFICATION

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

- The District consists of two parcels
- The development will consist of 150 units of multi-family rental housing
- 40% of the units will be occupied by person with incomes less than 60% of median income
- No more that 20 percent of the square footage of the building that is receiving assistance from tax increment consists of commercial, retail or other non-residential uses.

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

## DURATION & FIRST YEAR OF DISTRICT'S TAX INCREMENT

Pursuant to *M.S., Section 469.175, Subd. 1, and Section 469.176, Subd. 1*, the duration and first year of tax increment of the District must be indicated within the TIF Plan. Pursuant to *M.S., Section 469.176, Subd. 1b.*, the duration of the District will be 25 years after receipt of the first increment by the HRA or City (a total of 26 years of tax increment). The HRA or City elects to receive the first tax increment in 2024, which is no later than four years following the year of approval of the District.

Thus, it is estimated that the District, including any modifications of the TIF Plan for subsequent phases or other changes, would terminate after 2049, or when the TIF Plan is satisfied. The HRA or City reserves the right to decertify the District prior to the legally required date.

## **ORIGINAL TAX CAPACITY, TAX RATE & ESTIMATED CAPTURED NET TAX CAPACITY VALUE/INCREMENT & NOTIFICATION OF PRIOR PLANNED IMPROVEMENTS**

Pursuant to *M.S., Section 469.174, Subd. 7 and M.S., Section 469.177, Subd. 1*, the Original Net Tax Capacity (ONTC) as certified for the District will be based on the market values placed on the property by the assessor in 2021 for taxes payable 2022.

Pursuant to *M.S., Section 469.177, Subds. 1 and 2*, the County Auditor shall certify in each year (beginning in the payment year 2024) the amount by which the original value has increased or decreased as a result of:

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

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

The original local tax rate for the District will be the local tax rate for taxes payable 2022, assuming the request for certification is made before June 30, 2022). The ONTC and the Original Local Tax Rate for the District appear in the table below.

Pursuant to *M.S., Section 469.174 Subd. 4 and M.S., Section 469.177, Subd. 1, 2, and 4*, the estimated Captured Net Tax Capacity (CTC) of the District, within Project Area No. 1, upon completion of the projects within the District, will annually approximate tax increment revenues as shown in the table below. The HRA and City request 100 percent of the available increase in tax capacity for repayment of its obligations and current expenditures, beginning in the tax year payable 2024. The Project Tax Capacity (PTC) listed is an estimate of values when the projects within the District are completed.

<b>Project Tax Capacity</b>	
Project estimated Tax Capacity upon completion	417,739
Original estimated Net Tax Capacity	120,928
Fiscal Disparities	<u>0</u>
<b>Estimated Captured Tax Capacity</b>	<b>296,812</b>
Original Local Tax Rate	<u>141.9420%</u> Pay 2021
<b>Estimated Annual Tax Increment</b>	<b>\$421,300</b>
Percent Retained by the City	100%

Note: Tax capacity includes a 3% inflation factor for the duration of the District. The tax capacity included in this chart is the estimated tax capacity of the District in year 25. The tax capacity of the District in year one is estimated to be \$154,125.

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

The City is reviewing the area to be included in the District to determine if any building permits have been issued during the 18 months immediately preceding approval of the TIF Plan by the City.

## **SOURCES OF REVENUE/BONDS TO BE ISSUED**

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

<b>SOURCES</b>	
Tax Increment	\$ 6,367,774
Interest	<u>636,777</u>
<b>TOTAL</b>	<b>\$ 7,004,551</b>

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

The HRA or City may issue bonds (as defined in the TIF Act) secured in whole or in part with tax increments from the District in a maximum principal amount of \$4,351,494. Such bonds may be in the form of pay-as-you-go notes, revenue bonds or notes, general obligation bonds, or interfund loans. This estimate of total bonded indebtedness is a cumulative statement of authority under this TIF Plan as of the date of approval.

## USES OF FUNDS

Currently under consideration for the District is a proposal to facilitate the acquisition and rehabilitation of 150 units of affordable rental housing. The HRA and City have determined that it will be necessary to provide assistance to the project(s) for certain District costs, as described.

The HRA has studied the feasibility of the development or redevelopment of property in and around the District. To facilitate the establishment and development or redevelopment of the District, this TIF Plan authorizes the use of tax increment financing to pay for the cost of certain eligible expenses. The estimate of public costs and uses of funds associated with the District is outlined in the following table.

<b>USES</b>	
Land/Building Acquisition	\$ 3,000,000
Site Improvements/Preparation	150,000
Affordable Housing	450,000
Utilities	50,000
Other Qualifying Improvements	64,717
Administrative Costs (up to 10%)	636,777
<b>PROJECT COSTS TOTAL</b>	<b>\$ 4,351,494</b>
Interest	2,653,057
<b>PROJECT AND INTEREST COSTS TOTAL</b>	<b>\$ 7,004,551</b>

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

Estimated costs associated with the District are subject to change among categories without a modification to this TIF Plan. The cost of all activities to be considered for tax increment financing will not exceed, without formal modification, the budget above pursuant to the applicable statutory requirements. The HRA may expend funds for qualified housing activities outside of the District boundaries.

## ESTIMATED IMPACT ON OTHER TAXING JURISDICTIONS

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

Impact on Tax Base			
Entity	2020/Pay 2021 Total Net Tax Capacity	Estimated Captured Tax Capacity (CTC) upon completion	Percent of CTC to Entity Total
St. Louis County	205,797,844	296,812	<b>0.1442%</b>
City of Duluth	83,567,551	296,812	<b>0.3552%</b>
ISD 709 (Duluth)	93,009,780	296,812	<b>0.3191%</b>

Impact on Tax Rates				
Entity	Pay 2021 Extension Rate	Percent of Total	CTC	Potential Taxes
St. Louis County	66.2640%	46.68%	296,812	<b>\$196,679</b>
City of Duluth	41.6960%	29.38%	296,812	<b>123,759</b>
ISD 709 (Duluth)	28.0170%	19.74%	296,812	<b>83,158</b>
Other	5.9650%	4.20%	296,812	<b>17,705</b>
	<b>141.9420%</b>	<b>100.00%</b>		<b>\$421,300</b>



The estimates listed above display the captured tax capacity when all construction is completed. The tax rate used for calculations is the Pay 2021 rate. The total net capacity for the entities listed above are based on Pay 2021 figures. The District will be certified under the Pay 2022 rates, which were unavailable at the time this TIF Plan was prepared.

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

- (1) Estimate of total tax increment. It is estimated that the total amount of tax increment that will be generated over the life of the District is \$6,367,774;
- (2) Probable impact of the District on city provided services and ability to issue debt. An impact of the District on police protection is not expected. As an acquisition and rehabilitation project, the number of residents at the property will remain the same. No increase in police calls for service are expected.

The probable impact of the District on fire protection is not expected to be significant. The rehabilitated building will include more reliable building systems and a new elevator to ensure safety of the residents. The City does not expect that the proposed development, in and of itself, will necessitate new capital investment in vehicles or facilities.

The impact of the District on public infrastructure is expected to be minimal. The project will not add any new units; therefore, the existing infrastructure will continue to be adequate for the project. Based on the development plans, there are no additional costs associated with street maintenance, sweeping, plowing, lighting and sidewalks.

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

- (3) Estimated amount of tax increment attributable to school district levies. It is estimated that the amount of tax increments over the life of the District that would be attributable to school district levies, assuming the school district's share of the total local tax rate for all taxing jurisdictions remained the same, is \$1,256,893;

- (4) Estimated amount of tax increment attributable to county levies. It is estimated that the amount of tax increments over the life of the District that would be attributable to county levies, assuming the county's share of the total local tax rate for all taxing jurisdictions remained the same, is \$2,972,722;
- (5) Additional information requested by the county or school district. The City is not aware of any standard questions in a county or school district written policy regarding tax increment districts and impact on county or school district services. The county or school district must request additional information pursuant to *M.S. Section 469.175 Subd. 2(b)* within 15 days after receipt of the tax increment financing plan.

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

## SUPPORTING DOCUMENTATION

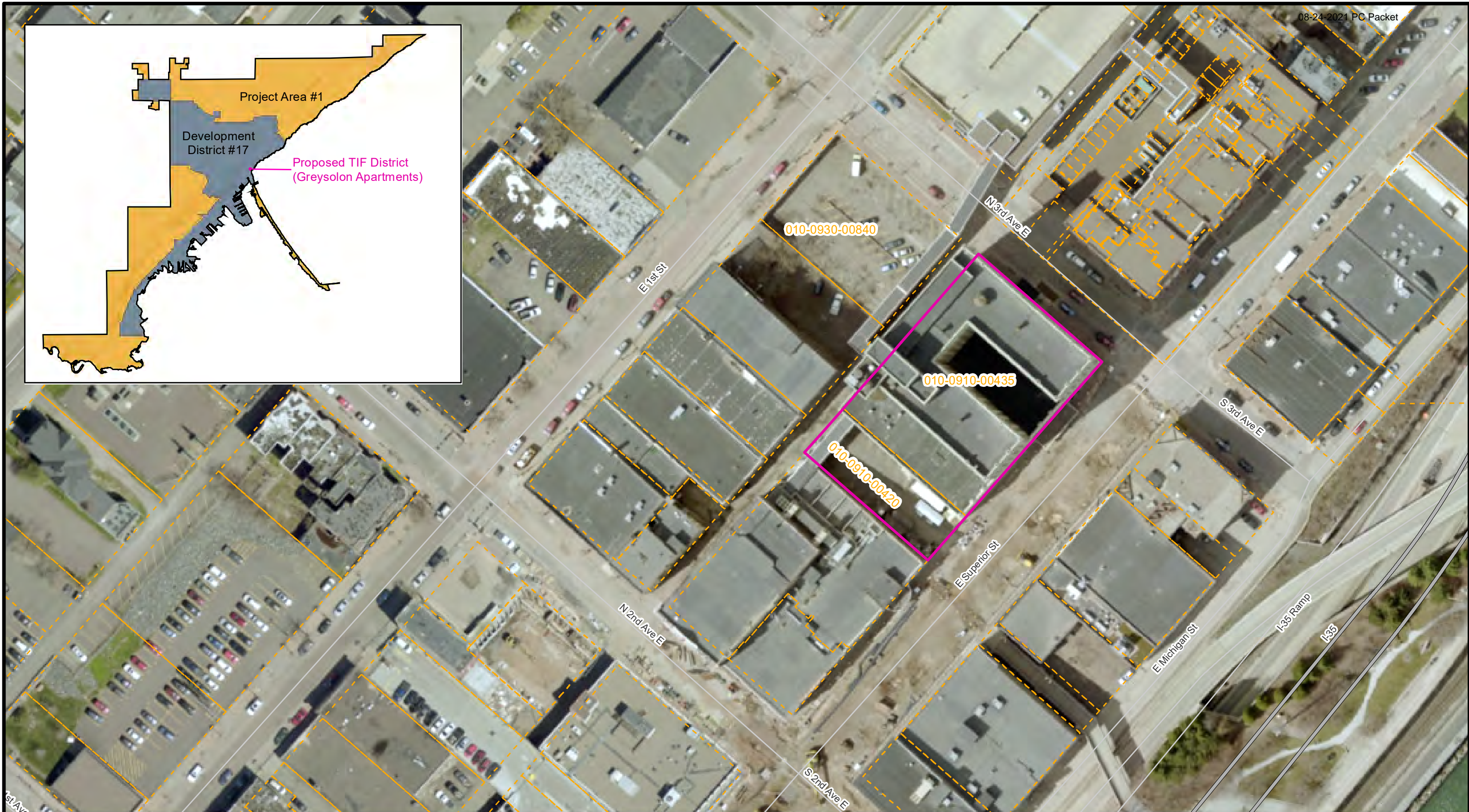
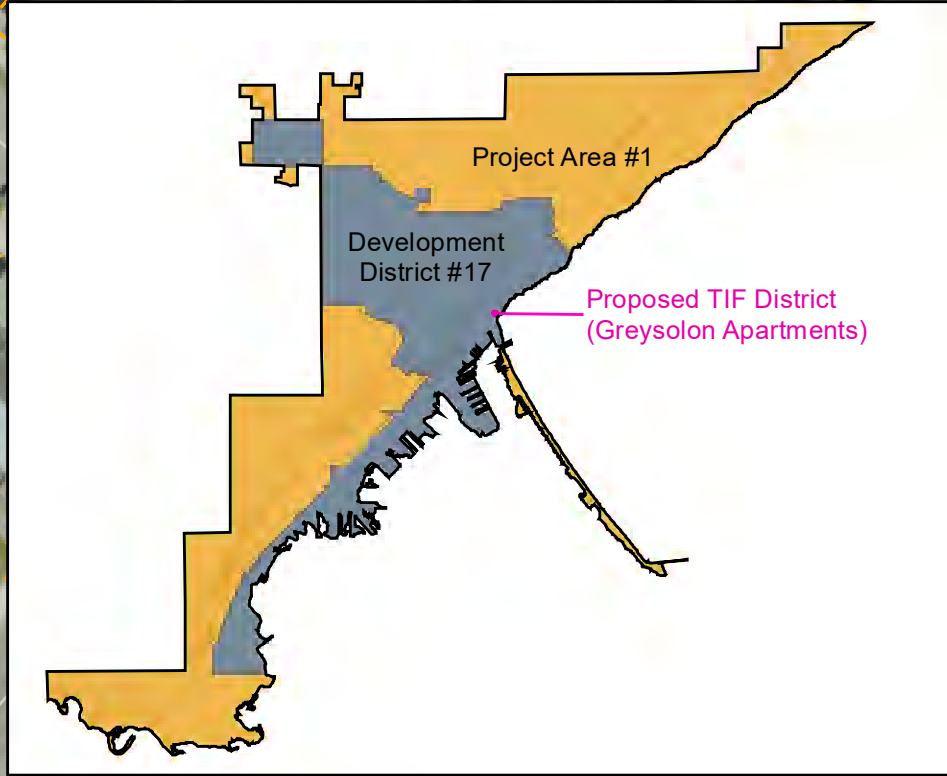
Pursuant to *M.S. Section 469.175, Subd. 1 (a), clause 7* the TIF Plan must contain identification and description of studies and analyses used to make the determination set forth in *M.S. Section 469.175, Subd. 3, clause (b)(2)* and the findings are required in the resolution approving the District.

- (i) In making said determination, reliance has been placed upon (1) written representation made by the developer to such effects, (2) review of the developer's proforma; and (3) City staff awareness of the feasibility of developing the project site within the District, which is further outlined in the City Council resolution approving the establishment of the TIF District and Appendix C.
- (ii) A comparative analysis of estimated market value both with and without establishment of the TIF District and the use of tax increments has been performed. Such analysis is included with the cashflow in Appendix B and indicates that the increase in estimated market value of the proposed development (less the indicated subtractions) exceeds the estimated market value of the site absent the establishment of the TIF District and the use of tax increments.

## DISTRICT ADMINISTRATION

Administration of the District will be handled by the Executive Director.

## **Appendix A: Map of Project Area No. 1 and the TIF District**



Printed Date: 8/9/2021

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

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### Proposed TIF District (Greysolon Apartments)

- Proposed TIF District (Greysolon Apartments)
- Parcel Boundary



0 90 180 Feet

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

### Greysolon Plaza - No Inflation

City of Duluth, MN

Acquisition/Rehab Mixed-Use Apartment



#### ASSUMPTIONS AND RATES

<b>DistrictType:</b>	Housing
<b>District Name/Number:</b>	
<b>County District #:</b>	
<b>First Year Construction or Inflation on Value</b>	<b>2022</b>
<b>Existing District - Specify No. Years Remaining</b>	
Inflation Rate - Every Year:	<b>3.00%</b>
Interest Rate:	<b>4.00%</b>
Present Value Date:	<b>1-Aug-23</b>
First Period Ending	1-Feb-24
Tax Year District was Certified:	<b>Pay 2022</b>
Cashflow Assumes First Tax Increment For Development:	2024
Years of Tax Increment	26
Assumes Last Year of Tax Increment	2049
Fiscal Disparities Election (Outside (A), Inside (B), or NA)	NA
Incremental or Total Fiscal Disparities	NA
Fiscal Disparities Contribution Ratio	NA Pay 2021
Fiscal Disparities Metro-Wide Tax Rate	NA Pay 2021
Maximum/Frozen Local Tax Rate:	141.942% Pay 2021
Current Local Tax Rate: (Use lesser of Current or Max.)	141.942% Pay 2021
State-wide Tax Rate (Comm./Ind. only used for total taxes)	35.9780% Pay 2021
Market Value Tax Rate (Used for total taxes)	0.18832% Pay 2021

Tax Rates		
Exempt Class Rate (Exempt)		0.00%
Commercial Industrial Preferred Class Rate (C/I Pref.)		
First	\$150,000	1.50%
Over	\$150,000	2.00%
Commercial Industrial Class Rate (C/I)		2.00%
Rental Housing Class Rate (Rental)		1.25%
Affordable Rental Housing Class Rate (Aff. Rental)		
First	\$174,000	0.75%
Over	\$174,000	0.25%
Non-Homestead Residential (Non-H Res. 1 Unit)		
First	\$500,000	1.00%
Over	\$500,000	1.25%
Homestead Residential Class Rate (Hmstd. Res.)		
First	\$500,000	1.00%
Over	\$500,000	1.25%
Agricultural Non-Homestead		1.00%

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

Map ID	PID	Owner	Address	Land Market Value	Building Market Value	Total Market Value	Percentage Of Value Used for District	Original Market Value	Tax Year Original Market Value	Property Tax Class	Current Original Tax Capacity	Class After Conversion	After Conversion Orig. Tax Cap.	Area/Phase
1	010-0910-00420	OAHS Greysolon, LLC	Unassigned	70,000	0	70,000	100%	70,000	Pay 2022	Aff. Rental	525	Aff. Rental	525	1
2	010-0910-00435	LLC	231 E. Superior St.	115,400	1,733,300	1,848,700	100%	1,848,700	Pay 2022	C/I Pref.	36,224	C/I Pref.	36,224	
				250,300	10,973,500	11,223,800	100%	11,223,800	Pay 2022	Aff. Rental	84,179	Aff. Rental	84,179	
				19,200	112,800	132,000	100%	132,000	Pay 2022	Exempt	-	Exempt	-	
				<b>454,900</b>	<b>12,819,600</b>	<b>13,274,500</b>		<b>13,274,500</b>			<b>120,928</b>		<b>120,928</b>	

**Note:**

1. Base values are for pay 2022 based upon review of County website on 5-25-21.
2. Located in SD # 709

**Greysolon Plaza - No Inflation**  
 City of Duluth, MN  
 Acquisition/Rehab Mixed-Use Apartment



PROJECT INFORMATION (Project Tax Capacity)													
Area/Phase	New Use	Estimated Market Value Per Sq. Ft./Unit	Taxable Market Value Per Sq. Ft./Unit	Total Sq. Ft./Units	Total Taxable Market Value	Property Tax Class	Project Tax Capacity	Project Tax Capacity/Unit	Percentage Completed 2022	Percentage Completed 2023	Percentage Completed 2024	Percentage Completed 2025	First Year Full Taxes Payable
1	Apartments	130,000	130,000	150	19,500,000	Aff. Rental	146,250	975	75%	100%	100%	100%	2025
1	Retail	3,000,000	3,000,000	1	3,000,000	C/I Pref.	59,250	59,250	75%	100%	100%	100%	2025
<b>TOTAL</b>					<b>22,500,000</b>		<b>205,500</b>						
<b>Subtotal Residential</b>				<b>150</b>	<b>19,500,000</b>		<b>146,250</b>						
<b>Subtotal Commercial/Ind.</b>				<b>1</b>	<b>3,000,000</b>		<b>59,250</b>						

**Note:**

1. Market values are based upon developer estimates from the County Assessor.

TAX CALCULATIONS									
New Use	Total Tax Capacity	Fiscal Disparities Tax Capacity	Local Tax Capacity	Local Property Taxes	Fiscal Disparities Taxes	State-wide Property Taxes	Market Value Taxes	Total Taxes	Taxes Per Sq. Ft./Unit
Apartments	146,250	0	146,250	207,590	0	0	27,542	235,132	1,567.55
Retail	59,250	0	59,250	84,101	0	20,777	5,650	110,528	110,527.53
<b>TOTAL</b>	<b>205,500</b>	<b>0</b>	<b>205,500</b>	<b>291,691</b>	<b>0</b>	<b>20,777</b>	<b>33,191</b>	<b>345,660</b>	

**Note:**

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

WHAT IS EXCLUDED FROM TIF?	
Total Property Taxes	345,660
less State-wide Taxes	(20,777)
less Fiscal Disp. Adj.	0
less Market Value Taxes	(33,191)
less Base Value Taxes	(171,647)
<b>Annual Gross TIF</b>	<b>120,044</b>

MARKET VALUE BUT / FOR ANALYSIS	
Current Market Value - Est.	13,274,500
New Market Value - Est.	22,500,000
Difference	9,225,500
Present Value of Tax Increment	3,432,289
Difference	5,793,211
Value likely to occur without Tax Increment is less than:	5,793,211



**Greysolon Plaza - No Inflation**

City of Duluth, MN

Acquisition/Rehab Mixed-Use Apartment

**TAX INCREMENT CASH FLOW**

% of OTC	Project Tax Capacity	Original Tax Capacity	Fiscal Disparities NA	Captured Tax Capacity	Local Tax Rate	Annual Gross Tax Increment	Semi-Annual Gross Tax Increment	State Auditor 0.36%	Admin. at 10%	Semi-Annual Net Tax Increment	Semi-Annual Present Value	PERIOD ENDING Yrs.	Tax Year	Payment Date
100%	154,125	(120,928)	-	33,198	141.942%	47,121	23,561	(85)	(2,348)	21,128	20,308	0.5	2024	08/01/24
100%	205,500	(120,928)	-	84,573	141.942%	120,044	23,561	(85)	(2,348)	21,128	40,217	1	2024	02/01/25
100%	211,665	(120,928)	-	90,738	141.942%	128,795	60,022	(216)	(5,981)	53,825	89,944	1.5	2025	08/01/25
100%	218,015	(120,928)	-	97,087	141.942%	137,808	60,022	(216)	(5,981)	53,825	138,695	2	2025	02/01/26
100%	224,555	(120,928)	-	103,628	141.942%	147,092	64,397	(232)	(6,417)	57,749	189,974	2.5	2026	08/01/26
100%	231,292	(120,928)	-	110,365	141.942%	156,654	64,397	(232)	(6,417)	57,749	240,248	3	2026	02/01/27
100%	238,231	(120,928)	-	117,303	141.942%	166,503	68,904	(248)	(6,866)	61,790	292,986	3.5	2027	08/01/27
100%	245,378	(120,928)	-	124,450	141.942%	176,647	68,904	(248)	(6,866)	61,790	344,689	4	2027	02/01/28
100%	252,739	(120,928)	-	131,812	141.942%	187,096	73,546	(265)	(7,328)	65,953	398,793	4.5	2028	08/01/28
100%	260,321	(120,928)	-	139,394	141.942%	197,858	73,546	(265)	(7,328)	65,953	451,837	5	2028	02/01/29
100%	268,131	(120,928)	-	147,203	141.942%	208,943	78,327	(282)	(7,804)	70,240	507,221	5.5	2029	08/01/29
100%	276,175	(120,928)	-	155,247	141.942%	220,361	78,327	(282)	(7,804)	70,240	561,519	6	2029	02/01/30
100%	284,460	(120,928)	-	163,533	141.942%	232,121	83,251	(300)	(8,295)	74,656	618,099	6.5	2030	08/01/30
100%	292,994	(120,928)	-	172,066	141.942%	244,234	83,251	(300)	(8,295)	74,656	673,570	7	2030	02/01/31
100%	301,784	(120,928)	-	180,856	141.942%	256,711	88,324	(318)	(8,801)	79,205	731,267	7.5	2031	08/01/31
100%	310,837	(120,928)	-	189,910	141.942%	269,562	88,324	(318)	(8,801)	79,205	787,832	8	2031	02/01/32
100%	320,162	(120,928)	-	199,235	141.942%	282,798	93,548	(337)	(9,321)	83,890	846,568	8.5	2032	08/01/32
100%	329,767	(120,928)	-	208,840	141.942%	296,431	93,548	(337)	(9,321)	83,890	904,153	9	2032	02/01/33
100%	339,660	(120,928)	-	218,733	141.942%	310,474	98,929	(356)	(9,857)	88,716	963,856	9.5	2033	08/01/33
100%	349,850	(120,928)	-	228,922	141.942%	324,937	98,929	(356)	(9,857)	88,716	1,022,389	10	2033	02/01/34
100%	360,345	(120,928)	-	239,418	141.942%	339,835	104,472	(376)	(10,410)	93,686	1,082,988	10.5	2034	08/01/34
100%	371,156	(120,928)	-	250,228	141.942%	355,179	104,472	(376)	(10,410)	93,686	1,142,400	11	2034	02/01/35
100%	382,291	(120,928)	-	261,363	141.942%	370,984	110,181	(397)	(10,978)	98,806	1,203,830	11.5	2035	08/01/35
100%	393,759	(120,928)	-	272,832	141.942%	387,263	110,181	(397)	(10,978)	98,806	1,264,055	12	2035	02/01/36
100%	405,572	(120,928)	-	284,645	141.942%	404,030	116,061	(418)	(11,564)	104,079	1,326,250	12.5	2036	08/01/36
100%	417,739	(120,928)	-	296,812	141.942%	421,300	116,061	(418)	(11,564)	104,079	1,387,225	13	2036	02/01/37
							122,117	(440)	(12,168)	109,510	1,450,125	13.5	2037	08/01/37
							128,355	(462)	(12,789)	115,104	1,511,791	14	2037	02/01/38
							128,355	(462)	(12,789)	115,104	1,575,337	14.5	2038	08/01/38
							134,781	(485)	(13,430)	120,866	1,637,637	15	2038	02/01/39
							134,781	(485)	(13,430)	120,866	1,701,772	15.5	2039	08/01/39
							141,399	(509)	(14,089)	126,801	1,764,650	16	2039	02/01/40
							141,399	(509)	(14,089)	126,801	1,829,322	16.5	2040	08/01/40
							148,216	(534)	(14,768)	132,914	1,892,726	17	2040	02/01/41
							148,216	(534)	(14,768)	132,914	1,957,884	17.5	2041	08/01/41
							155,237	(559)	(15,468)	139,210	2,021,763	18	2041	02/01/42
							155,237	(559)	(15,468)	139,210	2,087,357	18.5	2042	08/01/42
							162,469	(585)	(16,188)	145,695	2,151,665	19	2042	02/01/43
							162,469	(585)	(16,188)	145,695	2,217,649	19.5	2043	08/01/43
							169,917	(612)	(16,931)	152,375	2,282,340	20	2043	02/01/44
							169,917	(612)	(16,931)	152,375	2,348,669	20.5	2044	08/01/44
							177,590	(639)	(17,695)	159,255	2,413,698	21	2044	02/01/45
							177,590	(639)	(17,695)	159,255	2,480,330	21.5	2045	08/01/45
							185,492	(668)	(18,482)	166,342	2,545,656	22	2045	02/01/46
							185,492	(668)	(18,482)	166,342	2,612,551	22.5	2046	08/01/46
							193,631	(697)	(19,293)	173,641	2,678,135	23	2046	02/01/47
							193,631	(697)	(19,293)	173,641	2,745,253	23.5	2047	08/01/47
							202,015	(727)	(20,129)	181,159	2,811,056	24	2047	02/01/48
							202,015	(727)	(20,129)	181,159	2,878,362	24.5	2048	08/01/48
							210,650	(758)	(20,989)	188,903	2,944,348	25	2048	02/01/49
							210,650	(758)	(20,989)	188,903	3,011,805	25.5	2049	08/01/49
							210,650	(758)	(20,989)	188,903	3,077,940	26	2049	02/01/50
<b>Total</b>							<b>6,390,781</b>	<b>(23,007)</b>	<b>(636,777)</b>	<b>5,730,997</b>				
<b>Present Value From 08/01/2023 Present Value Rate 4.00%</b>							<b>3,432,289</b>	<b>(12,356)</b>	<b>(341,993)</b>	<b>3,077,940</b>				



## Appendix C: Findings Including But/For Qualifications

The reasons and facts supporting the findings for the adoption of the Tax Increment Financing Plan for Greysolon Plaza Tax Increment Financing District, as required pursuant to Minnesota Statutes, Section 469.175, Subdivision 3 are as follows:

1. *Finding that Greysolon Plaza Tax Increment Financing District is a housing district as defined in M.S., Section 469.174, Subd. 11.*

Greysolon Plaza Tax Increment Financing District consists of two parcels. The development will consist of the acquisition and rehabilitation of 150 units of affordable rental housing, a portion of which will receive tax increment assistance and will meet income restrictions described in *M.S. 469.1761*. At least 40 percent of the units receiving assistance will have incomes at or below 60 percent of area median income.

2. *Finding that the proposed development, in the opinion of the City Council, would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future and that the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the Greysolon Plaza Tax Increment Financing District permitted by the TIF Plan.*

*The proposed development, in the opinion of the City, would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future:* This finding is supported by the fact that the development proposed in this plan is a housing district that meets the City's objectives for development and redevelopment. The cost of land and building acquisition, and construction makes this housing development infeasible without City assistance. The cost of acquisition and construction are the same for affordable housing units as they are for market rate projects. The decreased rental income from the affordable units, means there is less cash flow available to service the operating and debt expenses for the project. The leaves a gap in funding for the project. The need to offset this reduction in rents for the affordable housing units makes this housing development feasible only through assistance, in part, from tax increment financing. The developer was asked for and provided a letter and a pro forma as justification that

the developer would not have gone forward without tax increment assistance.

*The increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the TIF District permitted by the TIF Plan:* This finding is justified on the grounds that the cost of land acquisition, site and public improvements, utilities and construction of affordable housing add to the total development cost. Historically, the costs of acquisition and construction, as well as reduced rents required for affordable workforce housing in the City have made development infeasible without tax increment assistance. The City reasonably determines that no other development of similar scope is anticipated on this site without substantially similar assistance being provided to the development.

3. *Finding that the TIF Plan for Greysolon Plaza Tax Increment Financing District conforms to the general plan for the development or redevelopment of the municipality as a whole.*

The Planning Commission reviewed the TIF Plan on 08/10/2021 and found that the TIF Plan conforms to the general development plan of the City. **OR** The City Council reviewed the TIF Plan and found that the TIF Plan conforms to the general development plan of the City.

4. *Finding that the TIF Plan for Greysolon Plaza Tax Increment Financing District will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the development or redevelopment of Project Area No. 1 by private enterprise.*

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



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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

Date: August 17, 2021  
 To: Planning Commission  
 From: Steven Robertson, Senior Planner  
 RE: PL 21-136, Discussion on Proposed Vacation Dwelling and Cottage Home

Proposed changes to the UDC for vacation dwelling homes are based on updates discussed over the past several months with the Commission and City Council. Based on Planning Commission action, the proposed changes will be brought before the City Council for consideration in October or November. This item will be brought back to the Planning Commission at their September 14, 2021, meeting.

**Recommendation:**

Staff recommends that the Planning Commission discuss the items and suggests changes or edits as appropriate, to be brought back to the Planning Commission for further review.

The Planning Staff are recommending a change to the UDC related to vacation dwelling units and related housing items. The proposed changes are shaped, in part, by a City Council resolution giving direction on this topic (21-0558R). The major points of this resolution are:

- A. Interim use permits for vacation dwelling units will be subject to approval by the planning commission, subject to appeal to the city council.
- B. Limiting the total number of bedrooms in any vacation dwelling unit to not exceed four (4) bedrooms;
- C. Strengthening the Improvements to standard conditions for approval to include a dense urban screen or fence to be in place at the time of approval and to be continuously maintained during the permit period between the permitted property and neighboring properties, to require provision for waste removal services; and to prohibit burning of trash;
- D. Increasing the vacation dwelling unit cap to provide for an increase of 10 percent of the net increase in housing units created in the city in the previous year, or no more than ten (10) new vacation dwelling units per year, whichever is less, provided that the total number of vacation dwelling units authorized under Section 50-37.10 E 4 shall not exceed 120 units; and
- E. Retaining the exemption for vacation dwelling units located in form districts that the planning commission consider the creation of a new, over-the counter annual permit for short-term vacation dwelling units permitting owners to rent their owner-occupied, homestead property as vacation dwelling units for not more than twenty-one (21) days per year, specified in the permit, with no rental period for no more than seven (7) consecutive days, nor less than two (2) consecutive days, subject to meeting all other applicable inspection and building code requirements for a vacation dwelling unit.

What was not included in the resolution are ideas that have been discussed by the Planning Commission in the past:

1. Limiting the number of vacation dwelling units that any individual may have. The council resolution does not address that issue.
2. Increasing the cap immediately to 100 or 120, with an additional annual increase. The council resolution leaves the current cap at 60, excluding form district vacation rentals.
3. Changing the period of lifespan of the permit (which has typically, but not always, been six years). The council resolution does not address that issue.
4. Minimum distances or setbacks from other existing vacation dwelling units, or maximum number of vacation dwelling units per council district. This was a topic more at previous City Council meetings than Planning Commission meetings.

In addition to changes with vacation dwelling units and associated topics, Planning Commission staff are also suggesting some changes to the current cottage home development standards. The proposed changes should add flexibility and clarity to the standards.

The proposed staff changes generally mirror the items outlined in the council resolution: allow the Planning Commission to have final approval authority for interim uses, limit the number of bedrooms in future vacation units, minor modification to the maximum number of permits issued, strengthen buffering/landscaping, and create a new type of vacation dwelling permit.

**General Development, Urban Design Strategy 4** Encourage site design which includes cohesive elements such as pedestrian access, parking, coordinated landscaping, linked open space, and green infrastructure for stormwater management and water quality improvement.

**General Development, Zoning Code Updates Strategy 1** Evaluate housing regulations in the UDC to expand opportunities for compact development, including new housing types such as the current trend for “tiny houses.”



3. Strengthening the Improvements to standard conditions for approval to include a dense urban screen or fence to be in place at the time of approval and to be continuously maintained during the permit period between the permitted property and neighboring properties, to require provision for waste removal services; and to prohibit burning of trash;

4. Increasing the vacation dwelling unit cap to provide for an increase of 10 percent of the net increase in housing units created in the city in the previous year, or no more than ten (10) new vacation dwelling units per year, whichever is less, provided that the total number of vacation dwelling units authorized under Section 50-37.10 E 4 shall not exceed 120 units; and

5. Retaining the exemption for vacation dwelling units located in form districts.

BE IT FURTHER RESOLVED that with the increase in permit fees associated with the increase in vacation dwelling units authorized in No. 4 above be dedicated to support the city housing trust fund.

BE IT FURTHER RESOLVED, the city council requests a report from administration on the status of the foregoing request no later than October 1, 2021, unless an ordinance has been recommended for city council consideration by the city planning commission prior to that date.

STATEMENT OF PURPOSE: The purpose of this resolution is to provide city council direction to the city planning commission associated with potential updates to the city's vacation dwelling unit standards. The potential updates to the regulations to be evaluated by the city planning commission provide for updates to streamline and improve regulations for vacation dwelling units by creating a new category for the use and by establishing new standards that will enhance understanding and reduce the potential for negative impacts and issues between neighboring property owners.

## 50-20.3.U Vacation Dwelling Units

1. Rental Period. The minimum rental period shall not be less than two consecutive nights, nor more than a maximum of 29 consecutive nights. The minimum rental period shall not apply for vacation dwelling units in form districts.
2. Maximum Number of Persons and Bedrooms. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two, which shall not exceed nine. The maximum number of bedrooms that may be rented may not exceed four. Vacation dwelling units licensed before December 1, 2021, are entitled to continue operating, however, the exemption expires upon transfer of any ownership interest in the permitted property.
3. Off Street Parking. Off street parking shall be provided at the following rate:
  - (a) Vacation dwelling units licensed on May 15, 2016, shall provide the following minimum number of off street parking spaces:
    - 1-2 bedroom unit, one space
    - 3-4 bedroom unit, two spaces
    - 5+ bedroom unit, three spaces.
  - (b) Vacation dwelling units licensed after May 15, 2016, shall provide the following minimum number of off street parking spaces:
    - 1-2 bedroom unit, one space
    - 3 bedroom unit, two spaces
    - 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.
  - (c) Vacation dwelling units licensed on May 15, 2016, are entitled to continue operating under the former off-street parking requirement. The parking exemption for vacation dwelling units licensed on May 15, 2016, expires upon transfer of any ownership interest in the permitted property.
4. Motorhome/ATV. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, ~~on or~~ off the street;
5. Other Licenses Required. In addition to the permit issued pursuant to this chapter, the property owner must obtain all licenses and permits from the city of Duluth and state of Minnesota required for guest occupancy on the property;
6. Guest Records. The property owner must provide required documents and adhere to additional requirements listed in the city of Duluth's UDC application manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures;
7. Application Materials. The property owner must provide a site plan, drawn to scale, showing parking and driveways, distance to neighboring residential structures, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbecue grill, recreational fire, pool, hot tub, or sauna, and provide detail concerning the provision of any dense urban screen that may be required to buffer these areas from adjoining properties. A dense urban screen or fence to be in place prior to the permit being authorized and to be continuously maintained during the permit period between the permitted property and neighboring properties.
8. Vacation Rentals Within Multi Family Structures. Any vacation dwelling unit that will be located in a multi-family structure that has nine or more dwelling units shall:
  - (a) Make available 24-hour staffing at a front desk that is accessible to all tenants;
  - (b) If determined applicable by the Land Use Supervisor, provide a letter from a duly established Home Owner's Association stating the support of the Home Owner's Association Board of Directors for the vacation dwelling unit, and enumerating any Home Owner's Association rules to be incorporated into the interim use permit;
9. Termination. The interim use permit shall terminate upon change in ownership of the property or in six years after the date of issuance, whichever occurs first. Upon permit termination, property owner may apply to renew the existing interim use permit. The permit shall be non-transferable is only valid for the property and applicant or property owner that it was initially issued to and the permit shall not be transferred to a new applicant or property owner, or to a new property or address.

10. Maximum Number of Vacation Dwelling Units. No more than 60 permits may be issued for either vacation dwelling units or accessory vacation dwelling units, excepting units within Form Districts (F1-F9). Starting on January 31, 2022, the maximum number permits that may be issued shall increase 10 percent of the net increase in housing units created in the city in the previous year, or no more than ten (10) new vacation dwelling units per year, whichever is less, provided that the total number of vacation dwelling units authorized shall not exceed 120 units.
11. Other Nuisance Items. The vacation dwelling permit holder shall insure that all requirements for waste removal services and prohibitions on burning of trash is strictly adhered to by occupants of the vacation dwelling.



**50-20.3.V Vacation Dwelling Units, Limited**

1. Eligible Applicant. Property owners that reside in the owner-occupied homestead property may apply for a temporary vacation dwelling unit in their owner-occupied homesteaded property.
2. Rental Period. The minimum rental period shall not be less than two consecutive nights no more than 7 consecutive nights. The maximum number of rental periods in total may not exceed 21 nights per year. The rental period must be specified in the permit at the time that the permit was applied for, and may not be altered. The permit
3. Other Standards. Temporary Vacation Dwelling Units must adhere to the same standards as Vacation Dwelling Units, 50-23.3.U, in regards to maximum number of persons, off-street parking, motorhome/ATV, guest records, and application materials.
4. Other Licenses Required. In addition to the permit issued pursuant to this chapter, the property owner must obtain all licenses and permits from the city of Duluth and state of Minnesota required for guest occupancy on the property. The property owner must provide required documents and adhere to additional requirements listed in the City of Duluth's UDC Application Manual.
5. Maximum Number of Limited Vacation Dwelling Units. There is no maximum to the number of limited vacation dwelling units that may be issued.
6. Other Nuisance Items. The temporary vacation dwelling permit holder shall insure that all requirements for waste removal services and prohibitions on burning of trash is strictly adhered to by occupants of the vacation dwelling.
7. Termination. The permit shall terminate upon change in ownership of the property or three year from issuance date, whichever occurs first. The permit shall be non-transferable;
8. Advertisement. A permit holder may not advertise vacation dwelling unit, limited, in any area exterior to the dwelling unit or any lot without a principle dwelling;

#### 50- 20.5.G Accessory home share

An accessory home share may be created within those districts shown where allowed by Table 50.19.8 provided these standards are met.

1. The rental or purchase period shall be for 29 consecutive nights or less;
2. The maximum number of overnight guests allowed is 4 persons in addition to the owner occupants. The maximum number of bedrooms that may rented may not exceed two. Only one rental listing per night is allowed;
3. In addition to the permit issued pursuant to this chapter, the property owner must obtain all permits from the city of Duluth and state of Minnesota required for guest occupancy on the property;
4. The property owner must provide required documents and adhere to additional requirements listed in the City of Duluth's UDC Application Manual related to the keeping of a guest record, property use rules, taxation, and home share permit violations procedures;
5. The permit shall terminate upon change in ownership of the property or three year from issuance date, whichever occurs first. ~~Upon permit termination, property owner may apply to renew the existing interim use permit. The permit shall be non-transferable;~~
6. At least one permanent resident must be generally present on or about the premises at all times that the property is rented;
7. A permit holder may not advertise an accessory home share for an accessory structure that is a storage shed or garage or in any area exterior to the dwelling unit or any lot without a principle dwelling, but may advertise for a legal accessory dwelling unit as provided in Section 8 below;
8. A permit holder may not advertise an accessory home share in any area exterior to the dwelling unit or any lot without a principle dwelling;

#### 50-20.5.M Accessory vacation dwelling unit.

An accessory vacation dwelling unit may be created within any one-family dwelling, twinhome, duplex, or attached or detached accessory dwelling unit provided these standards are met:

1. Only one accessory vacation dwelling unit may be created per lot;
2. No variances shall be granted for an accessory vacation dwelling unit;
3. An accessory vacation dwelling unit shall contain no more than 800 square feet of floor area and shall be consistent in character and design with the primary dwelling;
4. If a separate outside entrance is necessary for an attached accessory vacation dwelling unit located within the primary building, that entrance must be located either on the rear or side of the building;
5. The minimum rental period shall be not less than two consecutive nights, nor more than a maximum of 29 consecutive nights. The minimum rental period shall not apply to accessory vacation dwelling units in form districts.
6. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two, which shall not exceed nine. The maximum number of bedrooms that may be rented may not exceed four.
7. Off-street parking shall be provided at the following rate:
  - (a) Accessory vacation dwelling units licensed on or before May 15, 2016, shall provide the following minimum number of off street parking spaces:
    - 1-2 bedroom unit, one space;
    - 3-4 bedroom unit, two spaces;
    - 5+ bedroom unit, three spaces;
  - (b) Accessory vacation dwelling units licensed after May 15, 2016, shall provide the following minimum number of off-street parking spaces:
    - 1-2 bedroom unit, one space;
    - 3 bedroom unit, two spaces;

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

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

8. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, ~~on or~~ off the street;
9. In addition to the permit issued pursuant to this chapter, the property owner must obtain all licenses and permits from the city of Duluth and State of Minnesota required for guest occupancy on the property for two to 29 days;
10. The property owner must provide required documents and adhere to additional requirements listed in the city of Duluth's UDC application manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures;
11. The property owner must provide a site plan, drawn to scale, showing parking and driveways, distance to neighboring residential structures, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbeque grill, recreational fire, pool, hot tub, or sauna, and provide detail concerning the provision of any dense urban screen that may be required to buffer these areas from adjoining properties. A dense urban screen or fence to be in place prior to the permit being authorized and to be continuously maintained during the permit period between the permitted property and neighboring properties.
12. Any accessory vacation dwelling unit that will be located in a multi-family structure that has nine or more dwelling units shall:
  - (a) Make available 24-hour staffing at a front desk that is accessible to all tenants;
  - (b) If determined applicable by the Land Use Supervisor, provide a letter from a duly established Home Owner's Association stating the support of the Home Owner's Association Board of Directors for the accessory vacation dwelling unit, and enumerating any Home Owner's Association rules to be incorporated into the interim use permit.
13. The interim use permit shall terminate upon change in ownership of the property or in six years, whichever occurs first. Upon permit termination, property owner may reapply for a subsequent interim use permit. The permit ~~shall be non-transferable~~ is only valid for the property and applicant or property owner that it was initially issued to and the permit shall not be transferred to a new applicant or property owner, or to a different property or address.
14. Maximum Number of Accessory Vacation Dwelling Units. No more than 60 permits may be issued for either vacation dwelling units or accessory vacation dwelling units, excepting units within Form Districts (F1-F9). Starting on January 31, 2022, the maximum number permits that may be issued shall increase 10 percent of the net increase in housing units created in the city in the previous year, or no more than ten (10) new vacation dwelling units per year, whichever is less, provided that the total number of vacation dwelling units authorized shall not exceed 120 units.

**50-37.10 Special use or interim use permit.**

This Section applies to all applications for those special uses listed for specific zone districts in Table 50-19.8. It also applies to applications for interim uses that will be authorized for only a specified period of time. This Section is intended to comply with the provisions of MSA 462.3595 and 462.3597 as amended, and shall be interpreted to comply with those provisions wherever possible.

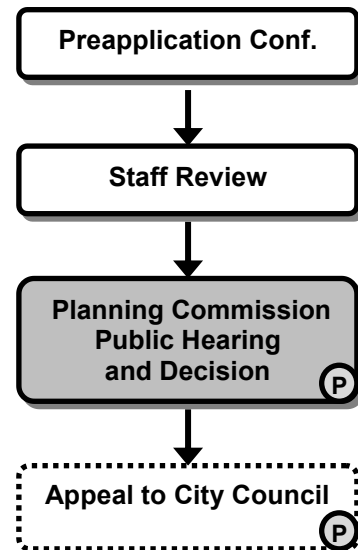
**A. Applications.**

An application for a special use or interim use shall be filed pursuant to Section 50.37.1.B;

**B. Procedure.**

1. The planning commission shall review the application, shall conduct a public hearing pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H. In the case of a special use permit, planning commission shall make, and in the case of an interim use permit, council shall make, a decision to adopt, adopt with modifications or deny the application based on the criteria in subsection C below. The commission or council may impose appropriate conditions and safeguards, including but not limited to financial security pursuant to Section 50-37.2.P, a development agreement regarding the design, construction, and operation of the special use, to protect the comprehensive land use plan, to conserve and protect property and property values in the neighborhood and to ensure that all conditions of the special use permit will continue to met;
2. If the permit is approved or approved with modifications, all future use of the land and structures erected on the land pursuant to the permit shall comply with its terms and conditions. The city may require that some or all of the documents presented by the applicant in support of the application, including without limitation any site plan, landscape plan, building elevation drawings, or development agreement, be recorded as a city public document prior to the issuance of any building permit. A decision not to require recording of some or all of those documents shall not relieve the applicant or any successors or assigns in title to the property from the duty to comply with all terms and conditions of the permit. Constructing any improvement or beginning any activity authorized by the permit shall constitute the applicant's agreement to conform to all terms and conditions of the permit;
3. The city may approve an application or approve it with modifications, with a condition that if a structure authorized by the permit is not constructed by a specified date, or if an activity authorized by the permit is not begun by a specified date, the permit shall terminate. If that condition is attached, the city shall notify the applicant and the property owner when a permit has lapsed, and that decision may be appealed pursuant to Section 50-37.1.O;
4. The city may approve an application or approve it with modifications, with a condition that abandonment of an activity authorized by a permit longer than a stated period terminates the permit, and any future reactivation of the use will require the filing and approval of a new permit application;
5. The commission may not approve or approve with modifications, a special use permit valid only for a specific period of time, but must instead recommend to council an interim use permit pursuant to subsection D below for that purpose;
6. Any approved permit shall be comprehensive and not severable. If part of a permit is deemed or ruled to be invalid or unenforceable in any material respect, by a competent authority, or is

**Special Use Permit**



**(P)** Indicates Public Hearing Required

overturned by a competent authority, the permit shall be void in total, upon determination by the city;

#### C. Criteria for special use permits.

The planning commission shall approve the application or approve it with modifications if the commission determines that the application meets the following criteria:

1. The application is consistent with the comprehensive land use plan;
2. The application complies with all applicable provisions of this Chapter, including without limitation any use-specific standards applicable to the proposed use, development or redevelopment, and is consistent with any approved district plan for the area;

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;

#### D. Interim use permit.

1. As an alternative to a special use permit, MSA 462.3597 authorizes the city to issue an interim use permit that authorizes a special use to exist until a specified date or until an amendment to this Chapter authorizes or prohibits that use. An applicant may apply for an interim use permit, and the commission may decide to ~~recommend~~ approve an interim use permit even if the application is for a special use permit;
2. An application for an interim use, or a decision to approve an interim use, shall be subject to the same procedures used for special uses, and the commission shall have all the powers described in Section 50-37.10.B.1 above, ~~except that the commission shall forward a recommendation to council for action, and final approval of an interim use shall be by council resolution rather than commission action. The council~~ commission may require financial security pursuant to Section 50-37.1.P to ensure that any improvements related to the interim use will be removed at the end of the interim use period;
3. An application to extend the period of an interim use permit shall be treated as major modifications of the initial permit and shall be processed pursuant to Section 50-37.1.N;

#### E. Criteria for interim use permits.

In addition to the criteria in subsection C above, the ~~council~~ commission shall only approve an interim use permit, or approve it with conditions, if it determines that:

1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location or to allow the city time to develop a regulation addressing the potential longer term impacts of the requested use in that location;
2. The applicant agrees to sign a development agreement with the city confirming that (a) approval of the permit will not result in increased costs to the city if the property is later acquired by the city through eminent domain; (b) the use will be terminated at the applicant's expense on the date(s) stated in the permit, (c) the termination of the interim use as stated in the permit will create no rights to a nonconforming use and no rights to compensation for termination of the use or for the value of any structures of improvements related to the use, and (d) the applicant agrees to all conditions imposed by the city. No interim use permit shall be issued until a development agreement confirming these points is executed.
3. ~~No more than 60 permits may be issued for either vacation dwelling units or accessory vacation dwelling units. Permits issued for vacation dwelling units or accessory vacation dwelling units in any form district shall not be counted against the maximum number of permits that may be issued;~~
4. ~~Except for properties within the Higher Education Overlay District as identified in 50-18.5, the minimum rental period and off-street parking requirements of 50-20.3.U and 50-20.5.M shall not apply for vacation dwelling units or accessory vacation dwelling units in form districts, (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 52; Ord. No. 10451, 5-23-2016, §3; Ord. No. 10625, 6-10-2019 §1)~~

**COTTAGE HOME PARKS.** In the RR-1, RR-2, R-1, R-2, and MU-N districts, this use is subject to the use-specific standards as set forth below:

1. Development standards. All dwelling units within a cottage home park shall be subject to setback, height, off-street parking, and other regulations appropriate for one-family dwellings in the applicable zone district that the cottage home park is located, except as provided within this section;
2. Minimum lot area and lot frontage. Dwelling units shall meet the minimum lot area and lot frontage requirement for multi-family, townhome, or two family developments of the applicable zone district that the home park is located, whichever is smaller or least;
3. Principal entrance. Each dwelling unit shall have a principal entrance ~~facing the front lot line. Exceptions to the requirement of a dwelling unit having a principal entrance facing the front property line may be made by the Land Use Supervisor, but only if the unit has a porch or deck on the front façade and the primary entrance is within 10 feet of the front façade;~~ oriented towards a public street or towards a central community area within a cottage home development.
4. Common open space or amenity area. Cottage housing developments shall provide common open space or an amenity area which is centrally located, equally accessible from, and at the disposition of all dwelling units. Common open space shall not be less than 20 percent of the area of the cottage home park, excluding land dedicated for public or private streets or alleys.
5. Connectivity and access. ~~Sidewalks or multi-use paths must be provided to ensure pedestrian access from each individual dwelling unit to the front property line or public street.~~ A connectivity plan shall be submitted as part of any Special Use Permit application that shows sidewalks or multi-use paths connecting units to public streets, nearest DTA bus stop, nearest public park, other community amenities and other destinations, and to other units within the cottage home park. The connectivity plan shall encourage a walkable, bikeable cottage home park through the use of complete streets, alleys, sidewalks and trails;
6. Subdivision. Approval of a cottage home park does not negate to the need for subdivision review and approval, where applicable. The Special Use Permit application shall indicate compliance with city subdivision standards, or indicate if it is exempt due to state statute (CIC plat, etc).
7. Utility Connections. A utility plan shall be submitted that shows how utilities will be provided to all units within the cottage home park, including any utility easements required for the provision of utilities. Cottage home parks must provide separate sewer and water services for each dwelling unit as required by the city engineer, except in those areas where City utilities are not available.
8. Access. Either a public or private street is permitted to provide access to units within a Cottage Home Park. A road plan must be submitted with the Special Use Permit application that shows proposed cross section, which must be approved determined by City Engineer and Land Use Supervisor