



City of Duluth

Meeting Agenda

Planning Commission.

Tuesday, January 11, 2022

5:00 PM

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

CALL TO ORDER AND ROLL CALL

APPROVAL OF PLANNING COMMISSION MINUTES

[PL 21-1214](#) Meeting Minutes 12/14/21

Attachments: [12-14-21 PC Minutes \(not approved yet\) \(1\)](#)

PUBLIC COMMENT ON ITEMS NOT ON AGENDA

CONSENT AGENDA

[PL 21-192](#) Interim Use Permit for Short Term Rental in Form District at 15 N 18th Avenue W Unit 1 by Betsy Norman

Attachments: [PL 21-192 staff report and attachments](#)

[PL 21-193](#) Interim Use Permit for Short Term Rental in a Form District at 15 N 18th Avenue W Unit 2 by Betsy Norman

Attachments: [PL 21-193 Staff Report and attachments](#)

[PL 21-195](#) Concurrent Use Permit for a Canopy in the Right of Way of W Michigan Street at the Depot, 506 W Michigan Street, by St Louis County Property Management

Attachments: [PL 21-195 Staff Report and Attachments](#)

[PL 21-200](#) Concurrent Use Permit for Stairway in the Right of Way of 28th Avenue W at 2803 W Superior Street by WB Ibiza LLC

Attachments: [PL 21-200 Staff report and attachments](#)

[PL 21-205](#) Minor Subdivision at 3925 Maxwell Avenue by Gloria Carlson

Attachments: [PL 21-205 Staff report with attachments](#)

[PL 21-206](#) Interim Use Permit for a Vacation Dwelling Unit at 1423 London Road by Mathew Jennissen

Attachments: [PL 21-206 Staff report and attachment](#)

[PL 21-209](#) R-P Zoning Amendment for Ramsey Village by Talle and Associates

Attachments: [PL21-209 Staff Report - final with attachments](#)

PUBLIC HEARINGS

[PL 21-137](#) Special Use Permit for Self-Service Storage Facility at 5710 Grand Avenue

Attachments: [PL21-137 Staff Report - final with attachments-rr](#)

[PL 21-188](#) Final Plat for Skyline View Estates, Northwest of Skyline Pkwy and Hwy 2 by Cynthia Crawford

Attachments: [PL21-188 Staff Report final with attachments](#)

[PL 21-210](#) UDC Text Amendment to Section 50-18.2, Airport Overlay District, by City of Duluth

Attachments: [PL 21-210 Staff Memo and Attachments Revised](#)

OLD BUSINESS

[PL 21-096](#) Minor Subdivision at Glen Place and W Michigan Street by Aaron Schweiger

COMMUNICATIONS

Land Use Supervisor Report

Historic Preservation Commission Report

Joint Airport Zoning Board Report

Duluth Midway Joint Powers Zoning Board Report

NOTICE: The Duluth Planning Commission will be holding its January 11, 2022 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 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.

City of Duluth Planning Commission

**December 14, 2021
Meeting Minutes**

Due to the COVID-19 emergency, many planning commission members participated through video conference from home. The meeting was held as a Special Meeting pursuant to Minnesota Statute 13D.021 in response to the Covid-19 emergency. Public comment was taken at planning@duluthmn.gov prior to and during the meeting, and via verbal comment through public attendance in the WebEx video conference during the meeting.

Call to Order

President Margie Nelson called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, December 14th, 2021.

Roll Call

Attendance: (* Via WebEx video conferencing – all votes conducted via roll call)

Members Present: Jason Crawford*, Gary Eckenberg* (entered meeting after approval of the minutes), Jason Hollinday*, Margie Nelson*, Michael Schraepfer*, Andrea Wedul*, Sarah Wisdorf* (left meeting during item PL 21-187), and Zandra Zwiebel*

Member Absent: Eddie Ranum

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

Approval of Planning Commission Minutes -

Planning Commission Meeting – November 9, 2021

MOTION/Second: Schraepfer/Hollinday approved

VOTE: (7-0)

Public Comment on Items Not on Agenda

Betty Greene had to leave the meeting early and asked if she could speak on item PL21-187, which is on the agenda. Chair Nelson granted her request. Greene stated if the planning commission approves the item, she urged them to make sure the applicant adheres to the conditions. (Referring to trees and buffering.)

Consent Agenda

PL 21-170 Variance from Shoreland Setbacks for a Retaining Wall at 4840 London Road by Jim and Becky Bradshaw

PL 21-183 Variance from Lot Size for a Property Split at 1218 E 4th Street by Maxim & Father, LLC

Commissioners: Zandra Zwiebel referred to item PL 21-183. She verified the larger lot will have the home on it, and the other lot will have access to the road. Deputy Director Adam Fulton stated as per the Comprehensive Plan, they do not want to tear down a dwelling that can be preserved. Planner Chris Lee explained they are creating a 25% and 75% parcel allotment, in order to provide legal frontage. Zwiebel appreciates the conservation of the home. Gary Eckenberg asked if the alley home can now be sold. Lee can't speak to legal issues, but the boundary line adjustment can give the option in the future to sell the home. Eckenberg asked if the alley house is a rental home. Lee affirmed and stated the homes are not owner-occupied. Andrea Wedul stated subdividing will provide the ability to have an accessory dwelling. Is there potential for an additional accessory dwelling unit on the smaller lot? Per Lee, there is not enough room on the smaller parcel.

Public: No speakers.

MOTION/Second: Zwiebel/Hollinday approved consent agenda items as per staff recommendations

VOTE: (8-0)

Public Hearings

Deputy Director Fulton noted the planning commission is now the body approving Interim Use Permits for vacation dwellings. Commissioner Zwiebel verified this is the reason the following item it is not on the consent agenda, because it is the first one. Deputy Director Fulton affirmed.

PL 21-185 Interim Use Permit for a Vacation Dwelling Unit in a Form District at 1101 E 4th Street by 1101 Duluth, LLC

Staff: John Kelley introduced the applicant's proposal to use the approximately 2,000 square foot, 3 bedroom single family dwelling as a vacation dwelling unit. The permit would allow 7 occupants. Vacation dwelling units located in the F-6 Form District are exempt from minimum night stays and parking, and there is no cap on the number of permits issued. Staff recommends approval with the conditions listed in the staff report.

Applicant: Scott Filipovich present, and welcomed questions. There were none.

Public: No Speakers.

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

VOTE: (8-0)

(Commissioner Sarah Wisdorf left during the next agenda item before the vote.)

PL 21-187 Planning Review in the Higher Education Overlay for Arrowhead Center at Arrowhead Road east of Kenwood Avenue by Shamrock Management, LLC

Staff: Deputy Director Adam Fulton stated he appreciates all parties working on the property including the neighbors. The level of involvement from the community is valued. John Kelley gave an overview. The applicant proposes to construct a 12,000 square foot commercial/office structure in the Higher Education Overlay (HE-O) district with associated parking, landscaping, lighting, and connectivity located to the north and east of the Kenwood Shopping Center, adjacent to Arrowhead Road. The lot has yet to be fully configured. It is currently zoned MU-N, but is in a Higher Education Overlay, which has a set of additional development standards. The Land Use Supervisor can make the determination that do to site conditions or existing buildings

an alternative site design can be considered. The site plan includes development standards for the proposed alternative site design. The proposed walkway will cross the parking area to the building. There will be pedestrian lighting along the walkway. A stormwater narrative has been provided. There is a proposed drive-through on the east side of the building. A restaurant is a possible use in the building. For screening the applicant is proposing trees and shrubs behind the drive-through lane. The minimum number of required parking spaces is 47, and the maximum number is 70. The site plan shows 59 parking spaces along the north, west and south side of the building. Staff received public comments, which were provided to the planning commission. Staff recommends approval with the conditions listed in the staff report. Deputy Director Adam Fulton reiterated the public comments received including an email from Pete and Kelly Matson who are concerned about the applicant not meeting the tree requirements, and from Katy Kakorian who lives next door and is concerned about the increased light pollution, and the height of the building. Commissioner Wedul asked about stormwater. Per Kelley, the applicant has submitted a stormware narrative, but not a detailed plan yet. Wedul asked if there is not enough room for a stormwater system, would the item come back to the planning commission. Per Deputy Director Fulton, this is a tricky site with lots of bedrock. He suggests posing the stormwater question to the architect. Wedul noted the proposed 3" caliper trees and will defer to the applicant. Commissioner Zwiebel asked where the second drive lane on Arrowhead Road ends. She is concerned about traffic issues. Is a middle turn lane being proposed? She noted this is an incredibly congested area. Planner Kelley stated two new curb cuts, and driveway permits will be issued by engineering. The second turn lane ends around the same area as the curb cuts. Zwiebel asked if the drive through will be a single lane. Kelley affirmed. Commissioner Eckenberg referred to the May 17th, 2021, letter to Mr. O'Brien regarding tree replacement. What is the process to reaching a conclusion? Deputy Director Fulton noted the Kenwood shopping mall was developed pre-UDC. Covenants were filed regarding landscaping. The covenants have now expired. It is not a straight forward enforcement issue. There is lack of clarity on what was a dead versus a thriving tree. A large berm with red pines on top were added for screening. Eckenberg noted the installation of trees no later than 8/30/2021, has that happened? Deputy Director Fulton stated, no. The nursery stock/inventory was not available, which was validated by the city forrester. Wedul echoes Eckenberg's comments on tree replacement. She isn't convinced that the trees planted are living and cared for. Deputy Director Fulton deferred to the applicant, but noted some trees were replaced. In this proposal, condition #2 requires a financial security be in place for 100% of the landscaping value for at least one year, before a building permit is issued.

Applicant: Bill Scalzo of Scalzo Architects, Ltd., addressed the commission. This proposal will fit with the character of the existing shopping center. Engineering had no issue with egress to the building. The stormwater is proposed on the west side of the site, and underground. He noted one red pine was lost and replaced. Attorney Bill Burns addressed the commission. He is involved with the O'Brien shopping center. The mall has been substantially upgraded. He understands there has been a lot of neighborhood discussion. They moved trees that were largely dead or dying. The covenants expired some time ago. This is a positive investment in the community. This is a small center and is somewhat removed from the main shopping center. Commissioner Eckenberg asked Scalzo about the entry points off of Arrowhead Road. Is this a county road or a city road? Scalzo presumes it is a city street. Wedul asked about the trees, and has had no trouble sourcing trees. She does not feel comfortable with that excuse. She asked if they intent to plant 3" caliper trees. Scalzo, affirmed, as per landscaper designs. He presumes the landscaper now has an inventory source. Wedul asked about stormwater. Will it be sub-surface? Scalzo affirmed. He noted the depth of bedrock is concentrated at the east

end, and will not be an issue. Burns noted the current mall tenants are supportive of the new mall, and are happy for the additional investment to bring in more shoppers, and will be an upgrade. Wedul asked if a traffic study has been done. This is a congested area, and noted the ingress/egress with no turn lane. She affirmed the additional lane on Arrowhead ends before entry. Scalzo stated there will be no additional impact to Arrowhead Road. Engineering has not requested a traffic study. Deputy Director Fulton noted there was a traffic study performed for Kenwood Village, across the street. He noted engineering has not raised concerns requiring a traffic study. Zwiebel asked how can there be no concerns. She feels it needs to be addressed.

Public: Hilary Hunt addressed the commission. She lives across the street from the Super One driveway. She noted between 7:30 and 9:30 a.m. it is almost impossible to turn left or right onto the road. She supports development overall, but she is concerned about increased traffic, both for driving and walking. She requests a traffic study. Peter Mattson addressed the commission. He lives behind where they cleared the trees. When they removed the trees, it was pretty dramatic. There were a lot of living trees removed. The buffer zone is gone. He is pro-business, but not at the expense of the livability of the neighborhood. Katie Krikori addressed the commission. She appreciates the commissioners' concern on stormwater and traffic. She is also concerned about the noise level now that the trees are removed. Also, the blowing around of trash is a concern. Tom Witt addressed the commission and echoes concerns about traffic without a designated turn lane.

Applicant: Bill Burns noted the good questions and concerns raised. There is a process to be followed. The applicant has been cooperative with the city. He will financially bond/secure the trees for future health. Their lead time for materials can be great. He would like the planning commission to approve tonight, so they can work with their contractor to get things going. He feels ambushed by traffic issue. He doesn't want the project delayed.

Commissioners: Zwiebel appreciated the owner's comment about difficulty in crossing the street. Could a cross walk be added? Deputy Director Fulton is not sure if this is a county or a city street, but having a crosswalk mid-way from the traffic light would not be feasible. Pedestrians can cross at the street lights to the west of the development. Wedul asked if the county has been contacted to allow for comment. Kelly stated a notice is sent out with the application. He said they can circle back and ask city and county engineers again. Wedul noted buffering in the residential neighborhood is a concern. Has additional east side buffering been discussed? Per Kelly, additional screening was added in the landscape plan. There was also a privacy fence discussed. Wedul would like to add as a condition a double row of trees. Chair Nelson asked if they could/should make the privacy fence a requirement. Kelley stated a fence is an option. Wedul noted the egress onto Arrowhead Road. The parking lot doesn't have an edge. (Could it be internal circulation from the existing mall?) Per Kelley, this was mentioned in their pre-application meeting, but the applicant chose to move forward with the site design.

MOTION/Second: Wedul/Zwiebel motion to Table for more information on traffic issues

VOTE: (4-3, Crawford, Eckenberg and Nelson Opposed)

Old Business

PL 21-096 Minor Subdivision at Glen Place and W Michigan Street by Aaron Schweiger

Item to Remain on the Table through the end of November for more Plat Research

Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton gave an overview. He asked commissioners if they would accept an electronic staff packet. Commissioners Eckenberg and Zwiebel appreciate a paper copy. The Central Entrance Planning Study is wrapping up with their discussion with MNDOT.

Heritage Preservation Commission – No update.

Joint Airport Zoning Board – Commissioner Eckenberg noted they have not met since the last pc meeting. They are waiting for a resolution from the city. Kyle Deming and Steve Robertson are working with attorney Steve Hanke on updating the UDC. They should have a draft document to share with the planning commission next month.

Duluth Midway Joint Powers Zoning Board – No update.

Adjournment

Meeting adjourned at 6:41 p.m.

Respectfully,

Adam Fulton – Deputy Director
Planning & Economic Development



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580
 planning@duluthmn.gov

File Number	PL 21-192	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit – Unit 1	Planning Commission Date		January 11, 2022
Deadline for Action	Application Date	November 15, 2021	60 Days	January 14, 2022
	Date Extension Letter Mailed	December 21, 2021	120 Days	March 15, 2022
Location of Subject	15 North 18 th Ave West			
Applicant	Jason and Betsy Norman	Contact	On file	
Agent		Contact		
Legal Description	PID # 010-1120-05650			
Site Visit Date	December 28, 2021	Sign Notice Date	December 28 2021	
Neighbor Letter Date	December 29, 2021	Number of Letters Sent	23	

Proposal

Applicant proposes use of one duplex unit of an existing 1,500 square foot building as a vacation dwelling unit. The permit is good for a two-bedroom unit with a maximum of 5 occupants.

Vacation dwelling units located in the F-5 Form District are exempt from minimum night stays and parking, and there is no cap on number of permits issued.

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

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-5	Duplex	Central Business Secondary
North	MU-B	Storage	Central Business Secondary
South	F-5	Office	Central Business Secondary
East	F-5	Multi Family	Central Business Secondary
West	F-5	Parking Lot	Central Business Secondary

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-5 zone district.

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

1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location;
2. The applicant agrees to sign a development agreement with the city. No more than



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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,

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

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

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

Applicant is proposing to provide another type of lodging product for visitors to the City of Duluth and surrounding area.

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

History: Building is 1,500 square feet in size and constructed in 1886. The building is currently a 4 bedroom duplex.

Review and Discussion Items:

- 1) Applicant's property is located at 15 N 18th Ave W. The proposed vacation dwelling is a two-bedroom apartment, Unit 1, within the duplex. The apartment would allow for a maximum of 5 guests.
- 3) Vacation dwelling units located in Form districts are exempt from number of interim use permits issued, minimum night stays and parking requirements.
- 4) The applicant has noted on their site plan that there will be two off street parking spaces behind the duplex.
- 4) There will not be any campers or trailers parked on the property.
- 5) The site does not have any outdoor amenities.
- 6) Permit holders must designate a managing agent or local contact who resides within 25 miles of the city and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the city. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed themselves to serve as the managing agent, and meet the criteria.
- 7) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses



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thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.

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

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

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

Staff Recommendation:

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

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



TWIN PORTS
COLLISION
REPAIR INC

112005740

112005650

NORMAN JASON A
& ELIZABETH R

W 1st St Alley

15 N 18TH
AVE W

112005660

DULUTH REGIONAL
CARE CENTER INC

112005760
18 N
19TH AVE W
ARROWHEAD
SUPPLY
CO INC

AAMODT
INVESTMENTS
LLC

1801 W
SUPERIOR ST

112005670

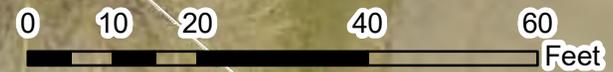
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AAMODT
Aerial photography flown 2019

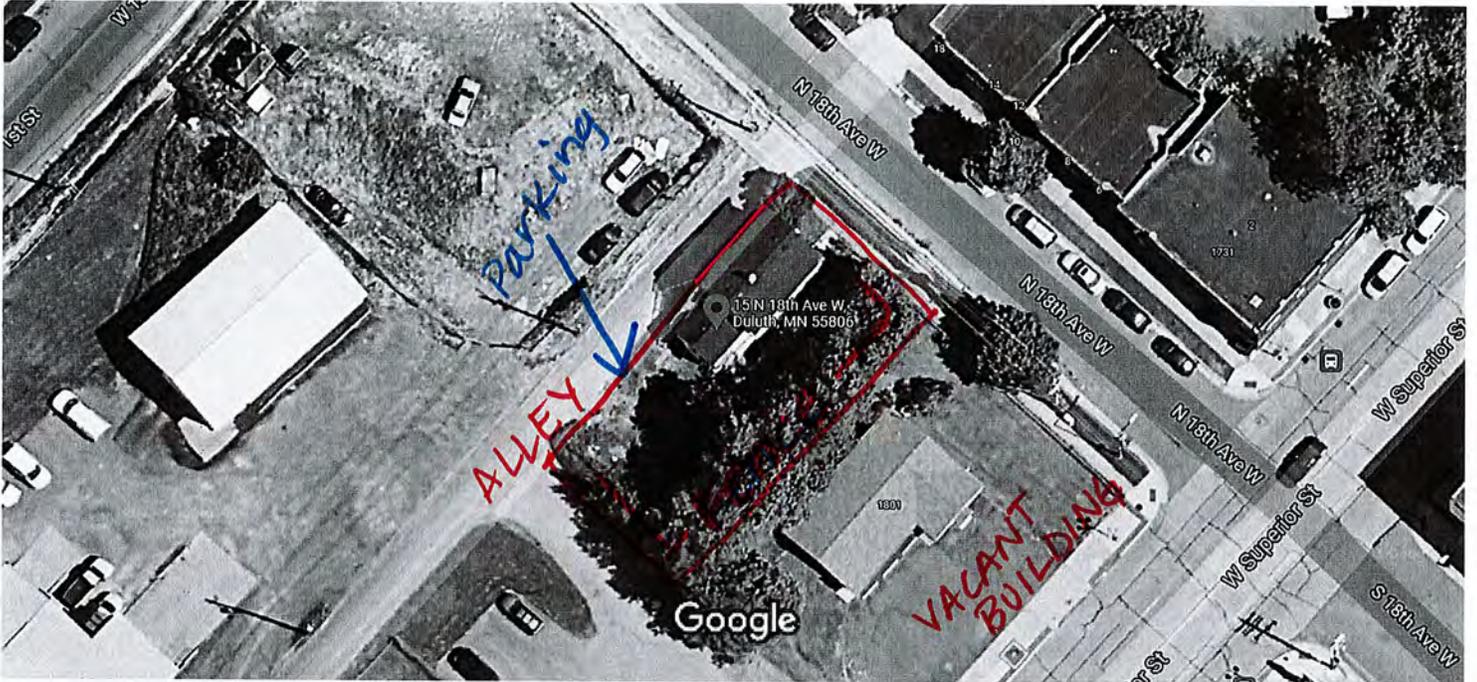
Legend

- Road or Alley ROW
- Easement Type**
- Utility Easement
- Other Easement

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



Google Maps 15 N 18th Ave W



Map data ©2021, Map data ©2021 20 ft



Lot dimensions:
 W D
 50 x 100

15 N 18th Ave W

Duluth, MN 55806
Building

- 
Directions
- 
Save
- 
Nearby
- 
Send to your phone
- 
Share

Photos

Vacation Dwelling Unit Worksheet (September 2020)

1. The minimum rental period shall be not less than two consecutive nights (does not apply to Form districts). **What will be your minimum rental period?** 2 nights

2. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two.

How many legal bedrooms are in the dwelling? What will be your maximum occupancy?

2 4

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

- a. 1-2 bedroom unit, 1 space
- b. 3 bedroom unit, 2 spaces
- c. 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.
- d. Vacation dwelling units licensed on May 15, 2016, are entitled to continue operating under the former off-street parking requirement. The parking exemption for vacation dwelling units licensed on May 15, 2016, expires upon transfer of any ownership interest in the permitted property.
- e. Form districts are not required to provide parking spaces.

How many off-street parking spaces will your unit provide? 2

4. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, on or off the street. **Will you allow motorhome or trailer parking? If so, where?** NO

5. The property owner must provide required documents and adhere to additional requirements listed in the City of Duluth's UDC Application Manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures.

6. The property owner must provide a site plan, drawn to scale, showing parking and driveways, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbeque grill, recreational fire, pool, hot tub, or sauna, and provide detail concerning the provision of any dense urban screen that may be required to buffer these areas from adjoining properties. Please note that this must be on 8 x 11 size paper.

7. The interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first. An owner of a vacation dwelling unit permitted prior to May 15, 2016, may request, and the land use supervisor may grant, an application for adjustment of an existing permit to conform to this section, as amended, for the remainder of the permit term.

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

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

Spreadsheet + binder in office

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

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

Jason and Betsy Norman 218 8591 2325 597

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

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

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

In each unit by the entrance door and in listing if able

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

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



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File Number	PL 21-192	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit – Unit 2	Planning Commission Date	January 11, 2022	
Deadline for Action	Application Date	November 15, 2021	60 Days	January 14, 2022
	Date Extension Letter Mailed	December 21, 2021	120 Days	March 15, 2022
Location of Subject	15 North 18 th Ave West			
Applicant	Jason and Betsy Norman	Contact	On file	
Agent		Contact		
Legal Description	PID # 010-1120-05650			
Site Visit Date	December 28, 2021	Sign Notice Date	December 28 2021	
Neighbor Letter Date	December 29, 2021	Number of Letters Sent	23	

Proposal

Applicant proposes use of one duplex unit of an existing 1,500 square foot building as a vacation dwelling unit. The permit is good for a two-bedroom unit with a maximum of 5 occupants.

Vacation dwelling units located in the F-5 Form District are exempt from minimum night stays and parking, and there is no cap on number of permits issued.

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

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-5	Duplex	Central Business Secondary
North	MU-B	Storage	Central Business Secondary
South	F-5	Office	Central Business Secondary
East	F-5	Multi Family	Central Business Secondary
West	F-5	Parking Lot	Central Business Secondary

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-5 zone district.

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

1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location;
2. The applicant agrees to sign a development agreement with the city for no more than



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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,

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

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

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

Applicant is proposing to provide another type of lodging product for visitors to the City of Duluth and surrounding area.

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

History: Building is 1,500 square feet in size and constructed in 1886. The building is currently a 4 bedroom duplex.

Review and Discussion Items:

- 1) Applicant's property is located at 15 N 18th Ave W. The proposed vacation dwelling is a two-bedroom apartment, Unit 2, within the duplex. The apartment would allow for a maximum of 5 guests.
- 2) Vacation dwelling units located in Form districts are exempt from number of interim use permits issued, minimum night stays and parking requirements.
- 3) The applicant has noted on their site plan that there will be two off street parking spaces behind the duplex.
- 4) There will not be any campers or trailers parked on the property.
- 5) The site does not have any outdoor amenities.
- 6) Permit holders must designate a managing agent or local contact who resides within 25 miles of the city and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the city. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed themselves to serve as the managing agent, and meet the criteria.
- 7) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

- 8) Applicant has applied for all relevant permits and licenses and these are contingent upon approval of the Interim Use Permit for a Vacation Dwelling Unit.
- 9) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 10) No comments from citizens, City staff, or any other entity were received regarding the application.

Staff Recommendation:

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

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

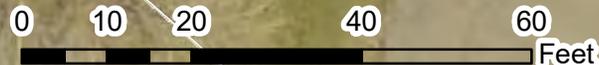


Legend

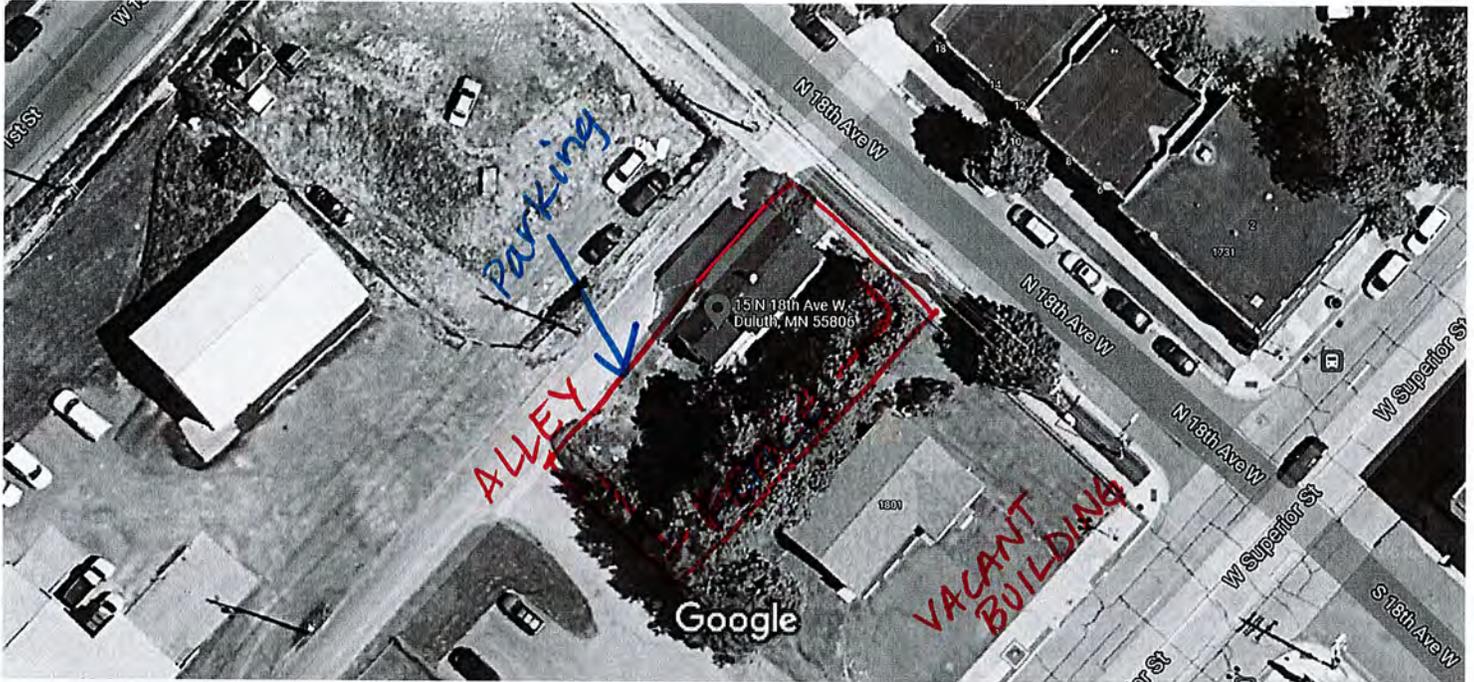
- Road or Alley ROW
- Easement Type**
- Utility Easement
- Other Easement



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Google Maps 15 N 18th Ave W



Map data ©2021, Map data ©2021 20 ft



Lot dimensions:
 W D
 50 x 100

15 N 18th Ave W

Duluth, MN 55806
Building

- 
Directions
- 
Save
- 
Nearby
- 
Send to your phone
- 
Share

Photos

Vacation Dwelling Unit Worksheet (September 2020)

1. The minimum rental period shall be not less than two consecutive nights (does not apply to Form districts). **What will be your minimum rental period?** 2 nights

2. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two.

How many legal bedrooms are in the dwelling? What will be your maximum occupancy?

2 4

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

- a. 1-2 bedroom unit, 1 space
- b. 3 bedroom unit, 2 spaces
- c. 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.
- d. Vacation dwelling units licensed on May 15, 2016, are entitled to continue operating under the former off-street parking requirement. The parking exemption for vacation dwelling units licensed on May 15, 2016, expires upon transfer of any ownership interest in the permitted property.
- e. Form districts are not required to provide parking spaces.

How many off-street parking spaces will your unit provide? 2

4. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, on or off the street. **Will you allow motorhome or trailer parking? If so, where?** NO

5. The property owner must provide required documents and adhere to additional requirements listed in the City of Duluth's UDC Application Manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures.

6. The property owner must provide a site plan, drawn to scale, showing parking and driveways, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbeque grill, recreational fire, pool, hot tub, or sauna, and provide detail concerning the provision of any dense urban screen that may be required to buffer these areas from adjoining properties. Please note that this must be on 8 x 11 size paper.

7. The interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first. An owner of a vacation dwelling unit permitted prior to May 15, 2016, may request, and the land use supervisor may grant, an application for adjustment of an existing permit to conform to this section, as amended, for the remainder of the permit term.

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

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

Spreadsheet + binder in office

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

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

Jason and Betsy Norman 218 8591 2325 597

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

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

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

In each unit by the entrance door and in listing if able

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

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



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 21-195		Contact	Chris Lee, clee@duluthmn.gov	
Type	Concurrent Use Permit for Structure in Right of Way		Planning Commission Date	January 11, 2022	
Deadline for Action	Application Date	November 30, 2021	60 Days	January 16, 2022	
	Date Extension Letter Mailed	November 30, 2021	120 Days	March 30, 2022	
Location of Subject	506 W Michigan St				
Applicant	St Louis County Property Management		Contact	Joe Goldshlack and Marissa Miller	
Agent	Architecture Advantage		Contact	Shane Nies	
Legal Description	See Attached Map				
Site Visit Date	December 1, 2021		Sign Notice Date	November 30, 2021	
Neighbor Letter Date	N/A		Number of Letters Sent	N/A	

Proposal: The applicant is seeking a concurrent use permit to allow a private obstruction (footings and overhead canopy) in the public right of way.

Recommended Action: Recommend to the city council to approve with conditions (Ordinance).

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-8	Museum/Mixed Use	Central Business Primary
North	F-8	Civic Building	Central Business Primary
South	F-8	Interstate	Transportation and Utilities
East	MU-C	Parking Lot	Central Business Primary
West	F-8	Parking Lot	General Mixed Use

Summary of Code Requirements

UDC Section 50-37.7.C. The planning commission shall review the application, and council shall approve the application or approve it with modifications, if it determines that the proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city, and no portion of a public easement proposed of use is being physically occupied by the public.

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

Principle #4 - Support emerging economic growth sectors. Emerging economic sectors add economic, cultural and social diversity. These include higher education, medical, value-added manufacturing, commercial outdoor recreation, historic resources interpretation, arts and music, information technology and visitor services.

The installation falls with the provisions of Minnesota Statute 237.162 and 247.1643, as amended in 2017.

Future Land Use:

This is a companion zoning application to PL21-202 for a historic construction or demolition permit to improvements as depicted on the attached exhibits to a building that is designated as locally historic.

Review and Discussion Items:

- 1) The applicant is seeking a concurrent use permit to allow for the private use of a portion of the public right of way. The applicant is proposing to reconstruct the existing canopy and footing that extend 8 feet into the right of way. The proposed concurrent use area will occupy a 25' x 140' section of the right of way for West Michigan Street, in the same manner in which it has for many decades. The applicant also proposes as part of this application to reconfigure the drop-off area for vehicles.
- 2) Granting a concurrent use permit would give the applicant the ability to use dedicated public rights-of-way, with conditions, while preserving other existing public uses in the same right-of-way corridors. Concurrent use permits require a public hearing and recommendation by the Planning Commission, and is approved by the City Council via ordinance. Unlike street right-of-way vacations, concurrent use permits are not recorded at the County as they are voidable permits issued by the City to applicants who are private users of public rights-of-way.
- 3) Ownership of the canopy will remain with St. Louis County. Liability, maintenance, and operation of the canopy will remain the responsibility of the applicant. In the event of an accident, such as a vehicle hitting the canopy footing, the city is not responsible for restoring or replacing any of the applicant's equipment.
- 4) If approved, the applicant will need to obtain liability insurance and indemnify the City against liability for occurrences due to their encroachment into the right of way.
- 5) Granting the proposed concurrent use permits will not harm or inconvenience the health, safety and general welfare of the city. The area proposed for the concurrent use permit will not take away from the public's ability to use the public right-of-way.
- 6) At the time that this report was written, no written comments from the City, outside agency or public have been received.

Staff Recommendation:

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

- 1) The project be limited to the construction drawings submitted and included with this staff report. These drawings do not constitute final engineering approval.
- 2) Applicant, and/or successors, shall remove the proposed obstructions at applicant's expense if directed to do so by the City with appropriate notice, and shall adhere to other standards and obligations established in the approving document (ordinance).
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, all other changes must be approved by amending the City Council's approved ordinance.



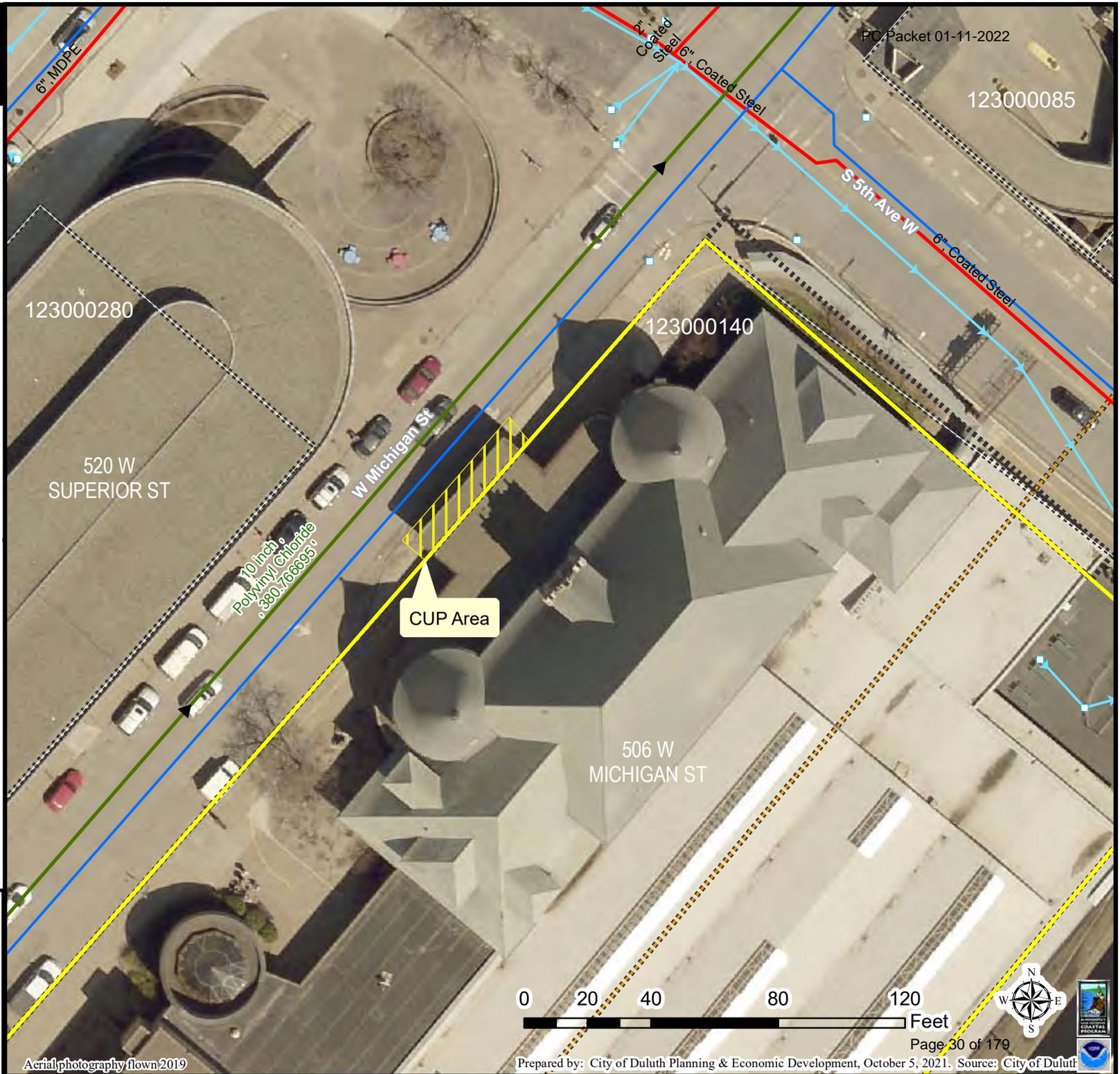
PL 21-195
CUP
508 W Michigan St

PC Packet 01-11-2022

123000085

Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains**
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Road or Alley ROW
- Easement Type**
- Utility Easement
- Other Easement

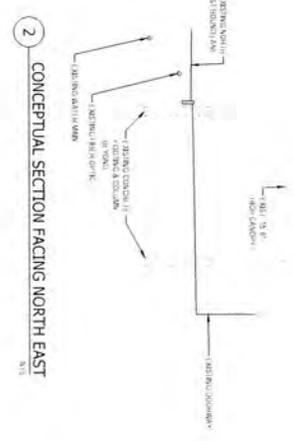
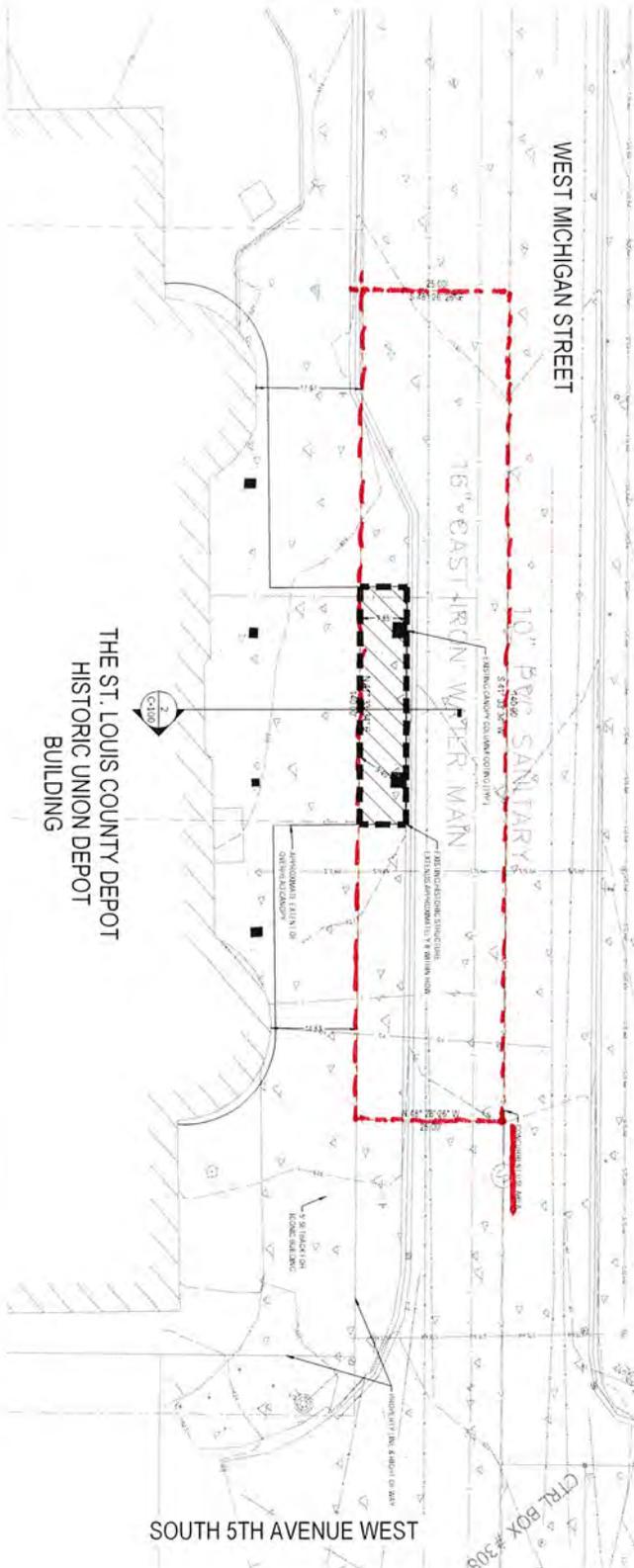


Aerial photography flown 2019



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SLC DEPOT CANOPY IMPROVEMENTS EXISTING CONDITIONS CONCURRENT USE PERMIT EXHIBIT



CONCEPTUAL SECTION FACING NORTH EAST

EXISTING GRADE

EXISTING CANOPY

EXISTING COLUMN

EXISTING ROOFLINE

EXISTING FOUNDATION

EXISTING WALL

1:10

811
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Revisions:

WINDSOR ENGINEERS
Vancouver, WA
Duluth + Minneapolis, MN
www.windsorengineers.com
Project No. 21171

PRELIMINARY

SLC DEPOT - CANOPY IMPROVEMENTS
DULUTH, MN

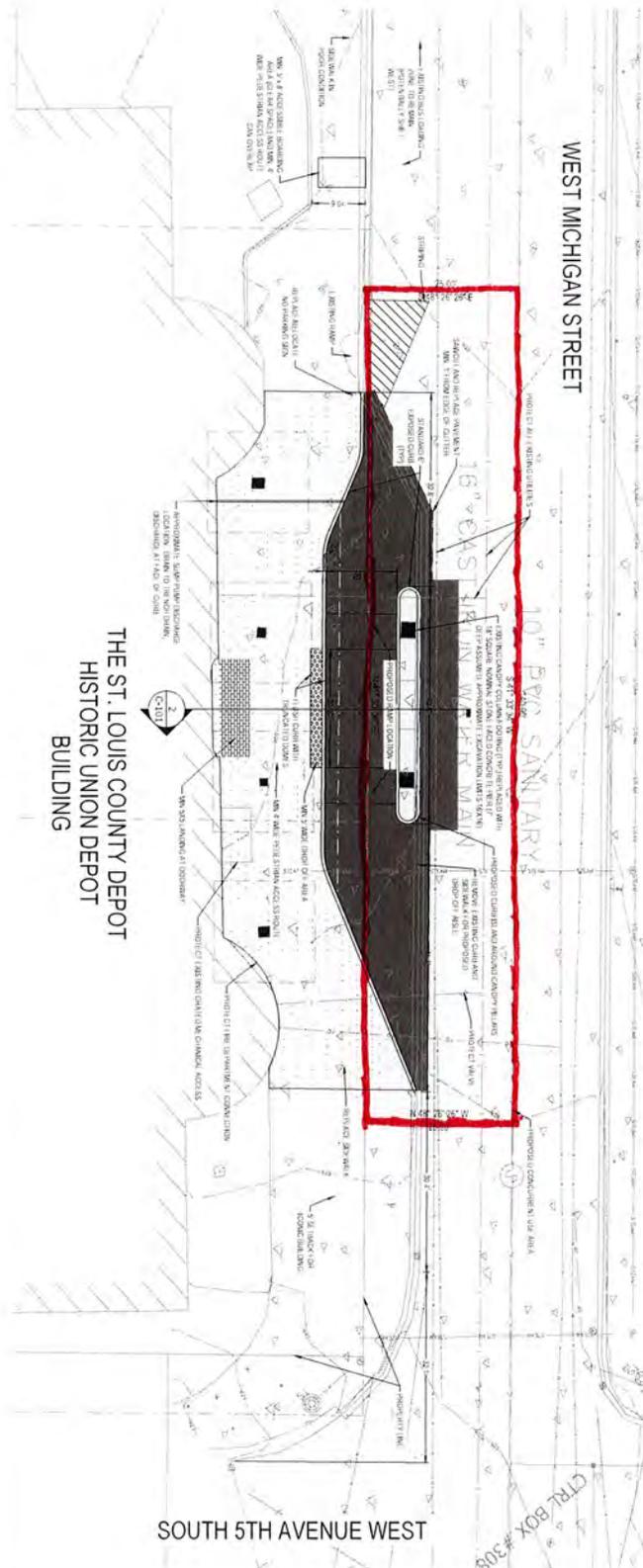
CONCURRENT USE PERMIT EXHIBIT
Issue Date: 2021-11-29

Project Manager: TMS
Drawn by: TMS
Checked by: TMS

EXISTING CONDITIONS

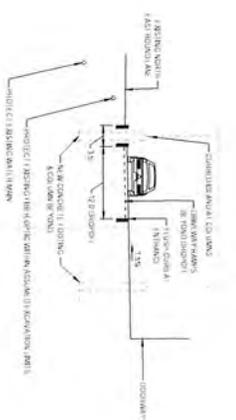
C-100

SLC DEPOT CANOPY IMPROVEMENTS PRELIMINARY SITEPLAN CONCURRENT USE PERMIT EXHIBIT



THE ST. LOUIS COUNTY DEPOT
HISTORIC UNION DEPOT
BUILDING

2 CONCEPTUAL SECTION FACING NORTH EAST



CONCURRENCE STATEMENTS:
The proposed work is a canopy improvement project for the historic depot building. The project includes the installation of a new canopy structure over the existing building. The project is subject to the following conditions:
1. The project shall be completed in accordance with the approved plans and specifications.
2. The project shall not affect the structural integrity of the existing building.
3. The project shall not affect the historic character of the building.
4. The project shall not affect the surrounding streetscape.
5. The project shall not affect the surrounding environment.
6. The project shall not affect the surrounding traffic.
7. The project shall not affect the surrounding utilities.
8. The project shall not affect the surrounding parking.
9. The project shall not affect the surrounding landscaping.
10. The project shall not affect the surrounding security.



Revisions

No.	Description

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Vancouver, WA
Duluth + Minneapolis, MN
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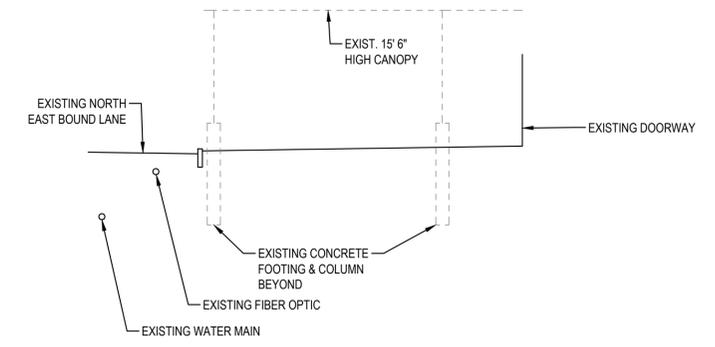
PRELIMINARY

SLC DEPOT - CANOPY IMPROVEMENTS
DULUTH, MN
CONCURRENT USE PERMIT EXHIBIT
Issue Date: 2021-11-29

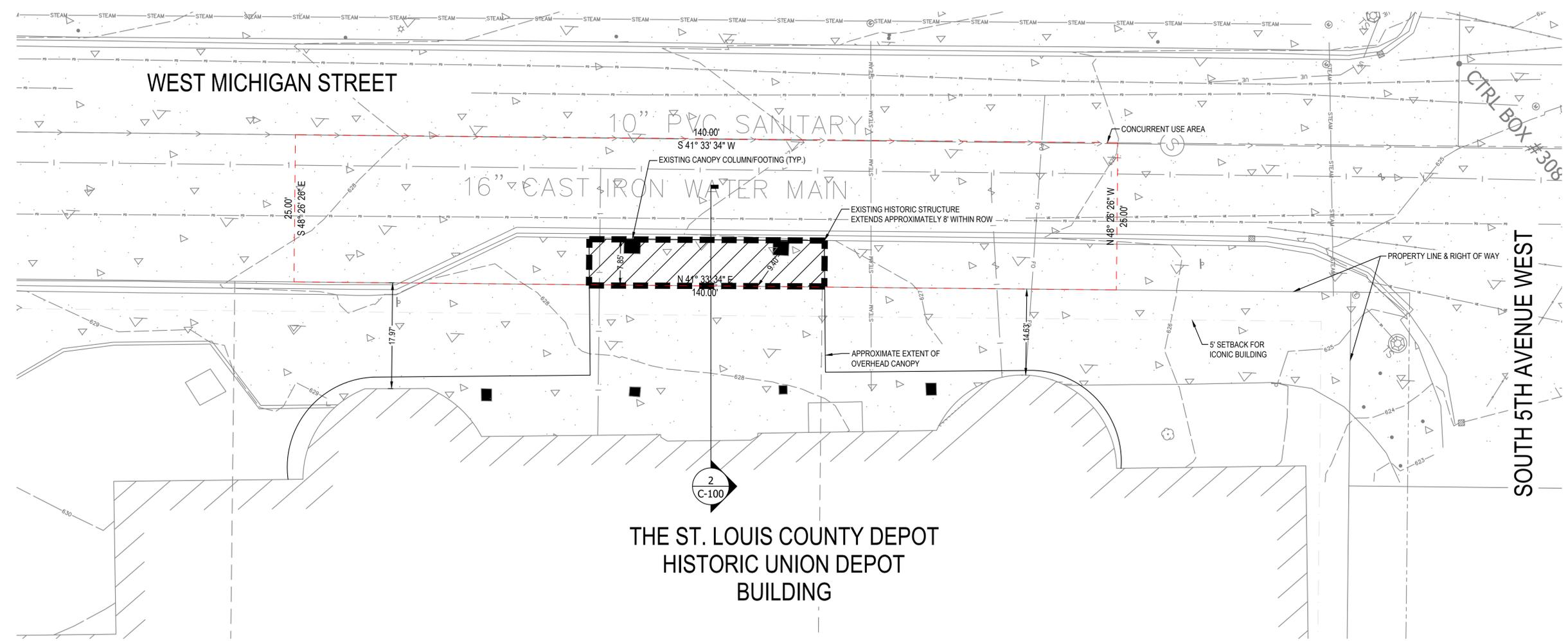
Project Manager: TMS
Drawn by: TMS
Checked by: TMS
C-101



SLC DEPOT CANOPY IMPROVEMENTS EXISTING CONDITIONS CONCURRENT USE PERMIT EXHIBIT



2 CONCEPTUAL SECTION FACING NORTH EAST
NTS



Concurrent Use Permit Description:
Those parts of Lots 7 and 8, Block C, and that part of West Michigan Street, all as platted and dedicated in DULUTH PROPER THIRD DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota, described as follows:

Commencing at the intersection of the centerline of West Michigan Street with the centerline of Fifth Avenue West, as platted and dedicated in said DULUTH PROPER THIRD DIVISION; thence South 41 degrees 33 minutes 34 seconds West, assumed bearing along the centerline of said West Michigan Street, a distance of 83.00 feet to the point of beginning of the tract to be described; thence continue South 41 degrees 33 minutes 34 seconds West, along the centerline of said West Michigan Street 140.00 feet; thence South 48 degrees 26 minutes 26 seconds East 25.00 feet; thence North 41 degrees 33 minutes 34 seconds East 140.00 feet; thence North 48 degrees 26 minutes 26 seconds West 25.00 feet to the point of beginning.

1 SITEPLAN



811
Know what's below.
Call before you dig.
CALL 2 BUSINESS DAYS BEFORE YOU DIG.
CAUTION: UTILITY INFORMATION IS APPROXIMATE. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.

Revisions:

LINE IS 1" ON FULL SCALE DRAWING

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PRELIMINARY

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DULUTH, MN

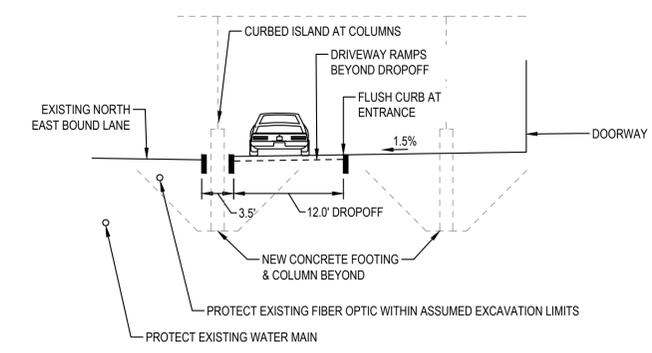
CONCURRENT USE PERMIT EXHIBIT
Issue Date: 2021-11-29

Project Manager TMS
Drawn by TMS
Checked by TMS

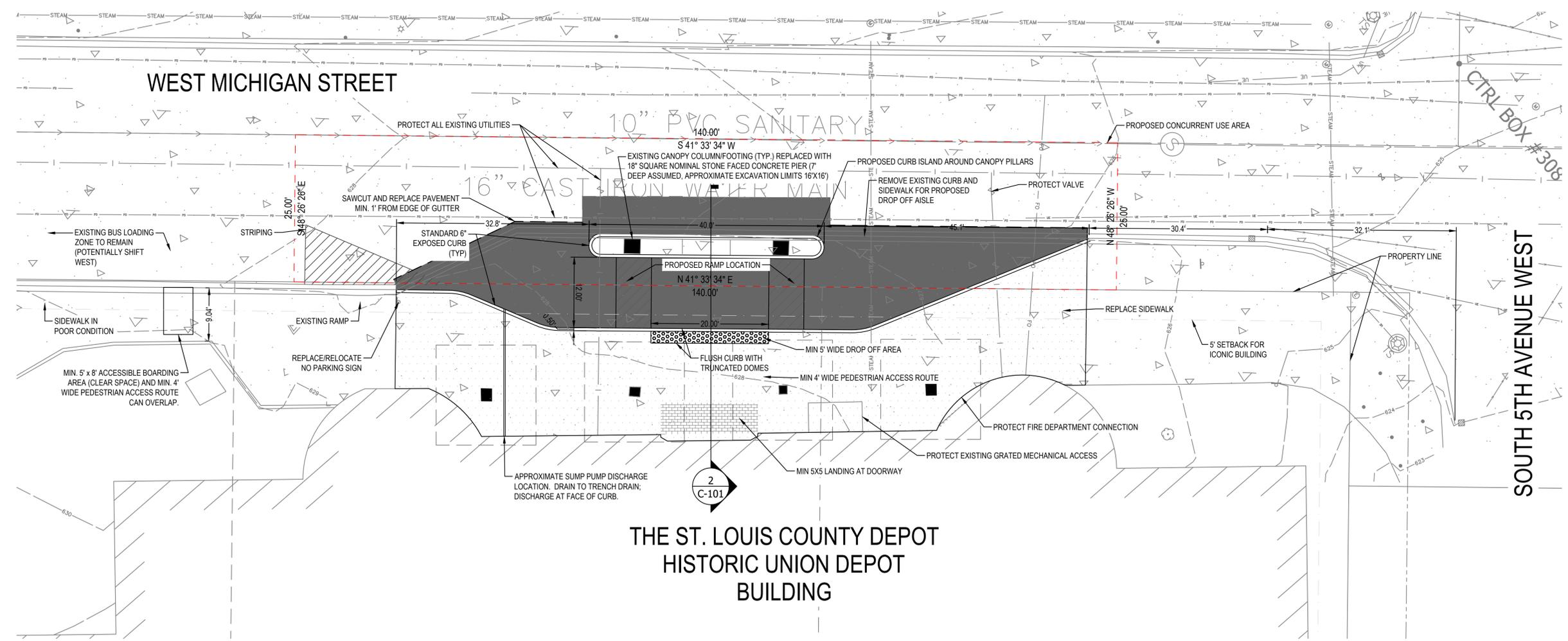
EXISTING CONDITIONS

C-100

SLC DEPOT CANOPY IMPROVEMENTS PRELIMINARY SITEPLAN CONCURRENT USE PERMIT EXHIBIT



2 CONCEPTUAL SECTION FACING NORTH EAST
NTS



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1 SITEPLAN



811
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Revisions:

NO.	DATE	DESCRIPTION

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PRELIMINARY

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DULUTH, MN
CONCURRENT USE PERMIT EXHIBIT
Issue Date: 2021-11-29
Project Manager TMS
Drawn by TMS
Checked by TMS

SITEPLAN
C-101
Page 34 of 179



ARCHITECTURE ADVANTAGE



PICTURE #1
Column 1



PICTURE #3
Column 2



PICTURE #3
Column 3



PICTURE #4
Column 4



PICTURE #5
Column 5



PICTURE #6
Column 6



ARCHITECTURE ADVANTAGE



PICTURE #7
Sidewalk/Entry



PICTURE #8
Sidewalk/Entry



PICTURE #9
Roof Standing Seam



PICTURE #10
Roof Standing Seam



ARCHITECTURE ADVANTAGE



PICTURE #11
Roof/Sill Flashing



PICTURE #12
Roof/Sill Flashing



PICTURE #13
Roof/Wall Flashing



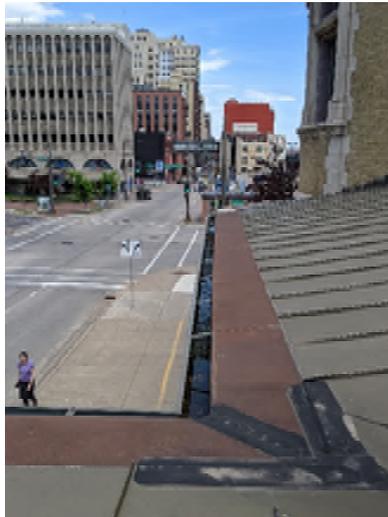
PICTURE #14
Roof/Wall Flashing



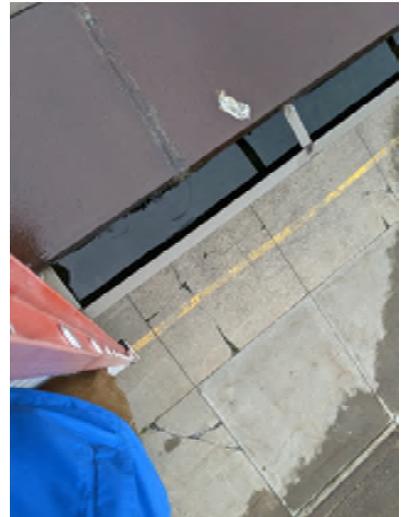
ARCHITECTURE ADVANTAGE



PICTURE #15
Roof Edge/Gutter



PICTURE #16
Roof Edge/Gutter



PICTURE #17
Roof Edge/Gutter



PICTURE #18
Roof Ridge



PICTURE #19
Roof Valley



PICTURE #20
Roof Valley



ARCHITECTURE ADVANTAGE



PICTURE #21
Roof/Wall Flashing



PICTURE #22
Roof/Wall Flashing



PICTURE #23
Roof/Wall Flashing



PICTURE #24
Roof/Wall Flashing



W Michigan



SLC Depot





Engineering
Land Surveying
Site Development

JPJ ENGINEERING, INC
425 Grant Street
Hibbing, MN 55746
(218) 262-5528

5670 Miller Trunk Hwy
Duluth, MN 55811
(218) 720-6219

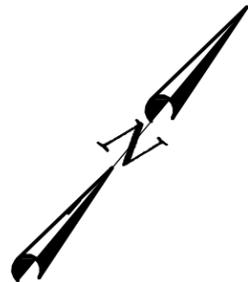
www.jpjeng.com

CERTIFICATE & TOPOGRAPHIC SURVEY

For: St. Louis County Property Management
506 West Michigan Street, Duluth, Minnesota 55802.
Part of Lots 7, 8, 9 & 10, Block C, DULUTH PROPER THIRD ADDITION, St. Louis Co., MN.

LEGEND:

- iron monument found
- 1/2 inch iron monument set, marked "JPJ ENG 21401"
- EM electric meter
- ∅ power pole
- EM electric meter
- ⓐ gas meter
- Ⓣ telephone box
- ⓔ electric box
- ⓔ electric manhole
- Ⓜ manhole type unknown
- Ⓢ sanitary manhole
- ⊗ water valve
- ▣ catch basin
- guard post
- Ⓚ sign
- Ⓣ traffic signal
- ☁ deciduous tree
- UE — underground electric line
- UG — underground gas line
- STEAM — steam line
- > — sanitary sewer line
- >> — storm sewer line
- | — water main line
- OE — overhead power line
- ▭ concrete surface
- ▭ bituminous surface
- ▭ gravel surface



SCALE: 1 INCH = 50 FEET



PROPERTY DESCRIPTION:

Those parts of Lots 7, 8, 9 and 10, Block C, DULUTH PROPER THIRD DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota, lying northerly of the northerly right of way line of the railroad and lying southwesterly of the northeasterly 10.00 feet of said Lot 7, including the east half of vacated 6th Avenue West adjacent to said Lot 10.

SURVEYOR NOTES:

Orientation of the bearing system is based on the northwesterly line of Lots 7 through 10, Block C, DULUTH PROPER THIRD DIVISION to have a bearing of N 41°33'34"E.

JPJ Engineering has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.

Area of this property is 96,038 square feet or 2.2047 acres ±.

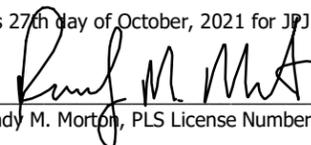
Address of the property is 506 West Michigan Street, Duluth, MN 55802.

Parcel Identification Number is 010-1230-00140.

CERTIFICATION:

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

Signed this 27th day of October, 2021 for JPJ Engineering, Inc.


 Randy M. Morton, PLS License Number 21401

SURVEY BY : AJG

DRAWN BY : AJG

DESIGNED BY :

APPROVED BY : RMM

DATE: 10/27/2021

PROJECT NUMBER

21-947

SHEET NUMBER

1 OF 2



Engineering
Land Surveying
Site Development

JPJ ENGINEERING, INC
425 Grant Street
Hibbing, MN 55746
(218) 262-5528

5670 Miller Trunk Hwy
Duluth, MN 55811
(218) 720-6219

www.jpjeng.com

CERTIFICATE & TOPOGRAPHIC SURVEY

For: St. Louis County Property Management
506 West Michigan Street, Duluth, Minnesota 55802.
Part of Lots 7, 8, 9 & 10, Block C, DULUTH PROPER THIRD ADDITION, St. Louis Co., MN.

SURVEY BY : AJG

DRAWN BY : AJG

DESIGNED BY :

APPROVED BY : RMM

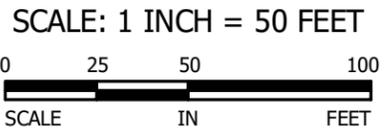
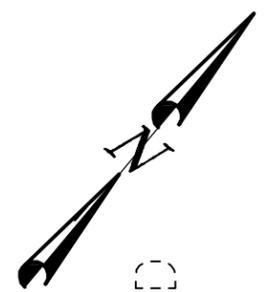
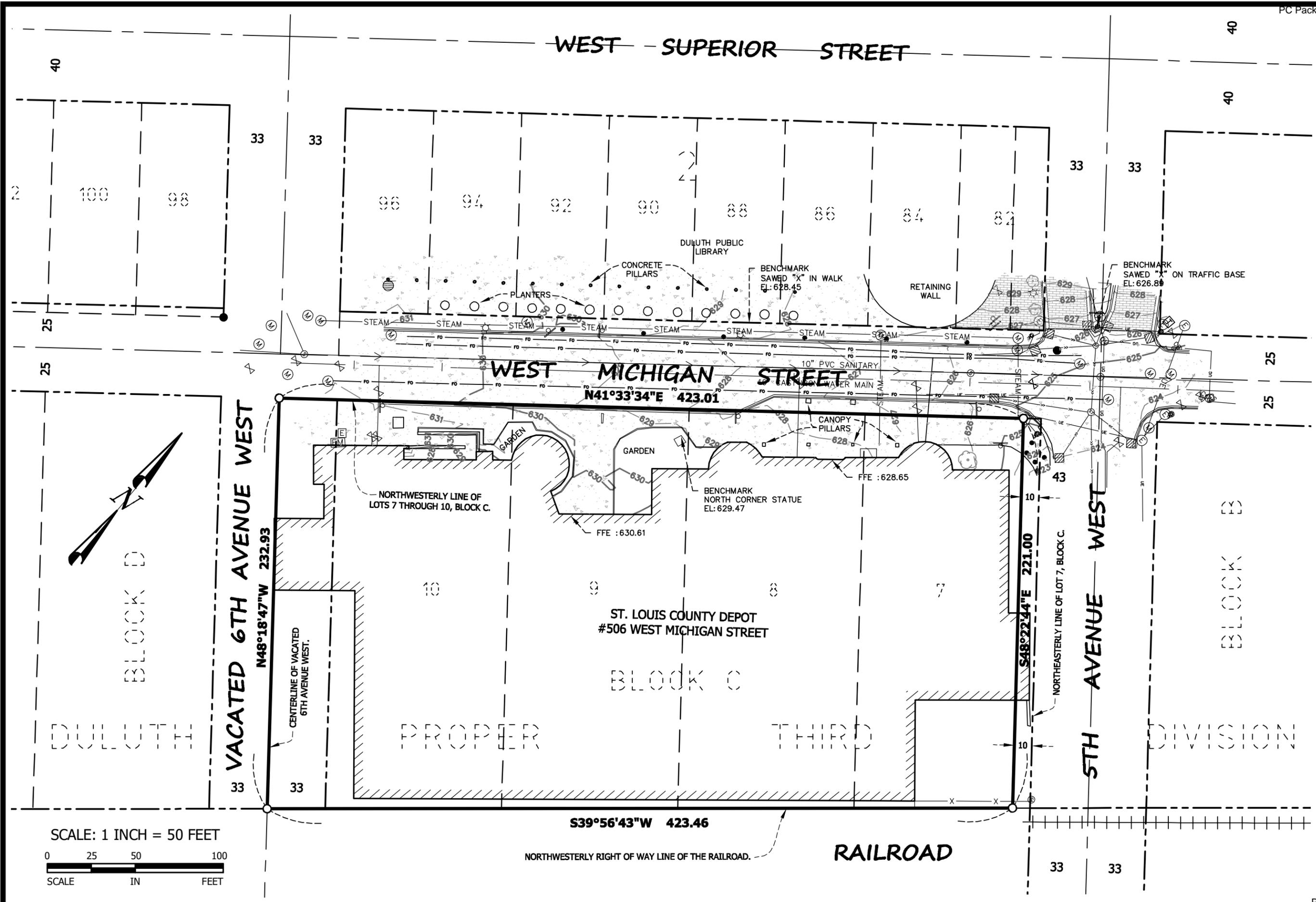
DATE: 10/27/2021

PROJECT NUMBER

21-947

SHEET NUMBER

2 OF 2



T:\St. Louis County\21-947 Depot-Canopy Duluth\dwg\700\21-947 SLC Canopy COS Topo.dwg 10/27/2021 7:11 PM



NOT FOR CONSTRUCTION
 11.29.2021

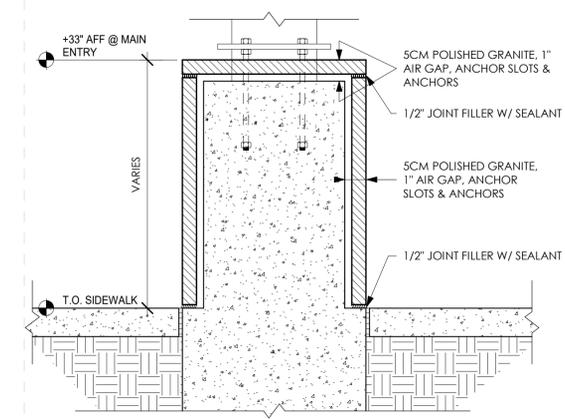
SHEET TITLE:
SECTIONS & DETAILS

This sheet may be used for reference only. The bar above is 1" long on a full size sheet. Drawing scales apply to full scale sheets.

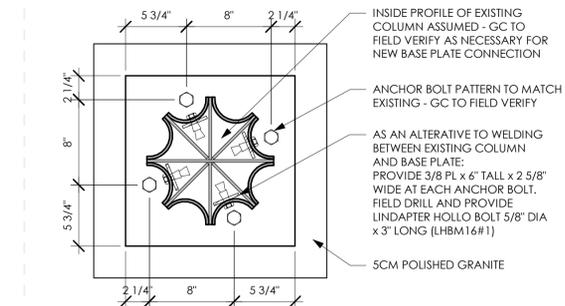
SLC DEPOT CANOPY REPAIRS
 506 W MICHIGAN ST, DULUTH, MN 55802

PROJECT NO: 2117
 DRAWN BY: SN
 CHECKED BY: KT

RELEASE DATE:	11.29.2021
REVISIONS:	
REV. DATE	DESCRIPTION
SET NO.	
SHEET NO.	A101
	0F XX

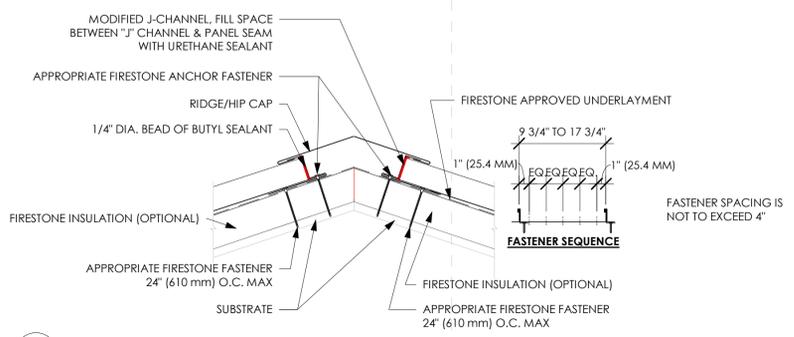


3 COLUMN BASE FINISH
 1" = 1'-0"

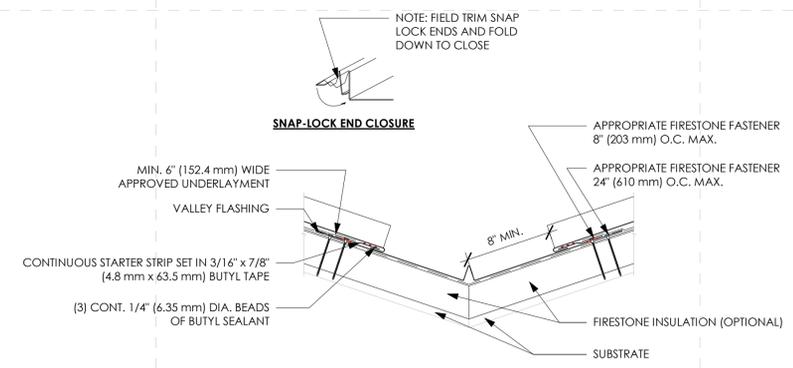


2 PLAN DETAIL AT COLUMN BASE PLATE
 1 1/2" = 1'-0"

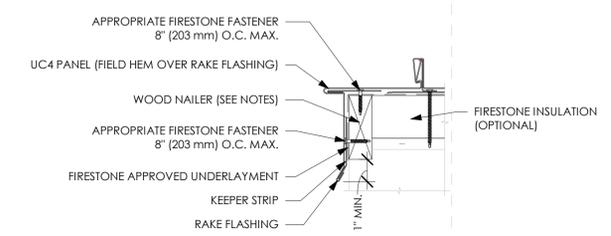
GENERAL ROOFING/FLASHING NOTES
 1. REFER TO FIRESTONE WEBSITE FOR MOST CURRENT INFORMATION.
 2. REFER TO TECHNICAL INFORMATION SHEETS FOR FASCIA SIZES, ACCESSORIES AND FINISHES AVAILABLE.
 3. WOOD NAILER MUST BE INSTALLED TO MEET APPLICABLE BUILDING CODES OR 200LB PER LINEAR FOOT MINIMUM IN ANY GIVEN DIRECTION.
 4. REFER TO FIRESTONE TECHNICAL DATABASE FOR FASTENER COMPATIBILITY WITH METAL.
 5. REFER TO THE FIRESTONE TECHNICAL DATABASE FOR HEM LENGTH AND REQUIRED DISTANCE BETWEEN THE PANEL AND CLEAT.
 6. APPLICATION DETAILS ARE FOR ILLUSTRATION PURPOSES ONLY AND MAY NOT BE APPROPRIATE FOR ALL BUILDING DESIGNS AND CONDITIONS.
 7. FIELD NOTCH ZEE CLOSURES. SET ZEE CLOSURE IN BUTYL TAPE AND SEAL AROUND REMAINING EDGES OF ZEE WITH URETHANE SEALANT.
 8. FOR WARRANTY PERIODS GREATER THAN 20YEARS, REFER TO METAL QUICK SPECS FOR MINIMUM REQUIREMENTS.



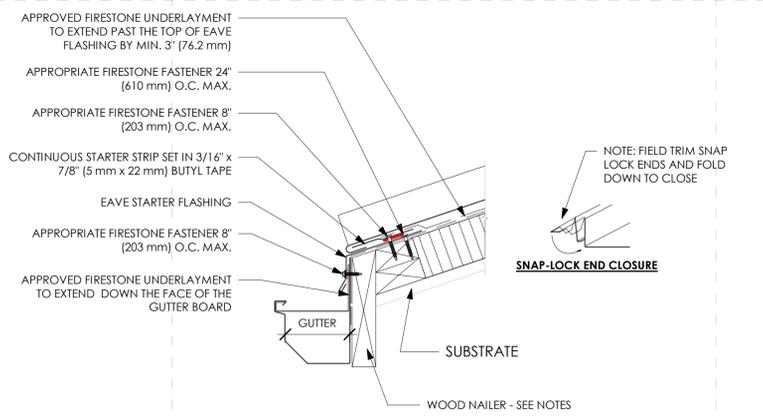
8 ROOF RIDGE
 3" = 1'-0"



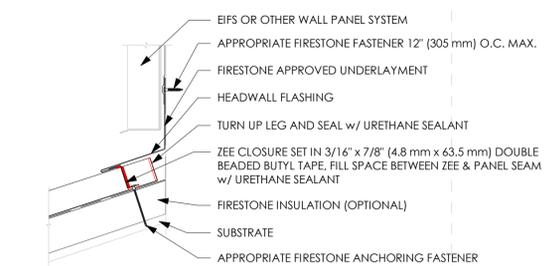
9 ROOF VALLEY
 3" = 1'-0"



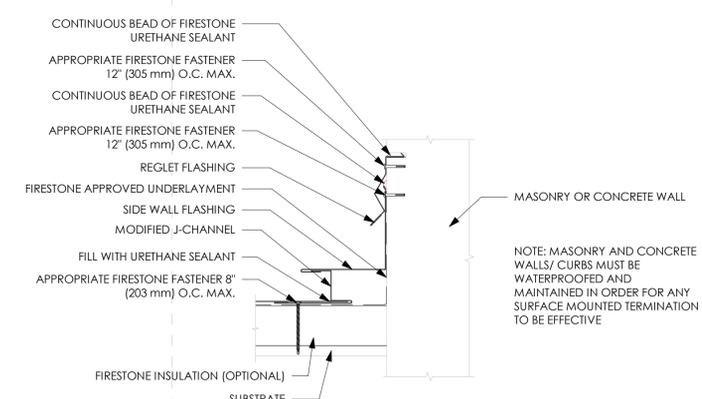
6 ROOF FASCIA
 3" = 1'-0"



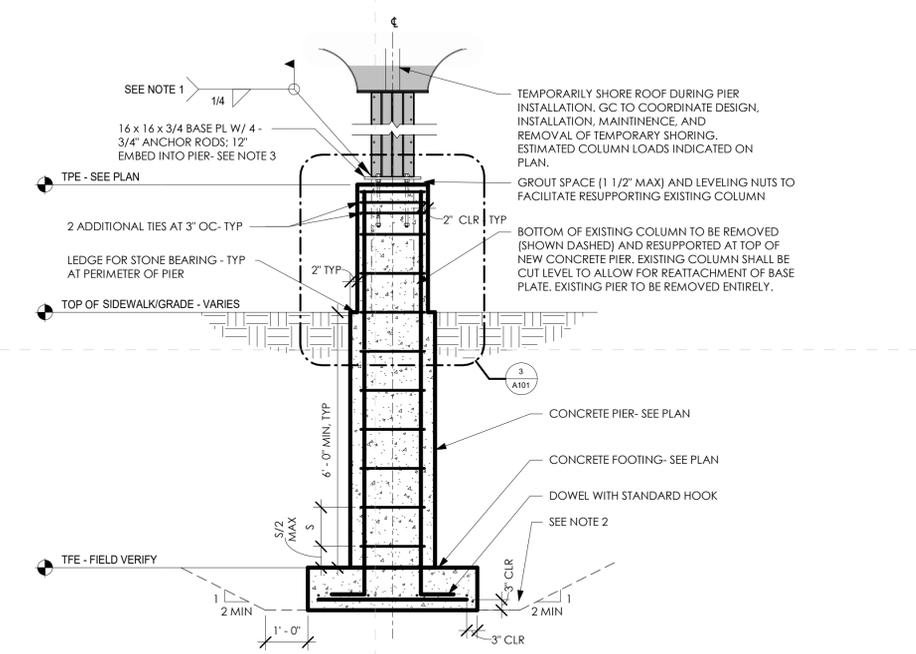
7 ROOF EDGE/GUTTER
 3" = 1'-0"



4 ROOF/SILL FLASHING
 3" = 1'-0"



5 ROOF/WALL FLASHING
 3" = 1'-0"



1 SECTION AT EXISTING COLUMN
 1/2" = 1'-0"

NOTES:
 1. COMPOSITION OF EXISTING METAL IS UNKNOWN. METALLURGY ANALYSIS SHALL BE COMPLETED PRIOR TO WELDING TO DETERMINE IF ANY SPECIAL WELDING PROCEDURES ARE NECESSARY. SEE PLAN DETAIL OF BASE PLATE FOR ALTERNATIVE CONNECTION.
 2. DURING EXCAVATION, BEDROCK MAY BE ENCOUNTERED. NOTIFY ARCH AND ENGINEER IF FOUND.
 3. TOP OF ANCHOR BOLTS TO MATCH EXISTING. AFTER INSTALLATION, CUT ANCHOR BOLT FLUSH TO TOP OF NUT. TACK WELD NUT TO ANCHOR BOLT. PAINT TO MATCH.



Planning & Development Division
 Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 21-200	Contact	John Kelley	
Type	Concurrent Use Permit	Planning Commission Date	January 11, 2022	
Deadline for Action	Application Date	November 24, 2021	60 Days	January 23, 2022
	Date Extension Letter Mailed	December 22, 2021	120 Days	March 24, 2022
Location of Subject	2801 West Superior Street			
Applicant	WB Ibiza, LLC	Contact	Marshall Jackson	
Agent		Contact		
Legal Description	See Attached	Sign Notice Date	December 28, 2021	
Site Visit Date	January 4, 2022	Number of Letters Sent	N/A	

Proposal

The applicant is seeking a concurrent use permit to use an existing stairwell located within the right of way of North 28th Avenue West.

Staff Recommendation

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

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-5	Bar/Residential	General Mixed Use
North	F-5	Commercial	General Mixed Use
South	F-5	Commercial	General Mixed Use
East	F-5	Commercial	General Mixed Use
West	F-5	Commercial/Residential	General Mixed Use

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 #1 – Reuse previously developed lands: includes adaptive reuse of existing building stock and historic resources, as this strengthens neighborhoods. The applicant is proposing to reuse of an existing building with the CUP for access via the stairwell to a basement apartment.

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 building was constructed in 1914 and is 6,800 square containing apartments on upper floors and a bar on the first floor.

Review and Discussion Items:

- 1) The applicant is seeking a concurrent use permit to continue use of an existing stairwell within the right of way of North 28th Avenue West. The stairwell is a 5' x 16' segment located in the right of way.
- 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 stairwell is an existing access to a basement apartment and is approximately 12' from the street curb. There is 7' of sidewalk between the stairwell and street curb. The stairwell will not interfere with pedestrian circulation. The stairwell has a fence/guard rail along the edge to protect pedestrians from falling into the area.
- 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.
- 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).
- 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 21-200
Concurrent Use Permit
Site map

Legend

- Gas Main
- Water Main
- Hydrant

Sanitary Sewer Mains

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

Storm Sewer Mains

- Storm Sewer Pipe
- Storm Sewer Catch Basin

Easement Type

- Utility Easement
- Other Easement
- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)
- Wetlands (NRR1)

Image RGB

- Red: Red
- Green: Green
- Blue: Blue

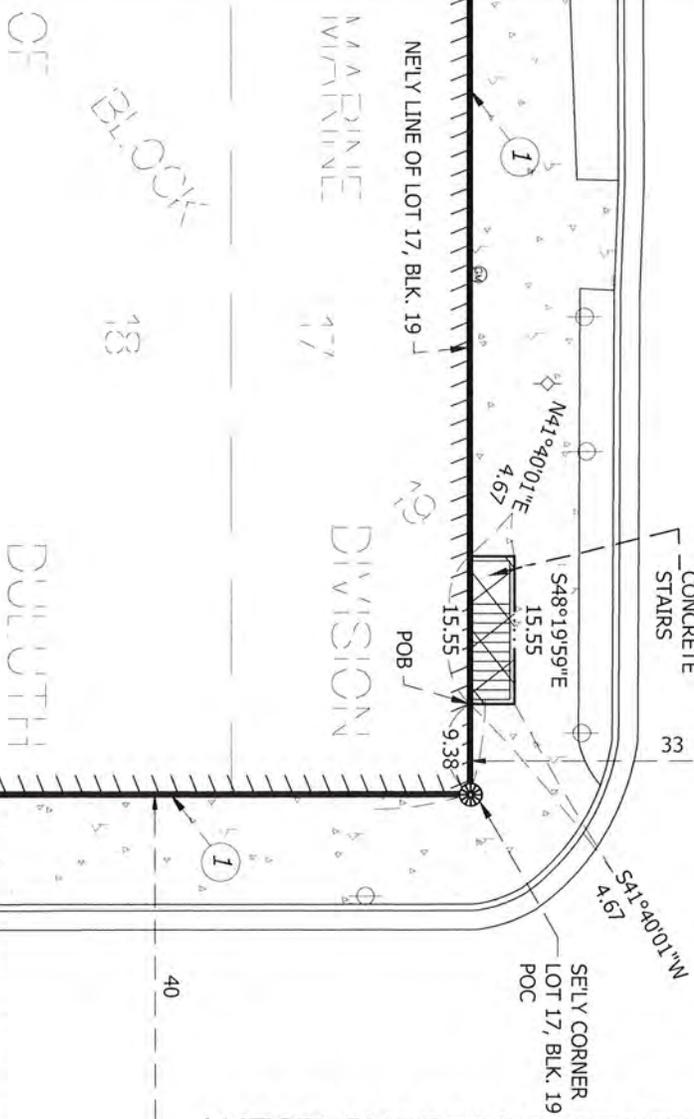
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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



Aerial photography flown 2016

28TH AVENUE WEST

WEST SUPERIOR STREET



CONCURRENT USE EXHIBIT



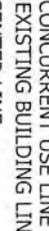
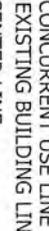
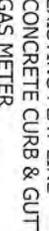
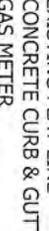
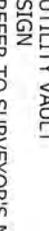
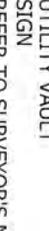
LEGAL DESCRIPTION PER DOC. NO. 973087
 LOTS SEVENTEEN (17), EIGHTEEN (18), NINETEEN (19), TWENTY (20) AND TWENTY-ONE (21), BLOCK NINETEEN (19),
 MARINE DIVISION OF DULUTH.

LEGAL DESCRIPTION FOR CONCURRENT USE AREA

A parcel of land lying within the platted right of way of 28th Avenue West, MARINE DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, described as follows:

Commencing at the Southeastly corner of Lot 17, Block 19 said MARINE DIVISION OF DULUTH; thence North 48 degrees 19 minutes 59 seconds West, along the Northeastly line of said Lot 17 for a distance of 9.38 feet to the point of beginning of the parcel herein described; thence North 48 degrees 19 minutes 59 seconds West, along said Northeastly line 15.55 feet; thence North 41 degrees 40 minutes 01 seconds East 4.67 feet; thence South 48 degrees 19 minutes 59 seconds East 15.55 feet; thence South 41 degrees 40 minutes 01 seconds West 4.67 feet to the point of beginning. Said parcel contains 73 Sq. Feet.

LEGEND

	CONCURRENT USE LINE		CONCURRENT USE LINE
	EXISTING BUILDING LINE		EXISTING BUILDING LINE
	CENTER LINE		CENTER LINE
	RIGHT OF WAY LINE		RIGHT OF WAY LINE
	BOUNDARY LINE AS SURVEYED		BOUNDARY LINE AS SURVEYED
	EXISTING PLAT LINE		EXISTING PLAT LINE
	CONCRETE CURB & GUTTER		CONCRETE CURB & GUTTER
	GAS METER		GAS METER
	UTILITY VAULT		UTILITY VAULT
	REFER TO SURVEYOR'S NOTES		REFER TO SURVEYOR'S NOTES
	SET GIN SPIKE		SET GIN SPIKE
	POB-POINT OF BEGINNING		POB-POINT OF BEGINNING
	PCC-POINT OF COMMENCEMENT		PCC-POINT OF COMMENCEMENT

SURVEYOR'S NOTES

1. THE FOUNDATION OF BUILDING 2801 W SUPERIOR STREET LIES ON THE SURVEYED BOUNDARY LINE.
2. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
3. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)

CONCURRENT USE EXHIBIT

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

David R. Evanson
 David R. Evanson
 MIN. Lic. No. 499905

DATE: 11-23-2021

MIN. Lic. No. 499905

CLIENT: MBI DEVELOPMENT
 ADDRESS: 2801 W SUPERIOR ST,
 DULUTH, MN 55806
 DATE: 11-23-2021

REVISIONS:

JOB NO.: 21-335 SHEET 1 OF 2



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



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 21-205	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Minor Subdivision	Planning Commission Date	January 11, 2022	
Deadline for Action	Application Date	December 7, 2021	60 Days	February 5, 2022
	Date Extension Letter Mailed	December 22, 2021	120 Days	April 6, 2022
Location of Subject	Maxwell Avenue – PID 010-0670-00225			
Applicant	Gloria Carlson	Contact		
Agent		Contact		
Legal Description	See Attached			
Site Visit Date	January 4, 2022	Sign Notice Date	N/A	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal

Applicant is requesting a Minor Subdivision to divide one lot into two lots. The current parcel is approximately 20,145 square feet and the division will create two lots. Both Parcel A and Parcel B will be approximately 10,000+ square feet.

Recommended Action: Approval with conditions.

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

Summary of Code Requirements

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

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

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

requirements of this Chapter, the proposed relocation will not create any new nonconformity or increase any existing nonconformity between the requirements of this Chapter.

50-14.5.A. R-1 minimum lot area: 4,000 square feet; minimum lot frontage: 40 feet.

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

Governing Principle #1 - Reuse previously developed lands. Directs investment to sites which have the potential to perform at a higher level than their current state.

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

History: The current parcel contains a 20,145 square foot and is vacant land. The underlying plat is “Colman’s 2nd Acre Tract Addition”; the existing tax parcel consists of two previously platted lots with frontage on the platted Maxwell Avenue.

Review and Discussion Items

1. Applicant is requesting a Minor Subdivision to divide a single lot into two lots. Both parcels will have frontage on Maxwell Avenue.
2. The exhibit does indicate a wetland on the eastern half of the proposed lots. The applicant has provided a n approved wetland delineation for future site development. Proposed use of the lots are for single family dwellings, shared driveway, accessory dwelling units and shared parking between the principle and accessory dwellings. The applicant will need to make application for a wetland replacement plan, if needed (the exemption is 5% of the wetland area you own), closer to when they are planning to impact the wetlands if necessary.
3. Both parcels are zoned R-1, which has a minimum lot size of 4,000 square feet and have the required street frontage along Maxwell Avenue. The proposed subdivision, if approved, would not make the parcels non-conforming due to lot frontage, lot area, or similar bulk standard.
4. The Engineering Department stated the applicant will need a shared drive way access agreement (applicant is working on this now), need to extend the existing water main in Maxwell, install a water service off the main to Parcel A and another separate water service off the main to serve Parcel B, and the applicant will also need 2 separate sanitary laterals – one to serve Parcel A and one to serve Parcel B.
5. No public, agency, or other City comments were received.
6. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
7. Approval of this Minor Subdivision signifies that City of Duluth UDC standards are met. St. Louis County may have additional requirements. This subdivision approval lapses if deeds are not recorded with St. Louis County within 180 days. Applicant must provide the City with proof of recording.

Staff Recommendation

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

- 1) Appropriate deeds be filed with St. Louis County within 180 days. Pri or to recording the deed that results from this adjustment, the Planning Division will need to stamp the deed, indicating compliance with the local zoning code.
- 2) 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 21-205
Minor Subdivision
Site map

Legend

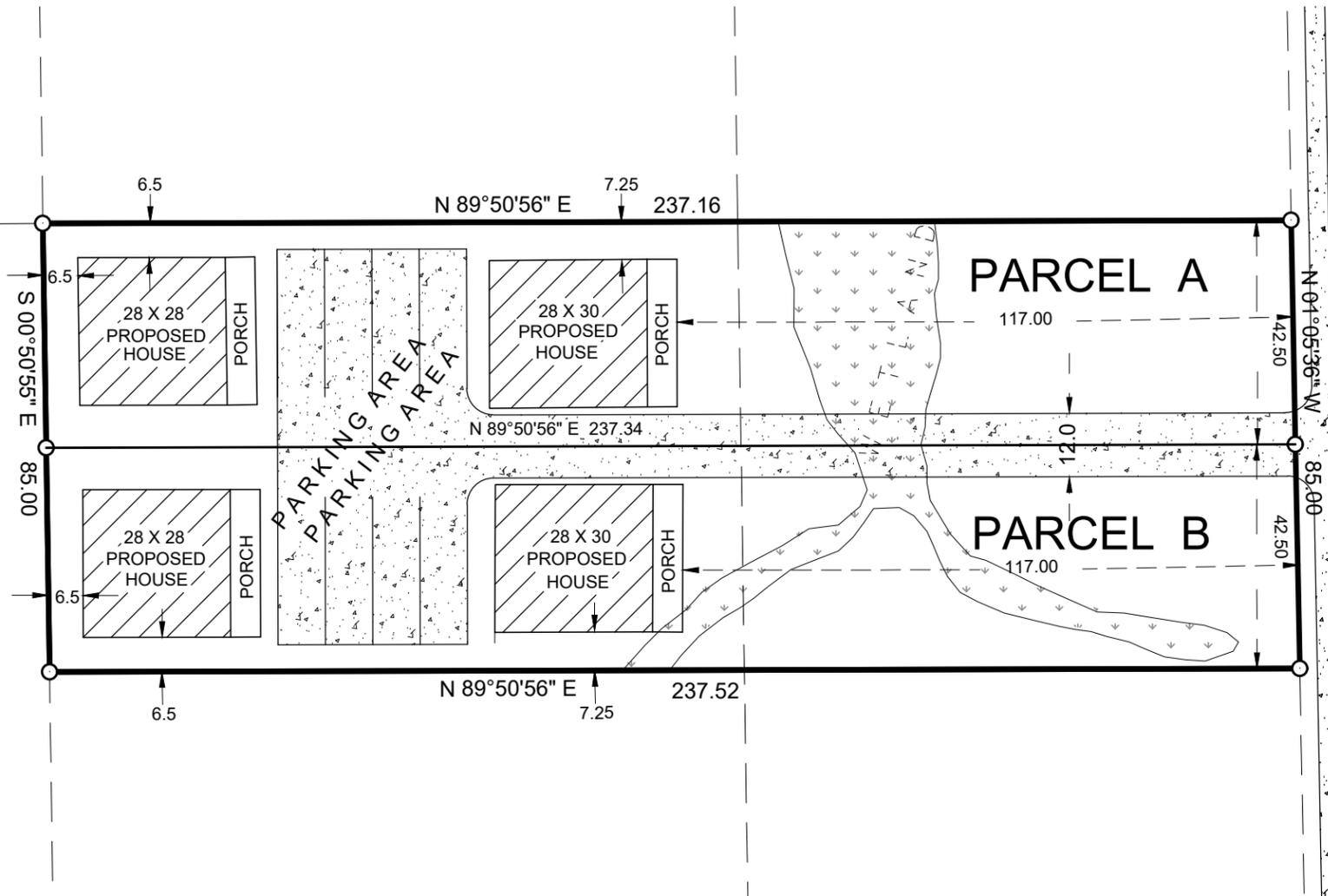
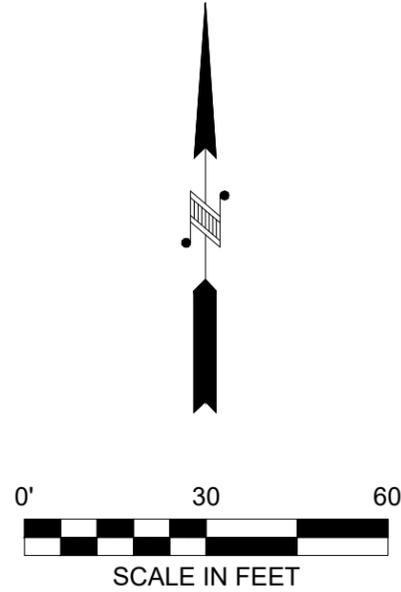
- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- PS Pump Station
- Storm Sewer Mains**
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Easement Type**
- Utility Easement
- Other Easement
- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)
- Wetlands (NRR1)

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Aerial photography, flown 2016

CERTIFICATE OF SURVEY FOR: GLORIA CARLSON



MAXWELL AVENUE

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: 12-20-21

Ronald L. Krueger MN License No. 14374

PARCEL A LEGAL DESCRIPTION

The North 42.50 feet of Lots 11 and 12 Block 2 Colmans Second Acre Tract Addition To Duluth

PARCEL B LEGAL DESCRIPTION

The South 42.50 feet of the North 85.00 feet of Lots 11 and 12 Block 2 Colmans Second Acre Tract Addition To Duluth

DATE: 12/20/21
SCALE: 1 IN = 30 FEET
PROP ADD: Maxwell Avenue
PROJECT NO: 21-32

RON KRUEGER
Land Surveyor
7066 HIGHWAY 8
SAGINAW, MN 55779
Phone: 218-390-4030

Minnesota Wetland Conservation Act Notice of Decision

Local Government Unit: City of Duluth	County: St. Louis
Applicant Name: Gloria Carlson	Applicant Representative: Boreal Wetland Services
Project Name: Maxwell Avenue	LGU Project No. (if any): PL 21- 180
Date Application Received by LGU: 10/18/2021	
Date of LGU Decision: 11/13/2021	
Date this Notice was Sent: 11-15-2021	

WCA Decision Type - check all that apply

<input checked="" type="checkbox"/> Wetland Boundary/Type	<input type="checkbox"/> Sequencing	<input type="checkbox"/> Replacement Plan	<input type="checkbox"/> Bank Plan (not credit purchase)
<input type="checkbox"/> No-Loss (8420.0415)	<input type="checkbox"/> Exemption (8420.0420)		
Part: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H	Subpart: <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9		

Replacement Plan Impacts (replacement plan decisions only)

Total WCA Wetland Impact Area:
Wetland Replacement Type: <input type="checkbox"/> Project Specific Credits: <input type="checkbox"/> Bank Credits:
Bank Account Number(s):

Technical Evaluation Panel Findings and Recommendations (attach if any)

<input type="checkbox"/> Approve <input type="checkbox"/> Approve w/Conditions <input type="checkbox"/> Deny <input type="checkbox"/> No TEP Recommendation

LGU Decision

<input type="checkbox"/> Approved with Conditions (specify below) ¹ List Conditions:	<input checked="" type="checkbox"/> Approved ¹	<input type="checkbox"/> Denied
Decision-Maker for this Application: <input checked="" type="checkbox"/> Staff <input type="checkbox"/> Governing Board/Council <input type="checkbox"/> Other:		
Decision is valid for: <input checked="" type="checkbox"/> 5 years (default) <input type="checkbox"/> Other (specify):		

¹ *Wetland Replacement Plan approval is not valid until BWSR confirms the withdrawal of any required wetland bank credits. For project-specific replacement a financial assurance per MN Rule 8420.0522, Subp. 9 and evidence that all required forms have been recorded on the title of the property on which the replacement wetland is located must be provided to the LGU for the approval to be valid.*

LGU Findings – Attach document(s) and/or insert narrative providing the basis for the LGU decision¹.

<input type="checkbox"/> Attachment(s) (specify):
<input checked="" type="checkbox"/> Summary: Approve a wetland delineation prepared by Boreal Wetland Services October 19, 2021

¹ *Findings must consider any TEP recommendations.*

Attached Project Documents

<input type="checkbox"/> Site Location Map <input checked="" type="checkbox"/> Project Plan(s)/Descriptions/Reports (specify): Application
--

Appeals of LGU Decisions

If you wish to appeal this decision, you must provide a written request within 30 calendar days of the date you received the notice. All appeals must be submitted to the Board of Water and Soil Resources Executive Director along with a check payable to BWSR for \$500 *unless* the LGU has adopted a local appeal process as identified below. The check must be sent by mail and the written request to appeal can be submitted by mail or e-mail. The appeal should include a copy of this notice, name and contact information of appellant(s) and their representatives (if applicable), a statement clarifying the intent to appeal and supporting information as to why the decision is in error. Send to:

Appeals & Regulatory Compliance Coordinator
 Minnesota Board of Water & Soils Resources
 520 Lafayette Road North
 St. Paul, MN 55155
travis.germundson@state.mn.us

Does the LGU have a local appeal process applicable to this decision?

Yes¹ No

¹If yes, all appeals must first be considered via the local appeals process.

Local Appeals Submittal Requirements (LGU must describe how to appeal, submittal requirements, fees, etc. as applicable)

Planning Commission 160 City Hall, 411 West First Street Duluth, MN 55802

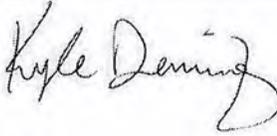
Notice Distribution (include name)

Required on all notices:

<input checked="" type="checkbox"/> SWCD TEP Member: R.C. Boheim	<input checked="" type="checkbox"/> BWSR TEP Member: David Demmer
<input checked="" type="checkbox"/> LGU TEP Member (if different than LGU contact): Kyle Deming	
<input checked="" type="checkbox"/> DNR Representative: Sam Martin	
<input type="checkbox"/> Watershed District or Watershed Mgmt. Org.: NA	
<input checked="" type="checkbox"/> Applicant (notice only):	<input checked="" type="checkbox"/> Agent/Consultant (notice only):

Optional or As Applicable:

<input checked="" type="checkbox"/> Corps of Engineers:	
<input type="checkbox"/> BWSR Wetland Mitigation Coordinator (required for bank plan applications only):	
<input type="checkbox"/> Members of the Public (notice only):	<input type="checkbox"/> Other:

<p>Signature: </p>	<p>Date: 11-13-2021</p>
--	--------------------------------

This notice and accompanying application materials may be sent electronically or by mail. The LGU may opt to send a summary of the application to members of the public upon request per 8420.0255, Subp. 3.

SHARED DRIVEWAY EASEMENT AGREEMENT

This Shared Driveway Easement Agreement (“Agreement”) is made by and between Daniel M. Carlson and Gloria J. Carlson, husband and wife (“Grantors”), and Daniel M. Carlson and Gloria J. Carlson, husband and wife, (“Grantees”).

A. Daniel M. Carlson and Gloria J. Carlson are the record owners of certain real property in St. Louis County, Minnesota, legally described as follows:

The North 42.50 feet of Lots Eleven (11) and Twelve (12), Block Two (2), COLMAN’S SECOND ACRE TRACT ADDITION TO DULUTH (“Parcel A”); and

The South 42.50 feet of the North 85 feet of Lot Eleven (11) and Twelve (12), Block Two (2), COLMAN’S SECOND ACRE TRACT ADDITION TO DULUTH (“Parcel B”);

B. There is a planned shared driveway and parking lot on both Parcel A and Parcel B as shown on the Certificate of Survey attached hereto as Exhibit A; and

C. The parties desire to enter into a shared driveway easement agreement to maintain the driveway and parking area on the properties.

NOW, THEREFORE, for good and valuable consideration, the parties hereby agree as follows:

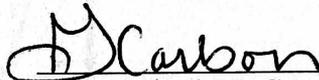
1. The parties do hereby grant and convey to the other party an easement for driveway access to the other party’s property as set forth on the Certificate of Survey attached as Exhibit A;
2. Maintenance and repairs of the shared driveway and parking area shall be shared equally between the parties;
3. Each party agrees to indemnify and hold harmless the other party from any personal or property damage or liability which may arise from the use of this easement or from any maintenance or repair undertaken pursuant to this agreement, except in the case of gross negligence or intentional act.
4. This shared driveway easement shall run with the land and shall be binding upon the heirs, representatives, successors and/or assigns of the parties herein.
5. This written easement agreement contains the entire agreement between the parties, and supercedes any prior oral or written agreement with respect to the matters stated herein. The parties may only amend this agreement by written amendment.

6. This agreement shall be governed by the laws of the State of Minnesota. Venue shall be in St. Louis County, Minnesota.

Dated: January 3, 2022



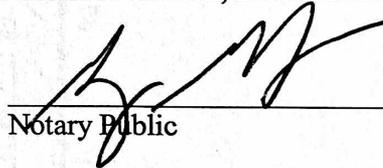
Daniel M. Carlson, Grantor and Grantee



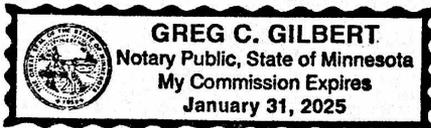
Gloria J. Carlson, Grantor and Grantee

STATE OF MINNESOTA)
)ss.
COUNTY OF ST. LOUIS)

The foregoing instrument was acknowledged before me this 3rd day of January, 2022, by Daniel M. Carlson and Gloria J. Carlson, husband and wife.

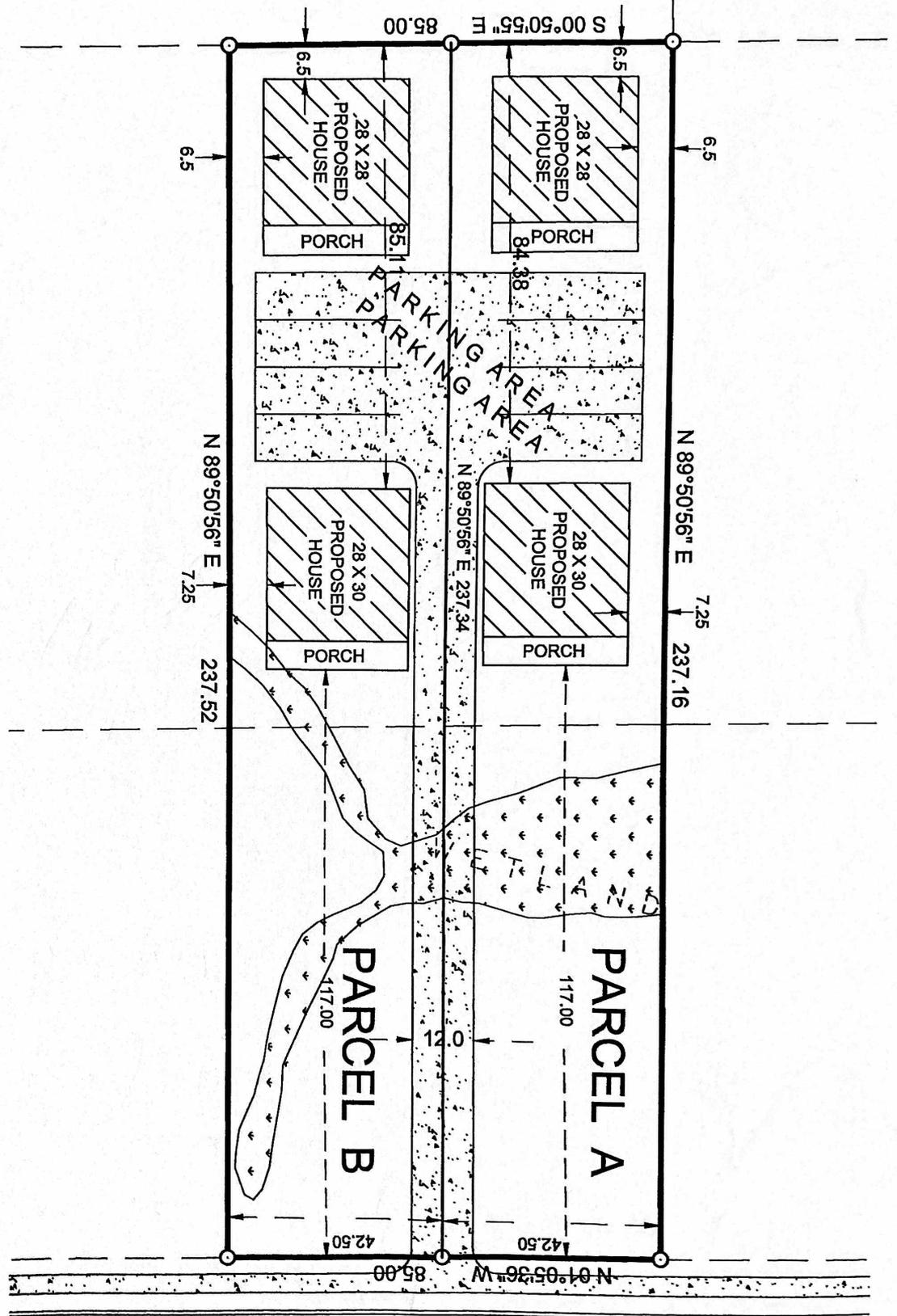


Notary Public



Drafted By:

Greg C. Gilbert
Gilbert Law Office
1831 East 8th Street, Suite 103
Duluth, MN 55812
(218) 625-8777



MAXWELL AVENUE

EXHIBIT A

My report was
prepared and that I am a
Professional Engineer of the State of

PARCEL A LEGAL DESCRIPTION

The North 42.50 feet of Lots 11 and 12 Block 2 Colmans Second Acre Tract Addition To Duluth

PARCEL B LEGAL DESCRIPTION

The South 42.50 feet of the North 85.00 feet of Lots 11 and 12 Block 2 Colmans Second Acre Tract Addition To Duluth



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580
 planning@duluthmn.gov

File Number	PL 21-206	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date	January 11, 2022	
Deadline for Action	Application Date	December 14, 2021	60 Days	February 12, 2022
	Date Extension Letter Mailed	December 21, 2021	120 Days	April 13, 2022
Location of Subject	1423 London Road			
Applicant	Mathew Jannissen	Contact	On file	
Agent		Contact		
Legal Description	PID # 010-1460-04100			
Site Visit Date	December 28, 2021	Sign Notice Date	December 28 2021	
Neighbor Letter Date	December 29, 2021	Number of Letters Sent	37	

Proposal

Applicant proposes use of one duplex unit of an existing 1,500 square foot building as a vacation dwelling unit. The permit would allow for a four-bedroom unit with a maximum of 9 occupants.

Vacation dwelling units located in the F-2 Form District are exempt from minimum night stays and parking, and there is no cap on number of permits issued.

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

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-2	Multi-Family Rental	Central Business Secondary
North	MU-N	Residential	Central Business Secondary
South	MU-I	Parking Lot	Central Business Secondary
East	F-2	Residential	Central Business Secondary
West	F-2	Mixed-Use Building	Central Business Secondary

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-2 zone district.

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

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



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city-wide cap on 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.

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

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

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

Applicant is proposing to provide another type of lodging product for visitors to the City of Duluth and surrounding area.

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

History: The building is 1,500 square feet in size and constructed in 1921. The building is currently a 5-bedroom single family rental. Under current regulations only 4 bedrooms may be rented out on a short term basis.

Review and Discussion Items:

- 1) Applicant's property is located at 1423 London Road. The proposed vacation dwelling is a 4-bedroom residential structure. The apartment would allow for a maximum of 9 guests.
- 2) Vacation dwelling units located in Form districts are exempt from number of interim use permits issued, minimum night stays and parking requirements.
- 3) The applicant has noted on their site plan that there will be four off street parking spaces behind the principle structure utilizing the existing driveway and garage.
- 4) There will not be any campers or trailers parked on the property.
- 5) The site does have a rear deck and a firepit listed as amenities. The applicant will need to install a dense urban screen or privacy fence for these amenities.
- 6) Permit holders must designate a managing agent or local contact who resides within 25 miles of the city and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the city. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 200 feet of the



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property boundary. The applicant has listed Heirloom Properties to serve as the managing agent, which meets the criteria.

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

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

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

10) The permit will expire 6 years from the approval date.

Staff Recommendation:

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

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

Vacation Dwelling Unit Worksheet (September 2020)

1. The minimum rental period shall be not less than two consecutive nights (does not apply to Form districts). **What will be your minimum rental period?** 2 nights

2. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two.

How many legal bedrooms are in the dwelling? What will be your maximum occupancy?

5 10

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

- a. 1-2 bedroom unit, 1 space
- b. 3 bedroom unit, 2 spaces
- c. 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.
- d. Vacation dwelling units licensed on May 15, 2016, are entitled to continue operating under the former off-street parking requirement. The parking exemption for vacation dwelling units licensed on May 15, 2016, expires upon transfer of any ownership interest in the permitted property.
- e. Form districts are not required to provide parking spaces.

How many off-street parking spaces will your unit provide? 4

4. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, on or off the street. **Will you allow motorhome or trailer parking? If so, where?** No.

5. The property owner must provide required documents and adhere to additional requirements listed in the City of Duluth's UDC Application Manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures.

6. The property owner must provide a site plan, drawn to scale, showing parking and driveways, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbeque grill, recreational fire, pool, hot tub, or sauna, and provide detail concerning the provision of any dense urban screen that may be required to buffer these areas from adjoining properties. Please note that this must be on 8 x 11 size paper.

7. The interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first. An owner of a vacation dwelling unit permitted prior to May 15, 2016, may request, and the land use supervisor may grant, an application for adjustment of an existing permit to conform to this section, as amended, for the remainder of the permit term.

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

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

Heirloom Property Management will manage this using their systems.

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

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

Heirloom Property Management, 218-390-4317

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

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

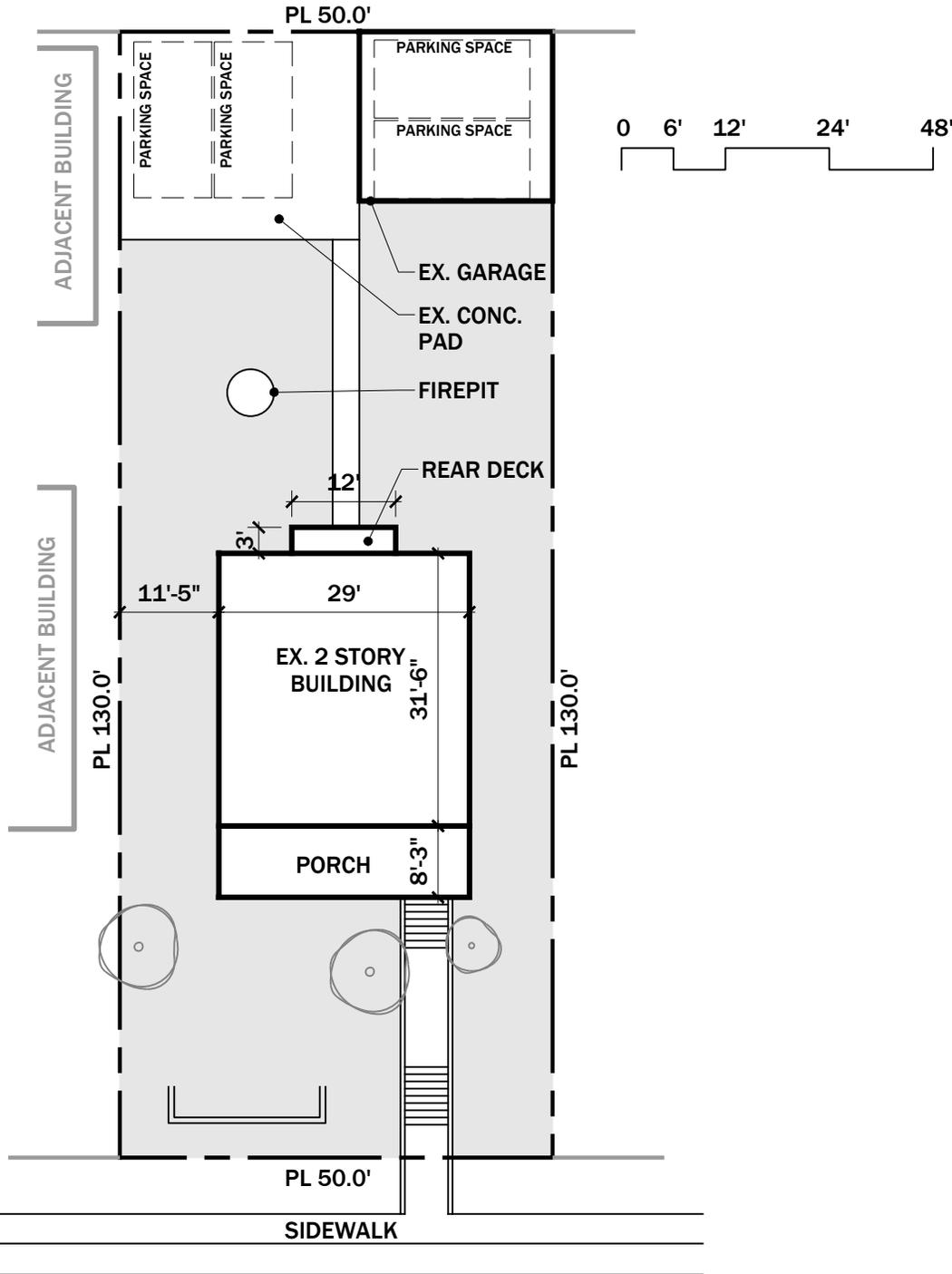
Please state where and how this information will be provided to your guests:

Message will be sent electronically by Heirloom Property Management upon confirmed booking via email and or text.

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

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

PRIVATE ROAD



REVISION	DATE

PROJECT
**1423 LONDON RD,
 DULUTH, MN
 55805**

SITE PLAN

SCALE: 1" = 20' - 0"

C-1
 Page 68 of 179

SHEET SIZE 8.5" x 11"



PL 21-206
IUP for vacation rental
1423 London Rd

Legend

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



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Aerial photography flown 2019





Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580
 planning@duluthmn.gov

File Number	PL 21-209	Contact	Kyle Deming	
Type	Amend Existing R-P Regulating Plan	Planning Commission Date	January 11, 2022	
Deadline for Action	Application Date	December 15, 2021	60 Days	February 13, 2022
	Date Extension Letter Mailed	December 22, 2021	120 Days	April 14, 2022
Location of Subject	Two sites between 53 rd and 54 th Ave. W. and Ramsey St. and Wadena St. (Spirit Valley)			
Applicant	Talle and Associates	Contact	Ken Talle	
Agent	Paul Strother, Architect	Contact		
Legal Description	See Attached Map			
Site Visit Date	December 22, 2021	Sign Notice Date	December 27, 2021	
Neighbor Letter Date	December 22, 2021	Number of Letters Sent	39	

Proposal

Applicant is requesting to amend an approved Ramsey Village Regulating Plan to change building types for four parcels to allow construction of a 4-unit structure (Type VI Building) or an 8-unit structure (Type VII Building) rather than the allowed Type I, II, III, and IV Buildings. Any amendment to the Regulating Plan that involves changes to land use, density, or height is required to follow the rezoning process and receive approval from City Council.

Staff Recommendation

Staff recommend that the Planning Commission recommend approval of the rezoning amendment to the City Council (via ordinance).

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-P	Residential	Urban Residential
North	R-P	Residential	Urban Residential
South	R-P	Residential	Urban Residential
East	R-P	Residential	Urban Residential
West	R-P	Residential	Central Business Secondary

Summary of Code Requirements

- UDC Sec. 50-14.07.E: The establishment of an R-P district requires rezoning the property per Section 50-37.3 from a current zone district to R-P and the approval of an R-P plan per Section 50-37.11. that governs the uses, location, density, dimensional standards and character of the proposed project. In accordance with the purpose of the R-P districts are not required to submit a separate subdivision application under Section 50-37.5
- UDC Sec. 50-14.7.I: 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 pervious zoning code shall be treated as approved R-P developments, and will be rezoned to the R-P district.
- UDC Sec. 50-14.7.J: 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.

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

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

Governing Principles

- Governing Principle #1 – Reuse previously developed lands. This rezoning will allow the landowner to redevelop the sites with new dwellings in a model and style that is marketable in this location.
- Governing Principle #5 – Promote reinvestment in neighborhoods. This rezoning will allow the landowner to develop a housing type that fits the character of the neighborhood and meets housing market demands.
- Governing Principle #6 – Reinforce the place-specific. This rezoning is to allow a traditional style of dwellings (two-story, pitched roofs, porches, rear garages) that is becoming the signature of this part of the Spirit Valley neighborhood.

Comprehensive Plan Policies and Strategies

- Housing Policy #1 – Increase density in and around the designated Core Investment Areas. This rezoning is in the Spirit Valley Core Investment Area and will allow for a modest increase in housing density over the existing dwellings.
 - Strategy #1 – Promote infill development with a mix of densities appropriate to the context of the surrounding neighborhood. This rezoning will allow for the continued redevelopment of housing in a mix of densities that is similar to the context of the surrounding neighborhood.
- Housing Policy #2 – Provide affordable, attainable housing opportunities. This rezoning will allow this developer to continue to replace 130-year-old housing with a product that better meets the needs of today’s residents.
- Housing Policy #4 – Improve the quality of the city’s housing stock and neighborhoods. This rezoning will allow the development of quality housing with curb appeal, landscaping, and good site design, which meets several of this policy’s strategies.

Future Land Use

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

Recent History

The Ramsey Village Regulating Plan has had several zoning map amendments to allow additional building types including:

- PL 13-119 to allow Type VII, eight-unit apartment structures at the NE corner of Ramsey Street and North Central Avenue Alley,
- PL 16-087 to allow Type VIII, a mixed use residential and commercial structure at 5103 Ramsey Street,
- PL 17-058 to a Type VII, eight-unit multi-family near Ramsey and North 53rd and 54th Avenues West,
- PL 18-044 to allow a Type VII, eight-unit multi-family structure on the west side of N. 54th Ave. W. near Wadena St,
- PL 19-032, to allow a Type IV, a townhouse, near Ramsey Street and North 53rd Avenue West.
- PL 21-112, to allow Type VIII (Mixed Use Commercial and Residential) at 5019 Ramsey Street and Type IV (Townhome) at 411 North 50th Avenue West.

This rezoning is similar to PL 19-032 allowing Type VI and VII buildings on adjacent parcels for which the structures have been constructed.

Review and Discussion Items:

1. When the UDC became effective in 2010, all existing Traditional Neighborhood Design (TND) zone districts were rezoned to the Residential-Planned (R-P) zone districts. Ramsey Village and Harbor Highlands were the two TND districts that were immediately rezoned to R-P.
2. Any proposed change to the R-P Regulating Plan that involves land use, density, or height needs to be approved by City Council through the process used for rezoning (including a public hearing in front of the Planning Commission), but minor changes to the R-P Regulating Plan can be approved by the Land Use Supervisor. The applicant is proposing a change in the building type (or use and density) on their property.
3. Applicant seeks to amend the approved plan to allow Type VI (4-plex) and Type VII (8-plex) on the parcels. The approved regulating plan allows for Type I, II, III, and IV (single family homes, twin homes, and townhomes). This new proposal requests to replace the previously allowed building types with Type VI and Type VII Buildings and staff recommends that Type I Buildings (detached single dwellings) also be allowed to be consistent with the existing development in the area.
4. The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan, and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or be considered arbitrary and capricious. Good zoning practice requires that zone districts be consistent with the future land use category identified for the area and the generally applicable provisions of the adopted comprehensive plan. A residential planned development is an appropriate zone district for an urban residential future land use, and conditions have been proposed to address conformity to the comprehensive plan.
5. The proposal to change to the allowed building types is not in conflict with the original TND Plan. This amendment will not create material adverse impacts on nearby properties.
6. The proposed zoning amendment is consistent with purpose statement in the R-P zone district and the Ramsey Village Regulating Plan purposes. The amendment is consistent with the character of the neighborhood in general and the proposed rezoning area in particular.
7. No comments were received.

Staff Recommendation:

Based on the above findings, staff recommends to Planning Commission that the proposed amendment to change the density and use of the R-P Regulating Plan be recommended for approval by City Council for the following reasons:

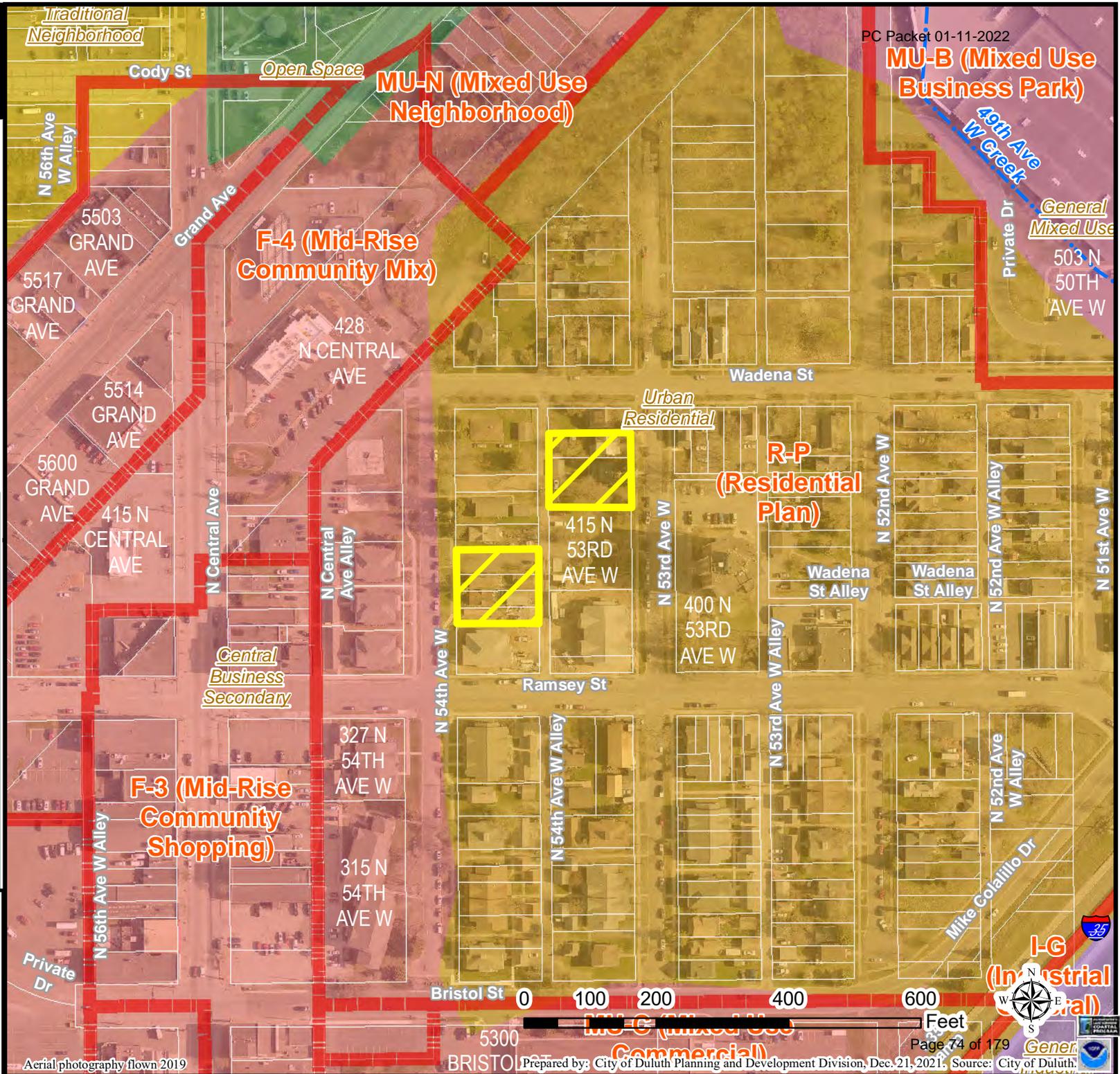
- 1) This proposal is consistent with the Comprehensive Land Use Plan.
- 2) The proposal amendment to the Regulating Plan District is consistent with the future land use category "Urban Residential."
- 3) Material adverse impacts on nearby properties are not anticipated.



PL21-209
 Amend R-P zone to Allow
 Type VI and VII Buildings
 Ramsey IV/Ken Talle

PC Packet 01-11-2022

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



Legend

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

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PL21-209
 Amend R-P zone to Allow
 Type VI and VII Buildings
 Ramsey IV/Ken Talle

**F-4 (Mid-Rise
 Community Mix)**

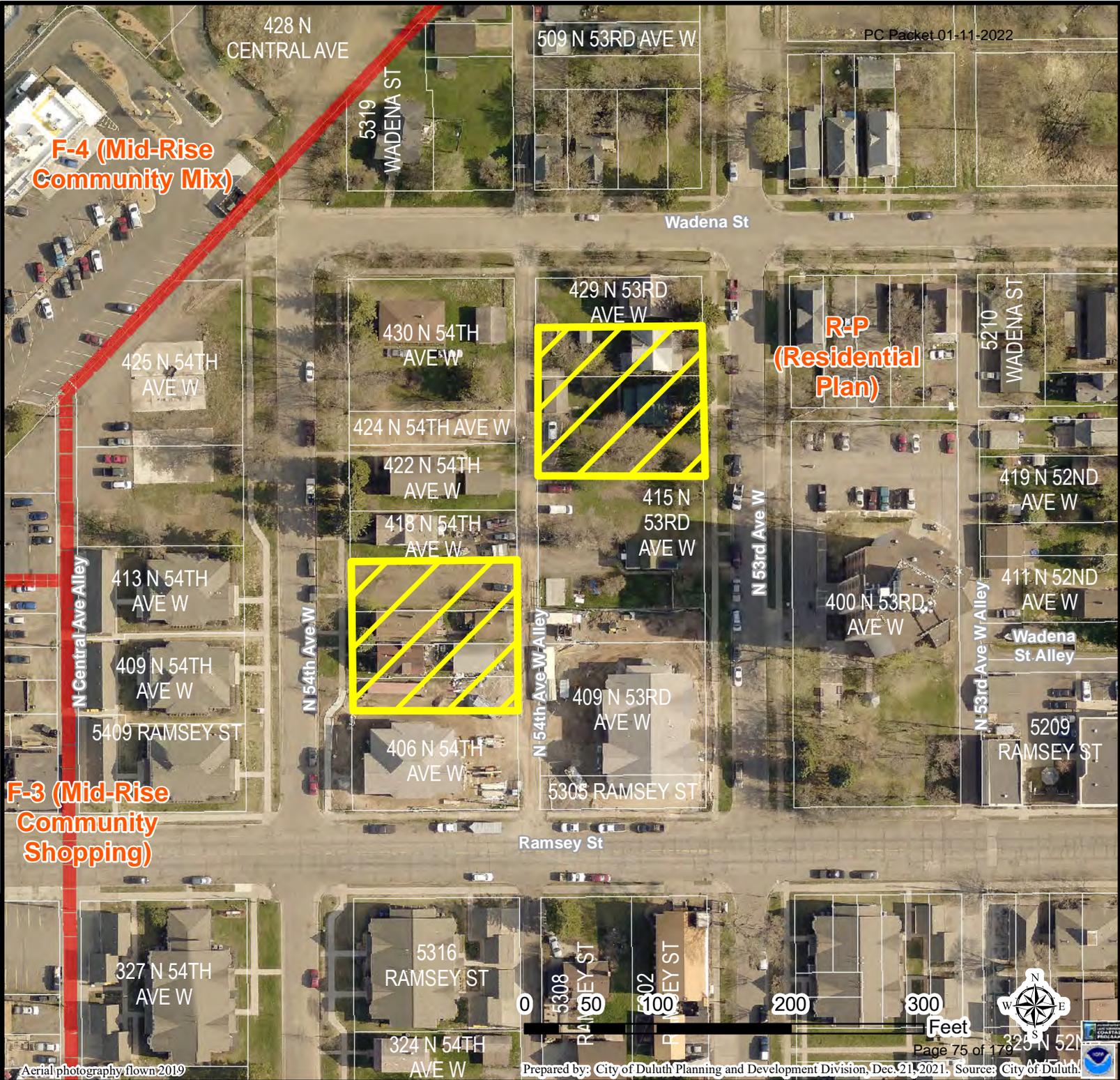
**R-P
 (Residential
 Plan)**

**F-3 (Mid-Rise
 Community
 Shopping)**

Legend

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

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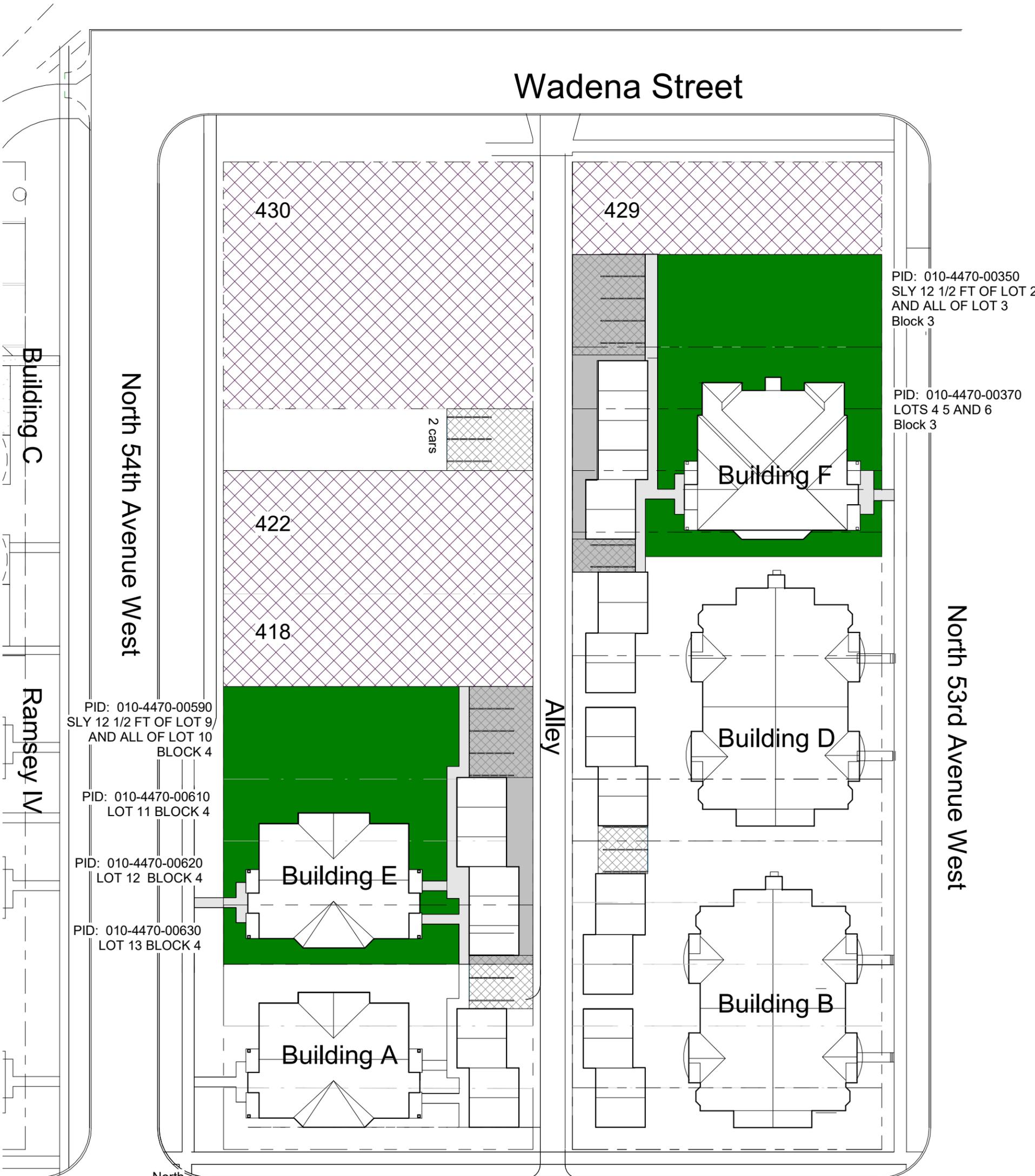


Aerial photography, flown 2019



0 50 100 200 300 Feet

Wadena Street



PID: 010-4470-00350
 SLY 12 1/2 FT OF LOT 2
 AND ALL OF LOT 3
 Block 3

PID: 010-4470-00370
 LOTS 4 5 AND 6
 Block 3

PID: 010-4470-00590
 SLY 12 1/2 FT OF LOT 9/
 AND ALL OF LOT 10
 BLOCK 4

PID: 010-4470-00610
 LOT 11 BLOCK 4

PID: 010-4470-00620
 LOT 12 BLOCK 4

PID: 010-4470-00630
 LOT 13 BLOCK 4

Building C

Ramsey IV

North 54th Avenue West

Alley

North 53rd Avenue West

Ramsey Street

① Level 1
 1" = 40'-0"

COUNCIL COPY

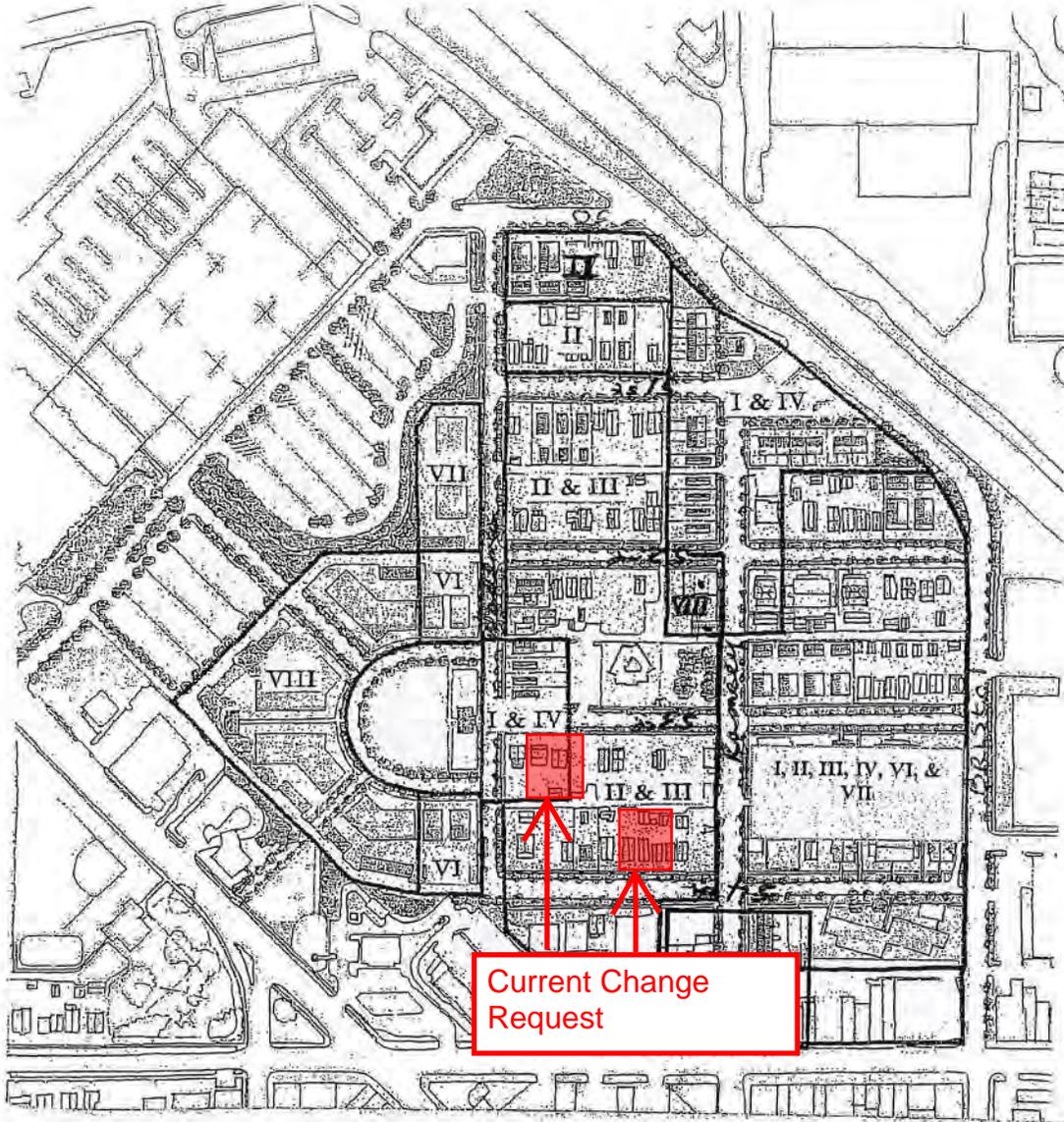
PC Packet 01-11-2022

To City Council NOV 24 2022

Pub. Doc. No. 03-1124-20

Referred to _____

Regulating Plan



1. Reference applicable Urban Standards (shown in Roman Numerals above) for designated building types.
2. Maximum lot width South of Ramsey Street shall be sixty feet (60').
3. Maximum lot width North of Ramsey Street shall be fifty feet (50').
4. Building Type V - Accessory Unit - is allowed on all lots.
5. Residential units built North of Ramsey Street should front either
 - i. Wadena Street I built adjacent to Wadena or
 - ii. The new neighborhood park
6. "Main street" building types should be located at the SE and SW corner of 54th Avenue West and Ramsey Street
7. Passive green space with trees and native plantings should be developed in the block at the SW corner of 51st Avenue West and Ramsey Street from the alley to Colalillo Drive.

Drawing A

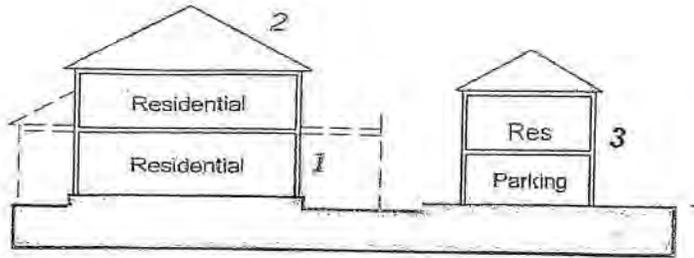
*amended
109635
9753 II instead of IV*

Proposed

Type VII 8-Unit Apartment

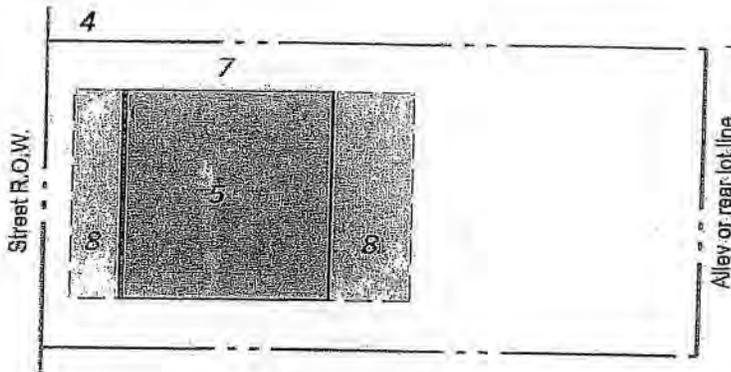
Use and Height

1. Uses of building shall be as shown here.
2. Maximum building height should be 2 stories. Building height shall be measured by the number of structural floors from the street elevation. The building shall have a first floor elevation between 6" and 36" above front elevation grade level. Each building's first story should not exceed 12 feet in height and the second floor should not exceed 10 feet in height, measured from floor to ceiling.
3. A residential use of not more than 720 square feet shall be permitted as an accessory unit above a detached garage. Occupancy of an accessory unit should not require on-site parking. Access to accessory unit will always be made via interior stairwell.



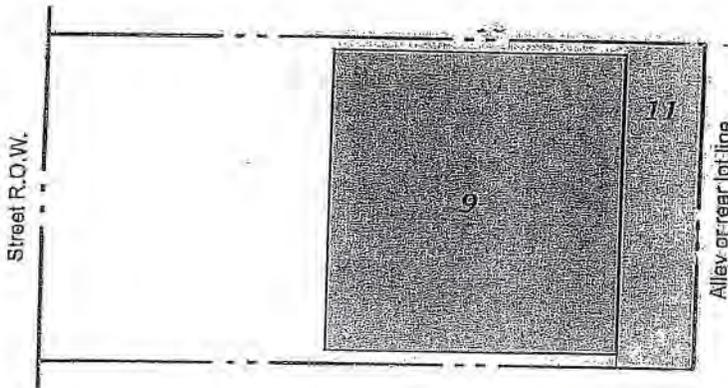
Placement & Projections

4. Buildings shall be set within lots relative to the property lines as shown here. Minimum frontyard setback - ten (10) feet. Minimum sideyard setback - five (5) feet. Corner sideyard setback - nine (9) feet
5. Building street facades shall extend along the lot width as designated here.
6. Attached garages shall adhere to the side yard setback of the principal building.
7. Masonry garden walls, wrought iron fencing shall be built or hedges shall be planted along the property lines to define the street's edge.
8. Balconies, stoops, open porches, bay windows, covered walkways and raised door yards are permitted within the shaded areas as shown here. Maximum depth of any projection shall be no more than 12' feet from the building wall. Covered walkways between the principal building and garages are permitted.



Garage & Parking

9. A minimum of one (1) parking garage shall be provided within the shaded area shown here. Additional parking may be provided in attached or detached garages, or on paved concrete parking pads.
10. Private parking spaces shall be no less than 10 feet by 17 feet with access to a paved lane.
11. Trash areas shall be enclosed with fencing and located within the shaded areas as shown here.
12. All parking shall be in conformance with Article III of Chapter 50 of the Duluth City Code.



Drawing C

Proposed

Type VI
4-Unit Apartment

Use and Height

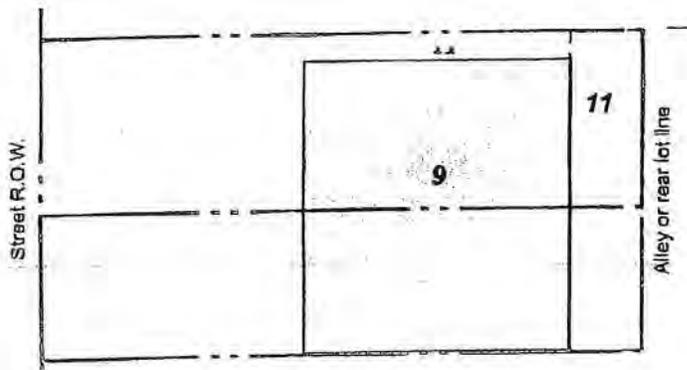
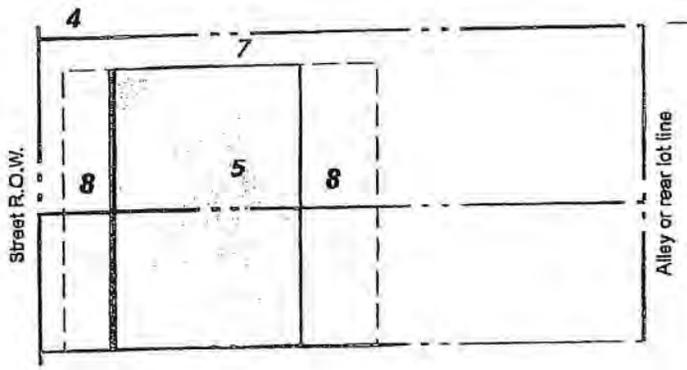
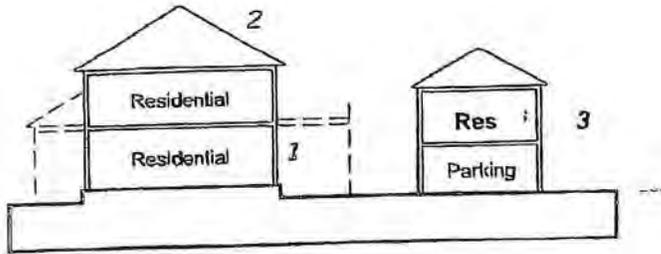
1. Uses of building shall be as shown here.
2. Maximum building height shall be 2 stories. Building height shall be measured by the number of structural floors from the street elevation. The building should have a first floor elevation between 18" and 36" above front elevation grade level. Each building's first story shall not exceed 12 feet in height and the second floor should not exceed 10 feet in height, measured from floor to ceiling.
3. A residential use of not more than 720 square feet shall be permitted as an accessory unit above a detached garage. Occupancy of an accessory unit should not require on-site parking. Access to accessory unit will always be made via interior stairwell.

Placement & Projections

4. Buildings shall be set within lots relative to the property lines as shown here. Minimum frontyard setback - ten (10) feet. Minimum sideyard setback - five (5) feet. Corner lot sideyard setback - nine (9) feet.
5. Building street facades shall extend along the lot width as designated here.
6. Attached garages shall adhere to the side yard setback of the principal building.
7. Masonry garden walls, wrought iron fencing shall be built or hedges shall be planted along the property lines to define the street's edge.
8. Balconies, stoops, open porches, bay windows, covered walkways and raised door yards are permitted within the shaded areas as shown here. Maximum depth of any projection shall be no more than 12 feet from the building wall. Covered walkways between the principal building and garages are permitted.

Garage & Parking

9. A minimum of one (1) parking garage shall be provided within the shaded area shown here. Additional parking may be provided in attached or detached garages, or on paved concrete parking pads.
10. Private parking spaces shall be no less than 10 feet by 17 feet with access to a paved lane.
11. Trash areas shall be enclosed with fencing and located within the shaded areas as shown here.
12. All parking shall be in conformance with Article III of Chapter 50 of the Duluth City Code.



SUMMARY OF THE RAMSEY VII PROPOSAL AND MAP AMENDMENT REQUEST

OVERVIEW OF RAMSEY VILLAGE

Ramsey VII is a proposal for the latest phase of Ramsey Village, a Traditional Neighborhood Design revitalization project in West Duluth. It is bounded by North Central Avenue, Bristol Street, Mike Colalillo Drive and Wadena Street. It uses scattered site infill buildings designed with traditional scale and architectural elements to replace existing homes that have served their useful life and are no longer feasible to repair or renovate. The new buildings are designed to provide worker housing, maintain density and integrate with the historic texture and character of the community.

Ramsey I, II and III are Fourplex and Eightplex buildings built south of Ramsey Street during the 1990s through 2012. Ramsey IV was the first project north of Ramsey. It consists of three Fourplex units on a former funeral home site and was completed in 2015. Ramsey V is a fourplex (Building A) and Two Eightplexes (Buildings B and C). Ramsey VI is an Eightplex (Building D). R-P Regulating Plan Amendments were granted to permit the Fourplex and Eightplex buildings north of Ramsey Street.

SUMMARY RAMSEY VII

Recently, additional property has become available to allow for contiguous sites large enough for development. The Ramsey VII proposal contemplates:

1. A three bedroom fourplex, Building F, adjacent to Ramsey VI Eightplex Building D, midblock on the west side of N 53rd Ave W and directly across the street from the high-rise Ramsey Manor Apartments.
2. A two bedroom fourplex, Building E, north of the two bedroom fourplex, Building A, of Ramsey V.

Development in this neighborhood is governed by an R-P District Regulating Plan (a Traditional Neighborhood Design (TND) zoning overlay). The current Regulating Plan stipulates the placement of Single Family, Two Family and Townhouse (Types I, II and III and IV) on the Ramsey VII parcels. The Fourplexes in the Ramsey VII proposal will require a change to the R-P Regulating Plan to allow Types VI and VII. This proposal makes feasible the construction of workforce housing consistent with the renewal of Ramsey Village to date and meets the intent and spirit of the Regulating Plan.

CONCLUSION

The intent of the Regulating Plan is to provide a fabric of traditional scale, traditional elements and character similar to the original character of the neighborhood. The Ramsey VII is a proposal that will support the intent of the Regulating Plan. It does so by incorporating the successful building types of Ramsey Village. It requires only small changes to the Regulating Plan that still allow the purpose of the Regulating Plan to remain. Ramsey VII will be a benefit to Ramsey Village and to the community at large.

REQUEST FOR A REVISION TO R-P REGULATING PLAN FOR RAMSEY VII

THE SITE OF RAMSEY VII

SITE ADDRESS AND LEGAL

N 53rd Ave W

427 N 53rd Ave W

PID: 010-4470-00350

SLY 12 1/2 FT OF LOT 2 AND ALL OF LOT 3

Block 003

WEST DULUTH 1ST DIVISION

427 N 53rd Ave W

PID: 010-4470-00370

LOTS 4 5 AND 6

Block 003

WEST DULUTH 1ST DIVISION

N 54th Ave W

Vacant

PID: 010-4470-00590

SLY 12 1/2 FT OF LOT 9 AND ALL OF LOT 10

BLOCK 4

WEST DULUTH 1ST DIVISION

412 N 54th Ave W

PID: 010-4470-00610

LOT 11

BLOCK 4

WEST DULUTH 1ST DIVISION

410 N 54th Ave W

PID: 010-4470-00620

LOT 12

BLOCK 4

WEST DULUTH 1ST DIVISION

408 N 54th Ave W

PID: 010-4470-00630

LOT 13

BLOCK 4

WEST DULUTH 1ST DIVISION

DOCUMENTS ATTACHED

SUMMARY OF THE REQUEST FOR AN AMENDMENT TO THE R-P REGULATING PLAN

A narrative summary of the proposal and its request is attached

REGULATING PLAN

Drawing A is a copy of the R-P Regulating Plan. The sites are highlighted in bold red. They are within an area permitting Types I, II, III and IV structures (single family, twin homes, and town homes).

URBAN STANDARDS.

Drawing B defines the structures by Type. **Drawing C** and **Drawing D** are copies of R-P Regulating Plan (TND criteria) for the Type VII and VI Buildings respectively.

RAMSEY VILLAGE OVERVIEW

Drawing E is an aerial overview of Ramsey Village, north of Ramsey Street. Ramsey I, II and III completed in 1994, 2003 and 2011 are south of Ramsey Street, including Ramsey Village office at 54th Avenue and Ramsey Street. Ramsey IV, completed in 2015, is the three Fourplex units on the west side of 54th Avenue as approved in an Amendment to the R-P Regulating Plan. The Ramsey V Buildings A and B receiving an amendment to the R-P Regulating Plan are on the corners of 53rd and 54th and Ramsey. Building D, Ramsey VI, is depicted as under construction in this photo. The Ramsey VII sites are indicated with a yellow overlay.

THE RAMSEY VII PROPOSAL

Drawing F depicts a proposed Site Plan for the project.



Ramsey VII
Ramsey Village, Duluth, MN

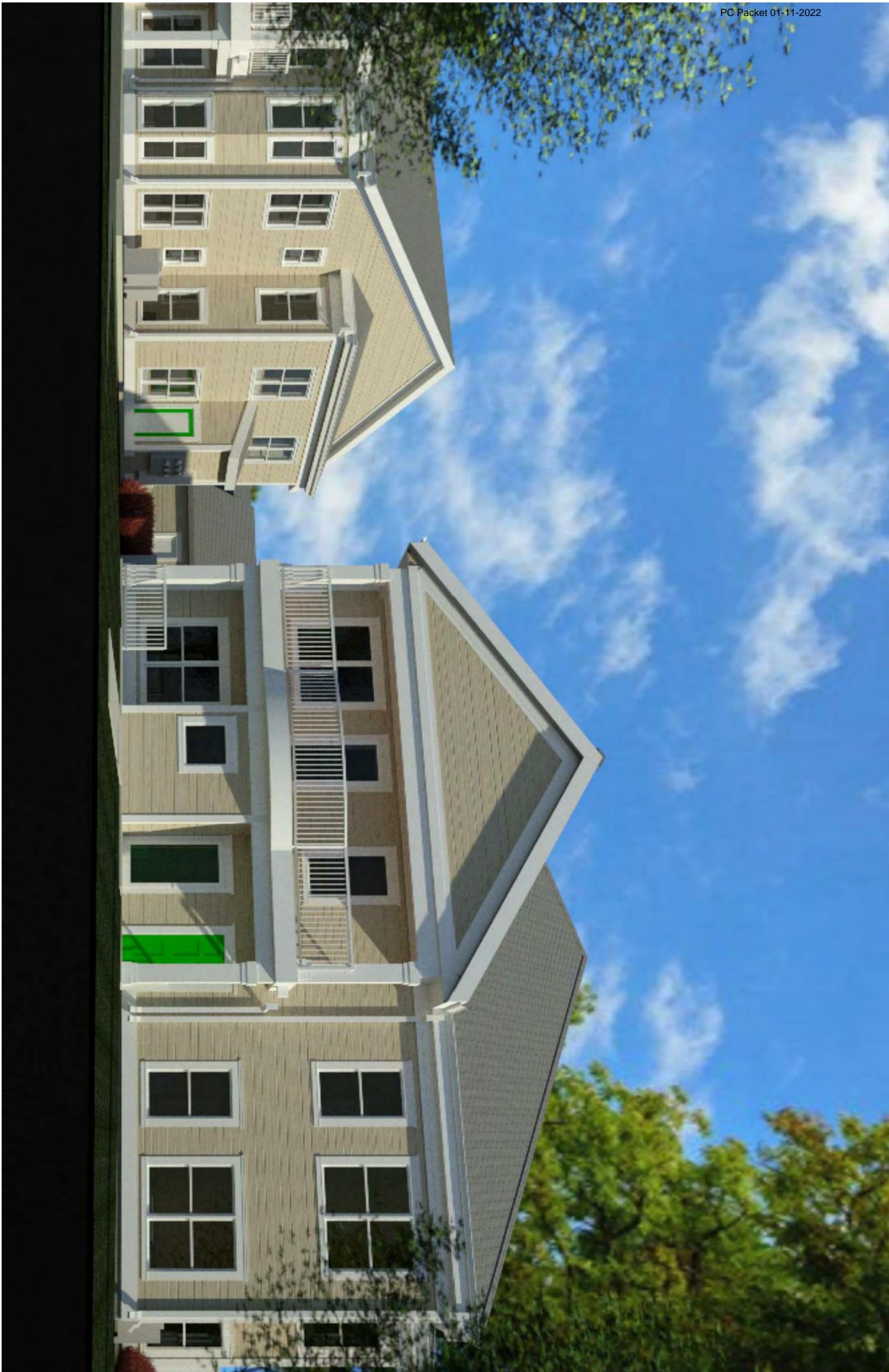
Fourplex Building
E on N 54th W

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

Paul Strother
DATE: 12/06/2021
SCALE: 1/8" = 1'-0"

Paul Strother
ARCHITECT
Page 88 of 179
7675 INWOOD ROAD
COLOGNE, MN 55322
612.247.0332
PBSTROTHER@GMAIL.COM





H

Ramsey VII
Ramsey Village, Duluth, MN

Fourplex Building
F on N 53rd W

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA
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Planning & Development Division
 Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580
 planning@duluthmn.gov

File Number	PL 21-137	Contact	Kyle Deming	
Type	Special Use Permit for Self-Service Storage Facility	Planning Commission Date	January 11, 2022	
Deadline for Action	Application Date	November 9, 2021	60 Days	January 8, 2022
	Date Extension Letter Mailed	November 24, 2021	120 Days	March 9, 2022
Location of Subject	Former K-Mart store at 5710 Grand Ave. (Spirit Valley)			
Applicant	Chadco of Duluth, LLC	Contact	Brittany Oliver	
Agent	CMRA, LLC	Contact	Beth Wentzlaff	
Legal Description	See attached Land Title Survey			
Site Visit Date	December 16, 2021	Sign Notice Date	December 28, 2021	
Neighbor Letter Date	December 22, 2021	Number of Letters Sent	68	

Proposal

A special use permit for a combination self-service storage facility, and retail showroom, installation facility, outdoor display and storage for U-Haul.

Recommendation

Staff recommends that the Planning Commission deny the application for a Special Use Permit based on the findings described fully in the Review and Discussion section and the Staff Recommendation section.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	Mixed Use Commercial (MU-C)	Vacant former retail	Central Business - Secondary
North	Mid-Rise Community Shopping (F-3)	Commercial	Central Business - Secondary
South	Mixed Use Commercial (MU-C)	Retail center	Central Business - Secondary
East	F-3 and F-4 (Mid-Rise Community Mix)	Commercial	Central Business - Secondary
West	Mid-Rise Community Mix (F-4)	Commercial	Central Business - Secondary

Summary of Code Requirements

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

UDC Section 50-9.3. Other Ordinances or Regulations: In the case of a conflict between any part of this Chapter and any other public law, ordinance, or regulation, the provisions that are more restrictive or that impose higher standards or requirements shall govern, unless state or federal law requires a different outcome.

UDC Section 50-20.3.L.2. Self-Service Storage Facilities use specific standards:

- (a) The use must be completely contained within an enclosed principal building;
- (b) Signage for this use is permitted as a commercial use in Sec. 50-27;
- (c) *(Not Applicable in MU-C)*
- (d) In the MU-C and MU-B districts:
 - i. The building shall be at least 350 feet from any single-family, two-family, or townhome, excluding any residential use or structure on the same property or within the same development;
 - ii. Access to storage units through a garage door, roll up door, or loading dock may only be provide from the rear or side of the structure;
 - iii. In addition to design standards that may be required in Sec 50-30, these facilities shall provide:
 - 1. For any building frontage facing and located within 60 feet of a public street or public right of way, or facing a parking area of greater than 25 parking spaces, the building frontage shall consist of a minimum of 60' of building depth of occupied space over no less than 66% of the building frontage. The frontage of such buildings shall be used for active, customer-facing commercial activities permitted in the zone district per table 50-19.8, and shall not be used for warehouse or self-storage uses;
 - 2. A minimum of 65 percent of the front and 25 percent of the side façade, between two and eight feet above the sidewalk or ground surface, must consist of transparent, non-reflective windows, and a minimum of 25 percent of the windows shall have views directly into and out of the ground floor occupied space;
 - 3. At least 50 percent of the wall surface area of any front or side façade, excluding window surfaces, shall be faced with brick or split-block materials. Exposed concrete masonry unit (CMU) construction is not permitted on those facades;
 - 4. Where compliance with the specific requirements of Section 50-20.3.L.2(d)iii is infeasible due to unique site or building conditions, an applicant may propose alternatives. The land use supervisor may approve, or may refer to the Planning Commission for consideration, any alternative proposal where an applicant demonstrates that compliance is not possible and the alternative proposal achieves substantially the same degree of building design and functional aesthetics as required in the provisions for this use.

UDC Sec. 50-8. Relationship to the Comprehensive Land Use Plan: A primary intent of this Chapter is to implement the goals and objectives of the comprehensive land use plan, as that plan may be amended by the council from time to time. The provisions of this Chapter will be interpreted liberally to achieve the goals and objectives of the comprehensive land use plan while remaining consistent with all applicable requirements of federal and state law.

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

Governing Principle #4 – Support economic growth sectors. This principle encourages growth in emerging and growing economic sectors to add economic, culture, and social diversity in small neighborhood hubs such as Spirit Valley. The proposed mini-storage warehouse facility will not support new economic activity in the neighborhood, but rather will result in a new location (to the many existing locations) for people from throughout the city or region to store goods and household items in small rental lockers. It will not support economic growth and will not add to economic activity, with the exception of new vehicle trips to and from the site for drop-off and pick-up of goods, which may result in increased sales of motor vehicle fuels.

Governing Principle #5 – Promote reinvestment in neighborhoods. This principle encourages investments that strengthens neighborhood commercial centers in a way that fits the neighborhood's character and avoids large-scale, non-neighborhood-based activity within the core of a neighborhood. The proposed changes to the existing big box structure are not the type of reinvestment in real property that will result in the type of business activity needed to support the core of the business district. Rather, it will likely attract trips and customers from outside the area who intend to store goods, and will not generate new economic activity in this area of the city. Business and community leaders' comments share this conclusion.

Governing Principle #9 – Support private actions that contribute to the public realm. This principle identifies the value of

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site design in supporting or detracting from the surrounding public areas and private property. Specifically listed are factors such as building form and detailing, blank walls and the interface between parking and public sidewalks. This project does not provide the types of building and parking lot investments that contribute to the public realm.

Economic Development Policy #2, Strategy #1 – Prioritize redevelopment efforts in the Core Investment Areas (vibrant, walkable neighborhood centers). Encourage collaboration between existing businesses in individual Core Investment Areas to support increased business activity overall and to improve their aesthetic and social environments. This proposal in a Core Investment Area does not provide the level of increased business activity needed for a site of this size in the center of the business district. It does not adequately improve the aesthetics of the site to otherwise strengthen the pedestrian-oriented business district the community desires nor does it reflect the city’s and the neighborhood’s priorities, which have been long planned. Business and community leader comments share this conclusion.

Housing Policy #1 – Increase density in and around Core Investment Areas, Strategy #3 – Explore opportunities to increase amenities to create livable and walkable neighborhoods. This project results in a vehicle-oriented business in the center of the Core Investment Area and does not increase opportunities for people seeking to access walkable sites or seeking to support other business activities in and near the neighborhood.

Urban Design Strategy #9 – Building and other structural elements along major streets or corridors should be designed in such a way as to emphasize streets as identifiable gateways and neighborhood centers. This project does not improve the connection between the street and private interior space due to the lack of business activity in areas abutting public sidewalks.

Future Land Use – Central Business – Secondary – An area adjacent to and supporting the central business primary area or a stand-alone area providing a similar mix of destination land uses but at a lower intensity than the primary central business area. Includes mixed regional and neighborhood retail, employment centers, public spaces, medium density residential, and public parking facilities. Medium densities; multi-story and mixed-use buildings are encouraged. Form-based guidelines, pedestrian-oriented design with limited off-street parking required, but with loading facilities required.

History: Site was originally developed in the late 1800s with traditional commercial buildings facing Grand Ave., similar to what is found on the north side of the street today, with the difference being that the traditional commercial buildings had connectivity to the street versus today’s design which is a tall, blank concrete block wall facing Grand Avenue. A railroad with sidings was located approximately 180 feet south of Grand Ave. behind those businesses. The railroad was subsequently removed and underlying streets and alleys were vacated in preparation for the K-Mart store and parking lot, which were constructed in 1991. The store closed in 2018.

Review and Discussion Items and Recommended Staff Findings

- 1) Applicant is requesting a special use permit for an 86,332 sq. ft. combination self-storage facility and retail commercial facility for U-Haul company operations which includes approximately 82,000 sq. ft. of self-storage, a 2,900 sq. ft. showroom, a 1,460 sq. ft. drive-in load/unload area, and an area for installation of vehicle towing accessories. The 1.9-acre exterior area consists of 120 parking stalls, some of which will be used for rental vehicle and trailer storage, equipment shunting, and a loading dock at the rear of the building.
- 2) The applicant is proposing to install windows and doors on the north and east walls of the building, to replace building and parking lot lights, to add trees to the parking lot and loading dock area, and to screen the trash/recycling area.
- 3) The proposed development is situated on a 3.92-acre parcel located along Grand Ave. between 57th Ave. W. and Spirit Dr. The Spirit Valley shopping center is attached to the south wall of the building and the parking lots of the two properties are linked.
- 4) The proposed redevelopment is an eligible special use in an MU-C zone pursuant to Section 50-19.8 if it complies with the standards of Section 50-20.3.L.2.
- 5) Pursuant to Section 50-9.3 the entire development must comply with the requirements of Section 50-20.3.L.2.
- 6) Section 50-20.3.L.2. (Use Specific Standards) Self-Service Storage Facility (see Summary of Code Requirements above).
 - a) requires that the “use must be completely contained within an enclosed principal building.” While the self-storage spaces for rental are within the existing building as are related showroom, elements of the use including vehicle accessory installation, and loading/unloading spaces as well as vehicles and trailers for rental are to be stored outside near the Grand Ave. sidewalk. This use violates the requirements of Section 50-20.3 L.2(a). This type of outdoor storage is violative of the directives of the adopted comprehensive plan, which calls for master planned sites within Core

- Investment Areas, architectural guidelines to ensure adherence to neighborhood design standards, and a reduction in 'strip development' such as would be increased through approval of this proposal (Imagine Duluth Comprehensive Plan, Page TO-8).
- b) Signs. Applicant's detail drawings and calculations of sign area for each wall are within the limits of Section 50-27 for wall signs for a commercial use in a MU-C zone. However, other features shown on the facades may fall under the UDC definition of "sign," such as any images of storage unit doors, which would count toward the maximum sign area allowed. The proposed signage would not be consistent with the comprehensive plan directive to enhance the gateway characteristics of Core Investment Areas, and this prominent site, including the proposed building colors which appear designed to allow the entire building to serve as a "sign," does not adhere to the intent for neighborhood-focused improvements within the city (Imagine Duluth Comprehensive Plan, page TO-8).
- c) Section 50-20.3.L.2(d).i. requires a 350-foot setback from residential uses. The self-storage facility is located 170 feet from many adjacent residential structures (the closest being 317 N. 58th Ave. W.). The proposed project is violative of the requirements of Section 50-20.3.L.2(d).i. Furthermore, the application would not be eligible for a variance from this requirement of the Code in that any such variance would constitute a use variance under Minnesota Statute 462.357 Subdivision 6, which states in part: *"The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located."* The proposed use is not allowed under the zoning ordinance for this location because of its adjacency to residential properties, and no such use variance could be statutorily permissible under existing law.
- d) Section 50-20.3.L.2(d).ii. requires that access to storage units through garage doors, roll-up doors or loading docks may only be provided from the rear or side of the structure. The facility is proposed to be constructed so that storage units are accessed via two roll-up doors on the front (east) side of the building, which is prohibited under the use-specific standards for this use. Therefore, the proposal is violative of Section 50-20.3.L.2.(d)ii.
- e) Section 50-20.3.L.2(d).iii.1. requires that, for any building fronting on a parking area of greater than 25 parking spaces, 66% of the building frontage to a depth of at least 60 feet shall be active, occupied customer-facing commercial space. Approximately 60 feet of the front (east) side of the building facing the parking area consists of active space with windows, which is far less than the 235 feet required. Therefore, the special use permit application is violative of the requirements of Section 50-20.3.L.2(d).iii.
- f) Section 50-20.3.L.2(d).iii.2. requires that a minimum of 65% of front and 25% of side walls between two and eight feet above the sidewalk or ground surface must consist of transparent, non-reflective windows and a minimum of 25% of the windows have views directly into and out of the ground floor occupied space. The front (east) side of the building does not provide the required transparency. Therefore, the proposal is violative of Section 50-20.3.L.2(d).iii.2.
- g) Section 50-20.3.L.2(d).iii.3. requires that that front and side façade shall be more than 50% (excluding windows) brick or split-block materials. The front (east) and side (Grand Ave.) facades of the existing building are currently more than 50% split-block material. Plans submitted show replacing some of the split-block material with windows and doors for both customer and vehicle entrance. A final calculation has not been done to determine if the modified building complies with this requirement.
- h) Alternative design proposal (Section 50-20.3.L.2(d).iii.4.) The applicant has not formally requested consideration of an alternative design, nor have they identified how the proposed design "achieves substantially the same degree of building design and functional aesthetics" as UDC requirements.
- 7) Section 50-23 (Connectivity and Circulation). The project shows a sidewalk that connects the front of the building to the Grand Ave. sidewalk and sidewalks that continue along the front of the Spirit Valley shopping center. The proposed use does not enhance connectivity through the site, and introduces new auto-oriented activities to the site and the neighborhood, which will negatively impact connectivity and circulation within the site and around the site, including on Grand Avenue and on other adjacent areas.
- 8) Section 50-24 (Parking and Loading). The showroom (retail) requires 9 stalls, the self-service storage requires 25 stalls, and the warehouse requires 21 stalls for a total of 55 stalls required. The site plan shows 115 parking stalls some of which will be occupied by U-Haul rental vehicles and trailers. There is no reduction in impervious surfaces proposed, and the applicant instead proposes to use the property for outdoor storage and display of rental vehicles and other for-rent items associated with the use.
- 9) Section 50-25 (Landscaping and Tree Preservation). A redevelopment project of this scope on a site of this size exceeding 75% of the value of the existing building requires compliance with landscaping provisions of the UDC. The applicant has provided a site plan showing the addition of trees in the Grand Ave. and Spirit Dr. street rights of way and new trees in the parking lot interior. The applicant would require City Engineer and City Forester permission to install trees in the street right of way and the City Engineer has commented that there may be limited space in which to locate them given existing trees, street lights, and a 3 inch gas main. The applicant has not proposed acceptable adjustments to

the design of the rights-of-way to accommodate the use, nor to ensure the survival of the trees or other landscaping items that would be needed to support the UDC requirements for the site. It is anticipated that the trees, based on current design, may have high mortality rates and would not thrive. Additional landscaping required by the project would need to be evaluated at time of building permit application. It appears that there would be adequate space for this landscaping as the site currently has 115 parking stalls and only 55 stalls are required; however, the design for the site has not considered alternative plans for use of the site that could support compliance with the UDC and intent of the comprehensive plan for improved landscaping in this neighborhood area.

- 10) Section 50-26 (Screening, Walls and Fences). The site plan shows a new refuse container enclosure to meet UDC requirements is planned as well as landscaping at the loading dock. The refuse container is shown in the Spirit Dr. street right of way. The City Engineer has commented that the refuse container must be located out of the street right of way as the proposed location conflicts with utilities and sight lines for driveway access. The application therefore does not comply with the requirements of Section 50-26. No containers may be placed in rights-of-way without obtaining a Concurrent Use Permit from the city.
- 11) Section 50-29 (Sustainability Standards). Typically inapplicable to reuse of an existing building. The provisions state:
 50-29.1 Applicability. In order to promote sustainable development, all new residential development proposals containing three or more units, and all non-residential development with a gross floor area of 10,000 square feet or more, shall be required to comply with the provisions of this Section 50-29. (Ord. No. 10044, 8-16-2010)
 50-29.2 Points required. Each new development shall be required to achieve at least a minimum number of points from the menu of options shown in Table 50-29-1: B. Non-residential development minimum requirements. 1. Non-residential development with 10,000 to 25,000 square feet: 3 points. 2. Non-residential development with a total square footage of more than 25,000 square feet: 4 points;
- 10) Section 50-30 (Building Design Standards). Not applicable.
- 11) Section 50-31 (Exterior Lighting). A redevelopment project of this scope on a site of this size exceeding 25% of the value of the existing building requires compliance with exterior lighting provisions of the UDC. The photometric plan provided shows a maximum light level at the property line that exceeds the UDC limit as well as a maximum/minimum light ratio that exceeds the UDC limit. The application does not comply with the requirement of Section 50-31.
- 12) Several comments were received from the West Duluth Business Club (WDBC), Irving Rec and Events Assoc., Inc., and a local business.
- a) Per their Sept. 9, 2021 letter (attached), the WDBC met with U-Haul and their real estate representatives to learn about the project, but ultimately voted unanimously to not support the zoning request after an informal survey of local businesses and community members. The WDBC is working to develop an image for the area as a mixed-use or retail area supportive of entrepreneurs and feel there are better locations for U-Haul in the West Duluth area.
 - b) Per their Nov. 1, 2021 letter (attached), Irving Rec and Events Assoc. is opposed to U-Haul to locating at this site because plans for the business district include retail, office space, and mixed use development. They would support U-Haul locating in one of the western industrial parks.
 - c) Letter (attached) from the owner and operator of North Port Tattoo stating that U-Haul locating at the site would do more harm than good because of the scale of the operation. They believe the area has the potential to become a very boutique, foot-traffic center for small business commerce.
 - d) Per their Dec. 30, 2021 email the WDBC (attached) affirming that their board does not support the U-Haul project and that they “strongly believe that most local residents and businesses do not support it either.”
 - e) Per a Dec. 30, 2021 email (attached), Tom Bergum (Solutions Insurance Agencies) does not have an issue with U-Haul moving in.
 - f) Per a Dec. 31, 2021 email (attached), Kathleen Panger is “not for a U-Haul at all, and sees no benefit to western Duluth at all.”
 - g) Jan. 2, 2022 email (attached) from RaeAnn Hamlin (Hamlin Music) stating “The initial designed use of this property was to provide a shopping area for the citizens of West Duluth . . . and beyond. Over the years it attracted people for that very reason. Although times have changed the need for viable, attractive businesses in this area of Duluth has not. We need to prioritize to encourage people to be in the West Duluth area. Truck and Storage are not appropriate for this space.”
- 13) While the project as proposed does reuse an existing building, consistent with Comprehensive Plan Governing Principle #1, the project is inconsistent with multiple other Comprehensive Plan Principles, Policies, and Strategies as evaluated in in the previous section of this report.

Staff Recommendation

Based on the above findings, Staff recommends that Planning Commission act to adopt the findings below and the Recommended Staff findings identified in the Review and Discussion section of this report, and to deny the special use permit for the following reasons:

- 1) The proposed project does not meet the following Use Specific Standards for Self-Service Storage Facilities in Sec. 50-20.3.L.2:
 - a) The proposed facility cannot comply with the required 350 foot setback to residential property, and the use is therefore not a permitted use, even if a special use permit were granted, in this location.
 - b) The proposed facility does not meet the UDC requirement related to location of roll-up doors. The facility is designed so that storage units are accessed via two roll-up doors on the front (east) side of the building, which is not a permissible location.
 - c) The proposed facility does not provide the required active and occupied interior spaces along the east and north sides of the building.
 - d) The proposed facility does not provide the required level of transparency along the east side of the building.
- 2) The proposed project is inconsistent with multiple Comprehensive Plan Principles, Policies, and Strategies more fully identified in the Review and Discussion and Comprehensive Plan sections of this report.

NOTES CORRESPONDING TO SCHEDULE B

AS PER COMMITMENT NO. 01040-23411, DATED JUNE 15, 2020.

- 10. The following appears as recital on Certificate of Title No. 330992.0 to Parcel 1 pursuant to Order and Decree of Registration filed November 21, 2013 as Document No. 938854 (Torrens): SUBJECT to an easement in favor of the public for slopes, as such easement was condemned by City of Duluth in certain condemnation proceedings, the award in which proceeding bearing date October 25, 1920, was recorded in the office of said Register of Deeds, on December 1, 1920, in Book 19 of Miscellaneous, on page 553. (NOT PLOTTED BOOK AND PAGE HYPERLINK NOT AVAILABLE)
11. The following appears as recital on Certificate of Title No. 330992.0 to Parcel 1 pursuant to Order and Decree of Registration filed November 21, 2013 as Document No. 938854 (Torrens): That part of Lot 2 formerly described as Lots 15 and 16, Block 23, West Duluth First Division is SUBJECT to the rights of Chadoo of Duluth, a Minnesota limited partnership, and Walgreen Co, an Illinois corporation, arising from that certain memorandum of lease dated December 3, 1982, filed in the office of the County Recorder as Document No. 356163. (NO PLOTTABLE INFORMATION)
12. The following appears as recital on Certificate of Title No. 330992.0 to Parcel 1 pursuant to Order and Decree of Registration filed November 21, 2013 as Document No. 938854 (Torrens): That part of Lot 2 formerly described as Lot 10, Block 23, West Duluth First Division is SUBJECT to easements and servitudes as are incident to the reservation of the mineral estate by the State of Minnesota effected by deed recorded in the office of the Register of Deeds, in Book 785 of Deeds, page 456. (Mineral title is not shown further) (NOT PLOTTED, BOOK AND PAGE HYPERLINK NOT AVAILABLE)
13. The following appears as recital on Certificate of Title No. 330992.0 to Parcel 1 pursuant to Order and Decree of Registration filed November 21, 2013 as Document No. 938854 (Torrens): Lot 2 is SUBJECT to a ratification agreement recorded in the office of the County Recorder, as Document No. 374575 which ratifies a lease agreement not identified by a document number and runs in favor of Walgreen Co, an Illinois corporation. (NO PLOTTABLE INFORMATION)
14. The following appears as recital on Certificate of Title No. 330992.0 to Parcel 1 pursuant to Order and Decree of Registration filed November 21, 2013 as Document No. 938854 (Torrens): SUBJECT to a subordination agreement recorded in the office of the County Recorder, as Document No. 402271 which subordinates rights of the City of Duluth in Document 372753. (NO PLOTTABLE INFORMATION)
15. The following appears as recital on Certificate of Title No. 330992.0 to Parcel 1 pursuant to Order and Decree of Registration filed November 21, 2013 as Document No. 938854 (Torrens): SUBJECT to a memorandum of lease recorded in the office of the County Recorder, as Document No. 479804. (NO PLOTTABLE INFORMATION)
16. The following appears as recital on Certificate of Title No. 330992.0 to Parcel 1 pursuant to Order and Decree of Registration filed November 21, 2013 as Document No. 938854 (Torrens): SUBJECT to a subordination agreement recorded in the office of the County Recorder, as Document No. 518079 vacating utility, alley and street easements. (PLOTTED AND SHOWN HEREON)
17. The following appears as recital on Certificate of Title No. 330992.0 to Parcel 1 pursuant to Order and Decree of Registration filed November 21, 2013 as Document No. 938854 (Torrens): SUBJECT to resolution of the Duluth City Council recorded in the office of the County Recorder, as Document No. 518080 vacating a portion of Bristol Street subject to retention of a 66 foot utility easement over, under and across the portion of Bristol Street vacated. (PLOTTED AND SHOWN HEREON)
18. The following appears as recital on Certificate of Title No. 330992.0 to Parcel 1 pursuant to Order and Decree of Registration filed November 21, 2013 as Document No. 938854 (Torrens): SUBJECT to amendment to special assessment agreement recorded in the office of the County Recorder, as Document No. 518086 which amends a special assessment not identified by document number dated February 10, 1984 between the City of Duluth and itself. (NO PLOTTABLE INFORMATION)
19. The following appears as recital on Certificate of Title No. 330992.0 to Parcel 1 pursuant to Order and Decree of Registration filed November 21, 2013 as Document No. 938854 (Torrens): SUBJECT to subordination, nonantandurature and attornment agreement recorded in the office of the County Recorder, as Document No. 518086 which subordinates a mortgage to Kmart Corporation, a Michigan corporation, formerly known as S S Kresge Company, tenant, with Valley Center Limited Partnership (as assigned to Chadoo of Duluth Limited Partnership), landlord, dated July 19, 1989, not identified by document number to a mortgage between Chadoo of Duluth Limited Partnership, mortgagee, and First Bank North, National Association, mortgagor not identified by document number. (NO PLOTTABLE INFORMATION)
20. The following appears as recital on Certificate of Title No. 330992.0 to Parcel 1 pursuant to Order and Decree of Registration filed November 21, 2013 as Document No. 938854 (Torrens): SUBJECT to resolution of the Duluth City Council recorded in the office of the County Recorder, as Document No. 533535 vacating part of Bristol Street and retaining a 66 foot easement over, under and across the vacated area and which resolution of the Duluth City Council is dated September 30, 1991. (NOT PLOTTED, VACATED STREET AND RETAINED EASEMENT FALL NORTHEAST OF SUBJECT PROPERTY)
21. The following appears as recital on Certificate of Title No. 330992.0 to Parcel 1 pursuant to Order and Decree of Registration filed November 21, 2013 as Document No. 938854 (Torrens): Lot 2 is TOGETHER WITH a restrictive covenant recorded in the office of the County Recorder, as Document No. 533729 encumbering other land in favor of Chadoo of Duluth Limited Partnership, a Minnesota limited partnership. (BLANKET IN NATURE, SEE DOCUMENT FOR DETAILS)
22. The following appears as recital on Certificate of Title No. 330992.0 to Parcel 1 pursuant to Order and Decree of Registration filed November 21, 2013 as Document No. 938854 (Torrens): SUBJECT to mortgage, assignment of rents and security agreement recorded in the office of the County Recorder, as Document No. 967630 and assignment of said mortgage recorded as Document No. 1000562, which mortgage, etc, by reason of said assignment now runs in favor of LaSalle Bank National Association, in its capacity as trustee for the registered holder of LB-US Commercial Mortgage Trust 2005-C2, Commercial Mortgage Pass-Through Certificates, Series 2005-C2 and secures the principal sum of \$6,755,000.00. Note: A Satisfaction of Mortgage is recorded in the office of the County Recorder (Abstract records) as on May 21, 2005 as Document No. 1260911. (NO PLOTTABLE INFORMATION)
23. Memorandum of Lease in favor of ZRC Plaza, a Wisconsin general partnership, dated March 4, 1983, filed March 7, 1983 as Document No. 449946.0. Assignment of Lease to Marine Bank National Association dated March 3, 1983, filed March 7, 1983 as Document No. 449946.0. Note: The above document appears to have expired by its own terms, however, the Company shall not be responsible for bringing or for paying the cost of, any proceeding subsequent or other action that may be required in order to cause the memorial to be deleted from any future Certificate(s) of Title for the Land. (NO PLOTTABLE INFORMATION)
24. Resolution 83-0940 recorded January 20, 1984 in the office of the County Recorder as Document No. 371587 (Abstract) and filed in the office of the Registrar of Titles as Document No. 456785 (Torrens)(as to Parcels 1 and 2) (NOT PLOTTED, VACATED STREETS ARE UNDERLYING OF THE PLAT OF SPIRIT VALLEY DIVISION)

ALTA/NSPS LAND TITLE SURVEY

SURVEYOR'S CERTIFICATION

TO: Amerco Real Estate Company, a Nevada Corporation; First American Title Insurance Company: THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 5, 6a, 7a, 7b(1), 8, 9, 13, 16, 17, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON SEPTEMBER 20, 2021

KALEB KADELBACH, MN REG. NO. 57070 DATE FIELD SURVEY: KALEB KADELBACH, CREW CHIEF

For inquiries, questions or concerns about this survey contact MFeldbusch@ussurveyor.com or call 1-800-867-8783 ext. 208

U.S. SURVEYOR logo and address: 4929 Riverwind Pointe Drive, Evansville, Indiana 47715. America's Land Surveyor. 1-800-TO-SURV

PREPARED FOR: PROJECT LOCATION: ST. LOUIS COUNTY, STATE OF MINNESOTA

Amerco PROJECT ADDRESS: 5710 GRAND AVENUE DULUTH, MN 55807 PROJECT TYPE: ALTA/NSPS LAND TITLE SURVEY

SHEET 1 OF 2 MICHAEL A. STANG, PLS MINNESOTA REGISTRATION NO. 52591 JOB NUMBER: S554947

- 25. Memorandum of Lease in favor of Walgreen Co, an Illinois corporation dated December 3, 1982, filed February 7, 1984 as Document No. 457089 (Torrens) and February 14, 1984, filed March 30, 1984 as Document No. 458142.0 (Torrens). The above Documents appear to be shown as Recitals on Certificate of Title No. 330992 as County Recorder Document Nos. 356163 and 374575. Note: The above documents appear to have expired by their terms, however, the Company shall not be responsible for bringing or for paying the cost of, any proceeding subsequent or other action that may be required in order to cause the memorial/recital to be deleted from any future Certificate(s) of Title for the Land. (NO PLOTTABLE INFORMATION)
26. Access and Utility Easement as reserved by the City of Duluth in deed dated February 9, 1984, filed February 17, 1984 in the office of the County Recorder as Document No. 372745 (Abstract), and in the office of the Registrar of Titles as Document No. 457274 (Torrens). (PLOTTED AND SHOWN HEREON)
27. Special Assessment Agreement dated February 10, 1984, recorded February 17, 1984 in the office of the County Recorder as Document No. 372747 (Abstract) and in the office of the Registrar of Titles as Document No. 457276.0 (Torrens) (Abstract) and in the office of the Registrar of Titles as Document No. 457276.0 (Torrens) (Abstract) dated August 29, 1990, recorded April 4, 1991 in the office of the County Recorder as Document No. 518085 (Abstract) and filed in the office of the Registrar of Titles as Document No. 533067.0 (Torrens). (NO PLOTTABLE INFORMATION)
28. Memorandum of Lease between Valley Center Limited Partnership, a Minnesota limited partnership, and Kmart Corporation, a Michigan corporation dated July 19, 1989, recorded July 26, 1989 in the office of the County Recorder as Document No. 479804, and filed April 4, 1991 in the office of the Registrar of Titles as Document No. 533049 (Torrens). Note: Lease term appears to be for 25 years plus ten options for 5 year extensions. (as to Parcels 1, 2 and 3) (NO PLOTTABLE INFORMATION)
29. Resolution 90-0943 filed April 4, 1991 in the office of the County Recorder as Document No. 518079 (Abstract)-Shown as a Recital on Certificate No. 330992.0 and in the office of the Registrar of Titles as Document No. 533061 (Torrens). (as to Parcels 1, 2 and 3) (PLOTTED AND SHOWN HEREON)
30. Resolution 90-0824 filed April 4, 1991 in the office of the County Recorder as Document No. 518080 (Abstract)-Shown as a Recital on Certificate No. 330992.0 and in the office of the Registrar of Titles as Document No. 533062 reserving the following: a. 66 foot utility easement over Bristol Street. (FALLS NORTHEAST OF SUBJECT PROPERTY) b. Utility easement over the Eastern 14 feet of Lots 1 through 16, Block 10, West Duluth First Division. c. 20 foot utility easement over, under, and across Lot 3, Block 4, Spirit Valley Division described as follows: Commencing at the most northerly corner of said Lot 3, thence southeasterly along the northeasterly line of said Lot 3, a distance of 25.88 feet to the beginning of the center line to be described; thence deflect 45 degrees 56 minutes 54 seconds to the right in a southerly direction a distance of 104.92 feet to the southeasterly line of said Lot 3, and said line there terminating. The side lines of said easement are prolonged or shortened to terminate on the northeasterly and southwesterly lines of said Lot 3. d. 20 foot utility easement over, under and across those parts of Lots 2 and 3, Block 3, and that part of Lot 4, Block 4, Spirit Valley Division including the center line to be described; thence continue westerly, along the last described line, a distance of 158.03 feet, thence deflect 30 degrees 36 minutes 36 seconds to the right in a northerly direction a distance of 36.49 feet, thence deflect 59 degrees 20 minutes 46 seconds to the right in the northerly direction a distance of 238.74 feet to the southeasterly right of way line of Grand Avenue and said line there terminating. Except that part lying in Lot 3, Block 4, Spirit Valley Division. (as to Parcels 1, 2 and 3) (PLOTTED AND SHOWN HEREON)
31. Resolution 91-0267 filed April 4, 1991 in the office of the County Recorder as Document No. 518081 (Abstract) and in the office of the Registrar of Titles as Document No. 533063 (Torrens) reserving the following: Easement for underground placement of utilities within all of Lot 2, Block 4; the Northeasterly 20 feet of the Southeasterly 20 feet of Lot 3, Block 4; and that portion of alley between Blocks 3 and 4 and utility easement in Lot 1, Block 3, described as the 20 feet thereof lying Southwesterly of the Southwest line of Lot 2, Block 4, as extended 3 feet Southwesterly from the South corner of said Lot 2, Block 4, Spirit Valley Division. (as to Parcels 1, 2 and 3) (VACATED ALLEY PLOTTED AND SHOWN HEREON)
32. Amendment to Mortgage dated February 20, 1991, filed April 4, 1991 as Document No. 533075 appears as a memorial on Certificate of Title No. 330992. Note: The above document appears to no longer affect the property, however, the Company shall not be responsible for bringing or for paying the cost of, any proceeding subsequent or other action that may be required in order to cause the memorial to be deleted from any future Certificate(s) of Title for the Land. (NO PLOTTABLE INFORMATION)
33. Matters resulting from Certificate of Title No. 330992.0 showing Chadoo of Duluth Limited Partnership, a Minnesota limited partnership, as the registered owner. Note: Quit Claim Deed and Assignment of Leases from Chadoo of Duluth Limited Partnership, a Minnesota limited partnership, to Chadoo of Duluth, LLC, a Minnesota limited liability company, dated December 16, 2004, filed December 20, 2004 as Document No. 967629 is shown as a memorial on said Certificate of Title. (NO PLOTTABLE INFORMATION)
34. Mortgage and Security Agreement and Fixture Financing Statement and Assignment of Rents by Chadoo of Duluth, LLC, a Minnesota limited liability company, in favor of Members Cooperative Credit Union dated April 10, 2015, recorded in the office of the County Recorder on April 22, 2015 as Document No. 125896. (Abstract) and filed in the office of the Registrar of Titles as Document No. 956331 (Torrens) in the original amount of \$5,500,000.00. Partially released by Partial Release of Mortgage and Assignment of Rents and Leases dated July 10, 2019, recorded July 17, 2019 as Document No. 1358762 (Abstract). (as to Parcels 1, 2 and 3) (NO PLOTTABLE INFORMATION)
35. Collateral Assignment of Rents and Leases by Chadoo of Duluth, LLC, a Minnesota limited liability company, in favor of Members Cooperative Credit Union dated April 10, 2015, recorded in the office of the County Recorder on April 22, 2015 as Document No. 1258962 (Abstract) and filed in the office of the Registrar of Titles as Document No. 956332 (Torrens). Partially released by Partial Release of Mortgage and Assignment of Rents and Leases dated July 10, 2019, recorded July 17, 2019 as Document No. 1358762 (Abstract). (NO PLOTTABLE INFORMATION)
36. Subordination, Attornment and Non-Disturbance Agreement among Members Cooperative Credit Union, as lender, Kmart Corporation, a Michigan corporation, as tenant, and Chadoo of Duluth, LLC, a Minnesota limited liability company, as landlord, dated April 10, 2015, recorded June 11, 2015 in the office of the County Recorder as Document No. 1262314 (Abstract) and filed in the office of the Registrar of Titles as Document No. 958288.0 (Torrens). (as to Parcels 1, 2, 3-includes additional land) (NO PLOTTABLE INFORMATION)
37. Mortgage and Security Agreement and Fixture Financing Statement and Assignment of Rents by Chadoo of Duluth, LLC, a Minnesota limited liability company, in favor of Members Cooperative Credit Union dated April 30, 2018, recorded in the office of the County Recorder on May 10, 2018 as Document No. 1332619 (Abstract) and filed in the office of the Registrar of Titles as Document No. 997874 (Torrens) in the original amount of \$405,600.00. Partially released by Partial Release of Mortgage and Assignment of Rents and Leases dated July 10, 2019, recorded July 17, 2019 as Document No. 1358763 (Abstract). (as to Parcels 1, 2, 3-includes additional land) (NO PLOTTABLE INFORMATION)
38. Collateral Assignment of Rents and Leases by Chadoo of Duluth, LLC, a Minnesota limited liability company, in favor of Members Cooperative Credit Union dated April 30, 2015, recorded in the office of the County Recorder on May 10, 2018 as Document No. 1332620 (Abstract) and filed in the office of the Registrar of Titles as Document No. 997875 (Torrens). Partially released by Partial Release of Mortgage and Assignment of Rents and Leases dated July 10, 2019, recorded July 17, 2019 as Document No. 1358763 (Abstract). (as to Parcels 1, 2, 3-includes additional land) (NO PLOTTABLE INFORMATION)
39. Easements shown and dedicated on the plat of Spirit Valley Division recorded November 30, 1987 in the office of the County Recorder (Abstract records) as Document No. 445648, and filed March 14, 2013 in the office of the Registrar of Titles (Torrens records) as Document No. 928092.0. Resolution 83-940 recorded January 20, 1984 in the office of the County Recorder as Document No. 371587 (Abstract) and filed in the office of the Registrar of Titles as Document No. 456785 (Torrens). Resolution 90-943 recorded April 4, 1991 in the office of the County Recorder as Document No. 518079 (Abstract) and filed in the office of the Registrar of Titles as Document No. 533061 (Torrens). (PLOTTED AND SHOWN HEREON) Resolution 91-0824 recorded April 4, 1991 in the office of the County Recorder as Document No. 518080 (Abstract) and filed in the office of the Registrar of Titles as Document No. 533062 (Torrens). (PLOTTED AND SHOWN HEREON) Resolution 91-0267 recorded April 4, 1991 in the office of the County Recorder as Document No. 518081 (Abstract) and filed in the office of the Registrar of Titles as Document No. 533063 (Torrens). (PLOTTED AND SHOWN HEREON) Resolution 91-0793 recorded November 8, 1991 in the office of the County Recorder as Document No. 533535 (Abstract). (FALLS NORTHEAST OF SUBJECT PROPERTY)
40. Easement as contained in Certificate in favor of the City of Duluth dated September 6, 1927, filed October 3, 1927 as Document No. 91344. (as to Parcels 2 and 3) (BLANKET IN NATURE)
41. Subject to the terms and conditions of an Easement Agreement dated May 16, 1990 between Thomas J. Olsch and Mary F. Olsch, husband and wife, individually as assigns and successors in interest to Kom-On-Inn, Inc., Kimberly Elder, single person and Curt Johnson Properties, Inc., as shown in Deed dated

NOTE: THIS SURVEY SHALL NOT BE USED WITH AN AFFIDAVIT OR LETTER OF ANY KIND FOR REUSE INCLUDING, BUT NOT LIMITED TO, FUTURE CLOSINGS, MORTGAGES, PLAT PLANS, CONTRIBUTION LANDS, OR ANY OTHER PURPOSES. THE USER OF THIS SURVEY IS RESPONSIBLE FOR THE FEDERAL COPYRIGHT ACT, DIGITAL MILLENNIUM COPYRIGHT ACT, TO COPY OR MODIFY OR REPRODUCE OR TRANSMIT OR TO MAKE ANY PUBLIC DISPLAY OF THIS SURVEY OR ANY PART THEREOF. THE USER SHALL NOT BE LIABLE FOR USE OF THIS SURVEY BY ANY OTHER PERSONS OR PERSONS FOR ANY PURPOSES BEYOND THE ORIGINAL DATE, SCOPE, AND PERMISSION OF U.S. SURVEYOR.

FLOOD DATA This property is in Zone X of the Flood Insurance Rate Map, Community Panel No. 2700300319E & 2700300328E which has an effective date of 12/16/2015 and IS NOT in a Special Flood Hazard Area. Field surveying was not performed to determine this zone. An elevation certificate may be needed to verify this determination or apply for an amendment from the Federal Emergency Management Agency.

IT IS THE CONTRACTORS RESPONSIBILITY TO LOCATE ALL UTILITIES, WHETHER SHOWN ON THIS SURVEY OR NOT PRIOR TO COMMENCEMENT OF WORK. THIS SURVEY HAS BEEN PREPARED USING AVAILABLE UTILITY DATA. THIS SURVEYOR DOES NOT MAKE STATEMENTS OF ACCURACY BASED UPON MAPS AND UTILITY LOCATES OF OTHERS.



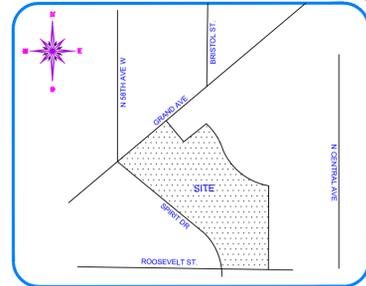
Know what's below Call before you dig.

SURVEYOR NOTES

- 1. PER TABLE A ITEM 16, NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
2. PER TABLE A ITEM 17, WE ARE NOT AWARE OF ANY CHANGES IN STREET RIGHT-OF-WAY PRESENTLY OR PROPOSED.
3. PER TABLE A ITEM 18, THERE WERE NO WETLAND MARKERS OBSERVED.
4. PROPERTY HAS PHYSICAL ACCESS TO AND FROM GRAND AVE., SPIRIT DR., AND ROOSEVELT ST., ALL BEING DULY DEDICATED PUBLIC RIGHT-OF-WAYS.
5. BASED ON OBSERVED EVIDENCE ONLY, THE SITE DOES NOT CONTAIN ANY CEMETERIES OR BURIAL GROUNDS.
6. ADJOINING OWNERSHIP INFORMATION SHOWN HEREON WAS OBTAINED FROM THE CITY OF ST. LOUIS COUNTY WEBSITE. OWNERSHIP INFORMATION IS SUBJECT TO REVISION UPON RECEIPT OF A TITLE SEARCH BY A TITLE INSURANCE COMPANY.
7. ALL STATEMENTS WITHIN THE CERTIFICATION, AND OTHER REFERENCES LOCATED ELSEWHERE HEREON, RELATED TO: UTILITIES, IMPROVEMENTS, STRUCTURES, BUILDINGS, PARTY WALLS, FENCINGS, EASEMENTS, SERVITUDES, AND ENCROACHMENTS, ARE BASED SOLELY ON ABOVE GROUND, VISIBLE EVIDENCE, UNLESS ANOTHER SOURCE OF INFORMATION IS SPECIFICALLY REFERENCED HEREON.
8. THERE ARE 352 STANDARD STRIPED PARKING SPACES AND 23 HANDICAPPED PARKING SPACES, FOR A TOTAL OF 375 STRIPED PARKING SPACES WITHIN SUBJECT PROPERTY.
9. THE RECORD DESCRIPTIONS OF THE SUBJECT PROPERTY FORM A MATHEMATICALLY CLOSED FIGURE WITH NO GAPS, OR GORES.

IMPROVEMENT NOTES

THIS IS A LISTING OF OBSERVED IMPROVEMENTS THAT CROSS DEED LINES. STATEMENT OF OWNERSHIP OR POSSESSION IS NOT THE INTENT OF THIS LISTING.
A1) NONE OBSERVED AT THE TIME OF THE SURVEY



VICINITY MAP NOT TO SCALE

LEGAL DESCRIPTION

Real property in the City of Duluth, County of St. Louis, State of Minnesota, described as follows:
Parcel 1: Lots 1, 2 and 3, Block 3, Spirit Valley Division, and that part formerly described as that part of Lots 15 and 16, Block 10, WEST DULUTH FIRST DIVISION, which falls within the following described line: Beginning at the Southeastern corner of said Lot 16, thence Nly along the S line of said Lot 16 for a distance of 125 ft to the SWly corner of said Lot 16, thence Nly along the Wly line of said Block 10 for a distance of 50 ft to the NWly corner of said Lot 15, thence deflect 111 degrees 48 minutes 05 seconds to the right and go 134.63 ft to the point of beginning and there terminating. (Torrens property)-Certificate of Title No. 330992.0
Parcel 2: That part of Lot 2, Block 4, Spirit Valley Division, St. Louis County, Minnesota, lying SWly of the following described line: Beginning at the most Nly corner of Lot 3, Block 4, Spirit Valley Division; thence S 54° 58' 57" E along the NEly line of said Lot 3 and the SEly extension of said line, 170 feet and there ending, and all of Lots 3 through 8, inclusive, Block 4, Spirit Valley Division, St. Louis County, Minnesota. (Abstract property and Torrens property) Certificate of Title No. 67311.0 (as to a part of Lot 8)
Parcel 3: Lots 1 through 13, Block 135, West Duluth Fifth Division, St. Louis County, Minnesota, except those parts platted as Spirit Valley Division, St. Louis County, Minnesota. (Abstract and Torrens property)- Certificates of Title Nos. 253831.0 (Lot 5), 253830.0 (Lots 6 & 7), 335933 (Lot 8), 213821.0 (Lot 11, part of Lot 12, and Lot 13) and 67311.0 (part of Lot 12).

SITE DATA

ZONING AND RESTRICTIONS SHOWN HEREON WERE OBTAINED BY A GENERAL REQUEST AT THE PUBLIC COUNTER OF THE LOCAL ZONING AUTHORITY. NO REPRESENTATION IS MADE FOR THE ACCURACY OR COMPLETENESS OF SAID THIRD PARTY INFORMATION. THIS FIRM IS NOT AN EXPERT IN THE INTERPRETATION OF COMPLEX ZONING ORDINANCES. COMPLIANCE IS BEYOND THE SCOPE OF THIS SURVEY. ANY USER OF SAID INFORMATION IS URGED TO CONTACT THE LOCAL AGENCY DIRECTLY.

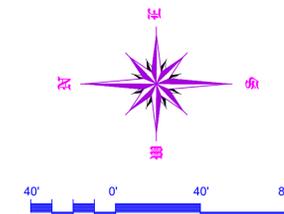
- 1. ZONING- MU-C - MIXED USED COMMERCIAL DISTRICT
SETBACKS- FRONT= 0 FEET MINIMUM SIDE= 0 FEET MINIMUM FOR BUILDING LESS THAN 25' IN HEIGHT REAR= 0 FEET MINIMUM
HEIGHT RESTRICTIONS- 45 FEET
PARKING PROVIDED- REGULAR= 352 SPACES HANDICAP= 23 SPACES TOTAL SPACES PROVIDED= 375
2. NOTES REGARDING ALTA STANDARD ITEMS 16, 17, 18 & 19- NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS IN RECENT MONTHS. NO OBSERVABLE CHANGES IN STREET RIGHT-OF-WAY LINES, RECENT STREET OR SIDEWALK REPAIRS. NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL. NO WETLAND AREAS DELINEATED BY APPROPRIATE AUTHORITIES AT TIME OF SURVEY.
3. PROPERTY CONTAINS 8.69 ACRES, MORE OR LESS (378,721 SQ. FT.) OF GROSS LAND AREA.

RECORD CLOSURE 1:33400 MEASURED CLOSURE 1:33400

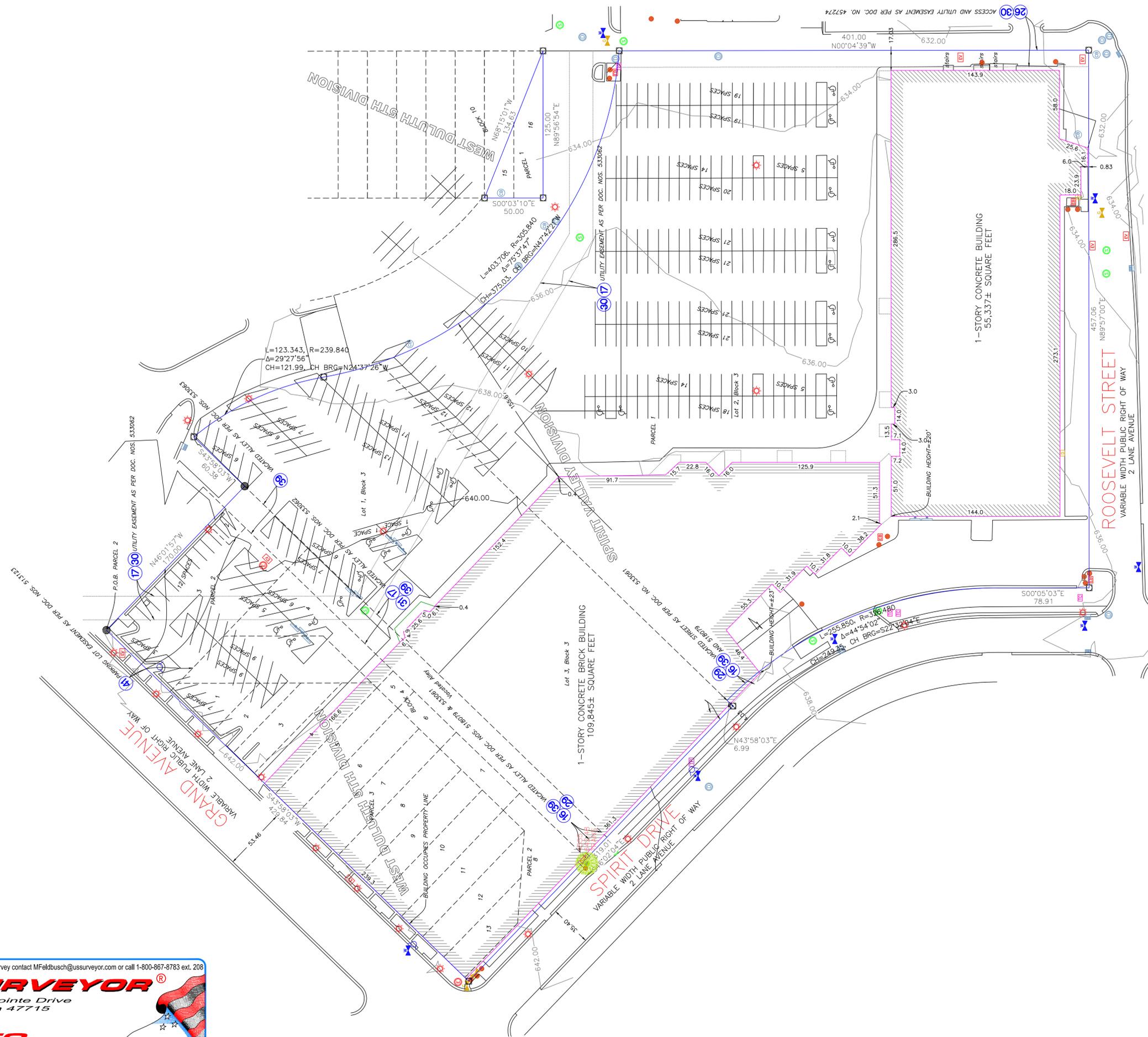
CERTIFICATION IS ONLY TO THE PARTIES HEREIN NAMED. THIS SURVEY IS NOT VALID FOR ANY FUTURE TRANSACTIONS OF THIS PROPERTY.

Table with columns: DATE OF ORIGINAL, REVISION, NETWORK COMMENTS, DATE. Values: SEPTEMBER 20, 2021; SEPTEMBER 21, 2021.

SEE SHEETS 2 OF 2 FOR DRAWING



SCALE: 1" = 40'
THIS DRAWING WAS CREATED TO BE VIEWED IN DWG FORMAT. IF IT IS REPRODUCED OR VIEWED IN PDF OR ANY OTHER ELECTRONIC FORMAT, IT MAY NOT BE TO SCALE.
BEARINGS BASED ON SLCTM96 COUNTY COORDINATE SYSTEM



For inquiries, questions or concerns about this survey contact MFeldbusch@ussurveyor.com or call 1-800-867-8783 ext. 208
U.S. SURVEYOR
4929 Riverwind Pointe Drive
Evansville, Indiana 47715
"America's Land Surveyor"
1-800-TO



SITE AERIAL SCALE: N.T.S.

Zoning Information
Project Name: Project # 729077
 U-Haul Moving & Storage of West Duluth
Municipality: City of Duluth
Project Address: 5710 Grand Ave., Duluth, MN 55807
APN /Acre / Area: St. Louis County APN(s) 010-4097-00090, 010-4097-00070, 010-4097-00170, 010-4097-00160, 010-4097-00150, 010-4097-00140, 010-4097-00130, 010-4097-00120, 010-4097-00111, 010-4510-02600, 010-4510-02570, 010-4510-02560, 010-4510-02540 and 010-4510-02510 / 3.92± Acres / 170,755± s.f.
Zone: MU-C - Mixed Use Commercial
Adjacent Zoning:
 N- F-3 - Mid-rise Community Shopping/ F-4 - Mid-rise Community Mix
 E- F-3 - Mid-rise Community Shopping/ F-4 - Mid-rise Community Mix
 S- F-4 - Mid-rise Community Mix
 W- F-3 - Mid-rise Community Shopping/ F-4 - Mid-rise Community Mix
Uses: Auto/Light Vehicle Rental (1), Mini-warehouse/Self-service Storage (SUP(58-20.3L))

Bulk Requirements

Setbacks:	Required	Provided
Front yard:	None, for structures 35-ft. or less	+/-162'-2"
Side yard:	None, 15-ft. adjacent to residential	None
Rear yard:	None, 15-ft. adjacent to residential	None

Height Limit: 90-ft. max. for mixed use
45 ft. within 500 ft of R-1 or R-2

Existing Height +/-25'-2"

Parking:

	Required	Provided
General Retail	3 sp	5 sp
3 sp/1000 sf		
2908/1000=3 sp		
Self-service Storage	25 sp	126 sp
(1 sp/ 20 storage units)		
492 units/20=25 sp		
Total Required:	27 sp	115 sp

LANDSCAPING

	Required	Provided
Parking Area		
15% (min) of interior parking area	36 trees	26 trees
1 tree/300 sf of interior ls area, 8 ft. (min)		
(72,162sf x 15%=10,824 sf/300 sf=36 trees)		

Street Frontage

	Required	Provided
Grand Avenue	13 trees	13 trees (including 5 existing)
1 tree/35 lf		
(430.5 lf/35 = 13)		

- Existing Landscaping to Remain
- Proposed Landscaping
- Existing Sidewalk to Remain
- Existing Loading Dock and Refuse to Remain
- Existing Lighting to Remain

REVISIONS:

NO.	DATE	INITIALS	NOTES
1	10-01-21	z1	SUP resubmittal
2			
3			
4			
5			
6			
7			
8			

PROFESSIONAL SEAL:

PRELIMINARY DOCUMENTS - NOT FOR CONSTRUCTION. FOR INFORMATION ONLY.

ARCHITECT LOGO:

AMERCO REAL ESTATE COMPANY

CONSTRUCTION DEPARTMENT
 2727 NORTH CENTRAL AVENUE
 PHOENIX, ARIZONA 85004
 P: (602) 263-6502

SITE ADDRESS:

U-Haul of West Duluth
 5710 Grand Ave.
 Duluth, MN 55807

SHEET CONTENTS:

Preliminary Site Plan

729077

DRAWN: KMB
 CHECKED: NH
 DATE: 08/25/21

SP1

729077A1A.dwg

**5710 GRAND AVENUE
DULUTH, MN 55807**

CONNECTIVITY -EXISTING SIDWALKS

(SHOWN IN RED)





350 Ft FROM EDGE OF BUILDING

N 59th Ave W

N 57th Ave W

Ramsey St

5530 RAMSEY ST

DULUTH
Grand Ave

N 58th Ave W

5710 GRAND AVE

5814 GRAND AVE

5830 GRAND AVE

5712 ROOSEVELT ST

215 N CENTRAL AVE





ARCHITECTURAL WOOD PANELING
ENHANCES RETAIL APPEARANCE

ARCHITECTURAL PANELING
PROVIDES ARTICULATION, DEPTH
AND TEXTURE TO THE BUILDING

PAINT TREATMENT ELEVATES
NEIGHBORHOOD RETAIL
APPEARANCE

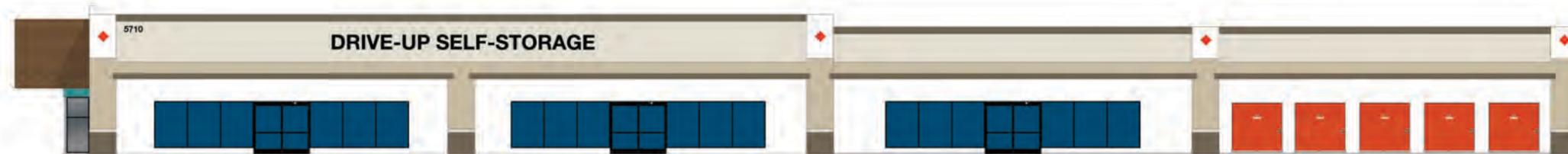
WINDOWS ENHANCES
RETAIL UNIFORMITY

MOVING & STORAGE AT WEST DULUTH
5710 Grand Ave., Duluth, MN 55807

PC Packet 01-11-2022



NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION



ADVERTISING & MARKETING ASSOCIATES, INC.

ARCHITECTURAL DESIGN & FACILITY IMAGING

October 11, 2021

Conceptual renderings are subject to change and should not be implemented.



ATAS Architectural Panel
 Woodland Series - Walnut



ATAS Architectural Panel
 Rigid Wall Clear Satin Anodized



NORTH ELEVATION





42'- 3"
2'- 6"
DRIVE-UP SELF-STORAGE

Poly Carbonate plastic letters
2'- 6"W X 42'- 3"H - X2
105.625 SQFT

31'
1'- 6"
boxes · moving supplies

Poly Carbonate plastic letters
1'- 6"W X 31'H
46.5 SQFT

30'
2'- 6"
CUSTOM HITCHES

Poly Carbonate plastic letters
2'- 6"W X 30'H
75 SQFT



Poly Carbonate plastic letters
5'W X 9'H
45 SQFT

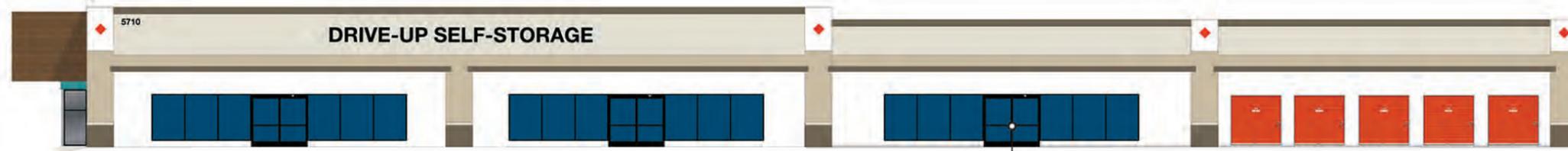
34'- 3"
5'
Your Storage Place

Poly Carbonate plastic letters
5'W X 34.25'H
171.25 SQFT

TOTAL = 549ft²

42'-3"
2'-6"
DRIVE-UP SELF-STORAGE

Poly Carbonate plastic letters
2'-6"W X 42'-3"H
105.625 SQFT



EAST ELEVATION

Architectural Displays



18'-9"W X 6'H
112.5 SQFT



Architectural Displays

WEST ELEVATION

TOTAL = 218.125ft²

5710 Grand Avenue,
Duluth MN 55807

BUILDING AND AREA LIGHTING:

THERE ARE FOUR (4) EXISTING POLE LIGHT FIXTURES



Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Loop	File Name	Lumens Per Loop	Light Loss Factor	Wattage
	F1E	4	Lithonia Lighting	WST LED P1 40K VF MVDLT DBBX	WST LED, Performance pack 4000 K, visual comfort Forward Throw, MVDLT	4000K COLD	WST_LED_P1_40K_VF_MVDLT.Ties	1639	0.95	12
	F2E	1	Lithonia Lighting	WST LED P3 40K VF MVDLT DBBX	WST LED, Performance pack 4000 K, visual comfort Forward Throw, MVDLT	4000K COLD	WST_LED_P3_40K_VF_MVDLT.Ties	6609	0.95	50
	K2	3	Lithonia Lighting	WRT 2 32 A12125 MVDLT GEB10IS	WRT LOCATION TROFFER 1' X 4' T8 32-WATT T8 LINEAR FLUORESCENTS.		WRT_2_32_A19_TUBIes	2850	0.75	59
	K2E	1	Lithonia Lighting	WRT 2 32 A12125 MVDLT GEB10IS	WRT LOCATION TROFFER 1' X 4' T8 32-WATT T8 LINEAR FLUORESCENT.		WRT_2_32_A19_TUBIes	2850	0.75	59
	SA	2	Lithonia Lighting	DSX2 LED P4 40K T4M MVDLT HS DBBX / SSS 27" PDLE WITH 3' BRASS	DSX2 LED P4 40K T4M MVDLT HS Side	4000K COLD	DSX2_LED_P4_40K_T4_M_MVDLT_HS.Ties	25364	0.95	270
	SD2	2	Lithonia Lighting	DSX2 LED P4 40K T5W MVDLT HS DBBX / SSS 27" PDLE WITH 3' BRASS	TWIN-HEAD DSX2 LED P4 40K MVDLT	4000K COLD	DSX2_LED_P4_40K_T5W_MVDLT_HS.Ties	34437	0.95	540

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
PROPERTY LINE - FC @ GRADE	X	0.8 fc	6.0 fc	0.0 fc	N/A	N/A
SITE - FC @ GRADE	+	2.1 fc	12.3 fc	0.1 fc	123.0	21.0



SITE AERIAL

SCALE: N.T.S.

Zoning Information

Project Name: Project # 729077
U-Haul Moving & Storage of West Duluth

Municipality: City of Duluth

Project Address: 5710 Grand Ave., Duluth, MN 55807

APN / Acre / Area: St. Louis County APN(s) 010-4097-00090, 010-4097-00070, 010-4097-00160, 010-4097-00150, 010-4097-00140, 010-4097-00130, 010-4097-00120, 010-4097-00111, 010-4510-02600, 010-4510-02570, 010-4510-02560, 010-4510-02540 and 010-4510-02510
/ 3.92± Acres
/ 170,755± s.f.

Zone: MU-C - Mixed Use Commercial

Adjacent Zoning:

- N- F-3 - Mid-rise Community Shopping/ F-4 - Mid-rise Community Mix
- E- F-3 - Mid-rise Community Shopping/ F-4 - Mid-rise Community Mix
- S- F-4 - Mid-rise Community Mix
- W- F-3 - Mid-rise Community Shopping/ F-4 - Mid-rise Community Mix

Uses: Auto/Light Vehicle Rental (1), Mini-warehouse/Self-service Storage (SUP(58-20.3L))

REVISIONS:

NO.	DATE	INITIALS	NOTES
1			
2			
3			
4			
5			
6			
7			
8			

PROFESSIONAL SEAL:

PRELIMINARY DOCUMENTS.
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AMERCO
REAL ESTATE COMPANY

CONSTRUCTION DEPARTMENT
2727 NORTH CENTRAL AVENUE
PHOENIX, ARIZONA 85004
P: (602) 263-6502

SITE ADDRESS:

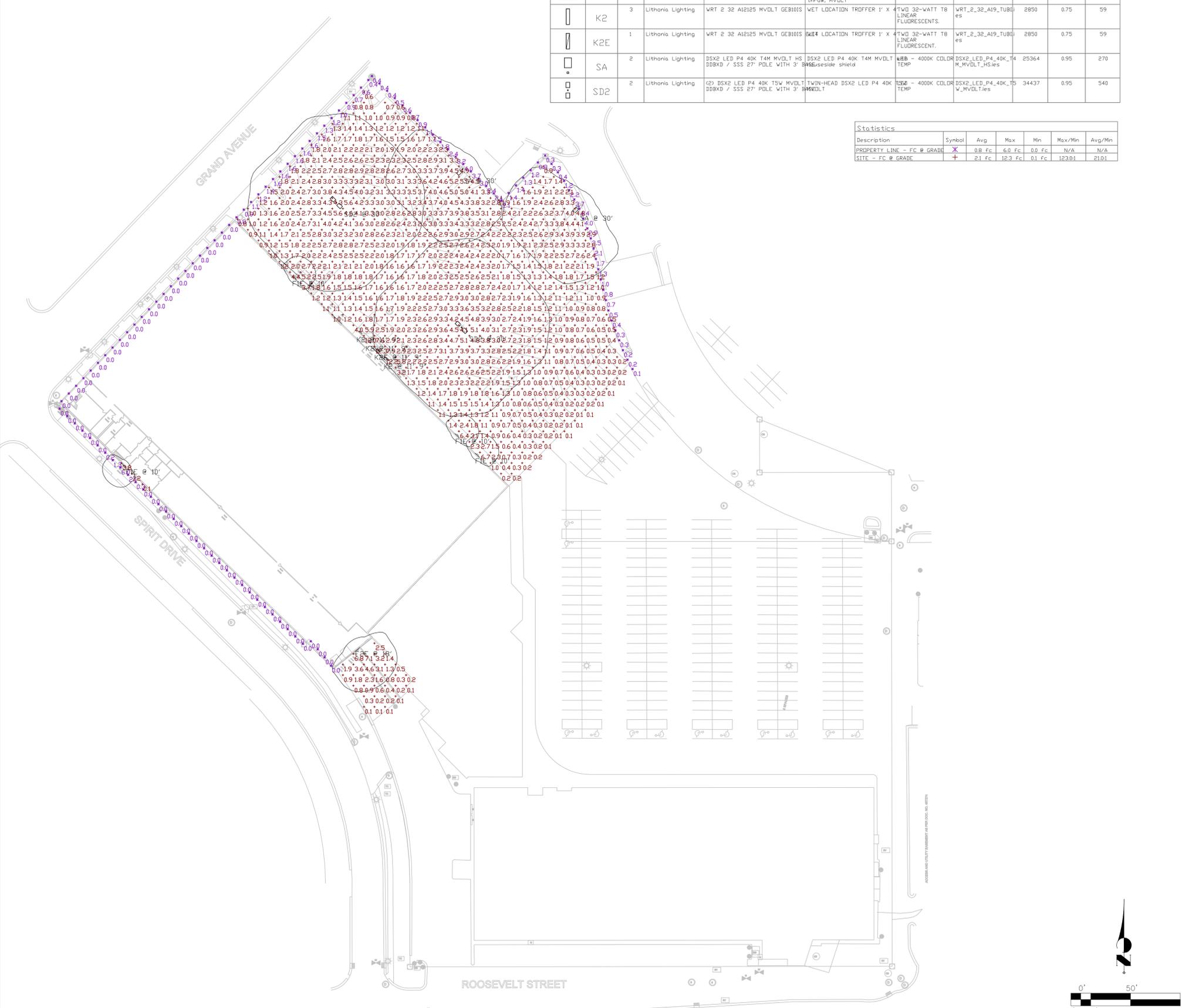
U-Haul of West Duluth
5710 Grand Ave.
Duluth, MN 55807

SHEET CONTENTS:

Preliminary
Site Photometric Plan

729077

DRAWN:	KMB	SP1
CHECKED:	NH	
DATE:	08/25/21	



PRELIMINARY SITE PHOTOMETRIC PLAN

SCALE: 1" = 50' - 0" SITE DATA

© 2021 AMERCO REAL ESTATE COMPANY



P.O. BOX 7064
Duluth, MN 55807

September 2, 2021

City of Duluth – Planning & Development Commission
411 W 1st St, Room 160
Duluth, MN 55802
VIA EMAIL ONLY: planning@duluthmn.gov

Adam Fulton
Emily Nygren

RE: VACANT KMART BUILDING

Dear Planning and Development Office:

Hello. I am writing this letter on behalf of the West Duluth Business and Civic Club, located in the Western area of the city. We are a community membership-based organization, consisting of area businesses, local residents, and civic/public interest groups. Since 1902 we have been active in monitoring the progress and development of our community and sharing information with our members/area residents about issues that may impact their lives.

Specifically, on July 27, 2021 our board met with U-Haul representative Kellin Sybrant, Oliver Management representative Britney Oliver, and their chosen real estate representative, Bev Wentzlaff with CMRA. Our board members posed several questions about the intent for U-Haul to purchase the long-time vacant Kmart building, and we are to understand that in order to do so, a zoning variance would be needed.

After our meeting, some board members conducted an informal survey of local businesses in the area, those closest to the Kmart building, as well as community members for their feedback on the proposal. Based on the feedback we received and after discussing our individual thoughts as board members, at our most recent board meeting on August 31, 2021, our board made the unanimous decision **not** to support

the zoning variance request, which we now understand is scheduled to be heard at the public hearing on September 14, 2021.

Essentially, and as you may already be aware, the West Duluth Business Club board has long been searching to develop the Grand Avenue/Central Avenue corridor area as a strong retail district or craft district. We have been fortunate to welcome several new businesses in recent years and we would like to continue developing an image for the area consistent with a mixed-use or retail area, supportive of business entrepreneurs.

We wholeheartedly support the idea of U-Haul developing its services in this area, but also feel the nature and service of its business model would be best suited to the lower Waseca Avenue industrial area, or the Eastern Grand Avenue area, near such places and Acme Tools or Duluth Lawn and Sport, or similar.

Should you have questions or feedback, please free to contact our current club president, Ms. Susan Coen.

Thank you for your attention to this matter.

/es/ Brenda S. Denton

Brenda S. Denton
WDBC Board Member

Cc: WDBC Board

**Irving Rec and Events Assoc., Inc.
116 S 58th Ave W
Duluth, MN 55807**

November 1, 2021

City of Duluth- Planning and Development
411 W 1st St., Room 160
Duluth, MN 55802

Sent via email to:

Adam Fulton,

Emily Nygren

Re: Former KMart Building- Spirit Valley Mall

Dear Mr. Fulton:

Irving Rec and Events Assoc., Inc. would like to send this letter to you stating our opposition to the current proposed rezoning of the former KMart Building.

The plans which had been developed for the business district included retail, office space and mixed use developments. The needs of the neighborhood have not changed.

Currently the former KMart building is considered to be a blight in the neighborhood with both the building and parking lots not being maintained by the former KMart and now the current owner.

We would support a Uhaul Company moving into one of the Western Industrial Parks of which there currently is room and zoning is not an issue.

Since the notice was posted for the rezoning Social Media has been very active by the Western Duluth Residents. They overwhelmingly are not in support of the UHaul project being located in the former KMart Building.

Sincerely,

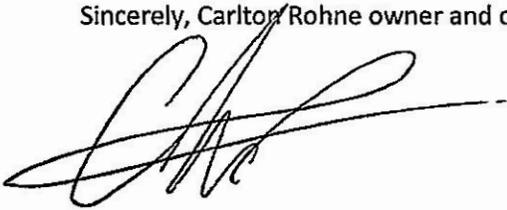

Jeffrey Urbaniak
President

To who it may concern, the perspective from North Port Tattoo is that a U-haul store in our neighborhood would do more to harm to local commerce than benefits. We would appreciate if this is taken into consideration as it would likely impact the livelihood of more business owners, and their employees alike, more than it would ever benefit. I for one believe this area has the potential to become a very boutique, foot traffic center for small business commerce not only in west Duluth, but in the entire twin ports area.

Most of these business owners have no ties to large sums of corporate money and the influence that comes with that level of wealth. But in our totality I truly believe we have the capacity to to bring the kind of culture, and community to in a sense gentrify the economically depressed west Duluth area enabling new entrepreneurs the ability to better themselves, and their community.

If there was any serious consideration into a large corporate business occupying that property we would respectfully ask that the property owner reconsider their options and seek something that employs more people, and brings a considerably larger amount of retail shoppers to the neighborhood. We have so much to offer those people, and I do not see a future where U-haul brings any degree of charm to the mix of small business in this neighborhood. Thank you for considering my position.

Sincerely, Carlton Rohne owner and operator of North Port Tattoo

A handwritten signature in black ink, appearing to be 'CR', with a long horizontal line extending to the right.

From: [West Duluth Business Club](#)
To: [Adam Fulton](#)
Cc: [Emily Nygren](#); [Bill McGiffert](#); [Charlie at Spirit Lake](#); [Dawn Thums](#); [Scott Youngdahl](#); [Spirit Valley Youth Center](#); [susan.coen](#); [Kyle Deming](#); [Jennifer Moses](#); [Janet Kennedy](#); [Paige Larson](#)
Subject: Re: Kmart Building zoning variance request - U-Haul
Date: Thursday, December 30, 2021 12:52:11 PM

Hello Mr. Fulton and Planning Commission. This email is being re-sent in order to remind the commission that the West Duluth Business and Civic Club board does NOT support UHaul's zoning variance request, and we strongly believe that most local residents and businesses do NOT support it either, based on our conversations with citizens and business owners/investors in our community. Please review the letter from us previously sent to you on September 7, 2021.

Thank you for your time and attention to this matter.

B. Denton, WDBC board member

On Tue, Sep 7, 2021 at 2:17 PM Adam Fulton wrote:

Ms. Denton,

Thank you. This correspondence is received, will be retained with the case file, and provided to the Planning Commission when the application proceeds for consideration.

However, please be advised that the applicant's application was deemed incomplete, and is not proceeding for Planning Commission consideration at the 9/14 meeting. The applicant has subsequently submitted additional materials, but the review of those materials is not yet complete. It has not yet been determined whether the application could proceed for the 10/12 meeting.

Thank you,

Adam

Adam Fulton | Deputy Director, Planning & Economic Development | he/him/his | **City of Duluth** | 411 West First Street, Duluth, MN 55802

From: West Duluth Business Club

Sent: Tuesday, September 07, 2021 1:37 PM

To: Adam Fulton; Emily Nygren **Cc:** Bill McGiffert; [Charlie at Spirit Lake](#); Dawn Thums; Scott Youngdahl; [Spirit Valley Youth Center](#); susan.coen

Subject: [Kmart Building zoning variance request - U-Haul](#)

Please see attached correspondence from the West Duluth Business and Civic Club.

B. Denton

--

West Duluth Business and Community Club

Board Member, Brenda S. Denton

--

West Duluth Business and Community Club
Board Member, Brenda S. Denton

From: [planning](#)
To: [Adam Fulton](#)
Cc: [Kyle Deming](#)
Subject: FW: Kmart/Uhaul rezoning issue
Date: Thursday, December 30, 2021 2:38:33 PM

FYI

From: Tom Bergum
Sent: Thursday, December 30, 2021 2:16 PM
To: planning <planning@DuluthMN.gov>
Subject: Kmart/Uhaul rezoning issue

Hello and Happy New Year!

I rec'd the West Duluth Business Club email regarding this variance. Our business is in the Spirit Valley Mall around the corner from Kmart. I've chatted with my employees and personally none of us have an issue with Uhaul moving in. I'm curious what the negative reaction is about? I read the Boreal letter and while I feel for her struggles from Covid closing, she elected to purchase that building without securing a parking area next to it. That was a poor decision on her part.

I'd like to hear from the Planning Dept what type of business would be acceptable in a now vacant building that certainly isn't a favorable situation for the owners or the city.

I look forward to learning about your long term strategy for West Duluth. Duluth needs more businesses in the city limits in my view.

Thank you,
Tom

Tom Bergum CPCU, ARM
Partner
Solutions Insurance Agencies
215 N Central Ave-Ste 6
Duluth, Mn 55807

From: [planning](#)
To: [Kyle Deming](#)
Subject: FW: West Duluth Kmart bldg
Date: Monday, January 03, 2022 7:24:56 AM

From: Kathleen Panger
Sent: Friday, December 31, 2021 8:51 AM
To: planning <planning@DuluthMN.gov>
Subject: West Duluth Kmart bldg

I am Not in favor of rezoning the west Duluth Kmart property for U haul.
We already have a U haul dealer in West Duluth on Cody street. Also a large U haul dealer in Superior. The people who live near the Superior one regret allowing them to purchase their Kmart bldg! What we actually need desperately in West Duluth is a place to shop, like a Ross Store, Target, Walmart. Where we can buy things necessary for human survival! I am not for a U haul at all,and see no benefit to western Duluth at all!

Sincerely Kathleen Panger

From: [planning](#)
To: [Kyle Deming](#)
Subject: FW: West Duluth / Chadco rezoning variance
Date: Monday, January 03, 2022 7:35:35 AM

From: RaeAnn Hamlin
Sent: Sunday, January 2, 2022 6:33 PM
To: planning <planning@DuluthMN.gov>
Subject: West Duluth / Chadco rezoning variance

Dear Planning Commissioners:

This letter is a response regarding plans for a possible variance to Spirit Valley Mall-Grand Ave entrance at the old K-Mart building and parking lot site. The area being considered for U-Haul trucking and service center.

*My name is RaeAnn Hamlin, **business owner and property owner** at 5615 Grand Avenue for over 25 years. As the owner of Hamlin Music, I have a vested interest in this community. Currently I am witnessing a renewal of local energy from business owners and residents alike. My concern is safety of the parking lot and appropriate business in that location. My students and parents want a place to shop. They often express parking lot issues whether walking or driving. Adding a U-HAUL facility with vehicles, equipment, etc will only add to the already unsafe situation at the Grand Ave entrance.*

The initial designed use of this property was to provide a shopping area for the citizens of West Duluth, Riverside, Morgan Park, Gary and beyond. Over the years it attracted people for that very reason. Although times have changed the need for viable, attractive businesses in this area of Duluth has not.

Seeking appropriate usage of this area of the mall must be given higher priority. I believe community and business leaders need to develop an appropriate plan for this area and this situation. Spirit Mountain and St Louis River are new tourist areas for year-round visitors. Our new Visit Duluth replacement needs to give our area a "top-priority challenge." Mickey Mouse can do the advertising for Canal Park and come up with winning numbers.

Concerning the present request for variance:

Large U-Haul vehicles in a parking area in front of the building would be unsightly and detract from its designed purpose.

Elements of danger entering and departing Grand Avenue is obvious.

The proposed usage does not serve the local resident customer.

This may encourage other businesses to leave the area.

Grand Avenue traffic is not conducive to this kind of growth.

Some Options to Consider:

A general store for western Duluth shoppers would fill the need and be welcomed.

Provide a monetary incentive as was done with COSCO. It's high time this area of Duluth receive its share of recognition for funding of new development.

Consider government usage for offices, etc. An alternative to multi-million dollar palaces.

Adequate parking would be a plus!

More people will enhance economics of the area

Childrens' activity and/or educational center

High Tech Center for the Duluth/Superior area

Outdoor business that provides skiing, biking, hiking, fishing, etc that would augment the activities promoted in this area of Duluth. ex: Northwest Outlet, small scale Cabellas

We need to prioritize to encourage people to be in the West Duluth area. Truck and Storage are not appropriate for this space.

Thank you for recognizing the seriousness of this issue as we revitalize our western corridor.

Sincerely,

RaeAnn Hamlin

Hamlin Music Academy --- Hamlin Entertainment
5615 Grand Ave ~ Duluth MN 55807

WWW.HAMLINMUSIC.COM

From: Susan Coen
Sent: Wednesday, January 05, 2022 6:09 PM
To: planning
Cc: Adam Fulton; Emily Nygren **Subject:** Notice of Public Hearing for a Self-Service Storage Facility

January 5, 2022

City of Duluth – Planning & Development Commission
411 W 1st St, Room 160
Duluth, MN 55802

RE: VACANT KMART BUILDING PL21-137

Dear Planning and Development Office:

For over thirty years, I have operated my State Farm Insurance and Financial Services Office at 5600 Grand Avenue in what is referred to a Spirit Valley Business District, just one city block from this rezone request.

I'm very familiar with the area of 5710 Grand Avenue that Chadco is requesting a Special Use Permit for a Self-Storage Facility to be constructed within the old Kmart building where residential housing was removed so the Kmart building could be built. At the time Kmart building was built, the City Zoning was adjusted to allow for a business district to operate within the residential community.

The City of Duluth needs to keep its promise to not have industrial operations next to the neighborhood area residents, as well as the area retail/service business that operate adjacent to this building. Specifically, the strip mall which shares the same parking lot as Kmart building. Access to the strip mall area from Grand Avenue is to walk through the Kmart parking lot or on the side of the KMART building which would be receiving industrial traffic in and out to allow for the storage facility to operate as well as

U-Haul Equipment Rental . A major public safety issue is going to arise if the City of Duluth changes to industrial zone in the middle of an already established retail area because there is no public road or sidewalk to the strip mall area next to the old Kmart building. When a pedestrian gets off the DTA bus on Grand Avenue, they are expected to walk through a parking lot to access the other business's next to Kmart. Please review the history of changes made when Kmart building was allowed to be build and road was "annexed" over from the City of Duluth to become a parking lot so an informed decision can be made.

I strongly oppose the Special Use Permit. My reasons are for public safety and to allow the area business to be able to continue operations. There is plenty of industrial business district area within a mile of this KMART site for U-Haul to add a third location offering storage facility and equipment rental. Special note: U-Haul already has equipment rental on Cody St. less than two blocks from Kmart and on 39th Avenue West and Grand Ave The services being offered by UHAUL under this special use permit already exist in our business area.

It is in the better interest of our business district to wait for a different buyer to show a desire to invest in the property. Also, The City of Duluth could show involvement in this blighted business district due to the loss of a major retail outlet and HELP rather than HINDER West Duluth.

Respectfully noted,

Susan Coen,
State Farm Insurance and Financial Services
5600 Grand Ave
Duluth, MN 55807
Office: 218-624-3658
Fax : 218-624-3659

VIA EMAIL ONLY:

planning@duluthmn.gov

afulton@duluthmn.gov

enygren@duluthmn.gov



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 21-188	Contact	Kyle Deming	
Type	Final Plat	Planning Commission Date	January 11, 2022	
Deadline for Action	Application Date	December 9, 2021	60 Days	February 7, 2022
	Date Extension Letter Mailed	December 22, 2021	120 Days	April 8, 2022
Location of Subject	Northwest of intersection of Skyline Pkwy and U.S. Hwy 2 (Bayview Heights)			
Applicant	Cynthia Crawford	Contact		
Agent	Northland Consulting Engineers	Contact	David Bolf	
Legal Description	See attached			
Site Visit Date	September 9, 2021	Sign Notice Date	NA	
Neighbor Letter Date	NA	Number of Letters Sent	NA	

Proposal

Final Plat of Skyline View Estates to subdivide 67.71 acres into 13 lots along a public street.

Staff recommends approval, with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	RR-1	Vacant	Low density neighborhood
North	R-1	Rural residential	Low density neighborhood
South	RR-1	Vacant	Low density neighborhood
East	RR-1	Vacant	Open space
West	R-1	Mobile home park	Open space, Traditional neighborhood

Summary of Code Requirements

The planning commission shall approve the application, or approve it with modifications if it determines that the application meets the following criteria (Section 50-37.5.H.3):

- (a) Is consistent with all applicable requirements of MSA 462.358 and Chapter 505;
- (b) Is consistent with the terms and provisions of the preliminary plat approval for the property;
- (c) Demonstrates that all required improvements have been installed or that (a) the applicant has signed a development agreement committing to construct those improvements within 2 years after approval of the final plat and (b) adequate security for the construction of the required improvements has been posted with the City pursuant to Section 50-37.1.P.

Once approved, the applicant shall file the plat in the office of the County Recorder within two years or the approval will lapse per Section 50-37.5.H.4.

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

Governing Principle #7 – Create and maintain connectivity.

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

Governing Principle #12- Create efficiencies in delivery of public services.

Zoning:

Rural Residential-1 (RR-1) is established to accommodate large-lot, single-family detached residential uses, typically surrounded by significant open space, on lots of at least 5 acres each. The district encourages distinctive neighborhoods with a semi-rural character.

Future Land Use - Low density neighborhood: Single-family housing with urban services. Typified by curvilinear streets, houses with longer dimension parallel to street, and attached garages. Includes a range of house sizes and lot sizes. This land use category was specified in support of residential development of this site. The site is not proposed to have urban services for sewer or water, which will both be provided through private systems.

Related files: PL 20-107 Wetland Delineation - approved, PL21-144 Preliminary Plat - approved, PL21-145 Variance - approved, PL21-198 Wetland Replacement Plan - pending

Review and Discussion Items**Staff finds:**

- 1) The parcel for platting is located immediately south of existing rural residential areas of the city, and east of the Zenith Terrace mobile home park. The site is wooded and undeveloped. Kingsbury Creek flows along the western edge of the site. The site features rock outcrops, wetlands, and is otherwise predominately a mature maple basswood forest.
- 2) The Planning Commission's approval of the Preliminary Plat was conditioned on these items:
 - a. The approval is conditional upon the concurrent approval of the variance application in PL 21-145.
 - b. The final plat shall be drafted with modifications to the following elements depicted on the preliminary plat:
 - i. The proposed driveway serving Lot 9 shall be relocated, either through modification to the lot line between Lot 9 and Lot 10, or through alternate means, to avoid wetland impacts resultant through construction of said driveway.
 - ii. Drainage and utility easements shall be provided consistent with UDC requirements for shoreland protections to ensure the preservation of natural vegetation near Kingsbury Creek along Lots 2 and 3. Permanent metallic markers on rigid metal posts shall be placed at the location of shoreland setbacks indicating that all natural vegetation between the permanent markers and the creek is to remain in a natural state.
 - iii. Drainage and utility easements shall be established over no less than 90% of the wetlands existing on Lot 9.
 - iv. Stormwater ponds are currently depicted on Lots 1 and 13 on the submitted "Stormwater Concept Plan." All stormwater ponds shall be redesigned to be located fully outside wetland areas, including those wetlands on Lot 13.
 - v. Drainage and utility easements shall be provided consistent with UDC requirements for shoreland protections for the drainage way between Lots 10 and 11, which provides for the uplands for creeks referenced in the stormwater plan. Permanent metallic markers on rigid metal posts shall be placed at the location of shoreland setbacks indicating that all natural vegetation between the permanent markers and the creek is to remain in a natural state.
 - c. Prior to undertaking any site work, the following conditions shall be met:

- i. The development agreement and final plat shall be recorded;
 - ii. All necessary permits shall be obtained;
 - iii. Erosion control measures shall be installed and inspected by appropriate city officials;
 - iv. Tree removal shall be exempt from this requirement so long as no grubbing, or removal of stumps, takes place during said removal.
- d. The applicant shall enter into a development agreement addressing applicable development terms as identified by City staff herein, and as further identified in the review of the Final Plat of SUGARLOAF. The development agreement shall be approved and recorded with the appropriate St. Louis County offices.
 - e. The development agreement must be recorded prior to the Planning Commission President and Secretary signing the Final Plat.
 - f. Wetlands shall be fully protected during construction, monitored for impacts due to silt and sediment, and restored if required upon inspection by appropriate city officials.
 - g. The City Forester must approve the tree replacement plan and shall validate that the construction process does not impact the trees indicated for preservation on the site.

3) Below is staff's response on the satisfaction of the preliminary plat conditions listed above:

- a. Modifications to the final plat and related agreements have been made as described below:
 - i. The lot line between Lots 9 and 10 (which has been renumbered in the final plat to Lots 4 and 5, Block 1) was adjusted to provide space for a driveway that minimized wetland impacts. The portion of the wetland proposed for impact due to the driveway has been included in the wetland replacement plan application.
 - ii. A drainage and utility easement has been included on Lots 2 and 3 (which are now numbered Lots 2 and 3, Block 2) and the requirement for markers has been included in the Development Agreement.
 - iii. The required drainage and utility easement has been placed on Lot 9 (now numbered Lot 5, Block 1).
 - iv. The storm water basin is planned for the drainage and utility easement in Lot 1, Block 2 outside of delineated wetlands.
 - v. A drainage and utility easement has been established on Lots 10 and 11 (now numbered Lots 3 and 4, Block 1) and the requirement for markers has been included in the Development Agreement.
- b. The following actions will be required prior to site work, as conditioned in the preliminary plat approval:
 - i. The Development Agreement is scheduled for City Council consideration at their January 24, 2022 meeting. A condition of the agreement is that it be recorded before site work begins.
 - ii. Staff will require permits as required for the project.
 - iii. Erosion control measures will be evaluated at time of permitting and inspections conducted according to standard practice.
 - iv. A tree inventory has been submitted showing the location of all trees greater than 20 inches diameter at breast height as well as all trees within five sample plots. Per the preliminary plat approval, tree removal activities have been permitted with in street rights of way areas. The Development Agreement will require tree replacement plans be approved for each building lot prior to tree removal.
- c. The Development Agreement has been drafted to address all of the terms and conditions from the preliminary and final plats. A condition stated in the agreement is that it be recorded before site work begins.
- d. A condition of approval of the final plat is that it not be signed by the President or Secretary of the Planning Commission until the Development Agreement is recorded.
- e. A Wetland Replacement Plan application has been submitted by the developer according to the State's Wetland Conservation Act (WCA) to allow impacts to 0.26 acres of wetlands due to construction of the public street and 0.05 acres of wetland impact due to private driveways on 2 lots (see attached). The WCA rules require impacts to be limited to those quantified in the application and enforcement tools are in place to require restoration of unpermitted impacts. Additionally, the Development Agreement requires construction fencing around portions of wetlands proposed for impact.

- f. As described above, tree replacement plans are required and the City Forester will be responsible for approving them.
- 4) A 2,350-foot-long dead-end public street, called Yellow Birch Trail, is to be constructed to provide access to the 13 lots. The street will include curb and gutter to direct rainwater to a public storm water detention basin at the southeast corner of the property. The storm water basin is to discharge to the ditch along Skyline Pkwy. A Memorandum of Understanding (MOU) between the City and developer will govern the construction of these improvements and financial security will be retained by the City to assure the terms of the MOU.
 - 5) The proposed development is consistent with the lot configuration in the surrounding single-family area, which is generally low density and rural in character along Vinland Street and side streets as Vinland Street runs downhill from the City of Proctor toward Getchell Road / Highland Street.
 - 6) Staff finds that, other than the items listed below, the final plat conforms to the requirements of Sec 50-37.5. and is consistent with all applicable requirements of MSA 462.358 and Chapter 505.
 - 7) No citizen or City comments have been received to date.

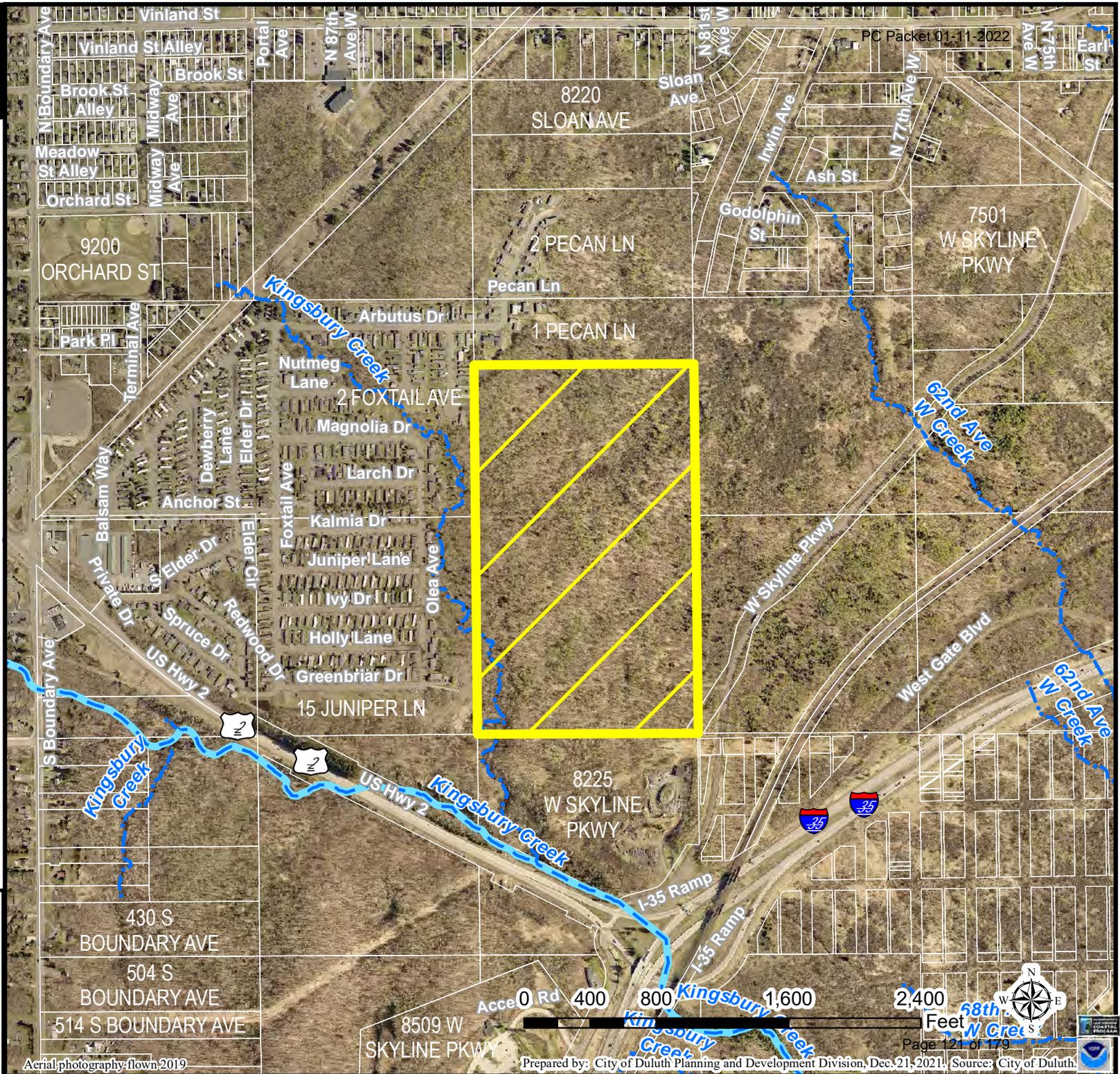
Staff Recommendation

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

1. The Land Use Supervisor shall not sign the plat document until the City Council has approved a Development Agreement with the developer addressing all terms and conditions identified by the City and the Development Agreement is recorded in the office of the St. Louis County Recorder.
2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



PL21-188
Final Plat of
Skyline View Estates
Cynthia Crawford



Legend

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

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

Aerial photography: flown 2019

Prepared by: City of Duluth Planning and Development Division, Dec. 21, 2021 | Source: City of Duluth

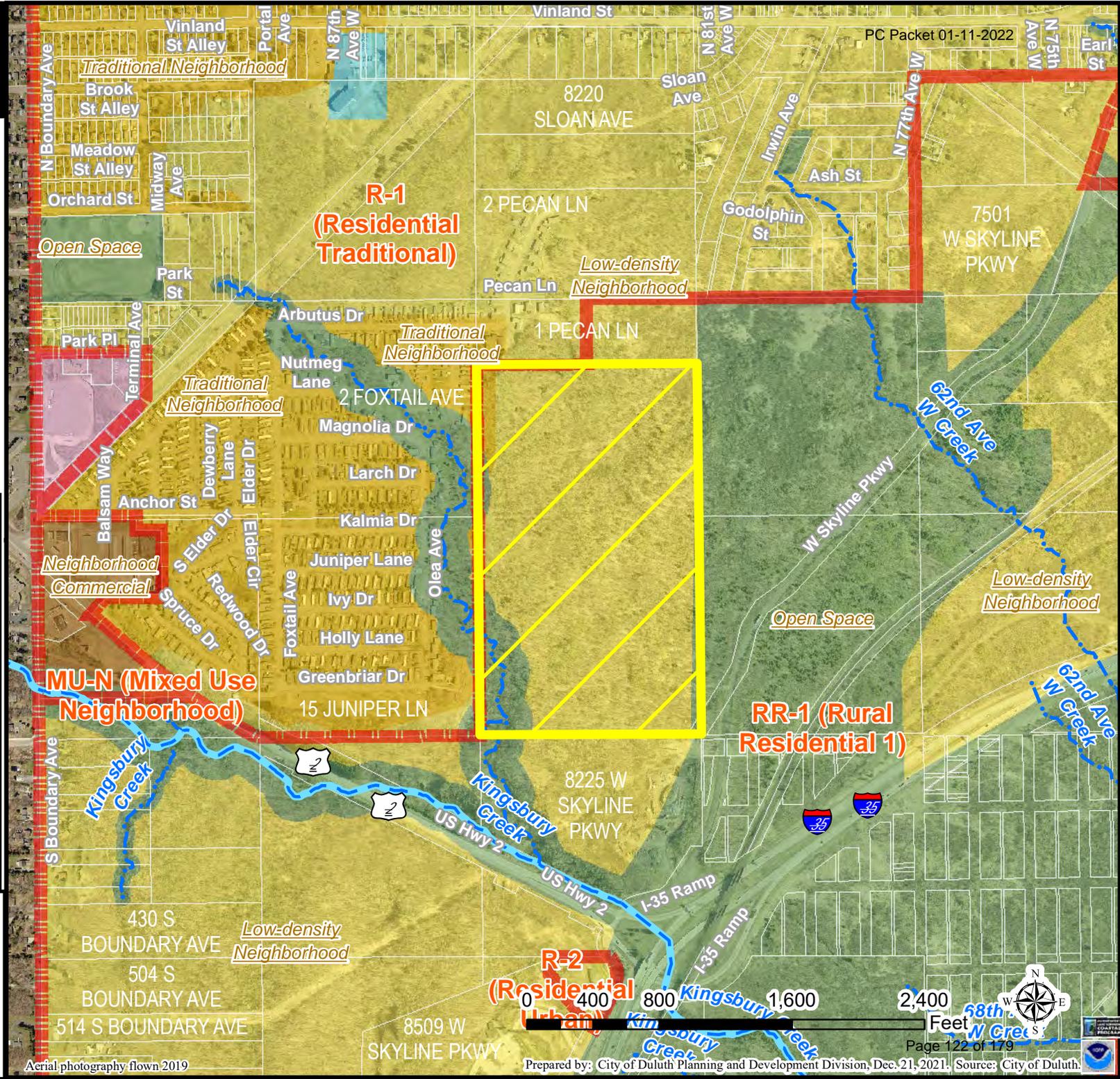


PL21-188
Final Plat of
Skyline View Estates
Cynthia Crawford

Legend

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

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Aerial photography flown 2019

Prepared by: City of Duluth Planning and Development Division, Dec. 21, 2021. Source: City of Duluth.



SKYLINE VIEW ESTATES

LOCATED IN PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 49 NORTH, RANGE 15 WEST OF THE FOURTH PRINCIPAL MERIDIAN, ST. LOUIS COUNTY, MINNESOTA

KNOW ALL PERSONS BY THESE PRESENTS: That Crawford Excavating LLC, a Minnesota limited liability company, owner of the following described property:

Certificate of Title 331414

NW1/4 of SE1/4 EXCEPT the N1/4 400 feet thereof Section 11 Township 49 North Range 15 West of the Fourth Principal Meridian

AND

SW1/4 of SE1/4 Section 11 Township 49 North Range 15 West of the Fourth Principal Meridian EXCEPT that part described as follows: Commencing at the SE corner of said SW1/4 of SE1/4; thence North along the Ely line of said of said SW1/4 of SE1/4 a distance of 137 feet, more or less to a point; thence SWly in a straight line to a point on the S'ly boundary line of said SW1/4 of SE1/4 distant 84.85 feet West of the SE corner of said SW1/4 of SE1/4; thence E'ly along the S'ly line of said SW1/4 of SE1/4 a distance of 84.85 feet to the SE corner of said SW1/4 of SE1/4 which is the point of beginning and ending, as set out in Book 625 of Deeds page 273.

EXCEPT all minerals and mineral rights.

(TORRENS PROPERTY)

Has caused the same to be surveyed and platted as SKYLINE VIEW ESTATES and does hereby dedicate to the public for public use the public way(s) and/or the drainage and utility easement(s) as created by this plat.

In witness whereof said Crawford Excavating LLC, a Minnesota limited liability company, have hereunto set their hand his ____ day of _____, 2021.

Richard H. Crawford, Manager

STATE OF MINNESOTA
COUNTY OF ST LOUIS

This instrument was acknowledged before me on this ____ day of _____, 2021 by Richard H. Crawford.

Notary Public, _____ County, Minnesota
My Commission Expires _____

I, David R. Evanson, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this ____ day of _____, 2021.

David R. Evanson, Licensed Land Surveyor
Minnesota License Number 49505

STATE OF MINNESOTA
COUNTY OF ST. LOUIS

The foregoing Surveyor's Certificate was acknowledged before me this ____ day of _____, 2021 by David R. Evanson, Minnesota License Number 49505.

Notary Public, St. Louis County, Minnesota
My Commission Expires _____

CITY OF DULUTH PLANNING COMMISSION

Approved by the Planning Commission of the City of Duluth, St. Louis County, Minnesota, at a regular meeting thereof, on the ____ day of _____, 2021.

President, Duluth City Planning Commission Executive Secretary, Duluth City Planning Commission

ST. LOUIS COUNTY SURVEYOR

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this ____ day of _____, 2021.

Nick C. Stewart Deputy
County Surveyor

ST. LOUIS COUNTY AUDITOR

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, and to Minnesota Statutes, Section 272.12, taxes payable in the year 20____ on the land hereinbefore described have been paid; there are no delinquent taxes and transfer entered this ____ day of _____, 2021.

Nancy Nilsen Deputy
County Auditor

ST. LOUIS COUNTY REGISTRAR OF TITLES

I hereby certify that this plat of SKYLINE VIEW ESTATES was filed in this office of the Registrar of Titles for public record on this ____ day of _____, 2021, at ____ o'clock ____ M., as Document No. _____ affecting Certificate(s) of Title No. 331414.

Wendy Levitt Deputy
Registrar of Titles

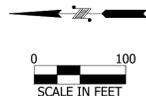
ST. LOUIS COUNTY RECORDER

I hereby certify that this plat of SKYLINE VIEW ESTATES was filed in this office of the County Recorder for public record on this ____ day of _____, 2021, at ____ o'clock ____ M., as Document No. _____.

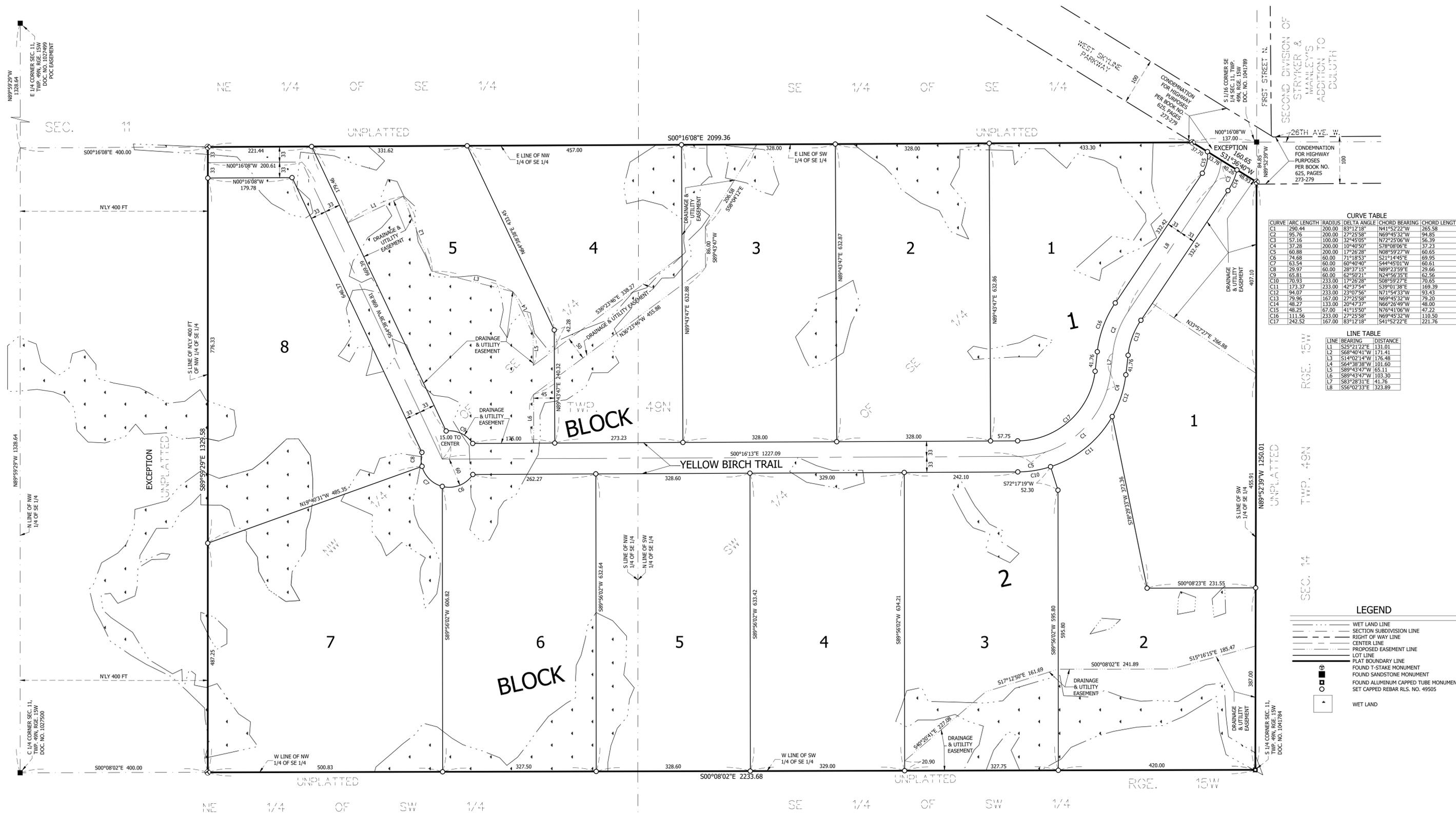
Wendy Levitt Deputy
County Recorder

SKYLINE VIEW ESTATES

LOCATED IN PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 49 NORTH, RANGE 15 WEST OF THE FOURTH PRINCIPAL MERIDIAN, ST. LOUIS COUNTY, MINNESOTA



SURVEYOR'S NOTES
BEARINGS ARE BASED ON THE SOUTH LINE OF THE SE 1/4 OF SEC. 11, TWP. 49N, RGE. 15W, WHICH IS SAID TO HAVE A BEARING OF S89°52'39"E.



CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	290.44	200.00	83°12'18"	N41°52'22"W	265.58
C2	95.76	200.00	172°25'59"	N69°45'32"W	94.85
C3	57.16	100.00	32°45'05"	N72°25'06"W	56.39
C4	37.28	200.00	10°40'50"	S78°08'06"E	37.23
C5	60.88	200.00	17°26'28"	N08°59'27"W	60.65
C6	74.68	60.00	71°18'53"	S21°14'45"E	69.95
C7	63.54	60.00	60°40'40"	S44°45'01"W	60.61
C8	29.97	60.00	28°37'15"	N89°23'59"E	29.66
C9	65.81	60.00	62°50'21"	N24°56'39"E	62.56
C10	70.93	233.00	17°26'28"	S08°59'27"E	70.65
C11	173.37	233.00	42°37'54"	S39°01'38"E	169.39
C12	94.07	233.00	23°07'56"	N71°54'33"W	93.43
C13	79.96	167.00	27°25'58"	N69°45'32"W	79.20
C14	48.27	133.00	20°47'37"	N66°26'49"W	48.00
C15	48.25	67.00	41°15'50"	N76°41'06"W	47.22
C16	111.36	233.00	17°26'28"	N69°45'32"W	110.50
C17	242.52	167.00	83°12'18"	S41°52'22"E	221.76

LINE	BEARING	DISTANCE
L1	S25°21'22"E	131.01
L2	S68°40'41"W	171.41
L3	S1°40'01"W	176.48
L4	S64°38'38"W	101.60
L5	S89°43'47"W	65.11
L6	S89°43'47"W	103.30
L7	S89°23'31"E	41.76
L8	S56°02'33"E	323.89

LEGEND

- WET LAND LINE
- SECTION SUBDIVISION LINE
- RIGHT OF WAY LINE
- CENTER LINE
- PROPOSED EASEMENT LINE
- LOT LINE
- PLAT BOUNDARY LINE
- FOUND T-STAKE MONUMENT
- FOUND SANDSTONE MONUMENT
- FOUND ALUMINUM CAPPED TUBE MONUMENT
- SET CAPPED REBAR RLS. NO. 49505
- WET LAND

PRELIMINARY PLAT OF SKYLINE VIEW ESTATES

LOCATED IN PART OF SEC. 11, TWP.49 N, RGE. 15W ST. LOUIS COUNTY MINNESOTA



LEGAL DESCRIPTION PER CERTIFICATE OF TITLE NO. 313414
 NW 1/4 of SE 1/4 EXCEPT the Nly 400 feet thereof Section 11 Township 49 North Range 15 West of the Fourth Principal Meridian
 AND
 SW 1/4 of SE 1/4 Section 11 Township 49 North Range 15 West of the Fourth Principal Meridian EXCEPT that part described as follows:
 Commencing at the SE corner of said SW 1/4 of SE 1/4; thence North along the Ely line of said SW 1/4 of SE 1/4 a distance of 137 feet, more or less, to a point; thence SW 1/4 in a straight line to a point on the S'ly boundary line of said SW 1/4 of SE 1/4 distant 84.85 feet West of the SE corner of said SW 1/4 of SE 1/4; thence Ely along the S'ly line of said SW 1/4 of SE 1/4 a distance of 84.85 feet to the SE corner of said SW 1/4 of SE 1/4 which is the point of beginning and ending, as set out in Book 625 of Deeds page 273.

AREA SUMMARY	
TOTAL AREA	68.22 AC
TOTAL LOT AREA INCLUDING R/W	68.22 AC
TOTAL ROAD R/W AREA	4.52 AC
NUMBER OF LOTS	13
NUMBER OF BLOCKS	2
NUMBER OF OUTLOTS	0
LARGEST LOT IN SQ. FT INCLUDING R/W	288,295 SQ. FT
SMALLEST LOT IN SQ. FT INCLUDING R/W	218,008 SQ. FT

OWNER/DEVELOPER
 RICK & CYNTHIA CRAWFORD
 28 EAST PINE MOUNTAIN RD,
 GRAND MARAIS, MN 55604

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

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

LEGEND

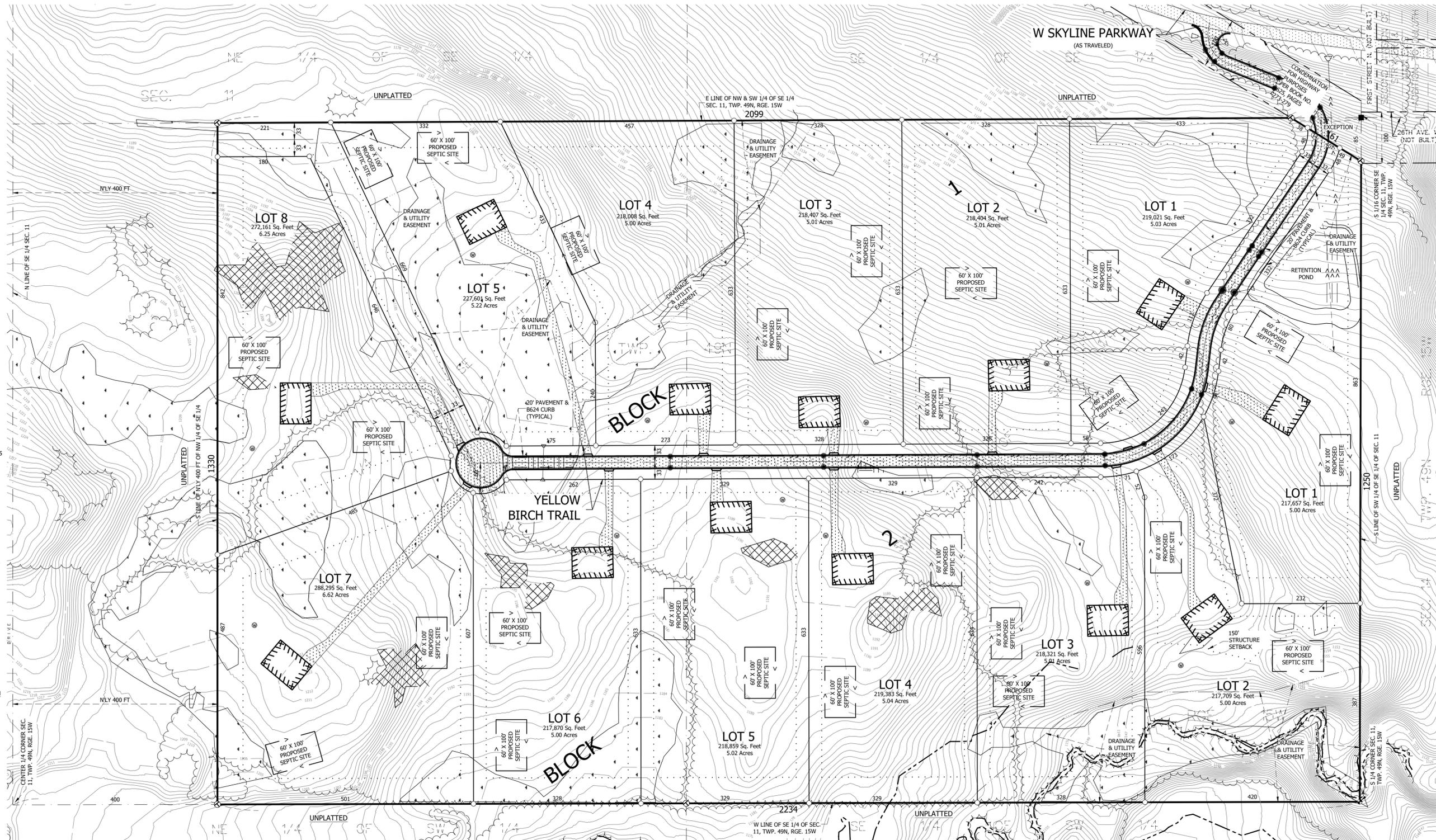
- BITUMINOUS SURFACE
- PROPOSED ROAD & DRIVEWAY S
- PROPOSED WET LAND FILL AREA
- EXPOSED LEDGE ROCK PER OTHERS
- WET LAND PER OTHERS
- 4,800 Sq. Feet PROPOSED BUILDING PAD
- C/L OF CREEK PER OTHERS
- TREE/BRUSH LINE PER OTHERS
- PROPOSED SEPTIC LINE
- DITCH/SWALE
- SETBACK LINE
- WET LAND LINE PER OTHERS
- SECTION SUBDIVISION LINE
- RIGHT OF WAY LINE
- CENTER LINE
- PROPOSED EASEMENT LINE
- BOUNDARY LINE AS SURVEYED
- PROPOSED PARCEL LINE
- STORM SEWER
- ALUM CAPPED MONUMENT FOUND T-STAKE MONUMENT FOUND SANDSTONE MONUMENT SET CAPPED REBAR RLS. NO. 49505
- PROPOSED WELL LOCATION
- CULVERT

- SURVEYOR'S NOTES**
- THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCLINEER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
 - BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1995. (NAD 83 2011)
 - NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.
 - CONTOUR DATA SHOWN HEREON WAS DERIVED FROM LIDAR DATA PROVIDED BY THE MINNOR. IT IS RECOMMENDED ON THE GROUND MEASUREMENTS BE INCORPORATED INTO ANY AREA OF PROPOSED DESIGN AND CONSTRUCTION.
 - EXISTING FEATURES SHOWN HEREON, WERE PROVIDED BY OTHERS.

ZONING AND BUILDING SETBACKS PER THE CITY OF DULUTH CURRENTLY ZONED- RR-1 RESIDENTIAL RURAL. SEE TABLE 50-14.3 FOR DISTRICT DIMENSIONAL STANDARDS.

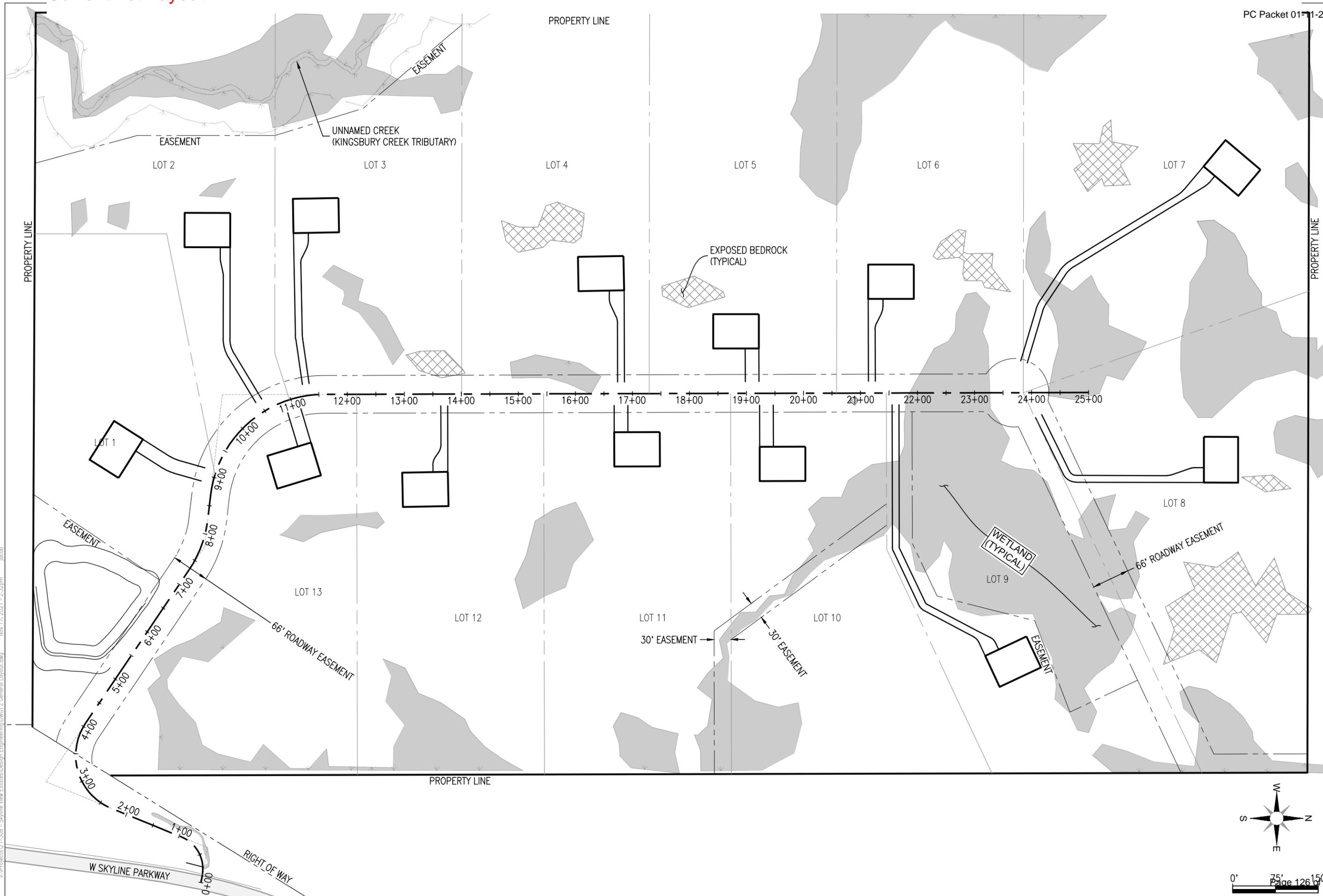
FLOOD ZONE INFORMATION
 BUILDINGS LOCATED WITHIN ZONE C (AREAS MINIMAL FLOODING), PER FIRM FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 270421 0035 C, EFFECTIVE DATE: APRIL 2, 1982.

SITE ADDRESS
 VACANT PROPERTY
 PID NO. 010-2741-01076



Current Lot Layout.

PC Packet 01-1-2022



Northland
 Consulting Engineers L.L.P.
 Structural, Civil and Forensic Engineering Services
 www.nce-engineers.com
 Voice: (218)727-5995
 Fax: (218)727-7779

SKYLINE VIEW ESTATES
 WEST SKYLINE PARKWAY DULUTH, MN

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.
PRELIMINARY
NOT FOR CONSTRUCTION
 Engineer: David G. Bolf
 Lic. No: 40926

revision	
Proj: 21-308	Date: 11/17/21
Drawn: JDO	Checked: DGB
GENERAL LAYOUT	
Sheet Title	Sheet Number
	2

V:\Projects\21-308 - Skyline View Estates\Design\Engineering\DWG\2 General Layout.dwg Nov 17, 2021 - 2:32pm jacob

Lot 7 Driveway Impact = 0.01 acres

Roadway Impact = 0.24 acres

Lot 9 Driveway Impact = 0.04 acres

Roadway Impact = 0.02 acres

-  Wetland Impact
-  Project Fill Extents
-  Delineated Wetland
Soil & Water Environmental Consulting 2005
-  Property Boundary

NOTICE: THIS DRAWING HAS BEEN PREPARED UNDER THE DIRECTION OF A PROFESSIONAL DO NOT ALTER THIS DOCUMENT IN ANY WAY WITHOUT THE WRITTEN CONSENT OF WSP USA INC.

THE ORIGINAL VERSION OF THIS DRAWING IS IN COLOR. BLACK AND WHITE COPIES MAY NOT ACCURATELY DEPICT CERTAIN INFORMATION.

Drawn: 11/17/2021
Service Layer Credits: MNGeo WMS Service



WSP Office - Duluth, MN | Sources: C:\Users\julesa\OneDrive\WSP_061616\061616\GIS - General\Crawford\Mapas\SCRAWFOR0011.mxd, 11/17/2021, 3:50:28 PM, M.D. 1083 HARN, AJ, MN St Leaf, CS96 Feet



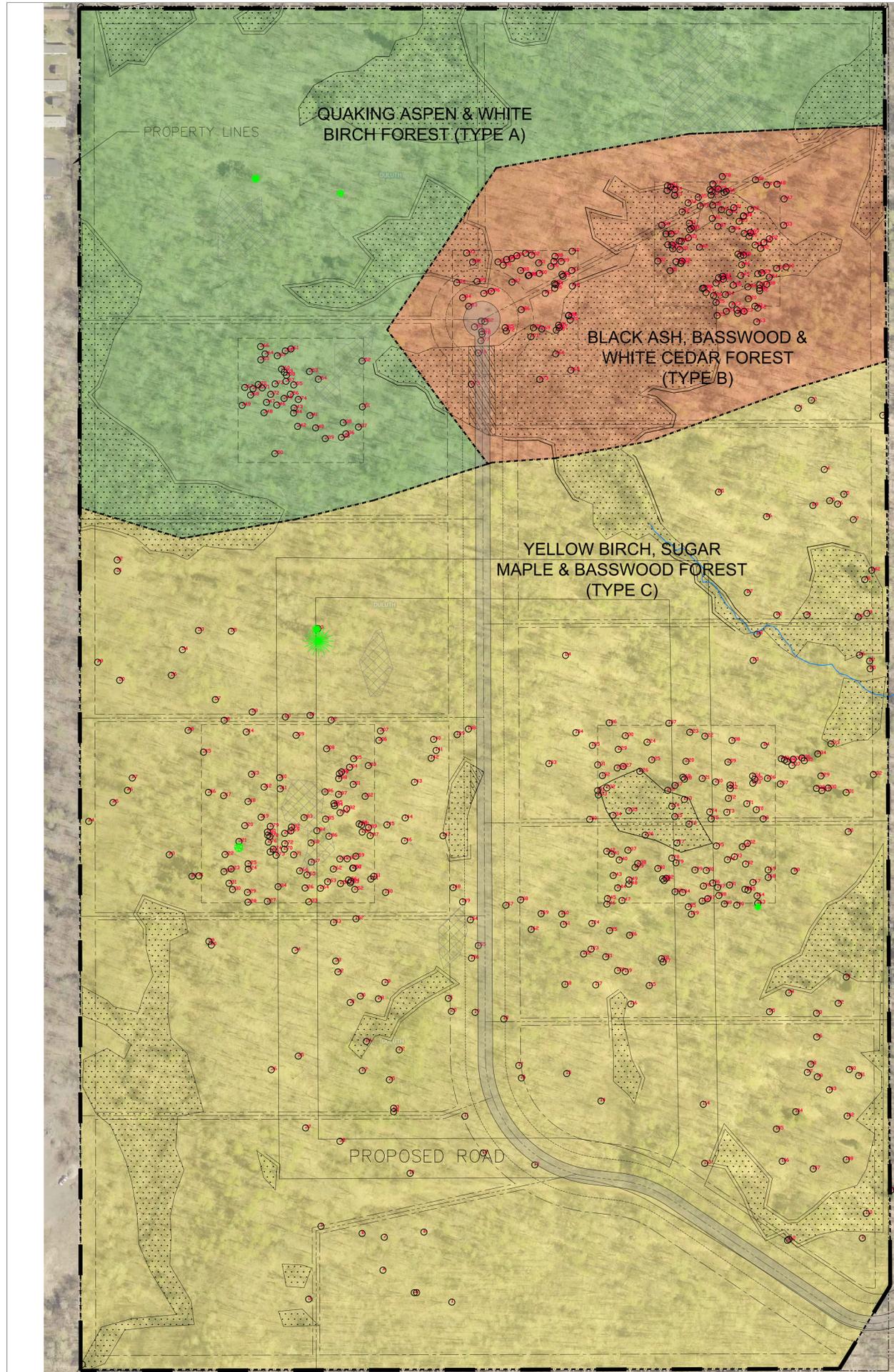
WSP USA Inc.
4622 GRAND AVENUE
SUITE 300
DULUTH, MN 55807
TEL: +1 218 336 8820

SUGARLOAF'S SKYLINE ESTATES
DULUTH, MINNESOTA

PREPARED FOR
CYNTHIA CRAWFORD

FIGURE 05

WETLAND IMPACT EXHIBIT
Page 127 of 179



381	Sugar Maple	>20m		332464.930	481927.181
382	Other	>10m	white birch	332468.014	481920.411
383	Sugar Maple	6-20m	rotten	332466.940	481925.340
384	Other	6-20m	white birch	332465.384	481926.730
385	Yellow Birch	>10m	rotten	332471.846	481927.058
386	Yellow Birch	6-20m		332481.176	481920.148
387	Yellow Birch	6-20m		332485.022	481920.034
388	Yellow Birch	6-20m		332493.333	481927.298
389	Other	>10m	quaking aspen	332493.333	481926.789
390	Yellow Birch	6-20m		332492.405	481927.114
391	Yellow Birch	>10m	multiple trunk	332497.222	481925.276
392	Other	>10m	balsam poplar, dam	332499.028	481927.114
393	Other	>10m	balsam poplar	332500.877	481925.355
394	Yellow Birch	6-20m		332499.191	481921.428
395	Other	>10m	balsam poplar	332501.427	481923.443
396	Yellow Birch	6-20m		332460.974	481927.299
397	Yellow Birch	6-20m	damaged	332493.320	481925.564
398	Yellow Birch	6-20m	damaged	332495.874	481922.028
399	Other	>10m	black ash	332482.303	481928.128
400	Other	>10m	balsam poplar	332481.575	481925.722
401	Yellow Birch	6-20m	damaged	332500.622	481926.296
402	Other	>10m	balsam poplar	332426.242	481924.466
403	Other	>10m	white birch	332524.846	481928.279
404	Sugar Maple	6-20m		332513.733	481928.493
405	Sugar Maple	6-20m		332513.400	481928.950
406	Sugar Maple	6-20m		332522.840	481927.894
407	Sugar Maple	6-20m		332523.600	481929.139
408	Sugar Maple	6-20m		332519.231	481929.418
409	Yellow Birch	6-20m		332529.640	481924.524
410	Other	>10m	white birch	332527.030	481922.250
411	Sugar Maple	6-20m		332522.126	481924.088
412	Other	>10m	quaking aspen	332516.165	481924.630
413	Yellow Birch	6-20m		332508.262	481927.047
414	Other	>10m	quaking aspen	332506.823	481924.990
415	Sugar Maple	6-20m		332514.641	481924.847
416	Other	>10m	quaking aspen	332513.206	481924.079
417	Other	>10m	quaking aspen	332511.321	481925.187
418	White Spruce	6-20m		332511.148	481924.608
419	Yellow Birch	>10m		332513.661	481928.333
420	Yellow Birch	>10m		332516.902	481927.250
421	Other	>10m	white birch	332512.822	481920.020
422	Other	>10m	quaking aspen	332502.304	481924.470
423	Other	>10m	quaking aspen	332508.668	481927.975
424	Yellow Birch	6-20m	rotten	332507.190	481929.027
425	Yellow Birch	6-20m		332513.457	481921.850
426	Yellow Birch	6-20m		332514.143	481927.029
427	Yellow Birch	6-20m		332515.534	481928.619
428	Yellow Birch	6-20m		332514.977	481929.711
429	Yellow Birch	>10m		332516.129	481927.122
430	Sugar Maple	6-20m	white birch	332502.982	481921.124
431	Yellow Birch	6-20m		332515.226	481927.495
432	Other	>10m	black ash	332511.148	481924.608
433	Yellow Birch	>10m		332505.732	481921.853
434	Other	>10m	black ash	332507.262	481925.837
435	Other	>10m	black ash	332509.126	481928.843
436	Yellow Birch	>10m		332509.648	481925.904
437	Yellow Birch	>10m		332504.872	481927.447
438	Yellow Birch	6-20m		332508.930	481928.413
439	Yellow Birch	>10m		332496.430	481928.196
440	Sugar Maple	6-20m		332498.058	481923.140
441	Sugar Maple	6-20m	rotten	332502.175	481924.842
442	Sugar Maple	>10m	multiple trunk	332502.832	481924.430
443	Sugar Maple	>10m	multiple trunk	332473.128	481925.151
444	Sugar Maple	6-20m		332492.499	481924.668
445	Sugar Maple	6-20m		332495.257	481924.540
446	Sugar Maple	6-20m		332494.196	481924.476
447	Sugar Maple	6-20m		332493.214	481924.608
448	Sugar Maple	6-20m		332499.026	481921.830
449	Sugar Maple	6-20m		332495.944	481927.303
450	Other	>10m	white birch	332497.786	481924.190
451	Sugar Maple	6-20m		332467.443	481925.499
452	Sugar Maple	6-20m		332464.130	481927.333
453	Sugar Maple	6-20m		332461.135	481927.920
454	Sugar Maple	6-20m		332463.530	481921.991
455	Sugar Maple	6-20m		332460.051	481922.029
456	Other	>10m	quaking aspen	332460.869	481921.728
457	Other	>10m	quaking aspen	332468.434	481923.235
458	Sugar Maple	6-20m		332468.121	481922.817
459	Sugar Maple	6-20m		332464.908	481928.042
460	Other	>10m	quaking aspen	332460.711	481923.849
461	Other	>10m	quaking aspen	332460.438	481923.422
462	Sugar Maple	6-20m		332463.344	481929.736
463	Other	>10m	quaking aspen	332462.198	481929.433
464	Other	>10m	quaking aspen	332474.262	481927.227
465	Other	>10m	quaking aspen	332480.923	481925.104
466	Other	>10m	multiple trunk	332489.254	481924.954
467	Other	>10m	quaking aspen	332505.757	481925.837
468	Sugar Maple	>10m	quaking aspen	332506.821	481920.059
469	Other	>10m	quaking aspen	332504.420	481920.013
470	Other	>10m	quaking aspen	332507.317	481925.309
471	Other	>10m	quaking aspen	332505.552	481920.076
472	Other	>10m	quaking aspen	332506.407	481926.111
473	Other	>10m	quaking aspen	332505.611	481921.547
474	Other	>10m	quaking aspen	332502.097	481926.512
475	Other	>10m	quaking aspen	332508.224	481924.486
476	Other	>10m	quaking aspen	332509.468	481924.404
477	Other	>10m	quaking aspen	332503.322	481926.029
478	Other	>10m	balsam poplar	332504.978	481926.798
479	Other	>10m	white birch	332504.733	481924.381
480	Other	>10m	balsam poplar	332502.225	481921.462
481	Sugar Maple	6-20m		332502.892	481921.460
482	Other	>10m	quaking aspen	332508.472	481924.412
483	Other	>10m	quaking aspen	332504.874	481926.881
484	Other	>10m	quaking aspen	332505.939	481927.932
485	Other	>10m	quaking aspen	332507.692	481928.424
486	Other	>10m	quaking aspen	332504.790	481925.199
487	Other	>10m	quaking aspen	332504.753	481928.399
488	Other	>10m	quaking aspen	332502.037	481924.848
489	Sugar Maple	6-20m	rotten	332506.058	481923.486
490	Yellow Birch	6-20m		332506.461	481927.278
491	Sugar Maple	6-20m		332502.969	481922.728
492	Sugar Maple	6-20m		332507.676	481923.194
493	Sugar Maple	6-20m		332507.829	481922.847
494	Sugar Maple	6-20m		332501.537	481921.703
495	Oak	6-20m	red oak	332510.647	481926.939
496	Other	>10m	rotting	332510.698	481929.477
497	Sugar Maple	6-20m		332512.578	481929.597
498	Sugar Maple	6-20m		332516.142	481920.348
499	Sugar Maple	6-20m		332514.496	481924.316
500	Sugar Maple	6-20m		332513.123	481923.567
501	Yellow Birch	6-20m	multiple trunk	332513.142	481924.114
502	Other	>10m	white birch	332513.963	481924.673
503	Other	>10m	white birch	332511.175	481927.594
504	Other	>10m	quaking aspen	332516.148	481924.817
505	Other	>10m	white birch	332519.452	481926.086
506	Other	>10m	white birch	332510.909	481926.028
507	Other	>10m	white birch	332511.130	481927.953
508	Yellow Birch	6-20m		332503.680	481928.295
509	Yellow Birch	6-20m		332514.152	481920.036
510	Other	>10m	balsam poplar	332511.792	481922.145
511	Other	>10m	balsam poplar	332518.642	481927.436
512	Other	>10m	balsam poplar	332518.229	481925.959
513	Other	>10m	balsam poplar	332520.289	481926.460
514	Other	>10m	quaking aspen, rott	332517.003	481927.329
515	Yellow Birch	6-20m		332509.954	481928.044
516	Other	>10m	quaking aspen	332504.514	481929.573
517	Other	>10m	quaking aspen	332504.681	481929.750
518	Sugar Maple	6-20m	white birch	332505.126	481927.466
519	Other	>10m	quaking aspen	332505.188	481924.540
520	Other	>10m	quaking aspen	332509.236	481925.005
521	Sugar Maple	>10m	quaking aspen	332501.729	481921.128
522	Other	>10m	quaking aspen	332483.976	481921.526
523	Other	>10m	white birch	332483.922	481920.271
524	Other	>10m	quaking aspen	332483.922	481920.042
525	Yellow Birch	6-20m		332485.498	481924.744
526	Yellow Birch	6-20m		332485.572	481924.947
527	Yellow Birch	6-20m	rotten	332485.572	481924.947
528	Other	>10m	quaking aspen	332485.572	481924.947
529	Yellow Birch	6-20m		332485.572	481924.947
530	Other	>10m	white birch	332485.572	481924.947
531	Other	>10m	quaking aspen	332485.572	481924.947
532	Other	>10m	quaking aspen	332485.572	481924.947
533	Other	>10m	quaking aspen	332485.572	481924.947
534	Other	>10m	quaking aspen	332485.572	481924.947
535	Other	>10m	quaking aspen	332485.572	481924.947
536	Other	>10m	quaking aspen	332485.572	481924.947
537	Other	>10m	quaking aspen	332485.572	481924.947
538	Other	>10m	quaking aspen	332485.572	481924.947
539	Other	>10m	quaking aspen	332485.572	481924.947
540	Other	>10m	quaking aspen	332485.572	481924.947
541	Other	>10m	quaking aspen	332485.572	481924.947
542	Other	>10m	quaking aspen	332485.572	481924.947
543	Other	>10m	quaking aspen	332485.572	481924.947
544	Other	>10m	quaking aspen	332485.572	481924.947
545	Other	>10m	quaking aspen	332485.572	481924.947
546	Other	>10m	quaking aspen	332485.572	481924.947
547	Other	>10m	quaking aspen	332485.572	481924.947
548	Other	>10m	quaking aspen	332485.572	481924.947
549	Other	>10m	quaking aspen	332485.572	481924.947
550	Other	>10m	quaking aspen	332485.572	481924.947
551	Other	>10m	quaking aspen	332485.572	481924.947
552	Other	>10m	quaking aspen	332485.572	481924.947
553	Other	>10m	quaking aspen	332485.572	481924.947
554	Other	>10m	quaking aspen	332485.572	481924.947
555	Other	>10m	quaking aspen	332485.572	481924.947
556	Other	>10m	quaking aspen	332485.572	481924.947
557	Other	>10m	quaking aspen	332485.572	481924.947
558	Other	>10m	quaking aspen	332485.572	481924.947
559	Other	>10m	quaking aspen	332485.572	481924.947
560	Other	>10m	quaking aspen	332485.572	481924.947
561	Other	>10m	quaking aspen	332485.572	481924.947

362	Other	>10
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Planning & Development Division
 Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



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Date: January 5, 2022
 To: Planning Commission
 From: Steven Robertson, Senior Planner
 RE: PL 21-210 Amendment to the Airport Overlay

Staff are proposing an ordinance to amend the Unified Development Chapter related to land use controls regulated by the airport overlay (50-18.2). Following almost two years of meetings and discussions between representatives from Duluth, Hermantown, Rice Lake, St. Louis County, and Canosia Township, an updated Duluth International Airport Zoning Ordinance was approved. Each local unit of government is required to incorporate elements of the airport ordinance within their city code. The proposed ordinance removes and replaces existing text in 50-18.2 with all new text, with additional definitions.

Recommendation:

Staff recommends that the Planning Commission hold a public hearing, discuss the proposed modifications to the UDC and provide further modifications as appropriate, and recommend approval of the UDC updates to the City Council. It may be appropriate to table this item until the February 8, 2022, Planning Commission following to allow for more time for review. In addition to the ordinance text and definitions, the new airport overlay map and approval documents from MnDOT are included at the end of this document.

The Planning Staff are recommending a change to the UDC related to the airport overlay district. The major elements of the proposed ordinance are as follows:

- Remove all existing language and replace with new language in UDC 50-18.2, Airport Overlay.
- Preserve current UDC rules and standards that apply only to the Sky Harbor Airport. This results in slightly atypical code language, but effectively retains land use controls and protections near Sky Harbor.
- Incorporate rules and standards that were adopted in the October 6, 2021, Duluth International Airport Zoning Ordinance.
- Update UDC definitions, where appropriate. Approximately 20 definitions currently exist in the UDC (as shown in red), but an additional 80 definitions (in black text) are new definitions and are very specific to the airport overlay, and are instead of being incorporated in to the UDC they are simply referenced in the airport ordinance.
- Reference the airport ordinance as it relates to variance appeals and the JAZB board of adjustment.
- Clarify that other UDC standards (wetland preservation, stormwater management, regulation of land uses) still apply, and that when there is a conflict between the overlay and other standards in the UDC, the most restrictive standard is applied.
- Adopt a new airport overlay map, but refer to the airport ordinance for the specific legal description. Airport Safety Zones A, B, and C now identified as Zone 1, 2, 2.5, and 3. New airport zone 2.5 (Hermantown) has reduced impairments and controls on land uses, to allow for more development and redevelopment. In Duluth, Safety Zone A is markedly the same area as new Zone 1, Zone B is markedly the same as new Zone 2, but Safety Zone C covered a larger area than new Zone 3 (Zone C had extended at least one mile past the end of Zone B).

Strategies and Policies From Imagine Duluth 2035:

Economic Development, Policy 2 (Foster Growth of Existing Employers and strategically Recruit New Employers to Duluth), Strategy 7: Support the work of the Duluth Seaway Port Authority and the Duluth Airport Authority to maximize opportunities for economic growth on and around port and airport properties, consistent with their respective priorities.

Economic Development, Policy 3 (Build on Existing Economic Strength and Competitive Advantages), Strategy 3: Promote opportunities for easing travel for employees to and from Duluth, especially via initiatives such as the Northern Lights Express and through air service to key Great Lakes regional destinations like Chicago or Toronto.

Transportation, Policy 6 (Protect and Enhance Regional Transportation Networks, Especially for Purposes of Expanding Opportunities for Movement of Freight), Strategy 4: Support infrastructure improvements at the Duluth International Airport, including through development of the 3-21 crosswind runway. Structure economic development policies and opportunities for growth in such a way as to support increased activity at the airport.

50-18.2 Airport Overlay (A-O)

The A-O district is intended to protect the lives and property of users of Duluth International Airport and Sky Harbor Municipal Airport from hazards and to protect the lives and property of residents living in the vicinity of the airports from risks and impacts of airport-related activities. The purpose of this district is also to prevent and, when possible, to minimize, reduce or remove hazards that interfere with the safe operation of the respective airports.

A. Purpose and authority.

The council, pursuant to the provisions and authority of Minnesota Statute Sec. 360.063, hereby finds and declares that:

1. The Duluth International Airport is an essential public facility;
2. An Airport Hazard endangers the lives and property of users of the Duluth International Airport, and property or occupants of land in its vicinity, and also if the obstructive type, in effect reduces the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Duluth International Airport and the public investment therein;
3. The creation or establishment of an Airport Hazard is a public nuisance and an injury to the region served by the Duluth International Airport;
4. For the protection of the public health, safety, order, convenience, prosperity and general welfare, and for the promotion of the most appropriate use of land, it is necessary to prevent the creation or establishment of Airport Hazards;
5. The prevention of these Airport Hazards and Aircraft Accidents should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

B. Definitions

Definitions within this section shall be as defined by the Duluth International Airport Zoning Ordinance, created by the Duluth International Airport Joint Zoning Board, effective date October 6, 2021, Document Number 0456132.

C. DIA Airspace Obstruction Zoning.

1. **Boundary Limitation.** The airspace obstruction height zoning restrictions set forth in this section shall apply for a distance not to exceed one-and-one-half (1.5) miles beyond the perimeter of the Airport boundary; said boundary location and dimensions are indicated on the Airport Zoning Map.
2. **Airspace Zones.** Airspace Zones are established to regulate and protect aircraft from navigational hazards during landings and departures. In order to carry out the purposes of this Ordinance, the following Imaginary Airspace Zones are hereby established: Primary Zone, Horizontal Zone, Conical Zone, Approach Zone, Precision Instrument Approach Zone, and Transitional Zone, all whose locations and dimensions are indicated on the Airport Zoning Map.
3. **Height Restrictions.** Except as otherwise provided in the section, or except as necessary and incidental to airport operations, no structure or tree shall be constructed, altered, maintained, or allowed to grow so as to project above any of the Imaginary Airspace surfaces described in this section. Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail.

D. DIA Land Use Safety Zoning

In order to carry out the purpose of this section, as set forth above, to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Airport, and, furthermore, to limit population and building density in the runway approach areas, thereby creating sufficient open space to protect life and property in case of an accident, there are hereby created and established the following Safety Zones, which restrict land use:

1. Safety Zone 1: All land designated as Safety Zone 1 on the Airport Zoning Map;
2. Safety Zone 2: All land designated as Safety Zone 2 on the Airport Zoning Map;
3. Safety Zone 2.5: All land designated as Safety Zone 2.5 on the Airport Zoning Map;
4. Safety Zone 3: All land designated as Safety Zone 3 on the Airport Zoning Map.

The land use zoning restrictions set forth in this Section shall apply for a distance not to exceed one mile beyond the perimeter of the airport boundary and in the portion of an Airport Hazard Area under the approach zone for a distance not exceeding one and one-half (1½) miles from the airport boundary; said land use zoning boundary location and dimensions are indicated on the Airport Zoning Map.

E. DIA Use Restrictions

Table 50-19.8, Permitted Use Table, lists land uses and indicates whether they are allowed by right or with a special use permit, or prohibited in each base zone district. In addition to 50-19.8, in order to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Duluth International Airport, and furthermore to limit population and building density in the runway approach areas, thereby creating sufficient open space so as to protect life and property in case of accident, the following additional use restrictions are applied to the land use Safety Zones.

1. All Safety Zones. No use shall be made of any land in any of the Safety Zones which creates or causes interference with the operation of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.
2. Safety Zone 1. Areas designated as Safety Zone 1 shall contain no buildings, temporary structures, exposed transmission lines, or other similar above-ground land use structural hazards, and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permitted uses may include Agricultural Use, Resource Extraction Use, horticulture, animal husbandry, raising of livestock, wildlife habitat, light outdoor recreation (non-spectator), cemeteries, and automobile parking, as allowed in 50-19.8;
3. Safety Zone 2. The following classifications of building and structures as to use and occupancy are prohibited: Group A Uses; Group E Uses; Group I-2 Uses; and Group R-1 Uses, as allowed in 50-19.8. Other uses not specifically prohibited by this section must be on a site whose area is at least two and one-half (2.5) acres. Each use shall not create, attract, or bring together a site population in excess of 20 persons per acre during the same time period; density as calculated pursuant to the 2020 Minnesota State Building Code, or its successor.
4. Safety Zone 2.5. The following classifications of building and structures as to use and occupancy are prohibited: Childcare or daycare centers; State licensed residential care facilities and housing with service establishments serving 7 or more persons; State licensed adult daycare facility serving 13 or more persons; State licensed group family daycare facility serving 13 or more children; Public or private school; and Public or private Hospital.
5. Safety Zone 3: Areas designated as Safety Zone 3 are only subject to the restrictions set forth in section 50-18.2.E.1, and as allowed in 50-19.8.

F. DIA Airport Zoning Map

The Airport Zoning Map, together with map and all notations, references, elevation, data, zone boundaries, and other information thereon, shall be referred to in this section are adopted in its entirety.

G. DIA Existing Uses and Structures

The regulations prescribed by this section shall not be construed to require the removal, lowering, or other changes or alteration of any existing use, lot, structure, or tree or otherwise interfere with the continuance of any such use or Structure, or tree after October 6, 2021.

H. DIA Permits and Orders to Remove Use or Structure or Tree

1. **Permit Standards.** Permit applications shall be made in the manner and on the form established by the Local Airport Zoning Administrator pursuant to their applicable Local Airport Zoning Ordinance. Each Permit application shall indicate the purpose for which the Permit is desired, with sufficient information with respect to the proposed project to allow a determination as to whether it conforms to the applicable Local Airport Zoning Ordinance. If such determination is in the affirmative, the Permit shall be granted. Copies of applications for permits shall be provided to the DAA.
2. **Permit Required.** The following structures or uses shall not be allowed in a Safety Zone 2 unless a Permit has first been submitted to and granted by the Local Airport Zoning Administrator for that jurisdiction:
 1. Material expansion of an Existing Structure or Use. Permit required.
 2. New structures or uses. Permit required.
 3. Abandoned Non-Conforming Structure. Permit required for structure to be re-used, rebuilt or replaced.
 4. Substantially Damaged Non-Conforming Structure. Permit required to rebuild, repair, or replace.
 5. Material Change in Non-Conforming Use. Permit required before material change in use may occur.
3. **Order to Remove Use, Structure, or Tree.** Whether application is made for a Permit under this subdivision or not, the Local Airport Zoning Administrator may by appropriate action compel the owner of any Structure, use, or tree, at the owner's expense, to lower, remove, reconstruct, or equip the object as may be necessary to conform to the regulations of the applicable Local Airport Zoning Ordinance. If the owner of the Structure, use, or tree neglects or refuses to comply with the order for ten days after notice of the order, the Local Airport Zoning Administrator may take whatever lawful actions they deem necessary and appropriate to obtain compliance with the provisions of the applicable Local Airport Zoning Ordinance.

I. DIA Variances

Any person desiring to erect or increase the height of any structure, permit the growth of any tree, or use property in a way prohibited by this section, may apply for a variance as established in Section 9, 11, 12, and 14 of the Duluth International Airport Zoning Ordinance, created by the Duluth International Airport Joint Zoning Board, effective date October 6, 2021, Document Number 0456132.

J. DIA Hazard Marking and Lighting

The Local Airport Zoning Administrator or the BOA may condition any Permit or Variance granted so as to require the owner of the Structure or tree or use in question at their own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an Airport Hazards.

K. DIA Local Airport Administrator

It shall be the duty of the Local Airport Zoning Administrator to enforce the regulations prescribed by this section. Regulations prescribed by the applicable Local Airport Zoning Ordinance for which a Permit is not required to be obtained under the Local Airport Zoning Ordinance shall be enforced and administered as determined by the Local Airport Zoning Administrator.

Permit applications shall be made to the Local Airport Zoning Administrator for that jurisdiction. Copies of Permit applications shall be provided to the DAA. Permit applications shall be promptly considered and granted or denied pursuant to the regulations by the applicable Local Airport Zoning Ordinance. Variance applications shall be made to both the Local Airport Zoning Administrator for that Jurisdiction and the BOA. Copies of Variance applications shall be provided to the DAA.

L. DIA Limited Land Use Exemption For Aeronautical Purposes

The restrictions of this section or any other section of the UDC shall not control the use of land or the height of structures on land owned by the City of Duluth, the State of Minnesota, the Duluth Airport Authority, or the United States of America and used by the Duluth Airport Authority solely for aeronautical purposes.

M. General, Conflicts

Where there exists a conflict between any of the regulations or limitations prescribed in this section and any other regulations applicable to the same area, the more stringent limitation or regulation shall govern and prevail.

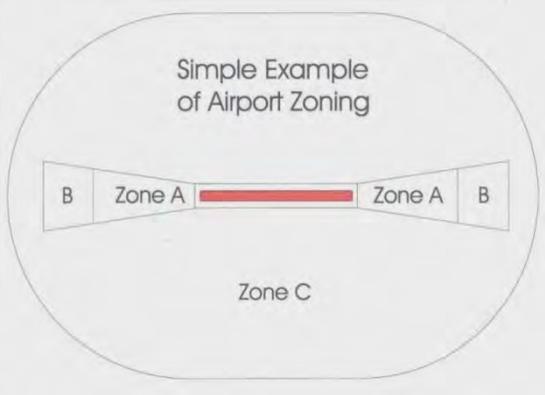
N. Sky Harbor Municipal Airport, Safety Zones

For the Sky Harbor Municipal Airport, the following land use safety zones are established:

1. Safety Zone A. All land in that portion of the approach zones of a runway, that extends outward from the end of primary surface a distance equal to 2/3 of the planned length of the runway, which distance is 2,230 feet for Sky Harbor Municipal Airport runway 14-32;
2. Safety Zone B. All land in that portion of the approach zones of a runway that extends outward from Safety Zone A a distance equal to 1/3 of the planned length of the runway, which distance is 1,120 feet for Sky Harbor Municipal Airport runway 14-32;
3. Safety Zone C. All that land that is enclosed within the perimeter of the horizontal zone and that is not included in Safety Zone A, Safety Zone B, or the exempted parcels referred to below.
4. Exemptions. Land uses that existed as of January 1, 1994, for Sky Harbor Municipal Airport, and that were established residential neighborhoods in built-up urban areas on those dates, are subject to the height restrictions above, but are not subject to the additional restrictions in subsection O. Land uses that came or come into existence after those dates, are treated as though they were or are not in a listed established residential neighborhood and are subject to the restrictions in subsections O, as applicable based on the location of the property.

O. Sky Harbor Municipal Airport, Land Use Restriction

1. General.
No use shall be made of any land in any land use safety zone that creates or causes interference with the operations of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport or otherwise endangers the landing, taking off or maneuvering of aircraft;
2. Zone A.
Areas designated as Zone A shall contain no buildings, temporary structures, exposed transmission lines, or other similar above ground land use structural hazards, and shall be restricted to those uses that will not create, attract or bring together an assembly of more than 100 persons on the property. Permitted uses may include but are not limited to: agriculture (seasonal crops), horticulture, animal husbandry, raising of livestock, wildlife habitat, light outdoor recreation (non spectator), cemeteries and automobile parking;



3. Zone B.
Areas designated as Zone B shall be restricted in use as follows:
 - (a) Each use shall be on a site of not less than three acres;
 - (b) Each use shall not create, attract or bring together a site population that would exceed 15 times that of the site acreage. Compliance with this subsection shall be determined by multiplying the number of required parking spaces for each use on the site by the vehicle occupancy rates for each use on the site, as provided in Table 50-18.2.-1;

TABLE 50-18.2-1: Vehicle Occupancy Rates	
Land Use	Vehicle Occupancy Rate
Industrial / Storage / Transportation	1.2
Educational	1.2
Health Care	1.7
Retail Store	1.5
Restaurant / Community and Cultural Facility / Recreational	2.0

Example: The site population for a 1,500 sq. ft. restaurant is calculated as follows: 15 (i.e., 1 parking space per 100 sq. ft) X 2.0 (i.e., vehicle occupancy rate) = 30 people. Therefore, the site would need to be at least 2 acres in size to meet the 15 people / acre maximum site population limit.

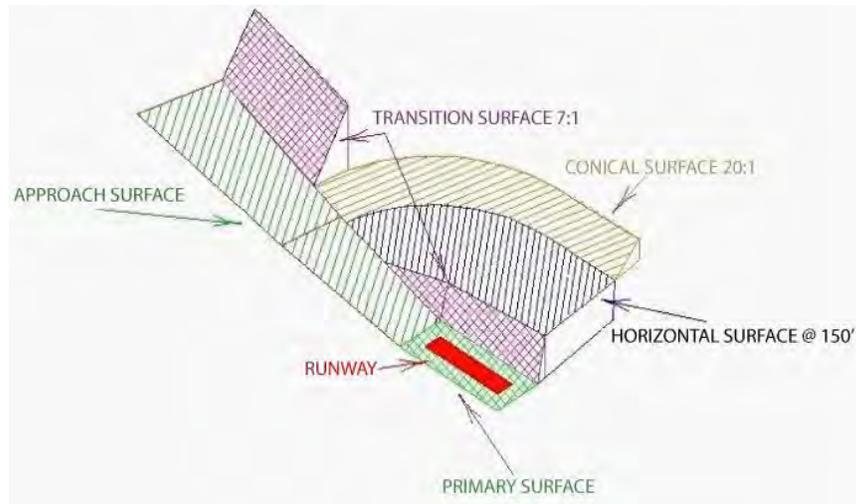
- (c) Each site shall have no more than one building plot upon which any number of structures may be erected;
- (d) A building plot shall be a single, uniform and non-contrived area, whose shape is uncomplicated and whose area shall not exceed the following minimum ratios with respect to the total site area:

TABLE 50-18.2-2: Ratio of Site Area to Building Area		
Site area	Ratio of site area to building plot area	Building plot area (sq. ft)
3.00 – 3.99 acres	12:1	10,900
3:00 – 5.99 acres	10:1	17,400
6:00 – 9.99 acres	8:1	32,700
10:00 – 19.99 acres	6:1	72,600
20:00 acres or more	4:1	218,000

- (e) The following uses are specifically prohibited in Zone B: churches, hospitals, schools, theaters, stadiums, hotels, motels, trailer courts, campgrounds and other places of frequent public or semi public assembly;
4. Zone C.
Zone C is subject only to height restrictions set forth in subsection D above and to the general restrictions contained in subsection F.1 above;

P. Sky Harbor Municipal Airport, Land Affected

- 1. Air space zones.
In order to carry out the purpose of this Section, the following air space zones are hereby established: primary zone, horizontal zone, conical zone, approach zone, and transitional zone;



2. Primary zone.
All land that lying directly under an imaginary primary surface longitudinally centered on a runway and (a) extending 200 feet beyond each end of Sky Harbor Municipal Airport Runway 14-32 and (b) coinciding with each end of Runway 14-32. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is 500 feet for Sky Harbor Municipal Airport Runway 14-32;
3. Horizontal zone.
All land lying directly under an imaginary horizontal surface 150 feet above the established airport elevation, or a height of 760 feet above mean sea level for Sky Harbor Municipal Airport, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is 6,000 feet for Sky Harbor Municipal Airport Runway 14-32;
4. Conical zone.
All land lying directly under an imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet as measured radially outward from the periphery of the horizontal surface;
5. Approach zone.
All land lying directly under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to the end of a runway based on the type of approach available or planned for that runway.
 - (a) The inner edge of the approach surface is the width as the primary surface and it expands uniformly to a width of: (i) 1,250 feet for that end of a utility runway with only visual approaches; (ii) 1,500 feet for that end of a runway other than a utility runway with only visual approaches; (iii) 2,000 feet for that end of a utility runway with a nonprecision instrument approach; (iv) 3,500 feet for that end of a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile; (v) 4,000 feet from that end of a nonprecision instrument runway, other than utility, having a nonprecision instrument approach with visibility minimums as low as three-fourths statute mile; and (vi) 16,000 feet for precision instrument runways;
 - (b) The approach surface extends for a horizontal distance of (i) 5,000 feet at a slope of 20:1 for all utility and visual runways; (ii) 10,000 feet at a slope of 34:1 for all nonprecision instrument runways other than utility, and (iii) 10,000 feet at a slope of 50:1 with an additional 40,000 feet at a slope of 40:1 for all precision instrument runways;
 - (c) The outer width of an approach surface to an end runway will be that width prescribed in this subsection 5 for the most precise approach existing or planned for that runway end;

6. Transitional zone.
All land lying directly under surfaces that extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7:1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface that project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline;
7. Height restrictions.
Except as necessary and incidental to airport operations, no structure or tree shall be constructed, altered, maintained or allowed to grow in any air space obstruction zone so as to project above any of the imaginary air space surfaces described in subsections 1 through 6. Where an area is covered by more than one height limitation, the more restrictive limitation shall apply;
8. Traverse ways.
For the purpose of determining height limits in this Section 50-18.2, traverse ways shall be increased in height by 17 feet for interstate highways; 15 feet for all other public roadways; ten feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for private roads; 23 feet for railroads; and for waterways and all other traverse ways not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it;

Q. Sky Harbor Municipal Airport, Variances

Variances to this section, as it applies to land on, near, or around the Sky Harbor Municipal Airport, shall be administered as provided in 50-37.9.

Abandoned Structure – a Non-Conforming Structure that has not been legally occupied or used for any commercial or residential purpose for at least one consecutive year as determined by the Local Airport Zoning Administrator.

Abandoned Use – a Non-Conforming Use that has ceased to have been actively conducted for at least one (1) consecutive year as determined by the Local Airport Zoning Administrator.

Agricultural Uses - land used primarily for the production of crops or livestock including irrigated meadows, irrigated and dry pasture, irrigation ditches, stock drive routes, lands used for barns, corrals and storage of crops or agricultural products, but not including lands used primarily for the production of commercial timber; or

Aircraft - any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, but excluding parachutes. (Minn. Stat. 360.013)

Aircraft Accident -an occurrence incident to flight in which, because of the operation of an aircraft, a person (occupant or non-occupant) receives fatal or serious injury or an aircraft receives substantial damage. Except as provided below, substantial damage means damage or structural failure that adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component. Engine failure, damage limited to an engine, bent fairings or cowling, dented skin, small puncture holes in the skin or fabric, ground damage to rotor or propeller blades, damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered substantial damage.

Airport- the Duluth International Airport lands located in Sections 1, 2, 3, 11, 12, Township 50, Range 15; Section 6, Township 50, Range 14; and Section 31, Township 51, Range 14 that is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas that are used, or intended for use, for airport buildings or other airport facilities or rights of way, together with all airport buildings and facilities located thereon.

Airport and related facilities (UDC). An area of land that is used or intended for the landing and takeoff of aircraft, and includes its buildings and facilities, if any. Accessory uses may include but are not limited to: car rental, aircraft servicing, fueling, or leasing, private aviation clubs or associations, and hotels.

Airport Boundary - those lands including the property owned by the City of Duluth, by the Government of the United States, and by the State of Minnesota and their respective subdivisions which are used for aeronautical purposes and are contiguous with the runway and building area facilities. The airport boundaries are illustrated in the Airport Property Map of the approved set of Airport Layout Plans on file in the offices of the Duluth Airport Authority.

Airport boundary (UDC). Those lands including the property owned by the city, state, and the United States, and their respective political subdivisions, that are used for aeronautical purposes and are contiguous with the runway and building area facilities. The Duluth International Airport boundaries are illustrated on Sheet 3, airport property map, of the approved set of airport layout plans on file in the offices of the Duluth Airport Authority. The Sky Harbor Municipal Airport boundaries are illustrated on Exhibit 50-18.2-2.

Airport Elevation -the established elevation of the highest point on the usable landing area which elevation is established to be 1,428 feet above mean sea level.

Airport elevation (UDC). The established elevation of the highest point on the usable landing area, which elevation is established to be 1,428 feet above mean sea level for Duluth International Airport and 610 feet above mean sea level for Sky Harbor Municipal Airport.

Airport Hazard -any structure, object of natural growth, or use of land, which obstructs the air space required for the flight of aircraft in landing or taking off at any airport or restricted landing area or is otherwise hazardous to such landing or taking off. (Minn. Stat. 360.013)

Airport hazard (UDC). Any structure, tree, or use of land that obstructs the air space required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport; and any use of land that is hazardous to persons or property because of its proximity to the airport.

Airport Safety Zone - an area subject to land use zoning controls adopted under Minnesota Statutes sections 360.061 to 360.074 if the zoning controls regulate (1) the size or location of buildings, or (2) the density of population. (Minn. Stat. 394.22, Subd. 1(a))

Airport Zoning Map- the Duluth International Airport Zoning Map prepared by RS&H, and adopted and attached hereto as Exhibit C of the Duluth International Airport Zoning Ordinance.

Airspace Zones – the Primary Zone, Horizontal Zone, Conical Zone, Approach Zone, Precision Instrument Approach Zone, and Transitional Zone, whose locations and dimensions are indicated on the Airport Zoning Map

Airspace Surface or Imaginary Surface - The imaginary areas in space and on the ground that are established by this Ordinance and/or the FAA in relation to the Duluth International Airport and its runways as the basis for regulating obstructions to air travel.

Approach Zone - All that land which lies directly under an imaginary approach surface longitudinally centered on the extended centerline at each end of the runway. The inner edge of the approach surface is at the same width and elevations as, and coincides with, the end of the primary surface; as illustrated in Airport Zoning Map.

Board of Adjustment – Board of Adjustment for the Duluth International Airport Joint Airport Zoning Board.

Building -Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind, and when separated by party or division walls without openings, each portion of such building so separated shall be deemed a separate building.

Building (UDC). Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind, and when separated by party or division walls without openings, each portion of such building so separated shall be deemed a separate building.

Commissioner - the commissioner of transportation of the State of Minnesota. (Minn. Stat. 360.013)

Conical Zone - all that land which lies directly under an imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of approximately 4,000 feet from the end of Runway 9-27 and Runway 3-21 as measured radially outward from the periphery of the horizontal surface; whose location and dimensions are indicated on the Airport Zoning Map

Department - the Minnesota Department of Transportation. (Minn. Stat. 360.013)

Dwelling - any building or portion thereof designed or used as a residence or sleeping place of one or more persons.

Dwelling (UDC). Any building or portion of a building that is designed for or used for residential purposes and has a principal entrance facing the front lot line and provides basic requirements for living, sleeping, cooking, eating, and sanitation, and is constructed on compliant and permanent footings or foundation, with permanent connections to public sanitary sewer and water. No recreational vehicle, or structure on a chassis, shall constitute a dwelling, except as allowed and provided for in manufactured home parks or recreational vehicle parks.

Duluth Airport Authority (“DAA”) – A political subdivision of the State of Minnesota established pursuant to Minnesota Laws of 1969, Chapter 577 for the purpose of controlling and managing City of Duluth airport facilities. DAA has the exclusive power to receive, control, and order the expenditure of any and all moneys and funds in the control and management of the City of Duluth airport facilities.

Duluth International Airport Joint Airport Zoning Board (“JAZB”) – The joint airport zoning board established pursuant to the authority conferred by Minnesota Statutes Sections 360.061-360.074 comprised of appointed representatives of the St. Louis County, City of Duluth, City of Hermantown, Canosia Township, and the City of Rice Lake.

Entities or, individually, Entity – mean the Cities of Hermantown, Duluth, Rice Lake, Canosia Township and County of St. Louis, Minnesota.

Federal Aviation Administration (FAA) – A federal agency charged with regulating air commerce to promote its safety and development; encourage and develop civil aviation, air traffic control, and air navigation; and promoting the development of a national system of airports.

FAA (UDC). The federal aviation administration or its duly designated and authorized successor agency.

Federal Aviation Regulations (FAR) – Regulations established and administered by the FAA that govern civil aviation and aviation-related activities.

FAR Part 36 – Regulation establishing noise standards for the civil aviation fleet.

FAR Part 77 – Objects Affecting Navigable Airspace - Part 77 (a) establishes standards for determining obstructions in navigable airspace; (b) defines the requirements for notice to the

FAA Administrator of certain proposed construction or alteration; (c) provides for aeronautical studies of obstructions to air navigation to determine their effect on the safe and efficient use of airspace; (d) provides for public hearings on the hazardous effect of proposed construction or alteration on air navigation; and (e) provides for establishing antenna farm areas.

Group A Use – means assembly, churches, restaurants, movie theaters, banquet halls, bars, art galleries, casinos, bowling alleys, dance halls, funeral parlors, gymnasiums, indoor pools/tennis courts, lecture halls, museums, arenas, skating rinks, bleachers, grandstands, stadiums as described in the 2018 International Building Code, as may be revised from time to time.

Group E Use – means education use of a building by six or more at any one time for educational purposes through twelfth grade, daycare facilities for more than five children older than two and one-half years old for fewer than twenty-four hours per day as described in the 2018 International Building Code, as may be revised from time to time.

Group I-2 Use – means buildings used for medical care on a twenty-four hour basis for more than five persons who are incapable of self-preservation. Examples include detoxification, foster care, hospital, nursing homes and other supervised living facilities as described in the 2018 International Building Code, as may be revised from time to time.

Group R-1 Use – means residential occupancies containing sleeping units where occupants are primarily transient. Examples include B&Bs with more than six guest rooms, boarding homes with more than ten occupants, and congregate living with more than ten units, and hotels/motels as described in the 2018 International Building Code, as may be revised from time to time.

Hazard to Air Navigation - any object that has a substantial adverse effect upon the safe and efficient use of navigable airspace. Any obstruction to air navigation is presumed to be a hazard to air navigation unless an FAA aeronautical study has determined otherwise.

Height of Building - the vertical distance measured from the highest ground elevation adjoining the front wall of the building to the highest point of the building

Height of building (UDC). The vertical distance at the center of the principal front of a building, measured from the grade on that front to the highest point of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable or of a mean height level between eaves and hip or gambrel roof.

Height of Tower or Structure - the vertical distance measured from the pre-existing grade level to the highest point on the tower or structure, even if said highest point is an antenna or lightning protection device.

Height of tower or structure (UDC). The vertical distance measured from the pre-existing grade level to the highest point on the tower or structure, even if said highest point is an antenna or lightning protection device.

Horizontal Surface - all that land which lies directly under an imaginary horizontal surface 150 feet above the established airport elevation; whose location and dimensions are indicated on the Airport Zoning Map.

Hospital - an institution that is built, staffed, and equipped for the diagnosis of disease; for the medical and surgical treatment of in-patients whether they be sick or injured and for their overnight housing during this process. Hospital services include the care and treatment of non-

ambulatory patients, intensive care units and acute care services. Outpatient surgery and other treatment centers where overnight stays are provided are not hospitals for the purposes of this definition.

Hospital. (UDC) An institution or place where sick or injured in-patients are given medical or surgical care, at either public or private expense, but excluding a nursing home and excluding institutions where persons suffering from permanent types of illness, injury, deformity or deficiency or age are given care and treatment on a prolonged or permanent basis.

Industrial Use - the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities or other wholesale items.

Land - Ground, soil, or earth, including structures on, above, or below the surface.

Landing Area - means the area of the airport used for the landing, taking off or taxiing of aircraft.

Local Airport Zoning Administrator - the person or position designated in the Local Airport Zoning Ordinance to administer and enforce the Local Airport Zoning Ordinance within their political subdivision

Local Airport Zoning Ordinance – means the ordinances as adopted by the City of Hermantown, City of Rice Lake, City of Duluth, Canosia Township, and St. Louis County and codified as a zoning ordinance of that political subdivision.

Material Change in Use – means that there is a change in the purposes for which the circumstances in which a building or property is used.

Material Expansion – means an increase in the floor or building coverage area or volume of an existing building.

Navigable Airspace - airspace at and above the minimum flight altitudes prescribed in the FAR's including airspace needed for safe takeoff and landing (refer to FAR Part 77 and 91).

Non-Conforming Lot - a lot of record created prior to the Effective Date of this Ordinance that does not conform to the requirements of this Ordinance.

Non-Conforming Structure - any structure constructed, converted or adopted for a use prior to the Effective Date of this Ordinance that does not conform to the requirements of this Ordinance.

Non-Conforming Use - any use of a structure or land or arrangement of land and structures existing prior to the Effective Date of this Ordinance that does not conform to the requirements of this Ordinance.

Nonconforming use (UDC). Any building or land lawfully occupied by a use at the time of passage of this Chapter or an amendment to this Chapter that does not conform after the passage of this Chapter or amendment to this Chapter with the use regulations of the district in which it is situated.

Non-Precision Instrument Runway - a runway having an existing or Planned straight-in instrument approach procedure utilizing air navigation facilities with only horizontal guidance, and for which no precision approach facilities are Planned.

Ordinance- This Duluth International Airport Zoning Ordinance, including all exhibits, appendices, and maps attached hereto.

Obstruction - Any structure, tree, plant or other object of natural growth that penetrates one or more of the applicable Navigable Airspaces, imaginary surfaces, or imaginary zones defined and illustrated in this Ordinance.

Obstruction (UDC). In the context of flood protection, any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory flood plain that may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

Permit- type of written authorization that must be granted by a government or other regulatory body before any activity regulated by the Local Airport Zoning Ordinance can legally occur.

Person - any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof. (Minn. Stat. 360.013)

Planned - as used in this Ordinance refers only to those proposed future airport developments that are so indicated on a planning document having the approval of the Federal Aviation Administration, the Department of Transportation, Division of Aeronautics, and Duluth Airport Authority.

Precision Instrument Approach Zone - all that land which lies directly under an existing or Planned imaginary precision instrument approach surface longitudinally centered on the extended centerline at each end of Precision Instrument Runways 9-27 and 3-21, The inner edge of the precision instrument approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. The precision instrument approach surface inclines upward and outward at a slope of 50:1 for a horizontal distance of approximately 10,000 feet expanding uniformly to a width of approximately 4,000 feet, then continues upward and outward for an additional horizontal distance of approximately 40,000 feet at a slope of 40:1 expanding uniformly to an ultimate width of approximately 16,000 feet; whose location and dimensions are indicated on the Airport Zoning Map

Precision Instrument Runway - a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), a Microwave Landing System (MLS), or a Precision Approach Radar (PAR), a Transponder Landing System (TLS), or a satellite-based system capable of operating to the same level of precision guidance provided by the other included systems. Also, a runway for which such a precision instrument approach system is Planned.

Precision instrument runway (UDC). A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR), or a runway for which a precision instrument approach system is planned and is so indicated on an approved planning document.

Primary Zone -All that land which approximately lies directly under an imaginary primary surface longitudinally centered on a runway and extending 200 feet beyond each end of Runways 9-27 and 3-21. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline; whose location and dimensions are indicated on the Airport Zoning Map

Public Assembly Use – A structure or outdoor facility where concentrations of people gather for purposes such as deliberation, education, shopping, business, entertainment, amusement, sporting events, or similar activities, but excluding air shows. “Public assembly use” does not include places where people congregate for relatively short periods of time, such as parking lots and bus stops, or uses approved by the FAA in an adopted airport master plan.

Public, Civic and Institutional Uses - uses of a public, quasi-public, nonprofit, or charitable nature generally providing a local service to the people of the community. Generally, these uses provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. This use category includes the following use types:

- a) Community centers or facilities that have membership provisions or are open to the general public to join at any time; and
- b) Facilities for the provision of public services, including governmental offices and public safety and emergency response services, such as police, fire and ambulance services. Such facilities often need to be located in or near the area where the service is provided.

Religious Assembly - a facility or area for people to gather for public worship, religious training or other religious activities including a church, temple, mosque, synagogue, convent, monastery or other structure, together with its accessory structures, including a parsonage or rectory. This use does not include home meetings or other religious activities conducted in a privately occupied residence. Accessory uses may include meeting rooms and childcare provided for persons while they are attending assembly functions.

Religious assembly (UDC). A facility or area for people to gather together for public worship, religious training or other religious activities including a church, temple, mosque, synagogue, convent, monastery or other structure, together with its accessory structures, including a parsonage or rectory. This use does not include home meetings or other religious activities conducted in a privately occupied residence. Accessory uses may include meeting rooms and childcare provided for persons while they are attending assembly functions.

Resource Extraction Use - uses involved in the process of (1) removing or extracting minerals and building stone from naturally occurring veins, deposits, bodies, beds, seams, fields, pools or other concentrations in the earth’s crust, including the preliminary treatment of such ore or building stone; and (2) the extraction, exploration or production of oil or natural gas resources, including oil and gas wells and accessory offices, storage buildings, rig camps and gas transmission lines.

Runway - any existing or Planned paved surface or turf-covered area of the airport that is specifically designated and used or Planned to be used for aircraft landing and takeoff.

Runway. (UDC) Any existing or planned paved surface or turf covered area of the airport that is specifically designated and used or planned to be used for the landing or taking off of aircraft.

Safety Zone – The land use safety zones (Zones 1, 2 and 3) established by this Ordinance further illustrated in the Airport Zoning Map. *See also* Airport Safety Zone.

Site - a parcel or several adjoining parcels of land under common ownership.

Site (UDC). A parcel or several adjoining parcels of land under common ownership. For purposes of the natural resources overlay district, this definition is limited to apply to any parcel of land upon which work requiring a permit under this Chapter is to be performed, and includes any adjacent lands owned by the owner of the subject parcel on the date of application for any permit and any lands adjacent to the subject parcel that were owned by the same person owning the subject parcel as of January 1, 1980.

Slope - an incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude. (e.g., slope = 3:1 = 3 feet horizontal to 1 feet vertical).

Slope (UDC). An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude (e.g., slope = 3:1 = 3 feet horizontal to 1 feet vertical).

Structure - Structure. Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.

Structure (UDC). Anything constructed or erected, the use of which requires a location on the ground, or attached to some thing having a location on the ground. Examples include but are not limited to: backstops for tennis courts, fences or pergolas.

Structural Alteration - Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial changes in the roofs or exterior walls but not including openings in bearing walls as permitted by existing ordinances

Substantial Damage -Damage of any origin sustained by a Non-Conforming Structure where the cost of restoring the structure to its before damaged condition would equal or exceed 60 percent of the assessed market value of the structure as determined by the St. Louis County Assessor before the damage occurred. For flood plain management and flood hazard purposes, substantial damage shall occur when damage of any origin sustained by a structure, where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the assessed market value of the structure as determined by the St Louis County Assessor before the damage occurred.

Substantial damage (UDC). Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 60 percent of the assessed market value of the structure as determined by the city assessor before the damage occurred. For flood plain management and flood hazard purposes, substantial damage shall occur when damage of any origin sustained by a structure, where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the assessed market value of the structure as determined by the city assessor before the damage occurred.

Substantially Damaged Structure – means a Non-Conforming Structure that has sustained Substantial Damage.

Transitional Zone - All that land which lies directly under an imaginary transitional surface extending upward and outward at right angles to the runway centerline and the runway centerline extended at a slope of 7:1 from the sides of the primary surface and from the sides of the approach surface. Transitional surfaces for those portions of the instrument approach surface which project through and beyond the limits of the conical surface, extend a distance of approximately 5,000 feet measured horizontally from the edge of the instrument approach surface and at right angles to the extended instrument runway centerline; whose location and dimensions are indicated on the Airport Zoning Map.

Traverse Ways - roads, railroads, trails, waterways, or any other avenue of surface transportation.

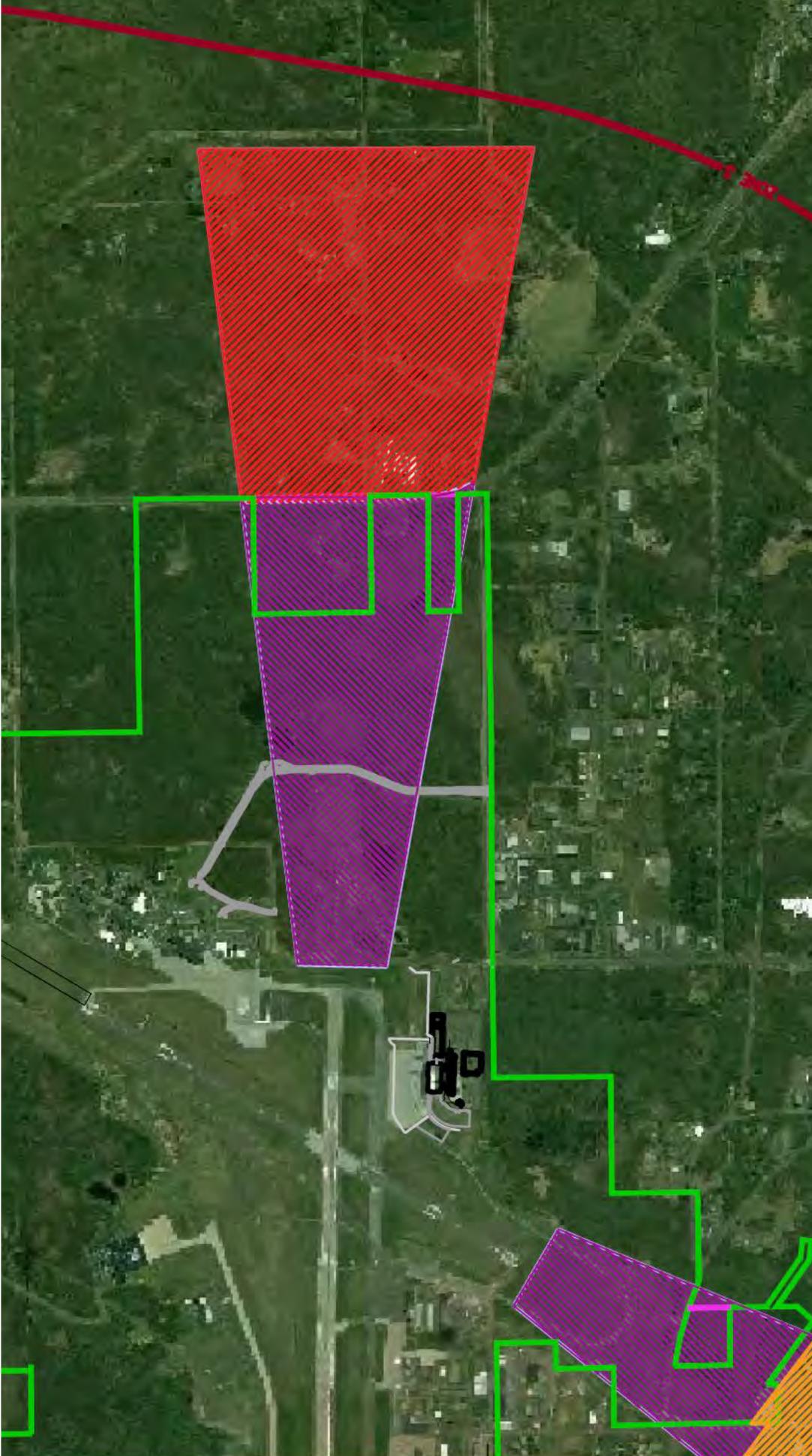
Utility Runway - a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less and which runway is less than 4,900 feet in length.

Utility runway (UDC). **A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.**

Variance – Any modification or variation of application of this Ordinance to a real property structure or use approved in writing by the BOA.

Visual Runway - a runway intended solely for the operation of aircraft using visual approach procedures, with no existing or Planned instrument approach procedures.

Zoning – the partitioning of land parcels in a community by ordinance into zones and the establishment of regulations in the ordinance to govern the land use and the location, height, use and land coverage of buildings within each zone.



ZONING LEGEND	
	AIRPORT PROPERTY BOUNDARY
	FUTURE AIRPORT PROPERTY
	ZONE 1
	ZONE 2
	ZONE 2.5
	ZONE 3

STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION

IN THE MATTER OF:

Docket No. 61
Order No. 638

The approval of zoning regulations for
the Duluth International Airport

**FINDINGS, CONCLUSIONS AND
ORDER**

FINDINGS

1. The Joint Airport Zoning Board of the Duluth International Airport has drafted the "DULUTH INTERNATIONAL AIRPORT ZONING ORDINANCE" and supporting record including a detailed analysis that explains how the proposed custom airport zoning regulations addressed the factors listed in Minnesota Statutes, Section 360.0656, Subd. 1 to provide a reasonable level of safety.
2. The Joint Airport Zoning Board of the Duluth International Airport provided notice to the commissioner of their intention to establish and adopt a custom airport zoning ordinance under the regulations of Minnesota Statutes, Section 360.0656.
3. A public hearing on the proposed "DULUTH INTERNATIONAL AIRPORT ZONING ORDINANCE" was held on September 24, 2020 giving parties in interest and citizens an opportunity to be heard. Notice of this hearing was published three times during the period between 15 days and 5 days before the hearing in an official newspaper, a second newspaper of wide circulation in the area affected by the proposed regulations and on the Joint Airport Zoning Board's website. No notices were published in the legal section of either newspaper.
4. Notice was sent by mail at least 10 days before the hearing to persons and landowners where the location or size of a building, or density of population, will be regulated, and to persons or municipalities that had previously requested such notice.
5. A copy of the notice and a list of the owners and addresses to which the notice was sent was attested to by the responsible person and made a part of the records of the proceedings.
6. The Joint Airport Zoning Board of the Duluth International Airport submitted the proposed "DULUTH INTERNATIONAL AIRPORT ZONING ORDINANCE" and supporting record to the commissioner for review on November 10, 2020.
7. The commissioner examined the proposed "DULUTH INTERNATIONAL AIRPORT ZONING ORDINANCE" and, within 90 days of receipt of the proposed regulations, objected on the grounds that the proposed regulations did not provide a reasonable level of safety.

8. The Joint Airport Zoning Board of the Duluth International Airport responded to the objections of the commissioner and submitted a revised “DULUTH INTERNATIONAL AIRPORT ZONING ORDINANCE” and supporting record to the commissioner for review on August 11, 2021.
9. A second public hearing on the revised “DULUTH INTERNATIONAL AIRPORT ZONING ORDINANCE” was held on July 21, 2021 giving parties in interest and citizens an opportunity to be heard. Notice of this hearing was published three times during the period between 15 days and 5 days before the hearing in an official newspaper, a second newspaper of wide circulation in the area affected by the proposed regulations and on the Joint Airport Zoning Board’s website. No notices were published in the legal section of either newspaper.
10. Notice was sent by mail at least 10 days before the hearing to persons and landowners where the location or size of a building, or density of population, will be regulated, and to persons or municipalities that had previously requested such notice.
11. A copy of the notice and a list of the owners and addresses to which the notice was sent was attested to by the responsible person and made a part of the records of the proceedings.
12. The proposed “DULUTH INTERNATIONAL AIRPORT ZONING ORDINANCE” was made available for public inspection on the Duluth International Airport website from July 6, 2021 to the date of the hearing.

CONCLUSIONS

1. Adoption of the proposed “DULUTH INTERNATIONAL AIRPORT ZONING ORDINANCE” is necessary for both the operation of the Airport and the safety of both the public frequenting that airport and the occupants of land in its vicinity.
2. The proposed “DULUTH INTERNATIONAL AIRPORT ZONING ORDINANCE” and supporting record evaluate the criteria under 360.0656, Subd. 1 and provide a reasonable level of safety.
3. A bona fide effort to comply with the requirements of Minnesota Statutes, Section 360.065, Subd. 1, was made prior to the approval of the proposed “DULUTH INTERNATIONAL AIRPORT ZONING ORDINANCE”.

Based upon the foregoing Findings and Conclusions, the substantial evidence contained in the record, and the applicable law, the Director of the Office of Aeronautics of the Department of Transportation of the State of Minnesota, issues the following:

ORDER

The proposed “DULUTH INTERNATIONAL AIRPORT ZONING ORDINANCE” is hereby approved.

**BY ORDER OF THE DIRECTOR OF THE
OFFICE OF AERONAUTICS OF THE DEPARTMENT OF TRANSPORTATION
OF THE STATE OF MINNESOTA**

**Cassandra
Isackson**

Digitally signed by Cassandra Isackson
Date: 2021.09.24 08:57:54 -05'00'

Cassandra Isackson
Director Office of Aeronautics
Minnesota Department of Transportation

DATE: _____

<https://duluthairport.com/about/board-of-directors/jazb-agendas-minutes/>

Overview

The State of Minnesota has adopted legislation for airports to implement height and land use regulations to minimize airport safety hazards and protect airport operations as described in Chapter 360 of the Minnesota Statutes. Included in the legislation was the implementation of Land Use Safety Zones A, B, and C. These land use safety zones were established to restrict incompatible land uses that may be hazardous to the operational safety of aircraft and to protect the property and safety of people on the ground near an airport.

In 2019, the Minnesota Legislature revised its Airport Land Use statute and the Minnesota Department of Transportation (MnDOT)-Aeronautics has created a process that allows communities to create custom Land Use Safety Zones that reflect the unique environment around each airport while ensuring that general prohibitions are taken to protect the safety of flight and the general public.

As a result, the Joint Airport Zoning Board (JAZB) has elected to establish and adopt a custom airport zoning ordinance for Duluth International Airport as defined by Minnesota Statute 360.0656. This allows the JAZB to tailor the zones to the local land uses adjoining the airport to reduce the economic penalty faced by landowners while ensuring compatibility between the surrounding community and Duluth International Airport. The JAZB is made up of members through the municipalities that will be affected by airport zoning that is the City of Duluth, City of Hermantown, City of Rice Lake, and Canosia Township. The proposed custom zones support the economic development vision for each of these communities and the zoning is consistent with how land around the airport has been developed since the last zoning ordinance went into effect in 1988.

The JAZB and Duluth Airport Authority hope to share information with all interested persons, elected and appointed officials, tenants, agencies, and surrounding communities and receive feedback.

Frequently Asked Questions

What is an airport zoning ordinance?

- Airport zoning ordinances are specific local regulations that govern land uses and structures within a boundary to promote the public health of communities. Airport zoning ordinances can establish zone districts, the uses allowed in each zone, and other site layout elements. This allows the airport to be a better neighbor to its surrounding communities. In Minnesota, communities in the airport influence area enact zoning. A set of Procedural Steps is prescribed that meets the requirements set forth in Minnesota Statutes Chapter 360 sections 360.061 to 360.074.

Why is the Airport completing a zoning ordinance revision? What are the benefits of this ordinance?

- The JAZB is pursuing a custom airport zoning ordinance that achieves a balance between allowing for compatible community development and providing for a realistic level of safety. The overarching goal is to develop an airport zoning ordinance for review and approval by the Mn/DOT Commissioner of Transportation, subsequent adoption of that ordinance by the board, and then incorporation of the ordinance by local municipalities. Mn/DOT reserves the authority to determine whether the proposed zoning ordinance meets the reasonable level of safety threshold. Mn/DOT will not grant monies to a public airport for construction projects unless the public airport has in place airport zoning regulations, such as the model ordinance, that comply with Minnesota Statutes Chapter 360 and Minnesota Rules. Similarly, one of the grant assurances for receipt of federal airport funding is affirmative action taken to promote compatible land uses around the airport. In all cases, once a local government invokes its airport zoning authority under Chapter 360, the governing body must comply with the minimum airport zoning regulations in Chapter 360 and the minimum standards in Rule 8800.2400.

What is custom zoning?

- Custom zoning is intended to make it easier for communities and airports to zone based on their specific needs. Custom zoning will provide a comprehensive analysis of all the factors that affect land use surrounding an airport. These factors must be weighed in totality to determine the appropriateness of any given use. Airports and communities can choose to use a custom zone if there are issues that the standard zone design does not address. Liability is not different between the two and the zones should not be compared.

What are the boundaries of the area being affected?

- There are three custom zones associated with the ordinance: Zone 1, Zone 2, and Zone 3, as shown on the graphic below. The specific limitations are outlined in the proposed ordinance, but in general the zones include:
 - Zone 1: In approach zones of a runway, shall not contain buildings
 - Zone 2: Extends outward from Zone 1, each use shall not be less than 2.5 acres and prohibits uses that attract/house crowds
 - Zone 3: Subject to uses that do not create or cause interference with airport operations

Will this ordinance replace the existing zoning classification of property?

- An airport zoning ordinance will not modify the existing zoning classification of any property. The airport zoning ordinance will address local land uses specific to DLH that may hazardous to the operational safety of aircraft while also protecting the property and safety of people on the ground near an airport.

Will this ordinance involve modifying existing limitations such as height?

- If a proposed development seeks to penetrate the height limitations that are stipulated by the airspace zone, a variance will have to be granted by a board of adjustment.

Does this ordinance include plans to construct or extend any runways at the airport?

- This is not a public hearing about aircraft noise or any proposed improvements of the Duluth International Airport. Adoption of an airport zoning ordinance will not alter the number or frequency of flights or the noise level of traffic at the airport.

How can I comment on the zoning ordinance revision?

- We welcome and look forward to the public's involvement in this process. Project information and updates will be provided throughout the project on a dedicated project webpage on the Duluth Airport website and DLH social media. Project updates, meeting agenda, meeting minutes, and review documents will all be posted on this page throughout the project. All comments will be reviewed and considered. Comments can be e-mailed to JAZB@duluthairport.com or provided to one of your local JAZB representatives.

DULUTH INTERNATIONAL AIRPORT

ZONING ORDINANCE

CREATED BY THE DULUTH INTERNATIONAL AIRPORT

JOINT ZONING BOARD

Formed by and Comprised of:

CITY OF DULUTH

CITY OF HERMANTOWN

TOWNSHIP OF CANOSIA

CITY OF RICE LAKE

ST. LOUIS COUNTY

EFFECTIVE DATE: October 6, 2021

THIS ORDINANCE AMENDS AND ENTIRELY REPLACES

DULUTH INTERNATIONAL AIRPORT ZONING ORDINANCE dated June 18, 1988,

recorded in the Office of the St. Louis, Minnesota, County Recorder as

Document No. 0456132

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DULUTH INTERNATIONAL AIRPORT
ZONING ORDINANCE

CREATED BY THE

CITY OF DULUTH – CITY OF HERMANTOWN – CANOSIA TOWNSHIP
CITY OF RICE LAKE – ST. LOUIS COUNTY
JOINT AIRPORT ZONING BOARD

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF THE DULUTH INTERNATIONAL AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING TERMS USED HEREIN; REFERRING TO THE DULUTH INTERNATIONAL AIRPORT ZONING MAPS WHICH ARE INCORPORATED IN AND MADE A PART OF THIS ORDINANCE; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF ADJUSTMENT; AND IMPOSING PENALTIES.

IT IS HEREBY ORDAINED BY THE DULUTH INTERNATIONAL AIRPORT JOINT AIRPORT ZONING BOARD COMPRISED OF THE CITY OF DULUTH – CITY OF HERMANTOWN – CANOSIA TOWNSHIP – CITY OF RICE LAKE – ST. LOUIS COUNTY PURSUANT TO THE AUTHORITY CONFERRED BY THE MINNESOTA STATUTES 360.061 – 360.074, AS FOLLOWS:

SECTION 1: PURPOSE AND AUTHORITY

The Duluth International Airport Joint Airport Zoning Board, created and established by joint action of the City Councils of Duluth, Rice Lake, and Hermantown, and the Board of County Commissioners of St. Louis County, and the Town Board of Canosia pursuant to the provisions and authority of Minnesota Statutes 360.063, hereby finds and declares that:

- A. The Duluth International Airport is an essential public facility.
- B. An Airport Hazard endangers the lives and property of users of the Duluth International Airport, and property or occupants of land in its vicinity, and also if the obstructive type, in effect reduces the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Duluth International Airport and the public investment therein.
- C. The creation or establishment of an Airport Hazard is a public nuisance and an injury to the region served by the Duluth International Airport.
- D. For the protection of the public health, safety, order, convenience, prosperity and general welfare, and for the promotion of the most appropriate use of land, it is necessary to prevent the creation or establishment of Airport Hazards.
- E. The prevention of these Airport Hazards and Aircraft Accidents should be accomplished, to the extent legally possible, by the exercise of the police power without compensation

SECTION 2: SHORT TITLE

This Ordinance shall be known as “Duluth International Airport Zoning Ordinance.” Those sections of land affected by this Ordinance are indicated in “Exhibit A” which is attached to this Ordinance.

SECTION 3: DEFINITIONS

For the purposes of this Ordinance, the following words, terms, and phrases shall have the meanings herein given unless otherwise specifically defined by Minnesota Statutes Chapter 360 (Airports and Aeronautics), Section 360.013 (Definitions), and its successors.

Abandoned Structure – a Non-Conforming Structure that has not been legally occupied or used for any commercial or residential purpose for at least one consecutive year as determined by the Local Airport Zoning Administrator.

Abandoned Use – a Non-Confirming Use that has ceased to have been actively conducted for at least one (1) consecutive year as determined by the Local Airport Zoning Administrator.

Agricultural Uses - land used primarily for the production of crops or livestock including irrigated meadows, irrigated and dry pasture, irrigation ditches, stock drive routes, lands used for barns, corrals and storage of crops or agricultural products, but not including lands used primarily for the production of commercial timber; or

Aircraft - any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, but excluding parachutes. (Minn. Stat. 360.013)

Aircraft Accident -an occurrence incident to flight in which, because of the operation of an aircraft, a person (occupant or non-occupant) receives fatal or serious injury or an aircraft receives substantial damage. Except as provided below, substantial damage means damage or structural failure that adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component. Engine failure, damage limited to an engine, bent fairings or cowling, dented skin, small puncture holes in the skin or fabric, ground damage to rotor or propeller blades, damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered substantial damage.

Airport- the Duluth International Airport lands located in Sections 1, 2, 3, 11, 12, Township 50, Range 15; Section 6, Township 50, Range 14; and Section 31, Township 51, Range 14 that is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas that are used, or intended for use, for airport buildings or other airport facilities or rights of way, together with all airport buildings and facilities located thereon.

Airport Boundary - those lands including the property owned by the City of Duluth, by the Government of the United States, and by the State of Minnesota and their respective subdivisions which are used for aeronautical purposes and are contiguous with the runway and building area facilities. The airport boundaries are illustrated in the Airport Property Map of the approved set of Airport Layout Plans on file in the offices of the Duluth Airport Authority.

Airport Elevation -the established elevation of the highest point on the usable landing area which elevation is established to be 1,428 feet above mean sea level.

Airport Hazard -any structure, object of natural growth, or use of land, which obstructs the air space required for the flight of aircraft in landing or taking off at any airport or restricted landing area or is otherwise hazardous to such landing or taking off. (Minn. Stat. 360.013)

Airport Safety Zone - an area subject to land use zoning controls adopted under Minnesota Statutes sections 360.061 to 360.074 if the zoning controls regulate (1) the size or location of buildings, or (2) the density of population. (Minn. Stat. 394.22, Subd. 1(a))

Airport Zoning Map- the Duluth International Airport Zoning Map prepared by RS&H, and adopted and attached hereto as Exhibit C of the Duluth International Airport Zoning Ordinance.

Airspace Zones – the Primary Zone, Horizontal Zone, Conical Zone, Approach Zone, Precision Instrument Approach Zone, and Transitional Zone, whose locations and dimensions are indicated on the Airport Zoning Map

Airspace Surface or Imaginary Surface - The imaginary areas in space and on the ground that are established by this Ordinance and/or the FAA in relation to the Duluth International Airport and its runways as the basis for regulating obstructions to air travel.

Approach Zone - All that land which lies directly under an imaginary approach surface longitudinally centered on the extended centerline at each end of the runway. The inner edge of the approach surface is at the same width and elevations as, and coincides with, the end of the primary surface; as illustrated in Airport Zoning Map.

Board of Adjustment – Board of Adjustment for the Duluth International Airport Joint Airport Zoning Board.

Building -Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind, and when separated by party or division walls without openings, each portion of such building so separated shall be deemed a separate building.

Commissioner - the commissioner of transportation of the State of Minnesota. (Minn. Stat. 360.013)

Conical Zone - all that land which lies directly under an imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of approximately 4,000 feet from the end of Runway 9-27 and Runway 3-21 as measured radially outward from the periphery of the horizontal surface; whose location and dimensions are indicated on the Airport Zoning Map

Department - the Minnesota Department of Transportation. (Minn. Stat. 360.013)

Dwelling - any building or portion thereof designed or used as a residence or sleeping place of one or more persons.

Duluth Airport Authority (“DAA”) – A political subdivision of the State of Minnesota established pursuant to Minnesota Laws of 1969, Chapter 577 for the purpose of controlling and managing City of Duluth airport facilities. DAA has the exclusive power to receive, control, and order the expenditure of any and all moneys and funds in the control and management of the City of Duluth airport facilities.

Duluth International Airport Joint Airport Zoning Board (“JAZB”) – The joint airport zoning board established pursuant to the authority conferred by Minnesota Statutes Sections 360.061-

360.074 comprised of appointed representatives of the St. Louis County, City of Duluth, City of Hermantown, Canosia Township, and the City of Rice Lake.

Entities or, individually, Entity – mean the Cities of Hermantown, Duluth, Rice Lake, Canosia Township and County of St. Louis, Minnesota.

Federal Aviation Administration (FAA) – A federal agency charged with regulating air commerce to promote its safety and development; encourage and develop civil aviation, air traffic control, and air navigation; and promoting the development of a national system of airports.

Federal Aviation Regulations (FAR) – Regulations established and administered by the FAA that govern civil aviation and aviation-related activities.

FAR Part 36 – Regulation establishing noise standards for the civil aviation fleet.

FAR Part 77 – Objects Affecting Navigable Airspace - Part 77 (a) establishes standards for determining obstructions in navigable airspace; (b) defines the requirements for notice to the FAA Administrator of certain proposed construction or alteration; (c) provides for aeronautical studies of obstructions to air navigation to determine their effect on the safe and efficient use of airspace; (d) provides for public hearings on the hazardous effect of proposed construction or alteration on air navigation; and (e) provides for establishing antenna farm areas.

Group A Use – means assembly, churches, restaurants, movie theaters, banquet halls, bars, art galleries, casinos, bowling alleys, dance halls, funeral parlors, gymnasiums, indoor pools/tennis courts, lecture halls, museums, arenas, skating rinks, bleachers, grandstands, stadiums as described in the 2018 International Building Code, as may be revised from time to time.

Group E Use – means education use of a building by six or more at any one time for educational purposes through twelfth grade, daycare facilities for more than five children older than two and one-half years old for fewer than twenty-four hours per day as described in the 2018 International Building Code, as may be revised from time to time.

Group I-2 Use – means buildings used for medical care on a twenty-four hour basis for more than five persons who are incapable of self-preservation. Examples include detoxification, foster care, hospital, nursing homes and other supervised living facilities as described in the 2018 International Building Code, as may be revised from time to time.

Group R-1 Use – means residential occupancies containing sleeping units where occupants are primarily transient. Examples include B&Bs with more than six guest rooms, boarding homes with more than ten occupants, and congregate living with more than ten units, and hotels/motels as described in the 2018 International Building Code, as may be revised from time to time.

Hazard to Air Navigation - any object that has a substantial adverse effect upon the safe and efficient use of navigable airspace. Any obstruction to air navigation is presumed to be a hazard to air navigation unless an FAA aeronautical study has determined otherwise.

Height of Building - the vertical distance measured from the highest ground elevation adjoining the front wall of the building to the highest point of the building

Height of Tower or Structure - the vertical distance measured from the pre-existing grade level to the highest point on the tower or structure, even if said highest point is an antenna or lightening protection device.

Horizontal Surface - all that land which lies directly under an imaginary horizontal surface 150 feet above the established airport elevation; whose location and dimensions are indicated on the Airport Zoning Map.

Hospital - an institution that is built, staffed, and equipped for the diagnosis of disease; for the medical and surgical treatment of in-patients whether they be sick or injured and for their overnight housing during this process. Hospital services include the care and treatment of non-ambulatory patients, intensive care units and acute care services. Outpatient surgery and other treatment centers where overnight stays are provided are not hospitals for the purposes of this definition.

Industrial Use - the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities or other wholesale items.

Land - Ground, soil, or earth, including structures on, above, or below the surface.

Landing Area - means the area of the airport used for the landing, taking off or taxiing of aircraft.

Local Airport Zoning Administrator - the person or position designated in the Local Airport Zoning Ordinance to administer and enforce the Local Airport Zoning Ordinance within their political subdivision

Local Airport Zoning Ordinance – means the ordinances as adopted by the City of Hermantown, City of Rice Lake, City of Duluth, Canosia Township, and St. Louis County and codified as a zoning ordinance of that political subdivision.

Material Change in Use – means that there is a change in the purposes for which the circumstances in which a building or property is used.

Material Expansion – means an increase in the floor or building coverage area or volume of an existing building.

Navigable Airspace - airspace at and above the minimum flight altitudes prescribed in the FAR's including airspace needed for safe takeoff and landing (refer to FAR Part 77 and 91).

Non-Conforming Lot - a lot of record created prior to the Effective Date of this Ordinance that does not conform to the requirements of this Ordinance.

Non-Conforming Structure - any structure constructed, converted or adopted for a use prior to the Effective Date of this Ordinance that does not conform to the requirements of this Ordinance.

Non-Conforming Use - any use of a structure or land or arrangement of land and structures existing prior to the Effective Date of this Ordinance that does not conform to the requirements of this Ordinance.

Non-Precision Instrument Runway - a runway having an existing or Planned straight-in instrument approach procedure utilizing air navigation facilities with only horizontal guidance, and for which no precision approach facilities are Planned.

Ordinance- This Duluth International Airport Zoning Ordinance, including all exhibits, appendices, and maps attached hereto.

Obstruction - Any structure, tree, plant or other object of natural growth that penetrates one or more of the applicable Navigable Airspaces, imaginary surfaces, or imaginary zones defined and illustrated in this Ordinance.

Permit- type of written authorization that must be granted by a government or other regulatory body before any activity regulated by the Local Airport Zoning Ordinance can legally occur.

Person - any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof. (Minn. Stat. 360.013)

Planned - as used in this Ordinance refers only to those proposed future airport developments that are so indicated on a planning document having the approval of the Federal Aviation Administration, the Department of Transportation, Division of Aeronautics, and Duluth Airport Authority.

Precision Instrument Approach Zone - all that land which lies directly under an existing or Planned imaginary precision instrument approach surface longitudinally centered on the extended centerline at each end of Precision Instrument Runways 9-27 and 3-21, The inner edge of the precision instrument approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. The precision instrument approach surface inclines upward and outward at a slope of 50:1 for a horizontal distance of approximately 10,000 feet expanding uniformly to a width of approximately 4,000 feet, then continues upward and outward for an additional horizontal distance of approximately 40,000 feet at a slope of 40:1 expanding uniformly to an ultimate width of approximately 16,000 feet; whose location and dimensions are indicated on the Airport Zoning Map

Precision Instrument Runway - a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), a Microwave Landing System (MLS), or a Precision Approach Radar (PAR), a Transponder Landing System (TLS), or a satellite-based system capable of operating to the same level of precision guidance provided by the other included systems. Also, a runway for which such a precision instrument approach system is Planned.

Primary Zone -All that land which approximately lies directly under an imaginary primary surface longitudinally centered on a runway and extending 200 feet beyond each end of Runways 9-27 and 3-21. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline; whose location and dimensions are indicated on the Airport Zoning Map

Public Assembly Use – A structure or outdoor facility where concentrations of people gather for purposes such as deliberation, education, shopping, business, entertainment, amusement, sporting events, or similar activities, but excluding air shows. “Public assembly use” does not include places where people congregate for relatively short periods of time, such as parking lots and bus stops, or uses approved by the FAA in an adopted airport master plan.

Public, Civic and Institutional Uses - uses of a public, quasi-public, nonprofit, or charitable nature generally providing a local service to the people of the community. Generally, these uses provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. This use category includes the following use types:

- a) Community centers or facilities that have membership provisions or are open to the general public to join at any time; and
- b) Facilities for the provision of public services, including governmental offices and public safety and emergency response services, such as police, fire and ambulance services. Such facilities often need to be located in or near the area where the service is provided.

Religious Assembly - a facility or area for people to gather for public worship, religious training or other religious activities including a church, temple, mosque, synagogue, convent, monastery or other structure, together with its accessory structures, including a parsonage or rectory. This use does not include home meetings or other religious activities conducted in a privately occupied residence. Accessory uses may include meeting rooms and childcare provided for persons while they are attending assembly functions.

Resource Extraction Use - uses involved in the process of (1) removing or extracting minerals and building stone from naturally occurring veins, deposits, bodies, beds, seams, fields, pools or other concentrations in the earth's crust, including the preliminary treatment of such ore or building stone; and (2) the extraction, exploration or production of oil or natural gas resources, including oil and gas wells and accessory offices, storage buildings, rig camps and gas transmission lines.

Runway - any existing or Planned paved surface or turf-covered area of the airport that is specifically designated and used or Planned to be used for aircraft landing and takeoff.

Safety Zone – The land use safety zones (Zones 1, 2 and 3) established by this Ordinance further illustrated in the Airport Zoning Map. *See also* Airport Safety Zone.

Site - a parcel or several adjoining parcels of land under common ownership.

Slope - an incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude. (e.g., slope = 3:1 = 3 feet horizontal to 1 foot vertical).

Structure - Structure. Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.

Structural Alteration - Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial changes in the roofs or exterior walls but not including openings in bearing walls as permitted by existing ordinances

Substantial Damage -Damage of any origin sustained by a Non-Conforming Structure where the cost of restoring the structure to its before damaged condition would equal or exceed 60 percent of the assessed market value of the structure as determined by the St. Louis County Assessor before the damage occurred. For flood plain management and flood hazard purposes, substantial damage shall occur when damage of any origin sustained by a structure, where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent

of the assessed market value of the structure as determined by the St Louis County Assessor before the damage occurred.

Substantially Damaged Structure – means a Non-Conforming Structure that has sustained Substantial Damage.

Transitional Zone - All that land which lies directly under an imaginary transitional surface extending upward and outward at right angles to the runway centerline and the runway centerline extended at a slope of 7:1 from the sides of the primary surface and from the sides of the approach surface. Transitional surfaces for those portions of the instrument approach surface which project through and beyond the limits of the conical surface, extend a distance of approximately 5,000 feet measured horizontally from the edge of the instrument approach surface and at right angles to the extended instrument runway centerline; whose location and dimensions are indicated on the Airport Zoning Map.

Traverse Ways - roads, railroads, trails, waterways, or any other avenue of surface transportation.

Utility Runway - a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less and which runway is less than 4,900 feet in length.

Variance – Any modification or variation of application of this Ordinance to a real property structure or use approved in writing by the BOA.

Visual Runway - a runway intended solely for the operation of aircraft using visual approach procedures, with no existing or Planned instrument approach procedures.

Zoning – the partitioning of land parcels in a community by ordinance into zones and the establishment of regulations in the ordinance to govern the land use and the location, height, use and land coverage of buildings within each zone.

SECTION 4: AIRSPACE OBSTRUCTION ZONING

- A. **BOUNDARY LIMITATION:** The airspace obstruction height zoning restrictions set forth in this section shall apply for a distance not to exceed one-and-one-half (1.5) miles beyond the perimeter of the Airport boundary; said boundary location and dimensions are indicated on the Airport Zoning Map.
- B. **AIRSPACE ZONES:** Airspace Zones are established to regulate and protect aircraft from navigational hazards during landings and departures. In order to carry out the purposes of this Ordinance, the following Imaginary Airspace Zones are hereby established: Primary Zone, Horizontal Zone, Conical Zone, Approach Zone, Precision Instrument Approach Zone, and Transitional Zone, all whose locations and dimensions are indicated on the Airport Zoning Map.
- C. **HEIGHT RESTRICTIONS:** Except as otherwise provided in the Ordinance, or except as necessary and incidental to airport operations, no structure or tree shall be constructed, altered, maintained, or allowed to grow so as to project above any of the Imaginary Airspace surfaces described in this Section 4(B) . Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail.

SECTION 5: LAND USE SAFETY ZONING

SAFETY ZONE BOUNDARIES INTENT AND SCOPE: In order to carry out the purpose of this Ordinance, as set forth above, to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Airport, and, furthermore, to limit population and building density in the runway approach areas, thereby creating sufficient open space to protect life and property in case of an accident, there are hereby created and established the following Safety Zones, which restrict land use:

- A. **SAFETY ZONE 1:** All land designated as Safety Zone 1 on the Airport Zoning Map and as legally described in Exhibit B.
- B. **SAFETY ZONE 2:** All land designated as Safety Zone 2 on the Airport Zoning Map and legally described in Exhibit B.
- C. **SAFETY ZONE 2.5:** All land designated as Safety Zone 2.5 on the Airport Zoning Map and legally described in Exhibit B.
- D. **SAFETY ZONE 3:** All land designated as Safety Zone 3 on the Airport Zoning Map and legally described in Exhibit B.
- E. **BOUNDARY LIMITATIONS:** The land use zoning restrictions set forth in this Section 5 shall apply for a distance not to exceed one mile beyond the perimeter of the airport boundary and in the portion of an Airport Hazard Area under the approach zone for a distance not exceeding one and one-half (1½) miles from the airport boundary; said land use zoning boundary location and dimensions are indicated on the Airport Zoning Map.

F. USE RESTRICTIONS

In order to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Duluth International Airport, and furthermore to limit population and building density in the runway approach areas, thereby creating sufficient open space so as to protect life and property in case of accident, the following use restrictions are applied to the land use Safety Zones:

1. **ALL SAFETY ZONES:** No use shall be made of any land in any of the Safety Zones which creates or causes interference with the operation of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.
2. **SAFETY ZONE 1:** Areas designated as Safety Zone 1 shall contain no buildings, temporary structures, exposed transmission lines, or other similar above-ground land use structural hazards, and shall be restricted to those

uses which will not create, attract, or bring together an assembly of persons thereon. Permitted uses may include Agricultural Use, Resource Extraction Use, horticulture, animal husbandry, raising of livestock, wildlife habitat, light outdoor recreation (non-spectator), cemeteries, and automobile parking.

3. **SAFETY ZONE 2:**

3.1 Specific Prohibited Uses. The following classifications of building and structures as to use and occupancy are prohibited in Safety Zone 2:

3.1.1 Group A Uses;

3.1.2 Group E Uses;

3.1.3 Group I-2 Uses; and

3.1.4 Group R-1 Uses.

3.2 Density Limitation. Other uses not specifically prohibited by Section 3.1 must be on a site whose area is at least two and one-half (2.5) acres. Each use shall not create, attract, or bring together a site population in excess of 20 persons per acre during the same time period; density as calculated pursuant to the 2020 Minnesota State Building Code, or its successor.

4. **SAFETY ZONE 2.5:**

4.1 Specific Prohibited Uses. The following classifications of building and structures as to use and occupancy are prohibited in Safety Zone 2.5;

4.1.1 Childcare or daycare centers;

4.1.2 State licensed residential care facilities and housing with service establishments serving 7 or more persons;

4.1.3 State licensed adult daycare facility serving 13 or more persons;

4.1.4 State licensed group family daycare facility serving 13 or more children;

4.1.5 Public or private school.

4.1.6 Public or private Hospital.

5. **SAFETY ZONE 3:** Areas designated as Safety Zone 3 are only subject to the restrictions set forth in this Section 5(E)(1).

SECTION 6: AIRPORT ZONING MAP

The Zones established in this Ordinance are shown on the Airport Zoning Map attached hereto as Exhibit C and made a part hereof. The Airport Zoning Map, together with map and all notations, references, elevation, data, zone boundaries, and other information thereon, shall be referred to in this Ordinance is hereby adopted in its entirety as part of this Ordinance.

SECTION 7: EXISTING USES AND STRUCTURES AS OF ENACTMENT

- A. **THIS ORDINANCE AND ANY LOCAL AIRPORT ZONING ORDINANCE NOT RETROACTIVE:** The regulations prescribed by this Ordinance and any Local Airport Zoning Ordinance shall not be construed to require the removal, lowering, or other changes or alteration of any existing use, lot, structure, or tree or otherwise interfere with the continuance of any such use or Structure, or tree after the Effective Date (Section 21 – EFFECTIVE DATE) of this Ordinance.
- B. **ACQUISITION IN SAFETY ZONES:** The Airport is an essential public facility. The DAA or City of Duluth may acquire land at their own expense for the purposes of preventing and/or reducing Airport Hazards and Aircraft Accidents.

SECTION 8: PERMITS; AND ORDERS TO REMOVE USE OR STRUCTURE, OR TREE

- A. **PERMIT STANDARDS.** Permit applications shall be made in the manner and on the form established by the Local Airport Zoning Administrator pursuant to their applicable Local Airport Zoning Ordinance. Each Permit application shall indicate the purpose for which the Permit is desired, with sufficient information with respect to the proposed project to allow a determination as to whether it conforms to the applicable Local Airport Zoning Ordinance. If such determination is in the affirmative, the Permit shall be granted. Copies of applications for permits shall be provided to the DAA.
- B. **PERMIT REQUIRED.** The following structures or uses shall not be allowed in a Safety Zone 2 unless a Permit has first been submitted to and granted by the Local Airport Zoning Administrator for that jurisdiction:
1. Material expansion of an Existing Structure or Use. Permit required.
 2. New structures or uses. Permit required.
 3. Abandoned Non-Conforming Structure. Permit required for structure to be re-used, rebuilt or replaced.
 4. Substantially Damaged Non-Conforming Structure. Permit required to rebuild, repair, or replace.
 5. Material Change in Non-Conforming Use. Permit required before material change in use may occur.
- C. **ORDER TO REMOVE USE, STRUCTURE, OR TREE.** Whether application is made for a Permit under this subdivision or not, the Local Airport Zoning Administrator may by appropriate action compel the owner of any Structure, use, or tree, at the owner's expense, to lower, remove, reconstruct, or equip the object as may be necessary to conform to the regulations of the applicable Local Airport Zoning Ordinance. If the owner of the Structure, use, or tree neglects or refuses to comply with the order for ten days after notice of the order, the Local Airport Zoning Administrator may take whatever lawful actions they deem necessary and appropriate to obtain compliance with the provisions of the applicable Local Airport Zoning Ordinance.

SECTION 9: VARIANCES

- A. **APPLICATION.** Any person desiring to erect or increase the height of any Structure, permit the growth of any tree, or use property in a way prohibited by the applicable

Local Airport Zoning Ordinance may apply to both the Local Airport Zoning Administrator and the BOA for a Variance from such regulations. Variance applications shall be made in the manner and on the form established by the Local Airport Zoning Administrator. The Local Zoning Administrator may also establish, collect, and retain a Variance application fee. Variance applications shall be delivered to the Local Airport Zoning Administrator, who shall then deliver the Variance application to the BOA and DAA. The Variance applications may only be made after the Local Airport Zoning Administrator determines that a Variance is required. Copies of Variance applications shall be provided to the DAA.

- B. FAILURE OF BOARD TO ACT ON VARIANCE.** This Section 9B is intended to implement the provisions of Minnesota Statutes § 360.063, Subd. 6a and § 360.067, Subd. 2. If a person submits a complete application for a Variance by certified mail to both the Local Airport Zoning Administrator and the BOA, and they both fail to grant or deny the Variance within four (4) months after receipt of the application, the Variance shall be deemed to be granted by the BOA, unless the BOA has made its decision within a longer time period authorized in writing by applicant. When the Variance is granted by reason of the failure of the BOA to act on the Variance, the person receiving the Variance shall notify the BOA and the Commissioner, in writing by certified mail, that the Variance has been granted. The applicant shall include a copy of the original Permit and Variance applications with the notice. The Variance shall be effective sixty (60) days after this notice is received by the Commissioner subject to any action taken by the Commissioner pursuant to Minnesota Statutes Section 360.063, Subdivision 6(a).
- C. VARIANCE STANDARDS.** The provisions of Minnesota Statutes § 360.067, Subd. 2 shall be applicable to an application for a Variance. Variances shall only be granted where it is duly found by the BOA that a literal application or enforcement of the regulations would result in practical difficulty, or undue hardship, and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the applicable Local Airport Zoning Ordinance provided any Variance so allowed may be subject to any reasonable conditions that the JAZB or Commissioner may deem necessary to effectuate the purpose of the applicable Local Airport Zoning Ordinance.

SECTION 10: HAZARD MARKING AND LIGHTING

The Local Airport Zoning Administrator or the BOA may condition any Permit or Variance granted so as to require the owner of the Structure or tree or use in question at their own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an Airport Hazards.

SECTION 11: LOCAL AIRPORT ZONING ADMINISTRATOR

It shall be the duty of the Local Airport Zoning Administrator to enforce the regulations prescribed by the applicable Local Airport Zoning Ordinance. Regulations prescribed by the applicable Local Airport Zoning Ordinance for which a Permit is not required to be obtained under the Local Airport Zoning Ordinance shall be enforced and administered as determined by the Local Airport Zoning Administrator. Permit applications shall be made to the Local Airport Zoning Administrator for that jurisdiction. Copies of Permit applications shall be provided to the DAA. Permit applications shall be promptly considered and granted or denied pursuant to the regulations by the applicable Local Airport Zoning Ordinance. Variance applications shall

be made to both the Local Airport Zoning Administrator for that Jurisdiction and the BOA. Copies of Variance applications shall be provided to the DAA.

SECTION 12: BOARD OF ADJUSTMENT FOR THE DULUTH INTERNATIONAL AIRPORT JOINT ZONING BOARD

- A. Establishment: The Board of Adjustment (“BOA”) shall consist of five members, one member each appointed by:
1. Canosia Township
 2. City of Duluth;
 3. City of Hermantown;
 4. City of Rice Lake; and
 5. Duluth Airport Authority.

Each member shall serve for a term of three years and until their successor is duly appointed and qualified. In the event of a vacancy, the vacancy for the unexpired term shall be filled in the same manner as the appointment was originally made. BOA members may be removed by the Entity which appointed such member at any time, with or without cause. JAZB members may also serve on the BOA.

- B. Powers: The BOA shall have and exercise the following powers:

- (1) to hear and decide appeals from any order, requirement, decision, or determination made by the Local Airport Zoning Administrator in the enforcement of the Local Airport Zoning Ordinance;
- (2) to hear and decide any special exceptions to the terms of the Local Airport Zoning Ordinance upon which the BOA may be required to pass under such Local Airport Zoning Ordinance; and
- (3) to hear and decide Variances.

- C. Majority Vote: The concurring vote of a majority of the members of the BOA shall be sufficient for any action or any order, requirement, decision, or determination of the Local Airport Zoning Administrator, or to make a decision on any matter upon which it is required to pass under the Local Airport Zoning Ordinance or to make a decision on a Variance.

- D. Rules and Procedures: The BOA shall adopt rules in accordance with the provisions of this Ordinance. Upon their appointment the BOA members shall select a chair to act at the pleasure of the BOA. Meetings of the BOA shall be held at the call of the chair and at such other times as the BOA may determine. The chair, or if absent, the acting chair, may administer oaths and compel the attendance of witnesses. All hearings of the BOA shall be public. The BOA shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the BOA and shall be a public record.

SECTION 13: APPEALS

- A. Who May Appeal:

Any Person directly affected by any decision of the Local Airport Zoning Administrator in connection with the administration of a Local Airport Zoning Ordinance may appeal that decision to the BOA. Such appeals may also be made by any governing body of the Entities.

B. Procedure:

All appeals hereunder must be commenced in writing within 10 business days of the issuance in writing of the decision by the Local Airport Zoning Administrator, by filing with the Local Airport Zoning Administrator and the BOA a notice of appeal specifying the grounds thereof and the applicable appeal filing and hearing fee set by the BOA. The Local Airport Zoning Administrator shall forthwith transmit to the BOA all data constituting the record upon which the action appealed from was taken. Copies of the data shall also be provided to the DAA.

C. Stay of Proceedings:

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Local Airport Zoning Administrator certifies to the BOA, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate finds that a stay would, in their opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the BOA on written notice to the Local Airport Zoning Administrator and on due cause shown.

D. Hearing:

The BOA shall fix a time for hearing appeals, and then give public notice to the Entities and the DAA, and written notice by mail to the appellant. At the hearing, any party may appear in person or by agent or by attorney.

E. Decisions:

The BOA may, in conformity with the provisions of this ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination, in writing with detailed findings, as may be appropriate under the circumstances, and to that end shall have all the powers of an Local Airport Zoning Administrator.

SECTION 14: JUDICIAL REVIEW

All decisions of the BOA are final. Any party aggrieved by a decision of the BOA may appeal as authorized by Minnesota law provided that such appeal is made within thirty (30) days of the date of the decision of the BOA.

SECTION 15: PENALTIES

- A. CRIMINAL. Every person who shall construct, establish, substantially change, alter or repair any existing structure or use, or permit the growth of any tree without having complied with the provision of this Ordinance or who, having been granted a Permit or Variance under the provisions of this Ordinance, shall construct, establish, substantially change or substantially alter or repair any existing growth or

structure or permit the growth of any tree, except as permitted by such Permit or Variance, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000 or imprisonment for not more than 90 days or by both. Each day a violation continues to exist shall constitute a separate offense.

- B. CIVIL. In addition, a Local Airport Zoning Administrator or the DAA may institute in any court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of the Local Airport Zoning Ordinance, or of any order or ruling made in connection with their administration or enforcement of this Ordinance, and the court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case.

SECTION 16: EXEMPTIONS – LAND USED FOR AERONAUTICAL PURPOSES

The restrictions of this Ordinance or any Local Airport Zoning Ordinance shall not control the use of land or the height of structures on land owned by the City of Duluth, the State of Minnesota, the Duluth Airport Authority, or the United States of America and used by the Duluth Airport Authority exclusively for aeronautical purposes.

SECTION 17: CONFLICTS

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area including but not limited to the Local Airport Zoning Ordinance, whether the conflict be with respect to the height of Structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern and prevail.

SECTION 18: SEVERABILITY

In any case in which the provisions of this Ordinance, although generally reasonable, are held by a court to interfere with the use or enjoyment of a particular Structure or parcel of land to such an extent, or to be so onerous in their application to such a Structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the United States or State of Minnesota Constitutions, such holding shall not affect the application of this Ordinance as to other structures and parcels of land, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 19: ADMINISTRATION

- A. Meetings and hearings of the JAZB and BOA shall be held at the Duluth International Airport.
- B. JAZB and BOA shall be supported administratively by the staff of the Duluth Airport Authority and Duluth City Attorney's Office.
- C. The BOA shall be supported by the staff and legal counsel provided by the Entity in whose jurisdiction the property affected by the Variance is located with respect to the requested Variance.
- D. The BOA shall be supported administratively by the staff of the Duluth Airport Authority and legal counsel provided by the Duluth Airport Authority in connection with any judicial review of any actions of the BOA pursuant to Section 14 hereof.

E. The DAA shall provide reasonable technical advice and assistance to Local Zoning Administrators with respect to the administration and enforcement of a Local Zoning Ordinance upon request by a Local Zoning Administrator.

SECTION 20: LOCAL AIRPORT ZONING ORDINANCE

Each of the Entities shall consider the adoption of amendments to its comprehensive plan and thereafter amendments to the zoning for its jurisdiction that incorporate the applicable provisions of this Ordinance. Any such amendments to Entities' zoning shall become effective only after this Ordinance has been approved by the Commissioner.

SECTION 21: EFFECTIVE DATE

This Ordinance shall take effect upon recordation in the St. Louis County Recorder's Office, which shall occur after approval of the Ordinance by the Commissioner. Copies thereof shall be filed with the State of Minnesota Commissioner of Transportation, Division of Aeronautics, and the Entities.

Passed and adopted by the Duluth International Joint Airport Zoning Board ("JAZB") on October 6, 2021 after public hearing by the JAZB, and after approval by the Commissioner on September 24, 2021.

DULUTH INTERNATIONAL AIRPORT JOINT ZONING BOARD

Kevin Connick
JAZB Chairperson

ATTEST:

Mary Ann Wittkop
JAZB Secretary

STATE OF MINNESOTA)
) ss.
COUNTY OF ST. LOUIS)

The foregoing instrument was acknowledged before me this 6th day of October, 2021 by Kevin Connick and Mary Ann Wittkop, the Chairperson and Secretary of the Duluth International Airport Joint Airport Zoning Board.

Notary's Signature

EXHIBIT A—SAFETY ZONE LEGAL DESCRIPTIONS**Safety Zone 1 of East End of Runway 9-27**

That part of Section 6, Township 50, Range 14, St Louis County, Minnesota, described as follows:

Commencing at the northwest corner of the Southwest Quarter of said Section 6; thence on an assumed bearing of South 00 degrees 49 minutes 13 seconds East, along the west line of said Southwest Quarter, a distance of 935.43 feet to the intersection with the easterly extension of the centerline of Runway 9-27; thence South 88 degrees 23 minutes 44 seconds East, along last described easterly extension, a distance of 204.53 feet to the east end of the proposed runway 9-27; thence continuing South 88 degrees 23 minutes 44 seconds East, along last described easterly extension, a distance of 200.00 feet; thence South 01 degree 36 minutes 16 seconds West a distance of 500.00 feet to the actual point of beginning of Zone 1; thence North 01 degree 36 minutes 16 seconds East a distance of 1000.00 feet; thence North 83 degrees 04 minutes 25 seconds East a distance of 4180.09 feet to the intersection with the north line of the Northeast Quarter of the Southeast Quarter of said Section 6; thence North 89 degrees 17 minutes 03 seconds East, along last described north line, a distance of 705.98 feet to the westerly right of way line of Rice Lake Road; thence southerly, along last described right of way line, a distance of 2280.58 feet to the east line of the North Half of the South Half of the Southeast Quarter of the Southeast Quarter of said Section 6; thence South 01 degree 03 minutes 54 seconds East, along last described east line, a distance of 39.99 feet to the south line of said North Half of the South Half of the Southeast Quarter of the Southeast Quarter; thence South 89 degrees 00 minutes 30 seconds West, along last described south line, a distance of 457.54 feet to the intersection with a line bearing South 79 degrees 51 minutes 54 seconds East from said point of beginning; thence North 79 degrees 51 minutes 54 seconds West a distance of 4590.59 feet to said point of beginning.

Safety Zone 2 of East End of Runway 9-27

That part of Sections 5, 6, and 8, Township 50, Range 14, St Louis County, Minnesota, described as follows:

Commencing at the northwest corner of the Southwest Quarter of said Section 6; thence on an assumed bearing of South 00 degrees 49 minutes 13 seconds East, along the west line of said Southwest Quarter, a distance of 935.43 feet to the intersection with the easterly extension of the centerline of Runway 9-27; thence South 88 degrees 23 minutes 44 seconds East, along last described easterly extension, a distance of 204.53 feet to the east end of the proposed runway 9-27; thence continuing South 88 degrees 23 minutes 44 seconds East, along last described easterly extension, a distance of 200.00 feet; thence South 01 degree 36 minutes 16 seconds West a distance of 500.00 feet to a point hereinafter referred to as Point "A"; thence North 01 degree 36 minutes 16 seconds East a distance of 1000.00 feet; thence North 83 degrees 04 minutes 25 seconds East a distance of 4180.09 feet to a point on the north line of the Northeast Quarter of the Southeast Quarter of said Section 6 said point being the actual point of beginning of Zone 2; thence North 89 degrees 17 minutes 03 seconds East, along last

described north line, a distance of 705.98 feet to the westerly right of way line of Rice Lake Road; thence southerly, along last described right of way line, a distance of 2280.58 feet to the east line of the North Half of the South Half of the Southeast Quarter of the Southeast Quarter of said Section 6; thence South 01 degree 03 minutes 54 seconds East, along last described east line, a distance of 39.99 feet to the south line of said North Half of the South Half of the Southeast Quarter of the Southeast Quarter; thence South 89 degrees 00 minutes 30 seconds West, along last described south line, a distance of 457.54 feet to the intersection with a line bearing South 79 degrees 51 minutes 54 seconds East from said Point "A"; thence South 79 degrees 51 minutes 54 seconds East a distance of 4368.29 feet; thence North 00 degrees 07 minutes 11 seconds West a distance of 3643.14 feet to the intersection with a line bearing North 83 degrees 04 minutes 25 seconds East from said point of beginning; thence South 83 degrees 04 minutes 25 seconds West a distance of 4667.96 feet to said point of beginning.

Safety Zone 1 of North End of Runway 3-21

That part of Section 31, Township 51, Range 14, St Louis County, Minnesota, described as follows:

Commencing at the southwest corner of the Southwest Quarter of said Section 31; thence on an assumed bearing of North 89 degrees 22 minutes 07 seconds East, along the south line of said Southwest Quarter, a distance of 56.31 feet to the intersection with the northeasterly extension of the centerline of Runway 3-21; thence North 30 degrees 52 minutes 18 seconds East, along last described northeasterly extension, a distance of 1458.40 feet to the end of the proposed extension of Runway 3-21; thence continuing North 30 degrees 52 minutes 18 seconds East, along last described northeasterly extension, a distance of 200.00 feet; thence South 59 degree 07 minutes 42 seconds East a distance of 500.00 feet to the actual point of beginning of Zone 1; thence North 59 degrees 07 minutes 42 seconds West a distance of 1000.00 feet; thence North 22 degrees 20 minutes 27 seconds East a distance of 3933.06 feet to the intersection with the north line of the Northeast Quarter of the Northwest Quarter of said Section 31; thence North 89 degrees 06 minutes 56 seconds East, along last described north line, a distance of 470.64 feet to the west line of the East 200.00 feet of said Northeast Quarter of the Northwest Quarter; thence South 00 degrees 40 minutes 03 seconds East, along last described west line, a distance of 1323.05 feet to the south line of said Northeast Quarter of the Northwest Quarter; thence North 89 degrees 08 minutes 06 seconds East, along last described south line, a distance of 200.00 feet to the southeast corner of said Northeast Quarter of the Northwest Quarter; thence North 89 degrees 08 minutes 19 seconds East, along the south line of the Northwest Quarter of the Northeast Quarter of said Section 31, a distance of 990.90 feet to the west line of the East Half of the East Half of said Northwest Quarter of the Northeast Quarter; thence North 00 degrees 40 minutes 13 seconds West, along last described west line, a distance of 1323.39 feet to the north line of said Northeast Quarter of Section 31; thence North 89 degrees 07 minutes 22 seconds East, along last described north line, a distance of 990.84 feet to the east line of the West Half of the Northeast Quarter of the Northeast Quarter of said Section 31; thence South 00 degrees 40 minutes 22 seconds East, along last described east line, a distance of 185.61 feet to the intersection with a line bearing North 39 degrees 24 minutes 09 seconds East from said point

of beginning; thence South 39 degrees 24 minutes 09 seconds West a distance of 5184.44 feet to said point of beginning.

Safety Zone 2.5 of North End of Runway 3-21

The Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter, Section 30 and the West Three Quarters of the Northwest Quarter of the Northeast Quarter and the East 200.00 feet of the Northeast Quarter of the Northwest Quarter, Section 31, all located in Township 51, Range 14, St. Louis County, Minnesota.

Safety Zone 1 of West End of Runway 9-27

That part of Sections 3 and 4, Township 50, Range 15, St Louis County, Minnesota, described as follows:

Commencing at the northeast corner of the Southeast Quarter of said Section 3; thence on an assumed bearing of South 00 degrees 17 minutes 07 seconds East, along the east line of said Southeast Quarter, a distance of 523.82 feet to the intersection with the westerly extension of the centerline of Runway 9-27; thence North 88 degrees 23 minutes 44 seconds West, along last described westerly extension, a distance of 817.84 feet to the end of the proposed extension of Runway 9-27; thence continuing North 88 degrees 23 minutes 44 seconds West, along last described westerly extension, a distance of 200.00 feet; thence South 01 degree 36 minutes 16 seconds West a distance of 500.00 feet to the actual point of beginning of Zone 1; thence North 01 degree 36 minutes 16 seconds East a distance of 1000.00 feet; thence North 79 degrees 51 minutes 54 seconds West a distance of 5093.17 feet to the intersection with the south line of the North Half of the North Half of the Southeast Quarter of the Northeast Quarter of said Section 4; thence South 89 degrees 17 minutes 28 seconds West, along last described south line, a distance of 612.03 feet to the west line of said Southeast Quarter of the Northeast Quarter; thence South 00 degrees 29 minutes 37 seconds East, along last described west line, a distance of 986.08 feet to the southwest corner of said Southeast Quarter of the Northeast Quarter; thence North 89 degrees 19 minutes 12 seconds East, along the south line of said Southeast Quarter of the Northeast Quarter, a distance of 1314.17 feet to the southeast corner of said Southeast Quarter of the Northeast Quarter; thence South 00 degrees 11 minutes 17 seconds West, along the east line of the Southeast Quarter of said Section 4, a distance of 1437.77 feet to the intersection with a line bearing South 83 degrees 04 minutes 25 seconds West from said point of beginning; thence North 83 degrees 04 minutes 25 seconds East a distance of 4311.30 feet to said point of beginning.

Safety Zone 2 of West End of Runway 9-27

That part of Section 4, Township 50, Range 15, St Louis County, Minnesota, described as follows:

Commencing at the northeast corner of the Southeast Quarter of Section 3 of said Township 50; thence on an assumed bearing of South 00 degrees 17 minutes 07 seconds East, along the east line of said Southeast Quarter, a distance of 523.82 feet to the intersection with the westerly extension of the centerline of Runway 9-27; thence North 88 degrees 23 minutes 44 seconds West, along last described westerly extension, a distance of 817.84 feet to the end

of the proposed extension of Runway 9-27; thence continuing North 88 degrees 23 minutes 44 seconds West, along last described westerly extension, a distance of 200.00 feet; thence South 01 degree 36 minutes 16 seconds West a distance of 500.00 feet to a point hereinafter referred to as Point "A"; thence North 01 degree 36 minutes 16 seconds East a distance of 1000.00 feet; thence North 79 degrees 51 minutes 54 seconds West a distance of 5093.17 feet to a point on the south line of the North Half of the North Half of the Southeast Quarter of the Northeast Quarter of said Section 4 said point being the actual point of beginning of Zone 2; thence South 89 degrees 17 minutes 28 seconds West, along last described south line, a distance of 612.03 feet to the west line of said Southeast Quarter of the Northeast Quarter; thence South 00 degrees 29 minutes 37 seconds East, along last described west line, a distance of 986.08 feet to the southwest corner of said Southeast Quarter of the Northeast Quarter; thence North 89 degrees 19 minutes 12 seconds East, along the south line of said Southeast Quarter of the Northeast Quarter, a distance of 1314.17 feet to the southeast corner of said Southeast Quarter of the Northeast Quarter; thence South 00 degrees 11 minutes 17 seconds West, along the east line of the Southeast Quarter of said Section 4, a distance of 1325.00 feet to the north line of the Southeast Quarter of the Southeast Quarter of said Section 4; thence South 89 degrees 14 minutes 37 seconds West, along last said north line, a distance of 1304.68 feet to the northwest corner of said Southeast Quarter of the Southeast Quarter; thence South 00 degrees 13 minutes 11 seconds East, along the west line of said Southeast Quarter of the Southeast Quarter, a distance of 253.87 feet to the intersection with a line bearing South 83 degrees 04 minutes 25 seconds West from said Point "A"; thence South 83 degrees 04 minutes 25 seconds West a distance of 3932.53 feet; thence North 00 degrees 07 minutes 11 seconds West a distance of 3854.41 feet to the intersection with a line bearing North 79 degrees 51 minutes 54 seconds West from said point of beginning; thence South 79 degrees 51 minutes 54 seconds East a distance of 4576.98 feet to said point of beginning.

Safety Zone 1 of South End of Runway 3-21

That part of Sections 11 and 12, Township 50, Range 15, St Louis County, Minnesota, described as follows:

Commencing at the northeast corner of the Northwest Quarter of said Section 12; thence on an assumed bearing of South 89 degrees 22 minutes 46 seconds West, along the north line of said Northwest Quarter, a distance of 548.52 feet to the intersection with the southwesterly extension of the centerline of Runway 3-21; thence South 30 degrees 52 minutes 18 seconds West, along last described southwesterly extension, a distance of 349.89 feet to the end of proposed runway 3-21; thence continuing South 30 degrees 52 minutes 18 seconds West, along last described southwesterly extension, a distance of 200.00; thence South 59 degree 07 minutes 42 seconds East a distance of 500.00 feet to the actual point of beginning of Zone 1; thence North 59 degrees 07 minutes 42 seconds West a distance of 1000.00 feet; thence South 37 degrees 59 minutes 48 seconds West a distance of 3104.55 feet to the intersection with the northeasterly right of way line of Miller Trunk Highway; thence South 53 degrees 03 minutes 51 seconds East, along last said northeasterly right of way line, a distance of 739.20 feet to the east line of the Southeast Quarter of said Section 11; thence North 00 degrees 34 minutes 00 seconds West, along last described east line, a distance of

347.40 feet to the intersection with the northwesterly extension of the southwesterly line of Lot 4 of the recorded plat of "ANDERSON'S ACRE TRACTS" on file and of record in the office of the St Louis County Recorder; thence South 54 degrees 08 minutes 29 seconds East, along last described northwesterly extension and said southwesterly line of Lot 4 and the southeasterly extension of said southwesterly line of Lot 4, a distance of 1201.00 feet to the intersection with a line bearing South 23 degrees 51 minutes 10 seconds West from said point of beginning; thence North 23 degrees 51 minutes 10 seconds East a distance of 2989.06 feet to said point of beginning.

Safety Zone 2.5 of South End of Runway 3-21

That part of Sections 11, 12 and 13, Township 50, Range 15, St Louis County, Minnesota, described as follows:

Commencing at the northeast corner of the Northwest Quarter of said Section 12; thence on an assumed bearing of South 89 degrees 22 minutes 46 seconds West, along the north line of said Northwest Quarter, a distance of 548.52 feet to the intersection with the southwesterly extension of the centerline of Runway 3-21; thence South 30 degrees 52 minutes 18 seconds West, along last described southwesterly extension, a distance of 349.89 feet to the end of proposed runway 3-21; thence continuing South 30 degrees 52 minutes 18 seconds West, along last described southwesterly extension, a distance of 200.00; thence South 59 degree 07 minutes 42 seconds East a distance of 500.00 feet to a point hereinafter referred to as Point "A"; thence North 59 degrees 07 minutes 42 seconds West a distance of 1000.00 feet; thence South 37 degrees 59 minutes 48 seconds West a distance of 3104.55 feet to a point on the northeasterly right of way line of Miller Trunk Highway said point being the actual point of beginning of Zone 2.5; thence South 53 degrees 03 minutes 51 seconds East, along last said northeasterly right of way line, a distance of 739.20 feet to the east line of the Southeast Quarter of said Section 11; thence North 00 degrees 34 minutes 00 seconds West, along last described east line, a distance of 347.40 feet to the intersection with the northwesterly extension of the southwesterly line of Lot 4 of the recorded plat of "ANDERSON'S ACRE TRACTS" on file and of record in the office of the St Louis County Recorder; thence South 54 degrees 08 minutes 29 seconds East, along last described northwesterly extension and said southwesterly line of Lot 4 and the southeasterly extension of said southwesterly line of Lot 4, a distance of 1201.00 feet to the intersection with a line bearing South 23 degrees 51 minutes 10 seconds West from said Point "A"; thence South 23 degrees 51 minutes 10 seconds West a distance of 2068.80 feet; thence North 55 degrees 45 minutes 40 seconds West a distance of 2232.99 feet to the intersection with a line bearing South 37 degrees 59 minutes 48 seconds West from said point of beginning; thence North 37 degrees 59 minutes 48 seconds East a distance of 1822.30 feet to said point of beginning.

EXHIBIT B – AIRPORT ZONING MAPS