



City of Duluth

Meeting Agenda Planning Commission.

Tuesday, May 10, 2022

5:00 PM

CALL TO ORDER AND ROLL CALL

APPROVAL OF PLANNING COMMISSION MINUTES

[PL 22-0412](#) Planning Commission Minutes 4/12/22

Attachments: [04-12-2022 PC Minutes \(not approved yet\)](#)

PUBLIC COMMENT ON ITEMS NOT ON AGENDA

CONSENT AGENDA

[PL 22-048](#) Vacation of Alley between Cody Street and Petre Street by Timothy Carter

Attachments: [PL 22-048 Staff report and attachments](#)

[PL 22-054](#) Vacation of Unimproved Lexington Street Between 61st Avenue W and 62nd Avenue W by Stephen and Carol Grams

Attachments: [PL22-054 Staff Report And Attachments_Updated](#)

[PL 22-065](#) Interim Use Permit for Vacation Dwelling Unit at 1320 Minnesota Avenue by Lakeview Land Co.

Attachments: [PL22-065 Staff Report and Attachments](#)

[PL 22-066](#) Interim Use Permit for Vacation Dwelling Unit at 5814 London Road by 5808 London Rd LLC

Attachments: [PL22-066 Staff Report and Attachment](#)

[PL 22-067](#) Minor Subdivision at 1803 Middle Road by Matthew Martin and Miranda Stenstrop

Attachments: [PL 22-067 Staff report and attachments](#)

PUBLIC HEARINGS

[PL 22-049](#) Special Use Permit for Auto Service at 4032 Grand Avenue by Apex Automotive

Attachments: [PL 22-049 Staff report and attachments](#)

[PL 22-047](#) Variance to Exceed Maximum Parking at Southwest Corner of Central Entrance and Anderson Road by Launch Properties/The Jigsaw LLC

Attachments: [PL22-047 Staff Report - final with attachments](#)

[PL 22-060](#) UDC Map Amendment From R-1 to R-2 (for 1.1 Acres) and R-2 to R-1 (0.7 Acres) Near the Southwest Corner of Palm Street and Blackman Avenue by KAMI Holdings, LLC

Attachments: [PL22-060 Staff Report - final with attachments](#)

[PL 22-059](#) Vacation of Portions of Overland Street and Harding Avenue, and Utility Easements, Near Palm Street and Blackman Avenue by KAMI Holdings LLC

Attachments: [PL22-059 Staff Report - final with attachments](#)

[PL 22-061](#) Preliminary Plat of 14 Acres into Kara-Mia Addition at the Southwest Corner of Palm Street and Blackman Avenue by KAMI Holdings LLC

Attachments: [PL22-061 Staff Report final with attachments](#)

[PL 22-064](#) MU-C Planning Review for Fitness Center at 1320 Mountain Shadow Drive by Planet Fitness

Attachments: [PL22-064 Staff Report and Attachments](#)

OLD BUSINESS

[PL 22-045](#) Planning Review for the Higher Education Overlay District at 1303 W Arrowhead Road by 1303, LLC

Attachments: [PL 22-045 Staff report & attachments](#)

COMMUNICATIONS

Land Use Supervisor Report

Historic Preservation Commission Report

Joint Airport Zoning Board Report

Duluth Midway Joint Powers Zoning Board Report

City of Duluth Planning Commission

**April 12, 2022
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 Sarah Wisdorf called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, April 12th, 2022.

Roll Call

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

Members Present: Jason Crawford*, Gary Eckenberg*, Jason Hollinday*, Margie Nelson*, Michael Schraepfer* (entered meeting after approval of the minutes), Andrea Wedul*, and Sarah Wisdorf*

Member Absent: N/A

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

Approval of Planning Commission Minutes -

Planning Commission Meeting – March 08, 2022

MOTION/Second: Eckenberg/Nelson approved

VOTE: (6-0)

Public Comment on Items Not on Agenda

None

(Item PL 22-039 was removed from the consent agenda and placed under public hearings.)

Consent Agenda

(Commissioner Michael Schraepfer recused himself from the consent agenda items.)

PL 22-026 Interim Use Permit for a Vacation Dwelling Unit in an R-1 District at 228 S 59th Avenue W by ALN Properties

PL 22-033 Interim Use Permit for a Vacation Dwelling Unit in an F-2 District at 323 S 17th Ave E by Portland Land Co., LLC

PL 22-034 Interim Use Permit for a Vacation Dwelling Unit in an F-2 District at 4924 Pit St by Endion Land Company, LLC

PL 22-037 Minor Subdivision at 1526 98th Avenue W by Matina Askegard and Paul Askegard

PL 22-041 Vacation of Alley between Redruth Street and Raleigh Street West of 71st Avenue W by the Housing and Redevelopment Authority of Duluth, Minnesota

Commissioners: Gary Eckenberg noted the discrepancy in the staff report on the number of bedrooms for item PL 22-033. Steven Robertson confirmed the cover sheet is accurate and the number of bedrooms is two with a five-occupant limit.

Public: No speakers.

MOTION/Second: Nelson/Crawford approved consent agenda items as per staff recommendations

VOTE: (6-0, Schraepfer Abstained)

Public Hearings

(Commissioner Michael Schraepfer recused himself from the next two agenda items.)

PL 22-039 Interim Use Permit for a Vacation Dwelling Unit in an R-1 District at 120 Aspen Lane by Predictable, LLC

Staff: Chris Lee introduced the applicant's proposal for the use of a 3-bedroom home as a vacation rental unit. The permit would allow a maximum of 7 occupants. This property is located in an R-1 district, and was chosen from the list of eligible properties from the 2021 drawing. Staff recommends approval with the conditions listed in the staff report.

Commissioners: Eckenberg asked about the two entrances on Aspen Lane. Per Lee, it is a double driveway and defers to the applicant. Eckenberg stated there are no outdoor amenities listed, and yet there is a large deck. Per Lee, he can add the outdoor deck as an amenity.

Applicant: Andy and Molly Goldfine addressed the commission. They are excited to move forward. Commissioner Eckenberg asked the applicant if they plan to use the deck as an outdoor amenity, and about the double driveway. Per Andy Goldfine, affirmed it is a double driveway, and will continue to have two access points. They are working hard to make it a good asset for Duluth. Their current rental had six people living there. This vacation rental procedure is a new experience for them. Having stayed at other properties, he feels it will be a good use of their property for others. Heirloom will be their managing agent and can handle any issues that come up, and are available 24 hours a day. They have removed the hot tub from the exterior deck, and are not targeting large groups.

Public: Elizabeth Storaas – 2001 Lakeview Dr. – addressed the commission. She lives three houses away, and is opposed. There is a lot of traffic that passes by. She also doesn't think the staff report complies with Duluth's comprehensive plan regarding support for economic growth. Tourism is not included. This forces doctors and teachers to move to Hermantown. The owner is making a business out of tourism. Single-family homes are dwindling, and she urges the commission to deny the application. Jim Brych – 123 Aspen Ln. – addressed the commission. He lives across the street. He would like to see the quiet hours enforced be moved from 10 p.m. to 9 p.m. He noted seven visitors can spend the night, but there is not limit on visitors to the property. What prohibits parties? When there are nuisances, how is it handled? He would prefer not to have a vacation rental across the street from him. Beth Sobczak and her husband – 2022 Lakeview Dr., - addressed the commission. They are opposed. They bought their home five years ago. The vacation rental being proposed has no added benefit to their neighborhood. This proposal goes against affordable family homes. It is lining the pockets of wealthy business owners. Jordon Sobczak doesn't think the vegetation buffer is adequate. He doesn't know how

the deck was missed originally. There are people working from home during the day, so they would also like it quiet during the day. Sherry Boyce – 2114 Lakeview Dr. – addressed the commission. They have lived in their home since 1984. She is opposed. She urges the commissioners to look at governing principle #5 about strengthening neighborhoods. Tourism does not strengthen neighborhoods. She noted the paved walkway which is heavily used by walkers and cyclists. There is a lot of pedestrian traffic, and she would like the commission to consider the impact on neighborhoods and not as an asset for tourists. Don Mattson – 2030 Lakeview Dr. - addressed the commission. He commented on Commissioner Jason Crawford attending a Bell Bank function in which deals were being made. Deputy Director Fulton noted this is not relevant, and to refrain from personal attacks. Mattson noted the proposed vacation rental will be a highly transient rental property and will reduce the strong sense of community. Lisa Lunge-Larsen – 2011 Lakeview Dr. – addressed the commission. She is opposed. She watches the traffic from her house, and feels it will increase the neighborhood traffic. She feels that short term rentals alter the fabric of the community. Duluth is in dire need of single-family homes.

Staff: Chris Lee answered Byrch's question about nuisances. The managing agent Heirloom Properties can be called if there are loud parties or nuisances.

Commissioners: Chair Wisdorf noted the neighbors will be given the managing agent's information. Andrea Wedul noted the screening waiver based on current homeowners. Can a provision be added in case ownership changes? Lee noted the interim use permit term is six years or whenever ownership changes. Upon renewal they would need to seek approval from the new owners. Eckenberg noted the neighbors' challenges with the compliance of the comprehensive plan. Per Deputy Director Adam Fulton, he appreciates citizen comment. The applicant became eligible to apply due to their increased cap. This increased cap is based on the planning commission's and city council's policy decision. The staff report follows the comprehensive plan. Their policy directive is to provide for opportunities to allow vacation rentals in neighborhoods. The applicant and staff have utilized these standards. Eckenberg added that if the planning commission approves this interim use permit tonight, it can be appealed to the city council. Deputy Director Fulton affirmed, and noted the 10-day timeline to turn in the appeal to the clerk's office. He also noted the interim use permit is not permanent, and has to be renewed every six years. It is easier to rescind than having a special use permit. Margie Nelson noted the city council charged the planning commission to study vacation rentals. They are well versed and educated on how vacation rentals work. They encourage spreading the vacation rentals out into different areas of Duluth.

MOTION/Second: Wedul/Nelson approved as per staff recommendations with condition that the land use supervisor review the screening waiver and possibly determine if more screening is needed.

VOTE: (6-0, Schraepfer Abstained)

PL 22-035 Special Use Permit for a Hotel at 703-723 S Lake Avenue by Park Point Land Co., LLC

Staff: Chris Lee introduced the applicant's proposal to use the property as a 15-unit hotel located within five separate structures. The applicant is not proposing any significant exterior changes to the current structure, but they are proposing to create four new 3-unit structures. The site plan shows 15 parking spaces, which exceeds the required 10 spaces, but does not exceed the maximum. Engineering has stated that two water services will need to be rerouted and stormwater will be required to be treated onsite. Staff received a citizen comment regarding 8th Street and dust. All required parking shall be paved. Staff recommends approval with the eight conditions listed in the staff report.

Commissioners: Eckenberg commented on the dust control on gravel roads. It can be treated to control the dust. Interim Manager Jenn Moses said she can ask Engineering about treating the gravel road. Wedul noted 718 Minnesota Avenue and to make sure their parking

isn't affected. Per Lee, the hotel's parking spaces will need to be on their own parcel. Moses noted they are just showing existing parking on an adjacent lot. It is not meant for the hotel.

Applicant: Nick Adams addressed the commission and confirmed the existing parking will not be for the new triplexes.

Public: No speakers.

Commissioners: Eckenberg loves the style of the buildings, and thinks it is a great design. Wedul stated she also likes the design, and they fit into the neighborhood. Will it be staffed 24 hours a day? Per Moses, in the Unified Development Code (UDC) a hotel desk should be staffed. This was in the old days when you had to have an on-site staff person. Thanks to technology, staff can be available when needed, and will be contactless.

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

VOTE: (6-0, Schraepfer Abstained)

(A five-minute break was taken.)

PL 22-038 MU-C Planning Review for a Church at 43xx Haines Road by New Life Lutheran Church

Staff: Kyle Deming introduced the applicant's proposal to construct a 7,800 sq. ft. church along with a 72-stall parking lot on a 6.3-acre site. The project will add a single driveway access to Haines Rd. Site development has been positioned to avoid three wetlands on the property. No wetland impacts are expected. Storm water detention will be in two basins. The plan shows a sidewalk connecting the church to the sidewalk on Haines Road. The landscape plan shows parking lot islands with trees in compliance with standards. No street frontage landscaping is required due to leaving the existing vegetation in place. A tree inventory has been approved by the City Forester. Staff recommends approval with the conditions listed in the staff report.

Commissioners: Wedul questioned the landscaping design and didn't think standards have been met. Deming will make sure they comply prior to issuing the building permit.

Applicant: Civil Engineer David Bolf addressed the commission, and clarified they are meeting interior landscaping requirements, and will follow up with Deming. They are not asking for a deviation from the standard requirements. Architect Greg Strom addressed the commission and welcomed questions. There were none.

Public: No speakers.

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

VOTE: (7-0)

PL 22-040 Special Use Permit for a Restaurant at 1303 W Arrowhead Road by 1303, LLC

Staff: John Kelley introduced the applicant's proposal for a new 3,500 square foot commercial building with a 1,500 square foot restaurant and outdoor dining area. The second tenant space in the building will be for office use, which is a permitted use. A restaurant less than 5,000 square feet in the MU-N zone district requires a special use permit. The next application pertains to the higher education overlay district. The proposed restaurant will not have a drive-through window or lane. A sidewalk connects the front of the building to the existing sidewalk along West Arrowhead Road. A sidewalk will be constructed along lot frontage on Dodge Avenue. The site plan provides 17 parking spaces, which complied with the standards. There is a 6-foot tall privacy fence shown on the site plan along the north property line for screening between land uses. The UDC also requires three small shrubs per 25 feet of boundary line be installed in front of the fence facing the house. The Land Use Supervisor has determined that the site can't be developed in a manner to protect the existing trees. The applicant has completed a tree replacement plan. The applicant will need to submit a storm water plan for

review and approval prior to obtaining a building permit. Staff recommends approval with the conditions listed in the staff report.

Commissioners: Wedul noted the landscaping plan. Will the parking lot need screening to the East as well? Per Kelley, trees should be spread out. Spacing can be discussed with the applicant. Eckenberg clarified office use is a permitted use. Kelley affirmed. Eckenberg asked if a traffic study has been completed. Per Kelley, in this case, no traffic study is needed. The driveway will be off of Dodge Street and not Arrowhead Road.

Applicant: Alex Bushey addressed the commission and welcomed questions. Wedul asked about the screening to the East side. She also noted the longer than required parking stall length of 19'. Architect Ryan Arola noted they have flexibility with the 19' length, but this is typical for them. Wedul stated she is concerned about them meeting standards for landscaping on the East side. Could the parking be reduced to 18' and spread out the landscaping to the East side? The applicant noted across the street is the neighbor's garage. The landscaping meets the requirements. Wedul stated the UDC's intent is to spread out the landscaping. Chair Wisdorf noted that many citizen comments have been received and will go into the public record.

Public: Eric Butche – 1234 Woodrich Circle – addressed the commission. They live a block away, and feel a traffic study should be done. There have been several accidents between Dodge and Arrowhead. A restaurant will bring more traffic into the neighborhood, and will be a detriment. The east side is not a garage. It is a neighbor's house. He doesn't understand why they are here again. This will have a negative impact on their neighborhood, and is truly disheartening, especially with a driveway on Dodge. Joe Jurewicz – 1714 Dodge Ave. – addresses the commission. He has lived here for four years, and the intersection on Dodge and Arrowhead is terrifying to him. It is almost impossible to turn left. He is not against a commercial development, but is concerned with a restaurant use, which will bring in more traffic. He is also concerned about semi delivery trucks. Arrowhead Road has 13,000 cars a day. There are no corners for a semi-truck to maneuver. Having a restaurant on the corner will take an existing problem, and make it worse. The thanked the commissioners, but said this is not an appropriate use here. Ann Thoreson – 1620 Warren Ave. – addressed the commission. She agrees with her neighbors and is concerned about the commercial zoning. There are no buffers here. Development will go next to houses. This type of development will negatively impact their neighborhood. She is strongly opposed.

Commissioners: Eckenberg asked staff what conversations they have had regarding semi trucks and deliveries. Per Kelley, there was no discussion, and noted it might be a good question for the applicant. Per Bushey, due to the small size of the restaurant, they will use a smaller truck on a more frequent basis. Wedul noted the required setback for the east side is 5', and especially if it is not a garage. There needs to be sensitivity to people who do live there. Eckenberg asked staff about rezoning. This was rezoned in 2018. Kelley affirmed, and noted this is not a rezoning, but a special use permit in this neighborhood.

MOTION/Second: Nelson/Eckenberg denied which is against staff recommendations.

VOTE: (6-1, Wisdorf Opposed)

PL 22-045 Planning Review for the Higher Education Overlay District at 1303 W Arrowhead Road by 1303, LLC

Staff: Jenn Moses stated it is up to the planning commission if they want to proceed with this item. Eckenberg stated since the two items are tied together he doesn't feel a need to discuss.

Applicant: Alex Bushey would like to table.

Public: Eric Butche noted this prolongs the angst, and appreciates proceeding with this.

MOTION/Second: Nelson/Crawford Motion to Table.

VOTE: (6-1, Eckenberg Opposed)

PL 22-042 Special Use Permit for a Cottage Home Park at Redruth Street and S 71st Avenue W by the Housing and Redevelopment Authority of Duluth, Minnesota

Staff: Kyle Deming introduced the applicant's proposal for a special use permit for a cottage home park development with 18 dwellings connected to two 13 vehicle parking lots via an interconnected sidewalk system through common open space. The developer will also add sidewalks along 71st Avenue West and Redruth Street for connectivity between the internal sidewalks and the existing neighborhood's sidewalks. The buildings will be stick built with a slab on grade. Staff recommends approval with the conditions listed in the staff report.

Commissioners: Eckenberg noted a discrepancy regarding two of the dwellings being placed at an angle. Deming deferred to the applicant. Wedul asked if a wetland is determined, would it be mitigated? Per Deming if a wetland is identified, they will evaluate to determine mitigation.

Applicant: Jill Keppers addressed the commission. The positioning of the buildings will be determined later. She thanked the commissioners and noted they are eager to add affordable housing to Duluth. This will be good for the Duluth work force, and for small families.

Public: No speakers.

Commissioners: Wedul is excited about this plan, and noted it meets the intent of cottage homes. Chair Wisdorf echoes Wedul's comment, and is also excited about the project.

MOTION/Second: Nelson/Wedul approved as per staff recommendations.

VOTE: (7-0)

Old Business

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

Item to Remain on the Table for more Plat Research.

Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton gave an overview. He thanked Jenn Moses for serving as interim manager. He noted Jason Hale accepted a new position with Cook County as the Executive Director of HRA. The senior housing developer position has been posted.

Heritage Preservation Commission – No update.

Joint Airport Zoning Board – No update.

Duluth Midway Joint Powers Zoning Board – No update.

Adjournment

Meeting adjourned at 8:02 p.m.

Respectfully,

Adam Fulton – Deputy Director
Planning & Economic Development

File Number	PL 22-048	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Vacation of Platted Alley	Planning Commission Date	May 10, 2022	
Deadline for Action	Application Date	March 29, 2022	60 Days	May 28, 2022
	Date Extension Letter Mailed	April 14, 2022	120 Days	July 27, 2022
Location of Subject	The 16 foot wide alley between Block 11 and Block 6 of the recorded plat of Dodges Addition To Duluth			
Applicant	Timothy Carter & Karen Carter - Attia	Contact		
Agent		Contact		
Legal Description	See Attached			
Site Visit Date	April 28, 2022	Sign Notice Date	April 26, 2022	
Neighbor Letter Date	April 27, 2022	Number of Letters Sent	36	

Proposal

The applicant is requesting to vacate 16-foot wide alley between Block 11 and Block 6 of the recorded plat of Dodges Addition To Duluth, located in the Cody neighborhood.

Staff is recommending approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Alley	Traditional Neighborhood
North	R-1	Single Family	Traditional Neighborhood
South	R-1	Vacant/Undeveloped	Traditional Neighborhood
East	R-1	Single Family	Traditional Neighborhood
West	R-1	Vacant/Undeveloped	Traditional Neighborhood

Summary of Code Requirements:

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

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

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

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

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

Governing Principle #5 - Promote reinvestment in neighborhoods.

The vacation will allow for existing vacant parcels to be reconfigured for single family dwellings.

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.

Review and Discussion Items:

Staff finds that:

1. The applicant is requesting to vacate an unimproved platted alley right of way between Block 11 and Block 6 of the recorded plat of Dodges Addition to Duluth as shown on the attached exhibit.
2. The proposed vacation will allow existing vacant parcels adjacent to the alley to be reconfigured for single-family dwellings.
3. The alley was platted in the Dodges Addition to Duluth but never utilized for its intended purpose as there is no pavement nor utilities installed.
4. The alley will not be needed by the City for the promotion of public health, safety, or welfare of the citizens of Duluth since the alley is currently unimproved and City Engineering does not expect to need it in the future.
5. The City has determined that this portion of the alley right of way is not needed for street or pedestrian use. Vacating the right of way will not impact or deny access to other property owners.
6. Other than City Engineering, no other public or City comments have been received at the time of drafting this report.
7. Vacations of rights of way and easements lapse unless the vacation is recorded with the county recorder within 90 days after final approval. The vacation recording is facilitated by the City of Duluth.


Staff Recommendation:

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

- 1.) The vacation must be recorded within 90 days of final approval by City Council or such approval will lapse.



PL 22-048
Alley to be vacated

Legend
 Zoning Boundaries

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



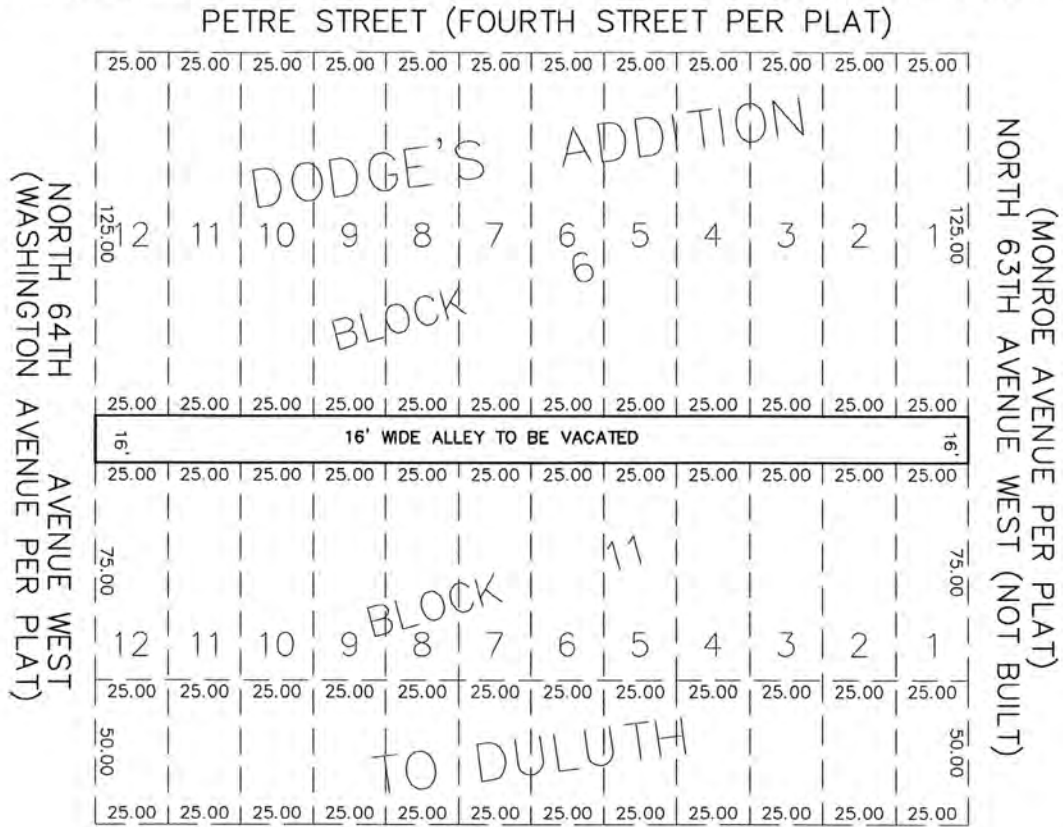
SURVEY FOR: ISAAC SULLIVAN
 13635 HARWELL PATH
 APPLE VALLEY, MN 55124

SURVEY OF: 16 FOOT WIDE ALLEY TO BE VACATED BETWEEN
 BLOCK 6 AND BLOCK 11, "DODGE'S ADDITION TO
 DULUTH" ST. LOUIS COUNTY, MINNESOTA.

- ⊙ DENOTES FOUND IRON MONUMENT
- DENOTES 3/4" IRON REBAR MONUMENT SET AND CAPPED "ANDERSON 45498"
- △ DENOTES "MAG" NAIL SET

STRAIGHTLINE SURVEYING, INC.
 P.O. Box 510, 500 Fols Blvd Telephone: (218)-485-4811
 Moose Lake, MN 55767 Fax: (218)-485-4811
 E-MAIL: banderson@straightlinesurveying.com

SCALE 1" = 40'
 20 10 0 20 40



SKJ 4-18-22
 CITY OF DULUTH CITY ENGINEER

CODY STREET (THIRD STREET PER PLAT)

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.

Benjamin H. Anderson
 Benjamin H. Anderson

45498
 License No.

04-14-2022
 Date

2022-023
 Job No.

NONE
 Book No.

Legal Description of 16.00 Foot Wide Alley to be Vacated

The 16.00 foot wide alley lying between Block 11 and Block 6 of the recorded plat of "DODGE'S ADDITION TO DULUTH" on file and of record in the office of the St. Louis County Recorder, St. Louis County, Minnesota.

Legal Description of 16.00 Foot Wide Alley to be Vacated

The 16.00 foot wide alley lying between Block 11 and Block 6 of the recorded plat of "DODGE'S ADDITION TO DULUTH" on file and of record in the office of the St. Louis County Recorder, St. Louis County, Minnesota.

Legal Description of 16.00 Foot Wide Alley to be Vacated

The 16.00 foot wide alley lying between Block 11 and Block 6 of the recorded plat of "DODGE'S ADDITION TO DULUTH" on file and of record in the office of the St. Louis County Recorder, St. Louis County, Minnesota.

File Number	PL 22-054	Contact	Chris Lee, clee@duluthmn.gov	
Type	Vacation of unimproved street	Planning Commission Date	May 10, 2022	
Deadline for Action	Application Date	March 29, 2022	60 Days	May 8, 2022
	Date Extension Letter Mailed	April 8, 2022	120 Days	July 7, 2022
Location of Subject	Lexington Street between N 61 st Ave West and N 62 nd Ave West			
Applicant	Steven and Carol Grams	Contact		
Agent		Contact		
Legal Description	See Attached			
Site Visit Date	April 25, 2022	Sign Notice Date	April 26 2022	
Neighbor Letter Date	April 25, 2022	Number of Letters Sent	27	

Proposal

Vacation of the unimproved platted right of way between 61st Avenue West and 62nd Avenue West

Staff Recommendation

Staff recommends approval with conditions. Vacations are recommended by the Planning Commission, and approved by the City Council via resolution.

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

Summary of Code Requirements:

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

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

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

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

Governing Principle #5 – Promote reinvestment in neighborhoods. Vacating this alley will allow previously unused property to be converted to private property which increases the City’s tax base.

Governing Principle #7 – Create and maintain connectivity. Vacating this alley will not reduce connectivity since it has never been improved and will not be needed by the planned development.

Governing Principle #12 – Create efficiencies in delivery of public services. Vacating the alley will reduce future costs to the City because it won’t need to be maintained by the City.

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.

Review and Discussion Items:

1. The applicant is requesting to vacate the 66-foot-wide platted, unimproved street between 61st Avenue West and 62nd Avenue West, of Kimberly & Stryker’s Addition to Duluth
2. The purpose of vacating the street is for preservation of green space.
3. The street will not be needed by the City for the efficient supply of utilities or public services in the City, nor for the promotion of public health, safety, or welfare of the citizens of Duluth since the alley is currently unimproved and City Engineering does not expect to need it in the future.
4. City Engineering stated that a private easement will be required to resolve a private sewer connection that will be located on an adjacent property. No other public or City comments have been received at the time of drafting this report.
5. Vacations of rights of way and easements lapse unless the vacation is recorded with the county recorder within 90 days after final approval. The vacation recording is facilitated by the City of Duluth.

Staff Recommendation:

Based on the above findings, staff recommends that Planning Commission recommend to City Council approval of the petitioned alley vacation with the following condition:

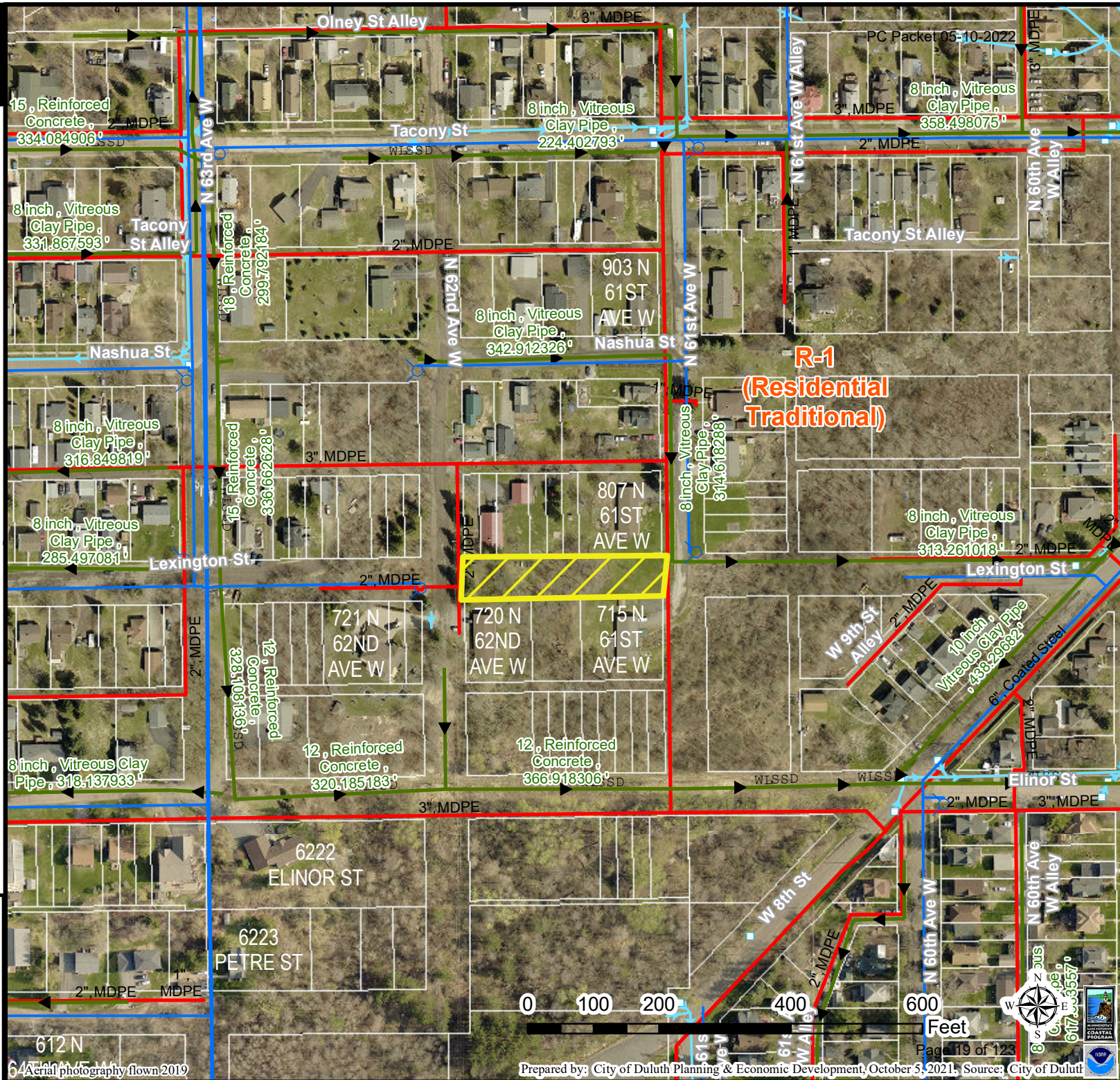
1. The vacation must be recorded within 90 days of final approval by City Council, or such approval will lapse.



PL22-054
Vacation of Right of Way
Lexington Street

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
- Zoning Boundaries



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PL22-054
Vacation of Right of Way
Lexington Street

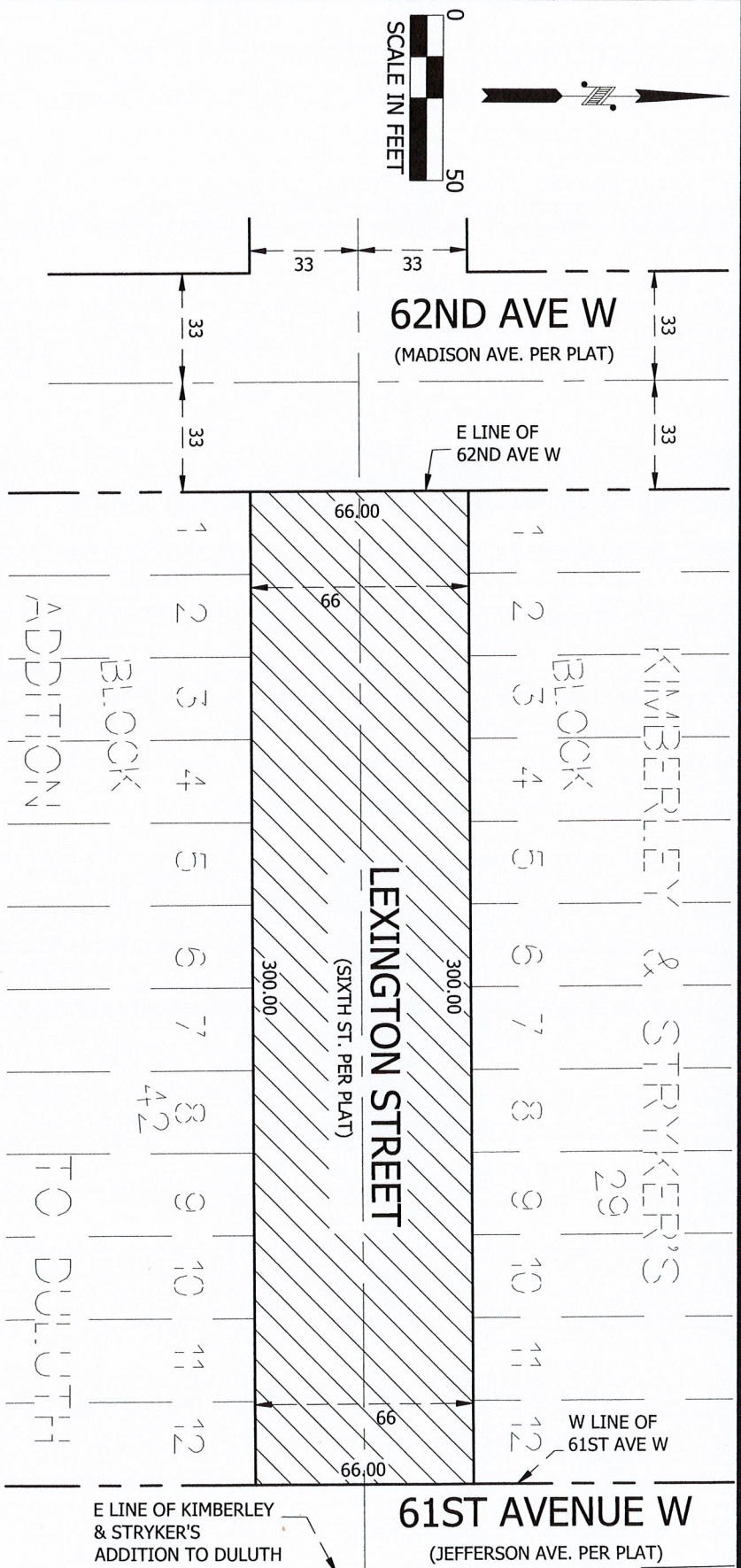
Legend

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



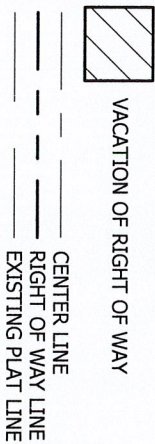
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LEGAL DESCRIPTION OF PROPOSED RIGHT OF WAY VACATION

All that part of Lexington Street (Sixth St. per plat) lying East of the East line of 62nd Avenue West (Madison Ave. per plat) and lying West of the West line of 61st Avenue West (Jefferson Ave. per plat) as dedicated on KIMBERLEY & STRYKER'S ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County Minnesota. Said proposed right of way area to be vacated contains 19,800 Sq. Feet or 0.45 Acres.



LEGEND

1. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
2. THIS IS NOT A BOUNDARY SURVEY.

SURVEYOR'S NOTES

Approved by the City Engineer of the City of Duluth, MN this _____ day of _____ 20____
By _____

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
David R. Evans
David R. Evans
MN License #49505
DATE: 12-17-2021

VACATION EXHIBIT

CLIENT: CAROL GRAMS

REVISIONS:

ADDRESS: 720 N 62ND AVE W,
DULUTH, MN 55807

DATE: 12-17-2021

JOB NO: 21-386

SHEET 1 OF 1



File Number	PL 22-065	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date	May 10, 2022	
Deadline for Action	Application Date	April 7, 2022	60 Days	June 6, 2022
	Date Extension Letter Mailed	April 20, 2022	120 Days	August 5, 2022
Location of Subject	1320 Minnesota Avenue			
Applicant	Lakeview Land Co. LLC	Contact	mike@rentwithheirloom.com	
Agent	Heirloom Property Management	Contact	admin@rentwithheirloom.com	
Legal Description	PID # 010-4390-00600			
Site Visit Date	April 25, 2022	Sign Notice Date	April 26, 2022	
Neighbor Letter Date	April 25, 2022	Number of Letters Sent	32	

Proposal

Applicant proposes to use a two-bedroom home as a vacation dwelling unit. Up to 5 people will be allowed to stay in the home.

The applicant was on the vacation dwelling unit eligibility list.

Recommended Action: Staff recommends that Planning Commission approve.

	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:

UDC Section 50-19.8. Permitted Use Table. A vacation dwelling unit is an Interim Use in the R-1 zone district.

UDC Section 50-20.3. Use-Specific Standards. Lists all standards specific to vacation dwelling units.

UDC Sec. 50-37.10.E . . . the commission shall only approve an interim use permit, or approve it with conditions, if it determines that: 1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location; 2. The applicant agrees to sign a development agreement with the city.

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

Governing Principle #8 - Encourage mix of activities, uses, and densities. A short-term rental allows property owners to generate income and provide a service for tourists.

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

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

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

History: This 1,176 sq. ft. 2 story home was constructed in 1899 and contains 2 bedrooms.

Review and Discussion Items:

- 1) Applicant's property is located at 1320 Minnesota Avenue. The proposed vacation dwelling unit contains 2 bedrooms, which would allow for a maximum of 5 guests.
- 2) The applicant is proposing the minimum 2 off street parking spaces on the driveway and garage
- 3) The applicant has indicated there will not be a space for camper or trailer storage by VDU guests.
- 4) The applicant indicates existing fencing on all sides closing in the rear yard area. This meets the screening condition.
- 5) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed Heirloom Property Management to serve as the managing agent.
- 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 Dwelling Unit 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 were received from citizens, City staff, or any other entity were received regarding the application.
- 10) The permit will expire 6 years from the approval date. The permit will lapse if no activity takes place within 1 year of approval.

Staff Recommendation:

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

- 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.
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PL22-065
Interim Use Permit
1320 Minnesota Ave

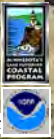
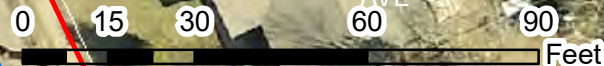
PC Packet 05-10-2022

Legend

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



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Aerial photography flown 2019

Prepared by: City of Duluth Planning & Economic Development, October 5, 2021. Source: City of Duluth

↑
1318 Minnesota
ave

↑
1324
Minnesota
(Common ownership)

6' Fence

26'

Garage

24'

6' Fence

4 Large Pine
Trees

4' Fence

Parking

Deck

7.5' Fence

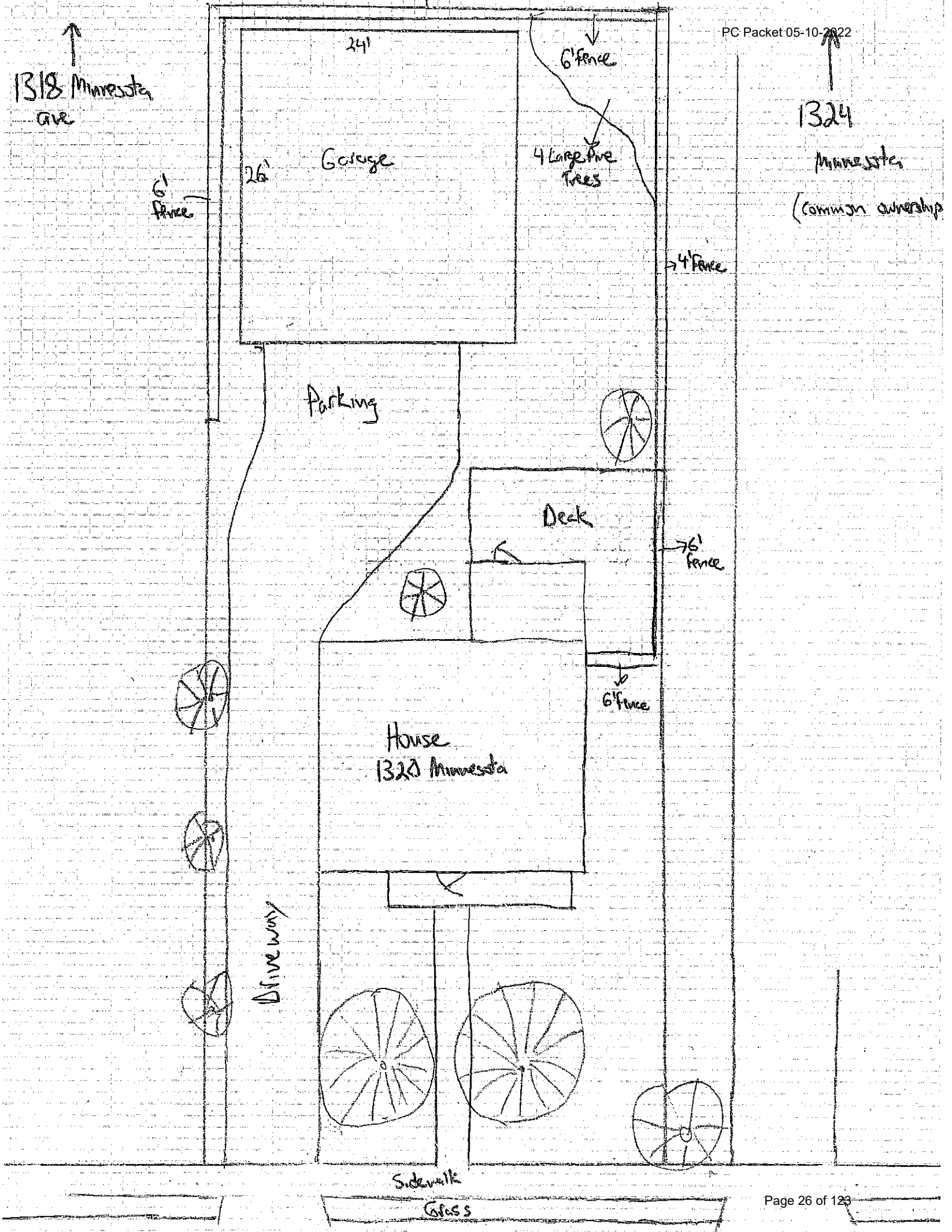
6' Fence

House
1320 Minnesota

Driveway

Sidewalk

Grass



From: [planning](#)
To: [Chris Lee](#)
Subject: FW: PL 22-065 Interim Use Permit 1320 Minnesota Ave Vacation Rental
Date: Tuesday, May 3, 2022 11:55:57 AM

-----Original Message-----

From: Nancy Anderson [REDACTED]
Sent: Tuesday, May 3, 2022 10:02 AM
To: planning <planning@DuluthMN.gov>
Subject: PL 22-065 Interim Use Permit 1320 Minnesota Ave Vacation Rental

Dear Planning Commission Members,

Re: 1320 Minnesota Ave Interim Use Permit Vacation Rental

We currently have 3 registered vacation rental properties our block that we are aware of, and another 3 (including the subject property) that appear to be used as short term rental dwellings.

We have a shortage of on street parking spots, especially during the summer months when beach goers either use 14th Street as beach access, or overflow from the full parking lot at the S Curve and park along Minnesota Avenue and 14th Street.

It would be great if vacation rental properties were required to use off street parking. In the past, these units have been used for family gatherings, parties, and wedding/shower/graduation celebrations. This results in many more people and cars than the units are rented to, with both street and sidewalk congestion.

Thank you,

Nancy and Glenn Anderson
1339 Minnesota Avenue
[REDACTED]

Sent from my iPad

File Number	PL 22-066	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date		May 10, 2022
Deadline for Action	Application Date	April 7, 2022	60 Days	June 6, 2022
	Date Extension Letter Mailed	April 20, 2022	120 Days	August 5, 2022
Location of Subject	5814 London Road			
Applicant	5808 London Road LLC	Contact	Dean Jablonsky	
Agent		Contact		
Legal Description	PID # 010-2830-00171			
Site Visit Date	April 25, 2022	Sign Notice Date		April 26, 2022
Neighbor Letter Date	April 25, 2022	Number of Letters Sent		27

Proposal

Applicant proposes to use a two-bedroom home as a vacation dwelling unit. Up to 5 people will be allowed to stay in the home.

The applicant was on the vacation dwelling unit eligibility list.

Recommended Action: Staff recommends that Planning Commission approve.

	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	Lake	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A vacation dwelling unit is an Interim Use in the R-1 zone district.

UDC Section 50-20.3. Use-Specific Standards. Lists all standards specific to vacation dwelling units.

UDC Sec. 50-37.10.E . . . the commission shall only approve an interim use permit, or approve it with conditions, if it determines that: 1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location; 2. The applicant agrees to sign a development agreement with the city.

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

Governing Principle #8 - Encourage mix of activities, uses, and densities. A short-term rental allows property owners to generate income and provide a service for tourists.

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

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

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

History: This 800 sq. ft. 2 story bungalow contains 2 bedrooms.

Review and Discussion Items:

- 1) Applicant's property is located at 5814 London Road (Parcel A as shown on attached site plan). The proposed vacation dwelling unit contains 2 bedrooms, which would allow for a maximum of 5 guests.
- 2) The applicant is proposing 2 off street parking spaces on a shared access drive with the west property. There is an agreement in place. Access to the site and parking area will be from London Road.
- 3) The applicant has indicated there will not be a space for camper or trailer storage by VDU guests.
- 4) The applicant owns the adjacent property to the west and has indicated in writing that a dense urban screen is not required between the properties. Applicant will be required to screen the east property line.
- 5) 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 Bluwaterlodging, Darren Jablonsky, to serve as the managing agent.
- 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 Dwelling Unit 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 have been received from citizens, City staff, or any other entity were received regarding the application.
- 10) The permit will expire 6 years from the approval date. The permit will lapse if no activity takes place within 1 year of approval.

Staff Recommendation:

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

- 1) The Interim Use Permit shall not be effective until the applicant has received all required licenses and permits for operation.
- 2) Applicant will install the required dense urban screen on the east property line.
- 3) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 4) 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 administration approval shall constitute a variance from the provisions of Chapter 50.



PL22-066
Interim Use Permit
5814 London Road

PC Packet 05-10-2022

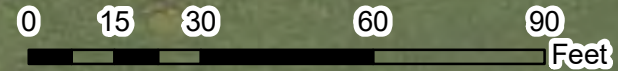
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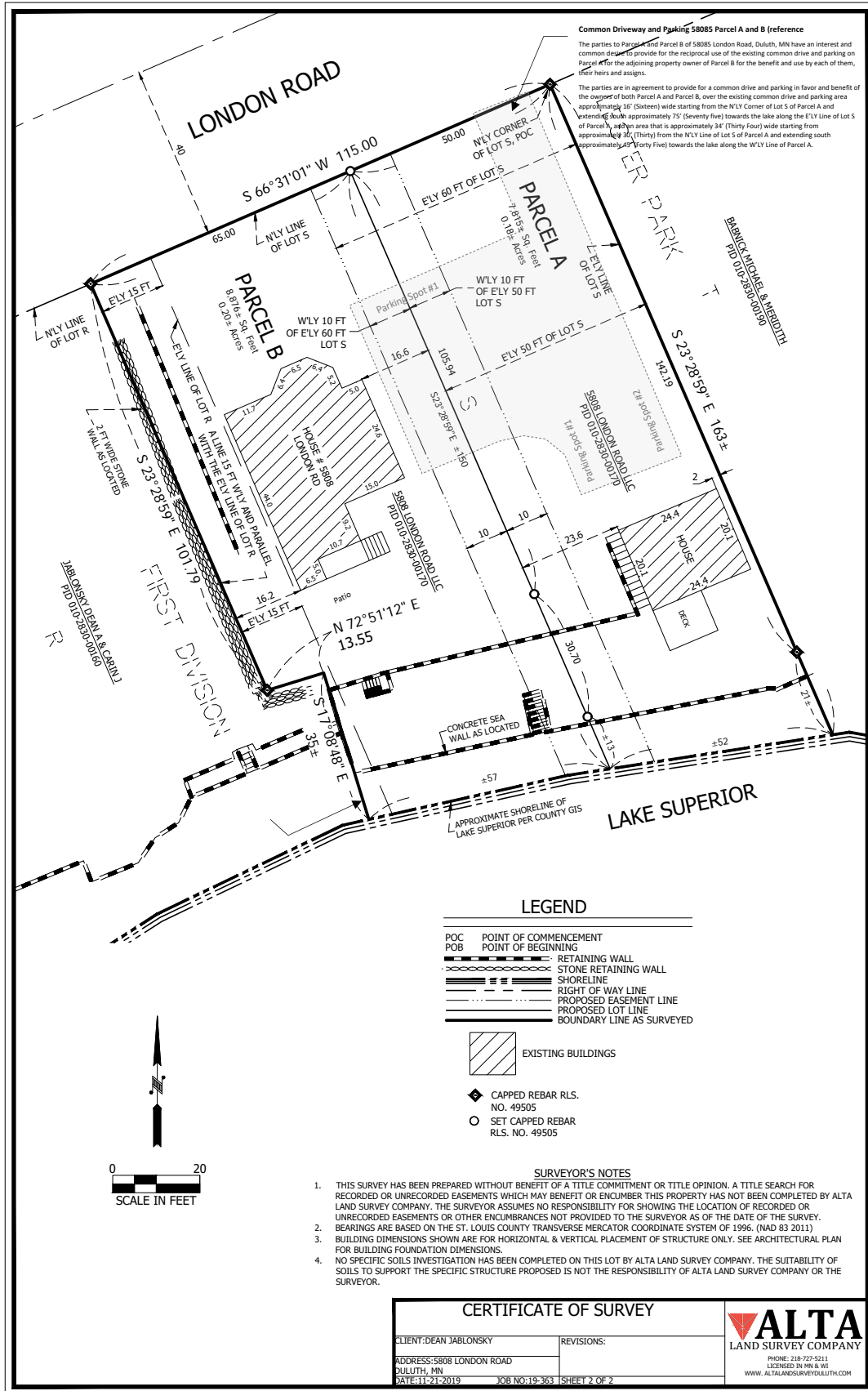
- Gas Main
- Water Main
- Hydrant
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- CITY OF DULUTH
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- Zoning Boundaries



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Aerial photography flown 2019







Date: March 22th, 2022
Re: 5814 London Road Interim Use Permit
Topic: Dense Urban Screen

To Whom It May Concern

I, Dean Jablonsky, owner of property located at 5808 London Road, Duluth MN do not want my neighbor located 5814 London Road, Duluth, MN to add additional (or any) dense urban screening between our properties as part of his interim use permit. I'm fully supportive of my neighbor receiving his Vacation Dwelling Interim Use permit. If you have any questions, please let me know.

Sincerely,


Dean Jablonsky, Owner

Office of the Minnesota Secretary of State Certificate of Organization

I, Steve Simon, Secretary of State of Minnesota, do certify that: The following business entity has duly complied with the relevant provisions of Minnesota Statutes listed below, and is formed or authorized to do business in Minnesota on and after this date with all the powers, rights and privileges, and subject to the limitations, duties and restrictions, set forth in that chapter.

The business entity is now legally registered under the laws of Minnesota.

Name: 5808 London Road LLC

File Number: 1098685500023

Minnesota Statutes, Chapter: 322C

This certificate has been issued on: 08/28/2019




Steve Simon
Secretary of State
State of Minnesota



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 22-067	Contact	John Kelley, jkelly@duluthmn.gov	
Type	Minor Subdivision	Planning Commission Date	May 10, 2022	
Deadline for Action	Application Date	April 7, 2022	60 Days	June 6, 2022
	Date Extension Letter Mailed	April 14, 2022	120 Days	August 5, 2022
Location of Subject	Middle Road – PID 010-3470-00530			
Applicant	Matthew Martin & Miranda Stenstrup	Contact		
Agent		Contact		
Legal Description	See Attached			
Site Visit Date	April 29, 2002	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 83,000 square feet and the division will create two lots. Both Parcel A and Parcel B will be 41,565 square feet.

Recommended Action: Approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Low Density Neighborhood
North	R-1	Residential	Rural Residential
South	R-1	Residential	Low Density Neighborhood
East	R-1	Residential	Low Density Neighborhood
West	R-1	Residential	Low Density 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: (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 #5 Promote reinvestment in neighborhoods. Duluth is strongly defined by its neighborhoods. This system should be supported through land use and transportation that foster neighborhood reinvestment. New development or redevelopment should maximize public investment that strengthens neighborhood commercial centers or diversifies residential opportunities that fit the neighborhood's character.

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

History: The current parcel contains 83,130 square feet and has an existing single family home. The underlying plat is "Norton's Acre Outlots Duluth." The existing tax parcel consists of two previously platted lots with frontage on the platted Middle Road.

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 Middle Road.
2. Parcel A has an existing 1,200 square foot single family dwelling that would still meet all required setbacks and other regulations after the proposed subdivision. The applicant proposes to sell Parcel B.
3. Both parcels are zoned R-1, which has a minimum lot size of 4,000 square feet. Both parcels have the required street frontage along Middle Road. The proposed subdivision, if approved, would not make the parcels non-conforming due to lot frontage, lot area, or similar bulk standard.
4. The City Engineering Department will require sewer and water fees to be paid for future use of the parcel B. No other public, agency, or other City comments were received.
5. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
6. Approval of this Minor Subdivision signifies that City of Duluth UDC standards are met. St. Louis County may have additional requirements. This subdivision approval lapses if deeds are not recorded with St. Louis County within 180 days. Applicant must provide the City with proof of recording.

Staff Recommendation

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

1. Appropriate deeds be filed with St. Louis County within 180 days. Prior to recording the deed that results from this adjustment, the Planning Division will need to stamp the deed, indicating compliance with the local zoning code.
2. 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 22-067
Minor Suvdivision

PS Packet 05-10-2022

347000500

347000490

347000470

347000460

347000450

347000530

347000570

347000635

347000510

347000520

**R-1
(Residential
Traditional)**

347000630

347000636

Legend
Zoning Boundaries

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Middle Road



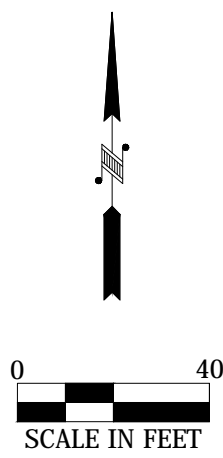
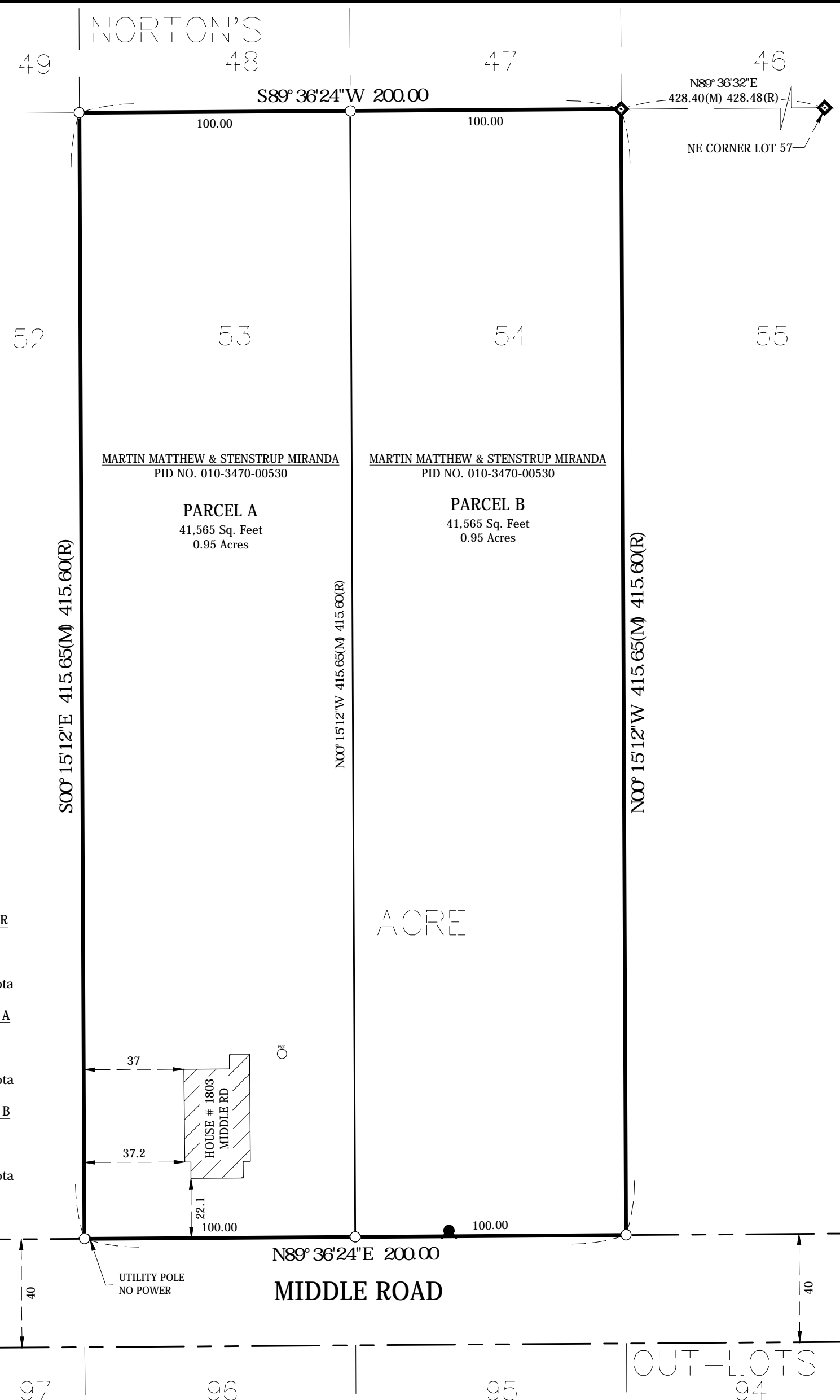
Aerial photography flown 2016

347001011

347001012 Page 39 of 123

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





PARENT LEGAL DESCRIPTION PER DOC. NO. 1412477

Lots 53 and 54, Norton's Acre Outlots, St. Louis County, Minnesota

LEGAL DESCRIPTION OF PARCEL A

Lot 53, Norton's Acre Outlots, according to the recorded plat thereof, St. Louis County, Minnesota

LEGAL DESCRIPTION OF PARCEL B

Lot 54, Norton's Acre Outlots, according to the recorded plat thereof, St. Louis County, Minnesota

ACRE

LEGEND

- EXISTING BUILDINGS
- (M)-FIELD MEASURED DIMENSION
- (R)-RECORD DIMENSION
- CENTER LINE
- RIGHT OF WAY LINE
- BOUNDARY LINE AS SURVEYED
- EXISTING PLAT LINE
- PROPOSED LOT LINE
- HYDRANT
- PVC CLEANOUT
- FOUND CAPPED REBAR RLS. NO. 49505
- SET CAPPED REBAR RLS. NO. 49505
- UTILITY POLE

SURVEYOR'S NOTES

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

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

David R. Evanson
 David R. Evanson
 MN License #49505
 DATE: 02-24-2022

CERTIFICATE OF SURVEY

CLIENT: MATT MARTIN
 ADDRESS: 1803 MIDDLE RD,
 DULUTH, MN 55811
 DATE: 2-24-2022

REVISIONS: 4-18-22 REVISE TO REFLECT A MINOR SUBDIVISION OF PARENT PARCEL

JOB NO: 02-029
 SHEET 1 OF 1



File Number	PL 22-049	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Special Use Permit – Automobile and light vehicle, service	Planning Commission Date		May 10, 2022
Deadline for Action	Application Date	March 15, 2022	60 Days	May 14, 2022
	Date Extension Letter Mailed	April 14, 2022	120 Days	July 3, 2022
Location of Subject	4032 Grand Avenue			
Applicant	Michael Lykins	Contact		
Agent		Contact		
Legal Description	PIN: 010-2120-01230			
Site Visit Date	April 29, 2022	Sign Notice Date	April 26, 2022	
Neighbor Letter Date	April 28, 2022	Number of Letters Sent	31	

Proposal

Applicant proposes to operate an automobile and light vehicle service in an existing 2,500 square foot building in an MU-N district. An auto service in a MU-N District requires a Special Use Permit.

Recommended Action: Approve with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Automobile service garage	Neighborhood Commercial
North	MU-N	Office	Neighborhood Commercial
South	MU-C	Commercial	Neighborhood Commercial
East	MU-C	Commercial	Neighborhood Commercial
West	MU-N	Residential	Neighborhood Commercial

Summary of Code Requirements

Sec. 50-37.10 – Special Use Permits: Planning Commission shall approve the application or approve it with modifications, if it is determined that the application meets the following criteria:

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

Sec. 50-20.3.C

C. Automobile and light vehicle repair and service.

1. No displays or storage of merchandise, parts or refuse may be located closer than 20 feet from any public right-of-way;
2. A dense urban screen must be installed and maintained along all side and rear property lines abutting a residential or mixed use district;
3. All areas for outdoor storage of automobiles or light vehicles shall be screened from adjacent properties by a dense urban screen regardless of the use on the adjacent property;

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

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

Governing Principle #8 – Encourage mix of activities, uses, and densities. Project proposes to offer automobile repair service for the immediate neighborhood and surrounding area residents.

Zoning—Mixed Use-Neighborhood (MU-N): a mix of neighborhood-scale, neighborhood serving non-residential uses and a range of residential uses located in close proximity. Non-residential uses may include small-scale retail, service and professional offices that provide goods and services to the residents of the surrounding neighborhood.

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

History: The 2,500 square foot building was constructed in 1926 and has been used in the past for automobile service and repair.

Review and Discussion Items

Staff finds that:

1. Applicant is proposing to operate an automobile and light vehicle, service in a Mixed Use Neighborhood zoned district. The existing 2,500 square foot structure and parking area will be used for the auto service business.
2. Automobile services allows service such as tire repair, oil changes, detailing, and other similar activities, but does not allow repair activities such as rebuilding of automobiles, body repair and painting, or any type of scrap/salvage work.
3. An auto service business requires a Special Use Permit to operate in a MU-N district. The property and building have been previously used for automobile service however that use has not been active for a few years and to allow for the use now will require a special use permit.
4. The site will require a dense urban screen to be installed and maintained along all side and rear property lines abutting a residential or mixed use district. The site plan depicts a 6 foot tall fence along the rear side property line abutting the apartment building to the east. The property to the south is zoned Mixed Use Commercial but does not abut the applicants property. The applicant cannot have displays or storage of merchandise, parts or refuse to be located closer than 20 feet from any public right-of-way, which includes Grand Avenue, North 41st Avenue West and Grand Avenue Alley.
5. 50-24 (Parking and Loading). Automobile and light vehicle repair service requires 2 spaces per 1,000 sq. ft. of gross floor area, so the proposed use would require a minimum of 5 parking spaces. The site plan shows that 6 parking spaces could be accommodated on the site. No more than 50% of parking can be in the front yard area. The rear of the building parking area appears to be vegetated and will need to be paved for parking. The applicant cannot park vehicles along North 41st Avenue West adjacent to the building. All vehicles on site for servicing must be stored within the building.

- 6. Sec. 50-25 (Landscaping and Tree Preservation). Not applicable. However the applicant will be installing a 6 foot tall fence on the rear east property line between the adjacent apartment building and the rear yard area of the automobile service garage for screening purposes.
- 7. 50-26 (Screening, Walls and Fences). The site has two dumpsters located at the rear of the property. If the applicant is to retain the containers a dumpster enclosure will need to be constructed meeting the requirements of the UDC.
- 8. Sec. 50-29 (Sustainability Standards). Not applicable.
- 9. Sec. 50-30 (Building Design Standards). Not applicable.
- 10. UDC Sec. 50-31 (Exterior Lighting). The applicant has not provided any lighting details. All lighting will have to be downcast with cutoff fixtures and will need to meet other requirements listed in Section 50-31.
- 11. No agency, department or citizen comments were received at the time that this report was written.

Staff Recommendation

Based on the above findings, staff recommends that Planning Commission adopt the findings of fact in the staff report and approve the special use permit with the following conditions:

- 1) The project be limited, constructed, and maintained consistent with the site plan submitted with the application and attached to this staff report.
- 2) Applicant shall pave the parking areas at the rear of the building for parking of vehicles.
- 3) All vehicles on the property for servicing must be stored within the building.
- 4) The applicant shall not park vehicles for servicing along North 41st Avenue West adjacent to the building.
- 5) Dumpsters located on the property must be screened by a dumpster enclosure that fully conforms to the requirements of the UDC.
- 6) No outside storage of vehicles or parts shall be allowed.
- 7) All vehicles on the site must be licensed and generally operational.
- 8) All exterior lighting must meet UDC requirements.
- 9) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



Grand Ave

212001260

Site

212001230

212001250

MU-N (Mixed Use Neighborhood)

Legend
 Zoning Boundaries

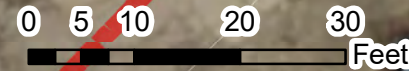
212000580

Grand Ave Alley

MU-B (Mixed Use Business Park)

N 41st Ave W

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.



No Negative Impact

It is plain to see Duluth's beauty on display everywhere you look. As such it is imperative that any use of the city or its land has no negative impacts on the neighborhood or the land itself. These impacts involve both the image and the land itself.

In the interests of the image of the lot we have been diligently improving the building and the lot. As the building sat vacant for many years, it had a run down appearance with graffiti and broken windows. Many efforts have been made to make this a thing of the past with new paint and glass removal. Many of the efforts to make this a serviceable space have generated waste in the past. However, all waste from improvements have been dealt with diligently and environmentally conscious in the past and will remain so. We also have access to indoor, underground parking to minimize the effects of vehicular inventory on the exterior of the building.

Beyond simply not allowing the shop to look derelict, there are plans to truly beautify the location above and beyond the minimum requirements of the city. A good example is the city's stance on screening. As there is an apartment complex next to the building, a screen or privacy fence is required on the rear of the building. We plan to go a step further. Our goal is that once the ground thaws to install a latticework trellis for either hanging plants or climbing vines. We have plans to work with local gardeners to help with the upkeep of this small scale garden and are currently exploring the idea of fruit bearing bushes at the edge of the property. In the future we hope to be able to work with the next door apartments to make the entire shared grass area a beautiful focal point.

The final part of the plan to limit the negative impact on the community is to have proper disposal of automotive related waste. Automobiles generate many various forms of waste from used fluids to damaged parts. We work directly with local scrappers to remove the metallic waste directly from inside our shop on a regular basis. This limits exposure to piles of metal often seen on the outside of automotive shops and furthers the image of an establishment of class. All of our fluids are responsibly disposed of via the nearby WSSLD. With our shop being the closest one to the waste site we are amply situated to remove these harmful chemicals with no negative impact to the land or the people it serves.

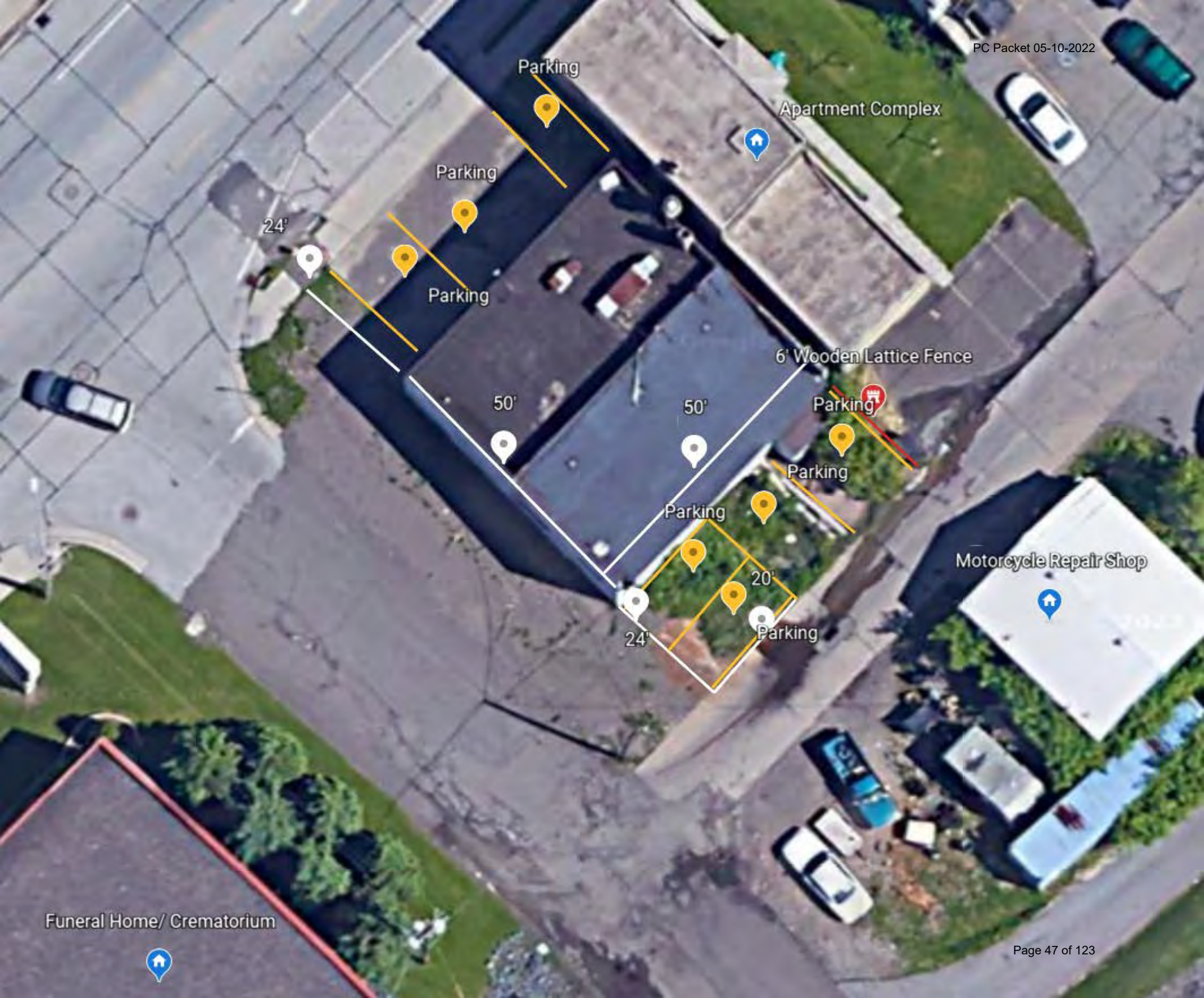
Comprehensive plan

Duluth is a growing and thriving community with a focus on the quality of life of its people. The comprehensive plan detailed in "Imagine Duluth 2035" is a vision of sustainability and service to individual communities, blending commercial and residential services in the nearby areas. Apex Automotive is looking to be a part of this ideal.

As an automotive service shop, we hope to be a bridge between needed personal service and the commercial businesses in our immediate area. Our goal is to provide needed common services to the immediate residential neighborhood on the uphill side of grand and the denfeld and lincoln park regions. Apex Automotive is situated in a prime location to offer these services to these communities, being in the very core of all of them. We hope to keep economic mobility for these citizens by offering low costs and quality work.

We also understand the interests of Duluth to encourage multi-modal transportation. We are also interested in this as we have a desire to be the first independent Tesla certified shop in Duluth. We also promote the bus lines as a methodology to achieving automotive service as we have multiple bus stops surrounding our shop.

The "Imagine Duluth 2035" plan seems to look at making a cohesive and updated image of existing infrastructure. We wish to do that as evidenced in the updates we have already done to the look of the building since we have started occupying the lot. Graffiti and broken glass has been removed and weather damage has been sealed and covered. We also have a projected plan based on percentage growth to do large scale beautification to the structure, transforming it from a derelict industrial space to a clean location befitting its commercial neighbors in business. While no major changes to the lot and structure are planned at this time, we hope to elevate the neighborhood's image with these superficial improvements this year.



Parking

Apartment Complex

Parking

24'

Parking

6' Wooden Lattice Fence

50'

50'

Parking

Parking

Motorcycle Repair Shop

Parking

20'

24'

Parking

Funeral Home/ Crematorium

12 FT 0 IN

PARKING 2

OFFICE 3

OFFICE 2

OFFICE 1

STAIRS

WAITING AREA

BATHROOM

50 FT 0 IN

WORK STATION 3

WORK STATION 2

WORK STATION 1

24 FT 0 IN

PARKING 1

50 FT 0 IN

File Number	PL 22-047	Contact	Kyle Deming, kdeming@duluthmn.gov	
Type	Variance – Maximum Parking	Planning Commission Date	May 10, 2022	
Deadline for Action	Application Date	March 15, 2022	60 Days	May 14, 2022
	Date Extension Letter Mailed	April 5, 2022	120 Days	July 13, 2022
Location of Subject	South side of 600 block of W. Central Entrance (Mall Area)			
Applicant	Launch Properties/The Jigsaw, LLC	Contact	Dan Regan, Principal – Launch Properties	
Agent		Contact		
Legal Description	Lot 21, Block 1, Jigsaw Division (010-2589-00020)			
Site Visit Date	April 1, 2022	Sign Notice Date	March 29, 2022, April 27, 2022	
Neighbor Letter Date	March 24, 2022	Number of Letters Sent	36	

Proposal

A variance to maximum parking requirements to allow 28 parking spaces for a 3,500 sq. ft. Chapter Aesthetics Studio.

Recommended Action: Approve an alternative maximum parking amount for this site.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Undeveloped	Neighborhood Mixed Use
North	MU-C	Large commercial site	Large-Scale Commercial
South	R-1	Open Space/Residential	Open Space/Traditional Neighborhood
East	MU-N	Dwelling	Neighborhood Mixed Use
West	MU-N	Vacant	Neighborhood Mixed Use

Summary of Code Requirements

Sec. 50-24.4 – Maximum Parking Limits – No more than 150 percent of the minimum required number off-street parking spaces, excluding the adjustments allowed in 50-24.3, shall be provided.

Sec. 50-37.9.C – General Variance Criteria (paraphrased): Granting of variances of any kind is limited to situations where, due to characteristics of the applicant’s property, enforcement of the ordinance would cause the landowner exceptional practical difficulties or undue hardship. The Planning Commission must find the following for a variance to be granted: a) That the landowner is proposing to use the property in a reasonable manner, b) that the need for relief from the normal regulations is due to circumstances unique to the property and not caused by the landowner, c) that granting the variance will not alter the essential character of the area, d) that granting the variance is consistent with the intent of the UDC and Comprehensive Plan.

Section 50-37.9.G.3 – Variances from the maximum parking limits provided in 50-24.4 shall not exceed 200 percent of the minimum requirement provided in Table 50-24.1. In addition to meeting the general variance criteria in 50-37.9C, a parking study that provides justification for the number of off-street parking spaces proposed is required. It must include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the City Engineer and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study must document the source of data used to develop the recommendations.

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

Governing Principle #8 – Encourage mix of activities, uses, and densities. Project is part of a mixed commercial development with restaurants and other services. A mix of uses and activities also allows for shared parking and for people to visit multiple destinations with one car trip.

Governing Principle #9 – Support private actions that contribute to the public realm. Private building construction and site design should benefit from adjacent private investment. The Jigsaw development will connect to sidewalk on Central Entrance to facilitate pedestrian access to/from the bus rapid transit corridor the DTA will be implementing Summer, 2022.

Governing Principle #10 – Take actions that enhance the environment, economic, and social well-being of the community. Support building types and materials that reduce resource consumption and load on the waste stream, and fuel for transportation and buildings that are more local and renewable. Transportation fuel use should be considered as part of this variance application as reducing parking supply can help encourage trips via alternative modes.

The Imagine Duluth 2035 survey found that automobile travel was the most popular method of transportation for everyday travel (63%), followed by walking (42%) and bicycling (37%) and bus (25%) (survey respondents could choose two modes).

Applicable UDC Purpose Statements - (a) To provide for more sustainable development within the city by reducing carbon emissions, vehicle miles travelled, energy consumption, and water consumption, and by encouraging production of renewable energy and food production; (c) To protect and enhance the city's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry; and (k) To promote, preserve, and enhance the water resources and environment within the city and protect them from adverse effects caused by poorly sited or incompatible development in wetlands, shorelands and floodplains.

Zoning – Mixed Use-Neighborhood (MU-N): a mix of neighborhood-scale, neighborhood serving non-residential uses and a range of residential uses located in close proximity. Non-residential uses may include small-scale retail, service and professional offices that provide goods and services to the residents of the surrounding neighborhood.

Future Land Use – Neighborhood Mixed Use: A transitional use between more intensive commercial uses and purely residential neighborhoods. May include limited commercial-only space oriented to neighborhood or specialty retail markets. Site design should maintain a largely residential building character. Commercial-only uses should be adjacent to non-residential or other mixed-use areas.

History:

1. Site was zoned R-1 prior to 2012 when it was rezoned MU-N in implementation of the Central Entrance Small Area Plan that was adopted by City Council in 2009.
2. The site is part of the 3.7-acre Jigsaw Division plat that was approved by the Planning Commission 10/9/2018.
3. A 1950s era home on the site was removed in 2020.
4. Planning Commission approved a Special Use Permit for a 2,287 sq. ft. restaurant on Lot 2 (immediately east of the car wash site) on May 11, 2021 (file number PL 21-047).
5. Planning Commission approved a Special Use Permit for a car wash on Lot 1, Block 1 (at the west end of the Jigsaw Division) on March 8, 2022 (file number PL 22-018).

Staff finds that:

1. The site is part of the 3.7 ac. Jigsaw development located across from Cub Foods/Stoneridge Mall.
2. The Jigsaw, LLC, (developer) is proposing to include "Chapter Aesthetics Studio" in a 3,500 sq. ft. standalone building.
3. Chapter Aesthetic Studio offers a variety of services including skin rejuvenation, body sculpting, laser hair removal, injections, and hair restoration.
4. The City classifies this as a "Personal Services and Repair, Small," use defined as – "An establishment containing less than 10,000 sq. ft. of gross floor area and generally having no more than ten employees on site at one time, that is engaged in the provision of informational, instructional, personal improvement, personal care, and similar services. Examples include but are not limited to: . . . , licensed massage salons, optical and optician services, sun tan centers"
5. Minimum parking for Personal Services is 2.5 spaces per 1,000 sq. ft. of building area or 9 parking spaces for the proposed 3,500 sq. ft. building. Maximum parking without a variance is 14 spaces.
6. According to the developer, Chapter Aesthetics Studio needs the ability to park 11 staff and 13 client/patients during peak hours, or 24 parking spaces at the site. Chapter's experience nationally is that 30 or more parking spaces are needed. The developer's request is a variance to allow 28 parking spaces, exceeding the minimum by 311%.
7. The parking variance criteria in Sec. 50-37.9.G.3 limits the maximum variance the Planning Commission can approve to 200% of the minimum parking, or 18 parking spaces, and requires "a parking study that provides justification for the number of off-street parking spaces proposed . . . based on recommendations of the Institute of Traffic Engineers (ITE)"
8. The developer has provided the required study (see attached from Kimley-Horn) that reports on Chapter Aesthetic Studio locations in St. Cloud and Rochester and states that "during daily operation, it is anticipated that up to 11 employees and up to 13 patients would be on site during peak hours."
9. The Kimley-Horn study also evaluated parking demand based on the Institute of Transportation Engineers (ITE) Parking Generation Manual, 5th Edition and determined that 16 parking spaces would be needed using a ratio of 4.59 parking spaces per 1,000 sq. ft. of building area for a "Medical-Dental Office Building." They further determined that 3 additional spaces would be needed when applying an 85% effective parking factor.
10. According to Brian Wurdeman at Kimley-Horn, an 85% effective parking factor is applied in the parking industry to allow for a couple of extra spaces in a lot during peak demand to mitigate the need for customers to aggressively search for one or two remaining parking spaces.
11. The study suggested that the Chapter Aesthetic Studio be classified a medical clinic use with a UDC required 14 parking spaces (4 spaces per 1,000 sq. ft. of building area). This would allow the Planning Commission to grant a variance to allow 28 parking spaces (200% of the minimum). The UDC definition of Medical-Dental Clinic is "An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of licensed health care practitioners, dentists, or licensed health care practitioners and dentists in practice together." Staff's judgement is that Personal Services is the correct land use classification due to the nature of the use being "personal improvement and personal care" and is similar to the examples provided of "licensed massage salons, optical and optician services, sun tan centers." Staff has consistently classified uses similar to Chapter Aesthetic Studio in this way.
12. In evaluation of the Variance General Criteria, staff finds the applicant is proposing a reasonable use of the site with an appropriately-scaled commercial building for an MU-N zone, and the proposal variance is reasonable at 18 parking spaces, but is not reasonable at 28 parking spaces due to the 200% maximum variance allowed by the UDC and the parking study provided by the developer that showed 19 spaces were supported by the ITE Parking Generation Manual.
13. The need for the variance is related to site constraints unique to this site because, unlike other sites in the area that are located in proximity to sites with excess on and off-street parking, there are limited opportunities to allow for the occasional overflow of parking that would provide the developer's desired level of parking. The development site is separated from large commercial developments and their excess parking by Central Entrance, which is difficult to cross on-foot, and the area to the south and east are residential and permanent green space uses. According to the City Engineer, on-street parking on Anderson Rd. is allowed, but not in the section between Central Entrance and the new driveway to the Jigsaw development. The City Engineer further pointed out that Anderson Rd. is also a snow emergency route and so on-street parking is not always allowed or desirable given the pavement width.
14. The developer has demonstrated that there is space on their site to locate the requested parking while meeting landscaping and basic storm water requirements. This level of parking would not be out of character with the large parking lots in the mall area that were created before the UDC parking maximum standards were adopted.

15. The UDC parking maximum was established to reduce the amount of impervious surfaces and the associated environmental impacts as well as to incentivize creative site designs that encourage alternative transportation usage. See comments below (#21) from City transportation planner James Gittemeier about parking maximums and the significant increase in transit service on Central Entrance starting Summer, 2022.
16. The developer has proposed to mitigate the environmental impact of the 14 extra parking spaces through incorporating pervious pavement. Tom Johnson, City storm water engineer, commented that the site is part of the Coffee Creek watershed, which is a trout stream that is more sensitive to water temperature and other pollutants.
17. The UDC purpose statement (see above) identifies reducing vehicle miles traveled in order to affect carbon emissions and reducing available parking is part of that strategy by encouraging people to choose alternative transportation.
18. There are also UDC purposes of “serving and supporting business” and preserving and enhancing water resources and environment.
19. In evaluating the proposed variance staff considered these UDC purposes and the Comprehensive Principles listed in the section above. There appears to be a balance between adhering to the principles and intent of the City Code listed above while acknowledging that 9 additional parking spaces are warranted based on the Kimley-Horn study of the ITE Parking Generation Manual’s justification of 18 spaces (using the 85% effective parking calculation based on 4.59 parking spaces per 1,000 sq. ft. of building area).
20. Comment from City Engineer, Cindy Voigt, “I reviewed the site layout and the parking memo from the consultant regarding the Jigsaw site. The variance requests meets what is expected for the type of businesses proposed. Given that off-street parking is not readily available, my opinion is that a variance for more parking be approved.”
21. Comments from City Senior Transportation Planner, James Gittemeier – “The parking maximum here is appropriate when considering the transition that is planned to take place along the Central Entrance corridor. Over the next five years, major road work on Central Entrance will take place to create a much more multimodal corridor. The DTA’s Better Bus Blueprint, approved in 2021, identifies Central Entrance as one of the two key “Go Line” transit corridors in the system and work will begin this Summer to implement the “Green (Central Entrance) Go Line,” which will have higher frequency and improved bus stops. Furthermore, with MnDOT’s planned full reconstruction in 2026/27 of the Central Entrance corridor from Trinity Ave/Joshua Ave to Mesaba Ave, multimodal improvements will be made to further enhance transit along the corridor as well as bicycling and walking along and across the roadway. The parking maximums reflect this multimodal vision that people will travel along this corridor in a variety of modes.”
22. No additional comments from citizens, City staff, or any other entity were received regarding the application.
23. Per UDC Section 50-37.1.N. approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year.

Staff Recommendation:

Based on the above findings, staff recommends that Planning Commission deny the applicant’s request to allow 28 parking spaces, but approve varying from the maximum parking to allow 200% of the minimum parking for Personal Services use with the following conditions:

- 1) The variance is for a Personal Services use only and for a building not to exceed 5,000 sq. ft.;
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PL 22-047
Variance from Parking
Jigsaw

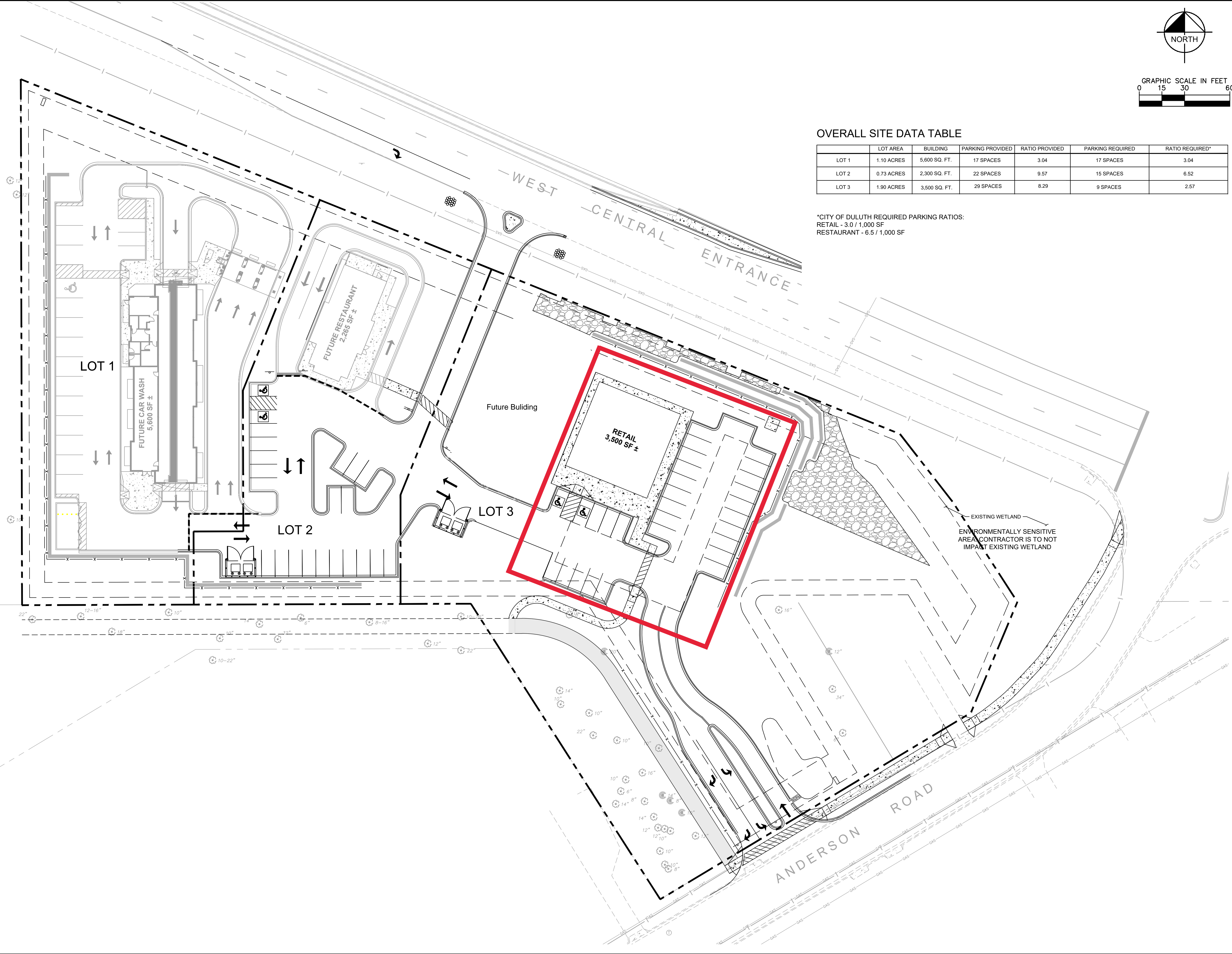
Legend

- 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
- Zoning Boundaries



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OVERALL SITE DATA TABLE

LOT	LOT AREA	BUILDING	PARKING PROVIDED	RATIO PROVIDED	PARKING REQUIRED	RATIO REQUIRED*
LOT 1	1.10 ACRES	5,600 SQ. FT.	17 SPACES	3.04	17 SPACES	3.04
LOT 2	0.73 ACRES	2,300 SQ. FT.	22 SPACES	9.57	15 SPACES	6.52
LOT 3	1.90 ACRES	3,500 SQ. FT.	29 SPACES	8.29	9 SPACES	2.57

*CITY OF DULUTH REQUIRED PARKING RATIOS:
 RETAIL - 3.0 / 1,000 SF
 RESTAURANT - 6.5 / 1,000 SF

PRELIMINARY - NOT FOR CONSTRUCTION

JIGSAW SITE
 LAUNCH PROPERTIES
 DULUTH, MN

PRELIMINARY
 SITE PLAN

KHA PROJECT: XXXXXXXX
 DATE: 04/04/2022
 SCALE: AS SHOWN
 DESIGNED BY: BMW
 DRAWN BY: LEC
 CHECKED BY: WDM

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULUTH LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
 BRIAN M. WURDEMAN
 MN LIC. NO. XXXXX
 DATE: XX-XX-XX

Kimley-Horn
 © 2016 KIMLEY-HORN AND ASSOCIATES, INC.
 2550 UNIVERSITY AVENUE WEST, SUITE 238N, ST. PAUL, MN 55114
 PHONE: 651-645-4197
 WWW.KIMLEY-HORN.COM

No.	REVISIONS	DATE	BY

Variance Application Supplemental Form

In order to submit a complete variance application, please explain how your request meets all of the below variance criteria. This is information that is required by the zoning code and will be shared with the Planning Commission during their review. You may fill out this form, or attach your information in a separate letter. This information will be shared with the Planning Commission in order to help them determine the appropriateness of the variance application and request.

List the UDC Section you are seeking relief from (example: "50-14.5 – front yard setback in an R-1"):

50-37.9 - Exceeding required parking spaces in G-3

1. Please explain how the exceptional narrowness, shallowness or shape of the property, or exceptional topographic or other conditions related to the property, would result in practical difficulties under strict application of the requirements of the UDC: The Jigsaw development has a very unique shape, hence the name Jigsaw, resulting in dozens of site plan modifications over the past 4 years. The site plan that we've brought forth to the city was carefully crafted to ensure traffic flows smoothly, and to ensure the tenant line up and their respective square footages work well on one cohesive development.

2. Please explain how the special circumstances or conditions that create the need for relief is due to circumstances unique to the property, and were NOT created by the property owner or the property owners' predecessors-in-interest:

As our plan for The Jigsaw came together, laying out entrances and exits, along with creating optimal circulation, it left Launch Properties with an eastern pad that has been very difficult to solve for. We have had ample interest in the site over the years, but tenants need to feel comfortable with the parking in order for their business to operate in a successful manner.

3. Please explain the special circumstances or conditions applying to the building or land in question are peculiar to this property or immediately adjoining properties, and do not apply generally to other land or buildings in the vicinity:

The size of the eastern pad is currently large enough to accommodate Chapter Aesthetic's parking needs, but given city code, the tenant is constrained to only 14 spaces, which will ultimately hurt their business. If this specific site had ideal street parking or cross easement parking with a large business, their concerns may be eased. As it sits, the site essentially only allows for customers to park on their lot.

4. Please explain how the application proposes to use the property in a reasonable manner, which would not be permitted by this code except for a variance:

In order for any successful development to come together, it requires the developer to ensure that the tenant's customers will not have trouble parking. Launch Properties has been trying its hardest to work within Duluth's city code, all while easing any concerns the tenants have. This balance has been difficult in this situation because the tenant in this case has stated that they will not move forward if their parking requirements are not met. Launch Properties is willing to install pervious pavement to all additional stalls we are requesting, which will help with access water distribution.

5. Please explain how that if the variance is granted it will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets or the danger of fire or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety or public welfare of the inhabitants of the city:

This site is surrounded mostly by forestry and clearing out some of these trees will only increase the amount of light to surround areas. As for the air quality of adjacent property owners, the only populated properties are located on Anderson Road, and they will sit below the site. Launch Properties put a lot of thought into where the entrances/exits will be located. This will not only help consumers navigate to their respective destinations, but will also ensure that if there were any emergencies, vehicles are able to access the site from two different locations without concerns of congestion.

6 Please explain how, if the variance is granted, it will not substantially impair the intent of zoning code and the official zoning map, and will not alter the essential character of the neighborhood:

The property is currently zoned MU-N (mixed use neighborhood), which does allow for small-scale retail, services and professional offices that provide goods and services to the residents of the surrounding neighborhoods. The users that are proposed for this property all meet the current zoning code.

Does your variance request need to meet any of the specific criteria in UDC Section 50-37.9, subsections D through M (E. Unsewered Areas, F. Two Family Dwellings in R-1, G. Parking Regulations, H. Reduce Setbacks, I. MU-C District, J. Airport Overlay, K. Flood Plain Regulations, L. Shorelands, or M. Non-Conforming Buildings)? Yes No

Discuss what subsections are applicable and how this request meets those: _____

Narrative

Duluth Parking Variance for Chapter Aesthetics

The Jigsaw Commercial Development SWC Central Entrance & Anderson Road

3.63 acres – Mixed Use M4

Developed by: The Jigsaw, LLC (“Master Developer”) a.k.a. Launch Properties

Background:

After completing the development NEC of Central Entrance and Anderson Road with an Aspen Dental and a Starbuck’s in Summer 2017, Launch Properties began working on “The Jigsaw” Development here on the SWC of the same intersection in Fall 2017. Many who read this might remember that Launch Properties received approval for development of the Jigsaw site in 2018. Launch closed on this assemblage in March of 2019. However, market conditions and then COVID-19 Pandemic stalled that project. Nonetheless, Launch Properties continued to work diligently to bring both new-to-market concepts and diverse tenant mix to Duluth at this location to resurrect this development site. In that time Launch Properties has brought forward a national fast-food provider and a national car wash provider.

Another user that has now come forward and desires to be at this location is Chapter Aesthetic Studio. Although Chapter Aesthetics strongly wants to open its first location in the greater Duluth market, they have found that the current parking code, as it relates to maximum allowed parking would not allow them to be a viable business in the City of Duluth.

The parking stall difference between what Chapter Aesthetics requires (based on market projections and operational experience at other locations), and what the code allows is 14 spaces. The site can easily physically accommodate the additional 14 spaces if the Duluth Planning Commission could approve this parking variance request. Below is a summary of the Chapter Aesthetics operations. Additionally, Launch Properties has contracted with Kimley-Horn to prepare a parking study for the proposed project, the results of the study have been included as a part of this parking variance application.

Chapter Aesthetic Studio:

Chapter was founded in 2005. Through its popularity and success in recent years it has begun expanding across the mid-west in high-profile regional markets. Currently, Chapter Aesthetics has 6 number of facilities. They offer a variety of services including skin rejuvenation, body sculpting, laser hair removal, injections, and hair restoration. During peak hours Chapter Aesthetics employees 7 – 11 trained professionals. During that same time, Chapter Aesthetics can serve between 9-12 clients/patients at any given moment. See Exhibit B attached.

Current Zoning:

The property is currently zoned MU-N (mixed use neighborhood), which does allow for small-scale retail, services and professional offices that provide goods and services to the residents of the surrounding neighborhoods.

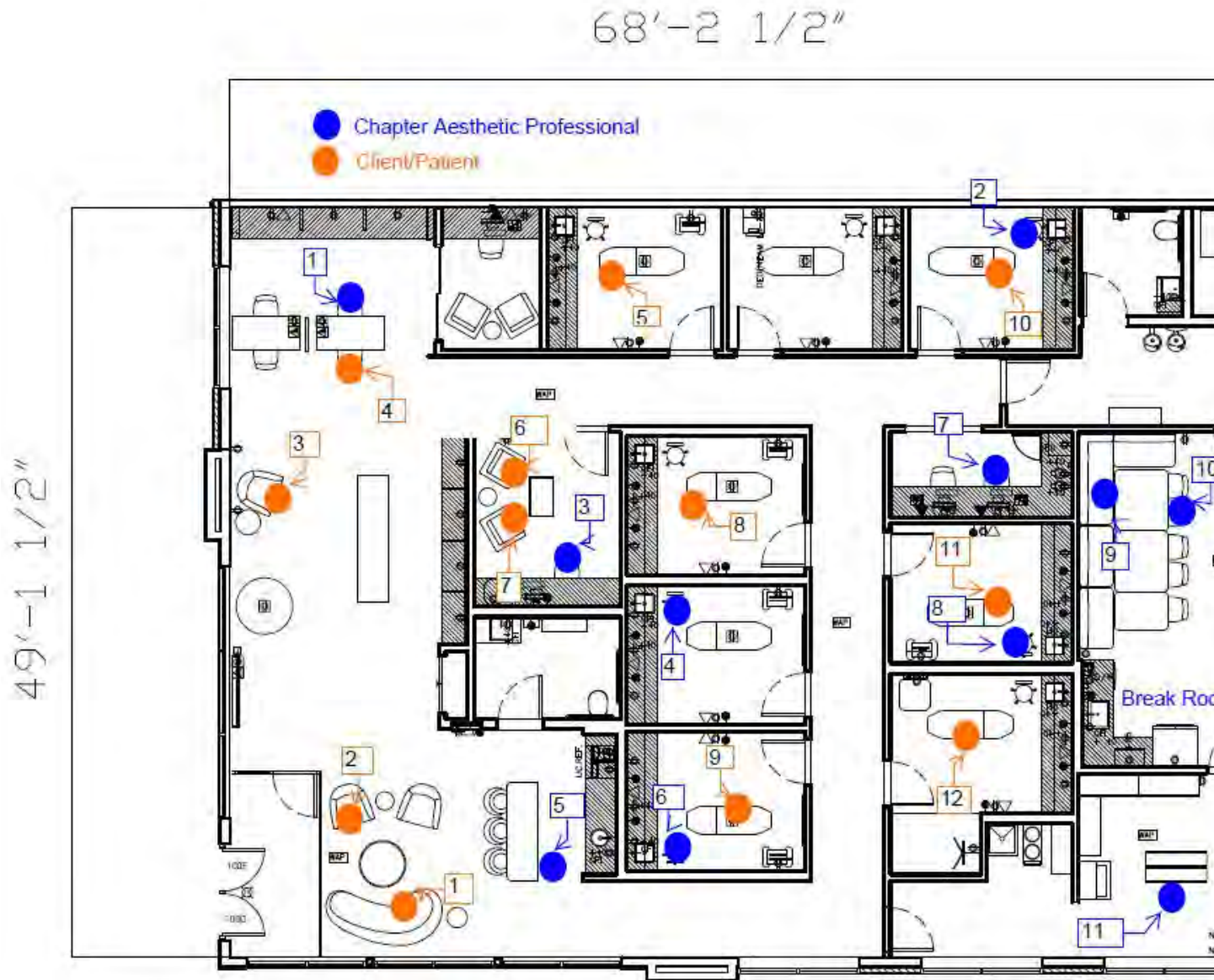
Current Parking Code:

The City of Duluth Staff has designated Chapter Aesthetics “Personal Services and Repair”. This is defined as an establishment containing less than 10,000 square feet of gross floor area and generally does not exceed 10 employees on site at one time. Due to this categorization, Chapter Aesthetics is currently only allowed 3.75 parking spaces per 1,000 square feet (150% of the minimum 2.5 parking spaces per 1,000 square feet minimum), resulting in a maximum of 14 parking spaces for their use.

Chapter nationally has required 30 or more parking stalls. This requirement results from years of experience at a variety of locations. For their business to properly function, they need the ability to park up to 11 staff professionals and 12 client/patients at peak hours (23 total). Chapter Aesthetic is seeking a total of parking variance to accommodate Chapter’s parking needs at the proposed Jigsaw project.

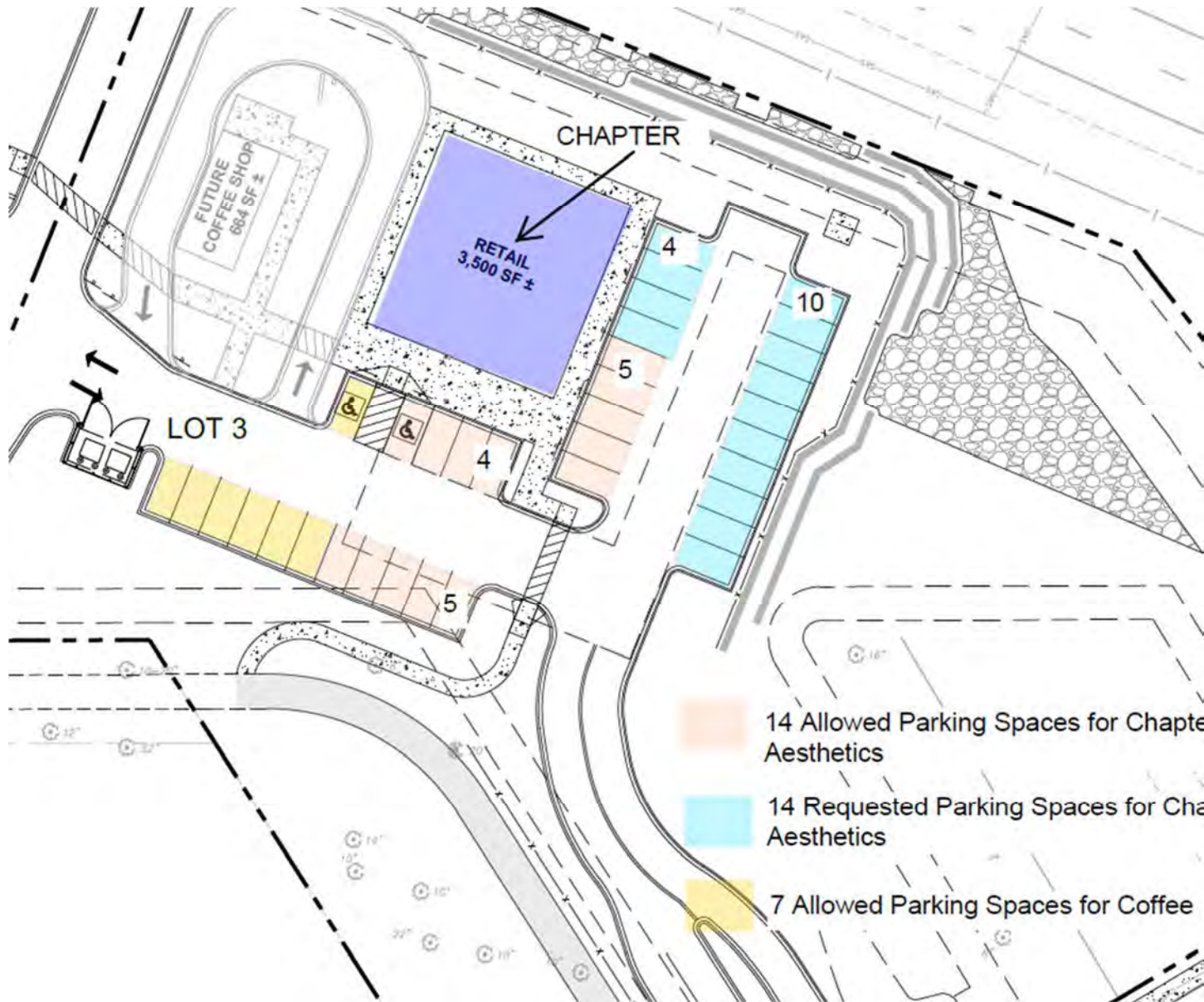
Therefore, Launch Properties, on behalf of its potential tenant Chapter Aesthetics, is requesting a parking variance to allow for 14 additional parking spaces as depicted below (Diagram 2)

DIAGRAM 1



Chapter AS Prototype
3,500 SF

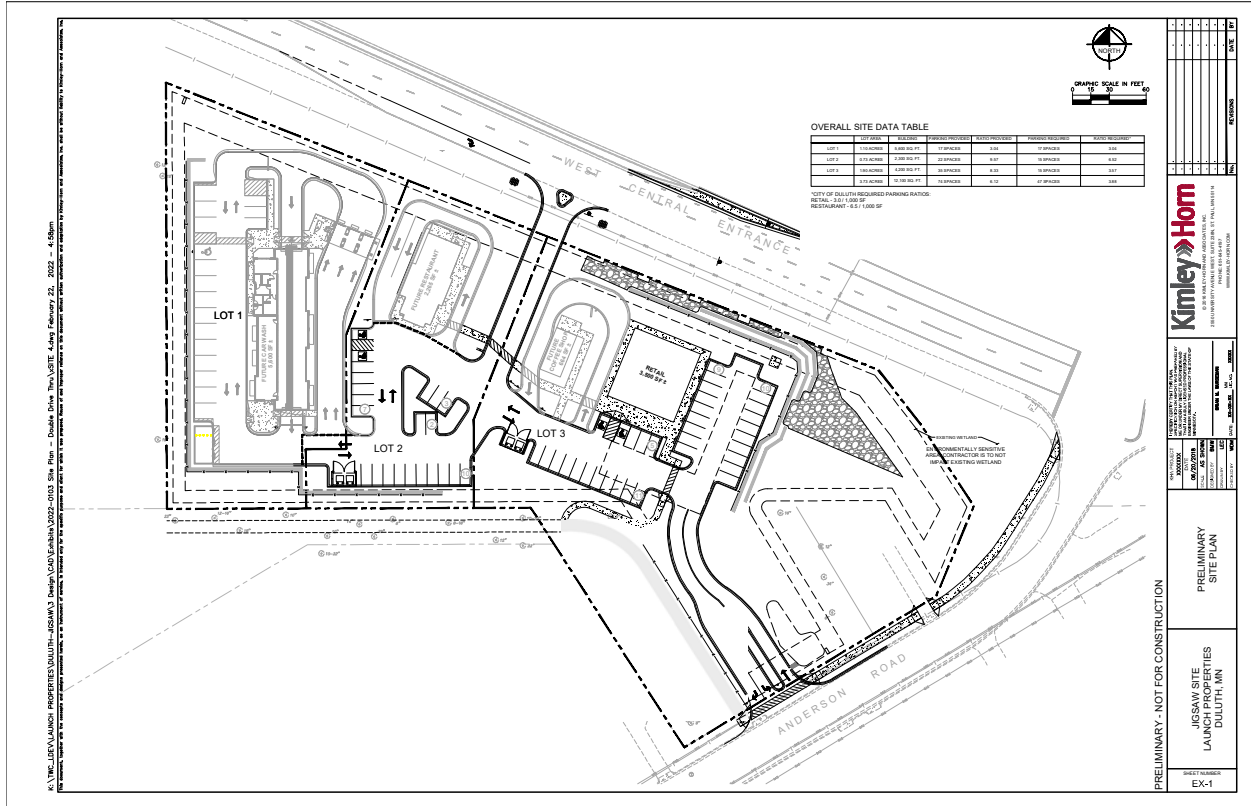
DIAGRAM 2



Conclusion:

With this application, Launch Properties is asking the city for flexibility regarding the number of parking spaces on Lot 3, as depicted in “Exhibit A”. We feel Chapter Aesthetics would be a great new-to-market tenant for the Duluth area, offering a variety of services that aren’t widely available in Duluth. In order for Chapter to feel comfortable moving forward with a Duluth location, they are going to need the ability park all employees and customers to ensure a successful business.

Exhibit A



Chapter Aesthetic Studio





MEMORANDUM

Date: April 4, 2022

To: City of Duluth

From: Jacob Rojer, P.E., PTOE
Brian Wurdeman, P.E.

Subject: Launch Properties Jigsaw Site – Lot 3 Parking Memo
W Central Entrance at Anderson Road, Duluth, MN

Launch Properties is proposing to develop an +/- 3.77-acre site located on the southwest corner of W Central Entrance and Anderson Road in Duluth, MN. The development is anticipated to include +/- 17,200 square feet of retail and restaurant space. This memorandum will discuss the parking generation specific to Lot 3 of the site. An approximately 3,500 square foot medical service building is proposed on Lot 3.

The city of Duluth requires 4 parking spaces per 1,000 square feet of a medical or dental clinic and 2.5 spaces per 1,000 square feet of a personal service space per Table 50-24-1 of the Duluth city code. Our understanding is that the City is interpreting the proposed medical service building as a personal service space. Based on this interpretation, the minimum number of spaces required for Lot 3 is 9 spaces. The city sets the maximum number of spaces allowed at 150 percent of the minimum requirement. The maximum number of spaces allowed on Lot 3 is 14 spaces. There are 29 parking spaces proposed for Lot 3. Launch Properties is requesting a variance due to the unique use of the medical service space on Lot 3. Table 1 summarizes the code required parking.

Table 1: City of Duluth Code Required Parking – Personal Service Use

Land Use Description	Intensity	Rate	
		(Spaces/KSF)	Total
Personal Service	3,500 SF	2.5	9
Minimum Parking	-	-	9
Maximum Parking (150% of Minimum)	-	-	14

The 3,500 square foot building is anticipated to be occupied by a med spa/aesthetic studio that provides non-surgical and cosmetic medical treatments. Cosmetic products would also be sold on site. There are currently 2 locations in operation in Minnesota, one in St. Cloud and one in Rochester. Based on data from other sites, during daily operations, it is anticipated that up to 11 employees and up to

13 patients would be on site during peak hours. This would equate to 24 spaces used by the medical service space. To provide accessible and convenient parking, an 85% effective parking factor is applied, which then results in the need for 35 parking spaces on-site. **Table 2** summarizes the tenant parking demands based on market conditions and operations of their spaces.

Table 2: Tenant Parking Demands Based on Market Conditions

Land Use Description	Intensity	Parking Demand
Med Spa / Aesthetic Studio	3,500 SF	24
Total w/o 85% Effective Parking Factor	-	24
Total w/85% Effective Parking Factor	-	29

The *Institute of Transportation Engineers (ITE) Parking Generation Manual, 5th Edition* was used to supplement site specific data. **Table 3** summarizes the estimated demand for Lot 3 using the 85th percentile rates for similar land use types to those being proposed. A 3,500 square foot medical service space would generate demand for approximately 16 spaces, based on ITE data, which is lower than what the tenant's parking demands are based on market conditions. In total, Lot 3 would be estimated to generate demand for approximately 16 parking spaces using ITE data.

Table 3: ITE Parking Generation Estimate

Land Use Description	Intensity	85 th Percentile Parking Generation	
		Rate (Spaces/KSF)	Total
Medical-Dental Office Building (ITE 720)	3,500 SF	4.59	16
Total w/o 85% Effective Parking Factor	-	-	16
Total w/ 85% Effective Parking Factor	-	-	19

In the opinion of the proposed tenant and development team, the proposed use could also better be categorized as a medical clinic use instead of a personal service use. **Table 4** summarizes the City code allowable parking should the proposed med spa/aesthetic studio be categorized as a medical clinic.

Table 4: City of Duluth Code Required Parking – Medical Clinic Use

Land Use Description	Intensity		
		Rate (Spaces/KSF)	Total
Personal Service	3,500 SF	4.0	14
Minimum Parking	-	-	14
Maximum Parking (150% of Minimum)	-	-	21

A parking variance for Lot 3 is being requested to accommodate the unique parking demand for the medical service space. It is anticipated that parking demand for the site would regularly exceed the maximum number of spaces allowed on Lot 3 if the City were to limit the parking to only that allowed by City Code. Launch Properties is proposing 29 spaces on site, which based on an intimate understanding of the proposed uses, tenant market studies, and tenant's parking demand at other locations. **Table 5** summarizes the proposed parking versus the code/ITE requirements.

Table 5: Lot 3 Tenant Parking Demands vs City Code/ITE

Land Use Description	Parking Demand
Tenant Parking Demand Based on Market Conditions (From Table 2)	29
City Code Maximum Parking – Personal Service Use (From Table 1)	14
City Code Maximum Parking – Medical Clinic Use (From Table 4)	21
ITE Parking Generation Estimate (From Table 3)	19

File Number	PL 22-060	Contact	Kyle Deming	
Type	UDC Map Amendment	Planning Commission Date	May 10, 2022	
Deadline for Action	Application Date	April 5, 2022	60 Days	June 4, 2022
	Date Extension Letter Mailed	April 27, 2022	120 Days	August 3, 2022
Location of Subject	Southwest corner of Palm St. and Blackman Ave. extended to Orange St. (Duluth Heights)			
Applicant	KAMI Holdings, LLC	Contact		
Agent	AMCON Construction	Contact	Dennis Cornelius	
Legal Description	See Attached Map			
Site Visit Date	April 27, 2022	Sign Notice Date	April 26, 2022	
Neighbor Letter Date	April 28, 2022	Number of Letters Sent	38	

Proposal

UDC Map Amendment/Rezoning to change the zoning of 1.1 acres from Residential-Traditional (R-1) to Residential-Urban (R-2) and to change the zoning of 0.7 acres from Residential-Urban (R-2) to Residential-Traditional (R-1) in order to coincide with proposed development parcel boundaries.

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-2 and R-1	Vacant/Undeveloped	Urban Residential
North	R-2 and MU-C	Storm Water Basin & Commercial	Open Space and Central Business Secondary
South	R-1	Vacant/Undeveloped	Urban Residential
East	R-1	Dwellings	Urban Residential
West	R-1	Vacant/Dwellings	Urban Residential/Traditional Neighborhood

Summary of Code Requirements

- UDC Sec. 50-37.3.B: Planning Commission shall review the application, conduct a public hearing ... with public notice ... and make a written recommendation to council.
- UDC Sec. 50-37.3.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. 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 #5 – Promote reinvestment in neighborhoods. New development should maximize public investment that strengthens neighborhood commercial centers or diversifies residential opportunities that fit the neighborhood’s character. This project creates apartment housing adjacent to and in support of an existing commercial district, strengthening that district’s character. The project is sited adjacent to existing transportation and utility infrastructure.
- Governing Principle #8 – Encourage a mix of activities, uses, and densities. This project provides apartment housing on Lot 1 nearest infrastructure and “steps down” housing density on the R-1 zoned lot with a possible townhouse development on Lot 2.

Comprehensive Plan Policies and Strategies

- Housing Policy #2 - Provide affordable, attainable housing opportunities. This project will provide space for additional market-rate apartment dwellings.
- Housing Policy #4 – Improve the quality of the city’s housing stock and neighborhoods. This rezoning will allow the development of quality housing, landscaping, and good site design, which meets several of this policy’s strategies.

Zoning:

- Residential-Urban (R-2): Multi-family apartments and townhouses, in an urban setting as well as single-family detached dwellings, duplexes and group living accommodations. Intended primarily for locations closer to commercial and mixed-use activity centers, and may serve as a transition between lower-density residential areas and more intense commercial and mixed-use neighborhoods.
- Residential-Traditional (R-1): Traditional neighborhoods of single-family, duplexes and townhouses on moderately sized lots. Intended to be used primarily in established neighborhoods.

Future Land Use:

- Urban Residential: Greatest variety of residential building types, medium to high densities. Applicable to larger infill areas close to downtown, entertainment or activity centers. Connected or adjacent to parks and open space. Overall residential density of 8 units/acre and up. Design standards ensure pedestrian orientation and mix of housing.

Related files:

- PL 21-178 Wetland Delineation, PL 22-046 Concept Plan, PL 22-053 Wetland Replacement Plan

History:

- In 2001 a 115-unit multi-story retirement community was proposed on 7 acres where the current developer’s apartment building is proposed. The building was never constructed. The City Council rezoned (FN 01135) the site from C-5 (Planned Commercial) to R-3 (Apartment Residential) for that project. The Council also vacated the streets in the area (FN 01137). The Planning Commission approved a wetland permit (FN 01136) to allow 1.8 acres of wetland impact. The wetland delineation and previous wetland permit have expired.

Review and Discussion Items:

1. The applicant's property currently consists of a large area of R-2 zoned land with R-1 zoned land to the south, west, and east. The applicant is replatting the property (see PL 22-061) to better fit the apartment building planned for the site that is shaped slightly differently than the current lot configuration and, therefore, the proposed UDC Map Amendment is to adjust the zoning boundaries to match the updated plat's lot boundaries.
2. Additionally, the applicant owns about 1.6 acres east of the R-1 zoned property, including a home at 111 S. Blackman Ave., that they would like to incorporate with the apartment development, which requires R-2 zoning. This additional land will provide vehicular, bike, and pedestrian access from Blackman Ave. as well as additional space for parking and storm water treatment.
3. The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan, and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or be considered arbitrary and capricious. Good zoning practice requires that zone districts be consistent with the future land use category identified for the area and the generally applicable provisions of the adopted comprehensive plan. The Future Land Use Map in the Comprehensive Plan shows all of the land owned by the applicant is classified "Urban Residential." The zone district that most appropriately implements this future land use is the R-2 (Residential-Urban) district requested by the applicant.
4. Comprehensive Plan Governing Principles listed above encourage the reinvestment in neighborhoods to support commercial centers and diversifying residential opportunities that fit neighborhood character (#5) and encouraging a mix of uses and densities (#8). The proposed rezoning will result in development of an apartment building on the north 6.6 acres of the property close to transportation infrastructure and in support of adjacent commercial uses while allowing for the transition to lower intensity residential uses on the 7.4 acres of R-1 zoned land.
5. This amendment will not create material adverse impacts on nearby properties due to the requirements contained in City ordinances including storm water management rules that will require the treatment of all storm water on site and the controlled discharge to Brewery Creek, zoning rules that will require landscape buffers adjacent to residential properties, shielded exterior lighting, and screening of trash and mechanical equipment.
6. The proposed zoning amendment is consistent with the purpose statement of the R-2 zone which is primarily for locations closer to commercial and mixed-use activity centers and may serve as a transition between lower-density residential areas. This district is immediately adjacent to the large Central Entrance commercial district and the zoning transitions to R-1 zoning on the south part of the site.
7. No comments were received.

Staff Recommendation:

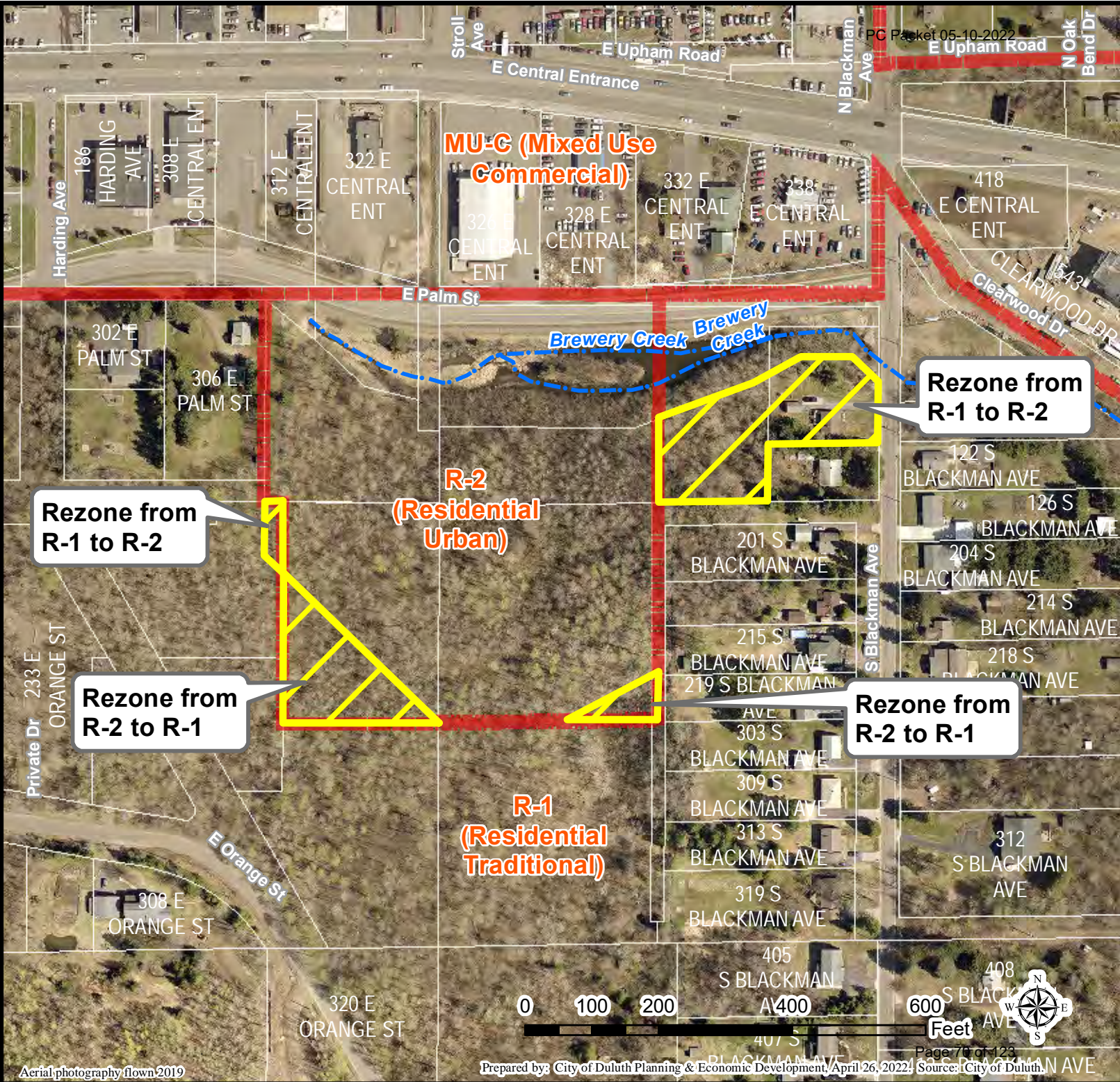
Based on the above findings, staff recommends to Planning Commission the UDC Map Amendment be recommended for approval by City Council for the following reasons:

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



PL 22-060
UDC Map Amendments
Kami Holdings LLC

PC Packet 05-10-2022



Legend

- Zoning Boundaries
- Other Stream (GPS)

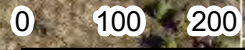
Rezone from R-1 to R-2

Rezone from R-2 to R-1

Rezone from R-1 to R-2

Rezone from R-2 to R-1

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Aerial photography flown 2019

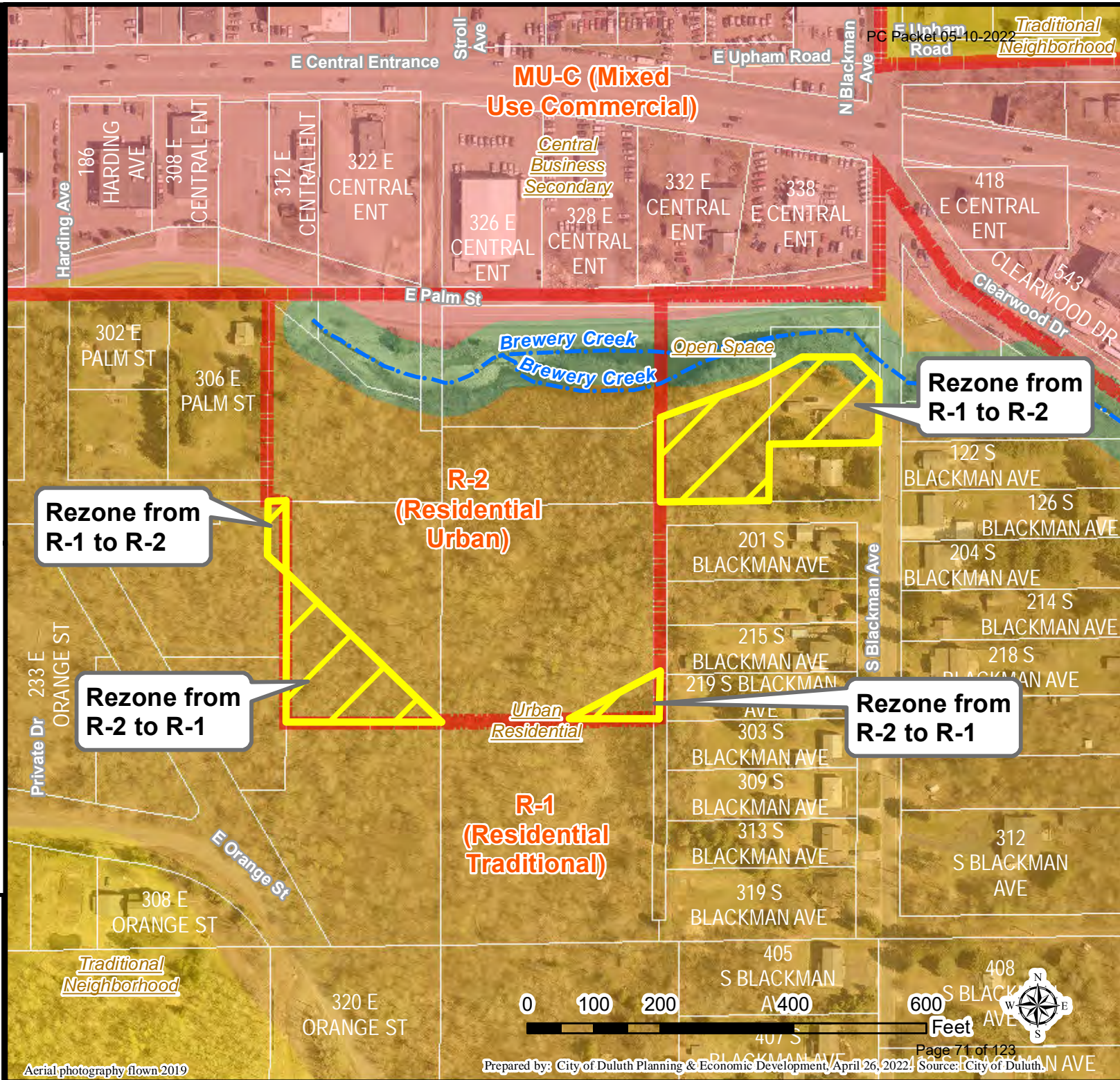
Prepared by: City of Duluth Planning & Economic Development, April 26, 2022 | Source: City of Duluth



PL 22-060
UDC Map Amendments
Kami Holdings LLC

Legend

- Zoning Boundaries
- Other Stream (GPS)
- Open Space
- Traditional Neighborhood
- Urban Residential
- Central Business Secondary



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File Number	PL 22-059	Contact	Kyle Deming	
Type	Vacation of Street and Utility Easements	Planning Commission Date		May 10, 2022
Deadline for Action	Application Date	April 5, 2022	60 Days	June 4, 2022
	Date Extension Letter Mailed	April 27, 2022	120 Days	August 3, 2022
Location of Subject	Southwest corner of Palm St. and Blackman Ave. extended to Orange St. (Duluth Heights)			
Applicant	KAMI Holdings, LLC	Contact		
Agent	AMCON Construction	Contact	Dennis Cornelius	
Legal Description	See Attached Map			
Site Visit Date	April 27, 2022	Sign Notice Date	April 26, 2022	
Neighbor Letter Date	April 28, 2022	Number of Letters Sent	38	

Proposal: Vacation of streets and utility easements for the re-platting of the area into the Kara-Mia Addition

Staff Recommendation

Approval of the vacations contingent upon Planning Commission approval of the final plat of Kara-Mia Addition in PL22-061 and it's timely recording.

	<i>Current Zoning</i>	<i>Existing Land Use</i>	<i>Future Land Use Map Designation</i>
Subject	R-2 and R-1	Vacant/Undeveloped	Urban Residential
North	R-2 and MU-C	Storm Water Basin & Commercial	Open Space and Central Business Secondary
South	R-1	Vacant/Undeveloped	Urban Residential
East	R-1	Dwellings	Urban Residential
West	R-1	Vacant/Dwellings	Urban Residential/Traditional Neighborhood

Summary of Code Requirements

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

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

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

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

The following Imagine Duluth 2035 Governing Principles should be considered when reviewing the request:

- Governing Principle #7 – Create and maintain connectivity. The vacation action will be contingent upon re-platting the area to maintain connectivity for people, vehicles, and utilities.
- Governing Principle #9 – Support private actions that contribute to the public realm. Vacation will allow for the re-platting of the land for a lot layout that fits the zoning.
- Governing Principle #12- Create efficiencies in delivery of public services. Vacation and the subsequent re-platting will create a more efficient street and utility layout rather than extending utilities and streets to the 14 platted lots.
- Housing Policy #2 - Provide affordable, attainable housing opportunities. Vacation will support re-platting into a better layout for housing development.
- Housing Policy #4 – Improve the quality of the city’s housing stock and neighborhoods. Vacation will provide for re-platting to support the provision of more housing.

Future Land Use

- Urban Residential: Greatest variety of residential building types, medium to high densities. Applicable to larger infill areas close to downtown, entertainment or activity centers. Connected or adjacent to parks and open space. Overall residential density of 8 units/acre and up. Design standards ensure pedestrian orientation and mix of housing.

Zoning

- Residential-Urban (R-2): Multi-family apartments and townhouses, in an urban setting as well as single-family detached dwellings, duplexes and group living accommodations. Intended primarily for locations closer to commercial and mixed-use activity centers, and may serve as a transition between lower-density residential areas and more intense commercial and mixed-use neighborhoods.
- Residential-Traditional (R-1): Traditional neighborhoods of single-family, duplexes and townhouses on moderately sized lots. Intended to be used primarily in established neighborhoods.

Related files:

- PL 21-178 Wetland Delineation, PL 22-046 Concept Plan, PL 22-053 Wetland Replacement Plan

History:

- In 2001 a 115-unit multi-story retirement community was proposed on 7 acres where the current developer’s apartment building is proposed. The building was never constructed. The City Council rezoned (FN 01135) the site from C-5 (Planned Commercial) to R-3 (Apartment Residential) for that project. The Council also vacated the streets in the area (FN 01137). The Planning Commission approved a wetland permit (FN 01136) to allow 1.8 acres of wetland impact. The wetland delineation and previous wetland permit have expired.

Review and Discussion Items

1. The proposal is to vacate existing streets and utility easements in preparation for re-platting the area into Kara-Mia Addition.
2. The portion of Overland Street east of the proposed vacation area and nearby Stroll Avenue were vacated in 2001 (FN 01137) in preparation for a proposed multi-family building that was never constructed.
3. No streets or utilities have been installed in the streets and utility easements proposed for vacation.
4. With the re-platting of the area, the existing streets will be useless for providing the public access to the land and space for utility connections. Therefore, the Council resolution for this vacation will need to make final approval of the vacation contingent on the recording of the re-plat. Additionally, the utility easements are also useless since, with the other vacations, there are no longer public easements to which these would connect.
5. Vacating the portions of Overland Street and Harding Avenue, as proposed, will not block the intersection of the two streets, should those streets need to be improved in the future.
6. No comments have been received on the proposed vacations.
7. Vacations of rights of way and easements lapse unless the vacation is recorded with the county recorder within 90 days after final approval. The vacation recording is facilitated by the City of Duluth.

Staff Recommendation:

Based on the above findings, staff recommends that Planning Commission recommend to City Council approval of the petitioned alley vacation with the following condition:

- 1) The vacation not be recorded unless the final plat of Kara-Mia Addition is approved by Planning Commission and recording of the vacations be concurrent with the recording of the plat.
- 2) The vacation must be recorded within 90 days of final approval by City Council, or such approval will lapse.



PL 22-059
 Vacate Harding Ave. &
 Overland St. and
 utility easements
 Kami Holdings LLC

PC Packet 05-10-2022



Legend

- Zoning Boundaries
- Other Stream (GPS)

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Aerial photography flown 2019

Prepared by: City of Duluth Planning & Economic Development, April 26, 2022. Source: City of Duluth.



PL 22-059
 Vacate Harding Ave. &
 Overland St. and
 utility easements
 Kami Holdings LLC

Legend

- Gas Main
- Water Main
- Hydrant

Sanitary Sewer Mains

- CITY OF DULUTH

Storm Sewer Mains

- Storm Sewer Pipe
- Storm Sewer Catch Basin

Parcels

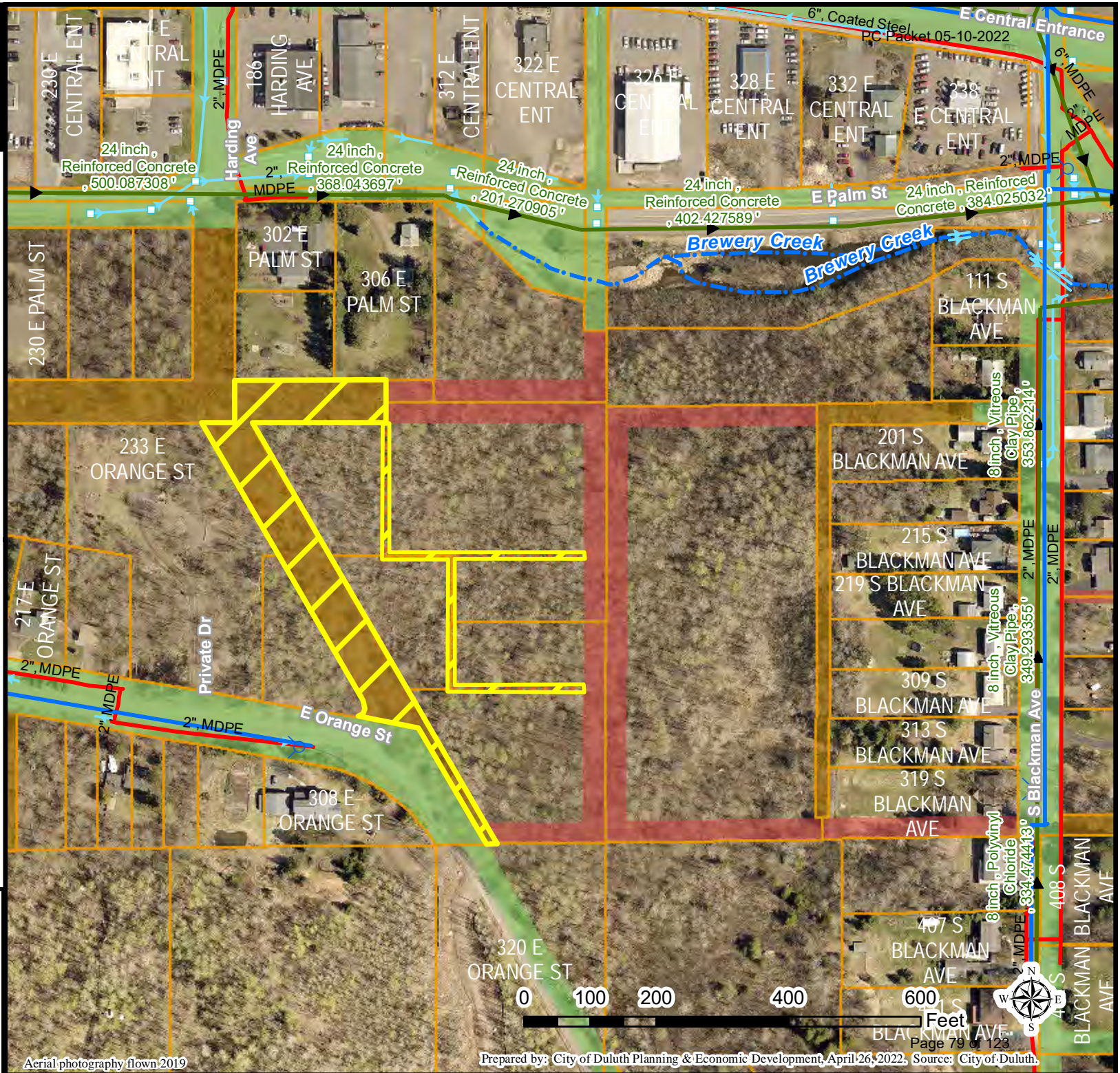
- Parcels

ROW

- <all other values>

SUBTYPE, ROW_STATUS

- Utility, Active
- Road, Active - currently in use
- Road, Vacated - vacated via recorded document
- Other Stream (GPS)



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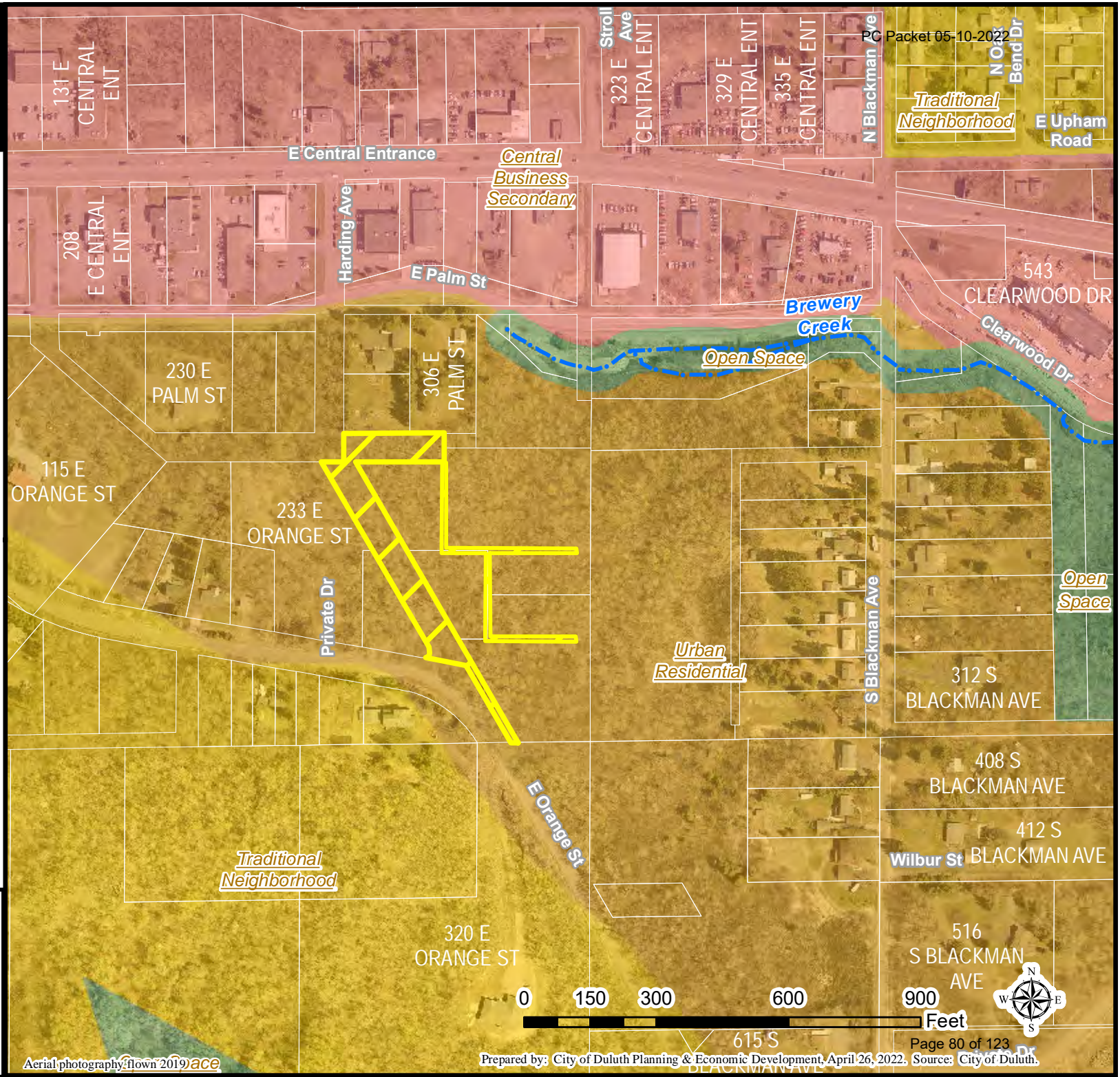


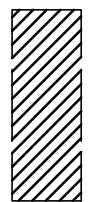
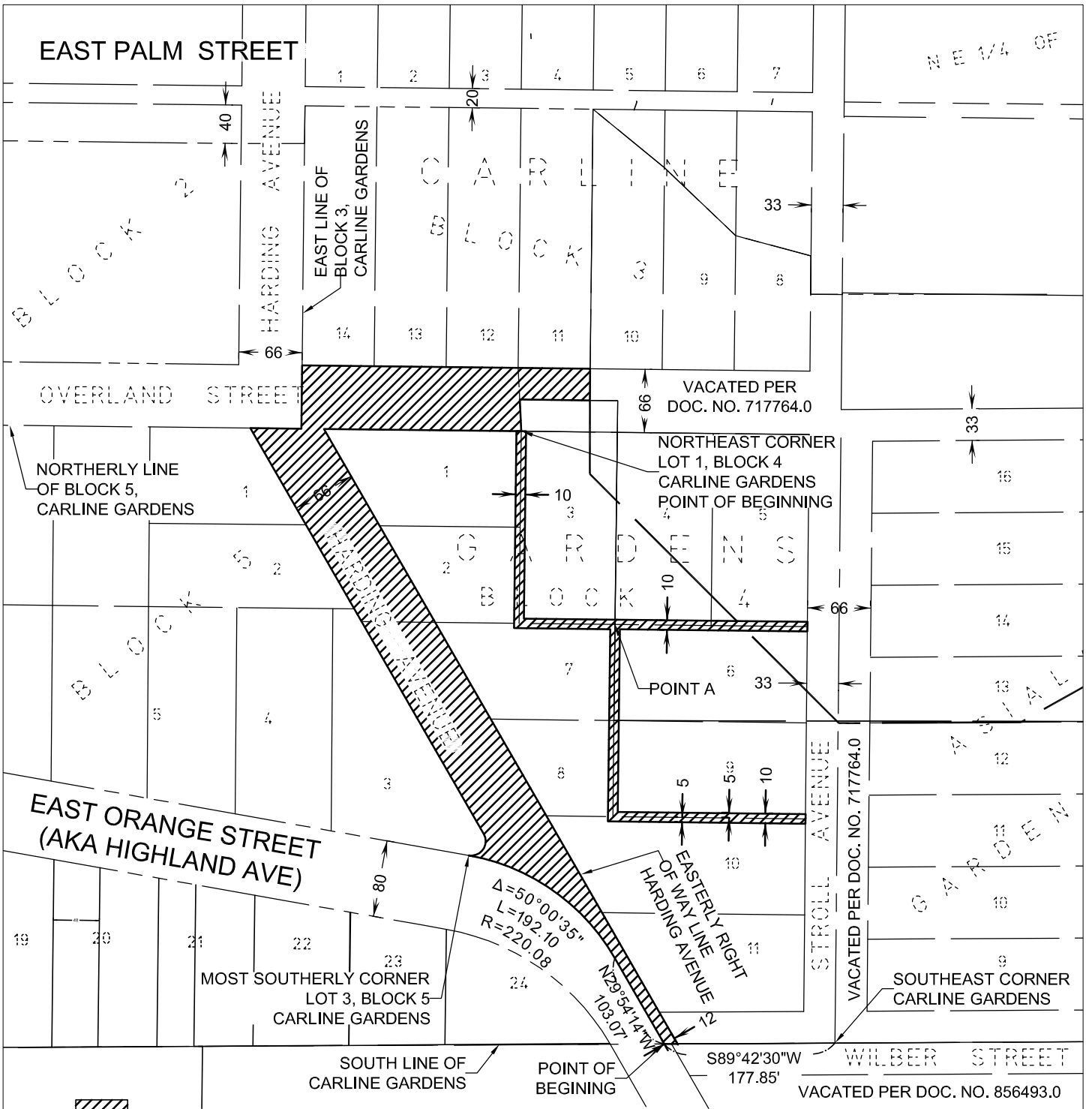
PL 22-059
 Vacate Harding Ave. &
 Overland St. and
 utility easements
 Kami Holdings LLC

Legend

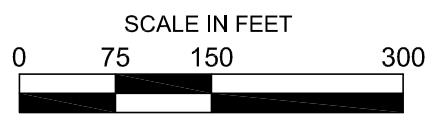
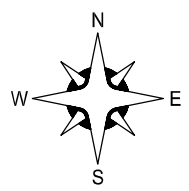
- Other Stream (GPS)
- Open Space
- Traditional Neighborhood
- Urban Residential
- Central Business Secondary

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.





AREA TO BE VACATED



1 inch = 150 feet

APPROVED BY THE CITY ENGINEER OF THE CITY OF DULUTH, MINNESOTA, THIS _____ DAY OF _____ 2022, BY _____.

Bearings, Distances, and Coordinates are based on the St Louis County TM96 Coordinate System

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 : 04/05/2022

 DANIEL W. SKINNER
 MINNESOTA LICENSE NO. 40827



11 East Superior Street
 Suite 420
 Duluth, MN 55802
 218-724-8578
 tkda.com
 Job Number: 18306.000

VACATION EXHIBIT in CARLINE GARDENS

Sheet 1 of 2 Sheets
 Page 64 of 125

Those portions of Overland Street and Harding Avenue, as dedicated on the plat of CARLINE GARDENS, on file and of record in the office of the County Recorder lying northerly of the following described line:

Commencing at the southeast corner of said plat of CARLINE GARDENS; thence on an assumed bearing of South 89 degrees 42 minutes 30 seconds West along the south line of said plat a distance of 177.85 feet to its intersection with a line drawn parallel to and 12.00 feet westerly from the easterly right-of-way line of Harding Avenue to the point of beginning of said line; thence North 29 degrees 54 minutes 14 seconds West along said parallel line, a distance of 103.07 feet; thence westerly 192.10 feet on a tangential curve, concave to the south, having a radius of 220.08 feet and a central angle of 50 degrees 00 minutes 35 seconds to the most southerly corner of Lot 3, Block 5 of said CARLINE GARDENS and said line there terminating.

Except that part lying westerly of the southerly extension of the east line of Block 3 of said CARLINE GARDENS and lying northerly of the northerly line of Block 5 of said plat and its easterly extension.

Also excepting that part of Overland Street previously vacated per Document Number 717764.0, on file and of record in the office of the County Recorder.

And also a 10 foot wide easement for utility purposes across those parts of Lots 1 through 10, Block 4 of CARLINE GARDENS, on file and of record in the Office of the County Recorder lying 5 feet on each side of the following described centerline:

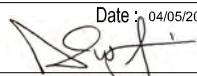
Beginning at the northeast corner of Lot 1 of said Block 4; thence southerly along the easterly line of said Lot 1 and its southerly extension to the southeast corner of Lot 2 of said Block 4; thence easterly along the southerly line of Lot 3 of said Block 4 to the southeast corner of said Lot 3 to a point hereinafter referred to as POINT A; thence continuing easterly along the southerly lines of Lots 4 and 5 of said Block 4 to southeast corner of said Lot 5 and said centerline there terminating.

And together with a 10 foot wide easement for utility purposes over that part of said Block 4 lying 5 feet on each side of the following described centerline:

Beginning at aforementioned POINT A; thence southerly along the easterly line of Lots 7 and 8 of said Block 4 to the southwest corner of Lot 9; thence easterly along the southerly line of said Lot 9 to the southeast corner of said Lot 9 and said centerline there terminating.

APPROVED BY THE CITY ENGINEER OF THE CITY OF
DULUTH, MINNESOTA, THIS _____ DAY OF
_____ 2022, BY _____.

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: 04/05/2022

DANIEL W. SKINNER
MINNESOTA LICENSE NO. 40827



11 East Superior Street
Suite 420
Duluth, MN 55802
218-724-8578
tkda.com
Job Number: 18306.000

VACATION EXHIBIT in
CARLINE GARDENS

File Number	PL 22-061	Contact	Kyle Deming	
Type	Preliminary Plat	Planning Commission Date	May 10, 2022	
Deadline for Action	Application Date	April 5, 2022	60 Days	June 4, 2022
	Date Extension Letter Mailed	April 27, 2022	120 Days	August 3, 2022
Location of Subject	Southwest corner of Palm St. and Blackman Ave. extended to Orange St. (Duluth Heights)			
Applicant	KAMI Holdings, LLC	Contact		
Agent	AMCON Construction	Contact	Dennis Cornelius	
Legal Description	See attached			
Site Visit Date	April 27, 2022	Sign Notice Date	April 26, 2022	
Neighbor Letter Date	April 28, 2022	Number of Letters Sent	38	

Proposal

Combine parts of 14 lots in two existing plats and 2 acres of unplatted land into the proposed 14-acre Kara-Mia Addition consisting of 2 building lots and associated utility easements.

Staff recommends approval, with conditions

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2 and R-1	Vacant/Undeveloped	Urban Residential
North	R-2 and MU-C	Storm water basin & Commercial	Open Space and Central Business Secondary
South	R-1	Vacant/Undeveloped	Urban Residential
East	R-1	Dwellings	Urban Residential
West	R-1	Vacant/Dwellings	Urban Residential/Traditional Neighborhood

Summary of Code Requirements

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

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

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

Governing Principle #5 – Promote reinvestment in neighborhoods. New development should strengthen commercial centers or diversify residential opportunities. This project creates apartment housing adjacent to and in support of an existing commercial district, strengthening that district’s character. The project is sited adjacent to existing transportation and utility infrastructure.

Governing Principle #7 – Create and maintain connectivity. This project is located adjacent to existing vehicle, bus, bike, and pedestrian infrastructure and will include dedication of pedestrian and bicycle connections through the development of both lots.

Governing Principle #8 – Encourage a mix of activities, uses, and densities. This project provides apartment housing on Lot 1 nearest infrastructure and “steps down” housing density on the R-1 zoned lot with a possible townhouse development on Lot 2.

Governing Principle #12- Create efficiencies in delivery of public services. This project will require minimal extension of utility infrastructure while utilizing existing transportation, public safety, and other City services. This allows the City to serve more residents on existing infrastructure which reduces the overall cost to all of the City’s landowners.

Housing Policy #2 - Provide affordable, attainable housing opportunities. This project will provide space for additional market-rate apartment dwellings.

Housing Policy #4 – Improve the quality of the city’s housing stock and neighborhoods. This project adds new housing to the community to replace units lost elsewhere in the community due to age or condition.

Zoning:

-- Residential-Urban (R-2): Multi-family apartments and townhouses, in an urban setting as well as single-family detached dwellings, duplexes and group living accommodations. Intended primarily for locations closer to commercial and mixed-use activity centers, and may serve as a transition between lower-density residential areas and more intense commercial and mixed use neighborhoods.

-- Residential-Traditional (R-1): Traditional neighborhoods of single-family, duplexes and townhouses on moderately sized lots. Intended to be used primarily in established neighborhoods.

Future Land Use:

-- Urban Residential: Greatest variety of residential building types, medium to high densities. Applicable to infill areas close to activity centers. Connected or adjacent to parks and open space. Overall residential density of 8 units/acre and up. Design standards ensure pedestrian orientation and mix of housing.

Related files:

PL 21-178 Wetland Delineation, PL 22-046 Concept Plan, PL 22-053 Wetland Replacement Plan

History:

In 2001 a 115-unit multi-story retirement community was proposed on 7 acres where the current developer’s apartment building is proposed. The building was never constructed. The City Council rezoned (FN 01135) the site from C-5 (Planned Commercial) to R-3 (Apartment Residential) for that project. The Council also vacated the streets in the area (FN 01137). The Planning Commission approved a wetland permit (FN 01136) to allow 1.8 acres of wetland impact. The wetland delineation and previous wetland permit have expired.

Review and Discussion Items

Staff finds:

- 1) The proposal will combine 14 lots in 2 existing plats with 2 acres of unplatted land to form the new Kara-Mia Addition plat consisting of 2 lots and related utility easements. The site is vacant, with the exception of a dwelling (111 S. Blackman Ave.) that will be removed as part of lot development.
- 2) Lot 1 (6.6 acres), zoned R-2 (Residential-Urban), is proposed to be developed with a 198-unit apartment building, which is a permitted use in R-2.
- 3) Lot 2 (7.4 acres), zoned R-1 (Residential-Traditional), is proposed to be developed in a later phase into townhomes on a private road accessing Orange St. The developer will apply for a special use permit for the townhomes.
- 4) A related UDC Map Amendment/Rezoning file (PL 22-060) is also under consideration to bring zoning boundaries in alignment with proposed lot lines.
- 5) Immediately north of the plat is 2.2 acres of City-owned land that consists of wetlands and a storm water detention pond. This pond is the headwaters to Brewery Creek, a General Development Shoreland as well as a Floodway with a Base Flood Elevation of 1,221.9 feet according to the draft FEMA maps.
- 6) The General Development Shoreland requires buildings to be setback 50 feet from the Ordinary High Water Level of the creek; Lot 1 allows adequate space for a building that complies with the setback. Natural grade of Lot 1 is much higher than the Base Flood Elevation and, therefore, buildings should be able to comply with floodplain elevation requirements.
- 7) The highest parts of the site (elevation 1,275 feet) are along the western plat boundary dropping 30 feet quickly as you travel northeast before sloping more gradually down to the storm water pond north of the site. A wetland delineation (PL 21-178) found there are 2.2 acres of primarily Type 7 forested wetlands on the site, the largest at 1.4 acres spanning the middle of the site. This wetland is connected by a ditch to the wetlands along the storm water pond north of the plat. The smaller wetlands in the southern part of the site appear to be part of a gravel pit from years ago. A wetland replacement plan for 0.96 acres of wetland impacts due to the development of an apartment building has been submitted and is currently being reviewed by the technical evaluation panel.
- 8) A forest inventory yielded 2 special trees at the northwest corner of the site near Palm St. and 20 special trees at the southeast corner of the site. The balance of the site is made up primarily of aspen and ash species. A tree replacement plan will need to be provided at time of site development.
- 9) Lot 1 of the proposed plat will have 280 feet of frontage on Palm St. and 93 feet of frontage on Blackman Ave. Lot 2 will have approximately 230 feet of frontage on Orange St. The plat will dedicate a 33-foot-wide portion of Blackman Ave., but no additional streets are to be dedicated with the plat.
- 10) There are portions of two streets (Harding Ave. and Overland St.) and utility easements that will need to be vacated before the plat is recorded. The developer has applied for vacations (PL 22-059) and final approval of the vacations will be a condition of approval for the final plat.
- 11) Access to Lot 1 will be via Palm St. and Blackman Ave. (local City streets that connect to Central Entrance, a MN-DOT trunk highway) and Arlington Ave., a County state aid highway. Access to Lot 2 will be via Orange St., a local City street, that connects to Arlington Ave.
- 12) A traffic study was completed for the project. City transportation planning and engineering staff agree with the study's findings. The author summarized the study's findings saying "the traffic operational analysis indicates there is available capacity on the roadways surrounding the site and at site access driveway intersections to accommodate site-generated traffic." The project is anticipated to generate 92 trips in the morning peak hour and 99 trips during the afternoon peak hour and a total of 1,181 daily vehicle trips on average.
- 13) Beginning Summer 2022, the Duluth Transit Authority will increase trip frequency on Central Entrance, including a larger transit stop at Blackman Ave. This will provide good transit service for residents of the plat located a block south of the bus route.
- 14) A City-owned paved shared use path runs along the south side of Palm St. from Arlington Ave. to the Harbor Highlands neighborhood at 13th St. It is recommended that the development of townhomes on Lot 2 be connected to the City shared use path by a privately-owned and maintained paved shared use path through Lots 1 and 2 to provide needed connectivity and circulation.
- 15) Adequate utility capacity exists to serve the proposed development. The developer will extend public water service into the site via a utility easement from Blackman Ave. and across Lot 1 to a fire hydrant in front of the apartment building. Staff recommends that the utility easement be extended to the west property boundary to provide for

the possible future extension of a public water main to that lot that currently does not have public water main access. Development on Lot 2 can be served by a public water main in Orange St. and extension of that main either via public extension or private system can be determined at time of development. Staff recommends that the development agreement include a requirement for provision of a public utility easement at time of development on Lot 2 for the future connection of the Orange St. and Blackman Ave. water mains.

- 16) The developer will extend a public sanitary sewer main parallel to the water main to serve Lot 1. The sanitary sewer main will also extend south along the east property boundary to Lot 2 in preparation for the townhome development there. Any further extension of the sanitary sewer either via public main or private system will be determined at the time of Lot 2 development and necessary easements obtained.
- 17) City storm water engineer Tom Johnson has reviewed the preliminary design and stated it will be able to achieve the stormwater requirements in the UDC. Site characteristics require the southerly portion of the site to drain to the north. Future development of Lot 2 will require stormwater management facilities to be located in Lot 1. An agreement between owners of Lots 1 and 2 will be needed prior to approval of building permits for development on Lot 2. A final stormwater management report will be submitted to the City prior to any building permits or land disturbance permits are issued.
- 18) Staff finds there are no adverse material impacts to surrounding properties that cannot be adequately mitigated by permits required by this development and appropriate site design. Storm water permits will require appropriate treatment and attenuation of storm water before discharge, loss of tree cover will be mitigated through approval of tree preservation plans, significant traffic impacts are not expected on local streets, pedestrian and bicycle connectivity will be addressed through installation of sidewalks and a shared use path through Lots 1 and 2.
- 19) The preliminary plat is consistent with the comprehensive land use plan designation of this property as “urban residential,” as the project is expected to result in the construction of apartment and townhome dwellings, which are included in the definition. The project implements Housing Policies #2 and #4 by providing opportunities for market-rate and attainable housing as well as improving the quality of the city’s housing stock.
- 20) The preliminary plat is located in an area with adequate police, fire and emergency facilities available to serve the projected population. Emergency services can be provided by the Duluth Heights station (#7) and Downtown station (#1) with backup from the Spirit Valley station. The additional dwelling units will not make it unreasonable to serve the area according to the City’s Fire Marshall. The police headquarters is 1.5 miles from the site.
- 21) Staff finds that, other than the items addressed above, the preliminary plat conforms to the requirements of Sec 50-37.5. and is consistent with all applicable requirements of MSA 462.358 and Chapter 505.
- 22) 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:

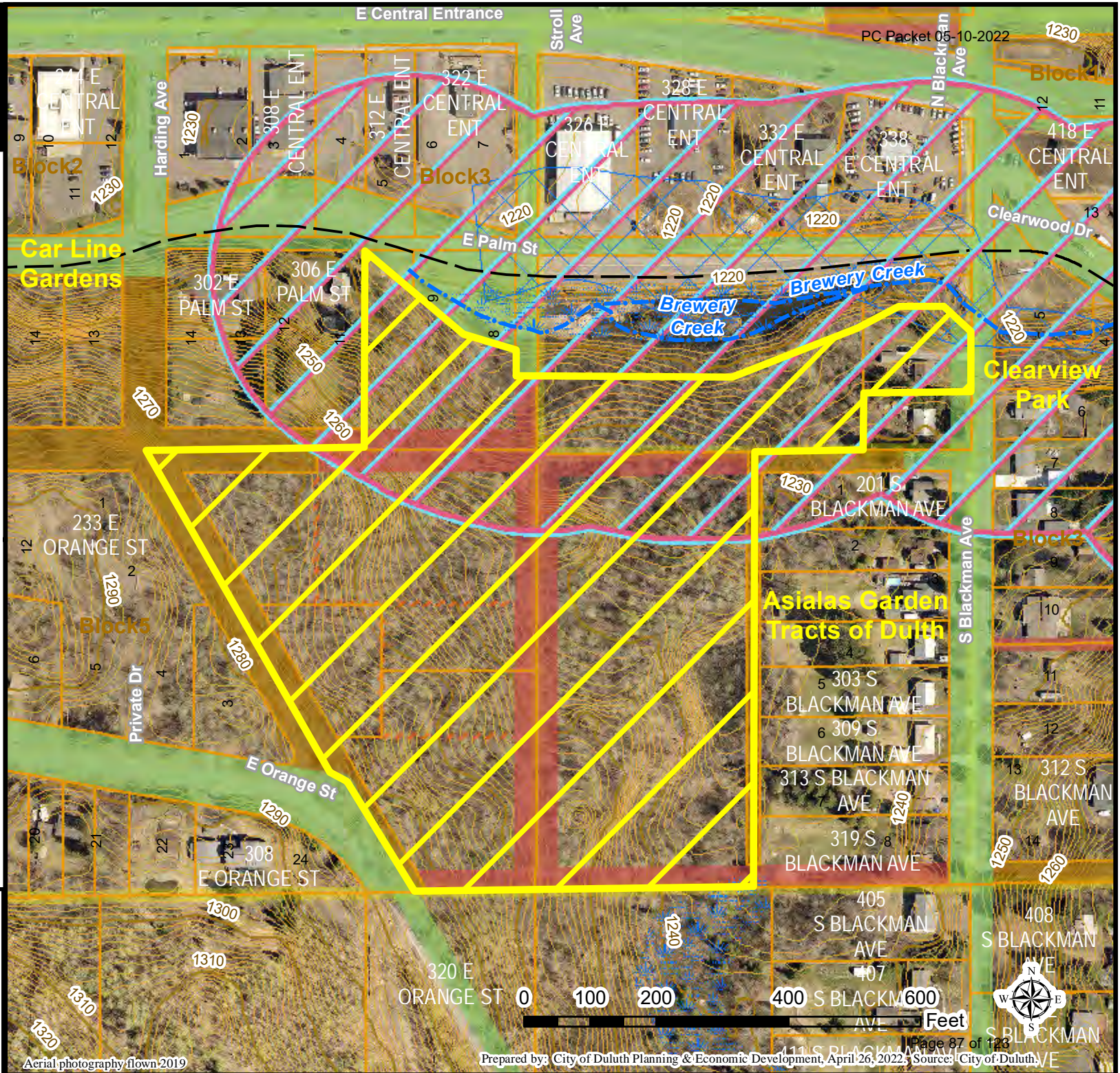
1. The applicant enter into a development agreement addressing terms as identified by City staff that is approved by City Council before the Final Plat is recorded.
2. Vacation of underlying streets and utility easements be approved by Council concurrent with final plat approval and recording.
3. Extend the utility easement containing the water main to the west property boundary.
4. The need for future utility easements in Lot 2 be provided for in the development agreement.
5. Management of storm water facilities by the owners of Lot 2 that are located on Lot 1 be required by the development agreement.
6. A paved privately-owned and maintained shared use path extend from Lot 2 to the City’s shared use path south of Palm St.
7. Prior to tree removal activities, the Land Use Supervisor approve the tree replacement plan and that trees to be preserved be fenced, including the area of the tree’s dripline.



PL 22-061
 Preliminary Plat
 Kara-Mia Addition
 Kami Holdings LLC

Legend

- Blocks
- Multi-Use - Paved
- Lots
- Parcels
- 1 Ft contour
- 10 Ft contour
- ROW
- <all other values>
- SUBTYPE, ROW_STATUS
- Utility, Active
- Road, Active - currently in use
- Utility, Vacated - vacated via recorded document
- Road, Vacated - vacated via recorded document
- Subdivision Boundaries
- Floodplain (UDC)**
- Flood Way
- Shoreland (UDC)**
- General Development
- Other Stream (GPS)
- Wetlands (NRRI)



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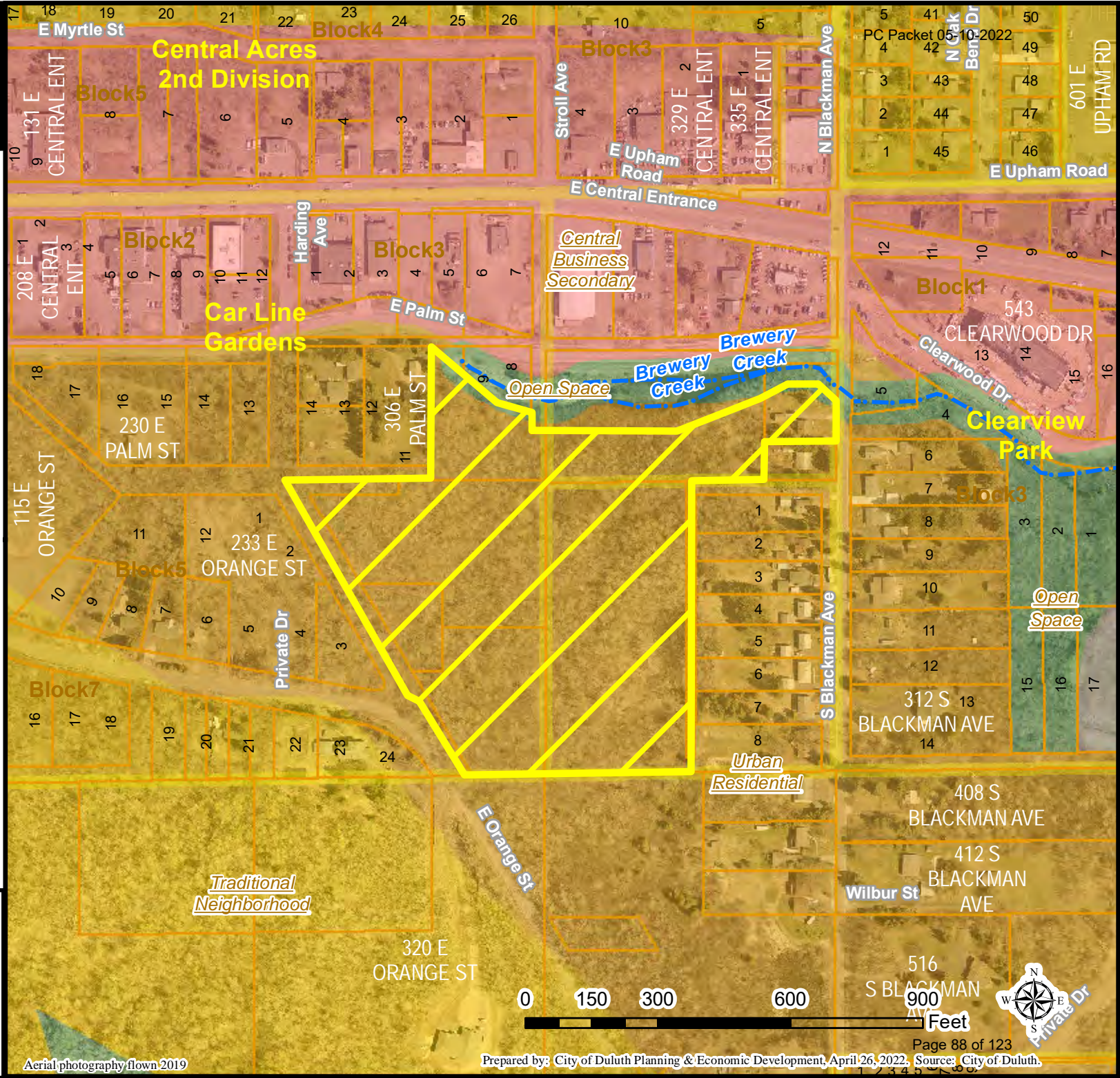
Aerial photography flown 2019



PL 22-061
 Preliminary Plat
 Kara-Mia Addition
 Kami Holdings LLC

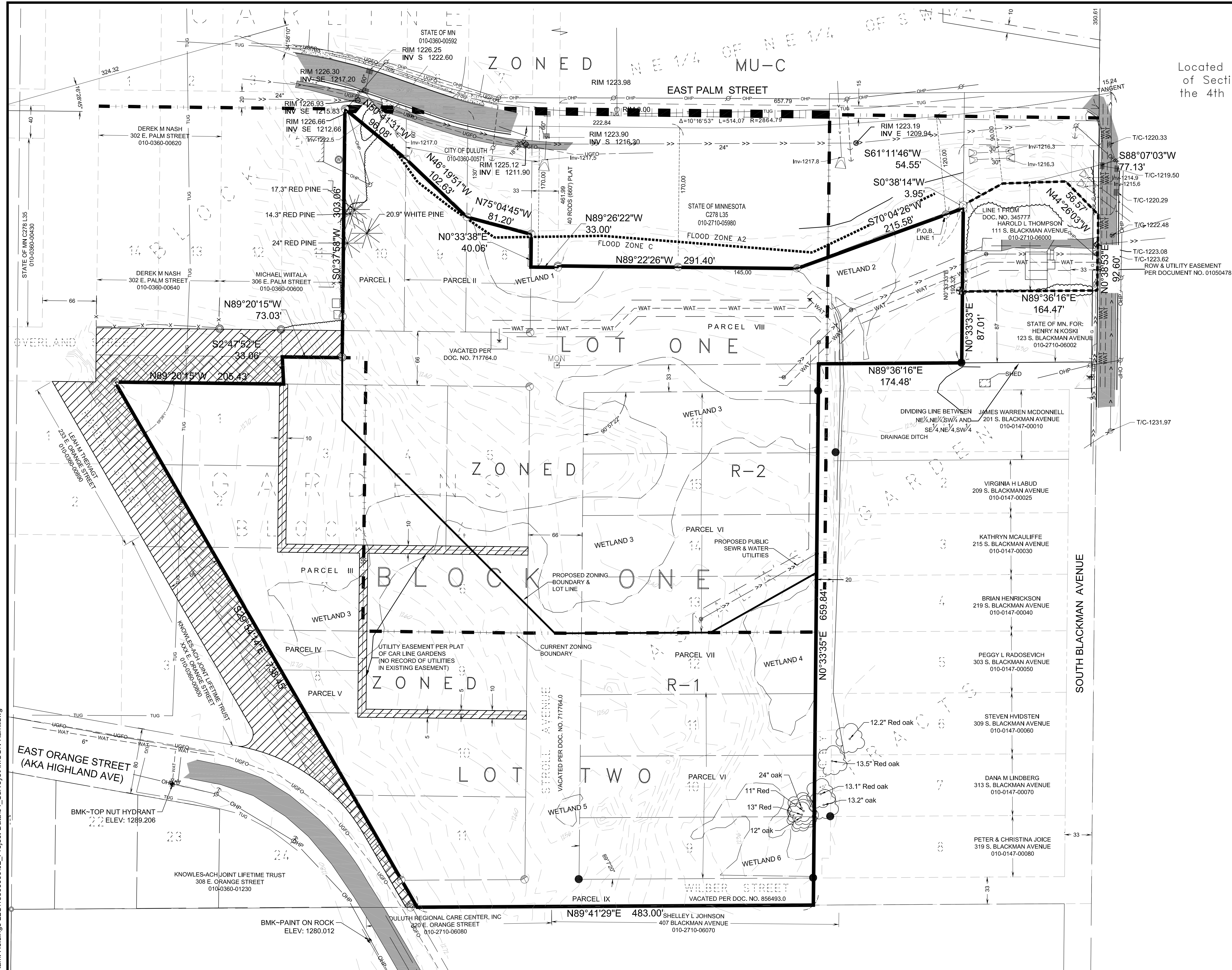
Legend

- Blocks
- Lots
- Parcels
- Subdivision Boundaries
- Other Stream (GPS)
- Open Space
- Traditional Neighborhood
- Urban Residential
- Central Business Secondary
- Business Park



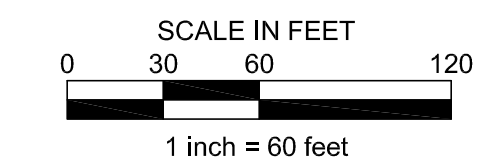
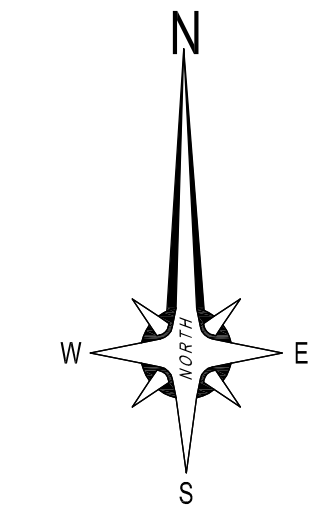
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Aerial photography flown 2019



PRELIMINARY PLAT: KARA-MIA ADDITION

Located in The Northeast Quarter of Southwest Quarter of Section 21, Township 55 North, Range 14 West of the 4th Principal Meridian, St. Louis County, Minnesota



ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM, NAD 83 (1996 ADJ).

Apr 05, 2022 - 10:06am K:\g-mk\Kami Holdings LLC\18306000\02_Project-Data\04_Surveys\MCON-Kami.dwg

NO.	DATE	BY	DESCRIPTION OF REVISIONS

DESIGNED JK
DRAWN JK
CHECKED GS

I HEREBY CERTIFY THAT THIS PLAN 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
DANIEL W. SKINNER
04/05/2022 LIC. NO. 40827



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

**PRELIMINARY PLAT
FOR:
KAMI HOLDINGS**

**MAP OF
PRELIMINARY PLAT
ST. LOUIS COUNTY MINNESOTA**

PROJ. NO. 18306.000
DRAWING NO. 1 OF 2

PRELIMINARY PLAT: KARA-MIA ADDITION

Located in The Northeast Quarter of Southwest Quarter of Section 21, Township 55 North, Range 14 West of the 4th Principal Meridian, St. Louis County, Minnesota

Legal Description

The Land is described as follows:

Parcel I:

Lot 10, Block 3, Car Line Gardens, except that part of which lies Northeasterly of a line described as follows: Beginning at the Northwest corner of Lot 10; thence run Southeasterly to a point on the East line of said Lot 10, distant 60 feet Southerly of the Northeast corner thereof and there terminating together with that portion of vacated Overland Street adjacent thereto.

Parcel II:

Lots 8 and 9, Block 3, Car Line Gardens, except that part which lies Northerly of a line described as follows: Beginning at a point on the West line of Lot 9, said Block 3, distant 60 feet Southerly of the Northwest corner thereof; thence run Southeasterly to a point on the East line of Lot 9, said Block 3, distant 130 feet Southerly of the Northeast corner thereof; thence run Southeasterly to a point on the East line of Lot 8, said Block 3, distant 150 feet Southerly of the Northeast corner thereof and there terminating together with that portion of vacated Overland Street adjacent thereto and that portion of vacated Stroll Avenue adjacent to Lot 8, Block 3, Car Line Gardens.

EXCEPT all minerals and mineral rights.

Parcel III:

Lots 1 through 7, inclusive and Lots 9, 10, and 11, Block 4, Car Line Gardens together with that portion of vacated Overland Street adjacent to Lots 3, 4 and 5, Block 4, Car Line Gardens and that portion of vacated Stroll Avenue adjacent to Lots 5, 6, 9, 10 and 11, Block 4, Car Line Gardens.

EXCEPT all minerals and mineral rights.

Parcel IV:

North 1/2 of Lot 8, Block 4, Car Line Gardens.

EXCEPT all minerals and mineral rights.

Parcel V:

South 1/2 of Lot 8, Block 4, Car Line Gardens.

EXCEPT all minerals and mineral rights.

Parcel VI:

Lots 9, 10, 11, 13, 14, 15, 16, Asiala's Garden Tracts of Duluth, together with that portion of vacated Stroll Avenue adjacent thereto and that portion of vacated Overland Street adjacent to Lot 16, Asiala's Garden Tracts of Duluth.

EXCEPT all minerals.

Parcel VII:

Lot 12, Asiala's Garden Tracts of Duluth together with that portion of vacated Stroll Avenue adjacent thereto.

EXCEPT all minerals.

Parcel VIII:

That part of the Northeast Quarter of the Northeast Quarter of the Southwest Quarter of Section 21, Township 50 North, Range 14 West, described as follows:

Beginning at the center of said Section 21; thence West 40 rods; thence South 40 rods; thence East 30 rods; thence North 16 rods; thence East 10 rods; thence North 24 rods to the place of beginning; excepting therefrom that part of the above described tract, lying Northerly of a line run parallel with and distant 15 feet Southerly of the following described line; Commencing at the center of said Section 21; thence run Southerly along the North and South Quarter line of said Section 21 for 350.61 feet to the point of beginning of the line to be described; thence deflect to the right at an angle of 90 degrees 02 minutes 00 seconds for 657.81 feet, more or less, to the East line of Car Line Gardens, and there terminating;

Except that part which lies Northerly of Line 1 described below:

Line 1. From a point on Line 2 described below, distant 700 feet Westerly of its point of termination, run Southerly at right angles to said Line 2 for 170 feet to the point of beginning of Line 1 to be described; thence run Easterly to a point distant 170 feet Southerly (measured at right angles) of a point on said Line 2, distant 529.31 feet Westerly of its point of termination; thence continue Easterly on the last described course for 145 feet; thence run Northeasterly to a point distant 120 feet Southerly (measured at right angles) of a point on said Line 2, distant 215.81 feet Westerly of its point of termination; thence run Northeasterly to a point distant 90 feet Southerly (measured at right angles) of a point on said Line 2, distant 145.81 feet Westerly of its point of termination; thence run Easterly parallel with said Line 2 for 145 feet and there terminating;

Line 2. Beginning at a point on the West line of said Section 21, distant 318.95 feet South of the West Quarter corner thereof; thence run Easterly at an angle of 90 degrees 01 minutes 01 seconds from said West section line, measured from South to East, for 1275.01 feet; thence deflect to the left at an angle of 16 degrees 28 minutes 45 seconds for 324.32 feet; thence deflect to the right at an angle of 34 degrees 58 minutes 10 seconds for 327.93 feet; thence deflect to the left at an angle of 18 degrees 29 minutes 25 seconds for 222.84 feet; thence deflect to the left on a tangential curve having a radius of 2864.79 feet and a delta angle of 10 degrees 16 minutes 53 seconds for 514.07 feet; thence on tangent to said curve for 15.24 feet and there terminating;

Together with that portion of vacated Overland Street adjacent thereto and that portion of vacated Stroll Avenue adjacent thereto.

EXCEPT all minerals and mineral rights.

Parcel IX:

That portion of Wilbur Street, vacated by Resolution 08-0269 adopted April 28, 2008, filed July 31, 2008, as Document No. 856493.0, that lies between the East line of Lot 9, Asiala's Garden Tracts, extended Southerly, and between the Westerly line of Lot 11, Block 4, Car Line Gardens, extended Southeasterly.

St. Louis County, Minnesota
Torrens Property

Legal Description Adjacent lot purchase

111 South Blackman Avenue

The Land referred to herein below is situated in the County of St. Louis, State of MN, and is described as follows:

That part of the Northeast Quarter of the Northeast Quarter of the Southwest Quarter, Section 21, Township 50 North, Range 14 West of the Fourth Principal Meridian, St. Louis County, Minnesota, described as follows: Commencing on the center line of said Section 21, 396 feet South of the center of said Section; thence due West at right angles to last line 165 feet; thence due South at right angles to last line 264 feet to the dividing line between NE 1/4 of NE 1/4 of SW 1/4 and SE 1/4 of NE 1/4 of SW 1/4 of said Section; thence due East on said dividing line 165 feet to the center line of said Section; thence due North on the center line of said Section, 264 feet to the place of beginning.

EXCEPT Southerly 87 feet.

AND EXCEPT that part described in a deed to the State of Minnesota dated May 17, 1982, and filed June 4, 1982 as Document No. 345777, legally described as follows:

TRACT A: That part of the NE 1/4 of NE 1/4 of SW 1/4 of Section 21, Township 50, Range 14, described as follows:

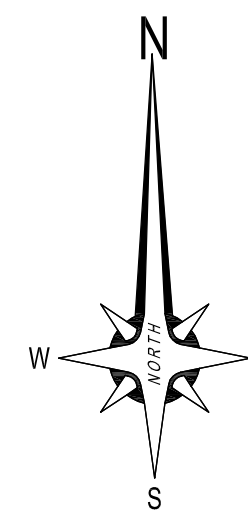
Beginning at a point on the north and south quarter line of said Section 21, distant 24 rods south of the center of said Section 21; thence due West at right angles 10 rods; thence due South at right angles 16 rods; thence due East at right angles 10 rods; thence due North 16 rods to the place of beginning, EXCEPTING therefrom the Southerly 87 feet thereof which lies northerly of Line 1 described below.

LINE 1: From a point on Line 2 described below, distant 215.81 feet westerly of its point of termination, run Southerly at right angles to said Line 2 for 120 feet to the point of beginning of Line 1 to be described; thence run Northeasterly to a point distant 90 feet southerly (measured at right angles) of a point on said Line 2, distant 145.81 feet westerly of its point of termination; thence run Easterly to a point distant 55 feet westerly (measured at right angles) of a point on Line 3 described below, distant 108.85 feet southerly of its point of beginning; thence run Southeasterly to a point distant 15 feet westerly (measured at right angles) of at the point of termination of said Line 3 and there terminating.

LINE 2: Beginning at a point on the west line of said Section 21, distant 318.95 feet south of the west quarter corner thereof; thence run Easterly at an angle of 90 degrees 01 minutes 01 seconds from said west section line (measured from south to east) for 1275.01 feet; thence deflect to the left at an angle of 16 degrees 28 minutes 45 seconds for 324.32 feet; thence deflect to the right at an angle of 34 degrees 58 minutes 10 seconds for 327.93 feet; thence deflect to the left at an angle of 18 degrees 29 minutes 25 seconds for 222.84 feet; thence deflect to the left on a tangential curve having a radius of 2864.79 feet and a delta angle of 10 degrees 16 minutes 53 seconds for 514.07 feet; thence on a tangent to said curve for 15.24 feet and there terminating.

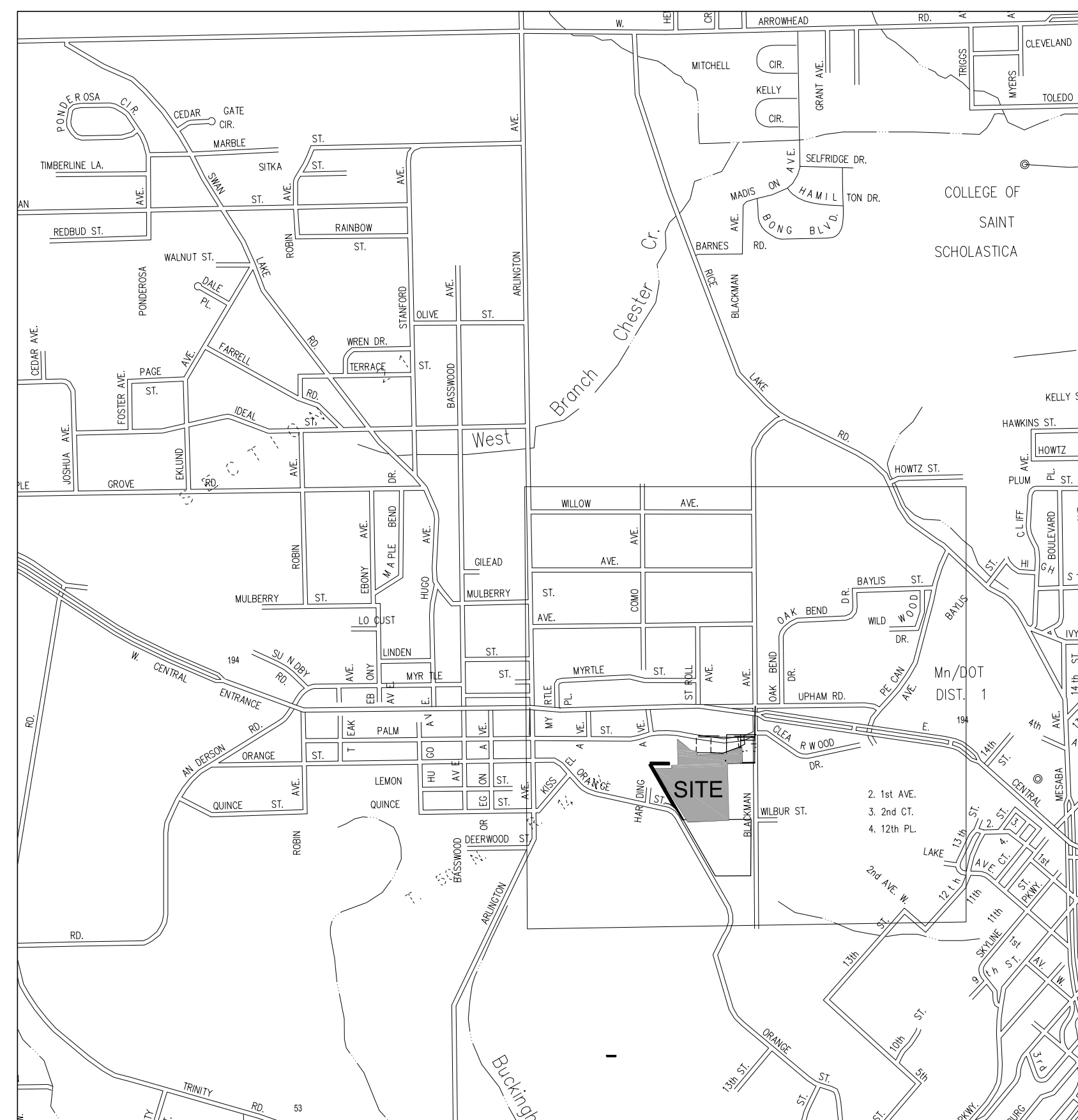
LINE 3: Beginning at the point of termination of Line 2 described above, thence run Southerly at an angle of 79 degrees 46 minutes 44 seconds from said Line 2 (measured from west to south) for 148.85 feet and there terminating.

NOTE: this property is Abstract.



ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM, NAD 83 (1996 ADJ.).

LOCATION MAP



Notes:

Owner : Kami Holdings, L.L.C.
Area platted : 582,863 sq. ft. or 13.4 acres ±

Boundary Survey Dates : 5/1/2021 - 12/30/2021
By : Greg Stoewer, MN PLS 21774

Wetlands delineated by Robert Peterson,
WSP USA, INC. License # XXXX, October, 2021

Developer :
Kami Holding, L.L.C.
c/o Medina Gonzalo
3120 Woodbury Drive
Suite 100
Woodbury MN. 55125
Phone No

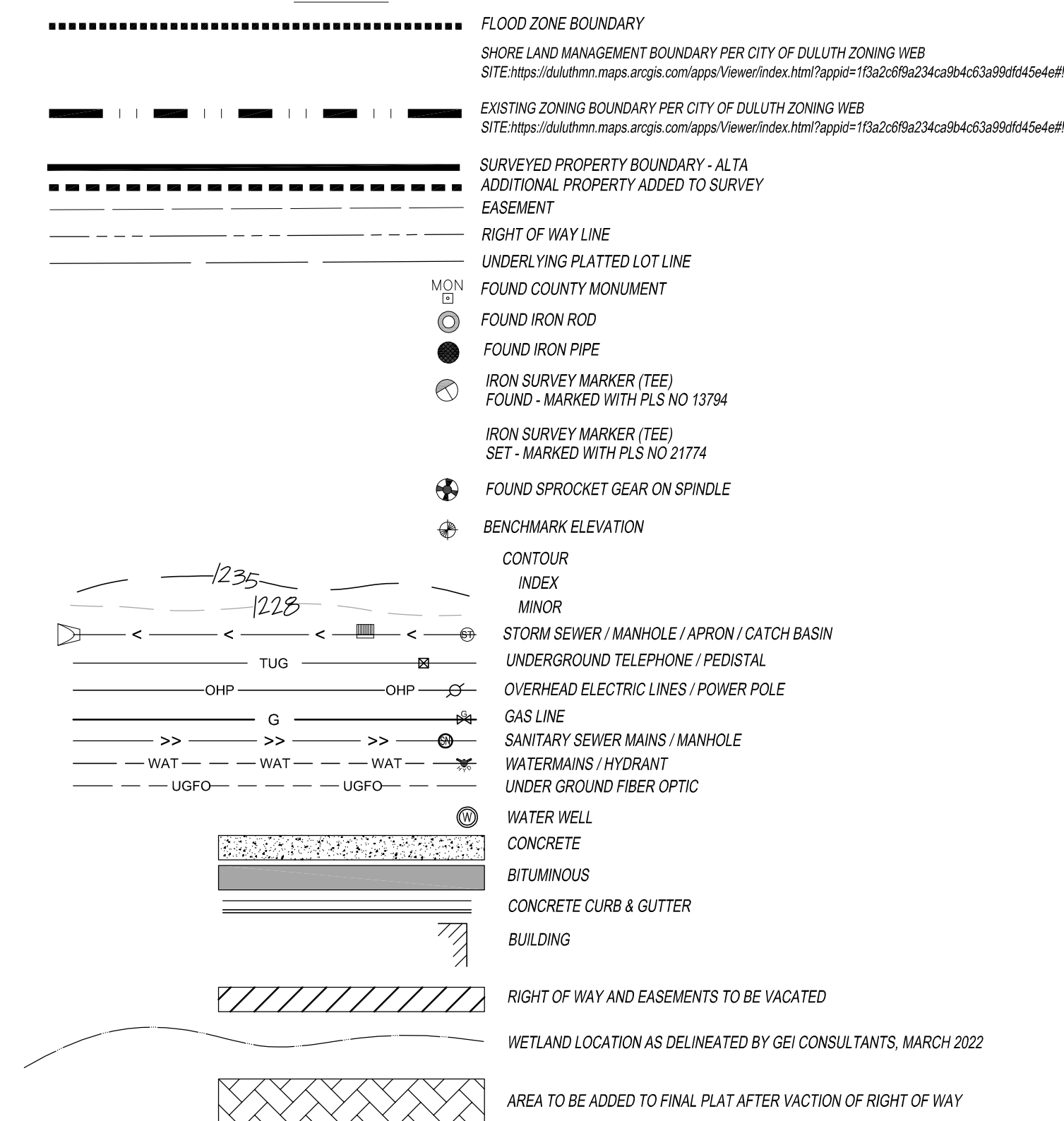
Property is zoned R-1 & R-2

Setbacks as shown:
35' Road setback
20' Side line setback
100' Lake setback

Proposed zoning to remain R-1 & R-2, with new zoning boundaries to follow future Lot lines

Setbacks to remain the same:
35' Road setback
20' Side line setback
100' Lake setback

LEGEND



Apr 05, 2022 - 10:07am
K:\g-m\kami Holdings LLC\1830600002_Project-Data\04_Surveys\MCON-Kami.dwg

DESIGNED	JK		
DRAWN	JK		
CHECKED	GS		
NO.	DATE	BY	DESCRIPTION OF REVISIONS

I HEREBY CERTIFY THAT THIS PLAN 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

DANIEL W. SKINNER
04/05/2022 LIC. NO. 40827

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

PRELIMINARY PLAT
FOR:
KAMI HOLDINGS

PRELIMINARY PLAT
DOCUMENTATION
ST. LOUIS COUNTY MINNESOTA

PROJ. NO. 18306.000
DRAWING NO. 2 OF 2

CENTRAL ENTRANCE HOUSING DEVELOPMENT WETLAND DELINEATION REPORT

KAMI HOLDINGS, LLC

DATE: OCTOBER 2021

WSP USA INC.
4602 GRAND AVENUE
SUITE 300
DULUTH, MN 55807

WSP.COM

3 RESULTS

3.1 WETLAND DELINEATION

Five wetlands, Wetland A, Wetland B, Wetland C, Wetland D, and Wetland E were identified within the delineation area.

Wetland A is located in the central part of the delineation area and covers approximately 1.4 acres. Wetland A starts out as a sloped wetland that appears to begin at a seep in the southwest corner of the Site. Surface water and groundwater seepage travel downgradient to the east. Wetland A broadens out in the east central part of the Site where the topography becomes more gradual. Wetland A enters a wet ditch offsite to the east where it drains into Wetland B and the open water pond to the north. Wetland A is a Type 7 – Hardwood Swamp dominated by *Fraxinus nigra* in the tree layer with *Alnus incana* in the shrub layer with *Poa palustris* and *Rubus pubescens* in the herbaceous layer. The Wetland A sampling point met wetland hydrology criteria A3 – Saturation, C2 – Dry-Season Water Table, D2 – Geomorphic Position, and D5 – FAC-Neutral Test. Hydric soil indicators A11 – Depleted Below Dark Surface, F3 – Depleted Matrix, and F6 – Redox Dark Surface were present. The east half of Wetland A is identified on the NWI as PFO1B (Palustrine Forested Broad-Leaved Deciduous Saturated). Wetland B is not identified on the PWI. The source of hydrology for Wetland A appears to be from precipitation and ground water seepage.

Wetland B is located along the north property line and covers approximately 0.35 acres. Wetland B is a Type 7 – Hardwood Swamp adjacent to the open water pond to the north of the Site and is hydrologically connected to Wetland A through a Wet Ditch cut through uplands. Wetland B is dominated by *Fraxinus nigra* and *Acer negundo* in the tree layer with *Alnus incana* in the shrub layer and *Myosotis scorpioides* in the herbaceous layer. The Wetland B sampling point met wetland hydrology criteria D2 – Geomorphic Position, and D5 – FAC-Neutral Test. Hydric soil indicators A11 – Depleted Below Dark Surface, F3 – Depleted Matrix, and F6 - Redox Dark Surface were present. Wetland B is not identified on the NWI or PWI. The source of hydrology for Wetland B appears to be from precipitation. Water table and saturation was not observed at the time of sampling due to below normal precipitation conditions.

Wetland C, Wetland D, and Wetland E are located in the southeast part of the delineation area. Wetland C (0.25 acres), Wetland D (0.17 acres), and Wetland E (0.02 acres) are Type 6 – Alder Thicket wetlands. These wetlands and the surrounding upland areas contain evidence of cut and fill from possible gravel extraction. The wetland edges have steep cut slopes consisting of gravel material and there are apparent spoil pills present. These wetlands are dominated by some *Fraxinus nigra* in the tree layer with *Alnus incana* in the shrub layer with *Poa palustris*, *Rubus pubescens*, and *Solidago gigantea* in the herbaceous layer. The Wetland C sampling point met wetland hydrology criteria A3 – Saturation, C2 – Dry-Season Water Table, D2 – Geomorphic Position, and D5 – FAC-Neutral Test. Hydric soil indicator F3 – Depleted Matrix was present. The Wetland D sampling point met wetland hydrology criteria B9 – Water-Stained Leaves, D2 – Geomorphic Position, and D5 – FAC-Neutral Test. Hydric soil indicators A11 – Depleted Below Dark Surface, F3 – Depleted Matrix, and F6 - Redox Dark Surface were present. Wetland C is not identified on the PWI but is identified on the NWI as PFO1B (Palustrine Forested Broad-Leaved Deciduous Saturated). Wetland D and E are not identified on the NWI or PWI. The source of hydrology for Wetlands C, D, and E appears to be from precipitation.

Wet Ditch


One small wet ditch was identified within the delineation area that connects Wetland A to Wetland B. The ditch is visible on the LiDAR hillshade map. Wet ditch was classified as a linear basin or depression area that met all three wetland criteria but was confined to the bed and bank of a ditch. The wet ditch was cut through upland between wetlands A and B and was approximately six feet wide and 4 feet deep from top of bank to top of bank.

Eight sampling points were completed within and adjacent to Site wetlands to characterize the vegetation, soils, and hydrology. Sampling point locations were chosen to delineate the upland/wetland boundary and characterize the different plant communities. Sampling points were labeled with a project identifier, an alphabetical wetland identifier, followed by the sampling point number, then an upland or wetland designation (e.g. CEH-A1W is associated with Central Entrance Housing Development (CEH), Wetland A (A), and is the first (1) wetland (W) sampling point).

See **Figure 2** for details on the wetland boundaries and sampling point locations, and **Figure 3** for the wetland plant communities, NWI, and PWI classifications. **Figure 4** shows the delineated wetland boundary overlain on the LiDAR hillshade layer. Photographs of select Site features are included in **Appendix A**. Specifics of observed vegetation, hydrology, and soil characteristics of the Site wetlands are included on the USACE Wetland Determination Data Forms for Routine Determination in **Appendix B**. The soil survey map units and hydric soil classifications are included in **Appendix C**.

4 SUMMARY





The delineated wetlands meet the criteria outlined in the *USACE Wetlands Delineation Manual* and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region*. The boundaries of the wetlands will be submitted to the Local Government Unit (LGU), along with a Minnesota Joint Application Form requesting delineation concurrence.

Prepared by: 

Rob Peterson
Certified Wetland Delineator, No. 1039 (MN)
Professional Wetland Scientist, No. 2443



WSP Office: Duluth, MN | Sources: C:\Users\jtrasmund\OneDrive\Documents\GIS - General\TKGA\Central\Houston\Map\TKGACENTRAL01b.mxd, 10/5/2021, 3:10:34 PM, NAD 1983 HARN, 41, MN S1 Leaf, CS:86, Feet

-  Upland Sampling Point
-  Wetland Sampling Point
-  Delineated Wetland
-  Delineation Area

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: 10/5/2021
Service Layer Credits: MNGeo WMS Service



WSP USA Inc.
1602 GRAND AVENUE
SUITE 300
DULUTH, MN 55807
TEL: +1 218 336 8820

**CENTRAL ENTRANCE HOUSING DEVELOPMENT
DULUTH, MINNESOTA**

PREPARED FOR
KAMI HOLDINGS, LLC

FIGURE 02

**WETLAND BOUNDARIES AND
SAMPLING POINT LOCATIONS**

Page 96 of 123
OCTOBER, 2021



April 18, 2022

To: Dennis Cornelius

From: Vernon Swing, PE

Re: Draft Traffic Analysis Memorandum – Blackman and Palm Apartments, Duluth, MN

Per your request, S² Traffic Solutions, LLC has conducted a traffic analysis for the proposed Blackman and Palm Apartments (referred to as The Proposed Project) in Duluth, MN. The Proposed Project located to the west of S Blackman Ave, to the south of E Palm St and north of E Orange St will develop the 13.8 acre site in two phases. The initial phase is well defined and will include 198 mid-rise multi-family units on the north side of the property, while the second phase is less defined and currently is projected to include 42 townhouse units. Access to the Proposed Project will be provided via three new driveways, one on S Blackman Ave, one on E Palm St, and one on S Orange St. **Figure 1**, Vicinity Map, depicts the location. **Figure 2**, Site Plan, illustrates the site layout and access points.

This memorandum documents the existing conditions, the anticipated site-generated traffic from the Proposed Project and its distribution, and reviews the traffic operations at the following intersections for the year after completion of the development, year 2025:

- E Central Entrance and S Blackman Ave
- E Central Entrance and S Arlington Ave
- S Arlington Ave and E Palm St
- S Arlington Ave and E Orange St
- S Blackman Ave and E Palm St

Existing Conditions

The existing conditions of the roadways and intersection providing direct access to the Proposed Project were gathered during a site visit conducted in March of 2022 and are noted in **Table 1**. Additionally, **Figure 3** shows the existing lane geometry and traffic control at the study intersections. Existing peak hour signal timing for the E Central Entrance and S Arlington Ave intersection was obtained through observation during peak times conducted on site.

Table 1. Study Roadway Characteristics

Roadway	Functional Class	Typical Section	Posted Speed	AADT (Year)*
E Central Entrance (MN 194)	Principle Arterial	5-Lane Undivided Urban	30 mph	23,200 (2019)
S Arlington Ave	Minor Arterial	2-Lane Undivided Urban	45 mph	9,000 (2019)
S Blackman Ave	Local	2-Lane Undivided Urban	30 mph	210 (2022)
E Palm St	Local	2-Lane Undivided Urban	30 mph	660 (2022)
E Orange St	Local	2-Lane Undivided Rural	30 mph	510 (2022)

Existing Traffic Volumes

AM and PM peak hour turning movement counts were conducted at all study area intersections on Thursday, March 24th, 2022. The AM peak traffic hour was found to occur from 7:15 – 8:15 AM and the PM peak traffic hour was found to occur from 4:15 - 5:15 PM (See **Figure 4**, Existing Traffic Volumes).

Future Conditions

To quantify the impacts of a development on the surrounding roadway system, it is necessary to first analyze traffic conditions that would be present without the inclusion of the proposed project. The anticipated construction completion date for the Proposed Project is 2024, thus year 2025 was selected for analysis so as to compare traffic conditions after initial traffic patterns to and from the Proposed Project have become established. To determine the future traffic conditions multiple sources were reviewed:

- The current City of Duluth Comprehensive Plan
- Historical growth rates on area roadways

These sources indicate that traffic has remained constant or declined slightly in the area over the last decade. To account for development that may occur in the area and to provide a conservative analysis an annual growth factor of 1% was applied to existing traffic volumes to “grow” them to year 2025 conditions. **Figure 5** illustrates the 2025 No-Build peak hour traffic conditions with this growth rate applied to the existing volumes.

It is noted that MnDOT is studying the E Central Entrance corridor for improvements including geometric or traffic control changes at the intersection with S Blackman Ave, that may occur in 2026 or later.

Trip Generation and Distribution

The volume of vehicle trips generated by the Proposed Project has been estimated for the weekday AM and PM peak hours and on a daily basis using the data methodology described in the **Trip Generation Manual**¹. Note, while the land uses in phase 2 are speculative at this time, it is assumed the uses shown on the site plan will be developed, namely 42 townhouse units. Table 2 summarizes the trip generation estimates for both phase one and phase 2.

Table 2. Trip Generation - Proposed Project

Land Use	Type	Block No.	Land Use Code	Size	Trips Generated:							
					AM peak		PM Peak		Weekday ADT			
					Enter	Exit	Enter	Exit				
Mid-Rise Apartment/Suburban	Residential	1	221	198 units	E	17	58	E	47	30	E	898
Low-Rise Apt/Twnhouse -suburb	Residential	1	220	42 units	R	4	13	R	13	8	R	283
Totals - Net*						21	71		61	38		1,181
						92			99			

* Per ITE’s Trip Generation Manual, 11th Edition.

As shown in Table 2, the Proposed Project will generate 92 new trips (21 entering and 71 exiting) during the morning traffic peak hour, 99 new trips (61 entering and 38 exiting) during the evening traffic peak hour and 1,181 daily trips. It is noted that this estimate could be conservative as no reductions were taken for multimodal trips (walking, bicycling, transit) from the surrounding area or current work from home conditions.

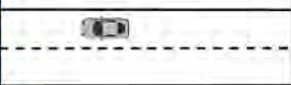
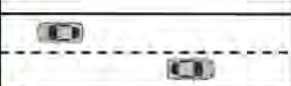
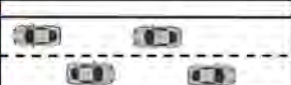
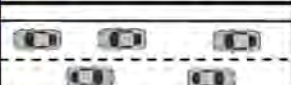


The new trips from the Proposed Project have been assigned to the surrounding roadways according to existing and anticipated traffic patterns.

Figure 6 illustrates the trip assignment and **Figure 7** illustrates the 2025 Build conditions, by combining the 2025 No-Build traffic on Figure 5 with the trip assignment on Figure 6.

¹ Trip Generation Manual, Institute of Transportation Engineers (ITE), 11th Edition

Traffic Operations

The operating conditions of transportation facilities, such as roadways, traffic signals, roundabouts and stop-controlled intersections, are evaluated based on the relationship of the theoretical capacity of a facility to the actual traffic volume on that facility. Various factors affect capacity including travel speed, roadway geometry, grade, number of travel lanes, and intersection control. The current standards for evaluating capacity and operating conditions are contained in *Highway Capacity Manual*². The procedures describe operating conditions in terms of driver delay represented as a Level of Service (LOS). Operations are given letter designations with "A" representing the best operating conditions and "F" representing the worst. Generally, level of service "D" represents the threshold for acceptable overall intersection operating conditions during a peak hour. The Chart on the following page summarizes the level of service and delay criteria for signalized and unsignalized intersections.

Level of Service	Description	Delay (sec)	
		Signalized	Unsignalized/ Roundabout
A	 Primarily free-flow operation.	0-10	0-10
B	 Reasonably unimpeded operation.	>10-20	>10-15
C	 Stable operation. The ability to maneuver is more restricted than LOS B.	>20-35	>15-25
D	 Less stable operation. Small increases in flow may cause large increases in delay and reduced speeds.	>35-55	>25-35
E	 Unstable operation. Low speeds and considerable delay.	>55-80	>35-50
F	 Congested operation. High delay and extensive queuing.	>80	>50

For side street stop-controlled intersections special emphasis is given to providing an estimate for the level of service of the minor approaches. Traffic operations at an unsignalized intersection with side street stop-control can be described two ways. First, consideration is given to the overall intersection level of service. This takes into account the total number of vehicles entering the intersection and the capability of the intersection to support these volumes. Second, it is important to consider the delay on the minor approaches, since the mainline does not have to stop. It is common for intersections with higher mainline traffic volumes to experience increased levels of delay and poor level of service on the side streets.

A final fundamental component of operational analyses is a study of vehicular queuing, or the line of vehicles waiting to pass through an intersection. An intersection can operate with an acceptable Level

² Highway Capacity Manual (HCM), Transportation Research Board, 6th Edition

of Service, but if queues from the intersection extend back to block entrances to turn lanes or accesses to adjacent land uses, unsafe operating conditions could result. In this report, the Industry Design Standard 95th percentile queue length is used. The 95th Percentile Queue Length refers to that length of vehicle queue that has only a five-percent probability of occurring during an analysis hour.

This study has utilized the industry current Synchro/SimTraffic software package (11th Edition) to analyze the 2025 No-Build and Build conditions for both the AM and PM peak hours. It is noted, the reported results are from the aggregate of 10 SimTraffic simulations which use a random number generator to seed the network with vehicles. These results reflect dynamic conditions and are more accurate than the results of the static analysis reported by Synchro. Due to the random number generator results can sometimes show slightly better operations on minor movements under higher traffic conditions when the intersections are operating well. This can be seen when delays and queues noted in the Build Scenario are slightly less than the No-Build Scenario.

Tables 4 summarizes the results of the 2025 No-Build conditions (assumes 1% annual growth in traffic from existing conditions).

Table 4. 2025 No-Build Peak Hour Operations

Intersection	Measure of Effectiveness (Delay in Sec and Queue in Ft)		
	Criteria	AM Peak Hour	PM Peak Hour
S Arlington Ave & E Orange St (Side Street Stop)	<i>Overall LOS & Delay</i>	A 0.9	A 1.2
	<i>Worst Movement LOS & Delay</i>	B 10.9 (WBL)	A 9.0 (WBT)
	<i>95th Percentile Queue</i>	EB - 43'	EB - 44'
S Arlington Ave & E Palm St (Side-Street Stop)	<i>Overall LOS & Delay</i>	A 1.6	A 2.2
	<i>Worst Movement LOS & Delay</i>	B 12.0 (WBT)	B 14.7 (WBT)
	<i>95th Percentile Queue</i>	EB - 46'	WB - 64'
S Arlington Ave & E Central Entrance (Signal)	<i>Overall LOS & Delay</i>	B 17.4	C 24.8
	<i>Worst Movement LOS & Delay</i>	C 33.9 (NBT)	D 36.9 (NBT)
	<i>95th Percentile Queue</i>	NBT - 224'	WBT - 375'
E Central Entrance & S Blackman Ave (Side-Street Stop)	<i>Overall LOS & Delay</i>	A 3.7	A 5.9
	<i>Worst Movement LOS & Delay</i>	D 29.4 (NBT)	F 93.8 (SBL)
	<i>95th Percentile Queue</i>	SB - 65'	SB - 99'
S Blackman Ave & E Palm St (Side-Street Stop)	<i>Overall LOS & Delay</i>	A 2.0	A 2.5
	<i>Worst Movement LOS & Delay</i>	A 5.7 (WBT)	A 7.0 (EBT)
	<i>95th Percentile Queue</i>	WB - 32'	EB - 50'

- Level of Service reported from an average delay from 10 SimTraffic simulations for overall intersection and worst movement.

- 95th percentile queues are a result from an average of 10 SimTraffic simulations and the longest queue per intersection is reported.

The results shown in Table 4 indicate the 2025 No-Build operations of the study area intersections are acceptable in terms of delay and queuing for all intersections except for the southbound left movement at the E Central Entrance and S Blackman Ave intersection, which is forecast to operate at LOS F with 93.8 seconds of delay per driver. That said the southbound left turning movement at this intersection is a very minor movement, and review of the traffic simulation does not reveal any operational issues and

the vehicle queues clear quickly. No roadway improvements are necessary at the study intersections at this time. Review of No-Build traffic volumes at the intersection of E Central Entrance and S Blackman Ave suggest MnDOT's long range plan for the intersection could include reduction to ¾ operations with left turn in and RIRO movements allowed and no left out. The minor street left turn and through movements account for a very small percentage of the traffic at the intersection.

As mentioned earlier, the estimated trip generation associated with the Proposed Project has been added to the 2025 No-Build traffic conditions to create the 2025 Build scenario. The results of the 2025 Build scenario are summarized in Table 5. Site access intersections are highlighted in the last three rows.

Table 5. 2025 Build Peak Hour Operations

Intersection	Measure of Effectiveness (Delay in Sec and Queue in Ft)		
	Criteria	AM Peak Hour	PM Peak Hour
S Arlington Ave & E Orange St (Side Street Stop)	Overall LOS & Delay	A 1.1	A 1.3
	Worst Movement LOS & Delay	A 9.7 (WBL)	B 12.1 (EBL)
	95th Percentile Queue	EB - 45'	EB - 44'
S Arlington Ave & E Palm St (Side-Street Stop)	Overall LOS & Delay	A 2.4	A 2.4
	Worst Movement LOS & Delay	B 11.3 (WBL)	B 10.9 (WBT)
	95th Percentile Queue	SB - 94'	WB - 68'
S Arlington Ave & E Central Entrance (Signal)	Overall LOS & Delay	B 18.8	C 25.2
	Worst Movement LOS & Delay	C 34.0 (NBT)	D 40.8 (SBL)
	95th Percentile Queue	NBT - 232'	WBT - 378'
E Central Entrance & S Blackman Ave (Side-Street Stop)	Overall LOS & Delay	A 3.9	A 6.0
	Worst Movement LOS & Delay	C 23.9 (NBL)	F 65.7 (SBL)
	95th Percentile Queue	SB - 58'	SB - 86'
S Blackman Ave & E Palm St (Side-Street Stop)	Overall LOS & Delay	A 1.3	A 2.1
	Worst Movement LOS & Delay	A 3.6 (EBL)	A 5.7 (EBT)
	95th Percentile Queue	EB - 27'	EB - 52'
E Palm St & Site Access (Side-Street Stop)	Overall LOS & Delay	A 1.8	A 1.0
	Worst Movement LOS & Delay	A 4.4 (NBL)	A 2.9 (WBL)
	95th Percentile Queue	NB - 51'	NB - 37'
S Blackman Ave & Site Access (Side-Street Stop)	Overall LOS & Delay	A 1.7	A 1.4
	Worst Movement LOS & Delay	A 4.1 (EBL)	A 4.2 (EBL)
	95th Percentile Queue	EB - 38'	EB - 34'
E Orange St & Site Access (Side-Street Stop)	Overall LOS & Delay	A 1.2	A 0.8
	Worst Movement LOS & Delay	A 4.1 (SBL)	A 4.0 (SBL)
	95th Percentile Queue	SB - 35'	SB - 25'

The results shown in Table 5 indicate the 2025 Build operations are essentially the same as the 2025 No-Build operations and are at acceptable LOS C or better for overall operations and LOS D or better for individual movement operations, with manageable vehicle queuing for all intersections/access driveways except for the intersection of E Central Entrance with S Blackman Ave. The southbound left turning movement at this intersection is still forecast to operate at LOS F. As mentioned above this is a very minor movement and the vehicle queues will clear quickly. Again, MnDOT is reviewing the E Central Entrance corridor for future improvements, which may result in future traffic control or geometric changes to some of the study area intersections.

Conclusion

In conclusion, the proposed development has appropriate access to the site and to the surrounding roadway network. The traffic operational analysis indicates there is available capacity on the roadways surrounding the site and at site access driveway intersections to accommodate site-generated traffic.

Please contact Vernon Swing at vswingtraffic@gmail.com with any questions.

Attachments: Figures 1-7

(Appendices with Traffic Counts, Trip Generation Data, Synchro/Simtraffic Worksheets are available upon request.)

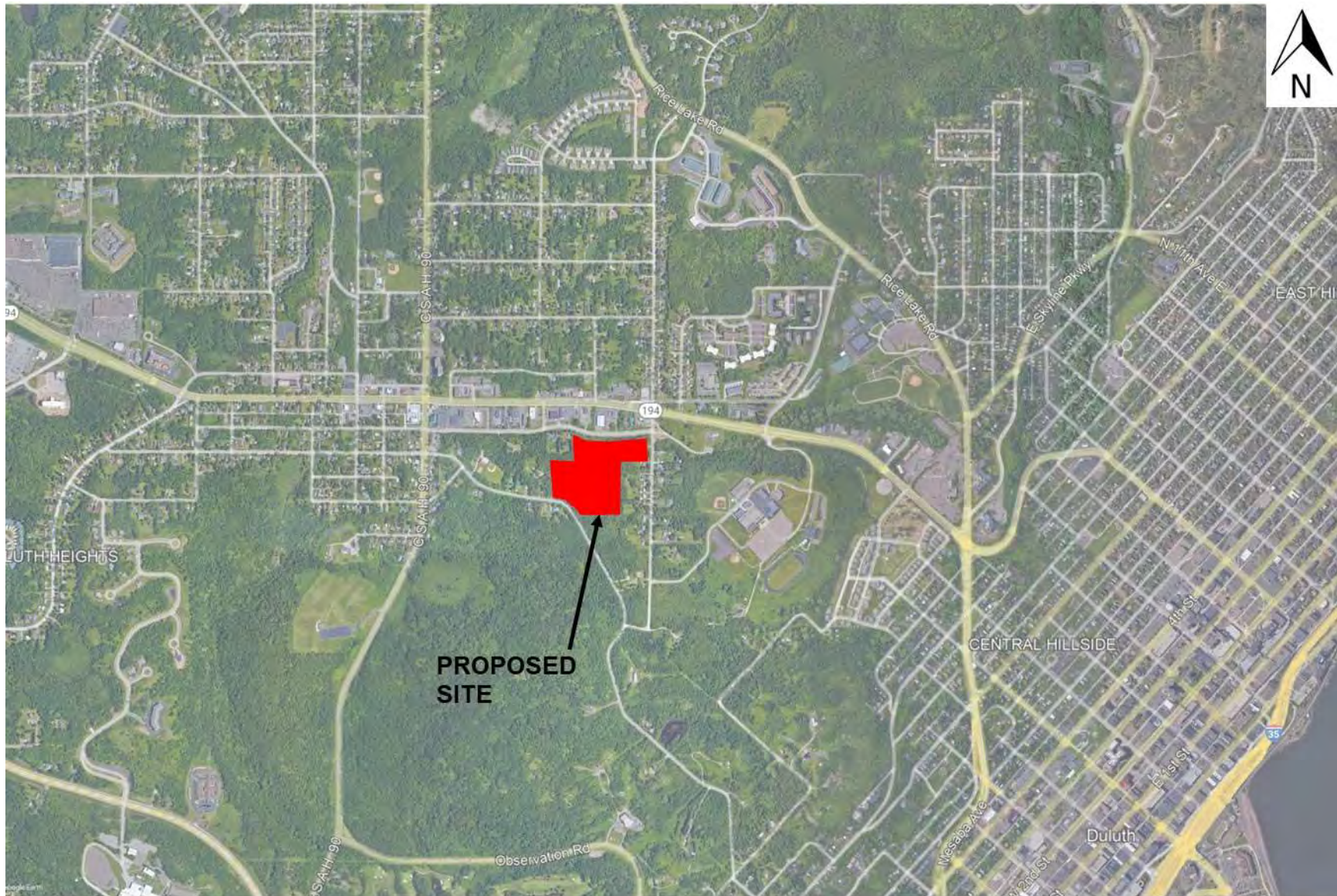


Figure 1 - Vicinity Map

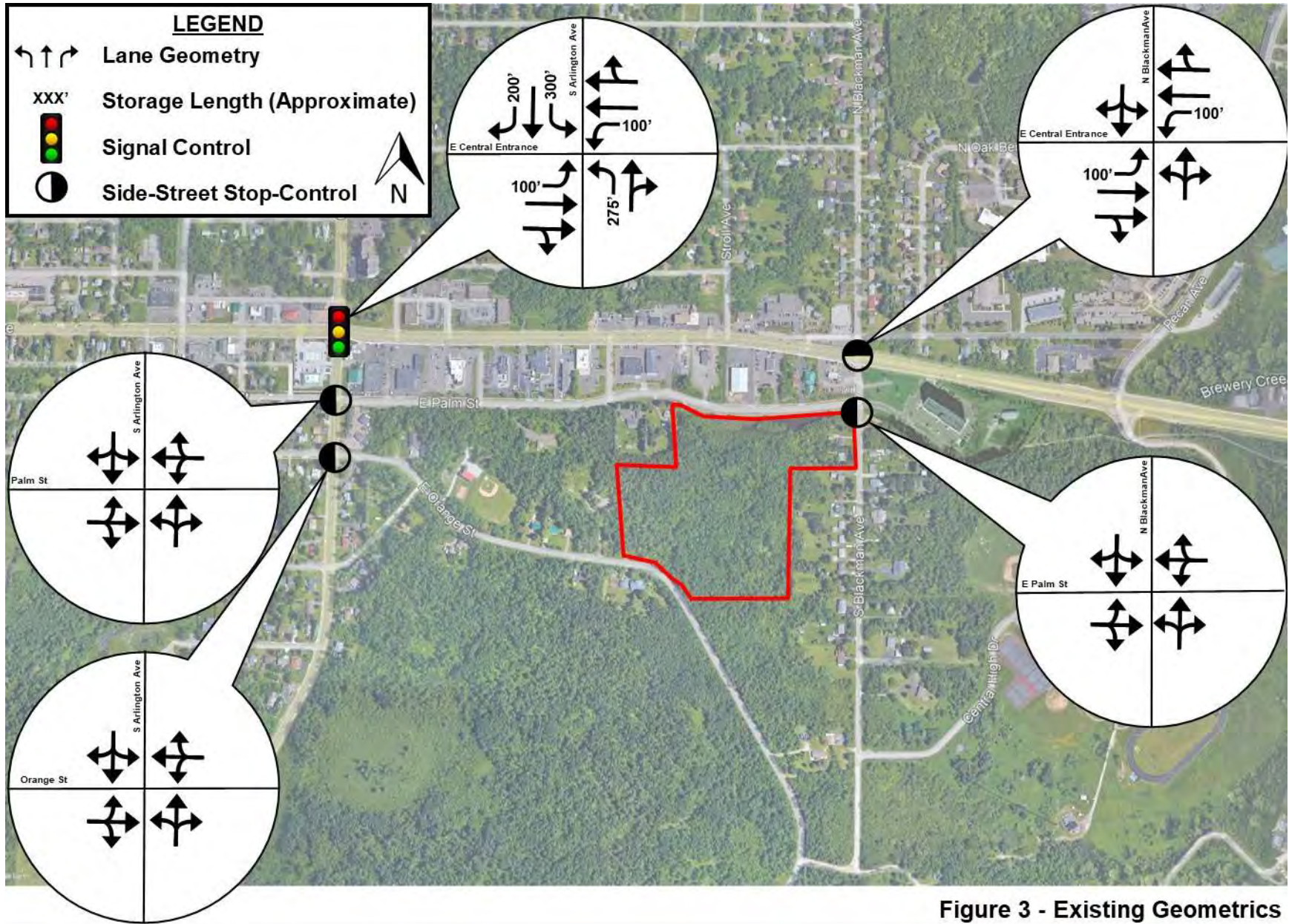


Figure 3 - Existing Geometrics

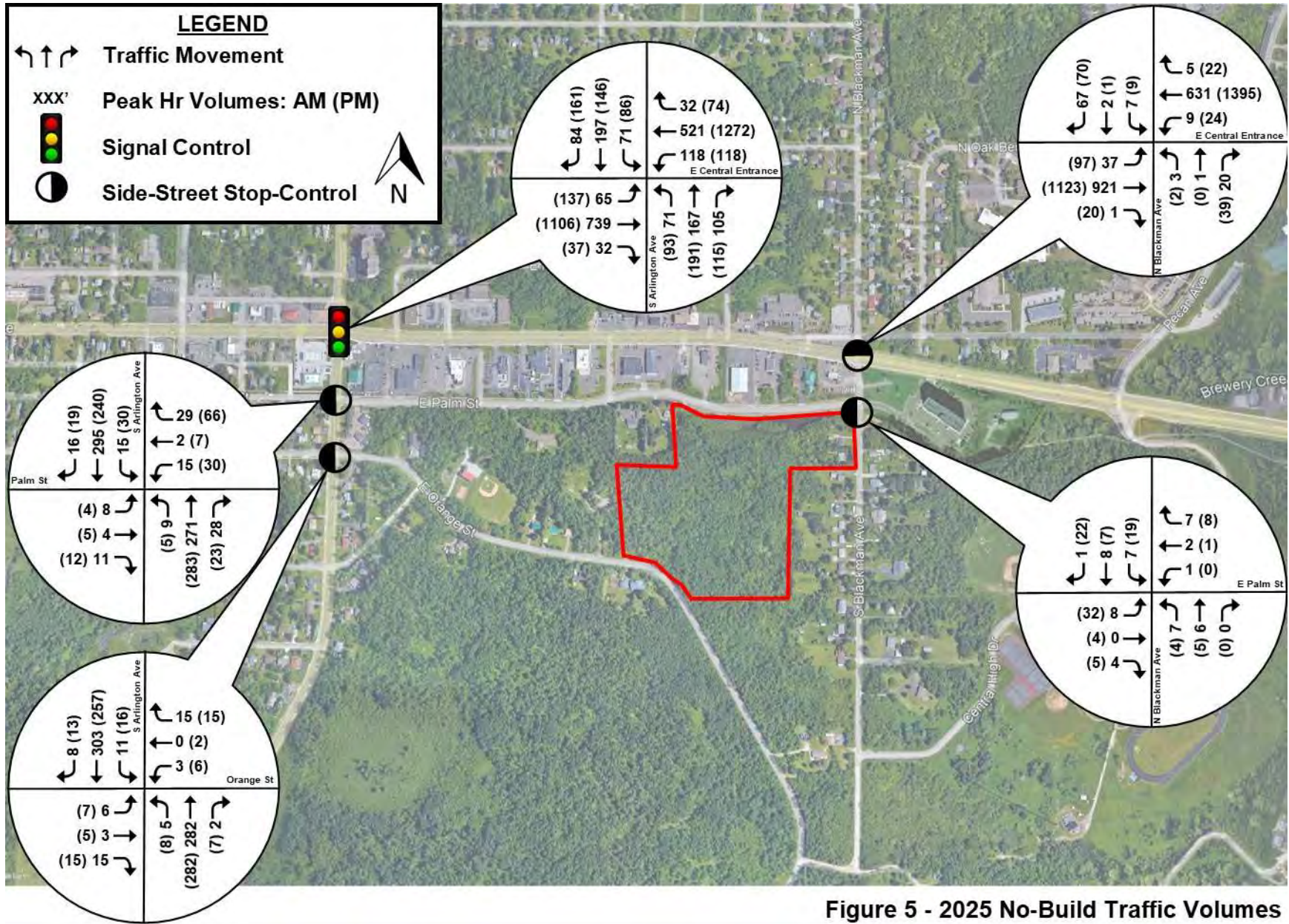


Figure 5 - 2025 No-Build Traffic Volumes

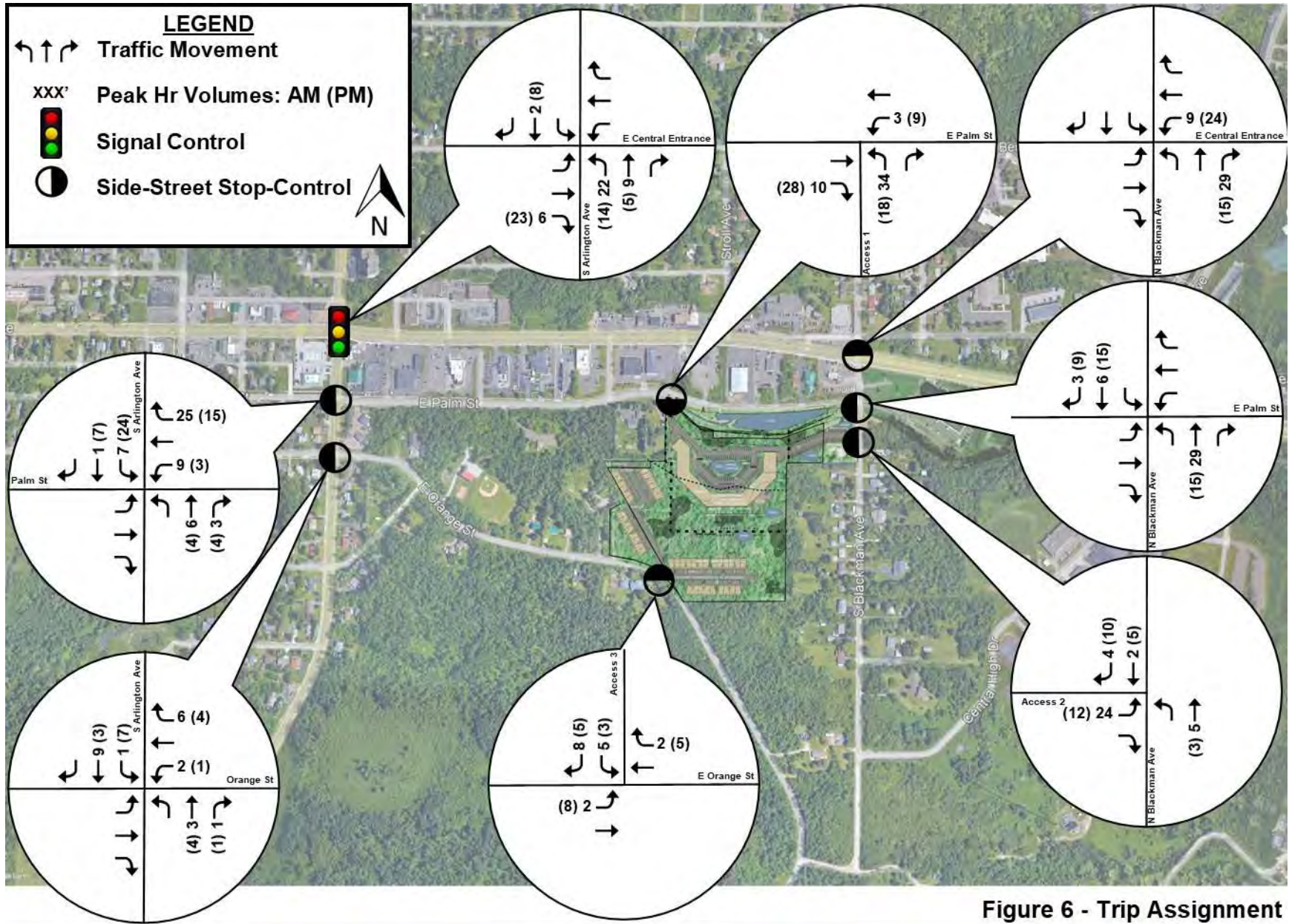


Figure 6 - Trip Assignment

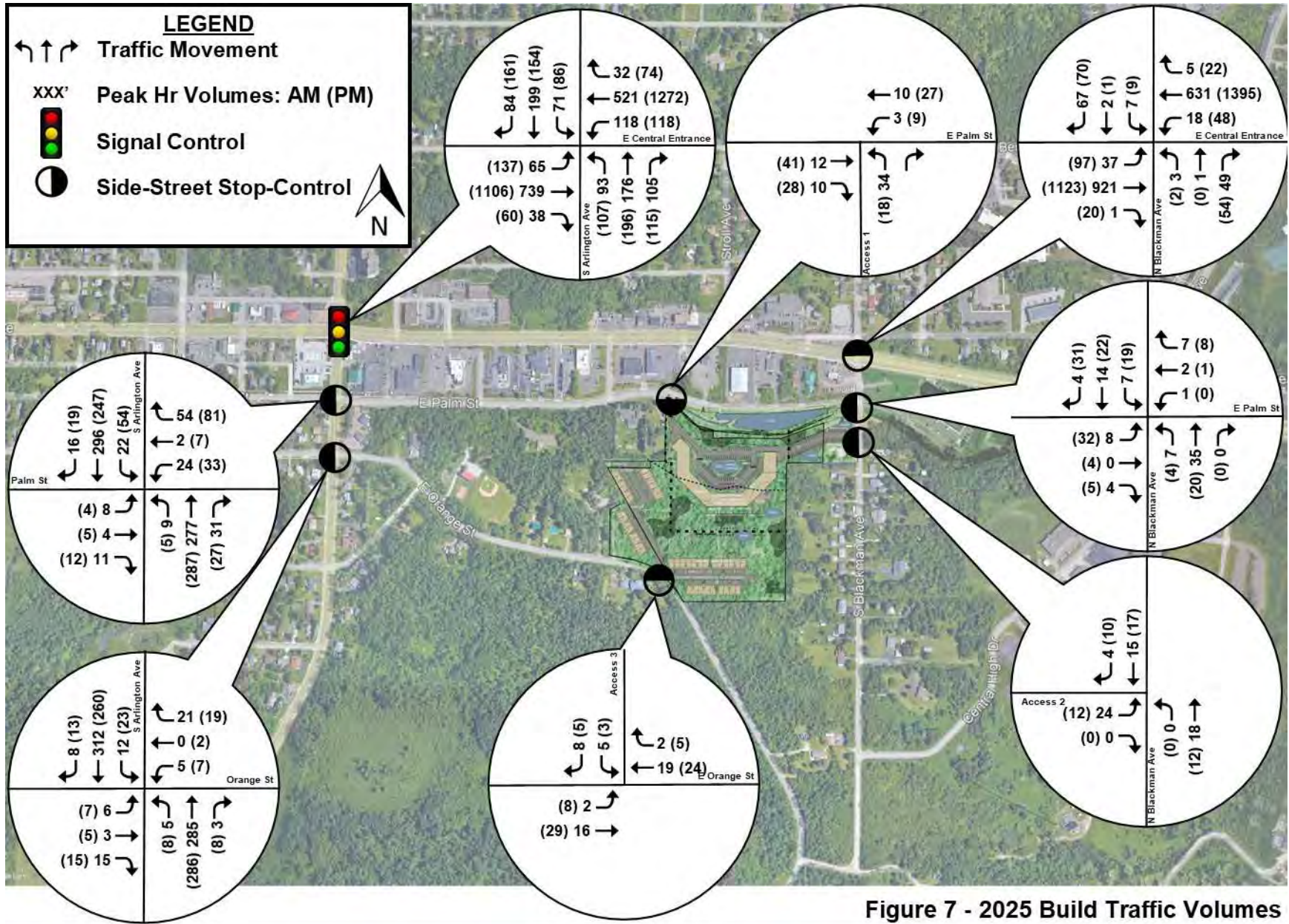


Figure 7 - 2025 Build Traffic Volumes

File Number	PL 22-064	Contact	Chris Lee, clee@duluthmn.gov	
Type	MU-C Planning Review	Planning Commission Date	May 10, 2022	
Deadline for Action	Application Date	April 7, 2022	60 Days	June 6, 2022
	Date Extension Letter Mailed	April 20, 2022	120 Days	August 5, 2022
Location of Subject	2327 Mountain Shadow Drive			
Applicant	PF Baseline Fitness	Contact	Scott Bernstein	
Agent	The MT Studio	Contact	Mike Twiss	
Legal Description	Lots 2 & 3, Block 1, Village Mall			
Site Visit Date	April 27, 2022	Sign Notice Date	April 26, 2022	
Neighbor Letter Date	April 25, 2022	Number of Letters Sent	30	

Proposal

Applicant proposes to construct a 22,300 square foot single story fitness center with associated parking lot on a 2.5 acre lot.

Recommendation

Staff recommends approval, subject to conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-C	Personal Services	Large Scale Commercial
North	MU-C	Commercial	Large-Scale Commercial
South	MU-C	Retail/Commercial	Large Scale Commercial
East	MU-C	Commercial	Large Scale Commercial
West	MU-C	Retail/Commercial	Large Scale Commercial

Summary of Code Requirements

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

1. The location, size and number of curb cuts shall be designed to minimize traffic congestion or hazard in the area. ... shall be paid for by the property owner.
2. Any necessary public easements over the subject property shall be dedicated, and any necessary improvements within such easements or other easements adjacent to the subject property shall be made.

50-18.1 Shoreland, Flood Plains, Wetlands, Stormwater.

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

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

- 50-25 Landscaping and Tree Preservation – Landscaping requirements and tree preservation.
- 50-26 Screening, Walls, and Fences – Screening of equipment, loading areas, etc., plus fences & retaining walls.
- 50-29 Sustainability Standards – Sustainability point system for new development.
- 50-30 Design Standards – Building standards for multi-family, commercial, institutional, and industrial buildings.
- 50-31 Exterior Lighting – Directs the minimum and maximum illumination values and lighting fixtures for a site.
- 50-37.11 Planning Review – Planning Commission shall approve the Planning Review or approve it with modifications, if it is determined that the application complies with all applicable provisions of this Chapter.

Governing Principle #1 – Reuse previously developed lands. This would allow for reuse of a commercial site using existing streets and utility infrastructure.

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

Zoning – MU-C District: Established to provide for community and regional commercial development along commercial corridors and nodal centers. Intended non-residential uses include retail, lodging, service, and recreational facilities needed to support the community and region. Development should facilitate pedestrian connections between residential and non-residential uses.

Future Land Use – Large-Scale Commercial: Mall, shopping center, and big box retail development, with associated surrounding retail and service uses..... Oriented primarily to the motorist, with planned internal circulation patterns while still accommodating pedestrian movement. Requires access to regional transportation routes.

History: Site is currently Country Lanes North operating as an indoor and outdoor entertainment facility. This structure will be demolished and the fitness center will be built on the cleared site.

Review and Discussion Items

Staff finds that:

1. 50-15.3.E (Development Standards) – The project will remove an existing driveway on Burning Tree Road. The existing driveway on Mountain Shadow Drive and Burning Tree Road will remain. The use is not expected to generate more than 100 trips per hour/1,000 trips per day. City Engineering has indicated that the surrounding streets are controled via signals and can support 2,000 vehicles per day.
2. 50-18.1 (Stormwater): The applicant has submitted preliminary plans for stormwater treatment. City Engineering has reviewed and provided preliminary comments to the applicant. The site plan indicates a bio-retention area on the north end of the parcel.
3. 50-23 (Connectivity): The site plan indicates a pedestrian connection from the sidewalk on Mountain Shadow Drive to the front entrance.
4. 50-24 (Parking): The site plan proposes a parking rate of 4 spaces per 1,000 square feet of floor area. The Land Use Supervisor has indicated this parking rate for large commercial uses. The parking will be limited to 134 stalls.
5. 50-25 (Landscaping): The site plan indicates 70 trees and 93 shrubs for both parking lot shading and frontage landscaping. Staff will require financial security for of 150% of the value of the installed plantings.
6. 50-26 (Screening): The site plan indicates the required screening around the trash enclosure. No mechanicals are indicated on the site plan. Any site mechanicals will need screening.
7. 50-27 (Signs) – None shown, but can be obtained via a separate permit.
8. 50-29 (Sustainability): Applicant will need to meet the sustainability criteria and achieve a minimum 3 points.
9. 50-30 (Design Standards): Applicant will need to meet transparency requirements on the Burning Tree Road façade. This will be a condition of building permit approval.
10. 50-31 (Exterior Lighting): Applicant has submitted a lighting plan that indicates UDC compliant lighting.

11. No comments have been received from City or other agencies or the general public.
12. Per UDC 50-37.1.N, an approved Planning Review will expire if the project or activity authorized is not begun within one year, which may be extended for one additional year at the discretion of the Land Use Supervisor.

Staff Recommendation:

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

- 1) The project be limited to, constructed, and maintained according to plans titled "Planet Fitness," submitted with this application, subject to modifications to be approved by the Land Use Supervisor listed below. This includes the maximum parking allowed at 4 spaces per 1,000 square feet of floor area.
- 2) Applicant will submit a landscape plan indicating the required canopy coverage and parking lot coverage along with an escrow to insure survivability for 1 year.
- 3) Applicant will indicate screening of any mechanicals and trash enclosures on the final site plan.
- 4) Applicant must meet the transparency requirements for the Burning Tree Road façade and indicate those finishes on the building permit.
- 5) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of UDC Chapter 50.

EXISTING CONDITIONS PLAN NOTES:

CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL AND/OR PROTECTION OF THE EXISTING ITEMS AS NOTED ON THIS PLAN.

THE CONTRACTOR SHALL TAKE ALL PRECAUTIONS NECESSARY TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES DURING THE CONSTRUCTION PHASES OF THIS PROJECT. THE CONTRACTOR WILL BE HELD SOLELY RESPONSIBLE FOR ANY AND ALL DAMAGES.

THE CONTRACTOR IS CAUTIONED TO LOCATE ALL EXISTING UTILITIES AND CONFLICTS. CONTRACTOR SHALL CONTACT THE APPROPRIATE UTILITY COMPANIES AT LEAST 72 HOURS BEFORE ANY CONSTRUCTION ACTIVITY IN ORDER TO FIELD VERIFY EXISTING UTILITY INFORMATION.

CONTRACTOR SHALL PROTECT EXISTING STREET LIGHTS & POSTS, TRAFFIC CONTROL DEVICES, SIGNS, UTILITY BOXES, ELECTRIC, TELEPHONE, GAS, FIBER OPTIC, CABLE, WATER, STORM SEWER, SANITARY SEWER, AND ALL OTHER UTILITIES UNLESS OTHERWISE NOTED ON THE PLANS.

SURVEYOR NOTES:

- 1. ORIENTATION OF THIS DRAWING REFLECTS NAD 83, ST. LOUIS COUNTY TRANSVERSE MERCATOR, 2011 ADJUSTMENT. VERTICAL DATUM IS NAVD 1988.
2. SURVEY WAS COMPLETED ON 3/16/2022
3. SUBJECT PROPERTY HAS ACCESS TO MOUNTAIN SHADOW DRIVE ON THE SOUTH AND BURNING TREE ROAD ON THE WEST
4. STREET ADDRESS FOR SUBJECT PROPERTY IS: 2327 MOUNTAIN SHADOW DRIVE, DULUTH, MN
5. THE DISTANCE FROM THE SOUTHERN MOST PROPERTY CORNER TO THE INTERSECTION OF MOUNTAIN SHADOW DRIVE AND BURNING TREE ROAD IS 89.21 FEET
6. THE SITE IS ZONED: MU-C MIXED USE- COMMERCIAL
7. MAXIMUM HEIGHT OF BUILDING (NON RESIDENTIAL) 45 FEET,
8. SET BACKS (UNDER 35 FEET) 0 FOOT SETBACK; (OVER 35 FEET) 12 FOOT (PLEASE REFER TO CITY OF DULUTH ZONING DEPARTMENT FOR MORE INFORMATION)
9. NO EVIDENCE OF RECENT EARTHWORK WAS FOUND

TITLE DISCLAIMER:

IT IS NOT WARRANTED THAT THESE DRAWINGS CONTAIN COMPLETE INFORMATION REGARDING EASEMENTS, RESERVATIONS, RESTRICTIONS, RIGHT-OF-WAYS, BUILDING LINE SETBACKS, AND OTHER ENCUMBRANCES. FOR COMPLETE INFORMATION, A TITLE OPINION OR COMMITMENT FOR TITLE INSURANCE SHOULD BE OBTAINED AND THOROUGHLY REVIEWED.

UTILITY INFORMATION:

UNDERGROUND FACILITIES, STRUCTURES, AND UTILITIES HAVE BEEN PLOTTED FROM AVAILABLE SURVEYS AND RECORDS, AND THEREFORE DO NOT NECESSARILY REFLECT THE ACTUAL EXISTENCE, NON-EXISTENCE, SIZE, TYPE, NUMBER, OR LOCATION OF THESE FACILITIES., STRUCTURES, AND UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACTUAL LOCATION OF ALL UNDERGROUND FACILITIES, STRUCTURES, AND UTILITIES, EITHER SHOWN OR NOT SHOWN ON THESE PLANS. THE UNDERGROUND FACILITIES, STRUCTURES, AND UTILITIES SHALL BE LOCATED IN THE FIELD PRIOR TO ANY GRADING, EXCAVATION, OR CONSTRUCTION OF IMPROVEMENTS.



MINNESOTA UTILITY LOCATION SERVICE
PHONE: 800.252.1166 OR WWW.GOPHERSTATEONECALL.ORG

FLOOD PLAIN NOTE:

BY GRAPHIC PLOTTING THE SITE IS IN ZONE A5 WITH A BASE FLOOD ELEVATION OF 1318 (NGVD 29), AREAS IN THE 100 YEAR FLOOD AND ZONE B AREAS BETWEEN THE 100 AND 500 YEAR FLOOD AS DETERMINING PER FEMA ONLINE MAP SERVICE CENTER. MAP PANEL 25 OF 45, COMMUNITY NUMBER 270421 0025 C, DATED AUGUST 16, 1974 AND REVISED APRIL 2, 1982

WETLANDS NOTE:

THERE ARE NO DELINEATED WETLANDS ON THE SUBJECT PROPERTY. NO FURTHER DOCUMENTATION OR COORDINATION IS NEEDED WITH THE UNITED STATES CORP OF ENGINEERS (COE) REGULATIONS.

LEGAL DESCRIPTION:

REAL PROPERTY IN THE CITY OF DULUTH, COUNTY OF ST. LOUIS, STATE OF MINNESOTA, DESCRIBED AS FOLLOWS:

PARCEL 1:

ALL OF LOT 3, BLOCK 1 AND THAT PART OF LOT 2, BLOCK 1, DESCRIBED AS FOLLOWS: BEGINNING AT THE SELY CORNER OF SAID LOT 2, THENCE IN A WLY DIRECTION ALONG THE SOUTH LINE OF SAID LOT 2 A DISTANCE OF 200 FEET TO A POINT ON THE ELY BOUNDARY LINE OF BURNING TREE ROAD AS SAID ELY LINE OF SAID BURNING TREE ROAD IS SHOWN ON THE PLAT OF VILLAGE MALL, THENCE IN A NLY DIRECTION ALONG SAID ELY LINE OF BURNING TREE ROAD A DISTANCE OF 131.64 FEET TO A POINT, THENCE CONTINUING ON THE ELY LINE OF BURNING TREE ROAD A FURTHER DISTANCE OF 63.22 FEET TO A POINT, THENCE IN AN ELY DIRECTION A DISTANCE OF 184 FEET MORE OR LESS TO A POINT ON THE ELY BOUNDARY LINE OF SAID LOT 2 WHICH POINT IS DISTANT 194 FEET NORTH FROM THE POINT OF BEGINNING, THENCE IN A SLY DIRECTION ALONG THE ELY BOUNDARY LINE OF SAID LOT 2 TO THE POINT OF BEGINNING, ALL IN VILLAGE MALL ACCORDING TO THE RECORDED PLAT THEREOF, ST. LOUIS COUNTY, MINNESOTA.

PARCEL 2:

PART OF LOT 2, BLOCK 1, EXCEPT THAT PART DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID LOT 2; THENCE IN A WESTERLY DIRECTION ALONG THE SOUTH LINE OF SAID LOT 2 A DISTANCE OF 200 FEET TO A POINT ON THE EASTERLY BOUNDARY LINE OF BURNING TREE ROAD AS SAID EASTERLY LINE OF SAID BURNING TREE ROAD IS SHOWN ON THE PLAT OF VILLAGE MALL; THENCE IN A NORTHERLY DIRECTION ALONG SAID EASTERLY LINE OF BURNING TREE ROAD A DISTANCE OF 131.64 FEET TO A POINT; THENCE CONTINUING ON THE EASTERLY LINE OF BURNING TREE ROAD A DISTANCE OF 63.22 FEET TO A POINT; THENCE IN AN EASTERLY DIRECTION A DISTANCE OF 184 FEET MORE OR LESS TO A POINT ON THE EASTERLY BOUNDARY LINE OF SAID LOT 2 WHICH POINT IS A DISTANCE OF 194 FEET NORTH FROM THE POINT OF BEGINNING; THENCE IN A SOUTHERLY DIRECTION ALONG THE EASTERLY BOUNDARY LINE OF SAID LOT 2 TO THE POINT OF BEGINNING, ALL IN VILLAGE MALL, ACCORDING THE RECORDED PLAT THEREOF.

SURVEY CONTROL DATA

Table with 3 columns: CONTROL POINT #, DESCRIPTION, ELEVATION. Row 1: 1 (BENCHMARK), FIRE HYDRANT 'TOP NUT', SW CORNER, 1326.71

DANIEL SALMELA
PID: 010-4423-00180
ZONING:

VILLAGE MALL
FIRST ADDITION
LOT 5, BLOCK 2

FJ PROPERTIES
PID: 010-4423-00160
ZONING:

VILLAGE MALL
FIRST ADDITION
LOT 0, BLOCK 2

DULUTH VILLAGE
MALL WEST LCC
PID: 010-4423-00110
ZONING:

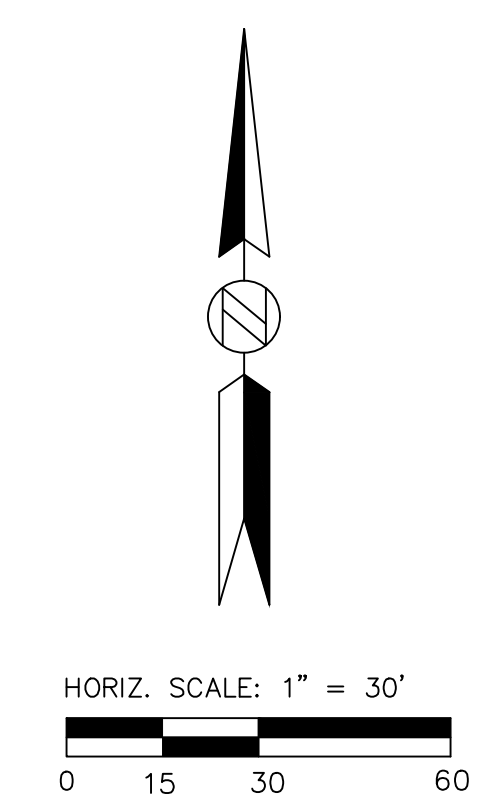
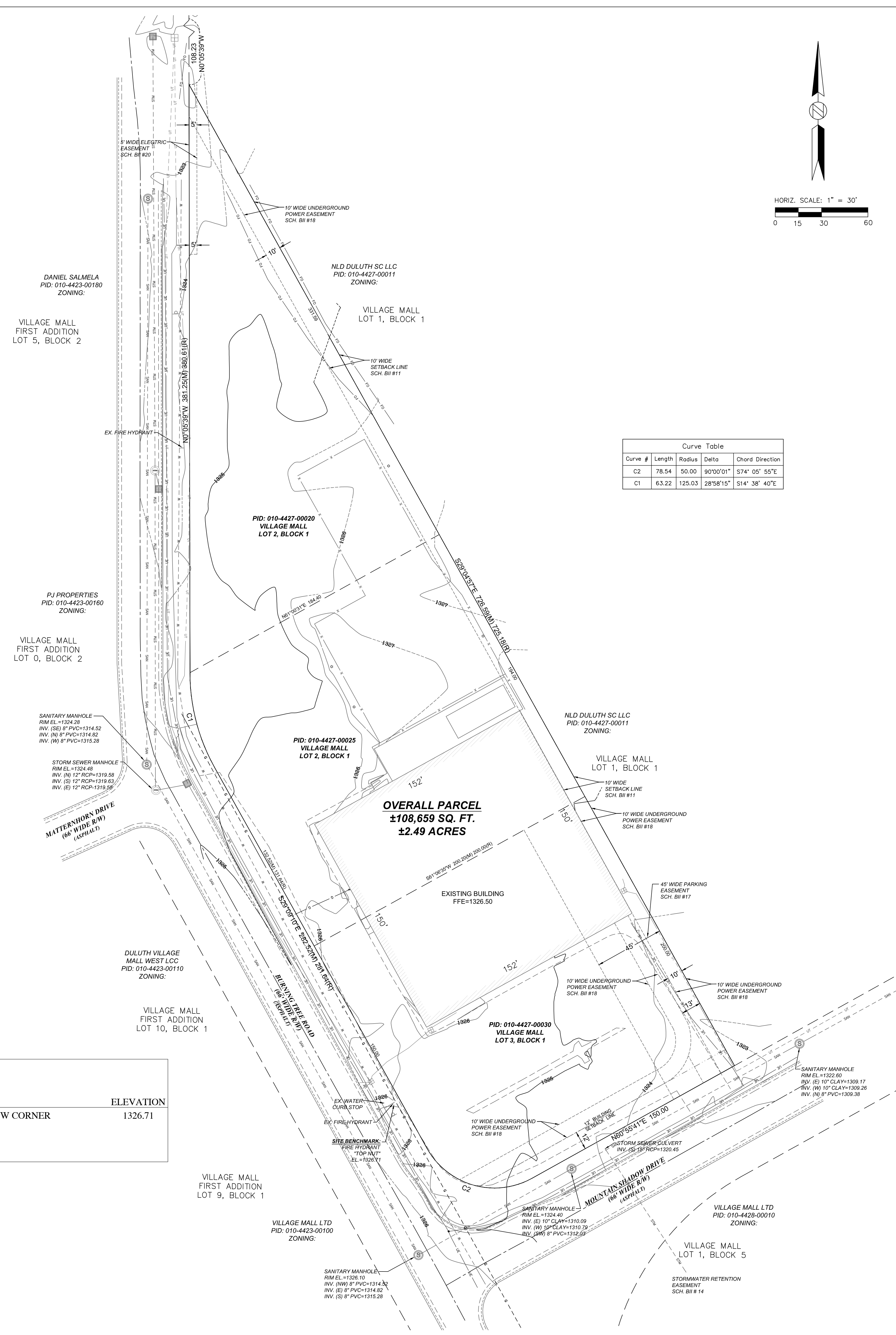
VILLAGE MALL
FIRST ADDITION
LOT 10, BLOCK 1

VILLAGE MALL LTD
PID: 010-4423-00100
ZONING:

VILLAGE MALL LTD
PID: 010-4423-00010
ZONING:

VILLAGE MALL LTD
PID: 010-4423-00010
ZONING:

VILLAGE MALL LTD
PID: 010-4423-00010
ZONING:



Curve Table with columns: Curve #, Length, Radius, Delta, Chord Direction. Rows: C2 (78.54, 50.00, 90°00'01", S74° 05' 55"E), C1 (63.22, 125.03, 28°58'15", S14° 38' 40"E)

Architect: mt STUDIO
210 South Market St., Suite B
Troy, OH 45373
p 937.760.3884
mtwiss@gomtstudio.com

Civil Engineer: RDC REYLING DESIGN & CONSULTING
4516 Boardwalk | Smithton, IL | 62285
reylingdc@gmail.com

RDC Project No. 22-104
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULUTH LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
SIGNATURE: [Signature]
NAME: TODD JEFFREY REYLING
DATE: 04.05.2022 LICENSE NUMBER: 50973

ENGINEER OF RECORD:
Todd J. Reyling, PE
Minnesota PE 50973



New Ground Up Building for:
PLANET FITNESS
2327 Mountain Shadow Drive
Duluth, MN 55811
St. Louis County, Minnesota
MTSTUDIO PROJECT NUMBER:

Table with 2 columns: ISSUED / REVISED, DATE. Row 1: ISSUED TO CITY, 04.05.2022

Existing Topography

C1.1

GENERAL SITE NOTES:

ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH THE LATEST CITY OF DULUTH, ST. LOUIS COUNTY AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION CODES, STANDARDS AND SPECIFICATIONS.

ANY CITY OF DULUTH INFRASTRUCTURE (ABOVE OR BELOW GRADE, VISIBLE OR NOT) OR PROPERTY DAMAGED AS A RESULT OF CONSTRUCTION SHALL BE REPAIRED BY THE CONTRACTOR TO THE SATISFACTION OF THE CITY.

ALL CONSTRUCTION SHALL CONFORM TO THE APPLICABLE LOCAL, STATE, AND FEDERAL CODE REQUIREMENTS. WHEN CODES ARE IN CONFLICT, THE MORE STRINGENT SHALL APPLY.

ALL SIGNAGE AND PAVEMENT MARKINGS SHALL COMPLY WITH THE LATEST EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD), OR AS OTHERWISE SPECIFIED. INSTALLATION OF ALL SIGNS SHALL BE GOVERNED BY LOCAL CODES.

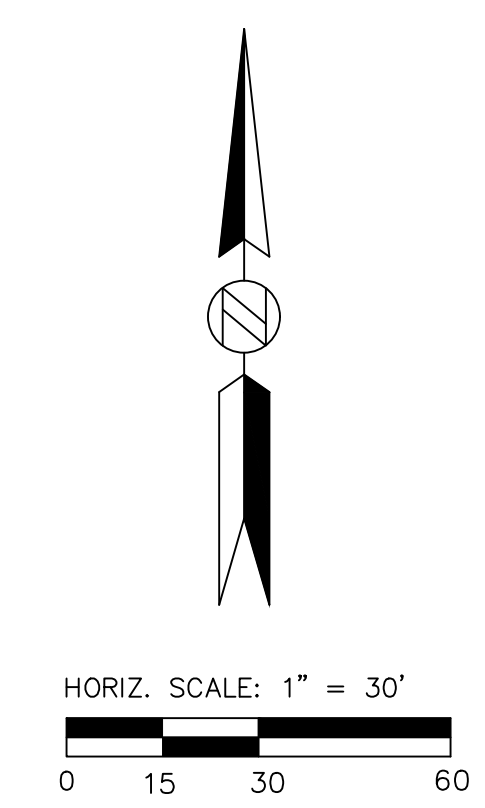
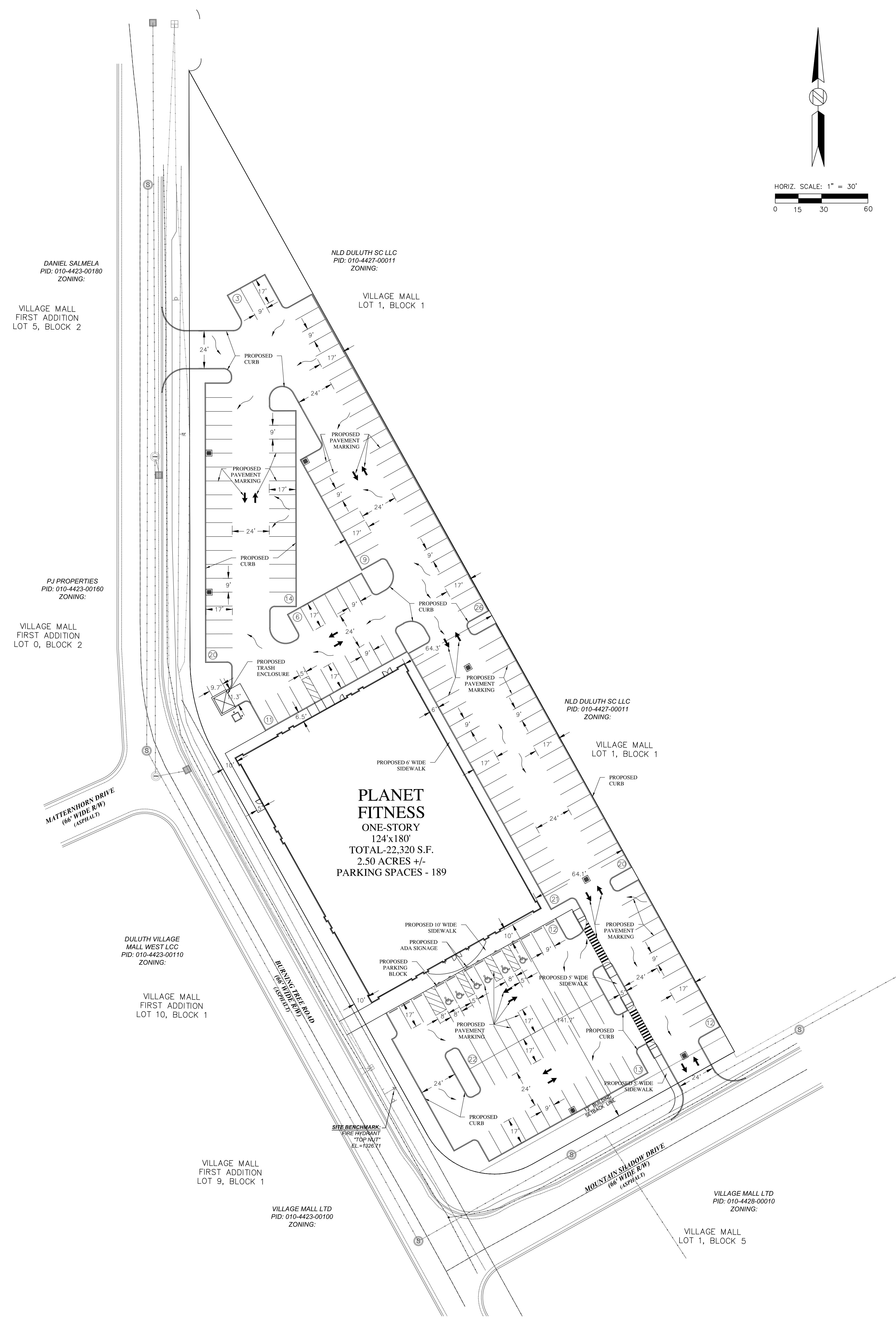
THE CONTRACTOR IS RESPONSIBLE TO HAVE ALL EXISTING UTILITIES LOCATED AND PROTECTED DURING CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE UTILITY PROTECTION CENTER AT LEAST THREE (3) DAYS PRIOR TO ANY SITE WORK FOR IDENTIFICATION OF EXISTING UTILITIES.

THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AT THE PROJECT SITE BEFORE BEGINNING CONSTRUCTION.

DIRECTION OF OVERLAND FLOW PATH.

TRAFFIC NOTE:

THE PROPOSED USE WILL NOT EXCEED 100 TRIPS PER HOUR OR 1,000 TRIPS PER DAY.



Architect:

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p 937.760.3884
mtwiss@gomtstudio.com

Civil Engineer:

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REYLING DESIGN & CONSULTING
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PLANET FITNESS
2327 Mountain Shadow Drive
Duluth, MN 55811
St. Louis County, Minnesota
MTSTUDIO PROJECT NUMBER:

ISSUED / REVISED	DATE
ISSUED TO CITY	04.05.2022

Site Plan
C2.0

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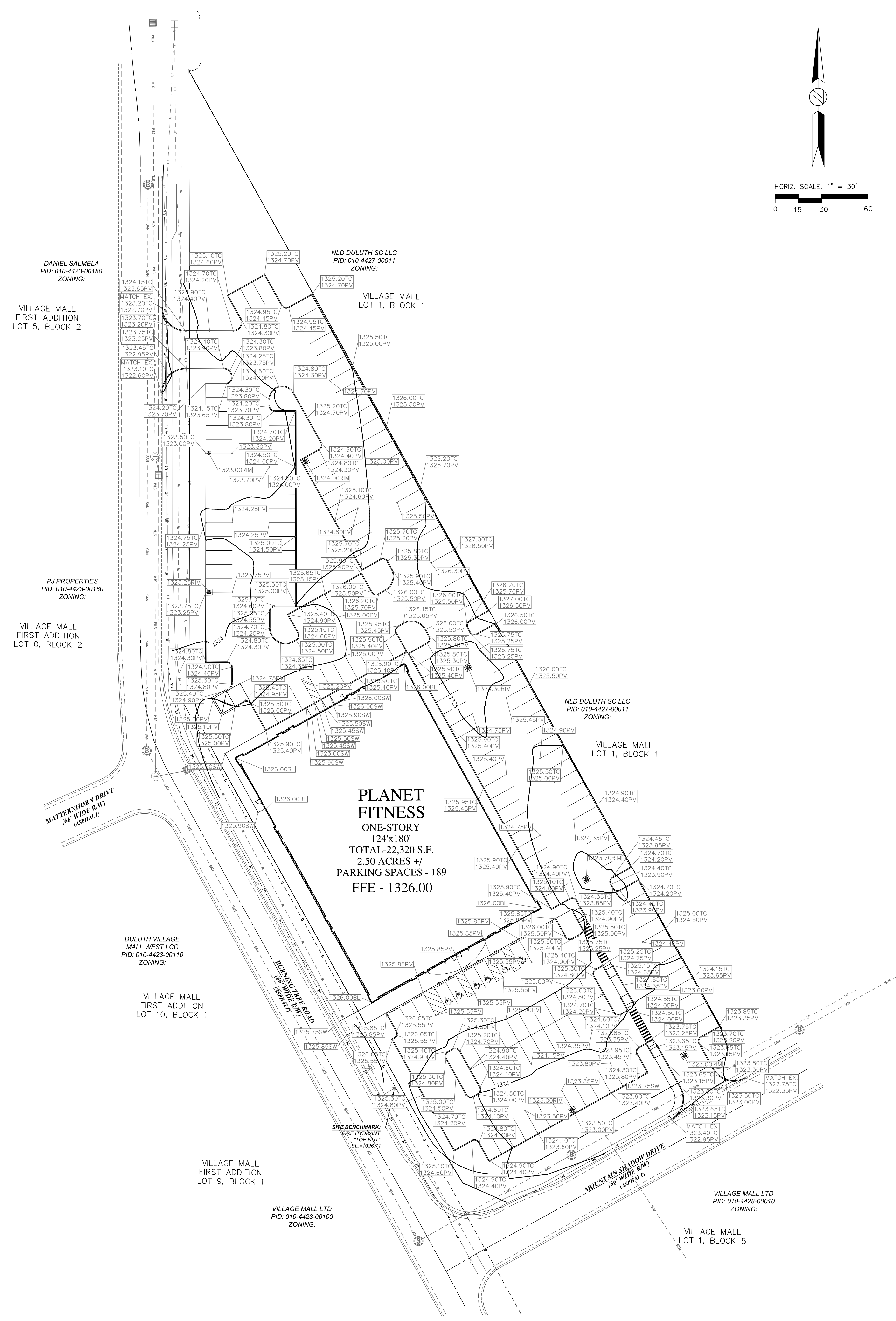
THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AT THE PROJECT SITE BEFORE BEGINNING CONSTRUCTION.

GRADING LEGEND/KEYNOTES:

ALL GRADES ARE PAVEMENT ELEVATIONS UNLESS OTHERWISE NOTED

- XXX.XX MATCH EX. MATCH EXISTING GRADE
- XXX.XX TC PROPOSED SPOT GRADE AT TOP BACK OF CURB
- XXX.XX PV PROPOSED SPOT GRADE AT PAVEMENT
- XXX.XX SW PROPOSED SPOT GRADE AT SIDEWALK
- XXX.XX BLG PROPOSED SPOT GRADE BUILDING ELEVATION

- XXX--- EXISTING 1-FT CONTOUR LINE
- XXX----- EXISTING 5-FT CONTOUR LINE
- XXX—— PROPOSED 1-FT CONTOUR LINE
- XXX———— PROPOSED 5-FT CONTOUR LINE



Architect:

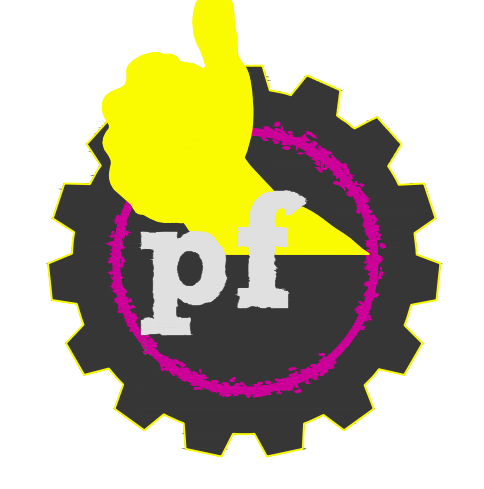
STUDIO
 210 South Market St., Suite B
 Troy, OH 45373
 p 937.760.3884
 mtwiss@gomtstudio.com

Civil Engineer:

REYLING DESIGN & CONSULTING
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 reylingdc@gmail.com

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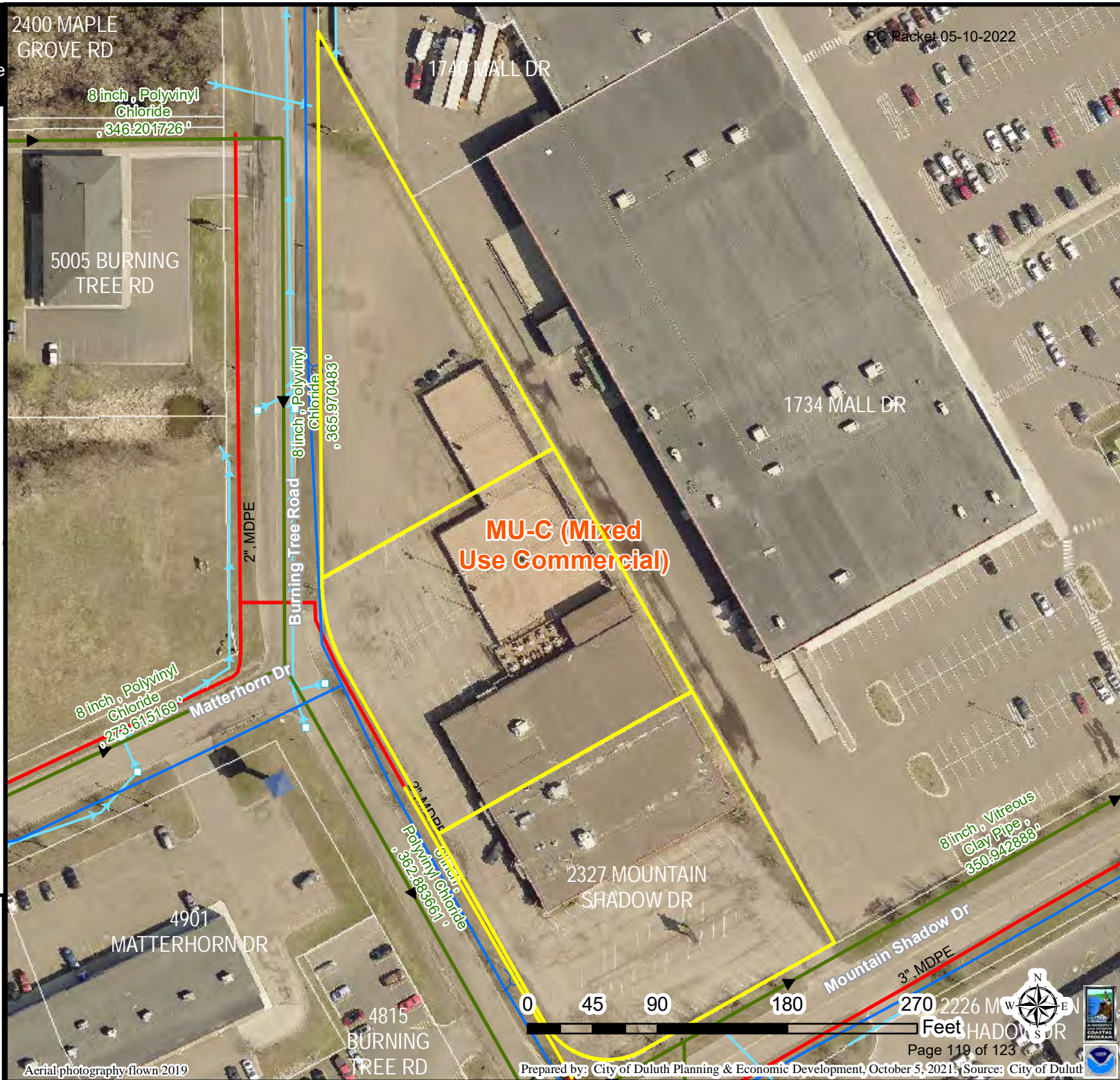
ISSUED / REVISED	DATE
ISSUED TO CITY	04.05.2022

Grading Plan
C3.0
 Page 116 of 123



Legend

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

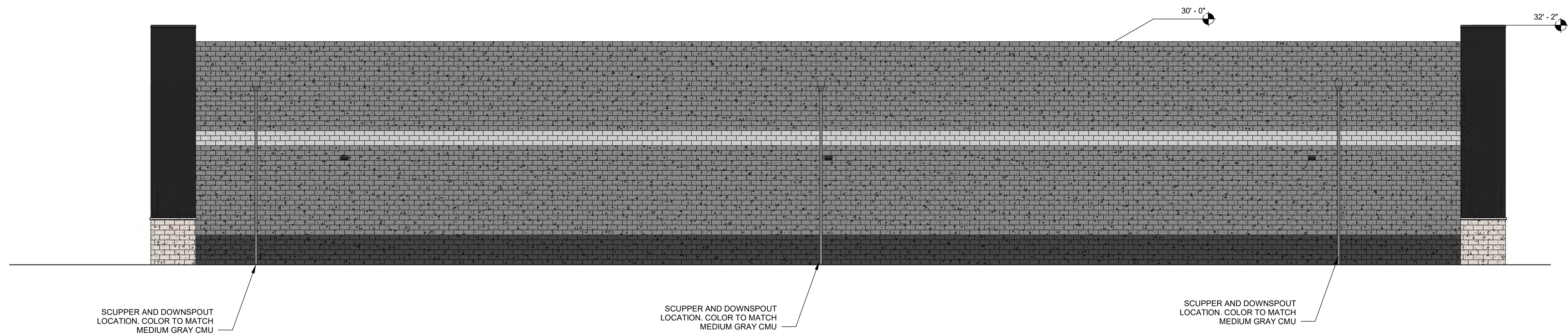


The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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



1 WEST EXTERIOR ELEVATION

1/8" = 1'-0"



2 SOUTH EXTERIOR ELEVATION

1/8" = 1'-0"

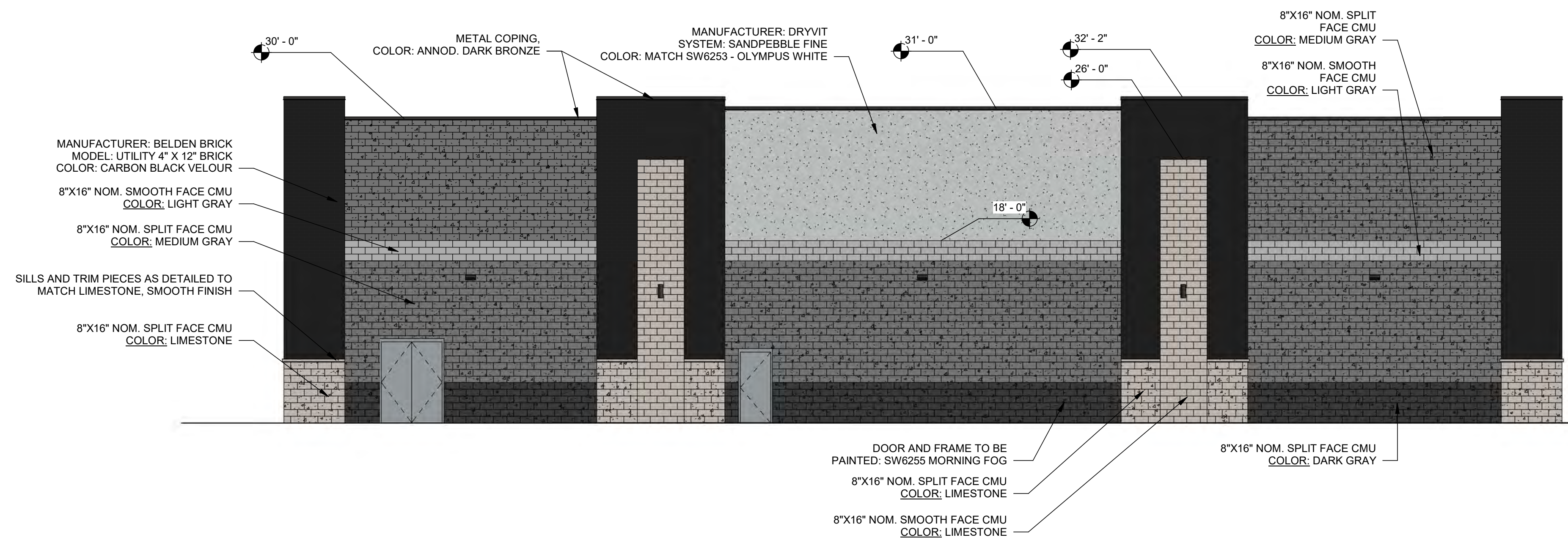
PLANET FITNESS

2327 Mountain Shadow Drive
 Duluth, Minnesota 55811

Exterior Elevations

02/18/2022

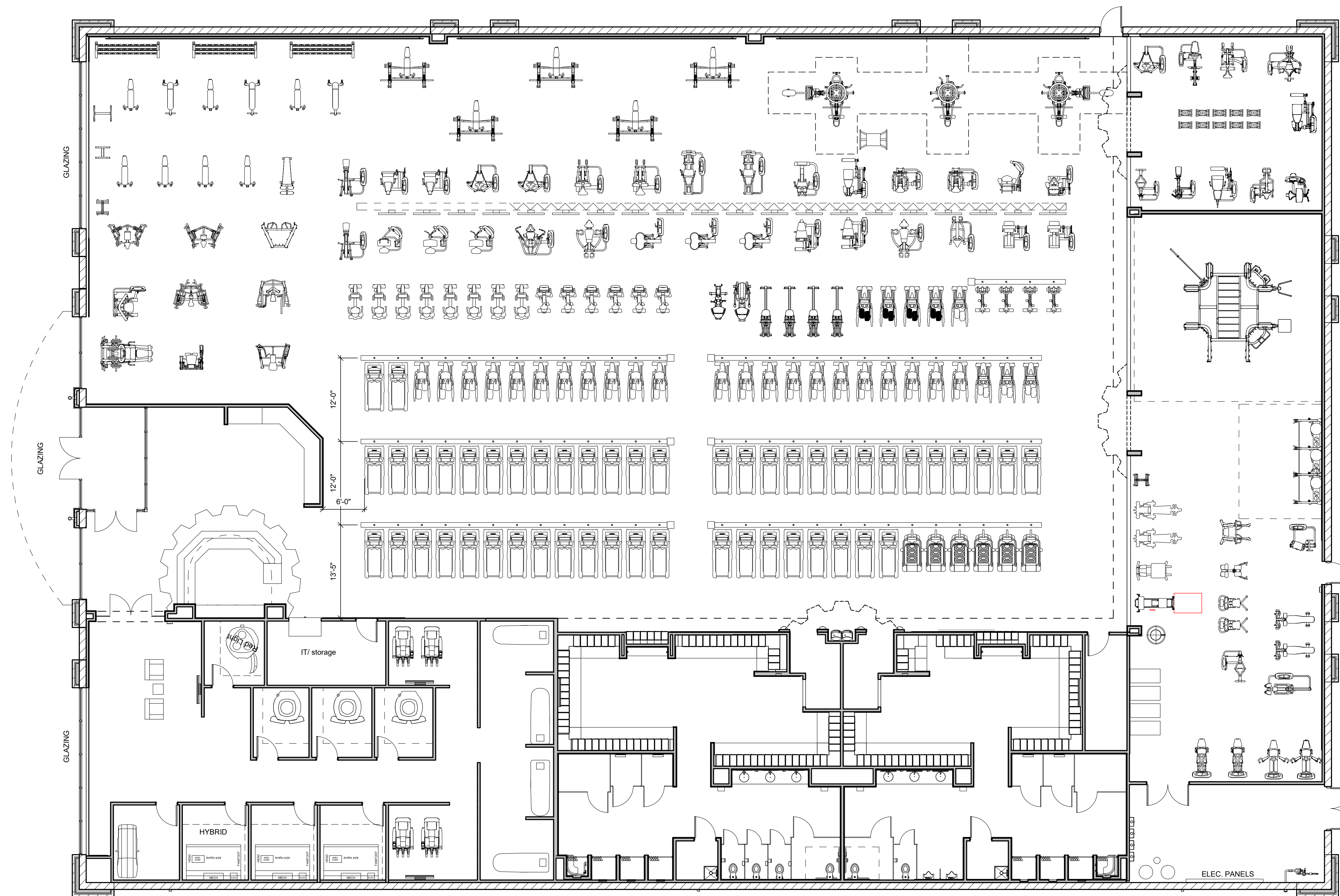
1/8" = 1'-0"



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



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



CARDIO EQUIPMENT TOTALS:

- TREADMILL	= 50
- ELLIPTICALS	= 22
- ASCENT	= 08
- BIKES	= 14
- INDOOR CYCLE	= 04
- STEPMILLS	= 06
- ROWERS	= 04
- SCIFIT	= 02
TOTAL CARDIO	= 110

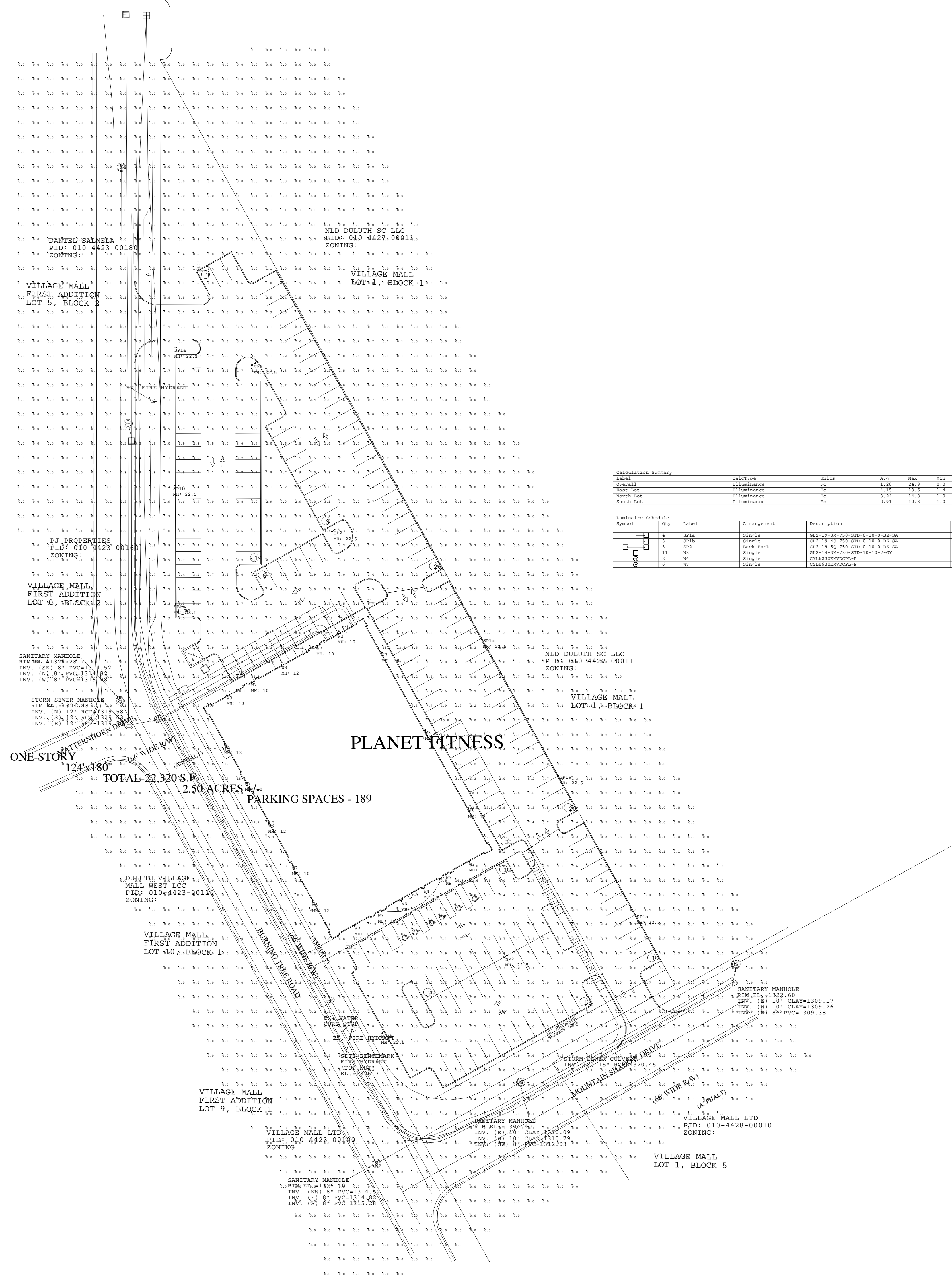
TOTAL AREA = 22,300 SF



PLANET FITNESS
Duluth, Minnesota

Floor Plan
03/14/2022

1/8" = 1'-0"



Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
Overall	Illuminance	FC	1.24	24.9	0.0	N.A.	N.A.
East Lot	Illuminance	FC	4.15	11.6	1.4	2.96	7.71
North Lot	Illuminance	FC	3.24	14.8	1.0	3.24	14.80
South Lot	Illuminance	FC	2.91	12.8	1.0	2.91	12.80

Symbol	Qty	Label	Arrangement	Description	LF	Luminaire Lumens	Luminaire Watts	Total Watts
□	4	SP1A	Single	GL-19-3M-750-STD-0-10-0-BE-SA	0.850	19619	191.44	765.56
□	3	SP1B	Single	GL-19-4M-750-STD-0-10-0-BE-SA	0.850	18619	191.52	574.56
□	3	SP2	Back-Back	GL-19-5M-750-STD-0-10-0-BE-SA	0.850	19620	191.96	1151.76
□	11	W4	Single	GL-14-3M-750-STD-10-10-0-PP	0.850	14818	127.12	1388.32
□	2	W4	Single	CTL210RWDCLP-P	0.425	1803	28	56
□	6	W7	Single	CTL210RWDCLP-P	0.850	3892	42.2	253.2

PLANET FITNESS

TOTAL 22,320 S.F.
2.50 ACRES +/-
PARKING SPACES - 189

ONE-STORY
124x180

DULUTH VILLAGE MALL WEST LLC
PID: 010-4423-Q0110
ZONING:

VILLAGE MALL FIRST ADDITION LOT 10, BLOCK 1

VILLAGE MALL FIRST ADDITION LOT 9, BLOCK 1

VILLAGE MALL LTD
PID: 010-4423-Q0100
ZONING:

VILLAGE MALL LTD
PID: 010-4423-Q0100
ZONING:

VILLAGE MALL LTD
PID: 010-4428-00010
ZONING:

VILLAGE MALL LOT 1, BLOCK 5