



City of Duluth

Meeting Agenda

Planning Commission.

Council Chambers

Wednesday, November 9, 2022

5:00 PM

Council Chambers

CALL TO ORDER AND ROLL CALL

APPROVAL OF PLANNING COMMISSION MINUTES

[PL 22-1011](#) Minutes 10/11/22

Attachments: [10-11-2022 PC Minutes \(not approved yet\)](#)

PUBLIC COMMENT ON ITEMS NOT ON AGENDA

CONSENT AGENDA

[PL 22-167](#) Interim Use Permit at 1229 Minnesota Ave by Katie Horvath

Attachments: [PL 22-167 Staff report and attachments](#)

[PL 22-170](#) Interim Use Permit Renewal at 2226 W 6th Street Unit 2 by Caleb Korzenowski

Attachments: [PL 22-170 Staff report and attachments](#)

[PL 22-171](#) Variance to Shoreland Setback at 616 W Wabasha St by Mark Hagley and Penny Truax-Hagley

Attachments: [PL 22-171 Staff Report and Attachments](#)

[PL 22-173](#) Interim Use Permit at 3 ½ W Superior St by Minnesota Property Investments LLC

Attachments: [PL 22-173 Staff Report - final with attachments](#)

[PL 22-175](#) Interim Use Permit at 5 W 10th Street by Jacob Shaw

Attachments: [PL 22-175 Staff report and attachments](#)

[PL 22-178](#) Interim Use Permit at 1915 W Superior Street Unit 1 by Duluth Press Building, LLC

Attachments: [PL22-178 - PL22-185 Staff Report - final w attachments](#)

- [PL 22-179](#) Interim Use Permit at 1915 W Superior Street Unit 2 by Duluth Press Building, LLC
Attachments: [PL22-178 - PL22-185 Staff Report - final w attachments](#)
- [PL 22-180](#) Interim Use Permit at 1915 W Superior Street Unit 3 by Duluth Press Building, LLC
Attachments: [PL22-178 - PL22-185 Staff Report - final w attachments](#)
- [PL 22-181](#) Interim Use Permit at 1915 W Superior Street Unit 4 by Duluth Press Building, LLC
Attachments: [PL22-178 - PL22-185 Staff Report - final w attachments](#)
- [PL 22-182](#) Interim Use Permit at 1915 W Superior Street Unit 5 by Duluth Press Building, LLC
Attachments: [PL22-178 - PL22-185 Staff Report - final w attachments](#)
- [PL 22-183](#) Interim Use Permit at 1915 W Superior Street Unit 6 by Duluth Press Building, LLC
Attachments: [PL22-178 - PL22-185 Staff Report - final w attachments](#)
- [PL 22-184](#) Interim Use Permit at 1915 W Superior Street Unit 7 by Duluth Press Building, LLC
Attachments: [PL22-178 - PL22-185 Staff Report - final w attachments](#)
- [PL 22-185](#) Interim Use Permit at 1915 W Superior Street Unit 8 by Duluth Press Building, LLC
Attachments: [PL22-178 - PL22-185 Staff Report - final w attachments](#)
- [PL 22-186](#) Variance to Maximum Sign Height at 4316 Rice Lake Rd by Duluth United LLC
Attachments: [PL22-186 Staff Report and Attachments](#)
- [PL 22-194](#) Concurrent Use Permit for Planter Structure at 502 E 2nd Street by Essentia Health
Attachments: [PL 22-194 Staff Report and Attachments](#)
- [PL 22-195](#) Concurrent Use Permit for Private Sanitary Sewer Lines at 502 E 2nd Street by Essentia Health
Attachments: [PL 22-195 Staff Report and Attachment](#)

PUBLIC HEARINGS

[PL 22-196](#) Planning Review for Bank in an MU-C District on Arrowhead Road West of Rice Lake Road by Bell Bank

Attachments: [PL 22-196 Staff report and attachments](#)

[PL 22-201](#) Interim Use Permit for Parking Lot at 830 E 1st Street by St Luke's Hospital

Attachments: [PL 22-201 Staff Report and 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

October 11, 2022 – City Hall Council Chambers
Meeting Minutes

Call to Order

President Margie Nelson called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, October 11th, 2022 in the Duluth city hall council chambers.

Roll Call

Attendance:

Members Present: Jason Crawford, Gary Eckenberg, Jason Holliday, Samuel Lobby, Margie Nelson, Danielle Rhodes, Michael Schraepfer, and Andrea Wedul

Members Absent: N/A

Staff Present: Adam Fulton, Robert Asleson, Chris Lee, and Cindy Stafford

Approval of Planning Commission Minutes -

Planning Commission Meeting – September 13, 2022

MOTION/Second: Rhodes/Crawford approved

VOTE: (8-0)

Public Comment on Items Not on Agenda

None

(Commissioner Danielle Rhodes recused herself from the consent agenda items due to a conflict of interest on Item PL 22-154. Her client is purchasing the property.)

Consent Agenda

PL 22-153 Interim Use Permit for a Vacation Dwelling Unit at 325 Lake Ave S #1313 by Tiegen Brickson

PL 22-154 Minor Subdivision at 405 Elk St by Devin and Ebony Nelson

PL 22-157 Interim Use Permit for a Vacation Dwelling Unit at 1035 Berwick Ct by Don Washington

PL 22-164 Interim Use Permit Renewal for a Vacation Dwelling Unit at 241 W Arrowhead Rd by Susan Yunis

MOTION/Second: Lobby/Schraepfer approved as per staff recommendations

VOTE: (7-0, Rhodes Abstained)

Old Business

MU-C Planning Review for a Hotel on Sundby Road north of Maple Grove rd by Kinseth Hotel Group

Staff: Chris Lee gave an overview. At the September planning commission meeting the commission voted to table the proposed MU-C Planning Review for a new extended stay hotel on Sundby Road. The commission wanted to speak to the applicant to have him address the concerns brought up by the neighbors including: screening to residential neighbors, lighting, and other impacts. The planning commission is tasked with approving the planning review or approve it with modifications if it is determined that the application complies with all applicable provisions. Staff recommends the planning commission approve the MU-C planning review with the findings in the staff report including adding 22 shrubs to the buffer.

Applicant: Ben Kinseth of Iowa addressed the commission, and gave an overview of the proposed project. They have seven additional extended stay hotels in Minnesota. He stated it is common to have residential areas butting up against commercial areas. He understands emotions are involved, and welcomed questions.

Public: Jo Haubrich, 1513 W. Morgan, addressed the commission. She represents 100 people who all voice their opposition to this hotel development. The hotel will cut into the green space, and invade people's privacy. There are no sidewalks in the area. She feels the negative impact will be enormous. Brenda Rose, 1609 W. Morgan, addressed the commission. She is a two-year resident of the area, and lives on the corner of Yosemite and Morgan. Traffic will increase and be dangerous. She is opposed. Joe Poppernickels addressed the commission. He is concerned that the replacement trees will not be of the same caliper as the trees they will be removing. He feels this change is radical and would be setting a massive precedent by telling big corporations they can shoe-horn their development in a residential neighborhood. This Project requires more thought. Devin Eng, 1516 Osage St., addressed the commission. She lives across the street from the proposed new hotel. She bought this family home from her father, and would like to some day pass it on to her daughter. Her daughter walks to the bus stop, and Eng is concerned about the safety due to increased traffic. Ben Fye, 1504 Osage Ave., addressed the commission. He noted there has been increased traffic in the area ever since the opening of the LaQuinta hotel. The new hotel will look directly into his window. The trees they are proposing are too sparse. His property will lose value. He asked if the four properties on Osage be granted a short-term rental license. Diana Mullberg addressed the commission. Looking from a satellite view, a hotel here doesn't make sense. It will disrupt wetlands and wildlife. There are lots of other properties for sale. Humans need nature. Once wildlife areas are gone, they aren't coming back. A hotel here just isn't right.

Commissioners: Andrea Wedul asked how does this proposal align with the Imagine Duluth 2035 Comprehensive Plan. Per Lee, the staff report lays out the alignment in more detail, but noted economic factors including tourism. The mall area is good for redevelopment and goes back to the 1970's. The land of the proposed hotel is deemed commercial. Commissioner Michael Schraepfer asked about the hotel height. David Bohlf of Northland Consulting Engineering addressed the commission. He noted the elevation is 51'6". There is a ten-foot façade on top of the building for branding, but mostly to screen mechanical equipment. Commissioner Gary Eckenberg asked if the planning commission vote will be the final decision. Deputy Director Adam Fulton affirmed, but noted it could be appealed to the city council with ten-days of tonight's decision. Commissioner Schraepfer noted both sides of this development have a valid argument. The current property owners have rights, but so does the new property owner. He sees this as a zoning issue where it was zoned commercial back in 2009. He would like to see a compromise and suggests adding more trees as a buffer. Commissioner Rhodes asked if the homes surrounding the hotel should be zoned commercial. Deputy Director Fulton noted they have no application before them, and have not evaluated the future land use for those properties. Eckenberg reiterates that the public could file an appeal to the city council. Commissioner Wedul asked how typical is this for neighboring zoning differences. Fulton noted a study was done in the 1990's, which identified sites for expansion of activity in the mall area.

He noted Sundry Road functions as a commercial road. This site has lots of MU-C areas surrounding the RR-1 area due to no utilities. This is not a-typical and compared it to Spirit Valley and Lincoln Park.

Applicant: Bohl addressed Commissioner Schraepfer's comment to increase the buffer. Engineering required the 33' of right of way to the east of the property. This means the applicant will have a 33' buffer over the 33' buffer in place. He noted the stormwater needs to be cooled before it goes into a holding pond. He welcomed additional questions. Commissioner Eckenberg asked about the 22 additional shrubs. Per Lee, the shrubs need to be placed on the applicant's property. Bohl noted minor adjustments could be done and noted the re-allocation of parking towards Sundry Road.

Commissioners: Commissioner Rhodes noted the commission is not deciding on if they like hotels, only if the hotel meets the criteria. Wedul noted this is a hard topic, and appreciates the applicant's willingness to increase the buffer if possible. Bohl noted their intent is to build a 4' berm to black automobile headlights from the neighbors. Crawford asked if they could increase the height of the buffer. Per Bohl more area would need to be cleared to increase the berm height.

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

VOTE: (7-1, Lobby Opposed)

Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton gave an overview. Golden Bulldog, 318 N 18th Ave E – Chris Lee stated their hours of operation appear to be outside of the agrees upon 9 p.m. close. An enforcement letter was sent, and they have 14 days to comply. Lee noted that a bar falls into the definition of a bar even if food is not the main focus. Eckenberg thanked staff for following-up.

Discuss Brown Bag Date

Heritage Preservation Commission – Gary Eckenberg noted there was no meeting this month.
Joint Airport Zoning Board – No update.

Duluth Midway Joint Powers Zoning Board – No update.

Adjournment

Meeting adjourned at 6:24 p.m.

Respectfully,

Adam Fulton – Deputy Director
Planning & Economic Development



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 22-167	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date	November 9, 2022	
Deadline for Action	Application Date	September 19, 2022	60 Days	November 18, 2022
	Date Extension Letter Mailed	October 14, 2022	120 Days	January 17, 2023
Location of Subject	1229 Minnesota Avenue			
Applicant	Plautus & Lightning, LLC	Contact		
Agent	Heirloom Property Management	Contact		
Legal Description	PID # 010-4390-01950			
Site Visit Date	October 28, 2022	Sign Notice Date	October 25, 2022	
Neighbor Letter Date	October 21, 2022	Number of Letters Sent	21	

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	MU-W	Vacant land	Transportation and Utilities

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 1,318 sq. ft. 2 story home was constructed in 1936 and contains 2 bedrooms.

Review and Discussion Items:

- 1) Applicant's property is located at 1229 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 carport.
- 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.

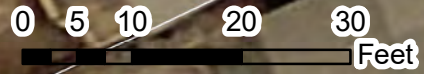


Legend
Zoning Boundaries



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.

Aerial photography flown 2016



1235 1/2
Minnesota Ave

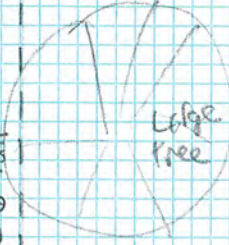


Patio

Shed

Existing Fencing 7'

Existing Wood Fence 6' Tall



Large Tree

Deck

Existing Fence 7'

Cedars

1229 Minnesota Ave

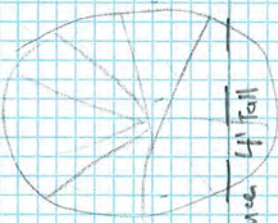


Large Tree

1235
Minnesota
Ave

1227
Minnesota
Ave

12'
Vehicle
in
car Port



Existing Fence 4' Tall

Vehicle
in
Driveway

Existing Fence 4' Tall

City Side walk →



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 22-170	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date		November 9, 2022
Deadline for Action	Application Date	September 27, 2022	60 Days	November 26, 2022
	Date Extension Letter Mailed	October 14, 2022	120 Days	January 25, 2023
Location of Subject	1831 East 8 th Street, Unit 2			
Applicant	Caleb Korzenowski	Contact	calebkorzo@gmail.com	
Agent	Venture Properties North LLC	Contact	Venturepropertiesnorth@gmail.com	
Legal Description	PID # 010-1220-01060			
Site Visit Date	October 28, 2022	Sign Notice Date		October 25, 2022
Neighbor Letter Date	October 21, 2022	Number of Letters Sent		87

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-2	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 1831 East 8th Street, Unit 2. The proposed vacation dwelling unit contains 2 bedrooms, which would allow for a maximum of 5 guests.
- 2) The applicant is proposing the minimum 1 off street parking space on the driveway at the rear of the home with access from the alley.
- 3) The applicant has indicated there will not be a space for camper or trailer storage by VDU guests.
- 4) The site plan depicts a porch and existing fire pit in the rear yard area. The applicant indicates a proposed 6-foot-tall privacy fence along the east and west property lines, and proposed evergreen shrubs adjacent to the parking area off of the alley. 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 Venture Properties North LLC 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.

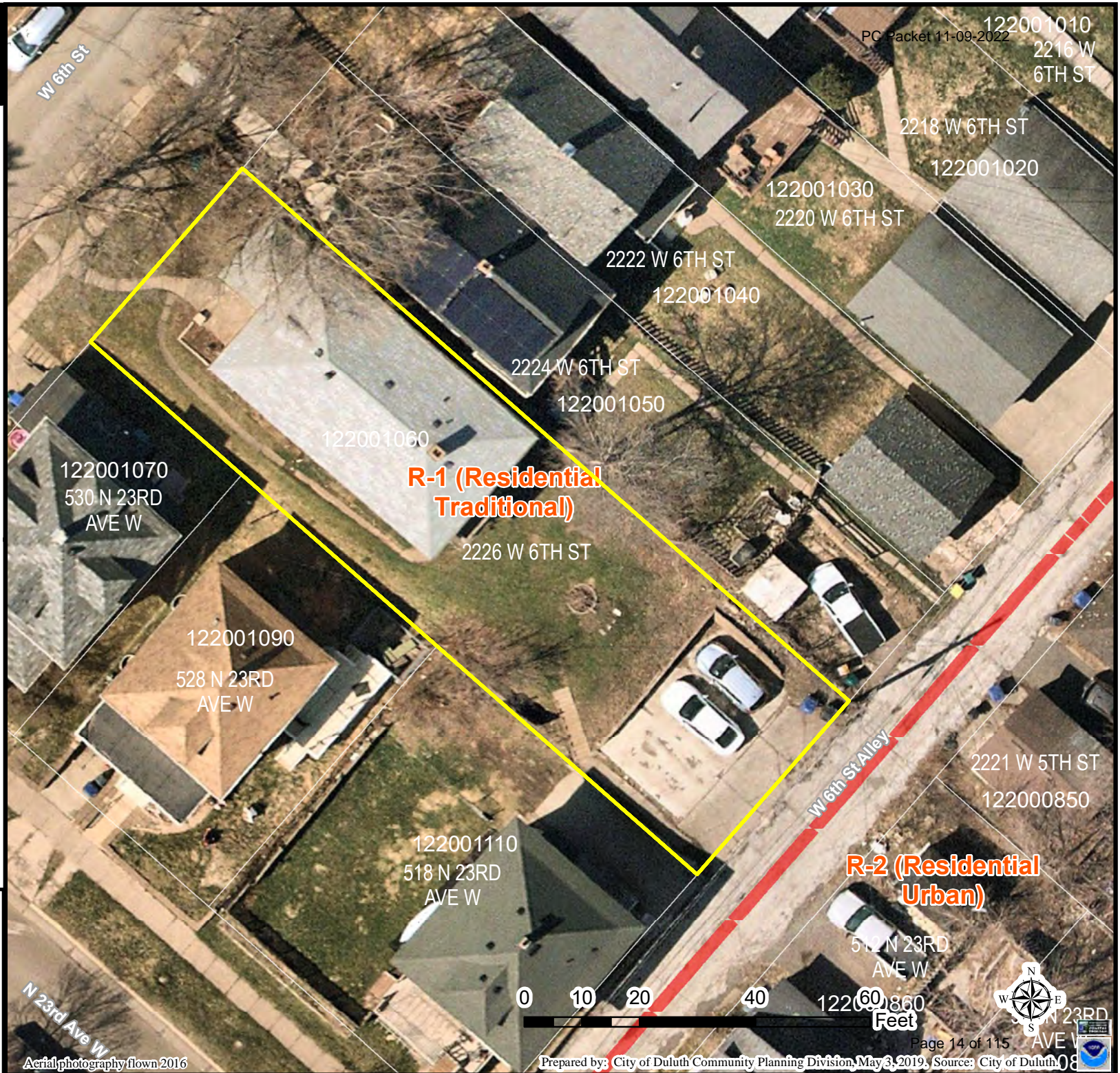
Staff Recommendation:

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.

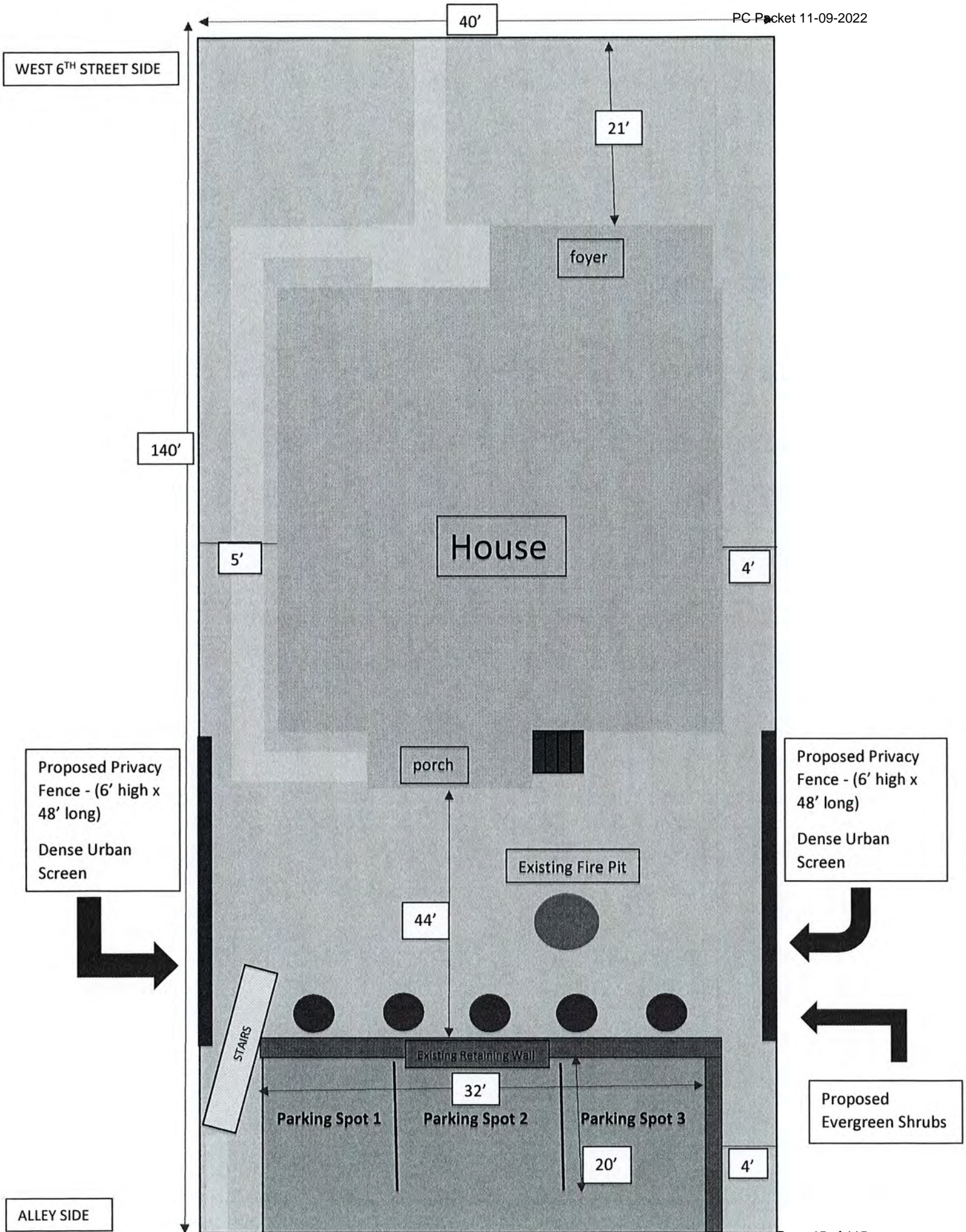


Legend
Zoning Boundaries



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.







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 22-171	Contact	Jenn Moses, jmoses@duluthmn.gov	
Type	Variance – Shoreland structure setback	Planning Commission Date	November 9, 2022	
Deadline for Action	Application Date	Sept 29, 2022	60 Days	November 28, 2022
	Date Extension Letter Mailed	October 12, 2022	120 Days	January 27, 2023
Location of Subject	616 W Wabasha Street			
Applicant	Mark Hagley & Penny Truax-Hagley	Contact		
Agent		Contact		
Legal Description	Parcel 010-4313-00040			
Site Visit Date	October 31, 2022	Sign Notice Date	October 25, 2022	
Neighbor Letter Date	October 21, 2022	Number of Letters Sent	10	

Proposal:

The applicant is seeking a variance to construct a 1,350 sq ft single family home and garage in the Woodland neighborhood, with the garage being 130' from the stream instead of the required 150'.

Recommended Action:

Staff recommends approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Undeveloped	Low Density N'Hood/Open Space
North	R-1	Single Family Homes	Low Density N'Hood
South	P-1	Hartley Park	Open Space
East	R-1	Single Family Homes	Low Density N'Hood
West	R-1	Single Family/Golf Course	Open Space

Summary of Code Requirements

Sec. 50-37.9. B – Variance Procedures. “The Planning Commission shall...make a decision on the application based on the criteria in subsections 50-37.9. C – M...”

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

Sec. 50-37.9.L – Standards for variances in Shorelands: No variance shall be granted that compromises the general purposes or intent of Section 50-18.1.D or results in adverse consequences to the environment. Variances shall include a requirement

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

Governing Principle #1 – Reuse previously developed lands: Although the lot is undeveloped, it has been platted and existing roads and infrastructure are in place.

Governing Principle #5 – Promote neighborhood reinvestment: This neighborhood was previously platted and houses are built on either side along Wabasha Street.

Governing Principle #10 – Take actions that promote the environment, economic, and social well-being of the community. The applicant proposes significant sustainable improvements in correlation with the proposed home.

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

History: Hartley Estates Third Addition was platted in 2002, prior to the current shoreland regulations, which were adopted in 2010.

Review and Discussion Items

Staff finds that:

- 1) The property is located within the shoreland of Tischer Creek, a coldwater stream. Within this shoreland area, the regulations state that structures shall have a 150’ setback and shall not be located within the bluff impact zone; a bluff is an area within a shoreland that has a greater than 30% slope.
- 2) Applicant proposes a 1,350 sq ft home with garage, screen porch, and breezeway for the parcel. Applicant proposes to place the home on the flattest portion of the parcel in order to minimize grading and filling. This meets the front yard setback, but places a small portion of the house and screen porch within the shoreland setback. The corner of the garage would be 130’ feet from the stream instead of the required 150’.
- 3) As mentioned under the History section above, this plat, Hartley Estates Third Addition, was platted in 2002, prior to the existing shoreland requirements, which were adopted in 2010. This situation was not created by the property owner. This lot is the closest lot in the plat to Tischer Creek; thus, the special circumstances are peculiar to this specific property.
- 4) Together, the R-1 setbacks and shoreland requirements would leave the property with a small triangular area for a building envelope. Much of this area becomes unusable due to the shape, resulting in practical difficulty for this property.
- 5) The applicant is proposing a reasonable use as a single-family home and garage are permitted within the R-1 district, and the surrounding neighborhood also contains single-family homes.
- 6) The proposal will not alter the essential character of the neighborhood as adjacent homes are also in proximity to Tischer Creek, and are similarly sized or larger than the proposed home.
- 7) The proposed development meets side yard and front yard setbacks, and incorporates suitable open area between this house and adjacent houses; the relief will not impair an adequate supply of light and air to adjacent properties.
- 8) Section 50-37.9.L of the UDC requires mitigation for shoreland variances. With the proposed plan, all rainwater will be routed to infiltration/retention/management basins that are located outside the 150’ shoreland setback. Applicants have already completed significant work in eradicating thousands of buckthorn and planting nearly 700 trees on the property; maintenance of the native, non-invasive vegetation placed on the lot constitutes part of their mitigation plan.
- 9) No other public, private or City comments were received.
- 10) Per UDC Section 50-37.1. N. approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year

Staff Recommendation

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

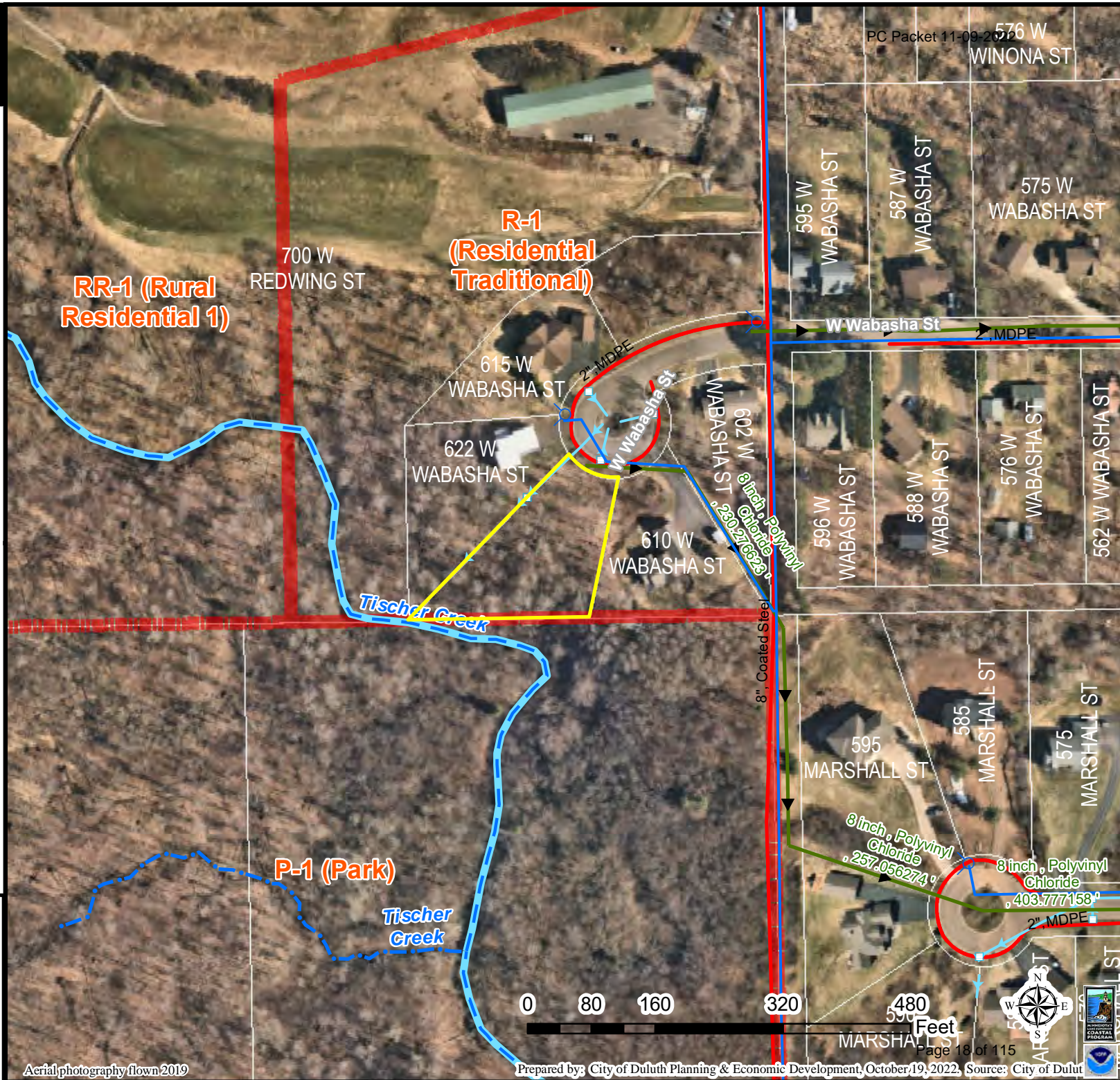
- 1) The project be limited to, constructed, and maintained based on the proposed site plan and mitigation plan submitted with the application.
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PL22-171
 Variance to Shoreland Setback
 616 W Wabasha St

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



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



PL22-171
 Variance to Shoreland Setback
 616 W Wabasha St

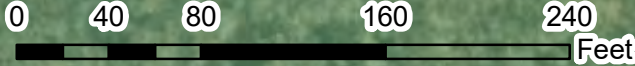
PC Packet 11-09-2022

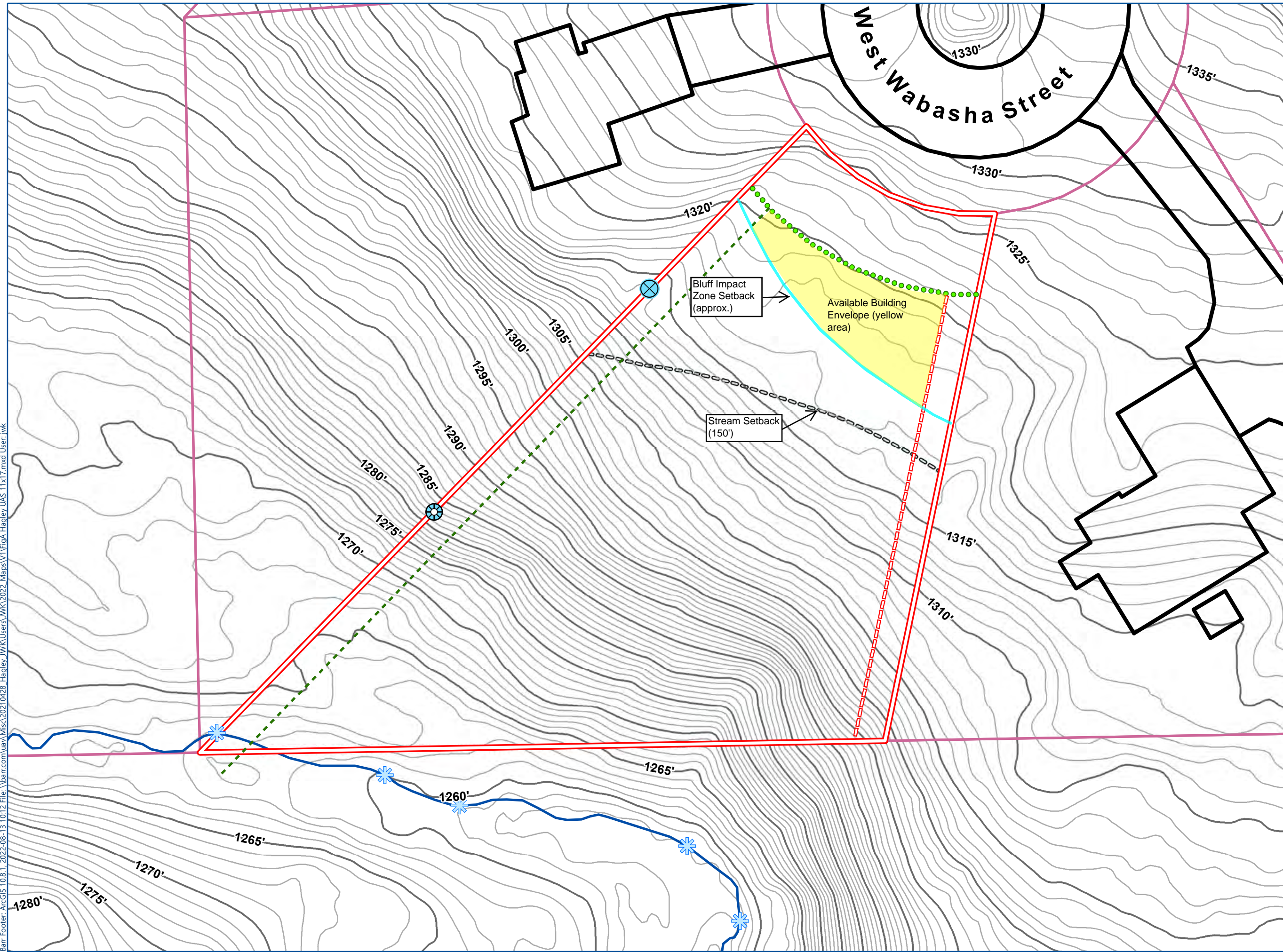
Legend	
	Trout Stream (GPS)
	Other Stream (GPS)
	Open Space
	Open Space/Outside Duluth
	Rural Residential
	Low-density Neighborhood
	Traditional Neighborhood
	Urban Residential
	Neighborhood Commercial
	Central Business Secondary
	Central Business Primary
	Large-scale commercial
	Tourism/Entertainment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



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

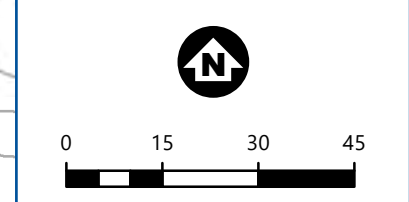
Aerial photography flown 2019

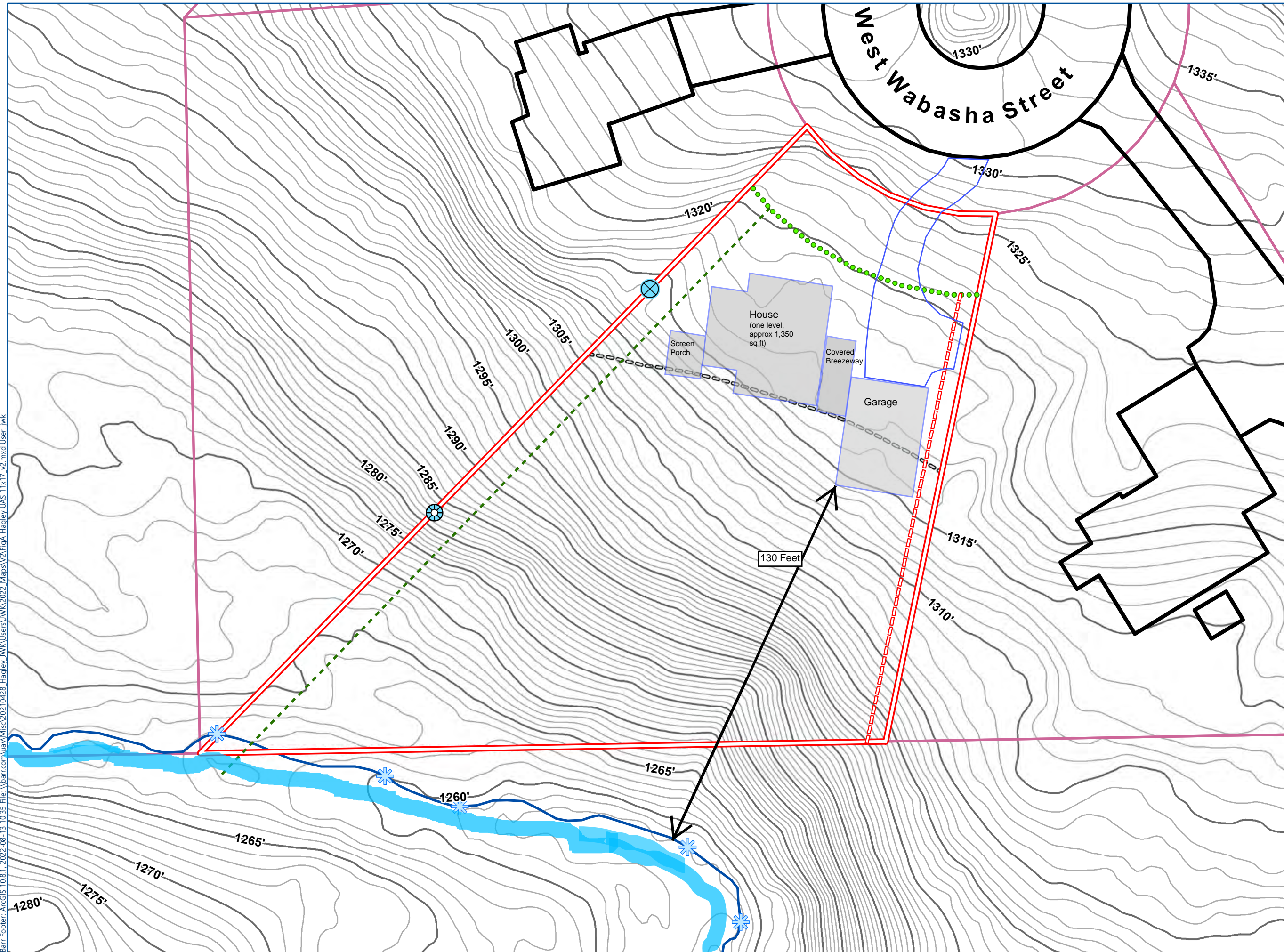




- PC Packet 11-09-2022 Hagley Parcel
- Surrounding Parcels
- Surrounding Features
- OHWM Setback (150')
- Ordinary High Water Mark (OHWM)
- Drainage Easement; 27'
- Drainage Easement; 10'
- Parcel Setback; 10'
- ⊗ Stormwater Beehive
- ⊗ Stormwater Manhole
- ❄ Ordinary High Water Mark (GPS)
- 5-Foot Contour
- 1-Foot Contour

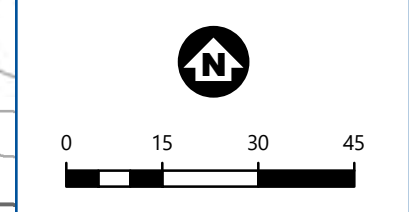
UAS imagery captured on 04/28/2021.
 Topographic contour lines derived from photogrammetric methods.





- PC Packet 11-09-2022 Hagley Parcel
- Surrounding Parcels
- Surrounding Features
- OHWM Setback (150')
- Ordinary High Water Mark (OHWM)
- Drainage Easement; 27'
- Drainage Easement; 10'
- Parcel Setback, 6'
- ⊗ Stormwater Beehive
- ⊗ Stormwater Manhole
- ❄ Ordinary High Water Mark (GPS)
- 5-Foot Contour
- 1-Foot Contour

UAS imagery captured on 04/28/2021.
 Topographic contour lines derived from photogrammetric methods.



HAGLEY PROPERTY
 PIN 010-4313-00040
 Duluth, MN

FIGURE 3 - Site Plan
 Page 21 of 115

West Wabasha Street
1330'

NEW RETENTION
AREA - SWALE/
RAINGARDEN
1320'

Existing Stormwater
Catch Basin

ROOF
SLOPE
TO NORTH
(HOUSE,
PORCH,
BREEZEWAY)

GUTTER










ROOF
SLOPE
TO SOUTH
(GARAGE)

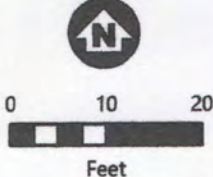
NEW
STORMWATER
RETENTION/
INFILTRATION
AREA

GUTTER
(DOWNSPOUT
TO NORTH)

Existing Stormwater
Retention/Infiltration
Basin

UAS imagery captured on
04/28/2021.
Topographic contour lines
derived from photogrammetric
methods.

-  Hagley Parcel
-  Surrounding Features
-  Surrounding Parcels
-  Stormwater Beehive
-  Drainage Easement; 27'
-  5-Foot Contour
-  Drainage Easement; 10'
-  1-Foot Contour
-  Parcel Setback, 6'



HAGLEY PROPERTY
PIN 010-4313-00040
Duluth, MN

HARTLEY ESTATES THIRD ADDITION

LOCATED IN THE NORTH HALF OF THE NORTHWEST QUARTER
OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 50 NORTH,
RANGE 14 WEST OF THE FOURTH PRINCIPAL MERIDIAN

727403

PLAT DEDICATION
HARTLEY ESTATES THIRD ADDITION, DULUTH, ST. LOUIS COUNTY, MINNESOTA

KNOW ALL MEN BY THESE PRESENTS: That Joseph J. Sitek, Jr., and Mary C. Sitek, being the owners of the following described property lying and being in the City of Duluth, County of St. Louis, State of Minnesota, to-wit:

That part of the North Half of the Northwest Quarter of the Southeast Quarter of Section 3, Township 50 North, Range 14 West of the Fourth Principal Meridian, according to the United States Government Survey, Outlot A, HARTLEY ESTATES FIRST ADDITION, and Outlot A, HARTLEY ESTATES SECOND ADDITION, described as follows:

Beginning at the northwest corner of the Northeast Quarter of the Southeast Quarter of said Section 3; thence South 00 degrees 00 minutes 00 seconds West along the centerline of Maxwell Avenue a distance of 183.01 feet; thence South 28 degrees 20 minutes 17 seconds West along the centerline of Maxwell Avenue a distance of 413.58 feet; thence South 86 degrees 50 minutes 41 seconds West a distance of 343.00 feet; thence South 55 degrees 18 minutes 20 seconds West a distance of 169.09 feet to the south line of said North Half; thence South 89 degrees 57 minutes 48 seconds West along said south line a distance of 651.65 feet to the southwest corner of said North Half; thence North 00 degrees 21 minutes 06 seconds West along the west line of said North Half a distance of 661.21 feet to the center quarter corner of said Section 3; thence North 89 degrees 56 minutes 29 seconds East along the north line of said North Half a distance of 1333.52 feet to the POINT OF BEGINNING and there terminating. Except the westerly 33 feet thereof.

Except all minerals and mineral rights.

NOW THEREFORE, we do hereby ratify and confirm in all respects said survey and the plat thereof as "HARTLEY ESTATES THIRD ADDITION", and sign, seal and execute said plat and hereby dedicate to the public use of the streets, roads, and easements herein delineated.

IN WITNESS WHEREOF: We hereunto set our hands and seals this 25th day of June, 2002, A.D.

By Joseph J. Sitek, Jr. Joseph J. Sitek, Jr., Owner
Mary C. Sitek Mary C. Sitek, Owner

STATE OF MINNESOTA)
COUNTY OF ST. LOUIS)

The foregoing instrument was acknowledged before me this 25th day of June, 2002, A.D. by Joseph Sitek Jr., Owner, and Mary C. Sitek, Owner.

Juni E. Crossmon
Notary Public, State of Minnesota
My Commission Expires 1-31-05



STATE OF MINNESOTA)
COUNTY OF ST. LOUIS)

I hereby certify that I have surveyed and platted the property described on this plat at HARTLEY ESTATES THIRD ADDITION, that this plat is a correct representation of the survey; that all distances are correctly shown on the plat in feet and hundredths of a foot; that all monuments have been correctly placed in the ground as shown; that the outside boundary lines are correctly designated on the plat; and that there are no public highways to be designated other than as shown.

John J. Hinzmann, Jr.
John J. Hinzmann, Jr., Professional Land Surveyor
Minnesota License No. 15294

Subscribed and sworn to before me this 25th day of June, 2002, A.D.

Juni E. Crossmon
Notary Public, State of Minnesota
My Commission Expires 1-31-05



I hereby certify that this plat has been checked and approved this 25th day of June, 2002, A.D.

Robert C. Beach, LS#17360
County Surveyor

We hereby certify that the annexed plat entitled "HARTLEY ESTATES THIRD ADDITION" was approved by the Duluth City Planning Commission on the 12th day of July, 2002, A.D.

Robert C. Beach Jeffrey S. Johnson
Director of Planning and Development President, City Planning Commission

COUNTY AUDITOR

TAX STATEMENT

No delinquent taxes due and transfer entered this _____ day of _____, 20____, A.D. 727403

St. Louis County Auditor

TAX STATEMENT

I hereby certify that all taxes for (_____) on the land described herein July 23, 2002 are paid.

St. Louis County Treasurer

257142 MARK A. MONACELLI
279154 Register of Titles
A. Jide Deputy

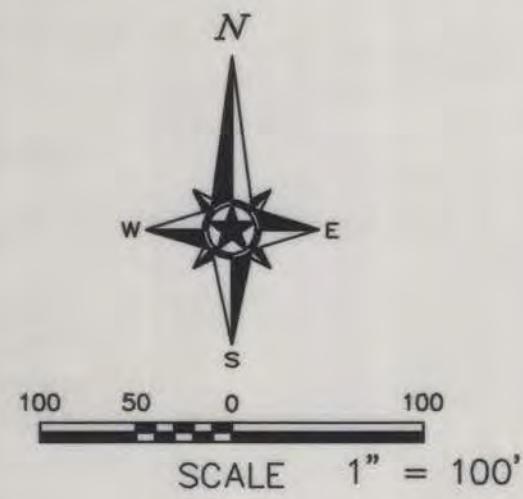
NORTH LINE OF THE
NORTHWEST QUARTER OF
THE SOUTHEAST QUARTER
(N 90°-00'-00" E ASSUMED)

ANOKA STREET

MARSHALL ST.

HASTINGS DRIVE

HARTLEY PARK



CENTER OF SECTION 3
FOUND ALUMINUM CAPPED PIPE

WEST LINE OF N 1/2
NW 1/4 OF SE 1/4
OF SECTION 3

NORTH LINE OF N 1/2 OF
NW 1/4 OF SE 1/4
OF SECTION 3

NORTHWEST CORNER OF THE
NORTHWEST QUARTER OF THE
SOUTHEAST QUARTER SEC. 3
FOUND CITY MONUMENT
(1" BOAT SPIKE IN A 2" PIPE)
POINT OF BEGINNING

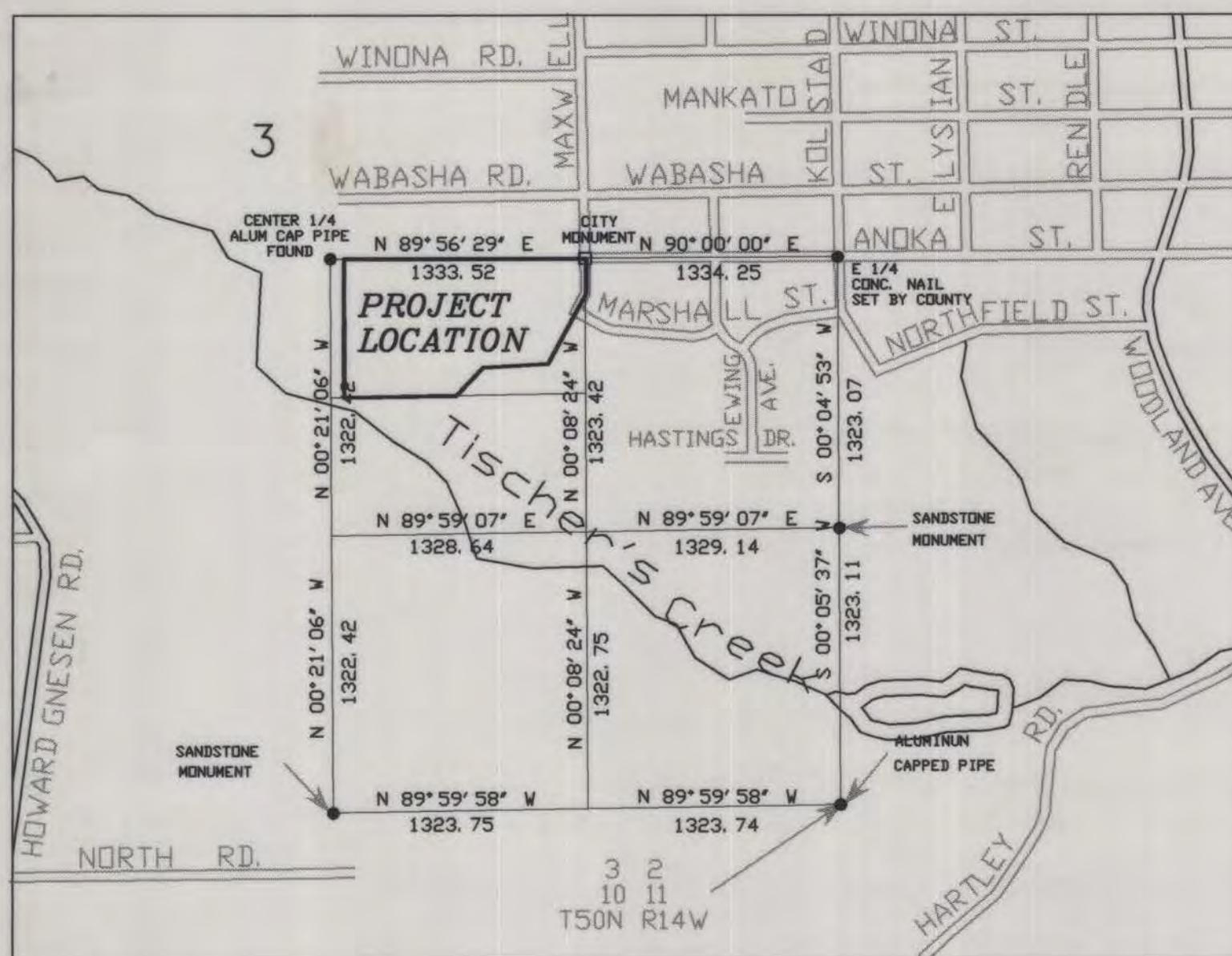
BASIS OF BEARING

BEARINGS ARE BASED ON AN ASSUMED BEARING OF N 90°-00'-00" E FROM THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER TO THE EAST QUARTER CORNER OF SECTION 3, T50N, R14W.

LEGEND

- SURVEY MONUMENT FOUND IN PLACE
- 5/8" REBAR SET RLS# 15294.
- BOUNDARY LINE
- - - LOT LINE

SW CORNER OF N 1/2
NW 1/4 OF SE 1/4 OF
SECTION 3



INDEX MAP
NO SCALE

CURVE TABLE					
CURVE NO.	LENGTH	RADIUS	DELTA	CH. LENGTH	CH. BEARING
C1	65.91	133.00	28°23'30"	65.23	N75°51'46"W
C2	78.60	210.88	21°21'16"	78.14	S79°15'51"W
C3	58.49	156.94	21°21'16"	58.15	S79°15'51"W
C4	97.78	70.00	80°01'57"	90.02	N68°12'07"W
C5	63.73	70.00	52°09'51"	61.55	S45°41'59"W
C6	63.65	70.00	52°06'05"	61.48	S06°25'59"E
C7	63.61	70.00	52°03'50"	61.44	S58°30'57"E
C8	82.32	70.00	67°23'01"	77.66	N61°45'37"E
C9	54.59	222.94	14°01'48"	54.45	N82°55'35"E
C10	28.50	222.94	07°19'28"	28.48	N72°14'57"E
C11	31.27	144.88	12°21'58"	31.21	N74°46'10"E
C12	22.73	144.88	08°59'18"	22.70	N85°26'51"E
C13	33.20	67.00	28°23'31"	32.86	S75°51'46"E

All Taxes Paid
July 22, 2002
Gordon D. McFaul
St. Louis County Auditor
By MJ Tomack Deputy

Prepared By: _____ Sheet 1 of 1 Job No. ASITEK0003.00

Narrative Summary – Application for Variance to Shoreland Setbacks
616 West Wabasha St – Parcel 010-4313-00040
Mark and Penny Hagley

Our intention is to build a fairly small single-family home and garage on the lot. We are focused on minimizing the overall environmental impact of the house, including: minimizing or eliminating the use of fossil fuels to operate the house (i.e., “Net Zero” - through energy-efficient design and on-site solar power generation), minimizing site disturbance to the extent possible, minimizing any impact to surface water (Tischer Creek), minimizing the import of fill (and subsequent truck traffic), and encouraging and maintaining native vegetation through planting of natives and eradication of invasive species. Our proposed use of the property (zoned R-1) fits the intended use under the code and is consistent with the existing use of neighboring properties.

The Shoreland Regulations in the current code make the lot virtually unbuildable. Figure 1 shows the general parcel setting. Figure 2 shows the site topography and the existing setbacks that apply to the parcel. The yellow shaded area on Figure 2 is our interpretation of the available building area under current zoning regulations (approximately 1,600 sq. ft, but much of it unusable due to its shape). The site topography compounds the challenges caused by the shoreland setbacks. There is a fairly steep slope that drops approximately 10-12 feet from the street down to the relatively flat potential building site. Unless a garage entry is placed far enough from the street to allow for slope transitions and runoff, the slope of the driveway would be unmanageable. We believe that these zoning regulations and site conditions meet the definition of practical difficulties preventing us from using the parcel for its intended use.

We are requesting a variance to the shoreland setbacks contained in Section 50-18.1.D of the UDC. Our proposed site layout is shown on Figure 3. This layout would result in approximately 600 square feet of structure footprint being inside the 150-foot stream setback, with the closest point of structure footprint being approximately 130 feet from the creek. The following bullets describe the design process that went into our proposed site plan, and the proposed mitigation that we will take to minimize any potential impacts associated with a variance:

- Site Layout / Design – We have been working on the site layout and house plan design process since we purchased the lot almost two years ago. We have evaluated and tried to optimize dozens of potential house/garage configurations, all with the goal of minimizing our encroachment into the shoreland setbacks, while also maintaining the ability to access the property via a driveway with a manageable slope. Of all of the possible site configurations we have evaluated, our proposed plan provides what we think is the best combination of: minimal encroachment into the setback area; large enough area of south-facing roof (on garage) to allow for an adequate solar system to power the house; and allowing for a useable (if still steep) driveway. These goals were met by significantly reducing the square footage of the house (down to ~ 1,350 sq ft) as we moved through the design process, and by moving the garage entry toward the south to allow for a manageable driveway slope.
- Driveway Slope – The site topography consists of a steep slope from the street down to a relatively flat area that is suitable for constructing a home. As shown on Figures 2 and 3, the buildable area of the lot begins at 45 feet from the street (18’ ROW + 27’ drainage easement). The ground drops roughly 10 feet from the street within this 45 feet. In the process of evaluating site configurations, we compared driveway slopes that would result from over 100 possible combinations of garage floor elevation, distance of garage door from street, and length of transition zones and runoff. Our

proposed site plan represents what we feel is the minimum distance from street to garage that will allow for a manageable (if still quite steep) driveway. Note that this plan does include constructing the garage floor at an elevation slightly above the surrounding grade to help further reduce the driveway slope.

- Stormwater Mitigation – As part of the proposed plan, all rainwater that lands on impervious roofing will be routed to stormwater retention/infiltration/management areas located outside the 150-foot stream setback (see Figure 4). The proposed main house roof, screen porch roof, and breezeway roof will each have a monoplane (shed) roof that drains to the north. This runoff will discharge to a constructed swale/raingarden located north and west of the house for infiltration. Because we need a significant area of south-facing roof for the proposed solar panels, the plan for the garage includes a shed roof that slopes and drains to the south. The plan is to route this roof runoff via a gutter system to a rain garden infiltration area located east of the garage for infiltration. As shown on Figure 4, there are large existing stormwater retention and management structures on or adjacent to both the east and west sides of the lot that were installed during initial development of the subdivision. Therefore, any potential overflow of the new on-site retention areas (described above) during an extreme weather event would flow to these larger stormwater management areas and would not cause uncontrolled runoff to the stream. These backup stormwater management features provide an added margin of protection for the stream.
- Vegetation Management – Our overall goal for the property is to encourage and maintain diverse native vegetation to the extent possible. This will help maintain vegetative ground cover that will help stabilize the slope and minimize any sediment getting to the stream. Since we purchased the lot, we have removed literally thousands of buckthorn, and are attempting to eradicate it from the lot. This work has already paid off with a significant increase in native understory vegetation in the last year. In addition, in the last two years we have planted approximately 700 trees on the lot (all native species, variety of hardwoods and conifers) to fill in some of the areas that were previously overgrown with buckthorn or where large aspen went down in the 2016 wind storm. Our plan is to continue to encourage and maintain the native vegetation, and to only use native species for future landscaping.

In summary, it is our understanding (through conversations with Zoning staff) that this parcel was platted before the current shoreland regulations went into effect. The current shoreland setbacks, combined with the site topography, make the lot virtually unbuildable without relief from the setbacks. We as owners have done nothing to contribute to these challenges. The bottom line is that we are trying to do the right thing related to all aspects of potential environmental impact and to build a modest house that fits the neighborhood. We have worked very hard over that last two years to come up with a plan that will protect the creek. But we simply haven't been able to find a way to make the project work from a realistic functional standpoint without a variance for a minor amount of structure encroachment into the stream setback (~600 sq feet, closest point ~ 130' instead of 150' from structure to stream). Despite this proposed encroachment, under the proposed plan all rain water that hits the portions of the structures located inside the stream setback will be routed back outside the setback, where it will be managed through two layers of stormwater retention/infiltration/management. In addition, native vegetation/ground cover will be maintained on the property to prevent soil erosion.

Statement of Compliance with Permit Requirements

There are no structures on the parcel. Therefore, there has been no construction or other activities that would require City permits (i.e., building permits) or licenses.



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

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"):

50-18.1.D - Shorelands

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 current shoreland setbacks in the UDC, along with site topography, present practical difficulties in building a single-family home on this parcel (parcel zoned R-1). The available building envelope is not of adequate size or shape for construction of a home. In addition, a steep slope and approximate 10- to 12-foot drop from the street to the potential building site presents practical difficulties for property access (i.e., driveway). See attached narrative summary and figures for details.

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:

It is our understanding (based on conversations with Zoning staff) that the parcel was platted before the current shoreland regulations went into effect. Also, because of the stream location and geometry, neighboring parcels (and other parcels in the vicinity) would not have had the same stream setback constraints (i.e., the stream setback would not have limited their ability to build on their parcels). The shoreland setback and topographic challenges of the parcel are unique to the property and were not created by the property owner(s).

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:

As stated above and shown on attached figures, the stream is closer to the available building area of this parcel than it is for neighboring parcels. The practical difficulties associated with the shoreland setbacks and site topography are unique to this parcel. Also as stated above, it is our understanding that the parcel was platted (and most or all of the neighboring houses were built) before the current shoreland regulations went into effect.

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:

The requested variance to the shoreland setbacks will allow for the construction of a modest sized single-family home and garage, which is consistent with the parcel zoning (R-1) and with the existing use of neighboring properties.

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:

If granted, the requested variance will allow for the construction of a single-family home and garage, which is consistent with the intended use of the property, with parcel zoning (R-1), and with the existing use of other properties in the neighborhood. Construction of a home and garage on the parcel will not cause any of the potential impairments listed in Question 5.

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:

As stated above, the requested variance to the shoreland setbacks will allow for the construction of a modest size home and garage, which is consistent with the parcel zoning (R-1) and with the existing use of neighboring properties. With regard to the specific intent of the shoreland regulations section of the zoning code, any potential impairment related to the relatively small encroachment of structures (approximately 600 sq. ft.) into the shoreland setback area will be mitigated by the proposed stormwater management plan and maintenance of native vegetation. With the proposed mitigation, the project will not increase surface water runoff to the stream. See attached narrative summary and figures for details regarding the water management plan.

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:

50-18.1.D - Shorelands (see shoreland regulations)



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 22-173	Contact	Kyle Deming, kdeming@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date	November 9, 2022	
Deadline for Action	Application Date	October 3, 2022	60 Days	December 2, 2022
	Date Extension Letter Mailed	October 19, 2022	120 Days	January 31, 2023
Location of Subject	3 ½ W. Superior St. (Downtown)			
Applicant	Midwest Property Investments, LLC	Contact	Peter Mogck	
Agent		Contact		
Legal Description	Wly ½ of Lot 1, Duluth Proper First Division, West Superior Street (010-0920-00020)			
Site Visit Date	October 19, 2022	Sign Notice Date	October 25, 2022	
Neighbor Letter Date	October 21, 2022	Number of Letters Sent	47	

Proposal

Applicant proposes to convert an existing dwelling unit on the 2nd and 3rd floors of the structure for use a 4-bedroom vacation dwelling unit for up to 9 guests.

The property is located in a Form District and is exempt from the limit on vacation dwelling unit permits.

Recommended Action: Staff recommends that Planning Commission approve.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-7 (Downtown Shopping)	Commercial/Residential	Central Business Primary
North	F-8 (Downtown Mix)	Commercial	Central Business Primary
South	F-8 (Downtown Mix)	MN Power Plaza	Open Space
East	F-7 (Downtown Shopping)	Commercial & Residential	Central Business Primary
West	F-7 (Downtown Shopping)	Commercial	Central Business Primary

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A vacation dwelling unit is an Interim Use in the F-7 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. 3. Vacation dwelling units in Form Districts are not counted in the maximum number of permits that may be issued.

The minimum rental period and off-street parking requirements of 50-20.3.U and 50-20.5.M shall not apply for vacation dwelling units in Form Districts.

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

Governing Principle #8 - Encourage mix of activities, uses, and densities. The project converts an existing dwelling unit in the heart of downtown to a vacation rental to mix with the restaurants, shops, and offices and plaza in the area.

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

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

Future Land Use – Central Business Primary - Encompasses a broad range of uses and intensities, including governmental campus, significant retail, entertainment and lodging. There are opportunities for high-density housing with high height and density limits. Public facilities include central plaza, public/ open space, public parking facilities. Protection of historic buildings or building groups, use of Form-based guidelines and pedestrian-oriented design. Avenue lake views are protected.

History: This 6,900 sq. ft. 3-story commercial building was constructed in 1884. In 2006 the 2nd and 3rd floors were remodeled into the current layout. In 2008 the terrace and 2-car garage were added near the alley and the skywalk was extended through the property.

Review and Discussion Items:

- 1) Applicant's property is located on the 2nd and 3rd Floors of a commercial building downtown (3 ½ W. Superior St.) The Ground Floor (Superior St. level) contains a commercial tenant.
- 2) The proposed vacation dwelling unit contains 4 bedrooms, which would allow for a maximum of 9 guests.
- 3) The property includes parking for two vehicles in a garage located off the alley.
- 4) The applicant has indicated there will not be a space for camper or trailer storage by VDU guests.
- 5) The only outdoor space is a 20' x 25' terrace between the rear of the building and the garage, which is screened from view by the buildings. No additional screening is possible.
- 6) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. The applicant has listed Barbara Lea at a Duluth address to serve as the managing agent.
- 7) 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. This will be a condition of approval, with documentation to be provided before final permit issuance.
- 8) 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.
- 9) The permit will lapse if no rental activity takes place within 1 year of permit approval.
- 10) 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"). Applicant will do so via posting in the dwelling unit as well as via email at time of booking guests.
- 11) Comment from a property owner supporting the vacation dwelling unit on the 2nd and 3rd floor of the building, but not on the Superior St. level, which is not the proposal. No other comments were received from citizens, City staff, or any other entity.

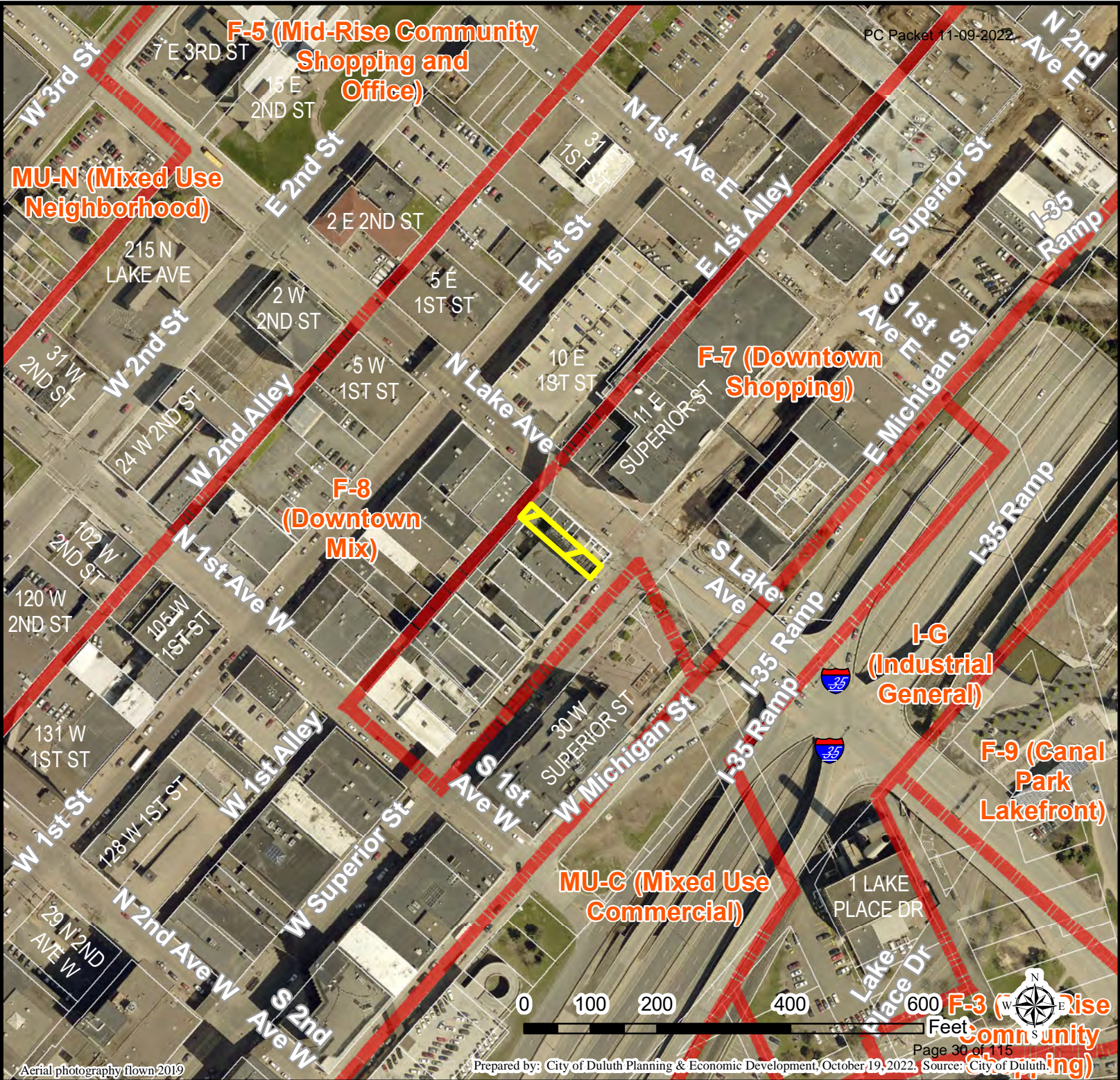
Staff Recommendation:

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

- 1) The permit shall not be effective until evidence is given that contact information has been provided to all property owners within 100 feet.
- 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.



PL22-173 Vacation Dwelling Unit - Interim Use Pemrit 3 1/2 W. Superior St. by Midwest Property Investments, LLC



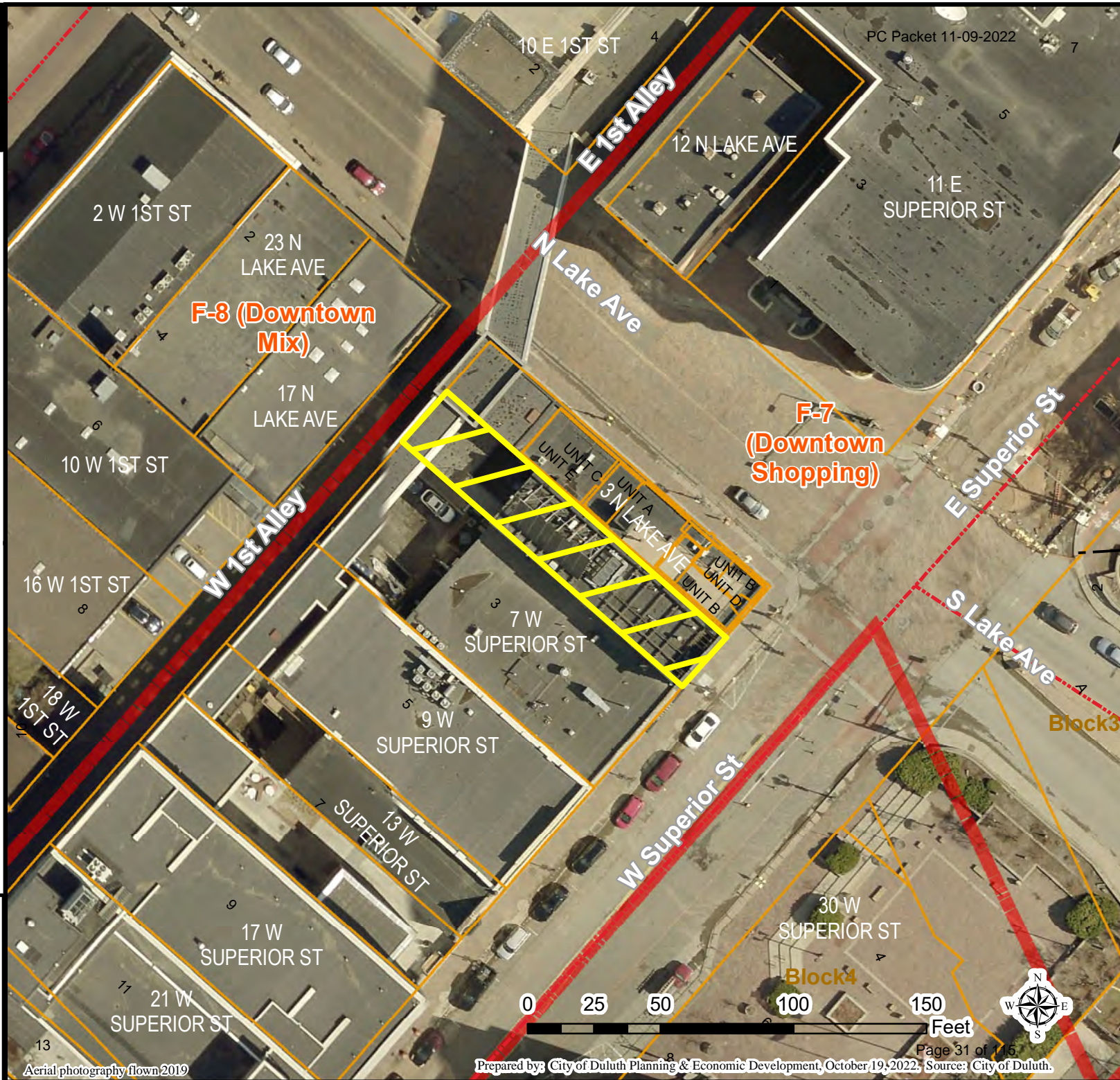
Legend
 Zoning Boundaries

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.

F-3 (Mid-Rise Community Shopping)



PL22-173 Vacation Dwelling Unit - Interim Use Permit 3 1/2 W. Superior St. by Midwest Property Investments, LLC



F-8 (Downtown Mix)

F-7 (Downtown Shopping)

Legend

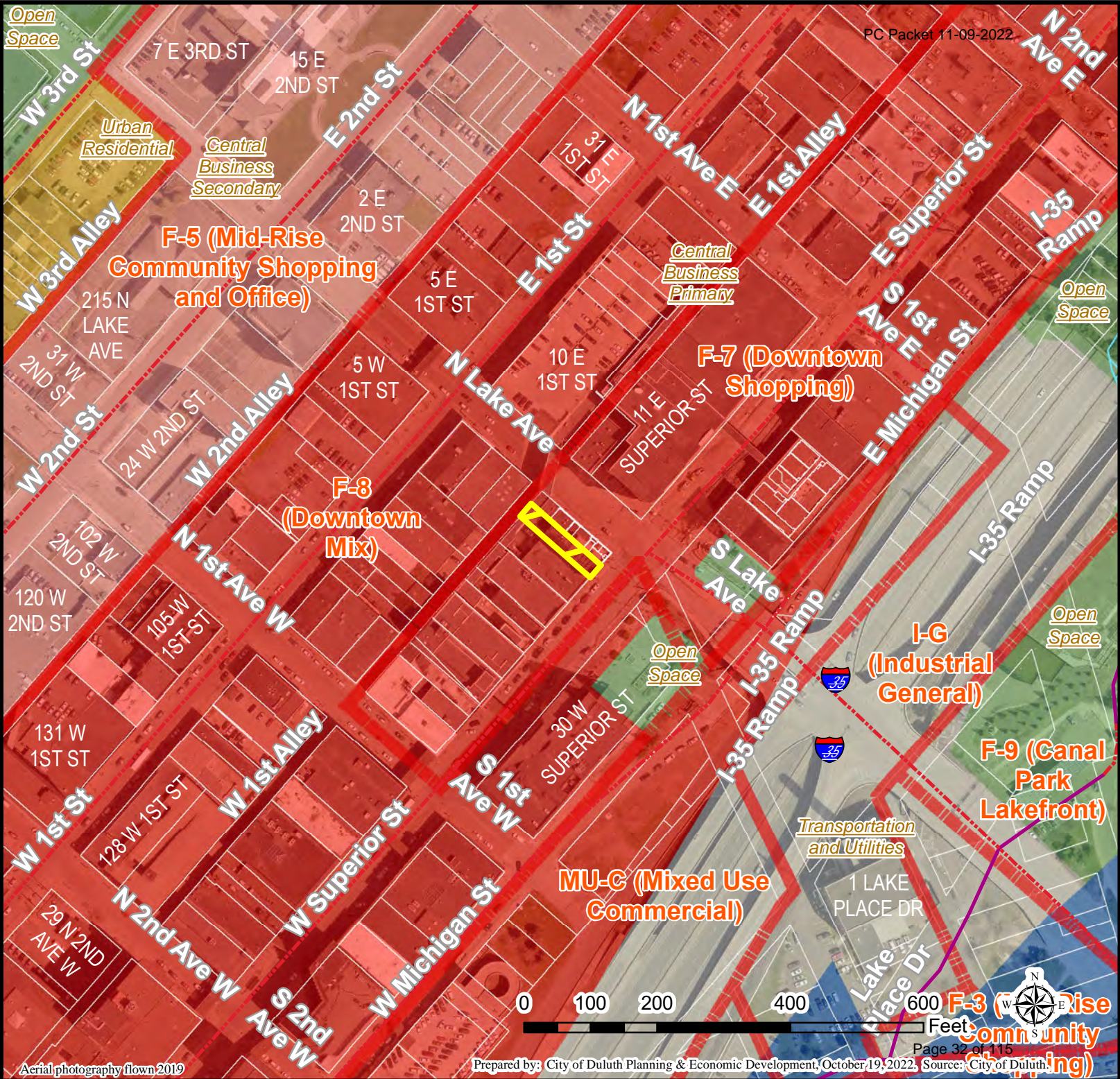
- Future Bike Facility
- Blocks
- Multi-Use - Paved
- Lots
- Parcels
- Zoning Boundaries

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.





PL22-173 Vacation Dwelling Unit - Interim Use Permit 3 1/2 W. Superior St. by Midwest Property Investments, LLC



Legend

Bike_Facil

- Future Bike Facility
- Multi-Use Path
- Zoning Boundaries

Floodplain (UDC)

- Flood Fringe
- Open Space
- Urban Residential
- Central Business Secondary
- Central Business Primary
- Tourism/Entertainment District
- Transportation and Utilities

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

Vacation Dwelling Unit Worksheet

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

2. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two. You may rent no more than four bedrooms.

How many legal bedrooms are in the dwelling?

4

What will be your maximum occupancy?

9

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

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

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

4. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, on or off the street. **Will you allow motorhome or trailer parking? If so, where?** ZERO. NOT ALLOWED.

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

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

ATTACHED AT END OF APPLICATION.

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

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

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

We use a software called SHOPIFY to process and store all customer information. Customer information will be captured and stored at the time of booking.

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

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

Barbara Lea, Duluth, MN
- address provided in the
official application

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

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

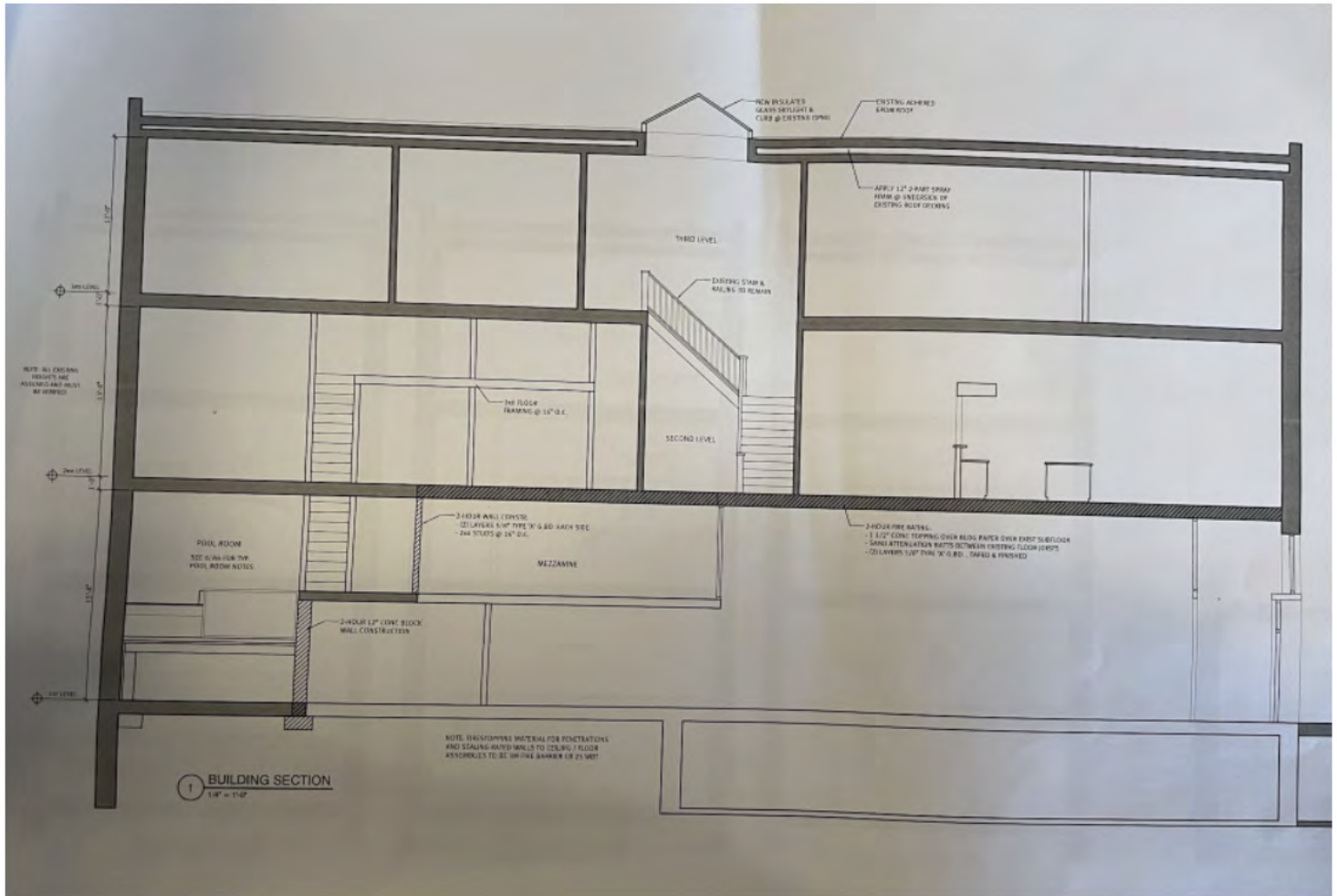
Please state where and how this information will be provided to your guests:

All information A-E will be posted in the unit itself on the entry table and posted on the wall. This information will also be communicated electronically via email upon booking of stay.

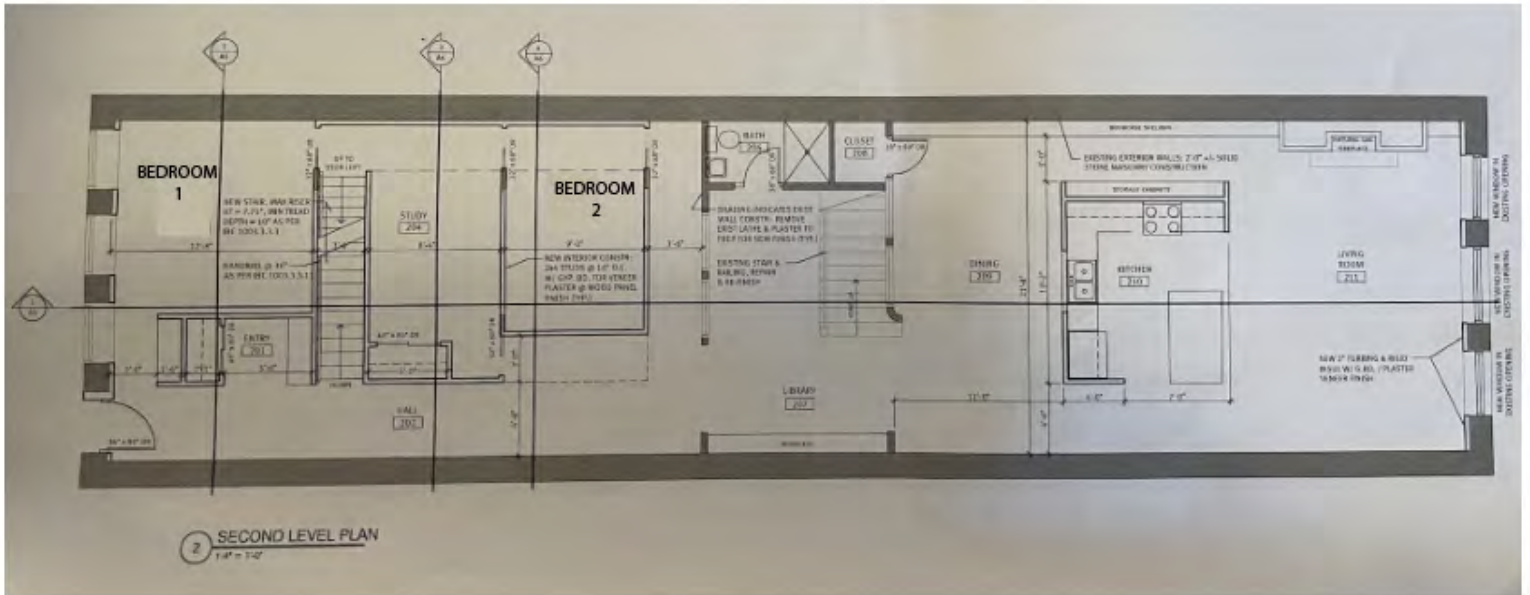
11. Permit holder must post their permit number on all print, poster or web advertisements. Do you agree to include the permit number on all advertisements? Yes

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

SITE PLAN

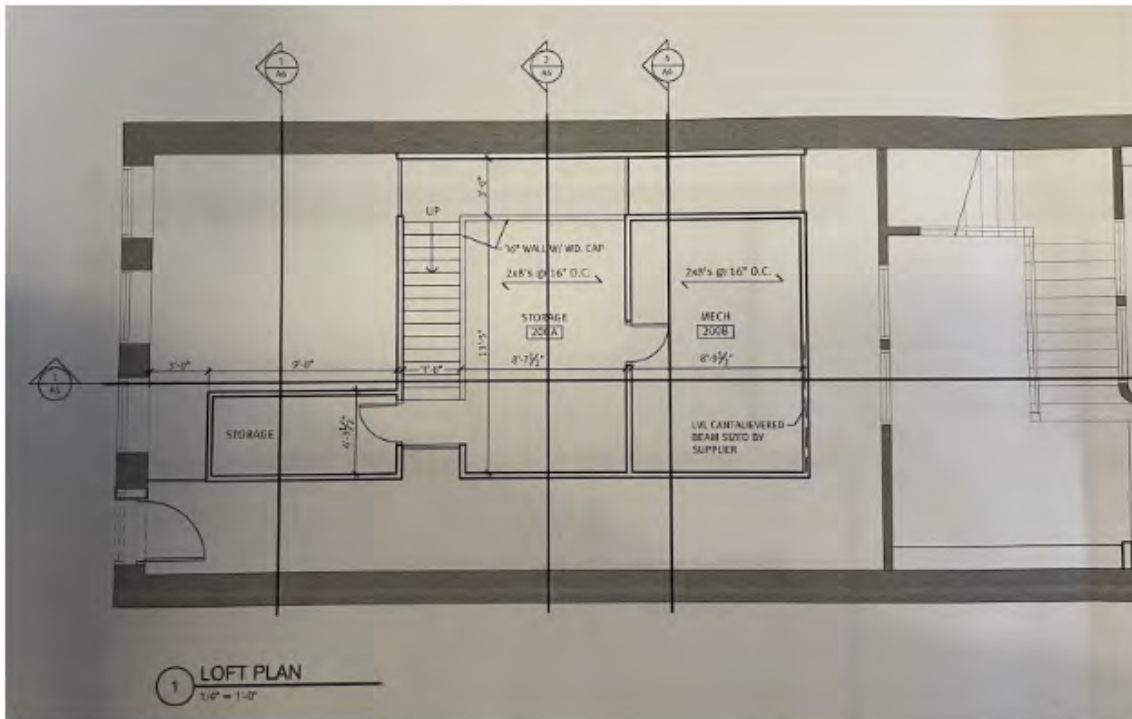


SITE PLAN - MAIN FLOOR

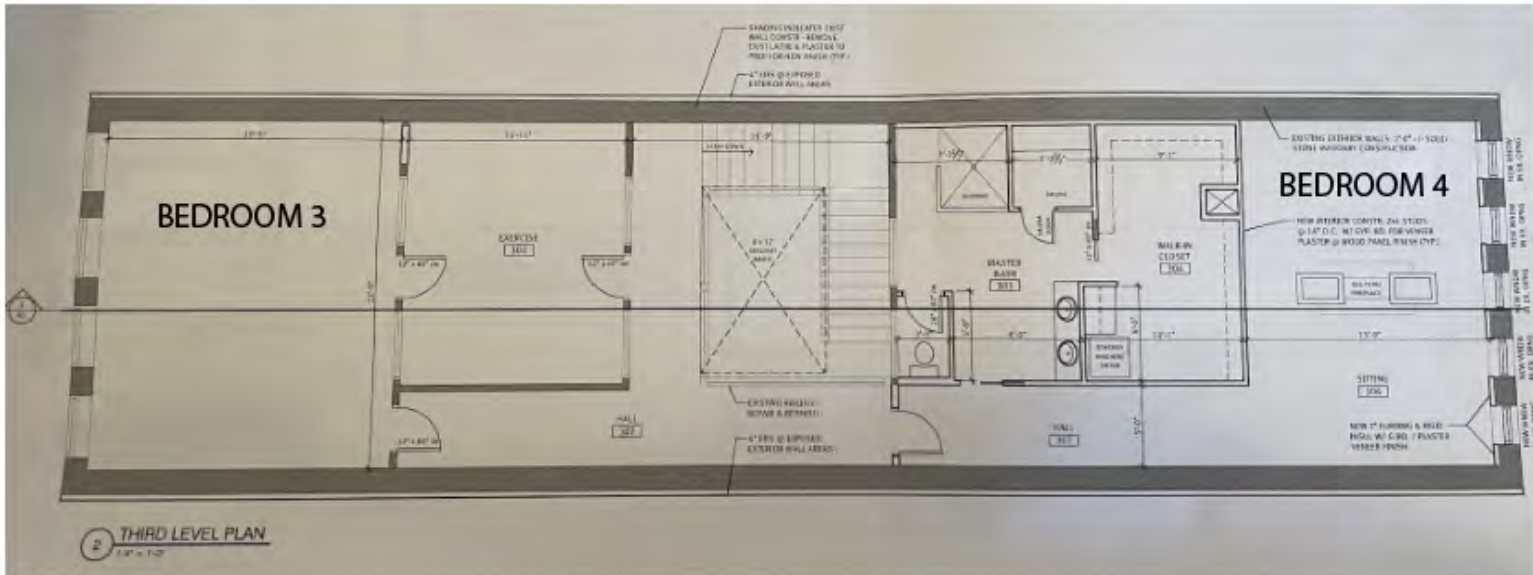


MAIN FLOOR

This level has 2 bedrooms, one 3/4 bathroom, a study, dining room, kitchen, living room and a small loft area.



SITE PLAN - UPSTAIRS

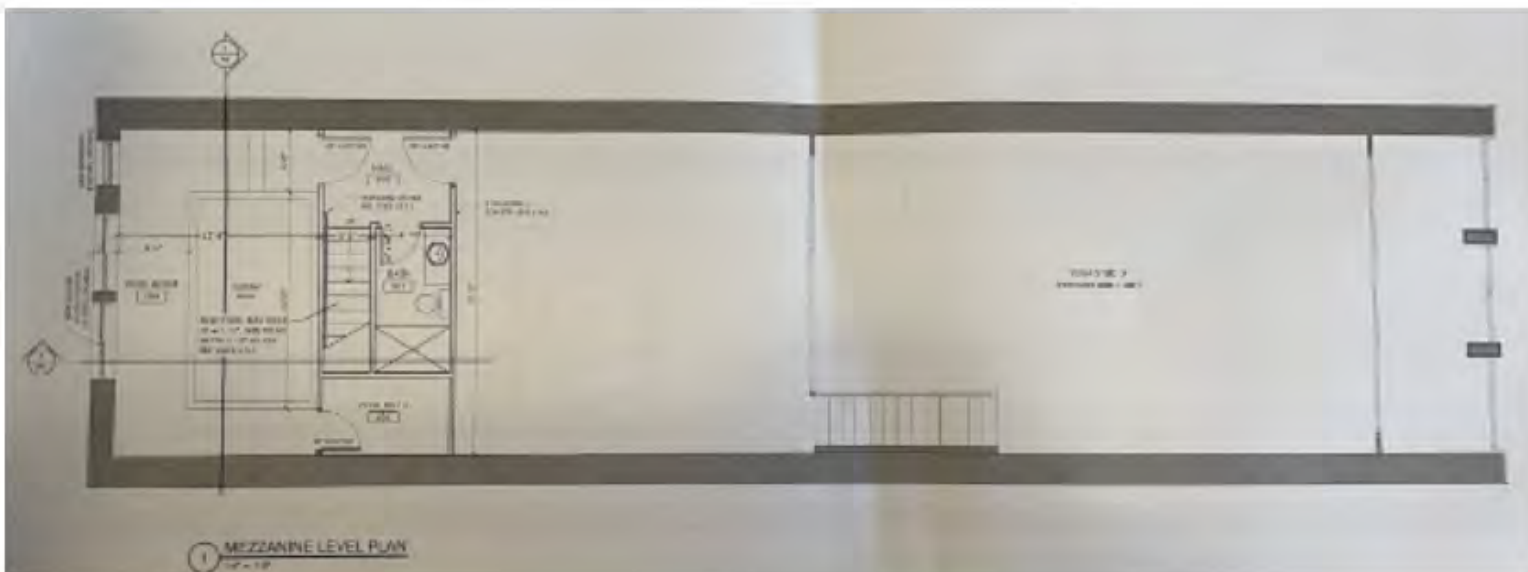


UPSTAIRS

This level has 2 bedrooms, one full master suite bathroom, a sauna, and an exercise room.

SITE PLAN - DOWNSTAIRS

The downstairs/lower level has one full bathroom and one current "pool room".

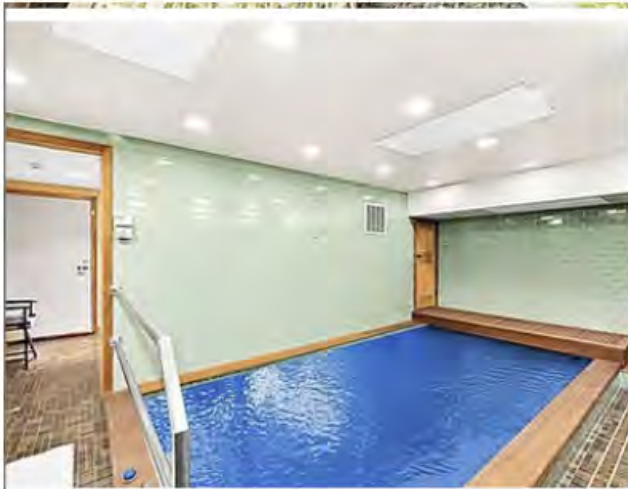




PARKING - 2 CAR
GARAGE & SIDE
ENTRANCE TO
COURTYARD

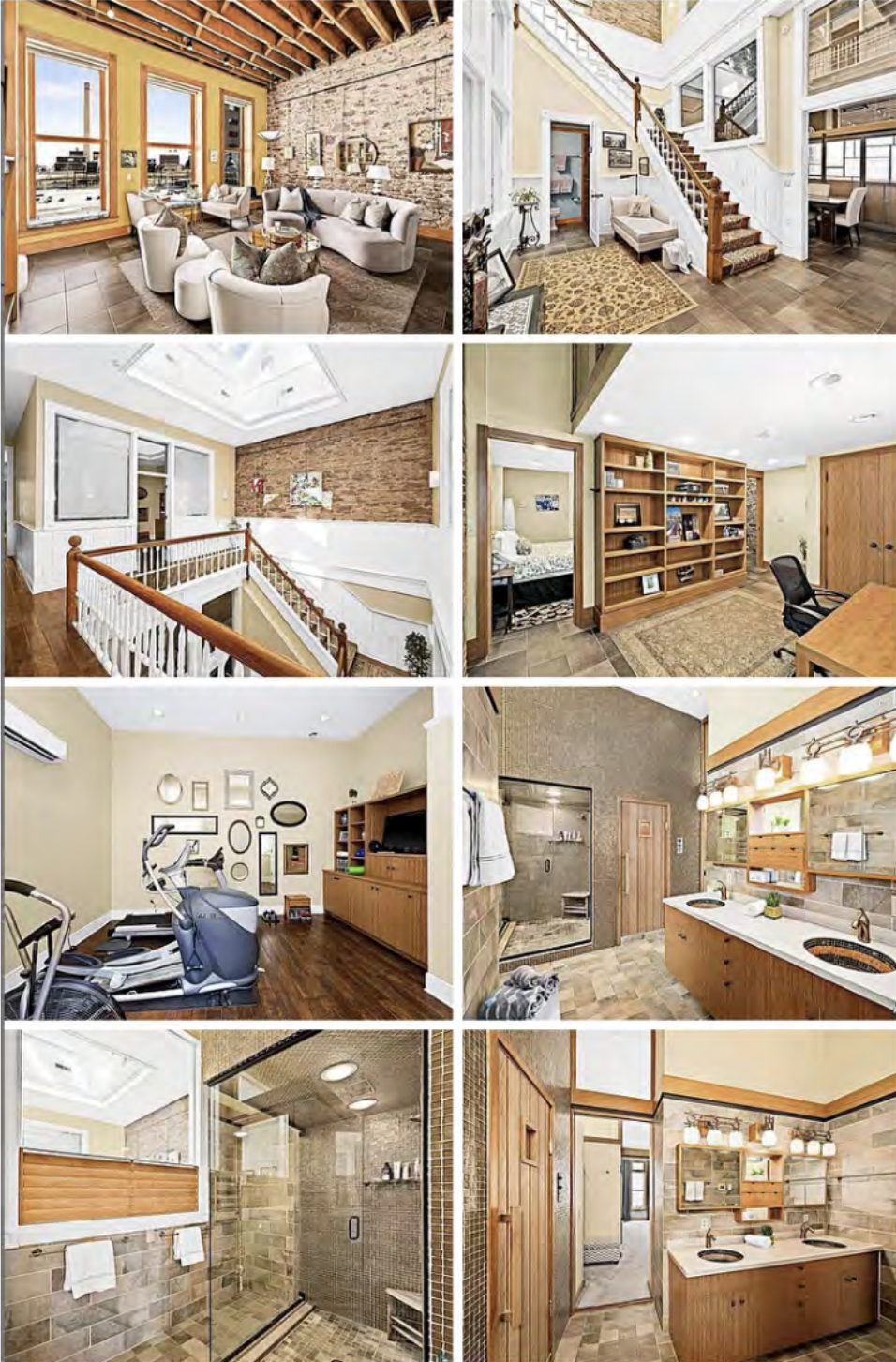


OUTDOOR COURTYARD
& BBQ GRILL. 100% ENCLOSED
SPACE FROM STREET &
NEIGHBORS











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 22-175	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date	November 9, 2022	
Deadline for Action	Application Date	October 3, 2022	60 Days	December 2, 2022
	Date Extension Letter Mailed	October 14, 2022	120 Days	January 31, 2023
Location of Subject	5 West 10 th Street			
Applicant	Jacob Shaw	Contact		
Agent		Contact		
Legal Description	PID # 010-1350-12360			
Site Visit Date	October 28, 2022	Sign Notice Date	October 25, 2022	
Neighbor Letter Date	October 21, 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 1,082 sq. ft. 2 story home was constructed in 1950 and contains 2 bedrooms.

Review and Discussion Items:

- 1) Applicant's property is located at 5 West 10th Street. The proposed vacation dwelling unit contains 2 bedrooms, which would allow for a maximum of 5 guests.
- 2) The applicant is proposing the minimum 1 off street parking space on the driveway.
- 3) The applicant has indicated there will be a space for camper or trailer storage by VDU guests on/or off street.
- 4) The site plan does depict a deck on the northwest rear corner of the house. The applicant has provided the waiver from both of the side yard neighbors to exempt them from the dense urban screening requirement.
- 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 themselves 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.



N Lake Ave

135012450

135012350

1 W 10TH ST

135012470

135012360

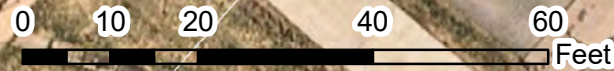
5 W 10TH ST

**R-1 (Residential
Traditional)**

135012370

11 W 10TH ST

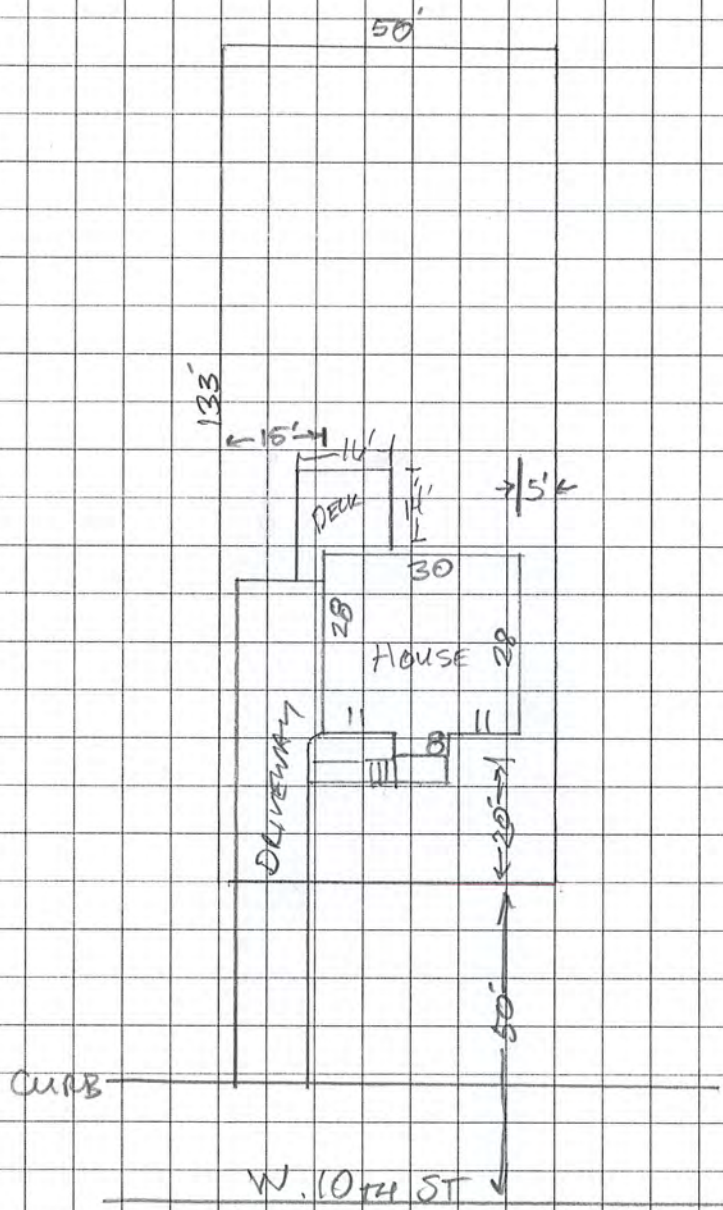
135012380
15 W 10TH ST



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.





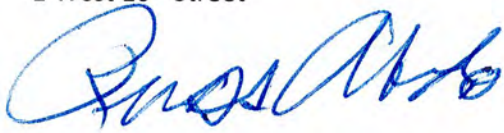
10/4/2022

To whom it may concern,

I do not require a dense urban screen between my property and 5 West 10th Street.

Russell Abdo

1 West 10th Street

A handwritten signature in blue ink, appearing to read "Russell Abdo", written in a cursive style.



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802

PC Packet 11-09-2022

218-730-5580
planning@duluthmn.gov

PL22-175

APPLICATION COVER SHEET

Check One Box

- Accessory Home Share-\$250
- Accessory Vacation Dwelling Unit, Limited -\$250
- Appeal to Planning Com. - \$407
- Concurrent Use of Streets - \$797
- District Plan - \$1,144
- EAW or EIS- \$2,856, plus any applicable professional fees
- Historic
 - Construction/Demolition - \$59
 - Resource Designation - \$103
- Interim Use Permit \$1,600
- Planning Review - \$1,068
- Sidewalk Use Permit
 - New Permit- \$171
 - Renewal Permit - \$86
- Special Use Permit, General - \$1,606
- Special Use Permit, Wireless Telecommunications*
 - Modifying or Co-locating - \$2,856
 - New Facility or Tower - \$5,716
 - Escrow Deposit - \$9,717
- Subdivision Plat Approval or Amendment:
 - Concept Plan - \$286
 - Preliminary Plat - \$1,138
 - Final Plat- \$857
 - Minor Subdivision-\$427
 - Plat Amendment or Boundary Line Adjustment - \$286
 - Registered Land Survey-\$737
- Temporary Use Permit - \$275
- UDC Zoning Map Amendment/Rezoning
 - General - \$912
 - MU-P or R-P \$2,578
- Vacation of Street or Utility Easement - \$905
- Variance - \$855
- Wetland,
 - De Minimus, Delineation, or No Loss- \$227
 - Exemption-\$177
 - Replacement Plan - \$851
- Zoning Verification Letter-\$96

CONTACT INFORMATION:

Applicant/Owner JACOB SHAW
 Phone 218-209-0325 Email Jacobashaw@gmail.com
 Address 1019 CLIFF AVE
 City DULUTH State MN Zip 55811
 Owner's Agent (if applicable) _____
 Phone _____ Email _____
 Address _____
 City _____ State _____ Zip _____

APPLICATION INFORMATION:

Street Address and Zoning of Property 5 W 10TH ST. R-1
 Parcel ID Number 010-1350-12360
 Reason for this Request (Attach Additional Pages or Cover Letter if Necessary)
APPLYING FOR VACATION DWELLING UNIT.
CONTACTED BY CITY . DUE TO WAITING LIST.

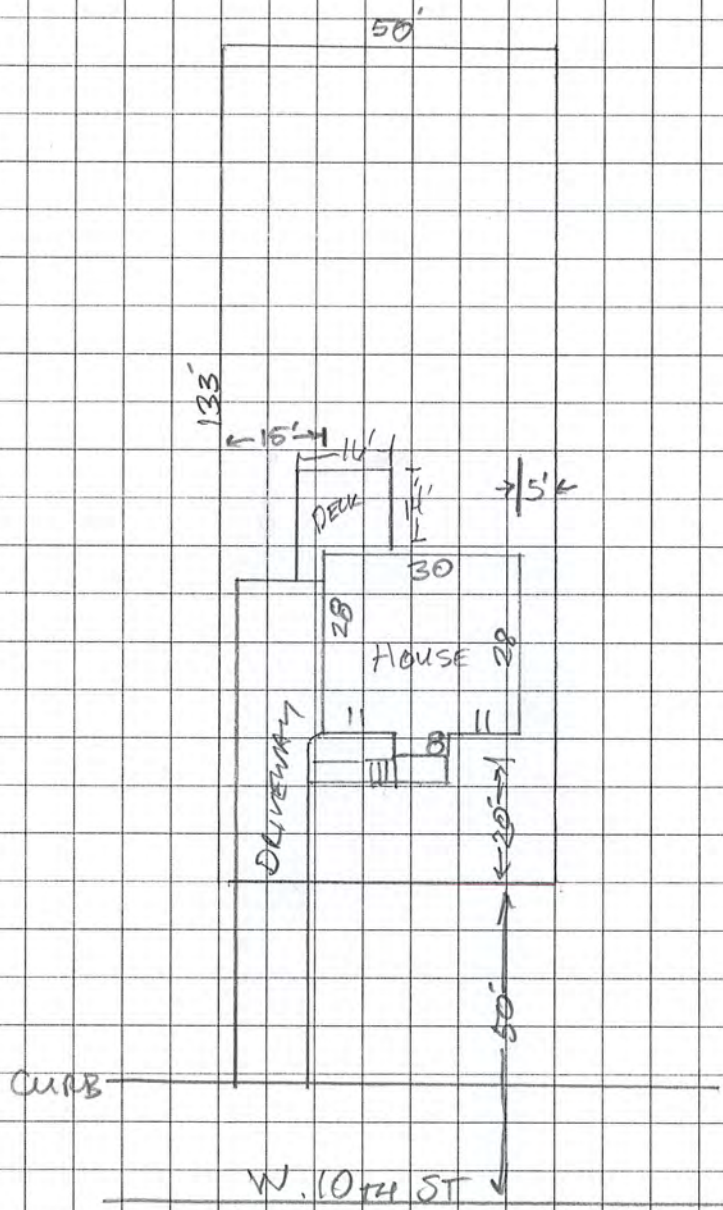
RECEIVED
 OCT 3 2022
 CONSTRUCTION SERVICES AND INSPECTIONS

The undersigned hereby represents upon all of the penalties of law for the purpose of inducing the City of Duluth to take the action herein requested, that all statements herein and attached are true and that all work herein mentioned will be done in accordance with the Ordinances of the City of Duluth and the laws of the State of Minnesota. Undersigned also understands that all documents provided to the City may be considered public data, per Minnesota Government Data Practices Act.

Jacob Shaw 9-29-22
 Signature of Applicant Date

Reminder: include application checklist and all supporting information, including pre-application verification (if applicable). Submit completed information to Room 100, Construction Services and Inspections.

*Special Use Permit Checklist required to be submitted with this application coversheet.



Vacation Dwelling Unit Worksheet

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

2. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two. You may rent no more than four bedrooms.

How many legal bedrooms are in the dwelling?

2

What will be your maximum occupancy?

5

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

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

How many off-street parking spaces will your unit provide? 1

4. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, on or off the street. **Will you allow motorhome or trailer parking? If so, where?** yes on or off street

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

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

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

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

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

Booking software

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

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

N/A - I reside within a mile of property

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

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

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

Booking software & hard copy house manual

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

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

10/4/2022

To whom it may concern,

I do not require a dense urban screen between my property and 5 West 10th Street.

Russell Abdo

1 West 10th Street

A handwritten signature in blue ink, appearing to read "Russell Abdo", is written below the typed name and address.

10/4/2022

To whom it may concern,

I do not require a dense urban screen between my property and 5 West 10th Street.

A handwritten signature in blue ink, appearing to read 'Lee Ecklund', with a large, sweeping flourish extending to the right.

Lee Ecklund

11 West 10th Street



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 22-178 – PL 22-185		Contact	Kyle Deming, kdeming@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit		Planning Commission Date		November 9, 2022
Deadline for Action	Application Date		October 4, 2022	60 Days	December 3, 2022
	Date Extension Letter Mailed		October 19, 2022	120 Days	February 1, 2023
Location of Subject	1915 W. Superior St. (Lincoln Park)				
Applicant	Duluth Press Building, LLC		Contact	Louis Hanson	
Agent			Contact		
Legal Description	Wly ½ of Lot 311, Block 54, Duluth Proper Second Division (010-1120-05420)				
Site Visit Date	October 19, 2022		Sign Notice Date		October 25, 2022
Neighbor Letter Date	October 21, 2022		Number of Letters Sent		32

Proposal

Applicant proposes to convert 7 existing apartments on the 1st, 2nd and 3rd floors of the structure to be 8 vacation dwelling units. Three 2-bedroom VDUs for 5 guests each and seven 1-bedroom/studio VDUs for 3 guests each.

Each vacation dwelling unit is required to have an individual interim use permit and so this staff report is for the following project numbers: PL 22-178, PL 22-179, PL 22-180, PL 22-181, PL 22-182, PL 22-183, PL 22-184, PL 22-185.

The property is located in a Form District and is exempt from the limit on vacation dwelling unit permits.

Recommended Action: Staff recommends that Planning Commission approve.

	Current Zoning	Existing Land Use	Future Land Use Map
Subject	F-5 (Mid-Rise Community Shopping & Office)	Residential apartments	Central Business Secondary
North	MU-B (Mixed Use-Business Park)	Parking	Central Business Secondary
South	F-5 (Mid-Rise Community Shopping & Office)	Commercial	Central Business Secondary
East	F-5 (Mid-Rise Community Shopping & Office)	Commercial/Plaza	Central Business Secondary
West	F-5 (Mid-Rise Community Shopping & Office)	Commercial	Central Business Secondary

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A vacation dwelling unit is an Interim Use in the F-5 zone district.

UDC 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. 3. Vacation dwelling units in Form Districts are not counted in the maximum number of permits that may be issued.

The minimum rental period and off-street parking requirements of 50-20.3.U and 50-20.5.M shall not apply for vacation dwelling units in Form Districts.

UDC Sec. 50-20.3.U.8 Vacation Rentals Within Multi Family Structures. Any vacation dwelling unit that will be located in a multi-family structure that has nine or more dwelling units shall make available 24-hour staffing at a front desk that is accessible to all tenants.

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

Governing Principle #8 - Encourage mix of activities, uses, and densities. The project converts 7 existing apartment dwellings to 8 vacation rentals in the heart of the Lincoln Park commercial district with a mix with the restaurants, shops, and offices.

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

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

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

History: This 7,500 sq. ft. 3-story apartment building was constructed in 1886 on a 25’ x 140’ lot. There is an inactive commercial space (5,000 sq. ft.) on the basement/1st floor level.

Review and Discussion Items:

Staff finds:

- 1) The proposed vacation dwelling units are Unit 1, 2-bedroom (PL 22-178), Unit 2, 1-bedroom (PL 22-179) all on the 1st Floor; Unit 3, studio (PL 22-180), Unit 4, studio (PL 22-181), Unit 5, 2-bedroom (PL 22-182) all on the 2nd Floor; Unit 6, studio (PL 22-183), Unit 7, studio (PL 22-184), Unit 8, 2-bedroom (PL 22-185) all on the 3rd Floor. The Ground Floor/Basement (partially below Superior St. level) contains commercial space.
- 2) Access to the units is via the front entrance on Superior St. and from the alley via a stairway in the back of the building. Guests will have access to the Basement for storage of bikes, kayaks and other equipment.
- 3) The studio and 1-bedroom units will be allowed 3 guests each and the 2-bedroom units 5 guests each for a total of 30 guests at the property.
- 4) There is no parking provided at the property, as is allowed in Form Districts. There will be space for one vehicle to park temporarily while loading/unloading at the rear of the building.
- 5) The applicant has indicated there will not be a space for camper or trailer storage by VDU guests.
- 6) The only outdoor space is the loading/unloading area and a ramp to the rear entrance of the building. No amenities are planned for this area and, therefore, no screening required.
- 7) 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. The applicant, Louis Hanson, a Duluth resident, has listed himself as the managing agent.
- 8) 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. This will be a condition of approval, with documentation to be provided before final permit issuance.
- 9) 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.
- 10) The permit will lapse if no rental activity takes place within 1 year of permit approval.
- 11) 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"). Applicant will do so via a welcome folder left on site as well as via email at time of booking to guests.

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

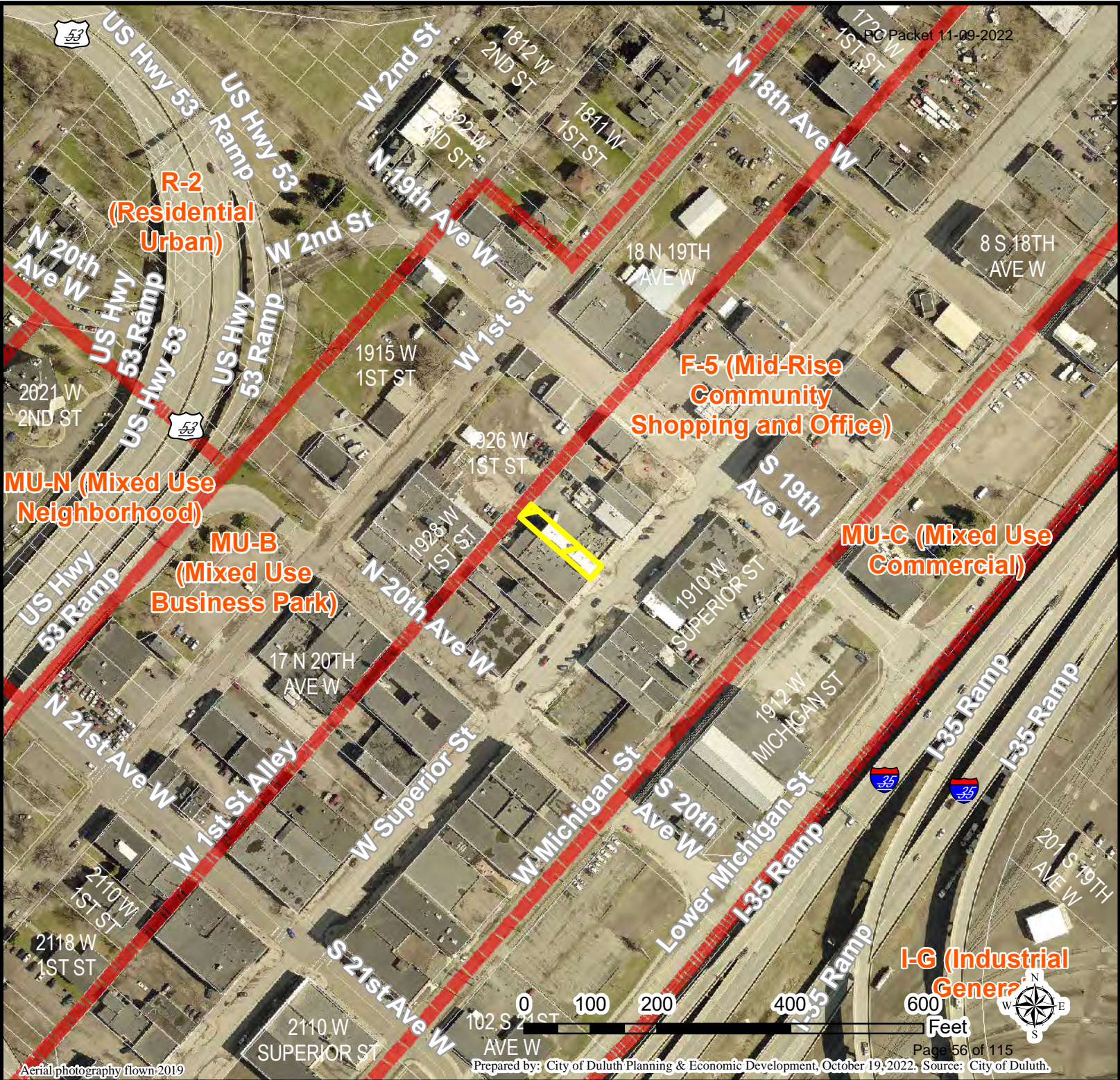
Staff Recommendation:

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

- 1) The permit shall not be effective until evidence is given that contact information has been provided to all property owners within 100 feet.
- 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.



PL22-177 - PL22-185
 9 Vacation Dwelling Unit -
 Interim Use Permits at
 1915 W. Superior St.
 by Duluth Press Building,
 LLC



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.

Aerial photography flown 2019



PL22-177 - PL22-185
 9 Vacation Dwelling Unit -
 Interim Use Permits at
 1915 W. Superior St.
 by Duluth Press Building,
 LLC

Block55
 PC Packet 11-09-2022

Legend

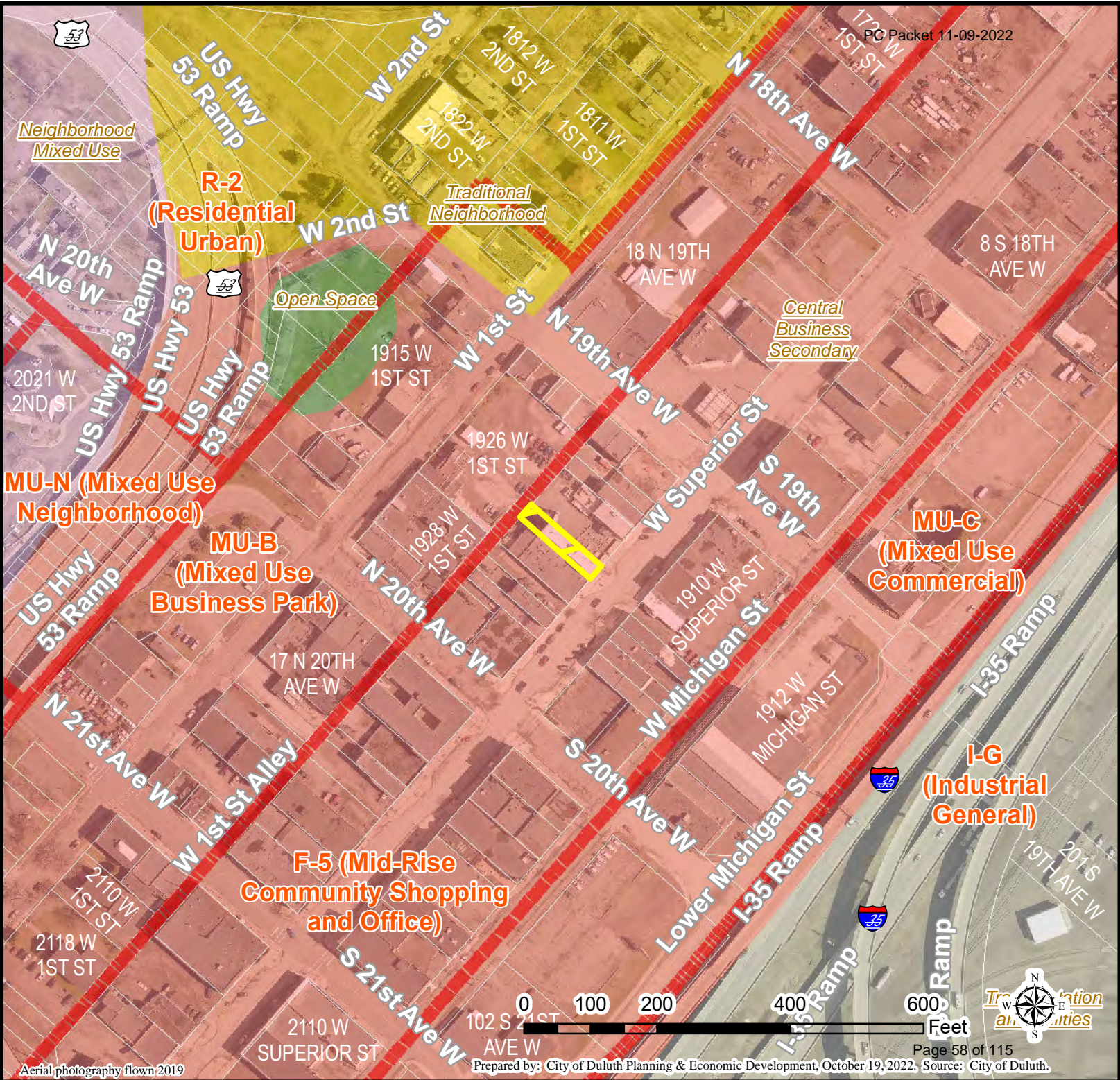
- Blocks
- Lots
- Parcels
- Subdivision Boundaries

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.





PL22-177 - PL22-185
 9 Vacation Dwelling Unit -
 Interim Use Permits at
 1915 W. Superior St.
 by Duluth Press Building,
 LLC



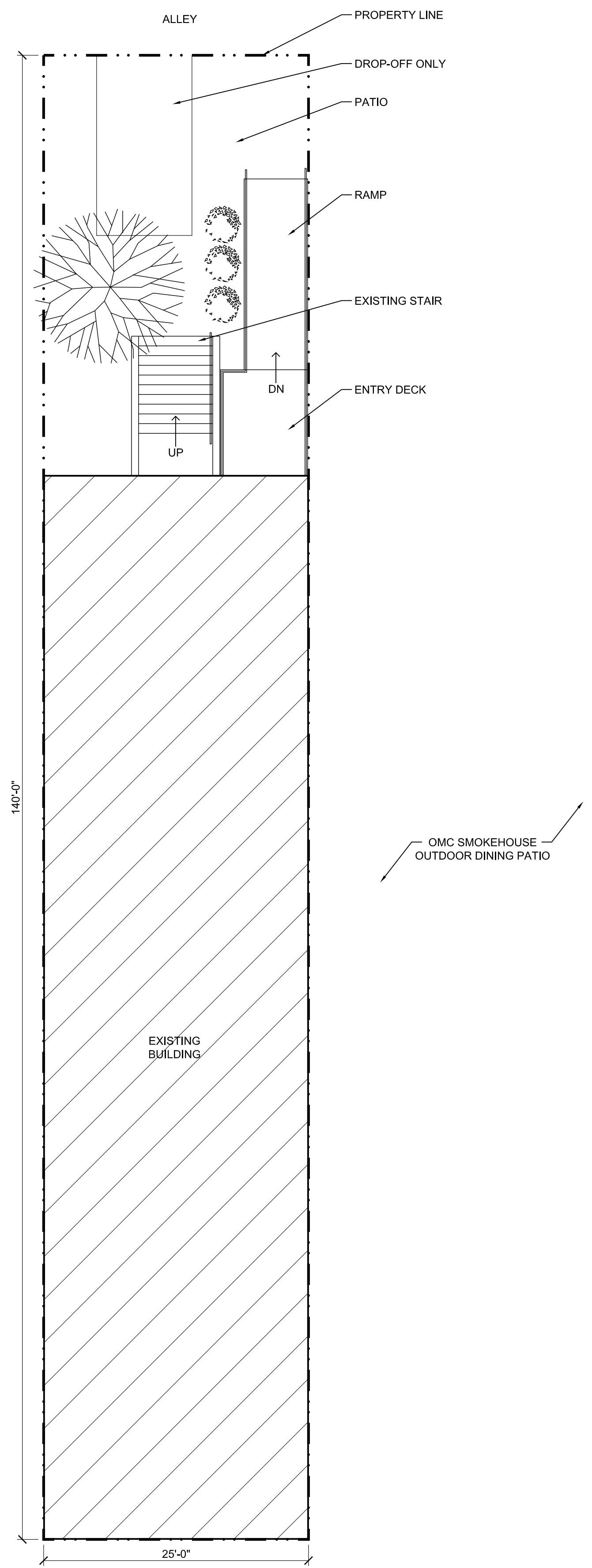
Legend

- Zoning Boundaries
- Open Space
- Traditional Neighborhood
- Central Business Secondary
- Neighborhood Mixed Use
- Transportation and Utilities

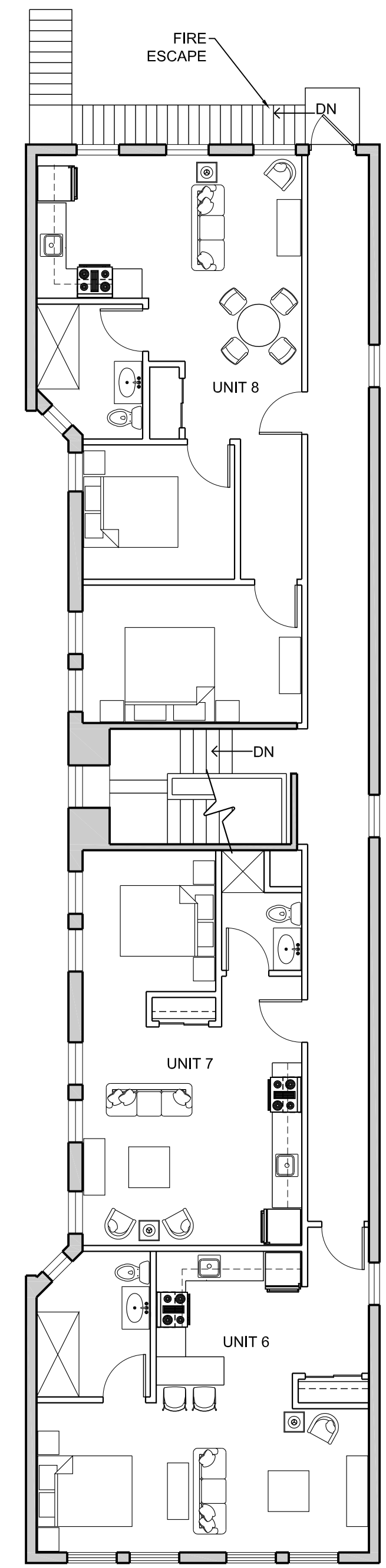
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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

Aerial photography flown 2019

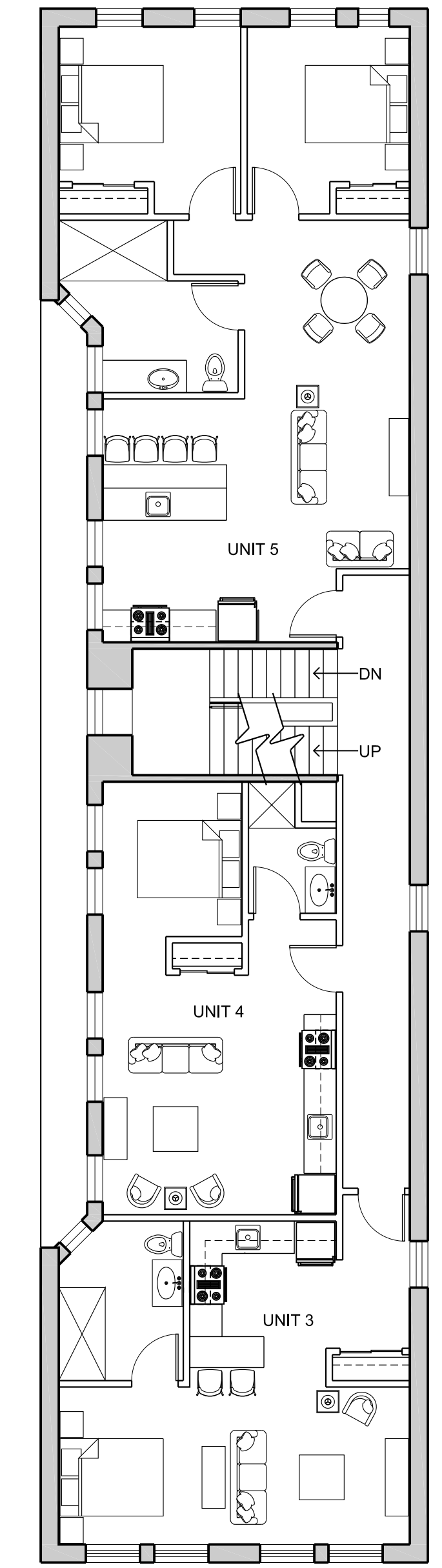




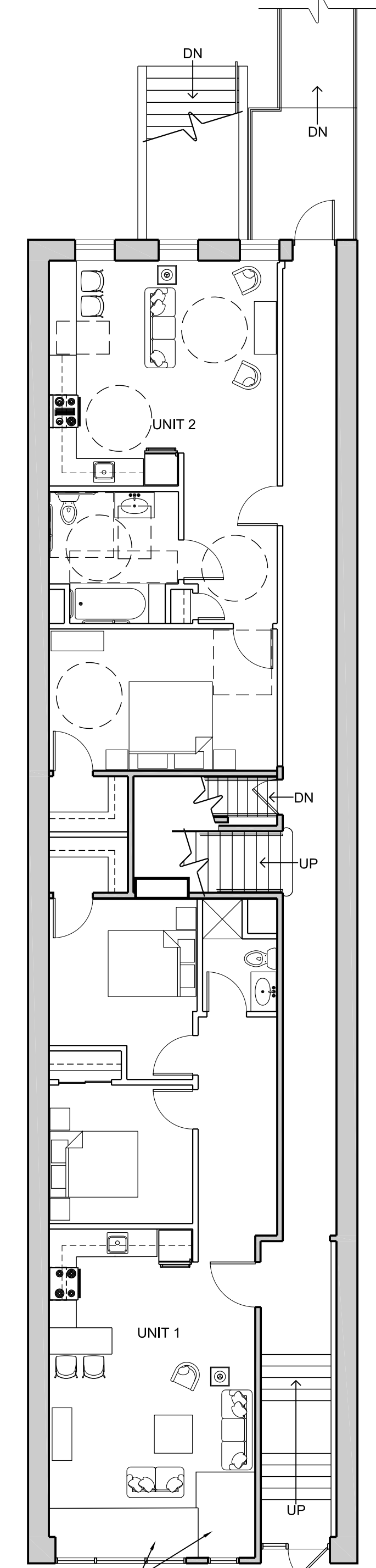
5
P1
1/8"=1'-0"
NORTH PLAN NORTH



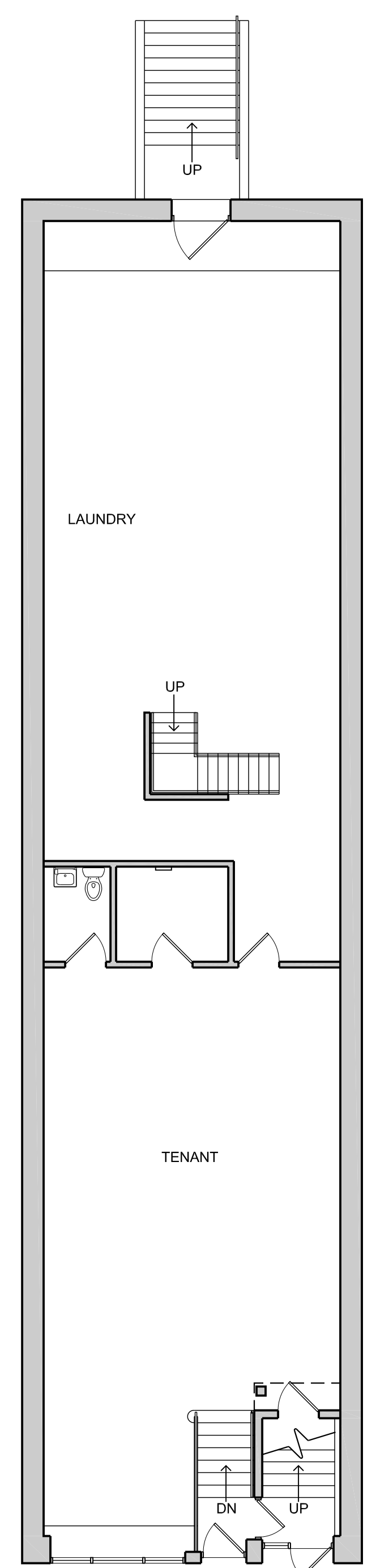
4
P1
1/8"=1'-0"
PRELIM 3RD FLOOR



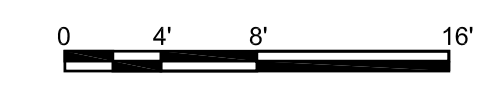
3
P1
1/8"=1'-0"
9'-3" CEILING
PRELIM 2ND FLOOR



2
P1
1/8"=1'-0"
PRELIM 1ST FLOOR



1
P1
1/8"=1'-0"
BASEMENT



SCALZO
architects

SCALZO ARCHITECTS, LTD.
4731 Gladstone Street
Duluth, Minnesota 55804
Tele: 218.722.4319
Fax: 218.722.3535

VACATION RENTALS
1915 W. SUPERIOR STREET
DULUTH, MINNESOTA 55806

PROJECT #: 2212

11/2/2022

P1



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 22-186	Contact	Chris Lee, clee@duluthmn.gov	
Type	Variance – Sign Size Maximums	Planning Commission Date	November 9, 2022	
Deadline for Action	Application Date	October 4, 2022	60 Days	December 3, 2022
	Date Extension Letter Mailed	October 19, 2022	120 Days	February 1, 2023
Location of Subject	4316 Rice Lake Road			
Applicant	Duluth United, LLC	Contact	Jesse Carlson	
Agent		Contact		
Legal Description	PIN: 010-2710-02514			
Site Visit Date	October 25, 2022	Sign Notice Date	October 25, 2022	
Neighbor Letter Date	October 21, 2022	Number of Letters Sent	7	

Proposal

Requested is a variance to increase the maximum height for a monument sign. The applicant proposes a sign of up to a maximum of 12 feet in height, which is 4 feet taller than permitted by the UDC.

Recommended Action: Approve with conditions

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-B	Multi-Tenant Office	Light Industrial
North	MU-B	School/Office	Light Industrial
South	R-2	Undeveloped	Light Industrial
East	MU-B	Office/Public Utility	Light Industrial
West	R-2	Undeveloped	Institutional/Open Space

Summary of Code Requirements

Sec. 50-27.5 – Freestanding Sign Regulations – 50 square feet max area, 8 feet maximum height. *Freestanding Pole and Monument Signs in the MU-I, MU-B and MU-W zones are allowed a maximum of 50 sq ft. However, for sites with lot frontage that exceeds 250 lineal feet, the maximum size area of the sign may equal up to 20 percent of the lineal street frontage on the street nearest the sign, up to a maximum sign area of 100 sq ft.

Sec. 50-27.7.H.2 - Only one freestanding sign, either pole or monument, is permitted per street frontage of a lot. For each additional 200 feet of street frontage, above an initial 200 feet of frontage, an additional freestanding sign, either pole or monument, is permitted, up to a maximum of three freestanding signs.

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) 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.

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

Zoning – Mixed Use Business: The MU-B district is intended to accommodate modern light industrial and technology-based developments of attractive integrated design and function. The development standards for this district are intended to ensure that projects minimize adverse impacts on surrounding uses and neighborhoods, reduce impacts on the natural environment, enhance the visual quality of development and ensure the provision of adequate and cost-efficient public facilities. Intended uses include wholesaling, industrial services, research laboratories, and light manufacturing needed to support the community and region at large.

Future Land Use – Light Industrial: Areas of manufacturing, warehousing, and distribution; uses that have few impacts, and can be located in relative proximity to non-industrial uses.

History: The property is currently used as a multi-tenant office space. The structure is 158,000 sf sitting on 18.7 acres. The current structure was built in 2000.

Review and Discussion Items

Staff finds that:

1. Applicant is proposing to construct a single 12 foot tall by 8 foot wide monument sign. The UDC states the maximum height of monument signs is 8 feet tall.
2. The property has 750 feet of frontage on Rice Lake Road, and 580 feet of frontage on Technology Drive. This would allow a maximum of 3 freestanding signs on Rice Lake Road and 2 freestanding signs on Technology Drive.
3. There are 2 existing freestanding signs along Rice Lake Road. One sign would remain and the other sign would be replaced by the proposed sign.
4. The applicant states the size of the parcel and layout of the building and parking, all created with a previous tenant and owner that also preceded the existing sign regulations, creates a restrictions on sign visibility. The applicant states that 3 signs will clutter the site, obscure the building, and confuse visitors about the location of the access points. The applicant also states that a third sign on the frontage of Rice Lake Road will interfere with the stormwater controls for the large parking lot on the site. The need for a variance is caused by site constraints unique to this site and not caused by the applicant.
5. The applicant is proposing a reasonable use of the site by consolidating the maximum allowed number of allowed from three to two.
6. The proposal is consistent with the Comprehensive Plan principles and strategies by supporting existing economic base and supporting economic growth sectors.
7. Granting the variance will not alter the essential character of the area as there are other properties that have signs that are 12 feet tall or taller.
8. Granting the variance does not approve the construction of the sign; the applicant will still need to apply for the appropriate permits.
9. The variance, if granted, will not impair an adequate supply of light or air because the buildings on adjacent properties.
10. The variance, if granted, will not increase congestion on public streets, increase fire danger, diminish establish property values in the area, nor impair the health, safety, or public welfare of inhabitants of the city..
11. No comments from citizens, City staff, or any other entity were received regarding the application.
12. Per UDC Section 50-37.1.N. approved variances lapse if the project or activity authorized by the permit or variance is not begun within one year.

Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission grant the variance to allow a sign of 12 feet tall to be constructed, with the following conditions:

- 1) The project be limited to, constructed, and maintained based on the plans and designs submitted with the application.
- 2) Sign height shall not exceed 12', and the applicant shall be limited to two freestanding signs on the Rice Lake Road frontage.
- 3) The applicant applies for and receives a sign permit, including structural engineering review, if required.
- 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; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PL22-186
 Variance to Sign Size
 4316 Rice Lake Road

PC Packet 11-09-2022

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
- Road or Alley ROW
- 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.

Aerial photography flown 2019

Prepared by: City of Duluth Planning & Economic Development, September 21, 2022, Source: City of Duluth



Planning & Development Division
 Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

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"):

50-27.7.H.1 Sign Types - Freestanding signs-pole and monument - Maximum height and area

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:

We respectfully request consideration for an adjustment in allowed height for a single new monument sign at the new Arrowpointe Medical Center, formerly known as the UnitedHealth Building. The UDC currently allows up to (3) 8' H x 12' W monument signs on this site. We propose a single new monument sign with an increase in allowed height. The proposed new sign will not exceed the maximum allowed area, even with the requested increase in height. The following site/property factors have driven our request: exceptionally large scale of building, exceptional width of lot (@750'), signage precedence at adjacent properties & scale of existing landscaping and natural environment.

due to circumstances unique to the property, and were NOT created by the property owner or the property owners' predecessors-in-interest:

This property is home to a growing number of important medical-service providers. The redevelopment and investment in this site are an important part of the Duluth economy and we strive to provide our tenants appropriate business identification so that their patients can locate and navigate onto the site via the safest route possible. Prior use of the building was by a single tenant, with limited public interface. The new use is much different. The building will now be visited by many individuals unfamiliar with the access and entry sequence.

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 property and general neighborhood is enhanced by mature trees which partially screen visibility of the large building itself. Building mounted signage alone, for tenant identification, would not be sufficient due to this landscaping screen, in conjunction with the deep set-back of the building from Rice Lake Road. If we follow the UDC specified 8'-0" height limitation for our new monument sign, visibility of the building access route from a distance would be very limited. The 8'-0" height limitation would force inappropriately small text for tenant identification, due to the large number of building tenants.

Revised July 2, 2019

Site Reference Plan

Signage Key

- 1** Existing Monument Sign (To Remain)
- 2** Existing Wall Sign (To remain)
- 3** Existing Wall Sign (To remain)
- 4** Existing Wall Sign (To remain)
- 5** Existing Monument Sign (To be removed)
- 6** New Proposed Monument Sign



ARROWPOINTE
MEDICAL CENTER

TITANIUM

PARTNERS

Arrowpointe Medical Center - Proposed Monument Sign 4316 Rice Lake Road

3 Existing Wall Sign
(To remain)



2 Existing Wall Sign
(To remain)



4 Existing Wall Sign
(To remain)



5 Existing Monument Sign
(To be removed)



1 Existing Monument Sign
(To Remain)



Arrowpointe Medical Center - Proposed Monument Sign
4316 Rice Lake Road



ARROWPOINTE
MEDICAL CENTER

TITANIUM
PARTNERS



6 New Proposed Monument Sign

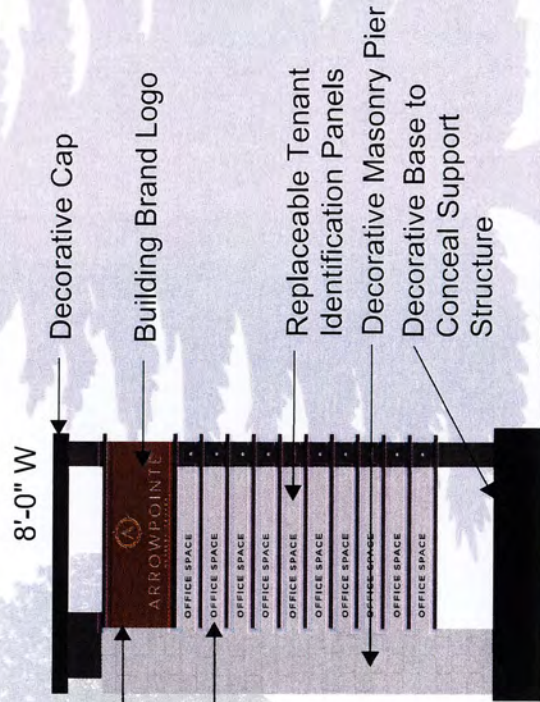
Arrowpoint Medical Center - Proposed Monument Sign
4316 Rice Lake Road





ARROWPOINTE
MEDICAL CENTER

TITANIUM
PARTNERS



Logo Panel =
12 SF

Tenant Panels =
3 SF Each

Total Area Logo &
Tenant Panels ONLY:
42 SF Per Side

New Proposed Monument Sign
Double Sided
96 SF Total Per Side

6

Arrowpointe Medical Center - Proposed Monument Sign
4316 Rice Lake Road



Neighborhood Precedence Images

6 New Proposed Monument Sign Location



TITANIUM PARTNERS

Arrowpoint Medical Center - Proposed Monument Sign
4316 Rice Lake Road

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:

This neighborhood includes a mix of zoning districts. A majority of adjacent properties utilize signage exceeding 8'-0" in height and it is reasonable for our property to utilize a similarly scaled sign. Please refer to attached exhibit documents for images. Our proposed monument sign is attractively designed to complement the neighborhood and building, and is appropriately scaled for mature landscaping, distant visibility, and tenant identification. The design character of our sign far exceeds that of neighboring signs.

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:

We foresee no negative impact to neighboring properties due to this request for increase in the 8'-0" height limitation. The overall impact of this property redevelopment enhances neighboring property values and potential in a very positive manner.

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:

Due to the mixed distribution of zoning districts in this neighborhood we foresee no impairment of the intended zoning code. The essential character of the neighborhood will not be altered by our requested increase in height. Our requested height increase is fully consistent with signage of neighboring properties.

We thank you for your consideration of our request.

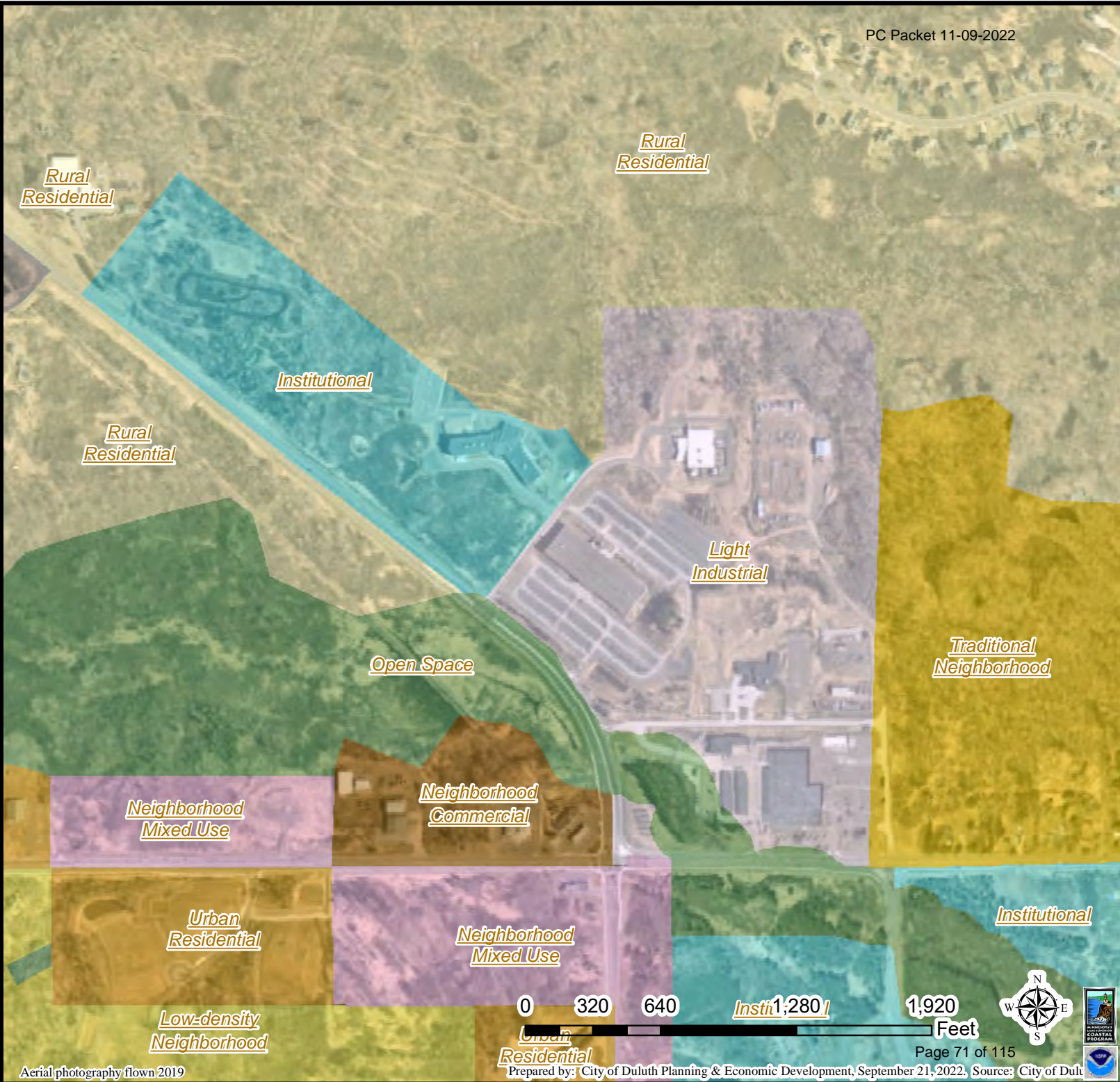
Does your variance request need to meet any of the specific criteria in UDC Section 50-37.9, subsections D through M (E. Unsewered Areas, F. Two Family Dwellings in R-1, G. Parking Regulations, H. Reduce Setbacks, I. MU-C District, J. Airport Overlay, K. Flood Plain Regulations, L. Shorelands, or M.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

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



Legend

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



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







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 22-194	Contact	Chris Lee, clee@duluthmn.gov	
Type	Concurrent Use Permit	Planning Commission Date	November 9, 2022	
Deadline for Action	Application Date	October 13, 2022	60 Days	December 12, 2022
	Date Extension Letter Mailed	October 20, 2022	120 Days	February 10, 2022
Location of Subject	4 th Avenue East and East 2 nd Street			
Applicant	Essentia Health	Contact		
Agent	LHB	Contact	Evan Aljoe, Healthcare Studio Lead	
Legal Description	See Attached	Sign Notice Date	October 25, 2022	
Site Visit Date	October 26, 2022	Number of Letters Sent	N/A	

Proposal

The applicant is seeking a concurrent use permit to allow a constructed planter wall located in the right of way of Superior Street. The wall will extend into the right of way approximately 7-10" and running 179 feet parallel to the right of way for East Superior Street.

Staff Recommendation

Staff is recommending Planning Commission recommend approval to the City Council.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-I	Medical	Medical District
North	MU-I	Medical	Medical District
South	MU-I	Medical	Medical District
East	MU-I	Medical	Medical District
West	MU-I	Medical	Medical District

Summary of Code Requirements

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

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

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

Governing Principle #4-Support economic growth sectors.

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

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

Future Land Use

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

Review and Discussion Items:

- 1) The applicant is seeking a concurrent use permit to construct a portion of planter walls within the public right-of-way of E Superior Street, adjacent to its new Vision Northland building. This planter wall will extend approximately 179 feet along E Superior Street, extending into the right of way by 10 inches. A portion of a stairway handrail will also extend 7 inches into the right of way, directly adjacent to a planter wall. The planter wall will be approximately 3.5 feet tall at the tallest point.
- 2) The area proposed for the concurrent use permit will not take away from the public's ability to use the public right-of-way, nor will it harm or inconvenience the health, safety and general welfare of the city.
- 3) Concurrent use permits are approved by the City Council via an ordinance. Unlike street right-of-way vacations, concurrent use permits are not recorded at with St. Louis County as they are voidable agreements between the City and property owners. City engineering has reviewed and approved the exhibits (CUP exhibit and legal description), and have indicated that they have no concerns with this proposal other than the City is not liable for damage in the event there is City snow removal.
- 4) The City of Duluth requires concurrent use permits to include liability insurance to indemnify the City against all occurrences in the right-of-way. Other protections for the city and the public are typically included in the ordinance that is submitted for the City Council's review.
- 5) No comments were received from the public or other government agencies at the time this staff report was written.
- 6) Per UDC Sec. 50-37.1.N, approved concurrent use permits lapse if the project or activity authorized by the permit has not begun within one year.

Staff Recommendation

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

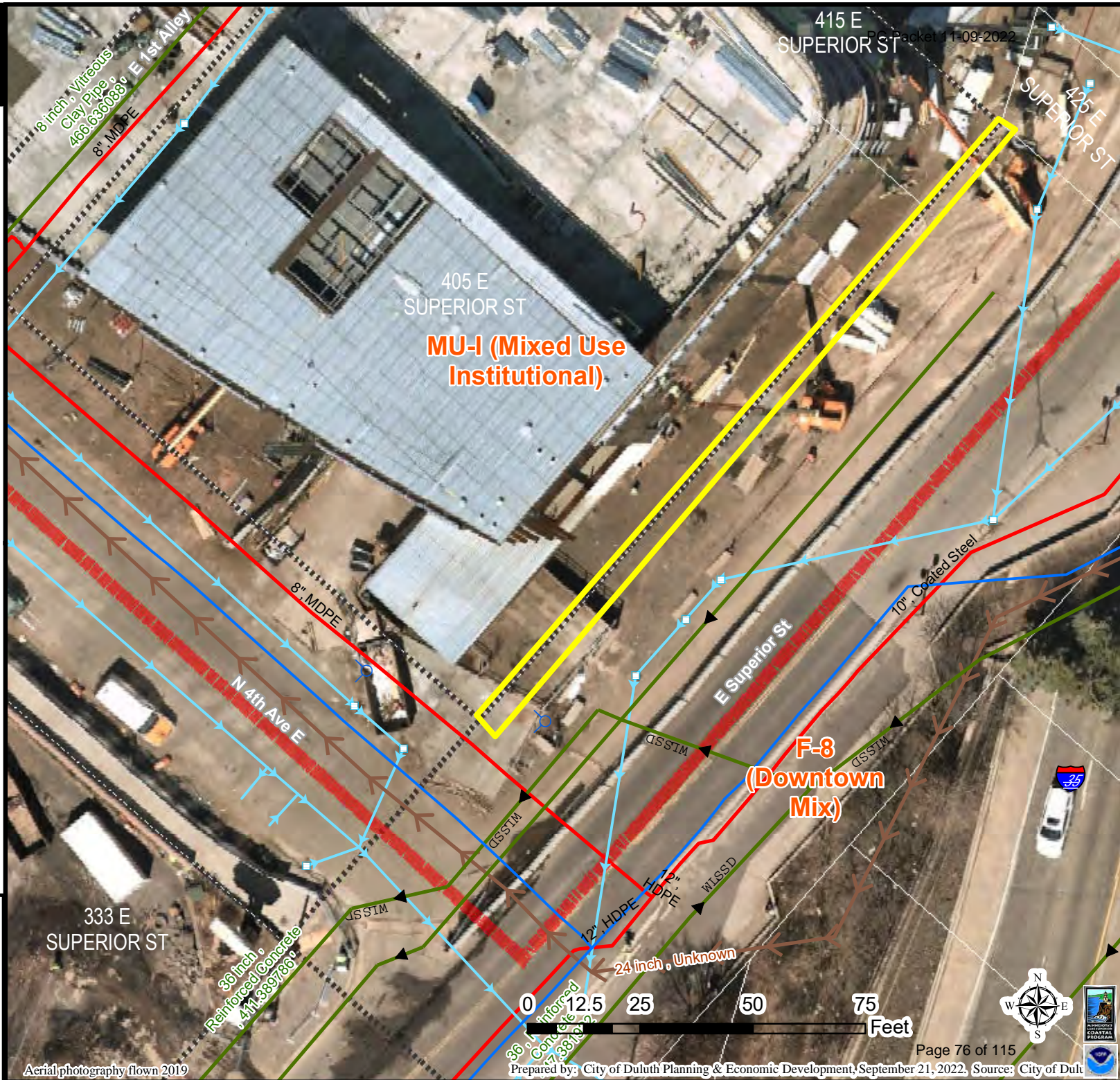
- 1) Applicant construct and maintain the project as identified in the attached exhibits.
- 2) Applicant provide annual proof of liability insurance to indemnify the City against any occurrences in the right of way that are due to items covered under this permit.
- 3) Applicant will remove the obstructions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



PL22-194
CUP
502 E 2nd St

Legend

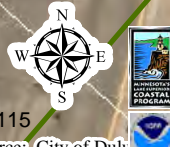
- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains**
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Road or Alley ROW
- Zoning Boundaries



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

Aerial photography flown 2019

Prepared by: City of Duluth Planning & Economic Development, September 21, 2022, Source: City of Duluth



LEGAL DESCRIPTION:

All that part of the northwesterly 2.00 feet of East Superior Street adjacent to Lots 1 thru 7 and the southwesterly 8.00 feet of Lot 8, all in Block 8, PORTLAND DIVISION OF DULUTH, City of Duluth, St. Louis County, Minnesota.

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

Paul A. Vogel

Signed _____


Date 11/05/2022 License No. 44075


EXHIBIT CONCURRENT USE

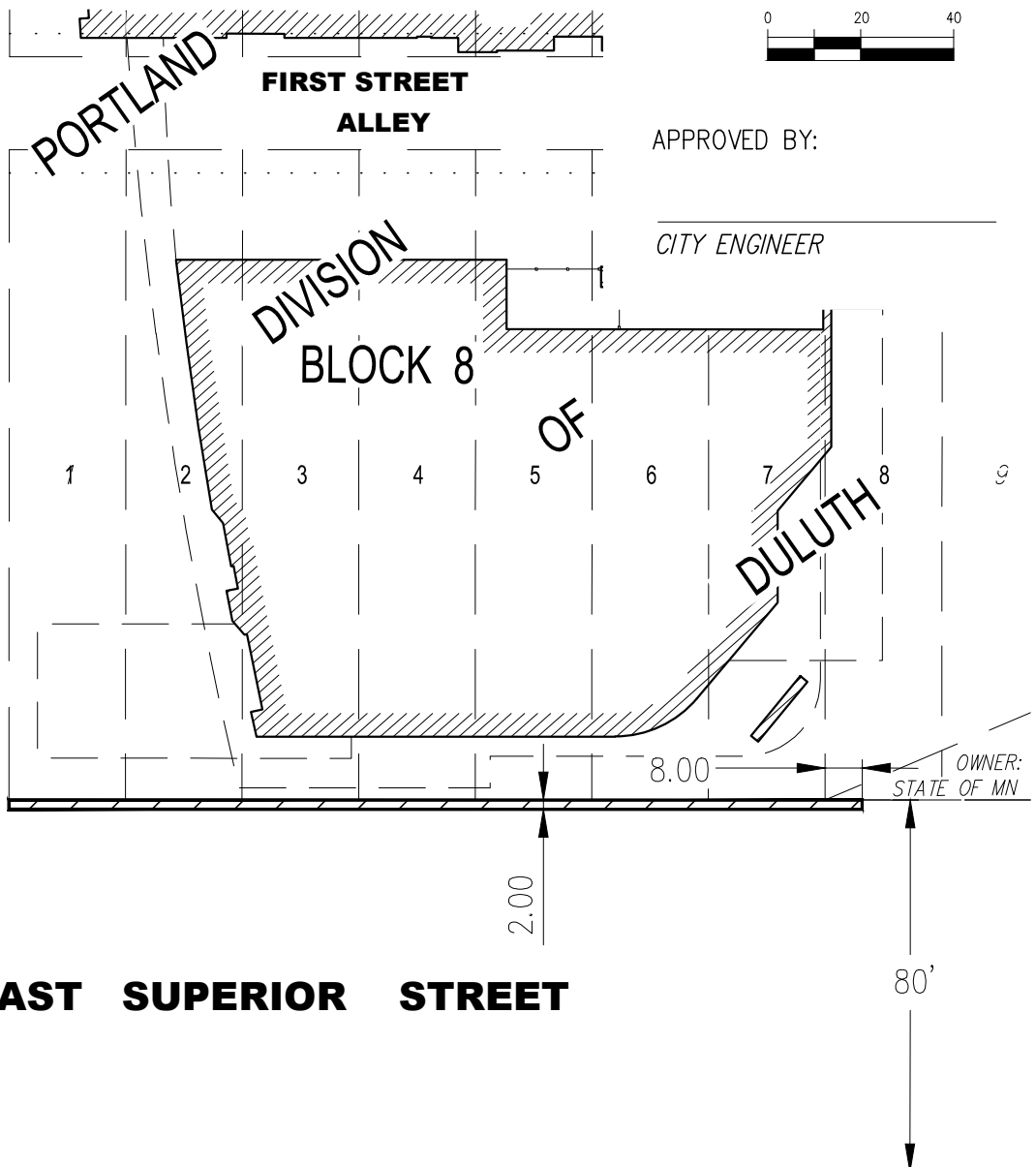
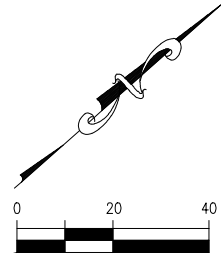
SUPERIOR STREET PLANTAR WALL

Part of Superior Street

PORTLAND DIVISION OF DULUTH

LEGEND

 = CONCURRENT USE AREA



APPROVED BY: _____
CITY ENGINEER

EAST SUPERIOR STREET

BLOCK 5

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

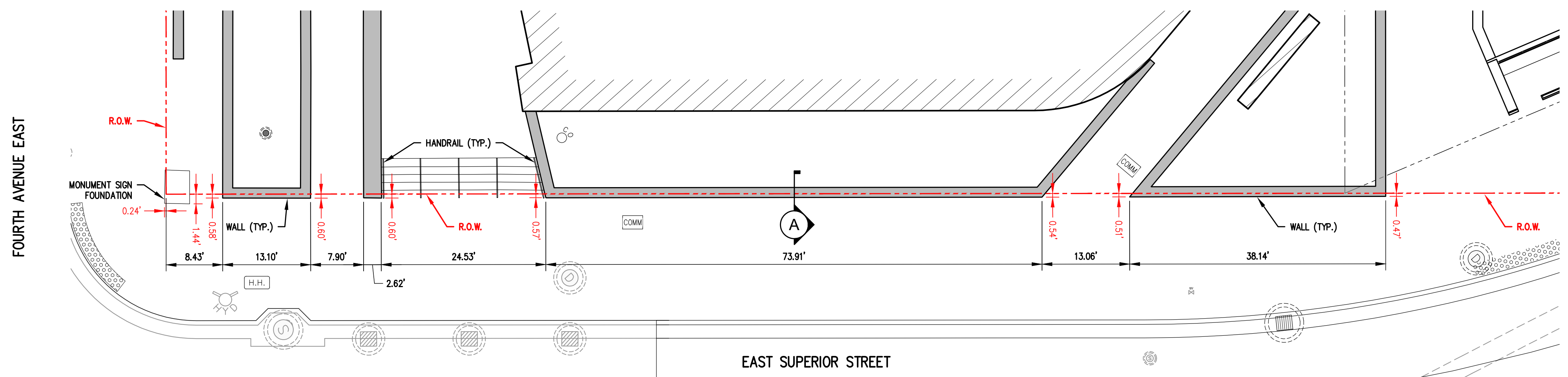
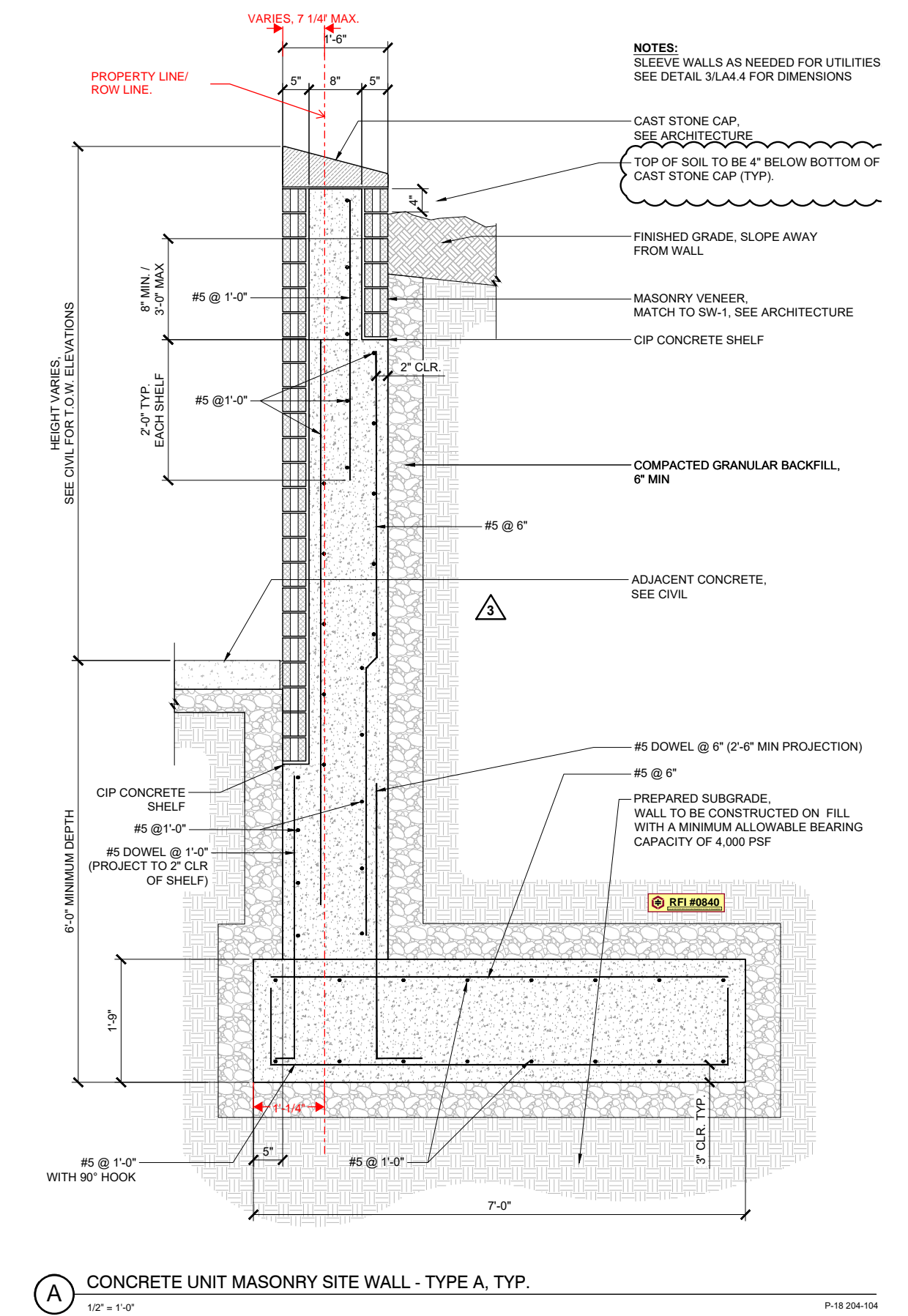
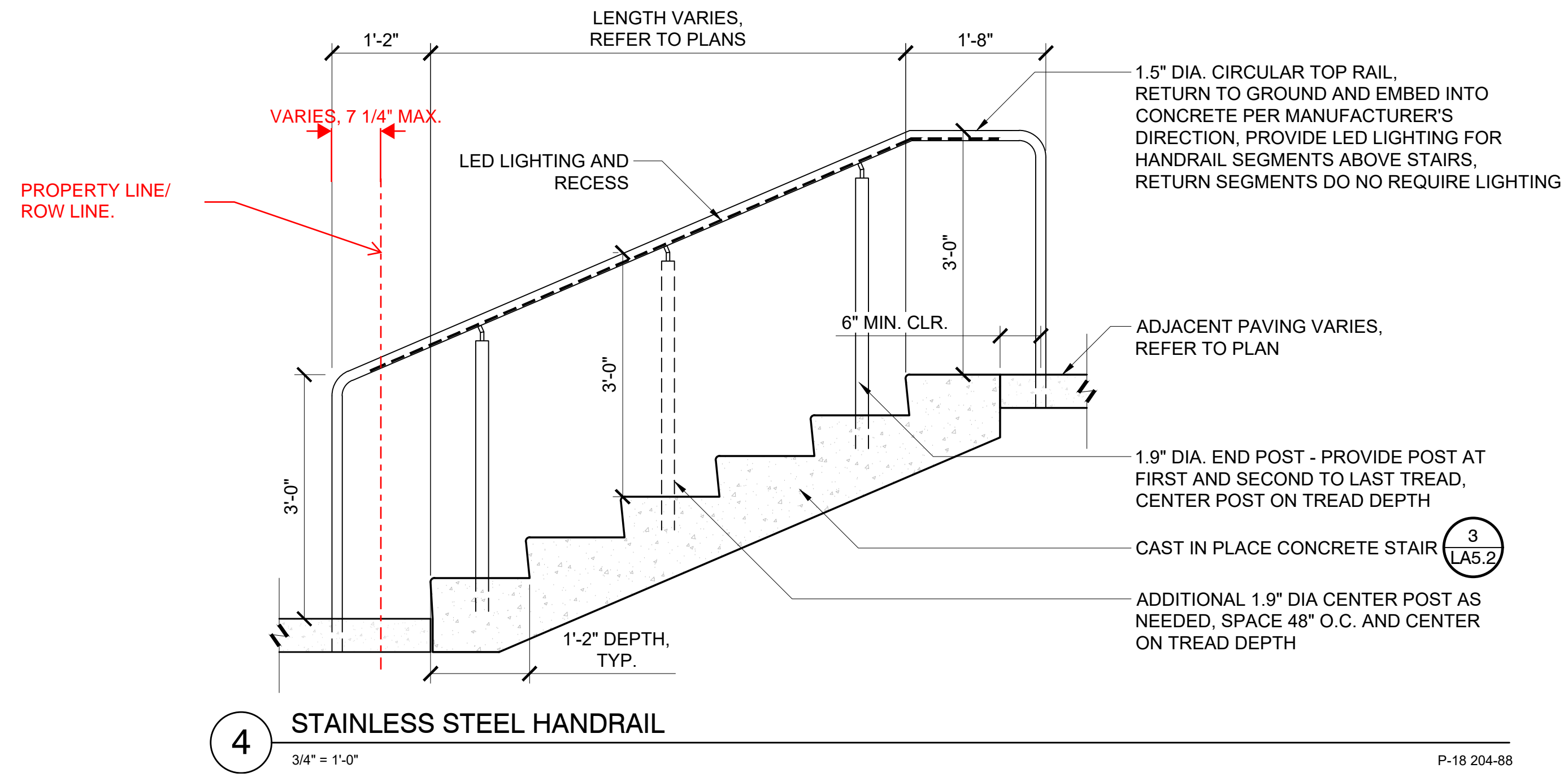
Print Name: Paul A. Vogel License # 44075

Signature:  Date: 10/05/2022

DATE PREPARED: 10/05/22
PROJ NO: 180203
FILE: 180203 Concu
SHEET 1 of 1 SHEETS



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



LHB PROJECT NO. 180203

10/04/22
DATE

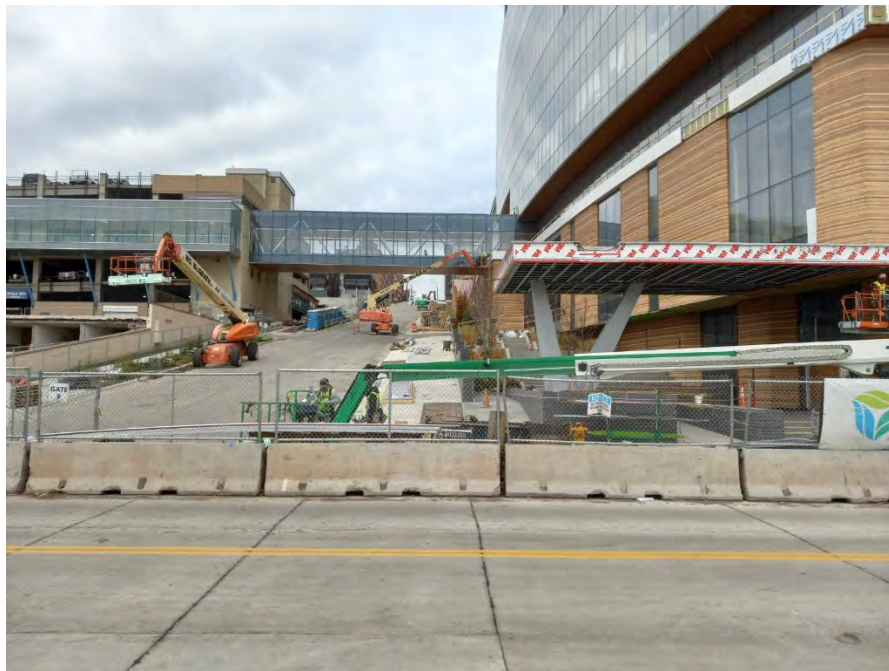
CONCURRENT USE PERMIT

CITY PROJECT NO. 1863

SUPERIOR STREET
PLANTER WALLS

SHEET NO. 1 OF 1 SHEETS

PLOT DATE: 10/11/2022 12:59:12 PM FILE: G:\18P\180203\600 Drawings\Exhibits\Concurrent Use\Superior St Planter Wall\180203 - CIP - Superior St Planter Wall.dwg





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 22-195	Contact	Chris Lee, clee@duluthmn.gov	
Type	Concurrent Use Permit	Planning Commission Date	November 9, 2022	
Deadline for Action	Application Date	October 13, 2022	60 Days	December 12, 2022
	Date Extension Letter Mailed	October 20, 2022	120 Days	February 10, 2022
Location of Subject	4 th Avenue East and East Superior Street			
Applicant	Essentia Health	Contact		
Agent	LHB	Contact	Evan Aljoe, Healthcare Studio Lead	
Legal Description	See Attached	Sign Notice Date	October 25, 2022	
Site Visit Date	October 26, 2022	Number of Letters Sent	N/A	

Proposal

The applicant is seeking a concurrent use permit to construct private underground utilities within the public right-of-way of 4th Avenue East and First Street Alley for private sanitary sewers between Essentia Health’s new hospital to city owned sanitary sewers.

Staff Recommendation

Staff is recommending Planning Commission recommend approval to the City Council.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-I	Medical	Medical District
North	MU-I	Medical	Medical District
South	MU-I	Medical	Medical District
East	MU-I	Medical	Medical District
West	MU-I	Medical	Medical District

Summary of Code Requirements

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

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

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

Governing Principle #4-Support economic growth sectors.

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

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

Future Land Use

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

Review and Discussion Items:

- 1) The applicant is seeking a concurrent use permit to construct private underground utilities within the public right-of-way of 4th Avenue East and First Street Alley for private sanitary sewers between Essentia Health's new hospital to city owned sanitary sewers. The concurrent use area is roughly 45' x 93' or 2,685 square feet.
- 2) The area proposed for the concurrent use permit will not take away from the public's ability to use the public right-of-way, nor will it harm or inconvenience the health, safety and general welfare of the city.
- 3) Concurrent use permits are approved by the City Council via an ordinance. Unlike street right-of-way vacations, concurrent use permits are not recorded at with St. Louis County as they are voidable agreements between the City and property owners. City engineering has reviewed and approved the exhibits (CUP exhibit, street cross-section, and legal description), and have indicated that they have no concerns with this proposal
- 4) The City of Duluth requires concurrent use permits to include liability insurance to indemnify the City against all occurrences in the right-of-way. Other protections for the city and the public are typically included in the ordinance that is submitted for the City Council's review. The ordinance will require that the project proposer will locate any underground items in accordance with Gopher State One Call rules, and that the city will bear no responsibility for locating any facility related to the concurrent use permit except as it is legally responsible under the Gopher State One Call rules. A condition of earlier zoning applications was that Essentia Health locate any private improvements in accordance with Gopher State Once Call rules and that they or subsequent owner of the private improvements shall relocate any improvements found to be in conflict with existing or future city utility or street projects. On August 14, 2019, Essentia Health was enrolled in Gopher One as a provider (MN01741). Other conditions of a concurrent use permit are that the Permittee or subsequent owner of the private improvements shall relocate any improvements found to be in conflict with existing or future city utility or street projects; and within 45 days of installing the private improvements, Permittee shall submit record drawings showing the location and nature of such improvements. The record drawings shall comply with the city of Duluth Public Works and Utilities' "Engineering guidelines for Professional Services and Developments"; and Permittee shall provide notice to City Engineer at 218-730-5200 at least two working days in advance of any work permitted under this permit or any other permits related to such work and shall schedule such work to coordinate with any required inspections.
- 5) No comments were received from the public or other government agencies at the time this staff report was written.
- 6) Per UDC Sec. 50-37.1.N, approved concurrent use permits lapse if the project or activity authorized by the permit has not begun within one-year.

Staff Recommendation

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

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

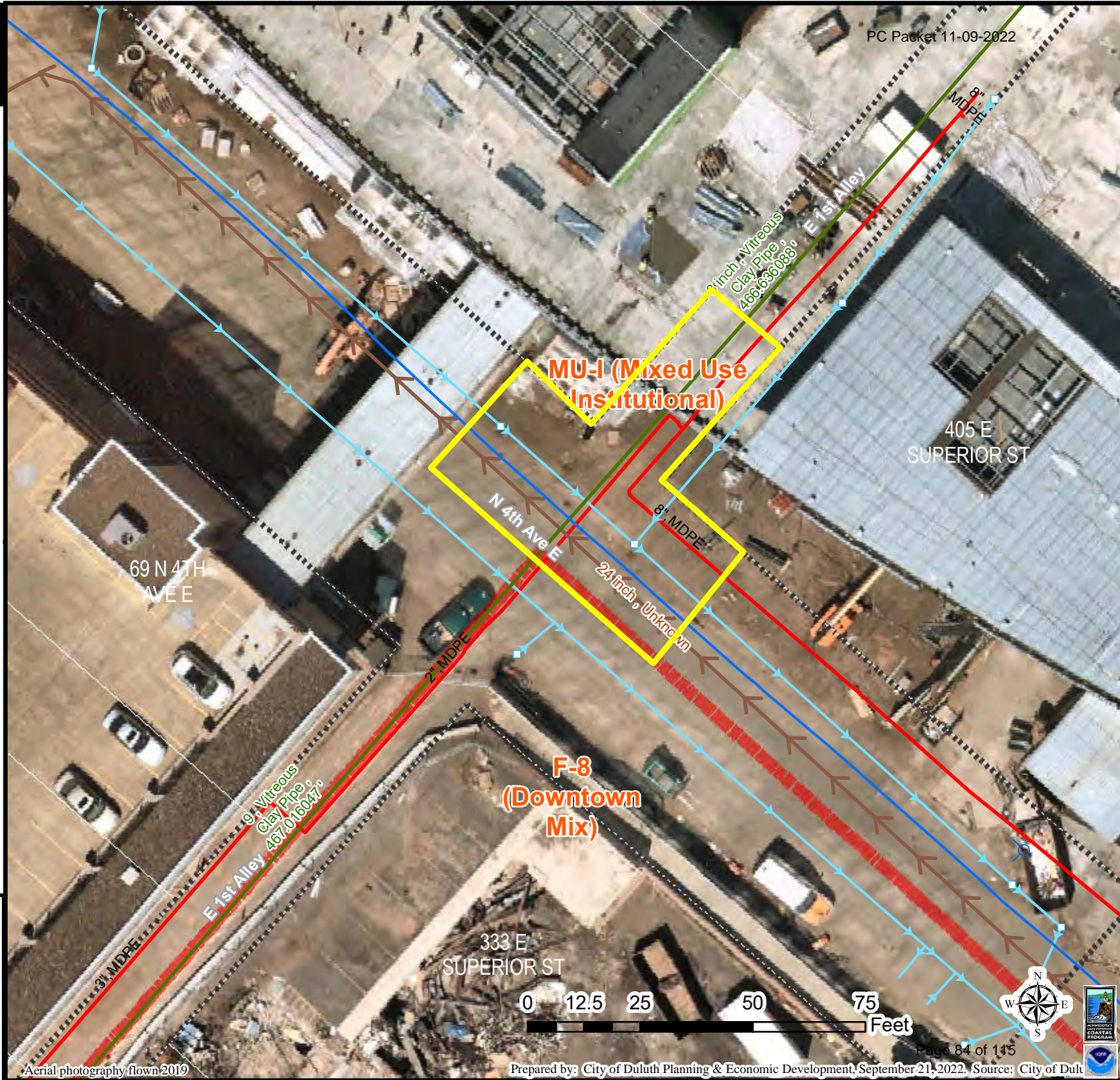


PL22-195
CUP
502 E 2nd St

PC Packet 11-09-2022

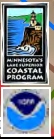
Legend

- 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
- Road or Alley ROW
- 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.

Aerial photography flown 2019



LEGAL DESCRIPTION:

All that part of East First Street Alley adjacent to Lots 1, 2 and the southwesterly 10.00 feet of Lot 3 and that part of Fourth Avenue East adjacent to the southeasterly 10.00 feet of said Lot 1; all in Block 25, PORTLAND DIVISION OF DULUTH, City of Duluth, St. Louis County, Minnesota.

AND

All that part of East First Street Alley adjacent to Lots 1, 2 and the southwesterly 10.00 feet of Lot 3 and that part of Fourth Avenue East adjacent to the northwesterly 15.00 feet of said Lot 1; all in Block 8, PORTLAND DIVISION OF DULUTH, City of Duluth, St. Louis County, Minnesota.

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

Paul A. Vogel

Signed _____

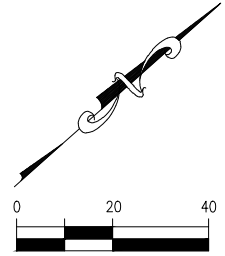


Date 11/05/2022

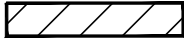
License No. 44075

EXHIBIT CONCURRENT USE

FIRST STREET ALLEY - SANITARY SEWER SERVICES
Part of Streets and Avenues
PORTLAND DIVISION OF DULUTH

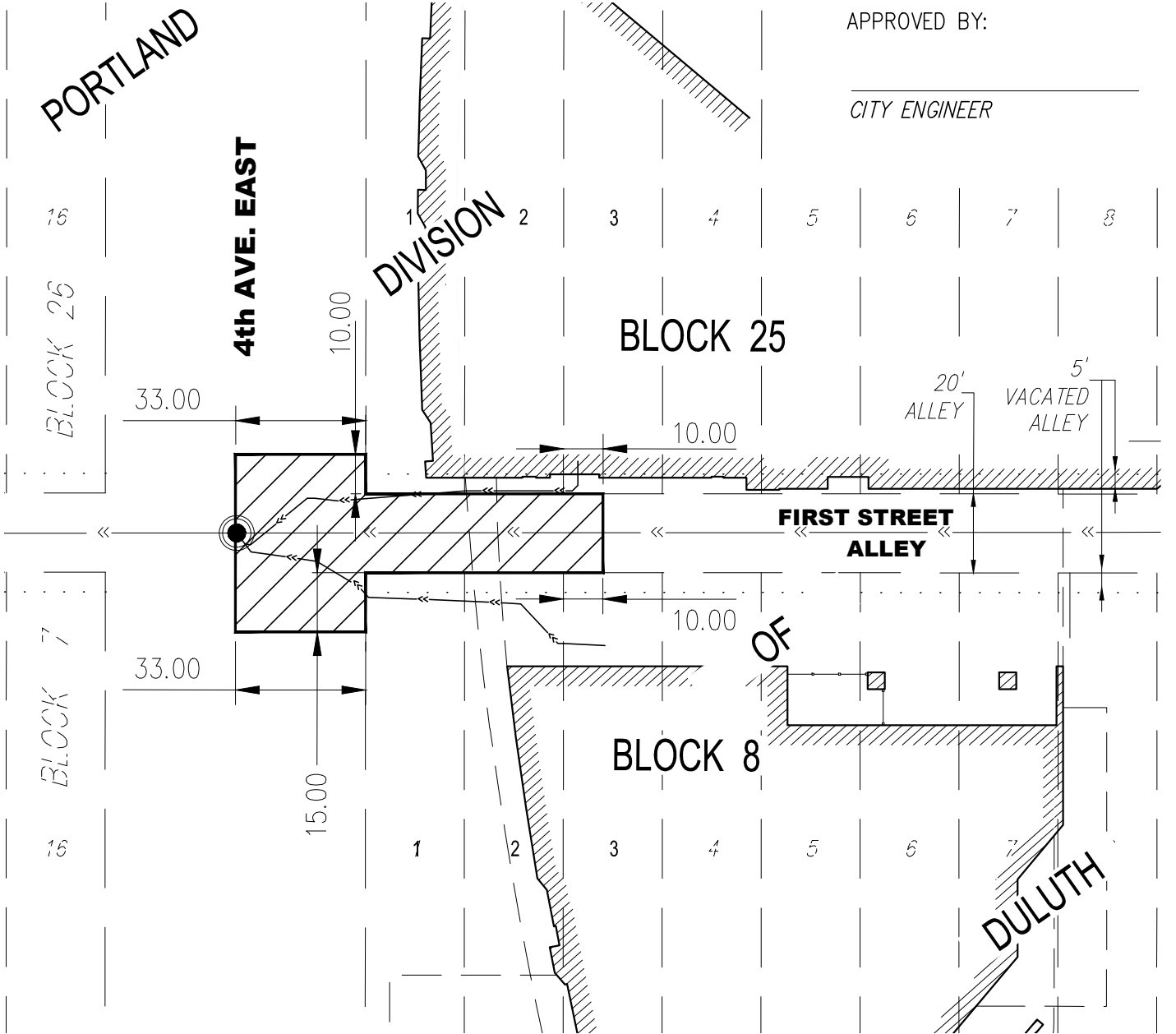


LEGEND

 = CONCURRENT USE AREA

APPROVED BY:

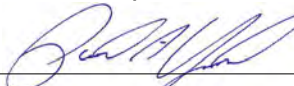
CITY ENGINEER



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

Print Name: Paul A. Vogel

License # 44075

Signature: 

Date: 10/05/2022

DATE PREPARED: 10/05/22

PROJ NO: 180203

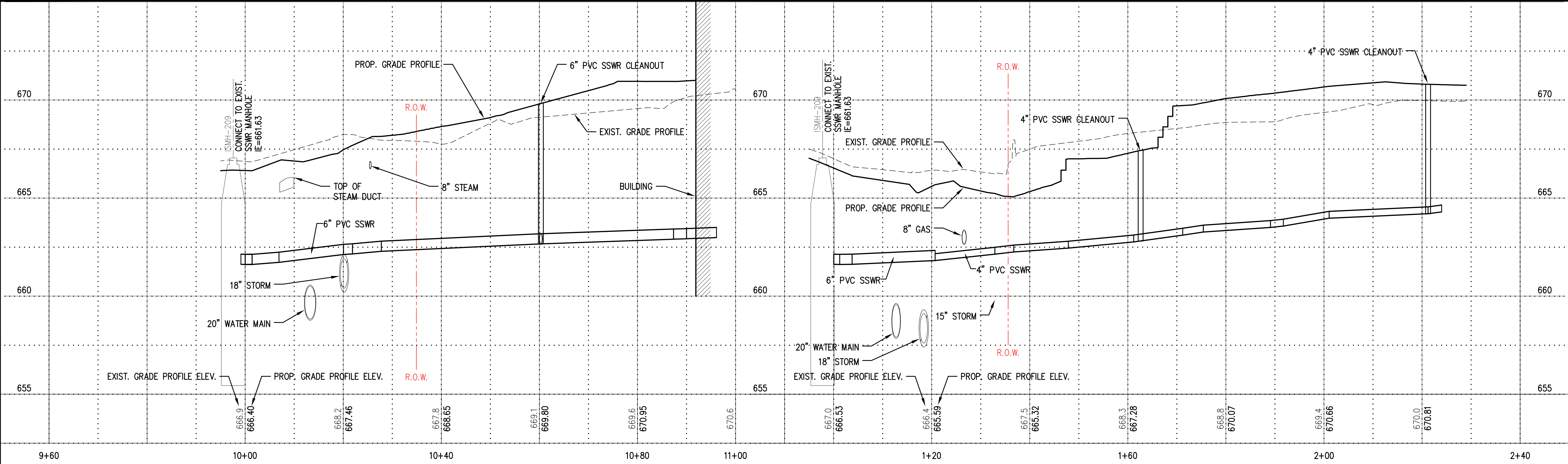
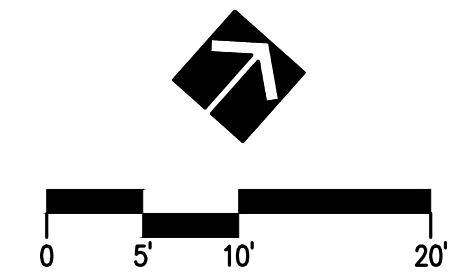
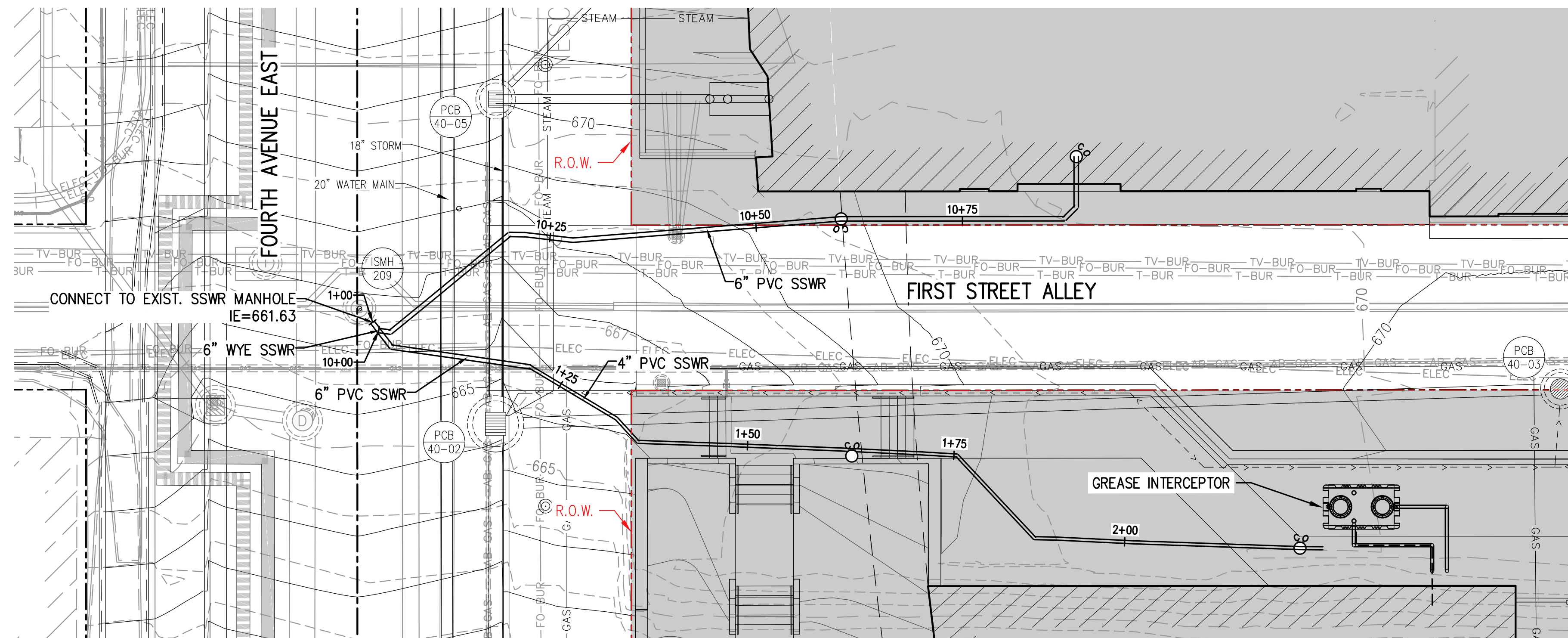
FILE: 180203 Concu

SHEET 1 of 1 SHEETS



**PERFORMANCE
DRIVEN DESIGN.**
LHBcorp.com

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



PLOT DATE: 9/28/2022 2:09:23 PM FILE: G:\Projects\180203\Drawings\Exhibits\Concurrent Use\1st St Alley - Sanitary\180203_CUP - 1st St Alley Sanitary.dwg

LHB PROJECT NO. 180203

09/28/22
DATE

CONCURRENT USE PERMIT

CITY PROJECT NO. 1863

FIRST STREET ALLEY
SANITARY SEWER PLAN & PROFILE

SHEET NO. 1 OF 1 SHEETS



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 22-196	Contact	John Kelley, jkelley@duluthmn.gov	
Type	MU-C Planning Review	Planning Commission Date		November 9, 2022
Deadline for Action	Application Date	October 13, 2022	60 Days	December 12, 2022
	Date Extension Letter Mailed	October 26, 2022	120 Days	February 10, 2023
Location of Subject	North side of West Arrowhead Road and west of Rice Lake Road			
Applicant	Bell Bank	Contact	Steve Terman	
Agent	LHB	Contact	Karin Stuber	
Legal Description	Parcel ID Number 010-2710-02532			
Site Visit Date	October 28, 2022	Sign Notice Date		October 25, 2022
Neighbor Letter Date	October 26, 2022	Number of Letters Sent		12

Proposal

The applicant is proposing to construct a 4,0700 square foot branch bank office building with a drive-through. The structure and parking will be located on Lot C of the approved Plat Force 1 Commercial Development.

Staff Recommendation

Staff is recommending that planning commission approve the planning review.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-C	Undeveloped	Neighborhood Mixed Use
North	RR-1	Undeveloped	Open Space
South	MU-P	Mixed Use Planned	Urban Residential
East	MU-N	Commercial	Neighborhood Commercial
West	R2	Undeveloped	Neighborhood Mixed Use

Summary of Code Requirements

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

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

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

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

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

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

50-26 Screening, Walls, and Fences – Screening of equipment, loading areas, etc., plus fences & retaining walls.

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

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

50-31 Exterior Lighting – Directs the minimum and maximum illumination values and lighting fixtures for a site.

50-37.11 Planning Review – Planning Commission shall approve the Planning Review or approve it with modifications, if it is determined that the application complies with all applicable provisions of this Chapter.

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

Governing Principles

Governing Principle #4 – Support economic growth sectors.

Future Land Use

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

History

PL 22-140 Final Plat, Force 1 Commercial Development, approved by Planning Commission on September 13, 2022


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

- 1) The applicant is proposing to construct a 4,0700 square foot branch bank office building with a drive-through and parking.
- 2) 50-15.3 (MU-C District) – Per input from St. Louis County, this development and future development to the west will access a shared driveway that will align with Stanford Avenue to the south.
- 3) 50-18.1.B (Wetlands) – The wetland delineation was approved on July 5, 2022, and the wetland mitigation plan was approved on September 23, 2022. Wetlands to be impacted are in the driveway area located on the southeast corner of the parcels adjacent to West Arrowhead Road.
- 4) 50-18.1.E (Stormwater Management) – Storm water will be routed to a stormwater pond located on the north end of the site. The applicant will need an approved storm water plan prior to the issuance of a building permit.
- 5) 50-23 (Connectivity) – Not applicable as West Arrowhead Road does not have sidewalks nor is it shown on any bikeways, trail, or pedestrian plan.
- 6) 50-24 (Parking) – The UDC requires 3.5 parking spaces per 1,000 square feet of gross floor area. The minimum parking required is 18 spaces and the maximum is 27 spaces. The plan shows 21 parking stalls located on the north, south and west sides of the building.
- 7) 50-25 (Landscaping) – The site plan and landscape show the required street frontage landscaping is met with 5 trees and 7 shrubs. The applicant is exempt from the interior parking lot landscaping requirements as there are less than 25 spaces. The landscape plan shows 10 trees located along the perimeter and interior areas of the parking lot and notes the canopy coverage of the parking area exceeding the 30% requirement of the UDC.
- 8) 50-26 (Screening) – The applicant proposes a trash enclosure in the northeast corner of the parking lot. The landscape plan notes the enclosure as constructed of a burnished CMU material with a gate. The landscape plan depicts a pad for ground mounted mechanicals on the northeast corner of the building. A note on the landscape plan states that screening for mechanicals is forthcoming. The exterior elevation drawing A201 does show metal panel equipment screen wall around the ground mounted mechanical area.
- 9) 50-27 (Signs) – The landscape plan does depict a sign located in the southeast corner of the site adjacent to the driveway. A sign permit must be obtained via a separate permit.
- 10) 50-29 (Sustainability) – Not applicable as the building is less than 10,000 square feet.
- 11) 50-30 (Design Standards) – Not applicable as the building is less than 10,000 square feet.
- 12) 50-31 (Exterior Lighting) – The applicant has submitted an electrical plan showing the location of exterior light fixtures but will need to submit a photometric plan that indicates UDC compliant lighting prior to receiving a building permit.
- 13) No comments have been received from City or other agencies or the general public.
- 14) 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 with the following conditions:

- 1.) Applicant shall have the plat recorded prior to staff approval of the building permit.
- 2.) Applicant shall construct and maintain the project as identified in the attached exhibits.
- 3.) Applicant shall submit details of any mechanical screening prior to approval of the building permit.
- 4.) Applicant shall submit a photometric plan that indicates UDC compliant lighting approval of 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 approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

Legend
 Zoning Boundaries

271002472 3601 W ARROWHEAD RD

080300140

271002530 **RR-1 (Rural Residential 1)**

Development site

271002540

R-2 (Residential Urban)

271002532

MU-C (Mixed Use Commercial)

3401 W ARROWHEAD RD
271002545

W Arrowhead Road

MU-N (Mixed Use Neighborhood)

MU-P (Mixed Use Planned)

204700010
2401 EVERGREEN CIR

204700050
Mission Dr

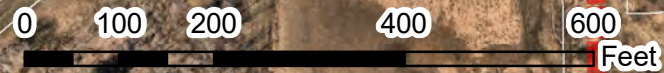
399800010

R-1 (Residential Traditional)

204700030

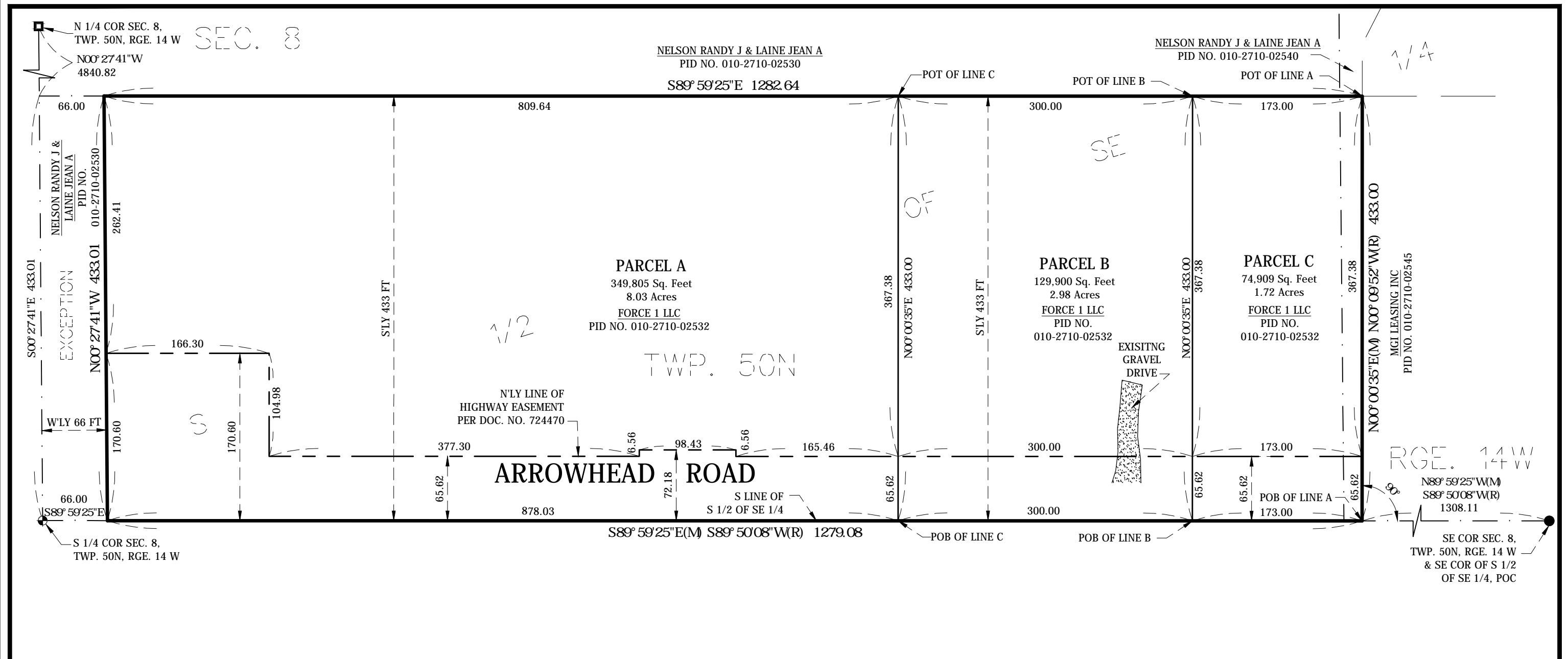
Evergreen Cir

204700020



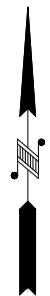
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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





LEGEND

- (M) - FIELD MEASURED DIMENSION
- (R) - RECORD DIMENSION
- POC - POINT OF COMMENCEMENT
- POB - POINT OF BEGINNING
- POT - POINT OF TERMINATION
- ⊕ ALUM CAPPED MONUMENT OF RECORD
- IRON PIN OF RECORD
- SURVEY MONUMENT OF RECORD
- SECTION SUBDIVISION LINE
- - - RIGHT OF WAY LINE
- ==== BOUNDARY LINE AS SURVEYED
- EXISTING PLAT LINE
- _____ PROPOSED PARCEL LINE



SURVEYOR'S NOTES

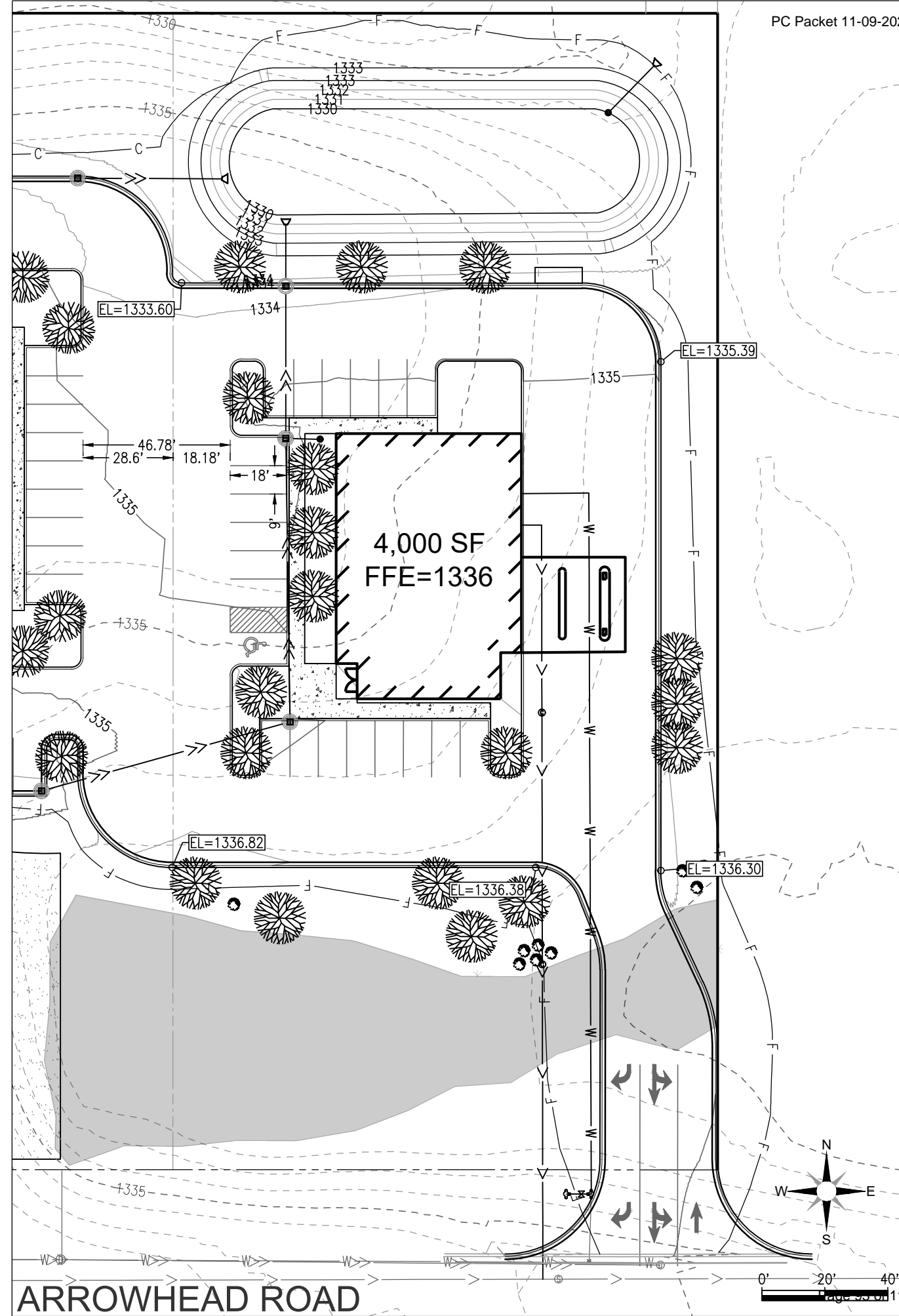
- THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
- BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
- NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.

CERTIFICATE OF SURVEY

CLIENT: TITANIUM PARTNERS
 ADDRESS: XXXX ARROWHEAD ROAD
 DULUTH, MN 55811
 DATE: 04-06-2022

REVISIONS:
 JOB NO: 22-073
 SHEET 2 OF 2

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



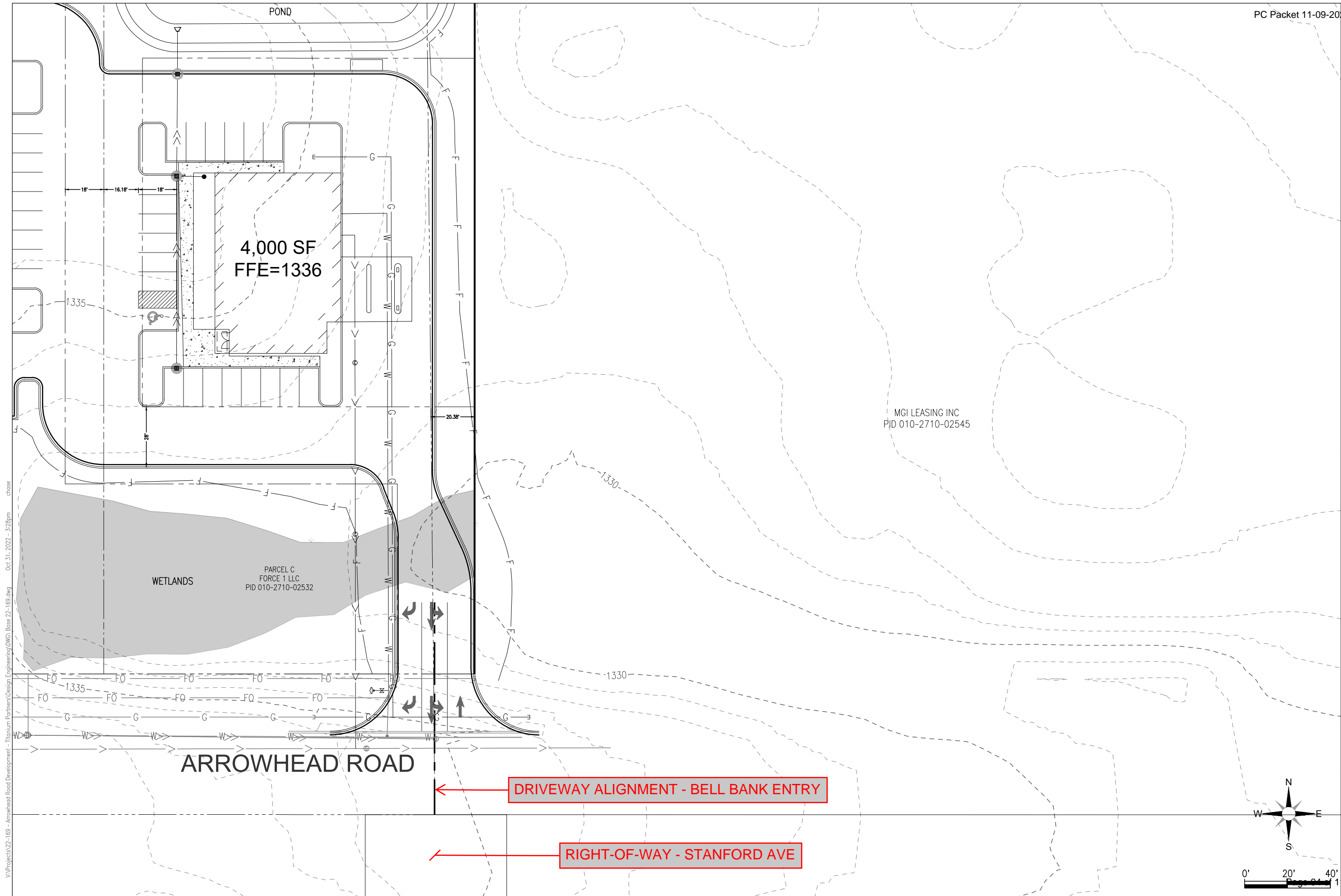
PC Packet 11-09-2022

Northland
 Consulting Engineers L.L.P.
 Structural, Civil and Forensic Engineering Services
 Voice: (612) 977-5985
 Fax: (612) 977-7779
 www.nce-engineers.com

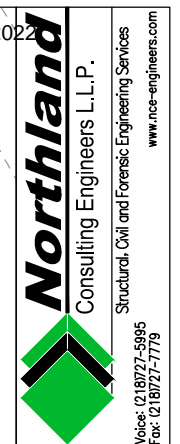
ARROWHEAD ROAD
 SITE DEVELOPMENT

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

revision	
Proj: 22-169	
Date: 10/06/22	
Drawn: CAE	
Checked: DGB	
SITE & GRADING	
Sheet Title	
Sheet Number	4



\Projects\22-169 - Arrowhead Road Development - Titanium Partners\Design Engineering\DWG\Boss 22-169.dwg
 Oct 31, 2022 - 3:28pm chase



ARROWHEAD DEVELOPMENT

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

revision	
Proj: 22-169	Date: 10/26/22
Drawn: CAE	Checked: DGB
PRELIMINARY LAYOUT	
Sheet Title	Sheet Number
	115



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

CLIENT:
BELL BANK

5500 WAYZATA BLVD.
MINNEAPOLIS, MN 55416

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

10/26/2022 PLANNING REVIEW
NO DATE ISSUED FOR

NO DATE REVISION

PRELIMINARY
NOT FOR CONSTRUCTION
10-26-2022

COPYRIGHT 2022 BY LHB, INC. ALL RIGHTS RESERVED.

PROJECT NAME:
BELL BANK

3501 W ARROWHEAD RD
DULUTH, MN 55811

DRAWING TITLE:
LANDSCAPE PLAN

DRAWN BY: RMJ
CHECKED BY: XXX
PROJ. NO: 220651
DRAWING NO:

L101

50-25 Landscaping and Tree Preservation

- 50-25.3 Street Frontage Landscaping
 - 173 street frontage
 - 15' average depth of landscaping in front yard required
 - With location of the wetland in the front yard, proposing frontage trees to be along parking lot drive lane in front yard. This would be between 66-90 ft from front property line. Requesting Alternate landscape Plan approval to place the street frontage trees beyond the 15' requirement, to avoid disturbing wetlands.
- Required Trees 1 tree per 35 linear frontage: 173 lf/35 lf = 5 Trees
- Required Shrubs 1 large shrub per 25 linear ft: 173 lf/25 lf = 7 Large Shrubs
- 50-25.4 Parking Lot Landscaping
 - Interior Landscaping requirements exempt for lots under 25 spaces
 - Must provide min. 30% canopy coverage at maturity
 - Parking lot hardscape area= 20,389 sf
 - Drive thru canopy shade coverage = 1,002 sf
 - 20,389 sf - 1,002sf = 19,387 sf parking lot area for canopy coverage calculation
 - 7,260.9 sf canopy coverage at maturity shown (5,816 sf required to hit 30% min)
 - $(7,260.9/19,387)*100 = 37.5\%$ canopy coverage
- 50-25.5 Landscaping between differing land uses.
 - Not required, MU-C and MU-N are adjacent, and RR-1 to the rear is undeveloped.
- 50-25.9 Tree preservation Requirements
 - Not applicable for this site plan review- developer responsibility not Bank- Discussed in plat approval

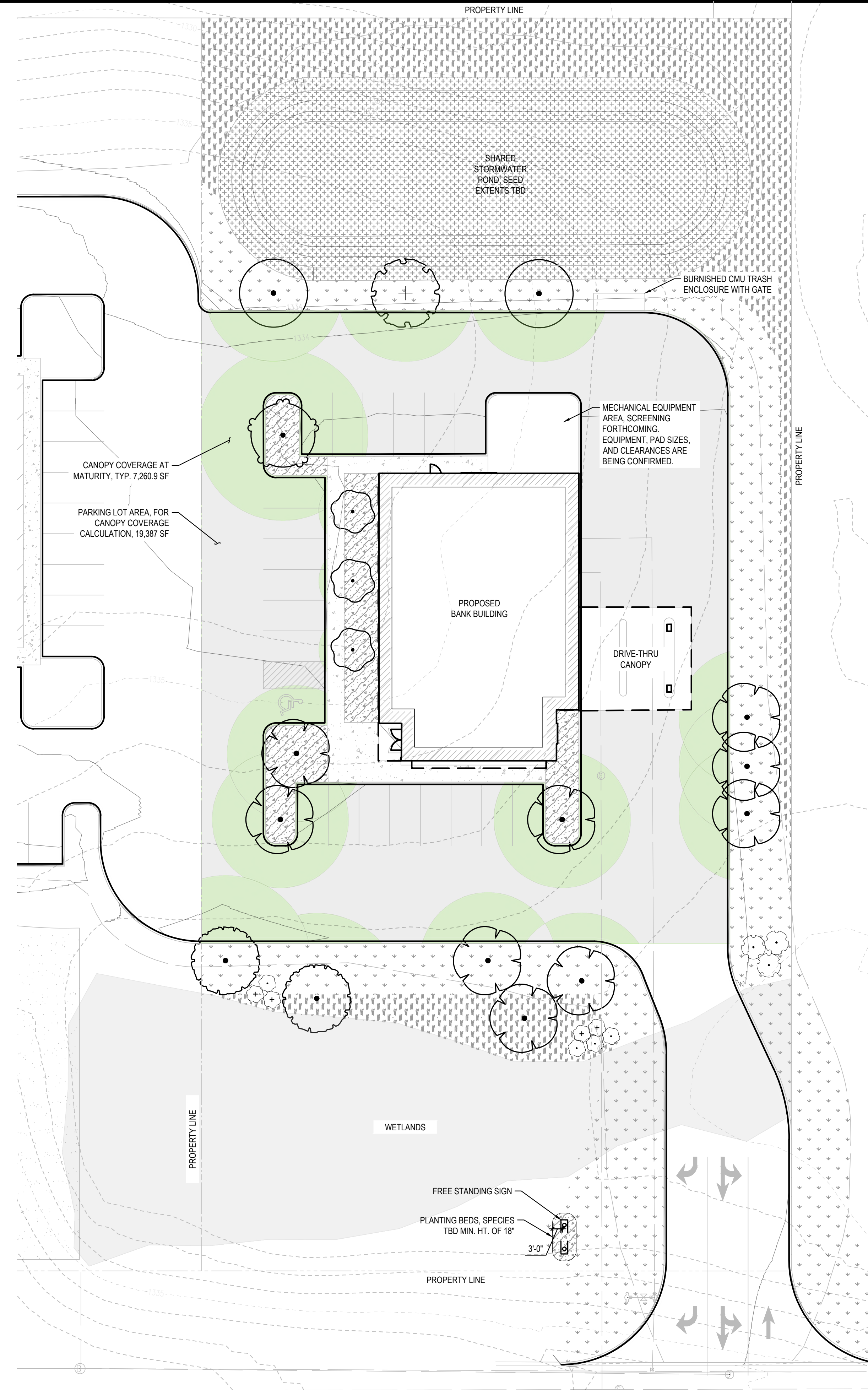
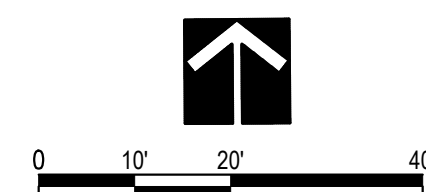
PLANT SCHEDULE

TREES	CODE	QTY	BOTANICAL / COMMON NAME	CONT
	CC	3	Cercis canadensis / Eastern Redbud	1.75" CAL.
	PT	9	Populus tremuloides / Quaking Aspen	2-1/2" CAL
	QB	2	Quercus bicolor / Swamp White Oak	2-1/2" CAL
	QE	1	Quercus ellipsoidalis / Northern Pin Oak	2-1/2" CAL
	TA	1	Tilia americana / American Linden	2-1/2" CAL
	UA	2	Ulmus x 'Morton' TM / Accolade Elm	2-1/2" CAL

SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	SPACING
	CR	3	Cornus sericea / Red Twig Dogwood	#5 CONT.	84" o.c.
	IA	4	Ilex verticillata 'Afterglow' / Afterglow Winterberry	#5 CONT.	60" o.c.
	IV	4	Ilex verticillata 'Jim Dandy' / Jim Dandy Winterberry	#5 CONT.	60" o.c.

GARDEN BED	CODE	QTY	BOTANICAL / COMMON NAME	CONT
	SPB	1,781 sf	Shrub and Perennial Bed	See Plan
SEED	CODE	QTY	BOTANICAL / COMMON NAME	CONT
	BA2	8,629 sf	Biofiltration Seed Mix / Biofiltration Basin Seed Mix	Seed Mix
	TS	9,986 sf	Turf Seed	with 4" Topsoil
	WE	6,381 sf	Woodland Edge / SSNS Savanna & Woodland Edge Mix	Seed Mix

WARNING
LOCATION OF ALL UNDERGROUND UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR. CALL BEFORE DIGGING.
MINNESOTA ONE-CALL SYSTEM
1-800-252-1166
REQUIRED BY MN STATUTE 216D





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

CLIENT:
BELL BANK
5500 WAYZATA BLVD.
MINNEAPOLIS, MN 55416

GENERAL SHEET NOTES

- A. INSTALL LIGHTING AND POWER CONDUITS BETWEEN 24" (MINIMUM) AND 36" (MAXIMUM) BELOW FINISHED GRADE, UNLESS NOTED OTHERWISE.
- B. INSTALL TECHNOLOGY CONDUITS AT 36" MINIMUM BELOW FINISHED GRADE, UNLESS NOTED OTHERWISE.
- C. PROVIDE MINIMUM 1" CONDUIT SIZE FOR SITE LIGHTING, UNLESS NOTED OTHERWISE.
- D. CONDUIT ROUTING SHOWN IS DIAGRAMMATIC ONLY; COORDINATE ACTUAL ROUTING WITH OTHER TRADES.
- E. REFER TO ELECTRICAL SITE DETAILS FOR SPECIFIC INSTALLATION REQUIREMENTS.
- F. REFER TO SPECIFICATION SECTION 26 0519 FOR REQUIRED CONDUCTOR SIZE ADJUSTMENTS FOR VOLTAGE DROP.
- G. REFER TO LIGHTING CONTROLS SEQUENCE OF OPERATIONS SCHEDULE FOR EXTERIOR LIGHTING CONTROLS.

KEYED SHEET NOTES

- 1. NOTE

ELECTRICAL SITE LINE TYPE LEGEND

---	EXISTING UNDERGROUND ELECTRICAL
---	EXISTING OVERHEAD ELECTRICAL
---	EXISTING UNDERGROUND COMM
---	UNDERGROUND ELECTRICAL
---	OVERHEAD ELECTRICAL
---	UNDERGROUND COMM

THIS SQUARE APPEARS 1/2"x1/2"
ON FULL SIZE SHEETS

NO	DATE	ISSUED FOR
	10/07/2022	PLANNING REVIEW

NO	DATE	REVISION

PRELIMINARY
NOT FOR CONSTRUCTION
10/07/2022

COPYRIGHT 2022 BY LHB, INC. ALL RIGHTS RESERVED.

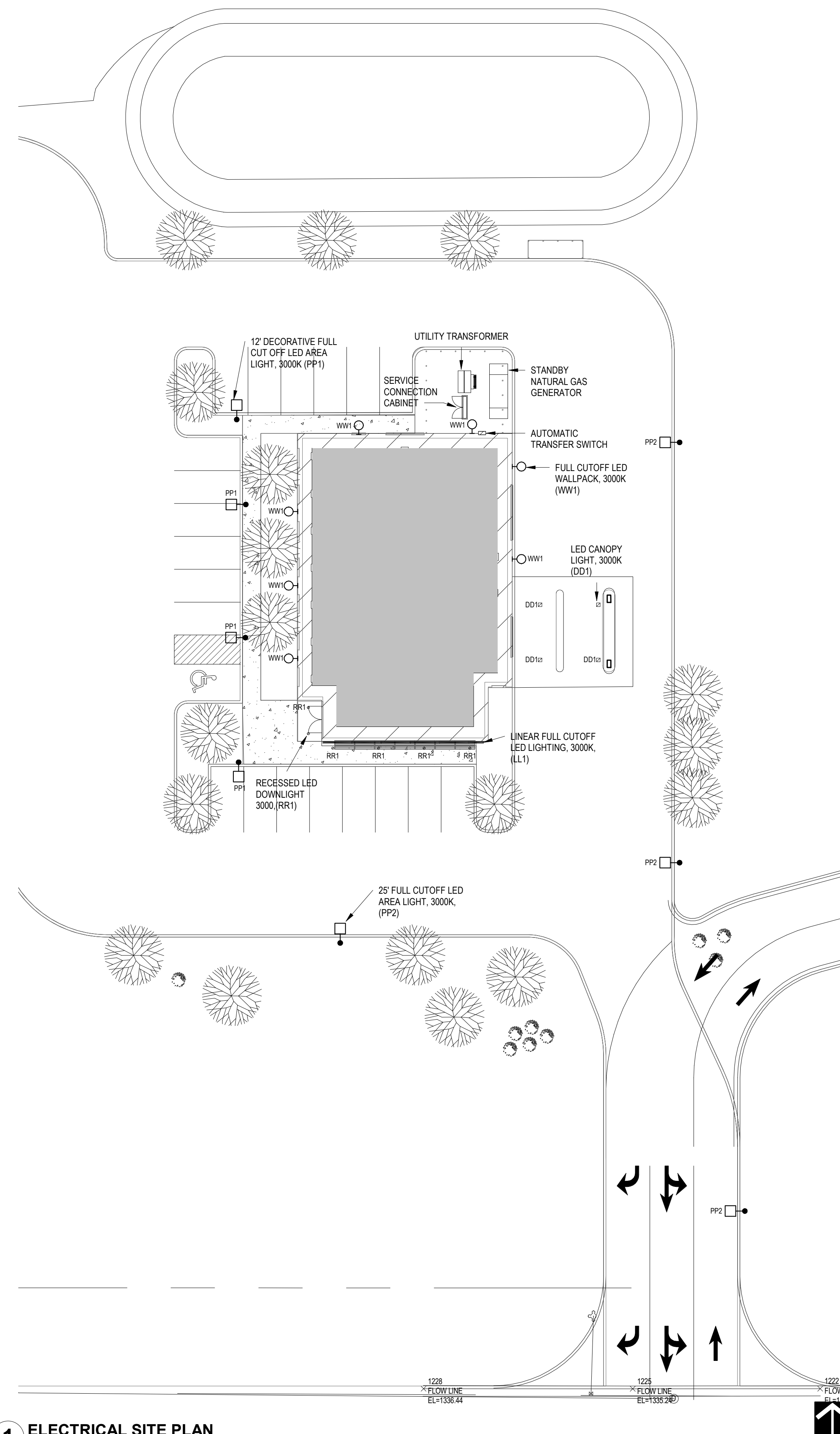
PROJECT NAME:
BELL BANK DULUTH

3501 W ARROWHEAD RD
DULUTH, MN 55811

DRAWING TITLE:
**ELECTRICAL SITE
PLAN**

DRAWN BY: RKK
CHECKED BY: DAZ
PROJ. NO: 220651
DRAWING NO:

ES101



1 ELECTRICAL SITE PLAN
1" = 20'-0"

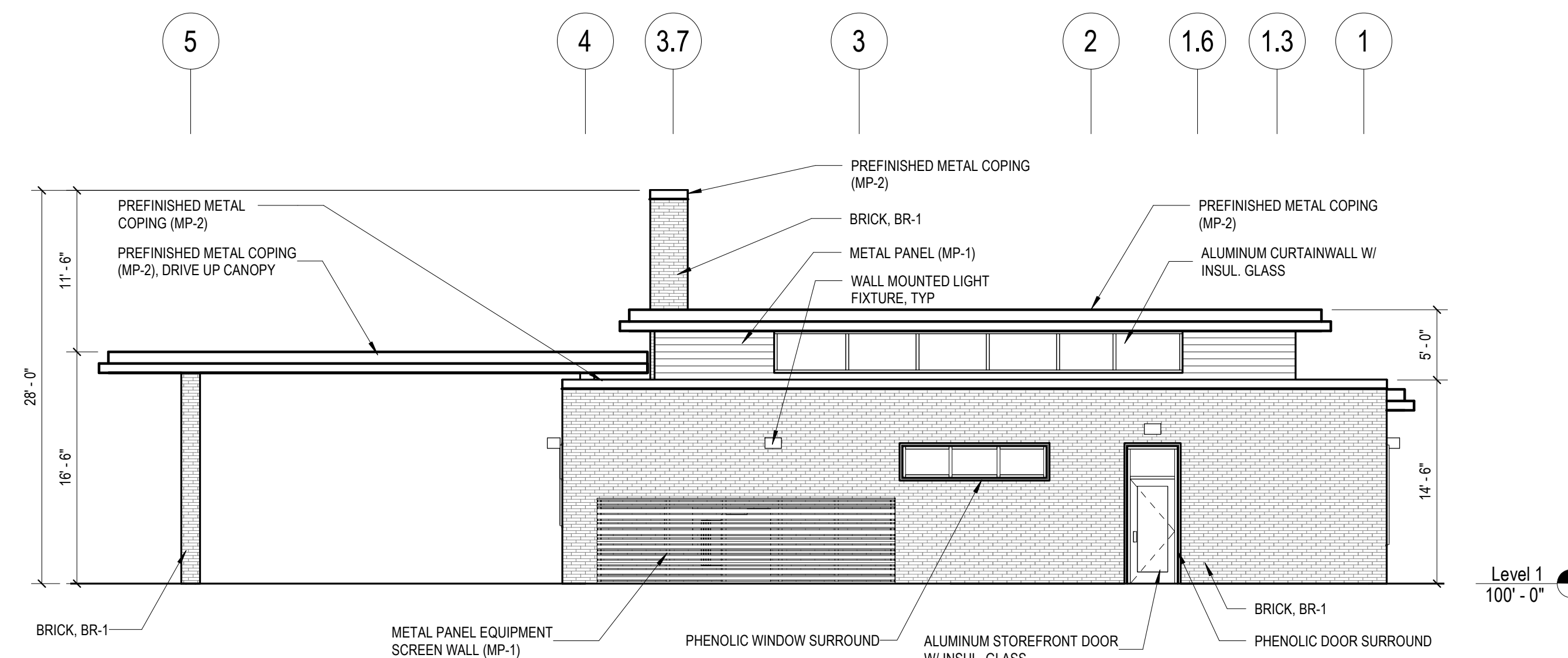
B:\360\220651 Bell Bank Duluth\220651 Bell Bank Duluth MEP20.dwg
10/26/2022 11:50:48 AM



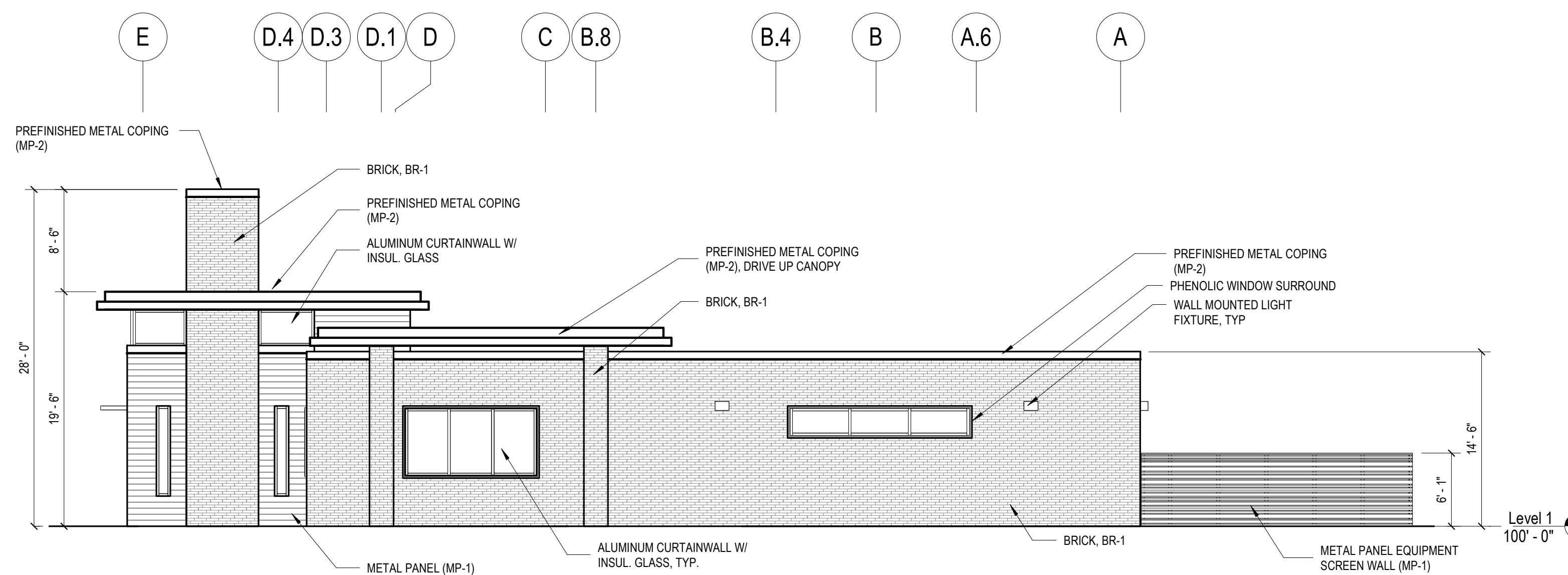
701 Washington Ave. N, Ste 200 | Minneapolis, MN 55401 | 612.338.2029

CLIENT:
BELL BANK

**5500 WAYZATA BLVD
MINNEAPOLIS, MN 55416**



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



2A EXTERIOR ELEVATION - EAST
1/8" = 1'-0"

THIS SQUARE APPEARS 1/2"x1/2"
ON FULL SIZE SHEETS

NO	DATE	ISSUED FOR
	10/07/2022	PLANNING REVIEW

NO	DATE	REVISION

PRELIMINARY
NOT FOR CONSTRUCTION
10/07/2022

COPYRIGHT 2022 BY LHB, INC. ALL RIGHTS RESERVED.

PROJECT NAME:
BELL BANK DULUTH

**3501 W ARROWHEAD ROAD
DULUTH, MN 55811**

DRAWING TITLE:
EXTERIOR ELEVATIONS

DRAWN BY: Author
CHECKED BY: Checker
PROJ. NO: 220651
DRAWING NO:

A201

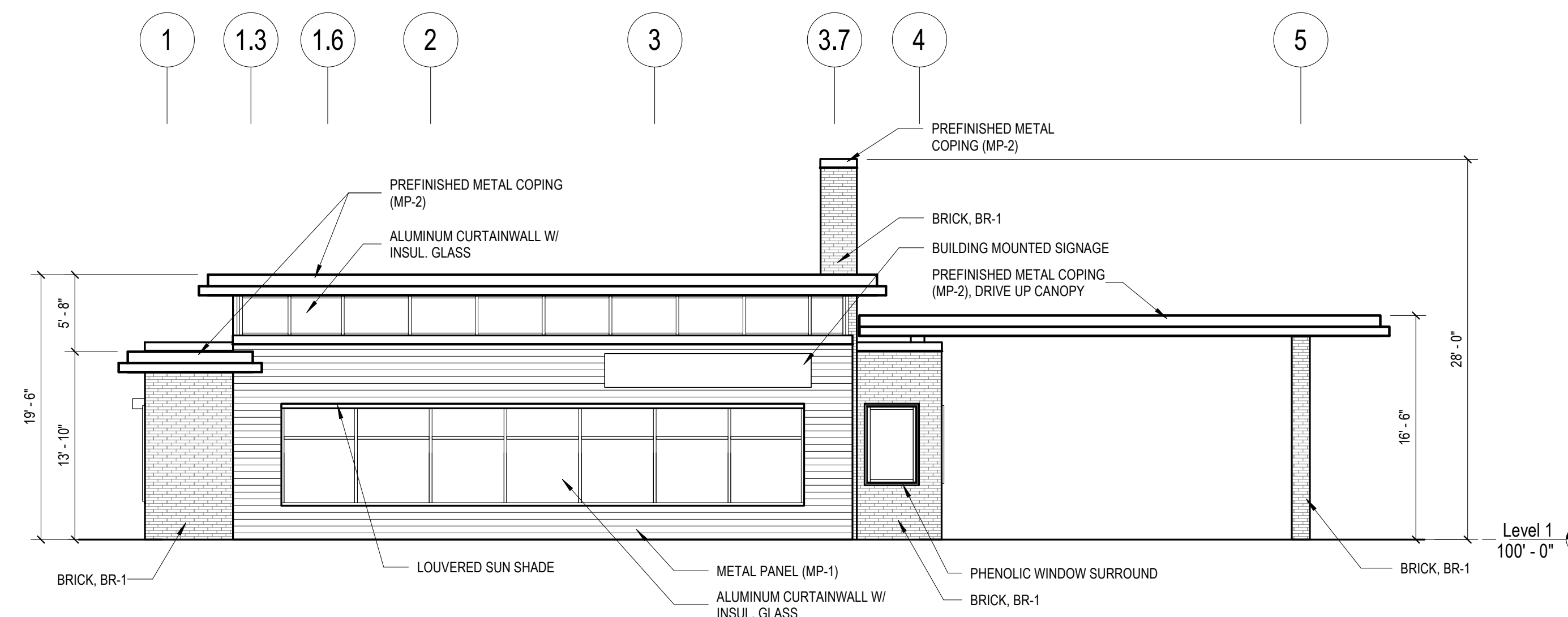
B:\360\220651 Bell Bank Duluth\220651 Bell Bank Duluth A201.rvt
10/6/2022 4:07:25 PM



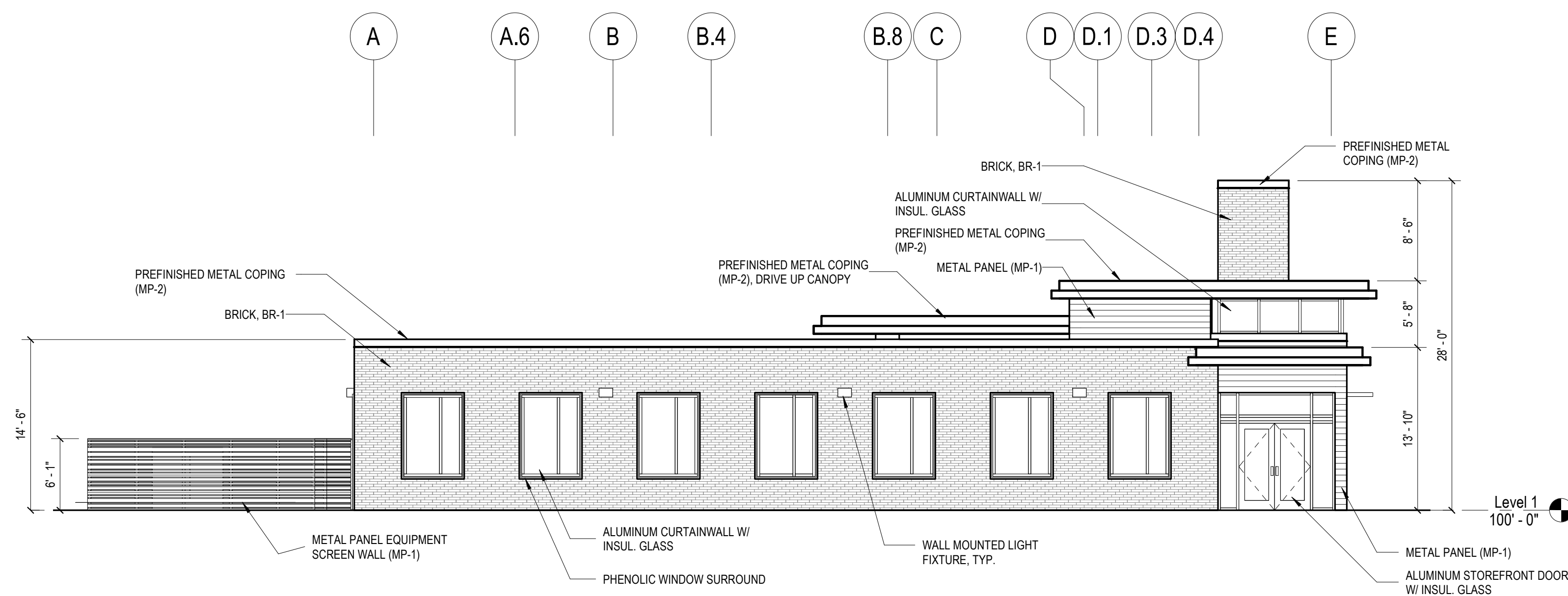
701 Washington Ave. N, Ste 200 | Minneapolis, MN 55401 | 612.338.2029

CLIENT:
BELL BANK

**5500 WAYZATA BLVD
MINNEAPOLIS, MN 55416**



2B EXTERIOR ELEVATION - SOUTH
1/8" = 1'-0"



2A EXTERIOR ELEVATION - WEST
1/8" = 1'-0"

THIS SQUARE APPEARS 1/2"x1/2"
ON FULL SIZE SHEETS

NO	DATE	ISSUED FOR
	10/07/2022	PLANNING REVIEW

NO	DATE	REVISION

**PRELIMINARY
NOT FOR CONSTRUCTION
10/07/2022**

COPYRIGHT 2022 BY LHB, INC. ALL RIGHTS RESERVED.

PROJECT NAME:
BELL BANK DULUTH

**3501 W ARROWHEAD ROAD
DULUTH, MN 55811**

DRAWING TITLE:
EXTERIOR ELEVATIONS

DRAWN BY: Author
CHECKED BY: Checker
PROJ. NO: 220651
DRAWING NO:

A202

B:\360\220651 Bell Bank Duluth\220651 Bell Bank Duluth A202.rvt
10/6/2022 4:07:25 PM



701 Washington Ave. N, Ste 200 | Minneapolis, MN 55401 | 612.338.2029

CLIENT:
BELL BANK

**5500 WAYZATA BLVD
MINNEAPOLIS, MN 55416**

THIS SQUARE APPEARS 1/2"x1/2"
ON FULL SIZE SHEETS

NO	DATE	ISSUED FOR
	10/07/2022	PLANNING REVIEW

NO	DATE	REVISION

**PRELIMINARY
NOT FOR CONSTRUCTION
10/07/2022**

COPYRIGHT 2022 BY LHB, INC. ALL RIGHTS RESERVED.

PROJECT NAME:
BELL BANK DULUTH

**3501 W ARROWHEAD ROAD
DULUTH, MN 55811**

DRAWING TITLE:
PERSPECTIVE IMAGES

DRAWN BY: Author
CHECKED BY: Checker
PROJ. NO.: 220651
DRAWING NO:

A203



SOUTHEAST CORNER



NORTHEAST CORNER



SOUTHWEST CORNER



NORTHWEST CORNER

B:\M_360\220651 Bell Bank Duluth\220651 Bell Bank Duluth A203.rvt
10/6/2022 4:07:25 PM

October 29, 2022

Gerard Liebrand

509 Crystal Drive

Duluth, MN 55811

Planning & Development Division

Att. John Kelley, Planner II

Room 160

411 West First St.

Duluth, MN 5802

Re: PL22-196 / Bell Bank West Arrowhead Road

Dear Mr. Kelley,

In response to your October 26, 2022 notice regarding the above referenced Planning Review, I'd like to bring to your attention some issues the Planning Commission should consider, specifically traffic congestion.

During the commute in the early morning and later afternoon, West Arrowhead Road is very congested. When the ground preparation was in process 2 years ago for the recently opened Kwik Trip on Evergreen Cir. (off West Arrowhead), during one evening commute, there was a car accident. Due to the 45 MPH speed on West Arrowhead, sudden congestion, there was a serious fender bender and another car jumped the sidewalk into my back yard damaging one of my newly planted evergreen tree.

Fortunately, there was no one on the sidewalk. But now with the Kwik Trip open, and vehicles wanting to travel west from Evergreen Cir. have to wait for both east bound & west bound traffic to clear before proceeding west bound. With the proposed Bell Bank on the north side of West Arrowhead, vehicles wanting to proceed east from the proposed Bell Bank location will have similar difficulty during the morning / evening commute times. Currently it is difficult going west bound on West Arrowhead from Swan Lake Road. With an apartment complex current in the groundbreaking stage between Stanford & West Arrowhead will only make congestion during the morning/evening commute worse.

New businesses becoming established in the West Arrowhead Ave. corridor between Swan Lake Road & Arlington Ave./Rice Lake Rd. is a good thing. However, I am requesting you consider and plan to minimize the increased traffic flow / congestion due to the additional vehicles wanting access to West Arrowhead Rd. during the morning/evening commute from these businesses.

I look forward to your response.


Sincerely,

Gerard Liebrand



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 22-201	Contact	Steven Robertson	
Type	Interim Use Permit for Temporary Parking Lot	Planning Commission Date		November 9, 2022
Deadline for Action	Application Date	October 14, 2022	60 Days	N/A
	Date Extension Letter Mailed	N/A	120 Days	N/A
Location of Subject	830 East First St			
Applicant	St. Luke's Hospital	Contact	Michael Boeseleager	
Agent	SEH		Dan Hinzmann	
Legal Description	010-3830-02280			
Site Visit Date	October 26, 2022	Sign Notice Date		October 26, 2022
Neighbor Letter Date	October 21, 2022	Number of Letters Sent		33

Proposal

The applicant is proposing to construct a temporary parking lot with 32 parking spaces to accommodate employees and visitors that will be displaced by the planned demolition of the St. Luke's Lakeview Parking Ramp next year. This temporary parking lot will include stormwater retention, but not landscaping features.

Recommendation

Staff recommends approval, subject to conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-I	Vacant (Demolished Church)	Institutional
North	MU-N/R-2	Housing	Urban Residential
South	F-8	Club	Urban Residential
East	MU-I	Museum/Parking	Institutional
West	MU-N	Parking	Urban residential

Summary of Code Requirements

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.

50-19.7-“When a proposed land use is not explicitly listed in the use table, the land use supervisor shall determine whether or not it is included in the definition of a listed use or is so consistent with the size, scale, operating characteristics and external impacts of a listed use that it should be treated as the same use. Any such interpretation shall be made available to the public and shall be binding on future decisions of the city until the land use supervisor makes a different interpretation”.

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

Governing Principle #1 – Reuse previously developed lands. The parking lot is intended to be a temporary use of this site (2-5 years), with long term use of the site ideally including either a new medical or institutional use.

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

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

Site history: The site was the location of the United Baptist Christian Church, which was constructed in 1920. It had been purchased by St. Luke’s Hospital approximately 10 years ago. The structure was demolished earlier this year. Over the last ten years the area around the St. Luke’s campus has seen several new parking lots be created on the site of former residential or commercial structures.

Review and Discussion Items

Staff finds that:

- 1) The applicant is proposing to construct a temporary parking lot with 32 parking spaces (including two handicap accessible spots) to accommodate employees and visitors that will be displaced by the planned demolition of the St. Luke’s Lakeview Parking Ramp next year. This temporary parking lot will include stormwater retention, but not landscaping features.
- 2) The existing church on the site was demolished earlier in 2022. St. Luke’s hospital is interested in using this site for a future medical or institutional facility. For the near term, the next 3 to 5 years, St. Luke’s wishes to pave the site to provide parking. Additional investments in landscaping, curb and gutter, and sidewalk connectivity would be cost prohibitive for a temporary parking lot, and may discourage future reinvestment in the property (as a new structure/facility).
- 3) The St. Luke’s Lakeview Parking Ramp which is proposed to be demolished 1st quarter 2023 contains 263 parking spaces.
- 4) The Permitted Use Table, 50-19.8, provides for “Parking Lot (Primary Use)” as a permitted use in the MU-I district. This is a new use being proposed by the Land Use Supervisor, Temporary Parking Lot, and will be proposed more formally through an UDC amending ordinance at a future Planning Commission meeting. There are use specific standards for Parking Lot (Primary Use) in 50-20 related to reducing noise and light trespass to adjacent lots, but no additional standards are being proposed for this use.

- 5) 50-18.1 (Stormwater Management) – The applicant will be required to submit a stormwater plan for review by the City’s Engineering Department prior to a building permit approved (shoreland, MS3). At the time that this staff report was written, a stormwater plan was being reviewed by city staff. The applicant has proposed a swale for catching and filtering stormwater runoff. This swale is located on the south corner of the property, next to the existing improved alley.
- 6) 50-23 (Connectivity) –The site will have internal connectivity from the parking lot to the west, but there will not be a new curb cut/driveway for this parking lot. Existing sidewalks in the adjacent rights-of-way will remain unaltered. No alternative transportation modes (DTA, bike shelter/parking, etc) are being proposed as part of this project.
- 7) 50-24 (Parking) – The parking spaces meet or exceed the standard size requirement for length of width of off-street parking spaced (17 by 9 is required, at a minimum). However, the parking aisles are not consistent with standard drive widths in the UDC; 90-degree parking (perpendicular parking) requires a drive length of 24 feet. Two of the drives are 22 feet wide and non-compliant, and two are 24 feet wide. Wheel stops, also known as parking blocks, will be installed in each parking space to ensure that vehicles to not overhang onto and partially block the public sidewalk.
- 8) 50-25 (Landscaping) – No landscape plan is proposed for this site. The site will be fully constructed of impervious surfaces, with the exception of the stormwater control devices at the southern (lake side) portion of the lot.
- 9) 50-26 (Screening) Not applicable.
- 10) 50-27 (Signs) – Not applicable, no new signage proposed.
- 11) 50-29 (Sustainability) – Not applicable.
- 12) 50-30 (Design Standards) – Not applicable.
- 13) 50-31 (Exterior Lighting) – Not applicable. Applicant is not proposing new lighting for the parking lot, and there is no exterior lighting in the existing parking lot adjacent, to the west. There is, however, a street light in the northwest corner of North 9th Avenue and East 1st Street. Staff are not concerned about light levels at this site as the project is proposed.
- 14) No public comments have been received on this project to date.
- 15) The project proposer has not indicated how snow removal will be addressed. Snow storage is not allowed within the proposed stormwater control elements at the south edge of this property.
- 16) Per UDC 50-37.1.N, an approved Interim Use Permit 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. This specific Interim Use Permit, once the project has been completed per the attached plans, has a longevity of just one year. If the property owner wants to have the temporary/interim use parking lot for a second or third year, etc, additional Interim Use Permits applications will be required, each with a lifespan of only one year. Future conditions of additional Interim Use Permits may require an escrow for future landscape and pedestrian improvements if this temporary/interim parking lot becomes permanent.

Staff Recommendation

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

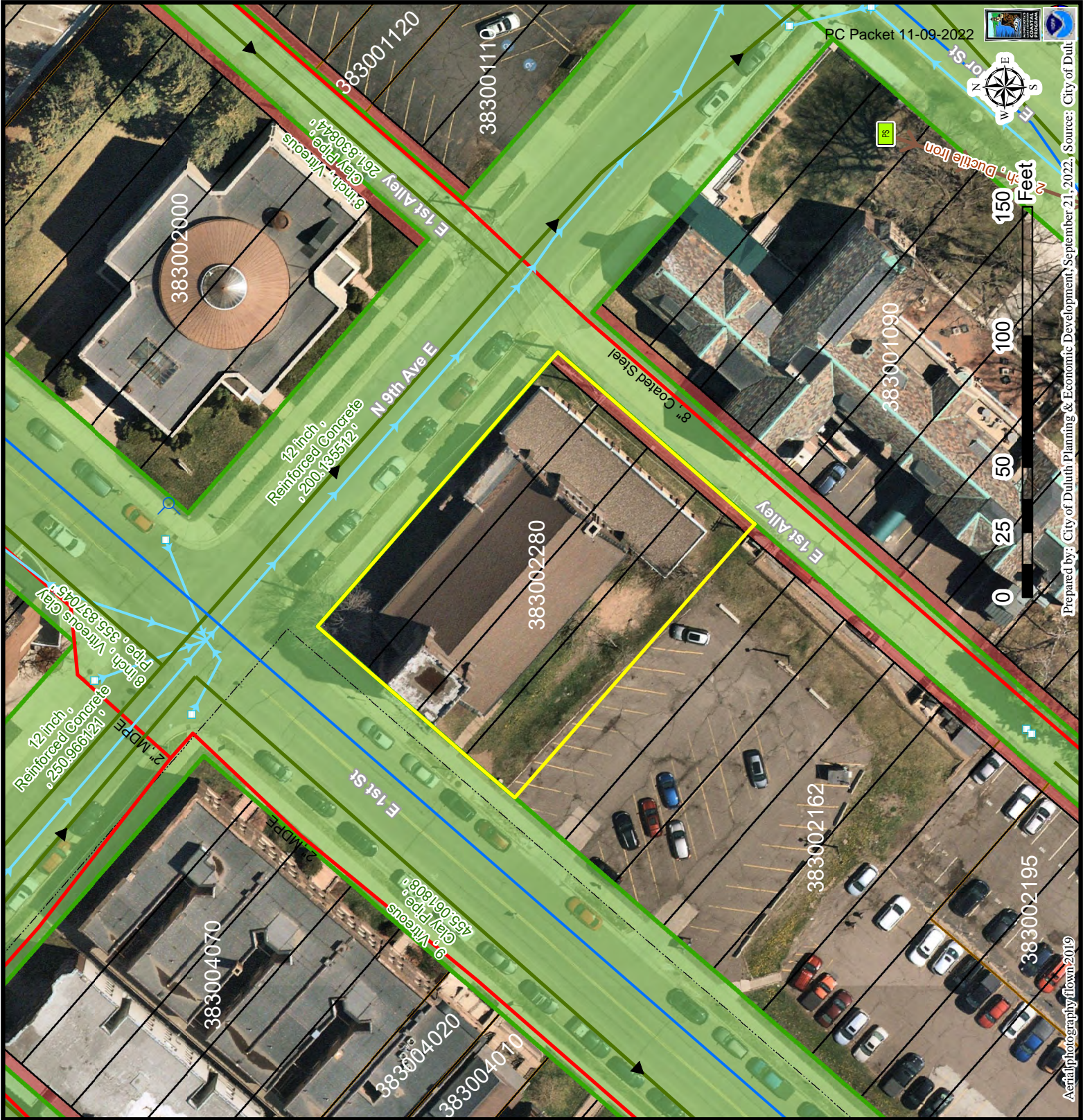
- 1) The project be limited to, constructed, and maintained according to the construction plans drawn for this zoning application and included with this staff report.
- 2) This specific Interim Use Permit has a duration of one-year. Additional one-year terms for the temporary parking lot will require additional Interim Use Permit applications submitted, and reviewed and approved by the Planning Commission.
- 3) Erosion and Sediment Control Application must be approved by City Engineering prior to on-site improvements (grading, paving).
- 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; however, no such administrative approval shall constitute a variance from the provisions of UDC Chapter 50.



PL22-201
IUP for Parking Lot
830 East First Street

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
- ROW
 - Parcels
- <<all other values>>
- SUBTYPE, ROW STATUS
 - Utility, Active
 - Railroad, Active
 - Access, Active - currently in use
 - Access, Vacated - vacated via recorded document
 - Utility, Vacated - currently in use
 - Road, Vacated - vacated via recorded document
 - Conservation, Vacated - vacated via recorded document
 - Railroad, Active - currently in use
 - Railroad, Inactive - Dedicated, but not built
- Boundary Lines
 - <<all other values>>
- Subtype, ROW_TYPE
 - Lot Line
 - Parcel Line
 - ROW (Road)
 - ROW (Not Road)
 - Subdivision Line
 - Water Line
 - Survey Line
 - Municipal Boundary



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.



Central
Business
Secondary

F-4 (Mid-Rise
Community Mix)

Open Space

Open Space

MU-I (Mixed Use
Institutional)

Institutional

Urban,
Residential

F-8
(Downtown
Mix)

Institutional

Open
Space

MU-N (Mixed Use
Neighborhood)

Urban
Residential

R-2
(Residential
Urban)

F-6 (Mid-Rise
Neighborhood
Shopping)

Neighborhood
Mixed
Use

GENERAL LAYOUT
ST. LUKE'S
1ST STREET LOT EXPANSION

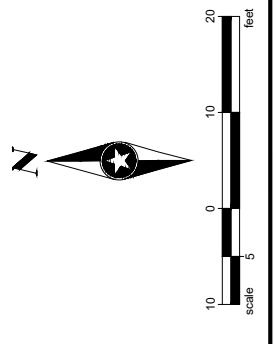
PROJECT NO.
STLUH 169965

DATE:
10/13/2022



LEGEND

- EROSION CONTROL BLANKET
- PARKING LOT PAVEMENT
- PROPOSED DRAINAGE
- DIRECTIONAL FLOW ARROW





Building a Better World
for All of Us®

MEMORANDUM

TO: Tom Johnson, PE

FROM: Dan Hinzmann, PE (Lic. MN, WI)

DATE: October 14, 2022

RE: 830 E 1st Street Temporary Lot
SEH No. STLUH 169965 14.00

This memorandum intends to describe the existing and proposed drainage conditions at the planned temporary parking lot at 830 E 1st Street.

Background

St. Luke's Hospital (SLH) and the City have teamed to replace the existing 1st Street parking ramp located at 915 E 1st Street. This valuable project will provide additional off-street parking upon its completion, but while the ramp is under construction there will be a shortage of available parking to serve the needs of the surrounding area. Based on this need, SLH is looking to create additional temporary parking adjacent to the SLH campus. The parcel at 830 E 1st Street is therefore planned to be constructed as a temporary bituminous parking lot.

Existing Conditions

SLH has taken ownership of the parcel located at 830 E 1st Street. The site formerly included a church building, which was recently removed. After building removal, the site was protected from erosion and temporary green space was established. The site historically drained primarily towards the alley towards the southeast. The alleyway has an invert which then directs flow to an alleyway catch basin to the southwest. Prior to building demolition, the site was approximately 70% impervious.

Proposed Conditions

In the proposed condition, suitable fill material would be imported to the site to allow for reasonable parking lot slopes. A gravel base and 3" bituminous pavement layer would be installed and the parking layout would be striped as shown in the attached layout.

The site would be graded adjacent to existing hardscape surfaces to the northwest, northeast, and southwest. The southeast portion of the site would be filled with no steeper than a 3:1 slope towards the alley. Drainage from the lot would mimic original drainage patterns by directing flows towards the alleyway. The site impervious would also remain similar to that of the original condition. The City has indicated that no temporary parking lot drainage flows should be routed towards E 1st Street or N 9th Ave E. No storm sewer or curb and gutter is planned at this time.

With the nature of the general topography of the area, slopes will be monitored for erosion. In particular, areas where the drainage transitions from a paved surface to a non-paved surface (namely the southeast edge of the proposed lot) will need careful attention. This includes utilizing erosion control strategies such as installing erosion control blanket, or potentially armored stabilization methods such as riprap.

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 418 West Superior Street, Suite 200, P.O. Box 229, Duluth, MN 55801-0229

218.279.3000 | 888.722.0547 | 888.908.8166 fax | sehinc.com

SEH is 100% employee-owned | Affirmative Action–Equal Opportunity Employer

Page 108 of 115

Memorandum
October 14, 2022
Page 2

SLH will work with a competent local contractor who is familiar with working in and around the City of Duluth. They will also be familiar with the City's standards for temporary erosion protections and stabilization.

SLH is also aware that the City will require that any sediment leaving the site must be minimized and closely monitored to ensure it is not a pollutant generator or a nuisance to the surrounding area. This may be accomplished by similar erosion control strategies as described above as well as diligent monitoring and cleanup (i.e. street sweeping), if required. These requirements will be communicated to SLH staff as well as the Contractor selected to complete work at the site.

Upon future removal of the temporary parking lot, similar temporary erosion control strategies would be implemented. This future effort would also be permitted through the City's standard process for land disturbance.

drh

Attachment

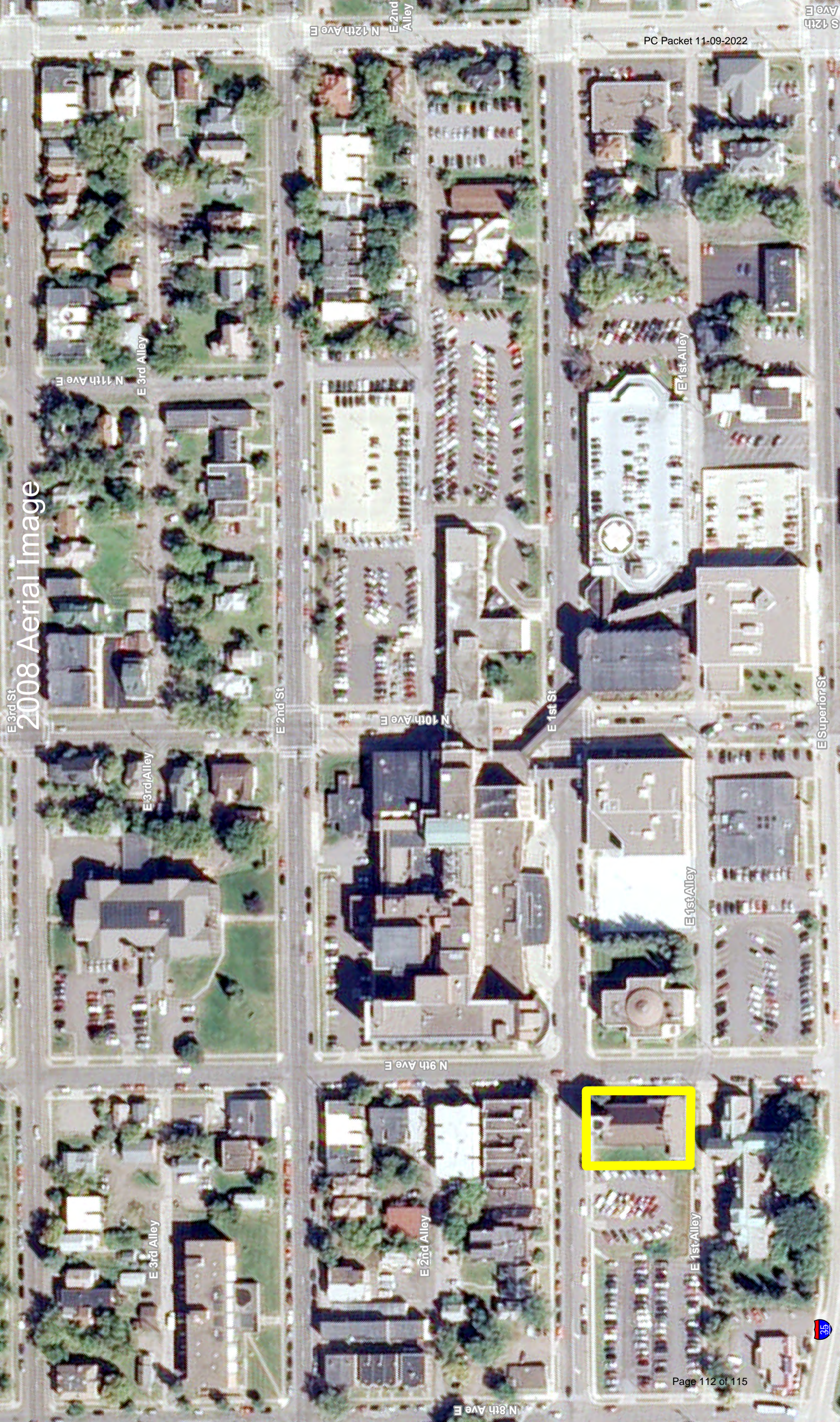
c: Adam Fulton, City
Mike Boeselager, SLH

x:\pts\stluh\169965\1-gen\14-corr\l-johnson-1st street temp lot drainage.docx





2008 Aerial Image



2021 Aerial Image





Survey: *Historic Resources Inventory Phase IV, East End Residential Area. City of Duluth.*

Sources: *Polk City Directories; East End Historic Resources Phases I – III; City of Duluth permit record; Sanborn Fire Insurance Maps.*

Property Name: United Baptist Christian Church
Address: 830 East 1st Street
City/Township: Duluth
County: St Louis

SHPO Number: SL-DUL-1106
Date Surveyed: 8/2/2012
Surveyor: Andrew Schmidt
Firm: Summit Envirosolutions

LOCATION INFORMATION

Township: 50N **Range:** 14W **Section:** 23 SW SW
USGS Quad: Duluth **UTM Zone:** 15 **NAD:** 83
Easting: 569586.26 **Northing:** 5182883.33
Property Type: Church **NRHP Property Type:** Building
Current Use: Church **Historic Use:** Church
Build Date: 1920

DESCRIPTION OF BUILDING

Orientation: Northwest **Plan:** Rectangular
Style: **Symmetry:** Symmetrical
Stories: 2 + tower **Foundation:** Poured concrete
Frame: **Cladding:** Brick
Roof Form: Front-gabled **Roof Cladding:** Asphalt shingles
Window Material: Wood **Light Configuration:** Tracerie, leaded glass, inset
Door/Entry Type: Single entry, double doors **Door/Entry Material:** Metal and glass
Porch Form: N/A **Porch Roof Form:**
Porch Deck Type: **Porch Support Type:**
Landscape: Grass, shrubs, trees
Significant Features: Massive (4 stories) tower on primary façade. Addition on NE side
Architect/Engineer: Morgenstern & Stanius
Builder/Contractor:
Original/Early Owner: United Baptist Christian Church

Significance: Local

Integrity: Good

Recommendations: At the local level, the church building appears to meet Duluth historic landmark designation criteria A and G. While it has interesting architectural features, it does not embody the distinctive characteristics of a type, period, or method of construction. For these reasons, the property is recommended as not eligible for listing in the NRHP under Criterion A, B, or C.

Survey: Historic Resources Inventory Phase IV, East End Residential Area. City of Duluth.

Sources: Polk City Directories; East End Historic Resources Phases I–III; City of Duluth permit record; Sanborn Fire Insurance Maps.