

# **City of Duluth**

Council Chambers, City Hall

# **Meeting Agenda**

# **Planning Commission.**

**Council Chambers** 

Tuesday, December 13, 2022 5:00 PM **Council Chambers** 

#### **CALL TO ORDER AND ROLL CALL**

#### **APPROVAL OF PLANNING COMMISSION MINUTES**

PL 22-1107 Planning Commission Brown Bag Minutes 11/07/22

Attachments: 11-07-2022 PC Brown Bag Minutes (not approved yet)

PL 22-1109 Planning Commission Minutes 11/09/22

Attachments: 11-09-2022 PC Minutes (not approved yet)

#### PUBLIC COMMENT ON ITEMS NOT ON AGENDA

#### **CONSENT AGENDA**

PL 22-188 Variance for an Accesso	y Structure Between	House and Street at 4920
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London Rd by John and Carolyn Duba

PL22-188 Staff Report - final with attachments Attachments:

Minor Subdivision at 418 N 8th Avenue W by Rodney Graf PL 22-200

PL 22-200 Staff report and attachments Attachments:

PL 22-202 Interim Use Permit for a Vacation Dwelling Unit at 1330 E 1st Street by

Gitche Gumee Rentals LLC

PL 22-202 Staff report and attachments Attachments:

PL 22-206 Interim Use Permit for a Renewal Vacation Dwelling Unit at 712 S 63rd

Avenue W by Connie Moeller

PL 22-206 Staff Report and Attachments Attachments:

PL 22-210 Minor Subdivision at Lots 5 and 7 on Chinook Drive by Jennifer and Fred

Harris

Attachments: PL 22-210 Staff Report and Attachments Planning Commission. Meeting Agenda December 13, 2022

PL 22-213 Vacation of Right of Way at 6700 Block of Main Street by DEDA

Attachments: PL22-213 Staff Report and Attachments

#### PUBLIC HEARINGS

PL 22-199	Preliminary Plat at 2221 N Arlington Avenue by John Hansen

<u>Attachments:</u> PL 22-199 Staff Report and Attachments

PL 22-203 Special Use Permit for Seasonal Camp or Cabin in the RR-2 District at

9439 Congdon Boulevard by Outbound Lodges LLC

Attachments: PL 22-203 Staff Report final with attachments

PL 22-208 Interim Use Permit for a Vacation Dwelling Unit on 5800 Block of London

Road by Dean Jablonsky

Attachments: PL22-208 Staff Report final with attachments

PL 22-209 Special Use Permit for Automobile Repair and Service in an MU-N District

at 714 W Central Entrance by Halle Properties LLC

Attachments: PL 22-209 Staff Report and Attachments

PL 22-211 Interim Use Permit for a Renewal Vacation Dwelling Unit at 511 N 4th

Avenue W by Ingrid Johnson

Attachments: PL 22-211 Staff report and attachments

PL 22-212 MU-I Planning Review for Additional Stories on Building A at 1012 E 2nd

Street by St Luke's Hospital

Attachments: PL 22-212 Staff Report and Attachments

PL 22-214 MU-I Planning Review for Student Center Addition at 1200 Kenwood

Avenue by St. Scholastica

<u>Attachments:</u> PL22-214 Staff Report - final with attachments

PL 22-220 UDC Text Amendment to Amend Section 50-20, Use Specific Standards;

50-21, Dimensional Standards; 50-36, Reviewers and Decision Makers; 50-37, Review and Approval Procedures; 50-38, Non-conformities; and

50-41, Definitions

Attachments: PL 22-220 Staff Memo and Attachments

#### COMMUNICATIONS

Land Use Supervisor Report

Public Notices - Neighbor Letters

Planning Commission. Meeting Agenda December 13, 2022

Proposed UDC Parking Changes

Historic Preservation Commission Report

Joint Airport Zoning Board Report

**Duluth Midway Joint Powers Zoning Board Report** 

# City of Duluth Planning Commission

#### November 7, 2022 – City Hall Room 430 Brown Bag Meeting Minutes

#### **Attendance:**

Members Present: Margie Nelson, Danielle Rhodes, Jason Crawford, Jason Hollinday, Sam Lobby

Also Present: Adam Fulton, Jenn Moses, Noah Hobbs, Chris Lee, James Gittemeier, Steven Robertson, Chris Fleege

#### **Conversation about Parking Requirements:**

Adam Fulton provided background regarding recent conversations about parking requirements. Developers and business owners have reported increasing costs for parking requirements. The recent comprehensive plan included a recommendation to evaluate parking, and Councilor Hobbs has asked us to evaluation and report back to Council whether our existing minimums, maximums, stormwater, and other design requirements included in the 2010 UDC should be amended. As our goal is to be people-focused rather than car-centric, and with the DTA's Better Bus Blueprint that is intended to transform the transit system, changes may be needed. We too often approach cities from a car-centric paradigm. Cars are useful but costs are extensive for design, construction, and maintenance; surface parking lots take up significant space but generate little in taxes. If requirements were removed, regulations could allow for the market to determine parking needs and parking could be monetized to reflect the cost.

Jenn Moses provided an overview of the minimum parking requirements currently listed in the UDC, including challenges with getting the "right number" for retail, restaurants, etc. Many businesses and developers share special situations and unique uses that don't fit one standard. With so many outliers, the minimums/maximums can't accommodate needs.

Adam Fulton said that one thing staff is evaluating is an Interim Use Permit for temporary parking lots. Planning Commission would approve these and it would be for situations where parking is needed in the short-term, but long-term plans include future development.

City Councilor Noah Hobbs said he is involved to look at the best and highest use of spaces, and this includes thinking about the tax levy. Designs of cities are very car-centric now. While we should always have the choice to drive, it shouldn't e the default. With autonomous vehicles, and the Better Bus Blueprint, changes are coming; it's possible that Duluth has as much parking now as it will ever need. On the housing front, we would like to add more units of housing, and when parking is required it increases costs and lowers the amount of available space for housing units.

Adam Fulton asked two questions of the Commission: what are their thoughts generally on parking requirements, and does it differ depending on neighborhood?

Danielle Rhodes stated that people can usually find ways to get to work or a business, but need places to store cars at residences. Would like to incentivize employers to get bus passes, etc.

Gary Eckenberg said he agrees with Danielle. Community Action Duluth often helps get cars for people to allow them transportation to address poverty. Residential areas are very different from commercial core areas. In commercial areas, there are businesses that want parking above the maximums i.e. Jigsaw.

Sam Lobby said there is a trend towards EV/autonomous vehicles. We should think about hwat we don't know and how we can be flexible. Is in favor of getting rid of parking requirements.

Gary Eckenberg asked if we would also get rid of maximums. Adam Fulton responded that on one hand, this would let the market determine parking needs; but on the other hand, people will inevitably overbuild parking. Noah Hobbs said that in some cases, people that have lots of parking can drive out competition due to lack of parking sharing. Commission had a general discussion on the idea of requiring sharing of spaces. Adam Fulton said we currently do this for cell towers, but would need to look at how it would work for parking.

Jason Hollinday pointed out we have two larger ramps (Shoppers City and US Bank ramp) currently shut down, and people then found other places to park. He says we should get rid of requirements and let the market sort it out.

Danielle Rhodes said that even with residential properties the parking could be worked out – for example, could have autonomous vehicles available for residents rather than every person needing their own car.

James Gittemeier discussed the burden placed on the public when parking is needed for business districts and new development, and the City is asked to provide it.

Jason Crawford said he agrees with where the technology is going and agrees with the opinion to let the market determine parking needs. In addition, the geographic area in Duluth is huge, and requires unique transportation requirements versus other cities.

Danielle Rhodes shared she just returned from the Netherlands, and saw a large area in the central city that was designated as pedestrian only, with specific parking hubs. This works well.

Margie said she is also supportive of the idea to get rid of minimums. She shared that Grand Rapids currently has a autonomous on-demand shuttle. Places like Garfield Square and similar housing sites do not need parking.

Chris Fleege shared concern for situations where developments don't install parking, and then ask the City to fix parking problems.

Noah Hobbs responded that the City should not be in the business of providing private parking.

Chris Lee said that people in pre-application meetings share struggles with meeting off-street parking requirements, both minimums and maximums.

Adam Fulton suggested that instead of variances to parking maximums, perhaps there is another tool or mechanism since the variance criteria are so specific. Noah Hobbs added that if parking maximums are exceeded, then sharing can be mandated.

Steven Robertson noted that changes such as these tend to be very impactful over the long-term, and changes to parking requirements, if they increase the need for on-street parking, can impact our ability to do road diets, provide bike facilities, or make other changes to right of way in the future.

# City of Duluth Planning Commission

#### November 9, 2022 – City Hall Council Chambers Meeting Minutes

#### **Call to Order**

Vice-President Gary Eckenberg called to order the meeting of the city planning commission at 5:01 p.m. on Wednesday (due to the election on Tuesday), November 9th, 2022 in the Duluth city hall council chambers.

#### **Roll Call**

#### **Attendance:**

Members Present: Gary Eckenberg, Jason Hollinday, Danielle Rhodes, Michael Schraepfer, and

Andrea Wedul (left during consent agenda items)

Members Absent: Jason Crawford, Samuel Lobby, and Margie Nelson

Staff Present: Adam Fulton, Steven Robertson, Kyle Deming, John Kelley, and Cindy Stafford

#### **Approval of Planning Commission Minutes** -

Planning Commission Meeting – October 11, 2022

MOTION/Second: Schraepfer/Hollinday approved

**VOTE: (5-0)** 

#### **Public Comment on Items Not on Agenda**

None

#### **Public Comment on Consent Agenda items & Point of Clarification**

An email from Mark Baker was shared with the commissioners regarding off-street parking regulations for vacation dwelling units in form districts. He is requesting the planning commission table items on tonight's commission agenda (PL Items 22-178 thru 22-185)

Senior Planner Steven Robertson shared with the commissioners that there was an error in an amending ordinance to the UDC (Unified Development Chapter) regarding parking in form districts and Interim Use Permit administration. The language related to the exemption for off-street parking was mistakenly left out when the UDC was updated. The intent was to have the off-street parking language added, and it will be corrected by an ordinance change brought forward at the next Planning Commission meeting.

#### **Consent Agenda**

- PL 22-167 Interim Use Permit for a Vacation Dwelling at 1229 Minnesota Ave by Katie Horvath
- PL 22-170 Interim Use Permit Renewal for a Vacation Dwelling at 2226 W 6<sup>th</sup> St Unit 2 by Caleb Korzenowski
- PL 22-171 Variance to the Shoreland Setback at 616 W Wabasha St by Mark Hagley and Penny Truax-Hagley
- PL 22-173 Interim Use Permit for a Vacation Dwelling at 3 ½ W Superior St by Minnesota

- Property Investments LLC
- PL 22-175 Interim Use Permit for a Vacation Dwelling at 5 W 10<sup>th</sup> St by Jacob Shaw
- PL 22-178 Interim Use Permit for a Vacation Dwelling at 1915 W Superior St Unit 1 by Duluth Press Building, LLC
- PL 22-179 Interim Use Permit for a Vacation Dwelling at 1915 W Superior St Unit 2 by Duluth Press Building, LLC
- PL 22-180 Interim Use Permit for a Vacation Dwelling at 1915 W Superior St Unit 3 by Duluth Press Building, LLC
- PL 22-181 Interim Use Permit for a Vacation Dwelling at 1915 W Superior St Unit 4 by Duluth Press Building, LLC
- PL 22-182 Interim Use Permit for a Vacation Dwelling at 1915 W Superior St Unit 5 by Duluth Press Building, LLC
- PL 22-183 Interim Use Permit for a Vacation Dwelling at 1915 W Superior St Unit 6 by Duluth Press Building, LLC
- PL 22-184 Interim Use Permit for a Vacation Dwelling at 1915 W Superior St Unit 7 by Duluth Press Building, LLC
- PL 22-185 Interim Use Permit for a Vacation Dwelling at 1915 W Superior St Unit 8 by Duluth Press Building, LLC
- PL 22-186 Variance to Maximum Sign Height at 4316 Rice Lake Rd by Duluth United LLC
- PL 22-194 Concurrent Use Permit for a Planter Structure at 502 E 2<sup>nd</sup> St by Essential Health
- PL 22-195 Concurrent Use Permit for Private Sanitary Sewer Lines at 502 E 2<sup>nd</sup> St by Essential Health

**Commissioners:** Michael Schraepfer asked about items PL 22-178 thru 22-185. If more than five units, isn't it considered a hotel, which would require a front desk/lobby? Per Deming, they are proposing 8 units, which is allowed as a vacation rental with no front desk/lobby needed. At 9 units and above a front desk/lobby would be needed.

**MOTION/Second:** Hollinday/Wedul approved as per staff recommendations

**VOTE: (5-0)** 

(Commissioner Wedul left the meeting.)

#### **Public:**

It was determined that the public comment period was not initiated. Acting President Eckenberg – opened the floor for comments. There were none. The commissioners voted again on the motion.

VOTE: (4-0)

#### **Public Hearings**

<u>PL 22-196 Planning review for Bank in an MU-C District on Arrowhead Rd – West of Rice Lake Rd by Bell Bank</u>

**Staff:** John Kelley introduced the applicant's proposal to construct a 4,000 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. 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. Staff recommends approval with the conditions listed in the staff report.

**Applicant:** Steve Terman of Bell Bank addressed the commission. This is their second location in Duluth. They are excited to be in Duluth. This location had site issues, but they were able to make it work. They have met all zoning requirements. He welcomed questions.

**Public:** No speakers.

**Commissioners:** Chair Eckenberg asked about the future shared driveway. Terman explained the driveway location will be for a 4-way interchange aligning with Stanford Avenue. The area is landlocked, so the existing access is the only possibility. Danielle Rhodes noted the citizen comment they received in their packet regarding traffic. Who determines if a traffic light should be added? Kelley stated there was a previous traffic study completed. They were already considering a light in the area. St. Louis County stated it will be controlled by stop signs, but future plans could include a stop light. Rhodes asked if a concerned resident wanted a light, who would they contact? Kelley stated city staff or St. Louis County directly.

**MOTION/Second:** Rhodes/Schraepfer approved as per staff recommendations

**VOTE: (4-0)** 

PL 22-196 Interim Use Permit for a Temporary Parking Lot at 830 E 1<sup>st</sup> St by St. Luke's Hospital **Staff:** Steven Robertson introduced the applicant's proposal 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 Parking Ramp early next year. The church on the site was demolished earlier in 2022. This temporary parking lot will include stormwater retention, but no landscaping features. St. Luke's is interested in using this site for a future medical facility or similar use. For the near term (three to five years), St. Luke's wishes to pave the site to provide parking.

**Applicant:** Michael Boeseleager of St. Luke's addressed the commission. They purchased the church, and initially did not intend to turn it into a parking lot. Their long-term goal is to use it for development. In the meantime, they hope to alleviate parking pressure to the neighborhood.

Public: No speakers.

**MOTION/Second:** Hollinday/Rhodes approved as per staff recommendations

**VOTE: (4-0)** 

#### **Communications**

Land Use Supervisor (LUS) Report – Deputy Director Fulton gave an overview. There is a transportation meeting tonight. They are excited for the ongoing hospital projects.

Heritage Preservation Commission - No update.

Joint Airport Zoning Board – No update.

Duluth Midway Joint Powers Zoning Board – No update.

#### **Adjournment**

Meeting adjourned at 5:46 p.m.

Respectfully,

Adam Fulton – Deputy Director Planning & Economic Development



Planning & Economic Development Department



Room 160 411 West First Street Duluth, Minnesota 55802

File Number	PL 22-188		Contact		Kyle Deming		
Туре	Variance – building placement		Planning Commission Date			December 13, 2022	
Deadline	Application Date		November 8, 2022 <b>60 Days</b>			January 7, 2023	
for Action	Date Ext	ension Letter Mailed	November 29, 2022		120 Day	s	March 8, 2023
Location of Subject 4920 London Rd. (Lakeside-Lester Pa			er Park)				
Applicant	John D. 8	D. & Carolyn K. Duba Contact on file					
Agent	CF DESIG	SN LTD. Contact Jeremy J		Jones			
Legal Descripti	Legal Description Lots 3, Block D, London Addition (010-2960-00470)						
Site Visit Date		November 28, 2022	Sign Notice Date		November 28, 2022		mber 28, 2022
Neighbor Lette	r Date	November 22, 2022	Number of Letters Sent		ent	19	

#### **Proposal**

A variance to allow placement of a 24-ft. by 56-ft. detached garage with workshop in the area between the front of the home and London Road.

**Recommended Action**: Approve with conditions.

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

#### **Summary of Code Requirements**

Table 50-21-1: Exceptions and Encroachments – No accessory structure may be located (a) between a street and any façade of a primary building facing that street.

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. The Planning Commission must find the following for a variance to be granted: a) That the landowner is proposing to use the property in a reasonable manner, b) that the need for relief from the normal regulations is due to circumstances unique to the property and not caused by the landowner, c) that granting the variance will not alter the essential character of the area, d) that granting the variance is consistent with the intent of the UDC and Comprehensive Plan.

PC Packet 12-13-2022

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

#### Comprehensive Plan Governing Principles:

#1 Reuse previously developed lands. The project would allow reconstruction of a garage to accompany a new dwelling on a lot that previously contained a dwelling and detached garage.

#5 Promote reinvestment in neighborhoods. The project would result in a new dwelling with detached garage utilizing existing infrastructure and supporting the Lakeside-Lester Park business district.

<u>Comprehensive Plan Future Land Use</u> – Traditional Neighborhood - Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. .... Includes many of Duluth's older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas.

#### UDC Purpose (Sec. 50-2):

- (d) To enhance the visual and aesthetic character, diversity and interest of the city;
- (g) To preserve the integrity of residential areas and the character and dignity of public structures, parks and other open spaces;
- (h) To enhance property values and the general appearance and natural beauty of the city;
- (k) To promote, preserve, and enhance the water resources and environment within the city and protect them from adverse effects caused by poorly sited or incompatible development in wetlands, shorelands and floodplains.

The project would locate all vehicle driving surfaces on the north half of the property away from Lake Superior. The garage door on proposed garage is on the side perpendicular to London Rd., reducing the visual impact when viewed from the street. The proposed structure is further screened from the street by existing natural vegetation.

<u>UDC Zone District Purpose</u> – Residential-Traditional (R-1) - Established to accommodate traditional neighborhoods of single-family detached residences, duplexes and townhouses on moderately sized lots. This district is intended to be used primarily in established neighborhoods.

#### History:

- 1. 1950 Original 1,924 sq. ft., 3-bedroom home constructed which included a 24 ft. by 28 ft. detached garage located between the home and London Rd. (see property boundary survey)
- 2. 2021 Current owners purchased the property.
- 3. 2022 Home and detached garage torn down.

#### **Review and Discussion Items**

#### Staff finds that:

- 1. The lot is 100 feet wide by approximately 240 feet deep due to an undulating Lake Superior shoreline (see property boundary survey). There is a 12-foot-wide sanitary sewer easement running through about the middle of the property which contains a 15-inch diameter sanitary sewer pipe. The property is sloped toward the lake declining 16 feet from the street to the top of the bluff where it drops 30 feet to the Lake Superior shore.
- 2. Applicant is proposing to construct a detached accessory structure in the front yard of the property consisting of a 30 ft. by 24 ft. two-car garage and attached 26 ft. by 18 ft. shop. The proposed structure has overall dimensions of 24 ft. east-west (parallel to London Rd.) by 56 ft. north-south. It is proposed to be 13 ft. tall with a flat roof with an approximately 14 ft. wide by 5 ft. tall "light monitor" extending from the roof over the shop to provide daylight into the space. The proposed detached accessory structure is directly in front of 16.5 feet of the proposed dwelling, which is the area of requested variance.
- 3. The applicant is proposing to build a one story, two bedroom, two and one-half bath home with a partial basement. The proposed structures and uses are permitted in the R-1 zone district. The use is also consistent with the Comprehensive Plan future land use classification and R-1 zone district purpose statement.
- 4. The proposal is consistent with the Comprehensive Plan principles and UDC purpose by limiting impervious surfaces to the parts of the site furthest from Lake Superior. The proposed garage-workshop is sited to be sensitive to the aesthetics of the site when viewed from the road and is screened from view by existing vegetation along the street (see site plan). It is sited with the narrow end of the building containing windows facing the street proposing to reuse a previously developed site.

- 5. The need for a variance is caused by site constraints unique to this site and not caused by the applicant, and the sanitary sewer easement bisecting the property. Lot development patterns of the lake side of the 4800 and 4900 block of London Rd. suggest that people prefer to site their homes away from London Rd. because the 5 homes located on the London Rd. side of the sewer easement are all from 1947 or earlier and the remaining 5 homes on the Lake Superior side of the easement were constructed since 1947. Additionally, there is evidence all along London Rd. that residents are trying to separate themselves from the street noise with fences and dense vegetation. Concerning the sanitary sewer easement, the applicant states "If the sewer easement was not running through the middle of the property, we could have had a connecting link to the garage, making it an attached garage, thereby eliminating this (variance) issue. We are only proposing a similar scenario to what was previously on the site, and what other adjacent properties have done (placed a garage between their homes and the street)."
- 6. The applicant considered avoiding the need for a variance by reducing the footprint of the home and adding an additional level, but the owners would like to configure the home with all needed features on one level so that they can continue to live in the home as age makes mobility difficult.
- 7. Based on the paragraphs above, the applicant is proposing a reasonable use of the site with a home and garage sited sensitive to the unique site conditions. The site constraints listed above and the UDC standard regarding placement of the detached accessory structure presents a practical difficulty to the applicant's proposed reasonable use.
- 8. Granting the variance will not alter the essential character of the area because 4 properties (including the subject property) on the lake side of London Rd. between 4820 and 4920 London Rd. have/had garages between the house and the street as shown in the applicant's Exhibit A (attached).
- 9. The variance, if granted, will not impair an adequate supply of light or air or add to fire danger because the detached accessory structure is proposed to be 13 feet tall with a flat roof and located at 6 feet to the side yard in compliance with required building codes.
- 10. Granting the variance is not expected to unreasonably diminish established property values in the area because the proposed structure is scaled and situated such that the view from the street to the dwelling is only minimally impacted and is similar to 4 other properties in the area. The proposed detached accessory structure is not expected to impact the values of property on the upper side of London Road due to the distance and retaining mature vegetation along London Rd. providing screening. Prior to demolition in 2022, the previous lot development contained a dwelling with detached accessory structure in front of the house that blocked most of the view toward the house from the street. The proposed situation will be an improvement on the former lot development.
- 11. Granting the variance is not expected to increase congestion on public streets or impair the health, safety, or public welfare of inhabitants of the city due to factors identified above.
- 12. No comments from citizens, City staff, or any other entity were received regarding the application.
- 13. 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 according to the Site Plan (Sheet A1.0) and "Garage and Shop 2022.11.07" drawings 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.



PL22-188 Variance 4920 London Rd. John and Carolyn Duba

# 400 200 600 100 Feet Page 13 of 142 Prepared by: City of Duluth Planning & Economic Development, November 16, 2022. Source: City of Duluth. Aerial photography flown 2019

## Legend

Bike\_Facil

Multi-Use Path
Blocks
Multi-Use - Paved

Lots

Municipal Boundary Zoning Boundaries 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.



PL22-188 Variance 4920 London Rd. John and Carolyn Duba

# PC Packet 12-13-2022 Open Space <u>Tiraditional</u> Neighborhood Néighborhood Commercial LONDON RD McCulloch St 0 100 200 400 600 Feet Page 14 of 142 Prepared by: City of Duluth Planning & Economic Development, November 16, 2022, Source: City of Duluth. Aerial photography flown 2019

## Legend

#### Bike\_Facil

Multi-Use Path Blocks

- Multi-Use - Paved

Lots Municipal Boundary
Other Stream (GPS)

Open Space

Traditional Neighborhood Urban Residential

Neighborhood Commercial

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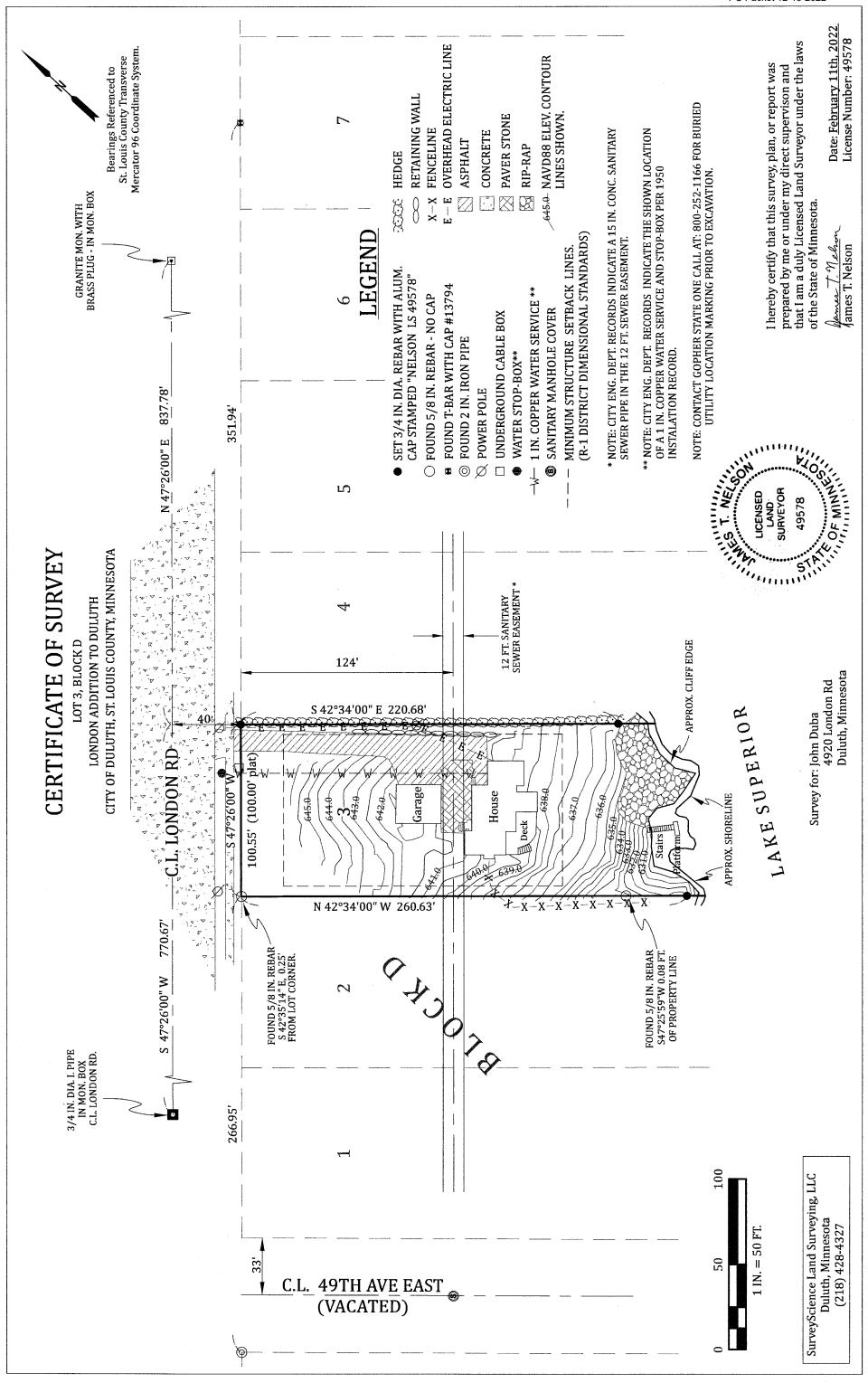


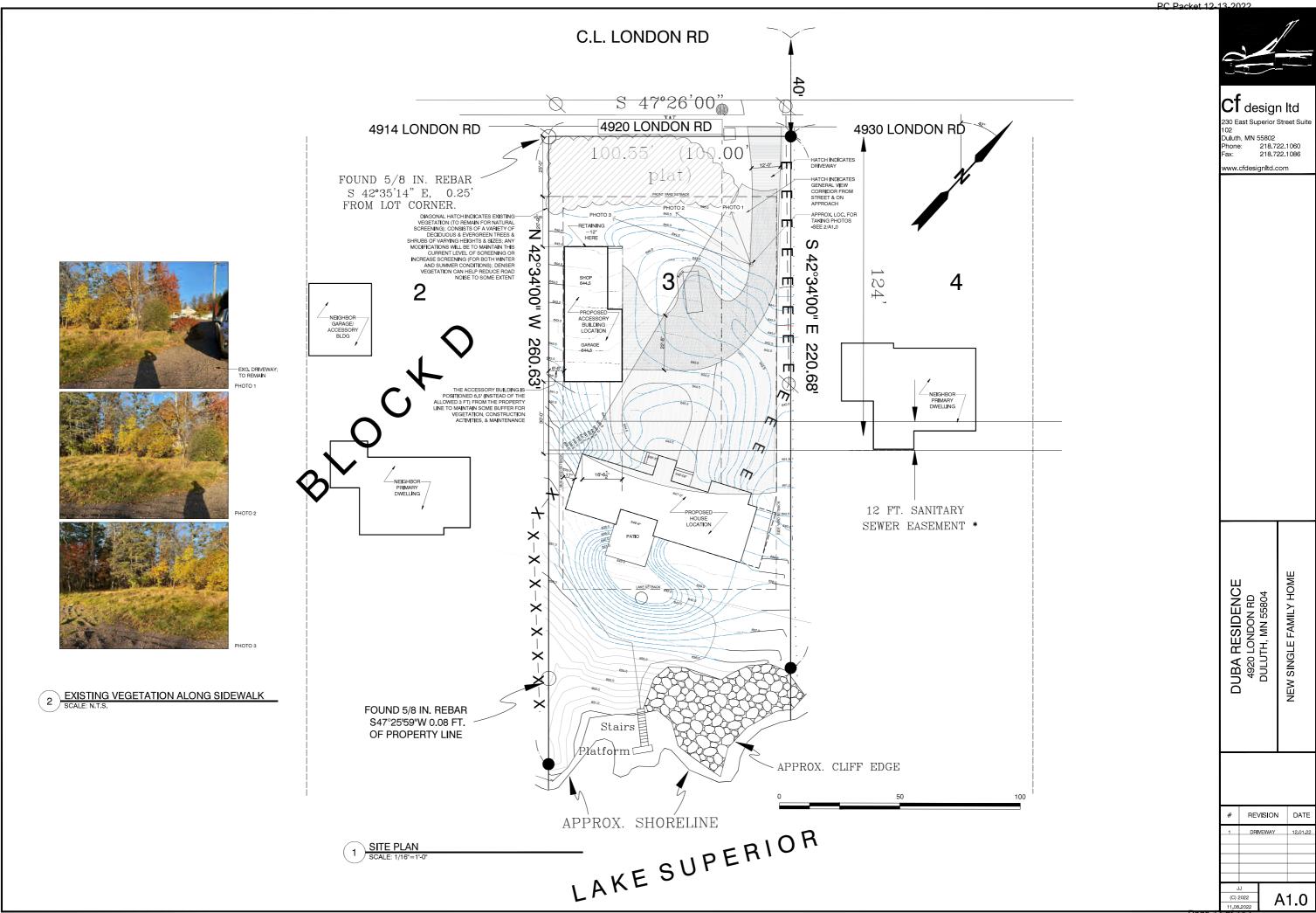
PL22-188 Variance 4920 London Rd. John and Carolyn Duba

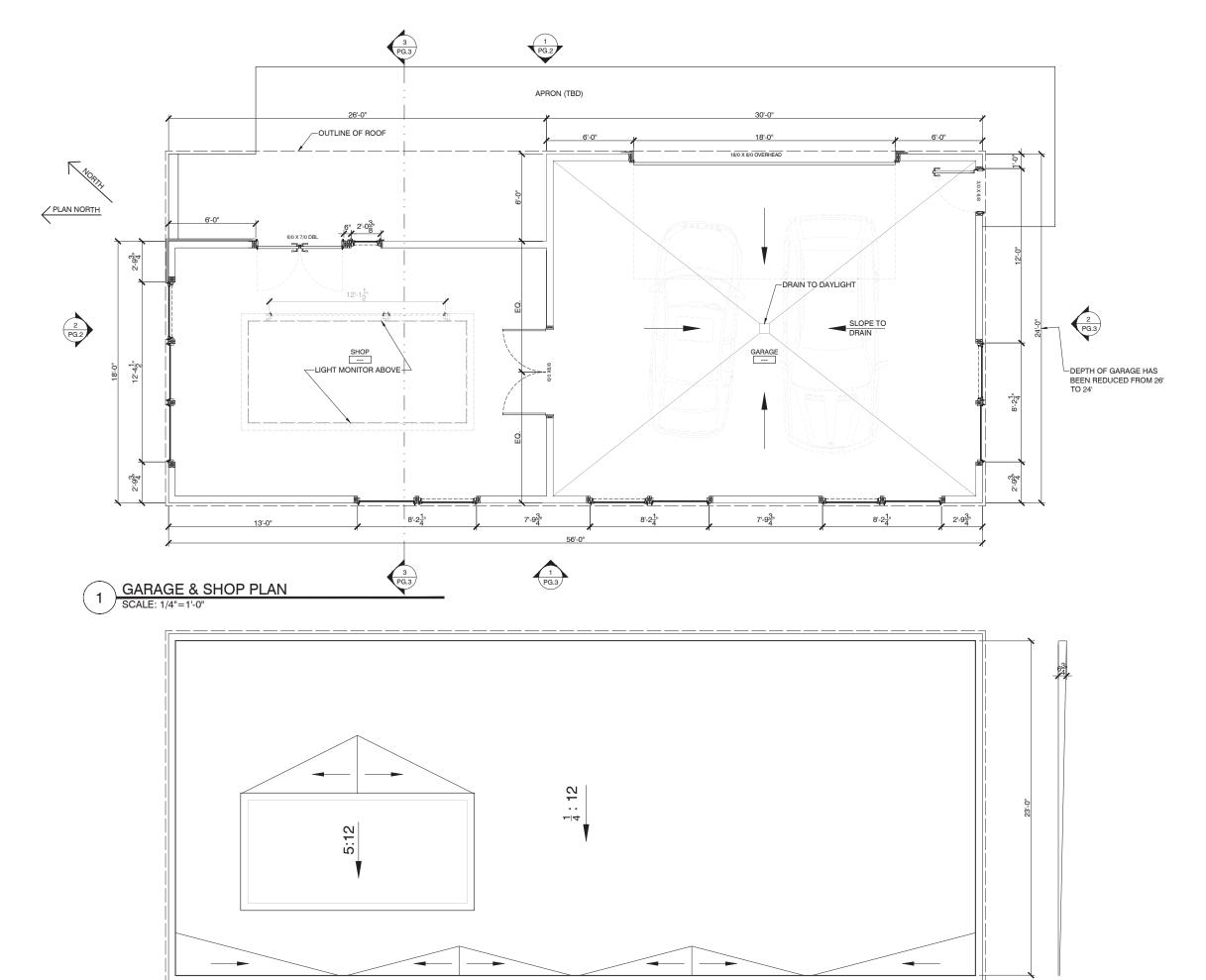


Legend Gas Main Water Main Sanitary Sewer Mains CITY OF DULUTH Storm Sewer Pipe Storm Sewer Catch Basin Blocks Lots Parcels 1 Ft contour - 10 Ft contour ROW SUBTYPE, ROW\_STATUS Utility, Active Access, Active - currently in use Road, Active - currently in use Road, Vacated - vacated via recorded document Municipal Boundary

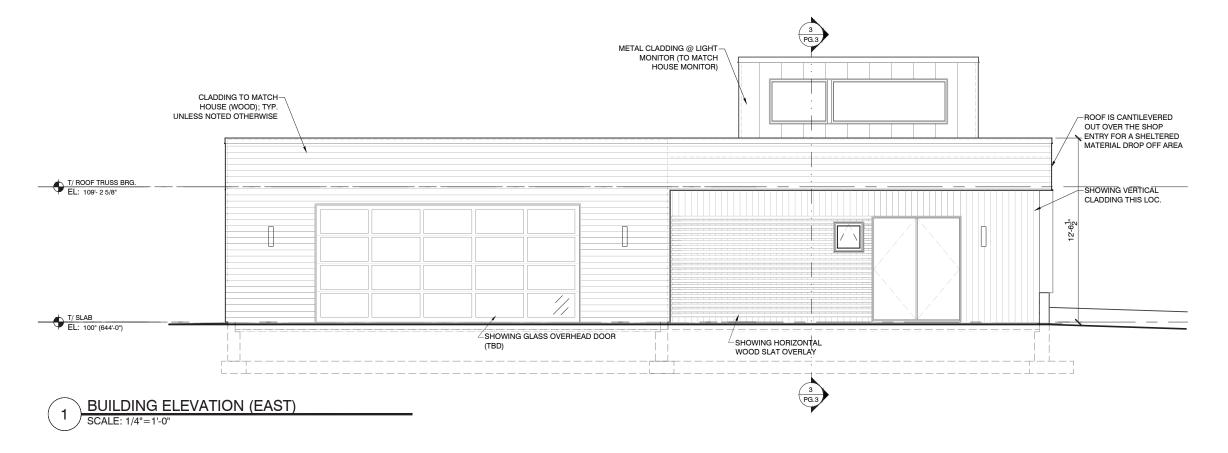
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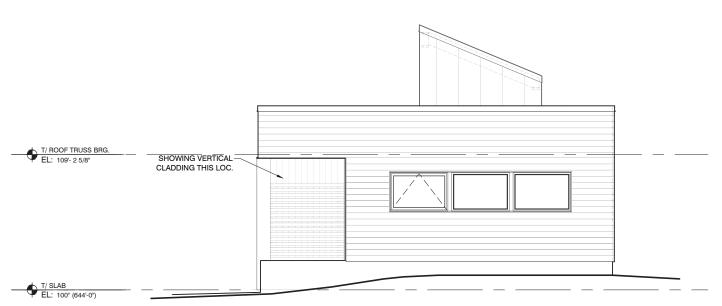




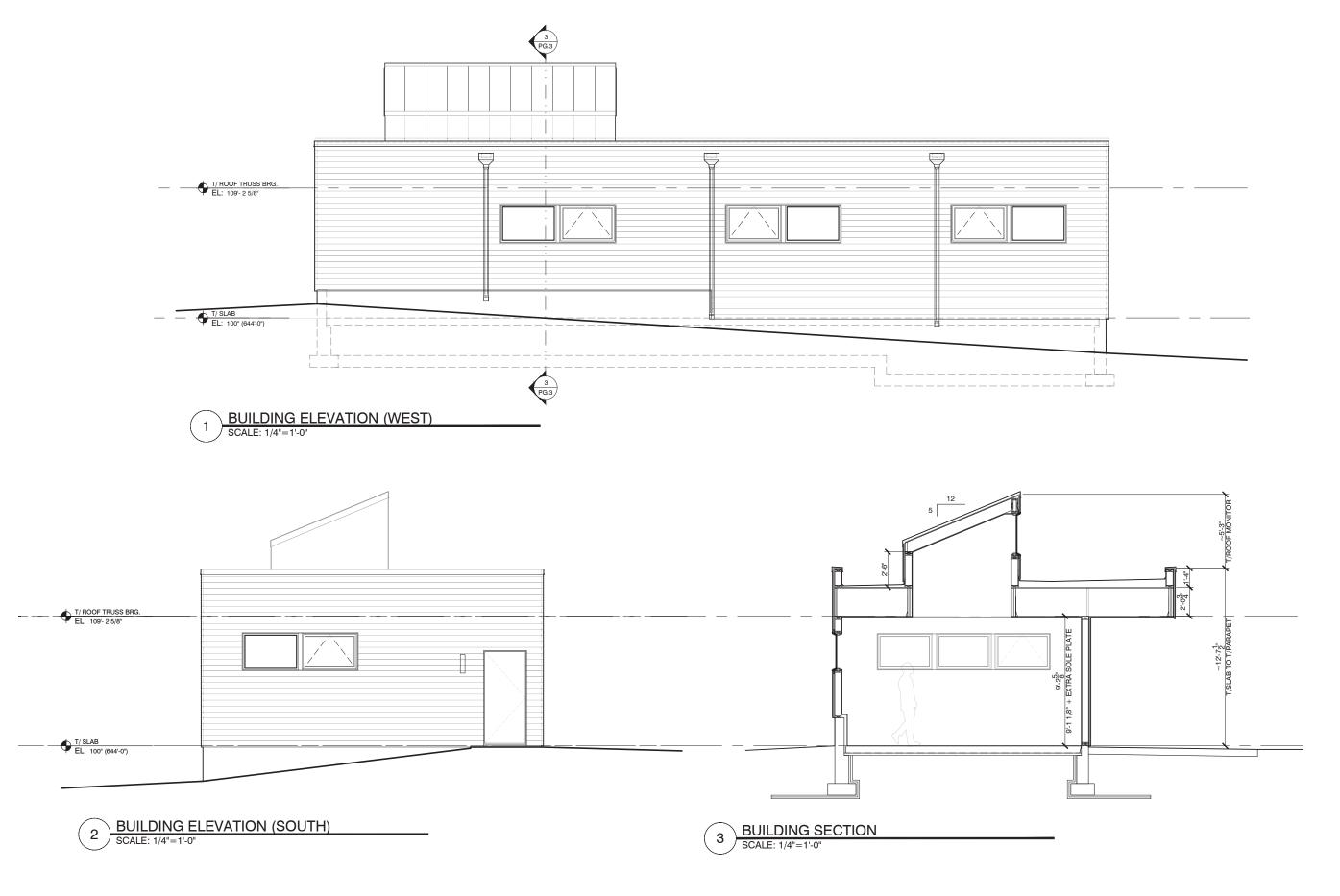


GARAGE & SHOP 2022.11.07 PG. 1 of 3





2 BUILDING ELEVATION (NORTH; FACES STREET)
SCALE: 1/4"=1'-0"





#### 4920 London Rd Residence

City Variance Application Narrative (provided to satisfy the Variance Application Supplemental Form)

2022.11.08

CF Design (in representation of our clients John & Carolyn Duba) is proposing a new one-story single-family home on 4920 London Rd. This new dwelling will replace a recently demolished two-story midcentury modern home. The new dwelling has been designed and sited in compliance with current zoning code and will occupy some of the same area the previous dwelling did. The variance we are requesting is to allow construction of a new garage with an attached shop, on the street side of the dwelling. Though the accessory building will be mostly screened from the street by existing vegetation, the new accessory structure would not be in compliance with current zoning code. If one could see from the street, the accessory building would block roughly 16 ½ feet of the street facing façade.

Code violation (highlighted in yellow):

#### Table 50-21-1: Exceptions and Encroachments

Accessory structures- No accessory structure may be located:

- (a) between a street and any façade of a primary building facing that street, or
- (b) closer than 10 ft to any principal structure on an adjoining property, or
- (c) closer than 5 ft to any rear lotline, or
- (d) closer than 3 ft to any side lot line, except as listed for specific accessory structures below.

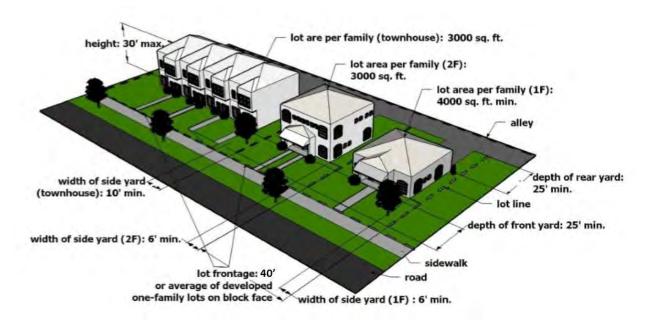
It is our determination that due to the unique attributes of the property and the intent of Unified Development Chapter (UDC) zoning code, that a variance allowing an accessory structure between the primary dwelling and the street (as indicated in the attached site plan labeled A1.0), be granted.

Our reasoning is based on the following-

- 1. Our proposal will make the garage less noticeable from the street than an attached garage with a direct approach as seen at 4930 London Rd (see 2/Exhibit A). The referenced street view, along with the other street view examples, show how effective natural screening can be at minimizing the presence of the garage. They also show how the driveway/approach into the property calls focus on what is directly to the front. In the case of our proposal, this would be the entry of our primary dwelling, as opposed to a garage door (see proposed site plan on A1.0).
- 2. Our proposal will reduce the amount of required driveway/impervious surface by reducing the length of the driveway (when compared to an attached garage). Additionally, the impervious surface/driveway will be further from Lake Superior, thereby reducing the risk of contamination runoff into the lake by increasing control of runoff. This adheres to the UDC 50-2 Purpose (k): 'To promote, preserve, and enhance the water resources, and environment within the city and

- protect them from adverse effects caused by poorly sited or incompatible development in wetlands, shorelands and floodplains'
- 3. Our proposal reduces the amount of paths/constructed surfaces crossing the 12' Septic Sewer Easement which will lessen the cost of repairs if the city needs to excavate the sewer. This is achieved by not building a driveway over the easement.
- 4. Our proposal increases the viability of the lot by maximizing the lake front attributes for the principal dwelling, not the garage. This lot is valuable for its lake frontage. Allocating lakefront space for a garage is contradictory to enhancing property value. This adheres to UDC 50-2 Purpose (h): 'To enhance property values and the general appearance and natural beauty of the city'
- 5. Our proposal will not change the current characteristics of the neighborhood. Of the six properties from 4820 London Rd to 4920 London Rd, four of these properties have/had an accessory building located between the street and primary dwelling (see <a href="1/2">1/Exhibit A</a>). Given the similar site arrangements of similar lots located in the vicinity, and what was located on the site from 1950, until 2022, our project will reinforce these characteristics. This adheres to UDC 50-2 Purpose (g): 'To preserve the integrity of residential areas'

In conclusion, current zoning code is written for a generic typical lot with a primary façade facing a street and an alley in the back (see UDC example below). It was certainly not written for a lot like this, where there is no alley, and the driving site condition is the lake. Additionally, the lot has a 12' easement dividing the lot in half. Moving the garage closer to the lake to appease current code language would not make sense. Pushing the project away from the lake limits the potential of the lot and places the primary dwelling in closer proximity to road noise from a busy Highway.



R-1 Example Lot Layout (UDC, Article 2, Page 13)

#### **Variance Application Supplemental Form**

Note: Please see the separate application narrative for our primary response.

*List the UDC Section you are seeking relief from:* 

Table 50-21-1: Exceptions and Encroachments

Accessory Structures- No accessory structures may be located:

- (a) between a street and any façade of a primary building facing that street
- **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:

This property is zoned as R-1 but is unique for this zoning designation by having one side of the property on Lake Superior, and the street side of the property on London road (Hwy 61/Voyager Hwy), which is a busy thoroughfare. This is opposed to a typical R-1 lot which is based on, and caters to, a typical suburban lot that is sandwiched between a primary street front and alley. Additionally, there is a 12 foot wide septic sewer easement running parallel the lakeshore and road, that divides the property in half (please see site survey). Given the amount of road noise/traffic and opportunity of lake views, we propose to site the home/primary building on the lakeside of the sewer easement and to keep the garage/accessory building on the roadside of the easement. Strict adherence to the UDC would either require placing a garage on the lakeside (with a driveway over the easement) or placing the house and garage closer to the busy road. A third option would be to reduce the footprint of the home to allow for a garage on the streetside on the property, while keeping the garage from overlapping the street façade of the home. The third option may sound reasonable but this does not take into account the needs of the client. It instead caters to zoning language that does not fit this site.

Our proposed design is a direct response of our clients need for aging in place and this specific site. The current proposal takes advantage of the available lake frontage while providing single level living. There is a partial basement with supplemental living space but the project is configured in a way that allows for single level living. A smaller building footprint would have required an additional story to meet our programmatic requirements and would not fit with an aging in place strategy without the addition of an elevator.

**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:

Please see the previous answer for special circumstances and conditions

**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 special circumstances and conditions are due to London Rd, Lake Superior, and the sewer easement. If one moved two blocks north, above E. Superior st., you would find typical R-1 lots throughout Lakeside.

**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 house as it is proposed meets all zoning requirements. It is only the accessory language under Table 50-21-1 that creates an issue for the placement of the garage. If the sewer easement was not running through the middle of the property, we could have had a connecting link to the garage, making it an attached garage, thereby eliminating this issue. We are only proposing a similar scenario to what was previously on the site, and what other adjacent properties have done (placed a garage between their homes and the street).

**5**. Please explain how that if the variance is granted it will not impair an adequate supply of light and air to the 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, safely or public welfare of the inhabitants of the city:

We are planning to reuse the existing curb cut which maintains the same scenario regarding public streets. Our proposed garage is only one story in height and will be within allowed building height and required setbacks. As for property values, our intention is to maximize the value of the lot by maximizing the potential of the lot. The home (as it is designed) does this by taking advantage of the lake frontage and keeping some distance from the busy road front. Allowing the garage as it is proposed will only add value to the property.

**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:

We are not altering the essential character of the neighborhood since we are proposing a similar scenario to what existing on the lot from 1950 to 2022, which is a garage between the street and house. However, unlike the previous existing house and garage on the site, we are proposing to move the garage off to the side of the lot (the recently demolished layout had the garage in the center of the lot between the house and street). This garage placement allows the entire streetside of the house to be seen upon entry into the site.

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)?

No.



Planning & Economic Development Department

Room 160 411 West First Street Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 22-200		Contact		John Kelley, jkelley@duluthmn.gov	
Туре	Minor Subdivision		Planning Commission Date		ion Date	December 13, 2022
Deadline	Application Date		October 20, 2022 <b>60 Day</b>		60 Days	December 19, 2022
for Action	Date Ex	e Extension Letter Mailed  November 3, 2022		120 Days	s February 17, 2022	
<b>Location of Subject</b> West 5 <sup>th</sup> Street & North 8 <sup>th</sup> Avenue West–PID 010-1270-03385				885		
Applicant	Rodney	Graf	Contact			
Agent		Contact				
Legal Descript	ion	See Attached				
Site Visit Date		December 2, 2002	Sign Notice Date N/A		N/A	
Neighbor Lette	er Date	N/A	Number of Letters Sent N/A		N/A	

#### **Proposal**

Applicant is requesting a Minor Subdivision to divide one lot into two lots. The current parcel is approximately .23 acres and the division will create two lots. Parcel A will be 6,000 square feet and Parcel B will be 4,000 square feet.

**Recommended Action:** Approval with conditions.

	Current Zoning	rent Zoning Existing Land Use Future Land Use Map Design	
Subject	R-1	Residential	Traditional Neighborhood
North	P-1	Vacant land	Traditional Neighborhood/Open Space
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

#### **Summary of Code Requirements**

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

50-37.5, D 1. The planning commission shall approve the application if it determines that: (a) The lot or lots to be subdivided or combined have frontage on an improved public street; (b) Each proposed lot meets the minimum zoning requirements of the district that it is in; (c) If an existing structure on a lot complies with the requirements of this Chapter, then after the minor subdivision structures on each of the resulting lots will still comply with the requirements of this Chapter; and (d) If one or more of the existing lots, or a structure on one or more of those lots, does not comply with the requirements of this Chapter, the proposed relocation will not create any new

nonconformity or increase any existing nonconformity between the requirements of this Chapter. 50-14.5.A. R-1 minimum lot area: 4,000 square feet; minimum lot frontage: 40 feet.

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

Governing Principle #5 Promote reinvestment in neighborhoods. Duluth is strongly defined by its neighborhoods. This system should be supported through land use and transportation that foster neighborhood reinvestment. New development or redevelopment should maximize public investment that strengthens neighborhood commercial centers or diversifies residential opportunities that fit the neighborhood's character.

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

History: The current parcel contains approximately .23 acres and has an existing single-family home located on the southeast corner of the site. The underlying plat is "Duluth Proper Third Division." The existing tax parcel consists of two previously platted lots with frontage on West 5<sup>th</sup> Street and North 8<sup>th</sup> Avenue West.

#### **Review and Discussion Items**

- 1. Applicant is requesting a Minor Subdivision to divide a single lot into two lots. Parcel A will have frontage on West 5<sup>th</sup> Street and Parcel B will have frontage on North 8<sup>th</sup> Avenue West.
- 2. Parcel B has an existing 1,088 square foot single family dwelling that is a legal nonconforming structure. This subdivision will not increase the nonconformity.
- 3. Both parcels are zoned R-1, which has a minimum lot size of 4,000 square feet. Parcel A will contain 6,000 square feet and parcel B will contain 4,000 square feet. Both parcels have the required street frontage along West 5th Street and North 8th Avenue West.
- 4. The exhibit depicts a shed on Parcel A. According to the applicant, as of November 28 the shed has been removed.
- 5. The proposed subdivision, if approved, would not make the parcels non-conforming due to lot frontage, lot area, or similar bulk standard.
- 6. No public, agency, or City comments were received.
- 7. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
- 8. Approval of this Minor Subdivision signifies that City of Duluth UDC standards are met. St. Louis County may have additional requirements. This subdivision approval lapses if deeds are not recorded with St. Louis County within 180 days. Applicant must provide the City with proof of recording.

#### **Staff Recommendation**

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

- 1. Appropriate deeds be filed with St. Louis County within 180 days. Prior to recording the deed that results from this adjustment, the Planning Division will need to stamp the deed, indicating compliance with the local zoning code.
- 2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

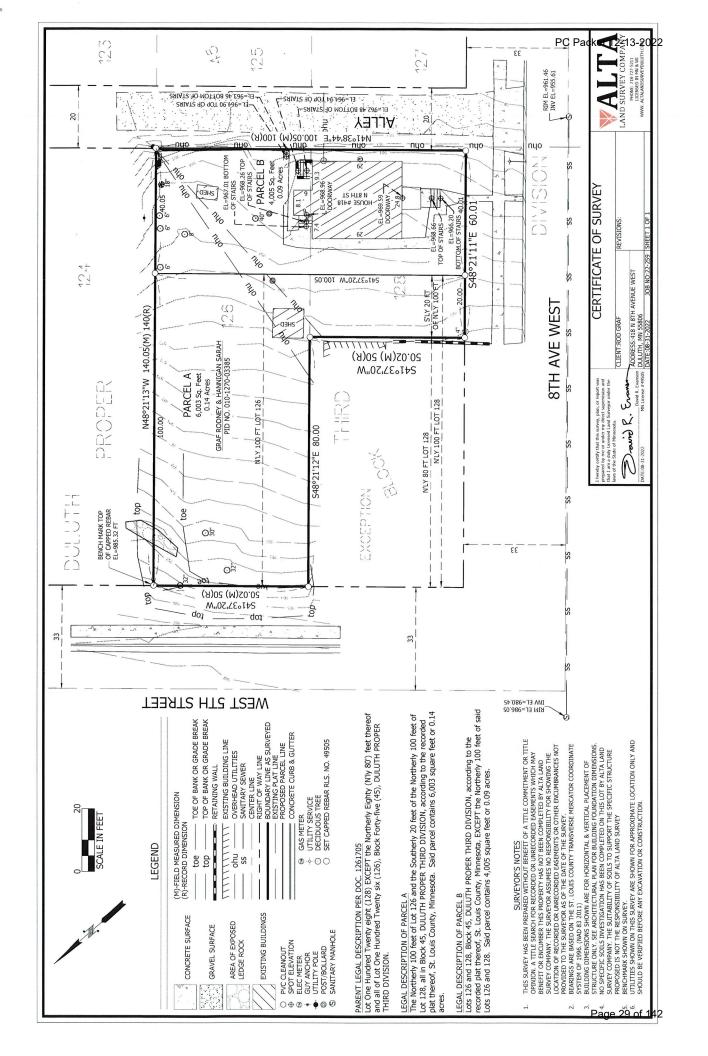




Prepared by: City of Duluth Community Planning Division, May 3, 2019. Source: City of Duluth:

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 & Economic Development Department



Room 160 411 West First Street Duluth, Minnesota 55802

File Number	PL 22-202		<b>Contact</b> Joh		John Kelle	ohn Kelley, jkelley@duluthmn.gov	
Туре	Interim Use Permit – Vacation Dwelling Unit in Form District		Planning Commission Date		n Date	December 13, 2022	
Deadline	Application Date October 26, 202  Date Extension Letter Mailed November 9, 202		October 26,	2022	60 Days	December 25, 2022	
for Action			, 2022	120 Days	February 23, 2023		
Location of Sul	oject	1328 East 1 <sup>st</sup> Street					
Applicant	Gitche G	umee Properties LLC	Contact				
Agent	Gitche G	Gumee Rentals LLC Contact					
Legal Descripti	on	PID # 010-1480-05060		•			
Site Visit Date		December 2, 2022	December 2, 2022 Sign Notice Date			November 29, 2022	
Neighbor Letter Date November 17, 2022		Number of	Letters S	ent	33		

#### **Proposal**

Applicant is proposing a new interim use permit for a vacation dwelling unit. The permit would allow for a studio unit with a maximum of 3 occupants in the F-4 form district. Vacation dwelling units located in form districts are exempt from minimum night stays and parking, and there is no cap on number of permits issued.

Staff is recommending Planning Commission recommend approval.

	Current Zoning	Existing Land Use	Future Land Use Map Designation	
Subject	F-4	Office	Central Business Secondary	
North	MU-N	Apartments	Central Business Secondary	
South	F-4	Accessory structure	Open Space	
East	MU-N	Office	Central Business Secondary	
West	MU-N	Clinic	Central Business Secondary	

#### **Summary of Code Requirements:**

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

UDC Sec. 50-37.10.E . . . the Council shall only approve an interim use permit, or approve it with conditions, if it determines that: 1. A time limit is needed to protect the public health, safety and welfare from potential longer-term impacts of the requested use in that location ....; 2. The applicant agrees to sign a development agreement with the city. 3. Except for properties within the Higher Education Overlay District as identified in 50-18.5, the minimum rental period and off-street parking requirements of 50-20.3.U and 50-20.5.M shall not apply for vacation dwelling units or accessory vacation dwelling units in form districts.



Planning & Economic Development Department

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

Governing Principle #8 - Encourage mix of activities, uses, and densities - The issuance of a permit allows an existing structure in the downtown area to be functionally used, decrease vacancy levels, and increase tax base.

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

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

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

**Current History:** The property currently is a two unit building with an accounting office located in the east side of the building.

#### **Review and Discussion Items:**

- 1) Applicant's property is located at 1330 East 1<sup>st</sup> Street. The building is a two-unit structure with an accounting office located in the east unit. The proposed vacation dwelling unit is a studio located on the west side of the building that would allow for a maximum of 3 guests.
- 2) Permit holders must designate a managing agent or local contact who resides with 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed themselves to serve as the managing agent.
- 3) The site is not required to provide parking. However, the applicant has stated that 2 off-street parking spaces will be provided.
- 4) The site does not have any outdoor amenities.
- 5) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 6) Applicant will apply for all relevant permits and licenses and these are contingent upon approval of the Interim Use Permit for a Vacation Dwelling Unit.
- 7) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 8) No public, agency, or City comments were received regarding the application.



Planning & Economic Development Department

Room 160 411 West First Street Duluth, Minnesota 55802



#### Staff Recommendation:

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

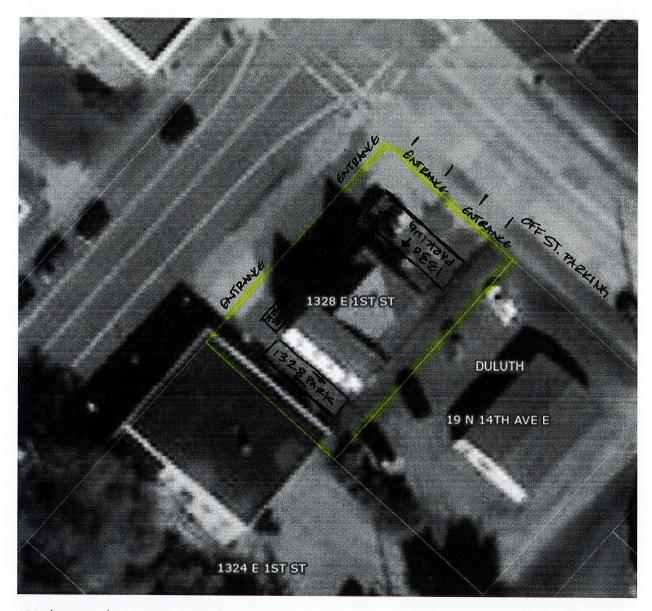
- 1) The Interim Use Permit shall not be effective until the applicant has received all required licenses and permits for operation.
- 2) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50



PC Packet 12-13-2022)2 E 1ST ST 148005210 1321 E 1ST ST MU4N (Mixed Use Neighborhood) 1330 E 1ST ST 148005060 F-4 (Mid-Rise Community Mix 19 N 14TH **AVE E** 148005080 148005040 1324 E 1ST ST 10 20 60 40 Feet COASTAL Page 33 of 142 Aerial photography flown 2016 Prepared by: City of Duluth Community Planning Division, May 3, 2019. Source: City of Duluth

Legend
Zoning Boundaries

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1330/1328 E 1st St – two unit building

Parcel ID No. 010-1480-05060

Lot size = 100x65

Parking lot does not have lines but does have designated areas

No additional landscaping or screening

Page, 34 pt 142



Planning & Economic Development Department

Room 160 411 West First Street Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 22-206		Contact		Chris Lee,	Chris Lee, clee@duluthmn.gov	
Туре	Interim Use Permit – Vacation Dwelling Unit		Planning Commission Date		n Date	December 13, 2022	
Deadline	Applicat	Application Date		November 1, 2022 <b>60 Days</b>		December 31, 2022	
for Action	Date Ext	ension Letter Mailed	November 15, 2022		120 Days	March 1, 2023	
Location of Subject 712 South 63 <sup>rd</sup> Ave West							
Applicant	Constanc	ce Moeller	Contact Connie.moeller@gmail.com			mail.com	
Agent			Contact				
Legal Descript	010-2360-00260, 010-2360-00280						
Site Visit Date		November 28, 2022	Sign Notice Date November 29, 202		November 29, 2022		
Neighbor Lette	er Date	November 21, 2022	Number of Letters Sent 27		27		

#### **Proposal**

Applicant proposes to renew an interim use permit for a 2 bedroom house for up to 5 guests.

**Recommended Action:** Staff recommends that Planning Commission approve.

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

#### **Summary of Code Requirements:**

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in an R-1 District.

UDC Sec. 50-37.10.B . . . Council shall make, a decision to adopt, adopt with modifications or deny the application based on the criteria in subsection C below. The . . . Council may impose appropriate conditions and safeguards, including but not limited to financial security pursuant to Section 50-37.1.P, a development agreement regarding the design, construction, and operation of the special use, to protect the Comprehensive Land Use Plan, to conserve and protect property and property values in the neighborhood and to ensure that all conditions of the special use permit will continue to meet.

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

1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location or to allow the city time to develop a regulation addressing the potential longer term impacts of the requested use in that location; 2. The applicant agrees to sign a development agreement with the city confirming that (a) approval of the permit will not result in increased costs to the city if the property is hat each of the permit will not result in increased costs to the city if the property is hat each of the permit will not result in increased costs to the city if the property is hat each of the permit will not result in increased costs to the city if the property is hat each of the permit will not result in increased costs to the city if the property is hat each of the permit will not result in increased costs to the city if the property is hat each of the permit will not result in increased costs to the city if the property is hat each of the permit will not result in increased costs to the city if the property is hat each of the permit will not result in increased costs to the city if the property is had each of the permit will not result in increased costs to the city if the property is had each of the permit will not result in increased costs to the city if the property is had each of the permit will not result in increased costs to the city if the property is had each of the permit will not result in increased costs to the city if the property is had each of the permit will not result in the permit will not resul

the city through eminent domain; (b) the use will be terminated at the applicant's expense on the date(s) stated in the permit, (c) the termination of the interim use as stated in the permit will create no rights to a nonconforming use and no rights to compensation for termination of the use or for the value of any structures of improvements related to the use, and (d) the applicant agrees to all conditions imposed by the city. No interim use permit shall be issued until a development agreement confirming these points is executed.

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

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

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

**History:** This property was issued an Interim Use Permit in 2016 (PL 16-106). The 1,748 square foot structure contains 3 bedrooms.

#### **Review and Discussion Items:**

Staff finds:

- 1) The applicant's property is located on South 63rd Avenue West. The dwelling unit has 2 bedrooms, which would allow for a maximum of 5 people. The application is a renewal that is remaining the same overall site as previously issued. Staff has found there to be no complaints on this property.
- 2) Permit holders must designate a managing agent or local contact who resides with 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. Applicant will act as managing agent.
- 3) Off- street parking will be provided as one spot in the garage and another parking spot on the driveway on the south side of the house.
- 4) The site plan submitted indicates there is an outdoor deck available. The site plan shows existing screening/buffering in the north side of the yard from the adjacent property. There is also an 8' tall hedge that screens the driveway from the southern property.
- 5) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 6) The permit will lapse if no rental activity takes place within 1 year of permit approval.
- 7) 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 guests.
- 8) No public, agency, or City comments 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.



PL22-206 Interim Use Permit 712 S 63rd Ave W 64th Ave W#Alley



702 S 63RD AVE W (Residential)
Traditional) 703 S 63RD AVE W 712 S 63RD 720 S 63RD 15 = \30 60 90 727 S 63RD Feet AVE W Aerial photography flown 2019 Prepared by: City of Duluth Planning & Economic Development, September 21, 2022, Source: City of Dulu

PC Packet 12-13-20

100

LOTS 25, 26, 27 OF REARRANGEMENT OF BLOCK 24 HUNTER'S PARK ADDITION TO DULUTH AND PART OF VACATED FARRELL STREET. Site Plan 98 100 102 102 18.0 105 E.F.108 105 105 105 16.0' 104 102 102.5 102 33'EDGE OF BITUMINOUS ELIDO CENTERLINE 63RD AVE WEST Page 38 of 142

## Landscape/Screening Plan



Eight-foot hedge separating property along the driveway.

8-10 ft. fence separating properties in backyard.

(see photo below)

Dense wooded area screening adjacent property to the north.



Constance Moeller

### **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? 3 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? 2

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

### No motorhomes allowed on property.

- 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  $8 \times 11$  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):

I regularly download the Air B & B reservations/guest list to an excel spreadsheet. In addition, guests must complete a form with their name, address, and vehicle information as required by the State of Minnesota. (form attached)

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:

# I am the local contact, always. I do not make my vacation rental available if I am not available to assist guests

- 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:

# I leave information for each reservation and inform guests accordingly. I have included in this application a copy of the guest information page that I use.

- 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.

### Welcome to the River!

GA	RA	GE	CO	DE:

**WIRELESS:** 

**CONNIE'S CELL:** 

218 349 7216

Please call or text anytime with questions or concerns!

- 1. Please take a minute to read the document "City Ordinances on Parking, Parks, Pets & Noise"
- 2. Please complete the form on the desk regarding MINNESOTA STATUTE 2021.
- 3. The Western Waterfront trail is a great walk. The three-mile trail follows the bays of the St. Louis River and is adjacent to the property. Take the steps in the back yard and turn right, (see the Duluth Outdoor Map)
- 5. The Heat/AC controls are on the wall between the kitchen and front room. There is a control at the top of the stairs for the second floor. The H/C button toggles between "HEAT", "COOL", and "OFF". The up & down arrows increase/decrease heat or AC. The stove is a great little source of heat the remote is on the table. Just remember to turn it off in the evening or when you leave the house.
- 6. Please use anything in the garage that is of interest to you towels, sporting equipment, sand toys, sidewalk chalk, roasting sticks. There is usually wood in a container on the side of the garage.

### ON THE DAY OF YOUR DEPARTURE

- 8. Please leave any used towels hanging in the bathrooms and linens on the bed. Garage towels can be left in the garage utility sink.
- 9. Leave the house key on the desk area in the kitchen and exit through the garage.
- 10. A quick text that you are leaving would be great thank you!

I hope you have a great visit and please come again!

~ Connie



# 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 22-22	10	Contact	Contact		
Туре	Minor S	Minor Subdivision		Planning Commission Date		December 13, 2022
Deadline	Applica	tion Date	November 8, 2	2022	60 Days	January 7, 2023
for Action	Date Ex	tension Letter Mailed	November 16,	November 16, 2022		March 8, 2023
Location of S	ubject	PID #'s 010-0316-00061				
Applicant	Jennifer	and Fred Harris	Contact			
Agent	Michael	Messina	Contact			
Legal Descrip	tion	See Attached	,			
Site Visit Date November 30, 2002		Sign Notice Da	Sign Notice Date		/A	
Neighbor Letter Date N/A		Number of Let	Number of Letters Sent		/A	

### **Proposal**

Applicant is requesting a Minor Subdivision to divide one parcel into 2 parcels. The current parcels are undeveloped land that was previously platted. Parcel A will be 27,300 square feet and Parcel B will be 23,000 square feet. Both parcels have frontage on Chinook Drive with Parcel A having 103 feet and Parcel B having 56 feet.

**Recommended Action:** Approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Undeveloped	Low Density Neighborhood
North	R-C	Undeveloped	Low Density Neighborhood
South	R-1	Residential	Low Density Neighborhood
East	R-C	Undeveloped	Low Density Neighborhood
West	R-1	Residential	Low Density Neighborhood

### **Summary of Code Requirements**

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

50-37.5, D 1. The planning commission shall approve the application if it determines that: (a) The lot or lots to be subdivided or combined have frontage on an improved public street; (b) Each proposed lot meets the minimum zoning requirements of the district that it is in; (c) If an existing structure on a lot complies with the requirements of this Chapter, then after the minor subdivision structures on each of the resulting lots will still comply with the requirements of this Chapter; and (d) If one or more of the existing lots, or a structure on one or more of those lots, does not comply with the requirements of this Chapter, the proposed relocation will not create any new

nonconformity or increase any existing nonconformity between the requirements of this Chapter. 50-14.5.A. R-1 minimum lot area: 4,000 square feet; minimum lot frontage: 40 feet.

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

Governing Principle #12 – Create efficiencies in delivery of public services. Existing utility and transportation infrastructure in this area supports additional development on these previously platted lots.

Future Land Use: Traditional Neighborhood -Characterized by grid or connected street pattern... Limited commercial, schools, churches, and home businesses... Includes many of Duluth's older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas.

History: The site is made up of one parcel of undeveloped land. The underlying plat is "Bristolwood First Addition." The existing tax parcel has frontage on Chinook Drive.

### **Review and Discussion Items**

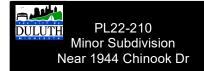
Staff finds that:

- 1. Applicant is requesting a Minor Subdivision to divide one parcel into two parcels.
- 2. The proposed minor subdivision parcels are currently undeveloped land. The proposed subdivision creates two lots that meet the zoning requirements of the R-1 district.
- 3. The parcels have the required street frontage along Chinook Drive. The proposed subdivision, if approved, would not make the parcels non-conforming due to lot frontage, lot area, or similar bulk standard.
- 4. No public, agency, or other City comments were received.
- 5. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
- 6. Approval of this Minor Subdivision signifies that City of Duluth UDC standards are met. St. Louis County may have additional requirements. This subdivision approval lapses if deeds are not recorded with St. Louis County within 180 days. Applicant must provide the City with proof of recording.

### Staff Recommendation

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

- 1. Appropriate deeds be filed with St. Louis County within 180 days. Prior to recording the deed that results from this adjustment, the Planning Division will need to stamp the deed, indicating compliance with the local zoning code.
- 2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



R=2 (Residential Urban)

\*\*\*\*\*\*\*\*\*\*\*

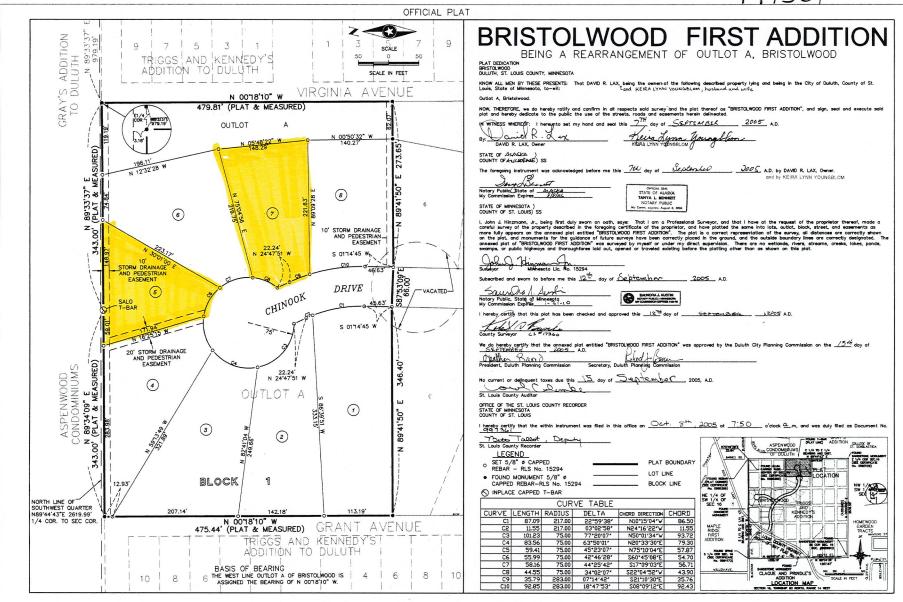
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CHINOOK DR R-1 (Residential Traditional) CHINOOK DR The City of Duluth has tried to ensure that the information 120 Feet Prepared by: City of Duluth Planning & Economic Development, September 21, 2022, Source: City of Dul contained within. Aerial photography flown 2019



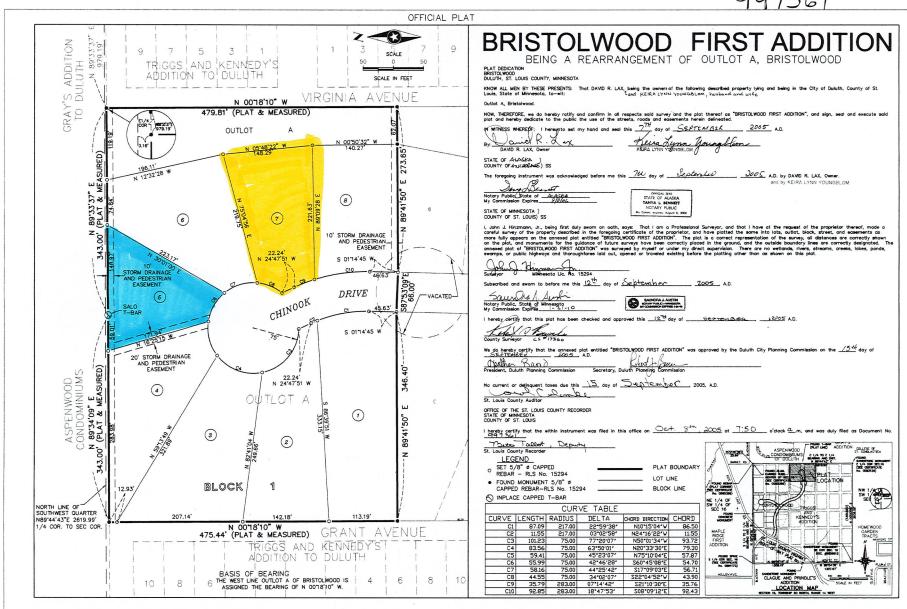
# 997361







# 99736





# 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 22-213		Contact		Tom Church, tchurch@duluthmn.gov	
Туре	Vacation of Platted Right of Way		Planning Commission Date		Date	December 13, 2022
Deadline	Applicat	ion Date	November 2	1, 2022	60 Days	January 20, 2023
for Action	Date Ext	ension Letter Mailed	November 22, 2022		120 Days	March 21, 2023
<b>Location of Subject</b> Platted and unimproved area north of Main Street between 66 <sup>th</sup> and 68 <sup>th</sup> Avenues Wes				nd 68 <sup>th</sup> Avenues West.		
Applicant	Duluth Ed	conomic Development Authority	Contact	Brett Cre	ecelius; bcr	ecelius@duluthmn.gov
Agent			Contact			
Legal Description	on	See Attached		•		
Site Visit Date		November 30, 2022	Sign Notice	Date		November 29, 2022
Neighbor Lette	r Date	November 18, 2022	Number of Letters Sent 40			40

### **Proposal**

The applicant is requesting to vacate the unimproved platted right of way for 67<sup>th</sup> Avenue West, 68<sup>th</sup> Avenue West, and the alley between them north of Main Street in the Clinton Place Addition.

Staff is recommending approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1 & R-2	Unimproved right of way	Open Space & Urban Residential
North	R-1 & R-2	Vacant land	Open Space & Urban Residential
South	R-1	Residential	Open Space & Low Density Neighborhood
East	R-1	Residential	Open Space & Low Density Neighborhood
West	R-1 & RR-1	Vacant Land	Open Space & Urban Residential

### **Summary of Code Requirements:**

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

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

Page 48 of 142

- 1. Is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles, or pedestrians or the efficient supply of utilities or public services in the city;
- 2. Where the street terminates at a waterfront or shoreline, the street is not and will not be needed to provide pedestrian or recreational access to the water;
- 3. Is not otherwise needed to promote the public health, safety, or welfare of the citizens of Duluth.

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

**Governing Principle #5** - Promote reinvestment in neighborhoods. The vacation will encourage proposals for future development on this site.

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

**History** – Originally annexed in 1894, these parcels were platted but never developed along with the surrounding neighborhood in the late 1940s through early 1960s.

### **Review and Discussion Items:**

#### Staff finds that:

- 1. The applicant is requesting to vacate an unimproved portion of the platted streets for 67<sup>th</sup> and 68<sup>th</sup> Avenues West as well as the platted alley between them, as shown on the attached exhibit.
- 1. The proposed vacation will create an approximately 5.5-acre site for future development.
- 2. A gas line extends partway down the unimproved portion of 68<sup>th</sup> Ave West. Engineering has confirmed that the City will not retain an easement and the gas line will be cut off.
- 3. There are no additional utilities located within the right of way.
- 4. The street and alley right of ways will not be needed by the City for the promotion of public health, safety, or welfare of the citizens of Duluth since City Engineering does not expect to need it in the future.
- 5. The City has determined that the rights of way are not needed for street or pedestrian use. Vacating the rights of way will not impact or deny access to other property owners.
- 6. No public, agency, or City comments have been received at the time of drafting this report.
- 7. Vacations of rights of way and easements lapse unless the vacation is recorded with the county recorder within 90 days after final approval. The vacation recording is facilitated by the City of Duluth.

### Staff Recommendation:

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

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

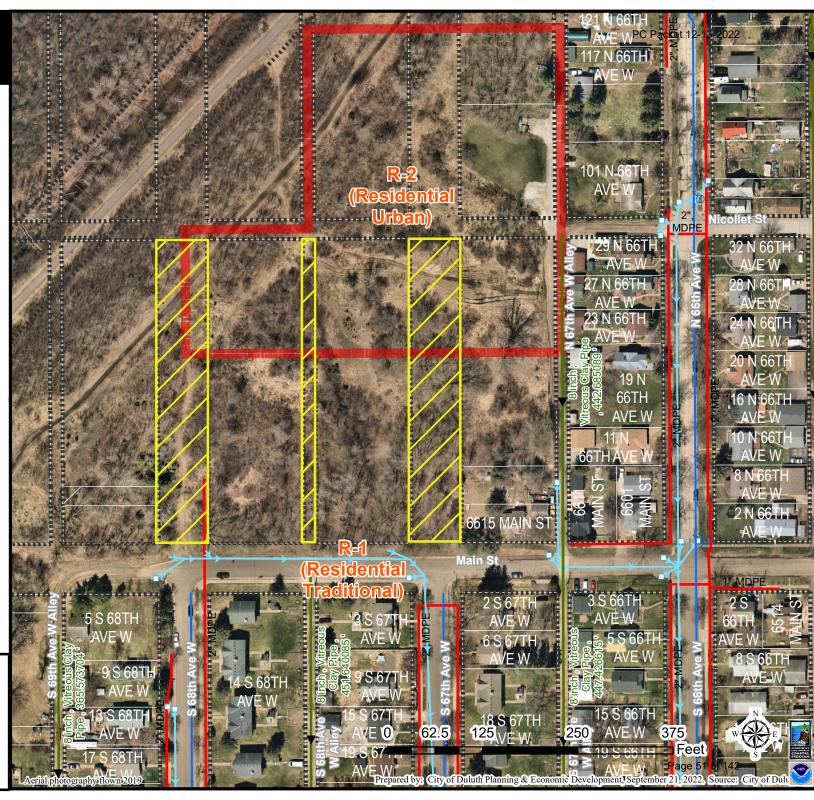
5	VACATIO	ON EXHIBI	T
P=====================================	T3TH AVENUE  BLOCK 3	16.0 BLOCK 4	Lot 16  Lot 15  Lot 13  Lot 12  Lot 11  Lot 11  Lot 11  Lot 9  Lot 9  Lot 6  Lot 5  Lot 5  Lot 4  Lot 3  Lot 2  Lot 5  Lot 4  Lot 3  Lot 2  Lot 1
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and 4, as dedicated on ADDITION TO DULUTH, ac thereof, St. Louis County	olic Alleyway adjacent to Blocks the plat of CLINTON PLACE coording to the recorded plat of Minnesota lying South of the Natical Place 2 and lying North of the Natical Place 2 and lying North of the Natical Place 2 and I	orth Appr	SCALE  1"= 100'  Toved by the City Engineer of the of Duluth, MN this AL day of DOV 20 ZZ
All that part of 12th Av as dedicated on the pla DULUTH, according to th County, Minnesota lying	enue adjacent to Blocks 4 and t of CLINTON PLACE ADDITION TO te recorded plat thereof, St. Lou South of the Easterly extension of the North line of Main Stree	of By:_	- Vet
NORTHWESTE SURVEYING & BAGINEERING,	CITY OF DULUTH RIGHT OF WAY	JOB#: 22371 DRAWN BY: TJB   MARKET   MA	HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT IS PREPARED BY MG OR UNDER MY DIRECT SUPERVISION NO THAT I AM A DULY LICENSEY LAND SURVEYOR UNDER IE LAWS OF THE STATE OF MINISSOTA.



PL22-213 Vacate Near 6615 Main St



Area to be Vacated is shaded in yellow.





## Planning & Development Division

Planning & Economic Development Department



Room 160 411 West First Street Duluth, Minnesota 55802

File Number	PL 22-19	PL 22-199		<b>Contact</b> Chr		Chris Lee	
Туре	Prelimin	ary Plat	Planning Commi	ssion I	Date	December 13, 2022	
Deadline	Application Date		October 27, 2022	October 27, 2022 <b>60 Day</b>		December 26, 2022	
for Action	Date Extension Letter Mailed November 16, 2022		120 Days	February 24, 2023			
Location of Subject 2221 North Arlington Avenue							
Applicant	John Har	nsen	Contact				
Agent			Contact				
Legal Descrip	tion	See attached					
Site Visit Date November 29, 2022 Sign Notice Date		)		November 29, 2023			
Neighbor Letter Date November 16, 2023 Number of Letters Sent 10		10					

### **Proposal**

Create a new plat for 8.97 acres of currently unplatted land with an existing structure on it. Platting this parcel will establish two buildable lots. Lot 1 will contain the existing principle and accessory structures; Lot 2 will remain vacant.

Staff recommends approval, with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2	Residential	Urban Residential
North	MU-N	Residential	Neighborhood Mixed use
South	R-1/MU-N	Residential	Traditional Neighborhood
East	R-1	Government Building	Neighborhood Mixed use
West	R-1	Undeveloped	Traditional Neighborhood

### **Summary of Code Requirements**

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

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

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

Governing Principle #5 – Promote reinvestment in neighborhoods. The project is sited adjacent to existing transportation and utility infrastructure.

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

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

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

### **Related files:**

PL 22-198 Wetland Delineation

### History:

The current structure was built in 1925 and is currently used as a residential care facility. The building contains 8,600 square feet with 3 stories. A 2,400 square foot accessory structure (garage) was built in 1990.

### **Review and Discussion Items**

### Staff finds:

- 1) Lot 1 (3.18 acres), zoned R-2 (Residential-Urban), is proposed to retain the residential care facility and accessory building, which is a permitted use in R-2.
- 2) Lot 2 (5.79 acres), zoned R-2 (Residential-Urban), is proposed to be developed in the future.
- 3) The highest parts of the site (elevation 1,393 feet) are along the south western corner of the property with a gradual down slope grade toward Arlington Avenue.
- 4) A wetland delineation (PL 22-198) found there are 0.18 acres of wetland on the site, .15 acres of Type 7 and .03 acres of Type 2. These wetlands will not be impacted as part of the platting process.
- 5) A forest inventory yielded 7 special trees in the middle of the property nearest the driveway. A tree replacement plan will need to be provided at time of site development.
- 6) Lot 1 of the proposed plat will have 392 feet of frontage on W Marble St. Lot 2 will have approximately 237 feet of frontage on W Marble St. and 618 feet on Arlington Ave. The plat will dedicate a 33-foot-wide portion for Arlington Ave., and 41.1-foot-wide portion for W Marble St.
- 7) Access to the lots will be from Arlington Avenue. Engineering has stated that an access easement will be required for the driveway to remain as an access to Lot 1.
- 8) A sewer easement will be located across Lot 2 to connect the structure on Lot 1 to the public sewer in Arlington Ave.
- 9) A stormwater management report will need to be submitted to the City prior to any building permits or land disturbance permits being issued.
- 10) Staff finds there are no adverse material impacts to surrounding properties that cannot be adequately mitigated by permits required by this development and appropriate site design. Storm water permits will require appropriate treatment and attenuation of storm water before discharge, loss of tree cover will be mitigated through approval of tree preservation plans, and significant traffic impacts are not expected on local streets.
- 11) The preliminary plat is consistent with the comprehensive land use plan designation of this property as "urban residential."
- 12) The preliminary plat is located in an area with adequate police, fire and emergency facilities available to serve the

PC Packet 12-13-2022

projected population. Emergency services can be provided by the Fire Station #7 and #4. The police headquarters is adjacent to this site.

- 13) Staff finds that, other than the items addressed above, the preliminary plat conforms to the requirements of Sec 50-37.5. and is consistent with all applicable requirements of MSA 462.358 and Chapter 505.
- 14) No other citizen, agency, or City comments have been received to date.

### **Staff Recommendation**

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

- 1. The developer shall enter into a development agreement addressing applicable development terms as identified by City staff in this report and as further identified in the review of the Final Plat. The development agreement shall be approved by City Council and recorded with the appropriate St. Louis County offices.
- 2. That private utility and street easements be shown and correct on the final plat for all lots.



PL22-199 Preliminary Plat 2221 N Arlington Ave



2415 N ARLINGTON MU-N (Mixed Use Neighborhood) **AVE** 2221 N ARLINGTON AVE 2030 ARLINGTON Urban) 133 W MARBLE ST Territoria de la companya della companya della companya de la companya della comp W Marble St .....R4 **Residential Traditional**) 62.5 MARBLE ST 0 250 125 MARBLE ST MARBLE ST Feet Prepared by: City of Duluth Planning & Economic Development, September 21, 2022, Source: City of Duluth Aerial photography flown 2019

# PRELIMINARY PLAT OF ARLINGTON HEIGHTS

LOCATED IN PART OF SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17,

TOWNSHIP 50 NORTH, RANGE 14 WEST

ST. LOUIS COUNTY MINNESOTA



LEGAL DESCRIPTION PER CERTIFICATE OF TITLE NO. 262802

The Northerly 3 3/4 acres of SE 1/4 of NE 1/4 of NE 1/4 of SECTION 17, TOWNSHIP 50 North, RANGE 14 West of the Fourth Principal Meridian.

MCCARTHY MANOR
JOHN & ANNE HANSEN
2221 ARLINGTON AVENUE
DULUTH, MN 55811

SURVEYOR
ALTA LAND SURVEY COMPANY
DAVID R. EVANSON, MN \$174TE REG. NO. 49505
P.O. BOX 16115
102 \$21" AVENUE WEST, SUITE 4
DUJUTH, MN \$516-1138
PHONE (218) 727-5211

AREA SUMMARY					
TOTAL AREA	10.07 AC				
TOTAL LOT AREA	8.97 AC				
TOTAL RIGHT OF WAY AREA	1.10 AC				
TOTAL OUTLOT AREA	0.00 AC				
NUMBER OF LOTS	2	20071010			
NUMBER OF BLOCKS	1				
NUMBER OF OUTLOTS	0				
LARGEST LOT IN SQ. FEET	251,998 SQ. FEET				
SMALLEST LOT IN SQ. FEET	138,701 SQ. FEET				
WETLANDS SO, FEET	8.461 SO, FFFT				



SURVEYOR'S NOTES

SURVEY HAS BEEN PREPARED WITHOUT BRIEFET OF A TITLE COMMITMENT
TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED BASEMENTS
WHICH MAY BENEFIT OR RECUMERS THIS FORERSTY HAS NOT BEEN COMPLETED
ATTAL ALMO SURVEY COMPAIN. THE SURVEYOR ASSUMED OR RESPONSIBILITY FOR

ENCL/MERRANCES NOT PROVIDED TO THE SURVETUR AS OF THE SERVETUR AS OF THE SERVETUR.

2. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COGROUNTE STSTEM OF 1984 (MOB 82 2011).

3. BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL FALCEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL FALM FOR BUILDING FOUNDATION DIMENSIONS.

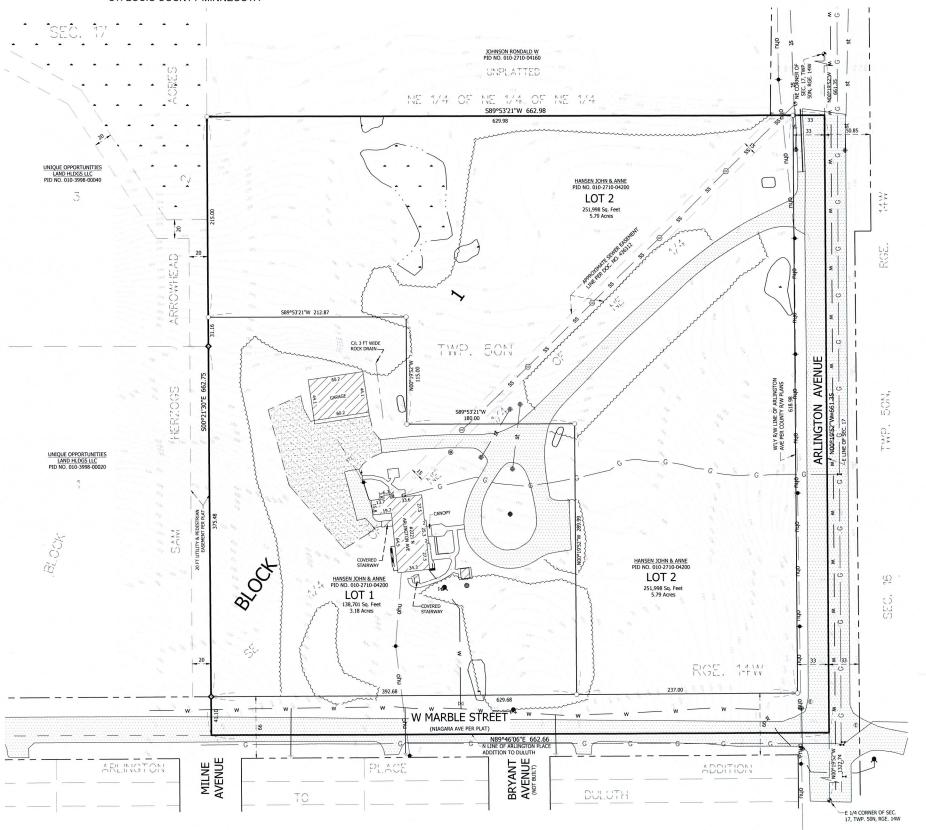
DISPETION AND THE CONTROL OF THE STATE OF TH

ZONING AND BUILDING SETBACKS PER THE CITY OF DULUTH CURRENTLY ZONED- R-2 RESIDENTIAL-URBAN. SEE TABLE 50-14.6 FOR DISTRICT DIMENSIONAL STANDARDS.

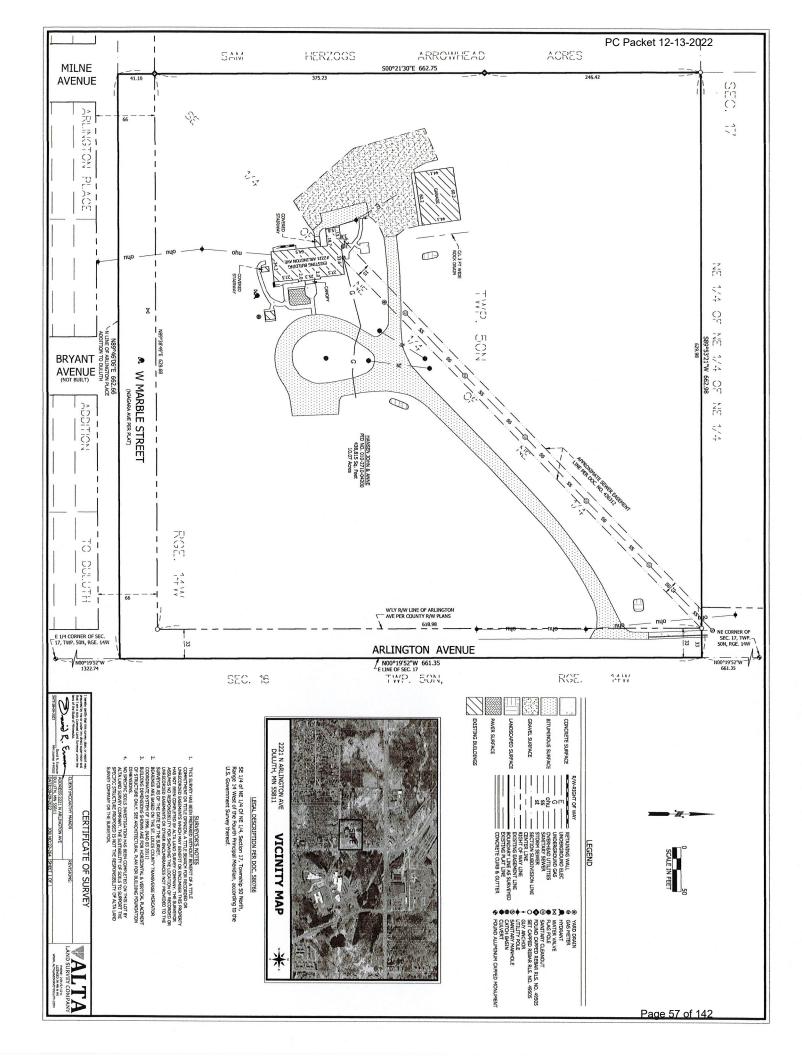
FLOOD ZONE INFORMATION
PROPOSED BUILDINGS LOCATED WITHIN ZONE C
(RAESA MINIMA ELODING). PER FIRM FLOOD
INSURANCE BATE MAP COMMUNITY-PANEL
NUMBER 270421 0025 C, EFFECTIVE DATE: APRIL
2, 1982.

SITE ADDRESS 2221 NORTH ARLINGTON AVENUE DULUTH, MN 55811 PID NO. 010-2710-04200

_			LEGEND		
2	CONCRETE SURFACE	R/W-RIGHT OF WAY	RETAINING WALL UNDERGROUND ELEC	@ @	YARD DRAIN GAS METER HYDRANT
	BITUMINOUS SURFACE	ohu —	UNDERGROUND GAS OVERHEAD UTILITIES SANITARY SEWER	(8) A	WATER VALVE FLAG POLE SANITARY CLEANOUT
	GRAVEL SURFACE	st	STORM SEWER SECTION SUBDIVISION LINE CENTER LINE RIGHT OF WAY LINE	<b>\$</b>	FOUND CAPPED REBAR RLS. NO. 49505 SET CAPPED REBAR RLS. NO. 49505 GUY ANCHOR
	LANDSCAPED SURFACE		EXISTING EASEMENT LINE BOUNDARY LINE AS SURVEYED EXISTING PLAT LINE	S	UTILITY POLE SANITARY MANHOLE CATCH BASIN CULVERT
	PAVER SURFACE		CONCRETE CURB & GUTTER TREE/BRUSH LINE WATER MAIN	÷ I &	FOUND ALUMINUM CAPPED MONUMEN GAS VALVE UTILITY SERVICE
1//	EXISTING BUILDINGS		PROPOSED LOT LINE	Œ)	ELEC MANHOLE









# Planning & Development Division

Planning & Economic Development Department

Room 160 411 West First Street Duluth, Minnesota 55802



	T.		1		ı		
File Number	PL 22-203	PL 22-203		Contact		Kyle Deming	
Туре	Special Use	Permit for Seasonal Camp or Cabin	Planning Co	ommissio	n Date	December 13, 2022	
Deadline	line Application Date		October 28, 2022 <b>60 Days</b>		60 Days	December 27, 2022	
for Action	Date Exter	sion Letter Mailed	November 17, 2022		120 Days	February 25, 2023	
Location of Si	ubject	9439 Congdon Blvd. (North Shore)					
Applicant	Outbound	Lodges, LLC	Contact	Joan Litt	le		
Agent			Contact				
Legal Description  Bristol Beach First Division, Block 6 part of vacated Seafield St. and incl 00700, -00710, -00900, -01000, -01			uding part of	fvacated	-	,	
Site Visit Date	9	December 1, 2022	Sign Notice Date			November 26, 2022	
Neighbor Letter Date November 22, 2022		Number of Letters Sent		Sent	20		

### **Proposal**

A special use permit for a seasonal camp or cabin with 6 cabins, a pavilion, driveways and storm water management areas and open space on a 3.4-acre site.

**Staff Recommendation:** Approve with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	RR-2	Vacant	Rural Residential/Open Space
North	RR-2	Undeveloped	Rural Residential/Open Space
South	RR-2	Dwellings	Rural Residential/Open Space
East	RR-2	Creek and Dwellings	Open Space
West	RR-2	Dwellings	Open Space

### **Summary of Code Requirements**

UDC Section 50-37.10. Special Use Permits: Planning Commission shall approve the planning review or approve it with modifications, if it is determined that the application is consistent with the comprehensive plan and complies with all applicable provisions of the UDC. The Commission may deny any application that would result in a random pattern of development with little contiguity to existing or programmed development or would cause anticipated negative fiscal or environmental impacts on the community.

UDC Section 50-20.3.S, Seasonal Camp or Cabin Use Specific Standards - applicable only to R-C and RR-1 districts.

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

### **Comprehensive Plan Governing Principles:**

- #1 Reuse previously developed lands. The project is located on a site that previously had 5 dilapidated cabins on it.
- #2 Declare the necessity and secure the future of undeveloped places. The project does not expand much beyond the previously developed portion of the site, preserving much of the open space on the site.
- #4 Support economic growth sectors. The project provides 6 rental cabins to support the commercial outdoor recreation industry, listed as one of the growing sectors in the comprehensive plan.
- #6 Reinforce the place-specific. The project preserves the open space, wetland and stream flowing through the site and the low-intensity cabin development is similar to other tourist cabins found along the North Shore.
- #10 Take actions that enhance the environment, economic, and social well-being of the community. This project is a low-intensity cabin development sited with sensitivity to the environmental limitations of the site (wetlands and stream)

### Comprehensive Plan Policies and Strategies:

Economic Development Policy #3 – Build on existing economic strengths and competitive advantages.

- Strategy 9 Encourage expansion of the city 's tourism economy through efforts to expand areas of current activity, but also through marketing and investment in destination neighborhoods and iconic tourism experiences unique to Duluth. The project is creating a type of tourist lodging that is unique to the North Shore.
- Economic Development Policy #4 Embrace the outdoors as an economic engine and source of community wealth. The project provides lodging that is sited sensitive to the environment and for guests that will likely utilize the outdoors.

### Comprehensive Plan Future Land Use:

- Rural Residential Includes existing rural density areas with lots as small as an acre now served by municipal utilities but not planned for further subdivision. Conservation development encouraged. Undeveloped areas of large lots are used to complement open space patterns (viewsheds, buffers).
- Open Space High natural resource or scenic value, with substantial restrictions and development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. Examples include: city parks and recreation areas, primary viewsheds, shorelands of the lake and streams, wetlands and floodplains, and high-value habitat.

### UDC Purpose (Sec. 50-2):

- (c) To protect and enhance the city's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry;
- (k) To promote, preserve, and enhance the water resources and environment within the city and protect them from adverse effects caused by poorly sited or incompatible development in wetlands, shorelands and floodplains. The project provides lodging facilities for tourists in a low-intensity format with ample open space areas for retaining natural buffers for wetland and stream preservation.

#### History:

1947 – A one-story dwelling was constructed at 9439 Congdon Blvd.

1950 – A one story dwelling was constructed at 9501 Congdon Blvd. (part of the subject property)

At some point three additional cabins and other accessory structures were constructed on the property.

2022 – Current owner purchased the property and removed all structures.

### **Review and Discussion Items**

### Staff finds:

- 1) Applicant is requesting a special use permit for a seasonal camp or cabin with 6 cabins (275 to 425 sq. ft. each), a pavilion, driveways and storm water management areas on a 3.4-acre site. The balance of the site not being developed will remain natural open space.
- 2) The applicant will manage all of the property including the cabins, driveways, and storm water treatment.

  Private water and sewer pipes will connect the cabins to the public water and sanitary sewer pipes in Congdon Blvd.

  Page 59 of 142

- 3) Sec. 50-14.4 (RR-2 Dimensional Standards). The applicant's 3.4-acre parcel exceeds the minimum 2-acre lot requirement. The lot has 426 feet of frontage exceeding the required 100 feet. All proposed structures on the site comply with RR-2 setbacks.
- 4) Sec. 50-18.1.B (Wetlands). A wetland delineation has been prepared for the site, but could not be approved due to the end of the growing season. The delineated wetlands appear to be accurate and Staff is comfortable allowing the planning work to continue on the site since it appears proposed site development is avoiding the wetlands. The applicant will seek approval of the wetland delineation in the spring.
- 5) Sec. 50-18.1.D (Shoreland). The entire site is within the Shoreland for Lake Superior and the easterly 2/3 of the site is within the Shoreland for 95<sup>th</sup> Ave. E. Creek. The structure setback is 75 feet from the Creek and 50 feet from the Lake. The proposed cabins are more than 100 feet from the Creek and 300 feet from Lake.
- 6) Sec. 50-18.1.E (Storm Water Management and Erosion Control). The applicant's site plan shows locations for construction of privately-owned storm water treatment facilities pending permitting with the City's Engineering office. City Engineering will also review permit applications for erosion control and grading of the site.
- 7) 50-20.1.G (Use Specific Standards) Seasonal Camp or Cabin (see Summary of Code Requirements above). No use specific standards apply to this site because it is zoned RR-2 and the standards are for R-C and RR-1 zones.
- 8) Sec. 50-23 (Connectivity and Circulation). Not applicable to this site.
- 9) 50-24 (Parking and Loading). The conceptual site plan shows the required one parking space for each cabin and a few additional parking spaces near the pavilion. The applicant has indicated they will comply with fire code requirements for an access road at least 20 feet wide that is improved with at least compacted gravel surfacing.
- 10) Sec. 50-25 (Tree Preservation). The applicant is proposing to minimize tree removal as part of the project. Before land disturbing permits are issued the applicant and staff will need to assess the extent of tree removal necessary to determine if a tree replacement plan is necessary.
- 11) Sec. 50-25 (Landscaping) The conceptual site plan shows buffer landscape screening around cabins and parking, but final landscape buffering will need to be provided before building permit application.
- 12) 50-26 (Screening, Walls and Fences). The conceptual site plan does not show areas for trash/recycling storage. Details of their location, size and screening materials will need to be provided at time of the building permit.
- 13) Sec. 50-29 (Sustainability Standards). Not applicable.
- 14) Sec. 50-30 (Building Design Standards). Not applicable.
- 15) UDC Sec. 50-31 (Exterior Lighting). Details about exterior lights have not been provided. The applicant has indicated they intend for light levels to remain as low as safety rules will allow. Staff can evaluate exterior lighting details at time of building permit application.
- 16) No citizen comments were received at the time that this report was written.
- 17) Approved special use permits shall lapse if the project or activity authorized by the permit is not begun within one year of the permit date. The building official may extend this period for a period of up to one year if the property owner presents a written request showing the reasons for the delay was outside the owner's control.

### Staff Recommendation:

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

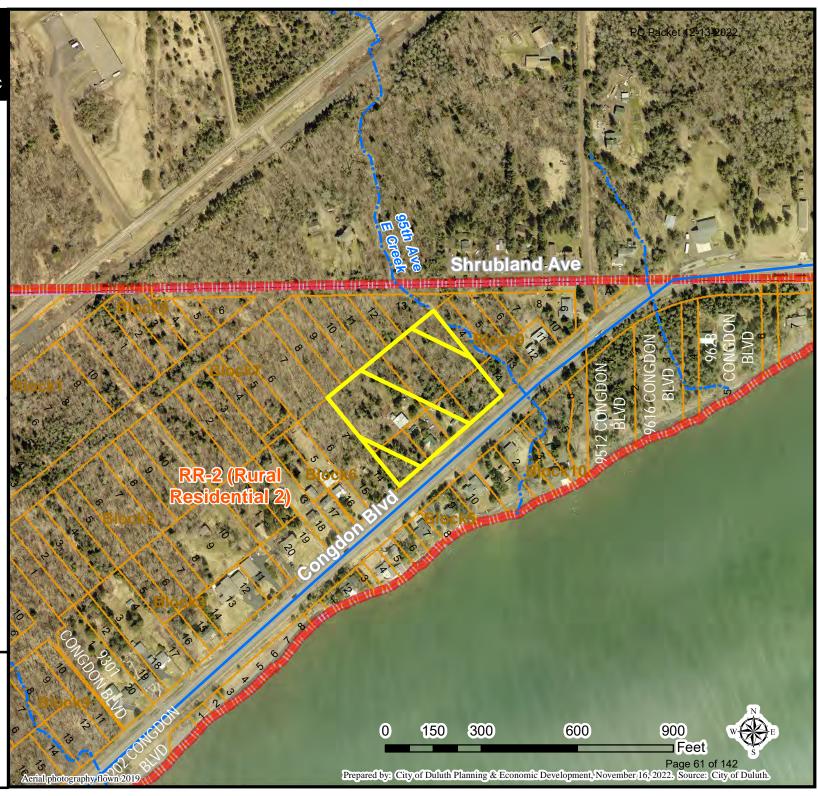
- 1) The proposal is limited to "Outbound Lodges General Layout and Rough Estimation" and "Preliminary Site Layout, Congdon Blvd Cabins" by MSA.
- 2) Before any land-disturbing activities, the applicant shall provide an approved wetland delineation.
- 3) Before any land-disturbing activities, the applicant shall obtain from the Land Use Supervisor approval of a tree replacement plan (if applicable).
- 4) Before approval of the building permit, the applicant shall provide construction details for trash and recycling screening, landscaping, and site lighting.
- 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 review; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

DULUTH

PL22-203 Special Use Permit - Seasonal Camp or Cabin 9439 Congdon Blvd. by Outbound Lodges LLC

### **Site Location**



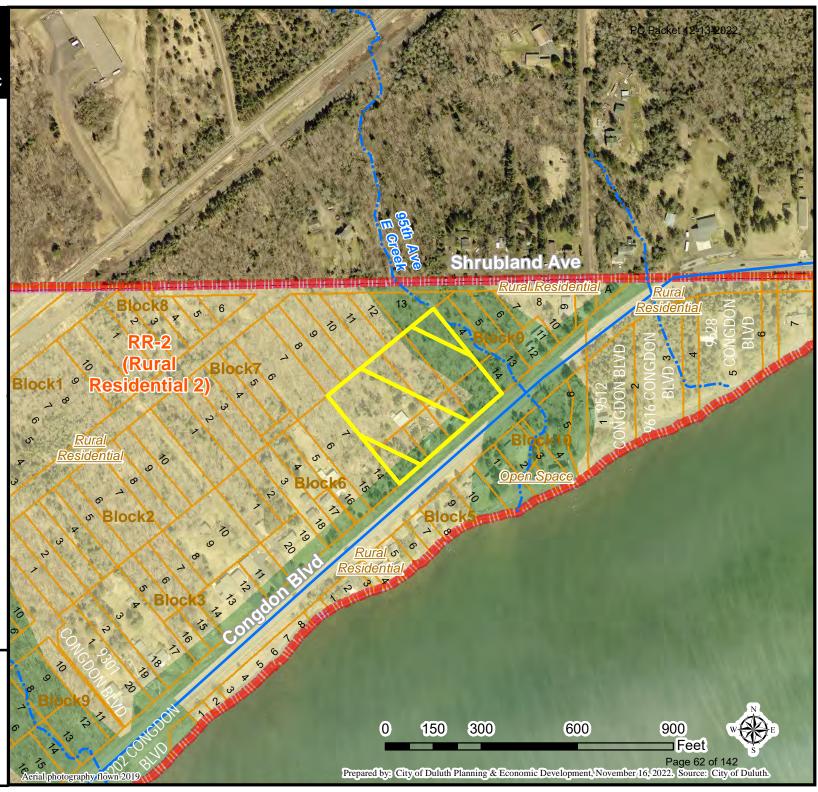




PL22-203 Special Use Permit - Seasonal Camp or Cabin 9439 Congdon Blvd. by Outbound Lodges LLC

### **Future Land Use**

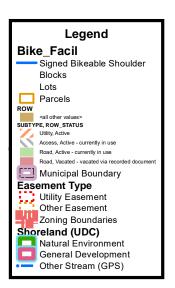


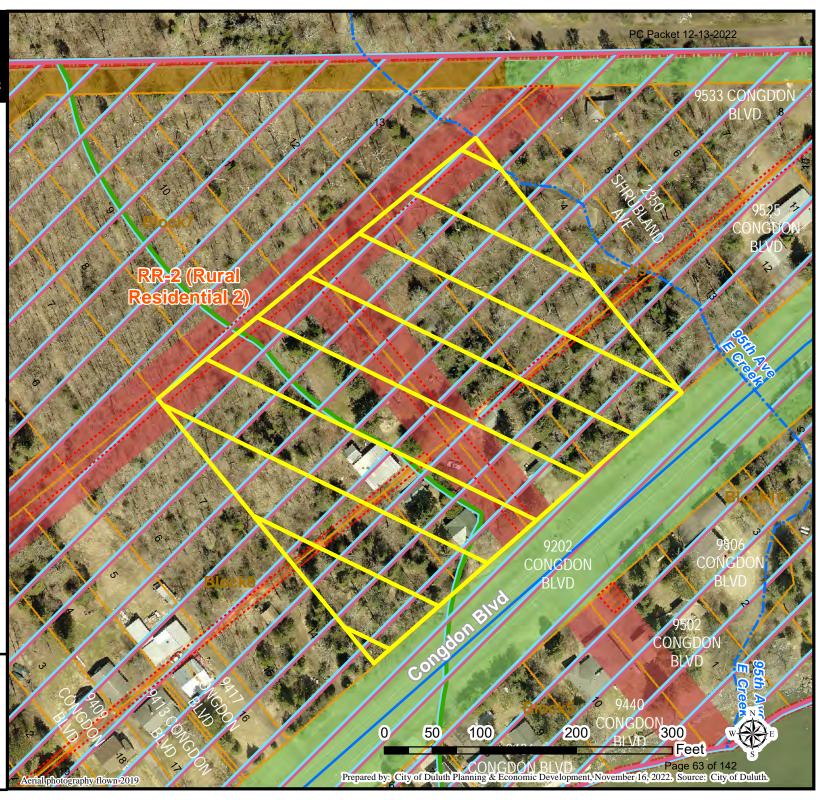




PL22-203 Special Use Permit - Seasonal Camp or Cabin 9439 Congdon Blvd. by Outbound Lodges LLC

# **UDC Zoning / Shoreland**



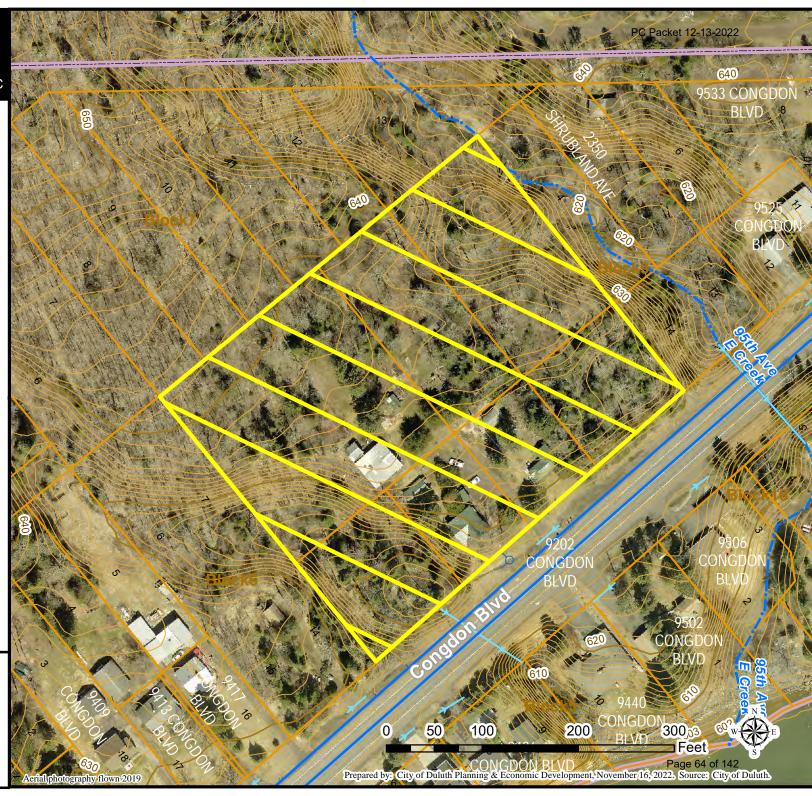


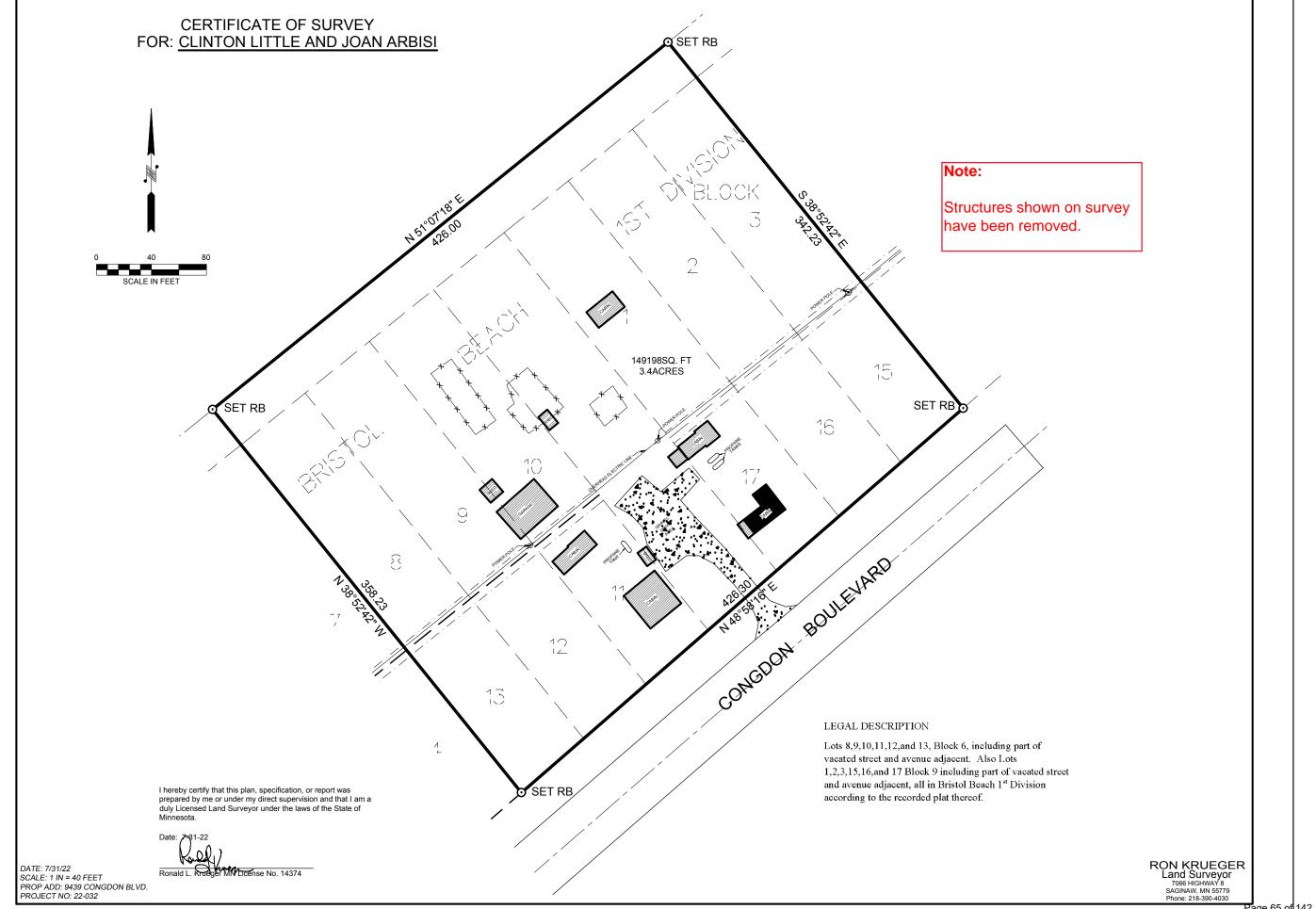


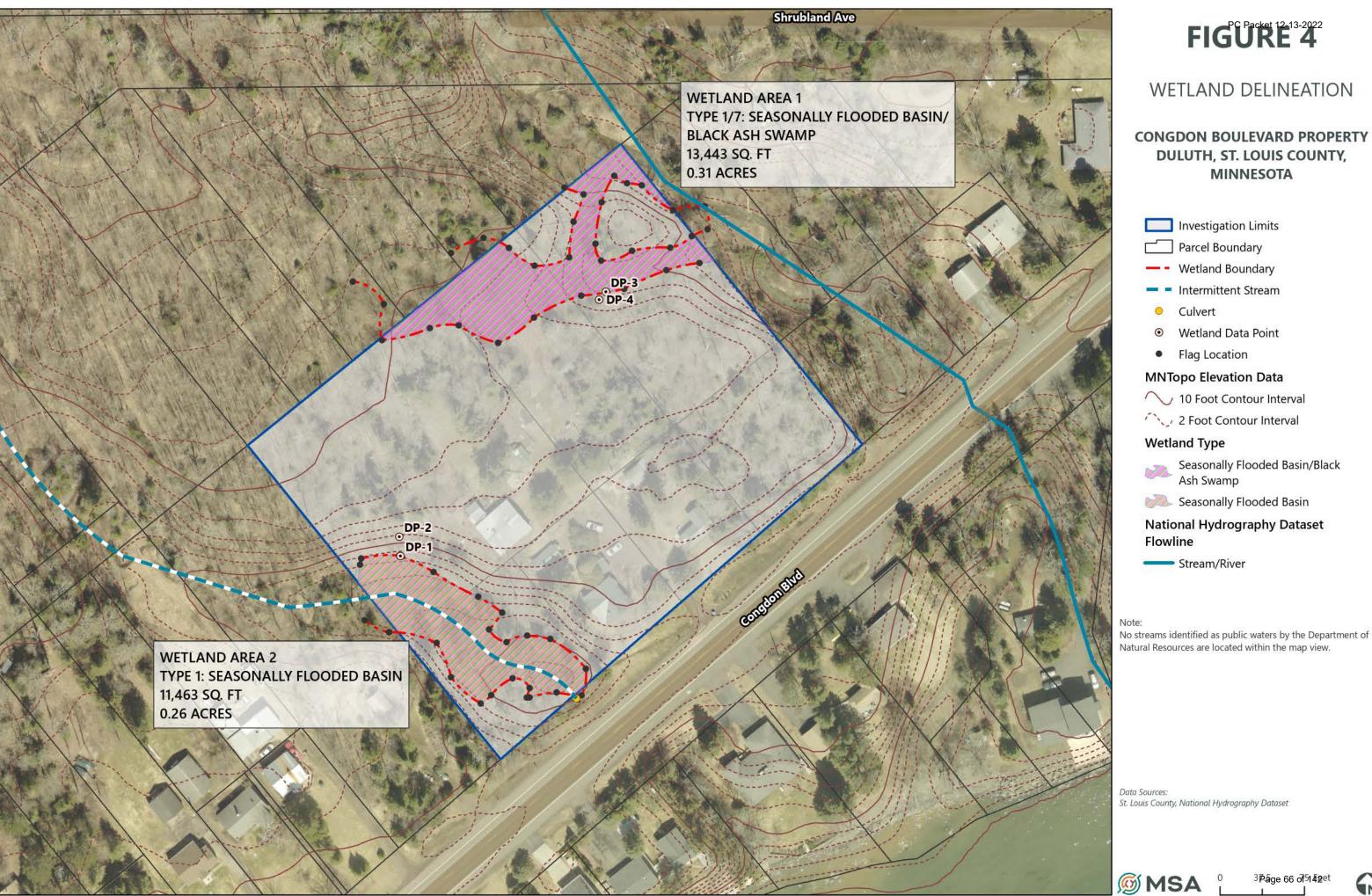
PL22-203 Special Use Permit - Seasonal Camp or Cabin 9439 Congdon Blvd. by Outbound Lodges LLC

## **Site Map**



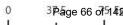








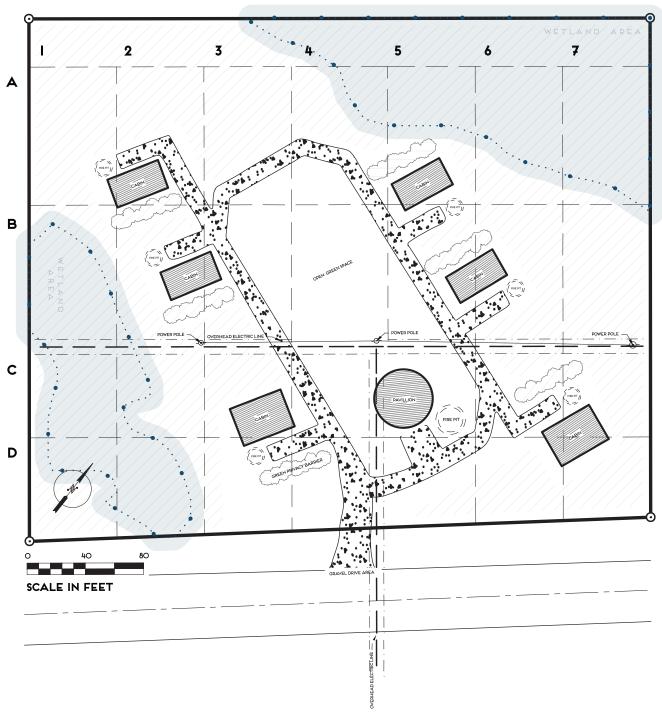
**CONGDON BOULEVARD PROPERTY DULUTH, ST. LOUIS COUNTY,** 

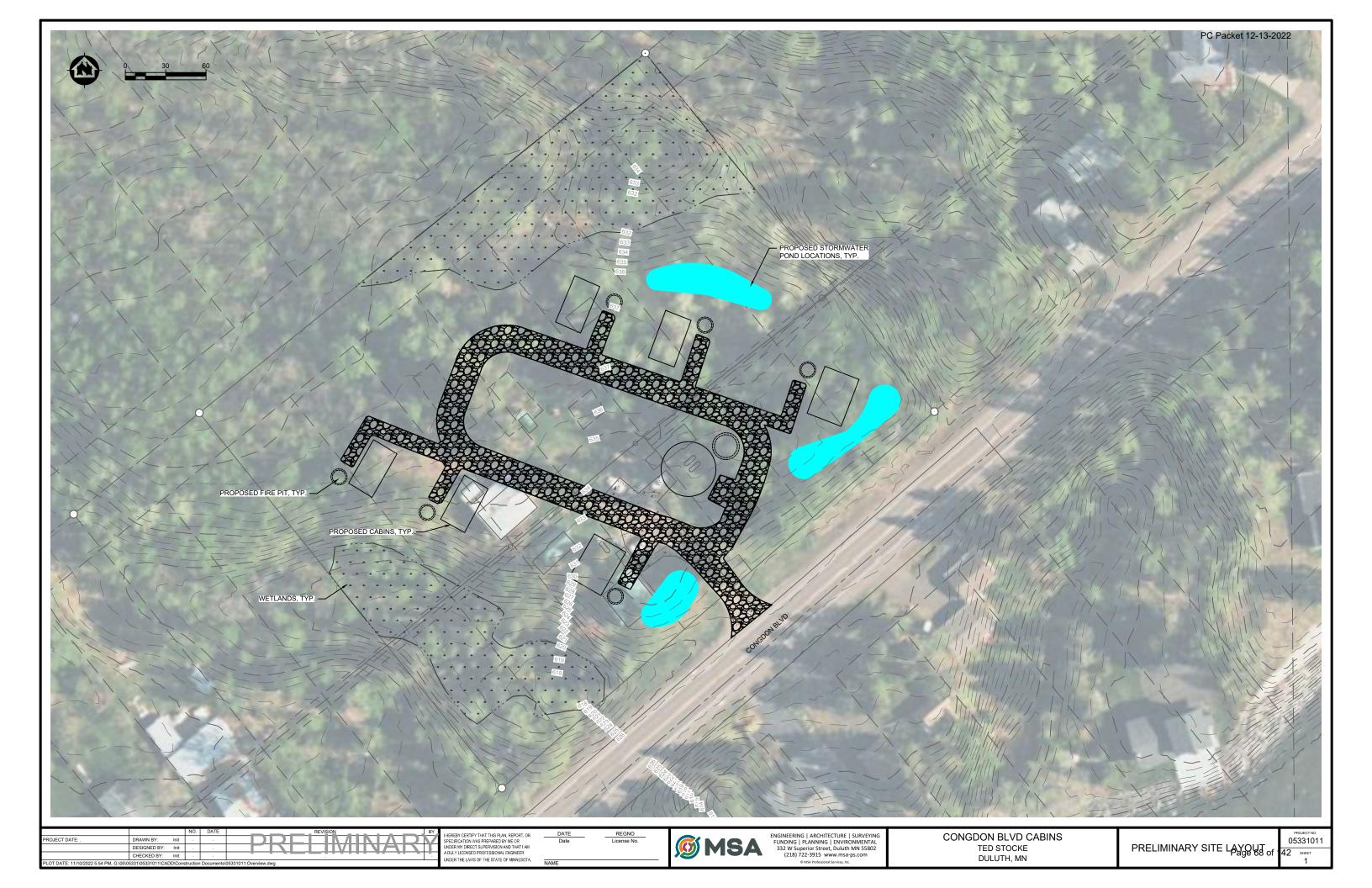




# OUTBOUND LODGES

GENERAL LAYOUT & ROUGH ESTIMATION





# Statement about how the requested use will not have a negative impact on the community with photos

### Response:

The proposed use of this property aligns with other existing lodging businesses in the immediate Congdon Blvd. area. Our proposed cabin rentals will be in character with existing land use patterns in the vicinity.

The property has been neglected for many years. As buildings became uninhabitable people left. Recent residents consisted of family and friends living in 3 of the 7 small buildings.

The 5 sleeping cabins had been worked on over the years without city permits or inspections. Plumbing and electrical were minimal, unsafe, and not up to code. Gray water drained from at least one cabin into the woods through a hose. Another cabin was wired with extension cords hanging off the outside of the building. Plumbing, electrical, and LP services have now been disconnected and as of 10/27/2022, the buildings have been demolished and removed.

There were many dead trees dangerously near the power lines that we reported to the power company. The power company recently took them down and we had the debris removed.

A bright yard light at the top of a telephone pole in the middle of the property did not have a shade and was an eyesore. It has now been disconnected and removed.

Future plans for new buildings will all meet city code. Lighting will be unobtrusive, minimal, meet code, and be aesthetically pleasing.

The driveway entrance from Congdon Blvd will stay where it is and will be enhanced into a permeable one way circle that will meet fire code (20' wide) and preserve wetland areas.

Nearby shops and restaurants will benefit from this requested use.

We will follow the City of Duluth guiding principles.

Photos included below.

# Materials needed to confirm compliance with Use-Specific Standards in Section 50-20 or any Developmental Standards in Article 4

### Response:

We will be compliant with all "Use Specific Standards" referenced in the UDC 50-23.3 under S. Seasonal Camp or Cabin.

We will be compliant with all recommendations given at our pre construction meeting that was held on September 26th, 2022 in accordance with Article 4 (50-21 to 50-34).

Recommendations included attention to: landscaping, cabin spacing that provides privacy, lighting, 20' wide fire department access on gravel/pervious paving, stormwater mitigation, wetland delineation, trash service, and utility access.

We plan to meet with Tom Johnson at Public Works and Utilities - City of Duluth to discuss and plan for stormwater management. We will adhere to his recommendations for planning stormwater management.

Jon Loye at MSA Professional Services is preparing an engineered site plan that will include water management. The engineered site plan will be sent separately, ideally before 11/14/2022.

Property after demolition (Note - special attention was given to the preservation of trees, wild flowers and perennials. In addition, salvageable materials were donated to individuals who could reuse them.)





## Planning & Development Division

Planning & Economic Development Department

Room 160 411 West First Street Duluth, Minnesota 55802



File Number	PL 22-208		Contact		Kyle Deming		
Туре	Interim Use Permit – Vacation Dwelling Unit		Planning Commission Da		Date	December 13, 2022	
Deadline	Application Date		November 3, 2022 <b>60 Day</b>		60 Days	January 2, 2023	
for Action	Date Extension Letter Mailed		November 17, 2022 <b>120 Days</b>		March 3, 2023		
Location of Subject		Adjacent to 5802 London Rd. (has been 5802 ½ London Rd. for utility purposes, may be addressed 5730 London Rd. as a principle structure) (Lakeside-Lester Park)					
Applicant	Dean Jablonsky		Contact	On file	n file		
Agent			Contact				
Legal Description		Lot P, Lester Park First Division (010-2830-00150)					
Site Visit Date		December 2, 2022	Sign Notice Date			November 29, 2022	
Neighbor Letter Date		November 22, 2022	Number of Letters Sent		ent	27	

### **Proposal**

Applicant proposes to convert an existing space located below the garage into a vacation dwelling unit containing 2 bedrooms (5 guests) and a patio.

**Recommended Action:** Approve with conditions.

	<b>Current Zoning</b>	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood & Open Space
North	R-1	Residential	Traditional Neighborhood & Open Space
South	N/A	Commercial	N/A
East	R-1	Lake Superior	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): PC Packet 12-13-2022

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:**

1937 – 5802 London Rd. was constructed as a pump house for Duluth's municipal water system.

5802 London Rd. was subsequently converted to be a dwelling.

1983 – Garage with workshop space below was constructed as an accessory to 5802 London Rd. and was addressed for utility purposes as 5802 ½ London Rd.

2017 – 5802 London Rd. was granted a Vacation Dwelling Unit Interim Use Permit (PL 17-093).

2019 – The applicant purchased 5802 London Rd. and the neighboring subject property.

2019 – 5802 London Rd. was granted a Vacation Dwelling Unit Interim Use Permit (PL 19-166) for 2 bedrooms and 5 parking spaces located on the neighboring subject property.

#### **Review and Discussion Items:**

#### Staff finds:

- 1) The structure containing the proposed vacation dwelling unit was constructed in 1983 as an accessory garage and workshop for the dwelling at 5802 London Rd. The proposed vacation dwelling unit is to be located in the "walk out" basement of the structure below the two-car garage at the London Rd. level. The space was constructed as a workshop and subsequently converted to dwelling space. Proper configuration of the space will be evaluated during the building permitting process and Fire Department inspections that typically follow the approval of the interim use permit.
- 2) The unit is to have 2 bedrooms, which allows 5 guests.
- 3) Two off-street parking spaces will be provided in the garage.
- 4) Three additional off-street parking spaces are located in the driveway to the side of the garage. The applicant will allocate 2 of these spaces to the existing vacation dwelling unit at 5802 London Rd. (permitted in file no. PL 22-166) via a shared parking agreement. The applicant also owns 5802 London Rd.
- 5) The applicant has indicated there will not be a space for camper or trailer storage by VDU guests.
- 6) The site plan shows an outdoor patio area behind the building with additional screening via fence and/or trees along the west property boundary. The applicant will need to provide a plan to the Land Use Supervisor detailing the proposed screening before installation and the interim use permit will not be effective until the approved screening is installed. The applicant is the owner of the property to the east, 5802 London Rd., and has provided a letter waiving the requirement to install screening on the east side of the property.
- 7) Permit holders must designate a managing agent or local contact who resides with 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City.

  Bluwater Lodging has been listed as the property manager.
- 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 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

- 1) The permittee shall provide a lot screening plan to the Land Use Supervisor for approval prior to installation of screening and the permit shall not be effective until the screening is installed.
- 2) The permit shall not be effective until the building permit for conversion of the space to a vacation dwelling unit is issued and all required improvements made and inspected by City inspectors.
- 3) The permit shall not be effective until evidence is given that contact information has been provided to all property owners within 100 feet.
- 4) The applicant shall adhere to the terms and conditions listed in the Interim Use 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 review; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PL22-208 Vacation Dwelling Unit - Interim Use Permit 5802 1/2 London Rd. by Dean Jablonsky

# Legend Bike\_Facil Multi-Use Path Blocks Multi-Use - Paved Lots Parcels Municipal Boundary Other Stream (GPS) Open Space Traditional Neighborhood Neighborhood Mixed Use

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.





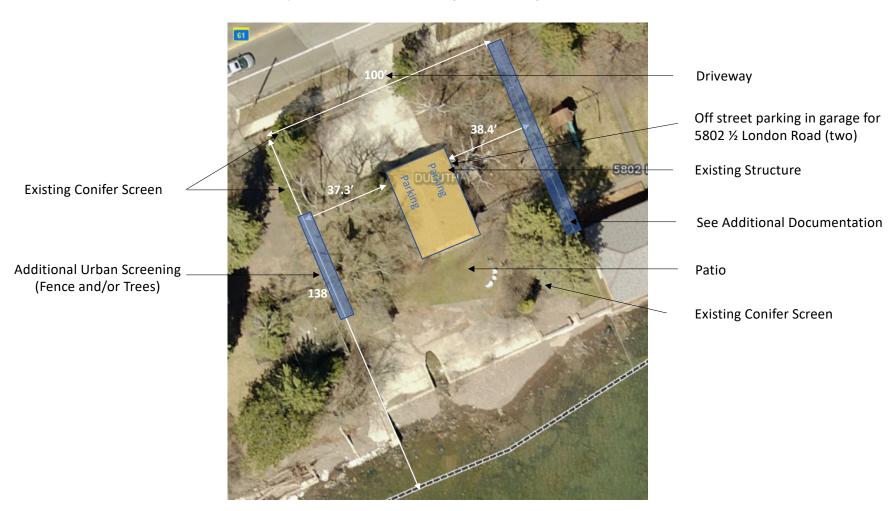
PL22-208 Vacation Dwelling Unit - Interim Use Permit 5802 1/2 London Rd. by Dean Jablonsky



Legend
Blocks
Lots
Parcels
1 Ft contour
10 Ft contour
80W
Utility.Active
Road, Active - currently in use
Municipal Boundary
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 no 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.

# 5802 1/2 London Road, Duluth, MN Site Plan



# 5802 and 5802 1/2 London Road, Duluth, MN Parking Plan

Off street parking for 5802 London Road, Duluth MN (two)

Off street parking in garage for 5802 ½ London Road, Duluth MN (two)



#### **Common Driveway and Parking**

The parties to Parcel ID 010-2830-00150 (5802 ½ London Road, Duluth MN) and Parcel ID 010-2830-00160 (5802 London Road, Duluth MN) have an interest and common desire to provide for the reciprocal use of the existing common drive and parking on Parcel ID 010-2830-00150 (5802 ½ London Road, Duluth MN) for the adjoining property owner of Parcel ID 010-2830-00160 (5802 London Road, Duluth MN) for the benefit and use by each of them per attached map.

Owner of Parcel ID 010-2830-00150 (5802 ½ London Road, Duluth MN)

Dean Jablonsky

<sub>Date</sub>12/03/2022

Owner of Parcel ID 010-2830-00160 (5802 London Road, Duluth MN)

Dean Jablonsky

Date 12/03/2022

Date: Nov 1<sup>st</sup>, 2022

Re: 5802 1/2 London Road Interim Use Permit

Topic: Dense Urban Screen

#### To Whom It May Concern

I, Dean Jablonsky, owner of property located at 5802 London Road, Duluth MN do not want my neighbor located 5802 1/2 London Road, Duluth, MN to add additional (or any) dense urban screening between our properties as part of his interim use permit. I'm fully supportive of my neighbor receiving his Vacation Dwelling Interim Use permit. If you have any questions, please let me know.

Sincerely,

Dean Jablonsky Dean Jablonsky, Owner



Planning & Economic Development Department

Room 160 411 West First Street Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 22-209		Contact		Chris Lee		
Туре	Special Use Permit for Automobile and light vehicle service.		Planning Commission Date		n Date	December 13, 2022	
Deadline	Application Date		November 8, 2022 <b>60 Days</b>		60 Days	January 7, 2023	
for Action	Date Extension Letter Mailed		November 17, 2022 <b>120 I</b>		120 Days	March 8, 2022	
Location of Subject		714 W Central Entrance					
Applicant	Discount Ti	re	Contact				
Agent	raSmith		Contact	Steve M	Steve McCleary, Todd Mosher		
Legal Descrip	tion	W 1/2 OF SE 1/4 OF NW 1/4 EX 1 ( CENTRAL HIGHWAY ENTRANCE AN PART LYING N OF HWY NO 94	-			•	
Site Visit Date		November 30, 2022	Sign Notice Date			November 26, 2022	
Neighbor Letter Date November 22, 2022		November 22, 2022	Number of Letters Sent		ent	20	

#### **Proposal**

The applicant is requesting special use permit for an automobile and light vehicle service to conduct a tire sales and installation business.

**Staff Recommendation:** Approve with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Vacant	Neighborhood Mixed Use
North	MU-C	Auto Repair	Neighborhood Mixed Use
South	R-1	Undeveloped	Open Space
East	MU-N	Retail Neighborhood Mixed Use	
West	MU-C	Mixed Use Development	Large Scale Commercial

#### **Summary of Code Requirements**

UDC Section 50-37.10. Special Use Permits: Planning Commission shall approve the planning review or approve it with modifications, if it is determined that the application is consistent with the comprehensive plan and complies with all applicable provisions of the UDC. The Commission may deny any application that would result in a random pattern of development with little contiguity to existing or programmed development or would cause anticipated negative fiscal or environmental impacts on the community.

UDC Section 50-20.3.C Automobile and light vehicle repair and service: 1. No displays or storage of merchandise, parts or refuse may be located closer than 20 feet from any public right-of-way; 2. A dense urban screen must be installed and maintained along all side and rear property lines abutting a residential or mixed-use district; 3. All areas for outdoor storage of automobiles or light vehicles shall be screened from adjacent properties by a dense urban specific regardless

of the use on the adjacent property.

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

#### Comprehensive Plan Governing Principles:

#1 – Reuse previously developed lands. The project is located on a site that currently has a vacant single family home.

#3 - Supporting Duluth's existing economic foundation maintains jobs, tax base, and opportunity. The project is complementary of the surrounding business and utilizes the local labor force.

#### Comprehensive Plan 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.

#### MU-N Purpose (Sec. 50-15.2):

The MU-N district is established to accommodate a mix of neighborhood-scale, neighborhood serving non-residential uses and a range of residential uses located in close proximity. Non-residential uses may include small-scale retail, service and professional offices that provide goods and services to the residents of the surrounding neighborhood.

#### History:

The property currently contains a vacant 1,350 sf house built in 1951.

#### **Review and Discussion Items**

#### Staff finds:

- 1) Applicant is requesting a special use permit for a 10,021 square foot automotive service center (Discount Tire).
- 2) Sec. 50-18.1.B (Wetlands). A wetland delineation was completed on 8/6/2019 (PL 19-126) indicating .1386 acres of Type 2 (Fresh Meadow) wetland. As part of this redevelopment, 0.0107 acres will be disturbed. The remaining wetlands will be undisturbed.
- 3) Sec. 50-18.1.E (Storm Water Management and Erosion Control). The applicant's site plan shows locations for construction of privately-owned storm water treatment facilities pending permitting with the City's Engineering office. City Engineering will also review permit applications for erosion control and grading of the site.
- 4) 50-20.1.G (Use Specific Standards) Automobile and light vehicle repair and service (see Summary of Code Requirements above). The proposed use will comply with the use specific standards.
- 5) Sec. 50-23 (Connectivity and Circulation). The site plan shows a single driveway with a connection to West Central Entrance. MnDOT will require permits for a new driveway access and a right-in/ right-out configuration. There are no sidewalks to connect to on this portion of Central Entrance but the applicant indicates a 5' wide sidewalk on the west property line terminating at the proposed monument sign. City engineering has not provided comments at the time this report is published.
- 6) 50-24 (Parking and Loading). The site plan shows 36 parking stalls with 17 located in the front yard area. This is the maximum allowed on site.
- 7) Sec. 50-25 (Tree Preservation). The applicant has completed a tree inventory and will be required to replace 60% of the trunk diameter inches of trees removed, depending on the size and quality of trees. The tree inventory and replacement plan must be approved by the Land Use Supervisor before issuance of any land-disturbing permit.
- 8) Sec. 50-25 (Landscaping) The applicant proposes to plant 11 trees and 15 shrubs as part of the street frontage landscaping. The applicant is proposing 11 trees that will shade an area 3,338 square feet meeting the 30% minimum required for shading parking areas.
- 9) 50-26 (Screening, Walls and Fences). The site plan shows a trash enclosure in the south east corner of the property. Details of the size and materials will need to be provided at time of the building permit.
- 10) Sec. 50-27 (Signs). Signs are shown in the plans, but will require a separate permit.
- 11) Sec. 50-29 (Sustainability Standards). The applicant will need to indicate how 3 sustainability contests are 142et.

- 12) Sec. 50-30 (Building Design Standards). The proposed structure meets the design standards for roof articulation, façade articulation, and street frontage glazing.
- 13) UDC Sec. 50-31 (Exterior Lighting). Details about parking lot lights as well as general site lighting were not provided. Staff will evaluate these details for compliance with UDC standards at time of building permit application.
- 14) No public, agency, or City comments were received at the time that this report was written.
- 15) Per UDC Sec 50-37.N, Approved special use permits shall lapse if the project or activity authorized by the permit or variance is not begun within one year of the permit date.

#### Staff Recommendation:

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

- 1) The proposal is limited to "Discount Tire Engineering Plans" dated 11/7/2022 by raSmith.
- 2) Before any land-disturbing activities, the applicant shall obtain Land Use Supervisor approval of a tree replacement plan and landscape plan.
- 3) Before approval of the building permit, the applicant provide construction details for the trash and recycling containers and site lighting.
- 4) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

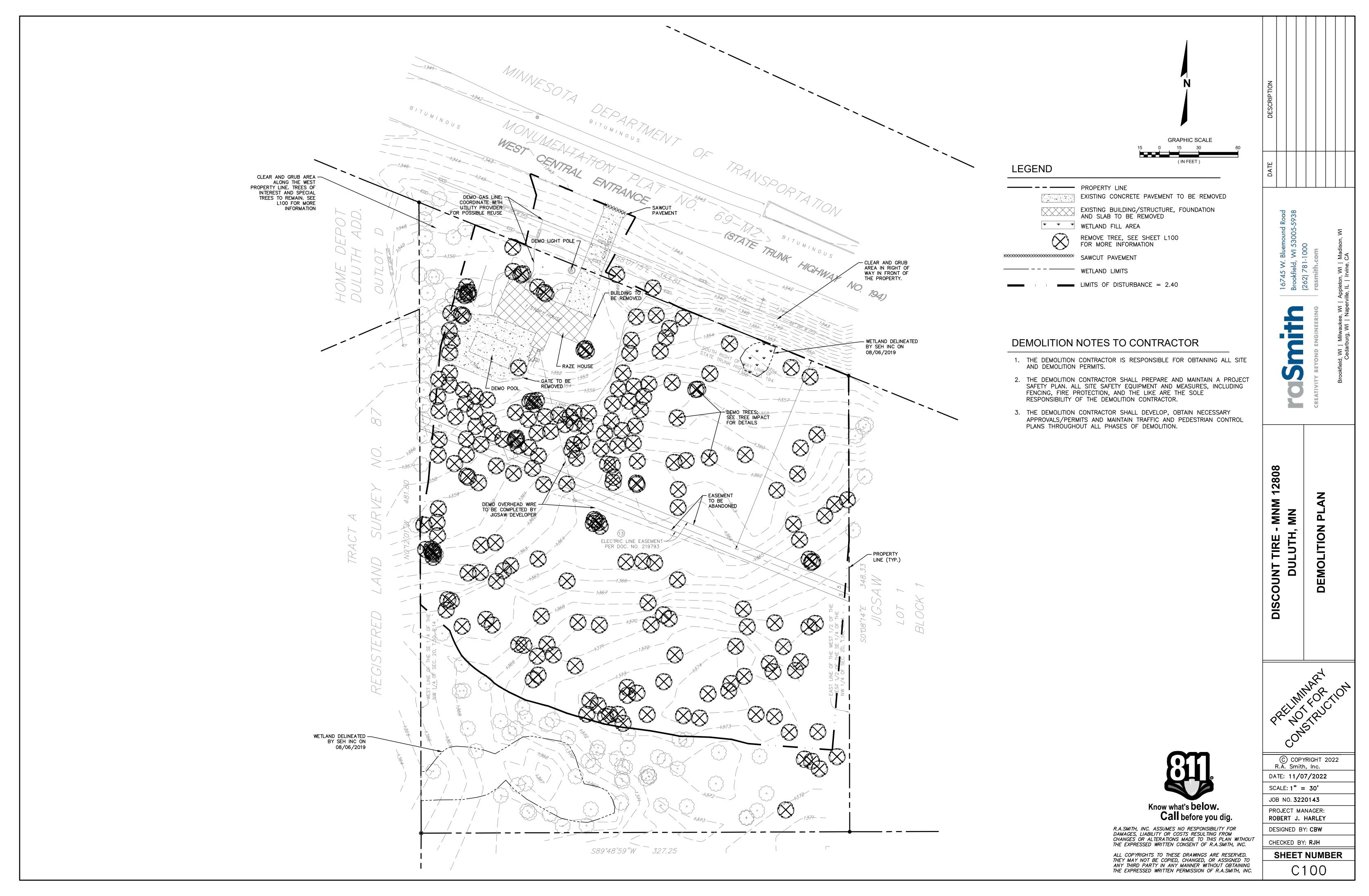


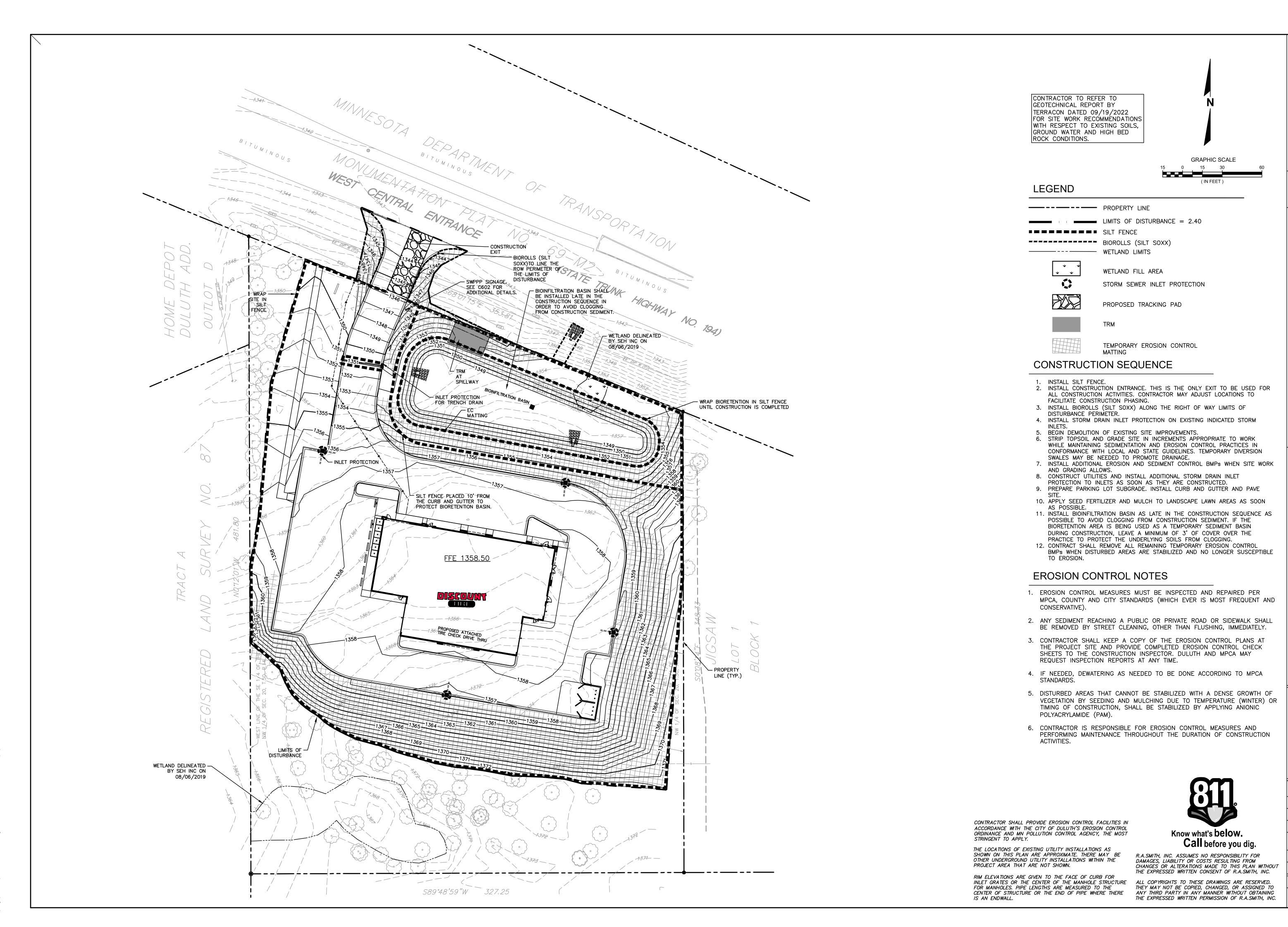
Special Use Permit 714 W Central Ent



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TIRE <u>N</u>O

S  (C) COPYRIGHT 2022 R.A. Smith, Inc. DATE: 11/07/2022

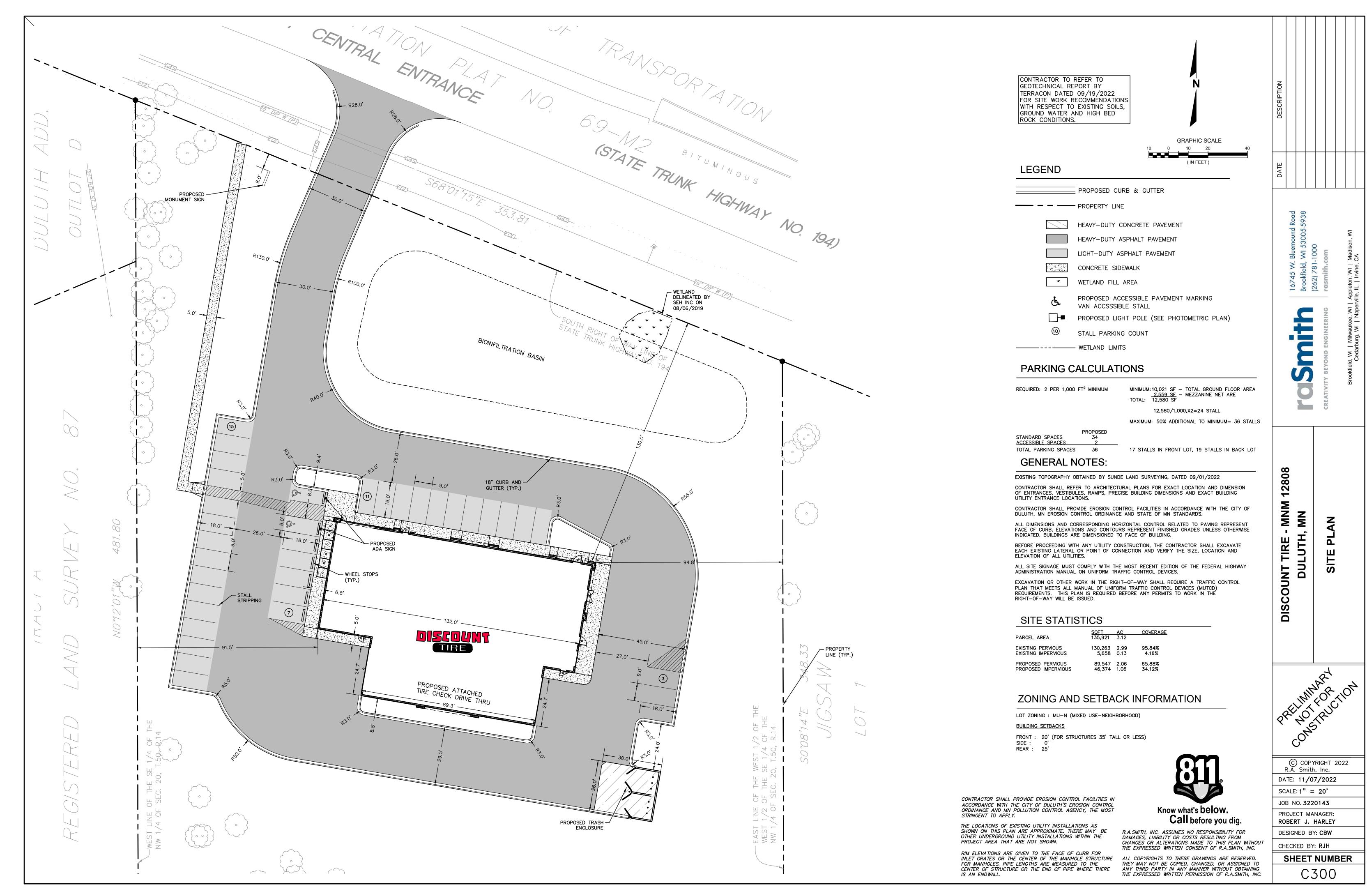
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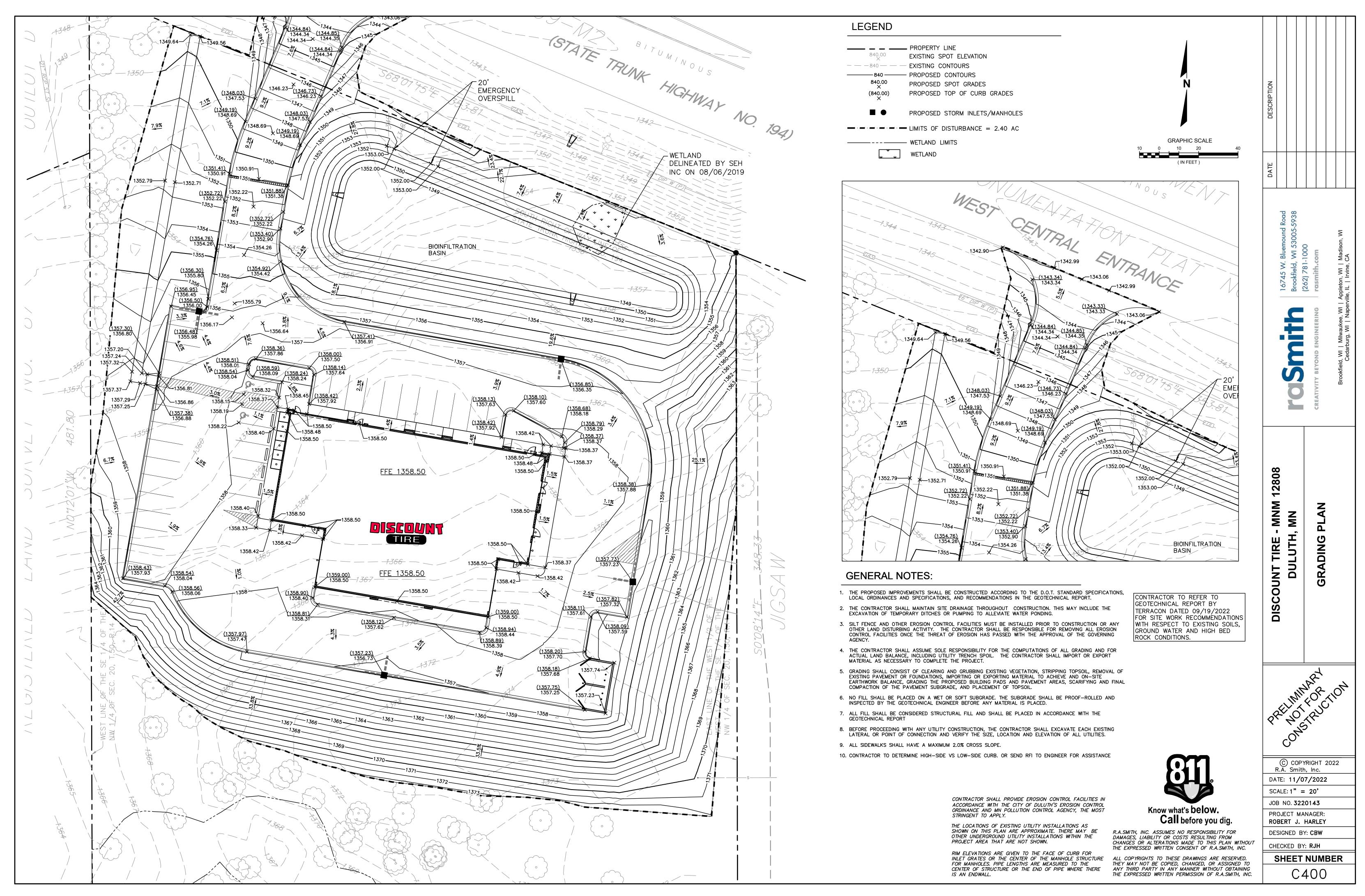
JOB NO. **3220143** 

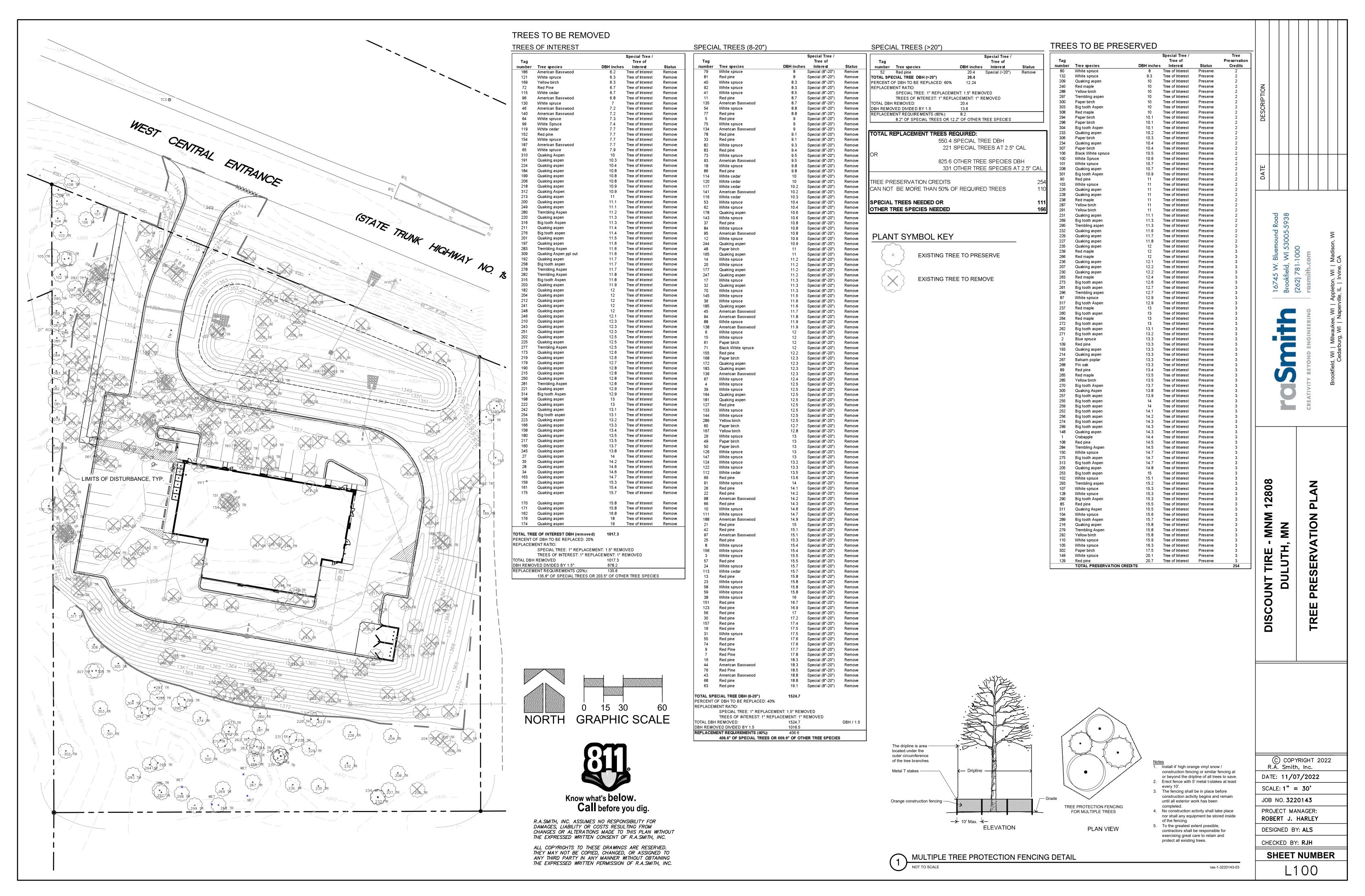
PROJECT MANAGER: ROBERT J. HARLEY

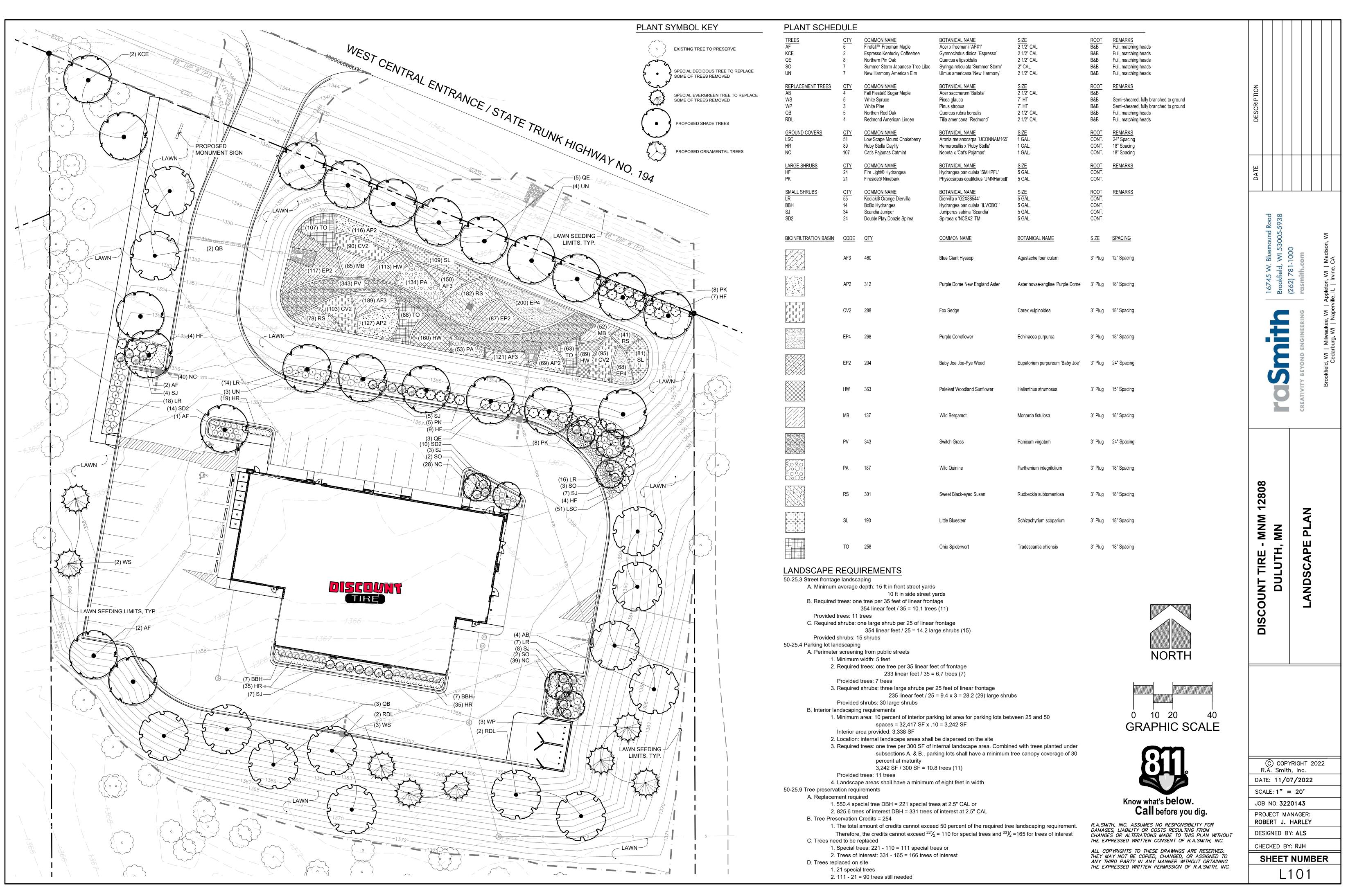
DESIGNED BY: CBW CHECKED BY: RJH

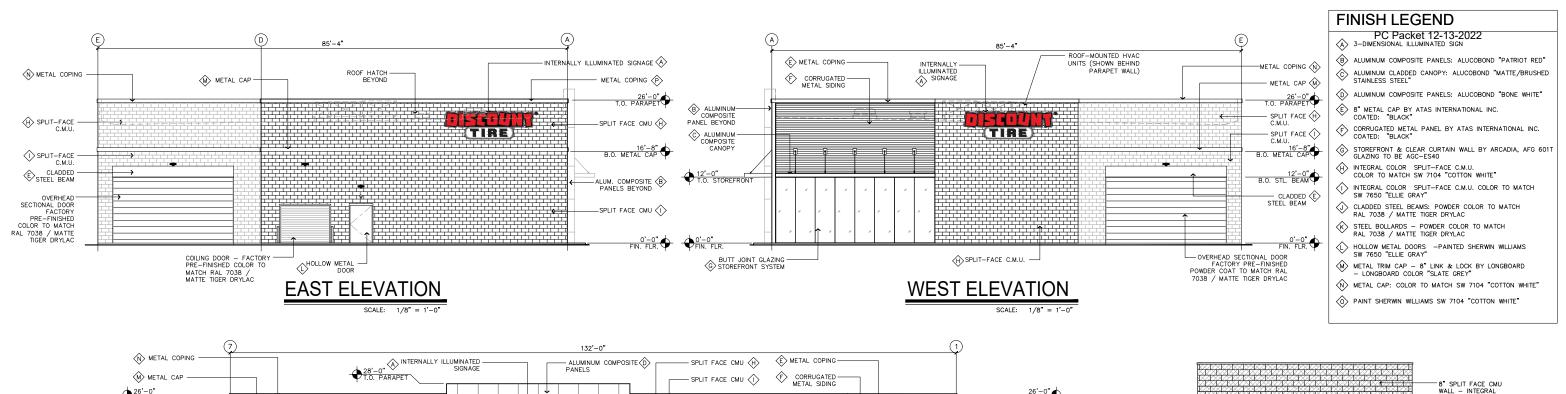
SHEET NUMBER C200

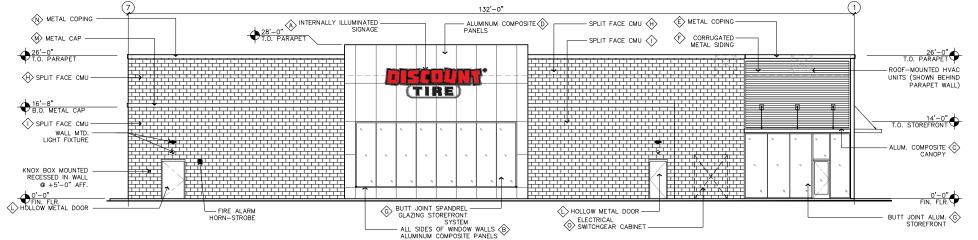




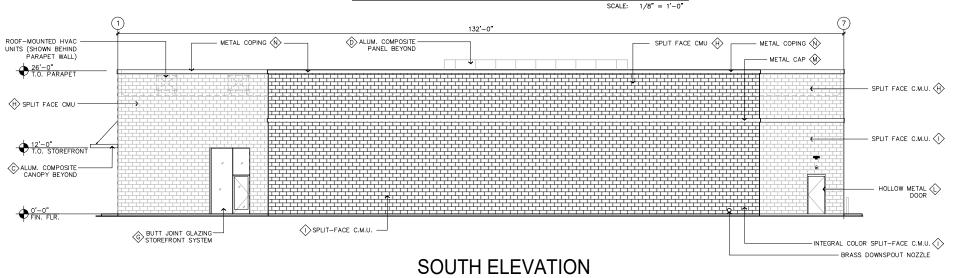


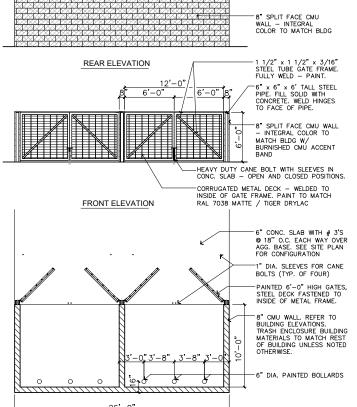






# NORTH ELEVATION (Central Entrance)





TRASH ENCLOSURE PLAN / ELEVATIONS

REV:

ALT - 1L

DATE: 10/28/2022 JOB # A.2207016



THIS PLAN IS PROPERTY OF PLUMP GROUP ARCHITECTURE. 8 ENGINEERING, THIS DRAWING IS LOANED WITHOUT OTHER CONSIDERATION THAN THE AGREEMENT AND CONDITION THAT IT IS NOT BE REPRODUCED, COPIED, OR OTHERWISE DISPOSED OF, DIRECTLY OR INDIRECTLY, AND IS NOT TO BE USED IN WHOLE OR IN PART TO ASSIST IN MAKING OR TO FURNISH ANY INFORMATION FOR THE MAKING OF DRAWINGS, PRINTS, APPRATUS OR PARTS THEREOF. THE ACCEPTANCE OF THIS DRAWING WILL BE CONSTRUED AS AN ACCEPTANCE OF THIS DRAWING WILL BE CONSTRUED AS AN ACCEPTANCE OF THE FOREGOING CONDITIONS.

# **CONCEPTUAL ELEVATIONS**

714 W. CENTRAL ENTRANCE DULUTH, MN 55811

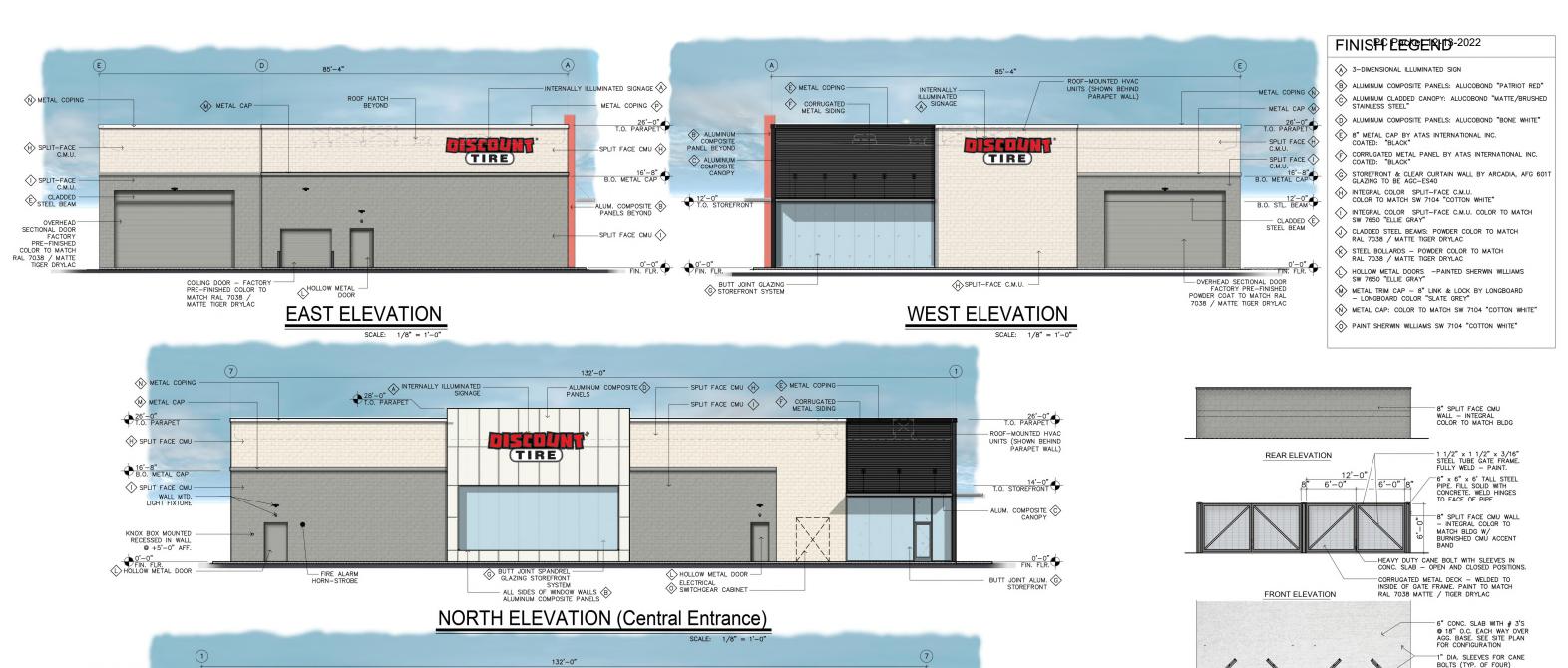


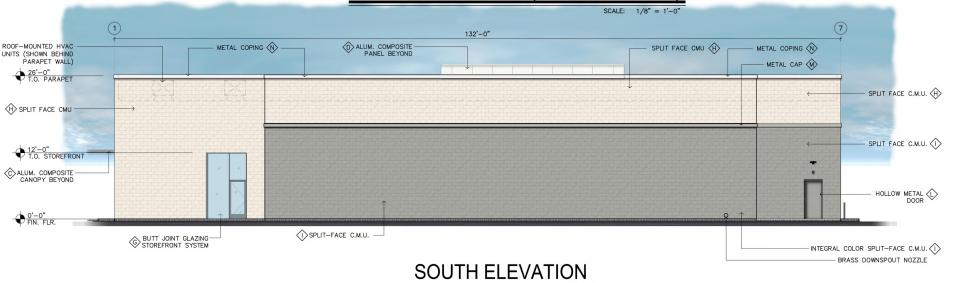
#### PLUMP ENGINEERING INC.

CONSULTING ENGINEERS STRUCTURAL, MECHANICAL, PLUMBING, ELECTRICAL, CIVIL, SURVEYING, ARCHITECTURAL

914 E. KATELLA AVENUE, ANAHEIM, CA 92805 P (714) 385-1835 F(714) 385-1834 www.plumpgroup.com Sheet No.

**A**2
Page 90 of 142





26'-0" TRASH ENCLOSURE PLAN / ELEVATIONS

3'-0,"3'-8" , 3'-8" ,3'-

ALT - 1L

**REV: DATE: 10/28/2022 JOB # A.2207016** 

PAINTED 6'-0" HIGH GATES, STEEL DECK FASTENED TO INSIDE OF METAL FRAME.

-8" CMU WALL. REFER TO BUILDING ELEVATIONS. TRASH ENCLOSURE BUILDING MATERIALS TO MATCH REST OF BUILDING UNLESS NOTED OTHERWISE.

6" DIA. PAINTED BOLLARDS

# **CONCEPTUAL COLOR ELEVATIONS**

714 W. CENTRAL ENTRANCE **DULUTH, MN 55811** 



# PLUMP ENGINEERING INC.

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CONSULTING ENGINEERS



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

615 PC Packet 12-13-2022 5 W W CENTRAL CENTRAL ENT 621 **ENT** W CENTRAL **ENT** 605 W commercial CENTRAL **ENT** MU-C (Mixed Use Commercial) <u>|Large=sœale</u> <u>Neighborhood</u> Mixed Use **MU-N (Mixed Use Neighborhood)** 604 W CENTRAL ENT 1002 MALL DR Open Space 90 180 270 Feet Page 92 of 142 Prepared by: City of Duluth Planning & Economic Development, September 21, 2022, Source: City of Duluth Planning & Economic Development, September 21, 2022, Source: City of Duluth Planning & Economic Development, September 21, 2022, Source: City of Duluth Planning & Economic Development, September 21, 2022, Source: City of Duluth Planning & Economic Development, September 21, 2022, Source: City of Duluth Planning & Economic Development, September 21, 2022, Source: City of Duluth Planning & Economic Development, September 21, 2022, Source: City of Duluth Planning & Economic Development, September 21, 2022, Source: City of Duluth Planning & Economic Development, September 21, 2022, Source: City of Duluth Planning & Economic Development, September 21, 2022, Source: City of Duluth Planning & Economic Development, September 21, 2022, Source: City of Duluth Planning & Economic Development, September 21, 2022, Source: City of Duluth Planning & Economic Development, September 21, 2022, Source: City of Duluth Planning & Economic Development, September 21, 2022, Source: City of Duluth Planning & Economic Development, September 21, 2022, Source: City of Duluth Planning & Economic Development, September 21, 2022, Source: City of Duluth Planning & Economic Development, September 21, 2022, Source: City of Duluth Planning & Economic Development, September 21, 2022, Source: City of Duluth Planning & Economic Development, September 21, 2022, Source: City of Duluth Planning & Economic Development, September 21, 2022, Source: City of Duluth Planning & Economic Development, September 21, 2022, Source: City of Duluth Planning & Economic Development, September 21, 2022, Source: City of Duluth Planning & Economic Development, September 21, 2022, Source: City of Duluth Planning & Economic Development, September 21, 2022, Source: City of Duluth Planning & Economic Development, September 21, 2022, Source: City of Duluth Planning & Economic Development, September 21, 2022, Source: City of Duluth Planning & Economic Development, September Aerfalphotography flown 2019

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Planning & Economic Development Department



Room 160 411 West First Street Duluth, Minnesota 55802

File Number	PL 22-211		Contact		John Kelley, jkelley@duluthmn.gov		
Туре	Interim L	Jse Permit– Vacation Dwelling Unit	Planning Commission Date		n Date	December 13, 2022	
Deadline	Application Date		November 7, 2022 <b>60 Days</b>		January 6, 2023		
for Action	Date Extension Letter Mailed		November 16, 2022		120 Days	s March 7, 2022	
<b>Location of Subject</b> 511 North 4 <sup>th</sup> Avenue W		511 North 4 <sup>th</sup> Avenue West					
Applicant	Ingrid Joh	nnson	Contact				
Agent	Heirloom Properties		Contact				
Legal Description		010-1290-0340, 010-1290-0340					
Site Visit Date		December 2, 2022	Sign Notice Date			November 29, 2022	
Neighbor Letter Date		November 17, 2022	Number of Letters Sei		ent	25	

#### **Proposal**

Applicant is proposing a renewal interim use permit (PL16-042) for a vacation dwelling unit. The permit would allow for a 2-bedroom house with a maximum of 5 occupants.

Staff is recommending Planning Commission recommend approval.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	R-1 Residential Traditional Neighborh	
North	R-1 Residential Traditional Neighbo		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.



Planning & Economic Development Department

Room 160 411 West First Street Duluth, Minnesota 55802



#### 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 provides 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. The proposed IUP in this location will enhance the level of activity in the downtown, and increase opportunities for additional commerce.

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.

Current History: The subject property, 511 North 4th Avenue West, had an approved interim use permit in 2016, which expires in 2022.

#### **Review and Discussion Items:**

- 1) Applicant's property is located at 511 North 4th Avenue West. The proposed vacation dwelling unit contains 2 bedrooms, which would allow for a maximum of 5 guests.
- 2) The applicant is proposing 2 off-street parking spaces on a parking pad located on the west side of the property with access from Pittsburgh Avenue.
- 3) Permit holders must designate a managing agent or local contact who resides with 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicants have listed Heirloom Property Management to serve as the managing agent.
- 4) There are no outdoor amenities therefore no screening is required.
- 5) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 6) Applicant will apply for all relevant permits and licenses and these are contingent upon approval of the Interim Use Permit for a Vacation Dwelling Unit.
- 7) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 8) One comment was received from a citizen and is attached. No other public City, or agency comments were received.



Planning & Economic Development Department

Room 160 411 West First Street Duluth, Minnesota 55802



#### Staff Recommendation:

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

- 1) The Interim Use Permit shall not be effective until the applicant has received all required licenses and permits for operation.
- 2) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50



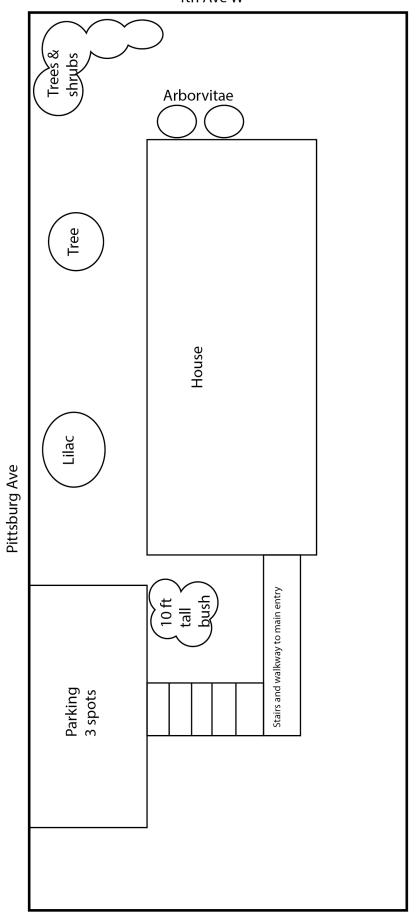
PL 22-211 Interim Use Permit 511 N 4th Ave W



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# 511 N 4th Ave W Site Plan



From: Frank Socha

Sent: Wednesday, November 30, 2022 10:03 AM

To: planning <planning@DuluthMN.gov>

Subject: 511 N 4th Ave W

#### Concerns about:

Parking of two vehicles only to prevent loud and large parties.

Snow removal on 4th ave on steps and walk is not being addressed .

Trees impairing walking traffic on stairs (4th ave). Need to be trimmed.

Pittsburgh avenue needs to be kept open to thru traffic (parking and snow removal are concerns).

Hot line phone number should be available by property owners for immediate concerns.

Thank you

Frank Socha

418 west 6 street



Planning & Economic Development Department



Room 160 411 West First Street Duluth, Minnesota 55802

File Number	PL 22-212		Contact	Contact		Jenn Moses	
Туре	MU-I Planning Review		Planning Co	Planning Commission Date		December 13, 2022	
Deadline	Application Date		November 7	r 7, 2022 <b>60 Days</b>		January 6, 2023	
for Action	Date Extension Letter Mailed		December 2, 2022		120 Days	March 7, 2023	
Location of Subject 1012 E 2 <sup>nd</sup> Street					·		
Applicant	St. Luke's Hospital		Contact	Michae	Michael Boeselager		
Agent	Erdman Company		Contact	Neil Br	Neil Bright		
Legal Description N/A		Sign Notice	Sign Notice Date		November 28, 2022		
Site Visit Date November 22, 2023		Number of	Number of Letters Sent		16		

#### **Proposal**

Applicant is seeking a 3-story vertical expansion above the existing Building A at the St. Luke's campus. This addition will include 58 patient rooms which will be relocated from the existing St. Luke's Hospital building.

#### Staff Recommendation

Staff is recommending Planning Commission approve the Planning Review subject to conditions.

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

#### **Summary of Code Requirements**

- 50-15.4 MU-I Planning Review
- 50-23 Connectivity and Circulation Focuses on pedestrian and bicycle accommodations.
- 50-24 Parking and Loading Addresses required parking spaces, loading docks, and snow storage.
- 50-25 Landscaping and Tree Preservation Landscaping requirements and tree preservation
- 50-26 Screening, Walls, & Fences Includes requirements for screening of commercial containers & mechanical equipment
- 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 Requires lighting to be downcast, full-cutoff fixtures.
- 50-37.11 Planning Review Planning Commission shall approve the Planning Review or approve it with modifications, if it is determined that the application complies with all applicable provisions of this Chapter.

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

**Governing Principle #4-Support economic growth sectors:** Emerging and growing economic sectors, including medical, add economic, cultural, and social diversity.

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

Future Land Use – Medical District: An area encompassing the medical campuses and adjacent that support them.

#### **Recent History**

Building A of the St. Luke's Hospital campus was approved by Planning Commission (11-011) and constructed in 2011. The building was designed to accommodate additional floors. Subsequent Planning Reviews have been completed for construction of the adjacent helipad, the nearby parking lots, and other campus changes.

#### **Discussion**

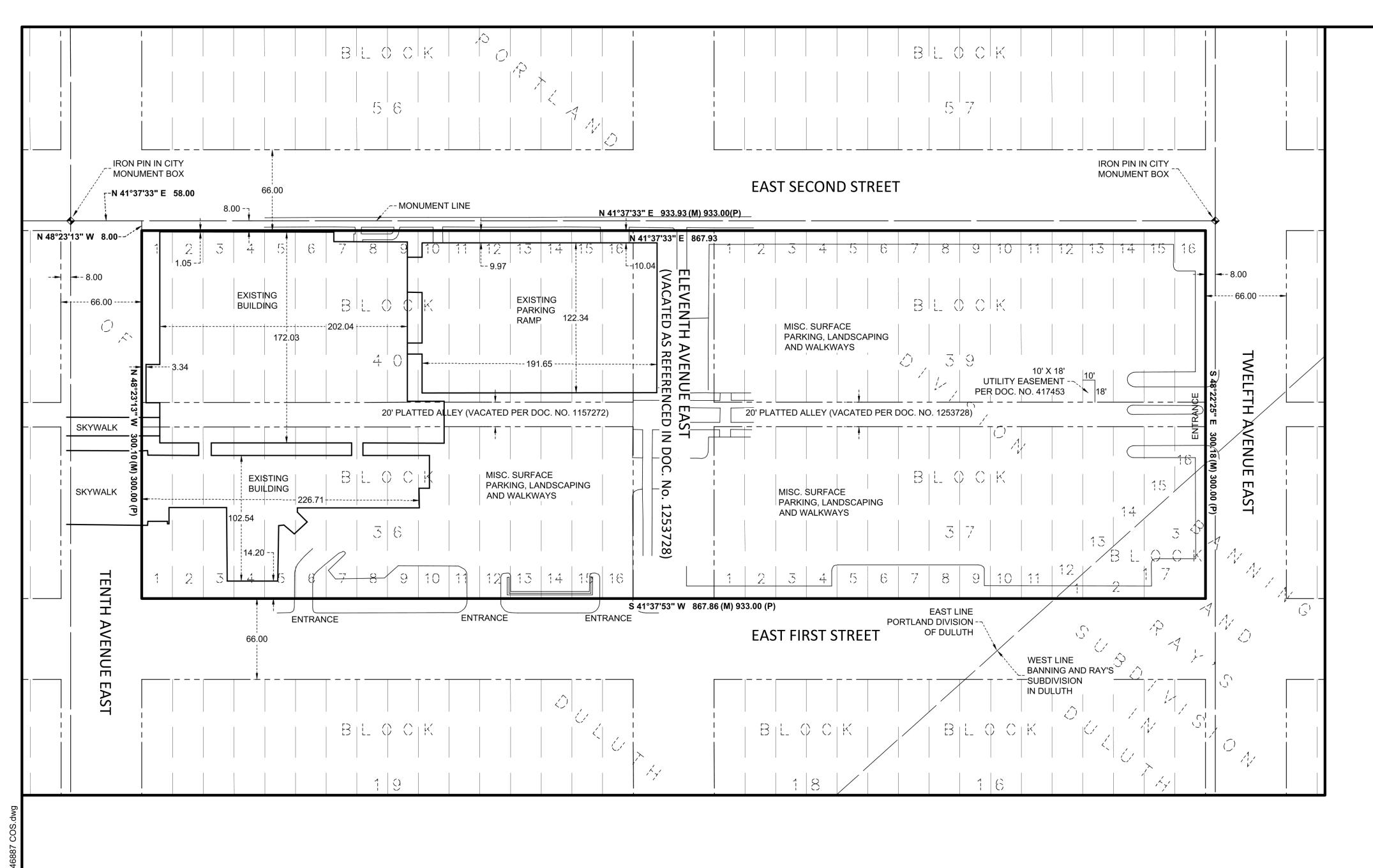
Staff finds that:

- 1) Applicant proposes a 3-story vertical expansion. One floor would be interstitial space housing existing, relocated, and added mechanical equipment with active and inactive louvers along the exterior façade. Two additional floors would house ICU and inpatient cardiac care, for a total of 58 rooms that will replace existing rooms in the St. Luke's Hospital Building (no net new rooms). The height of the building is 114 feet. All of the basic MU-I requirements of the UDC are met through this proposal.
- 2) St. Luke's, as a regional medical system, takes a campus-wide approach to accommodating parking needs. Several parking lots are located nearby and directly adjacent to Building A. As these rooms will be relocated to Building A from the existing hospital building, no new parking is needed.
- 3) Landscaping and Tree Preservation: does not apply.
- 4) Screening, Walls, and Fences: existing loading docks will remain. Additional mechanical equipment will be screened within the 5<sup>th</sup> floor interstitial space. Screening is also provided on the northwest portion of the building that will not have additional floors above it.
- 5) Sustainability Standards: do not apply as the expansion to this structure does not constitute new development. Staff notes that an addition onto an existing building meets sustainability goals of locating on previously developed land.
- 6) Building Design Standards: the 3-story addition meets the UDC transparency requirement, vertical articulation option, wall plan articulation option (only a portion of the building will receive additional floors, resulting in articulation along the building facades), and the entry requirements. Applicant has noted additional design elements in the attached narrative, such as changes in materials, a large overhanging cornice, and pedestrian elements.
- Exterior Lighting: the only exterior lighting proposed is a downcast wallpack at the door from the stairs onto the roof for worker safety.
- 8) No public, agency, or City comments have been received.
- 9) According to UDC 50-37.1.N, an approved Planning Review will expire if the project or activity authorized by the permit is not begun within 1 year.

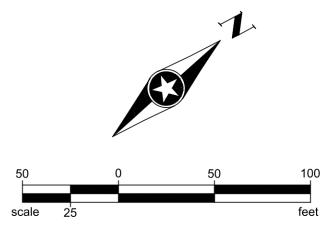
#### **Staff Recommendation**

Based on the above findings, Staff recommends that Planning Commission approve the MU-I Planning Review with the following conditions:

- 1. The project be constructed, limited to, and maintained according to site plans, screening plans, and building elevations submitted as part of this application.
- 2. Building height be verified at time of construction.
- 3. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



# CERTIFICATE OF SURVEY



ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM, NAD83 (1996 ADJ)

# **EXISTING**

RIGHT OF WAY PERMANENT EASEMENT PROPERTY LINE HORIZONTAL CONTROL POINT BENCHMARK SURVEY MARKER SOIL BORING SANITARY SEWER AND MANHOLE FORCE MAIN AND LIFT STATION SANITARY SEWER SERVICE & CLEANOUT WATER MAIN, HYDRANT, VALVE AND MANHOLE WATER SERVICE AND CURB STOP BOX STORM SEWER, MANHOLE AND CATCH BASIN CULVERT AND APRON ENDWALL GAS MAIN, VALVE, VENT AND METER BURIED FIBER OPTIC CABLE AND MANHOLE BURIED PHONE CABLE, PEDESTAL AND MANHOLE BURIED TV CABLE, PEDESTAL AND MANHOLE P-BUR BURIED ELECTRIC CABLE, PEDESTAL, MANHOLE, TRANSFORMER AND METER OVERHEAD WIRE, POLE AND GUY WIRE LIGHT POLE TRAFFIC SIGNAL STREET NAME SIGN SIGN (NON STREET NAME) DECIDUOUS AND CONIFEROUS TREE BUSH / SHRUB AND STUMP EDGE OF WOODED AREA WETLAND BUILDING FENCE (UNIDENTIFIED) BARBED WIRE FENCE CHAIN LINK FENCE ELECTRIC WIRE FENCE **WOOD FENCE** \_\_\_\_\_ XWW\_\_\_ WOVEN WIRE FENCE PLATE BEAM GUARDRAIL CABLE GUARDRAIL POST / BOLLARD

M = MEASURED DISTANCE P = PLATTED DISTANCE

TO THE TAINING WALL

# LEGAL LAND DESCRIPTION

All of Blocks 36, 37, 39 and 40, PORTLAND DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, including vacated alley and vacated 11th Avenue East;

# AND

**REVISIONS** 

All of Block 17, BANNING AND RAY'S SUBDIVISION IN DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota.

# PARCEL IDENTIFICATION NUMBERS

010-3830-04940, 010-3830-05080, 010-3830-04240, 010-3830-04695, 010-3830-04690, 010-3830-04460

OF THE STATE OF MINNESOTA.

May 9, 2019

Lic. No.

# SURVEYOR'S NOTES

# This survey was completed without reference to a title commitment.

St. Louis County recorded documents consulted:

Certificates of Title 209891, 228409, 244573, 244619, 245731, 271243, 296041, 298700, 298701, 298702, 298703, 304516, 318602, 322512, 322644, 329735, 329801, 329985;

897331, 989533, 901100, 901101, 870805, 1163129, 1163130, 1157272, 1253728.

Deeds Document Nos. 229541, 462757, 519004, 700452, 866568, 896123, 922467, 941256, 971250, 1119670, 1164741, 1164896, 1170656, 1179915, 1219208, 1220941;

Easements, Vacations, and Agreements Document Nos. 407812, 407813, 410311, 417453, 421746, 453050, 462756, 507572, 516643, 666944, 666945, 666949, 731535, 731536, 776690,

Public alleys, streets, and utility easements appear to be vacated as shown.

NO. BY DATE

MONUMENT BOX

KLA

KLA/BAH

CAL

SURVEY TEAM

DRAWN BY:

SURVEYED BY

CHECKED BY:

VICINITY AND SURVEY CONTROL MAP

1" = 200'

N 41°37'33" E 933.93

EAST SECOND STREET

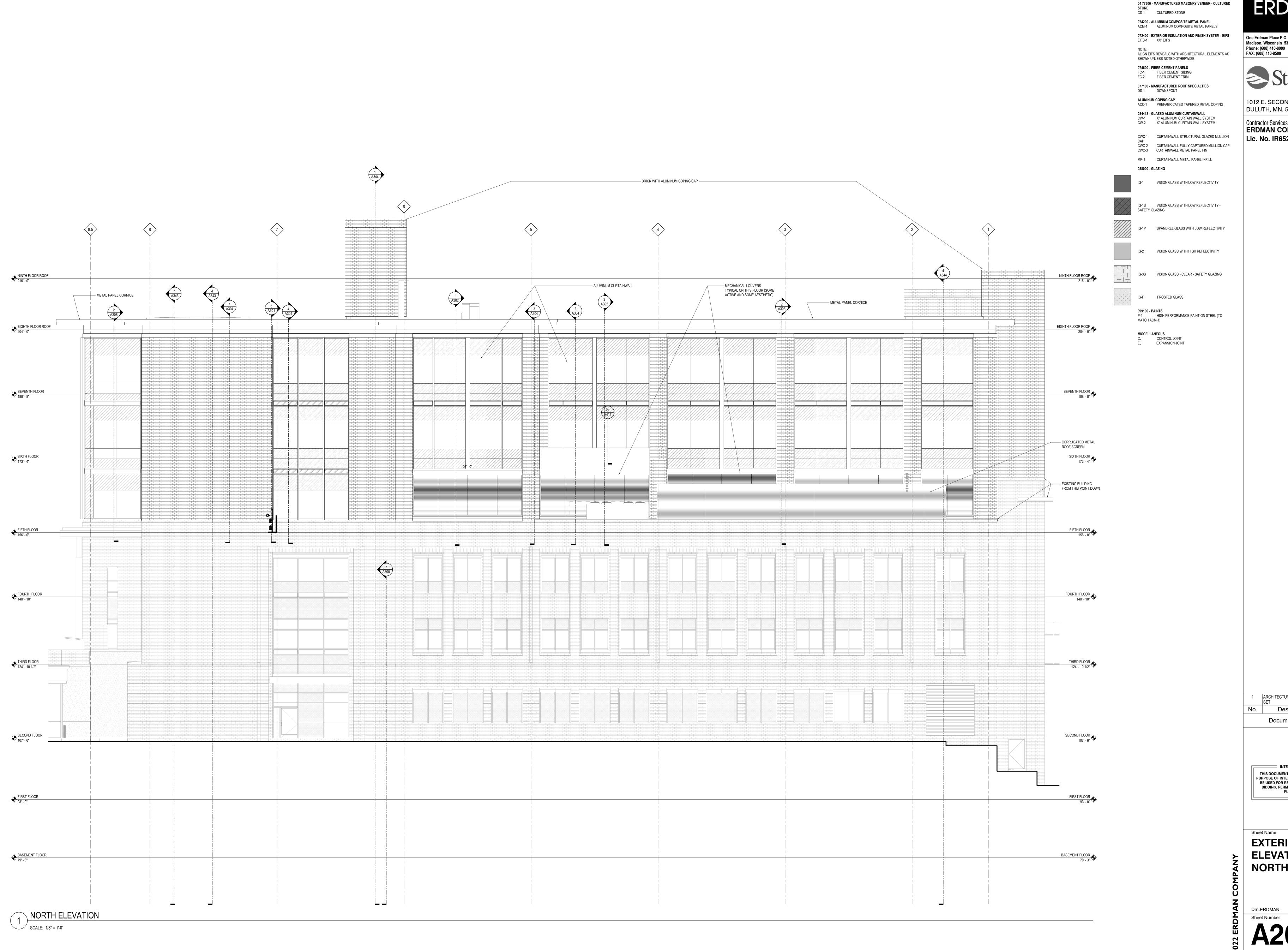
MONUMENT BOX











PC Packet 12-13-2022

One Erdman Place P.O. Box 44975 Madison, Wisconsin 53717

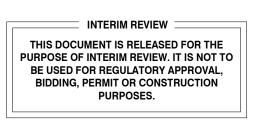
**EXTERIOR MATERIALS** 



1012 E. SECOND ST. DULUTH, MN. 53805

Contractor Services Provided By: **ERDMAN COMPANY** Lic. No. IR652277

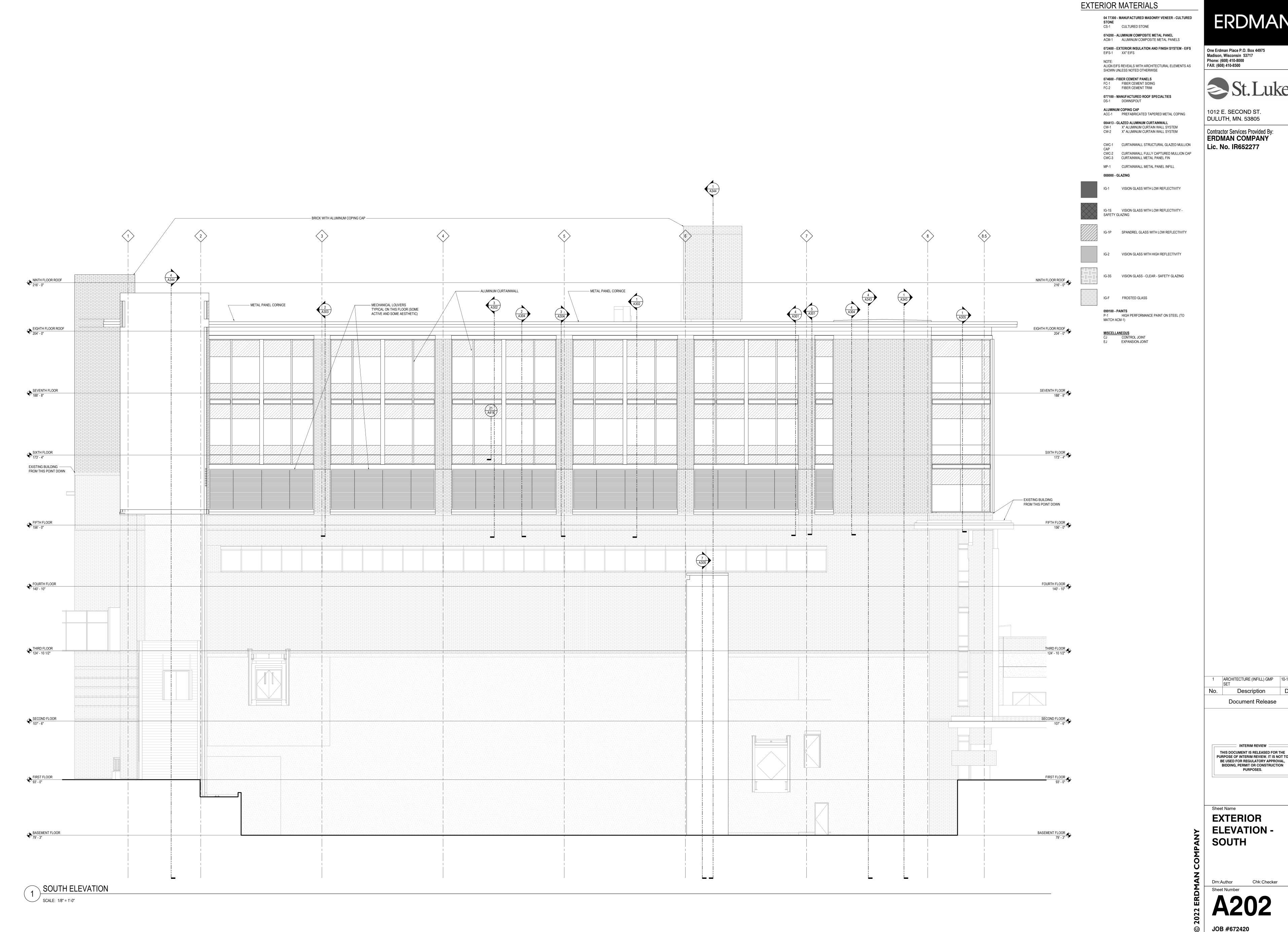
1 ARCHITECTURE (INFILL) GMP 10-14-22 Description Document Release



**EXTERIOR** 

**ELEVATION -NORTH** 

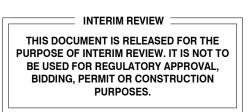
Drn:ERDMAN Chk:ERDMAN

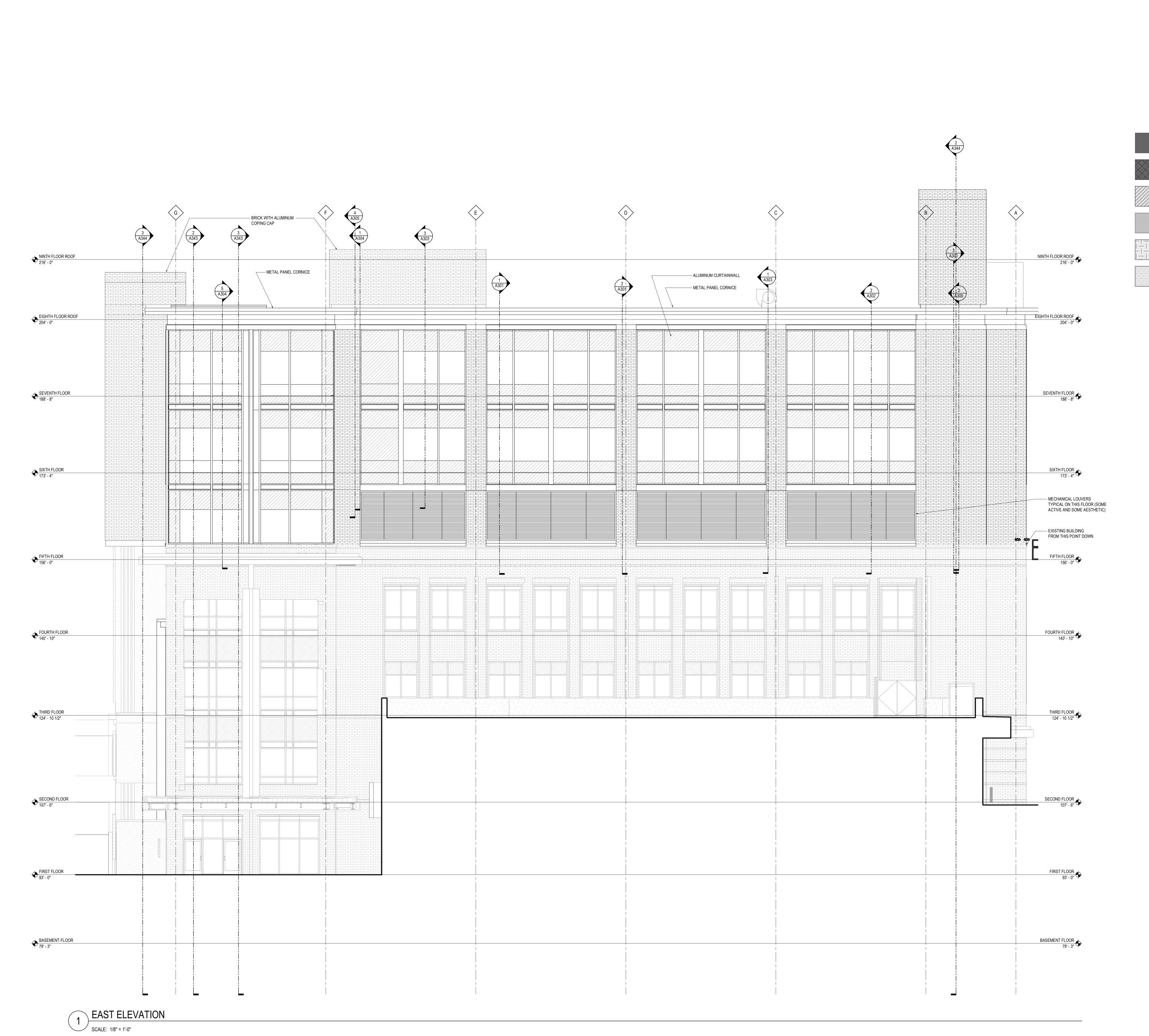


PC Packet 12-13-2022



1 ARCHITECTURE (INFILL) GMP 10-14-22 SET





**EXTERIOR MATERIALS** 

04 77300 - MANUFACTURED MASONRY VENEER - CULTURED STONE
CS-1 CULTURED STONE

074200 - ALUMINUM COMPOSITE METAL PANEL ACM-1 ALUMINUM COMPOSITE METAL PANELS PC Packet 12-13-2022

One Erdman Place P.O. Box 44975

Madison, Wisconsin 53717 Phone: (608) 410-8000 FAX: (608) 410-8500

1012 E. SECOND ST.

DULUTH, MN. 53805

Lic. No. IR652277

Contractor Services Provided By: **ERDMAN COMPANY** 

072400 - EXTERIOR INSULATION AND FINISH SYSTEM - EIFS EIFS-1 XX" EIFS

NOTE: ALIGN EIFS REVEALS WITH ARCHITECTURAL ELEMENTS AS SHOWN UNLESS NOTED OTHERWISE

074600 - FIBER CEMENT PANELS
FC-1 FIBER CEMENT SIDING
FC-2 FIBER CEMENT TRIM

077100 - MANUFACTURED ROOF SPECIALTIES

DS-1 DOWNSPOUT

ALUMINUM COPING CAP
ACC-1 PREFABRICATED TAPERED METAL COPING

084413 - GLAZED ALUMINUM CURTAINWALL
CW-1 X" ALUMINUM CURTAIN WALL SYSTEM

CW-2 X" ALUMINUM CURTAIN WALL SYSTEM

CWC-1 CURTAINWALL STRUCTURAL GLAZED MULLION
CAP
CWC-2 CURTAINWALL FULLY CAPTURED MULLION CAP
CWC-3 CURTAINWALL METAL PANEL FIN

MP-1 CURTAINWALL METAL PANEL INFILL

088000 - GLAZING

IG-1 VISION GLASS WITH LOW REFLECTIVITY

IG-1S VISION GLASS WITH LOW REFLECTIVITY -SAFETY GLAZING

1

IG-1P SPANDREL GLASS WITH LOW REFLECTIVITY

VISION GLASS WITH HIGH REFLECTIVITY

3

IG-3S VISION GLASS - CLEAR - SAFETY GLAZING

: : : IG-F FROSTED GLASS

099100 - PAINTS
P-1 HIGH PERFORMANCE PAINT ON STEEL (TO MATCH ACM-1)

MISCELLANEOUS
CJ CONTROL JOINT
EJ EXPANSION JOINT

1 ARCHITECTURE (INFILL) GMP 10-14-22 SET

No. Description Date

Document Release

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW. IT IS NOT TO BE USED FOR REGULATORY APPROVAL, BIDDING, PERMIT OR CONSTRUCTION PURPOSES.

EXTERIOR
ELEVATION -

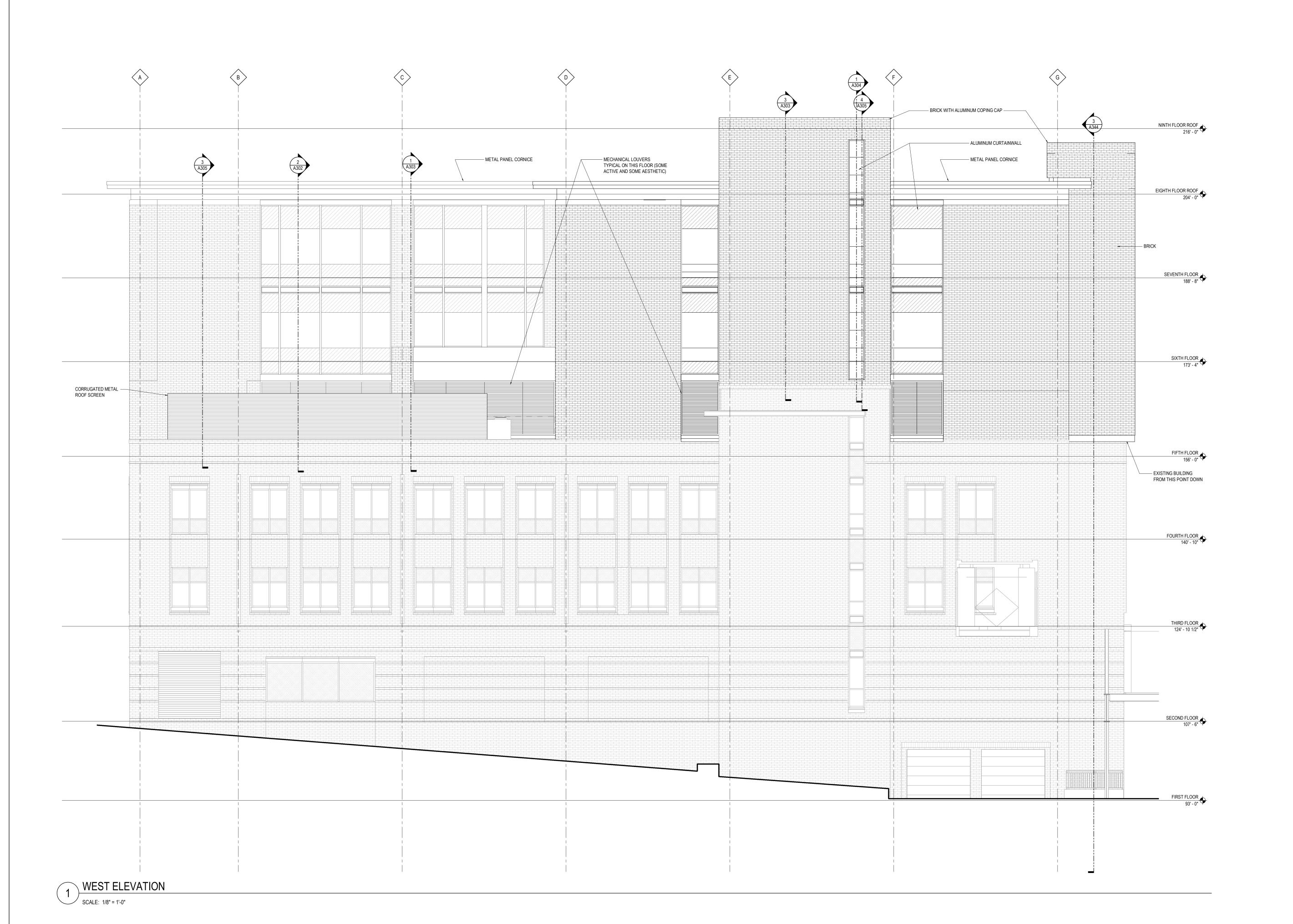
**EAST** 

Drn:SRILEY Chk:ERDMAN

A203

8 #672420

Page 108 of 142



**EXTERIOR MATERIALS** 

04 77300 - MANUFACTURED MASONRY VENEER - CULTURED STONE
CS-1 CULTURED STONE

074200 - ALUMINUM COMPOSITE METAL PANEL ACM-1 ALUMINUM COMPOSITE METAL PANELS

072400 - EXTERIOR INSULATION AND FINISH SYSTEM - EIFS EIFS-1 XX" EIFS

ALIGN EIFS REVEALS WITH ARCHITECTURAL ELEMENTS AS SHOWN UNLESS NOTED OTHERWISE

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PC Packet 12-13-2022

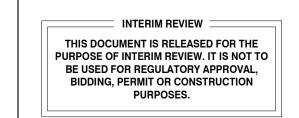
One Erdman Place P.O. Box 44975 Madison, Wisconsin 53717 Phone: (608) 410-8000 FAX: (608) 410-8500



1012 E. SECOND ST. DULUTH, MN. 53805

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1 ARCHITECTURE (INFILL) GMP 10-14-22 No. Description Document Release



**EXTERIOR ELEVATION -**WEST

#### Compliance Narrative for 50-30 of Duluth, MN Design Standards

As we review the 3 story vertical expansion of Building A on the St Luke's Hospital campus, in looking at the elevations and 3D images you will note that the 5<sup>th</sup> floor is made up of louvers for this interstitial mechanical space to emulate windows. While these louvers are not a transparent material, they area metal material to match with the rest of the metal on the windows and curtainwall. The southeast entry tower does add glazing to this 5<sup>th</sup> floor as well. In addition, the 6<sup>th</sup> and 7<sup>th</sup> floors of this vertical expansion are made up of more than 75% transparent material (glazing). Transparent glazing of 75% on these two floors along with 5% of the 5<sup>th</sup> floor makes up a total of just over 50% (51.7%) which more than meets the 10% requirement. We consider at this point that these 3 floors are street facing given the height of these 3 floors compared to adjacent buildings.

The architecture for the building is somewhat dictated by the existing building below our vertical expansion. However, with-in that, we've done the following to add visual interest and breaks to the façade:

- added a significant amount of glass on the top 2 floors
- recessed the 5<sup>th</sup> floor louvers 2' to create interest and breaks in the façade
- introducing deep mullions on the 6<sup>th</sup> and 7<sup>th</sup> floor curtainwall and creating the appearance of column projections continuous from the 5<sup>th</sup> floor between louvers and between curtainwall spans on the 6<sup>th</sup> and 7<sup>th</sup> floor (on average about 30' on center horizontally).
- A deep overhanging cornice (minimum of 2') around the full perimeter at the roof.

This vertical expansion now compliments the existing building by adding the "top" to the existing, lighter brick making up the "base" and then the punched windows and darker brick making up the "middle" and this vertical expansion with large curtainwall glazing, dark brick, recessed louvers and overhanging cornice creating the lid to this top element.

For roof articulation, we believe while we don't have any change of height or set back, we believe the overhanging cornice achieves the appropriate aesthetic of this building and aligns with the existing, flat parapet that was on the existing building prior to this proposed vertical expansion.

This expansion will not impact the existing landscaping and any landscaping that is negatively impacted by construction will be replaced and repaired back to it's original condition.

The entryway design and location is existing and has a clear drive up canopy and other elements required as part of this section of the design standards. Our vertical expansion enhances this further by continuing the transparent, glass "lantern" effect above this entry to the roof cornice and overhang at the southeast corner of the building.

In regards to additional design standards:

- 1. See notes above regarding design of façade articulation adding interest and visual breaks.
- 2. Building introduces color and material changes in several locations (light brick base, dark brick field, EIFS, metal louvers, curtainwall and independent metal cornice color).
- 3. Pedestrian elements are part of the existing building/campus below our vertical expansion.

- 4. Pedestrian connections are part of the existing building/campus below our vertical expansion.
- 5. Bicycle access is part of the existing building/campus below our vertical expansion.

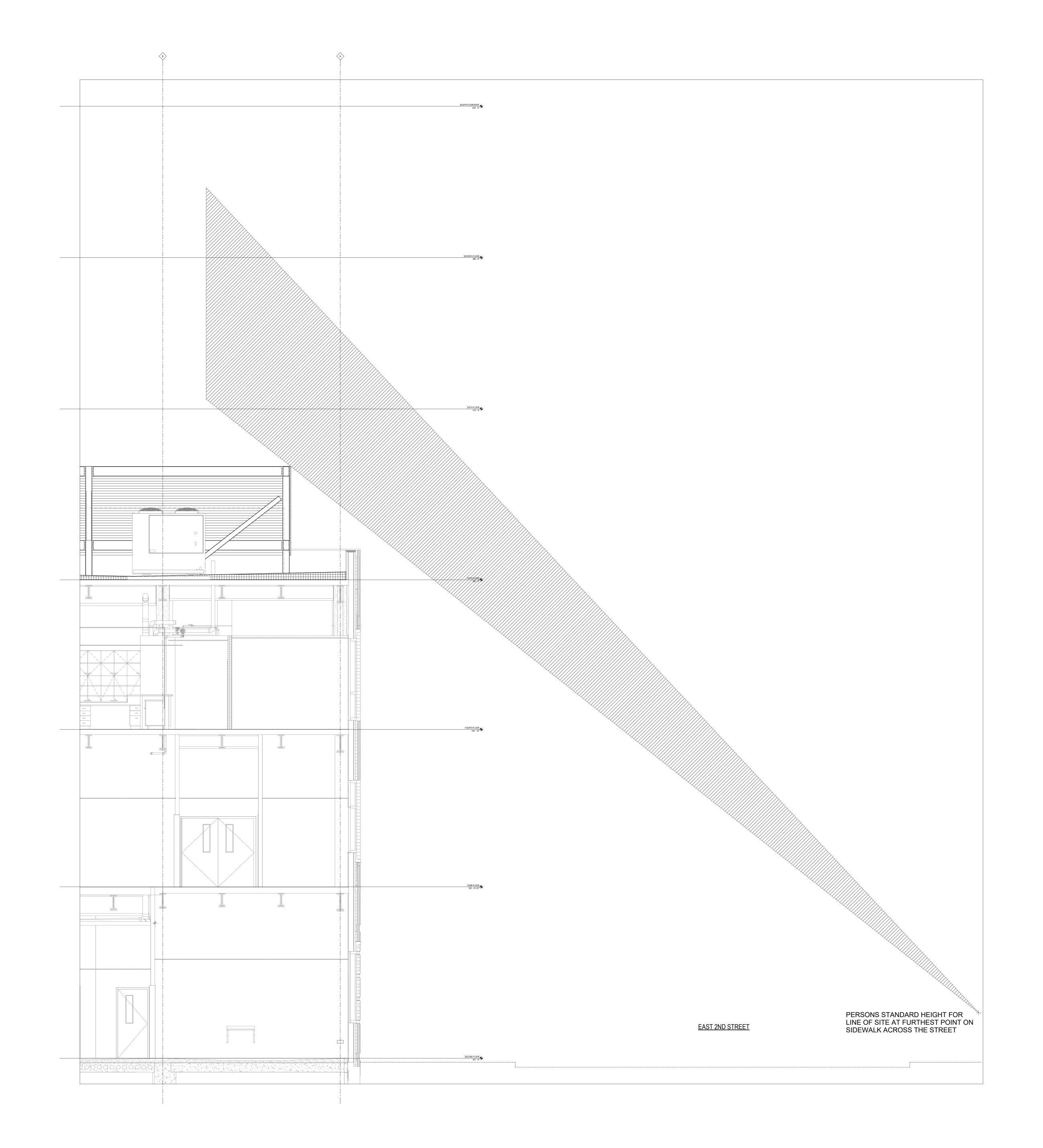
In summary, we believe our use of materials reflective of the history of Duluth, the appearance of a base, middle and top along with an overhanging cornice also reflective of historic Duluth, and our sensitivity to the existing building, campus and surrounding buildings is in alignment with the intent of the Duluth Design Standards. Please let us know if you have any further questions or concerns.

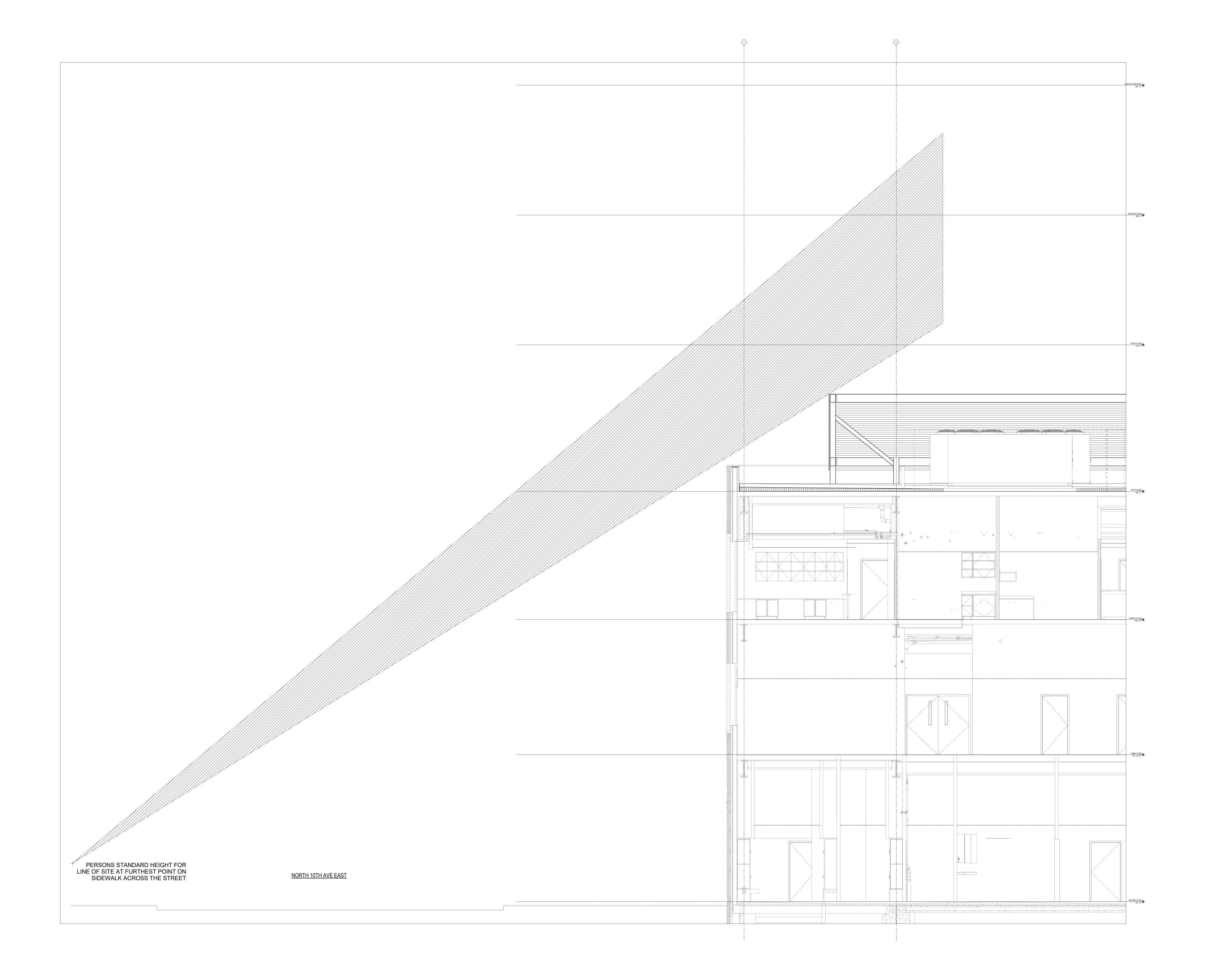
Sincerely,

Neil L Bright

Neil L. Bright

Project Architect for Erdman Company and on behalf of Mike Boeselager & St. Luke's Hospital







#### Planning & Development Division

Planning & Economic Development Department

planning@duluthmn.gov Room 160

218-730-5580

411 West First Street Duluth, Minnesota 55802

File Number	PL 22-214		Contact		Kyle Den	ning	
Туре	e MU-I Planning Review		Planning Co	mmission	Date	December 13, 2022	
Deadline Applicati		ion Date	November 8, 2022 <b>60 D</b>		60 Days	January 7, 2023	
for Action Date Ext		ension Letter Mailed	November 1	7, 2022	120 Days	March 8, 2023	
Location of Subject 1		1200 Kenwood Ave., near Mitchell Auditorium					
Applicant	The Colle	ge of Saint Scholastica	<b>Contact</b> Tim Orlowski, Director of Facilities			ctor of Facilities Services	
Agent HGA			Contact Luke Nichols, Lar			dscape Designer	
Legal Descripti	on	Section 15, Twp. 50N, Rng. 14W (010-2710-03760, 010-2			710-0377	0)	
Site Visit Date		December 2, 2022	Sign Notice Date			November 28, 2022	
Neighbor Letter Date		November 18, 2022	Number of Letters Sent		ent	118	

#### **Proposal**

Construction of a 17,050 sq. ft., two-story Student Center addition to Mitchell Auditorium, reconfiguration of the driveway and loading space west of the building, and conversion of parking in front of the building to a "Campus Quad" and the addition of parking lot landscaping in the remaining parking lot.

**Recommended Action:** Approve with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-I	College campus	Institutional
North	R-1	Residential, Chester Creek	Traditional Neighborhood & Open Space
South	R-C	Open space	Open Space
East	R-1, P-1	Residential, Chester Park	Traditional Neighborhood & Open Space
West	R-C	Open space	Open Space

#### **Summary of Code Requirements:**

UDC Section 50-14.5.D.3. Planning Commission approval required.

Applicants that do not opt for approval of a district plan shall obtain separate approval for each future expansion or development project through the planning review procedures pursuant to Section 50-37.11. Such approval will require review of vehicle circulation and building scale;

- 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, 142
- 50-29 Sustainability Standards Sustainability point system for new development.

50-30 Design Standards – Building standards for multi-family, commercial, institutional, and industrial buildings. 022
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:** 

#1 Reuse previously developed lands. The project will reuse land that was formerly parking and driveways.
#4 Support economic growth sectors. Higher education is listed as a "growing economic sector and this project will create additional space that facilitates the college's growth.

Economic Development Policy #3 – Build on existing economic strengths and competitive advantage. Strategy #2 - Coordinate with major institutions, including hospital and university campuses, to plan for their growth, minimize development impacts, and provide for stability and livability for the campuses, their employees, and surrounding neighborhoods.

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

Future Land Use – Institutional – Applicable to medical, university/college, public school, religious, or governmental campuses. Institutional master plans should guide expansions and ancillary land uses in adjacent areas. Density increasing from fringe to taller buildings in core. Pedestrian-oriented design, transit facilities, and parking.

#### **History:**

The main campus building, Tower Hall, was constructed in 1927-28.

Chapel and Library constructed in 1938.

Somers Hall and the Science Building constructed in 1964 and 1969, respectively.

Mitchell Auditorium and campus center constructed in 1993.

#### **Review and Discussion Items:**

Staff finds:

- 1. The applicant is proposing to construct a 17,050 sq. ft., two-story Student Center addition to Mitchell Auditorium, reconfiguration of the driveway and loading space west of the building, and conversion of parking in front of the building to a "Campus Quad" and the addition of parking lot landscaping in the remaining parking lot.
- 2. A Planning Review with Planning Commission is necessary because there is no approved MU-I District plan for the College campus (Sec. 50-14.5.D.3).
- 3. Sec. 50-14.5.D.3 (MU-I District) In addition to the development standards below, the Planning Review will include review of vehicle circulation and building scale. The student center addition is not expected to increase vehicle trips since no new classroom or auditorium space is being created which would increase student capacity. The two-story building is shorter than adjacent structures and it is located a great distance from property boundaries where neighbors would be affected.
- 4. Sec. 50-18 (Flood Plains, Wetland, Shorelands) The project is not within a flood plain, wetland, or shoreland.
- 5. Sec. 50-18.1.E (Storm Water Management) The amount of impervious surface is not increasing significantly and the plans include storm water catch basins that direct water to existing treatment and detention basins. The project includes the existing storm water basin / BMP to be cleaned out and retrofitted with current stormwater management methods, by installing a biofiltration basin that will provide temperature controls and better water quality improvements. Final storm water designs will be approved by City Engineering.
- 6. Sec. 50-23 (Connectivity) The project retains pedestrian connectivity with other areas on the campus. No changes are proposed to off-campus pedestrian connections.
- 7. Sec. 50-24 (Parking) From a recent campus parking inventory, the applicant estimates it had, on average, 150 open parking spaces during peak on-campus hours. The college anticipates parking needs can be met with proper scheduling distribution and the gradual trend toward virtual education. Though the proposal includes the loss of 31 parking spaces, staff accepts the explanation above as meeting the parking demand for the campus. Due to the layout of the campus with buildings located a large distance from surrounding public streets, there is a large chance that any excess parking demand would spill over onto public streets.

- 8. Sec. 50-25 (Landscaping) The project includes converting existing parking to a campus quadified eation space as well as installation of islands and trees in the portion of the parking lot remaining. The landscape plan accounts for 144 inches of trees to be removed and 149 inches of replacement Special Trees to be planted according to UDC requirements. All other landscaping requirements, including parking lot islands and tree canopy coverage, will be met.
- 9. Sec. 50-26 (Screening) Some HVAC equipment will be placed between a retaining wall and the back of the building. Roof-mounted HVAC equipment will be far from surrounding public roads and not visible. The loading area behind the building will also be screened by the building itself. No changes to campus trash/recycling storage as part of this project.
- 10. Sec. 50-27 (Signs) No sign modifications are planned for the project at this time. Any building mounted signs can be approved at a later time.
- 11. Sec. 50-29 (Sustainability) Not applicable to building additions.
- 12. Sec. 50-30 (Design Standards) The project's "front" faces the new quad and meets the transparency requirements, and the chosen two options of façade articulation requirement, and foundation landscaping option. The design also complies with entryway design requirements.
- 13. Sec. 50-31 (Exterior Lighting) The proposed lighting plan shows UDC compliant fixtures and light levels. Staff recommends that non-compliant flood lights in the area be removed as part of the project.
- 14. No comments were received from citizens, City staff, or any other entity were received regarding the application.
- 15. 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:

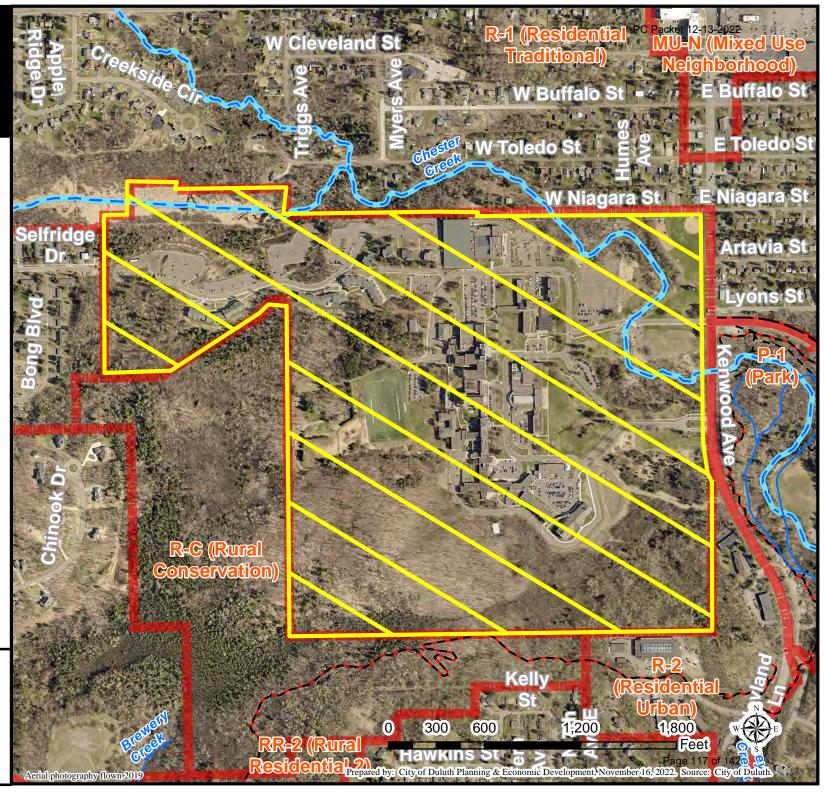
- 1. Applicant shall construct and maintain the project as identified in the attached exhibits.
- 2. Applicant shall remove non-compliant flood lights from the project areas.
- 3. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



PL22-214 MU-I Planning Review -Student Center Addition 1200 Kenwood Ave. by The College of Saint Scholastica

# Legend Bike/Hike Hiking Multi-Use - Paved XC Municipal Boundary 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.





PL22-214 MU-I Planning Review -Student Center Addition 1200 Kenwood Ave. by The College of Saint Scholastica

### W Cleveland St <u>Neighborhood</u> W Cleveland St Tiradifional Neighborhood Mixed Use W Buffalo St E Buffalo St Traditional **Neighborhood** E Toledo St W Toledo St E Niagara St W Niagara St Artavia St Lyons St Low-density **Neighborhood** Partridge St <u>Urban</u> 1,200 300 600 1,800 **Urban** Low-density Feet **Neighborhood** Ilraditional Page 118 of 142 Prepared by: City of Duluth Planning & Economic Development, November 16, 2022. Source: City of Duluth. Aerial photography flown 2019

Legend

Municipal Boundary
Trout Stream (GPS)
Other Stream (GPS)
Open Space
Low-density Neighborhood
Traditional Neighborhood
Urban Residential
Neighborhood Mixed Use
Institutional

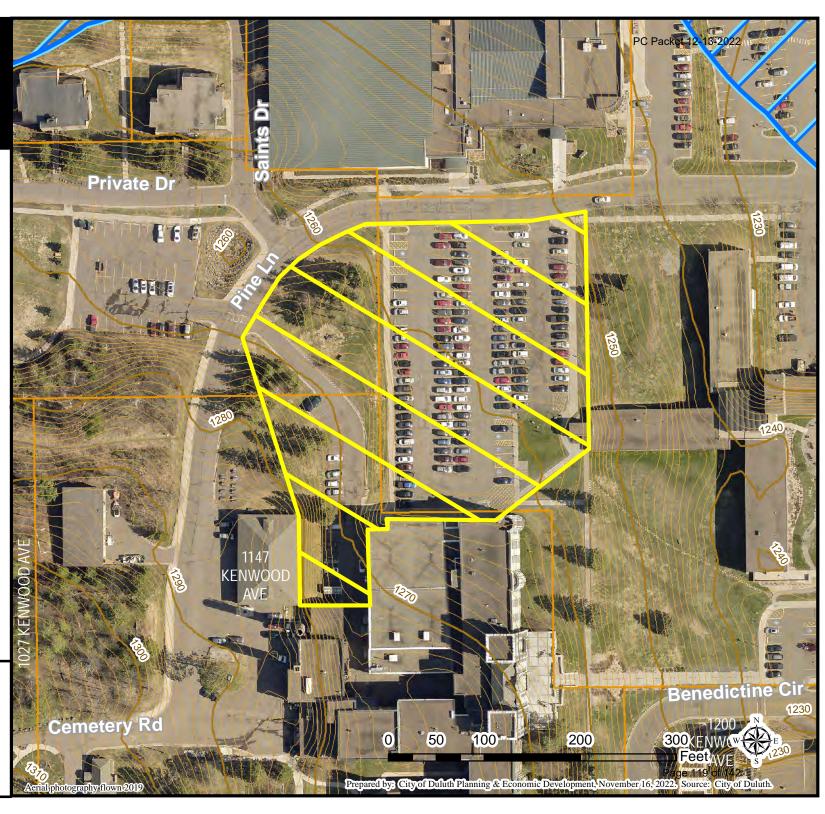
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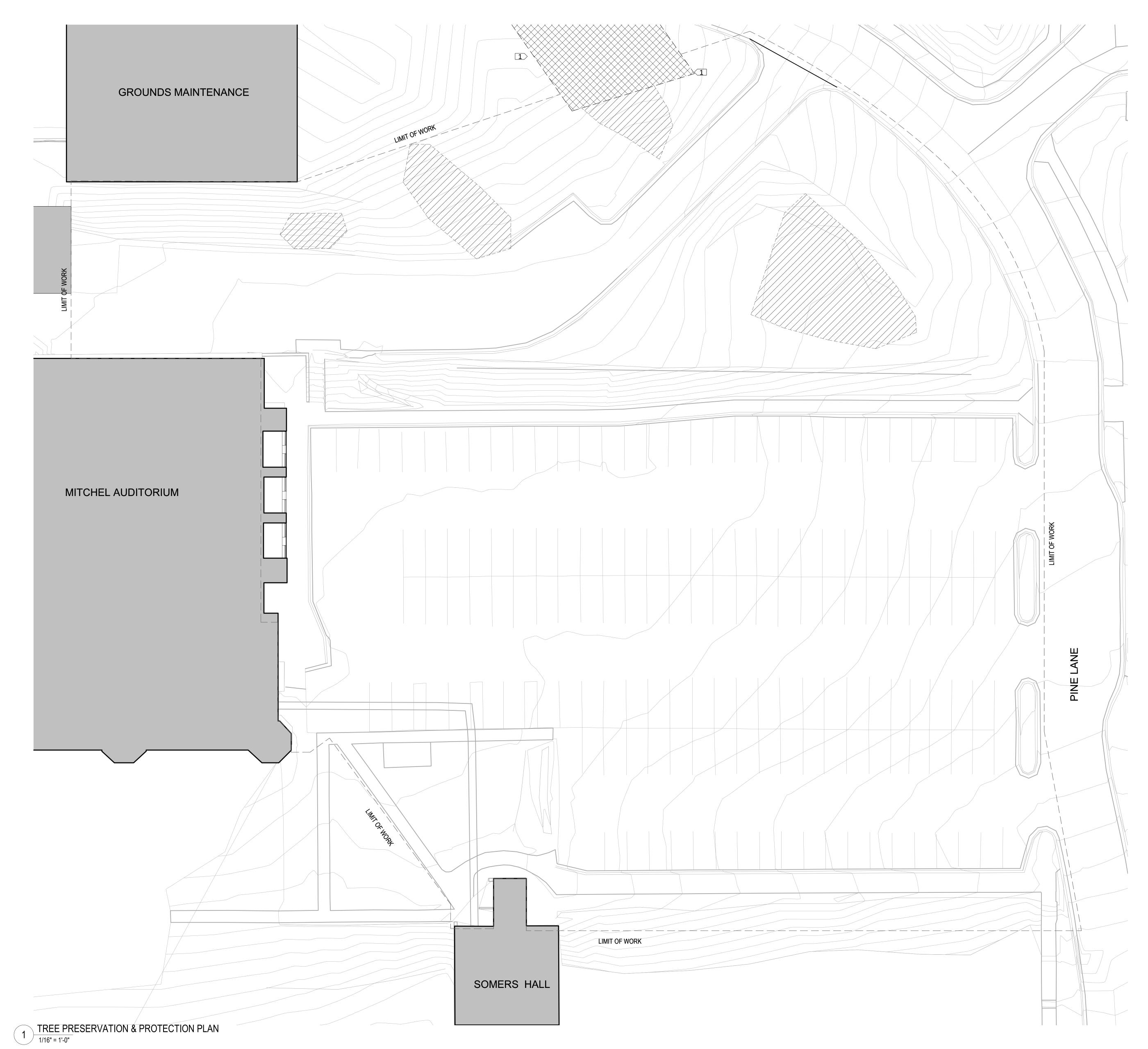


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## GENERAL NOTES - TREE REMOVAL

ONLY THOSE PERSONS AUTHORIZED BY THE CITY MAY REMOVE ANY TREES FROM PUBLIC LAND. TREES REMOVED FROM ANY PUBLIC LAND INCLUDING CITY, COUNTRY OR STATE RIGHT-OF-WAY SHALL BE REPLACED BY THE PERSON OR ENTITY WHO REMOVED IT. REPLACEMENT SHALL BE IN THE FOLLOWING MANNER:

A. REPLACEMENT OF ANY LIVE TREE WHICH IS REMOVED FROM ANY PUBLIC LAND SHALL BE REQUIRED ON A CALIPER INCH FOR CALIPER INCH BASIS. THE CITY MAY ALSO ELECT TO RECEIVE CASH IN LIEU OF TREES BASED ON FREE PER CALIPER INCH DETERMINED BY THE CITY COUNCIL.

B. REPLACEMENT TREES SHALL BE OF SPECIES APPROVED BY THE CITY FORESTER.

## **KEYNOTES - TREE PROTECTION**

DESCRIPTION

TREE PROTECTION FENCING; REFER TO DETAILS ON SHEET L120

## LEGEND - TREE REMOVAL

EXISTING TREE TO BE REMOVED

TREE PROTECTIVE BARRIER; REFER TO SPEC. 320190

	TRE	EE REMO	OVAL SCHEDU	JLE
Species	DBH	Count	Туре	Total DBH To Be Replaced
Picea glauca	22"	1	Special	13.2"
Picea glauca	20"	1	Special	12"

Total	24011	4.4	NI/A	4.42 C
Sorbus americana	9"	1	N/A	
Betula paprifera	16"	1	Interest	Threshold Not Reached
Abies balsamea	8"	2	N/A	
Picea pungens	10"	1	Interest	Threshold Not Reached
Thuja occidentalis	6"	4	Interest	Threshold Not Reached
Thuja occidentalis	7"	3	Interest	Threshold Not Reached
Thuja occidentalis	8"	1	Special	3.2"
Picea glauca	7"	3	Interest	Threshold Not Reached
Picea glauca	8"	4	Special	12.8"
Picea glauca	9"	4	Special	14.4"
Picea glauca	10"	6	Special	24"
Picea glauca	12"	6	Special	28.8"
Picea glauca	13"	1	Special	5.2"
Picea glauca	14"	2	Special	11.2"
Picea glauca	15"	1	Special	6"
Picea glauca	16"	2	Special	12.8"
Picea glauca	20"	1	Special	12"

420 North 5th Street, Suite 100 Minneapolis, Minnesota 55401 Telephone 612.758.4000

**CIVIL ENGINEER** 

LHB Inc. 21 W Superior St. #500 Duluth, MN 55802 (218) 727-8446

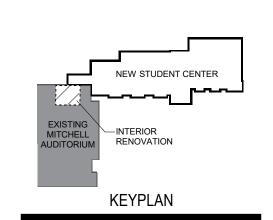


**COLLEGE OF SCHOLASTICA** Student Center Addition

> 1200 Kenwood Ave, Duluth, MN 55811

The College of St. Scholastica







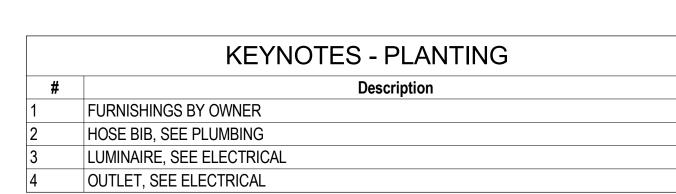
TREE REMOVAL & PROTECTION **PLAN** 

DATE: SEPTEMBER 2, 2022 DESIGN DEVELOPMENT GMP SET



## GENERAL NOTES - PLANTING PLAN

1. UTILIZE "CALL 811" UTILITY LOCATION PRIOR TO ALL EXCAVATION ACTIVITY. REFER TO L200s & CIVIL DRAWINGS FOR ADDITIONAL SITE INFORMATION.
 CONTRACTOR TO OBTAIN DIGITAL DRAWING FILE FOR LAYOUT AND LOCATION VERIFICATION
 CONTRACTOR RESPONSIBLE FOR VERIFYING ALL QUANTITIES.



## **CIVIL ENGINEER**

420 North 5th Street, Suite 100 Minneapolis, Minnesota 55401 Telephone 612.758.4000

> LHB Inc. 21 W Superior St. #500 Duluth, MN 55802 (218) 727-8446



## LEGEND - PLANTING PLAN

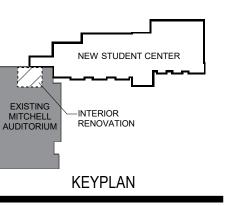
	HIGH TRAFFIC ATHLETIC TURF REFER TO SPEC 329200	SOD-1
	SHADE TURF REFER TO SPEC 329200	(SOD-2)
+ + + + + + + + + + + + + + + + + + + +	FESCUE SEED MIX REFER TO SPEC 329200	SEED-1
	GROUNDCOVER PLUGS Pachysandra terminalis 'Green Carpet,' 6-Pak, PLANT 12" O.C. IN TR	RIANGULAR GRID
	SEASONAL PLANTING BED  DOUBLE DUTCH DOUBLE TULIP MIX, PLANT 12" O.C. IN TRIANG	ULAR GRID

		PLAI	NT MATER	IALS SC	HEDL	JLE	
Key	Quantity	Common Name	Scientific Name	Size	Spacing	Tree Type	Total Replacement DBH
PERE					<u> </u>	, ,,	
Am	96			#1 CTNR.	As Shown		
Ar	33	Goat's Beard	Aruncus dioicus'	#1 CTNR.	As Shown		
Cn	34	Lesser Calamint	Calamintha nepeta ssp. nepeta	#1 CTNR.	As Shown		
Dp	38	Purple Prairie Clover	Dalea purpurea	#1 Cont.	As Shown		
Ер	61	Purple Coneflower	Echinacea pallida	#1 CTNR.	As Shown		
Ls	16	Floristan White Blazing Star	Liatris spicata 'Floristan White'	#1 CTNR.	As Shown		
Lsl	27	Little Rocket Ligularia	Ligularia stenocephala 'Little Rocket'	#1 CTNR.	As Shown		
Pa	38	Blue Jean Baby Russian Sage	Perovskia atriplicifolia 'Blue Jean Baby'	#1 CTNR.	As Shown		
GRAS	S		-				
Ca	27	Karl Forester Feather Reed Grass	Calamagrostis x acuitiflora 'Karl Forester'	#1 CTNR.	As Shown		
Мс	66	Molinia Moor Grass	Molinia caerulea var. 'Variegata'	#1 CTNR	As Shown		
Sh	53	Prairie Drop Seed	Sporobulus heterlepis	#3 CNTR.	As Shown		
DECID	UOUS TRI	EES					
As	5	Unity Sugar Maple	Acer saccharum 'Unity'	4" CAL. B&B	27'-0"	Special Tree	30
Ва	5	Yellow Birch	Betula alleghaniensis	3" CAL. B&B	As Shown	Special Tree	94
Qa	8	Red Oak	Quercus alba	3" CAL. B&B	As Shown	Special Tree	94
Qr	8	Red Oak	Quercus rubra	3" CAL. B&B	As Shown	Special Tree	94
Та	4	Redmond Linden	Tilia americana 'Redmond'	4" CAL. B&B	As Shown	Special Tree	24
DECID	UOUS SH	RUB			ı	ı	
Am	67	Autumn Magic Chokeberry	Aronia melanocarpa 'Autumn Magic'	#2 CTNR.	As Shown		

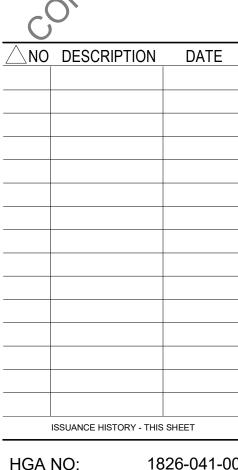
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The College of St. Scholastica



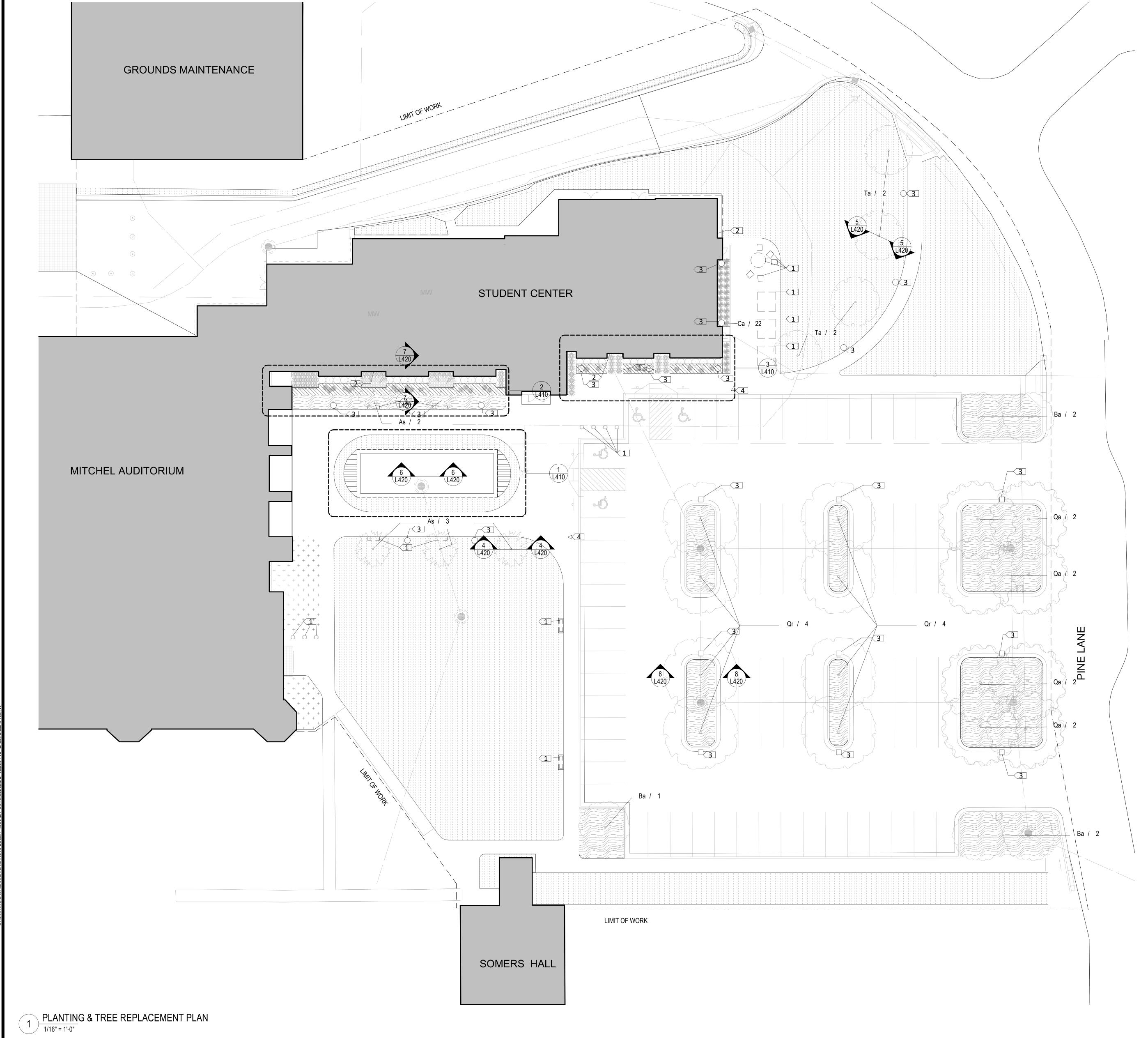






**PLANTING & REPLACEMENT PLAN** 

DATE: SEPTEMBER 2, 2022 DESIGN DEVELOPMENT
GMP SET



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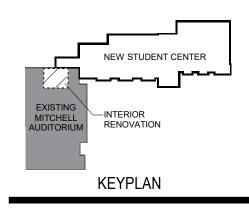
**COLLEGE OF** ST.

**SCHOLASTICA** Student Center Addition

> 1200 Kenwood Ave, Duluth, MN 55811

The College of St. Scholastica





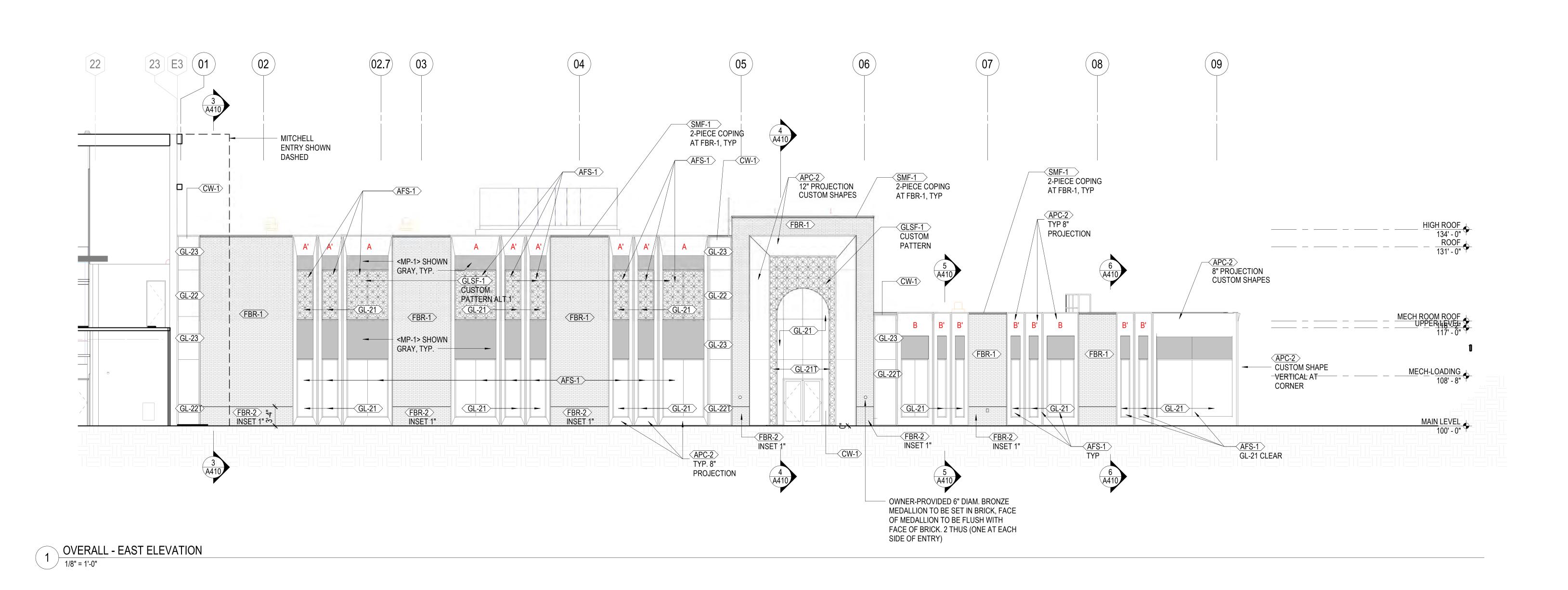


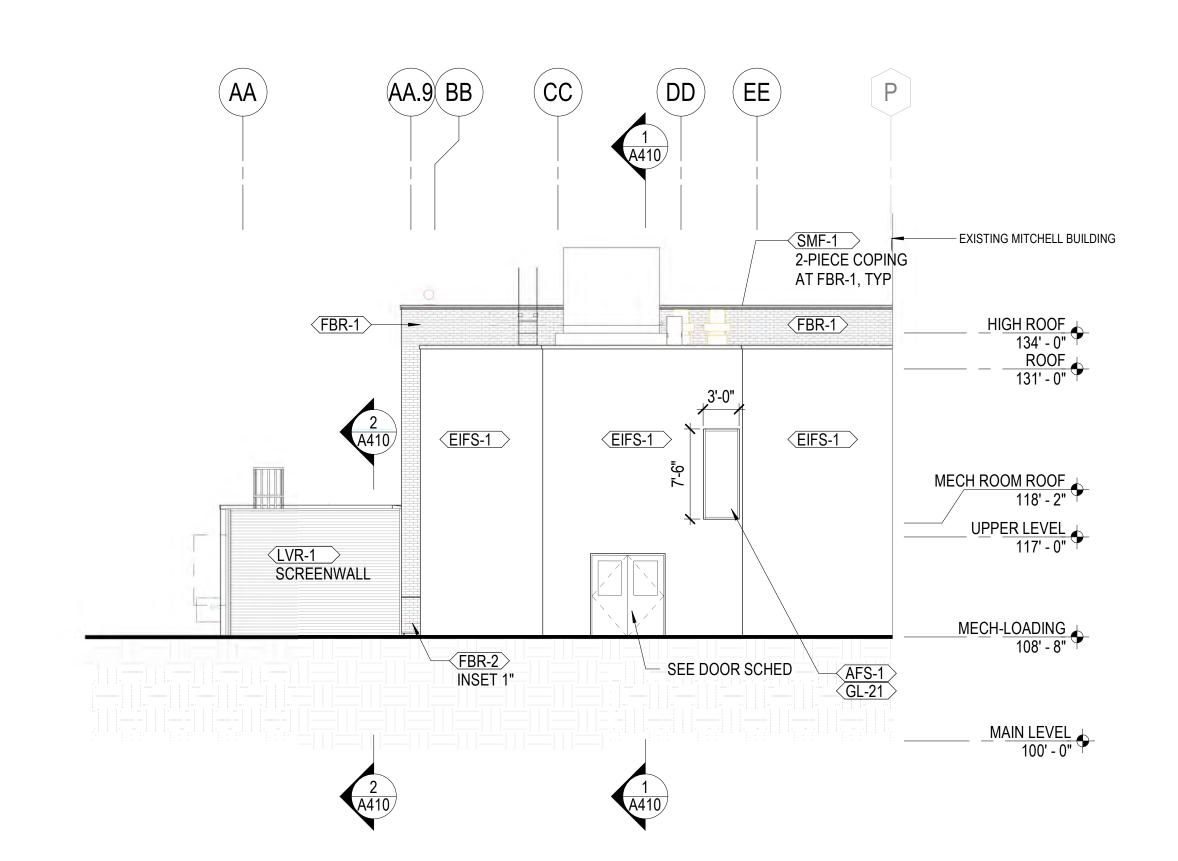
**OVERALL EXTERIOR ELEVATIONS** 

DATE: NOVEMBER 21, 2022 CP-2 CONSTRUCTION DOCUMENTS



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OVERALL - SOUTH ELEVATION

1/8" = 1'-0"

**GENERAL NOTES - EXTERIOR ELEVATIONS** 

420 North 5th Street, Suite 100 Minneapolis, Minnesota 55401 Telephone 612.758.4000

**CIVIL ENGINEER** 

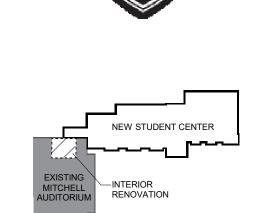
LHB Inc. 21 W Superior St. #500 Duluth, MN 55802 (218) 727-8446

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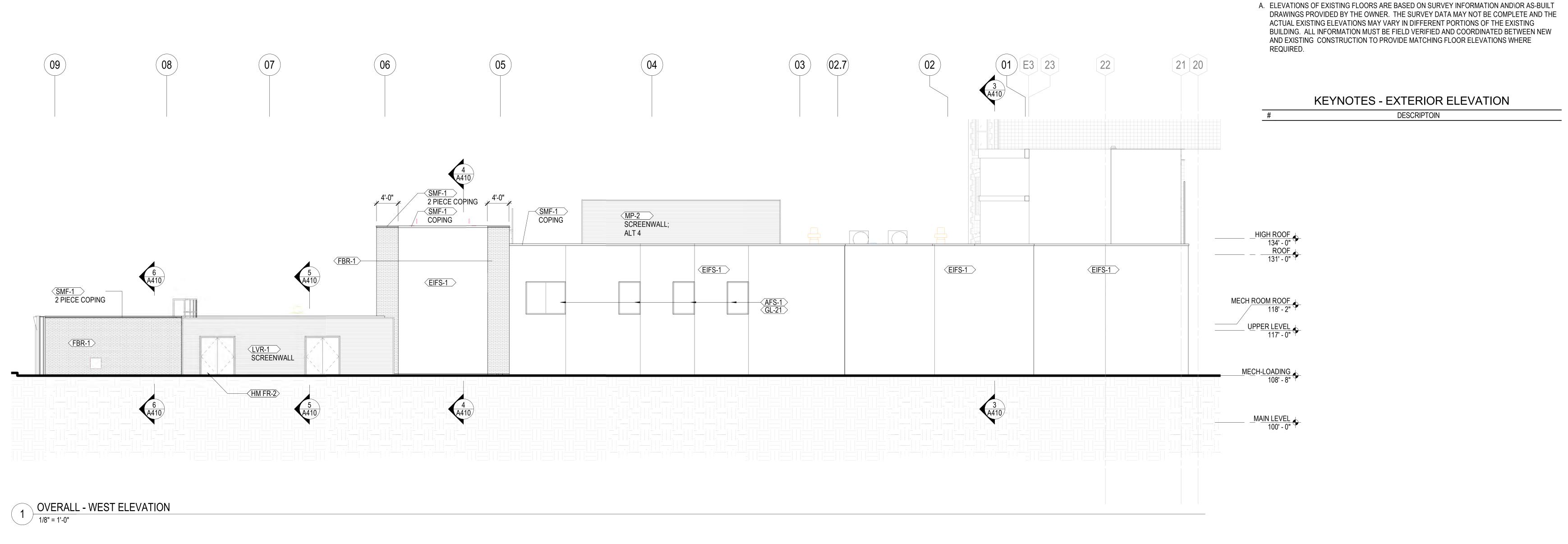
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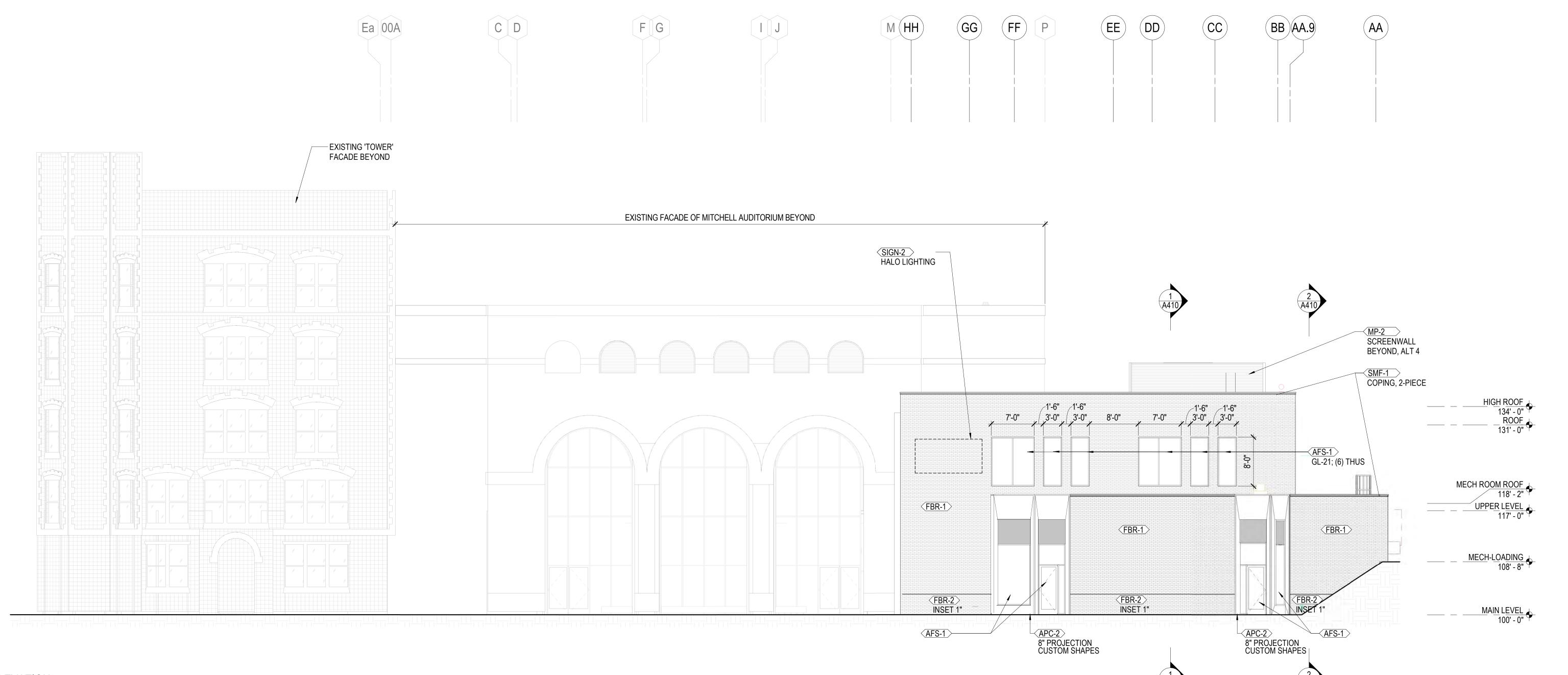
ISSUANCE HISTORY - THIS SHEET 1826-041-00

> **OVERALL** EXTERIOR ELEVATIONS

DATE: NOVEMBER 21, 2022 CP-2 CONSTRUCTION DOCUMENTS









### **CIVIL ENGINEER**

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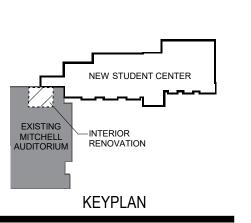
## **COLLEGE OF** ST. SCHOLASTICA

Student Center Addition

1200 Kenwood Ave, Duluth, MN 55811

## The College of St. Scholastica



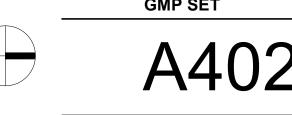




NO DESCRIPTION DATE

RENDERED EXTERIOR VIEWS

DATE: SEPTEMBER 2, 2022 DESIGN DEVELOPMENT
GMP SET



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EAST FACADE FOR REFERENCE ONLY



NORTH FACADE FOR REFERENCE ONLY



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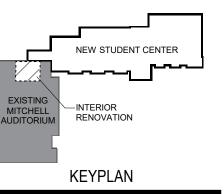
## COLLEGE OF ST.

SCHOLASTICA
Student Center Addition

1200 Kenwood Ave, Duluth, MN 55811

## The College of **St. Scholastica**





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RENDERED EXTERIOR VIEWS

DATE: SEPTEMBER 2, 2022

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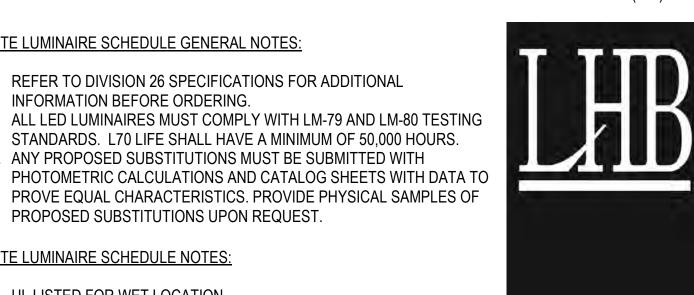


MAIN ENTRY AND MITCHELL FACADE FOR REFERENCE ONLY

				LUN	MINAIRE SCHEDULE SITE							
												AUTHOR:NI
					BALLAST/POWER							REVISION
TYPE	DESCRIPTION	MOUNTING	LENS/REFLECTOR	LAMP/LUMENS	SUPPLY	WATTS	VOLTAGE I	MANUFACTURER	CATALOG NUMBER	EQUAL MANUFACTURERS	NOTES	HISTORY
XB1	3' OVERALL HEIGHT BOLLARD, FULL-CUT OFF	3' OVERALL HEIGHT, BOLLARD BASE DETAIL	TYPE 3 DISTRIBUTION, B0-U1-G1, 7" APERTURE, BRONZE FINISH	LED,405 LM, 830	0-10V DIMMING	10 VA	277 V	SELUX	NT-3-LG4500-30-BZ-277-DM	OR APPROVED EQUAL	1	
XG1	EXTERIOR INGROUND LED UPLIGHT AT MAIN ENTRANCE CANOPY	INGROUND	15X15 DEGREE BEAM, TEMPERED GLASS LENS, ANTI-SLIP LENS, ANODIZED ALUMINUM TRIM, FINISH TBD	LED, 2000 LM, 830	0-10V DIMMING	17 VA	277 V L	LUMENPULSE	LOIRO-120/277-30K-15X25-TS2.5-INTL-DIM-ASL	TARGETTI, OR APPROVED EQUAL	1	
XP1	25' SINGLE-HEAD PARKING LOT TAPERED POLE, INTEGRAL MOTION SENSOR, FULL CUT-OFF	25' OVERALL HEIGHT, PARKING POLE DETAIL	TYPE 3 DISTRIBUTION, B2-U0-G3, TAPERED POLE, BRONZE FINISH, INTEGRAL MOTION SENSOR TO DIM TO 30% WHEN UNOCCUPIED	LED, 16000 LM, 830	0-10V DIMMING	111 VA	277 V L	LITHONIA	RSX2-P2-30K-R3-MVOLT-TAPERED-DDBXD-NLTAIR2	OR APPROVED EQUAL	1	
XP2	14' OVERALL HEIGHT PEDESTRIAN COLUMN POLE, FULL CUT-OFF	14' OVERALL HEIGHT, COLUMN BASE DETAIL	TYPE 3 DISTRIBUTION, B2-U0-G2, 8" DIAMETER, BRONZE FINISH	LED, 4600 LM, LED 830	0-10V DIMMING	50 VA	277 V S	SELUX	EXRL-14-R3-5G530-30-BZ-UNV-DM	HESS CITY ELEMENTS, OR APPROVED EQUAL	1	
XW1	EXTERIOR LED WALL PACK, FULL CUT-OFF	SURFACE WALL	DOWNLIGHT DISTRIBUTION, FORWARD THROW OPTIC, B1-U0-G0, BRONZE FINISH	LED, 1900 LM, 830	0-10V DIMMING	15 VA	277 V L	LITHONIA	WDGE1-LED-P2-35K-80CRI-VF-DDBTXD	OR APROVED EQUAL	1, 2	

**CIVIL ENGINEER** 

LHB Inc. 21 W Superior St. #500 Duluth, MN 55802 (218) 727-8446



SITE LUMINAIRE SCHEDULE GENERAL NOTES:

- A. REFER TO DIVISION 26 SPECIFICATIONS FOR ADDITIONAL INFORMATION BEFORE ORDERING.
- B. ALL LED LUMINAIRES MUST COMPLY WITH LM-79 AND LM-80 TESTING
- C. ANY PROPOSED SUBSTITUTIONS MUST BE SUBMITTED WITH PHOTOMETRIC CALCULATIONS AND CATALOG SHEETS WITH DATA TO PROVE EQUAL CHARACTERISTICS. PROVIDE PHYSICAL SAMPLES OF PROPOSED SUBSTITUTIONS UPON REQUEST.

### SITE LUMINAIRE SCHEDULE NOTES:

- 1. UL LISTED FOR WET LOCATION.
- 2. COORDINATE MOUNTING AND LOCATION WITH EQUIPMENT IN ROOM.

### **GENERAL NOTES**

- A. SITE UTILITY SCOPE TO BE COORDINATED WITH (INSERT LOCAL UTILITY).
- B. REFER TO GROUNDING PLAN FOR GROUNDING REQUIREMENTS.
- C. REFER TO ELECTRICAL DETAILS SHEETS FOR POLE BASE INFORMATION, LIGHTING CONTROL DIAGRAMS, AND ZONE
- D. CONDUIT ROUTES AS SHOWN ARE DIAGRAMMATIC IN NATURE. FIELD VERIFY ACTUAL CONDUIT ROUTES PRIOR TO INSTALLING CONDUIT. PULLBOXES PROVIDE PULL BOXES FOR SITE CABLING AS REQUIRED, BUT NOT TO EXCEED MORE THAN 200' BETWEEN
- E. REFER TO LIGHTING PLANS FOR BUILDING-MOUNTED OR INGROUND EXTERIOR EGRESS LIGHTS.

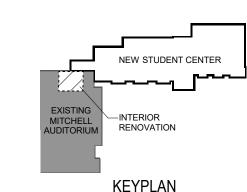
## **COLLEGE OF**

**SCHOLASTICA** Student Center Addition

The College of St. Scholastica

1200 Kenwood Ave, Duluth, MN 55811

- 1. PROVIDE CONDUITS FOR BACK FEED FOR MITCHELL HALL. SEE 1-LINE FOR QUANTITIES AND SIZES.
- 2. PROVIDE CONDUITS FOR FEED TO EXISTING FIRE PUMP IN MITCHELL HALL. SEE 1-LINE FOR QUANTITIES AND SIZES.
- 3. EXISTING MINNESOTA POWER SECTIONALIZER AND UNDERGROUND PRIMARY TO BE REMOVED BY MINNESOTA
- 4. EXISTING MINNESOTA POWER TRANSFORMER TO BE REMOVED
- BY MINNESOTA POWER.
- 5. NEW UNDERGROUND PRIMARY BY MINNESOTA POWER TO PAD MOUNTED TRANSFORMER FOR STUDENT CENTER/MITCHELL AUDITORIUM.
- 6. NEW PAD MOUNTED TRANSFORMER BY MINNESOTA POWER.
- 7. NEW CONNECTION/CT CABINET BY MINNESOTA POWER.
- 8. NEW MINNESOTA POWER SECTIONALIZER OR PMH AND UNDERGROUND PRIMARY TO STUDENT CENTER PAD MOUNTED TRANSFORMER. COORDINATE ALL REQUIREMENTS AND LOCATIONS/ROUTES WITH MINNESOTA POWER.
- 9. PROVIDE CONDUITS FOR FEED TO STUDENT CENTER. SEE 1-LINE FOR QUANTITIES AND SIZES.
- 10. EXISTING UNDERGROUND PRIMARY TO BE REMOVED/ABANDONED.
- 11. PROVIDE 208V 3P 50A RECEPTACLE FOR SHORE POWER FOR A FOOD TRUCK.



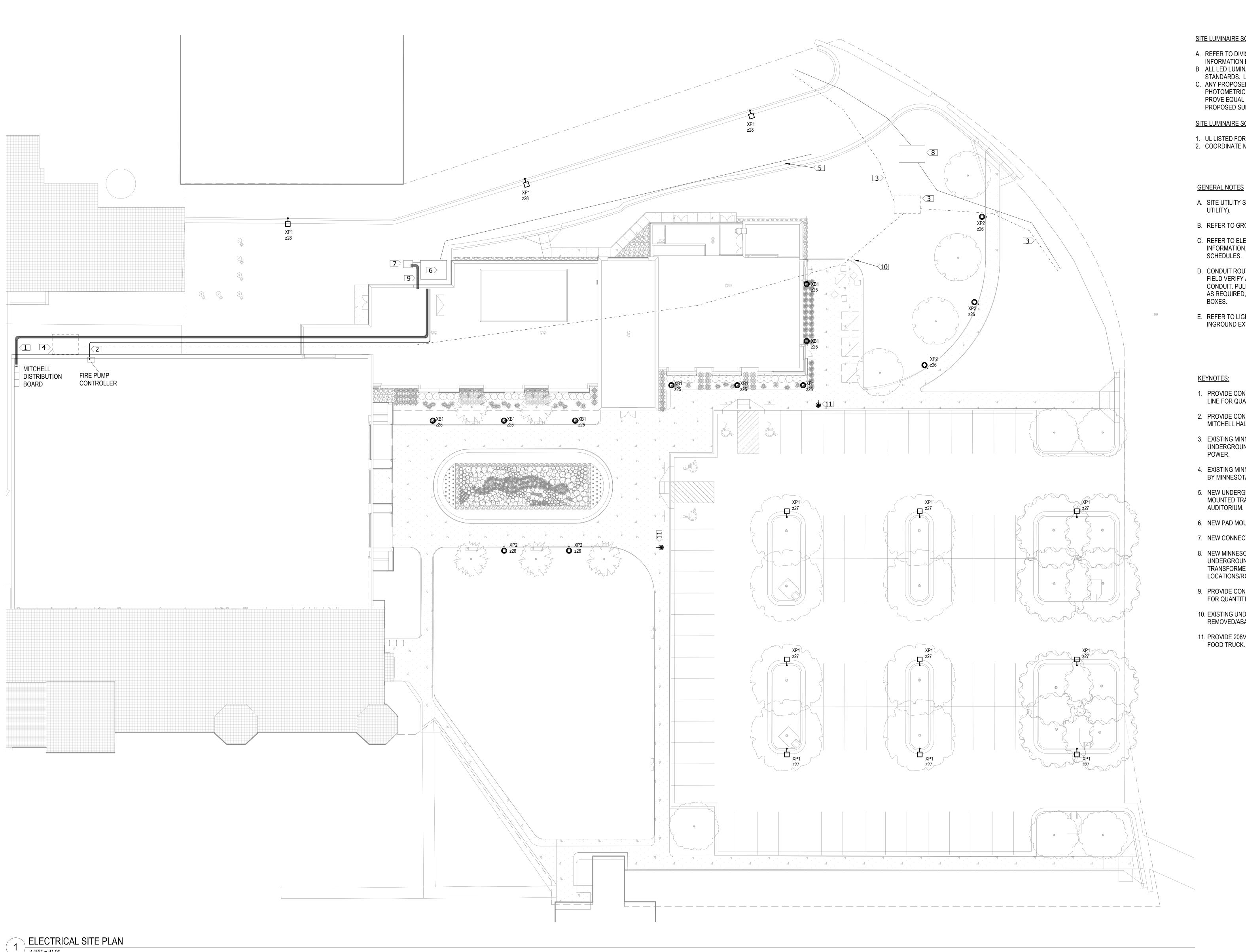
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PRE ME OR UNDER MY DIRECT SUPERVISI I AM A DULY LICENSED PROFESSIONA NAME: LEIGH HARRISON DATE - 1 N-22022 REGISTRATION NUMBER:40448

△NO DESCRIPTION DATE

**ELECTRICAL** SITE PLAN

ISSUANCE HISTORY - THIS SHEET

DATE: SEPTEMBER 2, 2022 DESIGN DEVELOPMENT
GMP SET



**CIVIL ENGINEER** 

LHB Inc. 21 W Superior St. #500 Duluth, MN 55802 (218) 727-8446

TID

Description	Avg	Max	Min	Avg/Min	Max/Min			
Parking Lot	1.47	3.7	0.3	4.9	12.3			
Pathway to Parking	1.82	2.8	0.4	4.55	7			
Service Lane	1.62	3.4	0.5	3.24	6.8			
Student Addition Patio	1	2.6	0.4	2.5	6.5			
Entry Plaza	1.13	2.7	0.2	5.65	13.5			

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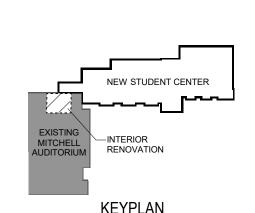
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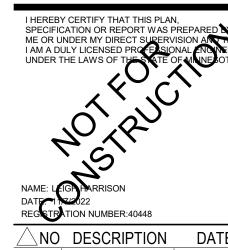
**COLLEGE OF SCHOLASTICA** 

Student Center Addition 1200 Kenwood Ave,

Duluth, MN 55811









SITE LIGHTING **PHOTOMETRIC** 

DATE: SEPTEMBER 2, 2022 **DESIGN DEVELOPMENT** 

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#### Planning & Development Division

Planning & Economic Development Department

Room 160 411 West First Street Duluth, Minnesota 55802



#### MEMORANDUM

DATE: December 6, 2022

TO: **Planning Commission** 

FROM: Jenn Reed Moses, Senior Planner

**SUBJECT:** Proposed UDC Changes – PL 22-220

With PL 22-220, Staff is proposing several changes to the Unified Development Chapter (UDC) of the City of Duluth Code (Chapter 50). These changes were properly noticed with legal ads in the Duluth News Tribune on 11/26/22, 12/3/22, and 12/10/22.

Per the legal notice, the proposed UDC Text Amendment includes the following sections: 50-20 Use Specific Standards; 50-21 Dimensional Standards; 50-36 Reviewers and Decision Makers; 50-37 Review and Approval Procedures; 50-38 Non-Conformities; and 50-41 Definitions.

For Planning Commission discussion and recommendations, the proposed changes are organized by topic area in the attached pages, as summarized below.

Staff recommends that Planning Commission recommend approval of these changes.

**Location of front entrance on one-family homes.** Currently, the specification for a front entrance facing the front lot line is stated in the Definitions section. The proposal includes moving it to the Use-Specific Standards in Article 3, allowing front entrances to instead be located on corner side lot lines if the house is on a corner, and adding a Land Use Supervisor Administrative Adjustment to provide flexibility on the door location. These changes will allow the City to support development particularly on infill lots with narrow dimensions and steep slopes.

Parking for vacation dwelling units. Vacation dwelling units in Form districts were previously exempt from providing parking, since form districts themselves are not required to provide parking. A recent code update to the language regarding VDUs mistakenly removed this exemption. This proposal adds the exemption back into the code.

**Accessory home shares.** Accessory home shares (AHS), where a homeowner can rent out a shared space in their home, have grown in use. As questions have arisen, staff have identified those areas needing clarification

in the code. These clarifications reiterate the need for shared common space and clear up ambiguity and misleading language in the definition.

Accessory solar panels. The 6-foot setback in the UDC assumes that all solar panels will be placed on primary structures and that all primary structures conform to the setbacks currently in place. However, many buildings that legally are placed within this setback are good candidates for solar panels. Solar panels can be placed in these locations without negatively impacting neighbors, provided they are flush with the roof and follow the guidelines specified in this section.

Accessory structures/decks. This language is to clarify the setbacks for decks. Attached decks, like attached garages, are considered part of the primary structure (most commonly a single family house), and need to conform to the same zoning setbacks as the home. Decks, and similar structures, that are clearly detached and separate from the primary structure may follow the setbacks provided for other accessor structures. This language helps to clarify which setback to use for detached decks.

**Appeals.** This clarifying language is being recommended based on Attorneys advice.

#### **50-20 USE SPECIFIC STANDARDS.**

#### A. Dwelling, one and two-family.

In the R-1, R-2, and R-P MU-N districts, one- and two-family dwellings shall be designed to protect and reflect the character of one-family residences and neighborhoods as set forth below:

- 1. <u>In the R-1, R-2, and MU-N districts, one-family dwellings shall have a principal entrance facing the</u> front lot line or corner side lot line.
- 2. <u>For two-family dwellings, Exterior stairways.</u> <u>no</u> exterior stairways with a total vertical rise greater than five feet shall be permitted;
- 3. In the R-1 and R-2 districts, eEach unit in a two-family dwelling must have a separate exterior entrance on the facade facing the front property lot line or corner side lot line.

#### 50-37.1Common procedures and requirements

#### L. Administrative adjustments.

Where an application concerns development or redevelopment of a lot and the applicant demonstrates practical difficulty in designing the redevelopment to comply with all requirements of this Chapter, the land use supervisor is authorized to approve applications that diverge from the requirements of this Chapter in up to two of the following ways:

- 1. The front, side or rear setback of a new or modified structure is one foot smaller than the minimum setbacks required by this Chapter;
- 2. For properties zoned Residential-Traditional (R-1) or Residential-Urban (R-2), and have a lot frontage of 40 feet of less, the corner side yard setback is no less than five feet smaller than the minimum setback required by this Chapter;
- 3. The front, side, or rear setback for a new or modified city operated utility structure on existing utility lines is no less than five feet;
- 4. The height of a new or modified structure is no more than two feet taller than the maximum allowed by this Chapter;
- 5. For properties where Section 50-24 requires more than three off street parking spaces, and the property does not contain a single-family residential structure (regardless of the use of that structure) the site may contain three less parking space than the minimum that is required, or may contain five more parking space than the maximum allowed in Section 50-24.4;
- 6. Handicap accessibility structures can encroach into the yard setbacks when such structures comply with the Minnesota State Building Code;
- 7. For properties where Section 50-21.2 requires improved street frontage, exceptions limiting the street improvement to no more than 50 feet in length may be granted if the land use supervisor determines that further extension of the street is not anticipated due to topography, comprehensive land use plan or utility availability;

- 8. For properties where Section 50-21.2 requires that not more than 30 percent of the rear yard be occupied by any one accessory structure, exceptions may be granted for an accessory structure to occupy up to 40 percent of the rear yard; 9. The area of a new or modified sign is no more than ten percent larger than the maximum allowed by Section 50-27;
- 10. Where the Land Use Supervisor determines that a residentially-zoned property meets the eligibility requirements for a variance in Section 50-37.9.G.1.A, an administrative adjustment may be granted to allow parking to encroach into the front yard where parking is prohibited by Table 50-24-3 with the following conditions:
  - (a) The adjustment shall allow parking to encroach up to 4 feet into the front yard where parking is prohibited by Table 50-24-3;
  - (b) A wall, fence or dense vegetative screen at least 3 feet tall and at least 75% opaque must be provided to screen parked vehicles from view of abutting properties and the street, where screening the street view is possible;
  - (c) Barriers must be installed to prevent vehicles from overrunning the parking and driveway areas; such barrier may be a fence, wall or raised curbing (or concrete parking bumpers when secured to the underlying pavement);
  - (d) A placard with a diagram no less than 5 inches by 7 inches showing the location and arrangement of parking spaces shall be visible at all times from the exterior of the dwelling; such placard shall be on all-weather media and installed on the front exterior door at an elevation of between 2 feet and 6 feet above the threshold;
- 11. A one-family or two-family dwelling may locate its principal entrance(s) in a location other than the front or corner side façade if it is determined by the Land Use Supervisor that other design elements such as porches, windows, façade or roof articulation, or building materials meet the intent of orienting and visually connecting the dwelling to the public street.

#### 50-41.4 Definitions: D

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

#### 50-20.3.U

#### U Vacation dwelling unit.

- 1. Rental Period. The minimum rental period shall not be less than two consecutive nights, nor more than a maximum of 29 consecutive nights. The minimum rental period shall not apply for vacation dwelling units in form districts,
- 2. Maximum Number of Persons and Bedrooms. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two, which shall not exceed nine. The maximum number of bedrooms that may be rented may not exceed four. Vacation dwelling units licensed before December 1, 2021, that exceeded four bedrooms are entitled to continue operating, however, this exemption expires upon transfer of any ownership interest in the permitted property.
- 3. Off Street Parking. Off street parking shall be provided at the following rate:
  - (a) Vacation dwelling units licensed on May 15, 2016, shall provide the following minimum number of off street parking spaces:
    - 1-2 bedroom unit, one space
    - 3-4 bedroom unit, two spaces
    - 5+ bedroom unit, three spaces.
  - (b) Vacation dwelling units licensed after May 15, 2016, shall provide the following minimum number of off street parking spaces:
    - 1-2 bedroom unit, one space
    - 3 bedroom unit, two spaces
    - 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.
  - (c) Vacation dwelling units licensed on May 15, 2016, are entitled to continue operating under the former off-street parking requirement. The parking exemption for vacation dwelling units licensed on May 15, 2016, expires upon transfer of any ownership interest in the permitted property.
  - (d) The minimum off-street parking requirements shall not apply for vacation dwelling units in form districts.
- 4. Motorhome/ATV. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, off the street;
- 5. Other Licenses Required. In addition to the permit issued pursuant to this chapter, the property owner must obtain all licenses and permits from the city of Duluth and state of Minnesota required for guest occupancy on the property.
- Guest Records. The property owner must provide required documents and adhere to additional requirements listed in the city of Duluth's UDC application manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures;
- 7. Application Materials. The property owner must provide a site plan, drawn to scale, showing parking and driveways, distance from lot line of proposed vacation dwelling to neighboring residential structures, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbecue grill, recreational fire, pool, hot tub, or sauna, and provide detail concerning the provision of any dense urban screen or fence that may be required to buffer these areas from adjoining properties. A dense urban screen or fence is required if the adjoining property is used as a residential use, as identified in 50-19.8. Prior to the permit being authorized, the fence or dense vegetative screen must be in place, and it must be continuously maintained during the entire permit period. The requirement for a dense urban screen or fence may be waived if the adjoining property owner does not want it on or near their shared property line, and indicates this with a signed letter;
- 8. Vacation Rentals Within Multi Family Structures. Any vacation dwelling unit that will be located in a multi-family structure that has nine or more dwelling units shall:
  - (a) Make available 24-hour staffing at a front desk that is accessible to all tenants;

- (b) If determined applicable by the Land Use Supervisor, provide a letter from a duly established Home Owner's Association stating the support of the Home Owner's Association Board of Directors for the vacation dwelling unit, and enumerating any Home Owner's Association rules to be incorporated into the interim use permit;
- 9. Termination. The interim use permit shall terminate upon change in ownership of the property or in six years after the date of issuance, whichever occurs first. Upon permit termination, property owner may reapply. The permit is only valid for the property and applicant or property owner that it was initially issued to and the permit shall not be transferred to a new applicant or property owner, or to a new property or different address.
- 10. Maximum Number of Vacation Dwelling Units. No more than 60 permits may be issued for either vacation dwelling units or accessory vacation dwelling units, excepting that the maximum number of permits that may be issued shall increase by 10 percent of the net increase in housing units constructed and issued certificates of occupancy in the city in the previous year, or no more than ten (10) new vacation dwelling units per year, whichever is less, provided that the total number of vacation dwelling units authorized shall not exceed 120 units. Permits for vacation dwelling units within Form Districts (F1-F9) are exempt from the maximum number of permits that may be issued.
- 11. Nuisance Reduction. The vacation dwelling permit holder shall ensure that all requirements for waste removal services and prohibitions on burning of trash is strictly adhered to by occupants of the vacation dwelling. The permit holder must designate in writing 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 city within 10 days of a change in the managing agent or local contact's contact information. The permit holder shall notify by letter all property owners within 100' of the property boundaries of the name, address, and phone number of the managing agent or local contact named above and provide the city with a copy of the letter. The permit holder must notify said property owners within 10 days of a change in the managing agent or local contact's contact information.
- 12. Advertisement. The permit holder must include the permit number on all print, poster or web advertisements.

#### 50-20-5.M

#### M Accessory vacation dwelling unit.

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

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

- 5+ bedroom unit, three spaces;
- (b) Accessory vacation dwelling units licensed after May 15, 2016, shall provide the following minimum number of off-street parking spaces:
  - 1-2 bedroom unit, one space;
  - 3 bedroom unit, two spaces;
  - 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.
- (c) Accessory vacation dwelling units licensed on May 15, 2016, are entitled to continue operating under the former off-street parking requirement. The parking exemption for accessory vacation dwelling units licensed on May 15, 2016, expires upon transfer of any ownership interest in the permitted property.
- (d) The minimum off-street parking requirements shall not apply for vacation dwelling units in form districts.
- 8. Motorhome/ATV. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, off the street;
- Other Licenses Required. In addition to the permit issued pursuant to this chapter, the property owner must obtain all licenses and permits from the city of Duluth and State of Minnesota required for guest occupancy on the property for two to 29 days;
- 10. Guest Records. The property owner must provide required documents and adhere to additional requirements listed in the city of Duluth's UDC application manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures;
- 11 Application Materials. The property owner must provide a site plan, drawn to scale, showing parking and driveways, distance from lot line of proposed vacation dwelling to neighboring residential structures, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbecue grill, recreational fire, pool, hot tub, or sauna, and provide detail concerning the provision of any dense urban screen or fence that may be required to buffer these areas from adjoining properties. A dense urban screen or fence is required if the adjoining property is used as a residential use, as identified in 50-19.8. Prior to the permit being authorized, the fence or dense vegetative screen must be in place, and it must be continuously maintained during the entire permit period. The requirement for a dense urban screen or fence may be waived if the adjoining property owner does not want it on or near their shared property line, and indicates this with a signed letter;
- 12 Any accessory vacation dwelling unit that will be located in a multi-family structure that has nine or more dwelling units shall:
  - (a) Make available 24-hour staffing at a front desk that is accessible to all tenants;
  - (b) If determined applicable by the Land Use Supervisor, provide a letter from a duly established Home Owner's Association stating the support of the Home Owner's Association Board of Directors for the accessory vacation dwelling unit, and enumerating any Home Owner's Association rules to be incorporated into the interim use permit.
- 13. Termination. The interim use permit shall terminate upon change in ownership of the property or in six years after the date of issuance, whichever occurs first. Upon permit termination, property owner may reapply. The permit is only valid for the property and applicant or property owner that it was initially issued to and the permit shall not be transferred to a new applicant or property owner, or to a new property or different address.
- 14. Maximum Number of Accessory Vacation Dwelling Units. No more than 60 permits may be issued for either vacation dwelling units or accessory vacation dwelling units, excepting that the maximum number of permits that may be issued shall increase by 10 percent of the net increase in housing units constructed and issued certificates of occupancy in the city in the previous year, or no more than ten (10) new vacation dwelling units per year, whichever is less, provided that the total number of vacation dwelling units authorized shall not exceed 120 units. Permits for

- accessory vacation dwelling units within Form Districts (F1-F9) are exempt from the maximum number of permits that may be issued.
- 15. Nuisance Reduction. The accessory vacation dwelling permit holder shall ensure that all requirements for waste removal services and prohibitions on burning of trash is strictly adhered to by occupants of the accessory vacation dwelling. The permit holder must designate in writing 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 city within 10 days of a change in the managing agent or local contact's contact information. The permit holder shall notify by letter all property owners within 100' of the property boundary of the name, address, and phone number of the managing agent or local contact named above and provide the city with a copy of the letter. The permit holder must notify said property owners within 10 days of a change in the managing agent or local contact's contact information.
- 16. Advertisement. The permit holder must include the permit number on all print, poster or web advertisements.

#### 50-20.5 Accessory uses.

#### G. Accessory home share.

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

- 1. Eligible Applicant. Property owners that reside in the owner-occupied homestead property may apply for one accessory home share in their owner-occupied homesteaded property. The owner-occupied unit may be located within a one-family or two-family structure, but may not be located in a multi-family building with 3 units or more. In a two-family structure, the accessory home share shall be located in the same unit the owners inhabit.
- 2. Rental Period. The rental or purchase period shall be for 29 consecutive nights or less;
- 3. Guests <u>and Rooms</u>. The maximum number of overnight guests allowed is 4 persons in addition to the owner occupants. The maximum number of bedrooms that may <u>be</u> rented may not exceed two. <u>Only bedrooms are allowed to be rented</u>; all other space in the unit such as living and kitchen areas shall be <u>shared common space with the owner occupants</u>. Only one rental listing per night is allowed;
- 4. Other Licenses Required. In addition to the permit issued pursuant to this chapter, the property owner must obtain all permits from the city of Duluth and state of Minnesota required for guest occupancy on the property;
- 5. Other Standards. The property owner must provide required documents and adhere to additional requirements listed in the City of Duluth's UDC Application Manual related to the keeping of a guest record, property use rules, taxation, and home share permit violations procedures;
- 6. Termination. The permit shall terminate upon change in ownership of the property or three years from issuance date, whichever occurs first. Upon permit termination, property owner may apply to renew the permit. The permit shall be non-transferable is only valid for the property and applicant or property owner that it was initially issued to and the permit shall not be transferred to a new applicant or property owner, or to a new property or different address.
- 7. Residency. At least one permanent resident must be generally present on or about the premises at all times that the property is rented and occupied by the guests;
- 8. Advertisement. A permit holder may not advertise an accessory home share for an accessory structure that is a storage shed or garage or in any area exterior to the dwelling unit or any lot without a principle dwelling. The permit holder must include the permit number on all print, poster or web advertisements.

#### **50-41 DEFINITIONS.**

#### 50-41.1Definitions: A

Accessory home share. A habitable <u>bedroom or bedrooms</u> room or space in an owner-occupied <u>dwelling</u>, <u>single family dwelling or owner occupied twinhome or duplex two family dwelling</u>, or attached accessory dwelling unit subordinate to an owner occupied single family, twinhome, or duplex two family dwelling, offered for trade or sale, whether for money or exchange of goods or services, for periods of 29 nights or less.

#### 50-20.5 Accessory uses

#### I. Accessory solar or geothermal power equipment.

- 2. Roof-mounted or wall-mounted solar system.
- a) A solar collection system shall be located a minimum of six feet from all property lines and other structures except the structure on which it is mounted. If an existing structure is located closer than 6 feet to a property line, solar collection systems may be placed on the existing structure if the following conditions are met:
  - 1. The collection systems are mounted on the same plane as the existing wall or roof, and
  - 2. The collection systems are mounted with minimal spacing between the surface of the wall or roof, and
  - 3. The collection systems are mounted in compliance with all building codes, and
  - 4. The collection systems do not result in an encroachment into another property or public easement.
- b) Notwithstanding the height limitations of the zoning district, building-mounted solar energy systems shall not extend higher than three feet above the ridge level of a roof on a structure with a gable, hip or gambrel roof and shall not extend higher than ten feet above the surface of the roof when installed on a flat or shed roof;
- c) The solar collector surface and mounting devices for building-mounted solar energy systems shall be set back not less than one foot from the exterior perimeter of a roof for every one foot that the system extends above the parapet wall or roof surface, if no parapet wall exists, on which the system is mounted. Solar energy systems that extend less than three feet above the roof surface shall be exempt from this provision;
- d) A solar collection system may be located on an accessory structure;

#### 50-37.1.O Appeals

#### O. Appeals.

This Section is intended to comply with the provisions of MSA 462.357 and MSA 360.068 as amended, and shall be interpreted to comply with those provisions wherever possible.

- 1. General provisions for appeal to planning commission.
  - (a) Except as noted in subsection 2, any person aggrieved by, or any department of the city affected by, any decision of any city official engaged in the administration or enforcement of this Chapter may appeal that decision to the planning commission. The appeal must be filed within ten days after the decision by filing with the land use supervisor a written notice of appeal addressed to the commission and specifying the action being appealed and grounds of the appeal, and including the fee as established in the City's fee schedule;
  - (b) If the appeal relates to a decision regarding the zoning of an airport or the Airport Overlay district, any person aggrieved by the decision, any taxpayer affected by the decision and any governing body of a municipality, county or airport zoning board, that believes the decision is an improper application of this Chapter as it concerns that governing body or board may appeal that decision to the airport board of adjustment. The appeal must be filed within ten days after the decision by filing with the building official a written notice of appeal addressed to the board and specifying the grounds of the appeal. If the appellant is a person aggrieved or a taxpayer affected by the decision regarding the zoning of an airport or the Airport Overlay district, the applicant shall submit an appeal to the city clerk in the manner set forth in Minnesota Statutes 360.068, Subdivision 2. All appeals shall be pursuant to and consistent with the procedures in the Duluth International Airport Zoning Ordinance adopted by the city and four other jurisdictions, and in the event of an inconsistency between that Airport Zoning Ordinance and this Chapter, the provisions of the Airport Zoning Ordinance shall govern;
  - (c) The land use supervisor shall promptly transmit to the commission, or to the airport board of adjustment, as applicable, the documents and records related to the decision being appealed;
  - (d) A timely appeal shall stay all proceedings involved in the appeal; and no appeal shall be deemed to permit the appellant to do or to continue doing, directly or indirectly, any act or thing prohibited by the decision being appealed. However, if the land use supervisor notifies the planning commission in writing that a stay would cause imminent peril to life or property, and provides written reasons for that opinion, the planning commission may order that proceedings not be stayed pending appeal;
  - (e) The commission shall fix a time for a hearing on the appeal, shall provide notice of the hearing pursuant to Section 50-37.1.H, and shall hold a public hearing pursuant to Section 50-37.1.I;
  - (f) Any party may appear at the hearing in person, by agent or by attorney. Notice of the decision of the board shall be mailed to the appellant;
  - (g) If the appeal alleges that the boundaries of a wetlands or shorelands area on the Natural Resources Overlay map in Section 50-18.1 are in error, the appellant shall bear the burden of proving the map erroneous by the production of clear and convincing technical evidence;

#### 2. Exceptions.

- (a) An appeal from any decision regarding the interpretation or application of sign regulations in subsections 50-27.1.I, No safety obstructions, 50-27.1.L, Attachment to buildings, 50-27.1.M, Wind pressure design, 50-27.1.N, Electrical wiring, or 50-27.1, Certification of structural engineer, must be taken to the state building official as provided in the State Building Code;
- (b) An appeal from a decision regarding a building permit must be taken to the building appeals board created in Article IV of Section 10 of the City Code or to the state building official;
- (c) An appeal from any decision under the housing code provisions in Section 50-32 of this Chapter must be taken to the building appeals board;
- (d) If an applicant believes that the decision of staff regarding compliance with the requirements of the SP-O zone district is incorrect or deprives the applicant of the

reasonable use of his or her property, or is unreasonable given the size and shape of the property and its orientation to the protected views, the applicant may request review of the decision by the planning commission. The planning commission's review shall be based on the purpose and standards of this Section, but may authorize variations to those standards, in accordance with the procedures in Article V of this Chapter, if unusual site conditions not generally shared along Skyline Parkway make compliance with the standards unreasonable or ineffective to protect the intended views of Lake Superior, the St. Louis River and the harbor;

- 3. Powers of planning commission on appeal.
  - (a) The planning commission shall consider the record of the application and any testimony presented at the hearing regarding the application of this Chapter to the application and shall affirm, modify or reverse the decision appealed, and may make any orders, requirements, decisions or determinations that the land use supervisor could have made regarding the application;
  - (b) In hearing permitted appeals of decisions regarding the sign regulations in Section 50-27, the planning commission shall have only the power to affirm, reverse or modify the decision of the land use supervisor;
  - (c) In the case of an appeal regarding the application of the NR-O Natural Resources Overlay district, no relief shall be granted that violates the limitations on variances applicable to that district:
  - (d) The decision of the planning commission shall be final unless a further appeal is filed pursuant to subsection 4 below;
- 4. Appeals of planning commission decisions to council.
  - (a) Except as provided in subsection 5 below, any person aggrieved by, or any department of the city affected by, any decision of the planning commission may appeal that decision to the council:
  - (b) Any appeal must be filed within ten days after the planning commission's decision by filing with the city clerk a written notice of appeal addressed to the council and specifying the action being appealed and grounds for the additional appeal, and including the fee as established in the City's fee schedule;
  - (c) The filing of a notice of appeal shall stay all proceedings in furtherance of the decision appealed from. However, if the land use supervisor notifies the council in writing that a stay would cause imminent peril to life or property, and provides written reasons for that opinion, the council may order that proceedings not be stayed pending appeal;
  - (d) The council shall hear the appeal at the next scheduled meeting with time available, and may affirm, modify or reverse the board's decision, and may make any orders, requirements, decisions, or determinations it deems appropriate regarding the appeal;
  - (e) No decision on an appeal or variance shall have the effect of allowing a use that is not a permitted or special use in the zone district where the property is located;
  - (f) If the appeal is regarding an application in any district where the approval of a district plan is required or requested prior to development, the council shall only approve development plans if it finds that the requirements for the district plan in that district will be satisfied;
- 5. Appeal of planning commission or city council decisions to the courts.
  - (a) In the case of an appeal regarding the zoning of an airport or an Airport Overlay district, the appeal shall proceed pursuant to applicable state law and shall be perfected within 60 days after the decision appealed from is filed in the office of the planning commission;
  - (b) In case of decisions of the planning commission or the city council appealable to the district court pursuant to MSA 462.361, the appeal shall be perfected within 60 days after the decision being appealed from was made is filed in the office of the planning commission:
  - (c) All other appeals not otherwise provided for above shall be pursuant to MSA 606.01;
- 6. Appeals of heritage preservation commission decisions to council.

  Where applicable, subsection 50-37.1.O.4 shall apply of heritage commissions decisions, when appealable to city council;

#### 50-21.2 Special dimensional standards.

#### A. Lot without municipal sewer.

Lot areas for properties not provided with municipal sewer shall be at least two acres in size or the minimum lot area for the zone district, whichever is larger, and shall be subject to county ordinances and standards regulating individual sewage treatment systems. Lots with large wetlands or shallow bedrock may be required to be larger than two acres, and shall be determined on a case-by-case basis based on the area needed to fit a sewage treatment system on the site. Lots smaller than two acres may be allowed in areas zoned R-P based on soil and site conditions:

#### B. Front yards on double frontage lots.

On lots having double frontage and where the first and second frontages are on opposite lot lines, the required front yard shall be provided on the frontage that is the generally established frontage on the block, as determined by the building official;

#### C. Side yards.

- 1. Dwelling units above commercial uses.
  - In all residential and mixed use districts, where dwelling units are erected above commercial establishments, no residential side yard is required, except for any side yard required for the commercial building on the side of a lot adjoining a residential district. in form districts, no side yard is required even if the lot adjoins a residential district;
- 2. Attached and multi-family dwellings.
  For the purpose of side yard regulations, a two-family dwelling, townhouse, or multi-family dwelling shall be considered as one building occupying one lot:
- 3. Driveways.

Where no garage facilities are provided and the alley is not developed for access at the time the dwelling is constructed in an R-1 or R-2 district, there shall be provided one side yard of a minimum of nine feet for a driveway and the other side yard shall have a minimum width of five feet;

#### D. Rear yards Accessory Structure

Accessory dwelling units shall not exceed the height of the principal residential structure or 20 feet, whichever is greater. All other accessory structures shall not exceed 20 feet in height.

Any accessory structure shall not occupy more than 30 percent of the rear yard area. All accessory structures on a lot shall not occupy more than 60 percent of the rear yard area.

An unattached deck that is 5 feet or closer to a primary structure must adhere to the same setbacks as primary structures in that zone district. An unattached deck that is greater than 5 feet from a primary structure must adhere to the accessory structure setbacks.

#### E. Street improvements in public right of way.

Except as provided in Section 50-37.1.L, for development or redevelopment proposed on lots without a principle structure:

- 1. The street shall be improved to the most current standards on file in the office of the city engineer and shall be designed for the road classification within the zone in which the property is located;
- 2. The street shall be improved across the entire frontage of the lot proposed to be developed and all other contiguous property owned by the owner of the subject lot;
- Any street improvement that results in a dead-end street that is greater than 150 feet in length shall
  require construction of a turn-around for emergency and maintenance vehicles approved by the
  city fire marshal.

For lots developed with an existing legal principle structure, the street improvement requirements need not be met when the landowner proposes an expansion of the existing legally constructed structure or a replacement principle structure, if the landowner provides evidence of a perpetual easement to access the property from an improved street of a distance not greater than 150 feet, and such access shall be improved to meet Fire Code standards.

#### F. Common Open Space.

- 1. All structures intended to be owned and occupied by an individual unit owner of a Common Interest Community shall be constructed within the space allocated in the governing documents for that specific unit owner, except as allowed in section 2 below;
- 2. A Home Owner Association or other applicable governing body of the community may grant building easements, with city approval as provided for in this sub-paragraph below, to allow encroachments of structures into the common open space as platted in the Common Interest Community Plat. In such instances, the building easement shall be considered part of the adjacent building parcel or unit. Before constructing any such encroaching structure, the owner of said adjacent building parcel or unit shall file with the Planning Department a copy of a recorded easement and survey depicting same by the private landowner are required to verify the circumstances in each instance. The Land Use Supervisor may grant city approval for the proposed building easement(s) if they do not impact more than 10% of the common open space of the community; the Planning Commission may grant city approval for impacts more than 10%. In no event can more than 30% of the common open space of the community be impacted. The Land Use Supervisor or Planning Commission may require the CIC to be re-plated to reflect the change in the reduced common open space.