



City of Duluth

Meeting Agenda

Planning Commission.

Council Chambers

Tuesday, January 10, 2023

5:00 PM

Council Chambers

CALL TO ORDER AND ROLL CALL

APPROVAL OF PLANNING COMMISSION MINUTES

[PL 22-1213](#) Minutes 12/13/22

Attachments: [12-13-2022 PC Minutes \(not approved yet\)](#)

PUBLIC COMMENT ON ITEMS NOT ON AGENDA

[PL 23-D1](#) Draft UDC Text Amendment: Changes to Parking Regulations

Attachments: [Parking Code Changes Jan 23](#)

CONSENT AGENDA

[PL 22-221](#) Vacation of Right of Way at 5910 Fremont Street by FAM Enterprises

Attachments: [PL22-221 Staff report and Attachments](#)

[PL 22-222](#) Interim Use Permit for a Vacation Dwelling Unit at 325 S Lake Avenue #1316 by SCOBAR LLC

Attachments: [PL22-222 Staff Report amd Attachments](#)

[PL 22-223](#) Interim Use Permit for a Vacation Dwelling Unit at 9 E 4th Street Unit A by BJ's Land Co

Attachments: [PL 22-223 Staff Report - final with attachments](#)

[PL 22-228](#) Minor Subdivision at 920 Swan Lake Road by Alvin Berg

Attachments: [PL22-228 Staff Report and Attachments](#)

[PL 22-230](#) Variance from Front Yard Setback at 110 W Redwing Street by Many Rivers Montessori

Attachments: [PL 22-230 Staff Report and Attachments](#)

[PL 22-229](#) Minor Subdivision to Divide One Existing Lot Into Four Lots at 2011 W 2nd Street and 2015 W 3rd Street (Midtown Manor) by Duluth HRA

Attachments: [PL 22-229 Staff Report and Attachments](#)

[PL 22-225](#) Variance from Shoreland Setbacks at 2101 Trinity Road by Lake Superior College

Attachments: [PL 22-225 Staff Report and Attachments](#)

PUBLIC HEARINGS

[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 22-215](#) UDC Map Amendment to Rezone Property Adjacent to Elizabeth Street from R-1 to R-2 by Anthony Smith

Attachments: [PL 22-215 Staff Report and Attachments](#)

COMMUNICATIONS

Land Use Supervisor Report

Historic Preservation Commission Report

Joint Airport Zoning Board Report

Duluth Midway Joint Powers Zoning Board Report

City of Duluth Planning Commission

December 13, 2022 – City Hall Council Chambers
Meeting Minutes

Call to Order

President Margie Nelson called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, December 13th, 2022 in the Duluth city hall council chambers.

Roll Call

Attendance:

Members Present: Gary Eckenberg, Jason Hollinday, Samuel Lobby, Margie Nelson, Danielle Rhodes, and Michael Schraepfer

Members Absent: Jason Crawford, and Andrea Wedul

Staff Present: Adam Fulton, Jenn Moses, Kyle Deming, Chris Lee, Tom Church, and Cindy Stafford

Approval of Planning Commission Minutes -

Planning Commission Meeting – November 7th, 2022 (brown bag) and November 9th, 2022

MOTION/Second: Lobby/Eckenberg approved with one minor change

VOTE: (6-0)

Public Comment on Items Not on Agenda

None

Consent Agenda

PL 22-188 Variance for an accessory structure between house and street at 4920 London Rd. by John and Carolyn Duba

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

PL 22-202 Interim Use Permit for a Vacation Dwelling at 1330 E 1st St. by Gitche Gumees Rentals, LLC

PL 22-206 Interim Use Permit for a Vacation Dwelling at 712 S 63rd Ave. W by Connie Moeller

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

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

Public: PL 22-213: Allan Kehr, 12 S 66th Ave W, addressed the commission. He is an advocate for the urban wilderness and is a resident of the Fairmont area. He handed out maps for staff to distribute to the commissioners listing urban wilderness areas. He received 117 signatures in favor of protecting the urban wilderness. He said they were promised by the city to keep the area protected. It makes most sense to locate more housing where housing has been in the past. He is not against development, but doesn't want it here. PL 22-202: Kathryn Daugherty,

1330 E 1st St., addressed the commission. She gave an overview of her proposal for a vacation dwelling, and asked if there were any questions. There were none.

Commissioners: Gary Eckenberg asked staff about the handout they received from Mr. Kehr and about the urban wilderness term. Jenn Moses said this was from the comp plan in 2006, and it has now been updated. Tom Church explained the area is now zoned R-1 and R-2. Commissioner Samuel Lobby asked about development. Deputy Director Fulton stated the action tonight is just to vacate. The city doesn't use the term "Urban Wilderness" anymore. The land use plan now includes the term "Open Space".

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

VOTE: (6-0)

Public Hearings

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

Staff: Chris Lee introduced the applicant's proposal to 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 the conditions listed in the staff report.

Applicant: Did not speak.

Public: No speakers.

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

VOTE: (6-0)

~~PL 22-203 Special Use Permit for a seasonal camp or cabin in the RR-2 district at 9439 Congdon Blvd. by Outbound Lodges, LLC~~

~~Item removed from Agenda by Staff – requires further review~~

PL 22-208 Interim Use Permit for a vacation dwelling unit on 5800 Block of London Rd. by Dean Jablonsky

Staff: Kyle Deming introduced the applicant's proposal to convert an existing space located below the garage into a vacation dwelling unit containing two bedrooms (with a limit of five guests) and a patio. 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. Two off-street parking spaces will be provided in the garage. The applicant has provided an updated site plan showing the location next to garage of required parking for a vacation dwelling unit owned by him at 5802 London Rd. Also, applicant provided a signed waiver for providing landscape screening from 5802 London Rd. since he also owns that property. One of the recommended conditions of approval is that landscape screening be provided for property to the west. Staff recommends approval with the conditions listed in the staff report.

Applicant: Present, but had nothing to add.

Public: No speakers.

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

VOTE: (6-0)

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

Staff: Chris Lee introduced the applicant's proposal for a special use permit for an automobile and light vehicle service use to conduct a tire sales and installation business. The site plan shows 36 parking stalls with 17 located in the front yard area. This is the maximum allowed on the site. The tree inventory and replacement plan must be approved by the Land Use Supervisor before issuance of any land-disturbing permit is issued. The applicant proposes to plant 11 trees and 15 shrubs as part of the street frontage landscaping. Staff recommends approval with the conditions listed in the staff report.

Applicant: Todd Mosher addressed the commission and stated they agree with the conditions, and welcomed questions. Commissioner Eckenberg asked about the location from their other store. Mosher stated this will replace their existing store, and create a larger and more modern facility.

Public: No speakers.

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

VOTE: (6-0)

(Commissioner Michael Schraepfer recused himself from the following agenda item, because his company is the managing agent for the property.)

PL 22-211 Interim Use Permit for a renewal vacation dwelling unit at 511 N 4th Ave. W by Ingrid Johnson

Staff: Jenn Moses introduced the applicant's proposal to renew an interim use permit (PL16-042) for a vacation dwelling unit. The permit would allow for a 2-bedroom house with a maximum of five occupants. Staff received one public comment, which was shared with the commissioners in their packet. Staff recommends approval with the conditions listed in the staff report.

Applicant: Ingrid Johnson addressed the commission and commented on the public comment they received. The shrubs will be cut back, and snow removal will be ongoing.

Public: No speakers.

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

VOTE: (5-0, Schraepfer Abstained)

PL 22-212 MU-I Planning Review for additional stories on Building A at 1012 E 2nd St. by St. Luke's Hospital

Staff: Jenn Moses introduced the applicant's proposal for a plan review for a 3-story vertical expansion project 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. The height of the building is 114 feet. No new parking is needed. The only exterior lighting proposed is a downcast wallpack at the door from the stairs onto the roof for worker safety. Staff recommends approval with the conditions listed in the staff report.

Commissioners: Eckenberg asked about the building height, and if more levels can be added in the future. Per Moses, the MU-I district allows for 15% of the building to go up to 300', but deferred to the applicant for their future plans. Lobby noted they met sustainability standards, but asked if they will do anything additional for the new addition. Moses deferred to the applicant.

Applicant: Neil Bright addressed the commission. His company (Erdman) has a long-term relationship with St. Lukes and the city of Duluth. They built the original Building A. The building does have the ability to go to 11 stories on part of their L-shape design, but they are not considering it at this point. He noted sustainability issues, and that their roofing and air systems are newer and more sustainable in nature. He thanked staff for their efforts.

Public: No speakers.

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

VOTE: (6-0)

PL 22-214 MU-I Planning Review for a student center addition at 1200 Kenwood Ave. by St. Scholastica

Staff: Kyle Deming introduced the applicant's proposal for construction of a 17,050 sq. ft. two-story student center addition to the 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. The project is not within a wetland or shoreland area. The amount of impervious surface is not increasing significantly and the plans include storm water catch basins directing water to existing detention and treatment basins. The landscape plan accounts for 144 inches of trees to be removed and 149 inches of replacement special trees to be planted. Staff recommends approval with the conditions listed in the staff report including the removal of existing parking lot flood lights from the project area.

Applicant: Dan Shaw of LHB addressed the commission and welcomed questions. There were none.

Public: No speakers.

MOTION/Second: Holliday/Rhodes approved as per staff recommendations

VOTE: (6-0)

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

Staff: Jenn Moses introduced the City's proposal for several changes to the Unified Development Chapter (UDC) of the City of Duluth Code (Chapter 50) and verbally reviewed the entirety of the staff report. These changes were properly noticed with legal ads in the Duluth News Tribune. The proposed changes are organized by topic in the staff report.

Commissioners: Schraepfer asked about the accessory dwelling unit size restriction. Per Moses, the 800 sq. ft. maximum is already in place. There has been confusion in the past regarding home share and accessory dwelling units. Accessory home share includes a shared public space.

Public: No speakers.

MOTION/Second: Rhodes/Lobby recommended approval as per staff recommendations

VOTE: (6-0)

Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton gave an overview. There are management changes in the Planning Department. Ryan Pervenanze is the new manager and will be starting on Monday. Steven Robertson is now the manager for Construction Services and Inspections. Blake Nelson will be the new Building Official effective Monday. Other updates include: flood plain maps coming up, I-35 study, DEDA predevelopment agreement for Lot D, Tischer creek water shed, downtown task force, appeal of hotel will be heard by city council on 12/19. Commissioner Rhodes asked about the neighbor letter notifications being late status. Fulton noted the mail service is being evaluated, and staff will ensure mailings are sent first class and mailed out at a minimum of ten days before the meeting. A quality control test will be performed to a sample of households. UDC Parking changes – Moses handed out a draft copy.

Heritage Preservation Commission – Gary Eckenberg gave an update. There are seven members, which comprise of two appointed members (which he is) and five citizens of which two need to have professional experience. Jessica Glander is the new HPC President. Glander has accepted on behalf of the HPC to participate in the Section 106 process for the Highway 61 Corridor Improvement project by the Minnesota Department of Transportation.

Joint Airport Zoning Board – No update.

Duluth Midway Joint Powers Zoning Board – No update.

Adjournment

Meeting adjourned at 6:56 p.m.

Respectfully,

Adam Fulton – Deputy Director
Planning & Economic Development

Proposed UDC Code Changes – Parking

50-18.5 Higher Education Overlay (HE-O).

A Purpose.

The purpose of this Section 50-18.5 is to minimize the impacts of potential student use on adjacent residential neighborhoods and to encourage the development of pedestrian friendly neighborhood destinations near the UMD [University of Minnesota-Duluth] and St. Scholastica campuses;

B Applicability.

This Section applies to land within the HE-O, shown in Exhibit 50-18.5-1, that (a) is zoned R-2 or MU-N; and (b) includes new development or redevelopment where the value of the redevelopment exceeds 75 percent of the market value of the land and buildings, as indicated by tax assessor's records; except for:

1. One-family or two-family dwellings;
2. Any residential development where all of the dwelling units are restricted by development agreement or covenant for occupancy by those aged 50 and over or for occupancy by those individuals and households protected by the federal Fair Housing Act amendments of 1988.

A planning review by the planning commission, pursuant to the procedures in Article 5, shall be required unless exempt in the above applicability standards;

C Development standards.

1. General.

- (a) Vehicle ingress and egress shall be located in a manner that avoids or minimizes impacts to residents in adjacent R-1 districts and that reduces the potential for pedestrian-vehicular conflicts;
- (b) Primary buildings shall adhere to a build-to zone of five feet to 20 feet along primary streets. This requirement shall supersede building setbacks in Section 50-14.6 and 50-15.2. Alternatively, if the land use supervisor determines that site conditions such as existing buildings or topography make this unfeasible, pedestrian walkways can be used to connect people from public sidewalks along primary streets to businesses and residences. These walkways shall:
 - Include pedestrian-scaled lighting;
 - Be raised or otherwise designed to encourage run-off and limit ponding during wet weather;
 - Be visually recognizable to both pedestrians and motorists;
 - Include trees and other landscaping along the length of the walkway; this landscaping can also be used to meet parking lot landscaping requirements in Section 50-25.4;
 - Be at least five feet wide;
 - Include well-marked crossings where the walkway intersects with private vehicle drives;
- (c) Unless lighting meets exception criteria in Section 50-31.1.B, the maximum height of any light pole is 20 feet;

2. Residential.

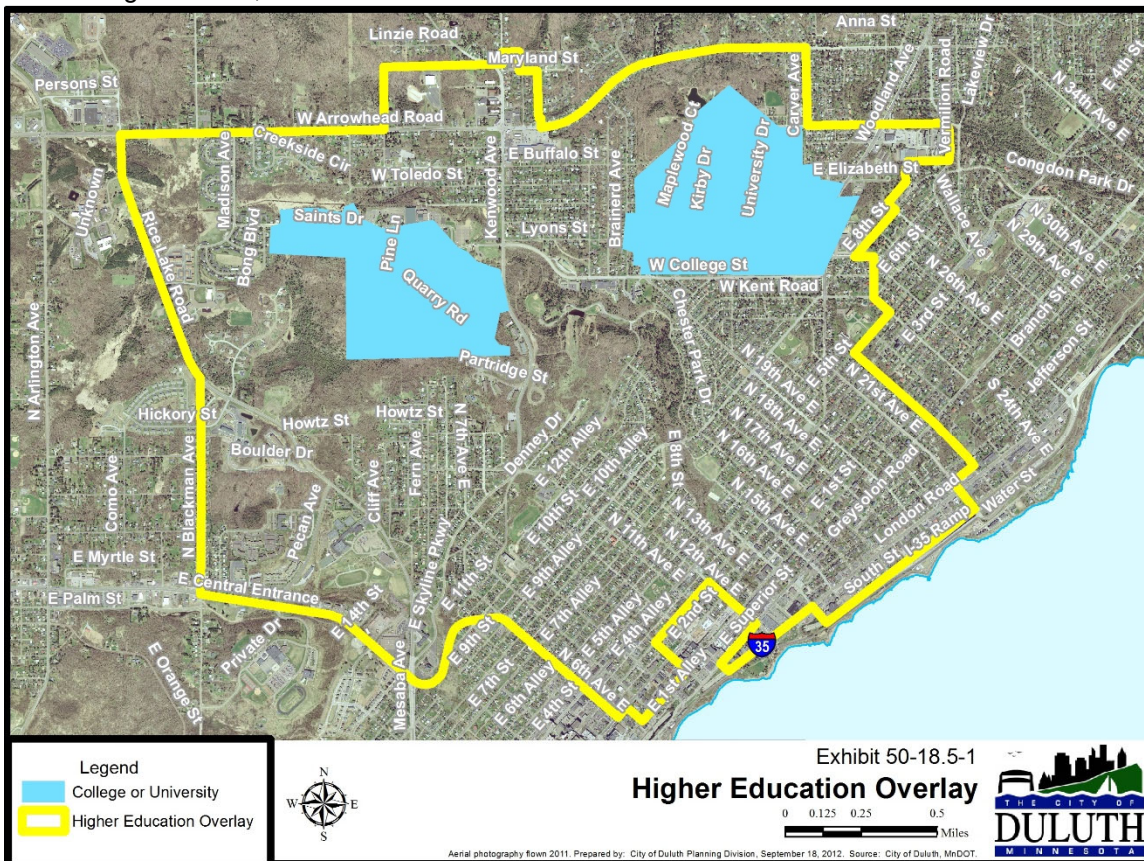
- (a) ~~Required resident parking spaces shall be provided at the ratio of 0.7 space per bedroom, with a minimum of one space per dwelling unit;~~
- (b) ~~Visitor parking spaces shall be provided at the rate of 15 percent of required resident parking spaces;~~
- (c) ~~At least one bicycle or motorized scooter parking space per five parking spaces shall be provided, which shall not be located in any required yard or between the principal dwelling and the street;~~
- (d) ~~A development that provides an enhanced shelter with space dedicated solely for bicycle or motorized scooter parking shall be granted a reduction in the off-street parking requirement of five percent if the shelter complies with the following standards:~~
 - ~~The enhanced shelter shall not be located in any required yard setback;~~
 - ~~The enhanced shelter shall not be located between the principal building and a public street;~~
 - ~~The enhanced shelter shall be enclosed on at least three sides and covered to adequately protect bicycles from the elements;~~
 - ~~The enhanced shelter shall utilize primary exterior materials that match the primary exterior materials of the principal structure;~~
- (e) ~~If the development or redevelopment is determined to have mitigated the impacts of potential student use in the adjacent residential neighborhood, the development or redevelopment may adjust the parking requirements as provided in either Section 50-24.3.A or 50-24.3.B if eligible, but may not utilize both adjustments;~~

- (f) No residential balcony, patio, or deck shall be located on any side of the property facing and within 200 feet of an R-1 district;
- 3. Commercial.
 - (a) Commercial development shall be concentrated on major roads, not on streets intended primarily for neighborhood traffic;

D Primary streets.

The following streets are designated as primary streets in the Higher Education Overlay District:

1. Woodland Avenue;
2. St. Marie Street;
3. Arrowhead Road;
4. College Street;
5. Kenwood Avenue, north of College Street;
6. Fourth Street;
7. London Road;
8. Superior Street;
9. Ninth Street, between Sixth Avenue East and 15th Avenue East; and
10. Eighth Street, between 15th Avenue East and Woodland Avenue.



(Added by Ord. No. 10192, 12-17-2012, § 8; Ord. No. 10286, 3-10-2014, § 5)

50-19.8 Permitted use table.

TABLE 50-19.8: USE TABLE, REVISED DEC 2022																											
P: Permitted Use S: Special Use I: Interim Use A: Accessory Use U: Permitted Only in Upper Stories (Form Dist.) 1, 2, 3, as per table 50-19.1	Residential					Mixed Use					Form									Special				Use Specific Standards			
	R-C	RR-1	RR-2	R-1	R-2	R-P	MU-N	MU-C	MU-I	MU-B	MU-W	MU-P	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9	I-G	I-W		P-1	AP	
Retail Sales																											
Adult bookstore																										P	Chapter 5
Building materials sales							S ¹		P		P ³																50-20.3.G
Garden material sales		S					P ¹				P ³				P												
Grocery store, small (less than 15,000 sq. ft.)					S ²	P ³	P ²	P ¹			P ¹	P ³		P		P	P	P	P	P	P						50-20.3.K
Grocery store, large (15,000 sq. ft. or more)							P ¹				P ³																50-20.3.K
Retail store not listed, small (less than 15,000 sq. ft.)					S ²	P ³	P ²	P ¹	P ¹		P ¹	P ³	P	P	P	P	P	P	P	P	P	P	P	P	P		50-20.3.R
Retail store not listed, large (15,000 sq. ft. or more)							P ¹				P ¹	P ³		P		P	P		P	P							50-20.3.R
Vehicle Related																											
Automobile and light vehicle, service							S ²	P ¹		P		P ³		P		P	P	P								P	50-20.3.C
Automobile and light vehicle, repair							P ¹		P ¹		P ³															P	50-20.3.C
Automobile and light vehicle sales, rental, or storage							P ¹		P																	P	50-20.3.D
Automobile and light vehicle impound lot							S ¹		P ¹		P ³														P	50-20.3.V	
Car wash (primary use)							S ²	P ¹		P ¹	P ³																50-20.3.W
Filling station (small)					S ²	P ³	S ²	P ¹		P	P ¹	P ³		P		P	P	P						P	P	50-20.3.J	
Filling station (large)							P ¹		P	P ¹	P ³		P		P	P	P						P	P		50-20.3.J	
Parking lot (primary use)					S		S ²	P ¹	P ¹	P	P ¹	P ³	S	S	S	S	S	S		S	S			P	P	50.20.3.O	
Parking structure							P ¹	P ¹	P	P ¹	P ³					S		S					P	P		50.20.3.O	
<u>Overflow Parking Area</u>	!	!	!	!	!	!	!	!	!	!	!	!	!	!	!	!	!	!	!	!	!	!	!	!	!	!	<u>50.20.3.N</u>
Truck or heavy vehicle sales, rental, repair or storage										P															P		

50-20.1 Residential Uses

D. Accessory dwelling unit.

An accessory dwelling unit may be created within, or detached from, any one-family or two-family dwelling, as a subordinate use, in those districts shown in Table 50-19.8, provided the following standards are met:

1. Only one accessory dwelling unit may be created per lot;
2. No variances shall be granted for an accessory dwelling unit;
3. Only the property owner, which shall include title holders and contract purchasers, may apply for an accessory dwelling unit;
4. ~~One off-street parking space shall be provided in addition to off-street parking that is required for the primary dwelling;~~
5. Accessory dwelling units shall contain no more than 800 square feet of total floor space and shall be consistent in character and design with the primary dwelling. An accessory dwelling unit shall not exceed the total floor area square footage of the principal structure;
6. If a separate outside entrance is necessary for an accessory dwelling unit located within the primary dwelling, that entrance must be located either on the rear or side of the building;
7. An accessory dwelling unit shall not be considered a principal one-family dwelling. An accessory dwelling must be located on the same tax parcel as the principal one or two-family dwelling;
8. An accessory dwelling unit shall not exceed the height of the principal residential structure or 20 feet, whichever is greater.

50-20.3 Commercial uses.

I. Daycare facility, small and large, and preschools.

1. For all new uses after May 1, 2019, ~~as part of the requirement to provide off-street parking in 50-24.2,~~ the use must provide off-street parking spaces for pick-up and drop-off determined by the Land Use Supervisor to be sufficient to provide for the safe pick-up and drop-off of users of the facility based on the maximum licensed capacity of the facility, the configuration of the facility, the types and intensity of other uses adjacent to the facility, the intensity of traffic adjacent to the facility and other factors determined to be relevant to the safe pick-up and drop-off of users of the facility. The determination of the Land Use Supervisor may be appealed to the Commission. Pick-up and drop-off areas must be clearly signed as for pick-up and drop-off only, and shall not conflict with safe on-site pedestrian and vehicular movements. ~~This specific standard does not apply to uses with the Downtown and Canal Park Special Parking Areas in 50-24.~~
2. In the RR-1 and RR-2 districts this use and related parking facilities and structures other than driveways are limited to no more than 20 percent of the lot or parcel area;
3. In the MU-B district, uses shall provide a fenced outdoor exercise area. Outdoor exercise areas must be separated from improved public streets, drive lanes, and loading areas by at least 20 feet;
4. In the MU-B district, the application may be denied by the Land Use Supervisor if he or she determines that the size, nature, character or intensity of the use of property in the immediate vicinity of the applicant's property would pose an unreasonable risk to the health, safety or welfare of users of the applicant's facility; the decision of the Land Use Supervisor may be appealed to the Commission;

N. Overflow Parking Area

1. Interim use permits for Overflow Parking Areas may be granted for a period of 1 year. If the applicant has documented an ongoing parking need, with a parking study documenting the location, use, and adequacy of existing parking in the surrounding area, the Interim use permit may be approved for up to 5 years.

2. If located in a neighborhood or district that demonstrates a need for additional off-street parking, the Overflow Parking Area shall be public parking (either free or paid), or shared with other nearby uses. Applicant shall include information about parking demand in the application for the Interim use permit, as well as a plan for how the parking will be shared and/or open to the public.
3. Overflow Parking Areas, being temporary in nature, are not required to meet the paving requirements of Section 50-24. or the landscaping requirements of Section 50-25.4; however, if paving is provided, all requirements of Sections 50-24 and 50-25 must be met, if applicable.
4. Applicant must work with City Engineering on a stormwater and erosion plan that adequately meets stormwater requirements for the duration of the anticipated use of the parking area, and shall provide the approved plan as part of the application; applicant is responsible for ongoing maintenance of stormwater and erosion infrastructure and is expected to provide proof of such maintenance upon request during the course of the Interim use permit.
5. Prior to establishment of the parking area, applicant shall provide financial security, in the amount necessary to reestablish the area to natural vegetation once the overflow parking area is terminated. This security shall be held without interest until the parking area is discontinued and applicant or property owner has provided proof that the area has either been reestablished to natural vegetation or been developed with an approved use on the property.
6. The interim use permit shall terminate upon change in ownership of the property and is not transferable.

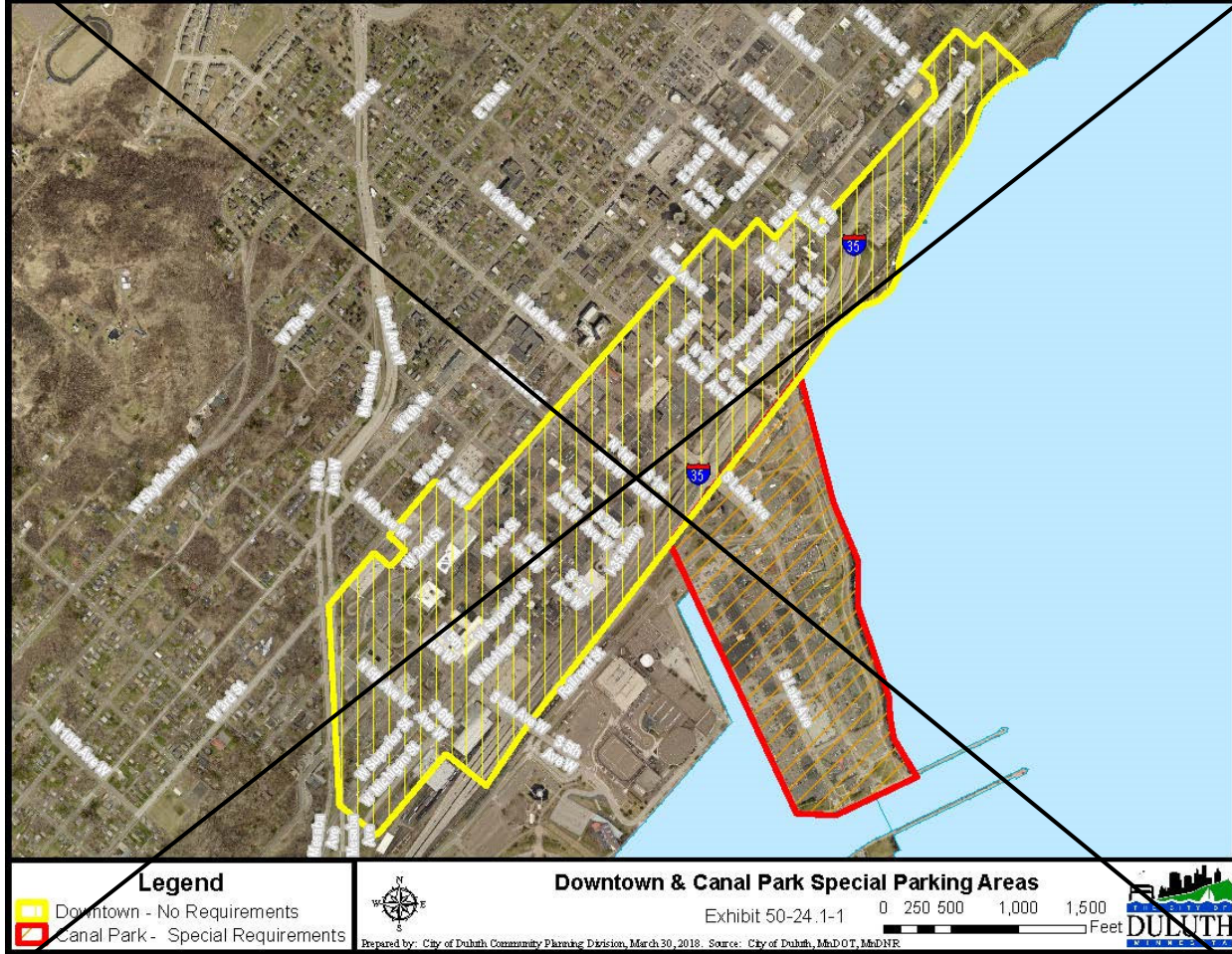
50-24 PARKING AND LOADING.

50-24.1 Applicability.

The standards of this Section 50-24 shall apply to all development and redevelopment, except that:

1. ~~Development and redevelopment in any of the form districts shall only be required to provide that amount of parking that can be accommodated on the development parcel while allowing the principal building to meet all of the building form standards in Section 50-22;~~
2. ~~No off-street parking shall be required for any non-residential use on a lot smaller than 10,000 square feet in any mixed-use district or special-purpose district;~~
3. ~~No off-street parking shall be required for any building with less than 10,000 square feet of gross floor area and with a non-residential primary use in any mixed-use district or special-purpose district;~~
4. ~~No off-street parking shall be required within the boundaries of the Downtown area shown in Exhibit 50-24.1-1;~~
5. ~~No off-street parking shall be required for any use except (1) hotels or motel, and (2) residential developments with more than ten units, within the boundaries of the Canal Park area shown in Exhibit 50-24.1-1;~~
6. ~~Development and redevelopment that is exempt from being required to provide off-street parking but does provide parking, must follow all the provisions of this Section.~~

(Ord. No. 10044, 8 16 2010, § 6; Ord. No. 10096, 7 18 2011, § 26.)



50-24.2 Required Maximum parking spaces.

In all districts there shall be provided, at the time any building or structure is erected, except as provided in Section 50-24.5, *Calculation of parking spaces*, the number of off-street parking spaces shown in Table 50-24-1, *All development and redevelopment after [insert effective date]* shall adhere to a maximum amount of off-street parking as stated in the table below unless an exemption from or variation of this requirement is provided in another section of this Chapter. Any use not listed is exempt from maximum parking requirements.

Off-street parking spaces that existed on November 18, 2010, and that were composed of hard-surfaced, dust-free material such as concrete, bituminous, or pervious paving materials may continue even if they exceed the maximum parking limit. (Ord. No. 10042, 8-16-2010, § 4; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 29; Ord. No. 10153, 5-14-2012, § 4.)

Table 50-24-1: <u>Maximum Off-Street Parking Spaces Required</u>	
Use	<u>Maximum Requirement* (May Be Adjusted to 30% Less or 50% More)</u>
RESIDENTIAL USES	
Dwelling, one family	4 <u>2.5</u> spaces per dwelling unit
Dwelling, two family	
Dwelling, townhouse	
Dwelling, live-work	
Co-housing facility	
Manufactured home park	
Dwelling, multi-family	4.25 <u>2.5</u> spaces per dwelling unit
Assisted living facility (elderly)	1 space per 3 habitable units
Residential care facility	1 space per 6-3 residential care beds, <u>but not less than 2 spaces</u>
Sober house	1 space per 6-3 single occupancy beds, <u>but not less than 2 spaces</u>
Rooming house	4 <u>2</u> spaces per habitable unit
PUBLIC, INSTITUTIONAL AND CIVIC USES	
Bus or rail transit station	No requirement
Business, art, or vocational school	1 parking space for each 8 seats in the main auditorium or 3 spaces for each classroom, whichever is greater
Cemetery or mausoleum	No requirement
Club or lodge (private)	2.5 <u>4</u> spaces per 1,000 sq. ft. of floor area
Government building or public safety facility	As determined by land use supervisor based on anticipated use and neighborhood impacts
Hospital	<u>2 spaces per 1,000 sq. ft.</u> As determined by approved MU-I Plan

Table 50-24-1: Maximum Off-Street Parking Spaces Required

Use	Maximum Requirement* (May Be Adjusted to 30% Less or 50% More)
Medical or dental clinic	4-6 spaces per 1,000 sq. ft. of gross floor area
Museum, library or art gallery	1 space per 1,000 sq. ft. of gross floor area
Nursing home	4-2 spaces per 6 beds
Park, playground or forest reserve	No requirement
Religious assembly	1 space per 4-2 seats or per 100 sq. ft. in main auditorium, whichever is greater
School, elementary	1 parking space for each 10 seats in the auditorium or main assembly room or 1 space for each classroom, whichever is greater
School, middle	1 parking space for each 8 seats in the main auditorium or 3 spaces for each classroom, whichever is greater
School, high	5 parking spaces for each classroom or 1.5 parking spaces per 1,000 square feet, whichever is greater
University or college	2 spaces per 1,000 sq. ft. of office, research and library area plus 1 space per 125 sq. ft. of auditorium space.
Other community facility or institutional support uses not listed	As determined by land use supervisor based on anticipated use and neighborhood impacts
COMMERCIAL USES	
Adult bookstore	2-5-4 spaces per 1,000 sq. ft. of gross floor area
Adult entertainment establishment	5-7 spaces per 1,000 sq. ft. of gross floor area
Agriculture	No requirement
Automobile and light vehicle repair and service	2-3 spaces per 1,000 sq. ft. of gross floor area
Automobile and light vehicle sales, rental or storage	2-3 spaces per 1,000 sq. ft. of gross floor area
Bank	3-5-5 spaces per 1,000 sq. ft. of gross floor area
Bed and breakfast	1 space for manager plus 4-1.5 spaces per habitable unit
Building material sales	4-1.5 spaces per 1,000 sq. ft. of gross floor area
Business park support activities	2-3 spaces per 1,000 sq. ft. of gross floor area
Convention and event center	1 space per 4-2.5 seats or per 100 sq. ft. in main auditorium and event spaces, whichever is greater
Daycare facility	4-1.5 spaces per 5 persons care capacity
Data center	1 space per 1,000 sq. ft. of gross floor area
Filling station	4-6 spaces per 1,000 sq. ft. gross floor area plus 1 per service stall
Funeral home or crematorium	4-2 spaces per 50-100 square feet of floor space in slumber rooms, parlors or individual funeral service rooms

Table 50-24-1: Maximum Off-Street Parking Spaces Required

Use	Maximum Requirement* (May Be Adjusted to 30% Less or 50% More)
Garden material sales	4 <u>1.5</u> spaces per 1,000 sq. ft. of gross floor area
Grocery store	3 <u>5</u> space per 1,000 sq. ft. of gross floor area
Golf course	2.5 <u>4</u> spaces per 1,000 square feet of clubhouse area
Hotel or motel	2 <u>1</u> spaces per 3 guest rooms plus 1 per 200 <u>150</u> sq. ft. of gross floor area in all accessory uses including restaurants and meeting rooms
Indoor entertainment facility	2.5 <u>4</u> spaces per 1,000 sq. ft. of gross floor area.
Kennel	4 <u>1.5</u> spaces per 1,000 sq. ft. of gross floor area
Marina or yacht club	2.5 <u>4</u> spaces per 1,000 sq. ft. of clubhouse area, plus 1 per 10 boat slips
Mini-storage facility	1 space per 20 <u>15</u> storage units
Office	2.5 <u>4</u> spaces per 1,000 sq. ft. of gross floor area
Parking lot or parking structure (primary use)	No requirement
Personal service or repair	2.5 <u>4</u> spaces per 1,000 sq. ft. of gross floor area
Preschool	1.5 spaces per 5 persons care capacity
Restaurant	6.5 <u>10</u> spaces per 1,000 sq. ft. of gross floor area
Retail store	3 <u>4.5</u> spaces per 1,000 sq. ft. of gross floor area
Riding stable	No requirement
Seasonal camp or cabin	1 space for every two beds, or 2 for each cabin or sleeping unit, whichever is greater
Theater	1 space per 6 <u>4</u> seats or 2 per 400 <u>150</u> sq. ft. in main auditorium, whichever is greater
Tourist or trailer camp	2 <u>1</u> spaces per 3 sleeping rooms, suites, or trailer
Truck or heavy vehicle sales, rental, repair or storage	4 <u>1.5</u> spaces per 1,000 sq. ft. of gross floor area
Vacation dwelling unit	1 space for 1-2 bedrooms, 2 spaces for 3-4 bedrooms, 3 spaces for 5+ bedrooms As indicated in Section 50-20.3
Veterinarian or animal hospital	2.5 <u>4</u> spaces per 1,000 sq. ft. of gross floor area
Other commercial use not listed	As determined by land use supervisor based on anticipated use and neighborhood impacts
INDUSTRIAL USES	
Airport and related facilities	As determined by airport management
<ul style="list-style-type: none"> ● Electric power or heat generation plant ● Electric power transmission line ● Junk and salvage services ● Major utility or wireless communication tower 	No requirement

Table 50-24-1: Maximum Off-Street Parking Spaces Required

Use	Maximum Requirement* (May Be Adjusted to 30% Less or 50% More)
<ul style="list-style-type: none"> ● Radio or television broadcasting tower ● Railroad or shipyard and related facilities ● Solar or geothermal power facility (primary use) ● Truck freight or transfer terminal ● Water or sewer works ● Wind power facility (primary use) ● Bulk storage not listed 	
<ul style="list-style-type: none"> ● Contractor's shop and storage yard ● Dry cleaning or laundry plant ● Recycling collection point (primary use) ● Solid waste disposal or processing facility 	4-1.5 spaces per 1,000 sq. ft. of gross floor area
<ul style="list-style-type: none"> ● Manufacturing, light manufacturing, heavy manufacturing, hazardous or special ● Storage warehouse ● Water-dependent manufacturing, light or heavy ● Wholesaling 	4-1.5 spaces per 1,000 sq. ft. of gross floor area
Research laboratory	As determined by land use supervisor based on anticipated use and neighborhood impacts
Other industrial uses not listed	As determined by land use supervisor based on anticipated use and neighborhood impacts
ACCESSORY USES	
Accessory bed and breakfast	1 space for primary use dwelling; plus 1.5 space per habitable unit
Accessory caretaker quarters	1 space
All other accessory uses	No requirement
TEMPORARY USES	
Temporary real estate sales office	23 spaces
All other temporary uses	No requirement
*The parking space requirement may be modified by Section 50-18.5 (Higher Education Overlay District), Section 50-24.3 (Adjustment to required off street parking) and Section 50-24.4 (Maximum parking spaces), and Section 50-37.1.L (Administrative Adjustments).	

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 27; Ord. No. 10286, 3-10-2014, § 10; Ord. No. 10340, 11-24-2014, § 1; Ord. No. 10458, 7-11-2016, § 2; Ord 10746, 5-10-2021, § 5)

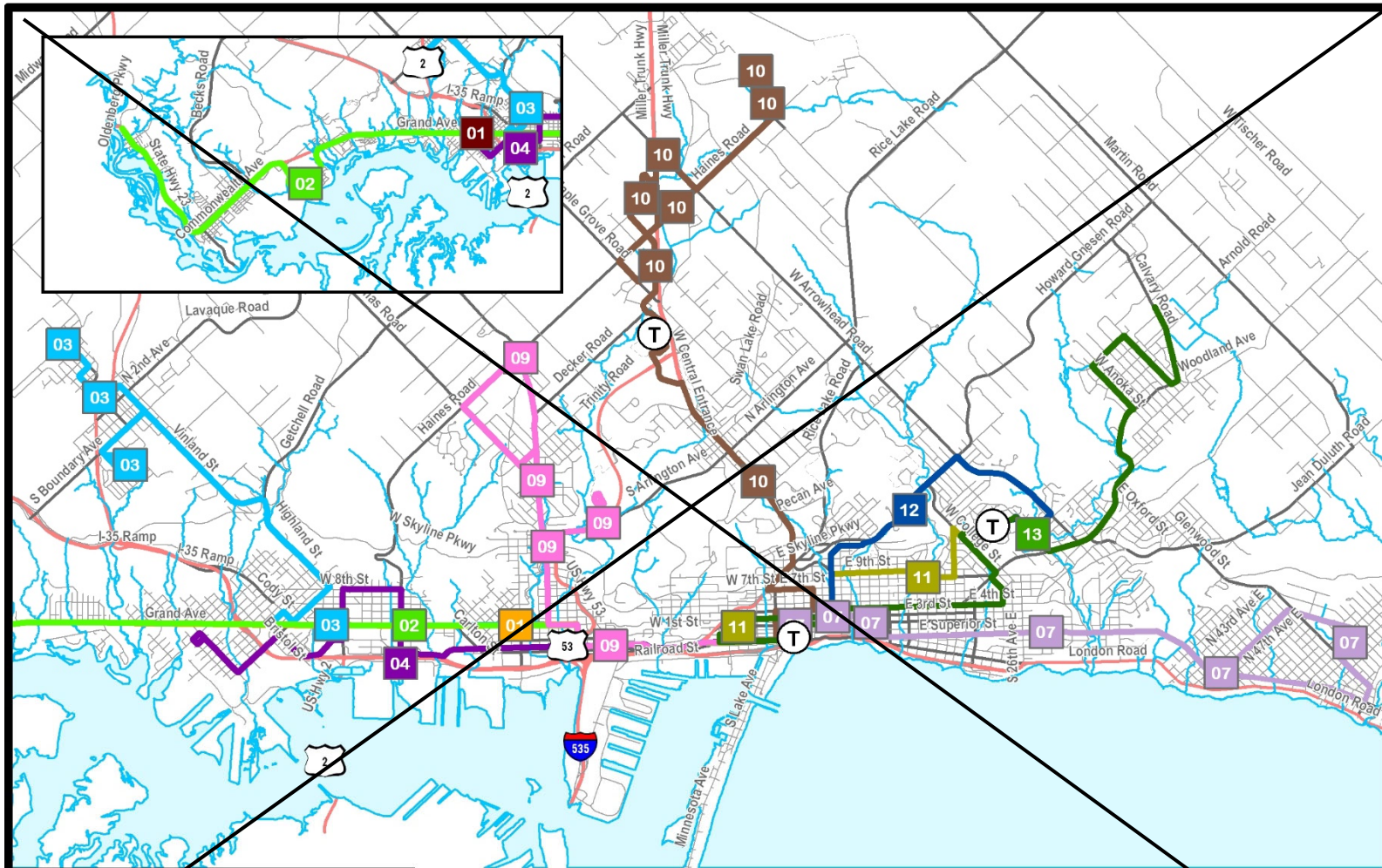
50-27.1 Adjustment to required off-street parking.

The minimum parking requirements listed in Section 50-24.2 above shall be adjusted as follows:

- A. Proximity to transit.
 - 1. The minimum number of off-street parking spaces required for any development or redevelopment lands may be reduced by 30 percent if they are located within 1/4 mile of existing Duluth Transit Authority routes in operation for one year, or they may be reduced by 20 percent if

~~located within 1/2 mile of any Duluth Transit Authority transit center, as indicated by a "T" on Exhibit 50-24.3-1;~~

- ~~2. If an existing transit route or center is eliminated or changed in location, any development approved in conformance with this Section 50-24.3 shall not be deemed nonconforming in terms of required parking.~~

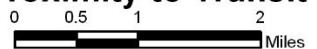


Legend

Route 01	Route 07	Route 12
Route 02	Route 09	Route 13
Route 03	Route 10	Transit Center
Route 04	Route 11	



Exhibit 50-24.3-1: DTA Route Map
Adjustment to Parking - Proximity to Transit



Aerial photography flown 2007. Prepared by: City of Duluth Planning Division, May 21, 2010. Source: City of Duluth, MnDNR, MnDOT.



B Sharing of parking spaces.

1. General.

Where two land uses listed in separate use categories in Table 50-19.8 share a parking lot or structure, the total off-site parking required for those uses may be reduced by the factors shown in Table 50-24-2. Total off-street parking required shall be the sum of the two parking requirements for the two uses divided by the factors in Table 50-24-2. If uses in three or more categories of Table 50-19.8 share a parking lot or structure, the land use supervisor shall determine the parking reduction based on the relative sizes of the various uses and the reduction factors listed in Table 50-24-2;

Table 50-24-2: Shared Parking Reduction Factors					
Add the two parking requirements and divide by these factors					
Property Use	Multi-family Residential	Public, Institutional, or Civic	Food, Beverage, Indoor, Entertainment, or Lodging	Retail	Other Commercial
Public, institutional or civic	1.1	1.0			
Food, beverage, indoor, entertainment or lodging	1.1	1.2	1.0		
Retail	1.2	1.3	1.3	1.0	
Other commercial	1.3	1.5	1.7	1.2	1.0

2. Additional sharing permitted for certain uses.

As an alternative to those reduction factors listed in Table 50-24-2, (a) up to 50 percent of the parking spaces required for food, beverage and indoor entertainment uses, and up to 100 percent of parking spaces required for religious assembly uses and elementary, middle, high school, university or college auditoriums may be used jointly by (b) any non-residential use not normally open, used or operated during the same hours as those listed in (a), or any non-residential use that has excess parking capacity based on the minimum off-street parking for that use. A written agreement assuring the continued availability of the parking spaces for the uses they serve shall be required on a form approved by the city and shall be filed with the application for a building permit. (Ord. No. 10042, 8-16-2010, § 3; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 28.)

50-27.2 Maximum parking limits.

No more than 150 percent of the minimum required number off-street parking spaces, excluding the adjustments allowed in 50-24.3, shall be provided. This limit does not apply to the following uses: one-family, two-family, townhouse and live-work dwellings. Accessory parking shall be subject to parking maximums shown in Table XX.X. Off-street parking spaces that existed on November 18, 2010, and that were composed of hard surfaced, dust-free material such as concrete, bituminous, or pervious paving materials may continue even if they exceed the maximum parking limit. (Ord. No. 10042, 8-16-2010, § 4; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 29; Ord. No. 10153, 5-14-2012, § 4.)

50-24.3 Calculation of parking spaces.

The following rules shall apply to calculation of the number of required parking spaces:

- A. Floor area shall mean the gross floor area of the specific use;
- B. Requirements for a fraction of a parking space shall be ignored;
- C. The parking space requirement for a use not specifically listed in Table 50-24-1 shall be the same as for the most similar use listed in that table, as determined by the land use supervisor;
- D. ~~Whenever a building or use is enlarged to the extent of 25 percent or more in floor area or in the site area used, the building or use shall be required to (a) retain any on-site parking existing prior to the expansion, and if that is not sufficient to comply with the parking required for the use as expanded, then (b) to comply with the requirements in Table 50-24-1 for the expansion area;~~
- E. ~~Required off-street parking for one-, two-family, townhouse, multi-family, and live-work dwellings may be located in a garage or carport. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10509, 6-12-2017, §1)~~

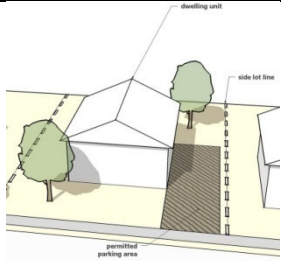
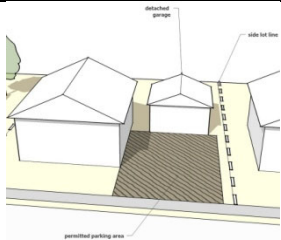
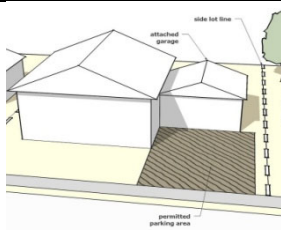
50-24.4 Location of parking spaces.

F. ~~On-site location and exceptions.~~

- 1. ~~All required parking spaces shall be located on the same lot with the principal building or the primary use served; except as provided in subsection 2 below;~~
- 2. ~~If an increase in the number of parking spaces is required by a change or enlargement of any use the increased parking requirement may be satisfied by utilizing:~~
 - (a) ~~Primary use parking lots or parking structures located and maintained up to 500 feet from the lot containing the change or enlargement, or~~
 - (b) ~~Accessory parking lots that existed on November 18, 2010, were composed of hard-surfaced, dust-free material such as concrete, bituminous, or pervious paving materials, and that are located and maintained up to 500 feet from the lot containing the change or enlargement;~~
- 3. ~~Where required parking spaces are not provided on site, a written agreement assuring the continued availability of the parking spaces for the uses they serve shall be required on a form approved by the city and shall be filed with the application for a building permit;~~
- 4. ~~Parking located in a public street right of way pursuant to a concurrent use permit or other public grant shall not be used to satisfy off-street parking required by Chapter 50.~~

G. Parking location within the site.

Parking spaces for all motorized vehicles and trailers shall only be provided on those portions of the lot indicated in Table 50-24-3. (Ord. No. 10509, 6-12-17, §2)

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

H. Optional pedestrian walkways within parking areas.

For parking areas within mixed use and special purpose districts identified in Table 50-24.3, buildings or projects may locate up to 60 percent of off-street accessory parking within the front yard if a pedestrian walkway is provided. The pedestrian walkway shall:

- Include pedestrian-scaled lighting;
- Be raised or otherwise designed to encourage run-off and limit ponding during wet weather;
- Be visually recognizable to both pedestrians and motorists;
- Include trees and other landscaping along the length of the walkway, this landscaping can also be used to meet parking lot landscaping requirements in Section 50-25.4;
- Be at least eight feet wide; and
- Include well-marked crossings where the walkway intersects with private vehicle drives. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 30; Ord. No. 10153, 5-14-2012, § 5; Ord. No. 10286, 3-10-2014, § 11; Ord. No. 10509, 6-12-2017, § 2; Ord. No. 10769, 9-27-2021, § 2)

50-24.5 Parking lot design standards.

I. General standards.

The design of off-street parking spaces, drive aisles, and driveways shall meet the standards shown in Table 50-24-4;

Table 50-24-4: Parking Design Standards		
Parking Space Size*		
Size of Car	Minimum Size of Parking Space	
Small	8.5 ft. x 15 ft.	
Standard	9 ft. x 17 ft.	
Aisle Widths		
Angle of Parking	Minimum Width of Aisle	
	One-Way	Two-Way
Parallel/no parking	11 ft.	21 ft.
30 degree	11 ft.	21 ft.
45 degree	13 ft.	23 ft.
60 degree	18 ft.	24 ft.
75 degree	20 ft.	24 ft.
90 degree	20 ft.	24 ft.
Permitted Percentage of Small Car Spaces (Applies to lots with more than 5 spaces)		
Size of Parking Lot	Maximum Percentage of Small Cars	
6 to 100 spaces	40%	
100 to 149 spaces	45%	
150 or more spaces	50%	

Table 50-24-4: Parking Design Standards

Required Surface Treatment/Paving	
Zone District	Requirement
All residential district parking areas	Surfaced in a dust free, hard surface material such as concrete or bituminous, or pervious paving materials, except for rear yards which may be surfaced in aggregate materials, compressed aggregates or similar surfaces.
All mixed use and special purpose districts	All parking areas and vehicle display lots, including on- and off-road vehicles, trailers, and all terrain vehicles, shall be surfaced in a dust free, hard surface material such as concrete or bituminous. Pervious paving material shall be approved by the city engineer.

*The area set aside for a parking space may encroach beyond the face of a curb a maximum of 1.5 ft., provided that (a) it does not include trees, posts, or other obstructions that would prevent a vehicle from fully utilizing the space, and (b) it is not included in required open space, landscape area requirements, or required pedestrian walkways.

J. Parking lot and driveway entrances.

All parking lot and driveway entrances must conform to the design specification regulations of the city engineer;

K. Snow storage areas.

A portion of each surface parking area shall be designated for snow storage. The areas required to meet the minimum parking requirements of this Section 50-24 shall not be used for snow storage. Snow storage areas may be landscaped if the vegetation is selected and installed so as not to be harmed by snow storage. Snow storage areas shall not count towards those landscape areas required by Section 50-25 unless it they are integrated with a side or rear buffer required by Section 50-25;

L. Parking lot walkways.

Each surface parking area that (a) serves a multi-family residential, commercial, public, institutional, civic, or mixed use, and (b) contains 50 or more parking spaces, and (c) contains any parking spaces located more than 300 feet from the front façade of the building shall contain at least one pedestrian walkway from allowing pedestrians to pass from the row of parking furthest from the primary building façade to the primary building entrance or a sidewalk allowing the pedestrian to reach the primary building entrance without crossing additional driving spaces or aisles. The required walkway must be at least five feet wide, shall not be located within a driving aisle, and shall be located in a landscaped island running perpendicular to the primary building façade if possible. If located in a landscaped island, the minimum width of the island shall be increased by five feet to accommodate the walkway without reducing the amount of landscaped area. If any parking space in the parking aisle located furthest from the primary structure is more than 200 feet from the walkway, additional similar walkways shall be required within 200 feet of those spaces. If there is a public sidewalk along the street frontage located within 50 feet of any required walkway, the walkway shall connect to that sidewalk;

M. Tandem or in-line parking.

~~Tandem or in-line parking, or other similar arrangements that involve the placement of two or more parking spaces in a row directly behind one another so that one parking space is blocking access for other parking spaces, is not allowed for off street parking spaces required by Chapter 50, but is allowed to meet off street parking required in Chapter 29A. This provision does not apply to required off street parking spaces within enclosed structures, such as garages or parking structures. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10286, 3-10-2014, § 12; Ord. No. 10340, 11-24-2014, § 2; Ord. No. 10509, 6-12-2017, §3)~~

50-24.6 Required loading space.

Unless otherwise provided in this Chapter, all construction of new buildings or expansions of existing buildings shall provide off street loading space shown in Table 50-24-5 below.

Table 50-24-5: Off-Street Loading Space Standards	
Type of Use or Facility	Off-Street Loading Requirement
Office, hotel or motel	1 space for 20,000 sq.ft. of gross floor area
Personal service and repair not otherwise listed; building material sales; garden material sales; retail store not listed (large); automobile and light vehicle repair and service, automobile and light vehicle sales, rental, or storage; truck or heavy vehicle sales, rental, repair, or storage; wholesaling.	1 space for 20,000-50,000 sq.ft. of gross floor area; and 2 spaces for more than 50,000 sq.ft. gross floor area
Manufacturing	1 space for 25,000 to 50,000 sq.ft. of gross floor area; 2 spaces for more than 50,000 sq.ft. of gross floor area.

(Ord. No. 10044, 8-16-2010, § 6.)

50-24.6 Bicycle parking.

With the exception of single-family and two-family dwelling units, any new development, building expansions of more than 50% of the building’s square footage, or renovations that exceed 50% of the building’s value shall provide bicycle parking.

1. Visitor and employee bicycle parking. Provide permanently anchored bicycle racks within 200 feet of the visitors’ entrance, readily visible to passers-by. This parking shall provide a number of bicycle spaces equivalent to 5 percent of motorized vehicle parking spaces on the site. This requirement may be waived if the Land Use Supervisor and City Engineer determine there is no acceptable space for bicycle parking on the site.
2. Tenant parking. Secure bicycle parking shall be provided at a rate of 1 bicycle for every 5 dwelling units. Parking shall be convenient from the street and shall meet one or more of the following conditions: a) covered, lockable enclosures with permanently anchored racks for bicycles; b) lockable bicycle rooms with racks; or c) lockable bicycle lockers.

50-24.7 Electric vehicle charging stations.

In any new parking structure, either as a primary or accessory use, electric vehicle (EV) charging stations shall be provided for 10% of the parking spaces; in the event that the calculation leads to parcel spaces, it shall be rounded to the nearest number, with the minimum being one. EV charging stations shall be connected to renewable energy sources, or contain electrical connections and other infrastructure suitable to support future renewable energy, unless the Land Use Supervisor determines renewable energy is not feasible at the location.

Article 6.

“Overflow parking area.” A parking lot that provides extra parking for a site or neighborhood, intended for areas where there is a need for parking over the allowed maximum, or a need for stand-alone parking to address parking in a neighborhood or district, over and above existing primary use parking lots in the area



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 22-221	Contact	Chris Lee, clee@duluthmn.gov	
Type	Vacation of Platted Right of Way	Planning Commission Date	January 10, 2023	
Deadline for Action	Application Date	December 26, 2022	60 Days	February 24, 2023
	Date Extension Letter Mailed	December 9, 2022	120 Days	April 25, 2023
Location of Subject	5910 Fremont Street. Platted and unimproved right of way of platted 5 th Avenue West currently known as 60 th Avenue W.			
Applicant	FAM Leasing Partnership	Contact	Terry Anderson	
Agent		Contact		
Legal Description	See Attached			
Site Visit Date	December 22, 2022	Sign Notice Date	December 27, 2022	
Neighbor Letter Date	December 16, 2022	Number of Letters Sent	5	

Proposal

The applicant is requesting to vacate the unimproved 66-foot wide platted right of way of 5th Avenue West per plat retaining a 30 foot portion on the north end adjacent to 5910 Fremont Street.

Staff is recommending approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	I-G	Contractor Lot	General Mixed Use
North	I-G	Towing Service	General Mixed Use
South	I-G	Undeveloped	General Mixed Use
East	I-G	Contractor Lot	General Mixed Use
West	I-G	Contractor Lot	General Mixed Use

Summary of Code Requirements:

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

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

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

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

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

Governing Principle #5 - Promote reinvestment in neighborhoods. The vacation will allow for the applicant to combine parcels owned either side of the unimproved right of way.

Future Land Use – General Mixed Use: The broadest mix of uses, including light industrial, office, commercial, and residential use, with performance standards to ensure compatibility. Includes areas that are in transition from industrial uses and large redevelopments that require master plans and phased development.

History – The adjacent properties have been used historically as a tar plant, a junkyard, and currently a contractor shop for EBI Drilling.

Review and Discussion Items:

Staff finds that:

1. The applicant is requesting to vacate an unimproved portion of the platted street 5th Avenue West currently known as 60th Avenue West as part of the West Duluth 4th Division, as shown on the attached exhibit.
2. The proposed vacation is 66 feet wide and 371 feet long. The platted right of way dead-ends on the south end.
3. The proposed vacation will help create larger lots for the applicant who owns the parcels on the east and west of the proposed vacated right of way. The vacation cleans up an unused right of way and grants the space that is already used by the adjacent owner.
4. There are no utilities located with within the right of way.
5. The street is 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.
6. The City has determined that the rights of way are not needed for street or pedestrian use. Vacating the right of way will not impact or deny access to other property owners.
7. Other than City Engineering, no other public or City comments have been received at the time of drafting this report.
8. 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 180 days of final approval by City Council or such approval will lapse.
- 2.) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PL22-221
Vacation of Right of Way
5910 Fremont St

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

Legend

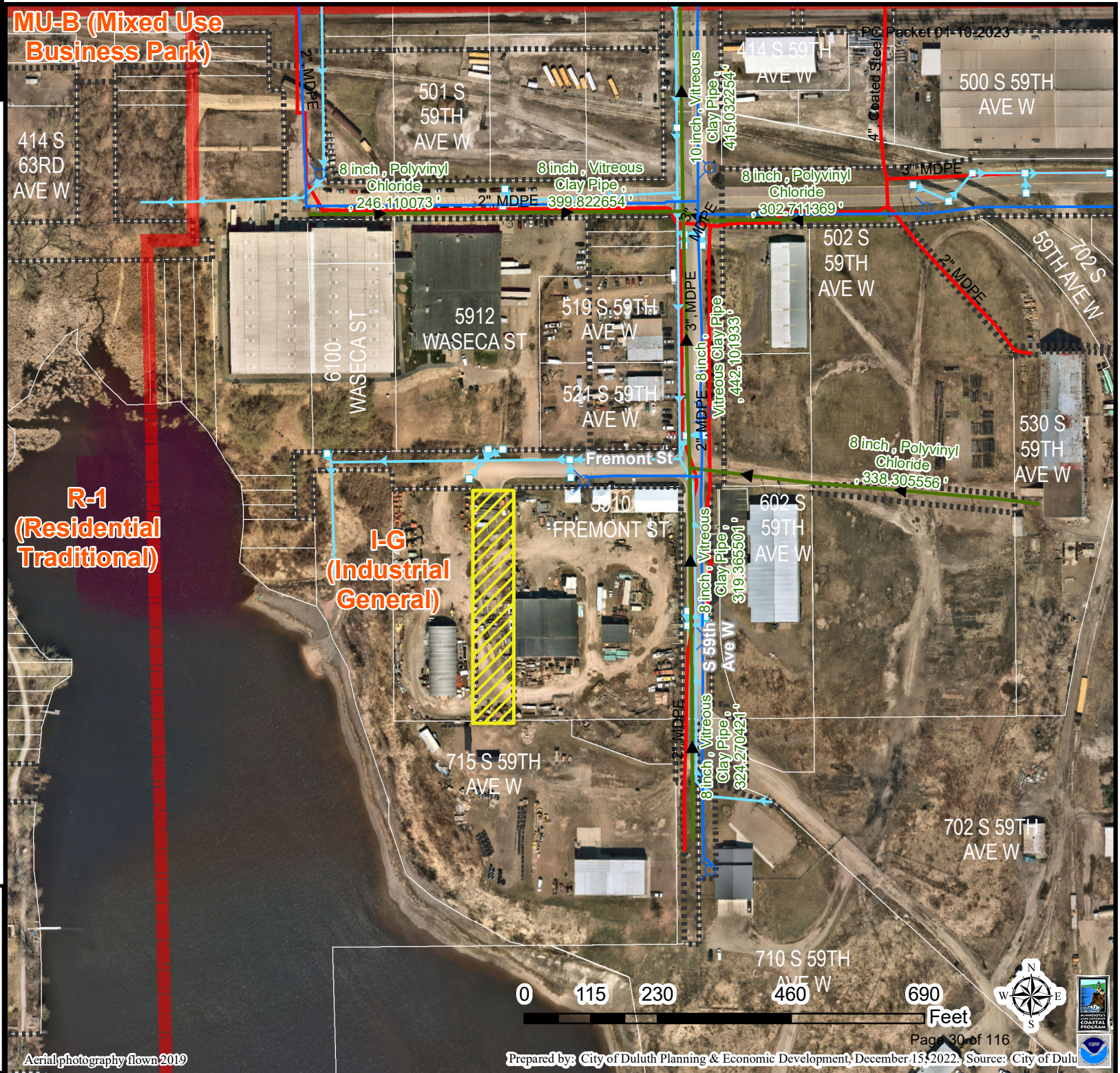
- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains
 - CITY OF DULUTH
 - WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- PS Pump Station
- Storm Sewer Mains
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin
- Road or Alley ROW
- Zoning Boundaries

**R-1
(Residential
Traditional)**

**I-G
(Industrial
General)**

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

Aerial photography flown 2019

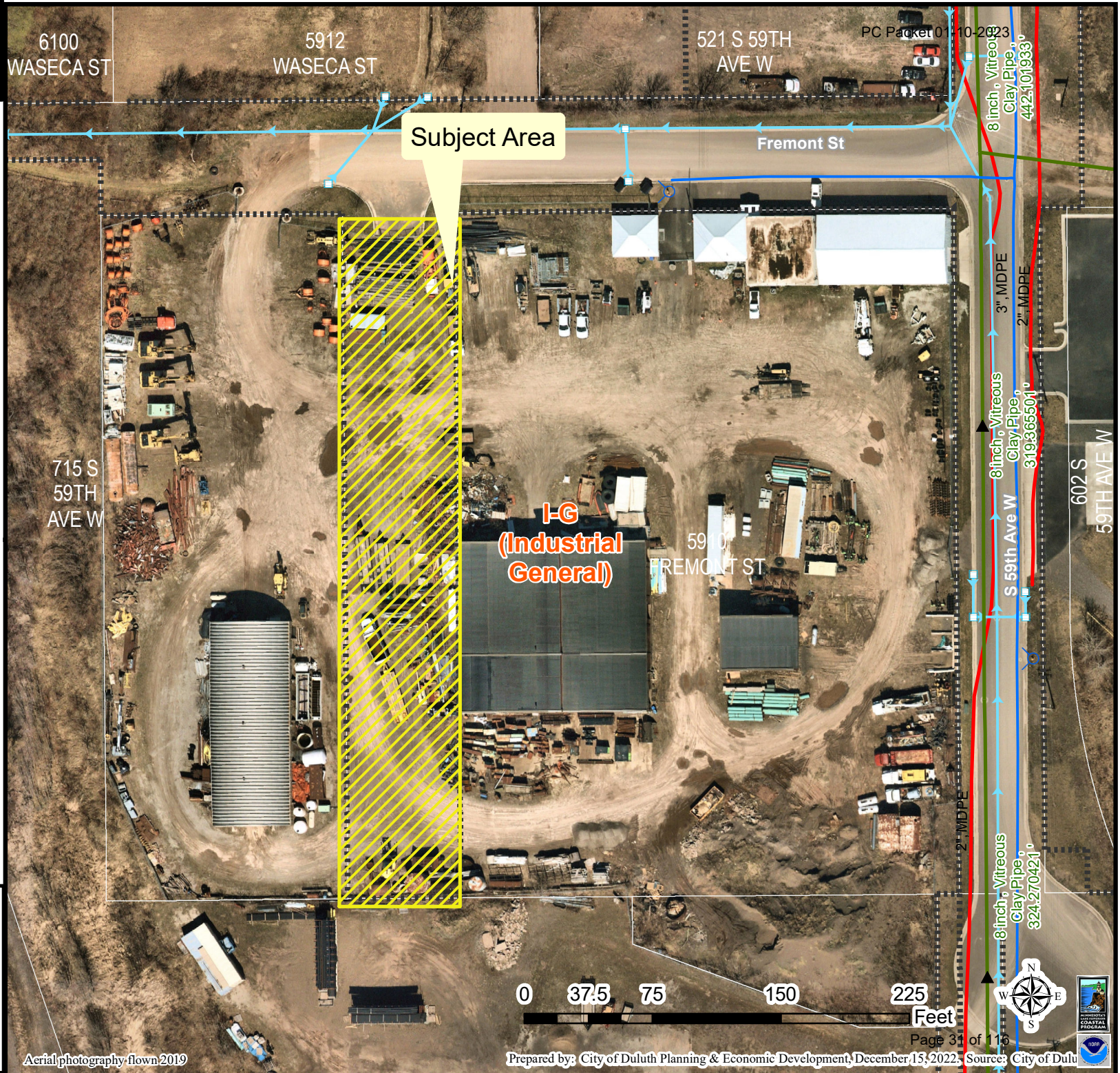




PL22-221
Vacation of Right of Way
5910 Fremont St

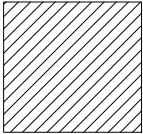
Legend

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

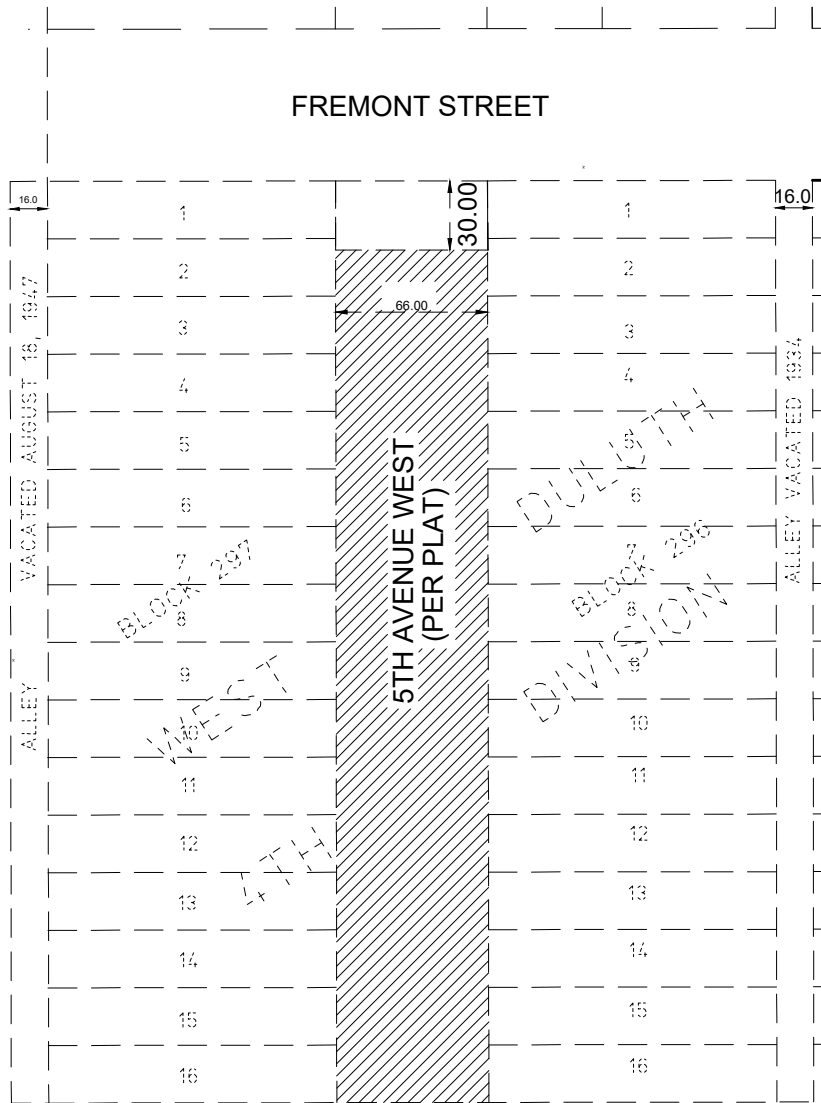


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VACATION EXHIBIT



VACATION OF
RIGHT OF WAY

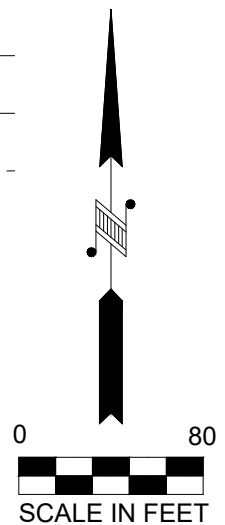


LEGAL DESCRIPTION OF 5th AVENUE WEST TO BE VACATED

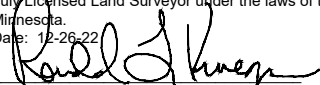
That part of 5th Avenue West which lies Southerly of the Westerly extension of the Northerly line of Block 296 and which lies Northerly of the Westerly extension of the South line of Block 296, West Duluth 4th Division, except the North 30.0 feet thereof.

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

By _____



DATE: 12/26/22
 SCALE: 1 IN = 80 FEET
 PROP ADD: XXX
 PROJECT NO: 22-049

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
 Date: 12-26-22

 Ronald L. Krueger MN License No. 14374

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

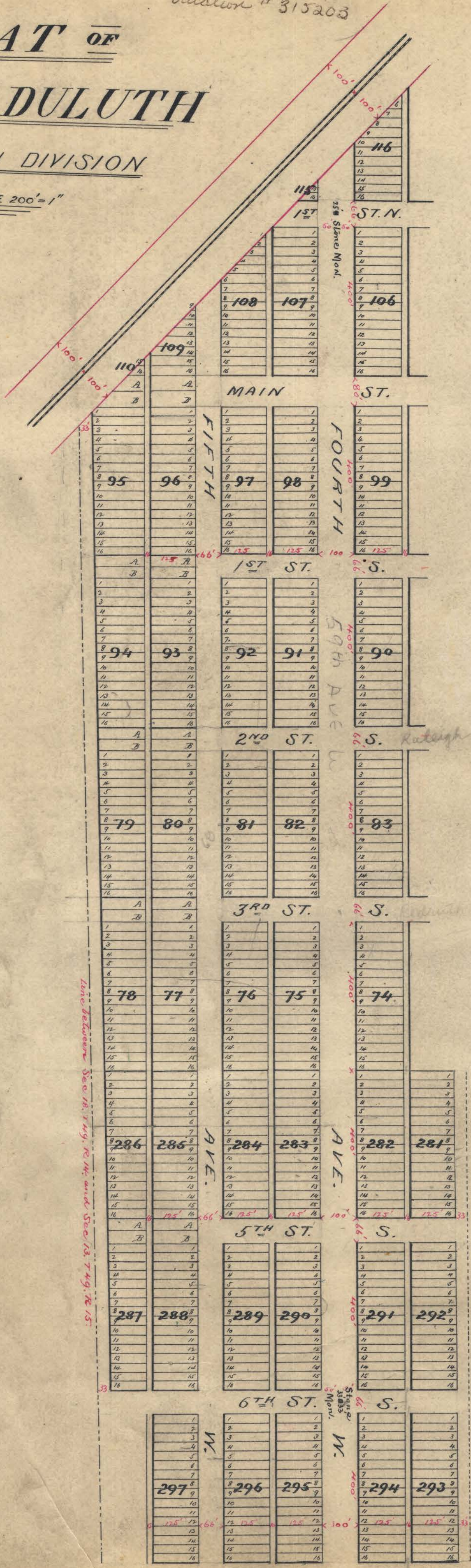
Vacation #180495

Vacation # 276040
Vacation # 315203

PLAT OF WEST DULUTH

FOURTH DIVISION

SCALE 200' = 1"



I & C. J. J. hereby certify that the same were made a
copy of the property herein described and plotted the same into lot blocks streets and alleys
as herein shown. Dated at Duluth Minn Oct 12th 1888

In Presence of
A. C. Wagner
H. H. Myers

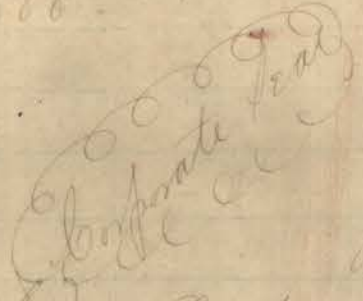
S. B. Jonte

State of Minnesota for I hereby certify that on the twelfth day of Oct 1888 before me personally
County of St Louis appeared S. B. Jonte to me known to be the person who has signed
the above certificate and he acknowledged said certificate and that the same to be his own free
act and deed.

J. J. H. H. Myers Notary Public
St. Louis County, Minn

State of Minnesota for I know all given by these presents that the West Duluth Land Company
County of St Louis City of Duluth Minn being the proprietor of the following real estate to wit
said County and that to wit Lot 2000 7 and the West half of the Northwest quarter of
Section Eighteen (18) and the Southwest quarter of the Southwest quarter of Section Twenty all in
Town 20S Range 14W West does hereby certify that it has caused
and caused to be plotted into lot blocks streets and alleys as herein made and described
to be known and called "City of West Duluth First Division" that it has placed monuments
as designated on the map to which this certificate is attached from which to make
future surveys which monuments are of Red sand stone six inches by six inches
by eight inches set in the ground between inches deep at the points designated in
said map. In Witness Whereof the said West Duluth Land Company has caused this
certificate to be signed and acknowledged by the hands of its Vice President and
Secretary and its Corporate seal to be affixed at Duluth aforesaid this twelfth day
October A. D. 1888.

In Presence of
A. C. Wagner
H. H. Myers



West Duluth Land Company
By J. R. Myers Vice President
Wm. O. R. Commins Secretary

State of Minnesota for On this twelfth day of October 1888 before me appeared Jacob R.
County of St Louis Myers and Oscar R. Commins to me personally known who being
one duly and legally sworn did say that the said Myers is Vice President of
the West Duluth Land Company and that the said Commins is Secretary of the same
and both the said Myers and the said Commins did say the seal affixed to said
instrument is the Corporate seal of said Corporation and that said instrument was
signed and sealed in behalf of said Corporation by authority of its Board of Directors
and the said Jacob R. Myers and Oscar R. Commins acknowledged the
said instrument to be the free and true deed of said West Duluth Land Company

J. J. H. H. Myers Notary Public
St. Louis Co Minn

State of Minnesota for I hereby certify that the taxes on the above land as described
County of St Louis are fully paid to date. Dated Duluth October 12th 1888

J. J. James R. Smith County Recorder
J. Alex Schote Def

Office of Registrar of Deeds


State of Minnesota for I hereby certify that the within Plat was filed in this office
County of St Louis on the 12th day of Oct AD 1888 at 11 o'clock AM and was duly
recorded in Book C of Plats page 6

Frank Burke Jr Registrar of Deeds
By R. A. Leachard Deputy



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 22-222	Contact	Chris Lee	
Type	Interim Use Permit– Vacation Dwelling Unit in Form District	Planning Commission Date		January 10, 2023
Deadline for Action	Application Date	November 28, 2022	60 Days	January 27, 2023
	Date Extension Letter Mailed	December 6, 2022	120 Days	March 28, 2023
Location of Subject	325 South Lake Avenue, Unit 1316			
Applicant	SCOBAR LLC	Contact	Scott & Barb Montgomery	
Agent		Contact		
Legal Description	CIC #29 Waterfront Plaza Condominiums (010-4444-001410)			
Site Visit Date	December 20, 2022	Sign Notice Date		December 27, 2022
Neighbor Letter Date	December 9, 2022	Number of Letters Sent		46

Proposal

Requested is an interim use permit (“IUP”) for a vacation dwelling unit. The IUP would allow for a 2-bedroom condominium with a maximum of 5 occupants in the F-5 form district. Vacation dwelling units located in form districts are exempt from minimum night stays and parking requirements, and there is no cap on the total number of permits issued in the city.

Staff recommends Planning Commission approve the IUP.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-5	Mixed Use Building	Tourism/Entertainment District
North	F-5	Mixed Use Building	Tourism/Entertainment District
South	F-5	Mixed Use Building	Tourism/Entertainment District
East	F-5	Parking lot	Tourism/Entertainment District
West	F-5	Parking lot	Tourism/Entertainment District

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.

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

Future Land Use – Tourism/Entertainment: Retail, entertainment, and lodging facilities, meeting facilities, waterfront-related uses, open space uses.

Current History: The property currently is a mixed-use building. The ground floor contains a brewery and taproom. The upper floors are for the Suites Hotel, office space and dwelling units.

Review and Discussion Items:

- 1) Applicant's property is located at 325 South Lake Avenue, Unit 1316. The unit is located on the third floor of The Suites Hotel in Canal Park. The proposed vacation dwelling unit contains 2 bedrooms that would allow for a maximum of 5 guests.
- 2) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicants have listed Cascade Vacation Rentals and Jones Cleaning as the managing agents; as Cascade Vacation Rentals is not within 25 miles of the City, Jones Cleaning will be the managing agent.
- 3) The site is not required to provide parking. However, the applicant has stated that there is a gated parking area in the rear where guests will be given access to one parking space during their stay. Additional parking is available at other paid parking lots.
- 4) The site does not have any outdoor amenities, but the applicant has stated that guests will have access to the hotel pool, hot tub, sauna, and game room during their stay. All of these amenities are indoors.
- 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 comments from citizens, City staff, or any other entity were received regarding the application.

Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission 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 action; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50

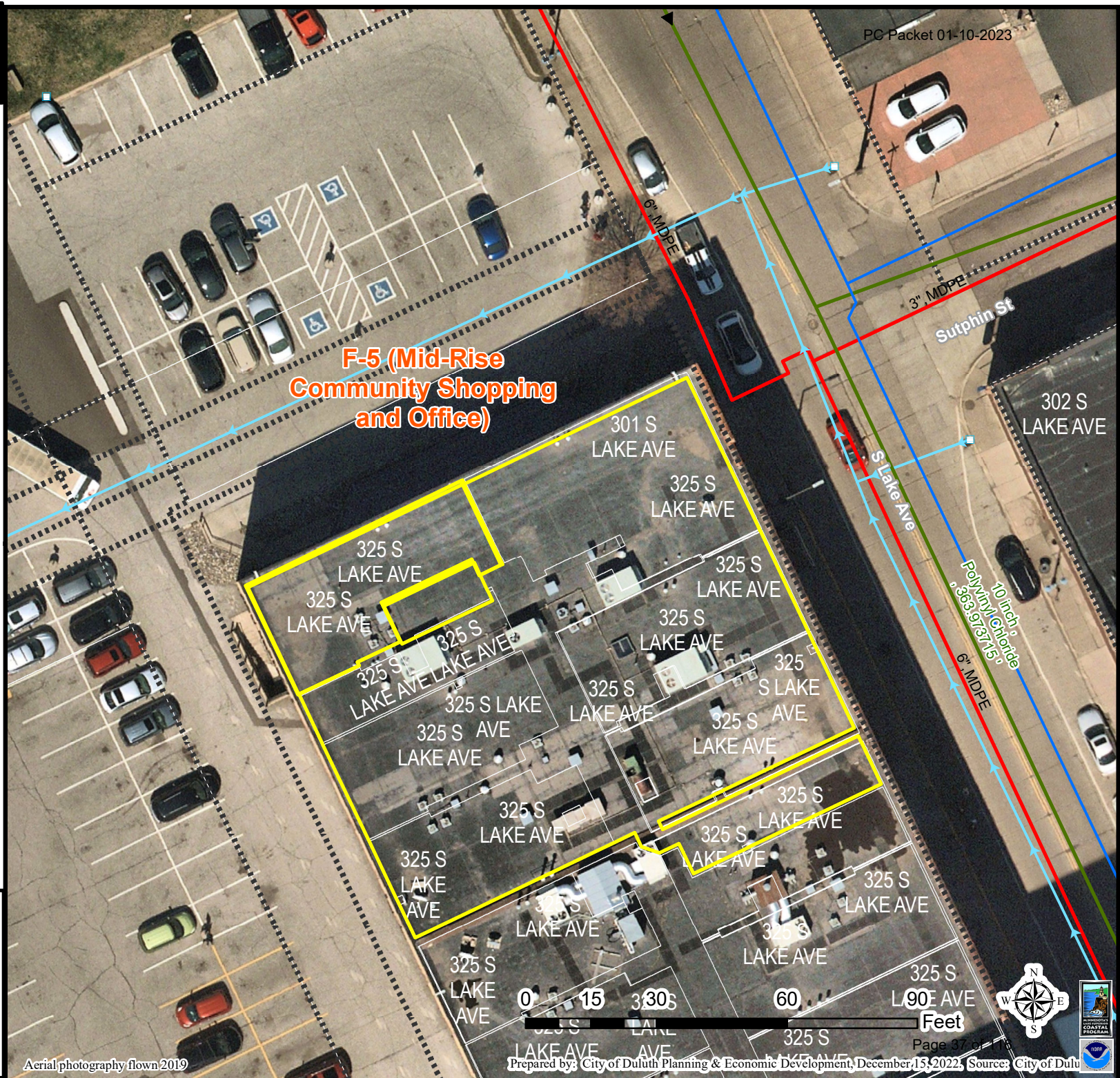


PL22-222
IUP for Vacation Rental
325 S Lake Ave #1316

PC Packet 01-10-2023

Legend

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



**F-5 (Mid-Rise
Community Shopping
and Office)**

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Aerial photography flown 2019

Prepared by: City of Duluth Planning & Economic Development, December 15, 2022. Source: City of Duluth

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?

What will be your maximum occupancy?

2

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 - 1 space in Marine Iron Lot managed by Interstate Parking

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

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

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

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

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

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

Cascade Vacation Rentals

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:

Jones Cleaning, 723 15th Ave Two Harbors, MN 55616 218-391-5081

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

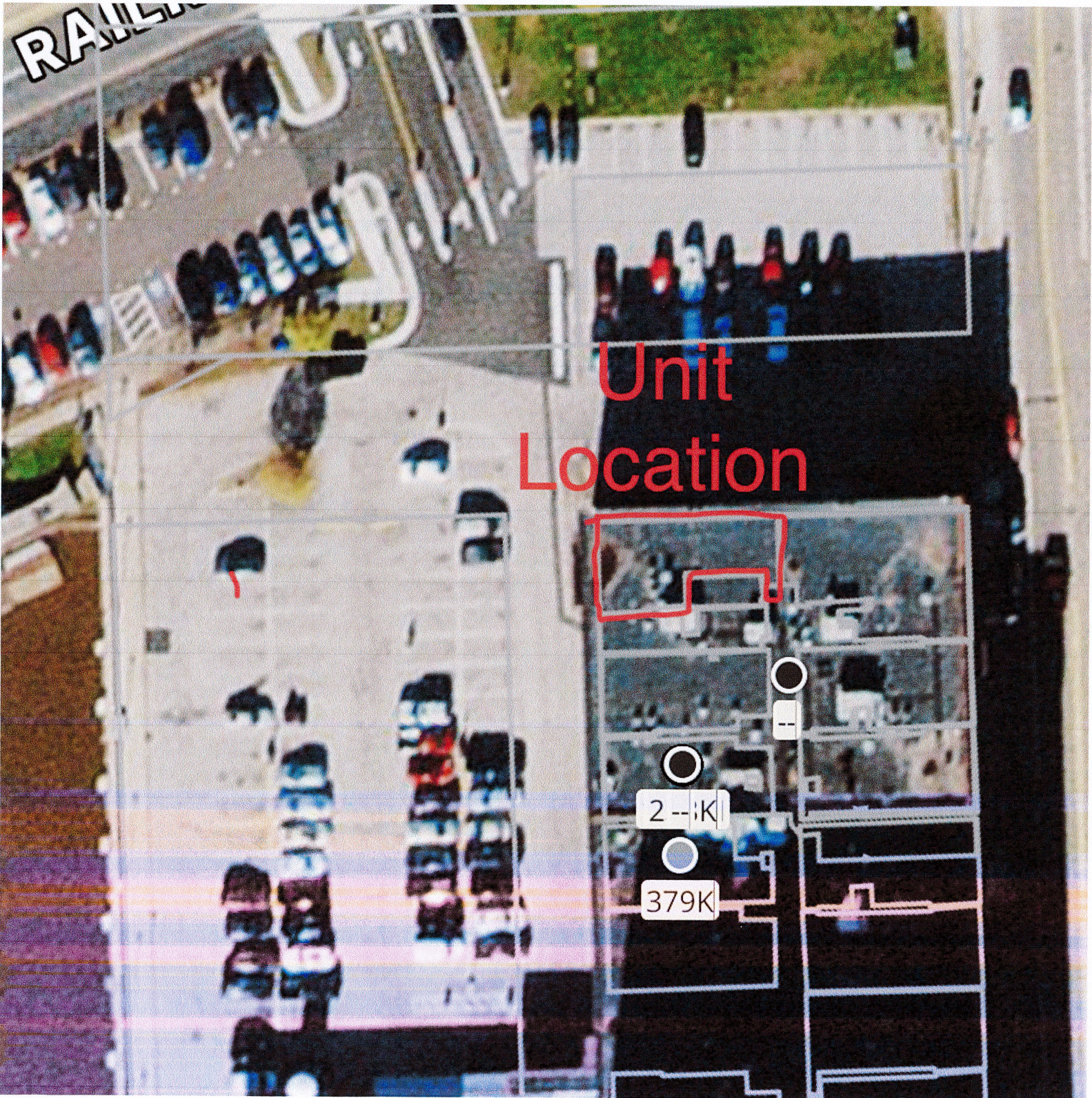
- a. The managing agent or local contact's name, address, and phone number;
- b. The maximum number of guests allowed at the property;
- c. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked;
- d. Property rules related to use of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

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

In the rental agreement sent to guests by Cascade Vacation Rental

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


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





Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

 218-730-5580

 planning@duluthmn.gov

File Number	PL 22-223	Contact	Kyle Deming	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date	January 10, 2023	
Deadline for Action	Application Date	November 29, 2022	60 Days	January 28, 2023
	Date Extension Letter Mailed	December 20, 2022	120 Days	March 29, 2023
Location of Subject	9 E. Fourth St., Unit A (Central Hillside)			
Applicant	BJ's Land Co. DLH, LLC	Contact	Neal Jacobi	
Agent	Heirloom Property Management	Contact		
Legal Description	Living Unit 2 and an undivided interest in the Common Elements, CIC #81 Lake Superior View Condominiums (010-2785-0020)			
Site Visit Date	December 20, 2022	Sign Notice Date	December 29, 2022	
Neighbor Letter Date	December 20, 2022	Number of Letters Sent	35	

Proposal

Applicant proposes to convert an existing dwelling unit containing 2 bedrooms into a vacation dwelling unit for 4 guests with a fenced patio area and one off-street parking space.

Recommended Action: Approve with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-6	Residential	Neighborhood Mixed Use
North	R-2	Residential	Traditional Neighborhood
South	F-6	Community center/offices	Neighborhood Mixed Use
East	F-6	Residential	Neighborhood Mixed Use
West	F-6	Residential	Neighborhood Mixed Use

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A vacation dwelling unit is an Interim Use in the F-6 zone district.

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

UDC Sec. 50-37.10.E . . . the commission shall only approve an interim use permit, or approve it with conditions, if it determines that: 1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location; 2. The applicant agrees to sign a development agreement with the City; 3. Vacation dwelling units in Form Districts are not counted in the maximum number of permits that may be issued.

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

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

Governing Principle #8 - Encourage mix of activities, uses, and densities. The project converts an existing condo dwelling to a vacation rentals near the downtown business district with a mix with the restaurants, shops, and offices.

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

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

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

History:

1905 – Structure was built as a two-unit dwelling. Subject unit is the lower unit of an up-down duplex.

2006 – Property was combined with 11 E. Fourth St. (2 units), 13 E. Fourth St. (2 units) and a new building constructed to the west (8 units) to form Lake Superior View Condominiums (16 units total).

2017 – 11 E. Fourth St., Unit B, granted a vacation dwelling unit interim use permit (PL 17-073).

2021 – 11 E. Fourth St., Unit B, granted a vacation dwelling unit interim use permit (PL 21-175) to a new owner of the unit.

Review and Discussion Items:

Staff finds:

- 1) The structure containing the proposed vacation dwelling unit is the lower unit of an up-down duplex that was constructed in 1905.
- 2) The structure was combined in 2006 with three other adjacent structures containing a total of 16 dwelling units into a common interest community called Lake Superior View Condominiums. The Board of the condo's home owner's association has communicated support for the proposed vacation dwelling unit.
- 3) The unit has 2 bedrooms, which the applicant has decided to limit to 4 guests.
- 4) Two off-street parking spaces will be provided (see site plan) with one off the alley just to the west of the dwelling and one in the parking garage of the building to the west (5 E. Fourth St.). Guests will be given the garage access code to use during their stay.
- 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 a grill, tables and chairs screened by a fence.
- 7) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Heirloom Property Management located in Duluth 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) Comment received from the owner of the other dwelling unit in the building (attached). Comment from the homeowner's association board (attached). No additional comments were received from citizens, City staff, or any other entity were received.

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.



PL 22-223
 Vacation Dwelling Unit
 Interim Use Permit
 9 E. Fourth St., Unit A
 by BJ's Land Co. DLH, LLC

Area Map

PC Packet 01-10-2023



Legend
 Zoning Boundaries

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Aerial photography flown 2019



PL 22-223
 Vacation Dwelling Unit
 Interim Use Permit
 9 E. Fourth St., Unit A
 by BJ's Land Co. DLH, LLC

Future Land Use Map



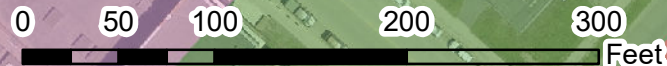
*Traditional
 Neighborhood*

*Neighborhood
 Mixed Use*

**Central Hillside
 Community Center**

Open Space

**Washington
 Center**



Legend

- Open Space
- Traditional Neighborhood
- Urban Residential
- Central Business Secondary
- Neighborhood Mixed Use

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PL 22-223
 Vacation Dwelling Unit
 Interim Use Permit
 9 E. Fourth St., Unit A
 by BJ's Land Co. DLH, LLC

Site Map

PC Packet 01-10-2023

**R-2
 (Residential
 Urban)**

**F-6 (Mid-Rise
 Neighborhood
 Shopping)**

Legend

Bike_Facil

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

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Aerial photography flown 2019

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



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?

What will be your maximum occupancy?

2

4

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

a. 1-2 bedroom unit, 1 space

b. 3 bedroom unit, 2 spaces

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

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

e. Form districts are not required to provide parking spaces.

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

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

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

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

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

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

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

Management company - Log book

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

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

Heirloom - 218-390-4317 - Vacation@rentwithheirloom.com

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;

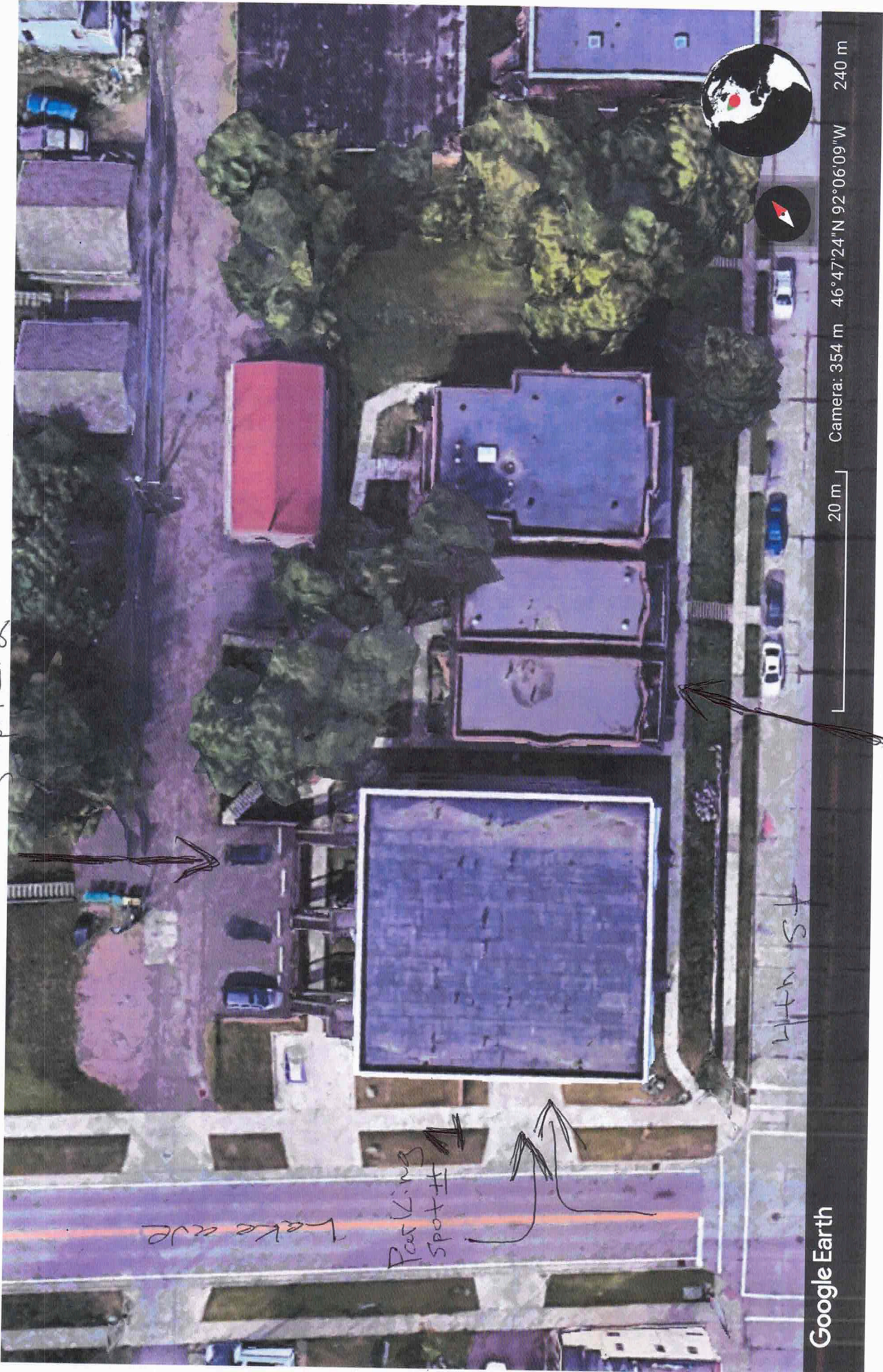
Please state where and how this information will be provided to your guests:

At Booking via email, prior to check in, and at the unit in guest book.

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.





Parking Spot #2

Lake Ave

Parking Spot #1

9A E 4th St

Google Earth

20 m Camera: 354 m 46°47'24"N 92°06'09"W 240 m

To: Lake Superior View Condo Association
From: Owner of 9B E 4th St, Duluth MN 55805
Re: Vacation Rental Allowance
Date:12/16/2022

To Whom It May Concern:

The owner of 9B E 4th St, Duluth MN 55805 agrees to allow short-term vacation rentals in unit 9A E 4th St, Duluth MN 55805 as long as it meets all local, county, and state permits and regulations.

Regards,

 *Michelle DesRosier* 12/16/22

Michelle DesRosier, Owner
9B E 4th St, Duluth MN 55805

To: BJS Land Co. DLH
From: Lake Superior View Condo Association
Re: Vacation Rental Allowance
Date:12/16/2022

To Whom It May Concern:

The Lake Superior View Condo Association agrees to allow short-term vacation rentals in Unit 9A E 4th St, Duluth MN 55805 provided it meets all local, county, and state permits and regulations.

Regards,

 *Neal Jacobi* 12/16/22

Neal Jacobi, Lake Superior View Condo Association President

 *Tony Cuneo* 12/29/22

Tony Cuneo, Lake Superior View Condo Association Secretary and Treasurer



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 22-228	Contact	Chris Lee	
Type	Minor Subdivision	Planning Commission Date	January 10, 2023	
Deadline for Action	Application Date	December 12, 2022	60 Days	February 12, 2023
	Date Extension Letter Mailed	December 16, 2022	120 Days	April 12, 2023
Location of Subject	PID 010-0890-00540 adjacent to N Basswood Ave in Duluth Heights			
Applicant	Alvin Berg	Contact		
Agent		Contact		
Legal Description	See Attached			
Site Visit Date	December 22, 2022	Sign Notice Date	N/A	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal

Requested is a Minor Subdivision to divide one parcel into 3 parcels. The current parcel is undeveloped land that was previously platted. Parcel A will be 9,375 square feet, Parcel B will be 9,375 square feet, and Parcel 3 will be 43,470. Parcel A and B will have frontage on N Basswood Ave with 75 feet of improved frontage, meeting the requirements of the R-1 district. Parcel C will frontage on Swan Lake Road and N Basswood Ave.

Recommended Action: Approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Undeveloped	Traditional Neighborhood
North	R-1	Undeveloped	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	P-1	Park	Open Space
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 #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.

Review and Discussion Items

Staff finds that:

1. Applicant is requesting a Minor Subdivision to divide one 59,648.74 square foot parcel into three parcels Parcel A will be 9,375 square feet, Parcel B will be 9,375 square feet, and Parcel 3 will be 43,470. Parcel A and B will have frontage on N Basswood Ave with 75 feet of improved frontage, meeting the requirements of the R-1 district. Parcel C will frontage on Swan Lake Road and N Basswood Ave. The proposed minor subdivision parcel is currently undeveloped land. The proposed subdivision creates two lots that meet the zoning requirements of the R-1 district.
2. The parcels have the required street frontage along North Basswood Avenue and Swan Lake Road. The proposed subdivision, if approved, would not make the parcels non-conforming due to lot frontage, lot area, or similar bulk standard.
3. No public, agency, or other City comments were received.
4. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
5. 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.



PL22-228
 Minor Subdivision
 930 Swan Lake Rd

3 218000510 2 218000500 1 PC Packet 01-10-2023

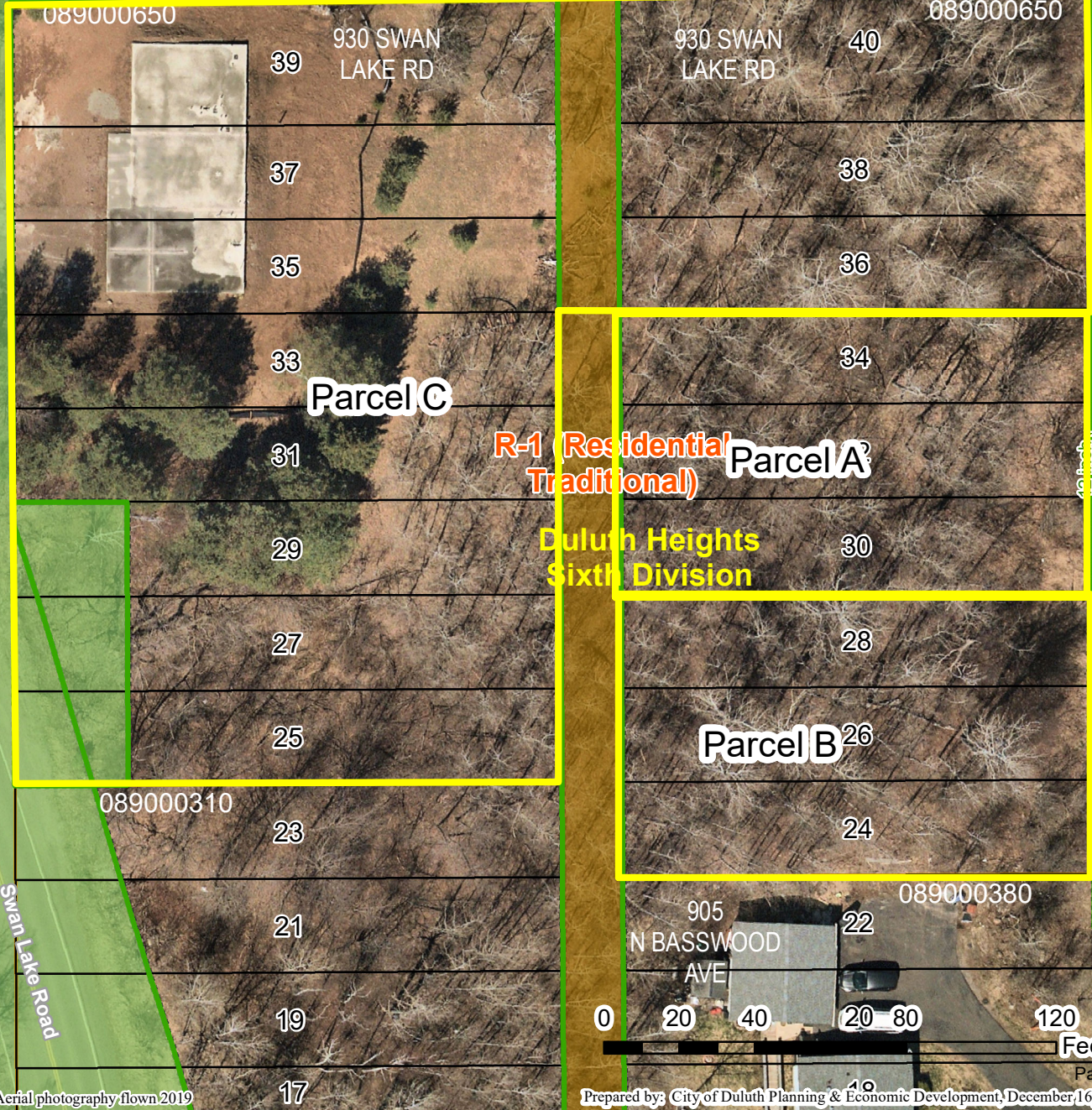
**Highland
 Gardens 1st
 Division**

6", Coated Steel

2", MDPE

Legend

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



Reinforced Concrete
 442.15487'

2", MDPE

N Basswood Ave

**P-1
 (Park)**

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

Aerial photography flown 2019



DULUTH

HEIGHTS

39

40

37

38

35

36

16

40

S89°55'40"E 125.00

33

ST OF MN C278 L35
PID NO. 010-0890-00540

34

31

ST OF MN C278 L35
PID NO. 010-0890-00540

32

29

PARCEL A
9,375 Sq. Feet
0.22 Acres

ST OF MN C278 L35
PID NO. 010-0890-00540

30

27

ALLEY (NOT BUILT)
N00°04'20"E 150.00
0.22 Acres

ST OF MN C278 L35
PID NO. 010-0890-00540

28

25

PARCEL B
9,375 Sq. Feet
0.22 Acres

ST OF MN C278 L35
PID NO. 010-0890-00540

26

23

BLOCK

ST OF MN C278 L35
PID NO. 010-0890-00540

24

21

16

S89°55'40"E 125.00

22

40

SIXTH

20

DIVISION

N BASSWOOD AVE



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 22-230	Contact	Jenn Moses, jmoses@duluthmn.gov	
Type	Variance – Front yard setback	Planning Commission Date	January 10, 2023	
Deadline for Action	Application Date	December 16, 2022	60 Days	February 14, 2023
	Date Extension Letter Mailed	December 21, 2022	120 Days	April 14, 2023
Location of Subject	110 W Redwing Street			
Applicant	Many Rivers Montessori	Contact	Nicholas O’Connell	
Agent	Arola Architecture	Contact	Ryan Arola	
Legal Description	010-4670-00930			
Site Visit Date	January 3, 2023	Sign Notice Date	December 27, 2022	
Neighbor Letter Date	December 20, 2022	Number of Letters Sent	54	

Proposal:

The applicant is seeking to construct a three-story indoor/outdoor classroom addition with a footprint of 1,542 sq ft. This addition would be partially within the 25’ front yard setback.

Recommended Action:

Staff recommends approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	School	Institutional
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	P-1	Park	Neighborhood Commercial
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements

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

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

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

Governing Principle #1: Reuse previously developed lands. Many Rivers Montessori purchased the former Cobb School and has continued to reuse the building on the site.

Governing Principle #11: Consider education systems in land use actions. The comprehensive plan supports neighborhood-based schools.

Future Land Use – Institutional: Applicable to medical, university/college, public school ... campuses.

History: Building records indicate the school was built in 1913. In 2017, Many Rivers received a Special Use Permit to establish their school on the site (PL 17-080).

Review and Discussion Items

Staff finds that:

- 1) The existing building has an address on Redwing Street, but--as the zoning code stipulates that the narrowest dimension on a public street shall be the lot front--the front yard setback of 25' applies along Faribault Street. The existing building is approximately 12' from the property line on Faribault Street.
- 2) The school previously received a Special Use Permit to operate K – 8th grade on this site. The plans submitted by the school in 2017 showed site improvements including parking lot landscaping. Aerial photography suggests this landscaping was not installed; a site visit failed to make a determination due to significant snow covering.
- 3) The applicant proposes an addition to meet enrollment and programmatic needs. This addition would provide a new classroom on Level 1 of the building. The ground level, underneath the classroom, would include outdoor learning space, and the roof of the addition (adjacent to Level 2) would include a rooftop garden and pergola. Staff finds a classroom addition is a reasonable use on the existing site.
- 4) The applicant is proposing this addition to the southwest of the existing building, as other possible locations would disrupt the school's parking, loading/drop-off, and interior circulation. The addition infills a recessed corner of the building and would encroach no closer to the street than the existing school façade. Because the property line veers south towards the western portion of the lot, the addition would be 14' 9" from the property line on the eastern corner, where it ties into the existing school, and 22' from the property line at the western corner of the addition.
- 5) Per the code summary provided by Arola Architecture, the school requires a minimum of 16 parking spaces; the building has 34 parking spaces now, and will lose 4 as part of the proposed addition. As the portion of the parking lot will be reconstructed, the applicant will connect the sidewalk along the eastern edge of the parking lot to improve pedestrian circulation.
- 6) Because the proposed addition will be no closer to the property line than the existing school building, it is not anticipated to have any impacts on the neighborhood, nor any impacts to light and air for surrounding properties. As the addition includes only one classroom, it is not anticipated to have any significant impact on traffic or congestion in the area.
- 7) As this building has existed on the site since 1913, the proposed addition includes only one classroom, and the height of the addition (from grade to the top of the pergola on Level 2) will be 30', this proposal would not alter the essential character of the neighborhood.
- 8) City Engineering noted the easement located over a portion of the north end of the building; staff recommends this easement be vacated to bring the building into conformance. No other public, private or City comments have been received.
- 9) Per UDC Section 50-37.1. N. approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year

Staff Recommendation

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

- 1) The project be limited to, constructed, and maintained based on the proposed plan attached to this staff report.
- 2) The plans submitted for the building permit application shall include height calculations for the addition and pergola to demonstrate compliance with the height maximum in the R-1 district.
- 3) Applicant shall provide financial security covering the cost of landscaping approved in 2017 prior to the initiation of any site work; this financial security shall be held, without interest, until the applicant has 1) installed the required landscaping, 2) hired a certified landscape architect to inspect landscaping and confirm that all landscaping was installed correctly and according to approved plans, and 3) forwarded inspection results to the City along with a request for reimbursement of this security. Prior to receiving a Certificate of Occupancy, the applicant shall

demonstrate that this landscaping has been completed.

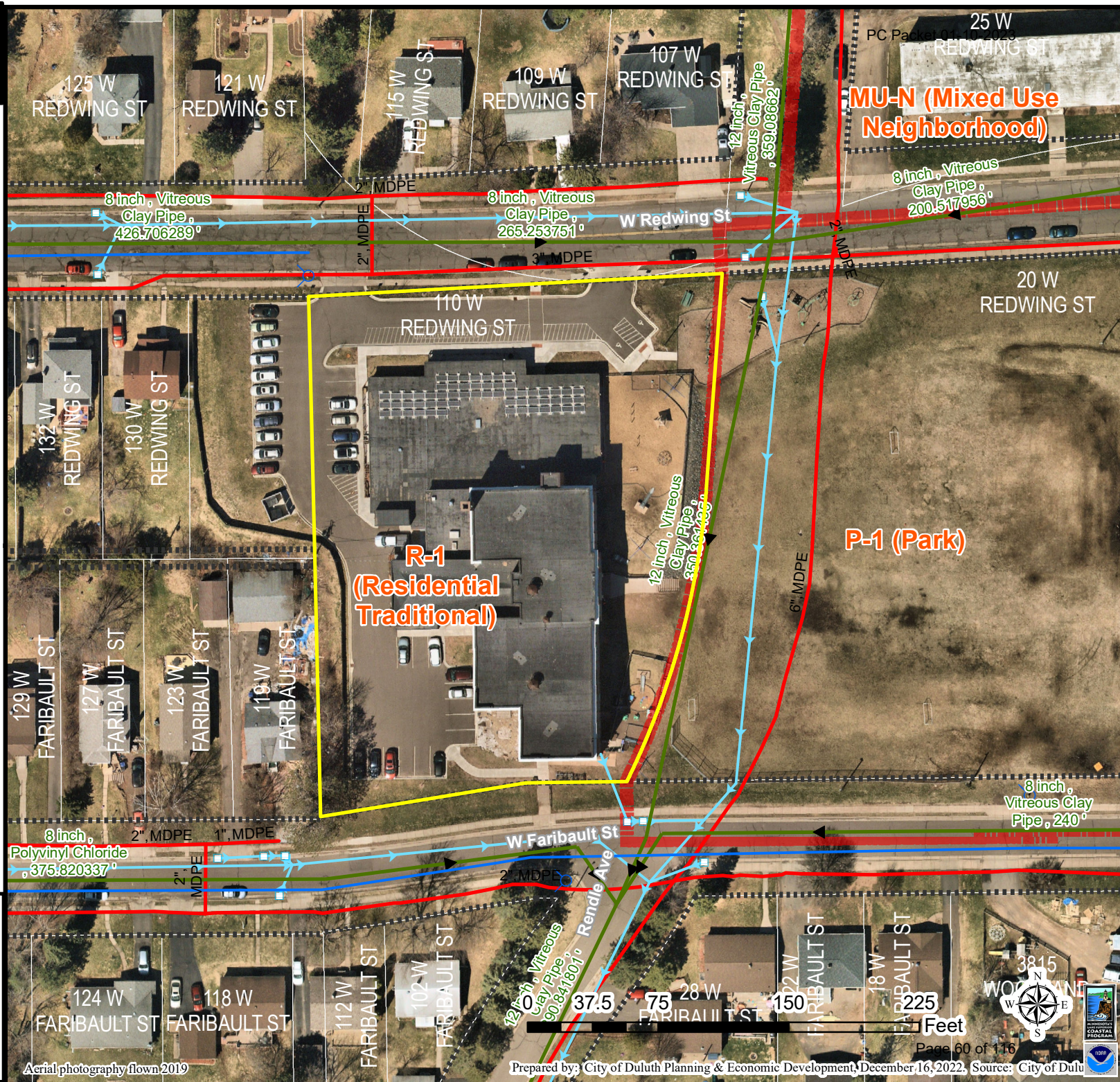
- 4) Applicant shall apply for a vacation of the utility easement on the north end of the site.
- 5) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PL22-2XX
Variance
110 W Redwing St

Legend

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



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Aerial photography flown 2019

Prepared by: City of Duluth Planning & Economic Development, December 16, 2022. Source: City of Duluth

Feet

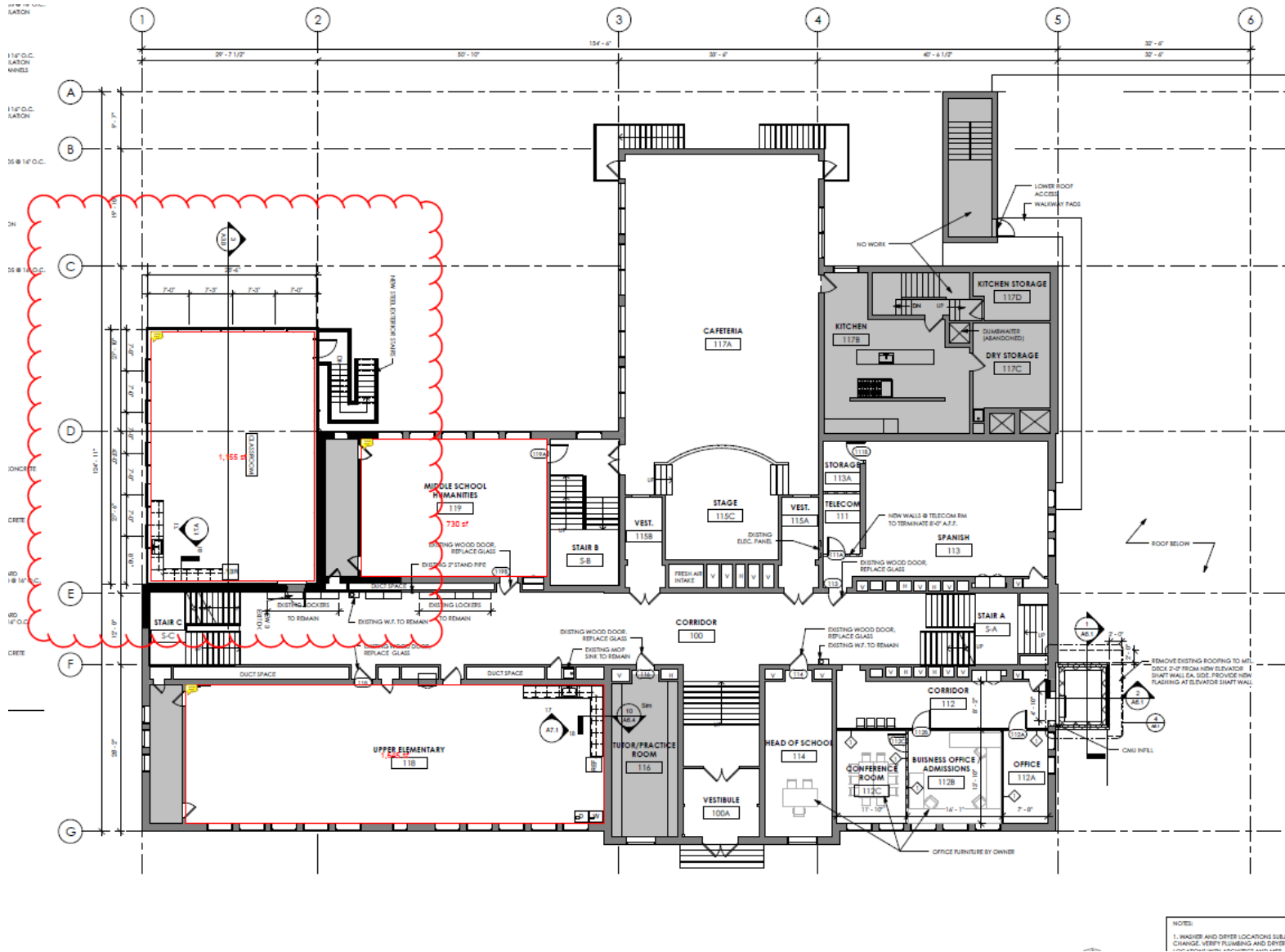
Page 60 of 116



Site Photo



Floor Plan Showing Location of Classroom Addition





I HEREBY CERTIFY THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULUTH LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.
 SIGNATURE: *Ryan J. Arola*
 RYAN J. AROLA
 DATE: 09-27-2022
 LICENSE NO. 52478

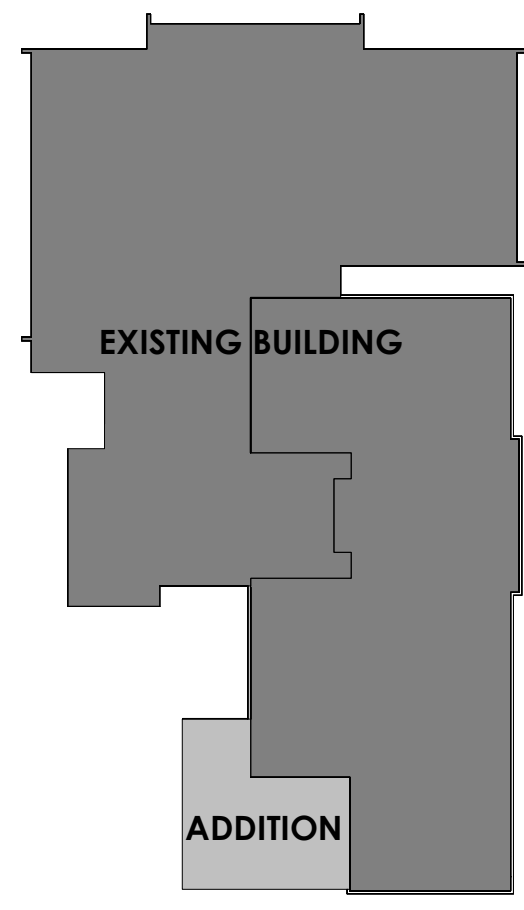
MANY RIVERS MONTESSORI CLASSROOM ADDITION
 110 WEST REDWING STREET
 DULUTH, MINNESOTA

ISSUE DATE
 09-27-2022

PROJECT NO.
 2085

REVISIONS

SHEET NO.
A2.0



GENERAL NOTES

- DIMENSIONS ARE FROM (UNLESS NOTED OTHERWISE)
 EXISTING CONSTRUCTION - OUTSIDE FACE
 NEW CONSTRUCTION - FACE OF STUD/BLOCK
 PLUMBING FIXTURES - CENTER LINE
 DOORS - CENTER LINE
 WINDOWS - CENTER LINE
- CONTRACTOR TO VERIFY ALL EXISTING CONDITIONS. NOTIFY ARCHITECT OF ANY DISCREPANCY.
- MECHANICAL AND PLUMBING DESIGN BY OTHERS. ALL MECHANICAL AND PLUMBING TO MEET MN ENERGY DESIGN CODE REQUIREMENTS.
- ELECTRICAL DESIGN BY OTHERS. ALL ELECTRICAL AND LIGHTING TO MEET MN ENERGY DESIGN CODE REQUIREMENTS. ALL EXTERIOR LIGHTING TO MEET DULUTH UDC REQUIREMENTS FOR LIGHT POLLUTION.
- SPRINKLER SYSTEM DESIGN BY OTHERS.
- FIRE ALARM SYSTEM DESIGN BY OTHERS.
- LANDSCAPE DESIGN BY OTHERS.
- FURNITURE AND FIXTURE DESIGN BY OTHERS.
- INTERIOR FINISH SELECTIONS BY OWNERS.

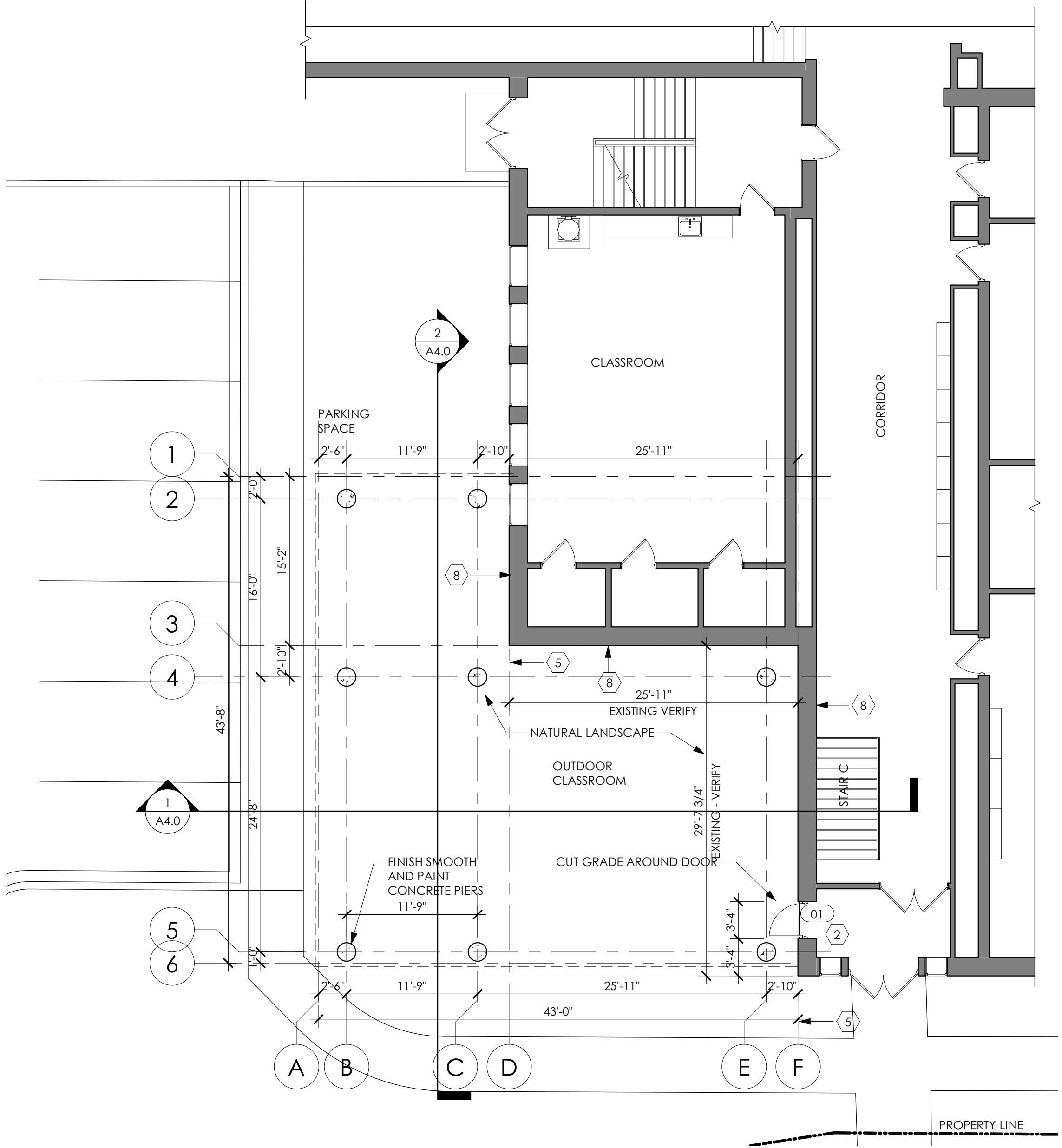
DEMOLITION KEY NOTES

- REMOVE EXISTING WINDOW AND SILL BELOW.
- REMOVE EXISTING WINDOW.

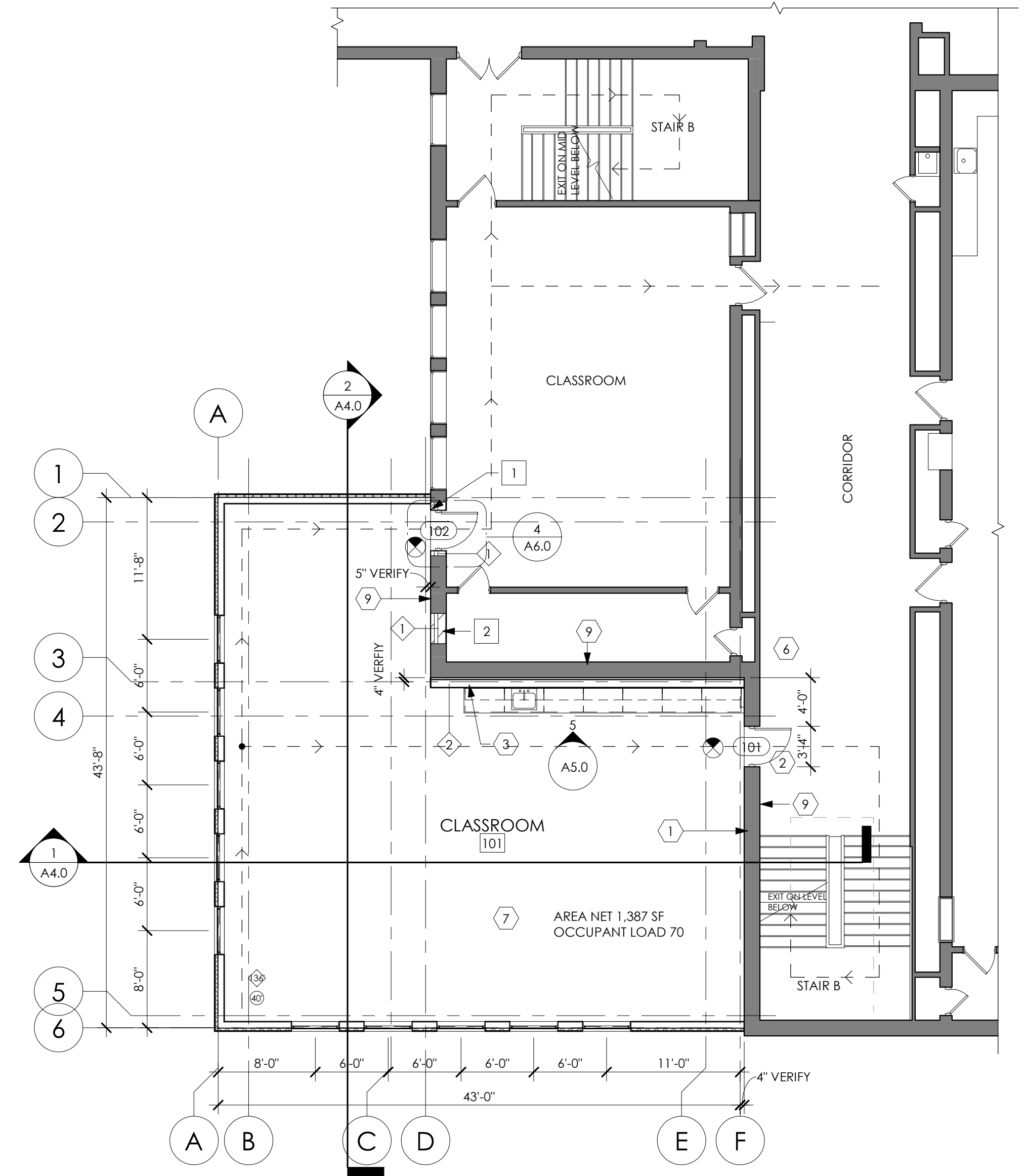
KEYED NOTES

- FIRE WALL SEPARATING ADDITION.
- NEW MASONRY OPENING. REFER TO STRUCTURAL FOR DETAILS.
- 2x8 WOOD BEARING WALL W/ GAP TO EXISTING BRICK WALL. REFER TO STRUCTURAL FOR DETAILS.
- ALIGN WALL PANELS WITH WINDOWS
- GRID TO FACE OF BRICK
- REMOVE EXISTING LOCKERS AND RELOCATE AROUND NEW DOOR. LOCKERS NOT SHOWN ON PLANS. VERIFY LOCATIONS WITH OWNER.
- ADDITION TO HAVE SPRINKLER SYSTEM AND FIRE ALARM SYSTEM. DESIGN OF SYSTEMS BY OTHERS.
- EXISTING CMU/BRICK WALL. ESTIMATED THICKNESS 20". PRESCRIPTIVE FIRE RATING 3 HRS. 3-1.1
- EXISTING CMU/BRICK WALL. ESTIMATED THICKNESS 16". PRESCRIPTIVE FIRE RATING - 3 HRS. 3-1.1

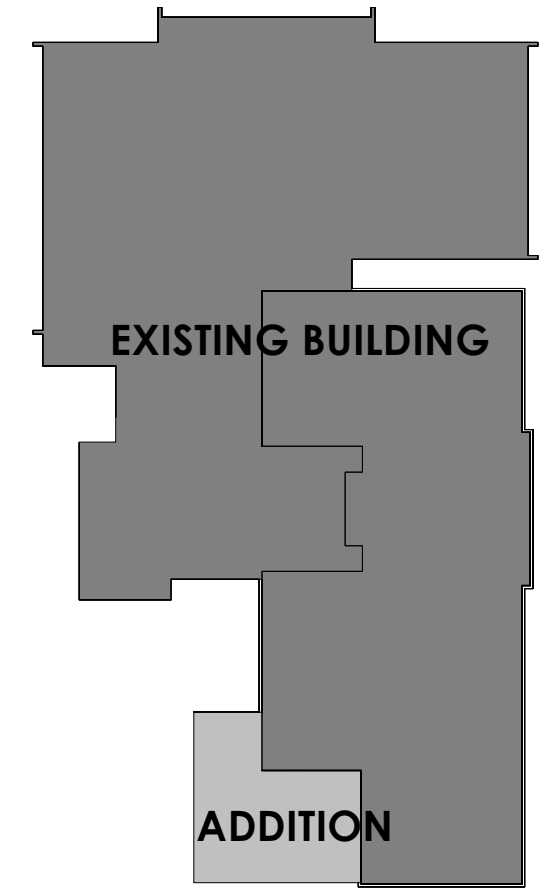
KEY PLAN



1 BASEMENT PARTIAL FLOOR PLAN
 1/8" = 1'-0"



2 LEVEL 1 PARTIAL FLOOR PLAN
 1/8" = 1'-0"

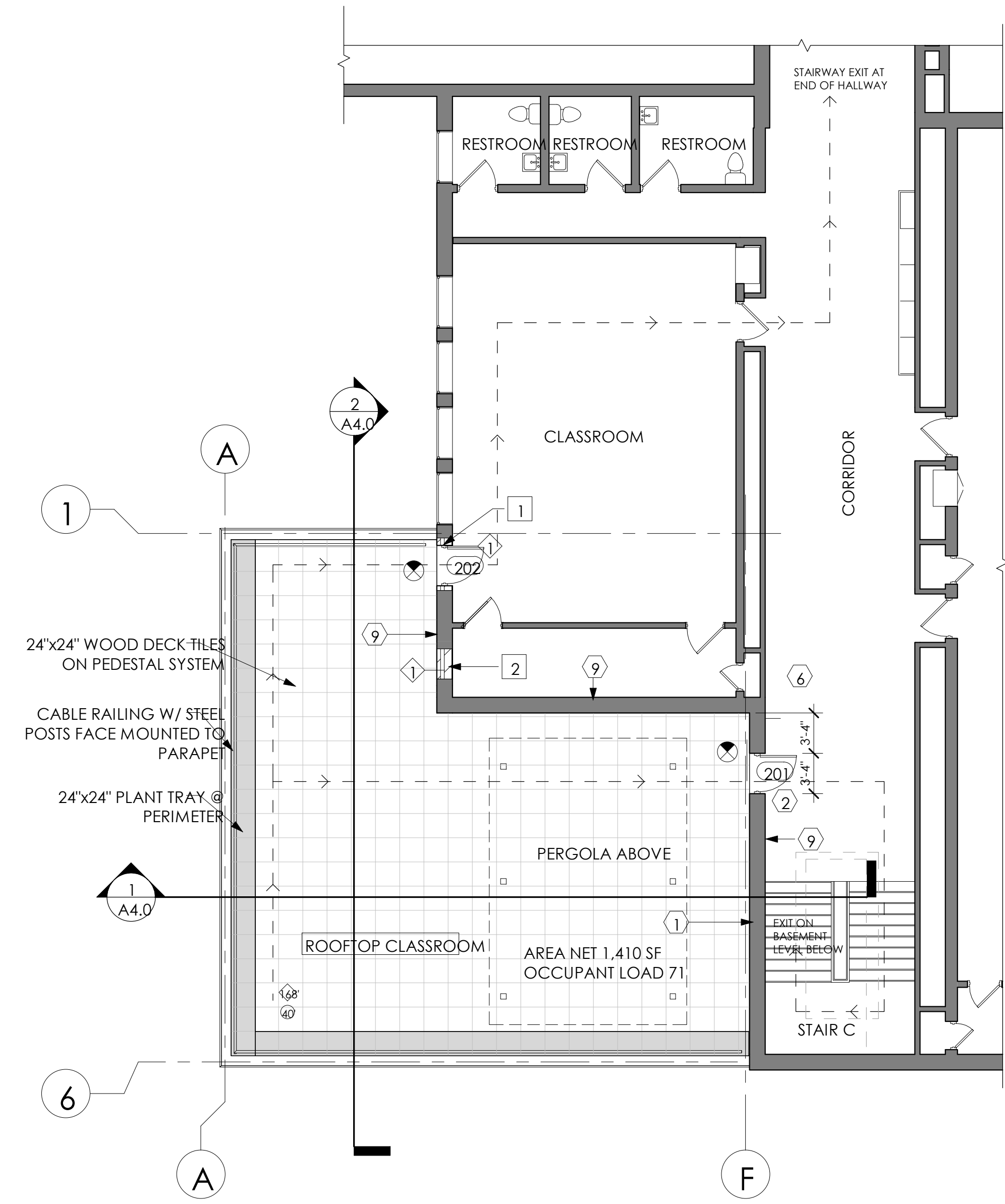


KEY PLAN

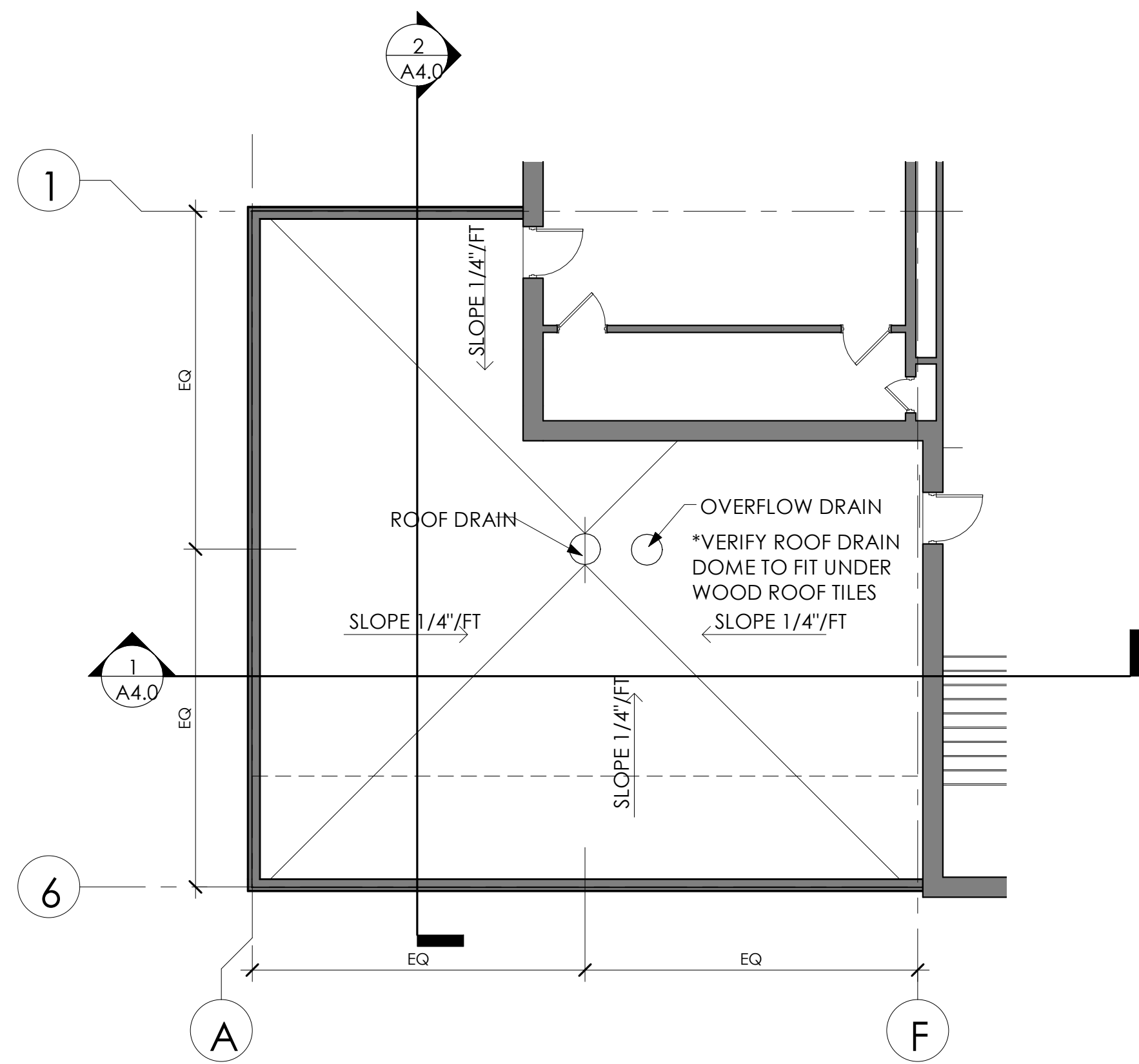
- GENERAL NOTES**
- DIMENSIONS ARE FROM (UNLESS NOTED OTHERWISE)
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 - INTERIOR FINISH SELECTIONS BY OWNERS.

- DEMOLITION KEY NOTES**
- REMOVE EXISTING WINDOW AND SILL BELOW.
 - REMOVE EXISTING WINDOW.

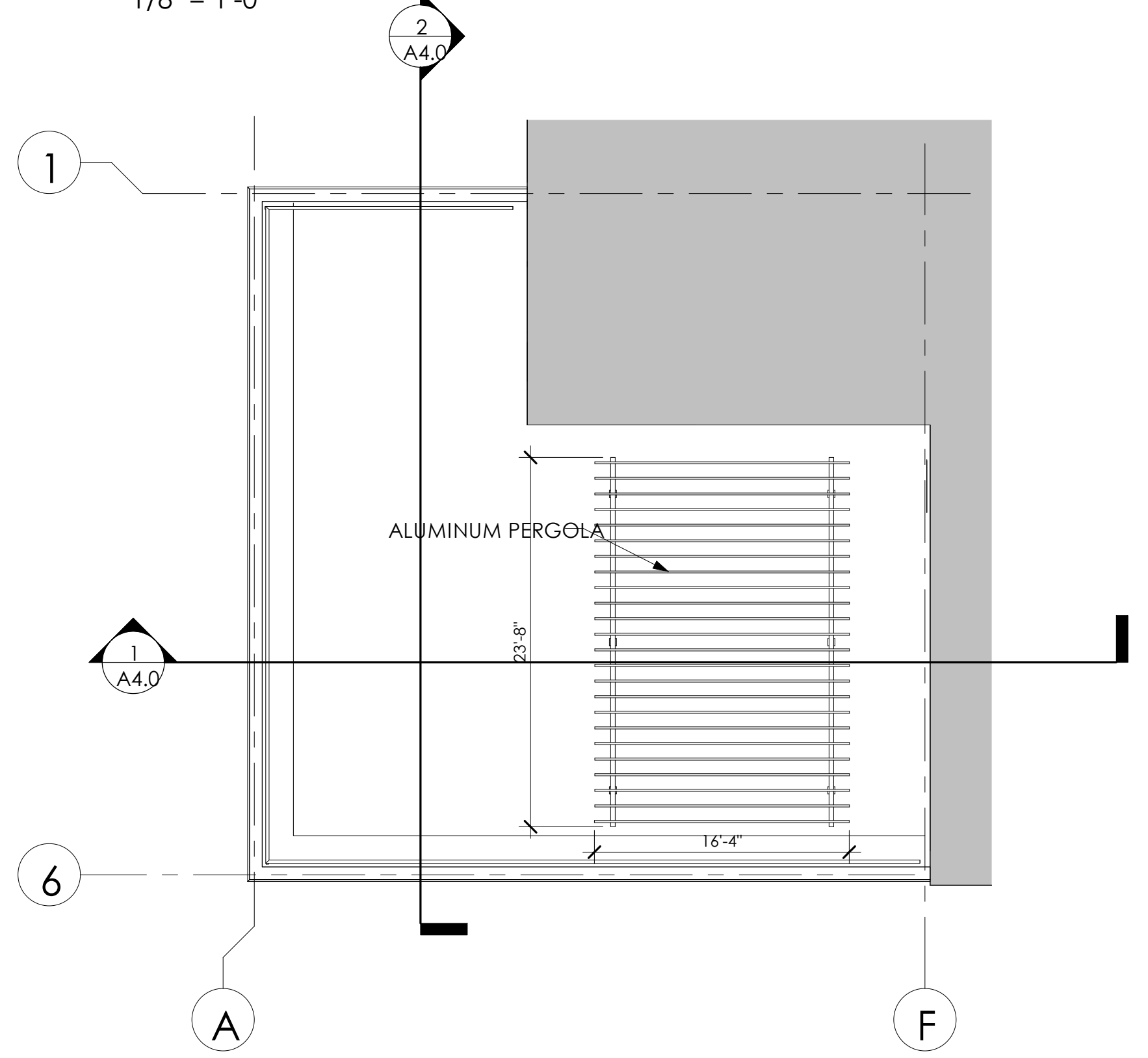
- KEYED NOTES**
- FIRE WALL SEPARATING ADDITION, NEW MASONRY OPENINGS. REFER TO STRUCTURAL FOR DETAILS.
 - 2x8 WOOD BEARING WALL W/ GAP TO EXISTING BRICK WALL. REFER TO STRUCTURAL FOR DETAILS.
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 - REMOVE EXISTING LOCKERS AND RELOCATE AROUND NEW DOOR. LOCKERS NOT SHOWN ON PLANS. VERIFY LOCATIONS WITH OWNER.
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 - EXISTING CMU/BRICK WALL. ESTIMATED THICKNESS 20". PRESCRIPTIVE FIRE RATING 3 HRS. 3-1.1
 - EXISTING CMU/BRICK WALL. ESTIMATED THICKNESS 16". PRESCRIPTIVE FIRE RATING - 3 HRS. 3-1.1



1 LEVEL 2 PARTIAL FLOOR PLAN
1/8" = 1'-0"



4 ROOF DRAINAGE PLAN
1/8" = 1'-0"



2 ROOF PLAN
1/8" = 1'-0"



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

SIGNATURE: *Ryan J. Arola*
RYAN J. AROLA
DATE: 09-27-2022
LICENSE NO. 52478

MANY RIVERS MONTESSORI CLASSROOM ADDITION
110 WEST REDWING STREET
DULUTH, MINNESOTA

ISSUE DATE
09-27-2022

PROJECT NO.
2085

REVISIONS

SHEET NO.

A2.1



I HEREBY CERTIFY THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULUTH LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.
SIGNATURE: *Ryan J. Arola* RYAN J. AROLA LICENSE NO. 52478
DATE: 09-27-2022

MANY RIVERS MONTESSORI CLASSROOM ADDITION
110 WEST REDWING STREET
DULUTH, MINNESOTA

ISSUE DATE
09-27-2022

PROJECT NO.
2085

REVISIONS

SHEET NO.
A3.0
Page 65 of 116

DEMOLITION KEY NOTES ①

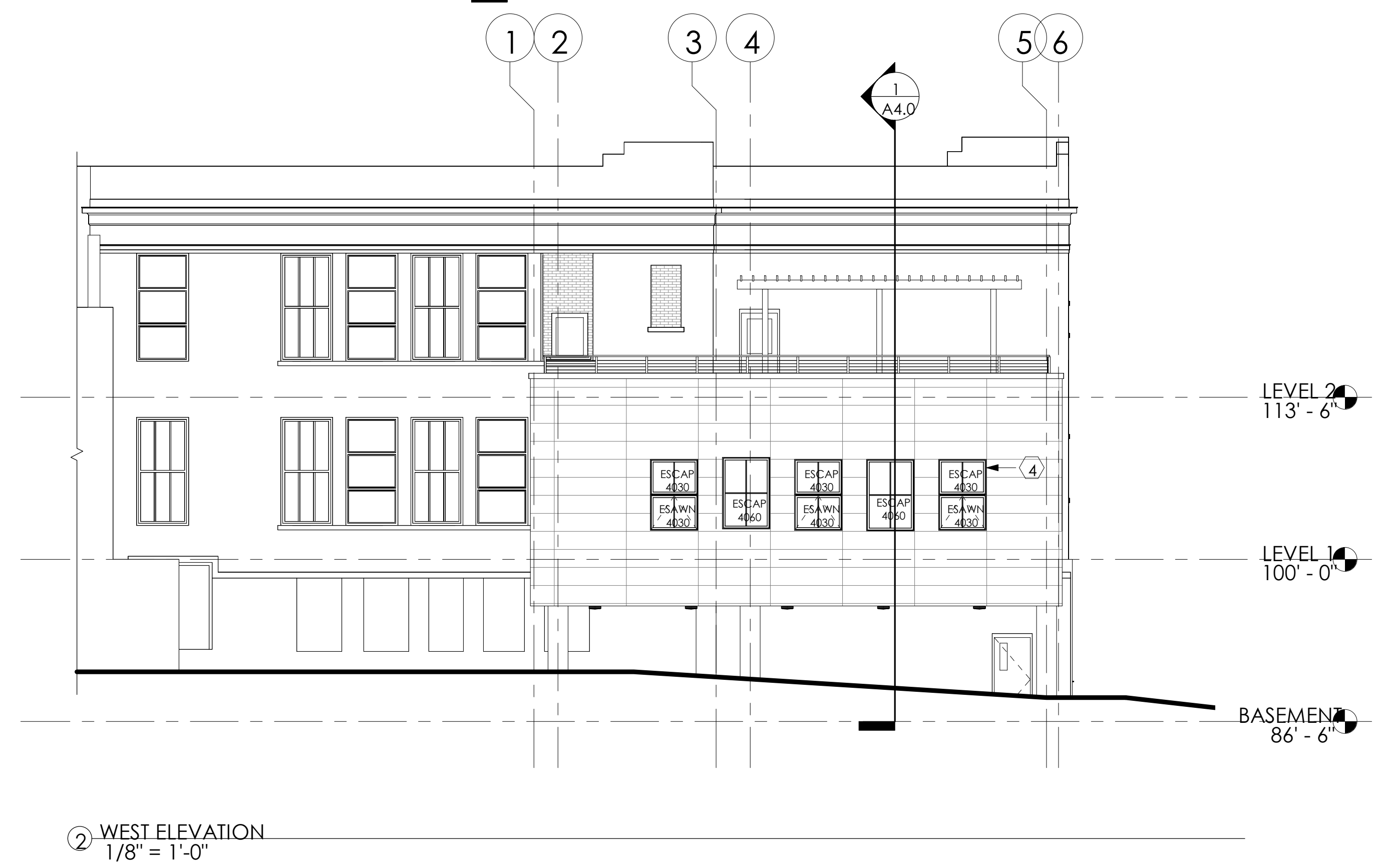
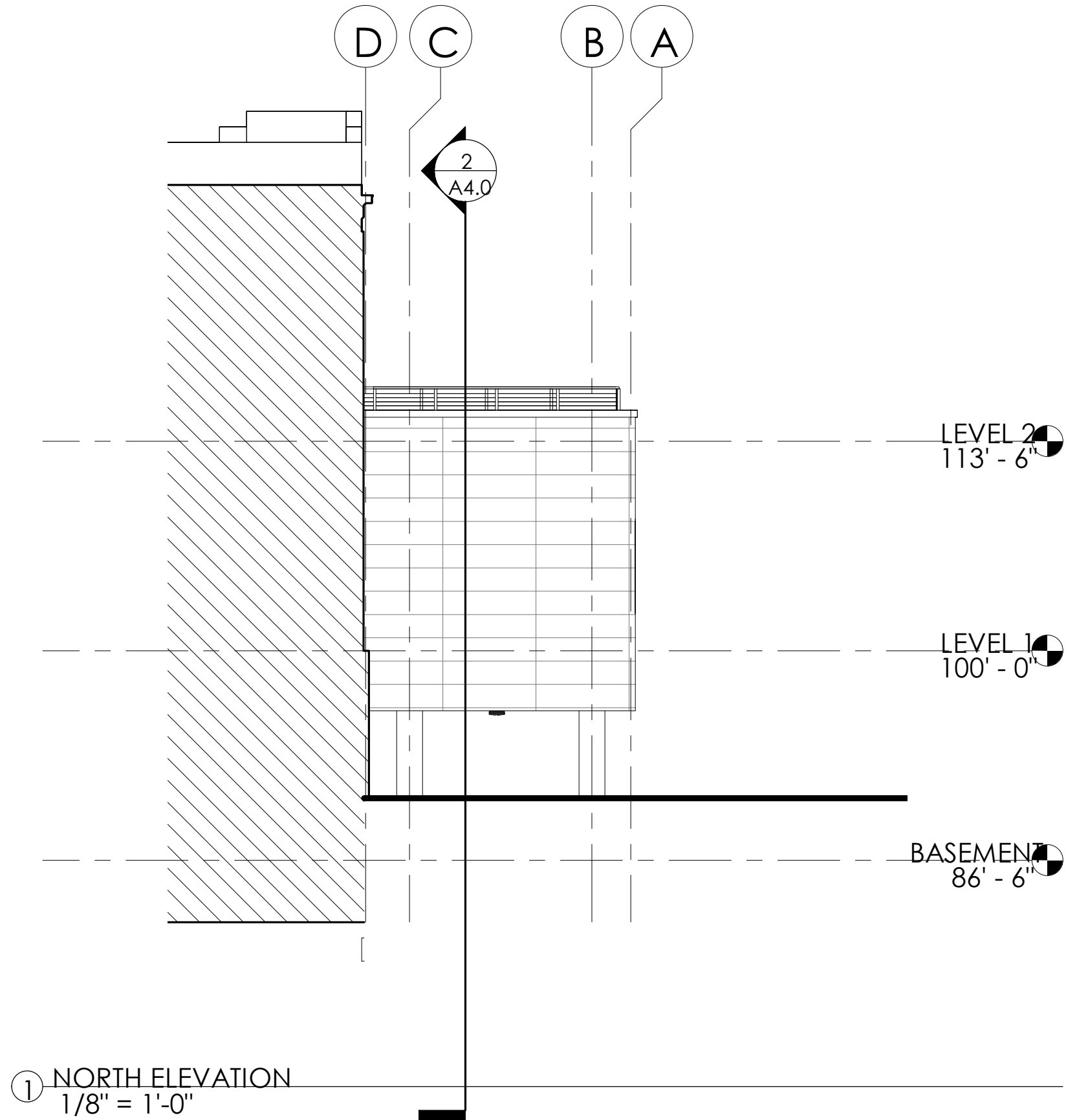
- 1 REMOVE EXISTING WINDOW AND SILL BELOW.
- 2 REMOVE EXISTING WINDOW.

KEYED NOTES ①

- 1 FIRE WALL SEPARATING ADDITION.
- 2 NEW MASONRY OPENING. REFER TO STRUCTURAL FOR DETAILS.
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- 6 ADDITION TO HAVE SPRINKLER SYSTEM AND FIRE ALARM SYSTEM. DESIGN OF SYSTEMS BY OTHERS.
- 7 EXISTING CMU/BRICK WALL. ESTIMATED THICKNESS 20". PRESCRIPTIVE FIRE RATING 3 HRS. 3-1.1
- 8 EXISTING CMU/BRICK WALL. ESTIMATED THICKNESS 16". PRESCRIPTIVE FIRE RATING - 3 HRS. 3-1.1

WINDOW TYPES

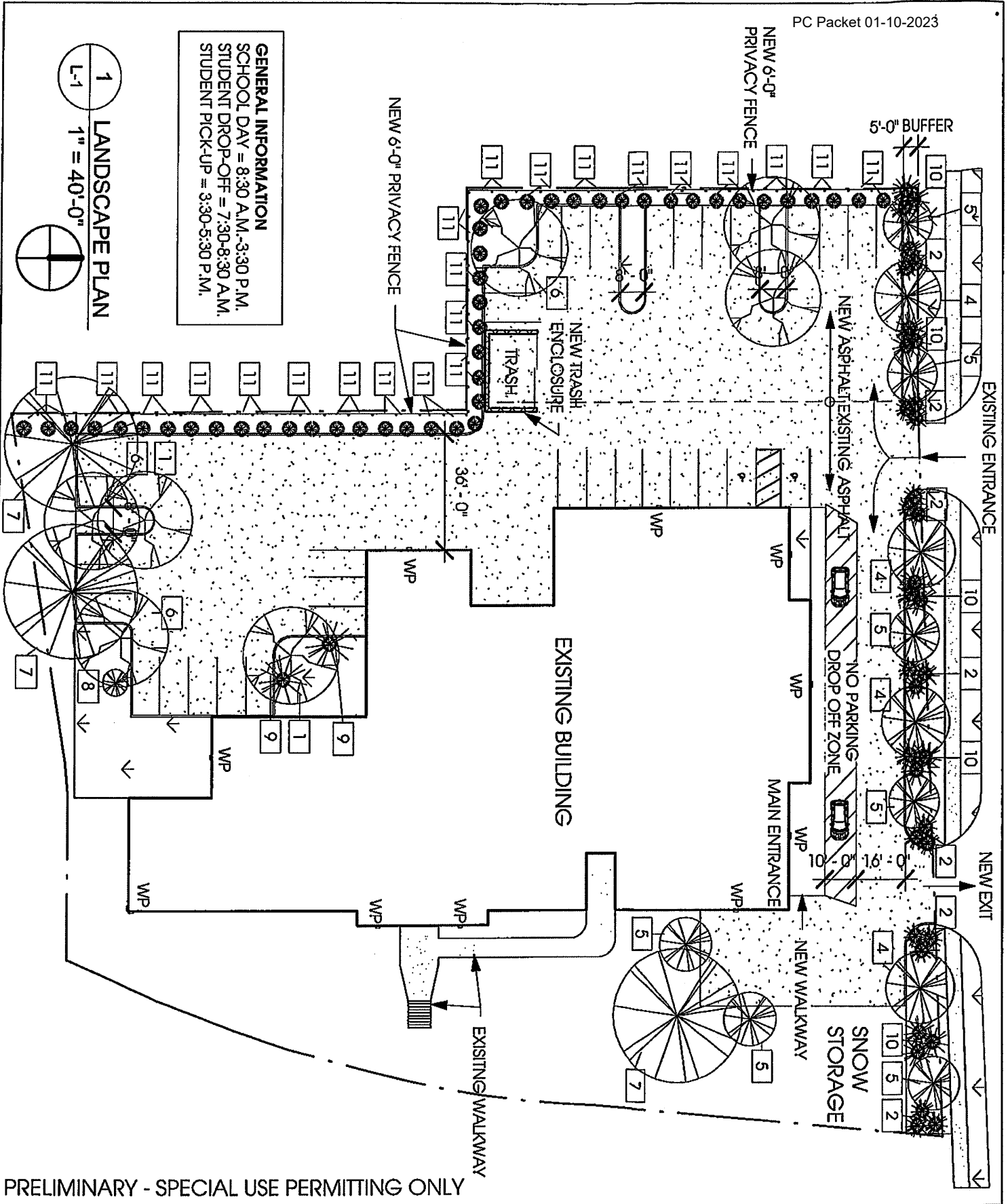
MARVIN WINDOWS
 ESSENTIAL COLLECTIONS - SIZES AS NOTED ON PLANS
 FIXED CASEMENT AND AWNING AS NOTED ON PLANS
 COLOR TBD
 LOW E2 WITH ARGON GAS
 INSECT SCREEN ON OPERABLE WINDOWS



GENERAL INFORMATION
SCHOOL DAY = 8:30 A.M.-3:30 P.M.
STUDENT DROP-OFF = 7:30-8:30 A.M.
STUDENT PICK-UP = 3:30-5:30 P.M.

1
L-1

LANDSCAPE PLAN
1" = 40'-0"



PRELIMINARY - SPECIAL USE PERMITTING ONLY

COBB SCHOOL SPECIAL USE PERMIT REVIEW

110 W REDWING ST.
DULUTH, MN 55803

PROJECT NO:
1714

DRAWN BY:
EMK

CHECKED BY:
KPT



architecture
ADVANTAGE

limited liability company

2715 Piedmont Avenue • Duluth, Minnesota 55811
Phone: 218.724.5568 • Fax: 218.724.5569; ENRak
info@architectureadvantage.com

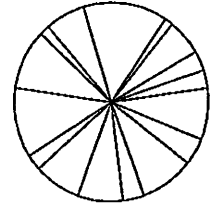
RELEASE DATE:
8/8/2017

REVISIONS:

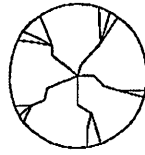
SHEET NO.

L-1

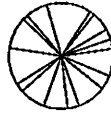
SYMBOL LEGEND



AMERICAN ELM (ULMUS AMERICANA)



HONEY LOCUST (GLEDTISIA TRIACANTHOS)



RED MAPLE (ACER RUBRUM)



NORWAY MAPLE (ACER PLATANOIDES)



BURNING BUSH (EUONYMUS ALATUS)



ROYAL STAR MAGNOLIA (MAGNOLIA STELLATA)



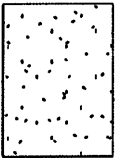
LILAC - COMMON WHITE (SYRINGA VULGARIS)



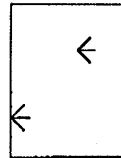
GREEN VELVET BOXWOOD (BUXUS GREEN VELVET)



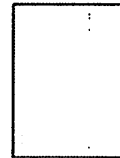
EXISTING WALL PACK TO REMAIN



NEW ASPHALT



GRASS



NEW WALKWAY



EXISTING WALKWAY

LANDSCAPE PLAN NOTES

PARKING LOT SIZE = 25,500 SF

INTERIOR LANDSCAPING REQUIREMENTS

10% MIN. INTERIOR PARKING ISLANDS = 2,550 SF
 INTERIOR PARKING ISLANDS PROVIDED = 2,675 SF

30% MIN. TREE COVER = 7,650 SF
 TREE COVER PROVIDED = 7,846 SF

REQUIRED TREES = 9 TREES
 TREES PROVIDED = 11 TREES

STREET FRONTAGE LANDSCAPING

TOTAL STREET FRONTAGE: 292'-6"
 REQUIRED TREES = 9
 TREES PROVIDED = 9
 REQUIRED LARGE SHRUBS = 36
 LARGE SHRUBS PROVIDED = 36

PARKING REQUIREMENTS

(BASED ON 10-YR MAX. ENROLLMENT PROJECTION)
 TOTAL 10-YEAR ENROLLMENT = 242 STUDENTS
 DAYCARE: 1 PARKING STALL PER 5 PERSONS CARE CAPACITY
 -102/5 = 20 PARKING STALLS REQUIRED
 ELEMENTARY: 1 PARKING STALL PER 10 SEATS IN MAIN ASSEMBLY
 -140/10 = 14 PARKING STALLS REQUIRED
 TOTAL MIN. PARKING STALLS REQUIRED = 34 STALLS
 TOTAL PARKING STALLS PROVIDED = 35 STALLS

COBB SCHOOL SPECIAL USE PERMIT REVIEW

110 W REDWING ST.
 DULUTH, MN 55803

PROJECT NO:
 1714

DRAWN BY:
 Author

CHECKED BY:
 Checker



architecture
A D V A N T A G E
 a limited liability company

2715 Piedmont Avenue - DuAth, Minnesota 55611
 Phone: 218.724.5588 - Fax: 218.724.5599 - Email:
 info@architectureadvantage.com

RELEASE DATE:
 05/08/17

REVISIONS:

SHEET NO.

L-2



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 22-229	Contact	Steven Robertson	
Type	Minor Subdivision	Planning Commission Date	January 10, 2023	
Deadline for Action	Application Date	Dec 5, 2022	60 Days	Feb 3, 2023
	Date Extension Letter Mailed	December 19, 2022	120 Days	April 4, 2023
Location of Subject	2011 West 2 nd Street and 2015 West 3 rd Street (Midtown Manor I and II)			
Applicant	Jake Morgan, HRA	Contact		
Agent		Contact		
Legal Description	See Attached			
Site Visit Date	December 22, 2022	Sign Notice Date	N/A	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal

Applicant is requesting a Minor Subdivision to divide one existing lot into four lots. This separation is requested from the property owner (HRA) to allow them to move forward with a federal housing program.

Recommended Action: Approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Residential	Neighborhood Mixed Use
North	MU-N/R-2	Residential	Neighborhood Mixed Use
South	MU-N/MU-B	Transportation/Commercial	Central Business Secondary
East	R-2	Residential	Neighborhood Mixed Use/Trad. Neigh.
West	MU-N/R-2	Residential	Neighborhood Mixed Use

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.

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: 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.

Review and Discussion Items

1. Applicant is requesting a Minor Subdivision to divide a single lot into four separate lots. All the lots will have frontage on improved public right of way. All the lots will exceed minimum lot area and frontage required by the UDC for lots in the MU-N district.
2. The subdivision is being proposed to help address an administrative requirement with a HUD program, related to Section 8 housing. No new structures or improvements are being proposed at this time as part of the minor subdivision.
3. The proposed minor subdivision, if approved, would not make the parcels non-conforming due to lot frontage, lot area, or similar bulk standard.
4. No other public, agency, or 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.



**HOUSING AND REDEVELOPMENT AUTHORITY
OF DULUTH, MINNESOTA**

222 East Second Street | PO Box 16900
Duluth, MN 55816-0900
Phone: (218) 529-6300 | Fax: (218) 529-6344
MN Relay 7-1-1
www.duluthhousing.com

12/5/2022

City of Duluth
Attn: Planning Department
411 W 1st St.
Duluth, MN 55802

RE: Minor Subdivision Application

Dear City of Duluth Planning Department:

The HRA is requesting approval of a minor subdivision for its Midtowne I and Midtowne II buildings at the corner of 20th Ave. W and 3rd St. The property was formerly separate parcels, and was consolidated into a single parcel at the HRA's request in 2020. However, that consolidation was in error, and the HRA now wishes to separate the parcels as shown on the attached survey and legal descriptions, a change that is necessary for the HRA to move forward with conversion of the units from one federal housing program to another.

Please let me know if you need further information. A check for the application fee for this process will be mailed on Friday, December 9, 2022.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jake Morgan', written over a white background.

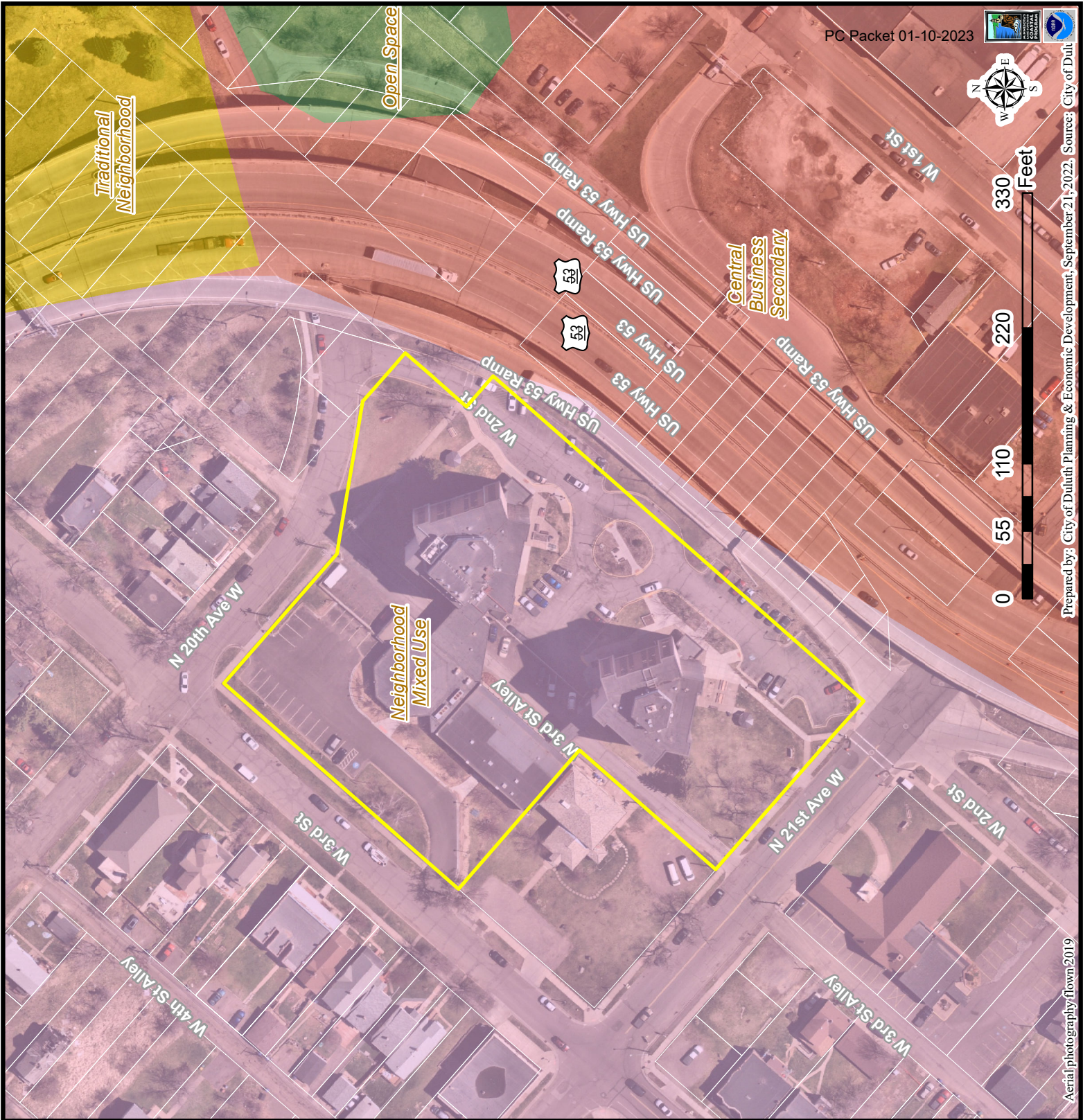
Jake Morgan
Director of Real Estate and Rehabilitation
Duluth HRA
218-529-6325



PL22-229
 Minor Subdivision
 2021 W 2nd St

Legend

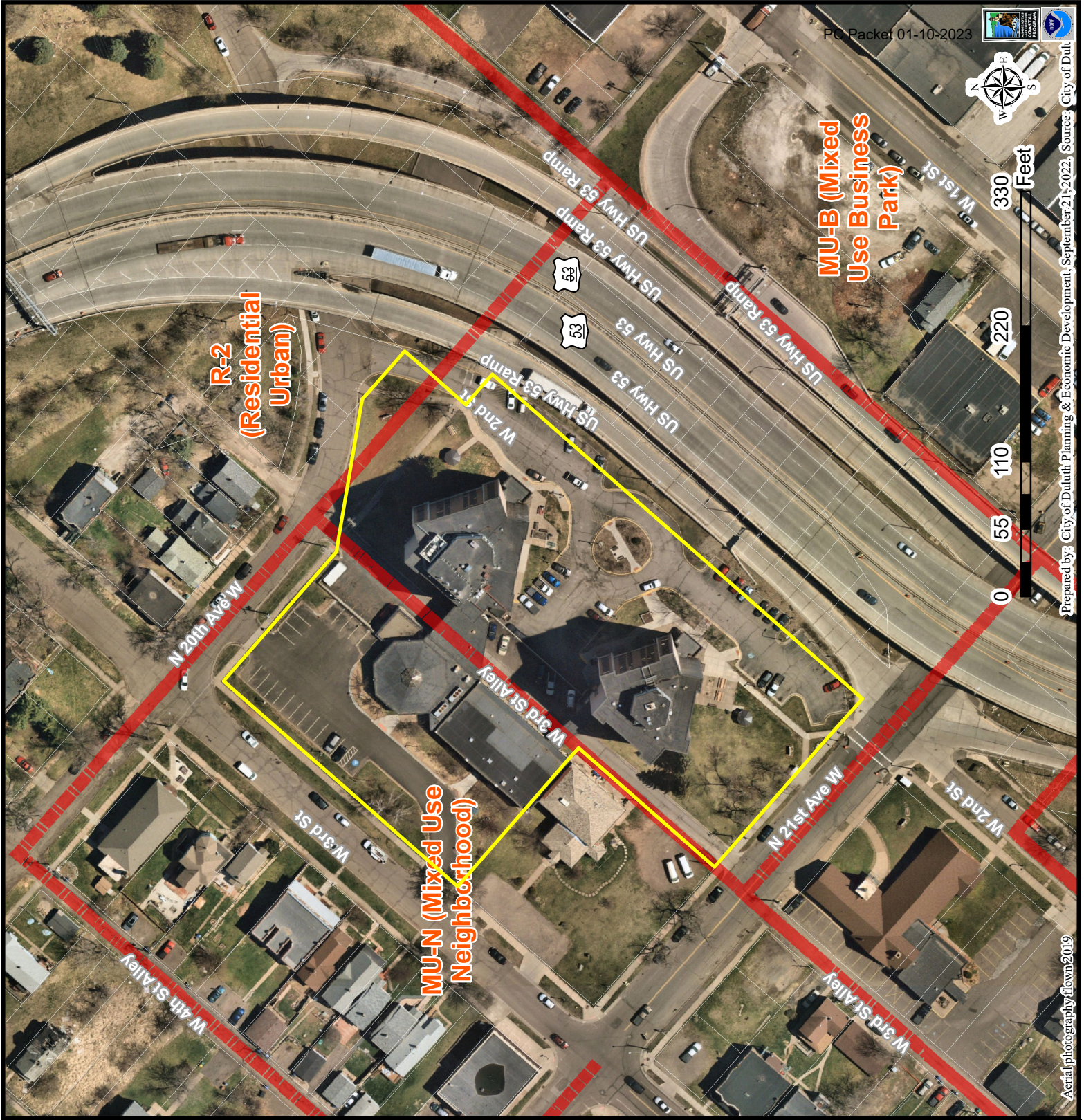
- Open Space
- Open Space/Outside Duluth
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Central Business Secondary
- Central Business Primary
- Large-scale commercial
- Tourism/Entertainment District
- Commercial Waterfront
-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



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



PL22-229
 Minor Subdivision
 2021 W 2nd St



Legend

Zoning Boundaries

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

ALTANSAPS Land Title Survey

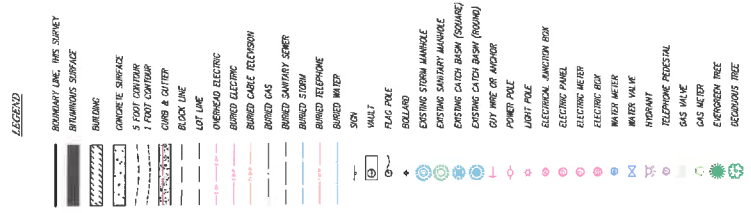
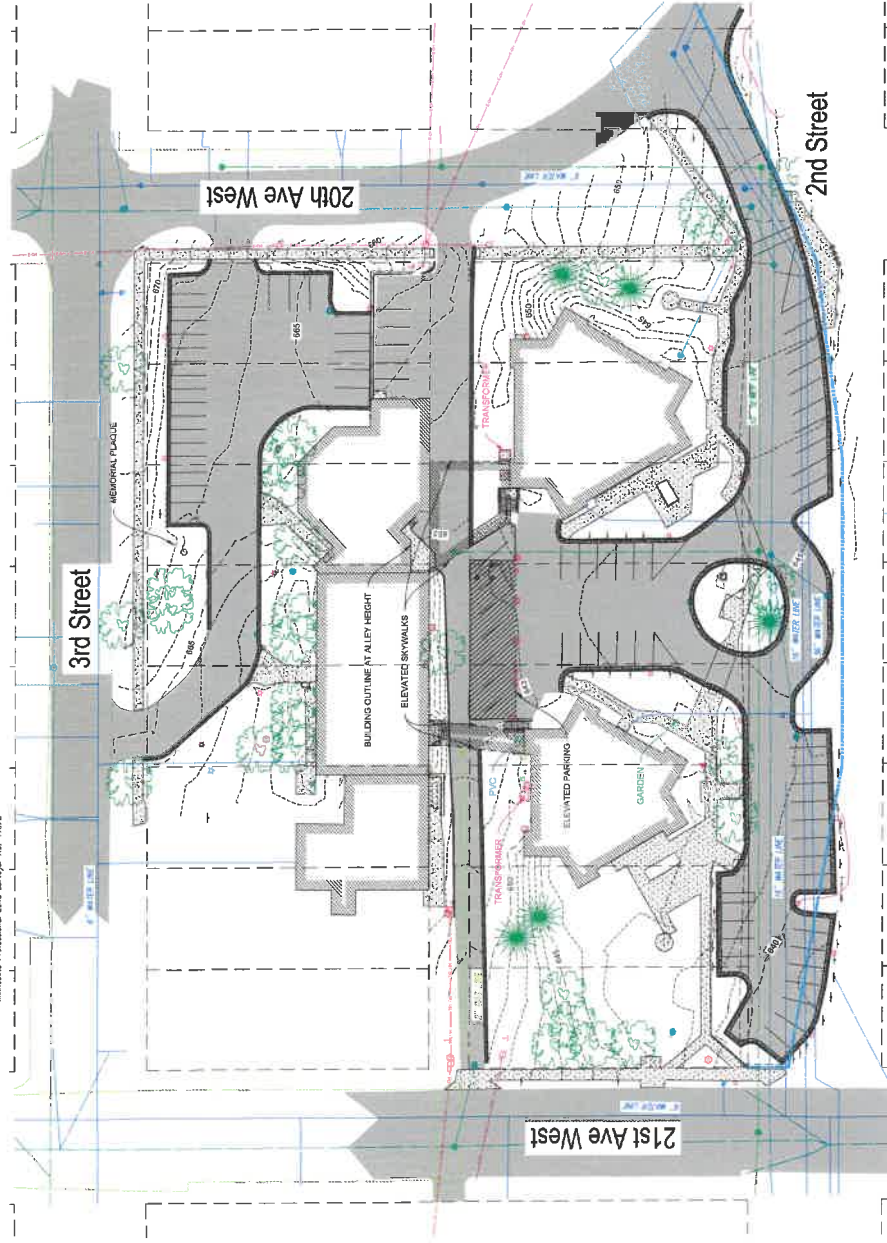
DULUTH HR4

part of Block 91, Duluth Proper Second Division
City of Duluth, St. Louis County, Minnesota

CERTIFICATION

To Duluth HR4:
This is to certify that this map, or part or part of this survey on which it is based were made in accordance with the 2011 Minnesota Standard Rules for ALTA/ACSM Land Title Surveys. This map was prepared by the City of Duluth, Minnesota. The field work was completed on November 29, 2015 and December 10, 2015.
Date of Plot or Map: December 10, 2015.

PAUL A. VOSE
Minnesota Professional Land Surveyor No. 44075



- STATIONING NOTES**
- Date of survey: December 08, 2017 - February 15, 2021.
Underground utility locations are based upon Cooper Block One Civil Engineering Survey Sheet (Numbers 11110201-11110204) dated January 14, 2021, and field markings by respective utilities.
Utility communications:
Duluth Communications (605) 526-0297
Duluth Electric (605) 526-4444
Duluth Gas (605) 526-4444
Duluth Water (605) 526-4444
Minnesota Department of Transportation (605) 744-5804
Minnesota Department of Transportation (605) 381-3750
 - Memorial Plaque - St. Louis County Transverse Meridian 1996 (2027M).
 - Memorial Plaque - North American Vertical Datum of 1988 (NAVD 88).
 - Memorial Plaque - North American Horizontal Datum of 1983 (NAD 83).
 - No observed evidence of recent shoring or sidewalk construction or repairs.
 - No observed evidence of site use as a solid waste dump, ramp or sanitary landfill.
 - There are no known oil/water methods on this site.

PC Packet 01-0-2093



DATE PLOTTED: 11/15/2022
DRAWN BY: JAV/ML
CHECKED BY: JAV/ML
PROJECT: 222 BY: MR. PAUL A. VOSE
SCALE: AS SHOWN
DATE: 11/15/2022
SHEET 1 OF 1

DATE PLOTTED: 11/15/2022
DRAWN BY: JAV/ML
CHECKED BY: JAV/ML
PROJECT: 222 BY: MR. PAUL A. VOSE
SCALE: AS SHOWN
DATE: 11/15/2022
SHEET 1 OF 1

EXHIBIT

Lots 321, 323, 325 and the northeasterly one-half of Lot 327 Block 91, DULUTH PROPER SECOND DIVISION, St. Louis County, Minnesota. TOGETHER WITH the southeasterly one- half of vacated Alley adjacent thereto, the northwesterly one-half of adjacent vacated 2nd Street adjacent thereto, and that part of the southwesterly one-half of vacated 20th Avenue West adjacent to Lot 321, southerly of the line described as follows: Beginning at the most easterly corner of Lot 322, Block 91, DULUTH PROPER SECOND DIVISION; thence easterly to a point on the West line of and 50 feet North of the Southwest corner of Lot 319, Block 92 said DULUTH PROPER SECOND DIVISION and said line there terminating.

EXCEPT

The northwesterly 20.00 feet of the southwesterly 1.00 feet of Lot 323 and the northwesterly 20.00 feet of Lot 325 Block 91, DULUTH PROPER SECOND DIVISION, St. Louis County, Minnesota.

Area containing 0.934 Acres or 40,670 Square Feet, more or less.

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

Paul A. Vogel

Signed _____



Date _____

012/02/2022

License No. 44075

EXHIBIT

Lots 322, 324, 326, and the northeasterly 4.30 feet of Lot 328, Block 91 DULUTH PROPER SECOND DIVISION, St. Louis County, Minnesota. TOGETHER WITH the northwesterly one-half of vacated alley adjacent thereto AND that part of the southwesterly one-half of vacated 20th Avenue West adjacent to Lot 322, southerly of the line described as follows: Beginning at the most easterly corner of Lot 322, Block 91, DULUTH PROPER SECOND DIVISION; thence easterly to a point on the West line of and 50 feet North of the Southwest corner of Lot 319, Block 92 said DULUTH PROPER SECOND DIVISION and said line there terminating.

AND

The northwesterly 20.00 feet of the southwesterly 1.00 feet of Lot 323 and the northwesterly 20.00 feet of Lot 325; all in Block 91, DULUTH PROPER SECOND DIVISION, St. Louis County, Minnesota. TOGETHER WITH the southeasterly one-half of vacated Alley adjacent thereto.

Area containing 0.568 Acres or 24,760 Square Feet, more or less.

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

Paul A. Vogel

Signed

Date

12/02/2022

License No. 44075

EXHIBIT

Lots 335, 333, 331, 329 and the southwesterly one-half of Lot 327, Block 91, DULUTH PROPER SECOND DIVISION, St. Louis County, Minnesota TOGETHER WITH the southeasterly one-half of adjacent vacated Alley adjacent thereto and the northwesterly one-half of vacated 2nd Street adjacent thereto.

EXCEPT

The northwesterly 27.40 feet of the northeasterly 16.00 feet of the southwesterly 21.50 feet of Lot 329, Block 91, DULUTH PROPER SECOND DIVISION, St. Louis County, Minnesota. TOGETHER WITH the southeasterly one-half of vacated Alley adjacent thereto.

Area containing 0.934 Acres or 40,670 Square Feet, more or less.

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

Paul A. Vogel

Signed



Date

12/02/2022

License No. 44075

EXHIBIT

Lots 328 except the northeasterly 4.30 feet thereof, Lot 330, and that part of Lot 332 described as follows: Beginning at the Northwesterly corner of said Lot 332; thence southwesterly along northwesterly line of said Lot 332, a distance of 3.24 feet; thence southeasterly to a point on the southeasterly line of said Lot 332 distant 2.94 feet southwesterly of the northeast corner of said Lot 332; thence northeasterly along said southeasterly line, a distance of 2.94 feet to the northeasterly corner of said Lot 332; thence northwesterly along the northeasterly line of said Lot 332 to the point of beginning; all in Block 91, DULUTH PROPER SECOND DIVISION, St. Louis County, Minnesota. TOGETHER WITH the northwesterly one-half of vacated Alley adjacent thereto.

AND

The northwesterly 27.40 feet of the northeasterly 16.00 feet of the southwesterly 21.50 feet of Lot 329, Block 91, DULUTH PROPER SECOND DIVISION, St. Louis County, Minnesota.

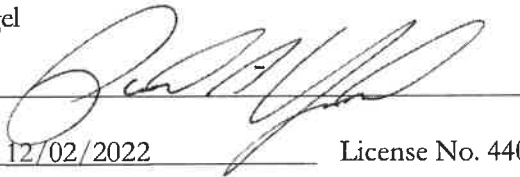
TOGETHER WITH the southeasterly one-half of vacated Alley adjacent thereto.

Area containing 0.355 Acres or 15,450 Square Feet, more or less.

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

Paul A. Vogel

Signed _____



Date _____

12/02/2022

License No. 44075



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 22-225	Contact	Jenn Moses, jmoses@duluthmn.gov	
Type	Variance – Shoreland structure setback	Planning Commission Date	January 10, 2023	
Deadline for Action	Application Date	December 22, 2022	60 Days	February 20, 2023
	Date Extension Letter Mailed	December 22, 2022	120 Days	April 21, 2023
Location of Subject	2101 Trinity Road			
Applicant	Lake Superior College	Contact	Patricia Rogers	
Agent	Architecture Advantage	Contact	Shane Nies	
Legal Description	Parcel 010-2710-06620			
Site Visit Date	January 3, 2023	Sign Notice Date	December 27, 2022	
Neighbor Letter Date	December 20, 2022	Number of Letters Sent	50	

Proposal:

The applicant is seeking to construct a 9,000 sq ft addition to an existing campus building, which would be located 120' from Miller Creek instead of the required 150' (approximately 2,000 sq ft would be within the shoreland area).

Recommended Action:

Staff recommends approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-I	College campus	Institutional, Preservation
North	MU-I	Campus, undeveloped	Institutional
South	MU-I	Undeveloped	Institutional, Preservation
East	MU-I	Campus	Institutional
West	MU-I	Undeveloped	Institutional

Summary of Code Requirements

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

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

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

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

Governing Principle #4: Support economic growth sectors. This includes higher education. LSC is relocating their downtown campus programs back to their main campus.

Future Land Use – Institutional: Applicable to medical, university/college, public school ... campuses. Relationship to institutional master plans... should guide expansions.

History: Building records indicate Lake Superior College was built in 1966.

Review and Discussion Items

Staff finds that:

- 1) The property is located within the shoreland of Miller Creek, a coldwater stream. Within this shoreland area, the regulations state that structures shall have a 150' setback.
- 2) Applicant proposes a 9,000 sq ft addition to an existing campus building. Approximately 22% of this (2,000 sq ft) would be located within the 150' setback from Miller Creek. The building would be 120' from the stream instead of the required 150'.
- 3) Applicant states this location for a building expansion was the only reasonable location due to ADA accessibility for building entries, grading of the existing parking lot, locations of existing utilities and mechanical equipment, and locations of existing loading docks. This addition will connect to the campus's "T-Building," so this location was chosen based on the building's floor plan, as well as land availability. Staff finds that the applicant is proposing a reasonable use and has shown practical difficulty with the existing site constraints.
- 4) Applicant states that a different location for this addition would cause more disturbance due to additional earthwork and grading, relocation of utilities and mechanical equipment, and the need for ADA accessibility.
- 5) The proposal will not alter the essential character of the neighborhood as the proposed addition is in the middle of campus, and the campus is surrounded by wooded areas buffering it from adjacent residential areas; it will not impact air and light to surrounding properties. All new lighting will be downcast with color temperature of 2700K or lower to protect the natural setting surrounding the campus.
- 6) The proposal amounts to an addition of less than 5% of the square footage of the existing campus building. The college is well connected to transportation infrastructure via TH 53, with a stoplight at its main entrance that aligns with Arlington Avenue. The proposal is not expected to increase congestion or impair public safety.
- 7) The need for a variance is due to the unique nature of a college campus and does not apply to other properties in the vicinity.
- 8) Section 50-37.9.L of the UDC requires mitigation for shoreland variances. The applicant has described goals for stormwater mitigation, which will be further determined during final design of the building.
- 9) As this property is zoned MU-I, the proposed addition will also need an MU-I Planning Review. The applicant intends to apply for this Planning Review in the first quarter of 2023.
- 10) No other public, private or City comments were received.
- 11) Per UDC Section 50-37.1. N. approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year

Staff Recommendation

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

- 1) The project be limited to, constructed, and maintained based on the "Preliminary Site Plan" dated 11/04/22 and "Approved Pre-Design Scheme" dated 12/7/22.
- 2) Applicant shall apply for and receive approval from Planning Commission for an MU-I Planning Review for the proposed addition.
- 3) Prior to receiving a building permit, applicant shall submit for Land Use Supervisor approval a final Mitigation Plan,
- 4) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PL22-225
Variance
2101 Trinity Rd

2101
TRINITY RD
PC Packet 01-10-2023

Legend

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



Subject Area

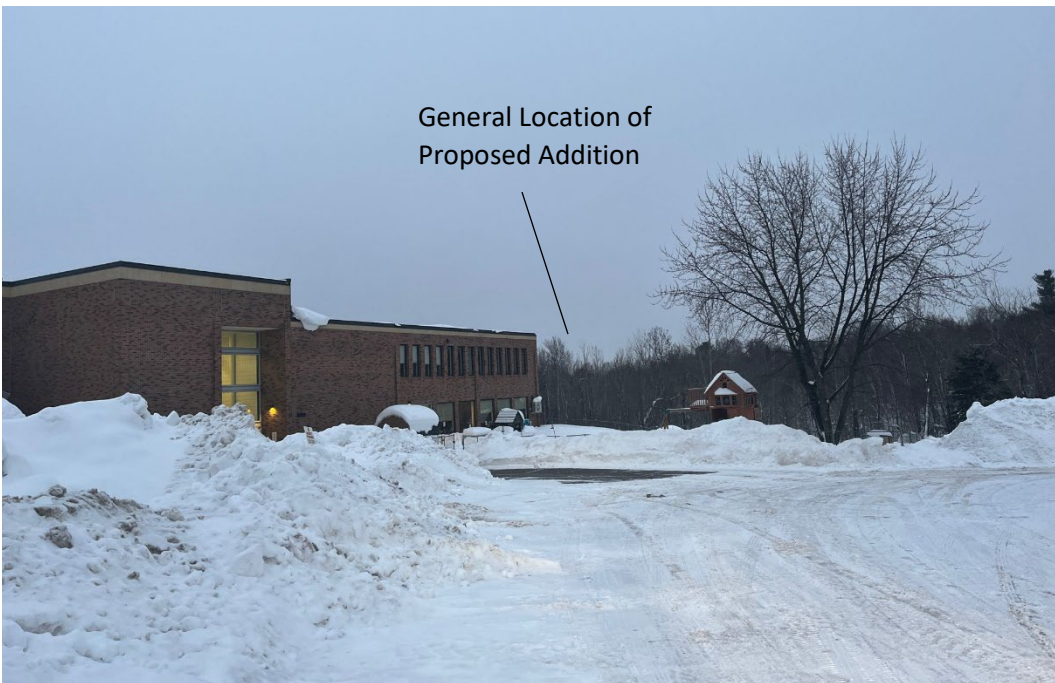
MU-I (Mixed Use Institutional)

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Aerial photography flown 2019

Prepared by: City of Duluth Planning & Economic Development, December 16, 2022, Source: City of Duluth

Site Photos





LAKE SUPERIOR COLLEGE
AUTO MANUFACTURING WING
2101 TRINITY ROAD, DULUTH MN 55811

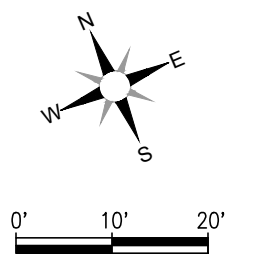
PROJECT: 22-691
CHECKED: TTP
DRAWN: JFM
DATE: 11-04-22

Sheet Title
**PRELIMINARY
SITE PLAN**

Sheet Number
1 OF 1



TOPOGRAPHIC SURVEY PROVIDED BY
ALTA LAND SURVEYING



SEE CIVIL:
 • REVISED CURB CUT, SIDEWALK & DRAINAGE
 • REVISED PARKING LOT LAYOUT/GRADING

- WIND BREAK SITE FEATURE
(WOOD SLAT DECORATIVE WALL)
- OUTDOOR BENCHES
- VEGETATION
(TREES & PLANTS)



SEE CIVIL:
 MODIFY STORM RETENTION POND

1.5% GOLDWATER RIVER SETBACK
 2,000 SF of the 9,000 SF addition
 (22%) is in the setback



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

Variance Application Supplemental Form

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

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

50-181.D-1 Minimum Shoreland Area Standards - Coldwater River Setback (150')

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:

A portion of the proposed addition is within the 150' setback. 2,000sf of the 9,000sf addition (22%) is within the setback. Shifting this addition further north would cause issues with ADA accessibility to the building entries, impact significant regrading of the existing parking lot, existing utilities/mechanical equipment (chiller and transformers) access would be blocked and the programming requirements would be disconnected. Connecting to other areas of the T-Building are also not viable due to existing grading, loading dock, land availability and future expansion of other departments.

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:

The majority of the existing T Building on campus and portions of the M Building are already within the shoreland management zone. We are adding a small 9,000sf 1-story addition to this back area of the campus. 2,000sf of the 9,000sf addition (22%) is within the setback. We are restricted to this area of the site due to many reasons: existing grading, ADA accessibility, existing utility/mechanical equipment access, existing loading dock access, existing buildings in other areas that would require significant amount of underpinning and retaining/foundation wall due to proximity, and the program adjacency needs to the existing main campus departments.

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 proposed building addition is in the best location for how it integrates into the main campus due to ADA accessibility and programming of the spaces. The majority of the existing T Building and portions of the M building on campus is already within the shoreland management zone.

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 location of this small addition allows us to renovate more square footage on the interior of the existing building allowing the addition to be less square footage, thus less impacting the overall site. Also due to the proposed location, ADA accessibility and impact on regrading is very minimal resulting in less earthwork and existing utility/mechanical equipment access impact. During design we will provide the formal plan to mitigate the impacts of the variance on the shoreland areas impacted.

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

The T-Building on the Lake Superior Campus is not located on a main public street, it is located near a low traffic internal campus access road. Any new lighting would be LED down-lighting and 2700K or lower. There is a strong buffer of vegetation surrounding both sides of Miller Creek to assist with visual buffering and noise control from any nearby properties. The health, safety and welfare of the public is always at the forefront of concerns for Lake Superior College. They are a supportive member of the community and the building addition will have no impacts on all of the topics listed in this question.

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

The majority of the existing T Building on campus and portions of the M Building are already within the shoreland management zone. We are adding a small 9,000sf 1-story addition to this back area of the campus and it will not alter the essential character of the neighborhood. This use is permitted in the MU-I district and will not substantially impair the intent of the zoning code or or the official zoning map.

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

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

50-18.1.D Does not meet the required 150' Coldwater River setback - see responses above for details of why the proposed addition needs to be located within the setback and will provide a narrative plan to mitigate the impacts of the variance on shoreland areas.



ARCHITECTURE
ADVANTAGE



Northland
Consulting Engineers L.L.P.

VARIANCE TO SHORELAND REGULATIONS APPLICATION

LAKE SUPERIOR COLLEGE MANUFACTURING RELOCATION PROJECT
2101 TRINITY ROAD

NARRATIVE PLAN TO MITIGATE THE IMPACTS OF THE VARIANCE ON SHORELAND AREAS

SITE PLANNING AND STORMWATER MANAGEMENT

The primary goal of the site plan is to provide functionality to the existing building and the proposed construction. The parking lot reconstruction will need to accommodate the building as it exists today. The reconstructed parking lot will provide a large drop off area similar to existing. The new parking area will also provide 4 more parking stalls (3 accessible) to the western parking lot. Various sidewalks will be reconstructed to provide access to the existing building and the addition. None of the mechanical units north of the addition will be impacted by the construction or grading for the new building.

Since LSC operates its own MS4, the new building construction will be required to meet the goals of their SWPPP, SWMP, and their landscaping standards. Adjacent to the proposed building are excellent opportunities to expand existing stormwater treatment BMP's. A rain garden with a below grade filtration media is directly next to the new building. This filtration basin will be investigated to determine its effectiveness and if additional surface runoff can be directed to it. The rain garden will be expanded to handle all runoff directed to it. Roof drains from the new building will be directly connected to the rain garden. There are also two swales directly west of the rain garden that capture runoff from the parking lot and Trinity Court. These two swales can be improved as necessary to comply with the goals of LSC's MS4. With the proximity to Miller Creek, a trout stream, temperature controls such as plantings around the rain garden and infiltration will be required.

EROSION CONTROL AND PERMANENT STIE STABILIZATION

The erosion control plan will be designed to meet the stormwater pollution prevention plan as required by the state of Minnesota. All temporary and permanent erosion control measures and final stabilization will use native seed mixes that closely relate to the adjacent shoreland. Native plantings such as trees and shrubs will be installed to screen the building and provide more natural buffer to the stream. The site will be designed to ensure no sediment is eroded and transported toward the stream. This level of landscaping is above and beyond what is required by any MPCA regulations and LSC's own landscaping plans.



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 22-203		Contact	Kyle Deming	
Type	Special Use Permit for Seasonal Camp or Cabin		Planning Commission Date	January 10, 2023	
Deadline for Action	Application Date		October 28, 2022	60 Days	December 27, 2022
	Date Extension Letter Mailed		November 17, 2022	120 Days	February 25, 2023
Location of Subject	9439 Congdon Blvd. (North Shore)				
Applicant	Outbound Lodges, LLC		Contact	Joan Little	
Agent			Contact		
Legal Description	Bristol Beach First Division, Block 6, Lots 8-10 and 11-13, Block 9, Lots 1-3 and 15-17, including part of vacated Seafield St. and including part of vacated Shaftsbury Ave. (010-0300-00670, -00700, -00710, -00900, -01000, -01130, -01150)				
Site Visit Date	December 1, 2022		Sign Notice Date	December 15, 2022	
Neighbor Letter Date	November 22, 2022		Number of Letters 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 municipal water and Duluth-North Shore Sanitary District (DNSSD) sewer pipes in Congdon Blvd. Conversations between the applicant and the DNSSD Board have

indicated that connecting to the sewer will be considered. Staff recommends a condition of approval be the project not proceed unless granted connection permits for the DNSSD sewer.

- 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 95th 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) Two letters/emails from residents and Duluth-North Shore Sanitary District's attorney – Matt Hanka (attached).
- 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) The special use permit shall not be valid unless the project is granted connection permits from the Duluth-North Shore Sanitary District.
- 6) 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.



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

Site Location



Legend

Bike_Facil

- Signed Bikeable Shoulder
- Blocks
- Lots
- Parcels
- Municipal Boundary
- Zoning Boundaries
- Other Stream (GPS)

RR-2 (Rural Residential 2)

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

Aerial photography flown 2019





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

Future Land Use



Legend

Bike_Facil

- Signed Bikeable Shoulder
- Blocks
- Lots
- Parcels
- Municipal Boundary
- Zoning Boundaries
- Other Stream (GPS)
- Open Space
- Rural Residential

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

UDC Zoning / Shoreland

Legend

Bike_Facil
 Signed Bikeable Shoulder

Blocks
 Lots
 Parcels

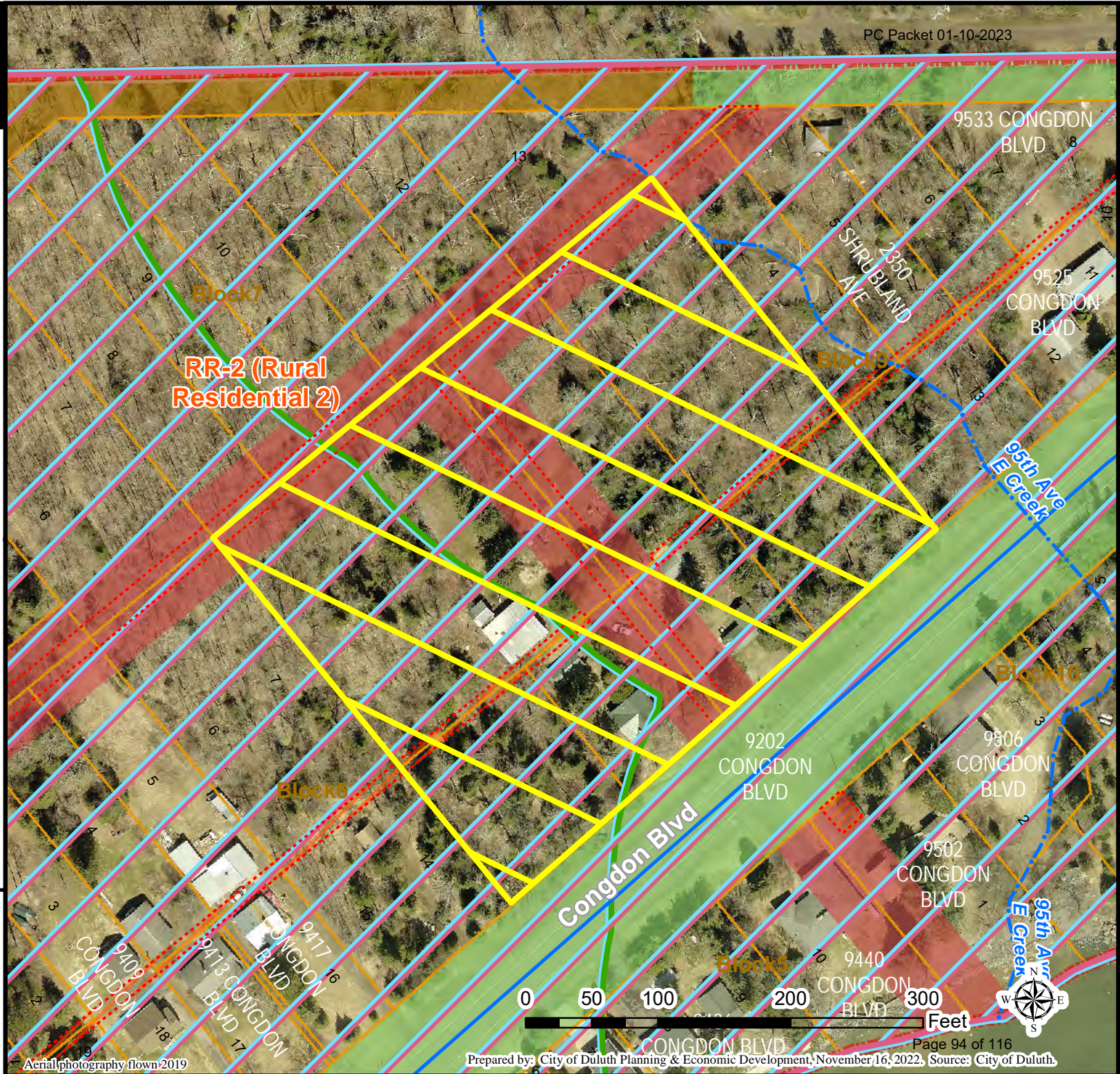
ROW
 <all other values>

SUBTYPE, ROW, STATUS
 Utility, Active
 Access, Active - currently in use
 Road, Active - currently in use
 Road, Vacated - vacated via recorded document

Municipal Boundary

Easement Type
 Utility Easement
 Other Easement
 Zoning Boundaries

Shoreland (UDC)
 Natural Environment
 General Development
 Other Stream (GPS)



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

Site Map

Legend

Bike_Facil

- Signed Bikeable Shoulder
- Water Main
- Hydrant

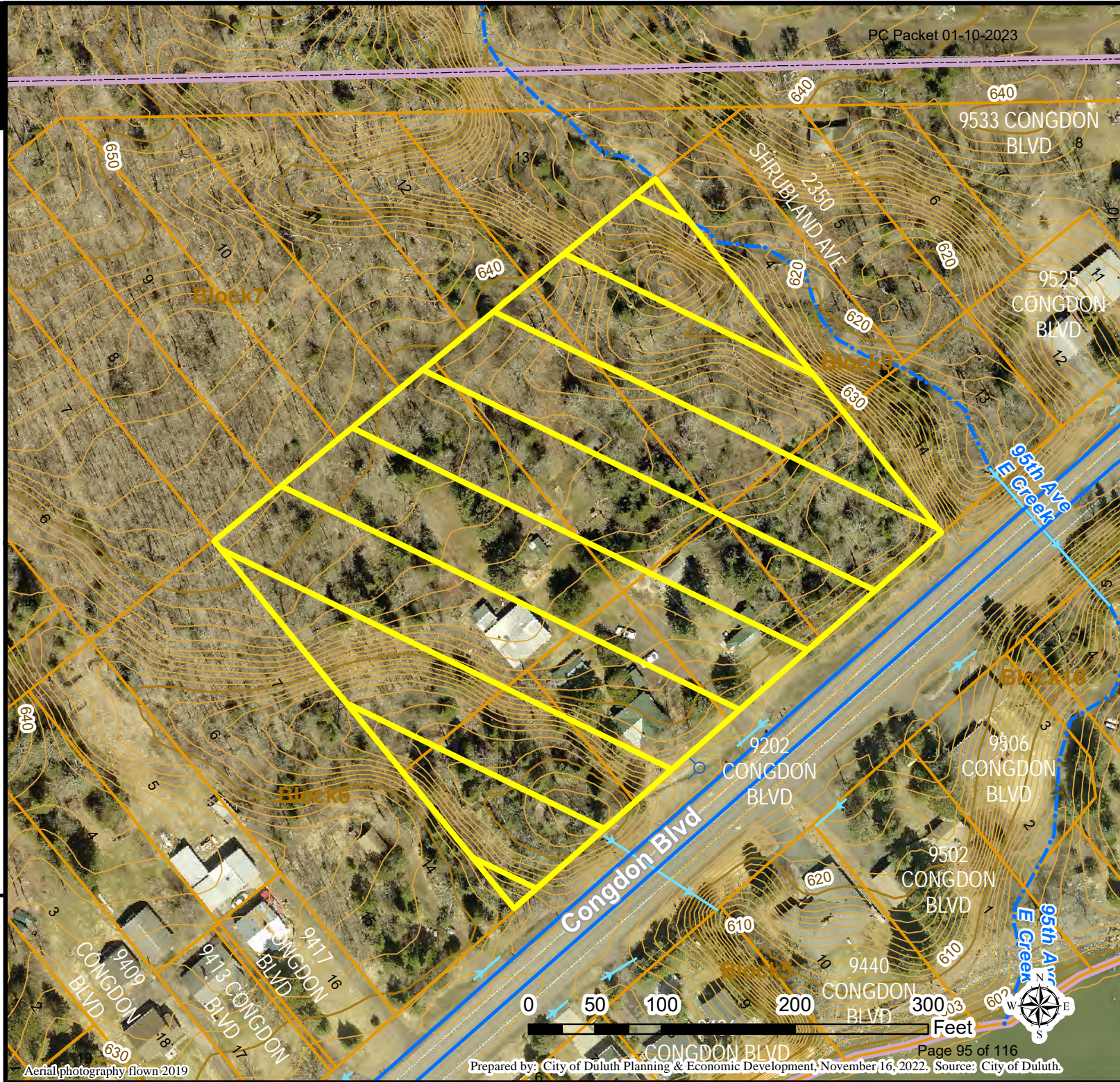
Storm Sewer Mains

- Storm Sewer Pipe

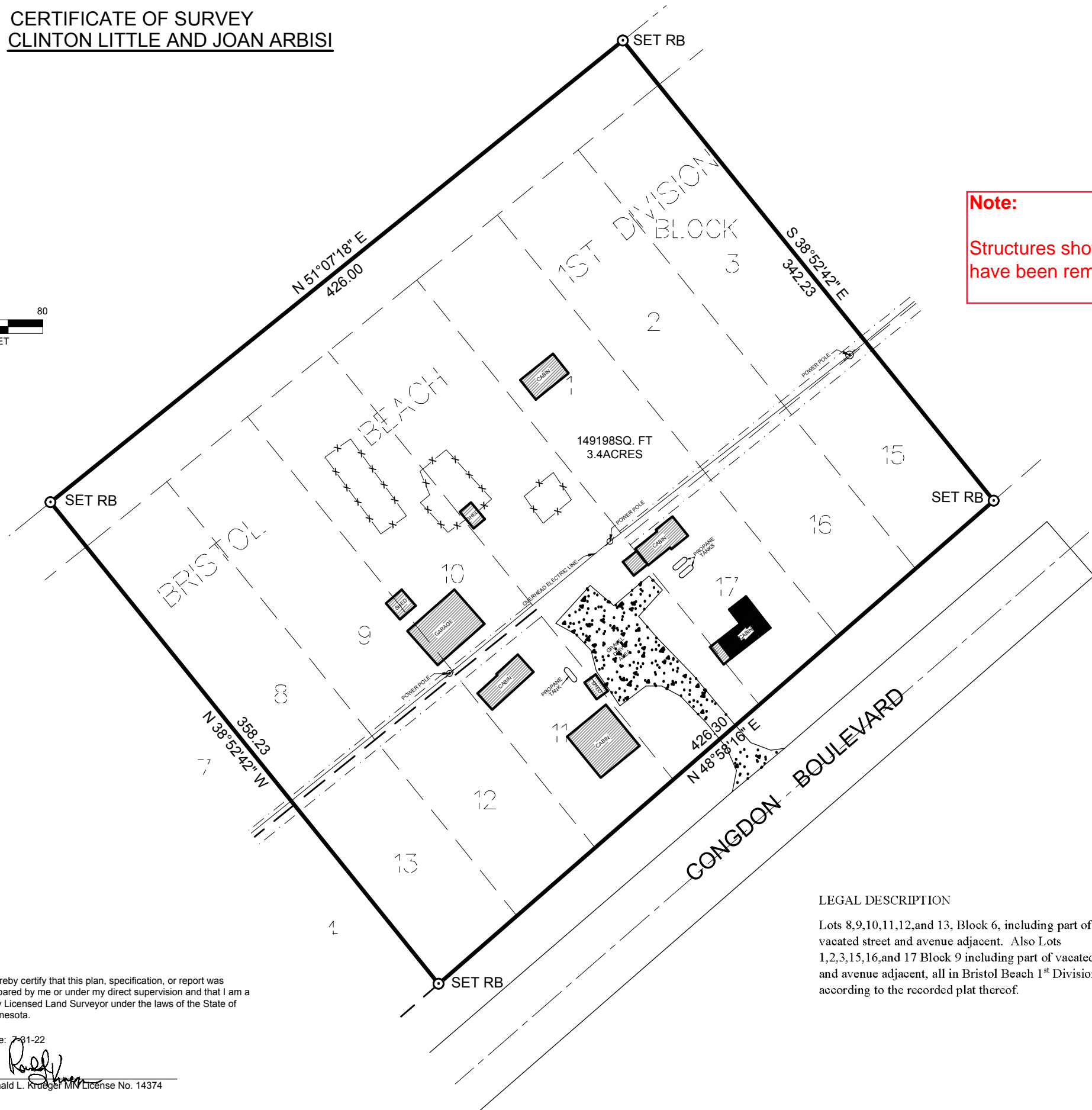
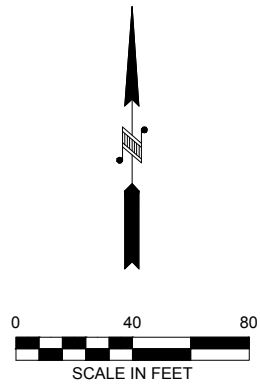
Blocks

- Lots
- Parcels
- 1 Ft contour
- 10 Ft contour
- Municipal Boundary
- Other Stream (GPS)

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CERTIFICATE OF SURVEY
FOR: CLINTON LITTLE AND JOAN ARBISI



Note:
Structures shown on survey
have been removed.

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

Date: 7-31-22

Ronald L. Krueger
Ronald L. Krueger, MN License No. 14374

DATE: 7/31/22
SCALE: 1 IN = 40 FEET
PROP ADD: 9439 CONGDON BLVD.
PROJECT NO: 22-032

LEGAL DESCRIPTION

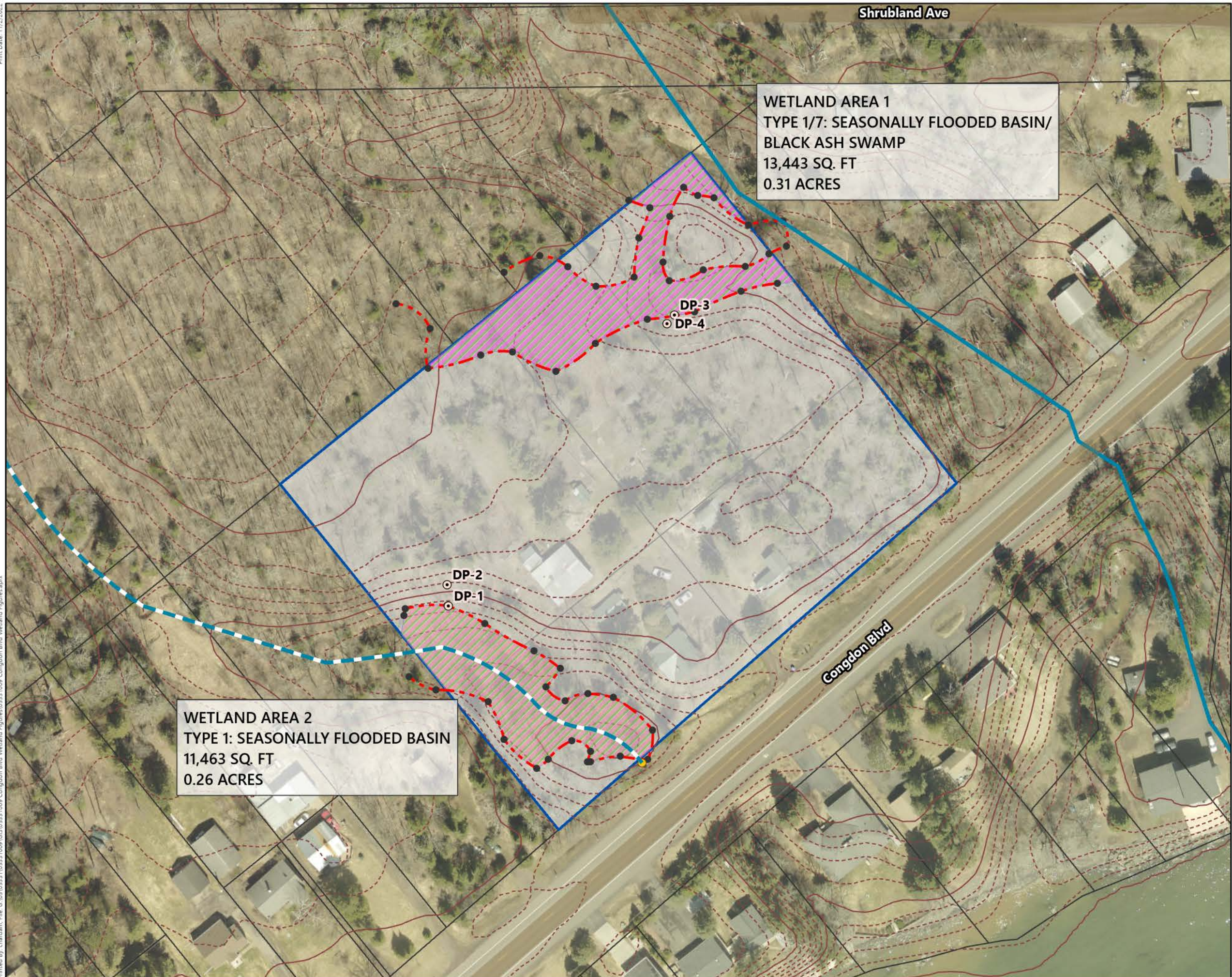
Lots 8,9,10,11,12,and 13, Block 6, including part of vacated street and avenue adjacent. Also Lots 1,2,3,15,16,and 17 Block 9 including part of vacated street and avenue adjacent, all in Bristol Beach 1st Division according to the recorded plat thereof.

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

FIGURE 4

WETLAND DELINEATION

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



WETLAND AREA 1
 TYPE 1/7: SEASONALLY FLOODED BASIN/
 BLACK ASH SWAMP
 13,443 SQ. FT
 0.31 ACRES

WETLAND AREA 2
 TYPE 1: SEASONALLY FLOODED BASIN
 11,463 SQ. FT
 0.26 ACRES

- Investigation Limits
 - Parcel Boundary
 - Wetland Boundary
 - Intermittent Stream
 - Culvert
 - Wetland Data Point
 - Flag Location
- MNTopo Elevation Data**
- 10 Foot Contour Interval
 - 2 Foot Contour Interval
- Wetland Type**
- Seasonally Flooded Basin/Black Ash Swamp
 - Seasonally Flooded Basin
- National Hydrography Dataset Flowline**
- Stream/River

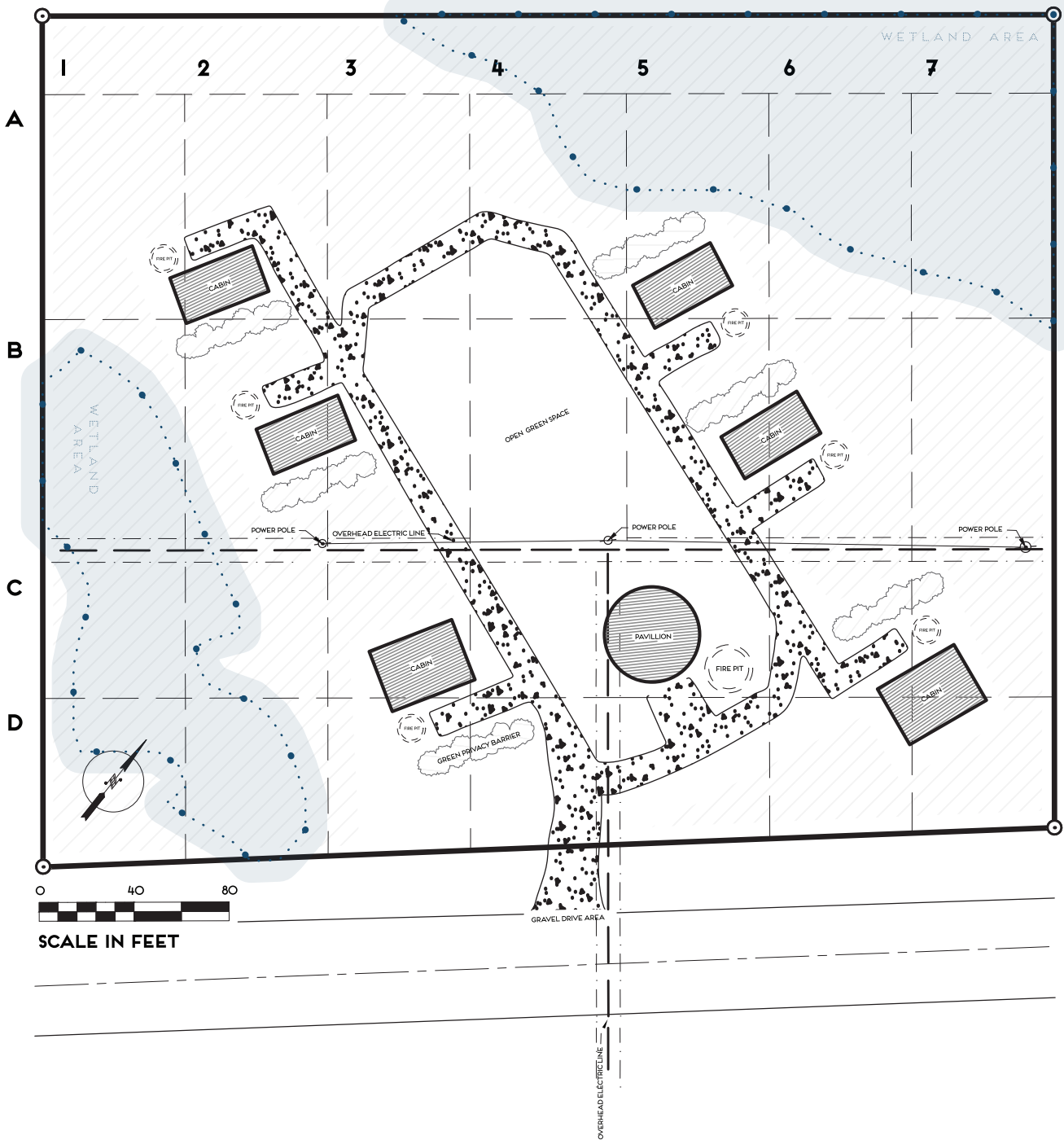
Note:
 No streams identified as public waters by the Department of Natural Resources are located within the map view.

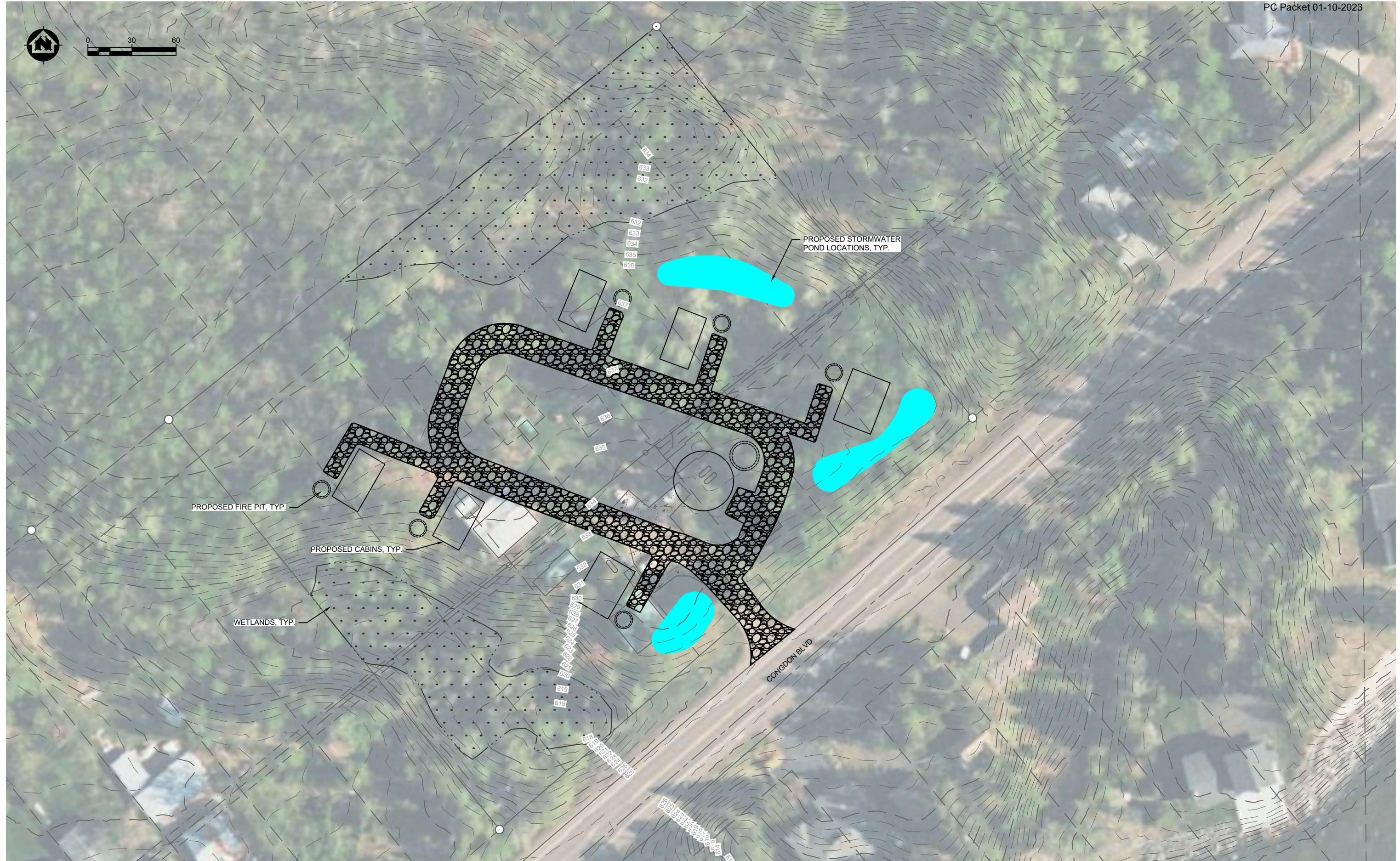
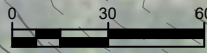
Data Sources:
 St. Louis County, National Hydrography Dataset

Print Date: 11/2/2023
 Printed By: chafidahi, File: G:\05\05331\05331009\Congdon Blvd Wetland Figures.aprx

OUTBOUND LODGES

GENERAL LAYOUT & ROUGH ESTIMATION





PROPOSED FIRE PIT, TYP.

PROPOSED CABINS, TYP.

WETLANDS, TYP.

PROPOSED STORMWATER POND LOCATIONS, TYP.

CONGDON BLVD

PROJECT DATE:	DRAWN BY: Init	NO.	DATE	REVISION	BY
	DESIGNED BY: Init			PRELIMINARY	
	CHECKED BY: Init				

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

DATE: _____
REGNO: _____
License No. _____

NAME: _____



ENGINEERING | ARCHITECTURE | SURVEYING
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CONGDON BLVD CABINS
TED STOCKE
DULUTH, MN

PRELIMINARY SITE LAYOUT
Page 99 of 16

PROJECT NO. 05331011
SHEET 1

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.*)



Kyle Deming

From: planning
Sent: Monday, November 28, 2022 7:30 AM
To: Kyle Deming
Subject: FW: Special use permit (PL 22-203) for 9439 Congdon Blvd.

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

From: Timothy Sheriff <>
Sent: Wednesday, November 23, 2022 4:32 PM
To: planning <planning@DuluthMN.gov>
Subject: Special use permit (PL 22-203) for 9439 Congdon Blvd.

To whom it may concern:

We received the notice concerning Outbound Lodges, LLC plan for seasonal camp/cabins at 9439 Congdon Blvd. We welcome our new neighbors and urge you to grant them the permit required to redevelop this piece of property. They have done a great job removing all the old, dilapidated buildings from the property, which has already enhanced the neighborhood. The site plan is indicative of property owners who have thought through this project quite well. The new seasonal cabins will not negatively affect any other properties nearby. The site plan demonstrates that the property is not being crammed with buildings and there will be plenty of green space to diminish visibility of the cabins.

Tim & Judy Sheriff
9533 Congdon Blvd.

Sent from my iPad

Response to Statement about how the requested use will not have a negative impact on the Community and Guiding principles.

Zoning: This parcel is zoned RR by the City of Duluth and as a single-family lot by the Duluth North Shore Sanitary District (DNSSD) with a minimum of 2 acres for each dwelling. The only exception to this rule is the North Shore Townhouses which allowed 10 dwellings in 5 buildings instead of the seven separate dwellings that would have been allowed on the 7-acre parcel. This zoning was instituted as part of the Comp Plan and as a result of community input. I request that the RR zoning be respected

Comment: 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.

Comment: The land was previously used as a small cabin compound. Maintenance was ignored for a long time and no city permits have been recorded. This project will return the use to short term cabin rental with new modern efficient buildings and will follow all city guidelines.

Response: The property has not been used as a cabin style resort for decades. It was grandfathered into the City's zoning (RR) and by the Sewer District as a single-family lot. Carl, Cindy, Maria, and Susan were a family and lived there for the last 25 years and were excellent friends and neighbors.

To suggest that the property was some kind of trailer trash situation is offensive and that changing the property to a resort is some kind of community service is ridiculous. There were no transient residents abandoning uninhabitable buildings. The house was recently resided and reroofed with metal. The cabins that were inhabited (2) were maintained on the exterior and very cute. The yard was always maintained and there were many lovely flower gardens. The cabins in the back of the property were used as a chicken coop and storage. They hadn't been inhabited for decades.

Comment: This area of Duluth currently has a mix of single-family housing, condominiums, rentals, cottages and resorts along with McQuade Harbor, Brighton Beach, and small retail. This project will add to that mix.

The area from 90th Ave East to MacQuade Rd and from the Lake to East Superior St. is all single family residential and largely private property. There are no resorts or condos and only one small duplex that is no longer a vacation rental. Lake Breeze is ¼ mile west and has considerable land for access, recreation and a buffer for neighbors. The Gardenwood is ¼ mile east and next to McQuade Harbor. Again this resort has plenty of space for recreation and property to buffer the impacts of visitors.

The land surrounding the Little's property is all private land, as is much of the property in this section. There is some tax forfeit property between Congdon and Superior but none is accessible from this property. Residents are justifiably concerned about "guest's" illegal trespass and the liability and loss of privacy that this presents. There is nothing in this application that addresses how the Little's will keep their guests off the private trails behind this resort, or be responsible for damage from trespass.

Christine Penney
9305 Congdon Blvd

Kyle Deming

From: NR Mittlefehldt <>
Sent: Wednesday, January 4, 2023 2:07 PM
To: Kyle Deming
Subject: Outbound Lodges LLC

Hello Mr. Deming-

We are writing to express a couple of our concerns with the proposed "Seasonal Camp/ Cabins" located at 9439 Congdon Blvd. We have lived in the neighborhood for the past 20 years during which time 9439 Congdon had been used as an owner's residence along with additional long-term housing in the accessory structures. In our view, this had been a consistent use of the property within the neighborhood.

The proposal for 6 short-term rental units on the parcel would be a considerable change of use for the property which may have negative neighborhood impacts. According to St. Louis County, the property is currently owned by an LLC based in St. Paul, MN. Typically, a resort/motel would have a property manager on site to assist clients during their stay. The project information documents mailed to us in November do not specify any details regarding property management.

The location of the property near the eastern boundary of the City also raises a concern. While there are single family dwellings accessed via Congdon Blvd in the project area, there is also considerable privately owned green space to the north and west of the project site. With the proposed project density, we are concerned that visitor impacts may not be confined to the property itself.

Thank you for the opportunity to comment on this proposal.

Regards-

Noah and Rhonda Mittlefehldt
2396 Old North Shore Road
Duluth, MN 55804

Kyle Deming

From: Matthew H. Hanka <mhanka@fryberger.com>
Sent: Tuesday, January 3, 2023 2:24 PM
To: Kyle Deming
Cc: 'Kevin Bovee'; 'Jon Loye'; 'Jack Dougherty'; 'Joan Arbisi Little'
Subject: RE: Joan Little

This message was sent securely using Zix®

Kyle:

Just a follow up on the below – Ms. Little corrected me with the address. This pertains to 9439 Congdon Blvd. They live at the other address.

As I mentioned before, DNSSD will review any new sewer connection application and site plan when it is received. The review typically involves engineering and legal review.

I've added both Ms. Little and Chris Schmidt (from People's Service) to this email chain.

Please let us know if you need anything further from us. Thanks.

Matt

Matthew H. Hanka

Fryberger, Buchanan, Smith & Frederick, P.A.
 302 West Superior Street, Suite 700 - Duluth, MN 55802
 ph: 218-725-6815 - fx: 218-725-6800
mhanka@fryberger.com - www.fryberger.com

From: Matthew H. Hanka
Sent: Tuesday, January 3, 2023 11:28 AM
To: 'kdeming@DuluthMN.gov' <kdeming@DuluthMN.gov>
Cc: Kevin Bovee; 'Jon Loye' <jloye@msa-ps.com>; Jack Dougherty <jdougherty@msa-ps.com>
Subject: Joan Little

Hi Kyle – As I mentioned in my phone message, we work with the Duluth North Shore Sanitary District. Ms. Joan Little appeared at a board meeting a few weeks ago. It is my understanding that her and her husband are exploring options for vacation cabins at 9436 Congdon Blvd. It's my understanding that this property falls within the DNSSD. Therefore, DNSSD would ultimately need to review their proposal for sanitary sewer. I don't believe that the DNSSD has seen their

sewer plans yet. But, she asked that I contact you. I've cc'd the DNSSD's Engineers at MSA and the Board Chair. Let me know if you need anything else from me.

Thanks.

Matt

Matthew H. Hanka

Fryberger, Buchanan, Smith & Frederick, P.A.

302 West Superior Street, Suite 700 - Duluth, MN 55802

ph: 218-725-6815 - fx: 218-725-6800

mhanka@fryberger.com - www.fryberger.com



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 22-215	Contact	Jenn Moses	
Type	UDC Map Amendment	Planning Commission Date	January 10, 2023	
Deadline for Action	Application Date	November 9, 2022	60 Days	January 8, 2023
	Date Extension Letter Mailed	December 21, 2022	120 Days	March 9, 2023
Location of Subject	Parcel 010-3380-00027 and Part of 010-3380-00035, adjacent to platted Elizabeth Street			
Applicant	Anthony Smith	Contact	Twin Ports Dermatology	
Agent	Arola Architecture	Contact	Wes Stabs	
Legal Description	See Attached			
Site Visit Date	January 3, 2023	Sign Notice Date	December 27, 2022	
Neighbor Letter Date	December 16, 2022	Number of Letters Sent	26	

Proposal

UDC Map Amendment (rezoning) to change the zoning of approximately 0.7 acres from Residential-Traditional (R-1) to Residential-Urban (R-2).

Staff Recommendation

Staff recommend that the Planning Commission recommend approval of the rezoning amendment to the City Council

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Undeveloped	Traditional N'hood, Neighborhood Commercial
North	MU-N	Commercial	Neighborhood Commercial
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	MU-N and R-P	Commercial, Multi-family	Urban Res., N'hood Mixed Use, Open Space

Summary of Code Requirements

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

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

Governing Principle #5 – Promote reinvestment in neighborhoods. Foster neighborhood reinvestment; new development or redevelopment should strengthen neighborhood commercial centers or diversify residential opportunities. Mt. Royal is identified as a Core Investment Area in the comprehensive plan.

Future Land Use – Neighborhood Commercial: Small- to moderate-scale commercial, serving primarily the adjacent neighborhood(s)...typically situated in or adjacent to residential neighborhoods.

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 area was originally platted in 1910 as part of the Mount Royal Division of Duluth. Both parcels proposed to be rezoned were split off from the original lots and never developed for housing.

Review and Discussion Items:

Staff finds that:

1. Property owned by the applicant includes three parcels adjacent to the Mt. Royal commercial area they are proposing for future development. One parcel, separated from the other two by platted Elizabeth Street, is currently zoned R-2. The applicants propose to rezoning a small triangular parcel and a portion of a second parcel to R-2 to allow for future development of a dermatology clinic.
2. Both parcels proposed for rezoning were split off from platted Lots 1 and 2, but were never developed for housing. Parcel 010-3880-00027, which fronts solely on platted Elizabeth Street, would be challenging to build on due to the setbacks required. In addition, the cost of extending Elizabeth Street for a residential house would be prohibitive. Parcel 010-3380-0035 is a total of 1.17 acres, of which 0.53 acres is proposed for rezoning; about half of this is already within a future land use area shown as Neighborhood Commercial, a reflection of these parcels' proximity to the Mt. Royal commercial area.
3. Rezoning this additional area (which combined equals about 0.7 acres) would allow a larger development parcel for the dermatology clinic, allowing space for parking, stormwater, and landscaping. The applicant intends to submit a future application to vacate Elizabeth Street to create one developable parcel.
4. A clinic is a Special Use Permit in the R-2 district. Other allowed uses in the R-2 district include a variety of residential uses, daycare, and other uses listed in UDC Section 50-19.8 Some commercial uses (like office and restaurant) require Special Use Permits. In addition to the street vacation noted above, the applicant intends to apply for a Special Use Permit in the future.
5. The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan. A portion of the area to be rezoned is indicated for Neighborhood Commercial, and the Mt. Royal area is indicated as a Core Investment Area.
6. The proposed area is consistent with the purpose statement of the R-2 zone which is primarily for locations closer to commercial and mixed-use activity centers and may serve as a transition between activity centers and lower-density residential areas.
7. Although not a required part of the map amendment process, the applicant held a neighborhood meeting on Monday, December 12, with 9 neighbors in attendance. Neighbors asked questions about the proposed development, expressed disappointment that any development could happen on the parcel, and expressed concerns about future stormwater impacts to their property. Based on the neighbor concerns about stormwater, staff received the attached information from City Engineering. The applicant made changes to the concept plan based on this meeting; the original concept and revised concept are attached.
8. This amendment is not anticipated to create material adverse impacts on nearby properties due to the requirements contained in City ordinances including storm water management rules that will require the treatment of all storm water on site, zoning rules that will require landscape buffers adjacent to residential properties, shielded exterior lighting, and screening of trash and mechanical equipment.
9. No additional public, agency, or City comments were received.

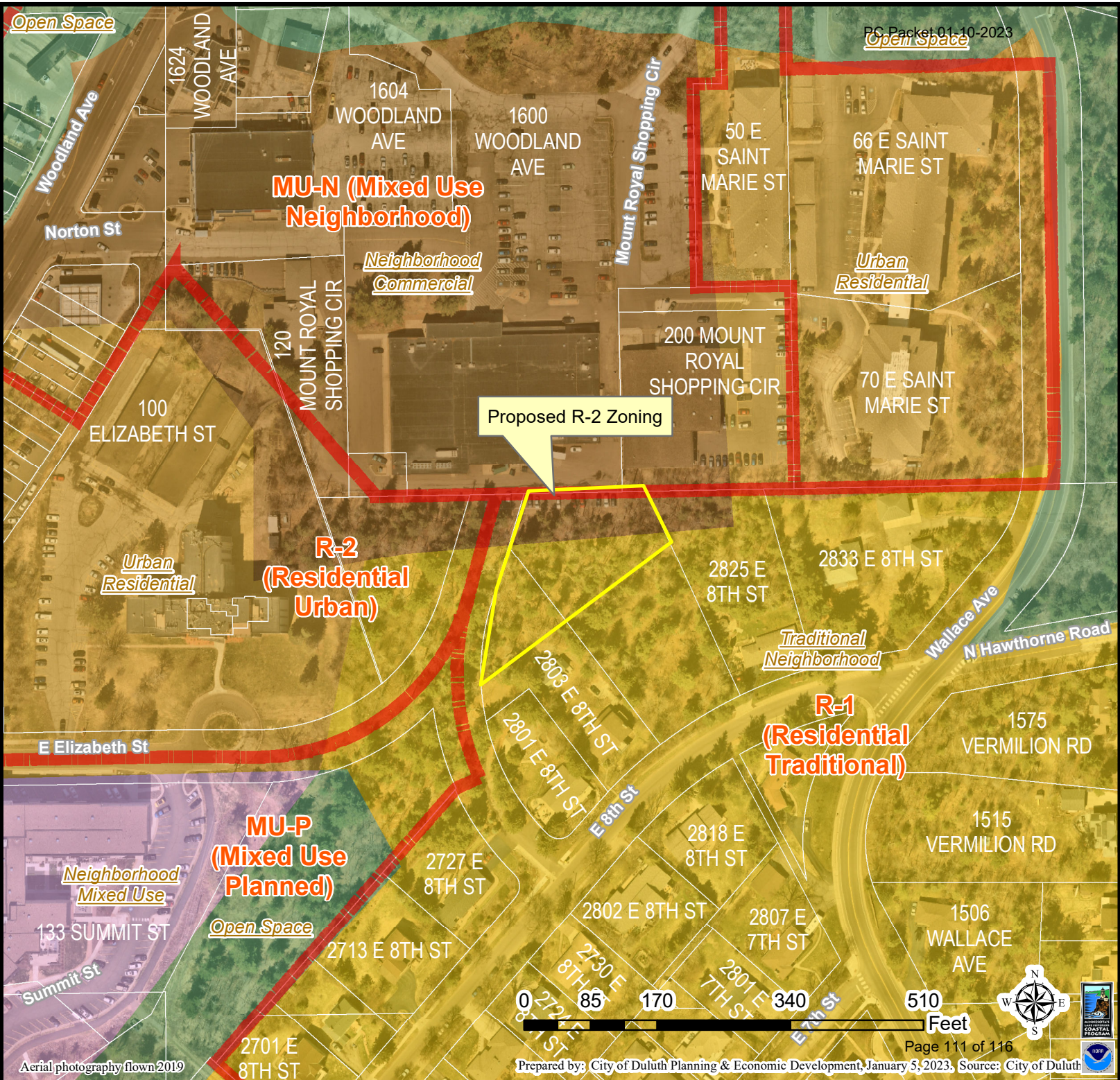
Staff Recommendation:

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

- 1) This proposal is consistent with the Comprehensive Land Use Plan.
- 2) The proposed amendment is consistent with the purpose statement of the R-2 zone district.
- 3) Material adverse impacts on nearby properties are not anticipated.



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



PC Packet 01-10-2023

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

Aerial photography flown 2019

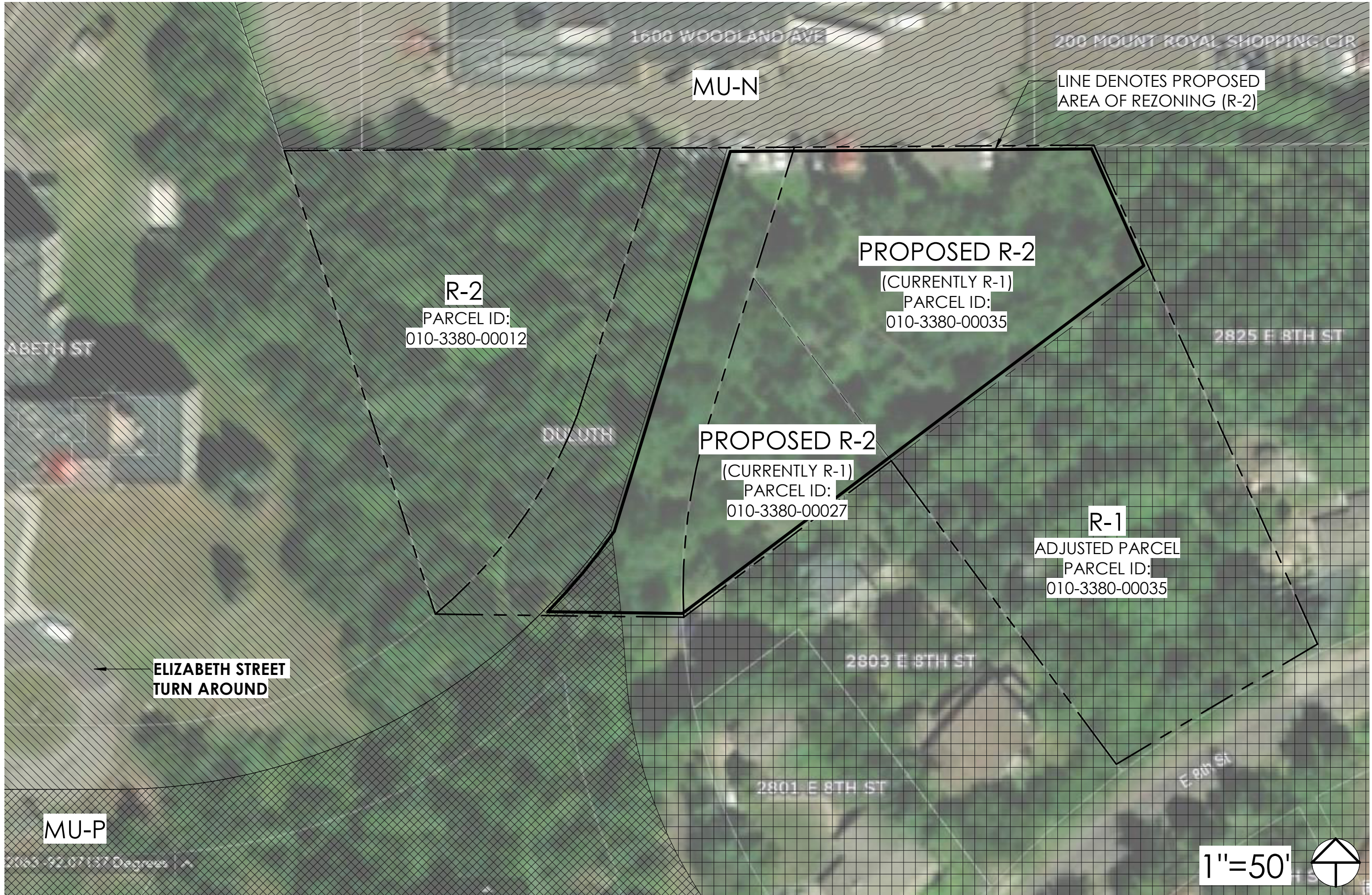


EXHIBIT B
MOUNT ROYAL MEDICAL
CLINIC PROJECT

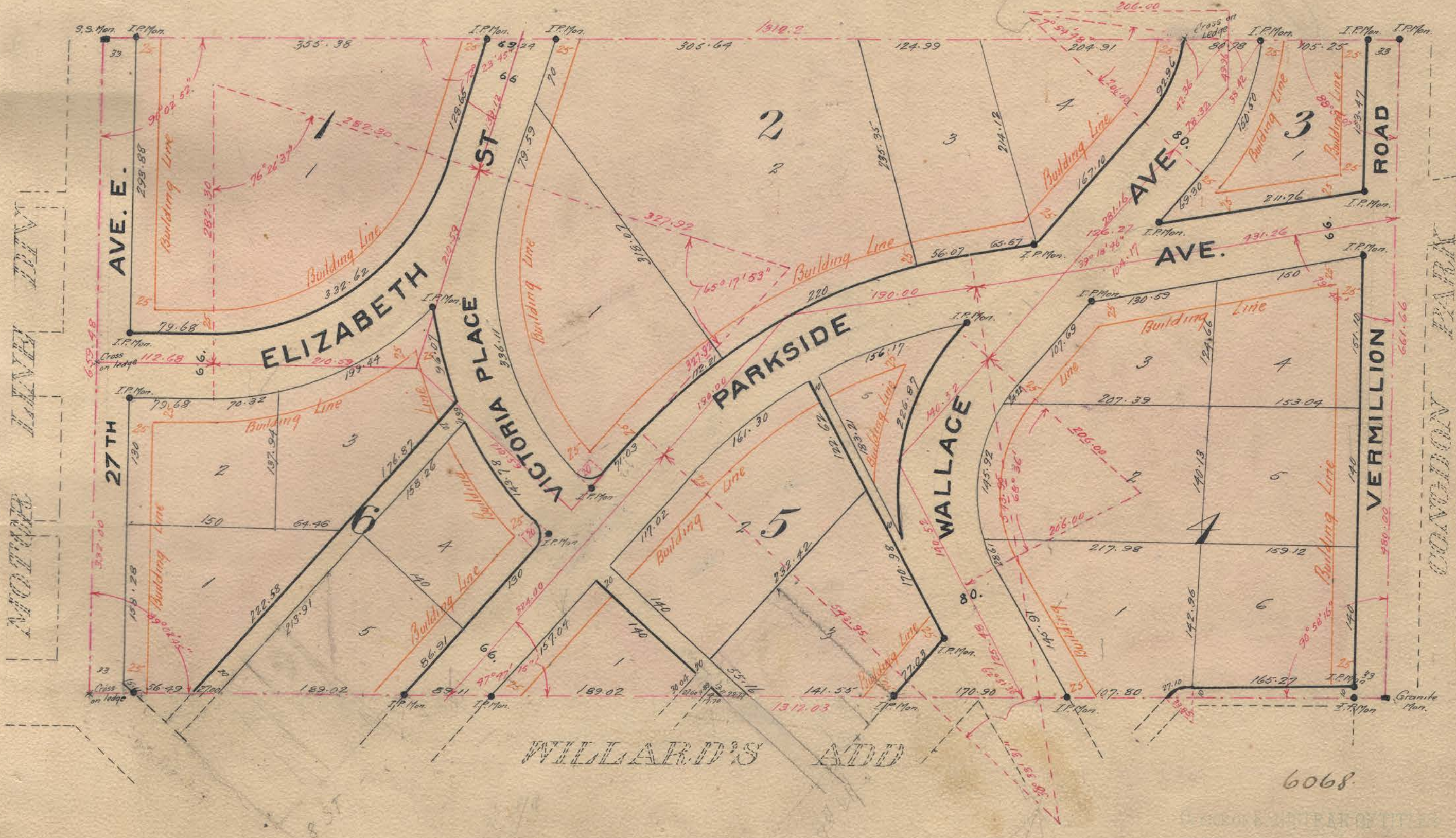
MOUNT ROYAL DIVISION OF DULUTH

S 1/2 OF NE 1/4 OF NE 1/4 OF SEC. 14 T. 50 N. R. 14 W.

Scale 1" = 100'

Reference • Iron pipe Monument
Building Line

The Duluth Engineering Co.



KNOW ALL MEN BY THESE PRESENTS: That Stephen H. Jones and Minerva V. Jones his wife being the owners of the following described property lying and being in the County of St. Louis and State of Minnesota and described as follows to wit: The South One-half (1/2) of the North-east One-quarter (N.E. 1/4) of the North-east One-quarter (N.E. 1/4) of Section Fourteen (Sec. 14), Township fifty (75) North of Range Fourteen (R. 14) West of the Fourth Principal Meridian (4th P.M.), according to the United States Government survey thereof, and being desirous of plating the same into town lots have caused the same to be surveyed and the annexed plat thereof to be made in accordance with the Statutes in such cases made and provided. Now therefore do we hereby ratify and confirm in all respects said survey and the plat thereof as MOUNT ROYAL DIVISION OF DULUTH and sign, seal, and execute said plat and hereby dedicate to public use the Streets, Avenues and Alleys therein delineated. In witness whereof we have hereunto set our hands and seals this 8th day of December A.D. 1910

In the presence of
Frank Cruesweller
Henry Nolte

Stephen H. Jones
Minerva V. Jones } Owners

State of Minnesota, S.S.
County of St. Louis }
On this 8th day of December A.D. 1910 personally appeared before me Stephen H. Jones and Minerva V. Jones his wife to me well known to be the persons described in and who executed the foregoing certificate and acknowledged that they executed the same as their free act and deed.
Henry Nolte
Notary Public St. Louis County Minn.
My Commission expires Mar 18-1911

Lyonel Ayres do hereby certify that I am a Civil Engineer and Surveyor and that I have at the request of the proprietors thereof made a careful survey of the property described in the foregoing certificate of the proprietors and have plotted the same into lots, Blocks, Streets, Avenues and Alleys as more fully appears on the annexed plat entitled MOUNT ROYAL DIVISION OF DULUTH. The sizes of all lots and widths of Streets, Avenues and Alleys are as shown on the plat. Monuments for the guidance of future surveys have been placed at the points designated on the plat thus.
In the presence of Joseph B. Baker
John F. Ludrod
Lyonel Ayres

State of Minnesota, S.S.
County of St. Louis }
On this 12th day of November A.D. 1910 personally appeared before me Lyonel Ayres to me well known to be the person described in and who executed the foregoing certificate and acknowledged that he executed the same as his free act and deed.
J. G. Geothart
Notary Public St. Louis County Minn.
My Commission expires Feb 1-1912

We hereby certify that the annexed plat is a true and correct copy of the plat of MOUNT ROYAL DIVISION OF DULUTH approved by us this 9th day of December A.D. 1910
Thor. McSilvray
J. J. [unclear]
Plat Commission
City of Duluth

I hereby certify that the annexed plat of MOUNT ROYAL DIVISION OF DULUTH was approved and accepted by the common council of the City of Duluth on the 28th day of Dec, A.D. 1910
H. C. Chedde
City Clerk.

30th December 1910
M. C. Palmer
H. H. [unclear]

Taxes for the year 1909 on the lands described within, PAID.
W. A. HUBBARD, County Treasurer,
J. J. [unclear] Deputy.

Taxes paid and transfer entered
30th day of Dec. A. D. 1910
O. Halden
County Auditor
W. E. Kingsred
Deputy.

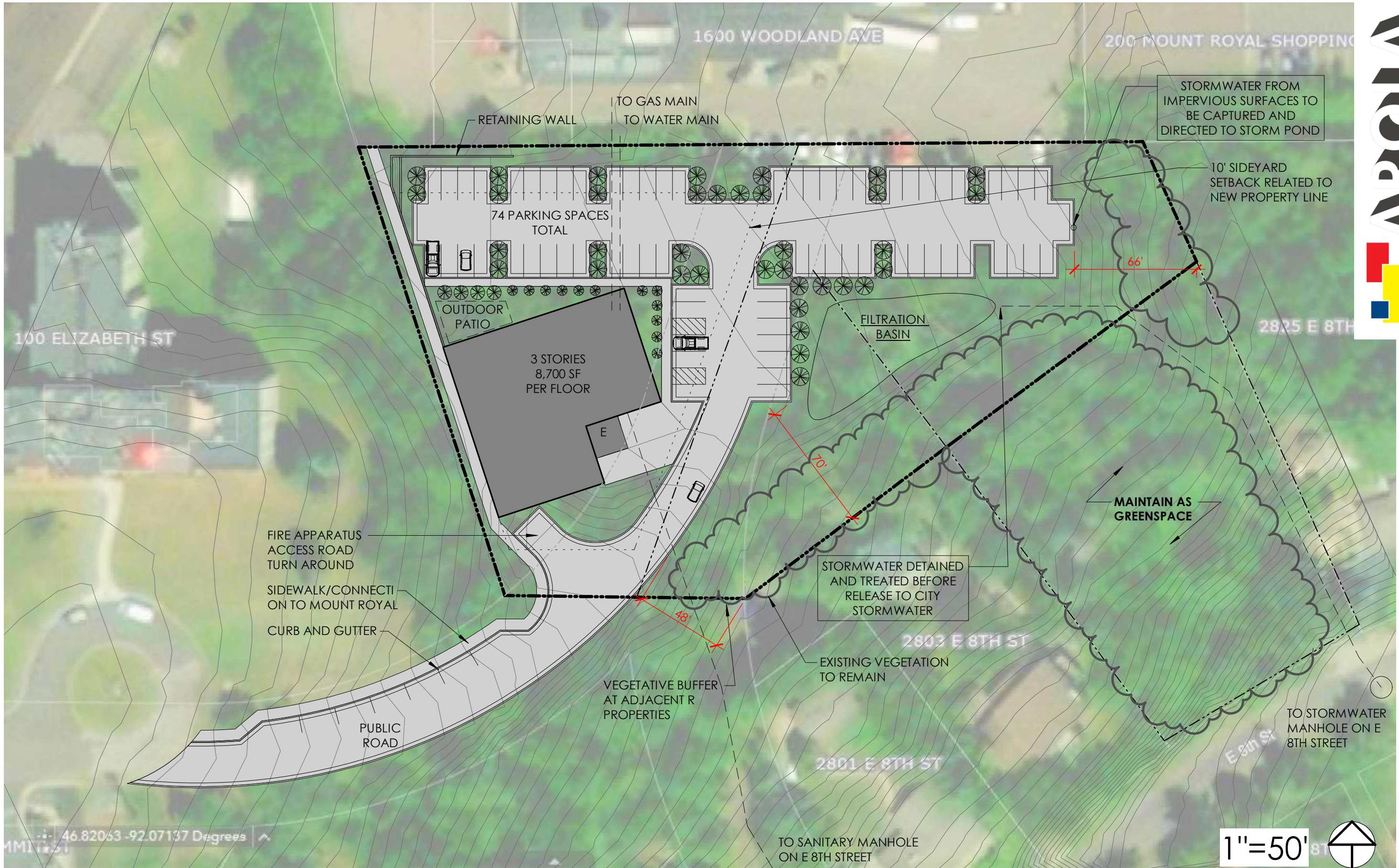
Jenn.

All new development and redevelopment is required to follow the UDC stormwater requirements. This includes both the temporary construction requirements and post/permanent construction stormwater management requirements.

Development projects are required to submit a stormwater management plan that demonstrates how stormwater runoff and snowmelt will be handled in the post construction condition. The plan will need to show how runoff will be captured and conveyed from the proposed development and directed to a structural Best Management Practice (BMPs). These BMPs provide controls on water quality (typical urban pollutants – sediment, debris....) and control the peak discharge rate (flood control) to protect down gradient properties, water resources and the storm sewer conveyance system. The stormwater management plan is required to show pre-condition versus post condition runoff characteristics, and is not allowed to create negative impacts to adjoining property owners. This project will be required to convey runoff after it is treated by a BMP via a storm sewer to connect directly into the 8th St storm sewer. The plan will also need to show the flow path for large rain events without negative impact or risk to adjacent or down gradient property owners.

Duluth does have a considerable number of ground water seeps across the city, with shallow and exposed bedrock and tight cohesive clay soils, ground water can travel below ground and can surface due to impermeable below ground barriers or abrupt changes in topography. A proposed development will capture surface flows from rainfall and snowmelt and convey them through a designed BMP and will discharge to the City storm sewer system. The presence of groundwater flows is highly variable and difficult to predict their location and flow characteristics.

Tom Johnson | PW&U | City of Duluth



1.5.2023

**MOUNT ROYAL MEDICAL
CLINIC PROJECT**



8.3.2022

**MOUNT ROYAL MEDICAL
CLINIC PROJECT**