

City of Duluth

Council Chambers, City Hall

Meeting Agenda

Planning Commission.

Council Chambers

Tuesday, April 9, 2024 5:00 PM Council Chambers

CALL TO ORDER AND ROLL CALL

APPROVAL OF PLANNING COMMISSION MINUTES

PL 24-0312 Planning Commission Minutes 3/12/24

<u>Attachments:</u> 3-12-2024 PC Minutes (not approved yet)

PUBLIC COMMENT ON ITEMS NOT ON AGENDA

CONSENT AGENDA

PL 24-017	Interim Use Permit for New Vacation Dwelling Unit in a Form District at
	325 Lake Ave South, Unit 1303 by Dan Meierhoff

Attachments: PL 24-017 Staff Report and Attachments

PL 24-022 Minor Subdivision to Create Two Parcels at 30 W Linden Street by Heidi

Mattila

Attachments: PL 24-022 Staff Report with Attachments

PL 24-023 Variance to Rear Yard Setback for Mud Room Addition at 228 N 25th

Avenue E by Adam and Emily Huneke

<u>Attachments:</u> PL24-023 Staff Report with Attachments

PL 24-026 MU-W Planning Review for Lobby Expansion at Pier B Hotel, 800 Railroad

Street, by Pier B/Sanford Hoff

Attachments: PL 24-026 Staff Report and Attachments

PL 24-024 Interim Use Permit for Renewal of a Vacation Dwelling Unit at 1615 E

Superior Street by ACW Duluth, LLC

Attachments: PL 24-024 Staff report and attachments

PL 24-029	UDC Map Amendment from Mixed Use-Business (MU-B) to Airport (AP) at the Site of the Proposed Air Traffic Control Tower (ATCT) by the Duluth Airport Authority
Attachments:	PL 24-029 Staff report and attachments
PL 24-038	Interim Use Permit for Overflow Parking Area at 338 E Central Entrance by Tumble Fresh - Linn Property Development, LLC
Attachments:	PL 24-038 Staff Report and Attachments

PUBLIC HEARINGS

DI 04 044	
PL 24-011	UDC Map Amendment from R-1 to R-P for Residential Uses North of Bald

Eagle Circle by Newhaven LLC

Attachments: PL 24-011 Staff Memo and Attachments

PL 24-011 Comments received

PL 24-016 Proposed UDC Text Amendments to Sections 50-14.5, 50-14.6, and

50-15.2, Amending Dimensional Standards in the R-1, R-2, and MU-N

Zone Districts by City of Duluth

Attachments: PL 24-016 Staff Report and Attachments

OTHER BUSINESS

PL 23-127 Final AUAR (Alternative Urban Areawide Review) for the

Central High School Redevelopment Project (consider responses to comments and the Final AUAR document) - documents to be posted on

City web site by 4/5.

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

March 12, 2024 – City Hall Council Chambers Meeting Minutes

Call to Order

President Margie Nelson called to order the meeting of the city of Duluth planning commission at 5:03 p.m. on Tuesday, March 12, 2024 in the Duluth city hall council chambers.

Roll Call

Attendance:

Members Present: Jason Crawford, Gary Eckenberg, Brian Hammond, Jason Hollinday, Margie Nelson, Danielle Rhodes, Michael Schraepfer, and Andrea Wedul (arrived late at 5:14 p.m.) Members Absent: N/A

Staff Present: Adam Fulton, Ryan Pervenanze, Jean Coleman, Jenn Moses, Kyle Deming, John Kelley, Chris Lee, Jason Mozol, and Hannah Figgins

Approval of Planning Commission Minutes

Planning Commission Meeting – February 13, 2024 **MOTION/Second:** Crawford/Eckenberg approved

VOTE: (7-0)

Public Comment on Items Not on Agenda

No Comments.

(PL 24-011 Removed from the consent agenda due to a clerical error. The UDC requires publication of a zoning notice for three weeks preceding a commission meeting. The city did not meet the requirements for public notice for the March meeting. Staff recommend the hearing be held, and commissioners give official recommendation in April.

PL 23-208 was removed from the consent agenda to be voted on separately as a public hearing.)

Consent Agenda

- PL 23-203 Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at 5300 Oneida Street by MasTec Network Solutions
- PL 23-204 Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at 1220 N Arlington Avenue by MasTec Network Solutions
- PL 23-205 Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at 5804 Tioga Street by MasTec Network Solutions
- PL 23-206 Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility

- at 3140 Restormel Street by MasTec Network Solutions
- PL 23-207 Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at 5004 Glendale Street by MasTec Network Solutions
- PL 23-208 Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at 2904 Parkwood Lane by MasTec Network Solutions
- PL 23-209 Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at 2841 Piedmont Avenue E and E 3rd Street by MasTec Network Solutions
- PL 23-210 Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at Northwest Corner of N 10th Avenue E and E 3rd Street by MasTec Network Solutions
- PL 23-212 Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at 1219 W Michigan Street by MasTec Network Solutions
- PL 23-213 Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at 212 N 40th Avenue W by MasTec Network Solutions
- PL 24-012 Concurrent Use Permit to Replace Concrete Stoop at 1301 London Road by Armory Arts and Music Center
- PL 23-219 Interim Use Permit for a Renewal Vacation Dwelling Unit at 1108 W 8th Street by Hooshang Mehralian
- PL 24-015 Interim Use Permit for Renewal Vacation Dwelling Unit at 119 St Paul Avenue by Beth Gauper
- PL 24-018 Variance to Reduce Shoreland Setback from 150' to 75' at 7210 Fremont Street by Lake Superior Zoo

Staff: Deputy Director Adam Fulton addressed the commission with an explanation for the multiple concurrent use permits. The private entity, MasTec Network Solutions, has to secure these permits in order to install private equipment in the public right-of-way. This specific use is not covered by any existing agreement with the city and the entity, but using the right-of-way for a private use is common. Each pole (11) will have a relatively small piece of equipment installed, and the company will maintain insurance and liability for those structures.

Commissioners: Danielle Rhodes asked staff to confirm what the radial lines on the maps for the small wireless telecommunications concurrent use permits were meant to denote, and whether the public notices for the facilities are compliant with UDC code. Brian Hammond asked staff whether the technology would be placed on new poles.

Staff: Staff member Chris Lee responded to the commissioners that the lines are a reference to the potential area of construction, and he confirmed the signage is compliant with the code. and the telecommunications facilities will be installed on new poles where applicable (one will be on top of a stop light).

Public: PL 23-208: <u>John Kalenowski – 2827 Parkwood Lane</u>: Opposed to the concurrent use permit due to the incorrect address listed on the notice. He asked whether this use fits the definition of "public utility", and suggests the cellular companies install equipment on property they own that they then have to pay taxes on.

PL 23-203: Ryan Offersen – 5302 Oneida St: He addressed the commission with the understanding that the item will include digging two large holes, of about 3x4 for "fiber" and for "power". He asked what the purpose of the holes were.

Staff: Fulton responded that staff can clarify the location of the small-cell with the applicant. This technology is designed to be less intrusive than traditional cell towers. Small cell is regulated by state law, and the concurrent use permit process was developed in response to the state-level actions. If staff are asked to look further into the concurrent use permit process, then more time would be necessary.

Staff member Chris Lee addressed the commission in response to the concern about the holes associated with the small-cell infrastructure. He said part of the infrastructure improvements will include fiber and power in the ground, with covers, near the poles.

Commissioner Wedul asked staff whether Duluth benefits in any way by allowing the private company to use public infrastructure.

Staff member Lee responded that fees are collected from these uses, but not directly by the Planning Department.

MOTION/Second: Eckenberg/Rhodes approved the consent agenda without PL 23-208

VOTE: (7-0)

Public Hearings

PL 23-208 Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at 2904 Parkwood Lane by MasTec Network Solutions

Staff: Deputy Director Fulton addressed the commission and said that the speaker noted what appears to be a technical error, and it is not atypical for minor details to be addressed between planning commission and council. If the commission were to make the recommendation of approval, staff would follow up with the applicant to clarify the address.

Commissioners: Brian Hammond pointed out that the address on the notice is just across the street from the pole's location, which seems like a clerical error. The second concern raised by the speaker is the condition of the telephone pole, which the applicant plans to replace before installing any new equipment.

MOTION/Second: Hammond/Crawford approve with condition the address is confirmed

VOTE: (7-0)

PL 24-014 Planning Review in the MU-C District for Credit Union at 3 W Central Entrance by Superior Choice Credit Union

Staff: John Kelley addressed the commission with a review of the staff report for the proposed project to build a roughly 2000 sq. ft building on a currently vacant lot, which requires approval by the planning commission. The parking lot size is below the threshold that would require tree-islands, however the applicant is providing street frontage shrubs and trees. The building design standards aren't applicable due to the small size of the building. A light plan is required to be permitted, which the planning staff will review. Staff is recommending approval of the plan with conditions outlined in the staff report.

Commissioners: Wedul asked staff whether any comments were received regarding access from the alley.

Eckenberg asked if there was any discussion about a right-turn-only exit from the ally onto Arlington Ave.

Rhodes also noted the lack of sidewalk along Arlington Ave.

Staff: Kelley responded that no public comments were received regarding the ally access, and there was not discussion about a right-turn-only exit onto Arlington Ave.

Fulton noted there is a full sidewalk on the other side of Arlington Ave. This segment of road is due for further study, but at this time there is only the one sidewalk.

Commissioners: Hammond asked staff if the accessibility of the current plan is best practice. Staff member John Kelley confirmed the current plans would require someone with accessibility needs to take an indirect and non-continuous route from the public sidewalk to the entrance of the building.

Applicant: Russ Shram, with HTG Architects: We can connect the sidewalk on W Central Entrance to the parking lot via an additional sidewalk that would lead to one direct crossing of the parking lot to the entrance, with direct access to a curb cut near the main entrance. **Public:** No speakers.

MOTION/Second: Hammond/Wedul recommended approval as per staff recommendation with condition to include a direct, accessible route from Central Entrance sidewalk to the main entrance

VOTE: (7-0)

PL 23-127 Draft AUAR (Alternative Urban Areawide Review) for the Central High School Redevelopment Project (hearing only, no decision to be made)

Staff: Kyle Deming addressed commissioners and said the Draft AUAR is in the 30-day comment period ending March 21. Notice of the document's availability has been published in the Duluth News Tribune and on the Environmental Quality Board (EQB) Monitor web page. State rules also require an in-person public hearing; a notice for this hearing has been published in the Duluth News Tribune, as well as the City's webpage. The full document is available in the public library as well as on the City's webpage. Any substantive comments received will be responded to by staff and the consultant firm, and thus brought to the April 9th Planning Commission meeting. Any recommended changes to the Draft AUAR can be addressed at that time. The Final AUAR will be published on the EQB Monitor web page and there will then be another approval of the Final AUAR estimated to be at the May 14th Planning Commission meeting after a 10-day objection period.

Substantive Comments include those that address accuracy and completeness of information, those that identify impacts that may warrant further investigation, and potential mitigation measures that would prevent significant environmental impacts. Staff recommend a public hearing at this time, following the standard hearing rules.

Commissioners: No questions.

Public: David Schimpf – 1125 Brainerd Ave: The speaker addressed the commission saying he has no known personal financial interest in this proposed project. The Scenario B project has outlined a major potential collision hazard for migrating birds. This project will put tall windows and lights on a hilltop in a major migration pathway. The Central High site is in the line of a migration path. Observations of condensed passages are professionally recorded at Thompson Hill, Enger Park, and Hawk Ridge. A lot of migration happens at night. Spring and fall migrations in Duluth are famous; people drive from as far away as Iowa to attempt to see the migratory birds. This project demands the fullest possible mitigation measures, due to the location. His written comments will include the mitigation measures that should be taken, as recommended by the U.S Fish and Wildlife Service, American Bird Conservancy, and the Cornell Lab of Ornithology should be consulted for technical mitigation measures.

<u>Eric Enberg – 5425 Morris Thomas Rd, Hermantown</u>: He addressed the commission saying he is opposed and neutral with regard to this project. He has practiced family medicine for 13 years at the Denfeld Medical Clinic, and is active in local climate politics. He recognizes the negative impact of this project on migratory birds. This project would increase available housing in Duluth by 4%, which is a positive. However, the published plan indicates it would increase greenhouse gas emissions in Duluth, as it is currently planned, by 4%. The plan uses a very "rosy" assumption regarding the potential of fugitive emissions that would be produced by the project, and in reality, will produce far more CO2 equivalent emissions than the 4%. He said that if you use methane in a small apartment, you are placing the residents under significant respiratory distress. This could increase the risk of asthma, and is responsible for at least a fifth of asthma

cases. He treats children who are losing their battle with asthma and it is a desperate struggle to help them overcome it. We need to get methane out of our residences, especially because we don't have to be using it or other natural gasses. The plan's regard for greenhouse gasses was dismissive. 78% of Duluth's total emissions come from buildings. We need to concentrate on buildings and how we heat them. The plan for mitigation strategies was vague and non-committal. This Commission needs to hold the developer's feet to the fire. We need to use several different methods of renewable energy, including boreholes, EV charging stations, and solar panels. I hope the commission will take a look at that. He thanked the commissioners.

Staff: Adam Fulton noted that oral and written comments are appreciated and will be taken in to consideration. This plan has been on the agenda for several months with the intent of obtaining the maximum amount of public comment, and to advertise the project broadly. He encourages the commissioners to continue to advertise the ability to provide comment on the plans.

Other Business

PL 24-025 Conformance to Comprehensive Plan for TIF District for Welsh Place, North of Wadena Street Between 52nd and 53rd Avenues W, by Duluth Economic Development Authority **Staff:** Fulton addressed the commission regarding conformity of a TIF plan. The purpose of bringing new TIF plans before the Planning Commission is to look at whether the creation of this TIF district does or does not conform to the intent of the comprehensive plan. Senior Housing Planner, Tom Church, addressed the commissioners with the proposed new TIF district. He corrected a typo on the agenda – the housing TIF district will be administered by the

Duluth HRA, not Duluth Economic Development Authority. This is currently zoned R-P, calling for highest density residential development. The parcels are subject to the Ramsey Village Neighborhood Regulating Plan adopted in 2003, amended last March by Planning Commission, and by Council in April 2023, to allow for "Type 3 Residential" buildings, which are three-stories with commercial use on the ground floor. This development will not have commercial use. It is staff recommendation that this does conform to the comprehensive plan.

Commissioners: Eckenberg asked staff which document is the "comprehensive plan". Senior Housing Planner Tom Church responded that the Imagine Duluth 2035 document is the Comprehensive Plan.

Adam Fulton said this document does not wholly replace the 2006 Comprehensive Plan, but does update it substantially. In this context, it is important to consider the Plan's identified land uses as well as the different housing goals and policies. The site in question today has long been planned to include housing development, and ranks highly with the goals in the Plan. He added that the current number of active TIF districts in Duluth is around 15.

President Nelson requested a brown bag session on TIF districts.

Commissioner Rhodes asked staff whether there is any requirement that the developer follow-through with construction in a TIF District.

Deputy Director Fulton responded that it is a really good and important question, however that is not within the purview of the Planning Commission. The Duluth HRA and development entity will establish a development agreement between themselves.

Tom Church added that the development agreement will be between Duluth HRA and Center City Housing. The project is currently fully financed with \$14 million from the MN Housing Finance Agency and the TIF district would allow for needed gap-funding so construction may begin this fall.

Discussion ensued.

Fulton added that the Ramsey Village plan is one of the older plans, and contains many distinct parameters for design elements of buildings and things of that nature. He confirmed Planning staff have been tracking this project, and when the developer applies for a building permit, it will be reviewed in detail for compliance with the Ramsey plan at that time.

MOTION/Second: Crawford/Wedul approve per staff recommendation

Vote (7-0)

PL 24-011 UDC Map Amendment from R-1 to R-P for Residential Uses North of Bald Eagle Circle by Newhaven, LLC

Staff: John Kelley addressed the commissioners and introduced the proposed project to rezone approximately four acres in Lakeside, north of the Hawk Ridge Estates subdivision. The map provided to commissioners (in Staff Report packet) shows the properties are currently zoned R-1 today. Future land-use for the site is residential and open-space.

There is a 66 ft. wide access and drainage easement between two existing homes that is being considered for accessing the proposed development. Part of the rezoning process is to ensure the rezoning conforms to the code and land-use plan, and ensure there will not be impacts to adjacent properties. Rezoning to R-P does offer more flexibility for design and development for residential projects. It provides for a variety of housing types, unique amenities, and possible benefits to the city and surrounding area. The process is two-fold, the first being the meeting tonight, followed by a planning review process to be approved by the land-use supervisor. See staff report by John Kelley for further details.

The City has received in excess of 100 comments to date. There will be another public notice in advance of the April public hearing. Staff is recommending approval of rezoning, given the consistency with the comprehensive plan and land-use plan.

Commissioners: Andrea Wedul asked staff if a separate action is needed to dissolve the current three separate parcels. Also, because of the presence of a visual overlay district from Skyline, has there been consideration to require additional setbacks?

Staff member John Kelley responded that, yes, it would require a re-platting of parcels. And, the skyline district was acknowledged in the staff report; any activity on site would have to adhere to any overlay districts.

Commissioner Rhodes asked whether an R-2 zone district would have been better for the area to allow for more individual home ownership.

Kelley responded that R-2 was not considered, because R-P allows for the preservation of some of the undeveloped space.

Deputy Director Fulton added that rezoning to R-2 would be inconsistent with the comprehensive plan due to the far greater density, and taller buildings that would be allowed by that zone district type. Staff recommends an R-P district, Residential Planned, because it allows the Planning Commission to determine three criteria – use, height, and density. What is depicted in the packet is the applicant's proposal. Homestead status is not typically regulated by zoning. This would be a good question for the applicant.

Commissioner Gary Eckenberg asked why staff recommend rezoning when the comprehensive plan says the future plans should be traditional neighborhood.

Staff member Kelley responded that R-P allows for cottage housing, and a number of uses other than residential, such as communal amenities. In terms of density, R-P limits the number per acre. R-1 zone district would exceed recommended density.

Discussion ensued about density and ADUs.

Commissioner Brian Hammond added that the proposed density is quite a bit denser than the surrounding neighborhood, which is presumably why we have such good attendance tonight. He asked if the neighborhood was consulted when deciding the proposed density.

Deputy Director Fulton responded that the purpose of the planning commission is to recommend the use, height and density of the proposed area. This recommendation can be different than what is proposed by the applicant.

Commissioner Wedul asked if there is a proposed density.

Staff member Kelley responded that the proposal before commissioners is what the applicant has proposed, in two different scenarios.

Commissioner Eckenberg requested the minutes from the public meetings, prior to the April hearing. John Kelley confirmed the minutes will be sent to the commissioners.

Commissioner Crawford asked if there are examples of this proposed density elsewhere in the city.

Deputy Director Fulton responded that yes, there are others such as Ramsey Village, East Ridge Estates, Rock Ridge, and Bluestone. These often have regulating plans, and HOAs for governance of the plans.

Applicant: Nick Ericson – Mukilteo, Washington, PO Box 98275: He addressed the commission and introduced himself as the applicant. He has been taking public input at every step of the process and altering the draft plans accordingly. His lived experience has demonstrated the benefits of increasing density at the initial design stage, rather than attempting to in-fill greater density later, which is why he is considering a density of 4-8 units per acre. Many key policies and guiding principles were considered in the creation of this draft proposal. He is cautious in hiring designers officially until the re-zoning is approved by City Council, which is why there aren't professional, detailed designs yet.

He addressed concerns about the Skyline overlay district: he had it surveyed in 2015, and the hill there is 71.4 ft. tall, so a 45 ft. building would not impede the view. He also had the trees surveyed, although he is not required to have a preservation plan. The western side of the plan is very similar to single family houses. The homes, to make them look smaller, would be built on top and set back behind the garages, with planters on the garage roof. The other side of the small neighborhood is for cottages, inspired by Conover Cottage neighborhoods in Redmond, WA, which look like R-1 zone. He intends to sell the homes to individuals consistent with prices currently in Hawk Ridge Estates. These properties will be very desirable and he wants them to blend in to the surrounding neighborhood. He would like more public input for the gravity sewer system.

Commissioners: Brian Hammond asked about the proposed access road, and why it is so close to the existing house in Hawk Ridge Estates.

The Applicant, Ericson, responded that the easement was established prior to construction of the house. He applied for a 66ft easement from Planning Commission several years ago, and said at that time they approved it. And the house, according to a survey, is 6 ft. from the easement. Deputy Director Fulton added that staff have not researched the details of the easement, nor the property at 301 Bald Eagle Circle, although it would appear the easement precedes that houses construction.

Hammond asked the applicant to explain his thinking behind the proposed density of 8 units per acre, when the surrounding neighborhood is roughly 4 units per acre.

Ericson responded that while R-P suggests 10 units per acre, he is proposing about 7.5 units per acre, which would allow for ADUs to be added in the future if the owner chose to do so. Commissioner Eckenberg asked the applicant what the "civic" buildings on the map are for?

The applicant, Ericson, responded that those buildings are communal amenities for owners of the cottages. He'd also like to include a small open field for outdoor activities and communal storage.

Commissioner Eckenberg asked why the plan proposes a 45 ft height limit, to which the applicant responded that it is for the inclusion of solar power on the buildings which requires a certain pitch, as well as the desire to build the homes on top of the garages for spatial and aesthetic reasons.

Nick Ericson noted that he would like the density to be 4-8 units per acre.

Public: Jim Mitchell – 1801 Minnesota Ave: He addressed the commissioners in opposition to the proposal. He supports the comments made in the letter submitted by Matt and Karen Hanka (see staff report). He is concerned about the proposed height of the buildings, as someone who uses Skyline and Hawk Ridge hiking trail. He also thinks the proposed density is too dense, and thinks it should match the surrounding neighborhood density. He thanked the commissioners.

Mark Yellich – 3024 Bald Eagle Trail: He addressed the commission as a volunteer on the board for the Hawks Ridge Home Owners Association. The board supports maintaining the R-1 zoning. Rezoning to R-P expands the height and density criteria which raises concerns of Amity creek and Skyline Parkway. A 45 ft height limit could create an eyesore from Skyline Drive, and concentrated density would contribute to erosion and compromise the Amity Creek watershed. These are public amenities that are cherished. He pointed out that the dense neighborhood would be more than a mile from the nearest transit line. The board doesn't want the current culde-sac to become a roundabout with increased foot traffic from the new neighborhood. He asked commission to put limits on the height and density, and the board would be glad to assist in defining those limitations.

<u>John Gessel – 3030 Bald Eagle Trail</u>: He addressed the commission in opposition to the proposed rezoning. He also provided written comments. The UDC has many priorities to be considered in advance of a re-zoning – benefits to the public, preservation, a whole litany of other components. He said the neighbors don't know what is being proposed. The notice for the public meeting in November showed five units and one public building, which is nothing like the 33-unit plan we see today. No one commented on that first plan because no one knew what it was they were commenting on. Any recommendation the commission makes has to be made with a full plan in mind. Protect Skyline, Amity Creek, and the park land enjoyed by all of Duluth. He believes the plan is not compatible with the city code, and urged commissioners to consider the permanent changes that could occur in response to their recommendation.

Jose Gonzales — 4123 Robinson St: He addressed the commission as the owner of a lot five blocks from the proposed project. He urged commissioners to consider the factors set forth in UDC in regards to re-zoning and determining land use. He said the report does not reflect that the project is at the end of a cul-de-sac, which increases the use from five to 35 potential cars. He said given what we've heard tonight, commissioners have further shown it is not consistent with the comprehensive plan. Number 8 encourages a mix of housing types for the purpose of mixed-income housing; the homes in this plan are going to be in the same price range as the surrounding homes. The proposal is not in compliance with easements that established Hawks Ridge, nor does it say who will maintain the communal amenities. He thanked commissioners. Mike Larentz — 5122 Idlewild St: He addressed the commission saying his home is more than 350 ft from the proposal site because he learned about the proposal just last week. He is an associate professor at Iowa State, and he brings students to Duluth for the bird migrations. He chose to rent an apartment for ten years to allow his family to live here. His students are always impressed with Duluth and the forethought of leaving so much open space. He believes this development will destroy the reason he moved to the neighborhood, and it will be visible from

every vista point in the area. Amity Creek is already endangered by development. The impact the plan will have on the beauty of the area, and the ability for other residents to enjoy it are beyond detrimental, and will have negative ecological impacts. He urged commissioners to limit the development, and thanked them for their time.

Staff: Deputy Director Adam Fulton added there will be more opportunity for public testament, either written or at the April Planning Commission public hearing. He thanked the applicant and all members of the public for providing testimony.

MOTION/Second: Wedul/Hollinday motion to table

VOTE: (7-0)

Communications

Land Use Supervisor (LUS) Report – West Superior Street Public Meeting is this Thursday at Clyde Iron Works. The public Annual meeting of Planning Commission is scheduled for 27th of March at Hartley Nature Center. Commissioner interest in a TIF brownbag is noted. Staff intend to bring code amendments before you in April, that include amendments to setbacks and lot area in zone districts R-1, R-2, and MU-N. Another April meeting topic will likely be related to uses, in particular "boutique lodging," and performance standards related to boutique lodging, filling station regulations, and VDUs. The VDU items are procedural. Lastly, further conversation about the higher-ed overlay in the context of parking changes in 2023.

Historic Preservation Commission Report – The commission met yesterday. The HPC voted to recommend the designation of 2403 W 6th St., a former corner store, as a local landmark. DEDA will meet on March 27th, to purchase the property from the current owner The property has been difficult for 15 plus years, and ownership by DEDA is likely the best hope the building has for a positive future. HPC was given a presentation on the city's Hartley Park Green Infrastructure project: introducing a wetland-based filtration system for the urban watershed of Tischer Creek for a better water quality and preservation. Buckingham Creek was discussed as an important trout creek in the city. The property presented last month. DEDA plans to purchase the property from the current owner.

Joint Airport Zoning Board – No meetings.

Duluth Midway Joint Powers Zoning Board – No updates.

Adam Fulton made a final note of President Nelson's last meeting as President of the Planning Commission, and thanked her for her service. She will continue to serve as a Commissioner.

Adjournment

Meeting adjourned at 7:41 p.m.	
Respectfully,	
Adam Fulton – Deputy Director	-

Planning & Economic Development



Planning & Development Division

Planning & Economic Development Department

Room 160 411 West First Street Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 24-017		Contact		Chris Lee, clee@duluthmn.gov		
Туре	Interim Use Permit – Vacation Dwelling Unit in Form District		Planning Commission Date		n Date	April 9, 2024	
Dandling	1		February 16,	2024	60 Days	May 4, 2024	
Deadline for Action	Date Ex	Date Extension Letter Mailed		024	120 Days	July 3, 2024	
Location of Sub	Location of Subject 325 South Lake Avenue, Unit 1303						
Applicant	Marine	ron and Shipbuilding	Contact	Dan Me	n Meierhoff		
Agent			Contact				
Legal Description	Legal Description CIC #29 Waterfront Plaza Condom			444-0034	0)		
Site Visit Date March 29, 2024		March 29, 2024	Sign Notice Date March 26, 2024		March 26, 2024		
Neighbor Letter Date March 22, 2024		Number of Letters Sent 44		44			

Proposal

Applicant is proposing a new interim use permit for a vacation dwelling unit. The permit would allow for a 2-bedroom vacation dwelling unit 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, and there is no cap on number of permits issued.

Staff is recommending Planning Commission approve.

	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 A short-term rental allows property owners to generate income and provides a service for tourists in a tourist focused neighborhood.

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:

Staff finds that:

- 1) Applicant's property is located at 325 South Lake Avenue, Unit 1303. 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 with 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicants have listed themselves as the managing agent.
- 3) The site is not required to provide parking. However, the applicant has stated that there will be one parking space in the rear of the building for guests. Additional parking is available at other paid parking lots.
- 4) The site does not have any outdoor amenities and no screening is required as the unit is within an existing condominium/hotel building.
- 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.

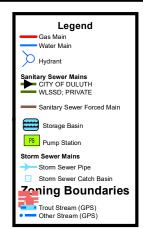
Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission approve the Interim Use Pemit subject to the following:

- 1) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 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



PL24-017 Interim Use Permit 325 S Lake Ave, 1303



, KBJR TV MARINE JRON SHIP BUILDING CANAL PARK SQUARE LLC CITY OF DULUTH 301 SLAKE MLASKOCH AVE BRETT M MARINE IRON & SHIP 20 SUTPHIN ST 325 S Subject Property MARINE IRON & 1325 S SHIP BUILDING LAKE AV LAKE AVE PASI ERIC LAKE AVE MARINE IRON & TRAXLER. GREGORY 25 S LAKE and Office **MARINE IRON &** SHIP BUILDING Prepared by: City of Duluth Planning & Economic Development, March 18, 2024 Source: City of Duluth Aerial photography flown 2019

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

Vacation Dwelling Unit Worksheet

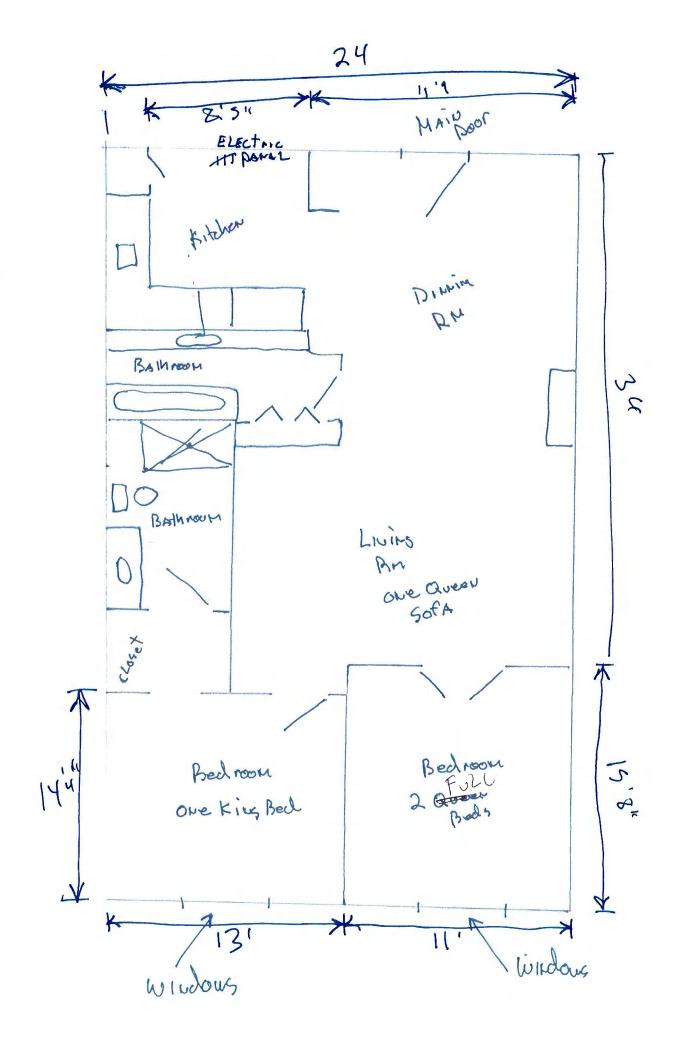
1. The minimum rental period shall be not less than two consecutive nights (does not apply to Form districts). What will be
your minimum rental period? nights
2. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms
multiplied by two. You may rent no more than four bedrooms.
How many legal bedrooms are in the dwelling? What will be your maximum occupancy?
3. Off-street parking shall be provided at the following rate:
a. 1-2 bedroom unit, 1 space
b. 3 bedroom unit, 2 spaces
c. 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.
d. Vacation dwelling units licensed on May 15, 2016, are entitled to continue operating under the former off-street
parking requirement. The parking exemption for vacation dwelling units licensed on May 15, 2016, expires upon
transfer of any ownership interest in the permitted property.
e. Form districts are not required to provide parking spaces.
How many off-street parking spaces will your unit provide?
4. 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?
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

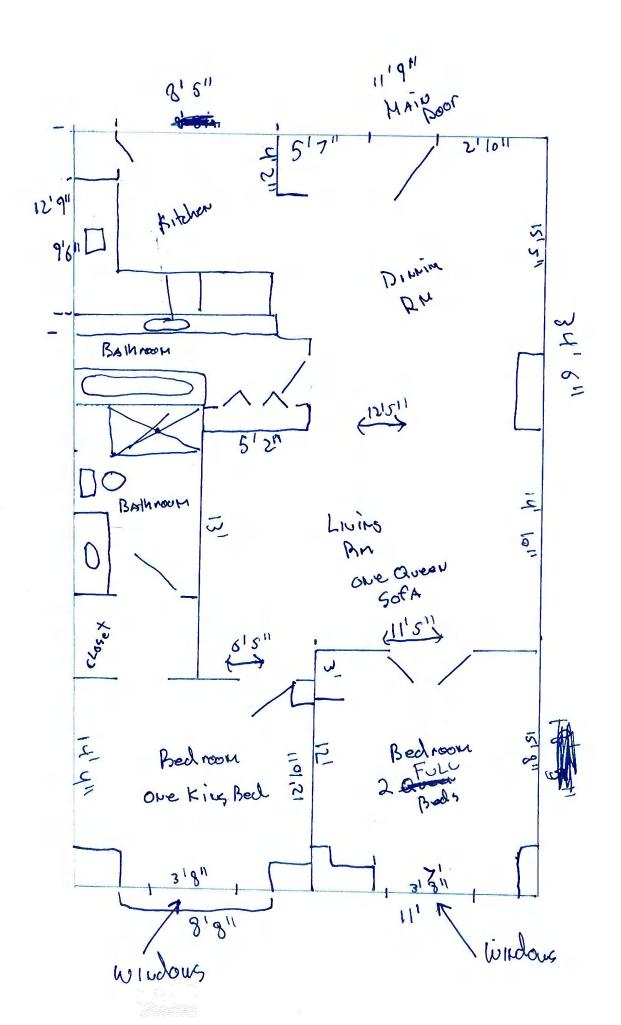
information for all guests and must provide a report to the City upon 48 hours' notice. Please explain how and where you will

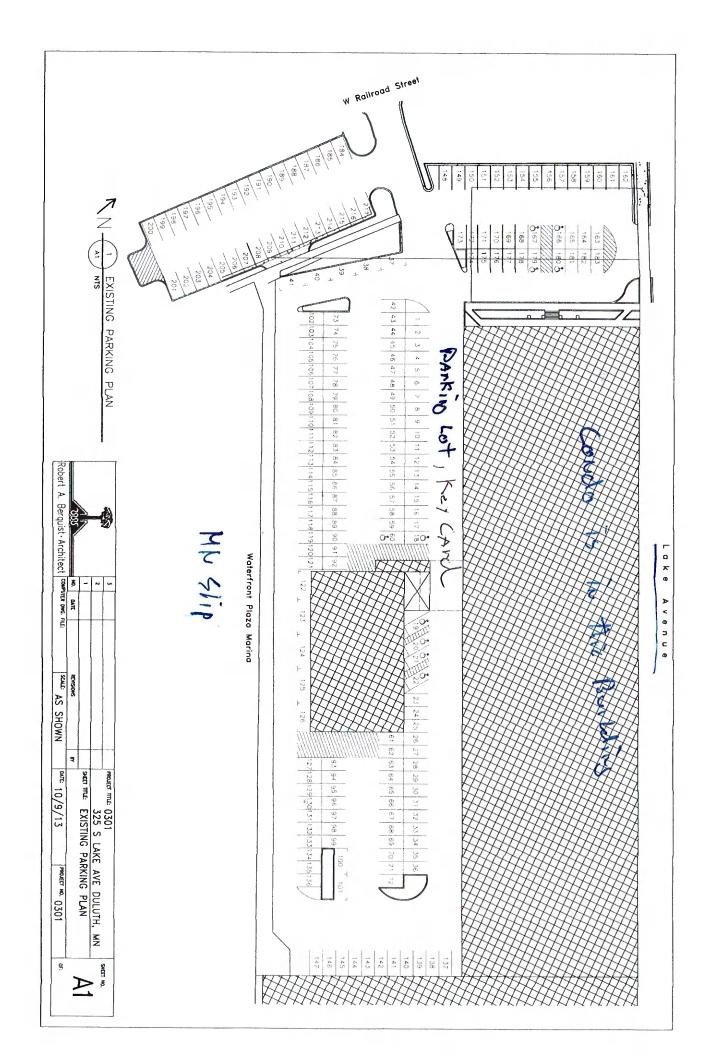
keep your guest record (log book, excel spreadsheet, etc): MANAges Office 9. Permit holder must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24-hours-a-day to any complaints from neighbors or the City. The permit holder must notify the Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information. Please provide the name and contact information for your local contact: DAN Mererhoff, or the MANAGER of A Property MANAGEMENT CONJUANY 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: EMAIL on overty of unit 11. Permit holder must post their permit number on all print, poster or web advertisements. Do you agree to include the

Development office. In addition, note that permit holder must notify neighboring properties within 10 days of a change in the

permit number on all advertisements? Yes

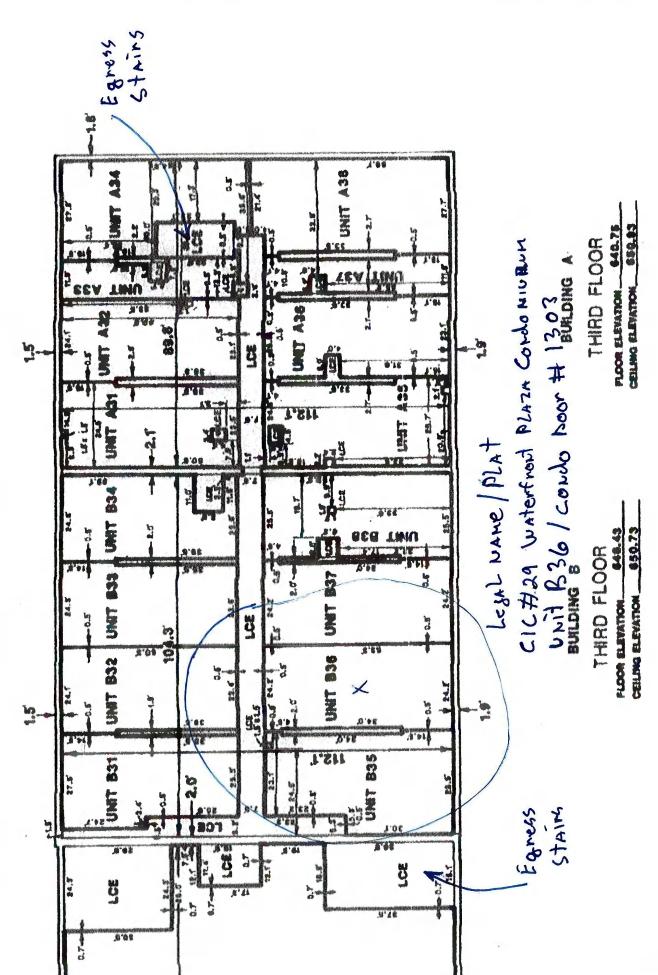


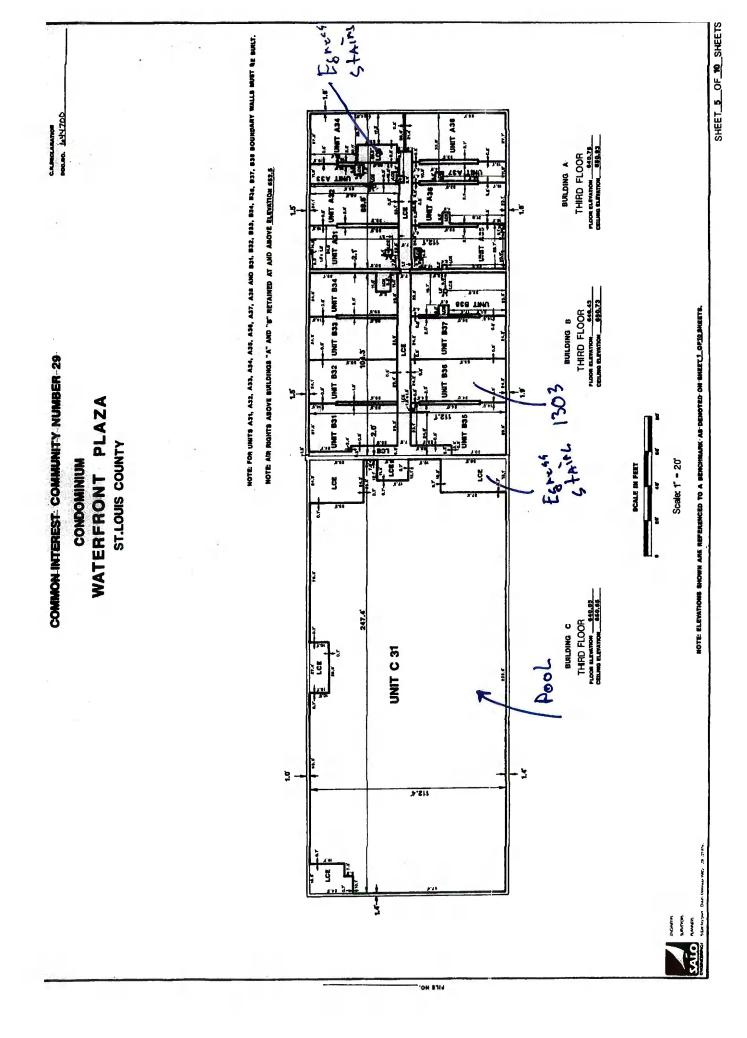




NOTE: FOR UNITS AS1, A32, A33, A34, A36, A38, A37, A38 AND 831, B32, B34, B36, B37, 838 BOUNDARY WALLS MUST RE SURT.

NOTE AIR RIGHTS ASOVE BUILDINGS "A" AND "B" RETAINED AT AND ABOVE ELEVATION 652.5







Planning & Development Division

Planning & Economic Development Department



218-730-5580



planning@duluthmn.gov

Room 160 411 West First Street Duluth, Minnesota 55802

File Number	PL 24-022		Contact	Jason Moz	Jason Mozol	
Туре	Minor Subdivision		Planning Comm	Planning Commission Date		
Deadline Applica		ion Date	March 4, 2024 60 Days		May 3, 2024	
for Action	Date Ext	ension Letter Mailed	March 21, 2024	120 Days	July 2, 2024	
Location of Sul	bject		PID # 010-089	0-07650		
Applicant		Heidi Mattila	Contact			
Agent			Contact			
Legal Description See Attached						
Site Visit Date		March 28, 2023	Sign Notice Date		N/A	
Neighbor Letter Date N/		N/A	Number of Lett	Number of Letters Sent		

Proposal

Applicant is requesting a Minor Subdivision to divide a parcel and create 2 new parcels in the Duluth Heights neighborhood.

Recommended Action: Staff recommends approval.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1, MU-C	Residential, Parking Lot	Traditional N'hood, Central Business Secondary
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements

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

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

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

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

Principle #5- Promote Reinvestment in Neighborhoods- This subdivision will allow the applicant to build infill housing in the neighborhood.

Future Land Use: Traditional Neighborhood – Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood.

History: The proposed parcel A contains a single-family home and garage that was built in 1939. The proposed parcel B is vacant and appears to not have any development history. The parcel is located in the Duluth Heights neighborhood. The underlying plat is "Duluth Heights 6th Division."

Review and Discussion Items

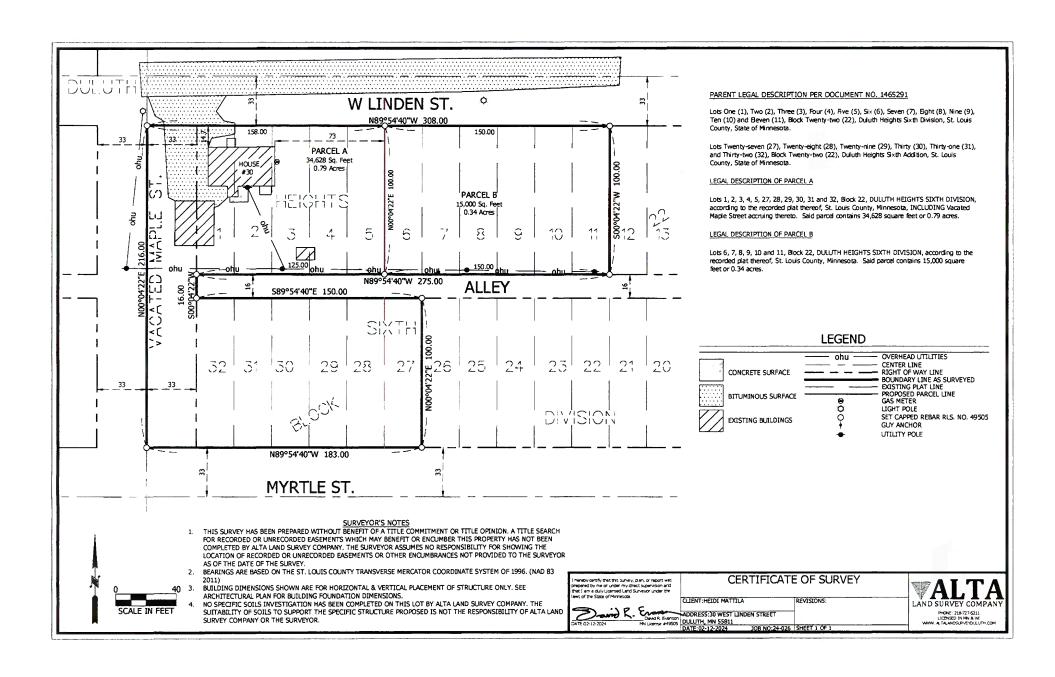
Staff finds that:

- 1. Applicant is requesting a Minor Subdivision to divide one parcel and create two parcels. The land is owned by the applicant. Parcel A contains a single-family home and a garage. Parcel B of the minor subdivision is undeveloped.
- 2. The subdivision will create lots that meet the zoning requirements of the R-1 district. Dimensional standards for each lot meet minimum frontage and lot area requirements.
- 3. Both parcels have the required street frontage along W Linden St. Parcel A also has frontage along an undeveloped section of W Myrtle St.
- 4. Both parcels have access to gas, water and sanitary sewer utilities in the W Linden St right-of-way.
- 5. The existing single-family home on Parcel A is an allowed use in the R-1 district. The structure is a legal non-conformity that is set 14.7' back from the front property line. This non-conformity will not be increased by subdividing the parcel.
- 6. The proposed subdivision, if approved, would not make the parcels non-conforming due to lot frontage, lot area, or similar bulk standard.
- 7. No public, agency, or other City comments were received.
- 8. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
- 9. 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.





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 24-023		Contact	Contact		Jason Mozol, jmozol@duluthmn.gov		
Туре	Variance	from rear yard setback	Planning Con	Planning Commission Date April			April 9, 2024	
Deadline for	Application Date		March 4, 202	March 4, 2024 60 Days			May 3, 2024	
Action	Date Extension Letter Mailed		March 21, 20	March 21, 2024			July 2, 2024	
Location of Sub	Location of Subject 228 N 25 th Ave E							
Applicant	Adam and	d Emily Huneke	Contact	Contact				
Agent	Contact							
Legal Description 010-4740-00010		010-4740-00010	Sign Notice	Sign Notice Date		March 25, 2024		
Site Visit Date March 28, 2024		Number of L	Number of Letters Sent 42					

Proposal

The applicant is requesting a variance to reduce the required 25' rear yard structure setback in an R-1 zone district. The applicant is proposing to reduce the setback to 14' 8".

Staff Recommendation

Staff recommends that the Planning Commission approve the variance.

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

Summary of Code Requirements

Sec. 50-37.9.C – General Variance Criteria (paraphrased): Granting of variances of any kind is limited to situations where, due to characteristics of the applicant's property, enforcement of the ordinance would cause the landowner exceptional practical difficulties. The Planning Commission must find the following for a variance to be granted: a) That the landowner is proposing to use the property in a reasonable manner, b) that the need for relief 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):

Principle #4- Promote reinvestment in neighborhoods- This variance will allow the property owner to invest in existing housing stock and retrofit the home to meet their needs.

<u>Future Land Use</u> **Traditional Neighborhood** – Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood.

History

The property contains a 2,615 square foot single-family home built in 1915 and an existing 28'x24' garage.

Review and Discussion Items:

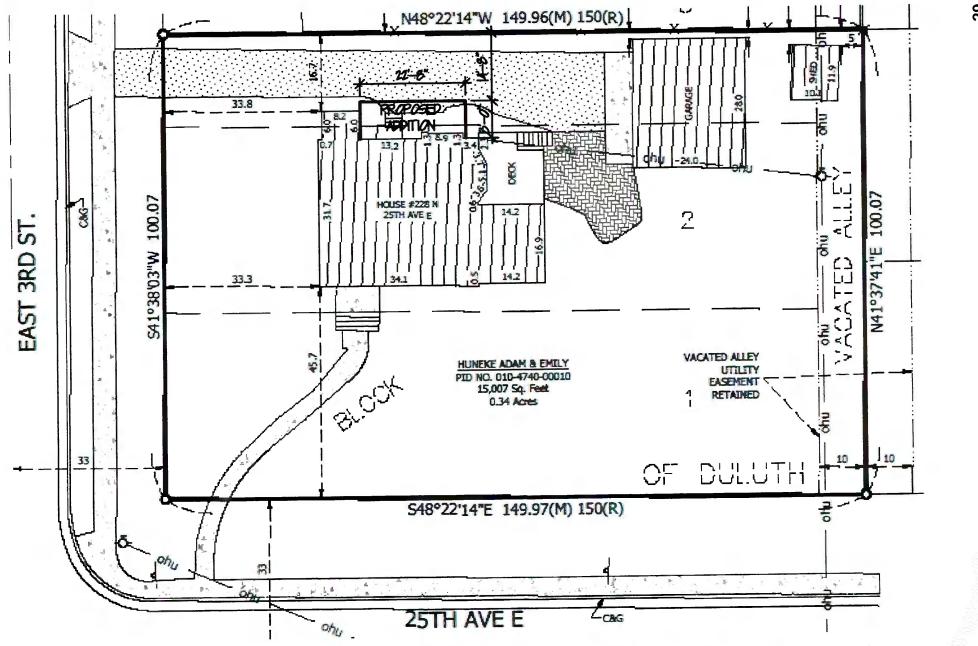
Staff find that:

- 1) The applicant is seeking a variance to reduce the required 25' rear yard setback to build an addition.
- 2) The applicant is proposing to construct an 8' x 25' 8" mudroom addition. The addition will add 205 sq ft to the building footprint and reduce the rear yard setback from the current 25' to 14' 8".
- 3) Staff finds the applicant has practical difficulty due to the house fronting on the avenue in an atypical manner that creates large front and side yards and a small rear yard. The applicant is proposing to use the property in a reasonable manner by constructing an addition.
- 4) The applicant's practical difficulty was not created by the landowner but rather is due to the way the property was initially developed.
- 5) The variance will not alter the essential character of the neighborhood. The addition will not make the home outsized compared to others in the neighborhood and will be finished with brick and trim to match the existing house.
- 6) The variance allowing a reduction of a setback will not impair an adequate supply of light and air to adjacent properties.
- 7) The proposal will not increase congestion in public streets or unreasonably diminish or impair established property values within the surrounding areas.
- 8) No comments from the public, outside agencies or the City were 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 the Planning Commission approve the variance with the following conditions:

- 1) The project be limited to the plans submitted with the proposed addition no closer than 14' 8" from the rear property line.
- 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.



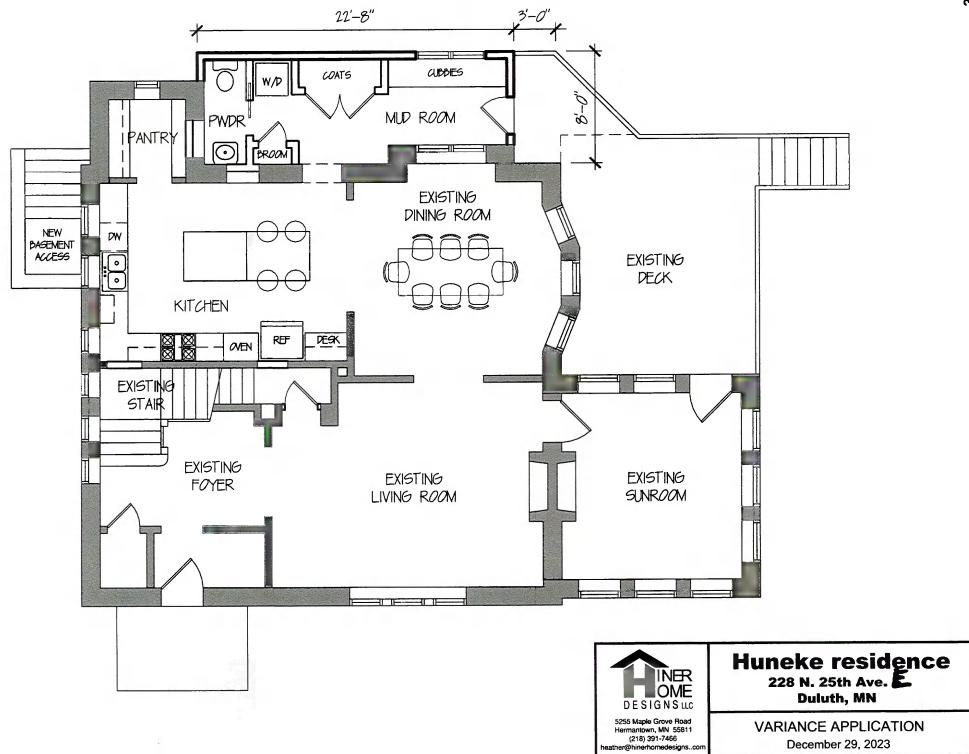


5255 Maple Grove Road Hermantown, MN 55811 (218) 391-7466 ther@hinerhomedesigns..co

Huneke residence 228 N. 25th Ave. Duluth, MN

VARIANCE APPLICATION December 29, 2023

December 29, 2023





Planning & Development Division

Planning & Economic Development Department



Room 160 411 West First Street Duluth, Minnesota 55802

File Number	PL 24-026		Contact	Contact Jenn Mose		25	
Туре	MU-W Planning Review		Planning Co	Planning Commission Date		April 2, 2024	
Deadline	Deadline Application Date		March 5, 20	March 5, 2024 60 Days		May 4, 2024	
for Action	Date Extension Letter Mailed		N/A	N/A 120 Days		July 3, 2024	
Location of Sub	Location of Subject 800 Railroad Street – Pier B		otel				
Applicant	Pier B		Contact	Sanford Hoff			
Agent	DSGW Architects		Contact	John Erickson			
Legal Description PIN		PIN 010-0200-01100	Sign Notice	Sign Notice Date		March 21, 2024	
Site Visit Date March 29, 2024		Number of	Number of Letters Sent 3		3		

Proposal

Applicant is proposing a 635 square foot addition to the lobby of Pier B.

Staff Recommendation

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

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-W	Hotel	Tourism & Entertainment
North	I-G	Freeway	Transportation & Infrastructure
South	N/A	Lake	N/A
East	MU-W, MU-N	Bayfront Park	Tourism & Entertainment
West	MU-W	Undeveloped (Lot D)	Tourism & Entertainment

Summary of Code Requirements

- 50-15.6 MU-W Planning Review
- 50-23 Connectivity and Circulation Focuses on pedestrian and bicycle accommodations. Includes design requirements for skywalks.
- 50-24 Parking and Loading Addresses required parking spaces, loading docks, and snow storage.
- 50-25 Landscaping and Tree Preservation Landscaping requirements and tree preservation
- 50-26 Screening, Walls, & Fences Includes requirements for commercial containers & mechanical equipment
- 50-29 Sustainability Standards Sustainability point system for new development.
- 50-30 Design Standards Building standards for multi-family, commercial, institutional, and industrial buildings.
- 50-31 Exterior Lighting Requires lighting to be downcast, full-cutoff fixtures.
- 50-37.11 Planning Review Planning Commission shall approve the Planning Review or approve it with modifications, if it is determined that the application complies with all applicable provisions of this Chapter.

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

Governing Principle #4 – Support economic growth sectors. This includes tourism.

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

History: In 2014, Planning Commission approved the MU-W Planning Review (PL 14-061) for the existing hotel.

Discussion

Staff finds that:

- 1) The applicant is seeking approval of a Planning Review for the MU-W district to add an additional 635 square feet to the lobby of Pier B hotel. Anything over 500 square feet requires Planning Commission approval.
- 2) The area proposed for the additional lobby enclosure is currently used as deck/patio and outdoor space. The lobby area is currently recessed from the façade of the hotel. The proposed lobby expansion will move the exterior wall of the building out to be in closer alignment with the rest of the hotel façade.
- 3) In 2014, it was determined that this site is within the Harbor Shoreland Area and is eligible for reduced setbacks from the waterfront. The lobby expansion will not encroach any closer to the water than the existing hotel façade.
- 4) Per UDC Section 50-15.6.E, development in the MU-W shall be visually and functionally oriented toward the waterfront. As seen in the building elevations provided by the applicant, the lobby expansion continues the design of the hotel with windows and doors opening onto the waterfront. The quality of design and materials on this façade are comparable to that on other building facades.
- 5) Buildings in the MU-W district are allowed a maximum width of 200 feet measured along the shoreline. This does not add any width to the existing building as measured in 50-15.6.E.2.
- 6) Existing connectivity and circulation to and around the hotel will remain.
- 7) No additional parking is proposed.
- 8) No exterior additional lighting is planned.
- 9) The UDC sections of landscaping, screening, and sustainability do not apply to this project.
- 10) No public, agency, or City comments have been received.
- 11) According to UDC 50-37.1.N, an approved Planning Review will expire if the project or activity authorized by the permit is not begun within 1 year.

Staff Recommendation

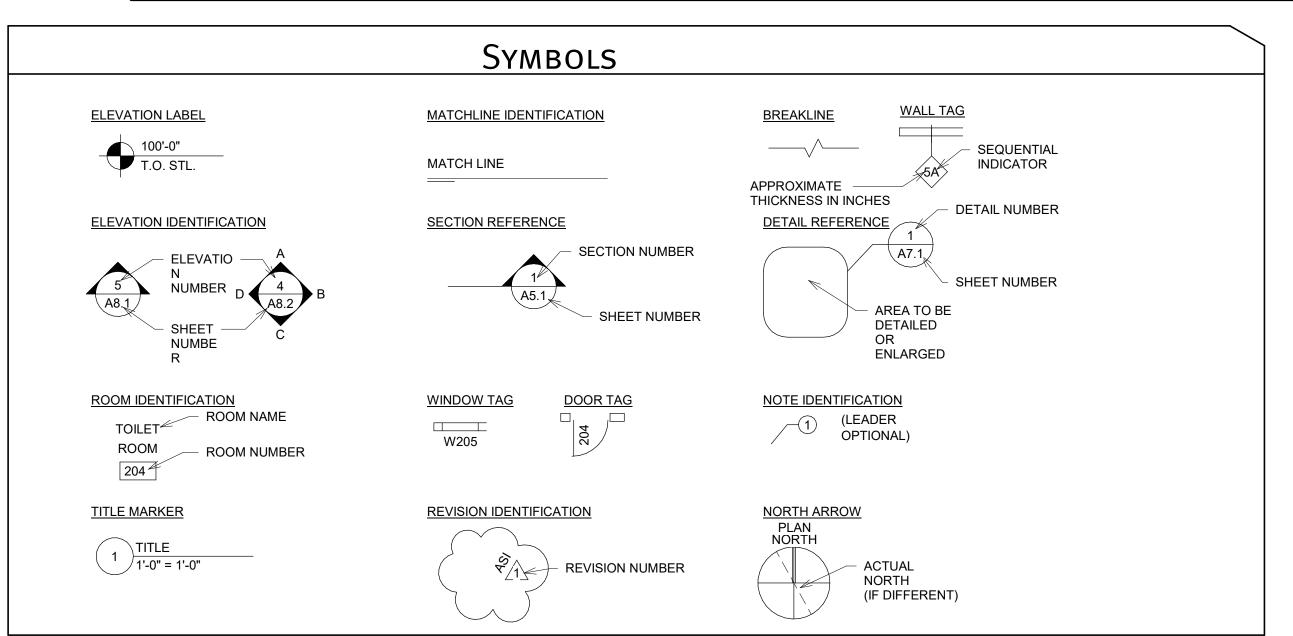
Based on the above findings, Staff recommends that Planning Commission approve the MU-I Planning Review with the following conditions:

- 1. The project be constructed, limited to, and maintained according to the plans and building elevations submitted with this application.
- 2. dAny 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.

Pier B Lobby Expansion 800 Railroad Street Duluth, MN

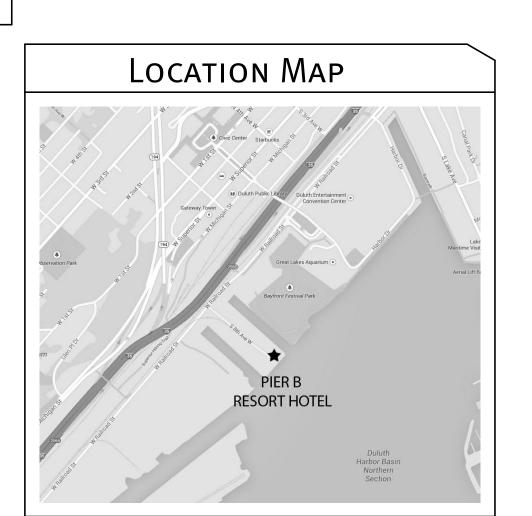
PROJECT NUMBER:

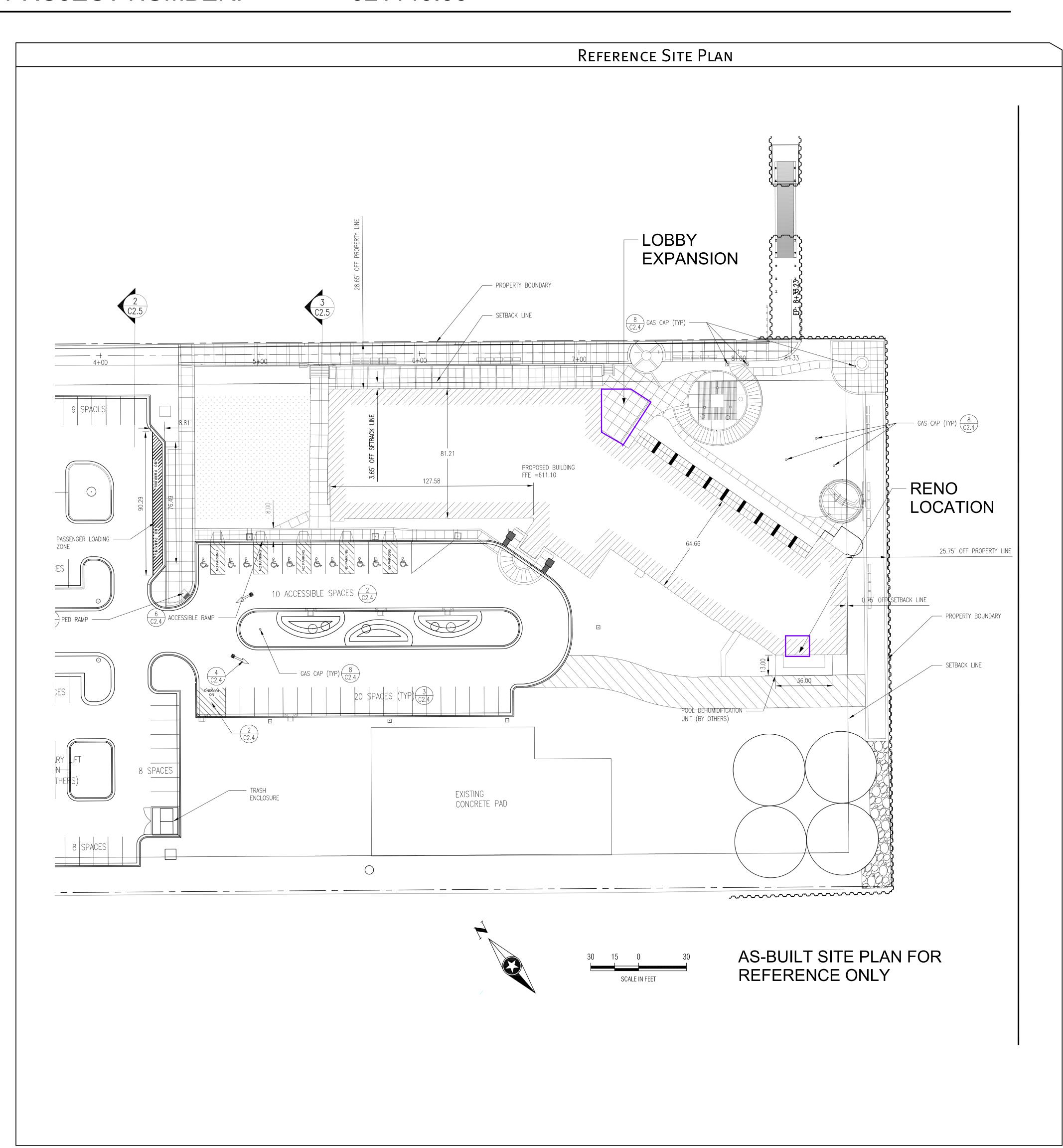
021140.00



	Мате	RIALS		SHEET INDEX				
	EARTH		RIGID INSULATION	Sheet No.	Sheet Name			
1				1-Architectural				
, , , , , , , , , , , , , , , , , , ,	COMPACT FILL/SAND		BATT INSULATION	A1.0	Title Sheet, Site Plan			
				A1.1	Code Plan Level 1			
5 (){				A2.1	Floor Plans			
	POROUS FILL/GRAVEL		GYPSUM BOARD	A2.2	Roof Plan & RCP			
				A4.1	Schedules & Types			
	MORTAR/PLASTER		PLYWOOD	A5.1	Exterior Elevations & Sections			
	MORTAIVI EAGTER		FLIWOOD	A6.1	Wall Sections & Details			
	FACE BRICK		CONT. ROUGH WOOD	2-Structural				
				S0.1	Cover Sheet			
				S0.2	Structural Notes			
	CMU		WOOD BLOCKING	S1.1	Typical Concrete Details			
				S1.2	Typical Steel Details			
<u>√</u> ∀]				S1.3	Typical Light Gauge Details			
<u>. `</u>	CONCRETE		FINISHED WOOD	S2.1	Partial Framing Plans			
				S2.2	Partial Roof Framing Plan			
	OTUD WALL (1:77	[XXXX]	DITUMBLE	S3.1	Foundation Sections			
	STUD WALL/METAL		BITUMINOUS	S4.1	Framing Sections			

PROJECT	TEAM
<u>OWNER</u>	ARCHITECT
Pier B Holding, LLC	DSGW Architects
115 S. 29th Avenue W.	2 West First St. Suite 201
Duluth, MN 55806	Duluth, MN 55802
Phone: 218-722-5556	Phone: 218-727-2626
Fax: 1-877-855-3971	Fax: 218-722-7467
Contact:Sandy Hoff	Contact: John Gerzina
Email: shoff@fisalter.com	Email: jgerzina@dsgw.com
STRUCTURAL ENGINEER	CONTRACTOR
Northland Consulting Engineers	Johnson Wilson Constructors
102 S. 21st Avenue West, Suite 1	4431 W. Michigan Street
Duluth, MN 55806	Duluth, MN 55807
Phone: 218-727-5995	Phone: 218-628-0202 Fax: 218-628-0205
Contact: Tom Rines	Contact: Shane Johnson
Email: tom@nce-duluth.com	Email: sjohnson@johnsonwilson.com







PIER B LOBBY

EXPANSION

roject #: 021140.00

date: 2/22/2024 4:25:35 PM

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

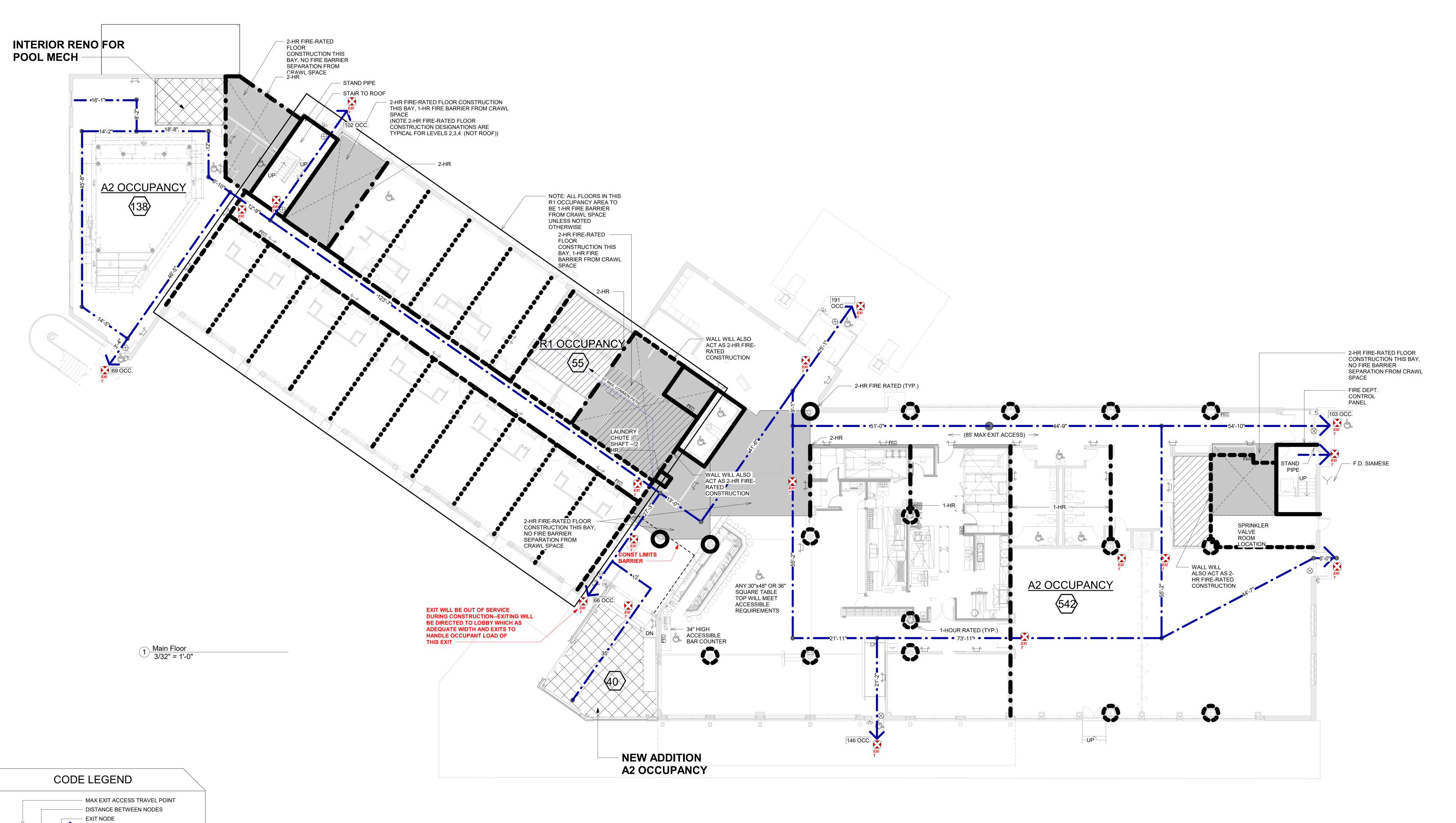
revision / issue no. date

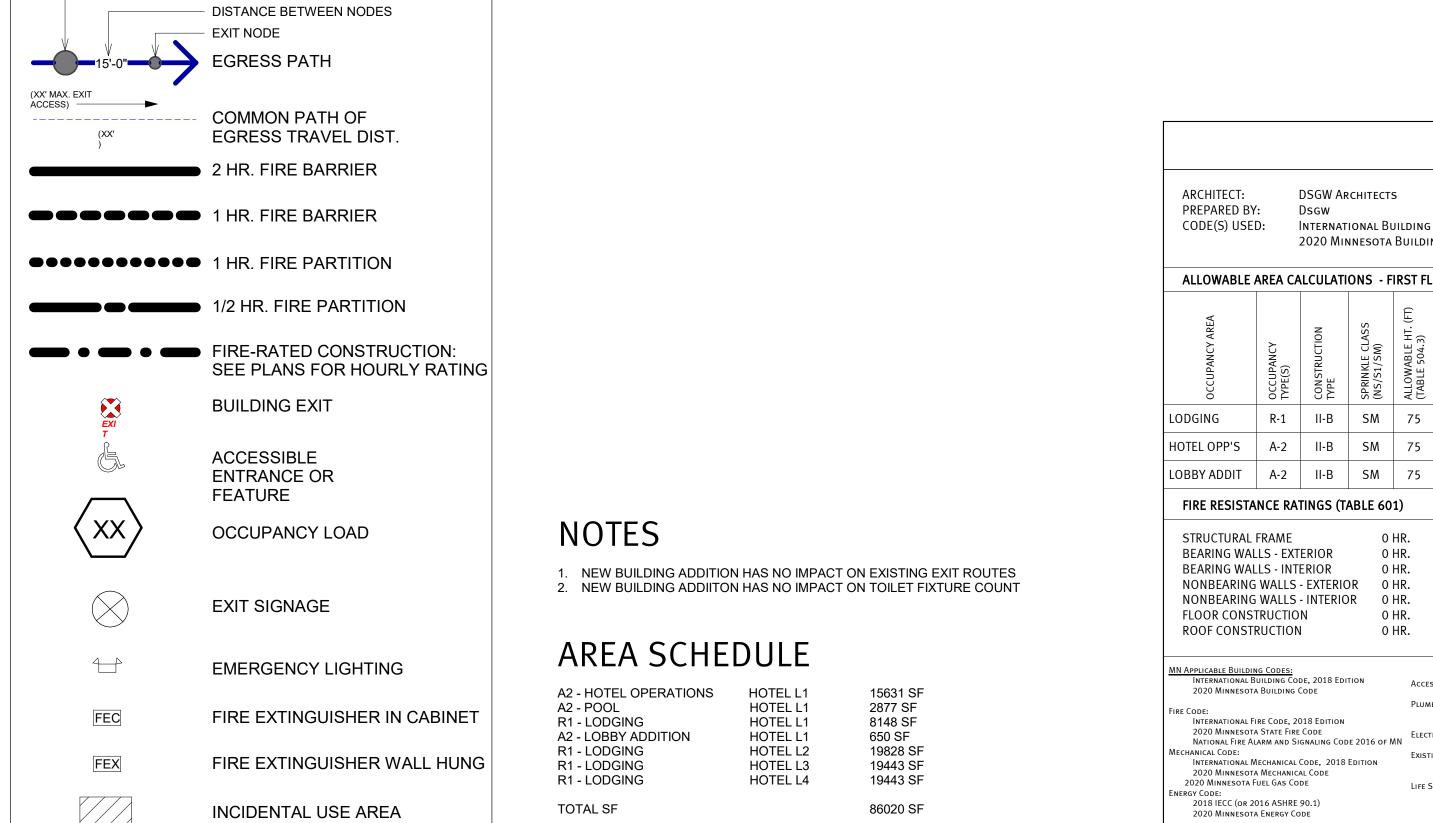
TITLE SHEET,

sheet title:

sheet

A1.0





TYPE IIB CONSTRUCTION

									IFF	SAF	FTV	<i>'</i> Δ κι	ΔΙΥ	SIS					
ARCHITECT: PREPARED BY CODE(S) USE	′: D:	2020 Mı	rional B nnesot <i>a</i>	uilding Buildii	ng Coi	2018 Ed	OITION					7 (11)	7L13	<u> </u>		UCE AN	FIRE I NONSEPARATI SEPARATI	NKLER SYSTEM: ALARM SYSTEM: ED OCCUPANCY: ED OCCUPANCY:	ADDITION & RENO YES YES NO YES
OCCUPANCY AREA	OCCUPANCY TYPE(S)	CONSTRUCTION	SPRINKLE CLASS (NS/S1/SM)	ALLOWABLE HT. (FT)	ACTUAL HEIGHT (FT)	ALLOW. STORIES ABOVE GRADE (TABLE 504.4)	ACTUAL STORIES ABOVE GRADE (S _A)	ACTUAL SF	TABULAR SF (Ar - TABLE 506.2)	ALLOW. AREA (NS - TABLE 506.2)	FRONTAGE INCREASE %	FRONTAGE INCREASE SF (I;) (SECTION 506.3)	ALLOW. AREA (A ₄)	RATIO		PANCIES R-1	RATING (HR)	EXCEP	TION
LODGING	R-1	II-B	SM	75	40	5	4	8,111	48,000	16,000	75%	12,000	60,000	0.14	ENEDO	Y CODE	MINNECOTA	NERGY CODE 2020	
HOTEL OPP'S	A-2	II-B	SM	75	40	5	4	18,426	28,500	9,500	75%	12,000	35,625	0.52	ENERG	IT CODE:	MINNESUIAE	Code Requirements	DESIGN CRITERIA
LOBBY ADDIT	A-2	II-B	SM	75	40	5	4	650	28,500	9,500	75%	12,000	35,625	0.02			ZONE		DESIGN CRITERIA
FIRE RESISTANCE RATINGS (TABLE 601) SUM OF RATIOS>> 0.7										0.7	-	THE	RMAL ENVELOPE						
STRUCTURAL FRAME 0 HR.											ROOFS	: INSULAT	ION ABOVE DECK	R-35 c.i.	R-35 c.i.				
BEARING WALLS - EXTERIOR O HR. BEARING WALLS - INTERIOR O HR.										W	/ALLS ABO	VE GRADE:MASS	R-20 + R-3.8 c.i.	R-21 + R-5 c.i.					
NONBEARING	WALLS	- EXTERIO	OR 0	HR.											WALLS ABO	OVE GRADI	E:METAL FRAMED	R-13 + R-7.5 c.i.	R-21 + R-10 c.i.
NONBEARING WALLS - INTERIOR O HR. FLOOR CONSTRUCTION O HR.								OR CONSTRUCTION 0 HR.							WALL	S BELOW GRADE	R-10 c.i.	N/A	
ROOF CONST	RUCTION	N	0	HR.											N	ONHEATE	D / HEATED SLAB	R-20 FOR 24" BELOW	R-20 for 60" below
MN APPLICABLE BUILDI		DE 2019 F-	ITION												0	PAQUE DO	OORS: SWINGING	U-0.37	U-0.37
International Building Code, 2018 Edition 2020 Minnesota Building Code 2020 Minnesota Building Code 2020 Minnesota State Accessibility Code Plumbing Code:												FENESTRATION							
FIRE CODE: One of the code of												OPERABLE	U-0.37	U-0.30 Argon					
NATIONAL FIRE ALARM AND SIGNALING CODE 2016 OF MN MECHANICAL CODE: NATIONAL ELECTRICAL CODE 2020 OF MN EXISTING BUILDING CODE: EXISTING BUILDING CODE:										E	NTRANCE DOORS	U-0.77	U-0.29						
International Mechanical Code, 2018 Edition 2018 International Existing Building Code 2020 Minnesota Mechanical Code 2020 Minnesota Fuel Gas Code Life Safety Code (NFPA): NFPA 101 (Only req'd for							SOL	AR HEAT G	AIN COEFFICIENT	U-0.45	U-0.45								
2018 IECC (or 2	NERGY CODE: HOSPITALS, NURSING HOMES, AND FEDERAL PROJECTS) 2018 IECC (or 2016 ASHRE 90.1) 2020 Minnesota Energy Code									AIR BARRIER	<0.004 cfm/fT^2	<0.004 CFM/FT^2							

ASTM E2178 ASTM E2178



PIER B LOBBY EXPANSION

project #: 021140.00

date: 2/22/2024 4:25:41 PM

drawn by: JPG

checked by: JMG

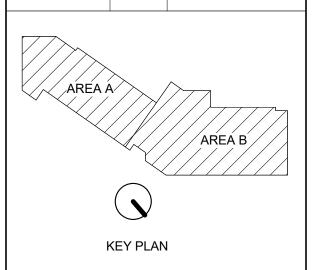
I hereby certify that this plan, specification, or report was prepared by or under my supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.

typed/printe
d name: JOHN E. ERICKSON, NCARB, LEED AP

reg. #: _24199______

sign date: _02/23/2024

revision / issue no. date



CODE PLAN

sheet title:

A1.1





Planning & Development Division

Planning & Economic Development Department



Room 160 411 West First Street Duluth, Minnesota 55802

File Number	PL 24-02	4	Contact		John Kelley, jkelley@duluthmn.gov			
Туре	Interim (Jse Permit– Vacation Dwelling Unit	Planning Commission Date			April 9, 2024		
Deadline	Applicat	ion Date	March 4, 2024 60 Days			May 3, 2024		
for Action	Date Ext	ension Letter Mailed	March 19, 2024		120 Days	July 2, 2024		
Location of Subject 1615 E. Superior Street.								
Applicant	ACW Dul	uth, LLC	Contact					
Agent	Gina Bor	tnem	Contact					
Legal Descript	ion	Parcel I.D. #010-1480-01460		•				
Site Visit Date		March 29, 2024	Sign Notice	Date		March 26, 2024		
Neighbor Lett	er Date	March 21, 2024	Number of I	Letters Se	ent -	43		

Proposal

Applicant is proposing a renewal interim use permit (original application was PL 18-029) for a vacation dwelling unit. The permit would allow for a 6-bedroom house with a maximum of 13 occupants.

Staff is recommending Planning Commission recommend approval.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2	Residential	Urban Residential
North	R-2	Residential	Urban Residential
South	R-2	Residential	Urban Residential
East	R-2	Residential	Urban Residential
West	R-2	Residential	Urban Residential

Summary of Code Requirements:

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

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

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



Planning & Development Division

Planning & Economic Development Department

Room 160 411 West First Street Duluth, Minnesota 55802



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

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

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

S9: Encourage expansion of the city's tourism economy through efforts to expand in areas of current activity, such as in Canal Park, but also through marketing and investment in destination neighborhoods and iconic tourism experiences unique to Duluth. The proposed IUP in this location will enhance the level of activity in the downtown, and increase opportunities for additional commerce.

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

Current History: The subject property, 1615 East Superior Street, had an approved interim use permit in 2018 for a 6-bedroom vacation dwelling unit by resolution 18-0421R.

Review and Discussion Items:

- 1) Applicant's property is located at 1615 East Superior Street. The proposed vacation dwelling unit contains 6 bedrooms, which would allow for a maximum of 13 guests.
- 2) Applicant is proposing a renewal interim use permit (original application was PL 18-029) for a vacation dwelling unit. The property is under the same ownership and there are no changes to the occupancy number and no exterior amenities have been added.
- 3) The applicant is proposing 6 off-street parking spaces (5 required). The parking spaces are accessed via a shared driveway that is covered by a driveway easement and maintenance agreement from East Superior Street.
- 4) Permit holders must designate a managing agent or local contact who resides with 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed Gina and Bryan Bortnem to serve as the managing agent.
- 5) The property owner to the east and west of the applicant's lot have provided letters waiving the requirement for a dense urban screen.
- 6) 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.
- 7) 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.
- 8) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 9) No public City, or agency comments were received.



Planning & Development Division

Planning & Economic Development Department

Room 160 411 West First Street Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

Staff Recommendation:

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

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



PL 24-024 Interim Use Permit 1615 E Superior St. Area Map



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.



DULUTH PROPERTY MANAGEMENT LLC

Office@duluthpm.com 301 E Gilead Street Duluth, MN 55811 218-409-6286

03/01/2024

To: Gina (ACW Duluth LLC)

Duluth Property Management manages the property at 1609 E Superior St. We have spoken with the owner and agree there does not need to be a buffer between the two properties.

Paul Kuchar Property Manager Duluth Property Mangement LLC

Property Waiver and Agreement

March 1, 2024

Re: Shared driveway and buffer between properties

To Whom it may concern:

This waiver and agreement pertains to the two neighboring properties located at 1621 East Superior St, Duluth, MN, which is owned by Christopher Rosenau and 1615 East Superior St, Duluth, MN, which is owned by Gina & Bryan Bortnem through ACW Duluth LLC.

Both property owners agree that the current shared driveway will continue to be shared for the foreseeable future and that neither party will prevent or block the other from using it to access the back of their respective properties.

In addition, this letter also waives either party from having to put up any additional buffers between the properties for an Interim Use Permit or Residential Rental Permit being sought through the City of Duluth. The current buffers are sufficient; whereas 1621 East Superior Street, Duluth, MN maintains their fence and bushes along one side of the driveway and 1615 East Superior Street, Duluth, MN maintains the pine trees along the other side of the driveway.

Should contact need to be made to verify this agreement and waiver our contact information is listed below.

Kind regards,

Gina M. Bortnem

ACW Duluth LLC: Managing Member 1615 E. Superior St, Duluth, MN 55812

Gina M. Bartnem

701-367-3677

Christopher R. Rosenau

Property Owner

1621 E. Superior St, Duluth, MN 55812

720-298-5631



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 24-029		Contact		John Kelley, <u>jkelley@duluthmn.gov</u>		
Туре	UDC Map Amendment		Planning Commission Date		on Date	April 9, 2024	
Deadline	Applicat	ion Date	March 6, 202	4	60 Days	May 5, 2024	
for Action	Date Ext	ension Letter Mailed	March 19, 20	24	120 Days	July 4, 2024	
Location of Sub	ject	An area adjacent to the Duluth International Airport, north of Airpo f Stebner Road, north and south of Lackland Street and south of M					
Applicant	Duluth Ai	irport Authority	Contact				
Agent	Mark Pap	oko	Contact				
Legal Description	n	See Attached Map					
Site Visit Date	Site Visit Date March 29, 2		Sign Notice Date			March 26, 2024	
Neighbor Letter	Neighbor Letter Date March 21, 2024		Number of Letters Sent		Sent	2	

Proposal

UDC Map Amendment/Rezoning to change the zoning of 6 acres from Mixed Use Business Park (MU-B) to AP (Airport) to accommodate the construction of a new control tower and associated site improvements for airport use.

Staff Recommendation

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

	Current Zoning	Existing Land Use	Future Land Use Map
Subject	MU-B	Airport operations (proposed AP)	General Industrial
North	AP	Airport runways	General Industrial
South	MU-B	Airport-related services and businesses	General Industrial
East	MU-B	Airport-related services and businesses	General Industrial
West	MU-B	Airport-related services and businesses	General Industrial

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 Principles

• Governing Principle #4 – Support economic growth sectors. The aviation industry continues to grow and this rezoning clarifies areas for airport operations. It does not affect related businesses located outside the proposed AP zone.

Comprehensive Plan Policies and Strategies

- Economic Development Policy #2 Foster growth of existing employers and strategically recruit new employers.
 - Strategy S7 Promote opportunities for easing travel for employees to and from Duluth, especially via initiatives such as the Northern Lights Express and through air service.
- Economic Development Policy #3 Build on existing economic strengths and competitive advantage.
 - Strategy S3 Maximize opportunities for economic growth on and around port and airport properties, consistent with their respective priorities. This rezoning clarifies areas for airport operations from business development.

Zoning:

- The MU-B district is intended to accommodate modern light industrial and technology-based developments
 Intended uses include wholesaling, industrial services, research laboratories, and light manufacturing needed to support the community and region at large.
- The AP district is intended to protect and reserve lands dedicated for airport operations. Structures and development (e.g., parking, hangars) that are incidental to and supportive of airport operations may be permitted

Future Land Use:

• General Industrial: Areas for manufacturing, processing, and other activities that may have off-site impacts and are generally isolated or buffered from other uses. Sites should have direct access to major regional transportation facilities and other infrastructure.

History:

Airport development began in 1930 with the creation of a municipal airport with turf runways. Development
continued in 1942 with the paving of runways, extending the east-west runway to roughly its present length in
1951. The MN Air National Guard and the U.S. Air Force base began construction in the late 1940s and continued
into the 1950s. The passenger terminal moved to the east end of the runways in the 1974 and was reconstructed
in 2012.

Review and Discussion Items:

Staff finds that:

- 1. The areas proposed for rezoning are owned by the City of Duluth with the Duluth Airport Authority managing the lands for airport operations.
- 2. The Duluth Airport Authority completed an evaluation of several locations within the airport facility for a new control tower location. Based on local and Federal analysis of the airport area to it was determined that this was the most suitable location for a new airport control tower do to site lines and future airport facility needs.
- 3. The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan, and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or be considered arbitrary and capricious. Good zoning practice requires that zone districts be consistent with the future land use category identified for the area and the generally applicable provisions of the adopted comprehensive plan. The Future Land Use Map in the Comprehensive Plan shows all of the land proposed for rezoning classified as General Industrial. The zone district that most appropriately implements this future land use is AP (Airport).
- 4. Comprehensive Plan Governing Principles, Policies, and strategies listed above recognize the role the airport has in business growth and expansion and the proposed rezoning helps that by identifying area reserved for airport operations.
- 5. This rezoning will not create material adverse impacts on nearby properties because the AP zoning boundary is a recognition of the status quo, largely following the extent of land identified in the Airport's Layout Plan for airport

operations.

- 6. The proposed zoning amendment is consistent with the purpose statements of the AP zone reserving land for airport operations.
- 7. Staff has discussed this rezoning with Airport Authority staff. No other agency, public, or City comments were received.

Staff Recommendation:

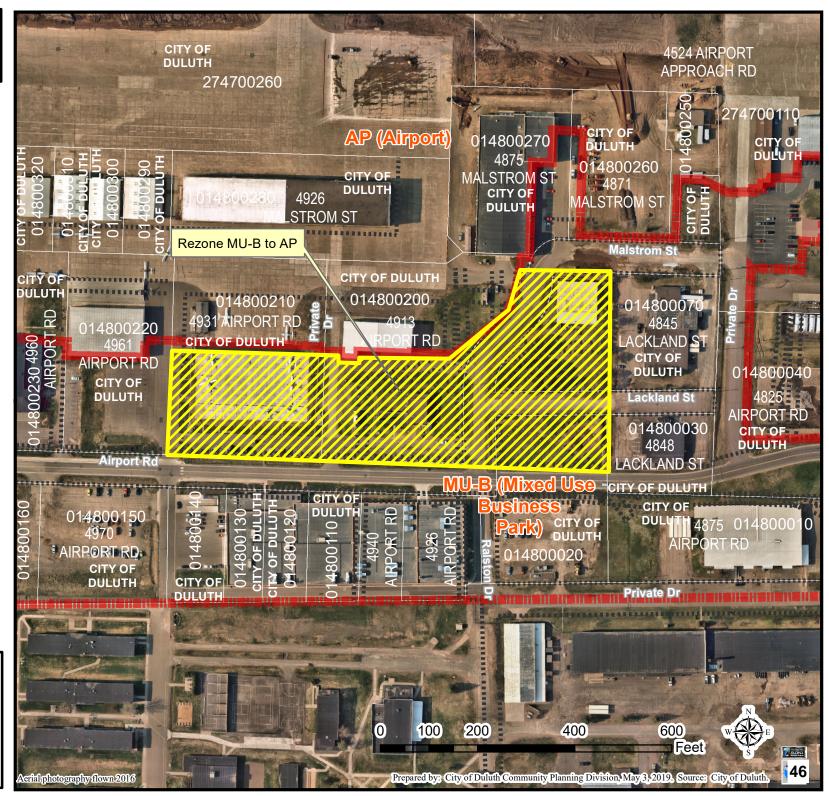
Based on the above findings, staff recommends to Planning Commission the UDC Map Amendment be recommended for approval by City Council for the following reasons:

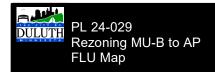
- 1) This proposal is consistent with the Comprehensive Land Use Plan.
- 2) The proposed amendment is consistent with the future land use category of "Transportation and Utilities."
- 3) Material adverse impacts on nearby properties are not anticipated.



Legend Road or Alley ROW Zoning Boundaries

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





Legend ■■■ Road or Alley ROW 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

Industrial UTHILL Rezone MU-B to AP Malstrom St **CITY OF DULUTH** CITYOF CITY OF **DULUTH** 014800230 CITY OF 014800070 014800200 DULUTH Medical District 014800210 CITY OF Institutional 014800220 DULUTH CITY OF DULUTH Lackland St 014800040 014800030 Airport Rd CITY OF **DULUTH** те д спуор д том 20 014800020 спуор спуор 00130 0148001 4800120 4800110 DULUTH CITYOF ∞ CITY OF **Private Dr** DULUTH The City of Duluth has tried to ensure that the information 200 400 600 100 Feet COATTAL 47 contained within Prepared by: City of Duluth Community Planning Division, May 3, 2019. Source: City of Duluth Aerial photography flown 2016

014800280

CITY OF

DULUTH

274700260

Transportation

and Utilities

General

CITY OF

DULUTH

014800270

274700110

DULUTH

48002

 $\bar{\mathsf{o}}$

014800260

CITY OF

DULUTH

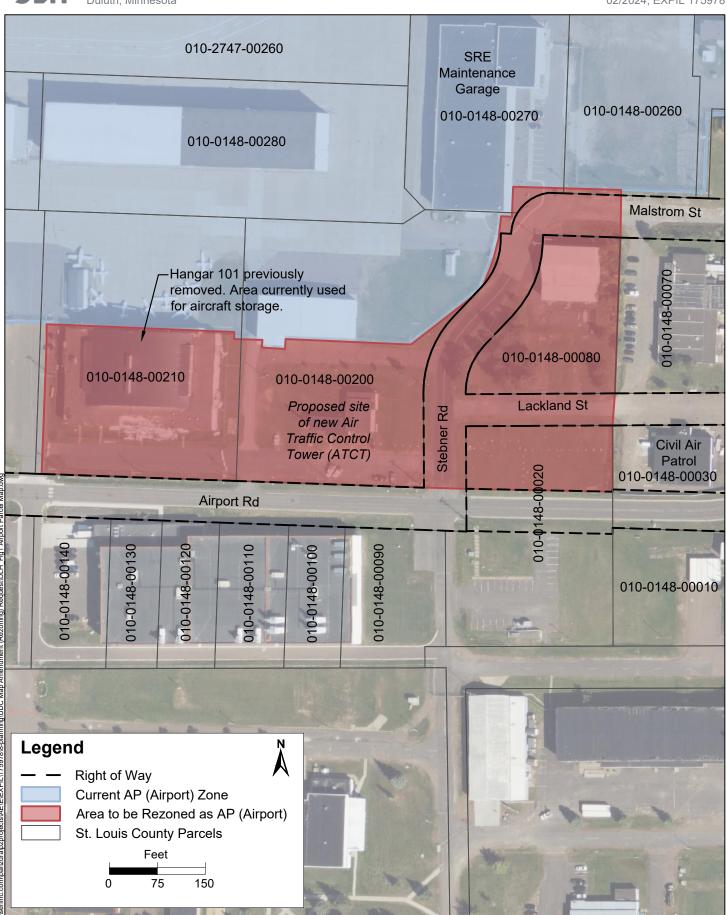
......

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



Duluth International Airport Duluth, Minnesota

UDC Map Amendment (Rezoning) Request 02/2024; EXPIL 175978





Planning & Development Division

Planning & Economic Development Department



218-730-5580



planning@duluthmn.gov

Room 160 411 West First Street Duluth, Minnesota 55802

File Number	PL 24-038		Contact	Contact Chris Lee, cl		e@duluthmn.gov	
Туре	Interim Use Permit for Overflow Parking Area		Planning Commission Date		April 9, 2024		
Deadline	Application Date		February 23, 2024		60 Days	April, 23, 2004	
for Date Ext		ension Letter Mailed	March 22, 2024	March 22, 2024		June 22, 2024	
Location of Subject 338 E Central Entrance		338 E Central Entrance					
Applicant	Tumble F	resh	Contact	Briar	an Martin, Linn Company		
Agent			Contact	Jose	Joseph Bailey		
Legal Descript	ion	PIN: 010-2710-05990		•			
Site Visit Date March 28, 2024		March 28, 2024	Sign Notice Date			March 18, 2024	
Neighbor Letter Date March 20, 2024		Number of Letter	Number of Letters Sent		23		

Proposal

The applicant is proposing an interim use permit for overflow parking to construct 6 parking spaces to accommodate customers and staff. This temporary parking lot will include stormwater retention and landscaping.

Recommendation

Staff recommends approval, subject to conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-C	Vacant/Laundromat	Central Business Secondary
North	MU-C	Retail	Central Business Secondary
South	R-1	Undeveloped	Open Space
East	MU-C	Undeveloped	Central Business Secondary
West	MU-C	Commercial	Central Business Secondary

Summary of Code Requirements

50-20.3.N Overflow Parking Area

- 1. Interim use permits may be granted for a period not to exceed two years (5 years with adequate documentation of need).
- 2. If the surrounding area demonstrates a need for parking, the Overflow Parking Area shall be public parking or shared with other nearby uses.
- 3. 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; 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.
- 6. The interim use permit shall terminate upon change in ownership of the property and is not transferable.

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

Governing Principles:

Principle # 1- Reusing of previously developed lands: this proposal is making improvements to an existing site in a business district.

Principle #5 - Promote reinvestment in neighborhoods: this proposal is utilizing an existing site to bring a new business to a business district.

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

History:

The property has been used as various automotive uses (repair, sales, service) since the structure was built in 1961. A Planning Review for a laundromat was approved in 2023 (PL23-143).

Review and Discussion Items

Staff finds that:

- 1) The applicant is proposing an interim use permit for a temporary parking lot with 6 parking spaces. This will be in addition to the 19 stalls permitted by the code, bringing the totally parking stalls on site to 25. This temporary parking lot will include stormwater improvements and landscaping.
- 2) The proposed primary use for the site is a laundromat that includes a pet wash. Applicant estimates their use will exceed maximum parking requirements due to the auto-oriented nature of the laundromat use and the fact that no on-street parking is allowed nearby.
- 3) Surrounding land uses do not demonstrate a need for additional public parking in the area per UDC 50-20.3.N.2; this parking will primarily be for TumbleFresh users.
- 4) The applicant is proposing 7 shrubs and 3 trees as landscaping for these 6 spaces. This meets the landscaping requirement for the overflow parking and contributes to the overall existing site parking.
- 5) The City Stormwater Engineer has reviewed the site and has no comment on the proposed temporary parking.
- 6) The parking lot will utilize the same lighting that was reviewed under the Planning Review approval and features code complaint lighting.
- 7) Applicant has submitted grading and erosion control plans that have been approved by the City Engineer with the Planning Review for the laundromat.
- 8) Applicant must provide an estimate to restore the area if the interim use lapses or the parking is not needed. Staff recommends that the applicant give financial security to cover this amount, along with permission for the city to restore the site.
- 9) A time limit on this Interim Use Permit is required in the event the overflow parking is no longer needed. The time period for this lot shall be two years from the date of approval. Applicant is responsible for monitoring the two-year expiration date and submitting a renewal application if desired at that time.
- 10) One comment from MnDOT was received with regards to access: "Any new business requires the new business owner to apply for an access permit from MnDOT due to the change in use of the access. MnDOT will review the access location and determine if any modifications should be made. MnDOT's first preference is for any new or changed access is to locate the access off of the local roadway rather than the state highway. This location as access to East Palm Street and South Blackman Avenue. Both of these roadways would be preferable to an access off of Central Entrance."
- 11) No other agency, city, or public comments have been received on this project to date.

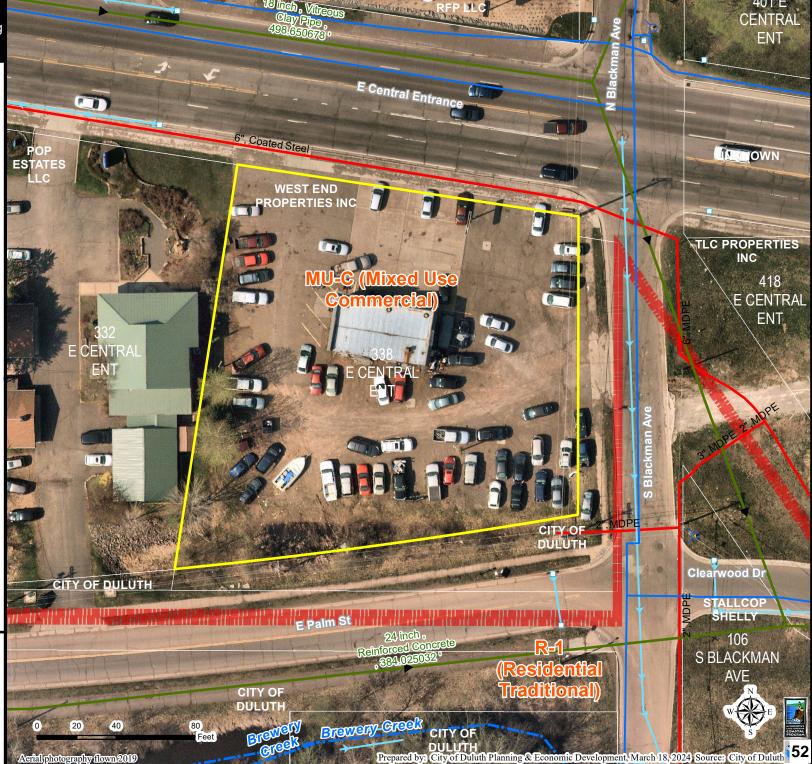
Staff Recommendation

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

- 1) The project be limited to, constructed, and maintained according to the construction plans drawn for this zoning application and included with this staff report.
- 2) This specific Interim Use Permit has a duration of two years, or upon change of ownership, whichever occurs first. Additional terms for the overflow parking will require additional Interim Use Permit applications be submitted, reviewed, and approved by the Planning Commission. Applicant is required to track the expiration date and submit a renewal application at that time if submitted.
- 3) Prior to receiving any construction applications, the applicant will submit an escrow valued at 125% of the cost to restore the site to vegetation; this amount shall, include removal of concrete. 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.
- 4) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of UDC Chapter 50.

PL24-038 Interim Use Permit - Parking 338 E Central Ent





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.

DATE: 6/08/202

23-199

1 OF 2

PROPERTY DESCRIPTION, Schedule A, Exhibit A:

Per Title Commitment No. 677543

That part of the NE1/4 of the NE1/4 of the SW1/4 of Section 21, Township 50 North, Range 14 West of the Fourth Principal Meridian, described as follows:

From the center of said Section 21 go thence Southerly along the North-South center line of said Section for a distance of 138.97 feet to the point of beginning; thence continue Southerly along said North-South center line a distance of 211.64 feet, more or less, to a point; thence deflect to the right 90 degrees 02 minutes and go West for a distance of 228.63 feet to a point; thence deflect to the right 98 degrees 38 minutes and go North to a point on the Southerly line of the Miller Trunk Highway, as such road was laid out and established across said land on June 4, 1940, said point being 193 feet Westerly from the point of beginning; thence deflect to the right at an angle of 90 degrees and go East for a distance of 193 feet to the point of beginning.

EXCEPT the Easterly 20 feet of Tract A described below:

Tract A: That part of the NE1/4 of NE1/4 of the SW1/4 of Section 21, Township 50 North, Range 14 West described as follows: From the center of said Section 21, run Southerly along the North and South Quarter line of said Section 21 for 138.97 feet to the point of beginning of Tract A to be described; thence continue Southerly along said North and South Quarter line for 211.64 feet, more or less, to a point; thence deflect to the right at an angle of 90 degrees 02 minutes 00 seconds for 228.63 feet; thence deflect to right at an angle of 98 degrees 38 minutes 00 seconds to a point on the Southerly right-of-way line of the Miller Trunk Highway as located and established on June 4, 1940, distant 193 feet Westerly of the point of beginning; thence deflect to the right at an angle of 90 degrees 00 minutes 00 seconds for 193 feet to the point of beginning, excepting therefrom the Southerly 15 feet thereof; together with that part of Tract A hereinbefore described, adjoining and Westerly of the above described strip, which lies Northerly of a line run parallel with and distant 10 feet Southerly of the North line of said Tract A; also together with that part of Tract A hereinbefore described, adjoining and westerly of the first above described strip, which lies Southerly of a line run parallel with and distant 40 feet Northerly of Line 1 described below:

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

Torrens Property

SURVEYOR NOTES:

Orientation of the bearing system is based on the east line of the NE1/4 of the NE1/4 of the SW1/4 of Section 21, T50N, R21W, to have a bearing of S 00°33'21" W.

The survey to which this certificate is attached, prepared by the undersigned and captioned "ALTA/NSPS Land Title Survey", was actually made by instrument survey on the ground in accordance with the legal description provided by Stuart Title Guaranty Company per Commitment Number 677543, commitment date May 4, 2023 at 7:00 am, including without limitation, all courses and distances and the area, is correct.

The property has adequate access to East Central Entrance (U.S. Highway Number 53), a public highway, South Blackman Avenue, and East Palm Street, both are dedicated public roadways contiguous to the premises. Access for the property is on Blackman Avenue (curb cut, shown on survey). Above ground utilities have been field located as shown. Underground utilities have been located and shown from a Gopher One Call locate, Ticket No. 231564200 all underground utilities may or may not have been shown.

The legal description forms a mathematically closed figure with no gaps, gores or overlaps. There is no observed evidence of cemeteries on or within the subject site.

There is no observed evidence that the site is used as a solid waste dump, sump, or sanitary landfill. There is no observed evidence of any earth moving work, building construction or recent building additions.

There are no known changes or proposed changes to street or highway right of way lines or any recent construction of streets or sidewalks.

No wetland delineation markers were observed at the time of the survey. Address for this property is 338 East Central Entrance, Duluth, Minnesota 55811. The property identification number for this property is 010-2710-05990.

Based on maps prepared by the Federal Emergency Management Agency (FEMA) available online at www.msc.fema.gov, and by graphic plotting only, this property is in Zone C, area of minimal flooding, according to Flood Insurance Rate Map Number 270421 0025 C, which bears a date of April 2, 1982 and is not in a Special Flood Hazard Area. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify the accuracy of the maps and/or to apply for a variance from the Federal Emergency Management Agency.

The current zoning for the premises is MU-C (Mixed Use Commercial), per the interactive city of Duluth Planning and Zoning Map obtained on May, 5, 2023.

The following provisions of the zoning ordinances (Per City of Duluth Planning and Zoning Department) apply to the premises:

Current zoning: MU-C

Front yard set back: 0 feet (Central Entrance) Rear yard set back: 15 feet (Central Entrance) Side yard set back: 15 feet (Blackman Avenue)

Side yard set back: 0 feet (Westerly side) Minimum On-Site parking requirements: 1 space per 500 square feet of building area

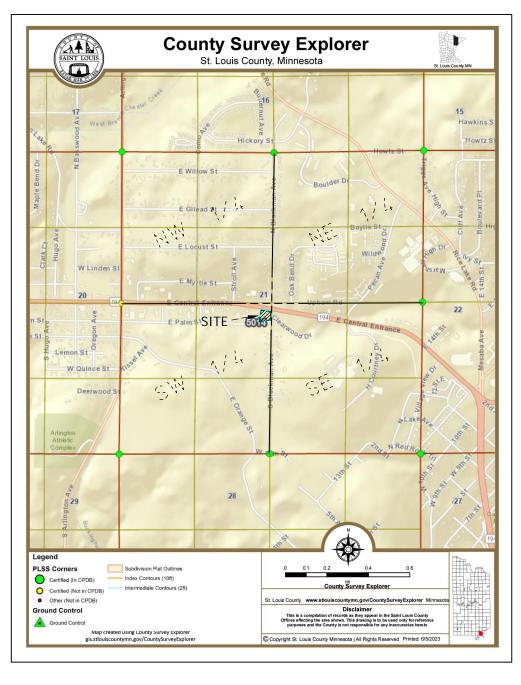
There are 10 regular parking stalls and 0 handicap parking stall on this property for a total of 10 parking stalls.

Area of this property is 33,597 square feet or 0.7713 acres \pm .

Vertical Relief is based on the North American Vertical Datum of 1988 (NAVD88). The Contour Interval is 1 foot. The information was recorded during a ground survey.

Benchmark: Top Nut Hydrant, NE Quadrant of East Palm Street and South Blackman Avenue, elevation = 1226.98 NAVD88.

VICINITY MAP:



SECTION 21, T50N, R14W, ST. LOUIS COUNTY, MINNESOTA.

TITLE COMMITMENT NOTES (Schedule B, Part II)

The title commitment was prepared by Stuart Title Guaranty Company per Commitment Number 677543, commitment date May 4, 2023 at 7:00 am.

Exception numbers 1-2, 4-12, 18 and 19 have been reviewed and are not survey related.

Exception 3: Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. (shown on survey)

Exception 13: Subject to easement in favor of the public for slopes on Central Entrance, as such easement was condemned by City of Duluth, a municipal corporation, in certain condemnation proceedings, the plat in which proceedings was filed in the office of the Register of Deeds, on September 1, 1926, in Book N of Plats, page 230. (not shown on survey)

Exception 14: Subject to an easement for slopes and fills in favor of the public as the same was condemned by the City of Duluth, as evidenced by condemnation plat recorded in the office of the Register of Deeds, on September 1, 1926, in Book N of Plats, page 230. (same as exception 13 not shown on survey)

Exception 15: Agreement dated July 26, 1961, filed July 26, 1961 as Document Number 287426.0. (blanket easement over entire parcel not shown

Exception 16: Easement for highway purposes in favor of City of Duluth dated September 6, 1974, filed January 9, 1975 as Document Number 381791.0 (shown on survey)

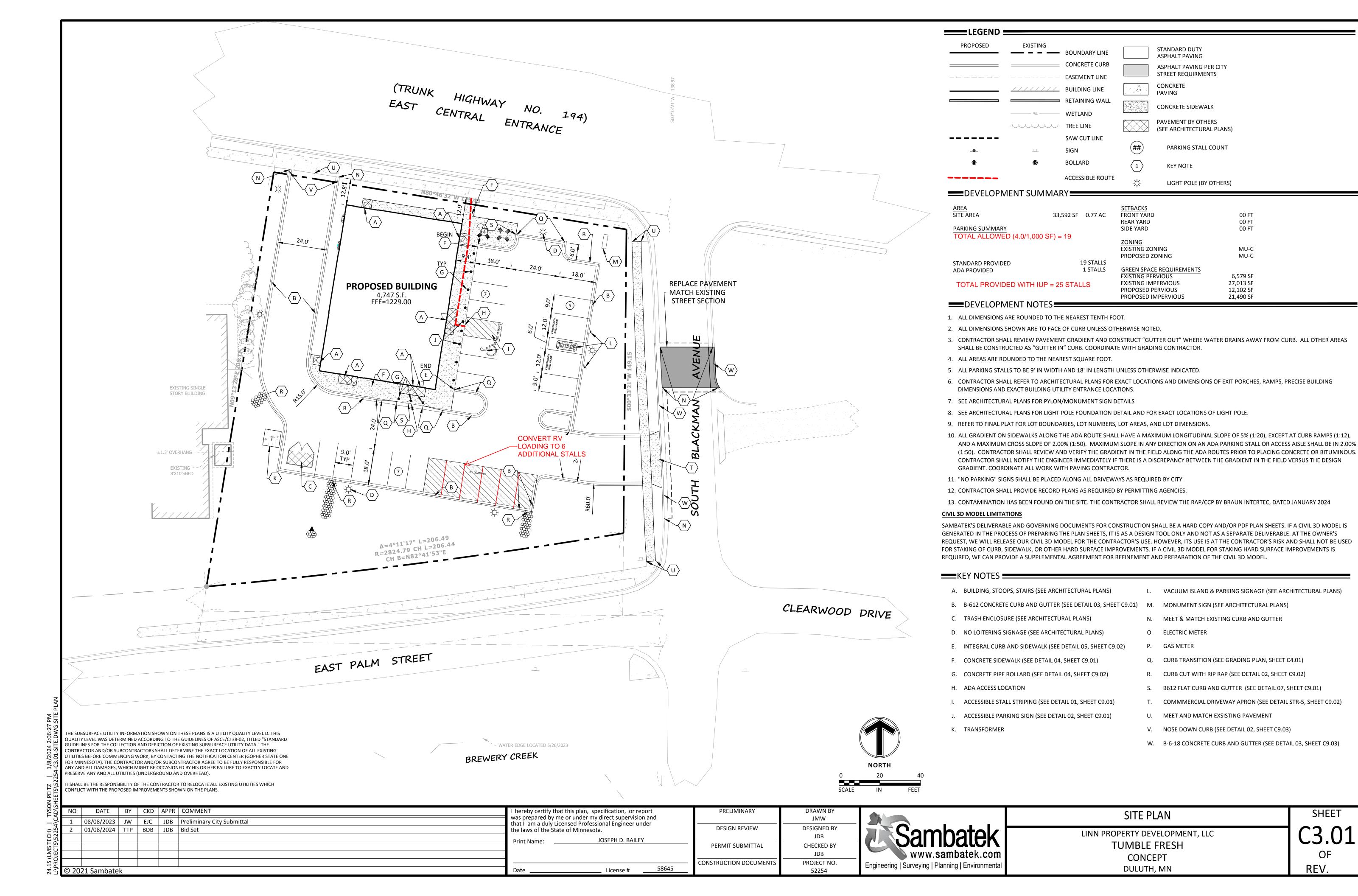
Exception 17: Partial Final Certificate in favor of State of Minnesota dated September 22, 2006, filed September 27, 2006 as Document Number 825022.0. (not shown on survey)

CERTIFICATION:

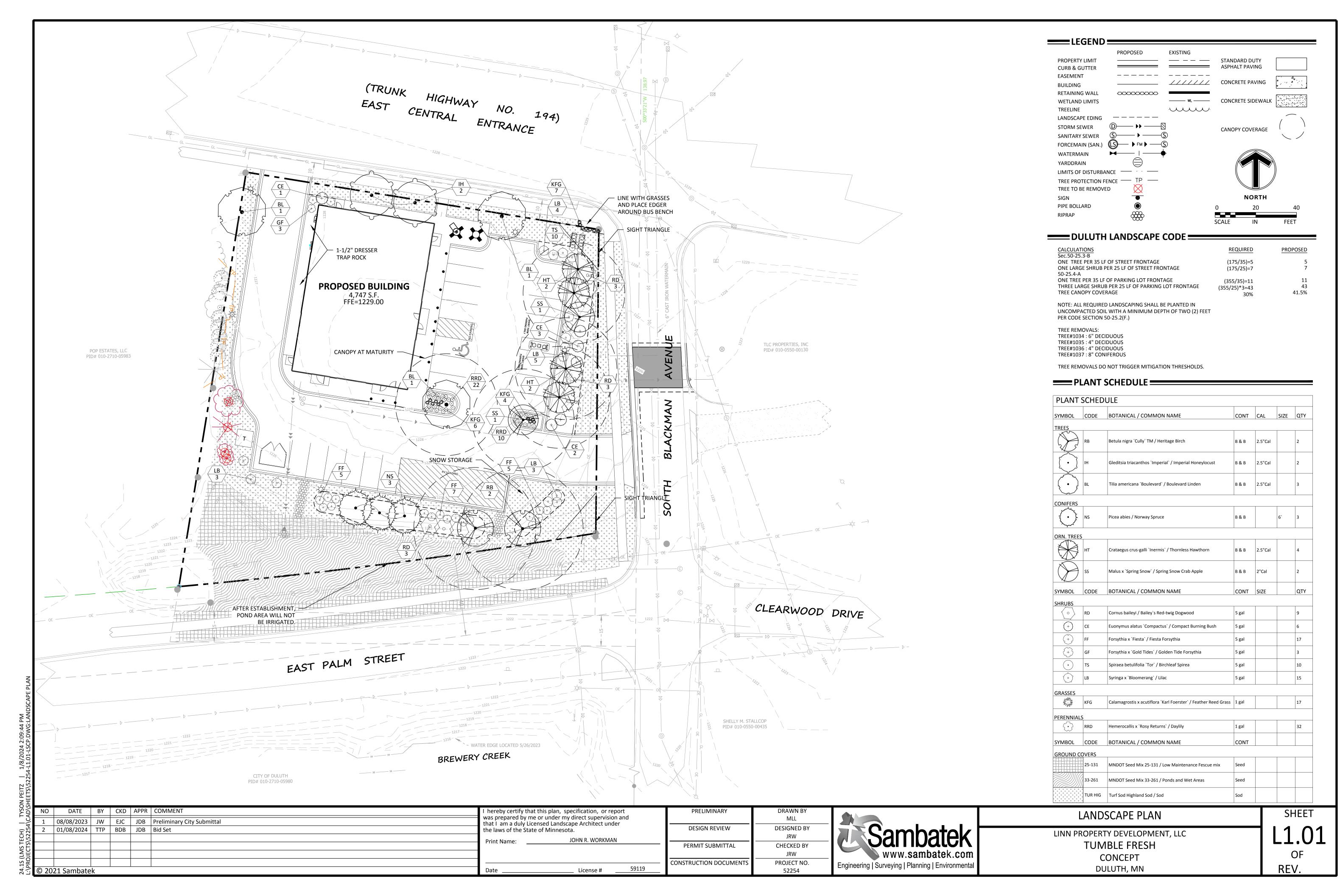
To Linn Property Development, LLC, a Minnesota limited liability company, it's successors and assigns, and to Stuart Title Guaranty Company and all of their successors and assigns.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1-5, 6a, 6b, 7a, 7b1, 7c, 8, 9, 11, 13, 14, 16-19, and 21a-21d of Table A thereof. The field work was completed on May 26, 2023.

Signed this 8th day of June, 2023. For JPJ Engineering, Inc.



SHEET





August 8, 2023

RE: Stormwater Management Plan
Tumble Fresh – East Central Entrance

The following is a summary of the stormwater management system for the proposed Tumble Fresh project located at 338 East Central Entrance in Duluth, MN. The project has been designed to meet the requirements of the City of Duluth as summarized in the following paragraphs.

I. Existing Conditions

The existing site is comprised of a small building surrounded by mostly gravel parking lot. There is a small stormwater basin on the south end of the site that stormwater surface drains to. The site is gently sloping from north to south with elevations ranging from 1229 to 1224. The existing soils on site consist of mostly fill material along with traces of swamp deposits and glacial till at depths of approximately 6 to 16 feet.

II. Proposed Conditions

The project proposes to remove the existing building and construct an approximately 4,700 s.f. self-service laundry facility and a 24-stall bituminous lot. The existing stormwater basin located at the south end of the site will be utilized for the proposed stormwater discharge. The stormwater will be surface drained to the basin as it is in the existing conditions. The City of Duluth requires that redevelopments between 3,000 s.f. and 1 acre, either reduce impervious surface area by 10% or provide 50% TSS removal. The City of Duluth also requires that predevelopment peak runoff rates be maintained or reduced.

III. Rate Control

The City of Duluth requires that predevelopment peak flow rates for all storm events be maintained or reduced. With the reduction in impervious area of 20%, and utilizing similar drainage patterns and existing stormwater basin, we determined that the runoff rates from the proposed improvements will be reduced from the existing runoff rates.

IV. Water Quality

The City of Duluth requires that redevelopments between 3,000 s.f. and 1 acre, either reduce impervious surface area by 10% or provide 50% TSS removal. The existing site has approximately 27,013 s.f. of existing impervious area, while the proposed site provides 21,490 s.f. of impervious area, a reduction of 20% or 5,523 s.f. This reduction in impervious area exceeds the requirements of the City of Duluth. The results of the water quality analysis are summarized in the table(s) below; please refer to the attached calculations for further detail.

VI. Emergency Overflow

The proposed parking lot will have an overflow to the pond near the southeast corner of the parking lot, with an elevation of approximately 1226.39. A secondary overflow towards South Blackman Ave has also been noted on plan of 1226.91, still greater than 2' below the FFE.

Linn Property Development, LLC. August 8, 2023 Page 2

VIII. Erosion & Sediment Control

Silt fence will be placed around the perimeter of the construction limits to help limit erosion and sediment discharge from the site. A stone construction entrance will also be incorporated to limit sediment from tracking off site.

IX. Summary

The proposed 20% reduction in impervious surface meets the City of Duluth's requirements for Water Quality, Volume and Rate Control per section 50-181 of the Duluth UDC Code.

If you have any questions or comments regarding this report, please feel free to contact me at 746-ibailey@sambatek.com or 763-746-1606.

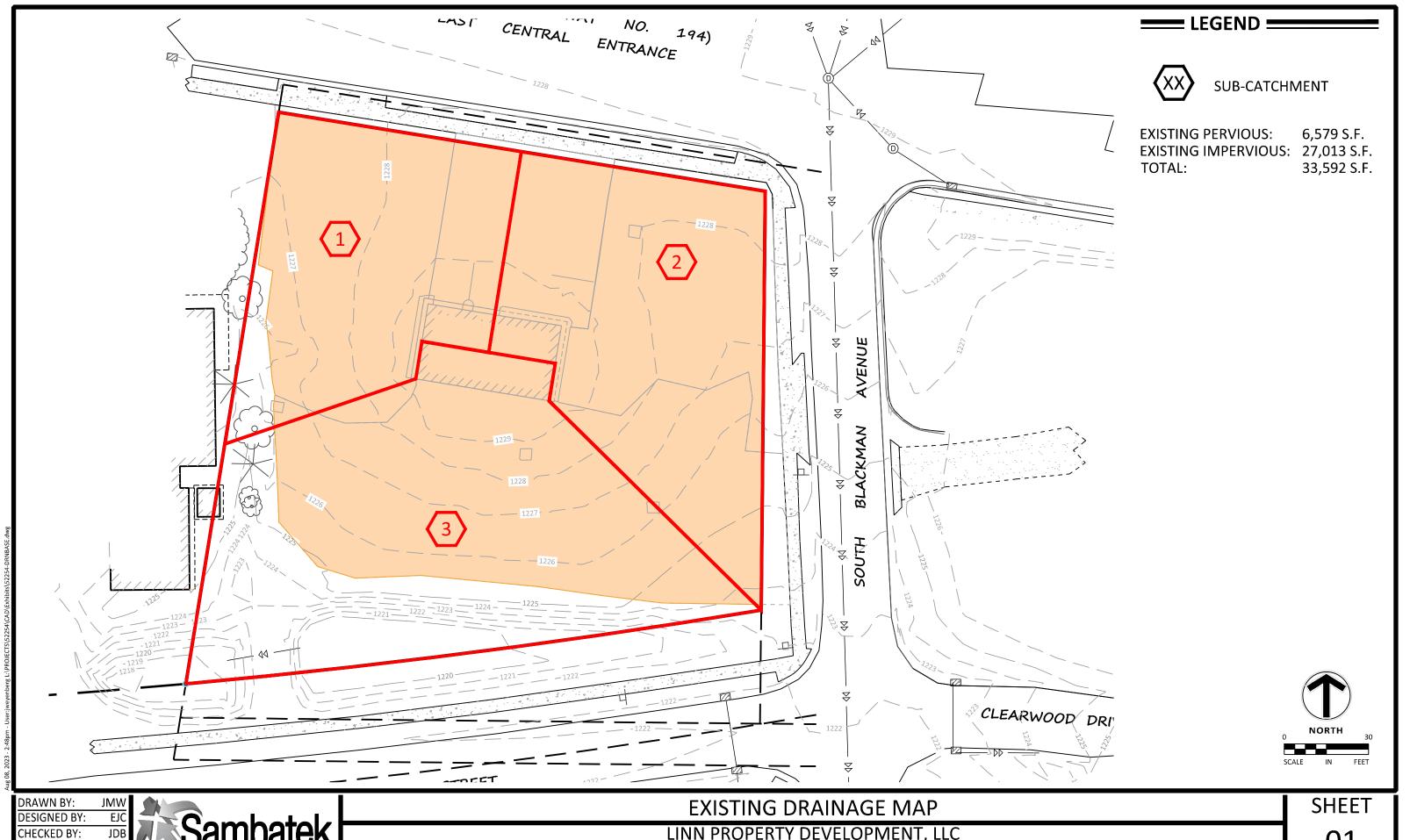
Sincerely,

Sambatek, Inc.

Joseph Bailey, PE Project Manaager

Attach:

1. Drainage Diagrams



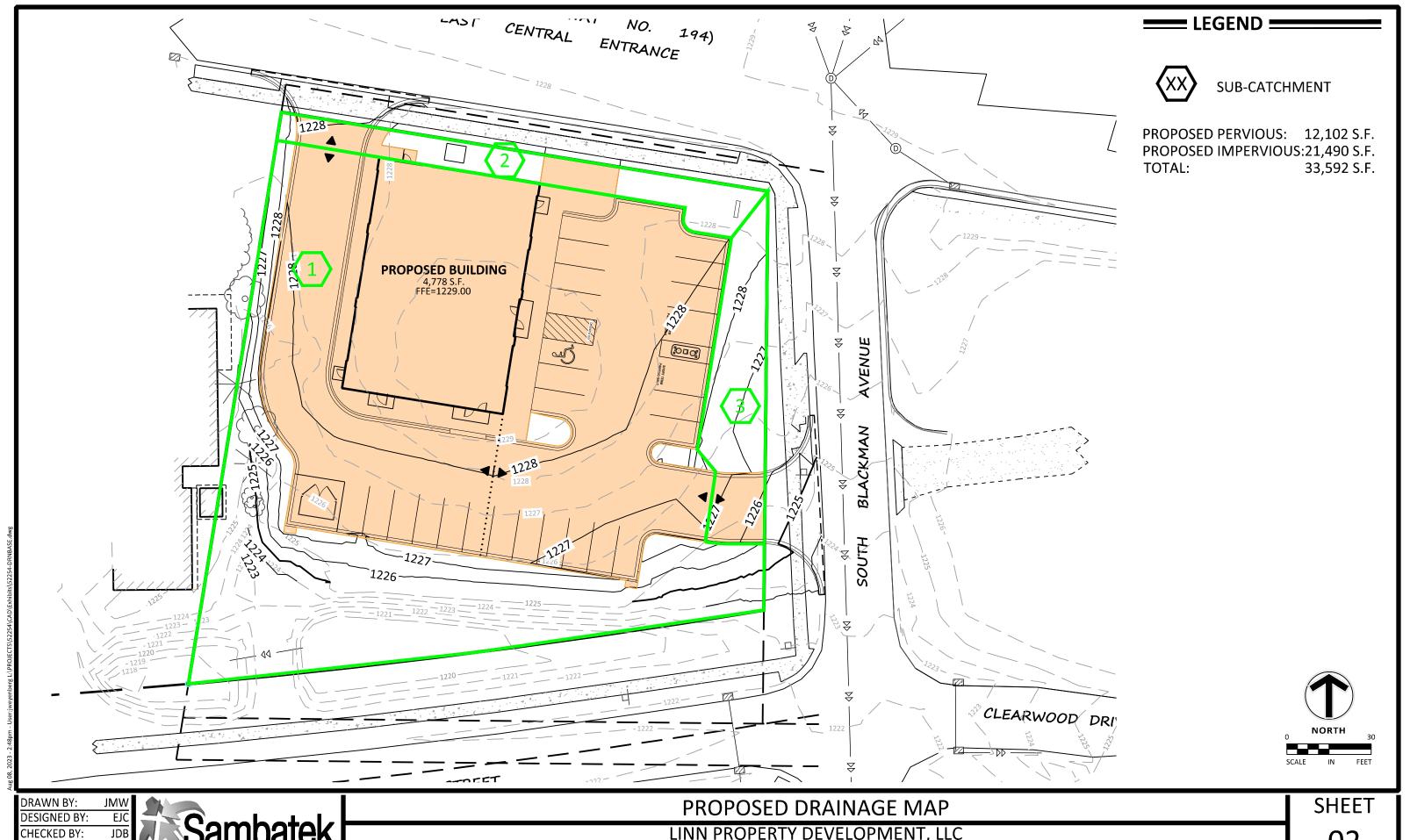
DRAWN BY: JMW
DESIGNED BY: EJC
CHECKED BY: JDB
ISSUED: 08/08/23
REVISION:
REV DATE:

Sanbatek
www.sambatek.com
Engineering | Surveying | Planning | Environmental

LINN PROPERTY DEVELOPMENT, LLC TUMBLE FRESH DULUTH, MINNESOTA

01

PROJECT NO: 522!**59**



DRAWN BY: JMW
DESIGNED BY: EJC
CHECKED BY: JDB
ISSUED: 08/08/23
REVISION:
REV DATE:

Sanbatek
www.sambatek.com
Engineering | Surveying | Planning | Environmental

LINN PROPERTY DEVELOPMENT, LLC
TUMBLE FRESH
DULUTH, MINNESOTA

02

PROJECT NO: 5225**60**



Planning & Development Division

Planning & Economic Development Department

Room 160 411 West First Street Duluth, Minnesota 55802



MEMORANDUM

DATE: April 4, 2024

TO: Planning Commission FROM: John Kelley, Planner II

RE: UDC Map Amendment R-1 to R-P (PL 24-011)

Proposal

UDC Map Amendment/Rezoning to change the zoning of approximately 4 acres from Residential-Traditional (R-1) to Residential-Planned (R-P) for proposed residential development.

Staff Recommendation

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

Review and Discussion Items

At the March 12, 2023 Planning Commission meeting staff presented application for a rezoning of approximately 4 acres from Residential-Traditional (R-1) to Residential-Planned (R-P) for proposed residential development. Commissioners, staff and public offered comments and questions regarding the proposed rezoning and the use of the area for a residential planned development. Over the past four weeks staff has met with the applicant to discuss a more focused approach to presenting a proposed rezoning and development clarifying the proposed density, height of structures, and uses.

Proposed public benefits include a 20' wide easement for trail connection to the open space adjacent to Skyline Parkway, pedestrian pathways connecting to existing trails on Skyline Parkway and to hiking and biking trails in the Amity Creek area, controlling views by creating requirements beyond those currently in the Skyline Parkway Overlay, passive open space dedicated to conserve natural vegetation within Skyline Parkway Overlay, management and construction of pedestrian trails to be performed by the home owners' association, and passive open space dedicated to conserving shorelands protecting Amity Creek.

Based on discussions with the applicant regarding the proposed residential development and review of the concept plan, staff is recommending revisions to the proposal including:

- Setting the maximum density at 8 units per acre instead of the 10 units per acre proposed
- Allowing a maximum height in this district of 35' instead of the proposed 49'
- Proposed Residential uses to include single family, townhomes and cottage homes as the only primary uses allowed. Accessory uses permitted to include garages; parking area for temporary storage by homeowners for recreational vehicles such as campers and boats; a community club house; a maintenance building; recreational trails, solar or geothermal power equipment, and urban agriculture.

Staff Recommendation:

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

- 1) This proposal is consistent with the Comprehensive Land Use Plan.
- 2) The proposed amendment is consistent with the future land use category of Traditional Neighborhood and Open Space.
- 3) The maximum density is 8 units per acre for the R-P.
- 4) The modification to increase the maximum height for structures within the R-P will allow for residential buildings that may not exceed 35 feet in height.
- 5) Residential Uses will include Single family, Townhomes, Cottage homes
- 6) Accessory uses will include garages; parking area for temporary storage by homeowners for recreational vehicles such as campers and boats; a community club house; a maintenance building; recreational trails, solar or geothermal power equipment and urban agriculture.
- 7) Material adverse impacts on nearby properties are not anticipated.

NOTE: The attachment titled Erickson SITE PLAN 032724 is a design concept for illustration purposes only. Final design layout and structure location will be determined following the rezoning, regulating plan approval and any additional zoning requirements.



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 24-01:	I	Contact John Kelle		John Kelley	y, jkelley@duluthmn.gov	
Туре	UDC Map	Amendment	Planning Commission Date		on Date	March 12, 2024	
Deadline	Applicat	ion Date	January 25, 2024 60 Days		60 Days	March 25, 2024	
for Action	Date Ext	ension Letter Mailed	February 8, 2024		120 Days	May 24, 2024	
Location of Sub	Location of Subject Adjacent to and north of Bald Eag		e Circle, Hawks Ridge Estates Subdivision			odivision	
Applicant	New Hav	en, LLC	Contact				
Agent	Nick Erics	son, President	Contact				
Legal Description	on	010-0090-00480, 010-0090-00490	0, 010-0090-00500, and 010-2119-00		nd 010-2119	-00530	
Site Visit Date March 1, 2024		Sign Notice Date			February 27, 2024		
Neighbor Letter Date February 23, 2024		Number of Letters Sent 2		Sent	29		

Proposal

UDC Map Amendment/Rezoning to change the zoning of approximately 4 acres from Residential-Traditional (R-1) to Residential-Planned (R-P) for proposed residential development.

Staff Recommendation

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

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Vacant/Undeveloped	Traditional Neighborhood, Open Space
North	P-1	Park	Open Space
South	R-1	Residential	Traditional Neighborhood
East	P-1	Park	Open Space
West	P-1	Park	Open Space

Summary of Code Requirements

- UDC Sec. 50-14.07.E: The establishment of an R-P district requires rezoning the property per Section 50-37.3 from a current zone district to R-P and the approval of an R-P plan that governs the uses, location, density, dimensional standards and character of the proposed project.
- UDC Sec. 50-37.3.B: Planning Commission shall review the application, conduct a public hearing ... with public notice ... and make a written recommendation to council.
- UDC Sec. 50-37.3.C: The Planning Commission shall review the application, and Council shall approve the application or approve it with modifications, if it determines that the application: 1. Is consistent with the Comprehensive Land Use Plan; 2. Is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use; 3. Is required by public necessity, convenience, or general welfare, or good zoning practice; 4. Will not create

material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible.

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

Governing Principles

- Governing Principle #5 Promote reinvestment in neighborhoods. New development should maximize public
 investment that strengthens neighborhood commercial centers or diversifies residential opportunities This project
 creates a combination of residential uses on individual site(s), common open space and amenity areas, conserves
 natural features by protecting the shoreline zone at Amity Creek and the hillside which supports several significant
 trees below Skyline Parkway, and increases pedestrian connectivity by including hiking and biking trail amenities.
- Governing Principle #8 Encourage a mix of activities, uses, and densities. This project provides a variety of housing types including cottage and traditional homes.

Policies and Strategies

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

Zoning:

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

Future Land Use:

- Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood.
- 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.

<u>History:</u>

 Hawk Ridge Estates First Addition was platted in 2006. One lot from this subdivision is included in this rezoning proposal.

Review and Discussion Items:

Staff finds that:

- 1. The applicant's property currently consists of three parcels in the AUDITOR'S PLAT OF LESTER PARK GARDEN TRACTS plat and one parcel in the HAWK RIDGE ESTATES FIRST ADDITION plat. The combined area to be rezoned from R-1 to R-P is approximately 4 acres. The applicant intends to replat the three parcels in the AUDITOR'S PLAT OF LESTER PARK GARDEN TRACTS plat to better fit the proposed development.
- 2. The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan, and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or be considered arbitrary and capricious. Good zoning practice requires that zone districts be consistent with the future land use category identified for the area and the generally applicable provisions of the adopted comprehensive plan. The future land use category of the proposed development area is traditional neighborhood and recommends a mix of housing types, conservation development as an option, and a density of 4-8 units per acre.
- 3. The purpose of the R-P district is established to provide a flexible development option for residential projects that integrate creative site design, provide a variety of housing types, provide unique on-site amenities, conserve natural features, increase pedestrian connectivity, or otherwise result in a final product that provides a greater level of public benefit than would be required under the existing zone district. Each R-P district requires approval of an R-P regulating plan that includes the location, type and intensity of proposed development and a description of public amenities or benefits included. Single-family residences, two-family residences and townhouses, as well as accessory uses, are permitted, provided projects are compatible in scale and character with the surrounding neighborhood and are included in the approved R-P plan.
- 4. The Concept Plan identifies several areas for residential homes, accessory uses and civic spaces. The site includes a mixture of 3 acres to be developed, inclusive of street right of way, and approximately 1 acre for open space and amenities. The plan suggests a residential density of 8 units per acre and maximum density of 10 units per acre, inclusive of accessory dwelling units. The plan also suggests a maximum of approximately 45,000 square feet for nonresidential land uses.
- 5. The Concept Plan identifies approximately 1 acre to be preserved throughout the R-P zone. This amounts to 30% of the R-P zoned area, which meets the required by R-P zone standards in Sec. 50-15.14.F04. The plan does mention a Homeowners Association; however, the plan provides no details for how the land will be permanently preserved and who will maintain it. Staff recommends that that these details be specified in the regulating plan.
- 6. The Concept Plan also shows a sidewalk in the common landscaped areas and pedestrian pathways connecting to existing trails on Skyline Parkway and to hiking and biking trails in the Amity Creek area. Sidewalk is also shown on the plan running along the east side of a proposed public or private road.
- 7. A Public meeting was held on November 18, 2023, at 5:00 pm at the Portman Community Recreation Center with 19 attendees; on November 20, 2023, at 9:00 am on the project site with two attendees, and online via email on November 22, 2023, at 3:30 pm with four people on the email chain. Please see attached meeting minutes.
- 8. The following comments were received from City Staff: This particular project will need to have a stormwater management plan developed as part of the project. The project site drains directly towards to Amity Creek, a DNR trout stream, this is a high value water resource. The stormwater management plan will need to be completed by a licensed Civil Engineer. One public comment via email was received (see attached).

Staff Recommendation:

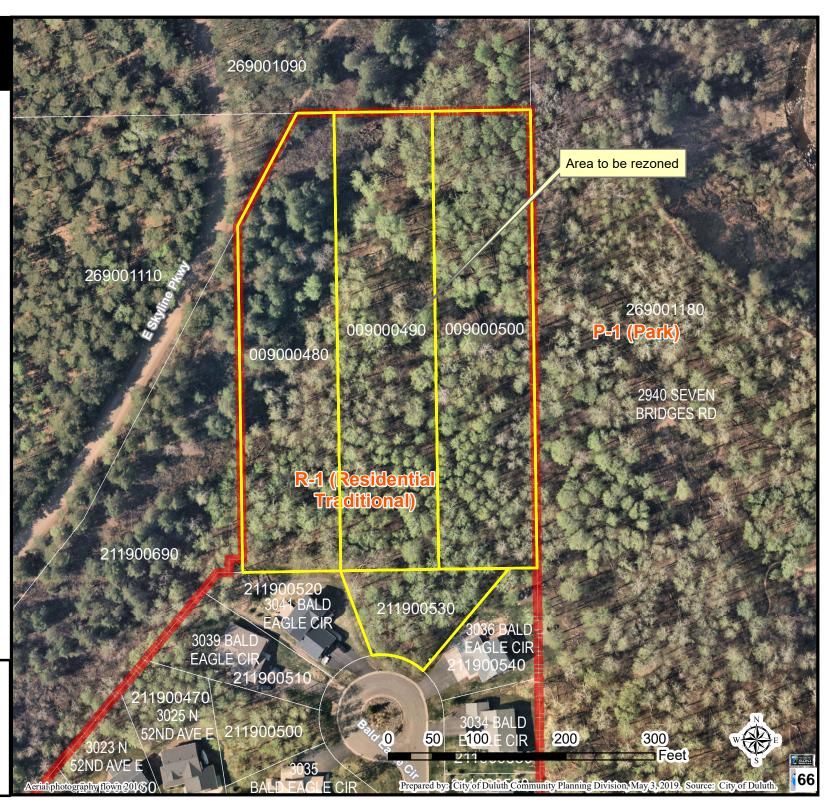
Based on the above findings, staff recommends to Planning Commission the UDC Map Amendment be recommended for approval by City Council for the following reasons:

- 1) This proposal is consistent with the Comprehensive Land Use Plan.
- 2) The proposed amendment is consistent with the future land use category of Traditional Neighborhood and Open Space
- 3) Material adverse impacts on nearby properties are not anticipated.





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.





PL 24-011 **Future Land Use**

Legend

■■■ Road or Alley ROW

Easement Type

Utility Easement

Other Easement

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

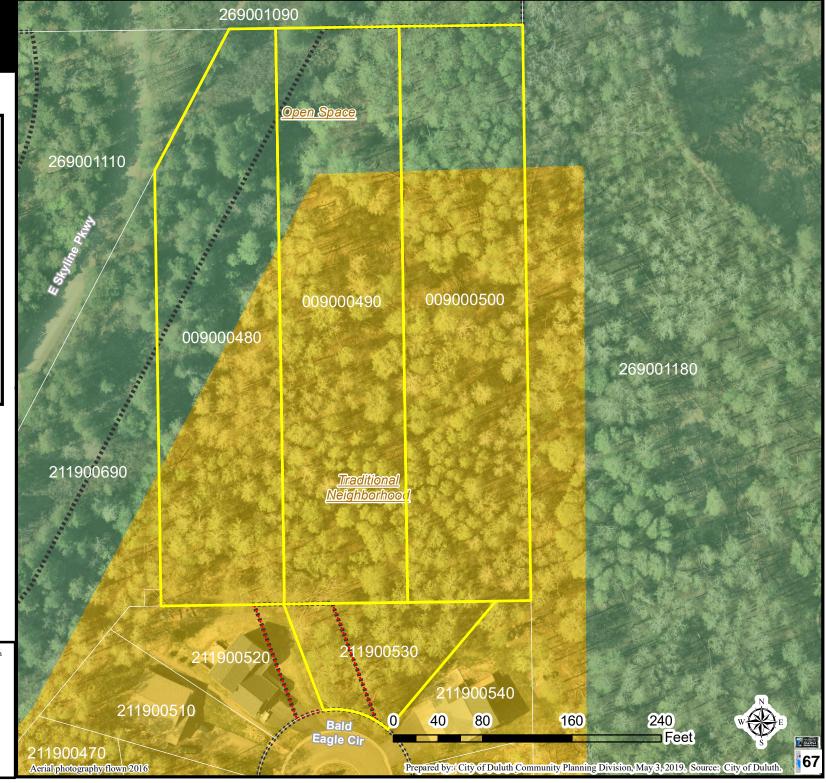
Business Park

Transportation and Utilities

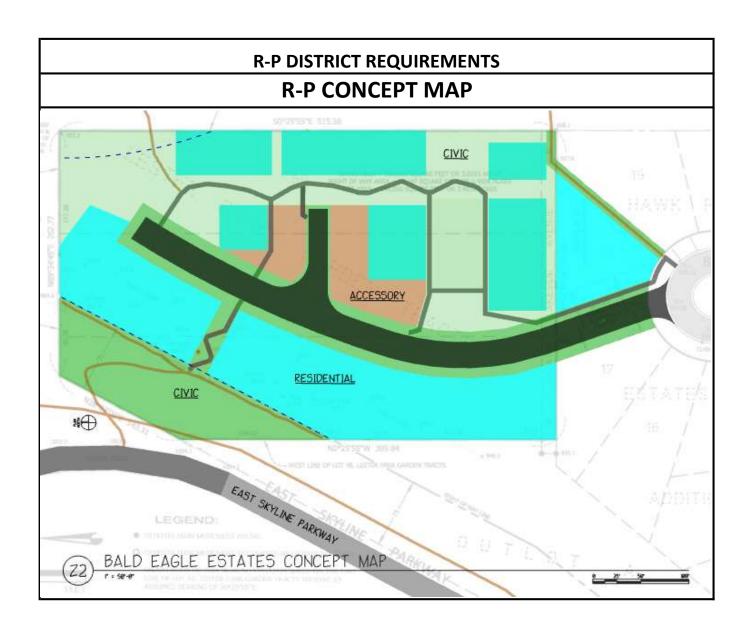
Transportation and Utilities/Outside Duluth

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.



68

BALD EAGLE ESTATES

GENERAL USES WITHIN THE AREA 50-14.7.H.:				
PLAN KEY USE CATEGORY				
<u>RESIDENTIAL</u>	RESIDENTIAL USES			
<u>CIVIC</u>	PUBLIC, INSTITUTIONAL AND CIVIC USES			
<u>COMMERCIAL</u>	COMMERCIAL USES (IN RESIDENTIAL AND CIVIC)			
<u>ACCESSORY</u>	ACCESSORY USES			
<u>TEMPORARY</u>	TEMPORARY USES			

DENSITY AND DIMENSIONAL STANDARDS	50-14.7.H.1.(b & c)			
MAXIMUM RESIDENTIAL DENSITI	ES	MAXIMUM SQUARE FOOTAGE FOR NONRESIDENTIAL LAND USES	MAXIMUM BUILDING HEIGHTS	
8 units per acre	26 DU	45.398	45 ft	
10 units per acre (with ADU)	+7 ADU	45,398	45 11	

DESCRIPTION OF PUBLIC AMENITIES OR BE	NEFITS INCLUDED	50-14.7.A
Public trail connection to Skyline Parkway.	20' wide easement for trail connection to the open space adjacent The small project to build a stair structure within this easement wi the home owners' association to serve as a common goal and proj community camaraderie.	II be recommended to
Public trail connection to Amity West hiking and biking trail.	10' wide easement on Lot 50 AUDITOR'S PLAT OF LESTER PARK GA Eighteen (18), Block Four (4), HAWK RIDGE ESTATES FIRST ADDITION connection from Bald Eagle Circle to Amity West hiking and biking	ON for public trail
Passive open space for Skyline Parkway.	Passive open space dedicated to conserve natural vegetation with overlay. Management and construction of pedestrian trails to be home owners' association.	
Active and Passive open space for Amity Creek.	Passive open space dedicated to conserve shorelands protecting A provide for storm water management. Pedestrian walkways and/within this space. Infrastructure to support a future active amenit within this space.	or paths are allowed
Active common open space	20% common open space within the cottage home community inc field, passive landscaping areas, a community building with indoor areas and restroom. Stormwater management will be incorporate field.	and outdoor seating
Common area garages	Central common area for garages and a maintenance building will common space.	be located in a central
Solar panel array infrastructure	Infrastructure for future solar panel array to be centralized and locarea garage roofs. The garage roofs will be designed, orientated a solar potential. Conduit will be provided to allow ease and flexibil installation of additional panels. Covenants and/or solar easemen reduce shadows from being cast upon the panel array location.	nd sloped to maximize ity for future

BALD EAGLE ESTATES

CONCEPT PLAN TABLE 50-14.7: MODIFICA	TIONS ALLOWED					
CHAPTER REQUIREMENT	MAXIMUM MODIFICATION ALLOWED					
Distance from property lines	No required yards.					
Lot frontage	No required minimum lot frontage.					
Lot area, general	No required minimum lot area.					
Building height 50% increase. Height specification due to Skyline Parkway. Structures sha and designed so that no part of the structure (other than chimneys) extend three feet above the elevation of Skyline Parkway closest to the structure.						
Parking	Minimum of 1 space per dwelling unit. Located within 250 ft. walking distance of dwelling.					
Landscaping	Alternative or off-site landscaping permitted.					
Street cross-section	Public or private street permitted, as determined by City Engineer. If private street provided, cross section as determined by Land Use Supervisor. 20 ft. drive lanes and 4 ft. sidewalks similar to street type: S20 approved by the City of Duluth for use in the Harbor View/Central Hillside Revitalization Traditional Neighborhood Development Code amended March 10, 2008 are allowed. Sidewalkes routed separate from street are allowed.					

R-P DISTRICT DIMENSIONAL STANDARDS 50-14.7.H.2								2.(b)		
DEVELOPMENT	MIN LOT	MIN LOT				SETBACKS				MAX
PARCEL	SIZE	WIDTH	PERIMETER	FRONT	REAR	CORNER	SIDE	GARAGE SIDE	ACCESSORY STRUCTURE	BUILDING HEIGHT
<u>RESIDENTIAL</u>	2000 sf	30 ft	5 ft	5 ft	5 ft	5 ft	5 ft	0 ft	0 ft	45 ft
<u>CIVIC</u>	0 sf	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	35 ft
ACCESSORY	0 sf	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	45 ft

70

Matt and Karen Hanka

3032 Bald Eagle Cir. Duluth, MN 55804

Via Email: planning@duluthmn.gov

Duluth Planning & Development Division 411 West First Street – Room 160 Duluth, MN 55802

> Re: PL24-011 UDC Map Amendment at 3038 Bald Eagle Circle New Haven, LLC Zoning Application from R-1 to R-P

Dear Staff and Planning Commission:

This letter concerns an application by New Haven, LLC to change the current zoning at parcel #s 010-0090-00480, 010-0090-00490, 010-0090-00500 and 010-2119-00530 located adjacent and north of Bald Eagle Circle, and directly adjacent to Lester Park and Hawk Ridge from R-1 (Traditional Residential) to R-P (Residential Planned). New Haven requests an inappropriate development "blank slate" with the maximum R-P variations listed at Table 50-13.7-1 of the UDC. We oppose this zoning change for the reasons cited herein.

The subject parcels are directly adjacent to a traditional R-1 zoned single family neighborhood. The subject parcels are also directly adjacent to a heavily utilized and scenic northwestern section of Lester Park, and the elevated banks of Amity Creek. The subject parcels are further directly adjacent to, and directly below, Hawk Ridge. The subject parcels are literally at the "end of the road" in the Lester Park neighborhood, and surrounded by popular wilderness parkland.

As you are aware, R-1 zoning is to accommodate a traditional neighborhood. It is used in "established neighborhoods" – like Lester Park. The dimensional standards in the R-1 zone require "development and redevelopment to be consistent with development patterns, building scale, and building location of nearby areas." The overwhelming majority of the Lester Park/Lakeside neighborhoods are zoned traditional R-1. The subject parcels are zoned R-1. The current zoning will allow for reasonable development in harmony with the surrounding existing neighborhoods and park. In short, the existing zoning will allow New Haven, LLC to play by the exact same rules as the rest of Lester Park/Lakeside.

R-P zoning exists to provide a "flexible development" option with public benefits. That in and of itself is fine. However, the exceptional variances that New Haven requests through its application are not at all "compatible in scale and character" with the surrounding R-1 neighborhood and park. Moreover, the application fails to identify actual public benefits.

The application is challenging to decipher. It contains a number of general policy statements and verbatim repetition of the UDC language. It contains one small "General Layout of Development Areas" map that purports to show a future development at page 5. The application

mentions "single-family, duplex, cottage homes, and townhomes" at page 1. However, it's still mostly unclear to us what exactly New Haven plans to do with the subject parcels.

What does seem consistent throughout the application is that New Haven wants to be free to develop the parcels however they want with little oversight, "reduced setbacks", "small lots" and "significant density". What New Haven wants is a development "blank slate" with the maximum modifications listed at Table 50-13.7-1. For example, New Haven requests "no required yards", "no required minimum lot frontage", "no required minimum lot area" and a "50% increase" in allowable building heights (bringing the requested heights to 45', or 15' taller than the surrounding traditional R-1 zone). None of that is "compatible in scale and character with the surrounding neighborhood" and park. Indeed, increased building heights in and of itself would interfere with the view from adjacent Hawk Ridge – something that is specifically forbidden by Table 50-14.7-1.

Finally, the UDC requires that an R-P development plan provide for "public amenities or benefits". New Haven's application fails this test. First, New Haven's application lists open spaces (both passive and active) as a benefit. However, the parcels are currently open, as they are undeveloped. Retaining some open space is not a new public amenity or benefit. And indeed, the current R-1 zoning already requires appropriate set-backs from the park and other property. Second, the application mentions a central "common open space" for the development along with "RV parking". These are not benefits to the public. They are benefits to the development's owners/users. Finally, the application lists "public trail" connections. However, the adjacent Hawk Ridge development already contains multiple dedicated public trail accesses to both Lester Park and Hawk Ridge. Notably, the application fails to describe where the public is to park vehicles to utilize these new public accesses – which is a real concern for the adjacent neighborhood. The application fails to establish actual and needed public amenities and benefits as required for an R-P development.

New Haven can fairly develop the subject parcels with the current R-1 zoning. There is nothing compelling in the application that leads us to believe that New Haven should be granted the exceptional variances that they request. The parcels should remain zoned as R-1.

Thank you for your consideration.

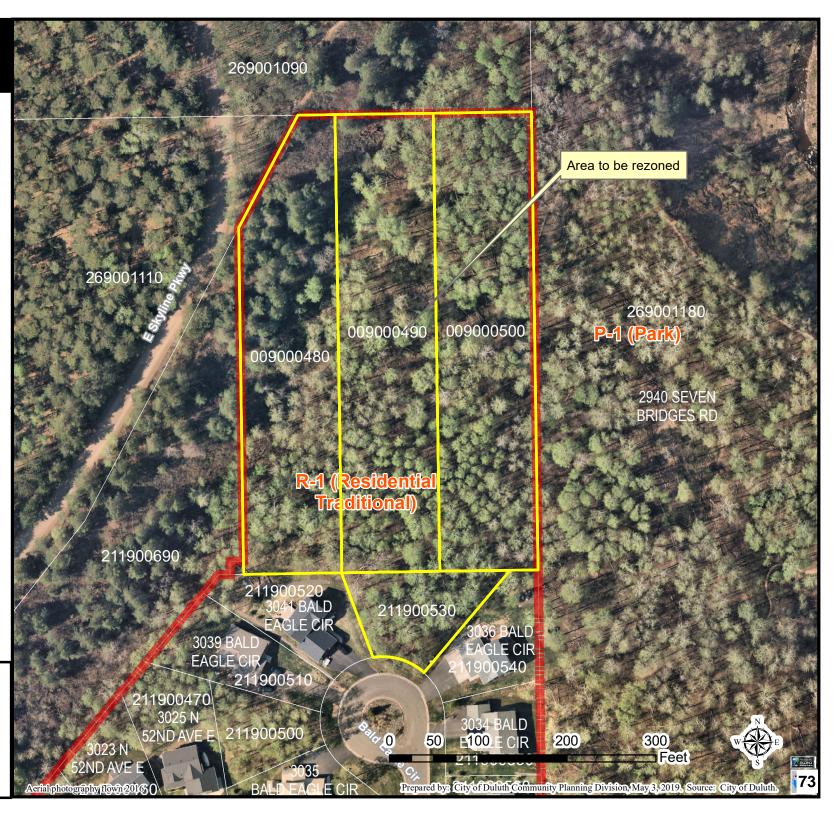
Sincerely,

Matt and Karen Hanka





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.





PL 24-011 Future Land Use

Legend

Easement Type Utility Easement Other Easement 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

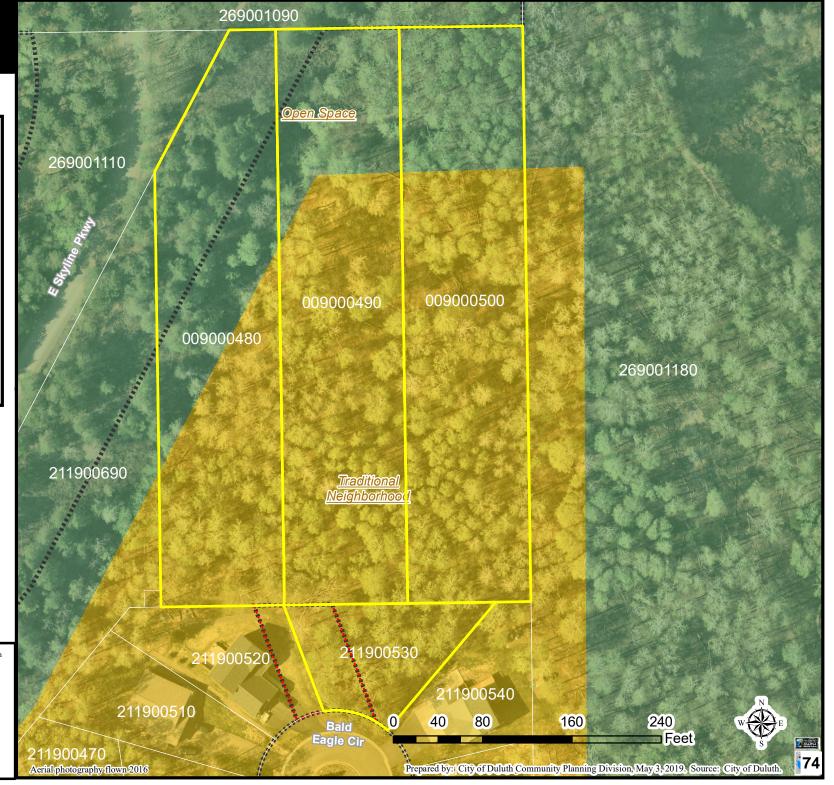
Neighborhood Mixed Use Light Industrial

General Industrial
Industrial Waterfront
Business Park

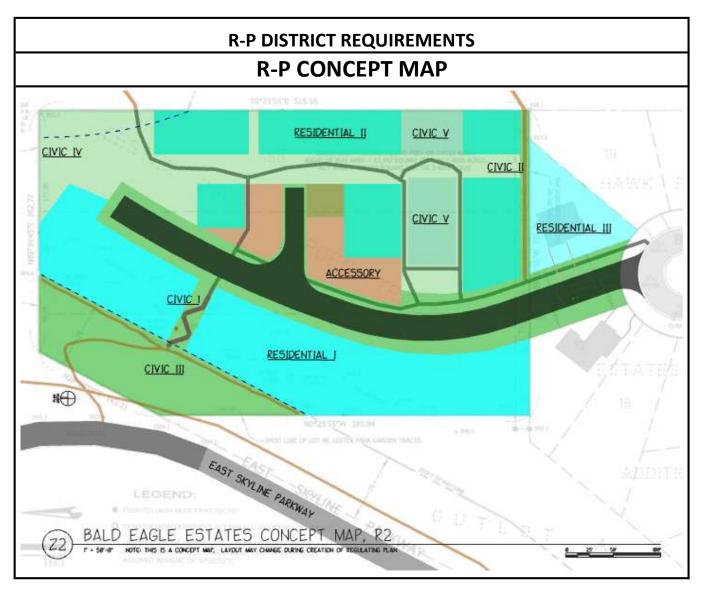
Transportation and Utilities

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.



GENERAL USES WITHIN THE AREA 50-14.7.H		50-14.7.H.1.(a)
PLAN KEY	USE CATEGORY	
RESIDENTIAL	RESIDENTIAL USES	
<u>CIVIC</u>	PUBLIC, INSTITUTIONAL AND CIVIC USES	
COMMERCIAL	COMMERCIAL USES (IN RESIDENTIAL AND CIVIC)	
ACCESSORY	ACCESSORY USES	
<u>TEMPORARY</u>	TEMPORARY USES	

DENSITY AND DIMENSIONAL STANDARDS	50-14.7.H.1.(b & c)	
MAXIMUM RESIDENTIAL DENSITIES	MAXIMUM SQUARE FOOTAGE FOR NONRESIDENTIAL LAND USES	MAXIMUM BUILDING HEIGHTS
8 units per acre	Approximately 45000	35 ft

75

BALD EAGLE ESTATES

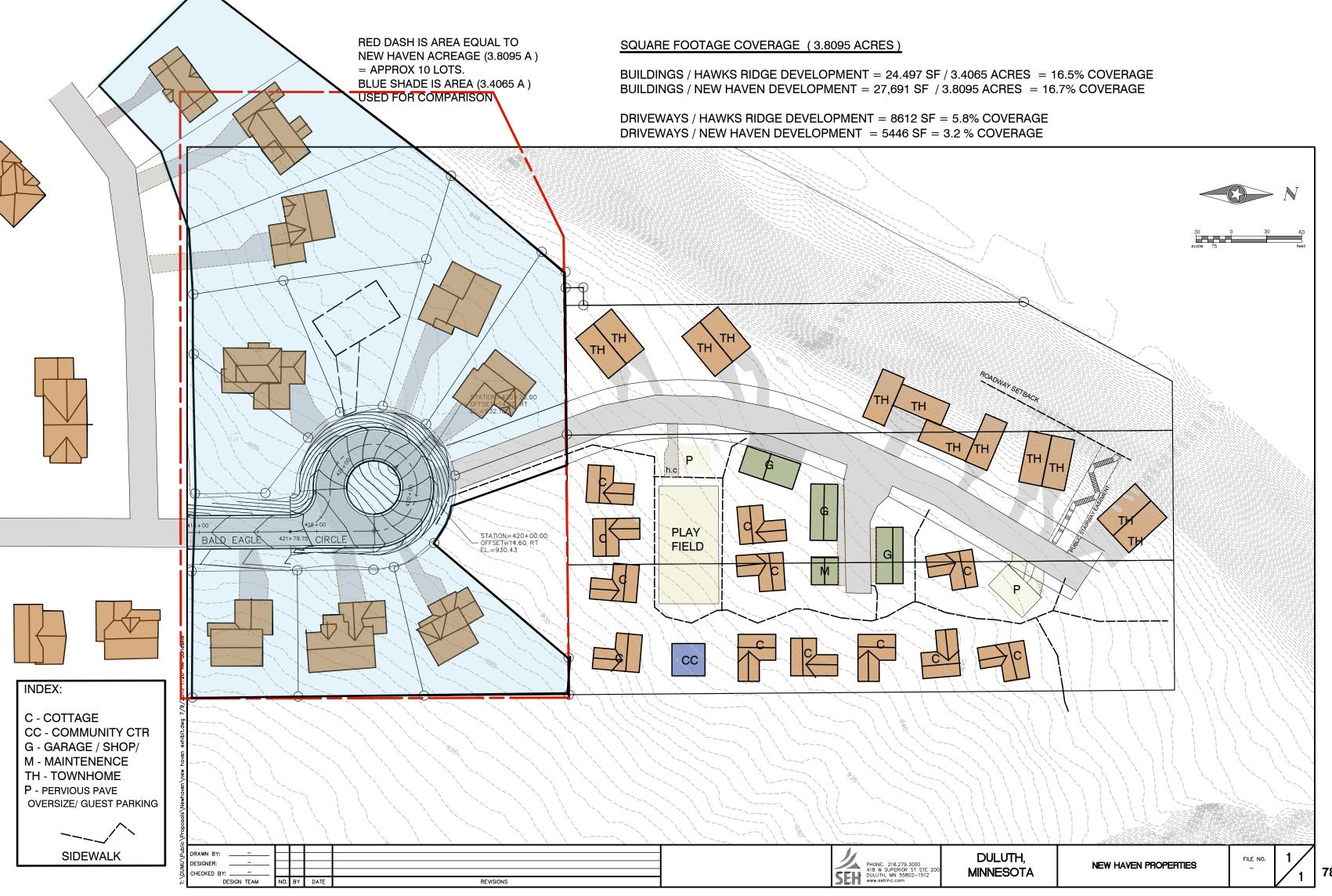
DESCRIPTION OF PUBLIC AMENITIES OR BENEFITS INCLUDED 50-14.7.A				
CIVIC I: Public trail connection to Skyline Parkway	20' wide easement, similar to HRE Outlot B, for trail co adjacent to Skyline Parkway. The small project to build easement will be recommended to the home owners' a goal and project to build community camaraderie. NO	d a stair structure within this association to serve as a common TE: 1.		
CIVIC II: Public trail connection to Amity West Hiking and Biking Trail	A 10' wide easement on Lots 49 and 50 AUDITIOR'S PLAT OF LESTER PARK GARDEN TRACTS for public trail connection from Bald Eagle Circle to Amity West hiking and biking trail. NOTE: 1.			
CIVIC III: Passive open space for Skyline Parkway	Passive open space dedicated to conserve natural vego overlay. Management and construction of pedestrian home owners' association. NOTE: 1.			
CIVIC IV: Active and Passive open space for Amity Creek.	Passive open space dedicated to conserve shorelands provide for storm water management. Pedestrian wall within this space. Infrastructure to support a future ac within this space. NOTE: 1.	kways and/or paths are allowed		
CIVIC V: Active common open space	20% common open space within the cottage home confield, passive landscaping areas, a community building areas and restroom. The community club shall be open cultural or educational organization, and the primary a is customarily carried on as a business. Stormwater make beneath the play field. NOTE: 2	with indoor and outdoor seating rated by a not-for-profit civic, activity cannot be any service that		
ACCESSORY: Common area garages and reduced street surface area	Central common area for garages and a maintenance be common space. Consolodating garages reduces drivew area, resulting in a lower ration of impervious surface a NOTE: 3.	vay aprons and street surface		
ACCESSORY: Solar panel array infrastructure	Infrastructure for future solar panel array to be central area garage roofs. The garage roofs will be designed, c solar potential. Conduit will be provided to allow ease installation of additional panels. Covenants and/or sol reduce shadows. The height increase provides a mech for which an 8:12 pitch without shadows from nearby I NOTE: 4.	orientated and sloped to maximize and flexibility for future ar easement will be provided to anizm for harvesting solar energy		
RESIDENTIAL II: Providing new housing model	A cottage housing community with incidental commun choice that is not currently available in Duluth. NOTE:	2.		
Creating more intense housing with more units per acre	Existing development in Duluth has been created with sprawl and increased pressure to convert civic and part project includes more intense housing in order to redu	klands to residential use. This		
Provide low- and moderate income housing	Include two low-and moderate income housing units a levels of 80% area median income. NOTE: 5.	ffordable to someone at income		

BALD EAGLE ESTATES

NOTES FOR AMENITIES AND BENEFITS:

- Duluth File No. 18-0240R, pg. B-9. "To remove additional barriers to recreation, neighborhood access needs to be improved and opportunities for lowcost ways to use facilities identified." Pg. G-4. "Governing Principle #7: Create and maintain connectivity." Governing Principle #9: Support private actions that contribute to the public realm.
- Duluth File No. 18-0240R, pg. B-6. "Future residential development needs to be more intense, with more units per acre." ... "The community will need to embrace new housing models to welcome the concept of housing choice for all people in every neighborhood." Pg. G-2. "Governing Principle #1: Reuse previously developed lands." Pg. G-6. Governing Principle #14: Integrate fairness into the fabric of the community.
- 3 Duluth File No. 18-0240R, pg. G-5. Governing Principle #10: Take actions that enhance the environment, economic, and social well-being of the community.
- Duluth File No. 18-0240R, pg. ES-5. "Policy #5 Encourage community-wide investment in appropriate local renewable energy sources, including solar, wind, and biomass."
- 5 Duluth File No. 18-0240R, pg. HS-16. "Promote inclusive neighborhoods with diverse populations by providing additional affordable housing options across Duluth."

CONCEPT PLAN TABLE 50-14.7: MODIFICATIONS ALLOWED					
CHAPTER REQUIREMENT	MAXIMUM MODIFICATION ALLOWED				
Distance from property lines	No required yards				
Lot frontage	No required minimum lot frontage				
Lot area, general	No required minimum lot area				
Building height	Up to a 50% increase, if application demonstrates avoidance of substantial impacts to				
	views from uphill sites				
Parking	Provided in accordance wth the parking needs for proposed development, as				
	demonstrated through a professionally completed parking study approved by the Land				
	Use Supervisor				
Landscaping	Caping Alternative or off-site landscaping permitted				
Street cross-section	Public or private street permitted, as determined by City Engineer. If private street				
	provided, cross section as determined by Land Use Supervisor				





HELLMUTH JOHNSON

WRITER'S DIRECT DIAL NO.: (952) 746-2142
E-MAIL: PHOWARD@HJLAWFIRM.COM

MSBA BOARD CERTIFIED SPECIALIST.
REAL PROPERTY LAW

FELLOW, COLLEGE OF COMMUNITY
ASSOCIATION LAWYERS

March 27, 2024

IRA Express Inc. as Agent for Custodian for the Benefit of Nick Ericson IRA PO Box 9 Cedar City UT 84721

Re:

Hawk Ridge Estates Association, Inc. (General Matters)

Lot 18, Block 4, Hawk Ridge Estates First Addition

Our File No.: 32466.0001

To whom it may concern:

Our law firm represents Hawk Ridge Estates Association, Inc. (the "Association"). The City of Duluth has informed the Association that the owner of Lot 18, Block 4, Hawk Ridge Estates First Addition, St. Louis County, Minnesota ("Lot 18") is proposing to use a 66-foot wide access and drainage easement on Lots 17 and 18, Block 4, Hawk Ridge Estates First Addition, (the "Access Easement") for access to three parcels north of Bald Eagle Circle. It is our understanding that the owner of Lot 18 is IRA Express Inc. as Agent for Custodian for the Benefit of Nick Ericson IRA.

The Association operates for the purpose of administering and enforcing the Declaration of Covenants, Conditions, Restrictions and Easements recorded in the office of the St. Louis County Registrar of Titles on August 26, 2005, as Document No. 803352, as amended by the First Supplement to Declaration of Covenants, Conditions, Restrictions and Easements recorded on April 26, 2007, as Document No. 835735.0 (collectively the "Declaration"), the Bylaws of Hawk Ridge Estates Association, Inc. (the "Bylaws"), and any Rules and Regulations or Architectural Guidelines, as each may be amended from time to time (all of the foregoing documents are collectively the "Governing Documents").

The Association also operates for the express purpose of preserving the value and architectural uniformity and character of the Property.

Lot 18 was added to the Property by the First Supplement to Declaration of Covenants, Conditions, Restrictions and Easements. Therefore, Lot 18 is subject to the Governing Documents of the Association.

IRA Express Inc. as Agent for Custodian for the Benefit of Nick Ericson IRA March 27, 2024 Page 2

I am writing to bring your attention to the following restrictions and requirements under the Governing Documents.

A. Use Restrictions

Section 2.1 of the Declaration provides that all Lots are restricted to residential use.

Section 4.6 of the Declaration provides that the Board of Directors of the Association (the "Board") has exclusive authority to approve and implement reasonable Rules and Regulations as it deems necessary from time to time for the purpose of operating and administering the affairs of the Association and regulating the use of the Property, provided that the Rules and Regulations shall not be inconsistent with the Declaration.

Section 6.3 of the Declaration provides that the Lots shall be used exclusively as Dwellings or Duplexes, and not for transient, hotel, commercial, business, or other non-related purposes, except as provided in Section 6.4.

Section 6.6 of the Declaration provides that the use of driveways on the Property is subject to regulation by the Association.

Any use of the Access Easement on Lot 17 and Lot 18 must comply with these restrictions and regulations. For example, the Access Easement must not be used as a driveway for short-term rentals or high density housing.

B. Quiet Enjoyment

Section 6.8 of the Declaration provides that all Owners and Occupants and their guests shall use the Property in such a manner as will not cause a nuisance, nor unduly restrict, interfere with or impede the use of the Property by other Owners and Occupants and their guests.

Any use of the Access Easement on Lot 17 and Lot 18 must comply with these restrictions.

We note that the Access Easement is located at the end of a cul-de-sac, close to an existing home on Lot 17, and close to the buildable portion of Lot 18. The Access Easement must not be used in any manner that would cause a nuisance.

C. Architectural Control

Section 7.1.a of the Declaration provides that no material topographical or landscaping change or other exterior improvements to or alteration of any Lot (all of which are "Alterations") shall be commenced, erected or maintained, unless and until the plans and specifications showing the nature,

IRA Express Inc. as Agent for Custodian for the Benefit of Nick Ericson IRA March 27, 2024 Page 3

kind, shape, height, color, materials and location of the Alterations are approved in writing by the Architectural Review Committee appointed by the Board.

Section 7.1.e of the Declaration provides that the ARC may consider any factors it deems relevant, including, without limitation, harmony of external design with surrounding structures and environment.

Section 7.1.e of the Declaration also provides that the ARC shall have the sole discretion to make final, conclusive and binding determinations on matters of aesthetic judgment, and such determinations are not subject to review so long as they are made in good faith and in accordance with the procedures set forth in the Declaration.

Section 7.2 of the Declaration sets forth the review procedures regarding requests for Alterations, including but not limited to the procedures summarized in this letter.

Section 7.2.a of the Declaration provides that detailed plans, specifications and related information regarding any proposed alteration, in form and content acceptable to the ARC, shall be submitted to the ARC at least 45 days prior to the projected commencement of construction.

Section 7.2.e of the Declaration provides that if no request for approval is submitted, approval is denied, unless (i) the completed Alterations are reasonably visible and (ii) no written notice of violation has been given to the Owner on whose Lot the Alterations are made, by the Association or another Owner, for six months after completion.

No public or private street, driveway, trail, sidewalk, or other alterations or improvements of the Access Easement on Lot 17 or Lot 18 may be commenced or maintained without complying with the architectural control requirements of Section 7.

D. Enforcement

Section 7.10 of the Declaration provides that the Association may undertake any measures, legal or administrative, to enforce compliance with the architectural control provisions of Section 7, and the Association shall be entitled to recover from the Owner causing or permitting the violation all attorneys' fees and costs of enforcement, whether or not a legal action is started. Section 7.10 provides that such attorneys' fees and costs shall be a lien against the Owner's Lot and a personal obligation of the Owner.

Section 10.2.a of the Declaration provides that the Association has the right to commence legal action for damages or equitable relief against Owners, Occupants and/or their guests who violate the Governing Documents.

IRA Express Inc. as Agent for Custodian for the Benefit of Nick Ericson IRA March 27, 2024 Page 4

Section 10.2.d of the Declaration provides that the Association has the right to impose reasonable fines, penalties or charges for each violation of the Governing Documents.

Section 10.5 of the Declaration provides that with respect to any measures or action, legal, administrative, or otherwise, which the Association takes to enforce the provisions of the Governing Documents, the Association may assess the violator and its Lot with any expenses incurred in connection with such enforcement, including without limitation fines or charges imposed by the Association, reasonable attorneys' fees, and interest on delinquent amounts owed to the Association.

Section 10.4 of the Declaration provides that all such amounts shall be a lien against the Lot and the personal obligation of the Owner.

Thank you in advance for complying with the requirements and restrictions under the Governing Documents.

If you would like to submit an application for review by the ARC, please send it to the Association at 5308 Broadwing Drive, Duluth MN 55804.

Very truly yours,

HELLMITH & JOHNSON, PLLC

Phaedra J. Howard Attorney at Law

PJH/

cc: Board of Directors

DATE: March 6th 2024

TO: Duluth Planning and Development Division, City of Duluth.

FROM: Alex and Krista Bastien, 3036 Bald Eagle Circle, Duluth, MN 55804

RE: PL24-011 UDC Map Amendment at 3038 Bald Eagle Circle New Haven, LLC Zoning

Application from R-1 to R-P.

This letter is to provide comments in regards to the current request for a zoning change at 3038 Bald Eagle Circle and extended property. New Haven LLC has placed a zoning notice sign just off the caldu-sac on Bald Eagle Trail that indicates a request to change from the existing zoning of R1 Traditional Residential to R-P Residential Planned.

When reviewing New Haven's application, it is difficult to decipher what it is they are going to actually do with the property. It appears New Haven is asking for all maximum allowances within the R-P zoning requirements. Examples included in the application are no required yards, no required set backs, no required minimum lot areas, no required minimum lot frontage, building height increase request up to 50% (in this case from 30' to 45'), adding public access trails with sidewalk and stair systems from Hawk Ridge/Skyline Road and from Bald Eagle Trail cal-du-sac crossing through a currently zoned R-1 lot (#18 of Hawk Ridge Estates neighborhood), RV parking, community club house, mobile home community, cottages community, short term rental units, daycare, small service station, bed & breakfast, and communications tower for private use.

The New Haven LLC submitted application lacks New Haven's actual plan for the final result. It is not in the city's best interest, the public, or the surrounding area to allow this much flexibility to the developer in the final outcome.

An example of a mission statement being enforced for the surrounding area involves the direct adjacent Hawk Ridge Estates neighborhood. The neighborhood is governed by an HOA that was put in place to maintain certain building requirements that include specific set backs, specific clearing building envelopes, garage placement, house size, and specific outdoor lighting requirements involving downward focused lighting to preserve the area parkland atmosphere and not contribute to area light pollution. These requirements were put in place to preserve and succeed in providing residential housing while maintaining the environment and surrounding areas as best as possible.

50-14.7 Residential-Planned (R-P) A. Purpose definition includes "projects that are compatible in scale and character with the surrounding neighborhood". The current proposal submitted from New Haven LLC is not compatible in scale and character with the surrounding neighborhood.

The purpose for R-P zoning does make sense for Duluth; however, not in this particular location due to the subject property being surrounded by parkland, amity creek, seven bridges road, skyline drive, hawk ridge, superior hiking trail, COGGS trails, as well as the large surrounding neighborhood of single family homes. Duluth has demonstrated a large need for more residential housing in which the current subject property accomplishes this in its current R-1 zoning.

Thank you,

Alex and Krista Bastien

DATE: March 6th 2024

TO: Duluth Planning and Development Division, City of Duluth.

FROM: Alex and Krista Bastien, 3036 Bald Eagle Circle, Duluth, MN 55804

RE: PL24-011 UDC Map Amendment at 3038 Bald Eagle Circle New Haven, LLC Zoning

Application from R-1 to R-P.

This letter is to provide comments in regards to the current request for a zoning change at 3038 Bald Eagle Circle and extended property. New Haven LLC has placed a zoning notice sign just off the caldu-sac on Bald Eagle Trail that indicates a request to change from the existing zoning of R1 Traditional Residential to R-P Residential Planned.

When reviewing New Haven's application, it is difficult to decipher what it is they are going to actually do with the property. It appears New Haven is asking for all maximum allowances within the R-P zoning requirements. Examples included in the application are no required yards, no required set backs, no required minimum lot areas, no required minimum lot frontage, building height increase request up to 50% (in this case from 30' to 45'), adding public access trails with sidewalk and stair systems from Hawk Ridge/Skyline Road and from Bald Eagle Trail cal-du-sac crossing through a currently zoned R-1 lot (#18 of Hawk Ridge Estates neighborhood), RV parking, community club house, mobile home community, cottages community, short term rental units, daycare, small service station, bed & breakfast, and communications tower for private use.

The New Haven LLC submitted application lacks New Haven's actual plan for the final result. It is not in the city's best interest, the public, or the surrounding area to allow this much flexibility to the developer in the final outcome.

An example of a mission statement being enforced for the surrounding area involves the direct adjacent Hawk Ridge Estates neighborhood. The neighborhood is governed by an HOA that was put in place to maintain certain building requirements that include specific set backs, specific clearing building envelopes, garage placement, house size, and specific outdoor lighting requirements involving downward focused lighting to preserve the area parkland atmosphere and not contribute to area light pollution. These requirements were put in place to preserve and succeed in providing residential housing while maintaining the environment and surrounding areas as best as possible.

50-14.7 Residential-Planned (R-P) A. Purpose definition includes "projects that are compatible in scale and character with the surrounding neighborhood". The current proposal submitted from New Haven LLC is not compatible in scale and character with the surrounding neighborhood.

The purpose for R-P zoning does make sense for Duluth; however, not in this particular location due to the subject property being surrounded by parkland, amity creek, seven bridges road, skyline drive, hawk ridge, superior hiking trail, COGGS trails, as well as the large surrounding neighborhood of single family homes. Duluth has demonstrated a large need for more residential housing in which the current subject property accomplishes this in its current R-1 zoning.

Thank you,

Alex and Krista Bastien

March 25, 2024

Duluth Planning Commission 411 West First Street, STE 402 Duluth, Minnesota 55802

Dear Planning Commission:

I am writing in regard to the proposed Hawk Ridge development by Bald Eagle Estates. I oppose this development for several reasons. First the density of homes, possible condominiums and possible rental units is out of character for this neighborhood. The increase in traffic, people and noise is certainly a negative for people who have built their homes in this single family home neighborhood. Second, I am concerned about the impact on hawk ridge with its walking, biking, quietness and views. Certainly, the 45 foot structures will obstruct some of the views. Hawk Ridge is a unique Duluth park treasure that our city government should protect. Third, it seems wrong to change the zoning for one developer when the many who chose to live there did so without the thought of high density housing next door.

Sincerely,

Niles Batdorf

4411 Norwood Street Duluth, MN 55804

Miles Butdary

Greetings. Thank you for the very important work that you do on this commission. I live in the Lester Park neighborhood and am dismayed by some of the houses that were allowed to be built, especially along the ridge. This is important and rather fragile open space. It's steep and an important part of the entire Duluth viewshed. I strongly oppose any further development anywhere near Skyline drive in this area, or near Amity Creek. Hopefully the Natural Resources folks will weigh in against this proposed development. There is so very much other infill that can happen – and is needed – in Duluth. But please do not allow this development to move forward!

Jill Baum

4706 Oakley St.

Duluth, MN 55804

Dear Planning Commissioners,

I'm writing to oppose the proposed UDC Map Amendment from R-1 to R-P for Residential Uses North of Bald Eagle Circle by Newhaven LLC. This property was purchased with R-1 zoning, and if it cannot be developed within those zoning requirements, it should not be developed. Not only is it abutted by R-1 zoning, but it is surrounded by some of Duluth's most beautiful, sensitive, and scenic parkland. There would be no benefit for the vast majority of users of E. Skyline and the Hawk Ridge Trail, and instead intensive development would degrade the public experience.

Please vote against the proposed rezone at your meeting on 3/12/24.

Best regards,

Libby Bent

2423 E 2nd St,

Duluth, MN 55812

Hi, My name is Brett.

I am a resident of the Hawk Ridge Estate community. I wanted to voice the very consistent concerns that my neighbors have.

- 1) This is a private, quiet neighborhood with a HUGE amount of kids. Adding additional traffic puts those kids at risk.
- 2) The road itself is not set up for contant traffic or heavy vehicles.
- 3) Adding more sidewalk, roadway interupts or changes the existing trails, river way and run off patterns.
- 4)Lester Park School is already beyond its capacity.

Please consider denying this project!

Brett Blindauer

I am opposed to New Haven, LLC's rezoning proposal for the three parcels above Hawk Ridge Estates and just below East Skyline Drive from R1 to RP. Aside from the very real impacts to the views, aesthetics, and run-off out of and below this development, what limited data the developer has provided suggests that it will have very significant detrimental impacts to the unique migratory bird corridor known worldwide as Hawk Ridge.

Since 1993, I have been in various volunteer management, board, and service positions with both the Duluth Audubon Society and its successor, Hawk Ridge Bird Observatory, Inc. in which I have been a small part of a unique scientific research and public outreach and educational effort, which has been in continuous operation since 1972.

The existence and maintenance of the Hawk Ridge Nature Reserve is an unprecedented partnership between the City of Duluth and the various past and present management entities to preserve, understand, and educate the public about the globally significant bird migration corridor uniquely situated within an urban/exurban setting within the city limits. As a result, over the years, thousands of visitors, who would not have visited Duluth otherwise, have done so only to witness the bird migration spectacle each fall.

The continued existence of this migration corridor, an Audubon Important Bird Area so-designated in 2004, and the bird species that use it is far from guaranteed. Research conducted by the various management entities at Hawk Ridge and by others throughout the world shows that first-year mortality of juvenile bird of prey species reaches 80% to over 90%, depending upon individual species type. For other bird species, such as song birds, first year mortality is even greater.

To build man-made structures stuffed in close proximity (think wall from a bird's perspective) within this corridor with rooflines reaching 45 feet in the air, glass windows, unnatural lights, and other obstacles to flight is sheer folly and a very bad idea.

David S. Carman

Past Chair, Hawk Ridge Management Committee of the Duluth Audubon Society

Founding Executive Director (retired) of the Hawk Ridge Bird Observatory, Inc.

2851 Morris Thomas Road

Duluth, MN 55811

DATE: March 6th 2024

TO: Duluth Planning and Development Division, City of Duluth.

FROM: Alex and Krista Bastien, 3036 Bald Eagle Circle, Duluth, MN 55804

RE: PL24-011 UDC Map Amendment at 3038 Bald Eagle Circle New Haven, LLC Zoning

Application from R-1 to R-P.

This letter is to provide comments in regards to the current request for a zoning change at 3038 Bald Eagle Circle and extended property. New Haven LLC has placed a zoning notice sign just off the caldu-sac on Bald Eagle Trail that indicates a request to change from the existing zoning of R1 Traditional Residential to R-P Residential Planned.

When reviewing New Haven's application, it is difficult to decipher what it is they are going to actually do with the property. It appears New Haven is asking for all maximum allowances within the R-P zoning requirements. Examples included in the application are no required yards, no required set backs, no required minimum lot areas, no required minimum lot frontage, building height increase request up to 50% (in this case from 30' to 45'), adding public access trails with sidewalk and stair systems from Hawk Ridge/Skyline Road and from Bald Eagle Trail cal-du-sac crossing through a currently zoned R-1 lot (#18 of Hawk Ridge Estates neighborhood), RV parking, community club house, mobile home community, cottages community, short term rental units, daycare, small service station, bed & breakfast, and communications tower for private use.

The New Haven LLC submitted application lacks New Haven's actual plan for the final result. It is not in the city's best interest, the public, or the surrounding area to allow this much flexibility to the developer in the final outcome.

An example of a mission statement being enforced for the surrounding area involves the direct adjacent Hawk Ridge Estates neighborhood. The neighborhood is governed by an HOA that was put in place to maintain certain building requirements that include specific set backs, specific clearing building envelopes, garage placement, house size, and specific outdoor lighting requirements involving downward focused lighting to preserve the area parkland atmosphere and not contribute to area light pollution. These requirements were put in place to preserve and succeed in providing residential housing while maintaining the environment and surrounding areas as best as possible.

50-14.7 Residential-Planned (R-P) A. Purpose definition includes "projects that are compatible in scale and character with the surrounding neighborhood". The current proposal submitted from New Haven LLC is not compatible in scale and character with the surrounding neighborhood.

The purpose for R-P zoning does make sense for Duluth; however, not in this particular location due to the subject property being surrounded by parkland, amity creek, seven bridges road, skyline drive, hawk ridge, superior hiking trail, COGGS trails, as well as the large surrounding neighborhood of single family homes. Duluth has demonstrated a large need for more residential housing in which the current subject property accomplishes this in its current R-1 zoning.

Thank you,

Alex and Krista Bastien

To whom it may concern,

I am a resident of Hawk Ridge Estates, at 2927 Bald Eagle Trail and wish to provide input on the zoning change that is being requested for the lots at 3038 Bald Eagle Circle. As we are all aware, Duluth does not have enough affordable housing. While I don't know if designated 'affordable' housing is being planned for this site, I believe more housing at all price levels and at increased density can only help Duluth address this crisis. I support the amendment, with some possible changes. Specifically, I would remove the minimize the amount of impermeable parking surfaces allowed, to only what is required for personal vehicles, and not extra space for RVs or other non-essential vehicles. The other proposed changes seem consistent with housing at an increased density.

Thank you for your consideration,

Doug Devens

2927 Bald Eagle Trail

Duluth, MN 55804

Had I known Roger was going to develop Hawk Ridge, I would have voted Emily back in! There are a lot of places in Duluth where we can put housing. Hawk Ridge is MOST DEFINITELY NOT ONE OF THEM!! The entire undeveloped ridgeline should remain undeveloped forever, in my opinion. Green space and the ease of escaping the city are what makes Duluth unique and desirable! I cannot imagine how grotesque a development on Hawk Ridge would look. Much like the two giant zits on our western hillside, I imagine. Please - for the sake of this beautiful city, no more development on the ridgeline - whatsoever. Take care of what we have. make it better. Redevelop. Stop expanding and allowing our inner city to crumble. Set an example that other cities can follow - DO SOMETHING DIFFERENT! I mean, seriously, you want to save Lester GC, but DEVELOPE Hawk Ridge. That's bat-shit crazy in my opinion.

Dear Planning Commission,

I am writing to express my deep concern about rezoning the property that is adjacent to Hawk Ridge Estates. The proposed project seems way out of scale for the residential neighborhood and has several red flags. The biggest for me are the environmental impact, the traffic/parking problems, and the trail/park access that would be privatized. I would hate to see tall buildings and abundant pavement in such a precious and beautiful part of our city.

Sincerely,

Anne Fisher

I am writing in regards to the proposed additional homes in the Hawkridge Development. We built this development 6 years ago, because of the standards of having the area be kept natural. We would have loved to have purchased in the cul-de-sac for the privacy, no traffic, quiet, but these lots were taken. To learn now that the person owning these lots wants to add some 30 homes is quite disturbing, even more disturbing is the fact that the Duluth planning committee can give approval without considering the guidelines to the development that have been put into place.

- 1. Added traffic to 52nd Ave is concerning that the road is already quite bumpy, and cars go quite fast.
- 2. Speed tables would need to be added for the safety of the neighborhood where children are out playing.
- 3. The cul-de-sac which they are proposing to add to this development is small, there is just enough room for one more driveway, the traffic would be too much for it.
- 4. There is the concern of water run off, we have seen the problem of water run off with 2 current houses recently built on 52nd Ave, the hillside is steep and rocky with no place for the water to go but down, taking with it the important topsoil.
- 5. With the proposed development it is most likely going to cause runoff to Amity creek and soil erosion.
- 6. In the winter there is a pond of ice on the street near the corner of 52nd and Bald Eagle, because of run off from the hillside.
- 7. In the winter 52nd and Bald Eagle are not plowed in a timely fashion, with adding extra traffic this is going to be a major problem.
- 8. The height of the proposed homes will take away from the beauty of the surrounding area, not only in our immediate neighborhood but also from the Seven Bridges road and the trails behind the area.
- 9. This is a neighborhood with a high density of children, what is being proposed will put the children in harm's way.
- 10. With the number of children in this neighborhood a playground would be a much better plan.
- 11. Adding more homes with no back yards, parking areas for RV's, and a clubhouse is not a good plan, this is sounding more like a resort bringing in more traffic and the potential of rental units, even though he says that is not in his plan. We now live in a safe community, this sounds like bringing in the unknown.
- 12. The proposed plan is coming from someone that doesn't even live in Duluth, let alone in Minnesota. He says he hopes to retire here, and live in the development. My guess is that he is only to put more money into his pocket, not to really retire here, at the expense of the current residences of the Hawk Ridge Development.

- 13. Take a good look at what has happened on London Road, ugly homes, and townhomes that are taller than normal, to now sit unfinished because the builder went bankrupt. You passed this, has this improved Duluth?
- 14. Park Point with Cargil buying up homes and coming in with ideas that only benefit her pocket.
- 15. I understand that there is a housing shortage in Duluth, there has to be better areas to develop and not bring harm to the current neighborhood, the environment, and the beauty of Duluth.

Please come and spend time in the neighborhood, stop and ask the people living here for their input. Come and see for yourself what the size of the cul-de-sac is, and how it would affect the area.

Thank you, for considering my opposing thoughts on the proposed development in our Hawkridge development.

Lorene Fleming

3004 N 52nd Ave E Duluth, MN

I am writing on the concerns of the Bald Eagle Development. I am very concerned about adding additional traffic to 52nd ave. up to Broadwing the road is extremely bumpy and cannot take more traffic without it being completely redone, adding heavy equipment on it will make it that much worse. In the winter snow removal ends there until much later. The neighborhood has lots of children, adding more traffic would increase the chance of children being run over, cars already go to fast and I'm sure that the city would not be willing to add speed tables. As others have said the water run off would not be good, we have seen the water run off problem as 52nd makes the corner towards Bald Eagle The green space would also be disturbed, we love this neighborhood for the nature, the trails the safety, by adding the additional housing, and amount of traffic is going to take away from the beauty of the area. Please come and really take a good look at what this would do our neighborhood, speak with the people who live here.

Thank you,

Lorene Fleming

John Gasele 3030 Bald Eagle Trail Duluth, MN 55804

March 8, 2024

Duluth Planning and Development Division 411 W. First Street, Room 160 Duluth, MN 55802

Via Email: planning@duluthmn.gov

Re: PL 24-011 – UDC Map Amendment at 3038 Bald Eagle Circle by New Haven, L.L.C./Nick Ericson Zoning Application from R-1 to R-P.

Dear Staff and Planning Commission,

This letter is submitted in opposition to the request by New Haven, L.L.C. and Nick Ericson (the "Developer") request for rezoning of parcels 010-0090-00480, 010-0090-00490, 010-0090-00500, and 010-2119-00530 (the "Property"). The request to change the zoning of the Property from R-1 (Traditional Residential) to R-P (Residential Planned) should be denied. I strongly believe the Developer's highly intrusive plan for the Property, which this application is designed to facilitate, is incompatible with the surrounding parkland and neighborhood.¹

I also urge the Planning Commission to resend the notice and make public the full application showing the scale of the Developer's plans for the Property. The limited notice, scant information, and little time to comment does not allow meaningful or informed participation in the rezoning process by anyone other than the Developer. If necessary, the application should be denied, and the process restarted with more information.

The Developer has not shown how the application comports with the Uniform Development Chapter ("UDC"). The planned development is resort-like in size and scope. This development would be well out of character for the R-1 zoned Lakeside area and the surrounding P-1 zoned land on Hawk Ridge and in the Amity and Lester Park areas. I respectfully disagree with the conclusions of the staff report. This rezoning would have significant public impact and provide little to no public benefit. The Developer seeks approval of a resort-like development similar to those along the North Shore, but located in the middle of one of the City's best open spaces. The lack of meaningful setbacks, the extreme height that would be allowed, and the commercial uses requested by the Developer are not compatible with existing or future land use in the area.

¹ I am filing these comments on my own behalf. I do not speak for or represent the Hawk Ridge Estate Homeowner's Association. I am not representing any other party, and the views expressed in these comments are my own.

To be clear, I do not oppose use of the Property for housing. I simply believe that the Property should remain subject to R-1 zoning requirements and be designed and constructed in a manner more compatible with the surrounding parkland and neighborhood.

I. The Commission should pause consideration of or deny the Application and Plan to facilitate meaningful public participation.

The public is generally unaware of this application, the Developer's plans, and the potential impacts to the human and natural environment. The original notice from the City of Duluth, sent on February 23, 2023, and included as Attachment A, provided almost no information to the public about the impact of the rezoning application. I later received an additional portion of the application, included as Attachment B (the "Application"). This document provided some information about the Developer's plans, but is difficult to interpret and does not make it clear what the Developer is seeking. The Developer's plan, provided as Attachment C (the "Plan"), should have been distributed with the public notice, and should have been available on the Planning Commission's website from the beginning. I did not receive the Plan until March 5, 2023, and then only because the local neighborhood association's attorney requested all documents from the Planning Commission Staff. Late receipt of the Plan made it impossible to provide comments prior to the Commission Staff releasing its report.

The staff report was issued in the morning on March 6, 2024 (the "Staff Report"). Commission Staff notes that only one public comment was received regarding the Application. This is not surprising given the lack of information made available to the public and the short time to provide input. The Property is surrounded by parkland that is available to all of Duluth and is enjoyed by multiple types of outdoor enthusiasts, ranging from mountain bikers to bird watchers. The Seven Bridges Road area is a scenic gem in Duluth. The public should be made aware of the Application and the Plan and should have a real opportunity to review and provide comments.

The public comments provided by the Developer in the Application should not be taken at face value. I have attended or conducted dozens of public meetings and hearings across Northern Minnesota, and, in my opinion, the November meeting was held in a manner designed to discourage public participation and opposition. The meeting was scheduled at 5:15 PM in the evening on Saturday, November 18, 2023; a time that felt purposely chosen to limit attendance. The Developer's notice, included as Attachment D, gave no information about the intended plans, stating instead that "Newhaven, L.L.C. intends to petition the City of Duluth for a UDC zoning map amendment which will protect shorelands of Amity Creek from possible negative impacts of future development within the Natural Resources Overlay District."² The Plan demonstrates the inaccuracy of this statement; the Developer's goals have nothing to do with the protecting Amity Creek. A small map with no detail was included with the meeting notice.

² Developer's Notice, Attachment D.

This meeting was not very informative. Only general statements about the plans for the Property were made, and the Developer avoided answering questions that sought specific information. The Developer did take special care, however, to discourage opposition.³ Mr. Ericson passed around a magazine article highlighting his expensive custom home near the coast north of Seattle, Washington. He claimed he forced a road through Mount Rainier National Park for a private development. He told a story about an attorney that persuaded his homeowner's association to sue the owner of their apartment building, only to personally profit while losing the case at the expense of the association members. Mr. Ericson stated that he would simply sell another unit in the development if opposition to his plans cost more than his budgeted amount. He said there are three options for the Property: have it become some kind of large private estate, sell it to a forprofit realtor (the meaning of this was unclear), or his proposal. He also suggested that if the neighborhood didn't like his plan, it could start a GoFundMe campaign to raise money to buy him out. Intentional or not, the overall message I took from the Developer at the meeting was "I'm wealthy, I know what I'm doing, don't waste your money challenging because you won't win."

The little information provided at the November meeting did not describe the scale of the Developer's intentions. A larger map, included as <u>Attachment E</u>, was provided. No building heights, setbacks, or other important details were provided. Mr. Ericson stated that he planned to sell three lots on the ridge where doctors and physicians could build houses with Lake Superior views utilizing high-ceilinged garages below a three-story house. He also stated he would build normal houses on the lots shown as Lot 1 and Lot 18, Block 4 on the map he provided at the meeting. He claimed he planned to sell the three lots along Hawk Ridge for \$250,000 to \$300,000 each. He also talked about selling eight to ten cottages in the area marked Lot 5. The commercial uses, size of the buildings, lack of setbacks, and other issues discussed below were not disclosed. I did not learn of the true scope of his intent until I received a copy of the Plan from the Hawk Ridge Estates homeowner's association on March 5, 2024.

I saw no point in providing comments directly to the Developer following the Meeting in November for two reasons. First, no specific plans or details were provided, so I had little to nothing on which to comment. Second, I did not have faith that the Developer would properly characterize my comments in the application to the Planning Commission.⁵ Very few attendees

³ Even the notice sign posted on the property required by the UDC seems placed to discourage participation. The sign is screwed to a tree behind small brush nine paces from the street. See Figures 1 and 4, below.

⁴ The Planning Commission may benefit from changes to the meeting process, including requirements to provide specific details and drawings of plans the Developer intends to file, clear notice sent well in advance, scheduling during more accessible times, and the presence of a City representative or a requirement to have a recording of the meeting provided to the Planning Commission.

⁵ Notably, the comments regarding unauthorized trail construction were made by the Developer, not the attendees. Application, p. 6.

made statements or asked questions. The issues raised at the meeting, as presented in the Application, mostly represent a list of his talking points instead of any actual discussion.⁶

I respectfully request that the Commission make the Application and the Plan publicly accessible and provide meaningful notice and opportunity for members of the community to provide input to the Commission.

II. The Application and the Plan should not be approved because they do not meet the requirements for an R-P zoning amendment.

A. The Application and Plan do not meet the purpose of the R-P district.

The Application and the Plan do not meet the purpose of the R-P District. RP Districts are "intended to integrate creative site design, provide a variety of housing types, provide unique on-site amenities, conserve natural features, increase pedestrian connectivity, or otherwise result in a final product that provides greater public benefit than would be required under the existing zoning district." The R-P District allows single or two-family residences, townhouses, and accessory uses, but only if they are compatible with the surrounding neighborhood.⁸

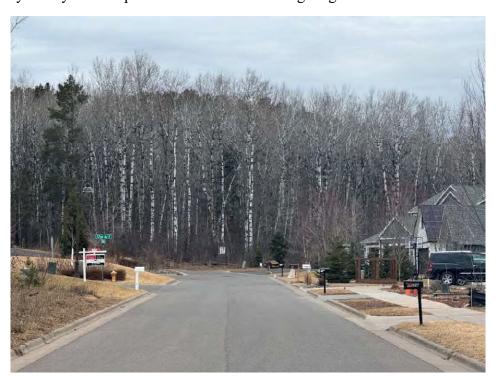


Figure 1: View of the Property from Bald Eagle Trail, facing North. Bald Eagle Circle is at the end of the street (March 7, 2024). Nearly all decidious trees visible in this picture would be cleared, and an unknown number of 45-foot-tall buildings would be constructed along the base of Hawk Ridge, visible as a dark line of pine trees in the background.

⁶ Application, p. 6.

⁷ Duluth Uniform Development Code (UDC) Section 50-14.7A.

⁸ UDC Section 50-14.7.A.

The Property is located at the very end of residential development in Lester Park in a heavily wooded area immediately below Hawk Ridge and Skyline Parkway, as shown above in Figure 1. P-1 (Park and Open Space District) zoned green space, shown in Figure 2 below, makes up the majority of the land bordering the Property.

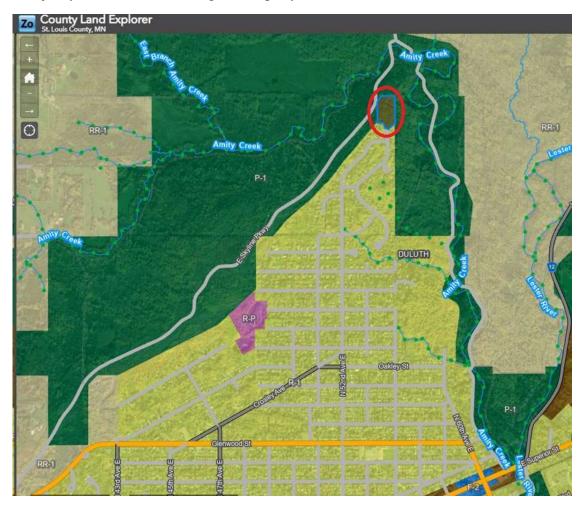


Figure 2: the Property is circled in red. R-P zoning is shown in green, R-1 in yellow, RR-1 in tan, and the Rockridge R-P District is in pink.

The only developed neighborhood that the Property abuts are three single-family lots zoned R-1. One of these lots is owned by the Developer. Parcel 010-2119-00530 is located within and subject to the declarations of the Hawk Ridge Estates subdivision. Those declarations include permitted uses, setbacks, and other requirements. The Developer and Commission Staff have not explained how the zoning changes requested can be applied to this parcel or how the Developer can build the Plan over this lot.

The Commission and public should fully understand the scope of the Plan for the Property. From what can be gleaned from the Application and the Plan, the Developer intends to construct:

• three to five or more single-family dwellings up to 45 feet high at the midpoint of the roof;

- an unknown cluster of cottage homes, town homes, or duplexes, also 35 feet high at the midpoint of the roof, with no yards and only five-foot setbacks from each other and property lines;
- common parking structures for the development that could be up to 45 feet high;
- sewer and utility systems blasted out of shallow bedrock;
- a private clubhouse to be used as a meeting place for residents of the development;
- a common area play field that will not be accessible to the public,
- a maintenance building;
- an RV park for guests;
- some form of storm water runoff containment underneath the playing field, presumably constructed by blasting due to the shallow bedrock and need for blasting to construct the sewer;
- a sewer system constructed to burden the neighboring lot instead of the Developer's property; and
- a stormwater system connected to the system in the existing neighborhood downstream;

All of this will be stacked in a less than four-acre space surrounded by a park. The Staff Report notes that one of these acres is taken up by Hawk Ridge itself. Designated green spaces, landscaping, stormwater management, or other features are not provided to the Commission.

The Plan should be contrasted with the R-P approval for the Rockridge site, included as <u>Attachment F</u>. That plan set R-1 standards for the entire district with the exception of a five-foot height variance to enable reuse of an existing building. Green space was mapped and required. All structures in the Rockridge site must be set back from neighboring houses, and no development can be conducted on the ridge itself. The application currently before the Commission is starkly different and has a much greater impact on the surrounding area.

The Staff Report does not depict the locations of the following buildings and uses depicted in the Plan:

- large parking garages;
- the clubhouse:
- the maintenance shed;
- the play field/storm water containment area;
- the planned walking trail/sewer line over Parcel 010-2119-00530;
- the designation of part of the Property for "Homes with attached garage or B&B site;" or
- the RV park area. 11

⁹ Please see the Application and the Plan.

¹⁰ City of Duluth Ordinance 10300, included as Attachment F.

¹¹ Compare the drawings and legends on page 6 of the Staff Report to pages 1-3 of the Plan.

The Staff Report assumes that the housing will be market-rate, but that is not specifically stated by the Developer, and it is certainly not reflected in the Developer's intent. At the public meeting held by the Developer on November 18, 2023, the Developer stated that he intended to sell at least three lots for construction of tall homes along the ridge, using high-ceilinged garages underneath them to provide views of Lake Superior, for \$250,000 to \$300,000 per lot, as discussed above. This does not seem like market-rate pricing. Further, the Developer may not intend to use the proposed district for residential purposes at all. Multiple proposed business activities that are not normally allowed in a residential development are also listed as permitted in the Plan:

- private club or lodge;
- bed and breakfast:
- seasonal camp or cabin;
- vacation dwelling unit;
- recreational vehicle park;
- preschool and daycare facilities;
- small personal service and repair business;
- accessory bed and breakfast; and
- accessory vacation dwelling unit (regular and limited). 12

These uses are not consistent with the purpose of the R-P zooming amendment process, are not compatible with the surrounding P-1 and R-1 districts and should not be allowed. Taken together, the Plan and Application appear more like a for-profit resort project than a residential development.

If blanket approval is given as recommended in the Staff Report, the Developer would be allowed to build 35 to 45-foot-tall buildings just five feet from the back yards of two existing single-family homes, as shown below in Figures 3 and 4.¹³

¹² Application, pages 4-5.

¹³ Plan, p. 1-2. The easement is fifty feet wide; the Developer could locate the street on the half of the easement opposite the existing home.



Figure 3: The Plan calls for homes and/or B&B structures up to 45 feet tall to be located five feet from the right side of the lot line of this home. The Developer's proposed road, as designed, will nearly touch the porch of this house as it reaches Bald Eagle Circle immediately right of the mailbox.



Figure 4: The Plan calls for a 35-foot-tall building just five feet from the back side yard of this home, somewhere near the evergreen visible behind and to the left of the garage. All visible trees from that point to the left would likely be removed. The proposed trail access would be located on the lot line of this home, approximately where the electrical box is visible.

The City of Duluth determined long ago that the Property, like all other land surrounding Amity and Lester Parks, should preserve the nature of the parkland by requiring at least R-1 setbacks and density, as shown above in Figure 2. There is no reason to alter this decision, and Developer should proceed under the more appropriate R-1 requirements.

B. The Application and Plan do not meet the requirements of the UDC.

The Application and Plan's primary flaw is that it fails to meet the threshold requirements for an R-P amendment. It is important to note at the outset, however, that other sections of the UDC are either not addressed or fully analyzed in the Developer's proposal or the Staff Report.

1. The Skyline Parkway Overlay District may be violated if the Application and Plan are approved.

The Skyline Parkway Overlay (SP-O) district requirements have not been properly considered. The key purpose of the SP-O district is to "protect views from Skyline Parkway toward Lake Superior, the St. Louis River, and the harbor, from a wide variety of vantage points along the Parkway and to encourage the construction of narrower buildings located farther from the Skyline Parkway rather than wider buildings located closer to the parkway." ¹⁴ The only mention of the SP-O district in the Staff Report is a statement that the requested 45-foot height variance is required by the presence of Skyline Parkway. ¹⁵ This inverts the purpose of the SP-O, which applies to a large part of the Property as shown below in Figure 5. This figure is sourced from the Planning Division's mapping service, but a survey should be required to verify compliance with the SP-O district.

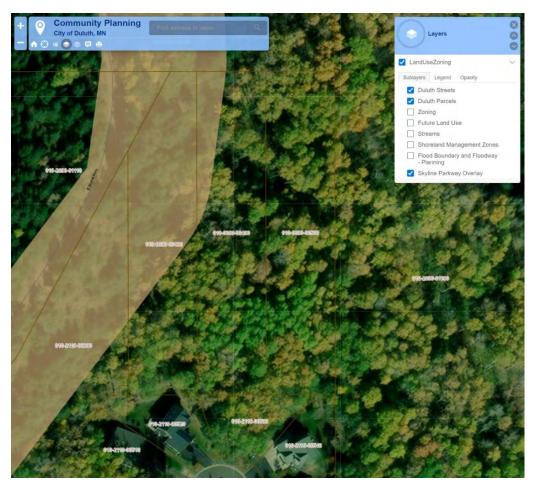


Figure 5: The SP-O applies to a large portion of the Property.

¹⁴ UDC 50-18.4.A.

¹⁵ Staff Report, p. 3.

The SP-O does not merely limit building height. Under Section 50-18.4.D, the following restrictions, among others, apply to any property located within fifty feet of the SP-O district.

- buildings must be at least 50 feet from the Skyline Parkway right-of-way, or as close to that distance as is reasonably possible while complying with side or rear setbacks; ¹⁶ and
- structures must be designed so the long axis is located within 20 degrees of a perpendicular line to the center of the right-of-way, or as close to that as possible.¹⁷

It may be that the elevation of the proposed development is such that these requirements do not apply. The Commission, however, cannot assume that without evidence. The Commission should recommend that all requirements of the SP-O district be applied to any rezoning.

2. The UDC requires landscaping and tree preservation.

The Application and Plan, as submitted and recommended for approval, do not comply with the UDC's landscaping and tree preservation requirements. Under UDC Section 50-25, a parcel that exceeds 10,000 square feet in area and has a primary structure for multi-family or mixed use must follow the requirements of UDC Sections 50-25.2 to 50-25.4 and 50-25.7. That includes the Property.¹⁹

A landscape plan must be submitted as part of a development application. ²⁰ The UDC also requires a landscaped buffer between a multi-family residential project with more than eight units and an R-1 district. That must be either a ten-foot-wide landscaped buffer where trees and vegetation are spaced to minimize sound, light, and noise impacts, or an opaque wall, berm, or fence at least six feet high. ²¹ It is unclear how this required buffer can be constructed within the requested five-foot setback from the neighboring lots in the R-1 District. The required landscaping is not reflected in the Plan and unmentioned in the Staff Report. The Commission cannot recommend approval of the Application and Plan because it is incomplete and fails to satisfy this section of the UDC.

C. The Application does not meet the requirements for an R-P amendment.

The Staff Report provides UDC sections governing how the Commission makes decisions but does not analyze the purpose and requirements of the R-P amendment or how those requirements should guide the Commission's recommendation. The Application and the Plan, including the requested variances, cannot be approved unless the Developer demonstrates it meets

¹⁶ UDC 50-18.4.D.1.

¹⁷ UDC 50-18.4.D.2.

¹⁸ UDC 50-18.4.D.5.

¹⁹ Four acres is equal to 174,240 square feet.

²⁰ UDC 50-25.2.A.

²¹ UDC 50-25.5.A and B.

the purpose of the R-P district, (which, as discussed above, it fails to do) and accomplishes at least three of seven specific priorities for an R-P district.²² Each priority is discussed below.

1. The Application and Plan do not accomplish the R-P district goal of preserving or protecting natural resources and undeveloped areas.

The first question the Commission must answer under UDC Section 50-14.7.C is whether the requested amendment prioritizes "[s]ignificant preservation and protection of natural resources and undeveloped areas, including wetlands, trees, key habitat, and wildlife areas . . ."²³ Developer's Application and Plan conflict with this goal.

The Developer requests that no lot size, setback, or yard size requirements be applied to the amended zoning district. The Developer also asks for the maximum possible variation in building height to be applied, allowing 45-foot-tall structures. Height specification due to Skyline requested building height change is simply "50% increase. Height specification due to Skyline Parkway . . ."25 This is illogical; the presence of Skyline Parkway does not require an increase in building heights. The Developer has not justified the maximum allowable height variance in an R-P district. Increased profit from selling lots for high-end homes, vacation rentals, or the planned bed & breakfast with Lake Superior views does not justify a departure from the standard building height of 30 feet.

The Staff Report states that the Plan and Application "conserves natural features by protecting the shoreline zone at Amity Creek and the hillside" thereby supporting Governing Principle No. 5.²⁶ This recitation of the Developer's claim does not seem possible. Increased development density is likely to harm the environment and natural resources. Significant areas will be cleared to construct multiple homes, large parking garages, a clubhouse, multiple 45-foot-tall residential buildings, streets, sidewalks, an RV park, a play field, and any other structures the Developer may have planned. Accordingly, rezoning to R-P will result in a significant increase in impervious surfaces in the Property. The Property is surrounded by parkland, including very steep slopes on both sides. The slope to the east is the steep side of Hawk Ridge. The slope to the west is the high, eroding bluff over the bank of Amity Creek, a trout stream that Lakesuperiorstreams.org lists as an impaired waterbody due to turbidity.²⁷ There is an established neighborhood to the south that will have to absorb the rest of the runoff from the proposed development. If the Commission wants to protect the natural environment, strict compliance with the currently required R-1 zoning density and setbacks should be maintained.

²² UDC Section 50-14.7.C.

²³ UDC Section 50-14.7.C.1.

²⁴ Note that the UDC measures building heights at the middle of the roof gable, meaning these structures could be more than 45 feet tall. UDC 50-41.8.

²⁵ Staff Report, p. 3.

²⁶ Staff Report, p. 2.

²⁷ See https://www.lakesuperiorstreams.org/streams/amity.html.

The short notice period and lack of available information may also be depriving the Commission and its staff of input from other sources that would be able to explain any environmental impacts caused by the proposed rezoning. For example, will lighting from the dense pile of structures in the small area cause problems for migratory birds along Hawk Ridge? Could additional runoff cause further erosion and sedimentation of Amity Creek? Does the Duluth Parks and Recreation Department have any input regarding impacts to the parkland? There is no information available to answer these questions.

2. The requested zoning amendment will not support sustainability in Duluth.

The second criterion is that the development support "a higher level of sustainability demonstrated in buildings, site design, and transportation than required by Section 50-28 of the UDC." The Application, Plan, and Staff Report appear to be silent on this criterion. The Developer has not fulfilled this requirement.

3. The purpose of the R-P district will not be advanced by Developer's use of streets, utilities, and public facilities more efficiently or at a lesser cost.

The Application and Plan utterly fail to support this R-P priority. As discussed below, the Developer's Plan makes extremely inefficient use of storm water management systems and city streets.

Stormwater runoff is a significant concern in the area. Hawk Ridge sheds massive amounts of water every spring and during every rain. The storm sewers in the area of the Bald Eagle Trail and 52nd Avenue East intersection are frequently barely able to keep up with the volume of water. Nearly every spring, runoff from Hawk Ridge causes very thick ice sheets to form over the entire width of the end of 52nd Avenue East for dozens of yards. The city normally sends a full-size road grader to work on these ice dams, and it is not unusual for even large commercial vehicles to become stuck in deep ruts in the ice created by additional runoff. Multiple homeowners on the uphill side of 52nd Avenue East have spent thousands of dollars to divert surface runoff around their properties. As discussed above, clearing trees and adding impervious surfaces to the Property will only increase the runoff toward the existing neighborhood and eroding bluffs above Amity Creek. All this runoff will need to be handled by city infrastructure to avoid further damaging this important watershed.

The Plan requires routing storm sewers over Parcel 010-2119-00530. The Application, Plan, and Staff Report do not explain whether that is feasible given the restrictions placed on that parcel by the existing covenants. Accordingly, there is no indication that the Developer's plan can be implemented.

²⁸ UDC Section 50-14.7.C.2. UDC Section 50-28 refers the reader to Section 50-18.1.E.

Likewise, there is no indication that increased traffic for 26-33 dwelling units can be accommodated by the Developer's Plan or the existing infrastructure in the neighborhood below the Property. Creation of up to 33 dwelling units on the Property could result in 66 or more vehicle trips in and out of the property per day, and that is using a very conservative assumption of only one vehicle entering and leaving the Property per dwelling unit. The commercial and rental uses proposed by the Developer are likely to significantly increase the number of trips per day.

Bald Eagle Circle is already congested by driveways, as shown in Figure 6.



Figure 6: Driveway congestion in Bald Eagle Circle

There is little to no space in Bald Eagle Circle to safely accommodate the greatly increased traffic or store snow cleared from the Developer's new road and sidewalk. This cul-de-sac is narrow and designed to serve limited residential traffic, as shown in Figure 6 below.



Figure 7: View of Bald Eagle Circle from the outlet of the Developer's proposed road (March 6, 2024). Picture taken with a .5 zoom lens on an iPhone to fit the cul-de-sac in frame.

This increased traffic presents significant safety hazards to the walkers, bikers, children, and other cars using Bald Eagle Circle. If anything, the proposed street will reduce connectivity in the existing neighborhood through increased traffic congestion.

The Plan also unnecessary changes in street dimensions. The Developer intends to use a 20-foot-wide street within the R-P area but increases that width to 24 feet and adds sidewalks once the street moves next to existing single-family homes. This is unreasonable and inefficient. There is no need to increase the size of the street where it meets Bald Eagle Circle. The proposed street and sidewalk would be located immediately adjacent to an existing driveway and virtually on top of an existing home, as discussed above. Finally, the Developer's planned sidewalk would go nowhere; there is no sidewalk in Bald Eagle Circle. The Developer has a wide easement in this area and could have proposed a safer and more efficient design with less impact on existing homes. That would, however, impact the Developer's ability to build and sell a home on parcel 010-2119-00530 which I believe bears the majority of the easement. Instead, it appears the Developer elected to preserve his entire lot and locate the full road on property owned by an existing homeowner.

4. The lack of publicly available recreational facilities does not further the purpose of the R-P district.

The fourth factor is whether the proposal supports the purposes of the R-P designation through "[r]ecreational facilities that are available for regular public use, such as parks, trails, and playgrounds" or mass-transit linkage.²⁹ The Application, Plan, and Staff Report assume that the amenities presented in the Plan can and will be built and will have a positive impact on the public. They also treat the amenities planned for the residents or renters in the proposed development as if they will be available to the public when most will not. Private amenities available only to the residents or renters do not the advance the priority described in Section 50-14.7.C.

The primary public benefit claimed in the Application appears to be the pedestrian access to the Amity West bike trail, which will be located on Parcel 010-2119-00530. The Developer and Staff, however, do not explain whether that is permitted under the existing restrictions on that parcel. The Plan also fails to identify where people using this trail access will park. Bald Eagle Circle is a small cul-de-sac that has no space for public parking, as shown above in Figures 6 and 7. The Developer has not identified any space for public parking within the Plan. Public access to these trails exists from 52nd Avenue East, Lester Park, Seven Bridges Road, Skyline Parkway, and in many other locations, many of which provide parking.

The other amenities identified in the Plan are unlikely to be available to the public. The Staff Report and Application identify the proposed playfield as being available, but the Application also states that access would be by invitation only. Requiring an invitation is not public use. Further, the Staff Report notes that the roadway may not be maintained by the city. This seems probable given the Plan's lack of consideration for operation of snow removal equipment or snow storage. In that event there would be nothing stopping the future homeowner's association from ultimately declaring the street a private drive and barring public access, much like nearby Nighthawk Lane. A potential easement for a trail from Skyline Parkway down into the proposed development would then be useless to the public.

The other amenities proposed for the Property are plainly intended for the residents of the Property and their guests or short-term rental customers instead of the public.

5. The proposed development's density lacks consistency with character of the surrounding parkland and neighborhood and does not support the purpose of the R-P district.

The Plan certainly meets the 4-10 dwelling unit per acre test contained in this criterion, but it fails to meet the first test, which is whether the proposal is in scale and character with the surrounding neighborhood.³¹ As discussed above, the dense and potentially commercial structures

²⁹ UDC 50-14.7.C.4.

³⁰ Staff Report, p. 8.

³¹ UDC 50-14.7.A and C.5.

are not in the same scale and character of those in the neighboring R-1 or P-1 districts. The large buildings will dominate the view of Hawk Ridge from all angles and loom like walls over the back yards of neighboring homes. The Plan fails to follow other applicable sections of the UDC for vegetative buffers. As a result, the Application and Plan fail to support the purpose and priorities of an R-P district.

6. The trails identified in the Application and Plan are unlikely to connect to other trails and destinations, which would not support R-P district priorities.

The Application identifies a connection to Skyline Parkway and the Amity West bike trail as meeting this factor. There is no guarantee, however, that either amenity can or will be constructed or available to the public. As discussed above, the proposed location of this trail lacks parking and would be unsafe for the public to access. There is no guaranty that this trail connection can even be constructed. Similarly, the proposed Skyline access trail from within the planned development may not be accessible. The Developer also seeks to have the City of Duluth maintain both of these trails, which would be costly and time consuming, especially in the winter.³² The Developer would also need easements from the city to construct these trails.

The design as proposed does not facilitate use of these potential trails due to their lack of public parking and potential for being restricted to private use of the residents of the development. The Commission should not decide that this factor falls in the Developer's favor.

7. The Application and Plan do not further the purpose of the R-P district through pedestrian services.

The final factor under UDC Section 50-14.7.C.5 is whether pedestrian services will be provided to support the purpose of the R-P district. The pedestrian trail to Skyline, if constructed, maintained, and available to the public may provide some public benefit. The connecting trail from Bald Eagle Circle to the Amity West trail network will only place pedestrians in danger. No parking is proposed, and no sidewalks lead to the proposed entry from Bald Eagle Circle. Anyone seeking to use this trail access, if constructed according to the Developer's plans, will be required to walk on a street subject to significantly increased traffic. This factor does not support a recommendation to approve the Application and Plan.

III. The Commission should recommend that the City Council deny the Application and Plan and require the Developer to redesign the Plan to address specific issues before any resubmission.

The Staff Report presents the Commission's decision as if the Commission must approve the Application and Plan as written.³³ That is inaccurate. The entire UDC would be pointless if the process required only formalities after a developer submits an application. The Commission's duty

³² Plan, p. 2, items L and M under the heading "Trail and Bicycle Route."

³³ Staff Report, p. 1.

is to advise the City Council and Administration. Its objectives are to "guide future development of land, services and facilities so as to ensure a safer, more pleasant and more economical environment for residential . . . and public activities and so as to promote the public health, safety, morals, and general welfare, including the aesthetic, social, economic, physical, and environmental quality of the entire city. . ." Among its many charges, the Commission is to make recommendations to the City Council regarding applications for rezoning.³⁴

The preceding pages amply demonstrate why the Commission's recommendation to the City Council should be to deny the Application and the Plan for all of the reasons provided above and by comments from others. The Developer would then be free to revise the Application and Plan to properly address the requirements of an R-P district. In that event, the Commission should recommend future approval only subject to the following requirements. These modifications to the Application and Plan would allow the Developer to make use of the Property for residential purposes, remain consistent with the surrounding P-1 and R-1 uses, and meet the criteria set forth in the UDC for an R-P district:

- Building heights in the entire district should be limited to 30 feet. This would reduce the visual impact of the development on the surrounding park area. This is also the building height limit for the neighboring R-1 and R-P districts, making the use more compatible with the existing zoning.
- All commercial uses, including but not limited to the Developer's requested permission for short-term rentals, bed and breakfast, seasonal camps or cabins, vacation dwellings, RV parks, preschool and daycare facilities, and personal service and repair businesses should be prohibited. The Property should be restricted to residential use only.
- Significant setbacks, at least 25 feet, should be required from all external borders of parcels 010-0090-00480, 010-0090-00490, and 010-0090-00500. A minimum setback distance of 25 feet would be consistent with the neighboring R-1 zoning district and provide a buffer for the parkland and neighborhood abutting the proposed R-P district.
- A landscape plan should be included with the application.
- A buffer of natural vegetation should be required on the external borders of parcels 010-0090-00480, 010-0090-00490, and 010-0090-00500 to provide visual screening from the park and to help control increased stormwater runoff by maintaining permeable surfaces.
- The provisions of the Skyline Parkway Overlook District should apply to the Property without variation.
- No development should be allowed on the slope of Hawk Ridge, similar to the requirement placed on the Rockridge R-P district. This will reduce the risk of erosion, enable better

-

³⁴ City Planning Commission Bylaws, City of Duluth, Sections 3.1 and 3.2 (March 6, 2018).

- handling of the significant runoff from the high ridge, and minimize visual impacts to the surrounding neighborhood, park, and from Skyline Boulevard.
- The street should be placed entirely on Lot 18 (parcel 010-2119-00530), if approved by the Hawk Ridge Estates Homeowner's Association, and reduced to the same 20-foot width as the street in the rest of the district to minimize impact on existing homes. The easement located on the neighboring lot with the existing home should be vacated.
- A traffic analysis should be included with the Application and Plan to demonstrate that the increased density will not cause dangerous traffic conditions both inside and outside of the proposed development.
- Space for operation of snow removal equipment and snow storage should be incorporated into the Plan, and those responsible for maintenance of the street leading into the R-P district should be prohibited from piling snow in Bald Eagle Circle.
- The Developer should be required to obtain easements for the planned trail connections.
- Access to the Amity West trail system should be relocated to some point within the R-P
 district area instead of in the congested Bald Eagle Circle cul-de-sac and along the borders
 of the existing single-family lots. Public parking for trail access points should be provided
 within the R-P district.
- The new homeowner's association within the proposed district should be required to construct the trails proposed by the Developer and should be responsible for their maintenance. It is unreasonable to ask the City of Duluth to be responsible for shoveling a stairway that leads up the side of Hawk Ridge from this development.
- The Developer should be required to provide easements to the public along all trail accesses, the road, and the parking area for the trail access.
- A stormwater runoff plan that prevents runoff from escaping the Property should be required at the time of application, and the Developer should be responsible for any downstream infrastructure improvements or repairs required to accommodate increased stormwater. That burden should not be placed on the city's infrastructure budget or the neighboring association's stormwater retention ponds.
- Impervious surfaces should be kept to the minimum amount required, and permeable walkways and other surfaces should be utilized whenever possible to reduce surface runoff.
- External lighting should be minimized and required to be down-facing to preserve the dark skies of the parkland, as is required in the neighboring homeowner's association.
- Tree replanting in cleared areas should be required to a reasonable extent using native or climate-change resistant species under a landscape plan approved by the city, similar to the requirement that already exists in the abutting neighborhood.

 These restrictions should be recorded in the real estate records and required of any future owner of the Property.

The list presented above is a reasonable set of conditions that would allow development of new housing, minimize impact to the human and natural environment, and comply with the UDC. The Developer will undoubtedly argue against these conditions, but maximizing the Developer's profit at the expense of the surrounding park and neighborhood is not the Commission's role or duty.

Conclusion

The goals of Section 50-14.7 of the UDC are best met by retaining the R-1 Zoning that currently applies to the Property. There is no reason why the Property cannot be developed under the existing R-1 zoning classification, and the Application and Plan do not meet the UDC requirements for an R-P zoning amendment. The Application and Plan as presented would benefit only the Developer while greatly burdening users of the surrounding parkland, the environment, the city's infrastructure, and the abutting neighborhood.

The Planning Commission is not required to facilitate the Developer's profit and it is the Developer's duty to meet the UDC requirements. The Commission should recommend that the City Council deny the Application entirely and allow the Developer to reapply subject to the conditions presented above.

Respectfully submitted,

- Ja Cale

Attachment A

Public Notice Letter, February 23, 2024



Planning & Development Division Planning & Economic Development Department

(

218-730-5580



planning@duluthmn.gov

Room 160 411 West First Street Duluth, Minnesota 55802

February 23, 2024

RE: Public Hearing Notice to Rezone parcel #'s 010-0090-00480, 010-0090-00490, 010-0090-00500, and 010-2119-00530 located adjacent and north of Bald Eagle Circle from Residential Traditional (R-1) to Residential-Planned (R-P), (PL 24-011)

Dear Neighbor,

This letter is to inform you of an application for a site near your property. State statute requires that the City provide written notice to property owners within 350 feet of a project area when certain zoning applications are submitted. If you have tenants at a property near the proposal, we also ask that you share this letter with your tenants.

The City has received an application from Newhaven, LLC for a UDC Map Amendment (rezoning) of parcel #'s 010-0090-00480, 010-0090-00490, 010-0090-00500, and 010-2119-00530 located adjacent and north of Bald Eagle Circle from its current zone district of Residential Traditional (R-1) to Residential-Planned (R-P). The City's review of this project is to ensure it complies with the City's regulations as established in the Unified Development Chapter (Legislative Code Sec. 50-37.3).

This matter is scheduled to be reviewed by the Planning Commission at **5:00 p.m.**, on **Tuesday, March 12, 2024,** in the 3rd floor Council Chambers at City Hall. The public hearing will be held in person. If you wish to speak on this item you must do so in person or send comments to the Duluth Planning Commission at planning@duluthmn.gov or 411 West First Street, Room 160, Duluth, MN 55802.

Please note that staff reports on agenda items, including more detailed information such as public agency comments and staff conclusions, are typically available on the Planning Division's Web Site at http://www.duluthmn.gov/boards-commissions/planning-commission/ about 5 or 6 days before the Planning Commission meeting.

If you have any questions or would like more information, please send an email to planning@duluthmn.gov, or call 218-730-5580.

Respectfully,

John Kelley Planner II

Attachments: Area Map

LegendZoning Boundaries



Attachment B Application

R-P DISTRICT REQUIREMENTS				
PRIOR DEVELOPMENT AND ZONING REQU	IREMENTS 50-14.7			
Auditor's Plat of Lester Park Garden Tracts and Hawk Ridge Estates First Addition AUDITOR'S PLAT OF LESTER PARK GARDEN TRACTS, Lot 49 AUDITOR'S PLAT OF LESTER PARK GARDEN TRACTS, Lot 50 AUDITOR'S PLAT OF LESTER PARK GARDEN TRACTS, VACATION Document No. 346147.0, Lot Eighteen (18), Block Four (4), HAWK RIDGE ESTATES FIRST ADDITION.				
Prior use	Previously platted as Auditor's Plat of Lester Park Garden Tracts. 1939 areal photo shows clearing for farming activity. The former field has been overgrown by Poplar trees.			
Current zoning	Residential-Traditional (R-1), Natural Resourses Overlay (NR-O) for Cold Water (CW) shore land setback, Skyline Parkway Overlay (SP-O).			
Future use	Traditional Neighborhood (TN).			
Flood zone	Areas of minimal flooding (C), FIRM Flood Insurance Rate Map 2704210015C effective 4/2/1982.			

DETERMINATION OF HOW THE PROJECT	ETERMINATION OF HOW THE PROJECT SUPPORTS THE PURPOSE OF THE R-P DISTRICT 50-14.7.A				
Integrate creative site design	Creative site design includes a compact residential devel between NR-O AND SP-O districts. The site characteristic steep slopes. Reduced setbacks allow the implementatic cottage and enjoyment of natural areas to the rear. Util manner which does not interfere with the Skyline Parkwopen space that can be used for a common area play fie sidewalks provide access to adjacent trails.	ics include shallow bedrock and ion of pedestrian access to the lization of base of slope in a vay view corridor allows active			
Provide a variety of housing types	Single-family, duplex, cottage homes, and townhomes of the R-P district plan. Dwellings located adjacent to steel garage space in a manner that will minimize blasting for	p slopes can be provided above			
Provide unique on-site amenities	Pedestrian trail connections, common space play field, c space structures for maintenance and meeting.	common space garages, common			
Conserve natural features	Passive conservation area preserves the water resources Creek and Skyline Parkway.	s and environment near Amity			
Increase pedestrian connectivity	Pedestrian connectivity to Amity West hiking and biking connectivity to Skyline Parkway is provided by an easem stairway access.				
Greater level of public benefit	Redeveloping obsolete platted parcels into new parcels benefit. There are currently four building parcels with n utilities and easements in place to support 0.25 dwelling development will provide utilities and easements which acre and will provide unique on-site amenities and incre the public.	o dwelling units and without g units per acre. The proposed will support 8 dwelling units per			

INCLUSIONS IN R-P REGULATING PLAN			50-14.7.A		
Location of proposed development The project is located within the Lakeside-Lester Park Neighborhood adjacent to pla					
	Hawk Ridge Estates First Additi	Hawk Ridge Estates First Addition.			
Type of proposed development	Compact residential developm	Compact residential development that incorporates small lots and significant density			
	within a traditional neighborho	within a traditional neighborhood.			
Intensity of proposed development	8 units per acre	8 units per acre 26 DU Dwelling Units			
	10 units per acre (with ADU)	10 units per acre (with ADU) +7 ADU Accessory Dwelling Units			
Maximum non-residential	44,359 SF	•	·		

DESCRIPTION OF PUBLIC AMENITIES OR BEI	DESCRIPTION OF PUBLIC AMENITIES OR BENEFITS INCLUDED 50-14.7.A					
Public trail connection to Skyline Parkway.	20' wide easement for trail connection to the open sp. The small project to build a stair structure within this of the home owners' association to serve as a common grommunity camaraderie.	easement will be recommended to				
Public trail connection to Amity West hiking and biking trail.	10' wide easement on Lot 50 AUDITOR'S PLAT OF LEST Eighteen (18), Block Four (4), HAWK RIDGE ESTATES FI connection from Bald Eagle Circle to Amity West hikin	IRST ADDITION for public trail				
Passive open space for Skyline Parkway.	Passive open space dedicated to conserve natural vegoverlay. Management and construction of pedestrian home owners' association.	• • • • • • • • • • • • • • • • • • • •				
Active and Passive open space for Amity Creek.	Passive open space dedicated to conserve shorelands provide for storm water management. Pedestrian wa within this space. Infrastructure to support a future as within this space.	lkways and/or paths are allowed				
Active common open space	20% common open space within the cottage home cofield, passive landscaping areas, a community building areas and restroom. Stormwater management will be field.	g with indoor and outdoor seating				
Common area garages	Central common area for garages and a maintenance common space.	building will be located in a central				
Solar panel array infrastructure	Infrastructure for future solar panel array to be central area garage roofs. The garage roofs will be designed, solar potential. Conduit will be provided to allow ease installation of additional panels. Covenants and/or so reduce shadows from being cast upon the panel array	orientated and sloped to maximize e and flexibility for future olar easement will be provided to				

PERMITTED USES FOR PROJECTS WITHIN THIS R-P REGULATING PLAN	50-14.7.A
Single-family residences, two-family residences and townhouses, as well as accessory uses, are permitted.	

COMPATIBLE NATURE OF THE R-P REGULATING PLAN 50-14.7.A				
Scale and character or surrounding neighborhood	The surrounding Lakeside-Lester Park Neighborhood is characterized by a value Within this neighborhood, the nearby adjacent developments are zoned R-1 contain single-family, duplex, townhome, and multifamily residences. The surrounding neighborhood is best described by the residential density of the 4-8 units per acre and a nearby R-P zone at 4-10 residential units per acre.			
	The property will include a residential neighborhood with 8 resider increase of up to 10 dwelling units per acre will be allowed for accordated within a one or two family dwelling. This residential scale consistent with the surrounding Lakeside-Lester Park Neighborhood	essory dwelling units and character is		

MODIFICATIONS - ELI	GIBILITY	50-14.7.C				
Demonstration of	1	This residential project integrates creative site design that is necessary due to the location be	tween			
how the proposal		the hillside at Skyline Parkway and Amity Creek.				
supports the purpose	2	Provides a variety of housing types including cottage and traditional homes and guest RV par	king, al			
of the R-P district.		of which are needed in Duluth.				
	3	Provides unique on-site amenities including hiking and biking trail connections.				
	4	Conserves natural features by protecting the shoreline zone at Amity Creek and the hillside w	vhich			
		supports several significant trees below Skyline Parkway.				
	5	Increases pedestrian connectivity by including hiking and biking trail amenities.				
	6	Results in a final product that provides a greater level of public benefit than is required under	r the			
		existing zone district.				
THREE OR MORE PRO	POSED R-P	PRIORITIES				
The project proposes	Priority 1	The concept and detailed development plans shall be designed to comply with the provisions	of this			
as part of the project,		Section 50-18.1.D in order to protect the Amity Creek shoreline setback. The steep slope adj	acent			
that three or more R-		to Skyline Parkway will be conserved as passive open space.				
P rezoning priorities	Priority 3	Streets and utilities will be located in a more efficient 50' wide easement. Sewer line is route	d in a			
will achieved by the		more efficient location separate from other utilities in order to allow gravity flow and reduce	ed .			
project.		blasting into bedrock. Centralized garage parking reduces impervious area and provides a				
(Numbers reference		pedestrian friendly entrance to cottages.				
to priority numbers	Priority 4	Dedicated easements for trail connections to Amity West hiking and biking trail and East Skyl	line			
identified in 50-		Parkway. Play field located in common open space.				
14.7.C.)	Priority 5					
		10 units/acre for optional accessory dwelling units created within a one or two family dwelling	ng.			
	Priority 6	idewalks within the cottage community connect to Amity West Hiking and Biking Trail and to Bald agle Circle.				
	Priority 7	Open courtyard.				
	' '	Traffic calming implemented with 20' wide drive, curve, and variation in curb.				
CONCEPT PLAN TABL	E 50-14.7:	MODIFICATIONS ALLOWED				
CHAPTER REQUIREMI	ENT	MAXIMUM MODIFICATION ALLOWED				
Distance from propert	ty lines	No required yards.				
Lot frontage		No required minimum lot frontage.				
Lot area, general		No required minimum lot area.				
Building height		50% increase.				
Parking		Minimum of 1 space per dwelling unit. Located within 250 ft. walking distance of				
		dwelling.				
Landscaping		Alternative or off-site landscaping permitted.				
Street cross-section		Public or private street permitted, as determined by City Engineer. If private street	et			
		provided, cross section as determined by Land Use Supervisor.				
		20 ft. drive lanes and 4 ft. sidewalks similar to street type: S20 approved by the Ci	ty of			
		Duluth for use in the Harbor View/Central Hillside Revitalization Traditional				
		Neighborhood Development Code amended March 10, 2008 are allowed. Sidewa	ılkes			
		routed separate from street are allowed.				

R-P ZONE APPLICABILITY		50-14.7.D		
The project meets the applicability requirement for a R-P rezone and also is required to be rezoned by the Natural Resources Over				
Current zoning Residential-Traditional (R-1)				
Overlay zoning	Natural Re	esources Overlay (NR-O) - Coldwater Creek (CW) **		
Minimum lot size	1	Acre		
Project size	4	Acre		

^{**} UDC: 50-18.1.D.6: 6. Subdivisions.

New subdivisions in the shoreland area shall meet the following requirements:

(a) The land shall not be subdivided until the land has been rezoned into the R-P zone district, and the concept and detailed development plans required in the R-P districts shall be designed to comply with the provisions of this Section 50-18.1.D.

REQUIREMENTS FOR ESTABLISHMENT OF AN R-P DISTRICT 50-14.7.E		
Rezoning the property	UDC Chapter 50, Section 50-37.3	
R-P Regulating plan	UDC Chapter 50 Section 50-37.11	

VEL	OPN	IENT STAN	IDARDS			50-14.7.F		
		STANDARI)	WAIVER OR VARIANCE				
	1	Garage		Allow common amenity accessory garage.				
				Allow attached garages supporting single-family home	!S.			
				Allow garages fronting street.				
		Utilities		Allow routing of utilities for single-family homes in a n	nanner simila	r to multi-f	amily	
				structures.				
		Uses		Allow combination of residential uses on individual sit	e(s). (For exa	mple, singl	e family	
				homes over attached garages.)				
	2	Residentia	l Density	4 to 8 units per acre				
		Accessory	Use Modification	4 to 10 units per acre (with ADU)				
	3	Residentia	ıl use	Property		173,122	SF	
				Common Open Space and Amenity Areas		42,654	SF	
				Property Excluding Common Open Space and Amenity	Areas	130,468	SF	
				Percentage of Property for Residential	Percentage of Property for Residential			
				Property for Residential		86,109	SF	
				Property for Commercial		44,359	SF	
	4	4 Common Required Open		Area of the project not including right of way or acces	s easements	140,236	SF	
		Space		Required dedication		30%		
				Required dedication to open space		42,071	SF	
				Land excluding common open space		98,165	SF	
				Area of the cottages		28,800	SF	
				Required open space within cottages		20%		
				Required dedication to open space within cottages		5,760	SF	
			Planned	Common Open Space	23,935		SF	
				Amenity Area	2,022		SF	
				Open space within cottages	7,800		SF	
				Total dedicated open space and common area		33,757	SF	
	5	Natural	Wetlands	The proposed site does not contain wetlands.				
		Resourse	Flood Plains	The proposed sited does not contain flood plains.				
		Requirem	Shorelands	A portion of the proposed site is between 150 ft and 300 ft from Amity Creek.				
		ents	Stormwater	Land disturbance between 3,000 sq. ft. and 1 acre.				
		Management and						
			Erosion Control					

124

REQUIRED COMMUNITY MEETING

50-14.7.G

Documentation that the community meeting has taken place:

NOTICE OF COMMUNITY MEETING

Newhaven, L.L.C. intends to petition the city of Duluth for a UDC zoning map amendment which will protect shorelands of Amity Creek from possible negative impacts of future development within the Natural Resources Overlay District.

The purpose of the meeting is to discuss our plan and incorporate community input into the plan before submitting a UDC zoning map amendment for review and approval by the city of Duluth.

We value your input and encourage you to attend the community meeting. If you are unable to attend the community meeting and have questions or would like to provide input, please do not hesitate to let us know by U.S. mail, email: nick@newhavenItd.com or voicemail: 425 493 6800.

MEETING DATE	11/18/2023	
MEETING TIME	5:15 PM to 6:30 PM	
MEETING LOCATION	Portman Community Recreation Center 4601 McCulloch St. Duluth, MN 55804	
The property is	located at 3038 Bald Eagle Circle, Duluth, MN 55804	Π



Nick Newhaven, L.L.C.

UDC ZONING MAP AMENDMENT BALD EAGLE ESTATES

	PROPERTY OWNER LIST						
NO.	PARCEL	PROPERTY OWNER	PROPERTY OWNER ADDRESS	NOTICE			
1	010-0090-00480	Newhaven, Ltd	PO Box 982	Posted			
			Mukilteo, WA 98275	11/6/23			
2	010-0090-00490	Nick Ericson	PO Box 982	Posted			
			Mukiteo, WA 98275	11/6/2			
3	010-0090-00500	Nick Ericson	PO Box 982	Posted			
			Mukilteo, WA 98275	11/6/2			
4	010-2119-00180	Duluth HRA	PO Box 16900	Posted			
			Duluth, MN 55816-0900	11/6/2			
- 5	010-2119-00190	Marc & Kerri Maas	1815 Vermillion Road	Posted			
			Duluth, MN 55803	11/6/2			
- 6	010-2119-00200	Sarah George & Joseph Schmit	5709 Oneida St	Posted			
	100,000,000	The state of the s	Duluth, MN 55804	11/6/2			
7	010-2119-00430	Eric Hanhan & Sarah Hanhan	3017 N 52nd Ave E	Posted			
			Duluth, MN 55804	11/6/2			
8	010-2119-00440	Daniel Hallberg & Diane Etux	19184 Ismay Path	Posted			
		band that a band that	Lakeville, MN 55044	11/6/2			
9	010-2119-00450	Sarah Brown & Eric Yuvaraj	3021 N 52nd Ave E	Posted			
	111 1000 11111	The state of the state of	Duluth, MN 55804	11/6/2			
10	010-2119-00460	Brooks & Ashley McMahon	1922 CO Road MN	Posted			
		and a second processing	Fitchburg, WI 53575	11/6/2			
11	010-2119-00470	Darren & Andrea Jacobsen	3025 N 52nd Ave E	Posted			
	oto Ett. conto	Carteria Actoria meneri	Duluth, MN 55804	11/6/2			
12	010-2119-00490	David & Jessica Betts	3035 Bald Fagle Circle	Email			
	010.011.00.00	Datin or Jesusa Gilla.	Duluth, MN 55804	11/13/			
13	010-2119-00500	Doluth HRA	PO Box 16900	Posted			
	The same and		Duluth, MN 55816-0900	11/6/2			
14	010-2119-00510	Justin & Megan Swap	4884 Tamarack Ln. Apt. A	Return			
-		The state of the s	Hermantown, MN 55811	Sender			
15	010-2119-00520	Walter Carlson & Jodi Wutschke	4953 Cherrywood Lane	Posted			
	hat constituted	Transit Carryon School Statesons	Duluth, MN 55811	11/6/2			
16	010-2119-00530	IRA Express Inc. as Agent for Custodian for	PO Box 9	Posted			
	ere this time	the Benefit of Nick Ericson IRA	Cedar City, UT 84721	11/6/2			
17	010-2119-00540	Alex & Krista Bastien	3036 Bald Eagle Circle	Posted			
.,	010-2117-000-00	President Control Control	Duluth, MN 55804	11/6/2			
18	010-2119-00550	Nicholas & Jennifer Patterson	2204 Hwy 2	Posted			
		100000000000000000000000000000000000000	Two Harbors, MN 55616	11/6/2			
19	010-2119-00560	Matthew & Karen Hanka	320 West Superior Street, Suite 700	Posted			
			Duluth, MN 55802	11/6/2			
20	010-2119-00570	John & Kimberly Gasele	3030 Bald Eagle Trail	Posted			
4.7	010 1110 00310	Total of famourly charen	Duluth, MN 55804	11/6/2			
21	010-2119-00580	Andrew & Sharon Scheidel	1510 E 6th Street	Posted			
	010.000	Printell a sea on science;	Duluth, MN 55812	11/6/2			
22	010-2119-00690	City of Duluth, c/o City Auditor	411 W 1st Street, Room 107	Posted			
	0.000.000	Cut or purpose the cut service	Duluth, MN 55802	11/6/2			
23	010-2690-01090	City of Duluth, c/o City Auditor	411 W 1st Street, Room 107	Posted			
24		The second second	Duluth, MN 55802	11/6/2			
24	010-2690-01110	City of Duluth, c/o City Auditor	411 W 1st Street, Room 107	Posted			
2.0	- LUIS OF LIE	and an amount of a cut harmon	Duluth, MN 55802	11/6/2			
25	010-2690-01180	City of Duluth, c/o City Auditor	411 W 1st Street, Room 107	Posted			
***		and an equal of a cult summer.	Duluth, MN 55802	11/6/2			
- 26		Hawk Ridge Estates Association, Inc.	5304 Broadwing Drive	Posted			
		The same and the same and the	Duluth, MN 55804	11/6/2			

© Nick Ericson 2023 11/16/2023

UDC ZONING MAP AMENDMENT

BALD EAGLE ESTATES

UDC ZONING MAP AMENDMENT BALD EAGLE ESTATES

GENERAL LAYOUT OF DEVELOPMENT AREAS SERIES IN LAYOUT OF DEVELOPMENT AREAS AND BUILDING PARCELS THYE KEY DISSIPPTION LOT 3 LAYOUT OF DEVELOPMENT AREAS AND BUILDING PARCELS LOT 3 LAYOUT OF DEVELOPMENT AREAS AND BUILDING PARCELS LOT 3 LAYOUT OF DEVELOPMENT AREAS AND BUILDING PARCELS

Lot Eighteen (18), Block Four (4), HAWK RIDGE ESTATES FIRST ADDITION

NATURAL FEATURE	S TO BE PROTECTED	
N1	5P-O	TRAILS, PATHS, HILLSIDE, SIGNIFICANT TREES, AND SKYLINE PARKWAY
N2	NR-O	SHORELINE AND CLEAN WATER
N3	SIGNIFICANT TREES	FIVE JACK PINE TREES (16", 10", 6", 8", 10")
PROPOSED ROAD, 1	TRAIL AND BICYCLE CIR	CULATION SYSTEMS
LAYOUT KEY		DESCRIPTION
CI	24' URBAN STREET W	Y/O SIDEWALK
C2	28' URBAN STREET, F	EDESTRIAN SIDEWALK ONE SIDE
C3	20' ALLEY / FIRE ACC	ESS ROAD
C4	20' ALTERNATIVE TO	120' HAMERHEAD
CS	ALLEY EASEMENT, SI	IRVEY AND RECORD EASEMENT (15' ALLEY BY OTHERS)
.06	5' PEDESTRIAN SIDEV	WALK
C7.	4'-4" PEDESTRIAN SI	DEWALK
C8	3"-6" PEDESTRIAN ST	AIR
C9	PEDESTRIAN / BIKING	TRAIL
C10	HAWK RIDGE DULUT	H TRAVERSE TRAIL
C11	AMITY WEST TRAIL	
Requirement: 50-14	7.H.2(a)	

© Nick Ericson 2023 0 Nick Ericson 2023 11/15/2023

THE COMMUNITY MEETING HAS TAKEN PLACE

The applicant shall submit with the application documentation that the community meeting has taken place, the date and time of the meeting, the number of attendees, any issues raised regarding the plan and any responses to those concerns incorporated in the plan; (Underlined issues addressed in plan.)

MEETING ONE

Date: 11/18/2023

Time: 5:15 PM

Location: Portman Community Recreation Center

Number of Attendees: 19

ISSUES RAISED DURING MEETING

- 1. Issue of homes. The community was concerned that new homes will be built beyond the Bald Eagle Trail cul-de-sac. Some members of the community feel that since the area is now wooded, it should remain wooded. Much of the meeting was related to this issue and educating the community about the comprehensive plan, UDC, residential density and the knowledge that the comprehensive plan support new homes at this location at the density of 4-8 units per acre under R-1 zoning and 4-10 units per acre under R-P zoning. The difference is due to the 30% common open space requirement.
- Issue of trail access through the property to Amity West. Recent unauthorized trail creation was
 noted through City of Duluth Park property and the project site. (No trespassing signs were
 erected and will remain posted until such time when proper access can be provided.) The
 existence of these trails indicates a desire by the neighborhood to access Amity West from Hawk
 Ridge Estates First Addition.
- 3. <u>Issue of bike access to Skyline Parkway</u>. Not wanted because the hill is too steep.
- 4. <u>Issue of stair access to Skyline</u>. No preference indicated.
- 5. <u>Issue of access road to the north for emergency use</u>. No access road to the north. <u>Concernation about fire safety was discussed</u>. Road is not feasible due to lack of community support. The general consensus was to maintain the existing Amity West Trail and simply provide trail access.
- 6. People requested time to think and respond prior to providing additional issues or input. An agreement was made to receive written issues by email until the end of November. No further input was received from those attending Meeting One.

126

MEETING TWO

Date: 11/20/2023 Time: 9:00 AM

Location: Project Site

Number of Attendees: Two.

Any issues raised regarding the plan:

- 1. Scenic nature of Skyline Parkway. There were two concerns related to this issue. That homes could be seen from Skyline Parkway and that the appearance of any driveway entrance or path entrance to those homes fronting Skyline Parkway should be park-like in nature.
- 2. A need for a small play area where young children can meet was expressed. It was noted that there is no such area in Hawk Ridge Estates. A request for sharing such a space was made.

MEETING THREE

Date: 11/22/2023

Time: 3:30 PM Location: Email

Number of Attendees: Four in email chain.

Any issues raised regarding the plan:

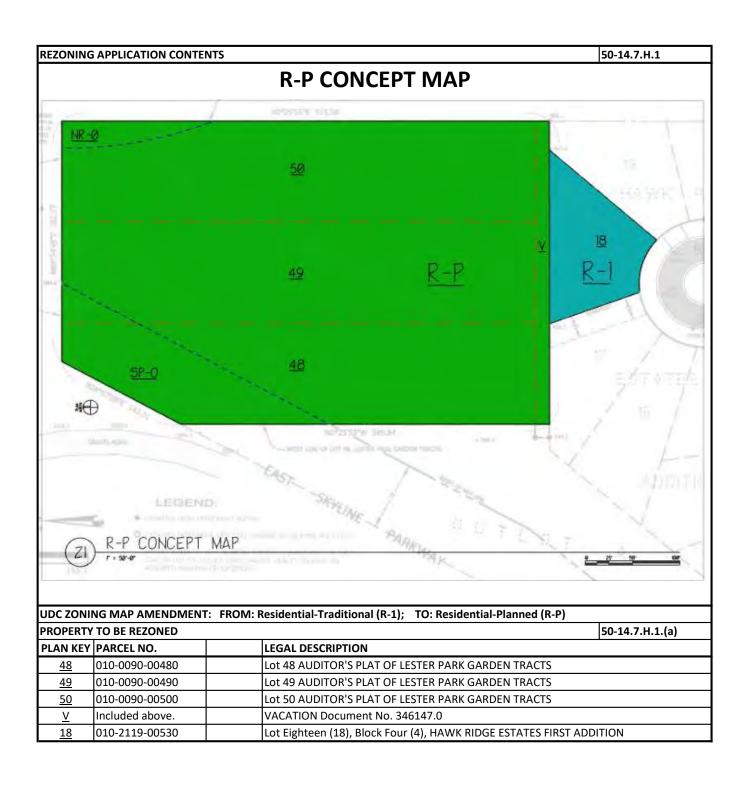
ISSUES RAISED DURING MEETING

- 3. Skyline Drive is not plowed during the winter.
- 4. There cannot be established parking on East Skyline Drive.
- 5. Having an address on the road will be debatable.
- 6. Recommend entirely private road for the development off the cul-de-sac property.
- 7. The city defined road can stop at the property line and need not extend into the development property.
- 8. The city planning supports full use of potential separate re-platted lots as fully accessible from private road.
- 9. <u>Any walkway up to the Skyline alignment would be for pedestrian transit only. Such a walkway is</u> encouraged and is not needed to every property.
- 10. A more organic green space along a meandering line.
- 11. <u>Establish sidewalks to allow all members of the cottage park to translate the property and parking to cottages and visit other cottages on foot.</u>
- 12. Provide a sketch drawing of utility locations / runs.

RESPONSES TO THOSE CONCERNS WHICH ARE INCORPORATED IN THE PLAN

- A. Issue 2: Public pedestrian and biking access easement to Duluth lands containing Amity West Hiking and Biking Trail.
- B. Issue 3, 4: No public pedestrian access easement to the west to East Skyline Drive.
- C. Issue 5: The previous plan to provide public vehicle access across the property was abandoned.
- D. Issue 7, 9, 10 and 11: The plan to provide low density, high income, homes with access off East Skyline Drive which was previously supported by the City of Duluth was abandoned and replaced with moderate density, mid-income, dwellings accessed only off Bald Eagle Trail.
- E. Issue 8: An email was sent to Duluth Parks in an attempt to coordinate access for a play area. No response was received. A play area on private land will be required and accessible to the public by invitation only.
- F. Issue 12 and 13: A 24' wide city road extends from Bald Eagle Circle to the center of vacated Lester Street. This will connect to a 20' wide private road constructed meeting fire access requirements.
- G. Issue 14: Separate re-platted lots ranging from 2000 to 4000 sf.
- H. Issue 15: Private pedestrian access from re-platted lots to trail connecting properties to East Skyline Drive.
- I. Issue 16: A T-shaped green space is provided to encourage a meandering path. Sidewalk connections to the main common sidewalk to be designed with individual dwellings.
- J. Issue 17: Utility sketch created. Sanitary sewer located as far from hillside as possible. Garage / retaining wall structures at base of hill allow common sanitary sewer line and utility installation within and below heated space in a manner similar to townhomes / multi-family dwellings.

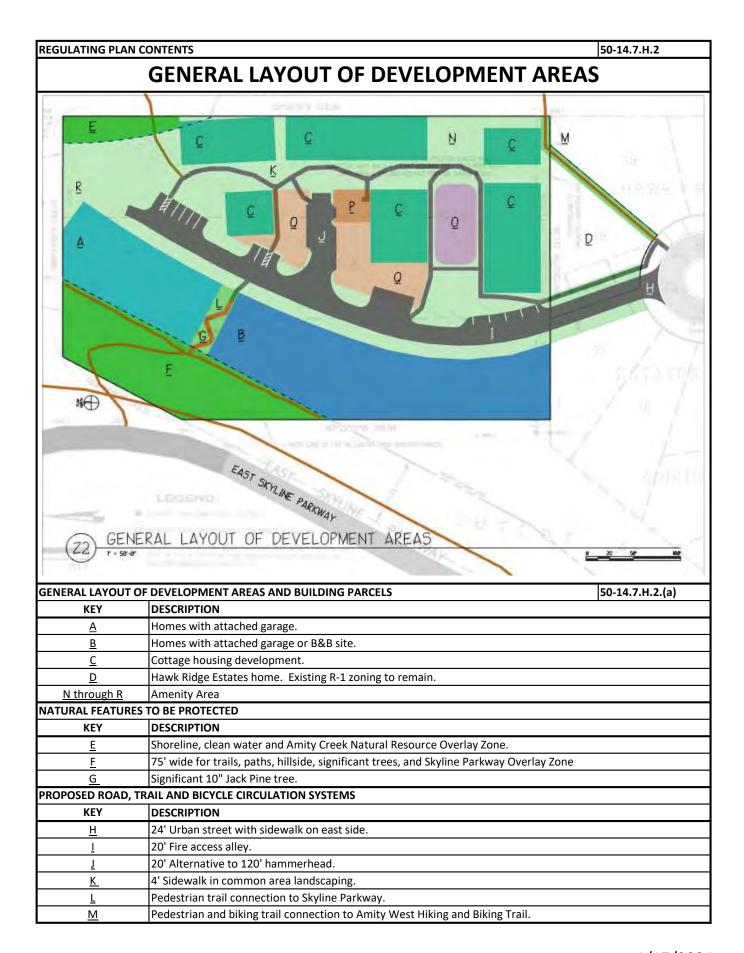
128



GENERAL	USES WITHIN THE AREA	50-14.7.H.1.(a)			
PLAN KEY	USE CATEGORY	GENERAL USES WITHIN THE AREA			
<u>R-1</u>	ALL EXISTING USE CATEGORIES	No change to UDC Chapter 50, Amended March 2023, Table 50-19.8.			
<u>R-P</u>	RESIDENTIAL USES	Household Living			
	PUBLIC, INSTITUTIONAL AND CIVIC USES	Community and Cultural Facilities			
	COMMERCIAL USES	Agriculture and Animal-Related			
		Lodging			
		Outdoor Recreation & Entertainment			
		Personal Services			
	INDUSTRIAL USES	Utilities			
	ACCESSORY USES	Reference UDC Chapter 50, Amended March 2023, Table 50-19.8.			
	TEMPORARY USES				

DENSITY A	DENSITY AND DIMENSIONAL STANDARDS 50-14.7.H.1.(I								
PLAN KEY	MAXIMUM RESIDENTIAL DENSITIES		MAXIMUM SQUARE FOOTAGE FOR NONRESIDENTIAL LAND USES	MAXIMUM BUILDING HEIGHT					
<u>R-1</u>	8 units per acre	1 DU	No limit	30 ft					
<u>R-P</u>	8 units per acre	26 DU	44,359	45 ft					
<u>R-P</u>	10 units per acre (with ADU)	+7 ADU	44,359	45 ft					

Attachment C Developer's Plan



R-P DISTRICT DIMENSIONAL STANDARDS 50-14.7.H.2.									2.(b)	
DEVELOPMENT	MIN LOT	MIN LOT				SETBACKS				MAX
PARCEL SIZE	WIDTH	PERIMETER	FRONT	REAR	CORNER	SIDE	GARAGE SIDE	ACCESSORY STRUCTURE	BUILDING HEIGHT	
<u>A & B</u>	3000 sf	35 ft	5 ft	5 ft	5 ft	5 ft	5 ft	0 ft	0 ft	45 ft
<u>C</u>	2000 sf	30 ft	5 ft	5 ft	5 ft	5 ft	5 ft	0 ft	0 ft	35 ft
Amenity Area	0 sf	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	45 ft

PREVIOUS BASE ZON	REVIOUS BASE ZONE DISTRICTS							
ZONE	PARCEL	OVERLAY DISTRICT	FUTURE USE	FLOOD ZONE	NEW ZONE DISTRICT			
	<u>18</u>	N/A	TN	C **	Remain R-1			
R-1	<u>48, 49</u>	SP-O	TN	C**	D D			
	<u>50</u>	NR-O	TN	(R-P			
** Areas of minimal f	looding (C), FIRM Flood	Insurance Rate Map 27	'04210015C effective	4/2/1982	•			

ROAD, TR	AIL AND BIO	CYCLE CIRCU	LATION PLAN				50-14.7.H.2.(d)	
KEY	WIDTH	EASEMENT WIDTH	TRAIL SURFACES		TRAII SURFACES ST		STATEMENT	TRANSIT
	ROAD It							
<u>H</u>	24'	50'		D-4 SIM			mile walk along N	
1	20'	50'		D-1			52nd Avenue East to	
1	20	30	ASPHALT	STR-5	City of Duluth	Public Right of Way	the bus stop at	
	20'	25'		D-1			Glendale and N 52nd	
<u>1</u>	20	25		STR-5			Avenue East.	
			TRAIL AND BI	CYCLE ROU	TE			
ν	4'	Common	Concrete	STR-12	Home Owners'	Private		
<u>K</u>	4	Area	Concrete	SIM	Association	Private		
<u>L</u>	3'	20'	PT Wood on Concre	ete Base	City of Duluth	PUBLIC R.O.W.		
<u>M</u>] 3	10'	Class 5 Aggreg	ate	City of Duluth	PUBLIC R.U.W.		

NATURAL RESOURCES INVENTORY	NATURAL FEATURES TO BE PROTECTED	50-14.7.H.2.(e)
Jack Pine tree.	10" Jack Pine tree.	
Shoreline setback.	Amity Creek and trout.	
Skyline Parkway corridor.	Views along Skyline Parkway.	

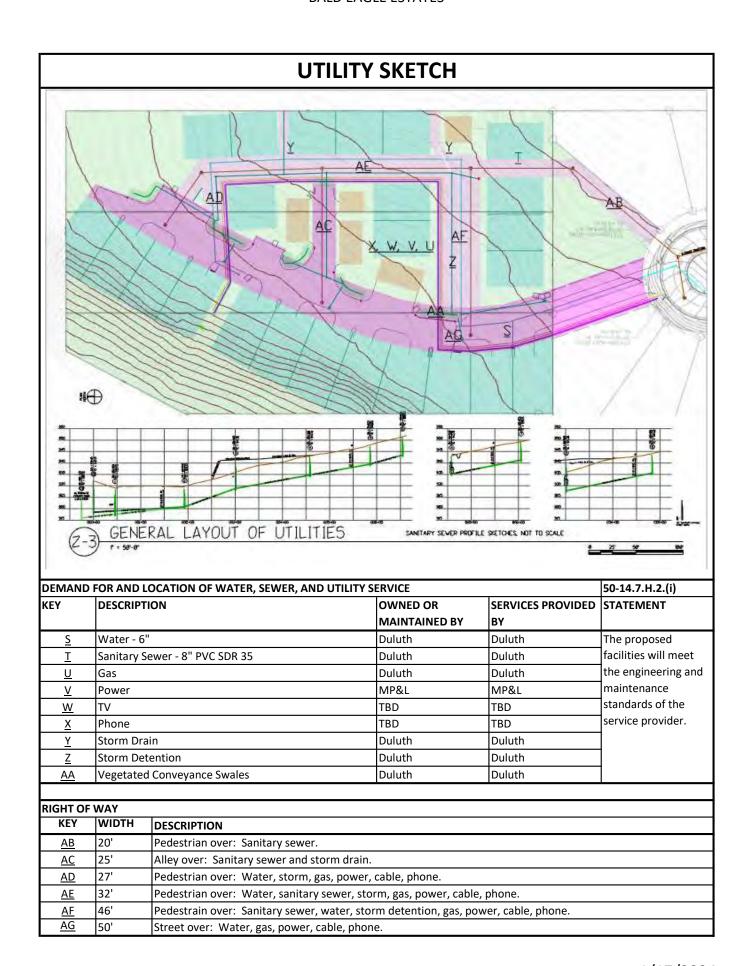
COMMON OPEN SPACE OR AMI	ENITY AREA PROVIDED PER 50-20).1.G.4		50-14.7.H.2.(f)
Common Open Space	LOCATION	PROTECTION	STATEMENT	PROPOSED SF
Outlot A	E		Dublic constants	3,059
Outlot B	F	Outlet	Public access to this open space shall be provided. No public access.	17,447
Outlot C	L	Outlot	· ·	1,564
Outlot D	М		provided.	1,865
Amenity Area	•	•	•	•
Clubhouse	N		3,660	
Play field	0	llama Cuun anal	No public access.	4,140
Maintenance	Р	Home Owners' No pub	No public access.	1,422
Common Garages	Q	No public access.		8,897
RV Site	R			600
TOTAL OPEN SPACE AND AMENI	TY AREA PROVIDED	•	•	42,654
CALCULATION OF PROPOSED O	PEN SPACE			REQUIRED SF
GROSS AREA INCLUDING EASEM	ENTS			173,122
ROW AND ACCESS EASEMENTS				32,886
AREA OF LAND NOT INCLUDING	ROW AND ACCESS EASEMENTS			140,236
REQUIRED PERCENTAGE OF OPE	N SPACE			30%
REQUIRED OPEN SPACE				42,071

PERMITTED USE TABI	.E			50-14.7.H.2.(g)
USES		R-1	R-P	R-P DISTRICT
RESIDENTIAL USES		REFERENCE ONLY	REFERENCE ONLY	ALLOWED USES
HOUSEHOLD LIVING	Dwelling, one-family	Р	Р	Р
	Dwelling, two-family	Р	Р	Р
	Dwelling, townhouse	S	Р	Р
	Dwelling, multi-family		Р	Р
	Manufactured home park	S	P	
	Cottage home park	S	Р	Р
GROUP LIVING	Co housing facility	S	P	
	Interim outdoor living site	+	+	
	Residential care facility/assisted living (6 or fewer)	P	P	
	Residential care facility/assisted living (7 or more)	S	P	
	Sober house (6 or fewer)	P	P	
	Sober house (7 or more)		P	
PUBLIC, INSTITUTION	,			
COMMUNITY AND	Cemetery or mausoleum	S	P	
CULTURAL	Club or lodge (private)		P	Р
FACILITIES	Government building or public safety facility	S	<u>.</u> Р	•
	Museum, library or art gallery	S	P	P
	Park, playground or forest reserve	P	P P	Р
	Religious assembly, small (less than 50,000 sq. ft.)	S	P	Р
	Religious assembly, large (50,000 sq. ft. or more)	<u> </u>	<u>.</u> Р	'
EDUCATIONAL	School, elementary	P	P	
FACILITIES	School, middle or high	<u> </u>	P	
HEALTH CARE	Medical or dental clinic		P P	
FACILITIES			P P	
COMMERCIAL USES	Nursing home		+	
	A sui sultura - sa sa sa usitu sa uda s			<u> </u>
AGRICULTURE AND	Agriculture, community garden	P	P	P
ANIMAL-RELATED	Agriculture, urban	S	P	Р
	Riding stable		P	
	Veterinarian or animal hospital		P	
FOOD, BEVERAGE	Restaurant (less than 5,000 sq. ft.)		S	
AND INDOOR	Restaurant (5,000 sq. ft. or more)		S	
LODGING	Bed and breakfast	S	Р	Р
	Seasonal camp or cabin		Р	Р
	Vacation dwelling unit	1	ı	Р
OUTDOOR	Golf course		P	
RECREATION &	Recreational vehicle park		Р	Р
PERSONAL SERVICES		S	Р	Р
	Daycare facility, small (14 or fewer)	P	Р	Р
	Daycare facility, large (14 or more)	S	Р	Р
	Personal service and repair, small (less than 10,000 sq. ft.)		P	Р
RETAIL SALES	Grocery store, small (less than 15,000 sq. ft.)		₽	
	Retail store not listed, small (less than 15,000 sq. ft.)		P	
VEHICLE RELATED	Filling station (small)		P	
INDUSTRIAL USES				
UTILITIES	Electric power transmission line or substation	S	P	
	Major utility or wireless telecommunication facility	S	P	
	Solar, geothermal or biomass power facility (primary use)		Р	Р
	Water or sewer pumping stations/reservoirs	S	P	

135

ACCESSORY USES	Accessory bed and breakfast	Α	Α	А
	Accessory boat dock, residential	A	A	
	Accessory communications tower for private use	А	Α	Α
	Accessory day care facility	А	Α	Α
	Accessory dwelling unit	А	Α	Α
	Accessory home occupation	А	Α	Α
	Accessory home share	А	Α	Α
	Accessory recycling collection point		Α	Α
	Accessory sidewalk dining area		Α	Α
	Accessory solar or geothermal power equipment	А	Α	Α
	Accessory uses and structures not listed elsewhere	А	Α	Α
	Accessory vacation dwelling unit	ı	I	Α
	Accessory vacation dwelling unit, limited	А	Α	Α
	Accessory wind power equipment	А	Α	Α
	Minor utilities and accessory wireless antennas attached to	А	Α	Α
TEMPORARY USES	Temporary construction office or yard	А	Α	Α
	Temporary event or sales	А	Α	А
	Temporary farm stand	А	Α	Α
	Storage or shipping container	А	Α	Α
	Temporary real estate sales office	А	Α	Α
	Temporary use not listed in this table	А	Α	А

DENSITY A	ND DIMENSIONAL STANDARDS			50-14.7.H.2.(h)
ZONE	CONDITION	MAXIMUM RESIDENTIAL DENSITIES MAXIMUM SQUAR		MAXIMUM SQUARE FOOTAGE FOR
				NONRESIDENTIAL LAND USES
<u>R-1</u>	Standard	8 units per acre	1 DU	No limit
<u>R-P</u>	Standard	8 units per acre	26 DU	44359
R-P	With Accessory Dwelling Units	10 units per acre (with ADU)	+7 ADU	44359



137

SANITARY SEWER MANHOLE LOCATION INFORMATION									
MANHOLE	STA	TC	INVERT @	INVER	T OUT	INVE	INVERT IN		RT IN
			CTR						
E9	000+00	932.17	918.12	918.07	SE	918.17	ENE		
1	000+45.54	0.01	918.68	918.65	ESE	918.75	NE		
2	001+92.93	0.33	920.5	920.46	SW	920.65	N		
3	003+01.08	941.36	928.53	928.38	S	928.6	N	927.61	W
4	004+58.58	943.72	934.4	934.33	S	934.48	N	934.98	W
5	005+86.25	948	939.17	939.09	S	939.28	NW		
6	006+55.06	952	943.17	943.05	SE				
7	B-06+05.56	0	941.32	941.23	E				
8	B-04+83.61	0	935.27	935.18	E				
ALT E8	000-25.35	926.02	915.66	915.62	S	915.72	NW	915.72	NNW
ALT 1	000+45.54	929	917.24	917.19	SSE	917.29	NE		

SANITARY SEWER PIP	E LOCATION INFORMA	ATION		
PIPE RUN		SLOPED PIPE	PIPE	SLOPE
EXIT	ENTER	LENGTH		
E9	1	41.54	LF 8" PVC SDR 35 @	1.24%
1	2	143.4		1.24%
2	3	104.43		7.42%
3	4	153.61		3.73%
4	5	123.75		3.73%
5	6	64.92		5.81%
4	7	143.11		4.37%
3	8	178.69		4.24%
ALT E8	ALT 1	66.91		2.22%
ALT 1	2	143.42		2.22%

Attachment D

Developer's Notice for the November 2023 Meeting

NOTICE OF COMMUNITY MEETING

Newhaven, L.L.C. intends to petition the city of Duluth for a UDC zoning map amendment which will protect shorelands of Amity Creek from possible negative impacts of future development within the Natural Resources Overlay District.

The purpose of the meeting is to discuss our plan and incorporate community input into the plan before submitting a UDC zoning map amendment for review and approval by the city of Duluth.

We value your input and encourage you to attend the community meeting. If you are unable to attend the community meeting and have questions or would like to provide input, please do not hesitate to let us know by U.S. mail, email: nick@newhavenltd.com or voicemail: 425 493 6800.

MEETING DATE	11/18/2023
MEETING TIME	5:15 PM to 6:30 PM
MEETING LOCATION	Portman Community Recreation Center 4601 McCulloch St.
	Duluth, MN 55804
The property is	located at 3038 Bald Eagle Circle, Duluth, MN 55804



Sincerely,

Nick

Newhaven, L.L.C.

Attachment E

Developer's November Meeting Map Handout

UDC ZONING MAP AMENDMENT BALD EAGLE ESTATES

TYPE	KEY	DESCRIPTION
BUILDING PARCELS	LOT 1	Lot One (1) BALD EAGLE ESTATES
	LOT 2	Lot Two (2) BALD EAGLE ESTATES
	LOT 3	Lot Three (3) BALD EAGLE ESTATES
	LOT 4	Lot Four (4) BALD EAGLE ESTATES
	LOT 5	Lot Five (5) BALD EAGLE ESTATES
	LOT 18, B4	Lot Eighteen (18), Block Four (4), HAWK RIDGE ESTATES FIRST ADDITION
DEVELOPMENT -	OUTLOT A	OPEN SPACE
	OUTLOT B	OPEN SPACE
	OUTLOT C	OPEN SPACE

N1	SP-O	TRAILS, PATHS, HILLSIDE, SIGNIFICANT TREES, AND SKYLINE PARKWAY		
N2	NR-O	SHORELINE AND CLEAN WATER		
N3	SIGNIFICANT TREES	FIVE JACK PINE TREES (16", 10", 6", 8", 10")		
PROPOSED ROAD,	TRAIL AND BICYCLE CIRC	CULATION SYSTEMS		
LAYOUT KEY	DESCRIPTION			
C1	24' URBAN STREET W/O SIDEWALK			
C2	28' URBAN STREET, PEDESTRIAN SIDEWALK ONE SIDE			
C3	20' ALLEY / FIRE ACCESS ROAD			
C4	20' ALTERNATIVE TO 120' HAMERHEAD			
C5	ALLEY EASEMENT, SURVEY AND RECORD EASEMENT (15' ALLEY BY OTHERS)			
C6	5' PEDESTRIAN SIDEWALK			
C7	4'-4" PEDESTRIAN SIE	4'-4" PEDESTRIAN SIDEWALK		
C8	3'-6" PEDESTRIAN STAIR			
C9	PEDESTRIAN / BIKING TRAIL			
C10	HAWK RIDGE DULUTH TRAVERSE TRAIL			
C11	AMITY WEST TRAIL			
Requirement: 50-14	.7.H.2(a)			

Attachment F Attachment to City of Duluth Ordinance 10300

Rockridge School Site

Concept Plan Table 50-14.7

Area / Category	Permitted Uses	Density	Maximum Height
Household Living Group Living Community Cultural Health Care Personal Services	Dwelling, multi-family Residential care /assisted living Government building Religious assembly, small Nursing home Day Care	30 dwelling or care units; maximum 40,000 sq.ft.	35 ft.
Single-family	Dwelling, One Family	Per R-1 District Dimensional Standards	30 ft.
Common Open Space	Unimproved and undeveloped Land	NA	NA
Pedestrian Easements	Unimproved pathway to and from public lands (Hawk Ridge Area) and adjoining neighborhoods	NA	NA
Existing Easement	Maintains pedestrian connectivity between neighborhoods		
	Group Living Community Cultural Health Care Personal Services Single-family Common Open Space Pedestrian Easements	Group Living Community Cultural Health Care Personal Services Single-family Common Open Space Pedestrian Easements Residential care /assisted living Government building Religious assembly, small Nursing home Day Care Dwelling, One Family Unimproved and undeveloped Land Unimproved pathway to and from public lands (Hawk Ridge Area) and adjoining neighborhoods Maintains pedestrian connectivity	Household Living Group Living Community Cultural Health Care Personal Services Single-family Common Open Space Pedestrian Easements Dwelling, multi-family Residential care /assisted living Government building Religious assembly, small Nursing home Day Care Per R-1 District Dimensional Standards NA Per R-1 District Dimensional Standards NA NA Pedestrian Public lands (Hawk Ridge Area) and adjoining neighborhoods Maintains pedestrian connectivity

- Previous Base Zone District Parcels A and B: R-1
- Steep slopes north of existing building to be undeveloped
- Common Space: 30% of total R-P area
- Vacated section of Norwood Street remains undeveloped between Parcel A and Parcel B to create a buffer between uses.
- Existing school building will be reused for Parcel-A development with possible addition
 within density as defined in table above; any additions or exterior remodeling to existing
 structure will be consistent with the architecture of existing building features.

Dear Planning Commission Members and Staff,

I respectfully request that the zoning amendment PL 24-011, scheduled for the next Planning Commission meeting on March 12, 2024, be removed from the agenda. Notice of the developer's actual plans was inadequate and has not allowed meaningful participation by the public.

I received the attached notice document less than two weeks ago. I learned late yesterday that the Developer's actual plans for the property, located at the top of Amity Creek and surrounded by parkland, are vastly more intense than the little information provided in the notice document. I have also attached a diagram that the Hawk Ridge Estates neighborhood association received from Planning Commission Staff showing the developer's actual plans for this area. This document was not included in the notice and does not appear to be publicly available. Importantly, the staff report issued to the Commission today also lacks the details shown in this diagram. There is a stark contrast between the limited public notice and the actual intended development.

The Developer intends to construct large multiple multi-family structures, parking garages, and other buildings, all up to forty-five feet high and with no setbacks from each other or lot lines. This scale of development is completely inappropriate for a small parcel located high on Hawk Ridge, surrounded by parkland, and dominating the view of Seven Bridges Road and Amity Creek. Important mountain bike and cross-country ski trails, bird migratory routes, and other public amenities that all Duluthians enjoy would be impacted by this proposal. There is no reason to change from the existing R-1 zoning standard for these lots.

I will submit more detailed comments as soon as I am able. I know many others that also intend to provide comments on the developer's actual plans.

I am stunned that this proposal is advancing so quickly with so little information provided to the public and no meaningful opportunity for comments to be provided by the community.

Please table review of this matter until at least the following Planning Commission meeting. The public must have a meaningful opportunity to review and comment on this planned development in the heart of one of Duluth's finest and most natural park areas.

Respectfully submitted,

John Gasele

From: Tolga Hanhan

Sent: Thursday, March 21, 2024 1:05 PM To: planning cplanning@DuluthMN.gov>

Subject: Bald Eagle Estates requested zone change

Good afternoon,

As a citizen of Duluth, and neighbor to the proposed Bald Eagle Estates neighborhood, I am writing opposed to the zoning change from R-1 to the more dense R-P requested by Newhaven LTD, who is an out of state developer. I am writing because this is incompatible with the Duluth Comprehensive Plan, and is illogical in terms of development and layout of Duluth.

The developer would like to build a dense neighborhood at the foot of the nationally renowned Hawk Ridge and Amity Creek. Hawk Ridge is a famous area for hawk migration and bird watching. According to Hawk Ridge Foundation, they have had bird watchers from all 50 states and 40 foreign countries come to watch hawks here as they travel around western Lake Superior. According to the Duluth Comprehensive Plan ED-19, Policy #4, subdivision S3, the goal is to "identify growth sectors of the tourism economy, such as bird watching, fall colors tourism [etc - preserve and promote the economic benefits of this]". Mr. Ericson (the developer) would like to build a 45 foot structure which would not only impact this flight of Hawks in our area, but also to create an eyesore for the many people from across the country to see Hawks in migration in this area.

The Duluth Comprehensive Plan in section TO-18 calls for "prior to consideration of zoning regulations, and evaluation of economic impacts related to preserving views should be constructed". Once the developer builds a 45 foot structure at the foot of this iconic scenic area of Duluth, this cannot be undone.

The developer would like to call what he calls "cottage homes", which are tiny houses based on the Redmond, WA region, and told the planning commission, he would like to market this to the "higher end of the community". These residences, he reports go for \$920,000 in Washington state, but he does not feel they will sell for as much in our area. The Duluth Comprehensive Plan, section HS-21, Policy #3, subd S4 calls for "prioritizing opportunities, including affordable ownership programs". The developer has made it clear he intends for this to be an upscale neighborhood, and does not intend to develop affordable housing.

As a resident of Hawk Ridge neighborhood (which is an R-1 zoned neighborhood), I ask that you not make our quiet neighborhood, full of children, which coexists amongst the trees, hawks, and nature, to be a thoroughfare one must drive through to reach a denser neighborhood on the edge of Amity Creek. It does not make sense to drive through a quiet neighborhood to get to a more dense one. I am not opposed to a developer developing private land, as much as a treasure this property is, I simply request that he develop it as the existing R-1 neighborhood it currently is zoned to be. It will blend into the surroundings better, and have less of an impact on the natural world around us.

Please, reject the requested zoning change, and keep this natural treasure zone R-1.

Thank you for your consideration.

E. Tolga Hanhan 3017 N 52nd Ave E Duluth, MN 55804 Henry Hanka 3900 London Road Unit208 Duluth MN 55804 hkhanka@gmail.com

March 17, 2024

Duluth Planning Commission 411 West First Street Room 160 Duluth MN, 55802

Re: PL 24-O11-UDC Map Amendment at 3038 Bald Eagle Circle by New Haven LLC. Zoning application from R-1 to R-P

Commissioners.

This letter is submitted in full opposition to the request by the applicant noted above to rezone a small parcel of land in upper Lakeside from R-1 to R-P. I am writing as a long time past full time resident of Duluth and currently a part-time resident of Duluth. I am a charter member of the American Institute of Certified Planners, retired, with over 40 years of professional planning experience in nationwide and international private and public management level planning positions. Past Executive Director of the Arrowhead Regional Development Commission.

In reviewing the application by the developer and the planning staff report, there appears to be unquestionable evidence that the developer wants a blank slate to do a inappropriate development in a small parcel of undeveloped land in a single family traditional neighborhood. The staff apparently has gone along with it. There appears to be little or no professional insight into the short and long term ramifications of the proposed development. It should be a total embarrassment to those who prepared the staff report.

The application in question is a prime example of Spot Zoning. Spot Zoning is illegal in Minnesota by numerous court rulings. Defined as, "the process of singling out a small parcel of land for a use classification totally different from that of the

surrounding area for the benefit of the owner of such property and to the detriment of the owners adjacent to such property." This application is clearly such a request with adjacent property consisting of single family homes on individual lots, park property and city owned open recreational acreage. What is asked for in this application is not consistent with any of the surrounding uses and further will greatly adversely affect all adjacent property. Where is there any analysis of this impact in the staff report?

Additional review shows the applicant fails to present any degree of the intent of the R-P district. By definition, the district is intended to allow single family, two family, attached or detached townhomes, BUT, "specifically only in comparable neighborhoods exhibiting such uses." Where..anywhere near this neighborhood, are there such uses? There are none. Not even remotely located. Again, staff analysis is absent!

There are multiple other issues that could be outlined throughout the application that staff should have addressed. Where is the storm water retention plan. Will storm water simply be allowed to flow into the adjacent neighborhood or into Amity creek? Will decades of attempts to restore this water feature simply be ignored by the developer? The adjacent neighborhood developed by the Duluth HRA provided storm water retention structures. This plan shows none. Staff report? No mention. How about "view shed" standards. Duluth regards the views from Seven Bridges Road as irreplaceable. Vistas from the roadway are as revered as the views from Enger Tower, Thompson Hill and Skyline Parkway. Will the Commission allow this to be severely impacted by unreasonable increased building heights? Staff report? Missing!

We cherish our city and protect it at every crossroad. Sound comprehensive planning has always been the focal point of the city. Canal park was developed with care and due diligence. The lake walk with its joint corridor projects was a direct result of Duluth taking the advocacy stand with the Minnesota Department of Transportation and the Federal Highway Administration in constructing I-35 through the city. The West End is being redeveloped with care and solid planning principles. Sadly, this application at the top of 52nd Avenue East in lakeside has received no professional staff examination except for a, "rubber stamp."

This project could occur in many places in our city. There is no apparent plan for Lester Park Golf Course. This type of project could be created there.

This is a ill conceived project in the wrong area. One way in and out at the end of a cul-de-sac in a single family neighborhood. No reason why it could not be several single family homes adding to the existing neighborhood. Is it always about the biggest return without regard to sound planning? City leaders state that Duluth is in need of affordable housing. Sound planning can achieve this. Applicant refers to lots selling along the steep west side of the proposed development for \$250,000 to \$300,000. Affordable housing?

The job of the planning staff is to protect the sound planning principles shown in existing districts within Duluth. Not to rubber stamp anything that comes before them. Development does not come at any cost. It comes after clear, fact finding, planning principles that make up comprehensive plans. The city planning staff report for this proposal is a absolute failure from any professional planning standpoint.

Take a stand, please, and protect our community values, development, and its citizens. That is the charge of the Planning Commission which each of you were appointed to.

Henry Hanka, retired AICP



March 25, 2024

Dear Mr. Kelley,

The Hawk Ridge Estates Association Board of Directors respectfully requests your review and response to a few of the many outstanding questions we have concerning the Duluth Planning and Development Division's review of the PL 24-011 R-P Regulating Plan and Concept Map as well as statements heard at the public hearing during the March 12, 2004, Planning Commission Meeting. Our commentary and questions are presented in blue in the attached summary.

The Association shares your goal of more residential housing for Duluth consistent with the establishing governing principles, and general best practices for planning.

The Association is concerned that the R-P Regulating Plan submitted by Newhaven LLC contains inadequate or incorrect information to adequately ensure the proposed Bald Eagle Estates meets the Code Requirements below:

- Is consistent with the Comprehensive Land Use Plan
- Is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use
- Is required by public necessity, convenience, or general welfare, or good zoning practice
- Will not create material adverse effects on nearby properties or if material adverse impacts are created, they will be mitigated to the extent reasonably possible.

We are also concerned that the proposed plan also inadequately supports the City Planning Division stated governing principles, policies, and strategies.

A response by April 1, 2024, will allow our Board and residents time to review the request information before the April Planning Commission meeting.

Thank you.

Chris Friese, President Hawk Ridge Estates Association 218-428-3585

Commentary and Questions on Duluth Planning and Development Division's Review of the Bald Eagle Estates PL 24-011 R-P Regulating Plan and Concept Map

• Governing Principle #5 – Promote reinvestment in neighborhoods. New development should maximize public investment that strengthens neighborhood commercial centers or diversifies residential opportunities This project creates a combination of residential uses on individual site(s), common open space and amenity areas, conserves natural features by protecting the shoreline zone at Amity Creek and the hillside which supports several significant trees below Skyline Parkway and increases pedestrian connectivity by including hiking and biking trail amenities.

Proposed setbacks are only 5' from lot lines and an area cleared for 'civic' use up to the lot line closest to Amity Creek, which the applicant stated would be a clubhouse-style building for resident use. Please explain how the submitted plan conserves natural features or shows protections for Amity Creek?

While the applicant's plan does show connections to both the Duluth Traverse and Amity West multi-use trails, this connectivity only benefits the future residents of this development. Hawk Ridge Estates and the surrounding residents already have trail connections they can use. Has the applicant talked to City Parks staff about how these proposed trail connections fit in with the Master Plan for the Duluth Traverse to meet the standard for "public benefit?"

• Governing Principle #8 – Encourage a mix of activities, uses, and densities. This project provides a variety of housing types including cottage and traditional homes.

Policies and Strategies

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

At first glance, this proposal appears to offer housing "diversity" with 1000 sq ft cottage homes and single-family homes. The Planning and Development staff likely assumed the smaller cottage homes would provide more of the "affordable" housing Duluth needs.

At the Planning Council Meeting on March 12, 2024, the applicant stated that he was using the cottage homes community in Conover Commons in Redmond WA as his model. These homes are currently selling at close to \$1 million each. It is unclear whether Newhaven LLC has expectations of a similar selling price point for the cottage

homes in this plan. Can you provide documentation to show how this development intends to provide affordable housing?

• Housing Policy #4 – Improve the quality of the city's housing stock and neighborhoods. This rezoning will allow the development of quality housing, open space and amenities, and good site design, which meets several of this policy's strategies.

This proposed development is to be tacked on the end of a cul-de-sac in an established neighborhood, Hawk Ridge Estates with a road going through a lot the applicant owns in an IRA. We recommend that the Commissioners and City Council not look at the proposed rezoning in a vacuum. The surrounding neighborhood will be irreversibly altered if this zoning goes through.

We believe that the quality of an existing neighborhood should not be sacrificed to take a gamble on a development with little to no detail provided at this stage. We do not support the notion that the addition of 33+ dwelling units on the end of a cul-desac reflects good site design or planning, especially when the surrounding park land is taken into consideration. Can you please provide examples of a successful and supported development like this (in density and use) being added to a cul-de-sac in a developed neighborhood?

Future Land Use:

- Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood.
- 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.

The Future Land Uses designated by the 2006 Duluth Comprehensive Land Use Plan and Imagine Duluth 2035 for the parcels in question are Open Space and Traditional Neighborhood. The staff report attests to this proposed development matching the Future Land Use. Traditional Neighborhood calls for densities of 4-8 units per acre. The applicant shows proposed densities up to 10 units/ acre.

Additionally, the Future Land Use Map included with the application clearly shows a buffer of Open Space that is not reflected in the proposed plan. Some of that area includes residential or paved street in the future Open Space. **How can this rezoning**

be supported by Staff as meeting goals of the Future Land Use plan when it seems the proposed development is in direct conflict with that plan, both in use (street and residential shown in Open Space) and density (25% over the recommended future density).

Review and Discussion Items:

"The Concept Plan identifies approximately 1 acre to be preserved throughout the R-P zone."

Aside from the applicant stating that the MAXIMUM SQUARE FOOTAGE FOR

NONRESIDENTIAL LAND USES is 45,398sf (1.04 AC), we do not see anything in the

concept plan to back up that claim. Especially after it was clarified that the light green

'civic' use on the concept plan would be a built structure (clubhouse) which should not

count towards the required 30% open space for an R-P. Can you provide us with the

breakdown of anticipated land use to support claims that 30% of this development

will remain as open space?

History:

• Hawk Ridge Estates First Addition was platted in 2006. One lot from this subdivision is included in this rezoning proposal.

The Declaration of Covenants, Conditions, Restrictions and Easements Affecting Lots within Hawsk Ridge Estates para 7 d (ii) states "any requests for variances from the Zoning Code for any alteration, must be approved by the ARC (Architectural Review Committee) before a variance request is made to the City of Duluth. The Association has received no variance request from Nick Ericson or IRA Express, owner of the lot. Why is the city supporting a homeowner in violation of an established Declaration?

Additional questions from the Applicant's statements at the March 12 Planning Commission Meeting:

Tree Inventory and Future Tree Replacement Plan

The applicant stated that he had a survey done of the trees on the property and that his proposal did not trigger the requirements for completing a Tree Inventory and future Tree Replacement Plan per UDC Section 50-25.9. In other rezoning and replatting applications that have come before the Commission, it seems the Tree Inventories are most often required prior to approval of a re-plat or rezone, both will happen under an R-P zone. *Can you explain how a Tree Inventory and Replacement Plan in the would not be required in the proposed rezoning and development?*

The Skyline Parkway Overlay

The Skyline Parkway Overlay (Section 50-18.4) should be addressed in a more formal manner prior to this application being considered. The importance of adhering to this overlay cannot be overstated in a proposed rezoning of this type. In Section 50-18.4.D, it is stated that "The building or addition shall be located at least 50 feet from the right-of-way (ROW) of Skyline Parkway". Per the Future Land Map included with the application, the ROW of Skyline is shown by a dashed line running through Parcels 010-0090-00480 and -00490, and then along the northern lot line of Parcels -00490 and -00500. When you offset that ROW by 50', the applicant shows proposed building in much of that area. He is also proposing a 50% increase in allowable building height in this proposal. Harmony with the existing parkland and ensuring view are not obstructed are of critical importance to this community. Please provide specific information on how the applicant plans to meet the right of way requirements and the building height building restrictions to re-zone and build on these parcels within the Skyline Parkway Overlay.

John and Tiffany Heppelmann 3018 Bald Eagle Trail Duluth, MN 55804

Via email: planning@duluthmn.gov, afulton@duluthmn.gov

Duluth Planning and Development Division 411 West First Street- Room 160 Duluth, MN 55802

> Re: PL24-011 UDC Map Amendment at 3038 Bald Eagle Circle New Haven, LLC Zoning Application from R-1 to R-P

Dear Staff and Planning Commission:

We are writing with questions and concerns about the proposed zoning amendment and staff report on the agenda for March 12th, 2024, file number PL24-011. We respectfully request this item be removed from the upcoming agenda to enable the communities' questions to be addressed.

We also respectfully ask for clarification on the following:

- 1) It is noted in the staff report that no wetlands will be impacted. Has a wetland delineation been provided by a civil engineer. Can this be added to the staff report?
- 2) Page 8 of the staff report lists a table labeled 50-14.7-1 the max modifications listed are significantly different than what is listed on the Duluth City Government site under the UDC, Article 2, page 17, table 50-14.7-1. please explain the inconsistencies.
- 3) Under Article 2-page 18 letter H. Required rezoning application and regulating plan contents: the following appears to be lacking in the applicant's plan, please clarify why this information is not provided on the plan submitted by the applicant:
 - 1. Maximum building heights (the plan in the report shows no building dimensions)
 - 2. **(b)** Lot sizes and widths, building setbacks, and maximum building heights for all proposed development parcels. **(e)** A natural resources inventory and natural site features to be protected; **(i)** A plan describing the demand for and location of water, sewer, and utility service to the property, including any

additional right-of-way needed to accommodate those utilities. In addition, the plan shall indicate all utilities that will be owned or maintained by the public, and if any of those services are to be provided by the city or a public or quasi - public district, and provide a statement as to whether the proposed facilities will meet the engineering and maintenance standards of that entity; (j) Details on buffering or transitioning between uses of different intensities both on 2 and off-site; (k) A plan for stormwater collection and treatment that includes a summary of land use and technical methods used to minimize storm water run-off from the site; (n) Any required building types, form-based regulation or architectural design requirements, as well as a description of how those standards will be maintained and enforced over time; (o) If a project involves construction over a period of time in two or more phases, a phasing plan demonstrating that each phase meets density requirements, open space requirements, and provision of public amenities. Phasing plan shall include an approximate time frame for each phase of development. The applicant shall provide agreements, contracts, covenants, deed restrictions, and sureties acceptable to the city attorney for the completion of the development according to the approved R-P plan; Cross sections demonstrating the proportions of buildings and the relationship between those buildings, pedestrian spaces, and the streetscape;

- 4) Has city engineering done a traffic analysis on the impacts of this potential rezone to the Hawk Ridge Estates neighborhood. We are curious how increased traffic will flow properly given the applicants' new road comes directly onto a cul-de-sac without any sidewalks. This does not seem safe for the current neighboring homes. Please explain.
- 5) The proposed rezone plan density does not seem consistent with the neighboring neighborhood of Hawk Ridge Estates. Which is a city planned neighborhood that also has an architectural review committee to keep homes consistent with the city of Duluth's original visions. The way the applicant's property is zoned now as R-1 would keep the applicant's property consistent and harmonious with the surrounding neighborhood of Hawk Ridge Estates. Can staff please expand on how they are finding the proposed R-P plan to be consistent?
- 6) Has the applicant provided any type of market analysis for the City to determine whether the proposed cottages are what the Duluth real estate market is lacking? One could argue the way the property is currently zoned would equally benefit the market as there is a lack of single-family inventory in the mid-price range. Additionally, creating more single-family inventory would create turnover in the market.

7) The applicant mentions "affordable housing", has the applicant provided the city with more information on what this entails, price range, size? The city of Duluth has approved developments in the past geared toward "affordable housing" and the product from the developer is not affordable. What parameters are in place to guarantee this development will indeed be affordable?

In closing we would like to add we strongly feel it would benefit the City of Duluth, community and the developer to provide additional thorough detail on the proposed development. Given the proximity to Amity creek and the substantial run off that naturally occurs due to the slope of the property, we feel it would be reckless for the developer to not be proactive in providing proper surveys and environmental impact prior to the approval of re-zoning.

We understand the need for housing in Duluth and feel the developer could adequately supply additional housing as the property is currently zoned. We do not see how the rezoning of the applicant's property would benefit the public; it seems it would benefit the developer. The trail connectivity is currently not an issue and additional traffic not planned for is a major concern. We appreciate your attention to this matter and look forward to additional planning information.

Sincerely,

John and Tiffany Heppelmann

Greetings:

I am unable to attend tonight's meeting but am registering my displeasure and opposition to the proposed zoning change for the HawkRidge development. We have zoning rules and classifications that have been established to preserve and protect many different aspects of our community. Thoughtful research and study by our city folks have yielded classifications that are intended to protect sensitive natural areas, residential character and attributes associated with quality neighborhoods from traffic, noise, and other pressures associated with increased development and density.

I can't think of a worse location for the proposed development than a site that is a national flyway - an area needing good tree cover and minimal disturbance from excavation and resultant habitation by humans.

Please preserve this area and prevent a needless development that will benefit a very few to the detriment of many.

Susan Darley-Hill

1710 E 7th St

Duluth, MN



Memo

Date: March 8, 2024

To: Duluth Planning Commission

From: Hawk Ridge Estates Association Board of Directors, President Chris Friese

RE: PL 24-011 Bald Eagle Estates Rezoning Amendment

CC: John Kelley, Duluth City Planner

Hawk Ridge Association Board of Directors has reviewed the Bald Eagle Estates Rezoning Amendment and offers the following comments and recommendations for your review (attached).

One of the lots included in the proposed plan, Lot 18 Block 4 of Hawk Ridge Estates Association, First Addition is subject to the Declaration of Covenants, Conditions, Restrictions and Easements. It is owned in what appears to be a self-directed IRA. Our attorney has contacted the owner, IRA Express Inc as Agent for Custodian for the Benefit of Nick Ericson IRA, to notify them of the Association requirement for Architectural Review for any changes to this property.

Thank you for your consideration of these issues that will have a significant impact on all our homeowners in the Association.

5304 Broadwing Drive, Duluth, MN 55804 president@hawkridgeestates.org 218-428-3585

Integrate creative site design

Housing Policy #8. Promote Reinvestment in neighborhoods.

The Developer acknowledges this is a "challenging" site between NR-O and SP-O Districts with shallow bedrock and steep slopes. The Developer intends to construct large multiple multi-family structures, parking garages, and other buildings, all up to forty-five feet high and with no setbacks from each other or lot lines. This scale of development is completely inappropriate for a small parcel located high on Hawk Ridge, surrounded by parkland, and dominating the view of Seven Bridges Road and Amity Creek. Important mountain bike and cross-country ski trails, bird migratory routes, and other public amenities that all Duluthians enjoy would be impacted by this proposal. There is no reason to change from the existing R-1 zoning standard for these lots.

Provide a variety of housing types

Housing Policy #2: Provide affordable, attainable housing opportunities.

Were the planning staff given examples of possible sale points or anticipated rents for these housing units? We would assume the Developer has done his homework on development and building costs in Duluth, but if not, these types of questions should be posed if they truly believe this policy will be met through his plan.

In the November 18, 2023, at the public meeting, the Developer indicated he planned to sell 3 lots to the "physician market." Meeting participants also relayed that the Developer expressed his need to "break even" financially with this housing project as his primary concern in selecting housing types, increasing density and his request to rezone from R-1 to R-P.

Housing Policy #4 – Improve the quality of the city's housing stock and neighborhoods.

Based on the plan we received (dated 1/17/2024), there is language suggesting uses with higher turnover (Bed & Breakfast, RV site) vs. traditional home ownership models (single family, condo/ townhouse). Since these are all allowable uses in an R-P district but not in R-1, further information about how many of the proposed housing units would be short term rentals, VRBO, B&B should be requested. Extensive short term vacation rentals properties in a residential neighborhood do not improve the quality of a neighborhood for the people who live there.

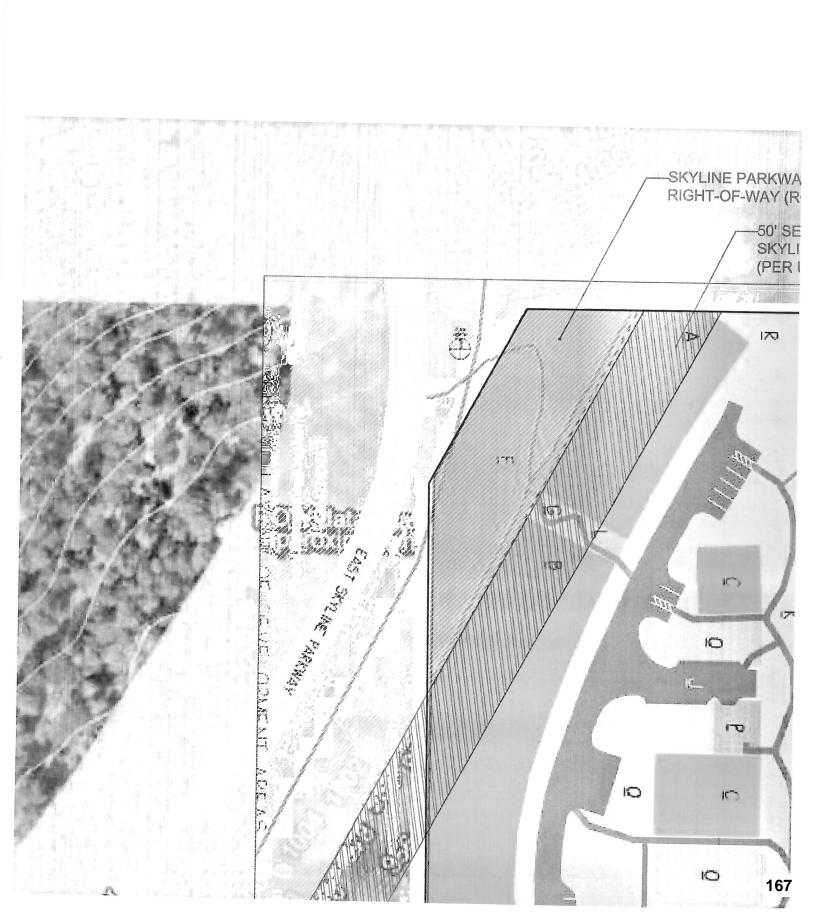
	There are several references to the Future Land Use designation of these parcels, which is Traditional Neighborhood. This is characterized by a mix of housing types, detached garages, conservation development, and a density of 4-8 units per acre. While they have met the mix of housing types, they are also showing houses with attached garages, no true conservation development, and their densities are 8-10 units per acre. For this reason, it does not seem this development meets the future land use designation as defined in the Comprehensive Plan.
Provide unique on-site amenities	Pedestrian trail connections, common space play field, common space garages, common space structure for maintenance and meeting would be available to residents only, not serving the public at large.
Conserve natural features	The Skyline Parkway Overlay (SP-O) impacts 2 of the lots potentially being re-zoned. Per UDC 50-18.4.D.1, when considering development within the Skyline Parkway Overlay, "the building or addition shall be located at least 50 feet from the right-of-way of Skyline Parkway". Atch 1 is a map showing the Skyline Pkwy ROW (Approx. 100' from the centerline of the road, based on the St Louis County Land Explorer) and the stated 50' offset from that ROW. That setback eliminates a good portion of the developable area in the lots labeled as 'A' & 'B' on the Concept plan (single-family/ B&B). The city should request further information from the Developer (section drawings, etc.) to show how this development will adhere to the guidelines of this overlay district. Has the Developer had the property surveyed? Has a wetland delineation been completed? These are common requirements from the City that could easily be overlooked with the R-P zone designation, but they should still be required
	Under Governing Principle #5, it is stated that this development "conserves natural features by protecting the shoreline zone at Amity Creek". We would like planning staff to show how this plan accomplishes this principle; We see no area conserved on the downhill side of these lots (where the natural drainage pattern flows to Amity Creek). With only a 5ft rear yard setback proposed, that does not leave much space for natural vegetative buffer from this development. Further, it appears that most trees would need to be cleared to build out the development, furthering runoff into a cold-water stream.
	A stormwater management plan should be required as part of the regulating plan (prior to approval of the plan). It is unclear how exactly the Developer plans to collect the stormwater and where it will be treated. If any of the water is directed through

	the Hawk Ridge Estates development, an Engineer needs to evaluate whether our current retention ponds are sized to handle the additional impervious surfaces this development will add to the system. A Tree Inventory should be required prior to considering approval of this plan. Aside from the very steep area adjacent to Skyline, almost all of this site will need to be clear cut in order to construct the many buildings and garages and to "create" open spaces, the clubhouse, etc. There may not be a lot of high-value trees in this area, but the provisions in UDC 50-25, Landscaping and Tree Preservation, state "The tree preservation provisions of Section 50-25.9 apply to all development or redevelopment on lots and parcels in any zone district that contain (i) more than 10,000 square feet of lot area, and (ii) a primary structure with a multi-family, mixed use, commercial, institutional, industrial, or parking principal use, as well as to any new lot of record created after November 19, 2010, regardless of the primary use of the property, in any zone district". These preservation provisions require survey and identification of the existing trees, as well as a plan to show replacement trees or calculation of money to be paid into the City tree fund when the development cannot support the number of required replacement trees.
Increase pedestrian connectivity	The R-P district is established to "increase pedestrian connectivity, or otherwise result in a final product that provides a greater level of public benefit than would be required under the existing zone district". We do not believe either of these are accomplished under the proposed plan, outside of benefiting the residents of the potential future development. In many ways they have made connectivity worse for our residents, by adding more traffic to 52 nd Ave E, the main thoroughfare road for Hawk Ridge Estates that has no sidewalks. More clarification is needed on who will be maintaining the proposed street; has City Engineering been consulted on this plan? In our experience, this type of "street" (alley) would not be acceptable by City maintenance standards; there is a reason all the roads in Hawk Ridge Estates end in cul-de-sacs.
	Either way, designated snow storage areas should be shown on the plan.
Greater level of public benefit	Since we already have many connections to the trail systems, trail access in this area is by no means a "greater level of public benefit". Block 4, Lot 18 (3038 Bald Eagle Trail) on a residential cul de sac is not a location that should be

Hawk Ridge Estates Association Board of Directors Comments on R-P District Requirements and the Bald Eagle Estates Rezoning Application

encouraged as a trailhead, as there is no off-street parking for hikers or accommodation for this type of use.

Have the Developers completed a traffic study for the potential impacts of this R-P plan? Depending on the type of proposed uses within the development, this development could add 68+ trips per day in and out of the cul-de-sac (based on 34 DU/ ADU). And this is with only one driver per dwelling. Bed and Breakfasts, VRBOs, etc. could bring in even more traffic. Hawk Ridge Estates is home to many active families with young children, pedestrians, and bicyclists who are active all year long. The Association has been in discussion with the City about traffic issues, speeding in particular, so increased traffic on 52nd Ave. E., the sole access road, is a critical concern.



Dear City Council Members,

I am writing to express my strong opposition to the proposed rezoning application from R-1, Residential to RP, Residential Planned in our Hawks Ridge Estates neighborhood. As a resident of Hawks Ridge Estates, I believe that approving this rezoning application would significantly alter the character of our neighborhood and lead to several detrimental consequences.

I urge you to consider the following points:

• Alteration of Neighborhood Character: Introducing higher-density residential development, which could potentially include structures such as duplexes, fourplexes, cottages, and tall building structures, would disrupt the tranquility of our neighborhood and diminish the quality of life for current residents.

Can you imagine living in a home you built, where you once saw woods all around you, changing to a 45-foot tall apartment building in your backyard?

- Environmental Impact: The proposed rezoning risks contaminating and destroying recently fixed streams, and damaging the natural landscape cherished by so many in Duluth. We can find alternative ways to grow without ruining what we all love about Duluth.
- Safety Concerns: Adding an easement for increased traffic from 10 to 30 new homes poses significant safety risks to existing residents, especially considering the lack of adequate infrastructure on private roads. The current area is a small cul-de-sac not set-up or planned for this zoning.
- Overburdening our Infrastructure: We lack the infrastructure in our already over-burdened roads. We cannot withstand building and adding anywhere from 10-30 more families. Hawk Ridge Estates is not an emergency route for snow removal, where we sit days after Lakeside is plowed before we see any removal. How will adding a private neighborhood be a wise decision? Not to mention sewers and drains, and even overburdening our school systems which already has kindergarten class sizes of 30+.
- Lack of Significant Public Benefit: The rezoning lacks substantial public benefit and instead highlights potential negative impacts on neighboring properties, existing park space, and current trail systems.
- Misleading Claims: Claims of increased access to existing trails and designated open spaces are misleading, and the designated open spaces offer no benefit to the broader public.

In conclusion, I urge you to consider the detrimental effects that approving this rezoning application would have on our neighborhood. The potential loss of our community's character, environmental degradation, safety concerns, and lack of significant public benefit make it clear that this rezoning is not in the best interest of our community.

I respectfully request that you vote against, or at a minimum hold off on this approval, until you've heard from more members of the community including residents, COGGS, Bird watchers, Waters and Stream, and more.

Thank you for your attention to this matter.

Sincerely,

Andrea Jacobsen

3025 N 52nd Ave E

Duluth, MN 55804

Jodi Wutschke and Walter Carlson

3041 Bald Eagle Circle

Re: PL24-011 UDC Map Amendment at 3038 Bald Eagle Circle New Haven, LLC Zoning Application from R-1 to R-P

Dear Planning Commission and City Council Members,

We are writing this letter to you concerning an application by New Haven, LLC to change the current R-1 zoning for parcel #'s 010-0090-00480, 010-0090-00490, and 010-2119-00530 located adjacent and north of Bald Eagle Circle from Residential Traditional (R-1) to Residential-Planned (R-P). We strongly oppose this zoning change for the reasons detailed below.

We are directly impacted by this rezoning application because the easement to access the above parcel #'s is inside our property line at 3041 Bald Eagle Circle. We bought and built a home on this lot because of the Residential Traditional (R-1) zoning for 3 lots next to our property with the knowledge that each lot could build one home/duplex for a total of 3 homes. This was extremely important information for us when deciding to buy and build on 3041 Bald Eagle Circle because the easement/road is next to our home. We thought of the easement/road as an extended driveway for the 3 future homes. The easement doesn't allow for an adequate distance from our home for the rezoning application.

The easement is 25' inside our property line and our house sits 25' from our property line. Therefore, the easement touches the outside corner of our front porch and walkway to our front door. Please look at the attached picture of the easement that shows you how close the easement and road is to our home. The general layout picture in the rezoning application does not show you this view.

With the easement being next to our home, the rezoning is a safety issue for us individually, our home, our property, and our neighborhood and would decrease our property value. The Hawk Ridge Estates neighborhood is a community with lots of families and young children that play in their front yards. The easement is the only way in and out of the new development and is at the dead end of a Residential Traditional neighborhood.

The rezoning to R-P allows 8-10 units per acre that would be 16-30 new units for this new development, which will have a high volume of car traffic in and out on a daily basis through the easement and potentially even more traffic due to the various planned types of homes, B&B homes, and cottage homes. With the current volume of traffic, we have had a mailbox hit by a car in the cul-de-sac of Bald Eagle Circle and mailboxes hit and the front lawn driven into on 52nd Ave East. With the easement/road proximity to our home, the car(s) would hit us and our home not a mailbox.

In addition to the easement issues, this rezoning would change the character of our neighborhood. The rezoning asks for maximum modifications allowed for no setbacks to property lines, no lot frontage, and 50% increase in building height. The rezoning application layout shows that Nick Ericson, Newhaven LLC, wants to put rental homes (B&B's) on our back yard property line. This new development is next to Hawks Ridge, public hiking trails, and a river. Has the DNR given any input on this rezoning?

The general layout of the new development in the rezoning application is different than what Nick Ericson, New Haven LLC, presented in the community meeting on November 18, 2023. For example, the B&B site was not included and shown as regular home lots at the meeting. We were in shock at the meeting hearing about the rezoning and listened to how Nick Ericson, Newhaven LLC, talked down to our community. He spoke about how his new development would be for doctors and educated people and the homes he builds would be a lot nicer than our neighborhood. We have doctors, lawyers, and educated people who live in our neighborhood. We have homes selling for \$600,000 - \$700,000. More specifically, he commented on the modular homes built in our neighborhood for low-income families. He told us he had \$100,000 set aside for lawsuits and gave an example of an HOA being sued. He told us we could set-up a GoFundMe and he would sell us his land for \$900,000 if we didn't want the rezoning for the new development. Also, he advised the reason he can't build traditional housing like our current neighborhood is because he wouldn't make enough money. This rezoning is all about making money not about the existing community and nature that surrounds it.

The parcels should remain zoned R-1 with the 3 lots. The rezoning of the 3 parcels makes us physically sick thinking about how we would live right on top of a busy road with not an appropriate distance from the road. We would never have bought or built a home on 3041 Bald Eagle Circle knowing a rezoning could happen to those 3 lots. We request that you vote against this rezoning application. Thank you for taking the time to read our concerns.

Respectfully,

Jodi Wutschke & Walter Carlson

Attachment

Dear Duluth Planning Commission-

On your agenda tonight is a proposal to rezone a property from R-1 to R-P.

I oppose the ReZoning to R-P. Rezoning it to R-P does not fit in with the current Zoning that exists.

The neighborhood it is being proposed in is all R-1 property, which is consistent with much of Lakeside/Lester Park.

This is a neighborhood that has many young children. Traffic and school bus traffic is also a concern. It is a neighborhood where thoughtful R-1 development has occurred.

I am aware Changing the rezoning to R-P would allow THIS DEVELOPER or anyone he could SELL TO in the future the ability to create even higher density land use then he already is proposing for this area. What he is currently proposing is a place for people to come and vacation in. We are a residential neighborhood.

I was on the City of Duluth Environmental Advisory Council over 20 years ago when the area now known as Hawk Ridge was being developed. This area was developed locally with much thoughtfulness.

This is adjacent to this new Proposed Development (R-P) from an out state developer.

There was a great deal of public input and many set backs were put in place to protect the watershed. What is being proposed right now is not consistent with the thoughtful development that had happened.

It is also adjacent to Skyline Parkway, 7 Bridges Road, Hawkridge, and Amity Creek. There are sensitive wetlands and huge concern for erosion into Amity Creek. Throughout the area of this proposed high density development is much public space used by the whole community for hiking, biking, birding etc.

Rezoning from R-1 to R-P will allow for short-term rental units and an RV park, both of which are included in the General Layout of Development Areas plan submitted by the developer. This is not in the best interest of the neighborhood or the adjoining areas of Skyline Parkway and Amity Creek - these areas require ongoing protection to be preserved.

I urge you to come out to our neighborhood to see the area the Developer is proposing so you can better understand how inappropriate it would be to reZone it to R-P.

Let's be consistent and keep it zoned as R-1.

Sincerely,

Rosie Loeffler-Kemp

2902 Bald Eagle Trail

Duluth, MN 55804

Dear City of Duluth Planning Committee,

I am writing to express my concern and to respectfully urge you to reject the proposed rezoning of parcels #010-0090-00480, 010-0090-00490, 010-0090-00500, and 010-2119-00530 located adjacent to and north of Bald Eagle Circle from R-1 (traditional residential) to R-P (residential planned).

These parcels are directly adjacent to a traditional R-1 zoned single family neighborhood, city park land, and the scenic Hawk Ridge section of Skyline Parkway. The current zoning for these parcels is R-1, which is in line with the vast majority of the Lester Park area and would allow development of the parcels in a way that matches the character of the area. The proposed re-zoning would give New Haven, LLC, an out of state developer, a different set of rules than everyone else in the area. This is unfair to the current residents of the area who have followed the existing rules and have chosen to invest in and raise their families in the traditional residential areas of Duluth.

The development New Haven, LLC proposes would significantly and negatively affect the character of the existing neighborhood, the nearby Amity Creek, and views from the scenic Hawk Ridge. The application submitted by New Haven, LLC suggests the development would include small high density lots, reduced setbacks, and buildings 15' taller than those allowed in traditional residential neighborhoods, and even RV lots. None of these are compatible with the scale and character of the surrounding residential neighborhood or with any R-1 zoned area in the city, but such a development on these lots would have the added negative impacts of obstructed views from Hawk Ridge, disruption to users of the Duluth Traverse and Amity West COGGS trails, and increased (and potentially contaminated by RV waste) runoff into Amity Creek (currently the City's least impaired Lake Superior Tributary). I am also concerned with the developers lack of consideration given to the exponential increase in traffic through the residential areas that would result from such a high density development with only one access point.

Further, the developers application fails to outline any added public benefits that are not already existing in the adjacent traditional residential neighborhood and public park areas.

In conclusion, I again respectfully ask that you reject the proposed re-zoning and allow New Haven to follow the existing R-1 zoning rules that apply to their properties.

Thank you for your consideration,

Andrew Kilpo

3006 Bald Eagle Trl

Duluth, MN 55804

City of Duluth Planning Commission-

I am writing to you as a concerned Duluthian after very recently receiving news on the re-zoning request by Newhaven, LLC from R-1 zoning to R-P zoning. I cannot pretend to be able to speak on the multiple city ordinances and using language in the documents and proposals I have been reading; however I am able to express my concerns on the matter through this written letter. The request by Newhaven, LLC essentially asks for the ability to do anything with little insight into exactly what will be developed and built, and at what costs. The request lacks insight and does not consider the large impact such a re-zoning would have on the residents of the Hawk Ridge Estates neighborhood and the greater nature-loving Duluth community.

I am a born and raised Duluthian who is now raising my family in Duluth, specifically the Hawk Ridge Estates neighborhood. Duluth is a beautiful city—the pride in natural spaces and of course Lake Superior has been a major reason my family has continued to live here. There is something so magical about the natural resources that surround us here and we, as Duluthians are beyond fortunate.

I am opposed to the re-zoning request being pursued by Newhaven, LLC for several reasons and will speak a bit more on two focuses—nature and safety—while expressing my feelings and concerns and also looking at language from the City of Duluth. I ask the commission to be reminded of their commitment "to guide future development of land, services and facilities so as to ensure a safer, more pleasant and more economical environment for residential, commercial, industrial and public activities and so as to promote the public health, safety, morals, and general welfare, including the aesthetic, social, economic, physical, and environmental quality of the entire city," as stated in the bylaws of the Planning Commission.

The Hawk Ridge Estates neighborhood was designed to preserve and enjoy nature using environmentally sound development practices. Our neighborhood has a commitment to helping reduce the spread of invasive species and has annual buckthorn pulls. We plant trees on our own properties and sponsor trees on shared/communal property. We are raising our children to enjoy and respect nature, realizing how fortunate our children are to grow up here. The city of Duluth prides itself on enjoying nature—the natural amenities and trail systems. The description the city uses on its Facebook page is: "Duluth is a city situated on a hill overlooking the shores of Lake Superior, the largest fresh water source in the world. Home to over 86,000 residents, Duluth offers beautiful parks, natural amenities, 75+ miles of single track mountain biking trails, over 100 miles of hiking trails, direct access to Lake Superior and rich cultural and artistic venues." That description of Duluth sounds lovely and is why so many people have fallen in love with the city. The rush to rezone the property at 3038 Bald Eagle Circle without truly knowing what is planned for the property will likely have a huge impact on the natural resources so many Duluthians use—beyond the Duluthians living in Hawk Ridge Estates.

Another major concern would be that of safety for current Hawk Ridge Estates residents and any other future residents. Our neighborhood has over a hundred children living here—it can be a wonderfully active and bustling place. Adding such a large development off a cul-du-sac would obviously increase the amount of traffic in and out of the neighborhood. The roads were not designed to accommodate this amount of traffic. An increase in traffic would also affect the safety of our neighborhood for our children. Let alone considering the amount of traffic that would come with such a development—using a single way in and out of the proposed development—how traffic flow could be disrupted and become unsafe. The proposal by Newhaven, LLC mentions RV sites—this would increase the amount of people coming into the neighborhood without having direct ties to it—which would once again affect the safety of the neighborhood.

I think you will find that many residents in the Hawk Ridge Estates neighborhood support the development of more housing in Duluth, however, this needs to be done where the current infrastructure can allow and accommodate without disrupting the lifestyle of the neighboring residents and environmental spaces. Rezoning 3038 Bald Eagle Circle would significantly disrupt the lifestyle of the neighboring residents and put beloved environmental space at risk.

Last night, when I asked by 6 year old son what he liked about living in our neighborhood, he replied he liked being surrounded by friends and he liked having sidewalks. He answered using developmentally appropriate wording for a child and reflecting on his words, its easy to deduct he likes the community he lives in. I believe in fostering community and bringing people together (which is in fact something I do in my line of work), however I feel re-zoning 3038 Bald Eagle Circle would not foster community and would likely in fact, do quite the opposite.

3038 Bald Eagle Circle can be developed as zoned, mirroring the surrounding neighborhood and that of the greater Lakeside community.

Thank you for your time. I appreciate the opportunity to voice my concerns and the concerns of our neighborhood.

Alison Kilpo 3006 Bald Eagle Trl Duluth, MN 55804

Krista Bastien 3036 Bald Eagle Circle Duluth, MN 55804

March 21, 2024 Duluth Planning and Development Division 411 W. First Street, Room 160 Duluth, MN 55802

Via Email: planning@duluthmn.gov

Re: PL 24-011 – UDC Map Amendment at 3038 Bald Eagle Circle by New Haven, L.L.C./Nick Ericson Zoning Application from R-1 to R-P.

Dear Staff and Planning Commission,

This letter is submitted in opposition to the request by New Haven, L.L.C. and Nick Ericson (the "Developer") for rezoning of parcels 010-0090-00480, 010-0090-00490, 010-0090-00500, and 010-2119-00530 (the "Property.") The request to change the zoning of the Property from R-1 (Traditional Residential) to R-P (Residential Planned) should be denied.

I want to start by addressing the UDC's purpose, which includes, but is not limited to:

- To protect and enhance the city's attractions to residents, tourists, and visitors;
- To enhance the visual and aesthetic character, diversity and interest of the city;
- To control or eliminate soil erosion and sedimentation within the city.

The Developer's proposal does not achieve any of these UDC purposes or goals. Skyline Parkway is a historic site that is enjoyed by many in our community and draws in thousands of tourists each year—it's located adjacent to the Property. The density of this proposal will not enhance this attraction and will negatively impact the visual and aesthetic character of the area. The density is also a major environmental concern for the Amity Creek watershed located behind the Property. If rezoning to R-P is approved, this will set a poor precedence for Duluth.

The R-P district is established to provide a flexible development option for residential projects including single-family residences, two-family residences and townhouses, as well as accessory uses, are permitted, provided projects are compatible in scale and character with the surrounding neighborhood.

The "accessory uses" proposed by the Developer to include three to five or more single-family dwellings up to 45 feet high at the midpoint of the roof, an unknown cluster of cottage homes, town homes, or duplexes, also 35 feet high at the midpoint of the roof, with no yards and only five-foot setbacks from each other and property lines, common parking structures for the development up to 45 feet high, sewer and utility systems blasted out of shallow bedrock, a private clubhouse to be used as a meeting place for residents of the development, a common area play field that will **not** be accessible to the public, a maintenance building, a RV park for guests, some form of storm water runoff containment underneath the playing field, a sewer system constructed to burden the neighboring lot instead of the Developer's property, and a stormwater system connected to the

system in the existing neighborhood downstream. None of these "accessory uses" are compatible in scale and character with the surrounding neighborhood.

According to the UDC, rezoning from R-1 to R-P adds more flexibility to building designs and setbacks, but it also adds a new list of requirements. The Developer's proposal fails to meet these requirements which are the **key differentiating factors** in switching to R-P:

- Integrate creative site design: To quote Commissioner Brian Hammond from the meeting on Tuesday, March 12, "This plan is vague. It's borderline cartoonish." The Developer's plan fails to provide much of the required rezoning application content (approved per Section 50-37.3) including architectural drawings to address the height and positioning requirements of Skyline Parkway Overlay (SP-O). It fails to illustrate comparable density, size and scope to the surrounding neighborhoods. The density of the Developer's proposal will include 4-10 dwellings per acre on a 4-acre plot where the average density of the surrounding neighborhood is <2.5 units per acre.</p>
- <u>Provide a variety of housing types</u>: Adding a variety of housing types is not consistent with the surrounding neighborhood which is comprised of all single-family detached residences. There are no duplexes or townhouses in the surrounding R-1 neighborhoods.
- <u>Provide unique on-site amenities</u>: Although the Developer provided a list of "accessory uses," they are not consistent with surrounding neighborhoods and create height, density, and environmental concerns. Keeping the zoning as R-1 would reduce all these risks and concerns.
- Conserve natural features: Tree clearing needed to construct this Property will cause continued negative impacts to the Amity Creek watershed. There is a sloughing clay cliff 100' behind the proposed Property. It has unstable soil that will cause runoff directly into Amity Creek, which is a designated trout stream that feeds to Lake Superior. The Developer has not provided the required Environmental Assessment Worksheet (EAW) which is prepared to analyze whether or not a project is likely to cause significant environmental impacts. The City of Duluth Planning Commission is the Responsible Governmental Unit (RGU) for the City of Duluth.
- Increase pedestrian connectivity: The Hawk Ridge neighborhood is not only enjoyed by existing residents, but also services a daily influx of community walkers, bikers, joggers and children-at-play from many other surrounding neighborhoods. These pedestrians access Hawk Ridge via roads without full sidewalk coverage along 52nd Ave East. Additionally, the Developer proposed adding a public access trail to Amity West biking/hiking trail but has failed to address Section 50-24, Parking and Loading. This trail access would be located on a dead-end caul-de-sac with no sidewalks. The increase of traffic for this Property and trail access will not increase connectivity, but rather discourage members of the community to utilize these unsafe roads. There are already several public access points with the surrounding area to both Skyline Parkway and Amity West trail systems, so adding this public trail access is unnecessary.
- Result in a final product that provides a greater level of public benefit than would be required under the existing zone district. As seen above, the Developer has failed to provide any

public benefit by rezoning the Property and has failed to achieve the additional requirements necessary for R-P.

I'll conclude with a response to the Director of Planning and Economic Development, Chad Ronchetti's comments in the Northern News Now interview that aired on March 15: "This privately owned lot is a very thoughtful development that is engaging the neighborhood, that is allowing for community input and providing community benefit through this development." I disagree that the Developer's proposal is thoughtful but rather it lacks detail and is misleading. He has not adequately engaged the neighborhood for input instead has discouraged opposition. Lastly, and most importantly, there is no increase of public benefit in his proposal to rezone to R-P, but rather an extensive list of concerns that contradict the UDC's purpose. If approved, this rezoning to R-P will harm our city attractions/visuals/aesthetic character and will ultimately put our surrounding parks—the reason residents stay and tourists visit Duluth—at risk.

Sincerely,

Krista Bastien

Hello,

My name is Max Lemp, I'm a resident of Duluth in the Hunters Park neighborhood and a concerned citizen. I recently saw this video: https://www.youtube.com/watch?app=desktop... of a proposed plan to develop an area of land near hawk ridge and wanted to share my thoughts. Firstly, it is my understanding that this is being proposed as a short-term rental housing and in my and many of my neighbor's opinions Duluth needs to put housing for locals first.

Duluth needs housing at all income levels and prime residential land like this needs to be saved for houses, <u>NOT</u> for non-local developers to make a vacation rental business. Homes in locations like this are opportunities for local community growth that meets a community need, this is worth more in the long run for Duluth than posh vacation rentals. Duluth is not for sale.

I do think that the denser zoning for this development is excellent and something the city should consider as a solution if it was to be developed into houses with respect to users of Skyline Parkway and the Duluth Traverse's view of Lake Superior.

Thank you for your time,

--

Max Lemp

210 W Lewis St.

Duluth, MN, 55803

Duluth Planning & Development Division 411 West First Street - Room 160 Duluth, MN 55802

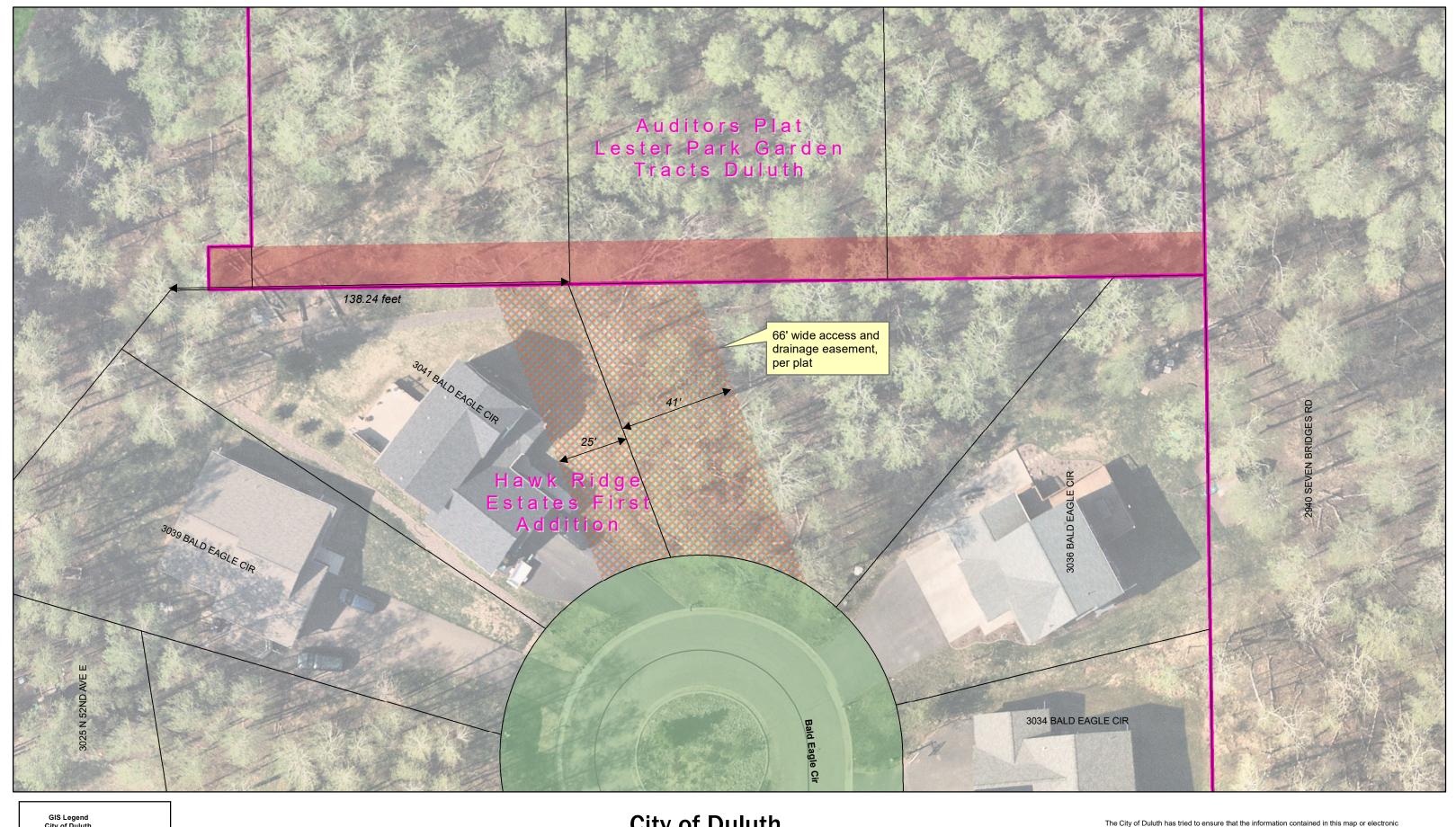
Dear Planning Commission:

This is a letter of opposition to the recent application by New Haven, LLC to change the current zoning of parcels off of Bald Eagle Circle. I can't even begin to express how upsetting this application is not only because I reside two lots away from the affected area but also because of the true beauty that the Hawk Ridge area provides to locals and visiting tourists that is at risk of being destroyed by someone who isn't even from this area. The fact that this beautiful piece of land that should be protected by Hawk Ridge Estates is at risk of being destroyed is a serious concern and I hope it is concerning to the counsel, as well. This development would completely alter the entire view from Skyline Parkway, Seven Bridges Road, and Amity Creek. These are historic sites in Duluth that people from all over the country come to enjoy. The Hawk Ridge/Lester Park trail system is cherished and it would be absolutely devastating to see these areas taken over by dense housing. Not to mention, the applicant continues to alter his plans with this land initially being for low-income housing to RV parks and now to retirement homes. He expresses the intent to "preserve the area" when the entirety of this application is the complete opposite of that. The cul de sac directly in front of my house would essentially become a roundabout and this area is not suitable for high traffic with several young families in the area including young children at play. My significant other and I purposely purchased our home in this area due to the privacy and quiet neighborhood it lies in-something that could be completely taken away if this proposal is passed.

I urge you to please deeply consider the concern of the many Duluth people who have expressed concern with this application- individuals who pay taxes for the city and work locally to help the city flourish. It says a lot when the town hall meeting is standing room only. The last thing we need is to have an outside construction company come in and completely alter our beautiful land and neighborhood as we know it.

Thank you for your time and consideration,

Mara Olinger 3039 Bald Eagle Circle Duluth, MN 55804

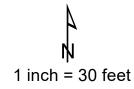


GIS Legend City of Duluth Utility Easement Access Easement Road ROW- vacated Road ROW- currently in use Parcel W/Address Subdivision

The aerial photo in this map is APPROXIMATELY lined up with the parcel and right of way lines

City of Duluth Public Works & Utilities

Date: 11/27/2023



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

information contained within.

The City of Duluth requires that this map/data not be redistributed to any party in whole or in part, including any derivative works of products generated by combining the data with other data, unless authorized by the City of Duluth GIS office.

Hello,

I recently learned of the proposal for bald eagle estates that submitted for an approved zoning change to the property near the east end of skyline parkway. It is completely out of character with the neighborhood and wold be a travesty for the natural corridors that exist along skyline parkway and Amity creek. A zoning change to allow a multiunit complex several stories tall should not even be considered. It will ruin a special part of the the city of Duluth for future generations.

Sincerely,

Margaret Maxwell

Hello,

My name is Ashley McMahon and I am writing on behalf of my family who resides in the Hawk Ridge Estate neighborhood. I am reaching out with concerns regarding the zoning proposal of a new development off of Bald Eagle Circle. Before I discuss our specific concerns about this proposal, I figured it would be more fitting to discuss the reasons why we moved to this neighborhood in the first place. My husband, Brooks, and I met in Duluth back in 2011 on the first day of college at UMD. We fell in love with Duluth, but ended up moving to Madison, WI for 6 years following graduation to pursue jobs and additional schooling. When COVID happened, we felt our hearts drawn back to Duluth as we missed the scenery, the lake, and started imagining where we would want to grow our family. We followed our hearts back to Duluth and built our home in Hawk Ridge and moved in October 2021. We welcomed our first daughter in May of 2022 and feel so grateful to be raising her in this community and neighborhood.

The Hawk Ridge Estate Neighborhood drew us in for many reasons. First, it was different from our Madison area neighborhoods we were used to...the ones where houses were on top of each other, the roads were busy, and there wasn't a tree in sight. We fell in love with the Hawk Ridge neighborhood for all the opposite reasons - nestled next to hawk ridge, hiking trails, a view of the lake, kids playing outside (the first time we visited our lot, the neighborhood kids had to move their soccer nets so we could drive by...we loved that!), it didn't feel like a "copy and paste" neighborhood (lots of character to the homes), and you had neighbors without it feeling like an overwhelming suburban subdivision.

When we heard about the zoning proposal, we were truly devastated. As much as we love those lots currently for the beautiful birch trees and scenery, we were never against more housing going there and we knew that would be a possibility one day. We had such a horrible time finding housing when we were moving back to Duluth that we felt we had no choice but to build, so I would want the same opportunity for others! However, allowing those lots to be re-zoned in the way the proposal suggests would be devastating. Higher density housing, 33+ homes stacked on top of each other, the heights being proposed, the possibility of the homes being built "into" hawk ridge, the potential effects it could have on Amity Creek, the trails, the wildlife, and the fact that that cul-de-sac where kids once played freely (outside...not on their phones) could be turned into a round-a-bout is truly mind boggling. The fact that 52nd Ave E (the road we currently reside on) would be the only access point to the proposed new neighborhood is hard to imagine. With 33+ homes (the possibility of 60-70 additional cars traveling regularly, RVs, etc.) would create a major negative change to our neighborhood and road. We have always felt safe letting our dog outside in the front yard, letting our daughter play, and appreciated the quaintness of the neighborhood as it currently stands. I can't say we ever appreciated the current state of the road on 52nd Ave E, but I would imagine it would only get worse with the amount of construction this new development would require and the additional traffic from future residents. I can tell you with certainty that we would not have chosen our lot and to build our home in the neighborhood if we knew about this new proposal ahead of time. It goes against everything we looked for in a neighborhood when we made the decision to call Duluth home again.

This might not be the most politically correct or formal email you will receive on this stance. I'm not a lawyer, I'm not a developer, and I'm not always super optimistic about advocating at times because my mind tells me "why would anyone in the city care about how I feel, when most things in this world are supported by money". I hope you all can prove me wrong on that. But, I am someone who loves my community, my neighborhood, my neighbors. I am a mom who chose the neighborhood we did with our growing family in mind.

We ask that you deny this new proposal and the re-zoning request of Bald Eagle Circle. I know that many argue "Duluth needs more housing", and I don't disagree, but I beg that this is not the solution.

Thank you for your consideration and for your time.

The McMahons - Ashley, Brooks, Whitley, & Kimber

3023 N 52nd Ave E

Duluth, MN 55804

Hawk Ridge Estate Resident

March 8, 2024

To: Duluth City Planning Commission; Contact jkelley@duluthmn.gov

From: Gerald J. Niemi, Ph.D., Ornithologist, Professor Emeritus, University of Minnesota-Duluth

Re: PL24-011

This planned development (PL24-011) needs further scrutiny, especially regarding its position relative to the Hawk Ridge Nature Reserve and the height of the planned buildings. Hawk Ridge Nature Reserve is a city owned property and is the site of one of the most concentrated migration routes for eagles, hawks, and falcons in the continental United States. Approximately, 70,000 raptors migrate past Hawk Ridge each year and have been systematically counted since 1972. In addition, counts of non-raptorial birds indicate that tens of thousands of other birds from waterfowl to songbirds also move along Hawk Ridge each fall.

The concerns now are the details for the planned development. With the large number of birds that migrate at Hawk Ridge, the development is potentially a major source of mortality during migration. Without careful planning in the placement and type of windows, this can be a death trap for migrating birds. The increased height of the buildings also amplifies the possibilities of major mortality to migrating birds. It is unclear how the height of the buildings will affect the visibility of the birds from the Hawk Ridge observation platform. If the visibility is hampered in any way, this would have a major effect on the counts from the Ridge. These counts are used to determine population trends of raptors in North America and are extremely important (see https://www.rpi-project.org/).

The Hawk Ridge Bird Observatory manages the city-owned Hawk Ridge Nature Reserve on behalf of Duluth (https://www.hawkridge.org/). Hawk Ridge Bird Observatory management has only recently been made aware of this development. I am surprised that the City of Duluth Planning Commission did not communicate with this organization.

In addition, as a biker in the city, I wonder whether the group COGGS (https://www.coggs.com/) has been made aware of the possible affects on the bike trail that traverses the area just below Hawk Ridge.

I strongly suggest tabling any decision regarding this development until more people, neighbors, and organizations are made aware of the implications of this development.

Please verify to me via my email (giniemi@gmail.com) that you have received this.

cc. Janelle Long, Executive Director, Hawk Ridge Bird Observatory, jlong@hawkridge.org

Good morning,

I'm writing as a resident of the Hawk Ridge Estates neighborhood, as I reside at 5305 Peregrine Circle, to address the proposed rezoning of three lots above Bald Eagle Circle. Unfortunately, due to work commitments, I won't be able to attend the public hearing scheduled for 3/12.

I want to be clear that I strongly support the development of additional housing within Duluth, especially cost-controlled units. However, the proposed rezoning raises a number of concerns due to the location and access required for the properties in question, and I do not expect that the units to be developed to have cost-control to meet the greatest needs of the city.

As I read, the proposal includes at least 26 dwelling units to be established on the 4 acre area. These would include single family dwellings and vacation units, and would be accessed by a single easement and road that would stem from a cul-de-sac into the proposed development. Right now, traffic in the area is limited to a handful of residents, and this would increase traffic through the neighborhood and create potential for bottlenecks at the entry road. Assuming that some of those dwelling units may have more than a single vehicle, there could be a tenfold increase in the number of vehicles traveling through the neighborhood. A proposed RV area means that there could be large vehicles attempting to gain entry through a road that was not developed with the expectation of this volume and size of traffic. There are many children in the Hawk Ridge Estates neighborhoods, and introducing significantly more cars to the area is a risk to them, especially if the vacation rentals draw traffic that is unfamiliar to the area. Likewise, the increase in the number of vehicles could create parking challenges within the development and nearby residential area.

In addition, the proposal includes a number of sidewalks across the property, and the addition of those hard surfaces has the potential to create runoff that would impact the nearby Amity West trail in Lester Park. The size of the development and buildings within could significantly change the character of both the Amity West trail and the Hawk Ridge section of the Duluth Traverse. These trails represent a valuable asset to the community, and I fear that the development would impact the long term viability of those trails. The owner notes that there would be increased connectivity to the trail systems, however, there is existing easement access to both Skyline Parkway and the Amity West trail within the neighborhood, at the top of 52nd Avenue and also on Bald Eagle Trail via the snowmobile trail entry.

I recognize that the increase in the number of dwellings and associated property taxes is a benefit to the city of Duluth. However, the roads leading into this area were not designed for the scale of this development. This type of development is needed in Duluth, in locations where the infrastructure will support ease of access and align with the existing residential areas in terms of minimizing impact to the quality of life for current residents. This proposal does not meet those qualifications.

I feel strongly that the R-1 zoning is appropriate, and hope that you will consider denying the petition to rezone the lots. Please contact me if there is any clarification I can provide or questions I can answer, either via email or at 218-343-2505.

Warm regards,

Eric Nordgren

Matthew and Ericka Olin

3012 N 52nd Ave E Duluth, MN 55804

Duluth Planning & Development Division

411 West 1st Street, Room 160 Duluth. MN 55802

Dear Staff & Planning Commission,

This letter is in opposition to the PL24-011 UDC Map Amendment, which proposes ezoning 010-0090-00480, 010-0090-00490, and 010-0090-00500 from R-1 to R-P as suggested by Newhaven, LLC..

As a Duluth family deeply connected to our city's natural landscape—where one of us has spent a lifetime and the other has come to treasure raising our children—we're compelled to express our concerns about the proposed rezoning by Newhaven, LLC., and Nick Ericson. The proposal stands at odds with the careful balance between development and nature that Duluth has always maintained.

The creation of Hawk Ridge Estates previously showcased Duluth's commitment to community-driven, environmentally conscious development. The collaborative efforts led by figures like County Commissioner Steve O'Neil set a high bar for integrating new housing while preserving the natural beauty and ecological integrity of areas like Amity Creek. This level of foresight ensured that development was not just about building structures but nurturing a community that coexists with its natural surroundings.

Contrastingly, the current rezoning proposal for these parcels threatens to disrupt this harmony. The move towards R-P zoning implies denser development, reduced green spaces, taller buildings, and a potential compromise to the sanctity of Skyline Parkway and Amity Creek—elements intrinsic to Duluth's identity.

Our family, alongside many others, treasures the local parks and green spaces that are essential for our collective relaxation and recreation. The thought of these areas being compromised is deeply troubling. We advocate for development that not only respects Duluth's ecological balance but also aligns with the character that makes our city unique.

Therefore, we urge you to consider the broader implications of this rezoning. Duluth deserves thoughtful development that adheres to existing zoning guidelines and protects our cherished natural assets. We request a revised plan that limits building heights, maintains residential use, incorporates robust environmental protections, and delivers tangible benefits to both our community and the environment.

Thank you for considering our perspective. We believe in a Duluth that grows responsibly, ensuring future generations can enjoy the same natural beauty we cherish today.

Sincerely,

Matthew and Ericka Olin

Mauhampo Euro Ulm

Message

Greetings, I am writing to strongly recommend the 4th Commission deny the request for a variance for development of the area along Amity Creek and Hawk Ridge. Any development should be in keeping with the current residential area: low density single family homes. The proposal is a detriment to the neighborhood, and most certainly to the surrounding parkland. Thank You for your consideration Gerald Ouellette

March 6, 2024

Re: Zoning Notice PL 24-011

Dear Duluth Planning Commission Members and Staff,

This letter is to share concerns we have regarding the potential zoning change of parcels 010-0090-00480; 010-0090-00490; 010-0090-00500; and 010-2119-00530 located adjacent to and north of Bald Eagle Circle.

We live at 3034 Bald Eagle Circle. These parcels are located adjacent to and north of a culde-sac. Currently, there are six driveways served only by Bald Eagle Circle. There is no secondary egress; there is no sidewalk; there is no off-street parking aside from our garages and driveways; and there is no designated space for snow removal.

With the exception of this winter, every winter we have lived here since 2019 has reduced the cul-de-sac to half its width with the majority of the plowed snow piling up in the center and spilling into the road. There is nowhere for the snow to go. There is limited street parking year-round, and essentially none in the winter. The development proposal submitted by New Haven, LLC along with their request for a UDC Map Amendment does not achieve "more efficient and effective use of streets." The construction and completion of this project would choke the flow of traffic to the point it would exceed inconvenience and become a legitimate safety concern.

Without a sidewalk, residents, and most concerning of all our children, are often walking and biking along the side of the road. Re-zoning these parcels to R-P would seemingly allow the potential for an extremely dense development. Increasing the density would inherently increase vehicular traffic, which would further exacerbate these challenges and present more safety concerns not only for residents, but also for pedestrians and cyclists accessing New Haven's proposed public trails.

In addition to functionality and safety concerns, it seems clear to us that what New Haven is proposing is in no way "compatible in scale and character with the surrounding neighborhood." We concur with Matt and Karen Hankas' illustration of this point in the letter they submitted.

We implore you to consider New Haven's proposal with extreme caution. We are aware that the City of Duluth is under extreme pressure to increase housing units. There is healthy potential for that to happen here without any zoning changes. The highest and best use of this property is for single family homes adhering to the rules and regulations

of existing R-1 zoning. There is no "conservation of natural features," "increase in pedestrian connectivity," or "greater level of public benefit" in New Haven's proposal. Conversely, their proposal would drastically alter the landscape and functionality of not only Hawk's Ridge and Lester Park, but also the intentionally designed and carefully constructed Hawk Ridge Estates development.

The notice we received dated February 23, 2024 did not include all relevant information. We received additional information today, which has not allowed for adequate time to thoroughly review and comment. We request that the public hearing on this matter be removed from the agenda for March 12, 2024 and rescheduled to a later date to allow for more careful review and meaningful comments.

Respectfully,

Nick and Jen Patterson

Planning Commission team:

Please see my questions and concerns in regard to the zoning amendment PL 24-011, New Have LLC request.

- 1. Does this zone change make sense with R-1 and P-1 zoning all around the proposed property?
- 2. Are the streets and city maintenance (i.e. snow plowing) designed for this much increased traffic flow in the proposed plan? Are the utilities and infrastructure capable for the increased population being proposed?
- 3. At what point does a new traffic analysis need to be performed?
- 4. With this much development being proposed, how would the additional impervious surface cause for additional runoff issues to the recreational trail system and park adjacent to the property?
- 5. There is a large ridge on the west side of the property which can cause extreme runoff as-is. The trail system through the park is adjacent to a larger ridge to the east that is already eroding without the additional over-development. Is this even feasible?
- 6. With a shallow bedrock, it is assumed blasting would be required in this proposed development for new infrastructure. How does that positively impact neighboring houses and existing public infrastructure being in close proximity?
- 7. Why were these parcels not originally incorporated into the original development?
- 8. Shouldn't it be assumed that these parcels, at the very least, need to follow similar guidelines to what the city created in the development in this area?
- 9. The changes proposed, and making this go to R-P zoning, are dramatically different than the neighboring properties.
- 10. I personally had to request a variance to reduce (not eliminate) an offset on one side of our property, but we needed neighboring support for that change. Is there any support for this in the Hawk's Ridge community?
- 11. Why would a developer be instantly granted extreme exceptions for MULTIPLE variances in one application of a zoning change when single family residents were/are required to follow strict policies?
- 12. Why would zero offsets on all properties being proposed ever be allowed (taking into account the R-1 and P-1 land adjacent)?
- 13. Shouldn't an actual proposed layout/plan with real survey/design parameters be included to confirm a zone change is actually warranted and possible to a proposed plan? The site is not able to withstand the proposed plan as is, it is unfeasible and reckless to approve this.
- 14. Public access? There is extremely limited parking on the streets in this area.
- 15. The public access being proposed is through a lot that is not allowed under current rules, and through the park which is also not currently allowed. So there is no public access benefit to this proposal. If anything, there is a large negative impact on the public. The proposed property is

encroaching on the public trail system and very realistically would cause increased runoff and erosion issues to the trail and park impacting hikers and cyclists. There are no sidewalks or bike lanes in the culde-sac, so walking and biking in the area is done on the street for families and children alike. This would introduce an exponential amount of additional vehicle traffic through the cul-de-sac causing safety concerns to the public.

- 16. What are the actual, realistic benefits of allowing this change in this location?
- 17. Would reasoning to approve this zoning change be a part of some sort of future city plan that is unknown by the community? If so, please share that information to review. Otherwise, there is absolutely no benefit to the local community in this area.
- 18. This defeats the purpose of the CITY's intent when creating the Hawk's Ridge community, so why would it be rezoned?
- 19. The proposed zone change, along with dozens of additional proposed uses and variance requests, goes against multiple HOA rules and regulations regarding light pollution, green space, sheer volume and preservation to name just a few.
- 20. To say it bluntly, this proposed plan and zoning change would inevitably be a negative impact on the park and the neighborhood. The only possible singular benefit, and this is strictly for the city not the neighboring community and properties, is increased capacity for housing. But is this the right location to try and force that agenda?
- 21. I implore you to review the "Variance Application Supplemental Form" questions 1-6 on the City of Duluth Variance Checklist document (attached) and use these comments, as well as all other comments you receive, when reviewing this variance proposal and zoning change.

I can see the idea of increased housing benefits for the city, but this location is far from ideal to provide that increase. The proposal is missing so much applicable information to realistically show what that increase would actually be, and requesting so many additional variances that it just cannot be accepted. These properties should stay R-1 zoning to match the intent of this entire neighborhood and recreational area.

Thank you

Dear Duluth City Counsel and Planning Commission,

My name is Kate Pelant and I am writing to explain my opposition to the rezoning amendment PL 24-011 Bald Eagle Estates Rezoning Amendment.

After careful review of this proposition, it is my understanding changing zoning from an R-1 to R-P would allow for high-density housing (including high scale homes, RV parking, and Airbnb's) on a small wedge of land in my Hawk's Ridge Neighborhood.

As a Duluth transplant myself, I understand the appeal of Duluth. It truly is a magical place. As a Hawk's Ridge Neighbor, I value the care and consideration that went into developing this area of land and maintaining it so people and wildlife continue to enjoy clean water, rivers, hiking trails, vegetation, and tree-topped landscapes. As someone who now holds dear the precious access to this region, I fear the re-zoned lack of oversight could destroy this.

As a healthcare provider to many underserved populations, I also understand the need for affordable housing. I do not, however, imagine this to be a goal of the developer. I do not see Airbnb homes, a restricted clubhouse and playground to improve our local community's needs for affordability.

I encourage all of you to drive through this neighborhood on a warm, sunny day. If you did, you would see families of all backgrounds socializing, children coloring on sidewalks or racing bikes down the street. If you hiked along Hawk's Ridge and Amity West, you would see an untouched Amity Creek flowing, hawks circling above, maybe a black mama bear and her 3 cubs, and of course a spectacular view of Lake Superior. The sheer thought of 100+ vehicles and RV's soaring past my house per day, damaged landscapes, or having an obstructed view of the river because 30+ 50ft tall homes are in the way is terrifying and nearly brings me to tears.

This land and our neighborhood is for everyone, no doubt. Please allow us to protect it and have a say for how it is developed.

Thank you,

Kate Pelant

Dear Planning Commission Member:

As a resident of Duluth and the lower Lester Park neighborhood, I am writing to let you know that I am opposed to the proposed to the Hawk's Ridge development and rezoning proposal, on the 3/12/24 agenda, and urge you to vote no on this proposal for multiple reasons; the following stand out as the most important:

- 1. This is not smart growth. These new units would not be in a central area, close to the bus lines or near services. All travel would need to be car-based and it would create increased traffic in a pristine natural area which was intended to be protected. Thus, the R-1 zoning on the border of the park should stay as such.
- 2. The proposed project is not affordable housing and would likely be out of the price range of most Duluthians. It will provide maximum profits for the developer who wants to install towering eyesores of three story buildings in the middle of a city wilderness. The more "views" this Seattle-based developer can sell, the higher his profits.
- 3. This level of population density right next to park land and steep slopes on all three sides constitutes a true natural hazard, especially in light of the fact that we're in the middle of a drought and have a lot of dry overgrowth that is not decaying under melting snow like in previous years. With that many housing units in such a condensed wooded area, it presents a unique fire danger that is compounded by the fact that it is closed in by a huge drop between the property and Hawk's Ridge and roads above that are inaccessible half of the year, making fighting a fire in that area especially challenging.
- 4. This developer is asking for new zoning that would allow an RV park, AirBnBs and a clubhouse, all on the edge of a large creek, parks and a nature reserve. These types of businesses would again pose a significant fire risk, spread tourist noise to natural and residential areas and ultimately serve to line the pockets of an out-of-town developer, not benefit the community.
- 5. People like me who live in "working class" Lester Park welcome more development in existing residential and business areas. Development that targets affordable housing in already accessible locations will bring more businesses to this area and everyone benefits in the process. There is absolutely no reason to damage natural areas when there are a lot of potential areas for development closer to main streets that are outside of the border to our wild areas.

If you wish to contact me, I can be reached via email, Duluth, MN 55804	, phone: or mail at 5420 Juni	ata St.,
-Kristin Phillips		
Kristin Phillips	_	

Matt and Karen Hanka

3032 Bald Eagle Cir. Duluth, MN 55804

Via Email: planning@duluthmn.gov

Duluth Planning & Development Division 411 West First Street – Room 160 Duluth, MN 55802

> Re: PL24-011 UDC Map Amendment at 3038 Bald Eagle Circle New Haven, LLC Zoning Application from R-1 to R-P

Dear Staff and Planning Commission:

This letter concerns an application by New Haven, LLC to change the current zoning at parcel #s 010-0090-00480, 010-0090-00490, 010-0090-00500 and 010-2119-00530 located adjacent and north of Bald Eagle Circle, and directly adjacent to Lester Park and Hawk Ridge from R-1 (Traditional Residential) to R-P (Residential Planned). New Haven requests an inappropriate development "blank slate" with the maximum R-P variations listed at Table 50-13.7-1 of the UDC. We oppose this zoning change for the reasons cited herein.

The subject parcels are directly adjacent to a traditional R-1 zoned single family neighborhood. The subject parcels are also directly adjacent to a heavily utilized and scenic northwestern section of Lester Park, and the elevated banks of Amity Creek. The subject parcels are further directly adjacent to, and directly below, Hawk Ridge. The subject parcels are literally at the "end of the road" in the Lester Park neighborhood, and surrounded by popular wilderness parkland.

As you are aware, R-1 zoning is to accommodate a traditional neighborhood. It is used in "established neighborhoods" – like Lester Park. The dimensional standards in the R-1 zone require "development and redevelopment to be consistent with development patterns, building scale, and building location of nearby areas." The overwhelming majority of the Lester Park/Lakeside neighborhoods are zoned traditional R-1. The subject parcels are zoned R-1. The current zoning will allow for reasonable development in harmony with the surrounding existing neighborhoods and park. In short, the existing zoning will allow New Haven, LLC to play by the exact same rules as the rest of Lester Park/Lakeside.

R-P zoning exists to provide a "flexible development" option with public benefits. That in and of itself is fine. However, the exceptional variances that New Haven requests through its application are not at all "compatible in scale and character" with the surrounding R-1 neighborhood and park. Moreover, the application fails to identify actual public benefits.

The application is challenging to decipher. It contains a number of general policy statements and verbatim repetition of the UDC language. It contains one small "General Layout of Development Areas" map that purports to show a future development at page 5. The application

mentions "single-family, duplex, cottage homes, and townhomes" at page 1. However, it's still mostly unclear to us what exactly New Haven plans to do with the subject parcels.

What does seem consistent throughout the application is that New Haven wants to be free to develop the parcels however they want with little oversight, "reduced setbacks", "small lots" and "significant density". What New Haven wants is a development "blank slate" with the maximum modifications listed at Table 50-13.7-1. For example, New Haven requests "no required yards", "no required minimum lot frontage", "no required minimum lot area" and a "50% increase" in allowable building heights (bringing the requested heights to 45', or 15' taller than the surrounding traditional R-1 zone). None of that is "compatible in scale and character with the surrounding neighborhood" and park. Indeed, increased building heights in and of itself would interfere with the view from adjacent Hawk Ridge – something that is specifically forbidden by Table 50-14.7-1.

Finally, the UDC requires that an R-P development plan provide for "public amenities or benefits". New Haven's application fails this test. First, New Haven's application lists open spaces (both passive and active) as a benefit. However, the parcels are currently open, as they are undeveloped. Retaining some open space is not a new public amenity or benefit. And indeed, the current R-1 zoning already requires appropriate set-backs from the park and other property. Second, the application mentions a central "common open space" for the development along with "RV parking". These are not benefits to the public. They are benefits to the development's owners/users. Finally, the application lists "public trail" connections. However, the adjacent Hawk Ridge development already contains multiple dedicated public trail accesses to both Lester Park and Hawk Ridge. Notably, the application fails to describe where the public is to park vehicles to utilize these new public accesses — which is a real concern for the adjacent neighborhood. The application fails to establish actual and needed public amenities and benefits as required for an R-P development.

New Haven can fairly develop the subject parcels with the current R-1 zoning. There is nothing compelling in the application that leads us to believe that New Haven should be granted the exceptional variances that they request. The parcels should remain zoned as R-1.

Thank you for your consideration.

Sincerely,

Matt and Karen Hanka

Duluth Planning Commission 411 West First St, Room 160 Duluth, MN 55802

Re: Public Hearing Notice to Rezone parcel #'s 010-0090-00480, 010-0090-00490, 010,0090-00500, and 010-2119-00530 located adjacent and north of Bald Eagle circle from Residential Traditional (R-1) to Residential-Planned (R-P), (PL 24-011)

Dear Duluth Planning Commission,

I attended last Tuesday's 3/12/24 Planning Commission Meeting. The room was filled beyond capacity with people standing against the walls opposed to the rezoning referenced above. I would imagine that number of people will be double at the April Meeting. Numerous people spoke in opposition to the rezoning and development. Not one person spoke in support of the project other than the out of state developer with a napkin sketch and a pipe dream to make money. To say what was being presented was confusing and incomplete would be an understatement.

You have to ask yourself. Isn't it convenient that the developer waited until all the infrastructure and roadways were built before moving forward with this project? The simple answer is they couldn't afford to build the infrastructure themself, so they waited until all the current residents paid that cost for them. In addition, Section 1.1 of Hawk Ridge Estates Rules and Regulations that govern the HOA clearly states. "The lots shall be used by Owners and Occupants and their guests exclusively as single family residential Dwellings". You can't turn lot 010-2119-00530 into a road. A road is not a dwelling! Had anyone known of this proposed deception they would have never built or bought a home there, PERIOD! You can't change the rules on people at this point. Ladies and gentlemen, if it walks like a duck and quacks like a duck!

The fact that the project has advanced this far is shocking and honestly, I feel like the Planning Department has missed the mark up to this point. That said, it's not too late to do the right thing. That's why we have these public input meetings. Everyone can make a mistake. We have to right the ship and change course before you destroy neighborhoods and peoples' dreams. And for what? One out of state developers' relentless pursuit of making money at others expense. Remember just because something may appear to check all the initial boxes from a legal perspective doesn't mean it's right. Take a step back and look at the bigger picture. Use some common sense.

If you choose to ignore the rules of the HOA and move forward please know you will be affecting family's lives, dreams, safety, and property values. Heaven forbid a neighborhood child gets hurt

because they are playing in their culd de sac, like they have always done, and get hit by a car because you turned a cul de sac into a high-density traffic thoroughfare. Sorry for my strong language but that child's injuries will be on your hands. You would have allowed it. We are talking public safety here!

As for Environmental Concerns, I will defer that to the experts within the MN DNR and MPCA. However, I would like to ask where is the Storm Water Detention or Retention Pond going to go for this proposed new development? I didn't see or hear reference to one in the developers plans. Hawk Ridge Estates storm water mitigation infrastructure certainly was never designed to handle another 4 acres of runoff.

I would encourage you all to do your homework and go walk the proposed site. Just be careful not to fall down the MASSIVE clay slide to Amity Creek and the Lester River Valley which is less than 150' from the proposed development. Amity creek happens to be a designated trout stream. Good luck with that when the above mentioned agencies get involved. The clay bank is rapidly eroding. I know because I have recreated in that area for the last 40 years. The site is unstable. Please review the YouTube link below if you are unable to perform a site visit of your own.

https://youtube.com/shorts/3NFMV_MZyVc?si=2Psk3PIjCcSXLxdx

I strongly encourage the Planning Commission to deny any rezoning request. From last Tuesday's meeting it is my understanding that the Planning Commission can set densities. Please do not allow the density of the above mentioned lots to be anything other than the current neighborhood density of 2-3 units per acre (see attached Density Survey). Anyone who claims the current neighborhoods have a density greater than that or that the neighborhoods contain duplexes, townhomes or multi-family dwellings has not done their research or is not being honest.

Don't be fooled! You have all worked too hard up to this point to preserve the large amount of "Green Space" that was thoughtfully incorporated into the adjacent neighborhoods so that all Duluthians could enjoy the beauty of Hawk Ridge and East Skyline. Don't destroy it! Preserve it, embrace it, protect it. The residents of Duluth deserve it!

Sincerely,

Scott Schafer

To whom it may concern,

My name is Doug Stevens and I have been involved with what happens on Skyline Parkway for over 20 years. Starting in 1999 I joined the Skyline Planning and Preservation Alliance. I was asked to be a part of the team for Corridor management plan for Skyline Parkway in 2001 and then on an update on the corridor management plan in 2015 and also in 2021which were done by ARDC. These updates were to see what had been done or not done according to the original corridor management plan.

I do not want to see the development happen below Hawk Ridge at 52nd Ave East. I feel it will take away from the views from Hawk Ridge and also hurt the bird migration that happens in the Spring and fall.

Mayor Sam Snively moved the roadway from in back of the hill to in front of it in 1935. This was to take advantage of the views of Lake Superior and to connect Seven Bridges Road to the Parkway. His building of 22 miles of the parkway and preserving of the land around the Parkway was one reason to make sure residents and tourists could enjoy the drive without obstructions.

Don't let this development destroy the work that went into making Skyline Parkway the beautiful attraction that it is today.

Sincerely, Doug Stevens

Stick to your beliefs. NO MORE variances for housing developments! There is plenty of vacant land in	
Duluth for developents that meet existing codes!	

Roy Trousdell

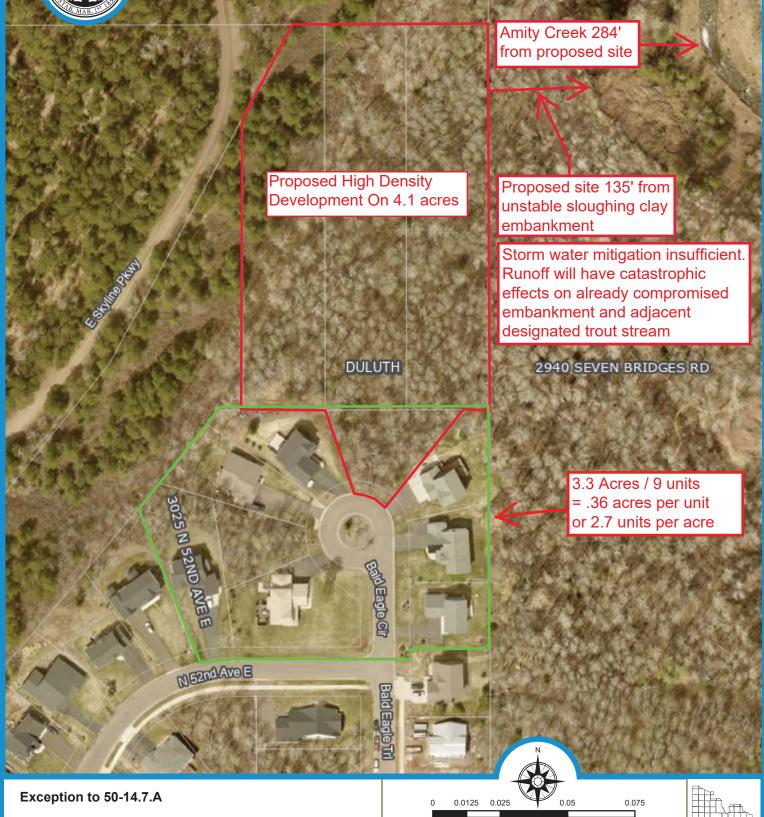
Duluth, MN

SAINT LOUIS

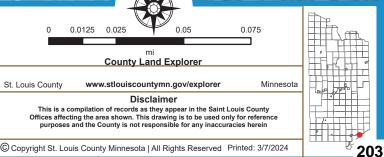
County Land Explorer

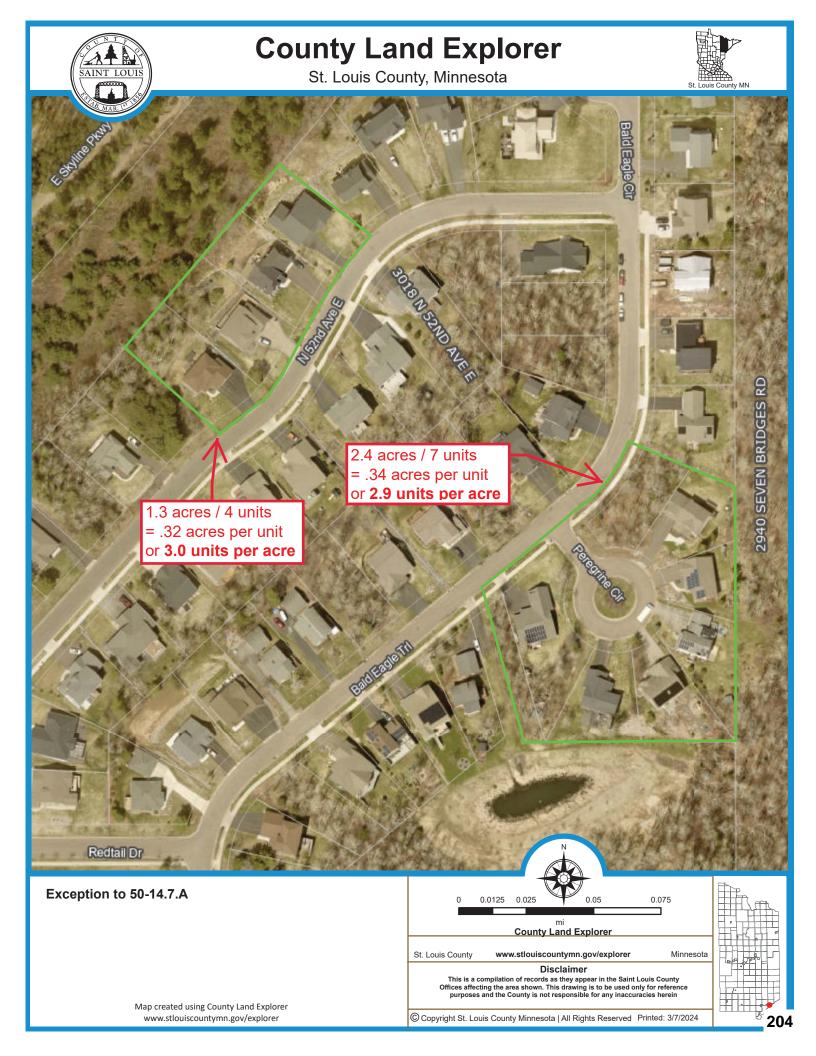
St. Louis County, Minnesota

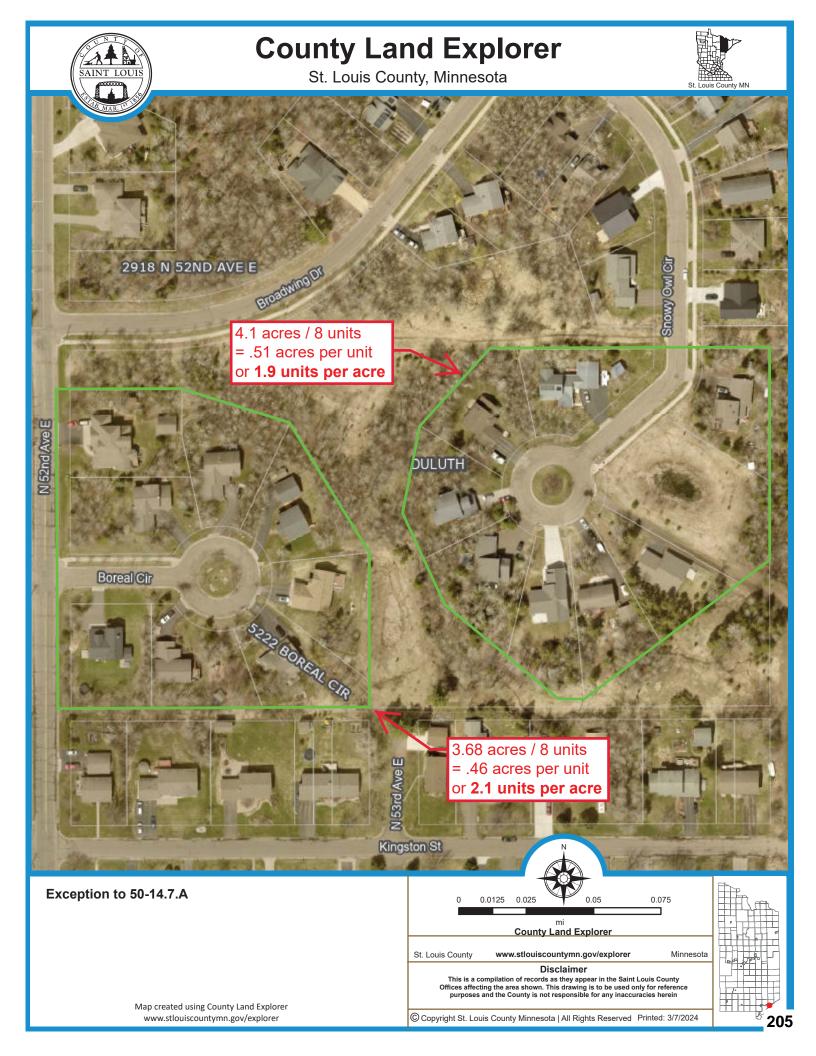




The surrounding Lakeside-Lester Park Neighborhood is characterized by single family homes. Within this neighborhood, the nearby adjacent developments are zoned R-1 and contain single-family homes. There are no duplex, townhomes, or multifamily residences. The scale of the surrounding neighborhood is best described by the residential density of **2-3 units per acre**. No where near the proposed **8-10 units per acre**.







County Land Explorer St. Louis County, Minnesota

St. Louis County MN



Map created using County Land Explorer www.stlouiscountymn.gov/explorer

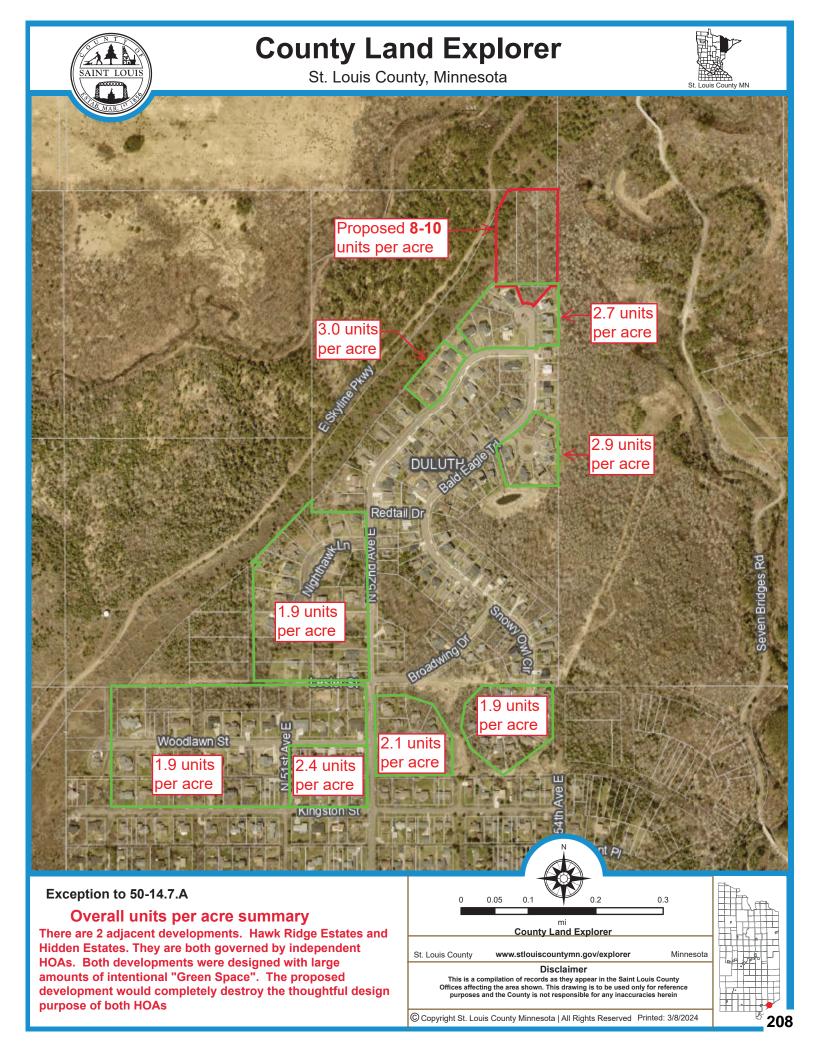
206

County Land Explorer St. Louis County, Minnesota 4900 E SKYLINE PKWY Nighthawk Ln 8.72 acres / 17 units = .51 acres per unit or 1.9 units per acre 21.2 acres / 41 units = .51 acres per unit or 1.9 units per acre 5101 LESTER ST Woodlawn St Kingston St Exception to 50-14.7.A 0.0275 0.055 0.165 **County Land Explorer** St. Louis County www.stlouiscountymn.gov/explorer Disclaimer This is a compilation of records as they appear in the Saint Louis County Offices affecting the area shown. This drawing is to be used only for reference purposes and the County is not responsible for any inaccuracies herein Map created using County Land Explorer

www.stlouiscountymn.gov/explorer

© Copyright St. Louis County Minnesota | All Rights Reserved Printed: 3/8/2024

207



"Proposed zoning change is too dense. Once that mess is built we are stuck with it. There are better places that are already zoned for high density housing.
Climate change? We need those trees.
Michelle Wegler

Hello,
Well, a couple of take aways after last night
The Newhaven developer is not transparent in any way, he answered no questions
and was misleading at best He certainly needs to have better answers.
The other thing that surprised me was that you only let people with in 350' of the
rezoning know about the meetings.
This is a project the whole city should know about; he wants to build a VRBO village
with RV parking between Lester and hawk's ridge if you rezone property with these heights
this close to hawk's ridge what's next?
I am fine with him building with R1 zoning that fits into the neighborhood as it stands, but
what he is proposing does not fit into that nieghborhood.
Thanks for you time,
Chris White

Hello,

I am sending this email in support of keeping the proposed area at the north end of the Hawk Ridge Estates up to Skyline Parkway with an R-1 designation rather than the land owner's proposed R-P rezoning request. The greater potential negative impact on the land granted through the potential increased number of dwellings with an R-P zoning designation should outweigh the potential benefits of an increased number of residential houses that are being proposed by this developer.

Sincerely,

Matt Whittaker

Duluth Planning Commission and City Council,

I am writing as a concerned neighbor and Duluth resident, as well as in my role as secretary of the nearby Hidden Estates Homeowners Association, in strongest opposition to the proposed development and rezoning application PL 24-011 located adjacent to the Bald Eagle Circle cul-de-sac. I see no conscionable reason why a rezoning request from R-1 to R-P should be granted. Additionally, I cannot fathom how a developer should be allowed to build a road directly through a lot that is intended to be used only for the sole purposes of building a single family residence. I have numerous points of contention with the proposed development and rezoning request as listed below.

- 1. First and foremost, this will have a direct negative impact on the quality of life for homeowners on the cul-de-sac as well as nearby homeowners. When purchasing a home on quiet cul-de-sac surrounded by nature to raise a family, under the protection of HOA covenants, one would never imagine that a busy road could be bulldozed right between two of the homes accessing housing which is 2-3 times the density of the rest of the neighborhood. This would be a devastating development for anyone who lived on this street.
- 2. As I understand it, the Hawk Ridge Estates HOA covenants contain language stating that lots can only be used for single family homes. As the Hidden Estates HOA secretary, I know our covenants state as such. Any potential buyer purchasing a home in an HOA would assume these covenants are legally binding and for the protection of all homeowners. A developer absolutely should not be allowed an exception or "easement". While I do not have a law degree to understand if there is some way around this, as an HOA resident, I would be completely blindsided if someone was allowed to build a road on the lot next to my house when my HOA covenants forbid this. Whether there is some legal work around or not, the good and decent thing to do is to hold every lot owner to the same set of rules. If we can't trust the City of Duluth to help uphold these standards, then potential homeowners will want to look elsewhere when buying homes or finding a place to live.
- 3. I am concerned that if this development is allowed as it is currently proposed, this will immediately and substantially decrease the surrounding property values and make resale from any current owners much more difficult. Part of the draw to this neighborhood is the peace and quiet, family friendly and safe streets, and access to nature and trails. This development however would increase traffic and damage the surrounding natural beauty, deterring future potential buyers. There is recent evidence to support this concern. We have one lot for sale in our Hidden Estates neighborhood. Within the last two weeks, a potential buyer placed an offer to buy this lot. Upon learning of the planned development at Bald Eagle Circle, the potential buyer revoked the offer later the very same day! This is a harbinger of things to come if the development goes through. There could be very harmful financial repercussions to the nearby homeowners when property values decline, and this is wholly undeserved.
- 4. As discussed in the letter signed by my entire HOA, the proposed development is in no way similar to the surrounding neighborhood. The application states that the scale and character of the surrounding neighborhood contains single family, duplex, townhome, and multifamily residences with a density of 4-8 units per acre. This is just plain false. The surrounding

neighborhood is strictly single family homes at a density of 2-3 homes per acre. This leads to one of 2 conclusions:

- a. The developer provided deeply flawed and faulty data regarding some of the most basic and easily identifiable neighborhood features, either from poor research, lack of understanding of the nearby neighborhood, or lack of skill. If so, I do not see how such a developer can be trusted and as such the rezoning request should be denied.
- b. The developer provided intentionally misleading information to suit his own purposes. This is extraordinarily disingenuous, and also should be grounds for denial of the rezoning request.
- 5. At the meeting on 3/12/24, the developer stated that he was from Redmond, WA and obtained the idea for cottage style homes from a development like this is in Redmond. While this might be a great setup to provide more housing in Redmond, we do not need this density of housing in Duluth. According to 2020 census data, Redmond has a population density of 4421.8 per square mile. Duluth has a population density of 1209.9 per square mile. High density cottage style homes may make sense in a town with a population density nearly 4 times that of Duluth. However, there is no good reason why we need to cram 4-10 units per acre into an area of 2-3 homes per acre. This is especially true when this is being wedged into a small corner of undeveloped land right next popular nature trails and beautiful natural features such as Hawk Ridge and Amity Creek.
- 6. Hawk Ridge and its hiking and biking trails, and Amity Creek and its hiking and biking trails are part of what make Duluth such a special place to live. We should be in the business of protecting these natural areas and preserving them for future generations, not encroaching on them as close as we can, spoiling the experience for those who use the trails.
- 7. Concerns about watershed mitigation strategies persist as these have not been properly addressed in the documents provided for the proposed development. As my neighbor Scott Schafer has pointed out in the letter that I cosigned, building higher density homes approximately 100 feet from a sloughing cliff that is receding year after year, and runs off into Amity Creek below, a designated trout stream, raises all sorts of engineering and environmental red flags.
- 8. The proposed development would substantially increase neighborhood traffic. This is especially worrisome near the upper end of 52nd Ave E. 52nd Ave E is heavily used by pedestrians for walking, running, biking and more, and this includes a high population of young children. Unfortunately the upper end of this street does not have pedestrian sidewalks. This often feels unsafe when combined with the amount of traffic using the roadway. The proposed development would bring in even more traffic, further endangering pedestrians and children.

In summary, the proposed development and rezoning request is fraught with complications, errors, misleading information, and disregard for the surrounding neighborhood as well as the Duluth community at large, as it encroaches upon some of the city's most cherished natural areas. My neighbors and I understand that there is a housing shortage in Duluth, so it may be tempting to push this through to address housing concerns. However, this would be shortsighted as it would clearly have many more negative impacts than any positives adding homes would bring. I want the best for this neighborhood and this city. Therefore, any new housing should be well thought out, well planned, respectful of the established community, and should seek to enhance the qualities and values of the city

and attempt to conserve our natural resources. The proposed development falls flat on all accounts and the rezoning application should therefore be denied.

Thank you for your time and considerations.

Respectfully,

Luke Widstrom

Secretary - Hidden Estates Homeowners Association



Planning & Development Division

Planning & Economic Development Department

Room 160 411 West First Street Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

MEMORANDUM

DATE: March 29, 2024

TO: Planning Commission members

FROM: Jenn Moses, Senior Planner

SUBJECT: UDC Text Amendment (PL 24-016) related to dimensional standards in the R-1, R-2, and

MU-N Districts

Staff is proposing changes to lot area, lot frontage, setbacks, and height in the R-1, R-2, and MU-N zone districts. These changes are aimed at the following goals:

- Clarify a 0' setback for townhomes and twinhomes. Although a shared wall is implied by the definition of
 townhomes and twinhomes, the dimensional standards tables in these three sections have been confusing
 for developers because they have stated various side yard setback dimensions ranging from 3' to 10'. A
 new line is proposed for each table to allow a 0' setback for portions of the principal structures that have
 shared walls.
- Simplifying regulations where possible:

R-1 district

- For lot size, a two-family structure would no longer have the contextual standard of "average of developed 2-family lots on the block face." Most R-1 blocks in Duluth do not have multiple 2-family lots and so this contextual standard is rarely used; by eliminating the language, we can make the regulation more clear and straightforward, and the table easier to read. The lot frontage for two-family units would also have the same language removed, for the same reason.
- The current regulations state that principal structures other than one- and two-family homes should have a 25 ft. side yard setback if adjacent to a platted street; however, this standard is repeated three lines below, where "all other principal structures" on a corner lot are also listed with a side yard setback of 25 feet. Removing this line in the table simplifies by removing duplicative language.
- The current regulations have three different categories for side yard setbacks, depending on width of the lot (general, lots 25-50 feet of frontage, lots with less than 25 feet of frontage). The proposal simplifies this to two categories (general, and lots with 30 ft of frontage), and for one- and two-family homes, states clear 3' or 6' setbacks. Note that language will be added as a footnote in the zoning code to inform property owners that in some cases building close to the lot line will have building code implications.

www.duluthmn.gov

The City of Duluth is an Equal Opportunity Employer.

R-2 district

- Removes distinction between buildings less than 3 stories and buildings more than three stories, instead referring to setbacks for one- and two-family versus other principal structures.
- For lots with 30' or less of frontage, states a clear 3' setback. Note that language will be added as a
 footnote in the zoning code to inform property owners that in some cases building close to the lot
 line will have building code implications.

MU-N district

- o Simplifies the categories of side yard setback, from a total of six categories to four.
- Slightly reducing some standards, and increasing one, to support development that meets the city's housing and economic development goals:

R-1 district

- Reduces lot area per unit for a townhouse from 3,000 sq. ft. to 2,500 sq. ft. to better reflect townhouse sizes and characteristics, which require smaller footprints than twinhomes and other two-family structures.
- Adds a lot frontage for townhouse which is smaller than two-family and consistent with use-specific standards for townhouses in Article 3.
- Reduces front yard setback by 5 ft. and rear yard setback by 10 ft. to allow properties to more
 easily construct home additions and decks, and to better accommodate many of the smaller lot
 sizes in Duluth's infill areas. This is also generally more reflective of the older neighborhoods that
 define the "traditional neighborhood" designation in the comprehensive plan as well as the
 purpose statement of the R-1 in the UDC.

R-2 district

- Allows the average of developed lots on the block face to be used for lot area and lot frontage, to support development in areas previously developed on smaller footprints.
- Removes the prohibition on developing certain uses on lots containing 5,000 sq. ft. or less.
- o Reduces the lot frontage for townhouse, consistent with the proposal for the R-1 district.
- Reduces front, side, and rear yard setbacks to be consistent with the existing urban form of R-2 neighborhoods as well as with the purpose statement of the R-2 district and the comprehensive plan designation of "Urban Residential."
- A slight height increase of 5' (from 45' to 50') to support modern construction methods needed to reach 4 stories in most areas (4 story buildings are consistent with many older R-2 buildings in Duluth's neighborhoods and with the intent of the R-2 district).

MU-N district

- Removes the prohibition on developing certain uses on lots containing 5,000 sq. ft. or less.
- A slight height increase of 5' (from 45' to 50') to support modern construction methods needed to reach 4 stories in most areas.

Per Section 50.37.3 of the UDC. Planning commission may review the proposal based on the below criteria,

- 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;

Planning commission may recommend approval, approval with modifications or denial to city council.

www.duluthmn.gov

The City of Duluth is an Equal Opportunity Employer.

A. Purpose.

The R-1 district is established to accommodate traditional neighborhoods of single-family detached residences, duplexes and townhouses on moderately sized lots. This district is intended to be primarily used in established neighborhoods. Many of the dimensional in this district require standards development and redevelopment to be consistent with development patterns, building scale, and building location of nearby areas. Uses are allowed as shown in Table 50-19.8;

TABLE 50-14. R-1 DISTRICT	.5-1 T DIMENSIONAL STA	ANDARDS
		Lot Standards
Minimum lot	One-family	The smaller of 4,000 sq. ft. or average of
area per	One-ranny	developed 1-family lots on the block face
family	Two-family	The smaller of 3,000 sq. ft. or average of
Minimum lot	i wo-runniy	developed 2-family lots on the block face
area per family (Two- family) (1) [2] [3] Minimum lot area per family (Townhouse)	<u>Townhouse</u>	3,000 <u>2,500</u> sq. ft.
Minimum lot frontage (one-	One-family	The smaller of 40 ft. or average of developed lots with similar uses on the block face
family		30 ft The average of developed lots with
Minimum lot	Two-family	similar uses on the block face, but not less
trontage (two-	<u> </u>	than 40 feet.
family and townhouses) [1]	<u>Townhouse</u>	20 ft
		STRUCTURE SETBACKS
Minimum depth	of front yard	The smaller of 25 20 ft. or average of adjacent developed lots facing the same street
AA:i	General	6 ft.
Minimum width of side yard (one- and two- family)	Lots with less with 30 ft or less of frontage 50 ft, but more than 25 ft frontage	3 ft Combined width of side yards must be at least 12 ft., with no side yard less than 3 ft. wide
	Two-family shared wall Lots with 25 ft or less of frontage	Of the setback for portion of the principal structure with the shared wall Combined width of side yards must be at least 8 ft., with no side yard less than 3 ft. wide
AA::	General	10 ft. if adjacent to another lot
Minimum width of side yard (all other principal structures)	<u>Townhouse shared</u> wall	Off setback for portion of the principal structure with the shared wall 25 ft. if adjacent to platted street
Corner Lot: width of front side yard	Dwelling	15 ft.
	Detached accessory building	15 ft.
	All other Principal Structures	25 ft.
Minimum depth	of rear yard	25 ft. <u>15 ft.</u>
		STRUCTURE HEIGHT
Maximum heigh	t of bulding	30 ft.

 $^{^{[1]}}$ Determined using "Lots on the block face" definition. When doing this calculation, exclude the subject lot from the calculation.

Section 50.21 $\,$ Dimensional standards contains additional regulations applicable to this district.

 $^{^{\}text{[2]}}$ Lots without municipal sewer must also meet requirements of 50-21.2.

 $^{^{[3]}}$ Existing structures that have a change of use from one-family to two-family must meet minimum lot area and frontage, but not setbacks. For lots with less than the minimum lot frontage, refer to 50-38.5

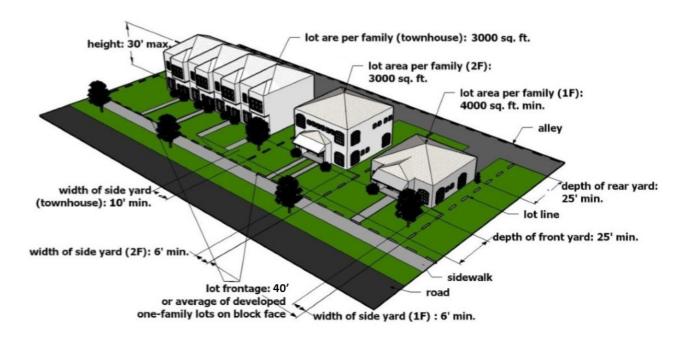
B. Example.





C. Illustration.

R-1 Example Lot Layout



(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 7; Ord. No. 10225, 5-28-2013, § 1; Ord. No. 10337, 11-24-2014, § 1; Ord. No. 10421, 11-9-2015, § 1; Ord. No. 10659, 10-28-2019 §1)

A. Purpose.

The R-2 district established is accommodate multi-family apartments and townhouses, in an urban setting. This district also allows for single-family detached dwellings, duplexes and group living accommodations as shown in Table 50-19.8. The district is intended primarily for locations closer to commercial and mixed use activity centers, and may serve as a transition between lower-density residential areas and more intense commercial and mixed use neighborhoods;

TABLE 50-14.6-1 R-2 DISTRICT DIMENSIONA	L STANDARDS	
		LOT STANDARDS
Minimum lot area per family Minimum lot area per family	One-family	4,000 sq. ft. or average of the developed 1-family lots on the block face
Minimum lot area per family	Two-family	2,500 sq. ft.
Minimum lot area per family	Multi-family	750 sq. ft.
	Townhouse	2,200 sq. ft.
No lot of record containing 5,000 family dwelling or a permitted no	•	be used except for a one-
Minimum lot frontage	One-family, and two- family, and townhouse	30 ft. or the average of the developed lots with similar uses on the block face
	<u>Townhouse</u>	20 ft
	Multi-family and non-residential	50 ft.
		STRUCTURE SETBACKS
Minimum depth front yard		The smaller of 25 15 ft. or average of adjacent developed lots facing th same street
Minimum width of side yard for buildings less than 3 stories	<u>General</u>	6 ft
	For lots with 30 ft	Combined width of side

or less of frontage

Two-family shared

Townhouse shared

General

Dwellings

Detached accessory

building All other Principal

Structures

wall

yards must be at least 8

Oft setback for portion

of the principal structure with the shared wall

0 ft setback for portion

of the principal structure with the shared wall

STRUCTURE HEIGHT

10 ft.

15 10 ft.

10 15 ft.

<u>15</u> 25 ft.

15 25 ft.

50 45 ft.

ft., with no side yard

Minimum width of side yard for

buildings less than 3 stories (one

Minimum width of side yard

building 3 stories or more

(other principal structures) for

Corner Lot: width of front side

Minimum depth of rear yard

Maximum height of building

and two-family)

yard

Section 50.21 *Dimensional standards* contains additional regulations applicable to this district. For lots with less than the minimum lot frontage, refer to 50-38.5.

B. Example.





C. Illustration.

R-2 Example Lot Layout

lot area (MF): 1500 sq. ft. min. per family lot area (2F): 2500 sq. ft. min. per family lot area (1F): 4000 sq. ft. min. per family lot area (townhouse): 2200 sq. ft. min. per family height: 45' max lot frontage multi-family and non-residential: 50' min. sidewalk road width of side yard: 10' min. (for buildings 3 or more stories tall) Tear yard depth: lot frontage one-family, two-family, & townhouse: varies (see standards) 30' min. width of side yard: 6' min. (for buildings front yard depth: varies (see standards) less than 3 stories) width of front side yard: 15' min.

(Ord. No. 10042, 8-16-2010, § 1; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2-11. § 8; Ord. No. 10192, 12-17-2012, § 3, Ord. No. 10659, 10-28-2019 § 2)

A. Purpose.

The MU-N district is established to accommodate a mix of neighborhood-scale, neighbor-hood serving non-residential uses and a range of residential uses located in close proximity. This district accommodates both horizontal (uses located in separate structures) and vertical (uses located in the same building) types of mixed use. Non-residential uses may include small-scale retail, service and professional offices that provide goods and services to the residents of the surrounding neighborhood, as shown in Table 50-19.8;

TABLE 50-15.2-1 MU-N DISTRICT DIMENSIONAL STANDARDS				
		LOT STANDARDS		
	One-family	4,000 sq. ft.		
Minimum lot	Two-family	2,500 sq. ft.		
area per	Multi-family	500 sq. ft.		
family	Efficiency unit	380 sq. ft.		
	Townhouse or live-work dwelling	2,200 sq. ft.		
No lot of record containing 5,000 sq. ft. or less shall be used except for a one-family dwelling or a permitted non-dwelling use				
	<u>Townhouse</u>	20 ft.		
Minimum lot frontage	One-family, <u>or</u> two-family , or townhouse-dwelling	30 ft.		
	Multi-family or non-residential	50 ft.		
		STRUCTURE SETBACKS		
Minimum depth of front yard	For all structures 35 feet in height or less	The smaller of 20 10 ft. or average of adjacent developed lots facing the same street		
	For portions of all structures higher than 35 feet	An additional 20 <u>10</u> feet beyond the required front yard setback above		
	General, unless listed below	5 ft.		
Minimum width of side yard	Two-family or townhouse shared wall	Oft setback for portion of the principal structure with the shared wall		
	Non-residential use adjacent to residential district or use	15 <u>10</u> ft.		
	Non-residential use adjacent to non-residential district or use	O ft.		
	Multi-family adjacent to single- family district or use	10 ft.		
	Multi-family adjacent to multi- family district or use	O ft.		
Minimum depth of rear yard		25 ft. 15 feet		
		STRUCTURE HEIGHT		
	Non-residential use	45 ft.		
Maximum height of building	Residential or mixed use (general)	75 ft.		
	Residential or mixed use (within 500 ft. of R-1 or R-2 district)	<u>50 45</u> ft.		
C11	EO 21 Dimensional standards contains			

Section 50.21 *Dimensional standards* contains additional regulations applicable to this district.

B. Example.





C. Illustration.



(Ord. No. 10041, 8-16-2010, § 1; Ord. No. 10042, 8-16-2010, § 2; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 10; Ord. No. 10192, 12-17-2012, § 5; Ord. No. 10232, 6-10-2013, § 1; Ord. No. 10286, 3-10-2014, § 2; Ord No. 10468, 8-29-2016, §1)