



City of Duluth

Meeting Agenda

Planning Commission.

Tuesday, April 12, 2022

5:00 PM

CALL TO ORDER AND ROLL CALL

APPROVAL OF PLANNING COMMISSION MINUTES

[PL 22-0308](#) Minutes 3/8/22

Attachments: [03-08-2022 PC Minutes \(not approved yet\)](#)

PUBLIC COMMENT ON ITEMS NOT ON AGENDA

CONSENT AGENDA

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

Attachments: [PL 22-026 Staff report & attachments](#)

[PL 22-033](#) Interim Use Permit for Vacation Dwelling Unit in an F-2 District at 323 S 17th Avenue E by Portland Land Co., LLC

Attachments: [PL 22-033 Staff Report and Attachments](#)

[PL 22-034](#) Interim Use Permit for Vacation Dwelling Unit in an F-2 District at 4924 Pitt Street by Endion Lane Co., LLC

Attachments: [PL 22-034 Staff Report and Attachments](#)

[PL 22-039](#) Interim Use Permit for Vacation Dwelling Unit in an R-1 District at 120 Aspen Lane by Predictable LLC

Attachments: [PL 22-039 Staff Report and Attachments](#)

[PL 22-037](#) Minor Subdivision at 1526 98th Avenue W by Matina Askegard and Paul Askegard

Attachments: [PL 22-037 Staff Report and Attachments](#)

[PL 22-041](#) Vacation of Alley Between Redruth Street and Raleigh Street West of 71st Avenue W by Housing and Redevelopment Authority of Duluth, Minnesota

Attachments: [PL 22-041 Staff Report with attachments](#)

PUBLIC HEARINGS

[PL 22-035](#) Special Use Permit for Hotel at 703-723 S Lake Avenue by Park Point Land Co., LLC

Attachments: [PL 22-035 Staff Report and Attachments](#)

[PL 22-038](#) MU-C Planning Review for Church at 43xx Haines Road by New Life Lutheran Church

Attachments: [PL 22-038 Staff Report with attachments](#)

[PL 22-040](#) Special Use Permit for Restaurant at 1303 W Arrowhead Road by 1303, LLC

Attachments: [PL 22-040 Staff report & attachments](#)

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

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

[PL 22-042](#) Special Use Permit for Cottage Home Park at Redruth Street and S 71st Avenue W by Housing and Redevelopment Authority of Duluth, MN

Attachments: [PL 22-042 Staff Report with attachments](#)

OLD BUSINESS

[PL 21-096](#) Minor Subdivision at Glen Place and W Michigan Street by Aaron Schweiger

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 08, 2022
Meeting Minutes

Due to the COVID-19 emergency, many planning commission members participated through video conference from home. The meeting was held as a Special Meeting pursuant to Minnesota Statute 13D.021 in response to the Covid-19 emergency. Public comment was taken at planning@duluthmn.gov prior to and during the meeting, and via verbal comment through public attendance in the WebEx video conference during the meeting.

Call to Order

President Sarah Wisdorf called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, March 8th, 2022.

Roll Call

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

Members Present: Jason Crawford*, Gary Eckenberg*, Margie Nelson*, Michael Schraepfer*, Andrea Wedul*, Sarah Wisdorf*, and Zandra Zwiebel*

Member Absent: Jason Hollinday

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

Presentation of 2022 Zenith Award

The 2022 Zenith Award was presented to Alan Nelson of One, LLC for the Enger Lofts Development, which provides 33 apartments in the Lincoln Park Craft District.

Approval of Planning Commission Minutes -

Planning Commission Meeting – February 08, 2022

MOTION/Second: Eckenberg/Schraepfer approved

VOTE: (7-0)

Public Comment on Items Not on Agenda

None

(Item PL 21-204 was withdrawn by the applicant until next month.)

(Item PL 22-013 was removed from the consent agenda and placed under public hearings by Commissioner Andrea Wedul.)

Consent Agenda

PL 22-006 Concurrent Use Permit for a Wall in the Skywalk at 309 W Superior Street by Superior Street Property, LLC

PL 22-009 Interim Use Permit for a Vacation Dwelling Unit at 4123 W 7th Street by Mike and Laurie Casey

PL 22-011 Interim Use Permit for a Vacation Dwelling Unit at 207 Pittsburg Street by Linda Nervick

PL 22-012 Interim Use Permit for a Vacation Dwelling Unit at 5808 London Road by Dean Jablonsky

PL 22-014 Interim Use Permit for a Vacation Dwelling Unit at 1916 W Superior Street – Unit 2 by DKM Ventures

PL 22-015 Interim Use Permit for a Vacation Dwelling Unit at 1916 W Superior Street – Unit 1 by DKM Ventures

PL 22-016 Minor Subdivision at Joshua Avenue by Van Staagen Design LLC

Commissioners: Gary Eckenberg noted the parking requirements in item PL22-011. Per Chris Lee, the permit will not be issued until parking is in compliance.

Public: Mike Casey pointed out the mistake in the staff report for Item PL22-009. Staff recommends approval, not denial. Deputy Director Adam Fulton noted the commissioners received the updated version, and it will also be posted online.

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

VOTE: (7-0)

Public Hearings

PL 22-013 Variance from Corner Side Yard Setback at 2533 Minnesota Avenue by Kimberly Anderson

Staff: Chris Lee introduced the applicant's proposal for a variance from the corner side yard setback to 5' in order to build an entry stoop and deck. This is a reduction of 10' from the standard 15'. The other proposed addition (attached garage) is exempt from the variance due to the reduced setbacks of other houses on the block face. Staff is recommending approval with the conditions listed in the staff report.

Commissioners: Andrea Wedul noted the existing garage in the right of way. Now they will have two garages. Can the non-conforming garage be removed? Lee noted the existing garage is a permitted garage with a concurrent use permit. He does not think they could force the applicant to remove it. There is no maximum number of garages adopted in the code. Park Point looks like this. The proposal is not inconsistent with other properties. Wedul asked about the side yard setback. What if 26th Street South is improved? Per Lee – it isn't crossing into the R.O.W. Wedul asked about the shoreline management area. Does this proposal trigger additional analysis? Per Lee they are not adding a structure towards the lake.

Applicant: Did not speak.

Public: Mark Baker – 1721 E 3rd St – addressed the commission. He asked what is the uniqueness of the lot to merit a practical difficulty. Lee noted it is on an average lot which is 40' wide, but the exceptional narrowness of the lot, and its location as a corner constitutes a practical difficulty.

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

VOTE: (7-0)

PL 22-018 Special Use Permit for a Car Wash at 604 W Central Entrance by CWP West Corp.

Staff: Kyle Deming introduced the applicant's proposal for a single-bay automatic car wash with 3 drive-up pay stations, 14 stalls for vehicle vacuuming, and three parking spaces located in the Jigsaw Division. The nearest residential structure is 300' away. The landscape plan will include a double-row of evergreen trees along the south property line and a single-row of evergreen trees along the west property line and the south property line of Lot 2. Staff recommends approval with the conditions listed in the staff report.

Commissioners: Gary Eckenberg asked if the original plan included a car wash. Deming didn't think so, but it is not uncommon. Zandra Zwiebel noted this is not the first time they have heard of a car wash being proposed. It has been six months, since it was being considered. Deming noted the previous plan may have included a car wash. Wedul stated this is a tight location. What is their plan for snow removal? Per Deming, staff did not ask specifically, but they are not allowed to pile snow on the landscaping. Wedul noted the prohibition of rock mulch around the vegetation. She hasn't heard about this being harmful.

Applicant: Sam Glennen addressed the commissioners and thanked them. The applicant is excited to be part of the Duluth community. They use a system which will reclaim the water they use and be more environmentally friendly. He introduced Erik Lokensgard (engineer from Kimley-Horn) to add comments about snow removal. Lokensgard noted there is a large triangular piece on the property where the snow will go, just north of vehicle entry and the NE corner. Excess snow will be hauled off of site.

Public: Deming noted staff received a late comment from Jake and Jullien Bratek of 501 Anderson Rd. They think the neighborhood would benefit more from amenities other than a car wash. They have foliage concerns and noted there are no sidewalks in the neighborhood, and would like to see a privacy fence installed. Mike Casey addressed the commission. He asked how this development fits into MNDOT's future plans. He is an advocate for pedestrians and bikes. He appreciates that there is a snow removal plan. It is important to have access to businesses without using a car.

Commissioners: Eckenberg asked if there was access to Central Entrance. Per Deming, there is a right in/right out off of Central Entrance. Deming noted the connection to Anderson Road is necessary for traffic. The sidewalk would go along the entrance road until the NE to the intersection at Central Entrance. Eckenberg asked about the condition of the city council passing the UDC amendment to allow a car wash as a special Use in an MU-N zone. Per Deming if the city council doesn't approve, it will stop this proposal from going forward. The city council has two readings on this issue. The first one passed, and they will have their second reading soon. Wedul asked if it would be prudent to table before it is officially approved by the city council. There was no more discussion.

MOTION/Second: Zwiebel/Crawford approved as per staff recommendations

VOTE: (7-0)

PL 22-024 MU-I Planning Review Amendment for Parking Ramp at 502 E 2nd Street by Essentia Health

Staff: Steven Robertson gave an overview. The applicant is seeking an amendment to a previously approved MU-I Planning Review (PL21-115), related to the exterior façade elements. The most significant of the changes include: changing the width of the parking ramp above the alley to ten feet from the west property line, eliminating the extra parking stalls located above the alley on level 3, replacing perforated metal panels above the first floor to a mill finish aluminum panel, reducing the amount of street trees near the entrance/exits of 1st Street, and shifting the parking lanes on 1st Street and adding turn lanes. Staff recommends approval with the conditions listed in the staff report.

Commissioners: Zwiebel noted the email/comments the commissioners received from Friday Properties. They are concerned with their tenants' parking situation. Zwiebel also noted the aluminum building covering, and the importance of it not appearing like a mirror which would be detrimental to migratory birds. She asked what the aluminum will look like over time. Will salt effect it? Robertson deferred to the applicant. Commissioner Wedul stated the landscaping looks light. Do they meet the UDC requirements? Robertson noted there are two curb cuts in to busy structure. Normally they wouldn't support, but in this case, staff feel the amount of landscaping is appropriate.

Applicant: Evan Aljoe of LHB addressed the commission. The aluminum finished is milled and won't be shiny. It is not reflective and won't look like the sky or a tree to a bird. The finish is a raw material, so it is durable and won't degrade with salt. Their lighting is in compliance. There will be no lighting extending past the property line. There will be interior lighting and possibly some on the roof, but not on the building perimeter.

Public: No speakers.

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

VOTE: (7-0)

(Commissioner Jason Crawford recused himself from the next agenda item.)

PL 22-019 Special Use Permit for Commercial Support Services at 500 E 10th Street by JS Print Group

Staff: Kyle Deming introduced the applicant's proposal to renovate 14,579 sq. ft. of the former UDAC building into space for the JS Print Group, a commercial printing, design, mailing, and advertising/promotion business. Staff recommends approval with the conditions listed in the staff report.

Commissioners: Wedul noted the MNDOT changes to Central Entrance, but this is outside the area since the new plan stops at Mesaba Avenue. This proposal is essentially just an interior remodel.

Public: Mike Casey addressed the commission. He noted the importance of safe routes to schools and noted there is no sidewalk on 9th Street. He thought the UDC may want to see a sidewalk added. This is a mixed-use neighborhood, and the proposal is a great asset to the community. Per Deming the renovation is not triggering changes to the physical site. He acknowledged where sidewalks can be added. Bernice Pepper who lives in central hillside addressed the commission. She asked what will happen to the community garden. The garden is an opportunity for low income families to have fresh vegetables.

Applicant: Jose Stager addressed the commission and welcomed questions. He is excited for their new location. Stager noted he is working with the Freedom Center regarding the logistics (including insurance), which will allow them to take over the community garden.

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

VOTE: (6-0, Crawford Abstained)

PL 22-022 Concurrent Use Permit for Balconies above 20th Avenue W at 2001 W Superior Street by Urbane 218, LLC

Staff: Kyle Deming introduced the applicant's proposal for a concurrent use permit to allow balconies above the 20th Avenue West sidewalk extending from a proposed apartment building. Staff recommends approval with the conditions listed in the staff report.

Applicant: Rose Schroder of Bolten-Menk addressed the commission and welcomed questions. Eckenberg stated he had a question off topic, and asked about details of the apartment building itself. The architect Steve Miller stated there are 45 total units, comprising of 2-bedroom, 1-bedroom and studio units. They strive for a mix of renters and want to appeal to a wide range of renters.

Public: Jose Stager commented about other apartments in the area and he would like to make sure these new apartments are affordable, so the people who work in the community can live in the community. Rentals are getting very expensive, and he doesn't want to see the locals priced-out.

MOTION/Second: Nelson/Eckenberg recommended approval as per staff recommendations

VOTE: (7-0)

PL 21-135 UDC Text Amendments for Mixed Use Institutional (MU-I), Residential-Planned (R-P), and Mixed Use Planned Districts

Staff: Steven Robertson gave an overview. They are streamlining the language and the minimum lot size for R-P districts would be reduced to match MU-P at a minimum size of one acre. Staff recommends approval.

Commissioners: Michael Schraepfer asked when are MU-P and the R-P districts used. Robertson noted these are planning developments, and are generally used with a large plot of land and private roads. Commissioner Zwiebel noted the allowance for alternative or off-site landscaping. Robertson noted the Endion development on London Road. The site was super tight. They still wanted landscaping, but there was no room on site, so they opted for landscaping on a near or adjacent site on city land. The distance isn't specified. Wedul noted there would need to be a transfer of development rights if it is on a non-related parcel. She asked if a covenant is needed, in order to track it with the property. Robertson affirmed if it is on a separate parcel, a covenant would be needed.

Public: No speakers.

MOTION/Second: Zwiebel/Nelson recommended approval as per staff recommendations

VOTE: (7-0)

Old Business

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

Item to Remain on the Table for more Plat Research. Per Kyle Deming, there may be an update next month.

Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton gave an overview. The Planning and Development office now has two interim managers: Jenn Moses, and Jason Hale. The American Recovery Plan has 19 million dollars for projects. More to come soon. Cirrus is looking to expand, which will complement the Airport master plan. In the Woodland neighborhood looking to remove tanks from tax forfeited property in order to turn it over more quickly. Saturday Properties has withdrawn their proposal for the Old Central High School Site. Fulton thanked the commissioners, and noted their work has been valuable. The School District now has a clearer path going forward. Work still going on in Kenwood with tree replacement.

Heritage Preservation Commission – Steven Robertson commented there will be an upcoming brown bag with the planning commission to discuss downtown design guidelines.

Joint Airport Zoning Board – No meeting or updates.

Duluth Midway Joint Powers Zoning Board – No update.

Deputy Director Fulton noted commissioner Zandy Zwiebel's term on the commission is coming to an end. He thanked her for her years of service.

Adjournment

Meeting adjourned at 7:32 p.m.

Respectfully,

Adam Fulton – Deputy Director
Planning & Economic Development



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 22-026	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date	April 12, 2022	
Deadline for Action	Application Date	February 28, 2022	60 Days	April 29, 2022
	Date Extension Letter Mailed	March 15, 2022	120 Days	June 28, 2022
Location of Subject	228 South 59 th Avenue West			
Applicant	ALN Properties	Contact	Rachel Fagerstrom	
Agent	North Shore Host Co.	Contact		
Legal Description	PID # 010-4500-01810			
Site Visit Date	April 1, 2022	Sign Notice Date	March 29, 2022	
Neighbor Letter Date	March 21, 2022	Number of Letters Sent	38	

Proposal

Applicant proposes to use a three-bedroom home as a vacation dwelling unit. Up to 7 people will be allowed to stay in the home.

The applicant was on the vacation dwelling unit eligibility list.

Recommended Action: Staff recommends that Planning Commission approve.

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

Summary of Code Requirements:

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

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

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



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

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

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

History: This 1,440 sq. ft. home was built in 2019 and contains 3 bedrooms.

Review and Discussion Items:

- 1) Applicant's property is located at 228 South 59th Avenue West. The proposed vacation dwelling unit contains 3 bedrooms, which would allow for a maximum of 7 guests.
- 2) The applicant is proposing 2 off street parking spaces on a gravel driveway located in the rear yard area with access from South 59th Avenue West Alley.
- 3) The applicant has indicated there will not be a space for camper or trailer storage by VDU guests.
- 4) The applicant has noted on their site plan there will be outdoor amenities including a grill, fire pit (smokeless), outdoor sofa for seating, table and chairs, and pergola. The site plan depicts a 6 foot tall privacy fence running along the side property lines from the rear of the house to the alley. Staff believes this is a sufficient dense urban screening for the outdoor amenities.
- 5) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed Rose Hale to serve as the managing agent.
- 7) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 8) Applicant must comply with Vacation Dwelling Unit Regulations, including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").



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

10) The permit will lapse if no activity takes place within 1 year of approval.

Staff Recommendation:

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

- 1) The 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 review; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



228 S 59th Avenue West

PC Packet 04-12-2022

448002230

448002240

448002250

448002260

448002270

448002280

450001770

Subject property

450001810

R-1 (Residential Traditional)

450001800

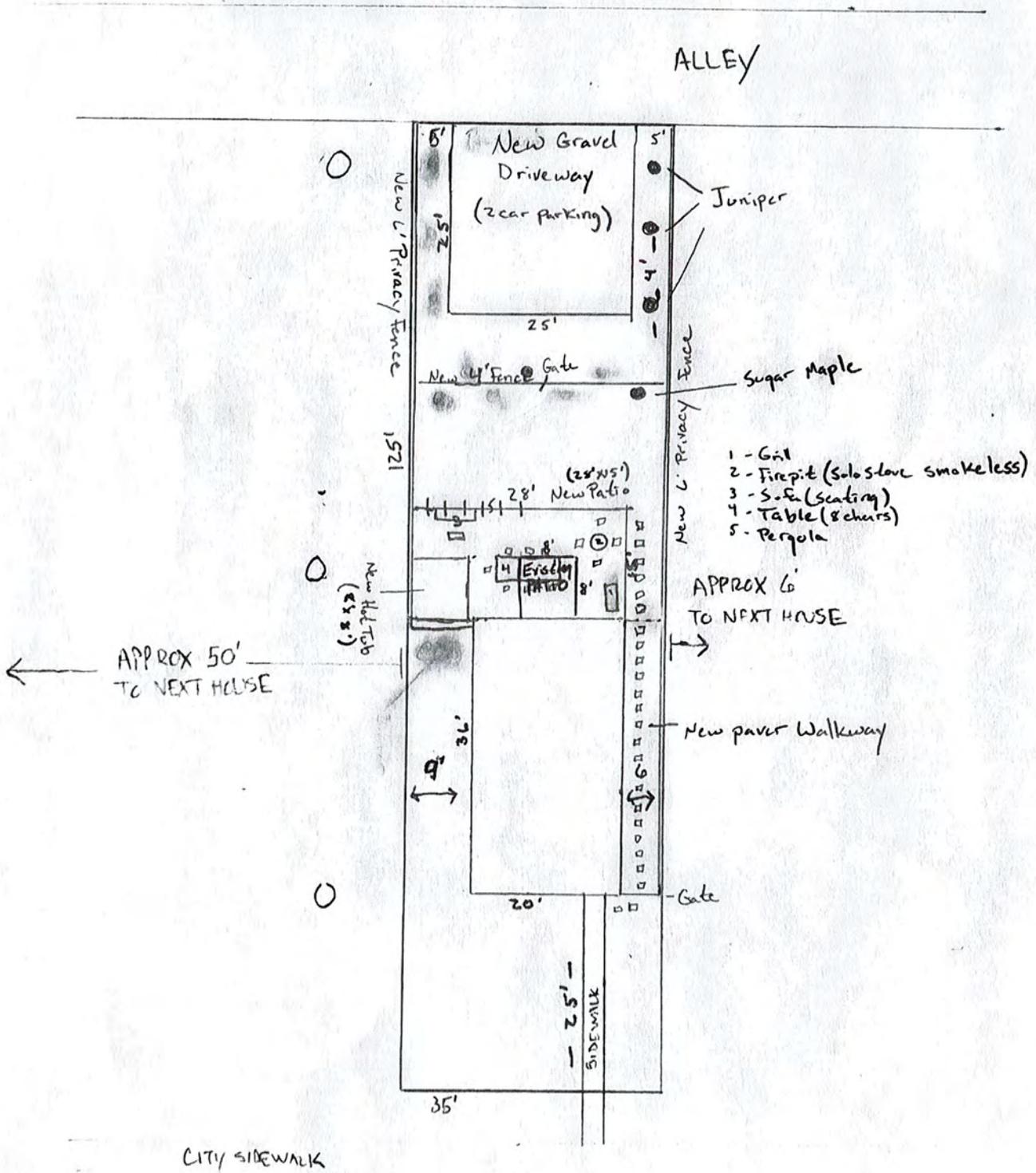
S 59th Ave W Alley

Redruth St



Legend
 Zoning Boundaries

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



S 59TH AVE W

Sent: Tuesday, March 29, 2022 12:59 PM
To: planning <planning@DuluthMN.gov>
Subject: Comment on PL 22-026

To whom it may concern,

My name is Benjamin Olsen and I represent the entity that owns a property located within 350 feet of the property in question. I write to inquire about the proposed Vacation Dwelling Unit at 228 South 59th Ave West. It seems to me that given Duluth's stiff housing shortage, the City ought to promote using existing housing stock as stable rental properties, or even better, as owner-occupied properties. Converting relatively new, comfortable, modern houses such as the one located on this property into vacation dwelling units does not seem to address the City's overall housing goals. Could you outline how the interim use permitting process works so that I can determine if my concerns about this conversion are relevant?

I do not oppose having Vacation Dwelling Units in the City's urban fabric -- I believe they are an important part of the mix. I'm just not sure that this conversion in an otherwise stable, owner-occupied neighborhood, does much to advance the City's housing agenda. Better perhaps to keep this property in circulation as a rental or better yet sell it as a starter/forever home.

Ben

Benjamin Olsen



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planning@duluthmn.gov

File Number	PL 22-033	Contact	srobertson@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date		April 12, 2022
Deadline for Action	Application Date	March 4, 2022	60 Days	May 3, 2022
	Date Extension Letter Mailed	March 28, 2022	120 Days	July 2, 2022
Location of Subject	323 South 17 th Avenue East			
Applicant	Portland Land Company, LLC	Contact		
Agent	Michael Schraepfer	Contact		
Legal Description	PID # 010-1440-02610			
Site Visit Date	March 26, 2022	Sign Notice Date		March 29, 2022
Neighbor Letter Date	March 29, 2022	Number of Letters Sent		28

Proposal

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

The applicant was not on the vacation dwelling unit eligibility list; this is a property in the form district that is exempt from the eligibility list.

Recommended Action: Staff recommends that Planning Commission approve.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-2	Residential	Neighborhood Mixed Use
North	F-2	Residential	Neighborhood Mixed Use
South	MU-B	Transportation (I35)	Transportation and Utilities
East	F-2	Residential	Neighborhood Mixed Use
West	F-2	Commercial/Storage	Neighborhood Mixed Use

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A vacation dwelling unit is an Interim Use in the F-2 zone district.

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

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

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

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

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

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

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

History: This 1,044 sq ft home was built in 1891 and contains 2 bedrooms.

Review and Discussion Items:

- 1) Applicant's property is located at 323 17th Avenue East. The proposed vacation dwelling unit contains 4 bedrooms, which would allow for a maximum of 9 guests.
- 2) The applicant is proposing two tandem off-street parking spaces in the driveway alongside the home. Tandem parking is not normally allowed to meet minimum required off-street parking needs, but since off-street parking is not required in this specific case (form district, less than 10,000 square feet, residential use), the issue is moot. Access to the site and parking area will be from South 17th Avenue East, an improved public street.
- 3) The applicant has indicated there will not be a space for camper or trailer storage by VDU guests.
- 4) The site plan depicts a fence as screening between this property and the residential property to the north. A wooden fence would be an appropriate and more attractive alternative than the proposed chain link fence. The site does not have any outdoor amenities.
- 5) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed Heirloom Property Management to serve as the managing agent.
- 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 must comply with Vacation Dwelling Unit Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 8) No comments from citizens, City staff, or any other entity were received regarding the application at the time this staff report was finalized.
- 9) The permit will expire 6 years from the approval date or upon change of ownership (see wording in others). The permit will lapse if no activity takes place within 1 year of approval.

Staff Recommendation:

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

- 1) The Interim Use Permit shall not be effective until the applicant has received all required licenses and permits for operation.
- 2) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 3) A wooden fence to be used as screening between this use and the residential use to the north instead of the proposed chain link fence.



505 S 18TH AVE E

1721 SOUTH ST

1719 SOUTH ST

1709 SOUTH ST

1710 LONDON RD

1702 LONDON RD

1705 SOUTH ST

324 S 17TH AVE E

322 S 17TH AVE E

S 17th Ave E

321 S 17TH AVE E

17TH AVE E

323 S 17TH AVE E

17TH AVE E

1632 LONDON RD

1618 LONDON RD

1615 LONDON RD

1623 LONDON RD

1600 LONDON RD

1617 SOUTH ST

320 S 16TH AVE E

321 S 16TH AVE E

326 S 16TH AVE E

1605 SOUTH ST

330 S 16TH AVE E

16TH AVE E

S 16th Ave E

1523 SOUTH ST



326 S 17TH AVE E

324 S 17TH AVE E

S 17th Ave E

South St

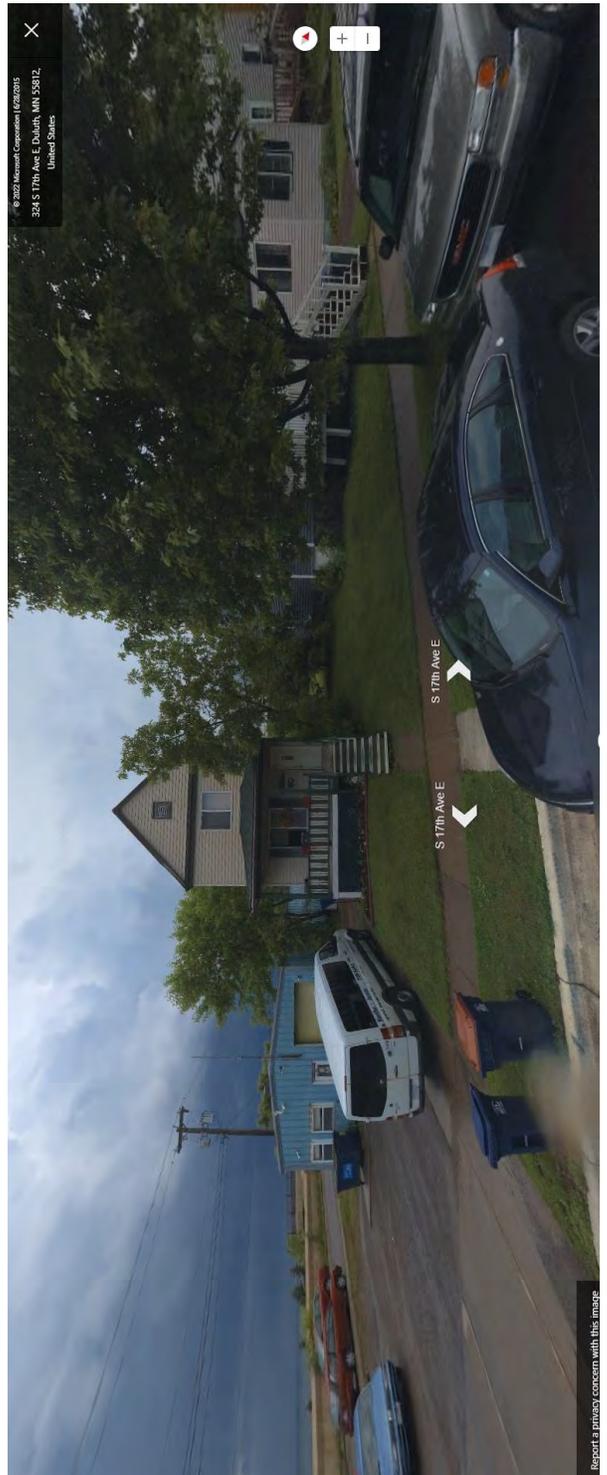
325 S 17TH AVE E

323 S 17TH AVE E

321 S 17TH AVE E

319 S 17TH AVE E

1617 SOUTH ST



Vacation Dwelling Unit Worksheet

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

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

How many legal bedrooms are in the dwelling?

2

What will be your maximum occupancy?

5

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

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

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

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

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):

We keep a log of all guests in our rental management software.

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

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

Heirloom Property Management, admin@rentwithheirloom.com 218-409-4885

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:

This will be in advertisements, provided via email and text after booking and provided on site in welcome book.

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

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

2/25/2022

Re: IUP Application for 323 S 17th Ave E

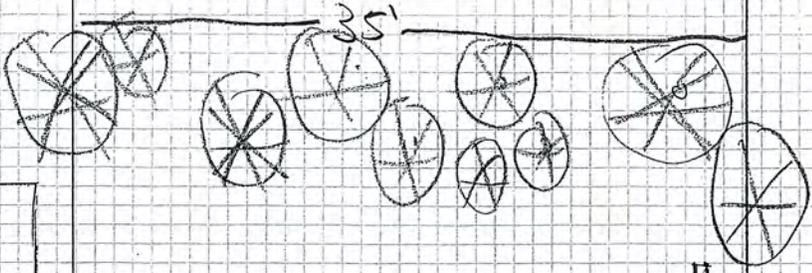
Below is more detailed information on the specific circumstances of this property and this IUP application.

1. The adjacent properties to the south and west are commercial garage storage garage buildings and do not require screening.
2. There is existing 6' tall chain link fence between the rear yard of this property and the adjacent residential home to the north. Privacy screening will be added to provide an aesthetic visual barrier between the back yard of 323 S 17th Ave E, and 321 S 17th Ave E



3. There are 2 off street parking spaces at this property. Parking is not required in F-2 zoning, but it exists and will be maintained and used by guests.

Site Plan

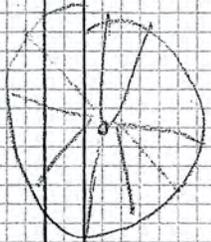


Rear Yard

6' Tall Privacy Fence

Landon Rd.
Rental
Storage
Garage

325 S 17th Ave.



House
1 story

100'

Parking

Parking

323 S. 17th Ave.
House
2 story

321 S 17th
Ave E.

51'

front porch





Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 22-034	Contact	srobertson@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date	April 12, 2022	
Deadline for Action	Application Date	March 4, 2022	60 Days	Deadline for Action
	Date Extension Letter Mailed	March 28, 2022	120 Days	July 5, 2022
Location of Subject	4926 Pitt Street			
Applicant	Endion Land Company, LLC	Contact		
Agent	Michael Schraepfer	Contact		
Legal Description	PID # 010-3030-00040 (Part Thereof)			
Site Visit Date	ADD HERE	Sign Notice Date	March 29, 2022	
Neighbor Letter Date	March 29, 2022	Number of Letters Sent	39	

Proposal

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

The applicant was not on the vacation dwelling unit eligibility list; this is a property in the form district that is exempt from the eligibility list.

Recommended Action: Staff recommends that Planning Commission approve.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-2	Religious/Residential	Traditional Neighborhood
North	P-1	Open Space/Park Use	Open Space
South	R-1	Residential	Traditional Neighborhood
East	R-1/MU-N	Residential	Traditional Neighborhood
West	R-1	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 F-2 zone district.

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

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

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

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

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

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

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

History: Parcel B, Lot 6. Lot split is approved, but a new parcel number has not been assigned for this property yet.

Review and Discussion Items:

- 1) Applicant's property is located at 4926 Pitt Street. The proposed vacation dwelling unit contains three bedrooms, which would allow for a maximum of seven guests.
- 2) The applicant is proposing no off-street parking spaces. There is sufficient on-street parking in the neighborhood; the land use to the north, across the street from this site, is a city park (Grosvenor Square).
- 3) The applicant has indicated there will not be a space for camper or trailer storage by VDU guests.
- 4) There are no plans for screening. The property to the west is commercial and the property to the east is owned by the applicant. The site does not have any outdoor amenities.
- 5) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed Heirloom Property Management to serve as the managing agent.
- 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 must comply with Vacation Dwelling Unit Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 8) No comments from citizens, City staff, or any other entity were received regarding the application at the time this staff report was finalized.
- 9) The permit will expire 6 years from the approval date or upon change of ownership. The permit will lapse if no activity takes place within 1 year of approval.

Staff Recommendation:

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

- 1) The Interim Use Permit shall not be effective until the applicant has received all required licenses and permits for operation.
- 2) Proof of lot split recorded and new parcel ID created prior to receiving permit.
- 3) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.



Jay St

4830 JAY ST

5002 JAY ST

5012 JAY ST

1021 N
49TH AVE E

4931 PITT ST

5001 E
SUPERIOR ST

Jay St Alley

N 50th Ave E

4821 PITT ST

4823 PITT ST

4831 PITT ST

Pitt St

N 49th Ave E

4824 PITT ST

4828 PITT ST

4832 PITT ST

4915 E
SUPERIOR ST

Pitt St Alley

909 N 49TH
AVE E

4901 E
SUPERIOR ST

E Superior St Alley

4825
COOKE ST

COOKE ST

4831
COOKE ST

Cooke St

4720 E
SUPERIOR ST

5009
LONDON RD

5015
LONDON RD

5003
LONDON RD

4949
LONDON RD

4935
LONDON RD

4931
LONDON RD

4919
LONDON RD

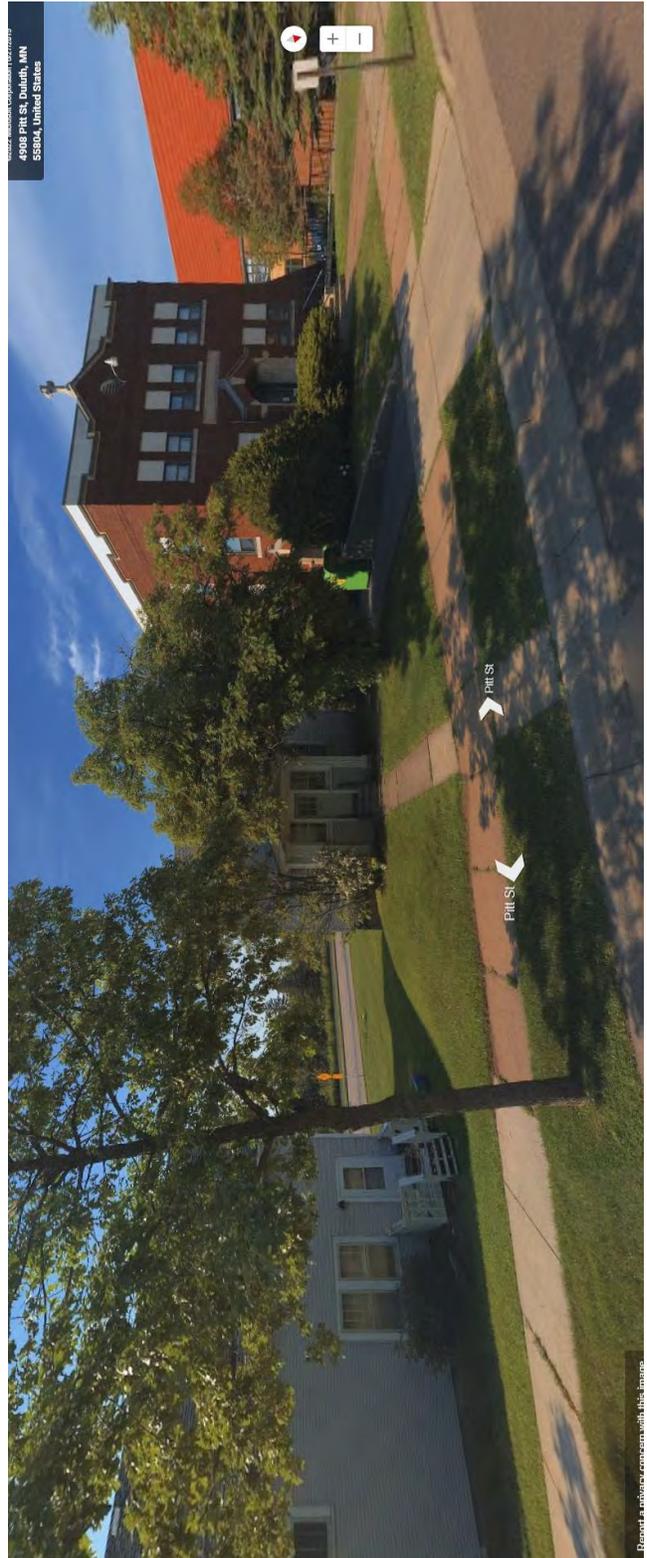
4925
LONDON RD

London Road

5008
LONDON RD

5002
LONDON RD

5000
LONDON RD



Vacation Dwelling Unit Worksheet

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

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

How many legal bedrooms are in the dwelling?

3

What will be your maximum occupancy?

7

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? 0

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

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

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

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

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

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

We keep a log in our management software of all guests.

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:

Heiffloom Property Management admin@rentwithheiffloom.com 218-409-4885

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;

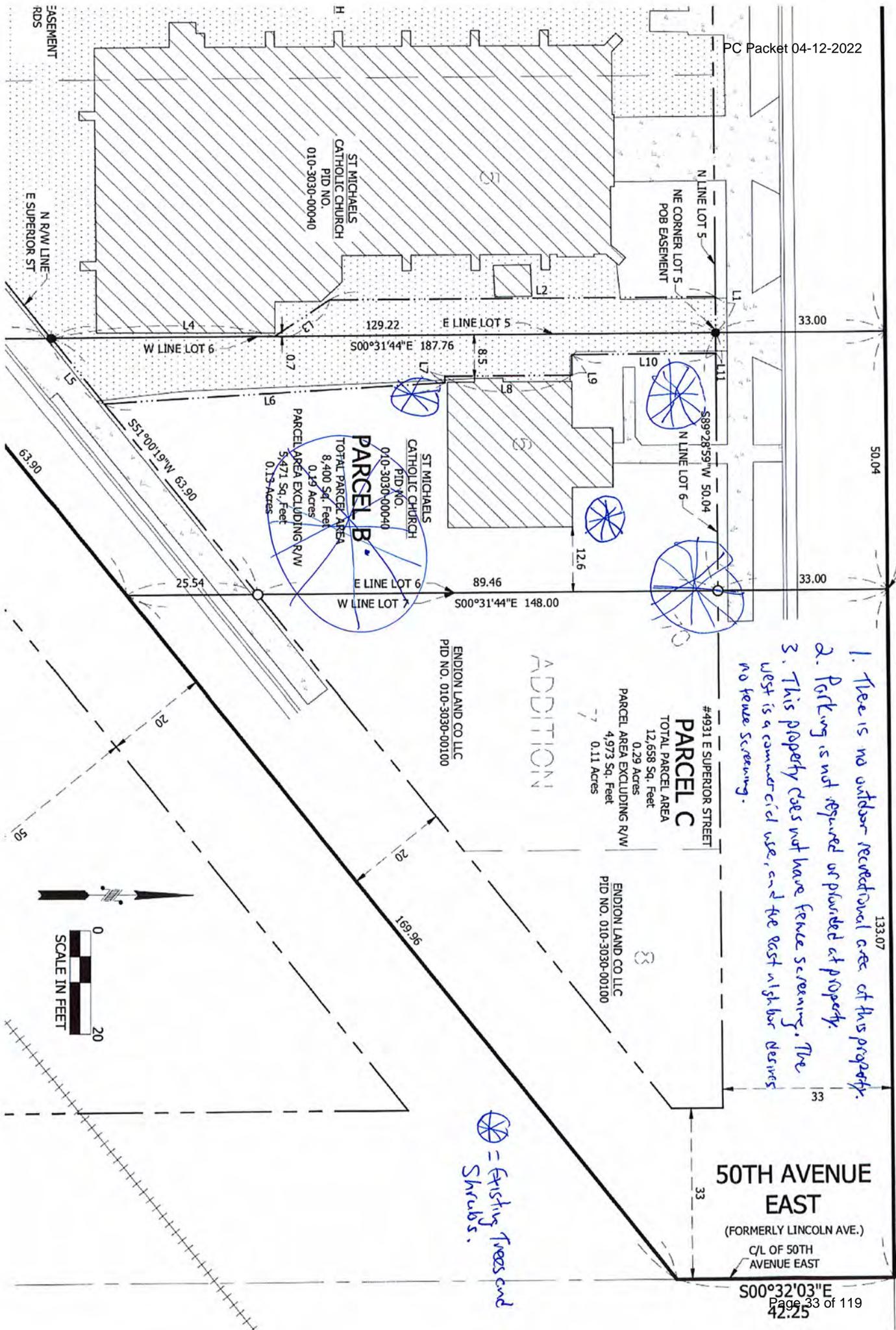
Please state where and how this information will be provided to your guests:

We will provide this information several ways. In advertisements, after booking and again in welcome books in the property.

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

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

Landscape Screenings Plans



1. There is no outdoor recreational area of this property.
2. Parking is not required or planned at property.
3. This property does not have fence screening. The west is a commercial use, and the east neighbor desires no fence screening.

(Tree symbol) = Existing Trees and Shrubs.

50TH AVENUE EAST
(FORMERLY LINCOLN AVE.)
C/L OF 50TH AVENUE EAST

2/25/2022

Re: IUP Application for 4926 Pitt Street

Below is more detailed information on the specific circumstances of this property and this IUP application.

1. This property is common ownership with the residential property to the east, and thus desires not to have a fence between each house. The adjacent property to the west is a commercial office building and does not require screening.
2. There is no outdoor recreating area such as a deck, patio, or other outdoor amenity to screen at this property.
3. There is no off-street parking at this property. Parking is not required in F-2 zoning, and given it has a dual front yard on both Pitt and Superior St, adding parking behind the house facing Superior St would be unsightly. Being we own the adjacent house to the east we are familiar with the area. The park across the street and a church occupying the rest of the block means, there is both ample off street parking on Pitt street and no neighborhood burden in doing so.
4. This property was separated from the church parcel in a minor sub-division August of 2021. This sub-division is still in process of being recorded.





Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 22-039	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date		April 12, 2022
Deadline for Action	Application Date	March 9, 2022	60 Days	May 8, 2022
	Date Extension Letter Mailed	March 18, 2022	120 Days	July 7, 2022
Location of Subject	120 Aspen Lane			
Applicant	Predictable LLC	Contact	Andy Goldfine	
Agent	N/A	Contact	N/A	
Legal Description	PID # 010-4450-01350			
Site Visit Date	March 30, 2022	Sign Notice Date		March 29, 2022
Neighbor Letter Date	March 23, 2022	Number of Letters Sent		45

Proposal

Applicant proposes use of a 3-bedroom home as a vacation rental unit. The permit would allow maximum of 7 occupants.

Vacation dwelling units located in the R-1 zone district. This property was on the list of eligible properties from the 2021 drawing.

Recommended Action: Staff recommends that Planning Commission approve the permit with conditions.

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

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the R-1 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. There is a city-



Planning & Development Division
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 Duluth, Minnesota 55802

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wide cap on vacation dwelling units or accessory vacation dwelling units; permits issued for vacation dwelling units or accessory vacation dwelling units in any form district shall not be counted against the maximum number of permits that may be issued, 4. 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.

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.

Applicant is proposing to provide another type of lodging product for visitors to the City of Duluth and surrounding area.

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

History: The home is a single-family structure built in 1959 and contains 1,196 square feet.

Review and Discussion Items:

- 1) Applicant's property is located at 120 Aspen Lane. The proposed vacation dwelling is a 3-bedroom single family home. The unit would allow for a maximum of 7 guests.
- 2) As shown on the site plan, the existing driveway includes 2 off-street parking spaces.
- 3) There will be room for campers or trailers in the driveway. Campers are not allowed to be occupied while the property is being rented.
- 4) The site does not have any outdoor amenities. There is thick vegetative screening on the west side. The applicant has provided the waiver to exempt them from any additional screening on the east and south sides.
- 5) Permit holders must designate a managing agent or local contact who resides within 25 miles of the city and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the city. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed Heirloom Properties as the managing agent, which meets the criteria.
- 6) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses



Planning & Development Division
Planning & Economic Development Department

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 Duluth, Minnesota 55802



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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 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) There are multiple comments attached to this report from citizens in opposition. No comments from City staff, or any other entity were received regarding the application.

9) The permit will expire 6 years from the approval date. The permit will lapse if no activity takes place within 1 year of approval.

Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission approve the interim use permit based on the following:

1. The Interim Use Permit shall not be effective until the applicant has received all required licenses and permits for operation.
2. The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.

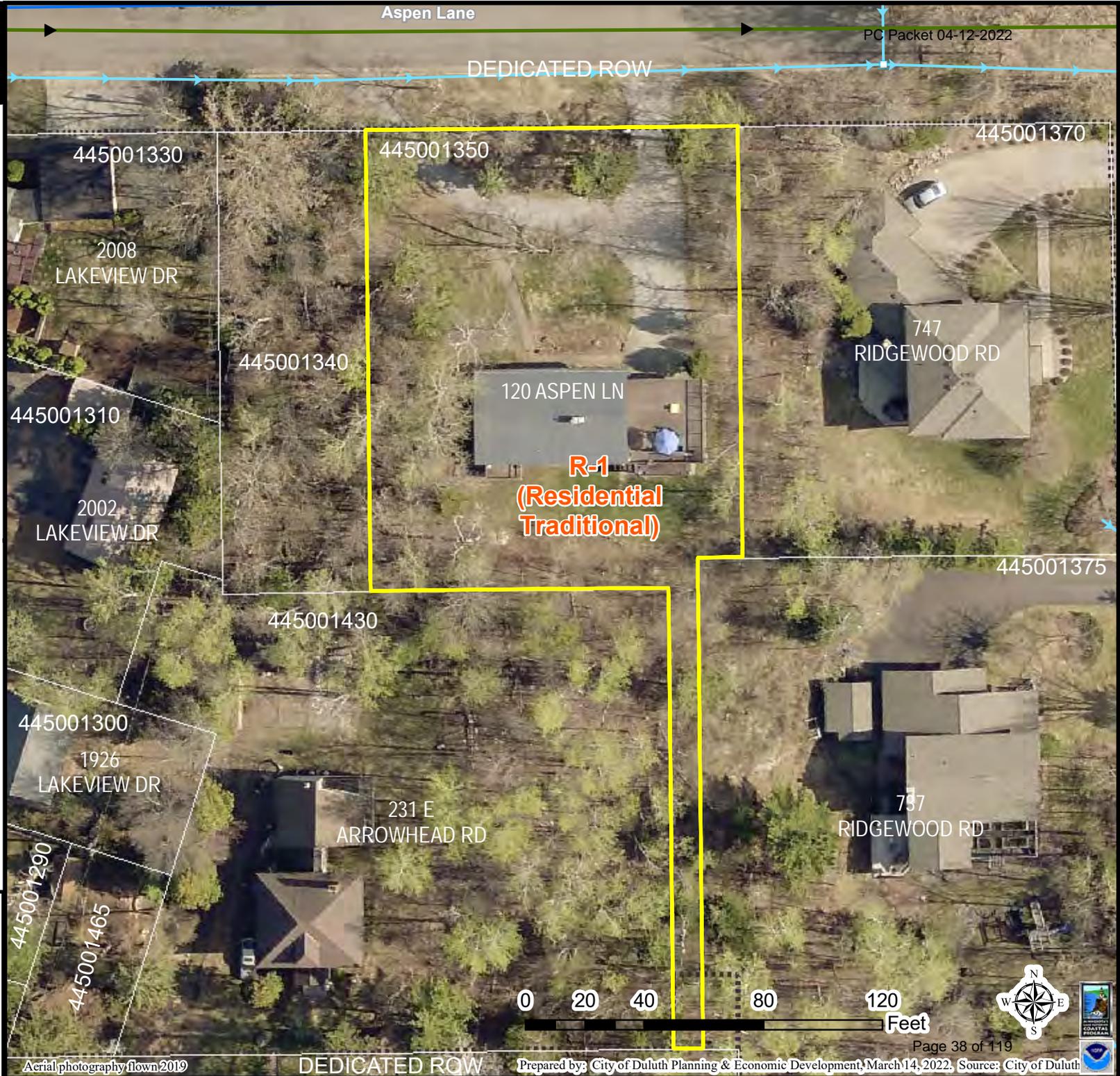


PL 22-039
IUP
120 Aspen Ln

PG Packet 04-12-2022

Legend

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



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

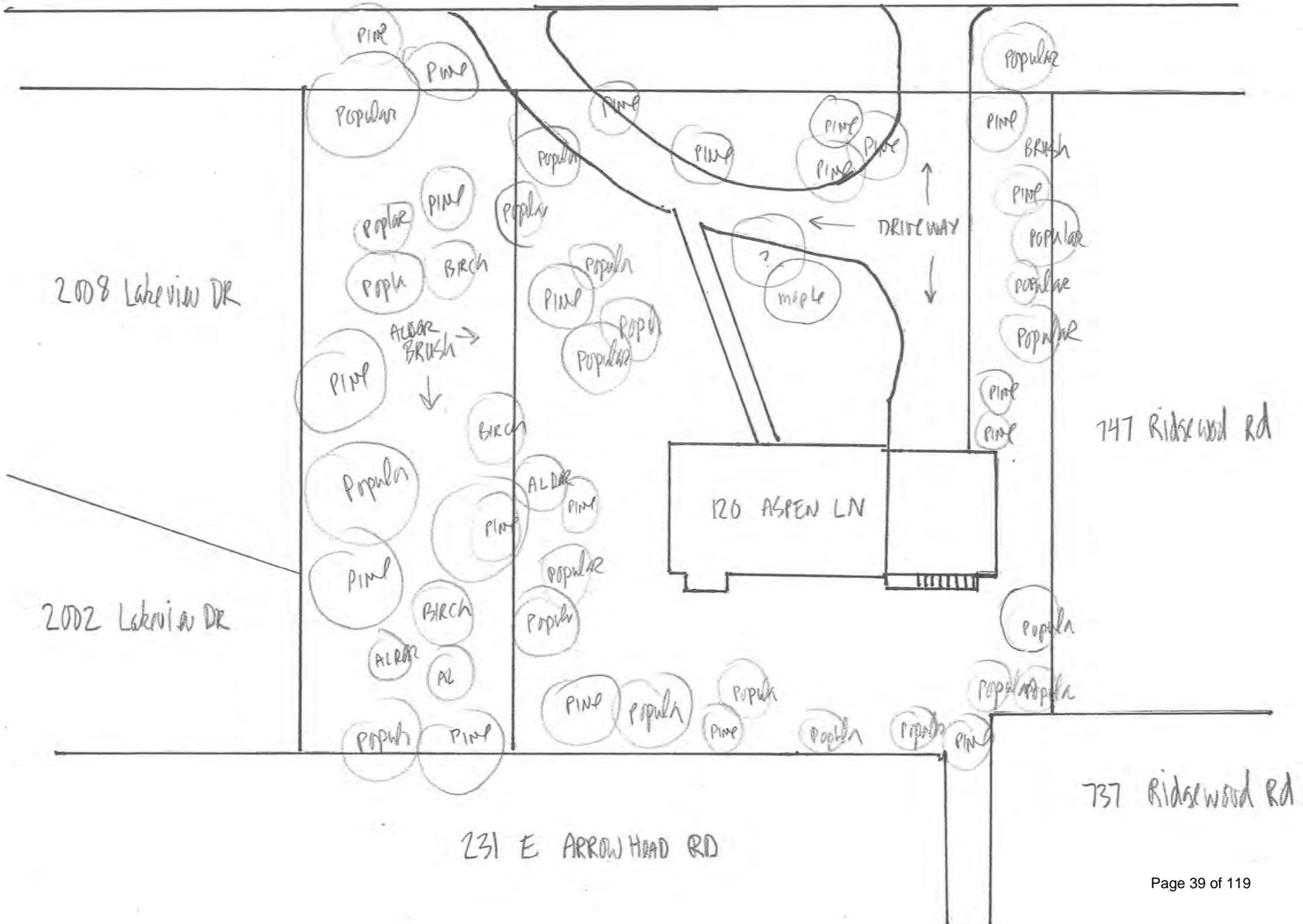
Aerial photography flown 2019

DEDICATED ROW

Prepared by: City of Duluth Planning & Economic Development, March 14, 2022, Source: City of Duluth



ASPEN LANE



2008 Lakeview DR

2002 Lakeview DR

DRIVEWAY

120 ASPEN LN

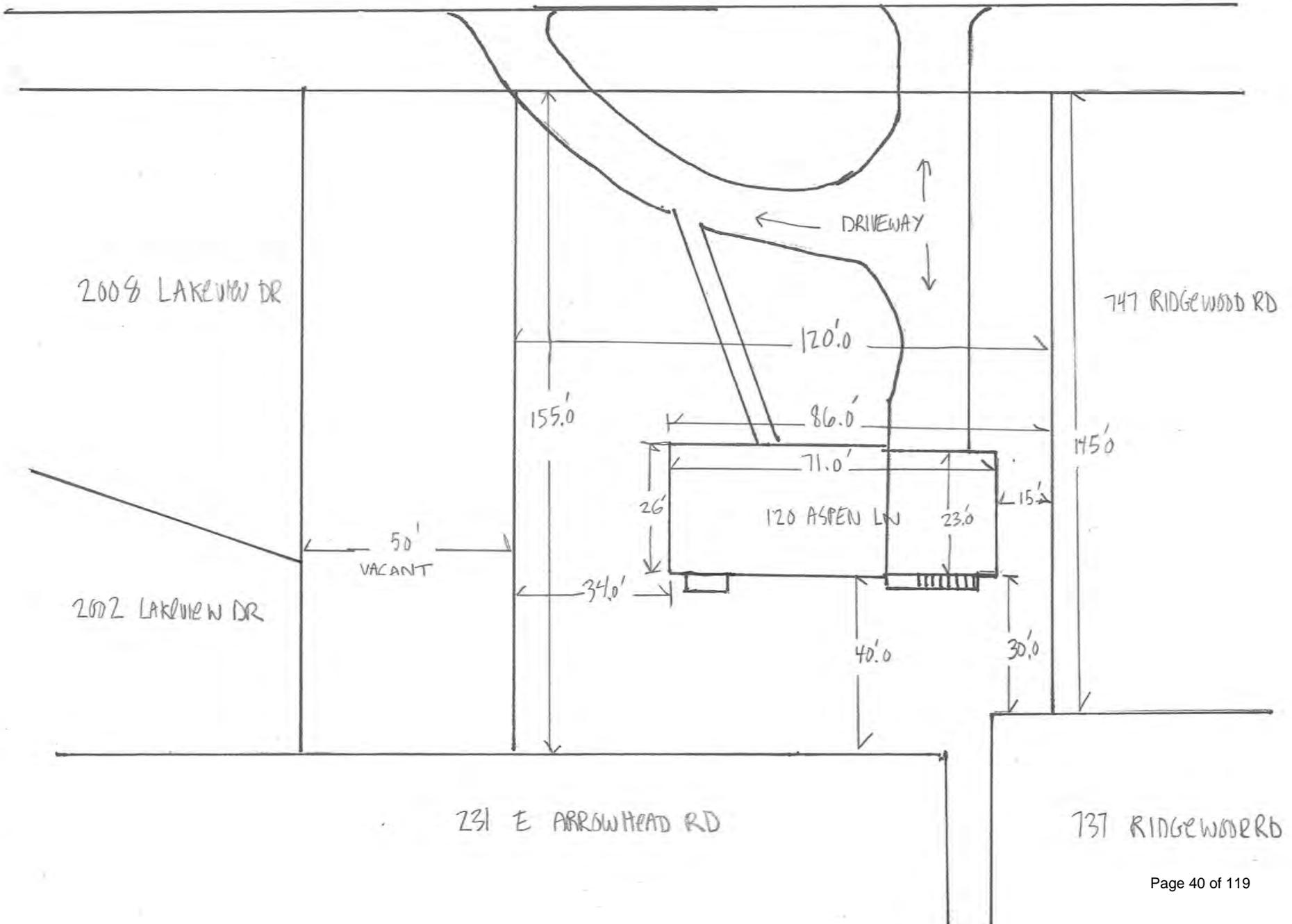
747 Ridgewood Rd

231 E ARROWHEAD RD

737 Ridgewood Rd

SITE PLAN - 120 ASPEN LN

← ASPEN LANE →



Vacation Dwelling Unit Worksheet

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

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

How many legal bedrooms are in the dwelling?

3

What will be your maximum occupancy?

7

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

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

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

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

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**

120 Aspen Lane, Tree Screen Photos, February 2022

NW side of property, Looking S from upper driveway



SE side of property looking SW from lower driveway



SE side of property looking SW from Street



NW side of property looking S from street



NW side of property looking W



SE side of of property lookng SW from Driveway

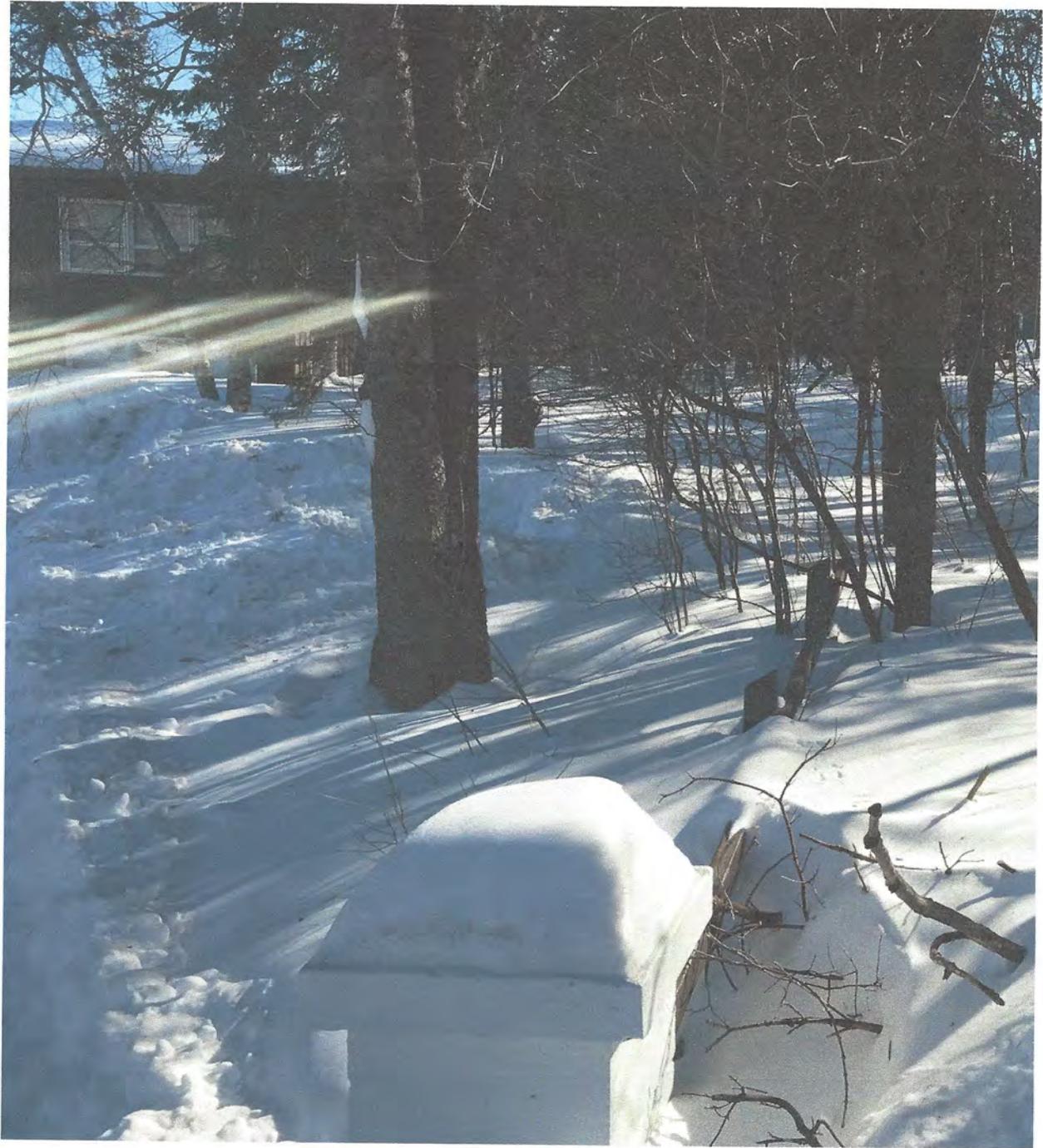


SE side of property looking E from upper driveway



Property looking S from street





From: [planning](#)
To: [Chris Lee](#)
Subject: FW: Regarding Interim Use Permit for Vacation Dwelling at 120 Aspen Lane
Date: Monday, April 4, 2022 7:01:53 AM

From: Sherry Boyce <sboyce@umn.edu>
Sent: Saturday, April 2, 2022 4:40 PM
To: planning <planning@DuluthMN.gov>
Subject: Regarding Interim Use Permit for Vacation Dwelling at 120 Aspen Lane

April 2, 2022

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

To whom it may concern;

We are opposed to the City of Duluth granting an Interim Use Permit for a vacation dwelling at 120 Aspen Lane.

Our names are Sherry and Mark Boyce and we live at 2114 Lakeview Drive. We have lived in this home since September, 1984 (over 37 years). 120 Aspen Lane is at the end of our block and around the corner, 6 houses away.

This neighborhood can be roughly defined geographically by its borders of Snively, Lakeview Drive, and Tischer Creek. It is sometimes referred to as Waverly Park.

It includes 165 houses. The neighborhood has the unique feature of a boulevard dividing the lanes on Lakeview Drive.

One of the twelve guiding principles in the 2006 Comprehensive Plan for Duluth is **Strengthen Neighborhoods...**"The present city is an historical amalgam of villages and other independent units of government, contributing to the present condition of Duluth being strongly defined by its neighborhoods. This condition should be reinforced through land use, transportation and public service delivery patterns which strengthen neighborhood identity. New institutional expansions, major public infrastructure or large commercial or industrial uses should not divide historic neighborhood patterns."

Strong neighborhoods...We realize that this principle may be addressing larger development. However, as stated, our city is made of neighborhoods.

We'd like to focus on some of the positive aspects of Waverly Park's strong neighborhood identity and the negative impact of a vacation dwelling on it.

Residents of the neighborhood work as stewards of "place".

In 1989, Lakeview Drive had 31 Elms cut down. Residents on the street contributed the money to buy Maples to replant the boulevard. The City's Forester worked with the

neighborhood to get the trees and managed the planting. Neighbors continue care of the neighborhood such as cleaning up garbage from the park and creek, a community garden, and little free libraries.

Residents in the neighborhood have worked together over the decades to foster and sustain connections with each other.

This example is from the last 2 years. A Neighborhood Facebook page, initiated by neighbors, provided the ability to communicate during the early weeks of the Pandemic. It was a way to coordinate socially distanced activities for kids during their breaks from remote learning.

Neighbors help each other; whether it's snowblowing, coordinating grocery store trips to minimize exposure during 2020, help in shuttling kids to activities, or delivering comfort food to a family in a time of need.

Granting this permit does not contribute to reinforcing these aspects of a strong neighborhood.

Safe neighborhoods are an aspect of strong neighborhoods.

120 Aspen Lane is adjacent to a paved and well-used walkway that connects neighborhoods in Congdon to this neighborhood and services in the Mount Royal area. There is no sidewalk on Aspen Lane. An increase in traffic to the proposed vacation dwelling is not a positive move for the safety of the children, teens, and adults who use this connecting path.

We object to granting this permit because of the increased traffic in an area that is heavily used by walkers and cyclists.

These two points illustrate the negative impact that a vacation dwelling would have in our neighborhood.

We request that you deny the permit for 120 Aspen Lane to become a vacation dwelling.

Sincerely,

Sherry Boyce
218-390-0675
sboyce@umn.edu

Mark Boyce
218-591-0675
hockeydoc.boyce@gmail.com

April 2, 2022

Duluth Planning Commission
planning@duluthmn.gov

re:Interim Use Permit for 120 Aspen Lane (PL22-039)

Dear Members of the Planning Commission:

We are neighbors of 120 Aspen Lane and submit these comments to object to the issuance of an Interim Use Permit for a Vacation Dwelling at 120 Aspen Lane.

We reside at 2001 Lakeview Drive, about 3 houses away from 120 Aspen Lane. We have lived in the neighborhood since 1977. Due to the dead ends on Aspen Lane and Lakeview Drive, all traffic to and from 120 Aspen Lane passes by our property.

We believe the Interim Use Permit should be denied based upon the following:

1. IT IS NOT CONSISTENT WITH THE COMPREHENSIVE PLAN FOR THE CITY.

In particular, it does not comply with #4, which requires support for economic growth sectors. The plan cites higher education and medical fields as growth sectors, not tourism in neighborhoods. Our neighborhood is close to both UMD and CSS, and has been home to many faculty members over the years. It is also convenient to the medical facilities, and has provided homes to many who work in the medical systems. Taking this property off the market for ownership by families engaged in these sectors removes support in violation of #4. Recently a family member in the medical sector who has chosen to move to Duluth was searching for a home and was told there were only 23 properties on the market in the whole city, when previously there have been up to 1200. We cannot support these sectors and attract new professionals when single family homes are removed from the rental and ownership market for the purposes of tourism.

The application is also not consistent with #5 of the Comprehensive Plan, which requires strengthening of neighborhoods. Since 120 Aspen Lane is currently non-homestead, with management by an LLC, there will be nobody living in the home except strangers who are constantly changing. They have no interest in strengthening the neighborhood. Friends who purchased a home on the hillside in Duluth have told us that when they moved in there were many children in the neighborhood. Then several properties were turned into vacation rentals and the children disappeared. Now there are ever-changing tourists and no children, and there is no remaining neighborhood. This violates #5 of the Comprehensive Plan.

This application also violates #6, as it will not reinforce the “place-specific” “ravine park” which is adjacent at the dead end of Aspen Lane. There is a paved walkway between Ridgewood Road and Aspen Lane that is natural space and protected. It is a natural feature that defines the

neighborhoods. This application does not reinforce that natural feature as the persons using the property will not be living there, cleaning branches, shoveling the path and making friends with neighbors, visiting and walking down to Hidden Valley, etc. contrary to Comprehensive Plan #6.

In the same way, this application violates #7 of the Comprehensive Plan which requires the city to create and maintain connectivity established by sidewalks, bikeways and trails. The pathway between Ridgewood Road and Aspen Lane provides access for the whole Hidden Valley/Congdon neighborhood to the Mt. Royal shopping/library/post office as well as access to running, biking etc. to Jean Duluth Road and Hawk Ridge for walkers and bikers. But there is no sidewalk on Aspen Lane. If constantly revolving strangers use the property, there is a safety risk and attendant loss of connectivity for that neighborhood connection. The only other entry from Hidden Valley is at 34th Ave. East, which is only a trail which is snow-covered in winter and deep grass in summer. There does not appear to be any offer in the application to build a protected sidewalk and bike trail on Aspen Lane to recognize and protect this connectivity, and the property apparently will have two driveways directly on to the connection.

In addition, the "Imagine Duluth 2035" document in Housing Sections 2, 3 and 4 focus on providing affordable, attainable housing opportunities for people who want to live in Duluth. There is no mandate to provide housing for tourists, and Duluth has many wonderful hotels that can provide that service. Your duty on the Planning Commission is clearly to provide ongoing, not temporary housing. An article in the StarTribune dated March 27, 2022 outlined the dire situation in Duluth for both renters and buyers. The article states, "With an ongoing limited affordable housing stock and expansions planned in Duluth's medical district and in the aviation sector, city leaders are working overtime to increase its housing supply, even setting aside \$19 million of federal COVID-19 relief money to pay for it." Granting this permit will do the opposite, taking away housing for people who want to live in Duluth. The "Imagine Duluth 2035" document #5 also focuses on maintaining the unique community characteristics of individual neighborhoods. Approving a vacation rental by a non-resident LLC is the opposite of that goal and will lead to deterioration of neighborhood bonds and uniqueness. How can we have neighborhood parties, Easter Egg Hunts and National Night Out with strangers?

2. IN ADDITION TO NON-COMPLIANCE WITH THE COMPREHENSIVE PLAN, THE APPLICATION WILL HAVE A NEGATIVE IMPACT ON THE COMMUNITY.

As mentioned, Aspen Lane is dead end, and eastgoing Lakeview Drive is dead end, so any traffic to or from 120 Aspen Lane will go directly by our house. Tourists presumably come to Duluth to visit the sites, and go up the shore, and we anticipate much more vehicle traffic as the tourists at 120 Aspen Lane move about. This is a particular problem since Lakeview Drive is a boulevard street divided by a median planted with pines. It is a mecca for joggers, bikers, dog walkers, and many others year round. The college and high school cross country and track teams run on the street year round. Bikers funnel out and back to Jean Duluth Road and Clover Valley from Lakeview Drive. Strangers will not likely take care at intersections. This is a safety hazard that is hard to prevent when the vacationers are constantly new. We also believe that when this property is removed from single family ownership or rental, there will be fewer children in the neighborhood. When people look for a neighborhood, they typically look for neighbors who

have children. The property as proposed will have screens of trees on all sides, not conducive to neighborliness. While it may be good to screen for loud partying sound, which we certainly hope would never happen, that removes the house from the flow of the neighborhood. It becomes a creepy, scary, often empty, secluded property which would invite crime. Tree screening alone does not address the deeper underlying negative effects on the neighborhood of constantly revolving strangers.

In conclusion, we believe the Comprehensive Plan and the negative impact on our neighborhood require the Planning Commission to deny this application from a corporate non-resident.

Yours truly,
Mark Knutson
218-343-9042

markknutson1@gmail.com



Beth Storaasli
218-343-8943

bethstoraasli@gmail.com





March 23, 2022

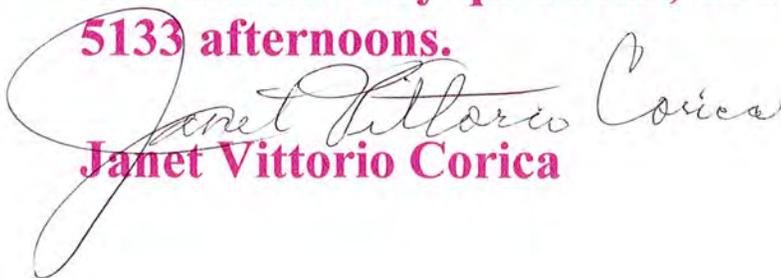
Re having a rental property adjoining my property AT 2002 Lakeview Drive, I am not for it. I moved into this house in 1963 with the assurance, it seemed, that this would always be a strictly residential neighborhood.

My neighbor next door at 2008 said that "If it would be students, we'd move." His wife is a Prof. and knows students well, and he said he has heard enough "horror stories" regarding students and so have I over the years.

I can't think of anybody who would willingly ask for short-term-rentals adjoining their property and neither of the two households affected here wish for this to occur.

I think it is a mistake if the Planning Commission allows our residential neighborhoods to be chipped away when this is not what we invested money in our homes for in the first place. I already have a change on the other side of me and my view now is parked cars. I used to be a Duluth Tree Commissioner, and believe me, we tried to preserve, not chip away at what we already had.

If Chris has any questions, he may call me at 218-724-5133 afternoons.


Janet Vittorio Corica

From: [planning](#)
To: [Chris Lee](#)
Subject: FW: Interim Use Permit for 120 Aspen Lane
Date: Monday, April 4, 2022 11:15:25 AM

From: Lise Lunge-Larsen <liselungelarsen@gmail.com>
Sent: Monday, April 4, 2022 11:15 AM
To: planning <planning@DuluthMN.gov>
Subject: Interim Use Permit for 120 Aspen Lane

Duluth April 4, 2022

To: Duluth Planning Commission
planning@duluthmn.gov

Re: Interim Use Permit for 120 Aspen Lane

Dear Members of the Commission

My name is Lise Lunge-Larsen. My husband Steve Kuross and I have lived at 2011 Lakeview Drive since 1987. Our home is directly across the street from Aspen Lane. Every vehicle coming or going to Aspen Lane passes in front of my house.

I am writing to express my strong opposition to granting 120 Aspen Lane a permit to operate a Vacation Dwelling Unit for many reasons:

1. At a time when the City has acknowledged there is a housing crisis, I find it outrageous that what could have been sold as a lovely family home in a friendly family neighborhood might instead be turned into a Vacation Dwelling. I know countless young families who are looking for a home in a safe neighborhood. Just yesterday I heard from a young woman who is returning to Duluth having taken a job as an ER Nurse. She and her husband are desperately looking for a place to live. I wish I could tell her there's a house on Aspen Lane for sale! It is housing for people Duluth needs, not Vacation Dwelling Units.

2. A Vacation Dwelling Unit, especially one run by a corporation, begins to destroy the integrity of the neighborhood which is at direct odds with the City's stated objective of strengthening neighborhoods. This is a very family friendly neighborhood. We know each other, we stop and chat across our yards, in the streets and on the sidewalks. During COVID Lockdown we had a neighborhood Facebook Page with updates and safe activities we could organize for the children, such as placing teddy bears in the windows. My grandchildren, who live a block away from me, ran all over the neighborhood counting how many teddy bears they could find - and it changed every day. In the midst of lockdown, we created community. A constant stream of new people with no connection to us or this neighborhood begins to unravel that connection.

3. I also want to point out that this is not a case of a purely affluent neighborhood trying to keep development out of their backyard. Our neighborhood, often referred to as Waverly Park, is a naturally varied and mixed income neighborhood and it gives families with lower income access to a safe and affordable neighborhood. There are large houses, and small houses and many sizes in between. Because of this, we have a variety of demographic groups represented; singles, young families, single elderly, empty nesters and so on. Because the houses are of such varied sizes there are also people of very differing economic situations living here something I realized during Covid lockdown. So many families living here qualify for reduced school lunches that the school bus made regular stops every day. Watching all these families pick up lunches, I felt proud of the city for taking care of its citizens and I also felt proud that this safe, welcoming neighborhood is also affordable for people of lower income. Our neighborhood does, in fact, meet the city's goal of providing affordable, attainable housing. Vacation Dwelling Units do exactly the opposite.

4. As I am sure you are well aware, Vacation Homes, especially the ones owned by a corporation, drive up housing prices and property taxes. This will add even more to the crunch in the housing market and inflate house prices to levels that are unsupportable and unsustainable for so many of the families who live here. Making it impossible for families to afford a home is surely at odds with community building as well as the City's stated goals.

4. Lakeview Drive and its adjacent streets are an asset for the greater community. Because Lakeview Drive is one of only two boulevard streets in Duluth, it is an ideal place for walking, biking, running and visiting. It is a safe neighborhood with easy walking to Tischer Creek as well as to the post office and as such it draws in people from all other neighborhoods to benefit from the low traffic. Every day,

starting at 5:30 am dog walkers, regular walkers, bikers, and runners are out and about on our street. The high school and college runners come through every afternoon, and people walk their dogs towards the creek. The neighborhood is abuzz with friendly voices even in the depths of winter. Children play and bike outside and feel safe. Because we know each other and know just when the school buses are picking up and dropping off kids, when kids are out playing, and where the lemonade stands are likely to pop up, we drive carefully. An example of what a community asset our neighborhood is happens every Halloween. People from all over the city, where unfortunately it is less safe, come with their children to trick or treat. It is a delight to greet them every year.

5. 120 Aspen Lane is a 3 bedroom house, but it could easily be renovated to create more bedrooms, or add a sleeper sofa to allow for additional people. If you assume many of the renters will be couples, we are looking at 6-10 new people arriving every other day, probably with one vehicle per couple, so 3-5 vehicles. That is a lot of additional traffic and people not familiar with the neighborhood. Neither will they be familiar with the special care driving on a boulevard street entails. You have to sneak around the boulevard in front of my house because you can't really see if there's a small child on the other side, or if a biker or car is coming down Lakeview Drive on the other side of the boulevard. Will visitors know this? Visitors in a hurry? I don't think so. The corner of Aspen Lane and Lakeview Drive is directly in front of my house. It is where my grandchildren (as well as many other children) stop and prepare to walk across the street. With a house turned into a Vacation Dwelling at 120 Aspen Lane, with potentially 3-5 new vehicles arriving every other day, and countless strangers coming and going, that corner becomes a huge danger, especially on this piece of street which is used as a walking path by school children every day.

6. Furthermore, 120 Aspen Lane boasts an unusually large deck which can easily be fitted out for large outdoor parties. With no connections to neighbors, and alcohol doubtlessly involved, visitors will likely not care about the noise they create. They might leave town next day.

It is disheartening to talk to friends whose neighborhoods have many Vacation Rental Units and get this advice, "Oh, when the noise begins, call the police at once. Don't call the owner because the owner never responds." This is probably even more true when the owner is a corporation. None of this is conducive to community building.

7. I understand Andy Goldfine LLC is a business man, real estate developer and owner of hotels. I am not opposed to development in Duluth, but I am opposed to a corporation (with access to corporate loans as opposed to mortgages like the rest of us) taking a family home off the market and turning it into a Vacation Dwelling Unit in a neighborhood that is not zoned for mixed use. That will only begin to unravel the fabric of an existing neighborhood - a neighborhood which is almost a model of what Duluth puts forth in its vision plan. And it is certainly not a neighborly thing to do.

For these many reasons we strongly urge the City to deny permit to turn 120 Aspen Lane into a Vacation Dwelling Unit. It will clearly detract from everything the City has stated its vision for Duluth.

Yours sincerely,

Lise Lunge-Larsen
(218) 349-2927
lll@chartermi.net

Steve Kuross
(218) 349-6100
skuross@chartermi.net

From: [Jim Brych](#)
To: [Chris Lee](#)
Subject: Comments: Vacation Dwelling Unit permit for 120 Aspen Lane
Date: Tuesday, April 5, 2022 9:23:48 PM

Chris,

April 5, 2022

The following are our comments regarding the vacation dwelling unit (VDU) permit application for 120 Aspen Lane, Duluth (PL 22-039).

Here is a little background about our neighborhood. We live directly across from 120 Aspen lane. Our house is at the end of a dead end road and because of this we live in a quiet, residential area with little vehicular traffic. This quiet feature was one of the deciding factors when we purchased our house. We have 2 elementary school aged children that enjoy playing outside, including in the street. Although vehicular traffic is low at our house, there is a foot path connecting our street to an adjacent neighborhood and as a consequence we have an abundance of walkers using our street, including small children.

As is probably to be expected, we would prefer not to have a VDU property directly across from our property. We have realized after talking to several parties that once an application is received and is in order, VDU permits are rarely denied. However, for the record we would like to voice our concerns.

1. To our knowledge this is the first VDU within a radius of 350 feet and beyond of 120 Aspen Lane. We are concerned this VDU will change the nature of our quiet, residential neighbor.
2. The house at 120 Aspen Lane is within walking distance from UMD (0.9 miles from the stadium) and we are concerned it will attract college age renters who come for athletic events, graduation or other campus events. We understand that the city permit cannot restrict the age of renters and are concerned this has the potential to become an opportunity for large, noisy parties and gatherings.
3. As is well known, the current housing and rental opportunities in Duluth are scarce. Shouldn't the City of Duluth be working to increase these opportunities for our residents rather than promoting tourism? We think the City of Duluth should take care of our own before promoting tourism.
4. We are concerned that with increased traffic of primarily out-of-town renters directly across our street that our risk of theft may be increased.
5. We believe that house values and appeal will decrease to neighbors of 120 Aspen lane. If we were looking to purchase 2 similar homes, but one was adjacent to a VDU, we certainly would avoid the home next to the VDU.

If the VDU permit is approved, we ask for the following reasonable conditions. We have talked to Andy and Molly Goldfine and their vision for managing the VDU are mostly consistent with ours. As such, it would be nice to have the following conditions listed on the permit. (listed in order of preference).

1. Is there any way to set the minimum age of the primary renter to 25 years old? This would help prevent younger, perhaps college age students from renting the house and having parties.
2. This permit allows for 7 people to sleep at the residence. However, we would like to prevent these 7 people from inviting large groups of people over during the day/ evening and having large gatherings on the large porch overlooking Lake Superior. Can the maximum number of people on the property at one time be limited to 15 people?
3. Several of the neighbors of 120 Aspen are working professionals who need to get up early for work, are on call and / or working weekends. Because of this we request that quiet hours be no later than 9 PM.
4. We request no campers, trailers or tents on the property or street
5. The Goldfines do not plan to allow pets on their VDU property. Can this be formalized on the permit or if pets are later felt okay that there be an enclosed fence in the backyard.
6. 120 Aspen lane has a 2 car garage, double wide driveway and a large circle drive. This should be more than enough parking for 7 people and we request that there be no street parking.

Thank you for reviewing our concerns. We appreciate the opportunity to comment.

Sincerely,

Jim and Kari Brych
123 Aspen lane, Duluth



Planning & Development Division
 Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 22-037	Contact	Chris Lee, clee@duluthmn.gov	
Type	Minor Subdivision	Planning Commission Date	April 12, 2022	
Deadline for Action	Application Date	March 9, 2022	60 Days	May 5, 2022
	Date Extension Letter Mailed	March 18, 2022	120 Days	July 7, 2022
Location of Subject	Near 1528 98 th Ave W - PID 010-3540-03010			
Applicant	Matina and Paul Askegard	Contact		
Agent		Contact		
Legal Description	See Attached			
Site Visit Date	March 30, 2022	Sign Notice Date	N/A	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal

Applicant is requesting a Minor Subdivision to divide one lot into two lots. The current parcel is approximately 9,006 square feet and the division will create two lots. Both Parcel A and Parcel B will be approximately 4,503 square feet.

Recommended Action: Approval with conditions.

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

Summary of Code Requirements

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

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

nonconformity or increase any existing nonconformity between the requirements of this Chapter.

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

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

Governing Principle #5 Promote reinvestment in neighborhoods. Applicant is proposing to reinvest in the neighborhood by developing housing on the site.

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.

History: The current parcel contains 9,006 square feet and is vacant land. The underlying plat is "Norton's Steel Plant Division;" the existing tax parcel consists of three previously platted lots with frontage on 98th Avenue West.

Review and Discussion Items

1. Applicant is requesting a Minor Subdivision to divide a single lot into two lots. Both parcels will have frontage on 98th Avenue West.
2. Proposed use of the lots is single family dwellings.
3. Both parcels are zoned R-1, which has a minimum lot size of 4,000 square feet and a minimum street frontage of 40'. The proposed subdivision, if approved, would not make the parcels non-conforming due to lot frontage, lot area, or similar bulk standard.
4. The City Engineering Department will require sewer and water extensions for future use of the parcels. No other public, agency, or other City comments were received.
5. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
6. Approval of this Minor Subdivision signifies that City of Duluth UDC standards are met. St. Louis County may have additional requirements. This subdivision approval lapses if deeds are not recorded with St. Louis County within 180 days. Applicant must provide the City with proof of recording.

Staff Recommendation

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

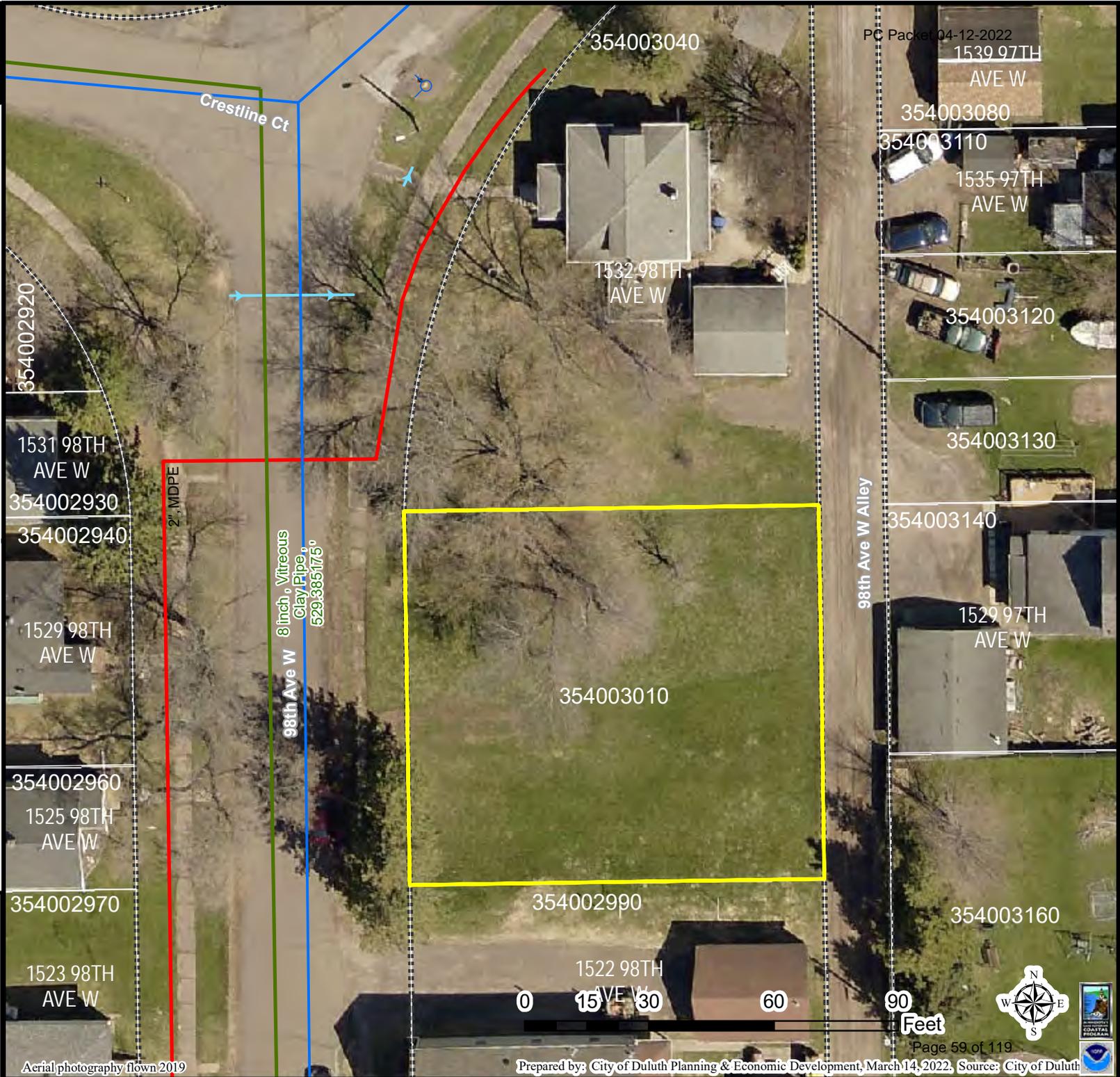
1. Appropriate deeds be filed with St. Louis County within 180 days. Prior to recording the deed that results from this adjustment, the Planning Division will need to stamp the deed, indicating compliance with the local zoning code.
2. Any alterations to the approved plans that do not alter major elements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



PL 22-037
 Minor Sub
 1528 98th Ave W

Legend

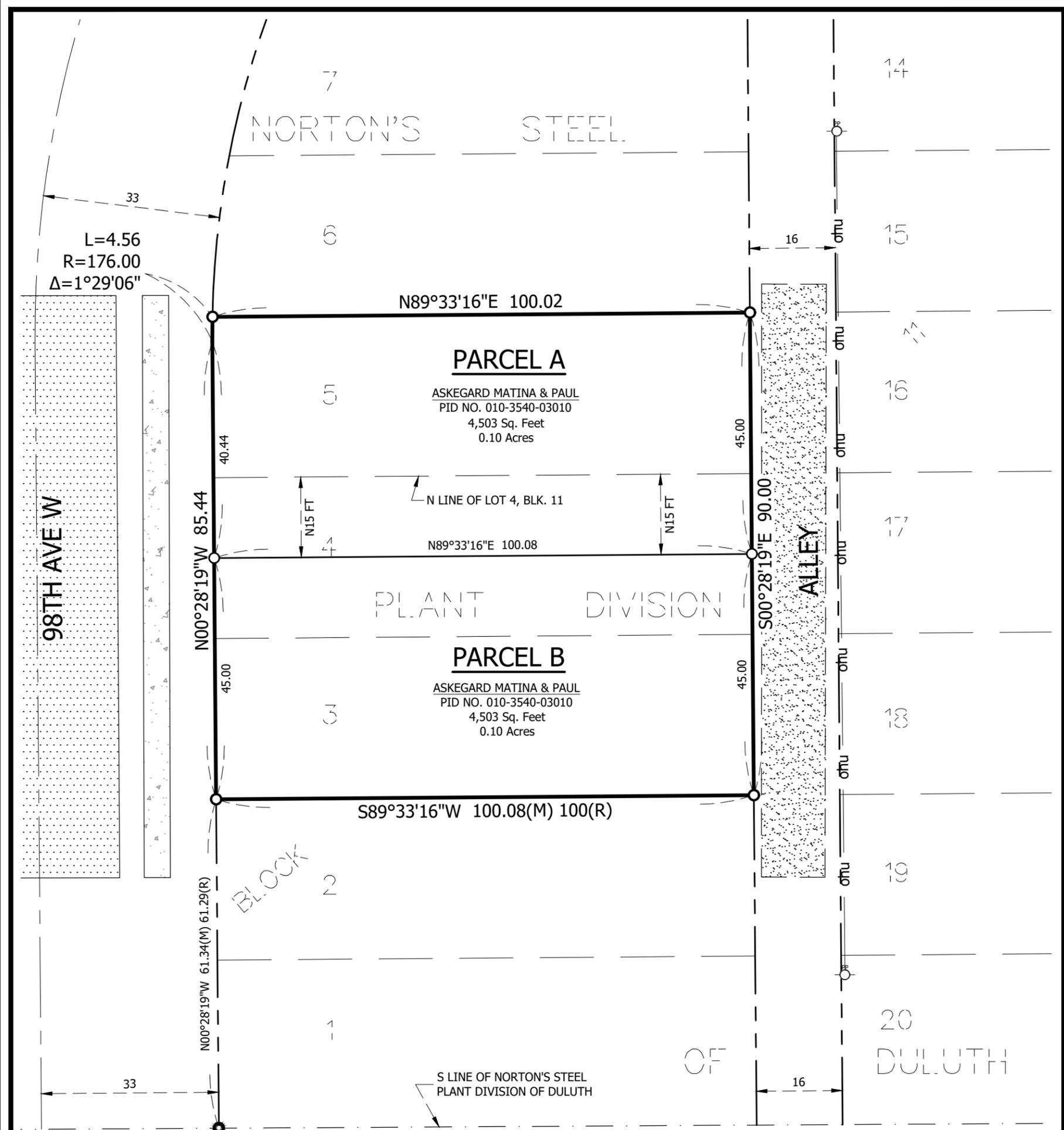
- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- PS Pump Station
- Storm Sewer Mains**
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Road or Alley ROW



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

Aerial photography flown 2019

Prepared by: City of Duluth Planning & Economic Development, March 14, 2022, Source: City of Duluth



LEGAL DESCRIPTION PER DOC. 1414867

LOTS 3, 5 AND 5, BLOCK 11, Nortons Steel Plant Division of Duluth, St. Louis County, Minnesota

LEGAL DESCRIPTION FOR PARCEL A

The North 15.00 feet of Lot 4 and all of Lot 5, BLOCK 11, NORTONS STEEL PLANT DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota.

Said parcel contains 4,503 Sq. Feet or 0.10 Acres.

LEGAL DESCRIPTION FOR PARCEL B

Lots 3 and 4, BLOCK 11, NORTONS STEEL PLANT DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota. Except: The North 15.00 feet of Lot 4, Block 11.

Said parcel contains 4,503 Sq. Feet or 0.10 Acres.



LEGEND

	CONCRETE SURFACE	(M)-FIELD MEASURED DIMENSION
	BITUMINOUS SURFACE	(R)-RECORD DIMENSION
	GRAVEL SURFACE	ohu OVERHEAD UTILITIES
		RLS SUBDIVISION LINE
		U CENTER LINE
		--- RIGHT OF WAY LINE
		--- BOUNDARY LINE AS SURVEYED
		--- PROPOSED PARCEL LINE
	FOUND IRON PIPE	
	SET CAPPED REBAR RLS. NO. 49505	
	UTILITY POLE	

SURVEYOR'S NOTES

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

CERTIFICATE OF SURVEY		
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.		
	CLIENT: MATINA ASKEGARD	REVISIONS: 3-2-22 NEW PARCELS AND LEGALS
DATE: 03-02-2022	ADDRESS: VACANT PROPERTY	PHONE: 218-727-5211
David R. Evanson MN License #49505	DATE: 3-12-2021	LICENSED IN MN & WI
	JOB NO: 21-049	WWW.ALTLANDSURVEYDULUTH.COM
	SHEET 1 OF 1	



Planning & Development Division
 Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 22-041	Contact	Kyle Deming	
Type	Vacation of alley	Planning Commission Date	April 12, 2022	
Deadline for Action	Application Date	March 9, 2022	60 Days	May 8, 2022
	Date Extension Letter Mailed	April 5, 2022	120 Days	July 7, 2022
Location of Subject	Alley west of 71 st Ave. W. between Raleigh St. and Redruth St.			
Applicant	HRA Duluth	Contact	Jacob Morgan	
Agent	Jill Keppers	Contact	HRA Duluth	
Legal Description	See Attached			
Site Visit Date	April 1, 2022	Sign Notice Date	March 29, 2022	
Neighbor Letter Date	March 23, 2022	Number of Letters Sent	25	

Proposal

Vacation of the platted alley between Block 13 and 14, Carlton Place Addition.

Staff Recommendation

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

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1/R-2	Vacant	Traditional Residential/Urban Residential
North	R-1/R-2	Vacant	Traditional Residential/Urban Residential
South	R-1/ R-2	Dwellings	Traditional Residential/Urban Residential
East	R-1	Dwellings	Traditional Residential
West	R-2	Vacant	Urban Residential

Summary of Code Requirements:

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

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

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

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

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

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

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

Future Land Use

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

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.

Review and Discussion Items:

1. The applicant is requesting to vacate the 16-foot-wide platted alley between Blocks 13 and 14, Carlton Place Addition.
2. The purpose of vacating the alley is in preparation for development on the site.
3. The alley will not be needed by the City for the efficient supply of utilities or public services in the City, nor for the promotion of public health, safety, or welfare of the citizens of Duluth since the alley is currently unimproved and City Engineering does not expect to need it in the future.
4. No other public or City comments have been received at the time of drafting this report.
5. Vacations of rights of way and easements lapse unless the vacation is recorded with the county recorder within 90 days after final approval. The vacation recording is facilitated by the City of Duluth.

Staff Recommendation:

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

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



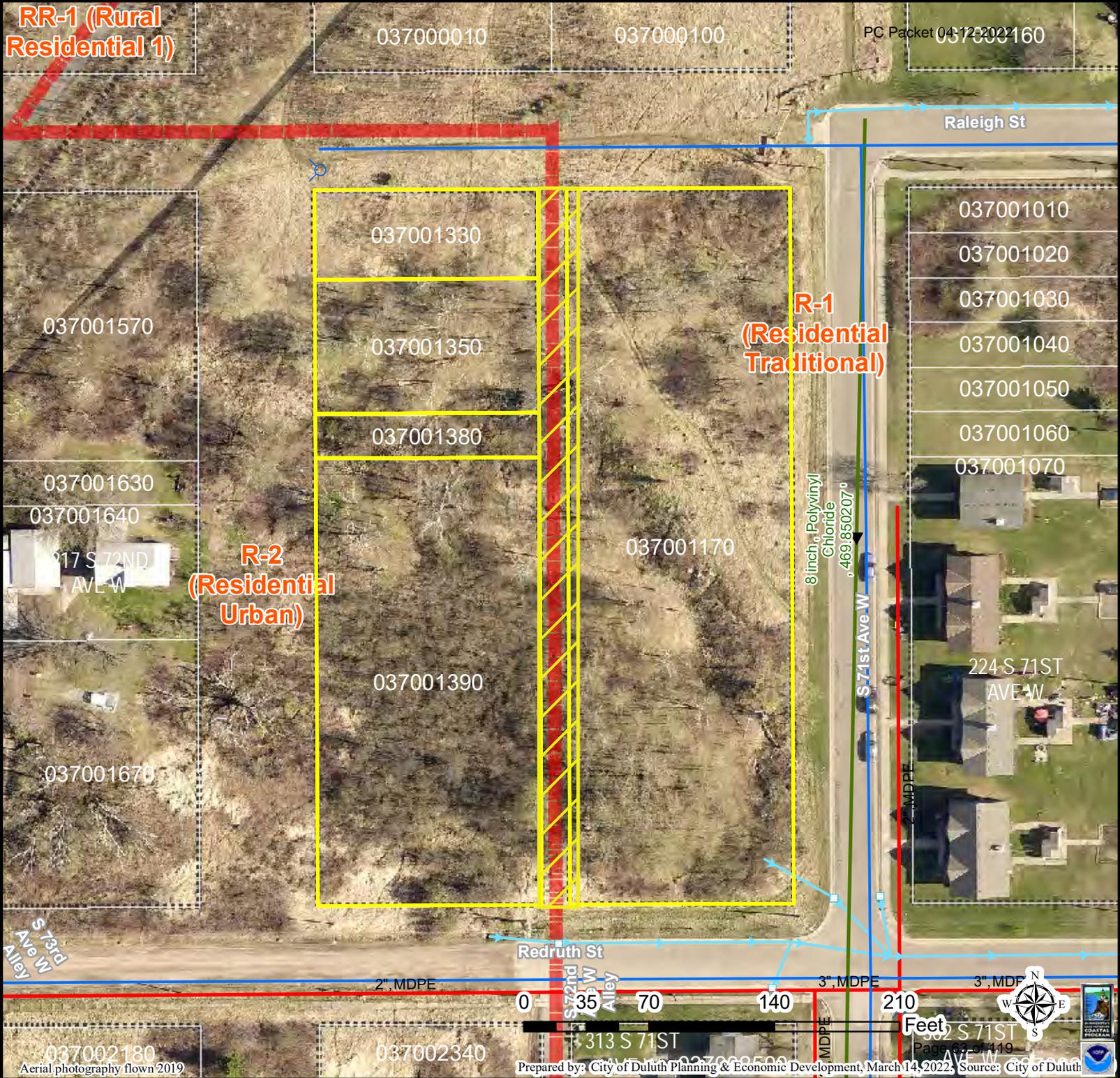
Legend

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

RR-1 (Rural Residential 1)

R-1 (Residential Traditional)

R-2 (Residential Urban)



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

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

03/08/2022

City of Duluth, Minnesota
Planning and Development Division
411 W 1st St., Room 160
Duluth, MN 55802

The Housing and Redevelopment Authority of Duluth, Minnesota, seeks the vacation of the street described in the attached exhibit to develop and build an 18-unit cottage home village in the Fairmount neighborhood of Duluth. The cottage village will provide 18 brand new, single family homes of which the HRA will maintain ownership and rent at various levels of affordability. The City of Duluth has identified a need for affordable, new housing in Duluth, and this project will help to address that need in the community.

This application will be submitted concurrently with the application for a special use permit for the site.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jacob Morgan".

Jacob Morgan
HRA of Duluth
Director of Real Estate and Rehabilitation

Raleigh Street

(PLATTED AS SECOND ST. S.)

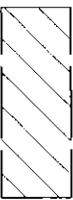
00'99"

(PLATTED AS SEVENTEENTH AVE.)
72nd Avenue West

(PLATTED AS SIXTEENTH AVE.)
71st Avenue West

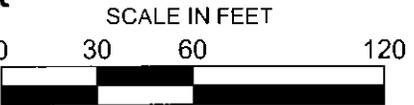
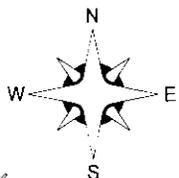
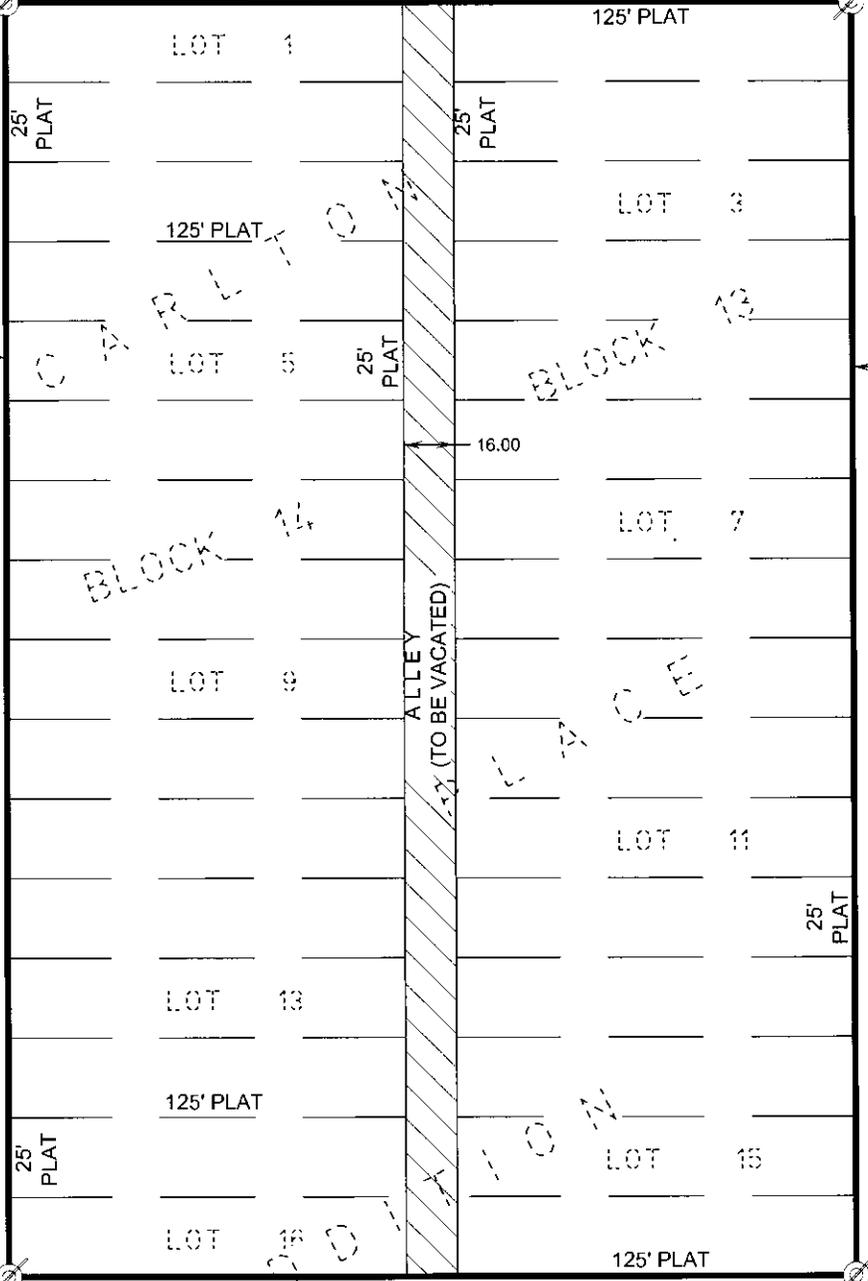
Redruth Street

(PLATTED AS THIRD ST. S.)



AREA TO BE VACATED

ALLEY
(TO BE VACATED)



APPROVED BY THE CITY ENGINEER OF THE CITY OF DULUTH, MINNESOTA, THIS 28 DAY OF MARCH 2022, BY [Signature]

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

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

Date: 03/24/2022
[Signature]
DANIEL W. SKINNER
MINNESOTA LICENSE NO. 40827



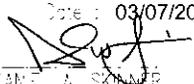
11 East Superior Street
Suite 420
Duluth, MN 55802
218-724-8578
tkda.com
Job Number: 18451.000

VACATION EXHIBIT in
CARLTON PLACE ADDITION
TO DULUTH
Sheet 1 of 2 Sheets
Page 65 of 119

DESCRIPTION OF LAND TO BE VACATED:

THE ALLEY BETWEEN BLOCK 13 & BLOCK 14,
IN CARLTON PLACE ADDITION TO DULUTH,
ACCORDING TO THE RECORDED PLAT THEREOF,
ST. LOUIS COUNTY, MINNESOTA.

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

Date: 03/07/2022

JAMES M. SKINNER
MINNESOTA LICENSE NO. 40877



11 East Superior Street
Suite 420
Duluth, MN 55802
218-724-8578
tkda.com
Job Number: 184571001

VACATION EXHIBIT in
CARLTON PLACE ADDITION
TO DULUTH
Sheet 2 of 2 Sheets
Page 66 of 119



Planning & Development Division
 Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580
 planning@duluthmn.gov

File Number	PL 22-035	Contact	Chris Lee, clee@duluthmn.gov	
Type	Special Use Permit – Hotel	Planning Commission Date	April 12, 2022	
Deadline for Action	Application Date	March 4, 2022	60 Days	May 3, 2022
	Date Extension Letter Mailed	March 20, 2022	120 Days	July 2, 2022
Location of Subject	703-723 South Lake Avenue			
Applicant	Park Point Land Co., LLC	Contact	Michael Schraepfer	
Agent	Heirloom Properties	Contact	nick@rentwithheirloom.com	
Legal Description	PIN: 010-4380-02380, 010-4390-01250, 010-4380-02400, 010-4390-02410			
Site Visit Date	March 30, 2022	Sign Notice Date	March 29, 2022	
Neighbor Letter Date	March 16, 2022	Number of Letters Sent	35	

Proposal

The applicant is proposing to use the property as a 15-unit hotel located within 5 separate structures.

Recommended Action: Approve with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Duplex	Traditional Neighborhood
North	MU-N	Vacant/foundation	Traditional Neighborhood
South	MU-N	Residential	Traditional Neighborhood
East	MU-N	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements

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

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

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

Governing Principle #8 – Encourage mix of activities, uses, and densities. Project proposes to increase hotel units in a high traffic tourist area. The hotel will maintain the neighborhood feel of the area.

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

Future Land Use – 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.

History: This property was approved for a 5-unit hotel in 2021 via PL 21-119. This property is currently a two-family dwelling unit. The past use of this building has included a gift shop.

Review and Discussion Items

Staff finds that:

1. The applicant is proposing to convert the existing properties into a 15-unit hotel with adjacent parking. The applicant is not proposing any significant exterior changes to the current structure, but they are proposing to create a four new 3-unit structures.
2. The property is currently being used as a two-family dwelling. This property was approved for a hotel in 2021 via PL 21-119 but the applicant is now changing the proposal to a hotel with 15 units.
3. The unused and blighted foundation on 719 South Lake Avenue will be removed prior to construction.
4. 50-24 (Parking and Loading). The site plan shows 15 parking spaces, which exceeds the required 10 spaces, but does not exceed the maximum.
5. Sec. 50-25 (Landscaping and Tree Preservation). Tree preservation is not applicable. The applicant has not provided a specific landscaping plan, but has included landscaping details on the overall site plan. Required landscaping shall be reviewed at time of building permit application and shall meet UDC requirements.
6. 50-26 (Screening, Walls and Fences). The site does indicate an exterior trash container that will be screened. All trash shall be stored in a UDC compliant manner and screening will be reviewed prior to building permit approval.
7. Sec. 50-29 (Sustainability Standards). Not applicable.
8. Sec. 50-30 (Building Design Standards). Not applicable. The applicant has indicated they are building these structures in a Scandinavian “Dragestil Style” to create a hotel that better matches the surrounding neighborhood.
9. UDC Sec. 50-31 (Exterior Lighting). The applicant has not providing any lighting details. All lighting will have to be downcast with cutoff fixtures.
10. No citizen comments were received at the time that this report was written. Engineering has state that 2 water services will need to be rerouted and stormwater will be required to be treated onsite.

Staff Recommendation

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

- 1) The project be limited, constructed, and maintained consistent with plans titled “South Lake Ave Hotel” submitted on March 4, 2022.
- 2) Applicant shall have a stormwater treatment plan approved by Engineering.
- 3) Applicant shall provide a landscape plan based on the final site plan that shows landscaping meets the minimum 30% parking lot coverage and frontage requirement.
- 4) Applicant shall demonstrate that required parking meets UDC requirements for stormwater management. All required parking shall be paved.
- 5) Applicant provide screening plan for any outdoor trash containers.
- 6) Final lighting plan shall be submitted prior to receiving a building permit, to include a photometric plan and other details showing compliance with UDC standards.
- 7) Applicant shall remove the blighted foundation on the property at 719 S. Lake Ave before receiving building permits.

8) 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.

BC Packet 04-18-2022



PL 22-035
 SUP for Hotel
 723 S Lake Ave

Legend

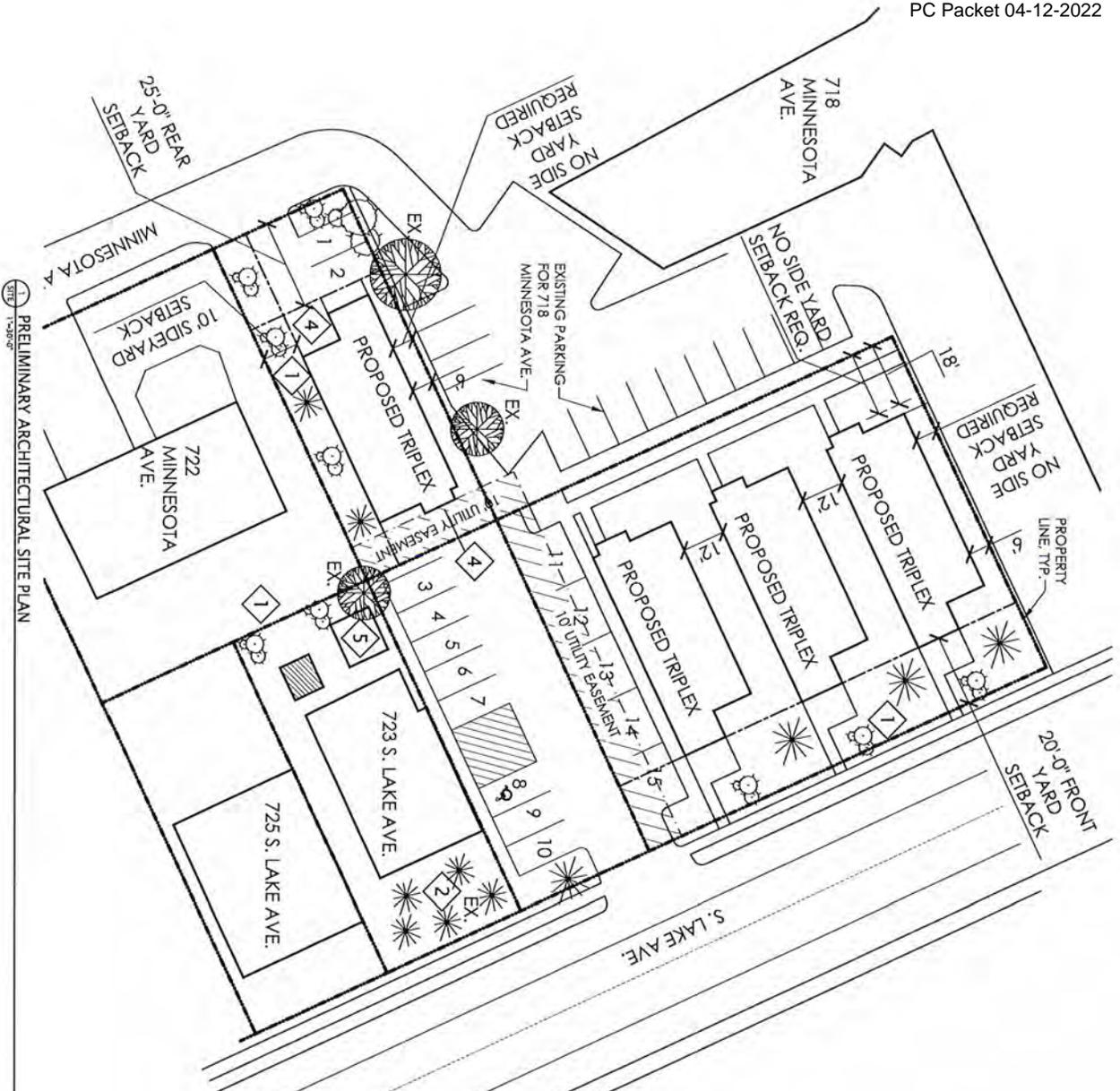
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- CITY OF DULUTH
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Aerial photography flown 2019





PRELIMINARY ARCHITECTURAL SITE PLAN

ZONING: MU-1N

TOTAL LOT AREA: 20,647 SQ. FT.

PARKING REQUIREMENTS:
 2 STALLS PER 3 GUEST ROOMS - 10 SPACES MIN. (15 SPACES MAX.) PER UDC 50-24.4

PROPOSED NEW BUILDING AREA: 1400 SQ. FT. PER BUILDING X 4 = 5600 SQ. FT.

EXISTING BUILDING AREA: 1550 SQ. FT.

TOTAL BUILDING AREA: 7150 SQ. FT.

% OF LOT AREA = 34.6%

NOTE:
 EXISTING PARCELS TO BE MERGED INTO ONE CONTIGUOUS LOT

- 1 LANDSCAPING BUFFER PER UDC 50-25.5 A
- 2 MATURE, EXISTING TREES TO REMAIN (NOTED "EX.")
- 3 LANDSCAPING PER UDC 50-25.3
- 4 BUILDING MOUNTED EXTERIOR/SECURITY LIGHTING AT FRONT AND REAR DOOR OF EACH STRUCTURE PER UDC 50-31.3
- 5 DUMPSTER SCREENING PER UDC 50-26.3 (VERIFY CONTAINER NEEDS WITH OWNER)

NOTE:
 LANDSCAPING AND LIGHTING LOCATIONS ARE PRELIMINARY - FINAL DESIGN TO BE SUBMITTED FOR APPROVAL AS PART OF BUILDING PERMIT APPLICATION

<p>SITE</p>	<p>SOUTH LAKE AVE. HOTEL 723 S. LAKE AVENUE, DULUTH, MN 55802</p>	<p>PRELIMINARY NOT FOR CONSTRUCTION DATE: 2/23/2022</p>	 <p>AROLA ARCHITECTURE STUDIO, LLC 205 WEST FIRST STREET - DULUTH, MINNESOTA 55802 218-740-1500 www.arolaarch.com</p>
SHEET NO.	DATE DATE	PROJECT NO.	2166
SITE	REVISION	DATE	2/23/2022

Re: Special Use Hotel Permit
723 S Lake Avenue
Duluth, MN 55802

March 1st, 2022

Reason for this Special Use Permit request:

This Special Use Permit is requested for a 15-unit Hotel development on the five adjoining MU-N parcels located at, and adjacent to 723 S lake Avenue. This development will re-use and expand upon the existing Scandinavian "Dragestil Style" triplex located at 723 S Lake Avenue. Four additional triplexes would be built on the adjacent parcels as detailed in the site plan. This hotel will be unique in a few ways. Primarily, it will be residential in stature built as 5 smaller residential looking structures that blend closely with the existing neighborhood density. Also, this hotel will be unique in that it will be Duluth's first Aparthotel, or apartment-hotel. More common in Europe, as it is aptly named, an Aparthotel is a hotel consisting of full apartments vs just bedrooms.

Narrative detail on how this hotel would be staffed

As technology has evolved, more and more, modern guests desire a contactless check-in experience when lodging. This property will have both customer service and maintenance staff available 24/7/365. This staff is available by phone, text, and platform-based applications that many guests desire to book through. Our management staff are local, but not standing by on premise. This decentralized staffing model allows us to staff a small property better because the staff can be more utilized. The 15-unit Dragestil Aparthotel would not be a traditional hotel with "walk-in" clientele. All guests are required to book through an online App and doing so provides them with ample check-in detail to have a contactless check-in that is most convenient to the visitor.

Guiding Principles Alignment Statement

- 1. Reuse previously developed Lands:** This site was previously a built as 4 independent residential structures. Three of these structures were razed and this land was re-zoned MU-N for higher density usage. There is also a large utility easement across the property. This proposed project has been carefully designed to remain residential in nature and work with the existing easement. It will look very similar to the existing adjacent R1 density and act as a neighborhood buffer which is the purpose of MUN zoning.
- 2. Declare the necessity and secure the future of undeveloped spaces:** With this proposal we are building four structures vs one structure that is much larger. This creates more sightlines and open space while making the boutique hotel blend with the community.
- 3 & 4. Support existing economic base / Support economic growth sectors:** Tourism and specifically Canal Park within our tourism sector is the primary economic driver in Duluth. Expanding the lodging options for guests will support that economic base. This property is zoned for this type of higher density use, and the adjacent property, South Pier Inn Hotel, has operated successfully in this use type for 20+ years. The addition of apartment-hotel style units is a unique option within the lodging available in Duluth and will increase the diversity of options for tourism guests.
- 5. Promote reinvestment in neighborhoods:** This property is in a transitional zone between a larger hotel and residential use. Currently there is a dilapidated non-conforming foundation of an old home on the property. This project will improve the neighborhood by cleaning up the existing site and bridging the space between the large hotel building and single-family residences with multiple smaller structures.
- 8. Encourage a mix of activates uses and densities:** This project will increase density in the properly zoned area and add a unique new lodging option for our tourism industry.

10. Take actions that enhance the environment, economic and social well-being of the community: By maintaining the existing “Dragon House” structure and adding a smaller residential style building to the site – the density and viewsheds will fit with the fabric of the neighborhood – while still developing the space. This buffering nature is the exact purpose of Mixed-Use Neighborhood Zoning.

Community Impact Statement

The low community impact of this application is the most important feature. The Park Point community is dense, busy, and therefore sensitive to major changes. The intention of our redevelopment is to keep and better utilize the existing “Dragon House” as-is and build a smaller complimentary residential style triplexes on the adjacent parcels in keeping with the neighborhood. These five structures would serve as a boutique hotel while keeping a residential look and feel. Attached below is a site plan. We believe the “Dragon House” with its unique Scandinavian Dragestil Architecture is an asset to the community and is valuable in its existing condition and architecture. We wouldn’t want that to be lost in a razing for a large structure redevelopment. We’ve communicated this planned use to the immediate neighbors and have their approval. With many different development ideas proposed for this MU-N site over the past 10 years, this proposal concept is the least dense and lowest impact.

Wikipedia Definition:

Dragestil (“Dragon Style”) is a style of design and architecture that originated in Norway and was widely used principally between 1880 and 1910. ^[1] It is a variant of the more embracing National Romantic style and an expression of Romantic nationalism. The foremost sources of inspiration for the Dragestil style were Viking and medieval art and architecture of Scandinavia. It had roots in the preservation of stave churches and the recent excavation of historic relics such as the Tune, Gokstad and Oesberg ships.







- GIS Legend**
City of Duluth
- Water Main
 - Active water service, valve closed
 - Active water service, valve open
 - Water Service Lines - Private
 - Sanitary Gravity Main - City of Duluth
 - Sanitary Force Main
 - Sanitary Manhole
 - Sanitary wye installed after 2066, right of main
 - Sanitary wye installed before 2006, left of main
 - Sanitary wye installed before 2006, right of main
 - Sanitary Lateral
 - Storm Gravity Main
 - Gas Service Lines
 - Steel Gas Main
 - PE Gas Main
 - - - Abandoned Gas Service Lines
 - ▨ Utility Easement
 - ▨ Access Easement
 - ▨ Road ROW- vacated
 - ▨ Road ROW- currently in use

1 inch = 20 feet

City of Duluth
Public Works & Utilities
Date: 3/25/2022

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Planning & Development Division
 Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 22-038	Contact	Kyle Deming, kdeming@duluthmn.gov	
Type	MU-C Planning Review for Church	Planning Commission Date	April 12, 2022	
Deadline for Action	Application Date	March 8, 2022	60 Days	May 7, 2022
	Date Extension Letter Mailed	April 5, 2022	120 Days	July 6, 2022
Location of Subject	34xx Haines Road, North of Costco			
Applicant	New Life Lutheran Church	Contact	Gary Gilbert, Building Committee Chair	
Agent	Foundations Architecture	Contact	Greg Strom	
Legal Description	Lot 2, Block 1, Kirkland Addition (PIN: 010-2671-000200)			
Site Visit Date	April 1, 2022	Sign Notice Date	March 29, 2022	
Neighbor Letter Date	March 23, 2022	Number of Letters Sent	4	

Proposal

Applicant proposes to construct a 7,800 sq. ft. church along with a 72-stall parking lot on a 6.3-acre site.

Recommendation

Staff recommends Planning Commission approve with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-C	Vacant	Institutional
North	RR-1	Jail	Institutional
South	MU-C	Commercial	Business Park
East	MU-C	Vacant	Preservation
West	Hermantown	Commercial	

Summary of Code Requirements

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

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

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

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

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

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

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

Zoning – MU-C District: The MU-C district is established to provide for community and regional commercial development along commercial corridors and nodal centers. Intended non-residential uses include retail, lodging, service, and recreational facilities needed to support the community and region, as shown in Table 50-19.8. Development should facilitate pedestrian connections between residential and non-residential uses.

Future Land Use – Business Park: Primarily office and light industrial areas developed in a unified manner, with standards for site design and circulation patterns, signage, landscaping, and building design.

Site history:

Site is on one of the lots in the Kirkland Addition approved by Planning Commission July 14, 2020 (PL20-099).
 Wetland delineation for the site approved before Kirkland Addition plat.

Review and Discussion Items:

Staff finds that:

- 1) 50-15.3 (MU-C District) – Applicant has provided required plan documents.
- 2) 50-15.3.E (Development Standards) – The project will add a single driveway access to Haines Rd. The church is not expected to generate more than 100 trips per hour/1,000 trips per day, an amount of traffic to warrant a traffic study. No additional public easements are needed.
- 3) Haines Rd. is a County road and Victor Lund, Traffic Engineer with St. Louis County, commented about a potential conflict with the new left-turn lane serving Costco. The church and County are currently discussing site access.
- 4) 50-18.1.B (Wetlands) – Site development has been positioned to avoid three wetlands on the property so no wetland impacts are expected.
- 5) 50-18.1.E (Stormwater Management) – The applicant’s plans show storm water detention in two basins that discharge to adjacent wetlands. City storm water engineer Tom Johnson has discussed the storm water treatment concepts with the developer’s engineer. The site is in a trout stream watershed so storm water management will need to address the temperature of water leaving the site.
- 6) 50-23 (Connectivity) – The plan shows a sidewalk connecting the church to the sidewalk on Haines Rd.
- 7) 50-24 (Parking) – The plan shows 72 parking stalls, which is the maximum parking allowed (1 space per 4 seats in the auditorium which shows 192 seats).
- 8) 50-25 (Landscaping) – The landscape plan shows parking lot islands with trees in compliance with standards. No street frontage landscaping is required due to leaving the existing vegetation in place. A tree inventory has been approved by the City Forester, but the tree replacement plan needs to be reviewed and approved by the City.
- 9) 50-26 (Screening) – Trash screening details provided and comply. Details of mechanical screening can be evaluated at time of building permit.
- 10) 50-27 (Signs) – None shown, but can be obtained via a separate permit.
- 11) 50-29 (Sustainability) – Not applicable – building less than 10,000 sq. ft.
- 12) 50-30 (Design Standards) – Not applicable – building less than 10,000 sq. ft.

- 13) 50-31 (Exterior Lighting) – No lighting details were provided. This can be evaluated via photometric plan and fixture details at the time of building permit application.
- 14) No comments from City or other agencies or the general public.
- 15) Per UDC 50-37.1.N, an approved Planning Review will expire if the project or activity authorized is not begun within one year, which may be extended for one additional year at the discretion of the Land Use Supervisor.

Staff Recommendation

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

- 1) The project be limited to, constructed, and maintained according to plans titled “New Life Lutheran Church” by Foundations Architecture, Sheets SI-1, SI-2, A100, and C3.0 submitted with this application subject to modifications to be approved by the Land Use Supervisor listed below.
- 2) Obtain approval on mechanical screening and exterior lighting details (photometric plan and fixture details) before building permit approval.
- 3) Obtain approval on the tree replacement plan before site disturbance permit approval.
- 4) Obtain from St. Louis County any required driveway permit.
- 5) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of UDC Chapter 50.



Legend

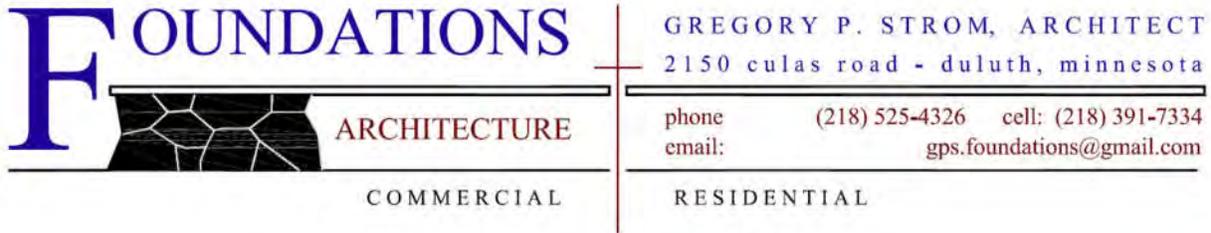
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- Storm Sewer Mains**
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Road or Alley ROW
- Zoning Boundaries



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

Aerial photography flown 2019





March 7, 2022

To: **City of Duluth – Planning Department**

Att'n Kyle Deming, Planner II
411 West 1st Street – Room 160
Duluth, MN 55802
- Via e-mail

RE: **New Life Lutheran Church**

**New Church Building in MU-C District - 43xx Haines Road
Planning Review Application**

Dear Mr. Deming,

Please find attached our application for a planning review for a new church building. In addition to this cover letter and narrative below, this application includes the following documents:

- Application Cover Sheet*
- Planning Review Check List
- Pre-App Verification**
- Architectural Plan Set
 - o Site Plan Showing Clearing Limits
 - o Landscaping Plan
 - o Floor Plan
 - o Exterior elevations
- Civil Plan Set
 - o Site Grading
 - o Stormwater Management
- Pictorial Rendering
- Photometric Site Plan

*Signed original copy along with check for the fee will be hand delivered to City Hall

**The pre-app verification was sent as an email. The email used to submit these documents will be a reply to that email.

Narrative:

New Life Lutheran Church seeks to build a new building for meeting and worship at their property between the new Cosco building and the St. Louis County Jail facility. This building will replace the building that was demolished for the construction of the Cosco building. The building will be a roughly 7,800 SF one story light framed structure with a sheltered drop off and parking for 72 cars.

It will be built on a 6.3 acre site with mostly hardwoods and some small areas of wetlands. The only impact on the wetlands will be a temporary impact to tie into an existing sanitary sewer line that was stubbed specifically for use by this site and a narrow manmade ditch that is not contiguous to the natural wetlands. The large grouping of aspen, basswood and maple on the back (east) half of the site will be protected and will remain after the construction of the project. The only 20"+ tree found on the entire site is a sick basswood with a large split up it's west face that the City Forester has given permission to cut. At his direction, 20" has been added to the tree replacement calculations.

Storm water will be held and treated in two surface ponds. The site is not in a flood zone or a shoreline district. The drainage and stormwater treatment plans are being discussed between the project's civil PE, David Bolf and the city's storm water engineer, Tom Johnson, to ensure compliance.

The building is expected to generate far fewer than the 1,000 trips per day, even on Sundays, that would fuel the need for a traffic study. At Sunday morning capacity, the trips per hour should not exceed 75 and are expected more normally to be around 50 per hour at the Sunday morning peak. On other days of the week, traffic is expected to be at fewer than 25 trips per hour with the exception of the occasional wedding or funeral.

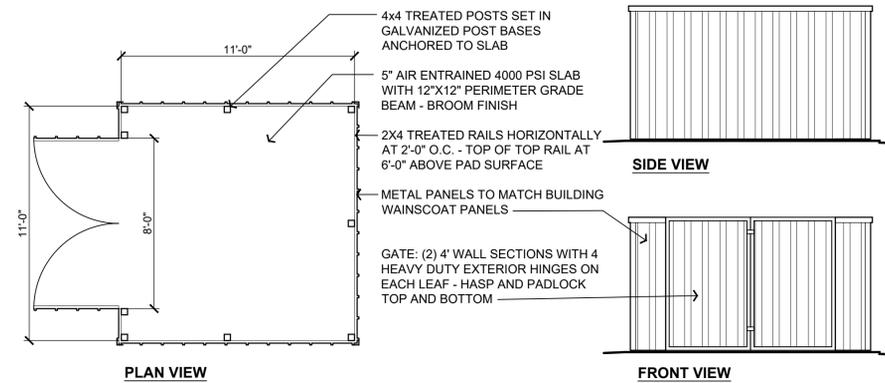
Prepared By:



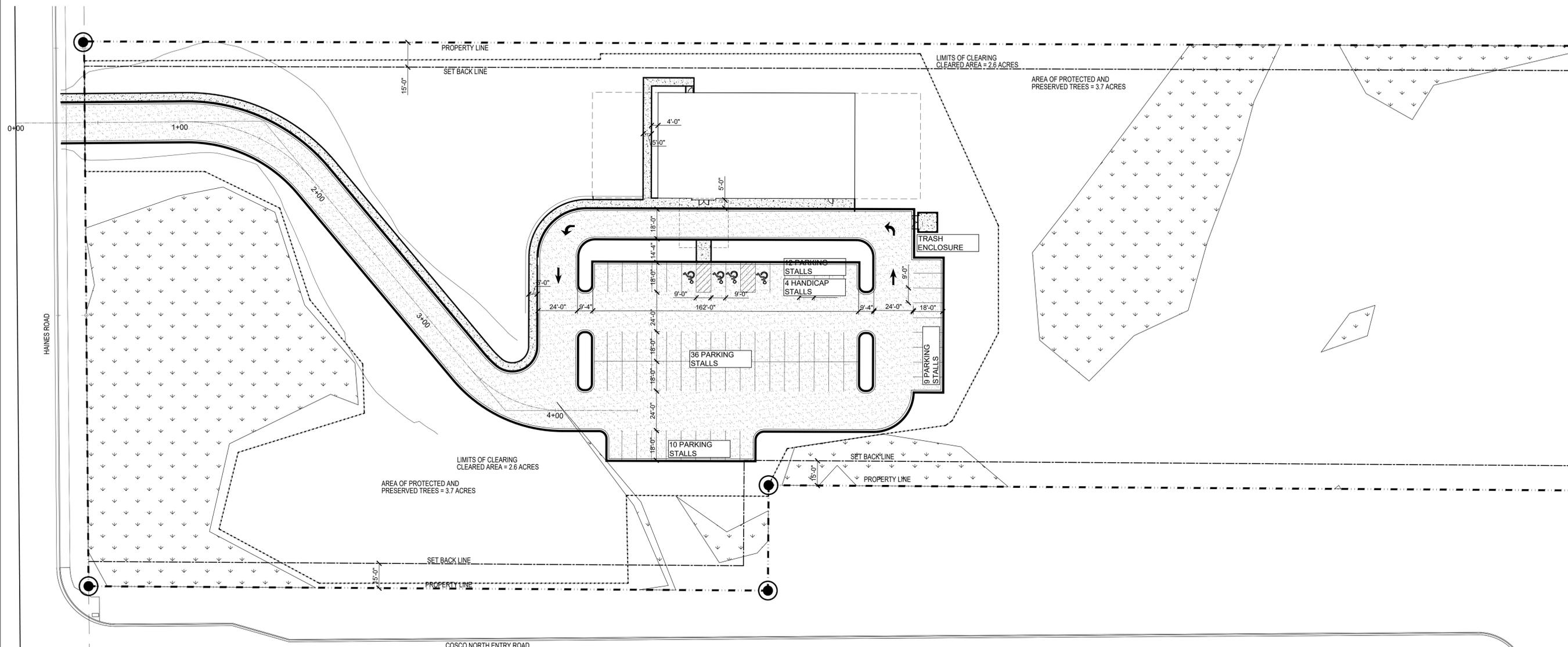
Gregory P. Strom, MN Architect # 26197

NEW BUILDING FOR: NEW LIFE LUTHERAN CHURCH

43XX CSAH 91 (HAINES ROAD) - DULUTH, MINNESOTA



2 TRASH ENCLOSURE
1/4" = 1'-0"



PROPOSED BUILDING FOR:
NEW LIFE LUTHERAN CHURCH
ADDRESS
DULUTH, MINNESOTA

SHEET TITLE:
ARCHITECTURAL SITE PLAN

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

SIGNATURE: _____ DATE: _____

GREGORY P. STROM REG. NO. 26197

DATE: _____
JOB NO.: 2034
DRAWN BY: TJB
APPROVED BY: OPS

PLANNING SUBMITTAL SET
03-07-2022

SI-1

PROPOSED BUILDING FOR:
NEW LIFE LUTHERAN CHURCH
 ADDRESS
 DULUTH, MINNESOTA

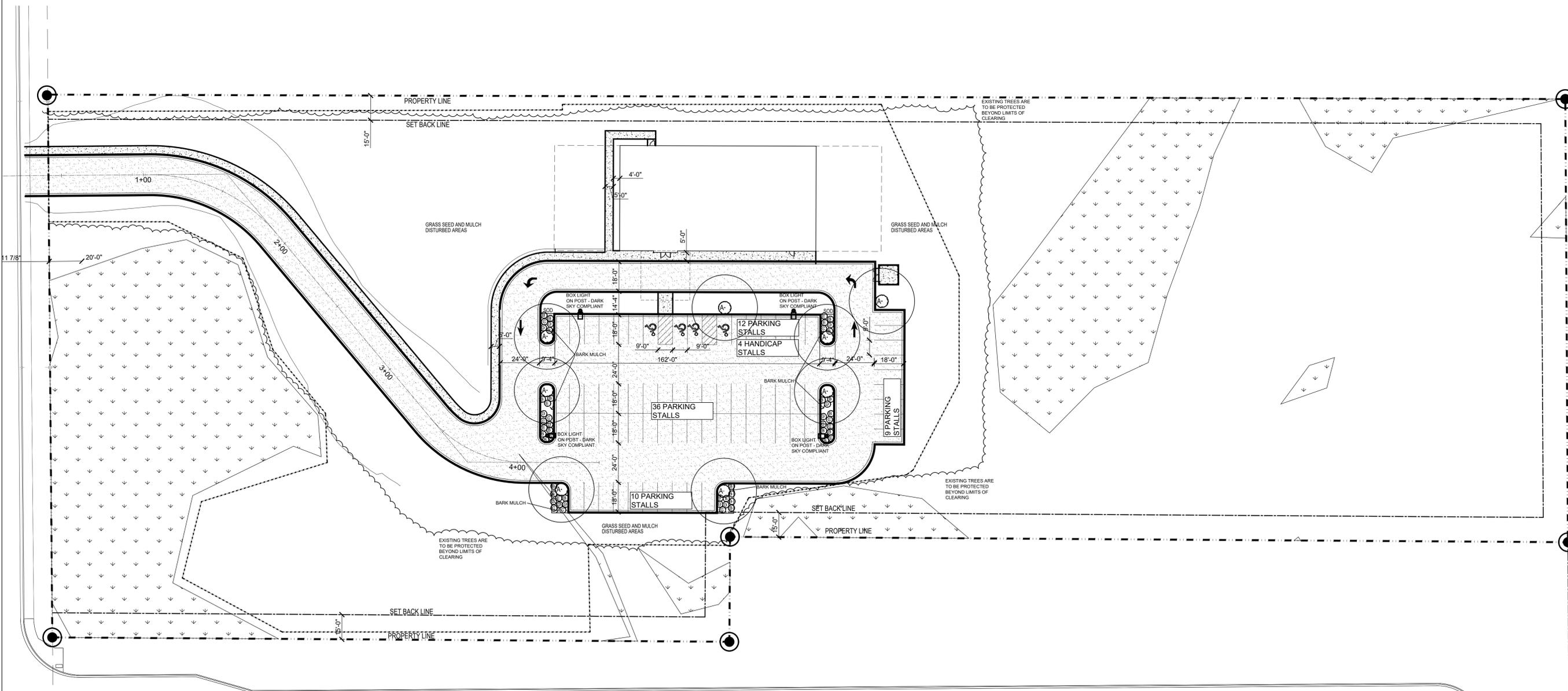
SHEET TITLE:
 ARCHITECTURAL SITE
 PLAN

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT
 WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND
 THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF
 THE STATE OF MINNESOTA
 SIGNATURE: GREGORY P. STROM
 DATE: REG. NO. 26197

DATE: JOB NO.: 2034
 DRAWN BY: TJB
 APPROVED BY: OPS

PLANNING
 SUBMITTAL SET
 03-07-2022

SI-2



LANDSCAPE CALCULATIONS:

TREE REPLACEMENT:
 6.3 ACRE SITE - 2.9 ACRES TO BE CLEARED, 3.4 ACRES TO BE PROTECTED AND PRESERVED
 TREES OF INTEREST TO BE CLEARED: 773 DBH/ ACRE X 2.9 = 2242 DBH
 SPECIAL TREES (BASSWOOD) TO BE CLEARED: 46.4 DBH/ ACRE X 2.9 + 20* = 155 DBH
 20* ADDED PER CITY FORESTER TO CUT DISEASED LARGE SPECIAL TREE

REPLACEMENT OF TREES OF INTEREST: 2242 X .2 = 448* (179 TREES OF 2.5" CALIPER)
 REPLACEMENT OF SPECIAL TREES: 157 X .4 = 63* (25 TREES OF 2.5" CALIPER)
 TOTAL: 204 NEW TREES OR 136 SPECIAL TREES

CREDIT TO PRESERVE EXISTING TREES:
 TREES OF INTEREST TO BE PROTECTED: 75.38 TREES/ ACRE X 3.4 = 249 TREES SAVED
 TREES TO BE SAVED AVERAGE 8-12" DBH 2 TREES CREDIT / TREE SAVED = 498 TREE CREDIT

ONLY TREES REQUIRED UNDER NORMAL LANDSCAPING RULES ARE REQUIRED

LANDSCAPING PLAN:
 STREET FRONTAGE LANDSCAPING: 230' OF 330' TO REMAIN EXISTING NATURAL LANDSCAPING
 PARKING LOT: 15% OF AREA TO BE INTERNALLY LANDSCAPED 28,000 SF
 SHADING IS REQUIRED: LOT SIZE: 8,400 SF
 SHADING REQUIRED (30%): 8,400 SF
 SHADING TO BE PROVIDED: 8,674 SF

PLANTING LEGEND:

MARK:	TYPE:	DESCRIPTION:	SIZE:
A	SHADE TREE (40' DIAM AT MATURITY)	BURR OAK	2.5" CAL
B	SHRUB / GROUND COVER	SCANDIA JUNIPER	5 GAL
C	SHRUB / GROUND COVER	MISS KIM LILAC	5 GAL
D	SHRUB / GROUND COVER	SPIREA	5 GAL
E	SHRUB / GROUND COVER	DWARF BURNING BUSH	5 GAL

1
 SI-2
 1"=30'





FOUNDATIONS
 ARCHITECTURE
 GREGORY P. STROM, ARCHITECT
 2150 CULAS ROAD
 DULUTH, MN 55804
 PH: 218.525.4326
 CELL: 218.391.7334
 gps-foundations@gmail.com

BOECKER
 Drafting and Design
 TRAVIS J. BOECKER (T.J.B.)
 TRAVIS@BOECKERSDRAFTING.COM

PROPOSED BUILDING FOR:
NEW LIFE LUTHERAN CHURCH
 ADDRESS
 DULUTH, MINNESOTA

SHEET TITLE:
 FLOOR PLAN

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT
 WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND
 THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF
 THE STATE OF MINNESOTA
 SIGNATURE: GREGORY P. STROM
 DATE: REG. NO. 26197

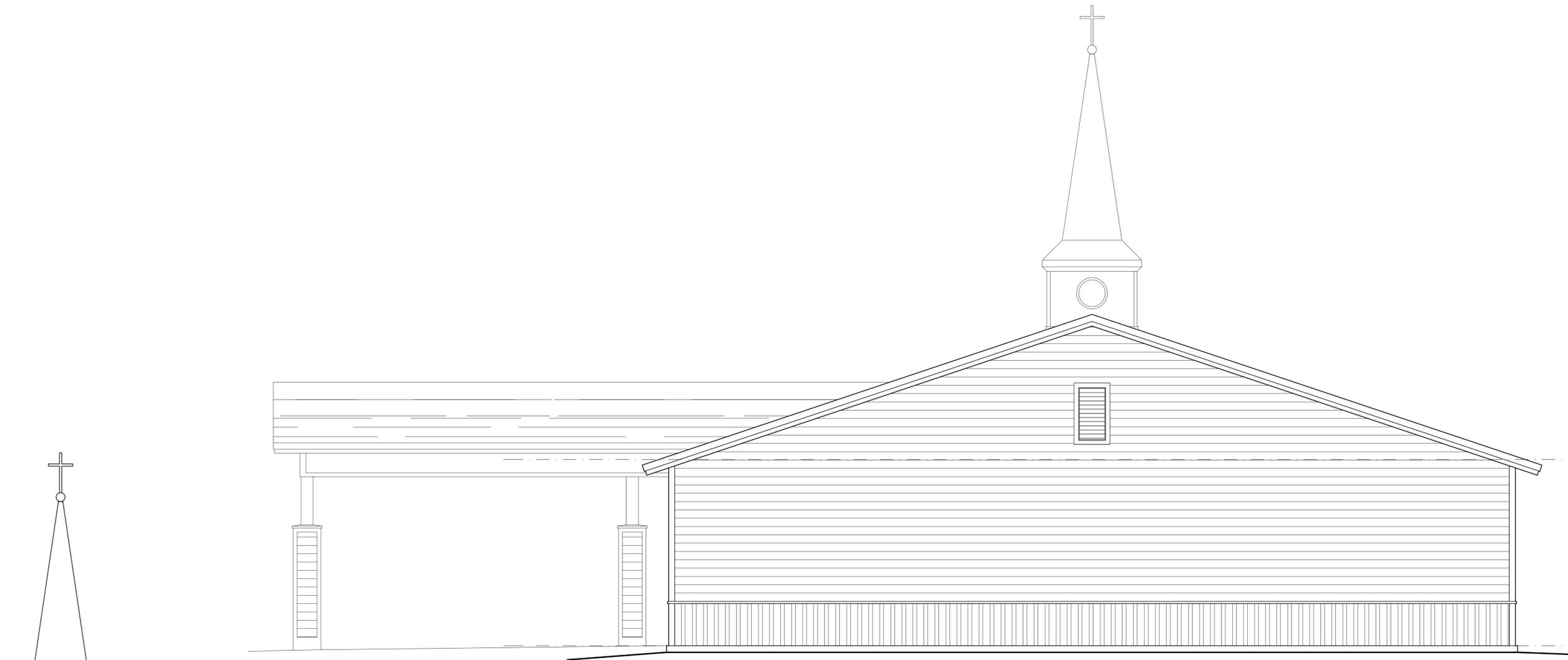
DATE: JOB NO.: 2034
 DRAWN BY: TJB
 APPROVED BY: G.P.S.

PLANNING
 SUBMITTAL SET
 03-07-2022

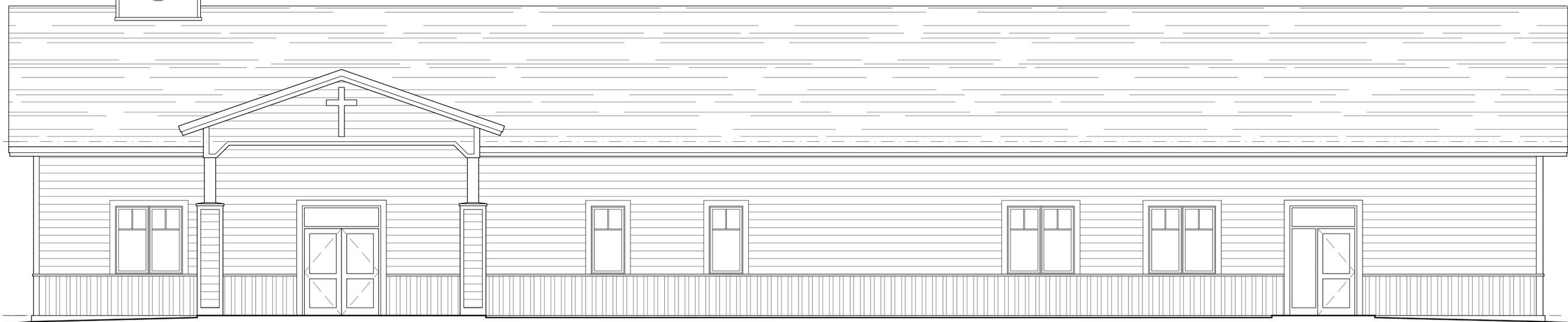
A100

1
 A100 FLOOR PLAN
 1/4"=1'-0"





2 EAST ELEVATION
A200 1/4"=1'-0"



1 SOUTH ELEVATION
A200 1/4"=1'-0"

FOUNDATIONS
ARCHITECTURE
GREGORY P. STROM, ARCHITECT
2150 CULAS ROAD
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CELL: 218.391.7334
gps-foundations@gmail.com

BOECKER
Drafting and Design
TRAVIS J. BOECKER (T.J.B.)
TRAVIS@BOECKERSDRAFTING.COM

PROPOSED BUILDING FOR:
NEW LIFE LUTHERAN CHURCH
ADDRESS
DULUTH, MINNESOTA

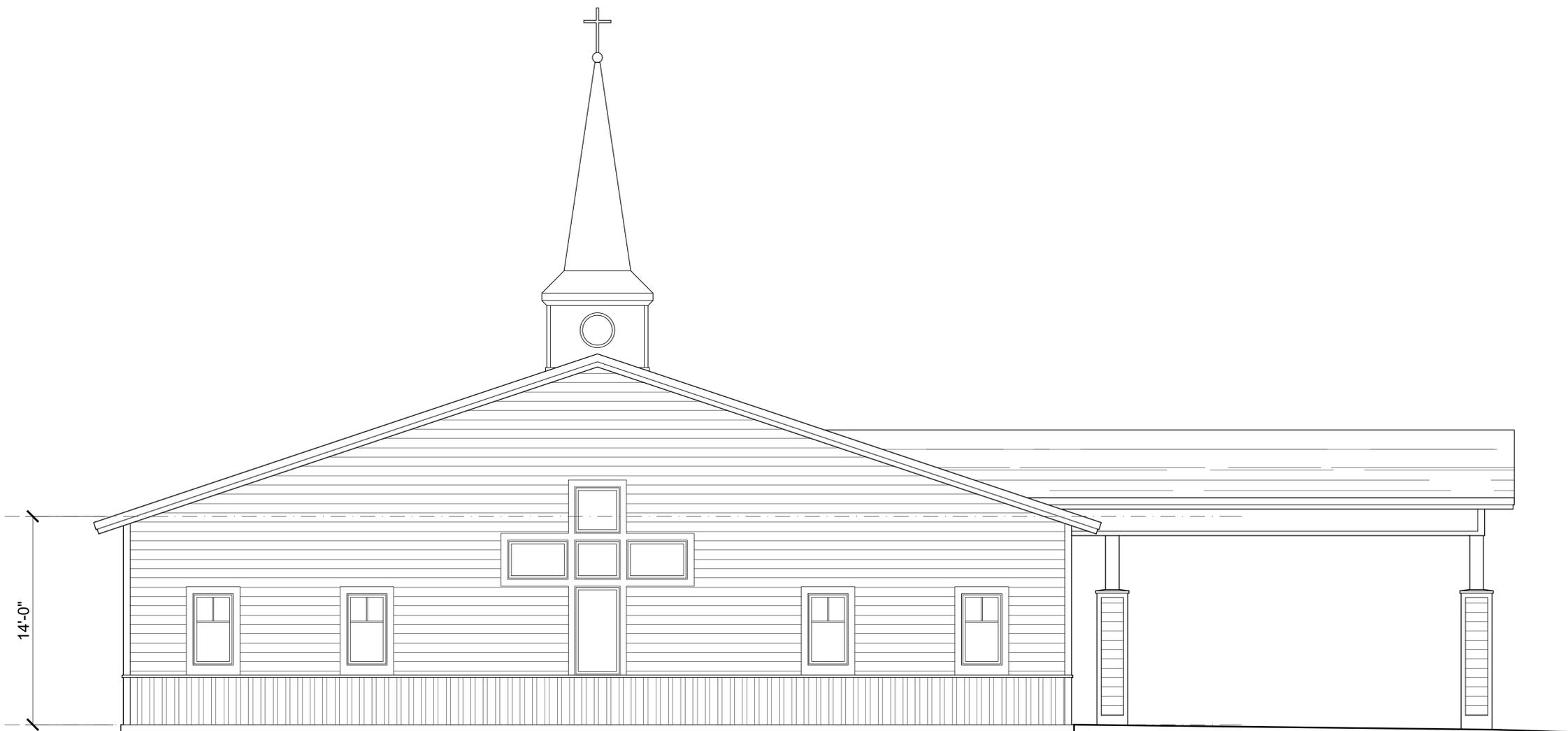
SHEET TITLE:
EXTERIOR ELEVATIONS
- SOUTH AND EAST

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT
WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND
THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF
THE STATE OF MINNESOTA
SIGNATURE: GREGORY P. STROM
DATE: REG. NO. 26197

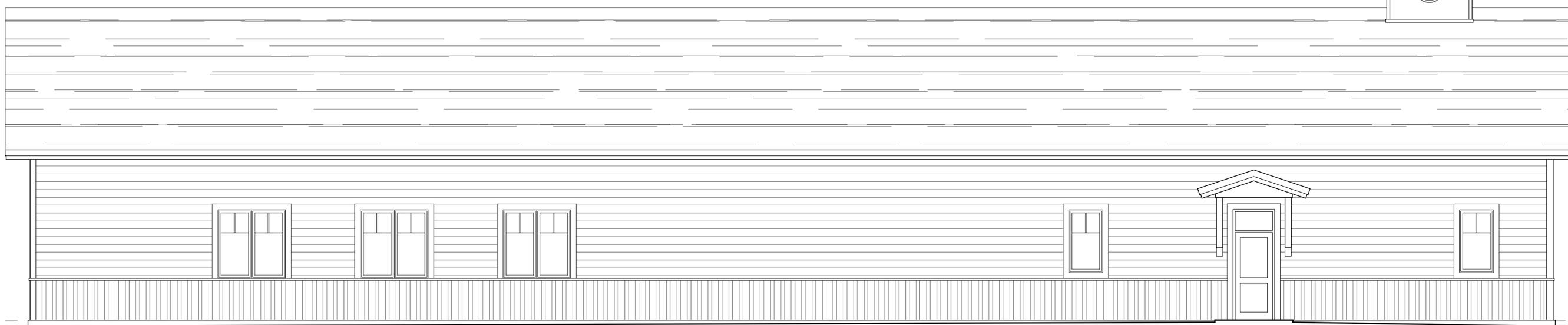
DATE:
JOB NO.: 2034
DRAWN BY: TJB
APPROVED BY: GPS

PLANNING
SUBMITTAL SET
03-07-2022

A200



2 WEST ELEVATION
A201 1/4"=1'-0"



1 NORTH ELEVATION
A201 1/4"=1'-0"

FOUNDATIONS
ARCHITECTURE
GREGORY P. STROM, ARCHITECT
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PH: 218.525.4326
CELL: 218.391.7334
gps-foundations@gmail.com

BOECKER
Drafting and Design
TRAVIS J. BOECKER (T.J.B.)
TRAVISBOECKERSHIFTING.COM

PROPOSED BUILDING FOR:
NEW LIFE LUTHERAN CHURCH
ADDRESS
DULUTH, MINNESOTA

SHEET TITLE:
EXTERIOR ELEVATIONS
- NORTH AND WEST

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT
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SIGNATURE: GREGORY P. STROM
DATE: REG. NO. 26197

DATE: JOB NO.: 2034
DRAWN BY: TJB
APPROVED BY: GPS

PLANNING
SUBMITTAL SET
03-07-2022

A201





Planning & Development Division
 Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580
 planning@duluthmn.gov

File Number	PL 22-040	Contact	John Kelley, jkelly@duluthmn.gov	
Type	Special Use Permit – Restaurant in new commercial building	Planning Commission Date	April 12, 2022	
Deadline for Action	Application Date	March 9, 2022	60 Days	May 8, 2022
	Date Extension Letter Mailed	March 15, 2022	120 Days	July 7, 2022
Location of Subject	1303 West Arrowhead Road			
Applicant	1303, LLC	Contact	Alex Bushey	
Agent	Arola Architecture Studio, LLC	Contact	Ryan Arola	
Legal Description	PID # 010-1560-02210			
Site Visit Date	April 1, 2022	Sign Notice Date	March 29, 2022	
Neighbor Letter Date	March 21, 2022	Number of Letters Sent	29	

Proposal

A new 3,500 square foot commercial building with a 1,500 square foot restaurant and outdoor dining area. The second tenant space in the building will be for office use, which is a permitted use (true?). A restaurant less than 5,000 square feet in the MU-N zone district requires a special use permit.

Recommended Action: Approve with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Residential	Urban Residential
North	R-1	Residential	Urban Residential
South	MU-N	Commercial	Neighborhood Mixed Use
East	R-1	Residential	Traditional Neighborhood
West	MU-N	Office	Urban Residential

Summary of Code Requirements

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

1. The application is consistent with the Comprehensive Land Use Plan;
2. The application complies with all applicable provisions ... including any use-specific standards ..., and is consistent with any approved district plan for the area.
3. The Commission may deny any application that would result in a random pattern of development with little contiguity to existing or programmed development or would cause anticipated negative fiscal or environmental impacts.

1. In the R-2 and MU-N district, no use shall exceed 5,000 sq. ft. in gross floor area;
2. Drive-ins ... are only allowed in the MU-N, MU-C, MU-B, MU-P, F-2, F-3, F-4, and F-5 zone districts;
3. Drive-through lanes shall allow for stacking space for 5 cars;
4. When in the MU-N district, additional standards include distance to property lines; hours of operation; screening for noise and glare, and limitation to one drive-through.

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

Governing Principle #1 – Reuse previously developed lands. This property is currently developed with ...

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

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

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

History: Site was zoned R-2 prior to 2018 (PL 18-068) when it was rezoned to MU-N.

Review and Discussion Items

Staff finds the following:

1. Applicant is proposing to construct a commercial building for restaurant and office use along West Arrowhead Road and Dodge Avenue. This is a commercial development, which according to the HE-O is required to be concentrated on a major road. The building is located adjacent to Arrowhead Road, which is a major road; while Dodge Avenue is used for ingress and egress, this is necessary for traffic safety, and traffic for this development will not significantly impact neighborhood streets. The approximate 3,500 sq. ft. building consists of a 1,400 sq. ft. restaurant with an outdoor eating area and a 2,100 sq. ft. office space with associated parking, landscaping, and lighting. Section 50-21.3, Exceptions and encroachments, does allow for a deck to encroach up to 10 feet within the front yard setback. A restaurant with less than 5,000 sq. ft. in the MU-N zone district requires a special use permit. There is a companion application for a Higher Education Overlay (HE-O) Planning Review for this site as well (PL 22-045).
2. Sec. 50-20.3.Q Restaurants. In the MU-N district, no use shall exceed 5,000 sq. ft. in gross floor area. The proposed development site is located in the MU-N zoning district with the building being approximately 3,500 square feet and the restaurant space is approximately 1,400 square feet in size. All other use specific standards for restaurants in the MU-N zone district are applicable to drive-through windows. The proposed restaurant will not have a drive-through window or lane.
3. Sec. 50-23. Connectivity and Circulation. A sidewalk connects the front of the building to existing sidewalk along West Arrowhead Road. A sidewalk will be constructed along lot frontage on Dodge Avenue.
4. Sec. 50-24. Parking. The proposed use of a portion of the building for a restaurant would require 6.5 spaces per 1,000 sq. ft. of gross floor area. The restaurant space inclusive of the outdoor eating area would require 11 spaces. The applicant is applying the 30% public transit reduction in parking due to the proximity of a DTA bus stop. Seven parking spaces are then required and have been provided for the restaurant use. The additional tenant space in the building is for office use and requires 2.5 spaces per 1,000 sq. ft. of gross floor area. The office space is shown on the site plan as 2,116 sq. ft. and would require 6 spaces. The site plan depicts 17 parking spaces.
5. Sec. 50-25. Landscaping. The site is 16,500 sq. ft. in size and therefore requires street frontage landscaping. The site plan depicts the correct number of trees and shrubs required per street frontage along Dodge Avenue and West Arrowhead Road. The adjacent property to the north is residential with a single family home. There is a 6 foot tall privacy fence shown on the site plan along the north property line for screening between land uses. The UDC also

requires three small shrubs per 25 feet of boundary lot line be installed in front of the fence facing the house. The applicant will need to submit a revised landscape plan showing the required shrubs along the proposed fence line to the north. The parcel is over 10,000 square feet in size and does require a tree inventory. The applicant has completed a tree inventory which includes 3 special trees exceeding 20 inches in diameter. The applicant is proposing to remove all of the trees onsite with the exception of 3 trees within the right of way along Dodge Avenue. Removal of special tree species 20 inches diameter at breast height (DBH) or greater is prohibited unless the land use supervisor (LUS) determines that the location of the trees are preventing development or redevelopment that cannot be physically designed to protect the trees. The LUS has determined that the site can't be developed in a manner to protect the existing trees. The applicant has completed a tree replacement plan. The City Forester has reviewed the tree inventory/replacement plan and has stated that it meets the tree replacement requirements. The site plan shows replacement tree locations as required.

- 6. Sec. 50-26. Screening. The applicant is proposing a dumpster enclosure on the north end of the site. The applicant will need to provide dumpster enclosure and any roof top mechanical detail on a revised site plan meeting the UDC requirements.
- 7. Sec. 50-27. Signs. The site plan shown a sign on the southern property line adjacent to the sidewalk along Arrowhead Road. Sign permits are a separate action and will require the submittal of a sign permit application for review and approval.
- 8. Sec. 50-28. Storm Water and Erosion. The applicant will need to submit a storm water plan for review and approval. A building permit for this project will not be approved by City Engineering unless the storm water plans are approved.
- 9. Sec. 50-29. Sustainability. Does not apply because the building is less than 10,000 sq. ft.
- 10. Sec. 50-30. Building Design. Does not apply because the building is less than 10,000 sq. ft.
- 11. Sec. 50-31. Exterior Lighting. Staff recommends a photometric plan and light fixture cut sheets be provided at time of building permit application.
- 12. The City Engineering Department had the following comments: Applicant to provide engineering with documentation regarding sight distances at Dodge and Arrowhead with their proposed landscaping; Add sidewalk on Dodge; There's a Mill & Overlay project planned for 2022 summer that may impact construction at this location; Be sure to get a driveway permit from Engineering. The storm water engineer has not received a storm water plan to review.
- 13. The City Forester stated that the street trees (sugar maple) aren't the hardiest tree around Duluth so normal construction work without adequate protection around them will cause a significant decline in those trees. The Forester would like to see a more detailed replacement plan; the estimation of a tree with a mature canopy of 60-75' growing from a space the size of a single parking space seems a bit optimistic around here.
- 14. Staff received one email (see attached) regarding the proposed development. Additional comments received will be forwarded to the Planning Commission.
- 15. Approved special use permits shall lapse if the project or activity authorized by the permit or variance is not begun within one year of the permit date. The building official may extend this period one time for a period of up to one year if the property owner presents a written request showing the reasons for the delay was outside the owner's control.

Staff Recommendation:

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

- 1) Applicant shall submit a lighting plan with photometric plan that fully conforms to the requirements of the UDC.
- 2) Applicant shall submit dumpster enclosure and roof top mechanical screening plans that fully conform to the requirements of the UDC.
- 3) Applicant shall submit a storm water management plan for approval by City Engineering prior to the issuance of a building permit.
- 4) The applicant shall submit a revised landscape plan showing the required shrubs along the proposed northern fence line.
- 5) Prior to issuance of building permit, Applicant shall submit a financial security in the form of a cash escrow or Letter of Credit in the amount of 100% of the installed value of the landscaping to insure survivability of all required landscaping for at least one year after installation.
- 6) The project be limited, constructed, and maintained consistent with plans titled "Commercial Building" by Arola Architecture Studios, LLC
- 7) 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.



1303 West Arrowhead Road



Legend
 Zoning Boundaries

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



[REDACTED]

Sent: Friday, March 25, 2022 6:05 PM

To: planning <planning@DuluthMN.gov>

Subject: Re: special use permit 22-040

To Whom it May Concern at the Planning Comission:

Please reconsider placing a commercial building/restaurant at 1303 Arrowhead Road.

There is already a lack of safety making a left turn onto Dodge Ave from W Arrowhead Rd as well as making a turn from Dodge Ave onto Arrowhead Road in either direction. Traffic and pedestrian safety as well as the traffic back up from the Arrowhead and Kenwood intersection makes the intersection dangerous now. Especially as the sidewalk in front of the proposed restaurant is bus access sidewalk. It will make getting to public transit less safe if cars are turning left trying to beat oncoming traffic into the commercial building. Part of the draw of living on Woodrich Circle for my aging parents was the walk ability of the neighborhood which is already significantly impacted.

Mixed use neighborhoods should have more of a buffer between restaurant traffic and lights than the small area between the houses on Dodge and the proposed spot on Arrowhead.

There are noise, traffic, light pollution and safety issues with adding more and more non-residential businesses to this area before the expansion of the Kenwood shopping center is even complete.

Woodrich Circle was a quiet residential neighborhood with shopping close by. The mixed use of tearing down multiple homes and continuing to tear down more makes this area more commercial than residential.

As my parents are residents on Woodrich Circle I have taken their input as well as added my own concerns to this email.

Lorene Schwab

Donna and Tom Frisk



Planning & Development Division
 Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 22-045	Contact	John Kelley, jkelly@duluthmn.gov	
Type	HE-O Planning Review	Planning Commission Date		April 12, 2022
Deadline for Action	Application Date	March 14, 2022	60 Days	June 13, 2022
	Date Extension Letter Mailed	March 16, 2022	120 Days	July 12, 2022
Location of Subject	1303 West Arrowhead Road			
Applicant	1303, LLC	Contact	Alex Bushey	
Agent	Arola Architecture	Contact	Ryan Arola	
Legal Description	010-1560-02210			
Site Visit Date	April 1, 2022	Sign Notice Date		March 29, 2022
Neighbor Letter Date	March 21, 2022	Number of Letters Sent		29

Proposal

Applicant proposes to construct a 3,500 sq. ft. office/restaurant building and outdoor dining area in the Higher Education Overlay (HE-O) with associated parking, landscaping, lighting, and connectivity located to adjacent to Arrowhead Road and Dodge Avenue.

Recommendation

Staff recommends approval, subject to conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Residential	Urban Residential
North	R-1	Residential	Urban Residential
South	MU-N	Commercial	Neighborhood Mixed Use
East	R-1	Residential	Traditional Neighborhood
West	MU-N	Commercial/Office	Urban Residential

Summary of Code Requirements

50-18.5 Higher Education Overlay – Planning review by the Planning Commission is required for most development or redevelopment in areas zoned R-2 or MU-N.

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

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

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

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

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

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

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

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

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

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

Governing Principle #1 – Reuse previously developed lands.

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

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

HE-O: The purpose of the overlay is to minimize the impacts of potential student use on adjacent residential neighborhoods and to encourage the development of pedestrian friendly neighborhood destinations near the UMD (University of Minnesota-Duluth) and St. Scholastica campuses.

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

History: Site was zoned R-2 prior to 2018 (PL 18-068) when it was rezoned to MU-N.

Review and Discussion Items:

Staff finds that:

- 1) 50-18.5 (Higher Education Overlay Planning Review) – The applicant is proposing to construct an approximate 3,500 square foot commercial/office building along West Arrowhead Road and Dodge Avenue. The property is zoned Mixed Use Neighborhood (MU-N) but is within the Higher Education Overlay (HE-O) district, which requires a planning review by the planning commission. This overlay district has additional development standards to the underlying zoning requirements.
- 2) 50-18.5.C (HE-O Development Standards) – This is a commercial development, which according to the HE-O is required to be concentrated on a major road. The building is located adjacent to Arrowhead Road, which is a major road; while Dodge Street is used for ingress and egress, this is necessary for traffic safety, and traffic for this development will not significantly impact neighborhood streets. The HE-O requires primary buildings be constructed to a build-to zone of five feet to 20 feet along a primary street such as West Arrowhead Road. The proposed building meets the 20 foot required build-to zone.

The site plan shows a sidewalk connection along the south end of building to the existing sidewalks along West Arrowhead Road. The Engineering Department is requiring sidewalk along the east property line along Dodge Avenue. The site plan depicts the required sidewalk.

- 3) The City Engineering Department had the following comments: Applicant to provide engineering with documentation regarding sight distances at Dodge and Arrowhead with their proposed landscaping; Add sidewalk on Dodge; There's a Mill & Overlay project planned for 2022 summer that may impact construction at this location; Be sure to get a driveway permit from Engineering.
- 4) The City Forester stated that the street trees (sugar maple) aren't the hardiest tree around Duluth so normal construction work without adequate protection around them will cause a significant decline in those trees. The Forester would like to see a more detailed replacement plan; the estimation of a tree with a mature canopy of 60-75' growing from a space the size of a single parking space seems a bit optimistic around here. The storm water engineer has not received a storm water plan to review.
- 5) Staff received one email (see attached) regarding the proposed development. Additional comments received will be forwarded to the Planning Commission.
- 6) Per UDC 50-37.1.N, an approved Planning Review will expire if the project or activity authorized is not begun within one year, which may be extended for one additional year at the discretion of the Land Use Supervisor.

Staff Recommendation

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

- 1) The project be limited to, constructed, and maintained according to the construction and building plans submitted with this application titled "Commercial Building" by Arola Architecture Studios, LLC.
- 2) Prior to issuance of building permit, Applicant shall submit a financial security in the form of a cash escrow or Letter of Credit in the amount of 100% of the installed value of the landscaping to insure survivability of all required landscaping for at least one year after installation.
- 3) Applicant shall submit a tree inventory/replacement plan prior to the issuance of a building permit.
- 4) Applicant shall submit storm water management plans prior to issuance of building permit.
- 5) The final lighting plan shall be submitted and reviewed for approval in advance of building permit submittal, and shall be approved by the LUS.
- 6) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of UDC Chapter 50.
- 7) Per UDC 50-37.1.N, an approved Planning Review will expire if the project or activity authorized is not begun within one year, which may be extended for one additional year at the discretion of the Land Use Supervisor.



1303 West Arrowhead Road



Legend
 Zoning Boundaries

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

Aerial photography flown 2016

Scale: 0, 20, 40, 80, 120 Feet

Page 100 of 119

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

[REDACTED]

Sent: Friday, March 25, 2022 6:05 PM

To: planning <planning@DuluthMN.gov>

Subject: Re: special use permit 22-040

To Whom it May Concern at the Planning Comission:

Please reconsider placing a commercial building/restaurant at 1303 Arrowhead Road.

There is already a lack of safety making a left turn onto Dodge Ave from W Arrowhead Rd as well as making a turn from Dodge Ave onto Arrowhead Road in either direction. Traffic and pedestrian safety as well as the traffic back up from the Arrowhead and Kenwood intersection makes the intersection dangerous now. Especially as the sidewalk in front of the proposed restaurant is bus access sidewalk. It will make getting to public transit less safe if cars are turning left trying to beat oncoming traffic into the commercial building. Part of the draw of living on Woodrich Circle for my aging parents was the walk ability of the neighborhood which is already significantly impacted.

Mixed use neighborhoods should have more of a buffer between restaurant traffic and lights than the small area between the houses on Dodge and the proposed spot on Arrowhead.

There are noise, traffic, light pollution and safety issues with adding more and more non-residential businesses to this area before the expansion of the Kenwood shopping center is even complete.

Woodrich Circle was a quiet residential neighborhood with shopping close by. The mixed use of tearing down multiple homes and continuing to tear down more makes this area more commercial than residential.

As my parents are residents on Woodrich Circle I have taken their input as well as added my own concerns to this email.

Lorene Schwab

Donna and Tom Frisk



Planning & Development Division
 Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 22-042	Contact	Kyle Deming	
Type	Special Use Permit for Cottage Home Park	Planning Commission Date	April 12, 2022	
Deadline for Action	Application Date	March 9, 2022	60 Days	May 8, 2022
	Date Extension Letter Mailed	April 5, 2022	120 Days	July 7, 2022
Location of Subject	West of 71 st Ave. W. between Raleigh Street and Redruth Street (Fairmount neighborhood)			
Applicant	HRA Duluth	Contact	Jacob Morgan	
Agent	Jill Keppers	Contact	HRA Duluth	
Legal Description	All of Blocks 13 and 14, Carlton Place Addition (PID: 010-0370-01170, -01390, -01380, -01350, -01330)			
Site Visit Date	April 1, 2022	Sign Notice Date	March 29, 2022	
Neighbor Letter Date	March 23, 2022	Number of Letters Sent	25	

Proposal

The applicant is requesting special use permit for a cottage home park development with 18 dwellings connected to two 13 vehicle parking lots via an interconnected sidewalk system through common open space.

Staff Recommendation: Approve with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1/R-2	Vacant	Traditional Residential/Urban Residential
North	R-1/R-2	Vacant	Traditional Residential/Urban Residential
South	R-1/ R-2	Dwellings	Traditional Residential/Urban Residential
East	R-1	Dwellings	Traditional Residential
West	R-2	Vacant	Urban Residential

Summary of Code Requirements

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

UDC Section 50-20.1.G Cottage Home Park, standards paraphrased here:

1. All dwelling units within a cottage home park shall be subject to setback, height, off-street parking, and other regulations appropriate for one-family dwellings in the applicable zone district.
2. Dwelling units shall meet the minimum lot area and lot frontage requirement for multi-family, townhome, or

two-family developments of the applicable zone district that the home park is located, whichever is smaller or least;

3. Dwelling units shall face the front lot line, unless the site layout provides for porch/deck on units to face other primary entrance points within the site.
4. Cottage housing developments shall provide common open space or an amenity area which is centrally located, equally accessible from, and at the disposition of all dwelling units.
5. Sidewalks or multi-use paths must be provided to ensure pedestrian access from each individual dwelling unit to the front property line or public street.
6. Approval of a cottage home park does not negate to the need for subdivision review and approval, if applicable.
7. Cottage home parks must provide separate sewer and water services for each dwelling unit as required by the city engineer.

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

Governing Principle #2 – Declare the necessity and secure the future of undeveloped places. The project will create a community open space with amenities to be used by residents of the development and managed by the HRA, who will retain ownership.

Governing Principle #5 – Promote reinvestment in neighborhoods. The project will create a small neighborhood enclave that surrounds a community open space with amenities in the center of the city.

Governing Principle #10 – Take actions that enhance the environment, economic, and social well-being of the community. This project will result in a neighborhood of very small dwellings that consume a small quantity of resources in their creation and operation and are sited to reduce the amount of disturbance to the natural environment.

Governing Principle #12 – Create efficiencies in delivery of public services. The project will connect to existing streets and infrastructure. The site in a part of the city where all government services are present.

Housing Policy #1 – Increase density in and around Core Investment Areas (CIA). Spirit Valley is a CIA.

Strategy #1 – Promote infill development with a mix of densities appropriate to the context of the surrounding neighborhood.

Strategy #4 – Focus on creative housing options of a non-traditional neighborhood design. This project is on a vacant lot in an existing neighborhood and is a creative design with the tiny homes.

Housing Policy #2 – Provide affordable, attainable housing opportunities

Strategy #5 – Foster opportunities for creative housing types, including tiny homes. This project will create tiny homes that are 400-750 sq. ft. to be owned by HRA and rented at various rates of affordability.

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. Parks and open space areas are scattered through or adjacent to the neighborhood.

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.

Review and Discussion Items

Staff finds:

- 1) Applicant is requesting a special use permit for a cottage home park containing 18 dwelling units consisting of 400-700 sq. ft., 1- or 2-level homes, and related parking and open space. The proposed development is situated on a 2.5-acre parcel located west of 71st Ave. W. between Raleigh St. and Redruth St.
- 2) The property will be retained by the applicant who will manage all of the property including the two parking lots,

interconnecting sidewalks, and storm water treatment. Water and sewer pipes will be a combination of City main extensions and private systems to be owned by the applicant. An exhibit depicting all public and private underground utilities will be filed in advance of construction.

- 3) Running from northwest to southeast is a 5-10-foot-deep ravine with an informal drainage flowing through it. The site plan has been created avoiding impacts to this drainage and utilizing the ravine as part of the community open space.
- 4) Sec. 50-18.1.B (Wetlands). When conditions permit, the applicant will have a wetland delineation prepared and will file the delineation with the City for approval. The applicant will then need to consider adjustments to the site to meet wetland permitting regulations. However, in staff's experience it is likely wetlands are limited to the ravine area where no development is being shown and, therefore, staff feels proceeding with the special use permit review is prudent.
- 5) Sec. 50-18.1.D (Shoreland). There are no shoreland impacts to this site.
- 6) Sec. 50-18.1.E (Storm Water Management and Erosion Control). The applicant's site plan shows locations for construction of privately-owned storm water treatment facilities pending permitting with the City's Engineering office. City Engineering will also review permit applications for erosion control and grading of the site.
- 7) 50-20.1.G (Use Specific Standards) Cottage Home Park (see Summary of Code Requirements above).
- 8) Development Standards. Dwelling units shown on the site plan comply with setbacks and heights required by the R-1 zoning, off-street parking minimums, and other development standards.
- 9) Minimum Lot Area and Lot Frontage. The 2.5-acre lot meets minimum lot area and frontage requirements.
- 10) Principal Entrance. The site plan shows compliance with porches facing a common open space.
- 11) Common Open Space or Amenity Area. The site plan shows common open space with sidewalks and pathways that are accessible from all dwellings.
- 12) Connectivity and Access. The site plan shows sidewalks that connect the individual dwelling units to one another and to the parking lots. The developer will also add sidewalks along 71st Ave. W. and Redruth St. for connectivity between the internal sidewalks and the existing neighborhood's sidewalks.
- 13) Subdivision. The applicant has stated that they will either retain the property and rent individual dwellings or they will form a Common Interest Community plat to allow for ownership of individual dwelling units. A homeowners' association would manage the remainder of the land, including community open space, amenities, sidewalks, driveway and parking, and storm water treatment.
- 14) Utility Connections. The site is crossed by a 40-foot-wide sewer easement containing a large sewer pipe. The applicant is showing a single public sewer main connecting to it, but the applicant will need to dedicate additional easements for the public water and sewer mains prior to construction of dwelling units. Connecting to the public mains are private mains that lead to groups of dwelling units which are served by individual services.
- 15) Sec. 50-23 (Connectivity and Circulation). The project shows sidewalks that connect the dwellings to the parking lots as well as new sidewalks to be constructed in 71st Ave. W. and Redruth St.
- 16) 50-24 (Parking and Loading). The site plan shows two 13-stall parking lots, providing space for residents and visitors.
- 17) Sec. 50-25 (Tree Preservation). The applicant has initiated a tree inventory and will be required to replace 20-60% of the trunk diameter inches of trees removed, depending on the size and quality of trees. The tree inventory and replacement plan will need to be approved by the Land Use Supervisor before granting of land-disturbing permit.
- 18) Sec. 50-25 (Landscaping) Parking lot buffer landscape screening and street frontage landscaping details will need to be provided before building permit application for the first building.
- 19) 50-26 (Screening, Walls and Fences). The site plans shows a trash enclosure in each of the parking lots. Details of their size and materials will need to be provided at time of the building permit for the first dwelling unit.
- 20) Sec. 50-29 (Sustainability Standards). Not applicable.
- 21) Sec. 50-30 (Building Design Standards). Not applicable.
- 22) UDC Sec. 50-31 (Exterior Lighting). Details about parking lot lights as well as general site lighting have not been provided. Staff can evaluate these details for compliance with UDC standards at time of building permit application.
- 23) No citizen comments were received at the time that this report was written.
- 24) Approved special use permits shall lapse if the project or activity authorized by the permit or variance is not

begun within one year of the permit date. The building official may extend this period one time for a period of up to one year if the property owner presents a written request showing the reasons for the delay was outside the owner's control.

Staff Recommendation:

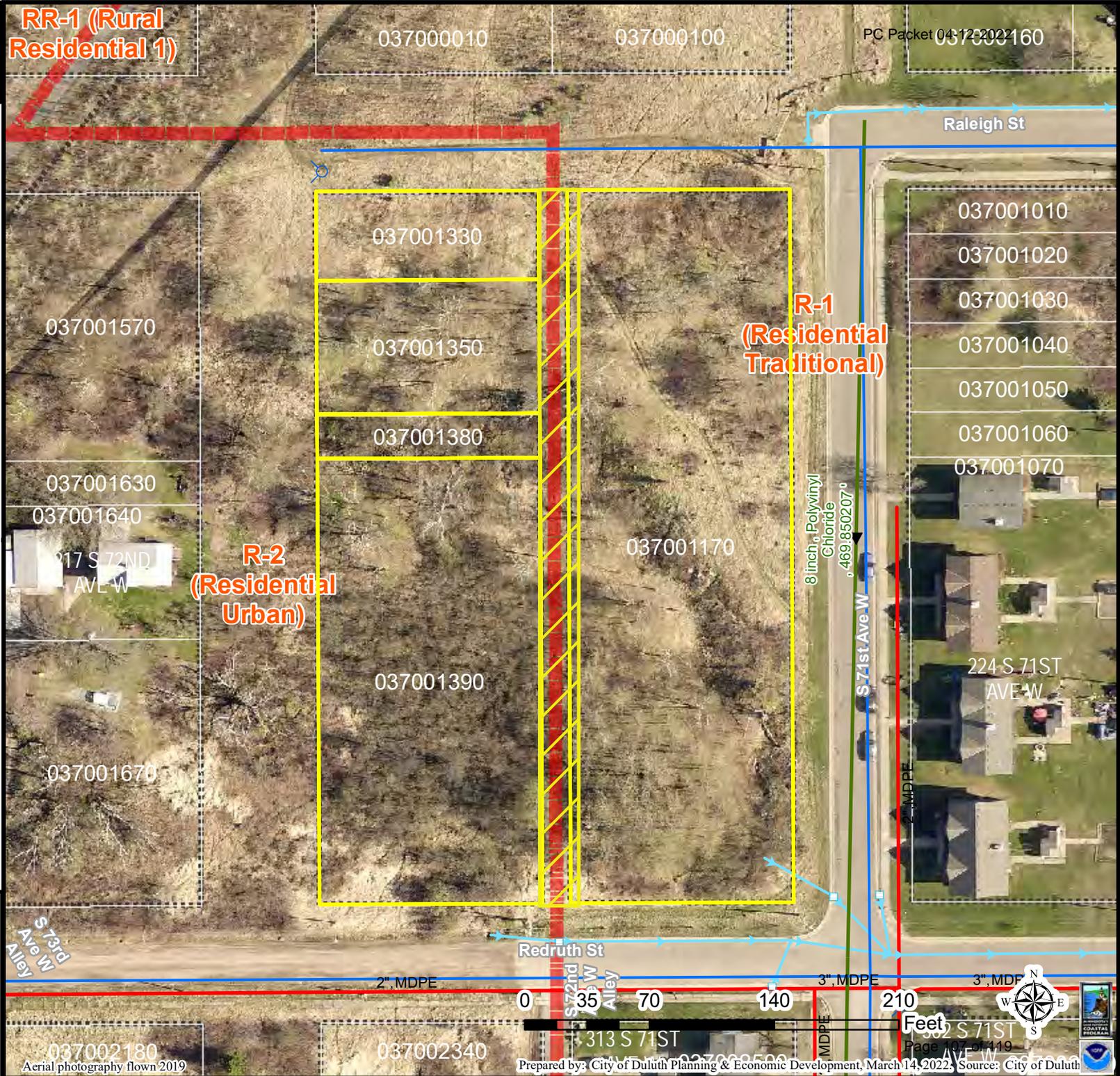
Based on the above findings, Staff recommends that Planning Commission approve the special use permit subject to the following conditions:

- 1) The proposal is limited to "Site Concept Plan, Fairmount Cottage Village" dated 3/2/2022 by LHB.
- 2) Before applying for land-disturbing activities, the applicant shall provide an approved wetland delineation.
- 3) Before applying for land-disturbing activities, the applicant shall obtain from the Land Use Supervisor approval of a tree replacement plan and landscape plan.
- 4) Before approval of the building permit for the first dwelling unit, the applicant provide construction details for the trash and recycling containers, street frontage and parking lot landscaping, as well as site lighting.
- 5) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



Legend

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



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

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

03/08/2022

City of Duluth, Minnesota
Planning and Development Division
411 W 1st St., Room 160
Duluth, MN 55802

The Housing and Redevelopment Authority of Duluth, Minnesota, seeks a special use permit to develop and build an 18-unit cottage home village in the Fairmount neighborhood of Duluth. The cottage village will provide 18 brand new, single family homes of which the HRA will maintain ownership and rent at various levels of affordability. The City of Duluth has identified a need for affordable, new housing in Duluth, and this project will help to address that need in the community.

Additionally, a street vacation exhibit will be submitted concurrently with this special use permit application in order to allow for consolidation of the four parcels into a single parcel for construction.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jacob Morgan".

Jacob Morgan
HRA of Duluth
Director of Real Estate and Rehabilitation



03/08/2022

HRA Statement About Cottage Village and 12 Guiding Principles, Future Land Use Designation, and Community Benefit

The HRA's proposed cottage village development will address a number of needs identified in the City's comprehensive plan.

First, while the cottage village development will, by its nature, develop previously undeveloped parcels (comprehensive plan Governing Principle # 2), it will also leave ample green space among and between the individual homes, securing the majority of the parcels to be developed as park space.

Second, the cottage village development will strengthen the neighborhood (Principle #5) in which it will sit. The strong sense of community that will be inevitably be developed in the semi-circular development with shared green space in the middle will create a greater sense of community in the neighborhood as a whole.

Third, the cottage village development will have sidewalks and paths connecting each unit with the others, in addition to the greenspace in the middle of the units. This intentional connectivity addresses comprehensive plan Governing Principle #7.

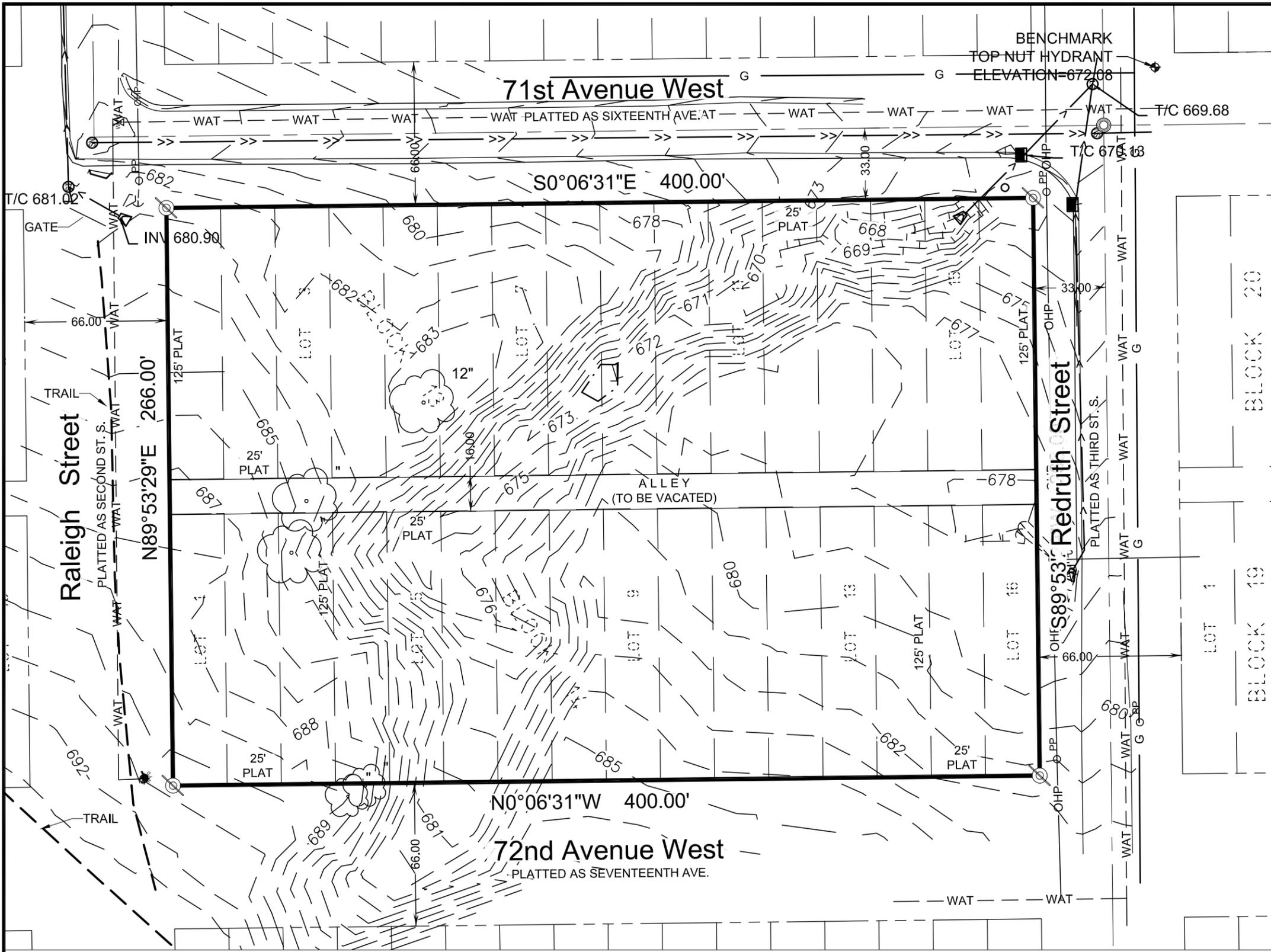
Fourth, the cottage village development will further diversify the mix of uses and density in the Fairmount neighborhood (Guiding Principle #8). The cottage home development will be unique to the neighborhood, and will allow for increased density without a traditional apartment building or other form of multi-family dwelling. The density of the neighborhood will be increased while also allowing the tenants in the homes to feel that they have their own space, both indoors and out.

Fifth, the City identified the need to support private actions that contribute to the public realm (Guiding Principle #9). Supporting the development of the cottage village would, as stated above, be an investment in a neighborhood that has traditionally been lacking in investment, both public and private, thereby improving the neighborhood as a whole.

Finally, there exists utility infrastructure for the neighborhood that the cottage village development would tie into. Hooking up 18 homes from one site to the existing utility infrastructure will increase the efficiency of the use of the existing utilities (Guiding Principle #12) by increasing the neighborhood density.

Additionally, the proposed development will not have a negative impact on the community. Much of the housing surrounding the Cottage Village site is owned and rented by the HRA. Therefore, the community of renters will be strengthened by the addition of the Cottage Village units. The look and feel of the neighborhood will not change drastically, and the community green space and trail connections will provide a gathering area and access for those living in the Cottage Village as well as other renters in the neighborhood. While the trail connection locations are subject to change based on the results of the forthcoming wetland delineation, there will be connections that allow for access to the DWP trail to the northeast of the site.

The units themselves will also be designed to benefit the community. First, as illustrated in the attached renderings, the units will all have front porches that face in toward the community greenspace. Although the drainage ravine running through the middle of the site will prevent all units from having a sight line to all other units in the development, the front porches will allow for community and neighborhood building on the site. Additionally, all units will have attached sheds, as illustrated on the building renderings as well as the site plan itself (the small squares at the back of each unit). This will allow the development to remain cleaner and tidier as residents will have ample storage space for bicycles, lawn furniture, etc., and allowing residents more living space within their units, all while making efficient use of the land space by avoiding the need for detached storage buildings.



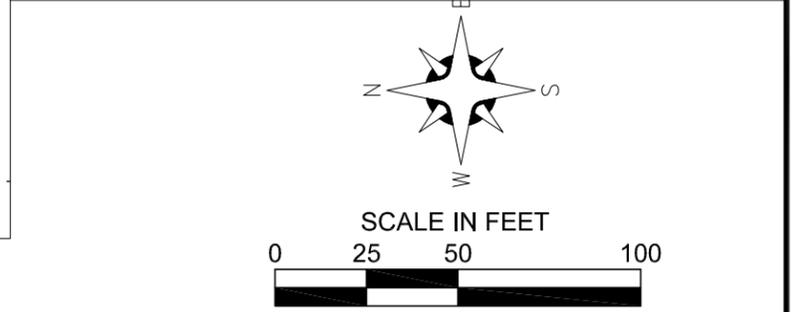
LEGEND

- FOUND IRON SURVEY MARKER - TEE
- FOUND IRON PIPE
- FOUND IRON ROD
- SET IRON ROD - MN. LIC. NO. XXXXX

- PROPERTY LINE
- LOT LINE
- RIGHT OF WAY LINE
- CENTER LINE

- CONCRETE
- BITUMINOUS

- BUILDING LINE PER PLAT
- EASEMENT PER PLAT
- SANITARY SEWER - MANHOLE
- STORM SEWER - MANHOLE, CATCH BASIN
- WATER MAIN
- GAS MAIN
- OVER HEAD POWER



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

FIELD BOOK
 P181 Date: 03/07/2022
 Drawing name: P:\Hermantown\Office\Projects\TKDA\15513 Land Surveys\Dir\Inc\Small Home Dev\Boundary.dwg
 Xrefs:

NO.	DATE	BY	DESCRIPTION OF REVISIONS

DESIGNED	DRAWN
JL	JK
CHECKED	
JG	

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

DANIEL W. SKINNER
 DATE 03/07/2022 MN. LIC. NO. 40827

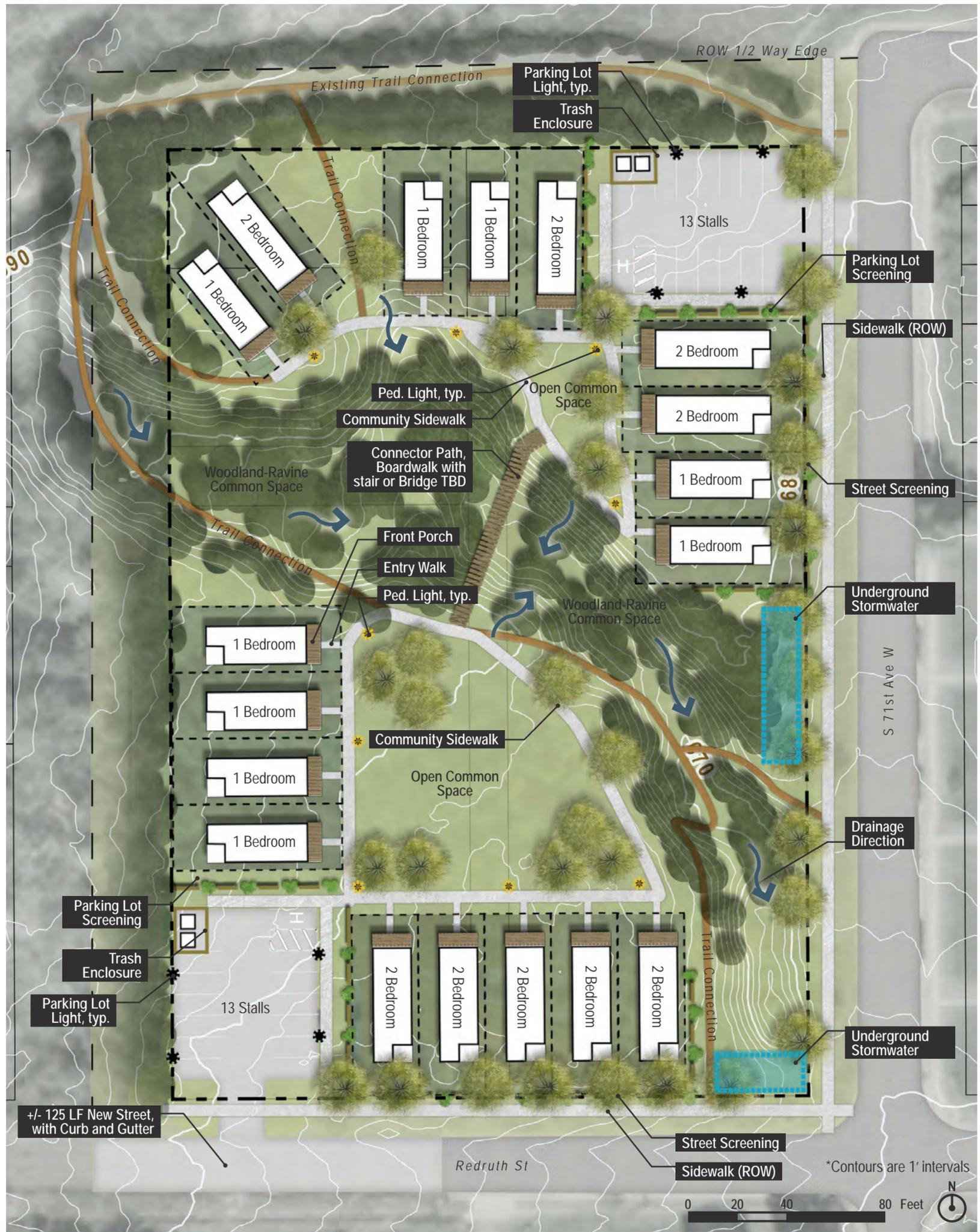


11 East Superior Street
 Suite 420
 Duluth, MN. 55802
 218.724.8578
 tkda.com

TOPOGRAPHIC SURVEY FOR:
 DIRT, INC.
 ST LOUIS COUNTY MINNESOTA

CERTIFICATE OF SURVEY
 in
 CARLTON PLACE ADDITION

PROJECT NO.	18451.000
RECORD NO.	Page 111 of 119
SHEET NO.	1



COMMUNITY FEATURES

- Focus frontages on Cottage Village Community, with two village nodes.
- 18 units. Mix of 16' x 42' 1 bedroom units (624 sf) and 16' x 48' 2 bedroom units (720 sf).
- Two parking areas, each with 13 stalls; one stall for each unit and 3 visitor stalls, and space for a trash enclosure. Assume curb and gutter for storm connection, and screening on street frontage.
- Interior community sidewalks to connect units to parking, community amenities, and each other.
- Screening to be provided along the units adjacent to the parking lot and roads, with a combination of fence panels, trees, and large shrubs.
- Centralized common space, both 28,000 sf woodland ravine(site specific), and 17,000 sf traditional 'flat' open space.
- Create additional connector trails, to access the woodland ravine common space, and to connect into the nearby City and Regional Trails.
- Stormwater management to be developed within the common space, special attention to work with the current drainage patterns in the ravine.

INDIVIDUAL LOT FEATURES

- Front yard facing common spaces, with front porch, entry walk and a front yard garden buffer or low transparent fence (3' ht) creating a semi-private space.
- Side and rear yards to be a private space, with a hedge or fence (6' max. ht) along the side yard.
- 1-2 trees per lot, dependent on trees to remain and if the unit is along the developed street frontage or the forested edge.

RIGHT OF WAY IMPROVEMENTS

- A paving extension of Redruth St will be required. per City Engineering (approx 125 LF), including hammerhead turn-around extension for safety vehicles.
- New sidewalks along street frontages will be required, per UDC.

PROPOSED DIMENSIONAL STANDARDS

Lot Standards	
Minimum Lot Area Per Family	1,750 SF*
Minimum Lot Frontage	25 ft.
Minimum Common (community?) Area Per Family	2,250 SF*
Structure Setbacks	
Minimum Depth of Front Yard	15 ft.
Minimum Width of Side Yard	Combined width of side yards must be at least 12 ft., with no side yard less than 3 ft. wide
Minimum Depth of Rear Yard	15 ft.
Structure Height	
Maximum Height of Building	30 ft.

* Small lot size offset by an outdoor common space min. of 2,250SF/family (The thought is that 1,750 SF + 2,250 sf = 4000 SF; With 4,000 SF is the existing Min lot size for a R-1 district)





Fairmount Cottage Village Development









*Pictured are artistic renderings only. Actual structure will have a 12" heel truss which will make the roof taller above the walls giving the roof a more substantial look.







2 bedroom, 1 bathroom, 16' x 48' (including attached 6' x 8' shed) Total sq ft: 720



1 bedroom, 1 bathroom, 16' x 42' (including attached 6' x 8' shed) Total sq ft: 624