



City of Duluth

Meeting Agenda

Planning Commission.

Council Chambers

Tuesday, August 9, 2022

5:00 PM

Council Chambers

CALL TO ORDER AND ROLL CALL

APPROVAL OF PLANNING COMMISSION MINUTES

[PL 22-0712](#) Minutes 7/12/22

Attachments: [07-12-2022 PC Minutes \(not approved yet\)](#)

PUBLIC COMMENT ON ITEMS NOT ON AGENDA

CONSENT AGENDA

[PL 22-036](#) Interim Use Permit for a Vacation Dwelling Unit at 619 W Skyline Parkway by Dawn M. Holmberg

Attachments: [PL 22-036 Staff report and attachments](#)

[PL 22-078](#) Interim Use Permit for a Vacation Dwelling Unit at 612 N 58th Avenue W by Antonio Valdovinos

Attachments: [PL 22-078 Staff Report and Attachments](#)

[PL 22-100](#) Variance to Parking Maximum at 3815 Prosperity Rd by American Precision Avionics

Attachments: [PL22-100 Staff Report and Attachments](#)

[PL 22-113](#) Minor Subdivision at 140 W Mankato Street by Alex Bruckelmyer

Attachments: [PL22-113 Staff Report and Attachments](#)

[PL 22-115](#) Vacation of Sunrise Parkway, a Portion of Daybreak Overlook, and Portions of Two Alleys at 1225 Harbor Highlands Drive by Duluth Housing and Redevelopment Authority

Attachments: [PL22-115 Staff Report and Attachment](#)

[PL 22-118](#) Vacation of Platted Cherry Street, an Unnamed Platted Right of Way, and a Platted Alley at 3401 Grand Avenue by Brent Dahlstrom

Attachments: [PL 22-118 Staff report and attachments](#)

[PL 22-122](#) Planning Review for Parking Lot Expansion at 916 E 3rd Street by Jefferson School, LLC

Attachments: [PL22-122 Staff Report and Attachments](#)

PUBLIC HEARINGS

[PL 22-114](#) UDC Map Amendment for Changes to R-P District at 1225 Harbor Highlands Drive by Duluth Housing and Redevelopment Authority

Attachments: [PL22-114 Staff Report and Attachments](#)

[PL 22-119](#) Variance to Shoreland Setback at 3401 Grand Avenue by Brent Dahlstrom

Attachments: [PL22-119 Staff Report and Attachments](#)

[PL 22-121](#) Variance to Front Building Setback at 3401 Grand Avenue by Brent Dahlstrom

Attachments: [PL22-121 Staff Report and Attachments](#)

NEW BUSINESS

Election of Officers

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

July 12, 2022 – City Hall Council Chambers
Meeting Minutes

Call to Order

President Sarah Wisdorf called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, July 12th, 2022 in the Duluth city hall council chambers.

Roll Call

Attendance:

Members Present: Jason Crawford, Gary Eckenberg, Jason Hollinday, Samuel Lobby, Margie Nelson, Michael Schraepfer, Andrea Wedul, and Sarah Wisdorf
Member Absent: Danielle Rhodes

Staff Present: Jenn Moses, John Kelley, Kyle Deming, and Cindy Stafford

Approval of Planning Commission Minutes -

Planning Commission Meeting – June 14, 2022

MOTION/Second: Nelson/Crawford approved

VOTE: (8-0)

Public Comment on Items Not on Agenda

None

(Commissioner Jason Crawford recused himself from the consent agenda items.)

Consent Agenda

PL 22-087 Minor Subdivision at Coty Street and Petre Street by Timothy Carter
PL 22-093 Interim Use Permit for a vacation dwelling at 1820 E 9th Street by ALN Properties
PL 22-094 Minor Subdivision at Buffalo Street by Bulldog Development
PL 22-103 Preliminary Plat for 12 Acres on Arrowhead Rd, West of Rice Lake Rd by Force 1, LLC

Staff: Interim Manager Jenn Moses added a condition for PL22-103 escrow for traffic conditions added before the building permit is issued.

Public: No speakers

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

VOTE: (7-0, Crawford Abstained)

Public Hearings

(The next item was moved up on the agenda.)

PL 22-086 Final Plat of 14 Acres into Kara-Mia Addition at the Southwest Corner of Palm Street and Blackman Avenue by KAMI Holdings, LLC

Staff: Kyle Deming introduced the applicant's proposal to combine parts of 14 lots in two existing plats and two acres of unplatted land into the proposed 14-acre Kara-Mia Addition consisting of two building lots and associated utility easements. Lot 1 is for an apartment building and Lot is planned to be townhomes. The applicant must enter into a development agreement addressing terms identified by city staff that is approved by the city council before the final plat is recorded. Staff has included a condition that tree removal shall not commence until the Land Use Supervisor approves the tree replacement plan and fencing is installed to protect trees during construction. Staff recommended approval with the conditions listed in the staff report.

Applicant: Present for questions. There were none.

Public: No speakers

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

VOTE: (8-0)

PL 22-108 UDC Text Amendments Related to Outdoor Living Sites, Two Family Dwellings, Accessory Heliports, Landscaping and Tree Preservation, Building Design, Lighting, and Appeals by the city of Duluth

Staff: Jenn Moses introduced the city's proposal to change several sections of the city's Unified Development Chapter (UDC). These changes codify existing Land Use Supervisor interpretations, amend wording relating to accessory heliports and appeals, and adds a new use, Interim Outdoor Living Site. An interim outdoor living site would provide short-term, temporary living, while requiring operators of sites to provide sanitation, potable water, refuse collection, and other necessities (including sharps containers).

Commissioners: Andrea Wedul asked about tenancy rights. Moses stated the outdoor living sites will run similarly as a CHUM center. This is a transient population which is not meant to be permanent housing. Moses reiterated the meaning of an interim use permit, which is temporary. Wedul asked problems arise, how are permits revoked? Per Moses, the IUP is a short time duration. Operators on site are there to address issues as they occur. This oversight will increase safety. Wedul asked how the site operator record people coming and going. Fences? Per Moses this will be addressed on a site by site basis. They are against fences and chain link fences are not allowed. Fences do not contribute to the community. Gary Eckenberg noted item #2 in the staff report as it related to parking lots and asked for an example. Per Moses, CHUM has churches. They envision a church stating their parking lot is open. Staff doesn't want parking taken away from community parking. Eckenberg noted #5 – if located adjacent to residential uses, a dense urban screen must be provided. Moses has not seen a specific potential site, but staff elected to include dense urban screening, because it was already in the code for vacation rentals. Eckenberg asked about duration. If city anticipates the IUP to be one year in length, why not list it? Moses stated it depends on the individual site. It is purposes vague to provide flexibility. The fees are intended to be waived. Eckenberg ask about #6 – operator must be onsite. Per Moses, there is meant to be some flexibility. CHUM shelters don't allow guests during the day. Each site will come up with an individual plan. Wedul asked about campgrounds for profit, and how they could ask for donations instead of paying a fee. Moses stated they are against the word encampment, because the don't want campgrounds. Moses noted zoning is just 1 piece of the puzzle. They were charged with finding a solution. There will be different sites, with different operators and different situations. Margie Nelson noted it will be up to the planning commission to vet each situation and catch people who are

out to make a profit. Nelson noted how these sites could be helpful and that some people have to sleep in their car and then go to work. Other changes to the UDC were discussed including the change to design and illumination standards for lighting. LED lighting may not exceed a correlated color temperature of 3000 Kelvin. Moses stated there have been conversation on how lighting effects migratory birds.

Public: Laura Berden of St. Louis County addressed the commission. They are aware of the homelessness situation and feels a plan is a long time coming. She noted they have worked with the police and there are grants for outreach workers to manage sites. She thanked the commissioners for their time, and noted homelessness is an issue which is growing exponentially.

Commissioners: Eckenberg stated he will be voting against the UDC Text changes. The code language regarding outdoor living sites does not seem to be organized enough to be an ordinance. Too much flexibility doesn't seem right. Wedul is concerned about the existing loopholes, and will be voting against it. Michael Schraepfer stated the intent is proper. It is a unique situation and can be refined over time. Chair Wisdorf concurred and noted there are many interpretations of interim use permits. The rules may not be 100% clear, but the intent is clear. Nelson reiterated each permit will be addressed and evaluated individually.

MOTION/Second: Wedul/Eckenberg Motion to Table – Did not Pass

VOTE: (2-6, Crawford, Hollinday, Lobby, Nelson, Schraepfer, and Wisdorf Opposed)

MOTION/Second: Schraepfer/Nelson recommended approval

VOTE: (6-2, Eckenberg and Wedul Opposed)

Old Business

(Commissioner Schraepfer recused himself from the following item.)

PL 22-077 Interim Use Permit for a Vacation Dwelling at 2835 Minnesota Avenue by Tri-Waters Property, LLC

Staff: Kyle Deming introduced the applicant's proposal to use a 1,871 square feet, 3-bedroom detached home as a vacation dwelling unit with two off-street parking spaces, for a maximum of seven occupants. The proposed vacation dwelling is located in an R-1 district and was on the vacation dwelling unit eligibility list. Staff recommends approval with the conditions listed in the staff report.

Commissioners: Eckenberg clarified there is a maximum of seven occupants, as there was a discrepancy listing eight. Deming affirmed seven is the maximum.

Applicant: Mike Kokotovich of Heirloom Properties who is the applicant's managing agent addressed the commission and noted the rules were followed properly. They previously had a long-term renter, which was allowed.

Public: No speakers.

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

VOTE: (7-0, Schraepfer Abstained)

Communications

Land Use Supervisor (LUS) Report – Interim Manager Moses gave an overview. There will be a special planning commission meeting on Tuesday, July 19th at noon. Essentia will give an update on their progress.

Heritage Preservation Commission – Chair Wisdorf wasn't able to attend, but noted they denied the Astoria Hotel item and tabled the other item.

Joint Airport Zoning Board – No update.

Duluth Midway Joint Powers Zoning Board – No update.

Adjournment

Meeting adjourned at 6:05 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 22-036	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date	August 9, 2022	
Deadline for Action	Application Date	March 7, 2022	60 Days	May 6, 2022
	Date Extension Letter Mailed	March 15, 2022	120 Days	Extension to September 3, 2022
Location of Subject	619 West Skyline Parkway			
Applicant	Dawn Holmberg	Contact		
Agent		Contact		
Legal Description	PID # 010-1350-02920			
Site Visit Date	May 27, 2022	Sign Notice Date	May 31, 2022	
Neighbor Letter Date	July 28, 2022	Number of Letters Sent	27	

Proposal

Applicant proposes to use a four-bedroom home as a vacation dwelling unit. Up to 9 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 provide a service for tourists.

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

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

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

History: This 3,000 sq ft home was built in 1894 and contains 4 bedrooms.

Review and Discussion Items:

- 1) Applicant's property is located at 619 West Skyline Parkway. The proposed vacation dwelling unit contains 4 bedrooms, which would allow for a maximum of 9 guests.
- 2) The applicant is proposing 3 off street parking spaces at the rear of the house adjacent to the garage. Access to the parking is via a shared driveway with the adjacent property to the east. The applicant has provided a copy of the recorded shared driveway easement and maintenance agreement. Access to the site and parking area will be from West Skyline Parkway.
- 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 recreation area on the southwest front exterior corner of the house that is screened by trees and shrubs along the west property line, and a deck on the southeast exterior front corner of the house that will be screened by two 6-foot tall trees. The site plan also shows an entrance to the home on the northwest rear corner of the home screened by a 6-foot tall wood privacy fence. The applicant has stated that there will be no outdoor amenities anywhere in the rear yard area. It will only be for parking. The owner of the adjacent property to the east has indicated in writing that a dense urban screen is not required between the properties. The site plan depicts a dense urban screen of mature trees and shrubs along the west property line. Staff finds this is a sufficient dense urban screening for that property line.
- 5) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed themselves to serve as the managing agent.
- 7) A time limit on this Interim Use Permit (IUP) is needed to minimize negative impacts to surrounding residential uses



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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.

- 8) Applicant must comply with Vacation Dwelling Unit Regulations, including providing information to guests on city rules and ordinances such as Parking, Parks, Pets, and Noise.
- 9) No comments from citizens, City staff, or any other entity were received regarding the application.
- 10) The permit will expire 6 years from the approval date. The permit will lapse if no activity takes place within 1 year of approval.

Staff Recommendation:

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

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



619 West Skyline Parkway



Legend
 Zoning Boundaries

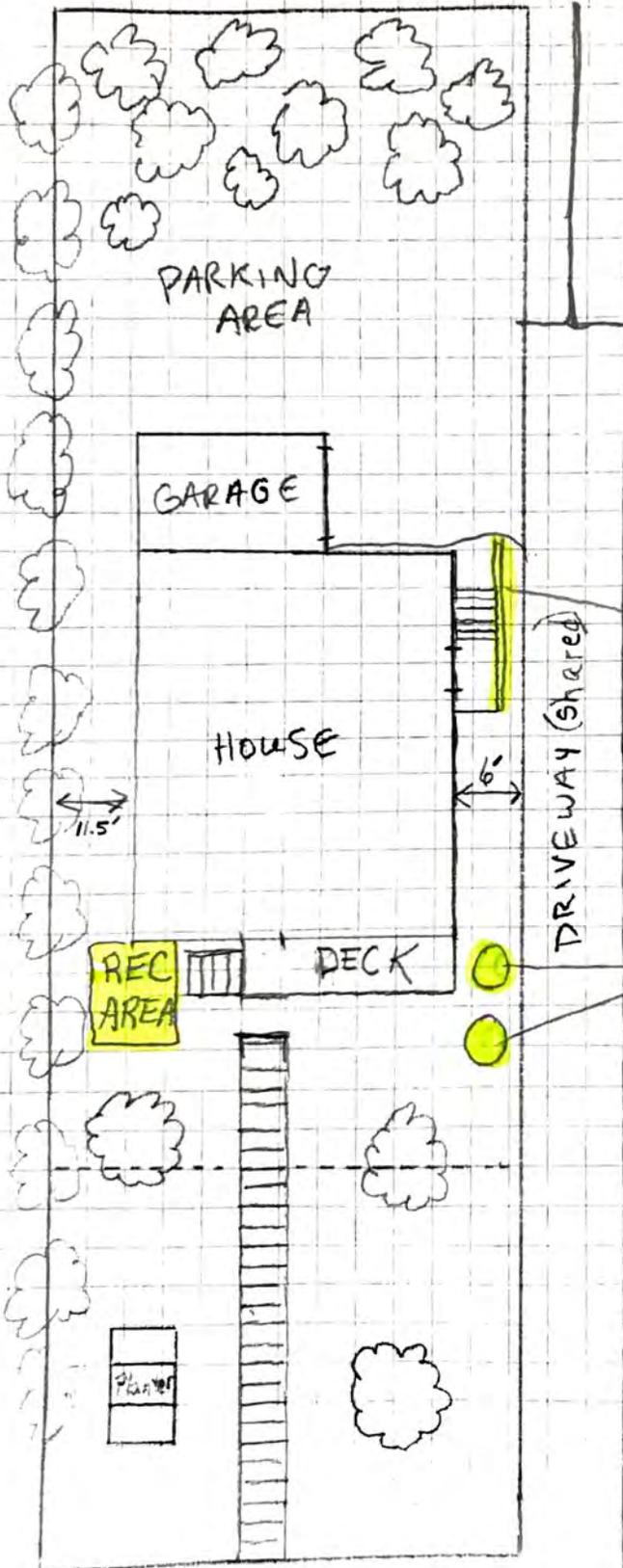
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Aerial photography flown 2016



Revised Site Plan with screening; 5/11/2022

PC Packet 08-09-2022



619 W SKYLINE
PKWY.

SITE MAP
1/4" = 4'

Lot size: 50' x 133'
6 foot ^(wood) fence for privacy

2-6 foot trees

Dawn Holmberg
dawn.holmberg@gmail.com
Page 17 of 18

Dear Planning Commissioners:

My name is Jeremy Rubin, and my wife and I have been living at 531 W. Skyline Parkway for nearly twelve years. We love our home and our neighbors.

Regarding the possibility of adding yet another vacation rental unit less than a block away from us — there is one two houses to the east of the property in question — I ask that this application be denied. A shortage of affordable family homes in Duluth has been a problem for young families for years. Taking another unit off the market for the individual gain of a single property owner at the expense of the surrounding neighbors does not make sense.

I am attaching a scanned document written by my neighbor, Ellie Davis, who lives across the street at 602 W. Skyline Parkway. She also opposes this move as she does not have access to off-street parking and has often had trouble finding a spot near her home when all available parking is taken up by visitors to the existing vacation unit.

Thank you for your consideration,

Jeremy Rubin

218-213-1405

531 W. Skyline Parkway

Duluth, MN 55806



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 22-078	Contact	Kyle Deming, kdeming@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date	August 9, 2022	
Deadline for Action	Application Date	June 13, 2022	60 Days	August 12, 2022
	Date Extension Letter Mailed	July 5, 2022	120 Days	October 11, 2022
Location of Subject	612 N. 58 th Ave. W. (Cody)			
Applicant	Antonio Valdovinos	Contact		
Agent		Contact		
Legal Description	Lot 11, Block 165, West Duluth Fifth Division (PID 010-4510-07320)			
Site Visit Date	July 5, 2022	Sign Notice Date	July 25, 2022	
Neighbor Letter Date	July 26, 2022	Number of Letters Sent	70	

Proposal

To use a 1,272 sq. ft., 3-bedroom detached home as a vacation dwelling unit with 2 off-street parking spaces, for a maximum of 7 occupants. The proposed vacation dwelling is located in an R-1 district and was on the vacation dwelling unit eligibility list.

Recommended Action: Approval, with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	Residential-Traditional (R-1)	Residential – Detached dwelling	Traditional Neighborhood
North	Residential-Traditional (R-1)	Residential – Detached dwelling	Traditional Neighborhood
South	Mixed Use-Neighborhood (MU-N)	Vacant lot	Traditional Neighborhood
East	Residential-Traditional (R-1)	Residential – Detached dwelling	Traditional Neighborhood
West	Residential-Traditional (R-1)	Residential – Detached dwelling	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. No more than 60 permits may be issued for either 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. Project is a reuse of a dwelling.
- Econ. Dev. Policy #3 - Build on Existing Economic Strengths & Competitive Advantages
S9: Encourage expansion of the city's tourism economy through efforts to expand in areas of current activity, such as in Canal Park, but also through marketing and investment in destination neighborhoods and iconic tourism experiences unique to Duluth. The proposed vacation dwelling unit expands beyond Canal Park some of the Duluth's tourism economy, possibly providing new tourism experiences.

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:

1886 Home was constructed.

Review and Discussion Items:

1. Applicant's property is 25 feet wide by 125 feet deep.
2. Proposal is a 3-bedroom vacation dwelling unit for up to 7 guests. Minimum stay duration will be 2 nights.
3. The applicant is providing two off street parking spaces (compacted gravel) off the alley meeting the minimum requirement. The lot to the south is tax forfeited (owned by the State of MN) which seems to be used by the neighborhood for parking. It is recommended that the applicant require their guest to use the required parking spaces and not park on the State land.
4. Applicant has indicated guests will not bring campers or trailers to the property.
5. The site plan shows outdoor areas that consist of a sitting area, fire pit with seating, grill, outdoor movie projector and screen, basketball hoop, and canoes/kayaks in the rear yard and a bistro table and chairs on the deck in the front yard.
6. For screening, there is an existing fence owned by the neighbor to the north side of the property. The applicant is showing no screening on the south side, but staff recommends screening be provided before release of the permit.
7. Applicant has indicated that Prestin Sokoloski (Proctor) will manage the property and that they will contact the owners of all properties within 100 feet of the subject property to provide the manager's contact information.
8. A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
9. Applicant must comply with items listed in the Vacation Dwelling Unit Worksheet and provide to guests information about City rules found on the handout provided to the applicant titled "Selected City Ordinances on Parking, Parks, Pets, and Noise."
10. No comments from a residents (attached). No other comments from City staff, or any other entity.

Staff Recommendation:

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

1. The Interim Use Permit shall not be effective until the applicant has obtained all required licenses and permits for operation and provided notice to landowners within 100 feet of the property with required contact information.
2. Applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
3. Applicant inform guests in writing of the location of permitted off-street parking and that guests may not park on the vacant lot south of the property.
4. Applicant amend the site map to show screening on the south property line and that screening be installed before release of the Interim Use Permit.
5. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.

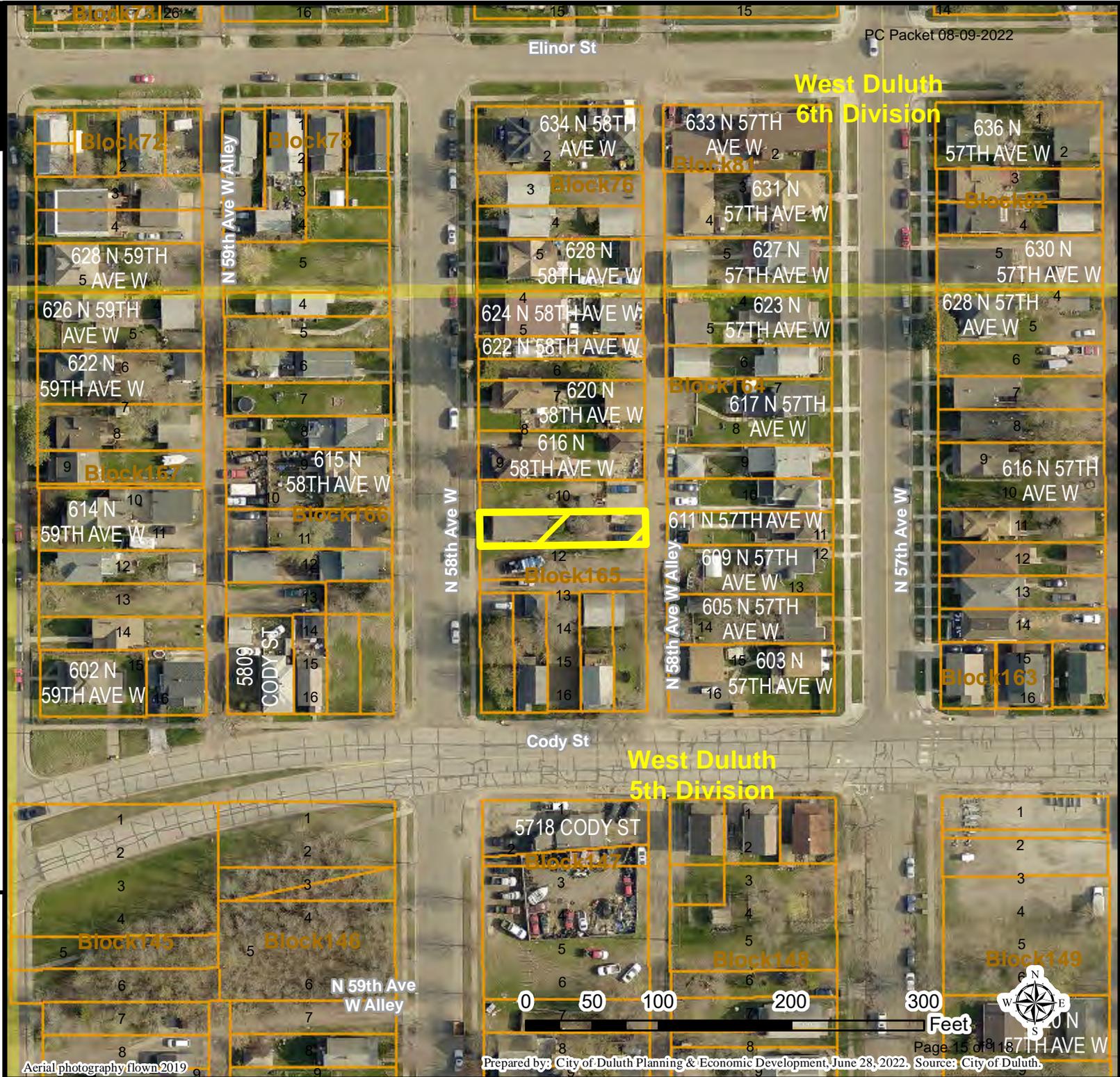


PL 22-078
 Vacation Dwelling Unit
 Interim Use Permit
 612 N. 58th Ave. W.
 Antonio Valdovinos

Legend

- Blocks
- Lots
- Parcels
- Subdivision Boundaries

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





PL 22-078
 Vacation Dwelling Unit
 Interim Use Permit
 612 N. 58th Ave. W.
 Antonio Valdivinos

West Duluth
 5th Division

616 N 58TH
 AVE W

8

9

10

12

13

14

8

9

10

11

12

13

14

15

N 58th Ave W Alley

611 N 57TH AVE W

609 N 57TH AVE W

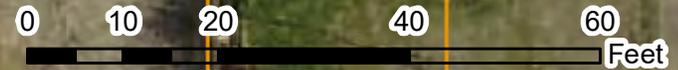
605 N 57TH AVE W

Block 165

5717 CODY ST

5715 CODY ST

5713 CODY ST



Legend

- Blocks
- Lots
- Parcels
- Subdivision Boundaries

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VALDOVINOS, ANTONIO

INTERIM: 22-078

PERMIT # (PENDING APPROVAL)

612 NORTH SBTH STREET WEST

CONTACT: TONY @ 651-786-9533

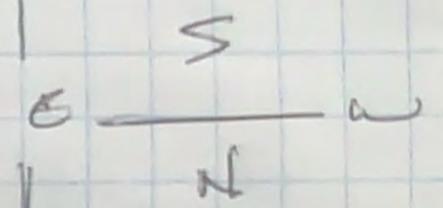
* Email: tonyvaldovinos23@yahoo.com

UNKNOWN

125'

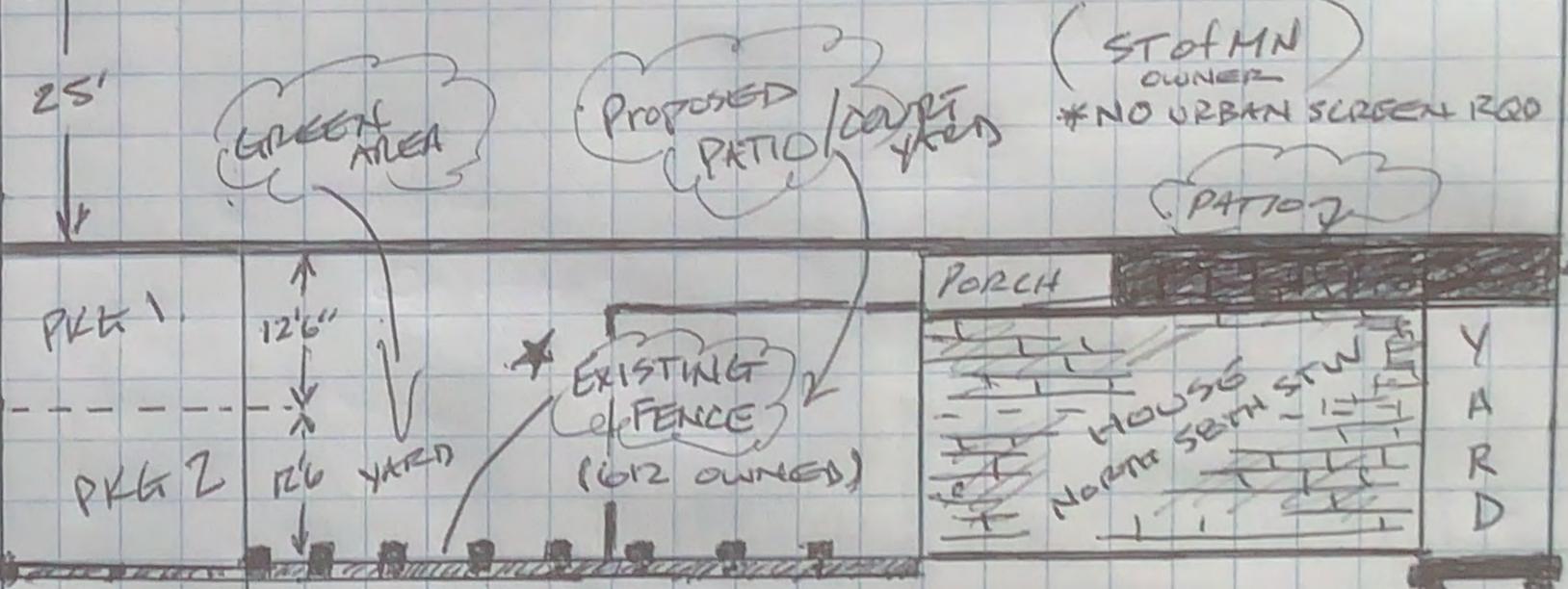
25'

ALLEY



NORTH SBTH ST

SIDE WALK



PKG 1

12'6"

PKG 2

12'6"

YARD

EXISTING FENCE (612 OWNED)

PORCH

HOUSE NORTH SBTH ST

YARD

GARDEN

CONCRETE PKG PAD

EXISTING FENCE DOG EAR STYLE WOOD

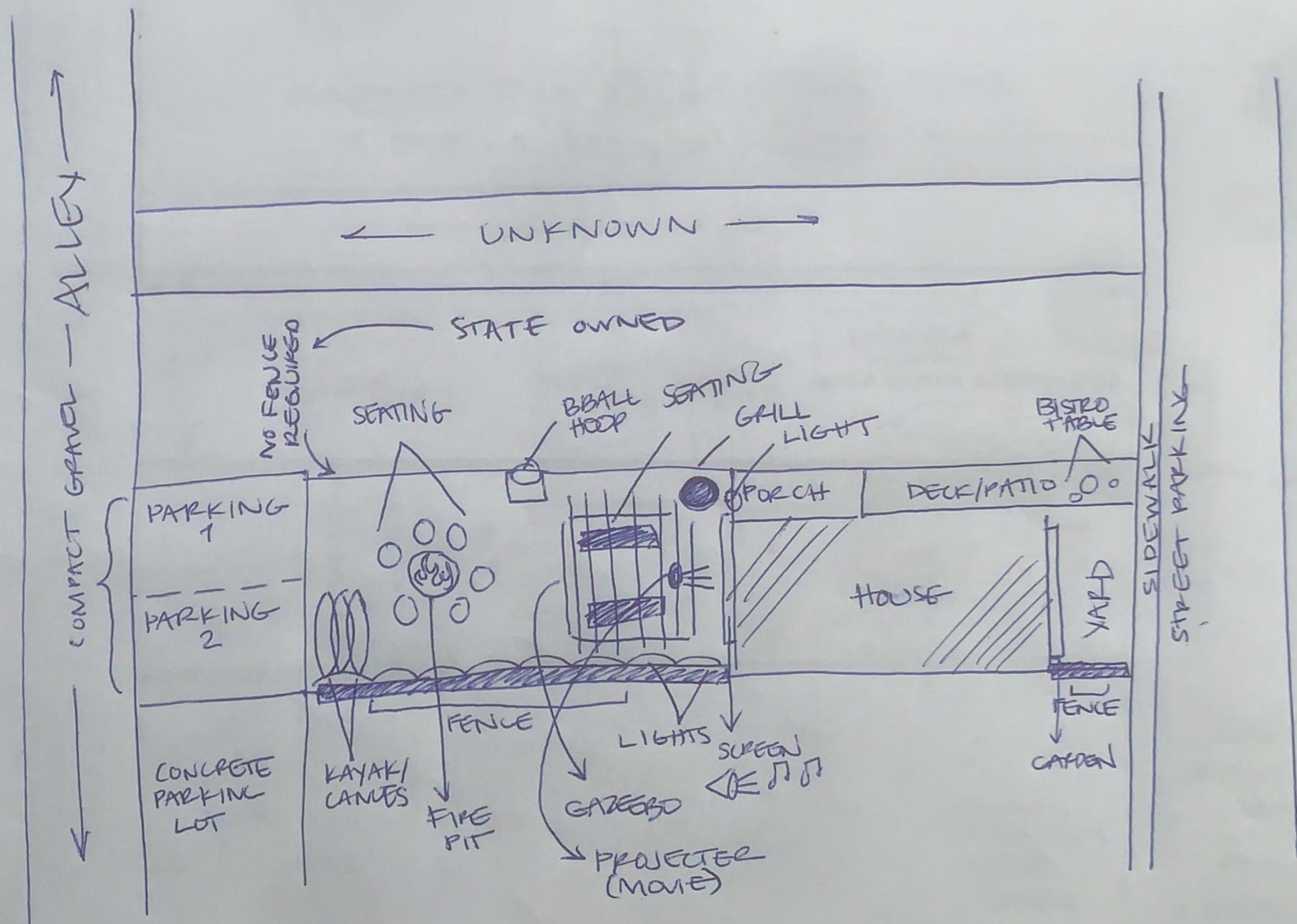
CHARLES GOODEN OWNED FENCE

NOTES: * EXISTING URBAN SCREEN WOODEN FENCE

SCALE

■ = 5 FEET

1/4" = FIVE FT



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?** 3 days, 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?

3br

What will be your maximum occupancy?

~~10 or less~~ 7
~~4 Adults~~
~~6 children (MAX)~~

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

a. 1-2 bedroom unit, 1 space

b. 3-bedroom unit, 2 spaces

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

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

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

How many off-street parking spaces will your unit provide? ~~4 to 6~~ 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**

RDS, LLC
6771 SUNRISE RD
HARRIS, MN 55032

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

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:

218-750-2079 SOKOLOSKI, PRESTON
150 1ST ST, PROCTOR, MN 55810 P4THOLDINGS@GMAIL.COM

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

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

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

PRINTED HANDOUT (BROCHURES) SOCIAL MEDIA-
PLATFORMS & POSTED ON PREMISES

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? ABSOLUTELY

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.

PRESTON MAGNET, LLC



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 22-100	Contact	clee@duluthmn.gov	
Type	Variance – Maximum Parking	Planning Commission Date	August 9, 2022	
Deadline for Action	Application Date	May 18, 2022	60 Days	August 5, 2022
	Date Extension Letter Mailed	June 22, 2022	120 Days	October 4, 2022
Location of Subject	3815 Prosperity Road			
Applicant	American Precision Avionics	Contact	Lynn Andrews	
Agent		Contact		
Legal Description	PIN: 010-0164-00160			
Site Visit Date	June 30, 2022	Sign Notice Date	June 28, 2022	
Neighbor Letter Date	June 25, 2022	Number of Letters Sent	3	

Proposal

A variance to maximum parking requirements to allow 60 parking spaces instead of the allowed 40 for a 15,600 sq. ft. manufacturing facility.

Recommended Action: Approve with conditions or modifications.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-B	Manufacturing	Business Park
North	MU-B	Undeveloped	Business Park
South	MU-B	Manufacturing	Business Park
East	MU-B	Undeveloped	Business Park
West	MU-B	Contractor	Business Park

Summary of Code Requirements

Sec. 50-24.4 – Maximum Parking Limits – No more than 150 percent of the minimum required number off-street parking spaces, excluding the adjustments allowed in 50-24.3, shall be provided.

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

Section 50-37.9.G.3 – Variances from the maximum parking limits provided in 50-24.4 shall not exceed 200 percent of the minimum requirement provided in Table 50-24.1. In addition to meeting the general variance criteria in 50-37.9C, a parking study that provides justification for the number of off-street parking spaces proposed is required. It must include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the City Engineer and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study must document the source of data used to develop the recommendations.

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

Governing Principle #3 – Support existing economic base: Supporting Duluth’s existing economic foundation maintains jobs, tax base, and opportunity. APA is a growing business that directly supports the aerospace industry in Duluth.

Governing Principle #4 – Support economic growth sectors: Emerging and growing economic sectors add economic, cultural, and social diversity.

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

Future Land Use – 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.

History: Property is currently home to American Precision Avionics (APA). APA manufactures custom electronic solutions for the aerospace industry. APA has been located at this property since 2008 and in that time, they have expanded from 24 employees to 70.

Review and Discussion Items

Staff finds that:

1. The applicant is proposing to reconstruct and expand the existing parking at the site. Currently there are 40 parking stalls for staff and customers. The applicant is proposing to increase the on-site parking to 60 stalls.
2. The applicant is proposing stormwater improvements for the increased parking area. This follows the intent of the MU-B district by making improvements to the existing parking to reduce impacts to the surrounding natural areas.
3. Minimum parking for manufacturing is 1 space per 1,000 square feet of floor area and office uses require 2.5 per 1,000 square feet. This 15,600 square foot structure requires a minimum of 27 parking stalls. Maximum parking without a variance is 40 spaces.
4. According to the applicant, the growth of the business is causing an increase in parking demand. The applicant has stated that there is no on-street parking allowed on Prosperity Road per covenants on the property when developed.
5. The parking variance criteria in Sec. 50-37.9.G.3 limits the maximum variance the Planning Commission can approve to 200% of the minimum parking, or 60 parking spaces.
6. In evaluation of the Variance General Criteria, staff finds the applicant is proposing a reasonable use of the site with an appropriately-scaled manufacturing building for an MU-B zone, and the proposal variance is reasonable at 60 parking spaces.
7. This level of parking would not be out of character for other similar uses in the area.
8. the UDC requires the following landscaping:
 - Street frontage landscaping: One tree per 35 feet of linear frontage (13 trees) and one large shrub per 25 feet of linear frontage (19 shrubs);
 - 15 % of the interior parking lot area (excluding any perimeter areas required to be landscaped by the UDC) shall be landscaped.
 - 1 tree per 300 square feet of internal landscaping area with the required 30% canopy coverage.
9. The applicant proposes impacting and removing wetlands as shown on the plans. The applicant will need to submit a

wetland delineation, and if necessary provide documentation for a wetland mitigation plan or wetland impact and purchase the appropriate amount of wetland credits prior to any permit approval.

10. The applicant will need to submit a stormwater plan that is approved by City Engineering.
11. Comments of support from a neighboring businesses are attached. No additional comments from citizens, City staff, or any other entity were received regarding the application.
12. Per UDC Section 50-37.1.N. approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year.

Staff Recommendation:

Based on the above findings, staff recommends that Planning Commission approve a variance to allow 60 parking spaces with the following conditions:

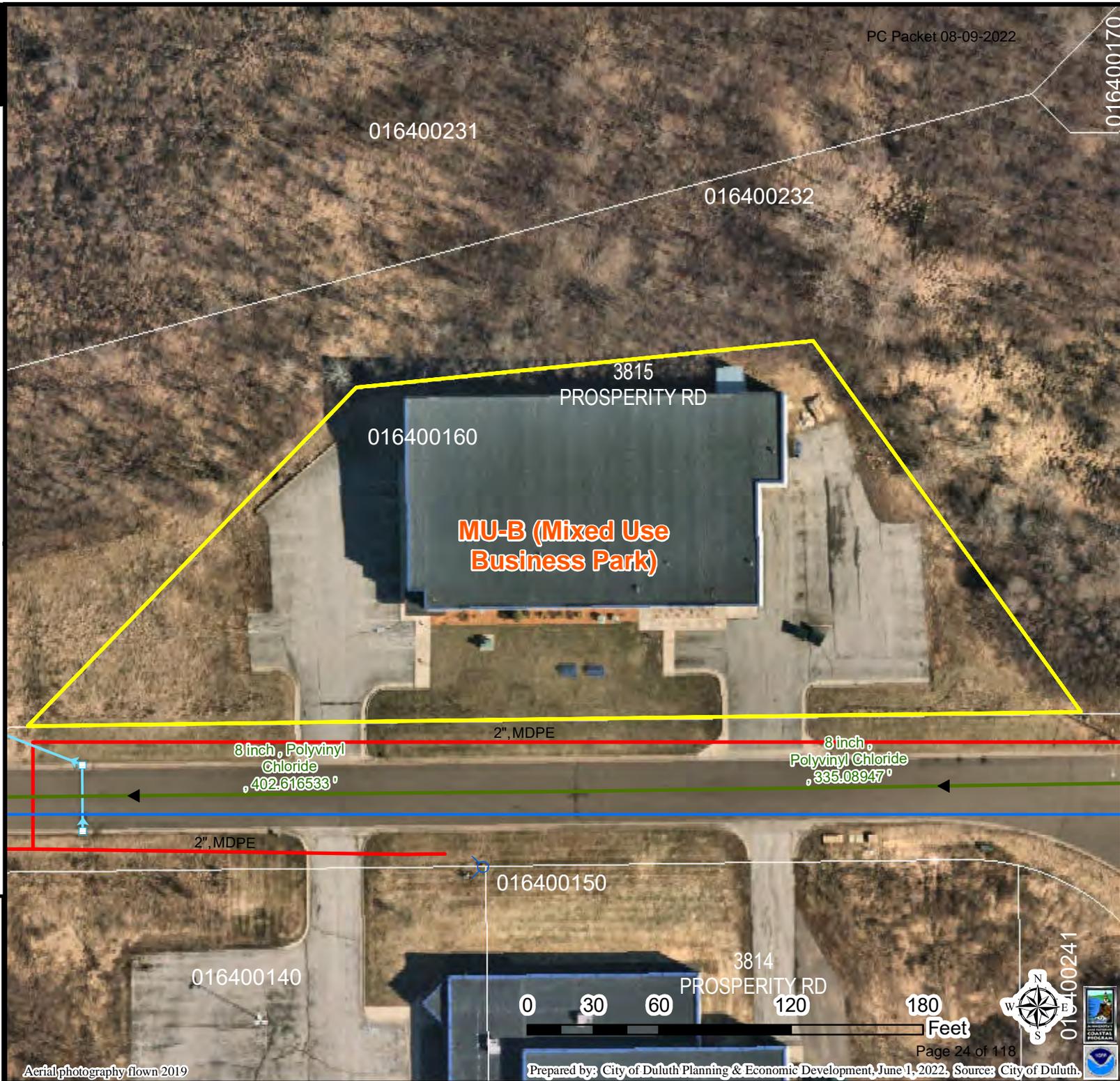
- 1) The parking lot shall be limited to, constructed, and maintained as shown in the site plan dated March 31, 2022, with modifications as described below.
- 2) The applicant will submit a wetland delineation, and if necessary provide documentation for a wetland mitigation plan or wetland impact and purchase the appropriate amount of wetland credits prior to building permit approval.
- 3) The applicant will need to submit a landscaping plan that meets the requirements of the UDC which are to include:
 - Street frontage landscaping: One tree per 35 feet of linear frontage (13 trees) and one large shrub per 25 feet of linear frontage (19 shrubs);
 - 15 percent of the interior parking lot area (excluding any perimeter areas) required to be landscaped by the UDC;
 - 1 tree per 300 square feet of internal landscaping area with the required 30% canopy coverage.
- 4) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



016400170

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
- Zoning Boundaries

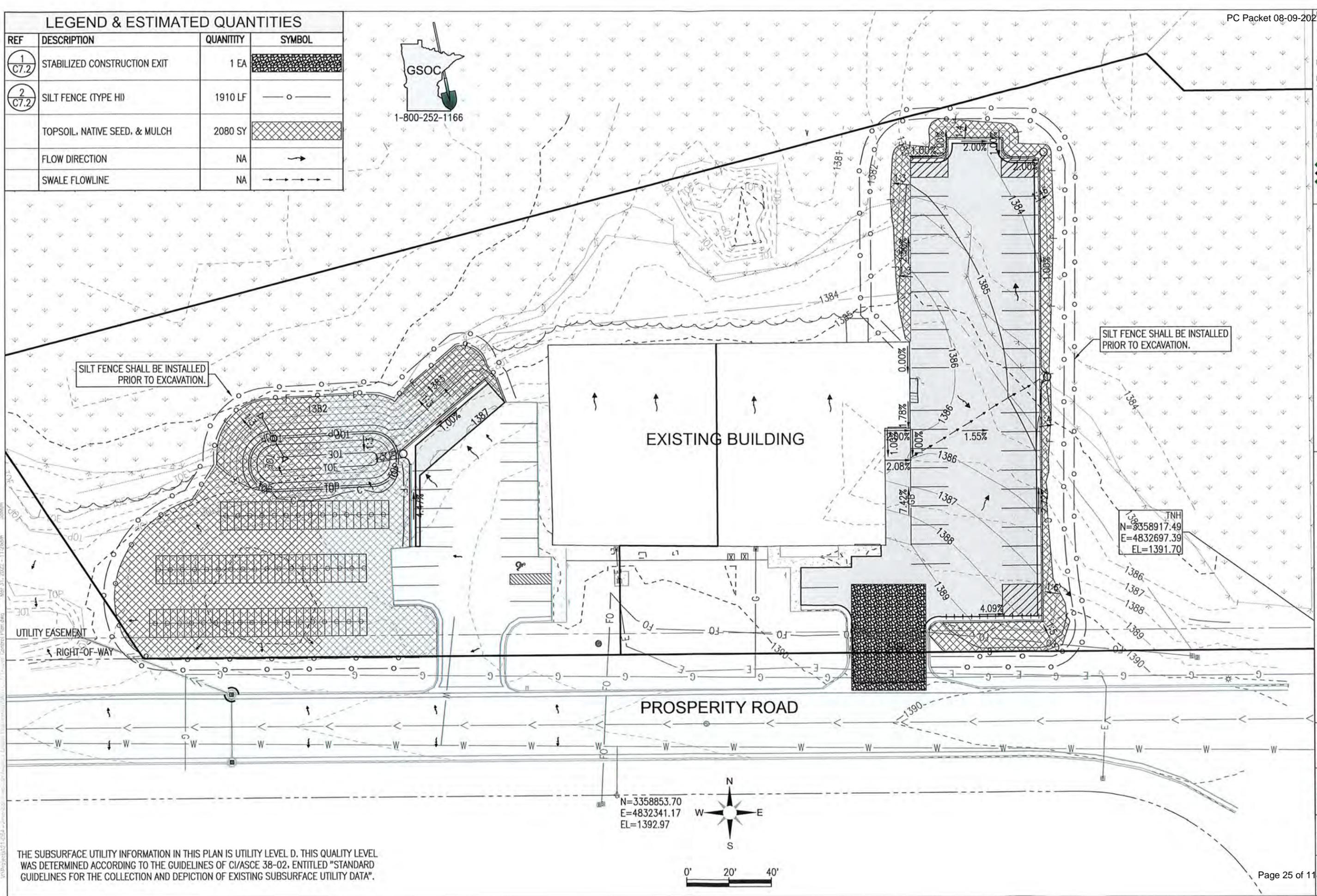


The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used 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

016400241

REF	DESCRIPTION	QUANTITY	SYMBOL
1 C7.2	STABILIZED CONSTRUCTION EXIT	1 EA	
2 C7.2	SILT FENCE (TYPE HI)	1910 LF	
	TOPSOIL, NATIVE SEED, & MULCH	2080 SY	
	FLOW DIRECTION	NA	
	SWALE FLOWLINE	NA	



SILT FENCE SHALL BE INSTALLED PRIOR TO EXCAVATION.

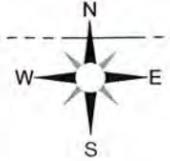
SILT FENCE SHALL BE INSTALLED PRIOR TO EXCAVATION.

EXISTING BUILDING

TNH
N=3358917.49
E=4832697.39
EL=1391.70

PROSPERITY ROAD

N=3358853.70
E=4832341.17
EL=1392.97



THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF C/ASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA".

Northland
Consulting Engineers L.L.P.
Structural, Civil and Forensic Engineering Services
Voice: (218) 223-5995
Fax: (218) 227-7779
www.nce-engineers.com

AMERICAN PRECISION AVIONICS
PARKING LOT EXPANSION
3815 PROSPERITY RD., DULUTH MN 55811

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

revision	
Proj: 21-064	
Date: 3/31/22	
Drawn: JFM	
Checked: DGB	
EROSION CONTROL PLAN	
Sheet Title	
Sheet Number	



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

Variance Application Supplemental Form

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

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

50-14.5 - Allows up to 41 parking stalls. The property owner requires 60 stalls to provide

 offstreet parking for all employees.

1. Please explain how the exceptional narrowness, shallowness or shape of the property, or exceptional topographic or other conditions related to the property, would result in practical difficulties under strict application of the requirements of the UDC:

Wetlands are prevalent throughout the property. The LGU specifically states that the first

 procedure in wetland impacts is avoidance.

2. Please explain how the special circumstances or conditions that create the need for relief is due to circumstances unique to the property, and were NOT created by the property owner or the property owners' predecessors-in-interest:

The Port Authority built the development and as such has multiple covenants restricting it's

 use. One specific covenant addresses on street parking. The covenant specifically notes

 that NO on street parking is allowed on Prosperity Road.

3. Please explain the special circumstances or conditions applying to the building or land in question are peculiar to this property or immediately adjoining properties, and do not apply generally to other land or buildings in the vicinity:

American Precision Avionics is expanding it's production within the existing building. Since

 the existing building is not being expanded and the UDC parking requirements are based on

 square footage, the UDC will not allow additional parking for new employees at the business.

4. Please explain how the application proposes to use the property in a reasonable manner, which would not be permitted by this code except for a variance:

American Precision Avionics is expanding parking to provide off-street parking for new employees that will be required to expand their production. The site plan is designed to provide this parking while minimally impacting wetlands and adding storm water BMP's to the site which otherwise does not have any.

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

Attached to this application are letters of support from neighboring properties. The roadway has a low traffic volume and will continue to be low volume. The parking expansion will not disturb lighting or air adjacent to the property.

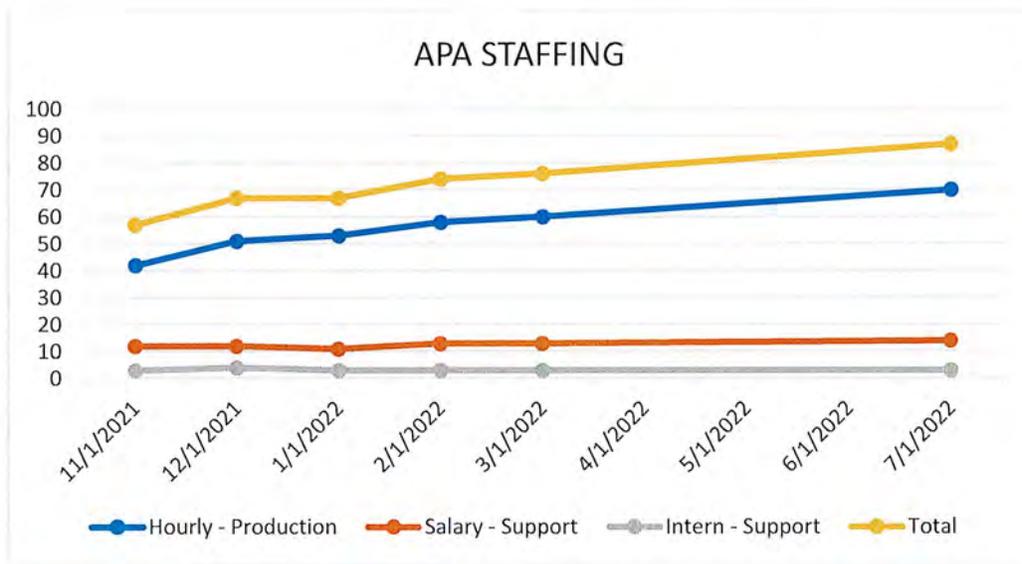
6 Please explain how, if the variance is granted, it will not substantially impair the intent of zoning code and the official zoning map, and will not alter the essential character of the neighborhood:

American Precision Avionics is within an MU-B district and adjacent properties are similar to their own. Adding off-street parking will improve the character of the neighborhood by eliminating the need for on-street parking.

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

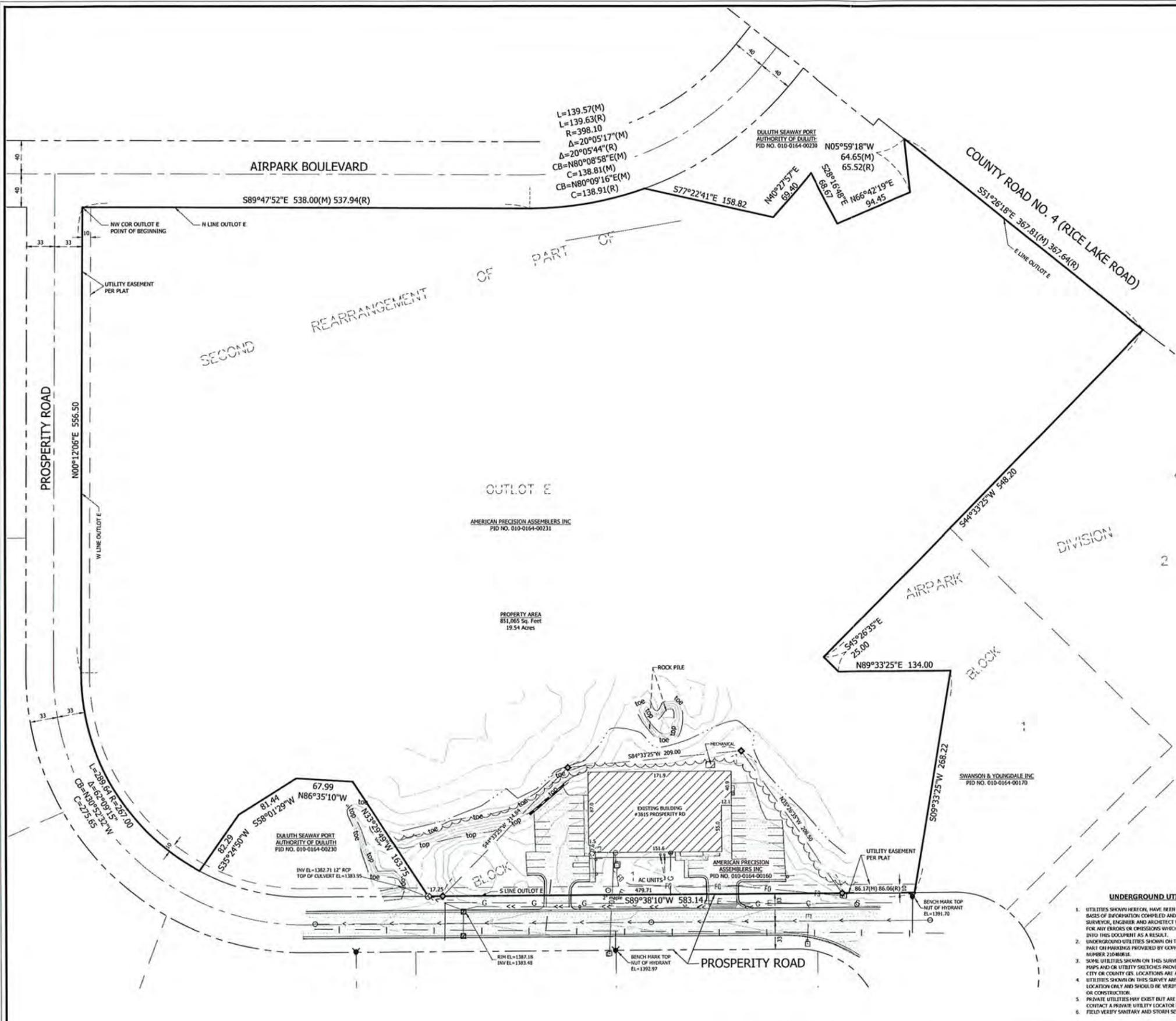
Discuss what subsections are applicable and how this request meets those: _____

Staff Key	7/30/2022	3/31/2022	2/28/2022	1/31/2022	12/31/2021	11/30/2021
Hourly - Production	70	60	58	53	51	42
Salary - Support	14	13	13	11	12	12
Intern - Support	3	3	3	3	4	3
Total	87	76	74	67	67	57



Total Projected Increase

34%



LEGEND: CONCRETE SURFACE, BITUMINOUS SURFACE, LANDSCAPED SURFACE, EXISTING BUILDINGS, FIELD MEASURED DIMENSION, RECORD DIMENSION, etc.

LEGAL DESCRIPTION PER CERTIFICATE OF TITLE NO. 315711 Lot 1 Block 7 SECOND REARRANGEMENT OF AIRPARK DIVISION AND LEGAL DESCRIPTION PER CERTIFICATE OF TITLE NO. 315712 That part of Outlot E SECOND REARRANGEMENT OF PART OF AIRPARK DIVISION described as follows:



- UNDERGROUND UTILITIES: UTILITIES SHOWN HORIZONTAL HAVE BEEN PREPARED, IN PART, ON THE BASIS OF INFORMATION COMPILED AND FURNISHED BY OTHERS.

- 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.

CERTIFICATE OF SURVEY form with fields for CLIENT NAME, ADDRESS, DATE, and SURVEYOR signature.

DISCLAIMER: TOPOGRAPHIC SURVEY PROVIDED BY ALTA LAND SURVEYING COMPANY



1-800-252-1166

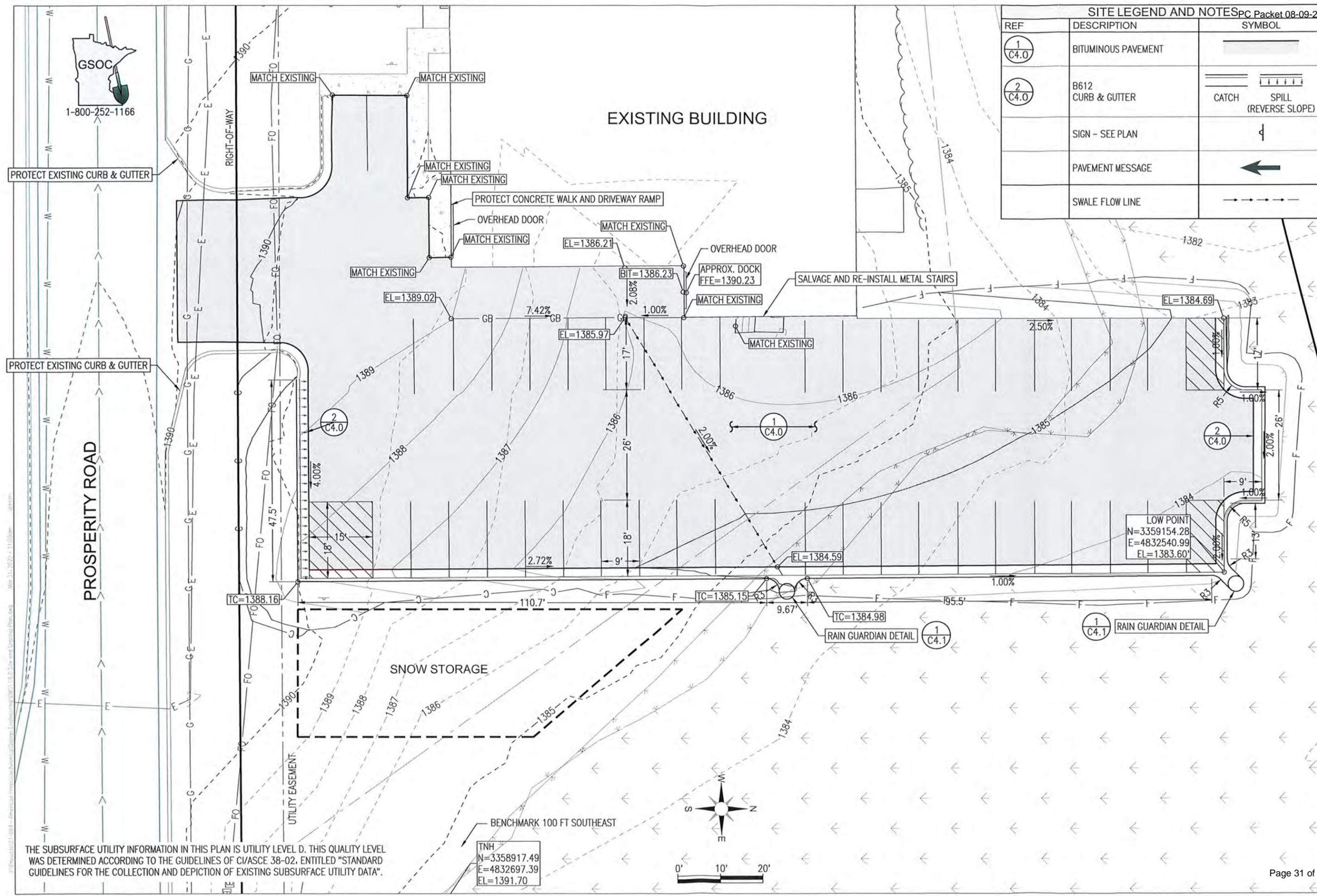
REF	DESCRIPTION	SYMBOL
1 C4.0	BITUMINOUS PAVEMENT	
2 C4.0	B612 CURB & GUTTER	
	SIGN - SEE PLAN	
	PAVEMENT MESSAGE	
	SWALE FLOW LINE	



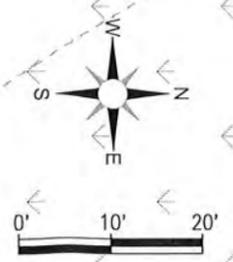
**AMERICAN PRECISION AVIONICS
PARKING LOT EXPANSION**
3815 PROSPERITY RD., DULUTH MN 55811

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

revision _____
Proj: 21-064
Date: 3/31/22
Drawn: JFM
Checked: DGB
SITE AND GRADING PLAN
Sheet Title _____
Sheet Number _____
C6.0



THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CI/ASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA".





802 Garfield Avenue
Duluth, Minnesota 55802-2640 U.S.A.
218-727-8525 ■ Fax 218-727-6888
E-Mail: admin@duluthport.com ■ www.duluthport.com

September 3, 2021

City of Duluth
Planning Commission
Attn: Adam Fulton
411 West First Street, Room 160
Duluth, MN 55802

Subject: Letter of Support – American Precision Avionics' Request for Variance - 3815 Prosperity Road

Dear Duluth Planning Commission Members:

The Duluth Seaway Port Authority (DSPA) is providing this letter in support of American Precision Avionics' request for a variance for their 3815 Prosperity Road property. American Precision Avionics specializes in the manufacturing of custom wiring harnesses, custom cable assemblies, box builds, kitting VAVE, and other wire services for the aerospace industry. They serve a critical link in Duluth's economy by supplying wiring harnesses to one of Duluth's largest employers, Cirrus Aircraft.

In 2008, American Precision Avionics purchased the land at 3815 Prosperity Road as well as Outlot E of the Airpark Second Rearrangement, followed in 2009 by the completion of their nearly 16,000 sq. ft. manufacturing facility. Since that time, the company has expanded their workforce from 24 to nearly 70 employees. Due to their continued growth, American Precision Avionics is now looking to further expand their off-street parking facilities so as to comply with Airpark Covenants, Paragraph III, requiring all vehicular parking, whether customer, visitor or employee, be off-street. As you are aware, American Precision Avionics is asking for a variance for parking requirements (50-24.4) under UDC MU-B because, due to their building configuration and employment, the maximum parking allotment allowed under the UDC is not sufficient. The variance will allow roads to be clear from obstruction for freight deliveries and snow removal, and improve the visibility and maneuverability for all vehicles.

The DSPA is an economic development agency with a mission of bringing business to the port, bringing economic development to the region, and advocating for maritime and transportation industries. The DSPA has been involved in Airpark since the late 1970s, when the City of Duluth requested that the DSPA aid in development of an industrial park near the Duluth International Airport. Today, Airpark is a 300-acre modern light manufacturing industrial park, housing nearly 40 private companies with over 900 employees; businesses are diverse and include printing companies, a parcel cross-docking facility, construction supply firms, aerospace machining operations, and a variety of engineering and professional offices. The City of Duluth needs the type of industrial jobs represented by American Precision Avionics – these are living-wage jobs with benefits that allow workers to save for college, save for retirement, and put money back into the community. We all want to encourage this type of job growth in our City.

Thank you for your consideration of the requested variance; we strongly encourage you to approve the request.

Sincerely,

A handwritten signature in blue ink that reads "Deborah B. DeLuca".

Deborah B. DeLuca
Executive Director

DBD/bmc



3814 Prosperity Rd
Duluth, MN 55811
218-728-1614
info@scs-interiors.com
Style | Comfort | Security

8/31/2021

To whom it may concern,

I am writing to express my support that an additional parking lot be constructed containing 20 new spaces for American Precision Avionics located at 3815 Prosperity Rd Duluth, MN 55811.

The current system of parking on the street is dangerous for the employees. During the winter, the risks of slips and falls greatly increases, as well as the danger of being in the road when the city or private individuals are plowing. Year round, both of our businesses rely on regular pick ups and deliveries from large freight trucks as well. Removing the requirement for employees of APA to park on the street would improve the overall visibility and maneuverability for other vehicles, plows, and the like.

Thank you for your time and consideration of this project.

Sincerely,

Mike Hudyma
President / Owner
SCS Interiors



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 22-113	Contact	Chris Lee, clee@duluthmn.gov	
Type	Minor Subdivision	Planning Commission Date	August 9, 2022	
Deadline for Action	Application Date	June 30, 2022	60 Days	August 29, 2022
	Date Extension Letter Mailed	July 15, 2022	120 Days	October 28, 2022
Location of Subject	140 W Mankato Street			
Applicant	Alex Bruckelmyer	Contact		
Agent		Contact		
Legal Description	See Attached			
Site Visit Date	July 28, 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 parcel into 2 parcels in the Woodland neighborhood. The current parcel has a single family structure with detached accessory structure. Parcel A will be 9,500 square feet, Parcel B will be 6,100 square feet. Both parcels will retain frontage on improved streets.

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

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

History: The underlying plat is “Colmans Addition to Duluth.” The parcels contain a 970 square foot residence, a 720 square foot garage, and a 240 square foot storage building.

Review and Discussion Items

Staff finds that:

1. Applicant is requesting a Minor Subdivision to divide one parcel into two parcels.
2. The proposed minor subdivision parcels are currently a single developed parcel. The proposed subdivision divides the parcel into two that meet the zoning requirements of the R-1 district.
3. The parcels have the required street frontage along Mankato Street with Parcel A having additional frontage on Elysian Avenue. The proposed subdivision, if approved, would not make the parcels non-conforming due to lot frontage, lot area, or similar bulk standard. The division will create a non-conforming accessory structure that will need to be removed prior to recording the title work.
4. No public, agency, or other City comments were received.
5. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
6. Approval of this Minor Subdivision signifies that City of Duluth UDC standards are met. St. Louis County may have additional requirements. This subdivision approval lapses if deeds are not recorded with St. Louis County within 180 days. Applicant must provide the City with proof of recording.

Staff Recommendation

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

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

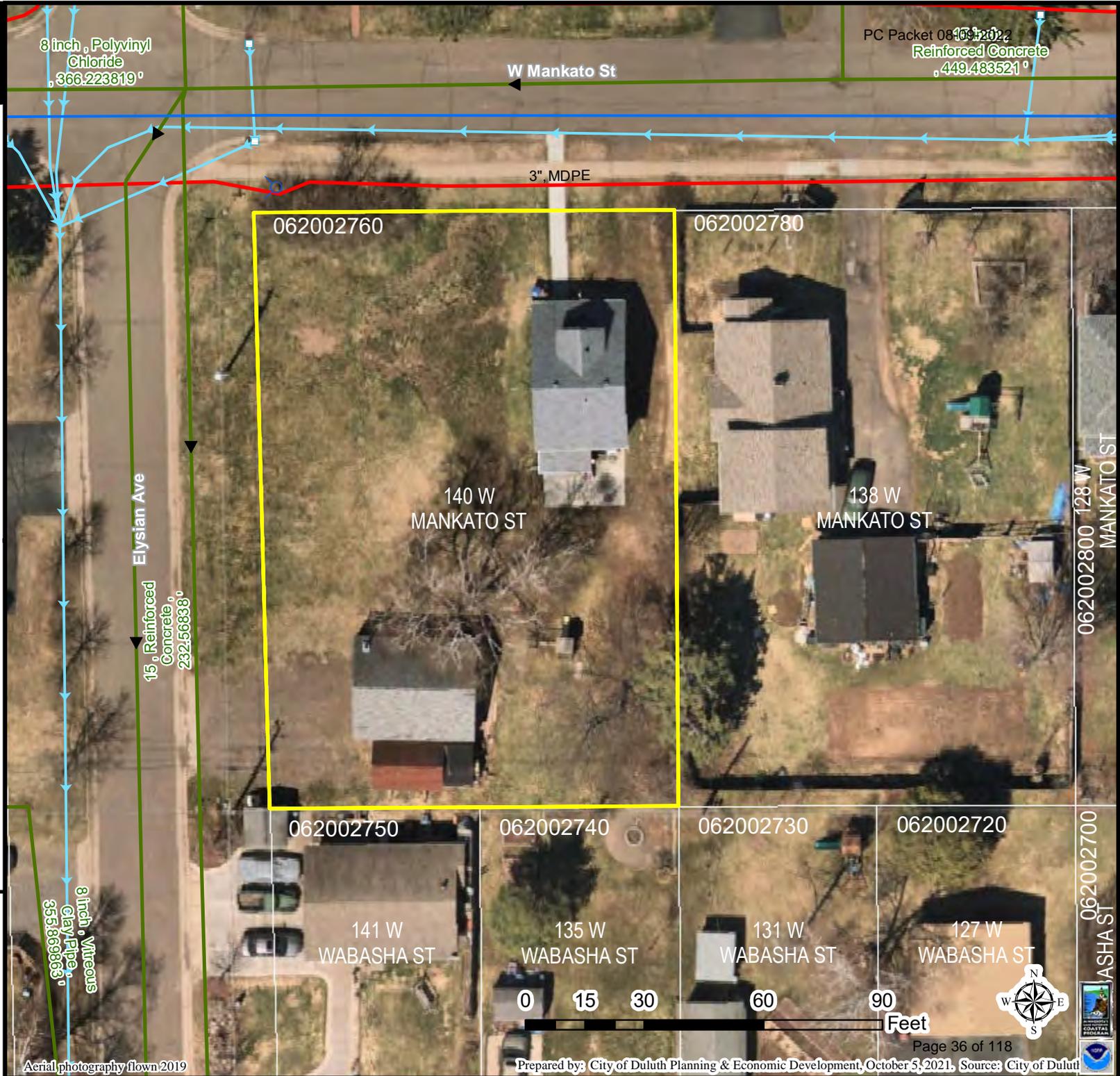


P22-113
 Minor Subdivision
 140 W Mankato St

PC Packet 08-16-2022
 Reinforced Concrete
 , 449.483521 °

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



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Aerial photography flown 2019

Prepared by: City of Duluth Planning & Economic Development, October 5, 2021, Source: City of Duluth



Planning & Development Division
 Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 22-115	Contact	Chris Lee, clee@duluthmn.gov	
Type	Vacation of Platted Right of Way	Planning Commission Date	August 9, 2022	
Deadline for Action	Application Date	July 6, 2022	60 Days	September 4, 2022
	Date Extension Letter Mailed	July 22, 2022	120 Days	November 2, 2022
Location of Subject	Platted and unimproved right of way in undeveloped portions of the Harbor Highland neighborhood.			
Applicant	Duluth HRA	Contact	Jill Keppers	
Agent	Heidi Bringman	Contact	LHB	
Legal Description	See Attached			
Site Visit Date	July 29, 2022	Sign Notice Date	July 26, 2022	
Neighbor Letter Date	July 27, 2022	Number of Letters Sent	9	

Proposal

The applicant is requesting to vacate one 66-foot wide portion of the platted right of way for Sunrise Parkway, a 56 foot wide platted right of way for Daybreak Overlook, a 16 foot wide platted alley for Sunrise Parkway Alley, and a portion of a 16 foot wide alley for Village View Drive in the recorded plat that is part of the Registered Land Survey Number 12, located in the Central Hillside neighborhood.

This vacation is to clear underlying rights-of-way to construct a multifamily building. There is a concurrent application for UDC text/map amendments.

Staff is recommending approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-P	Vacant land	Urban Residential
North	R-P	Vacant land	Urban Residential
South	R-P	Vacant land	Urban Residential
East	R-P	Vacant land	Urban Residential
West	R-P	Vacant land	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.

proposed vacation, or approve it with modifications, if it determines that the street, highway, or easement proposed for vacation:

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

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

Governing Principle #5 - Promote reinvestment in neighborhoods.

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

The vacation will allow for existing vacant parcels to be reconfigured for the development of a multifamily apartment building in the Harbor Highlands TND

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.

Review and Discussion Items:

Staff finds that:

1. The applicant is requesting to vacate an unimproved portion of two platted streets (Daybreak Overlook and Sunrise Parkway) and alleys (Village View Drive Alley and Sunrise Parkway Alley) as part of the RLS No. 12 in the Central Hillside neighborhood, as shown on the attached exhibit.
2. The HRA plans to develop multi-family housing on the site. With the new development plans, these rights of way are not needed.
3. There are abandoned and removed utilities in the proposed vacated areas
4. The street and alley rights of way will not be needed by the City for the promotion of public health, safety, or welfare of the citizens of Duluth since City Engineering does not expect to need it in the future.
5. The City has determined that the rights of way are not needed for street or pedestrian use. Vacating the right of way will not impact or deny access to other property owners.
6. No public or City comments have been received at the time of drafting this report.
7. Vacations of rights of way and easements lapse unless the vacation is recorded with the county recorder within 90 days after final approval. The vacation recording is facilitated by the City of Duluth.

Staff Recommendation:

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

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

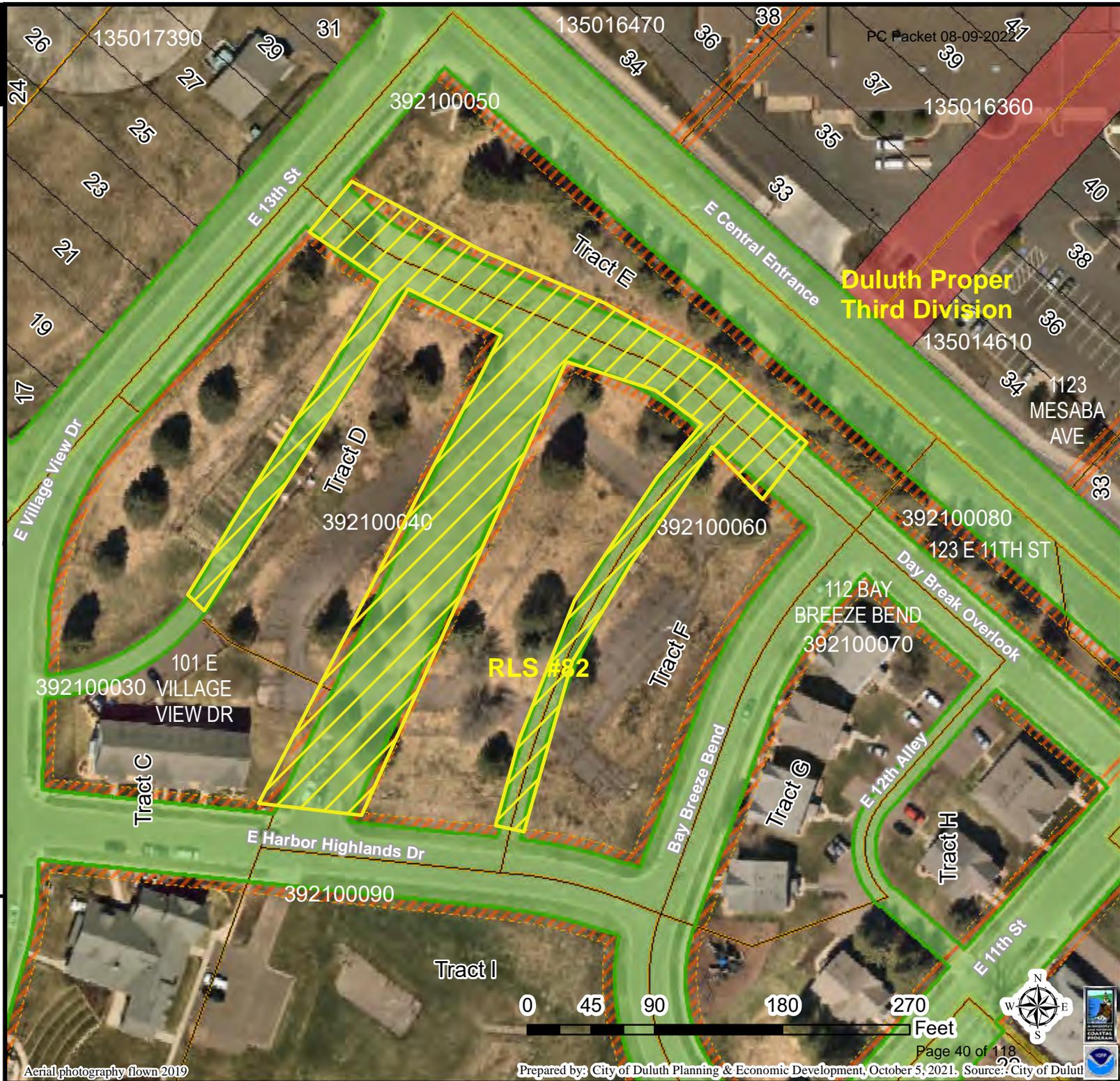


P22-114, 22-115
Vacation and Map Amend
Harbor Highlands

PC Packet 08-09-2022

Legend

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



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Aerial photography flown 2019

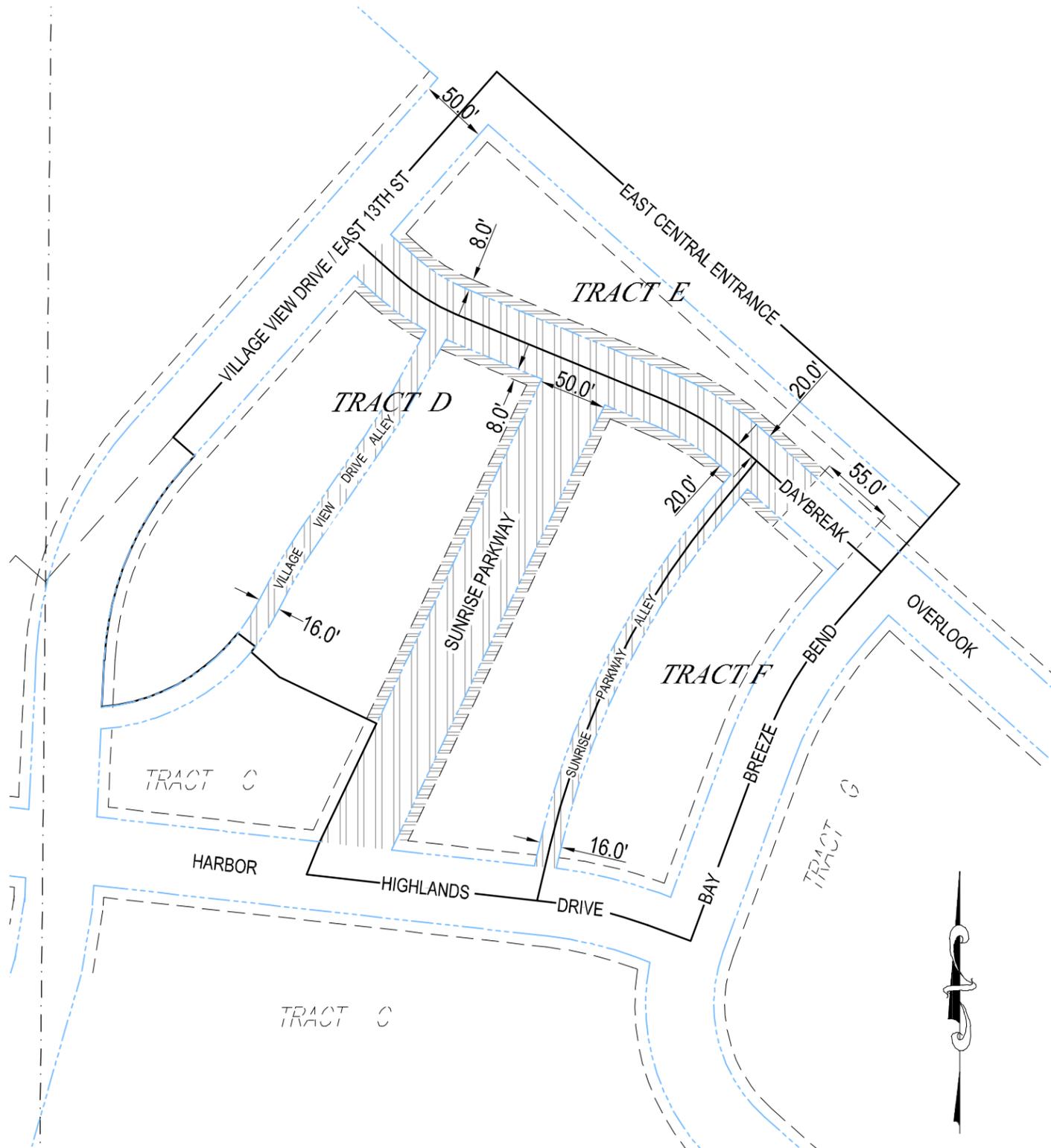
Vacation Exhibit

HRA of Duluth
part of Registered Land Survey Number 82
City of Duluth
St. Louis County, Minnesota



(SCALE IN FEET)

Basis of Bearing is Grid North,
St. Louis County Transverse
Mercator 96 Coordinate System.



DESCRIPTION :

Sunrise Parkway right of way and utility easements per Document No. 867024 as recorded April 13, 2009, in the Office of the Registrar of Titles, St. Louis County, Minnesota.

AND

Daybreak Overlook right of way and utility easements per Document No. 867024 as recorded April 13, 2009, in the Office of the Registrar of Titles, St. Louis County, Minnesota lying 55.00 feet northwesterly of the northwesterly right of way line of Bay Breeze Bend extended.

Subject to retained utility easement under and a cross said Daybreak Overlook lying within 10 feet of the existing Sanitary and Storm sewers in-place.

AND

Village View Drive Alley right of way and utility easements per Document No. 867024 as recorded April 13, 2009, in the Office of the Registrar of Titles, St. Louis County, Minnesota lying within the bounds of Tract D, REGISTERED LAND SURVEY NUMBER 82, City of Duluth, St. Louis County, Minnesota.

AND

Sunrise Parkway Alley right of way and utility easements per Document No. 867024 as recorded April 13, 2009, in the Office of the Registrar of Titles, St. Louis County, Minnesota.

LEGEND

-  VACATED RIGHT-OF-WAY
-  VACATED UTILITY EASEMENT

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

Print Name: Paul A. Vogel License # 44075

Signature: 

Date: 6/30/2022

DATE PREPARED: 6/30/22

PROJ NO: 190902

FILE: 190902VEXHIB

SHEET 1 of 1 SHEETS



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

EXHIBIT

Vacation Description:

Sunrise Parkway right of way and utility easements per Document No. 867024 as recorded April 13, 2009, in the Office of the Registrar of Titles, St. Louis County, Minnesota.

AND

Daybreak Overlook right of way and utility easements per Document No. 867024 as recorded April 13, 2009, in the Office of the Registrar of Titles, St. Louis County, Minnesota lying 55.00 feet northwesterly of the northwesterly right of way line of Bay Breeze Bend extended.

Subject to retained utility easement under and a cross said Daybreak Overlook lying within 10 feet of the existing Sanitary and Storm sewers in-place.

AND

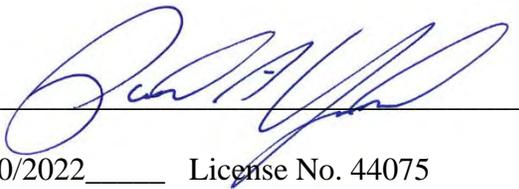
Village View Drive Alley right of way and utility easements per Document No. 867024 as recorded April 13, 2009, in the Office of the Registrar of Titles, St. Louis County, Minnesota lying within the bounds of Tract D, REGISTERED LAND SURVEY NUMBER 82, City of Duluth, St. Louis County, Minnesota.

AND

Sunrise Parkway Alley right of way and utility easements per Document No. 867024 as recorded April 13, 2009, in the Office of the Registrar of Titles, St. Louis County, Minnesota.

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

Paul A. Vogel

Signed _____


Date 6/30/2022 License No. 44075



Planning & Development Division
 Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 22-118	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Vacation of Platted Right of Way	Planning Commission Date	August 9, 2022	
Deadline for Action	Application Date	N/A	60 Days	N/A
	Date Extension Letter Mailed	N/A	120 Days	N/A
Location of Subject	Platted right of way, including street and alley, west of Grand Avenue in the recorded plat of Centredale Addition to Duluth, adjacent to the Wheeler Athletic Complex in the Denfeld neighborhood.			
Applicant	Brent Dahlstrom	Contact		
Agent		Contact		
Legal Description	See Attached			
Site Visit Date	July 29, 2022	Sign Notice Date	July 26, 2022	
Neighbor Letter Date	July 28, 2022	Number of Letters Sent	27	

Proposal

The applicant is requesting to vacate an unimproved 40-foot wide portion of the platted right of way for Cherry Street west of Grand Avenue, a 33 foot wide unimproved platted right of way north of Cherry Street with 16.5 feet retained for a utility easement, and a portion of a 16 foot unimproved wide alley, all in the recorded plat of Centredale Addition to Duluth, located in the Denfeld neighborhood.

Staff is recommending approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Vacant land	Open Space/General Mixed Use
North	R-1	Vacant land	Open Space
South	MU-N	Vacant land	Neighborhood Commercial
East	MU-B	Street	General Mixed Use
West	P-1	Park land	Open Space

Summary of Code Requirements:

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

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

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

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

Governing Principle #5 - Promote reinvestment in neighborhoods. The vacation will allow for existing vacant parcels to be reconfigured for the development of a multifamily apartment building.

Future Land Use – Open Space: High natural resource or scenic value, with substantial restrictions and development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. Examples include: city parks and recreation areas, primary viewsheds, shorelands of the lake and streams, wetlands and floodplains, and high-value habitat.

History - The site is the location of a former Holiday Gas Station. After the gas station closed, the site has remained vacant. DEDA has currently acquired the site from the Holiday Company, along with some surrounding parcels from St. Louis County and the City of Duluth, to create an approximate 2-acre site for the development of an affordable multi-family housing complex. The site has recently been transferred to the developer via a Land Sale Agreement in order to facilitate an affordable housing development. DEDA, with assistance from the EPA, has completed a Phase I environmental assessment prior to conveyance to confirm that there are no environmental concerns on the site that need to be addressed.

Review and Discussion Items:

Staff finds that:

1. The applicant is requesting to vacate an unimproved portion of a platted street (Cherry Street) and two alley rights of way west and north Grand Avenue in the Centredale Addition to Duluth plat, adjacent to the Wheeler Athletic Complex in the Denfeld neighborhood, as shown on the attached exhibit.
2. The proposed vacation will help create an approximate 2-acre site for the development of an affordable multi-family housing complex.
3. There is an existing water line located on the western portion of the right of way to be vacated. A utility easement will need to be retained over that vacated portion of the right of way.
4. The street and alley right of ways will not be needed by the City for the promotion of public health, safety, or welfare of the citizens of Duluth since City Engineering does not expect to need it in the future.
5. The City has determined that the rights of way are not needed for street or pedestrian use. Vacating the right of ways will not impact or deny access to other property owners. Applicant has proposed a 16.5-foot wide utility easement; City Engineering instead requests that a 20-foot wide utility easement be retained along the west side of the platted right of way to be vacated. A 20-foot utility easement will be granted to the City for the watermain relocation on DEDA parcel 010-2700-0010 along the entire southwest side.
6. Applicant will be required to amend the exhibit to incorporate the above requests from Engineering; once Engineering signs the approved exhibit the application will be considered complete and will be forwarded to council for approval.
7. Other than City Engineering, no other public or City comments have been received at the time of drafting this report.
8. Vacations of rights of way and easements lapse unless the vacation is recorded with the county recorder within 90 days after final approval. The vacation recording is facilitated by the City of Duluth.

Staff Recommendation:

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

- 1.) The vacation must be recorded within 90 days of final approval by City Council or such approval will lapse.
- 2.) Applicant to submit a revised exhibit showing retained utility easements for review and approval prior to recording.
- 3.) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



Legend

- ▬▬▬ Road or Alley ROW
- ☒ Vacated ROW
- Easement Type**
- ▬▬▬ Utility Easement
- ▬▬▬ Other Easement
- ▬▬▬ Zoning Boundaries
- ▬▬▬ Trout Stream (GPS)
- ▬▬▬ Other Stream (GPS)



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LEGAL DESCRIPTION OF RIGHT OF WAY VACATION

All the part of Cherry Street and the 33-foot-wide un-named platted right of way lying adjacent to and abutting Lots 1 through 12, Block 4 and the 16-foot-wide platted Alley lying adjacent to and abutting Lots 1 through 10, Block 3 and Lots 1 through 10 and Lots 13 and 14, Block 4, CENTREDALE ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, said right of way to be vacated is described as follows:

Beginning at the Southwest corner of said CENTREDALE ADDITION TO DULUTH; thence on an assumed bearing of North 00 degrees 39 minutes 32 seconds West, along the West line of said CENTREDALE ADDITION TO DULUTH 181.00 feet to the West extension of the South line of Block 3, said CENTREDALE ADDITION TO DULUTH; thence North 89 degrees 13 minutes 48 seconds East, along said West extension and along said South line of Block 3 for a distance of 283.24 feet to the Southerly extension of the East line of Lot 10, said Block 3; thence South 00 degrees 46 minutes 12 seconds East, along said Southerly extension 8.00 feet to a line parallel with and distant 8.00 feet South of the South line of said Block 3; thence North 89 degrees 13 minutes 48 seconds East, along said parallel line 10.88 feet to a line parallel with and distant 8.00 feet Northwesterly of the Northwesterly line of Block 4, said CENTREDALE ADDITION TO DULUTH; thence North 43 degrees 47 minutes 38 seconds East 21.65 feet to the Northwesterly extension of the Northwesterly line of Lot 14, said Block 4; thence South 46 degrees 12 minutes 22 seconds East, along said Northwesterly extension 8.00 feet to the Northwesterly line of said Block 4; thence South 43 degrees 47 minutes 38 seconds West, along said Northwesterly line of Block 4 for a distance of 25.00 feet to the North line of said Block 4; thence South 89 degrees 13 minutes 48 seconds West, along said North line 264.54 feet to the Northwest corner of said Block 4; thence South 00 degrees 39 minutes 32 seconds East, along the West line of said Block 4 for a distance of 125.00 feet to the Southwest corner of said Block 4; thence North 89 degrees 13 minutes 48 seconds East, along the South line of said Block 4 for a distance of 317.11 feet to the Southeasterly line of said Block 4, said line also being the Northwesterly line of Grand Avenue; thence South 43 degrees 47 minutes 38 seconds West, along said Northwesterly line of Grand Avenue 56.14 feet to the South line of CENTREDALE ADDITION TO DULUTH; thence South 89 degrees 13 minutes 48 seconds West, along said South line 310.76 feet to the point of beginning.

Said right of way to be vacated contains 22,161 square feet or 0.51 acres.

LEGAL DESCRIPTION OF RETAINED UTILITY EASEMENT

All that part of the 33-foot-wide un-named platted right of way, CENTREDALE ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, said retained utility easement is described as follows:

The Westerly 16.50 feet of the un-named 33-foot-wide right of way which lies between the Westerly extension of the South line of Block 3, said CENTREDALE ADDITION TO DULUTH and the South line of said CENTREDALE ADDITION TO DULUTH.
Said retained utility easement contains 2,987 square feet or 0.07 acres.

SURVEYOR'S NOTES

1. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
2. THIS IS NOT A BOUNDARY SURVEY.

VACATION EXHIBIT

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.

David R. Emerson
David R. Emerson
MN License #89505
DATE: 06-30-2022

CLIENT: NCE	REVISIONS:
ADDRESS: 3401 GRAND AVENUE DULUTH, MN 55807	DATE: 06-30-2022
JOB NO: 22-039	SHEET 1 OF 2



PHONE: 218-727-5211
LICENSED IN MN, WI
WWW.ALTA LANDSURVEYDULUTH.COM

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

By _____



SW COR CENTREDALE ADDITION TO DULUTH, POB

- LEGEND**
- POB-POINT OF BEGINNING
 - RIGHT OF WAY VACATION AREA
 - RETAINED UTILITY EASEMENT AREA
 - RIGHT OF WAY LINE EXISTING PLAT LINE

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S00°46'12"E	8.00	L4	S46°12'22"E	8.00
L2	N89°13'48"E	10.88	L5	S43°47'38"W	25.00
L3	N43°47'38"E	21.65			

VACATION EXHIBIT

CLIENT: NCE

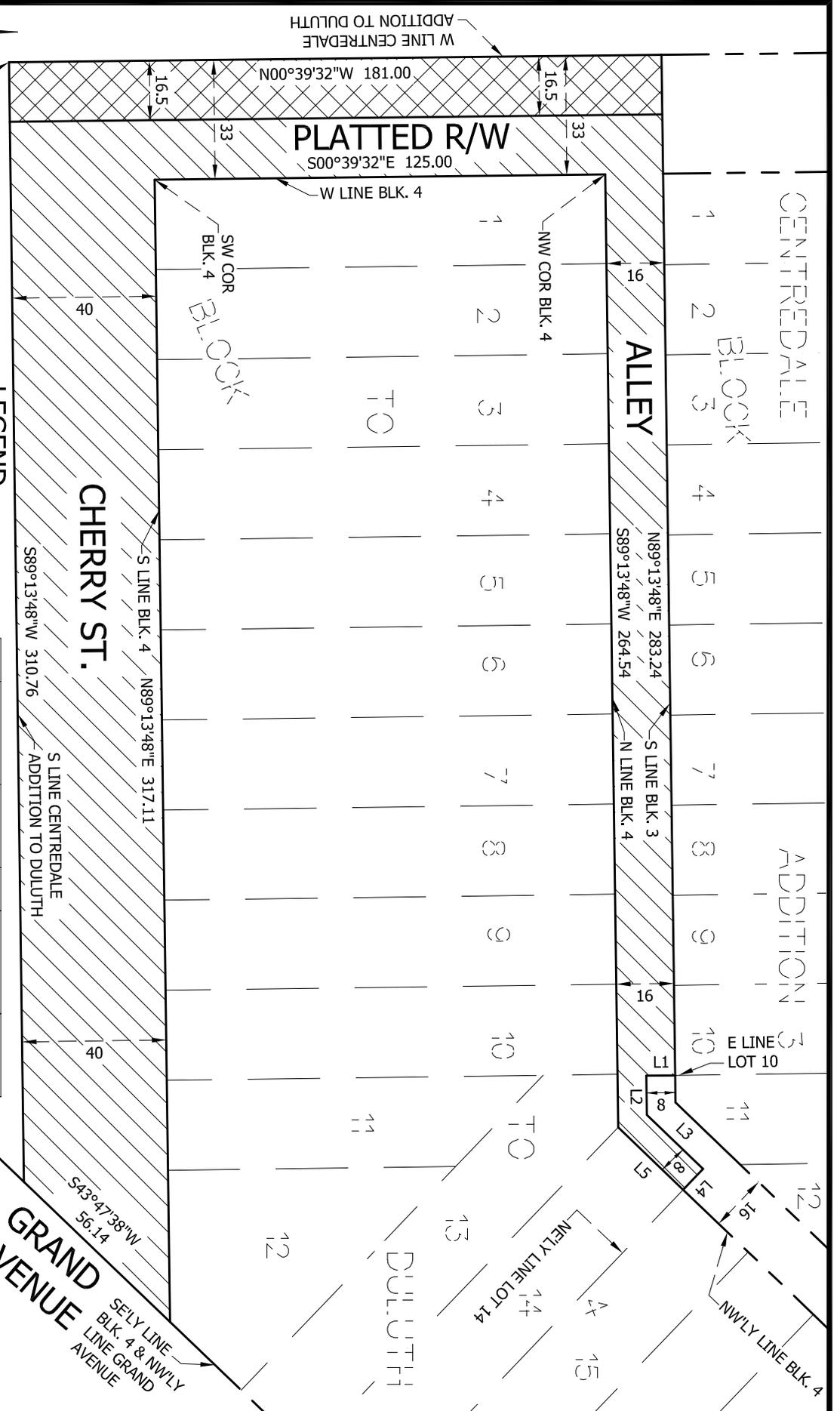
REVISIONS:

ADDRESS: 3401 GRAND AVENUE
DULUTH, MN 55807
DATE: 06-30-2022

JOB NO: 22-039 SHEET 2 OF 2



PHONE: 218-272-5211
LICENSED IN MN, WI
WWW.ALTA LANDSURVEY.COM





Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

 218-730-5580

 planning@duluthmn.gov

File Number	PL 22-122	Contact	Chris Lee, clee@duluthmn.gov	
Type	MU-I Planning Review: Accessory Parking Lot	Planning Commission Date		August 9, 2022
Deadline for Action	Application Date	July 6, 2022	60 Days	September 4, 2022
	Date Extension Letter Mailed	July 15, 2022	120 Days	November 2, 2022
Location of Subject	916 East 3 rd Street			
Applicant	Jefferson School, LLC	Contact	Christian Murphy	
Agent	Northland Consulting Engineers	Contact		
Legal Description	See attached, PIN: 010-3830-07680, 010-3830-07692			
Site Visit Date	July 25, 2022	Sign Notice Date		July 26, 2022
Neighbor Letter Date	July 26, 2022	Number of Letters Sent		63

Proposal

The applicant is proposing to construct a new accessory parking lot to accommodate tenants in the building and their customers. This accessory parking lot will include a stormwater retention pond.

Recommendation

Staff recommends approval, subject to conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-I	Mixed Use Structure	Institutional
North	MU-N	Commercial/Vacant Lot	Neighborhood Mixed Use
South	MU-I	St. Luke's Parking	Institutional
East	MU-I	Parking Lot	Institutional
West	R-2	Commercial	Urban residential

Summary of Code Requirements

50-15.3 MU-I District – Planning review by the Planning Commission is required
 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.

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

Site history: The site is currently used as a multi-family dwelling and a daycare. The parking lots are used for residential tenants, daycare parking, and off-site parking for St. Luke's. A parking lot was previously approved by Planning Commission in 2020 (PL20-022), but the applicant did not act at the time.

Review and Discussion Items

Staff finds that:

- 1) 50-15.3 (MU-I District) – Site plan shows that the parking lot is designed consistent with MU-I requirements. The parking lot is proposed to add 29 stalls and stormwater controls. The applicant will be reconstructing the existing parking lot on the site as part of this parking expansion. The new parking will serve the needs of the daycare facility in the building.
- 2) 50-18.1 (Stormwater Management) – The applicant will be required to submit a stormwater plan for review by the City's Engineering Department prior building permits approved. The applicant has proposed a swale for catching and filtering stormwater runoff for the new lots. This swale is located on the south corner of the property.
- 3) 50-23 (Connectivity) –The site will have internal connectivity from the building entrance to the parking lots. Existing sidewalks will remain in the adjacent rights-of-way.
- 4) 50-24 (Parking) – The site plan currently shows 8 parking stalls. The applicant is proposing an addition of 21 stalls for a total of 29 spaces. Access to the parking lots will be off 9th Avenue East. The number of stalls will be at the maximum allowed on the site and for this use.
- 5) 50-25 (Landscaping) – The landscape plan indicates 4 new maples trees for the required parking lot coverage, along with 16 new shrubs that comply with UDC requirements. The applicant will be removing 3 trees as part of the construction.
- 6) 50-26 (Screening) Not Applicable.
- 7) 50-27 (Signs) – Applicant will apply for sign permits separately from this application. Two signs are being removed as part of this development.
- 8) 50-29 (Sustainability) – Not Applicable.
- 9) 50-30 (Design Standards) – Not Applicable.

- 10) 50-31 (Exterior Lighting) – Not Applicable. Applicant is not proposing new lighting.
- 11) No public comments have been received on this project to date.
- 12) 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:

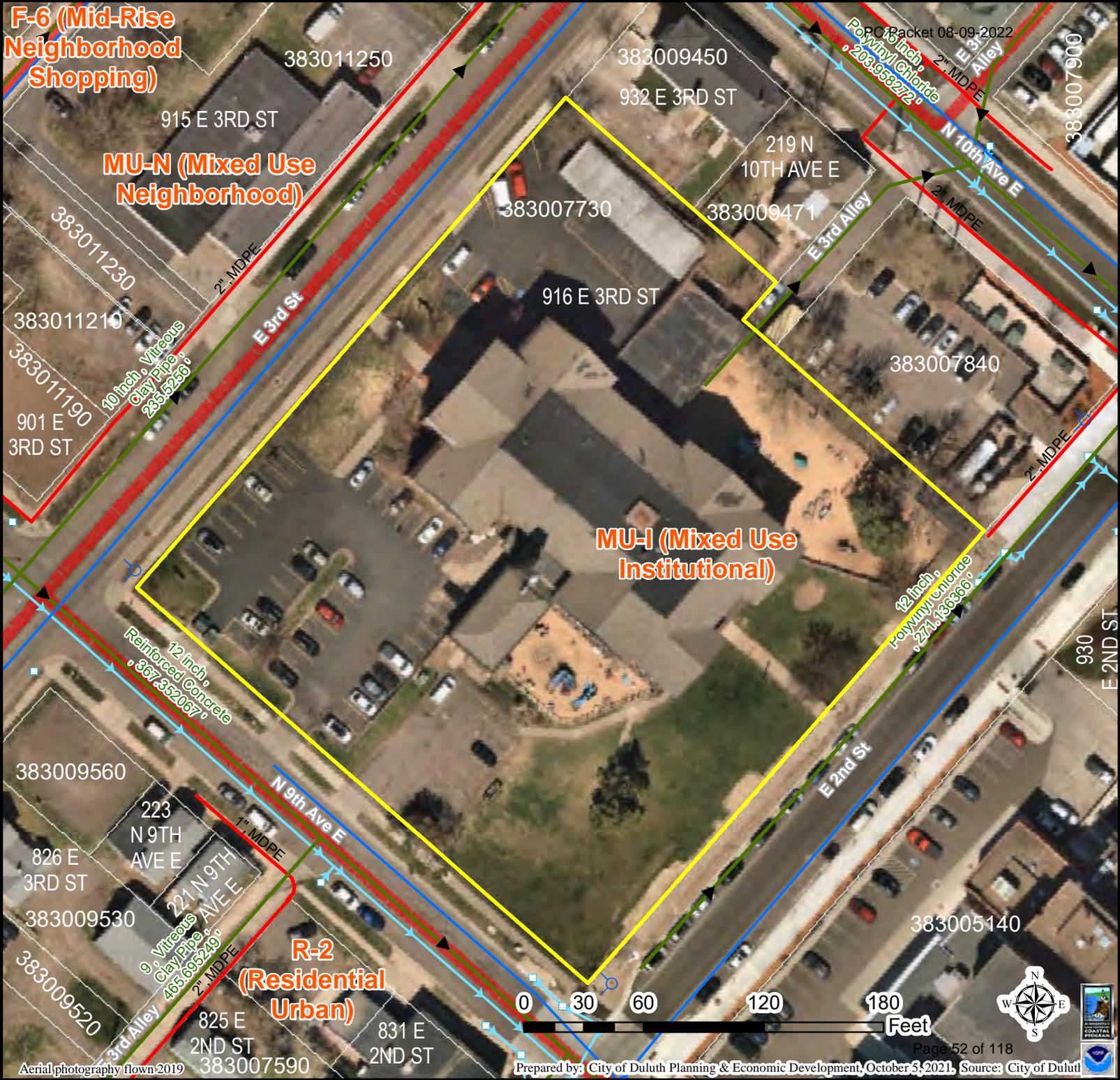
- 1) The project be limited to, constructed, and maintained according to the construction and building plans drawn for this zoning application and included with this staff report on July 6, 2022.
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of UDC Chapter 50.

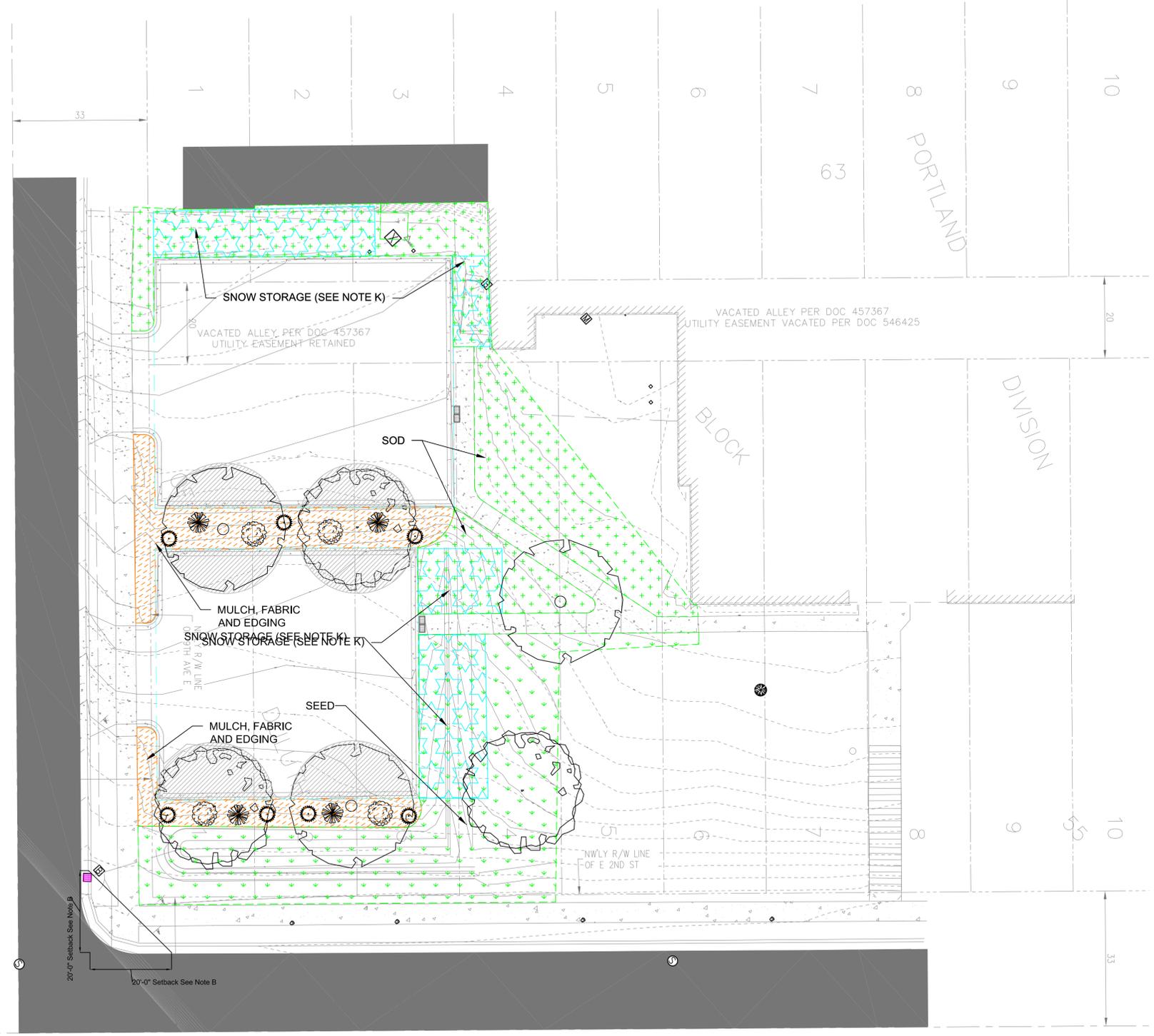


Legend

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

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.





- SITE LANDSCAPE NOTES:**
- THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. GOPHER STATE ONE CALL 811 CONTRACTOR AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGE WHICH MIGHT BE CAUSED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UTILITIES.
 - NO PLANTING SHALL BE INSTALLED UNTIL ALL GRADING AND CONSTRUCTION HAS BEEN COMPLETED
 - CONTRACTOR SHALL PROVIDE ONE YEAR GUARANTEE OF ALL PLANT MATERIALS. THE GUARANTEE BEGINS ON THE DATE OF THE OWNERS WRITTEN ACCEPTANCE OF THE INITIAL PLANTING. REPLACEMENT PLANT MATERIALS SHALL ALSO HAVE A ONE YEAR GUARANTEE. ALL SUBSTITUTIONS MUST BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO SUBMISSION OF ANY BID AND/OR QUOTE BY LANDSCAPE CONTRACTOR.
 - ALL PLANTS TO BE MINNESOTA NORTHERN-GROWN AND HARDY. GRADE SHALL ADHERE TO, BUT NOT BE LIMITED BY THE FOLLOWING STANDARDS:
 - FREE FROM DISEASE, PESTS, WOUNDS, SCARS, ETC.
 - FREE FROM NOTICEABLE GAPS, HOLES OR DEFORMITIES
 - FREE FROM BROKEN OR DEAD BRANCHES AND SHALL HAVE HEAVY, HEALTHY BRANCHES
 - CONIFERS SHALL HAVE AN ESTABLISHED MAIN LEADER AND A HEIGHT TO WIDTH RATIO OF NO LESS THAN 5:3
 - PLANTS TO BE INSTALLED AS PER STANDARD AAN PLANTING PRACTICES.
 - PLANTS SHALL BE INSTALLED IMMEDIATELY UPON ARRIVAL TO THE SITE OR PROPERLY AND TEMPORARILY HEELED-IN.
 - THE NEED FOR SOIL AMENDMENTS SHALL BE DETERMINED UPON SITE SOIL CONDITIONS PRIOR TO THE PLANTING. LANDSCAPE CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT FOR THE NEED OF ANY SOIL AMENDMENTS.
 - CONTRACTOR SHALL PROVIDE NECESSARY WATERING OF PLANT MATERIALS UNTIL ESTABLISHMENT. OWNER WILL NOT PROVIDE WATER FOR CONTRACTOR.
 - RESTORE ALL LAWN AREAS DISTURBED BY CONSTRUCTION ACTIVITIES WITH TOPSOIL AND SOD AS SPECIFIED.
 - PLANT MATERIALS SHALL BE FROM THE CITY OF DULUTH'S APPROVED LANDSCAPING PLANT LIST AS SHOWN IN THE UDC APPLICATION MANUAL. ALL PLANT MATERIAL SHALL BE HARDY TO NORTHEAST MINNESOTA, SUITABLE FOR THE SITE, FREE OF DISEASE AND INSECTS AND CONFORM TO THE AMERICAN STANDARD FOR NURSERY STOCK OF THE AMERICAN NURSERY AND LANDSCAPE ASSOCIATION. (50.25.2.B)
 - ALL REQUIRED LANDSCAPING SHALL BE PLANTED IN UNCOMPACTED SOIL WITH A MINIMUM DEPTH OF 2 FT. (50.25.2.F)
 - IF INSTALLATION OF REQUIRED LANDSCAPING IS NOT POSSIBLE BY THE TIME CONSTRUCTION ON THE PARKING LOT HAS BEEN COMPLETED, THE CITY MAY AUTHORIZE A DELAY IN INSTALLATION UNTIL NO LATER THAN JUNE 30, 2020. AS A CONDITION OF AUTHORIZING A DELAY IN INSTALLATION, THE CITY OF DULUTH MAY REQUIRE THAT A SURETY OR OTHER GUARANTEE, IN A FORM ACCEPTABLE TO THE CITY OF DULUTH, IN THE ESTIMATED AMOUNT OF SUCH INSTALLATION BE PROVIDED, OR THE CITY OF DULUTH MAY ISSUE A TEMPORARY CERTIFICATE OF OCCUPANCY, WITH THE PERMANENT CERTIFICATE OF OCCUPANCY TO BE ISSUED FOLLOWING INSTALLATION OF ALL REQUIRED LANDSCAPING. (50.25.2.N)
 - CONTRACTOR SHALL SPECIES SPACING REQUIREMENTS ACCORDING TO AMERICAN STANDARD FOR NURSERY STOCK OF THE AMERICAN NURSERY & LANDSCAPE ASSOC. TWO TREES CANNOT BE CLOSER THAN 25'. (50.25.2.B)
 - SEE ARCHITECTURAL PLANS BUILDING LAYOUT AND DETAILS.
 - SEE CIVIL PLANS FOR SITE LAYOUT AND GRADING.

- SITE LANDSCAPE REQUIREMENTS:**
- ZONED RESIDENTIAL MIXED-USE INSTITUTIONAL (MUI)
 - DISTURBED AREA IS 8610SF
 - MINIMUM LIVING MATERIAL IS 43%
 - 0FT. IN FRONT STREET YARD
 - 0 FT. IN SIDE STREET YARD
 - 0 FT. ON REAR LOT LINES
 - 20FT SITE LINE TRIANGLE
 - LOT SIZE IS 97,260 SQFT. = 5FT LANDSCAPE REAR AND 10FT SIDE STREET MIN
 - 1 TREE PER 35 FT. OF LINEAR FRONTAGE
4 TREES REQUIRED, 4 PROVIDED
 - 3 LARGE SHRUBS PER 25 FT. OF LINEAR FRONTAGE 136LF.
15 REQUIRED, 15 PROVIDED.
 - DESIGNATED SNOW STORAGE AREA 1825 =22% OF IMPERVIOUS SURFACE
 - 5 FT. MINIMUM PERIMETER SCREENING FROM PUBLIC STREET
 - TOTAL PARKING LOT AREA 8436 SQFT. x 15%= 1265 SQFT. /300 SQFT= 4 TREES.
4 TREES PROVIDED (1594SF) =18% PARKING LOT COVERAGE

3 LANDSCAPE PLAN
SCALE: 1" = 10'-0"

- LEGEND**
- SNOW STORAGE (SEE NOTE K)
 - PARKING TREE SHADE AREA (SEE NOTE L)
 - SOD
 - 3"- 4" BARK MULCH
 - MN DOT 35-221 (Dry Prairie General Seed Mix)
 - PROTECTIVE FENCE (SEE NOTE 12)
- NOTE: All seed shall be broadcast at 200lbs per acre within hydra mulch

PLANTING PLAN LIST					
SYMBOL	SCIENTIFIC NAME	COMMON NAME	QNTY	SIZE	NOTES
	ACER RUBRUM	NORHRTN RED OAK	3	2" CAL	5 GAL
	BETULA PAPPYRIFERA	PAPER BIRCH	3	2" CAL	5 GAL
	CORNUS SERICEA	RED OSIER DOGWOOD	4	3 GAL	6' O.C.
	SPIRAEA X BULMALDA 'GOLDFLAME'	GOLD FLAME SPIREA	4	3 GAL	5' O.C.
	JUNIPERUS SCOPULORUM 'BLUE ARROW'	BLUE ARROW JUNIPER	7	3 GAL	4' O.C.



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 Landscape Architect under the laws of the State of Minnesota.

Patricia Jean S. Crego
Patricia Jean S. Crego
Landscape Architect
Date reg # 48524

Jefferson Square Apartments
916 East 3rd Street
Duluth, Minnesota

project # 02001
date 06-26-2022
drawn by Patricia Jean S. Crego

mark revision/issue date

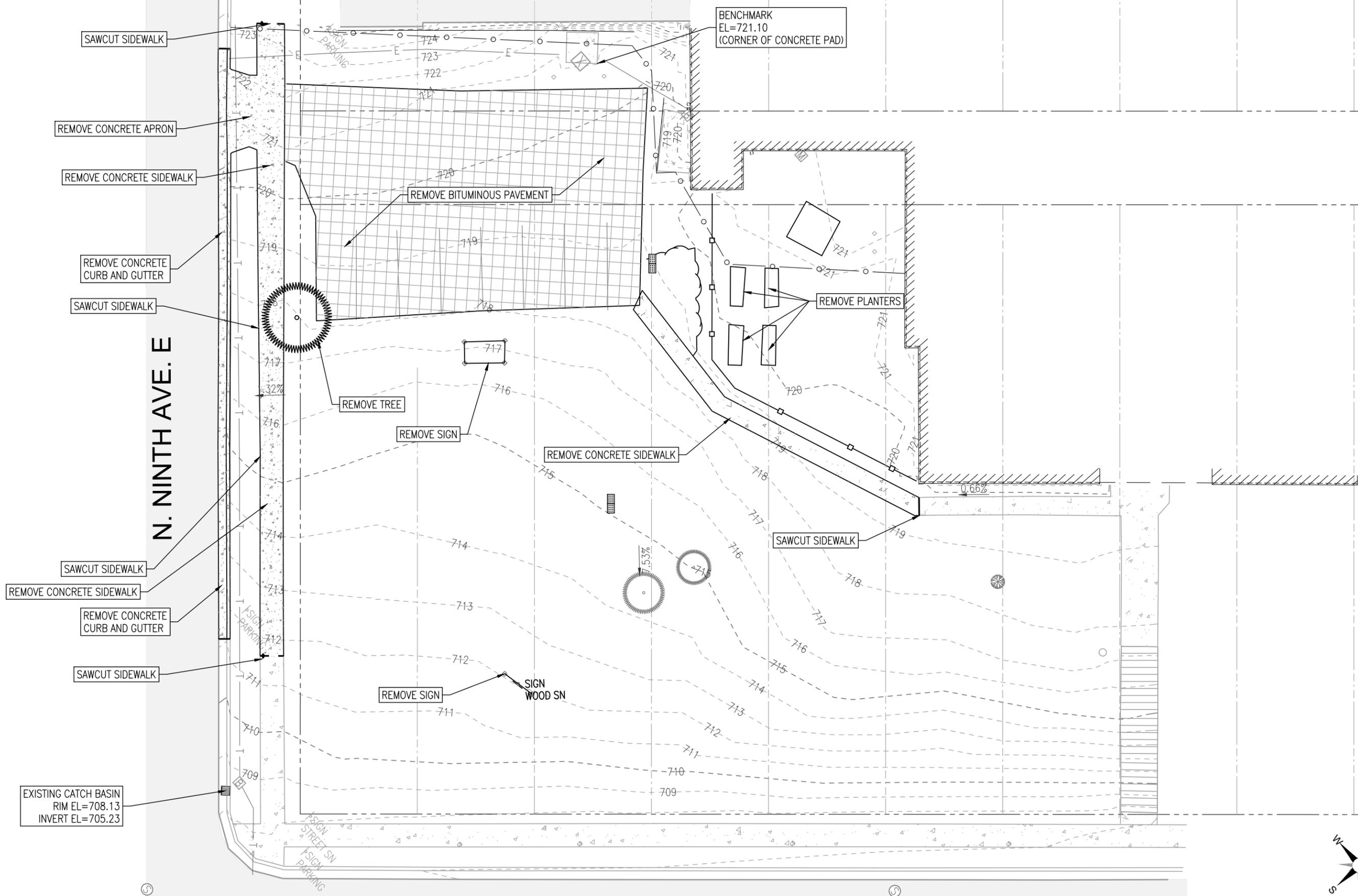
sheet title **L1.0**
SITE LANDSCAPE PLAN

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 Professional Engineer under the laws of the State of Minnesota.
**PRELIMINARY
 NOT FOR CONSTRUCTION**
 Engineer: David G. Bolf
 Lic. No: 40926
 XX/XX/XX

revision

 Proj: 18-221
 Date: XX/XX/XX
 Drawn: PMR
 Checked: TPD
 EXISTING
 CONDITIONS &
 REMOVALS
 Sheet Title
 Sheet Number
C4.0

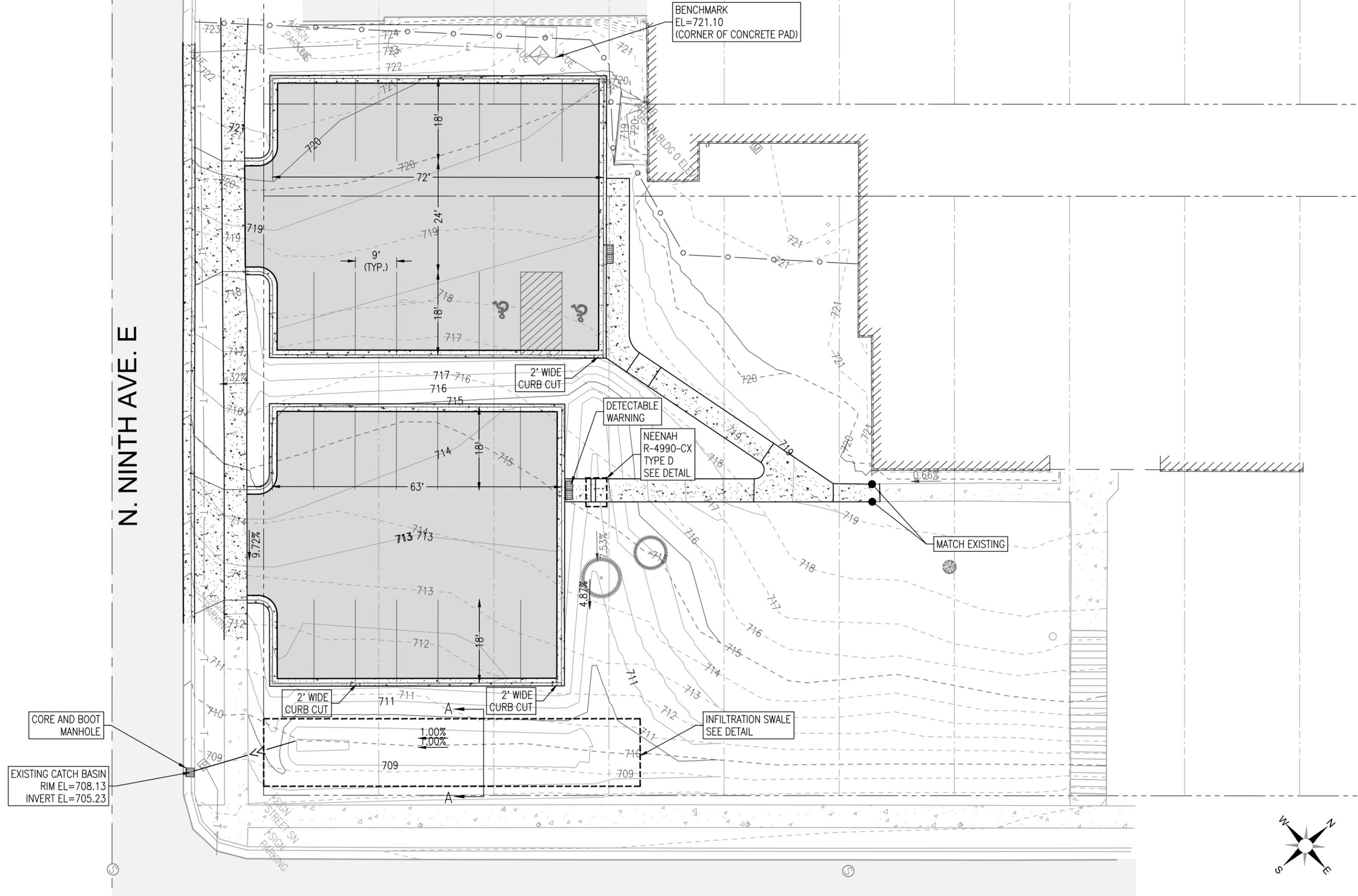
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E. SECOND STREET

N. NINTH AVE. E

E. SECOND STREET



V:\Projects\18-221 - Jefferson Square Apartments Park Lot\Design Engineering\DWG_C4.0_Site Grading and Utilities.dwg Feb 05, 2020 - 8:52am Patrick



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 22-114	Contact	Theresa Bajda	
Type	Amend Existing R-P Regulating Plan	Planning Commission Date	August 9, 2022	
Deadline for Action	Application Date	July 5, 2022	60 Days	September 3, 2022
	Date Extension Letter Mailed	July 25, 2022	120 Days	November 2, 2022
Location of Subject	1225 Harbor Highlands Drive/E 13 th Street (PIDs: 010-3921-00040, 010-3921-00050, 010-3921-00060). Tracts D, E and F.			
Applicant	Housing and Redevelopment Authority of Duluth, MN (HRA)	Contact	Jill Keppers	
Agent	LHB, Inc.	Contact	Heidi Bringman	
Legal Description	See Attached Map			
Site Visit Date	July 28, 2022	Sign Notice Date	July 26, 2022	
Neighbor Letter Date	July 27, 2022	Number of Letters Sent	10	

Proposal

Applicant is requesting to amend the approved Harbor View/Central Hillside Revitalization Traditional Neighborhood Development Regulating Plan to allow for changes to building types, lot configurations, and design standards for three parcels within the existing Harbor Highlands Development (Tracts D, E, and F) to allow future construction of a 70-unit affordable senior housing apartment and up to 40 units of affordable housing amongst five distinct buildings (2, 9, and 10-plex buildings). Any amendment to the Regulating Plan that involves changes to land use, density, or height is required to follow the rezoning process and receive approval from City Council.

Staff Recommendation

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

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-P	Residential	Urban Residential
North	MU-P	Institutional	Business Park
South	R-1	Residential	Traditional Neighborhood
East	MU-N	Institutional/Commercial	General Mixed Use
West	R-1	Undeveloped	Traditional Neighborhood

Summary of Code Requirements

- UDC Sec. 50-14.07.E: The establishment of an R-P district requires rezoning the property per Section 50-37.3 from a current zone district to R-P and the approval of an R-P plan per Section 50-37.11. that governs the uses, location, density, dimensional standards and character of the proposed project. In accordance with the purpose of the R-P districts are not required to submit a separate subdivision application under Section 50-37.5 Page 56 of 118

- UDC Sec. 50-14.7.J: Applications to amend an existing R-P plan shall follow the process described in Section 50-37.3 if they relate to uses, densities, or height. All other amendments shall follow the process in Section 50-37.11.
- UDC Sec. 50-37.3.B: Planning Commission shall review the application, conduct a public hearing ... with public notice ... and make a written recommendation to council.
- UDC Sec. 50-37.3.C: The Planning Commission shall review the application, and Council shall approve the application or approve it with modifications, if it determines that the application: 1. Is consistent with the Comprehensive Land Use Plan; 2. Is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use; 3. Is required by public necessity, convenience, or general welfare, or good zoning practice; 4. Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible.

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

Governing Principles

Governing Principle #1 – Reuse previously developed lands. This area was previously developed with the Harbor View Homes Public housing development.

Governing Principle #5 – Promote reinvestment in neighborhoods. New development should provide a variety of housing and a street pattern that contributes to the neighborhood identity.

Governing Principle #6 – Reinforce the place-specific. The development should strengthen the defining elements of the Harbor Highlands neighborhood.

Comprehensive Plan Policies and Strategies

- Housing Policy #2 – Provide affordable, attainable housing opportunities.
- Housing Policy #3 – Prioritize inclusive housing policies to reflect the city’s social, cultural, economic, and historic diversity and development patterns.
- Housing Policy #4 – Improve the quality of the city’s housing stock and neighborhoods, including quality housing with curb appeal, landscaping, and good site design.

Future Land Use

Urban Residential: Greatest variety of 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.

Recent History

The Harbor View/Central Hillside Revitalization Traditional Neighborhood Development Code was enacted November 15, 2002. In 2003, the Duluth HRA was awarded a \$20 million HUD HOPE VI grant for the revitalization of the Harbor View Homes public housing development.

Review and Discussion Items:

1. When the UDC became effective in 2010, all existing Traditional Neighborhood Design (TND) zone districts were rezoned to the Residential-Planned (R-P) zone districts. Ramsey Village and Harbor Highlands were the two TND districts that were immediately rezoned to R-P.
2. Any proposed change to the R-P Regulating Plan that involves land use, density, or height needs to be approved by City Council through the process used for rezoning (including a public hearing in front of the Planning Commission), but minor changes to the R-P Regulating Plan can be approved by the Land Use Supervisor. The applicant is proposing a change in the building type (or use and density) on their property.
3. Applicant seeks to amend the approved plan to allow Type I (Apartment Building) and Type II (Mixed Use Multi-Family Building) on Tracts D and E. The approved regulating plan allows for Type I, III, IV, V, and VI (Apartment Building, Multi-Family Grand House, Triplex Residential, Duplex Residential, Single Family Detached). This amendment will allow for construction of 70-units of affordable senior housing.

Applicant seeks to amend the approved plan to allow Type I, II, III, IV, V, and VI (Apartment Building, Mixed Use Multi-Family Building, Multi-Family Grand House, Triplex Residential, Duplex Residential, and Single Family Detached) on the lower portion of Tract D and Tract F. The approved regulating plan allows for Type III, IV, V, VI (Multi-Family Grand House, Triplex Residential, Duplex Residential, and Single Family Detached). This amendment will allow flexibility in future construction of up to 40 units of affordable housing (2, 9 and 10-plex buildings).

4. Applicant seeks to amend general lot configuration of Tracts D, E, and F of the approved plan to allow for the building uses discussed above.
5. Applicant seeks to amend parking guideline number 11 in the approved plan to allow parking spaces to be 9'x17' for standard parking and 8.5'x15' for small/compact spaces while allowing the area set aside for parking space to encroach beyond the face of a curb a maximum of 1.5' under certain conditions. The approved regulating plan determined parking spaces shall be 9'x18' or 10'x17' for head-in parking, and 8'x20' for parallel parking. Additionally, applicant seeks to amend parking guideline number 12 in the approved plan to allow similar changes to accessible parking spaces. Staff finds that these proposed changes are consistent with Section 50-24.7.A of the UDC related to Parking Lot Design Standards.
6. Applicant seeks to amend elements guideline number 12 in the approved plan to allow porches to project into the required Side Yard Setbacks between buildings. This amendment will allow thoughtful density of townhome style development on the lower portion of Trad D and Tract F for future construction of 40 units of affordable housing (2, 9, and 10-plex buildings). The porches fit with current design of the neighborhood and provide family units with outdoor space.
7. Applicant seeks to amend the general lot criteria for Building Type I (Apartment Building) to allow up to 70 units versus the approved language of six to twelve units; a building width of 80'-245' versus the approved 80'-112'; and height and grading criteria of 4 floors max versus the approved 3.5 floor. All new buildings shall complement the architecture, materials of prior Harbor View/Central Hillside buildings.
8. The proposal to change to the allowed building types is not in conflict with the original TND Plan. This amendment will not create material adverse impacts on nearby properties.
9. The proposed zoning amendment is consistent with purpose statement in the R-P zone district and the Harbor View/Central Hillside Traditional Neighborhood Development Code to foster a sense of community with pedestrian friendly design, open spaces and a variety of housing types. The amendment is consistent with the character of the neighborhood in general and the proposed rezoning area in particular. The developments must follow all applicable building and fire code standards and other regulations related to life safety.
10. No comments were received.

Staff Recommendation:

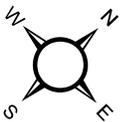
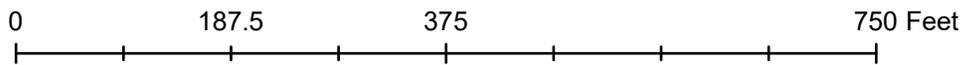
Based on the above findings, staff recommends to Planning Commission that the proposed amendment to change the building, lot configuration, and use of the R-P Regulating Plan be recommended for approval by City Council for the following reasons:

- 1) This proposal is consistent with the Comprehensive Land Use Plan.
- 2) The proposal amendment to the Regulating Plan District is consistent with the future land use category “Urban Residential.”
- 3) Material adverse impacts on nearby properties are not anticipated.

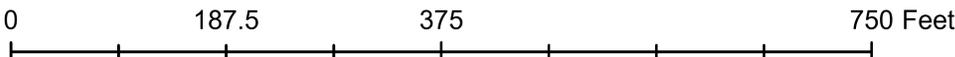
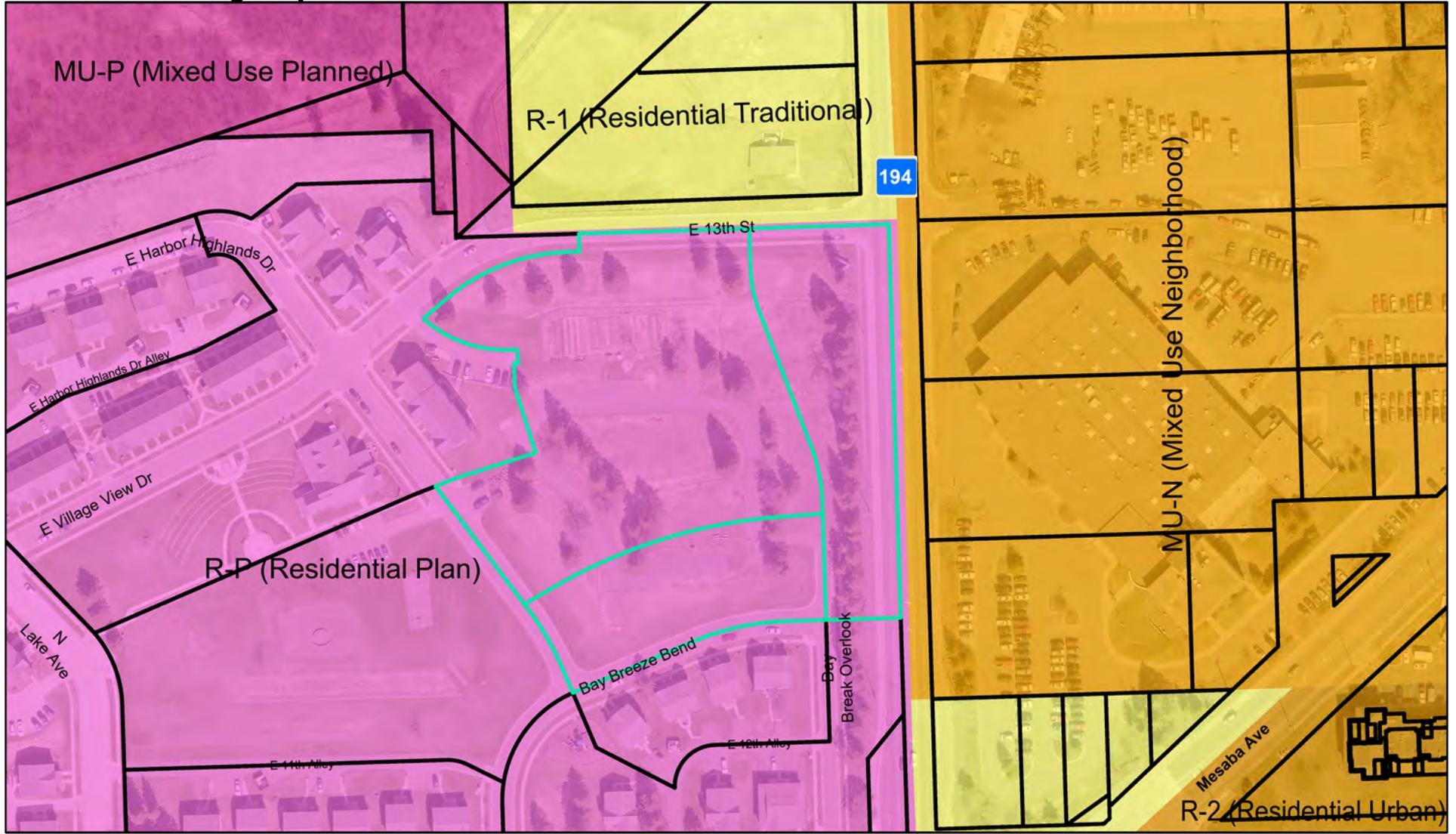
PL22-114 Location Map



-  Parcel boundaries
-  Project Location



PL22-114 Zoning Map



Zoning

UDC Zoning

- F-1 (Low-Rise Neighborhood Shopping)
- F-2 (Low-Rise Neighborhood Mix)
- F-3 (Mid-Rise Community Shopping)
- F-4 (Mid-Rise Community Mix)
- F-5 (Mid-Rise Community Shopping and Office)
- F-6 (Mid-Rise Neighborhood Shopping)
- F-7 (Downtown Shopping)

- F-8 (Downtown Mix)
- F-9 (Canal Park Lakefront)
- MU-W (Mixed Use Waterfront)
- RR-1 (Rural Residential 1)
- RR-2 (Rural Residential 2)
- R-1 (Residential Traditional)
- R-2 (Residential Urban)
- R-P (Residential Planned)
- MU-P (Mixed Use Planned)
- MU-N (Mixed Use Neighborhood)
- MU-C (Mixed Use Commercial)
- MU-I (Mixed Use Institutional)
- MU-B (Mixed Use Business Park)
- I-G (Industrial General)
- I-W (Industrial Waterfront)
- P-1 (Park)
- R-C (Rural Conservation)
- Parcel boundaries
- Project Location



Legend

		Platted Roads/Alleys	Developable Area
	Tract B 143,709 sq ft 3.30 ac	10,054 sq ft 0.23 ac	133,655 sq ft 3.07 ac
	Tract D 125,036 sq ft 2.87 ac	37,702 sq ft 0.87 ac	87,334 sq ft 2.00 ac
	Tract E 52,467 sq ft 1.21 ac	27,784 sq ft 0.64ac	24,683 sq ft 0.57ac
	Tract F 40,549 sq ft 0.93 ac	111,26 sq ft 0.26 ac	29,423 sq ft 0.68 ac
	Tract I 119,406 sq ft 2.74 ac	10,049 sq ft 0.23 ac	109,357 sq ft 2.51 ac
	Property Line 1,387,371 sq ft 31.85 ac		
	Right of Way Line		

Notes:
 1. Tracts are based upon available GIS parcel data & Registered Land Survey No. 82.
 2. Tracts A, C, G, H, J, K, & L have been previously developed.

HARBOR VIEW/CENTRAL HILLSIDE REVITALIZATION

TRADITIONAL NEIGHBORHOOD DEVELOPMENT CODE

AMENDED SUBMISSION

PREPARED FOR

OWNER

THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH

DEVELOPER

THE COMMUNITIES GROUP

PREPARED BY: (PAGES NOTED)
TORTI GALLAS AND PARTNERS
SILVER SPRING, MD

AMENDED BY: (PAGES NOTED)



LHB, INC.
MINNEAPOLIS, MN

NOVEMBER 15, 2002
AMENDED DECEMBER 20, 2002
AMENDED MARCH 24, 2004
AMENDED SEPTEMBER 28, 2005
AMENDED OCTOBER 14, 2005
AMENDED JANUARY 25, 2006 AMENDED
MARCH 10, 2008 (Page 2, 3, 7 & 15)
JULY 5, 2022 (Page 2,3,5,6,7, & 18)

Updated
July 2022

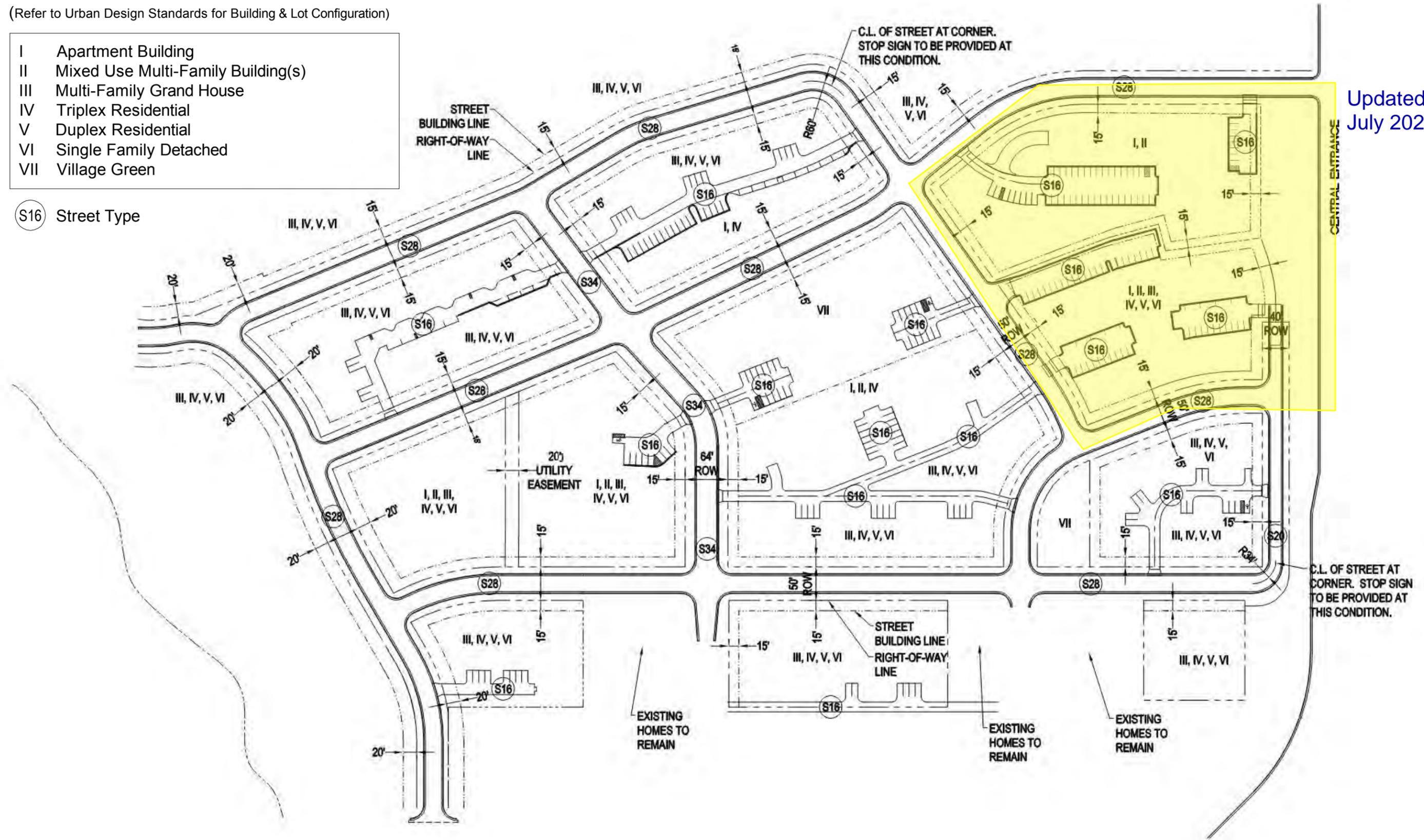
LEGEND

(Refer to Urban Design Standards for Building & Lot Configuration)

- I Apartment Building
- II Mixed Use Multi-Family Building(s)
- III Multi-Family Grand House
- IV Triplex Residential
- V Duplex Residential
- VI Single Family Detached
- VII Village Green

(S16) Street Type

Updated
July 2022

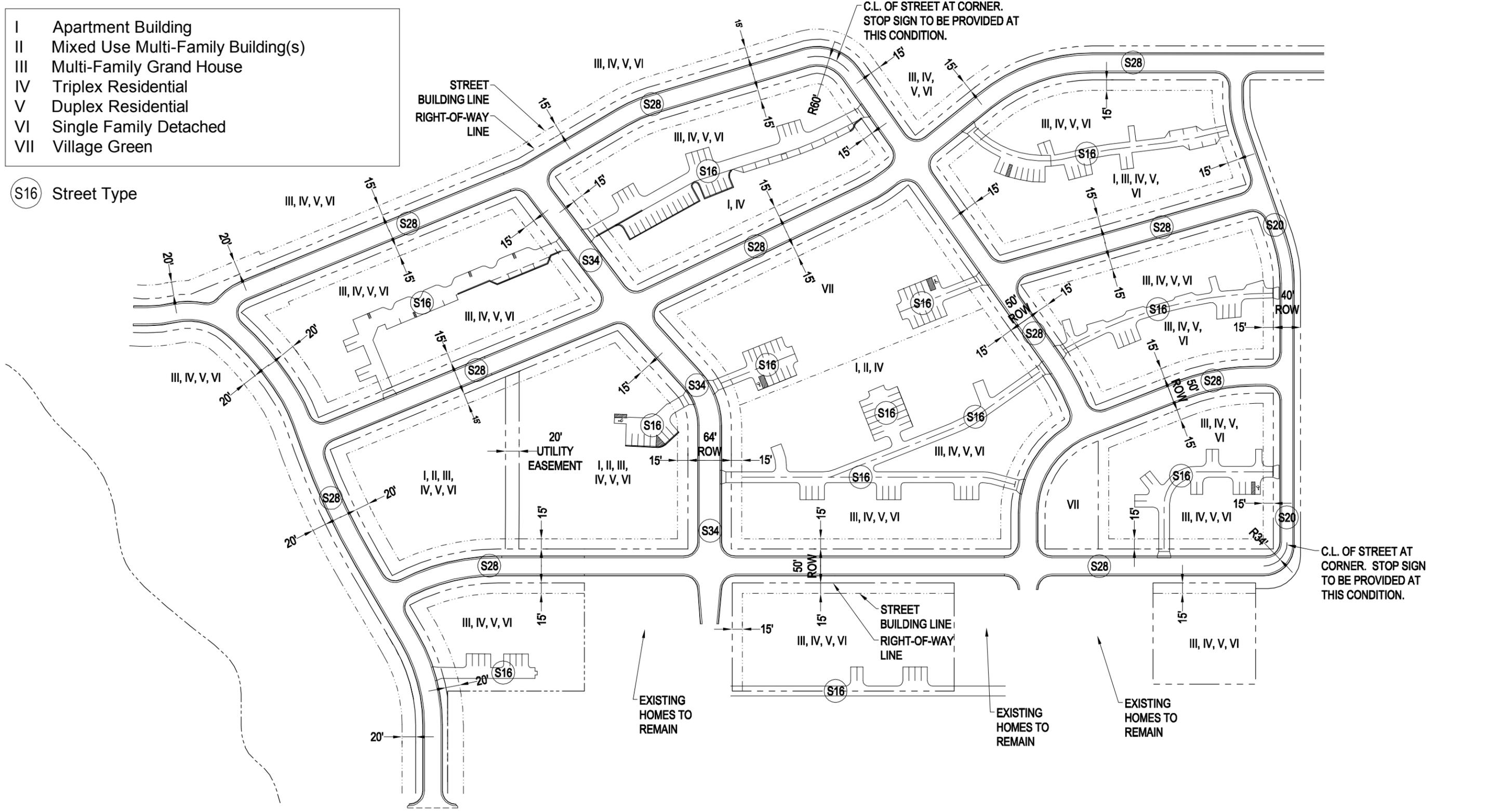


LEGEND

(Refer to Urban Design Standards for Building & Lot Configuration)

- I Apartment Building
- II Mixed Use Multi-Family Building(s)
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- IV Triplex Residential
- V Duplex Residential
- VI Single Family Detached
- VII Village Green

S16 Street Type



Updated July 2022



- CENTRAL ENTRANCE
- NEW COMMUNITY CENTER
- VILLAGE GREEN
- DAY CARE CENTER
- FLEXSPACE FOR FUTURE RETAIL
- NEIGHBORHOOD PARK
- CLARKHOUSE CREEK
- MESABA AVENUE



GENERAL LOT CRITERIA

General Notes

1. These General Notes pertain to all of the Building Areas indicated on The Regulating Plan.
2. The Urban Regulations may only be superseded by the detailed Site Plan or any conflicting criteria for specific Building Area types.
3. Variances to these Urban Regulations may only be approved by the City of Duluth.

Signage

1. For buildings with retail uses, retail signage may be used. The standards for such signage is as follows:
 - A. Wall signage may be affixed directly to the building (parallel to wall surface) with tenant identification and logos. Height may not exceed 2', width may not exceed facade of retail space, and depth may not exceed 8". One per retail space allowed.
 - B. Blade signs may be provided (perpendicular to wall surface) with tenant identification, logos and/or address number. Signage area may not exceed 6 sf, and it may not project more than 3'-6" from the building's surface. Bottom edge of signage must be at least 8' above exterior grade. One per retail space allowed.
 - C. Awnings with signage may be affixed to storefront windows with tenant identification, logos and/or address number. Depth may not exceed 4'. Bottom edge of awning must be at least 7' above grade.
 - D. A sign may be applied to a window with tenant identification, logos, and/or address number. Signage may not exceed 20% of window opening.
 - E. Lighting associated with such signage may be provided, with the exception of neon lighting and box signs with internal lighting. Lighting must not shine directly into windows of dwelling units in same building or adjacent buildings.
 - F. All signage and associated lighting must be located at least 2' below second floor window sills.
 - G. All portions of security grilles must be completely concealed from view during business hours.
2. Identification signage is allowed at the Community Center in the Village Green and Daycare Center. This may consist of EITHER:
 - A. Wall signage affixed directly to the building (parallel to wall surface). Area may not exceed 10 sf, and depth may not exceed 8", OR
 - B. A free-standing wall sign. Height may not exceed 3', and width may not exceed 5'. May not be mounted on posts.
3. Directional signs may be provided throughout the neighborhood. Size shall not exceed 6 sf. Shall be mounted on posts with bottom edge 7' above grade.
4. Neighborhood monument signs may be provided. Size shall not exceed 20' wide by 5'-6" high. Two sign maximum per an entry allowed.
5. Banner signs on light posts may be provided along perimeter of Village Green (both sides of street) and along Lake Avenue. Size not to exceed 7' high by 2'-6" wide. Must be mounted with bottom edge at least 8' above grade.
6. Two signs with a list of amenities and locations may be located within the neighborhood. Size of sign not to exceed 20 sf.
7. Temporary signs for marketing may be provided. Size may not exceed 60 sf.
8. No billboards allowed.

Placement

1. Buildings shall be placed within the Building Area relative to the property lines as shown in these Urban Standards.
2. Fronts of all buildings shall be placed on the Street Building Line that is shown on the Regulating Plan UNO, except where mature trees exist, in which case buildings may be set back to preserve trees.
3. Street Building Lines are indicated on the following pages of the Urban Standards by thick black lines.
4. Front doors shall face the Street or side yard with an entry walk, entry portico or porch opening to the Street.
5. Sideyard setbacks on any Corner Lots shall be aligned with the Street Building Line of adjacent lots, except where mature trees exist, in which case buildings may be set back to preserve trees.
6. See Building Types for required Side Yard Setbacks between buildings.

Updated
July 2022

Height & Grading

1. Building height shall be measured relative to the Sidewalk/Lot Elevation in number of floors.
2. The elevation of the first floor finished floor shall be a maximum of 9' above the Sidewalk/Lot Elevation.
3. Ancillary buildings shall be 1 to 2 stories in height.
4. Ancillary buildings 2 stories in height must be designed by an Architect or Engineer.
5. Where grading requires a raised front yard, the maximum allowable slope at the front yard edge is 2:1. Such slope must be planted with ground cover.
6. Where grading permits, rear yards shall drain towards the rear of the lot.
7. Retaining walls, if required, are permitted at the sidewalk to a maximum height of 4'.
8. Where existing trees are to be saved, grading shall not occur within the tree drip line.

Parking

1. Parking structures shall be placed on the lot relative to the Property Line as shown in these Urban Standards.
2. Residential parking shall be accessed from the alley, where applicable.
3. Ancillary Buildings and garages are permitted within the rear yard.
4. Garaged parking spaces may be located in stand-alone structures or integral to the main building.
5. Garages generally shall be located on the outside (side street) corner of a corner building lot.
6. Lots without an alley may have private drives accessed from the Street.
7. It is preferable that the garages accessed from a private drive will be located entirely behind the primary building. At a minimum, such garages shall be located 20' behind the Primary Facade.
8. A private drive shall be a maximum of 12' wide from the Street to the Primary Facade. Dimension may increase for curb radii.
9. Private driveways shall be straight and perpendicular to the Street, where possible.
10. See individual Building Types for specific off-street parking ratios.
11. Parking spaces shall be 9'x17' for standard parking and 8.5'x15' for small/compact spaces. The area set aside for a parking space may encroach beyond the face of a curb a maximum of 1.5 ft., provided that (a) it does not include trees, posts, or other obstructions that would prevent a vehicle from fully utilizing the space, and (b) it is not included in required open space, landscape area requirements, or required pedestrian walkways.
12. Accessible parking spaces shall be 8'x18' with an 8' access aisle on one side for head-in parking. For parallel parking, an 8' x 20' space with a 8' access aisle shall be provided, except in locations where the dimension from typical curb to ROW is less than 14'; in such a case, handicap space should be located at the end of the block.
13. A minimum of one off-street space is required per unit.
14. Refer to the General Lot Plan for parking access.

Elements

1. Porches shall be a minimum of 5' deep. Stoops shall be a minimum of 4' deep.
2. Balconies at the second floor shall be a minimum of 1' deep if uncovered and a minimum of 2' deep if covered.
3. Side or rear yard fences shall be a maximum of 5' high, where applicable.
4. Front yard fences, where applicable, shall be limited to 3' in height when in front of the Primary Facade and shall be semi-transparent, such as a wrought-iron or picket fence.
5. Openings in fences may be gated and must meet building code egress requirements.
6. Leadwalks must be 3' wide per a single residence.
7. Bay windows are allowed to project over the Street Building Line.
8. Bay windows are allowed to project into the Sideyard in accordance with governing building codes.
9. Rear fence shall be located a minimum of 2' from alley paving edge.
10. Side and front yard fences shall be located 1' inside sidewalk, where applicable.
11. Porches may project up to 8' in front of Street Building Line.
12. Porches may project into the required Side Yard Setbacks between buildings.
13. Trash containers shall be located adjacent to the parking area.
14. Rear decks are allowed.

GENERAL LOT CRITERIA

General Notes

1. These General Notes pertain to all of the Building Areas indicated on The Regulating Plan.
2. The Urban Regulations may only be superseded by the detailed Site Plan or any conflicting criteria for specific Building Area types.
3. Variances to these Urban Regulations may only be approved by the City of Duluth.

Signage

1. For buildings with retail uses, retail signage may be used. The standards for such signage is as follows:
 - A. Wall signage may be affixed directly to the building (parallel to wall surface) with tenant identification and logos. Height may not exceed 2', width may not exceed facade of retail space, and depth may not exceed 8". One per retail space allowed.
 - B. Blade signs may be provided (perpendicular to wall surface) with tenant identification, logos and/or address number. Signage area may not exceed 6 sf, and it may not project more than 3'-6" from the building's surface. Bottom edge of signage must be at least 8' above exterior grade. One per retail space allowed.
 - C. Awnings with signage may be affixed to storefront windows with tenant identification, logos and/or address number. Depth may not exceed 4'. Bottom edge of awning must be at least 7' above grade.
 - D. A sign may be applied to a window with tenant identification, logos, and/or address number. Signage may not exceed 20% of window opening.
 - E. Lighting associated with such signage may be provided, with the exception of neon lighting and box signs with internal lighting. Lighting must not shine directly into windows of dwelling units in same building or adjacent buildings.
 - F. All signage and associated lighting must be located at least 2' below second floor window sills.
 - G. All portions of security grilles must be completely concealed from view during business hours.
2. Identification signage is allowed at the Community Center in the Village Green and Daycare Center. This may consist of EITHER:
 - A. Wall signage affixed directly to the building (parallel to wall surface). Area may not exceed 10 sf, and depth may not exceed 8", OR
 - B. A free-standing wall sign. Height may not exceed 3', and width may not exceed 5'. May not be mounted on posts.
3. Directional signs may be provided throughout the neighborhood. Size shall not exceed 6 sf. Shall be mounted on posts with bottom edge 7' above grade.
4. Neighborhood monument signs may be provided. Size shall not exceed 20' wide by 5'-6" high. Two sign maximum per an entry allowed.
5. Banner signs on light posts may be provided along perimeter of Village Green (both sides of street) and along Lake Avenue. Size not to exceed 7' high by 2'-6" wide. Must be mounted with bottom edge at least 8' above grade.
6. Two signs with a list of amenities and locations may be located within the neighborhood. Size of sign not to exceed 20 sf.
7. Temporary signs for marketing may be provided. Size may not exceed 60 sf.
8. No billboards allowed.

Placement

1. Buildings shall be placed within the Building Area relative to the property lines as shown in these Urban Standards.
2. Fronts of all buildings shall be placed on the Street Building Line that is shown on the Regulating Plan UNO, except where mature trees exist, in which case buildings may be set back to preserve trees.
3. Street Building Lines are indicated on the following pages of the Urban Standards by thick black lines.
4. Front doors shall face the Street or side yard with an entry walk, entry portico or porch opening to the Street.
5. Sideyard setbacks on any Corner Lots shall be aligned with the Street Building Line of adjacent lots, except where mature trees exist, in which case buildings may be set back to preserve trees.
6. See Building Types for required Side Yard Setbacks between buildings.

Height & Grading

1. Building height shall be measured relative to the Sidewalk/Lot Elevation in number of floors.
2. The elevation of the first floor finished floor shall be a maximum of 9' above the Sidewalk/Lot Elevation.
3. Ancillary buildings shall be 1 to 2 stories in height.
4. Ancillary buildings 2 stories in height must be designed by an Architect or Engineer.
5. Where grading requires a raised front yard, the maximum allowable slope at the front yard edge is 2:1. Such slope must be planted with ground cover.
6. Where grading permits, rear yards shall drain towards the rear of the lot.
7. Retaining walls, if required, are permitted at the sidewalk to a maximum height of 4'.
8. Where existing trees are to be saved, grading shall not occur within the tree drip line.

Parking

1. Parking structures shall be placed on the lot relative to the Property Line as shown in these Urban Standards.
2. Residential parking shall be accessed from the alley, where applicable.
3. Ancillary Buildings and garages are permitted within the rear yard.
4. Garaged parking spaces may be located in stand-alone structures or integral to the main building.
5. Garages generally shall be located on the outside (side street) corner of a corner building lot.
6. Lots without an alley may have private drives accessed from the Street.
7. It is preferable that the garages accessed from a private drive will be located entirely behind the primary building. At a minimum, such garages shall be located 20' behind the Primary Facade.
8. A private drive shall be a maximum of 12' wide from the Street to the Primary Facade. Dimension may increase for curb radii.
9. Private driveways shall be straight and perpendicular to the Street.
10. See individual Building Types for specific off-street parking ratios.
11. Parking spaces shall be 9' x 18' or 10' x 17' for head-in parking, and 8' x 20' for parallel parking.
12. Accessible parking spaces shall be 8'x18' with a 5' x 18' access aisle on one side for head-in parking. For parallel parking, an 8' x 20' space with a 5' access aisle shall be provided, except in locations where the dimension from typical curb to ROW is less than 14'; in such a case, handicap space should be located at the end of the block.
13. A minimum of one off-street space is required per unit.
14. Refer to the General Lot Plan for parking access.

Elements

1. Porches shall be a minimum of 6' deep. Stoops shall be a minimum of 4' deep.
2. Balconies at the second floor shall be a minimum of 1' deep if uncovered and a minimum of 2' deep if covered.
3. Side or rear yard fences shall be a maximum of 5' high, where applicable.
4. Front yard fences, where applicable, shall be limited to 3' in height when in front of the Primary Facade and shall be semi-transparent, such as a wrought-iron or picket fence.
5. Openings in fences may be gated and must meet building code egress requirements.
6. Leadwalks must be 3' wide per a single residence.
7. Bay windows are allowed to project over the Street Building Line.
8. Bay windows are allowed to project into the Sideyard in accordance with governing building codes.
9. Rear fence shall be located a minimum of 2' from alley paving edge.
10. Side and front yard fences shall be located 1' inside sidewalk, where applicable.
11. Porches may project up to 8' in front of Street Building Line.
12. Porches may not project into the required Side Yard Setbacks between buildings.
13. Trash containers shall be located adjacent to the parking area.
14. Rear decks are allowed.

50-24.7 Parking lot design standards.

A. General standards.

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

Table 50-24-4: Parking Design Standards		
Parking Space Size*		
Size of Car	Minimum Size of Parking Space	
Small	8.5 ft. x 15 ft.	
Standard	9 ft. x 17 ft.	
Aisle Widths		
Angle of Parking	Minimum Width of Aisle	
	One-Way	Two-Way
Parallel/no parking	11 ft.	21 ft.
30 degree	11 ft.	21 ft.
45 degree	13 ft.	23 ft.
60 degree	18 ft.	24 ft.
75 degree	20 ft.	24 ft.
90 degree	20 ft.	24 ft.
Permitted Percentage of Small Car Spaces (Applies to lots with more than 5 spaces)		
Size of Parking Lot	Maximum Percentage of Small Cars	
6 to 100 spaces	40%	
100 to 149 spaces	45%	
150 or more spaces	50%	
Required Surface Treatment/Paving		
Zone District	Requirement	
All residential district parking areas	Surfaced in a dust free, hard surface material such as concrete or bituminous, or pervious paving materials, except for rear yards which may be surfaced in aggregate materials, compressed aggregates or similar surfaces.	
All mixed use and special purpose districts	All parking areas and vehicle display lots, including on- and off-road vehicles, trailers, and all terrain vehicles, shall be surfaced in a dust free, hard surface material such as concrete or bituminous. Pervious paving material shall be approved by the city engineer.	

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

B. Parking lot and driveway entrances.

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

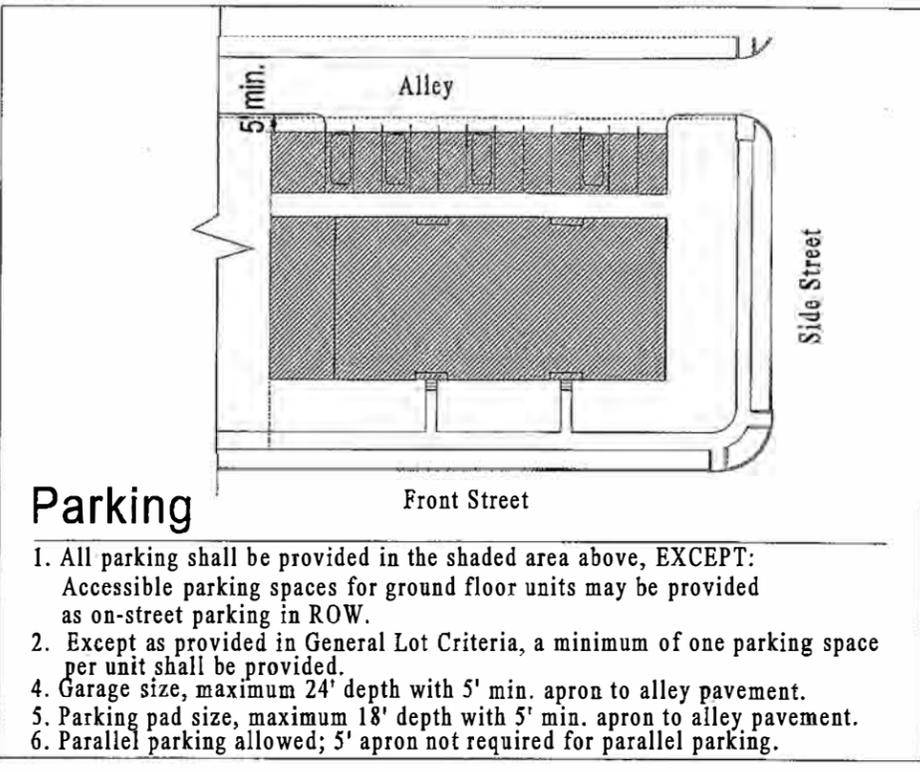
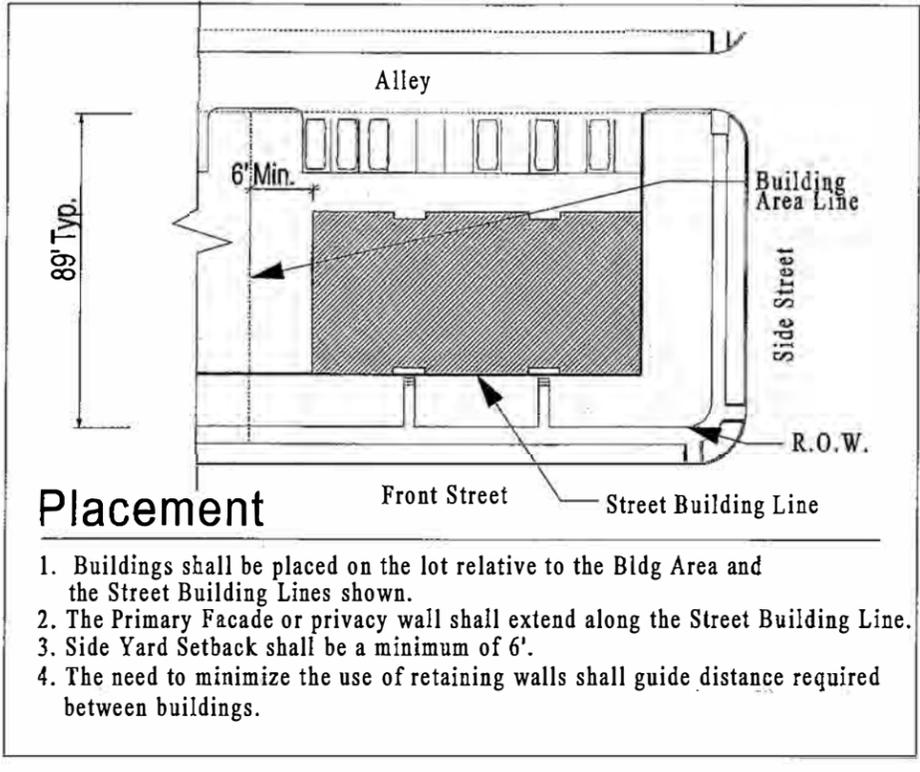
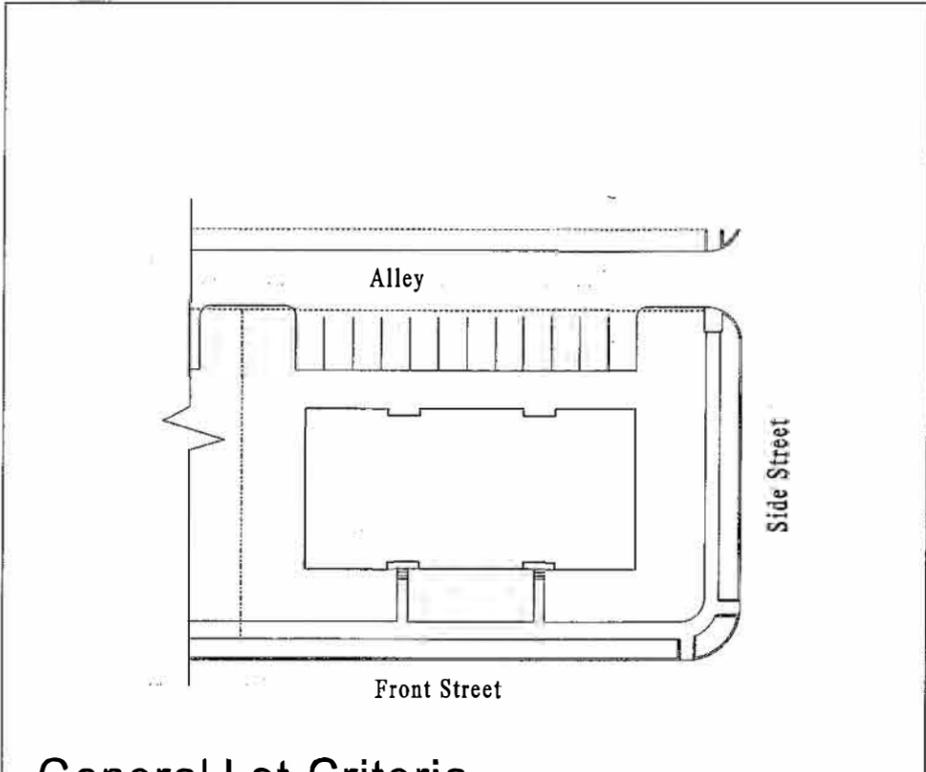
C. Snow storage areas.

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

D. Parking lot walkways.

Each surface parking area that (a) serves a multi-family residential, commercial, public, institutional, civic, or mixed use, and (b) contains 50 or more parking spaces, and (c) contains any parking spaces located more than 300 feet from the front façade of the building shall contain at least one pedestrian walkway

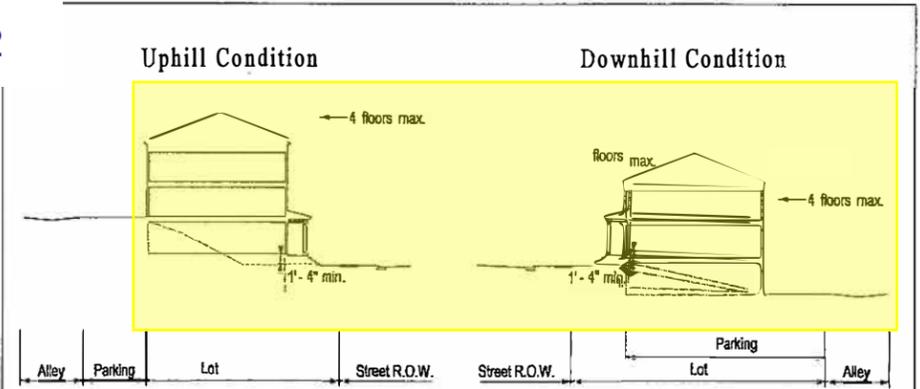
BUILDING TYPE: I APARTMENT BUILDING



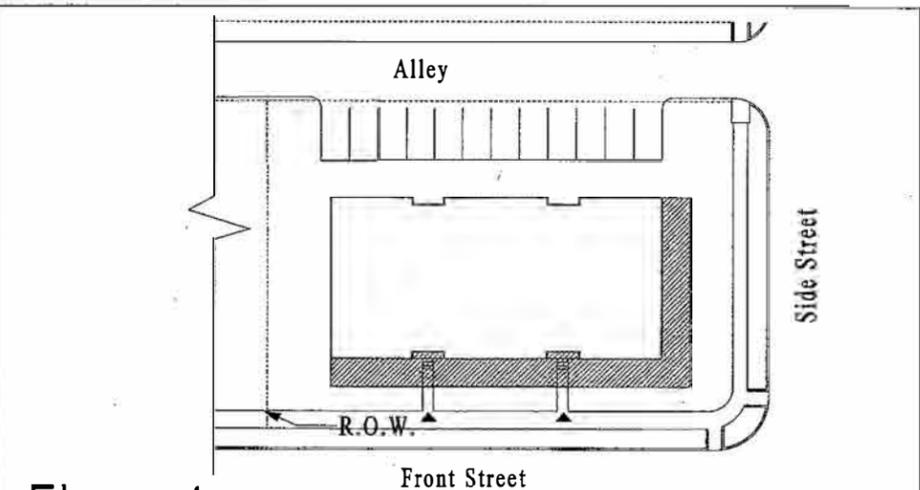
General Lot Criteria

Updated July 2022

1. Primary Use of structure shall be up to 70 apartments.
2. Building Width: 80' -245' max', L configurations allowed
3. The following uses shall be permitted:
 - a. Retail: Shall be permitted on Ground Floor only. Uses shall be restricted to those listed in Section C-1of the Duluth Zoning Ordinance.
 - b. Senior Housing: Permitted on all floors where units are compliant.
 - c. Day Care: Permitted on Ground Floor, second floor and Basement.
 - d. Residential: Multi-family, unless otherwise indicated on the Regulating Plan, permitted on all floors.
4. Building design may deviate from the Architectural Standards subject to approval of the Review Architect.
5. Parking for ancillary uses:
 - a. Senior units: minimum one parking space for every 4 units where applicable.
 - b. Day Care: minimum one space for each employee during the largest shift.
 - c. Retail: minimum one off-street space for every 600 sf above 2,500 sf.

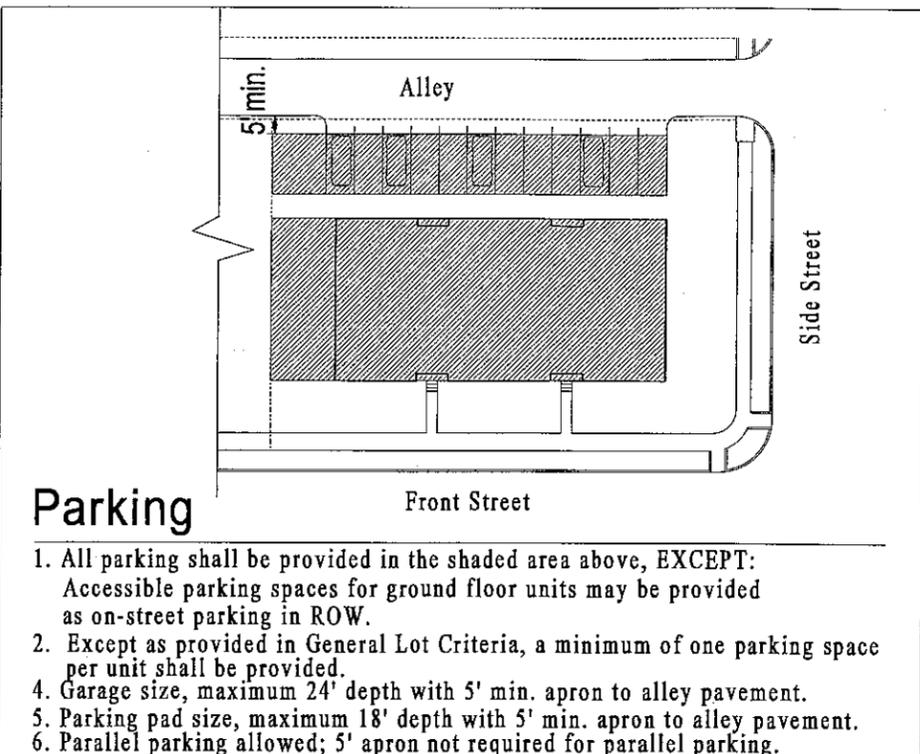
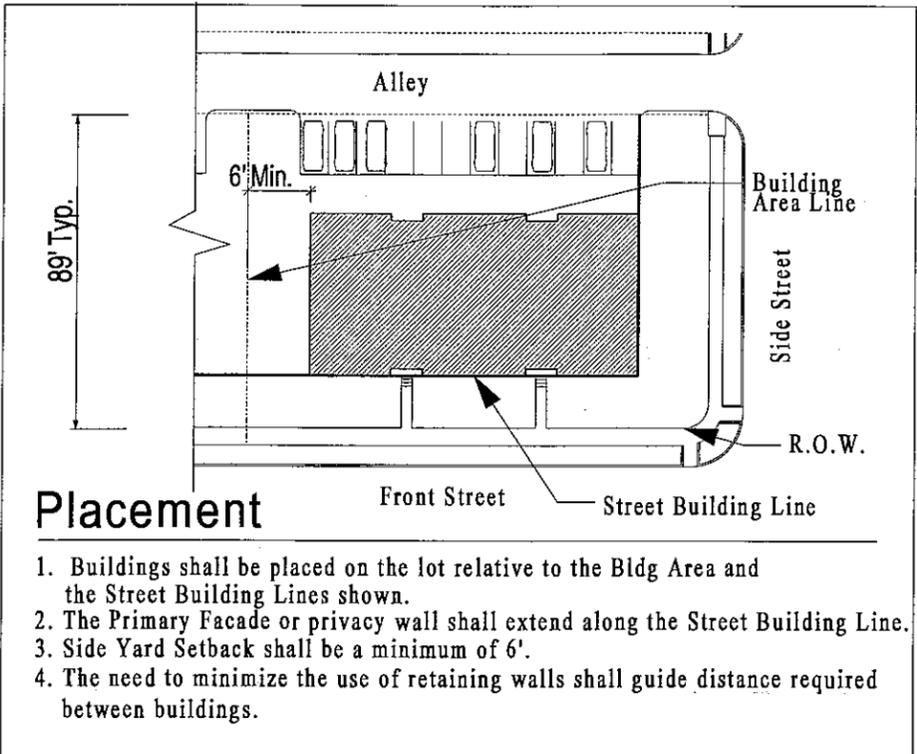
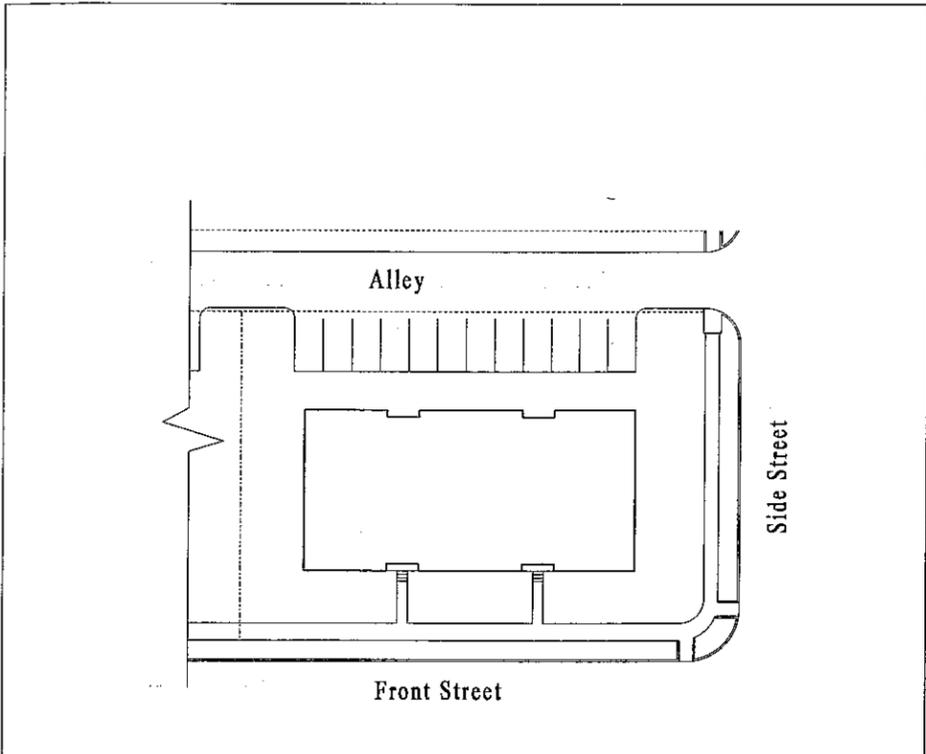


Height and Grading



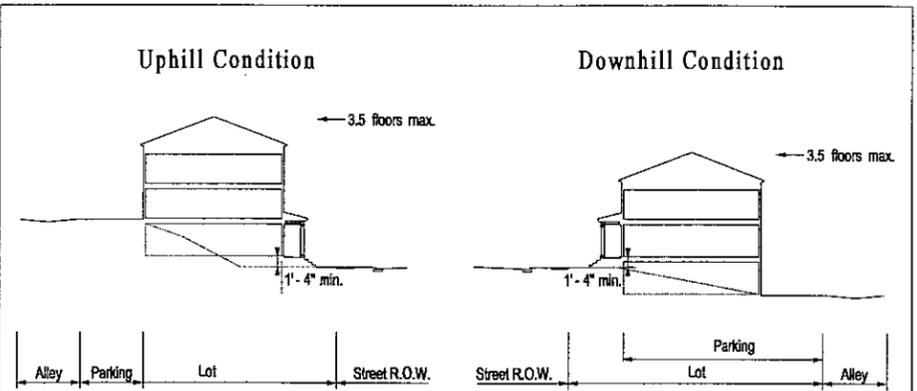
Elements

BUILDING TYPE: I APARTMENT BUILDING



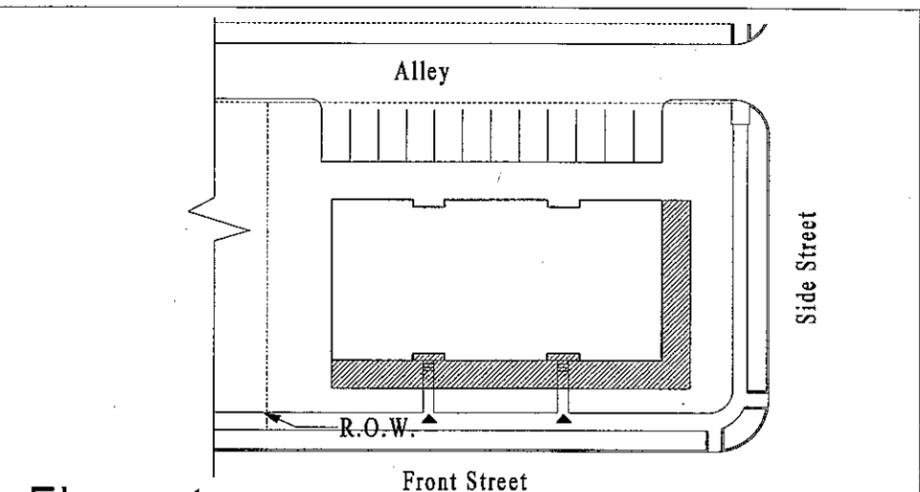
General Lot Criteria

1. Primary Use of structure shall be six to twelve apartments.
2. Building Width: 80' -112'
3. The following uses shall be permitted:
 - a. Retail: Shall be permitted on Ground Floor only. Uses shall be restricted to those listed in Section C-1of the Duluth Zoning Ordinance.
 - b. Senior Housing: Permitted on all floors where units are compliant.
 - c. Day Care: Permitted on Ground Floor, second floor and Basement.
 - d. Residential: Multi-family, unless otherwise indicated on the Regulating Plan, permitted on all floors.
4. Building design may deviate from the Architectural Standards subject to approval of the Review Architect.
5. Parking for ancillary uses:
 - a. Senior units: minimum one parking space for every 4 units where applicable.
 - b. Day Care: minimum one space for each employee during the largest shift.
 - c. Retail: minimum one off-street space for every 600 sf above 2,500 sf.



Height and Grading

1. An additional half story is permitted within the body of the roof.
2. The First Floor finish floor height shall be a minimum of 1'-4" above the Sidewalk/ Lot elevation. Exception: at accessible units or where visitability requires a front entrance.
3. A maximum of 10 continuous risers are allowed at the front porch or stoop.
4. Single floor of auxilliary space allowed over garage.



Elements

1. Open Porches shall not be placed outside the shaded area shown.
2. Lead walks shall be placed perpendicular to the street and may be shared by more than one unit.
3. Porch location identified in this document does not represent the actual length of porch. Porch will not be continuous.

MATERIALS & FENESTRATION

General

All materials to comply with Building Code Requirement.

Exterior Materials:

1. Building Walls shall be finished in Brick, Architectural Colored Precast Concrete, Wood Siding, Cementitious Fiberboard Siding, Stone or Synthetic Stone and/or Vinyl Siding products (that are appropriate to the Architectural Style). All other products require the approval of the Harbor View/Central Hillside Architect.
2. All exterior trim shall be Painted Wood, Cementitious Fiberboard, PVC, Pre-Molded Resin or Metal.
3. All trim shall be a minimum of 5/4" thick.
4. Vertical corner boards shall be no less than 4" wide in both directions.
5. All Roofs shall be clad in Architectural Grade Asphalt Shingles, Metal, Cedar Shake, Synthetic Slate, or Slate.
6. Window and Door products must be approved by the Harbor View/Central Hillside Architect.
7. Posts and Piers may be made of Wood, Brick, or Stone according to the Architectural Style.
8. Columns may be made of Wood, Fiberglass, or PVC. The Harbor View/Central Hillside Architect must approve any other product.
9. The Harbor View/Central Hillside Architect can provide information on currently allowable materials. Equivalent or better products are always welcome and must be submitted for approval by the Architect.

Sustainability

Sustainable materials are highly recommended for the protection and preservation of the natural environment. These products also provide a cost-effective alternative to industry standard building materials that reduce negative environmental impacts during and after construction. The use of these products is strongly encouraged.

1. Fly Ash Content Concrete instead of conventional concrete
2. Autoclaved Aerated Concrete instead of CMU's
3. Low V.O.C. (volatile organic compounds) Paints instead of traditional paints
4. Recycled and/or Recyclable Carpet instead of unrecycled/unrecyclable carpet
5. Linoleum Flooring instead of V.C.T.
6. Fiber-Cement Board instead of Vinyl Siding
7. Ultra/Bond ECO Adhesive instead of standard adhesives
8. Straw Composite Board instead of medium density fiberboard (MDF) in low-moisture areas
9. Recycled and Synthetic Gypsum instead of traditional gypsum wallboard

Additional information about sustainable materials are available from the Harbor View/Central Hillside Architect.

2022 Amendment

All new buildings for Phases V & VI shall complement the architecture, materials and fenestration of prior Harbor View/Central Hillside buildings.

Updated
July 2022



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

CLIENT:
DULUTH HRA

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

NO DATE ISSUED FOR

NO DATE REVISION

PRELIMINARY
NOT FOR CONSTRUCTION
07/05/2022

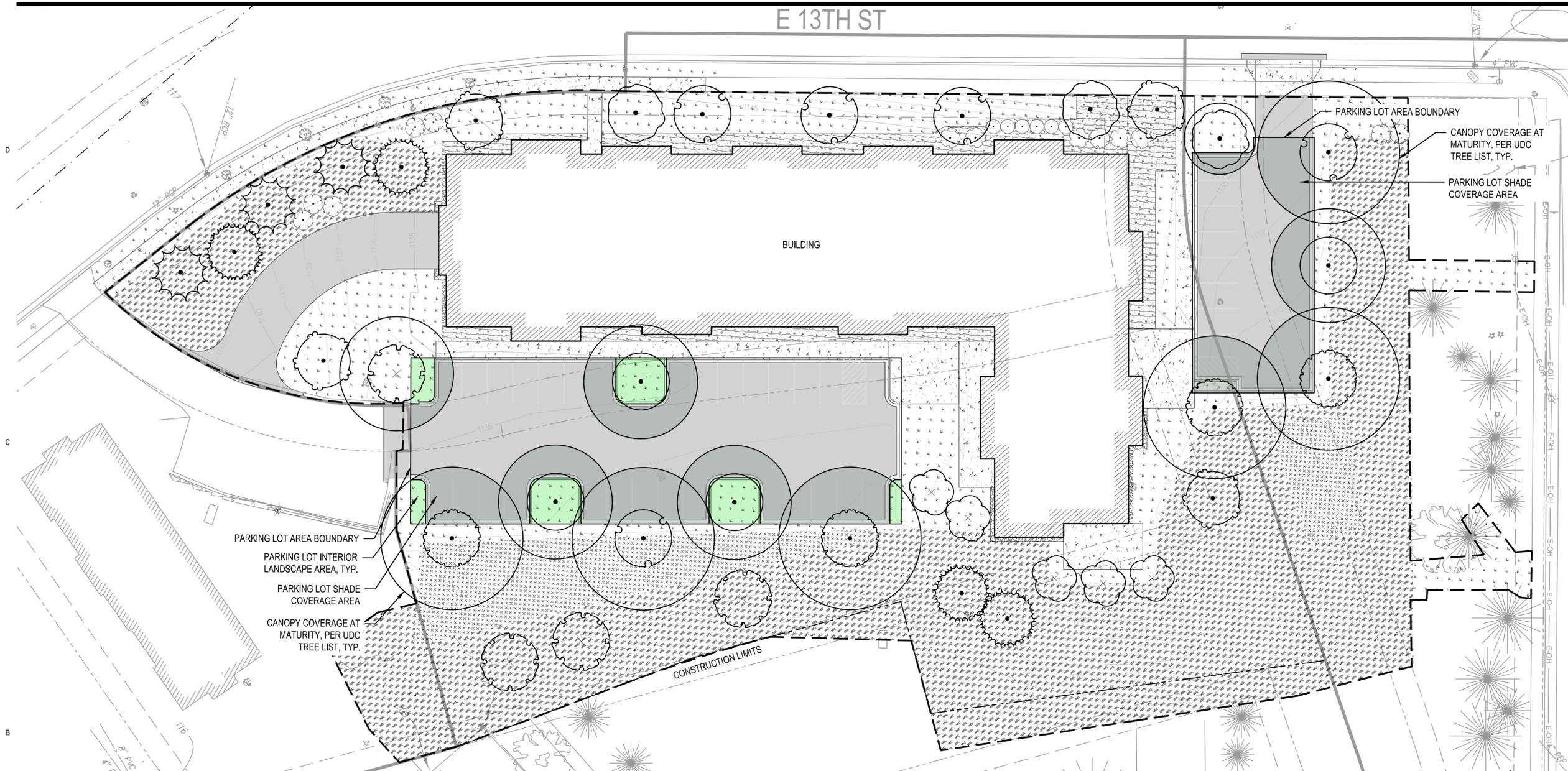
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PROJECT NAME:
SKYRIDGE FLATS
SENIOR HOUSING

DRAWING TITLE:
LANDSCAPE PLAN

DRAWN BY: RMJ
CHECKED BY: HSB
PROJ. NO.: 190902
DRAWING NO.:

C5.01



PLANT SCHEDULE

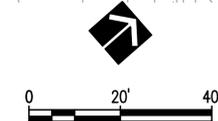
TREES	CODE	QTY	BOTANICAL / COMMON NAME	CONT
	AA	5	Acer saccharum 'Autumn Splendor' / Autumn Splendor Sugar Maple	2-1/2" CAL
	CI	5	Crataegus crus-galli inermis / Thornless Cockspur Hawthorn	2" CAL.
	PG	3	Picea glauca / White Spruce	6" B&B
	PS	4	Pinus strobus / White Pine	6" B&B
	QB	4	Quercus bicolor / Swamp White Oak	2-1/2" CAL
	QE	4	Quercus ellipsoidalis / Northern Pin Oak	2-1/2" CAL
	TA	4	Tilia americana / American Linden	2-1/2" CAL
	UA	4	Ulmus x 'Morton' TM / Accolade Elm	2-1/2" CAL
	UP	3	Ulmus x 'New Horizon' / New Horizon Elm	2-1/2" CAL
SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME	SIZE
	AA2	6	Aronia melanocarpa 'Autumn Magic' / Autumn Magic Black Chokeberry	Tray or Flat
	FM	6	Forsythia x 'Meadowlark' / Meadowlark Forsythia	#5 CONT.
	SK	8	Syringa pubescens patula 'Miss Kim' / Miss Kim Korean Lilac	#5 CONT.

LANDSCAPE LEGEND

GARDEN BED	CODE	BOTANICAL / COMMON NAME	CONT
	SPB	Shrub and Perennial Bed	See Plan
MULCH	CODE	BOTANICAL / COMMON NAME	CONT
	SPB2	Maintenance Edging/Rock Mulch	See Plan
SEED	CODE	BOTANICAL / COMMON NAME	CONT
	BA2	Biofiltration Seed Mix / Biofiltration Basin Seed Mix	Seed Mix
	TS	Turf Seed	with 4" Topsoil
	WE	Woodland Edge / SSNS Savanna & Woodland Edge Mix	Seed Mix

SHEET NOTES

- 50-25.3 Landscaping and Tree Preservation
 - 50-25.3.1 495 lf frontage
 - B) Required street frontage trees 1 per 35ft of linear frontage
 - 14 frontage trees = approx. 495 lf/35lf.
 - C) Required street frontage shrubs 1 large shrub per 25 ft of linear frontage
 - 20 large shrubs = 495 lf/25 lf
 - 50-25.4 Interior landscaping for parking areas;
 - Proposed
 - 3,727 sf small parking lot area with 0 sf interior landscape area
 - 10,067 sf of large parking lot area with 1,128 sf interior landscape area
 - Interior landscape space, 10% required for lots between 25-50 spaces
 - Small lot has 8 stalls exempt from interior landscape space
 - Large lot has 29 stalls, with 11% interior landscape space
 - Tree canopy coverage at maturity, 30% minimum required =
 - Small lot = 3,727 sf * 0.3 = 1,118 sf coverage required
 - Large lot = (10,067 sf - 1,128 sf interior landscape space) * 0.3 = 2,682 sf coverage required
- 50-25.9 Tree Preservation Requirements
 - Proposed Tree Replacement Plan
 - Removal threshold for Special Trees 6"-20" and Other Significant trees not exceeded
 - Removing 208" DBH of Special Trees >20"
 - DBH inches to be replaced at 60% = 124"
 - DBH inches to be replaced with special trees (a 1.5" replacement DBH to a 1" required replacement = 75")
 - 24 Deciduous Trees at 2.5" calip. see plan
 - 7 Conifer trees at 6" ht B&B see plan
 - DBH inches to be replaced with tree of interest = 10"
 - 5 Hawthorne Trees around patio at 2" calip. see plan.
- Small lot = 1,901 sf shade coverage at maturity = 51%
- Large lot = 3,667 sf shade coverage = 41%



WARNING
LOCATION OF ALL UNDERGROUND UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR.
CALL BEFORE DIGGING

MINNESOTA
ONE-CALL SYSTEM
1-800-252-1166
REQUIRED BY
MN STATUTE 216D



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

CLIENT:
DULUTH HRA

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

NO DATE ISSUED FOR

NO DATE REVISION

PRELIMINARY
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07/05/2022

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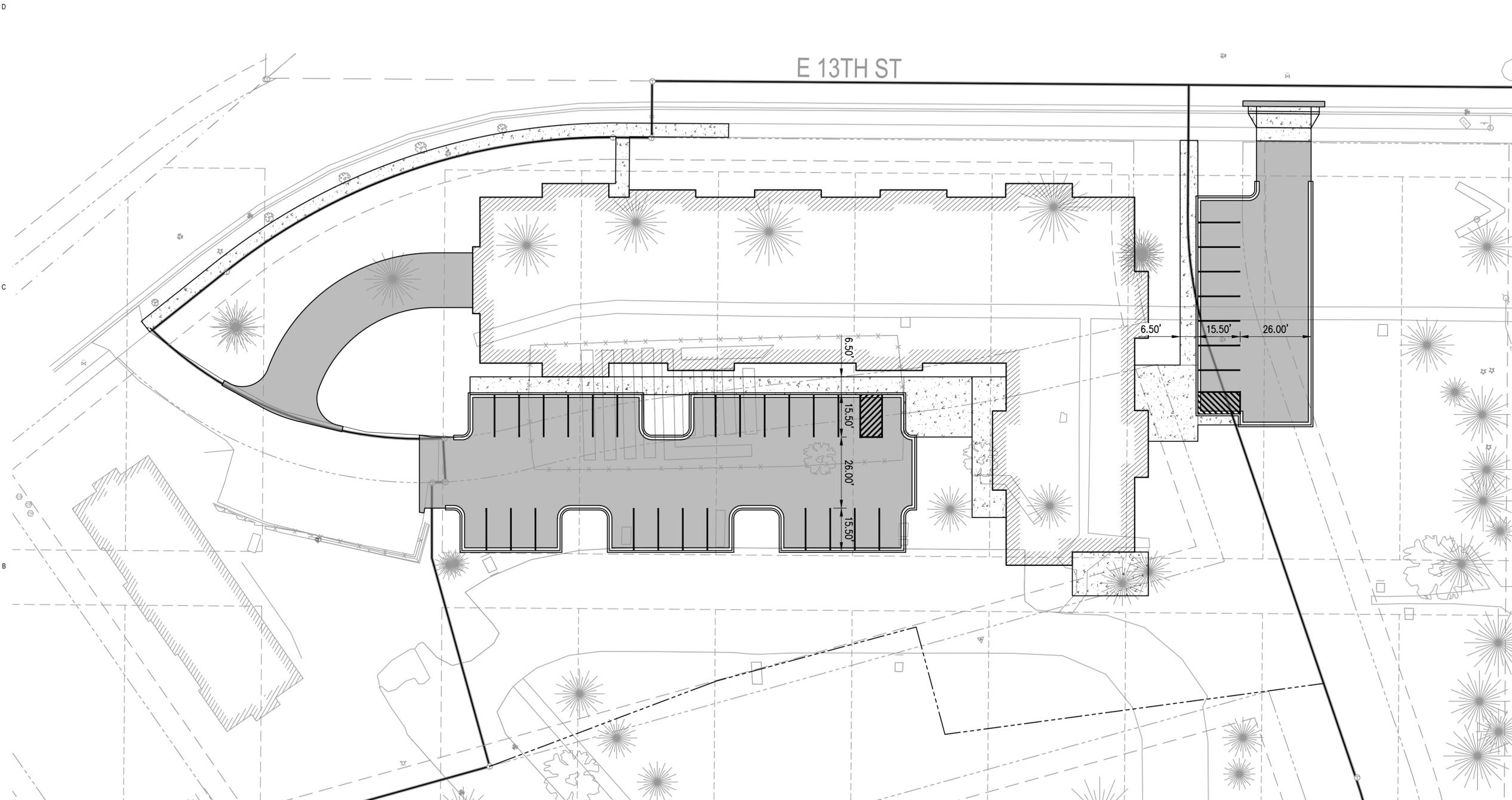
PROJECT NAME:
SKYRIDGE FLATS
SENIOR HOUSING

DRAWING TITLE:
LAYOUT AND
SURFACING PLAN

DRAWN BY: JPH
CHECKED BY: DGS
PROJ. NO.: 190902
DRAWING NO.:

C4.01

E 13TH ST



WARNING
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MINNESOTA
ONE-CALL SYSTEM
1-800-252-1166
REQUIRED BY
MN STATUTE 216D

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Plot Date: 9/29/2022 4:29 PM

Elevations

07/05/2022



2 NORTH ELEVATION - SU

1" = 10'-0"



1 WEST ELEVATION - SU

1" = 10'-0"

MATERIAL KEY

- 1 FIBER CEMENT BOARD SIDING (FCB) - 6" EXPOSURE
- 2 FIBER CEMENT BOARD SIDING (FCB) - 4" EXPOSURE
- 3 FIBER CEMENT BOARD VERTICAL SIDING
- 4 FIBER CEMENT BOARD SIDING SHINGLE SIDING
- 5 BRACKET 'A'
- 6 BRACKET 'B'
- 7 BUILDING SIGNAGE - 12" TALL LETTERS
- 8 ASPHALT SHINGLES
- 9 PORCH COLUMN
- 10 VINYL WINDOW
- 11 ALUMINUM STOREFRONT WINDOW
- 12 OH GARAGE DOOR
- 13 CMU BLOCK - BURNISHED
- 14 INSULATED HOLLOW METAL DOOR
- 15 CANOPY
- 16 GABLE END LOUVER

SKYRIDGE FLATS SENIOR HOUSING

As indicated

DULUTH HRA
DULUTH, MN



PERFORMANCE
DRIVEN DESIGN.
LHBcorp.com

Elevations

07/05/2022



2 SOUTH ELEVATION - SU
1" = 10'-0"



3 EAST ELEVATION - SU
1" = 10'-0"

MATERIAL KEY

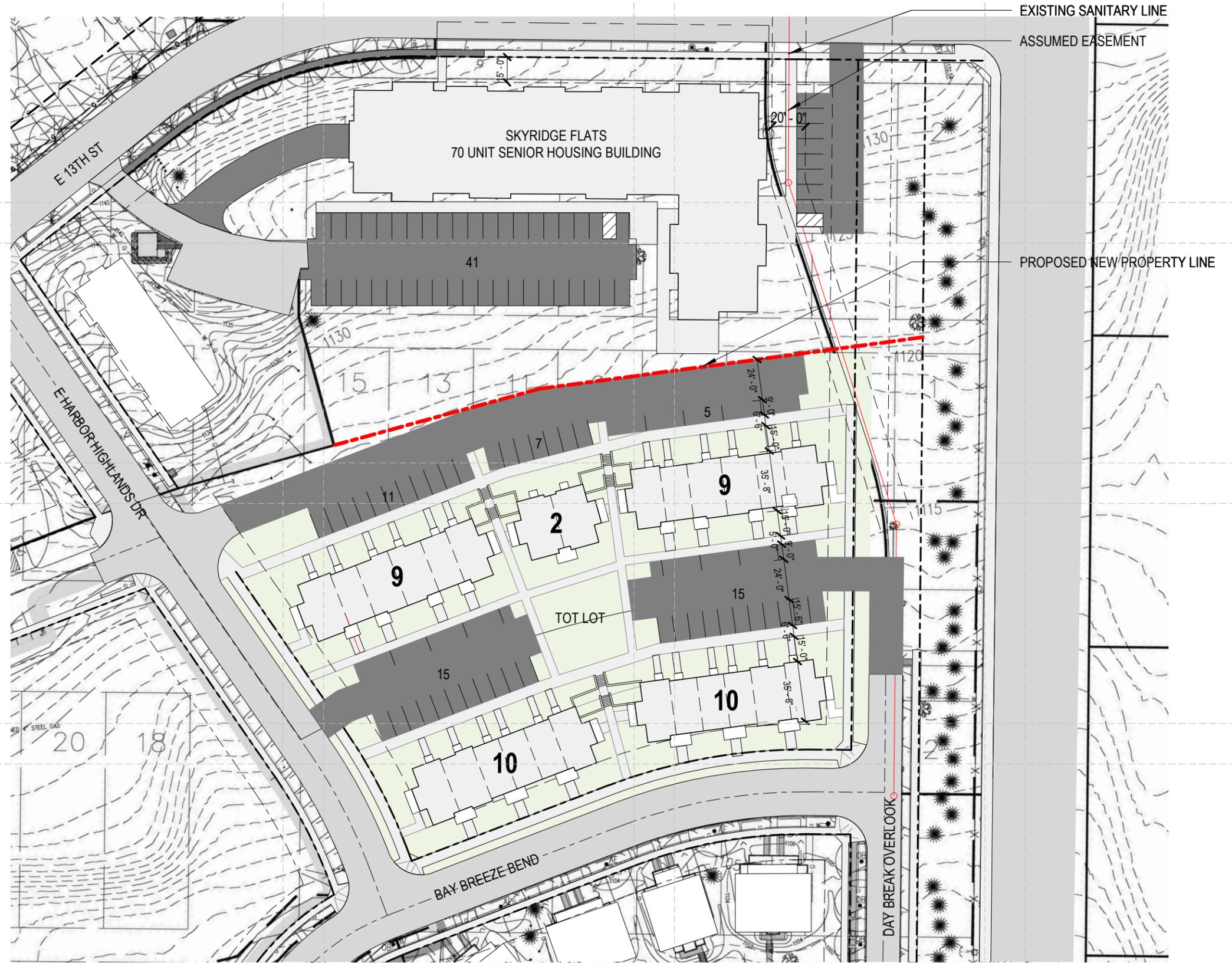
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- 13 CMU BLOCK - BURNISHED
- 14 INSULATED HOLLOW METAL DOOR
- 15 CANOPY
- 16 GABLE END LOUVER

SKYRIDGE FLATS SENIOR HOUSING

As indicated

DULUTH HRA
DULUTH, MN





SITE PLAN

- 1 FIBER CEMENT BOARD SIDING (FCB) - 6" EXPOSURE
- 2 FIBER CEMENT BOARD SIDING (FCB) - 4" EXPOSURE
- 3 FIBER CEMENT BOARD VERTICAL SIDING
- 4 FIBER CEMENT BOARD SIDING SHINGLE SIDING
- 5 BRACKET 'A'
- 6 BRACKET 'B'
- 7 BRACKET 'C'
- 8 ASPHALT SHINGLES
- 9 PORCH COLUMN
- 10 VINYL WINDOW
- 11 ALUMINUM STOREFRONT WINDOW
- 12 RETAINING WALL

TRUSS BEARING
127' - 1 1/4"

SECOND FLOOR
119' - 0 1/8"

FIRST FLOOR
109' - 6 1/4"

GROUND FLOOR
100' - 0"



1 9PLEX FRONT
3/32" = 1'-0"



TRUSS BEARING
127' - 1 1/4"

SECOND FLOOR
119' - 0 1/8"

FIRST FLOOR
109' - 6 1/4"

2 9PLEX BACK
3/32" = 1'-0"

9-PLEX ELEVATIONS

- 1 FIBER CEMENT BOARD SIDING (FCB) - 6" EXPOSURE
- 2 FIBER CEMENT BOARD SIDING (FCB) - 4" EXPOSURE
- 3 FIBER CEMENT BOARD VERTICAL SIDING
- 4 FIBER CEMENT BOARD SIDING SHINGLE SIDING
- 5 BRACKET 'A'
- 6 BRACKET 'B'
- 7 BRACKET 'C'
- 8 ASPHALT SHINGLES
- 9 PORCH COLUMN
- 10 VINYL WINDOW
- 11 ALUMINUM STOREFRONT WINDOW
- 12 RETAINING WALL

TRUSS BEARING
127' - 1 1/4"

SECOND FLOOR
119' - 0 1/8"

FIRST FLOOR
109' - 6 1/4"

GROUND FLOOR
100' - 0"

TRUSS BEARING
127' - 1 1/4"

SECOND FLOOR
119' - 0 1/8"

FIRST FLOOR
109' - 6 1/4"

1 10PLEX FRONT
3/32" = 1'-0"

2 10PLEX BACK
3/32" = 1'-0"

10-PLEX ELEVATIONS

- 1 FIBER CEMENT BOARD SIDING (FCB) - 6" EXPOSURE
- 2 FIBER CEMENT BOARD SIDING (FCB) - 4" EXPOSURE
- 3 FIBER CEMENT BOARD VERTICAL SIDING
- 4 FIBER CEMENT BOARD SIDING SHINGLE SIDING
- 5 BRACKET 'A'
- 6 BRACKET 'B'
- 7 BRACKET 'C'
- 8 ASPHALT SHINGLES
- 9 PORCH COLUMN
- 10 VINYL WINDOW
- 11 ALUMINUM STOREFRONT WINDOW
- 12 RETAINING WALL



TRUSS BEARING
127' - 1 1/4"

SECOND FLOOR
119' - 0 1/8"

FIRST FLOOR
109' - 6 1/4"

GROUND FLOOR
100' - 0"



TRUSS BEARING
127' - 1 1/4"

SECOND FLOOR
119' - 0 1/8"

FIRST FLOOR
109' - 6 1/4"

GROUND FLOOR
100' - 0"

1 2PLEX FRONT
3/32" = 1'-0"

3 2PLEX RIGHT SIDE (left sim.)
3/32" = 1'-0"



TRUSS BEARING
127' - 1 1/4"

SECOND FLOOR
119' - 0 1/8"

FIRST FLOOR
109' - 6 1/4"



TRUSS BEARING
127' - 1 1/4"

SECOND FLOOR
119' - 0 1/8"

FIRST FLOOR
109' - 6 1/4"

GROUND FLOOR
100' - 0"

2 2PLEX BACK
3/32" = 1'-0"

4 9&10 PLEX TYP. SIDE
3/32" = 1'-0"

2-PLEX & OTHER ELEVATIONS



9-PLEX PERSPECTIVE (ALTERNATE COLOR COMBINATION)



10-PLEX PERSPECTIVE

210855 | DULUTH HRA | HARBOR HIGHLANDS VI

07/01/22



2-PLEX PERSPECTIVE



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 22-119	Contact	Brett Crecelius	
Type	Variance – Shoreland structure setback	Planning Commission Date	August 9, 2022	
Deadline for Action	Application Date	June 30, 2022	60 Days	August 29, 2022
	Date Extension Letter Mailed	N/A	120 Days	October 28, 2022
Location of Subject	3401 Grand Avenue			
Applicant	Brent Dahlstrom	Contact	brent@mergeurbandevlopment.com	
Agent	Chad Ronchetti	Contact	Chad.Ronchetti@krausanderson.com	
Legal Description	Parcels 010-2700-00100, 010-0440-00550; 00610, 00630, 6650, 00420			
Site Visit Date	July 19, 2022	Sign Notice Date	July 26, 2022	
Neighbor Letter Date	July 22, 2022	Number of Letters Sent	27	

Proposal: Applicant is requesting a variance from the shoreland setbacks to build an approximate 90,000 square foot, 80-unit apartment complex comprising of a mix of 1- and 2-bedroom units. Impervious Surface will be 0' from the ordinary high-water level instead of the required 50' in a General Development Shoreland.

Recommended Action: Staff is recommending approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Vacant/Brownfield	Open Space/General Mixed Use/Neigh. Comm.
North	R-1	Single Family Homes	Open Space
South	MU-N/R-1	Single Family Homes/Comm.	Neighborhood Commercial
East	MU-B	Commercial	Open Space/General Mixed Use
West	P-1	Recreation/Open Space	Open Space

Summary of Code Requirements:

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

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

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

- Principle #1: - Reuse previously developed lands.
 - The proposed site is an old gas station and would be a redevelopment of that lot.
- Principle #4 - Support economic growth sectors.
 - The construction of mixed-use income, particularly in West Duluth, supports the growth of Duluth's economic base.
- Principle #5 - Promote reinvestment in neighborhoods.
 - Development on this lot supports the character of the neighborhood by creating a community that is walkable to the area's recreation infrastructure, and is a reinvestment in a neighborhood that can link Lincoln Park and the Denfeld neighborhoods.
- Principle #7 - Create and maintain connectivity.
 - This project will be designed to maximize pedestrian access to neighborhood amenities and public transportation along the corridor.

Future Land Use

Neighborhood Commercial: Small to moderate scale commercial, serving primarily the adjacent neighborhood. May include specialty retail; community gathering businesses such as coffee shops or lower intensity entertainment; offices; studios or housing above retail. Typically situated in or adjacent to residential neighborhoods. May transition to neighborhood mixed used.

Open Space: High natural resource or scenic value, with substantial restrictions and development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. Examples include: city parks and recreation areas, primary viewsheds, shorelands of the lake and streams, wetlands and floodplains, and high-value habitat.

Recent History:

The site is the location of a former Holiday Gas Station. After the gas station closed, the site has remained vacant. DEDA has currently acquired the site from the Holiday Company, along with some surrounding parcels from St. Louis County and the City of Duluth, to create an approximate 2-acre site for the development of an affordable multi-family housing complex. The site has recently been transferred to the developer via a Land Sale Agreement in order to facilitate an affordable housing development. DEDA, with assistance from the EPA, has completed a Phase I environmental assessment prior to conveyance to confirm that there are no environmental concerns on the site that need to be addressed.

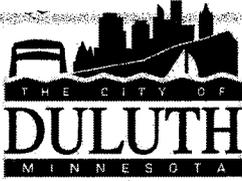
Review and Discussion Items:

- 1) The applicant is requesting a shoreland variance for an approximate 90,000 square foot 80-unit affordable housing complex. The unnamed creek is on the North side of the existing parcels and continues halfway onto the site the current site where it transitions into an underground culvert underneath Grand Avenue. The stream and culvert are existing to the property and located in an area that will not allow for a multifamily housing development. In order to construct the proposed project, the stream will need to be rerouted into a culvert on the north edge and underneath the parking lot. The impervious surface will be 0' from the ordinary high-water level instead of the required 50' setback.
- 2) The development is a permitted use in the MU-N district; the applicant proposes to use the property in a reasonable manner.
- 3) The proposal will not alter the essential character of the neighborhood as it is a modestly designed building and aligns with the intent of neighborhood layout and design as described in the UDC and Comprehensive Plan.
- 4) Section 50-37.9.L of the UDC requires mitigation for shoreland variances. The Developer has been in contact with City engineering staff to mitigate the proposed stream impact. The Developer has proposed a stream reroute that has been approved by engineering and place the stream into an underground culvert where it connects back to the current culvert on the south side of the property. Stormwater management of the site will ensure that water is treated to City standards and a landscaping plan to provide more shading and cooling effect for any runoff.
- 5) No public, agency, or City comments have been received.
- 6) Per UDC Section 50-37.1. N. approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year

Staff Recommendation:

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

- 1) The project be limited to, constructed, and maintained based on the site plan submitted with the application, dated 6/30/22.
- 2) The stream reroute, stormwater management plan, and landscaping plan shall be approved prior to permits being issued.
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



Planning & Development Division
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Room 160
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Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

APPLICATION COVER SHEET

CONTACT INFORMATION:

Applicant/Owner Brent Dahlstrom
 Phone 319-406-2494 Email brent@mergeurbandevlopment.com
 Address 604 Clay St.
 City Cedar Falls State Iowa Zip 50613
 Owner's Agent (if applicable) Chad Ronchetti
 Phone 218-290-8702 Email chad.ronchetti@krausanderson.com
 Address 3716 Oneota St.
 City Duluth State MN Zip 55807

APPLICATION INFORMATION:

Street Address and Zoning of Property 3401 Grand Ave. Duluth, MN 55807 - MU-N
 Parcel ID Number 010-2700-00100, 010-0440-00550, 00610, 00630, 00650, 00420

Reason for this Request (*Attach Additional Pages or Cover Letter if Necessary*)
 Owner has a proposed multifamily apartment complex. The site has various constraints requiring multiple planning commission actions. See below.

- 1) Easement Vacation, Street & Alley Vacation
- 2) Wetland Delineation Review and Approval
- 3) Shoreland Setback Variance (50' Vegetative Buffer, Impervious Setback & Structure Setback)
- 4) Building Setback Variance

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


 Signature of Applicant

6/30/27
 Date

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

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

Check One Box	
<input type="checkbox"/>	Accessory Home Share - \$250
<input type="checkbox"/>	Accessory Vacation Dwelling Unit Limited - \$250
<input type="checkbox"/>	Appeal to Planning Com. - \$407
<input type="checkbox"/>	Concernant Use of Streets - \$797
<input type="checkbox"/>	District Plan - \$1,144
<input type="checkbox"/>	EAW or EIS - \$2,856, plus any applicable professional fees
<input type="checkbox"/>	Historic Construction Demolition - \$59
<input type="checkbox"/>	Resource Designation - \$103
<input type="checkbox"/>	Interim Use Permit \$1,600
<input type="checkbox"/>	Planning Review - \$1,068
<input type="checkbox"/>	Sanitary Use Permit
<input type="checkbox"/>	New Permit - \$171
<input type="checkbox"/>	Renewal Permit - \$85
<input type="checkbox"/>	Special Use Permit
<input type="checkbox"/>	General - \$1,606
<input type="checkbox"/>	Special Use Permit, Wireless Telecommunications
<input type="checkbox"/>	Modifying or Co-locating - \$2,856
<input type="checkbox"/>	New Facility or Tower - \$5,716
<input type="checkbox"/>	Easement Deposit - \$8,717
<input type="checkbox"/>	Subdivision Plat Approval or Amendment
<input type="checkbox"/>	Concept Plan - \$206
<input type="checkbox"/>	Preliminary Plat - \$1,138
<input type="checkbox"/>	Final Plat - \$657
<input type="checkbox"/>	Minor Subdivision - \$427
<input type="checkbox"/>	Plat Amendment or Boundary Line Adjustment - \$286
<input type="checkbox"/>	Registered Land Survey - \$737
<input type="checkbox"/>	Temporary Use Permit - \$275
<input type="checkbox"/>	UDC Zoning Map Amendment/Rezoning
<input type="checkbox"/>	General - \$912
<input type="checkbox"/>	M.U.P. or R.P. - \$2,578
<input checked="" type="checkbox"/>	Variation of Street or Utility Easement - \$995
<input checked="" type="checkbox"/>	Variance - \$855
<input type="checkbox"/>	((\$855 x 2) = \$1,710)
<input checked="" type="checkbox"/>	Wetland
<input checked="" type="checkbox"/>	De Minimis Delineation or No Loss - \$227
<input type="checkbox"/>	Exemption - \$177
<input type="checkbox"/>	Restatement Plan - \$851
<input type="checkbox"/>	Zoning Verification Letter - \$36

3.9 Checklist

Variance (SHORELAND)

These types of applications allow for a variance from the terms and provisions of the UDC (typically bulk standards, such as setbacks, structure height, lot area, etc). See UDC Section 50-37.9 for more information.

Starting the Application Process

- Call 218-730-5580 or email planning@duluthmn.gov to schedule a pre-application meeting. The pre-application meeting is intended to discuss the application process and general timeline. A comprehensive review of the proposed project is not possible at this meeting; detailed review of the project will occur once a complete application, with sufficient supporting information and exhibits, is submitted.

Your Application

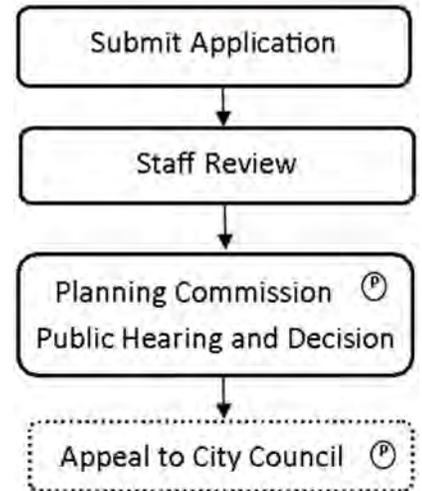
- Application Cover Sheet, available at <https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/>, and applicable fee
- A survey of the property (required for all variances, unless waived in advance by the Land Use Supervisor). Also, a site plan or exhibit with the location of current structures on the property and the proposed requested variance area (such as proposed location of new structure). This information can also be illustrated on the survey. For shoreland variances, include the location of the Ordinary High Watermark (OHM) of the waterway, and the distance to the subject of the variance (proposed structure, etc)

- N/A* A brief written statement affirming that the property has obtained all required City permits (i.e. all the structures on the property have received building permits, where applicable; property owner has a valid rental license, where applicable, etc).

PRELIMINARY PLAN, TO COME LATER

- Variance supplemental application form
- Materials for specific variances:
 - Variances to lot size in unsewered areas:* a permit or letter of intent to issue a permit for on-site sewer treatment from the County
 - Variances to reduce setbacks:* a landscaping and buffering plan
 - Variances to flood plain regulations:* documentation regarding flood levels and flood protection may apply
 - Variances to shoreland regulations:* A plan to mitigate the impacts of the variance on shoreland areas
 - Variances within Skyline Parkway Overlay:* see Skyline Parkway Materials in [Appendix](#)

Variance



P Indicates Public Hearing Required

Important Dates

Application Deadline:

Sign Notice Placed:

Planning Commission:

Effective*:

**Please note that these dates are approximate guidelines and may change*

After Submitting Your Application

1. Determination of Completeness. Within 15 business days of your application, you should expect to:

- Receive an “Applicant Letter,” which acknowledges a complete application, shares the date of the Planning Commission meeting and the assigned staff person, and notifies you of State-mandated deadlines for the City to make a decision, **OR**
- Receive notification that your application is incomplete, with details on further information to submit.

2. Public Notice. A mail notice will be sent by the City to property owners within 350 feet.

- You are required to post a sign notice** on the property at least two weeks before the date of the public hearing. See UDC Section 50-37.1.H for information on size, placement, and content of each sign; you may want to contact a sign company or printing company to have the sign made. You must provide evidence that the signs were in place; **submit photo(s) of the signs to the Planning Division at least two weeks before the date of the public hearing.**

3. Staff Review. Planning staff will evaluate your application and prepare a staff report. When considering a recommendation for a variance, Planning Staff generally review the legal minimum requirements for a variance establish by State statute (literal interpretation of the UDC would result in exceptional or peculiar practical difficulty, special circumstances exist that are unique to the property, the situation was not created by the applicant, variance is necessary and not simply a convenience to the applicant, etc.), the standards specific to the type of variance being sought, any additional UDC criteria, and other related factors.

- You will receive an email with the Planning Commission agenda and a link to this staff report about 5 days prior to the meeting.

4. Planning Commission Hearing and Decision. Planning Commission meetings are scheduled at 5:00 pm on the second Tuesday of each month. **We ask that applicants or an agent attend this meeting.**

The Planning Commission will review the application, conduct a public hearing, and make a decision to approve, approve with modifications, or deny the application.

If approved, you will receive an Action Letter documenting approval.

Note that other City codes may apply to your project. Please be aware of any applicable Building Code (Construction Services Division), Fire Code (Life Safety Division), and stormwater/engineering (Engineering Division) regulations. The zoning approval may be only the first step in a several step process.

*If a **wetland delineation** is needed for the project to proceed, it must be reviewed and approved before any zoning application will be accepted.*

*If a **wetland replacement plan** is required for a project to proceed, it must have been submitted and accepted as a complete application before the project zoning application will be accepted.*



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Variance Application Supplemental Form

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

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

See attached document for expanded responses.

1. Please explain how the exceptional narrowness, shallowness or shape of the property, or exceptional topographic or other conditions related to the property, would result in practical difficulties under strict application of the requirements of the UDC:

2. Please explain how the special circumstances or conditions that create the need for relief is due to circumstances unique to the property, and were NOT created by the property owner or the property owners' predecessors-in-interest:

3. Please explain the special circumstances or conditions applying to the building or land in question are peculiar to this property or immediately adjoining properties, and do not apply generally to other land or buildings in the vicinity:

4. Please explain how the application proposes to use the property in a reasonable manner, which would not be permitted by this code except for a variance:

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

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

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

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

Shoreline Variance Supplemental Form

1. Please explain how the exceptional narrowness, shallowness or shape of the property, or exceptional topographic or other conditions related to the property, would result in practical difficulties under strict application of the requirements of the UDC:

The location of the existing unnamed stream and culvert will severely limit potential redevelopment of this site which has been assembled and presented to us by city staff as a desirable location for this building and project. The existing stream designated a "General Development Water" by the City. The stream is noted on the NR-O map in the UDC and shows that the site is well within the shoreland management zone. The stream designation requires a 50-foot structure setback, 50-foot impervious setback and 50-foot vegetative buffer. With the stream and culvert are located roughly in the middle these setbacks will not be achieved with sizable multifamily development. The stream and culvert were only identified by city staff after the site was presented and the project was selected and awarded ARPA funds.

The proposed solution is to route the stream around the proposed structure. Even with relocation the stream entrance to the culvert the set impervious setback and vegetative buffer setback requirements cannot be met without variance. It should be noted the stream is not a trout stream. Fire access and off-street parking are critical and limited space constraints will not allow for adequate space.

2. Please explain how the special circumstances or conditions that create the need for relief is due to circumstances unique to the property, and were NOT created by the property owner or the property owners' predecessors-in-interest:

The stream and culvert are existing to the property and located in an area that will not allow a sizable multifamily building configuration in any way to allow it to remain in its current location. In order to construct the building and allow for adequate site access and off-street parking the stream will need to be routed into a culvert just off the north edge of the property and rerouted around the building underneath the parking lot. This reroute of the stream has been discussed with City Engineering staff.

3. Please explain the special circumstances or conditions applying to the building or land in question are peculiar to this property or immediately adjoining properties, and do not apply generally to other land or buildings in the vicinity:

There is an unnamed, non-trout stream on this property transitions to a culvert and underground storm pipe roughly halfway into the property. Once it transitions to the storm sewer pipe it travels underneath Grand Avenue and the property directly to the southeast. As the stream travels through the parcel it transitions to underground piping as necessary and continues toward the St Louis River meandering around and under railroads, roads, buildings, and parking lots.

4. Please explain how the application proposes to use the property in a reasonable manner, which would not be permitted by this code except for a variance:

Capturing the stream at the north edge of the property and rerouting around the proposed structure would create a significant increase in usable space for development while allowing the maximum amount of off-street parking possible. As the stream and underground storm sewer currently sits, any sizeable multifamily housing development would be nearly impossible to accommodate considering building size and necessary off-street parking requirements. The proposed use of this property aligns well with many of the Duluth Governing Principles within the Comprehensive Plan including;

- *Principle #1: - Reuse previously developed lands.*
 - *The proposed site is an old gas station and would be a redevelopment of that lot.*
- *Principle #4 - Support economic growth sectors.*
 - *The construction of mixed-use income, particularly in West Duluth, is a feeder neighborhood to Denfeld schools, and supports the growth of Duluth's economic base.*
- *Principle #5 - Promote reinvestment in neighborhoods.*
 - *Development on this lot supports the character of the neighborhood by creating a community that is walkable to the area's recreation infrastructure, and is a reinvestment in a neighborhood that can link Lincoln Park and the Denfeld neighborhoods.*
- *Principle #7 - Create and maintain connectivity.*
 - *This project will be designed to maximize pedestrian access to neighborhood amenities and public transportation along the corridor.*
- *Principle #8 - Encourage a mix of activities, uses, and densities.*
 - *The project will be a mix of activities for the neighborhood, and in particular for this area, which has a robust base of recreational and commercial activities.*

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

A variance allowing for stream reroute and reduced shoreland setbacks will not impair adequate supply of light or air to any of the adjacent properties. The site is located at an existing traffic signal that would be used to safely control traffic in and out of the parking lot. City Engineering staff has weighed in the use of the existing access location and traffic signal. They are comfortable with the access and understand that existing signal poles will be utilized while upgrading signal timing as required. The building construction would follow appropriate building codes and fire rated assemblies as well as a fire sprinkler and alarm system to diminish the risk of fire or imperil the public safety. Being located just east of the Wheeler Athletic Complex and Park, the project would leverage the city owned recreation facilities for the health of the residents, create a walkable area for the residents to utilize Wade Stadium, and advance the principals of the neighborhood objectives by combining livability with surrounding recreational activities.

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

Granting of this variance would actually allow the site to be used for the appropriate and existing MU-N zoning and would not alter the essential character of the neighborhood.

Does your variance request need to meet any of the specific criteria in UDC Section 50-37.9, subsections D through M (E. Unsewered Areas, F. Two Family Dwellings in R-1, G. Parking Regulations, H. Reduce Setbacks, I. MU-C District, J. Airport Overlay, K. Flood Plain Regulations, L. Shorelands, or M. Non-Conforming Buildings)?

YES, Section 50-37.9.L. Design will require that a portion of the unnamed creek is routed into a storm sewer pipe extended off of the existing storm sewer inlet. The storm water management for the site will ensure that added runoff from the development will be treated to City standards. This redevelopment replaces a fueling station and will provide a cleaner runoff due to use and implementation of permanent storm water management BMPs.

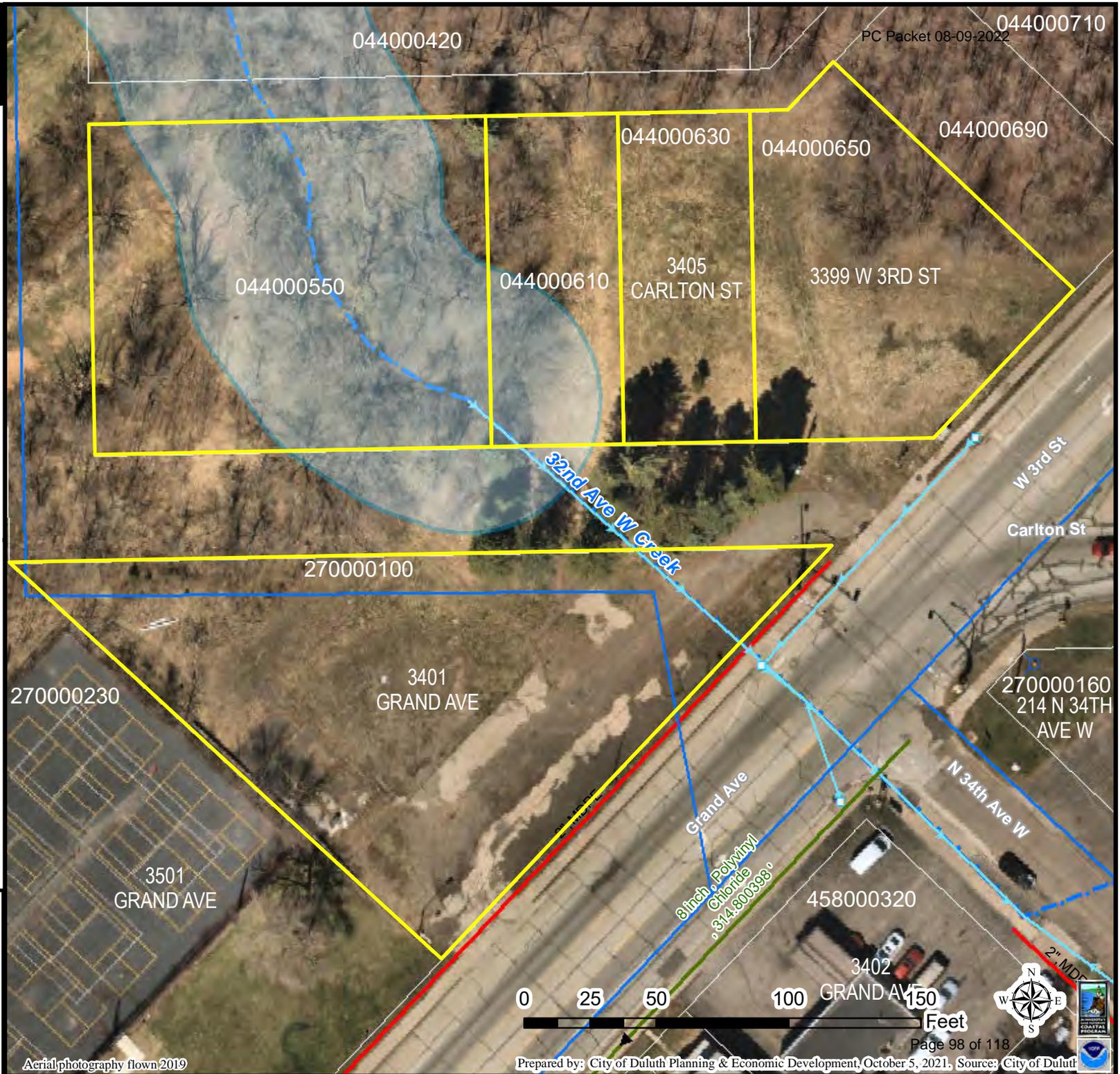




P22-119
Shoreland Variance
3401 Grand Ave

Legend

- Shoreland Setback
- 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
 - Trout Stream (GPS)
 - Other Stream (GPS)



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



MERGE DEVELOPMENT APARTMENTS
PRELIMINARY SITE
MERGE URBAN DEVELOPMENT
3401 GRAND AVE, DULUTH, MN

PRELIMINARY LAYOUT

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.
NOT FOR CONSTRUCTION
Engineer: Adam R. Zwick Lic. No: 55456

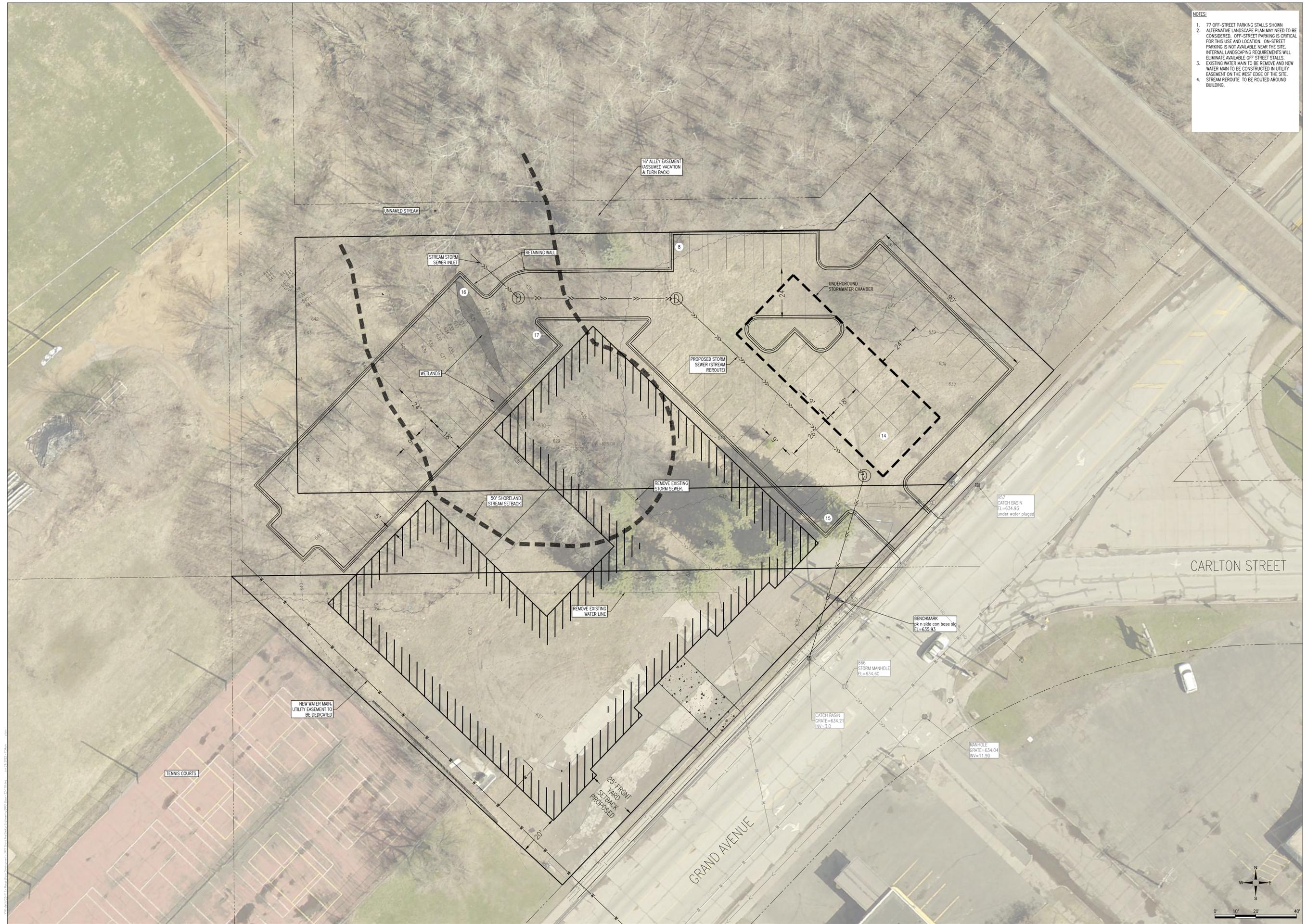
REVISIONS:

PROJECT: 22-118
CHECKED: ARZ
DRAWN: PMR
DATE: 04/13/22

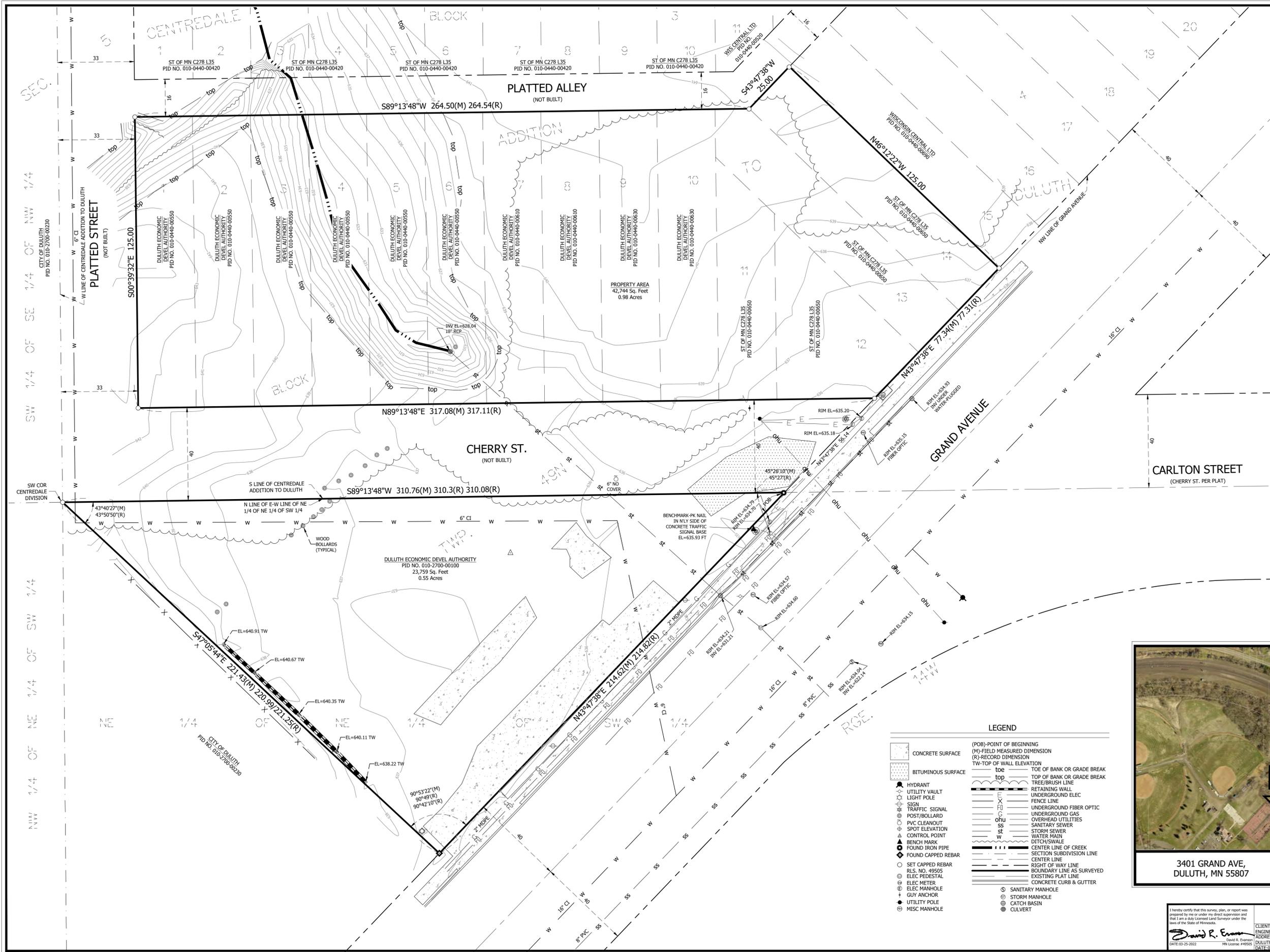
Sheet Title
PRELIMINARY LAYOUT

Sheet Number
EX-1

- NOTES:
- 77 OFF-STREET PARKING STALLS SHOWN. ALTERNATIVE LANDSCAPE PLAN MAY NEED TO BE CONSIDERED. OFF-STREET PARKING IS CRITICAL FOR THIS USE AND LOCATION. ON-STREET PARKING IS NOT AVAILABLE NEAR THE SITE.
 - INTERNAL LANDSCAPING REQUIREMENTS WILL ELIMINATE AVAILABLE OFF STREET STALLS.
 - EXISTING WATER MAIN TO BE REMOVED AND NEW WATER MAIN TO BE CONSTRUCTED IN UTILITY EASEMENT ON THE WEST EDGE OF THE SITE.
 - STREAM REROUTE TO BE ROUTED AROUND BUILDING.



Vertical text on the left edge of the page, likely a project or drawing ID.



LEGAL DESCRIPTION PER CERTIFICATE OF TITLE NO. 359213
 That part of the NE1/4 of NE1/4 of SW1/4 of Section 5, Township 49 North Range 14 West, lying and being North of Grand Avenue or West Third Street, as described as follows:
 Beginning at the intersection of the East and West line on the North side of said NE1/4 of NE1/4 of SW1/4 with the property line of the NW side of Grand Avenue on West Third Street, thence SW1/4 on said property line 214.82 feet, thence NW1/4 at an angle of 90 degrees 49 minutes for a distance of 221.25 feet to the SW corner of Centredale Addition; thence E1/2 along said East and West line on the North side of aforesaid ten acre tract 310.3 feet to point of beginning, containing .55 of an acre more or less.

LEGAL DESCRIPTION PER CERTIFICATE OF TITLE NO. 259212
 Lots 1, 2, 3, 4, 5 & 6, Block 4 CENTREDALE ADDITION TO DULUTH

LEGAL DESCRIPTION PER CERTIFICATE OF TITLE NO. 359213
 Lot 7 Block 4 CENTREDALE ADDITION TO DULUTH
 Lot 8 Block 4 CENTREDALE ADDITION TO DULUTH

LEGAL DESCRIPTION PER DOCUMENT NO. 1052480
 Lots 9 and 10, Block 4, CENTREDALE ADDITION TO DULUTH

LEGAL DESCRIPTION PER CERTIFICATE OF TITLE NO. 326690
 Lots 11 and 12, Block 4, CENTREDALE ADDITION TO DULUTH

LEGAL DESCRIPTION OF TAX FORFEIT LOTS STATE OF MN
 Lots 13 and 14, Block 4, CENTREDALE ADDITION TO DULUTH

UNDERGROUND UTILITIES NOTES

- UTILITIES SHOWN HEREON, HAVE BEEN PREPARED, IN PART, ON THE BASIS OF INFORMATION COMPILED AND FURNISHED BY OTHERS. THE SURVEYOR, ENGINEER AND ARCHITECT WILL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS WHICH HAVE BEEN INCORPORATED INTO THIS DOCUMENT AS A RESULT.
- UNDERGROUND UTILITIES SHOWN ON THIS SURVEY ARE BASED IN PART ON MARKINGS PROVIDED BY GOPHER STATE ONE CALL TICKET NUMBER 220700190.
- SOME UTILITIES SHOWN ON THIS SURVEY HAVE BEEN LOCATED BY MAPS AND OR UTILITY SKETCHES PROVIDED BY UTILITY COMPANIES, CITY OR COUNTY GIS. LOCATIONS ARE APPROXIMATE.
- UTILITIES SHOWN ON THIS SURVEY ARE SHOWN FOR APPROXIMATE LOCATION ONLY AND SHOULD BE VERIFIED BEFORE ANY EXCAVATION OR CONSTRUCTION.
- PRIVATE UTILITIES MAY EXIST BUT ARE NOT SHOWN ON THIS SURVEY. CONTACT A PRIVATE UTILITY LOCATOR FOR LOCATIONS.
- FIELD VERIFY SANITARY AND STORM SEWER PIPE SIZE AND LOCATION.

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.
- BENCHMARK SHOWN ON SURVEY.
- DUE TO SNOW AND ICE COVERAGE, SOME FEATURES MAY NOT HAVE BEEN VISIBLE DURING THE COURSE OF THIS SURVEY.



3401 GRAND AVE,
DULUTH, MN 55807

VICINITY MAP

LEGEND

	CONCRETE SURFACE		BITUMINOUS SURFACE
	HYDRANT		UTILITY VAULT
	LIGHT POLE		SIGN
	TRAFFIC SIGNAL		POST/BOLLARD
	PVC CLEANOUT		SPOT ELEVATION
	CONTROL POINT		BENCH MARK
	FOUND IRON PIPE		FOUND CAPPED REBAR
	SET CAPPED REBAR		ELEC PEDESTAL
	ELEC METER		ELEC MANHOLE
	GUY ANCHOR		UTILITY POLE
	MISC MANHOLE		SANITARY MANHOLE
	STORM MANHOLE		CATCH BASIN
	CULVERT		CONCRETE CURB & GUTTER

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.

David R. Evans
 David R. Evans
 LICENSE NO. 49505
 DATE: 03-25-2022

CLIENT: WORTHLAND CONSULTING ENGINEERS
 ADDRESS: 3401 GRAND AVE, DULUTH, MN 55807
 PHONE: 218-727-2111
 LICENSE: 01/16/16
 WWW: ALTASURVEYOR.COM

REVISIONS:
 JOB NO: 22-039
 SHEET 1 OF 1

ALTA LAND SURVEY COMPANY

From: [Tom Johnson](#)
To: [Brett Crecelius](#)
Subject: RE: Storm Water Confirmation
Date: Tuesday, August 2, 2022 10:46:48 AM

Hi Brett,

The stream is 32nd Ave West Creek. It is a non-trout stream, therefore not a public waters. The stream is not mapped by FEMA for their floodplain program, though flooding risk still remains.

The re-routing of the creek and extended storm sewer system will be privately owned and will be the responsibility of the owner to make sure it remains at full capacity to prevent flooding onto Grand Ave. The creek re-route will be separate from the stormwater management required for the development. The site will need to provide storm water management for the development itself that includes flood control/peak discharge rate control, and water quality – sediment/urban pollutants.

This has been discussed with the Civil Engineer on the project. No plans have been submitted or approvals granted, though the concept has been agreed upon.

Let me know if you need anything further.

Tom Johnson | Senior Engineer P.E. | Public Works and Utilities | City of Duluth
411 West First Street, Room 240, Duluth, MN 55802 | P.E. Lic. in Minnesota
tajohnson@duluthmn.gov

From: Brett Crecelius <bcrecelius@DuluthMN.gov>
Sent: Tuesday, August 02, 2022 8:10 AM
To: Tom Johnson <tajohnson@DuluthMN.gov>
Subject: Storm Water Confirmation

Good Morning Tom,

I'm writing the staff report for the project at 3401 Grand, the site that is re-routing an unnamed stream for a multifamily housing development by wheeler field. I know that have discussed this plan with you and you have approved it thus far. Could you just shoot me an email saying that you have spoken with them and approved the preliminary placement, standards, etc. of their proposed re-route? We need it to verify some things in their shoireland variance application.

Thank you,

Brett Crecelius (he/him/his) | Economic Developer, Planning & Economic Development | **City of Duluth** | [411 West First Street, Duluth, MN 55802](#) | Office: [218-730-5301](#) Mobile: [218-730-8481](#) | bcrecelius@duluthmn.gov



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 22-121	Contact	Brett Crecelius	
Type	Variance – front yard setback	Planning Commission Date	August 9, 2022	
Deadline for Action	Application Date	June 30, 2022	60 Days	August 29, 2022
	Date Extension Letter Mailed	N/A	120 Days	October 28, 2022
Location of Subject	3401 Grand Avenue			
Applicant	Brent Dahlstrom	Contact	brent@mergeurbandevlopment.com	
Agent	Chad Ronchetti	Contact	Chad.Ronchetti@krausanderson.com	
Legal Description	Parcels 010-2700-00100, 010-0440-00550; 00610, 00630, 6650, 00420			
Site Visit Date	July 19, 2022	Sign Notice Date	July 25, 2022	
Neighbor Letter Date	July 22, 2022	Number of Letters Sent	27	

Proposal: Applicant is requesting a variance from the front yard setbacks to build an approximate 90,000 square foot, 80-unit apartment complex comprising of a mix of 1- and 2-bedroom units. The proposed variance would require allowing a 25' setback compared to the 40' setback for buildings in an MU-N district above 35' in height.

Recommended Action: Approve variance with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Vacant/Brownfield	Open Space/General Mixed Use/Neigh.
North	R-1	Single Family Homes	Open Space
South	MU-N/R-1	Single Family Homes/Comm.	Neighborhood Commercial
East	MU-B	Commercial	Open Space/General Mixed Use
West	P-1	Recreation/Open Space	Open Space

Summary of Code Requirements

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

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

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

- Principle #1: - Reuse previously developed lands.
 - The proposed site is an old gas station and would be a redevelopment of that lot.
- Principle #4 - Support economic growth sectors.
 - The construction of mixed income housing, particularly in West Duluth, supports the growth of Duluth's economic base.
- Principle #5 - Promote reinvestment in neighborhoods.
 - Development on this lot supports the character of the neighborhood by creating a community that is walkable to the area's recreation infrastructure, and is a reinvestment in a neighborhood that can link Lincoln Park and the Denfeld neighborhoods.
- Principle #7 - Create and maintain connectivity.
 - This project will be designed to maximize pedestrian access to neighborhood amenities and public transportation along the corridor.

Future Land Use

Neighborhood Commercial: Small to moderate scale commercial, serving primarily the adjacent neighborhood. May include specialty retail; community gathering businesses such as coffee shops or lower intensity entertainment; offices; studios or housing above retail. Typically situated in or adjacent to residential neighborhoods. May transition to neighborhood mixed used.

Open Space: High natural resource or scenic value, with substantial restrictions and development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. Examples include: city parks and recreation areas, primary viewsheds, shorelands of the lake and streams, wetlands and floodplains, and high-value habitat.

Recent History:

The site is the location of a former Holiday Gas Station. After the gas station closed, the site has remained vacant. DEDA has currently acquired the site from the Holiday Company, along with some surrounding parcels from St. Louis County and the City of Duluth, to create an approximate 2-acre site for the development of an affordable multi-family housing complex. The site has recently been transferred to the developer via a Land Sale Agreement in order to facilitate an affordable housing development. DEDA, with assistance from the EPA, has completed a Phase I environmental assessment prior to conveyance to confirm that there are no environmental concerns on the site that need to be addressed.

- 1) The applicant is proposing to construct an approximate 90,000 square foot 80-unit affordable housing complex. The applicant is requesting a variance from the require 40' setback in MU-N for buildings above 35' to allow for a 25' front yard setback. Due to the unique layout of the site, this variance would allow the developer to include 33 parking spaces on the North side of the site behind the proposed structure and provide a spot for a concealed dumpster location. In order to make use of the northwest corner of the site, the variance is required and would provide critical fire access.
- 2) A practical difficulty exists on the site related to the pentagonal shape that hinders typical development; traditionally, setbacks are based on a rectangular lot and result in a building envelope that easily accommodates development.
- 3) Since the building would align with other residential structures along Grand Avenue, the variance, if granted, would not impair adequate light and air to surrounding properties.
- 4) The variance, if granted, would not result in congestion on the surrounding streets, would not impair fire or emergency service access, and would not diminish established property values in the surrounding area. The decreased front yard setback requested allows all fire response vehicles to safely access all sides of the building; as well as increased area for parking behind the building to provide proper space for safe ingress and egress onto the site without creating congestion.
- 5) The variance, if granted, would not impair the intent of the UDC expressed in Sec. 50-2. The variance is consistent with the Comprehensive Plan designation of the property.
- 6) Other than those from the Fire Marshal, who requested more space behind the building for fire access and vehicle turn-around, no public or City comments have been received at the time of drafting this report.
- 7) Per UDC Section 50-37.1.N. approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year.

Staff Recommendation

Based on the above findings, staff recommends that Planning Commission adopt the findings of the staff review and discussion items, and grant the variance with the following conditions:

- 1) The project be limited, constructed, and maintained in accordance with Preliminary Layout dated 4-13-22.
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



Planning & Development Division
 Planning & Economic Development Department

218-730-5580
 planning@duluthmn.gov

Room 160
 411 West First Street
 Duluth, Minnesota 55802

APPLICATION COVER SHEET

CONTACT INFORMATION:

Applicant/Owner Brent Dahlstrom
 Phone 319-406-2494 Email brent@mergeurbandevlopment.com
 Address 604 Clay St.
 City Cedar Falls State Iowa Zip 50613
 Owner's Agent (if applicable) Chad Ronchetti
 Phone 218-290-8702 Email chad.ronchetti@krausanderson.com
 Address 3716 Oneota St.
 City Duluth State MN Zip 55807

APPLICATION INFORMATION:

Street Address and Zoning of Property 3401 Grand Ave. Duluth, MN 55807 - MU-N
 Parcel ID Number 010-2700-00100, 010-0440-00550, 00610, 00630, 00650, 00420

Reason for this Request (*Attach Additional Pages or Cover Letter if Necessary*)
 Owner has a proposed multifamily apartment complex. The site has various constraints requiring multiple planning commission actions. See below.

- 1) Easement Vacation, Street & Alley Vacation
- 2) Wetland Delineation Review and Approval
- 3) Shoreland Setback Variance (50' Vegetative Buffer, Impervious Setback & Structure Setback
- 4) Building Setback Variance

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


 Signature of Applicant

6/30/22
 Date

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

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

Check One Box	
<input type="checkbox"/>	Accessory Home Share - \$250
<input type="checkbox"/>	Accessory Vacation Dwelling Unit Limited - \$250
<input type="checkbox"/>	Appeal to Planning Com. - \$407
<input type="checkbox"/>	Concerns Use of Streets - \$797
<input type="checkbox"/>	District Plan - \$1,144
<input type="checkbox"/>	EAW or EIS - \$2,856, plus any applicable professional fees
<input type="checkbox"/>	Historic Construction Demolition - \$59
<input type="checkbox"/>	Resource Designation - \$103
<input type="checkbox"/>	Interim Use Permit \$1,600
<input type="checkbox"/>	Planning Review - \$1,068
<input type="checkbox"/>	Sanitary Use Permit
<input type="checkbox"/>	New Permit - \$171
<input type="checkbox"/>	Renewal Permit - \$85
<input type="checkbox"/>	Special Use Permit
<input type="checkbox"/>	General - \$1,606
<input type="checkbox"/>	Special Use Permit, Wireless Telecommunications
<input type="checkbox"/>	Modifying or Co-locating - \$2,856
<input type="checkbox"/>	New Facility or Tower - \$5,716
<input type="checkbox"/>	Easement Deposit - \$8,717
<input type="checkbox"/>	Subdivision Plat Approval or Amendment
<input type="checkbox"/>	Concept Plan - \$206
<input type="checkbox"/>	Preliminary Plat - \$1,138
<input type="checkbox"/>	Final Plat - \$657
<input type="checkbox"/>	Minor Subdivision - \$427
<input type="checkbox"/>	Plat Amendment or Boundary Line Adjustment - \$286
<input type="checkbox"/>	Registered Land Survey - \$737
<input type="checkbox"/>	Temporary Use Permit - \$275
<input type="checkbox"/>	UDC Zoning Map Amendment/Rezoning
<input type="checkbox"/>	General - \$912
<input type="checkbox"/>	M.U.P. or R.P. \$2,578
<input checked="" type="checkbox"/>	Variation of Street or Utility Easement - \$995
<input checked="" type="checkbox"/>	Variance - \$855
	(855 x 2) = \$1,710
<input checked="" type="checkbox"/>	Wetland
<input checked="" type="checkbox"/>	De Minimis Delineation or No Loss - \$227
<input type="checkbox"/>	Exemption - \$177
<input type="checkbox"/>	Restatement Plan - \$851
<input type="checkbox"/>	Zoning Verification Letter - \$36

3.9 Checklist

Variance (SETBACK)

These types of applications allow for a variance from the terms and provisions of the UDC (typically bulk standards, such as setbacks, structure height, lot area, etc). See UDC Section 50-37.9 for more information.

Starting the Application Process

- Call 218-730-5580 or email planning@duluthmn.gov to schedule a pre-application meeting. The pre-application meeting is intended to discuss the application process and general timeline. A comprehensive review of the proposed project is not possible at this meeting; detailed review of the project will occur once a complete application, with sufficient supporting information and exhibits, is submitted.

Your Application

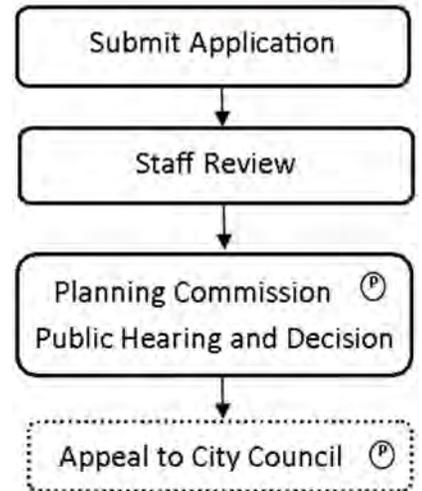
- Application Cover Sheet, available at <https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/>, and applicable fee
- A survey of the property (required for all variances, unless waived in advance by the Land Use Supervisor). Also, a site plan or exhibit with the location of current structures on the property and the proposed requested variance area (such as proposed location of new structure). This information can also be illustrated on the survey. For shoreland variances, include the location of the Ordinary High Watermark (OHM) of the waterway, and the distance to the subject of the variance (proposed structure, etc)

- N/A* A brief written statement affirming that the property has obtained all required City permits (i.e. all the structures on the property have received building permits, where applicable; property owner has a valid rental license, where applicable, etc).

PRELIMINARY PLAN, TO COME LATER

- Variance supplemental application form
- Materials for specific variances:
 - Variances to lot size in unsewered areas:* a permit or letter of intent to issue a permit for on-site sewer treatment from the County
 - TO COME AT LATER DATE AS DESIGN PROGRESSES *Variances to reduce setbacks:* a landscaping and buffering plan
 - Variances to flood plain regulations:* documentation regarding flood levels and flood protection may apply
 - Variances to shoreland regulations:* A plan to mitigate the impacts of the variance on shoreland areas
 - Variances within Skyline Parkway Overlay:* see Skyline Parkway Materials in [Appendix](#)

Variance



P Indicates Public Hearing Required

Important Dates

Application Deadline:

Sign Notice Placed:

Planning Commission:

Effective*:

**Please note that these dates are approximate guidelines and may change*

After Submitting Your Application

1. Determination of Completeness. Within 15 business days of your application, you should expect to:

- Receive an “Applicant Letter,” which acknowledges a complete application, shares the date of the Planning Commission meeting and the assigned staff person, and notifies you of State-mandated deadlines for the City to make a decision, **OR**
- Receive notification that your application is incomplete, with details on further information to submit.

2. Public Notice. A mail notice will be sent by the City to property owners within 350 feet.

- You are required to post a sign notice** on the property at least two weeks before the date of the public hearing. See UDC Section 50-37.1.H for information on size, placement, and content of each sign; you may want to contact a sign company or printing company to have the sign made. You must provide evidence that the signs were in place; **submit photo(s) of the signs to the Planning Division at least two weeks before the date of the public hearing.**

3. Staff Review. Planning staff will evaluate your application and prepare a staff report. When considering a recommendation for a variance, Planning Staff generally review the legal minimum requirements for a variance establish by State statute (literal interpretation of the UDC would result in exceptional or peculiar practical difficulty, special circumstances exist that are unique to the property, the situation was not created by the applicant, variance is necessary and not simply a convenience to the applicant, etc.), the standards specific to the type of variance being sought, any additional UDC criteria, and other related factors.

- You will receive an email with the Planning Commission agenda and a link to this staff report about 5 days prior to the meeting.

4. Planning Commission Hearing and Decision. Planning Commission meetings are scheduled at 5:00 pm on the second Tuesday of each month. **We ask that applicants or an agent attend this meeting.**

The Planning Commission will review the application, conduct a public hearing, and make a decision to approve, approve with modifications, or deny the application.

If approved, you will receive an Action Letter documenting approval.

Note that other City codes may apply to your project. Please be aware of any applicable Building Code (Construction Services Division), Fire Code (Life Safety Division), and stormwater/engineering (Engineering Division) regulations. The zoning approval may be only the first step in a several step process.

*If a **wetland delineation** is needed for the project to proceed, it must be reviewed and approved before any zoning application will be accepted.*

*If a **wetland replacement plan** is required for a project to proceed, it must have been submitted and accepted as a complete application before the project zoning application will be accepted.*



Planning & Development Division
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Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

Variance Application Supplemental Form

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

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

See attached document for expanded responses.

1. Please explain how the exceptional narrowness, shallowness or shape of the property, or exceptional topographic or other conditions related to the property, would result in practical difficulties under strict application of the requirements of the UDC:

2. Please explain how the special circumstances or conditions that create the need for relief is due to circumstances unique to the property, and were NOT created by the property owner or the property owners' predecessors-in-interest:

3. Please explain the special circumstances or conditions applying to the building or land in question are peculiar to this property or immediately adjoining properties, and do not apply generally to other land or buildings in the vicinity:

4. Please explain how the application proposes to use the property in a reasonable manner, which would not be permitted by this code except for a variance:

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

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

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

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

Setback Variance

1. Please explain how the exceptional narrowness, shallowness or shape of the property, or exceptional topographic or other conditions related to the property, would result in practical difficulties under strict application of the requirements of the UDC:

Due to the height of the overall structure of 47', the setback required for the portion of the structure above 35 feet in height is 40'. The nature of the building design that has been presented to the City during the parcel acquisition process has a uniform façade as it grows in height above the 35 foot mark. By allowing a setback variance for the portion of the structure above 35 feet it would allow the entire building to slide towards Grand Ave. forward. This allows for increased off-street parking along the north edge of the property. Due to the pentagon shape of the site, without the setback variance the project would not be able to make use of parking behind the building which would eliminate approximately 33 parking spots and a concealed location for the building dumpster. Fire access to north side of the building is also critical for safety and has been discussed with the City Fire Marshal.

2. Please explain how the special circumstances or conditions that create the need for relief is due to circumstances unique to the property, and were NOT created by the property owner or the property owners' predecessors-in-interest:

The shape of the site presented to us from city staff for this building presents some unique challenges due to its pentagon shape. In order to make use of the northwest corner of the site a setback variance is needed to allow the proposed building to slide towards Grand Ave.

3. Please explain the special circumstances or conditions applying to the building or land in question are peculiar to this property or immediately adjoining properties, and do not apply generally, to other land or buildings in the vicinity:

They way in which the site was platted with a north and south orientation while the road runs NE to SW creates a pentagonal shape to the property that is peculiar to this site. That orientation hinders typical development. Combined with the adjoining properties owned by the city and a railroad, the site is greatly restricted in site plan possibilities. The setback request of 25' would align roughly with other residential properties located on Grand Avenue. 20 feet is the minimum setback for structure less than 35 feet.

4. Please explain how the application proposes to use the property in a reasonable manner, which would not be permitted by this code except for a variance:

By allowing a variance for the entire structure to follow a 25-foot setback will for increased usable space for development while allowing the maximum amount of off-street parking possible. With the shoreland constraints and the setback for structures above 35 feet taken into account, the site provides limited space for parking a fire access.

The proposed use of this property aligns well with many of the Duluth Governing Principles including of the comprehensive plan;

- *Principle #1: - Reuse previously developed lands.*
 - *The proposed site is an old gas station and would be a redevelopment of that lot.*
- *Principle #4 - Support economic growth sectors.*

- *The construction of mixed-use income, particularly in West Duluth, is a feeder neighborhood to Denfeld schools, and supports the growth of Duluth's economic base.*
- *Principle #5 - Promote reinvestment in neighborhoods.*
 - *Development on this lot supports the character of the neighborhood by creating a community that is walkable to the area's recreation infrastructure, and is a reinvestment in a neighborhood that can link Lincoln Park and the Denfeld neighborhoods.*
- *Principle #7 - Create and maintain connectivity.*
 - *This project will be designed to maximize pedestrian access to neighborhood amenities and public transportation along the corridor.*
- *Principle #8 - Encourage a mix of activities, uses, and densities.*
 - *The project will be a mix of activities for the neighborhood, and in particular for this area, which has a robust base of recreational and commercial activities.*

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

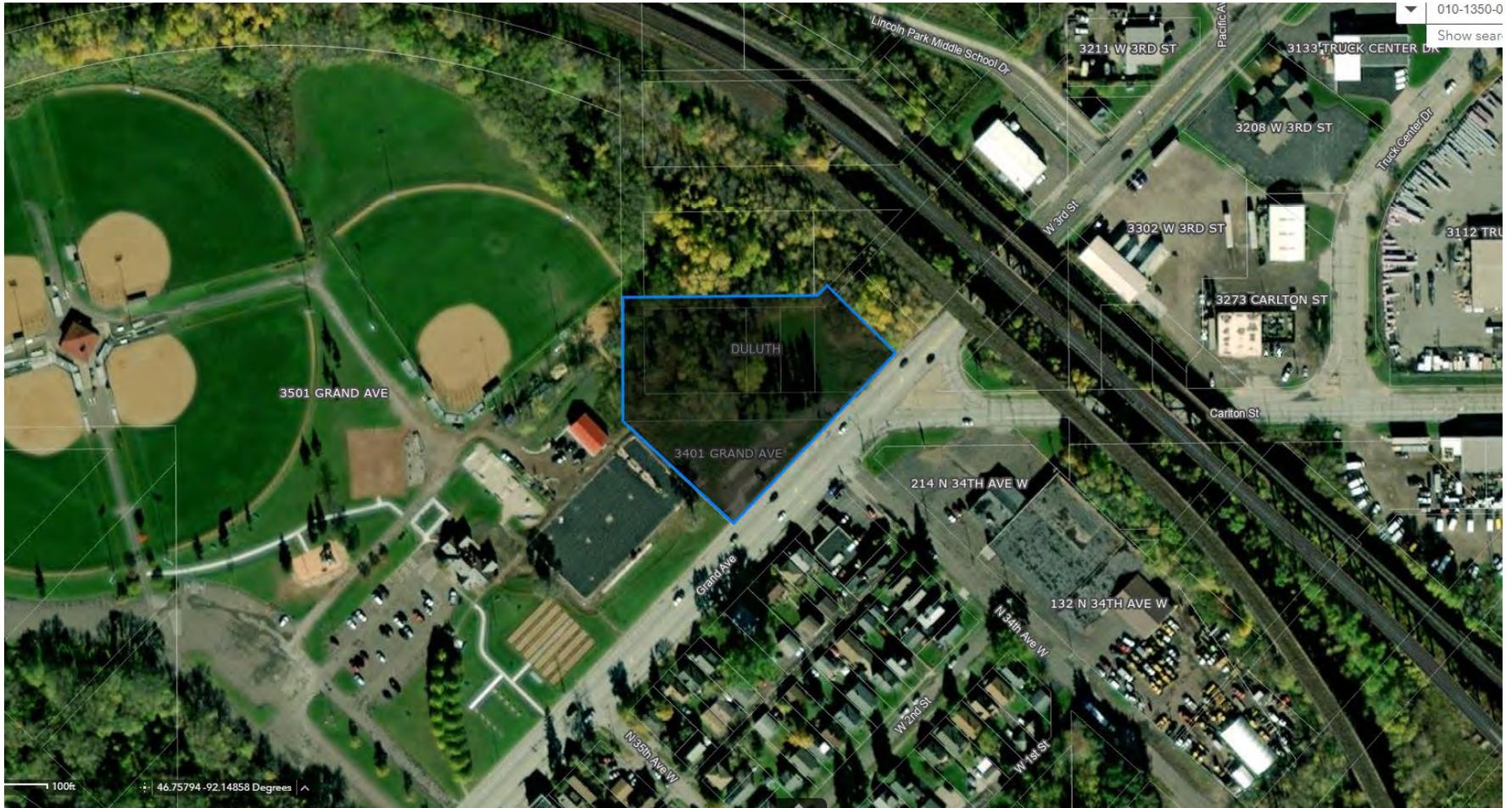
A variance allowing for a front yard setback variance will not impair adequate supply of light or air to any of the adjacent properties due to the fact there are none on either side. The parcel to the west is City park and to the west is railroad property. The site is located at an existing traffic signal that would be used to safely control traffic in and out of the parking lot. City Engineering staff has weighed in the use of the existing access location and traffic signal. They are comfortable with the access and understand that existing signal poles will be utilized while upgrading signal timing as required. The building construction would follow appropriate building codes and fire rated assemblies as well as a fire sprinkler and alarm system to diminish the risk of fire or imperil the public safety. Being located just east of the Wheeler Athletic Complex and Park, the project would leverage the city owned recreation facilities for the health of the residents, create a walkable area for the residents to utilize Wade Stadium, and advance the principals of the neighborhood objectives by combining livability with surrounding recreational activities.

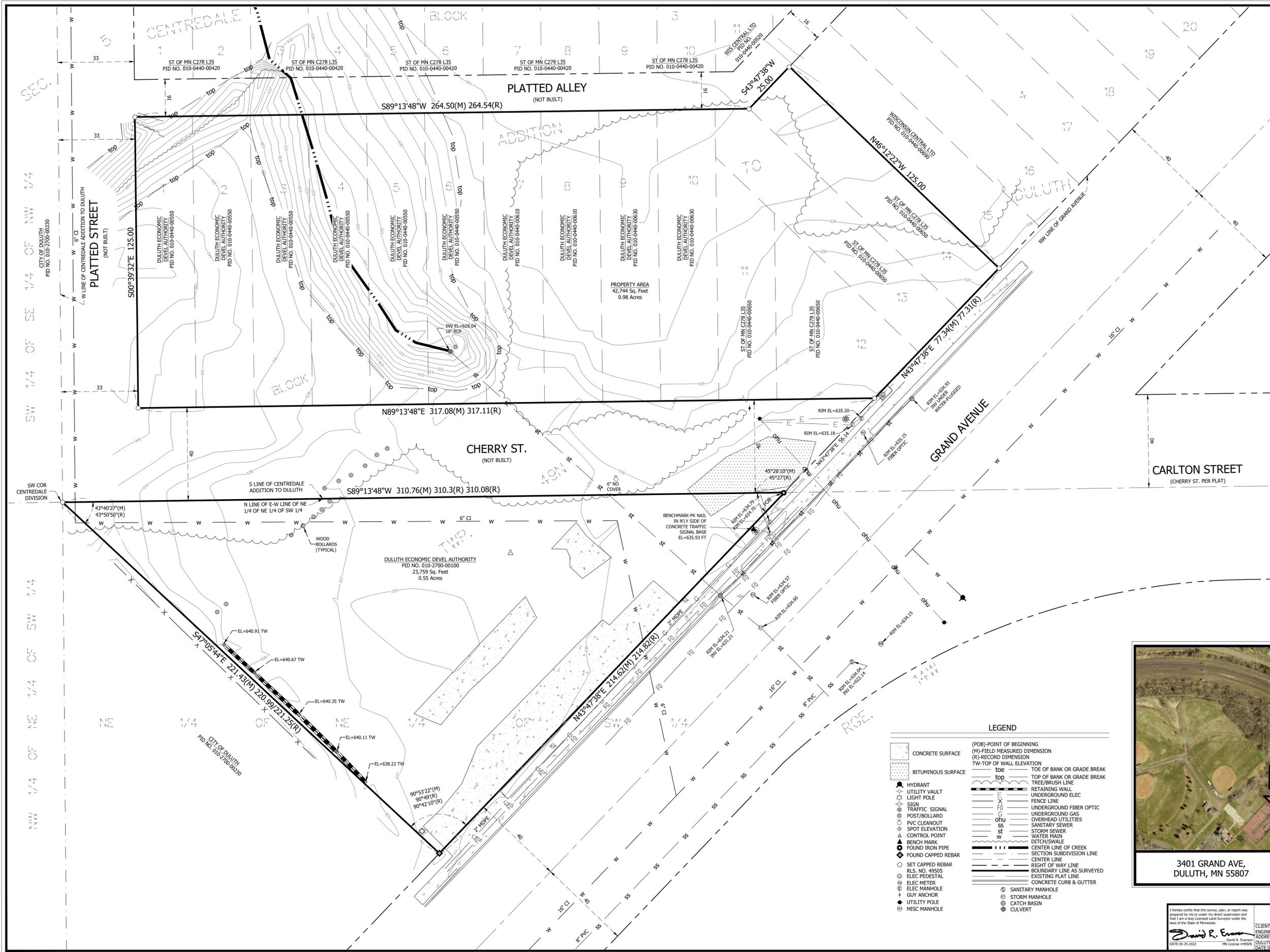
6 Please explain how, if the variance is granted, it will not substantially impair the intent of zoning code and the official zoning map, and will not alter the essential character of the neighborhood:

Granting of this variance would actually allow the site to be used for the appropriate and existing MU-N zoning and would not alter the essential character of the neighborhood.

Does your variance request need to meet any of the specific criteria in UDC Section 50-37.9, subsections D through M (E. Unsewered Areas, F. Two Family Dwellings in R-1, G. Parking Regulations, H. Reduce Setbacks, I. MU-C District, J. Airport Overlay, K. Flood Plain Regulations, L. Shorelands, or M. Non-Conforming Buildings)?

YES, Section 50-37.9.H. Owner will hire a landscape architect to design a landscape and buffering plan to meet the requirements of the City of Duluth. The site plan provided provides ample space for planting and trees.





LEGAL DESCRIPTION PER CERTIFICATE OF TITLE NO. 359213
 That part of the NE1/4 of NE1/4 of SW1/4 of Section 5, Township 49 North Range 14 West, lying and being North of Grand Avenue or West Third Street, as described as follows:
 Beginning at the intersection of the East and West line on the North side of said NE1/4 of NE1/4 of SW1/4 with the property line of the NW side of Grand Avenue on West Third Street, thence SW1/4 on said property line 214.82 feet, thence NW1/4 at an angle of 90 degrees 49 minutes for a distance of 221.25 feet to the SW corner of Centredale Addition; thence E1/2 along said East and West line on the North side of aforesaid ten acre tract 310.3 feet to point of beginning, containing .55 of an acre more or less.

LEGAL DESCRIPTION PER CERTIFICATE OF TITLE NO. 259212
 Lots 1, 2, 3, 4, 5 & 6, Block 4 CENTREDALE ADDITION TO DULUTH

LEGAL DESCRIPTION PER CERTIFICATE OF TITLE NO. 359213
 Lot 7 Block 4 CENTREDALE ADDITION TO DULUTH
 Lot 8 Block 4 CENTREDALE ADDITION TO DULUTH

LEGAL DESCRIPTION PER DOCUMENT NO. 1052480
 Lots 9 and 10, Block 4, CENTREDALE ADDITION TO DULUTH

LEGAL DESCRIPTION PER CERTIFICATE OF TITLE NO. 326690
 Lots 11 and 12, Block 4, CENTREDALE ADDITION TO DULUTH

LEGAL DESCRIPTION OF TAX FORFEIT LOTS STATE OF MN
 Lots 13 and 14, Block 4, CENTREDALE ADDITION TO DULUTH

UNDERGROUND UTILITIES NOTES

- UTILITIES SHOWN HEREON, HAVE BEEN PREPARED, IN PART, ON THE BASIS OF INFORMATION COMPILED AND FURNISHED BY OTHERS. THE SURVEYOR, ENGINEER AND ARCHITECT WILL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS WHICH HAVE BEEN INCORPORATED INTO THIS DOCUMENT AS A RESULT.
- UNDERGROUND UTILITIES SHOWN ON THE SURVEY ARE BASED IN PART ON MARKINGS PROVIDED BY GOPHER STATE ONE CALL TICKET NUMBER 220700190.
- SOME UTILITIES SHOWN ON THIS SURVEY HAVE BEEN LOCATED BY MAPS AND OR UTILITY SKETCHES PROVIDED BY UTILITY COMPANIES, CITY OR COUNTY GIS. LOCATIONS ARE APPROXIMATE.
- UTILITIES SHOWN ON THIS SURVEY ARE SHOWN FOR APPROXIMATE LOCATION ONLY AND SHOULD BE VERIFIED BEFORE ANY EXCAVATION OR CONSTRUCTION.
- PRIVATE UTILITIES MAY EXIST BUT ARE NOT SHOWN ON THIS SURVEY. CONTACT A PRIVATE UTILITY LOCATOR FOR LOCATIONS.
- FIELD VERIFY SANITARY AND STORM SEWER PIPE SIZE AND LOCATION.

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.
- BENCHMARK SHOWN ON SURVEY.
- DUE TO SNOW AND ICE COVERAGE, SOME FEATURES MAY NOT HAVE BEEN VISIBLE DURING THE COURSE OF THIS SURVEY.



3401 GRAND AVE,
DULUTH, MN 55807

VICINITY MAP

LEGEND

	CONCRETE SURFACE		(POB)-POINT OF BEGINNING
	BITUMINOUS SURFACE		(M)-FIELD MEASURED DIMENSION
	HYDRANT		(R)-RECORD DIMENSION
	UTILITY VAULT		TW-TOP OF WALL ELEVATION
	LIGHT POLE		toe TOE OF BANK OR GRADE BREAK
	SIGN		top TOP OF BANK OR GRADE BREAK TREE/BRUSH LINE
	POST/BOLLARD		RETAINING WALL
	PVC CLEANOUT		UNDERGROUND ELEC
	SPOT ELEVATION		FENCE LINE
	CONTROL POINT		OVERHEAD UTILITIES
	BENCHMARK		UNDERGROUND FIBER OPTIC
	FOUND IRON PIPE		UNDERGROUND GAS
	FOUND CAPPED REBAR		WATER MAIN
	SET CAPPED REBAR		SANITARY SEWER
	ELEC PEDESTAL		STORM SEWER
	ELEC METER		EXISTING PLAT LINE
	ELEC MANHOLE		BOUNDARY LINE AS SURVEYED
	GUY ANCHOR		CONCRETE CURB & GUTTER
	UTILITY POLE		CENTER LINE OF CREEK
	MISC MANHOLE		SECTION SUBDIVISION LINE
			CENTER LINE
			RIGHT OF WAY LINE
			BOUNDARY LINE AS SURVEYED
			EXISTING PLAT LINE
			CONCRETE CURB & GUTTER

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.

David R. Evans
 David R. Evans
 LICENSE NO. 49505
 DATE: 03-25-2022

CLIENT: WORTHLAND CONSULTING ENGINEERS
 ADDRESS: 3401 GRAND AVE, DULUTH, MN 55807
 PHONE: 218-727-2111
 LICENSE: 01/01/1986
 WWW: ALTALANDSURVEY.COM

REVISIONS:

DATE: 03-25-2022 JOB NO: 22-039 SHEET 1 OF 1

ALTA LAND SURVEY COMPANY





WILLOW FALLS
COMMUNITY CENTER