



City of Duluth

Council Chambers, City
Hall

Meeting Agenda Planning Commission.

Council Chambers

Tuesday, October 11, 2022

5:00 PM

Council Chambers

CALL TO ORDER AND ROLL CALL

APPROVAL OF PLANNING COMMISSION MINUTES

[PL 22-0913](#) Minutes 9/13/22

Attachments: [09-13-2022 PC Minutes \(not approved yet\)](#)

PUBLIC COMMENT ON ITEMS NOT ON AGENDA

CONSENT AGENDA

[PL 22-153](#) Interim Use Permit for Vacation Dwelling Unit at 325 Lake Ave S #1313 by Tiegen Brickson

Attachments: [PL 22-153 Staff report and attachments](#)

[PL 22-154](#) Minor Subdivision at 405 Elk St by Devin and Ebony Nelson

Attachments: [PL 22-154 Staff report and attachments](#)

[PL 22-157](#) Interim Use Permit Renewal for Vacation Dwelling Unit at 1035 Berwick Court by Don Washington

Attachments: [PL 22-157 Staff report and attachments](#)

[PL 22-164](#) Interim Use Permit Renewal for Vacation Dwelling Unit at 241 W Arrowhead Rd by Susan Yunis

Attachments: [PL22-164 Staff Report and Attachments](#)

OLD BUSINESS

[PL 22-143](#) MU-C Planning Review for Hotel on Sundby Road north of Maple Grove Road by Kinseth Hotel Group

Attachments: [PL22-143 Memo to planning commission](#)

[PL22-143 Staff Report and Attachments](#)

COMMUNICATIONS

Land Use Supervisor Report

Golden Bulldog, 318 N 18th Ave E

Discuss Brown Bag Date

Historic Preservation Commission Report

Joint Airport Zoning Board Report

Duluth Midway Joint Powers Zoning Board Report

City of Duluth Planning Commission

September 13, 2022 – City Hall Council Chambers
Meeting Minutes

Call to Order

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

Roll Call

Attendance:

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

Members Absent: Jason Holliday, and Andrea Wedul

Staff Present: Adam Fulton, Robert Asleson, Kyle Deming, Chris Lee, and Cindy Stafford

Approval of Planning Commission Minutes -

Planning Commission Meeting – August 9, 2022

MOTION/Second: Eckenberg/Crawford approved

VOTE: (6-0)

Public Comment on Items Not on Agenda

None

Consent Agenda

PL 22-139 Interim Use Permit for a Vacation Dwelling Unit at 130 Charlotte Place by Daniel Frank

PL 22-142 Concurrent Use Permit for an Underground Private Sanitary Sewer in the Right of Way of Sundby Road and Page Street by Kinseth Hotel Group

PL 22-140 Final Plat for Force 1 Commercial Development on Arrowhead Road, west of Rice Lake Road, by Force 1, LLC

PL 22-145 Variance to the Corner Side Setback for an Entry Deck at 431 E Skyline Parkway by Ed Oman Construction

Public: Item PL 22-142 - Jill Crawford-Nichols, 1505 W. Morgan Street, asked for clarification and noted her area doesn't have public sewer access. Chris Lee stated the applicant is paying to hook up to the public main.

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

VOTE: (6-0)

Public Hearings

PL 22-141 Preliminary Plat for Rearranement of Part of Western Woods on the east side of Decker Road south of Anderson Road by Lon Hovland

Staff: Kyle Deming introduced the applicants' proposal for the approval of the preliminary plat of Rearrangement of Part of Western Woods Division to provide for replatting of 17 lots and a 3 acre unplatted parcel totaling 11.3 acres into 19 lots on a shortened street. The proposal includes construction of a new public street with sidewalks and utilities. Staff recommended approval with the conditions listed in the staff report.

Applicant: Adam Zwak, the civil engineer for the project welcomed questions. Commissioner Gary Eckenberg asked if the proposed new street was previously called Westwood Drive (now Westwood Circle). Zwak affirmed and noted they will sort through options and come up with a name.

Public: Jacob Ulvi, 3502 Decker Rd., addressed the commission. He lives south of the development. He is concerned about the stormwater drainage. Per Deming, the stormwater will be collected in two ponds and then will let water out to the wetlands in the south. He believes storm water design rules require that run-off not exceed what it is at the present time. Zwak affirmed. They are not increasing the run-off, and it will actually be reduced. Sherri Dunbar, 1911 Denim St., addressed the commission. She bought her home seven years ago, and was told by her realtor that nobody could build on that land due to the wetlands. She questions the development. Phillip Hooper, 1912 Anderson Rd., addressed the commission. He noted the easement had been vacated, but that part of an easement still existing next to his property. Will there be pedestrian access? He also asked about the row of trees on the property and would like to keep them. Deming stated there is a 30 foot wide half a street next to Hooper's property that still exists and the developer is being required to give a pedestrian easement to connect to it. UDC platting requirements call for a pedestrian easement to exit any cul du sac. He also noted no buildings will be allowed in the wetland areas.

Commissioners: Danielle Rhodes asked if screening is planned. Deming noted screening is not part of the preliminary plat. The lots are largely left uncleared. The final plat will require a tree replacement plan. Deputy Direct Fulton added this area is fairly rural. Jason Crawford would like to make a motion, but asked if they could add a condition to verify any alteration to the wetlands will not affect the neighbor's property who spoke and had concerns. Commissioner Samuel Lobby agreed. Deputy Director Fulton noted that the technical evaluation panel approved the wetland delineation, but the commission can add a condition if they so choose. Commissioner Gary Eckenberg noted the updated wetland delineation in 2022. Was the delineation City sponsored, or owner requested? Per Fulton, wetland delineation is a private request. The delineation is good for five years. The technical document is reviewed for accuracy and is not subject to debate. The commissioners decided a condition was not needed.

MOTION/Second: Crawford/Lobby approved as per staff recommendation

VOTE: (6-0)

PL 22-143 MU-C Planning Review for a Hotel on Sundby Road north of Maple Grove Road by Kinseth Hotel Group

Staff: Chris Lee introduced the applicant's proposal to construct a 4-story hotel with 112 parking stalls. The hotel will be 51' tall, and the applicant will be required to verify the maximum height of the structure at the time of the building permit application. The landscape plan shows 21 trees, exceeding the required 19 for parking lot coverage. The required frontage

landscaping is met with 33 trees and 149 shrubs. Staff recommends approval with the conditions listed in the staff report.

Applicant: Chase Ernste of Northland Consulting Engineers welcomed questions.

Public: Troy Fralich, 1745 W Page St, addressed the commission. He is concerned about the removal of trees and the added lighting. He would like to see their privacy maintained. Per Lee, there is a significant amount of trees in the landscaping plan. The lighting on the site will be downcast. Pedestrian movement will be up to hotel management. Ben Frye, 1504 Osage Ave, addressed the commission. He is concerned about privacy. This hotel is commercial, and yet they are rural. What prevents the hotel windows from looking directly down at them? Per Lee, he can't speak for the developer, and it is up to the applicant to determine. Frye asked why the applicant isn't here tonight. Per Lee, the applicant is out of town, and unable to attend. Jill Crawford-Nichols, 1505 W Morgan St, addressed the commission. She noted the adjacent properties to the proposed hotel are zoned rural RR-1, which are five acre lots. These are very different uses, and will directly affect them. Has an impact study been done? Has a need study been done? How will it effect Miller Creek? She also asked if a minimum tree size is required. She added that four guiding principles (2, 5, 7 & 10) are in conflict with the development. Joan Haubrich, 1513 W Morgan St, addressed the commission. She is opposed to the proposal. She is retired from a career of building hotels. There will be an impact to the area. Traffic will increase. She asked at what cost to we allow development. There are four hotels in a small radius. She also noted the need for an impact study. Lee added an impact study is not typically performed. The tree, landscaping plan, meets UDC requirements. President Nelson asked if it is common to have MU-C zoning next to RR-1 zoning. Per Lee, there are restrictions added including building height. Deputy Director Fulton noted this area was subject to significant study in the 1990's. The RR-1 areas by the mall are rural for preservation. Areas along Sundby Road are slated for development. He noted the need for another hotel is not up to staff. They are tasked to make sure plans are consistent with the UDC. Engineering is closely scrutinizing conditions for stormwater treatment in proximity to Miller Creek. Crawford-Nichols noted the hotel **can** be built here, but **should** it? This contradicts the purpose of the home she bought. The 1990's study is almost older than she is. She asked commissioners to take into consideration the impact it will have. Joyce Alworth, 1818 Yosemite Ave, addressed the commission. She has been a resident here since 1984. She is concerned there will be more traffic, noise (including construction noise). This project will change the feeling of her rural home. She feels less safe, and it will be a negative impact to their neighborhood. She noted little trees take a long time to grow. She noted the pond on the end of Osage, which will also be impacted. This proposal makes her sad, and she feels the hotel can be built further away from this rural neighborhood. She is opposed.

Commissioners: Rhodes asked if the developer considered other sites. Per Lee, their task today is to focus on this particular site. Eckenberg stated he has concerns. He questioned why the applicant wasn't present to address neighbors' concerns. Deputy Director Fulton noted this zoning has been in place for many years. The MU-C zone wraps around the RR-1 neighborhoods. Eckenberg would like to table until the applicant can address the neighbors' concerns. Commissioner Michael Schraepfer asked if a hotel is a permitted use in an MU-C zone, then why is this item before them. Deputy Director Fulton noted a planning review is needed for a permitted use to look at the plan, and evaluate it.

MOTION/Second: Eckenberg/Rhodes tabled

VOTE: (6-0)

(Commissioner Schraepfer recused himself from the next agenda item, due to a conflict of interest. His company is the applicant's managing agent.)

PL 22-146 Variance to the Form District Driveway Location Requirement at 915 E 4th Street by Lunar Legacy, LLC

Staff: Chris Lee introduced the applicant's proposal for a variance to allow a multi-family dwelling to be constructed that has two driveways in alternate locations from the requirements per UDC Section 50-22. The applicant is proposing to construct a 6-story multi-family structure with 121 residential units and 97 covered parking stalls. The applicant is proposing to have one driveway on East 4th Street and one on 10th Avenue East. The extreme topography makes it difficult to have a single driveway from the alley that can access two floors of parking. The need for a variance is caused by site constraints unique to this site and not caused by the applicant. Staff recommends approval with the conditions listed in the staff report.

Applicant: Nick Adams of Heirloom Properties addressed the commission. He noted the variance will allow for 97 indoor covered parking stalls. He welcomed questions. Commissioner Eckenberg asked about the rental cost of the units. Adams noted of the 121 units – there will only be 20 2-bedroom units. The market demand is for smaller units at a more affordable price point.

Public: No speakers.

MOTION/Second: Crawford/Eckenberg approved as per staff recommendation

VOTE: (5-0, Schraepfer Abstained)

Other Business

PL 22-134 Conformance to the Comprehensive Plan for a TIF District at Grand Avenue, Carlton Street, and 34th Avenue West

Staff: Deputy Director Fulton introduced the city's proposal for a TIF District. Tax Increment Financing (TIF) is a financing tool that uses the increase in property taxes generated from site improvements to pay for a portion of those improvements. The proposed development of the 80-unit residence apartments meets the intent of future land use. The role of the planning commission is to make sure the proposed development and its uses are consistent with the Comprehensive plan.

MOTION/Second: Rhodes/Lobby TIF is in Conformance with the Comprehensive Plan

VOTE: (6-0)

Correspondence – Commissioner Eckenberg noted that it was brought to his attention that a special use permit that the planning commission passed in 2017 for a restaurant has received a complaint. The letter addressed to the Duluth, MN Alcohol, Gambling and Tobacco Commission from a resident – James Matheson was shared with the planning commission on page 80 of their packet. He noted the last paragraph on page 81 which states, "The lack of a kitchen is perplexing, since on August 8, 2017, the planning commission..... voted to approve ... the special use permit for a restaurant...." Eckenberg would like staff to do some research on PL 17-079 which was a special use permit granted for the Golden Bulldog on 318 N 18th Ave East.

MOTION/Second: Eckenberg/Lobby – staff to research the Special Use Permit conditions to determine if there is a need to revisit it.

VOTE: (6-0)

Appointment of HPC Representative – Deputy Director Fulton noted the HPC needs a representative from the planning commission and asked for volunteers. Commissioner Rhodes volunteered, but noted she may have to miss a few meetings. Commissioner Eckenberg stated he is willing to take on the task. Rhodes thankfully withdrew her offer.

Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton gave an overview. He introduced city councilor Noah Hobbs who discussed parking policies and the need for more discussion. A brown bag will be offered for planning commission input. Fulton noted there will be an HPC conference and an APA conference in Duluth in the next weeks. Staff is in the process of hiring a manager for the planning and development division.

Heritage Preservation Commission – Deputy Director Fulton noted the city council overturned the HPC decision to deny the certificate of appropriateness for the demo of 102 E. Superior St.

Joint Airport Zoning Board – No update.

Duluth Midway Joint Powers Zoning Board – No update.

Adjournment

Meeting adjourned at 6:44 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 22-153	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Interim Use Permit– Vacation Dwelling Unit in Form District	Planning Commission Date		October 11, 2022
Deadline for Action	Application Date	August 30, 2022	60 Days	October 29, 2022
	Date Extension Letter Mailed	September 14, 2022	120 Days	December 28, 2022
Location of Subject	325 South Lake Avenue, Unit 1313			
Applicant	Tiegen Brickson	Contact		
Agent		Contact		
Legal Description	PID # 010-4444-00170			
Site Visit Date	September 30, 2022	Sign Notice Date	September 27, 2022	
Neighbor Letter Date	September 21, 2022	Number of Letters Sent	45	

Proposal

Applicant is proposing a new interim use permit for a vacation dwelling unit. The permit would allow for a 3-bedroom condominium with a maximum of 7 occupants in the F-5 form district.

Vacation dwelling units located in form districts are exempt from minimum night stays and parking, and there is no cap on number of permits issued.

Staff is recommending Planning Commission recommend approval.

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

Summary of Code Requirements:

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

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

1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location ...;
2. The applicant agrees to sign a development agreement with the city.
3. Except for



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

properties within the Higher Education Overlay District as identified in 50-18.5, the minimum rental period and off-street parking requirements of 50-20.3.U and 50-20.5.M shall not apply for vacation dwelling units or accessory vacation dwelling units in form districts.

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

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

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

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

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

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

Review and Discussion Items:

- 1) Applicant's property is located at 325 South Lake Avenue, Unit 1313. The unit is located on the third floor of the building. The proposed vacation dwelling unit contains 3 bedrooms that would allow for a maximum of 7 guests.
- 2) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicants have listed Dean Brickson to serve as the managing agent.
- 3) The site is not required to provide parking. However, the applicant has stated that 2 off-street parking spaces will be provided.
- 4) The site does not have any outdoor amenities.
- 5) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 6) Applicant will apply for all relevant permits and licenses and these are contingent upon approval of the Interim Use Permit for a Vacation Dwelling Unit.



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

7) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").

8) One comment was received from a citizen and is attached, City staff, or any other entity were received regarding the application.

Staff Recommendation:

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

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



PL 22-153
325 South Lake Ave
Unit 1313

Legend
Zoning Boundaries

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



Floor Plan- Unit #1313

2000 sq.ft. Area
Third Floor Level

Legend

F Fire & Smoke Detector

S Alarm/Fire Strobe

 Emerg. Ltg w/ Batt. Backup

Code Summary

Code Used: 2020 MN State Bldg. Code
2015 MN State Bldg. Code

Building Use: Residential - Hotel
Bldg. Const. Type: 3B

Sprinklers: Yes, throughout bldg.

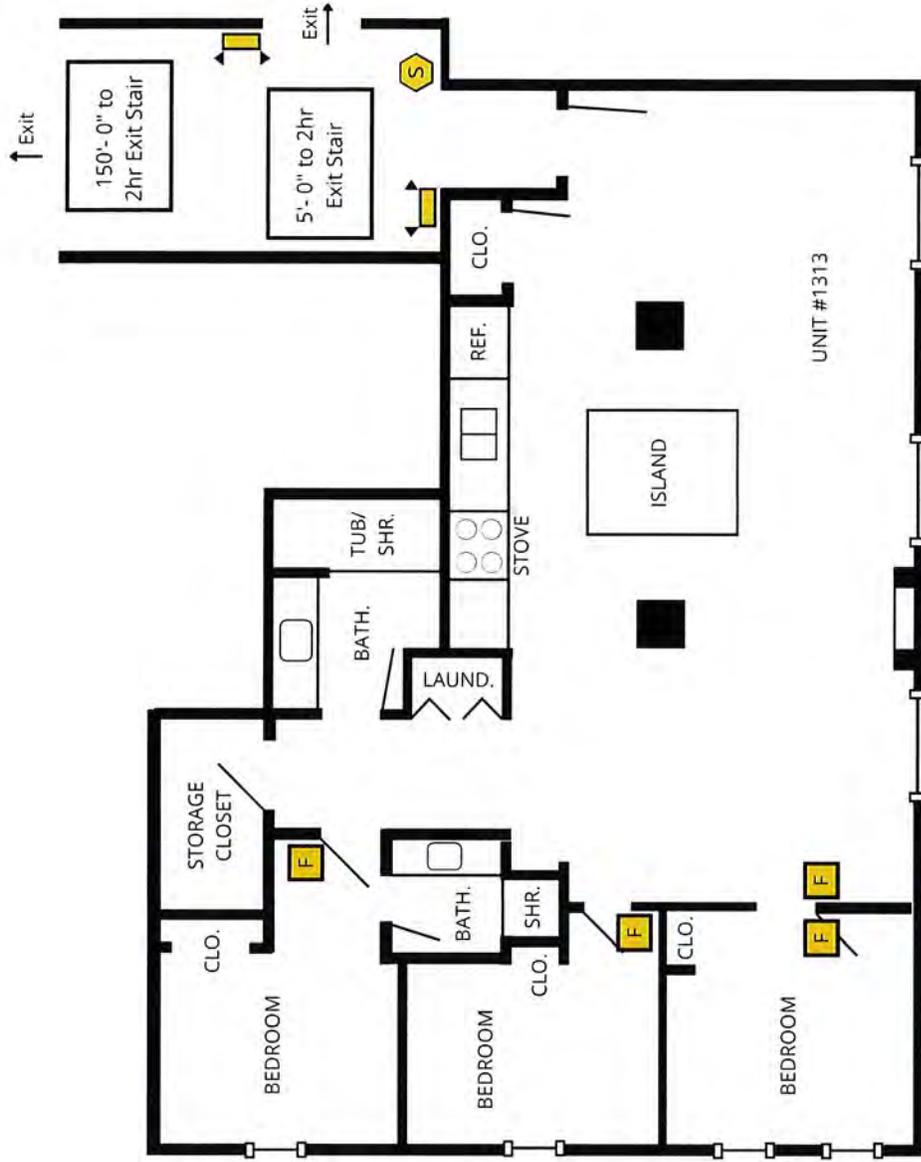
Fire Alarm: Yes, throughout bldg.

Exits: (2) Exit stair wells, 2hr rated at each end of corridor.
Distance to stair wells: North 5'-0", South, 150'-0"

3rd Floor - Unit 1313 2,000 sq.ft.

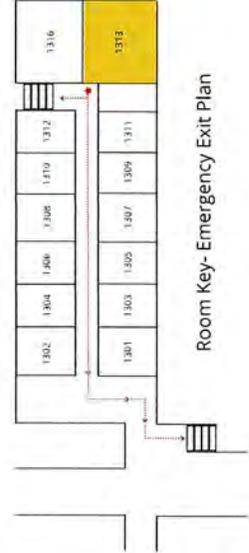
3 Bedroom, 2 Bath, Living Rm, Kitchen, Laundry Closet
and Storage Closet

Occupant Load: 8 occupants

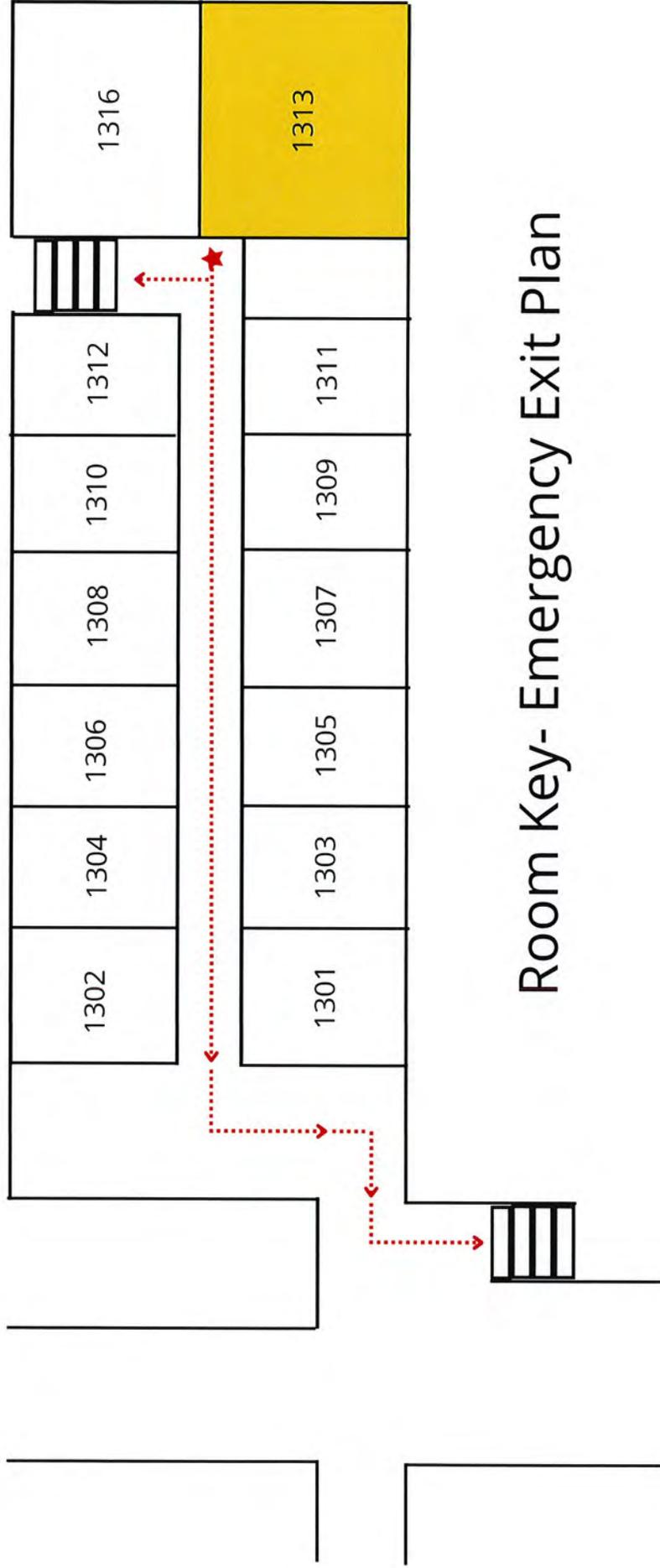


Project:
Proposed Vacation Dwelling Unit
325 S Lake Ave - Unit #1313
Duluth, MN 55802

Owner:
Tiegen & Keenan Brickson
(321) 831-5041
tiegen.brickson@gmail.com

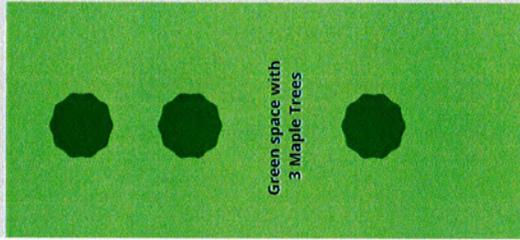
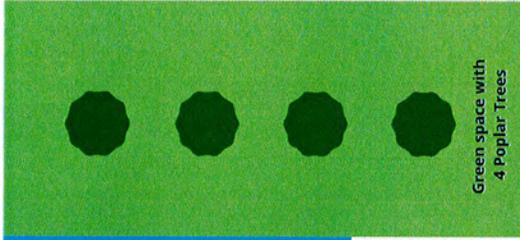


Room Key- Emergency Exit Plan



Room Key- Emergency Exit Plan

Railroad St.



Marina/ William A. Irvin

Parking

Parking

General flowers and shrubs
↓

General flowers and shrubs
↓



Waterfront Plaza Condominiums/Suites Hotel

Lake Ave.

Sent: Monday, October 3, 2022 5:52 PM

To: planning <planning@DuluthMN.gov>

Subject: Interim Use Permit (PL22-153)

I own two condos on the same floor as 1313. I feel that any condo owners in the Hotel Suites should automatically get permits, since they are in a Hotel that is already a short-term rental.

They should not have to go thru a hearing or pay for a permit since they are inside a Hotel that is already zoned a short-term rental.

So please pass this permit since everyone that owns condos on these properties is in a Hotel. An owner should not have to go thru a hearing to be able to get a permit to change their condos from the Hotel to a Vacation Dwelling.

Please consider changing your policies on this property to save time and money for all involved.

Thank you,

Cory Dietz

1201 and 1203



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 22-154	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Minor Subdivision	Planning Commission Date	October 11, 2022	
Deadline for Action	Application Date	August 30, 2022	60 Days	October 29, 2022
	Date Extension Letter Mailed	September 19, 2022	120 Days	December 28, 2022
Location of Subject	Elk Street – PID 010-2010-00550			
Applicant	Devon & Ebony Nelson	Contact		
Agent		Contact		
Legal Description	See Attached			
Site Visit Date	September 30, 2002	Sign Notice Date	N/A	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal

Applicant is requesting a Minor Subdivision to divide one lot into two lots. The current parcel is approximately 4 acres and the division will create two lots. Both Parcel A and Parcel B will be 2 acres.

Recommended Action: Approval with conditions.

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

Summary of Code Requirements

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

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

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

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

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

Future Land Use: Rural Residential - Areas of single-family lots of at least five acres. Limits the extension of municipal utilities for new development. Includes existing rural density areas with lots as small as an acre now served by municipal utilities but not planned for further subdivision.

History: The current parcel contains approximately 4 acres and has an existing single-family home. The underlying plat is "Greysolon Farms 1st Division." The existing tax parcel consists of three previously platted lots with frontage on the platted Elk Street.

Review and Discussion Items

1. Applicant is requesting a Minor Subdivision to divide a single lot into two lots. Both parcels will have frontage on Elk Street.
2. Parcel A has an existing 841 square foot single family dwelling that would still meet all required setbacks and other regulations after the proposed subdivision.
3. Both parcels are zoned R-1, which has a minimum lot size of 4,000 square feet. Both parcels have the required street frontage along Elk Street. The proposed subdivision, if approved, would not make the parcels non-conforming due to lot frontage, lot area, or similar bulk standard.
4. No other public, agency, or City comments were received.
5. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
6. Approval of this Minor Subdivision signifies that City of Duluth UDC standards are met. St. Louis County may have additional requirements. This subdivision approval lapses if deeds are not recorded with St. Louis County within 180 days. Applicant must provide the City with proof of recording.

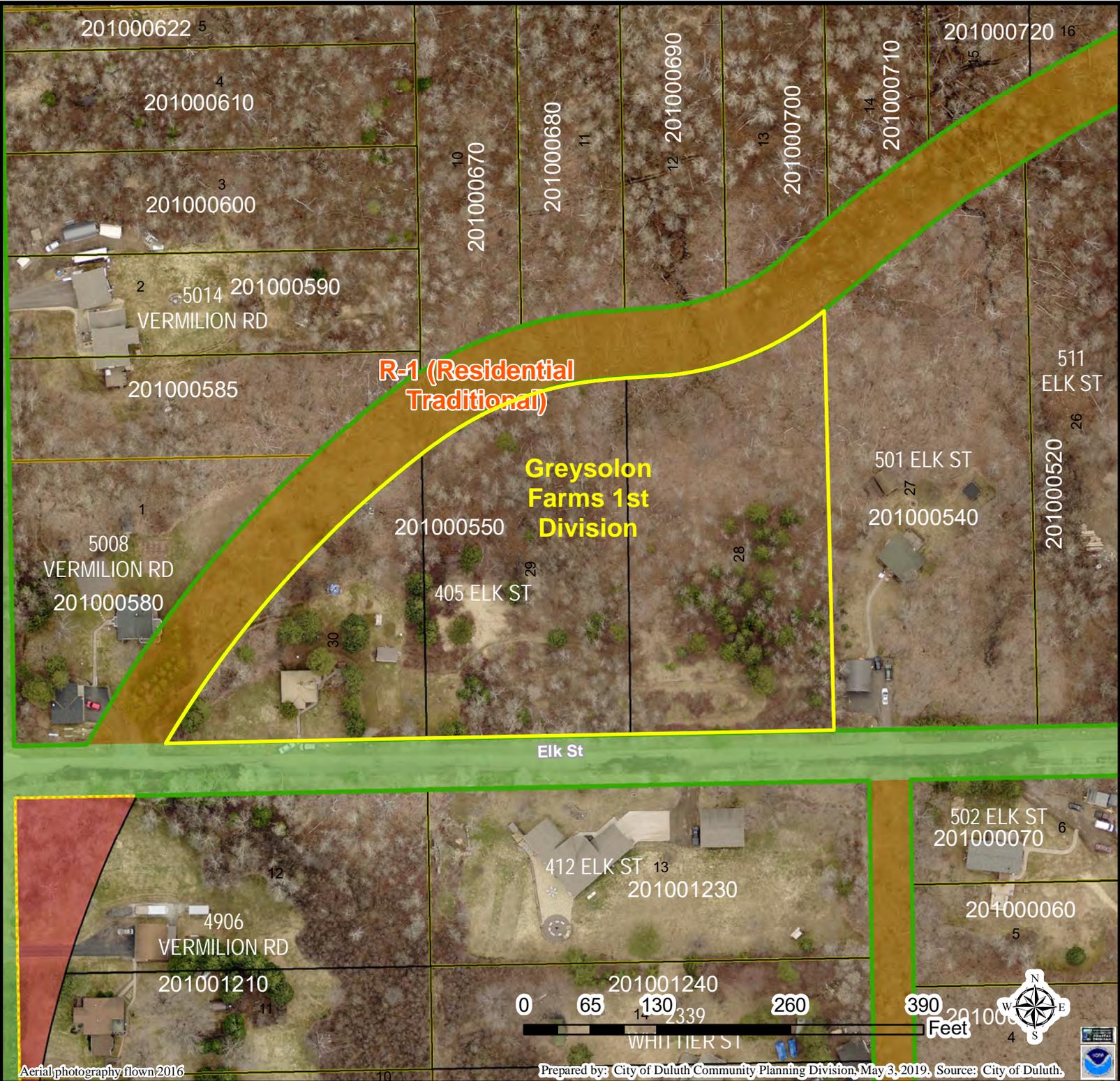
Staff Recommendation

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

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



PL 22-154
Minor Subdivision



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
- Zoning Boundaries

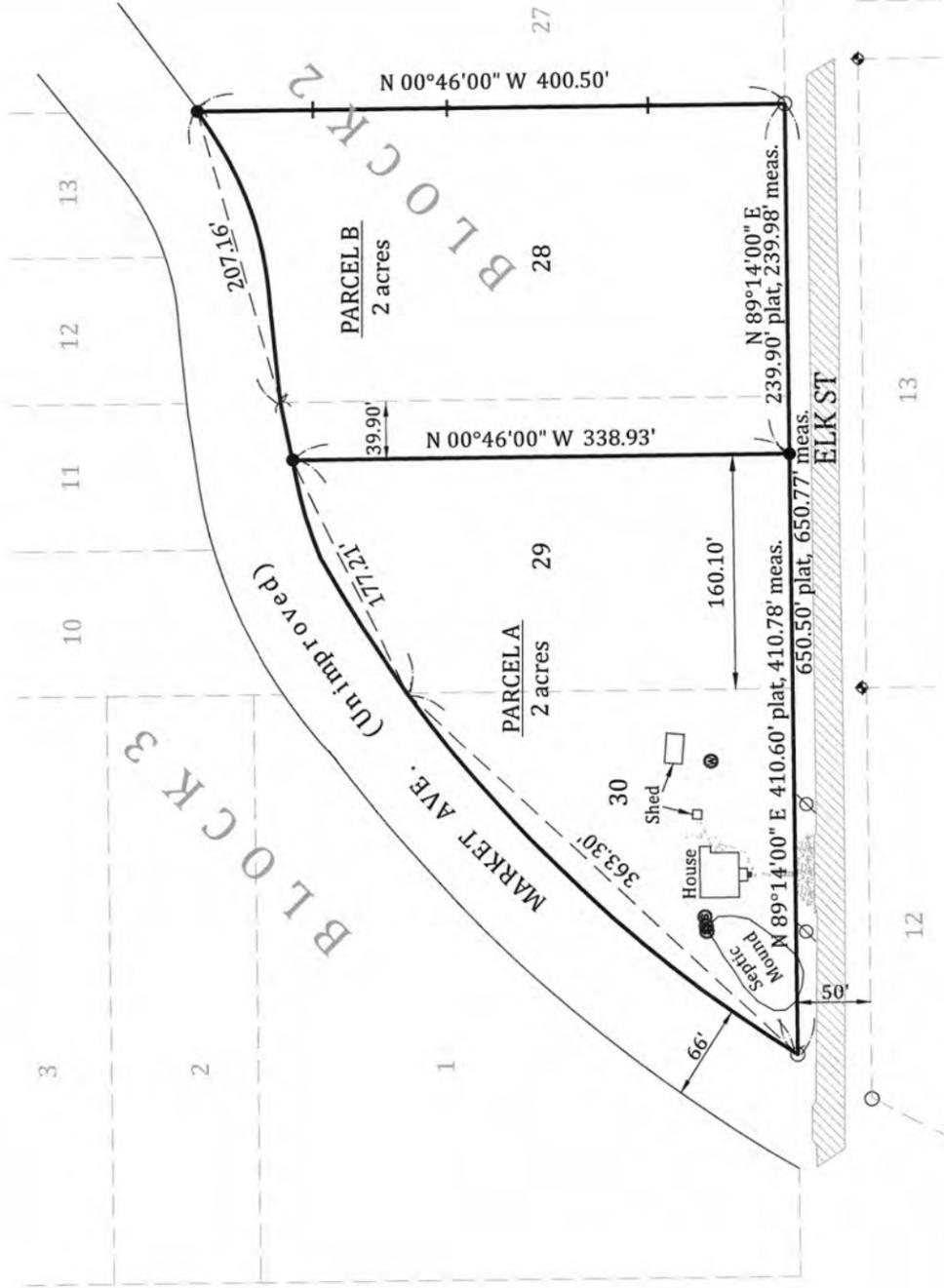
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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



CERTIFICATE OF SURVEY

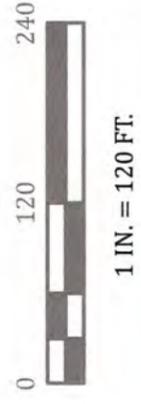
PROPOSED SUBDIVISION OF
 LOTS 28, 29, AND 30, BLOCK 2
 GREYSOLON FARMS 1ST DIVISION OF DULUTH
 CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA
 PARCEL I.D. NO.: 010-2010-00550

Bearings Referenced to
 St. Louis County Transverse
 Mercator 96 Coordinate System.



LEGEND

- SET 3/4 IN. DIA. REBAR WITH ALUM. CAP STAMPED "NELSON LS 49578"
- ⊣ SET 4 FT. WOOD LATH
- ⬢ FOUND REBAR WITH CAP #40077
- FOUND 2 IN. IRON PIPE
- ⊗ POWER POLE
- ⊙ WELL CAP
- ⊕ SEPTIC TANK COVER
- TREE LINE
- ▨ ASPHALT
- ▩ CONCRETE
- ▧ GRAVEL



PARCEL "A" LEGAL DESCRIPTION
 LOT 30 AND THE WEST 160.10 FEET OF LOT 29, BLOCK 2
 GREYSOLON FARMS 1ST DIVISION OF DULUTH
 CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA

PARCEL "B" LEGAL DESCRIPTION
 LOTS 28 AND THE EAST 39.90 FEET OF LOT 29, BLOCK 2
 GREYSOLON FARMS 1ST DIVISION OF DULUTH
 CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA

Survey address: 405 Elk St
 Duluth, MN

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.

James T. Nelson
 James T. Nelson
 Date: Sept. 16th, 2022
 License Number: 49578

SurveyScience Land Surveying, LLC
 Duluth, Minnesota
 (218) 428-4327



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 22-157	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date	October 11, 2022	
Deadline for Action	Application Date	September 2, 2022	60 Days	November 1, 2022
	Date Extension Letter Mailed	September 14, 2022	120 Days	December 31, 2022
Location of Subject	1035 Berwick Court			
Applicant	Don L. and Patricia A. Washington	Contact		
Agent		Contact		
Legal Description	PID # 010-4565-00040			
Site Visit Date	September 30, 2022	Sign Notice Date	September 27, 2022	
Neighbor Letter Date	September 21, 2022	Number of Letters Sent	28	

Proposal

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

The applicant has applied for a renewal to their Interim Use Permit PL 17-004.

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.



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

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

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

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

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

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

History: The subject property, 1035 Berwick Court, had an approved interim use permit in 2017, which expires in 2023.

Review and Discussion Items:

- 1) Applicant's property is located at 1035 Berwick Court. The proposed vacation dwelling unit contains 3 bedrooms, which would allow for a maximum of 7 guests.
- 2) Parking for the house is located in the two-car garage on the south side of the house. There are also two spaces on the driveway in front of the garage with access from Berwick Court.
- 3) The applicant has indicated there will be a space for camper or trailer located in the driveway.
- 4) The site plan indicates that there is a wooden deck and a fire pit as exterior amenities. The site plan shows existing screening/buffering surrounding the home. There is a fence that surrounds the backyard, and trees and shrubs on all three sides on the house. An existing detached shed is located in the southwest corner of the adjacent property. Staff believes this is a sufficient dense urban screening for the outdoor amenities from the adjacent properties.
- 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 Melissa Sazama to serve as the managing agent.
- 7) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 8) Applicant must comply with Vacation Dwelling Unit Regulations, including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

9) No comments from citizens, City staff, or any other entity were received regarding the application. No issues or complaints have been reported since the initial vacation dwelling unit was authorized in 2017.

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

Staff Recommendation:

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

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



PL 22-157
1035 Berwick Court

395600100

440500010

1811
BERWICK
CIR
ISAKSEN
PETER J

456500020

1021
BERWICK CT

SHANNON
LYLE J ETUX

395600090
1112
MARYLAND ST

BETTS
THOMAS A

HENKEL DONALD F
& JOYCE HENKEL

1025
BERWICK CT

456500030

WASHINGTON
DON L
1035
BERWICK CT
456500040

**R-1 (Residential
Traditional)**

GISH DAVID B

1118
MARYLAND ST
395600080

456500050

WASHINGTON
DON L

Berwick Ct

DEDICATED ROW

456500060
MARYNIK
ASHLEE
ELLEN
1040
BERWICK CT

456500070

BERWICK CT
PAUL DAWN
JEAN

Legend
Zoning Boundaries

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

Aerial photography flown 2016

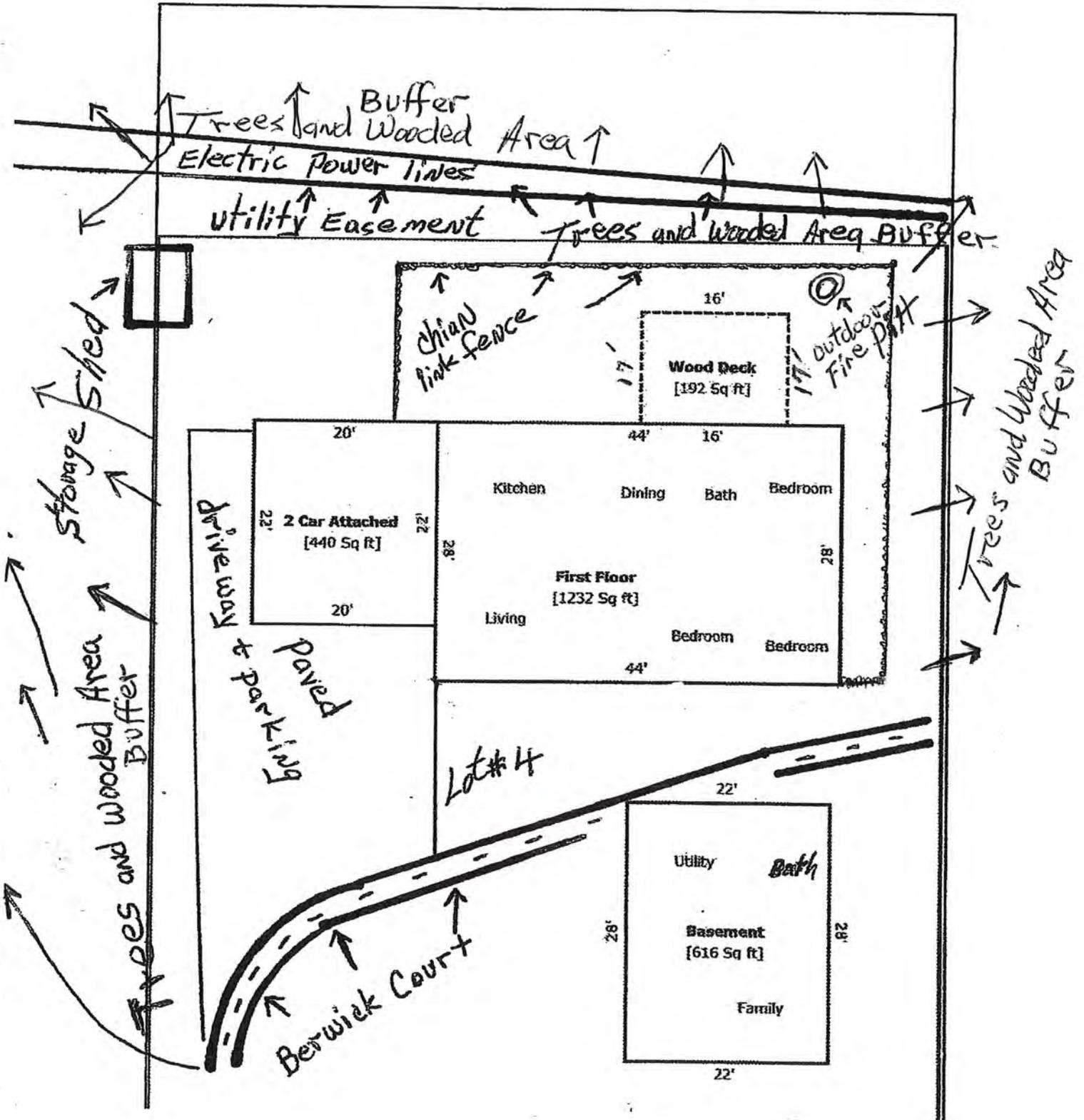
Prepared by: City of Duluth Community Planning Division, May 3, 2019, Source: City of Duluth.



Site Plan Drawing

SKETCH ADDENDUM

Borrower/Client	Don L. Washington						
Property Address	1035 Berwick Ct						
City	Duluth	County	Saint Louis	State	MN	Zip Code	55811
Lender							





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 22-164	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date	October 11, 2022	
Deadline for Action	Application Date	September 7, 2022	60 Days	November 6, 2022
	Date Extension Letter Mailed	September 20, 2022	120 Days	January 5, 2023
Location of Subject	241 West Arrowhead Road			
Applicant	Susan Yunis	Contact		
Agent		Contact		
Legal Description	010-1860-01170			
Site Visit Date	September 23, 2022	Sign Notice Date	September 27, 2022	
Neighbor Letter Date	September 21, 2022	Number of Letters Sent	45	

Proposal

The applicant proposes use of their 2-bedroom home as a vacation rental property.

The applicant has applied for a renewal to their Interim Use Permit PL 16-101.

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.



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

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

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

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

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

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

History: The subject property, 241 W Arrowhead Rd, received an interim use permit in 2016 (PL 16-101).

Review and Discussion Items:

- 1) Applicant's property is located at 241 W Arrowhead Rd. The vacation dwelling unit contains 2 bedrooms, which allow for a maximum of 5 guests.
- 2) This renewal maintains the same floor plan and site characteristics as the previously approved permit. Parking for the house is located in the two-car garage on the north side of the house. There are also two spaces on driveway in front of the garage.
- 3) The applicant has indicated there will be a space for camper or trailer located on the street. A camper cannot be occupied at anytime including during the rental period.
- 4) The site plan indicates that there is a patio and a fire pit as exterior amenities. Existing vegetation buffers the site from neighboring properties.
- 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 Laura Goldberg to serve as the managing agent.
- 7) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 8) Applicant must comply with Vacation Dwelling Unit Regulations, including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

9) No comments from citizens, City staff, or any other entity were received regarding the application. No issues or complaints have been reported since the initial vacation dwelling unit was authorized in 2016.

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

Staff Recommendation:

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

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



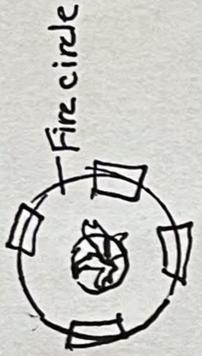
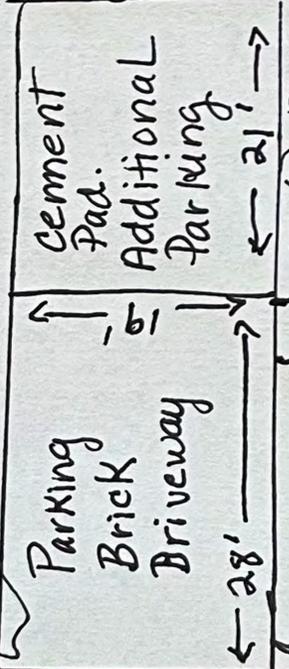
PL22-164
IUP for Vacation Dwelling Unit
241 W Arrowhead Rd



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.



ANNA ST.

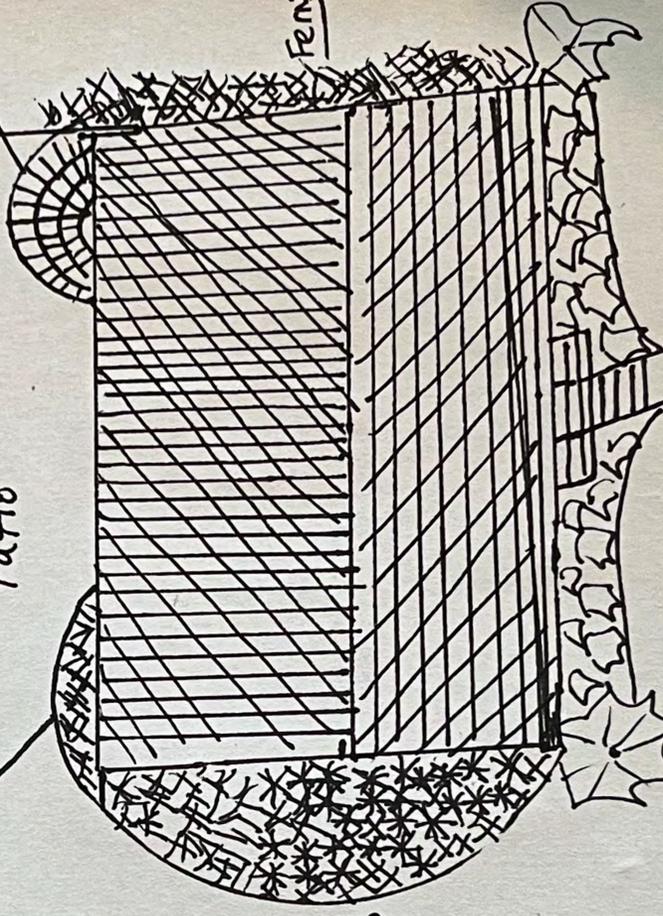


LILACS

Bamboo hedge

Brick Patio

Brick Steps



Ferns

Ferns

Trees

TREES & SHRUBS

MERROSE

Arrowhead Rd.

(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.

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? ___two_____ nights**

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

How many legal bedrooms are in the dwelling?

What will be your maximum occupancy?

___two_____

___five_____

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? ___two_____

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

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

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

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

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

_Log book_____

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

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

Laura Goldberg: 218-340-9294_____

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

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

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

This information will be sent to guests via email upon their reservation of space in my unit._____

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

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



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802

218-730-5580
planning@duluthmn.gov

MEMORANDUM

DATE: October 4, 2022

TO: Planning Commission

FROM: Chris Lee, Planner II

SUBJECT: Tabled agenda item – PL 22-143 – MU-C Planning Review.

At the September 13, 2022 Planning Commission meeting you voted to table the proposed MU-C Planning Review for a new extended stay hotel on Sundby Road. It was understood that the Commission wished to speak to the applicant and have the applicant address the concerns brought up by the neighbors including: screening to residential neighbors, lighting, and other impacts.

As a Planning Review in the MU-C district, the criteria for approval is stated in Section 50-37.11 of the UDC: “The land use supervisor or 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.” That is, the proposal shall meet all zoning regulations.

Since this meeting, staff has reviewed the plans again, and would like to note the following:

Buffering Between Land Uses

- For buffering between commercial and residential uses, the UDC requires either
 - Option A: A landscape buffer at least 15 feet wide shall be provided by the commercial or institutional project on the shared border. The buffer area shall consist of natural landscape materials such as lawn, ground cover, shrubs, and trees, and shall not contain impervious materials. One tree shall be provided for every 35 feet of boundary lot line and three large shrubs per 25 feet of shared lot line, with spacing designed to minimize sound, light, and noise impacts on the residential use; or
 - Option B: An opaque wall, berm, fence or dense (at least 75 percent opacity) vegetative screen at least six feet shall be provided. If a fence or wall is provided, the side facing away from the commercial or institutional use shall be at least as finished in appearance as the side facing the commercial or institutional use, and



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802

218-730-5580
planning@duluthmn.gov

three small shrubs per 25 feet of boundary lot line shall be provided. If a vegetative screen is proposed, it shall be at least six feet in height at the time of planting.

- This project uses Option A. Under zoning regulation, a total of 15 trees and 22 shrubs are required. This application provides 15 trees and no shrubs in the 40 foot buffer.

Lighting

- The UDC requires that any lighting be a full cut-off fixture so that light does not trespass into the sky; specifies maximum illuminations on the site; and maximum pole heights at 25 feet.
- The photometric plan submitted with the plan shows that proposed lighting will not exceed any maximum illumination values at the property line or right-of way. All fixtures are full cut-off as shown in Drawing SE1 (page 9) and the pole height is 25 feet. The lighting will meet UDC requirements.

Traffic Impacts

- A traffic impact study is required whenever a proposed will exceed 100 vehicles per hour at peak hour or 1,000 vehicles per day. A 100-room extended stay hotel is expected to generate no more than 250 trips per day; a traffic impact study is not required.

Staff has confirmed that the applicant will be present at the Planning Commission meeting on October 11, 2022, for any further questions.

Staff recommends the Planning Commission approve the MU-C Planning Review with the findings in the staff report (attached) including adding 22 shrubs to the buffer.

Becca & Terry Mulenburg
1649 W Page St.
Duluth, MN 55811

September 29, 2022

Planning Commission
C/O Adam Fulton
411 West First Street, Room 160
Duluth, MN 55802

Dear Adam Fulton,

My name is Becca Mulenburg. My husband and I live at 1649 W Page St., Duluth, MN 55811. My husband works for Cirrus Aircraft and I am an artist. We both care deeply about our neighborhood, the environment, and the natural areas within the city of Duluth, our home.

As you may know, Kinseth Hospitality Companies wants to build a 4-story, 51-foot high hotel east of Sundby Road at the corner of Sundby Road and Osage Ave. within 31 acres alongside a rural residential area (my neighborhood). This area comprises of a wooded, natural area that also contains wetlands. Just feet away lies Miller Creek. Going forward with this development puts this decision on the wrong side of history. Let me explain.

First off, I would strongly encourage you to look at a satellite map of this proposed area of development before reading much further. By looking at the attached satellite view, you'll be able to see the forested, natural area that's being proposed for development. You'll see how the development diverts off of the main commercial roads (Burning Tree Rd/Maple Grove Rd) and settles *against* a rural residential neighborhood. By examining this exact placement on the map, you'll have a more thorough understanding. Secondly, if you've never driven down this road or through this area, please do so. You may be enlightened as to why our neighborhood strongly opposes this development. Okay, assuming you've peeked at the satellite view, please continue on.

I understand the city gravitating towards a development such as this. It would undoubtedly add to the city's tax revenue. But as a tax revenue *win* for the city of Duluth, would it be a *win* for the residents impacted by this? Is it a *win* for our environment when 31 acres of natural area that parallels Miller Creek could eventually be destroyed? I think the city of Duluth could do better.

This hotel would sit directly across the street from families living on Osage - zoned rural residential. No doubt, they would be affected the most. Noise pollution, light pollution, traffic and privacy concerns all are major issues.... and not only for those living on Osage but to families further east and north of this project as well. Our neighborhood will lose more dark skies, have more traffic down our residential streets, experience more noise pollution, and will lose beloved natural areas that hundreds, if not thousands, of species call home. Sadly, this natural buffer that has kept our neighborhood separated from the businesses west of Sundby Road will be gone. Many of us are desperately reaching out to you to act.

I'm aware that this area was slated for commercial use many years ago, but since then, times have changed. A lot! ImagineDuluth2035, which is the City of Duluth's current comprehensive land use plan adopted by our City Council says "We need to understand the nature and value of our existing resources in order to achieve a balance between development and open space preservation." Those words have great meaning today more than ever before. To help understand that, simply look at the headlines from the Star Tribune 9/22/22 and 9/27/22. (attached)

TownePlace Suites by Marriott is the projected hotel slated to be built. It has seven other locations in our state: Bloomington, St. Louis Park, Eagan, Eden Prairie, Minneapolis, and two in Rochester. Did you know that not one of these hotels is located adjacent to a rural residential neighborhood such as ours? Not one. Why is Duluth any different? No other city leaders in our state allowed it to happen in *their* cities? What's going on here in Duluth?

This property has been for sale a long time, and a lot has happened in the last 10-20 years. From 9/11 to the housing bubble/crash, the pandemic and more, but there is one thing that will outlast singular, memorable events and affect us all the rest of our lives and beyond..... and that is climate change. We are living in a different era now, one in which the planet is warming, sea levels are rising, and fossil fuels are being phased out. We all need to pay attention *to* and make decisions *based* on how land is developed, or remains undeveloped. It really matters. It shouldn't go without saying that climate change has become humankind's biggest existential threat.

Commercial buildings in this area will, on their *face*, contribute to climate change. Adding this hotel will contribute towards hotter summers in this area, no doubt. Urban areas are simply hotter than their outlying areas. The natural area will be gone, replaced with concrete and asphalt. Are these the decisions we're willing to accept from our city leaders? And for what? Another hotel, and quite possibly *even more hotels* in this area? Any development within our city **must** include methods to **combat climate change**, not to support it. I'm asking our city leaders take bold action and embrace the future.

Tree planting initiatives have begun worldwide to help reverse some of the damage that's already been done and if this area is destroyed, with all of its wetlands, birds, insects, and wildlife, there's no going back. It's gone forever.

How many more natural areas of Duluth are going to be plowed under? Just in my neck of the woods, looking at Arrowhead/Arlington, the Kenwood shopping center, Costco, where does it end? And now, the city wants to encroach into our residential neighborhood? Far, far more should be demanded from developers who want to build in our city. They should be required to only build on previously developed land. Period. We have got to save our green spaces, for they add to the quality of life here in Duluth.

An example of a development success story I'd like to commend the city for is the conversion of the old Shopko into Ashley Furniture on Central Avenue. I was thrilled the building was repurposed. Congratulations! That was a win-win scenario for everyone in my view; but the hotel development proposed to go up in my neighborhood just isn't right.

I'm asking the City of Duluth back out of this deal and buy this land back from the developer. Why? Because it's the right thing to do. This is America where deals are made every day. Some go forward and some fall through. Let this one fall through. Find another location in a commercial district that doesn't impact family homes or an existing natural area.

Secondly, I would support and encourage a thorough review by the EPA to take a look at this land. What impacts would a development of this magnitude have on its ecosystem should it go through? Again, I hope it does not.

I'd also ask the City of Duluth to consider that the University of Minnesota Duluth might be interested in this land for ecological research and preservation. In addition to their Environmental and Outdoor Education major, they've just added a Childhood Nature Studies program, paving the way for future conservationists. As a nation, we simply have to keep these natural areas wild, and tackle every hurdle that threatens green spaces with creativity and ingenuity. There *has* to be another way, a better location.

I'm a nature lover and care deeply about our environment and the role each of us can play to preserve it. I've documented 111 species of birds in my yard since 2014, and this year, for the first time ever, on May 20th and June 9th, my husband and I received visits from a very special animal, one that is considered an indicator species. An indicator species is an animal or plant species that can be used to infer conditions in a particular habitat. Seeing this animal was a positive sign, a sign of hope, and in *our* case, improved watershed conditions. And that species was a river otter. I thought to myself, wow. Something is going so right here in this neighborhood's ecosystem. If this development goes through, will watershed conditions decline? No doubt there will be less biodiversity in our neighborhood, fewer areas for wildlife to call home, including coyotes, bears, fox, deer, raccoons, skunks, ermines, woodchucks, gray, red, and flying squirrels, rabbits, and birds galore. This development already has so many strikes against it from the start. Please take another look at this.

If the City of Duluth and its residents *really* wants, and sees the need for, another hotel, and Marriott *really* wants to have their hotel in our city, all things are possible. But this natural area is not the right fit for this, or any commercial development. This is **our** city. **Our** neighborhood. Not the tourists' city, or anybody else's. We live in this neighborhood, I live and speak for the wildlife, and our voices matter. Please keep this area wild, for it's already a fantastic commercial buffer for our neighborhood, providing much needed distance from Kohl's and La Quinta.

On a side note, the wooded area behind La Quinta should be left alone as well, another great buffer – but it's another wooded space that's sadly also for sale. Before La Quinta was built, it was home to a family of Green Herons.

For nature's sake and our planet's sake, we all have to do more to fight development that wants to plow down more and more green spaces within our city, including those next to rural residential neighborhoods.

Please do the right thing. Keep the area east of Sundby Road commercial-free.

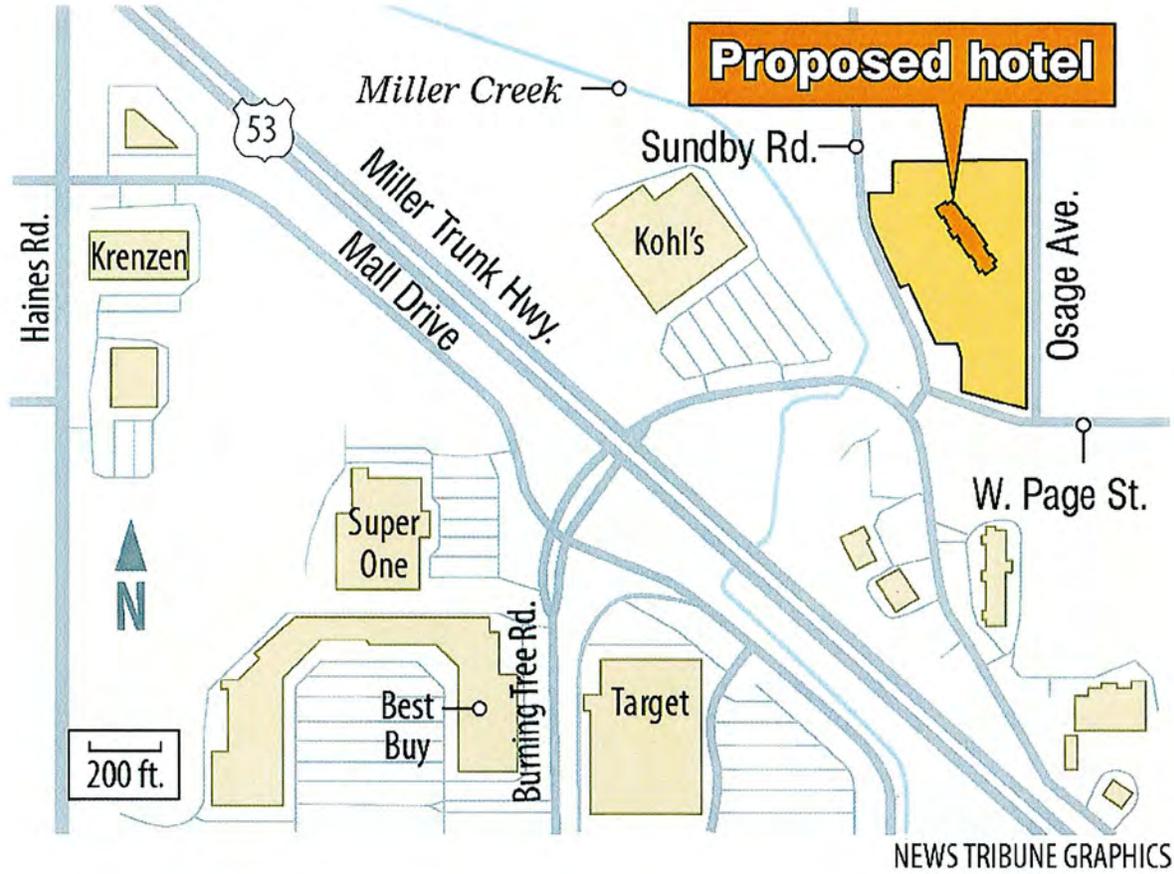
Sincerely,


becca Mulenburg

Becca Mulenburg

Cc: Emily Larson, Mayor
Hannah Alstead
Gary Anderson
Azrin Awal
Arik Forsman
Noah Hobbs
Janet Kennedy
Mike Mayou
Roz Randorf
Terese Tomanek
Andrea M Wedul
Michael Schraepfer
Jason R Holliday
Margie Nelson
Danielle C Rhodes
Samuel Y Lobby
Gary Eckenberg
Jason E Crawford

Rural neighbors voice new hotel reservations



THURSDAY
September 22, 2022

StarTribune

2021 PULITZER PRIZE



FOR BREAKING NEWS

Restoring our tree canopy: Neighborhoods with less natural shade face hotter summers, higher utility bills and more health troubles. Work is underway to repair this gap.



TUESDAY
September 27, 2022

StarTribune

2021 PULITZER PRIZE



FOR BREAKING NEWS

Cities' hot streak sets record

It was 70 degrees or hotter for 118 days in a row in metro; this summer could be the 4th driest on record.

By CHLOE JOHNSON
chloe.johnson@startribune.com

The Twin Cities area saw its longest recorded streak of days that reached 70 degrees or hotter this summer.

The 118-day stretch, from May 27 to Sept. 21, beat out the previous length of 107

days set in 2018, according to the National Weather Service office in Chanhassen.

The heat, along with dry conditions through the summer, could also dull autumn colors. The temperature streak may be less noticeable than scorching days in the summer, but it's part of a

larger pattern.

"We're extending the summer into September longer than we used to," said Pete Boulay, a climatologist with the Minnesota Department of Natural Resources.

Climate change is pushing temperatures higher across the globe. So far, that has shown up in Minnesota in warmer, shorter winters.

That won't always be the

case. According to the Fourth National Climate Assessment, "Warm-season temperatures are projected to increase more in the Midwest than any other region of the United States."

In the Twin Cities, most of these long stretches of highs above 70 have happened in the past 20 years, said Weather Service meteorologist Jacob Beitlich.

Along with the unusually

persistent warmth, this year also stands out for drought conditions that have lingered around the Twin Cities. The area is still in the severe drought category, according to the U.S. Drought Monitor.

This year is on track to be the fourth-driest summer, based on rainfall between June 1 and Sept. 30. It's unlikely that any significant rain will come

See **HEAT** on A3 ▶



An indicator species of improved watershed conditions, a River Otter at my home. What will happen to the watershed if this natural area is destroyed?

Photo ©Becca Mulenburg, June 9, 2022

There is a blanket solution: Actively support conservation efforts for grasslands, forests, wetlands, jungles — for any and all natural land and efforts to restore natural to our animal vocabulary.

Forever.

Lifelong birder Jim Williams can be reached at woodduck38@gmail.com.

-by Jim Williams, "Habitat shift favors some birds", *Special to the Star Tribune*, E3, Wednesday, September 28, 2022.



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 22-143	Contact	Chris Lee, clee@duluthmn.gov	
Type	MU-C Planning Review	Planning Commission Date	September 13, 2022	
Deadline for Action	Application Date	September 7, 2022	60 Days	September 19, 2022
	Date Extension Letter Mailed	September 7, 2022	120 Days	November 18, 2022
Location of Subject	Sundby Road and W Page Street			
Applicant	Kinseth Hotel Corporation	Contact	Aaron Mailey	
Agent	Northland Consulting Engineers	Contact	David Bolf	
Legal Description	Parcel ID Number 010-2710-04594			
Site Visit Date	September 1, 2022	Sign Notice Date	August 30, 2022	
Neighbor Letter Date	August 31, 2022	Number of Letters Sent	15	

Proposal

The applicant is proposing to construct a 4-story hotel with 112 parking stalls.

Staff Recommendation

Staff is recommending that planning commission approve the planning review.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-C	Undeveloped	Central Business Secondary
North	MU-C	Undeveloped	Central Business Secondary
South	MU-C	Undeveloped	Central Business Secondary
East	MU-C	Undeveloped	Low Density Residential
West	RR-1	Commercial - Retail	Open Space

Summary of Code Requirements

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

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

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

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

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

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

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

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

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

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

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

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

Governing Principles

Governing Principle #4 – Support economic growth sectors, including tourism.

Future Land Use

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

Review and Discussion Items

Staff finds:

- 1) The applicant is proposing to construct a 4 story, 51' tall hotel. The applicant will be required to verify the maximum height of the structure at the time of building permit application.
- 2) 50-15.3 (MU-C District) –Not Applicable: The applicant is not proposing any public easements.
- 3) 50-18.1.B (Wetlands) – Wetland delineation performed June 2022 show that wetlands are present on site, but will not be impacted.
- 4) 50-18.1.E (Stormwater Management) –Storm water will be routed to two basins that will discharge to adjacent wetlands.
- 5) 50-23 (Connectivity) – Not applicable as Sundby Road does not have sidewalks nor is it shown on any bikeways, trail, or pedestrian plan.
- 6) 50-24 (Parking) – The plan shows 112 parking stalls which is the maximum (2 spaces per 3 guest rooms): 53 in the front, 58 in the rear and side.
- 7) 50-25 (Landscaping) – The landscape plan shows 21 trees, exceeding the required 19 for parking lot coverage. The required frontage landscaping is met with 33 trees and 149 shrubs. The applicant will must provide details of interior parking lot landscaping that meets the UDC requirements in 50-25.4.B
- 8) 50-26 (Screening) – The applicant proposes UDC compliant trash enclosure in the north corner of the parking lot. Any ground mounted or roof mounted mechanicals are required to be screened.
- 9) 50-27 (Signs) – None shown, but can be obtained via a separate permit.
- 10) 50-29 (Sustainability) – This development will be required to obtain a minimum of 4 sustainability points.
- 11) 50-30 (Design Standards) – The proposed plans meet requirements.
- 12) 50-31 (Exterior Lighting) – The applicant has submitted a photometric plan that indicates UDC compliant lighting.
- 13) No comments have been received from City or other agencies or the general public.
- 14) 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 the Planning Review with the following conditions:

- 1.) Applicant shall construct and maintain the project as identified in the attached exhibits.
- 2.) Applicant shall verify that the height meets the maximum allowed in the MU-C zone district.
- 3.) Applicant shall show on the landscaping plans that interior parking lot landscaping requirement is meet prior to staff approval of the building permit.
- 4.) Applicant shall submit details of any mechanical screening prior to approval of the building permit.
- 5.) Applicant shall submit plans that indicate a minimum of 4 sustainability points are achieved.
- 6.) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



PL22-143
CUP, Plan Review
Sundby Road

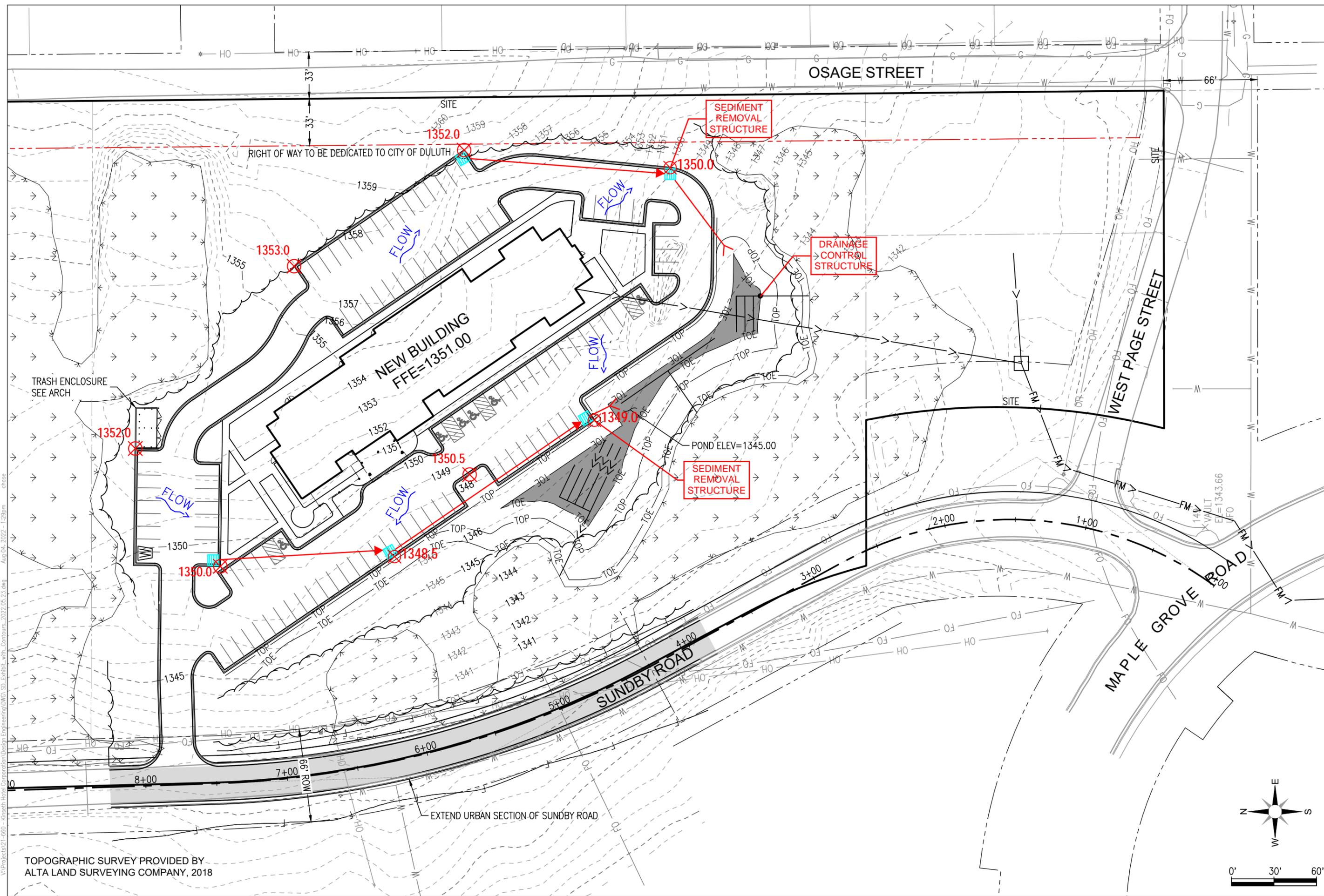
Legend

- 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



TOPOGRAPHIC SURVEY PROVIDED BY
ALTA LAND SURVEYING COMPANY, 2018

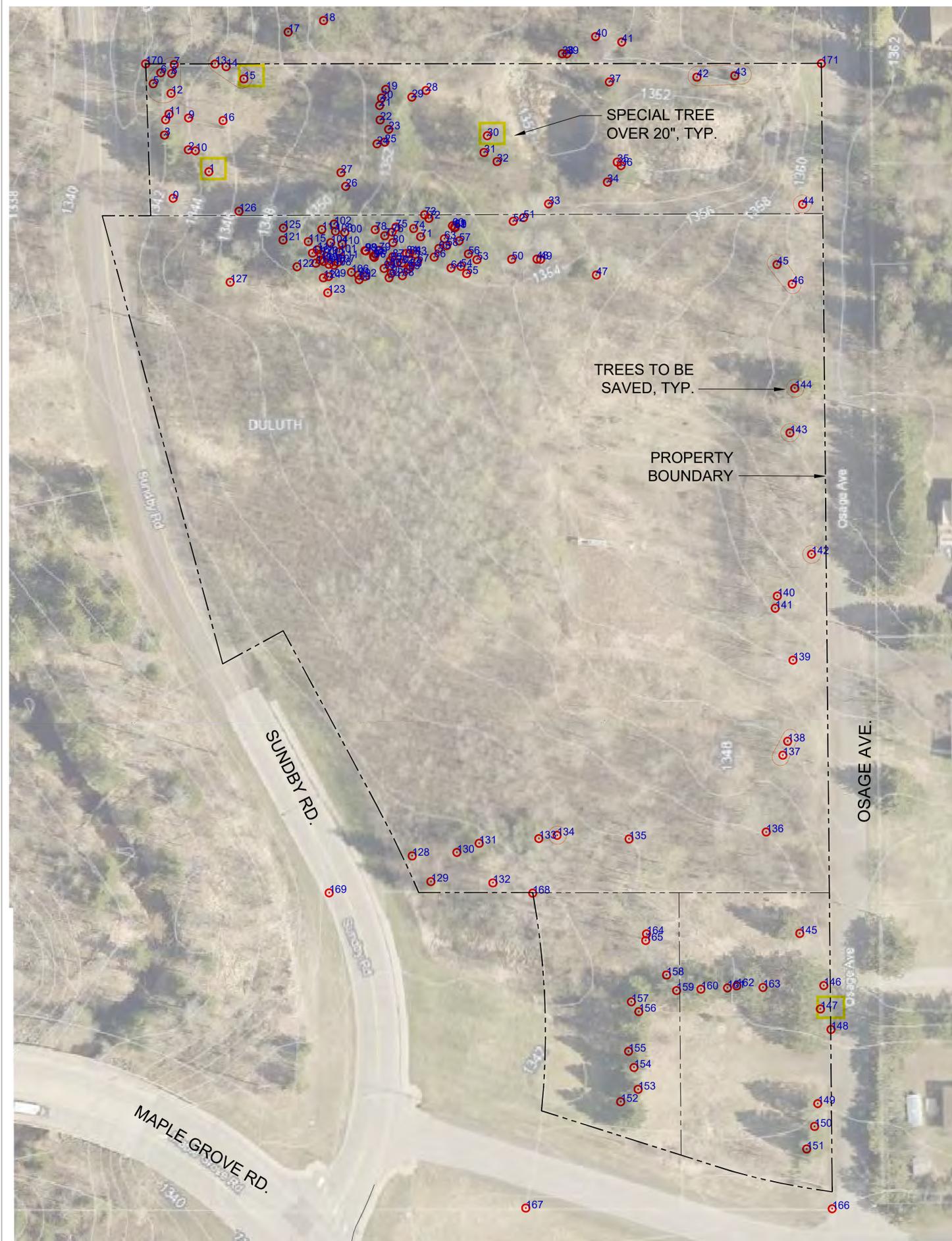
revision

Proj: 21-660
Date: 08/04/22
Drawn: JDO
Checked: DGB

SD SITE PLAN

Sheet Title
Sheet Number

V:\Projects\21-660 - Kinseth Hotel Corporation\Design\Engineering\DWG\SD_Exhibit_with_Contours_2022.05.23.dwg Aug 04, 2022 - 1:29pm chese



Pt ID	Species	Diameter	Comment	UDC Classification
0	White Birch	10.75	Removed	Tree of Interest
1	White Spruce	22.00	Removed	Special Tree
2	Balsam Fir	14.25	Removed	Tree of Interest
3	Balsam Fir	10.50	Removed	Tree of Interest
4	White Spruce	17.50	Removed	Special Tree
5	Balsam Fir	13.75	SAVED	Tree of Interest
6	White Spruce	13.50	SAVED	Special Tree
7	White Spruce	10.00	SAVED	Special Tree
8	White Spruce	12.50	SAVED	Special Tree
9	Silver Maple	16.25	Removed	Tree of Interest
10	Silver Maple	29.50	Removed	Tree of Interest
11	Silver Maple	11.25	Removed	Tree of Interest
12	Silver Maple	13.00	SAVED	Tree of Interest
13	White Spruce	15.25	SAVED	Special Tree
14	White Spruce	12.25	SAVED	Special Tree
15	Red Pine	23.25	SAVED	Special Tree
16	White Birch	14.00	Removed	Tree of Interest
17	Balsam Fir	13.50	Off Property	Tree of Interest
18	Red Pine	17.50	Off Property	Special Tree
19	White Spruce	16.25	Removed	Special Tree
20	White Spruce	12.75	Removed	Special Tree
21	White Spruce	12.50	Removed	Special Tree
22	White Spruce	15.75	Removed	Special Tree
23	Red Pine	15.75	Removed	Special Tree
24	Red Pine	15.50	Removed	Special Tree
25	Red Pine	18.25	Removed	Special Tree
26	Red Pine	19.00	Removed	Special Tree
27	Red Pine	17.50	Removed	Special Tree
28	Sugar Maple	15.25	Removed	Special Tree
29	Red Oak	7.00	Removed	Tree of Interest
30	Red Pine	22.50	Removed	Special Tree
31	Red Pine	19.75	Removed	Special Tree
32	Jack Pine	18.50	Removed	Tree of Interest
33	White Spruce	7.75	Removed	Tree of Interest
34	Red Pine	12.75	Wetland Tree	Special Tree
35	Tamarack	7.00	Wetland Tree	Tree of Interest
36	Jack Pine	8.50	Wetland Tree	Tree of Interest
37	White Spruce	8.50	Wetland Tree	Special Tree
38	White Spruce	13.00	Off Property	Special Tree
39	White Spruce	9.75	Off Property	Special Tree
40	White Birch	12.00	Off Property	Tree of Interest
41	White Spruce	12.75	Off Property	Special Tree
42	White Spruce	7.75	SAVED	Tree of Interest
43	White Spruce	7.50	SAVED	Tree of Interest
44	Tamarack	9.25	SAVED	Tree of Interest
45	White Birch	10.50	SAVED	Tree of Interest
46	Green Ash	11.25	SAVED	Tree of Interest
47	Quaking Aspen	16.00	Removed	Tree of Interest
48	Paper Birch	11.25	Removed	Tree of Interest
49	Quaking Aspen	17.00	Removed	Tree of Interest
50	Quaking Aspen	13.50	Removed	Tree of Interest
51	Quaking Aspen	10.25	Removed	Tree of Interest
52	Quaking Aspen	11.50	Removed	Tree of Interest
53	Red Pine	14.50	Removed	Special Tree
54	Red Pine	12.50	Removed	Special Tree
55	Red Pine	10.50	Removed	Special Tree
56	Red Pine	14.00	Removed	Special Tree
57	Red Pine	10.50	Removed	Special Tree
58	Red Pine	10.00	Removed	Special Tree
59	Red Pine	11.50	Removed	Special Tree
60	Red Pine	13.75	Removed	Special Tree
61	Red Pine	11.75	Removed	Special Tree
62	Red Pine	10.50	Removed	Special Tree
63	Red Pine	8.25	Removed	Special Tree
64	Red Pine	14.00	Removed	Special Tree
65	Red Pine	11.75	Removed	Special Tree
66	Red Pine	6.50	Removed	Tree of Interest
67	Red Pine	10.25	Removed	Special Tree
68	Red Pine	15.00	Removed	Special Tree
69	Red Pine	13.75	Removed	Special Tree
70	Red Pine	10.00	Removed	Special Tree
71	Red Pine	12.00	Removed	Special Tree
72	Red Pine	13.00	Removed	Special Tree
73	Red Pine	12.75	Removed	Special Tree
74	Red Pine	9.25	Removed	Special Tree
75	White Birch	13.00	Removed	Tree of Interest
76	Red Pine	12.25	Removed	Special Tree
77	Red Pine	10.50	Removed	Special Tree
78	Red Pine	13.25	Removed	Special Tree
79	Red Pine	9.50	Removed	Special Tree
80	Red Pine	7.25	Removed	Tree of Interest
81	Red Pine	7.75	Removed	Tree of Interest
82	Red Pine	8.00	Removed	Special Tree
83	Red Pine	8.00	Removed	Special Tree
84	Red Pine	8.75	Removed	Special Tree
85	Red Pine	9.25	Removed	Special Tree

Pt ID	Species	Diameter	Removed	UDC Classification
86	Red Pine	10.75	Removed	Special Tree
87	Red Pine	10.25	Removed	Special Tree
88	Red Pine	14.25	Removed	Special Tree
89	Red Pine	8.25	Removed	Special Tree
90	Red Pine	15.00	Removed	Special Tree
91	Red Pine	6.75	Removed	Special Tree
92	Red Pine	14.00	Removed	Special Tree
93	Red Pine	8.00	Removed	Special Tree
94	Red Pine	6.50	Removed	Tree of Interest
95	Red Pine	9.50	Removed	Special Tree
96	Red Pine	8.00	Removed	Special Tree
97	Red Pine	10.50	Removed	Special Tree
98	Red Pine	10.50	Removed	Special Tree
99	Red Pine	8.75	Removed	Special Tree
100	Red Pine	8.25	Removed	Special Tree
101	Red Pine	10.50	Removed	Special Tree
102	Red Pine	11.00	Removed	Special Tree
103	Red Pine	11.50	Removed	Special Tree
104	Red Pine	10.00	Removed	Special Tree
105	Red Pine	8.75	Removed	Special Tree
106	Red Pine	7.50	Removed	Tree of Interest
107	Red Pine	8.50	Removed	Special Tree
108	Red Pine	10.50	Removed	Special Tree
109	Red Pine	6.25	Removed	Tree of Interest
110	Red Pine	14.20	Removed	Special Tree
111	Red Pine	7.50	Removed	Tree of Interest
112	Red Pine	10.00	Removed	Special Tree
113	Red Pine	14.00	Removed	Special Tree
114	Red Pine	11.75	Removed	Special Tree
115	Red Pine	14.50	Removed	Special Tree
116	Red Pine	9.75	Removed	Special Tree
117	Red Pine	8.50	Removed	Special Tree
118	Red Pine	6.50	Removed	Tree of Interest
119	Red Pine	8.75	Removed	Special Tree
120	Red Pine	6.00	Removed	Tree of Interest
121	Red Pine	14.00	Removed	Special Tree
122	Red Pine	16.00	Removed	Special Tree
123	Red Pine	16.00	Removed	Special Tree
124	Red Pine	14.75	Removed	Special Tree
125	Balsam Fir	10.50	Removed	Tree of Interest
126	White Spruce	9.25	Removed	Special Tree
127	Quaking Aspen	14.75	Removed	Tree of Interest
128	White Spruce	12.50	Wetland Tree	Special Tree
129	White Spruce	9.50	Wetland Tree	Special Tree
130	White Spruce	8.25	Wetland Tree	Special Tree
131	White Spruce	11.50	Wetland Tree	Special Tree
132	Quaking Aspen	10.25	Wetland Tree	Tree of Interest
133	Quaking Aspen	10.25	Wetland Tree	Tree of Interest
134	Quaking Aspen	11.00	SAVED	Tree of Interest
135	Quaking Aspen	11.50	Wetland Tree	Tree of Interest
136	Quaking Aspen	12.25	Wetland Tree	Tree of Interest
137	Quaking Aspen	11.25	SAVED	Tree of Interest
138	Quaking Aspen	10.75	SAVED	Tree of Interest
139	Quaking Aspen	10.00	Removed	Tree of Interest
140	Quaking Aspen	10.75	Removed	Tree of Interest
141	Quaking Aspen	11.00	Removed	Tree of Interest
142	Quaking Aspen	11.75	SAVED	Tree of Interest
143	White Spruce	9.50	SAVED	Special Tree
144	White Spruce	17.75	SAVED	Special Tree
145	White Spruce	16.25	Out of Development Area	Special Tree
146	Red Pine	18.50	Out of Development Area	Special Tree
147	Red Pine	20.00	Out of Development Area	Special Tree
148	Red Pine	19.50	Out of Development Area	Special Tree
149	White Spruce	19.50	Out of Development Area	Special Tree
150	White Spruce	15.25	Out of Development Area	Special Tree
151	Balsam Fir	12.50	Out of Development Area	Tree of Interest
152	White Spruce	17.50	Out of Development Area	Special Tree
153	White Spruce	18.00	Out of Development Area	Special Tree
154	White Spruce	16.00	Out of Development Area	Special Tree
155	White Spruce	14.25	Out of Development Area	Special Tree
156	White Spruce	19.50	Out of Development Area	Special Tree
157	White Spruce	16.75	Out of Development Area	Special Tree
158	Red Pine	13.25	Out of Development Area	Special Tree
159	Red Pine	17.75	Out of Development Area	Special Tree
160	White Spruce	10.50	Out of Development Area	Special Tree
161	White Spruce	9.50	Out of Development Area	Special Tree
162	White Spruce	10.50	Out of Development Area	Special Tree
163	Red Pine	17.00	Out of Development Area	Special Tree
164	Balsam Poplar	11.50	Out of Development Area	Tree of Interest
165	Balsam Poplar	14.50	Out of Development Area	Tree of Interest
166		0.00	Property Corner	
167		0.00	Property Corner	
168		0.00	Property Corner	
169		0.00	Property Corner	
170		0.00	Property Corner	
171		0.00	Property Corner	



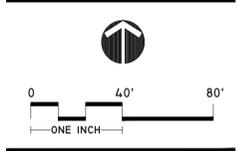
ASSOCIATES
 WWW.SASLANDARCH.COM
 219 WEST FIRST STREET, SUITE 350
 DULUTH, MN 55802
 (P) 218.391.1335
 MAIL@SASLANDARCH.COM

COPYRIGHT 2022 ALL DRAWN AND WRITTEN INFORMATION APPEARING HEREIN SHALL NOT BE DUPLICATED, DISCLOSED OR OTHERWISE USED WITHOUT WRITTEN CONSENT OF SAS-ASSOCIATES.

ISSUE RECORD/REVISION

PURPOSE	DATE

KINSETH HOTEL CORPORATION
 SUNDBY RD.
 DULUTH, MINNESOTA



SHEET TITLE
TREE INVENTORY

DATE: 8/5/2022

DRAWN BY: AMA

CHECKED BY: LWS

PROJECT NUMBER: 22100

SHEET NUMBER: L-1.0

Aug 05, 2022 - 10:26am
 P:2210 - Sundby Road Hotel Site#1 - 2210 - Sundby Rd.landscape



LANDSCAPE ARCHITECTURE

+ ASSOCIATES

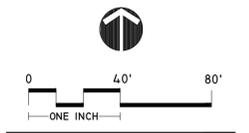
WWW.SASLANDARCH.COM

219 WEST FIRST STREET, SUITE 350
DULUTH, MN 55802
(P) 218.391.1335
MAIL@SASLANDARCH.COM

COPYRIGHT 2021 ALL DRAWN AND WRITTEN INFORMATION APPEARING HEREIN SHALL NOT BE DUPLICATED, DISCLOSED OR OTHERWISE USED WITHOUT WRITTEN CONSENT OF SAS+ASSOCIATES.

ISSUE RECORD/REVISION	
PURPOSE	DATE

KINSETH HOTEL CORPORATION
 SUNDBY RD.
 DULUTH, MINNESOTA



SHEET KEY

SHEET TITLE
UDC LANDSCAPE PLAN

DATE: 8/5/2022

DRAWN BY: AMA

CHECKED BY: LWS

PROJECT NUMBER
22100

SHEET NUMBER
L-1.1

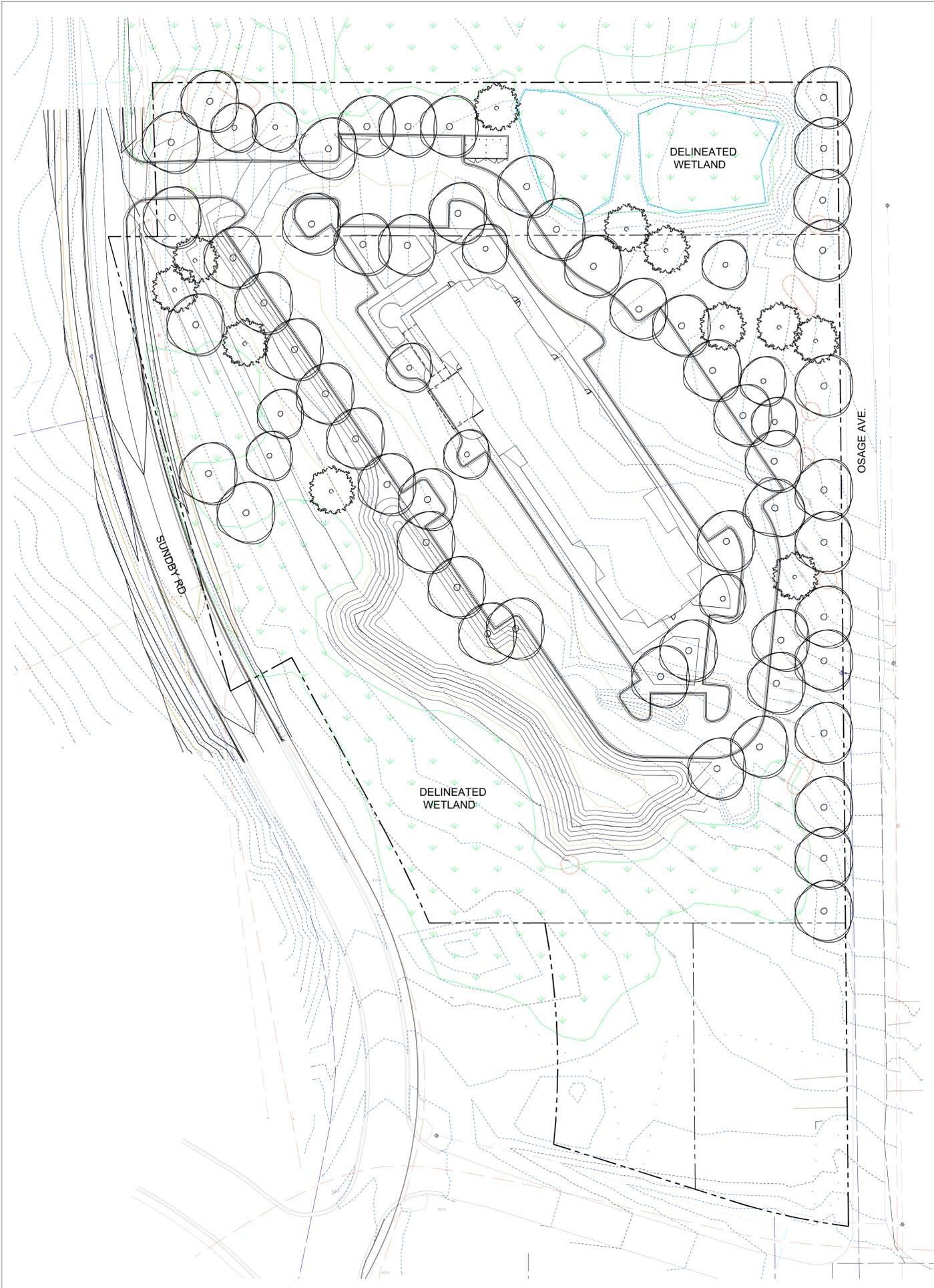
UDC CALCULATIONS	
PARKING LOT SIZE:	45,545 SF (112 SPACES)
INTERIOR LANDSCAPING:	45,545 SF PARKING AREA INTERNAL ISLANDS REQUIRED: 6,832 SF PROVIDED: 3,705 SF (8.1%) 1 TREE/300 SF INTERNAL LANDSCAPE AREA REQUIRED: 19 TREES PROVIDED: 21 TREES MINIMUM 30% TREE CANOPY REQUIRED REQUIRED: 13,664 SF PROVIDED: 14,014 SF
STREET FRONTAGE #1 LINEAR STREET FOOTAGE:	SUNDBY RD. 600 LF
TREES:	1 TREE/35 FT. LINEAR FRONTAGE REQUIRED: 17 TREES PROVIDED: 17 TREES
SHRUBS:	3 LARGE SHRUBS/25 FT. LINEAR FRONTAGE REQUIRED: 72 LARGE SHRUBS/GRASSES PROVIDED: 82 LARGE SHRUBS/GRASSES
STREET FRONTAGE #2 LINEAR STREET FOOTAGE:	OSAGE AVE. 550 LF
TREES:	1 TREE/35 FT. LINEAR FRONTAGE REQUIRED: 16 TREES PROVIDED: 16 TREES
SHRUBS:	3 LARGE SHRUBS/25 FT. LINEAR FRONTAGE REQUIRED: 66 LARGE SHRUBS/GRASSES PROVIDED: 67 LARGE SHRUBS/GRASSES
ALL PLANT SELECTIONS WILL MEET UDC REQUIREMENTS ALL SHRUB PLANTING BEDS TO INCLUDE 3-4" SHREDDED HARDWOOD MULCH WITH LANDSCAPE FABRIC ALL DISTURBED AREAS NOT PLANTED WITH SHRUBS/TREES ARE TO BE SODDED OR PLANTED WITH NATIVE GRASSES; SEE PLANS FOR DETAIL.	

LANDSCAPE KEY

	Common Name	Scientific Name	Size	Type	Quantity	Height	Width
TREES							
AM	Apollo Maple	Acer saccharum 'Barrett Cole'	2.5"	B&B		25'	10-15'
BL	Boulevard Linden	Tilia americana 'Boulevard'	2.5"	B&B		50-60'	25-30'
FFM	Fall Fiesta Maple	Acer saccharum 'Bailsta'	2.5"	B&B		50-75'	50'
JE	Jefferson Elm	Ulmus americana 'Jefferson'	2.5"	B&B		70'	50'
MSO	Majestic Skies Oak	Quercus ellipsoidalis 'Bailskies'	2.5"	B&B		60'	45'
NFM	Northern Flare Maple	Acer saccharum 'Sisseton'	2.5"	B&B		40-50'	30-40'
NP	Norway Pine	Pinus resinosa	6"	B&B		50-80'	30-40'
PE	Princeton Elm	Ulmus americana 'Princeton'	2.5"	B&B		60'	40'
SL	Sentry Linden	Tilia americana 'McSentry'	2.5"	B&B		40-45'	25-30'
SWO	Swamp White Oak	Quercus bicolor	2.5"	B&B		50-60'	40-50'
WFS	White Spruce	Picea glauca	6"	B&B		40-60'	15-20'
SHRUBS							
APS	Acrocona Pusch Spruce	Picea abies 'Acrocona Pusch'	#3	Container		2-3'	3-4'
BBH	Butterfly Bush Honeysuckle	Diervilla sessilifolia 'Butterfly'	#2	Container		3-5'	3-4'
DPB	Double Play Big Bang Spirea	Spiraea japonica 'Tracy'	#2	Container		2-3'	2-3'
LGI	Lime Glow Juniper	Juniperus horizontalis 'Lime Glow'	#3	Container		18"	3-5'
ORNAMENTAL GRASSES							
ORG	Overdam Feather Reed Grass	Calamagrostis x acutiflora 'Overdam'	#1	Container		24-36"	18"
SSG	Shenandoah Red Switch Grass	Panicum virgatum 'Shenandoah'	#1	Container		36"	24"
TPD	Tara Prairie Dropseed	Sporobolus heterolepis 'Tara'	#1	Container		18-24"	12"

LEGEND	
	PARKING LOT AREA
	PARKING LOT TREE CANOPY COVERAGE
	INTERNAL PARKING LOT ISLANDS
	PARKING LOT TREE
	LANDSCAPE EDGER

Aug 05, 2022 - 10:52am
 P:\2210 - Sundby Road Hotel\SiteB - 2210 - Sundby Rd\Reed.dwg



TREE PRESERVATION AND REPLACEMENT PLAN			
TREE PRESERVATION CREDITS (50-25.6)			
DBH of Preserved Tree	Quantity	# of Trees Credited	Total
Over 12 in.	8	3	24
8 in. to 11.9 in.	9	2	18
5 in. to 7.9 in.	2	1	2
TOTAL TREE CREDITS		44	

TREES TO BE REMOVED			
SPECIAL TREES			
ID NO.	Species	DBH	UDC Designation
1	White Spruce	22.00	Special Tree
4	White Spruce	17.50	Special Tree
19	White Spruce	16.25	Special Tree
20	White Spruce	12.75	Special Tree
21	White Spruce	12.50	Special Tree
22	White Spruce	15.75	Special Tree
23	Red Pine	15.75	Special Tree
24	Red Pine	15.50	Special Tree
25	Red Pine	18.25	Special Tree
26	Red Pine	19.00	Special Tree
27	Red Pine	17.50	Special Tree
28	Sugar Maple	15.25	Special Tree
30	Red Pine	22.50	Special Tree
31	Red Pine	19.75	Special Tree
53	Red Pine	14.50	Special Tree
54	Red Pine	12.50	Special Tree
55	Red Pine	10.50	Special Tree
56	Red Pine	14.00	Special Tree
57	Red Pine	10.50	Special Tree
58	Red Pine	10.00	Special Tree
59	Red Pine	11.50	Special Tree
60	Red Pine	13.75	Special Tree
61	Red Pine	11.75	Special Tree
62	Red Pine	10.50	Special Tree
63	Red Pine	8.25	Special Tree
64	Red Pine	14.00	Special Tree
65	Red Pine	11.75	Special Tree
67	Red Pine	10.25	Special Tree
68	Red Pine	15.00	Special Tree
69	Red Pine	13.75	Special Tree
70	Red Pine	10.00	Special Tree
71	Red Pine	12.00	Special Tree
72	Red Pine	13.00	Special Tree
73	Red Pine	12.75	Special Tree
74	Red Pine	9.25	Special Tree
76	Red Pine	12.25	Special Tree
77	Red Pine	10.50	Special Tree
78	Red Pine	13.25	Special Tree
79	Red Pine	9.50	Special Tree
82	Red Pine	8.00	Special Tree
83	Red Pine	8.00	Special Tree
84	Red Pine	8.75	Special Tree
85	Red Pine	9.25	Special Tree
86	Red Pine	10.75	Special Tree
87	Red Pine	10.25	Special Tree
88	Red Pine	14.25	Special Tree
89	Red Pine	8.25	Special Tree
90	Red Pine	15.00	Special Tree
91	Red Pine	6.75	Special Tree
92	Red Pine	14.00	Special Tree
93	Red Pine	8.00	Special Tree
95	Red Pine	9.50	Special Tree
96	Red Pine	8.00	Special Tree
97	Red Pine	10.50	Special Tree
98	Red Pine	10.50	Special Tree
99	Red Pine	8.75	Special Tree
100	Red Pine	8.25	Special Tree
101	Red Pine	10.50	Special Tree
102	Red Pine	11.00	Special Tree
103	Red Pine	11.50	Special Tree
104	Red Pine	10.00	Special Tree
105	Red Pine	8.75	Special Tree
107	Red Pine	8.50	Special Tree
108	Red Pine	10.50	Special Tree
110	Red Pine	14.20	Special Tree
112	Red Pine	10.00	Special Tree
113	Red Pine	14.00	Special Tree
114	Red Pine	11.75	Special Tree
115	Red Pine	14.50	Special Tree
116	Red Pine	9.75	Special Tree
117	Red Pine	8.50	Special Tree
119	Red Pine	8.75	Special Tree
121	Red Pine	14.00	Special Tree
122	Red Pine	16.00	Special Tree
123	Red Pine	16.00	Special Tree
124	Red Pine	14.75	Special Tree
126	White Spruce	9.25	Special Tree
Total DBH Removed		944.2	

TREES TO BE REMOVED			
TREES OF INTEREST			
ID NO.	Species	DBH	UDC Designation
0	White Birch	10.75	Tree of Interest
2	Balsam Fir	14.25	Tree of Interest
3	Balsam Fir	10.50	Tree of Interest
9	Silver Maple	16.25	Tree of Interest
10	Silver Maple	29.50	Tree of Interest
11	Silver Maple	11.25	Tree of Interest
16	White Birch	14.00	Tree of Interest
29	Red Oak	7.00	Tree of Interest
32	Jack Pine	18.50	Tree of Interest
33	White Spruce	7.75	Tree of Interest
47	Quaking Aspen	16.00	Tree of Interest
48	Paper Birch	11.25	Tree of Interest
49	Quaking Aspen	17.00	Tree of Interest
50	Quaking Aspen	13.50	Tree of Interest
51	Quaking Aspen	10.25	Tree of Interest
52	Quaking Aspen	11.50	Tree of Interest
66	Red Pine	6.50	Tree of Interest
75	White Birch	13.00	Tree of Interest
80	Red Pine	7.25	Tree of Interest
81	Red Pine	7.75	Tree of Interest
94	Red Pine	6.50	Tree of Interest
106	Red Pine	7.50	Tree of Interest
109	Red Pine	6.25	Tree of Interest
111	Red Pine	7.50	Tree of Interest
118	Red Pine	6.50	Tree of Interest
120	Red Pine	6.00	Tree of Interest
125	Balsam Fir	10.50	Tree of Interest
127	Quaking Aspen	14.75	Tree of Interest
139	Quaking Aspen	10.00	Tree of Interest
140	Quaking Aspen	10.75	Tree of Interest
141	Quaking Aspen	11.00	Tree of Interest
Removed		351.0	

DBH REPLACEMENT REQUIREMENTS (50-25.9)				
Tree Type	# to be Removed	DBH to be Removed	% DBH to be Replaced	Replacement Requirement (in.)
Trees of Interest	31	351.0	20%	70.2
Special Trees	77	944.2	40%	377.7
TOTAL	108	1295.2	n/a	447.9

TREE REPLACEMENT CALCULATIONS: Trees to be Planted

IF REPLACING WITH:	Trees of Interest (1 in/1 in required)
Number of Trees	180
Caliper of Trees	2.5
TOTAL INCHES REPLACED	450
TOTAL INCHES REQUIRED	447.9

IF REPLACING WITH:	Special Trees (1 in/1.5 in required)
Number of Trees	120
Caliper of Trees	2.5
TOTAL INCHES REPLACED	450
TOTAL INCHES REQUIRED	447.9

TREE REPLACEMENT w/ TREE PRESERVATION CREDITS:

TOTAL TREE CREDITS=	44
SPECIAL TREES REQ'D=	120
TREES OF INTEREST REQ'D=	180

Per UDC Section 50-25.6, trees to be preserved will count towards the total number needed for replacement, up to 50%. With those factored in, the following are the final replacement numbers for both Special Trees and Trees of Interest:

SPECIAL TREES REQUIRED=	76
TREES OF INTEREST REQUIRED=	136

TREE REPLACEMENT NOTE:

REPLACEMENT TREE QUANTITY CAN BE REDUCED BY CONTRIBUTING CASH IN LIEU TO THE CITY TREE FUND. TREE QUANTITIES SHOWN ARE USING SPECIAL TREE SPECIES (USING OTHER SPECIES WOULD REQUIRE ADDITIONAL TREE PLANTINGS; SEE CHART 50-25.6).



LANDSCAPE ARCHITECTURE

+ ASSOCIATES

WWW.SASLANDARCH.COM

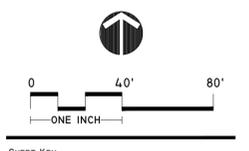
219 WEST FIRST STREET, SUITE 350
DULUTH, MN 55802
(P) 218.391.1335
MAIL@SASLANDARCH.COM

COPYRIGHT 2021 ALL DRAWN AND WRITTEN INFORMATION APPEARING HEREIN SHALL NOT BE DUPLICATED, DISCLOSED OR OTHERWISE USED WITHOUT WRITTEN CONSENT OF SAS+ASSOCIATES.

ISSUE RECORD/REVISION

PURPOSE	DATE

KINSETH HOTEL CORPORATION
SUNDBY RD.
DULUTH, MINNESOTA



SHEET TITLE
TREE REPLACEMENT PLAN

DATE: 8/5/2022

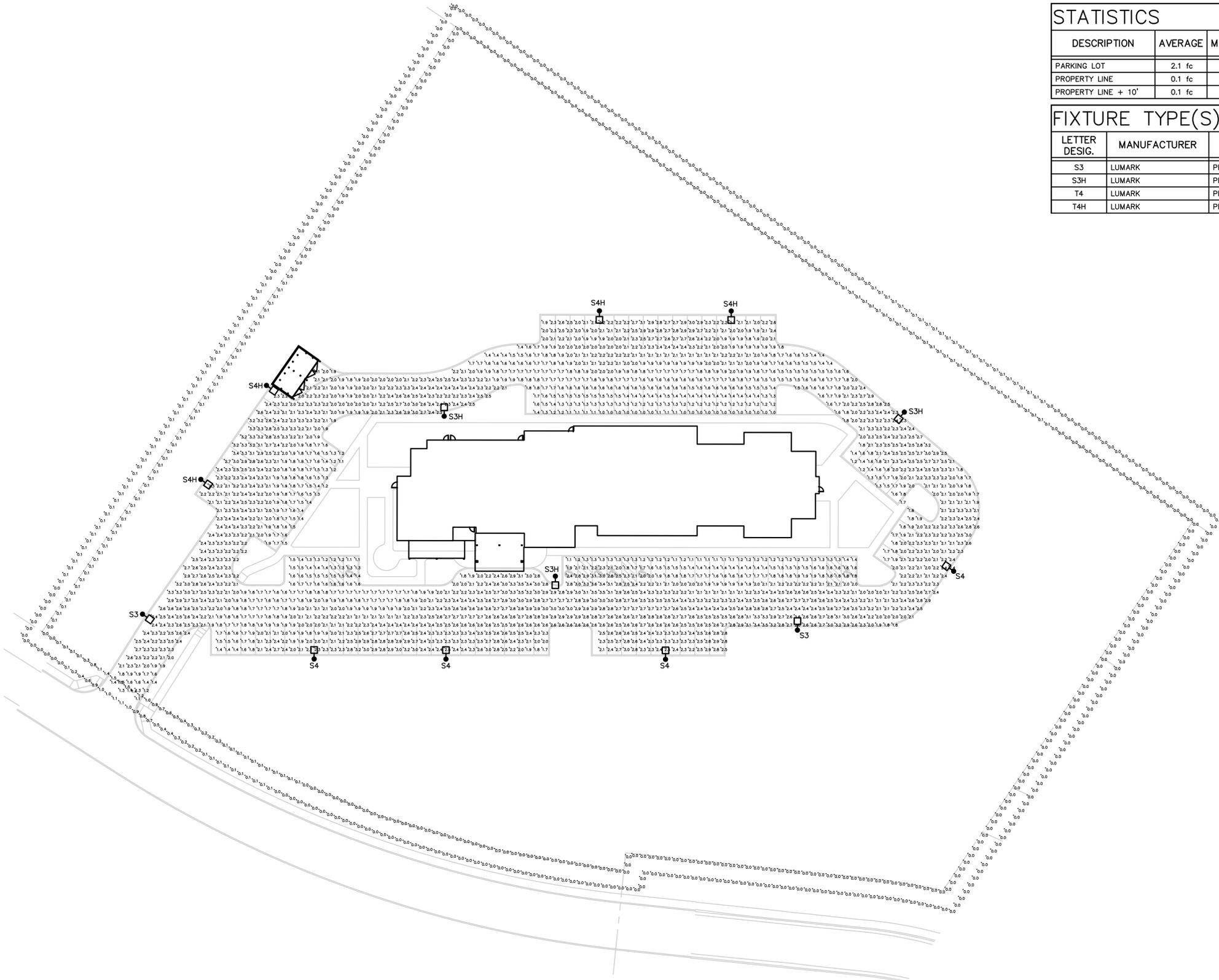
DRAWN BY: AMA

CHECKED BY: LWS

PROJECT NUMBER
22100

SHEET NUMBER
L-1.2

Aug 05, 2022 - 10:30am
P:2210 - Sunby Road Hotel Site - 2210 - Sunby Rd Redwing



STATISTICS

DESCRIPTION	AVERAGE	MAXIMUM	MINIMUM	MAX/MIN	AVG/MIN
PARKING LOT	2.1 fc	3.6 fc	1.0 fc	3.6:1	2.1:1
PROPERTY LINE	0.1 fc	1.5 fc	0.0 fc	N/A	N/A
PROPERTY LINE + 10'	0.1 fc	1.1 fc	0.0 fc	N/A	N/A

FIXTURE TYPE(S)

LETTER DESIG.	MANUFACTURER	CATALOG NUMBER	LAMPS		LUMENS	MOUNTING HEIGHT
			NO.	TYPE		
S3	LUMARK	PRV-C40-D-UNV-T3-SA-BZ	-	LED W/ UNITS	17,100	25'-0" POLE ON 3' BASE
S3H	LUMARK	PRV-C40-D-UNV-T3-SA-BZ-HSS	-	LED W/ UNITS	17,100	25'-0" POLE ON 3' BASE
T4	LUMARK	PRV-C40-D-UNV-T4-SA-BZ	-	LED W/ UNITS	17,100	25'-0" POLE ON 3' BASE
T4H	LUMARK	PRV-C40-D-UNV-T4-SA-BZ-HSS	-	LED W/ UNITS	17,100	25'-0" POLE ON 3' BASE

Project	Catalog #	Type	
Prepared by	Notes	Date	



Lumark
Prevail LED
Area / Site Luminaire

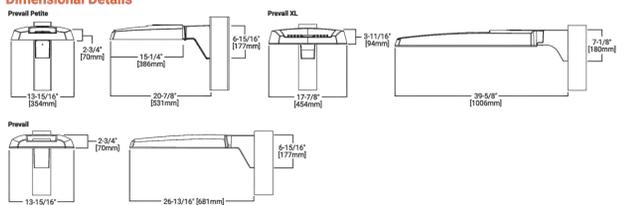
Product Features

- Interactive Menu
 - Ordering Information page 2
 - Mounting Details page 3
 - Optical Configurations page 4
 - Product Specifications page 4
 - Energy and Performance Data page 5
 - Control Options page 6

Quick Facts

- Lumen packages range from 4,800 - 52,300 lumens (35W - 350W)
- Replaces 70W up to 1,000W HID equivalents
- Efficacies up to 160 lumens per watt
- Energy and maintenance savings up to 85% versus HID solutions
- Standard universal quick mount arm with universal drill pattern

Dimensional Details



Product Certifications

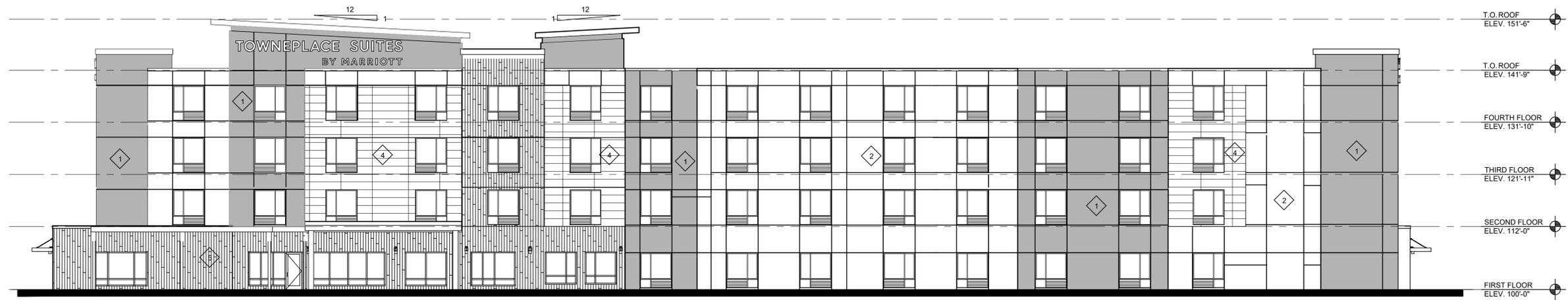


Connected Systems

- WaveLinX


PS50001EN page 1
February 14, 2022 11:56 AM

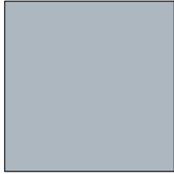
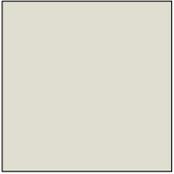
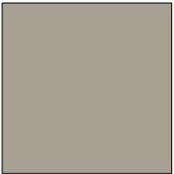
A SITE PHOTOMETRICS
1/32" = 1'-0"
NORTH

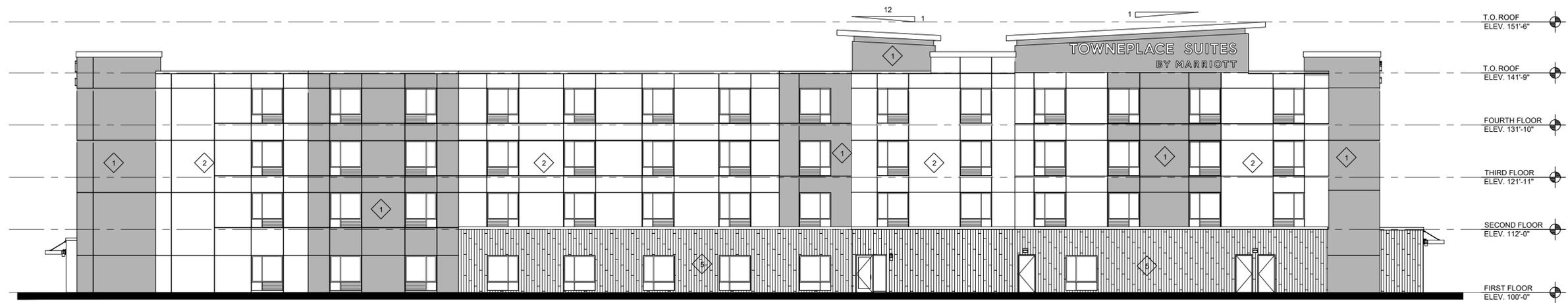


B SOUTHWEST ELEVATION
 3/32" = 1'-0"
 0' 5' 10' 20'

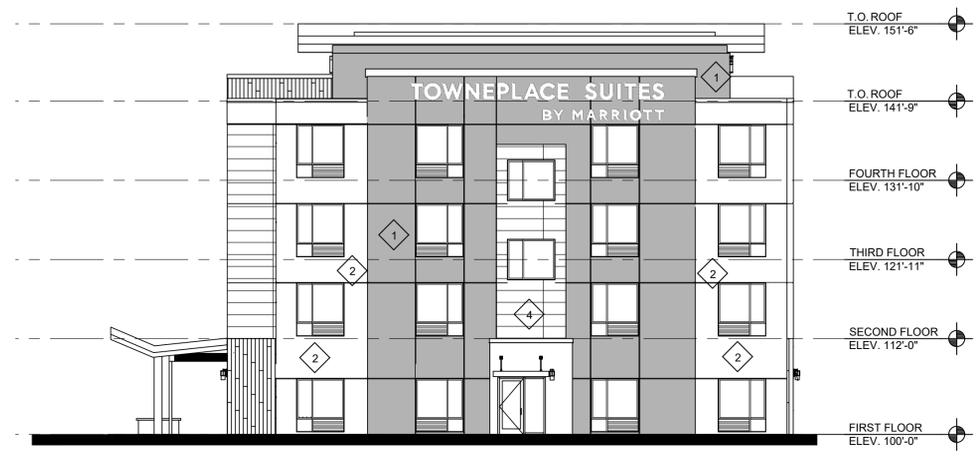


A NORTHWEST ELEVATION
 3/32" = 1'-0"
 0' 5' 10' 20'

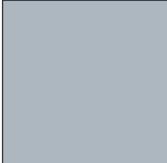
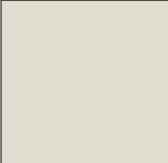
- | | |
|---|---|
|  |  |
| 1 EIFS, COLOR : BENJAMIN MOORE
"MANOR BLUE" No. 1627 (CLR13414) | 2 EIFS, COLOR : BENJAMIN MOORE
"NOVEMBER RAIN" No. 2142-60 (CLR13415) |
|  |  |
| 4 EIFS, COLOR : MATCH CONTROL
COLOR SW 6006 "BLACK BEAN" | 5 EIFS, COLOR : MATCH CONTROL
COLOR SW 7045 "INTELLECTUAL GREY" |



B NORTHEAST ELEVATION
 3/32" = 1'-0"
 0' 5' 10' 20'



A SOUTHEAST ELEVATION
 3/32" = 1'-0"
 0' 5' 10' 20'

- | | |
|---|---|
|  |  |
| 1 EIFS, COLOR : BENJAMIN MOORE
"MANOR BLUE" No. 1627 (CLR13414) | 2 EIFS, COLOR : BENJAMIN MOORE
"NOVEMBER RAIN" No. 2142-60 (CLR13415) |
|  |  |
| 4 EIFS, COLOR : MATCH CONTROL
COLOR SW 6006 "BLACK BEAN" | 5 EIFS, COLOR : MATCH CONTROL
COLOR SW 7045 "INTELLECTUAL GREY" |



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802

218-730-5580
planning@duluthmn.gov

MEMORANDUM

DATE: October 4, 2022

TO: Planning Commission

FROM: Chris Lee, Planner II

SUBJECT: Golden Bulldog, 318 N 18th Ave E.

At the September 13, 2022 Planning Commission meeting, Commissioners discussed correspondence regarding the Golden Bulldog, located at 318 N 18th Avenue E which was issued a Special Use Permit in 2017 (PL 17-079). Staff was asked to review the use on the site and determine whether any violations of the Special Use Permit are occurring.

The Special Use Permit was required because the applicant proposed a restaurant in an MU-N district. The definition of restaurant is: "A commercial establishment, including but not limited to taverns and brewpubs, where food and beverages are prepared, served, and consumed primarily within the principal building." This definition does not specify any percentage of food versus beverage, and includes bars that serve primarily alcohol. There is no separate use category for "bar." As you may know, liquor licenses are regulated by the City Clerk's office.

The Special Use Permit did include conditions related to parking and hours of operation. Based on a photo submitted with the complaint, as well as staff visiting the site, the Golden Bulldog is in violation of its approved hours of operation, which are 7:00 am – 9:00 pm. The Planning Commission asked that the applicant either meet a need for parking through the plans submitted with their original application (which also required an access easement), or to follow an alternative site plan suggested by Planning Commission. The applicant addressed parking by obtaining an access easement from the adjacent owner to access the rear of the building for parking purposes only. This is not in violation of their approved permit.

Staff finds that the property located at 318 N 18th Avenue E is in violation of its approved Special Use Permit by:

- Operating outside the approved hours of operation



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

Per UDC Section 50-39.2, the enforcement process includes an official warning, administrative citations, and revocation of the Special Use Permit. Staff will initiate this process by sending a warning letter to the applicant. Staff will allow 2 weeks and conduct a follow-up investigation.