



CITY OF DULUTH

PLANNING & CONSTRUCTION SERVICES
 Community Planning Division
 411 West First Street – Room 208 - Duluth, Minnesota 55802-1197
 218-730-5580 – An Equal Opportunity Employer

Planning Commission Agenda

City Council Chambers, 3rd Floor Duluth City Hall
 Tuesday, May 8, 2018 – 5:00 PM

Call to Order and Roll Call

Approval of Planning Commission Minutes (April 10, 2018)

Consent Agenda

Items that are perceived to be non-controversial or routine will be placed on the consent agenda. There will not be an individual public hearing on each of these items unless the applicant or a member of the public wishes to speak to the matter. These items on the consent agenda will be approved by the Planning Commission with one vote.

1. PL 18-029 Interim Use Permit for One Vacation Dwelling Unit at 1615 E Superior by ACW Duluth, LLC, and Gina Bortnem
2. PL 18-030 Interim Use Permit (Renewal) for One Vacation Dwelling Unit at 728 Lake Avenue South by Douglas and Kathleen Baker
3. PL 18-033 Interim Use Permit (Renewal) for One Vacation Dwelling Unit at 416 88th Avenue West by Lawrence Telega
4. PL 18-040 Final Plat for Hallett Industrial Park by Hallett Dock Co
5. PL 18-046 Minor Subdivision on the Western Side of 88th Avenue West, between Falcon and Edward Street by the Duluth Housing and Redevelopment Agency

Public Hearings

6. PL 18-044 UDC Map Amendment to Rezone Southwest Corner of the Intersection of Wadena Street and North 53rd Avenue West in the Ramsey Village TND to allow for Building Type VII Building (Eight Unit Residential) by Talle and Associates Inc
7. PL 18-047 UDC Map Amendment to Rezone Property Between Grand Avenue, Wadena Street, and Mike Colalillo Drive from Industrial-General (I-G), Residential-Planned (R-P), and Residential-Traditional (R-1), to Mixed Use Business (MU-B) for Menards, and Park and Open Space (P-1) for Mike Colalillo Medal of Honor Park, by the City of Duluth
8. PL 18-048 UDC Map Amendment to Rezone Portions of Morgan Park, West of the Intersections of 93rd Avenue West and Falcon Street and Hilton Streets to Commonwealth Avenue, from Mixed Use Business (MU-B) to Urban-Residential (R-2) by the City of Duluth
9. PL 18-049 UDC Map Amendment to Rezone Portions of Lower Spirit Mountain on Grand Avenue, Located Approximately Between North 85th Avenue West and Spring Street, from Residential-Traditional (R-1) and Mixed Use-Neighborhood (MU-N), to Park and Open Space (P-1) and Rural-Residential 1 (RR-1) by the City of Duluth

10. PL 18-042 Special Use Permit to Place Fill in a Floodplain for the Kingsbury Bay-Grassy Point Habitat Restoration Project by the Minnesota Department of Natural Resources
11. PL 18-037 Special Use Permit for a 20 Stall Surface Parking Lot in an F-5 Form District at 2302 West 1st Street by John Goldfine
12. PL 18-039 Variance from Off-Street Parking and Vehicle Access Standards in an F-5 Form District at the 2900 Block of West Michigan Street by Adam Rhuland

Other Business

13. Tax Forfeit Parcel Subcommittee (Held Over From 4-10-18 PC Meeting)
14. PL 18-055 Work Permit for Spirit Mountain Nordic Center

Communications

- A. Manager's Report
 - Update on Site Plan Change for 53 Business Center (PL 18-012 MU-C Planning Review from 3-13-18 PC Meeting)
 - Brown Bag Meeting On Tuesday, May 15, 2018
- B. Reports of Officers and Committees
 - Heritage Preservation Commission Representative
- C. Adjournment

City of Duluth
 Planning Commission
 April 10, 2018 Meeting Minutes
 Council Chambers - Duluth City Hall

1. Call to Order

President Michael Schraepfer called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, April 10, 2018, in city hall council chambers.

Roll Call

Attending: Janet Kennedy, Tim Meyer, Michael Schraepfer, Luke Sydow, Heather Wright Wendel, Sarah Wisdorf, and Zandra Zwiebel

Absent: Jason Crawford and Margie Nelson

Staff Present: Keith Hamre, Robert Asleson, John Kelley, Kyle Deming, Chris Lee, and Cindy Stafford

2. Approval of Planning Commission Minutes (March 6, and 13, 27 2018) voted on later in the agenda.

MOTION/Second: Wisdorf/Wright Wendel approve the minutes.

VOTE: (7-0)

3. Consent Agenda and hearing

Items that are perceived to be non-controversial or routine will be placed on the consent agenda. There will be no staff presentations on these items; the Planning Commission will be acting upon the staff recommendation and conditions written in the staff reports. There will not be an individual public hearing on each of these items unless the applicant or a member of the public wishes to speak to the matter. Instead there will be one public hearing for all the items on the consent agenda, and they will be addressed by the Planning Commission with one vote.

- A. PL 17-053 Vacation of Platted Right of Way at 503 North 50th Avenue West by Menards, Inc
- B. PL 16-120 Final Plat of at 503 North 50th Ave West by Menards, Inc.
- C. PL 18-025 and -026 Vacation of Alley and Utility Easement Near Missouri Avenue and Chester Way by Donn Olson
- D. PL 18-024 Shoreland Variance at 2401 Asbury Drive by Donald and Tamara Renne

Public: No speakers.

MOTION/Second: Zwiebel/Sydow approve staff's recommendations for consent agenda items.

VOTE: (7-0)

4. Presentation

DNR Presentation: EAW of the Kingsbury Bay/ Grassy Point Restoration Project. Darrell Peterson addresses the commission and gives an overview. Both projects will total about 14 million dollars. Funding will come from various sources. A 30-day public review and comment period began on March 19, 2018 and will end on April 18, 2018. THE EAW is posted on the MNDNR's website at:

<http://www.dnr.state.mn.us/input/environmentalreview/kingsbury-grassy/index.html>

5. Public Hearings

- A. PL 18-035 UDC Text Amendment of Section 50-18.1.D Related to Structures in the Shoreland Structure Setback, Adding Shoreland Permit to Allow Exceptions for Property Owner Access to Water (Stairway, Steps, Landings) by the City of Duluth

Staff: John Kelley introduces the UDC Text Amendment proposal from the city. The DNR has a 30-day review process and staff understands there may be suggested revisions to the regulations. An email received from Patricia Fowler of the MN DNR was shared. Janet Kennedy asks about the timeline. Could there still be revisions after the public votes on it? Kelley states there may be additional revisions, but substantial changes would be brought back to the planning commission. Kennedy asks why the commission doesn't wait until after the 30-day comment period. Director Keith Hamre states it's more of a technical clean-up. Staff feels the DNR's feedback is now sufficient, but if more substantial changes are made it would come back to the planning commission. Director Hamre states there are 60-days until this could go into effect, so they are confident for the 30-day window within. Zandra Zwiebel clarifies what revisions were made. Kelley notes access points are only one per lot. Tim Meyer asks if this is consistent with the standard DNR overlay used throughout Minnesota. Kelley affirms. Kennedy asks what the city liability on this. Per Kelley it's up to the homeowners. Director Hamre confirms it is a private matter and would be added to the homeowners' insurance. Lake Superior is unique and staff wants to make sure they get it right.

Applicant: N/A

Public: No speakers.

Commissioners: N/A

MOTION/Second: Sydow/Meyer recommend approval as per staff's recommendations.

VOTE: (6-1, Kennedy Opposed)

- B. PL 18-027 Special Use Permit for Auto Repair and Service in a Mixed Use Neighborhood District (MU-N) at 202 Commonwealth by Richard Carlson

Staff: John Kelley introduces the applicant's proposal to operate an automobile and light vehicle repair service in an existing 1,380 square foot building in an MU-N district. An auto repair service in an MU-N district requires a special use permit. Staff recommends approval with the conditions listed in the staff report.

Applicant: Tommy Archer who represents the owner addresses the commission and invites questions. Zwiebel asks if the applicant is aware they need to provide screening. Archer said staff must have conveyed the information to the applicant.

Public: No speakers.

Commissioners: N/A

MOTION/Second: Zwiebel/Kennedy approved as per staff's recommendations.

VOTE: (7-0)

- ~~C. PL 18-016 Mixed Use Waterfront (MU-W) Planning Review for Hotel Expansion at 1033 Minnesota Avenue by Park Point Marina Inn and Suites. Withdrawn by Applicant (4/9/18)~~

- D. PL 18-031 Special Use Permit for a 7,100 Square Foot Filling Station in an Urban Residential District (R-2) On the South Side of Arrowhead Road, Approximately Between Rice Lake Road and Swan Lake Road by Brad Fry and Kwik Trip Inc.

Staff: Kyle Deming introduces the applicant's proposal for a special use permit for a filling station consisting of a 7,231 sq. ft. station store, a 1,925 sq. ft. car wash, and 67,975 sq. ft. of pavement on a 3.0-acre site in the newly subdivided Harbor Light plat. Under the gasoline canopy will be 16 fueling points (8 pumps) and 2 fueling lanes (4 pumps) under the diesel canopy. A connectivity path for pedestrians will be required to give access to the Marble St. area. Staff recommends approval with the six conditions

listed in the staff report (omitting #2). Heather Wright Wendel asks staff to clarify the language about the future streets. Deming notes the streets will be shown in the final plat. Wright Wendel has some concerns about the development, as it pertains to the surrounding wetland areas. She notes the parking spaces and doesn't feel there should be more than 28 spaces, and could hurt the wetlands. Deming notes the impacted wetlands were reviewed and approved in a separate process. Stormwater will need to be addressed before building permits are issued. Meyer asked about how the site will be accessed from Arrowhead Rd and what the slope will be. He asks if there will be a retaining wall. Deming answers that there will be a 4' retaining wall holding back the fueling area above the storm water pond.

Applicant: Scott Teigen, Vice-President of Kwik Trip addresses the commission. He thanks the commissioners and notes this project will bring 20+ jobs to Duluth. He notes the need for the parking. They are constrained at this location by the wetlands. On average they have 8-10 co-worker cars. Regarding the wetlands, he explains the church had stringent rules they had to follow. The slope has been addressed and they are comfortable with it. Luke Sydow asks about ADA ramp/patio area adjacent to sidewalk and swapping the parking and the picnic rare to give better pedestrian access. Teigen states they will switch it. Zwiebel asks about condition #6 which requires financial securing for 125% of the cost of landscaping. She doesn't see a clause to hold the funds to the following year to make sure plants stay alive. Per Deming, a condition can be added, but be mindful that it will need to be monitored, too. Director Hamre suggests a 5% retention for the 2nd year. The applicant is in agreement.

Public: Brad Johnson of Lotus Realty who represents the church addresses the commission. They started the process three years ago. They are in support of the special use permit and will be happy to have Kwik Trip as their neighbors.

Commissioners: Wright Wendel feels the project might be detrimental in the long run to the community and to the important watershed. Meyer notes Kwik Trip has the resources to make sure the technical aspects are handled in the correct manner.

MOTION/Second: Wisdorf/Meyer approved as per staff's recommendations with the addition that 5% of the financial security be held until one year after the project to ensure landscaping health.

VOTE: (6-1, Wright Wendel Opposed)

- E. PL 18-011 Special Use Permit for a 7,100 Square Foot Filling Station in a Mixed Use Neighborhood District (MU-N) at the Intersection of Boundary Avenue and Grove Street (Proctor) by Brad Fry and Kwik Trip Inc.

Staff: Chris Lee introduces the applicant's proposal for a special use permit to construct and operate a 7,243 sq. ft. convenience store and a 1,613 sq. ft. car wash on a 147,851 square foot impervious surface. There will be 20 fueling points (10 pumps) for fueling standard gasoline, and 2 fueling lanes (4 pumps) for diesel fuel. Sidewalk connectivity is required. There will be 24 trees. Staff recommends approval with the conditions listed in the staff report. Chair Schraepfer asks about screening. How much is on the north side between the closest house? Lee states there will be 5 bushes, 2 trees and a privacy fence.

Applicant: Scott Teigen, Vice-President of Kwik Trip addresses the commission. They are in full agreement with the conditions listed in the staff report. 25-30 jobs will be created. Sydow asks about the trees. Would the applicant agree to twice as many trees and twice the height? Teigen affirms.

Public: Ken Sorvari, 9231 Park Place, addresses the commission. 92% of the property owners are opposed to this. The children in his neighborhood have moved away because they don't want a Kwik Trip in their back yard. He states this is a wetland area.

He doesn't want a carwash. He is opposed to the special use permit. He thanks the commissioners for their time. Ray Payne, 9231 Park place, addresses the commission. He is opposed to the special use permit. He refers to the email he sent and will answer any questions. Zwiebel notes his comments about snow removal and fire and police service. Director Hamre states Boundary Avenue is a county road. The city of Duluth police and fire are responsible, but the plowing is done by the county. The Proctor police and Duluth police could both be called. Per Sorvari, there is no such agreement. Payne states they didn't get a 3-d rendering of what this will look like. Brad Johnson of Louts Realty, who represents the residents of Zenith Terrace addresses the commission. Zenith Terrace residents need a better place to buy their groceries, and they feel Kwik Trip is a good fit. He is in support of the special use permit. He notes the owners of Zenith Terrace have purchased the gas station on the corner, so they will be losing one and gaining one.

Commissioners: Zwiebel asks about the sidewalks. Per Lee they will add connectivity to the north and to the south. Chair Schraepfer notes this is somewhat of a contentious issue, but with the added screening, he feels it will be adequate. Zwiebel notes previous discussions were made from the rezoning from residential to mixed-use area. Now at this point, she feels it is wanted in this area. Kennedy notes now the other store isn't going to be there. She has heard both sides. She is unsure how she is going to vote. She feels Kwik Trip has done a good job in other areas and fits into the area.

MOTION/Second: Zwiebel/Wisdorf approved as per staff's recommendations with the addition that 5% of the financial security be held until one year after the project to ensure landscaping health and additional trees and height be added to the screening/landscaping.

VOTE: (6-1, Kennedy Opposed)

6. Communications

A. Manager's Report – Director Hamre gives an overview. Regarding vacation rentals, the city council voted to split the reading into two parts. The total number would increase to 114, and there would be a limit of three given to any one individual. On April 23rd the council will have their second read. Brown Bag dates will be shared soon. Topics will include the consent agenda, Robert's rules, and tax forfeit property.

B. Reports of Officers and Committees –

-Tax Forfeit Parcel Subcommittee – Director Hamre states the committee met yesterday. It will be brought forth at the next meeting. Kennedy asks if they can get the parcel descriptions ahead of time. Director Hamre affirms.

-Heritage Preservation Commission Representative Zandra Zwiebel gives an overview. The holdup to designate the railroad is based on funding issues. They can expect to see a designation in July. There was an interest in an archaeological survey around Enger Tower.

C. Meeting adjourned at 6:41 p.m.

Respectfully,

Keith Hamre - Director
Community Planning and Construction Services



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PLANNING & CONSTRUCTION SERVICES DEPARTMENT
Community Planning Division
411 West First Street – Room 208 - Duluth, Minnesota 55802-1197
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Memo – Tax Forfeit Classification

DATE: May 1, 2018

TO: Planning Commissioners

FROM: Steven Robertson, Senior Planner

SUBJECT: Classification of Tax-Forfeit Properties

St. Louis County provided the City with a list of 50 new tax-forfeit sites for initial classification as “conservation” or “non-conservation”. The 50 sites include some locations with multiple parcels, and all are depicted in the attached maps.

When the County classifies newly forfeited properties as “conservation,” the intent of St. Louis County is that those parcels will be “conserved” for use of natural resources on the site, as explained by St. Louis County staff. Because St. Louis County is large and has substantial public lands, the County Land and Minerals Department manages substantial public lands for resource use. Tax-forfeit properties remain the property of the state, but they are managed by the County.

When parcels are classified as “non-conservation,” that does not mean that the County necessarily intends to act on behalf of the state to sell the parcel. Rather, it means that the parcel will not be “conserved” for resource use, and that other options may be pursued. Within the City of Duluth, one of those other options is frequently for the permanent preservation of parks and open space.

The initial classification of tax-forfeited lands includes an opportunity for the City to review the classification. The Tax-Forfeit Subcommittee of the Planning Commission has completed its review of the 50 attached locations and determined that the classifications proposed by the County are acceptable.

Recommendation

The Tax-Forfeit Subcommittee and Staff recommend that the Planning Commission adopt a motion to concur with the recommendations of the County for the 50 attached tax-forfeited locations.



CITY OF DULUTH
Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL 18-030	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit, Vacation Rental - Renewal	Planning Commission Date	May 8, 2018	
Deadline for Action	Application Date	March 9, 2018	60 Days	May 8, 2018
	Date Extension Letter Mailed	March 19, 2018	120 Days	July 7, 2018
Location of Subject	728 Lake Avenue South			
Applicant	Douglas and Kathleen Baker	Contact	kbaker315@msn.com	
Agent		Contact		
Legal Description	010-4380-01150			
Site Visit Date	April 23, 2018	Sign Notice Date	April 25, 2018	
Neighbor Letter Date	April 20, 2018	Number of Letters Sent	21	

The applicant would like to use thier home as a vacation rental property. A vacation dwelling unit allows rentals for 3 to 29 days, with a minimum of 2 nights. This is a renewal of an interim use permit to allow an existing vacation rental to operate.

	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	Beach/Lake	Preservation
West	MU-N/I-W	Residential	Traditional Neighborhood

Summary of Code Requirements

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in an R-1 District.
UDC Sec. 50-37.10.B . . . Council shall make, a decision to adopt, adopt with modifications or deny the application based on the criteria in subsection C below. The . . . Council may impose appropriate conditions and safeguards, including but not limited to financial security pursuant to Section 50-37.1.P, a development agreement regarding the design, construction, and operation of the special use, to protect the Comprehensive Land Use Plan, to conserve and protect property and property values in the neighborhood and to ensure that all conditions of the special use permit will continue to met.

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 or to allow the city time to develop a regulation addressing the potential longer term impacts of the requested use in that location;
2. The applicant agrees to sign a development agreement with the city confirming that (a) approval of the permit will not result in increased costs to the city if the property is later acquired by the city through eminent domain; (b) the use will be terminated at the applicant's expense on the date(s) stated in the permit, (c) the termination of the interim use as stated in the permit will create no rights to a nonconforming use and no rights to compensation for termination of the use or for the value of any structures of improvements related to the use, and (d) the applicant agrees to all conditions imposed by the city. No interim use permit shall be issued until a development agreement confirming these points is executed.

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

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 and neighborhood extensions, and new traditional neighborhood areas.

The applicants currently have an existing interim use permit for a vacation rental on the property that was approved on August 11, 2015 (PL 15-102). These interim use permits expire after 6 years or if the property changes owners.

Note: Interim Use Permits are approved, approved with recommendations, or denied by the City Council by resolution after a public hearing is held by the Planning Commission. Interim Use Permits expire if the project or activity authorized by the permit is not begun within 1 year.

Review and Discussion Items

Staff finds that:

- 1) Applicant is applying for an Interim Use Permit. This application is a renewal for an existing interim use permit to operate a vacation rental. The minimum rental period shall not be less than 2 nights and no more than 29 nights
- 2) A time limit on this Interim Use is needed to verify that the Vacation Dwelling Unit can function without negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Typically Planning Staff recommends that the City Council resolution states that approval shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 3) The applicant owns lot 225 of Upper Duluth Lake Avenue; the lot is 40 feet wide by 100 feet long. According to St. Louis County records, the home was built in 1886 and has a main floor sq. ft. of 1,098 with a gross area of 2,196 sq. ft. There is also a 240 square foot garage, built in 1997. It has 3 bedrooms.
- 4) The applicant will rent out 3 bedrooms, allowing a maximum of up to 7 guests at any one time; the applicant will provide two off street parking space (between home and garage).
- 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 (managing agent is Tiffany Gauge). 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.
- 6) The applicant has not provided any plans showing additional buffering/screening. Based on the location (near beach), staff do not believe additional screening is required to reduce land use conflicts. There are also several existing fences between shared property lines. There is no fire pit on the property, but based on past comments and concerns from citizens related to similar applications on park point, staff recommend that the Commission consider that no fire pit be allowed on the property.
- 7) Applicant has obtained all the necessary permits and licenses to operate a vacation rental.
- 8) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 9) No public, agency, or City comments were received.

Staff Recommendation

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

- 1) The applicant shall adhere to the terms and conditions listed in the interim use permit document and provide evidence of compliance, which will be included in the resolution to the City Council (guest record book including name, address, phone number and vehicle license plate; name, address, and phone number of local contact/managing agent to property owners within a 100 feet; rules of how the property can be used must be provided to guests including selected city ordinances on parking, parks, pets and noise; and acknowledge that interim use permit may be suspended in the event of multiple nuisance calls).
- 2) No fires on the beach and no burning of trash.
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



PL 18-030: IUP Vacation Rental
728 Lake Ave S

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

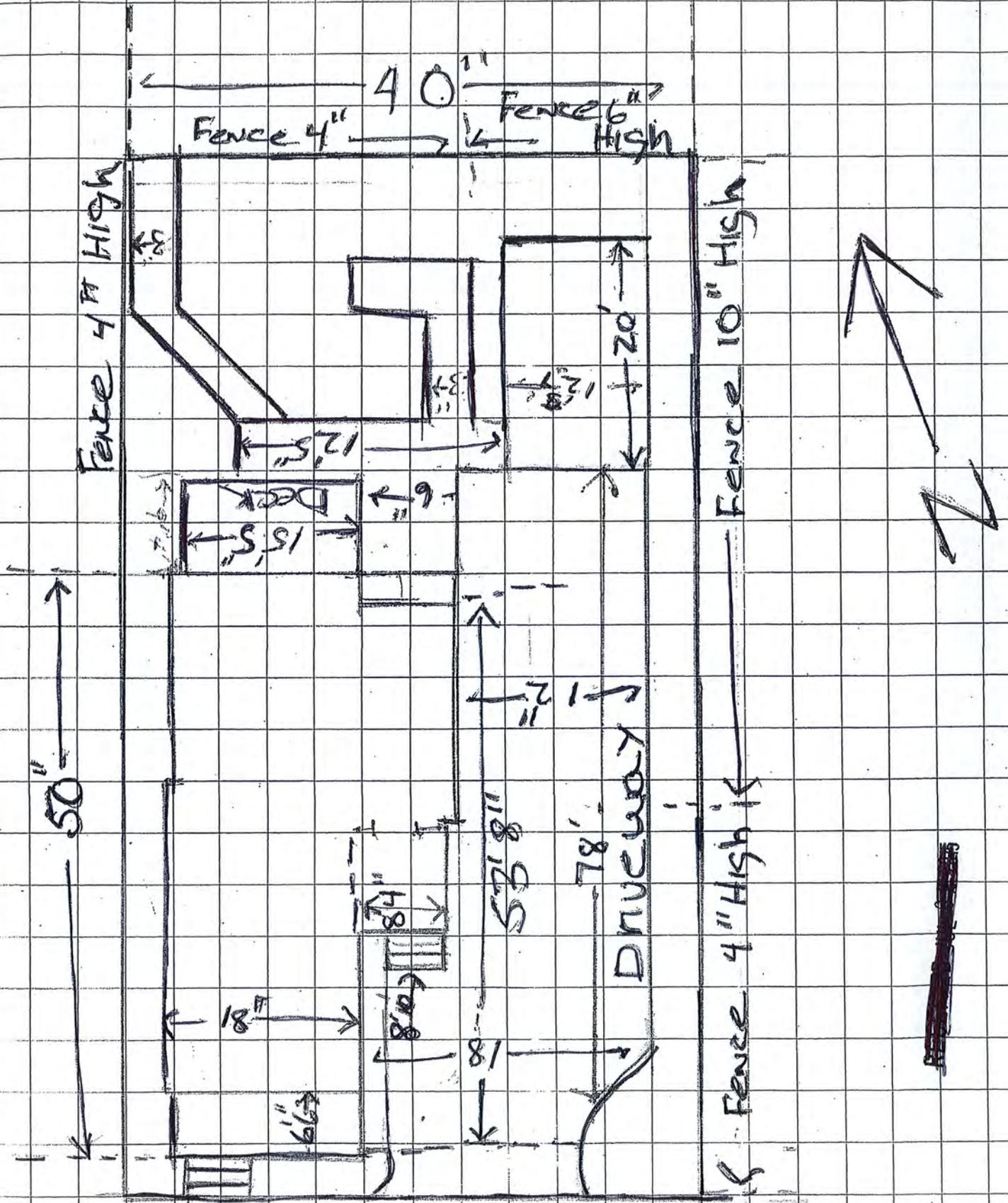
Zoning Boundaries

- Trout Stream (GPS)
- Other Stream (GPS)

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



Aerial photography flown 2016





Legend

- Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement
- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

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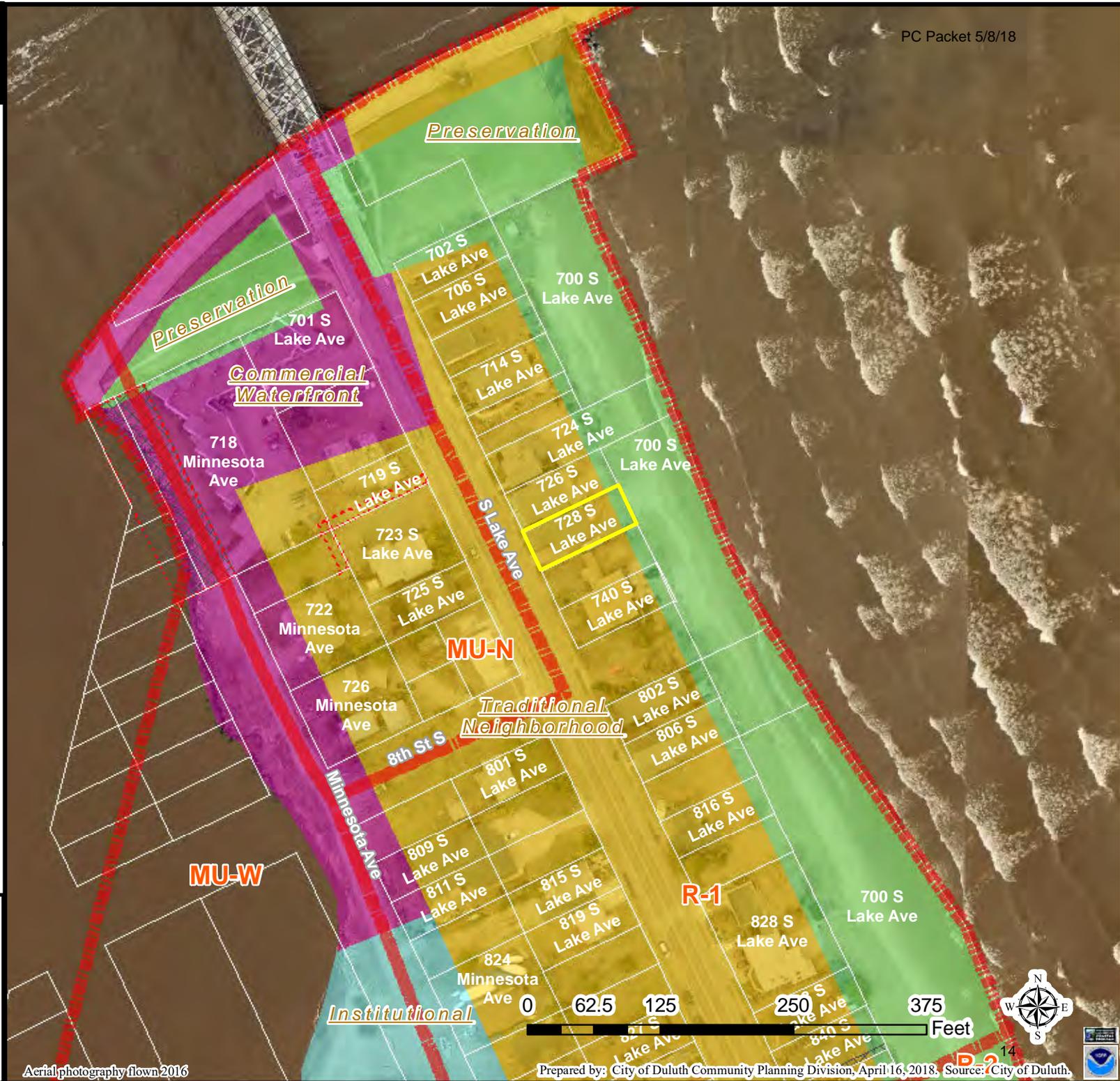




Legend

- Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement
- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

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CITY OF DULUTH

Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL 18-029	Contact	John Kelley	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date	May 8, 2018	
Deadline for Action	Application Date	March 8, 2018	60 Days	May 7, 2018
	Date Extension Letter Mailed		120 Days	July 6, 2018
Location of Subject	1615 E. Superior St. (East Hillside)			
Applicant	ACW Duluth, LLC	Contact		
Agent	Gina Bortnem	Contact		
Legal Description	Parcel I.D. #010-1480-01460			
Site Visit Date	April 27, 2018	Sign Notice Date	March 27, 2017	
Neighbor Letter Date	April 20, 2018	Number of Letters Sent	41	

Proposal

Interim Use Permit for one (1) Vacation Dwelling Unit consisting of five (5) bedrooms in an existing two-family dwelling. The first and second floors of the building will be the vacation dwelling unit (previously a Bed and Breakfast) and the 3rd floor is a separate unit where the owner lives.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2	2-family dwelling	Urban Residential
North	R-2	Multi-family dwellings	Urban Residential
South	R-2	Multi-family dwellings	Urban Residential
East	R-2	4-family dwelling	Urban Residential
West	R-2	1-family dwelling	Urban Residential

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in an R-1 District.

UDC Sec. 50-37.10.B . . . Council shall make, a decision to adopt, adopt with modifications or deny the application based on the criteria in subsection C below. The . . . Council may impose appropriate conditions and safeguards, including but not limited to financial security pursuant to Section 50-37.1.P, a development agreement regarding the design, construction, and operation of the special use, to protect the Comprehensive Land Use Plan, to conserve and protect property and property values in the neighborhood and to ensure that all conditions of the special use permit will continue to meet.

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 or to allow the city time to develop a regulation addressing the potential longer term impacts of the requested use in that location; 2. The applicant agrees to sign a development agreement with the city confirming that (a) approval of the permit will not result in increased costs to the city if the property is later acquired by the city through eminent domain; (b) the use will be terminated at the applicant's expense on the date(s) stated in the permit, (c) the termination of the interim use as stated in the permit will create no rights to a nonconforming use and no rights to compensation for termination of the use or for the value of any structures of improvements related to the use, and (d) the applicant agrees to all conditions imposed by the city. No interim use permit shall be issued until a development agreement confirming these points is executed.

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

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

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 and neighborhood extensions, and new traditional neighborhood areas.

Property received an Interim Use Permit for a Vacation Dwelling Unit in 2013 (PL 13-018). The IUP was to expire in March of 2019, however, this renewal is due to a change in ownership of the property.

Property received a variance for smaller lot size for Bed and Breakfast in 2015 (PL15-106).

Review and Discussion Items:

Staff finds the following:

- 1) The applicant has submitted the required materials and agency approvals;
- 2) The site is 75' wide by 150' deep. It has 6 off-street parking spaces (5 required), and 1 space for the owner's dwelling units. The parking spaces are accessed via a shared driveway that is covered by a driveway easement and maintenance agreement;
- 3) The applicant is the managing agent and they plan to live on the 3rd floor of the property;
- 4) The applicant will send the required letter to neighbors within 100' providing the contact information for the property manager if Council approves the interim use permit.
- 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) The applicant must provide a written disclosure to all guests stating that quiet hours shall be observed between the hours of 10 p.m. and 8 a.m.
- 7) Burning of garbage outdoors is prohibited.

Staff Recommendation:

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

- 1) The applicant shall adhere to the terms and conditions listed in the interim use permit document and provide evidence of compliance, which will be included in the resolution to the City Council (guest record book including name, address, phone number and vehicle license plate; name, address, and phone number of local contact/managing agent to property owners within a 100 feet; rules of how the property can be used must be provided to guests including selected city ordinances on parking, parks, pets and noise; and acknowledge that interim use permit may be suspended in the event of multiple nuisance calls).
- 2) The applicant must provide a written disclosure to all guests stating that quiet hours shall be observed between the hours of 10 p.m. and 8 a.m. in addition to other disclosures required by the Unified Development Chapter.
- 3) The applicant will inform guests that the burning of trash in outdoor fire pits is prohibited.



ACW Duluth, LLC

A Charles Weiss Home
1615 East Superior Street
PO Box 3584
Duluth, Minnesota 55803
acw.duluth@gmail.com
701-367-3677

February 26, 2018

Department of Planning & Construction Services
Attn: John Kelley, Chris Lee, and Emilie Voight
411 West First Street
Duluth, MN 55802

Re: ACW Duluth, LLC Interim Use Permit

Dear John, Chris and Emilie,

A Pre-application Meeting was conducted on February 5, 2018 at the Department of Planning & Construction Services conference room, where the Pre-App Verification was received.

ACW Duluth, LLC is submitting the following additional information for consideration in granting an Interim Use Permit in the City of Duluth, MN for property located at 1615 East Superior Street, Duluth, MN 55812.

Statement on how use will not have a negative impact on the community:

Duluth, Minnesota is a popular destination city in the state of Minnesota. ACW Duluth, LLC is committed to promoting the City of Duluth to a variety of people that come for special events, family vacations, and business; while providing guests with overnight accommodations that highlight the history and charm of early 20th century Duluth, MN. Similar to the style and craftsmanship found in the Chester Congdon Home, ACW Duluth is a beautifully, well-maintained home, built by prominent Duluthian, Anton Charles Weiss, in 1895.

ACW Duluth, LLC does not and will not negatively impact the community; rather, ACW Duluth, LLC will bring people to the community that will positively impact the tourism economy, will generate additional revenue to the City of Duluth through taxes collected and provide hospitality that is sure to encourage people to return to this amazing city.

Summary of Property:

The property located at 1615 East Superior Street, Duluth, MN is zoned R-2. Our home is a three story, two family dwelling, with separate entrances and exits delegated to guests and residents of the home. Guests of the home will access the back parking lot through the shared driveway and park in any of the 6 parking spots available to them. They can then proceed to the front entrance on a cement paver path leading from the parking lot to the front porch. Guests will be allowed to use the first and second floors of the home and will not have access to the basement, back hall or 3rd floor apartment where our family dwells. The guests will have use of 6 bedrooms, 5.5 bathrooms, kitchen, a formal dining room, parlor, library, music room, billiard room, pantry, front porch, and front yard.

Vacation Dwelling Unit Narrative for meeting Interim Use Permit Standards:

1. ACW Duluth, LLC will require guests to stay a minimum of 2 consecutive nights and will enforce this through reservation settings on AirBnB, VRBO, and company websites.
2. The home has 6 bedrooms. One person plus the number of bedrooms, multiplied by two, would indicate that 13 persons may occupy the vacation dwelling.
3. There are 6 off-street parking spaces behind the home and satisfies the minimum of 5 space requirement as outlined.
4. ACW Duluth, LLC will not allow more than one motor home (or pickup mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) to be parked at the site, on or off the street.
5. ACW Duluth, LLC has obtained all licenses and permits from the City of Duluth and State of Minnesota required for guest occupancy on the property for 2 to 29 days.
6. ACW Duluth, LLC will keep and 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.
7. Site plan, drawn to scale. Please see attached.
8. ACW Duluth, LLC understands that the interim use permit shall expire upon change of ownership of the property or in six years, whichever occurs first.
9. ACW Duluth, LLC will keep records, including the name, address, phone number, and vehicle (and trailer) license plate information for all guests and will provide a report to the City upon 48 hours' notice.

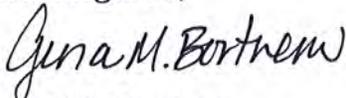
10. We are managing the property and living in the 3rd floor of the home. We are available 24-hours-a-day to address any complaints or emergent needs from guests, neighbors or the City of Duluth. ACW Duluth, LLC will notify the Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information. Our contact information is:

Gina Bortnem (701)367-3677
1615 East Superior Street, Box 3584
Duluth, MN 55803
acw.duluth@gmail.com

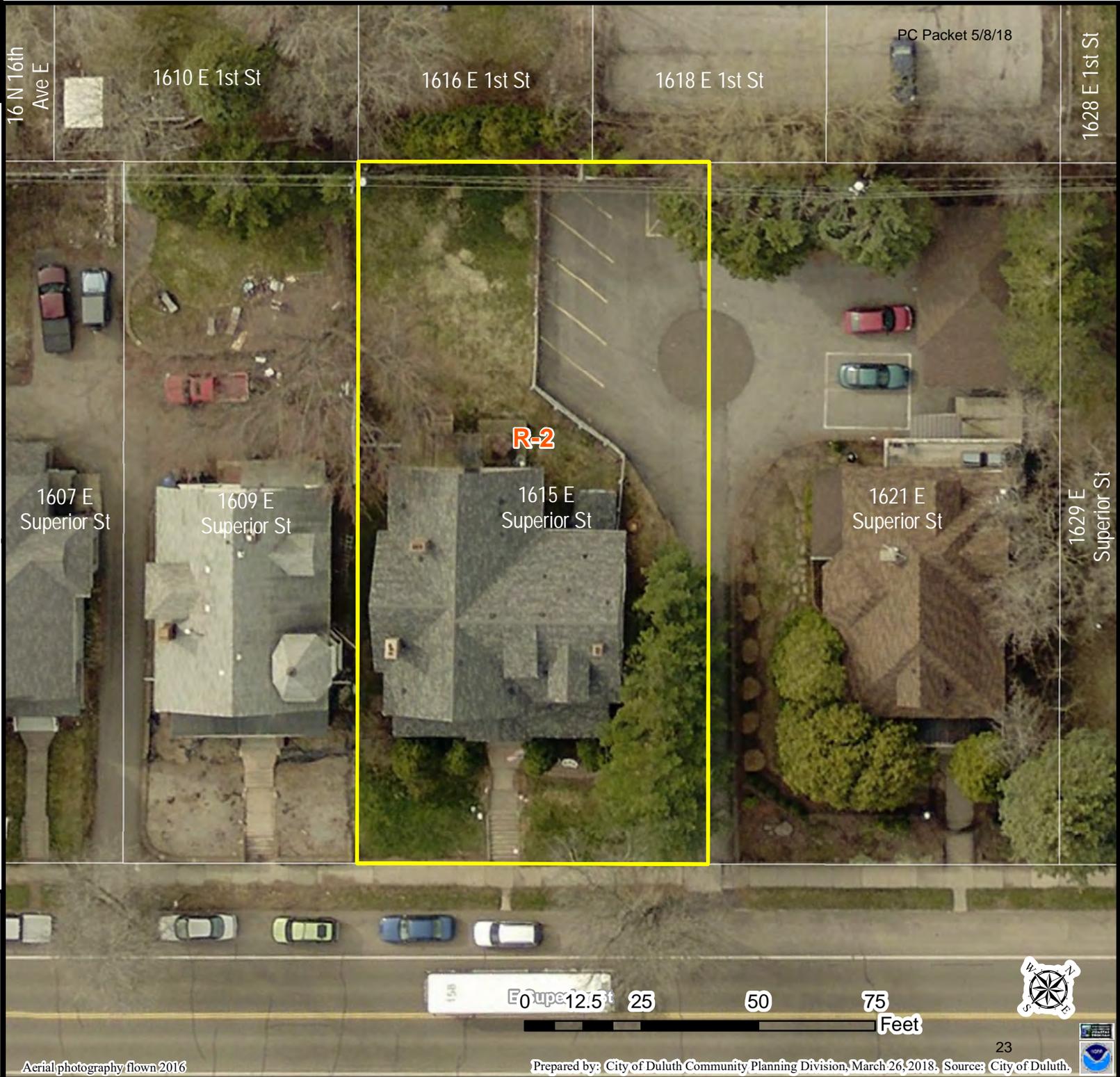
11. ACW Duluth, LLC will notify all property owners within 100' of the property boundary with our contact information once the Interim Use Permit is approved.
12. ACW Duluth, LLC will disclose, in writing, to their guests, the following rules and regulations:
- Managing agent name, address, phone number
 - Maximum number of guests allowed at the property
 - Maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked.
 - Property rules related to the use of exterior features of the property, such as decks, patios, grills, recreational fires, pools, hot tubs, saunas and other outdoor recreational facilities.
 - Applicable sections of the City of Duluth ordinances governing noise, parks, parking and pets.
13. ACW Duluth, LLC will post their permit number on all print, poster or web advertisements.
14. The Life Safety Division of the Duluth Fire Department has provided ACW Duluth, LLC with Operational Permit #FPOP2015-6813. See attached.
15. ACW Duluth, LLC has applied for and been granted state and local sales tax numbers, a Hotel/Motel License, Lodging License and Tourism Tax Permit. See attached.

Please feel free to contact me with any questions or comments regarding the above narrative.

Kind Regards,



Gina M. Bortnem
ACW Duluth, LLC
701-367-3677



Legend
 Zoning Boundaries

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16 N 16th
Ave E

1610 E 1st St

1616 E 1st St

1618 E 1st St

1628 E 1st St

1607 E
Superior St

1609 E
Superior St

1615 E
Superior St

1621 E
Superior St

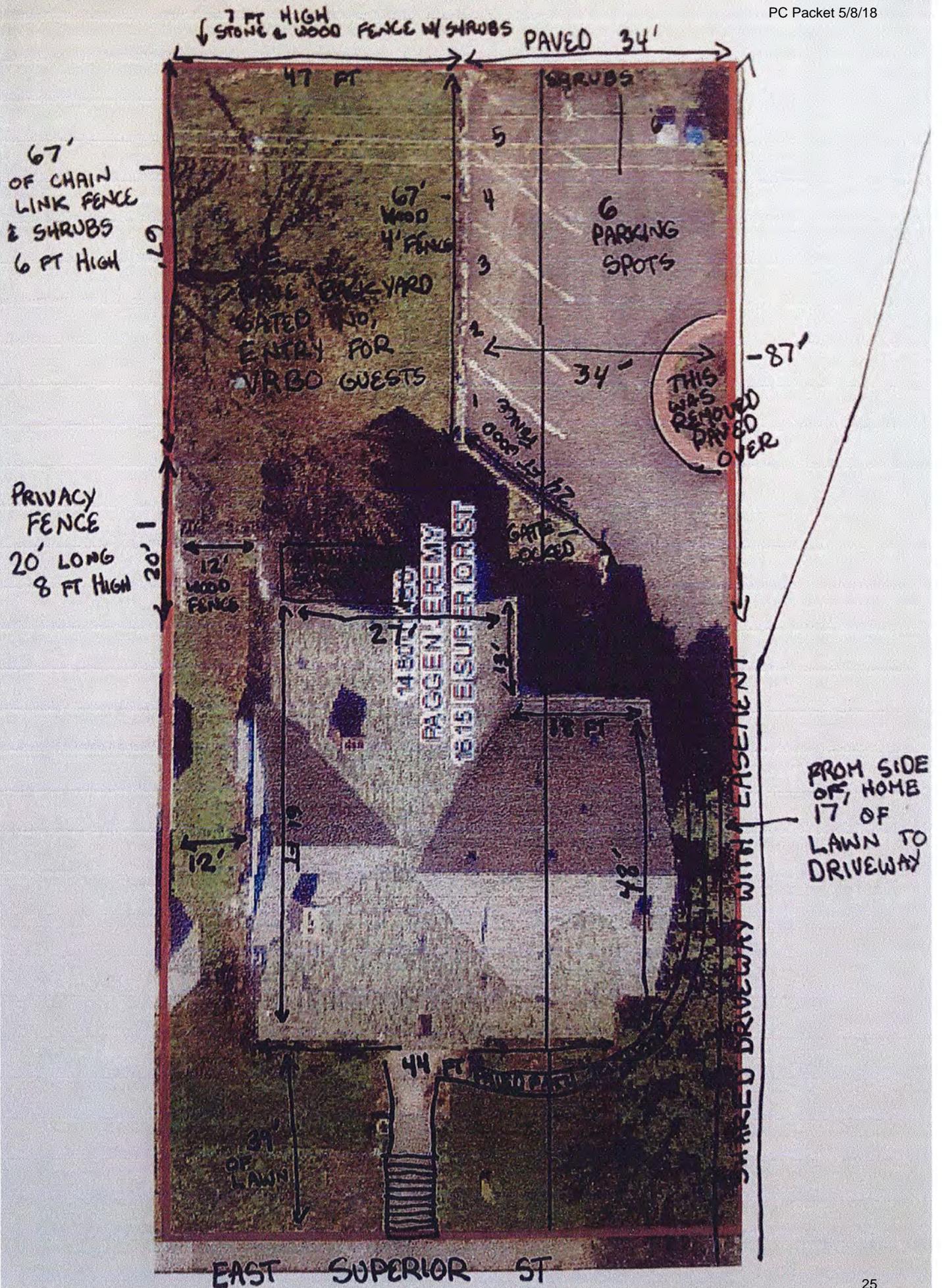
1629 E
Superior St

Legend
Future Land Use - Plus



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NOTICE





CITY OF DULUTH
Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL 18-033	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit, Vacation Rental - Renewal	Planning Commission Date	May 8, 2018	
Deadline for Action	Application Date	March 13, 2018	60 Days	May 12, 2018
	Date Extension Letter Mailed	March 19, 2018	120 Days	July 11, 2018
Location of Subject	416 88th Avenue West			
Applicant	Lawrence Telega	Contact	larrytelega@gmail.com	
Agent		Contact		
Legal Description	010-2550-05162			
Site Visit Date	April 23, 2018	Sign Notice Date	April 24, 2018	
Neighbor Letter Date	April 20, 2018	Number of Letters Sent	19	

The applicant would like to use his home as a vacation rental property. A vacation dwelling unit allows rentals for 3 to 29 days, with a minimum of 2 nights. This is a renewal of an interim use permit to allow an existing vacation rental to operate.

	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	I-G	Undeveloped	Recreation
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 an R-1 District.
UDC Sec. 50-37.10.B . . . Council shall make, a decision to adopt, adopt with modifications or deny the application based on the criteria in subsection C below. The . . . Council may impose appropriate conditions and safeguards, including but not limited to financial security pursuant to Section 50-37.1.P, a development agreement regarding the design, construction, and operation of the special use, to protect the Comprehensive Land Use Plan, to conserve and protect property and property values in the neighborhood and to ensure that all conditions of the special use permit will continue to met.
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 or to allow the city time to develop a regulation addressing the potential longer term impacts of the requested use in that location; 2. The applicant agrees to sign a development agreement with the city confirming that (a) approval of the permit will not result in increased costs to the city if the property is later acquired by the city through eminent domain; (b) the use will be terminated at the applicant's expense on the date(s) stated in the permit, (c) the termination of the interim use as stated in the permit will create no rights to a nonconforming use and no rights to compensation for termination of the use or for the value of any structures of improvements related to the use, and (d) the applicant agrees to all conditions imposed by the city. No interim use permit shall be issued until a development agreement confirming these points is executed.

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

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 and neighborhood extensions, and new traditional neighborhood areas.

The applicants currently have an existing interim use permit for a vacation rental on the property that was approved on August 11, 2015 (PL 15-103). These interim use permits expire after 6 years or if the property changes owners.

Note: Interim Use Permits are approved, approved with recommendations, or denied by the City Council by resolution after a public hearing is held by the Planning Commission. Interim Use Permits expire if the project or activity authorized by the permit is not begun within 1 year.

Review and Discussion Items

Staff finds that:

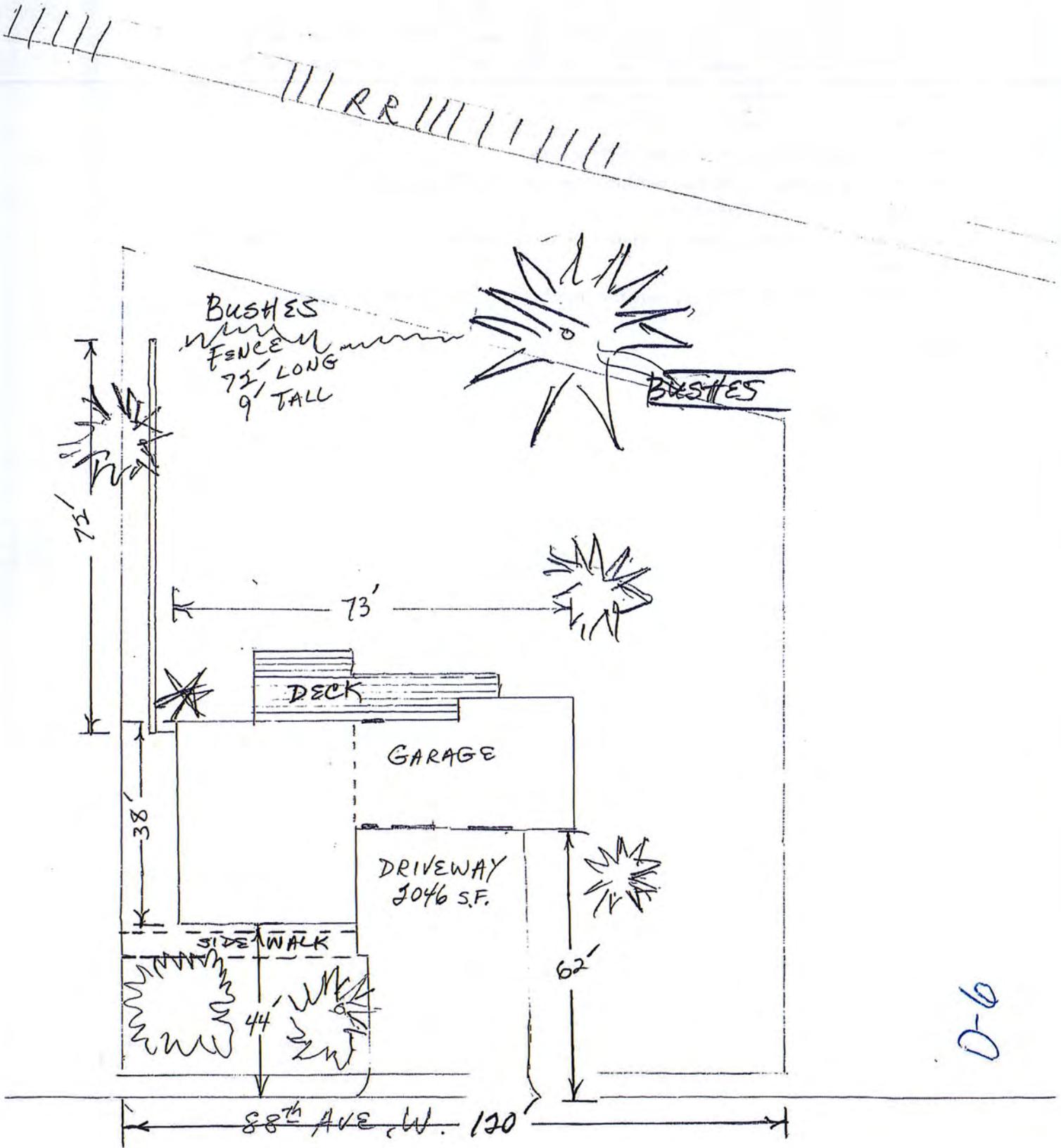
- 1) Applicant is applying for an Interim Use Permit. This application is a renewal for an existing interim use permit to operate a vacation rental. The minimum rental period shall not be less than 2 nights and no more than 29 nights
- 2) A time limit on this Interim Use is needed to verify that the Vacation Dwelling Unit can function without negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Typically Planning Staff recommends that the City Council resolution states that approval shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 3) The applicant owns a portion of an outlot in Ironton 4th Division of Duluth; the lot is total 120 feet wide by 120 feet long. According to St. Louis County records, the home was built in 1958 and has a gross area of 1,216 sq. ft. and has 3 bedrooms. There is also a 912 square foot garage, built in 1985.
- 4) The applicant will rent out all 3 bedrooms, allowing a maximum of 7 guests at any one time. The applicant will provide two off street parking spaces in his driveway.
- 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. Applicant will act as managing agent.
- 6) The applicant has not provided any plans showing additional buffering/screening. Based on the location, staff do not believe additional screening is required to reduce land use conflicts between uses.
- 7) Applicant has obtained all the necessary permits and licenses to operate a vacation rental.
- 8) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 9) No public, agency, or City comments were received.

Staff Recommendation

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

- 1) The applicant shall adhere to the terms and conditions listed in the interim use permit document and provide evidence of compliance, which will be included in the resolution to the City Council (guest record book including name, address, phone number and vehicle license plate; name, address, and phone number of local contact/managing agent to property owners within a 100 feet; rules of how the property can be used must be provided to guests including selected city ordinances on parking, parks, pets and noise; and acknowledge that interim use permit may be suspended in the event of multiple nuisance calls).
- 2) No burning of trash on the property.
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

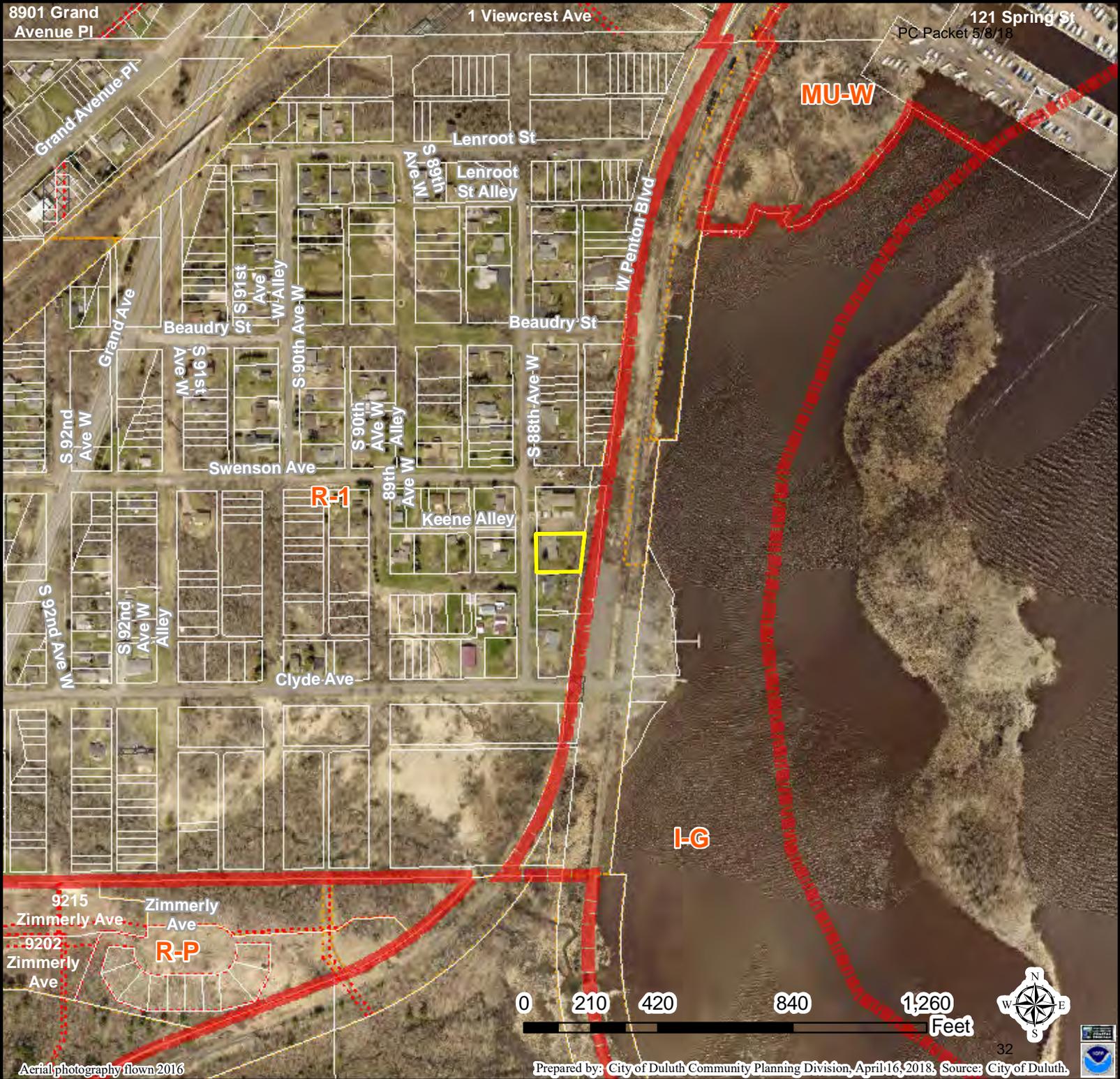
SITE PLAN AND LANDSCAPE PLAN



D-6



PL18-033: IUP
416 88th Ave W



Legend

- Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement
- Zoning Boundaries

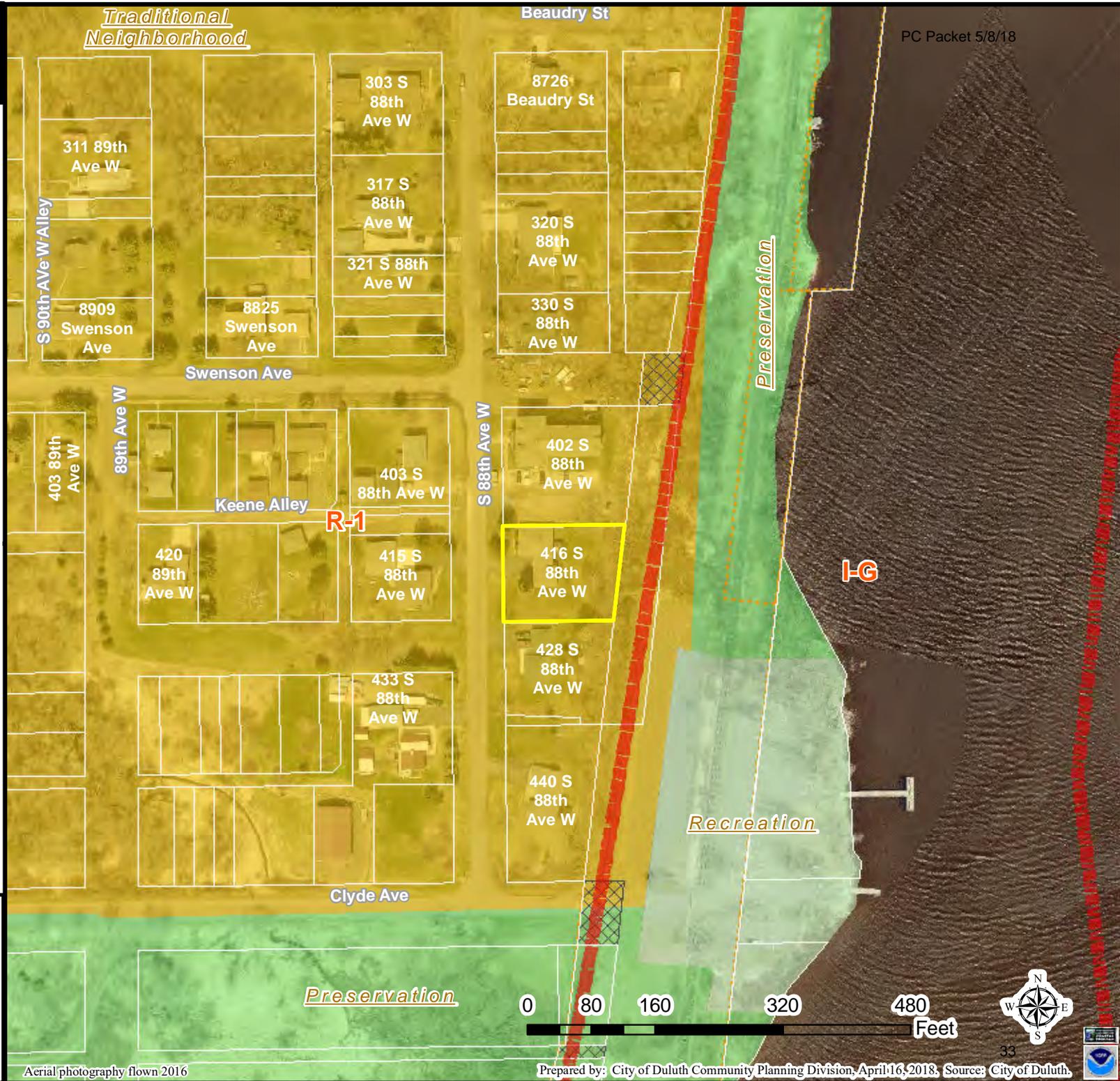
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Aerial photography flown 2016

Prepared by: City of Duluth Community Planning Division, April 16, 2018; Source: City of Duluth.



PL18-033: IUP
416 88th Ave W



Legend

- Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement
- Zoning Boundaries

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Aerial photography flown 2016





CITY OF DULUTH
Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL 18-040	Contact	Kyle Deming, kdeming@duluthmn.gov	
Type	Final Plat	Planning Commission Date	May 8, 2018	
Deadline for Action	Application Date	April 4, 2018	60 Days	June 3, 2018
	Date Extension Letter Mailed	April 24, 2018	120 Days	August 4, 2018
Location of Subject	Waseca Industrial Road and 59 th Avenue West			
Applicant	Hallett Dock Co.	Contact	Steve Sykes, Mike McCoshen	
Agent	Jennifer Carey, Hanft Fride	Contact	Scott Stempihar, KrechOjard	
Legal Description	See Attached			
Site Visit Date	February 27, 2018	Sign Notice Date	N.A.	
Neighbor Letter Date	N.A.	Number of Letters Sent	N.A.	

Proposal

Requested is approval of the final plat (a re-platting) of 102.5 acres of industrial land on Grassy Point into 10 lots ranging from 0.6 acres to 55.6 acres and an outlot in a new plat called "Hallett Industrial Park."

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	I-G Industrial General	Industrial	General Mixed Use/Preservation
North	I-G	Industrial	General Mixed Use
South	None	Saint Louis River	None
East	I-G	Industrial	General Mixed Use/Preservation
West	I-G	Industrial/River	General Mixed Use/Preservation

Summary of Code Requirements

The planning commission shall approve the application, or approve it with modifications if it determines that the application meets the following criteria (Section 50-37.5.H.3):

- (a) Is consistent with all applicable requirements of MSA 462.358 and Chapter 505;
- (b) Is consistent with the terms and provisions of the preliminary plat approval for the property;
- (d) Demonstrates that all required improvements have been installed or that (a) the applicant has signed a development agreement committing to construct those improvements within 2 years after approval of the final plat and (b) adequate security for the construction of the required improvements has been posted with the City pursuant to Section 50-37.1.P.

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

Governing Principle Principal #1 - Reuse previously developed lands,
 Principle #2 - Declare the necessity and secure the future of undeveloped places,
 Principle #5 - Strengthen neighborhoods,
 Principle #7 - Create and maintain connectivity,
 Principle #8 - Encourage mix of activities, uses and densities,
 Principle #10 - Take sustainable actions,
 Principle #12 - Create efficiencies in delivery of public services

Future Land Use – General Mixed Use – The broadest mix of uses, including light industrial, office, commercial, and residential use, with performance standards to ensure compatibility. Includes areas that are in transition from industrial uses and large redevelopments that require master plans and phased development. General or heavy industrial can be included when a large site is master planned to allow appropriate separation of uses.

History:

1. This property has a history of industrial activity. In the most recent decade there has been redevelopment on the site, and industrial pollution in Stryker Bay (to the west of the proposed plat) and on the XIK site (to the east) have been cleaned up. These areas are to remain undeveloped.
2. March 13, 2018, Planning Commission approval of the Preliminary Plat (PL 18-020) for this property with the following conditions:
 - a. A utility easement be located on the vacated 58th Ave. W. right of way north of Waseca Industrial Rd. for an existing gas main,
 - b. Realign the utility easement over a sanitary sewer main that crosses Lot 4 and 5 from Fremont St. so that it is centered on the pipe,
 - c. Waseca Street be shown as "Waseca Industrial Road," and
 - d. If deemed necessary by the Examiner of Titles, existing easements in the replat area be vacated concurrent with recording of the plat.

Review and Discussion Items**Staff finds:**

- 1) Since approval of the Preliminary Plat the applicant has created a new Lot 3 from part of Lot 1, Block 1 and has renumbered the lots accordingly. The remaining portion of Lot 1 in this area is 50 feet wide as it connects to the end of 59th Ave. W. to allow for the possibility that a public road could be extended into Lot 1 if the landowner so desires. A 10-foot-wide drainage and utility easement was also added to the northerly part of Lot 2 to allow space for any public utilities that may need to traverse the area with the roadway. Additionally, the Lot 4/Lot 5 boundary line was shifted 17 feet east to line up with the other lots in the area and the "panhandle" of Lot 5 that connected to 59th Ave. W. was eliminated.
- 2) The plat dedicates land for Waseca Industrial Road in the same location as the road was previously dedicated by a separate easement. The existing easement document is referenced on the plat and its conditions will remain in effect, including a provision that allows the railroad to cross Waseca Industrial Road. The plat also dedicates the cul du sac at the end of 59th Ave. W. and references the easement document that previously provided rights for the cul du sac to be constructed. All of the lots in the proposed plat will have frontage on a public street.
- 3) Outlot A (0.5 acres) contains two railway lines owned by Hallett Dock Co. Hallett intends to retain ownership of this lot to provide rail service into Lot 1. Rail service will continue to cross Waseca Industrial Road along the existing roadway easement.
- 4) The plat includes several new utility easements needed for existing and future utilities. Existing utility easements from the underlying plat have been retained and are noted as such with a hatch pattern.
- 5) The platted area contains several existing buildings that will comply with required zoning setbacks. The site is 102.5 acres in size and is generally flat. The highest land is near the corner of Waseca Industrial Road and 59th Ave. W. The property steps down to the south and east to low points at the water front. The site is

predominately vacant industrial land. There are some trees on Lots 7, 8, and 9, but none are significant. There is a 0.7-acre wetland on the southwest corner of Lot 8.

- 6) The area within 300 feet of the river is a General Development Shoreland and all of the lots are large enough to permit development without impacting shoreland setbacks. There are General Flood Plain areas along the edge of Lot 2 that will be avoided during development due to the clean-up of industrial pollutants in Stryker Bay.
- 7) Staff find that the final plat conforms to the requirements of Sec 50-37.5.H. The final plat is consistent with all applicable requirements of MSA 462.358 and Chapter 505. The final plat incorporates all of the required conditions of approval of the preliminary plat by adding and adjusting easements and renaming Waseca Industrial Road.
- 8) The Saint Louis County Examiner of Titles determined it is not necessary to vacate underlying easements prior to replatting. Staff is in agreement with this since the underlying easements are coterminous with the new plat's easements.
- 9) Concerning the final plat requirement for public improvements to be made in the plat within 2 years and that a development agreement be approved directing those public improvements, staff finds that all necessary public improvements have already been made in the platted area and, therefore, this requirement has been met.
- 10) No citizen comments have been received on this project.

Staff Recommendation

Based on the above findings, staff recommends that Planning Commission approve the Final Plat with the conditions listed above, including:

1. The final plat be recorded in the office of the County Recorder as provided in MSA 505.4 and that such recording be completed within 2 years of the approval of the plat.
2. Official copies of the final plat be provided to the City of Duluth on media forms and in quantities as determined by the Land Use Supervisor within 30 days of recording.



PL 18-040 Final Plat

Legend

-  Subject Site
-  Parcels
-  Zoning Boundaries
-  Trout Stream (GPS)
-  Other Stream (GPS)



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Hallett Industrial Park – Preliminary Plat

Project Description

Hallett Dock Company owns 11 individual parcels that are adjacent to one another near 59th Avenue West and Waseca Street. The parcels of land are complex in nature as they have formed over time from a combination of lots, vacated streets and vacated alleys from the West Duluth 4th Addition Plat and from outlots from the Re-Arrangement of Auditors Plat of West Duluth Outlots. In order to better manage their property by creating lots that meet zoning codes and give them the ability to sell some of the lots, Hallett Dock Company is proposing to plat their adjacent parcels.

Utility Plan

There are no proposed utilities associated with this platting project. All public utilities currently existing within the 59th Avenue West right-of-way or along the Waseca Street Easement which will service the proposed platted lots.

Zoning

Zoning on the proposed plat is I-G (Industrial General). To the east, it is zoned I-W (Industrial Waterfront). See Zoning map provided in Application package.

Flood Plain

The platted property is adjacent to the St. Louis River. According to the FEMA flood insurance rate map (See attached to application package), the platted property is near ZONE A1, which has an elevation of 605 associated with the 100-yr flood. The proposed property is out of the 100-yr flood plain according to the FEMA maps and verified by the ground elevations within the plat. See contours on the preliminary plat drawing.

Commonly Owned Land

There are no commonly owned land areas with the proposed plat.

Schedule for Making Improvements

There are no proposed roadway or utility improvements associated with this platting project; therefore, there is no schedule for making these improvements. Individual lots will be developed if/when they are sold; however, at this time, it is unknown when those improvements will take place.

HALLETT INDUSTRIAL PARK

Located in the Southwest Quarter of the Northwest Quarter, Government Lot 6 and Government Lot 7, Section 18, Township 49 North, Range 14 West St. Louis County, Minnesota

KNOW ALL MEN BY THESE PRESENTS: That HALLETT DOCK COMPANY., a Minnesota corporation, fee owner of the following described property situated in the County of Saint Louis, State of Minnesota, to wit: (Certificate of title for existing abstract property is pending.)

HALLETT INDUSTRIAL PARK

PARCEL 1:

Lots 13 through 16, BLOCK 291, WEST DULUTH FOURTH DIVISION, according to the recorded plat thereof, on file and of record in the office of the County Recorder, St. Louis County, Minnesota, together with the west half of the vacated ALLEY between said BLOCK 291 and BLOCK 292, said plat, said vacated ALLEY being adjacent to said Lots 13 through 16.

And the north half of vacated SIXTH STREET SOUTH per said plat (also known as FREMONT STREET) lying easterly of the southerly extension the westerly line of said BLOCK 291 and westerly of the southerly extension of the centerline of said vacated ALLEY.

PARCEL 2:

BLOCK 292, WEST DULUTH FOURTH DIVISION, according to the recorded plat thereof, on file and of record in the office of the County Recorder in St. Louis County, Minnesota, together with the east half of the vacated ALLEY between BLOCK 291 and BLOCK 292 of said plat, and also together with vacated THIRD AVENUE WEST, per said plat (also known as 58th AVENUE WEST) (said 58th AVENUE WEST being the 33 foot wide public right of way adjacent to and easterly of BLOCKS 281, 292 and 293 said WEST DULUTH FOURTH DIVISION), said vacated 58th AVENUE WEST lying southerly of the easterly extension of the centerline of FIFTH STREET SOUTH, per said plat (also known as WASECA STREET) and northerly of the easterly extension of the centerline of SIXTH STREET SOUTH, per said plat (also known as FREMONT STREET) and also together with the south half of vacated FIFTH STREET SOUTH, per said plat (also known as WASECA STREET) lying adjacent to said BLOCK 292, adjacent to said vacated ALLEY, adjacent to said vacated 58th AVENUE WEST. Also together with vacated SIXTH STREET SOUTH, per said plat (also known as FREMONT STREET) lying adjacent to said BLOCK 292, adjacent to said vacated ALLEY and adjacent to said vacated 58th AVENUE WEST.

EXCEPT a parcel of land included within the following described lines: The south line of Lot 4, BLOCK 292 in said plat and said south line extended to the centerline of said ALLEY; the centerline of said FIFTH STREET SOUTH, per said plat (also known as WASECA STREET); a line parallel with and distant 70.50 feet easterly of said ALLEY; and the centerline of FOURTH AVENUE WEST, per said plat (also known as 59th AVENUE WEST).

PARCEL 3:

Lots 1 through 16, BLOCK 293, WEST DULUTH FOURTH DIVISION, according to the recorded plat thereof, on file and of record in the office of the County Recorder in St. Louis County, Minnesota, except the westerly 10 feet thereof, together with the south half of vacated SIXTH STREET SOUTH, per said plat (also known as FREMONT STREET) adjacent thereto and together with vacated THIRD AVENUE WEST, per said plat (also known as 58th AVENUE WEST) adjacent thereto and that part of said vacated 58th AVENUE WEST lying southerly of the centerline of said SIXTH STREET SOUTH, per said plat (also known as FREMONT STREET).

PARCEL 4:

The south half of vacated SIXTH STREET SOUTH, per said plat (also known as FREMONT STREET) lying easterly of the northerly extension of a line 10.00 feet easterly of and parallel with the west line of said BLOCK 293.

All land, land covered with water and all riparian interests and estate incident or appurtenant to the land described as follows:

All those parts of the Southwest Quarter of the Northwest Quarter and Government Lots 6 and 7 in Section 18, Township 49, Range 14, St. Louis County, Minnesota and of OUTLOT "S" and OUTLOT "T", RE-ARRANGEMENT OF AUDITOR'S PLAT OF WEST DULUTH OUTLOTS, according to the recorded plat thereof, on file and of record in the office of the County Recorder, St. Louis County, Minnesota, per Book "H" of Plats, Page 20 described as follows: Beginning at a point on the center line of CENTRAL AVENUE, WEST DULUTH FIRST DIVISION according to the recorded plat thereof, on file and of record in the office of the County Recorder, St. Louis County, Minnesota, extended southerly, 75 feet south of the center line of the main track of the Duluth Short Line Railway, as now located and constructed, the same now being a part of the railway system of the BNSF Railway, thence easterly parallel with and distant 75 feet southerly from said center line of the main track 500 feet; thence southerly parallel with and distant 500 feet easterly from said center line of CENTRAL AVENUE to the boundary line between the States of Minnesota and Wisconsin, as now established; thence running westerly along said boundary line to a point on the center line of FOURTH AVENUE WEST, WEST DULUTH FOURTH DIVISION, according to the recorded plat thereof, on file and of record in the office of the County Recorder, St. Louis County, Minnesota, extended southerly, thence running northerly on said extension to the intersection with the westerly extension of the southerly line of BLOCK 294, said WEST DULUTH FOURTH DIVISION; thence easterly along said westerly extension and along the southerly line of said BLOCK 294 and BLOCK 293, said WEST DULUTH FOURTH DIVISION and along the easterly extension of the southerly line of said BLOCK 293 to the easterly boundary of WEST DULUTH FOURTH DIVISION, also referred to as the southerly extension of the centerline of the 58th AVENUE WEST, said 58th AVENUE WEST being designated as THIRD AVENUE WEST in the plat of WEST DULUTH SECOND DIVISION, according to the recorded plat thereof, on file and of record in the office of the County Recorder, St. Louis County, Minnesota; thence running northerly along said southerly extension of 58th AVENUE WEST to the intersection with a line parallel with and distant 37.5 feet southerly from said center line of the main track of said Duluth Short Line Railway, thence easterly along said parallel line to said center line of CENTRAL AVENUE extended southerly thence southerly along said center line of CENTRAL AVENUE extended southerly 37.50 feet to the point of beginning.

EXCEPT the following parcels:

Beginning at the Northwest corner of Lot 8, Block 282, WEST DULUTH, FOURTH DIVISION, according to the recorded plat thereof, on file and of record in the office of the County Recorder, St. Louis County, Minnesota; thence easterly along the extended north line of said Lot 8, Block 282, and Lot 8, Block 281, said WEST DULUTH FOURTH DIVISION 299.00 feet to a point which is the center line of vacated 58th Avenue West; thence deflect approximately 90 degrees to the left in a Northerly direction along said center line of vacated 58th Avenue West 25 feet to a point which is the extended Northerly line of said Outlot "T"; thence deflect approximately 90 degrees 9 minutes to the right in an Easterly direction and along the North line of said Outlot "T" and its extension thereof 1017 feet to the projected center line of 55th Avenue West (also known as Central Avenue); thence Southerly along the projected center line of 55th Avenue West 220 feet to a point; thence Westerly along a line parallel with and distant Southerly 220 feet from the Northerly line of said Outlot "T" 880 feet to a point 8.50 feet Northerly of the center line of the Northerly of the railroad tracks laid out and existing on said Outlot "T" on October 20, 1977; thence deflect 10 degrees 55 minutes to the right in a Northerly direction 44.25 feet, and along said line being 8.50 feet distant Northerly of said railroad track center line to the Westerly line of Block 282, WEST DULUTH, FOURTH DIVISION; thence Northerly along said westerly line of said Block 282 to point of beginning.

Beginning at an intersection of a line that is parallel with and 500.00 feet East of the Southerly extension of Central Avenue centerline (formerly known as 55th Avenue West) and the State Boundary between Minnesota and Wisconsin; thence North 0 degrees 00 minutes 32 seconds West 2494.04 feet along said parallel line; thence North 90 degrees 00 minutes 00 seconds West 389.15 feet; thence North 0 degrees 00 minutes 00 seconds East 80.00 feet; thence North 45 degrees 00 minutes 00 seconds West 80.00 feet; thence North 71 degrees 49 minutes 49 seconds West 57.13 feet; thence North 90 degrees 00 minutes 00 seconds West 145.62 feet; thence South 0 degrees 01 minutes 57 seconds East 2071.57 feet; thence North 90 degrees 00 minutes 00 seconds West 40.00 feet; thence South 16 degrees 42 minutes 26 seconds West 280.00 feet to the intersection with the State Boundary of Minnesota and Wisconsin; thence North 77 degrees 11 minutes 18 seconds East 83.30 feet along said State Boundary; thence South 64 degrees 27 minutes 18 seconds East 758.27 feet along said State Boundary to the point of beginning.

Beginning at the intersection of the Southerly extension of 59th Avenue West center line and the North United States Government Harbor Line; thence North 83 degrees 37 minutes 38 seconds East 0.86 feet to the intersection of the State Boundary between Minnesota and Wisconsin; thence North 56 degrees 26 minutes 36 seconds East 317.04 feet along said State Boundary; thence North 60 degrees 42 minutes 05 seconds West 303.87 feet to the intersection of the Southerly extension of 59th Avenue West center line; thence South 0 degrees 00 minutes 26 seconds West along said center line extension 324.05 feet to the point of beginning.

TORRENS LEGALS:

CERTIFICATE NO. 338192

All that tract or parcel of land and land covered by water, including all riparian rights, lying within the following-described boundary lines, to-wit:

That part of Outlot S in the Rearrangement of Auditor's Plat of West Duluth Outlots, according to the recorded plat thereof, on file and of record in the office of the Register of Deeds in and for said County of St. Louis and State of Minnesota, described as follows, to-wit:

Beginning on a line which is drawn 75 feet south of and parallel with the center line of the main track of Northern Pacific Railway Company, extending from Duluth to Superior across St. Louis Bay, said point of beginning being 1090.5 feet in a right angle distance east of the center line of Central Avenue, now known as 55th Avenue West, produced South; thence South on a line parallel with said produced center line of said Central Avenue and 1090.5 feet east therefrom 300.0 feet to a point; thence westerly and parallel with said line which is drawn 75 feet south of and parallel with said center line of said main track of said Railway Company 590.5 feet to a point on a line parallel with said produced center line of said Central Avenue and 500.0 feet in a right angle distance east therefrom; thence north on a line parallel with said produced center line of Central Avenue 500.0 feet east therefrom the distance of 300.0 feet, more or less to the point of intersection with the above-mentioned line which is drawn 75 feet south of and parallel with the center line of the main track of said Northern Pacific Railway Company, thence east along the last mentioned line parallel with and 75 feet south of the center line of said main track to the point of beginning.

EXCEPT all that tract or parcel of land and land covered by water, including all riparian rights, that is part of Outlot S in the Rearrangement of Auditor's Plat of West Duluth Outlots, according to the recorded plat thereof, on file and of record in the office of the Register of Deeds in and for said County of St. Louis and State of Minnesota, lying within the following described boundary lines, to-wit:

Commencing at the Northwest corner of said Outlot S; thence South 89 degrees 51 minutes 32 seconds East, assumed bearing, along the North line of said Outlot S, a distance of 662.75 feet to the Point of Beginning; thence continuing South 89 degrees 51 minutes 32 seconds East a distance of 588.77 feet to the centerline of the Waseca Street easement, Book 577, Page 289, Registrar of Deeds; thence South 90 degrees 00 minutes 00 seconds East a distance of 431.39 feet; thence North 00 degrees 00 minutes 00 seconds West a distance of 420.00 feet to the center line of Waseca Street; thence easterly, northeasterly and northerly along the center line of Waseca Street on a tangent arc, arc length 502.65 feet, radius 320.00 feet, chord bearing North 45 degrees 00 minutes 00 seconds East, concave to the northwest; thence North 00 degrees 00 minutes 00 seconds West a distance of 68.70 feet to the point of intersection with the above-mentioned line which is drawn 75 feet south of and parallel with the centerline of the main track of said Northern Pacific Railway Company; thence east along the last mentioned line parallel with and 75 feet south of the center line of said main track to the point of beginning.

AND

All that tract or parcel of land and land covered by water, including all riparian rights, lying within the following-described boundary lines, to-wit: That part of Outlot S in the Rearrangement of Auditor's Plat of West Duluth Outlots, according to the recorded plat thereof, on file and of record in the office of the Register of Deeds in and for said County of St. Louis and State of Minnesota, described as follows, to-wit: Beginning on a line which is drawn 75 feet south of and parallel with the center line of the main track of Northern Pacific Railway Company, extending from Duluth to Superior across St. Louis Bay, said point of beginning being 1090.5 feet in a right angle distance east of the center line of Central Avenue, now known as 55th Avenue West-produced South; thence south on a line parallel with said produced center line of said Central Avenue and 1090.5 feet east therefrom to the United States Government Dock Line; thence westerly along said United States Government Dock Line to its intersection with the State Boundary line as located and established between Minnesota and Wisconsin, thence northwesterly along said State Boundary line the distance of 32.69 feet, more or less, to its intersection with a line parallel with said produced center line of said Central Avenue and 500.0 feet in a right angle distance East of the center line of Central Avenue; thence north on a line parallel with said produced center line of Central Avenue 500.0 feet east therefrom the distance of 3302.89 feet, more or less, to the point of intersection with the above-mentioned line which is drawn 75 feet south of and parallel with the center line of the main track of said Northern Pacific Railway Company; thence East along the last-mentioned line parallel with and 75 feet south of the center line of said main tract to the point of beginning, EXCEPT from the above-described property the northerly 300 feet thereof.

EXCEPT: All that tract or parcel of land and land covered by water, including all riparian rights, lying within the following described boundary lines, to-wit:

That part of Outlot S in the Rearrangement of Auditor's Plat of West Duluth Outlots, according to the recorded plat thereof, on file and of record in the office of the Register of Deeds in and for said County of St. Louis and State of Minnesota, described as follows, to-wit: Beginning on a line which is drawn 75 feet south of and parallel with the center line of the main track of Northern Pacific Railway Company, extending from Duluth to Superior across the St. Louis Bay, said point of beginning being at the intersection with the center line of 50th Avenue West, produced South; thence south on said produced line of 50th Avenue West, for a distance of 3187.12 feet, more or less, to the United States Government Dock Line; thence southwesterly along the United States Government Dock Line to its intersection with the State Boundary line as located and established between Minnesota and Wisconsin; thence northwesterly along said State Boundary line a distance of 32.69 feet, more or less, to its intersection with a line parallel with the produced center line of Central Avenue, now known as 55th Avenue West, and 500 feet in a right angle distance east therefrom; thence north on a line parallel with said produced center line of Central Avenue 500 feet east therefrom a distance of 2494.04 feet; thence South 90 degrees 00 minutes 00 seconds East a distance of 431.39 feet; thence North 00 degrees 00 minutes 00 seconds West a distance of 420.00 feet to the center line of Waseca Street; thence easterly, northeasterly and northerly along the center line of Waseca Street on a tangent arc, arc length 502.65 feet, radius 320.00 feet, chord bearing North 45 degrees 00 minutes 00 seconds East, concave to the northwest; thence North 00 degrees 00 minutes 00 seconds West a distance of 68.70 feet to the point of intersection with the above-mentioned line which is drawn 75 feet south of and parallel with the centerline of the main track of said Northern Pacific Railway Company; thence east along the last mentioned line parallel with and 75 feet south of the center line of said main track to the point of beginning.

AND EXCEPT: All that tract or parcel of land and land covered by water, including all riparian rights, that is part of Outlot S in the Rearrangement of Auditor's Plat of West Duluth Outlots, according to the recorded plat thereof, on file and of record in the office of the Register of Deeds in and for said County of St. Louis and State of Minnesota, lying within the following described boundary lines, to-wit:

Commencing at the Northwest corner of said Outlot S; thence South 89 degrees 51 minutes 32 seconds East, assumed bearing, along the North line of said Outlot S, a distance of 662.75 feet to the Point of Beginning; thence continuing South 89 degrees 51 minutes 32 seconds East a distance of 588.77 feet to the centerline of the Waseca Street easement, Book 577, Page 289, Registrar of Deeds; thence South 90 degrees 00 minutes 00 seconds East a distance of 431.39 feet; thence North 00 degrees 00 minutes 00 seconds West a distance of 420.00 feet to the center line of Waseca Street; thence easterly, northeasterly and northerly along the center line of Waseca Street on a tangent arc, arc length 502.65 feet, radius 320.00 feet, chord bearing North 45 degrees 00 minutes 00 seconds East, concave to the northwest; thence North 00 degrees 00 minutes 00 seconds West a distance of 68.70 feet to the point of intersection with the above-mentioned line which is drawn 75 feet south of and parallel with the centerline of the main track of said Northern Pacific Railway Company; thence east along the last mentioned line parallel with and 75 feet south of the center line of said main track to the point of beginning.

The expression - center line of the main track - which as used in the descriptions above, refers to the center line of said Northern Pacific Railway Company, extending from Duluth to Superior across St. Louis Bay, as said center line of the main track is located and established on the 15th day of June, 1938, being the date of the entry of the Order and Decree of Registration affecting said descriptions, said center line of the main track being identical with the center line of the main track of Duluth Short Line Railway Company which is shown on the aforesaid recorded Rearrangement of Auditor's Plat of West Duluth Outlots as being seventy-five feet north of the north line of the aforesaid Outlot S.

CERTIFICATE NO. 338193

Those lands included within the following described boundary lines: The South line of Lot 4 in Block 292 and such line extended; the center line of the alley between Blocks 292 and 291 and such line extended; the center line of Waseca Street, formerly Fifth Street; a line parallel to said center line of said alley and such center line extended and distance 70 1/2 feet therefrom; all in WEST DULUTH, FOURTH DIVISION, EXCEPT that part included within the following described boundary lines: The South line of Lot 4 in Block 292 and such line extended; the center line of the alley between Blocks 292 and 291 and such line extended; the South line of the Waseca Street easement registered as Document No. 571146 in the Office of St. Louis County Register of Titles; a line parallel to said center line of said alley and such center line extended and distant 9.42 feet therefrom; all in WEST DULUTH, FOURTH DIVISION.

Those lands included within the following described boundary lines: Beginning at the point of intersection of the center line of Fifty-ninth Avenue West between Blocks 294 and 295 with the extended North line of Lot 11 in said Block 294; thence running East on said extended north line of said Lot 11 to its point of intersection with the center line of the alley between Blocks 294 and 293; thence running South on said center line of said alley to its point of intersection with the extended South line of Lot 14 in said Block 294; thence running West on said extended South line of said Lot 14 to its point of intersection with said center line of said Fifty-ninth Avenue West, thence running North along said center line of said Fifty-ninth Avenue West, to the point of beginning all in WEST DULUTH, FOURTH DIVISION, EXCEPT those parts of Lots 11, 12, 13 and 14, Block 294, and those portions of the adjoining vacated rights of way, WEST DULUTH, FOURTH DIVISION included within the following described boundary lines:

Beginning at the Northwest corner of said Block 294; thence West 9.00 feet, assuming the West line of said Block 294 has a bearing of North 00 degrees 00 minutes 00 seconds East; thence South 236.71 feet, parallel with and 9.00 feet West of said West line of Block 294; thence Southeasterly along a tangential curve, concave to the East, arc length 168.10 feet, curve central angle 24 degrees 11 minutes 59 seconds, to a point on the South line of said Block 294; thence South 50.02 feet along said south line of said Block 294 to a point which is the extended Northerly line of said Block 293, with a point that is 10.00 feet East of the West line of Block 293; thence North 399.86 feet parallel with and 10.00 feet East of the West line of Block 293, to the North line of Block 293; thence West 151.00 feet along said North line of Block 293 and its Westerly extension and the North line of said Block 294 to the point of beginning.

Lots 8, 9, 10, 11, 12, 13, 14, 15 and 16, in Block 281, WEST DULUTH, FOURTH DIVISION, including those portions of Fifty-eighth Avenue West and Waseca Street, formerly Fifth Street, now vacated, included within the following boundaries, to-wit:

Beginning at the southeast corner of Lot 16 aforesaid, thence running north along the east line of said Block 281 to the northeast corner of Lot 8 in said Block; thence running east along the extended north line of said Lot 8 a distance of 33 feet to a point; thence running south parallel with the east line of said Block 281 to the center line of intersection with the center line of Waseca Street; thence West along the center line of Waseca Street to a point of intersection with the center line of the alley between said Block 281 and Block 282; thence north along the center line of said alley to the south line of said Lot 16; thence east along the south line of said Lot 16 to the place of beginning.

Lots 15 and 16 in Block 282, WEST DULUTH, FOURTH DIVISION, together with the easterly half of vacated alley appurtenant thereto.

Lots 15 and 16 in Block 282, WEST DULUTH, FOURTH DIVISION, including that portion of Waseca Street, formerly Fifth Street, now vacated, lying within the following boundaries, to-wit:

Beginning at the southwest corner of Lot 16, aforesaid, thence running east along the south line of said Lot 16 to the center line of the alley between Blocks 282 and 281, thence running south along the center line of said alley to the center line of said Waseca Street; thence running west along the center line of said Waseca Street to the east line of Fifty-ninth Avenue West; thence running north to the place of beginning.

EXCEPT all that part of Blocks 281 and 282, a portion of the vacated alley between Blocks 281 and 282; and the westerly half of vacated 58th Avenue West appurtenant to Block 281, all in WEST DULUTH, FOURTH DIVISION, included in the following described property:

Beginning at the Northwest corner of Lot 8, Block 282, thence Easterly along the extended North line of Lot 8, Block 282, and Lot 8, Block 281, a distance of 299.00 feet, more or less, to a point which is the center line of vacated 58th Avenue West; thence deflect approximately 90 degrees to the left in a Northerly direction along said center line of vacated 58th Avenue West 25 feet, more or less, to a point which is the extended Northerly line of Outlot T, Rearrangement of Auditor's Plat of West Duluth Outlots; thence deflect approximately 90 degrees 9 minutes to the right in an Easterly direction and along the North line of said Outlot T, and extension thereof, a distance of 1,017 feet, more or less, to the projected center line of 55th Avenue West, also known as Central Avenue; thence Southerly along the projected center line of 55th Avenue West a distance of 220 feet to a point; thence Westerly along a line parallel with and distant Southerly 220 feet from the Northerly line of said Outlot T a distance of 880.00 feet, more or less, to a point 8.50 feet Northerly of the center line of the Northerly of the railroad tracks laid out and existing on said Outlot T on October 20, 1977; thence deflect 10 degrees 55 minutes 00 seconds to the right in a Northerly direction a distance of 44.25 feet, more or less, to the Westerly line of Block 282, WEST DULUTH, FOURTH DIVISION; thence Northerly along said Westerly line of said Block 282 to point of beginning.

Lot 10 in Block 292, WEST DULUTH, FOURTH DIVISION; EXCEPT the North 12 feet of the West 9.42 feet thereof; together with the westerly half of vacated Fifty-eighth Avenue West and the easterly half of vacated alley appurtenant thereto.

Lot 10, EXCEPT the North 12 feet thereof; Lots 11 and 12, all in Block 291, WEST DULUTH, FOURTH DIVISION, together with the westerly half of vacated alley appurtenant thereto.

ALSO

All land, land covered with water and all riparian interest and estate incident or appurtenant to the land described as follows: All that part and parcel of Government Lot 7 in Section 18, Township 49 North of Range 14 West, bounded and described as follows: Beginning at the intersection of the center line of 59th Avenue West, being designated upon the plat of West Duluth, Section 18, Township 49 North of Range 14 West, in the City of Duluth produced south with the northerly shore of the river or bay St. Louis; thence north along said produced center line to a point directly east of the southeast corner of Block 295 as designated upon the plat of West Duluth, Fourth Division, as said plot appears of record in the office of the Register of Deeds of said County; thence west and along the southerly boundary of Blocks 295, 296 and 297 and the southerly line of said Block 297 produced west, all in said West Duluth, Fourth Division, for a distance of 523 feet more or less, to the westerly boundary of the alley 16 feet wide, which extends along the westerly side of said Block 297; thence north and along the said westerly boundary line of said alley and said line produced, 433 feet; thence west for a distance of 133 feet more or less, to the westerly boundary of said Government Lot 7; thence south and along the said westerly boundary of said Government Lot 7 to the shore of the river or bay St. Louis; thence in a southeasterly, easterly and northeasterly direction along the northerly shore of said river or bay St. Louis to the place of beginning; so far as said land, land covered with water or said riparian interest and estate shall lie or be enjoyable, south or southerly of a line described as follows:

Beginning at a point on the center line of said Fifty-ninth Avenue West, produced, which is 388.90 feet south of the southerly line of said Block 295, West Duluth, Fourth Division produced east; thence due west at right angles to said center line of Fifty-ninth Avenue West, produced, a distance of 632.03 feet, more or less, to the westerly boundary of said Government Lot 7.

EXCEPT: All land, land covered with water and all riparian interest and estate incident or appurtenant to the land described as follows:

All that part and parcel of Government Lot 7 in Section 18, Township 49 North of Range 14 West, described as follows:

Beginning at the intersection of the west line of said Government Lot 7 and the north United States Government Harbor Line; thence North 83 degrees 37 minutes 38 seconds East 596.28 feet along said Harbor Line to the intersection of the southerly extension of 59th Avenue West center line and Wisconsin; thence North 0 degrees 00 minutes 26 seconds East 324.05 feet along said center line extended; thence North 60 degrees 42 minutes 05 seconds West 170.19 feet; thence North 47 degrees 45 minutes 15 seconds West 398.01 feet; thence North 51 degrees 35 minutes 13 seconds East 347.56 feet; thence North 8 degrees 59 minutes 16 seconds East 691.61 feet; thence North 8 degrees 56 minutes 59 seconds West 375.74 feet; thence North 67 degrees 36 minutes 15 seconds West 146.77 feet to a point which is 388.90 feet south of the extended southerly line of Block 295, West Duluth, Fourth Division; thence North 89 degrees 59 minutes 34 seconds West 375.03 feet, more or less, along a line parallel to and 388.90 feet south of the extended southerly line of Block 295, West Duluth, Fourth Division, to the west line of said Government Lot 7; thence South 1 degree 05 minutes 08 seconds East, along the west line of said Government Lot 7, a distance of 2067.66 feet, more or less, to the point of beginning.

Has caused the same to be surveyed and platted as HALLETT INDUSTRIAL PARK and does hereby donate and dedicate to the public for public use 59th AVENUE WEST and the utility easements as created by this plat and does hereby re-dedicate WASECA INDUSTRIAL ROAD as created by and pursuant to the terms of document dated June 15, 1993, and recorded September 23, 1993, as Document No. 571146, and re-recorded October 4, 2004, as Document No. 785031, in the office of the Registrar of Titles of St. Louis County, Minnesota

In witness whereof said HALLETT DOCK COMPANY has caused these presents to be signed this _____ day of _____, 2018 by its proper officer.

Jeremy M. Fryberger, President

STATE OF MINNESOTA) COUNTY OF KOCHICHING) The foregoing instrument was acknowledged before me this _____ day of _____, 2018 by Jeremy M. Fryberger, President of HALLETT DOCK COMPANY., a Minnesota corporation, on behalf of the corporation.

Notary Public, Kochiching County, Minnesota My Commission Expires _____.

SURVEYOR CERTIFICATE AND ACKNOWLEDGEMENT I David Serrano, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wetland, as defined in Minnesota Statutes, Section 505.01, Subd. 3 as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ Day of _____, 2018.

David Serrano, Licensed Land Surveyor Minnesota License No. 42380

STATE OF MINNESOTA COUNTY OF ST. LOUIS

This instrument was acknowledged before me on _____ by David Serrano.

Notary Public, _____ My commission expires _____.

CITY OF DULUTH PLANNING COMMISSION

Be it known that a meeting held this _____ day of _____, 2018, the Planning Commission of the City of Duluth, Minnesota, did hereby review and approve this plat of HALLET INDUSTRIAL PARK.

Planning Commission, City of Duluth, Minnesota

By _____, Chairman By _____, Secretary

ST. LOUIS COUNTY SURVEYOR

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this _____ day of _____, 2018

Nick Stewart County Surveyor Deputy

ST. LOUIS COUNTY AUDITOR

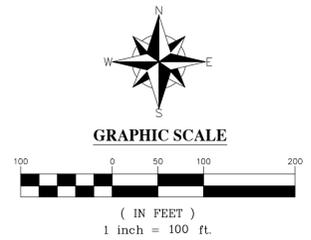
Pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes on the land hereinbefore described on this plat and transfer entered this _____ day of _____, 2018

Donald Dickich County Auditor Deputy

ST. LOUIS COUNTY REGISTRAR OF TITLES

I hereby certify that this plat of HALLET INDUSTRIAL PARK was filed in the office of the Registrar of Titles for public record on this _____ day of _____, 2018, at _____ o'clock _____ M., and was duly filed in Book _____ of Plats, Page _____, as

Mark Monacelli Registrar of Titles Deputy



LEGEND

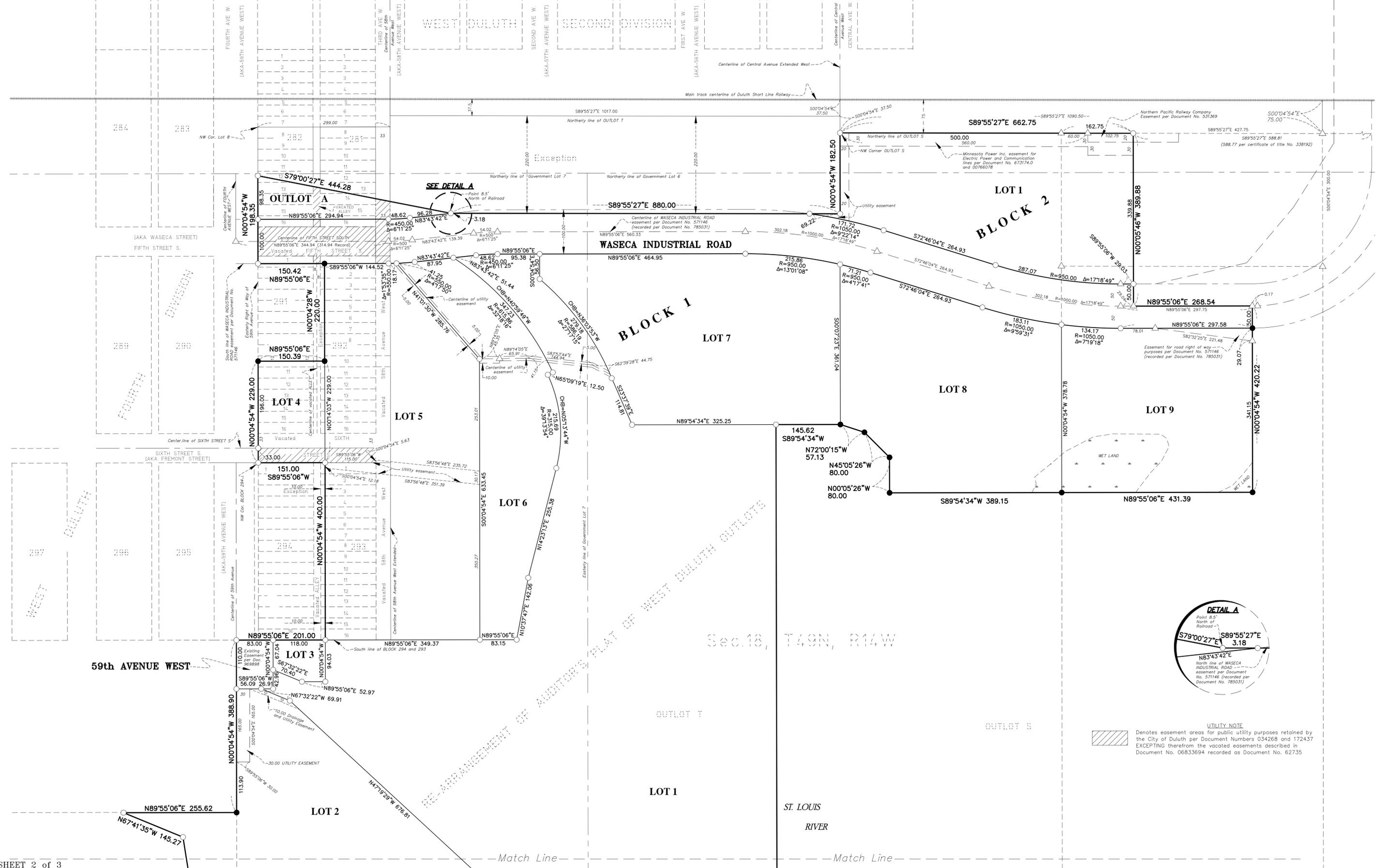
- Denotes Found Survey Monument
○ Denotes 1/2" Diameter Iron Pipe Set and Marked with 42380 Cap
△ Denotes Computed Position



BEARINGS BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM (SLCTM96) NAD83 (1996 ADJ)

HALLETT INDUSTRIAL PARK

Located in the Southwest Quarter of the Northwest Quarter, Government Lot 6 and Government Lot 7, Section 18, Township 49 North, Range 14 West St. Louis County, Minnesota



UTILITY NOTE

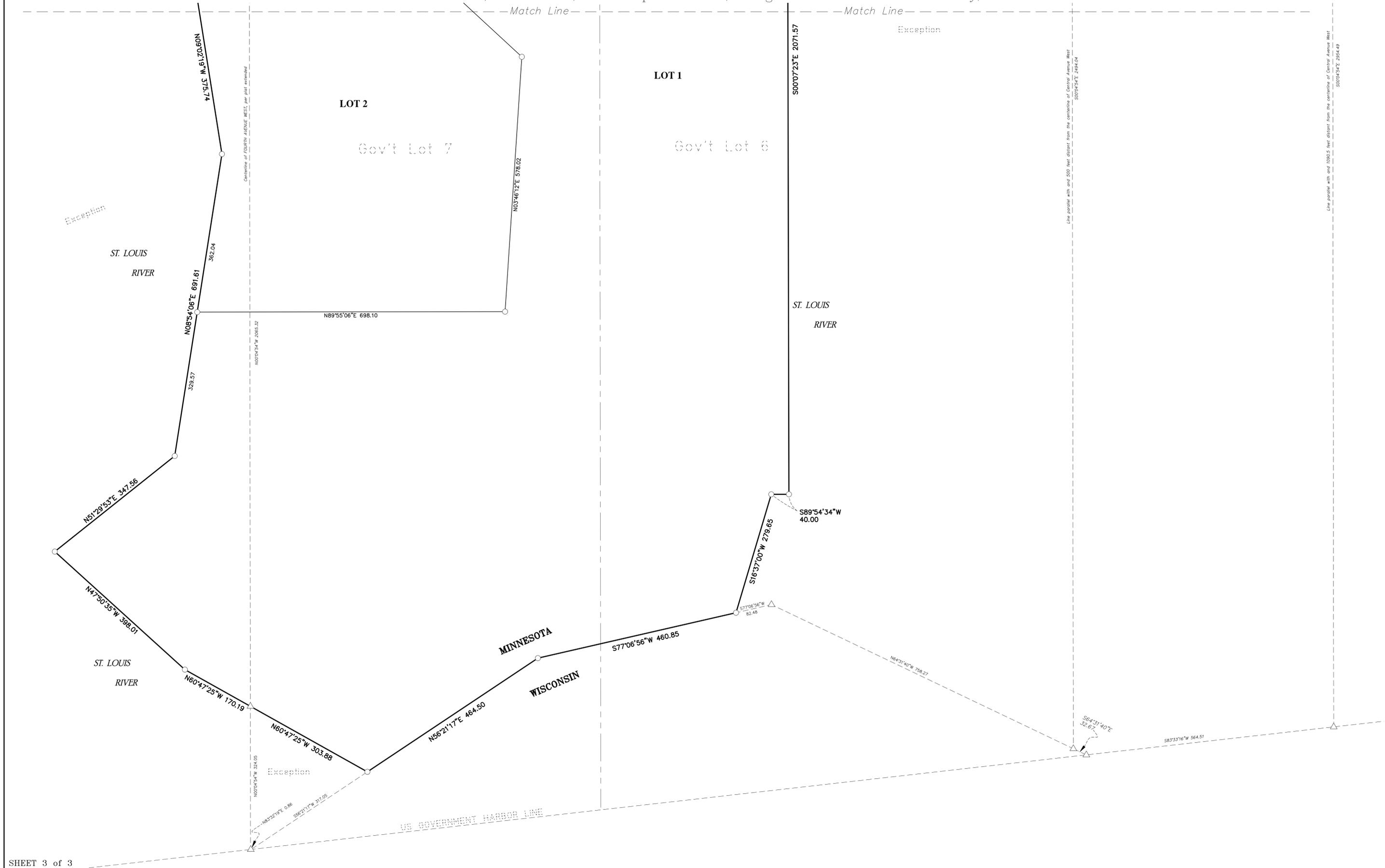
Denotes easement areas for public utility purposes retained by the City of Duluth per Document Numbers 034268 and 172437 EXCEPTING therefrom the vacated easements described in Document No. 06833694 recorded as Document No. 62735

Sec. 18, T49N, R14W

ST. LOUIS RIVER

HALLETT INDUSTRIAL PARK

Located in the Southwest Quarter of the Northwest Quarter, Government Lot 6 and Government Lot 7, Section 18, Township 49 North, Range 14 West St. Louis County, Minnesota





CITY OF DULUTH
Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL 18-046	Contact	Steven Robertson, 730-5295	
Type	Minor Subdivision-RLS	Planning Commission Date	May 9, 2018	
Deadline for Action	Application Date	April 10, 2018	60 Days	June 9, 2018
	Date Extension Letter Mailed	April 18, 2018	120 Days	August 8, 2018
Location of Subject	Western Side of 88 th Avenue West, between Falcon and Edward Streets			
Applicant	Duluth HRA	Contact	David Peterson	
Agent	LHB	Contact	Paul Vogel	
Legal Description	See attached			
Site Visit Date	April 21, 2018	Sign Notice Date	N/A	
Neighbor Letter Date	April 20, 2018	Number of Letters Sent	34	

Proposal

Applicant is requesting a Minor Subdivision to reorganize the configuration of 17 existing platted lots into 11 buildable tax parcels for single family homes and 1 outlot for open space.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1/MU-N	Undeveloped	Traditional Neighborhood
North	R-1/MU-N	Multi-Family Residential	Neighborhood Mixed Use
South	R-1/MU-N	Former School/Future Res.	General Mixed Use
East	R-2	Commercial/Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements

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

50-37.5, D 1. The planning commission shall approve the application if it determines that the application:

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

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

Governing Principle #1 - Reuse previously developed lands. Directs investment to sites which have the potential to perform at a higher level than their current state.

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

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 and neighborhood extensions, and new traditional neighborhood areas.

Review and Discussion Items

1. Applicant is requesting a Minor Subdivision to reorganize the configuration of 17 existing platted lots into 11 buildable tax parcels for single family homes and 1 outlot for open space. The proposed tax parcels will match be designed to direct new home construction on platted lots directly adjacent to existing, improved, public streets (Edward Street, Falcon Street, and 88th Avenue West). The proposed subdivision, if approved, would not make the parcels non-conforming due to lot frontage, lot area, or similar bulk standard.
2. According to City Engineering, stormwater management will need to be designed for the currently, all pervious, green space. No building permits will be issued without a comprehensive stormwater management plan for the entire block/area. Street extension and utility extensions needed, and coordination with Engineering required. No additional public, agency, or City comments were received, other than two citizen phone calls asking general questions.
3. No existing platted right of way is being proposed to be vacated with this proposal.
4. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
5. Approval of this Minor Subdivision signifies that City of Duluth UDC standards are met. St. Louis County may have additional requirements. This subdivision approval lapses if deeds are not recorded with St. Louis County within 180 days. Applicant must provide the City with proof of recording.

Staff Recommendation

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

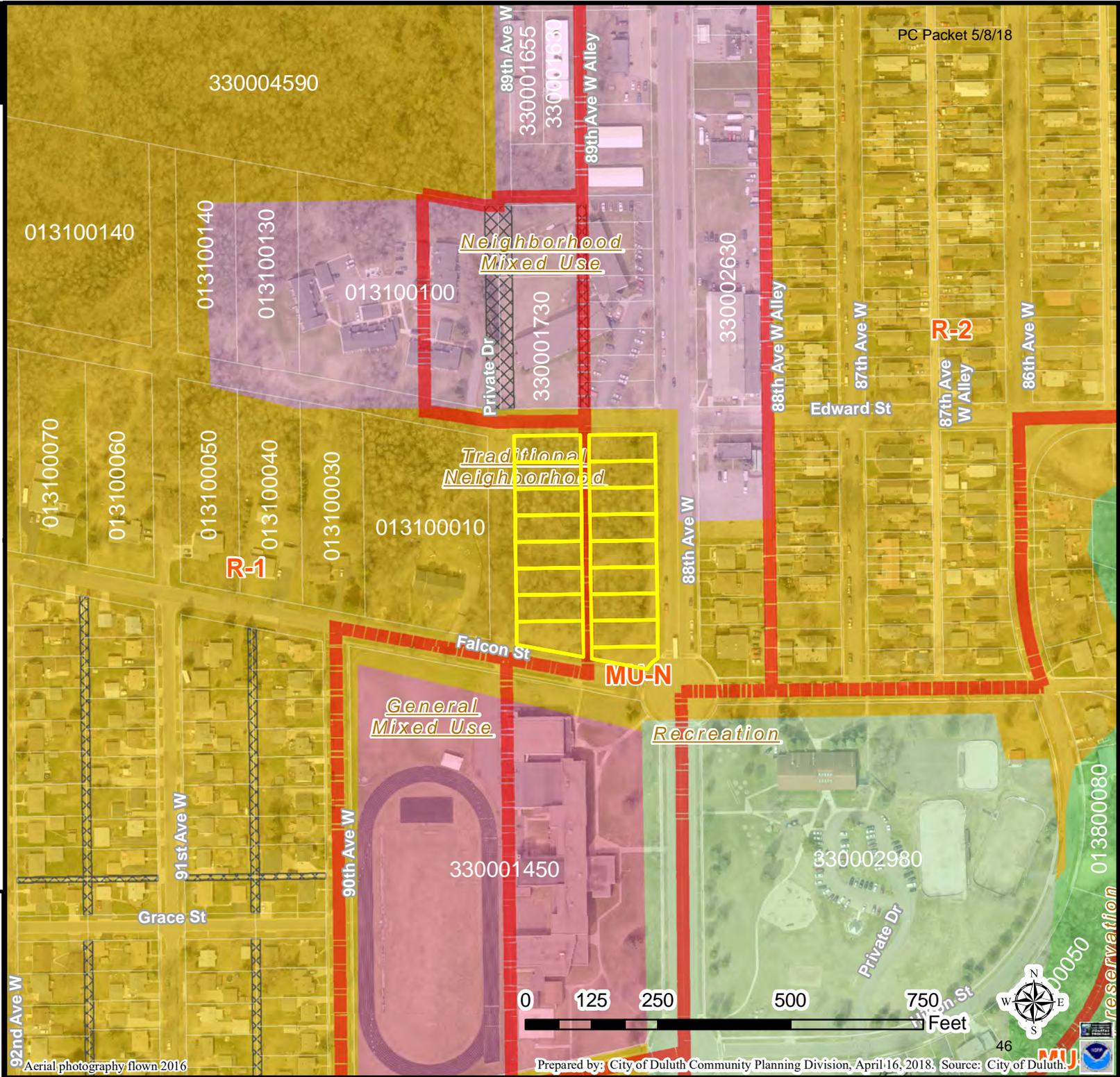
1. Appropriate deeds be filed with St. Louis County within 180 days. Prior to recording the deed that results from this adjustment, the Planning Division will need to stamp the deed, indication compliance with the local zoning code.
2. Any alterations to the approved plans that do not alter major elements 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.



Legend

-  Vacated ROW
-  Zoning Boundaries
-  Trout Stream (GPS)
-  Other Stream (GPS)

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



Aerial photography flown 2016



Site Map

Legend

- Gas Main
- Water Main
- Hydrant

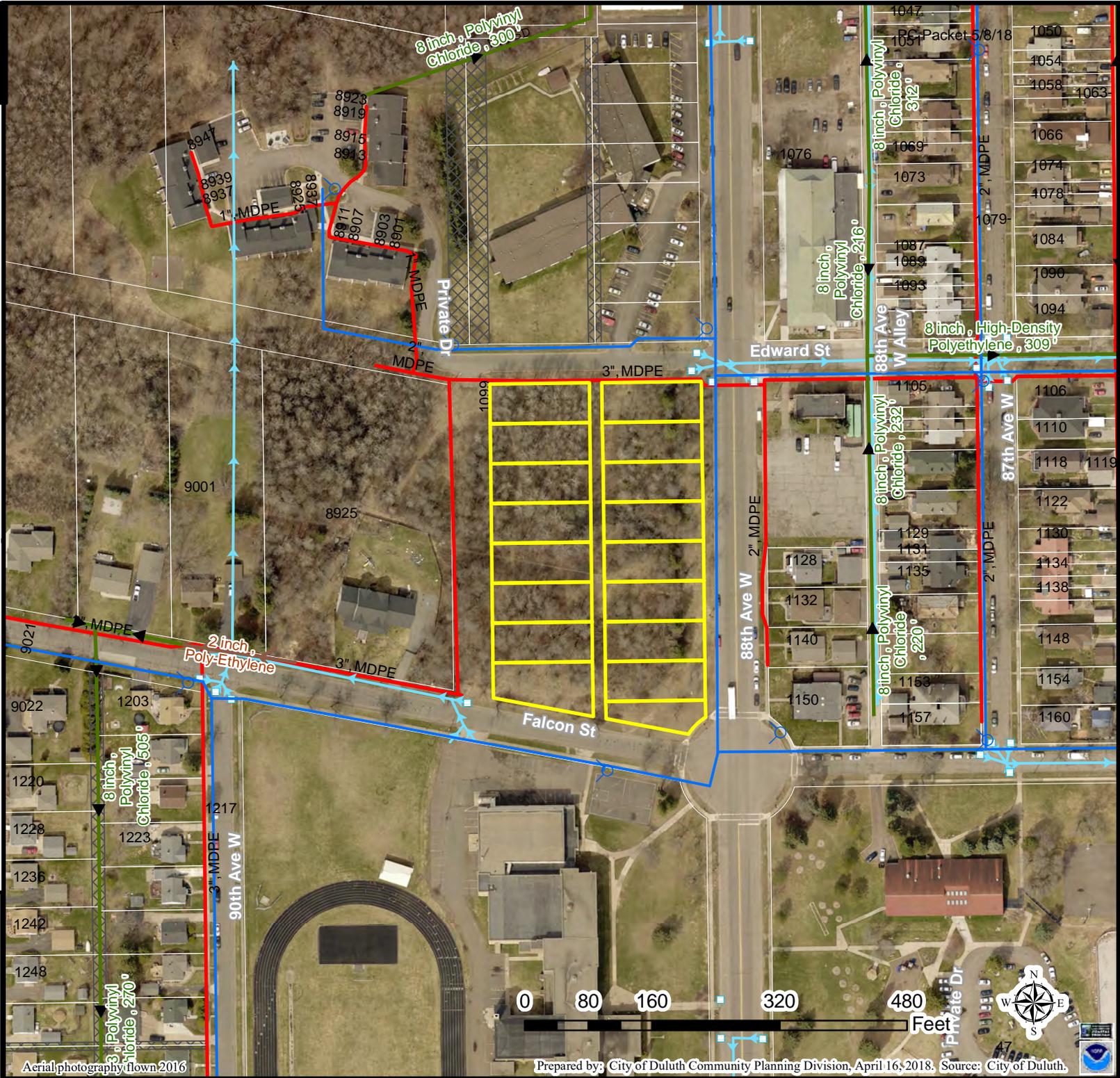
Sanitary Sewer Mains

- CITY OF DULUTH
- WLSDD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- PS Pump Station

Storm Sewer Mains

- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Vacated ROW
- Trout Stream (GPS)
- Other Stream (GPS)

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

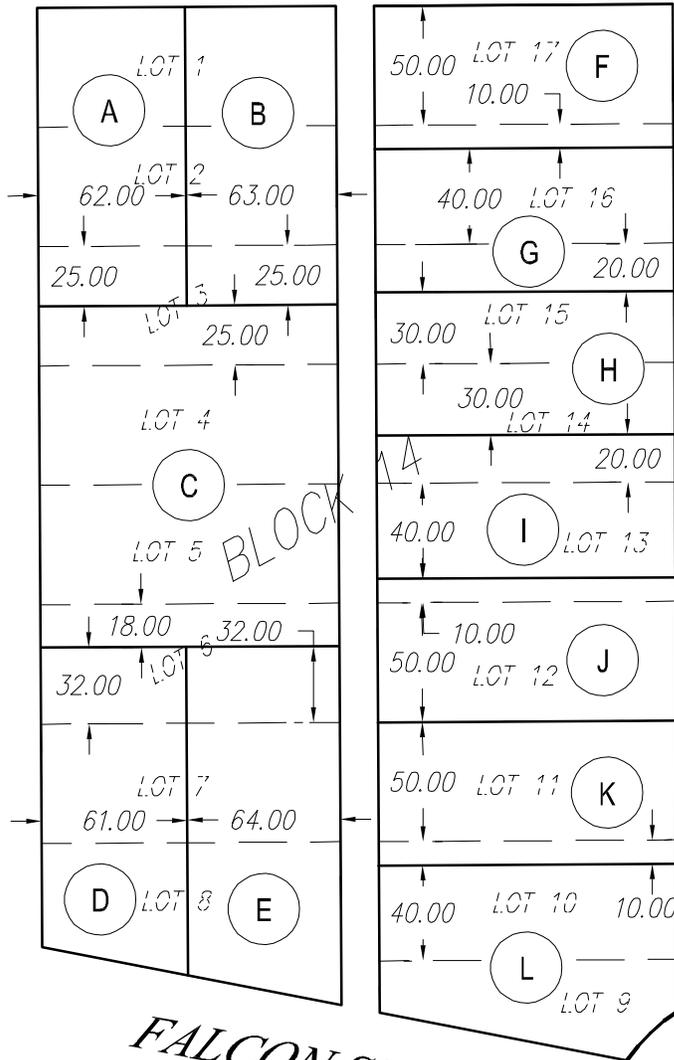


The screenshot displays a web browser window with the address bar showing <https://explorer.pictometry.com/index.php>. The browser title is "CONNECTEXPLORER". The main content area shows an aerial oblique view of a school campus. The campus features a large oval track and field area in the lower-left, a central building complex, and several tennis courts to the right. The campus is bordered by residential neighborhoods with houses and streets. The surrounding landscape includes wooded hills and a road with a roundabout. The interface includes a compass and zoom controls on the left, a "Workspaces" dropdown, and a scale bar (100 ft / 20 m) in the bottom right. The status bar at the bottom shows "map: Auto (Oblique)", "Apr 2016 - Jun 2016", "image 1 of 4", and "05/04/2016". The Windows taskbar at the very bottom shows icons for Internet Explorer, Outlook, and Word, along with the system clock displaying "9:42 AM 4/26/2018".

EXHIBIT

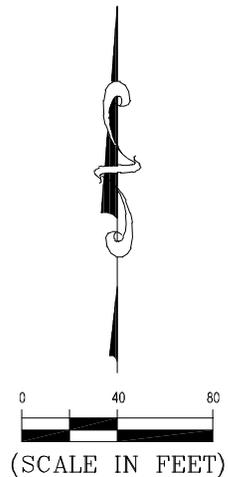
HRA of Duluth
BLOCK 14, MORGAN PARK OF DULUTH

EDWARD STREET



88th AVENUE WEST

FALCON STREET



(SCALE IN FEET)
Basis of Bearing is Grid North,
St. Louis County Transverse
Mercator 96 Coordinate System.

(A) = PARCEL NAME

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

Print Name: Paul A. Vogel License # 44075

Signature: _____ Date: 04/05/2018

DATE PREPARED: 04/05/18

PROJ NO: 180022

FILE: 180022vBLA.d

SHEET 1 of 1 SHEETS



**PERFORMANCE
DRIVEN DESIGN.**
LHBcorp.com

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

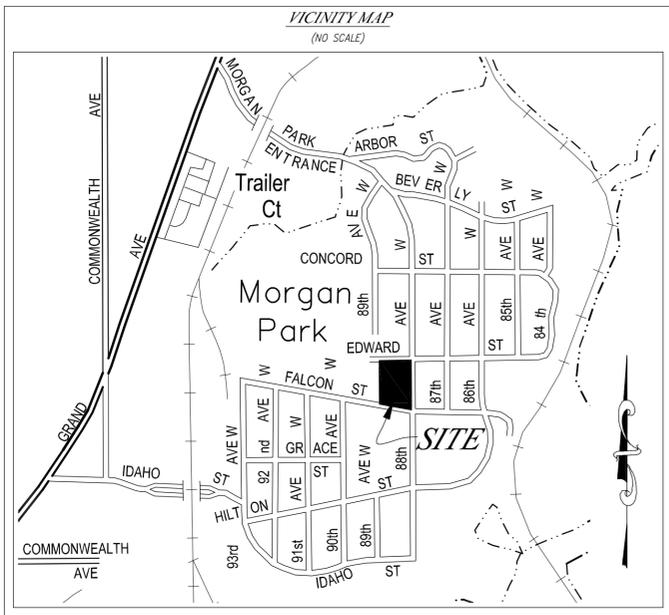
Boundary/ Topographic Survey

HOUSING and REDEVELOPMENT AUTHORITY of DULUTH

Lots 1 through 17, Block 14, MORGAN PARK OF DULUTH

Section 35, T49N, R15W of the 4th P.M.

City of Duluth, St. Louis County, Minnesota

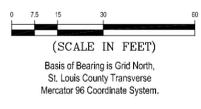


NOTES

- THE PROPERTY HAS DIRECT PHYSICAL ACCESS TO EDWARD STREET, 88th AVENUE WEST AND FALCON STREET, PUBLIC STREETS.
 - DATE OF SURVEY: MARCH 9 AND 12, 2018.
 - BASIS OF BEARING IS GRID NORTH, ST. LOUIS COUNTY TRANSVERSE MERCATOR 96 COORDINATE SYSTEM.
 - HORIZONTAL DATUM = ST. LOUIS TRANSVERSE MERCATOR 1996 (SLCTM 96).
 - VERTICAL DATUM = NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).
 - UNDERGROUND UTILITY LOCATIONS ARE BASED UPON A GOPHER STATE ONE CALL NON-EXCAVATION DESIGN SURVEY TICKET NUMBER 180520372, DATED FEBRUARY 21, 2018, AND MAPS SENT BY RESPECTIVE UTILITIES.
- CHARTER COMMUNICATIONS (800) 778-9140
 (218) 730-5200
 CITY OF DULUTH - ENGINEERING (218) 730-4420
 CITY OF DULUTH - TRAFFIC (218) 723-3601
 DULUTH ENERGY SYSTEMS - STEAM (855) 742-6062
 CENTURYLINK (218) 720-2757
 MINNESOTA POWER
- PARTS OF CURB AND SIDEWALK ON NORTHERLY AND SOUTHERLY SIDE OF EDWARD STREET, WESTERLY SIDE OF 88th AVENUE WEST AND NORTHERLY SIDE OF FALCON STREET NOT LOCATED AT TIME OF SURVEY, DUE TO EXCESSIVE SNOW AND ICE. FEATURES DRAWN ARE BASED SOLELY ON AERIAL IMAGERY AVAILABLE.
 - CITY OF DULUTH UTILITIES SHOWN HEREON ARE BASED UPON AVAILABLE HISTORIC MAPPING ONLY.

LEGEND

- BOUNDARY LINE, THIS SURVEY
- BITUMINOUS SURFACE
- CONCRETE SURFACE
- 5 FOOT CONTOUR
- 1 FOOT CONTOUR
- CURB & GUTTER
- EASEMENT LINE
- BLOCK LINE
- LOT LINE
- SIXTEENTH SECTION LINE
- ABANDONED CABLE TELEVISION
- OVERHEAD CABLE TELEVISION
- OVERHEAD ELECTRIC
- BURIED ELECTRIC
- BURIED FIBER OPTIC
- ABANDONED GAS
- BURIED GAS
- BURIED SANITARY SEWER
- BURIED STORM
- OVERHEAD TELEPHONE
- ABANDONED WATER
- BURIED WATER
- TREE LINE/ EDGE
- STOP SIGN
- SIGN
- EXISTING TELEPHONE MANHOLE
- EXISTING STORM MANHOLE
- EXISTING SANITARY MANHOLE
- EXISTING TELEPHONE MANHOLE
- EXISTING CATCH BASIN (SQUARE)
- LIGHT POLE
- ELECTRIC BOX/ TRANSFORMER
- GUY WIRE OR ANCHOR
- POWER POLE/ LIGHT POLE
- POWER POLE
- WATER VALVE
- HYDRANT
- TELEPHONE PEDESTAL
- EVERGREEN TREE
- DECIDUOUS TREE
- BUSH
- FOUND REBAR
- FOUND IRON PIPE
- SET REBAR



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

Print Name: Paul A. Vogel License # 44075

Signature: _____ Date: 04/05/2018

DATE PREPARED: 04/05/18
 PROJ NO: 180022
 FILE: 180022.SURV.
 SHEET 1 of 1 SHEETS

LHB
 PERFORMANCE DRIVEN DESIGN.
 LHBcorp.com

21 W. Superior St., Ste. 500 (Duluth, MN 55802) 218.727.2446
 FILE: J:\180022\00 Drawings\SURV\180022.SURV.dwg

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HOUSING AND REDEVELOPMENT AUTHORITY
OF DULUTH, MINNESOTA

222 EAST SECOND STREET
P.O. BOX 16900 • DULUTH, MINNESOTA 55816-0900
PHONE 218/529-6300 • FAX 218/529-6344 • TTY 7-1-1



Steven Robertson, Senior Planner
City Planning Department
3300 City Hall
Duluth, MN 55802

RE: Application for Minor Subdivision

Steven,

Attached find our application for a minor subdivision of a parcel, formerly tax forfeit land in the Morgan Park Neighborhood.

We are requesting a rearrangement of the lot configuration to take advantage of the existing recently resurfaced roads. We believe that utilizing the existing roads in a slightly different configuration of lots combined with a small urban orchard will add a quality to the development and neighborhood overall.

If you have questions or need more information please contact me at 218-529-6347

A handwritten signature in black ink, appearing to read 'D. Peterson'.

David Peterson, MA
Director of Development and Redevelopment

**CITY OF DULUTH**

Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL18-044	Contact	Steven Robertson	
Type	UDC Map Amendment	Planning Commission Date	May 8, 2018	
Deadline for Action	Application Date	April 4, 2018	60 Days	June 3, 2018
	Date Extension Letter Mailed	April 19, 2018	120 Days	August 2, 2018
Location of Subject	SW corner of the intersection of Wadena Street and N 54 th Avenue West			
Applicant	Talle & Associates, Inc	Contact	Paul Strother, Architect	
Agent	Hanft Fride	Contact		
Legal Description	See Attached			
Site Visit Date	April 21, 2018	Sign Notice Date	April 24, 2018	
Neighbor Letter Date	April 20, 2018	Number of Letters Sent	44	

Proposal

Applicant is requesting to amend an approved regulating plan to change building types for two parcels. Any amendment to the Regulating plan that involves changes to land use, density, or height is required to follow the rezoning process and receive approval from City Council.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-P	Commercial (Vacant)	Central Business Secondary
North	F-4	Commercial	Central Business Secondary
South	R-P	Residential	Urban Residential
East	R-P	Residential	Urban Residential
West	F-4	Commercial	Central Business Secondary

Summary of Code Requirements

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

UDC Sec. 50-14.07.H: All residential developments approved prior to November 19, 2010, as low-density planned developments pursuant to Sections 50-36.1. through 50-36.3. of the pervious zoning code shall be treated as approved R-P developments, and will be rezoned to the R-P district.

UDC Sec. 50-14.07. I: Applications to amend an existing R-P plan shall follow the process described in Section 50-37.3 if they relate to uses, densities, or height. All other amendments shall follow the process in Section 50-37.11.

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

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

Governing Principle #6 – Reinforce the place-specific.

The Ramsey Village Plan has had several zoning map amendments to allow additional building types on their parcels including: PL13-119 to allow eight-unit apartment structures at the NE corner of Ramsey Street and North Central Avenue Alley, PL16-087 to allow a mixed use residential and commercial structure at 5103 Ramsey Street, and PL 17-058 to allow an eight-unit multi-family near Ramsey and North 53rd and 54th Avenues West.

Review and Discussion Items

1. The Minnesota Planning Act provides that zoning (an “official control” should implement the general objectives of the Comprehensive Plan, and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or be considered arbitrary and capricious.
2. When the UDC became effective on November 19, 2010, all existing Traditional Neighborhood Design (TND) zone districts were rezoned to the Residential-Planned (R-P) zone districts. Ramsey Village and Harbor Highlands were the two TND districts that were immediately rezoned to R-P. Any proposed change to the R-P Regulating Plan that involves land use, density or height needs to be approved by City Council through the rezoning process (including a public hearing in front of the Planning Commission), but minor changes to the R-P Regulating Plan can be approved by the Land Use Supervisor. The applicant is again proposing a change in the building type (or use) on their property. This would require a zoning map amendment ordinance.
- 3 Applicant seeks to amend the approved plan to allow an additional building type on the parcels. The approved regulating plan allows for Type II and II types (single family home and twin homes). This new proposal requests to all the addition of the VII (an eight-unit multi-family residential structure).
4. The proposal to change the allowed building types to also allow an eight unit multi-family structure is not in conflict with the original TND Plan. This amendment will not create material adverse impacts on nearby properties. The applicant has constructed four and eight unit structures or a similar design and appearance in the immediate neighborhood.
5. This amendment is in compliance with the City's Comprehensive Land Use Plan's Governing Principles and Policies in addition to the Future Land Use Map.
6. According to City Engineering, stormwater management requirements will need to be reviewed and approve prior to a building permit issuance. No additional public, agency, or City comments were received.

Staff Recommendation

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

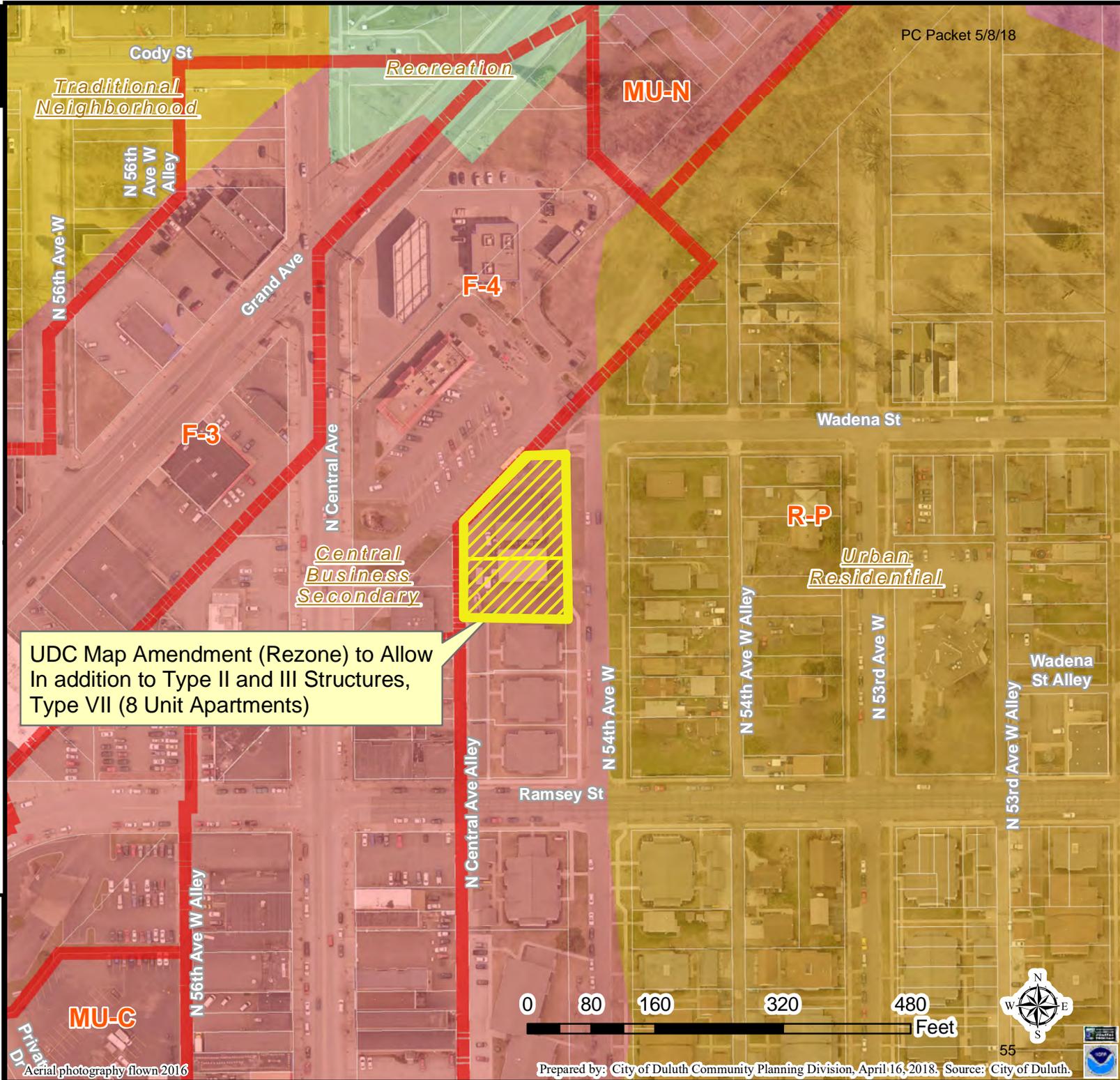
- 1) This proposal is consistent with the Comprehensive Land Use Plan,
- 2) The proposal amendment to the Regulating Plan District is consistent with the future land use category “Urban Residential”
- 3) Material adverse impacts on nearby properties are not anticipated.



UDC Map Amendment (Rezone) to Allow
 In addition to Type II and III Structures,
 Type VII (8 Unit Apartments)

Legend
 Zoning Boundaries

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UDC Map Amendment (Rezone) to Allow
 In addition to Type II and III Structures,
 Type VII (8 Unit Apartments)

Legend
 Zoning Boundaries

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The screenshot shows a web browser window with the address bar containing <https://explorer.pictometry.com/index.php>. The browser title is "CONNECTExplorer™". The main content area displays an aerial view of a city street intersection, showing various buildings, parking lots, and residential areas. The interface includes a navigation toolbar on the left with a compass and zoom controls, and a "Workspaces" sidebar. At the bottom of the browser window, there is a status bar with the text "map: Auto (Oblique) Apr 2016 - Jun 2016 image 1 of 5 04/27/2016". The Windows taskbar at the very bottom shows the system tray with the time "9:26 AM" and date "4/26/2018".

REQUEST FOR A REVISION TO TND FOR AN ADDITION TO RAMSEY V

THE SITE OF THE REVISION TO RAMSEY V

SITE ADDRESS AND LEGAL

Southwest corner N 54th Ave W and Wadena Street

Address:

425 N 54th Ave W
Duluth 55807

Legal:

LEGAL DESCRIPTION

Lots One through Five (1-5), inclusive, Block Five (5), WEST DULUTH FIRST DIVISION.

and

Lots Six through Eight (6-8), inclusive, Block Five (5), WEST DULUTH FIRST DIVISION.

DOCUMENTS ATTACHED

SUMMARY OF THE REQUEST FOR RAMSEY VILLAGE TND AMENDMENT

A narrative summary of the proposal and its request

REGULATING PLAN

Drawing 1 is a copy of the TND Regulating Plan. This site is highlighted in bold red. It is within an area permitting Types II and III structures (single family and town homes) A TND amendment was approved for the initial Ramsey V development proposal permitting Types VI and VII structures (Fourplex and Eightplex).

URBAN STANDARDS.

Drawing 2 is a copy of TND criteria for the Type VII Buildings

RAMSEY VILLAGE OVERVIEW

Drawing 3 is an aerial overview of Ramsey Village, north of Ramsey Street. Ramsey I, II and III are south of Ramsey Street, including Ramsey Village office at 54th Avenue and Ramsey Street. Ramsey IV, completed in 2015, is the three Fourplex units on the west side of 54th Avenue as approved in a TND Amendment. The Ramsey V sites previously receiving a TND amendment are highlighted in yellow dash, the site of this addition to Ramsey V is highlighted in solid yellow.

THE REVISED RAMSEY V PROPOSAL

Drawing 4 depicts an image of the current site use and the proposed site plan for the Addition to Ramsey V with the completed Ramsey IV, adjacent to the south (right). The commercial development is adjacent to the west (above).

Drawing 5 depicts a Site Plan for the project.

Drawing 6 depicts a street view of the proposed Eightplex from N 54th Avenue W.

Drawing 7 depicts a Certificate of Survey of the property

SUMMARY OF THE REQUEST FOR RAMSEY VILLAGE TND AMENDMENT

HISTORY

Development in Ramsey Village neighborhood is directed by the Ramsey Village Neighborhood Traditional Neighborhood Design (TND) criteria. Prior developments in the Ramsey neighborhood, Ramsey I, II and III occurred south of Ramsey Street where a variety of building types are permitted. Ramsey IV is the most recently constructed portion of Ramsey Village, consisting of three Fourplexes north of Ramsey Street, adjacent to this site. This was made possible by an amendment to the Ramsey Village TND, allowing Fourplexes in lieu of the restriction to Single Family and Twin Homes north of Ramsey Street in the TND.

Ramsey V is the current phase of development proposed for Ramsey Village. Prior approval includes a Fourplex and an Eightplex (Types VI and VII), made possible because of subsequent amendments to the TND allowing them in lieu of Single Family and Twin Homes (Types II and III). The basis of the approval was the conclusion that the Ramsey V proposal met the intent of the TND.

REQUEST

This application adds an additional property to Ramsey V at the southwest corner of Wadena St and N 54th Ave W. It recently became available for redevelopment.

This application requests an amendment to the TND to allow development of an Eightplex (Type VII) in lieu of the TND permitted Types II and III (Single family and Twin Home) on the site.

THE CURRENT SITE OCCUPANCY

The site is currently occupied by a body shop consisting of two metal pole structures. It abuts a McDonalds on its rear property line. Because of the proximity to this very active commercial development, the site is not a good candidate for the single family or twin homes contemplated by the TND. There is a curb cut at the end of Wadena connecting Wadena to an informal unpaved trail across the property, to the alley terminus, then across city owned property to Central Avenue. There is no indication that the City Property from the Alley to Central is Right of Way, nor is there an easement across the subject property.

THE PROPOSAL

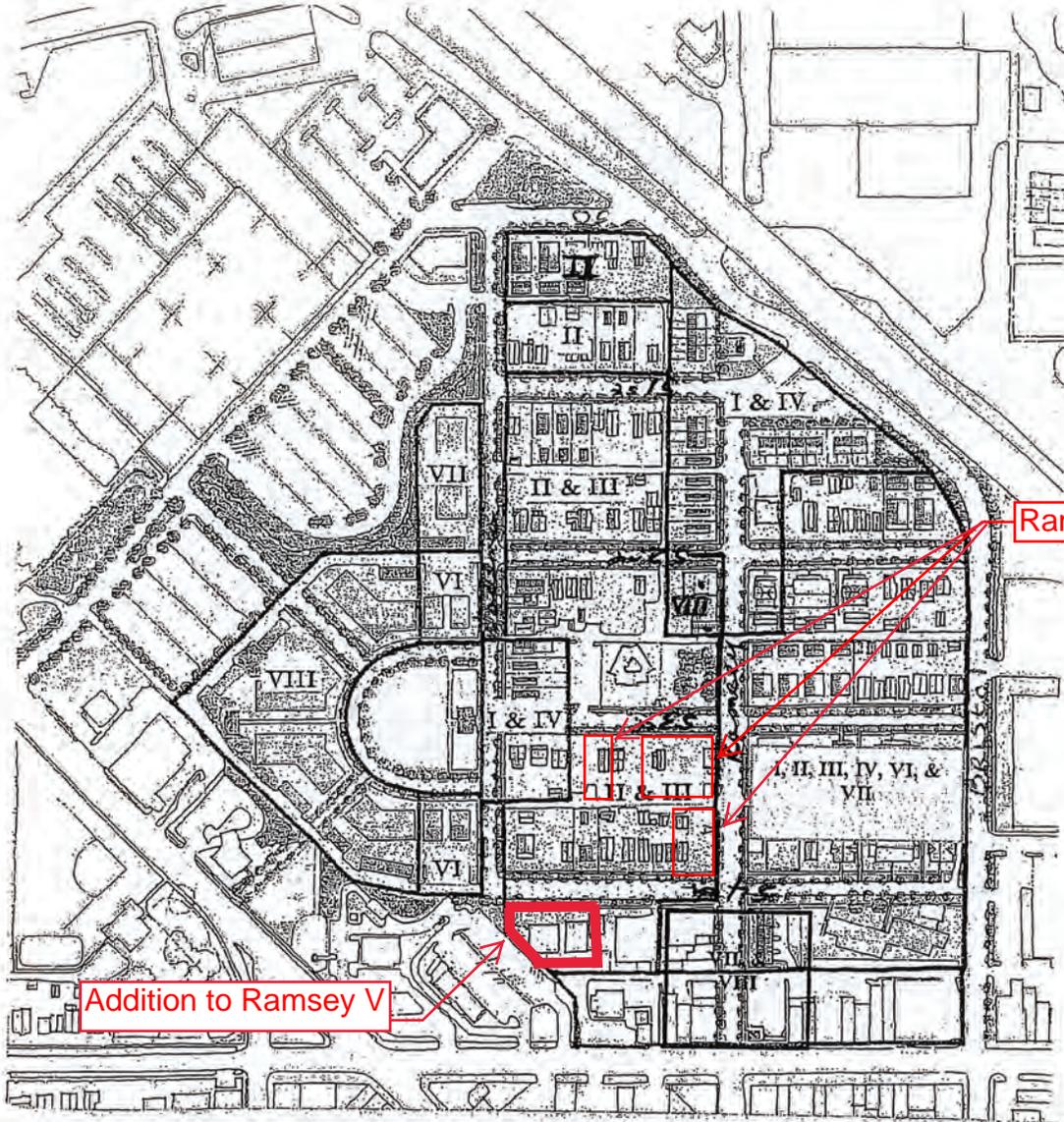
The Site may not be a good candidate for Single Family or Twin Homes; it is however, a good candidate for an Eightplex as proposed. The Eightplex will add variety to the west side of N 54th Ave W. The eight garages at the rear will serve to buffer the site and neighborhood from the commercial activity. The building will maintain the traditional character of the neighborhood.

The informal trail will be closed at the north portion of the site. That portion, because of its triangular shape, is not suitable for building development. It is, however, suitable for parking. Its development for tenant parking (garages or surface parking) will occur based on the need as determined in the future.

SUMMARY

The proposal incorporates traditional neighborhood design elements, is consistent with the intent of the TND criteria, and will be an asset to the neighborhood. Accordingly, an amendment to the TND permitting the Type VII building is appropriate.

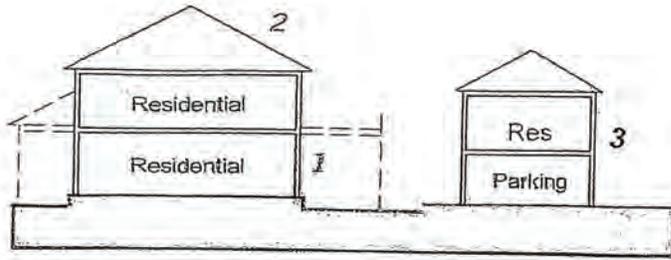
Regulating Plan



1. Reference applicable Urban Standards (shown in Roman Numerals above) for designated building types.
2. Maximum lot width South of Ramsey Street shall be sixty feet (60').
3. Maximum lot width North of Ramsey Street shall be fifty feet (50').
4. Building Type V - Accessory Unit - is allowed on all lots.
5. Residential units built North of Ramsey Street should front either
 - i. Wadena Street I built adjacent to Wadena or
 - ii. The new neighborhood park
6. "Main street" building types should be located at the SE and SW corner of 54th Avenue West and Ramsey Street
7. Passive green space with trees and native plantings should be developed in the block at the SW corner of 51st Avenue West and Ramsey Street from the alley to Colalillo Drive.

Drawing 1

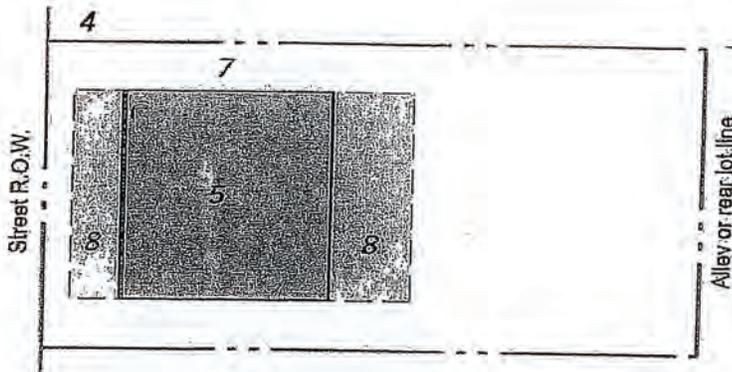
amended
 109635
 9753 II instead of IV



Type VII 8-Unit Apartment

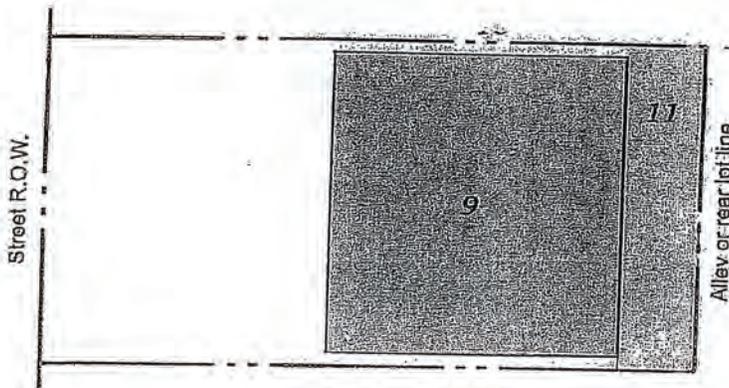
Use and Height

1. Uses of building shall be as shown here.
2. Maximum building height should be 2 stories. Building height shall be measured by the number of structural floors from the street elevation. The building shall have a first floor elevation between 6" and 36" above front elevation grade level. Each building's first story should not exceed 12 feet in height and the second floor should not exceed 10 feet in height, measured from floor to ceiling.
3. A residential use of not more than 720 square feet shall be permitted as an accessory unit above a detached garage. Occupancy of an accessory unit should not require on-site parking. Access to accessory unit will always be made via interior stairwell.



Placement & Projections

4. Buildings shall be set within lots relative to the property lines as shown here. Minimum frontyard setback - ten (10) feet. Minimum sideyard setback - five (5) feet. Corner sideyard setback - nine (9) feet
5. Building street facades shall extend along the lot width as designated here.
6. Attached garages shall adhere to the side yard setback of the principal building.
7. Masonry garden walls, wrought iron fencing shall be built or hedges shall be planted along the property lines to define the street's edge.
8. Balconies, stoops, open porches, bay windows, covered walkways and raised door yards are permitted within the shaded areas as shown here. Maximum depth of any projection shall be no more than 12' feet from the building wall. Covered walkways between the principal building and garages are permitted.



Garage & Parking

9. A minimum of one (1) parking garage shall be provided within the shaded area shown here. Additional parking may be provided in attached or detached garages, or on paved concrete parking pads.
10. Private parking spaces shall be no less than 10 feet by 17 feet with access to a paved lane.
11. Trash areas shall be enclosed with fencing and located within the shaded areas as shown here.
12. All parking shall be in conformance with Article III of Chapter 50 of the Duluth City Code.

Drawing 2

Addition to Ramsey V
Current TND
Amendment Request

W 53RD Ave N

Google

Ramsey V: Previous TND
Amendment

Wadena Street

Ramsey V: Previous TND
Amendment

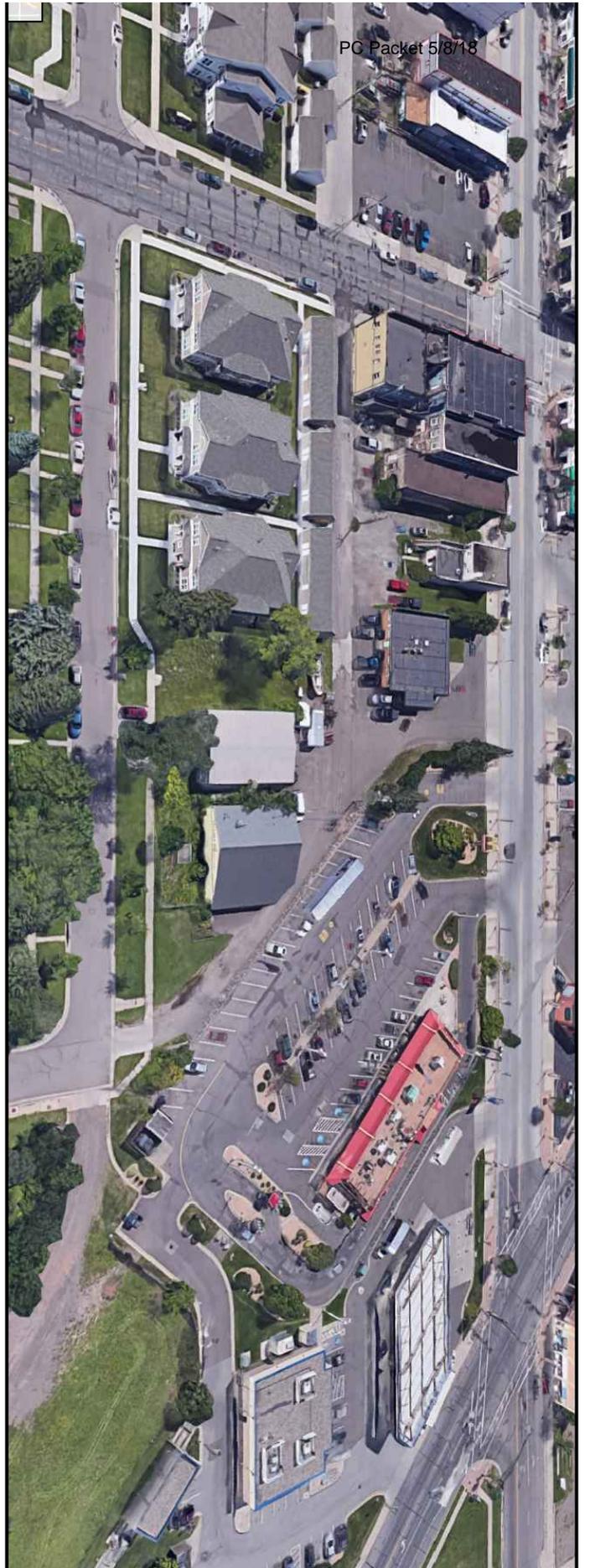
Ramsey V: Previous TND
Amendment

Ramsey Street

SBI

W 54th Ave N



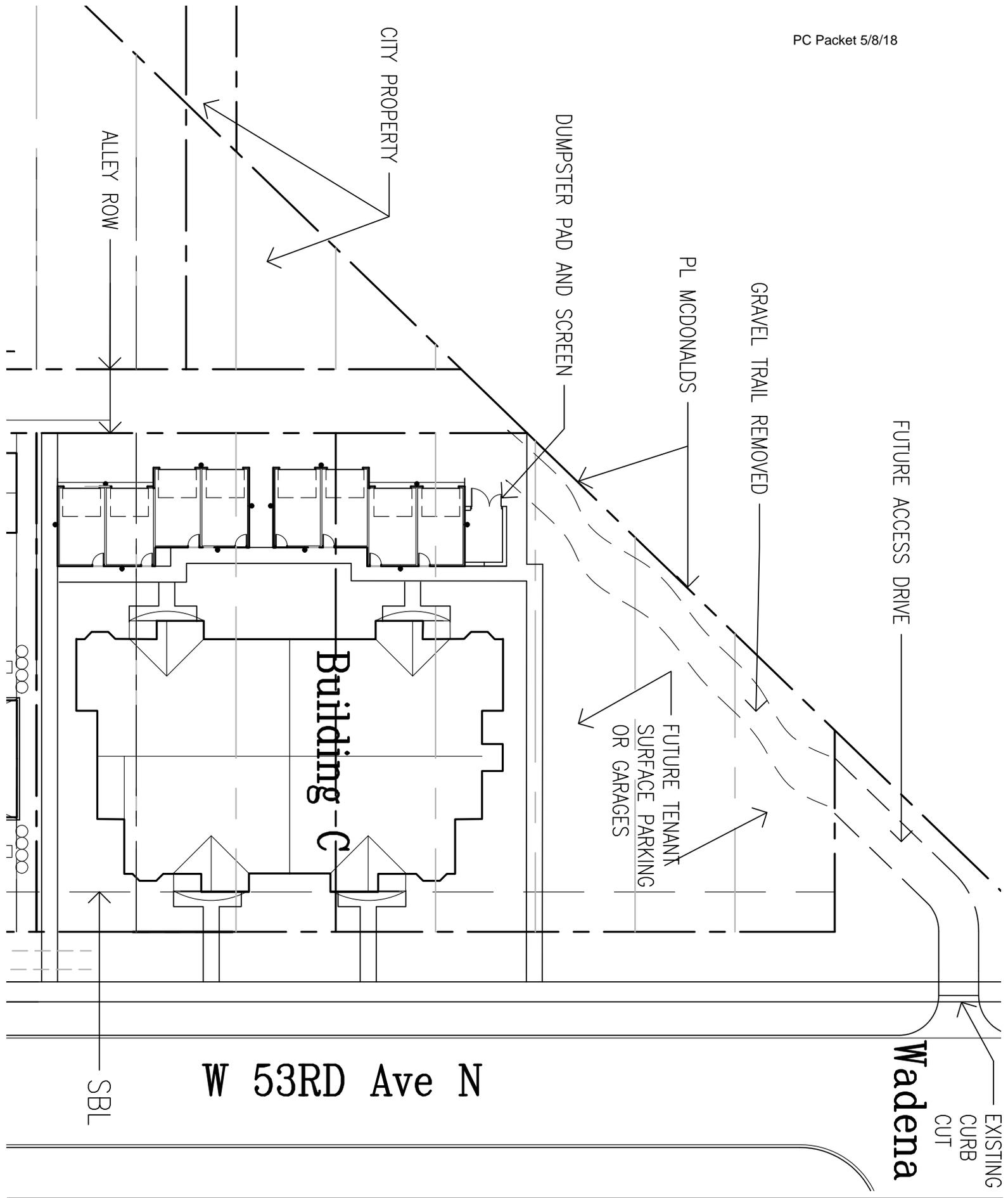


Existing



Proposed





Building-G

W 53RD Ave N

Wadena

EXISTING CURB CUT

5

Ramsey V
Duluth, Minnesota

Site Plan
w/ 3 BR 8-plex

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

Paul Strother
 SIGNATURE
 PAUL STROTHER

DATE: 03/31/2018
 REG. NO.: 13,229

Paul Strother
 ARCHITECT⁶³

7675 INWOOD ROAD
 COLOGNE, MN 55322

612.247.0332
 PBSTROTHER@GMAIL.COM



View from North 53rd Avenue West

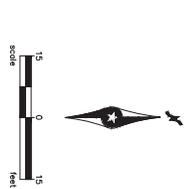




CERTIFICATE OF SURVEY

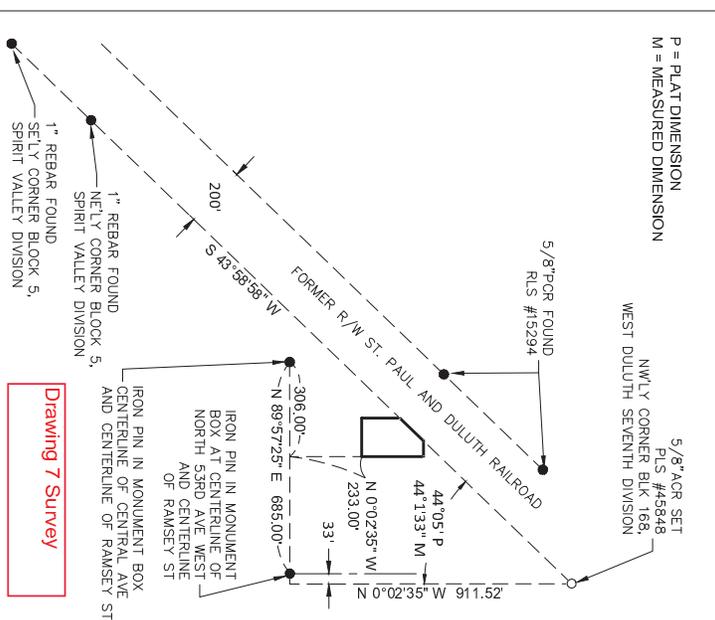
LEGAL DESCRIPTION

Lot One through Five (1-5), inclusive, Block Five (5),
 WEST DULUTH FIRST DIVISION,
 and
 Lots Six through Eight (6-8), inclusive, Block Five (5),
 WEST DULUTH FIRST DIVISION.



ORIENTATION OF THIS PLAT
 SYSTEM IS BASED ON THE ST. LOUIS
 COUNTY TRANSVERSE MERCATOR COORDINATE
 SYSTEM, NAD83 (1983 AD).

SURVEY CONTROL



DRAWN BY: KJA	NO. BY:	DATE:
SURVEYED BY: BAH/KJA		
CHECKED BY: OAL		
SURVEY TEAM:		

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY
 DIRECT SUPERVISION AND THAT I AM A LICENSED LAND SURVEYOR
 OF THE STATE OF MINNESOTA.
 Date: 2-7-2018
 OAKS A. LARSEN, L.S.
 License No. 259848

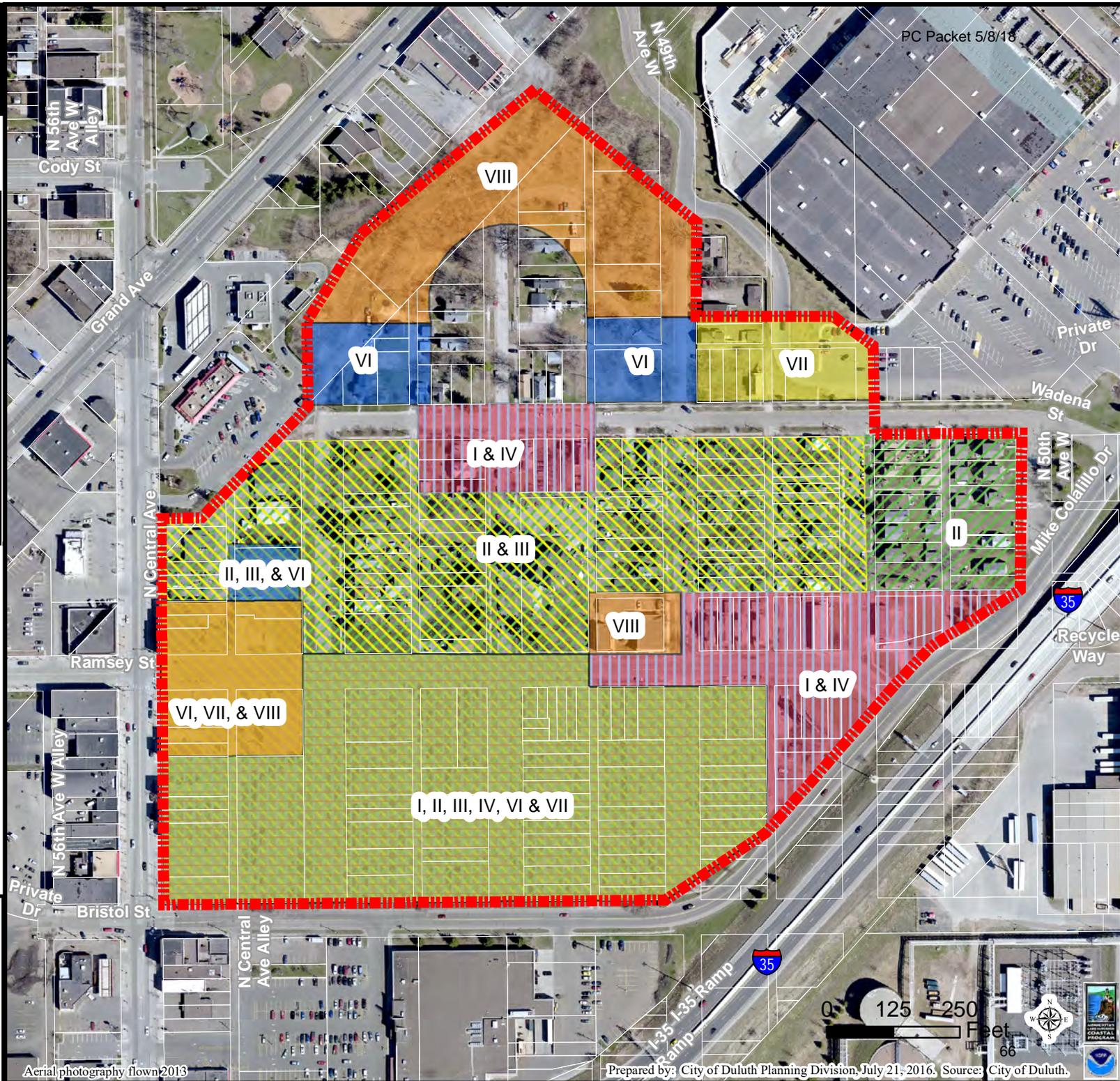
DULUTH
 MINNESOTA

BOUNDARY SURVEY
 THES AND TALLE MANAGEMENT INC.

FILE NO.	1
TTMG#	139713

Legend

-  I, Village House
-  II, Detached S.F. Home
-  III, Twin Home
-  IV, Townhouse
-  V, Accessory Unit
-  VI, Four Unit Apt
-  VII, Eight Unit Apt
-  VIII, Mixed Use Bldg



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CITY OF DULUTH
Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL 18-047	Contact	Steven Robertson	
Type	UDC Map Amendment, Rezone from I-G, R-P, and R-1, to MU-B and P-1	Planning Commission Date	May 8, 2018	
Deadline for Action	Application Date	N/A, City Action	60 Days	N/A, City Action
	Date Extension Letter Mailed	N/A, City Action	120 Days	N/A, City Action
Location of Subject				
Applicant	City of Duluth, Community Planning	Contact		
Agent	N/A	Contact		
Legal Description				
Site Visit Date	April 21, 2018	Sign Notice Date	April 21, 2018	
Neighbor Letter Date	April 20, 2018	Number of Letters Sent	54	

Proposal

The City is proposing to rezone properties in the general area of Menards and Mike Colalillo Medal of Honor Park, from Industrial-General (I-G), Residential Planned (R-P), and Residential-Traditional (R-1) to Mixed Use-Business (MU-B) and Park and Open Space (P-1) in conformance with the Comprehensive Plan's Future Land Use Map.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	I-G, R-1	Commercial	General Mixed Use
North	MU-B	Business Park	General Mixed Use
South	R-P	Residential/Hwy35	Urban Residential/Transportation
East	MU-B	Business Park	General Mixed Use/Light Industrial
West	R-P, MU-N	Residential	Urban Residential

Summary of Code Requirements

- UDC Sec. 50-37.3.B: Planning Commission shall review the application, conduct a public hearing ... with public notice ... and make a written recommendation to council.
- UDC Sec. 50-37.3.C: The Planning Commission shall review the application, and Council shall approve the application or approve it with modifications, if it determines that the application:
 1. Is consistent with the Comprehensive Land Use Plan; 2. Is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use; 3. Is required by public necessity, convenience, or general welfare, or good zoning practice; 4. Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible.
- The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or else be considered arbitrary and capricious.

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

Principle #1 - Reuse previously developed lands. Reuse of previously developed lands, including adaptive reuse of existing building stock and historic resources, directs new investment to sites which have the potential to perform at a higher level than their current state. This strengthens neighborhoods and is preferred to a dispersed development pattern with attendant alteration of natural landscapes and extensions of public services. Site preparation or building modification costs are offset by savings in existing public infrastructure such as streets, utilities, and transit, fire and police services.

General Mixed Use- The broadest mix of uses, including light industrial, office, commercial, and residential use, with performance standards to ensure compatibility. Includes areas that are in transition from industrial uses and large redevelopments that require master plans and phased development. General or heavy industrial can be included when a large site is master planned to allow appropriate separation of uses.

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

Review and Discussion Items

1. State Statute requires that a community's zoning map implement the general objectives of the Comprehensive Plan. This proposed rezoning is to update the city's zoning map so that it matches the community's vision from the 2006 Comprehensive Land Use Plan. The City is amending the zoning map throughout the city, and this is one of the many rezoning actions implementing the comprehensive plan, both large and small, being proposed to the Planning Commission over the next several months.
2. The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan, and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or be considered arbitrary and capricious. Good zoning practice requires that zone districts be consistent with the future land use category identified for the area.
3. Most of the proposed rezoning area has a future land use designation of General Mixed Use, which does not have any one specific zoning district associated with it. It is currently zoned I-G, and the current land use is commercial (Menards) and recreation (city park). The surrounding properties are zoned MU-B to the east and R-P to the west. Rezoning most of this area to MU-B will not only be in conformance with the future land use map but also match the surrounding zoning and uses of adjacent properties along Mike Colalillo Drive. Under the current zoning of I-G, Menards can continue to exist as a legal non-conforming use, but cannot expand.
4. The purpose of the I-G district is intended to provide for general- to heavy- impact industrial, processing, assembly, fabrication and manufacturing uses. Office uses are allowed provided they are clearly incidental to and supportive of on-site industrial uses. The district is intended primarily for locations close to major transportation corridors and active commercial centers. This district should be located
5. The purpose of the MU-B district is intended to accommodate modern light industrial and technology-based developments of attractive integrated design and function. The development standards for this district are intended to ensure that projects minimize adverse impacts on surrounding uses and neighborhoods, reduce impacts on the natural environment, enhance the visual quality of development and ensure the provision of adequate and cost-efficient public facilities. Intended uses include wholesaling, industrial services, research laboratories, and light manufacturing needed to support the community and region at large.
6. The P-1 district is intended to protect and reserve lands for recreational, scenic and natural resource uses. It is intended to be applied to publicly owned land but may be applied to private property with the landowner's written consent. Both passive recreational (e.g., walking paths, picnic tables) and active recreational (e.g., playgrounds, ball fields, tennis courts) uses may be permitted. Small-scale buildings, structures and development (e.g., parking) that are incidental to and supportive of an approved use may also be permitted.

7. Based on the future land use designation, character and development history of this neighborhood, and the purpose statements of the I-G, MU-B, and P-1 zone districts, rezoning as proposed in the attached map is appropriate for this neighborhood.

8. The city, as of the date this was written, has received no formal written comments nor phone calls in regard to this proposal.

Staff Recommendation

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning as shown on the map titled Proposed Rezoning Area Map.

- 1) The rezoning is consistent with the Comprehensive Plan Future Land Use Map.
- 2) The proposed zone districts are the most reasonably able to implement the objectives of the Comprehensive Plan related to the proposed land use for this area.
- 3) Material adverse impacts on nearby properties are not anticipated.

Legend

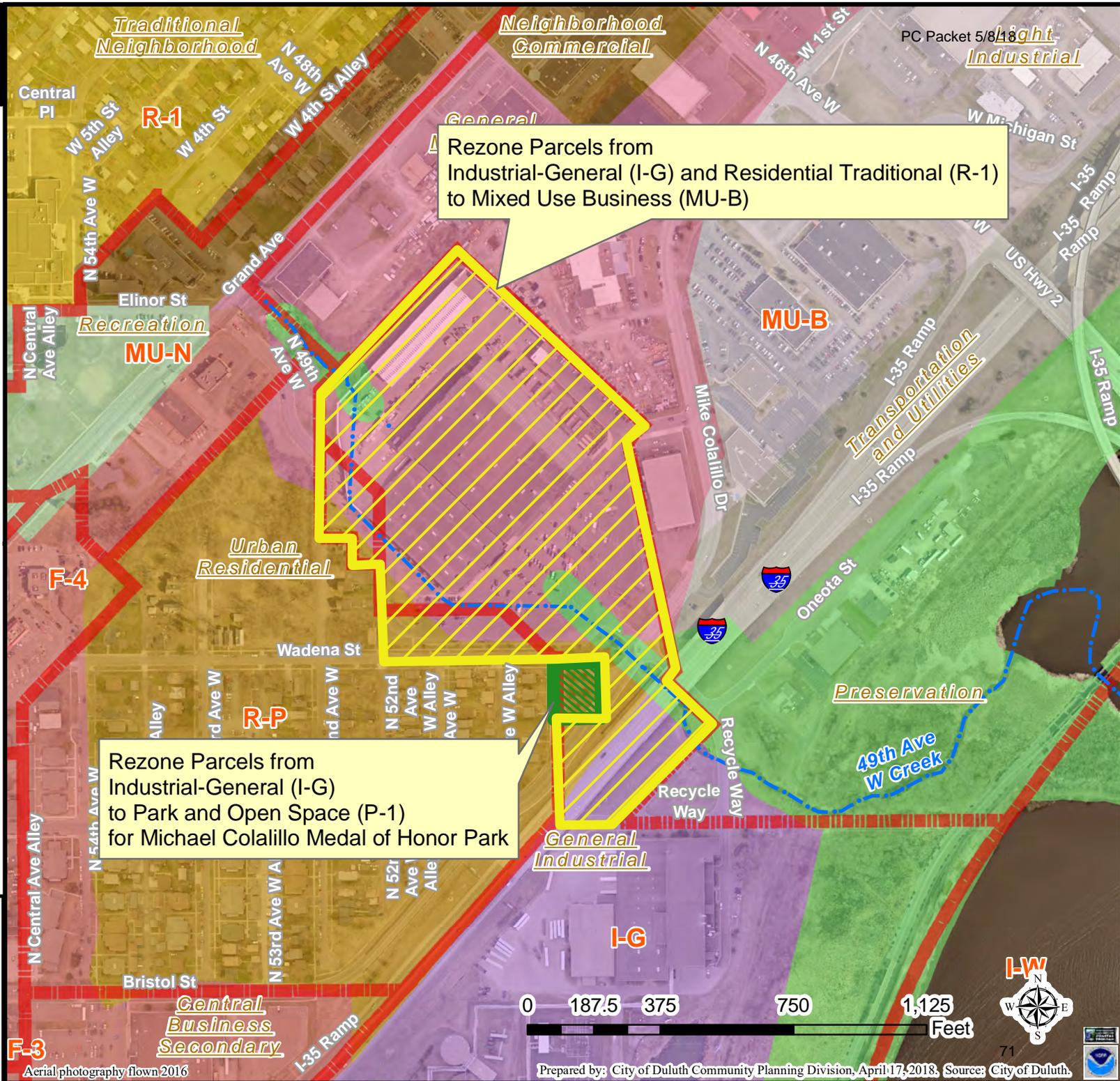
- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

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Rezone Parcels from Industrial-General (I-G) and Residential Traditional (R-1) to Mixed Use Business (MU-B)

Rezone Parcels from Industrial-General (I-G) to Park and Open Space (P-1) for Michael Colalillo Medal of Honor Park

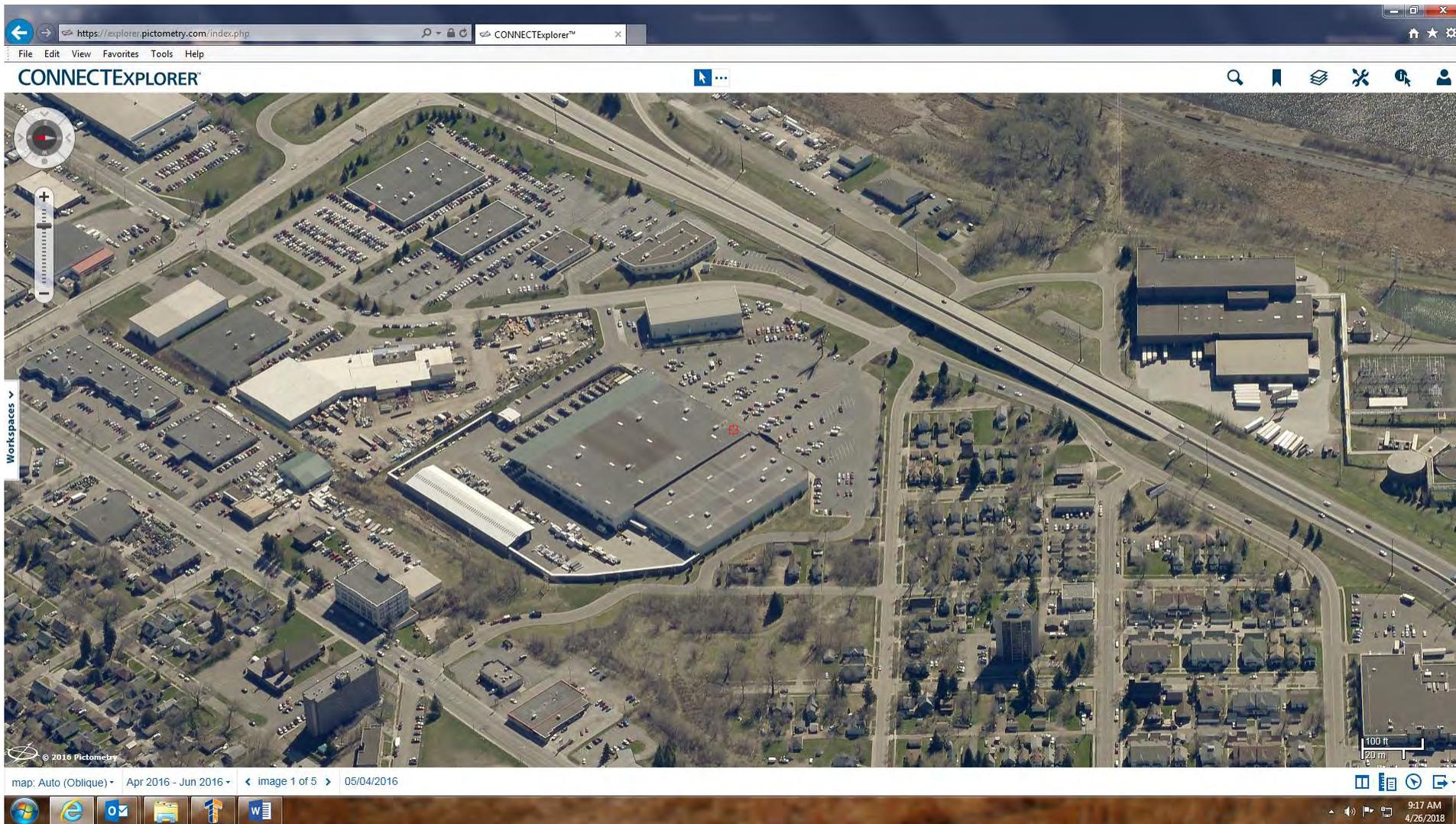


Legend

- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

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CITY OF DULUTH
Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL 18-048	Contact	Steven Robertson	
Type	UDC Map Amendment, Rezone from MU-B to R-2	Planning Commission Date	May 8, 2018	
Deadline for Action	Application Date	N/A, City Action	60 Days	N/A, City Action
	Date Extension Letter Mailed	N/A, City Action	120 Days	N/A, City Action
Location of Subject				
Applicant	City of Duluth, Community Planning	Contact		
Agent	N/A	Contact		
Legal Description				
Site Visit Date	April 21, 2018	Sign Notice Date	April 21, 2018	
Neighbor Letter Date	April 20, 2018	Number of Letters Sent	62	

Proposal

The City is proposing to rezone properties west of the Intersection of 93rd Avenue West and Falcon Street and Hilton Streets to Commonwealth Avenue, from Mixed Use Business (MU-B) to Urban-Residential (R-2), in conformance with the Comprehensive Plan's Future Land Use Map.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-B	Mostly Undeveloped/Other	Traditional Neighborhood/Gen. Mixed Use
North	R-1	Undeveloped/Home Park	Traditional Neighborhood
South	MU-B	Undeveloped	General Industrial
East	R-1	Single Family Residential	Traditional Neighborhood
West	R-1, RR-1	Undeveloped/Manufacturing	Urban Residential

Summary of Code Requirements

- UDC Sec. 50-37.3.B: Planning Commission shall review the application, conduct a public hearing ... with public notice ... and make a written recommendation to council.
- UDC Sec. 50-37.3.C: The Planning Commission shall review the application, and Council shall approve the application or approve it with modifications, if it determines that the application:
 1. Is consistent with the Comprehensive Land Use Plan; 2. Is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use; 3. Is required by public necessity, convenience, or general welfare, or good zoning practice; 4. Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible.
- The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or else be considered arbitrary and capricious.

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

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

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 and neighborhood extensions, and new traditional neighborhood areas.

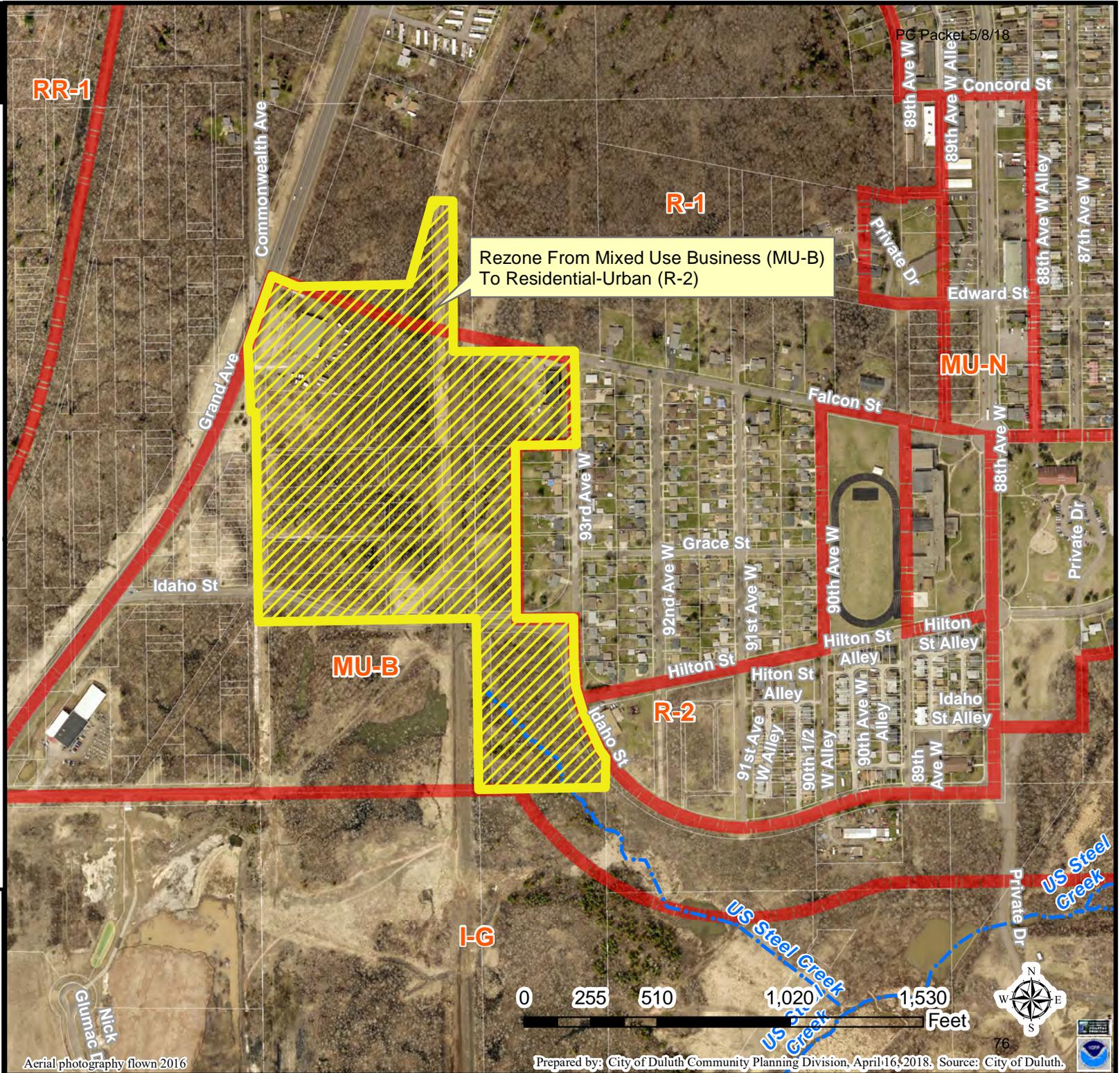
Review and Discussion Items

1. State Statute requires that a community's zoning map implement the general objectives of the Comprehensive Plan. This proposed rezoning is to update the city's zoning map so that it matches the community's vision from the 2006 Comprehensive Land Use Plan. The City is amending the zoning map throughout the city, and this is one of the many rezoning actions implementing the comprehensive plan, both large and small, being proposed to the Planning Commission over the next several months.
2. The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan, and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or be considered arbitrary and capricious. Good zoning practice requires that zone districts be consistent with the future land use category identified for the area.
3. Most of the land use of this area is undeveloped, with some manufacturing (vacant) along Commonwealth Avenue. The surrounding land uses are residential to the east and north. The Morgan Park neighborhood has experienced a demand for new housing, with a housing development (Grand Avenue Estates) recently completed, another housing development beginning the construction process (Morgan Park Estates), and a third housing project in the preliminary stages (Duluth Housing and Redevelopment Authority).
4. The purpose of the MU-B district is intended to accommodate modern light industrial and technology-based developments of attractive integrated design and function. The development standards for this district are intended to ensure that projects minimize adverse impacts on surrounding uses and neighborhoods, reduce impacts on the natural environment, enhance the visual quality of development and ensure the provision of adequate and cost-efficient public facilities. Intended uses include wholesaling, industrial services, research laboratories, and light manufacturing needed to support the community and region at large.
5. The purpose of the R-2 district is to accommodate multi-family apartments and townhouses, in an urban setting. This district also allows for single-family detached dwellings, duplexes and group living accommodations. The district is intended primarily for locations closer to commercial and mixed use activity centers, and may serve as a transition between lower density residential areas and more intense commercial and mixed use neighborhoods.
6. Based on the future land use designation, character and development history of this neighborhood, and the purpose statements of the MU-B and R-2 zone districts, rezoning as proposed is appropriate for this neighborhood.
7. The city, as of the date this was written, has received no formal written comments in regard to this proposal. One citizen called the city expressing concern and opposition to the rezoning. Engineering staff have noted that most of this area is not served by utilities now and will require coordination with engineering if and when development moves forward.

Staff Recommendation

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning as shown on the map titled Proposed Rezoning Area Map.

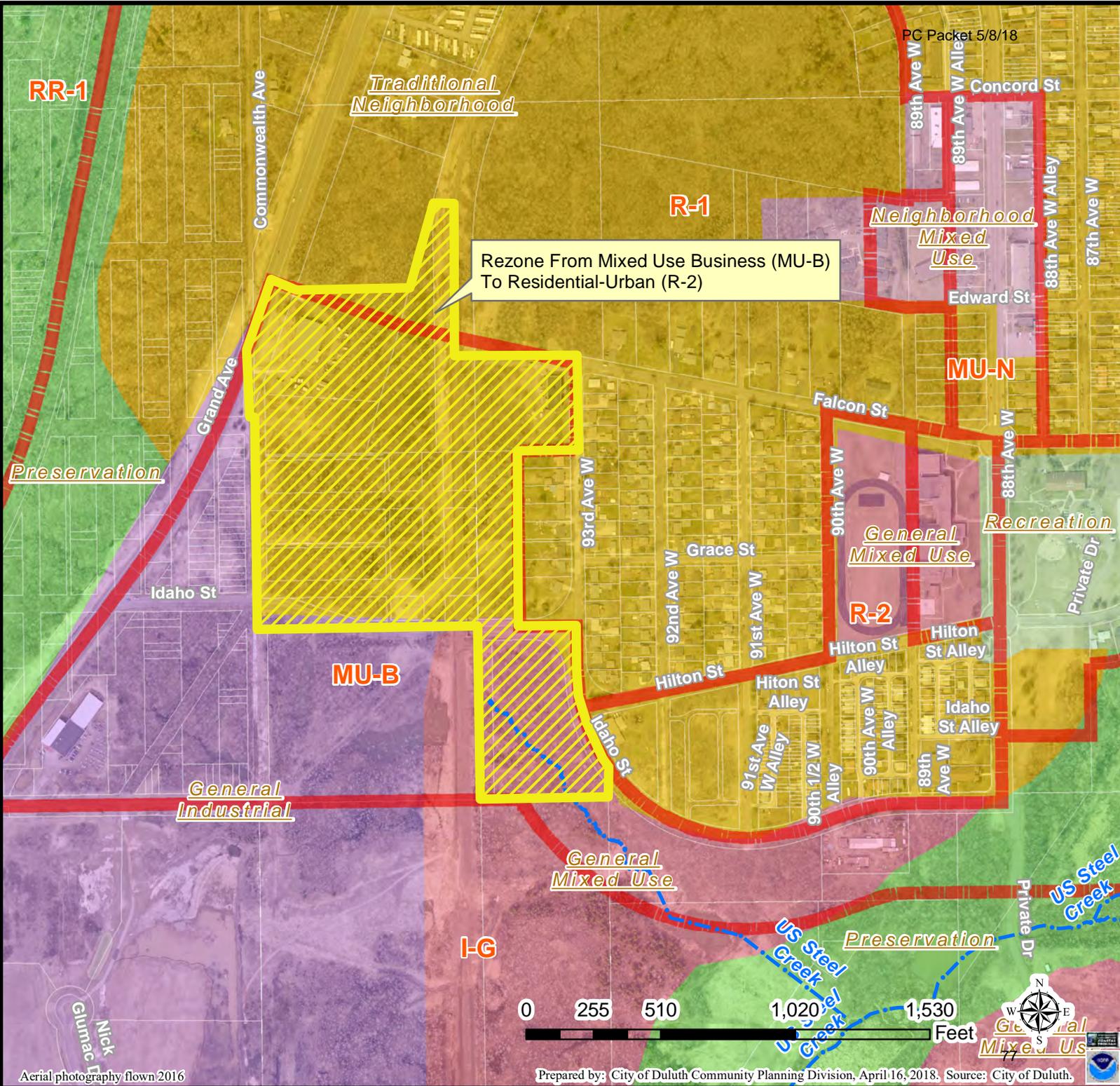
- 1) The rezoning is consistent with the Comprehensive Plan Future Land Use Map.
- 2) The proposed zone districts are the most reasonably able to implement the objectives of the Comprehensive Plan related to the proposed land use for this area.
- 3) Material adverse impacts on nearby properties are not anticipated.



Legend

- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

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Legend

- Zoning Boundaries
- Trout Stream (GPS)
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The screenshot shows a web browser window with the address bar containing <https://explorer.pictometry.com/index.php> and the page title "CONNECTExplorer™". The browser's menu bar includes "File", "Edit", "View", "Favorites", "Tools", and "Help". The main content area displays the "CONNECTEXPLORER" interface, which features a large aerial oblique view of a residential neighborhood. The view includes a road on the left, a wooded area, a residential street with houses, a school building, and a running track. The interface includes a compass and zoom controls on the left, a "Workspaces" dropdown menu, and a scale bar in the bottom right corner of the map area. The status bar at the bottom of the browser shows "map: Auto (Oblique)", "Apr 2016 - Jun 2016", "image 1 of 5", and "05/04/2016". The Windows taskbar at the very bottom shows icons for Internet Explorer, Outlook, File Explorer, and Word, along with the system tray displaying the time "9:34 AM" and date "4/26/2018".



CITY OF DULUTH
Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL 18-049	Contact	Steven Robertson	
Type	UDC Map Amendment, Rezone from MU-N, R-1, and RR-1, to P-1 and RR-1	Planning Commission Date	May 8, 2018	
Deadline for Action	Application Date	N/A, City Action	60 Days	N/A, City Action
	Date Extension Letter Mailed	N/A, City Action	120 Days	N/A, City Action
Location of Subject	Spirit Mountain, Lower Chalet			
Applicant	City of Duluth, Community Planning	Contact		
Agent	N/A	Contact		
Legal Description				
Site Visit Date	April 21, 2018	Sign Notice Date	April 24, 2018	
Neighbor Letter Date	April 20, 2018	Number of Letters Sent	43	

Proposal

The City is proposing to rezone portions of Lower Spirit Mountain along Grand Avenue, approximately between North 85th Avenue West and Spring Street, from Mixed Use-Neighborhood (MU-N), Rural Residential (RR-1), and Residential-Traditional (R-1), to Park and Open Space (P-1) and Rural-Residential 1 (RR-1), in conformance with the Comprehensive Plan's Future Land Use Map.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1/MU-N	Housing, Recreational	Recreation/Preservation
North	RR-1/R-1	Recreational	Recreation/Preservation/Traditional Neigh
South	MU-P/R-2	Housing	Varies
East	MU-P/R-1/I-G	Undeveloped	Varies
West	RR-1	Recreation/Undeveloped	Recreation/Preservation

Summary of Code Requirements

- UDC Sec. 50-37.3.B: Planning Commission shall review the application, conduct a public hearing ... with public notice ... and make a written recommendation to council.
- UDC Sec. 50-37.3.C: The Planning Commission shall review the application, and Council shall approve the application or approve it with modifications, if it determines that the application:
 1. Is consistent with the Comprehensive Land Use Plan; 2. Is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use; 3. Is required by public necessity, convenience, or general welfare, or good zoning practice; 4. Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible.
- The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or else be considered arbitrary and capricious.

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

Principle #2 - Declare the necessity and secure the future of undeveloped places. Undeveloped areas are an essential part of Duluth's municipal fabric - urban plazas, neighborhood parks, large tracts of public ownership and private lands zoned for minimal development. These minimally or undeveloped areas collectively create an open space system. These areas contribute to Duluth's cultural, health, recreational, and economic value and community identity. This open space system provides vistas, encourages active recreation, provides natural infrastructure as storm water retention, plant and animal habitat and water quality, and is the strongest visual element defining Duluth's sense of place.

Preservation: Lands with substantial restrictions. High natural resource or scenic value, or severe Development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. Examples include: most city parklands and primary viewsheds; shorelands of lake, rivers, streams; wetlands and floodplains; high-value habitat; low-intensity private or public uses.

Recent History: 2017 Spirit Mountain Master Plan and 2015 Riverside Small Area Plan

Review and Discussion Items

1. State Statute requires that a community's zoning map implement the general objectives of the Comprehensive Plan. This proposed rezoning is to update the city's zoning map so that it matches the community's vision from the 2006 Comprehensive Land Use Plan. The City is amending the zoning map throughout the city, and this is one of the many rezoning actions implementing the comprehensive plan, both large and small, being proposed to the Planning Commission over the next several months.
2. The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan, and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or be considered arbitrary and capricious. Good zoning practice requires that zone districts be consistent with the future land use category identified for the area.
3. Areas A and B (in the blue box of the attached rezoning maps) has a future land use designation of Preservation. Area A is zoned RR-1, while Area B is zoned R-1 primarily, with a minor portion zoned MU-N along Grand Avenue. With the exception of the chalet and attendant structures and parking facilities, the current land use is generally undeveloped, and all the parcels are owned by the public.
4. Area C (in the yellow box of the attached rezoning maps) also has a future land use designation of Preservation. It is currently zoned R-1, and the current land use is generally undeveloped. Several of the parcels are City owned, but a few are owned by private property owners.
5. The purpose of the R-1 district is to accommodate traditional neighborhoods of single-family detached residences, duplexes and townhouses on moderately sized lots. This district is intended to be used primarily in established neighborhoods. Many of the dimensional standards in this district require development and redevelopment to be consistent with development patterns, building scale, and building location of nearby areas.
6. The purpose the RR-1 district is accommodate large-lot, single-family detached residential uses, typically surrounded by significant open space, on lots of at least 5 acres each. The district encourages distinctive neighbor-hoods with a semi-rural character. Complimentary uses such as limited agriculture, small-scale institutional uses, parks, minor utilities and certain temporary uses are allowed.
7. The P-1 district is intended to protect and reserve lands for recreational, scenic and natural resource uses. It is intended to be applied to publicly owned land but may be applied to private property with the landowner's written consent. Both passive recreational (e.g., walking paths, picnic tables) and active recreational (e.g., playgrounds, ball fields, tennis courts) uses may be permitted. Small-scale buildings, structures and development (e.g., parking) that are incidental to and supportive of an approved use may also be permitted.

8. Based on the future land use designation, character and history of this area, and the purpose statements of the MU-N, R-1, RR-1, and P-1 zone districts, the rezoning proposal as proposed in the attached maps is appropriate for this neighborhood. PC Packet 5/8/18

9. The Planning and Community Development office, as of the date this was written, has received no formal written comments in regard to this proposal. One citizen called the city expressing concern and opposition to the rezoning (northern P-1 buffer area).

Staff Recommendation

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning as shown on the map titled Proposed Rezoning Area Map.

- 1) The rezoning is consistent with the Comprehensive Plan Future Land Use Map.
- 2) The proposed zone districts are the most reasonably able to implement the objectives of the Comprehensive Plan related to the proposed land use for this area.
- 3) Material adverse impacts on nearby properties are not anticipated.

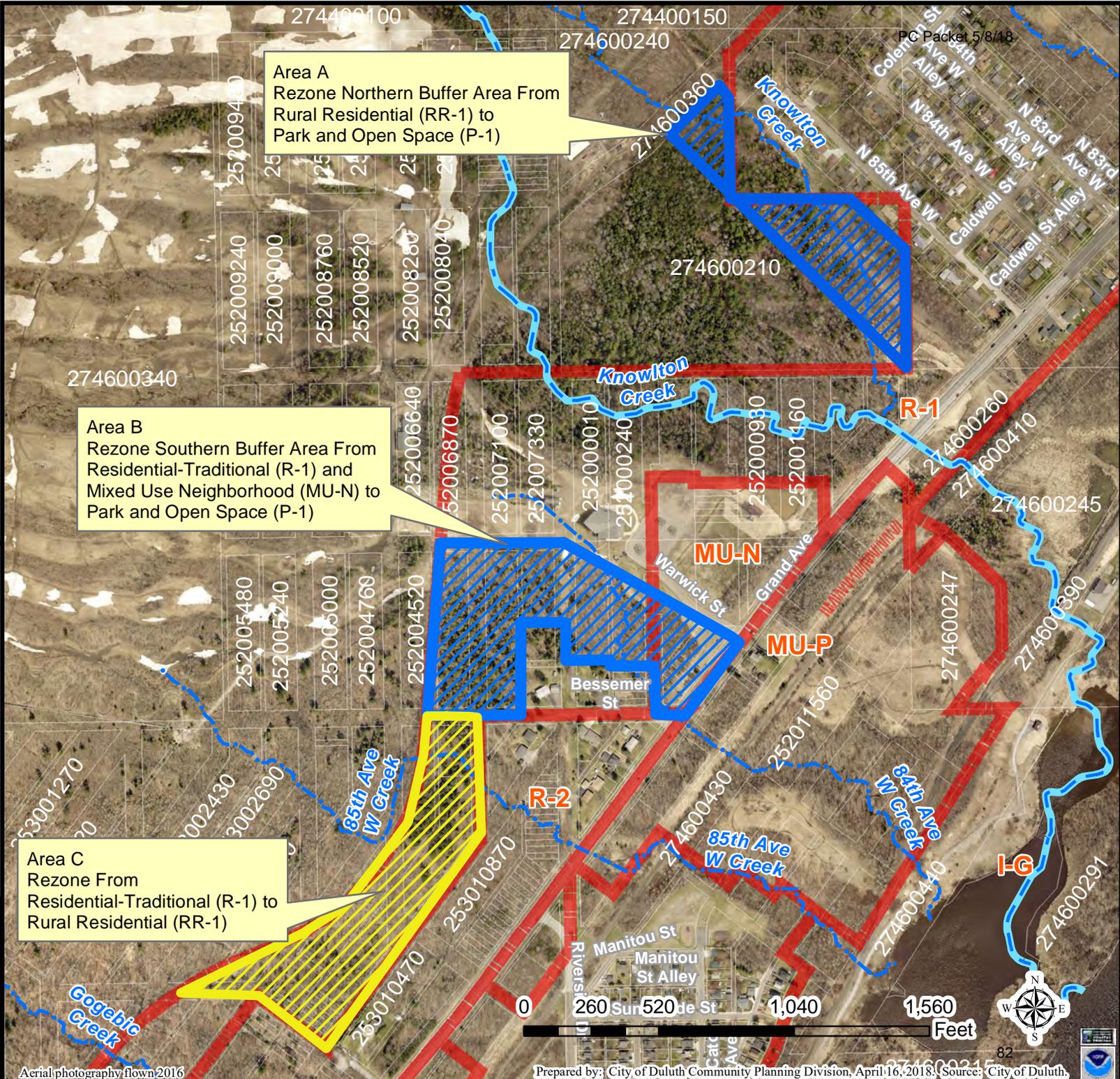


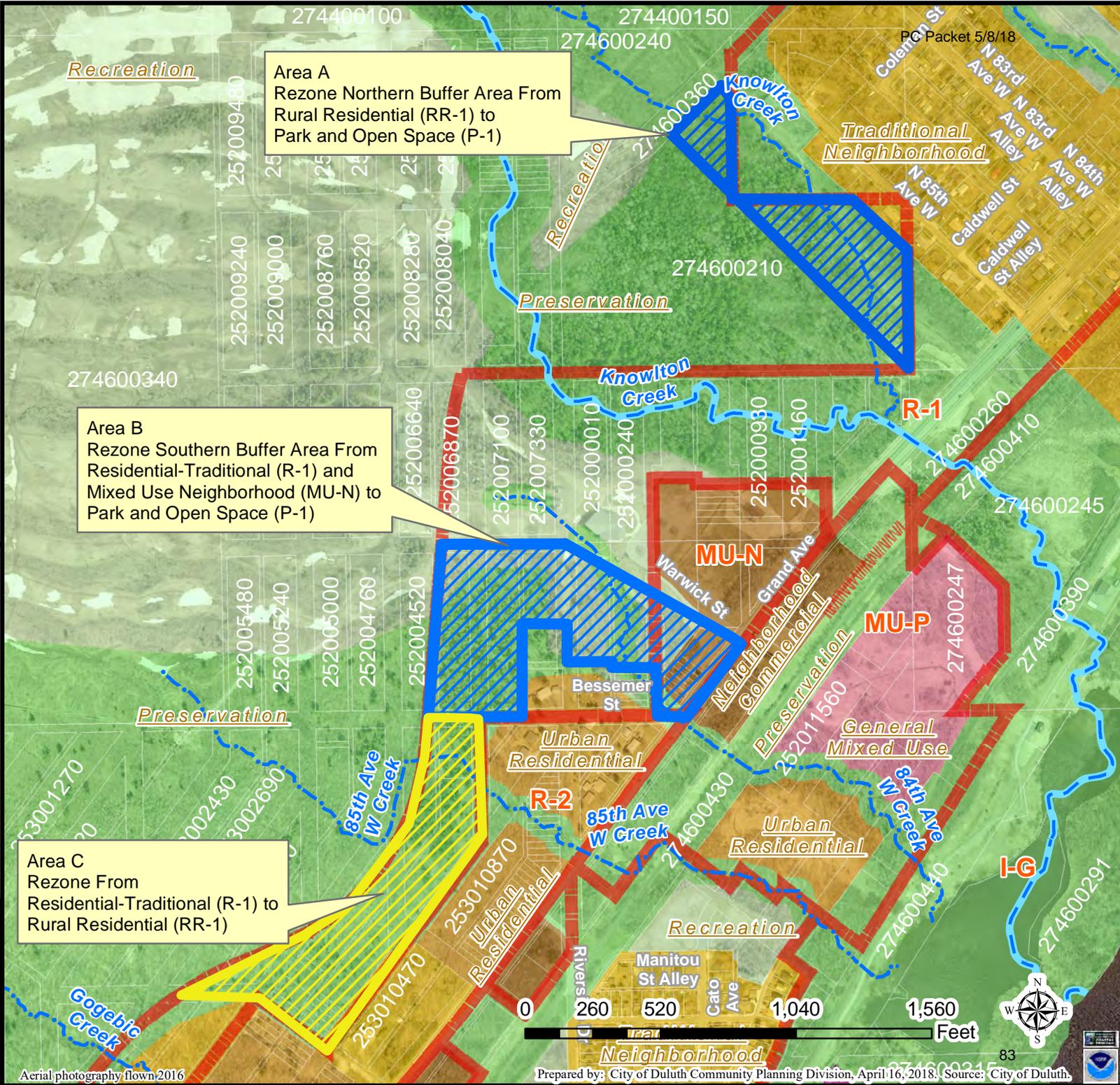
Area A
 Rezone Northern Buffer Area From
 Rural Residential (RR-1) to
 Park and Open Space (P-1)

Area B
 Rezone Southern Buffer Area From
 Residential-Traditional (R-1) and
 Mixed Use Neighborhood (MU-N) to
 Park and Open Space (P-1)

Area C
 Rezone From
 Residential-Traditional (R-1) to
 Rural Residential (RR-1)

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Area A
 Rezone Northern Buffer Area From
 Rural Residential (RR-1) to
 Park and Open Space (P-1)

Area B
 Rezone Southern Buffer Area From
 Residential-Traditional (R-1) and
 Mixed Use Neighborhood (MU-N) to
 Park and Open Space (P-1)

Area C
 Rezone From
 Residential-Traditional (R-1) to
 Rural Residential (RR-1)

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Workspaces

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4/26/2018

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https://explorer.pictometry.com/index.php

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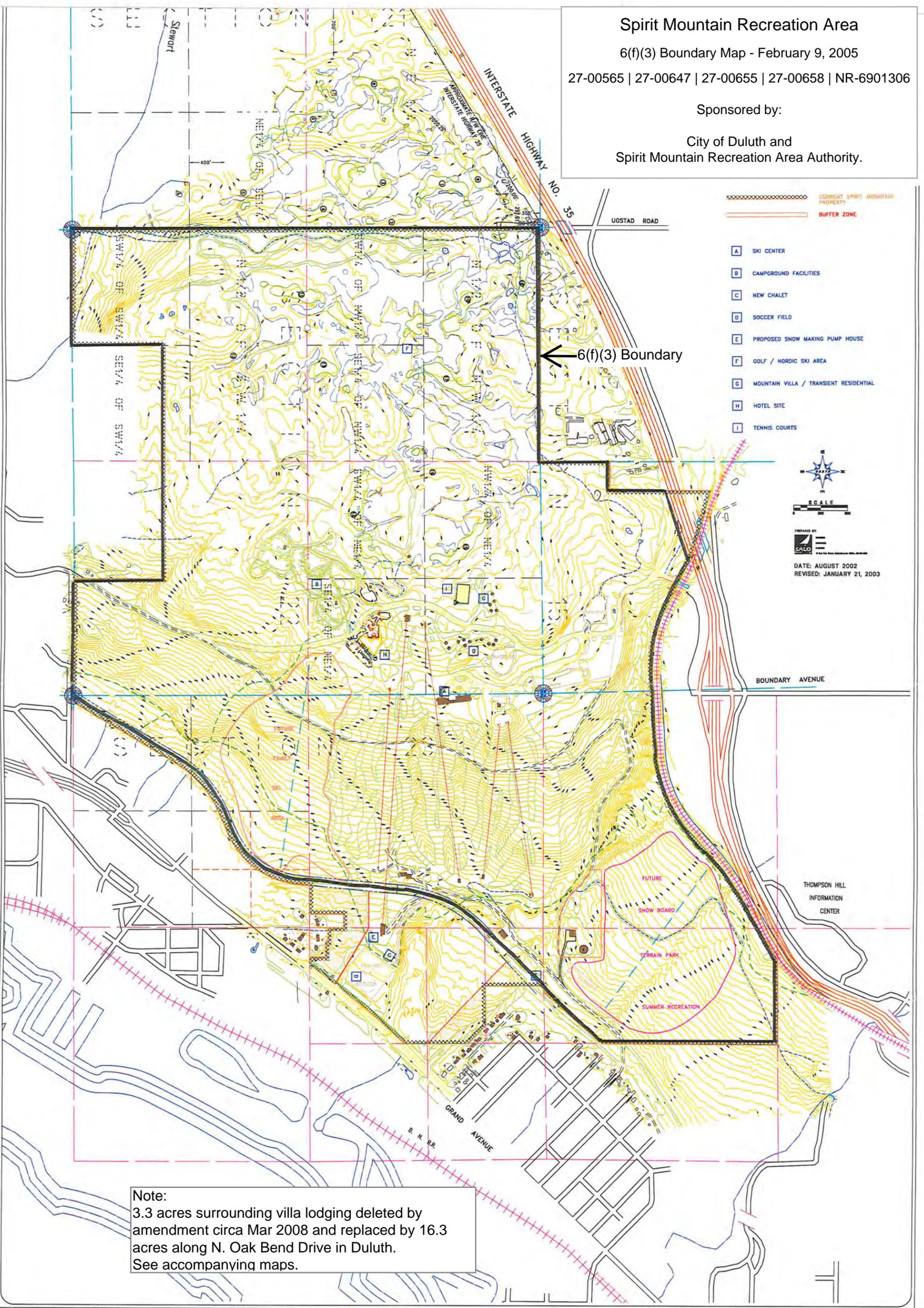
Spirit Mountain Recreation Area

6(f)(3) Boundary Map - February 9, 2005

27-00565 | 27-00647 | 27-00655 | 27-00658 | NR-6901306

Sponsored by:

City of Duluth and Spirit Mountain Recreation Area Authority.



- XXXXXXXXXXXXXXXXXXXX CURRENT SPIRIT MOUNTAIN PROPERTY
- BUFFER ZONE
- A SKI CENTER
- B CAMPGROUND FACILITIES
- C NEW CHALET
- D SOCCER FIELD
- E PROPOSED SNOW MAKING PUMP HOUSE
- F GOLF / NORDIC SKI AREA
- G MOUNTAIN VILLA / TRANSIENT RESIDENTIAL
- H HOTEL SITE
- I TENNIS COURTS



PREPARED BY
SALO
Soil and Land Use Consultants

DATE: AUGUST 2002
 REVISED: JANUARY 21, 2003

← 6(f)(3) Boundary

Note:
 3.3 acres surrounding villa lodging deleted by amendment circa Mar 2008 and replaced by 16.3 acres along N. Oak Bend Drive in Duluth. See accompanying maps.

COUNCIL AGENDA

84-0889R

RESOLUTION APPROVING CHAPTER 390, LAWS OF MINNESOTA, 1984, CHANGING THE BOUNDARIES OF THE TRACTS OF LAND ADMINISTERED BY THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY, AND DEDICATING BUFFER ZONE EASEMENTS OVER PORTIONS OF THE LAND INCORPORATED INTO THE SKI AREA BY SAID LAW.

BY COUNCILOR KAHN:

RESOLVED, that the Duluth City Council hereby approves Chapter 390 of Laws of Minnesota, 1984;

RESOLVED FURTHER, that the City Clerk shall notify the Secretary of State of said approval pursuant to the provisions of Minnesota Statutes 645.021, subdivision 1;

BE IT FINALLY RESOLVED, that the City of Duluth hereby dedicates buffer zone easements in which no clearing or construction shall occur on City-owned property under the jurisdiction of the Spirit Mountain Recreation Area Authority lying:

1. Northerly of the following line:
A line perpendicular to Grand Avenue beginning at the intersection of the west Norton Park boundary and the center line of French Street and terminating at the intersection of said line with the Duluth, Winnipeg & Pacific Railroad right-of-way.
2. Southerly of the following line:
Beginning at the southeast corner of Lot 13, Block 13, Ironton Division, and proceed in a northwesterly direction to the intersection of the center lines of Warwick Street and Riverside Drive; then proceed in a westerly direction along the center line of Warwick Street to the east line of the Duluth, Winnipeg & Pacific Railroad right-of-way, and there terminate.

RESOLUTION 84-0889R
 ADOPTED DEC 17 1984
 [Signature]

Approved:

Approved for presentation to Council:

Department Director

Administrative Assistant

Approved as to form:

Approved:

Assistant City Attorney

Chairman, Committee 2
(Recreation & Libraries)

Approved:

STATEMENT OF PURPOSE:

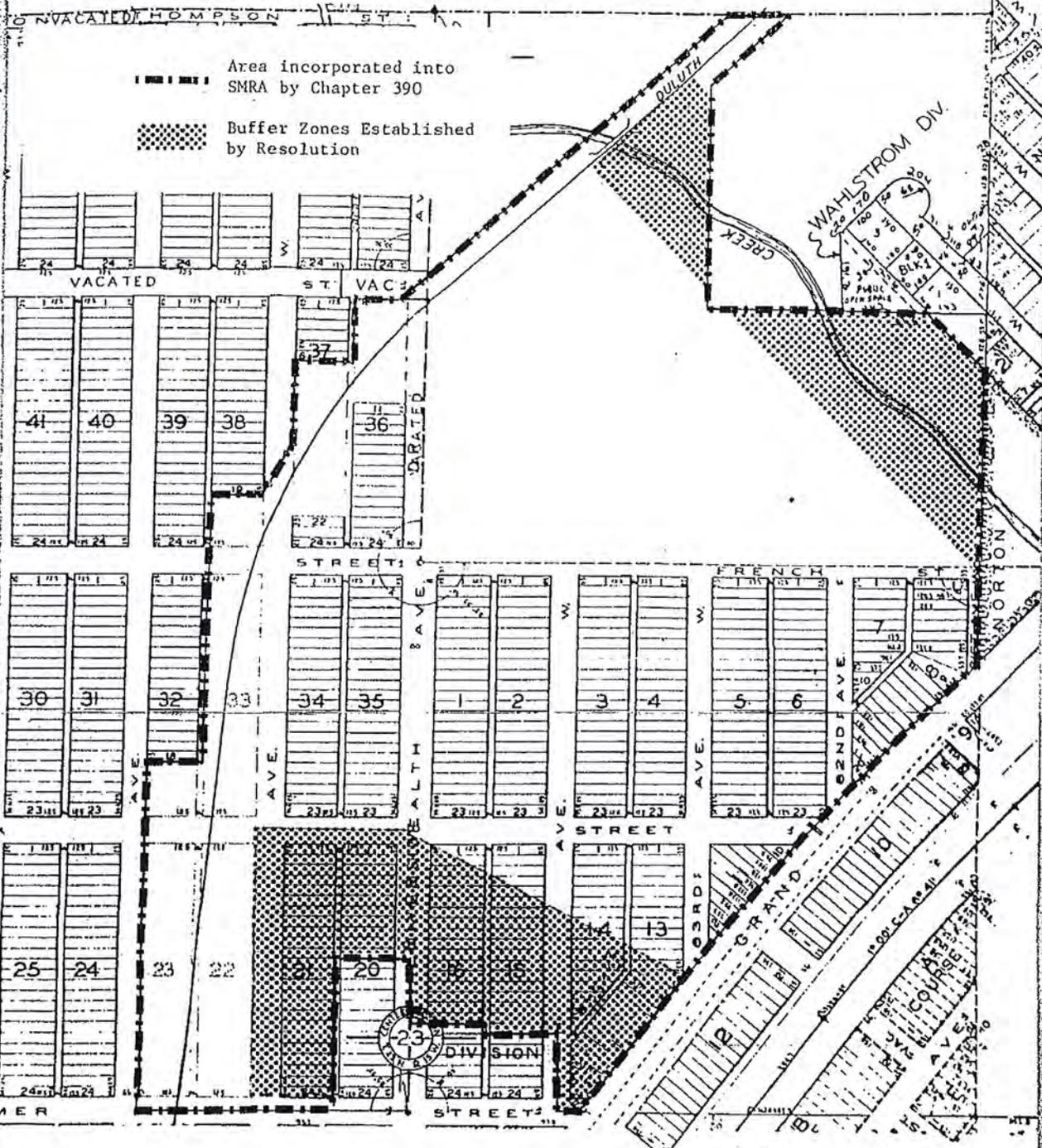
In late 1983, the Spirit Mountain Authority requested that the boundaries of the Recreation Area be amended to include certain City-owned property below the DW&P right-of-way and above Grand Avenue. This request was made in anticipation of the conveyance of the DW&P right-of-way to the City (which has now been accomplished, and accepted by Resolution 84-0808) and as a part of a long-term plan to extend ski runs and lifts, and to construct an entrance to the Ski Area and parking facilities at the foot of the hill off Grand Avenue.

A draft of legislation implementing these was prepared by the City Attorney's Office and made available for review and comment, and approval by the Park and Recreation Board and the Planning Commission, as required by the special law which created the Authority. This draft would also have incorporated into the Recreation Area approximately 80 acres of property owned by the City of Duluth, which is located within the corporate limits of the City of Proctor, as requested by the Authority. In the Planning Commission review process, owners of property in the Norton Park and Upper Riverside neighborhoods requested that "buffer areas", in which no clearing or substantial construction could take place, be written into the legislation, and the Planning Commission approved the proposed legislation with that condition.

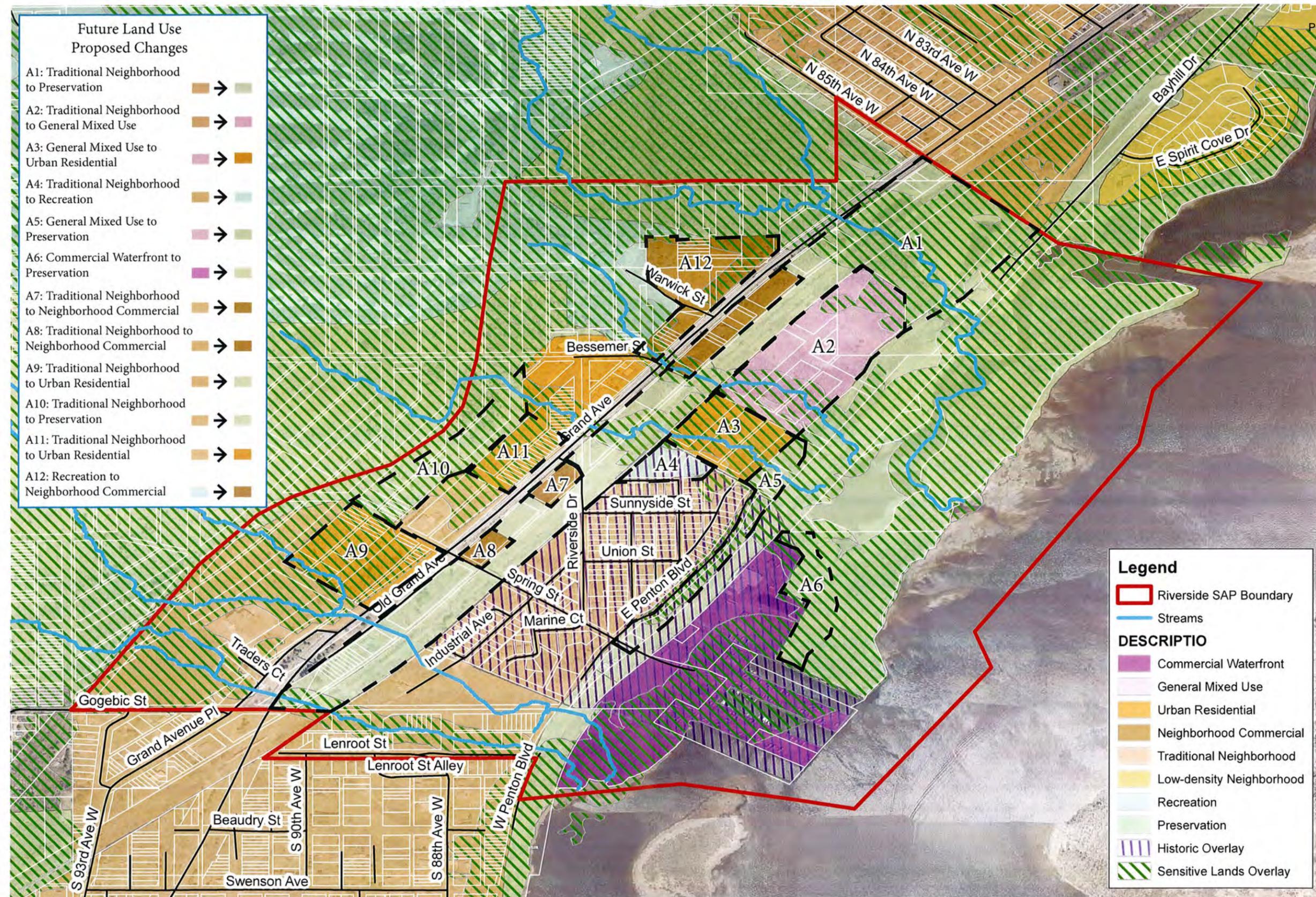
The draft legislation was amended accordingly, and distributed to interested parties including the Office of the Revisor of Statutes, which puts all proposed legislation in final and proper form before it is introduced in either the House or the Senate. It appears that something went astray as this matter was considered by the Legislators. Either the description of the 80 acres of land in Proctor was cut from the second draft as was the buffer zone language, or alternatively, the Legislature may never have seen the second draft, and the first draft was amended by excising the 80 acres in Proctor. In any event, Chapter 390 of Laws of Minnesota, 1984, did not create the buffer zones recommended by the Planning Commission, nor did it include the Proctor property.

This resolution approves Chapter 390 of Laws of Minnesota, 1984, as passed, and dedicates buffer zone easements over portions of the land which is being incorporated into the Recreation Area by Chapter 390. A certified copy of this resolution will be filed with the St. Louis County Recorder, which will make the buffer zone easements a matter of permanent record. This solution has been reviewed and approved by the Planning Staff and a neighborhood spokesperson.

COUNCIL STAFF

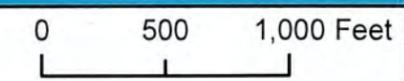


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Proposed Future Land Use Map

Riverside Small Area Plan





CITY OF DULUTH
Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL18-042	Contact	Steven Robertson	
Type	Special Use Permit, Fill in Floodplain	Planning Commission Date	May 8, 2018	
Deadline for Action	Application Date	April 5, 2018	60 Days	June 4, 2018
	Date Extension Letter Mailed	April 30, 2018	120 Days	August 3, 2018
Location of Subject	Approximately the eastern end of Waseca Industrial Road and Pulaski Street			
Applicant	MN Dept of Natural Resources	Contact	Melissa Sjolund	
Agent		Contact		
Legal Description	N/A			
Site Visit Date	N/A	Sign Notice Date	April 24, 2018	
Neighbor Letter Date	April 20, 2018	Number of Letters Sent	42	

Proposal

The Minnesota Department of Natural Resources (DNR) is intending to restore approximately 245 acres of degraded fish and wildlife habitat by the removal of wood waste and impacted sediment for reuse in enhancing the degraded shallow, sheltered bay, and create more open-water habitat and increase recreational opportunities. Shallow sheltered bay habitat will be reestablished in this sector by the removal of approximately 174,000 cubic yards (CY) of sediment. Placement of this amount of fill in a floodplain requires a Special Use Permit.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	I-W and R-C/P-1	Undeveloped or brownfield	General Mixed Use/Preservation
North	Varies	Varies	Varies
South	Varies	Varies	Varies
East	Varies	Varies	Varies
West	Varies	Varies	Varies

Summary of Code Requirements

Section 50-18.1.C.2 Special Uses. The following uses involving accessory structures or fill or storage of materials or equipment may be permitted only after the issuance of a special use permit pursuant to Article 5.....Placement of fill or construction of fences....proposed use will not cause any increase in flood, shall not obstruct the flow of flood waters, and shall be protected from erosion. Use will not include storage or processing of flammable/injurious materials and shall be readily removable from the area after a flood warning.

Section 50-37.10. Special Use Permits. The Planning Commission shall approve the application or approve it with modifications if the commission determines that the application meets the following criteria: 1. The application is consistent with the Comprehensive Land Use Plan; 2. The application complies with all applicable provisions of this Chapter, including without limitation any use-specific standards applicable to the proposed use, development or redevelopment, and is consistent with any approved district plan for the area; 3. Without limiting the previous criteria, the commission may deny any application that would result in a random pattern of development with little contiguity to existing or programmed development or would cause anticipated negative fiscal or environmental impacts on the community.

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

Governing Principle #2: Declare the necessity and secure the future of undeveloped places.

Future Land Use – General Mixed Use: The broadest mix of uses, including light industrial, office, commercial, and residential use, with performance standards to ensure compatibility. Includes areas that are in transition from industrial uses and large redevelopments that require master plans and phased development. General or heavy industrial can be included when a large site is master planned to allow appropriate separation of uses.

Future Land Use - Preservation: Lands with substantial restrictions. High natural resource or scenic value, or severe development limitations. Primarily public lands, but limited private use is anticipated subject to use and design controls.

Environmental Assessment Worksheet, Kingsbury Bay - Grassy Point Habitat Restoration Project (comment period March 19 to April 18, 2018). Purpose Statement: The Kingsbury Bay – Grassy Point project sites are located at the upper end of the Duluth-Superior Port, St Louis River Estuary. The Minnesota Department of Natural Resources proposes to mitigate latent contaminated sediments, legacy wood waste, and excessive sedimentation, thereby restoring 240 acres of fish and wildlife habitat as part of the St Louis River Area of Concern (AOC). Detrimental materials will be removed, contained on-site, or capped in-place. Areas with excess sedimentation will be deepened and the clean materials transported and reused for capping, shallowing, or softening shorelines. Shallow sheltered bay habitats that support productive estuarine marshes of Lake Superior will be restored.

Staff from the Minnesota Land Trust presented information on the proposed EAW to the Planning Commission at the April 10, 2018, meeting.

Review and Discussion Items

1. According to the applicant and as reported in the Environmental Assessment Worksheet (EAW) for this project, the two project sites are located at the upper end of the Duluth-Superior Port, St Louis River Estuary (see attached maps). The applicant is mitigating latent contaminated sediments, legacy wood waste, and excessive sedimentation, thereby restoring 240 acres of fish and wildlife habitat within a part of the St Louis River Area of Concern (AOC). Detrimental materials will be removed, contained on-site, or capped in-place. Areas with excess sedimentation will be deepened and the clean materials transported and reused for capping, shallowing, or softening shorelines. Shallow sheltered bay habitats that support productive estuarine marshes of Lake Superior will be restored. Shallow sheltered bay habitat will be reestablished in this sector by the removal of approximately 174,000 cubic yards (CY) of sediment. The dredge material from the bay will be transported and reused as a biological medium for placement over impaired substrates at Grassy Point. Surplus materials will be transported to other restoration projects in the area. The fine sediments are anticipated to provide the consistency and nutrient content that support a diverse mix of aquatic vegetation and improve the biological productivity at habitat restoration sites in the estuary. While this project will improve the quality of the St Louis River, placing dredged material and fill of this volume within the floodplain requires a public hearing and a Special Use Permit.
2. This request is for habitat restoration work and activities at both sites require a permit for fill in the floodplain. The Natural Resources Overlay map shows that much of this area is in a floodplain. The project will place fill in the floodplain, however it will not result in any increase in the flood stage.
3. Use will not include storage or processing of flammable/injurious materials. No negative fiscal or environmental impacts are anticipated.
4. No public, agency, or City comments were received.
5. UDC 50-37.1.N states than an approved Special Use Permit will expire if the project or activity authorized by the permit is not begun within 1 year.

Staff Recommendation

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

1. The project be limited to, constructed, and maintained as described in the Kingsbury Bay - Grassy Point Habitat Restoration Project 2018 EAW.
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.

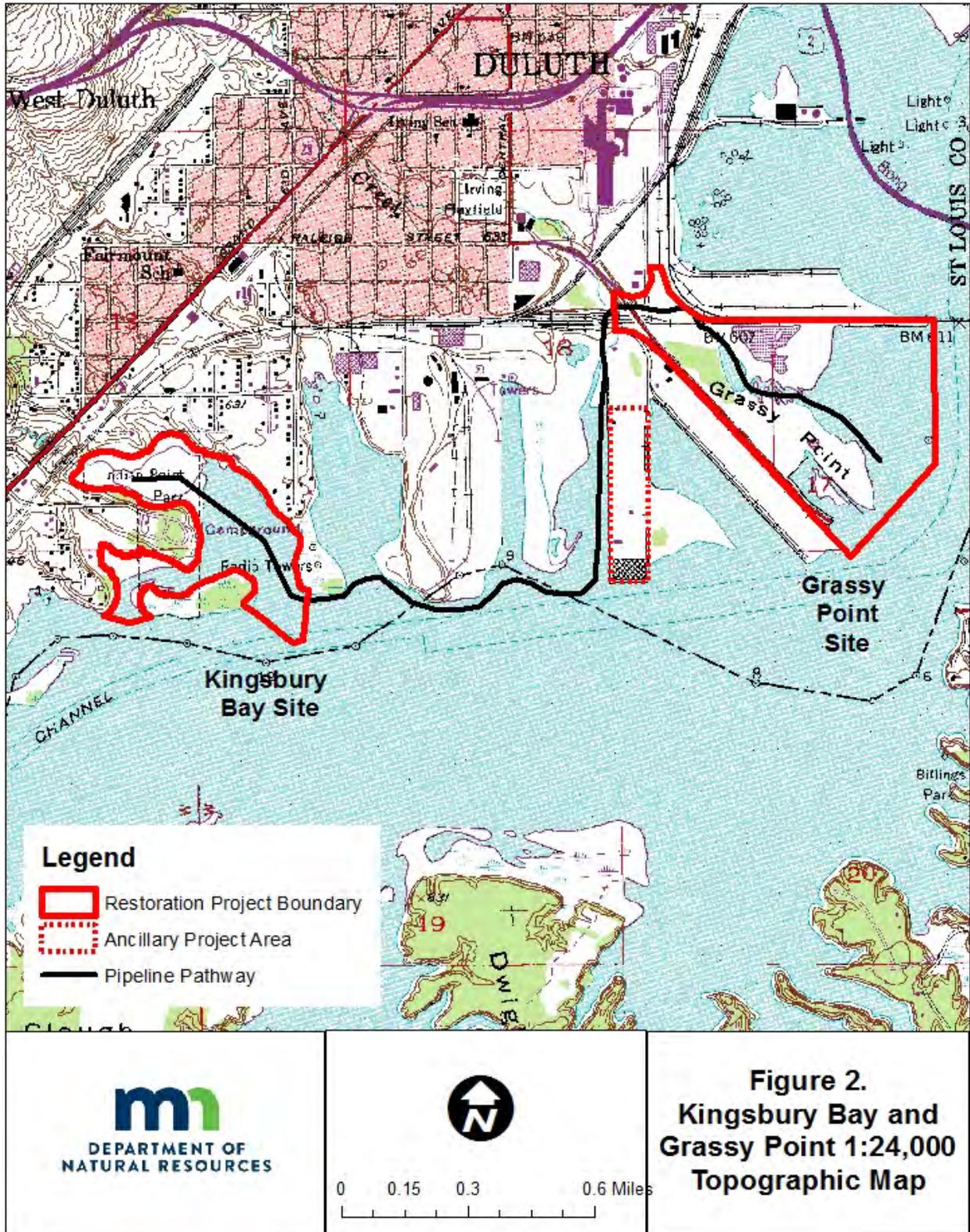


Legend

 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.







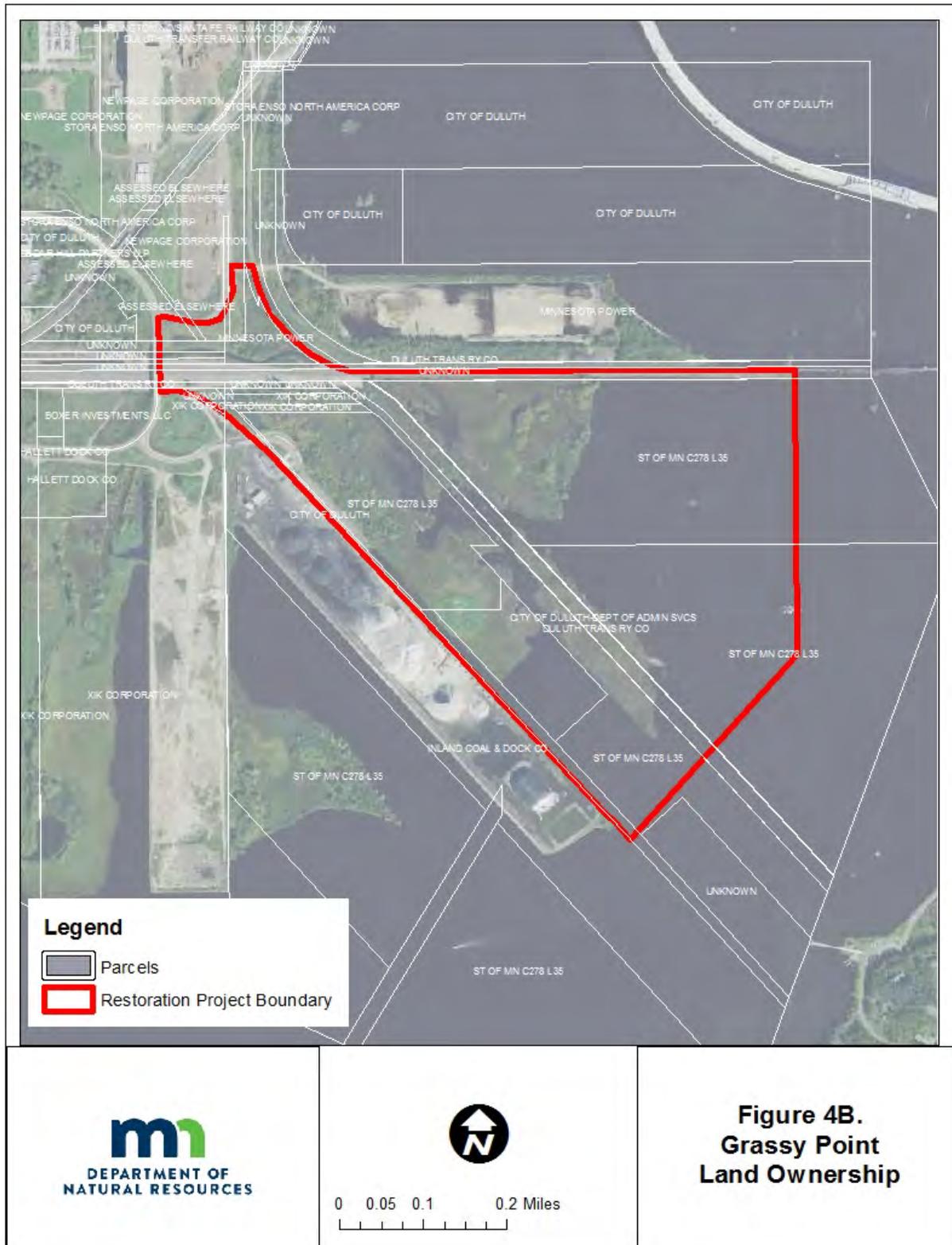




Figure 5. Kingsbury Bay Historical Image Comparison

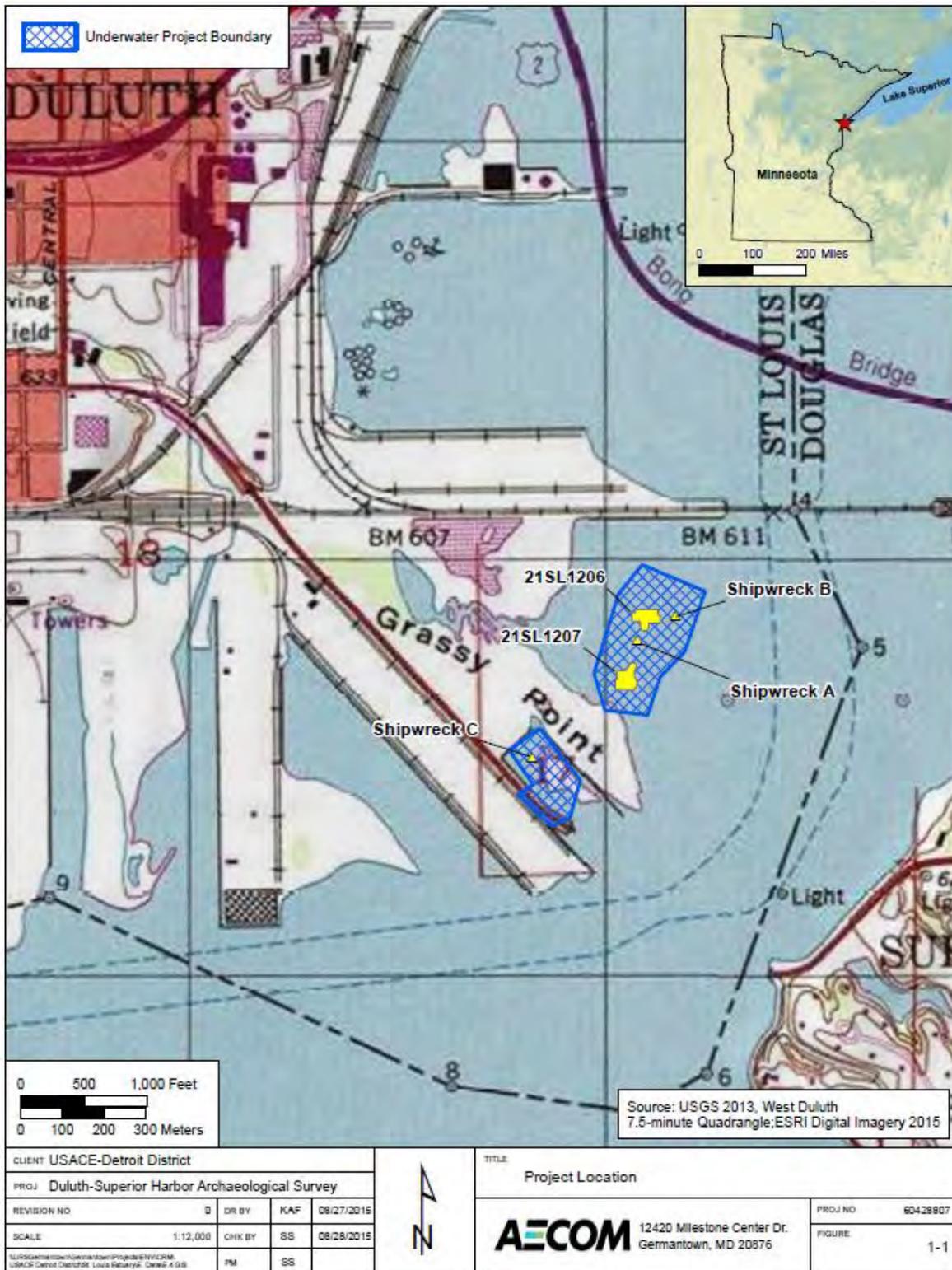


Figure 19B. Grassy Point Archaeological Survey

Kingsbury Bay – Grassy Point Habitat Restoration Project

Project Description

The goal of the Grassy Point/Kingsbury Bay Habitat Restoration Project is restore approximately 245 acres of degraded fish and wildlife habitats within the lower St. Louis River estuary in Duluth, MN. These project areas are located within two distinct embayments of the St. Louis River: Grassy Point and Kingsbury Bay (Figure 2). Restoration of Grassy Point includes addressing wood waste and impacted sediments, and the removal and/or placement of material in strategic areas to create beneficial habitat features. Kingsbury Bay will be restored through sediment removal which will enhance the degraded shallow, sheltered bay, and create more open-water habitat and increased recreational opportunities. The material removed from Kingsbury Bay will be used for habitat restoration at Grassy Point, disposed of as clean fill, or potentially used at other sites in the estuary.

The overall goals of the Grassy Point/Kingsbury Bay project are:

Grassy Point

- Manage impacted sediments and wood waste to the extent necessary to improve and create shallow sheltered bay habitat
- Utilize material dredged from Kingsbury Bay to provide a substrate for habitat restoration

Kingsbury Bay

- Deepen Kingsbury Bay through dredging, thereby improving shallow sheltered bay habitat
- Improve public access and recreation opportunities in Kingsbury Bay

Restoration Site Units (Figure 4 and 11C)

The Grassy Point and Kingsbury Bay project areas have been sub-divided into restoration site units (RSUs), which were delineated based upon geography, in-situ sediment type, and proposed restoration outcome. These RSUs have been used in the design process to optimize the material balance and estimate costs required to meet the restoration goals of the project. The restoration site units for Kingsbury Bay and Grassy Point are shown in Figure 4 and are described below. The RSUs have largely remained the same from project conception through design, however some additions and omissions have been made.

RSU 1 Kingsbury Creek Delta

RSU 1 encompasses the delta of Kingsbury Creek at the head of Kingsbury Bay. This area consists of approximately 80,000 cubic yards of sediment and wetland vegetation that will be removed to create open water habitat. Material removed from RSU 1 will be either transported to Grassy Point for beneficial reuse, or disposed of at an off-site location as clean fill. The wetland vegetation material requires some special handling and placement considerations due to the presence of narrow leaf cattails.

RSU 2 Grassy Point Island

RSU 2 is currently a low-quality wetland island overlying wood waste from historic lumber operations. Wetland vegetation material containing some phragmites currently grows in the footprint of the small portion of RSU 2 which is surrounded by RSU 8. Approximately the top two feet of material containing the vegetation will be removed and placed in the footprint of RSU 3 where it will be buried under greater than 6 feet of fill where the wetland vegetation will struggle to re-establish itself. Following wetland vegetation removal from the small portion of RSU 2, material dredged from other RSUs will be placed in RSU 2 to create an upland island habitat supporting native vegetation and trees. Material will not be removed from the surface of the existing island portion of RSU 2 prior to material placement. The final 1 foot of cover material will be common fill (sandy silt) from RSU 1 or sandy sediment dredged from other areas of the site.

RSU 3 Grassy Point Baymouth Bar

Restoration activities in RSU 3 are designed to provide shallow, sheltered bay habitat at Grassy Point through the construction of a baymouth bar. Sand, wood, and sediment from Grassy Point, as well as sediment from Kingsbury Bay will be used to create a baymouth bar extension off of the existing Grassy Point Island (RSU 2), covering existing wooden pile structures and protecting a large interior portion of Grassy Point open water from estuary-generated wave energy.

RSU 4 Kingsbury Bay Soft Sediment

RSU 4 encompasses approximately 78,000 cubic yards of soft sediment which will be dredged to create diverse, open water habitats within Kingsbury Bay. The material removed from RSU 4 will be transported to the Grassy Point and 40th Avenue West project areas for use in several RSUs as a top-dressing to promote the development of healthy benthic and aquatic vegetation communities.

RSU 5 Kingsbury Bay Sand

Approximately 16,000 cubic yards of sand will be removed from RSU 5 to deepen the channel at the mouth of Kingsbury Bay, thereby increasing exchange with the main river channel and allowing for better access for recreational users. This sand will be transported to Grassy Point where it may be placed in several RSUs. The content and consistency of the sand is unknown at this time. Sampling and analysis of this material during construction will help determine the appropriate RSUs for placement of this material.

RSU 6 Grassy Point Baymouth Bar Riparian Area

RSU 6 includes the shallow water, littoral zone surrounding RSU 3. Within RSU 6, sandy sediment (potentially from RSU 5 or RSU 8N) will be placed to create a substrate capable of supporting a healthy benthic community and resisting wave and other estuary forces.

RSU 7 Area of Concern Beneficial Use Impairment Wood Removal

Surrounding the Grassy Point Island (RSUs 2 and 3), RSU 7 encompasses an area that is targeted for removal of approximately 100,000 cubic yards of wood waste and a mixture of wood and sediment. Removal of this material will meet project habitat goals and St. Louis River Area of Concern (AOC) Beneficial Use Impairment (BUI) removal goals. Upon removal of the wood, sediments from Kingsbury Bay will be placed for habitat enhancement and protection. One foot of fine-grained, organic sediment will be placed in RSU 7, with additional sand and gravel placed on shoreline slopes in high velocity areas.

RSU 8S (South) Outer Grassy Point Open Water

Currently a degraded wetland due to the presence of wood waste, RSU 8S is targeted for increased open water habitat and creation of a new island (part of RSU 2). The restoration design addresses the project goal of creating depth diversity as well as new and varied habitat. It is proposed that the approximately 38,000 cubic yards of wood waste and sediments removed from RSU 8S will be re-used onsite for the creation of upland areas in RSUs 2 and 3.

RSU 8N (North) Grassy Point Sand Removal Area and Open Water Creation

RSU 8N is targeted for dredging of approximately 24,000 cubic yards of sandy material and increased open water habitat creation. The area designated for removal is known to be part of a former channel or slip which was filled with sandy dredged material as a part of USACE maintenance dredging activities sometime after 1967. The design addresses the project goal of creating depth diversity as well as new and varied habitat. Some wetland vegetation material currently grows in the portion of RSU 8N which is not currently submerged under water. Approximately the top two feet of material containing the vegetation will be removed and placed in the footprint of RSU 3 where it will be buried under greater than 6 feet of fill where the wetland vegetation will struggle to re-establish itself. It is proposed that the sand and sediments removed from RSU 8N will be re-used onsite for the creation of sand berm in RSU 3. The content and consistency of the sand in RSU 8N is also somewhat unknown at this time and depending on sampling during construction, it may or may not be sufficient for placement in the sand berm, however its placement would be acceptable in multiple other areas of the site.

RSU 9 Inner Grassy Point Channel Expansion

RSU 9 extends from near the culvert beneath the rail road causeway at the northwest corner of the Grassy Point project area to the pedestrian bridge that is part of the existing city trail. Work in RSU 9 will consist of dredging approximately 9,500 cubic yards of sediment and wood waste, regrading, and restoring the creek channel to facilitate increased water exchange into surrounding wetlands and to allow the creek to reach the flood plain and deposit sediment in high flow events.

RSU 10 Grassy Point Impacted Sediment

Several areas of impacted sediments were identified west of the existing Grassy Point Island. These areas have been combined and consolidated to comprise RSU 10. The shape of this RSU has been defined through completion of field investigation work by others (MPCA) to establish the extent and magnitude of sediment impacts. Sediment investigation results have indicated there are no toxic sediment concentrations, and thus there are no areas targeted for impacted sediment removal. RSU 10 will be addressed through placement of approximately six inches of clean soft sediment material to improve the health of the benthic community and support AOC BUI removal efforts.

RSU 11 Keene Creek Channel Restoration

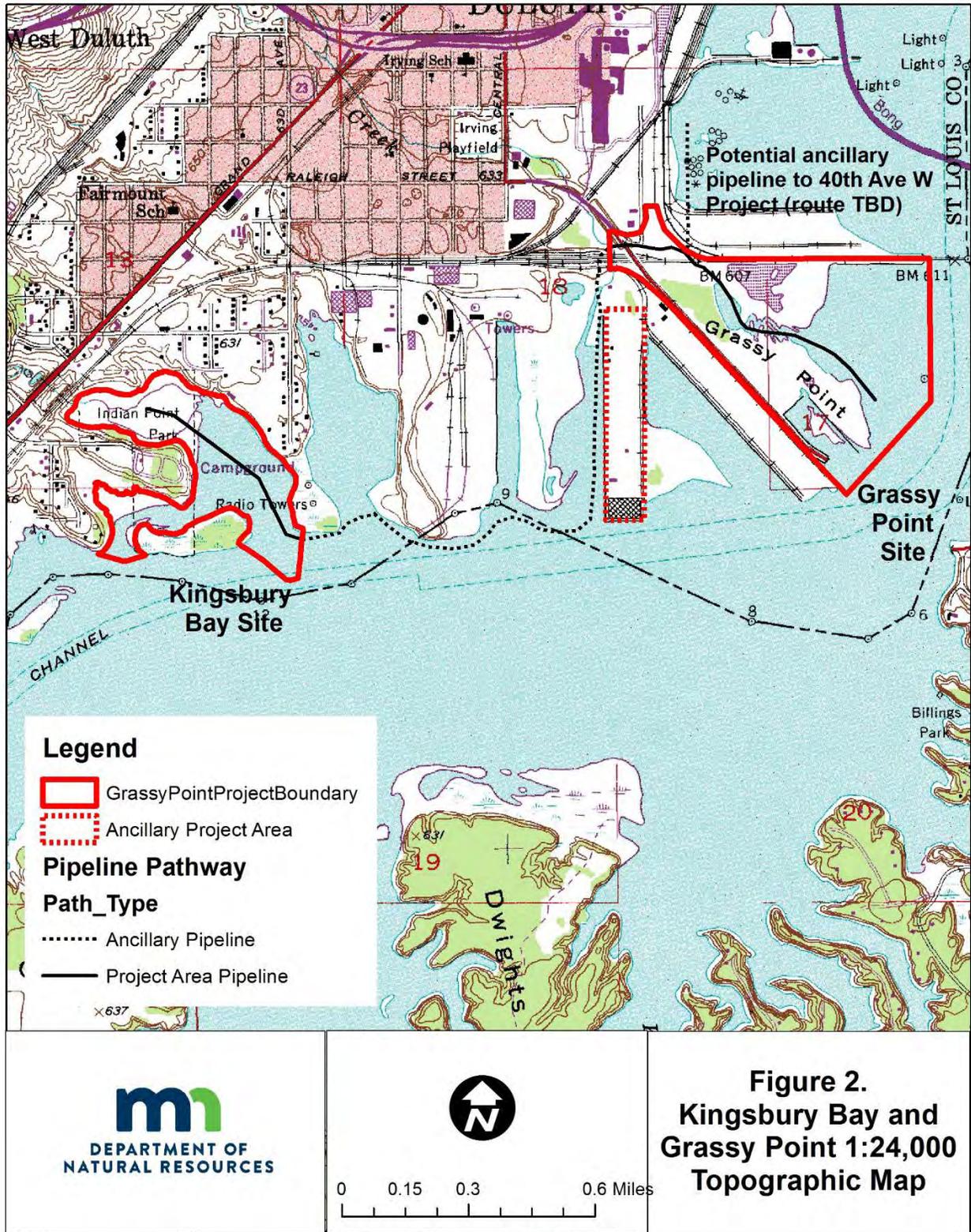
RSU 11 consists of the portion of the Keene Creek channel which is separated from the Grassy Point area by a rail road causeway and a culvert. RSU 11 is within the Keene Creek project boundary as it is shown on Figure 4. The future goal of RSU 11 is to restore the stream channel and reconnect it with the adjacent wetlands. A geomorphic assessment and concept design for this RSU were completed as a part of the design for this project, and have been submitted to DNR under separate cover. Restoration of RSU 11 has been postponed and is no longer a part of this project's scope. The restoration is planned to be pursued at a later date when other upstream improvements in Keene Creek have been completed.

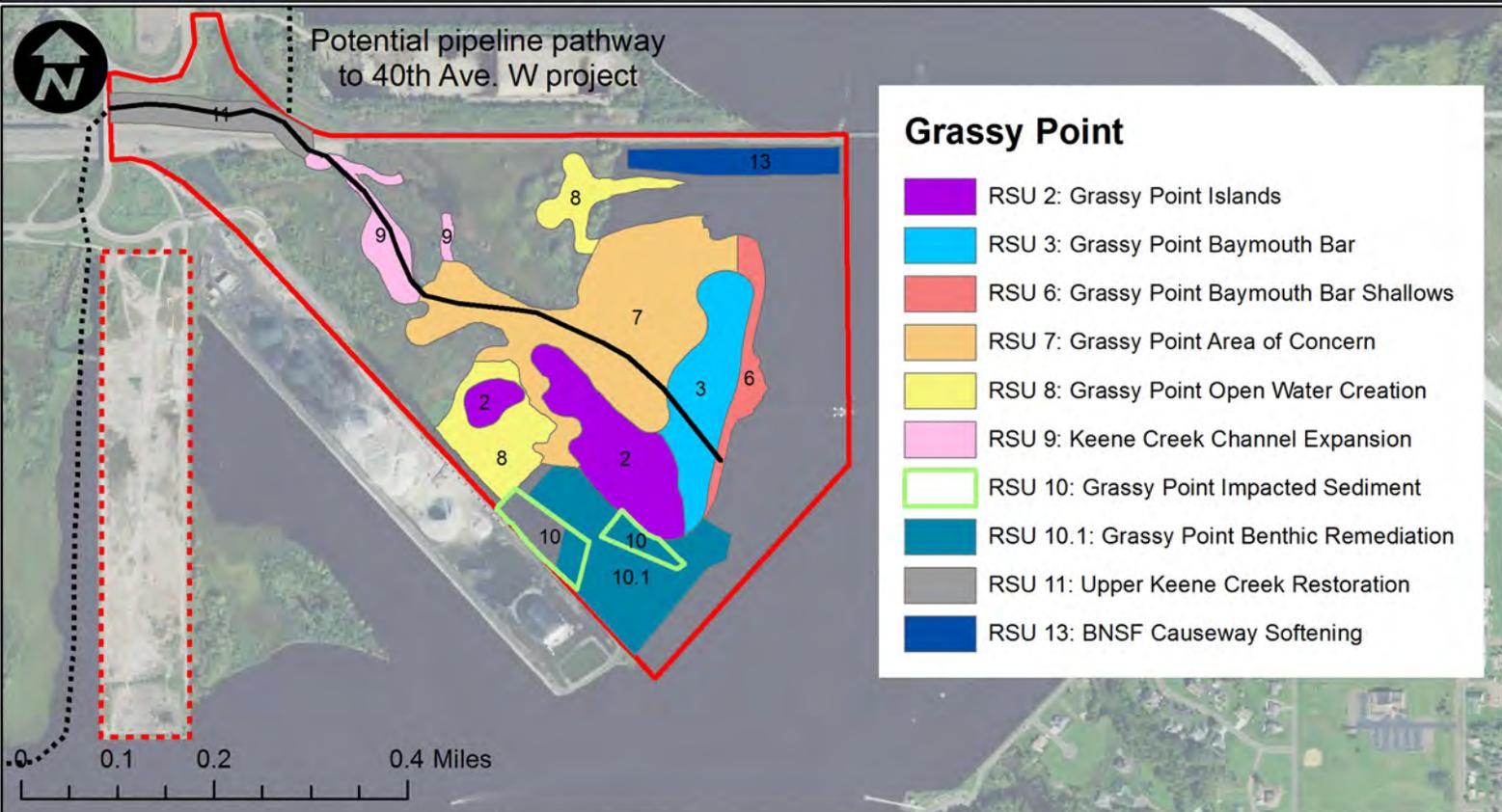
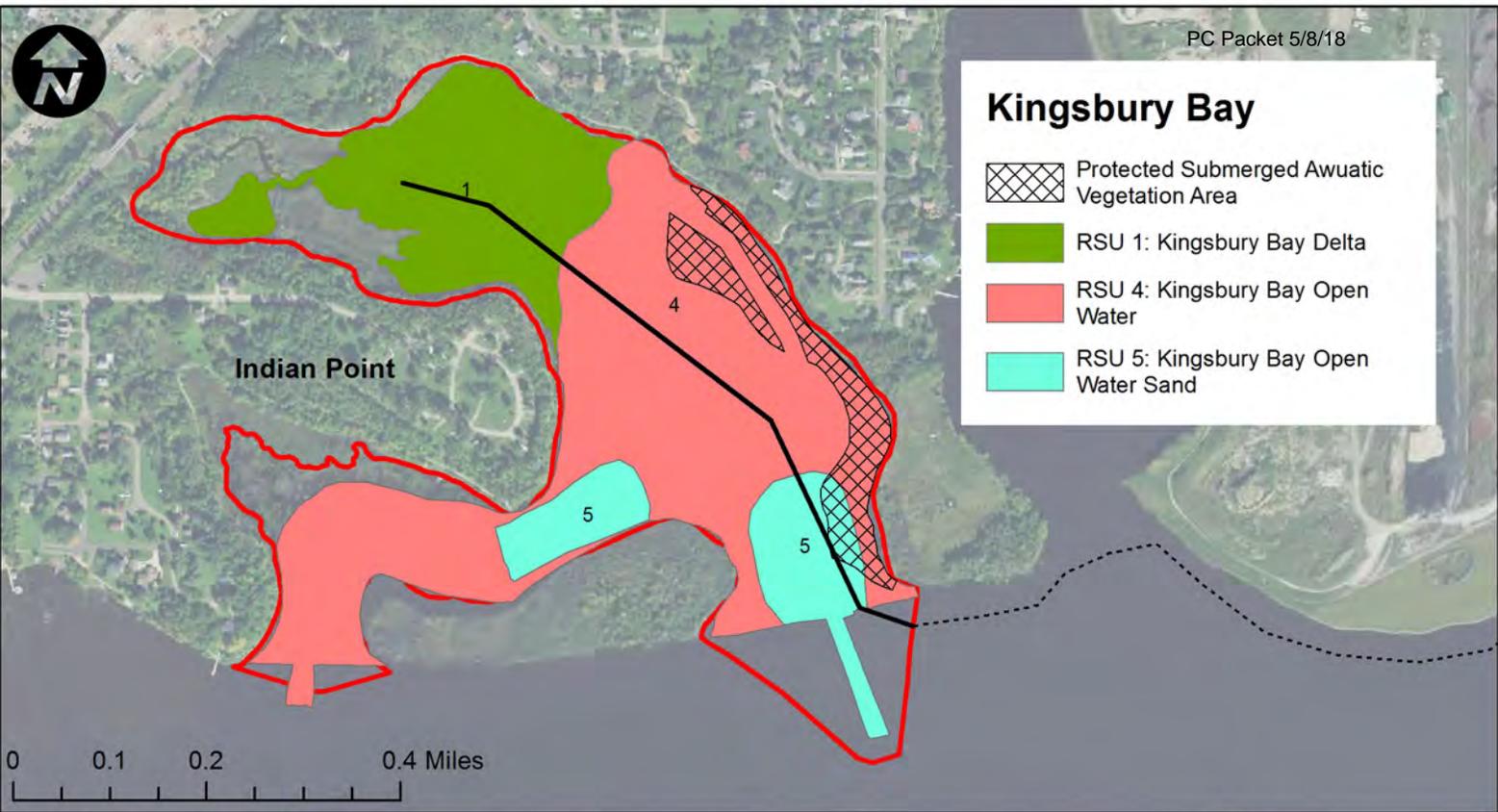
RSU 12 Material Staging Areas

XIK Dock 7 may be used by a construction contractor for staging and stockpiling materials as required during the restoration process. If so desired, negotiation and payment of a lease for Dock 7 will be up to the contractor.

RSU 13 Shallow Sheltered Bay Open Water and Railroad Causeway

RSU 13 encompasses an area offshore of the baymouth bar and south of the rail road causeway on the north side of the project area. This RSU focuses on habitat improvement through placement of one foot of fine-grained organic sediments from Kingsbury Bay over the existing sediment surface.





Legend

- Ancillary Pipeline
- Project Area Pipeline
- ▭ Restoration Project Area
- ▭ Ancillary Project Area (RSU 7: XIX Dock 7)

**Figure 4.
Restoration Site
Units (RSUs)**



Associated RSUs	Site	Acres			No Wetland Type Impact	Description
		Wetland Created	Wetland Converted	Wetland Removed		
1	Kingsbury Bay		16.0			Exotic monoculture wetland to open water wetland
4,5	Kingsbury Bay				34.3	Open water wetland - restored bathymetry
8	Grassy Point		7.7			Exotic monoculture wetland to open water wetland
2	Grassy Point			1.4		Exotic monoculture wetland to upland
2	Grassy Point			8.6		Wood waste wetland to upland
3	Grassy Point				8.2	Open water to upland
6,7,13	Grassy Point	22.3				Open water to wetland
7,9	Grassy Point		10.4			Wood impaired wetland to open water wetland
Total		22.3	34.1	10	42.5	



Legend

- Exotic monoculture wetland to open water wetland
- Exotic monoculture wetland to upland
- Open water to upland
- Open water to wetland
- Wood impaired wetland to open water wetland
- Wood waste wetland to upland
- Open water wetland - restored bathymetry
- Restoration Project boundary



**Figure 11C.
Wetland
Conversions**



CITY OF DULUTH
Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL18-037	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Special Use Permit – Parking lot (primary use)	Planning Commission Date	May 8, 2018	
Deadline for Action	Application Date	April 3, 2018	60 Days	June 2, 2018
	Date Extension Letter Mailed	April 13, 2018	120 Days	August 1, 2018
Location of Subject	Southwest corner of West 1 st Street and 23 rd Avenue West			
Applicant	John Goldfine – JAK III LLC	Contact	John Goldfine	
Agent	Northland Consulting Engineers LLP	Contact		
Legal Description	PID #'s 010-1120-04466, 04460,04465, 04480, 04520			
Site Visit Date	April 27, 2018	Sign Notice Date	April 24, 2018	
Neighbor Letter Date	April 20, 2018	Number of Letters Sent	47	

Proposal

Applicant requests a Special Use Permit to construct a parking lot as a primary use at the southwest corner of West 1st Street and 23rd Avenue West. As a primary use parking lot, site features such as drive aisles and accesses must function independently of other neighboring sites and businesses. A Special Use Permit is required to construct a primary use parking lot in an F-5 Form District.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-5	Vacant land/Single Family	General Mixed Use
North	MU-B	Commercial	General Mixed Use
South	F-5	Commercial/Single Family	General Mixed Use
East	F-5	Single Family Residential	General Mixed Use
West	F-5	Single Family Residential	General Mixed Use

Summary of Code Requirements

UDC Section 50-19.8. Special Use Permit required for a Parking lot (primary use) in an F-5 form district.

UDC Section 50-20.3.O. Use Specific Standards – Parking lot or parking structure (primary use)

UDC Section 50-37.10. Special Use Permits. The Planning Commission shall approve the application or approve it with modifications if the commission determines that the application meets the following criteria:

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

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

Future Land Use – General Mixed Use - The broadest mix of uses, including light industrial, office, commercial, and residential use, with performance standards to ensure compatibility. Includes areas that are in transition from industrial uses and large redevelopments that require master plans and phased development. General or heavy industrial can be included when a large site is master planned to allow appropriate separation of uses.

Comprehensive Plan Policy UD9 – Encourage site design which shares elements pedestrian access, parking, coordinated landscaping, linked open space and green infrastructure for stormwater management and water quality improvement.

The parking lot will be used for office use and a Cider House in the building located to the south across the West 1st Street Alley.

Review and Discussion Items

Staff finds that:

- 1.) 50-19.8 (F-5 Form District) - A primary use parking lot is allowed as a special use in the F-5 Form district.
- 2.) 50-23 (Connectivity) - A sidewalk will be provided from the parking lot to the Office and Cider House.
- 3.) 50-24 (Parking) - Site contains 20 parking stalls. There are no minimums or maximums for primary use parking lots.
- 4.) 50-25 (Landscaping) - The site is less than 10,000 square feet and has less than 25 parking spaces. Therefore, internal landscaping is not required. Parking lots with less than 25 spaces must provide 30% tree canopy coverage. Site exceeds the requirement for 30% tree canopy coverage.
- 5.) 50-26 (Screening) - The adjacent properties to the south and east will be screened by a 6' high privacy fence.
- 6.) 50-29 (Sustainability) and 50-30 (Building Design Standards) - These do not apply as the proposed project does not include a structure.
- 7.) 50-31 (Exterior Lighting) – There is no lighting planned for this project.
- 8.) Stormwater will be collected in a catch basin system and conveyed to nearby public storm sewer. A storm water management plan and erosion control permit will be needed prior to construction.
- 9.) No public, City or agency comments were received.UDC 50-37.1.N. states that an approved Special Use Permit will expire if the project or activity authorized by the permit has not begun within one-year.

Staff Recommendation

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

- 1) The project must be limited to, constructed, and maintained according to the Site Plan submitted with the special use permit application.
- 2) Developer shall file paperwork to merge or combine parcels, as appropriate, to ensure that no parking spaces are constructed over multiple lot lines. Documentation of any cross-easements for parking shall be provided to the city.
- 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 administrative approval shall constitute a variance from the provisions of Chapter 50.

Date: April 3, 2018

To:
City of Duluth Planning Staff
City of Duluth Planning Commission

Project Description: JAK III Parking Lot

Dear Staff & Commission,

Just a few years ago our Grandfather bought these buildings to keep the horses that he leased to the Post Office. Since then the buildings have had many lives including lots of startups. Some have been successful and some have failed. My father Erv and my uncle Monnie felt that they could help Duluth by doing so. My cousin Ken, my sister Amy and myself have the desire to carry on with their goals.

A few years ago when Lincoln Park needed a boost we decided the right thing to do was update a very old building and move our offices to there. We would like to think we were one of the groups that have helped change our neighborhood.

When we moved in it became clear that with any growth there was going to be parking issues. Today we are close to renting the east building for office use that will be a boost to Lincoln Park. This is contingent on our ability to provide enough parking. We are also excited that we have rented the West building for a Cider House. We are very excited about this business and their success as not only have they made a large investment, but so have we.

Again parking is an issue and for them to be successful they need to have parking at the building for their customers as well as parking for their employees. The space that we are proposing consists principally of a condemned house which we bought and removed. We also bought some tax forfeit land to create this space. These properties have traditionally been used as outside storage in a half hazard manner as shown in the attached photos. The proposed lot would be an improvement to the neighborhood with all require landscaping, screening, and storm water treatment as required by the City UDC. Additionally this use is consistent with the Form 5 Zoning District and supports the Governing Principals #3 "Support traditional economic base", #4 "Support emerging economic growth sectors", & #5 "Strengthen neighborhoods" by creating additional jobs and growth in the neighborhood.

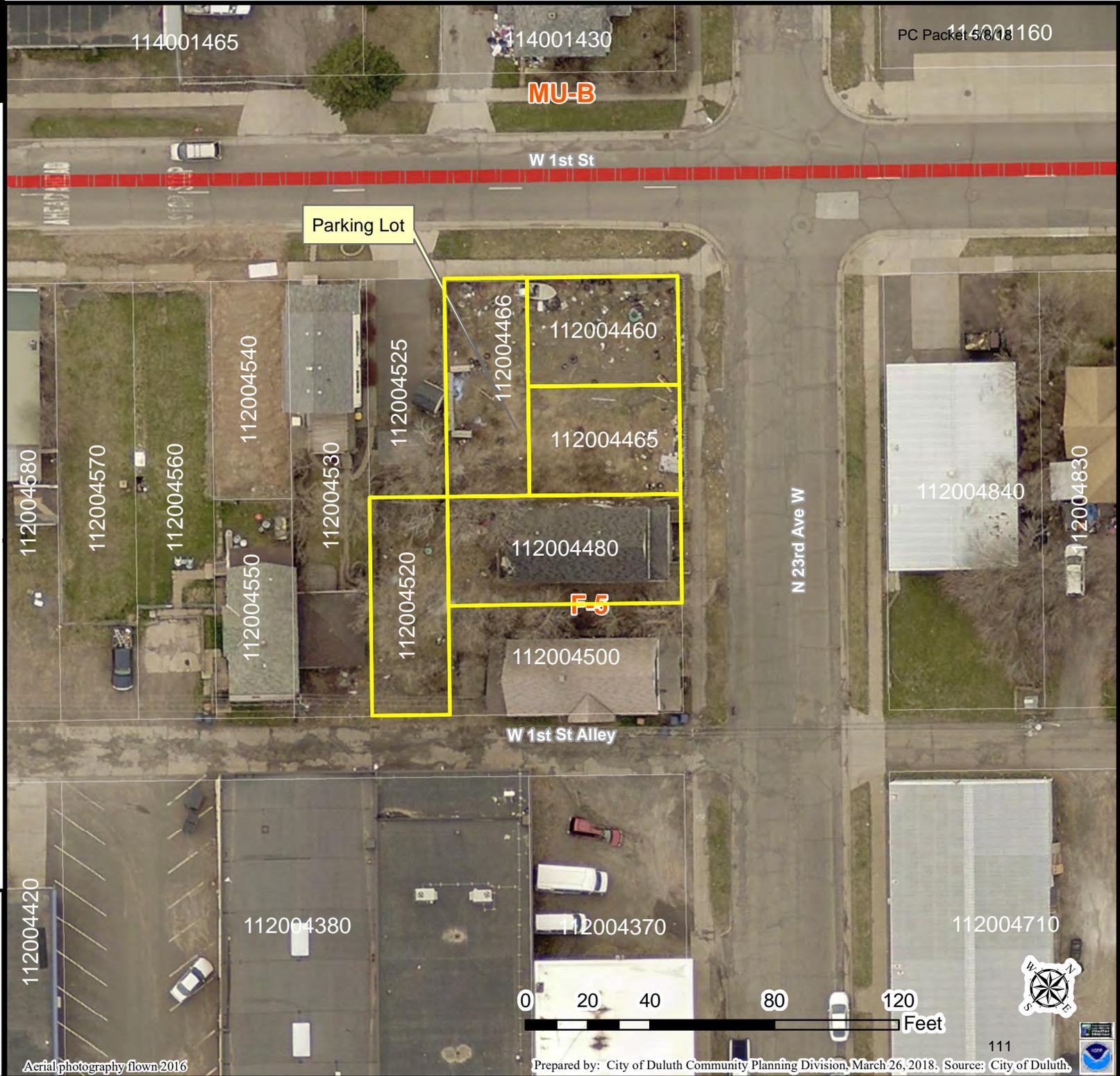
Our family has a long tradition of being a good neighbor.

Thank you for your consideration.



John Goldfine
JAK III LLC

c.c. Tom DesMarais P.E. – Northland Consulting Engineers LLP



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.

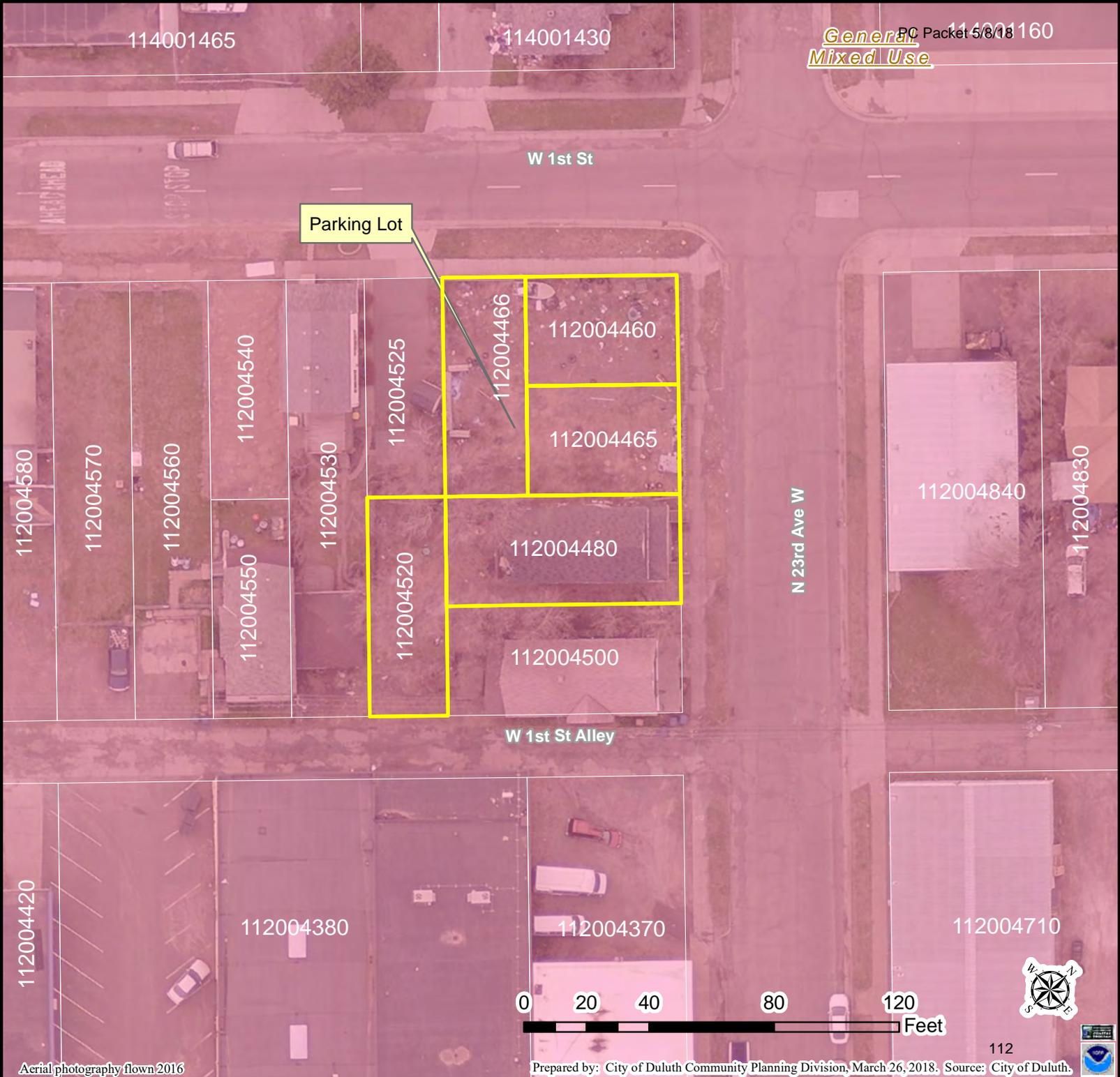




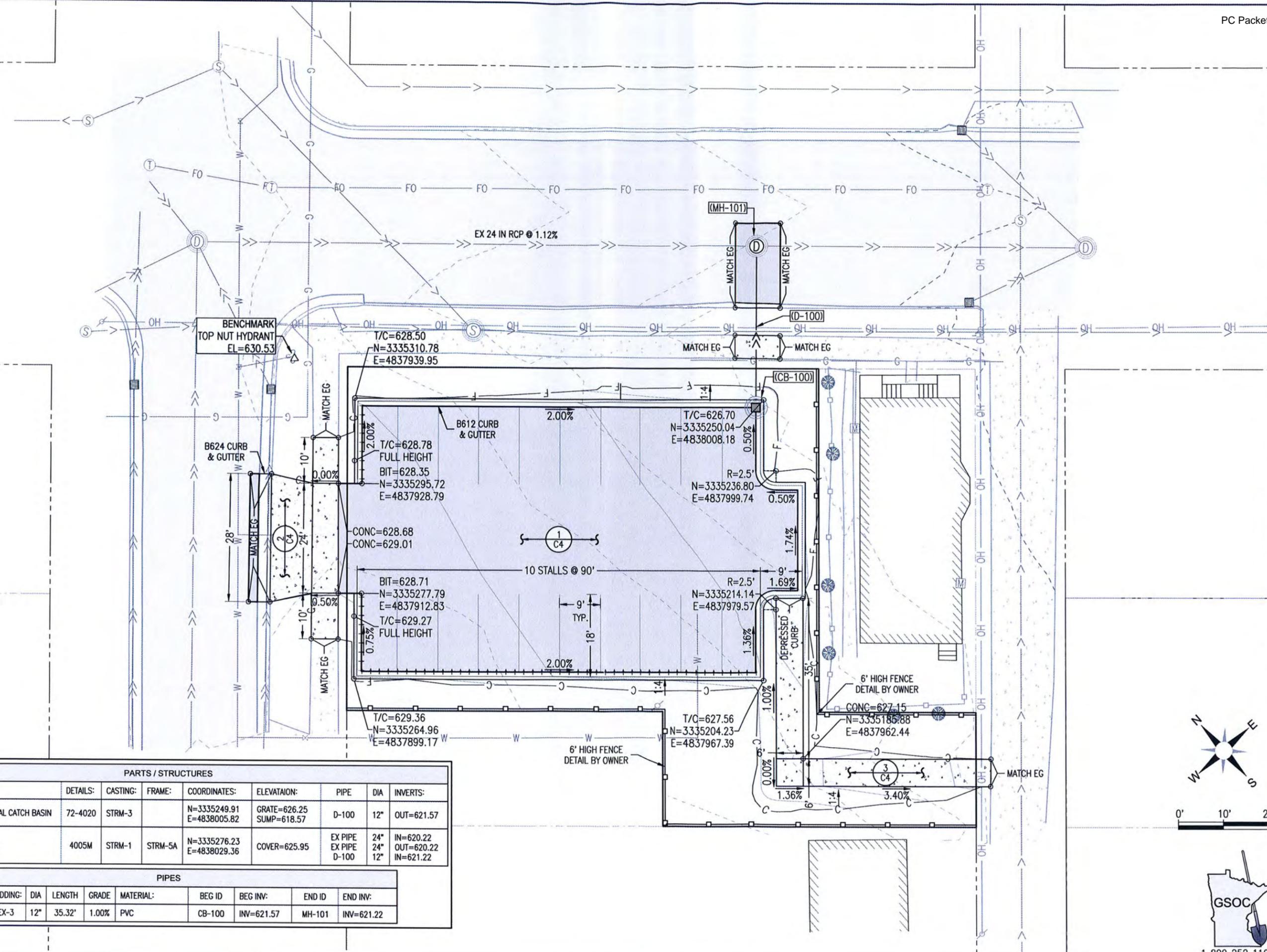
Legend

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

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JAK III PARKING LOT
 PARKING LOT CONSTRUCTION
 2302 W 1ST ST



PARTS / STRUCTURES									
ID	DESCRIPTION:	DETAILS:	CASTING:	FRAME:	COORDINATES:	ELEVATION:	PIPE	DIA	INVERTS:
CB-100	SEDIMENT REMOVAL CATCH BASIN	72-4020	STRM-3		N=3335249.91 E=4838005.82	GRATE=626.25 SUMP=618.57	D-100	12"	OUT=621.57
MH-101	STORM MANHOLE	4005M	STRM-1	STRM-5A	N=3335276.23 E=4838029.36	COVER=625.95	EX PIPE EX PIPE D-100	24" 24" 12"	IN=620.22 OUT=620.22 IN=621.22

PIPES									
ID	BEDDING:	DIA	LENGTH	GRADE	MATERIAL:	BEG ID	BEG INV:	END ID	END INV:
D-100	EX-3	12"	35.32'	1.00%	PVC	CB-100	INV=621.57	MH-101	INV=621.22

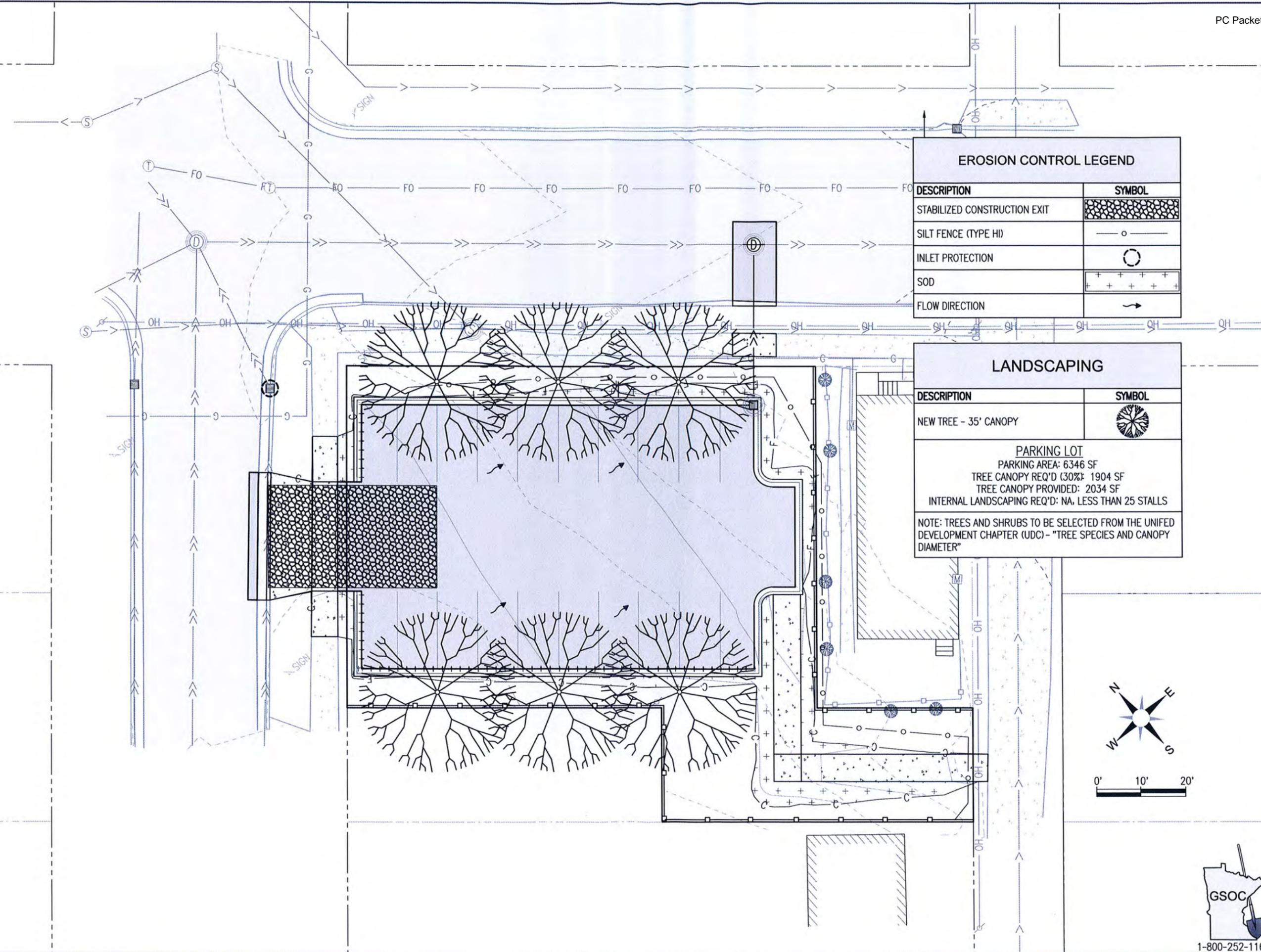


I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.
 Engineer: Thomas P. DesMarais P.E.
 Lic. No: 53121
 Date: 04/03/18

revision
 Proj: 18-099
 Date: 4/3/18
 Drawn: ARD
 Checked: TPD
 SITE & GRADING
 Sheet Title
 Sheet Number
 113 C7

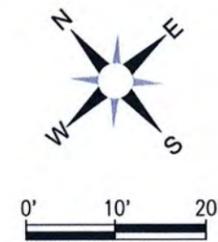
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.
 04/03/18
 Engineer: Thomas P. DesMarais P.E. Lic. No: 53121

revision
 Proj: 18-099
 Date: 4/3/18
 Drawn: ARD
 Checked: TPD
 LANDSCAPE & EROSION CONTROL
 Sheet Title
 Sheet Number
 114 C8



EROSION CONTROL LEGEND	
DESCRIPTION	SYMBOL
STABILIZED CONSTRUCTION EXIT	
SILT FENCE (TYPE HI)	
INLET PROTECTION	
SOD	
FLOW DIRECTION	

LANDSCAPING	
DESCRIPTION	SYMBOL
NEW TREE - 35' CANOPY	
PARKING LOT PARKING AREA: 6346 SF TREE CANOPY REQ'D (30%): 1904 SF TREE CANOPY PROVIDED: 2034 SF INTERNAL LANDSCAPING REQ'D: NA, LESS THAN 25 STALLS	
NOTE: TREES AND SHRUBS TO BE SELECTED FROM THE UNIFIED DEVELOPMENT CHAPTER (UDC) - "TREE SPECIES AND CANOPY DIAMETER"	



Site looking west

PC Packet 5/8/18 Legend



Google Earth

© 2018 Google

9.68 ft

115

Site looking south

Write a description for your map.







CITY OF DULUTH
Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL18-039	Contact	John Kelley, 730-5326	
Type	Variance, Parking, Access & Loading in an F-5 Form District	Planning Commission Date	May 8, 2018	
Deadline for Action	Application Date	April 4, 2018	60 Days	June 3, 2018
	Date Extension Letter Mailed	April 13, 2018	120 Days	August 2, 2018
Location of Subject	Parcel ID #: 010-3190-02355			
Applicant	Adam Ruhland	Contact	(757) 784-6228	
Agent		Contact		
Legal Description	010-2850-01960			
Site Visit Date	April 27, 2018	Sign Notice Date	April 24, 2018	
Neighbor Letter Date	April 23, 2018	Number of Letters Sent	17	

Proposal

Applicant requests a variance to construct a parking lot in the side yard area and provide two curb cuts/vehicle accesses for a Main Street II Building in an F-5 Form District. The proposed development will consist of a 3,574 square foot building with a tap room, office, processing area and 4 parking spaces for a hard cider manufacture. The proposed variance is to construct a parking lot in the side yard instead of the required rear yard parking and provide two curb cuts instead of the permitted single driveway. The second driveway is for the loading facility location.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-5 – Mid-rise	Vacant land	General Mixed Use
North	F-5 – Mid-rise	Light industrial	General Mixed Use
South	MU-C - Mixed Use-Commercial	Restaurant	General Mixed Use
East	F-5 – Mid-rise	Light industrial	General Mixed Use
West	MU-B – Mixed Use Business	Bulk oil facility	General Mixed Use

Summary of Code Requirements

50-22.12: Corridor Building II – Parking lot location – rear yard, Loading facility location – rear building facade

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

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

History:

DEDA is the current title holder

Governing Principles:

Principle #4 – Support emerging economic growth sectors

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

Future Land Use: General Mixed Use: The broadest mix of uses, including light industrial, office, commercial, and residential use, with performance standards to ensure compatibility. Includes areas that are in transition from industrial uses and large redevelopments that require master plans and phased development. General or heavy industrial can be included when a large site is master planned to allow appropriate separation of uses.

Review and Discussion Items

Staff finds that:

- 1) The applicant's property is 150' wide by 42.21' deep. The lot is approximately 6,331 SF and is currently vacant land.
- 2) The applicant is proposing to use the property in a reasonable manner by constructing a Corridor II building for a permitted use as a Manufacturing, craft, brewery or distillery (Camp Cider) in a F-5 Form District.
- 3) The applicant states the depth of the lot does not allow for the parking and loading to be in the rear yard. Additionally, the depth of the parcel requires two access points in the front yard for the loading zone and parking lot entrance.
- 4) Section 50-22.12, Figure A, states that no driveway is permitted if alley access is available. If no alley exists, 1 driveway is permitted per frontage and 2 driveways may be permitted through (special exception) if the frontage exceeds 200'. The lot has 150' of frontage along West Michigan Street.
- 5) The variance request is only for cub cuts/vehicle accesses and parking. The applicant must meet all other development standards (lighting, landscaping, screening) at the time of building permit application.
- 6) The irregular shape of the parcel does create practical difficulty in use of the rear yard area. There is no street or alley access available to the rear yard area. Parking and loading in the rear yard cannot be provided to the site per the UDC requirements.
- 7) Granting the variance will not alter the essential character of the area as the surrounding area is primarily light industrial and commercial use. Minimal traffic would be generated and threats to public safety would not increase. Property values in the area would not be diminished by the granting of the variance.
- 8) The variance, if granted, would not impair the intent of the UDC expressed in Sec. 50-2 and the variance is consistent with the Comprehensive Plan designation of the property as a General Mixed Use.
- 9) A storm water management plan and erosion control permit will be needed prior to construction.
- 10) A gas main is located along the right of way line and will require close coordination with engineering prior to any issuance of a building permit.
- 11) No letters were received concerning this proposed variance.

Staff Recommendation

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

1. Applicant construct the project in accordance with plans submitted by AROLA Architecture Studio, LLC, SK-0, SK-1 and SK-2 dated April 3, 2018.
2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

MEMORANDUM

Date: April 3, 2018
Project: New Cidery Building
Project No: 1814
Subject: Planning Commission Submittal – Design Narrative

The proposed development is for a currently undeveloped site on West Michigan Street between 29th and 30th Avenue West. Site is across from Clyde Iron Works and the Heritage Center. This project will add to the growing craft district of Duluth and Lincoln Park by bringing premium craft cider to the area.

Camp Cider is an accessible premium hard cider manufacturer with a taproom in Duluth, MN set to open in late fall 2018. Our semi-sweet to dry ciders are made with quality local and regional apples. Customers support our 'mission for good' through their purchase of our products. This includes our goals in support of employment, the environment, and education. Camp Cider aims to be a regional leader in the growing cider market of the upper-midwest.

Included in this application is the following: certified boundary survey, preliminary site plan, preliminary floor plan and building elevations for the proposed Cidery. The proposed site has some hardships because of the size and geometry and there are a few items that conflict with the requirements of the UDC. At this time we do not see any conflicts where items not addressed (ex. site lighting, landscaping and storm water) will not be able to fully comply with the UDC requirements. We are requesting a variance from the Planning Commission concerning the areas of Parking/Loading and Access and the requirements stated in the UDC.

This proposed development will fit in very nicely to the surrounding area as well as makes very good use of site that has been difficult to develop in the past.

Copy: File



City of Duluth
Planning and Construction Services

411 West First Street • Room 210 • Duluth, Minnesota • 55802-1194
218-730-5240 • Fax: 218-730-5901 • www.duluthmn.gov/onestop/

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Variance Application Supplemental Form

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

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

50-22.12 - A-3 Parking lot, Loading & Access for Corridor II Building in F-5 Form District

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

The depth of the lot does not allow for the parking and loading to be in the rear yard
Also the narrow conditions require two access points to access the loading zone for
this project

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

This parcel size probably was not intended for individual development rather it was
meant to be combined with neighboring properties for a larger development.

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

This parcel size probably was not intended for individual development rather it was
meant to be combined with neighboring properties for a larger development.

4. Please explain how the application proposes to use the property in a reasonable manner, that not is permitted by this code:

This proposed development would have parking on the side yard, in this case west, portion of the property, with an access door off of Michigan Street for deliveries

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

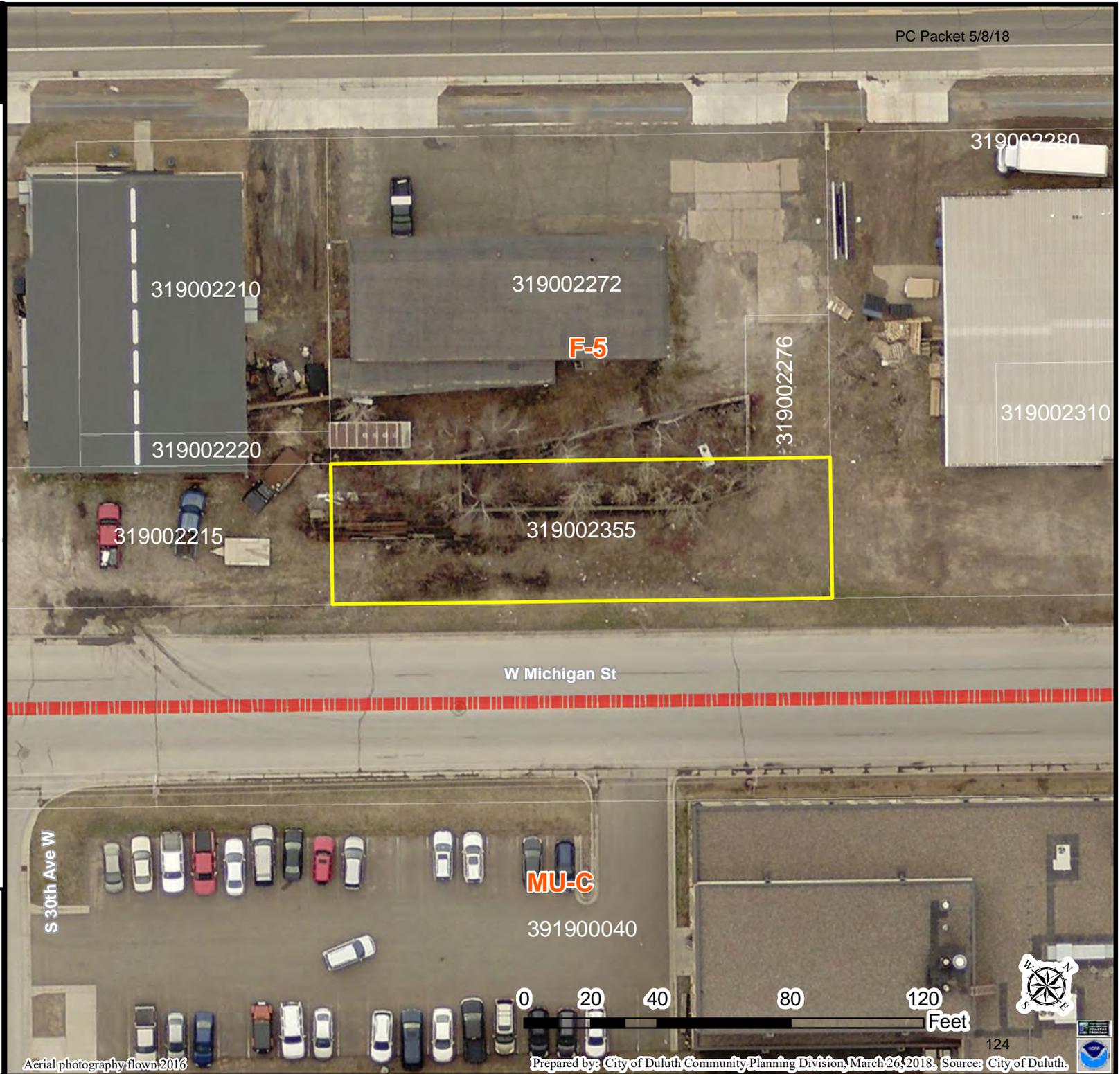
This project would develop an infill lot that is not currently developed. Loading and access off of Michigan street will be as needed and planned to be about 1-2 times per week. deliveries can be scheduled as to not interfere with heavy traffic.

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

This proposed development and use for the this site fits in with the existing businesses of Lincoln Park and the craft district and the intent of the F-5 Form District.

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

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



Legend

-  Zoning Boundaries
-  Trout Stream (GPS)
-  Other Stream (GPS)

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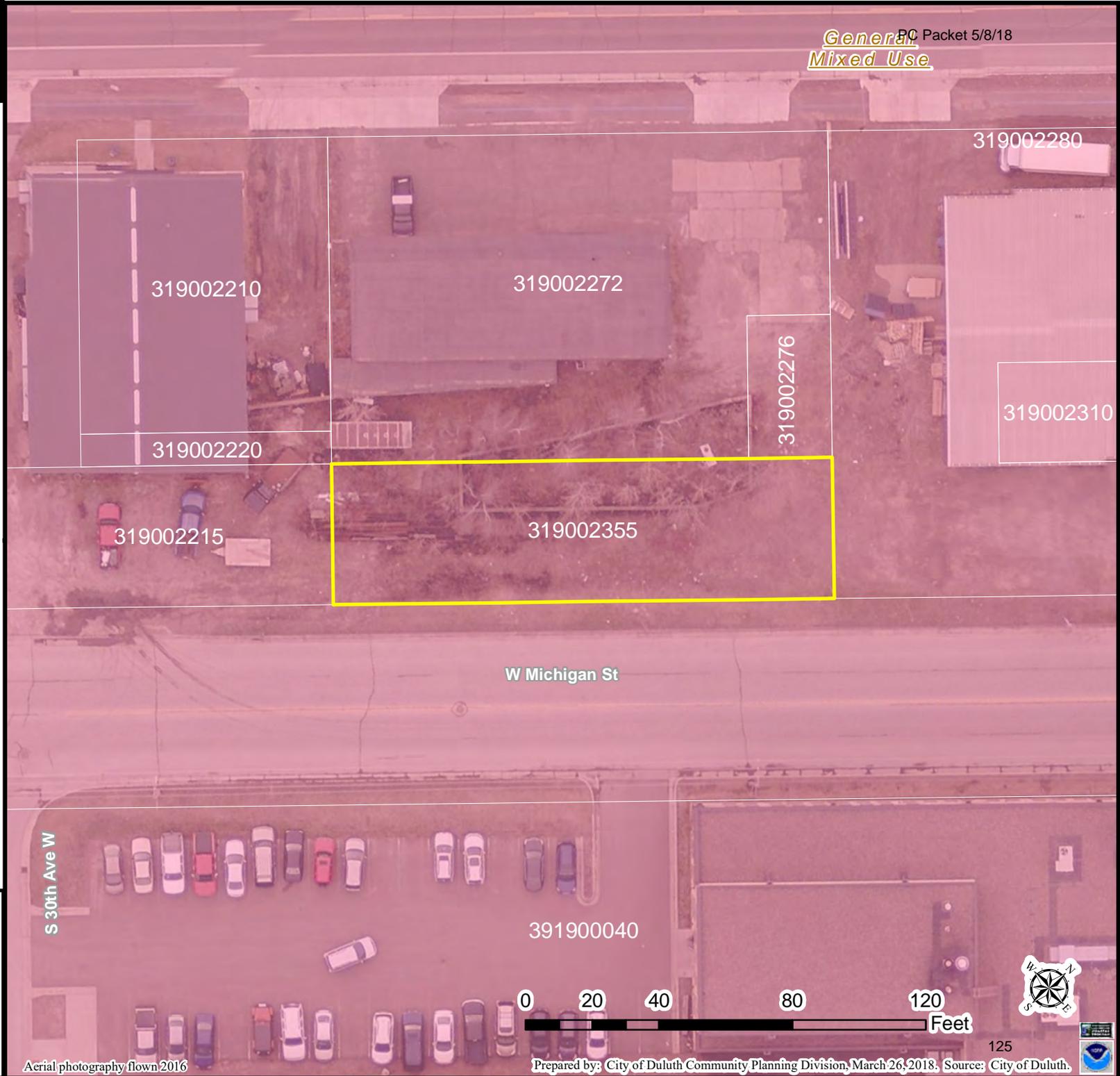


PL 18-039
 PID #010-3190-02355
 Variance
 FLU Map

General
 Mixed Use
 PC Packet 5/8/18

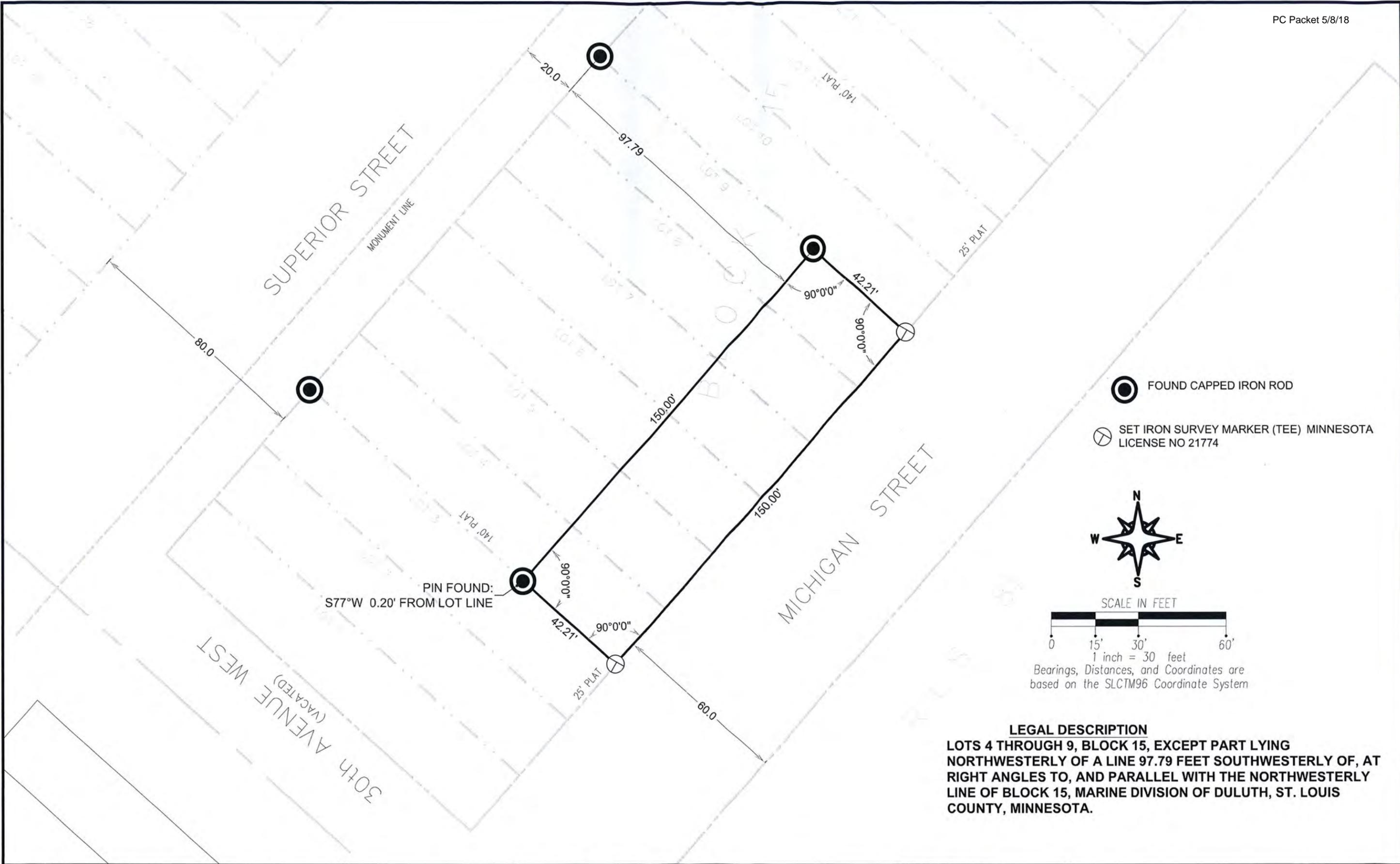
Legend
Future Land Use - Plus

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Aerial photography flown 2016

Prepared by: City of Duluth Community Planning Division, March 26, 2018. Source: City of Duluth.



-  FOUND CAPPED IRON ROD
-  SET IRON SURVEY MARKER (TEE) MINNESOTA LICENSE NO 21774

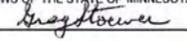


SCALE IN FEET
 0 15' 30' 60'
 1 inch = 30 feet
 Bearings, Distances, and Coordinates are based on the SLCTM96 Coordinate System

LEGAL DESCRIPTION
 LOTS 4 THROUGH 9, BLOCK 15, EXCEPT PART LYING NORTHWESTERLY OF A LINE 97.79 FEET SOUTHWESTERLY OF, AT RIGHT ANGLES TO, AND PARALLEL WITH THE NORTHWESTERLY LINE OF BLOCK 15, MARINE DIVISION OF DULUTH, ST. LOUIS COUNTY, MINNESOTA.

FIELD BOOK: FIELDBOOK
 Plot Date: 04/03/2018
 Drawing Name: P:\Hermantown-Office\Projects\TKDA\15513289_Arrol\04_Production\01_CAD\01_Xrefs\SURVEY.dwg
 Xrefs:

NO.	DATE	BY	DESCRIPTION OF REVISIONS

DESIGNED JL	DRAWN JK	BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA  GREG STOEWER
CHECKED GS	DATE 04/03/2018	
	LIC. NO. 21774	

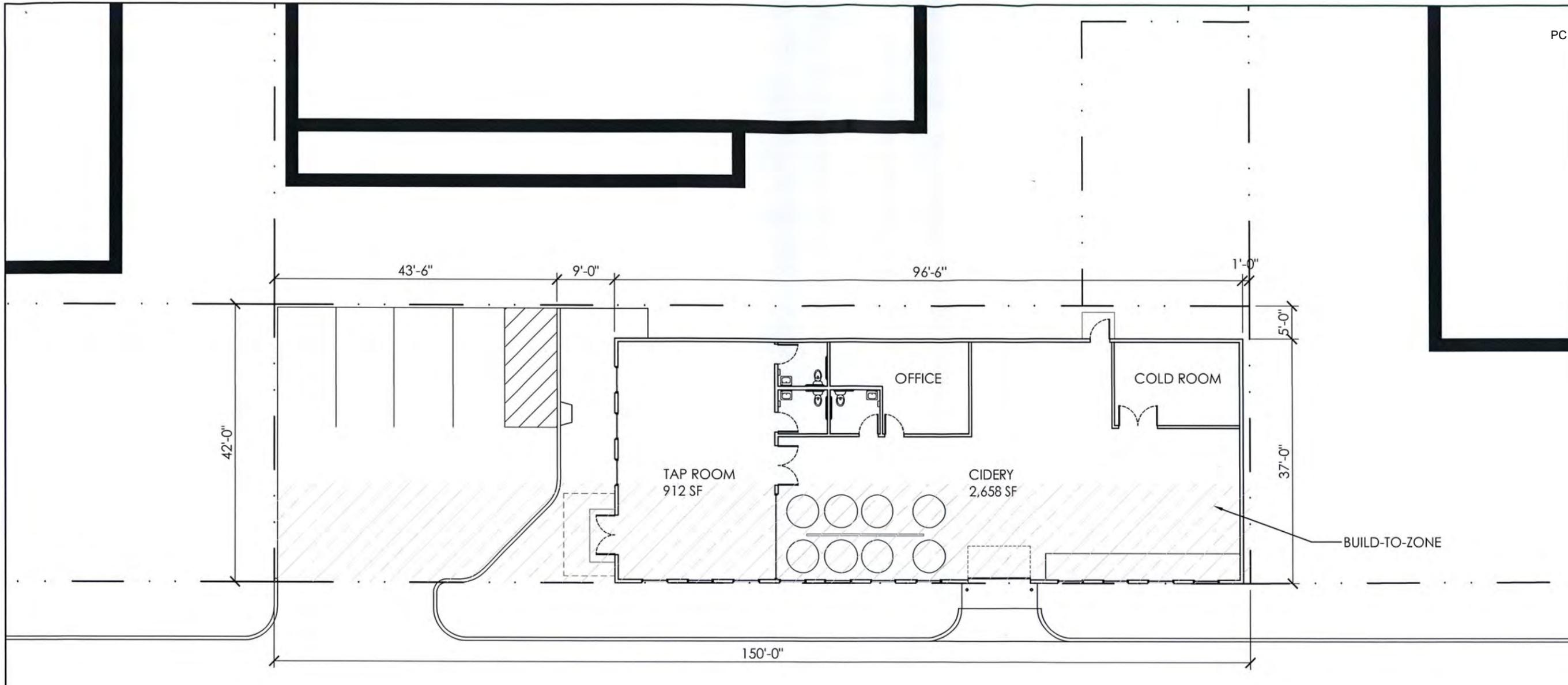


11 East Superior Street
 Suite 420
 Duluth, MN. 55802
 218.724.8578
 tkda.com

BOUNDARY SURVEY
AROLA ARCHITECTURE STUDIO, LLC
DULUTH MINNESOTA

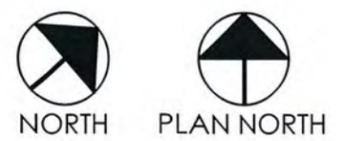
CERTIFICATE OF SURVEY

PROJECT NO. 15513.289	
RECORD NO. 126	SHEET NO. 1



WEST MICHIGAN STREET

1 PRELIMINARY SITE PLAN
 1/16" = 1'-0"



PRELIMINARY
 NOT FOR CONSTRUCTION
 04/03/2018

CONSULTANTS

PROPOSED CIDER
 29TH AVENUE WEST AND MICHIGAN STREET

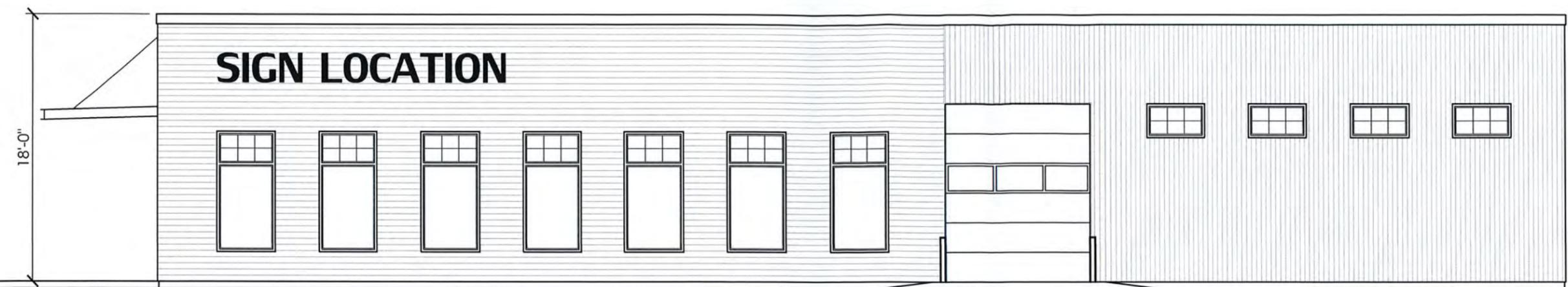
ISSUE DATE
XX-XX-XXXX

REVISIONS

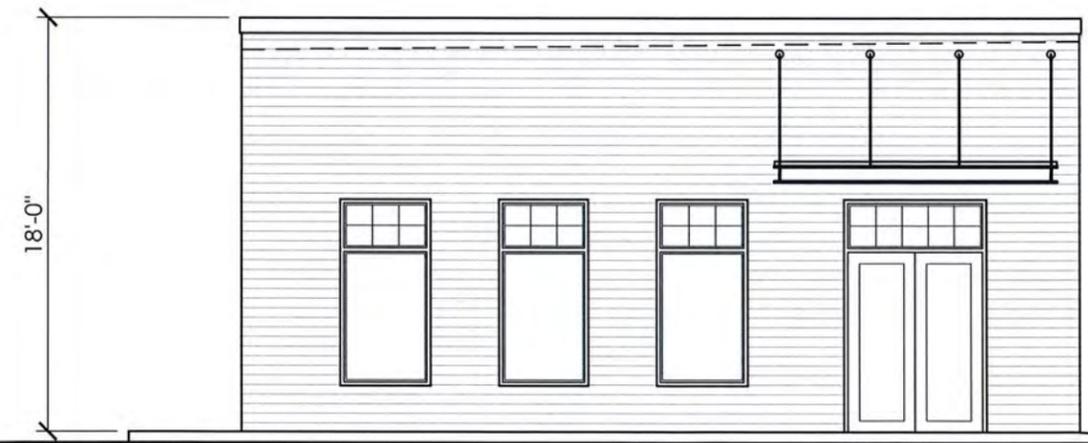
PROJECT NO.
1814

SHEET NO.
SK-0

OWNER:
PROJECT OWNER



1 PRELIMINARY SOUTH ELEVATION
1/8" = 1'-0"



2 PRELIMINARY WEST ELEVATION
1/8" = 1'-0"

ZONING SUMMARY

CODES USED:	2010 DULUTH UNIFORM DEVELOPMENT CHAPTER (UDC)						
ZONE DISTRICT:	F-5						
USE CATEGORY	MANUFACTURING, CRAFT, BREWERY OR DISTILLERY						
BUILDING TYPES BY ZONE DISTRICT:	TABLE 55-22.2-1	CORRIDOR BUILDING II					
DIMENSION STANDARDS:	FRONT YARD BTZ		0-15 FEET				
	CORNER SIDE YARD BTZ		0-15 FEET				
	MINIMUM BTZ COVERAGE		75%				
	MINIMUM SIDE YARD DEPTH		0 FEET				
	MINIMUM REAR YARD DEPTH		5 FEET				
	MAXIMUM BUILDING HEIGHT		4 STORIES/55 FEET				
PARKING LOCATION	REAR YARD		(SIDE YARD PROPOSED)				
NUMBER OF PERMITTED DRIVE WAY ACCESS	1 PER FRONTAGE		(2 ACCESSES PROPOSED)				
PARKING REQUIREMENTS:	50-24	REQUIRED PARKING	USE	FACTOR	PER AREA	BLDG AREA	TOTAL
			MANU - LIGHT	1.0 CARS	1,000 SF	2658 FT	2.7 CARS
			RESTURANT	6.5 CARS	1,000 SF	912 FT	5.9 CARS
			TOTAL:				8.6 CARS
		ADJUSTMENTS	30% REDUCTION FOR 1/4 MILE PROXIMITY TO BUS LINE				6.0 CARS
							(4 CARS PROPOSED)

COMMENTS

1. PROPOSED NEW DEVELOPMENT ON 42x150' HARDSHIPS DUE TO SIZE AND ORIENTATION OF THE LOT
2. ITEMS HIGHLIGHTED IN RED ARE DEFICIENT TO THE REQUIREMENTS OF THE UDC AND SEEK VARIANCE BECAUSE OF SITE HARDSHIPS

CONSULTANTS

PROPOSED CIDERY
29TH AVENUE WEST AND MICHIGAN STREET
OWNER:
PROJECT OWNER

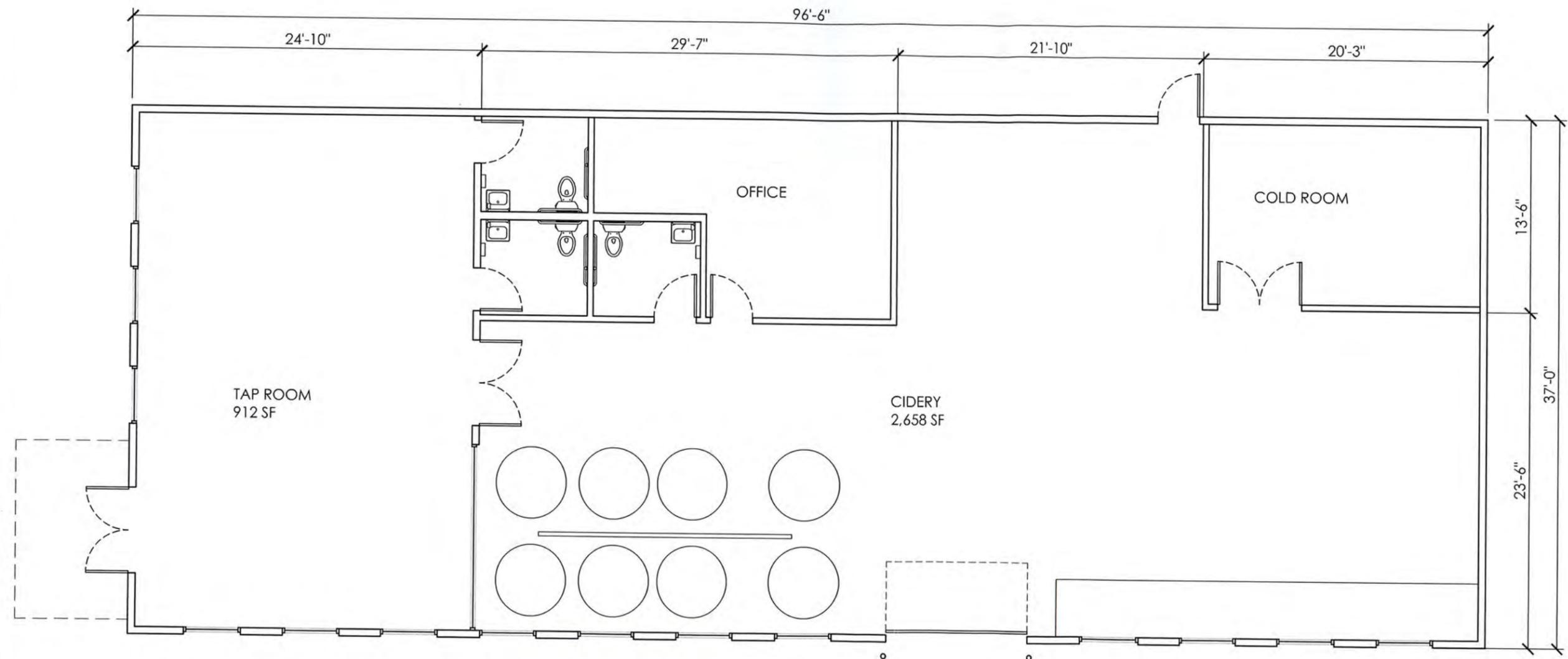
ISSUE DATE
XX-XX-XXXX

REVISIONS

PROJECT NO.
1814

SHEET NO.
SK-2

PRELIMINARY
NOT FOR CONSTRUCTION
04/03/2018



1

PRELIMINARY FLOOR PLAN

1/8" = 1'-0"

CONSULTANTS

PROPOSED CIDERY
 29TH AVENUE WEST AND MICHIGAN STREET
 OWNER: PROJECT OWNER

ISSUE DATE
XX-XX-XXXX

REVISIONS

PROJECT NO.
1814

SHEET NO.
SK-1

PRELIMINARY
 NOT FOR CONSTRUCTION
 04/03/2018

Site looking northeast

Write a description for your map.



Site looking west

Write a description for your map.





**City of Duluth
Planning Division**

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MEMORANDUM

DATE: April 27, 2018
TO: Planning Commissioners
FROM: Steven Robertson, Senior Planner
SUBJECT: PL 18-055 Spirit Mountain Work Permit

The Duluth City Planning Commission has received a request to review a proposed expansion at Spirit Mountain, to ensure compliance with the adopted 2017 Spirit Mountain Recreation Area Master Plan.

Project Summary

From the Parks and Recreation Division:

Consistent with the Spirit Mountain Recreation Area 2017 Master Plan Update, the proposed Grand Avenue Nordic center project will contribute to Spirit Mountain's goal to enhance Nordic skiing and contribute to a four-season regional recreation facility. Currently, there are 13.7 miles of groomed trails at the top of Spirit Mountain surrounding the campground. The proposed Grand Avenue Nordic Center project will construct additional Nordic trails and infrastructure in a series of four phases for a total of 3.3 km trail loop and 1.9 km connector trail that will link the upper trails to the new lower trails. These trails will be equipped with state of the art snowmaking and lighting, providing a dependable extended-season venue for recreational skiing, youth activities and regional high school events, while reducing noise and light trespass to nearby neighbors. Major construction items include clearing and grubbing, common excavation, aggregate (limestone material) surfacing, stormwater controls, erosion control and turf establishment. The proposed trail is next to the existing Grand Avenue Chalet, which provides parking, a warming area, bathroom facilities, and food and beverage options. Typical trail corridor width will be 30', with a 24' minimum corridor width on downhill sections and where natural restrictions exist. A 3% percent slope will be typical and a max cross slope of 5% will be present. No additional infrastructure or facilities are being proposed with this project, besides small pump houses for the snow guns and underground electrical lines for the lighting.

The scope of this year's construction is Phase I and Phase II trails, totaling 2.5 km and above ground snow making infrastructure. Additional phases will be completed as funding is secured.

The Spirit Mountain Recreation Area Authority enabling legislation (Laws of Minnesota, 1973, Chapter 327) in Section 5 (e) states "prior to the construction of any buildings or facility or prior to any site preparation or removal of vegetation or initiation of any use within the area, the authority . . . shall obtain a permit from the City Council after the City Planning Commission and

City Park and Recreation Board have held a public hearing and given their recommendations to the Council.”

The legislation above gives some guidance for the commission’s review as follows: “The Planning Commission, working jointly with the Park and Recreation Board, shall adopt necessary and reasonable requirements for such review to ensure that the proposed use is within the safeguards to insure compliance.” As the state legislation has been interpreted in the past, the Master Plan process was intended to substitute for the zoning process. Once it has been determined that the project elements are within and therefore authorized by the Master Plan, the actual project plans also need approval.

The purpose for the origination of the Spirit Mountain Recreation Area:

- 1) The development of wide-range recreational facilities available to both local residents and tourists.
- 2) The aiding of the economy of northeastern Minnesota by encouraging private enterprise efforts in conjunction with the recreational facilities.
- 3) The preservation of the environment in the area by a timely and intelligent plan of development.

Staff reviewed the proposed Nordic Center trails in the context of the approved Environmental Assessment Worksheet (“EAW”) and the recently updated Spirit Mountain Recreation Authority Master Plan (“Master Plan”). The review included consideration of plans for avoidance and mitigation of wetlands and a dialogue with Parks and Recreation staff about construction means and methods. Staff finds that the proposed trails are consistent with the EAW and Master Plan and that the proposal furthers the goals of new facility development in the western area of the city.

Staff Recommendation:

Staff recommends that the Planning Commission recommend approval to the City Council of the proposed Phase I and Phase II Grand Avenue Nordic Center trails, totaling 2.5 kilometers of trail construction, and installation of above ground snow making infrastructure, consistent with the exhibit labeled “Grand Avenue Nordic Center, 4/17/18”.

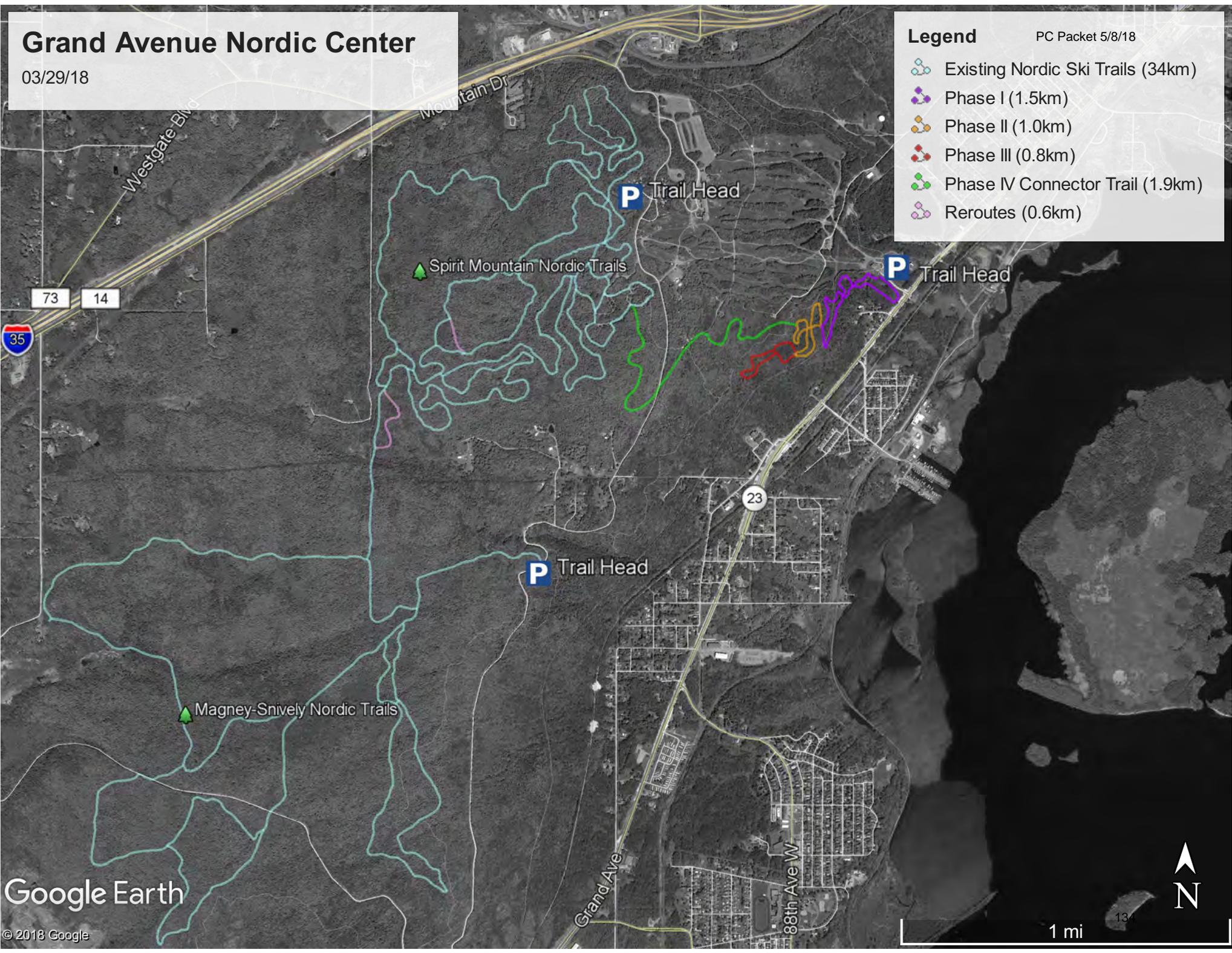
Grand Avenue Nordic Center

03/29/18

PC Packet 5/8/18

Legend

- Existing Nordic Ski Trails (34km)
- Phase I (1.5km)
- Phase II (1.0km)
- Phase III (0.8km)
- Phase IV Connector Trail (1.9km)
- Reroutes (0.6km)



Google Earth

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1 mi

13

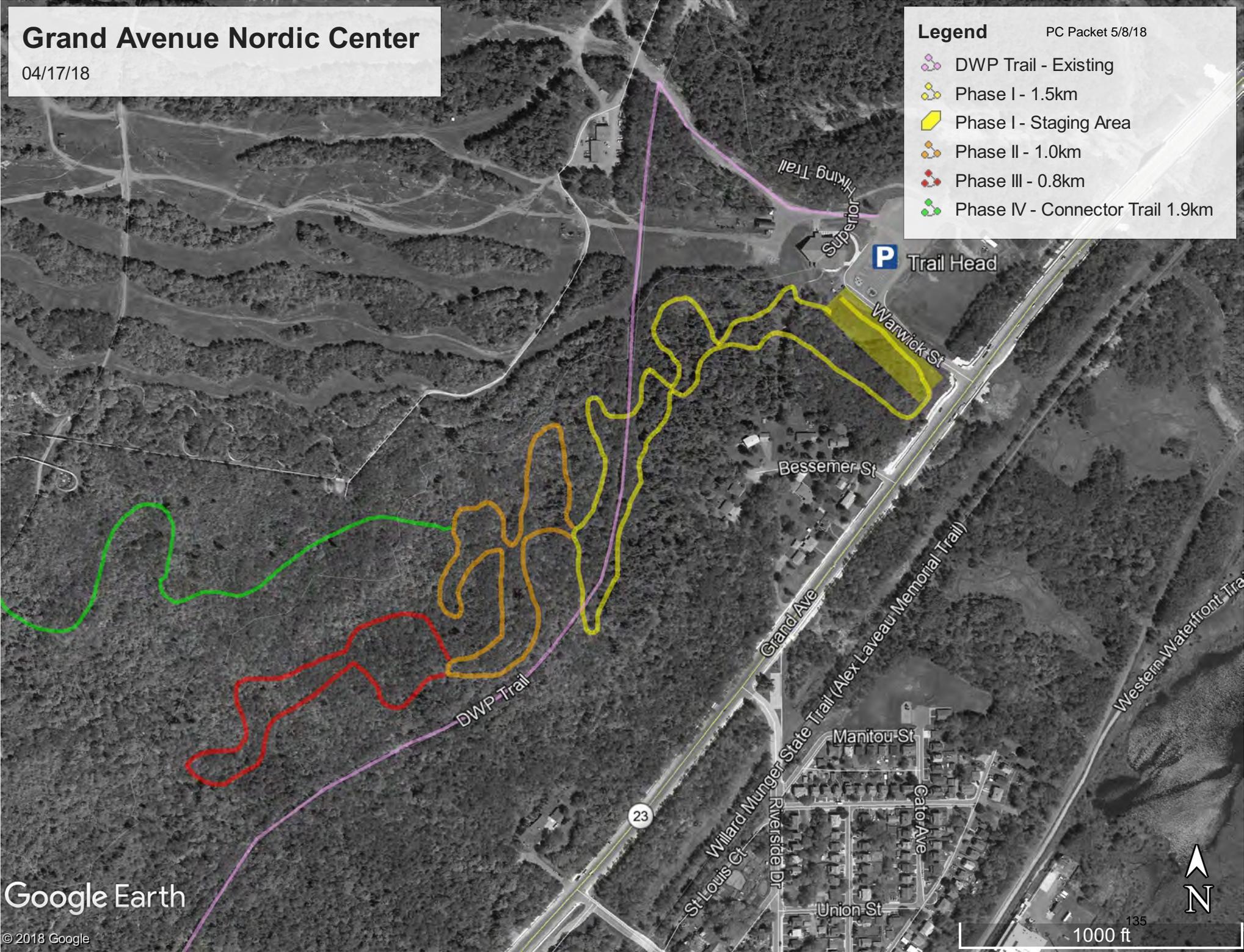
Grand Avenue Nordic Center

04/17/18

Legend

PC Packet 5/8/18

-  DWP Trail - Existing
-  Phase I - 1.5km
-  Phase I - Staging Area
-  Phase II - 1.0km
-  Phase III - 0.8km
-  Phase IV - Connector Trail 1.9km



Google Earth

© 2018 Google



1000 ft



SPIRIT MOUNTAIN RECREATION AREA

INSTALL TRAIL GATES AT WARWICK STREET TRAILHEAD

E.O.P. 108+52

1.8K LOOP

BESSEMER ST.

NATURAL STONE RETAINING WALL BELOW DWP INTERSECTION

1.0K LOOP

0.8K LOOP

DWP TRAIL

REPAIR MOUNTAIN BIKE TRAIL

INSTALL TRAIL GATES ON BOTH SIDES OF SKYLINE PARKWAY

GRAND AVENUE

SPRING STREET

INDUSTRIAL DRIVE

RIVERSIDE DR.

MANITOU ST.

SUNNYSIDE ST.

ENGLAND AVE.

CATO AVE.

PLOT DATE: Feb 08, 2018 - 3:59pm
 FILENAME: K:\a\iduluth_City\16585000\04_Production\01_CAD\01_Xrefs\GANC Proposed conditions.dwg

NO.	DATE	BY	DESCRIPTION OF REVISIONS

DESIGNED	JS
DRAWN	WD
CHECKED	JG

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.
 SIGNATURE: *Will Derocher* DATE: 02/08/2018
 PRINTED NAME: WILL D. DEROCHE LIC. NO.: 54757



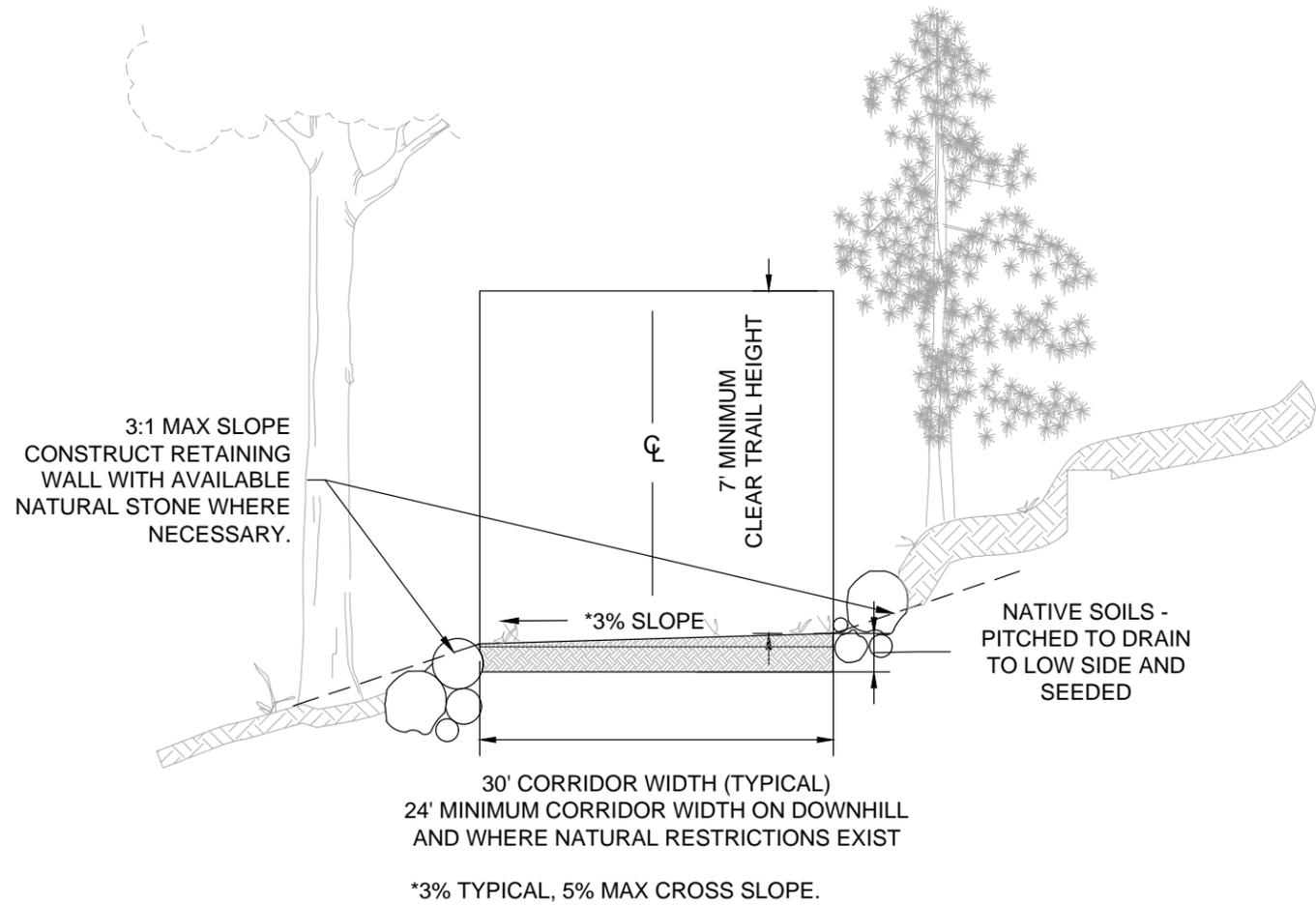
11 East Superior Street, Suite 420
 Duluth, MN 55802
 218.724.8578
 tkda.com

GANC SITE LAYOUT

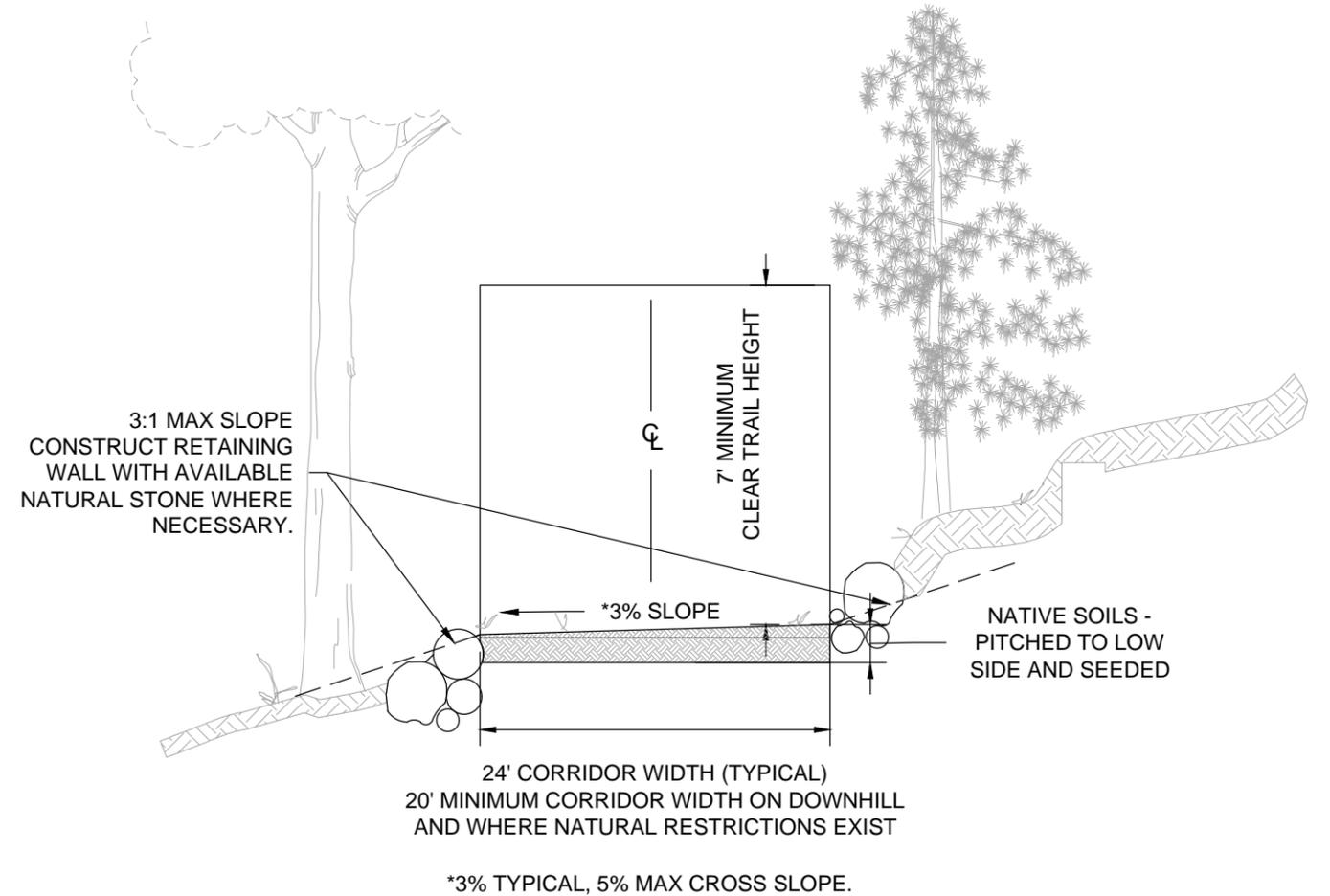
ALL CONTRACTORS AND SUBCONTRACTORS SHALL VERIFY ALL DIMENSIONS BY MEASUREMENT AT THE BUILDING AND/OR SITE

0 1
 BAR IS ONE INCH ON ORIGINAL DRAWING. IF NOT ONE INCH ON THIS DRAWING ADJUST SCALES ACCORDINGLY.

PROJ. NO.	16585.000
DRAWING NO.	03



1
06 TRAIL TYPICAL SECTION
NO SCALE



2
06 TRAIL TYPICAL SECTION - CONNECTOR TRAIL
NO SCALE

ALL CONTRACTORS AND SUBCONTRACTORS SHALL VERIFY ALL DIMENSIONS BY MEASUREMENT AT THE BUILDING AND/OR SITE

0 1
BAR IS ONE INCH ON ORIGINAL DRAWING. IF NOT ONE INCH ON THIS DRAWING ADJUST SCALES ACCORDINGLY.

PLOT DATE: Feb 08, 2018 - 3:59pm
FILE NAME: K:\a\AD\ulm_City\16585000\04_Production\01_CAD\02_Sheets\GANC_Typical Sections.dwg

DESIGNED	JS	I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA. SIGNATURE: <i>Will D. DeRocher</i> DATE: 02/08/2018 PRINTED NAME: WILL D. DEROCHE LIC. NO.: 54757	
DRAWN	WD		
CHECKED	JG		
NO.	DATE		BY

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

TYPICAL SECTIONS
GRAND AVENUE NORDIC CENTER SKI TRAIL

PROJ. NO.	16585.000
DRAWING NO.	06

