



PLANNING & ECONOMIC DEVELOPMENT

Community Planning Division
City Hall – 411 W 1st Street – Room 110
Duluth, Minnesota 55802
218-730-5580 / planning@duluthmn.gov

Planning Commission Agenda
City Council Chambers, 3rd Floor Duluth City Hall
Tuesday, January 8, 2019 – 5:00 PM

Call to Order and Roll Call

Approval of Planning Commission Minutes (November 13, 2018 and December 11, 2018)

Public Hearings

1. PL 18-158 Mixed Use Institutional (MU-I) Planning Review to replace the existing parking deck east of Building A with a new structure containing an ambulance garage, heliport, and Emergency Department dropoff/parking at 1012 East Second Street and improvements to the parking lot on the north side of East Second Street by St. Luke's Hospital
2. PL 18-161 Minor Subdivision to consolidate five platted lots into two parcels at 237 Fairmont St. by Jon A. Helstrom
3. PL 18-157 Variance from Front and Side Yard Setbacks in a Residential-Traditional (R-1) District at 1003 East 5th Street by Molly Wick
4. PL 18-159 Vacation of Public Right of Way and Retention of Utility Easement For a Portion of Ramsey Street Near 4920 Recycle Way by the City of Duluth

Communications

5. Manager's Report
6. Reports of Officers and Committees
-Heritage Preservation Commission Representative

Adjournment

City of Duluth
 Planning Commission
 November 13, 2018 Meeting Minutes
 Room 303 - Duluth City Hall

Call to Order

Vice-President Janet Kennedy called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, November 13, 2018, in city hall room 303.

Roll Call

Attending: Jason Crawford, Gary Eckenberg, Janet Kennedy, Tim Meyer, Margie Nelson, Luke Sydow, Sarah Wisdorf, and Zandra Zwiebel

Absent: Mike Schraepfer

Staff Present: Adam Fulton, Robert Asleson, Jenn Moses, John Kelley, Kyle Deming, and Cindy Stafford

Approval of Planning Commission Minutes – October 9, 2018

MOTION/Second: Sydow/Nelson approve the minutes with one change

VOTE: (8-0)

Unfinished Items

(Sydow Recused himself from the following agenda item)

1. PL 18-122 MU-W Planning Review for 15 Room Expansion at the Existing Hotel at 1033 Minnesota Avenue by Park Point Marina Inn and Suites, LLC (Tabled from October 9, 2018, Meeting for More Information)

Staff: Jenn Moses introduces the applicant's proposal for a 3-story, 6,100 square foot, 15-room addition to the southeast side of the existing hotel. Staff has revised the report and proposed conditions since the tabling of the item at the October 9, 2018 planning commission. There is more information listed about the 200-foot rule, and how the land-use supervisor came to his decision. Staff recommendations now include additional timeframes that are extended beyond what was initially recommended. The parking condition still applies. Staff recommends approval with the revised conditions listed in the staff report.

MOTION/Second: Meyer/Crawford approved as per revised staff recommendations.

NO VOTE

MOTION/Second: Nelson/Zwiebel remove from Table

VOTE: (7-0, Sydow Abstained)

MOTION/Second: Nelson/Zwiebel bring back to allow for public hearing

VOTE: (7-0, Sydow Abstained)

Applicant: Jeremy Hurd represents Park Point Marina Inn and Suites, LLC, addresses the commission. They ask to strike items (conditions) 1, 2 and 4 from the staff report. They would like the same allowance as the other hotel in the area. The UDC does not allow for conditions which are arbitrary. The amended UDC went into effect after the application. Tim Meyer asks if legal wants to comment. Robert Asleson asks if there are any specific questions. Meyer asks about the building timeframe. Do they have a legal footing to stand

on which refers to 180 days? Asleson states there is discretion for the planning commission to apply a timeframe. Hurd comments that the discretion allowed is to bring it back into compliance with the UDC section 50-37. He states this is not what is happening here.

Public: Deborah Medlin, questions the staff interpretation of the 200-foot rule. She doesn't think it should exclude existing buildings.

Commissioners: Meyer asks staff about the 2016 staff rule. Moses states the code refers to new buildings instead of situations where the view is already blocked. Staff went with the interpretation from the dictionary when referring to topography.

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

VOTE: (4-3, Kennedy, Nelson and Wisdorf Opposed – Sydow Abstained)

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.

2. PL 18-134 Concurrent Use Permit for Private Obstruction (Small Cell Antenna) on a MN Power Pole in the Public Right of Way at 4518 Trinity Road by CommNet Cellular Inc d/b/a Verizon Wireless
3. PL 18-135 Concurrent Use Permit for Private Obstruction (Small Cell Antenna) on a City Pole in the Public Right of Way at 1740 Maple Grove Road by CommNet Cellular Inc d/b/a Verizon Wireless
Staff: Steven Roberston gives an overview
Public: No speakers.
MOTION/Second: Zwiebel/Wisdorf approve staff's recommendations for consent agenda items.

VOTE: (8-0)

Public Hearings

4. PL 18-068A UDC Map Amendment to Rezone **Area C and Area D, South of Arrowhead Road** Near Kenwood Avenue from Residential-Traditional (R-1) to Mixed Use-Neighborhood (MU-N) by the City of Duluth
Staff: John Kelley introduces the city's proposal to rezone properties in the general area of West Arrowhead Road, Kenwood Avenue, Maryland Street and Warren Avenue from Residential-Traditional (R-1) to Urban Residential (R-2) and Urban Residential (R-2) to Mixed Use-Neighborhood (MU-N), and areas south of West Arrowhead Road and west of Kenwood Avenue from Residential-Traditional (R-1) to Mixed Use-Neighborhood (MU-N). The areas proposed for rezoning each have unique characteristics related to existing land use and current zoning in proximity to the Kenwood Neighborhood commercial node. Based on these characteristics Areas A & B (located north of West Arrowhead Road) and Areas C & D (located south of West Arrowhead Road), all depicted on the map shall be considered under separate review and recommend action. Staff recommends approval. Zandy Zwiebel

asks about where the Carlson property is. Kelley states it is above Maryland Street. Zwiebel noted the public meeting suggested increasing the area in section D. Kelley stated they did not expand the rezoning.

Applicant: N/A

Public: Katie Krikorian, 1313 Missouri Ave., addresses the commission. She lives in area C. She is concerned about increased development. She would like a buffer established. There is R-1 zoning to the east and potential development could change that. She would like to see buffers put in place to protect the neighbors already living there. Dave Holappa, 1303 W. Arrowhead Rd., addresses the commission. He doesn't think area D is big enough. Brad Johnson who owns property in Area D and close to area C addresses the commission. The traffic in the area is a reason people leave and go to Hermantown. He feels the more development there is, the less they need to drive to other areas. He is in support of the rezoning of area D.

Commissioners: Zwiebel asks about the consideration of buffers. Kelley states when a development is proposed, buffers are required. The strongest buffering would be fencing. Rezoning doesn't require buffering. Gary Eckenberg asks about item D. Is expansion to the west feasible? Kelley states this area was considered but not included. Per Kelley, a strip type development could potentially fit. Future rezoning could go further west.

MOTION/Second: Zwiebel/Wisdorf recommend approval as per staff's recommendations.

VOTE: (8-0)

5. PL 18-068B UDC Map Amendment to **Rezone Area A and Area B, North of Arrowhead Road** Near Kenwood Avenue from Residential-Traditional (R-1) and Residential-Urban (R-2) to Residential-Urban (R-2) Mixed Use-Neighborhood (MU-N) by the City of Duluth

Staff: John Kelley introduces the proposal. Area A has increased. Manager Adam Fulton adds there is additional flexibility allowed in an R-2 district. Buffers could be expanded. There is not a proposal for a planned development, but it would be an option in R-2. Margie Nelson asks for clarification on permitted use in R-1 versus R-2. Kelley states R-1 is more residential. R-2 allows for multiple-dwelling units as well as office use. R-2 permits higher density. Zwiebel asks where the Carlson property is. Kelley refers to the map.

Applicant: N/A

Public: Tom Bowman addresses the commission. He is opposed to the rezoning. He notes the expansion of Area A. R-2 is a significant change. You can put in a retail space, a restaurant, a cemetery even. Currently R-1 housing and a functional neighborhood. He feels this rezoning is an overreach. Dave Thoreson addresses the commission. He lived in area A for 20 years. He bought in this area because it was residential. He struggles with supporting the rezoning. When is enough, enough? Traffic is a concern. He thinks the rezoning is either because someone is in the wings waiting, or it is an invitation to invite developers. He doesn't want to have to sell his single-family home. He is opposed. Dave Hollapa, 1303 W. Arrowhead Rd. (area B), wants to talk about future planning. He doesn't want to see anyone have to move. Area B is not large enough to accommodate developments and buffering. Eric Buche, Woodrich Circle, talks about return on investment. Along with financial, there is also emotional investment to consider. With added development, it no longer makes the area a residential neighborhood. There are unknowns, and the people who live in the area care about their neighbors. He urges the commissioners to vote no. Anne Thoreson, 1620 Warren Ave., addresses the commission. She notes there are 4-5 faces in each house. She is opposed the rezoning. Cathy Croke, 1012 Woodrich Circle,

addresses the commission. She has lived there since 1979. It is a close neighborhood. She feels rezoning would not consider the family aspect of the neighborhood and is against the rezoning. Jim Ganye, 1235 W. Arrowhead Rd., addresses the commission. He has lived in the area since 1990. He can't reverse out of his driveway as it is now. He is opposed to the rezoning.

Commissioners: Chair Kennedy notes they have heard the public's comments. Zwiebel expressed the desire to have the commission consider the rezoning of Area B separate from Area A.

MOTION/Second: Zwiebel/Wisdorf to divide the question. Upon being questioned, Attorney Asleson opined that the motion was out of order in that there was no motion on the floor to which the motion to divide the question could apply. Motion was ruled out of order.

MOTION/Second: Zwiebel/Wisdorf to rezone Area B and Area A as proposed.

MOTION/Second: Wisdorf/Zwiebel to divide the question to consider proposed rezoning of Area B and Area A separately.

VOTE: (8-0)

MOTION/Second: Zwiebel/Wisdorf recommend approval of the rezoning of Area B as per staff's recommendation.

VOTE: (8-0)

Commissioners: (Discussion on Area A) Eckenberg asks how much more does Kenwood need to be expanded? Nelson lived in the neighborhood for five years. She is not in support of changing this to R-2. Zwiebel understands the concerns of the community. The city wants to be pro-active to development of the area. Nobody is pushing the rezoning at this time. She feels the community is getting very involved. If the city had a residential plan in place it might be different. She is opposed to the rezoning. Meyer notes the difficulty in establishing neighborhoods. He doesn't want to disrupt a functioning neighborhood. He feels the pressure to increase commercial zones and the need to increase density, but doesn't know if this is the right place. He can't support the rezoning

MOTION/Second: Zwiebel/Wisdorf recommend approval of the rezoning of Area A as per staff's recommendation.

VOTE: (1 -7) - MOTION FAILS (Crawford Yea)

(Five Minute Recess taken at 6:20)

6. PL 18-125 Variance from Shoreland Setback at 3429 Minnesota Avenue by Duluth Rowing Club

Staff: John Kelley introduces the applicant's proposal for a variance to place an 8' x 20' storage container on an engineered concrete slab approximately four feet from the Ordinary High Water level (OHWL) instead of the required 50 feet. Based on the review of the site, staff finds that the standard for a variance has not been met, and recommends the planning commission deny the variance because there are no practical difficulties resulting from adherence to the required setbacks for the property. There are locations on the site outside of the 50' setback that could accommodate the container as a trailer with the wheels and hitch or as a storage container/shed on a foundation. The need for the variance is caused

by the Applicant's desired location for the storage container and is not caused by the shape of the lot, its topography, or other features unique to the site.

Applicant: Tom Raushenfels of Duluth Rowing Club addresses the commission. He notes the correct address is 3911 Minnesota Ave. By placing the storage container where they are proposing would keep it hidden from view. It would be in same place as the torn down shed. Anywhere else would hinder movement and change the flow of traffic during regattas. It would be the less intrusive place to put it. Luke Sydow asks why it can't be located in the building. Raushenfels states it is due to insurance rules. Manager Fulton states railroad shipping containers are a concern. This would be a permanent structure by putting in on a permanent foundation. Sydow asks about the definition of how it is attached. Manager Fulton states if it is attached to a footing of some sort, it is not temporary. Sarah Wisdorf asks if they can place it behind the building on dirt. Raushenfels states if it is under 180 days. Wisdorf asks why not construct a regular building versus the shipping container. Raushenfels notes the security of the shipping container. Meyer asks the applicant what their practical difficulty is. Raushenfels states it is more handy. Meyer again asks what the difficulty is. Raushenfels replies the difficulty is the movement of their eight shells (boats). To maneuver around a shed would be a hardship. Zwiebel asks what size building they need for the storage of fuel. Raushenfels states an 8 x 15' building is needed. Meyer asks if they explored options for fuel storage only. Raushenfels states this was the safest and most secure option. Kennedy asked about the old shed. Greg Peterson (board for Rowing Club) states initially the shed was still there. The new container matches, and is more secure. They decided to take the old shed down. They want to be good neighbors. Zwiebel asks about their mitigation plan. Peterson states they will use wrip wrap to prevent erosion.

Public: No speakers.

Commissioners: Chair Kennedy asks about the old shed. Before it was removed, was it already in the setback? Manager Fulton states the old shed was likely an illegal use, or approved under a different zoning framework. Meyer sees the practical difficulty being the gas cannot be stored in the building. He suggests tabling to allow for fuel storage only. Nelson is in favor of tabling for a better plan. She would be in support of a smaller structure. Sydow is concerned about the next request to store gas in a shipping container. He is concerned about setting a precedent.

MOTION/Second: Zwiebel/Wisdorf denied as per staff's recommendations. (No Vote)

MOTION/Second: Eckenberg/Meyer Tabled

VOTE: (8-0, tabled)

7. PL 18-136 Preliminary Plat of "Hawthorne Division" to Form Three Lots from a Combination of Previously Platted and Unplatted Land at the Northwest Corner of Hawthorne Road and East Fourth Street by Julie Ann Kubat

Staff: Kyle Deming introduces the applicant's proposal to create three conforming lots in the R-1 district ranging in size from .61 acres to 1.97 acres from a combination of currently platted and unplatted land. The proposal will create two new building sites, which will be developed in the future. Staff recommends approval. Nelson asks if all of the lots will be conforming. Deming affirms.

Applicant: Julie Ann Kubat addresses the commission. They purchased the property with hopes to subdivide the land for family. Initially they were hoping to do boundary line adjustment, but had to do a full plat because some of the property has never been platted. They have no plans to build at this time, but want to move forward with estate planning.

Public: Xiu Lin, who lives on Lakeview Avenue, addresses the commission. He is concerned with safety. With two additional driveways on Hawthorne Rd. he is worried about the traffic and the close proximity to Ordean School. He is also concerned about loss of green space. Amanda Sutton, 434 Lakeview Ave., addresses the commission. They have been in their home for less than six months. She asks if they would be notified if new buildings go up. Per Manager Fulton, no notice would likely be provided since a single family house is a permitted use. Andy Hayden, 402 Lakeview Ave., addresses the commission. He asked if the slopes and fill easement along the alley could be extended to the area behind his house to keep as a natural buffer. The natural environment on the site has value as there is a wildlife corridor through this area.

Commissioners: Sydow asks staff about setback requirements. Deming explains.

MOTION/Second: Nelson/Wisdorf approve as per staff's recommendations.

VOTE: (8-0)

Communications

- A. Manager's Report – Adam Fulton gives an overview. He notes the neighborhood meeting for the medical district plan. An EAW is anticipated to be brought to the planning commission in January. Imagine Canal Park report will be shared to the Canal Park Business Group next month. Twin Ports Interchange is under way. Planning staff has moved in city hall, and is now located in room 110. The new CAO will be starting next Monday.
- B. Reports of Officers and Committees
 - Heritage Preservation Commission – Zwiebel gives an update. They approved the building permit for a back-up generator at city hall, which is a local designated landmark. Also new consideration for Lincoln Park pavilion.
- C. Meeting adjourned at 7:24 p.m.

Respectfully,

Adam Fulton - Manager
Community Planning

City of Duluth
 Planning Commission
 December 11, 2018 Meeting Minutes
 Council Chambers - Duluth City Hall

Call to Order

President Michael Schraepfer called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, December 11, 2018, in city hall council chambers.

Roll Call

Attending: Gary Eckenberg, Janet Kennedy, Margie Nelson, Michael Schraepfer, Luke Sydow, Sarah Wisdorf, and Zandra Zwiebel (arrived during agenda item #2)

Absent: Jason Crawford and Tim Meyer

Staff Present: Adam Fulton, Robert Asleson, John Kelley, Kyle Deming, and Cindy Stafford

Approval of Planning Commission Minutes – November 13, 2018

MOTION/Second: Wisdorf/Nelson approve the minutes

VOTE: (6-0)

(Occurred Later in Meeting) Zwiebel would like to amend the minutes to paint a clearer picture of the Kenwood division of the rezoning into areas. Zwiebel noted she was not opposed to item PL 18-122 (MU-W Planning Review), which was changed to Kennedy. The count of the approval remained the same at 4-3, with one abstention. Per Manager Fulton the minutes with the changes will be brought back for approval at the next planning commission meeting.

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.

1. PL 18-148 Minor Subdivision to Divide 1.65 Acres Into Two Parcels, One Parcel Containing A House (2821 Hagberg St.), And A Second Vacant Parcel by Holly Dahl
Commission: Chair Schraepfer gives an overview.
Public: No speakers.
MOTION/Second: Wisdorf/Nelson approve staff's recommendations for the consent agenda item.

VOTE: (6-0)

Item 2 has been moved to the public hearings section per Janet Kennedy.

Public Hearings

2. PL 18-125 Variance from Shoreland Setback at 3911 Minnesota Avenue by Duluth Rowing Club (Tabled from November 13, 2018 PC Meeting)

Staff: John Kelley introduces the applicant's amended proposal for a variance to construct a 10' x 10' shed behind the clubhouse approximately 5' to 10' from the Ordinary High Water Level (OHWL). The shed would be a wooden framed structure with metal siding and a metal pitched roof. The applicant has removed the storage container from the rear yard area of the clubhouse and plans to sell it. The newly proposed shed size and construction type will minimize impacts to the site and view shed from the harbor. Therefore, staff recommends approval noting the practical difficulty is adhering to the normal setbacks for the property.

Applicant: Greg Peterson (board member for the Duluth Rowing Club) addresses the commission. They removed their shed. He asks the commissioners if there are any questions. There are none.

Public: No speakers.

Commissioners: N/A

MOTION/Second: Nelson/Wisdorf approved as per staff's recommendation.

VOTE: (7-0)

3. PL 18-152 Change the Future Land Use Designation from Open Space to Institutional for Property at the Southwest Corner of Trinity Road and Lake Superior College Drive (Miller Creek Disc Golf Course) by the City of Duluth

Staff: John Kelley introduces the city's proposed change to the Imagine Duluth 2035 Future Land Use Map to support changes to the Lake Superior College (LSC) campus, which may include the addition of new student housing within the campus footprint. Staff recommends approval. Luke Sydow asks about what else was on the property other than just golf. Per Kelley there was an easement that has now been removed. Manager Adam Fulton notes this lot has predominately been a parking lot and fill from previous road projects on Highway 53. Kennedy asks about the flood plain and future development. She is concerned about building in the flood plain, and what is located downstream. Kelley shows a map which gives an overview of the topography. Manager Fulton notes if any future development proposals move forward, that proposal would likely require a stormwater plan, and mitigation will be needed.

Applicant: N/A

Public: Kate Daugherty lives on Hillcrest and she has some concerns. She was at the public meeting. She is concerned future development and about the noise and the interference of wildlife habitat. She is also concerned about light blight from the campus, and what new development will do to her property taxes. She is not opposed to the dorms, but would like to see the location changed. Jim Paluski lives on Trinity Road. His property was rezoned last year. He isn't opposed to student housing, but also has concerns about noise and light blight related to new development.

Commissioners: Zandra Zwiebel asks staff about institutional use. Kelley states that will be addressed more in the next agenda item, as this is the future land use. Gas stations are not allowed in the institutional zoning district. In that zoning district, any development proposal would require a plan review, which would go before the planning commission. Kennedy asks about the previous rezoning. Per Kelley there was rezoning in 2017 to institutional on much of the LSC campus. Zwiebel asks staff why LSC wouldn't want to build on another portion of the site. Manager Fulton states that the location will be addressed as a future item as part of a future development proposal.

MOTION/Second: Zwiebel/Wisdorf recommend approval as per staff's recommendation.

VOTE: (7-0)

4. PL 18-153 UDC Map Amendment to Rezone the Southwest Corner of Trinity Road and Lake Superior College Drive (Miller Creek Disc Golf Course) from Residential-Traditional (R-1) to Mixed Use-Institutional (MU-I) by the City of Duluth
- Staff:** John Kelley introduces the city's proposal to rezone a city owned parcel of land located on the southwest corner of Lake Superior College Drive, Trinity Road and South Arlington Avenue intersection from Residential – Traditional (R-1) to Mixed Use – Industrial (MU-I) in conformance with the Comprehensive Plan's Future Land Use Map. Staff recommends approval. Zwiebel asks about the northwest corner of the property and its proximity to Miller Creek. Kelley states that the proposed section for rezoning is in close in proximity to the parking lot and other buildings, and that the northwest corner of the property is close to Miller Creek and the shoreland buffer area, which could impact future development. Per Manager Fulton the extension of utilities is also a consideration, and that the parking lot would not likely need to be expanded for new housing, but instead the parking lot would be better utilized. Sydow questions LSC's overall planning process. Are they envisioning 10 years out? Kelley notes staff asked the same question of the college. Housing is a top priority. The first question new students and parents ask is if the college has housing available.
- Applicant:** N/A
- Public:** No speakers.
- Commissioners:** Zwiebel asks when the lighting plan and stormwater plans will be considered. Per Kelley, during the planning review stage. Manager Fulton notes that staff will be in communication with LSC to voice neighbor's concerns and to request more information about the long term campus plan should new development proposals come forward. Any new development will need to meet UDC development standards.
- MOTION/Second:** Sydow/Zwiebel approved as per staff's recommendation.

VOTE: (7-0)

Other Business

5. PL 18-154 Tax Increment Financing Comprehensive Plan Compliance for a Mixed Use Commercial and Housing Development the Corner of East Superior Street and North Fourth Avenue East (Voyager Hotel Site)
- Staff:** Manager Fulton gives an overview. The role of the planning commission is to make sure the proposed development and its uses are consistent with the Comprehensive Plan. Tax Increment Financing is a tool that uses the increase in property taxes generated from site improvements to pay for a portion of those improvements.
- Applicant:** N/A
- Public:** N/A
- Commissioners:** Margie Nelson is concerned about the lack of parking. Per Fulton, the site is adjacent to the medical district ramp. There will be a skywalk connected to the parking ramp, which is currently underutilized. Kennedy asks if this is in the opportunity zone. Manager Fulton affirms. Kennedy hopes the developers will consider all income levels for housing. Gary Eckenberg states that the resolution creates a new TIF district.

What would the but for test be? Manager Fulton notes the substantial cost for demo and building of the foundation. Without the TIF component, the project could not proceed. Chair Schraepfer asks what makes the project eligible. Manager Fulton states, the foundation, sewer/water connections, and the connection to parking ramp, which address many eligible elements within the overall project costs. Zwiebel asks about the time frame. Manager Fulton states the project will be evaluated in more detail by DEDA, and is going to the city council on December 17th. Construction is slated to begin in 2019. Zwiebel notes the success of Voyageur motel which is already in place and paying taxes. She would rather see a TIF district for the Pastoret. Nelson notes it is market rate housing planned, but it could change. Manager Fulton affirms. Sydow is concerned with TIF. Are the plans solid in regards to the first floor commercial space. Manager Fulton affirms as per UDC standards.

MOTION/Second: Wisdorf/Eckenberg agrees with staff that the proposal conforms with the Comp plan and the UDC, and therefore approve the resolution.

VOTE: (7-0)

Communications

- A. Manager's Report – Adam Fulton gives an overview.
- B. Reports of Officers and Committees
-Heritage Preservation Commission – N/A
- C. Meeting adjourned at 6:13 p.m.

Respectfully,

Adam Fulton - Manager
Community Planning



CITY OF DULUTH

Community Planning Division

411 W 1st St, Rm 100 * Duluth, Minnesota 55802-1197

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

File Number	PL 18-158	Contact	Kyle Deming, kdeming@duluthmn.gov	
Type	MU-I Planning Review	Planning Commission Date	January 8, 2019	
Deadline for Action	Application Date	December 4, 2018	60 Days	February 4, 2019
	Date Extension Letter Mailed	December 20, 2018	120 Days	April 3, 2019
Location of Subject	1012 E. Second St. (St. Luke's Building A)			
Applicant	St. Luke's Hospital – Mike Boeselager	Contact	mboeselager@slhduluth.com	
Agent	Erdman Company – Tim Casey	Contact	tcasey@erdman.com	
Legal Description	PID 010-3830-05080			
Site Visit Date	December 26, 2018	Sign Notice Date	December 24, 2018	
Neighbor Letter Date	December 21, 2018	Number of Letters Sent	69	

Proposal

Requested is a Plan Review associated with the MU-I plan for the St. Luke's Campus. The proposal includes:

- Relocation of the Emergency Department to Building A,
- Replacement of the existing parking deck east of Building A,
- Development of a new structure containing an ambulance garage and Emergency Department drop-off/parking accessed from E. 2nd St,
- Creation of a heliport on the roof of the new ambulance garage/parking structure, Installation of pavement, storm water treatment, perimeter landscaping, and improved lighting in the parking lot on the north side of E. 2nd St across from Building A.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-I	Medical	Medical District
North	MU-I/R-2	Medical Parking/Residential	Medical District
South	MU-I	Medical	Medical District
East	MU-I/R-2	Medical Parking/Residential	Medical District
West	MU-I	Medical	Medical District

Summary of Code Requirements

50-15.4 MU-I District - Planning review by the Planning Commission is required for new development and redevelopment in the MU-I district where there is not an approved MU-I District Plan.

50-18.1E Storm Water Management - Addresses water runoff quality and quantity pre- and post-construction.

50-20.5.E Use Specific Standards for Accessory Heliports - All accessory heliports shall have and maintain in effect at all times all required permits and approvals, if any, for the facility and operation required by the FAA, and shall design and maintain the facility and conduct operations in compliance with those permits and approvals;

50-24 Parking and Loading - Addresses required minimum and maximum parking spaces and loading docks, dimensional standards, snow storage and pedestrian circulation.

50-25 Landscaping and Tree Preservation - Landscaping standards such as materials, plant size, location, tree preservation and replacement.

50-26 Screening, Walls, and Fences - Screening of mechanical equipment, loading areas, and commercial containers, plus regulations regarding fences and retaining walls.

50-27 Signs. Wall signs are limited to the square footage of the size of the building being less than or equal to the length of the structure.

50-29 Sustainability standards apply to new developments or buildings.

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

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

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

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

Principle #1 – Reuse previously developed lands.

Principle #3 – Support existing economic base.

Principle #4 – Support economic growth sectors. This includes the medical field.

Principle #5 – Promote reinvestment in neighborhoods.

Principle #7 – Create and maintain connectivity.

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

Principle #9 – Support private actions that contribute to the public realm.

Principle #10 – Take actions that enhance the environment, economic, and social well-being of the community.

Principle #13 – Develop a healthy community.

Principle #14 – Integrate fairness into the fabric of the community.

Economic Development Policy #3 – Build on existing economic strengths and competitive advantages, Strategy #2. Coordinate with major institutions, including hospital and university campuses, to plan for their growth, minimize development impacts, and provide for stability and livability for the campuses, their employees, and surrounding neighborhoods.

Future Land Use - Medical District: An area encompassing the medical campuses and adjacent areas that support them, with related commercial, office uses and residential uses in the fringe areas of the district, density increasing from fringe to taller buildings in core, form-based guidelines to transition between core and fringe, preserve viewsheds, pedestrian-oriented design, transit facilities, and parking, Relationship to institutional master plans

St Luke's Hospital has had several projects come before the Planning Commission in previous years:

- FN 10-113 - Oxygen Tanks at NW corner of 10th Ave. E. and E. 2nd St.,
- FN 11-002 - Permanent Parking Lot between E. 1st and E. 2nd St. west of 12th Ave. E.,
- FN 11-011 - Construction of SLH Building A at SE corner of 10th Ave. E. and E. 2nd St.,
- FN 11-049 - SUP for Temporary Gravel Parking Lot and Storage Yard on north side of E. 2nd St. between 10th and 11th Aves. E.,
- PL 12-170 - District Plan for parking, signage, lighting, and traffic calming,
- PL 14-060 - Generator Building at NE corner of 10th Ave. E. and E. 2nd St.,
- PL 16-082 - MRI Building Expansion on E. 2nd St. side of the hospital,
- PL 17-143 - 750 SF Cancer Center addition to SLH Lakeview Building, 1001 E. Superior St., for radiation therapy.

Review and Discussion Items

Staff finds that:

1) Applicant's proposal includes:

- a) relocation of the Emergency Department to Building A from its existing location on 1st Street;
- b) replacement of the existing parking deck east of Building A with a new structure containing an ambulance garage and Emergency Department drop-off/parking accessed from E. 2nd St.;
- c) addition of parking in the lower level of the new ambulance/heliport structure accessed by E. 1st St.;
- d) creation of a heliport on the roof of the new ambulance garage/parking structure;
- e) removal of the parking lane in the 1000 block of E. 2nd St.;
- f) improvements to the existing gravel parking lot on the north side of E. 2nd St. consisting of pavement, storm water treatment, perimeter landscaping, and improved lighting;
- g) addition of an elevator to the south wall of Building A near the point where the skywalk across 10th Ave. E. enters the building.

2) 50-15.4 (MU-I District) - Property is zoned MU-I. St. Luke's Hospital has an approved District Plan (adopted 2012). This structure was not included in that plan, so Planning Review is required. The MU-I zone district is intended for this type of hospital campus. The purpose statement for the MU-I District states that it "is established to provide for the unique development needs and impacts of major medical, educational and research institutional development. The intent is to give institutional landowners the flexibility to plan and develop their facilities while ensuring that surrounding neighborhoods are protected from adverse impacts, such as traffic, overshadowing buildings, noise and unexpected expansion of institutional uses into residential areas." Compliance with specific UDC Development Standards are below.

3) 50-18.1 (Natural Resources Overlay) – The property is not within a floodplain or shoreland area. The project includes erosion control measures during construction, and permanent water quality and rate control will be met using existing systems. Water quality improvements to the existing parking lot on the north side of E. 2nd St. include installation of pavement to reduce erosion, and an engineered swale to filter runoff.

4) 50-20.3 (Use Specific Standards) – Accessory Heliports must maintain required permits with FAA and operate the facility in accordance with those permits.

5) 50-23 (Connectivity) – Paragraph 5 of the applicant's submittal and Sheet D.1 describe pedestrian, vehicular, and transit access to the relocated Emergency Department. Patient drop-off and parking is provided in the new parking deck off of E. 2nd St. Pedestrian and transit access will route from surrounding streets and bus stops; the walkway from E. 2nd St. to the building entrance is covered. Removal of a parking lane on E. 2nd St. reduces the crossing distance for pedestrians accessing the site from the north. For the parking lot on the north side of E. 2nd St., the applicant is required to add pedestrian walkways (striped, at a minimum) at both the east and west ends of the parking lot connecting to adjacent public sidewalks.

6) 50-24 (Parking and Loading) – The proposal relocates the Emergency Department within the St. Luke's campus. There will be a loss of 34 parking stalls from the 2nd St. level with the new parking deck. The City Engineer has confirmed that a traffic circulation study is not required due to the scope of the project. The application includes that the parking lot on the north side of E. 2nd St. will be paved, except for a portion along the alley. Alley portions of the parking lot should be paved concurrently with the primary parking lot.

7) 50-25 (Landscaping and Tree Preservation) – Attachment C.3 is the landscape plan described by paragraph 14 of the applicant's submittal. The proposal provides required street frontage landscaping for the new structure as well as the improved parking lot on the north side of E. 2nd St.

8) 50-26 (Screening, Walls, and Fences) – No mechanical units, trash, or loading areas are planned to be installed at grade level. Existing trash and loading areas will be utilized. A roof-mounted mechanical unit will be added to the roof of Building A and will be screened similarly to the existing units, which comply with the UDC. The height of the proposed structure is within the height limits of the zone district and the proposed structure will utilize colored

precast concrete with brick inlays similar to the existing Building A exterior. The parapet wall at the top of the new structure will partially screen the heliport, provide shielding from the wind of the helicopter, and provide a place for directional signage.

9) 50-31 (Exterior Lighting) – Proposed exterior lighting at building entrances will be designed to comply with UDC requirements. Surface-mounted heliport lighting will be per FAA requirements and walkway lighting on the helipad will be designed to comply with UDC requirements. Existing flood lights on the gravel parking lot north of E. 2nd St. will be replaced with fixtures that comply with the UDC.

10) The proposal includes relocation of the heliport to the roof of the new parking deck. The new location provides improved access to the relocated Emergency Department. However, the relocated site creates other concerns, outlined in paragraph 7 of the applicant's submittal. Noise from arriving and departing helicopters will be approximately 400 feet closer to the residential neighborhoods on the north side of E. 2nd St. Approximately 100 dwelling units will be within 500 feet of the relocated helistop compared to 36 dwelling units within 500 feet of the existing helistop.

Applicant prepared the attached "Noise Screening Analysis" to consider impacts to the surrounding neighborhood. The study found that, while there will be intermittent increases in noise levels in the neighborhood during helicopter operations, there is no exceedance of Occupational Safety and Health Administration (OSHA), Minnesota Pollution Control Agency (MPCA), or Federal Aviation Administration (FAA) noise safety levels. These noise safety standards are set for longer-term exposures (see descriptions of each level in the attached Noise Screening Analysis) and the noise generated by helicopter operations will typically be less than 15 minutes each and approximately 400 times per year given current air ambulance traffic.

Based on review of Grid Point Results (Table 4 of the Analysis) with the Grid Point Locations map (Exhibit 4 of the Analysis), portions of the residential neighborhood will be exposed to noise levels of 100 - 103 dB near the intersection of 12th Ave. E. and E. 2nd St. and 100.8 dB across E. 2nd St. from the helistop. The model predicts noise levels in the 90 dB range as far away as 15th Ave. E. and 2nd St. Examples of things that typically generate 100 dB sounds include lawn mower, motorcycle, or garbage truck.

In addition to noise calculations, the applicant also analyzed the amount of wind generated by helicopter operations (which is called "rotor wash") to see if it would cause negative impacts to E. 2nd St. and adjacent parking lots. Limited data exists for the specific helicopter in use at St. Luke's Hospital, but the applicant finds that there have been no problems with the current heliport, which is mounted over the open parking deck. Additionally, the applicant provided calculations from a US Dept. of Transportation-FAA study of larger helicopters showing the expected rotor wash to be less than the 10-35 miles per hour velocities generated by the larger military-style helicopters in the study. This may be considered a possible nuisance condition to people using E. 2nd St., which may be abated somewhat by the solid parapet wall at the edge of the helistop which could deflect some rotor wash. To reduce the possibility of wind driven debris, the heliport has been designed with heating coils in the surface to eliminate the need for salt and sand in the winter.

11) Tom Johnson, City of Duluth, Storm Water Engineer, commented that storm water improvements are needed for the gravel parking lot and that he is in conversation with the applicant's engineer about this matter. No additional City, public, or agency comments have been received.

12) Per UDC 50-37.1.N, an approved Planning Review will expire if the project or activity authorized is not begun within one year, which can be extended for one additional year at the discretion of the Land Use Supervisor.

13) Summary: When considering approval of this proposal, the Planning Commission should consider how the proposed project complies with *Article IV Development Standards* and the purpose of the MU-I district. The City's Future Land Use Map (attached) indicates that areas north of E. 2nd St. are currently zoned R-2, but should be rezoned MU-I for expansion of the medical campus. Noise and other impacts should be considered.

Staff Recommendation

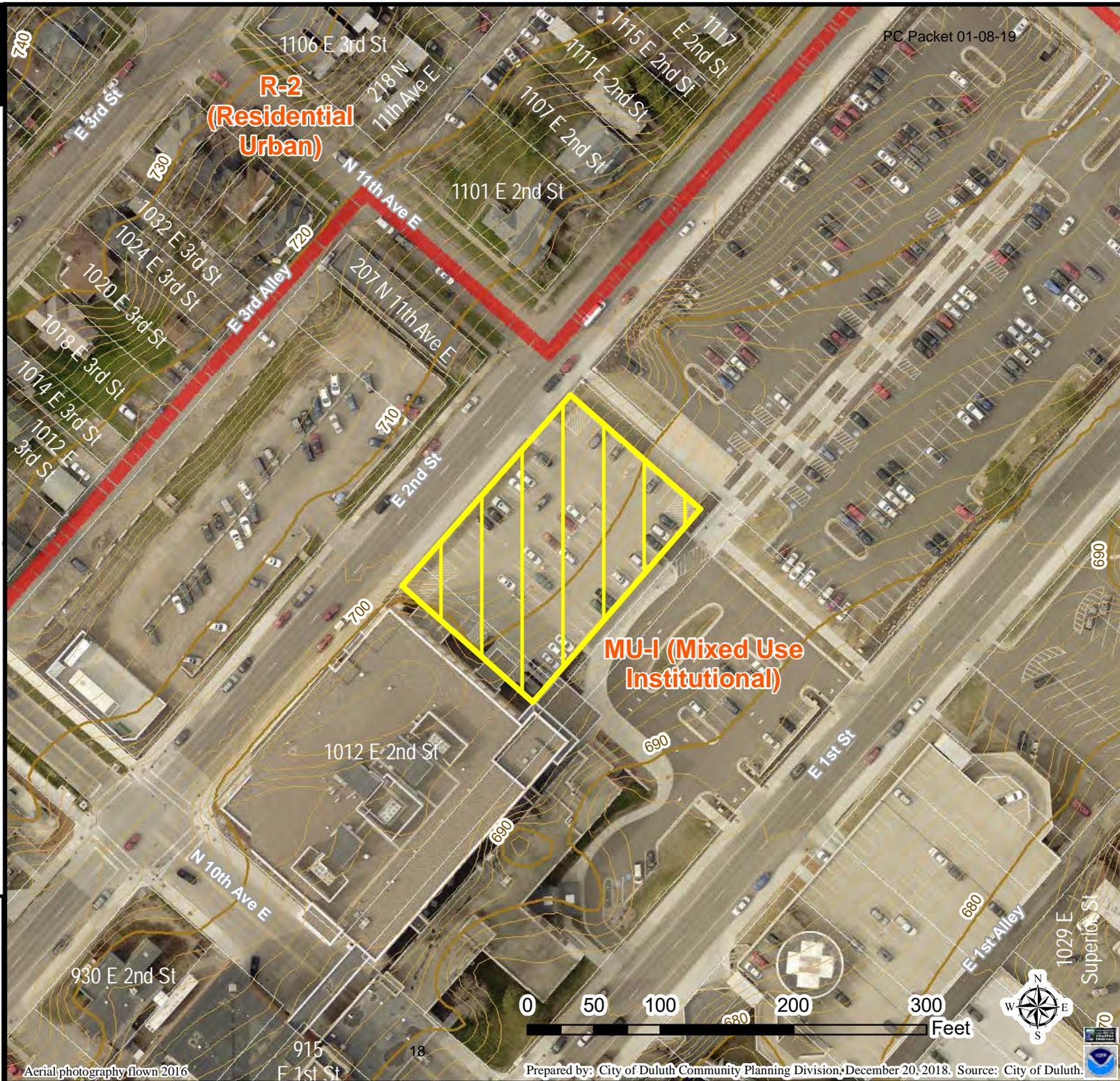
Based on the above findings, staff recommends approval of the Planning Review, subject to the following conditions:

- 1) The project be limited to, constructed, and maintained according to the site plans, landscaping plans, and exterior elevations provided with this application as Attachments A.1, A.2, A.3, B.1, B.2, B.3, B.4, B.5, B.6, C.1, C.2, C.3, D.1, and D.2 dated 12/04/2018;
- 2) The heliport be used exclusively for patient transport;
- 3) The applicant provide to the Land Use Supervisor fixture details for the lighting of the heliport before making application for a building permit and that the proposed lighting comply with UDC Sec. 50-31;
- 4) The applicant provide to the Land Use Supervisor revised landscape and storm water plans (Attachments C.1, C.2, and C.3) before application for a building permit to show additional landscaping (street trees) that meet UDC requirements and storm water improvements to the parking lot on the north side of E. 2nd St. that are approved by the City Engineer;
- 5) The applicant amend the plans for the parking lot on the north side of E. 2nd St. to include paving the portion along the alley;
- 6) Any alterations to the approved plans that do not alter major elements of the plans may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of UDC Chapter 50.



St. Luke's Hospital
 1012 E. 2nd St.
 MU-I Plan Review
 Parking and Helistop

PC Packet 01-08-19



Legend

- 1 Ft contour
- 10 Ft contour
- Municipal Boundary
- 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

Prepared by: City of Duluth Community Planning Division, December 20, 2018. Source: City of Duluth.



St. Luke's Hospital
 1012 E. 2nd St.
 MU-I Plan Review
 Parking and Helistop

PC Packet 01-08-19

P-1 (Park)

**F-6 (Mid-Rise
 Neighborhood
 Shopping)**

**R-2
 (Residential
 Urban)**

**MU-N (Mixed Use
 Neighborhood)**

**MU-N (Mixed Use
 Neighborhood)**

**MU-I (Mixed Use
 Institutional)**

**F-4 (Mid-Rise
 Community
 Mix)**

**R-2
 (Residential
 Urban)**

**MU-N
 (Mixed Use
 Neighborhood)**

Legend

-  Municipal Boundary
-  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

0 100 200 400 600

London Road



Feet

**MU-N
 (Mixed Use
 Neighborhood)**

Prepared by: City of Duluth Community Planning Division, December 20, 2018. Source: City of Duluth.

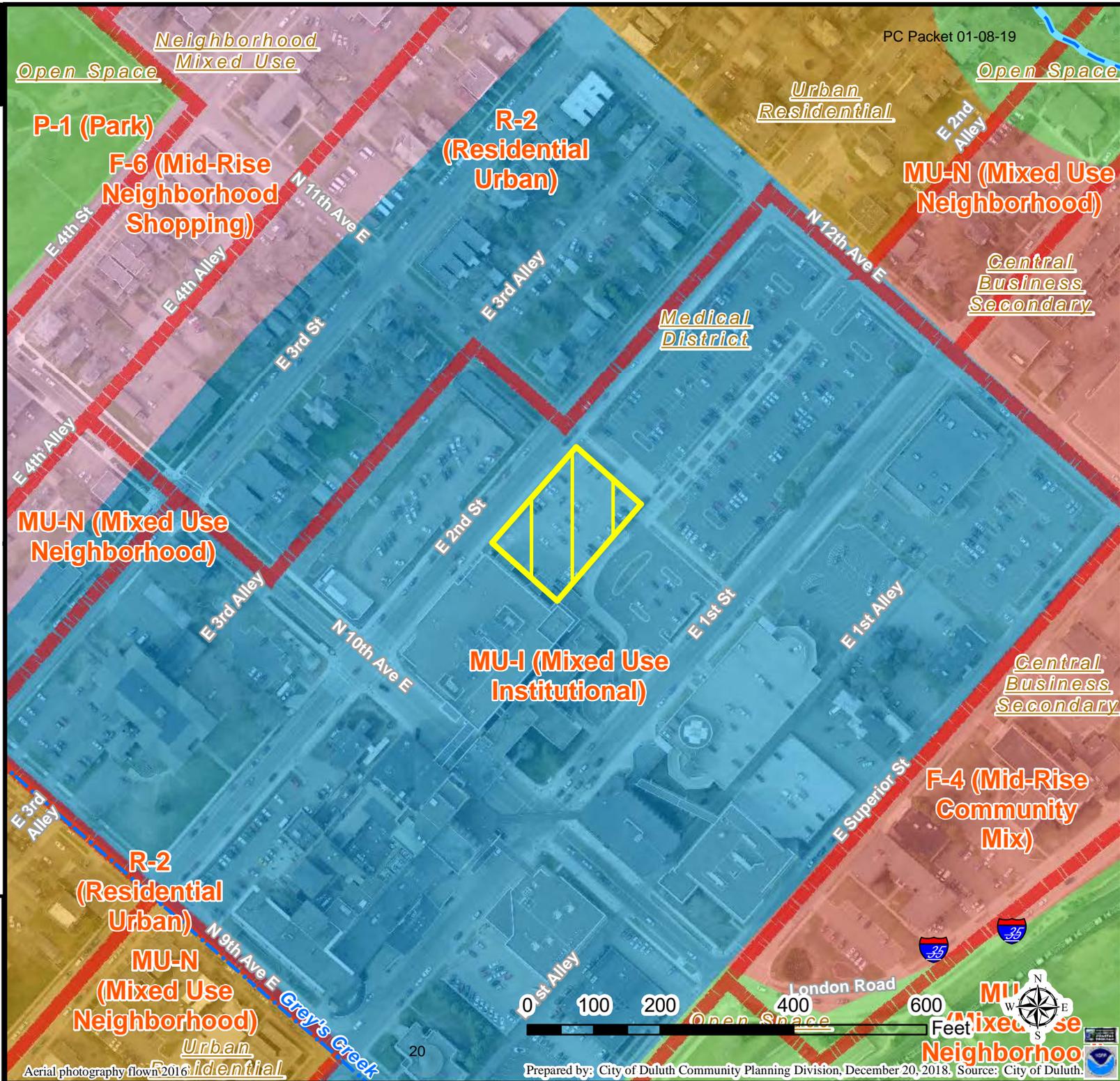


Legend

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

Future Land Use

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



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December 4, 2018

St. Luke's Hospital
1012 East Second Street
Duluth, MN

Planning Commission Submittal

1. Project Overview

St. Luke's hospital is in the process of planning and designing new medical space in their existing Building "A" facility. The goal of this project is to better serve the City of Duluth and St. Luke's patients. The build-out of the second and third floors will provide state of the art medical space and provide better healthcare to the surrounding community. The project at St. Luke's Hospital is a buildout of Building "A" consisting of the following:

- a) Buildout of the third floor for a new emergency department
- b) Remove existing parking deck and replace the parking deck with a new structure which will serve as a new helipad, ambulance garage, emergency department drop-off and parking on two levels.
- c) Buildout of the second floor with catheter labs and related clinic / hospital functions.
- d) Add a new elevator between Building "A" and the existing facility.
- e) Minor remodeling on the fourth floor.
- f) Site work as required for the new functions including curb line bump-outs on 2nd Street.
- g) Modification of the adjacent gravel parking lot on the opposite side of 2nd Street from Building "A".

2. Schematic Building Plans

Attached (See A.1 - A.3) are schematic plans for the new structure. These include:

- a) Lower level parking
- b) Second level indicating the new ambulance garage and emergency department patient drop-off and parking.
- c) Third level helipad

3. Building Elevations / Renderings

Attached (See B.1 – B6) are conceptual renderings of what the facility will look like once the project is complete. The intent of the design is to match the existing materials of Building "A" so that it blends and complements the existing structure.

4. Site Circulation, Layout and Landscaping

St. Luke's Building "A" can be accessed by First and second street on the east and west sides and 10th Avenue on the south side. Attached (See C.1 - C.3) is a diagram indicating these streets and the direction of travel on them.

5. Emergency Department Access

The emergency department can be accessed by ambulance, personal vehicle drop-off and walking from local surroundings or via being dropped off via mass transit. There are two different levels that a patient may access. The main entry point is from Second Street as the emergency department is located on this level. The secondary access point is from First Street where a patient may park or walk-up to the entry on First Street, enter the building and take an elevator ride up one floor to the emergency department. Attached (See D.1 and D.2) are diagrams indicating the different access points to the emergency department.

6. Number of emergency patients per day

Currently St. Luke's sees approximately 85 -100 patients per day. 15 – 17% of these patients arrive by ambulance. St. Luke's also receives approximately 200 patients per year by helicopter.

7. Helipad Considerations (See attachments E.1 – E.3)

Flight Path: An identified flight path has been selected for the helipad permitting through the Minnesota Department of Transportation (MnDOT) and the federal aviation administration (FAA). These paths are clear of any safety obstructions for the designated slopes though and around the identified flight paths. The identified flight paths are attached to this document.

Noise: As part of the relocation of the helipad closer to 2nd Street, a noise study was completed to identify the impacts the relocation may have on the surrounding neighborhood. The noise study identified existing noise levels as well as proposed noise levels. The result of this study found that there will be an increase in intermittent noise levels in portions of the neighborhood, but there is no exceedance of noise safety levels as identified by Occupational Safety and Health Administration (OSHA), the Minnesota Pollution Control Agency (MCPA), and the FAA. The noise report is attached to this document.

Wind: In addition to the impacts identified above, the wind created by a helicopter (referred to as rotor wash) was considered in this location. The primary areas of concern with regard to the rotor wash are the public spaces adjacent to the property (such as St. Luke's parking lot or 2nd Street). The area immediately adjacent to the helipad will only be operated by St. Luke's staff and will not be open the general public.

Limited data exists with regards to modeling specific rotor wash information. For this reason, a specific wind model was unable to be created and instead the analysis was completed using an empirical approach based on other existing data.

In the current condition, the existing helipad is elevated approximately 10 feet above the Northland ramp parking facility. Parking spots exists on the Northland ramp immediately adjacent to the elevated helicopter landing area. This is comparable to the elevation of the helipad to 2nd street and stands to reason that a comparable condition would exist along 2nd Street. St. Luke's does not have reports of any vehicle damage or pedestrian concerns during operation of their existing facility. It should be noted that this is a somewhat conservative approach to the prediction of the proposed condition due to the existing helipad being an open metal structure whereas the proposed condition will include a concrete roof structure that will further work to deflect wind away from the public space.

In addition to the existing facility being used as a comparison, some existing data exists relative to rotor wash of different helicopter units. This data was created by the US Department of Transportation and the FAA in the 1990's and is generally applicable to larger, military style helicopters. However, it would be expected that the smaller medical helicopters that are to be permitted for use at the St. Luke's facility would create less rotor wash due to less force generation being required to maintain the weight of the helicopter.

Two graphs are attached which indicate rotor wash velocities for various helicopter units. In both graphs, the data indicates that at a distance of 10' above ground level (the approximate elevation above 2nd Street where a helicopter will land) there would be an expectation of 10-30 knots (10-35 mph) on average. This would indicate a possible nuisance condition for the travelling public, but not a safety concern or a concern with potential property damage.

8. Lighting

The new structure will be lit as follows:

- a) The parking areas in the new structure will be lit with energy efficient LED parking fixtures. These fixtures are designed to light the parking surface only and not spill light out of the structure.
- b) The helipad will be lit with surface mounted in slab lights to guide the helicopter. These lights will only be on when a helicopter needs to land. An additional fixture will be added to the face of Building "A" to illuminate the entrance into the building. This light will only be on when required.

9. The existing parking lot will be modified as follows:

- a) Existing flood lighting (secured to wood Minnesota Power poles in the alley) will be removed due to concerns raised from the adjacent property owners about light pollution
- b) New lighting will be installed within the parking area in line with St. Luke's current site lighting including a cutoff fixture to direct light downwards.

10. Signage

Signage will be used to indicate various points of entry for both patients and ambulances. This is indicated on the provided renderings. St. Luke's does have a campus signage plan in place.

11. Parking

As part of the construction of the emergency department and ambulance access, some parking will be reduced at the St. Luke's campus. However, with the available parking elsewhere within the site, there is still enough parking to satisfy UDC parking requirements after the completion of this project. Parking may be considered as a future need with further campus development.

12. HVAC Screening

A new rooftop mechanical unit will be located on the roof of Building "A". It is not anticipated that this new unit will be seen from the street level. However, the new unit will be screened using the same design as what was designed and in place currently on top of Building "A".

13. Deliveries and Trash Removal

All deliveries and trash removal for the new departments will utilize the existing methods that the hospital has in place. There will not be any increased traffic to this portion of the site for deliveries and trash.

14. Landscaping, Traffic, & Streetscape

Landscaping elements are designed within compliance for UDC standards for street side screening. This includes trees and shrubs in planting beds along the street. The view of traffic existing the enclosed structure is considered in the selection of the landscaping materials. Current site plan and landscape plans are attached.

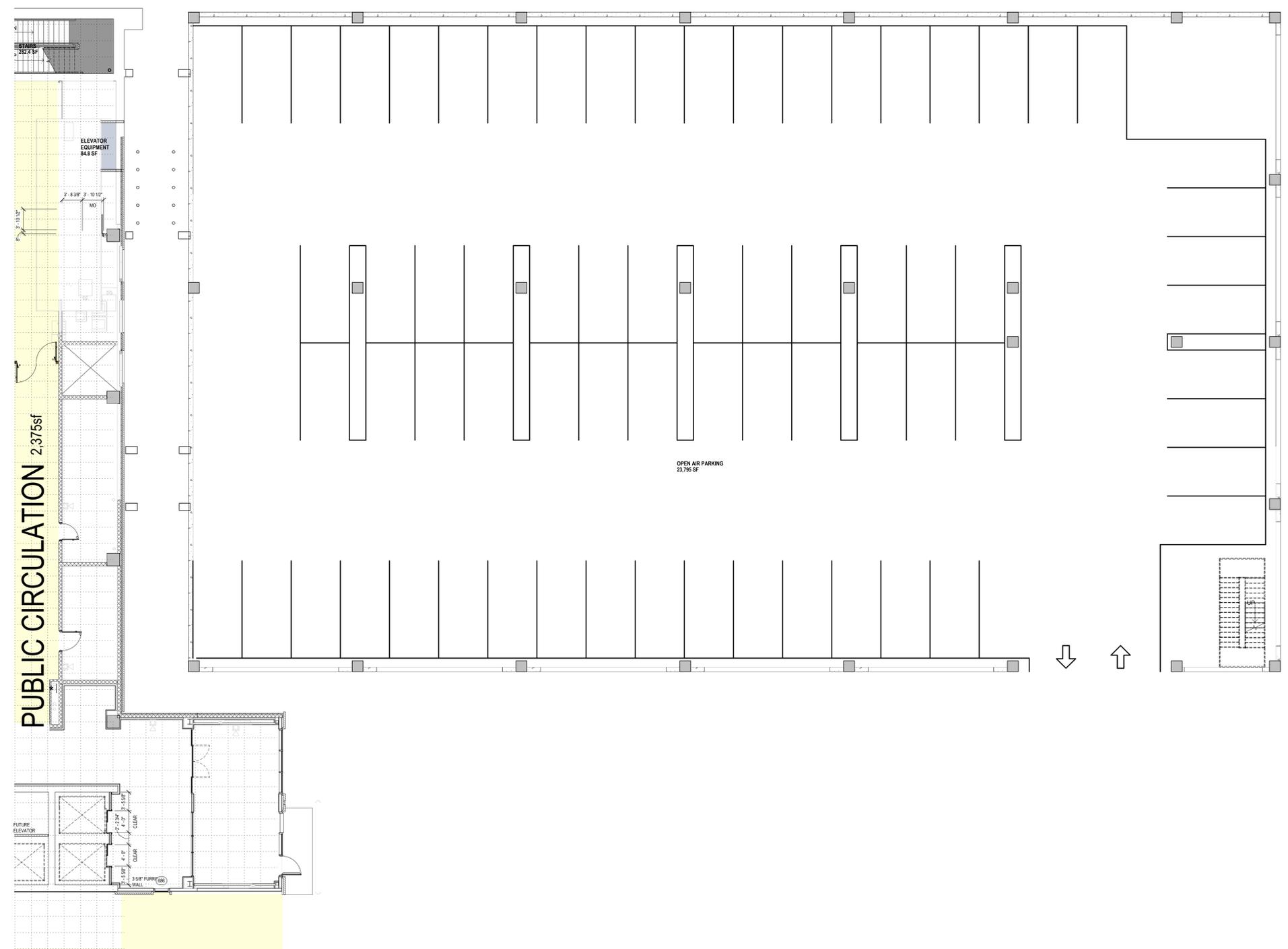
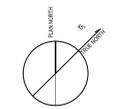
Given the expectation of a future structure across 2nd Street, no internal parking lot landscaping is proposed at this time. Should this area become a more permanent surface parking lot, St. Luke's would undertake the effort to complete grading of the lot at a flatter slope and installing UDC compliant elements (such as shade trees) within the parking area.

Some additional traffic is anticipated on 2nd Street as part of the relocation of the St. Luke's emergency department, but this is well below thresholds that would require a traffic study for the project.

St. Luke's is also proposing bump-outs in 2nd Street for the following reasons:

- a. These bump-outs will provide a safety benefit to ambulance traffic relative to the other traffic on 2nd Street as well as the pedestrian traffic on 2nd Street.
- b. These bump-outs will provide traffic calming for traffic moving along 2nd Street. While the bump-outs will not actually impede the traffic lanes, the break of the street cross section lends itself to providing safer moving traffic patterns in this critical corridor. Given the long one-way travel path on 2nd Street with a uniform cross section, it is anticipated these will be particularly effective.
- c. The bump-outs will better define the medical campus and a clearer definition to the emergency access point for the general public.

It should be noted that these bump-outs are not intended to facilitate a mid-block pedestrian crossing. Rather, the landscaping strategy is designed a manner that the pedestrian crossings are encouraged at 10th Avenue East and 11th Avenue East.



1 SECOND FLOOR PARKING DECK
SCALE: 1/8" = 1'-0"

Attachment - A.1

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No.	Description	Date
Document Release		

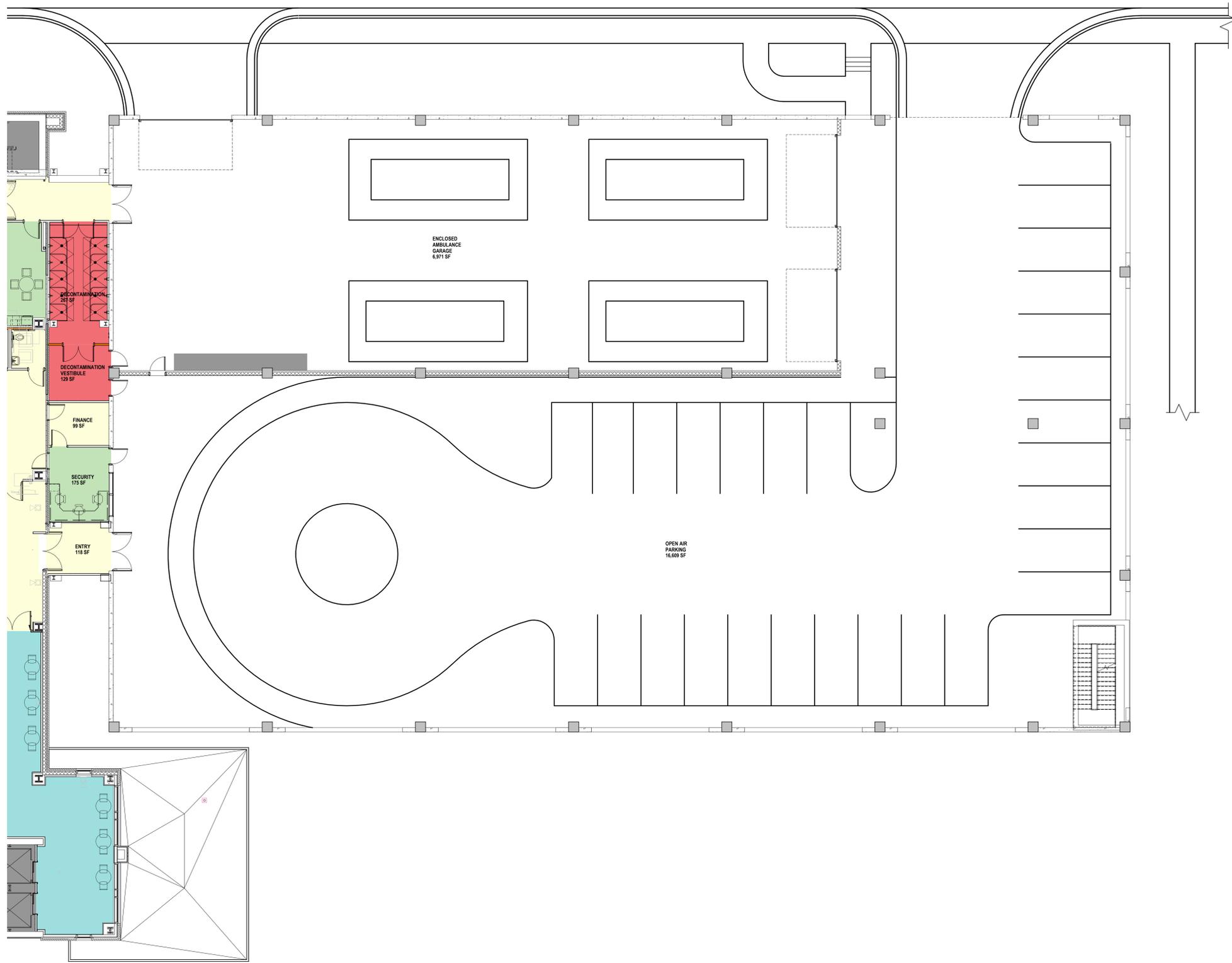
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Sheet Name
SECOND FLOOR PARKING DECK

Scale: 1/8" = 1'-0"
Sheet Number

A110

DULUTH, MN
656220

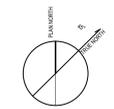


1 THIRD FLOOR PARKING DECK
SCALE: 1/8" = 1'-0"



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**1012 E. SECOND ST.
DULUTH, MN 53805**



4	PLANNING COMMISSION SUBMITTAL	12/04/16
No.	Description	Date
Document Release		

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Sheet Name
**THIRD FLOOR
PARKING DECK**

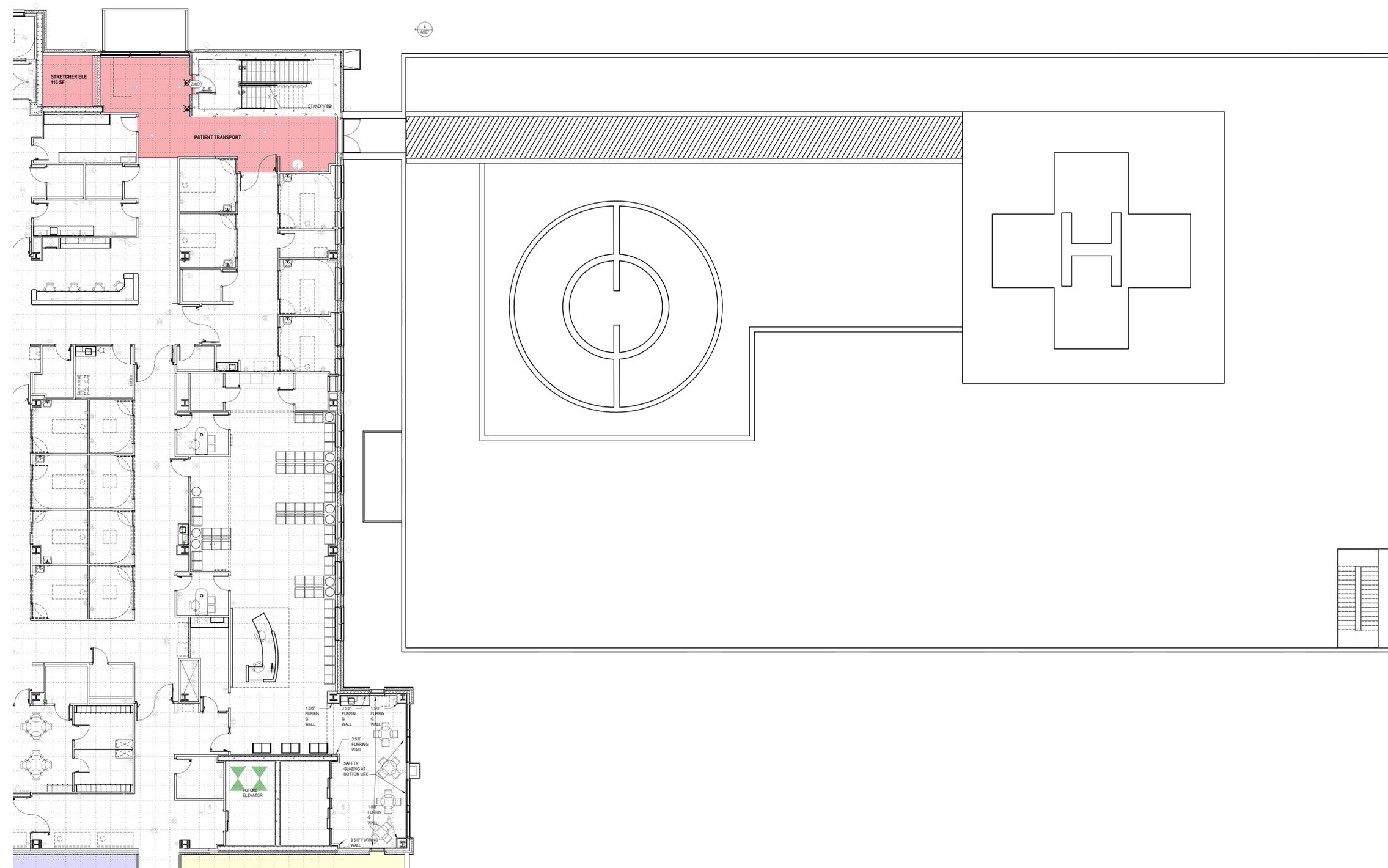
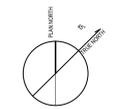
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A111

DULUTH, MN
656220

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Attachment - A.2



1 FOURTH FLOOR PARKING DECK
SCALE: 1/8" = 1'-0"

Attachment - A.3

4	PLANNING COMMISSION SUBMITTAL	12/04/16
No.	Description	Date
Document Release		

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Sheet Name
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Sheet Number

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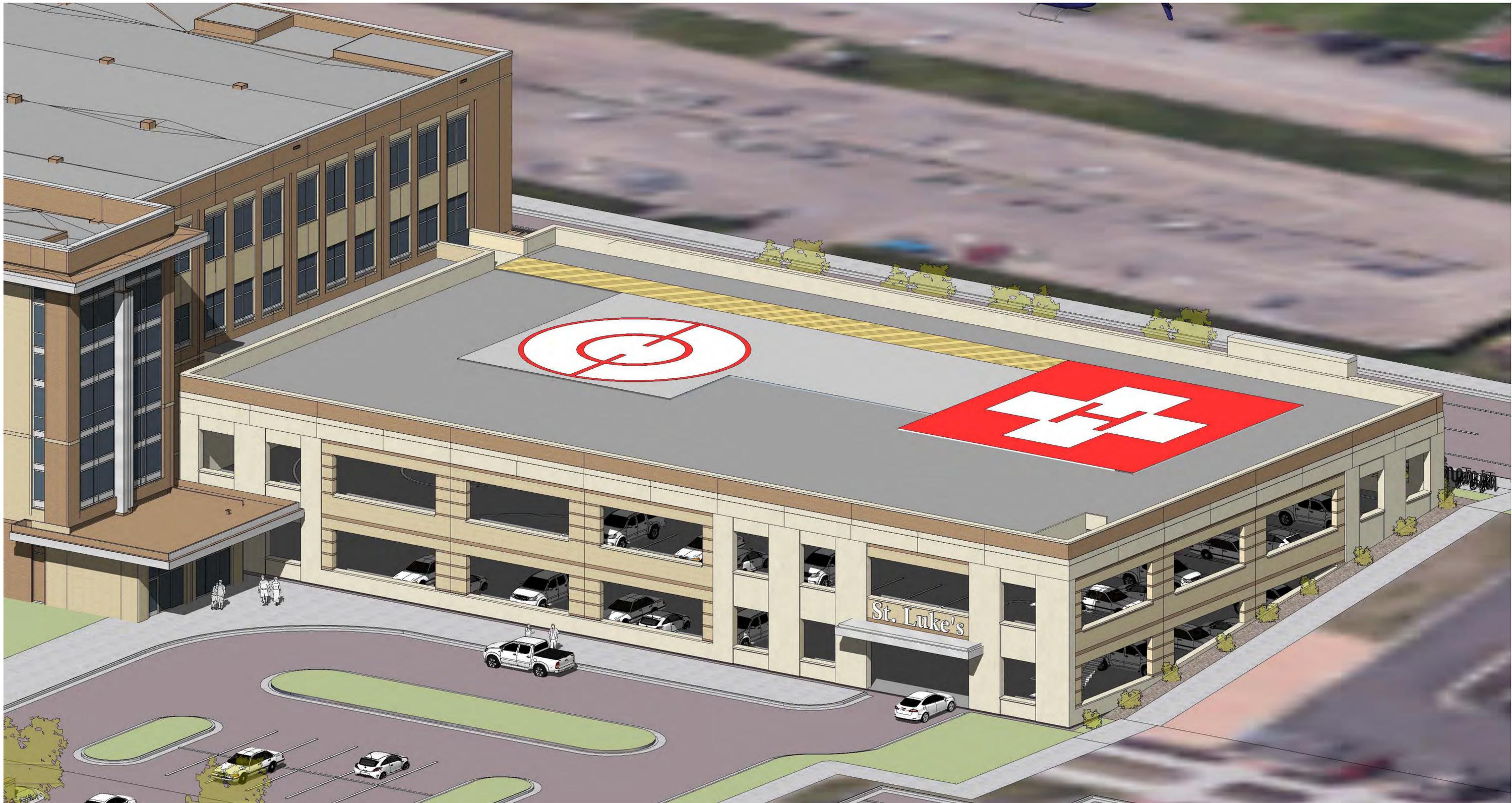
DULUTH, MN
656220



PARKING DECK ENTRY PERSPECTIVE

ERDMAN

Attachment - B.1



RAMP AXON EAST

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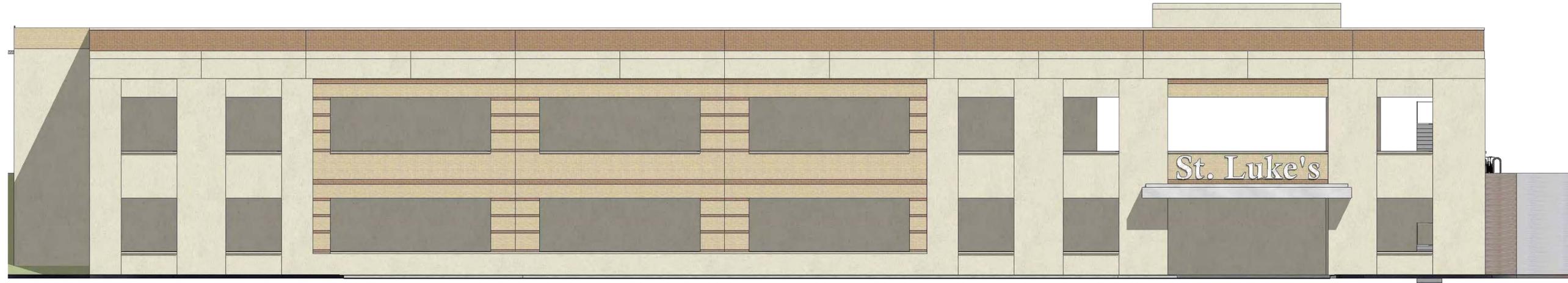
Attachment - B.2



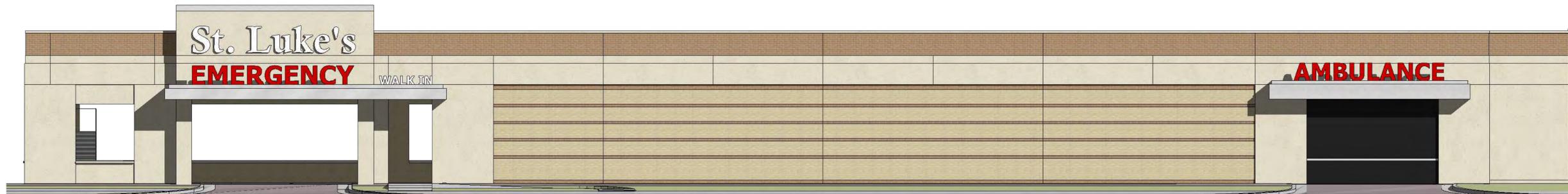
RAMP AXON NORTH

ERDMAN

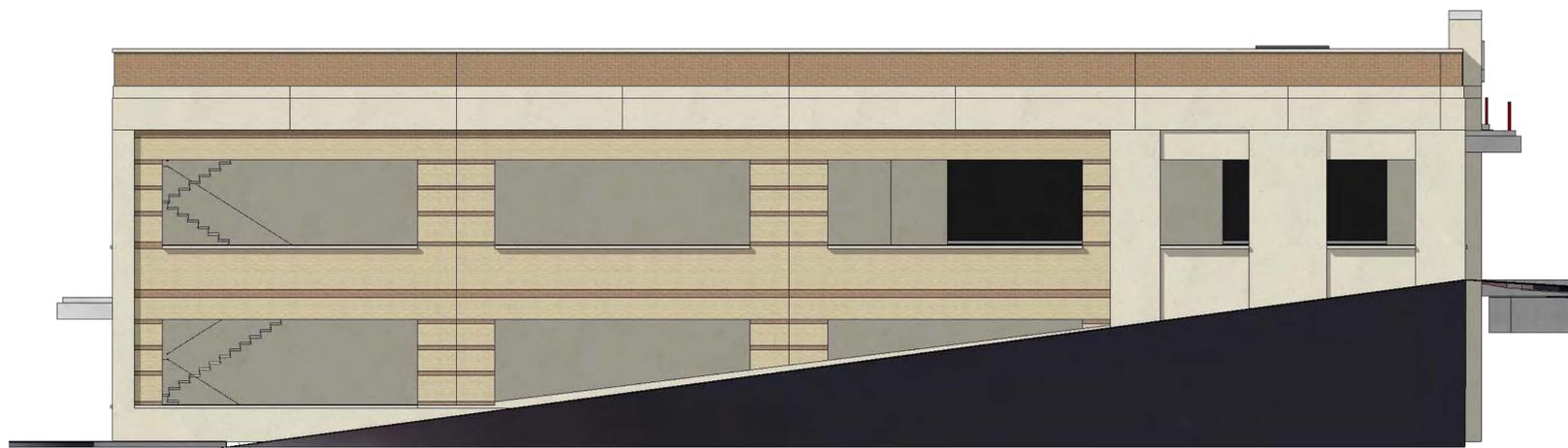
Attachment - B.3



EAST ELEVATION SCALE = 1/8" = 1'



WEST ELEVATION SCALE = 1/8" = 1'



NORTH ELEVATION SCALE = 1/8" = 1'



PARKING DECK DETAIL

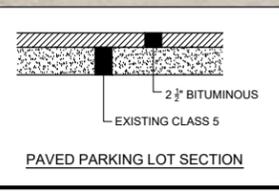
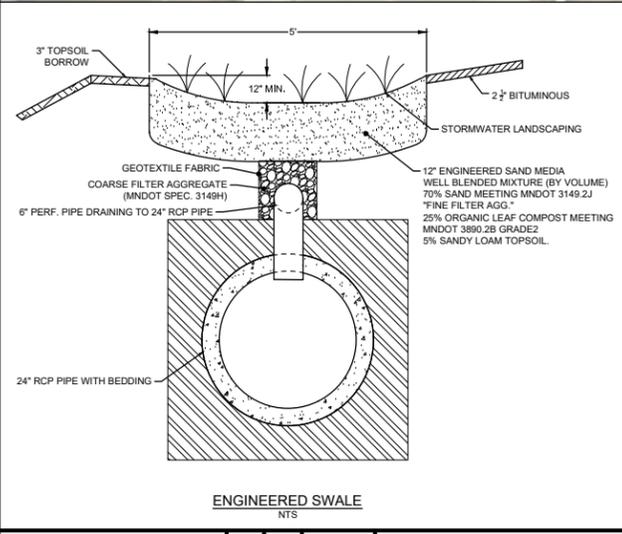
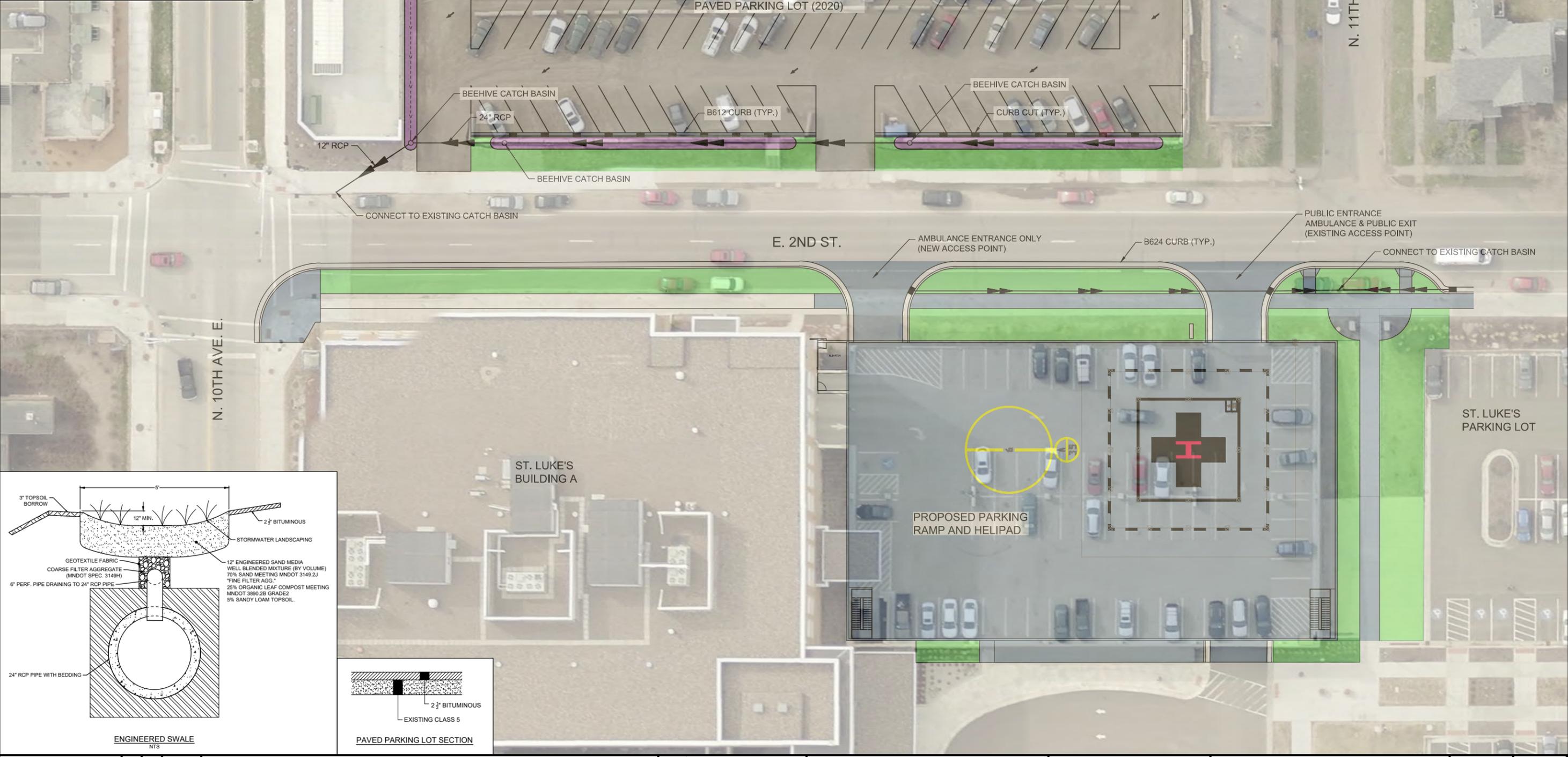


NEW ELVATOR SHAFT
BRICK TO MATCH EXISTING BUILDING

NEW ELVEATOR SHAFT DETAIL



- EXISTING**
- RIGHT OF WAY
 - SANITARY SEWER AND MANHOLE
 - WATER MAIN, HYDRANT, VALVE AND MANHOLE
 - WATER SERVICE AND CURB STOP BOX
 - STORM SEWER, MANHOLE AND CATCH BASIN
 - GAS MAIN, VALVE, VENT AND METER
 - TRAFFIC SIGNAL
 - STREET NAME SIGN
- PROPOSED**
- STORM SEWER, MANHOLE AND CATCH BASIN
 - CULVERT AND APRON ENDWALL
 - DRAIN TILE
 - BITUMINOUS
 - CONCRETE
 - LANDSCAPING
 - ENGINEERED SWALE (SEE DETAIL)



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DRAWN BY: KLG				
DESIGNER: DRH				
CHECKED BY: DRH				
DESIGN TEAM	NO.	BY	DATE	REVISIONS

PHONE: 218.279.3000
418 W SUPERIOR ST
STE 200
DULUTH, MN 55802-1512
www.sehinc.com

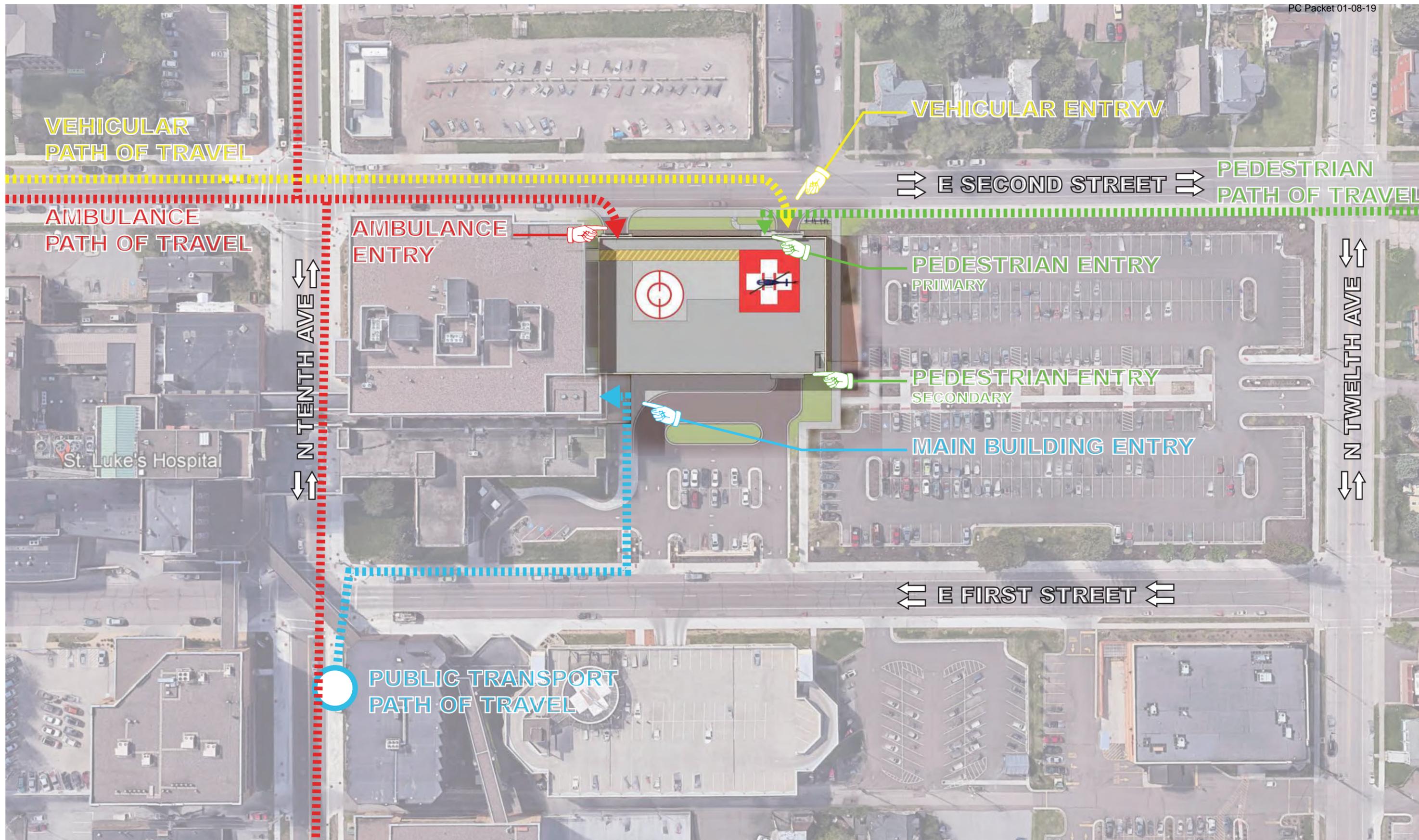
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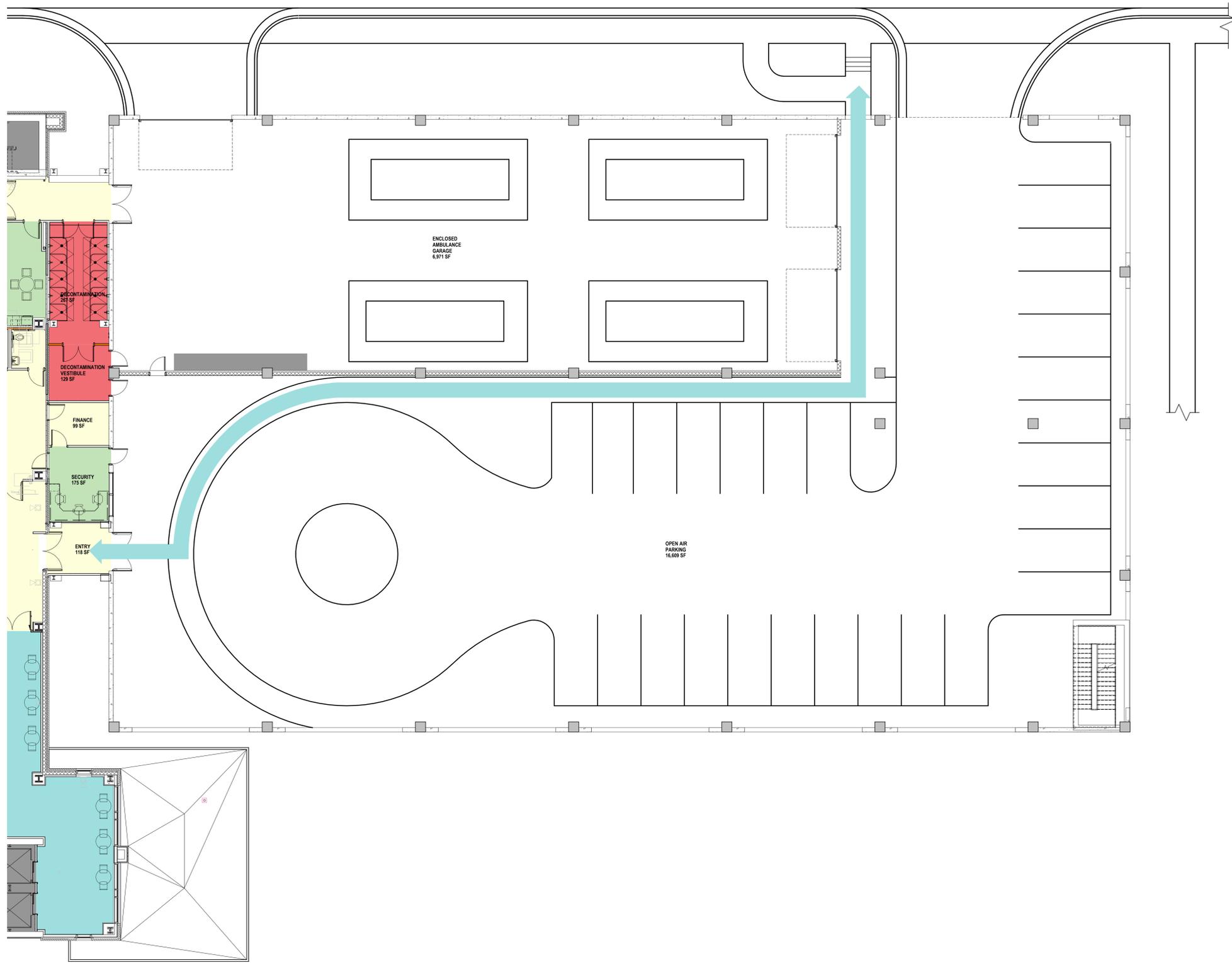
DULUTH, MINNESOTA

SITE LAYOUT
ST. LUKES HOSPITAL

FILE NO.
STLUH 146887





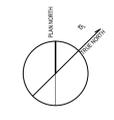


1 THIRD FLOOR PARKING DECK
SCALE: 1/8" = 1'-0"



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1012 E. SECOND ST.
DULUTH, MN 53805



4	PLANNING COMMISSION SUBMITTAL	12/04/16
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Sheet Name
THIRD FLOOR PARKING DECK

Scale: 1/8" = 1'-0"
Sheet Number

A111

DULUTH, MN
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Attachment - D.2

Noise Screening Analysis

St. Luke Hospital Helipad Relocation, Duluth, MN

PREPARED FOR

Short Elliott Hendrickson, Inc.

PREPARED BY

Landrum & Brown, Incorporated

November 2018



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1 BACKGROUND

This report summarizes the results of a noise screening analysis for a proposed helipad relocation at St. Luke Hospital in Duluth, MN. The proposed project includes the relocation of an existing helipad as shown in Exhibit 1. Operation of the helipad in the proposed new location would change the noise levels in the area immediately surrounding the site. Therefore, a noise analysis has been requested to document the potential change in noise and identify any conflicts with existing Federal or local regulations regarding noise.

Sound is created by a source, such as a helicopter, that induces vibrations in the air. The vibration produces alternating bands of relatively dense and sparse particles of air, spreading outward from the source like ripples on a pond. Sound waves dissipate with increasing distance from the source. Sound waves can also be reflected, diffracted, refracted, or scattered. When the source stops vibrating, the sound waves disappear almost instantly and the sound ceases. Unwanted sound is commonly referred to as “noise.”

Sound can be defined in terms of three components:

- Level (amplitude)
- Pitch (frequency)
- Duration (time pattern)

Sound is measured on the decibel dB scale. For environmental noise studies, sound is typically weighted to account for the relative loudness perceived by the human ear, as the ear is less sensitive to low audio frequencies. This scale is known as A-weighted and the A-weighted decibel scale is commonly abbreviated dBA, or dBa, or dB(a). For this analysis, all noise levels are reported on the A-weighted scale.

Given the multiple dimensions of sound, a variety of descriptors, or metrics, have been developed for describing sound and noise. Some of the most commonly used metrics are discussed in this section. They include:

- Maximum Level (**L_{max}**)
- Equivalent Sound Level (**L_{eq}**)
- Day-Night Average Sound Level (**DNL**)
- Time Above Level (**TA**)

Maximum sound level or L_{max} is simply the highest sound level recorded during an event or over a given period of time. It provides a simple and understandable way to describe a sound event and compare it with other events.



Legend

- Existing Helipad
- Existing Parking Structure
- Proposed Helipad
- Future Building

0 75 150 Feet

N
↑

Helicopter Noise Study
St. Luke Hospital



Proposed Project

EXHIBIT:
1



The “time above,” or TA, metric indicates the amount of time that sound at a particular location exceeds a given sound level threshold. TA is often expressed in terms of the total time per day that the threshold is exceeded. For example, if a location exceeded 65 dB (TA65) for 25 minutes the TA65 level would be 25.

The equivalent sound level (Leq) metric may be used to define cumulative noise dosage, or noise exposure, over a period of time. In computing Leq, the total noise energy over a given period of time, during which numerous events may have occurred, is logarithmically averaged over the time period. The Leq represents the steady sound level that is equivalent to the varying sound levels actually occurring during the period of observation. For example, an 8-hour Leq of 67 dB indicates that the amount of sound energy in all the peaks and valleys that occurred in the 8 hour period is equivalent to the energy in a continuous sound level of 67 dB. Leq is typically computed for measurement periods of 1 hour, 8 hours, or 24 hours, although any time period can be specified.

The Day-Night Average Sound Level (DNL) metric is really a variation of the 24-hour Leq metric. Like Leq, the DNL metric describes the total noise exposure during a given period. Unlike Leq, however, DNL, by definition, can only be applied to a 24-hour period. In computing DNL, an extra weight of 10 dB is assigned to any sound levels occurring between the hours of 10:00 p.m. and 6:59 a.m. This is intended to account for the greater annoyance that nighttime noise is presumed to cause for most people. Due to the logarithmic nature of the dB scale, this extra weight treats one nighttime noise event as equivalent to 10 daytime events of the same magnitude.

2 REGULATORY SETTING

This section presents information regarding regulations and other guidelines and best practices with respect to environmental noise.

2.1 OSHA Noise Regulations

The Occupational Safety and Health Administration (OSHA) sets legal limits on noise exposure in the workplace. These limits are based on a worker's time weighted average over an 8 hour day. With noise, OSHA's permissible exposure limit (PEL) is 90 dBA for all workers for an 8 hour day. The OSHA standard for noise exposure per time of day is shown in Table 1.

OSHA does provide a checklist for highlighted hazards in a heliport or helipad, which should be considered when constructing the proposed helipad:

- Is proper ear protection given to all employees working in or around high noise exposure areas?
- Are feasible administrative and engineering controls being implemented whenever employee noise exposures equal or exceed 85 dBA for 8-hours?
- Is a hearing conservation program administered and continued whenever employee noise exposures equal or exceed 85 dBA for 8-hours? Including requirements for monitoring,



audiometric testing, audiogram evaluation, hearing protection, training and education, and recordkeeping.

TABLE 1: OSHA NOISE STANDARDS

Duration (hours per day)	Sound level dBA slow response
8	90
6	92
4	95
3	97
2	100
1 1/2	102
1	105
1/2	110
1/4	115

Source: Occupational Safety and Health Standards, 1910
 Subpart G, Occupational Health and Environmental Control,
 Standard Number: 1910.95

2.2 State of Minnesota Noise Regulations

Minnesota’s noise regulations are based on surrounding land use activity. Noise area classifications (NAC) are categorized based on the land use at the location of the person who hears the noise, and have three classifications, organized from most to least restrictive. Medical and other health services fall under NAC 1; however, they may seek a noise variance to fall under NAC 2 or 3. Minnesota’s noise standards are based on daytime (7:00am to 9:59pm) or nighttime (10:00pm to 6:59am) classifications and are measured at either L₁₀ or L₅₀. L₁₀ means the sound level, expressed in dBA, which is exceeded 10% of the time for a one-hour survey. L₅₀ means the sound level, expressed in dBA, which is exceeded 50% of the time for a one-hour survey. The noise standards are in Table 2 below.

TABLE 2: MINNESOTA NOISE STANDARDS

Noise Area Classification (NAC)	Daytime		Nighttime	
	L ₅₀	L ₁₀	L ₅₀	L ₁₀
1	60	65	50	55
2	65	70	65	70
3	75	80	75	80

Source: MAR 7030.0040



2.3 Federal Aviation Administration Guidelines

The Federal Aviation Administration (FAA) provides guidance on aircraft noise compatibility for airport activity in the vicinity of public use airports. While the hospital heliport is not subject to the same regulations as a public use airport, the guidance for land use compatibility with noise is useful to understand the potential for community annoyance. In general, per FAA guidelines, 65 DNL is the noise level at which most noise-sensitive land uses are considered to be incompatible with exterior noise levels unless otherwise treated to reduce interior noise levels.¹ Per FAA guidance, DNL is the only metric that is used to demonstrate land use compatibility; although other metrics, including LMAX and TA, can be used for informational purposes.

¹ FAA Advisory Circular 1050.1F.



3 NOISE MODELING METHODOLOGY

The noise analysis was conducted using the FAA’s Aviation Environmental Design Tool (AEDT) Version 2d. The AEDT software programs is used to model noise levels from aircraft flights (operations) based on aircraft performance, altitude, and other variables. Inputs into the AEDT include the number of operations by aircraft (helicopter) type, time of day (daytime or nighttime), flight tracks, and take-off/landing profiles.

Operations by Aircraft Type and Time of Day

The total number of operations modeled for this analysis was based on data from calendar year 2017 in which 192 total helicopter trips (192 take-offs and 192 landings) occurred using an Agusta A119 aircraft. Due to the penalty applied to the DNL noise metric for operations that occur during the nighttime (10:00pm to 6:59am), the ratio of daytime to nighttime operations is modeled. Actual data regarding the ratio of daytime to nighttime operations is not available. Therefore, a ratio of 85 percent daytime and 15 percent nighttime operations was modeled based on past data from similar hospital medical helicopter operations. Table 3 shows the total number of annual operations modeled for this analysis.

TABLE 3: MODELED AIRCRAFT OPERATIONS

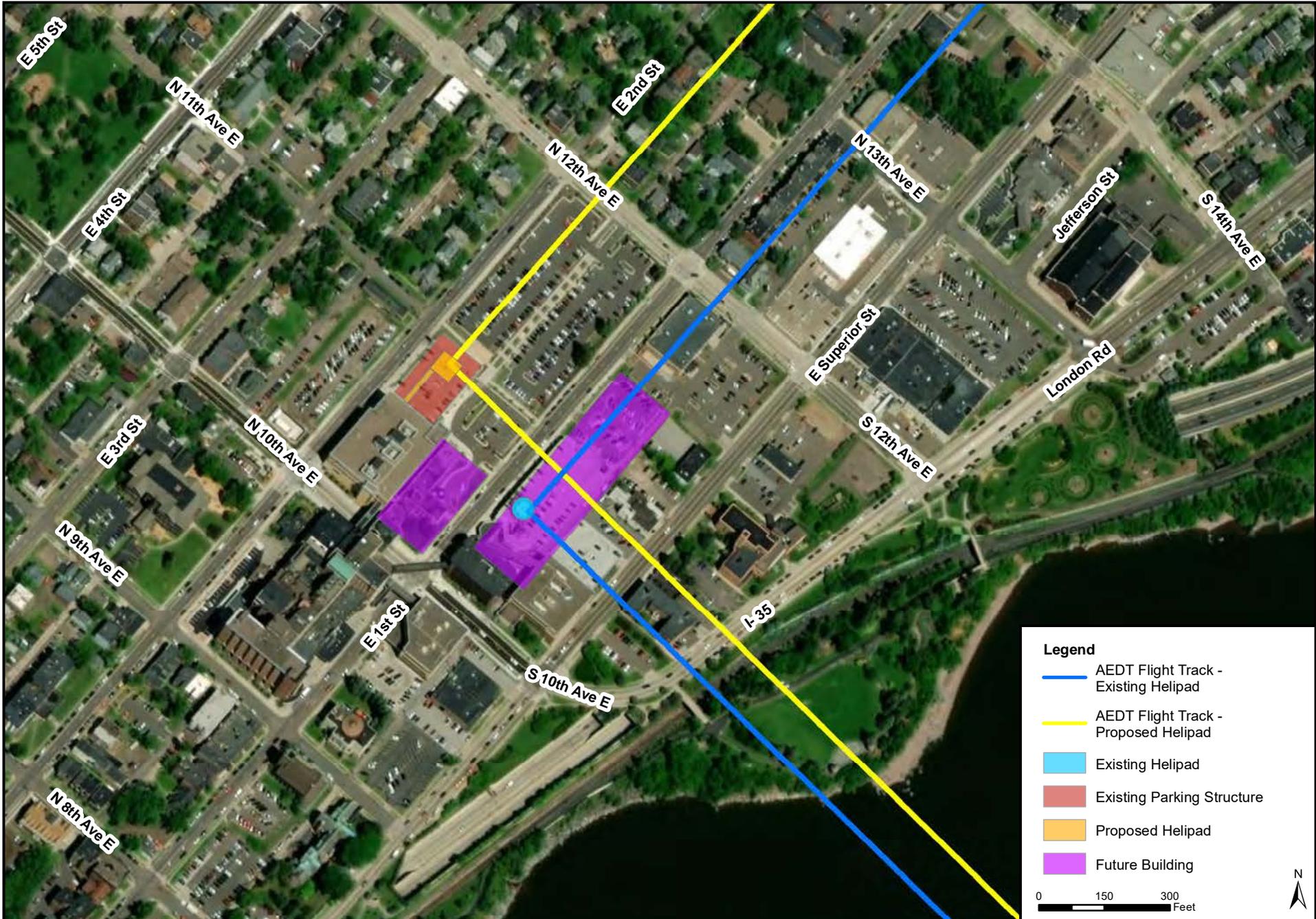
Aircraft ID	Take-offs		Landings	
	Daytime	Nighttime	Daytime	Nighttime
Agusta 119	163.2	28.8	163.2	28.8

Flight Tracks

Flight tracks represent the two-dimensional path of the aircraft over the ground. For this analysis, data was provided that indicated that helicopter operations arrive and depart either to and from the northeast or to and from the southeast as shown in Exhibit 1. For this analysis it was assumed an equal ratio of operations along these two flight paths.

Flight Profiles

Flight profiles include the altitude of flight, speed, and other aircraft operating characteristics along the two-dimensional flight path. The AEDT includes a database of aircraft performance for helicopter take-off and landing profiles. Standard take-off and landing profiles were used with minor adjustment to account for altitude requirements to avoid buildings and other obstacles. For the purpose of this analysis it was assumed that helicopter take-offs would initiate a vertical climb to 30 feet before a departure climb acceleration at a 4.1 (horizontal) to 1.0 (vertical) profile. Landings were modeled to follow a similar 4.1 to 1.0 approach profile.



Helicopter Noise Study
St. Luke Hospital



Helicopter Flight Tracks

EXHIBIT:
2



4 RESULTS

The results of the analysis is presented graphically using noise contours and grid points to demonstrate compliance with FAA and OSHA guidelines. Additionally, a qualitative assessment of percent of time above 50 dB was conducted to demonstrate compliance with State of Minnesota Noise Regulations.

Noise contours are lines of equal noise levels in which all areas within the contour line would be at or above the selected noise level and all areas outside the line would be below the selected noise level. Exhibit 3 shows a comparison of the DNL noise levels for the No Action and the Proposed Project at 65 DNL.

Grid points report the actual (or projected) noise level at a specific location. For this analysis, a set of regularly-spaced grid points created in the AEDT model and the maximum noise level (LMAX) from a single helicopter operation was modeled for each grid point for both the existing helipad (No Action) and the proposed helipad (Proposed Project). Exhibit 4 shows the grid point locations and Table 4 shows the LMAX values at each grid point for the No Action and Proposed Project scenario. Each grid point is given an alpha numeric ID according to the row (designated by letters) and column (designated by numbers) on Exhibit 4.

Compliance with OSHA Regulations

The same occupational noise levels experienced by employees at the helipad would not be expected to change due to the proposed helipad relocation. It is also expected that the same mitigation would be used including hearing protection and limitation on engine idling time to reduce noise exposure for employees on the helipad. The results of the grid point analysis using AEDT show that the maximum noise levels on the helipad during helicopter operation would reach 116.5 dB. The duration of this noise exposure would be limited to the time a helicopter is in operation and is not expected to exceed ¼ hour (15 minutes) per day. Noise levels from helicopter flights would not be expected to exceed 85 dB for more than eight hours; therefore, no additional engineering controls or noise monitoring would be required. **Therefore, the proposed helipad would not cause noise levels that would violate OSHA regulations.**

Compliance with State of Minnesota Regulations

As shown on Exhibit 4 and Table 4, the grid point closest to the residential area northwest of East 2nd Street (Grid I-8) is likely to currently experience maximum noise levels (LMAX) of 86.3 dB from a single helicopter flight on the existing helipad. This location would be expected to experience maximum noise levels (LMAX) of 100.8 from a single helicopter flight on the proposed helipad.

Per these regulations, residential land uses should not be exposed to noise at or above 65 dB for more than 50 percent of the time during the daytime (7:00am to 9:59pm); and should not be exposed to noise at or above 50 dB for more than 50 percent of the time during the nighttime (10:00pm to 6:59am). While the maximum noise levels from a single helicopter flight would exceed these levels, the overall duration of time in which the helicopter flights would be audible would not exceed 50 percent of the daytime or nighttime hours. Based on historic flight records, approximately 192 helicopter trips (192

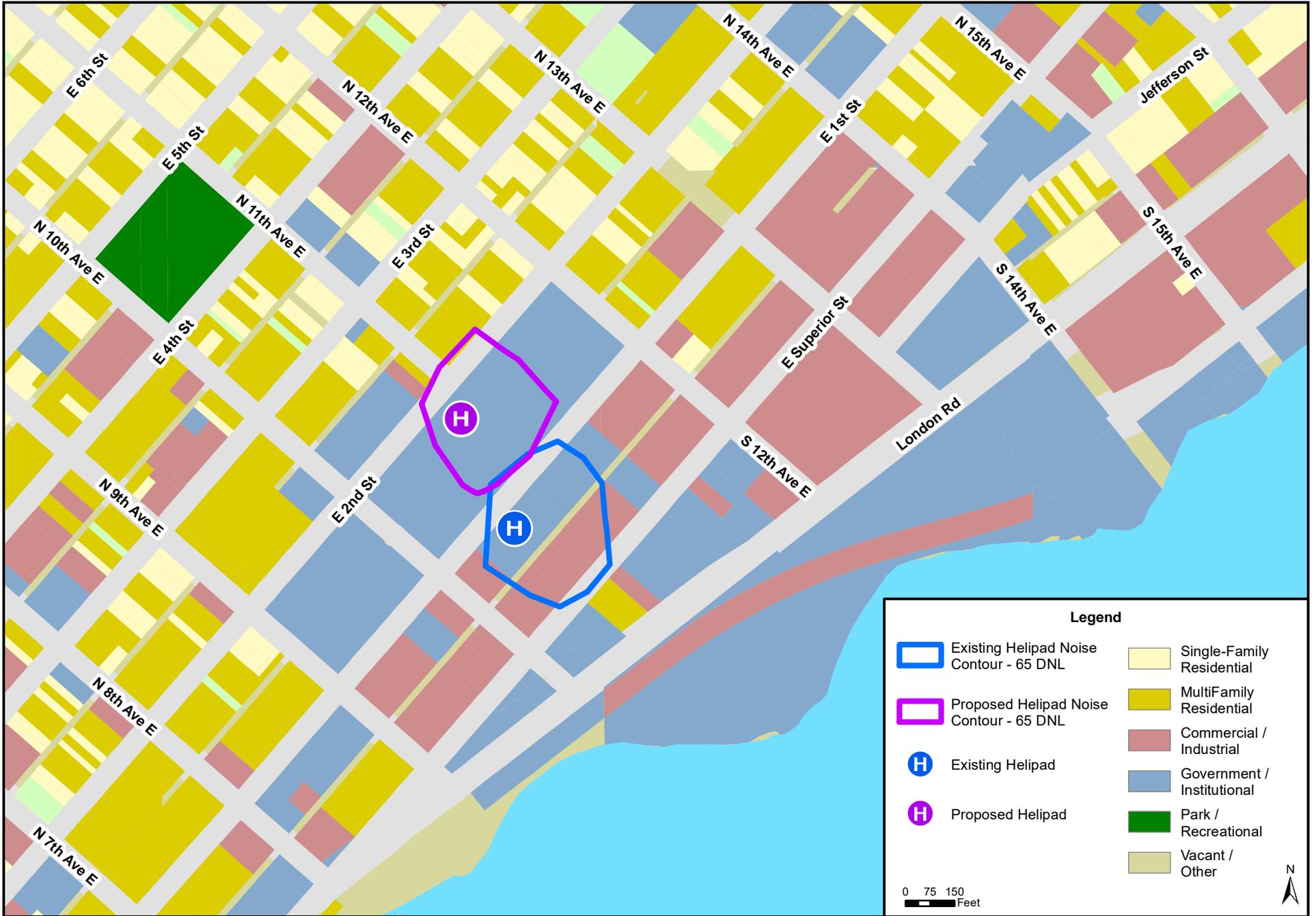


take-offs and 192 landings) occur per year, which equals approximately 1.05 flights per day. Assuming each helicopter flight is audible above 50 dB for less than fifteen minutes (including engine idle time on the helipad) this activity would not exceed 50 percent of the time during the daytime or nighttime.

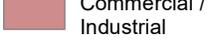
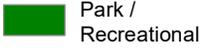
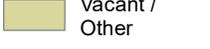
Therefore, the proposed helipad would not cause noise levels that would violate State of Minnesota noise regulations.

Comparison with FAA Guidelines

Per FAA guidelines, 65 DNL is the noise level at which noise-sensitive land uses, including residential areas, would be considered incompatible with aircraft noise. These guidelines and the comparative analysis is for informational purposes only because FAA requirements don't directly apply to a private helipad. As shown in Exhibit 3, the 65 DNL noise contour would extend to just beyond East 2nd Street; however, no residential structures would be within the 65 DNL noise contour. **Therefore, the proposed helipad would not cause noise levels that would exceed FAA guidelines.**



Legend

 Existing Helipad Noise Contour - 65 DNL	 Single-Family Residential
 Proposed Helipad Noise Contour - 65 DNL	 MultiFamily Residential
 Existing Helipad	 Commercial / Industrial
 Proposed Helipad	 Government / Institutional
	 Park / Recreational
	 Vacant / Other

0 75 150 Feet

N

Helicopter Noise Study
St. Luke Hospital



Noise Contours Showing Day-Night Average Sound Level (DNL)

EXHIBIT:
3



Legend

	Existing Helipad		Single-Family Residential
	Proposed Helipad		MultiFamily Residential
	Grid Point		Commercial / Industrial
			Government / Institutional
			Park / Recreational
			Vacant / Other

0 150 300 Feet

N



TABLE 4: GRID POINT RESULTS

GRID ID	LMAX - Existing Helipad	LMAX - Proposed Helipad
A-1	73.6	72.3
B-1	74.2	73.1
C-1	74.7	73.8
D-1	75.2	74.4
E-1	75.4	74.9
F-1	75.5	75.3
G-1	75.5	75.5
H-1	75.4	75.6
I-1	75.1	75.5
J-1	74.7	75.2
K-1	74.1	74.7
L-1	73.5	74.2
M-1	72.9	73.5
N-1	72.3	72.8
A-2	74.5	71.2
B-2	75.2	74.0
C-2	75.7	74.7
D-2	76.2	75.4
E-2	76.5	76.0
F-2	76.7	76.5
G-2	76.7	76.9
H-2	76.5	76.9
I-2	76.1	76.8
J-2	75.7	76.4
K-2	75.1	75.8
L-2	74.4	75.1
M-2	73.7	74.4
N-2	73.0	73.6
A-3	75.3	72.1
B-3	76.0	73.0
C-3	76.7	75.6
D-3	77.3	76.5
E-3	77.8	77.3
F-3	78.0	78.0
G-3	78.0	78.4
H-3	77.7	78.5
I-3	77.2	78.3
J-3	76.6	77.7
K-3	75.9	77.0
L-3	75.2	76.1
M-3	74.5	75.3
N-3	73.7	74.5



GRID ID	LMAX - Existing Helipad	LMAX - Proposed Helipad
A-4	74.3	73.0
B-4	76.9	73.8
C-4	77.8	74.8
D-4	78.6	77.6
E-4	79.2	78.7
F-4	79.6	79.6
G-4	79.6	80.3
H-4	79.2	80.5
I-4	78.5	80.1
J-4	77.7	79.3
K-4	76.8	78.3
L-4	76.0	77.2
M-4	75.3	76.2
N-4	74.5	75.4
A-5	75.2	73.8
B-5	76.2	74.8
C-5	78.9	75.9
D-5	80.0	77.2
E-5	81.0	80.1
F-5	81.6	81.7
G-5	81.6	82.9
H-5	80.9	83.2
I-5	79.9	82.5
J-5	78.8	81.1
K-5	77.8	79.6
L-5	76.9	78.4
M-5	76.1	77.3
N-5	75.4	76.3
B-6	77.3	75.8
C-6	78.6	77.1
D-6	81.6	78.6
E-6	83.3	80.4
F-6	84.4	84.0
G-6	84.4	86.7
H-6	83.2	87.6
I-6	81.5	85.8
J-6	80.1	83.3
K-6	78.9	81.3
L-6	77.9	79.7
M-6	77.0	78.5
N-6	76.2	77.4
B-7	78.5	77.0
C-7	80.1	78.5
D-7	82.2	80.3



GRID ID	LMAX - Existing Helipad	LMAX - Proposed Helipad
E-7	86.3	82.6
F-7	89.3	85.9
G-7	89.1	93.8
H-7	86.1	99.0
I-7	83.5	91.0
J-7	81.7	86.2
K-7	80.2	83.4
L-7	79.0	81.4
M-7	78.0	79.8
N-7	77.0	78.6
C-8	82.0	80.1
D-8	84.8	82.3
E-8	89.5	85.5
F-8	100.8	91.5
G-8	100.3	101.8
H-8	90.8	116.5
I-8	86.3	100.8
J-8	83.6	91.3
K-8	81.8	86.4
L-8	80.3	83.5
M-8	79.1	81.5
N-8	78.0	79.9
D-9	88.1	84.7
E-9	98.1	90.0
F-9	115.6	100.6
G-9	118.1	106.1
H-9	100.2	97.3
I-9	90.9	112.1
J-9	86.4	100.2
K-9	83.7	91.3
L-9	81.9	86.4
M-9	80.3	83.6
N-9	79.1	81.6
D-10	96.0	87.7
E-10	104.9	97.1
F-10	98.4	100.7
G-10	97.2	93.8
H-10	107.9	87.8
I-10	99.6	95.4
J-10	90.8	103.4
K-10	86.4	99.4
L-10	83.6	90.0
M-10	81.9	86.4
N-10	80.4	83.7



GRID ID	LMAX - Existing Helipad	LMAX - Proposed Helipad
D-11	97.7	92.0
E-11	96.3	95.0
F-11	89.2	91.9
G-11	87.8	87.4
H-11	95.3	84.3
I-11	101.7	86.8
J-11	98.0	92.6
K-11	90.2	98.7
L-11	86.4	96.8
M-11	83.8	90.3
N-11	82.0	86.4
E-12	88.4	89.5
F-12	85.5	86.6
G-12	84.0	84.0
H-12	87.0	82.1
I-12	92.1	83.1
J-12	97.4	85.9
K-12	95.6	90.2
L-12	89.6	95.7
M-12	86.3	95.0
N-12	83.8	89.6
F-13	83.0	83.6
G-13	81.4	81.9
H-13	83.5	80.3
I-13	86.1	80.7
J-13	90.0	82.6
K-13	94.8	85.2
L-13	93.9	88.5
M-13	89.1	93.3
N-13	86.1	93.4
G-14	79.9	80.1
H-14	81.1	78.8
I-14	82.9	78.7
J-14	85.3	80.3
K-14	88.2	82.2
L-14	92.5	84.5
M-14	92.3	87.3
N-14	88.6	91.1
G-15	78.6	78.7
H-15	79.2	77.6
I-15	80.7	77.2
J-15	82.5	78.5
K-15	84.6	80.0
L-15	87.3	81.7

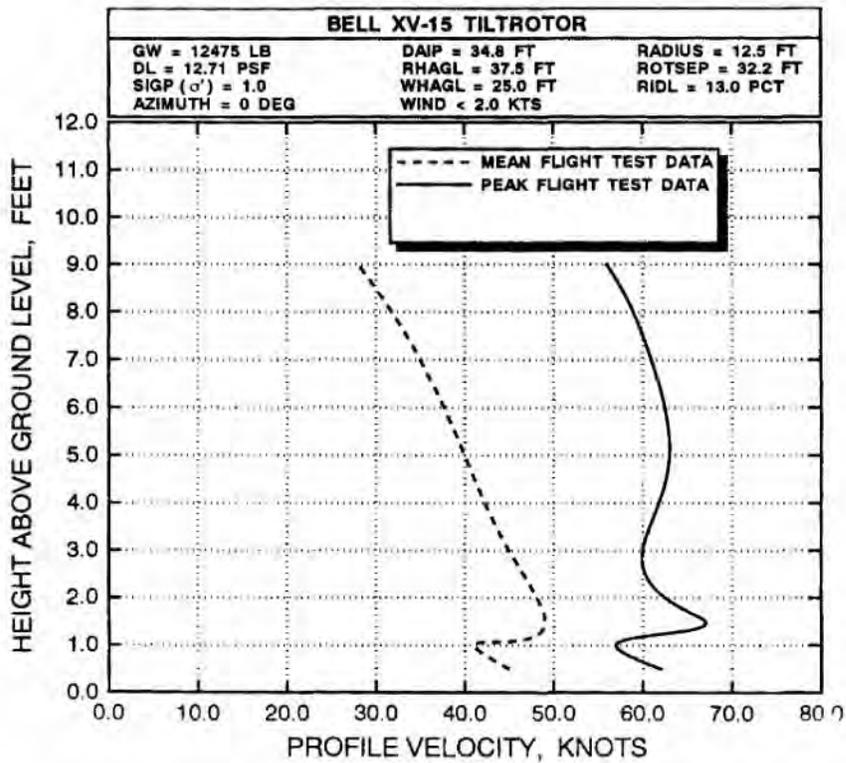
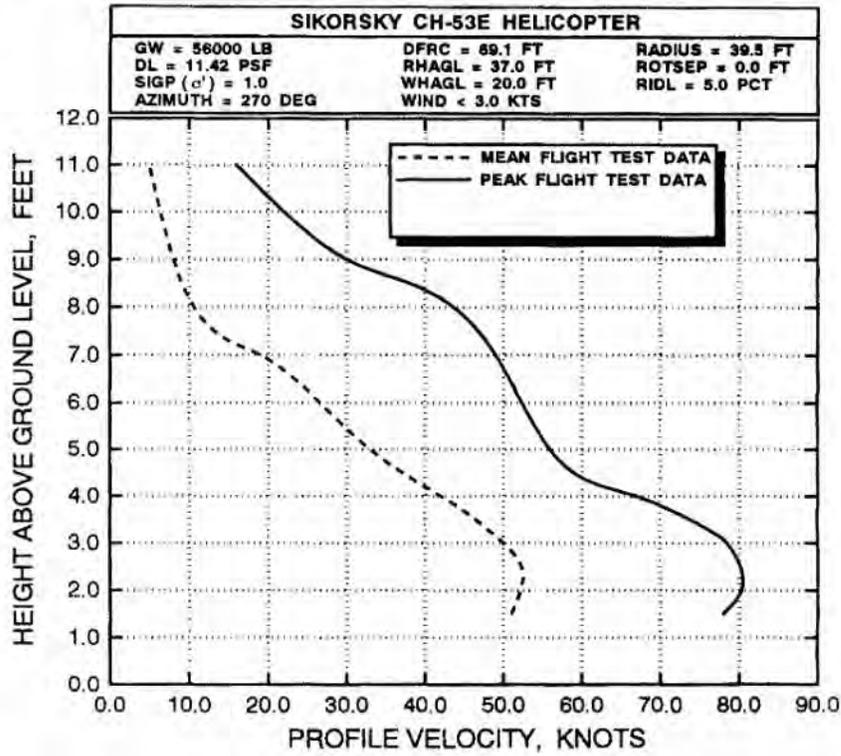


GRID ID	LMAX - Existing Helipad	LMAX - Proposed Helipad
M-15	90.3	83.8
N-15	90.9	86.4
G-16	77.6	77.5
H-16	77.7	76.5
I-16	78.9	75.9
J-16	80.4	77.0
K-16	82.0	78.2
L-16	83.9	79.6
M-16	86.4	81.3
N-16	88.8	83.1
H-17	76.5	75.6
I-17	77.5	74.8
J-17	78.7	75.7
K-17	80.0	76.8
L-17	81.6	77.9
M-17	83.2	79.3
N-17	85.6	80.8
I-18	76.3	74.0
J-18	77.3	74.6
K-18	78.4	75.5
L-18	79.7	76.5
M-18	81.1	77.7
N-18	82.6	79.0
J-19	76.2	73.6
K-19	77.1	74.4
L-19	78.2	75.3
M-19	79.3	76.3
N-19	80.7	77.4
J-20	75.1	72.7
K-20	76.0	73.4
L-20	76.9	74.3
M-20	77.9	75.1
N-20	79.0	76.1

Source: AEDT Version 2.d.

Attachment E.2

Rotor Wash Graphs for Alternate Helicopter Units



Source:
Rotorwash Analysis Handbook
USDOT / FAA
June 1994

3535 VANDERBILT CENTER DR
ST PAUL, MN 55110
PHONE: 651.493.3000
FAX: 651.493.3150
WEBSITE: 651.493.3005
www.sehinc.com



ST LUKES HOSPITAL
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HELIPAD
DULUTH, MN

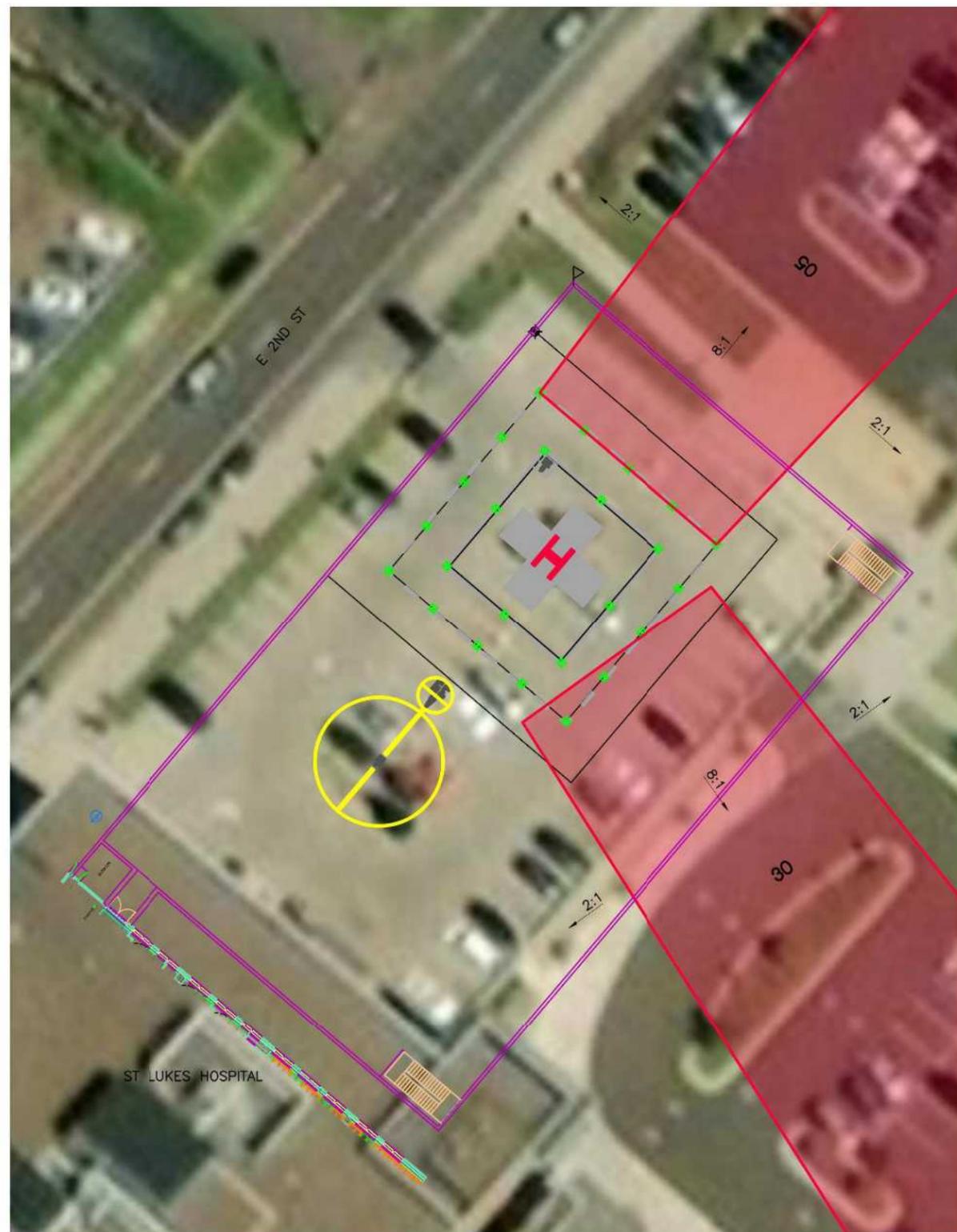
MARK	DATE	DESCRIPTION

SEH FILE NO.	STLUH_146887
STATE PROJECT NO.	
ISSUE DATE	
DESIGNED BY	DH
DRAWN BY	SJL

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SHEET TITLE
APPROACH AND
DEPARTURE SURFACES

Attachment
E.3





CITY OF DULUTH
Community Planning Division

411 W 1st St., Rm 110 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL 18-161	Contact	Kyle Deming, 218-730-5333	
Type	Minor Subdivision	Planning Commission Date	Jan. 8, 2019	
Deadline for Action	Application Date	Dec. 28, 2018	60 Days	Feb. 26, 2019
	Date Extension Letter Mailed	Dec. 31, 2018	120 Days	Apr. 27, 2019
Location of Subject	237 Fairmont St. (Hunter's Park)			
Applicant	Jon A. Helstrom - Landowner	Contact	jahelstrom@juno.com	
Agent	John Doberstein - Realtor	Contact	johndoberstein@remax.net	
Legal Description	Lots 1-5, Helstrom Rearrangement of part of Woodland Park, Sixth Division			
Site Visit Date		Sign Notice Date	N/A	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal

Applicant is requesting a Minor Subdivision to reconfigure Lots 1-5 and vacated Elon Ave. into two parcels with Tracts A & B being one parcel and Tract C the other parcel. This is in preparation for sale of Tract C (which contains a dwelling).

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Single-Family Residence	Traditional Neighborhood/Open Space
North	R-1	Tischer Creek, vacant	Open Space
South	R-1, RR-1	Single-Family Residential	Open Space
East	R-1	Single Family Residential	Traditional Neighborhood
West	R-1, RR-1	Hartley Park	Open Space

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 proposing a Minor Subdivision to split the five platted lots they own into a parcel containing Tracts A & B and a second parcel (Tract C) that contains the dwelling so they can be sold separately.
2. The first parcel, Tract A & B, will be former Lots 1, 2, and 3, except that part of vacated Elon Ave. It is roughly 150 feet wide by 385 feet deep (1.32 acres) with 110 feet of frontage on Fairmont St. which meets the minimum lot area and frontage requirements.
3. The second parcel, Tract C, will be former Lots 4 and 5 and all of vacated Elon Ave. It is roughly 150 feet wide by 400 feet deep (1.09 acres). It has 50 feet of frontage on Fairmont St., which meets the minimum lot area and frontage requirements. It does not meet the definition of a flag lot because the 50 foot wide frontage is more than 25% of the lot width at the back of the lot (150 feet).
4. Both parcels have access to an improved street and sanitary sewer, water, and gas in Fairmont St. Sanitary sewer may need to be extended further to access Tract A & B.
5. There are no nonconformities related to the position of the dwelling on Lots 4 and 5. The proposed Minor Subdivision does not create any new nonconformities with regard to new Tract C.
6. The parcel made up of Tracts A and B does not contain any nonconformities.
7. No public, agency, or City comments were received concerning this proposal.
8. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
9. Approval of this Minor Subdivision signifies that City of Duluth UDC standards are met. St. Louis County may have additional requirements.
10. 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

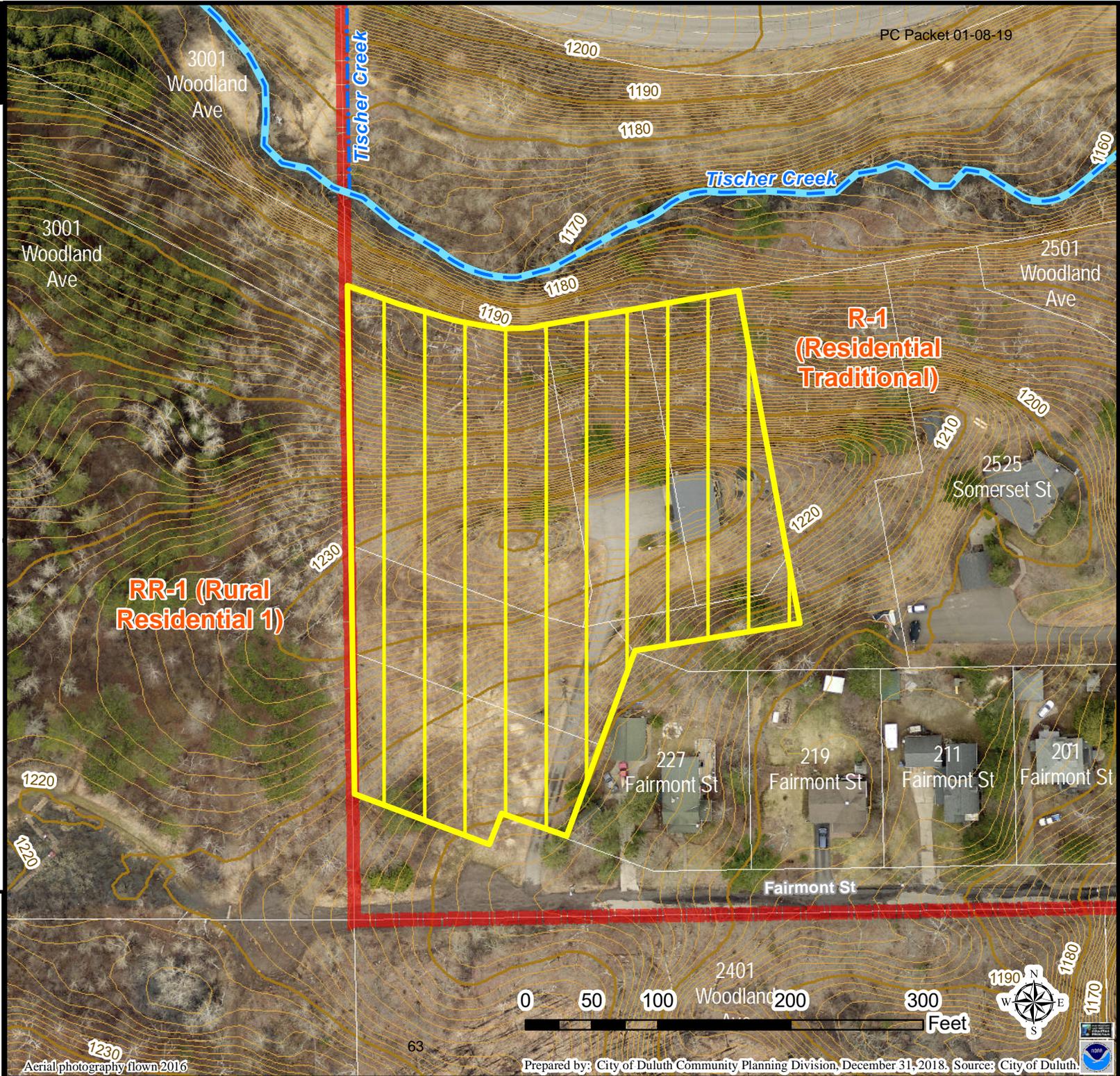
Based on the above findings, Staff recommends that the Planning Commission approve the Minor Subdivision subject to the following conditions:

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



PL 18-161
 Minor Subdivision
 237 Fairmont St.
 Jon A. Helstrom

PC Packet 01-08-19

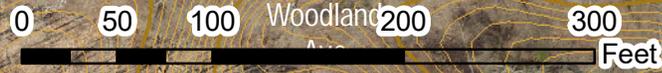


Legend

- 1 Ft contour
- 10 Ft contour
- Municipal Boundary
- 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



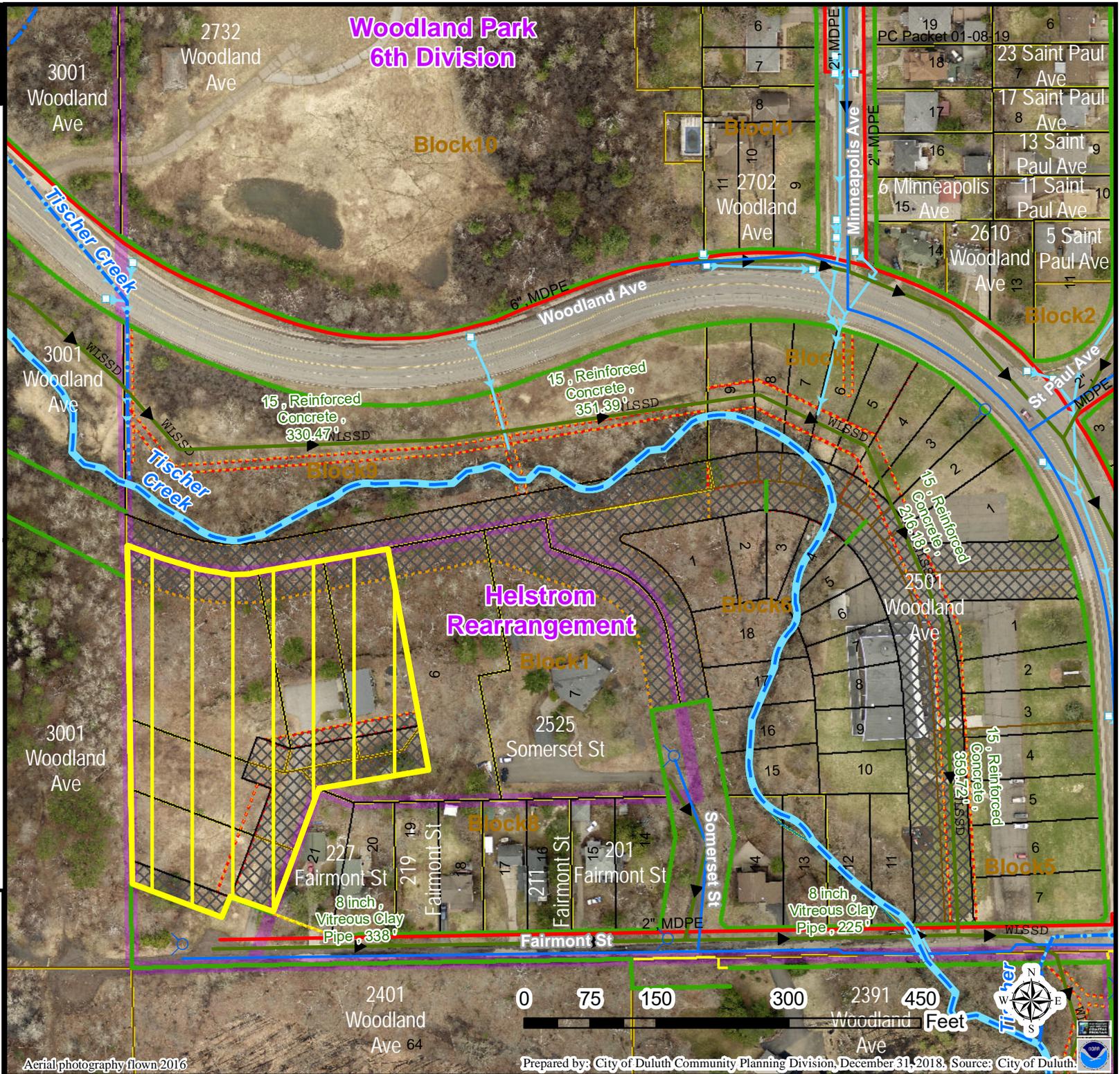


PL 18-161
 Minor Subdivision
 237 Fairmont St.
 Jon A. Helstrom

Woodland Park 6th Division

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
- Blocks**
- Lots**
- Parcels
- Subdivision Boundaries
- Municipal Boundary
- Boundary Lines**
- <all other values>
- Subtype, ROW_TYPE**
- Lot Line
- Parcel Line
- ROW (Road)
- ROW (Not Road)
- Subdivision Line
- Water Line
- Survey Line
- Municipal Boundary
- Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement
- Trout Stream (GPS)
- Other Stream (GPS)



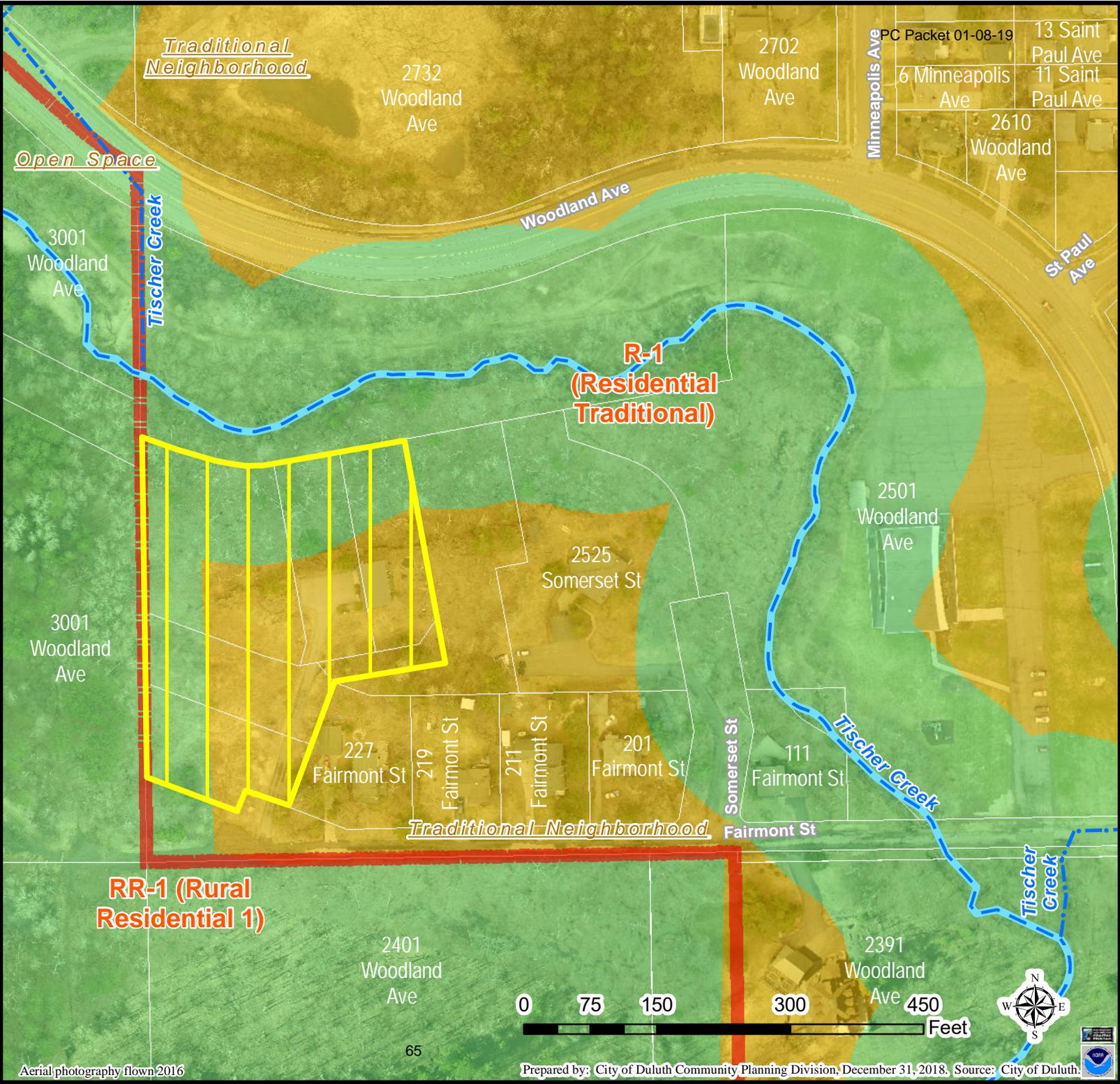
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Aerial photography flown 2016

Prepared by: City of Duluth Community Planning Division, December 31, 2018. Source: City of Duluth.



PL 18-161
 Minor Subdivision
 237 Fairmont St.
 Jon A. Helstrom



Legend

- Municipal Boundary
- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)
- Future Land Use**
- Open Space
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Neighborhood Mixed Use
- General Mixed Use
- Central Business Secondary
- Central Business Primary
- Auto Oriented Commercial
- Large-scale Commercial
- Business Park
- Tourism/Entertainment District
- Medical District
- Institutional
- Commercial Waterfront
- Industrial Waterfront
- Light Industrial
- General Industrial
- Transportation and Utilities

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575021

OFFICIAL

PLAT OF

HELSTROM REARRANGEMENT

BEING A REARRANGEMENT OF LOTS 1 THROUGH 13, AND 22 THROUGH 26, BLOCK 8, AND THE ABUTTING STREETS, ALL IN THE RECORDED PLAT OF WOODLAND PARK SIXTH DIVISION

PLAT DEDICATION HELSTROM REARRANGEMENT
DULUTH, MINNESOTA

KNOW ALL MEN BY THESE PRESENTS: That Jon A. Helstrom and Elizabeth S. Helstrom, husband and wife, owners and proprietors of the following described property situated in the City of Duluth, County of St. Louis, State of Minnesota, to wit:

All those parts of Lots 1 through 13, and Lots 22 through 26, Block 8, and the abutting streets, all in the recorded plat of Woodland Park Sixth Division of Duluth, described as follows:

Beginning at the Southwest corner of said Woodland Park Sixth Division; thence North 55°-09'-26" East (assumed bearing), along the West line of said Woodland Park Sixth Division, a distance of 479.71 feet to the center line of vacated Clifton Street; thence South 69°-01'-30" East along the center line of vacated Clifton Street, a distance of 51.98 feet to the beginning of a tangent curve; thence South and East along said curve, concave to the North, having a radius of 217.88 feet and a central angle of 39°-53'-00", a distance of 116.97 feet; thence North 89°-29'-30" East along the center line of vacated Clifton Street, a distance of 217.25 feet; thence South 92°-28'-00" East, a distance of 33.88 feet to the center line of vacated Somerset Street; thence South 69°-01'-30" East along the center line of vacated Somerset Street, a distance of 75.21 feet to the beginning of a tangent curve; thence East and South along said curve, concave to the Southwest, having a radius of 97.88 feet and a central angle of 64°-13'-00", a distance of 182.00 feet; thence South 99°-35'-09" East, a distance of 107.76 feet along the center line of Somerset Street to the intersection of the extended southerly line of Lot 12, Block 8; thence North 99°-35'-09" West along the extended southerly line of Lots 13, 8, 7, 6 and 5, Block 8, a distance of 389.44 feet; thence North 68°-32'-09" West along the Southwest line of Lot 5, Block 8, a distance of 44.17 feet; thence South 21°-02'-00" West along the extended southeasterly line of Lot 22, Block 8, a distance of 214.01 feet to the South line of said Woodland Park Sixth Division; thence North 99°-30'-00" West along the South line of said Woodland Park Sixth Division, a distance of 135.71 feet to the point of beginning, containing 4.70 acres of land, more or less, and except all mineral and mineral rights.

Has caused the same to be surveyed and platted as HELSTROM REARRANGEMENT and does hereby donate and dedicate to the public for public use forever the "thoroughfare and also dedicating the easements as shown on this plat for utility purposes only.

IN WITNESS WHEREOF said Jon A. Helstrom and Elizabeth S. Helstrom, husband and wife, has caused these presents to be signed this 5th day of October, 1993.

Deeds:

Jon A. Helstrom Elizabeth S. Helstrom

STATE OF MINNESOTA)
COUNTY OF ST. LOUIS)

The foregoing instrument was acknowledged before me this 5th day of Oct. 1993 by Jon A. Helstrom and Elizabeth Helstrom, husband and wife.

Notary Public, St. Louis County, MN
My Commission Expires

I hereby certify that I have surveyed and platted the property described on this plat as HELSTROM REARRANGEMENT, that this plat is a correct representation of the survey, that all distances are correctly shown on the plat in feet and hundredths of a foot, that all monuments have been correctly placed in the ground as shown or will be correctly placed in the ground as designated; that the outside boundary lines are correctly shown on the plat; and that there are no set lands as defined in MS 505.02 Subd. 1, or public highways to be designated other than as shown.

John P. Bergson
John P. Bergson, Land Surveyor
Minnesota License No. 7407
All Taxes Paid
Nov 5, 1993
Gordon B. McLeod
St. Louis County Auditor
By K. J. Chab...

STATE OF MINNESOTA)
COUNTY OF ST. LOUIS)

The foregoing Surveyor's Certificate was acknowledged before me this 5th day of October, 1993 by John P. Bergson, MN License No. 7407.

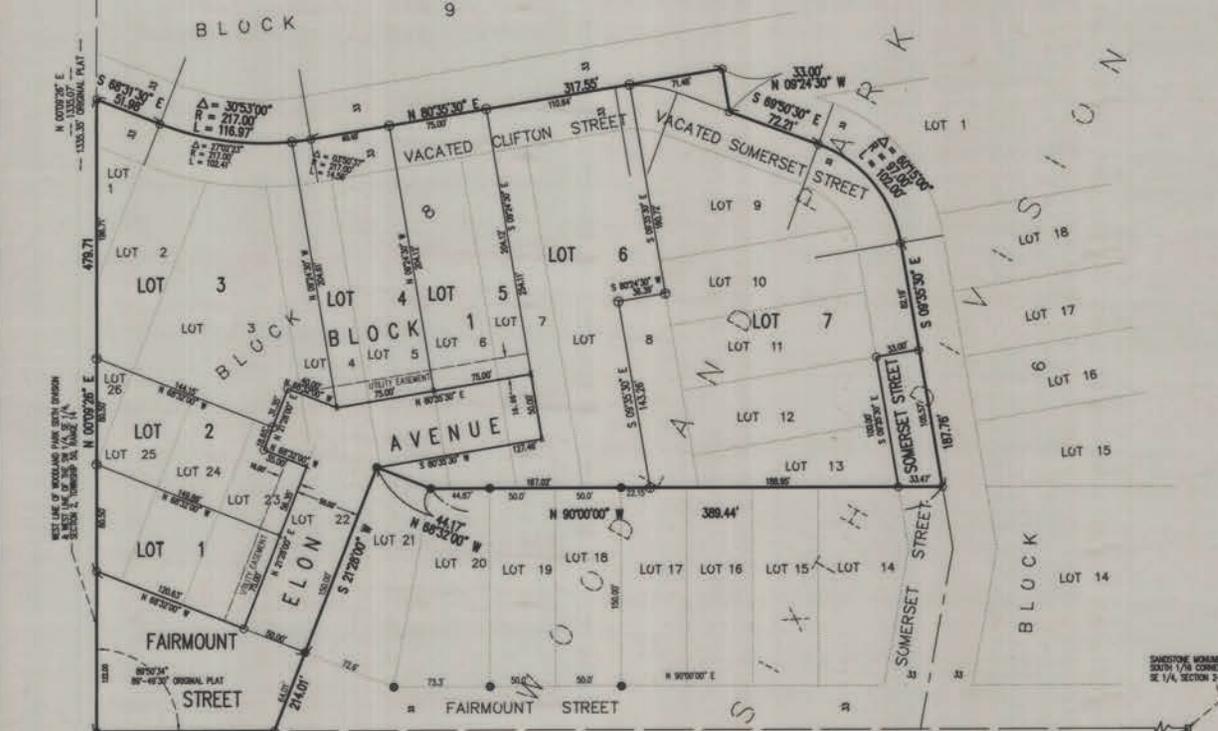
Notary Public, St. Louis County, MN
My Commission Expires 4/3/97

Approved by the Planning Commission of the City of Duluth, Minnesota, at a regular meeting thereof, on the 1st day of October, 1993.

Director, Dept. of Planning & Development
County Surveyor

I hereby certify that this plat has been checked and approved this 30th day of Oct., 1993.

St. Louis County Surveyor

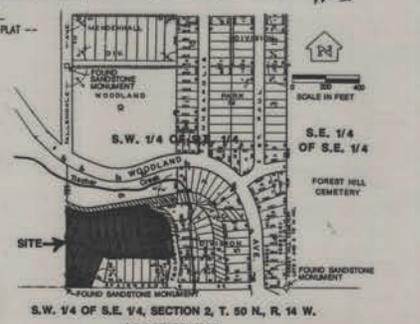


575021
OFFICE OF REGISTER OF TITLES
STATE OF MINNESOTA
COUNTY OF ST. LOUIS
I hereby certify that the public instrument was filed in the office of the Register of Titles, State of Minnesota, on this 1st day of October, 1993.
MADE & FORWARDED
Register of Titles
By: [Signature]
10-1-93

LEGEND
3/4" IRON ROD SET, MARKED WITH RLS NO. 13794
IRON SURVEY MARKER SET - RLS 13794
IRON SURVEY MARKER FOUND - RLS 13794
SANDSTONE MONUMENT
NO MONUMENT SHOWN - INDICATES MONUMENT WILL BE SET ON OR BEFORE NOVEMBER 1, 1994.
EASEMENT LINE
WOODLAND PARK SIXTH DIVISION

SCALE
SCALE IN FEET
0 50 100

NOTE: NO BUILDING PERMIT SHALL BE ISSUED FOR LOT 6 UNTIL A DRAINAGE PLAN HAS BEEN APPROVED, IN WRITING, THAT PROVIDES FOR SITE DRAINAGE TO CONNECT TO ELON AVENUE.





ARROWHEAD

ABSTRACT & TITLE CO. Suite 100 - Torrey Building

314 W. Superior St. - Duluth, Minnesota 55802 - (218) 722-0052 - Fax (218) 722-7601

December 14, 2018

City of Duluth
Planning and Construction Services
411 W. 1st Street, Room 210
Duluth, MN 55802-1194
ATTN: Kyle Deming

RE: 237 Fairmont Street – Minor Subdivision

Mr. Deming,

This letter is to accompany an application cover sheet for a minor subdivision involving the following parcels:

010-2153-00050, 010-2153-00040, 010-5153-00061, 010-2153-00010, 010-2153-00020, 010-2153-00030

The first bears an address of 237 Fairmont Street, Duluth, MN 55803.

Applicant Jon A. Helstrom desires to sell his home at that address. The legal description we plan to use is as follows:

Lot 4 Block 1 HELSTROM REARRANGEMENT

Lot 5, Block 1 HELSTROM REARRANGEMENT

AND

All of vacated Elon Avenue, HELSTROM REARRANGEMENT

Because portions of vacated Elon Avenue are included and taxed with Lots 1, 2, and 3, HELSTROM REARRANGEMENT, as parcels 010-2153-00010, 010-2153-00020, 010-2153-00030, those three parcels would be required to be split and as such require City Approval, prompting this application. Upon



ARROWHEAD

ABSTRACT & TITLE CO. Suite 100 - Torrey Building

314 W. Superior St. - Duluth, Minnesota 55802 - (218) 722-0052 - Fax (218) 722-7601

preliminary review by City Planning, a "Minor Subdivision" was recommended as the proper method of causing said parcels to be split and re-organized.

Included with this letter and application you will find 4 pages of a survey for your review as part of this application. However, only what the survey calls "Tract C" is requested to be split out on its own at this time, and the splits involved herein are solely to pull the vacated Elon Ave. off of Lots 1, 2, and 3.

Please note, however, that with respect to what said "Tract C" we plan to use the simpler legal description as noted above as it works easier for the Registrar of Titles Office.

Mr. Helstrom does NOT wish to describe Tracts A and B as noted in the survey, at this time, because doing so would trigger the requirement of a costly Registered Land Survey with the St. Louis County Examiner of Titles. He is aware splitting those lots up into Tract A and B in the future will possibly require another minor subdivision application.

Included also with this letter are my proposed Warranty Deed to the Buyers William Haug and Jody Haug, with respect to the new property description. A residue Certificate of Title would be issued in the name of Jon A. Helstrom for Lots 1, 2, and 3, EXCEPT vacated Elon Ave. Parcels 010-2153-00010, 010-2153-00020, & 010-2153-00030 would remain the same, EXCEPT those parts of vacated Elon Ave adjacent would shift to become a part of one or more of parcels 010-2153-00050, 010-2153-00040, & 010-5153-00061.

Please let our office know any questions/concerns with respect to this application, as I will be assisting, as much as I am able, in helping Mr. Helstrom put all of this together.

Sincerely,

James B. Aird

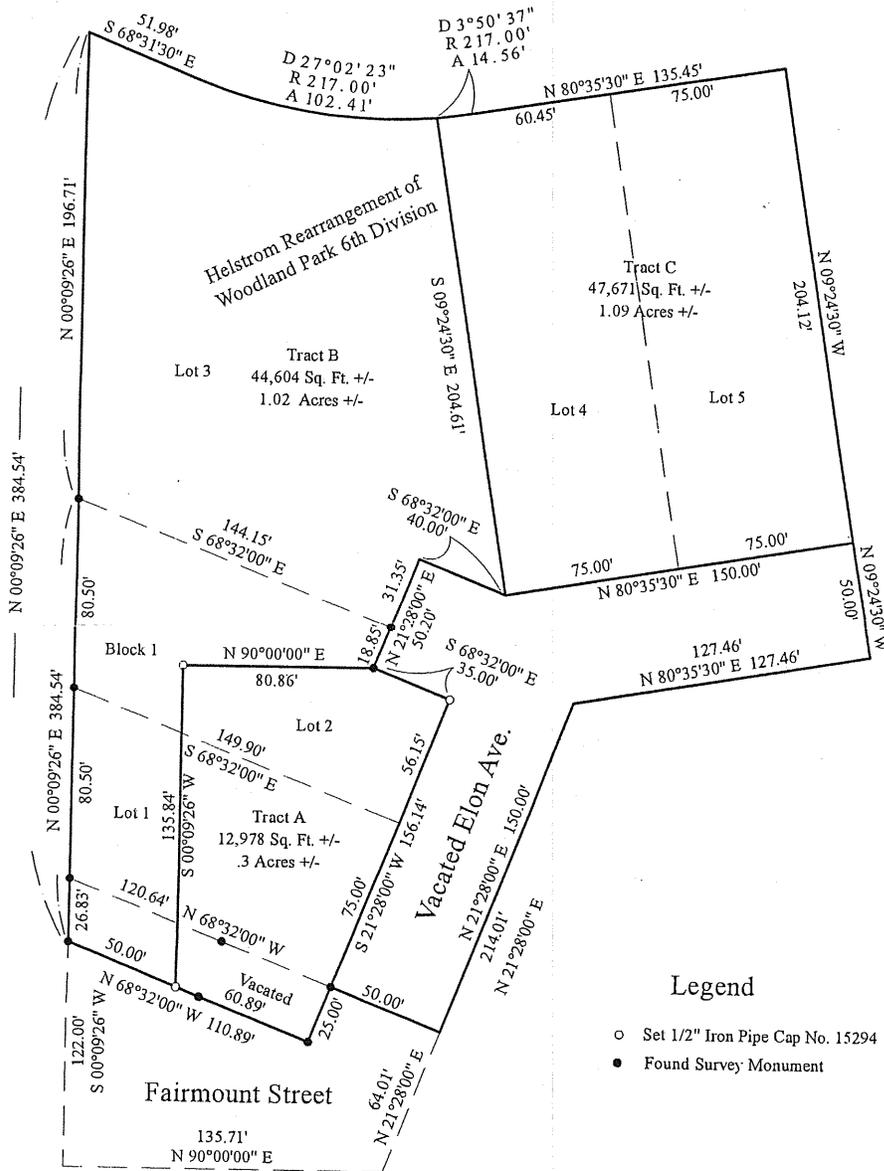
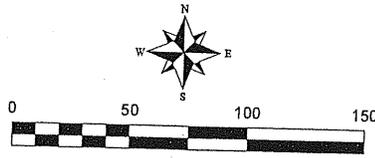
Escrow Agent / Abstracter

Arrowhead Abstract & Title Co.

jaird@arrowheadabstract.com

Boundary Survey

Part of Helstrom Rearrangement of
Woodland Park 6th Division
St. Louis County, Minnesota



Legend

- Set 1/2" Iron Pipe Cap No. 15294
- Found Survey Monument

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE NORTH LINE OF LOT 2 BLOCK 8 TO HAVE AN ASSUMED BEARING OF SOUTH 68 DEGREES 32 MINUTES 00 SECONDS EAST

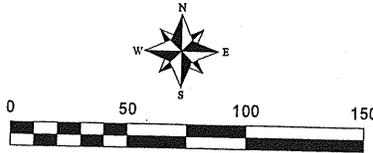
Sheet 1 of 4

Survey Prepared For Jon Helstrom

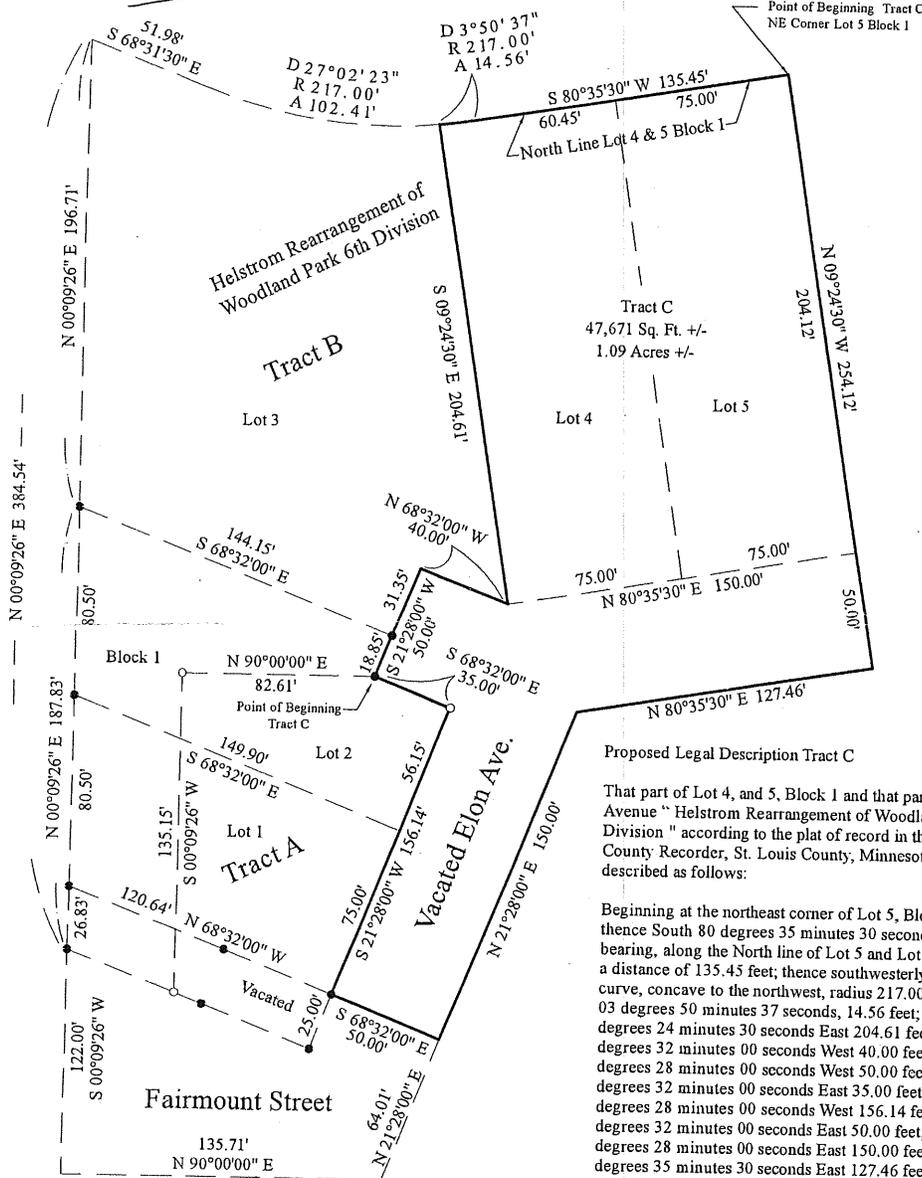
<p>I hereby certify that this survey was completed by me or under my direct supervision and that I am a duly licensed land surveyor of the state of Minnesota.</p> <p>Signature: <i>John J. Helstrom</i> Date: 08 04 2018 John J. Helstrom Jr. Registration No. 15294</p>	<p>Land Design Solutions</p> <p>Complete Land & Consulting Services</p>
---	--

Boundary Survey

Part of Helstrom Rearrangement of
Woodland Park 6th Division
St. Louis County, Minnesota



Future Split



Proposed Legal Description Tract C

That part of Lot 4, and 5, Block 1 and that part of vacated Elon Avenue " Helstrom Rearrangement of Woodland Park 6th Division " according to the plat of record in the office of the County Recorder, St. Louis County, Minnesota. More particularly described as follows:

Beginning at the northeast corner of Lot 5, Block 1 said plat, thence South 80 degrees 35 minutes 30 seconds West, assumed bearing, along the North line of Lot 5 and Lot 4, Block 1, said plat a distance of 135.45 feet; thence southwesterly along a tangential curve, concave to the northwest, radius 217.00 feet, central angle 03 degrees 50 minutes 37 seconds, 14.56 feet; thence South 09 degrees 24 minutes 30 seconds East 204.61 feet; thence North 68 degrees 32 minutes 00 seconds West 40.00 feet; thence South 21 degrees 28 minutes 00 seconds West 50.00 feet; thence South 68 degrees 32 minutes 00 seconds East 35.00 feet; thence South 21 degrees 28 minutes 00 seconds West 156.14 feet; thence South 68 degrees 32 minutes 00 seconds East 50.00 feet; thence North 21 degrees 28 minutes 00 seconds East 150.00 feet; thence North 80 degrees 35 minutes 30 seconds East 127.46 feet; thence North 09 degrees 24 minutes 30 seconds West 254.12 feet, to the point of beginning.

Subject to easements, restrictions, reservations of record.

Legend

- Set 1/2" Iron Pipe Cap No. 15294
- Found Survey Monument

Survey Prepared For Jon Helstrom

Sheet 4 of 4

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE NORTH LINE OF LOT 2 BLOCK 8 TO HAVE AN ASSUMED BEARING OF SOUTH 68 DEGREES 32 MINUTES 00 SECONDS EAST

I hereby certify that this survey was completed by me or under my direct supervision and that I am a duly licensed land surveyor of the state of Minnesota.

Signature: *John A. Helstrom Jr.* Date: 08.04.2018
John A. Helstrom Jr., Registration No. 15294

Land Design Solutions

Complete Land Survey & Consultation Services



CITY OF DULUTH
Community Planning Division

411 W 1st St, Rm 110 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL18-157		Contact	Mollie Hinderaker, mhinderaker@duluthmn.gov	
Type	Variance, front yard and side yard setbacks		Planning Commission Date	January 08, 2019	
Deadline for Action	Application Date	Dec. 04, 2018	60 Days	February 02, 2019	
	Date Extension Letter Mailed		120 Days	April 03, 2019	
Location of Subject	1003 E. 5 th St				
Applicant	Molly Wick		Contact	N/A	
Agent	N/A		Contact	N/A	
Legal Description	PIN # 010-3830-18680				
Site Visit Date	December 26, 2018		Sign Notice Date	December 25, 2018	
Neighbor Letter Date	December 21, 2018		Number of Letters Sent	59	

Proposal

The applicant is proposing a variance from the front yard and side yard setbacks on the lot to construct a replacement porch. Approximately 152 square feet of the structure will be in the front yard setback from the East 5th Street easement. This porch will reduce the front yard setback from 25-feet to 17-feet and side yard setback from 6-feet on either side to 4-feet on the west side and 3.5-feet on the east side.

Recommended Action: Approve Variance with Conditions

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Single- Family Dwelling	Traditional Neighborhood
North	R-1	Single- Family Dwelling	Traditional Neighborhood
South	P-1	Park	Open Space
East	R-1	Single- Family Dwelling	Traditional Neighborhood
West	R-1	Single- Family Dwelling	Traditional Neighborhood

Summary of Code Requirements

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

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

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

Governing Principle #5 – Promote reinvestment in neighborhoods

Governing Principle #6- Reinforce the place-specific

Governing Principle #9 – Support private actions that contribute to the public realm

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

Housing Policy #5 – Expand the cohesiveness of “One Duluth” by expanding a variety of housing opportunities throughout the city while maintaining unique community characteristics within distinct individual neighborhoods

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

History: The project site is located on a 2,505 square foot lot in the Portland Division of Duluth. The current size of the house is 1,198 square feet and was built in 1912. It currently houses a triangular shaped sun porch (1982) built on a portion of existing foundation. The remaining portion of the foundation not under the sun porch has a rubber roof for protection. There is a deck immediately next to the existing sun porch. No changes are planned for the deck with this project.

Review and Discussion Items

Staff finds that:

- 1) The Applicant is seeking a front yard and side yard setback variance to build a sun porch that would replace an existing porch that is damaged by water and prevents direct outdoor ventilation. The setback for a single-family home in an R-1 lot is 25-feet from the front and 6-feet from the side yard lot line. This replacement will reduce that front yard setback by 8-feet and the side yard setback by 4-feet on the west side and 3.5-feet on the east side. The proposed porch would be 8-feet by 19-feet in total area and would match the boundary of the existing foundation. At this dimension, the replacement porch would be slightly larger in square feet than the current porch.
- 2) In addition to a change in area, the proposed project would diverge from the existing porch’s height of 2-stories to 1-story. In turn, the master bedroom on the second floor would now have direct window access to outside air and light. In effect, this replacement porch would be less in cubic feet than the existing structure. If granted, this variance would not result in reductions of light and air to surrounding properties.
- 3) The applicant is proposing a reasonable use of the site by planning to build a porch in an R-1 district. The Comprehensive Plan’s vision for the site is Traditional Neighborhood, which is common to Duluth’s older neighborhoods and allows for a density of single-family homes. The proposed porch would fit within that vision of the Comprehensive Plan and Zoning. The proposed porch would also not stand out in this older neighborhood considering that there are similarly designed enclosed, rectangular porches near the project site.
- 4) Relief is required from the narrow width of the parcel and its adjacent parcels. The porch area requested is reasonable in size and shape when considering the neighboring properties. Additionally, the porch area requested is fit to encompass but not exceed the area of the existing foundation, making it a logical dimension for a replacement structure. In all, the unique size of the lot poses practical difficulty when replacing the existing, water damaged porch with any new structure.
- 5) The proposal will not alter the essential character of the area. The new porch would contribute better to the neighborhood character by replacing a modern style porch built in 1982 to something more cohesive with the property itself and adjacent properties. The project site is located in a neighborhood where most of the homes were built in the early 1900s; the proposed plan would better fit the style of homes in the neighborhood than the existing porch. If the variance is granted, no additional traffic would be generated and threats to public safety would not increase. Property values in the area would not be affected by the granting of the variance.
- 6) No other public or private comments were received.
- 7) Per UDC Section 50-37.1. N. approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year.

Staff Recommendation

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

- 1) The project be limited to, constructed, and maintained according to the plan submitted by the owner dated December 04, 2018.
- 2) The applicant will need to take care to follow the proposal not to alter the existing deck during this project because that would entail a separate application process.
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.

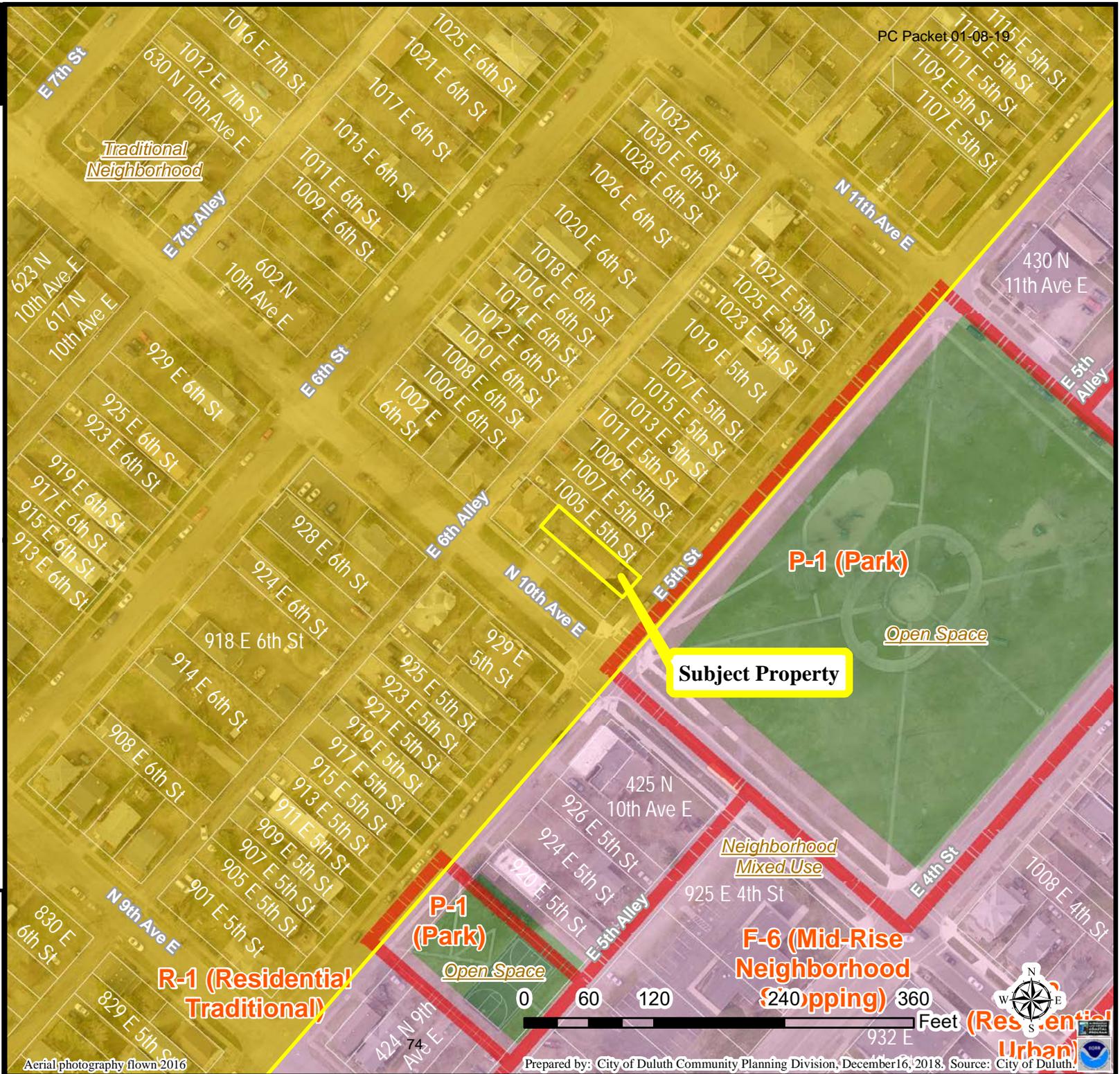


PL 18-157 Variance
1003 E 5th Street

PC Packet 01-08-19

Legend

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



Aerial photography flown 2016

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

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PL 18-157 Variance
1003 E 5th Street

Legend

- Gas Main
- Water Main
- Hydrant

Sanitary Sewer Mains

- CITY OF DULUTH
- WLSDD; PRIVATE
- Sanitary Sewer Forced Main

Storage Basin

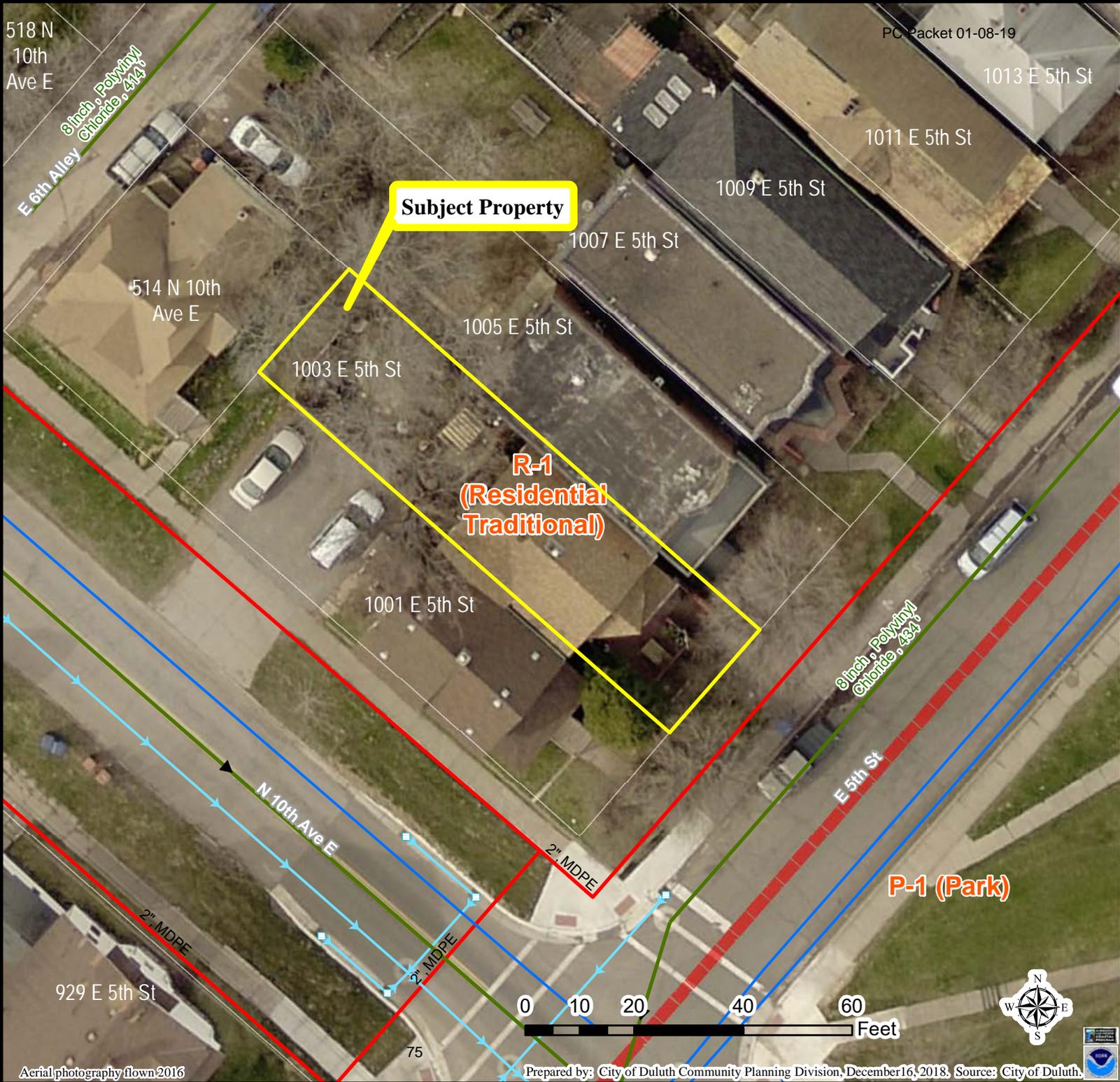
Pump Station

Storm Sewer Mains

- Storm Sewer Pipe
- Storm Sewer Catch Basin

Zoning Boundaries

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



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Aerial photography flown 2016

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

12/3/2018

Variance Application: Supplementary Questions
Molly Wick - 1003 E 5th Street

Describe the reasons for this request. (From cover sheet)

I purchased my home last summer and was not aware of the extreme water damage to the sunroom. Since then, I have discovered that the 2x4" structure of the sunroom is completely rotted through at the base under the windows, and approximately half rotten through further up the 2-story structure. The room was built in 1982 and was clearly not maintained since then. It is now at the end of its life and needs to be removed/replaced. The existing room sits on a concrete foundation that was either original to the home or added long prior to the construction of the existing sunroom in 1982. The existing room is triangular shaped with high ceilings that extend to the 2nd story, in front of the only window to the master bedroom. The room is smaller than the existing foundation. The portion of the foundation outside the room currently has a rubber roof. There is an existing deck in front of the existing foundation. I am proposing to remove the existing room and rebuild a single-level sunporch on top of and within the existing footprint of the existing foundation. The existing foundation and deck (which will not be modified) currently extend out from the setback of the average of my neighbors two houses. No work on the deck is planned, but it shall be inspected as part of this project as well as it was originally tied into the rim joist of the foundation.

The existing room has ceilings that extend to the 2nd level and the sunroom covers up the only window in the master bedroom. This prevents airflow (especially because the windows in the sunroom are currently inoperable due to water damage) and makes the room excessively hot and blocks light. Re-building the room to have lower ceilings will improve this major issue, as well as increase the setback of the home at the 2nd story level.

All required city permits have been obtained in the past for the property.

List the UDC Section you are seeking relief from: Front yard setback.

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:

My property is only 25' wide and the eve my house touches my neighbor's house so there is no side yard. Because it is the second house from the corner, my property is shorter than others and I do not have alley access, or any access to the back of the property besides through my house. The front entrance is the main entrance and the sun room is needed for a mudroom and entryway. The existing room is an irregular triangular shape with useless space: The sharp corners do not provide useful space. The proposed room will be a rectangle and will have usable space. The home is small (~1100 sq ft) and if I had to remove the room, the loss of that square footage would be a significant impact.

12/3/2018

Molly Wick

1003 E 5th Street, Duluth MN 55805

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

The existing structure (foundation and sunroom built on top of it) does not meet current zoning code setbacks. When I bought the home, the sellers were investors that had never lived in the home and therefore were not required to make the normal disclosures about the home. My inspector somehow did not observe the very clear water damage to windows and siding. Being a first-time home buyer, neither did I. So, I was unaware that I would need to replace this entire room. Because the existing foundation, the room cannot simply be torn down or even replaced, because the existing foundation needs a roof over the entire thing. It would be impractical to replace the existing room.

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.

The property is shorter than other properties on the block and has only limited access via the street at front. It already has an existing structure built that is protruding closer to the street than the neighboring homes. In the past, the sunroom occupied the entire foundation, but in 1982 it was reduced in size but grew in height. The architecture of the existing structure is modern, while the neighboring homes are original architectural styles to the early 1900 when they were built. The proposed plan would build a sunroom in a style more consistent with the neighborhood and would revive the original shape (rectangular, single story) of the sunroom on this home.

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

The existing structure is in very bad shape and needs to be replaced. The windows leak streams of water into the interior when it rains. It is not unreasonable to expect to be able to replace an existing room in the most logical and cost-effective way possible. However, because the existing room is built out past existing setbacks, the code does not allow me to do that.

The room I am proposing is the most affordable way to replace the sunroom: a rectangular, single-story room. Despite the area increasing about 54 square feet to cover the entire existing foundation, the total volume of the room is shrinking by at least 200 cubic feet due to the reduction from 2-story ceiling to a single story. These changes are reasonable because they potentially improve neighbor's viewsheds, restore architectural style to match the neighboring homes and historic architecture in the neighborhood, and allow me to invest in reasonable improvements to water damage that I inherited when I purchased the home. It is not unreasonable for me to expect to build a room that covers the entire existing foundation, because certainly at some time in the past, a sunroom covered that entire foundation.



12/3/2018

Molly Wick

1003 E 5th Street, Duluth MN 55805

Lastly, the master bedroom currently does not have an exterior window, because the only window looks into the sunroom rather than to the exterior of the house. It is reasonable for me to want to have an exterior window in the master bedroom. A window would increase airflow through that room and through the whole house, would reduce temperatures in the summer, and would make installation of a window air conditioner possible. Air flow in the house is limited already because of the close proximity of the neighboring houses and lack of windows on second story on either side of house.

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.

The sunroom may increase the supply of light to neighboring homes because the height of the room will be reduced. In areas where the room is being slightly expanded, the neighboring homes are not directly adjacent, so the slight change in room form will not have a big impact on light availability to those homes. The room will have no effect on congestion in public streets or other aspects of public health, safety or welfare. The sunroom will be built to existing fire code as not to increase danger of fire. I have discussed the project with the owners of both of the neighboring homes and they do not have concerns about the project.

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

The project will not significantly change the existing structure. The volume will be reduced significantly despite a small (54 sq ft) increase in area. The project will take place entirely within the existing footprint of the existing concrete block foundation. The architectural style of the room will be more consistent with the essential character of the neighborhood than the existing room. The project is very consistent with the comprehensive land use plan's principles:

- 9. Support private actions that contribute to the public realm - addresses the need for private investments in building and site improvements to support broader city-building goals.
- 5. Strengthen neighborhoods - identifies the importance of maintaining neighborhood integrity and historic neighborhood patterns
- 6. Reinforce the place-specific - Public and private actions should reinforce cultural, physical and economic features which have traditionally defined Duluth, its open space and its neighborhoods.

Does your variance request need to meet any of the specific criteria? No.

1003 ESTH ST.



	Property Lines
	Current Sunroom
	Current Deck - No proposed changes
	Existing Foundation (and proposed sunporch)
	Main House

ANTHONY CIARDELLI

existing
burn porch

Molly Wick
1003 ESTH ST.

to center
line of
10th Ave.

DECK

to center
line of
E 5th St.

existing
room

existing
deck

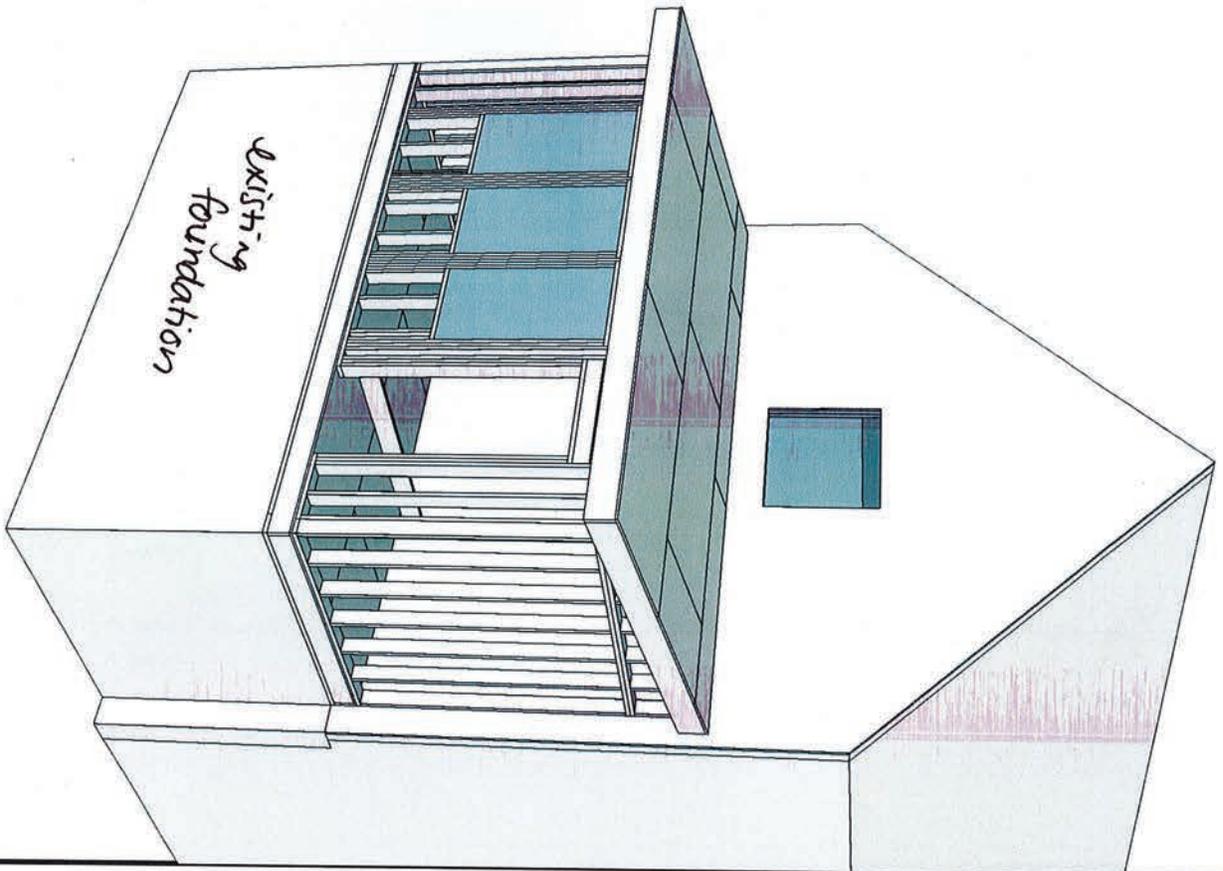
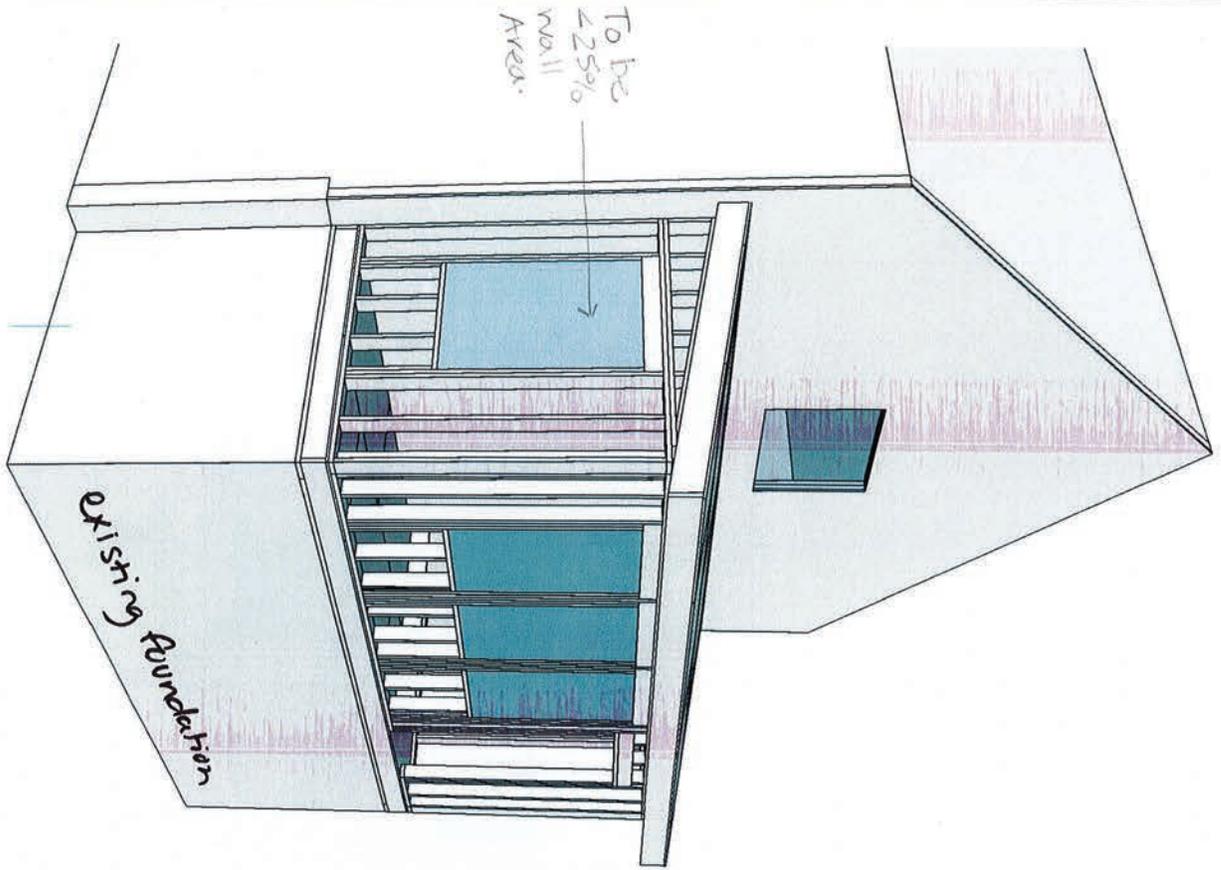
existing
foundation

CORY BINSFIELD
DECK

Proposed room will be
8' x 19' on existing foundation

to center
line
of E 5th St.





September 30, 2018



GFD Woodworking, LLC
Duluth, Minnesota 218 204 0556

1003 E 5th Street Duluth, MN
Sunroom Replacement

Overview

NTS

A1



project next door

1 message

Cory Binsfield To: Molly J. Wick

Fri, Oct 19, 2018 at 4:35 PM

Molly,

In regards to your upcoming deck project at 1003 e 5th street, I'm fine with the existing set backs as long as the new projects does not extend further into my property.

Feel free to let the city planner know this or he can call me at [REDACTED]

Cory P. Binsfield

Phone: [REDACTED]

www.lakesuperiorrents.com

394 S Lake Ave Suite 604
Duluth, MN 55802

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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 18-159	Contact	John Kelley	
Type	Vacation of Right of Way	Planning Commission Date	January 8, 2019	
Deadline for Action	Application Date	Dec. 11, 2018	60 Days	February 9, 2019
	Date Extension Letter Mailed	Dec. 19, 2018	120 Days	April 10, 2019
Location of Subject	Adjacent to the intersection of Oneota Street and Recycle Way, and east of I-35			
Applicant	City of Duluth	Contact	Danielle Erjavec	
Agent		Contact		
Legal Description	See Attached			
Site Visit Date	December 21, 2018	Sign Notice Date	December 26, 2018	
Neighbor Letter Date	December 27, 2018	Number of Letters Sent	22	

Proposal: The applicant is requesting the vacation of a portion of the platted right-of-way of Recycle Way.

Recommended Action: Recommend to the City Council to Approve.

	<i>Current Zoning</i>	<i>Existing Land Use</i>	<i>Future Land Use Map Designation</i>
Subject	MU-B, I-G	Paved Street	General Industrial
North	MU-B	Utilities/Highway	General Industrial
South	I-G	Industrial/Verso Corporation	General Industrial
East	MU-B, I-G	Paved Street	General Industrial
West	MU-B, I-G	Highway	General Industrial

Summary of Code Requirements

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

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

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

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

Governing Principle #7 - Create and maintain connectivity: Connectivity should be provided for vehicular and non-vehicular modes.

Policy #3 – Add to the transportation network by systematically enhancing multi-modal options

Transportation Section - Funding & Projects

- Completion of the Cross City Trail

Future Land Use – General Industrial. Description: Areas for manufacturing, processing, and other activities that may have off-site 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.

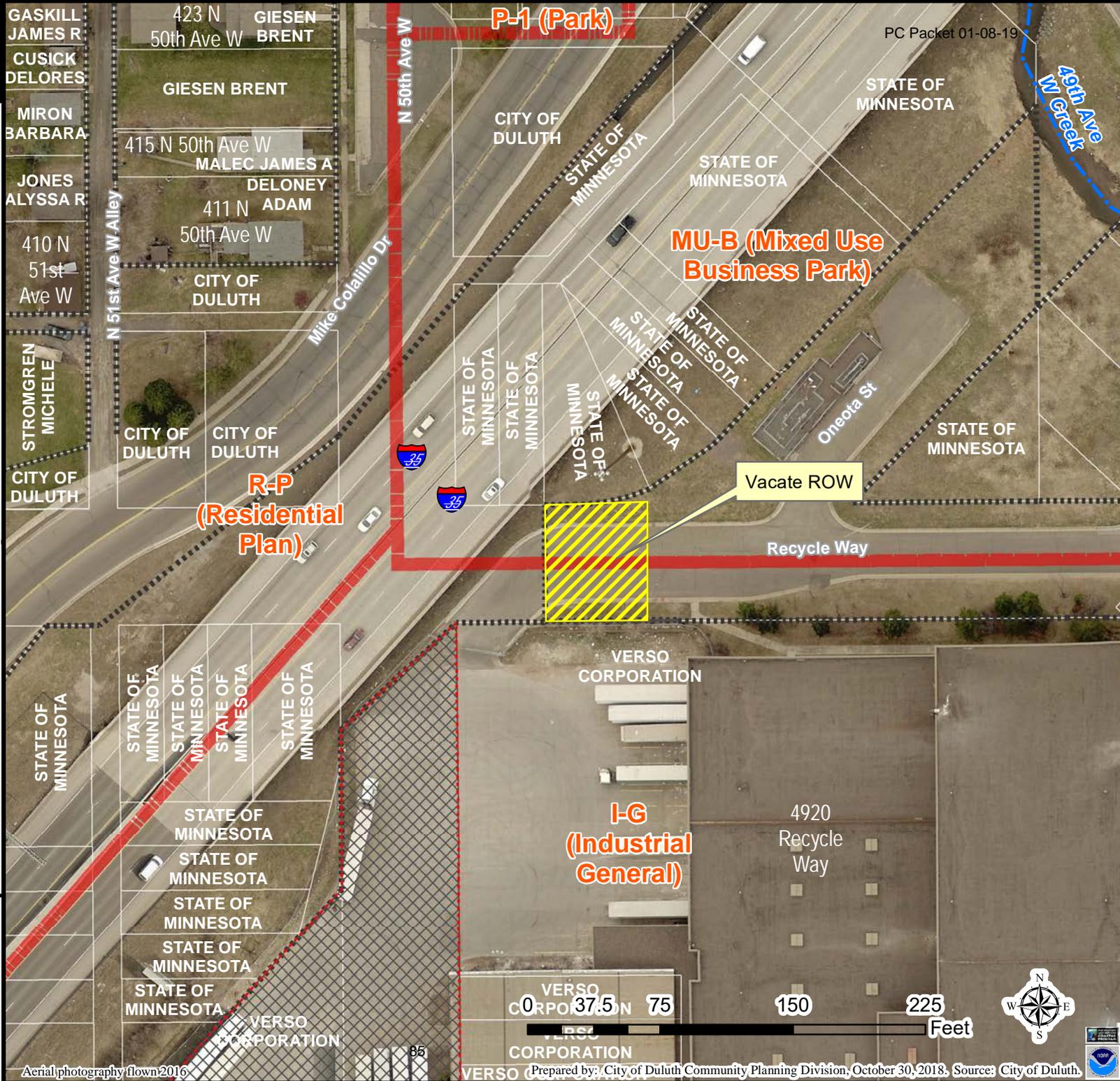
Review and Discussion Items

Staff finds that:

- 1) The applicant is requesting that the City vacate a portion of the platted right-of-way of Recycle Way shown in the attached exhibit with the retention of the entire vacated area as an utility easement. The portion of street subject to this application is used as an entrance to private property and will improve operation and security of the property.
- 2) The City has been working with the Minnesota Department of Transportation and Verso Corporation for two years on securing an easement to construct the Cross City Trail in this area. The proposed trail alignment does not cross through the platted ROW. The vacation of a portion of the ROW will allow Verso Corporation to use the area for their business purposes. In exchange for the vacated ROW, Verso Corporation will grant a trail easement in favor of the City for the Cross City Trail.
- 3) The proposed vacated portion of Recycled Way is not needed for public use. The City Engineering office has reviewed the proposed vacation and has indicated that it is not needed for street purposes. An easement will be retained for utilities.
- 4) This portion of the right of way is not needed to provide access to any public water. Vacating the right of way will not have impacted or deny access to other property owners.
- 5) No public or City comments have been received. Written comments were received by Western Lake Superior Sanitary District regarding a utility easement (see attached).
- 6) Vacations of rights of way and easements lapse unless the vacation is recorded with the county recorder within 90 days after final approval. The vacation recording is facilitated by the City of Duluth.

Staff Recommendation

Based on the above findings, staff recommends that Planning Commission recommend approval of the vacation of the right of way as shown in the attached vacation exhibit.



Legend

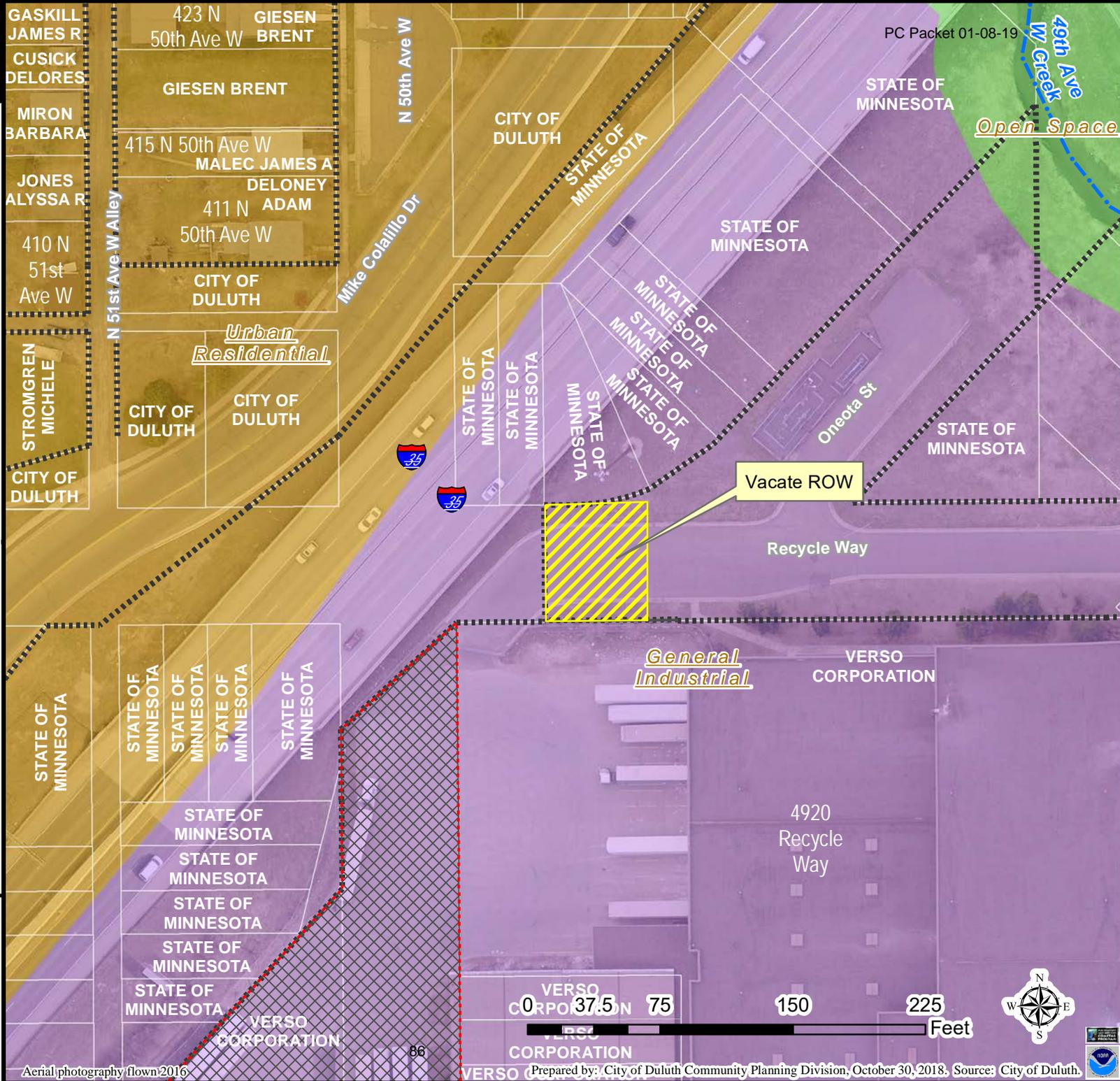
- Road or Alley ROW
- ▨ Vacated ROW

Easement Type

- ▨ Utility Easement
- ▨ Other Easement
- ▨ Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

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Legend

----- Road or Alley ROW

⊗ Vacated ROW

Easement Type

⊞ Utility Easement

⊞ Other Easement

— Trout Stream (GPS)

— Other Stream (GPS)

Future Land Use

Open Space

Rural Residential

Low-density Neighborhood

Traditional Neighborhood

Urban Residential

Neighborhood Commercial

Neighborhood Mixed Use

General Mixed Use

Central Business Secondary

Central Business Primary

Auto Oriented Commercial

Large-scale Commercial

Business Park

Tourism/Entertainment District

Medical District

Institutional

Commercial Waterfront

Industrial Waterfront

Light Industrial

General Industrial

Transportation and Utilities

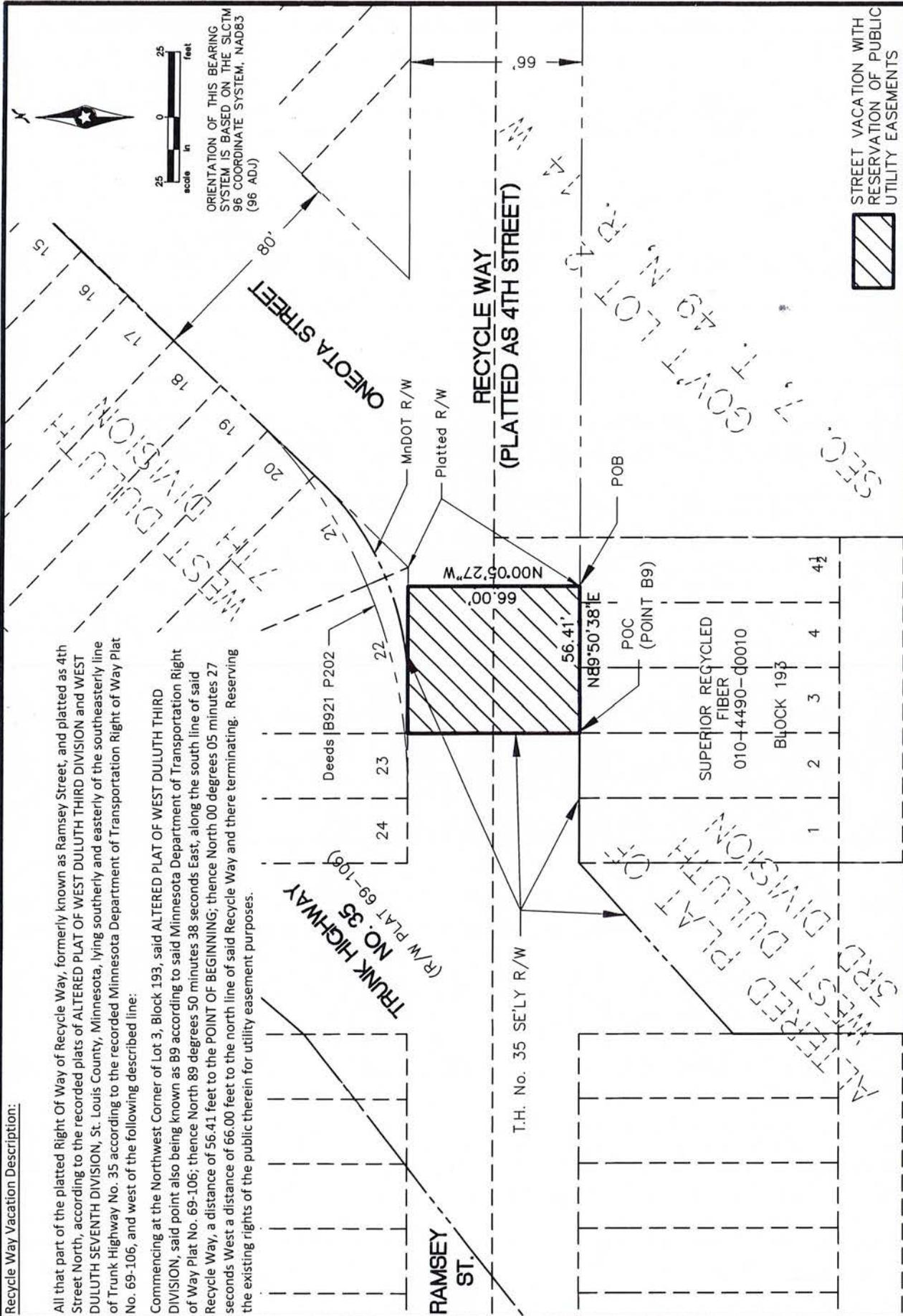
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Recycle Way Vacation Description:

All that part of the platted Right Of Way of Recycle Way, formerly known as Ramsey Street, and platted as 4th Street North, according to the recorded plats of ALTERED PLAT OF WEST DULUTH THIRD DIVISION and WEST DULUTH SEVENTH DIVISION, St. Louis County, Minnesota, lying southerly and easterly of the southeasterly line of Trunk Highway No. 35 according to the recorded Minnesota Department of Transportation Right of Way Plat No. 69-106, and west of the following described line:

Commencing at the Northwest Corner of Lot 3, Block 193, said ALTERED PLAT OF WEST DULUTH THIRD DIVISION, said point also being known as B9 according to said Minnesota Department of Transportation Right of Way Plat No. 69-106; thence North 89 degrees 50 minutes 38 seconds East, along the south line of said Recycle Way, a distance of 56.41 feet to the POINT OF BEGINNING; thence North 00 degrees 05 minutes 27 seconds West a distance of 66.00 feet to the north line of said Recycle Way and there terminating. Reserving the existing rights of the public therein for utility easement purposes.

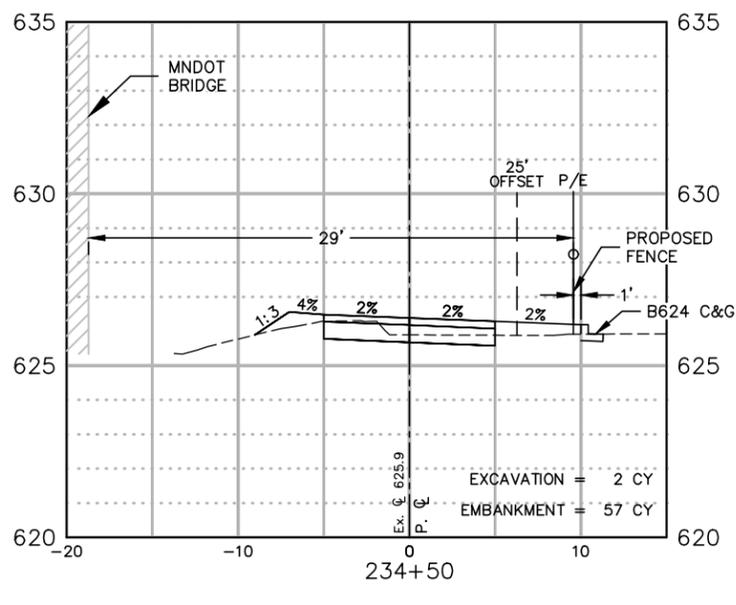


DRAWN BY: ACO		FILE NO. DULUT 109680	
CHECKED BY: CAL		DATE 12/21/2018	
SURVEYED BY: N/A		SIGNATURE: <i>Chris A. Larsen</i> City Engineer	
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.		I hereby certify that this street vacation exhibit has been checked and approved this 27 day of Dec 2018	
Printed Name: CHRIS A. LARSEN		Printed Name: <i>Siobhan Voigt</i>	
Date: 12/21/18		Date: 12-27-18	
NO. BY DATE REVISIONS		SHEET 1 OF 1	
PHONE: 218.279.3000 418 W SUPERIOR ST STE 200 DULUTH, MN 55802-1512 www.sehinc.com		RECYCLE WAY STREET VACATION DULUTH, MN	

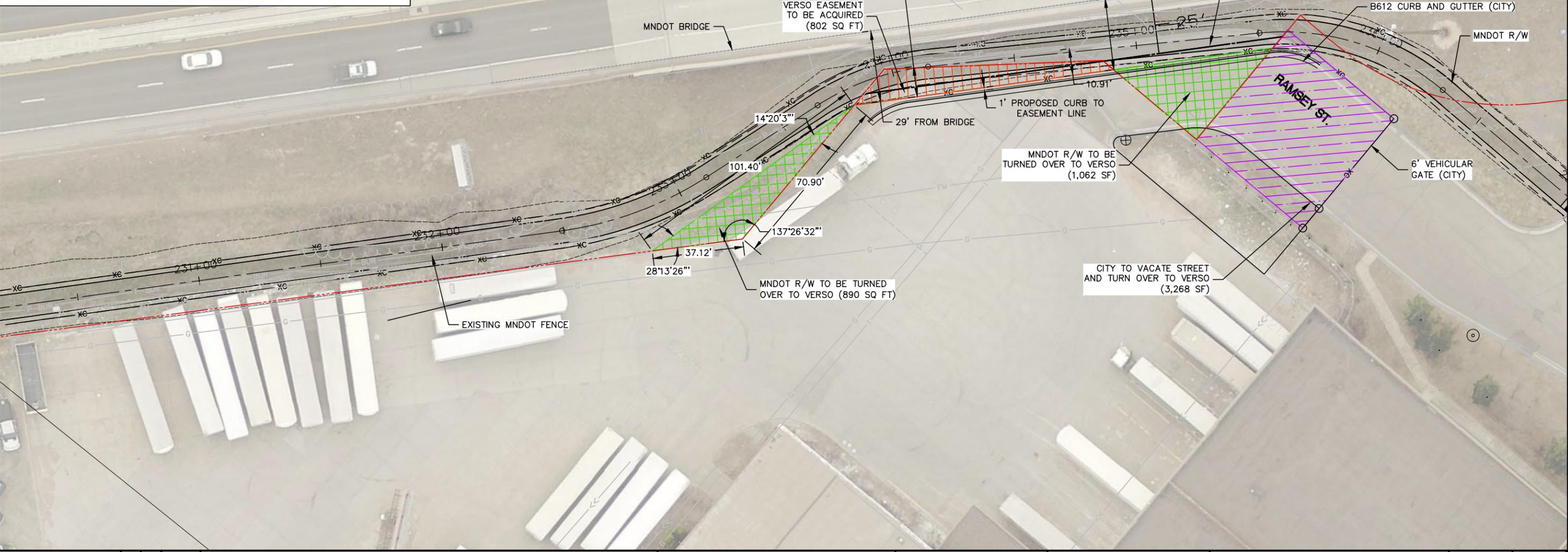
TOTAL MNDOT R/W VACATION 1,952 SF
 TOTAL CITY R/W VACATION 3,268 SF
 TOTAL = 5,220 SF
 VERSO EASEMENT TO MNDOT 802 SF

PC Packet 01-08-19

MIKE COLALILLO DRIVE



S:\AE\D\LULUTH\109680\9-final-dsgn\51-drawings\10-Civil\phase 2\cad\dwg\exhibits\verso-mndot rw swap (2).dwg 3/5/2018 3:14 PM aarleskie



DRAWN BY: -				
DESIGNER: -				
CHECKED BY: -				
DESIGN TEAM	NO.	BY	DATE	REVISIONS

CROSS CITY TRAIL
88

PHONE: 218.279.3000
 418 W SUPERIOR ST STE 200
 DULUTH, MN 55802-1512
 www.sehinc.com

DULUTH,
MINNESOTA

VERSO IMPROVEMENTS

FILE NO.
DULUT 109680

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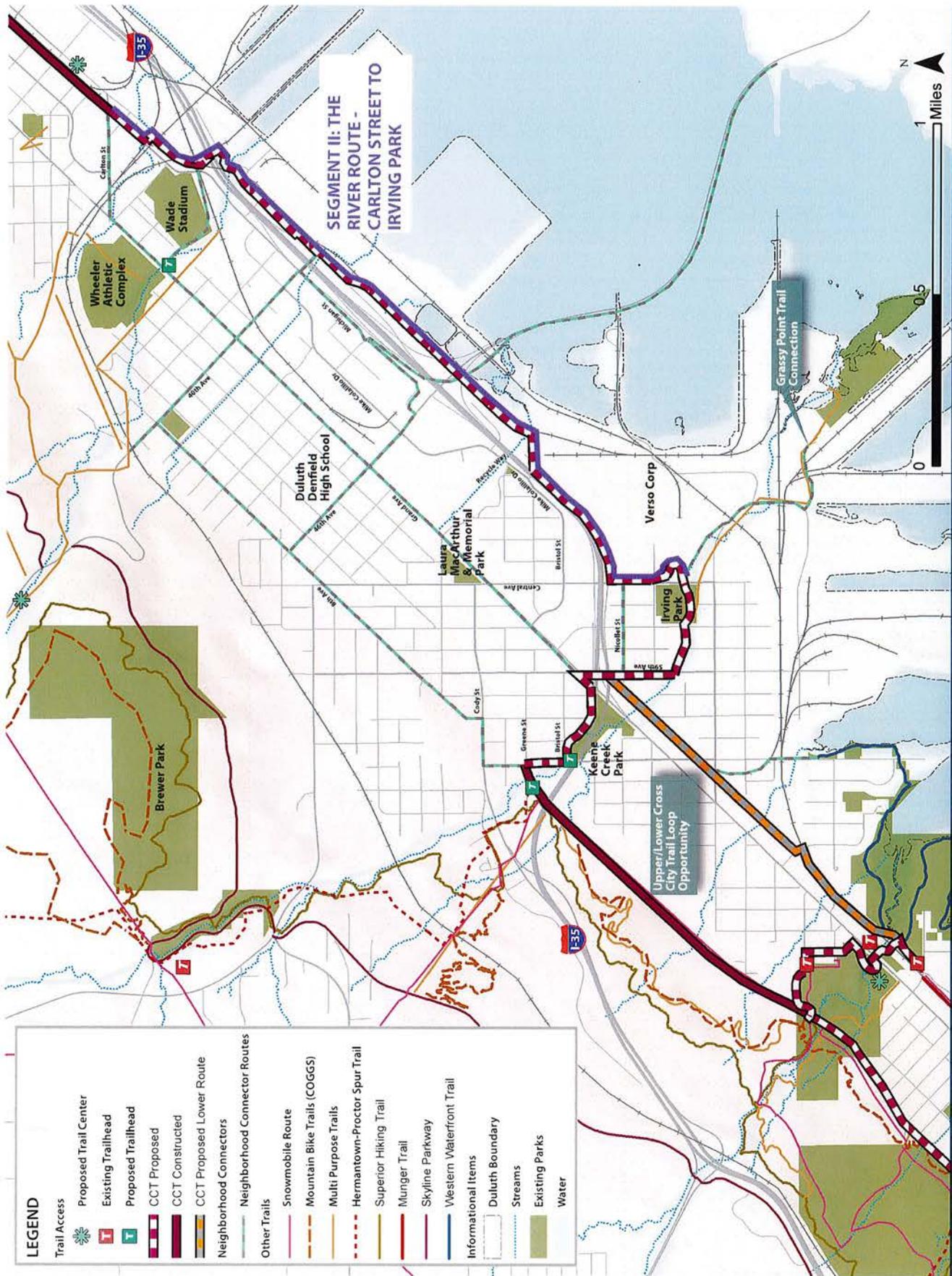


Figure 4.3: Cross City Trail - Segment II: The River Route - Carlton Street to Irving Park



2626 Courtland Street
Duluth, MN 55806-1894
phone 218.722.3336
fax 218.727.7471
www.wlssd.com

Western Lake Superior Sanitary District

December 28, 2018

City of Duluth Planning Commission
C/O Keith Hamre
411 West First Street, Room 208
Duluth, MN 55802

**RE: COMMENTS ON PLANNING COMMISSION ITEM PL 18-159 – VACATION OF PLATTED
RIGHT-OF-WAY OF RECYCLE WAY**

Dear Mr. Hamre:

In response to the City of Duluth Notice of Public Hearing for a vacation of a portion of the platted right-of-way of Recycle Way, the Western Lake Superior Sanitary District (WLSSD) offers the following comments:

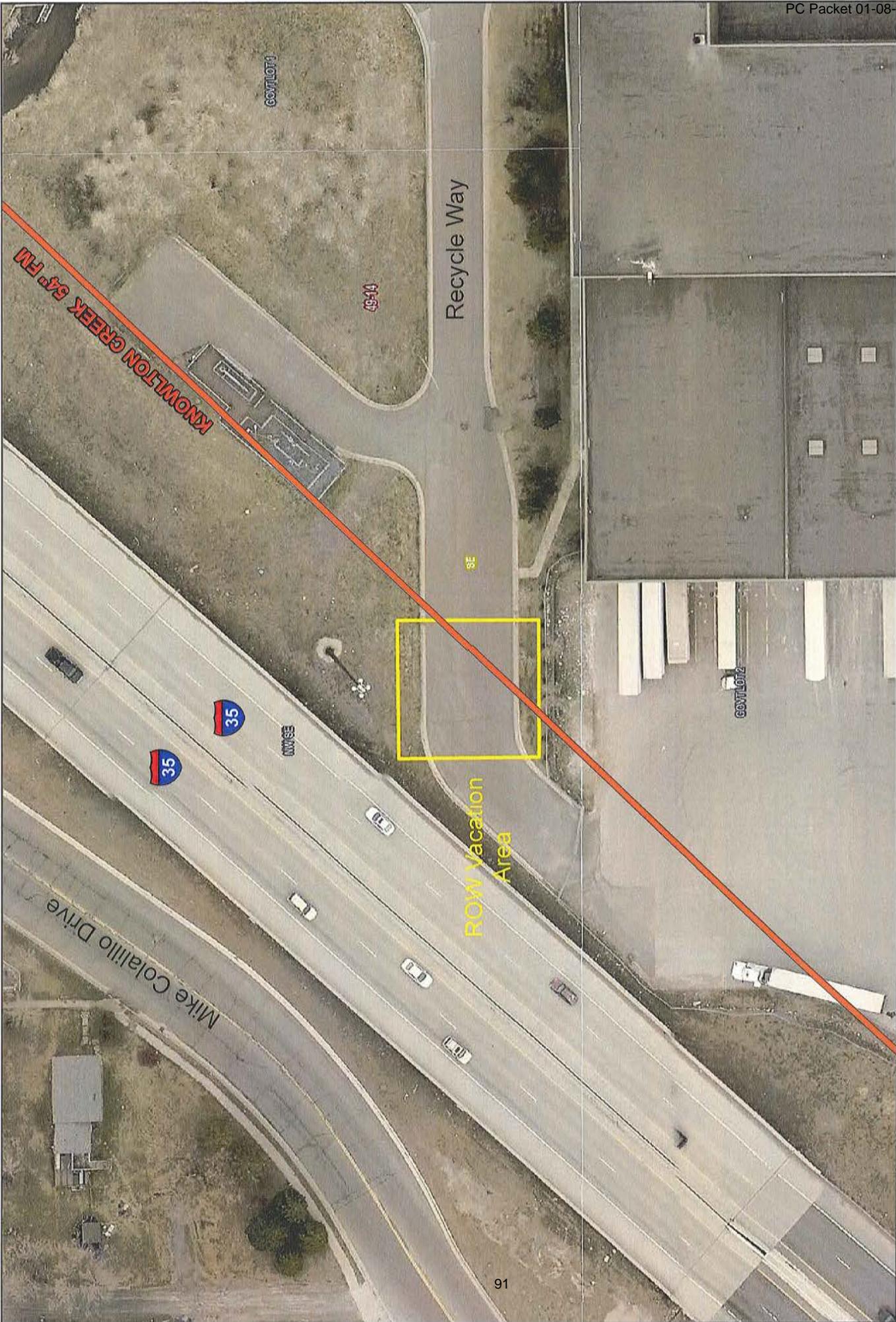
- 1) The WLSSD Knowlton Creek Interceptor passes through the area proposed for vacation. This is a 54" diameter ductile iron sanitary sewer pipeline. The location of the pipeline relative to the right-of-way area proposed for vacation is shown on the enclosed exhibit.
- 2) The existing Knowlton Creek Interceptor is currently located within public right-of-way and the rights for WLSSD to access, operate, repair and maintain this pipeline would need to be preserved through an easement agreement with the proposed property owner.

Thank you for the opportunity to comment. If you have any questions in this regard I can be reached at 218-740-4798 or brandon.kohlts@wlssd.com.

Sincerely,

Brandon Kohlts
Senior Planner

Encl. WLSSD Knowlton Creek Interceptor Exhibit



WESTERN LAKE SUPERIOR SANITARY DISTRICT
 2626 Courtland Street, Duluth, MN 55806
 Phone: 218-722-3336 -- Fax: 218-727-7471
 Web Address: www.wlssd.com
 © Western Lake Superior Sanitary District



WLSSD Knowlton Creek Forcemain Right-of-Way Vacation



Document Path: C:\GIS\WLSSD\Planning and Solid Waste\Planning\Assessments\Knowlton_Creek_ROW_Vacat.mxd
 Date Saved: 12/29/2018 9:20:20 AM
 Author: BLK