



MEETING AGENDA

Planning Commission Agenda

City Council Chambers, 3rd Floor Duluth City Hall
Tuesday, October 8, 2019 – 5:00 PM

Call to Order and Roll Call

Approval of Planning Commission Minutes (September 10, 2019)

Consent Agenda

1. **PL 19-129** Interim Use Permit for a Vacation Dwelling Unit (Renewal of Existing Permit) at 3330 Minnesota Avenue by Pat and Bill Burns
2. **PL 19-133** Minor Subdivision for a Lot Split at 3625 London Road by TJS Construction, LLC
3. **PL 19-134** Variance for an Addition at 101 Eden Lane by Ken Peterson (BBC)/Patricia Dwyer
4. **PL 19-136** Vacation of a Utility and Drainage Easement at Outlot G, Coffee Creek Boulevard by Wildamere Capital Management

Recommended Motion for Consent Agenda items: Approve with Conditions

Public Hearings

5. **PL 19-128** Special Use Permit for a Hotel Use at 8721 W Skyline Parkway by Skyline Parkway Properties LLC
Recommended Motion: Approve with Conditions
6. **PL 19-139** UDC Map Amendment for an MU-P district on South Street by Launch Properties
Recommended Motion: Approve
7. **PL 19-138** UDC Map Amendment to Rezone From Rural-Conservation (R-C) to Park and Open Space (P-1) and Rural Residential 1 (RR-1) property at 3509, 3512, and 3566 Riley Road by the City of Duluth
Recommended Motion: Approve

Other Business

Discussion on Possible Amendments to Vacation Dwelling Unit Rules

Communications

Manager's Report

Reports of Officers and Committees

- Heritage Preservation Commission
- Joint Airport Zoning Board
- Midway-Duluth Joint Planning & Zoning Commission

Adjournment

City of Duluth
 Planning Commission
 September 10, 2019 Meeting Minutes
 Council Chambers - Duluth City Hall

Call to Order

President Janet Kennedy called to order the meeting of the city planning commission at 5:01 p.m. on Tuesday, September 10, 2019, in city hall council chambers.

Roll Call

Attending: Jason Crawford, Gary Eckenberg, Janet Kennedy, Tim Meyer, Margie Nelson, Michael Schraepfer, Andrea Wedul, Sarah Wisdorf, and Zandra Zwiebel

Absent: N/A

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

Approval of Planning Commission Minutes

August 13, 2019

MOTION/Second: Nelson/Zwiebel approve the minutes

VOTE: (9-0)

Consent Agenda

1. PL 19-020 Concurrent Use Permit for Private Utility Work Under the Right of Way of Fourth Avenue East and East First Street, Related to the New Hospital Facility at 502 East Second Street by Essentia Health
2. PL 19-022 (Amendment to Previously Approved) Concurrent Use Permit for Private Utility Work Under the Right of Way of Fifth Avenue East, Related to the New Hospital Facility at 502 East Second Street by Essentia Health
3. PL 19-113 Concurrent Use Permit at 5401 E Superior Street by Spirit of the Lake Community School
4. PL 19-117 Interim Use Permit for Vacation Rental in the F-8 "Downtown Mix" District at 30 N 1st Avenue W, Jason Taly and Rachel Watson
5. PL 19-125 Interim Use Permit at 1004 Lake Avenue S by Steve Peters – Petra Properties, LLC
 Staff: N/A
 Applicant: N/A
 Public: No Speakers
 Commissioners: Zandra Zwiebel questions the snow removal for item PL 19-113. Interim Director Fulton notes the parking spaces have already been in existence. Need to make sure the alley is appropriately plowed. It is an operational concern. Zwiebel notes the citizen comment received regarding PL 19-125. They are opposed to the interim use permit.
 MOTION/Second: Meyer/Wisdorf recommend approval of the consent agenda items as per staff's recommendations.

VOTE: (9-0)

Public Hearings

6. PL 19-122 UDC Map Amendment to Rezone from Residential-Traditional (R-1) to Planned Residential (R-P) Property at the North of Marble Street, between North Robin Avenue and Stanford Avenue, by Lotus Realty

Staff: Kyle Deming introduces the applicant's proposal to rezone a 9.8 acre property from Residential-Traditional (R-1) to Residential-Planned (R-P) to facilitate development of 25 single detached and twin home dwellings on a private street with 3.5 acres of open space. A neighborhood open house meeting was held on August 28, 2019. Comments were summarized and included in the staff report. A citizen comment was also received which was distributed to the commissioners prior to the meeting. Staff recommends approval based on the findings summarized in the staff report. Andrea Wedul asks about wetland tax credits. Deming notes the project is mostly on a non-wetland area, but it will be further addressed during permitting. Wedul asks about the distance between the two access drives on the private road. Deming states it is a sufficient distance apart as per Engineering. Wedul asks about screening. Deming replies the housing types are still single family and two family, so there is no requirement for screening.

Applicant: Brad Johnson of Lotus Realty addresses the commission. They have been working on this project for 3-4 years. Their objective is to provide a compact housing development for empty nesters.

Public: Anene Jensen, 2023 N. Robin Ave., addresses the commission. She lives in the area and notes the bad, bumpy condition of Marble Street. She is concerned about increased traffic and the sewer system. The infrastructure is already poor, and this could create more problems, including water line breaks. She isn't opposed to change, but hopes the city can address her concerns. Dennis Jenson (Father-in-law of Anene), 4219 W. Arrowhead Rd., addresses the commission, and states he lives down the road from the project. He is concerned that this is pocket zoning. Will it be a commercial development, or a housing development? The utilities in the area are substandard. Flooding is an issue. He is opposed to the rezoning. Mary Lundeen, 144 W. Marble St., addresses the commission. She is concerned about traffic and is opposed. She is concerned about infrastructure and utilities. Eric Gulland, 154 W. Marble St., addresses the commission. He is opposed. He thinks they may have already destroyed the wetlands. Where does this development stop? With 27 houses, where is everyone going to park? He understands there is a housing shortage, but doesn't approve of this development.

Commissioners: Tim Meyer asks Heidi Bringman of LHB about the proximity of wetlands, flooding, utility quality concerns and traffic concerns. Has LHB addressed these issues? Bringman addresses the commission. They addressed the wetland issue and determined there was one acre of wetland disturbance. The site has 15 acres of wetland areas on the site. There is a small amount of wetlands that will require more delineation, which will be addressed at the permitting stage. The development is anchored on the left hand side to preserve the wetlands. Meyer asks about utility concerns. Bringman notes this is a land use change. The components of the design have not been finalized yet. Regarding stormwater issues, they have looked at the preliminary grading. The grading will slope away from Marble Street. The new stormwater system will be draining to the north and to the west. She doesn't know if more traffic will deteriorate the roads. City engineering will need to address the long-term infrastructure in this area. They will be adding curb and gutters to direct stormwater into the correct areas. Zwiebel asks if there were traffic studies done. Bringman notes there was one on

Arrowhead, but not this area specifically. All units will have a garage and will have a shared driveway, which will accommodate 1-2 cars. There will be a visitor parking area. The road will be approximately 28' wide. There may be room for parallel parking off the private road. Zwiebel notes they should prioritize the area in order to improve infrastructure. There will only be two access points onto Marble Street. Meyer asks about traffic studies and utilities with Engineering. Deming notes the roads would be sufficient to handle the traffic as per the city's traffic engineer. Meyer asks about quality of existing water lines. Deming states that per Eric Shaffer of Engineering, there were no utility capacity issues. Gary Eckenberg asks if this is a home association. Bringman affirms. Eckenberg asks if this would this be a shared assessment to approve Marble Street. Bringman is not certain. Interim Director Fulton notes they would follow the city's assessment rules, and thinks the association would be included. Eckenberg asks how many rooms the new homes will have. Bringman states mostly two-bedrooms. Johnson addresses the commission and notes each unit has a four-car capacity, which is comprise of a two-car garage and two spots in the driveway. Johnson thinks this is the last piece of their rezoning needs. Wedul is concerned they are creating an orphaned area. This parcel will prevent access to the north. Will this be land-locked? Deming notes all parcels have access. Bringman states they are leaving a strip of land, which is steep and has a wetland. Interim Director notes the planning commission will be recommending their decision to the city council, and this is not a final decision.

MOTION/Second: Eckenberg/Crawford recommend approval as per staff's recommendations.

VOTE: (9-0)

7. PL 19-112 UDC Map Amendment to Rezone From Rural Residential 1 (RR-1) to Mixed Use Commercial (MU-C) property at 4250 Haines Road by IGO Properties LLC
 Staff: Steven Robertson introduces the applicant's proposal to rezone the property from the current zoning of Rural Residential 1 (RR-1) to Mixed Use Commercial (MU-C). Staff recommends approval based on the findings listed in the staff report.
 Applicant: Amanda Mangan of Johnson, Killen, and Seiler, PA addresses the commission. She invites questions. Eckenberg asks what the intended use is. Mangan notes they are seeking more marketability as a commercial property.
 Public: No speakers.
 Commissioners: N/A
 MOTION/Second: Zwiebel/Nelson recommend approval as per staff's recommendations.

VOTE: (9-0)

8. PL 19-116 Mixed Use Waterfront (MU-W) Planning Review for a Storage Structure at 800 W Railroad Street by Sandy Hoff
 Staff: John Kelley introduces the applicant's proposal to construct a new 1,800 square foot storage garage and a sport court on the grounds of the Pier B Resort. Staff recommends approval with the conditions listed in the staff report. Wedul asks is this is a pre-fab building. Per Kelley, the materials used will be consistent with the Hotel building.
 Applicant: Mike Polzin, facility manager of Pier B who represents the owner, addresses the commission. The building will be for seasonal storage. It will not be inhabited. The finish of the building will match the siding of the existing décor of Pier B. Wedul notes the dumpsters on the East side are not screened. Kelley notes the applicant has screened three-sides of the dumpster and will be adding a gate to the front of the

enclosure. Kennedy asks about the new sports complex. Will it be open to the public? Polzin notes Pier B is a resort, and they want to offer more activities to guests. Eckenberg asks about the stormwater plan. Kelley states any stormwater permits will be reviewed by engineering. Interim Director Fulton notes a stormwater plan is required prior to the issuance of a building permit.

Public: No speakers.

Commissioners: N/A

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

VOTE: (9-0)

~~9. PL 19-128 Special Use Permit for a Hotel at 8721 W Skyline Parkway by Skyline Parkway Properties LLC~~

Item #9 PL 19-128 has been withdrawn, and may be brought back at a future date.

10. PL 19-119 Variance from Front Yard Parking, 420 N 15th Ave. E., Mark Jilek
 Staff: Chris Lee introduces the applicant's proposal for a variance from the residential parking standards to locate a parking stall between the façade of the house and the street. Staff recommends approval with the conditions listed in the staff report. Wedul asks if the applicant is the homeowner, or a tenant. Per Lee, the property is under a different ownership name. It could be a county error. Wedul asks if this parking situation is just an inconvenience. There seems to be ample parking on the street. Per Lee, this is a highly concentrated rental area, and it is difficult to park in the winter. The practical difficulty is the topography of the lot. Eckenberg states he needs to understand the demonstrated hardship. Why can't they park on the street? He is struggling to find the hardship. Per Interim Director Fulton, there is not hardship needed and has been replaced with the working practical difficulty. Margie Nelson asks if there is a requirement for the surface material used. Per Lee, asphalt or concrete which are dust-free surfaces.

Applicant: Mark Jilek addresses the commission. Parking is extremely difficult. Rentals and the hockey rink visitors occupy street parking until late in the night. It is not just an issue of convenience. He has no other place to park within two blocks. Eckenberg asks about the ownership. Does Jilek pay taxes under ownership status? Jilek states yes, and has done so for 35 years. Houses on either side of him are also using their front yard for parking. Eckenberg asks about the front yard parking ordinance. Per Robertson, it has been citywide since the 80s. Interim Director Fulton notes particularly on the avenues, front parking is a challenge. Sarah Wisdorf notes front yard parking especially becomes an issue when it's enforced, which has increased in the last three years. Michael Schraepfer thinks there may be a process of 40% of the lot in relation to tenth avenue east. Interim Director Fulton notes this may be specific to a different area. Chair Kennedy brings up safety concerns. Would the sidewalk be marked for a parking spot? Per Lee, the driveway would cross the sidewalk. Meyer notes the city ordinance prohibiting front yard parking. He thinks maybe the city should relook at the policy for the entire neighborhood, rather than on a case-by-case basis.

Public: Rhonda Jilek, (the applicant's wife) addresses the commission. She is concerned her husband has to walk two blocks after work. Eckenberg asks if her neighbors are rental properties. She affirms one is.

Commissioners: Schraepfer agrees with Eckenberg that it may be a bigger issue. He feels this may be a cascading effect. Wisdorf agrees, but on the flipside she doesn't think the applicant needs to suffer in the meantime. Wisdorf is in support of the

variance. Eckenberg doesn't support the variance. There is a reason for the ordinance. Zwiebel notes she has a garage and driveway. This ordinance comes into play in the Arrowhead and Woodland areas, which do not have access to the back yard. She feels this situation is different because of the lot and notes there is a practical difficulty. Schraepfer agrees with Zwiebel. He doesn't feel this applicant should need to wait for a bigger neighborhood ordinance change. Nelson notes this is the process we have right now. Eckenberg states he will advertise to all alley owners, "come to the planning commission and ask for a variance." Interim Director Fulton says staff hears loud and clear the need for further consideration. Staff will have further dialog on this specific issue. Wedul this is a slippery slope. It will set a precedent. Wisdorf this location has no off-street parking, as opposed to conditions on Arrowhead Road. Chair Kennedy feels the decision needs to be made at the council level. Meyer feels the issue needs to be addressed, and a uniform policy be created. Wedul asks if they table for a larger process/policy change. Zwiebel states every variance request is its own unique situation which challenges the code. This is why this should be seen as an individual situation.
 MOTION/Second: Eckenberg/Wedul motion to deny.

VOTE: (3-6, Wisdorf, Schraepfer, Nelson, Kennedy, Zwiebel and Crawford Opposed) - Motion Fails

MOTION/Second: Nelson/Wisdorf motion to approve

VOTE: (6-3, Wedul, Eckenberg and Meyer Opposed)

11. UDC (Unified Development Chapter) Text Amendments
 -PL 19-107 Tiny Houses and Small Lot Development
 -PL 19-108 Tree Preservation, Craft Brewing and Distilleries, Temporary Structures and Shipping Containers
 Staff: Steven Robertson introduces the city's recommended changes to the UDC related to tiny homes and accessory dwelling units, shipping containers and temporary structures, tree preservation, and craft brewing and distilleries. The proposed draft ordinances are based on comments received from the public and members of the planning commission and are subject to further minor change based on the final comments or recommendations received at tonight's planning commission meeting. Zwiebel asked about the changes to setbacks as they relate to tiny homes. Per Robertson, the change applies to all structures in the zone districts referenced. Kennedy asks about the tree commission and if they had input on the proposed changes. Staff responded that they had input from the natural resources commission, specifically the city forester.
 Applicant: N/A
 Public: Drew Digby, 127 E. 8th St., addresses the commission. He appreciates the city considering these amendments, but thinks the accessory dwelling unit language could be changed further. He encourages thought on parking space requirement for accessory dwellings, and believes it should be removed. He encourages minimal setbacks. Zwiebel notes the clause for #2 that states no variances granted, which would not allow variances for off-street parking. Interim Director Fulton is in agreement to strike 50-20.5.D.2.

Commissioners: Schraepfer asks why does there have to be a set size. Robertson notes it is incredibly common to have caps or limits on size of accessory dwelling units. Robertson a wide lot could split. A deep lot would have more difficulty.

MOTION/Second: 19-107 Nelson/Wisdorf recommend approval as per staff's recommendations with the correction of a typo and deletion of 50-20.5.D.2, to allow for variances for ADUs.

VOTE: (9-0)

MOTION/Second: PL 19-108 Zwiebel/Meyer recommend approval as per staff's recommendations.

VOTE: (8-1, Schraepfer Opposed)

Communications

- Manager's Report – Interim Director Fulton gives an overview. There will be a Master Plan 9/17/19 meeting at the airport to discuss airport economic development. Essentia will have more items going to the city council. They are moving into their construction phase. Essentia invites the planning commission to a groundbreaking event. The Mayor's housing task force kicked off. They are charged with the looking at the big picture of housing and financing. Staff is working on Core Investment Areas. Application for 1509 99th Ave W. There is a requirement to pull their permit by 9/30. Should this fail, the enforcement need is high.
- PL 19-072 Spirit Lake Sediment Remediation EAW – Fulton says the EAW is delayed by 30 days. This will come before the Planning Commission in October.

Reports of Officers and Committees

- Heritage Preservation Commission Representative – Wisdorf gives an overview. Pastoret Terrace litigation still ongoing. Possible update in October. Artifacts study ongoing. Lincoln Park Improvements – still waiting on a SHPO response. Hopeful work will proceed and be completed in 2020. UMD professor has undergrads researching local historic sites. Possible nomination includes the Park Point lighthouse, and street art possibilities are being identified.
- Joint Airport Zoning Board – Nelson gives an overview. New zoning ordinance waiting on MNDOT before it goes forward.
- Midway-Duluth Joint Planning & Zoning Commission – Chair Kennedy notes their conversation about Midway annex and how it continues to move forward. Comprehensive plan discussion slated for November.

Adjournment

Meeting adjourned at 7:53 p.m.

Respectfully,

Adam Fulton – Interim Director
Planning and Economic Development



Planning & Development Division
Planning & Economic Development Department

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File Number	PL 19-129	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Interim Use Permit Renewal – Vacation Dwelling Unit	Planning Commission Date		October 8, 2019
Deadline for Action	Application Date	August 20, 2019	60 Days	October 27, 2019
	Date Extension Letter Mailed	September 5, 2019	120 Days	December 26, 2019
Location of Subject	3330 Minnesota Avenue			
Applicant	Pat & Bill Burns	Contact		
Agent		Contact		
Legal Description	Parts of Lot 294, 296, and 299, Lower Duluth, Minnesota Avenue (PID 010-3110-03585)			
Site Visit Date	September 30, 2019	Sign Notice Date		September 25, 2019
Neighbor Letter Date	September 24, 2019	Number of Letters Sent		23

Proposal

This is a renewal for permit PL 13-019. Applicant proposes to use the house with 3 bedrooms for a vacation rental. Up to 7 people will be allowed to stay in the home. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of 2 nights.

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

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the MU-N District.

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

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



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1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location or to allow the city time to develop a regulation addressing the potential longer term impacts of the requested use in that location; 2. The applicant agrees to sign a development agreement with the city confirming that (a) approval of the permit will not result in increased costs to the city if the property is later acquired by the city through eminent domain; (b) the use will be terminated at the applicant's expense on the date(s) stated in the permit, (c) the termination of the interim use as stated in the permit will create no rights to a nonconforming use and no rights to compensation for termination of the use or for the value of any structures or improvements related to the use, and (d) the applicant agrees to all conditions imposed by the city. No interim use permit shall be issued until a development agreement confirming these points is executed. My two cents is that this section's code requirements seems long and I think you could paraphrase to shorten. Not super important so your choice.

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

Governing Principle #5 - Strengthen neighborhoods
 Governing Principle #8 - Encourage mix of activities, uses, and densities

- Econ. Dev. Policy #3 - Build on Existing Economic Strengths & Competitive Advantages
S9: Encourage expansion of the city's tourism economy through efforts to expand in areas of current activity, such as in Canal Park, but also through marketing and investment in destination neighborhoods and iconic tourism experiences unique to Duluth

Future Land Use – Traditional Neighborhood

History: The site is developed consistent with the future land use as described and the applicant is not proposing alterations to the use. There have been no complaints filed with the City related to the vacation dwelling unit.

Review and Discussion Items:

- Applicant's property is located at 3330 Minnesota Avenue. The proposed vacation dwelling unit contains 3 bedrooms, which would allow for a maximum of 7 guests. This 2,700 square foot home was constructed in 1903.
- The property was previously permitted for a Vacation Dwelling Unit (PL 13-019).
- The applicant is the managing agent. They live next door to the site and have provided the required notification to neighbors within 100'.
- The site has room for 2 vehicles to be parked on a parking pad on the property.
- The applicant has indicated on the site plan that a deck will be used as an outdoor amenity. The deck is screened by shrubs and a neighboring fence.
- In previous vacation dwelling unit interim use permit reviews in the Park Point neighborhood, the Planning Commission has recommended conditions that the applicant notify their guests in writing where the nearest pedestrian access to the Lake Superior beach may be found as well as the requirement of quiet at the property between 10 p.m. and 8 a.m.



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5) A time limit on this Interim Use Permit (“IUP”) is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public’s health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.

6) Applicant has obtained the City of Duluth Tourism Tax license, the Minnesota Department of Health Lodging License, have a Tax ID number, a fire operational permit, and a Hotel/Motel License.

7) Applicant must comply with Vacation Regulations, including providing information to guests on city rules such as parking, parks, pets, and noise.

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

Staff Recommendation:

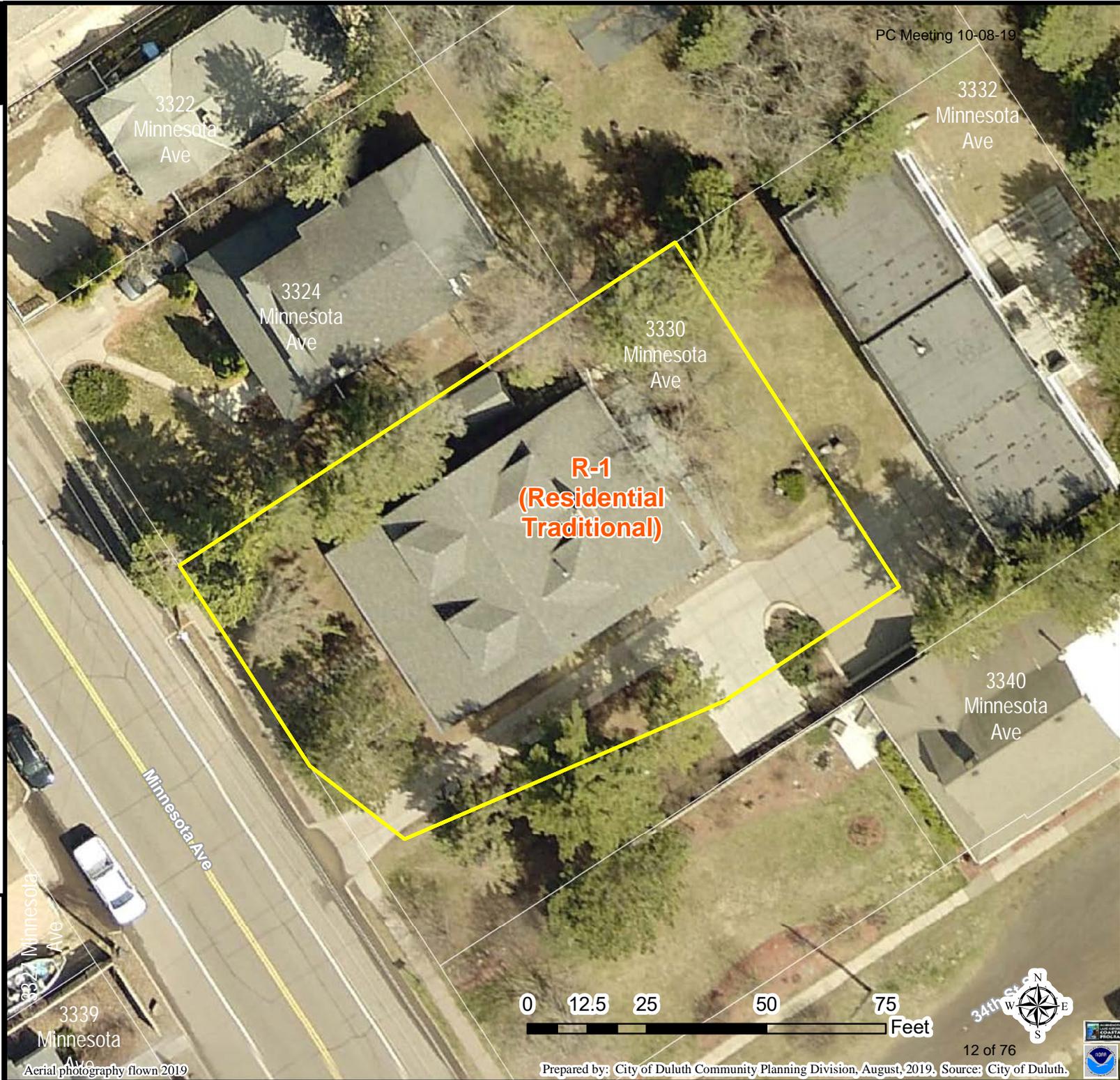
Based on the above findings, Staff recommends that Planning Commission recommend approval subject to the following:

- 1) The applicant must provide a written disclosure to all guests stating that quiet hours shall be observed between the hours of 10 p.m. and 8 a.m.
- 2) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit document and provide evidence of compliance, which will be included in the resolution.



PL 19-129
Interim Use Permit

Legend
 Zoning Boundaries



PC Meeting 10-08-19

3322
Minnesota
Ave

3332
Minnesota
Ave

3324
Minnesota
Ave

3330
Minnesota
Ave

**R-1
(Residential
Traditional)**

3340
Minnesota
Ave

3327
Minnesota
Ave

3339
Minnesota
Ave



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

Aerial photography flown 2019





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File Number	PL19-133	Contact	Kyle Deming	
Type	Minor Subdivision	Planning Commission Date	October 8, 2019	
Deadline for Action	Application Date	August 30, 2019	60 Days	October 29, 2019
	Date Extension Letter Mailed	October 1, 2019	120 Days	December 28, 2019
Location of Subject	Upper side of London Rd. east of 36 th Avenue East			
Applicant	TJS Construction, LLC	Contact	Ted Stocke	
Agent	N/A	Contact	N/A	
Legal Description	Lot 16, Block 34 and the Wly 10 ft. excepting the southeasterly 40 ft. of Lot 10, Block 33, Part of East Duluth and of First Addition to East Duluth			
Site Visit Date	N/A	Sign Notice Date	N/A	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal

The applicant is requesting a Minor Subdivision of an existing single tax parcel into two tax parcels for the construction of a twin home to straddle the new lot line.

Recommended Action:

Approve Minor Subdivision with conditions.

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

Summary of Municipal Planning Act & City 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 #5 – Promote reinvestment in neighborhoods
- Governing Principle #8 - Encourage mix of activities, uses, and densities
- Governing Principle #9 - Support private actions that contribute to the public realm

Future Land Use:

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:

- PL 18-009 Minor Subdivision to create the 50 foot wide lot to the west of the subject lot where a single-family home was constructed in 2018.
- PL 19-123 Boundary Line Adjustment to shift the east line of the subject lot 10 feet east making the subject lot 60 feet wide to accommodate construction of a two-family dwelling.

Review and Discussion Items

Staff finds that:

1. The applicant is requesting a Minor Subdivision to divide a 60 foot wide parcel into two 30 foot wide parcels to facilitate construction of a twin home that straddles the two lots. A twin home is a structure consisting of two dwellings sharing a common vertical wall that is located on a common property line.
2. The applicant has applied for a building permit to construct a two-family dwelling that will straddle the proposed common lot line and a condition of this building permit’s approval will be that the building’s foundation be located on the lot by a surveyor consistent with this Minor Subdivision, should it be approved.
3. Proposed Parcel A will be 4,200 sq. ft. with 30 feet of frontage on London Rd. and Parcel B will be 3,800 sq. ft. with 20 feet of frontage on London Rd. The minimum lot area required for a two-family dwelling in an R-1 zone is 3,000 sq. ft. per dwelling, which both proposed parcels comply with. The minimum lot frontage required is 40 feet, which individually, neither proposed parcel complies with. However, because the Minor Subdivision is for the purpose of constructing a twin home, staff considers the sum of the two frontages which, in this case, is 50 feet and exceeds the minimum required. Therefore, staff recommends approval of this Minor Subdivision be conditioned on the construction of a twin home on the pair of lots and that approval lapses if a building permit for a twin home is not approved within 180 days and if said twin home is not occupied within 1 year.
4. This Minor Subdivision is an early phase of a proposed subdivision for approximately 14 additional twin homes on the north side of London Rd. Review of this subdivision is anticipated at the November Planning Commission meeting. No additional Minor Subdivisions or other subdivisions of property within this proposed development shall proceed without platting the property.
5. Access to the twin home is via a private driveway. The developer has agreed to extend the private driveway a minimum of 50 feet past the twin home, to clearly demarcate the location of the future internal private road to serve additional twin homes.
6. The 14 lot subdivision together with the twin home to be constructed with this Minor Subdivision and the one-family dwelling constructed in 2018 on the lot to the west will all be located on an internal circulation driveway that accesses London Rd. in two places, per MN-DOT’s access controls. This Minor Subdivision identifies the private “perpetual ingress, egress, drainage and utility easement” on the 70 feet closest to London Rd. to facilitate that. Evidence of recording of this required easement shall be provided to the City prior to issuance of a building permit for the twin home.
7. No public, agency, or City comments were received.
8. No existing platted right of way is being proposed to be vacated with this proposal.

9. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 595 of 508, as applicable.
10. Approval of this Minor Subdivision signifies that City of Duluth UDC standards are met. St. Louis County may have additional requirements. This subdivision approval lapses if deeds are not recorded with St. Louis County within 180 days. Applicant must provide the City with proof of recording.

Staff Recommendation

Based on the above findings, Staff recommends that Planning Commission approve the Minor Subdivision application PL 19-133 subject to the following conditions:

1. Approval shall lapse if a building permit for a twin home as defined in the UDC is not approved within 180 days of Planning Commission approval and such twin home is not occupied within 1 year.
2. Appropriate deeds be filed with St. Louis County within 180 days. Prior to recording the deed that results from this adjustment, the Planning Division will need to stamp the deed, indicating compliance with the local zoning code.
3. Applicant must provide evidence of recording of “perpetual ingress, egress, drainage, and utility easement” with the office of St. Louis County Recorder within 180 days of approval by Planning Commission or the approval shall lapse.
4. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



Legend

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

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PL 19-133
 Minor Subdivision
 TJS Construction, LLC
 Future Land Use



PC Meeting 10-08-19

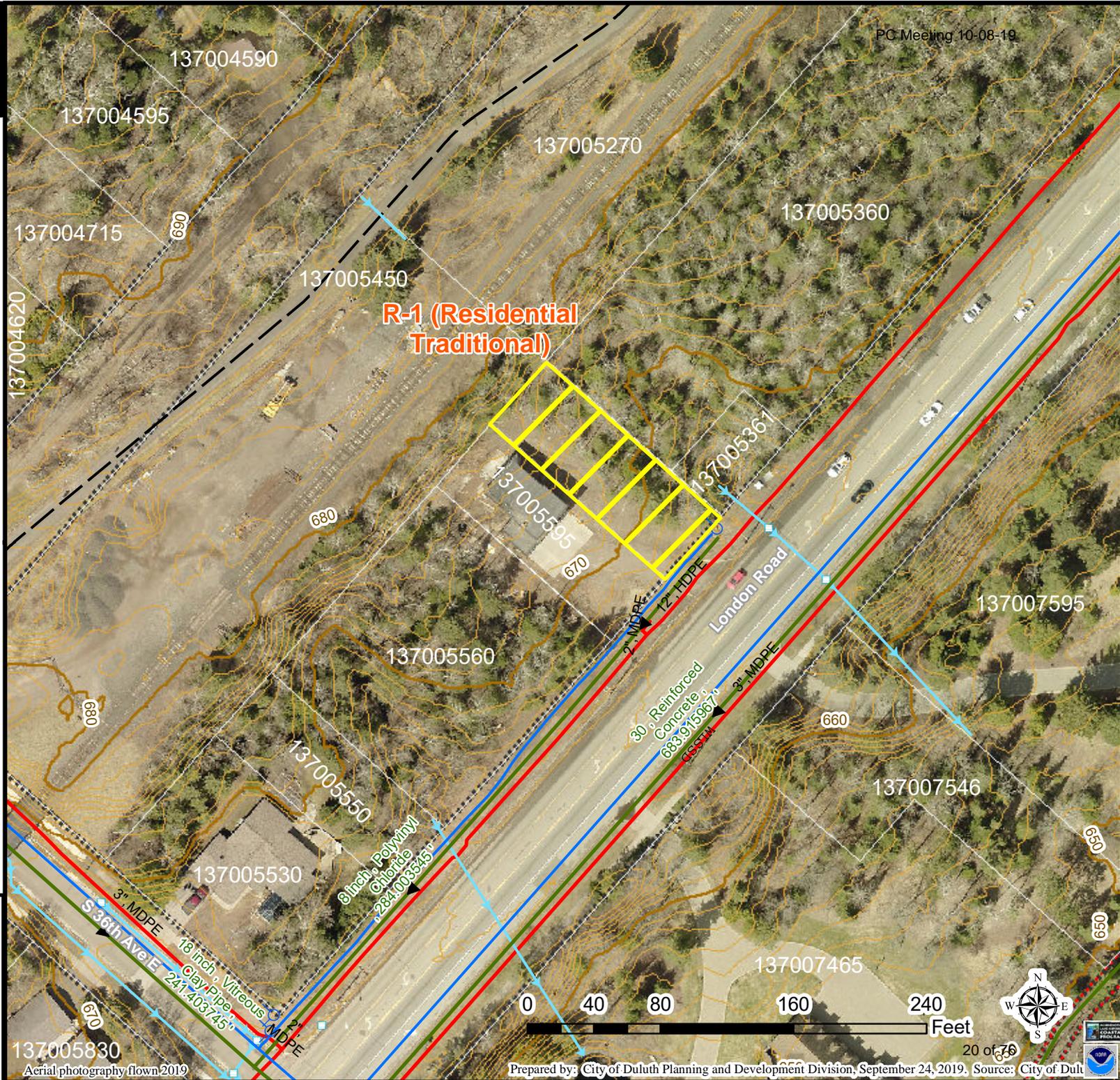
Legend

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

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Aerial photography flown 2019

Prepared by: City of Duluth Planning and Development Division, September 24, 2019. Source: City of Duluth



Legend

Elevation

- 1 Ft contour
- 10 Ft contour
- Gas Main
- Water Main
- Hydrant

Sanitary Sewer Mains

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

Storage Basin

- Storage Basin
- Pump Station

Storm Sewer Mains

- Storm Sewer Pipe
- Storm Sewer Catch Basin

Trail

- Lake Superior
- Bike
- Bike/Hike
- Horseback
- Hiking
- Multi-Use - Paved
- XC
- XC-Skiing Lighted
- Mountain Biking and X-Country Skiing
- Snowmobile
- Multi-Purpose Snowmobile
- Disc Golf Trail
- Climbing

Other

- Road or Alley ROW
- Vacated ROW

Easement Type

- Utility Easement
- Other Easement
- Zoning Boundaries
- NWI_DLH Circular 39 Class 2011

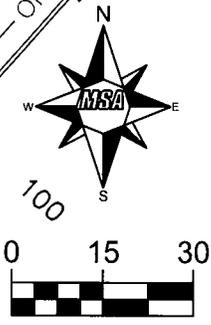
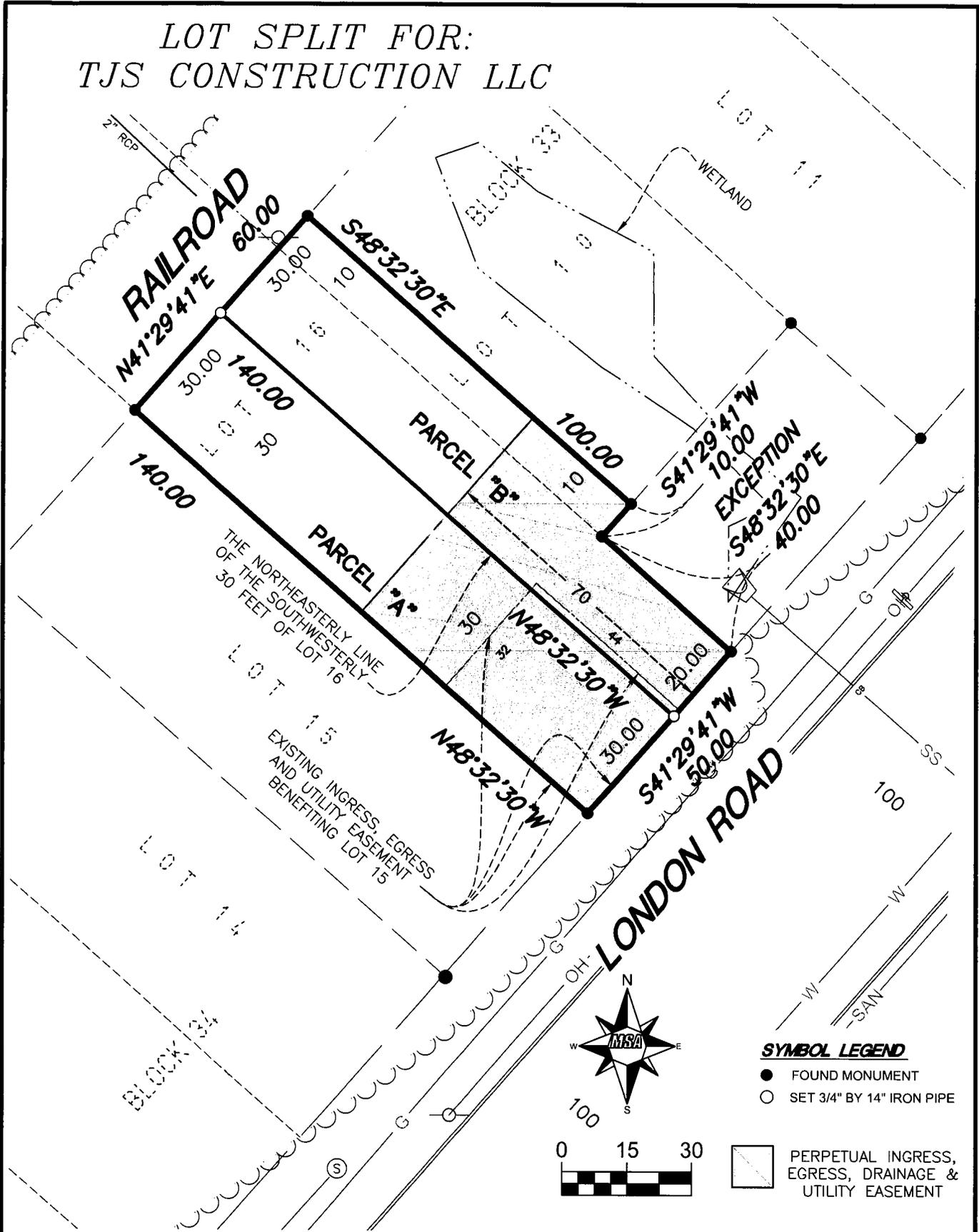
Floodplain (UDC)

- General Flood Plain
- Flood Way
- Flood Fringe
- Trout Stream (GPS)
- Other Stream (GPS)
- Wetlands (NRR1)

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LOT SPLIT FOR: TJS CONSTRUCTION LLC



SYMBOL LEGEND

- FOUND MONUMENT
- SET 3/4" BY 14" IRON PIPE
- ▨ PERPETUAL INGRESS, EGRESS, DRAINAGE & UTILITY EASEMENT



LOT SPLIT

LONDON ROAD UTILITY EXP.
TJS CONSTRUCTION LLC
DULUTH MN

FILE NO
05331005
SHEET
2 OF 2

File Name: P:\05331005\053311005\053311005.dwg



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL19-134	Contact	Joh Kelley, jkelly@duluthmn.gov	
Type	Variance – Corner side yard structure setback	Planning Commission Date	October 8, 2019	
Deadline for Action	Application Date	September 4, 2019	60 Days	November 2, 2019
	Date Extension Letter Mailed	September 12, 2019	120 Days	January 1, 2020
Location of Subject	101 Eden lane			
Applicant	Patricia Dwyer	Contact		
Agent	Ken Peterson	Contact		
Legal Description	010-3730-00950			
Site Visit Date	September 30, 2019	Sign Notice Date	September 25, 2019	
Neighbor Letter Date	September 24, 2019	Number of Letters Sent	72	

Proposal

A variance to construct a 67 square foot addition for a bathroom to the northwest rear corner of their home. The addition will encroach into the 15-foot corner side yard setback by approximately 8 feet.

Recommended Action: Approve variance with conditions

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

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.

Sec. 50-37.9.L – Standards for variances in Shorelands: No variance shall be granted that compromises the general purposes or intent of Section 50-18.1.D or results in adverse consequences to the environment.

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

Governing Principle #5 – Promote reinvestment in neighborhoods

Housing Policy #4 – Improve the quality of the city's housing stock and 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, neighborhood extensions, and new traditional neighborhood areas. 4-8 units/acre, conservation development an option, mix of housing types (i.e. town homes and 4-plexes) at corners, limited commercial uses (i.e. 'corner store') serving neighborhood market

History:

1929 – 1,684 square foot two story home constructed. .

Staff finds that:

- 1) The applicant's property is 66 wide along Eden Lane and narrows to 34 feet wide at the rear property line. The lot is irregularly shaped do to the curvature of Belmont Road along the west property line. The UDC requires a corner side yard setback of 15 feet, which makes the site difficult to expand onto the dwelling. The proposed addition would not encroach any further into the corner side yard setback then the existing dwelling.
- 2) The applicant is proposing to use the property in a reasonable manner through reinvestment and expansion of the existing dwelling.
- 3) The applicant states that the intent of this variance is to construct a modest addition to allow for a main floor ADA bathroom that will allow the residents the ability to age in place.
- 4) The house sits on the high point of the lot adjacent to Eden Lane and Belmont Road. The north and east sides of the home slope downward making it difficult to construct an addition onto the dwelling.
- 5) Staff finds that other potential alternatives for the addition would also require a variance, such as relocating the existing deck to accommodate the bathroom addition to the northern rear portion of the home that would meet setback requirements. The deck replacement would require a variance into the corner side yard set back as well. The request for the variance is driven by the placement of the house on the lot at a time when the current UDC standards did not apply.
- 6) The proposed addition would be built onto the northwest rear corner of the home and adjacent to an existing mudroom verses an addition to the west side of the home adjacent to Belmont Road. This would be in line with existing building lines along Belmont Road.
- 7) The existing parking pad located west of the mudroom and with access from Belmont Road would be displaced by the addition. The applicant is proposing to relocate the parking pad further to the north and west but will need to have the depth of the parking space to be 17 feet minimum and located entirely within the property boundary and not in the right of way of Belmont Road. Staff would suggest the applicant consider accessing the property from the Belmont Road Alley similar to other homes along Eden lane.
- 8) Granting the variance will not alter the essential character of the area. Other houses in the area have similar additions to the rear of the dwellings. This variance would not result in reductions of light and air to surrounding properties.
- 9) The variance, if granted, would not impair the intent of the UDC expressed in Sec. 50-2. The variance is consistent with the Comprehensive Plan designation of the property as Traditional Neighborhood.
- 10) No additional landscaping is recommended as mitigation for the reduced setback per Sec. 50-37.9. H.
- 11) One email was received from an adjacent property owner that is opposed to the variance. No letters were received form City Departments or other agencies concerning this proposed variance.
- 12) Per UDC Section 50-37.1.N. approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year.

Staff Recommendation

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

- 1) The project be limited to, constructed, and maintained substantially according to the plans submitted with this application dated September 3, 2019 and noted as Sheet # A-0.10, and
- 2) The applicant must provide a replacement parking space entirely within the property boundary and not into the right of way Belmont Road.
- 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.



Belmont Road Alley

Belmont Road

Site

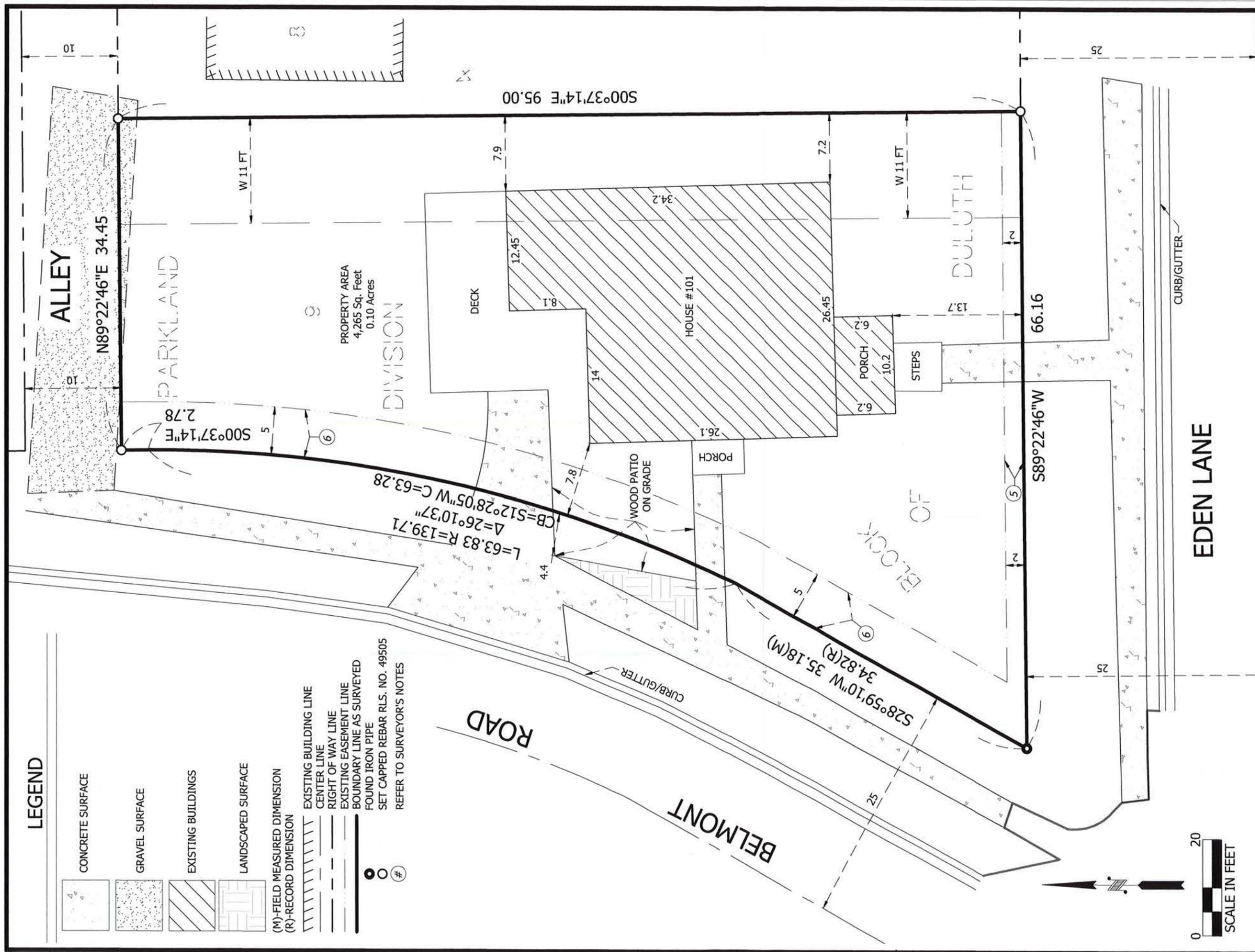
**R-1
(Residential
Traditional)**

Legend
Zoning Boundaries

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Aerial photography flown 2019





LEGEND

- CONCRETE SURFACE
- GRAVEL SURFACE
- EXISTING BUILDINGS
- LANDSCAPED SURFACE
- (M)-FIELD MEASURED DIMENSION
- (R)-RECORD DIMENSION
- EXISTING BUILDING LINE
- CENTER LINE
- RIGHT OF WAY LINE
- EXISTING EASEMENT LINE
- BOUNDARY LINE AS SURVEYED
- FOUND IRON PIPE
- SET CAPPED REBAR RLS. NO. 49505
- REFER TO SURVEYOR'S NOTES

SURVEYOR'S NOTES

1. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
2. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
3. BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL PLAN FOR BUILDING FOUNDATION DIMENSIONS.
4. NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.
5. SLOPE/FILL EASEMENT PER DOCUMENT NO. 48224.
6. SLOPE/FILL EASEMENT PER DOCUMENT NO. 57874.

LEGAL DESCRIPTION PER
CERTIFICATE OF TITLE NO. 259793
 Lot 9 Block 4 PARKLAND DIVISION
 OF DULUTH
 Westerly 11 feet of Lot 8, Block 4,
 PARKLAND DIVISION OF DULUTH

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.

 Date: AUGUST 8, 2019
 MN Lic. No. 49505

CERTIFICATE OF SURVEY
 CLIENT: BRUCKELMYER BROTHERS
 CONSTRUCTION, LLC
 DATE: AUGUST 8, 2019
 ADDRESS: 101 EDEN LANE
 DULUTH, MN 55805
 JOB NUMBER: XXX

ALTA
LAND SURVEY COMPANY
 PHONE: 218-727-5211
 * LAND SURVEYING
 * LAND DEVELOPMENT
 * PLATTING
 * LEGAL DESCRIPTIONS
 * CONSTRUCTION STAKING
 WWW.ALTALANDSURVEYDULUTH.COM



2304 Lismore Road
 Duluth MN 55804

www.bruckelmyerbrothers.com

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Consultant
 Address
 Address
 Phone
 Fax
 e-mail

Dwyer Bathroom Addition

101 Eden Ln
 Duluth, MN 55805

Approved by	Approver
Designed by	Designer
Drawn by	LH
Date	9-3-2019

Project number
 Scale 1" = 10'-0"

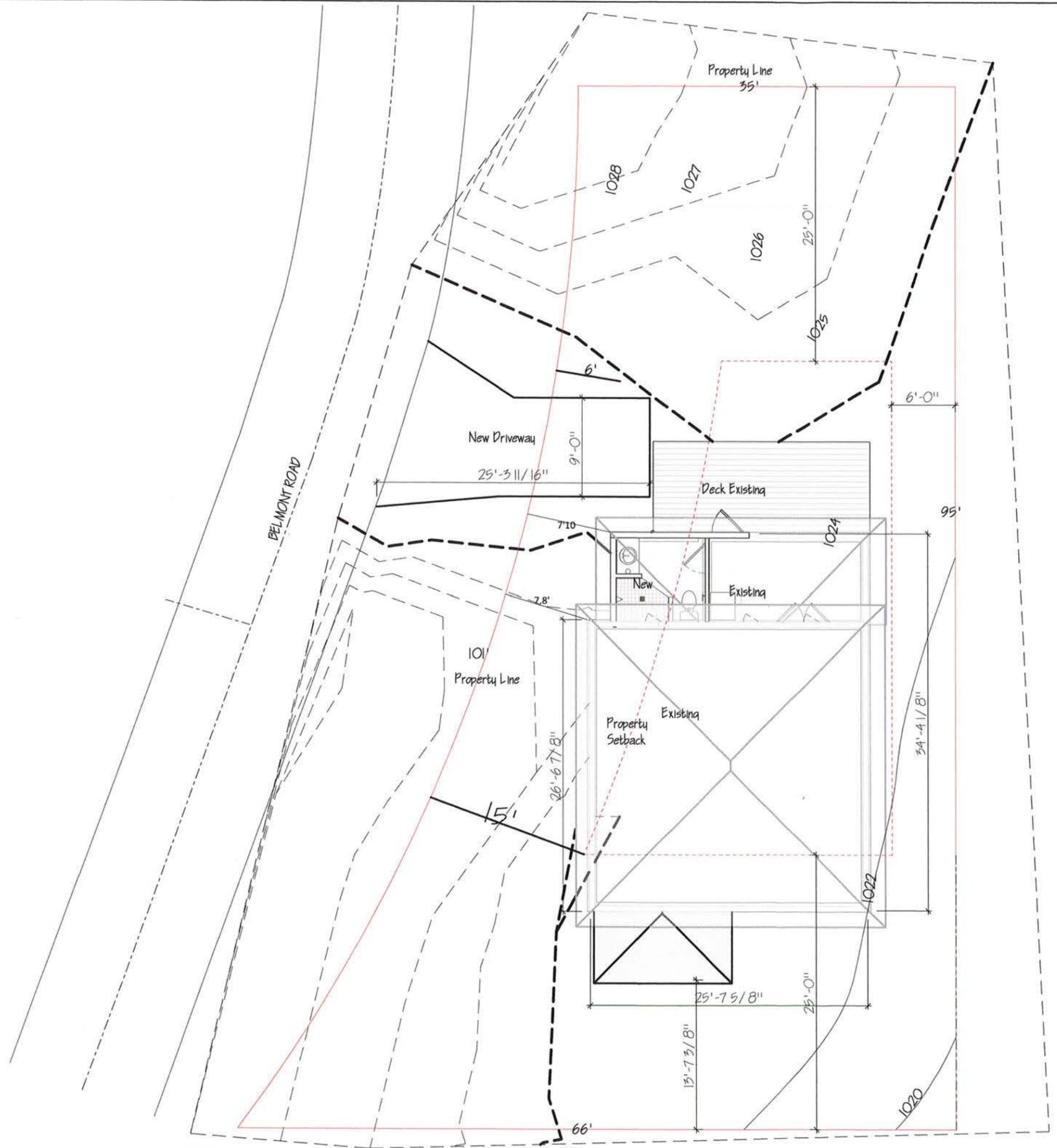
Site Plan

Sheet #
 A-0.10 28 of 76



WLY 11 FT OF LOT 8 AND ALL OF LOT 9

1 SITE PLAN
 A-0.10 1" = 10'-0"







Meeting 10-08-19

2304 Lismore Road
Duluth MN 55804

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Consultant
Address
Address
Phone
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e-mail

Dwyer Bathroom Addition

101 Eden Ln
Duluth, MN 55805

Approved by _____ Approver

Designed by _____ Designer

Drawn by _____ LH

Date 9-3-2019

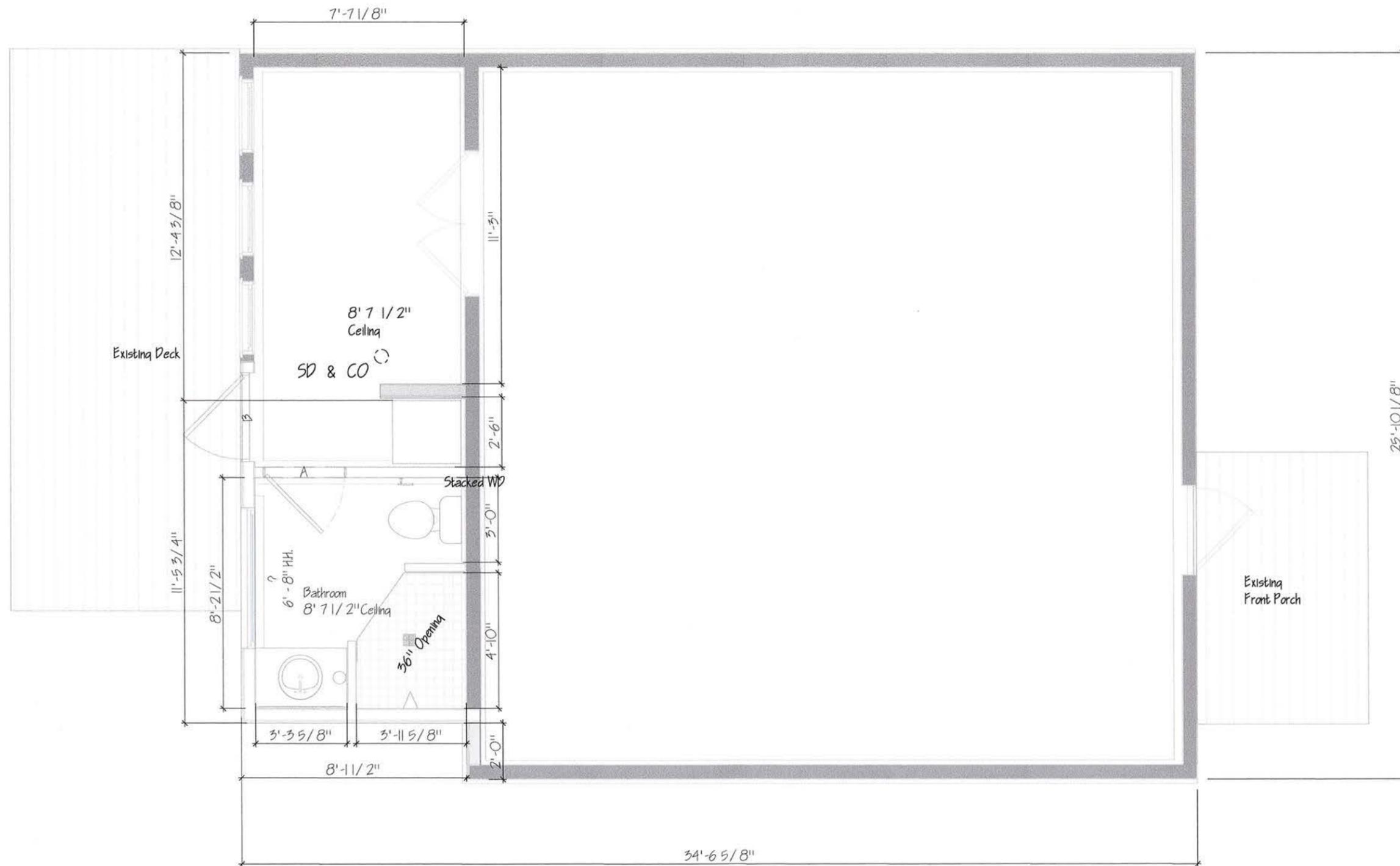
Project number _____

Scale 1/4" = 1'-0"

1st Floor Plan

Sheet # _____

A-2.10 30 of 76



1 1st Floor Plan
A-2.10 1/4" = 1'-0"



GENERAL NOTES

CONTRACTOR RESPONSIBLE TO ENSURE ALL WORK COMPLIES WITH THE LATEST EDITION OF THE INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL ENERGY CONSERVATION CODE, UNIFORM PLUMBING CODE, UNIFORM MECHANICAL CODE AND ALL LOCAL BUILDING CODES AND PRACTICES.

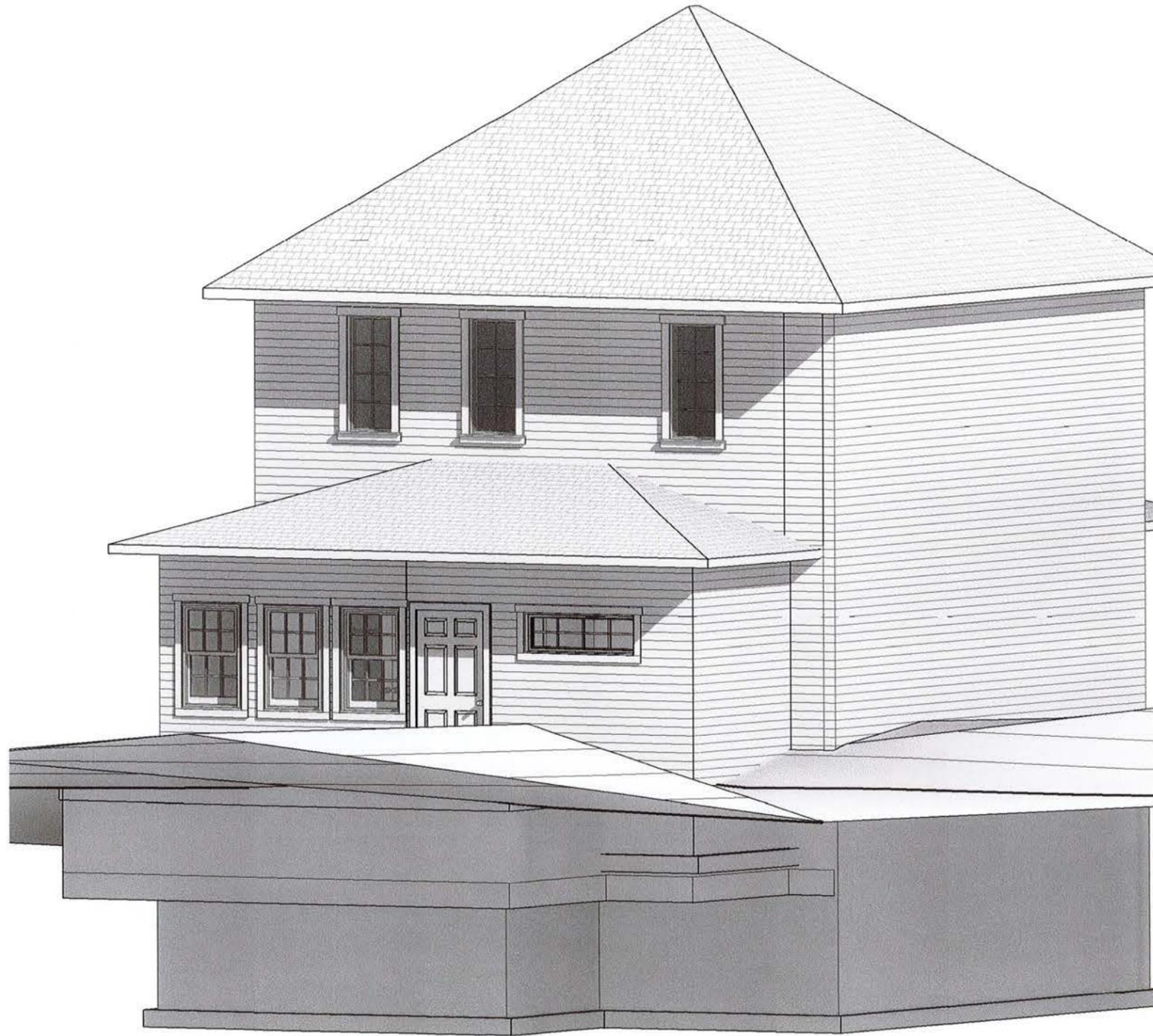
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ONLY DIMENSIONED LENGTHS SHALL BE USED DURING CONSTRUCTION. PHYSICAL SCALING OF DRAWINGS SHALL NOT BE ASSUMED CORRECT.

ABBREVIATIONS

- | | |
|---|-----------------------------------|
| *A.B. - Anchor bolt | *LFT. - Linear Feet |
| *ADD - Addition | *LAM. - Laminate |
| *B.C. - Bookcase | *LAV. - Lavatory |
| *BD. - Board | *L.D. - Lead |
| *BLDG. - Building | *LIN. - Linear |
| *BLK. - Block | *LTG. - Lighting |
| *BM. - Beam | *L.V.L. - Laminated Veneer Lumber |
| *B.O. - Bottom Of | *M.O. - Masonry Opening |
| *B.O.F. - Bottom Of Footing | *MAS. - Masonary |
| *CSMNT. - Casement | *MAT. - Material |
| *CAB. - Cabinet | *MAX. - Maximum |
| *C.L. - Center Line | *MECH. - Mechanical |
| *CL. - Closet | *MFG. - Manufacturing |
| *CLG. - Ceiling | *MIN. - Minimum |
| *C.O. - Cased Opening | *MTL. - Metal |
| *COL. - Column | *MUL. - Mullion |
| *CAB. - Cabinet | *N.T.S. - Not to Scale |
| *CIP. - Cast In Place | *N.C.M. - Non Corrosive Material |
| *CONC. - Concrete | *N.F.C. - Not for Construction |
| *C.T. - Ceramic Tile | *NLR. - Nailer |
| *D/W. - Dishwasher | *NO. - Number |
| *DEMO. - Demolition | *O.C. - On Center |
| *DIA. - Diameter | *O.D. - Outer Diameter |
| *DIM. - Dimension | *O.H. - OverHead |
| *DN. - Down | *OPNG. - Opening |
| *DR. - Door | *P. - Paint |
| *EA. - Each | *PART. - Partition |
| *ELEV. - Elevation | *PAV. - Pavers |
| *ELECT. - Electrical | *P.C. - Pre-Cast Concrete |
| *EXIST. - Existing | *PERF. - Perforated |
| *EXT. - Exterior | *PL. - Plaster |
| *F.A. - Fire Alarm | *PLT. - Plate |
| *F.D. - Floor Drain | *P.L. - Property Line |
| *F.E. - Fire Extinguisher | *PLYWD. - Plywood |
| *FDN. - Foundation | *POLY-Y.B. - Poly Vapor Barrier |
| *FIN. - Finish | *P.S.F. - Pounds per Square Foot |
| *FLR. - Floor | *P.S.I. - Pounds per Square Inch |
| *FLG. - Flooring | *P.T. - Pressure Treated |
| *FURN. - Furnace | *PWR. - Power |
| *GALV. - Galvanized | *QTY. - Quantity |
| *GAR. - Garage | *RAD. - Radius |
| *GL. - Glass | *R.O. - Rough Opening |
| *GYP. - Gypsum | *REFRIG. - Refrigerator |
| *H.B. - Hose Blp | *REF. - Reference |
| *H.C. - Hollow Core | *REINF. - Reinforcement |
| *HDW. - Hardware | *RM. - Room |
| *HGT. - Height | *RMV. - Remove |
| *HOR. - Horizontal | *S.D. - Smoke Detector |
| *HR. - Hour | *SECT. - Section |
| *H.R. - Hand Rail | *SHT. - Sheet |
| *HTR. - Heater | *SHTG. - Sheathing |
| *H.V.A.C. - Heating Ventillation & Air Conditioning | *SPECS. - Specification |
| *H.W. - Hot Water | *SQ.FT. - Square Feet |
| *ICF. - Insulated Concrete Forms | *SQ.IN. - Square Inch |
| *I.D. - Inside Diameter | *STD. - Standard |
| *INCL. - Including | *T&G. - Toungue & Groove |
| *INSUL. - Insulation | *T.O. - Top Of |
| *INT. - Interior | *TYP. - Typical |
| *JST. - Jolst | *UNF. - Unfinished |
| *K.D. - Knock Down | *UNO. - Unless Noted Otherwise |
| *K.O. - Knock Out | *V.C.T. - Vinyl-Ceramic Tile |
| | *W.C. - Water Closet (Toilet) |
| | *WDW. - Window |
| | *WCT. - Wainscot |
| | *WD. - Wood |
| | *W.I.C. - Walk in Closet |



1 FRONT-LEFT VIEW
A-0.01

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Dwyer
101 Eden Ln
Duluth, MN 55805

Cover

Date	9-3-2019	A-0.01
Designed by	LH	
Drawn by	LH	
Approved by	Checker	
Scale		31 of 76



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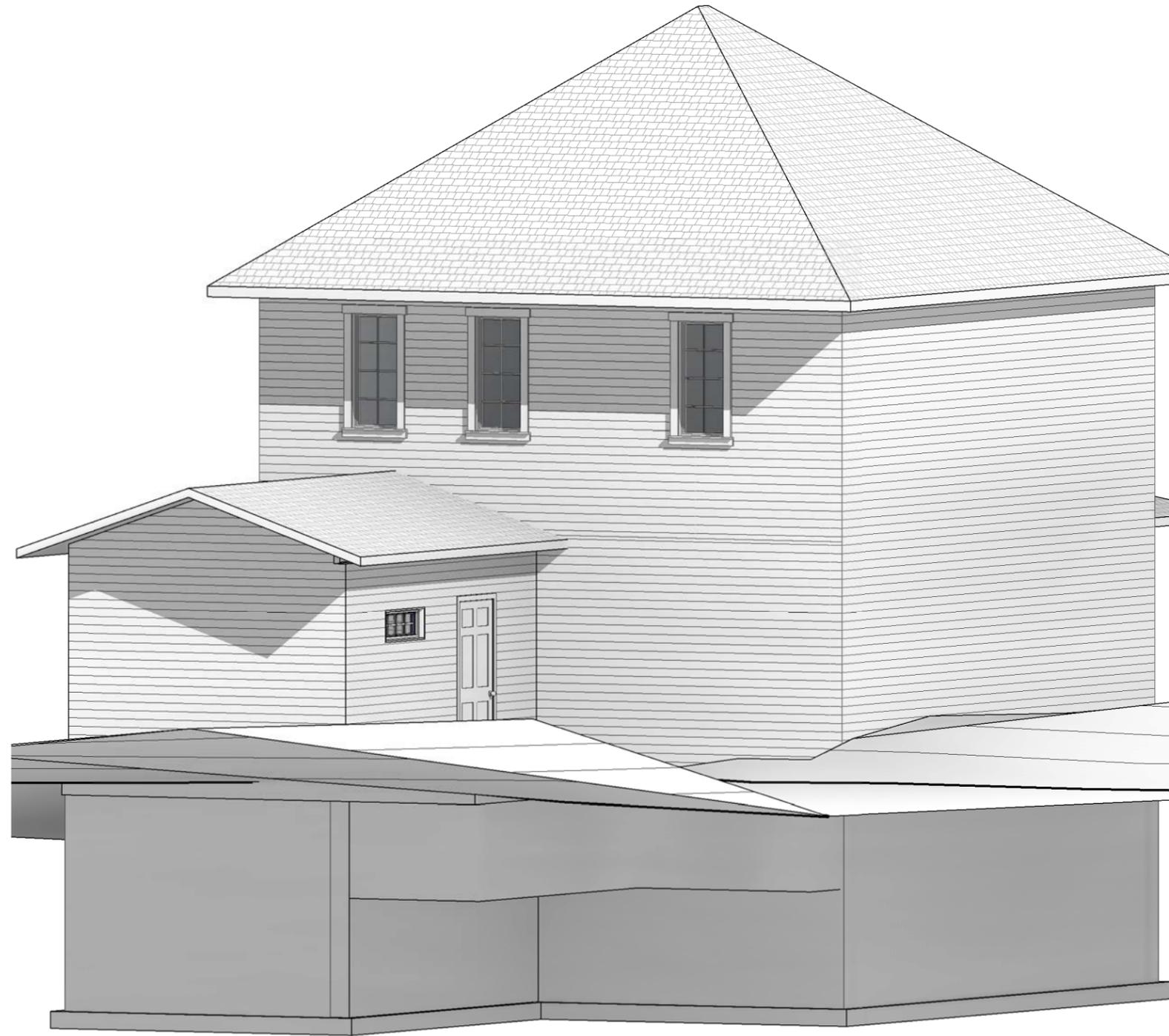
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- *HOR. - Horizontal
- *HR. - Hour
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- *HTR. - Heater
- *H.V.A.C. - Heating Ventillation & Air Conditioning
- *H.W. - Hot Water
- *ICF. - Insulated Concrete Forms
- *I.D. - Inside Diameter
- *INCL. - Including
- *INSUL. - Insulation
- *INT. - Interior
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- *K.O. - Knock Out
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- *LAV. - Lavitory
- *L.D. - Lead
- *LIN. - Linear
- *LTG. - Lighting
- *L.V.L. - Laminated Veneer Lumber
- *M.O. - Masonary Opening
- *MAS. - Masonary
- *MAT. - Material
- *MAX. - Maximum
- *MECH. - Mechanical
- *MFG. - Manufacturing
- *MIN. - Minimum
- *MTL. - Metal
- *MUL. - Mullion
- *N.T.S. - Not to Scale
- *N.C.M. - Non Corrosive Material
- *N.F.C. - Not for Construction
- *NLR. - Nailer
- *NO. - Number
- *O.C. - On Center
- *O.D. - Outer Diameter
- *O.H. - OverHead
- *OPNG. - Opening
- *P. - Paint
- *PART. - Partition
- *PAV. - Pavers
- *P.C. - Pre-Cast Concrete
- *PERF. - Perforated
- *PL. - Plaster
- *PLT. - Plate
- *P.L. - Property Line
- *PLYWD. - Plywood
- *POLY-V.B. - Poly Vapor Barrier
- *P.S.F. - Pounds per Square Foot
- *P.S.I. - Pounds per Square Inch
- *P.T. - Pressure Treated
- *PWR. - Power
- *QTY. - Quantity
- *RAD. - Radius
- *R.O. - Rough Opening
- *REFRIG. - Refrigerator
- *REF. - Referance
- *REINF. - Reinforcement
- *RM. - Room
- *RMV. - Remove
- *S.D. - Smoke Detector
- *SECT. - Section
- *SHT. - Sheet
- *SHTG. - Sheathing
- *SPECS. - Specification
- *SQ.FT. - Square Feet
- *SQ.IN. - Square Inch
- *STD. - Standard
- *T&G. - Toungue & Groove
- *T.O. - Top Of
- *TYP. - Typical
- *UNF. - Unfinished
- *UNO. - Unless Noted Otherwise
- *V.C.T. - Vynil-Ceramic Tile
- *W.C. - Water Closet (Toilet)
- *WDW. - Window
- *WCT. - Wainscot
- *WD. - Wood
- *W.I.C. - Walk in Closet



1 FRONT-LEFT VIEW
A-0.01

2304 Lismore Road
Duluth MN 55804

www.bruckelmyerbrothers.com

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Dwyer

101 Eden Ln
Duluth, MN 55805

Cover

Date	9-9-2019
Designed by	LH
Drawn by	LH
Approved by	Checker

A-0.01

Scale 32 of 76

2304 Lismore Road
 Duluth MN 55804

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Consultant
 Address
 Address
 Phone
 Fax
 e-mail

Dwyer Bathroom Addition

101 Eden Ln
 Duluth, MN 55805

Approved by Approver

Designed by Designer

Drawn by LH

Date 9-9-2019

Project number

Scale 1" = 10'-0"

Site Plan

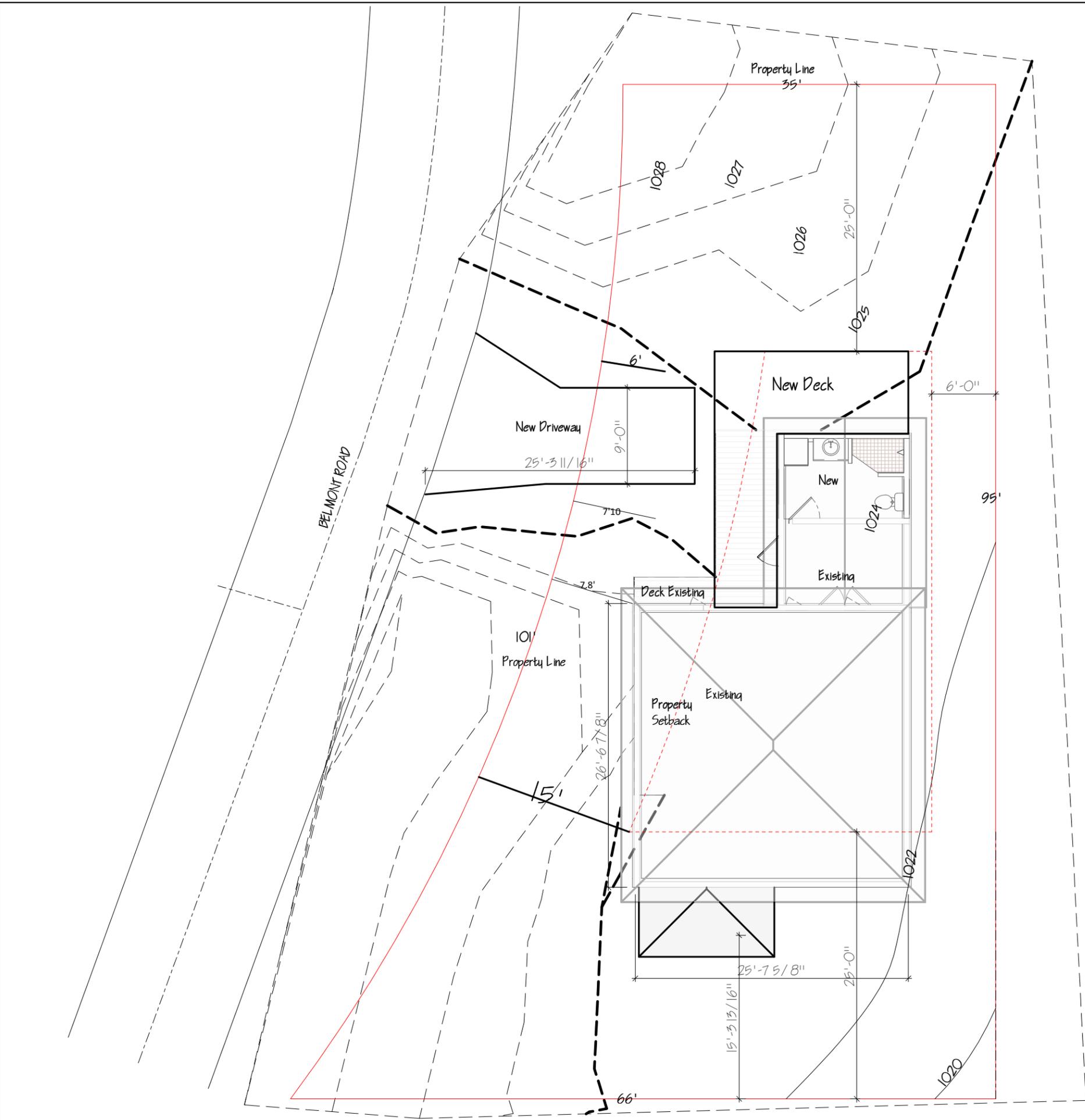
Sheet #

A-010 33 of 76



WLY 11 FT OF LOT 8 AND ALL OF LOT 9

1 SITE PLAN
 A-0.10 1" = 10'-0"





10-08-19

2304 Lismore Road
Duluth MN 55804

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Consultant
Address
Address
Phone
Fax
e-mail

Dwyer Bathroom Addition

101 Eden Ln
Duluth, MN 55805

Approved by Approver

Designed by Designer

Drawn by LH

Date 9-9-2019

Project number

Scale 1/4" = 1'-0"

1st Floor Plan

Sheet #

A-2.10 34 of 76



1 1st Floor Plan
A-2.10 1/4" = 1'-0"

9/9/2019 9:11:07 AM



10-08-19

2304 Lismore Road
Duluth MN 55804

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Consultant
Address
Address
Phone
Fax
e-mail

Dwyer Bathroom Addition

101 Eden Ln
Duluth, MN 55805

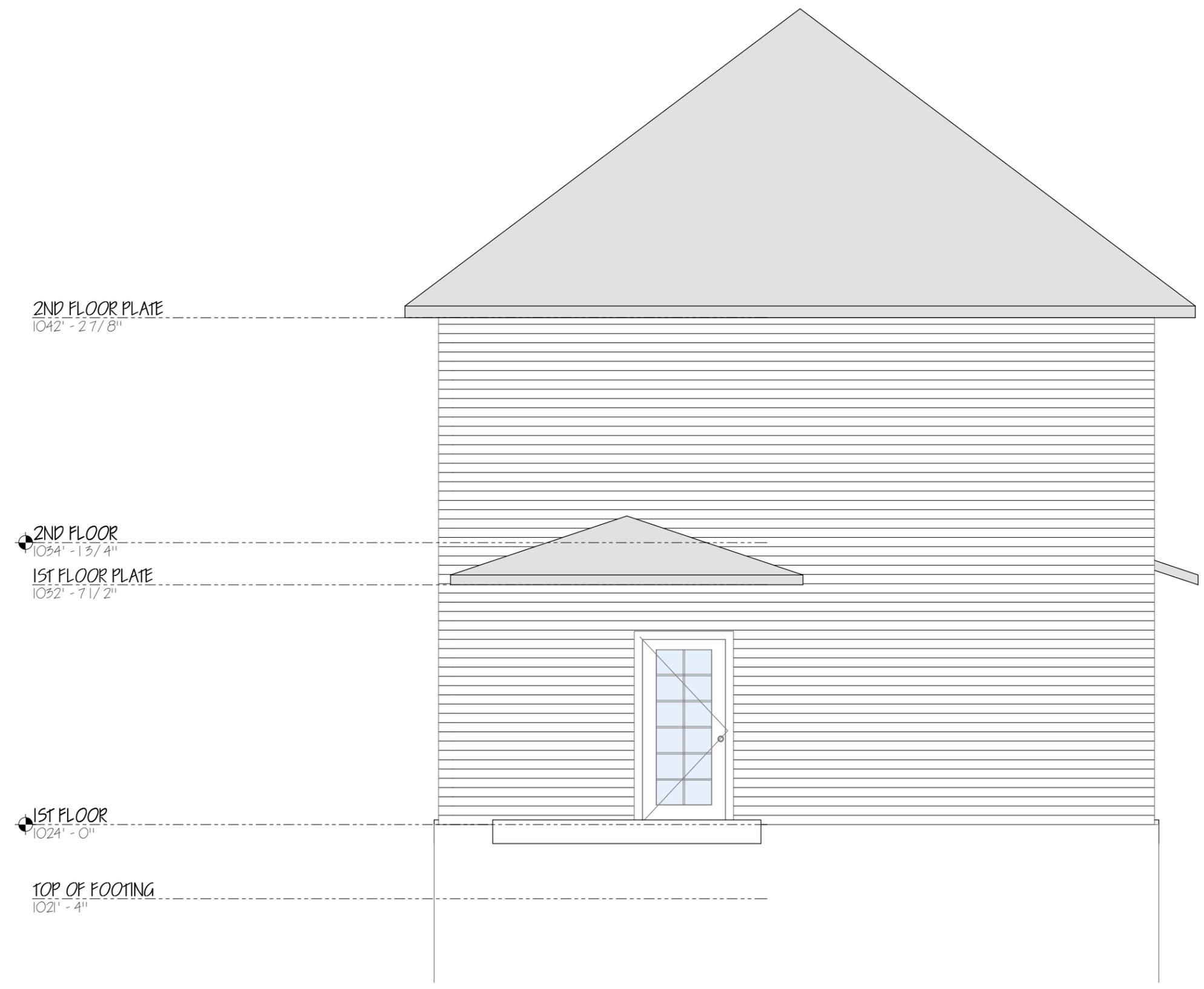
Approved by	Approver
Designed by	Designer
Drawn by	LH
Date	9-9-2019

Project number

Scale 1/4" = 1'-0"

Front Elevation

Sheet #
A-3.00 35 of 76



1 FRONT VIEW
A-3.00 1/4" = 1'-0"

9/9/2019 9:11:07 AM



10-08-19

2304 Lismore Road
Duluth MN 55804

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Consultant
Address
Address
Phone
Fax
e-mail

Dwyer Bathroom Addition

101 Eden Ln
Duluth, MN 55805

Approved by	Approver
Designed by	Designer
Drawn by	LH
Date	9-9-2019

Project number

Scale 1/4" = 1'-0"

Left Elevation

Sheet #
A-3.10 36 of 76

2ND FLOOR PLATE
1042' - 2 7/8"

2ND FLOOR
1034' - 1 3/4"

1ST FLOOR PLATE
1032' - 7 1/2"

1ST FLOOR
1024' - 0"

TOP OF FOOTING
1021' - 4"



1 LEFT VIEW
A-3.10 1/4" = 1'-0"

9/9/2019 9:11:07 AM



10-08-19

2304 Lismore Road
Duluth MN 55804

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Consultant
Address
Address
Phone
Fax
e-mail

Dwyer Bathroom Addition

101 Eden Ln
Duluth, MN 55805

Approved by Approver

Designed by Designer

Drawn by LH

Date 9-9-2019

Project number

Scale 1/4" = 1'-0"

Rear Elevation

Sheet #
A-3.20 of 76

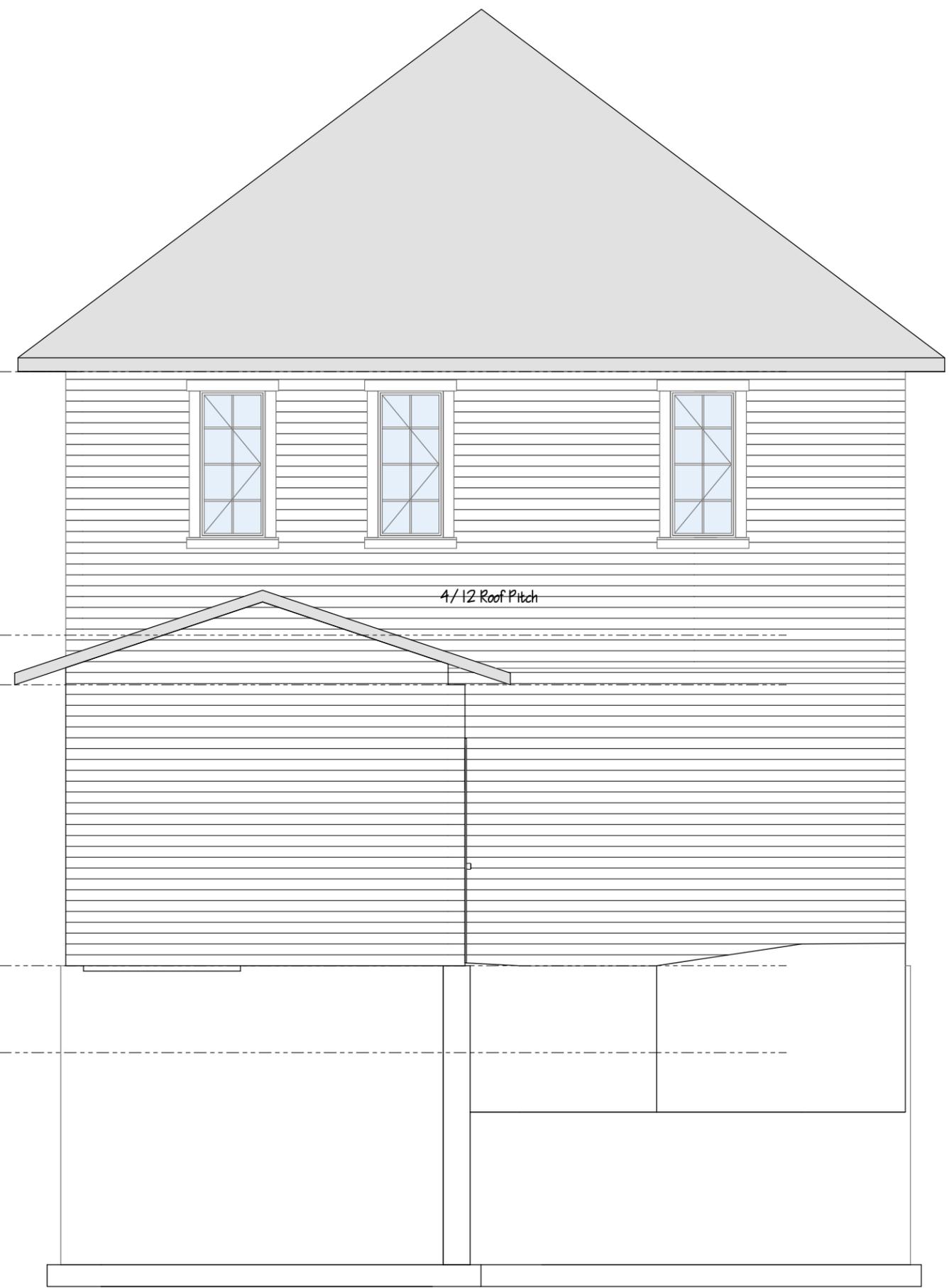
2ND FLOOR PLATE
1042' - 27/8"

2ND FLOOR
1034' - 13/4"

1ST FLOOR PLATE
1032' - 71/2"

1ST FLOOR
1024' - 0"

TOP OF FOOTING
1021' - 4"



1 REAR VIEW
A-3.20 1/4" = 1'-0"

9/9/2019 9:11:07 AM



10-08-19

2304 Lismore Road
Duluth MN 55804

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Consultant
Address
Address
Phone
Fax
e-mail

Dwyer Bathroom Addition

101 Eden Ln
Duluth, MN 55805

Approved by	Approver
Designed by	Designer
Drawn by	LH
Date	9-9-2019

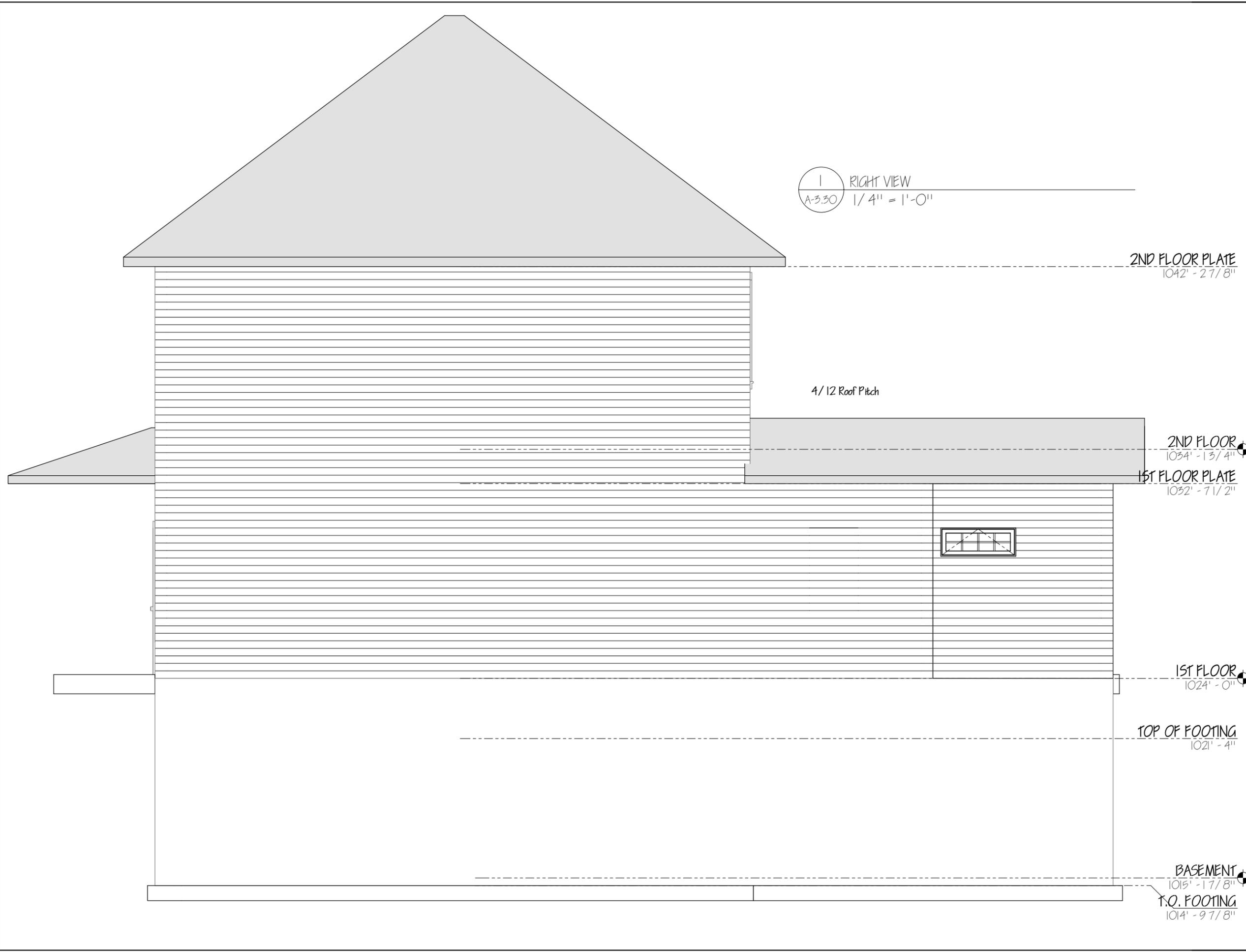
Project number

Scale 1/4" = 1'-0"

Right Elevation

Sheet #

A-3.30 38 of 76



1 RIGHT VIEW
A-3.30 1/4" = 1'-0"

2ND FLOOR PLATE
1042' - 27/8"

4/12 Roof Pitch

2ND FLOOR
1034' - 13/4"

1ST FLOOR PLATE
1032' - 71/2"

1ST FLOOR
1024' - 0"

TOP OF FOOTING
1021' - 4"

BASEMENT
1015' - 17/8"
T.O. FOOTING
1014' - 97/8"

9/9/2019 9:11:07 AM

vintageduluth@gmail.com

Sent: Tuesday, September 24, 2019 2:33 PM

To: planning <planning@DuluthMN.gov>

Subject: 101 Eden Lane

We live at 105 Eden Lane and are opposed to the work requested. We have numerous complaints regarding this homeowner. We will be at the meeting.



Planning & Development Division
 Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 19-136	Contact	John Kelley	
Type	Vacation of a drainage and utility easement located in Outlot G of the Coffee Creek Subdivision	Planning Commission Date	October 8, 2019	
Deadline for Action	Application Date	September 4, 2019	60 Days	November 3, 2019
	Date Extension Letter Mailed	August 19, 2019	120 Days	January 2, 2020
Location of Subject	Outlot G Coffee Creek Subdivision			
Applicant	Wildamere Capital Management	Contact	Devin Doyle	
Agent	Northland Consulting Engineers	Contact		
Legal Description	010-0606-01200			
Site Visit Date	September 30, 2019	Sign Notice Date	September 25, 2019	
Neighbor Letter Date	September 24, 2019	Number of Letters Sent	11	

Proposal

The applicant proposes to vacate a drainage and utility easement, which currently has no piping or utility constructed within the easement. The vacation of the easement is necessary to provide sufficient area to develop the property.

Recommended Action

Recommend to City Council approval of the Vacation, subject to the conditions proposed by staff.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2	Vacant land	Urban Residential
North	R-1	Multi-family housing	Urban Residential
South	R-2	Vacant land	Urban Residential
East	R-2	Multi-family housing	Urban Residential
West	R-2, R-1	Vacant land, Single Family	Traditional Neighborhood

Summary of Code Requirements

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

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

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

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

Governing Principle #5 – Promote reinvestment in neighborhoods.

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

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

Site History – PL 18-145 Coffee Creek Wildamere Capital Wetland Delineation. The wetland was not included in the original development impact – mitigation permit, but was identified in the 2018 wetland delineation.

Review and Discussion Items

Staff finds that:

- 1) The applicant is requesting to vacate an existing drainage and utility easement in Out Lot G of the Coffee Creek Subdivision. The easement is approximately 3,429 square feet of delineated wetland area.
- 2) The easement has not been improved with piping for drainage or utility purposes.
- 3) The applicant would like to vacate the easement to provide ample area to develop the property.
- 4) The City Stormwater Engineer has stated that the wetland/drainage and utility easement area was not included in the original development impact – mitigation permit. The wetland is an isolated pocket of wetland that does provide minor benefits to the watershed, but with the surrounding grading and disturbance of past earthwork their value has lessened, and if retained as is, with a new proposed development surrounding them, their natural role will be even less. With wetland permitting required for the disturbance, the loss will be minimal. The site layout for the new development will be better without the limitations of the wetlands in the middle of the parcel.
- 5) The utility and drainage easement will not be needed by the City for the efficient supply of utilities or public services in the City, nor for the promotion of public health, safety, or welfare of the citizens of Duluth.
- 6) The applicant will need to complete wetland mitigation in the form of wetland replacement and/or through the purchase of wetland credits.
- 7) No public or agency comments have been received to date.
- 8) Vacation of 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 drainage and utility easement as shown on the attached vacation exhibit, subject to the following condition:

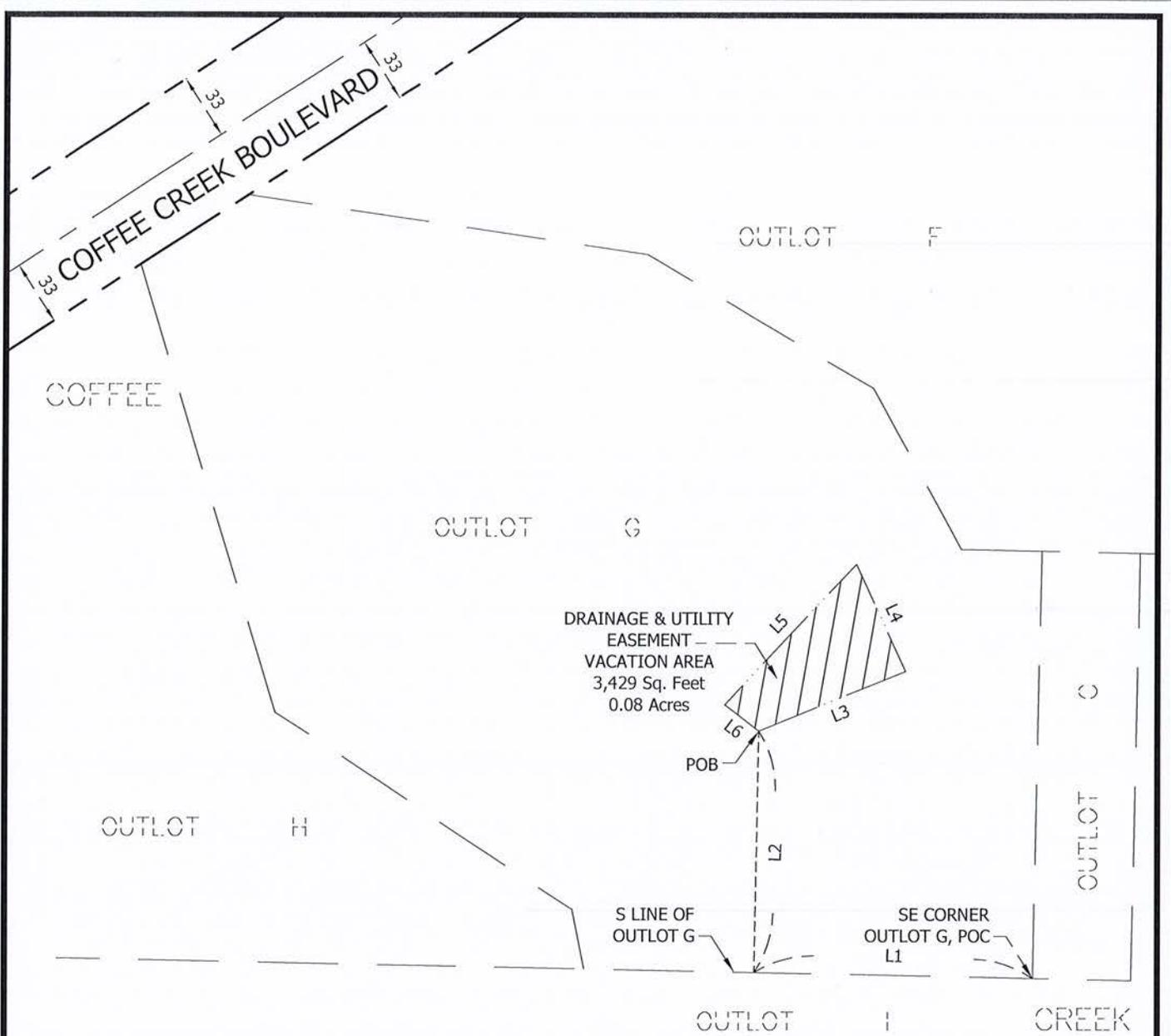
- 1) The applicant will need to complete wetland mitigation in the form of wetland replacement and/or through the purchase of wetland credits prior to the recording of the vacation of the drainage and utility easement.



Legend

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

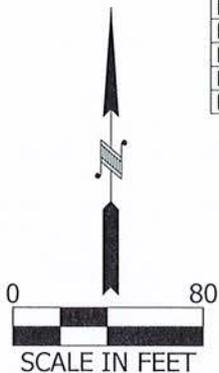




LEGEND

- POC-POINT OF COMMENCEMENT
- POB-POINT OF BEGINNING
- CENTER LINE
- RIGHT OF WAY LINE
- EXISTING EASEMENT LINE
- SURVEY LINE
- PLAT LINE
- DRAINAGE & UTILITY EASEMENT VACATION

LINE	BEARING	DISTANCE
L1	N88°53'26"W	140.85
L2	N01°06'34"E	121.46
L3	N67°54'37"E	79.84
L4	N24°35'19"W	59.26
L5	S43°25'38"W	97.47
L6	S53°24'24"E	22.02



EASEMENT VACATION EXHIBIT		ALTA LAND SURVEY COMPANY <small>* LAND SURVEYING PHONE: 218-727-5211 * LAND DEVELOPMENT LICENSED IN MN & WI * PLATTING CERTIFIED FEDERAL SURVEYOR * LEGAL DESCRIPTIONS WWW.ALTALANDSURVEYDULUTH.COM * CONSTRUCTION STAKING</small>
CLIENT: WILDAMERE C/O DEVIN DOYLE	REVISIONS: XXX	
DATE: SEPTEMBER 4, 2019	SHEET 2 OF 2	
ADDRESS: XXX COFFEE CREEK BOULEVARD, DULUTH, MN		
JOB NUMBER: 19-259		

LEGAL DESCRIPTION OF DRAINAGE AND UTILITY EASEMENT VACATION

That part of Outlot G, COFFEE CREEK, according to the recorded plat thereof, St. Louis County, Minnesota described as follows:

Commencing at the Southeast corner of said Outlot G; thence on an assumed bearing of North 88 degrees 53 minutes 26 seconds West, along the South line of said Outlot G for a distance of 140.85 feet; thence North 01 degrees 06 minutes 34 seconds East 121.46 feet to the point of beginning of the drainage and utility easement vacation herein described; thence North 67 degrees 54 minutes 37 seconds East 79.84 feet; thence North 24 degrees 35 minutes 19 seconds West 59.26 feet; thence South 43 degrees 25 minutes 38 seconds West 97.47 feet; thence South 53 degrees 24 minutes 24 seconds East 22.02 feet to the point of beginning.

Said drainage and utility easement contains 3,429 square feet or 0.08 acres.

SURVEYOR'S NOTES

1. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
2. BEARINGS ARE BASED ON THE SOUTH LINE OF OUTLOT G WHICH HAS A BEARING OF S88°53'26"E AS SHOWN ON COFFEE CREEK, ACCORDING TO THE RECORDED PLAT THEREOF, ST. LOUIS COUNTY, MINNESOTA.
3. THIS IS NOT A BOUNDARY SURVEY.

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

By _____

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

David R. Evanson
David R. Evanson

Date: SEPTEMBER 4, 2019 MN Lic. No. 49505

EASEMENT VACATION EXHIBIT

CLIENT: WILDAMERE C/O DEVIN DOYLE	REVISIONS: XXX
DATE: SEPTEMBER 4, 2019	SHEET 1 OF 2
ADDRESS: XXX COFFEE CREEK BOULEVARD, DULUTH, MN	
JOB NUMBER: 19-259	



ALTA
LAND SURVEY COMPANY
* LAND SURVEYING
* LAND DEVELOPMENT
* PLATTING
* LEGAL DESCRIPTIONS
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PHONE: 218-727-5211
LICENSED IN MN & WI
CERTIFIED FEDERAL SURVEYOR
WWW.ALTLANDSURVEYDULUTH.COM



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

☎ 218-730-5580

✉ planning@duluthmn.gov

File Number	PL 19-128	Contact	Jenn Reed Moses, 730-5328	
Type	Special Use Permit	Planning Commission Date	10/8/19	
Deadline for Action	Application Date	8/20/19	60 Days	10/19/19
	Date Extension Letter Mailed	9/12/19	120 Days	12/18/19
Location of Subject	8721 W Skyline Pkwy			
Applicant	Skyline Parkway Properties LLC	Contact		
Agent	CF Design LTD	Contact	Jake Kieper	
Legal Description	Parcel ID Number 010-1550-00060			
Site Visit Date	9/3/19	Sign Notice Date	8/27/19	
Neighbor Letter Date	8/30/19	Number of Letters Sent	7	

Proposal

The applicant is proposing the creation of a "hotel" through the addition of four small, detached hotel units to a property currently used as a vacation rental. Once constructed, the existing vacation rental will be included in the new hotel and will no longer be operated as a vacation dwelling unit. The UDC defined use of "hotel" allows detached units to function as a hotel, and requires a special use permit in the MU-N district.

Staff Recommendation

Staff recommends that planning commission approve the special use permit with conditions noted below.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Residential (vacation rental)	Low-density Neighborhood
North	RR-1	Undeveloped	Low-density Neighborhood
South	RR-1	Recreation/Open Space	Open Space
East	RR-1	Residential	Low-density Neighborhood
West	R-1	Residential	Low-density Neighborhood

Summary of Code Requirements

UDC Section 50-37.10. Special Use Permits: Planning Commission shall approve the planning review or approve it with modifications, if it is determined that the application complies with all applicable provisions of this Chapter.

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

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

Governing Principle #4 – Support economic growth sectors: These include outdoor recreation and visitor services. Located near Spirit Mountain, this development is a unique lodging opportunity that will appeal to visitors who appreciate the outdoors.

Future Land Use – Low-density Neighborhood: Single-family housing with urban services. Typified by curvilinear streets, houses with longer dimension parallel to street, and attached garages. Non-residential uses are mainly uses such as schools and churches.

Recent History:

- August 28, 2017: City council approved an Interim Use Permit for a vacation dwelling unit. This vacation dwelling unit is expected to continue operating.
- Per Imagine Duluth 2035, Duluth's recent comprehensive plan, this area's current zoning does not match the Future Land Use. Rezoning of the area is likely in the future, and could result in a hotel becoming a nonconforming use. It would be allowed to continue but not expand.
- Per UDC Land Use Supervisor Interpretation #19-004, a hotel can include multiple structures.

Review and Discussion Items**Staff finds that:**

- 1.) A hotel must have a reception desk staffed at all times. The registration and office are located in a former garage, shown on the site plan.
- 2.) UDC Sec. 50-24 (Parking and loading). The proposed site plan includes 6 parking spaces. The UDC allows a maximum of 5 parking spaces. Applicant has been advised that to allow 6 spaces they must request and receive an Administrative Adjustment from the Land Use Supervisor pursuant to UDC Section 50-37.1.L.5.
- 3.) UDC Sec. 50-25 (Landscaping and Tree Preservation). Given its heavily wooded nature, existing trees and vegetation provide buffers and aesthetic amenities on the site. Applicant is proposing an Alternative Landscaping Plan to formally demonstrate that existing vegetation meets the intent of the UDC. Alternative Landscaping Plans must be approved by the Land Use Supervisor prior to receiving a building permit.
- 4.) UDC Sec. 50-26 (Screening, Walls and Fences). Garbage and recycling will be stored inside an existing shed with no exterior dumpsters on the site; no fences are proposed; and no rooftop or ground-mounted mechanicals will be used.
- 5.) UDC Sec. 50-28 (Stormwater). The development will add additional impervious surface for the cabins and an expansion of the parking area. If additional impervious surface exceeds 3,000 sf in area, permanent stormwater controls will be required.
- 6.) UDC Sec. 50-29 (Sustainability Standards) and 50-30 (Building Design Standards). These requirements do not apply for this project.
- 7.) UDC Sec. 50-31 (Exterior Lighting). The hotel will include bollard-style lighting along grass pathways to the cabins. All lighting over 900 lumens must be full cut-off fixtures that meet UDC requirements.
- 8.) The Fire Marshal has indicated that fire rig access and hydrant locations need to be evaluated for conformance with life safety regulations. No other public or City comments have been received.
- 9.) Applicant will need to ensure utility connections can be made to units if needed, and should work closely with the City's Engineering and Construction Services divisions on plans for these.
- 10.) UDC Section 50-37.1.N states that an approved Special Use Permit will expire if the project or activity authorized by the permit has not begun within one year.

Staff Recommendation

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

- 1.) The project shall be limited to, constructed, and maintained according to the site plan dated 9/30/19 and the floor plans and building elevations dated 8/20/19.
- 2.) The number of parking spaces shall comply with UDC requirements.
- 3.) No permits shall be issued without the approval of the Fire Marshal.
- 4.) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



Special Use
8721 W Skyline Pkwy

BAKER JOHN
K ETAL

532
S Boundary
Ave

JASPER
PROPERTIES
LLC

ANDERSON MATT

STATE OF
MINNESOTA
PC Meeting 10-08-19

8509
W Skyline
Pkwy

BENOIT
TIMOTHY
602
S Boundary
Ave

Low-density
Neighborhood

Access Rd

9001 W
Skyline Pkwy

SJOBERG
GERALD E

TRAN RUE VAN

STATE OF
MINNESOTA

SJOBERG
GERALD E &
MARY ELLEN

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

SKYLINE
PARKWAY
PROPERTIES LLC

8615 W
Skyline Pkwy

SJOBERG
GERALD E

Low-density
Neighborhood

**R-1 (Residential
Traditional)**

W Skyline Pkwy

STATE OF
MINNESOTA

I-35 Ramp



STATE OF
MINNESOTA

**RR-1 (Rural
Residential 1)**

STATE OF
MINNESOTA

Open Space

I-35 Ramp

CITY OF
DULUTH
ST OF
MN
C278 L35
ST OF MN
C278 L35
ST OF MN
C278 L35

CITY OF
DULUTH

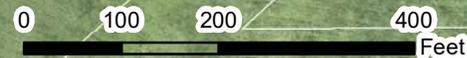
THE LANDING

9302
W Skyline
Pkwy

CITY OF
DULUTH

CITY OF
DULUTH

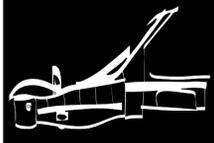
CITY OF
DULUTH



Legend

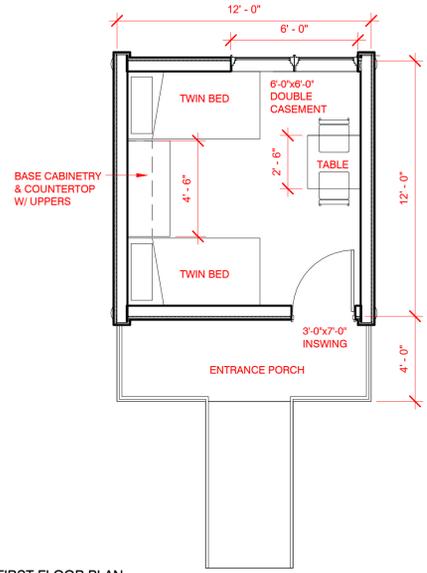
- Zoning Boundaries
- Open Space
- Open Space/Outside Duluth
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Central Business Secondary
- Central Business Primary
- Large-scale commercial
- Tourism/Entertainment District
- Commercial 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

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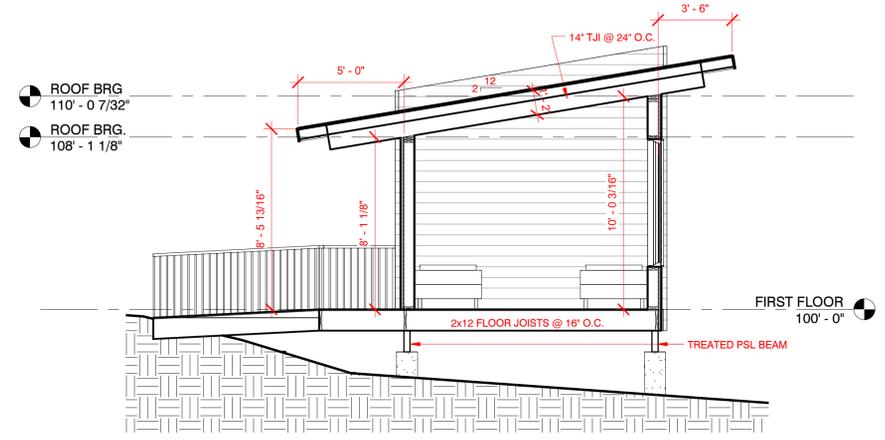


cf design ltd

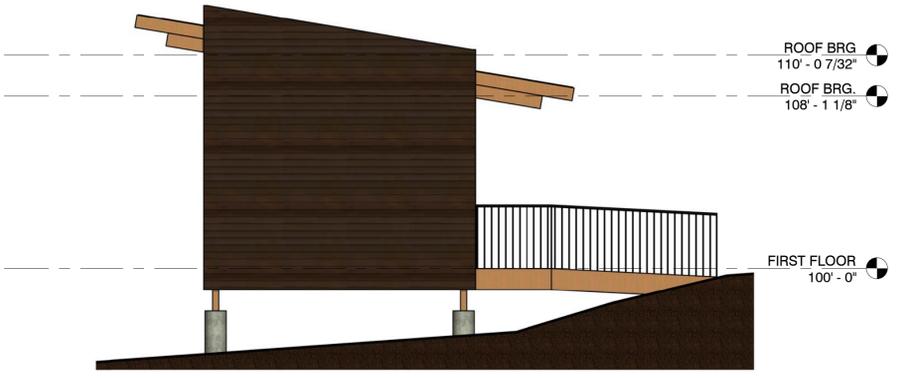
230 East Superior Street
Suite 102
Duluth, MN 55802
Phone: 218.722.1060
Fax: 218.722.1086
www.cfdesignltd.com



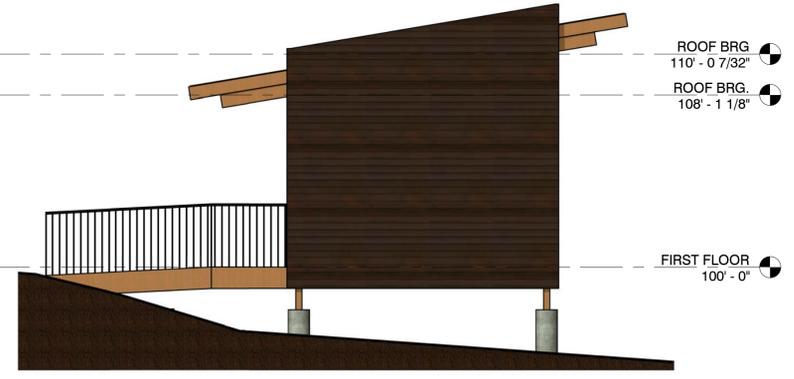
1 FIRST FLOOR PLAN
1/4" = 1'-0"



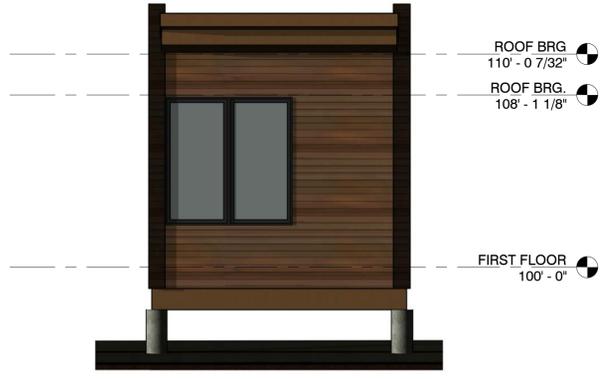
7 BUILDING SECTION
1/4" = 1'-0"



6 BUILDING ELEVATION
1/4" = 1'-0"



4 BUILDING ELEVATION
1/4" = 1'-0"



3 BUILDING ELEVATION
1/4" = 1'-0"



5 BUILDING ELEVATION
1/4" = 1'-0"

SKYLINE PARKWAY CABINS
8721 WEST SKYLINE PARKWAY
DULUTH, MN 55810

NEW CABINS & WASHROOM

#	REVISION	DATE

Transmittal Letter

Date: 09.30.2019

Project: Skyline Parkway Cabins
8721 West Skyline Parkway
Duluth, MN 55810

Alternative Landscaping Plan

Skyline Parkway Properties requests approval of an alternative landscaping plan in lieu of meeting the requirements of UDC section 50-25 for the property at 8721 W Skyline Pkwy. The site has a very rural, wooded quality that the owners are working hard to preserve. Therefore, the site in question is separated (and will remain separated) from neighboring properties to the back yard and (2) side yards by dense forest replete with trees and ground cover of varying sizes. On the front yard side, the existing site improvements of an impervious parking area, registration building, and (1) unit residential structure are setback from the Skyline R.O.W by 75'-0" and are raised above the roadway by 18'-0". The space between Skyline Parkway and existing site improvements has infilled with native ground cover and tall grasses with trees naturally placed throughout. The number of existing trees along the front yard property line exceed the number of trees required by the UDC. Because of the grade change and amount of existing natural elements we believe that the current conditions satisfy the intention of the street frontage landscaping and parking lot landscaping sections. Because of the minimal amount of parking required, there is no interior landscaping required. The (4) new sleeping units are tucked back from the existing site improvements and are strategically placed to avoid disrupting any significant trees of 5" DBH or more. All significant trees will be kept, intact and we only propose to clear small underbrush and minimal small caliper trees. Because of the large amount of existing foliage and natural features of the site and our proposal to cause minimal impact we believe that we are fulfilling the intention of UDC 50-25.

Transmittal Letter

Date: 11.19.2018

Project: Skyline Parkway Cabins
8721 West Skyline Parkway
Duluth, MN 55810

Statement about how the requested use will not have a negative impact on the community, with supporting evidence (such as photos) as needed

The site in question is located at 8721 West Skyline Parkway and is visible from I-35 near Spirit Mountain. Currently there is a 1 unit vacation rental and garage scaled as a single-family residence perched on the hill. The owners are requesting the approval of a special use in order to construct a “hotel” on the property in the MU-N district. The proposal, however, is not to construct another large multi-room hotel along the I-35 corridor that has dramatic impact on the visual experience as motorists enter Duluth. The proposal is to create (5) unique, separate, 12x12, private sleeping units that are set into the 2 acre landscape to privatize the visitor experience; each unit is invisible to another. The sleeping units float above the forest floor treading lightly on the land to honor and respect the wilderness quality of the property and weave the sleeping units into the forest. Not only are the additional units invisible from I-35 and Skyline Parkway, they are nearly imperceptible directly on site being clad in natural wood to fade into the trees. The new sleeping units are without any kitchen or toilet amenities. The toilet amenities are included in a small 12’-4”x15’-0” communal toilet building. The new building is tucked directly north of the existing vacation rental structure to eliminate any visual impact on neighboring properties. The communal building includes one fully accessible toilet room with shower and one non-accessible toilet room. Both toilet rooms have separate entrances and the building will tie-in to the existing septic system and water utilities. The proposed structures are strategically located to have minimal visual impact on the surrounding neighborhood. The small size of the private sleeping units will lead to minimal (if any) increase in vehicular traffic to the immediate neighborhood.

Statement about how the requested use is consistent with the comprehensive plan (12 guiding principles, future land use designation)

1. Constructing additional sleeping units and a toilet building on an already developed piece of land. Overall, we are proposing to add less than 1,000 SF of built structures to the land. The sleeping units tread lightly on the property and float above the forest floor only impacting the earth with (4) small piers per structure. The owners intend to take advantage of an existing natural path that leads to each individual sleeping unit. The separate toilet building will utilize existing utility infrastructure.
2. The new structures are designed and located to provide minimal disruption to the natural qualities of the existing landscape. Keeping the existing wilderness of the site intact. This is the

type of development that would attract environmentally conscious and active/adventurous visitors.

3. Increasing tax base and providing much needed unique housing options for visitors.
4. Adding to Duluth's economic diversity and providing housing options for visitors interested in the natural landscapes and outdoor recreational opportunities of our community.
5. Neighborhood scaled project with unique visitor housing options.
6. A hotel project unique to Duluth and specific to its site through use of natural materials and a light touch on the land. Weaving small sleeping units into the existing wilderness where the structures and nature exist in unison.
7. Central connectivity to trails and recreation opportunities with easy access to "City" amenities.
8. Provide a unique housing solution with simplicity and economy in mind.
9. Being a good neighbor by constructing buildings that blend in to existing natural landscape and have minimal visual effect on the surroundings while bringing a new and exciting aesthetic to Duluth.
10. The structures are to be constructed on an already developed site and are designed to have minimal impact on the landscape with each being placed on (4) piers. The owners plan to utilize local natural products for building materials. We plan to reuse as much existing infrastructure as possible by letting the existing natural path lead to the new sleeping units and locating the new toilet building to take advantage of existing water and sewer facilities. The new sleeping units will have electricity, but no other utilities will be provided.
11. N/A
12. Utilizing a previously developed site with existing utilities. Conveniently locating new toilet building to utilize existing utilities.



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 19-139	Contact	Jenn Reed Moses, 730-5328	
Type	Rezone to MU-P	Planning Commission Date	10/8/19	
Deadline for Action	Application Date	9/20/19	60 Days	11/19/19
	Date Extension Letter Mailed	9/30/19	120 Days	1/18/20
Location of Subject	2215 South Street			
Applicant	Launch Properties	Contact	Scott Moe	
Agent	DSGW	Contact	John Erickson	
Legal Description	Complete list of Parcel IDs on file			
Site Visit Date	9/19/19	Sign Notice Date	9/20/19	
Neighbor Letter Date	9/23/19	Number of Letters Sent	9	

Proposal

The applicant is proposing to rezone to from Mixed Use-Commercial (MU-C) to Mixed Use-Planned (MU-P), to build approximately 98 units of multi-family housing.

Staff Recommendation

Staff recommends approval of the rezoning to MU-P and the waiver of MU-P requirements for total height and minimum site size.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-C	Residential	Central Business Secondary
North	MU-C	Commercial	Central Business Secondary
South	MU-B	Highway	Transportation and Utilities
East	MU-C	Commercial	Central Business Secondary
West	MU-C	Multi-family	Central Business Secondary

Summary of Code Requirements

UDC Section 50-15.7.E: The establishment of an MU-P district requires rezoning the property per Section 50-37.3 from a current zone district to MU-P and the approval of an MU-P plan per Section 50-37.11, that governs the uses, location, density, dimensional standards and character of the proposed project.

UDC Section 50-15.7.G: The applicant shall hold at least one community meeting to discuss the plan before submitting the plan for review and approval by the city.

UDC Section 50-15.7.H: The rezoning application ... shall include the following information: (a) A concept map showing the property to be rezoned and general uses within the area; (b) Maximum residential densities and maximum square footage for nonresidential land uses; (c) Maximum building heights;

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

Governing Principle #1 – Reuse previously developed lands, and Governing Principle #12, Create efficiencies in delivery of public services: This directs new investment to sites which have the potential to perform at a higher level than their current state, which leads to savings in existing public infrastructure such as streets and utilities. Existing site is only about half developed with small residential buildings and can be used more efficiently given its proximity to major roadways and transit lines.

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

Recent History:

- On July 9, 2019, a Planning Review for a project containing 98 units was approved by Planning Commission. This application provided 98 units, with a total of six floors: two floors for operations and parking and four floors for dwelling units (PL 19-065).
- On July 9, 2019, Planning Commission also approved a height variance for this structure (PL 19-090). Upon appeal to the City Council, it was determined that the height variance did not meet all UDC requirements, and the City Council reversed the Planning Commission decision (Resolution 19-0545R).
- On August 19, 2019, the City Council approved a concurrent use permit (Ordinance 19-035-O) to construct 19 parking stalls in the public right of way of South St. (PL 19-073).

Review and Discussion Items**Staff finds that:**

- 1.) The proposal is for construction of a six-story, 98 unit apartment building, with a site maximum density of 120 units, including a pedestrian easement to improve future pedestrian connections. Approval of the map amendment must include waiver of minimum size site requirements and maximum height requirements as part of a planned development to develop additional housing units in the city.
- 2.) The proposed height of 66' will, by zoning definition, be measured along the primary entrance. The proposed primary entrance would be located along 22nd Avenue East. The building will be approximately the same height as the neighboring Endi development. Note that Endi's height calculation was calculated using its existing front entrance along London Road, which is at a higher elevation than the proposed development.
- 3.) The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan, and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or be considered arbitrary and capricious. Good zoning practice requires that zone districts be consistent with the future land use category identified for the area. In this case, the proposed project is consistent with the future land use designation of Central Business Secondary.
- 4.) The applicant's public benefits listed include a pedestrian easement and public parking along the south side of the building.
- 5.) The 2018 Housing Indicator Report (<https://duluthmn.gov/media/8390/2018-housing-indicator-report.pdf>) identifies the continued need for housing units in Duluth. The proposed development provides housing in an area with existing infrastructure and is consistent with the scale of the surrounding neighborhood. The proposed housing contributes to the general welfare of the community.
- 6.) The applicant intends to hold a neighborhood meeting on October 8, prior to the Planning Commission meeting.
- 7.) No City, agency, or written comments have been received.
- 8.) Rezoning to MU-P requires adoption of an Ordinance by the City Council, which will be followed by administrative adoption of a Regulating Plan consistent with the requirements of the rezoning for the site.

Staff Recommendation

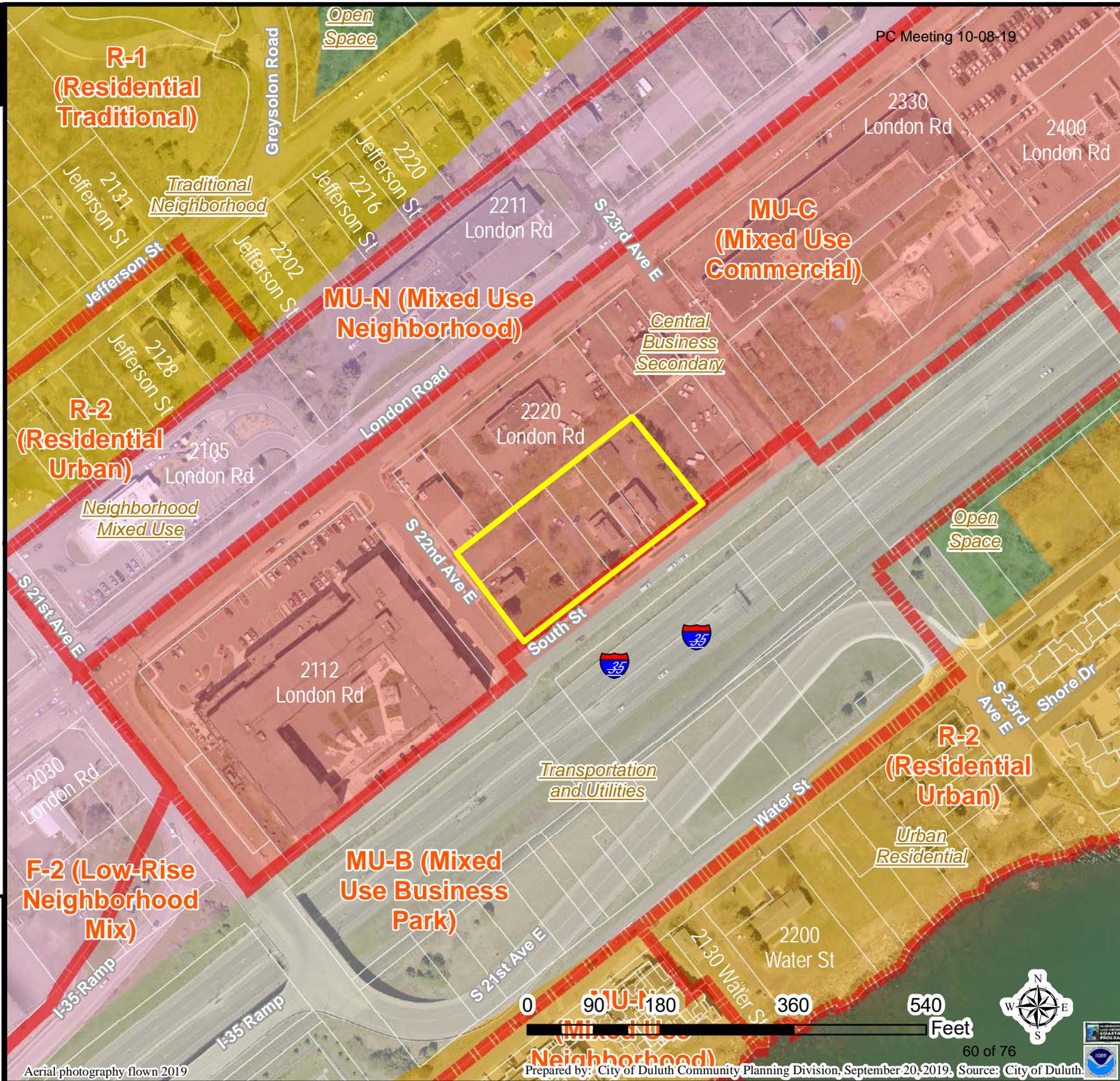
Based on the above findings, summarized below, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning to MU-P.

- 1) The proposed zone district is reasonably able to implement the objectives of the Comprehensive Plan related to the land use for this area; and
- 2) The proposed rezoning is related to the overall housing and open space needs of the community and the scale of adjacent land uses; and
- 3) Material adverse impacts on nearby properties are not anticipated.

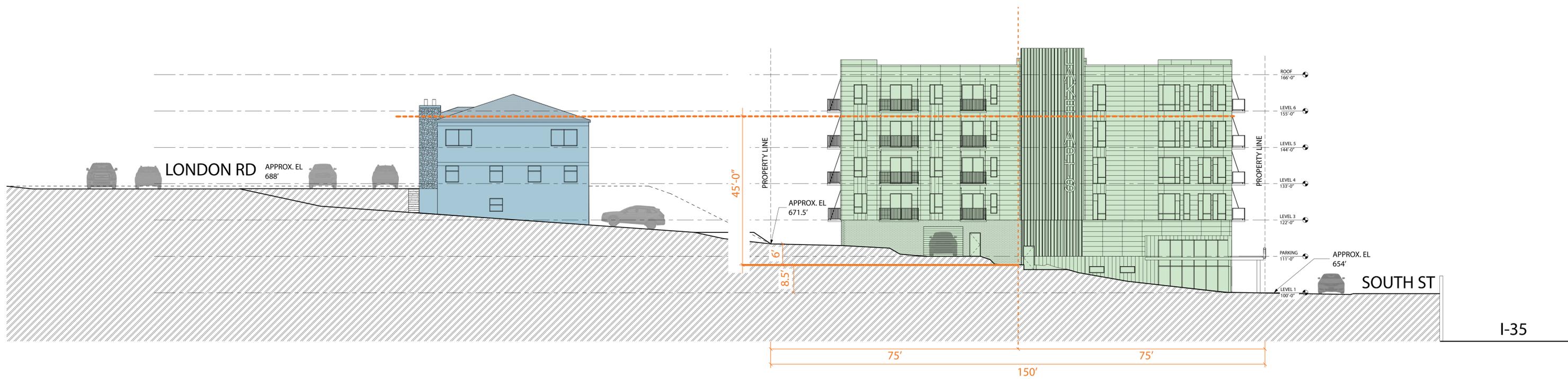


Legend

- 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



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Planning & Development Division
 Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

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File Number	PL 19-138	Contact	Steven Robertson	
Type	Rezone from R-C to P-1 and RR-1	Planning Commission Date	October 8, 2019	
Deadline for Action	Application Date		60 Days	N/A (City Application)
	Date Extension Letter Mailed	N/A	120 Days	
Location of Subject	Near the Intersection of Jean Duluth Road and Riley Road			
Applicant	City of Duluth	Contact	Planning and Development	
Agent		Contact		
Legal Description	See Attached Map			
Site Visit Date	September 25, 2019	Sign Notice Date	September 25, 2019	
Neighbor Letter Date	September 26, 2019	Number of Letters Sent	47	

Proposal

The City proposes rezoning property from the current zoning of R-C (Rural-Conservation), to P-1 (Park and Open Space) and RR-1 (Rural Residential 1). The proposal is consistent with the Comprehensive Plan.

Staff Recommendation

Staff is recommending approval of the proposed rezoning to P-1 and RR-1.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-C	Recreation, Residential	Open Space, Rural Residential
North	City of Rice Lake	Residential	-
South	R-1	Residential	Rural Residential
East	Lakewood Township	Residential, Small Com.	-
West	City of Rice Lake	Residential	-

Summary of Code Requirements

- UDC Sec. 50-37.3.B: Planning Commission shall review the application, conduct a public hearing ... with public notice ... and make a written recommendation to council.
- UDC Sec. 50-37.3.B.3 Where a proposed amendment to the zoning map would change any property from a residential district to a mixed use, form or special purpose district, a planning commission hearing and a notice of three weeks shall be required. In addition, the affirmative vote of 2/3 of the council shall be required The city has not received the written consent of the owners of 2/3 of those properties located wholly or partially within 100 feet of the property proposed to be rezoned;
- UDC Sec. 50-37.3.C: The Planning Commission shall review the application, and Council shall approve the application or approve it with modifications, if it determines that the application:

1. Is consistent with the Comprehensive Land Use Plan; 2. Is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use; 3. Is required by public necessity, convenience, or general welfare, or good zoning practice; 4. Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible.

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

Governing Principles

Principle 2 - Declare the necessity and secure the future of undeveloped places.

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

Future Land Use

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

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

History

This area was annexed into the City of Duluth, from Rice Lake Township (now the City of Rice Lake), in 2015. Newly annexed land is zoned R-C (Rural Conservation), as stated in UDC 50-13.4.F.

The Imagine Duluth 2035 Comprehensive Land Use Plan was adopted on June 25, 2018. The plan recommended 21 changes to the future land use plan. This area is addressed as Site 15 and 16.

Review and Discussion Items:

1) The City is proposing to rezone property from the current zoning of R-C (Rural-Conservation), to P-1 (Park and Open Space) and RR-1 (Rural Residential 1). Lands proposed for rezoning to P-1 are owned by the city of Duluth. Lands proposed for rezoning to RR-1 are owned by private parties.

2) The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan, and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or be considered arbitrary and capricious. Good zoning practice requires that zone districts be consistent with the future land use category identified for the area.

3) State Statute requires that a community's zoning map implement the general objectives of the Comprehensive Plan. Other criteria for zoning include considering existing land use patterns and if the rezoning is related to the needs to the community or existing land use.

4) The purpose of the P-1 district is to protect and reserve lands for recreational, scenic and natural resource uses. It is intended to be applied to publicly owned land but may be applied to private property with the landowner's written consent. Both passive recreational and active recreational uses may be permitted, Small-scale buildings, structures and development (e.g., parking) that are incidental to and supportive of an approved use may also be permitted.

5) The RR-1 district is established to accommodate large-lot, single-family detached residential uses, typically surrounded by significant open space, on lots of at least 5 acres each. The district encourages distinctive neighborhoods with a semi-rural character. Complimentary uses such as limited agriculture, small-scale institutional uses, parks, minor utilities and certain temporary uses are allowed.

6) This specific rezoning action is not in anticipation of any specific development proposal; it is instead intended to update the zoning map to reflect the recent change to the future land use designation per the Imagine Duluth 2035 Comprehensive Plan.

7) Based on the development pattern of adjacent areas and the purpose statement of P-1 and RR-1 zone districts, rezoning as proposed in the attached map is appropriate for this area.

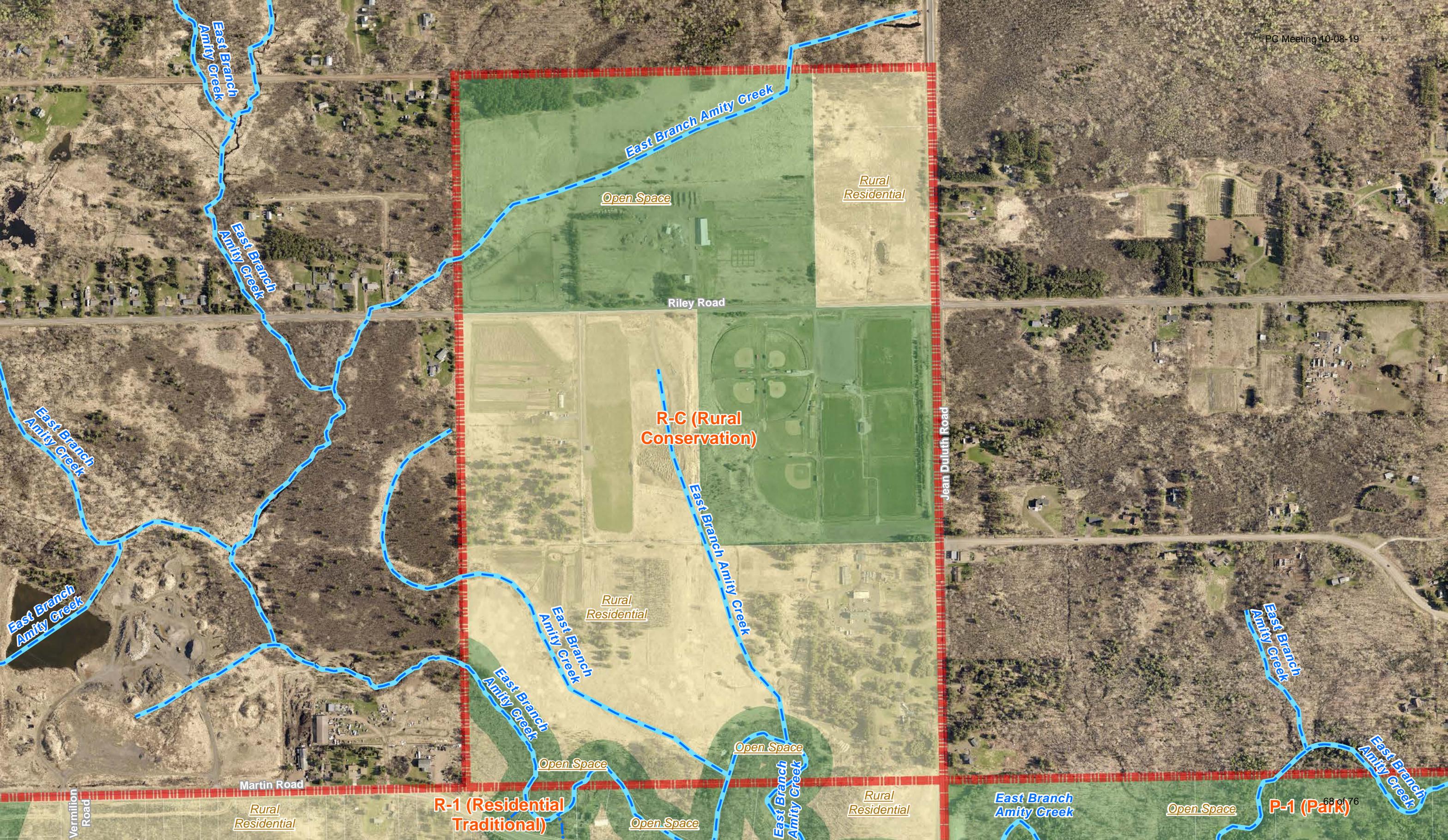
8) No written correspondence has been received as of the date that this memo was printed (October 1, 2019).

Staff Recommendation:

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

1) The proposed zone districts are the most reasonably able to implement the objectives of the Comprehensive Plan related to the land use for this area.

2) Material adverse impacts on nearby properties are not anticipated.



East Branch Amity Creek

East Branch Amity Creek

East Branch Amity Creek

Open Space

Rural Residential

Riley Road

R-C (Rural Conservation)

East Branch Amity Creek

East Branch Amity Creek

East Branch Amity Creek

East Branch Amity Creek

Rural Residential

East Branch Amity Creek

Open Space

Open Space

East Branch Amity Creek

Rural Residential

East Branch Amity Creek

Open Space

P-1 (Park)

East Branch Amity Creek

Martin Road

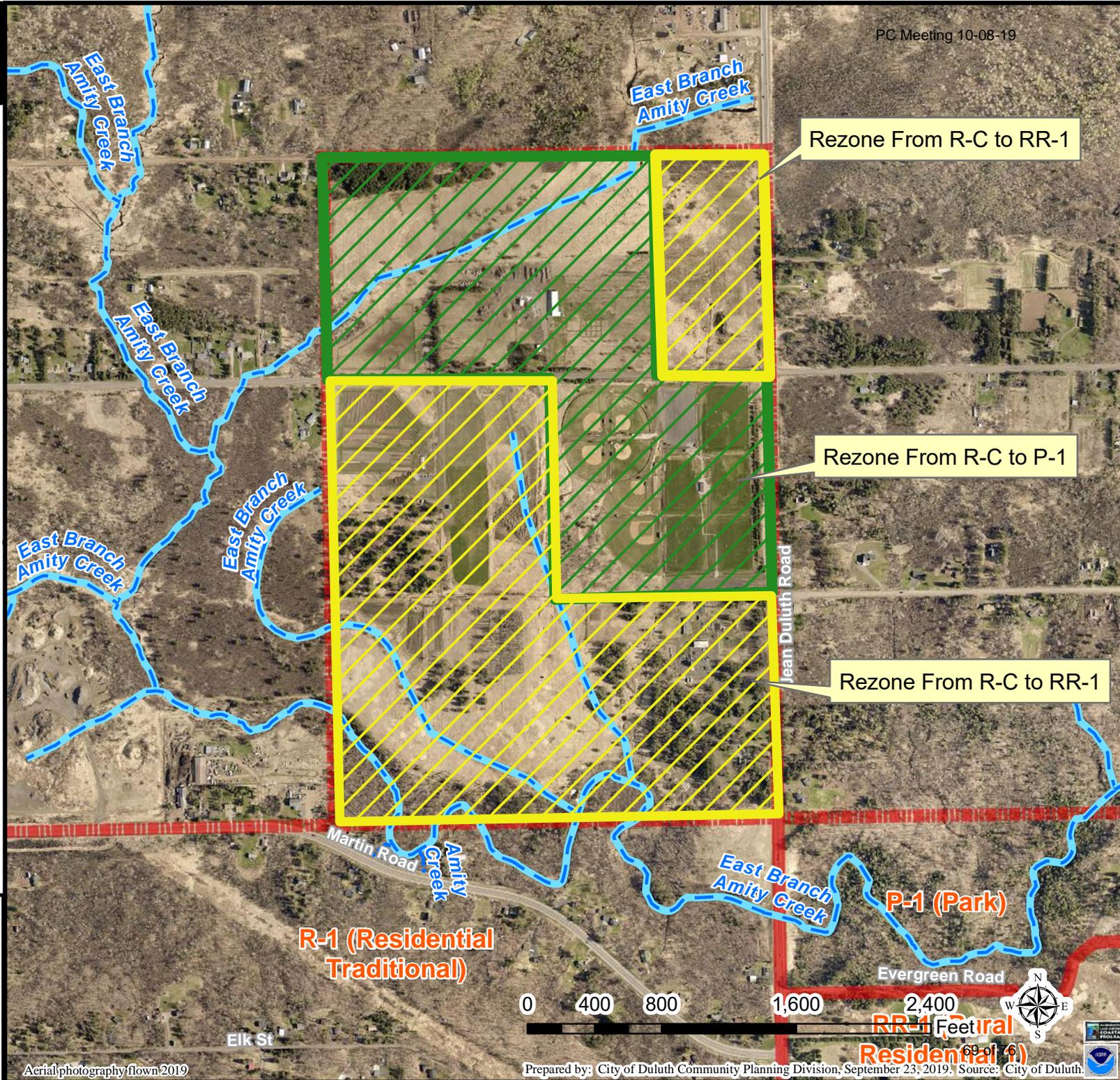
Rural Residential

R-1 (Residential Traditional)

Open Space

Vermilion Road

Jean Duluth Road



Legend

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

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Haines and Arrowhead (Site 12)

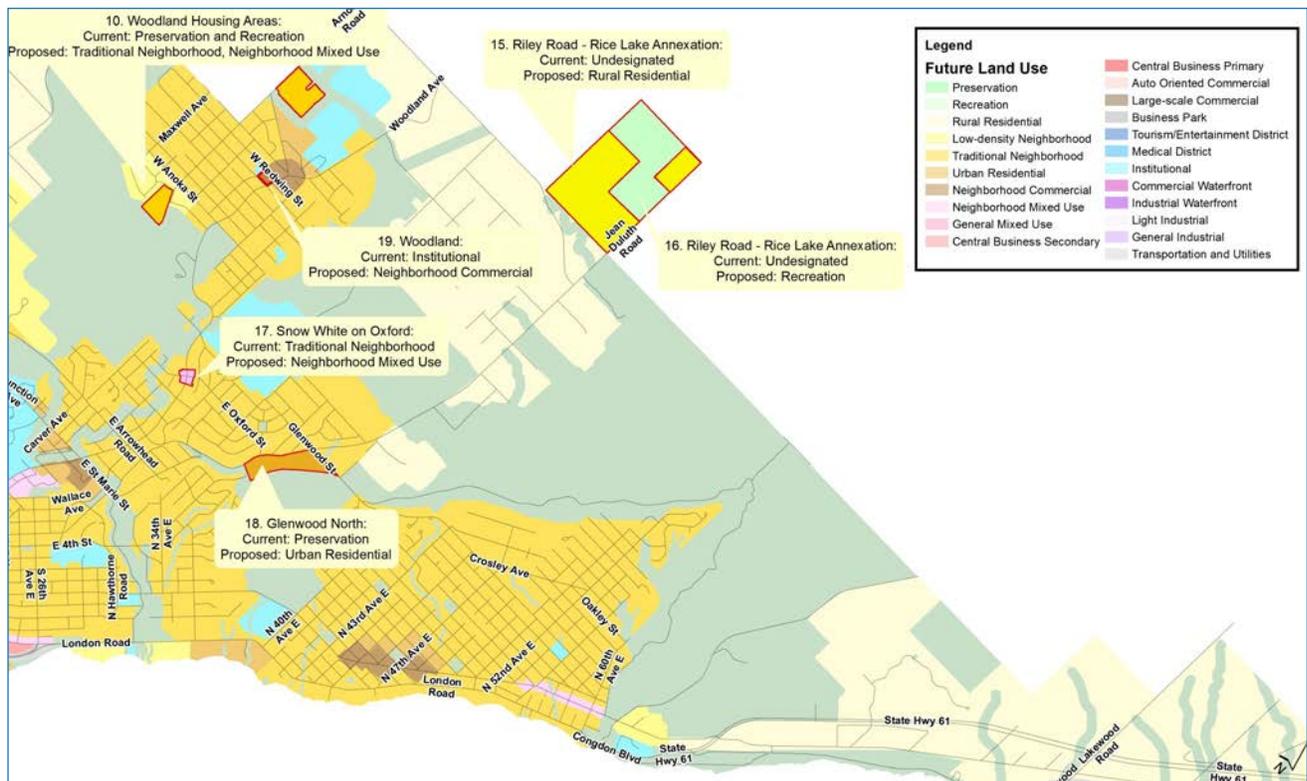
This area had been designated Auto-Oriented Commercial. It is changed to Central Business Secondary to continue to accommodate commercial activities which are complementary to surrounding uses in both Duluth and Hermantown.

Arrowhead & Rice Lake (Site 13)

This study area was originally designated for Auto-Oriented Commercial. Based on surrounding uses and evaluation of opportunities for development, including analysis of surrounding infrastructure, this area is designated Neighborhood Commercial.

Rice Lake and Norton Road (Site 14)

Evaluation of the Rice Lake and Norton area indicates a lack of access to utilities. A portion of the area remains General Mixed Use, but other areas of the analysis area are changed to Rural Residential. Proximity to the airport and changes within the recently created City of Rice Lake may result in some development pressure; however, this area is in the headwaters of Chester Creek and preservation of the low intensity character is appropriate.



Riley Road – Rice Lake Annexation (Site 15)

This action designates land use categories for lands annexed since adoption of the 2006 comprehensive plan. These lands are designated for Rural Residential. There are no utilities available in the area, which has a rural character associated with very low density areas of the city.

Riley Road – Rice Lake Annexation (Site 16)

This action designates land use categories for lands annexed since adoption of the 2006 comprehensive plan. The designation of Open Space is due to the presence of a large sports complex and dog park.

Former Snow White on Oxford Ave (Site 17)

This area was historically a small commercial node. The change will enable additional revitalization in this location to allow for a small area of mixed use types of development.

Glenwood North (Site 18)

For this site adjacent to Glenwood Street and Snively Road, the land use map is changed from Recreation/Preservation to Neighborhood Mixed Use. This change takes advantage of adjacent utilities to provide additional residential opportunities and services. The Skyline Parkway Overlay District will restrict viewshed obstructions.

Woodland, Near Former Cobb School (Site 19)

This change from Recreation to Neighborhood Commercial is consistent with the goal of increasing density, provides new opportunities for housing, and allows a mixture of uses within a Core Investment Area.

Areas for Future Study

During the evaluation process, two areas were designated for future study:

US Steel Site in the Morgan Park Neighborhood

This area is broadly designated General Mixed Use. As continued remediation takes place, additional study may help to clarify the City's preference for continued redevelopment of this site in relationship to surrounding land uses.

Uses Allowed in Park & Open Space (P-1) Zone District
Revised January 2019

Permitted Uses

- Park, playground, or forest reserve
- Golf course

Special Uses

- Cemetery or mausoleum
- Club or lodge (private)
- Government building or public safety facility
- Museum, library, or art gallery
- Riding stable
- Seasonal camp or cabin
- Marina or yacht club
- Recreational vehicle park
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs

Uses Allowed in Residential-Rural 1 (RR-1) Zone District
 Revised January 2019

Permitted Uses

- | | |
|--|---|
| <ul style="list-style-type: none"> - Dwelling, one family - Residential care facility/assisted living (6 or fewer) - Government building or public safety facility - Park, playground, or forest reserve - Religious assembly, small (less than 50,000 sq. ft.) | <ul style="list-style-type: none"> - School, elementary - Agriculture, community garden - Agriculture, general - Agriculture, urban - Seasonal camp or cabin - Day care facility, small (14 or fewer) |
|--|---|

Special Uses

- | | |
|--|---|
| <ul style="list-style-type: none"> - Cemetery or mausoleum - Religious assembly, large (50,000 sq. ft. or more) - School, middle or high - Kennel - Riding Stable - Veterinarian or animal hospital - Golf course - Recreational Vehicle Park - Other outdoor entertainment or recreation use not listed - Preschool - Day care facility, large (15 or more) - Mini-Storage or Self-Service Storage Facility | <ul style="list-style-type: none"> - Garden material sales - Mining, extraction and storage - Electric power transmission line or substation - Major utility or wireless telecommunication facility - Radio or television broadcasting tower - Solar, geothermal, or biomass power facility (primary use) - Water or sewer pumping stations/reservoirs - Wind power facility (primary use) - Solid waste disposal or processing facility |
|--|---|

Interim Uses

- Vacation dwelling unit



Legislation Details (With Text)

File #: 15-001 **Name:**
Type: Petition/Other Communication **Status:** Filed
File created: 6/15/2015 **In control:** City Council
On agenda: 7/20/2015 **Final action:** 7/20/2015
Title: Minnesota office of administrative hearings order approving annexation of property from Rice Lake Township.

Sponsors:

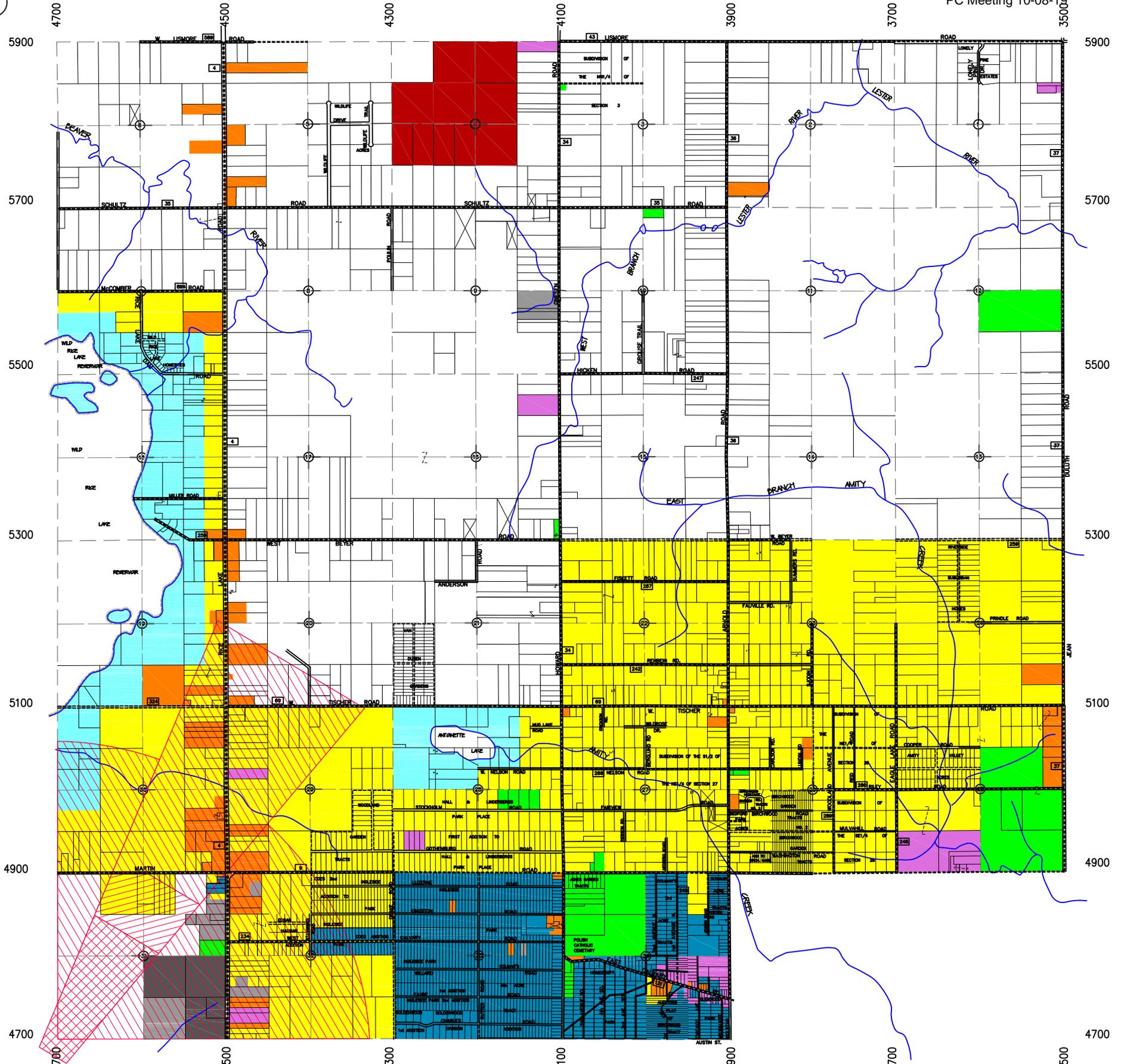
Indexes:

Code sections:

Attachments: 1. Order

Date	Ver.	Action By	Action	Result
7/20/2015	2	City Council	received	
7/20/2015	2	City Council	received	

Minnesota office of administrative hearings order approving annexation of property from Rice Lake Township.



APPROVED & ADOPTED 9/04/74
 AMENDED 7/06/82
 AMENDED 10/05/82
 AMENDED 2/16/85
 AMENDED 05/25/84
 AMENDED 11/14/00
 AMENDED 05/17/04
 AMENDED 11/25/04
 AMENDED 03/28/05
 AMENDED 07/08/13
 AMENDED 03/04/14
 EFFECTIVE 03/04/14

ZONING MAP OF
TOWN OF RICE LAKE

- | | | | |
|----------------|------------------|------------|------------------|
| RURAL 1 | PUD | PUBLIC | COUNTY ROAD |
| RURAL 2 | PUBLIC | COMMERCIAL | TOWNSHIP ROADS |
| RURAL RES 1 | LIGHT INDUSTRIAL | INDUSTRIAL | UNIMPROVED ROADS |
| RURAL RES 2 | CLR | | AIRPORT ZONING |
| MULTI-UNIT RES | | | AIRPORT ZONING |
| SHORELAND | | | AIRPORT ZONING |



PREPARED BY:
**TOWN OF RICE LAKE
 PLANNING COMMISSION**

Jean Duluth Road

PC Meeting 10-08-19



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