



City of Duluth

Meeting Agenda

Planning Commission.

Tuesday, May 12, 2020

5:00 PM

Council Chamber, Third Floor, City Hall, 411
West First Street

To view the meeting, visit <http://duluthmn.gov/live-meeting>

Call to Order and Roll Call

Public Comment

Consent Agenda

1. [PL 20-044](#) Minor Subdivision at 3006 Parkwood Dr by William J Stauber
Attachments: [PL 20-044 Staff Report and Attachments](#)
2. [PL 20-037](#) Minor Subdivision at 3926 Trinity Road by Shane Stolp
Attachments: [PL 20-037 Staff Report and Attachments](#)
3. [PL 20-040](#) Concurrent Use Permit for Snow Melt System in the Driveways of St. Luke's Building A Ambulance Garage at 1012 E Second St
Attachments: [PL 20-040 Staff Report Draft with attachments](#)
4. [PL 20-042](#) Concurrent Use Permit for Existing Parking Structure at Superior Street and Lake Avenue by City of Duluth
Attachments: [PL 20-042 Staff Report and Attachments](#)
5. [PL 20-025](#) Variance from Shoreland Setback for Two-Family House at 310 N 63rd Avenue W by DEDA (TB)
Attachments: [PL 20-025 Staff Report and Attachments](#)
6. [PL 20-043](#) Vacation of Lake Avenue Between Superior Street and Michigan Street by City of Duluth
Attachments: [PL 20-043 Staff Report and Attachments](#)
7. [PL 20-045](#) Special Use Permit for Expanded Child Care at 4801 Cooke Street by April Westman
Attachments: [PL 20-045 Staff Report and Attachments](#)

Public Hearings

-
8. [PL 20-039](#) Concurrent Use Permit for Fireplace Wall and Pavilion in the Right of Way of Lake Avenue at 3322 Minnesota Avenue by Mary DuBois
- Attachments:** [PL 20-039 Staff Report and Attachments](#)
9. [PL 20-029](#) Special Use Permit for Placement of Fill in a Floodplain as Part of the Spirit Lake Sediment Remediation Project at the Former U.S. Steel Site by U.S. EPA
- Attachments:** [PL 20-029 Staff Report with attachments](#)
10. [PL 20-028](#) Special Use Permit for a Cottage Village at 1710 Carver Avenue and 231 W St Marie Street by Campus North LLC (JK)
- Attachments:** [PL 20-028 Staff Report and Attachments](#)
11. [PL 20-026](#) Variance from Corner Side Yard Setbacks for Two-Family House at 301 S 58th Avenue W by DEDA
- Attachments:** [PL 20-026 Staff Report and Attachments](#)

Communications

Land Use Supervisor Report

Historic Preservation Commission Report

Joint Airport Zoning Board Report

Duluth Midway Joint Powers Zoning Board Report

NOTICE: The Duluth Planning Commission will be holding its May 12, 2020 Special Meeting by other electronic means pursuant to Minnesota Statutes Section 13D.021 in response to the COVID-19 emergency. Some members of the Commission will be participating through video conference. Due to the COVID-19 emergency and the closure of City facilities, public comment will not be taken in person. However, members of the public can monitor the meeting and provide public comment on agenda items through WebEx Events. Visit <https://duluthmn.gov/live-meeting> to access the meeting. The public is also encouraged to submit written comment to planning@duluthmn.gov prior to the meeting. Please include "Planning Commission Agenda" in the subject line, and include your name and address and the agenda item you are speaking to. Please note that all public comment is considered Public Data. The public is also encouraged to watch the meeting by tuning into Public Access Television, Channel 180.



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 20-044	Contact	Theresa Bajda, 218-730-5303	
Type	Minor Subdivision – R1	Planning Commission Date	May 12, 2020	
Deadline for Action	Application Date	April 15, 2020	60 Days	June 14, 2020
	Date Extension Letter Mailed	April 16, 2020	120 Days	August 13, 2020
Location of Subject	3006 Parkwood Lane			
Applicant	Jessica & Bill Stauber	Contact		
Agent	N/A	Contact		
Legal Description	Parcel ID Number 010-3752-00710			
Site Visit Date	April 17, 2020	Sign Notice Date	N/A	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal: The applicant is requesting a Minor Subdivision to divide one platted lot into two lots. The current parcel is 36,535 square feet and the division will create two lots, proposed parcel A to equal 21,309 square feet, and parcel B to equal 15,226 square feet.

Staff Recommendation: Staff is recommending that Planning Commission approve and adopt this Minor Subdivision.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential- Traditional	Low Density Neighborhood
North	R-1	Residential- Traditional	Low Density Neighborhood
South	R-1	Residential- Traditional	Low Density Neighborhood
East	R-1	Residential- Traditional	Low Density Neighborhood
West	R-1	Residential- Traditional	Low Density Neighborhood

Summary of Code Requirements:

UDC Section 50-37.5D. The Planning Commission shall review and approve the application if it is determined that:

1. The lot or lots to be subdivided or combined have frontage on an improved public street.
2. Each proposed lot meets the minimum zoning requirements of the district it is in.
3. 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
4. If one or more of the existing lots, or a structure on one or more of those lots, does not comply with the requirements of this Chapter, the proposed relocation will not create any new nonconformity or increase any existing nonconformity between the requirements of this Chapter.

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

Governing Principle #1 – Reuse previously developed lands. The proposed minor subdivision directs future investment to a site that has potential to perform at a higher level than its current state.

Governing Principle #5 – Promote reinvestment in neighborhoods. The proposed minor subdivision will allow the applicant to maintain their existing single-family home on proposed parcel A, and consider future sale or home development on proposed parcel B.

Future Land Use – Low-density Neighborhood: Characterized by single-family housing with urban services. Typified by curvilinear streets, house with longer dimension parallel to street, and attached garages. Includes a range of house sizes and lot sizes. Non-residential uses are mainly uses such as schools and churches. Parks and open space are located within or adjacent.

Recent History – The current lot is 36,535 square feet and contains an existing single-family home with attached garage and two out sheds. The existing single-family home was constructed in 1990. In May 2019, the current property owner obtained a building permit from the City of Duluth for roof repairs. In April 2020, the current resident removed the existing ice skating rink as depicted in the attached survey. The property owner indicated the site was formerly two lots in 2011.

Review and Discussion Items

Staff finds that:

- 1) The applicant is requesting a Minor Subdivision to divide a single lot into two lots. The applicant intends to maintain their existing single-family home on proposed parcel A, and sell or develop a future home on proposed parcel B. The proposed subdivision, if approved, would not make the parcels non-conforming due to lot frontage and lot area. Lot area on proposed parcel A to equal 21,309 square feet with 133.67 feet of street frontage on Parkwood Lane. Lot area on proposed parcel B to equal 15, 226 square feet with 107.11 feet of street frontage on Parkwood Lane.
- 2) The attached survey exhibit demonstrates compliance with lot frontage and lot area. The existing single-family home meets required setbacks of R-1 zoned districts; no nonconformity created.
- 3) Both parcels have right of way on a developed street. No existing platted right of way is being proposed to be vacated with this proposal.
- 4) No public, agency, or City Comments were received.
- 5) Approval of this Minor Subdivision signifies that the City of Duluth UDC standards are met. St. Louis County may have additional requirements. This subdivision approval lapses if a legal survey and description are not recorded with St. Louis County within 180 days. Applicant must provide the City with proof of recording.

Staff Recommendation

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

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



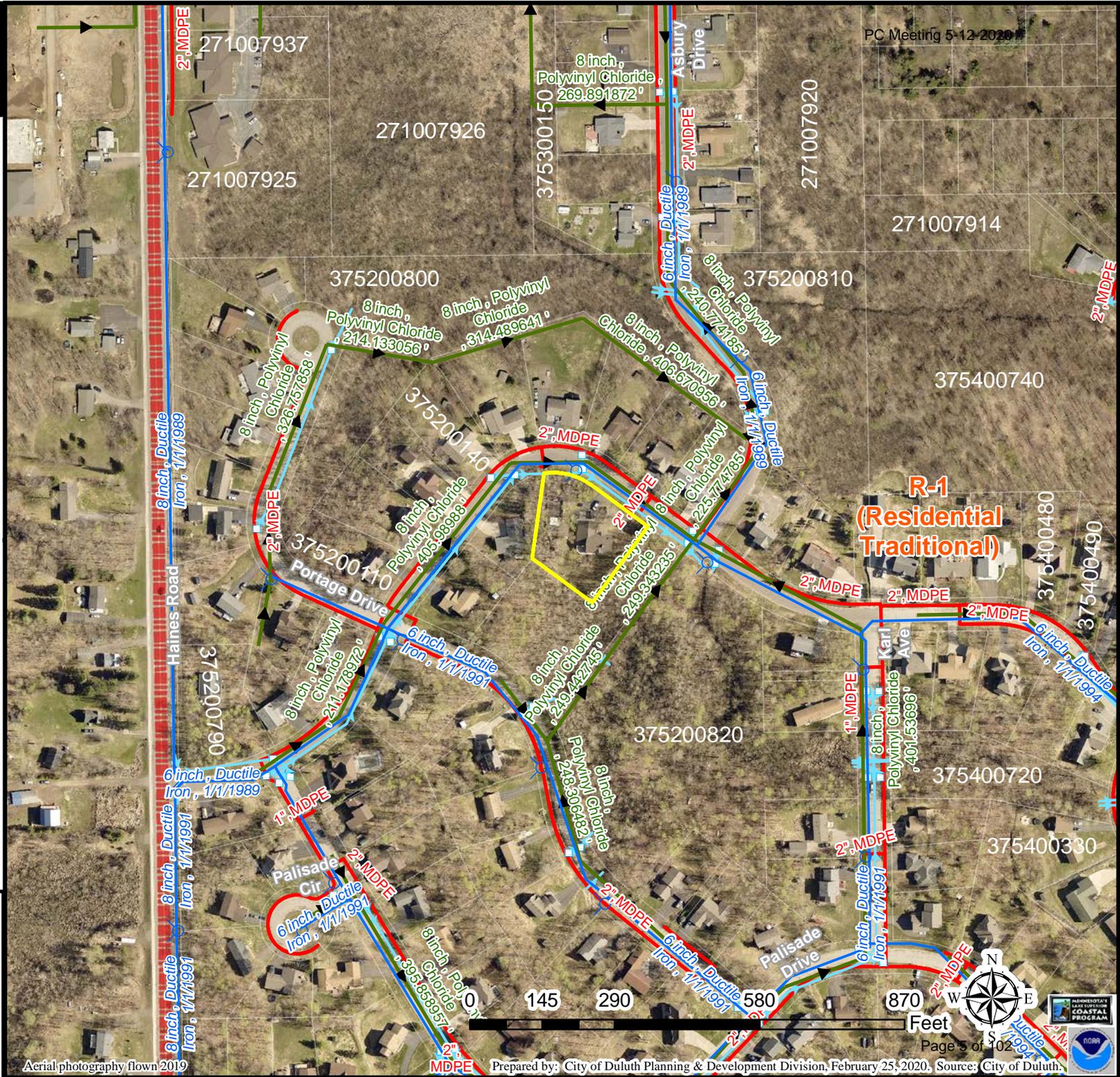
Minor Subdivision PL20-044
3006 Parkwood Lane

PC Meeting 5-12-2020

Legend

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

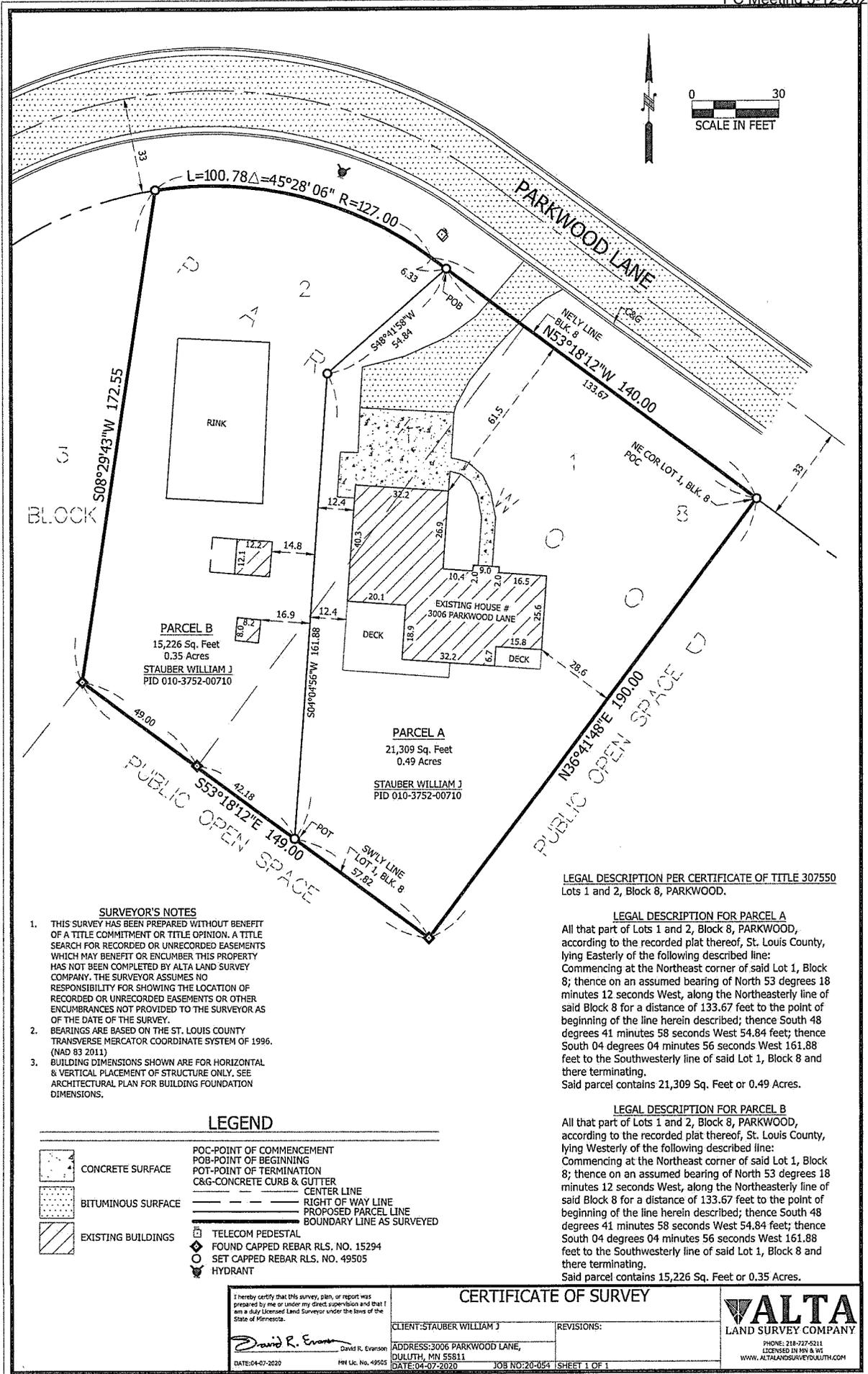
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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



Aerial photography flown 2019

Prepared by: City of Duluth Planning & Development Division, February 25, 2020. Source: City of Duluth.





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.

LEGEND

	CONCRETE SURFACE		POC-POINT OF COMMENCEMENT
	BITUMINOUS SURFACE		POB-POINT OF BEGINNING
	EXISTING BUILDINGS		POT-POINT OF TERMINATION
			C&G-CONCRETE CURB & GUTTER
			CENTER LINE
			RIGHT OF WAY LINE
			PROPOSED PARCEL LINE
			BOUNDARY LINE AS SURVEYED
			TELECOM PEDESTAL
			FOUND CAPPED REBAR RLS. NO. 15294
			SET CAPPED REBAR RLS. NO. 49505
			HYDRANT

LEGAL DESCRIPTION PER CERTIFICATE OF TITLE 307550
Lots 1 and 2, Block 8, PARKWOOD.

LEGAL DESCRIPTION FOR PARCEL A

All that part of Lots 1 and 2, Block 8, PARKWOOD, according to the recorded plat thereof, St. Louis County, lying Easterly of the following described line: Commencing at the Northeast corner of said Lot 1, Block 8; thence on an assumed bearing of North 53 degrees 18 minutes 12 seconds West, along the Northeasterly line of said Block 8 for a distance of 133.67 feet to the point of beginning of the line herein described; thence South 48 degrees 41 minutes 58 seconds West 54.84 feet; thence South 04 degrees 04 minutes 56 seconds West 161.88 feet to the Southwesterly line of said Lot 1, Block 8 and there terminating. Said parcel contains 21,309 Sq. Feet or 0.49 Acres.

LEGAL DESCRIPTION FOR PARCEL B

All that part of Lots 1 and 2, Block 8, PARKWOOD, according to the recorded plat thereof, St. Louis County, lying Westerly of the following described line: Commencing at the Northeast corner of said Lot 1, Block 8; thence on an assumed bearing of North 53 degrees 18 minutes 12 seconds West, along the Northeasterly line of said Block 8 for a distance of 133.67 feet to the point of beginning of the line herein described; thence South 48 degrees 41 minutes 58 seconds West 54.84 feet; thence South 04 degrees 04 minutes 56 seconds West 161.88 feet to the Southwesterly line of said Lot 1, Block 8 and there terminating. Said parcel contains 15,226 Sq. Feet or 0.35 Acres.

CERTIFICATE OF SURVEY

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

David R. Evanson
David R. Evanson
DATE: 04-07-2020 PIN Lic. No. 49505

CLIENT: STAUBER WILLIAM J
ADDRESS: 3006 PARKWOOD LANE,
DULUTH, MN 55811
DATE: 04-07-2020

REVISIONS:
JOB NO: 20-054 SHEET 1 OF 1

ALTA
LAND SURVEY COMPANY
PHONE: 218-727-5211
LICENSED IN MN & WI
WWW.ALTAANDSURVEYDULUTH.COM



Site Visit PL20-044: April 17, 2020



PC Meeting 5-12-2020





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 20-037	Contact	John Kelley	
Type	Minor Subdivision	Planning Commission Date	May 12, 2020	
Deadline for Action	Application Date	March 27, 2020	60 Days	May 26, 2020
	Date Extension Letter Mailed	April 21, 2020	120 Days	July 25, 2020
Location of Subject	3926 Trinity Road			
Applicant	Shane Stolp	Contact		
Agent		Contact		
Legal Description	See Attached			
Site Visit Date	May 1, 2020	Sign Notice Date	N/A	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal

Applicant is requesting a Minor Subdivision to divide one platted lot into two lots. The current parcel is approximately 60,000 square feet and the division will create a two lots. Parcel A will be 29,362 sqft and Parcel B will be 30,279 sqft.

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

Summary of Code Requirements

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

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

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

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

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

Governing Principle #8 – Encourage a mix of activities, uses, and densities. The applicant is proposing to remove an existing home on the parent lot and construct a new single-family dwelling and accessory dwelling on each new lot. This mix of housing types will contribute to the housing needs of Duluth.

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.

History: The current lot is approximately 60,000 square feet and contains a 994 square foot single-family residence built in 1940.

Review and Discussion Items

1. Applicant is requesting a Minor Subdivision to divide a single lot into two lots. The applicant has stated that the intent is to build a new single family dwelling with an accessory dwelling unit on Parcel A, remove the existing home on Parcel B and build a new single family dwelling and accessory dwelling unit. The parcels will be accessed via a shared driveway along Trinity Road and running along the property line between the lots.
2. Both parcels are zoned R-1, which has a minimum lot size of 4,000 square feet and have the required Street frontage along Trinity Road. The proposed subdivision, if approved, would not make the parcels non-conforming due to lot frontage, lot area, or similar bulk standard.
3. Parcel A appears to have a small accessory structure. To avoid creation of any nonconformities, this structure will need to be removed prior to the subdivision being recorded.
4. No public, agency, or City comments were received.
5. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
6. Approval of this Minor Subdivision signifies that City of Duluth UDC standards are met. St. Louis County may have additional requirements. This subdivision approval lapses if deeds are not recorded with St. Louis County within 180 days. Applicant must provide the City with proof of recording.

Staff Recommendation

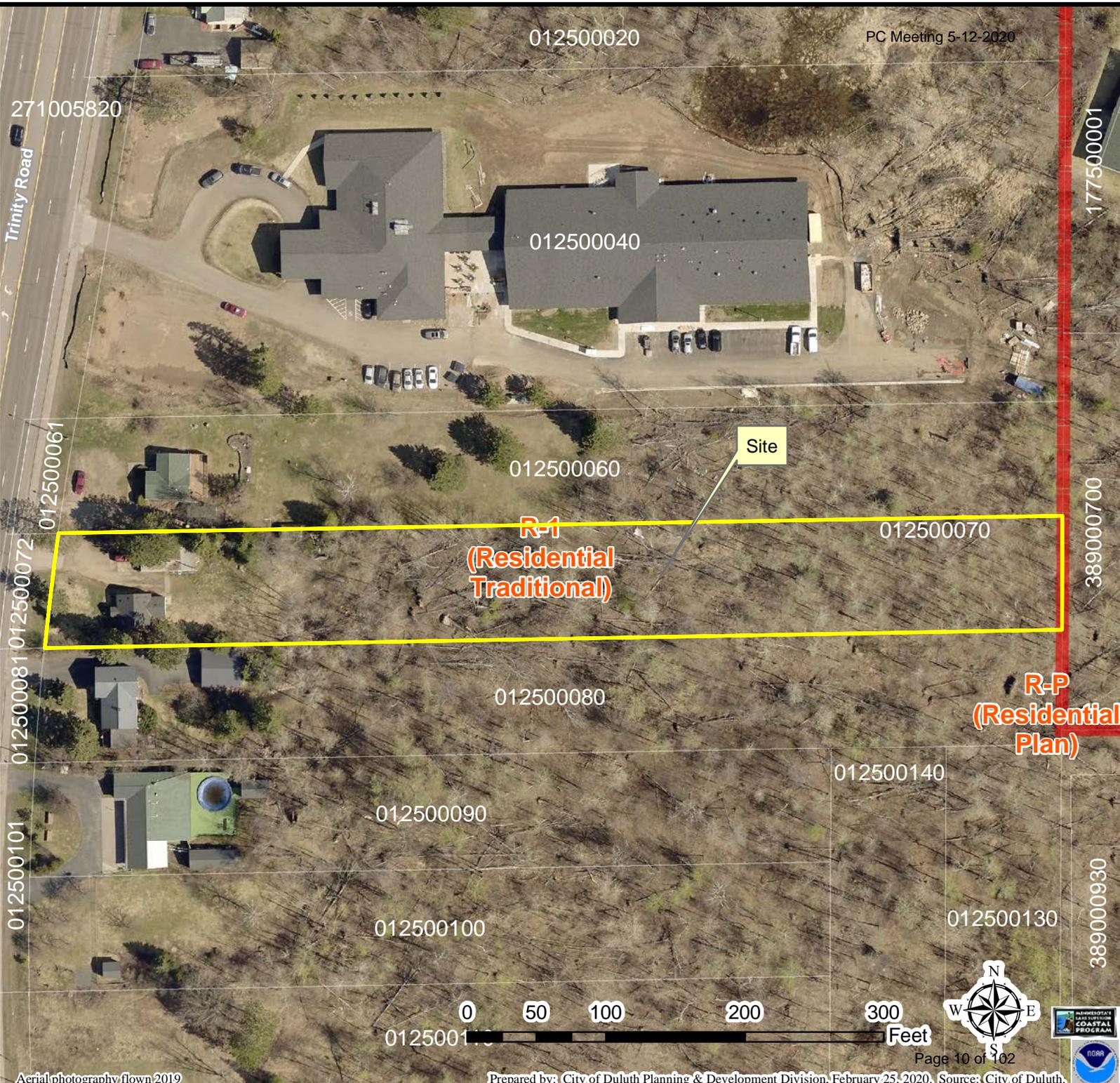
Based on the above findings, Staff recommends that Planning Commission recommend approval of the Minor Subdivision with the following conditions:

- 1) Appropriate deeds be filed with St. Louis County within 180 days. Prior to recording the deed that results from this adjustment, the Planning Division will need to stamp the deed, indicating compliance with the local zoning code.
- 2) Any accessory structures on Parcel A must be removed prior to recording to avoid creation of any nonconforming structures.
- 3) Applicant must provide evidence of recording of “shared access 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.



PL 20-037
Mimor Subdivision
Location Map

PC Meeting 5-12-2020



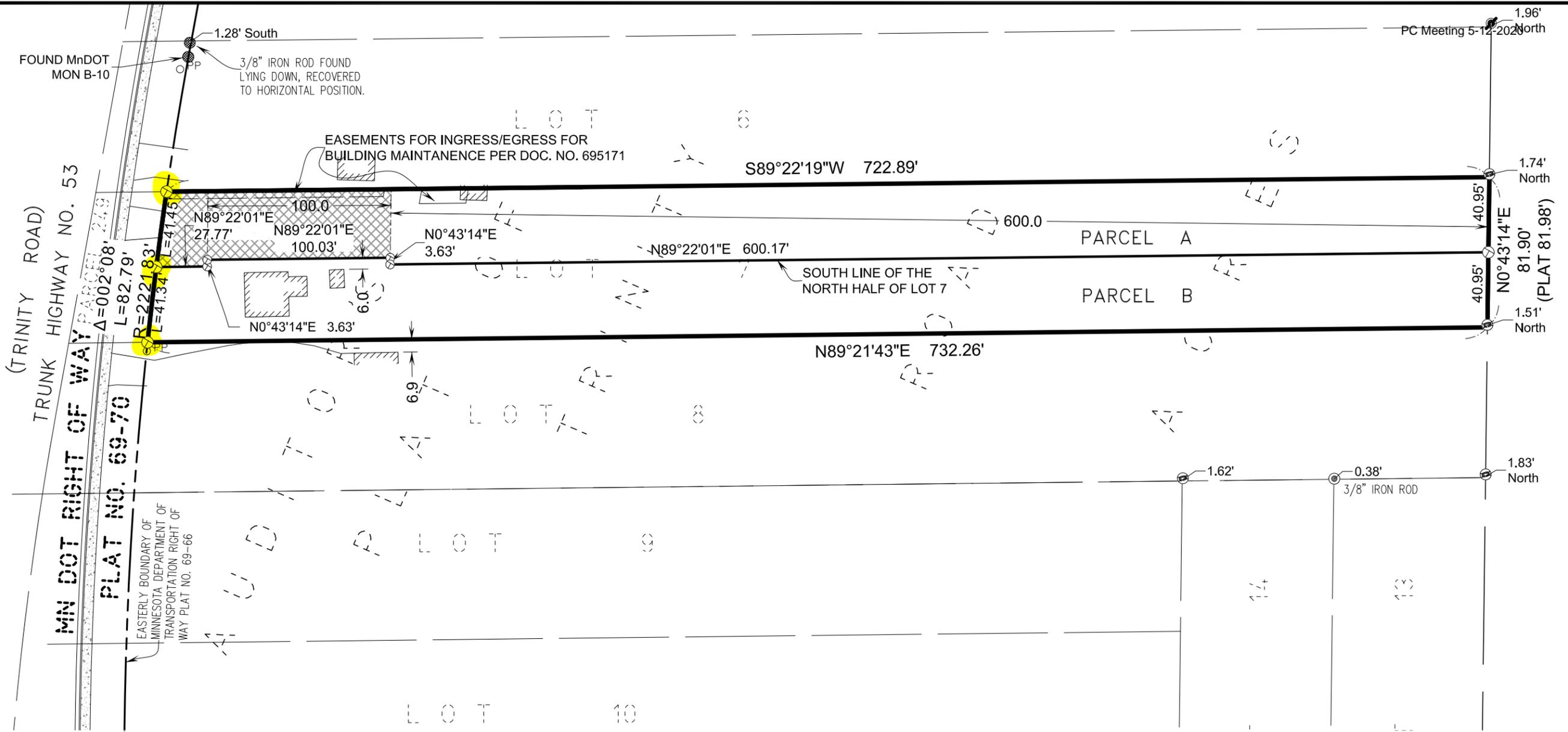
Legend
 Zoning Boundaries

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

Aerial photography flown 2019

Prepared by: City of Duluth Planning & Development Division, February 25, 2020, Source: City of Duluth,





Surveyor's notes

LEGAL DESCRIPTION

New Descriptions:

Existing pins found along the rear corners of Lots 6, 7 and 8 are about 1.5 to 2 feet north of prorated distances along the east line of Auditor's Plat of Trinity Road Acres, in the Southeast Quarter of the Southeast Quarter of Section 19. An existing pin at the northwest corner of Lot 7 south of a calculated position. Capped T-bars are set along the division line of Lot 7 into Parcels A and B, based on prorated distances along the east line of the Southeast Quarter of the Southeast Quarter.

Original Description:
 PIN 010-0125-00070 - Lot 7, AUDITORS PLAT OF TRINITY ROAD ACRES, EXCEPT HIGHWAY RIGHT OF WAY AND EXCEPT PART PLATTED AS PARCEL 249 OF MINNESOTA DOT RIGHT OF WAY PLAT NO. 69-66.
 Area= 59641.47 SF - 1.37 ACRES

Parcel A description
 The north half of Lot 7, Auditor's Plat of Trinity Road Acres according to the recorded plat thereof, except Parcel 249 of Minnesota Department of Transportation Right of Way Plat No. 69-66, and except the west 100.00 feet of the east 700.00 feet of a strip of said Lot 7 that lies south of a line parallel with and 3.63 feet north of the south line of said north half of said Lot 7.
 Area= 29362.04 SF - 0.67 ACRES

Parcel B description
 The south half of Lot 7, Auditor's Plat of Trinity Road Acres according to the recorded plat thereof, except Parcel 249 of Minnesota Department of Transportation Right of Way Plat No. 69-66, and also the west 100.00 feet of the east 700.00 feet of a strip of said Lot 7 that lies south of a line parallel with and 3.63 feet north of the north line of said south half of said Lot 7.
 Area= 30279.43 SF 0.70 ACRES
 Parcel A is grantor of an access easement to Parcel B, grantee, said easement is described as follows:
 That part of the north half of Lot 7, Auditor's Plat of Trinity Road Acres according to the recorded plat thereof, except Parcel 249 of Minnesota Department of Transportation Right of Way Plat No. 69-66, and except the east 600.00 feet of said Lot 7, and except the west 100.00 feet of the east 700.00 feet of a strip of said Lot 7 that lies south of a line parallel with and 3.63 feet north of the south line of said north half of said Lot 7.



- FOUND IRON PIPE
- FOUND IRON ROD
- FOUND PINCH ROD
- FOUND CAPPED ROD - MN LIC NO 14374
- PP POWER POLE
- PLATTED LOT LINE
- RIGHT OF WAY LINE
- ▨ BUILDING
- ⊗ TEE TO BE SET AFTER SPRING THAW-MN LIC. NO. 21774
- ▨ ACCESS EASEMENT

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT THIS PROPERTY HAS NOT BEEN COMPLETED BY TKDA.

FIELD BOOK: FIELDBOOK
 File Date: 03/05/2020
 Drawing name: P:\Hermantown-Office\Projects\TKDA\15513 Land Survey\15513_381 Shane Stolp\Sub.dwg
 Xref:

DESIGNED	DRAWN	I HEREBY CERTIFY THAT THIS PLAN 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 GREG STOEWER
JL	JK	
CHECKED		
JG		
DATE	03/05/2020	LIC. NO. 21774

TKDA

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

BOUNDARY SURVEY FOR:
 SHANE & MELONY STOLP
 3926 TRINITY ROAD
 DULUTH MINNESOTA

Minor Subdivision of Lot 7,
 AUDITOR'S PLAT OF
 TRINITY ROAD ACRES

PROJECT NO. 15513.381
 RECORD NO. SHEET NO. 1
 Page 11 of 102



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 20-040	Contact	Kyle Deming, kdeming@duluthmn.gov	
Type	Concurrent Use Permit	Planning Commission Date	May 12, 2020	
Deadline for Action	Application Date	April 12, 2020	60 Days	June 12, 2020
	Date Extension Letter Mailed	April 21, 2020	120 Days	August 11, 2020
Location of Subject	1012 E. Second St. (East Hillside)			
Applicant	St. Luke's Hospital	Contact	Mike Boeselager	
Agent	Erdman Company	Contact	Jim Joyce	
Legal Description	East Second Street adjacent to Lots 10 and 15, Block 40, Portland Division			
Site Visit Date		Sign Notice Date	April 27, 2020	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal: Concurrent Use Permit for installation of a snowmelt system in the concrete driveway entrance and exit of St. Luke's Building A ambulance garage at 1012 E. Second St.

Staff Recommendation: Staff is recommending that Planning Commission recommend approval to City Council with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-I	Public street and sidewalk	Institutional
North	MU-I	St. Luke's parking lot	Institutional
South	MU-I	St. Luke's Building A	Institutional
East	MU-I	St. Luke's parking lot	Institutional
West	MU-I	St. Luke's Building A	Institutional

Summary of Code Requirements:

UDC Section 50-37.7.C. The Planning Commission shall review the application, and council shall approve the application or approve it with modifications, if it determines that:

1. The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city.
2. Not applicable (skywalks)
3. No portion of a public easement proposed for use is being physically used or occupied by the public.
4. Not applicable (parking)

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

Governing Principle #1 – Reuse previously developed lands: includes adaptive reuse of existing building stock and historic resources, as this strengthens neighborhoods.

Governing Principle #13 – Develop a healthy community – Supporting health and well-being is a priority, and investments and policies will advance and maximize health and health equity in the city through safe vehicle and pedestrian travel.

Future Land Use - Applicable to medical, university/college, public school, religious, or governmental campuses. Can include adjacent areas that support them, with related commercial and/or office uses, and residential uses in the fringe areas of the district. Relationship to institutional master plans, which should guide expansions and ancillary land uses in adjacent areas, density increasing from fringe to taller buildings in core, pedestrian-oriented design, transit facilities, and parking.

Recent History:

2019 – St. Luke’s Hospital constructed a new parking deck and ambulance garage with a helipad on the top level to serve the relocated Emergency Department in Building A (MU-I Planning Review – PL 18-158).

Review and Discussion Items

Staff finds that:

- 1.) The applicant is seeking a concurrent use permit to install a snowmelt system in two new 24-28 foot wide concrete driveways in the E. Second St. right of way.
- 2.) The system consists of a 2 inch thick layer of foam insulation under the concrete driveway pavement that contains a maze of ¾ inch diameter plastic tubing. A 50/50 mixture of glycol and water will be heated and circulated through the tubing when snow is falling in order to melt the snow. The fluid can be heated to a maximum temperature of 140 degrees to completely melt snow and ice. When no snow is falling the system is “idled” at 35 degrees.
- 3.) There are isolation valves in the manifold near the building to isolate the tubing system should it need to be modified or removed by St. Luke’s or the City.
- 4.) The applicant has been in contact with City Engineering about the specifics of the proposed snowmelt system including timing of constructing it during the upcoming rehabilitation of E. Second St. City Engineering will also coordinate with St. Luke’s about construction near an existing gas main.
- 5.) City Engineering suggested the only condition of approval be that St. Luke’s respond to Gopher One Call utility locate requests to paint the location of the system.
- 6.) The City of Duluth requires concurrent use permits to include liability insurance to indemnify the City against occurrences in the right of way. Other protections for the City and the public are typically included in the ordinance that is submitted to City Council. The ordinance will indicate the City is not responsible for removal/replacement of the applicant’s infrastructure should the City need to access the right-of-way in the permitted area.
- 7.) The presence of the snowmelt system in the driveway pavement will not take away from the public’s ability to use the right of way, nor will it harm or inconvenience the health, safety, and general welfare of the city.
- 8.) No other public, agency, or other comments have been received.

Staff Recommendation

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

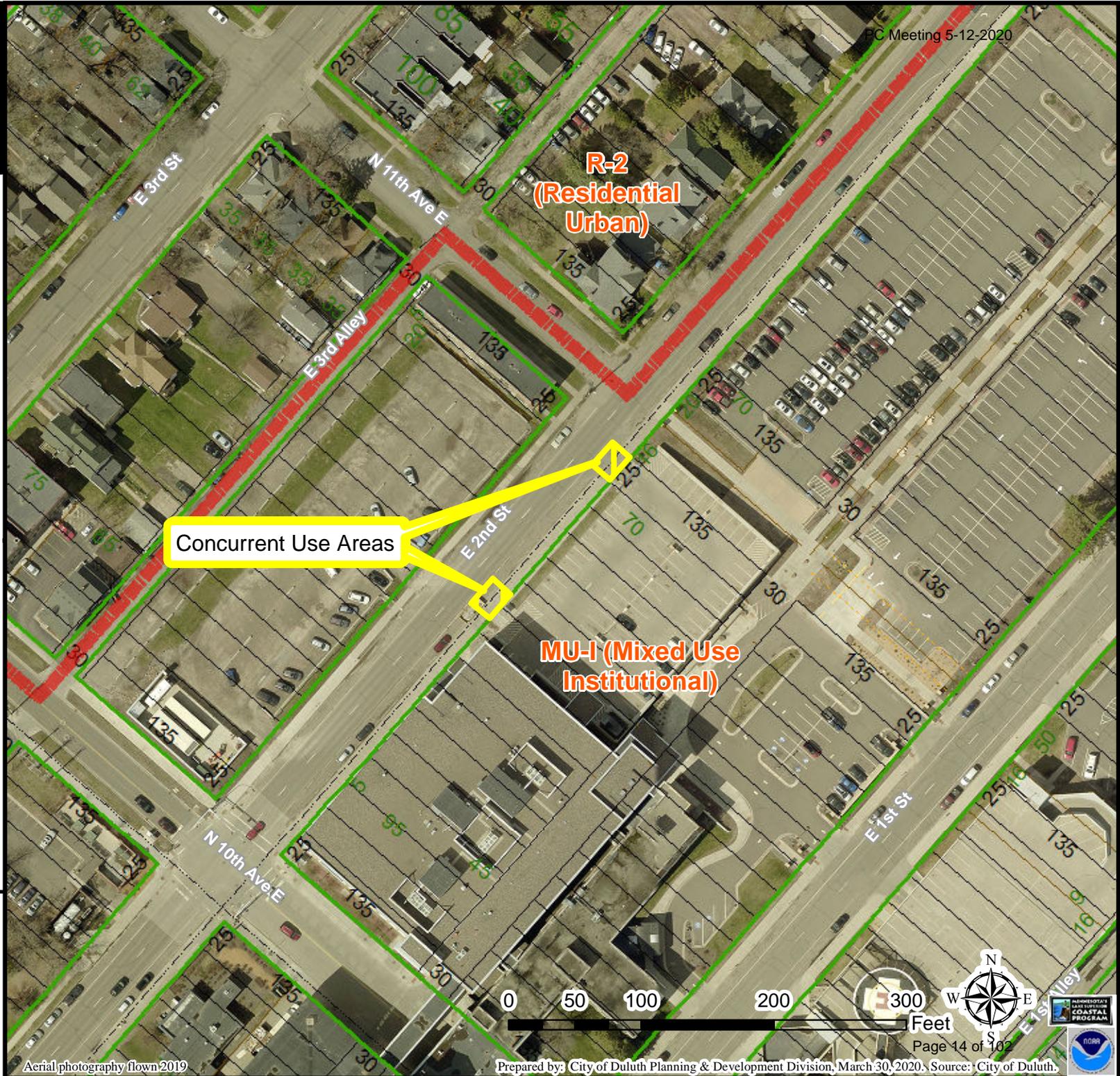
- 1.) Applicant shall construct and maintain the snowmelt system as identified in the attached exhibits and in coordination with the City Engineer and City Building Official and with all required permits.
- 2.) Applicant shall provide annual proof of liability insurance to indemnify the City against any occurrences in the right of way that are due to items covered under this permit.
- 3.) Applicant shall remove the system at the applicant’s expense if directed to by the City with appropriate notice.
- 4.) The City shall not be responsible for any damage to the system caused by snow removal or work in the right-of-way.
- 5.) The applicant shall be responsible for responding to Gopher State One Calls for utility locate requests relative to the snowmelt system.
- 6.) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



PL 20-040
 St. Luke's Hospital
 Snowmelt System
 Concurrent Use Permit

Area Map

PC Meeting 5-12-2020



Legend

Boundary Lines
 Subtype, ROW_TYPE

- Lot Line
- Parcel Line
- ROW (Road)
- - - ROW (Not Road)
- Subdivision Line
- Water Line
- Survey Line
- Municipal Boundary
- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

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Aerial photography flown 2019





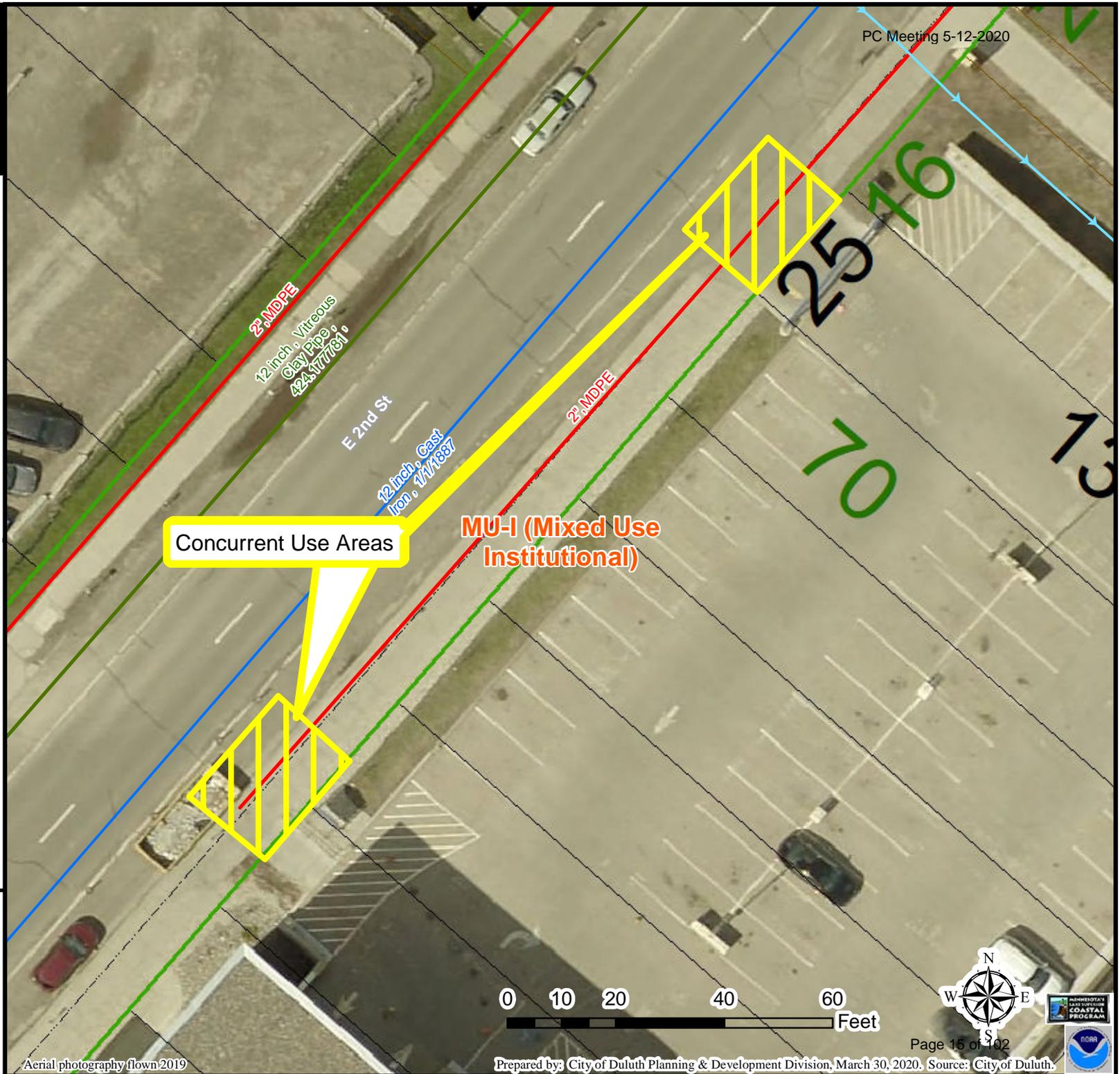
PL 20-040
St. Luke's Hospital
Snowmelt System
Concurrent Use Permit

Site Map

PC Meeting 5-12-2020

Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains
 - CITY OF DULUTH
 - WLSSD; PRIVATE
 - Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin
- Boundary Lines
 - Subtype, ROW_TYPE
 - Lot Line
 - Parcel Line
 - ROW (Road)
 - ROW (Not Road)
 - Subdivision Line
 - Water Line
 - Survey Line
 - Municipal Boundary
 - Zoning Boundaries
 - Trout Stream (GPS)
 - Other Stream (GPS)



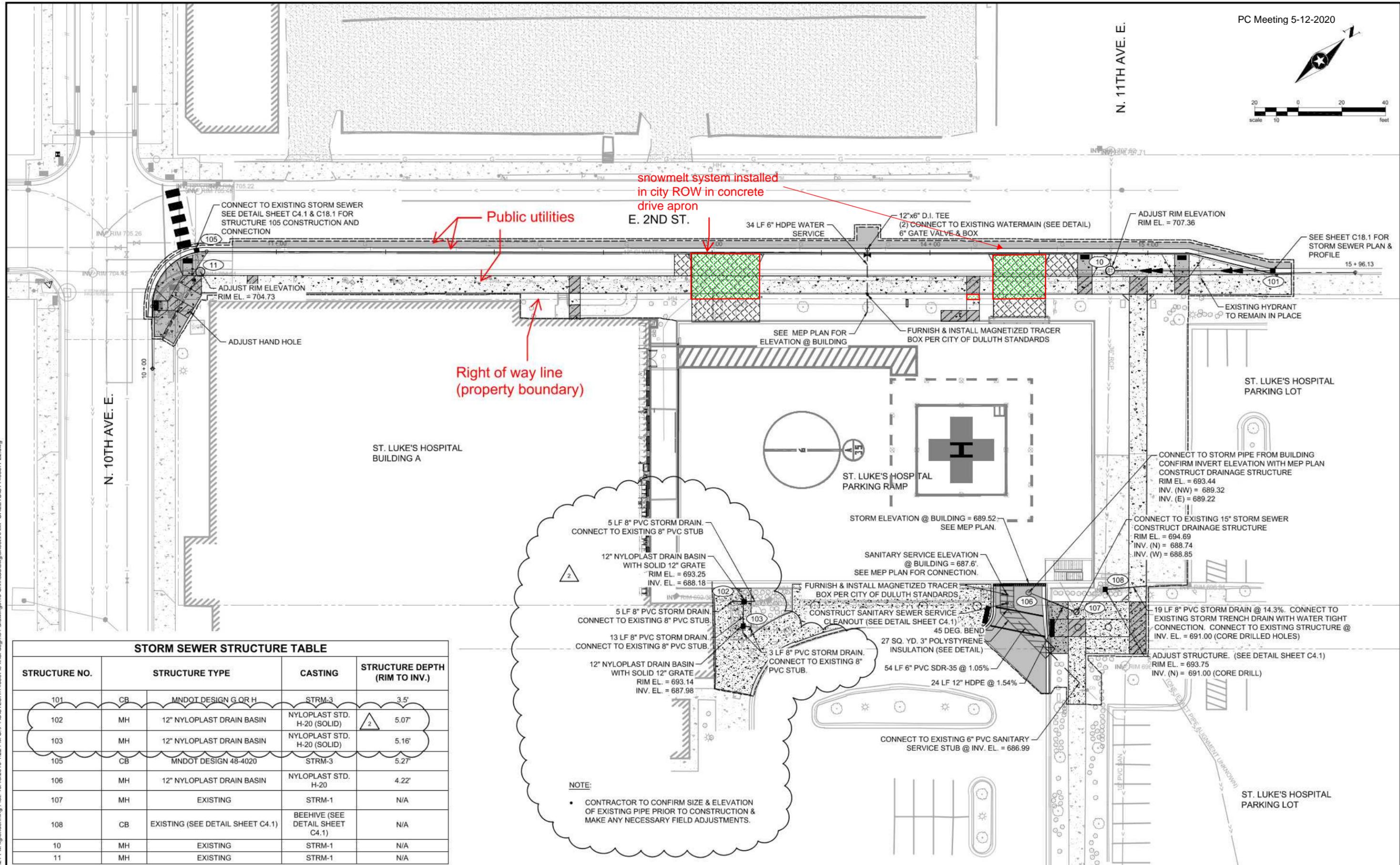
Concurrent Use Areas

MU-I (Mixed Use Institutional)

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Aerial photography flown 2019

Prepared by: City of Duluth Planning & Development Division, March 30, 2020. Source: City of Duluth.



STORM SEWER STRUCTURE TABLE

STRUCTURE NO.	STRUCTURE TYPE	CASTING	STRUCTURE DEPTH (RIM TO INV.)
101	CB	MNDOT DESIGN G OR H	3.5'
102	MH	12" NYLOPLAST DRAIN BASIN	5.07'
103	MH	12" NYLOPLAST DRAIN BASIN	5.16'
105	CB	MNDOT DESIGN 48-4020	5.27'
106	MH	12" NYLOPLAST DRAIN BASIN	4.22'
107	MH	EXISTING	N/A
108	CB	EXISTING (SEE DETAIL SHEET C4.1)	N/A
10	MH	EXISTING	N/A
11	MH	EXISTING	N/A

NOTE:

- CONTRACTOR TO CONFIRM SIZE & ELEVATION OF EXISTING PIPE PRIOR TO CONSTRUCTION & MAKE ANY NECESSARY FIELD ADJUSTMENTS.

Save: 10/18/2019 1:21 PM xglendinning Plot: 10/18/2019 1:22 PM S:\PT\S\STLUH\146887\5-final-dsgn\5-drawings\10-Civil\cad\dwg\sheet\RAMP_SHEETS\ST146887PL2.dwg

DRAWN BY: KLG	DESIGNER: TPY	CHECKED BY: DRH	DESIGN TEAM
NO.	BY	DATE	REVISIONS
2	KLK	10/17/19	STORM STRUCTURE, PIPING, & CONCRETE WALK UPDATES
1	KLK	04/05/19	CITY COMMENTS ADDRESSED

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

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

Daniel R. Hinzmann
DANIEL R. HINZMANN
Lic. No. 49874
Date: 3/15/2019

DULUTH, MINNESOTA

**UTILITY PLAN
ST. LUKE'S PARKING GARAGE
WITH HELIPORT**

FILE NO. STLUH 146887
Page 16 of 102
C17.1



Building a Better World
for All of Us®

Burdened Property Description:

Part of East Second Street lying between 10th Avenue East and 11th Avenue East, Duluth, Minnesota

Proposed Concurrent Use Area Description:

That part of the 66 foot wide platted Right of Way of East Second Street adjacent to Block 40, PORTLAND DIVISION, as depicted on the recorded plat thereof, Saint Louis County, Minnesota described as follows:

Concurrent Use Area 1: The southeasterly 25 feet of said East Second Street lying northeasterly of the northwesterly extension of the southwest line of Lot 10, said Block 40, and southwesterly of the northwesterly extension of the northeast line of Lot 11, said Block 40.

Concurrent Use Area 2: The southeasterly 25 feet of said East Second Street lying northeasterly of the northwesterly extension of the southwest line of Lot 15, said Block 40, and southwesterly of the northwesterly extension of the northeast line of Lot 16, said Block 40.

Containing 2,500 square feet in aggregate. Subject to restrictions, reservations, and easements of record.

CERTIFICATION

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.



Chris A. Larsen, PLS
Minnesota License No. 45848

April 15, 2020
Date



REHAU Construction LLC
 615 - 1st Ave. North east, Suite 3135
 Minneapolis, MN 55413
 Tel: (612) 253-0576
 Fax: (612) 253-6303

IMPORTANT NOTICE
 This technical information is provided only for general quotation purposes and is based in part on information you provided. No representations, guarantees or warranties are made regarding the suitability of this technical information to meet requirements for any particular project. This technical information is not intended to be used for final drawings or specifications, or to prepare cost calculations. The user will determine suitability of the information for user's intended use by employing a licensed local professional to convert this technical information into a final specification that meets the functional, financial, aesthetic needs of the project, as well as complying with all applicable codes and local climate conditions.
 Copyright REHAU 2020

PROJECT:
 St Lukes Sidewalks SIM
 Duluth, MN

CUSTOMER:
 The Jamar Company
 Duluth, MN

REFERENCE NO.:
 RCP 20/04-9319

SCALE:
 1/8" = 1'-0"

DRAWN BY:
 MBA

CHECKED BY:
 SLD

ISSUE DATES:

<input type="radio"/> 04-16-2020	ORIGINAL
<input type="checkbox"/> 1	
<input type="checkbox"/> 2	
<input type="checkbox"/> 3	
<input type="checkbox"/> 4	
<input type="checkbox"/> 5	

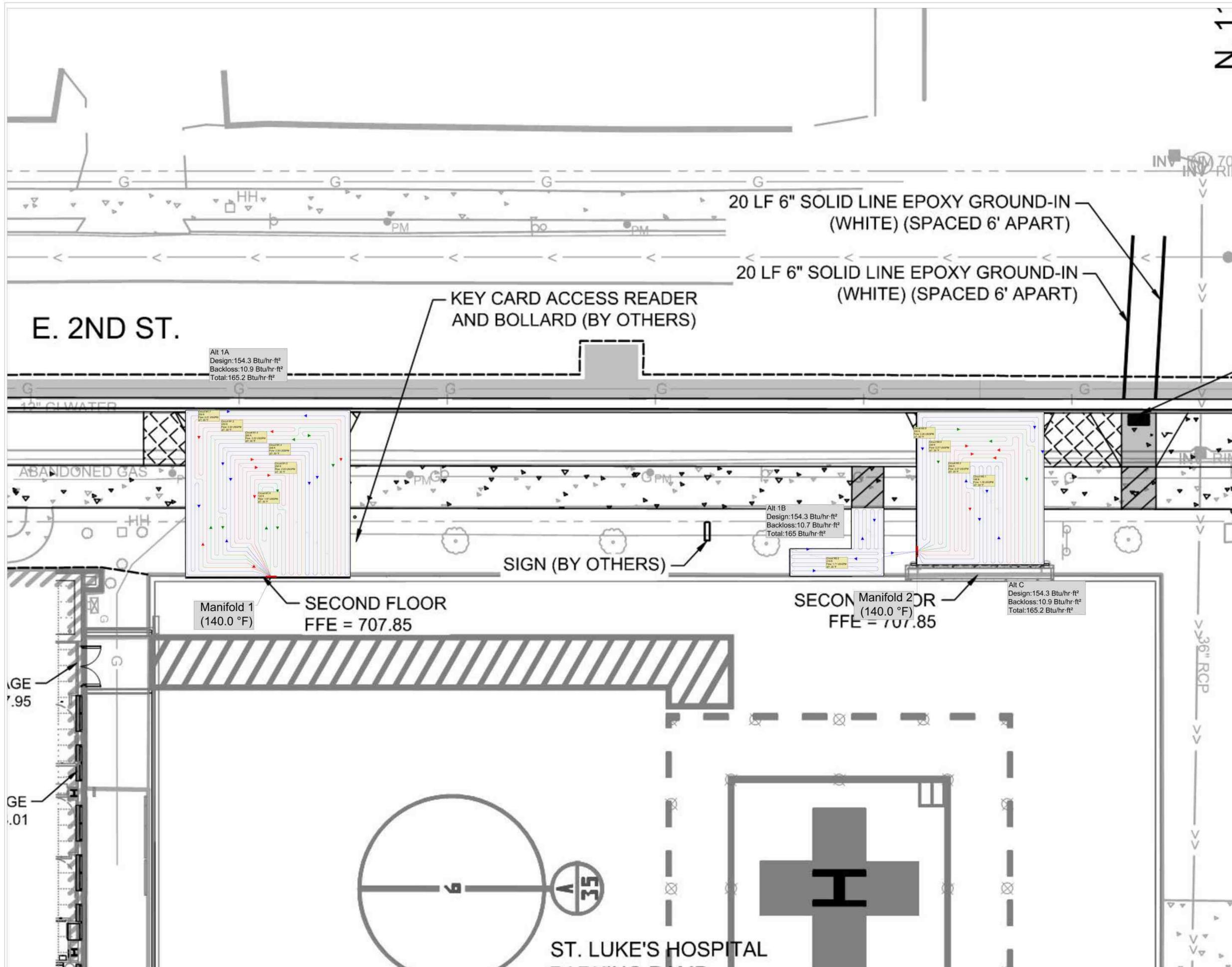
DRAWING TITLE:

SIM

DRAWING NO.:

R-2

SHEET 2 OF 3



Alt 1A
 Design: 154.3 Btu/hr-ft²
 Backloss: 10.9 Btu/hr-ft²
 Total: 165.2 Btu/hr-ft²

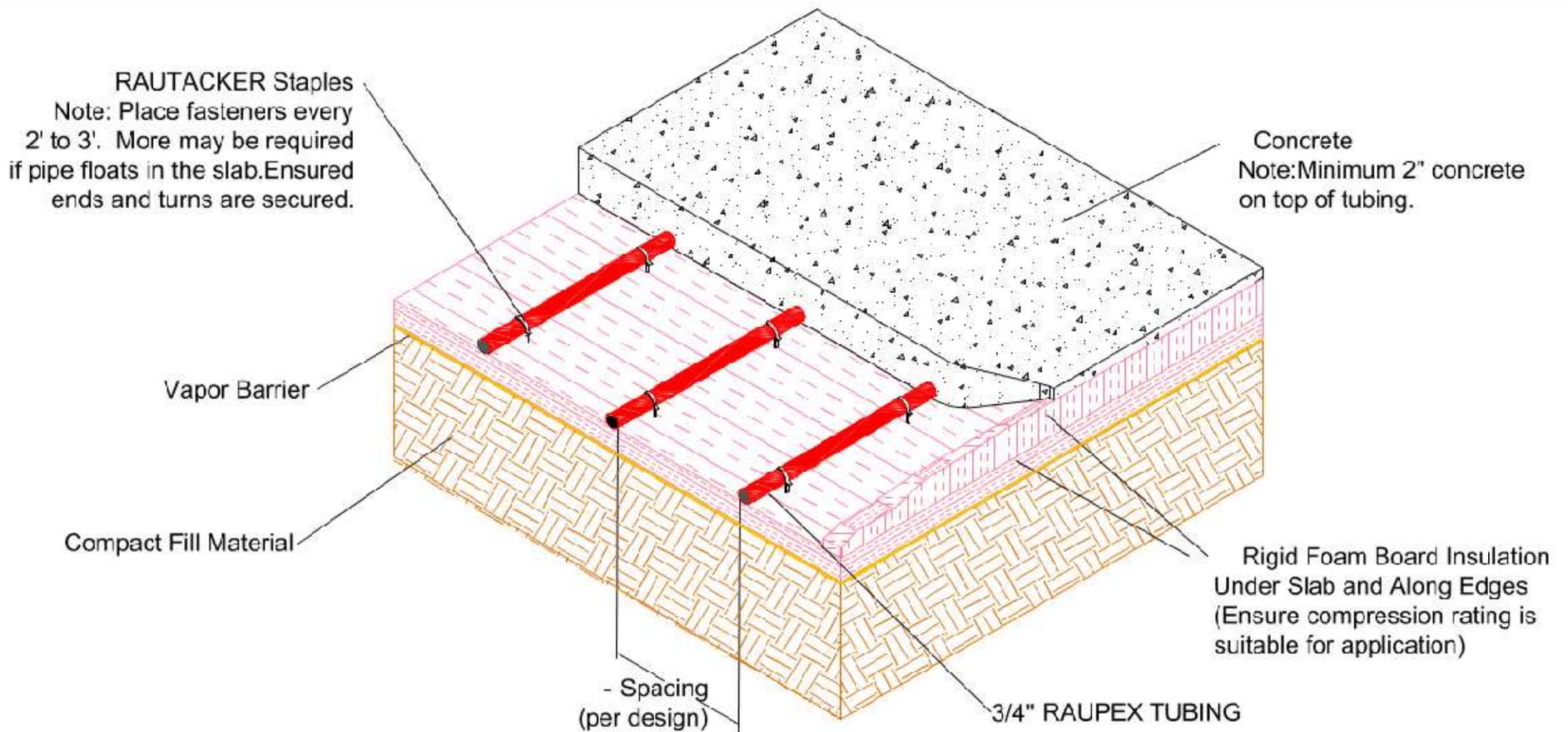
Alt 1B
 Design: 154.3 Btu/hr-ft²
 Backloss: 10.7 Btu/hr-ft²
 Total: 165 Btu/hr-ft²

Alt C
 Design: 154.3 Btu/hr-ft²
 Backloss: 10.9 Btu/hr-ft²
 Total: 165.2 Btu/hr-ft²

Manifold 1
 (140.0 °F)
 SECOND FLOOR
 FFE = 707.85

Manifold 2 OR
 (140.0 °F)
 SECON FLOOR
 FFE = 707.85

ST. LUKE'S HOSPITAL



SIM INSTALLATION-CONCRETE
RAUTACKER Staples
SIM.007



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 20-042	Contact	John Kelley, 218-730-5326	
Type	Concurrent Use Permit	Planning Commission Date	May 12, 2020	
Deadline for Action	Application Date	April 8, 2020	60 Days	June 7, 2020
	Date Extension Letter Mailed	April 21, 2020	120 Days	August 6, 2020
Location of Subject	30 West Superior Street			
Applicant	Minnesota Power	Contact	Ken Ogston	
Agent		Contact		
Legal Description	See attached			
Site Visit Date	May 1, 2020	Sign Notice Date	April 28, 2020	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal: The purpose of this application is to obtain a concurrent use permit for that portion of the Minnesota Power parking structure that extends into Superior Street below the Superior Street level.

Staff Recommendation: Staff is recommending that Planning Commission recommend approval to City Council.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-8	Office/Parking/Plaza/Street	Central Business Primary/Open Space
North	F-7	Office/Commercial	Central Business Primary
South	MU-C	Office/Commercial	Central Business Primary
East	MU-C	Street/Highway	Central Business Primary
West	F-8	Street/Highway	Central Business Primary

Summary of Code Requirements:

UDC Section 50-37.7C. The Planning Commission shall review the application, and council shall approve the application or approve it with modifications, if it determines that:

1. The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city.
2. ... Not Applicable
3. No portion of a public easement proposed for use is being physically used or occupied by the public.

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

Governing Principle #1 – Reuse previously developed lands: includes adaptive reuse of existing building stock and historic resources, as this strengthens neighborhoods. The area proposed for the concurrent use permit has been a portion of a parking structure built in the 1980's.

Future Land Use – Central Business Primary: Encompasses a broad range of uses and intensities: Governmental campus, Significant retail, Entertainment and lodging, Opportunities for high density housing, Central plaza, public/open space and Public parking facilities.

Review and Discussion Items

Staff finds that:

- 1.) Below the Minnesota Power Building and adjacent plaza areas, is a parking structure owned by Minnesota Power and used by them for private parking. When the parking structure was constructed in the 1980's, 12 feet of the parking structure extended into Superior Street. The applicant is seeking a concurrent use permit for that portion of the Minnesota Power parking structure that extends into Superior Street below the Superior Street level and below Lake Avenue.
- 2.) The City and Minnesota Power have been working together to address the title issues surrounding the property and it appears that a CUP has never been issued for the ramp.
- 3.) The City of Duluth requires concurrent use permits to include liability insurance to indemnify the City against occurrences in the right of way. Other protections for the city and the public are typically included in the ordinance that is submitted to City Council. The ordinance will state that the City is not responsible for remove/replacement of the applicant's infrastructure should the City need to access the right-of-way in the permitted area.
- 4.) The area proposed for the concurrent use permit will not take away from the public's ability to use the public right of way, nor will it harm or inconvenience the health, safety, and general welfare of the city.
- 5.) No other public, agency, or other comments have been received as of February 4, 2020.

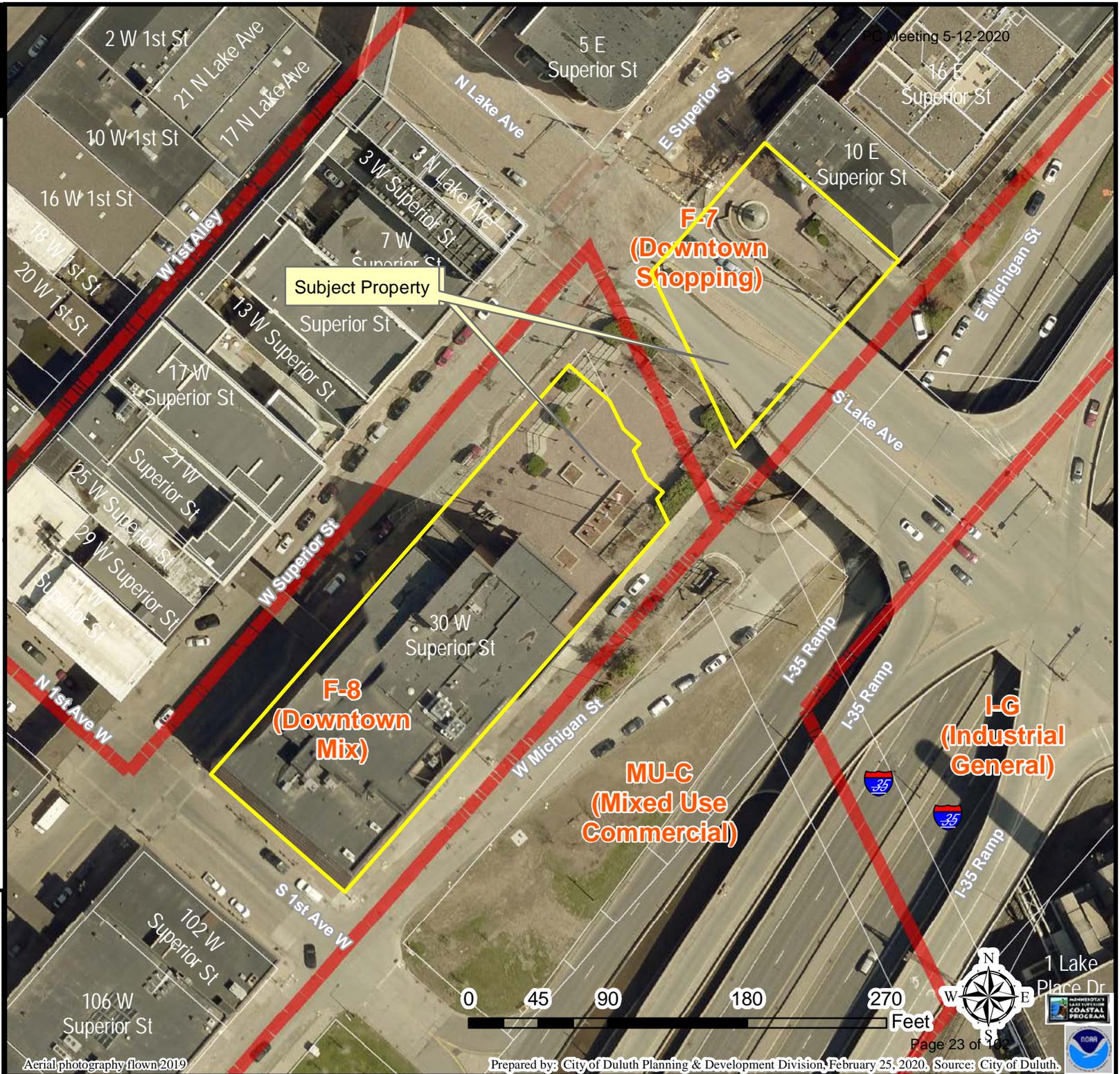
Staff Recommendation

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

- 1.) Applicant shall maintain the project as identified in the attached exhibits.
- 2.) Applicant shall provide annual proof of liability insurance to indemnify the City against any occurrences in the right of way that are due to items covered under this permit.
- 3.) Applicant will remove the obstructions at the applicant's expense if directed to by the City with appropriate notice.
- 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.



PL 20-042
 Concurrent Use Permit
 Location map



Legend

Zoning Boundaries

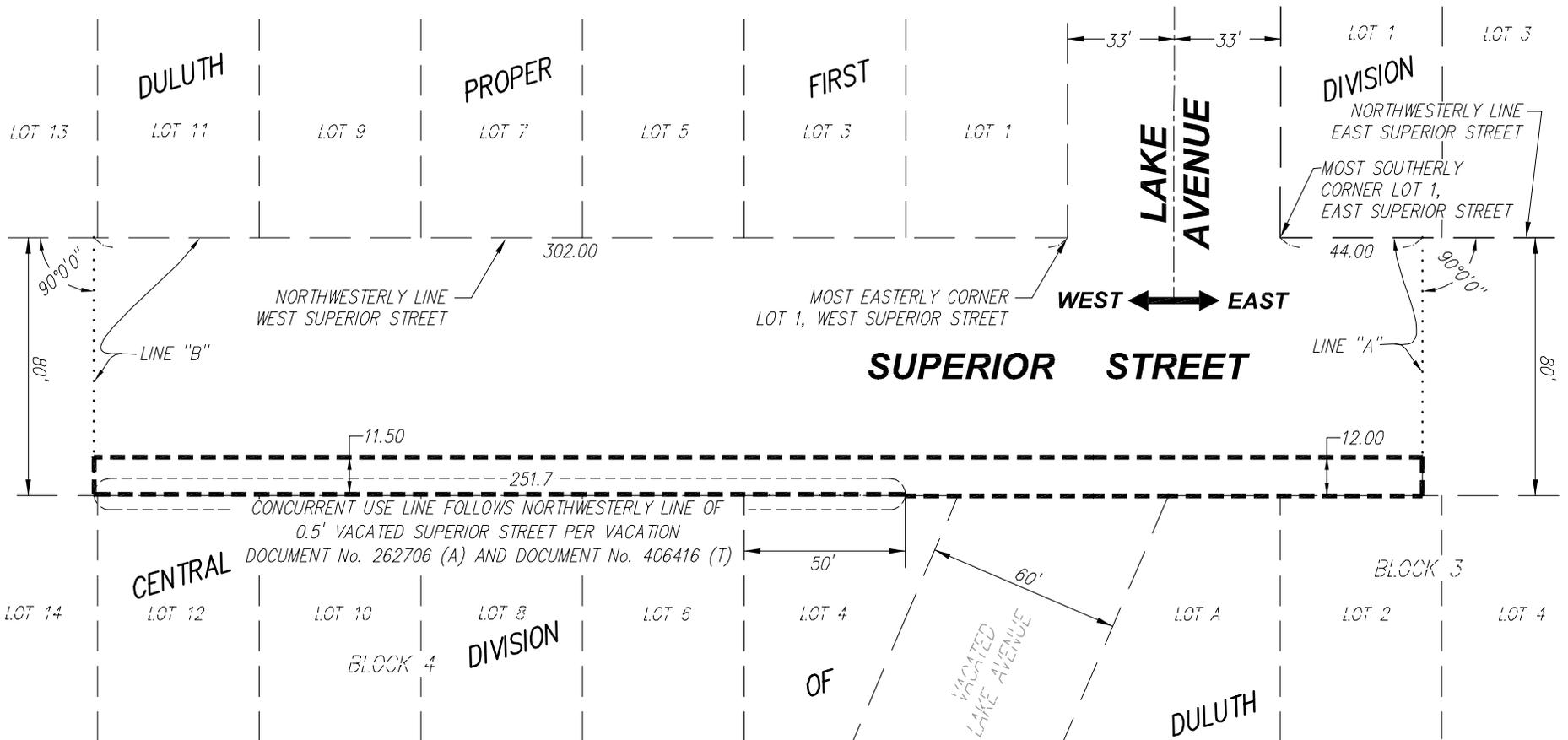
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Aerial photography flown 2019

Prepared by: City of Duluth Planning & Development Division, February 25, 2020, Source: City of Duluth.

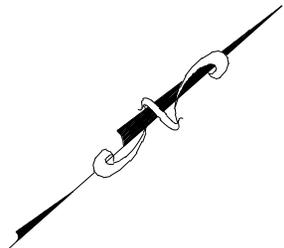


EXHIBIT B



= CONCURRENT USE PERMIT AREA

APPROVED BY: _____
CITY ENGINEER



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

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

Print Name: Paul A. Vogel License # 44075

Signature: Date: 03/11/2020

CONCURRENT USE
DATE PREPARED: 03/11/20
PROJ NO: 200217
FILE: 200217vEXHIB
SHEET 1 of 1 SHEETS



**PERFORMANCE
DRIVEN DESIGN.**
LHBcorp.com

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

EXHIBIT A

DESCRIPTION :

THAT PART OF THE SOUTHEASTERLY 12.00 FEET OF SUPERIOR STREET, DULUTH PROPER FIRST DIVISION, CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA EXCEPT THE SOUTHEASTERLY 6 INCHES OF THE SOUTHWESTERLY 251.7 FEET THEREOF; LYING SOUTHWESTERLY OF LINE "A" AND NORTHEASTERLY OF LINE "B" DESCRIBED AS FOLLOWS:

LINE "A"

BEGINNING AT THE MOST SOUTHERLY CORNER LOT 1, EAST SUPERIOR STREET, SAID DULUTH PROPER FIRST DIVISION; THENCE NORTHEASTERLY ALONG THE NORTHWESTERLY LINE OF SAID EAST SUPERIOR STREET, A DISTANCE OF 44.00 FEET; THENCE DEFLECT TO 90 DEGREES 00 MINUTES 00 SECONDS TO THE RIGHT IN A SOUTHEASTERLY DIRECTION TO THE SOUTHEASTERLY LINE OF SAID SUPERIOR STREET AND SAID LINE THERE TERMINATING.

LINE "B"

BEGINNING AT THE MOST EASTERLY CORNER LOT 1, WEST SUPERIOR STREET, SAID DULUTH PROPER FIRST DIVISION; THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY LINE OF SAID WEST SUPERIOR STREET, A DISTANCE OF 302.00 FEET; THENCE DEFLECT TO 90 DEGREES 00 MINUTES 00 SECONDS TO THE LEFT IN A SOUTHEASTERLY DIRECTION TO THE SOUTHEASTERLY LINE OF SAID SUPERIOR STREET AND SAID LINE THERE TERMINATING.

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

Print Name: Paul A. Vogel License # 44075

Signature:  Date: 03/11/2020

CONCURRENT USE

DATE PREPARED: 03/11/20

PROJ NO: 200217

FILE: 200217vEXHIB

SHEET 1 of 1 SHEETS



**PERFORMANCE
DRIVEN DESIGN.**

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Planning & Development Division
 Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

☎ 218-730-5580

✉ planning@duluthmn.gov

File Number	PL20-025	Contact	Theresa Bajda, 218-730-5303	
Type	Variance – Shoreland structure setback	Planning Commission Date	May 12, 2020	
Deadline for Action	Application Date	March 9, 2020	60 Days	May 8, 2020
	Date Extension Letter Mailed	Not Applicable	120 Days	July 7, 2020
Location of Subject	310 N 63 rd Avenue West			
Applicant	Duluth Economic Development Authority	Contact		
Agent	Theresa Bajda – City of Duluth Planning	Contact	218-730-5303, tbajda@duluthmn.gov	
Legal Description	Parcel ID Number 010-3140-00750			
Site Visit Date	March 12, 2020	Sign Notice Date	4/28/20	
Neighbor Letter Date	4/17/20	Number of Letters Sent	41	

Proposal: The applicant is seeking a variance to allow future construction of a housing structure on currently vacant lot within 80 feet from Keene Creek rather than the required 150 feet.

Staff Recommendation: Staff is recommending that Planning Commission approve and adopt this variance with mitigation conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Vacant lot	Open Space
North	R-1	Single Family Residential	Open Space/Traditional Neighborhood
South	R-1	Single Family Residential	Open Space
East	R-1	Single Family Residential	Open Space/Traditional Neighborhood
West	R-1	N 63 rd Ave West	Open Space

Summary of Code Requirements:

The Planning Commission shall review and approve the application if it is determined that:

Sec. 50-18.1.D-1 – Minimum Shoreland Area Standards: for Coldwater Rivers, maintain a minimum structure setback of 150 feet.

Sec. 50-37.9.B – Variance Procedures: “The Planning Commission shall...make a decision on the application based on the criteria in subsections 5037.9.C – 50.37.9.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 hardships. The Planning Commission must find the following for a variance to be granted: a) That the landowner is proposing to use the property in a reasonable manner, b) that the need for relief from the ordinance guidelines 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 purpose or intent of Section 50-18.1.D or results in adverse consequences to the environment. Variances shall include a requirement for the applicant to mitigate the impacts of the variance on shoreland areas.

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

Governing Principle #1 – Reuse previously developed lands. The proposed variance would allow infill housing construction on a currently vacant lot sandwiched between existing single family homes.

Governing Principle #5 – Promote reinvestment in neighborhoods. The variance would allow future housing construction and put a vacant lot back in the tax base.

Housing Policy #4 – Improve the quality of the city’s housing stock and neighborhoods. The variance would allow new construction of affordable housing on a small 25’ lot that had a previously demolished single family home.

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, shorelands of the lake and streams, and primary viewsheds.

Recent History – This area was platted prior to the existing shoreland regulations, and the lot previously had a house that was demoed in 2017. The site was selected by City of Duluth and DEDA for use in the Rebuild Duluth Program. The lot will be conveyed to a new owner at no cost once their land sale agreement is approved.

Review and Discussion Items

Staff finds that:

- 1.) The applicant is requesting a shoreland setback variance to allow for future construction of a housing structure as part of the Rebuild Duluth Program. The proposed structure would be at minimum 80 feet from Keene Creek, a designated cold water river versus, the required 150 feet. A two-family house (duplex) is a reasonable use in the R-1 zone district.
- 2.) The parcel is located entirely within the 150-foot structure setback for Keene Creek. The closest corner of any future housing structure would be approximately 80 feet from the creek, which accounts for a structure with a minimum 25 foot front yard setback and minimum 3 foot side yard setback.
- 3.) Variances to shoreland setbacks require mitigation. Applicants to the Rebuild Duluth program must provide landscaping and stormwater retention designs which thoughtfully consider UDC standards and a diverse vegetation. The applicant will submit a mitigation plan, which must be approved by the Land Use Supervisor prior to receiving a building permit.
- 4.) Other homes in the neighborhood also have some overlap with the 150 foot shoreland structure setback, as seen in the attached map. This proposed variance will allow for use of the property in a manner consistent with the neighborhood character.
- 5.) Granting the variance is consistent with the intent of the UDC and Comprehensive Plan. Future housing structure construction must comply with the site’s zoning designation.
- 6.) The addition of a housing structure would not impair light or air to neighbors, increase congestion in the neighborhood, create fire danger, or imperil public safety.
- 7.) To date, no public, agency, or City comment has been received.
- 8.) Per UDC Section 50-37.1.N, approved variances shall lapse if the project or activity authorized by the permit or variance is not begun within one year of the permit date.

Staff Recommendation

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

- 1.) Future housing structure construction must include a landscaping/mitigation plan that must be approved by the Land Use Supervisor prior to receiving a building permit.
- 2.) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land use Supervisor without further Planning Commission action; however, no such administrative approval shall constitute a variance from the provisions of UDC Chapter 50.



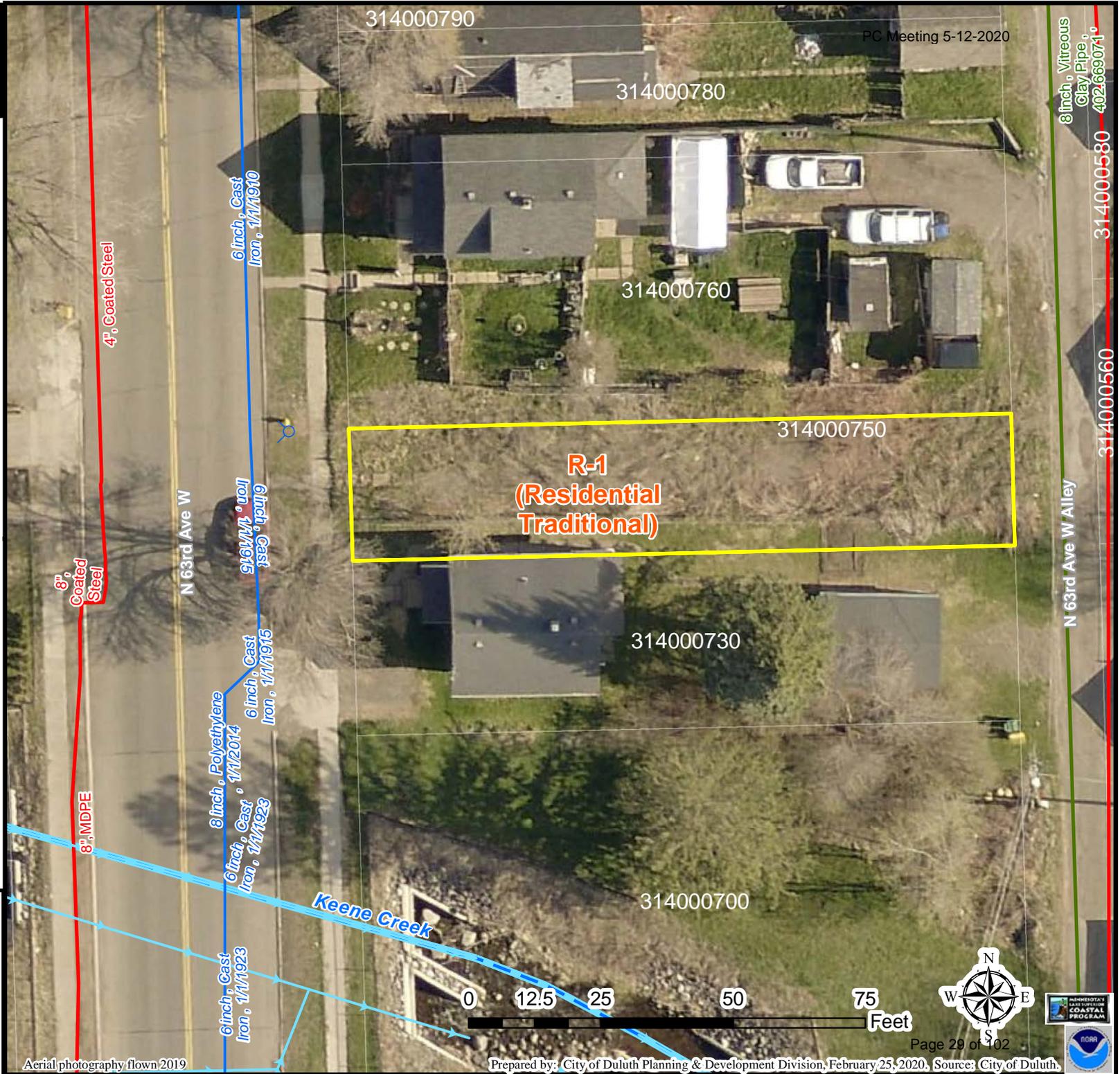
Shoreline Setback Variance

PC Meeting 5-12-2020

Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains
 - CITY OF DULUTH
 - WLSSD: PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin
- Easement Type
 - Utility Easement
 - Other Easement
- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

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Aerial photography flown 2019



Legend

- Parcels
- Other Stream (GPS)
- Buildable_Space

distance from
Stream in Feet

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Date Prepared:





PL 20-025 Site Visit : 3/12/20

Parcel: 010-3140-00750; 310 N 63rd Ave West



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 20-043	Contact	Chris Lee, clee@duluthmn.gov	
Type	Vacation of platted right of way	Planning Commission Date	May 12, 2020	
Deadline for Action	Application Date	April 13, 2020	60 Days	June 12, 2020
	Date Extension Letter Mailed	April 21, 2020	120 Days	August 11, 2020
Location of Subject	Platted avenue adjacent to 010-0410-00420, near Lake Avenue and Superior Street			
Applicant	Minnesota Power	Contact	Ken Ogston	
Agent	Danielle Erjavec, City of Duluth	Contact	derjavec@duluthmn.gov	
Legal Description	See Attached			
Site Visit Date	April 26, 2020	Sign Notice Date	April 28, 2020	
Neighbor Letter Date	April 28, 2020	Number of Letters Sent	63	

Proposal

Vacate a portion of Lake Avenue that was dedicated to the public as a street in the late 1800's, but has been unused for street purposes for over 30 years; Lake Avenue has been reconstructed on land adjacent to platted Lake Avenue.

Staff recommends approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-7/F-8	MN Power Plaza	Open Space/Central Business Primary
North	F-7	Commercial	Central Business Primary
South	F-8	Commercial	Open Space/Central Business Primary
East	F-7	Roadway/Bridge	Central Business Primary
West	F-8	Commercial	Open Space

Summary of Code Requirements:

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

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

1. Is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles, or pedestrians or the efficient supply of utilities or public services in the city;
2. 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 #8 – Encourage a mix of activities, uses, and densities.

Governing Principle #12- Create efficiencies in delivery of public services.

Zoning – Downtown Shopping (F-7), Downtown Mix (F-8).

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.

Central Business Primary: Encompasses a broad range of uses and intensities: Governmental campus, Significant retail, Entertainment and lodging, Opportunities for high - density housing, Central plaza, public/ open space, Public parking facilities

Related files: PL 20-042 - Concurrent Use Permit for Parking Structure

Review and Discussion Items:

Staff finds that:

1. The applicant is requesting to vacate an unused portion of platted Lake Avenue. This land was platted for public use in 1800's, but Lake Avenue was later built to the east of this area. This right of way has been unused for over 30 years.
2. The purpose is to give the owners of the property (Minnesota Power) access to the parcel for their underground parking garage.
3. A small portion of Lake Avenue is constructed in this right of way and Minnesota Power will grant an easement on that small portion for roadway purposes.
4. There is a stormwater pipe located within platted Lake Avenue and the property owner (Minnesota Power) will grant and convey a utility easement to the City of Duluth for the pipe, together with the right of access to said stormwater pipe.
5. One public comment was received in opposition to the vacation.
6. No other public or City comments have been received at the time of drafting this report (April 27, 2020).
7. Vacations of rights of way and easements lapse unless the vacation is recorded with the county recorder within 90 days after final approval. The vacation recording is facilitated by the City of Duluth.

Staff Recommendation:

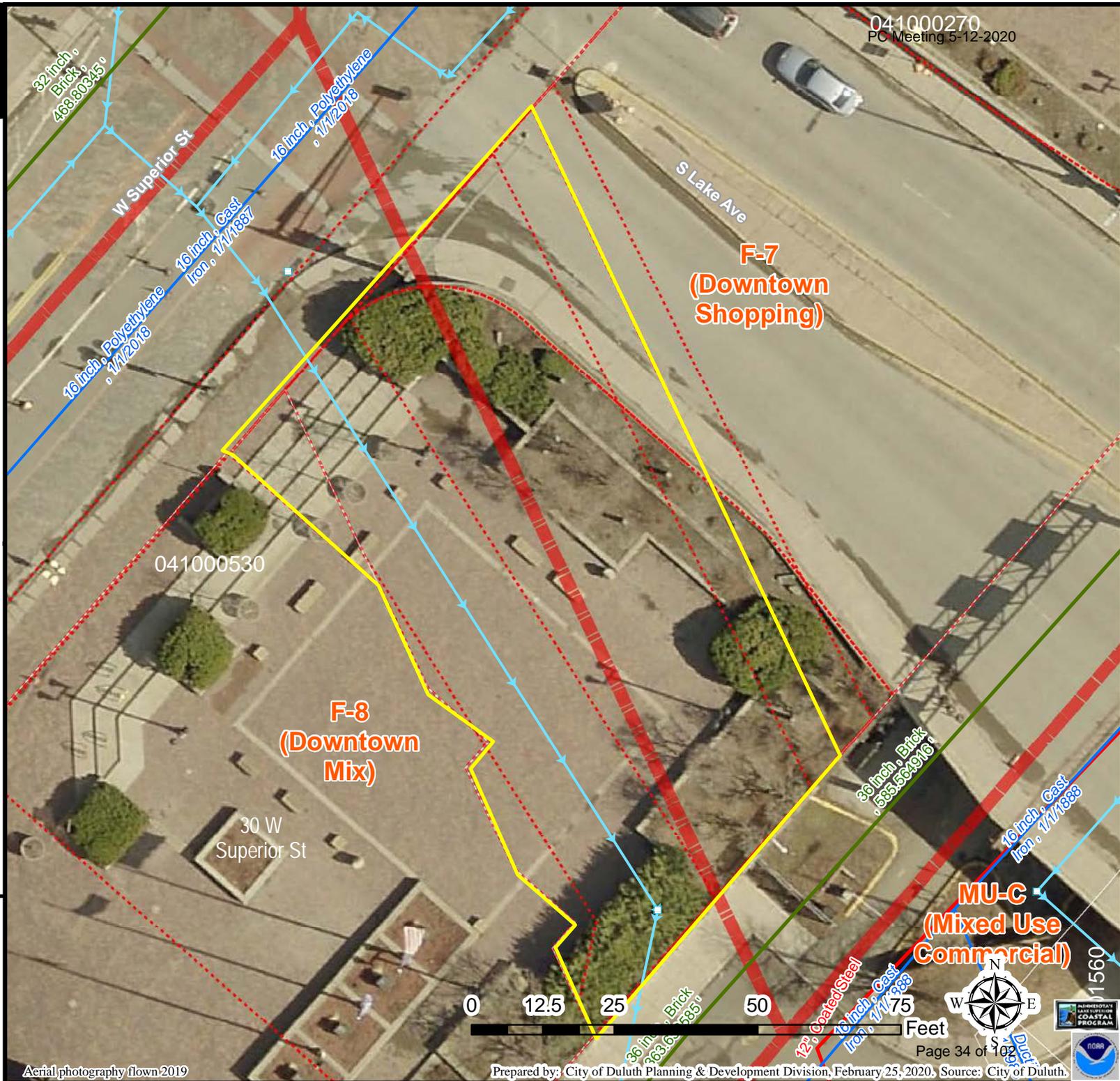
Based on the above findings, Staff recommends that Planning Commission recommend approval of the vacation with the following conditions:

1. The vacation must be recorded within 90 days of final approval by City Council or such approval will lapse;
2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



PL 20-043:
Vacation of Right of Way

041000270
PC Meeting 5-12-2020



Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains
 - CITY OF DULUTH
 - WLSDD; PRIVATE
 - Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin
- Easement Type
 - Utility Easement
 - Other Easement
 - Zoning Boundaries

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

Aerial photography flown 2019

Prepared by: City of Duluth Planning & Development Division, February 25, 2020, Source: City of Duluth.

Page 34 of 102

EXHIBIT A

DESCRIPTION :

ALL THAT PART OF LOT 4, BLOCK 4, CENTRAL DIVISION OF DULUTH, THAT LIES EASTERLY OF A LINE DRAWN THROUGH SAID LOT PARALLEL WITH AND FIFTY FEET DISTANT FROM THE WESTERLY LINE OF SAID LOT 4, ST. LOUIS COUNTY, MINNESOTA.

TOGETHER WITH

THAT PART OF PLATTED LAKE AVENUE IN THE CITY OF DULUTH, DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST WESTERLY CORNER OF LOT A, BLOCK 3, CENTRAL DIVISION OF DULUTH; THENCE RUN SOUTHWESTERLY ALONG THE SOUTHWESTERLY EXTENSION OF THE NORTHWESTERLY LINE OF SAID LOT A TO ITS INTERSECTION WITH THE MOST NORTHERLY CORNER OF LOT 4, BLOCK 4, CENTRAL DIVISION OF DULUTH; THENCE RUN SOUTHEASTERLY ALONG THE NORTHEASTERLY LINE OF SAID LOT 4 TO THE MOST EASTERLY CORNER OF SAID LOT 4; THENCE RUN NORTHEASTERLY TO THE MOST SOUTHERLY CORNER OF BLOCK 3, CENTRAL DIVISION OF DULUTH; THENCE RUN NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID BLOCK 3 TO THE POINT OF BEGINNING, ST. LOUIS COUNTY, MINNESOTA EXCEPT THOSE PORTIONS OF VACATED LAKE AVENUE DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF LOT 4, BLOCK 4, CENTRAL DIVISION OF DULUTH, THEN NORTHERLY ALONG THE NORTHEAST LINE OF SAID LOT 4 A DISTANCE OF 17.00 FEET TO THE POINT OF BEGINNING; THENCE DEFLECT 66 DEGREES 46 MINUTES 00 SECONDS TO THE RIGHT AND PROCEEDING NORTHEASTERLY PARALLEL TO THE SOUTHEAST LINE OF SAID LOT 4 A DISTANCE OF 6.10 FEET; THENCE DEFLECT 90 DEGREES 00 MINUTES 00 SECONDS TO THE LEFT AND PROCEEDING NORTHWESTERLY A DISTANCE OF 14.20 FEET; THENCE DEFLECT 156 DEGREES 46 MINUTES 00 SECONDS TO THE LEFT AND PROCEEDING IN A SOUTHERLY DIRECTION ALONG THE NORTHEAST LINE OF SAID LOT 4 A DISTANCE OF 15.45 FEET TO THE POINT OF BEGINNING;

AND

COMMENCING AT THE SOUTHEASTERLY CORNER OF LOT 4, BLOCK 4, CENTRAL DIVISION OF DULUTH, THEN NORTHERLY ALONG THE NORTHEAST LINE OF SAID LOT 4 A DISTANCE OF 52.00 FEET TO THE POINT OF BEGINNING; THEN DEFLECT 66 DEGREES 46 MINUTES 00 SECONDS TO THE RIGHT AND PROCEEDING NORTHEASTERLY PARALLEL TO THE SOUTHEAST LINE OF SAID LOT 4 A DISTANCE OF 6.10 FEET; THENCE DEFLECT 90 DEGREES 00 MINUTES 00 SECONDS TO THE LEFT AND PROCEEDING NORTHWESTERLY A DISTANCE OF 14.20 FEET; THENCE DEFLECT 156 DEGREES 46 MINUTES 00 SECONDS TO THE LEFT AND PROCEEDING IN A SOUTHERLY DIRECTION ALONG THE NORTHEAST LINE OF SAID LOT 4 A DISTANCE OF 15.45 FEET TO THE POINT OF BEGINNING.

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

Print Name: Paul A. Vogel License # 44075

Signature:  Date: 03/11/2020

VACATION
DATE PREPARED: 03/11/20
PROJ NO: 200217
FILE: 200217vEXHIB
SHEET 1 of 1 SHEETS



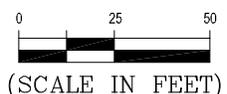
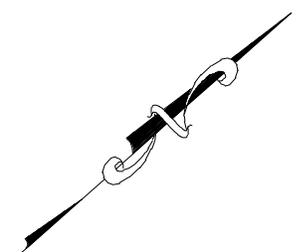
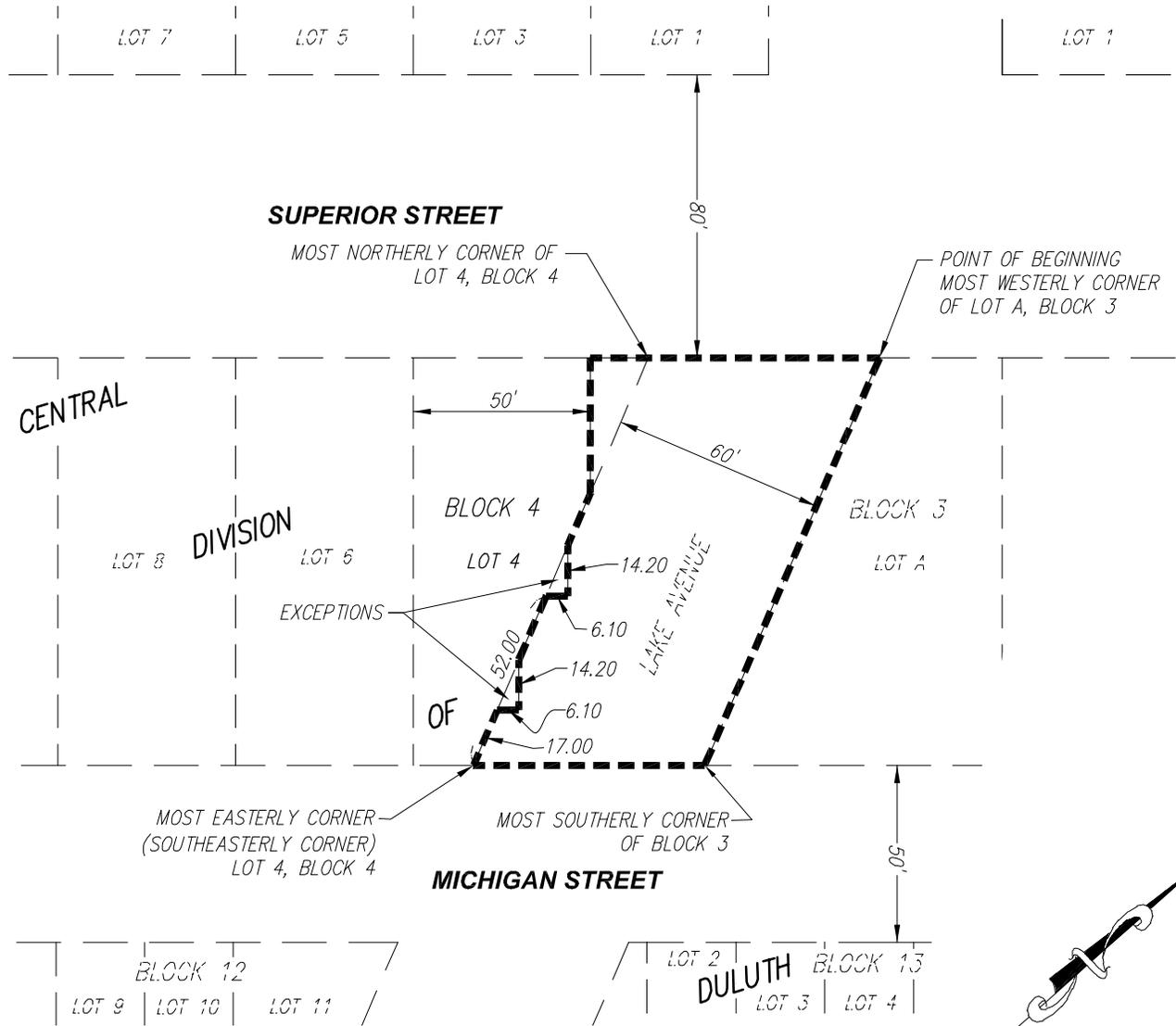
**PERFORMANCE
DRIVEN DESIGN.**
LHBcorp.com

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

EXHIBIT B

 = AREA TO BE VACATED

APPROVED BY: _____
CITY ENGINEER



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

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

Print Name: Paul A. Vogel License # 44075

Signature:  Date: 03/11/2020

VACATION
DATE PREPARED: 03/11/20
PROJ NO: 200217
FILE: 200217vEXHIB
SHEET 1 of 1 SHEETS



**PERFORMANCE
DRIVEN DESIGN.**
LHBcorp.com

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

From: [James Gittlemeier](#)
To: [Chris Lee](#)
Subject: PL 20-043 Vacation of Lake Ave comment
Date: Monday, April 27, 2020 4:23:40 PM

Hi Chris,

Thank you for the opportunity to comment. While this is not an “official” ARDC or MIC comment, I still would like to make a comment from the transportation planner perspective on PL 20-043 Vacation of Lake Avenue item:

The future needs of this Lake Avenue right-of-way are not fully clear today. What is clear, is that there is a need presently to better connect Downtown Duluth and Canal Park for people walking and bicycling and future micro-mobility modes. Where and/or how this better connection between Downtown and Canal Park can be made is under-determined at this time. The Lake Ave right-of-way is one potential connection point.

In addition, MnDOT will be conducting an I-35 study starting this year that will define the long term vision for the I-35 corridor through the entire City of Duluth. Without knowing what this vision will be, and how this thoroughfare will interact with Downtown and Canal Park in the future, I have great hesitation about vacating right-of-way that could potentially be needed back for unknown but reasonably anticipated transportation needs.

Thank you again.
James Gittlemeier



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 20-045	Contact	Kaleb Montgomery	
Type	Special Use Permit Amendment	Planning Commission Date	May 12, 2020	
Deadline for Action	Application Date	April 16, 2020	60 Days	June 15, 2020
	Date Extension Letter Mailed	April 24, 2020	120 Days	August 14, 2020
Location of Subject	4801 Cooke Street			
Applicant	April Westman, Aunty's Daycare	Contact		
Agent		Contact		
Legal Description	LOT: 0016 BLOCK:071 OF THE LONDON ADDITION TO DULUTH			
Site Visit Date	April 24, 2020	Sign Notice Date	April 28, 2020	
Neighbor Letter Date	April 24, 2020	Number of Letters Sent	51	

Proposal

Applicant is requesting an update to a special use permit for a childcare center. The requested update would increase capacity 65 to 100 students while ensuring no more than 70 students will in the building at any given time.

Recommendation

Staff are recommending approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Childcare Center	Urban Residential
North	R-1	Residential-Traditional	Urban Residential
South	F-2	Form District	Neighborhood Commercial
East	R-1	Residential-Traditional	Urban Residential
West	R-1	Residential-Traditional	Urban Residential

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 #1 - Reuse previously developed lands. The property was previously used as a church.

Governing Principle #8- Encourage mix of activities, uses, and densities. The childcare center is located in a traditional residential neighborhood.

Governing Principle #11 - Include consideration for education systems in land use actions. The childcare center enrolls school age students as well as preschool aged students.

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

- The property was previously used as a church that was constructed in 1922.
- The Childcare center opened on September 26, 2019.
- A special use permit was granted on November 14, 2017 to allow an enrollment of 65 students.

Review and Discussion Items

- 1) The applicant proposes to continue operating a daycare under their previously approved Special Use Permit (PL 17-171). They propose to have an enrollment of up to 100 children, as state licensing has different requirements for school-age children than preschool children, although no more than 70 children would be on-site at any one time. This is only 5 more than their current allowed enrollment of 65.
- 2) The proposed special use permit update is not intended to actually increase enrollment capacity, but to allow flexibility in the ages of children present, especially during unforeseeable circumstances such as the COVID-19 pandemic.
- 3) A daycare requires a special use permit to operate in an R-1 district but will not alter the essential character of the neighborhood, which includes a variety of uses including single-family homes, religious assembly and office uses. The existing daycare has been operating in this location since September 26, 2019.
- 4) UDC Sections 50-20.2, 50.25, 50-6, 50-29, and 50-31 have previously been reviewed and approved by Planning Commission under PL 17-171; this update to a special use permit does not trigger any of these applicability standards.
- 5) UDC Sec. 50-24 (Parking and loading). The applicant has already been approved for a parking variance (PL 17-172) that accommodates the existing enrollment of 65. The approved conditions from PL 17-172 allow for minor alterations to the plan when approved by the Land Use Supervisor. As an additional 5 students would only require 1 additional parking space, this minor increase in parking is not likely to create a negative impact on the community. The Land Use Supervisor has approved this adjustment to PL 17-172.
- 6) No citizen or City Departments comments were received at the time that this report was compiled.

Staff Recommendation

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

- 1) No more than 100 students shall be enrolled and no more than 70 students may be on site at any given time.
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



PL 20-045
4801 Cooke St

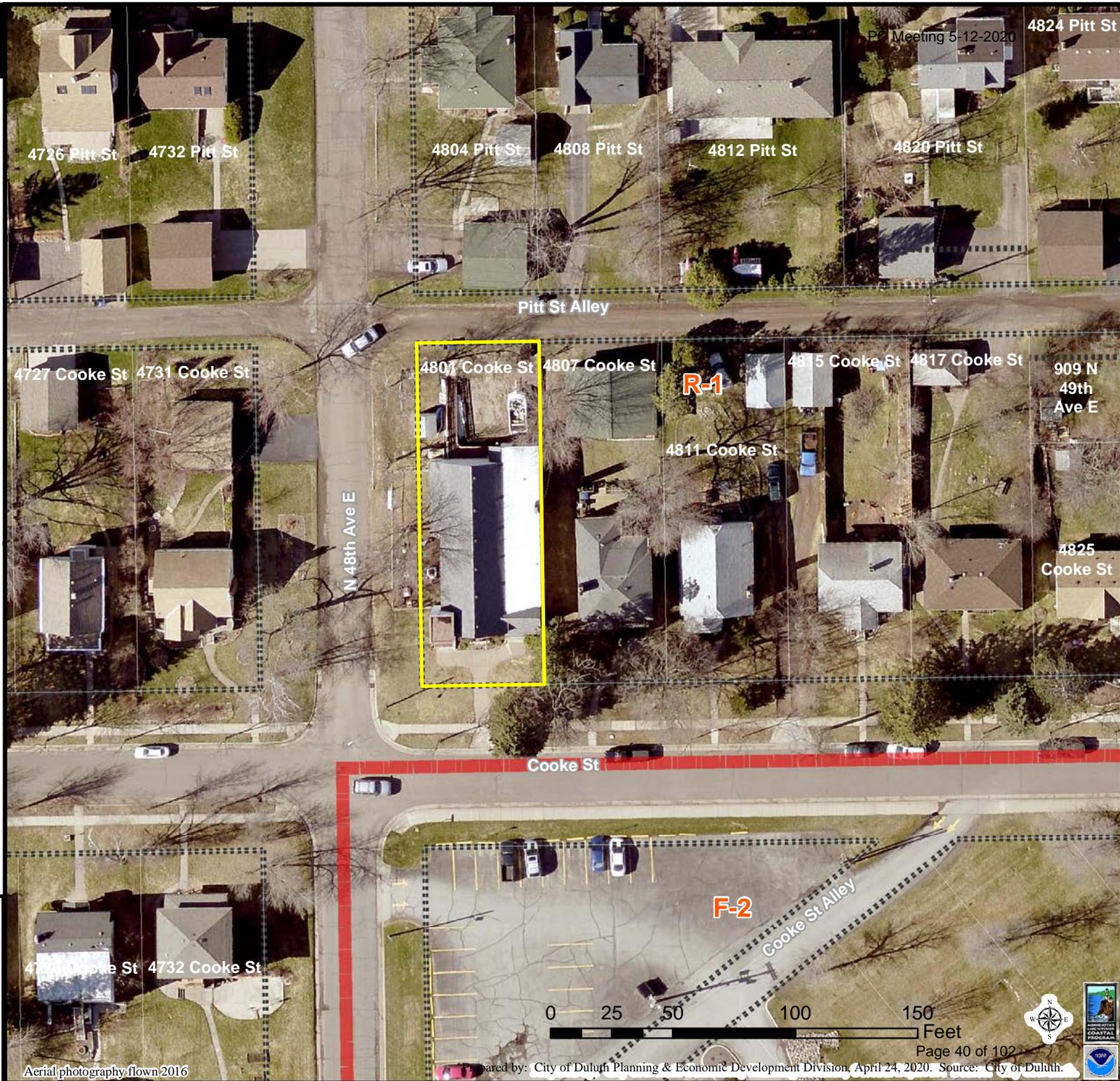
Legend

Right-of-Way Type

----- Road or Alley ROW

 Zoning Boundaries

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Aerial photography flown 2016

Prepared by: City of Duluth Planning & Economic Development Division, April 24, 2020. Source: City of Duluth.



Legend

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

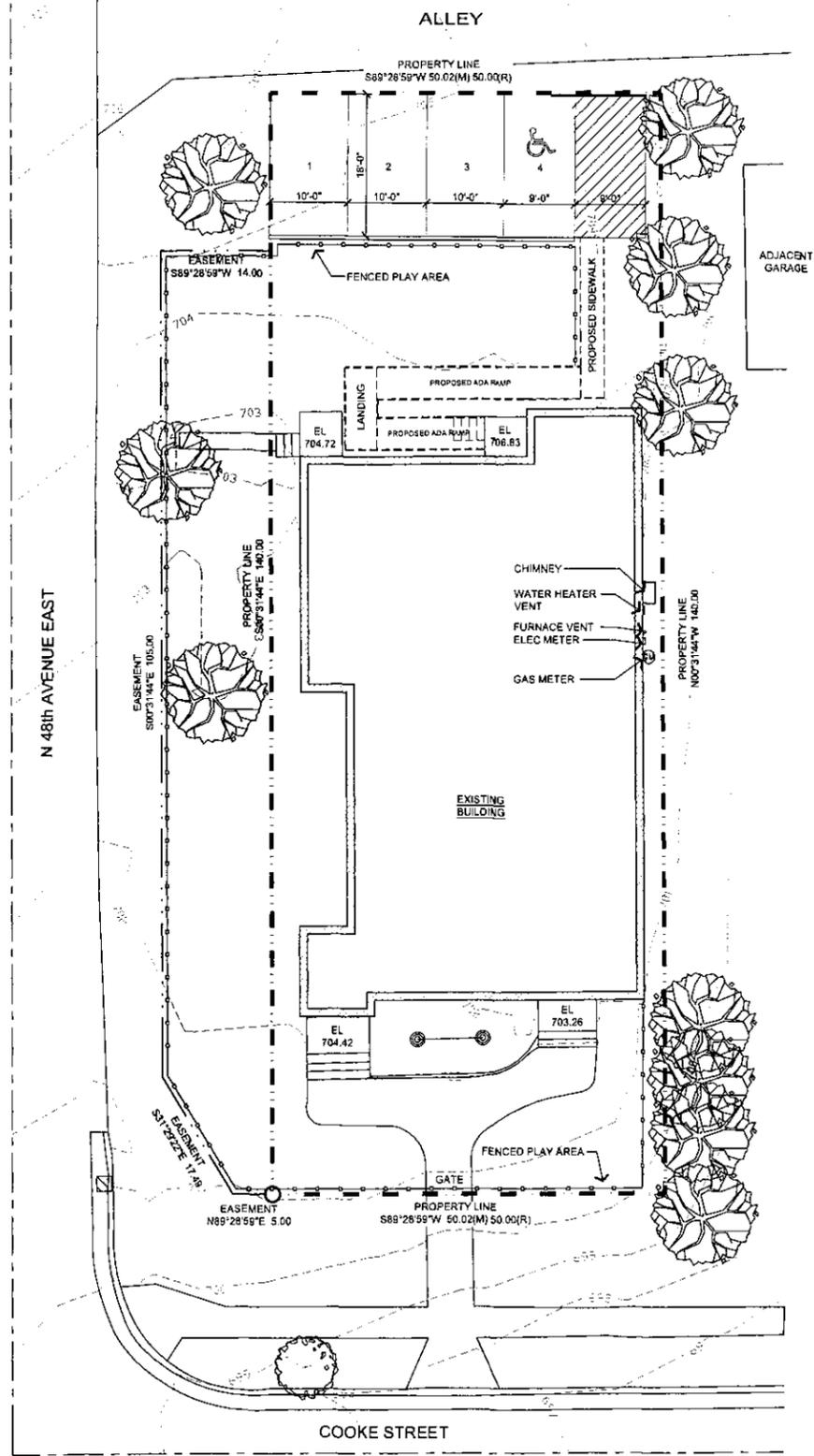


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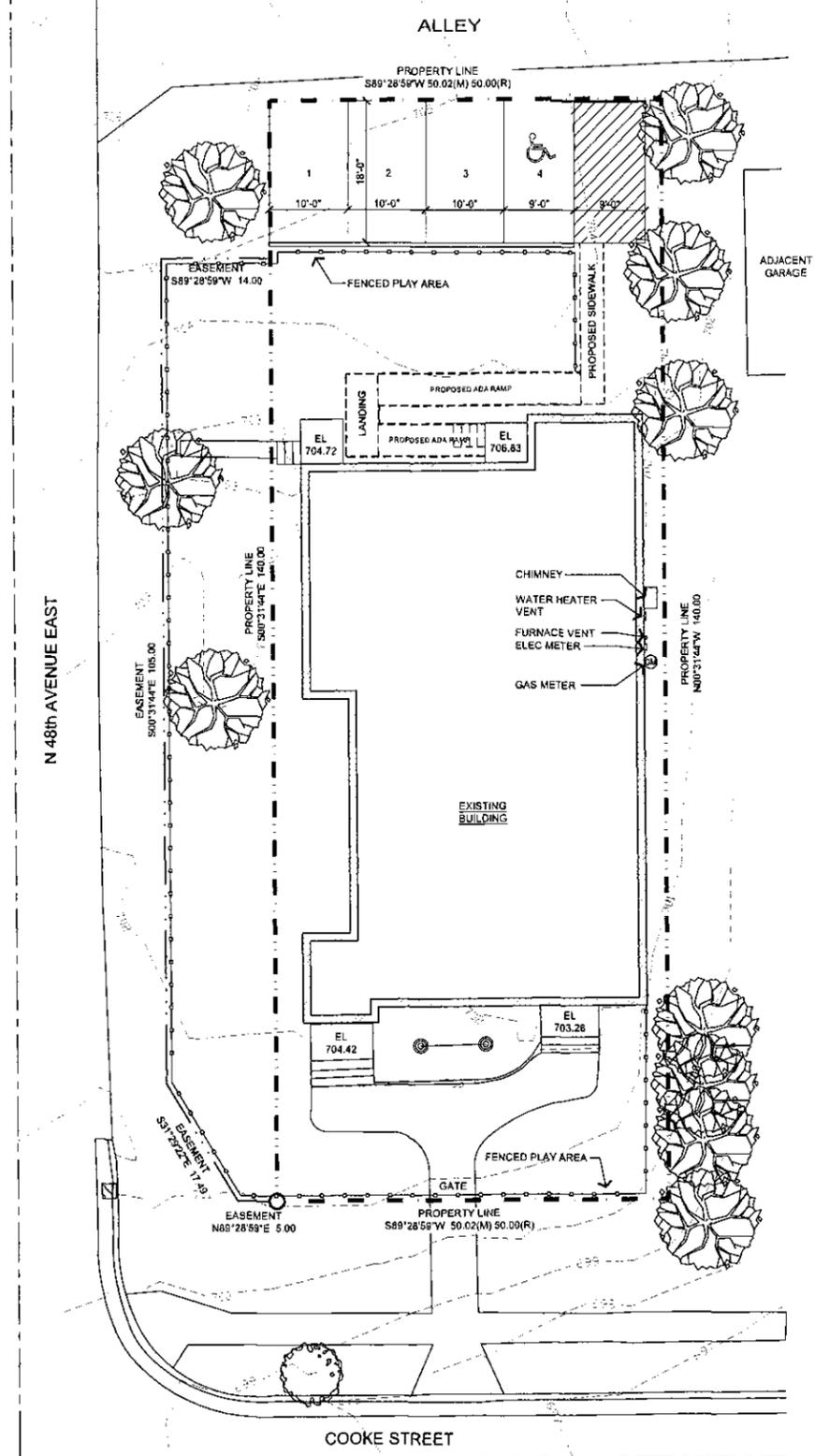
4726
Aerial photography flown 2016

4732 Cooke St





2
SI-100
1"=10'
SITE PLAN - EASEMENT (SHADED)
NORTH PLAN NORTH



1
SI-100
1"=10'
SITE PLAN
NORTH PLAN NORTH

FOUNDATIONS ARCHITECTURE
GREGORY P. STROM
2100 CULAS ROAD
DULUTH, MN 55812
PH: 218-325-4326
FAX: 218-325-4326
EMAIL: greg@foundationsarch.com

PROPOSED REMODELING FOR:
AUNTY'S DAYCARE
4801 COOKE ST
DULUTH, MINNESOTA 55804

SHEET TITLE:
SITE PLAN

HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND I AM A LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.
SIGNATURE: GREGORY P. STROM
DATE: _____
REG. NO. 20787

DATE: _____
JOB NO.: 1723
DRAWN BY: TJB
APPROVED BY: GFS

REVISIONS:

SI-100
1 OF 2





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 20-039	Contact	Chris Lee, 218-730-5304	
Type	Concurrent Use Permit	Planning Commission Date	May 12, 2020	
Deadline for Action	Application Date	March 31, 2020	60 Days	May 30, 2020
	Date Extension Letter Mailed	April 16, 2020	120 Days	July 29, 2020
Location of Subject	3322 Minnesota Avenue			
Applicant	Mary DuBois	Contact	N/A	
Agent		Contact		
Legal Description	Parcel ID Number: 010-3110-03550			
Site Visit Date	April 26, 2020	Sign Notice Date	April 28, 2020	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal: The applicant is proposing to construct a pavilion on an existing concrete and stone foundation located directly adjacent to the property. The concurrent use area will be 14 feet x 21 feet.

Staff Recommendation: Staff is recommending that Planning Commission recommend approval to City Council.

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

Summary of Code Requirements:

UDC Section 50-37.7C. The Planning Commission shall review the application, and council shall approve the application or approve it with modifications, if it determines that:

1. The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city.
2. ... Not Applicable
3. No portion of a public easement proposed for use is being physically used or occupied by the public.

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

Governing Principle #1 – Reuse previously developed lands: includes adaptive reuse of existing building stock and historic resources, as this strengthens neighborhoods. This property currently contains a single family residence and this foundation and fireplace have historically served the homes occupants.

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.

Recent History – Currently the property contains a 1,200 square single family home constructed in 1915.

Review and Discussion Items

Staff finds that:

- 1.) The applicant is seeking a concurrent use permit to construct a wooden pavilion over an existing concrete and stone foundation and a fireplace in the right of way for Lake Avenue. The proposed concurrent use area will be 294 square feet or 14 feet by 21 feet.
- 2.) City Engineering has determined that Lake Avenue at this portion will not be improved because of its proximity to the lake.
- 3.) This concurrent use permit would not impact any Park Point street ends nor impede public access to the lake.
- 4.) The City of Duluth requires concurrent use permits to include liability insurance to indemnify the City against occurrences in the right of way. Other protections for the city and the public are typically included in the ordinance that is submitted to City Council. The ordinance will also state that the City is not responsible for removal/replacement of the applicant's infrastructure should the City need to access the right-of-way in the permitted area.
- 5.) The area proposed for the concurrent use permit will not take away from the public's ability to use the public right of way, nor will it harm or inconvenience the health, safety, and general welfare of the city.
- 6.) No other public, agency, or other comments have been received as of April 28, 2020.

Staff Recommendation

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

- 1.) Applicant shall construct any structures within the limits identified in the attached exhibit.
- 2.) The structure will need to comply with any applicable engineering standards, and building or fire code requirements.
- 3.) Applicant shall provide annual proof of liability insurance to indemnify the City against any occurrences in the right of way that are due to items covered under this permit.
- 4.) Applicant will remove the obstructions at the applicant's expense if directed to by the City with appropriate notice.
- 5.) The City shall not be responsible for any damage to the structure caused by work in the right-of-way.
- 6.) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



PL 20-039: CUP

PC Meeting 5-12-2020

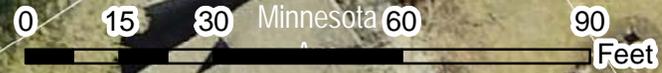


Legend

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

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Aerial photography flown 2019



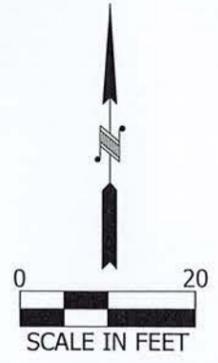


LEGAL DESCRIPTION PER CERTIFICATE OF TITLE NO. 346931

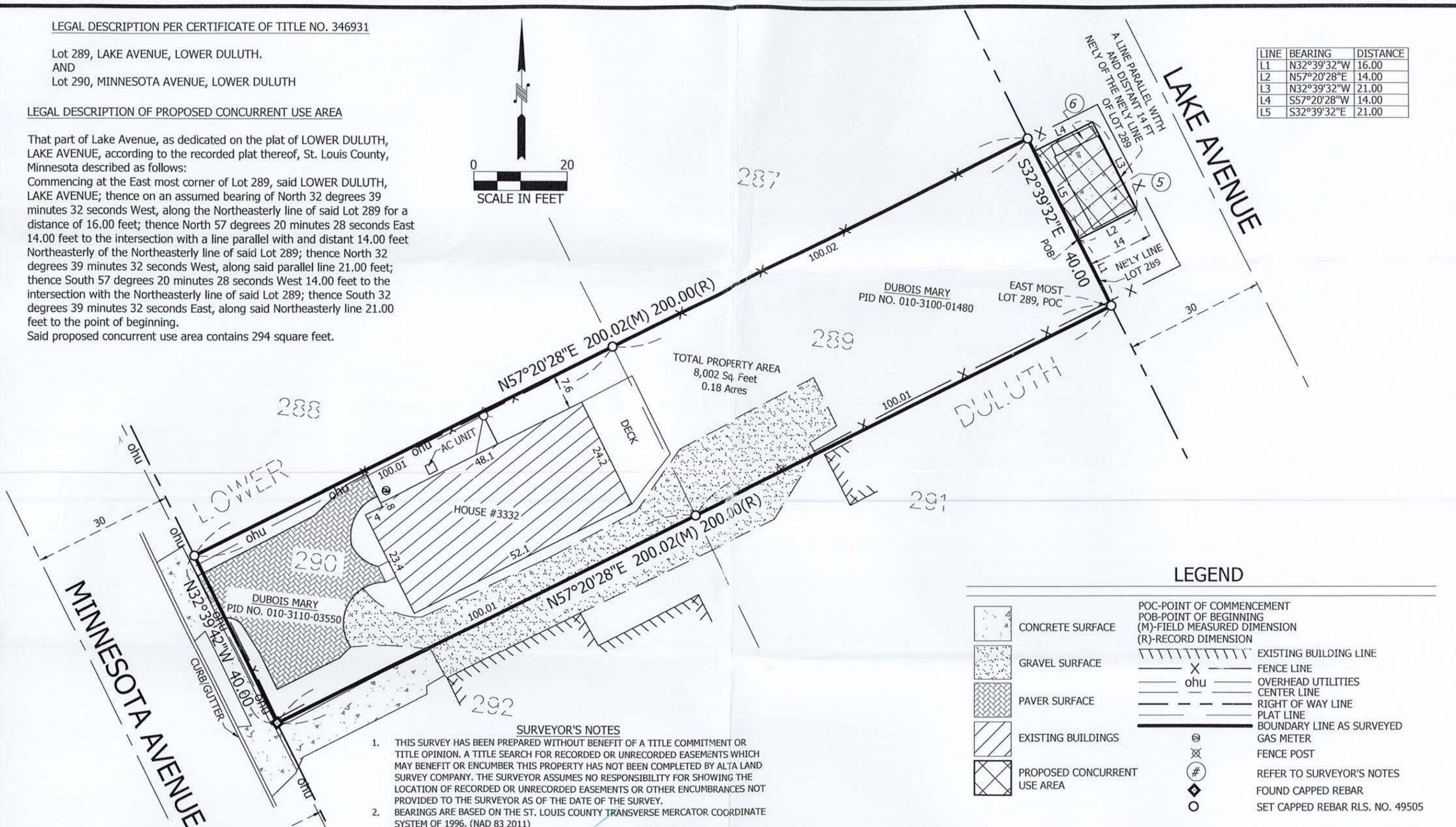
Lot 289, LAKE AVENUE, LOWER DULUTH.
AND
Lot 290, MINNESOTA AVENUE, LOWER DULUTH

LEGAL DESCRIPTION OF PROPOSED CONCURRENT USE AREA

That part of Lake Avenue, as dedicated on the plat of LOWER DULUTH, LAKE AVENUE, according to the recorded plat thereof, St. Louis County, Minnesota described as follows:
Commencing at the East most corner of Lot 289, said LOWER DULUTH, LAKE AVENUE; thence on an assumed bearing of North 32 degrees 39 minutes 32 seconds West, along the Northeastly line of said Lot 289 for a distance of 16.00 feet; thence North 57 degrees 20 minutes 28 seconds East 14.00 feet to the intersection with a line parallel with and distant 14.00 feet Northeastly of the Northeastly line of said Lot 289; thence North 32 degrees 39 minutes 32 seconds West, along said parallel line 21.00 feet; thence South 57 degrees 20 minutes 28 seconds West 14.00 feet to the intersection with the Northeastly line of said Lot 289; thence South 32 degrees 39 minutes 32 seconds East, along said Northeastly line 21.00 feet to the point of beginning.
Said proposed concurrent use area contains 294 square feet.



LINE	BEARING	DISTANCE
L1	N32°39'32"W	16.00
L2	N57°20'28"E	14.00
L3	N32°39'32"W	21.00
L4	S57°20'28"W	14.00
L5	S32°39'32"E	21.00



TOTAL PROPERTY AREA
8,002 Sq. Feet
0.18 Acres

LEGEND

	CONCRETE SURFACE		POC-POINT OF COMMENCEMENT
	GRAVEL SURFACE		POB-POINT OF BEGINNING
	PAVER SURFACE		(M)-FIELD MEASURED DIMENSION
	EXISTING BUILDINGS		(R)-RECORD DIMENSION
	PROPOSED CONCURRENT USE AREA		EXISTING BUILDING LINE
			FENCE LINE
			OVERHEAD UTILITIES
			CENTER LINE
			RIGHT OF WAY LINE
			PLAT LINE
			BOUNDARY LINE AS SURVEYED
			GAS METER
			FENCE POST
			REFER TO SURVEYOR'S NOTES
			FOUND CAPPED REBAR
			SET CAPPED REBAR RLS. NO. 49505

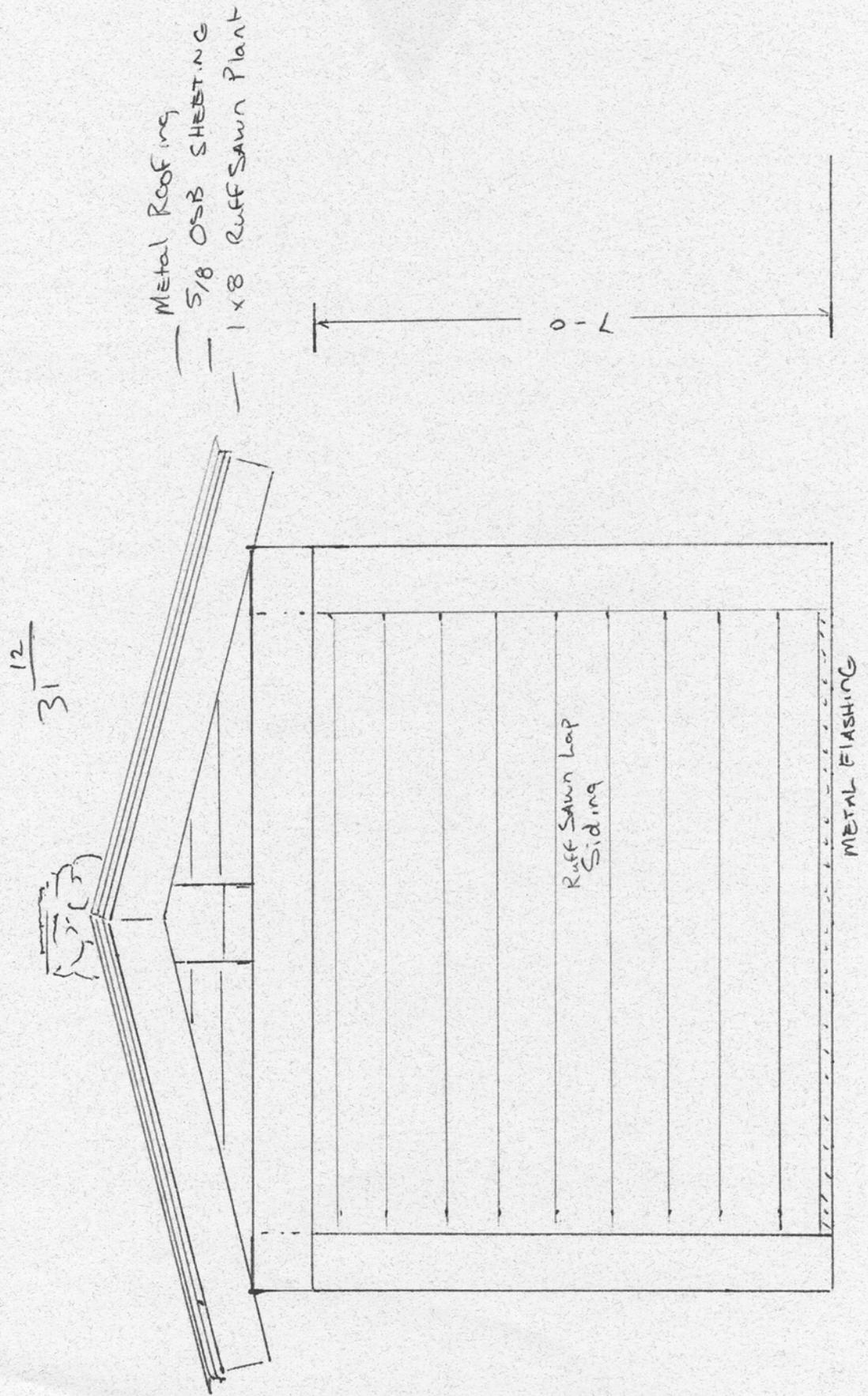
SURVEYOR'S NOTES

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. OLD FOUNDATION.
6. STONE FIRE PLACE AND CHIMNEY.

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.		CERTIFICATE OF SURVEY		 ALTA LAND SURVEY COMPANY PHONE: 218-727-5211 LICENSED IN MN & WI WWW.ALTALANDSURVEYDULUTH.COM
	David R. Evanson	CLIENT: MARY DUBOIS	REVISIONS:	
DATE: 10-03-2019	MN Lic. No. 49505	ADDRESS: 3332 MINNESOTA AVENUE DULUTH, MN 55802	DATE: 10-03-2019 JOB NO: 19-290 SHEET 1 OF 1	



EAST ELEV





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 20-029	Contact	Kyle Deming, kdeming@duluthmn.gov	
Type	Special Use Permit – fill in a Floodplain	Planning Commission Date	5/12/2019	
Deadline for Action	Application Date	3/10/2019	60 Days	5/9/2019
	Date Extension Letter Mailed	4/20/2020	120 Days	7/8/2020
Location of Subject	Former U.S. Steel site and surrounding floodplains of Spirit Lake and Unnamed Creek			
Applicant	U.S. EPA Great Lakes National Program Office	Contact	Diana Mally	
Agent		Contact		
Legal Description	Parcel ID Number 010-1550-00060			
Site Visit Date		Sign Notice Date	3/27/2020	
Neighbor Letter Date	4/28/2020	Number of Letters Sent	36	

Proposal

Special Use Permit for placement of fill in the St. Louis River and Unnamed Creek (a.k.a. U.S. Steel Creek) floodplain as part of the Spirit Lake Sediment Remediation Project at the former U.S. Steel site by U.S. Environmental Protection Agency, Great Lakes National Program Office (U.S. EPA – GLNPO).

Staff Recommendation

Staff recommends that planning commission approve with conditions noted below.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	I-G and R-1	Undeveloped floodplain	Open Space
North	R-1	Morgan Park neighborhood	Traditional Neighborhood
South	I-G	Former U.S. Steel plant	General Mixed Use
East	I-G	Undeveloped floodplain	Open Space
West	I-G and R-1	Morgan Park neighborhood	Open Space

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.

4) Use Specific Standards – Floodplain Special Use Permits (Section 50-18.1.C(c):

A special use permit for uses and structures listed in subsection (b) above (placement of fill) shall only be issued if the following standards are met:

- (i) The proposed use or structure will not cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected;
- (ii) Any fill deposited in the floodway shall be no more than the minimum amount necessary to grade or landscape, shall not in any way obstruct the flow of flood waters and shall be protected from erosion by the planting of vegetative ground cover, the use of rip rap or other method approved by the city;
- (vi) Any structural works for flood control that will change the course, current, or cross-section of wetlands or public waters shall comply with the provisions of Minnesota Statutes, Chapter 103G.245;
- (vii) Any levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood, based on technical analysis that assumes equal conveyance or storage loss on both sides of a waterway;

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

Governing Principle #13 – Develop a healthy community – “The City will actively promote access for all to . . . a clean and secure environment.”

Economic Development Policy #4 – Embrace the outdoors as an economic engine and source of community wealth.

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, low intensity uses such as trails and recreation, viewshed protection and access, water access, with some parking and support facilities.

Site History:

- U.S. Steel operated a steel-making facility near the subject site from 1916 until 1973. The site continued to be used in a limited capacity until closure in 1981.
- The site was designated a federal Superfund site in 1983.
- Minnesota Pollution Control Agency designated the site a Minnesota Superfund Site in 1984 and finalized cleanup plans in 1989. Sixteen of 18 “operable units” were cleaned up in the 1980s and 1990s.
- The project area is a Remediation and Restoration Site listed in the St. Louis River Area of Concern Remedial Action Plan completed in 2013.
- A feasibility study supporting the project design was completed in 2015 and design work began subsequently.
- Environmental Assessment Worksheet (EAW) declaration that the Spirit Lake Sediment Remediation Project does not have the potential for significant environmental effects made by Planning Commission 11/12/2019 (PL 19-072).
- Wetland Conservation Act – No Loss Determination for a remediation project per MN Rules 8420.0415 Subparts D & E approved 3/18/2020 (PL 20-015).

Staff finds that:

- 1.) The purpose of the Spirit Lake Sediment Remediation Project (Project) is to address chemical constituents of concern, primarily polycyclic aromatic hydrocarbons (PAHs) and associated metals, in the Spirit Lake area, and to support the eventual de-listing of the Saint Louis River AOC.
- 2.) The remediation and restoration strategy includes a combination of sediment removal, subaqueous capping (placement of a clean cap cover over impacted sediment), enhanced natural recovery (placement of a 6 inch sand cover to speed up natural recovery processes), onsite disposal of removed sediment in Confined Disposal Facilities (CDFs), and habitat restoration (see Figure 3 and Figure 4). Impacted sediment will be safely placed as fill and contained in three constructed CDFs as noted on Figure 3. These CDFs cover approximately 1.9 million square feet, or 44 acres of floodplain area. Additional project components requiring fill in the Unnamed Creek floodplain are described in Findings #3 - #5 below.
- 3.) The current channelized Unnamed Creek will be remediated and restored to a more sinuous, natural stream channel with improved habitat. This requires placement of fill in the creek floodplain (Figure 3); however, the finished grade of the stream corridor will mimic the existing floodplain landscape.
- 4.) A culvert extension will be constructed at the most upstream end of the OU-J CDF, requiring fill in the floodplain for slopes over the culvert. The culvert is being extended to minimize erosion and scouring along the OU-J CDF berms and to provide flatter slopes at this area. The proposed culvert extension will have an alignment similar to the existing Unnamed Creek channel.
- 5.) Fill in the floodplain for the modified and improved weir embankment between the Unnamed Creek upland area and Upland CDF (Figure 3) is important for the hydraulics and sediment management components of the project.
- 6.) Figure 2 shows the general floodplain area present within the project footprint (65 acres). The in-water area within the project boundary is part of the 100-year floodplain defined by FEMA. Findings #7 - #12 below describe how the project's design complies with special use permit requirements in UDC Section 50-18.1.C(c) listed on the previous page.
- 7.) A modeling study was conducted to determine if the remediation project would cause a rise in the water surface elevation of the Saint Louis River in the area of the project, which could impact the current flood stage, or cause damages from flooding to increase. The modeling covered the entirety of the project area, plus additional area of the St. Louis River to the north and south. The attached Technical Memorandum by Barr Engineering dated July 18, 2019, shows no rise in the water surface elevation and a Minnesota "No-Rise" Certification (attached) has been issued for this project.
- 8.) Findings #9 and #10 below address the need for placing fill in the floodplain and how its placement will affect flood flows and methods incorporated in the design to protect the fill from erosion.
- 9.) Each CDF footprint is not larger than is necessary to fully and safely contain impacted sediment removed as part of the project. Dimensions of the CDFs have been adjusted to consider regulatory agency, tribal, and other stakeholder input on aesthetic views of the project area and natural and cultural resource considerations. Additionally, the culvert extension and weir embankment modifications require smaller volumes of fill placement, each designed to place the minimum amount of fill necessary to complete the component of the project.
- 10.) The project design includes erosion and sediment control protection measures to allow for dispersion of flood waters around the fill areas and control the release of storm water from the top and sides of the CDFs through directing water into "letdown" channels. The designs include planting of native upland species where appropriate to reduce erosion potential. Information specific to each design feature is provided in the attached descriptions and design drawings.
- 11.) Material placed in the CDFs will not pose a risk of disruption during flooding events. The material is contained within a soil covered and capped area, specifically designed to contain the material long-term and designed with erosion and sediment control features. Design of the CDFs is in compliance with all applicable state regulatory requirements.
- 12.) This project involves the temporary diversion of Unnamed Creek during construction followed by permanent relocation of the channel and discharge point post-construction. Additionally, the project involves construction of a temporary coffer dam and de-watering the work area of the current Unnamed Creek Delta, so that impacted sediment can be dredged and transferred to the CDFs as shown as the Dredge and Cap area adjacent to the Delta CDF in Figure 3. The temporary cofferdam will be removed and material added to the area of the temporary cofferdam to create a permanent shoal feature (Figure 3) designed to create a shallow, sheltered bay habitat and protect vegetation, fish habitat, and newly softened shorelines. Diversion of Unnamed Creek, the installation of the temporary cofferdam, and creation of the permanent shoal have been designed with input from the MNDNR and is expected to receive approval of a Public Waters Work Permit (MN Statute Chapter 103G.245).
- 13.) The EPA and U.S. Steel have formed a partnership for cleanup, consulting with Minnesota Pollution Control Agency, the

Minnesota Department of Natural Resources, the City of Duluth, the Fond du Lac Band, the Morgan Park Community Club, and other state and local agencies. Numerous public input meetings have been held over the years of project development from 2014 until the most recent open house on March 4, 2020, in Morgan Park.

- 14.) In addition to multiple federal and state environmental permits, the project will need a Shoreland Use Permit, Erosion & Sediment Control Permit, and a Fill & Grading Permit from the City of Duluth and preparations for submitting applications for those permits are underway. These permits are administrative permits that will not need further Planning Commission review.
- 15.) 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.
- 16.) No public or agency comments have been received as of the publication of this report.

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 following plans by EA Engineering, Science, and Technology, Inc. dated 1/16/2020, Sheet CH-102, CD-302, CD-303, CD-305, and CD-306; and Sheet SW-101 by AECOM dated 1/24/2020; and Sheet CS-101 by Barr Engineering Co. dated 2/24/2020 and Figures 3 and 4 attached to this report.
- 2.) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



PL 20-029
 Special Use Permit
 Spirit Lake Sediment Remediation
 U.S. EPA

Zoning Map

PC Meeting 5-12-2020



Legend

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

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





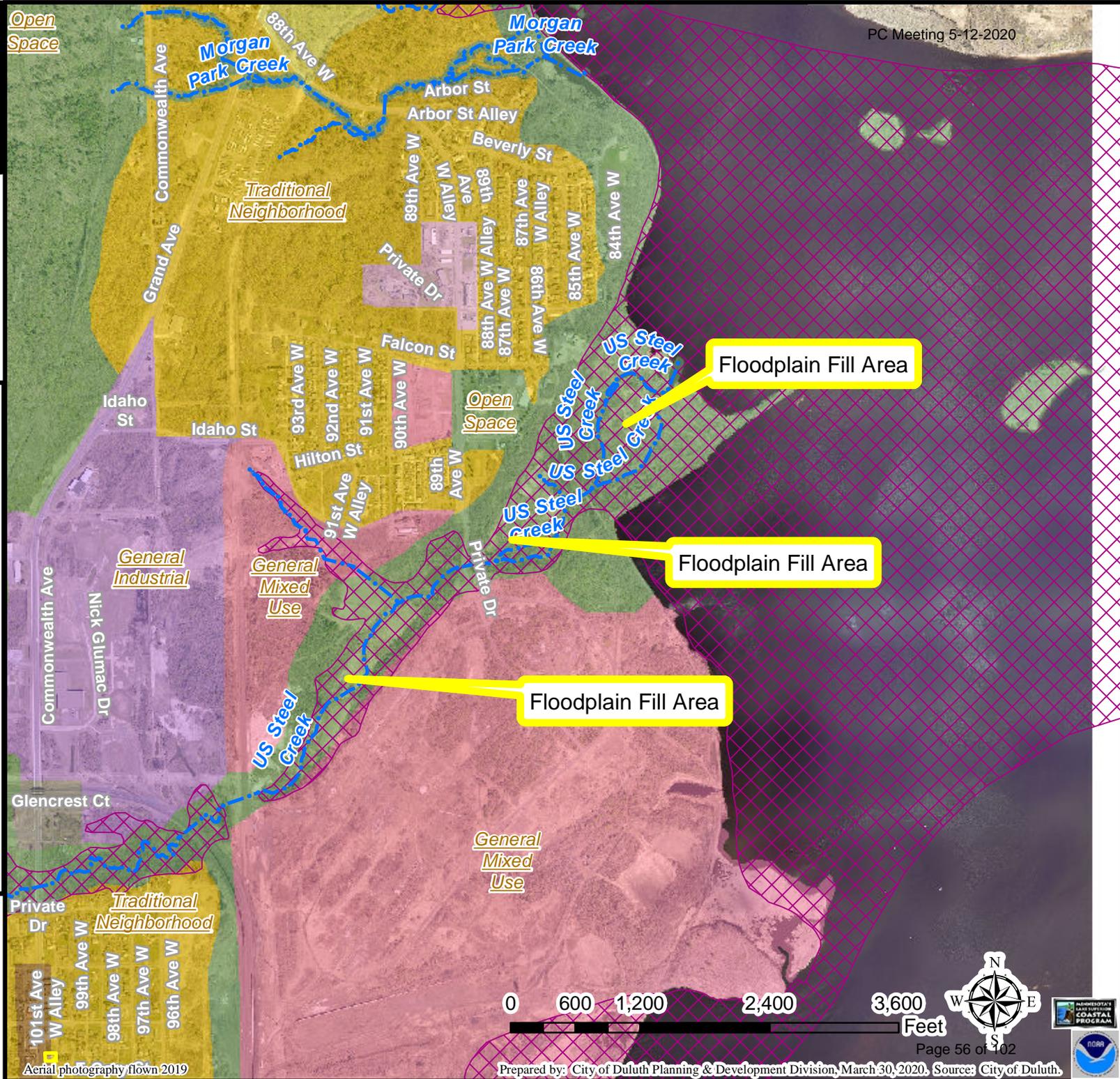
PL 20-029
Special Use Permit
Spirit Lake Sediment Remediation
U.S. EPA

Future Land Use Map

PC Meeting 5-12-2020

Legend

- Trout Stream (GPS)
- Other Stream (GPS)
- Floodplain (FEMA)
- 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



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





Figure 1 Former U.S. Steel Works (photo credit: MPCA)



Figure 2 Former U.S. Steel Works site on the St. Louis River adjacent to Spirit Lake (photo credit: MPCA)



Figure 3 Wire Mill Pond settling basin (photo credit: MPCA)

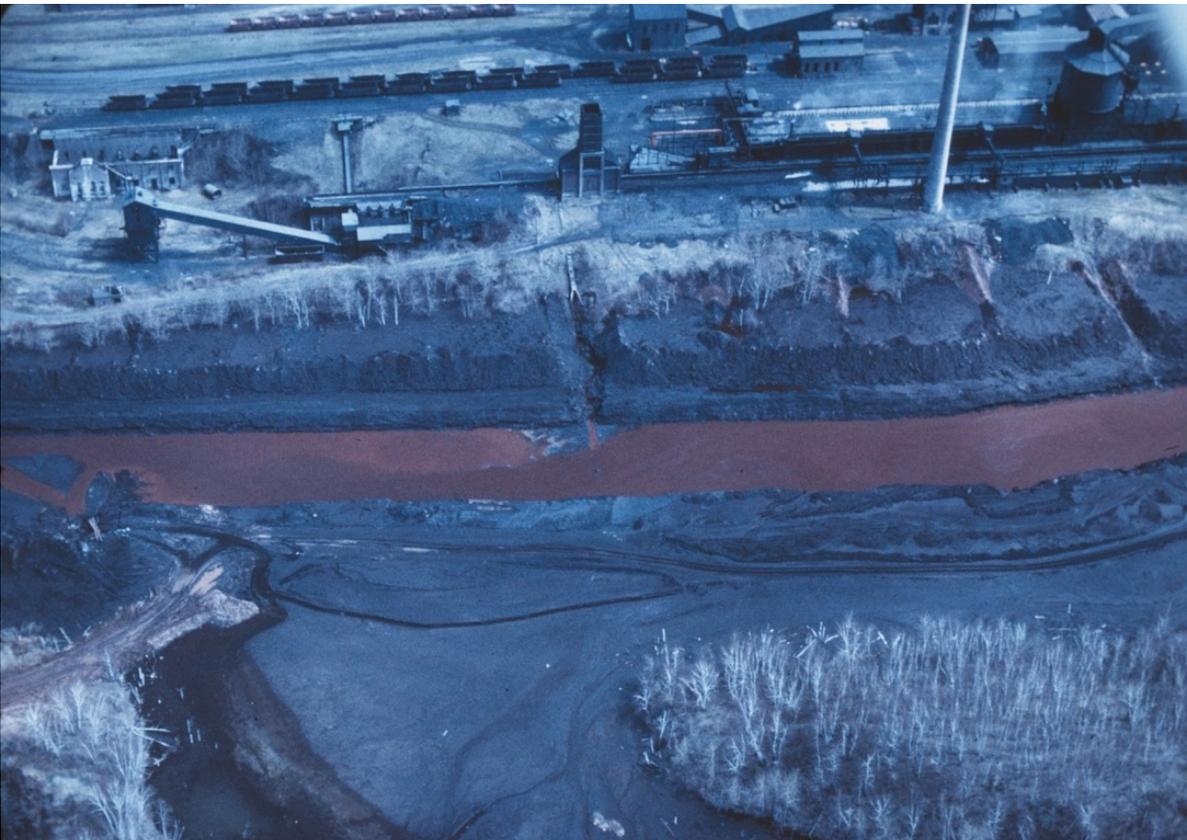
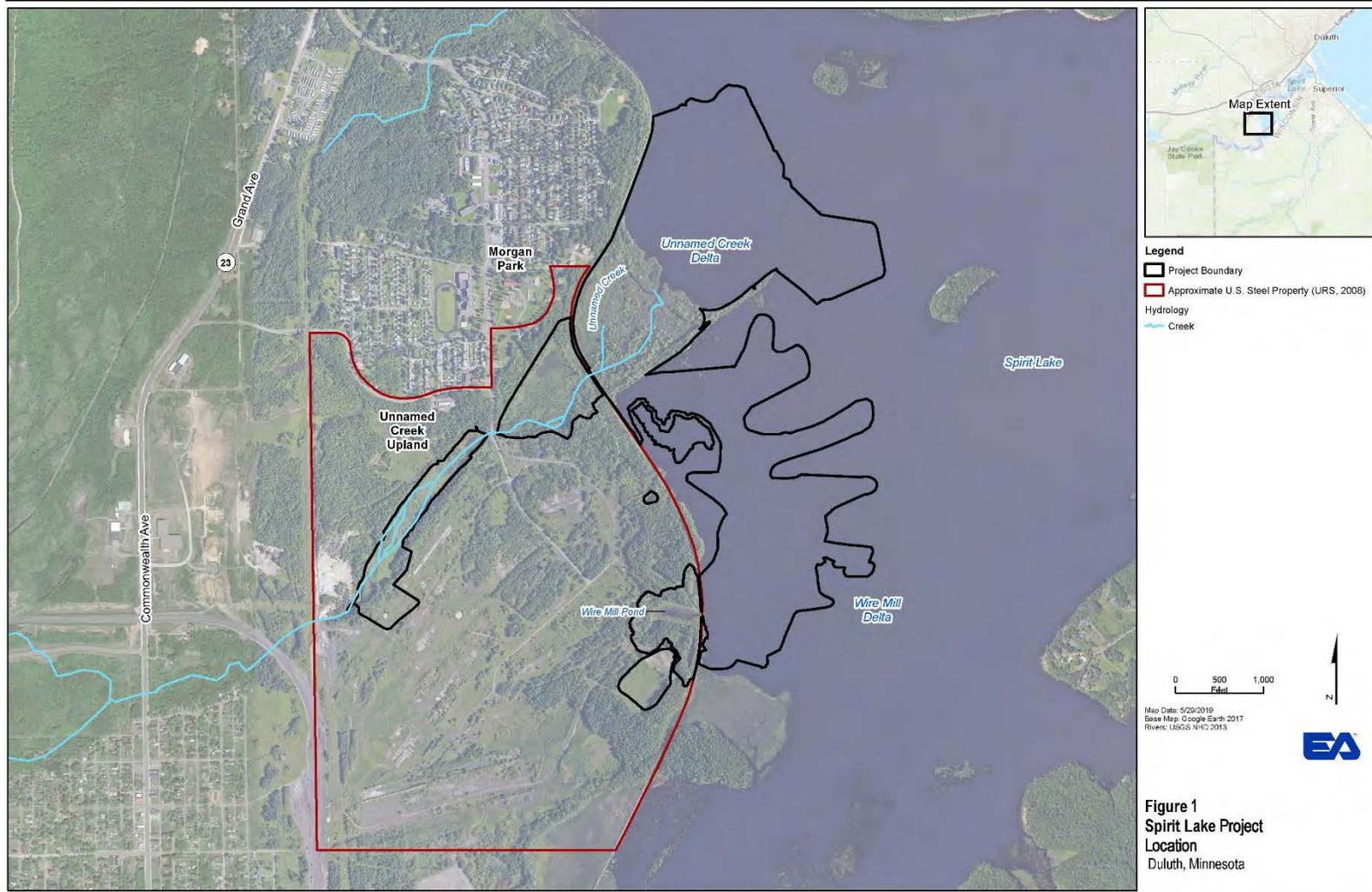
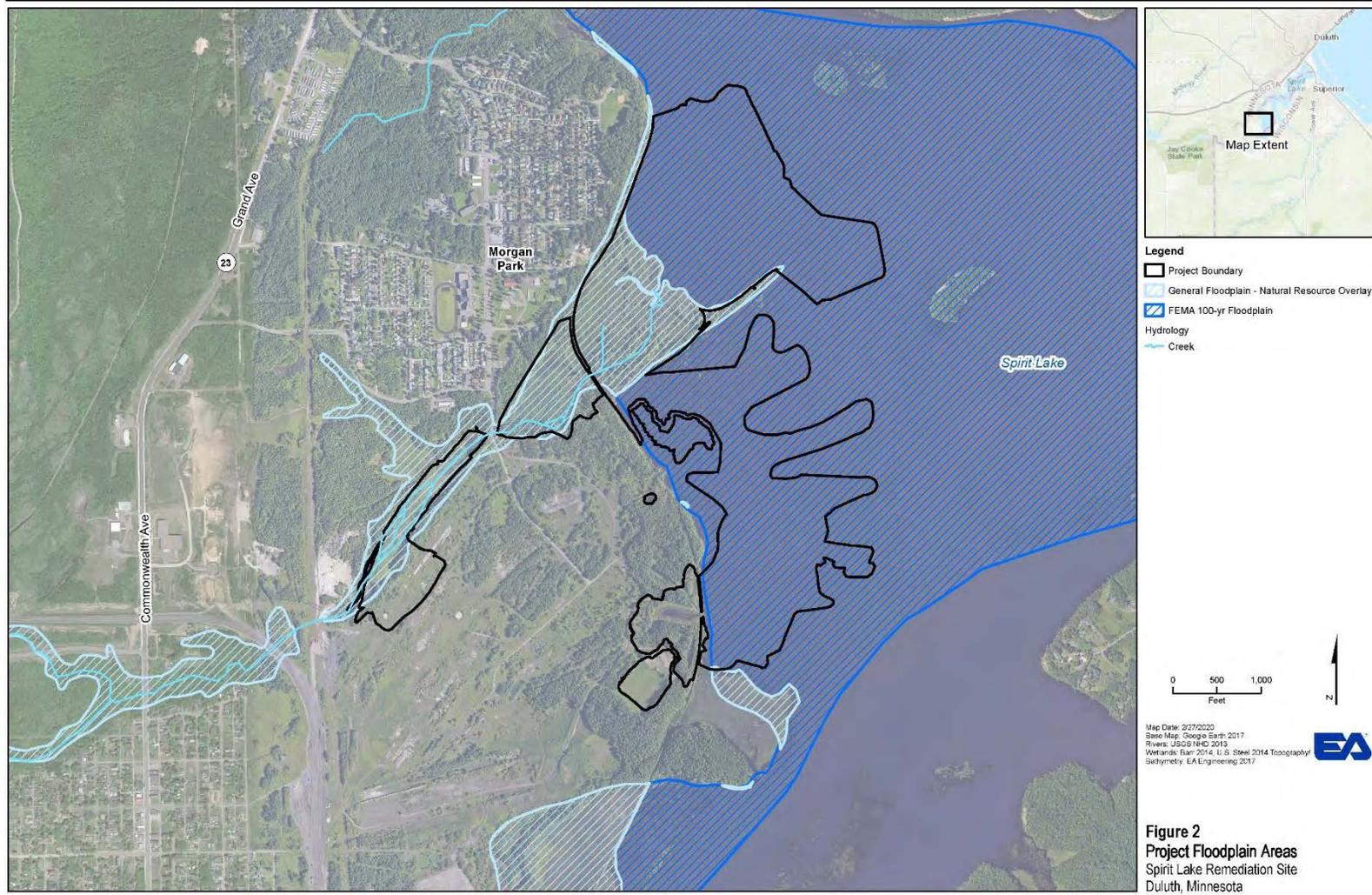
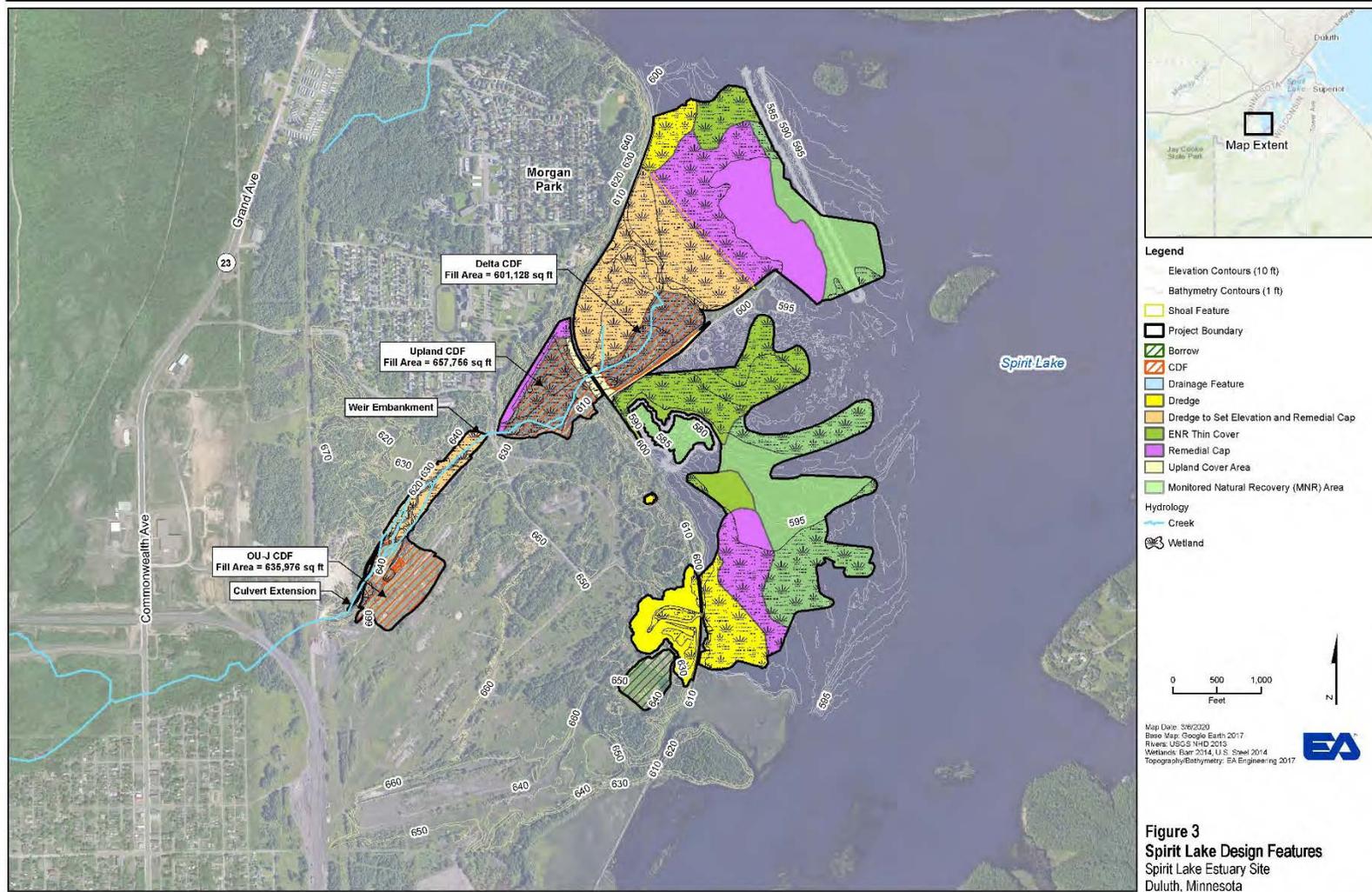


Figure 4 Coke plant settling management area (photo credit: MPCA)

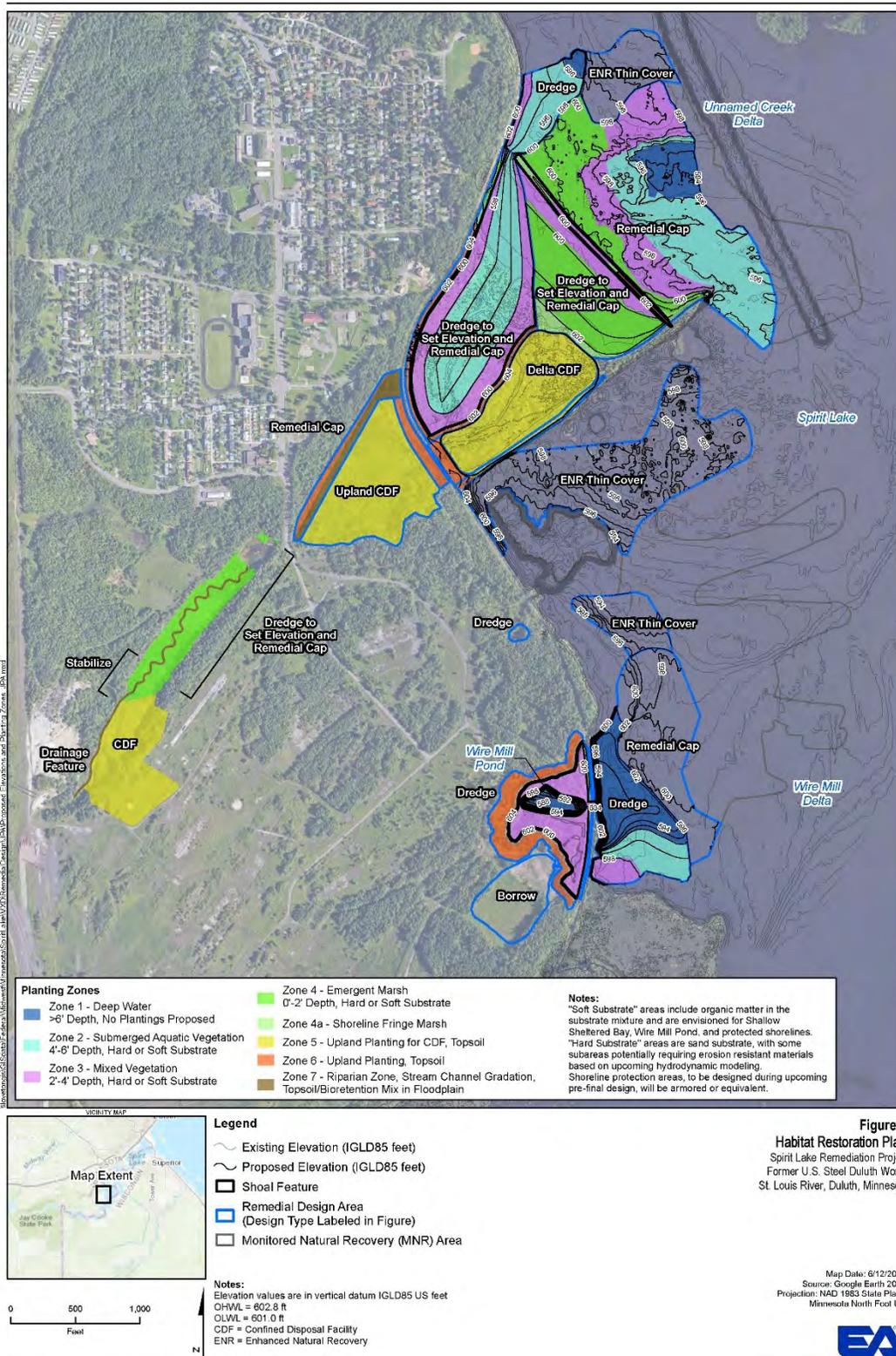


Document Path: \\lovetongis\GISdata\Federal\Midwest\Minnesota\SpiritLake\MXD\RemedialDesign\JPA\Figure X-X Spirit Lake Site Layout.mxd

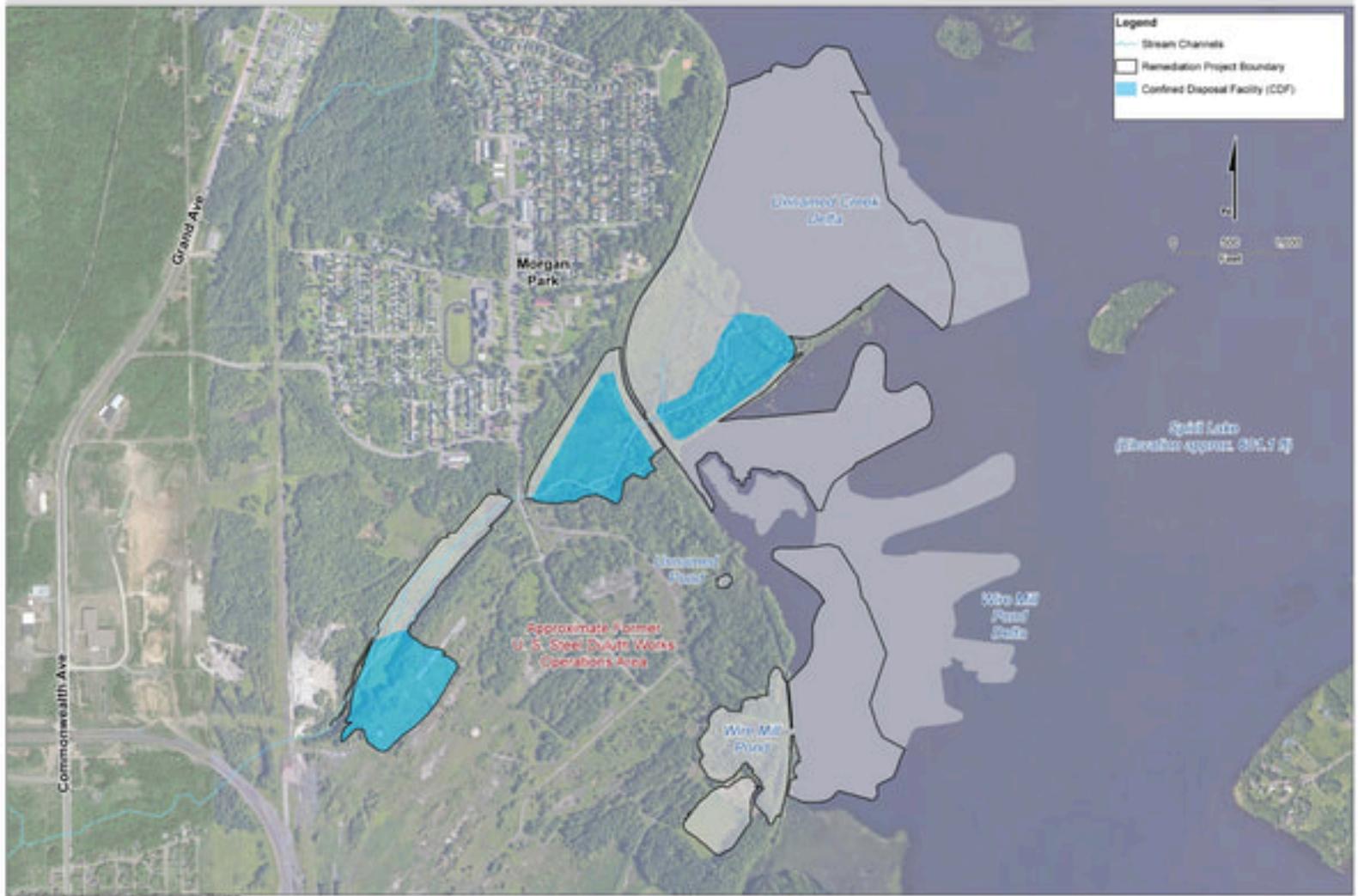




Document Path: \\wovetong\GIS\data\Federal\Midwest\Minnesota\SpiritLake\WXD\Remedia\Design\Basis_of_Design\Report\Figure 1-4 Spirit Lake Design Summary_CDF Labels.mxd



Confined Disposal Facilities



Examples of CDFs

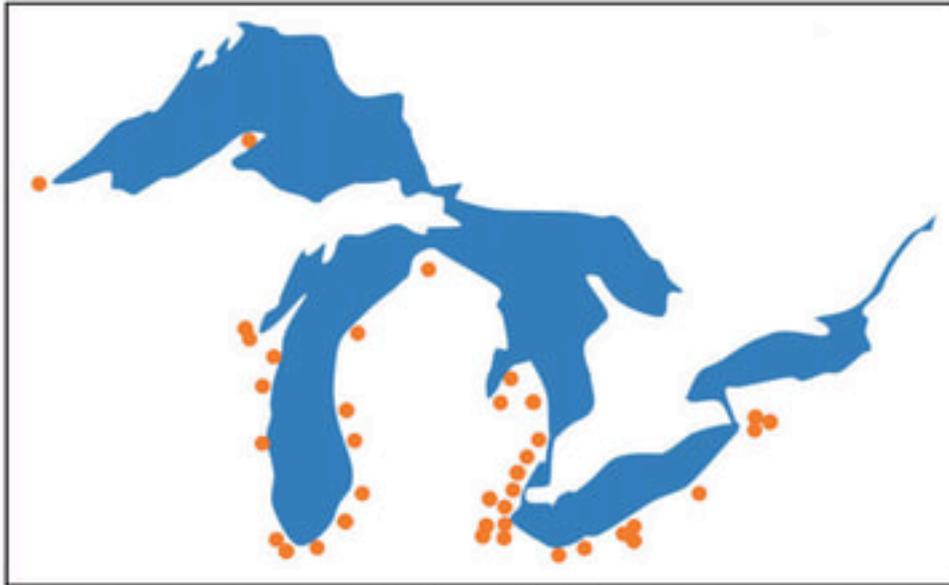


Times Beach CDF in Buffalo, NY



Port of Cleveland CDF (Cleveland Lakefront Nature Preserve)

Confined Disposal Facilities

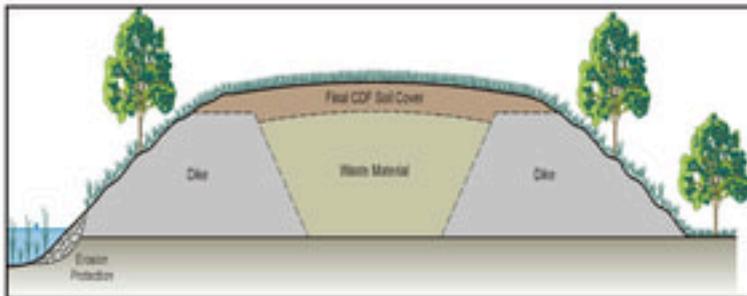


Great Lakes CDF locations

What is a Confined Disposal Facility?

A CDF is a structure designed to contain impacted sediments. CDFs can be constructed on land or adjacent to the water. The clean-up includes three CDFs. Two are adjacent to Unnamed Creek and one is located in the Unnamed Creek delta.

Design Perspective



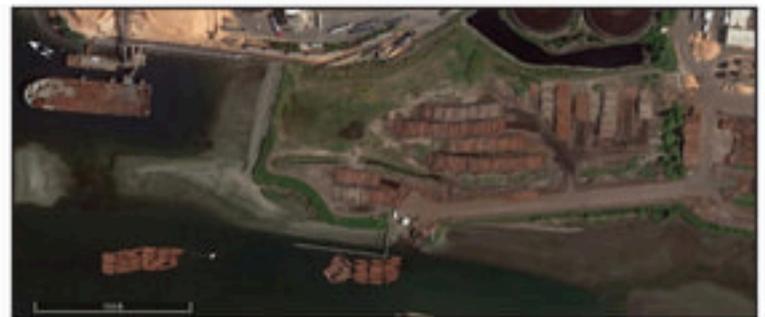
CDF integrating shoreline habitat features



Plantings to promote habitat restoration

Are CDFs Safe? Yes, CDFs are safe.

CDFs have been used throughout the Great Lakes region for over 50 years to manage and dispose of contaminated sediments from Great Lakes harbors. 45 CDFs have been constructed and safely operated in the Great Lakes Region since 1970. Monitoring studies conducted at operating CDFs have shown that CDFs are extremely effective at containing contaminated sediments with minimal risks of contaminant releases.



CDF with softened shoreline for habitat development



Berm construction

Flood Water and Storm Water Management Design and Erosion Control Features

Compliance with UDC requirements in Section 50-18.1.C(c)(ii) are further document below and in the attached drawings. The text below is provided by the permit applicant.

UDC Section 50-18.1.C(c)(ii) requirement: Any fill deposited in the floodway shall be no more than the minimum amount necessary to grade or landscape, shall not in any way obstruct the flow of flood waters and shall be protected from erosion by the planting of vegetative ground cover, the use of rip rap or other method approved by the city;

The capacity of each CDF is designed to support the amount of material to be removed from the project area. Each CDF footprint is not larger than is necessary to fully and safely contain impacted sediment removed as part of this project. Dimensions of the CDFs have been adjusted throughout the design planning phase of the project to consider regulatory agency, tribal, and other stakeholder input on aesthetic views of the project area and natural and cultural resource considerations. Additionally, the culvert extension and weir embankment modifications require smaller volumes of fill placement, each designed to place the minimum amount of fill necessary to complete the component of the project.

The design for the features listed above includes erosion and sediment control protection measures to allow for dispersion of flood flow waters and stormwater. The designs include planting of native upland species where appropriate to reduce erosion potential. Information specific to each design feature is provided below.

Upland CDF and Delta CDF

Flood Water/Stormwater Management

The Upland and Delta CDFs each have four letdown channels to convey runoff that is deposited on the top of the CDFs. The top of each CDF is graded so all runoff will drain to a shallow stormwater berm and channel surrounding the crest of the CDF and to one of the four letdown channels. The letdown channels are located at the center of the east and west sides of the Upland CDF and at the southeast and southwest corners. For the Delta CDF, the letdown channels are located at the center of each CDF side. Each letdown channel has a bottom width of 2 ft, a channel depth of 1 ft, and 3:1 side slopes. The letdown channels were designed to prevent excessive long-term maintenance and repairs due to runoff. The drainage from the Upland CDF was modeled in HydroCAD Version 8.5 to determine velocities and to properly size the channels. Design plans that depict water management (CD-302/303 and CD-305/306) for the CDFs are attached to this permit application.

Erosion Control

The engineered cap covering the Upland CDF will be placed to allow for vegetation to grow and to protect the side slopes from erosion. The intent of design is for a high success rate of vegetation in terms of continuous coverage and rapid growth. Topsoil meeting minimum organic matter and nutrient requirements will be specified for use in the engineered cap. A long-term erosion control blanket (ECB) will be installed along the Upland CDF slopes, over seeded topsoil to protect slopes against erosion until vegetation is established. The ECB is intended to accommodate stormwater runoff accumulated along the slopes without erosion occurring; however, sediment control logs will also be placed along the CDF slopes to decrease flow velocities and minimize sediment transport. All the water flow above the Upland CDF crest will be directed to the letdown channels and will not affect the CDF side slopes. Design plans that depict water management (CD-302/303 and CD-305/306) for the CDFs are attached to this permit application. Sediment and erosion control plans are attached to this permit application (design sheet CH-102).

OU-J CDF

Flood Water/Stormwater Management

The OU-J 234k cubic yard (cy) capacity CDF has five letdown channels on the upper bench and on the lower bench to convey stormwater runoff from the CDF cover. The top surface of the CDF is graded so the runoff gravity flows to the collection ditches on the cover. These vegetated ditches which include check dams (when the vegetation is being established) direct the stormwater to the letdown channels. Soil diversion berms along the western edge of the upper and lower benches direct surface water that contacts the berm to flow along the berm and into the rock lined letdown channels. Each vegetated collection ditch has a bottom width of 6 feet with varying depths along the ditch that are based on the drainage area and CDF cover slope. The sides of the collection ditches are sloped 2H:1V. The rock lined letdown channels have a bottom width of 6 feet, a channel depth of 2 feet and 2H:1V side slopes. The letdown channels are located on the side slopes of the upper and lower benches, and on the western most slope of the CDF. All stormwater from the CDF cover is collected in the ditches and letdown channels, then discharged into Unnamed Creek. Stormwater that lands on the vegetated side slope of the upper and lower benches flows down the side of the embankment. Stormwater water that lands on the CDF western side slope adjacent to Unnamed Creek flows into the Creek. The western side slope of the CDF adjacent to Unnamed creek is plated with riprap to minimize erosion along the slope. OU-J CDF cover design drawings SW-101 and SW-102 showing surface water management and sediment and erosion control information are attached to this permit. Similar surface water analysis and design features described above for the 234k cy CDF were used in the cover design of the 40k cy CDF which is not presented in this application but can be viewed in AECOM's Basis of Design Report which includes the 40k CDF design drawings.

Stormwater runoff for the OU-J CDF's used rainfall information from NOAA. The 100-year, 24-hour storm event and SCS Type II rainfall distribution was used as the design storm event. Stormwater runoff was calculated using Hydro CAD Version 10.0 software which utilizes the drainage area, time of concentration, and the Soil Conservation Service (SCS) Curve Number Method where curve numbers (CN) were assigned to each watershed based on two characteristics: the soil type and land cover. The proposed stormwater channels were designed using AutoCAD Civil 3D Hydra Flow software, which uses the Manning's Equation to compute depth of flow in an open channel.

Erosion Control

The engineered cover on the OU-J CDF's allow for vegetation growth to minimize loss of soil and protects the side slopes from erosion. This is accomplished with cover slope and topsoil that provides for rapid growth and continuous coverage of vegetation and with a 2 growing season cover specification that includes reseeding of areas. Cover soil meeting MnDot topsoil standards for organic matter and specific soil types were provided in the CDF specification. ECBs will be installed over seeded topsoil along the exterior 4H:1V side slopes of the OU-J CDF's upper bench. The ECB is intended to accommodate stormwater runoff accumulated along the slopes without erosion occurring. Sediment controls such as straw bales rice logs, etc. will also be placed along the CDF slopes to decrease flow velocities and minimize sediment transport. All the stormwater flow down the 4H:1V side slopes are directed into a collection ditch that encompasses the upper bench 4H:1V exterior slope. The stormwater collected in the ditch flows into letdown channels that direct the water into Unnamed Creek. The drawings enclosed for the OU-J CDF (SW-101 and SW-102) show these water management features.

Culvert Extension

Flood/Stormwater Management

The soil slopes over the culvert extension will be filled with on- or off-site soil fill and covered with topsoil. The surface over the new culvert will be graded to an approximate 6H:1V slope. The slope south of the culvert will be graded in a similar manner and to a slope as the current existing 3H:1V slope. The final surface over and adjacent

to the culvert will direct surface water into Unnamed Creek. The disturbed culvert extension surface will be seeded using the same seed mix specified for the OU-J CDF.

A hydrologic and hydraulic (H&H) model that was developed by Barr Engineering to comprehensively model the US Steel Former Duluth Works Facility site was used as a starting point for modeling the culvert extension.

Erosion Control

Erosion prevention practices will be selected, installed, and maintained according to manufacturer specifications and accepted engineering practices. Efforts will be made to minimize erosion through use of construction phasing, vegetative buffer strips, minimization of land disturbance, horizontal-slope grading, avoiding disturbance of steep slopes and/or implementing slope draining, terracing to reduce erosion of steep slopes, and routing water around exposed soil areas. Action will be taken to stabilize exposed soils, including soil stockpiles, whenever it is known that land disturbing activity on any portion of the site will cease for 14 days or more. Examples of soil stabilization include the following: mulches, hydraulic soil stabilizers, erosion blankets, rip rap, and sod. Sediment control practices for the project will minimize sediment from entering surface waters and storm sewer inlets/manholes. Sediment controls to be used at the site include establishing down gradient perimeter control established below the planned land disturbance and up gradient of vegetative buffers before work begins, storm drain inlet protection, and sediment controls installed at the perimeter of temporary soil stockpiles. Additional best management practices such as stone pads or wash racks will be installed at construction exits to prevent vehicle tracking.

OU-I Channel Construction and Weir/ Embankment Modifications

Flood Water / Stormwater Management

The proposed OU-I floodplain finished grade is designed to mimic the existing floodplain landscape, and the proposed channel capacity of Unnamed Creek increases slightly. The new proposed channel bottom width is 10 feet, with 3H:1V side slopes and a depth of 1.5 feet. Existing and proposed channel conditions were modeled with HEC-RAS, and modeled water surface levels for flood flows between the 2-year and 50-year frequency events decrease. Water surface levels do increase nominally for the 100-year event, as a larger area within OU-I is ponded upstream of the new weir.

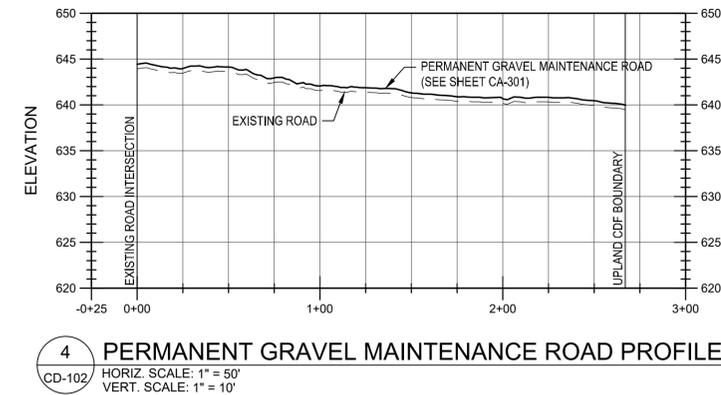
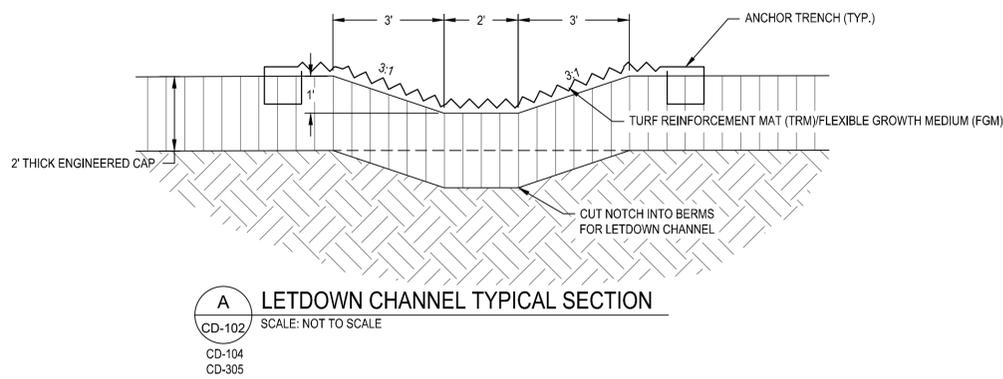
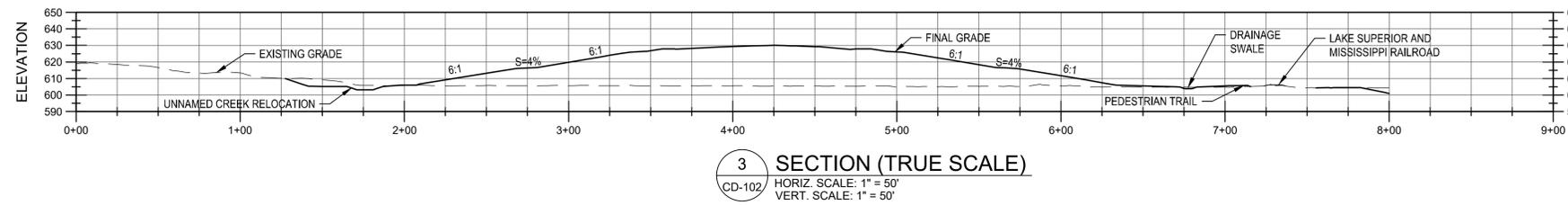
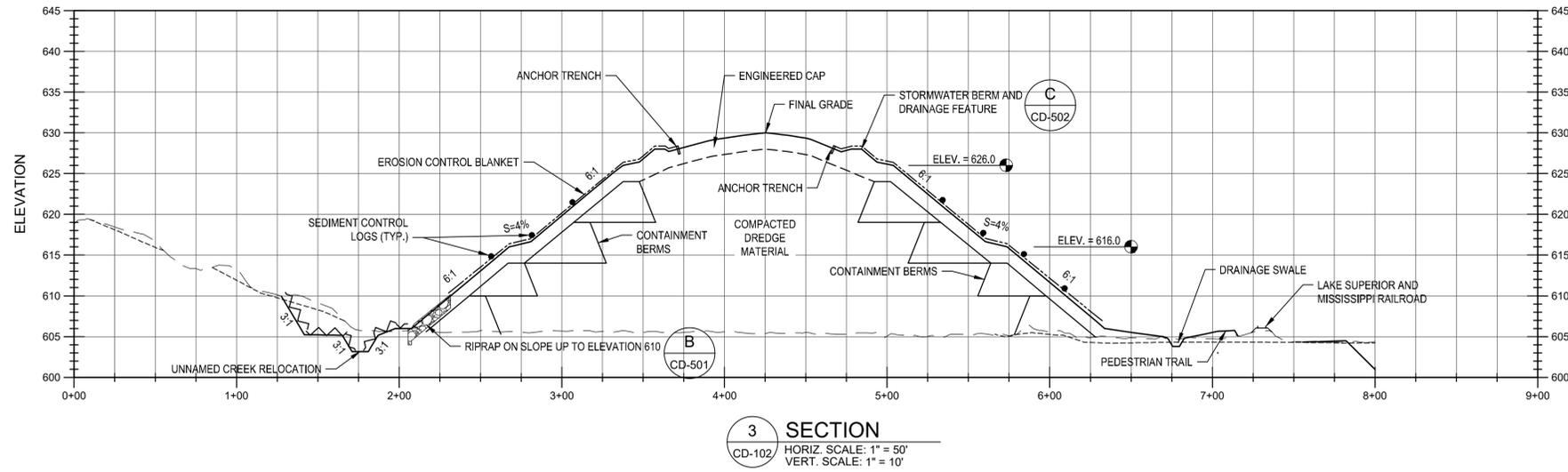
A new 124-ft long sheet-pile weir is designed with a low-flow width of 8 feet at elevation 612.6, which is the elevation of the current weir. A secondary tier will be placed at elevation 615.0, and will be 32 feet in total length. The top weir elevation will be placed at 618.0. Downstream of the new weir, a new concrete channel will be constructed, routing flow into the new culvert extension, which will connect to the original box culvert beneath the road embankment. Fill will be placed at a 3H:1V slope adjacent to the concrete channel and armored with riprap. All flows were modeled with HEC-RAS, using calculated storm flows originally determined with XP-SWMM. Runoff from the road and embankment will be directed into swales, armored with rock riprap and erosion control blanket.

Erosion Control

During construction, measures will be employed per the Project's Storm Water Pollution Prevention Plan to ensure erosion and sediment movement are minimized. Stabilization measures will include staging construction to minimize exposed soils, placing silt fence or other sediment barriers downstream of open construction areas, and placing seed, mulch or erosion control blanket on exposed soils where construction activity has ceased for 14 days. Additionally, dewatering measures will be employed to limit overland flow in the work area; routing flow from adjacent drainage areas around the primary work area to minimize erosion potential. Erosion and sediment control plans for this project component are shown in design drawing CS-101.

DESIGN DRAWINGS

- NOTES:
- GROUNDWATER ELEVATIONS ARE APPROXIMATE BASED ON MODELING, AND MAY VARY FROM WHAT IS DEPICTED.
 - FOR ANCHOR TRENCH DETAILS SEE SHEET CH-501.
 - FOR CONTAINMENT BERM DETAILS SEE SHEET CD-501.
 - FOR ENGINEERED CAP DETAILS SEE SHEET CD-503.
 - FOR SLOPE PROTECTION DETAILS SEE SHEET CD-503.



REVISIONS	
NO.	DESCRIPTION

DESIGNED BY:	LLR
DRAWN BY:	JRM
CHECKED BY:	JMT
PROJECT MANAGER:	JB

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF BIDDING. IT IS NOT TO BE USED FOR CONSTRUCTION.

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

Signature: *James Beaver*
Typed Name: James Beaver
Date: 1/16/2020
License Number: 48712

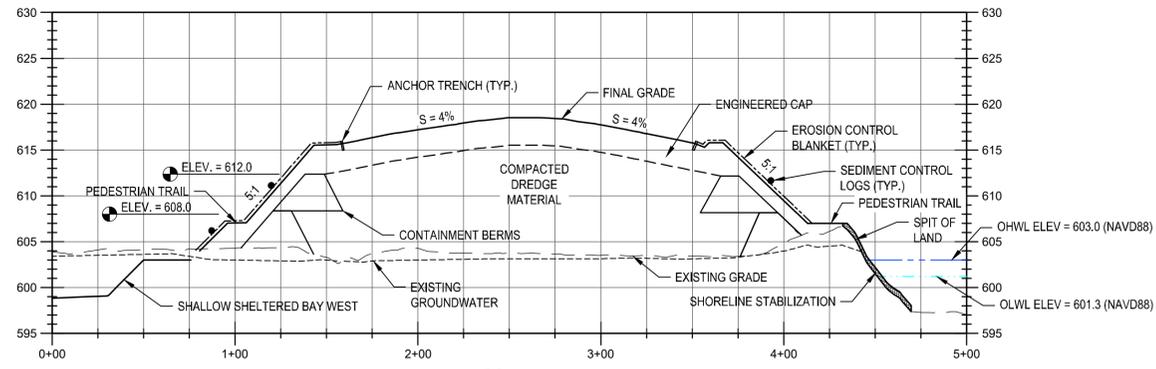
REMEDIAL DESIGN
SPIRIT LAKE ESTUARY SITE
ST. LOUIS RIVER AREA OF CONCERN
DULUTH, MINNESOTA

UPLAND CDF DETAILS (2 OF 2)

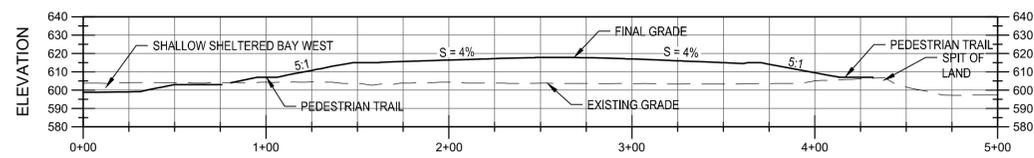
PREPARED FOR:

EA Engineering, Science, and Technology, Inc., PBC
444 LAKE COOK ROAD, SUITE 18
DEERFIELD, IL 60015
(847) 945-8010

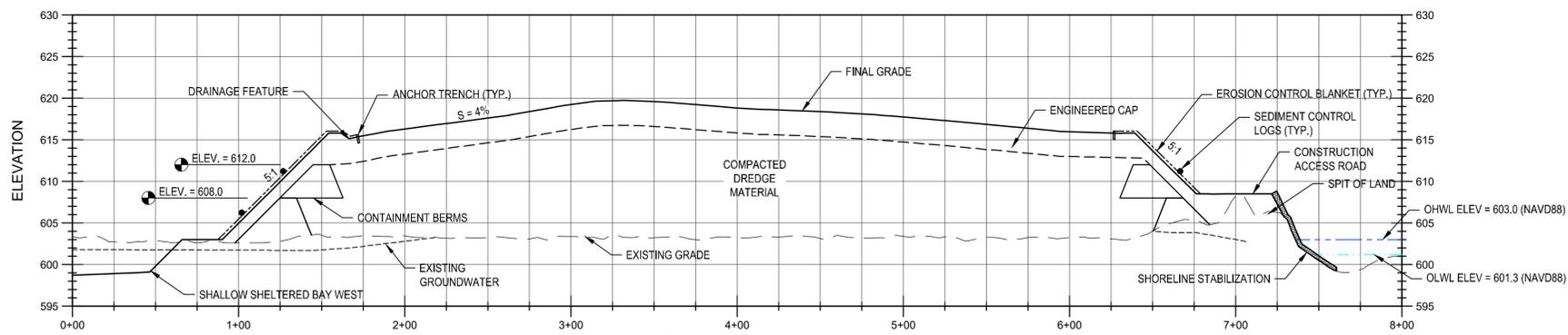
DATE: JANUARY 2020
PROJECT NUMBER: 1518924
CD-303
SHEET: 29 OF 113
Page 70 of 102



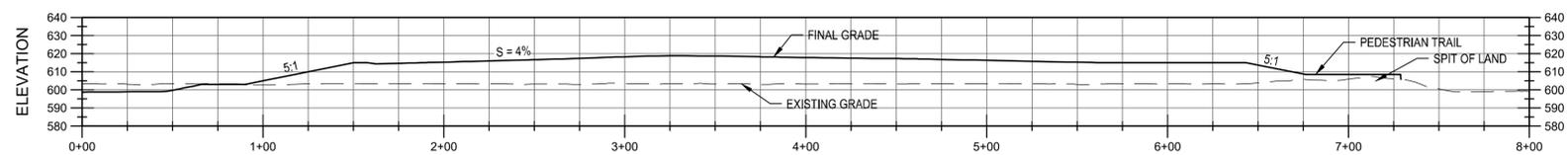
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CD-104 HORIZ. SCALE: 1" = 50'
VERT. SCALE: 1" = 10'



1 SECTION (TRUE SCALE)
CD-104 HORIZ. SCALE: 1" = 50'
VERT. SCALE: 1" = 50'



2 SECTION
CD-104 HORIZ. SCALE: 1" = 50'
VERT. SCALE: 1" = 10'



2 SECTION (TRUE SCALE)
CD-104 HORIZ. SCALE: 1" = 50'
VERT. SCALE: 1" = 50'

- NOTES:
- GROUNDWATER ELEVATIONS ARE APPROXIMATE BASED ON MODELING, AND MAY VARY FROM WHAT IS DEPICTED.
 - FOR SHORELINE STABILIZATION DETAILS SEE SHEET CH-503.
 - FOR ANCHOR TRENCH DETAILS SEE SHEET CH-501.
 - FOR CONTAINMENT BERM DETAILS SEE SHEET CD-502.
 - FOR ENGINEERED GAP DETAILS SEE SHEET CD-503.
 - FOR SLOPE PROTECTION DETAILS SEE SHEET CD-503.

REVISIONS	
NO.	DESCRIPTION

DESIGNED BY:	LLR
DRAWN BY:	JRM
CHECKED BY:	JMT
PROJECT MANAGER:	JB

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

Signature: *James Beaver*
Typed Name: James Beaver
Date: 1/16/2020
License Number: 48712

REMEDIAL DESIGN
SPIRIT LAKE ESTUARY SITE
ST. LOUIS RIVER AREA OF CONCERN
DULUTH, MINNESOTA

DELTA CDF DETAILS (1 OF 2)

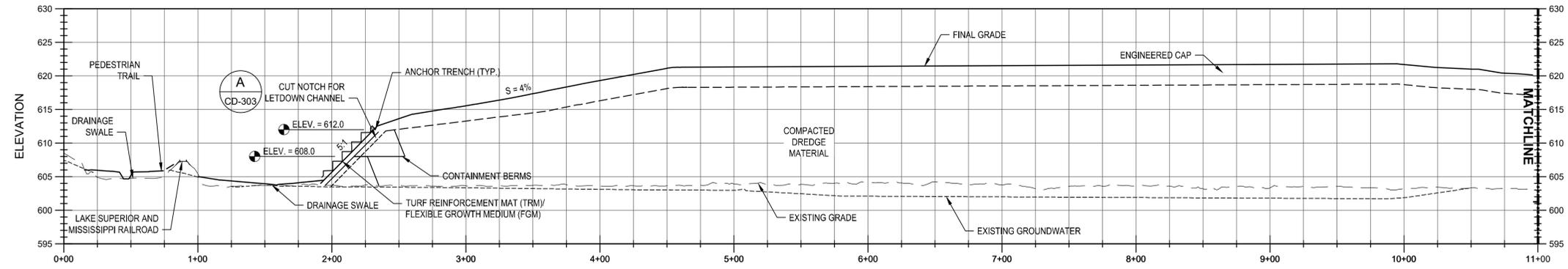
PREPARED FOR:

EA Engineering, Science, and Technology, Inc., PBC
444 LAKE COOK ROAD, SUITE 18
DEERFIELD, IL 60015
(847) 945-8010

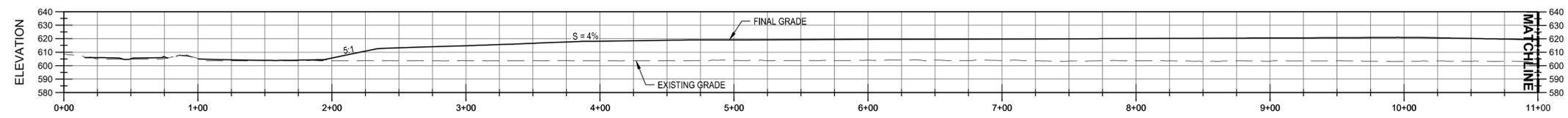
DATE: JANUARY 2020
PROJECT NUMBER: 1518924
CD-305
SHEET: 34 OF 113

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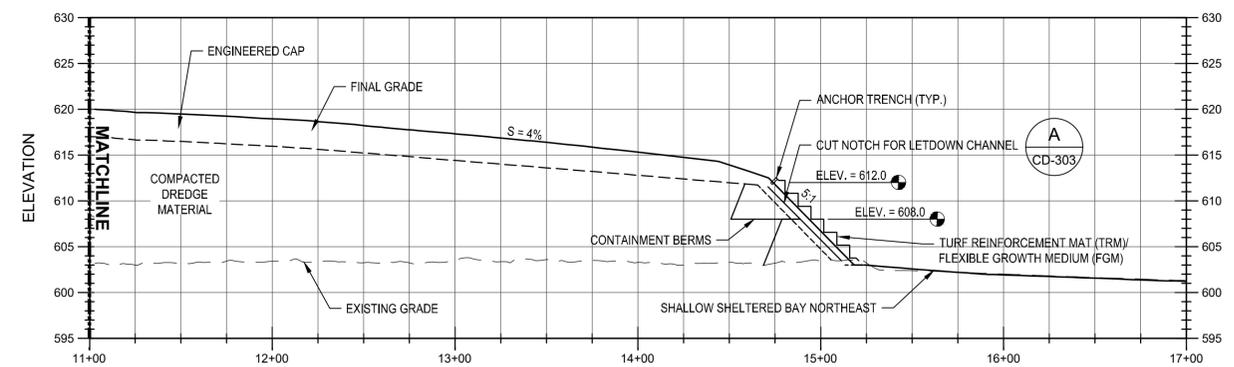
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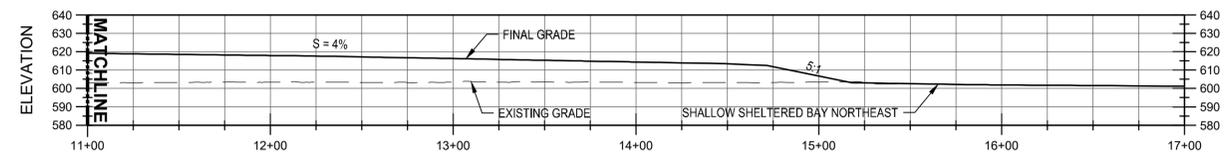
3 SECTION
CD-104 HORIZ. SCALE: 1" = 50'
VERT. SCALE: 1" = 10'



3 SECTION (TRUE SCALE)
CD-104 HORIZ. SCALE: 1" = 50'
VERT. SCALE: 1" = 50'



3 SECTION
CD-104 HORIZ. SCALE: 1" = 50'
VERT. SCALE: 1" = 10'



3 SECTION (TRUE SCALE)
CD-104 HORIZ. SCALE: 1" = 50'
VERT. SCALE: 1" = 50'

- NOTE:
- GROUNDWATER ELEVATIONS ARE APPROXIMATE BASED ON MODELING, AND MAY VARY FROM WHAT IS DEPICTED.
 - FOR SHORELINE STABILIZATION DETAILS SEE SHEET CH-503.
 - FOR ANCHOR TRENCH DETAILS SEE SHEET CH-501.
 - FOR CONTAINMENT BERM DETAILS SEE SHEET CD-502.
 - FOR ENGINEERED CAP DETAILS SEE SHEET CD-503.

REVISIONS		DESCRIPTION	
NO.	DATE	BY	DESCRIPTION

DESIGN INFORMATION					
DESIGNED BY:	LLR	DRAWN BY:	JRM	CHECKED BY:	JMT
PROJECT MANAGER:	JB				

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

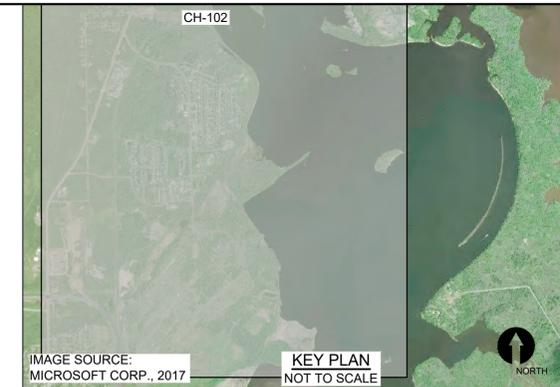
Signature: *James Beaver*
Typed Name: James Beaver
Date: 1/16/2020
License Number: 48712

REMEDIAL DESIGN
SPIRIT LAKE ESTUARY SITE
ST. LOUIS RIVER AREA OF CONCERN
DULUTH, MINNESOTA
DELTA CDF DETAILS (2 OF 2)

PREPARED FOR:

EA Engineering, Science, and Technology, Inc., PBC
444 LAKE COOK ROAD, SUITE 18
DEERFIELD, IL 60015
(847) 945-8010

DATE: JANUARY 2020
PROJECT NUMBER: 1518924
CD-306
SHEET: 35 OF 113



NO.	DATE	BY	DESCRIPTION

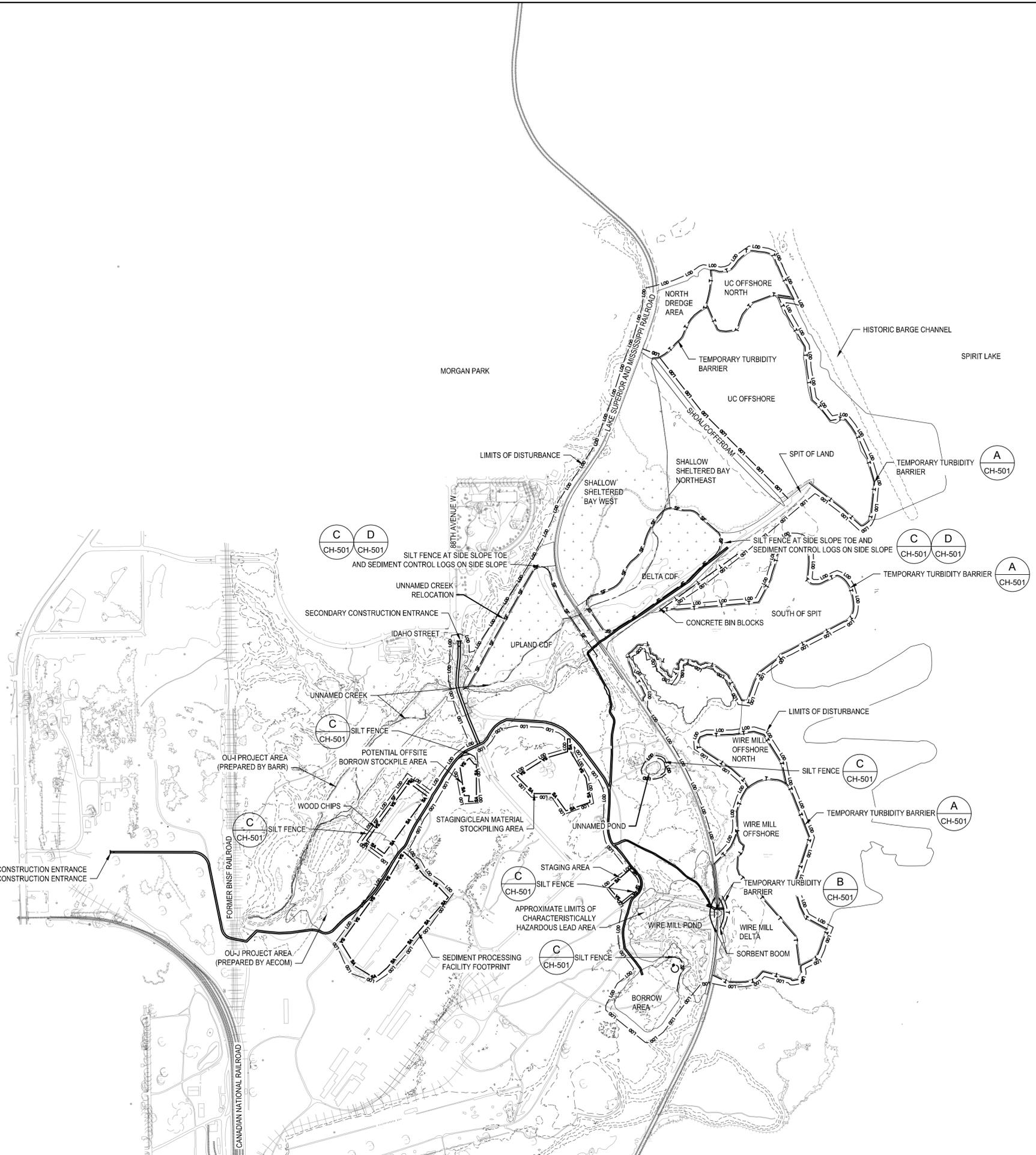
DESIGN INFORMATION

DESIGNED BY:	LLR
DRAWN BY:	JRM
CHECKED BY:	JMT
PROJECT MANAGER:	JB

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF BIDDING. IT IS NOT TO BE USED FOR CONSTRUCTION.

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

Signature: *James Beaver*
 Typed Name: James Beaver
 Date: 1/16/2020
 License Number: 48712



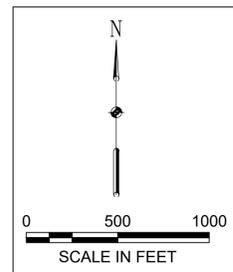
- NOTES:
- TEMPORARY TURBIDITY BARRIER LOCATIONS SHOWN ON THESE DRAWINGS ARE APPROXIMATE. CONTRACTOR SHALL BE RESPONSIBLE FOR FINAL TEMPORARY TURBIDITY BARRIER LOCATIONS.
 - TEMPORARY TURBIDITY BARRIERS SHALL BE PLACED TO ENCLOSE ALL ACTIVE WORK (DREDGING, CAPPING, DREDGE RESIDUALS COVER, AND EMNR AREAS). A TEMPORARY TURBIDITY BARRIER MAY BE RE-USED AT MULTIPLE WORK AREAS.
 - CONTRACTORS DREDGING, CAPPING, DREDGE RESIDUALS COVER, AND EMNR PLANS SHALL PROVIDE LAYOUT OF TEMPORARY TURBIDITY BARRIERS FOR WORK SEQUENCE, MOVEMENT PROCEDURES, INSTALLATION, MAINTENANCE/REPAIR PROCEDURES, AND WATER QUALITY MONITORING DESCRIPTION.
 - CONTRACTOR SHALL EMPLOY TEMPORARY EROSION CONTROLS PER SPECIFICATIONS AND REPAIR RILL EROSION AND OTHER INCIDENTS OF EROSION IMMEDIATELY FOLLOWING RAINFALL EVENTS.

REMEDIAL DESIGN
 SPIRIT LAKE ESTUARY SITE
 ST. LOUIS RIVER AREA OF CONCERN
 DULUTH, MINNESOTA
 SEDIMENT AND EROSION CONTROL PLAN



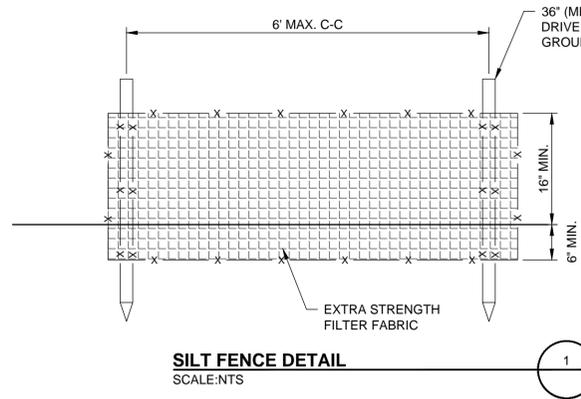
DATE: JANUARY 2020
 PROJECT NUMBER: 1518924

CH-102
 SHEET: 81 OF 113

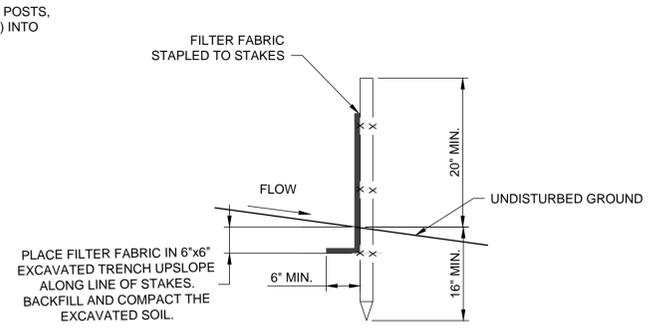


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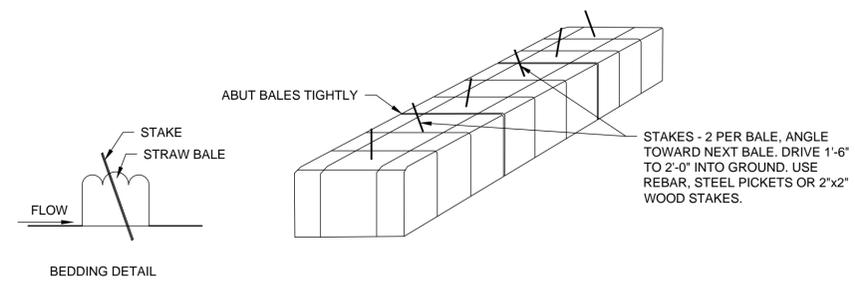
FINAL DESIGN - NOT FOR CONSTRUCTION



SILT FENCE DETAIL
SCALE: NTS



PLACE FILTER FABRIC IN 6"x6" EXCAVATED TRENCH UPSLOPE ALONG LINE OF STAKES. BACKFILL AND COMPACT THE EXCAVATED SOIL.



STRAW BALE DETAIL
SCALE: NTS

DESIGN SPECIFICATIONS

- SILT FENCE SHALL BE CONSTRUCTED BEFORE UPSLOPE LAND DISTURBANCE BEGINS.
- ALL SILT FENCE SHALL BE PLACED AS CLOSE TO THE CONTOUR AS POSSIBLE SO THAT WATER WILL NOT CONCENTRATE AT LOW POINTS IN THE FENCE AND SO THAT SMALL SWALES OR DEPRESSIONS WHICH MAY CARRY SMALL CONCENTRATED FLOWS TO THE FENCE ARE DISSIPATED ALONG ITS LENGTH.
- TO PREVENT WATER PONDED BY THE SILT FENCE FROM FLOWING AROUND THE ENDS, EACH END SHALL BE CONSTRUCTED UPSLOPE SO THAT THE ENDS ARE AT A HIGHER ELEVATION.
- WHERE POSSIBLE, SILT FENCE SHALL BE PLACED ON THE FLATTEST AREA AVAILABLE.
- SEAMS BETWEEN SECTION OF SILT FENCE SHALL BE OVERLAPPED WITH THE END STAKES OF EACH SECTION WRAPPED TOGETHER BEFORE DRIVING INTO THE GROUND.
- MAINTENANCE - SILT FENCE SHALL ALLOW RUNOFF TO PASS ONLY AS DIFFUSE FLOW THROUGH THE GEOTEXTILE. IF RUNOFF OVERTOPS THE SILT FENCE, FLOWS UNDER OR AROUND THE ENDS, OR IN ANY OTHER WAY BECOMES CONCENTRATED FLOW, ONE OF THE FOLLOWING SHALL BE PERFORMED, AS APPROPRIATE: 1) THE LAYOUT OF THE SILT FENCE SHALL BE CHANGED, 2) ACCUMULATED SEDIMENT SHALL BE REMOVED, OR 3) OTHER PRACTICES SHALL BE INSTALLED.

GENERAL NOTES

- STRAW BALES TO BE INSTALLED AS NEEDED AROUND CONSTRUCTION AREAS. REPAIR OR REPLACE BALES PROMPTLY AS NEEDED.
- WHEN TWO SECTIONS OF BALES ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY SIX INCHES.
- ALL BALES SHALL BE PLACED AS CLOSE TO THE CONTOUR AS POSSIBLE SO THAT WATER WILL NOT CONCENTRATE AT LOW POINTS AND SO THAT SMALL SWALES OR DEPRESSIONS WHICH MAY CARRY SMALL CONCENTRATED FLOWS TO THE BALES ARE DISSIPATED ALONG ITS LENGTH.
- TO PREVENT WATER PONDED BY THE BALES FROM FLOWING AROUND THE ENDS, EACH END SHALL BE CONSTRUCTED UPSLOPE SO THAT THE ENDS ARE AT A HIGHER ELEVATION.
- MAINTENANCE - BALES SHALL ALLOW RUNOFF TO PASS ONLY AS DIFFUSE FLOW THROUGH THE STRAW. IF RUNOFF OVERTOPS BALES, FLOWS UNDER OR AROUND THE ENDS, OR IN ANY OTHER WAY BECOMES CONCENTRATED FLOW, ONE OF THE FOLLOWING SHALL BE PERFORMED, AS APPROPRIATE: 1) THE LAYOUT OF THE BALES SHALL BE CHANGED, 2) ACCUMULATED SEDIMENT SHALL BE REMOVED, OR 3) OTHER PRACTICES SHALL BE INSTALLED.

REVISIONS		DESCRIPTION
NO.	DATE	BY
DESIGN INFORMATION		PROJECT MANAGER: MC
DESIGNED BY: MJC	DRAWN BY: ASD	CHECKED BY: JWH
THIS DOCUMENT IS RELEASED FOR THE PROJECT ONLY AND IS NOT TO BE USED FOR CONSTRUCTION. JEREMY M. THOMAS, P.E. LICENSE NUMBER 50125. DECEMBER 2019. IT IS NOT TO BE USED FOR CONSTRUCTION.		

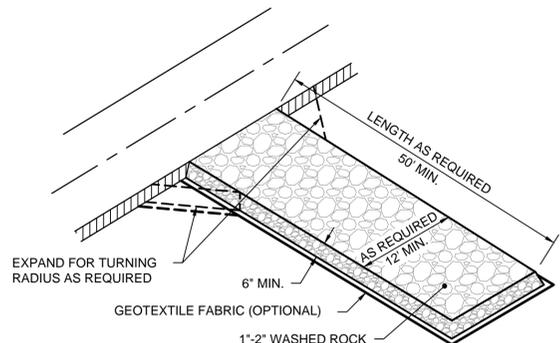
UNITED STATES STEEL
SPIRIT LAKE ESTUARY - O-U-J
O-U-J 234K CDF FINAL DESIGN
DULUTH, MINNESOTA

O-U-J 234K - SWPPP DETAILS

PREPARED FOR:

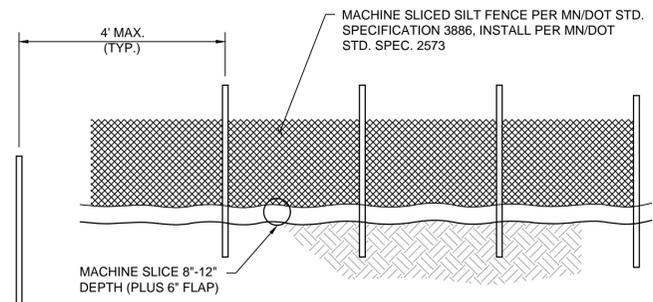
MINNEAPOLIS OFFICE
800 LaSalle Avenue, Suite 500
Minneapolis, MN 55402
612-376-2000 (phone)
COLLABORATION WITH
ST LOUIS AND CHICAGO OFFICES

DATE: 01/24/2020
PROJECT NUMBER: 60586470
SW-102
SHEET: 25 OF 25



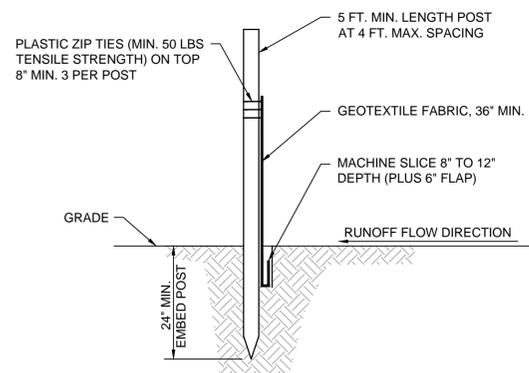
- NOTES:**
- ENTRANCE SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND REPAIRED OR REPLACED AS REQUIRED TO PREVENT TRACKING OFFSITE.
 - ENTRANCE SHALL BE REMOVED IN CONJUNCTION WITH FINAL GRADING AND SITE STABILIZATION.
 - ROCK ENTRANCES ARE THE DEFAULT CONSTRUCTION ENTRANCES. ALTERNATE CONSTRUCTION ENTRANCES MAY BE SUBSTITUTED ON AN INDIVIDUAL BASIS IF APPROVED BY ENGINEER.

1 **DETAIL: CONSTRUCTION ENTRANCE - ROCK**
C-20 NOT TO SCALE

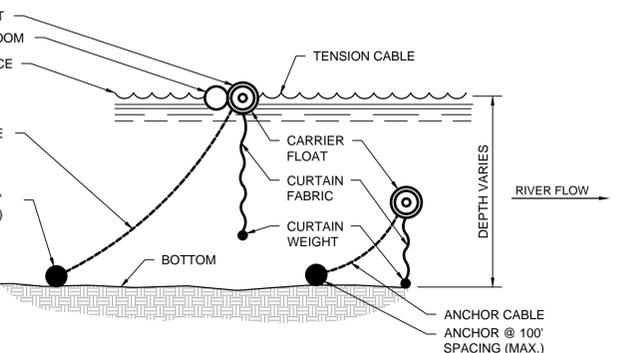


- DOWNSTREAM VIEW**
- NOTES:**
- SILT FENCE SHALL BE INSTALLED PRIOR TO ANY GRADING WORK IN THE AREA TO BE PROTECTED AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. SILT FENCE AND ANY ACCUMULATED SEDIMENT SHALL BE REMOVED IN CONJUNCTION WITH THE FINAL GRADING AND SITE STABILIZATION.
 - SILT FENCE INSTALLATION AND MATERIALS SHALL MEET THE REQUIREMENTS OF MN/DOT SPECIFICATIONS 2573 AND 3886.
 - NO HOLES OR GAPS SHALL BE PRESENT IN/UNDER SILT FENCE. PREPARE AREA AS NEEDED TO SMOOTH SURFACE OR REMOVE DEBRIS.
 - WHEN SEDIMENT BUILD UP REACHES 1/2 OF FENCE HEIGHT, THE SILT FENCE SHOULD BE REMOVED OR A SECOND SILT FENCE INSTALLED UPSTREAM OF THE EXISTING FENCE AT A SUITABLE DISTANCE.
 - WHEN SPLICES ARE NECESSARY MAKE SPLICE AT POST ACCORDING TO SPLICE DETAIL. PLACE THE END POST OF THE SECOND FENCE INSIDE THE END POST OF THE FIRST FENCE. ROTATE BOTH POSTS TOGETHER AT LEAST 180 DEGREES TO CREATE A TIGHT SEAL WITH THE FABRIC MATERIAL. CUT THE FABRIC NEAR THE BOTTOM OF THE POSTS TO ACCOMMODATE THE 6 INCH FLAP. THEN DRIVE BOTH POSTS AND BURY THE FLAP. COMPACT BACKFILL.
 - USE STEEL POSTS FOR SILT FENCE AROUND SOIL PILES.

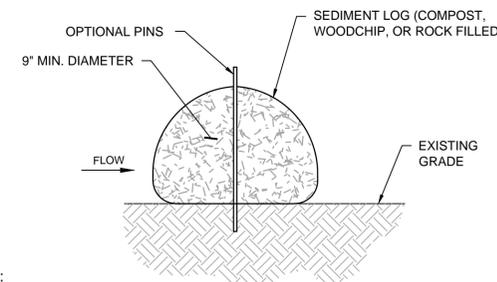
2 **DETAIL: SILT FENCE - MACHINE SLICED**
NOT TO SCALE



- NOTES:**
- TURBIDITY CURTAINS SHALL BE OF SUFFICIENT SIZE AND QUANTITY TO BE SUITABLE FOR USE IN THE WORK AREA AS SPECIFIED BY USACE IN SPECIFICATION ERDC TN-DOER-E21.
 - INSTALL SILT CURTAIN PRIOR TO ANY CONSTRUCTION ACTIVITIES IN AREAS DRAINING TO OPEN WATER OR WORK IN WATER.
 - ANCHOR TENSION CABLE AT SHORE AT BOTH END WITH STEEL POSTS OF DIAMETER AND LENGTH SUFFICIENT TO PREVENT BENDING AND PULL-OUT.
 - CURTAIN WEIGHT SHALL BE HEAVY ENOUGH TO HOLD CURTAIN VERTICAL IN CURRENT AND WAVES TYPICAL FOR THE SITE.
 - MAINTAIN SILT CURTAIN AND REPAIR OR REPLACE AS REQUIRED TO PREVENT DISCHARGE OF SEDIMENT TO PROTECTED WATER BODY.
 - REMOVE ANY ACCUMULATED SEDIMENT PRIOR TO REMOVAL OF SILT CURTAIN.
 - REMOVE SILT CURTAIN FOLLOWING SITE STABILIZATION OR AS DIRECTED BY ENGINEER.

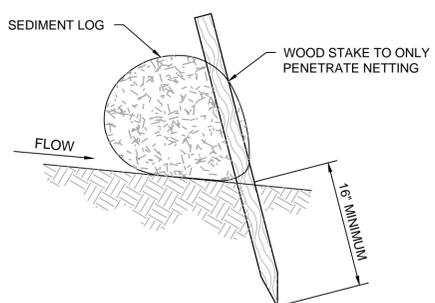


3 **DETAIL: EXAMPLE FLOATING TURBIDITY CURTAIN DEPLOYMENT ORIENTATION**
C-20 NOT TO SCALE

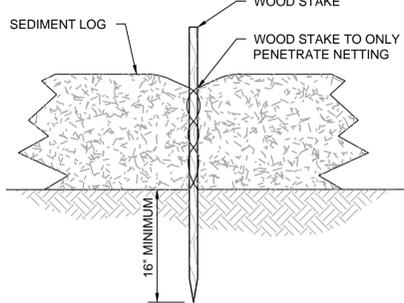


- NOTES:**
- STAKE FREE SEDIMENT LOG TO BE USED IN AREAS THAT ARE RELATIVELY FLAT AND SHOULD BE INSTALLED ALONG CONTOURS (CONSTANT ELEVATION).
 - NO GAPS SHALL BE PRESENT UNDER SEDIMENT LOG. PREPARE AREA AS NEEDED TO SMOOTH SURFACE OR REMOVE DEBRIS.
 - ACCUMULATED SEDIMENT SHALL BE REMOVED WHEN REACHING 1/2 OF LOG HEIGHT.
 - SEDIMENT LOG SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND REPAIRED OR REPLACED AS REQUIRED.

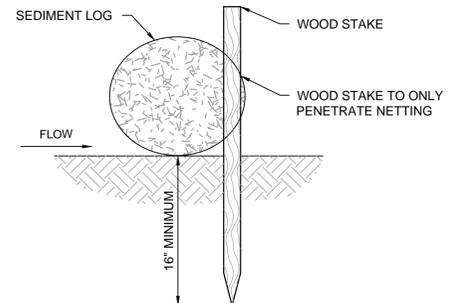
4 **DETAIL: SEDIMENT LOG - STAKE FREE**
C-20 NOT TO SCALE



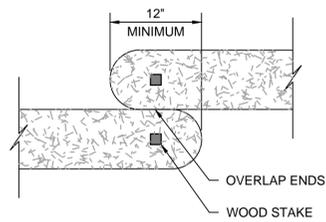
SIDE VIEW ON SLOPE



FRONT VIEW



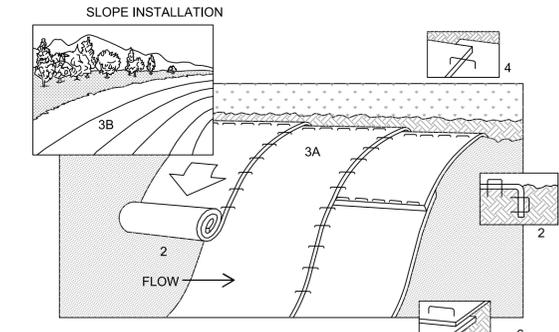
SIDE VIEW FLAT



TOP VIEW

- NOTES:**
- SEDIMENT LOG SHOULD BE INSTALLED ALONG CONTOURS (CONSTANT ELEVATION).
 - NO GAPS SHALL BE PRESENT UNDER SEDIMENT LOG. PREPARE AREA AS NEEDED TO SMOOTH SURFACE OR REMOVE DEBRIS.
 - ACCUMULATED SEDIMENT SHALL BE REMOVED WHEN REACHING 1/2 OF LOG HEIGHT.
 - SEDIMENT LOG SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND REPAIRED OR REPLACED AS REQUIRED.

5 **DETAIL: SEDIMENT LOG - STAKING**
C-20 NOT TO SCALE



- NOTES:**
- REFER TO MANUFACTURER RECOMMENDATIONS FOR STAPLE PATTERNS FOR SLOPE INSTALLATIONS.
 - PREPARE SOIL BY LOOSENING TOP 1-2 INCHES AND APPLY SEED (AND FERTILIZER WHERE REQUIRED) PRIOR TO INSTALLING BLANKETS. GROUND SHOULD BE SMOOTH AND FREE OF DEBRIS.
 - BEGIN (A) AT THE TOP OF THE SLOPE AND ROLL THE BLANKETS DOWN OR (B) AT ONE END OF THE SLOPE AND ROLL THE BLANKETS HORIZONTALLY ACROSS THE SLOPE.
 - THE EDGES OF PARALLEL BLANKETS MUST BE STAPLED WITH APPROXIMATELY 6" OVERLAP, WITH THE UPHILL BLANKET ON TOP.
 - WHEN BLANKETS MUST BE SPLICED DOWN THE SLOPE, PLACE BLANKETS END OVER END (SHINGLE STYLE) WITH APPROXIMATELY 6" OVERLAP. STAPLE THROUGH OVERLAPPED AREA, APPROXIMATELY 12" APART.
 - BLANKET MATERIALS SHALL BE AS SPECIFIED OR AS APPROVED BY ENGINEER.

6 **DETAIL: EROSION CONTROL BLANKET - INSTALLATION**
NOT TO SCALE

REVISIONS		DESCRIPTION
NO.	DATE	BY
A	7/30/18	AMS4
B	5/31/19	BLM2
C	1/31/20	JLB2
D	2/24/20	JLB2

DESIGNED BY:	DRAWN BY:	CHECKED BY:	PROJECT MANAGER:
BARR	SLY	ECL	ERD

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR CONTRACT DOCUMENT AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.	PRINTED NAME: JAMIE BARNSTON SIGNATURE: [Signature] DATE: 02/24/2020 LICENSE # 42683
--	--

REMEDIAL DESIGN
SPIRIT LAKE ESTUARY - OU-1
ST. LOUIS RIVER AREA OF CONCERN
 DULUTH, MINNESOTA

TEMPORARY EROSION AND SEDIMENT CONTROL DETAILS

PREPARED FOR:

EPA

USS

BARR

BARR ENGINEERING CO.
325 SOUTH LAKE AVENUE
SUITE 700
DULUTH, MN 55802
Ph: 1-800-786-5830
Fax: (218) 529-8202
www.barr.com

DATE: 02/24/2020
PROJECT NUMBER: 23691125.12
CS-101
SHEET: 6 OF 36

ISSUED FOR BID
 NOT FOR CONSTRUCTION

NO RISE CERTIFICATION AND NO RISE MODELING STUDY

MINNESOTA "NO-RISE" CERTIFICATION

This is to certify that I am a duly qualified professional engineer licensed to practice in the State of Minnesota.

It is further to certify that the attached technical data supports the fact that the proposal to Spirit Lake Post-Remedy Design in Duluth, Minnesota will not impact the floodway width or 100-year flood elevation (will not raise or lower by more than 0.00 feet) on Saint Louis River at published sections in the Flood Insurance Study for St. Louis County dated August, 1979 and will not impact the 100-year flood elevation (will not raise or lower by more than 0.00 feet) at unpublished cross-sections in the vicinity of the proposed development / project.

Attached are the following documents that support my findings:

Spirit Lake Post-Remedy No Rise Analsys Technical Memo

Date: June 14, 2019

Name: Christian Frias

Signature:  _____

Title: Water Resources Engineer

I hereby certify that this report was prepared by me and that I am a duty Registered Professional Engineer under the laws of the State of Minnesota.



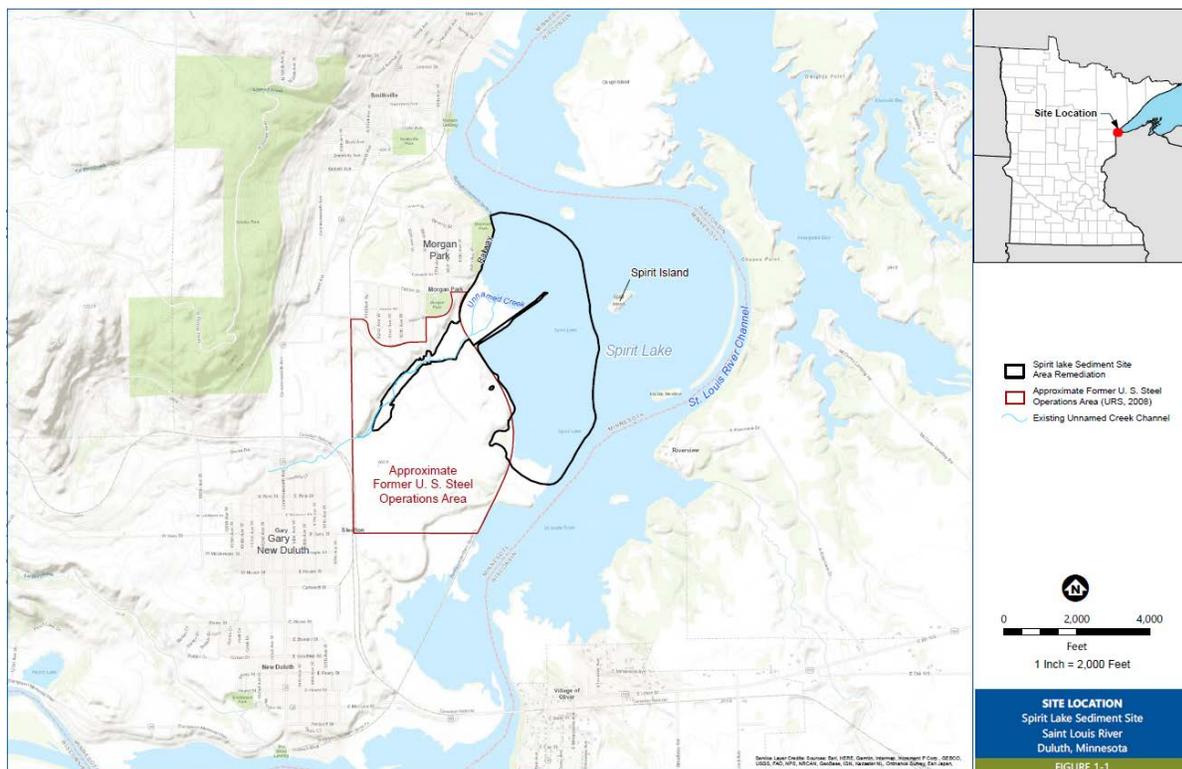
Christian Frias
Date: June 14, 2019 Registration No. 54842

Technical Memorandum

To: Jamie Beaver, EA Engineering, Science, and Technology Inc., PBC
From: Christian Frias, P.E., Barr Engineering
Subject: Spirit Lake Post-Remedy No Rise Analysis
Date: July 18, 2019
c: Mike Ciarlo, Luke Rief, EA; Ben Sheets, Jamie Bankston, Eric Dott, Barr

1.0 Introduction

A hydraulic analysis was carried out to determine if construction of the remedial design at Spirit Lake would cause a rise in the water surface elevation of the Saint Louis River in the area of the project. The project site is located in Sections 34 and 35, T49N, R15W, in the southern part of the City of Duluth in Saint Louis County, Minnesota (Figure 1-1). For this analysis steady flow HEC-RAS models were built of existing (pre-construction) and proposed (post-construction) conditions. This memorandum documents the construction of both models and the results obtained from them. The result of this no-rise study was that construction of the remedial design would not lead to flood water level rise relative to the present conditions at the site. Modeling results are shown in Attachments A and B, where cross sections and HEC-RAS standard tables are presented. A signed Certification of this finding is included as Attachment C to this memorandum.



2.0 Model Construction

2.1 Existing Conditions Model

A HEC-2 model of the Saint Louis River between the State Highway 23 bridge and the Oliver Bridge (State Highway 39) was published by the Federal Emergency Management Agency (FEMA, 1979). This model was converted to HEC-RAS v.5.0.7, including geo-referencing the original cross sections to a NAD83 Minnesota North (ft.) coordinate system and a NAVD88 vertical datum. Aside from geo-referencing, all parameterization of the converted model cross sections was kept the same (i.e., Manning's n values, location of bank points, reach lengths, etc.). The converted model was used as the base for the existing conditions model used for this analysis. Onto the downstream boundary of that model an additional four miles of cross sections were added downstream of the Oliver Bridge to cover the remainder of the project area. Figure 2-1 shows the extents of the HEC-2 model published by FEMA (1979) and the new cross sections added. The new cross sections were cut from a terrain that was built by merging the available terrestrial LIDAR data with the Spirit Lake bathymetry provided by EA Science and Engineering (EA, 2017). Manning's n values were assigned by comparing known bed conditions with guidance from Sturm and Tuzson (2001). Table 2-1 shows the different land use types and the associated Manning's n values. Ineffective flow areas were used in areas of stagnated water such as in Wire Mill Pond.

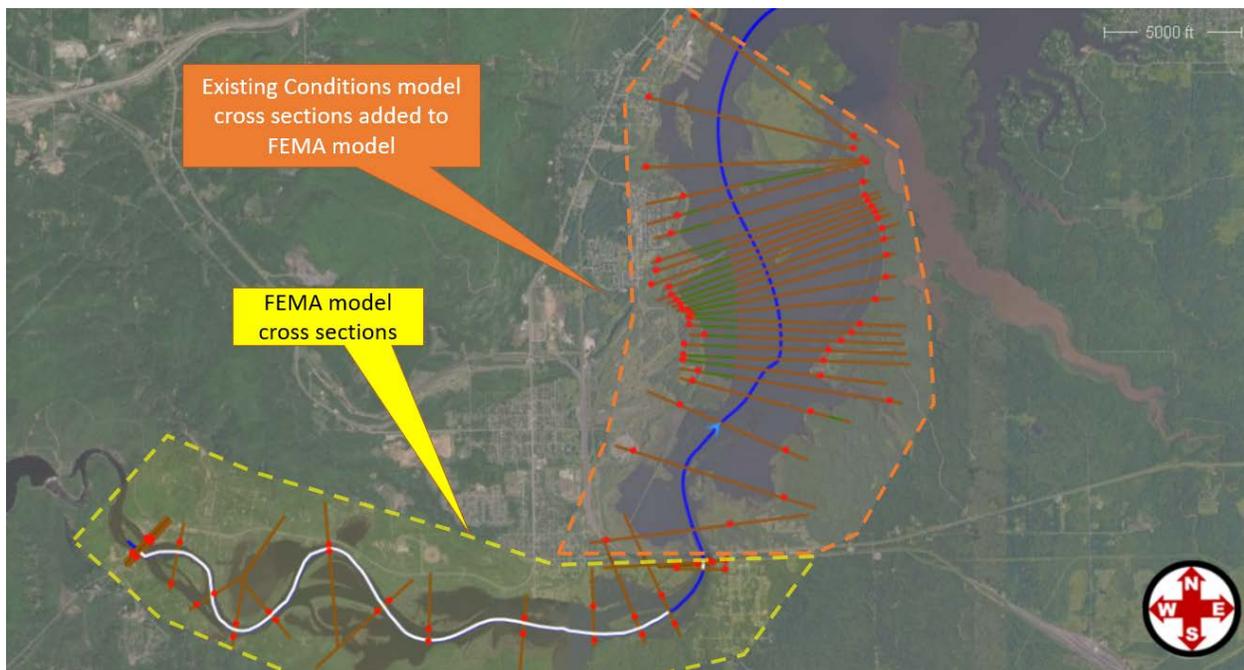


Figure 2-1 HEC-2 model (published by FEMA) and new Existing and Proposed Conditions model extents

Table 2-1 – Manning’s *n* values used in Existing and Proposed Conditions Models

Description	Manning’s <i>n</i> value
Saint Louis/ Spirit Lake bed	0.035
Floodplain with light brush	0.05
Floodplain with medium to dense brush	0.07
Floodplain with trees	0.08

According to FEMA guidance, proposed construction must cause no rise in the water surface elevation for a 100-year flood event. Thus, the 100-year Saint Louis River peak discharge was used as the upstream boundary condition for the model, and a synthetic 100-year water surface elevation constructed to include Lake Superior seiche dynamics was used as the downstream boundary condition. Details of the synthetic water level boundary condition are described in Barr (2019). The 100-year Saint Louis River flow was set equal to 40,000 ft³/s, which is the 100-year discharge published by FEMA (1979). The downstream water surface elevation was set to 604.5 feet (NGVD 29), which represents the 100-year water surface elevation for Spirit Lake published by FEMA (1979). This elevation was converted to the NAVD88 vertical datum (the one used in the model) which resulted in a value of 604.59 feet. Note that in the Spirit Lake hydrologic system a 100-year flood elevation is inextricably tied to the water surface elevation of Lake Superior, and therefore 100-year flood events on the Saint Louis River are associated with a variety of water levels in Spirit Lake. The FEMA number used for this no rise study is that used for flood insurance mapping.

2.2 Proposed Conditions Model

The proposed conditions model was built using the same framework (cross-sections) as the existing conditions model described in the previous section. Post-construction bathymetry was updated on appropriate cross sections, as shown in Attachment A. Manning’s *n* values for the sand- and residual-sediment-capped areas were set equal to 0.035, the same as used for the Spirit Lake bed in the existing conditions model. Additional ineffective flow areas were added in locations where flow recirculation is expected due to flow obstructions caused by the new post-remedy features.

3.0 Results

Figure 2-1, Table 3-1, and Table 3-2 show a comparison of the water surface elevations between existing and proposed conditions. The maximum rise is 0.00 feet with some drops in the water surface elevation of up to 0.01 feet after construction. Attachment B has a HEC-RAS summary table with additional hydraulic

parameters (e.g., cross sectional average velocities, Froude numbers, and *etc.*) for both existing and proposed conditions models.

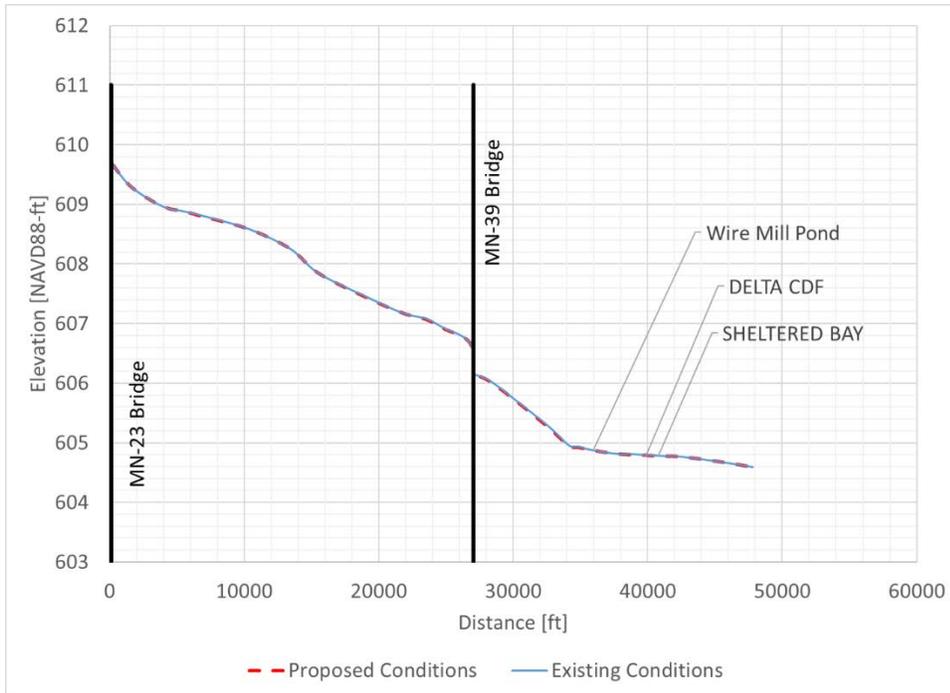


Figure 2-1 Longitudinal water surface profiles for proposed and existing conditions simulations (note that project site landmarks do not fall directly on this transect, but their relative position is indicated on the figure)

Table 3-1 – Water surface elevation results for the area upstream of Oliver Bridge

Cross Section	Ex. Cond. W.S. Elev (ft)	Prop. Cond. W.S. Elev (ft)	W.S.Elev. Diff. (ft)	Location
1000	610.33	610.33	0.00	
958	610.29	610.28	-0.01	
950	609.60	609.60	0.00	
902	609.50	609.50	0.00	MN-23 Bridge
891	609.75	609.75	0.00	
825	609.68	609.68	0.00	
-648	609.29	609.29	0.00	
-2915	608.97	608.97	0.00	
-4537	608.88	608.88	0.00	
-6020	608.80	608.79	-0.01	
-9440	608.58	608.58	0.00	
-12517	608.25	608.25	0.00	
-14628	607.84	607.84	0.00	
-18330	607.43	607.42	-0.01	
-20915	607.17	607.17	0.00	
-22600	607.08	607.07	-0.01	
-23870	606.93	606.92	-0.01	
-25927	606.66	606.66	0.00	
-26124	606.05	606.05	0.00	
-26162	606.01	606.00	-0.01	MN-39 Bridge

Table 3-2 – Water surface elevation results for the area downstream of Oliver Bridge

Cross Section	Ex. Cond. W.S. Elev (ft)	Prop. Cond. W.S. Elev (ft)	W.S.Elev. Diff. (ft)	Location
-26165	606.22	606.21	-0.01	
-26220	606.15	606.15	0.00	
-27452	606.03	606.02	-0.01	
-29780	605.63	605.62	-0.01	
-32103	605.25	605.23	-0.02	
-33655	604.95	604.94	-0.01	south end of Wire Mill Pond
-34749	604.93	604.92	-0.01	
-35266	604.87	604.87	0.00	
-36353	604.83	604.83	0.00	
-37159	604.81	604.81	0.00	
-37997	604.81	604.80	-0.01	
-38634	604.80	604.79	-0.01	
-39222	604.79	604.79	0.00	
-39495	604.79	604.78	-0.01	
-40121	604.78	604.78	0.00	
-40823	604.77	604.77	0.00	
-41965	604.76	604.76	0.00	
-43392	604.68	604.68	0.00	
-44173	604.59	604.59	0.00	

4.0 Conclusion

The hydraulic modeling calculations indicate that the proposed work in Spirit Lake would not cause a rise in the 100-year water surface. Attachment C contains the no rise certification stating that conclusion.

5.0 References

FEMA, 1979, Flood Insurance Study – City of Duluth, St. Louis County, Minnesota, *published by* Federal Emergency Management Agency, 108 p.

Sturm, T.W. and Tuzson, J., 2001, Open Channel Hydraulics, Applied Mechanics Reviews, 54, p. B107.

EA, 2017, Bathymetric, Topographic, and Debris Survey Memorandum, Pre-Design Investigation, Spirit Lake Estuary Site, St. Louis River Area of Concern, Duluth, Minnesota, Submitted to USEPA, July, 2017.



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 20-028	Contact	John Kelley	
Type	Special Use Permit for a Cottage Home Park	Planning Commission Date	May 12p, 2020	
Deadline for Action	Application Date	March 10, 2020	60 Days	May 9, 2020
	Date Extension Letter Mailed	March 17, 2020	120 Days	July 8, 2020
Location of Subject	1710 Carver Avenue and 231 West St. Marie Street			
Applicant	Campus North, LLC	Contact		
Agent	Mike Peller	Contact		
Legal Description	See attached			
Site Visit Date	May 1, 2020	Sign Notice Date	March 31, 2020	
Neighbor Letter Date	April 29, 2020	Number of Letters Sent	50	

Proposal

Applicant is requesting a special use permit for a cottage home park containing 9 dwelling units consisting of 1 and 2 bedroom homes and ranging in size from approximately 400 to 600 square feet, located in an R-1, Residential Traditional zone district.

Recommendation

Staff recommend approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Single Family Homes	Traditional Neighborhood
North	R-1	Single Family Homes	Traditional Neighborhood
South	R-2	Single Family Homes	Urban Residential
East	R-1	Single Family Homes	Traditional Neighborhood
West	R-1	Church	Traditional Neighborhood/Preservation

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 #1 - Reuse of previously developed lands....directs new investment to sites that have the potential to perform at a higher level than their current state. Site preparation or building modification costs are offset by savings in existing public infrastructure such as streets and utilities, and transit, fire, and police services. The developer will be removing two existing multi-unit dwellings and is proposing to construct 9 small residences on the site. Existing utilities will be utilized for the development.

Governing Principle 5 – Promote reinvestment in neighborhoodsthrough land use and transportation. New development or redevelopment should maximize public investment that strengthens neighborhood commercial centers or diversifies residential opportunities that fit the neighborhood’s character. The proposed site improvements will improve the aesthetics of the neighborhood through additional landscaping and improvements to the existing gravel parking lot, which will create a safer and more desirable built environment for the neighborhood.

The proposed development will result in additional housing types and living opportunities in the neighborhood located in proximity to colleges and shopping. Site improvements will include an outdoor common area for the residents, landscaping, and new construction to improve aesthetics of the neighborhood.

Governing Principle #8- Encourage mix of activities, uses, and densities - Cities have evolved as a mix of land uses, building types, housing types, and activities. Accommodating choice while protecting investment is a balance to strike in land use regulation. Mixed uses provide opportunities for a diversity of activity that segregated, uniform uses do not provide.

The proposed housing is a newer type of development that will increase density but will be similar in character to the existing homes in the area.

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.

History: The site owner received approval for a 6-unit townhome project on the subject property in December of 2017, but this project was not constructed.

Review and Discussion Items

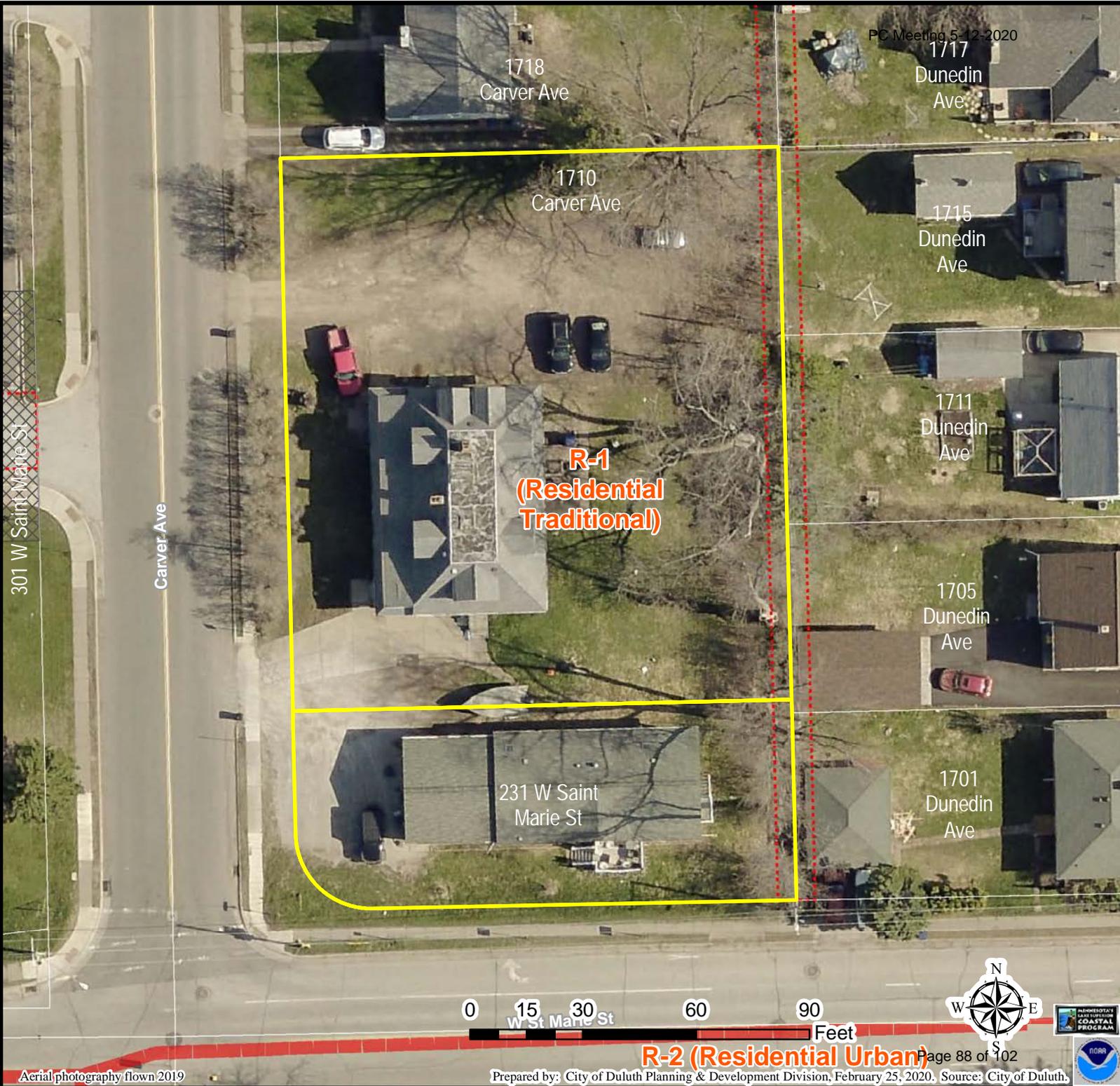
- 1) The applicant is requesting a special use permit for a cottage home park containing 9 dwelling units consisting of one and two bedroom homes and ranging in size from approximately 400 to 600 square feet, located in an R-1, Residential Traditional zone district.
- 2) The proposed development is situated on a 26,269 square foot parcel located at the corner of Carver Avenue and West St. Marie Street with access off Carver Avenue. Two existing structures on the parcel will be razed.
- 3) 50-20.1.G (Use Specific Standards) Cottage Home Park. The development will be owned in common for long-term rental purposes. The proposal follows the frontage standard for townhomes, consistent with the UDC specification that the minimum applicable lot frontage standard, in this case 20 feet of frontage, shall apply for cottage home developments. The parcel has 200 feet of frontage along Carver Avenue and 131 feet of frontage along St. Marie Street, for a total of 331 feet of frontage. 180 feet of frontage is required to accommodate 9 units. Each dwelling unit will have a front porch. Development standards allow for side entrances when dwellings have front porches and with an entrance within 10 feet of the front façade. Common open space is provided on the southern portion of the rear yard area and adjacent to the parking lot. The site plan depicts a fire pit as an amenity in the northeast corner of the common area. Staff recommends landscaping consisting of trees and/or shrubs, and benches be placed in this area for additional amenities and for aesthetic purposes. Connectivity for pedestrian access is provided via sidewalks between the units to the public streets, common area and parking lot. The use specific standards for a Cottage Home Park are met.

- 4) 50-24 (Parking and Loading). One parking space is required per dwelling unit; the applicant is required to provide 9 spaces to meet the parking requirements. The applicant is proposing 15 parking spaces to accommodate guest parking and to ensure compliance with higher-education overlay area.
- 5) Sec. 50-25 (Landscaping and Tree Preservation). Due to the small size of the parking lot, the applicant only needs to provide a minimum of 30% tree canopy coverage at maturity. The site plan depicts 3 red oak shade trees on the corners of the parking lot and adjacent to the trash enclosure in the rear of the building showing that the plan exceeds the requirement of 30% coverage of the shade trees at maturity. Street Frontage Landscaping is required for UDC Sec. 50-26 (Screening, Walls and Fences). The site plan depicts a trash enclosure located on the northeast corner of the parking lot. The enclosure must meet the requirements for Sec. 50-26.3 screening of commercial containers.
- 6) UDC Sec. 50-28 (Stormwater Drainage and Erosion Control). The applicant is proposing to utilize grassy areas between the units, the common area and a swale along the east property line to accommodate stormwater runoff. The applicant will need to submit a stormwater management plan for review and approval by the City Engineering Department prior to any grading of building permits issued for the development.
- 7) Sec. 50-29 (Sustainability Standards). The UDC requires residential developments with 3-29 units to achieve a minimum number of 3 points from Table 50-26.1 Sustainability Point System. The developer has indicated that the proposed development will meet the minimum requirement (see attached sustainability checklist).
- 8) Sec. 50-30 (Building Design Standards). These requirements do not apply for this project.
- 9) UDC Sec. 50-31 (Exterior Lighting). One 16-foot tall pole mounted light with compliant fixture is proposed in the northeast corner of the parking lot.
- 10) No citizen or city departments comments were received at the time that this report was written (April 30, 2020).

Staff Recommendation

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

- 1) The proposal is limited to the site plan and documents submitted with this application; and
- 2) Prior to receiving a building permit, applicant shall deposit an escrow (performance bond, cash, or other financial security equal to the amount of landscaping improvements) to ensure implementation of the landscape plan. This amount shall be held, without interest, until the applicant has installed the required landscaping, hired a certified professional to inspect landscaping and confirm that all landscaping was installed correctly and according to approved plans, and forwarded the inspection results to the city along with a request for reimbursement of escrow. This escrow shall not be released until all public improvements are completed. Applicant is to maintain required landscaping and replace any vegetation that expires for a period of one year following the installation of trees and shrubs; and
- 3) The Cottage Home Park as proposed is intended to remain under single common ownership. Should the owner seek to modify ownership in the future, an amendment to the Special Use Permit is required. Change in ownership for each unit does not negate the requirements of the UDC for subdivision of land; and
- 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.



PC Meeting 5-12-2020

R-1
(Residential Traditional)

R-2 (Residential Urban) Page 88 of 102

Legend

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

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

Aerial photography flown 2019

Prepared by: City of Duluth Planning & Development Division, February 25, 2020. Source: City of Duluth.



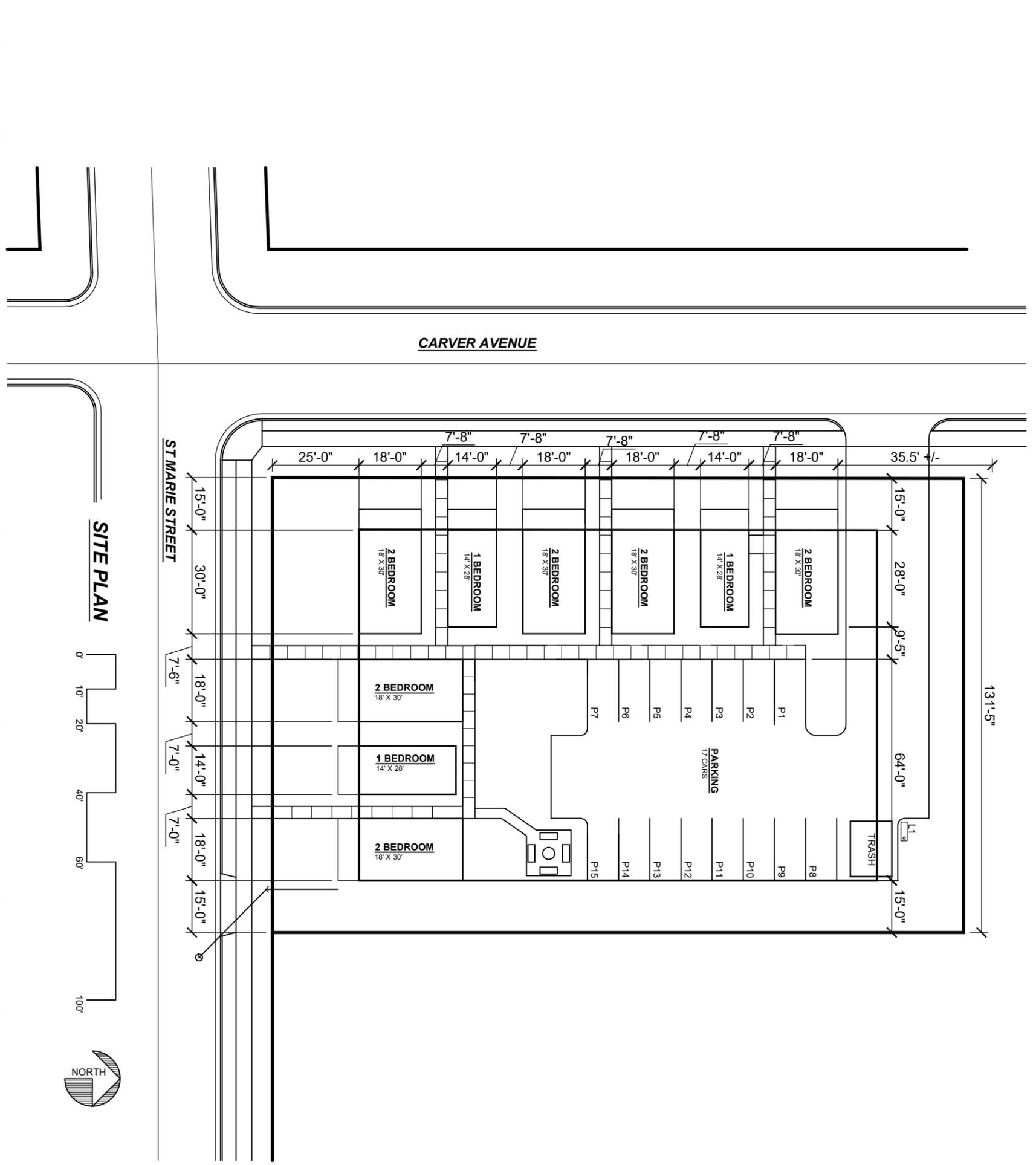
FOUNDATIONS
 ARCHITECTURE
 2150 CITRUS ROAD
 DULUTH, MN 55804
 GPS FOUNDATIONS@gmail.com
 PHONE: 218-525-4326
 CELL: 218-591-7334
 GEORGE P. STROM, ARCHITECT

PROPOSED TINY HOUSE UNITS
 CARVER AND ST. MARIE
 DULUTH, MINNESOTA

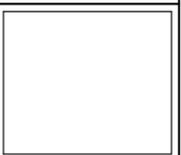
I HEREBY CERTIFY THAT THIS IS MY ORIGINAL OR BEST COPY
 AND THAT I AM A DULUTH LICENSED ARCHITECT UNDER THE LAWS OF
 THE STATE OF MINNESOTA
 SIGNATURE: _____ DATE: X-X-19
 REG. NO. 26197
 GEORGE P. STROM

DATE: 3-4-2020
 JOB NO.: 1928
 DRAWN BY:
 APPROVED BY: GPS
 REVISION: 4-30-2020

SHEET TITLE:
 SITE PLAN
 SHEET NO.:
A-1



FOUNDATIONS ARCHITECTURE
 2150 CUTLASS ROAD
 DULUTH, MN 55804
 GPS: foundations@gmail.com
 PHONE: 218-525-4326
 CELL: 218-591-7334
 GEORGE P. STROM, ARCHITECT

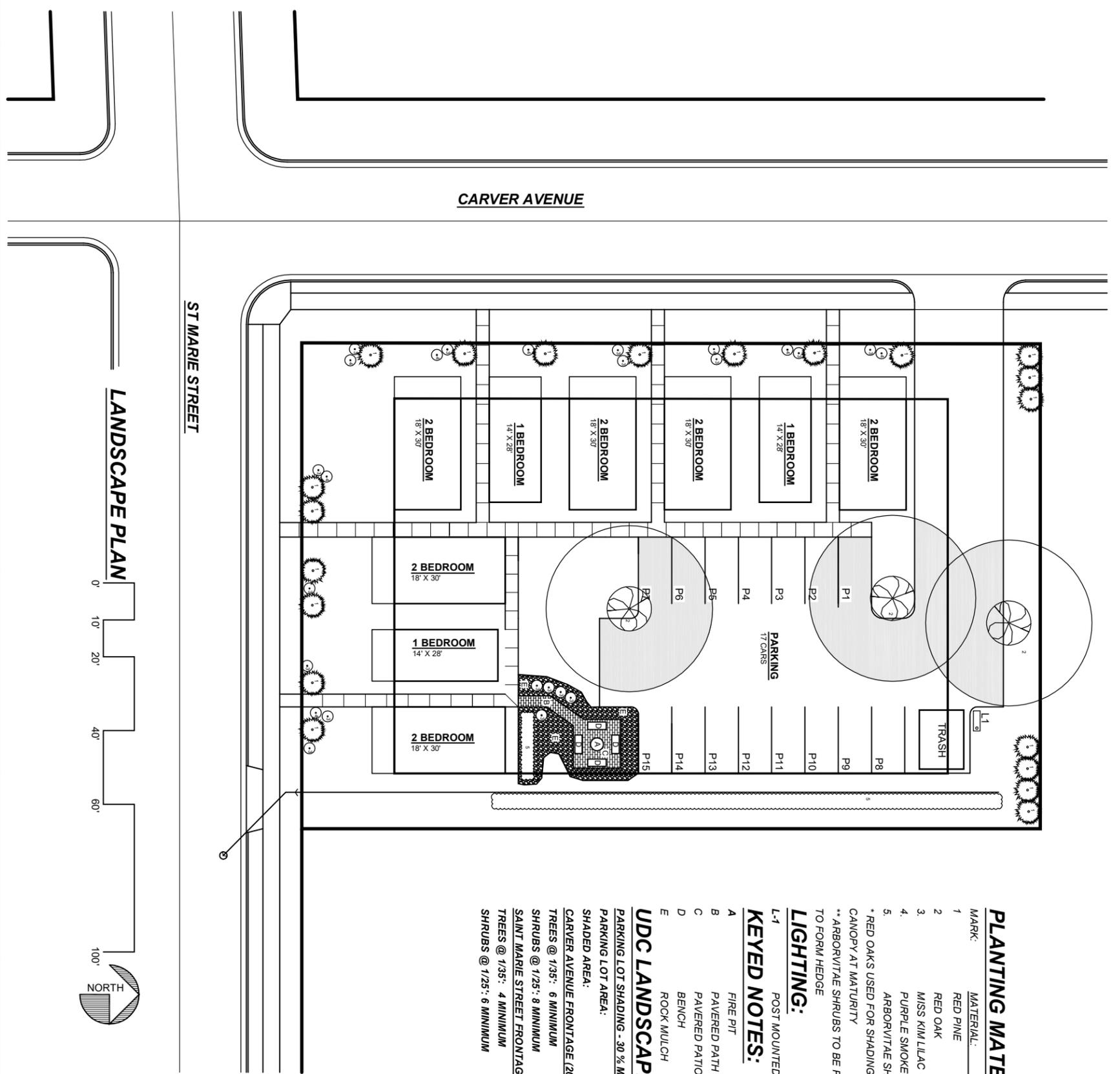


PROPOSED TINY HOUSE UNITS
 CARVER AND ST. MARIE
 DULUTH, MINNESOTA

I HEREBY CERTIFY THAT THIS IS MY ORIGINAL OR BEST
 COPY AND THAT I AM THE DESIGNER OF THIS WORK
 AND I AM A DULUTH LICENSED ARCHITECT UNDER THE LAWS OF
 THE STATE OF MINNESOTA.
 SIGNATURE: _____ DATE: X-X-19
 GEORGE P. STROM REG. NO. 26197

DATE: 3-4-2020
 JOB NO.: 1928
 DRAWN BY:
 APPROVED BY: GPS
 REVISION: 4-30-2020

SHEET TITLE:
 LANDSCAPE PLAN
 SHEET NO.:
L-1



LANDSCAPE PLAN



PLANTING MATERIALS LEGEND

MARK:	MATERIAL:	SIZE:
1	RED PINE	6' HIGH.
2	RED OAK	2 1/2" CAL. *
3	MISS KIM LILAC	5 GALLON
4	PURPLE SMOKE BUSH	5 GALLON
5	ARBORVITAE SHRUB	5 GALLON**

* RED OAKS USED FOR SHADING FIGURED AT 45 DIAMETER CANOPY AT MATURITY
 ** ARBORVITAE SHRUBS TO BE PLACED IN CLOSE PROXIMITY TO FORM HEDGE

LIGHTING:

L-1 POST MOUNTED DOWNCAST PARK LOT LIGHT -16' HIGH

KEYED NOTES:

- A FIRE PIT
- B PAVERED PATH
- C PAVERED PATIO
- D BENCH
- E ROCK MULCH

UDC LANDSCAPE REQUIREMENTS

PARKING LOT SHADING - 30% MINIMUM:
 PARKING LOT AREA: 7,441 SF
 SHADED AREA: 2,845 SF - 38%
 CARVER AVENUE FRONTAGE (200') PLANTINGS:
 TREES @ 1/35': 6 MINIMUM 9 PROPOSED
 SHRUBS @ 1/25': 8 MINIMUM 13 PROPOSED
 SAINT MARIE STREET FRONTAGE (131') PLANTINGS:
 TREES @ 1/35': 4 MINIMUM 6 PROPOSED
 SHRUBS @ 1/25': 6 MINIMUM 7 PROPOSED



ST MARIE STREET (SOUTH) ELEVATION



CARVER AVENUE (WEST) ELEVATION

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 CELL: 218 591-7334
 GEORGE P. STROM, ARCHITECT

PROPOSED TINY HOUSE UNITS
 CARVER AND ST. MARIE
 DULUTH, MINNESOTA

I HEREBY CERTIFY THAT THE SIGNATURE OF GEORGE P. STROM WAS OBTAINED BY ME IN THE PRESENCE OF TWO OTHERS AND THAT I AM A DULUTH LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.
 SIGNATURE: _____
 DATE: X-X-19
 GEORGE P. STROM REG. NO. 26197

DATE: 3-4-2020
 JOB NO.: 1928
 DRAWN BY:
 APPROVED BY: GPS
 REVISION:

SHEET TITLE:
ELEVATIONS

SHEET NO.:
A-3

To Whom It May Concern,

Regarding your proposal to build a 9-unit dwelling complex near my neighborhood is very unsatisfactory to me. Even without having a drawing of what these units would look like, I know it won't have the same 'flavor' of our current neighborhoods with homes and yards and gardens. I feel it would greatly diminish my property value just by having these units near me. I assume these would be student housing and that in itself tends to lend to messy, unkempt yards and sidewalks and the parking lot is very unattractive, too.

I work at UMD and value the students immensely, and I walk to work each day right past this proposed site. I do not even want to think what this area would look like or become with that concentration of students.

Please do not approve this development and keep our neighborhoods something we can all be proud of.

Thank you for your consideration,

Mae Siljendahl

1730 Dunedin Ave

Duluth, MN 55803

Hello, Gary,

these are some of my concerns for this proposal...

the fact that these temporary units will create a mobile home park in this residential area

the notices/letter went out only to people within 350 feet of the project.. pretty small portion of the area affected and many of those are rentals not permanent residents.

our small home is nearly 100 years old, for which we pay almost \$4,000 in property taxes each year! what will this do to our property values?

a few years ago a proposal was sent to us regarding a townhouse project for this same property. I, for one, thought this was acceptable, but nothing came of it. So to replace permanent structures with small mobile homes that will deteriorate much sooner than our home as as proven by the "movillas" that UMD had in place on Junction Ave several years ago and became known as the "moghettos" before finally being removed.

The fact that a real meeting can't take place and we're asked to simply submit our thoughts via e-mail, we really have no knowledge of others thoughts nor back and forth discussion about the proposal.

what do these units look like?? construction trailers with windows???

Thank you for hearin me out. I feel strongly about going to more neighbors, outside the 350 foot radius, but it is not the time to go knocking on peoples doors with a mask on!

Lisabeth Ross



Planning & Development Division
 Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

☎ 218-730-5580

✉ planning@duluthmn.gov

File Number	PL20-026	Contact	Theresa Bajda, 218-730-5303	
Type	Variance – Corner Side yard Setback in R-1	Planning Commission Date	May 12, 2020	
Deadline for Action	Application Date	March 9, 2020	60 Days	May 8, 2020
	Date Extension Letter Mailed	Not Applicable	120 Days	July 7, 2020
Location of Subject	301 S 58 th Ave West			
Applicant	Duluth Economic Development Authority	Contact		
Agent	Theresa Bajda – City of Duluth Planning	Contact	218-730-5303, tbajda@duluthmn.gov	
Legal Description	Parcel ID Number 010-4480-01910			
Site Visit Date	March 10, 2020	Sign Notice Date	4/23/20	
Neighbor Letter Date	4/17/20	Number of Letters Sent	46	

Proposal: The applicant is seeking a variance to reduce the corner side yard setback from 15' to 5' 8" to allow future construction of a housing structure on the currently vacant lot.

Staff Recommendation: Staff is recommending that Planning Commission approve and adopt this variance without the requirement that future construction plans require a landscaping and buffering plan.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Vacant lot	Traditional Neighborhood
North	R-1	Single Family Residential	Traditional Neighborhood
South	R-1	Single Family Residential	Traditional Neighborhood
East	R-1	S 58 th Ave W	Traditional Neighborhood
West	R-1	S 59 th Ave W	Traditional Neighborhood

Summary of Code Requirements:

The Planning Commission shall review and approve the application if it is determined that:

Sec. 50-14.5.1-1 – R1 District Dimensional Standards: Corner Lot; wide of front side yard for dwelling is 15 feet.

Sec. 50-37.9.B – Variance Procedures: “The Planning Commission shall...make a decision on the application based on the criteria in subsections 5037.9.C – 50.37.9.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 hardships. The Planning Commission must find the following for a variance to be granted: a) That the landowner is proposing to use the property in a reasonable manner, b) that the need for relief from the general guidelines 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.H: Standards for variances to reduce setbacks: When the application is for the reduction of required front, rear or side yard setback, the commission may require the submission of a landscaping and buffering plan.

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

Governing Principle #1 – Reuse previously developed lands. The proposed variance would allow infill housing construction on a currently vacant lot within an established neighborhood.

Governing Principle #5 – Promote reinvestment in neighborhoods. The variance would allow future housing construction and put a vacant lot back in the tax base.

Housing Policy #4 – Improve the quality of the city’s housing stock and neighborhoods. The variance would allow new construction of affordable housing on a small 25’ lot that had a previously demolished single family home.

Future Land Use – Traditional Neighborhood: Characterized by grid or connected street pattern with houses oriented with shorter dimensions 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.

Recent History – This previously plotted lot had a single-family house that was condemned for human habitation in 2009 and demoed in 2011. As seen in the included neighborhood view exhibit, many lots have housing structures built within the 15ft side yard setback required in R-1 districts on corner lots. This site was selected by City of Duluth and DEDA for use in the Rebuild Duluth Program. The lot will be conveyed to a new owner at no cost once their successful proposal for infill housing and land sale agreement is approved. The Rebuild Duluth program was intended to build a collective knowledge of creative/innovative design for infill housing in Duluth, with focus on how to simplify said development while maintaining affordability. Supported by Mayor Larson and City Administration, priority was given to Rebuild Duluth program applicants during the selection process, whose proposal was for narrow, 25’ lots. The applicant is proposing a two-family home(duplex) for this site. The total square footage of the building footprint proposed for this site is 1,026 square feet.

Staff finds that:

- 1.) The applicant is requesting a reduction in the corner lot front side yard setback variance to 5' 8" to allow for future construction of a housing structure as part of the Rebuild Duluth Program. Single-family housing is a reasonable use in this zone district.
- 2.) The 25' x 125' parcel would only allow a structure of 7 feet in width if current setbacks for R-1 zoning were adhered to, which demonstrates practical difficulty for this site. Reduction in the required corner lot side yard setback will allow for a feasible housing design for future infill construction. Maintaining a 5' 8" side yard setback on both sides of the property, the applicant can construct a two-family home (duplex) . The total square footage of the building footprint proposed for this site is 1,026 square feet.
- 3.) Variances to setbacks require the submission of a landscaping and buffering plan. Applicants to the Rebuild Duluth program must provide landscaping and stormwater retention designs which thoughtfully consider UDC standards and a diverse vegetation. A buffering and landscape plan for the variance area faces the street and is not recommended.
- 4.) Other homes in the neighborhood are built within the 15 feet corner lot front side yard setback area, as seen in the attached map. This proposed variance will allow for use of the property in a manner consistent with the neighborhood character. This area was platted prior to the existing setback standards.
- 5.) The addition of a housing structure would not impair light or air to neighbors, increase congestion in the neighborhood, create fire danger, or imperil public safety. A landscaping and buffering plan within the variance area would not be favorable as it abuts the street.
- 6.) To date, two public comment was received on 4/21/20 and included with this staff report. In addition, neighborhood residents obtained signatures opposing variance; this is also included with this staff report.
- 7.) Per UDC Section 50-37.1.N, approved variances shall lapse if the project or activity authorized by the permit or variance is not begun within one year of the permit date.

Staff Recommendation

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

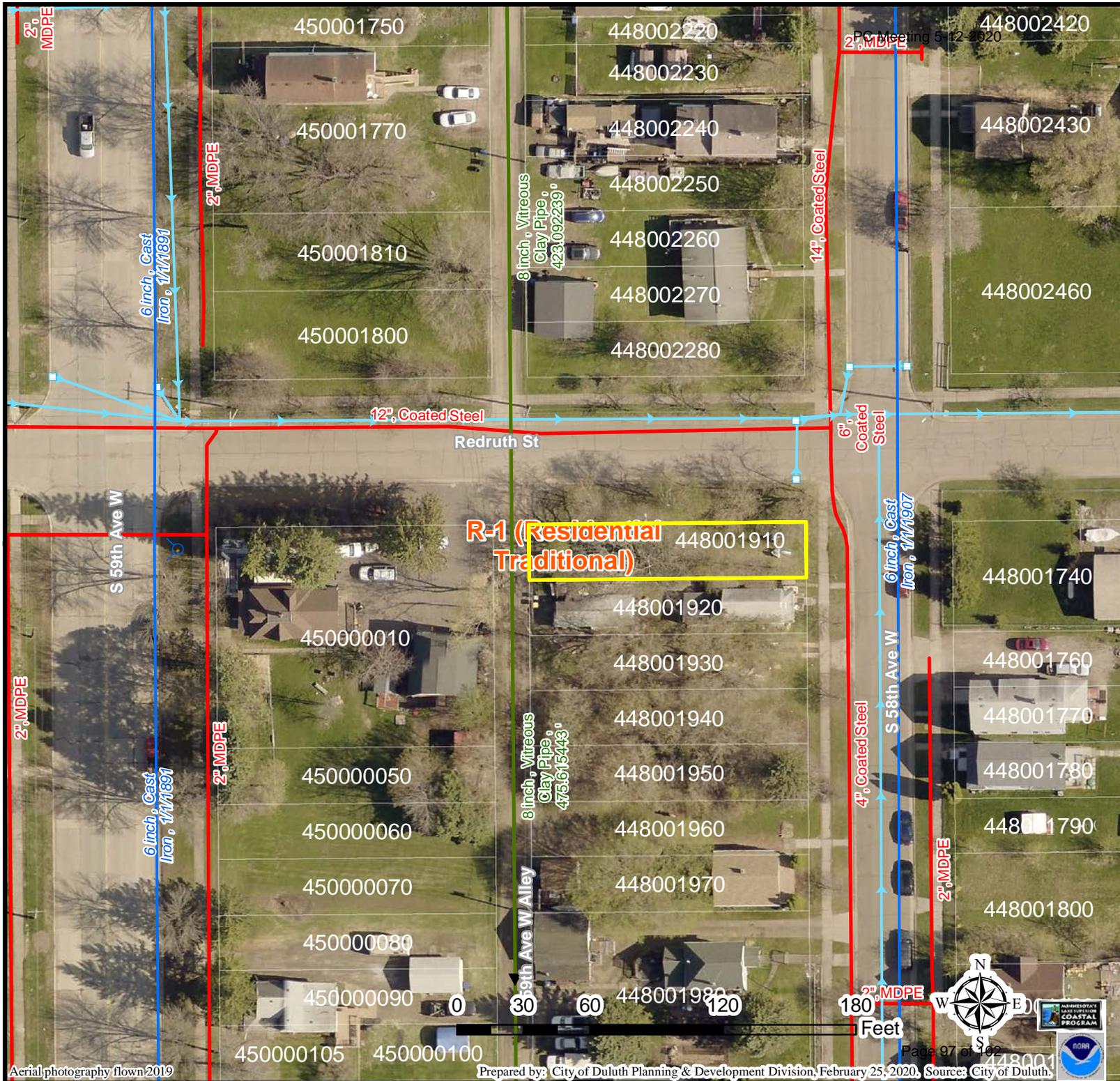
- 1.) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land use Supervisor without further Planning Commission action; however, no such administrative approval shall constitute a variance from the provisions of UDC Chapter 50.



PL20-026
Corner Lot
Front Side Yard Variance

Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains
 - CITY OF DULUTH
 - WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin
- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)



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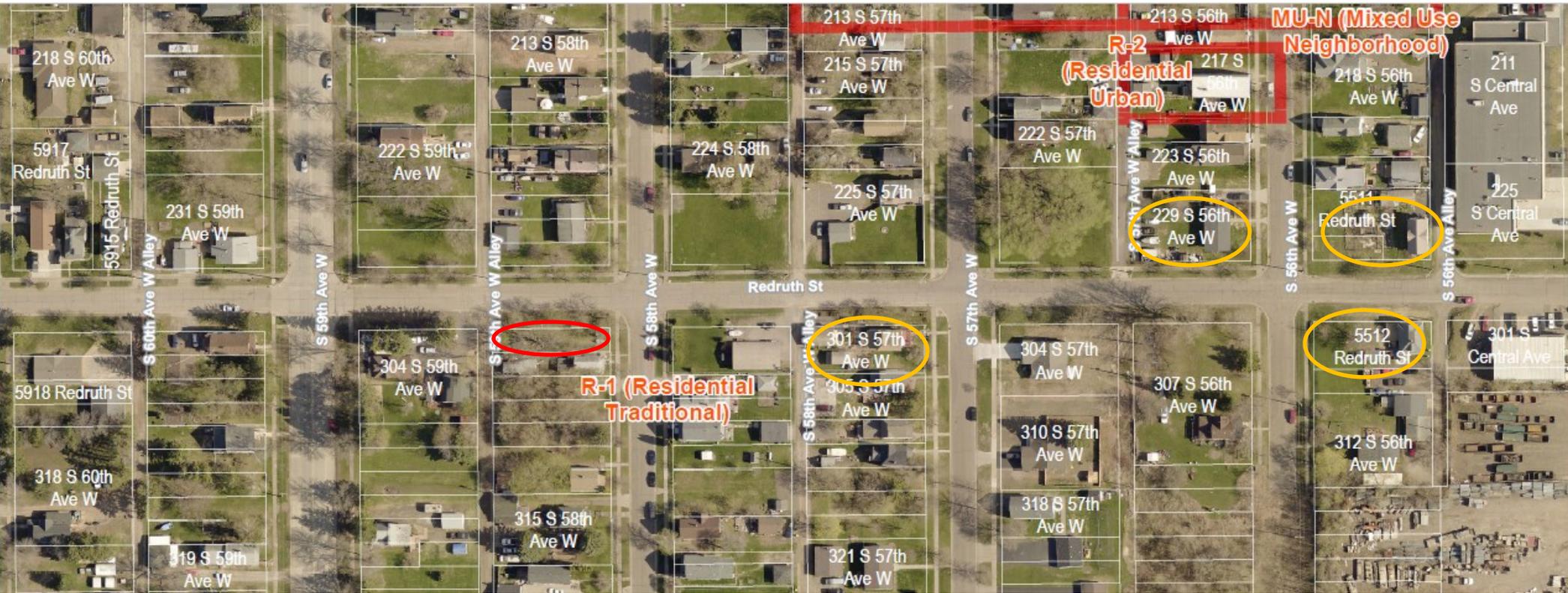
Aerial photography flown 2019

Prepared by: City of Duluth Planning & Development Division, February 25, 2020, Source: City of Duluth.



Neighborhood View

Corner Lots with less than 15ft front side yard setback



 Property seeking variance

 Corner lots with less than 15ft front side yard setback

PL 20-026 Site Visit : 3/12/20

PC Meeting 5-12-2020

Parcel: 010-4480-01910; 301 S 58th Ave West



PL20-026

Public Comments Received

*Names/signatures removed to preserve confidentiality



Variance 301S 58th ave west

Theresa Bajda

Tue 4/21

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My opinions and concerns. I feel the lot is to small to build a house there. It will encroach on the neighbors home next to it. It will possibly be a hazard to vehicle line of sight around the corner. The snow plows will end up plowing snow right up to the new home. This will cause flooding and structural damage with the tax payers footing the bill. A 25 foot lot is just to small. Kids will have no place to play but in the street. A safety hazard for them. Please do not approve this variance.

To whom it may concern

Variance for 301 S. 59th Ave West

My opinions and concerns. I feel the lot is to small to build a house there. It will encroach on the neighbors home next to it. It will possibly be a hazard to vehicle line of sight around the corner. The snow plows will end up plowing snow right up to the new home. This will cause flooding and structural damage with the tax payers footing the bill. A 25 foot lot is just to small. Kids will have no place to play but in the street. A safety hazard for them. Please do not approve this variance.

213 S 59th Ave W
S. 58th AVE. W

227 S 58th Ave W

219 S. 59th Ave. W.

218 S. 60th Ave W

301 S 59th Ave west

301 S 59th Ave West

231 S 59th Ave W

309 S. 59th W.

307 South 59th Ave West #2

318 S 59th Ave. W.

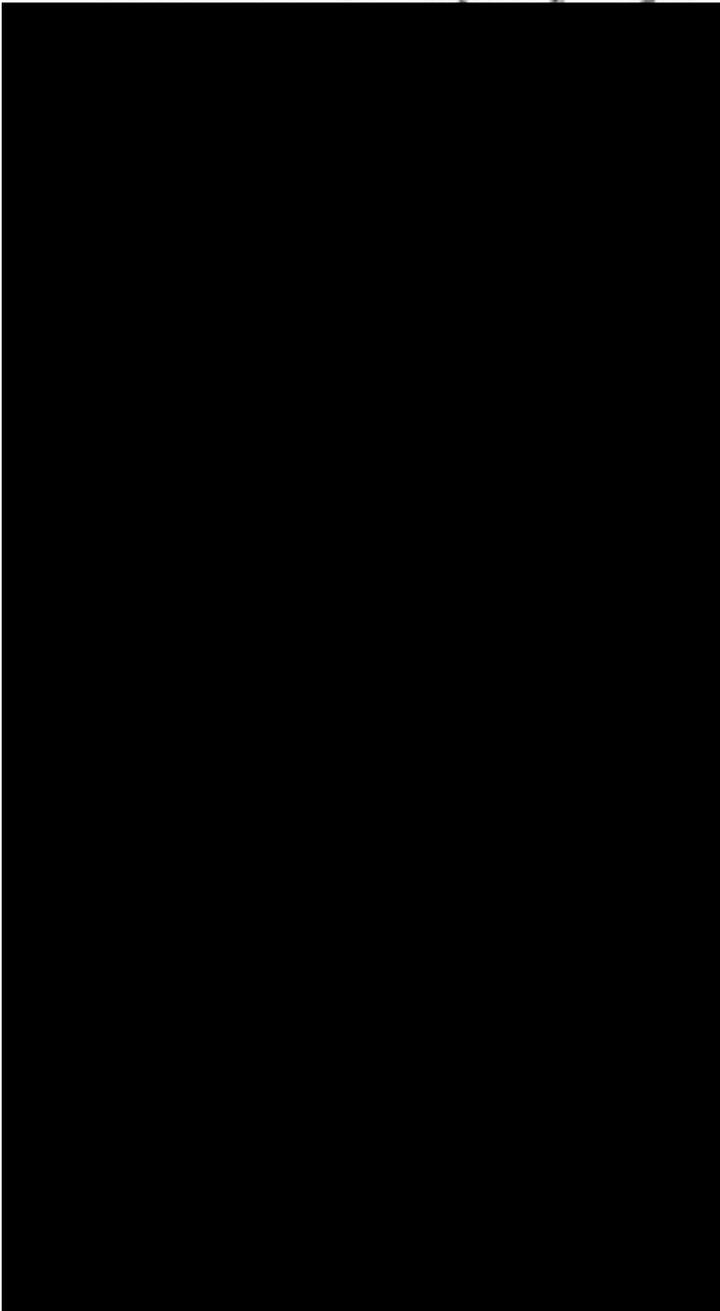
232 S 59th Ave W.

207 S. 63rd Ave

222 S 59th Ave W

Variance for 301 S. 58th Ave W

I feel the lot is too small to build a house there. It will encroach on the neighbors home next to it. Lower property values. It will possibly be a hazard to vehicle line of sight around the corner. The snow plows will end up plowing snow right up to the new home. This will cause flooding and structural damage with the tax payers footing the bill. A 25 foot lot is just too small. Kids will have no place to play but in the street. A safety hazard for them. Please do not approve this variance.



212 5057th Ave W

218 4090761

209 S. 58th Ave W
218-628-3123

5710 Raleigh St 218-349-4534

213 S. 58th Ave W

✓ 217 S. 58th Ave W.

229 S. 58th Ave W.

315 S. 58th Ave W.

318 S. 52th Ave W

321 S. 57th Ave W

308 S. 58th Ave W.

224 S. 58th Ave W.

16 S. 58th Ave W.

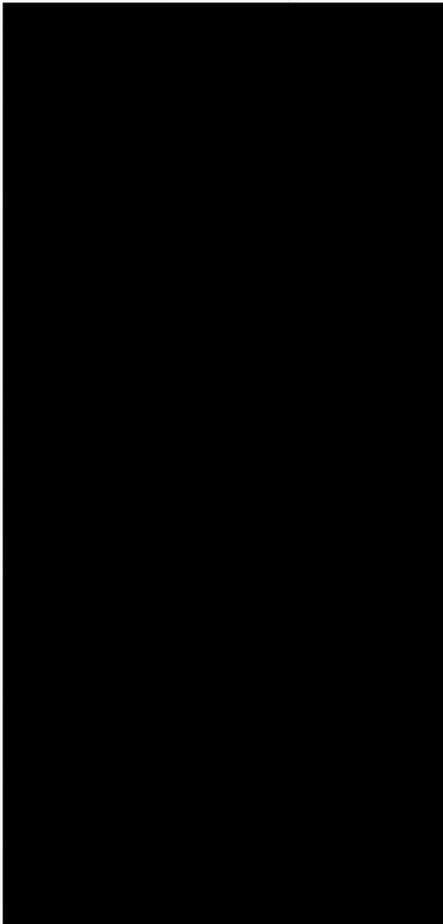
8 S. 60th Ave W.

5 S. 60th Ave W

My opinions and concerns.

variance for 301 S 57th Ave W

I feel the lot is too small to build a house there. It will encroach on the neighbors home next to it. Lower property values. It will possibly be a hazard to vehicle line of sight around the corner. The snow plows will end up plowing snow right up to the new home. This will cause flooding and structural damage with the tax payers footing the bill. A 25 foot lot is just too small. Kids will have no place to play but in the street. A safety hazard for them. Please do not approve this variance.



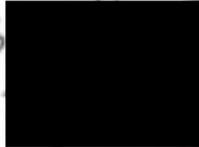
301 S. 57th Ave W



311 S. 57th Ave W
309 S. 57th Ave W.



329 S. 57th Ave W
55807

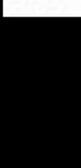


325 S. 57th Ave W

328 S 57th Ave W 55807

318 S. 57th Ave W Duluth MN
55807

310 S 57th Ave W Duluth, MN 55807



304 S 57th Ave W Duluth, MN 55807

215 S. 57th Ave W. Duluth 55807