



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Meeting Agenda Planning Commission.

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Tuesday, May 11, 2021

5:00 PM

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

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

### Call to Order and Roll Call

### Approval of Planning Commission Minutes

[PL 21-0413](#) Planning Commission Minutes 4/13/21

**Attachments:** [04-13-21 PC Minutes \(not approved yet\)](#)

### Public Comment on Items Not on Agenda

### Consent Agenda

[PL 21-039](#) Concurrent Use Permit for Underground Utilities Near Bayview Avenue and Gold Street by Regents of the University of Minnesota

**Attachments:** [PL 210-039 Staff Report and Attachments](#)

[PL 21-044](#) Minor Subdivision to Create Four Lots at Swan Lake Place and Arrowhead Road by Jesse Stokke

**Attachments:** [PL 21-044 Staff report with attachments optimized](#)

[PL 21-046](#) Special Use Permit for Residential Care Facility at 2010 E 7th Street

**Attachments:** [PL 21-046 Staff Report and Attachments](#)

[PL 21-058](#) Special Use Permit for Tattoo Parlor at 217 N 59th Avenue W by Black Label Tattoo

**Attachments:** [PL 21-058 Staff report with attachments](#)

### Public Hearings

[PL 21-038](#) Interim Use Permit for a Vacation Dwelling Unit at 318 N 17 1/2 Avenue W by Scott Scheirbeck

**Attachments:** [PL 21-038 Staff Report and Attachments](#)

[PL 21-047](#) Special Use Permit for a Restaurant at Jigsaw Development at the Southwest Corner of Anderson Road and Central Entrance, by Ed Baksh

**Attachments:** [PL 21-047 Staff Report - final with attachments](#)

[PL 21-053](#) Variance for a Deck in the Rear Yard Setback at 3034 Bald Eagle Circle by Nick Patterson

**Attachments:** [PL 21-053 Staff Report and Attachments](#)

### **Other Business**

[PL 21-052](#) Tax Increment Financing Comprehensive Plan Compliance for Zenith Old Historic Central High School at 200-298 N 1st Avenue E, for Approximately 125 Housing Units

**Attachments:** [Staff Report Packet](#)

### **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 11, 2021 Regular 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](mailto: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.

# City of Duluth Planning Commission

April 13, 2021  
Meeting Minutes

*Due to the COVID-19 emergency, planning commission members participated through video conference from home. The meeting was held as a Special Meeting pursuant to Minnesota Statute 13D.021 in response to the Covid-19 emergency. Public comment was taken at [planning@duluthmn.gov](mailto:planning@duluthmn.gov) prior to and during the meeting, and via verbal comment through public attendance in the WebEx video conference during the meeting.*

## **Call to Order**

President Margie Nelson called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, April 13th, 2021.

## **Roll Call**

**Attendance:** (\* Via WebEx video conferencing – all votes conducted via roll call)

Members Present: Jason Crawford\*, Gary Eckenberg\*, Margie Nelson\*, Michael Schaefer\*, Andrea Wedul\*, Sarah Wisdorf\*, and Zandra Zwiebel\*

Members Absent: Eddie Ratnam

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

## **Approval of Planning Commission Minutes** -

Planning Commission Meeting – March 9, 2021

**MOTION/Second:** Zwiebel/Schraepfer approved

**VOTE: (7-0)**

Item PL 21-017 was removed from the consent agenda and placed under public hearings.

## **Consent Agenda**

PL 20-195 Vacation of a Portion of 32<sup>nd</sup> Avenue W at 3204 Carlton Street by William Maney

PL 21-017 Concurrent Use Permit for Existing Building at 7 N 19<sup>th</sup> Ave W by Newcastle 8, LLC

PL 21-019 Vacation of an Alley at 930 Swan Lake Road by Alvin Berg

PL 21-022 Concurrent Use Permit for Utilities in the Right of Way of 4<sup>th</sup> Avenue E and East 2<sup>nd</sup> Street by Essential Health East

PL 21-024 Variance from Setbacks for Additional Story at 1239 Missouri Avenue by RBI Group

PL 21-025 Minor Subdivision at 1239 Missouri Avenue by RBI Group

PL 21-026 Concurrent Use of Streets Permit for Underground Heating at 2727 E 5<sup>th</sup> Street by Ray E Ruoho, Beatrice D Ruoho, Clinton Ruoho, and Mats Hansen

**Staff:** N/A

**Public:** No speakers.

**MOTION/Second:** Zwiebel/Eckenberg approved as per staff recommendations

**VOTE: (7-0)**

### **Public Hearings**

(Commissioners Schraepfer and Wisdorf recused themselves from the following item due to a conflict of interest.)

PL 21-017 Concurrent Use Permit for Existing Building at 7 N 19<sup>th</sup> Ave W by Newcastle 8, LLC

**Staff:** N/A

**Applicant:** N/A

**Public:** No speakers

**Commissioners:** N/A

**MOTION/Second:** Eckenberg/Crawford recommended approval as per staff recommendations

**VOTE: (5-0, Schraepfer and Wisdorf Abstained)**

PL 21-010 Interim Use Permit for a Vacation Rental at 3027 Minnesota Avenue by Steven Sola

**Staff:** Chris Lee introduced the applicant's proposal to use a three-bedroom home as a vacation dwelling unit. Up to seven people will be allowed to stay in the home. The applicant was on the waitlist for available IUPs for vacation rentals, which is included in the 60 limit cap. The applicant is proposing two off-street parking spaces located in the driveway. There will be a space for a camper or trailer, but must remain unoccupied during the guests' stay. One citizen comment was received regarding parking and trash. In response, staff has included a condition that the applicant shall provide on-site trash service and that guests may not park in the Lafayette Square parking lot overnight. Staff recommends approval with the conditions listed in the staff report. Gary Eckenberg asked if this home was non-owner occupied, and asked about rules related to accessibility standards. Lee affirmed it is a short-term rental. Deputy Director Fulton noted state accessibility standards are important and will be discussed further in the future with commissioners and construction services. There are only a handful of cities enforcing the Department of Labor and Industry rule at this time. ADA issues will be the topic of a future brown bag meeting. Eckenberg reiterated it is not in the planning commission's purview tonight to hold the IUP's accountable. Deputy Director Fulton affirmed. Eckenberg stated ADA consideration may be a requirement to interim use permits in the future. Zandra Zwiebel thanked Eckenberg for his comment, as this is also a concern of hers. She noted the condition for trash removal, and thought this could be a standard requirement for all vacation rentals.

**Applicant:** Steven Sola addressed the commission and welcomed questions. He lives nearby at 3033 Minnesota Avenue. The detached garage is not part of the vacation rental parking. Zwiebel questioned why he has a different managing agent, when Sola lives so close. Sola stated his girlfriend is managing the property. Sola was born and raised in this house, and it has been in his family for a long time. Andrea Wedul noted the citizen comment they received about parking concerns. Sola stated he is not renting out the garage, but there is plenty room for four cars on the black-topped primary parking area in the driveway.

**Public:** No speakers.

**Commissioners:** N/A

**MOTION/Second:** Wisdorf/Zwiebel recommended approval as per staff recommendations

**VOTE: (7-0)**

PL 21-020 Interim Use Permit for a Vacation Rental at 120 E Superior Street by Lillecorps One LLC

**Staff:** John Kelley introduced the applicant's proposal for new interim use permit for a vacation dwelling unit. The permit would allow for a four-bedroom condo with a maximum of nine occupants in the F-7 form district. Vacation dwelling units located in form districts are exempt from minimum night stays and parking requirements. There is no cap on the number of permits issued in form districts. Although parking is not a requirement, the applicant is providing two leased parking spaces in the parking ramp adjacent to the casino. Staff recommends approval with the standard conditions listed in the staff report. Eckenberg asked about a possible sprinkler requirement if the area exceeds 4,500 square feet. Deputy Director Fulton noted the table they previously received is for commissioner use only, and at this time should not be referenced in planning commission decision considerations.

**Applicant:** Wade Lillegard addressed the commission. His daughter-in-law is the managing agent. They are leasing two parking spots in the ramp.

**Public:** No speakers.

**Commissioners:** N/A

**MOTION/Second:** Zwiebel/Crawford recommended approval as per staff recommendations

**VOTE: (7-0)**

PL 21-021 Interim Use Permit for a Vacation Rental at 942 89<sup>th</sup> Avenue W by Ann VanRyswyk

**Staff:** Chris Lee introduced the applicant's proposal to use a one-bedroom apartment as a vacation dwelling unit. Up to two people will be allowed to stay in the home. The applicant is the owner of the property, and was on the waitlist for available IUPs for vacation rentals, which is part of the 60-limit cap. The applicant will provide one off-street parking space in the driveway. Justin Wimmer is listed as the property managing agent. Staff received one written comment in support, and one verbal comment in support. Staff recommends approval with the standard conditions listed in the staff report. Wedul asked if the owner is the applicant. Lee affirmed. Zwiebel noted the planning commission should consider a permanent clause that trash service is required, but doesn't feel it needs to be added as a condition for this particular unit. Michael Schraepfer asked about the size of the building and if there is a size requirement. Per Lee there is no building size limit that he is aware of. This is a single unit with a larger unit, and not the entire building. Deputy Director Fulton added that units with nine or more units would need to have a staffed front desk area, which doesn't apply to this item.

**Applicant:** Ann VanRyswyk present, but her audio feature was not functioning.

**Public:** No speakers.

**Commissioners:** No questions for the applicant.

**MOTION/Second:** Wedul/Eckenberg recommended approval as per staff recommendations

**VOTE: (7-0)**

PL 21-029 Interim Use Permit for a Vacation Rental at 1407 Morningside Avenue by Rebecca Orn

**Staff:** Chris Lee introduced the applicant's proposal to use a two-bedroom home as a vacation dwelling unit. Up to five people will be allowed to stay in the home. The applicant was on the waitlist for available IUPs for vacation rentals, which is included in the 60 limit cap. The application will provide two off-street parking spaces in the driveway. There is a privacy fence for screening. Staff received one positive citizen comment, and one comment with a concern of increased traffic in the boulevard. Staff recommends approval with the standard conditions listed in the staff report.

**Applicant:** Rebecca Orn addressed the commission. They have no access to Morningside Avenue. The driveway is located off the alley, but it is a shared driveway. Wedul asked if the alley is maintained by the city. Orn affirmed.

**Public:** No speakers.

**Commissioners:** N/A

**MOTION/Second:** Crawford/Wisdorf recommended approval as per staff recommendations

**VOTE: (7-0)**

(Commissioners Schraepfer and Wisdorf recused themselves from the following item due to a conflict of interest.)

PL 21-028 Interim Use Permit for a Vacation Rental at 4931 E Superior Street by Endion Land Co., LLC

**Staff:** Kyle Deming introduced the applicant's proposal to use a three-bedroom home as a vacation unit dwelling. The maximum occupant level is seven. The address is located in the F-2 form district. Vacation dwelling units located in form districts are exempt from minimum night stays and parking requirements. There is no cap on the number of permits issued in form districts. Parking isn't an issue at this location due to the proximity of a park. The applicant will provide additional landscaping as a buffer. Staff recommends approval with the conditions listed in the staff report. Eckenberg commented on Deming's upgraded audio system, which sounds great. Eckenberg asked about home access. Per Deming, access is from Pitt Street even though it is located on Superior Street. The most convenient parking is also available on Pitt Street.

**Applicant:** Managing agent Mike Schraepfer was in attendance, but there were no questions.

**Public:** No speakers.

**Commissioners:** N/A

**MOTION/Second:** Zwiebel/Wedul recommended approval as per staff recommendations

**VOTE: (5-0, Schraepfer and Wisdorf Abstained)**

(Commissioner Eckenberg recused himself from the following item due to a conflict of interest.)

PL 21-023 Variance for Building Height at 601 E 4<sup>th</sup> Street by Brewery Creek LLLP

**Staff:** Kyle Deming introduced the applicant's proposal to construct a 209' by 69', 52-unit 5-story apartment building at the northeast corner of 6<sup>th</sup> Avenue East and East 4<sup>th</sup> Street. A variance is requested to exceed the 55 foot maximum building height by 5 feet – 1 inch to a height of 60 feet – 1 inch. After staff sent the staff report to commissioners, the project's structural engineer determined the floor trusses need to be increased in size, so the building height will be 6" taller than originally thought. The new height will be 60' 7" instead of 60' 1", which should be included in a commissioner motion, if for approval. The applicant's property is severely impacted by the slope dropping 22 feet. In addition to the slope, there is the presence of Brewery Creek, in a subterranean tunnel running along the east property boundary. Both the slope and the presence of the buried creek are special circumstances that present a practical difficulty. The variance if granted would not alter the essential character of the area since Village Place Apartments and Essentia Health St. Mary's Medical Center are taller. The building height will have a limited effect on access to light and air for the rowhouse to the east due to the 30 foot setback from the east property line. Additionally, the building is 85' south of the Village Place Apartment providing sufficient access to light and air. No comments from citizens, City staff or any other entity were received. Staff recommends approval with the conditions listed in the staff report and with a forthcoming motion by the Planning Commission to increase the height by 6" to allow for additional truss size requirements. Deputy Director Fulton noted this is a low-income tax credit project. The City is invested in blight removal. The commission will see this again for tax increment financing (TIF) to ensure it is in conformance with the comprehensive plan.

**Applicant:** Jeff Corey of One Roof Community Housing and Emily Timm of LHB Architects address the commission, and thank staff for their efforts. Timm noted there are many constraints to the site, but think they have proposed a beautiful building that is considerate to the neighbors. Questions are welcomed. There were none.

**Public:** No speakers.

**Commissioners:** Wedul is excited by the project and appreciates the applicant's and staff efforts regarding compliance to the UDC. Zwiebel noted after 25 years of waiting she is happy to make a motion of approval.

**MOTION/Second:** Zwiebel/Wedul approved as per staff recommendations

**VOTE: (6-0, Eckenberg Abstained)**

PL 21-042 UDC Text Amendments for Changes in the R-2 District by the City of Duluth

**Staff:** Steven Robertson introduced the city's proposal to change the UDC as listed in the staff report. Planning staff are recommending that the permitted use table be amended to also allow "Personal Service and Repair, Small" (less than 10,000 square feet) and "Grocery Store, Small" (less than 15,000 square feet) as special uses in the R-2 district.

**Applicant:** N/A

**Public:** No speakers.

**Commissioners:** Eckenberg asked what a symbol (S<sub>2</sub>) on the permitted use table meant. Robertson stated there are qualifiers which may require additional standards for the higher education overlay. Eckenberg noted personal service and repair. This has nothing to do with vehicles? Robertson affirmed, and noted this retail is related to one's body.

**MOTION/Second:** Zwiebel/Eckenberg recommended approval as per staff recommendations

**VOTE: (7-0)**

PL 21-041 UDC Text Amendments for Historic Preservation by the City of Duluth

**Staff:** Steven Robertson introduced the city's proposal to change the UDC as listed in the staff report. This item is somewhat of a house-cleaning change. To reduce ambiguity, staff recommended an amendment to the applicable UDC section to clarify that the intent of local historic preservation efforts and the work of the Heritage Preservation Commission (HPC) is on locally designated landmarks and districts. This item was shared with the HPC at their meeting yesterday. Their input and comment was received and they would like the planning commission to hold off on this item until more research is done. Deputy Director Fulton noted they should hold the public hearing, and that this item is a technical issue only to protect the city from potential future litigation.

**Applicant:** N/A

**Public:** No speakers.

**Commissioners:** Planning Commissioner Sarah Wisdorf (also on the HPC) explained the HPC thought their voices would be diminished, but they now realize that is not the case. They would like to hold off on presenting this item to the city council until the HPC meets again to confirm.

**MOTION/Second:** Zwiebel/Crawford recommended approval as per staff recommendations with added condition that the HPC will review before going to the city council.

**VOTE: (7-0)**

### **Other**

Deputy Director Fulton thanked the commissioners who attended the tax forfeit subcommittee meeting. The subcommittee reviewed St. Louis County's proposal to reclassify (five parcels) tax forfeited land to non-conservation land.

## Tax Forfeit Parcels

**MOTION/Second:** Eckenberg/Wedul With recommendation by the tax forfeit subcommittee, the planning commission did not contest the reclassification of the five tax forfeited parcels

**VOTE: (7-0)**

### **Communications**

Land Use Supervisor (LUS) Report – Deputy Director Fulton gave an overview. The planning commission hopes to have a new member soon to fill the vacancy from Tim Meyer. On 4/26/2021 the city council will have a 3<sup>rd</sup> meeting of the whole to discuss vacation rentals. Hopefully there will be some form of resolution to evaluate the next steps for modification. A robust recommendation would be greatly appreciated. He noted ADA requirements and described them as an actively changing issue. The Department of Labor and Industry have updates coming. There are building code implications, which construction services continue to track. There is a Duluth Old Central meeting tomorrow. For TIF funding the planning commission will determine conformity with the comp plan at its May or June meeting. MnDOT is conducting a central entrance study. The city is coordinating with the school district regarding the top of the hill site. The school district and city are looking forward to progress.

Heritage Preservation Commission – Commissioner Wisdorf gave an overview. They are starting to discuss historic design guidelines. Deputy Director Fulton noted UMD's Old Main building, which is in disrepair. Would it be worth sharing with the HPC? Wisdorf will share the information with the HPC for their consideration. They approved the historic demo permit for 319-333 E. Superior Street. Zwiebel asked about the mechanical equipment installed outside of city hall. The applicant was supposed to provide screening. Wisdorf will share with the HPC.

Joint Airport Zoning Board – Commissioner Eckenberg gave an overview. He was provided with a JAZB overview, which was very helpful. They are working on a new zoning ordinance. They are working to secure language with Hermantown and Rice Lake (at either side of a runway) to provide a higher degree of protection for vulnerable populations. MNDot has 90 days to respond. Steve Hanke is also involved. Their next meeting is 5/6/2021.

Duluth Midway Joint Powers Zoning Board – Deputy Director Fulton noted there will be a summer annual meeting. The last member on the board from the planning commission was Janet Kennedy. Are there any volunteers? Zwiebel noted she was also on the board while she was president of the planning commission, and thought it was the role of the president. Deputy Director Fulton asked if Chair Nelson would be interested. She agreed.

### **Adjournment**

Meeting adjourned at 7:04 p.m.

Respectfully,

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Adam Fulton – Deputy Director  
Planning and Economic Development



**Planning & Development Division**  
 Planning & Economic Development Department

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580  
 planning@duluthmn.gov

<b>File Number</b>	PL 21-039	<b>Contact</b>	Chris Lee, clee@duluthmn.gov	
<b>Type</b>	Concurrent Use Permit	<b>Planning Commission Date</b>	May 11, 2021	
<b>Deadline for Action</b>	<b>Application Date</b>	March 22, 2021	<b>60 Days</b>	May 21, 2021
	<b>Date Extension Letter Mailed</b>	April 8, 2021	<b>120 Days</b>	July 20, 2021
<b>Location of Subject</b>	Near Bayview Ave and Gold Street			
<b>Applicant</b>	Regents of the University of Minnesota	<b>Contact</b>	Leslie Krueger	
<b>Agent</b>	UMD, Facilities Management	<b>Contact</b>	Erik Larson	
<b>Legal Description</b>	See attached			
<b>Site Visit Date</b>	April 29, 2021	<b>Sign Notice Date</b>	April 27, 2021	
<b>Neighbor Letter Date</b>	N/A	<b>Number of Letters Sent</b>	N/A	

**Proposal:** A Concurrent Use Permit for to install electrical and storm sewer lines under Gold Street and its alley and Bayview Avenue. These improvements are necessary for future improvements to University of Minnesota’s parking lots.

**Staff Recommendation:** Staff recommends that Planning Commission recommend approval to City Council.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1 & R-2	UMD Parking Lots	Traditional Neighborhood/Urban Residential
<b>North</b>	R-2	UMD	Traditional Neighborhood
<b>South</b>	MU-1	UMD	Institutional
<b>East</b>	R-2	Residential	Traditional Neighborhood
<b>West</b>	R-2	Residential	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 (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.

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. Includes many of Duluth’s older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas.

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:**

1887 – Oakland Park Addition to Duluth plat filed.

2015 – Roads in the area vacated per University of Minnesota Request.

**Review and Discussion Items**

Staff finds that:

- 1.) The applicant is proposing to occupy 3 parts of right of way in Gold Street and Gold Street Alley. The total occupied space will be 1,650 square feet. These areas are located near parcels 010-3570-03080, 010-3570-03340, 010-3570-02480, and 010-3570-02960.
- 2.) This proposal is to allow the installation of electrical and storm water utilities. The proposed utilities are necessary for future improvements to the University of Minnesota’s parking lots. The planned improvements are for lighting and pavement. The pavement will be for the parking lot and not the proposed right of way occupation.
- 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 removal/replacement of the applicant’s infrastructure should the City need to access the right-of-way in the permitted area. The applicant has provided insurance to add the City of Duluth as an additionally insured party.
- 4.) The area proposed for the concurrent use permit will not diminish 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 April 27, 2021.

**Staff Recommendation**

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

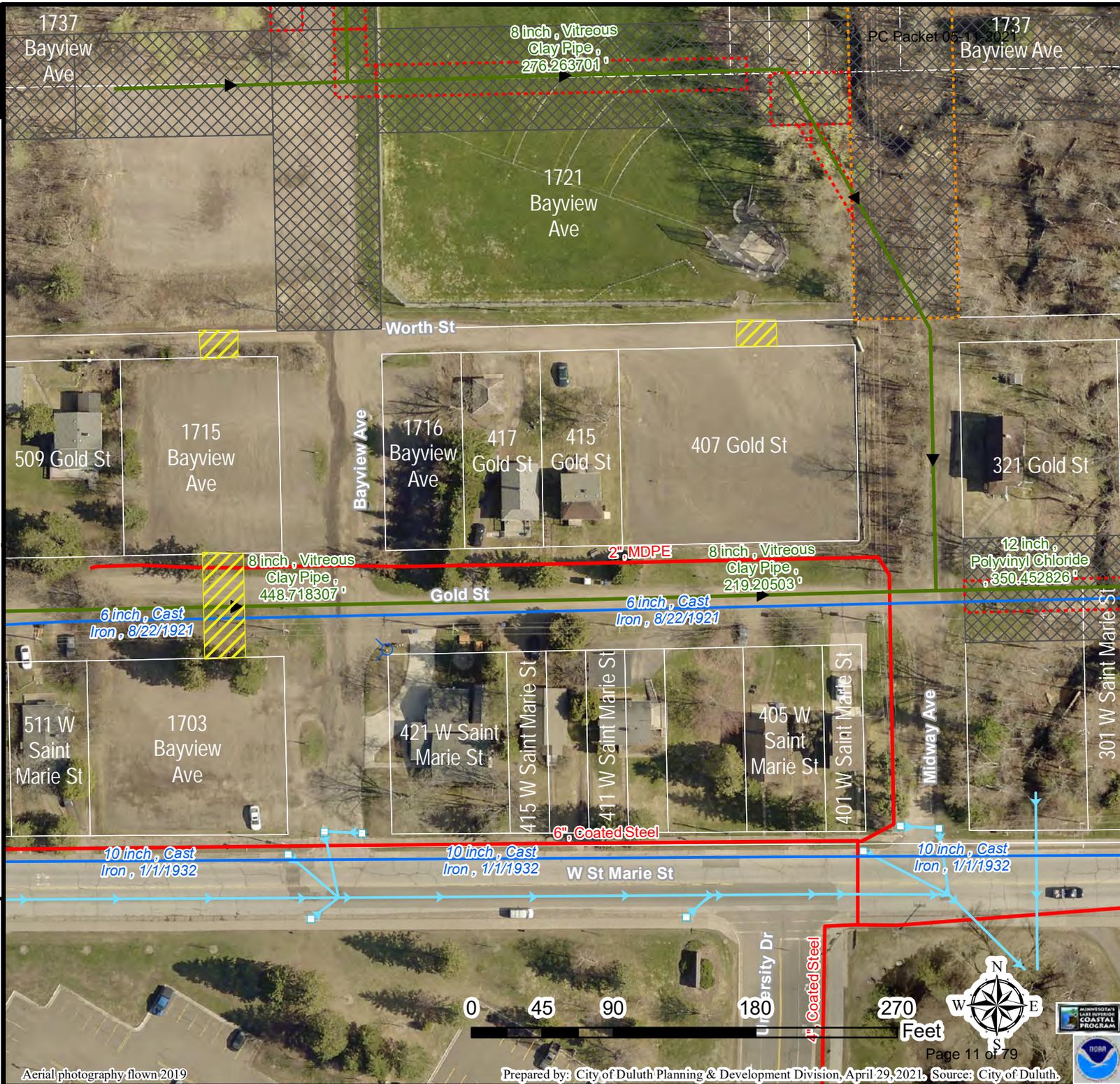
- 1.) Applicant shall maintain the project as identified in the attached exhibits.
- 2.) Applicant shall provide annual proof of liability insurance to indemnify the City against any occurrences in the right of way that are due to items covered under this permit.
- 3.) Any alterations to the approved 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 21-039  
Concurrent Use Permit  
Gold Street and Alley

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

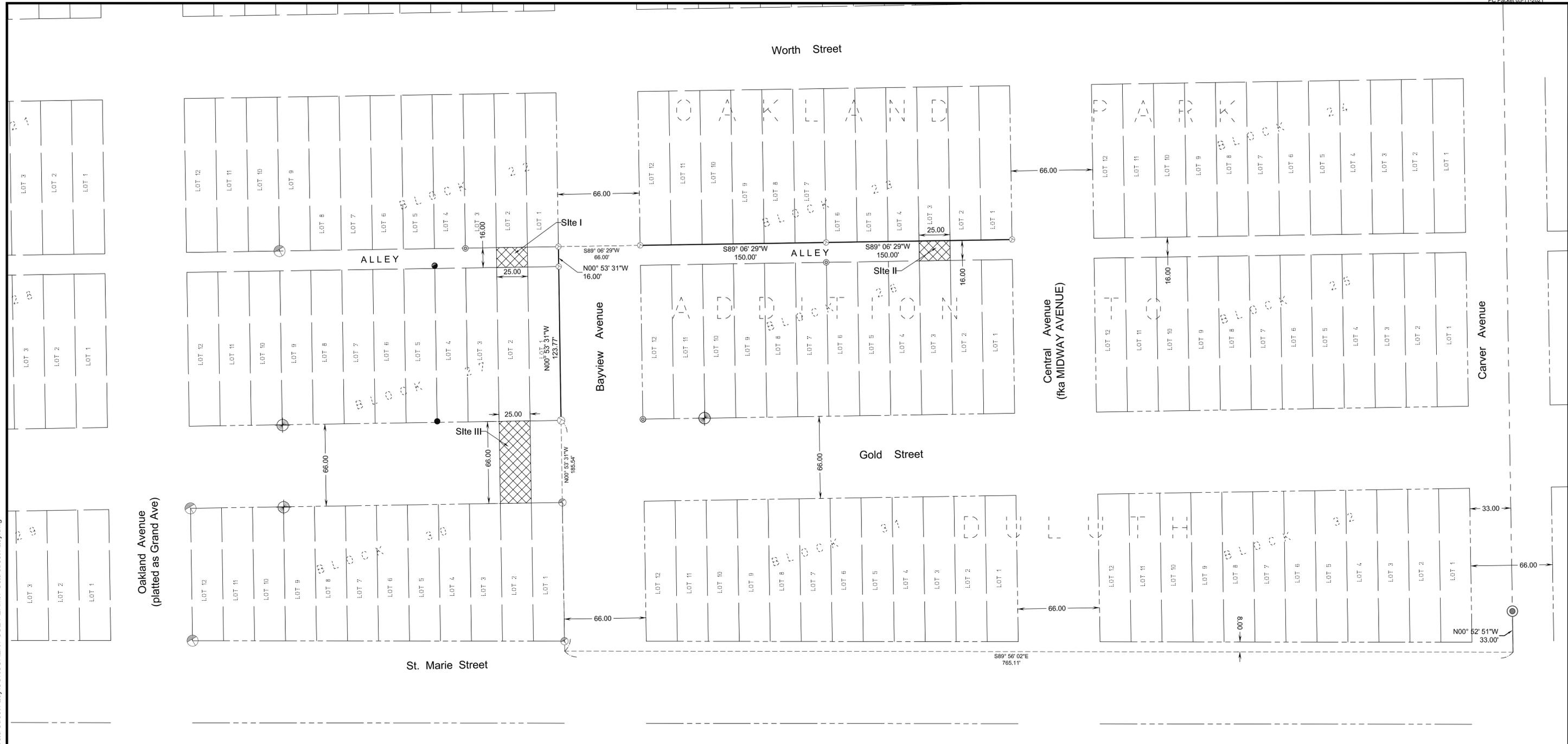


The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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



PLOT DATE: Apr 30, 2021 - 8:09am  
FILENAME: P:\Hermtown-Office\Projects\TKDA\15513 Land Surveys\15513.402 UMD Gold Street Alley\CONCURRENT USE PERMIT Gold Street Alley.dwg



**Site I**

A Concurrent Use for underground utilities across and under public right of way described as follows:

That part of a 16 foot wide alley between Block 22 and Block 27, Oakland Park Addition to Duluth, according to the recorded plat thereof, St. Louis County, Minnesota; bounded on the east by the southerly extension of the east line of Lot 2 of said Block 22; and bounded on the west by the southerly extension of the west line of said Lot 2.

The area of said concurrent use area is 400 square feet more or less

**Site II**

A Concurrent Use for underground utilities across and under public right of way described as follows:

That part of a 16 foot wide alley between Block 23 and Block 26, Oakland Park Addition to Duluth, according to the recorded plat thereof, St. Louis County, Minnesota; bounded on the east by the southerly extension of the east line of Lot 3 of said Block 23; and bounded on the west by the southerly extension of the west line of said Lot 3.

The area of said concurrent use area is 400 square feet more or less

**Site III**

A Concurrent Use for underground utilities across and under public right of way described as follows:

That part of a Gold Street between Block 27 and Block 30, Oakland Park Addition to Duluth, according to the recorded plat thereof, St. Louis County, Minnesota; bounded on the east by the southerly extension of the east line of Lot 2 of said Block 27; and bounded on the west by the southerly extension of the west line of said Lot 2.

The area of said concurrent use area is 1650 square feet more or less

NOTE: THE PLATTED LOTS ADJOINING THE CONCURRENT USE SITES ARE ALL OWNED BY THE REGENTS OF THE UNIVERSITY OF MINNESOTA

**LEGEND**

- FOUND TEE
- FOUND ALUMINUM CAPPED PIPE
- FOUND IRON ROD
- SET IRON SURVEY MARKER (TEE) - MN. LIC. NO. 21774
- FOUND CITY MONUMENT
- FOUND IRON PIPE
- CONCURRENT USE AREA
- LOT LINE
- RIGHT OF WAY

NO.	DATE	BY	DESCRIPTION OF REVISIONS

DESIGNED	JK	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 SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
DRAWN	JK	
CHECKED	GS	
SIGNATURE:		DATE: 3/11/2021
NAME: Greg Stoewer		MN LIC. NO.: 21774

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

**CONCURRENT USE EXHIBIT**

**GOLD STREET & GOLD STREET ALLEY, OAKLAND PARK ADDITION TO DULUTH**

PROJ. NO.	15513.402
DRAWING NO.	1



**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580  
 planning@duluthmn.gov

<b>File Number</b>	PL 21-044	<b>Contact</b>	John Kelley, jkelley@duluthmn.gov	
<b>Type</b>	Minor Subdivision	<b>Planning Commission Date</b>	May 11, 2021	
<b>Deadline for Action</b>	<b>Application Date</b>	April 7, 2021	<b>60 Days</b>	June 6, 2021
	<b>Date Extension Letter Mailed</b>	April 26, 2021	<b>120 Days</b>	August 5, 2021
<b>Location of Subject</b>	West Arrowhead Road and Swan Lake Place			
<b>Applicant</b>	JDL Development	<b>Contact</b>	Jesse Stokke	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	See Attached			
<b>Site Visit Date</b>	April 30, 2021	<b>Sign Notice Date</b>	N/A	
<b>Neighbor Letter Date</b>	N/A	<b>Number of Letters Sent</b>	N/A	

**Proposal**

Applicant is requesting a Minor Subdivision to divide one platted lot into four lots to construct twin homes. The current parcel is approximately 65,000 square feet and the division will create four lots. Parcel A, B and C will be over 10,000 square feet in size and Parcel D will be approximately 30,000 square feet.

**Recommended Action:** Approval with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Residential	Low-density Neighborhood
<b>North</b>	RR-1	Residential	Rural Residential
<b>South</b>	R-1	Residential	Low-density Neighborhood
<b>East</b>	R-1	Vacant land	Low-density Neighborhood
<b>West</b>	RR-1	Residential/vacant land	Low-density Neighborhood

**Summary of Code Requirements**

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

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

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

### **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.

Future Land Use: Low-density Neighborhood - Single-family housing with urban services. Typified by curvilinear streets, houses with longer dimension parallel to street, and attached garages. 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

History: The current parcel contains approximately 65,000 square feet. The underlying plat is "Crystal Village;" the existing tax parcel consists one parcel with frontage on the platted Swan Lake Place.

### **Review and Discussion Items**

1. Applicant is requesting a Minor Subdivision to divide a single lot into four lots. All four parcels will have frontage on Swan Lake Place with the rear of the lots fronting West Arrowhead Road.
2. There are no structures on the parcel to be subdivided. The applicant is proposing to construct two townhomes/twin homes on the four parcels. Each structure would straddle the center lot line of two parcels.
3. All parcels are zoned R-1, which has a minimum lot size of 4,000 square feet and have the required street frontage along Swan Lake Place. The proposed subdivision, if approved, would not make the parcels non-conforming due to lot frontage, lot area, or similar bulk standard.
4. The applicant has submitted a tree inventory but will need to provide a tree replacement plan for review and approval prior to the issuance of permits for any site work.
5. The applicant has submitted a wetland delineation for the parcels that was previously completed for the property. Staff did consult with wetland consultant, R.C. Boheim, regarding the wetlands and he stated that a complete wetland delineation is needed for review and that he didn't think the wetland issues should be a barrier for this minor subdivision. A complete delineation and application needs to be submitted for review and approval prior to the issuance of permits for any site work.
6. The proposed lots will access the proposed parcel from Swan Lake Place. The St. Louis County Traffic Engineer stated that the county would not allow access onto West Arrowhead Road because there is an opportunity for access onto Swan Lake Place and Swan Lake Road. An access onto West Arrowhead Road would conflict with a right-turn lane and be too closely spaced to the intersection with Swan Lake Road.
7. The City Engineering Department stated the applicant will need to submit a stormwater management plan for review and also extend the sanitary sewer line for the proposed townhomes. Any improvements required for Swan Lake Place by the City Engineer will be the responsibility of the applicant.
8. The City GIS Utility data indicates that the closest hydrant is located at the intersection of Swan Lake Place and Crystal Drive. The City Fire Marshall has stated that the farthest home needs to be within the code requirements of 400 feet from the hydrant.
9. The City GIS utilities data shows the nearest hydrant location to be at the intersection of Swan Lake Place. The City Fire Marshall has stated that It doesn't list how far from the hydrant on swan lake and Crystal

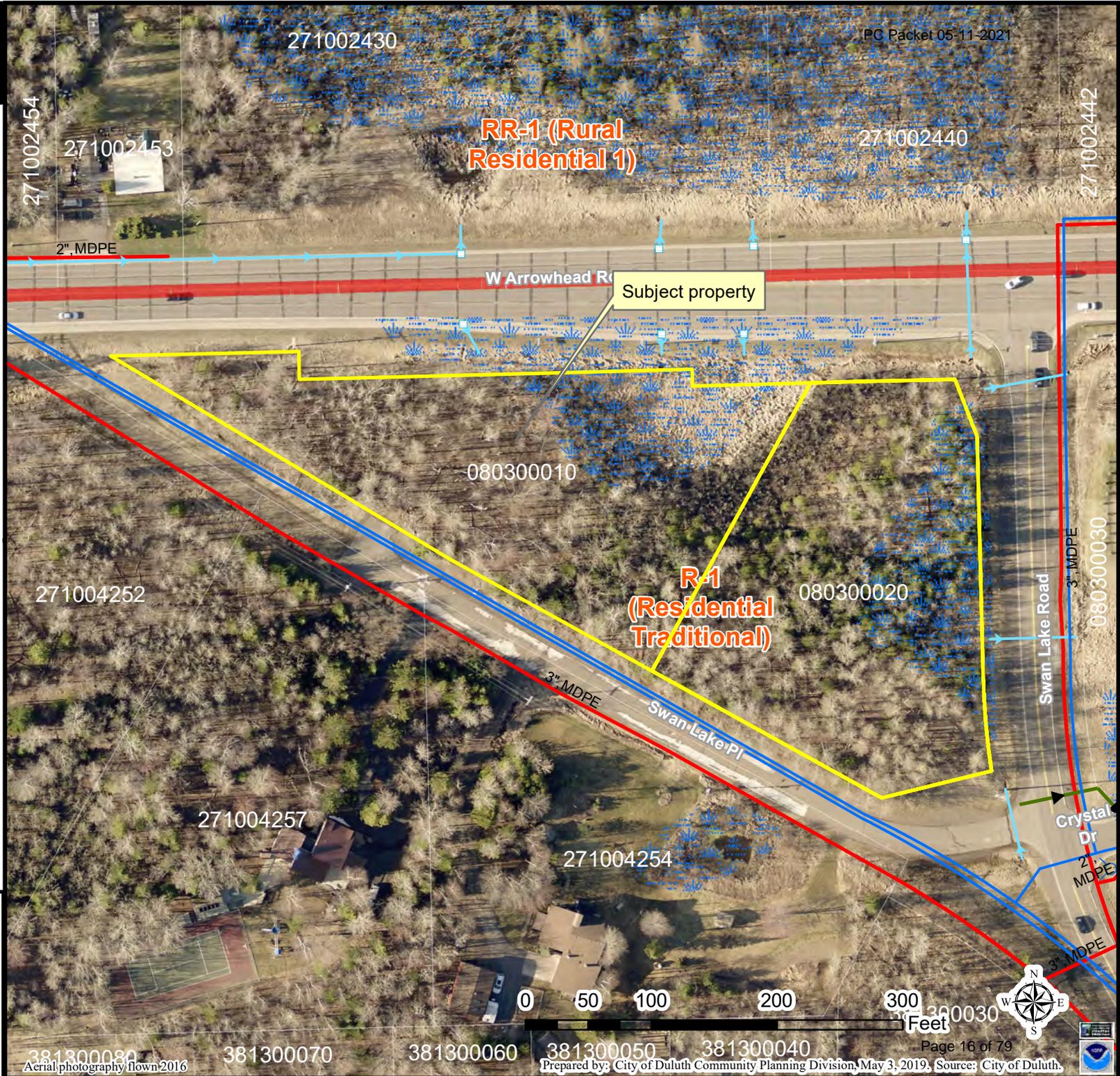
drive. The farthest home needs to be within the code requirements of 400 feet from the hydrant.

10. No public, agency, or other City comments were received.
11. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
12. Approval of this Minor Subdivision signifies that City of Duluth UDC standards are met. St. Louis County may have additional requirements. This subdivision approval lapses if deeds are not recorded with St. Louis County within 180 days. Applicant must provide the City with proof of recording.

**Staff Recommendation**

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

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



**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

**Shoreland (UDC)**

- Cold Water
- Natural Environment
- General Development
- Trout Stream (GPS)
- Other Stream (GPS)
- Wetlands (NRR1)

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.



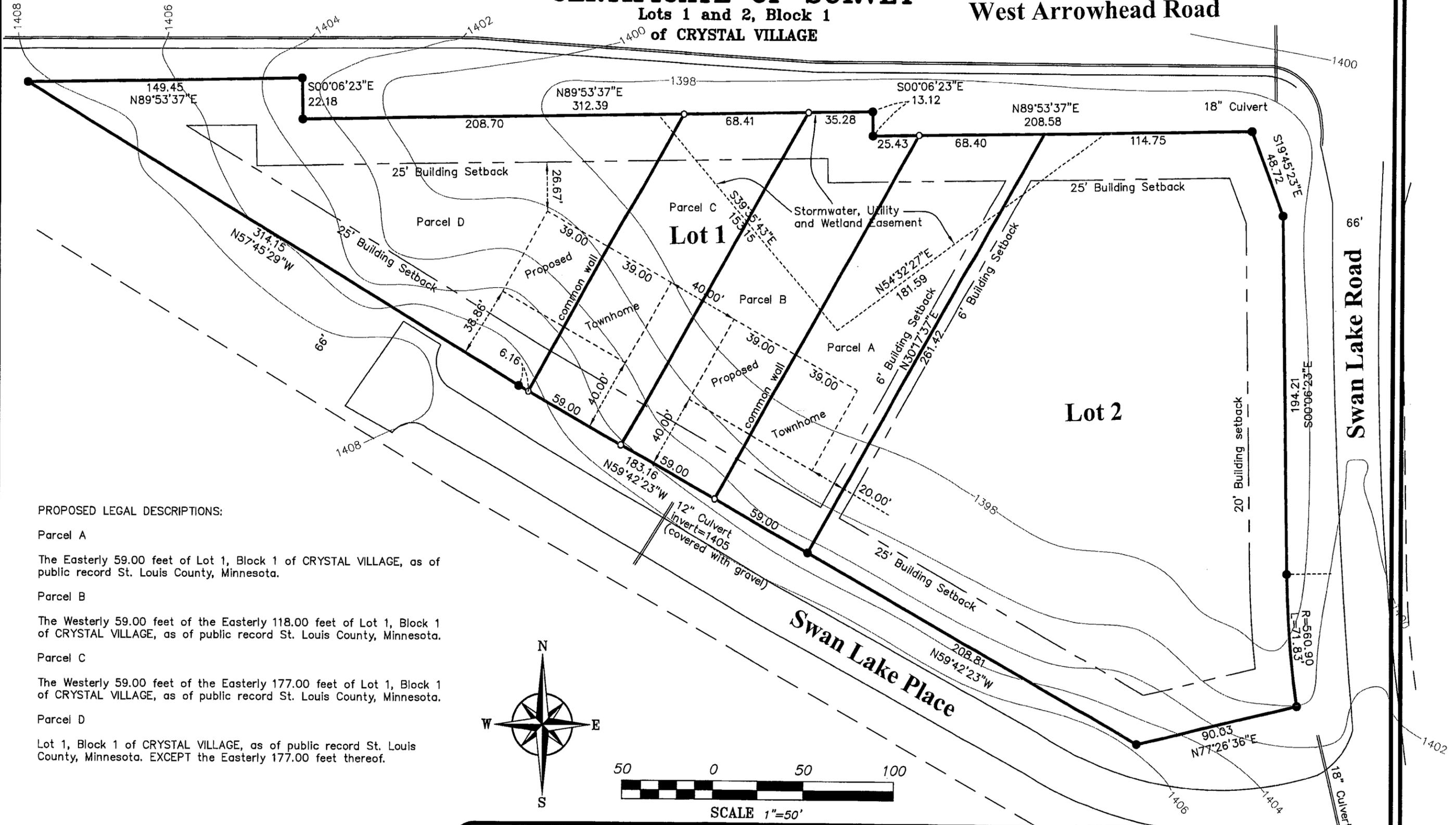
West Arrowhead Road

# CERTIFICATE OF SURVEY

West Arrowhead Road

Lots 1 and 2, Block 1

of CRYSTAL VILLAGE



**PROPOSED LEGAL DESCRIPTIONS:**

**Parcel A**

The Easterly 59.00 feet of Lot 1, Block 1 of CRYSTAL VILLAGE, as of public record St. Louis County, Minnesota.

**Parcel B**

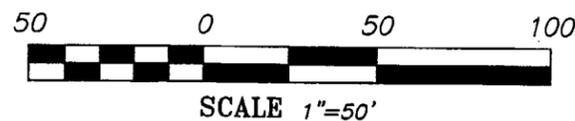
The Westerly 59.00 feet of the Easterly 118.00 feet of Lot 1, Block 1 of CRYSTAL VILLAGE, as of public record St. Louis County, Minnesota.

**Parcel C**

The Westerly 59.00 feet of the Easterly 177.00 feet of Lot 1, Block 1 of CRYSTAL VILLAGE, as of public record St. Louis County, Minnesota.

**Parcel D**

Lot 1, Block 1 of CRYSTAL VILLAGE, as of public record St. Louis County, Minnesota. EXCEPT the Easterly 177.00 feet thereof.



**STANDARD SYMBOLS & CONVENTIONS:**

"O" Denotes 1/2" ID pipe with plastic plug bearing  
State License Number 57070, set.

"●" Denotes found iron monument.

**NORTHWESTERN**  
SURVEYING & ENGINEERING, INC.  
P.O. Box 3067 - Bemidji Minnesota - 56619

JDL DEVELOPEMENT, INC.  
Duluth, MN

JOB#: 21533		DRAWN BY: JRK
REV#	DESCRIPTION	DATE

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.

*Michael Stang*  
Michael Stang (L.C. NO. 52591)

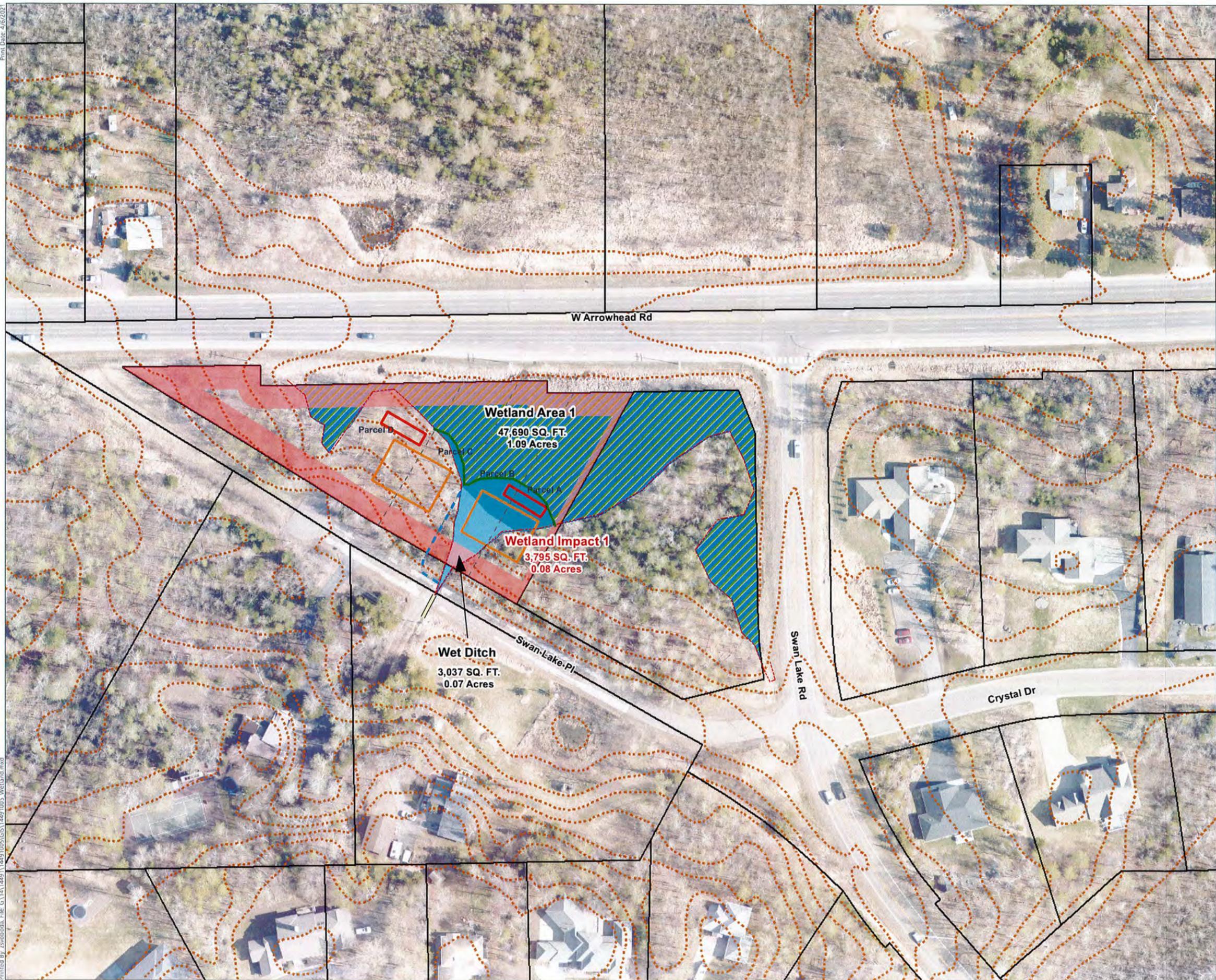
4/2/2021

DATE: \_\_\_\_\_

# Figure 1

## Wetland Delineation

W Arrowhead Rd & Swan Lake Rd  
Duluth, St. Louis County, Minnesota



- Parcels
  - 2-Foot Contours
  - 50x78' Duplexes
  - Building Setback
  - Proposed Stormwater (Rain Garden) Feature
  - Estimated Extent of Filling Line
  - Culvert
  - Adjusted Drainage
  - Property
  - Wetland Boundary
- Wetland**
- Fresh (Wet) Meadow
  - Wet Ditch
  - Wetland Impacts

Data Sources:  
St. Louis County, MNTopo

Print Date: 4/5/2021  
Printed By: rsobersch, File: G:\141\1449\14491005\GIS\14491005\_Wetland.mxd

# Figure 2

## Tree Survey

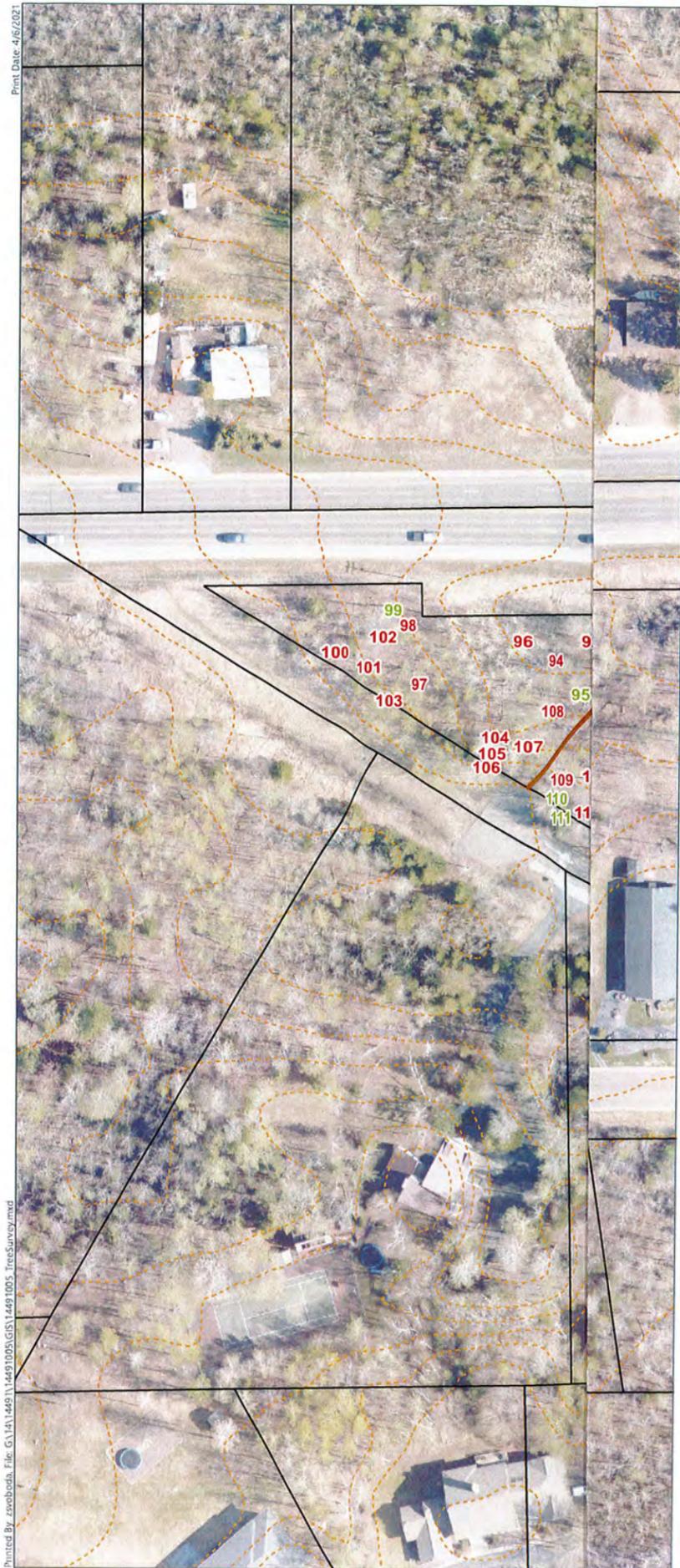
W Arrowhead Rd & Swan Lake Rd  
Duluth, St. Louis County, Minnesota

- 77 Special Trees
- 41 Significant Trees
- 142 Trees
- Estimated Clearing Limits
- 2-Foot Contours
- Parcels

**Lot 1:**  
**30 Significant Trees**  
**7 Special Trees**  
**37 Total Trees Planned for Removal**

**Lot 2:**  
**59 Significant Trees**  
**5 Special Trees**  
**64 Total Trees**

Data Sources:  
 St. Louis County, MNTopo



Print Date: 4/6/2021

Printed By: zsvoboda, File: G:\141\_1449\14491005\GIS\14491005\_TreesSurvey.mxd

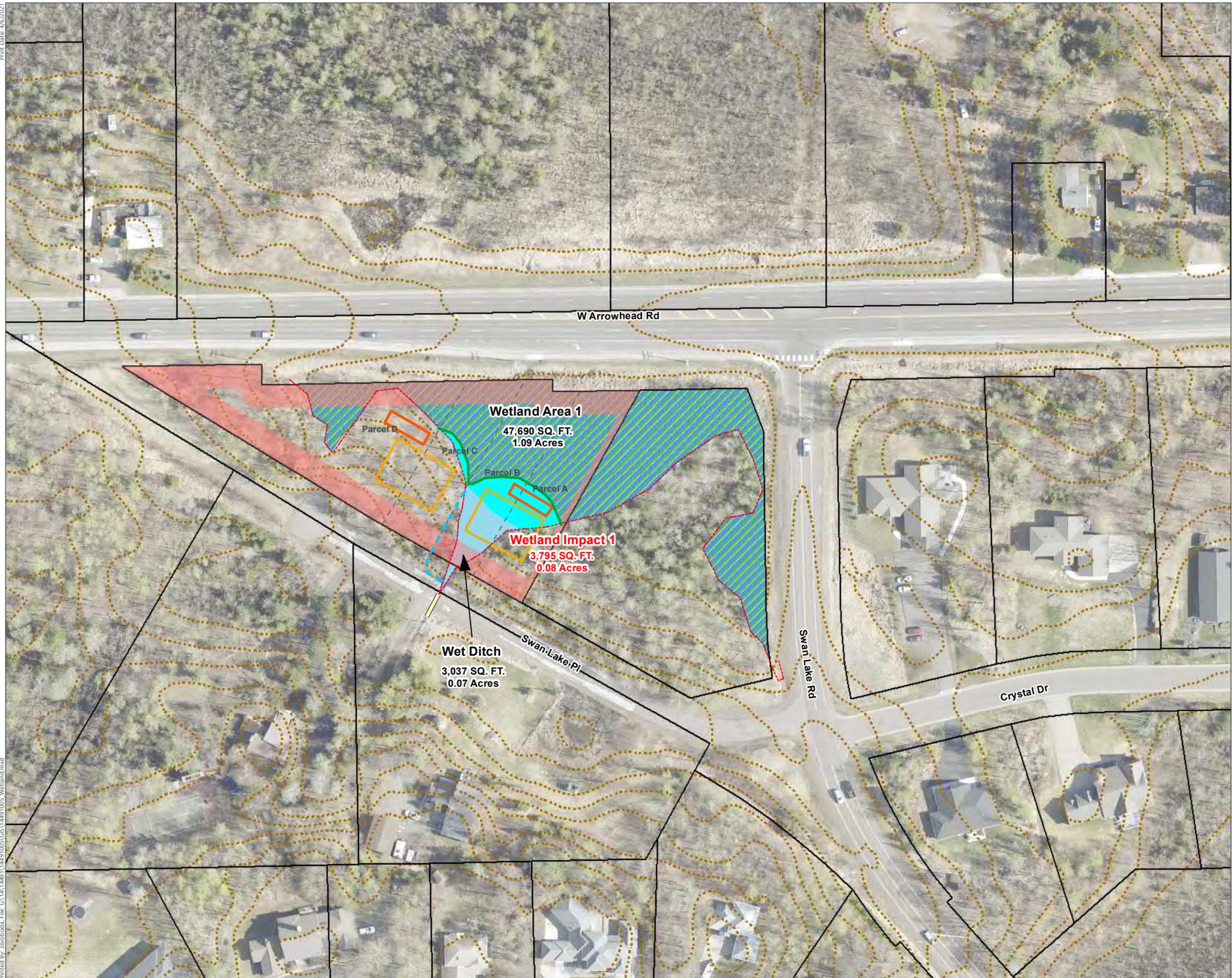
Table 1 - Tree Survey and Inventory

Significant Trees			Significant Trees (Continued)		
Tree Description	DBH (in)	Tree Species	Tree Description	DBH (in)	Tree Species
SIG #1	10.6	Quaking Aspen	SIG #59	11.1	Quaking Aspen
SIG #2	10.5	Quaking Aspen	SIG #60	11.5	Quaking Aspen
SIG #3	14	Quaking Aspen	SIG #61	10.2	Quaking Aspen
SIG #4	13.2	Quaking Aspen	SIG #62	10.3	Quaking Aspen
SIG #5	10.2	Quaking Aspen	SIG #63	10.1	Quaking Aspen
SIG #6	11	Quaking Aspen	SIG #64	11.5	Quaking Aspen
SIG #7	11.2	Quaking Aspen	SIG #65	11.5	Quaking Aspen
SIG #8	10.6	Quaking Aspen	SIG #66	11.6	Quaking Aspen
SIG #9	10.2	Quaking Aspen	SIG #67	10.7	Quaking Aspen
SIG #10	12.3	Quaking Aspen	SIG #68	11.9	Quaking Aspen
SIG #11	10.8	Quaking Aspen	SIG #69	11.5	Quaking Aspen
SIG #12	11.2	Quaking Aspen	SIG #70	13.1	Quaking Aspen
SIG #13	10.2	Quaking Aspen	SIG #71	13.4	Quaking Aspen
SIG #14	10.1	Quaking Aspen	SIG #72	12.5	Quaking Aspen
SIG #15	11	Quaking Aspen	SIG #73	11.6	Quaking Aspen
SIG #16	11.1	Quaking Aspen	SIG #74	11.2	Quaking Aspen
			SIG #124	10.2	Quaking Aspen
			SIG #125	14.5	Quaking Aspen
			Special #126	12	Paper Birch
			SIG #127	13.1	Black Ash
			SIG #128	12.2	Quaking Aspen
			SIG #129	14.1	Black Ash
			SIG #130	10.2	Quaking Aspen
			SIG #131	10.3	Quaking Aspen
			SIG #132	11	Quaking Aspen
			SIG #133	10.5	Quaking Aspen
			SIG #134	13.2	Quaking Aspen
			SIG #135	12.8	Quaking Aspen
			SIG #136	10.6	Quaking Aspen
			SIG #137	16.2	Quaking Aspen
			Special #138	6.8	Paper Birch
			SIG #139	10.3	Quaking Aspen
			Special #140	6.5	Paper Birch
			SIG #141	12.2	Quaking Aspen
			SIG #142	11	Quaking Aspen Dead
			Special #143	8.5	Paper Birch

Wetland Delineation

**W Arrowhead Rd & Swan Lake Rd  
Duluth, St. Louis County, Minnesota**

-  Parcels
-  2-Foot Contours
-  50x78' Duplexes
-  Building Setback
-  Proposed Stormwater (Rain Garden) Feature
-  Estimated Extent of Filling Line
-  Culvert
-  Adjusted Drainage
-  Property
-  Wetland Boundary
- Wetland**
-  Fresh (Wet) Meadow
-  Wet Ditch
-  Wetland Impacts



Data Sources:  
St. Louis County, MNTopo

Print Date: 4/6/2021  
Printed By: zsvoboda, File: G:\14\14491005\GIS\14491005 Wetland.mxd

# Figure 2

## Tree Survey

W Arrowhead Rd & Swan Lake Rd  
Duluth, St. Louis County, Minnesota

- 77 Special Trees
- 41 Significant Trees
- 142 Trees
- Estimated Clearing Limits
- 2-Foot Contours
- Parcels

**Lot 1:**  
30 Significant Trees  
7 Special Trees  
 37 Total Trees Planned for Removal

**Lot 2:**  
59 Significant Trees  
5 Special Trees  
 64 Total Trees

Data Sources:  
St. Louis County, MNTopo



Print Date: 4/6/2021  
 Printed By: zwohoda, File: G:\141449\14491005\GIS\14491005\_TreesSurvey.mxd

Table 1 - Tree Survey and Inventory

Significant Trees			Significant Trees (Continued)		
Tree Description	DBH (in)	Tree Species	Tree Description	DBH (in)	Tree Species
SIG #1	10.6	Quaking Aspen	SIG #59	11.1	Quaking Aspen
SIG #2	10.5	Quaking Aspen	SIG #60	11.5	Quaking Aspen
SIG #3	14	Quaking Aspen	SIG #61	10.2	Quaking Aspen
SIG #4	13.2	Quaking Aspen	SIG #62	10.3	Quaking Aspen
SIG #5	10.2	Quaking Aspen	SIG #63	10.1	Quaking Aspen
SIG #6	11	Quaking Aspen	SIG #64	11.5	Quaking Aspen
SIG #7	11.2	Quaking Aspen	SIG #65	11.5	Quaking Aspen
SIG #8	10.6	Quaking Aspen	SIG #66	11.6	Quaking Aspen
SIG #9	10.2	Quaking Aspen	SIG #67	10.7	Quaking Aspen
SIG #10	12.3	Quaking Aspen	SIG #68	11.9	Quaking Aspen
SIG #11	10.8	Quaking Aspen	SIG #69	11.5	Quaking Aspen
SIG #12	11.2	Quaking Aspen	SIG #70	13.1	Quaking Aspen
SIG #13	10.2	Quaking Aspen	SIG #71	13.4	Quaking Aspen
SIG #14	10.1	Quaking Aspen	SIG #72	12.5	Quaking Aspen
SIG #15	11	Quaking Aspen	SIG #73	11.6	Quaking Aspen
SIG #16	11.1	Quaking Aspen	SIG #74	11.2	Quaking Aspen
SIG #17	10.5	Quaking Aspen	SIG #75	11.5	Quaking Aspen
SIG #18	11.2	Quaking Aspen	Special #76	7	Paper Birch
SIG #19	10.2	Quaking Aspen	Special #77	8.5	Paper Birch
SIG #20	10.5	Quaking Aspen	Special #78	7	Paper Birch
SIG #21	10.1	Quaking Aspen	SIG #79	10.5	Quaking Aspen
SIG #22	10.3	Quaking Aspen	SIG #80	13.2	Quaking Aspen
SIG #23	11	Quaking Aspen	SIG #81	10.5	Balsam Fir
SIG #24	11.2	Quaking Aspen	SIG #82	10.1	Black Ash
SIG #25	10.6	Quaking Aspen	SIG #83	12.5	Quaking Aspen
SIG #26	11.3	Quaking Aspen	SIG #84	13.5	Quaking Aspen
SIG #27	11.5	Quaking Aspen	Special #85	11	Paper Birch
SIG #28	13.1	Quaking Aspen	SIG #86	13.2	Quaking Aspen
SIG #29	12.5	Quaking Aspen	Special #87	13	Paper Birch
SIG #30	10.5	Quaking Aspen	SIG #88	14.5	Red Maple
SIG #31	14.1	Quaking Aspen	SIG #89	14	Red Maple
SIG #32	10.2	Quaking Aspen	SIG #90	10.2	Quaking Aspen
SIG #33	18.5	Quaking Aspen	SIG #91	11	Quaking Aspen
SIG #34	14.3	Quaking Aspen	SIG #92	11.1	Quaking Aspen
SIG #35	10.1	Quaking Aspen	SIG #93	10.3	Quaking Aspen
Special #36	10.6	White Cedar	SIG #94	10.5	Quaking Aspen
Special #37	11.5	White Cedar	Special #95	6.2	Paper Birch
SIG #38	10.6	Black Ash	SIG #96	11.2	Quaking Aspen
Special #39	8.5	Paper Birch	SIG #97	10.5	Quaking Aspen
Special #40	11.2	Paper Birch	SIG #98	10.8	Quaking Aspen
SIG #41	11	Quaking Aspen	Special #99	16.1	Red Oak
SIG #42	10.6	Black Ash	SIG #100	10.6	Red Maple
SIG #43	10.6	Quaking Aspen	SIG #101	14	Quaking Aspen
SIG #44	13	Quaking Aspen	SIG #102	13.1	Red Maple
SIG #45	10.6	Quaking Aspen	SIG #103	13.5	Quaking Aspen
SIG #46	10.2	Black Ash	SIG #104	13.1	Quaking Aspen
Special #47	7.5	Paper Birch	SIG #105	17.1	Quaking Aspen
SIG #48	10.9	Quaking Aspen	SIG #106	14.2	Quaking Aspen
SIG #49	10.4	Quaking Aspen	SIG #107	13.5	Quaking Aspen
Special #50	8.5	Paper Birch	SIG #108	14.2	Quaking Aspen
Special #51	7.5	Paper Birch	SIG #109	13.2	Quaking Aspen
SIG #52	10.2	Quaking Aspen	Special #110	7.6	Paper Birch
Special #53	6.2	Paper Birch	Special #111	9.5	White Spruce
SIG #54	14	Quaking Aspen	SIG #112	10.6	Quaking Aspen
SIG #55	12.1	Quaking Aspen	SIG #113	15.6	Quaking Aspen
SIG #56	11.4	Quaking Aspen	Special #114	10.2	Paper Birch
SIG #57	10.9	Quaking Aspen	SIG #115	10.5	Quaking Aspen
SIG #58	11.2	Quaking Aspen	Special #116	16.1	Red Oak
			Special #117	15.5	Red Oak
			SIG #118	10.2	Red Maple
			SIG #119	10.1	Red Maple
			SIG #120	10.5	Quaking Aspen
			SIG #121	13.5	Red Maple
			SIG #122	12.9	Red Maple
			Special #123	8.2	Paper Birch
			SIG #124	10.2	Quaking Aspen
			SIG #125	14.5	Quaking Aspen
			Special #126	12	Paper Birch
			SIG #127	13.1	Black Ash
			SIG #128	12.2	Quaking Aspen
			SIG #129	14.1	Black Ash
			SIG #130	10.2	Quaking Aspen
			SIG #131	10.3	Quaking Aspen
			SIG #132	11	Quaking Aspen
			SIG #133	10.5	Quaking Aspen
			SIG #134	13.2	Quaking Aspen
			SIG #135	12.8	Quaking Aspen
			SIG #136	10.6	Quaking Aspen
			SIG #137	16.2	Quaking Aspen
			Special #138	6.8	Paper Birch
			SIG #139	10.3	Quaking Aspen
			Special #140	6.5	Paper Birch
			SIG #141	12.2	Quaking Aspen
			SIG #142	11	Quaking Aspen Dead
			Special #143	8.5	Paper Birch





**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

<b>File Number</b>	PL 21-046	<b>Contact</b>	Adam Fulton, <a href="mailto:afulton@duluthmn.gov">afulton@duluthmn.gov</a>	
<b>Type</b>	Special Use Permit – Residential Care Facility	<b>Planning Commission Date</b>	May 11, 2021	
<b>Deadline for Action</b>	<b>Application Date</b>	April 7, 2021	<b>60 Days</b>	June 6, 2021
	<b>Date Extension Letter Mailed</b>	April 15, 2021	<b>120 Days</b>	August 5, 2021
<b>Location of Subject</b>	2010 E 7 <sup>th</sup> Street			
<b>Applicant</b>	Brittany Robb, Executive Director	<b>Contact</b>	2010 E. 7 <sup>th</sup> Street, Duluth, MN	
<b>Agent</b>	Hanft Fride, Attorney for applicant	<b>Contact</b>		
<b>Legal Description</b>	PID 010-2220-01380 and 010-1380-03940			
<b>Site Visit Date</b>	April 27, 2021	<b>Sign Notice Date</b>	April 27, 2021	
<b>Neighbor Letter Date</b>	April 30, 2021	<b>Number of Letters Sent</b>	59	

**Proposal**

Applicant would like to update and amend a Special Use Permit originally granted in 1996 for a residential care facility, to expand the facility by approximately 6,000 sq. ft. (3,000 sq. ft. footprint) for a total of 19 bedrooms.

**Recommended Action:** Approve with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Residential care	Traditional Neighborhood
<b>North</b>	R-1	Recreation	Traditional Neighborhood
<b>South</b>	R-1	Residential	Traditional Neighborhood
<b>East</b>	R-1	Residential	Traditional Neighborhood
<b>West</b>	R-1	Residential	Traditional Neighborhood

**Summary of Code Requirements**

Sec. 50-37.10 – Special Use Permits: Planning Commission shall approve the application or approve it with modifications, if it is determined that the application meets the following criteria:

1. The application is consistent with the Comprehensive Land Use Plan;
2. The application complies with all applicable provisions of this Chapter; including without 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 Principles and/or Policies and Current History (if applicable):**

Governing Principle #1 – Reuse previously developed lands. Supporting expansion in an existing location is preferable to choosing greenfield sites.

Governing Principle #8 – Encourage a mix of activities, uses, and densities. Cities have evolved as a mix of land use, building types, and housing types. Supporting this existing residential care facilities contributes to this mix in

Zoning – Residential-Traditional (R-1): Established to accommodate traditional neighborhoods of single-family residences, duplexes and townhouses on moderately sized lots. Intended to be used primarily in established neighborhoods.

Future Land Use – Traditional Neighborhood: Characterized by grid or connected street pattern. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood.

History: The facility received a Special Use Permit in 1996 and was built in 1999-2000. The existing building is 12,040 sq. ft.

**Review and Discussion Items**

Staff finds that:

1. This proposal would add six new bedrooms to the existing facility, with three two-story additions totaling approximately 6,000 sq. ft. Despite this addition of bedrooms, the capacity of the facility is changing only marginally, as the average family size now is smaller than when the facility opened. The facility will be changing from approximately 39 persons to approximately 45 persons.
2. The proposed additions would be added in areas currently occupied by landscaping and yard space, or within the existing structure footprint, and would not require extensive grading nor disturb surrounding trees or other vegetation.
3. 50-18.1 Natural Resources Overlay: If greater than 3,000 sq. ft is disturbed, additional stormwater management will be required. As this project is currently estimated to add about 3,000 sq. ft. to the footprint of the building, Staff recommends that applicant consult with the City's Stormwater Engineer as early as possible to determine requirements for the site.
4. 50-24 Parking and Loading: The UDC requires 1 parking space for every 9 residential care beds. For this site, the minimum is 5 parking spaces, and the applicant is providing 22 parking spaces. The UDC maximum would be 14 for a new facility, but because this is an amendment, the applicant is not required to remove any existing parking.
5. 50-25 Landscaping and Tree Preservation: As this proposal would increase the building square footage by more than 25%, landscaping requirements apply. However, staff finds that existing tree cover and natural vegetation along 20<sup>th</sup> Avenue E, and between this use and neighboring structures, meets the intent of the landscaping provisions and no additional landscaping is required.
6. 50-26 Screening, Walls, and Fences: Dumpsters in this location are currently placed at the end of a paper street, as E 7<sup>th</sup> Street does not extend east of 20<sup>th</sup> Ave. E. in this location. Should applicant seek to continue placing dumpsters in this location, a Concurrent Use Permit is required; additionally, screening for dumpster areas is required under current UDC standards, and will be required if applicant seeks a Concurrent Use Permit
7. Staff received commentps from City Engineering, but as of the writing of this report have not received any agency or public comments.

**Staff Recommendation**

Based on the above findings, staff recommends that Planning Commission adopt the findings of fact in the staff report and approve the special use permit with the following conditions:

- 1) The project be limited, constructed, and maintained consistent with the sketch plan submitted with this application.
- 2) Existing vegetation along 20<sup>th</sup> Avenue W and abutting neighboring properties shall remain in place for buffering and landscaping purposes.
- 3) Exhibits indicating dumpster placement conforming to the UDC shall be provided, and a Concurrent Use Permit sought if the applicant continues to seek to place dumpsters in public right-of-way.
- 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; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.

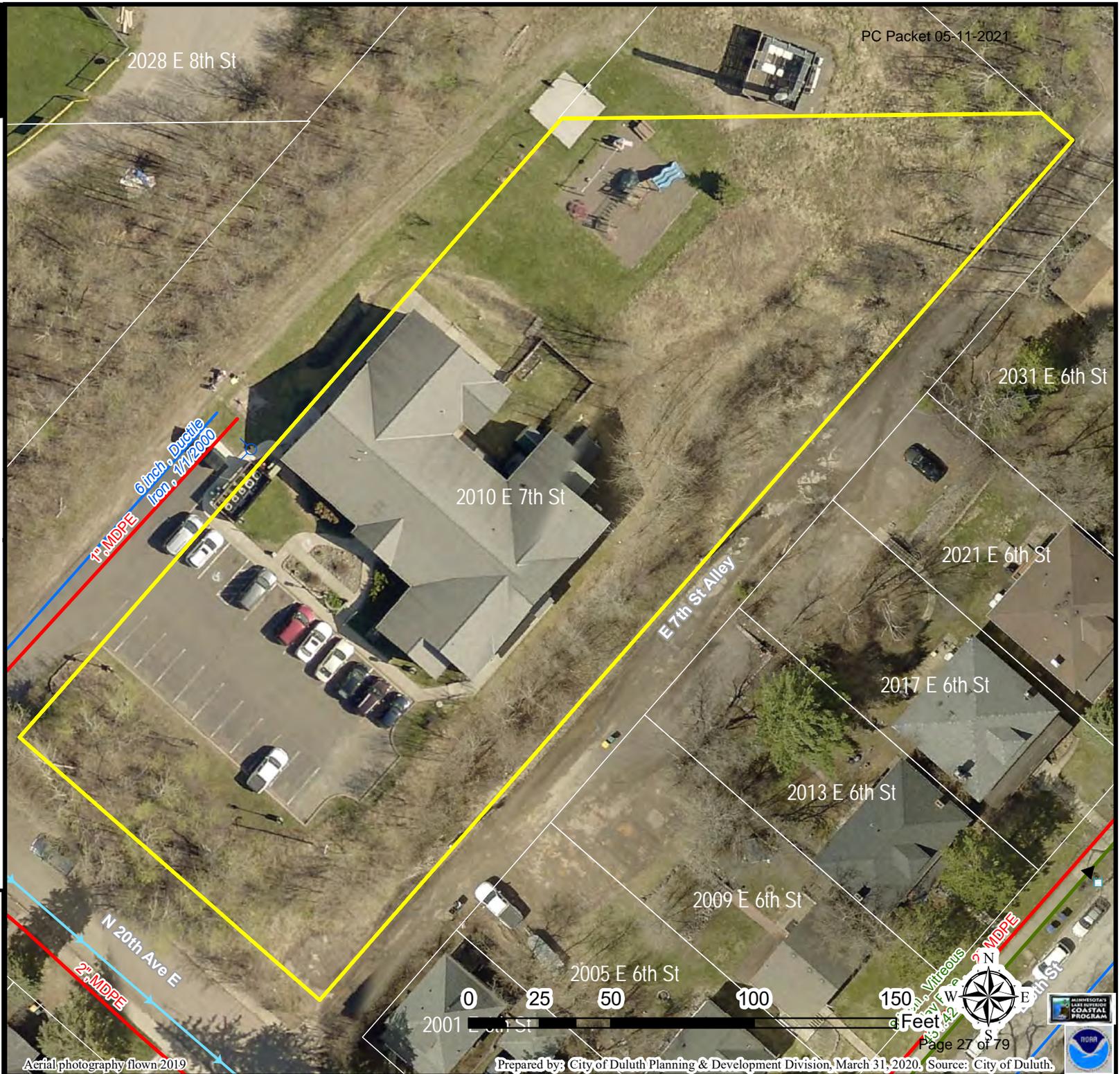


PL 21-046  
Special Use Permit  
2010 E 7th St

PC Packet 05-11-2021

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

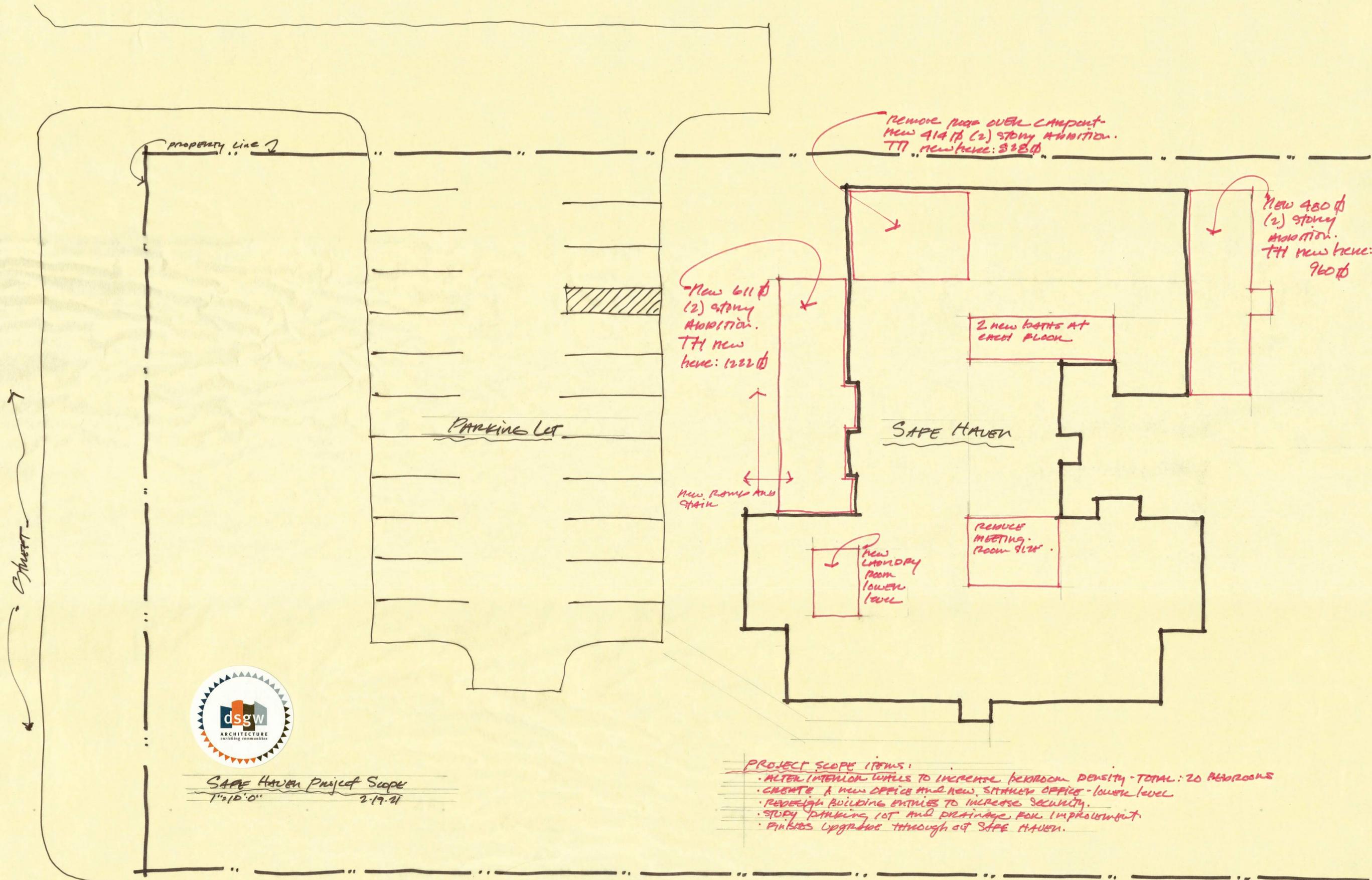


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Aerial photography flown 2019

Prepared by: City of Duluth Planning & Development Division, March 31, 2020. Source: City of Duluth.





Sheet



SAFE Haven Project Scope  
1"=10'0" 2-19-21

- PROJECT SCOPE ITEMS:
- ALTER INTERIOR WALLS TO INCREASE BEDROOM DENSITY - TOTAL: 20 BEDROOMS
  - CREATE 2 NEW OFFICE AND NEW STAFFED OFFICE - LOWER LEVEL
  - REDESIGN BUILDING ENTRIES TO INCREASE SECURITY.
  - STUDY PARKING LOT AND DRAINAGE FOR IMPROVEMENT.
  - FINISHES UPGRADE THROUGHOUT SAFE HAVEN.

7th Street (Unimproved)

GOPHER STATE  
ONE CALL  
TWIN CITY AREA 454-0002  
MN TOLL FREE 1-800-252-1166



CONCRETE CURB

20th Avenue East

BITUMINOUS SURFACE

CONCRETE SIDEWALKS

140' PLAT

ALLEY

GRAVEL ALLEY

EXPOSED LEDGE ROCK

136' BY 16' WIDE BIT. DRIVE @ 3.55% (SEE TYP.)

TAPER 5' CURB & GUTTER

DEPRESS 25' CURB

B612 CURB & GUTTER

PARKING LOT

PLAYGROUND EQUIPMENT

BUILDING  
S.F.E. 401.00'  
F.F.E. 390.50'

395' PLAT  
396.04' MEAS.

DRAINAGE SWALE

Virginia  
Duluth  
Grand Rapids

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

(Principal Architect)  
Registration #  
*Ryan DeWitt*  
(Project Architect)  
Registration #  
25124

Computer File Name:  
98050 A1.0 SITE PLAN  
Project No.: 98050  
Date: 8/25/99  
Revised: ---

WOMEN'S  
SHELTER  
DULUTH, MINNESOTA

GRADING  
PLAN

Sheet:  
C1.0  
Of:



**HANFT FRIDE**  
A PROFESSIONAL ASSOCIATION

**DULUTH OFFICE:**  
1000 U.S. BANK PLACE  
130 WEST SUPERIOR STREET  
DULUTH, MN 55802-2094  
TELEPHONE: 218/722-4766  
FAX: 218/529-2401

**CLOQUET OFFICE:**  
1219 -14TH STREET  
CLOQUET, MN 55720  
TELEPHONE: 218/879-3333  
FAX: 218/879-3201

REPLY TO CLOQUET OFFICE

WWW.HANFTLAW.COM

EMAIL: WMB@HANFTLAW.COM

April 7, 2021

WILLIAM M. BURNS  
JOHN D. KELLY\*  
FREDERICK A. DUDDERAR, JR.  
R. THOMAS TORGERSON\*  
CHERYL M. PRINCE\*  
ROBIN C. MERRITT\*  
JENNIFER L. CAREY\*  
MARK D. PILON\*  
JACOB J. BAKER\*  
SCOTT A. WITTY\*  
LEAH L. FISHER  
HOLLY E. HALLER  
BRENT W. MALVICK  
HAL J. SPOTT  
COURTNEY L. BECK  
HEATHER E. MUTCHLER

RICHARD R. BURNS,\* OF COUNSEL  
CHARLES H. ANDRESEN, OF COUNSEL

\*ALSO ADMITTED IN WISCONSIN

**Via Email and Hand Delivery**

Planning Commission  
c/o Adam Fulton, Director  
City of Duluth Planning Department  
City Hall, Room 110  
411 W. First Street  
Duluth, MN 55802

Re: Safe Haven Shelter / Amendment to Special Use Permit  
Our File No. 18611.012

Ladies and Gentlemen:

Hanft Fride, a Professional Association, is legal counsel for the Safe Haven Women’s Shelter. This letter is an attachment to the Application we are requesting an Amendment to the existing Special Use Permit. It is submitted together with a check in the amount of \$1,580 to Room 100 City Hall, one stop shop, but with a copy to the Commission, c/o Adam Fulton.

This matter is for consideration at the Planning Commission meeting of May 11, 2021.

The record shows that the Shelter was constructed in 1999 and 2000. It has served the community well and is an international model. Duluth’s record in dealing with abused partners has a worldwide reputation based on the collaborative Duluth model which was developed over 25 years ago by Ellen Pence.

The Shelter has lived compatibly with the Chester Park neighborhood it is located in. When the Shelter was first proposed for its current location, there were objections from some persons in the community. These were resolved through hard work by the Shelter founders in relating to the neighborhood and by a favorable judicial decision. Since then, there is no record of negative interaction with the neighborhood over the last 20 years.

April 7, 2021  
Page 2

Attached to the Application are a preliminary application and a site drawing. That plan shows:

1. The 6,000 square foot total addition, footprint 3,000 square feet, which will accommodate six new bedrooms.
2. The plan is consistent with the principles of the renovation and based on an Amended Special Use Permit will include appropriate security features and continue the Safe Haven Shelter's service to the citizens of Duluth and surrounding areas.

This is a rather unique situation in the sense that we are requesting an amendment to a Special Use Permit issued under a prior zoning ordinance, however, since that Special Use Permit creates property rights, it is appropriate that this be addressed via amendment.

The Shelter is appropriately into an R-1 District and a group residential living facility for over seven persons. We're in agreement with the Planning Department that an Amendment to the Special Use Permit is required. The eligibility for that Amendment to the Special Use Permit is clear here based on the facts herein, the history and the problem which is being addressed.

While one could argue that the current Comprehensive Plan is not applicable to an Amendment of this nature, it is appropriate to address issues relating to the basic principles as now set forth in the Comprehensive Plan.

We note the following:

- We are re-using and through this permit expanding upon previously developed property.
- There is a necessity for these kinds of services in the community. The development does not impact the vacant land around the Shelter, and the Shelter's total building to land ratio remains low.
- The Shelter supports the community's existing economic base through its services, employment and expenditures in the community.
- In a similarly fashion, the expansion of the Shelter on a limited basis will support economic growth.
- The Shelter represents a further investment/re-investment in the neighborhood.
- By expanding and renovating in place, the goal of reinforcing the place specific is met.
- Connectivity is not modified or impacted negatively in any way.
- Appropriately locating the Shelter in a residential neighborhood encourages the mix of activities, uses and densities sought by the Comprehensive Plan.

April 7, 2021  
Page 3

- The Shelter is privately and publicly supported and contributes to the public realm.
- Modernizing and expanding the Shelter is an action that enhances the environment, economic and social well-being of the community.
- Education systems are not impacted in any way by this Amendment.
- Efficiencies in delivery of the services, public in nature, delivered by the Shelter, is encouraged by this process.

Funding is being provided from a variety of sources.

We are pleased to have Rebecca Lewis of DSGW as our architect. Rebecca is an architectural leader in the community, is very familiar with various types of care facilities and was the architect for the Shelter's original construction. As a consequence, she has great familiarity with the building.

We are asking only that the total square footage and footprint be amended and that the total of 19 bedrooms be approved. Do recognize that while the number of bedrooms is being increased, the capacity of the Shelter is changing only marginally. The capacity, while it varies from time to time, is now, based on family size, increasing from roughly 39 persons to approximately 45 persons. Occupancies vary from day to day but, overall, the Shelter is dealing with smaller family units than historically, and therefore the significant increase in number of bedrooms is not significantly increasing use because of smaller family units.

Please let us know if additional information is needed. Thank you for your consideration.

Very truly yours,



William M. Burns

WMB:dar



**Planning & Development Division**  
 Planning & Economic Development Department

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580  
 planning@duluthmn.gov

<b>File Number</b>	PL 21-058	<b>Contact</b>	John Kelley	
<b>Type</b>	Special Use Permit for a tattoo and body piercing service	<b>Planning Commission Date</b>	May 11, 2021	
<b>Deadline for Action</b>	<b>Application Date</b>	April 19, 2021	<b>60 Days</b>	June 18, 2021
	<b>Date Extension Letter Mailed</b>	April 27, 2020	<b>120 Days</b>	August 17, 2021
<b>Location of Subject</b>	217 N 59 <sup>th</sup> Avenue West			
<b>Applicant</b>	Richard Laumeyer	<b>Contact</b>		
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	See attached			
<b>Site Visit Date</b>	April 30, 2021	<b>Sign Notice Date</b>	April 27, 2021	
<b>Neighbor Letter Date</b>	April 30, 2021	<b>Number of Letters Sent</b>	40	

**Proposal**

Applicant is requesting a special use permit for a personal Service - tattoo and body piercing service located in an R-2, Residential Urban zone district.

**Recommendation**

Staff recommend approval with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-2	Vacant commercial building	Traditional Neighborhood/Central Business Secondary
<b>North</b>	R-2	Single Family Homes	Traditional Neighborhood
<b>South</b>	MU-N	Vacant land/street	Central Business Secondary
<b>East</b>	F-4	Commercial/street	Central Business Secondary
<b>West</b>	R-1	Single Family Homes	Traditional Neighborhood

**Summary of Code Requirements**

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

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

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

Governing Principle #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 applicant will be utilizing an existing building for use as a tattoo and body piercing service. Existing utilities will be utilized for the development.

Governing Principle 5 – Promote reinvestment in neighborhoods ....through 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 vacant building.

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 use will provide services to the surrounding neighborhoods and to city residents.

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

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

**History:**

Building constructed in 1980 consisting of 2,100 square feet for office use.

**Review and Discussion Items**

- 1) The applicant is requesting a special use permit for a Personal service and repair, small (less than 10,000 sq. ft.) located in an R-2 zone district. The applicant is proposing utilize the existing building for a tattoo and body piercing service, which is permitted through the issuance of a special use permit in the R-2 zone district. The use of personal service in the R-2 zone district is a recent code change to the UDC. Hours of operation will be 11:00am to 7:00pm Monday through Saturday.
- 2) The applicant will be utilizing an existing 2,100 square foot building formerly occupied for office use. There are no proposed site improvements.
- 3) Sec 50-24 (Parking and Loading). Personal service use requires 2.5 spaces per 1,000 sq. ft. of gross floor area. The site would be required to provide 6 parking spaces. The site currently has a large paved parking area with sufficient room to accommodate the required parking.
- 4) Sec. 50-25.5 (Landscaping between differing land uses). The adjacent property to the north is residential with a single family home. There is an existing 6 foot tall privacy fence and vegetation on the applicants parcel along the north property line to screen from the single family home. Staff believes this is sufficient for the screening requirements.
- 5) Sec. 50-26 (Screening, Walls and Fences). The applicant is not proposing a dumpster enclosure.
- 6) Sec. 50-27 – Signs – The site plan shows an existing back-lit pole mounted sign. Sign permits are required and will be reviewed and permitted in a separate process.
- 7) Sec. 50-28 (Stormwater Drainage and Erosion Control). The applicant is not proposing to add any impervious surface to the site.
- 8) Sec. 50-29 (Sustainability Standards). Not applicable to this project.
- 9) Sec. 50-30 (Building Design Standards). These requirements do not apply for this project.

10) Sec. 50-31 (Exterior Lighting). There is no proposed exterior lighting

11) No citizen or city departments comments were received at the time that this report was written (April 30, 2020).

12) UDC 50-37.1.N. states that an approved Special Use Permit will expire if the project or activity authorized by the permit has not begun within one year.

**Staff Recommendation**

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

- 1) The proposal is limited to the site plan and documents submitted with this application; and
- 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.



**Legend**

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



**R-1**  
**(Residential Traditional)**

**R-2**  
**(Residential Urban)**



**MU**  
**(Mixed Use Neighborhood)**

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Alec Polling  
Ashley Milberger  
Richard Davis  
217 N 59th Ave W  
Duluth, MN 55807  
218.269.5301

April 1, 2021

Planning & Development Division  
Room 160  
411 West First Street  
Duluth, MN 55802  
218.730.5580

Dear Planning Commitee,

We send in this application with great appreciation for the understanding and support of Duluth and our community to proceed with our business venture.

The purposed business in this forward moving process is a high end art studio providing professional Tattoo and Body Piercing service.

We currently provide said service near the location we are attempting to move and have been doing so with over a decade of experience. Due to such a high demand of our professional and highly sought after artists we are growing at a exponential rate and need to expand to a location with more space and accommodation.

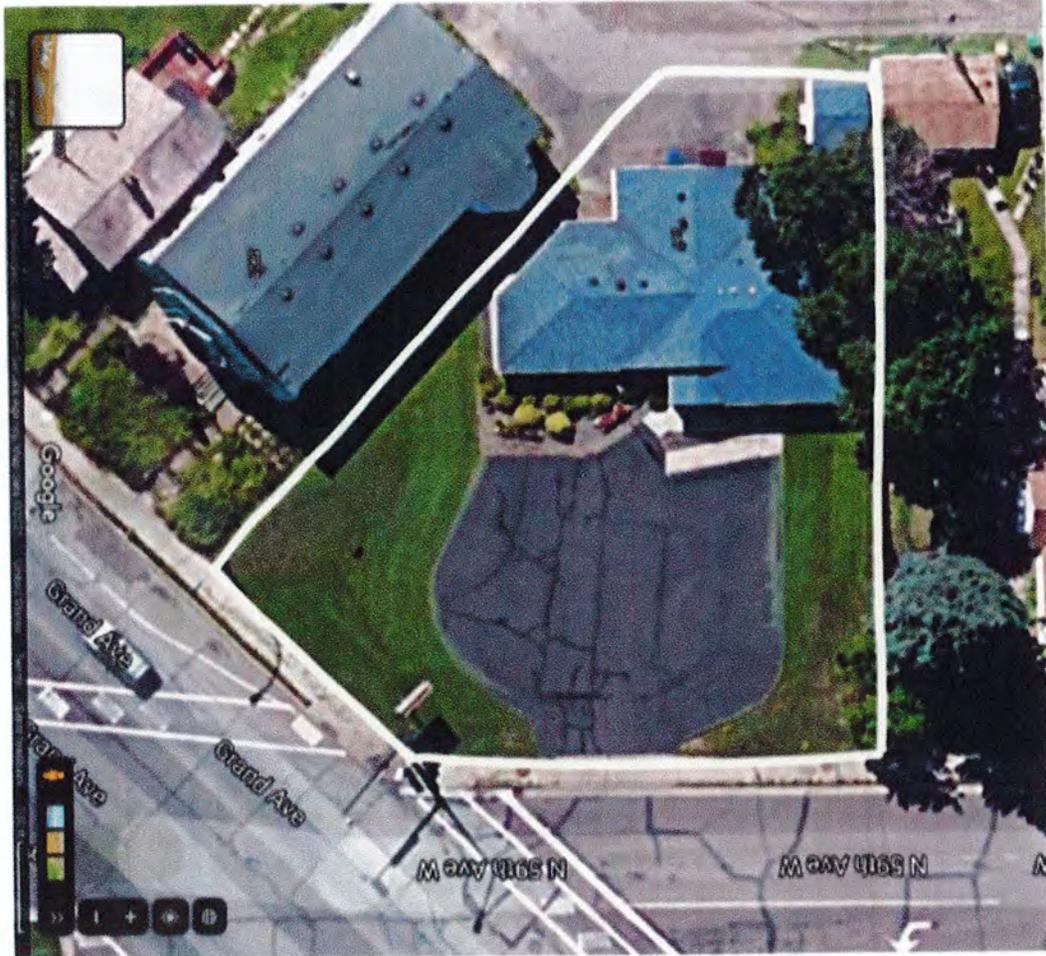
With the body art industry highly regulated by the Minnesota Department of Health, we are a licensed, clean, professional, repectful business. We provide and obtain support from every social class in Duluth. From the social elite, blue collar workers, to college students. We've built a reputation of being kind and accommodating. We are productive and willing contributors to our community, looking to help expand and flourish in the already booming west side of Duluth.

Two of our three owners currently reside in the very neighborhoods we represent with our young families, and have for nearly a decade. The studio operates a busy service quietly, producing very little waste, requiring no deliveries or pickups, with a zero tolerance for crime and drug use. Hours of operation are 11am-7pm, Monday-Saturday, being closed on all major holidays.

We hope this letter finds you in good standing and positivity.

Cordially,

The Black Label Crew

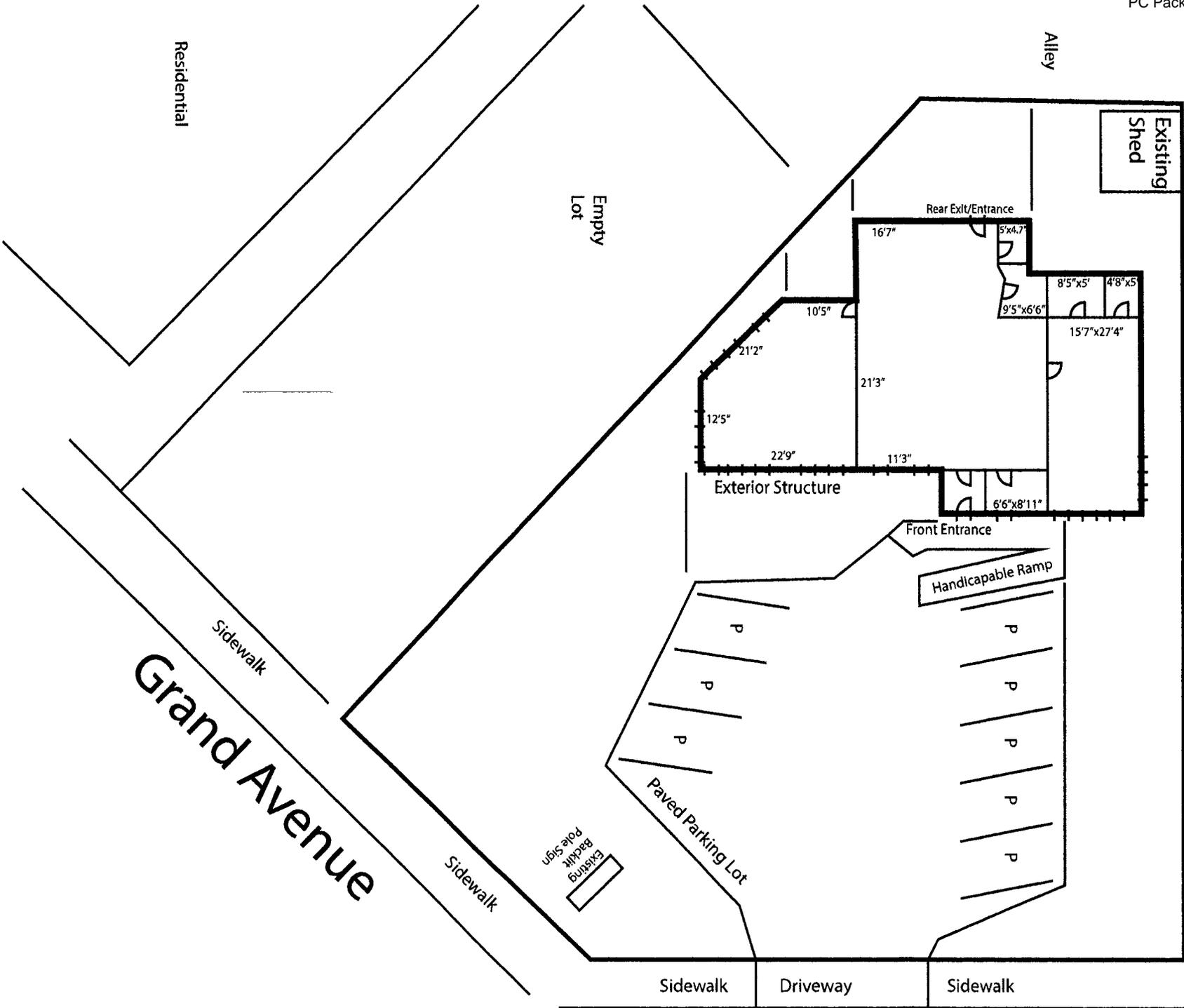


# Site Plan

Residential

- P = indicates parking space
- | = indicates windows
- ◩ = indicates doorway

Property Line



## Grand Avenue

## N 59th Ave W





**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580  
 planning@duluthmn.gov

<b>File Number</b>	PL 21-038	<b>Contact</b>	Chris Lee, clee@duluthmn.gov	
<b>Type</b>	Interim Use Permit – Vacation Dwelling Unit	<b>Planning Commission Date</b>		May 11, 2021
<b>Deadline for Action</b>	<b>Application Date</b>	March 22, 2021	<b>60 Days</b>	May 21, 2021
	<b>Date Extension Letter Mailed</b>	March 26, 2021	<b>120 Days</b>	July 20, 2021
<b>Location of Subject</b>	318 North 17 ½ Avenue West			
<b>Applicant</b>	Scott Scheirbeck, Owner	<b>Contact</b>		
<b>Agent</b>	Joann Pedersen	<b>Contact</b>		
<b>Legal Description</b>	PID # 010-1170-00040			
<b>Site Visit Date</b>	April 29, 2021	<b>Sign Notice Date</b>	April 27, 2021	
<b>Neighbor Letter Date</b>	April 27, 2021	<b>Number of Letters Sent</b>	22	

**Proposal**

Applicant proposes to use a three-bedroom home as a vacation dwelling unit. Up to 6 people will be allowed to stay in the home.

The applicant was on the waitlist for available IUPs for vacation rentals.

**Recommended Action:** Staff recommends that Planning Commission recommend approval.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-2	Residential	Traditional Neighborhood
<b>North</b>	R-2	Vacant	Traditional Neighborhood
<b>South</b>	R-2	Residential	Traditional Neighborhood
<b>East</b>	R-2	Vacant	Traditional Neighborhood
<b>West</b>	R-2	Residential	Traditional Neighborhood

**Summary of Code Requirements:**

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

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

1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location . . .;
2. The applicant agrees to sign a development agreement with the city.
3. No more than 60 permits may be issued for either vacation dwelling units or accessory vacation dwelling units. Permits issued for



**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

vacation dwelling units or accessory vacation dwelling units in any form district shall not be counted against the maximum number of permits that may be issued, 4. Except for properties within the Higher Education Overlay District as identified in 50-18.5, the minimum rental period and off-street parking requirements of 50-20.3.U and 50-20.5.M shall not apply for vacation dwelling units or accessory vacation dwelling units in form districts.

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

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

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

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

**History:** This 1,224 sf home was built in 1914 and contains 3 bedrooms.

**Review and Discussion Items:**

- 1) Applicant's property is located at 318 North 17 ½ Avenue West. The proposed vacation dwelling unit contains 3 bedrooms, which would allow for a maximum of 7 guests.
- 2) The applicant is proposing 2 off street parking spaces in the garage and driveway. No modifications to the existing paved driveway are anticipated.
- 3) The applicant has indicated there will not be a space for camper or trailer storage by VDU guests.
- 4) The applicant has indicated a deck as an outdoor amenity. The deck is screened by the existing vegetation.
- 5) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed Joann Pedersen to serve as the managing agent.
- 7) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 8) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests



**Planning & Development Division**  
*Planning & Economic Development Department*

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 411 West First Street  
 Duluth, Minnesota 55802



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planning@duluthmn.gov

on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").

9) Construction Services commented that the applicant must check with their office for Building Code requirements prior to permit approval. No other comments from citizens, City staff, or any other entity were received regarding the application.

10) At the time this report was drafted no additional comments have been received.

**Staff Recommendation:**

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

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



PL 21-028  
Interim Use Permit  
318 N 17 1/2 Ave W

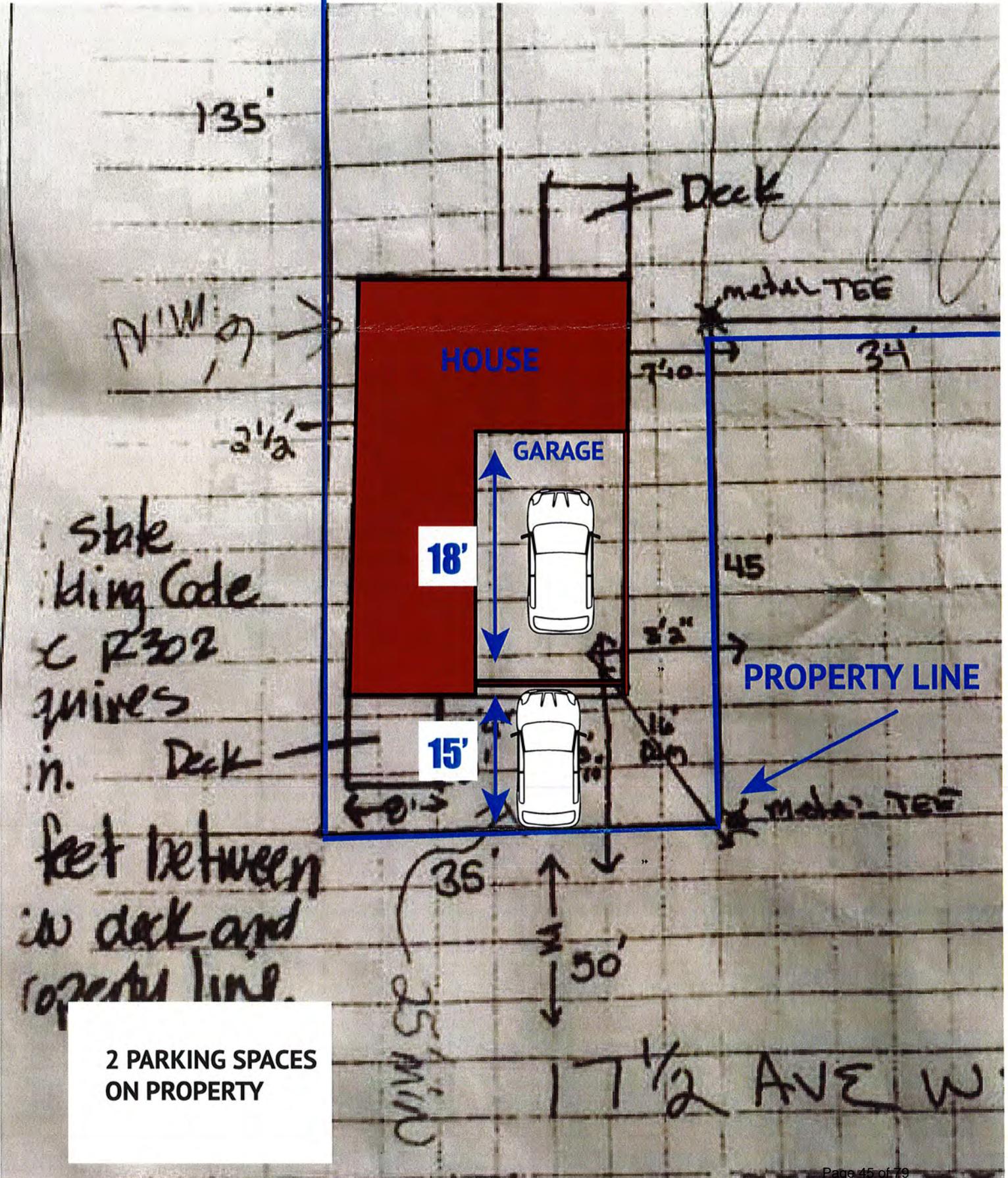
**Legend**

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



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2 PARKING SPACES  
ON PROPERTY

BUILDING INSPECTION

**APPROVED**

For Building Code Compliance  
W. Rankenburg DATE: 7/15/04  
OTHER Notes are conditions  
Compliance with 4/28/04 correction  
letter is condition of approval.

Location of house in same spot ok per Lasley, B.O. 4/10/04.  
28" wide stairway ok per Lasley 7/9/04.

**PROPERTY LINE**

45' ←  
LOT 2  
EXCEPT S. SIDE

25-14-5  
# 89304



neighbor's house



neighbor's garage

**Tree Key**

- W = White Pine
- B = Buckthorn
- H = Hackberry
- F = Balsam Fir
- S = Service Berry
- L = Lilac Bush

North arrow required  
Scale: 1" = 20 feet

Grid is 4 squares per inch  
DO NOT USE PENCIL

Site Address 318 N 17 1/2 Ave W Duluth

Owner Name *Diana Ranney*  
This site can be used for the proposed structure and the location of the property

Applicant's Signature *[Signature]*  
Date 6/14/04

Legal Description  
Required LOT 4 Meyers Rearrangement  
of Block 105 Second Division  
of Block 105 Except southern  
46 feet thereof

# 318 North 17 1/2 Ave. West

010-1170-00048



**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

<b>File Number</b>	PL 21-047	<b>Contact</b>	Kyle Deming, <a href="mailto:kdeming@duluthmn.gov">kdeming@duluthmn.gov</a>	
<b>Type</b>	Special Use Permit – Restaurant	<b>Planning Commission Date</b>	May 11, 2021	
<b>Deadline for Action</b>	<b>Application Date</b>	March 26, 2021	<b>60 Days</b>	May 25, 2021
	<b>Date Extension Letter Mailed</b>	April 30, 2021	<b>120 Days</b>	July 24, 2021
<b>Location of Subject</b>	South side of 600 block of W. Central Entrance (Mall Area)			
<b>Applicant</b>	The Parikh Network	<b>Contact</b>	Ed Baksh	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	Lot 2, Block 1, Jigsaw Division (010-2589-00020)			
<b>Site Visit Date</b>	April 30, 2021	<b>Sign Notice Date</b>	April 27, 2021	
<b>Neighbor Letter Date</b>	April 30, 2021	<b>Number of Letters Sent</b>	18	

**Proposal**

A 2,287 sq. ft. restaurant with drive-through and 24 parking spaces located in the Jigsaw Division.

**Recommended Action:** Approve with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	F-6 Mid-Rise Neighborhood Shopping	Vacant commercial	Neighborhood Mixed Use
<b>North</b>	MU-N and R-1	Apartment Building	Neighborhood Mixed Use
<b>South</b>	F-6 Mid-Rise Neighborhood Shopping	Commercial	Neighborhood Mixed Use
<b>East</b>	F-6 Mid-Rise Neighborhood Shopping	Apartments	Neighborhood Mixed Use
<b>West</b>	MU-N	Parking lot	Neighborhood Mixed Use

**Summary of Code Requirements**

Sec. 50-37.10 – Special Use Permits: Planning Commission shall approve the application or approve it with modifications, if it is determined that the application meets the following criteria:

1. The application is consistent with the Comprehensive Land Use Plan;
2. The application complies with all applicable provisions of this Chapter; including without 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.

**Sec. 50-20.3.Q – Restaurant Use Specific Standards.**

1. In the R-2 and MU-N district, no use shall exceed 5,000 sq. ft. in gross floor area;
2. Drive-ins and drive-throughs for restaurants are only allowed in the MU-N, MU-C, MU-B, MU-P, F-2, F-3, F-4, and F-5 zone districts zone districts;
3. Drive-through lanes shall allow for stacking space for 5 cars;
4. When in the MU-N district, the following additional standards apply: (a) The speaker box and drive-through window must be at least 50 feet from any property line containing a residential structure; (b) Drive-through may not open before 7:00 a.m. or after 10:00 p.m. during the weekday, or before 8:00 a.m. or after 10:00 p.m. on the weekend. Drive-through may be open at 6:00 a.m. during the weekday or at 7:00 a.m. on the weekend only if all speaker boxes and drive through windows are at least 125 feet from any residential structure, or open until 11:00 pm on Friday and Saturday if all speaker boxes and drive-through windows are at least 250 feet from any residential structure, excluding any residential use or structure on the same property or within the same development; (c) Glare and noise from cars in the drive-through lane and stacking space shall be shielded from adjacent residential properties through the use of screening, fencing, and/or a dense urban screen; (d) The land use supervisor may require that the drive-through be located on the opposite side of the building from a residential use or that a masonry sound wall be constructed; (e) Restaurants are limited to one drive through lane and one speaker box;

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

Governing Principle #8 – Encourage mix of activities, uses, and densities. Project is the first in a mixed commercial development with retail and restaurants and possibly a car wash.

Governing Principle #9 – Support private actions that contribute to the public realm. – Project will extend 350 feet of sidewalk along Anderson Rd. from Central Entrance to the project’s entrance.

Zoning –Mixed Use-Neighborhood (MU-N) - a mix of neighborhood-scale, neighborhood serving non-residential uses and a range of residential uses located in close proximity. Non-residential uses may include small-scale retail, service and professional offices that provide goods and services to the residents of the surrounding neighborhood.

Future Land Use – Neighborhood Mixed Use - A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live -work spaces. May include limited commercial-only space oriented to neighborhood or specialty retail markets. Site design should maintain a largely residential building character. Commercial-only uses should be adjacent to non-residential or other mixed-use areas.

**History:**

1. Site was zoned R-1 prior to 2012 when it was rezoned MU-N in implementation of the Central Entrance Small Area Plan that was adopted by City Council in 2009.
2. The site is part of the 3.5-acre Jigsaw Division plat that was approved by the Planning Commission 10/9/2018.
3. A 1950s era home on the site was removed in 2020.

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

1. The proposed restaurant is the first building to be built in the Jigsaw Division. The applicant is the leaseholder of 0.73 acres of land to be developed with driveways onto Central Entrance and Anderson Rd., sidewalk from Anderson Rd., a storm water pond to support the 3.5-acre Jigsaw Division. The developer of the Jigsaw Division (Launch Properties) has provided a “preliminary site plan” to show in red hatch what would be developed with the restaurant project. Staff recommends Launch Properties clarify storm water facilities to be developed as well as a complete pedestrian pathway from Anderson Rd. to the restaurant.
2. Applicant is proposing a 2,287 sq. ft. restaurant with a drive through window that has 2 lanes for ordering. There is room for 6 vehicles to cue up at the menu/ordering station, which complies with UDC requirements of space for 5 vehicles to cue up. Applicant will need to modify the site plan to comply with UDC requirements limiting to a single drive through lane and speaker box.

3. The drive through may be open from 6 a.m. until 10 p.m. on weekdays and 7 a.m. until 11 p.m. on weekends since the speaker box is more than 250 feet from a residential structure. No screening is required for vehicles using the drive through due to its location away from residential properties.
4. The Woolpert site plan shows 24 parking spaces and the Launch Properties preliminary site plan shows 28 spaces. The maximum allowed (150% of minimum) is 22 spaces. Therefore, staff recommends a condition of approval be the applicant reduce parking to 22 spaces.
5. One or more of the landscape islands appear to be less than 8 feet wide on both the Woolpert and Launch Properties site plans. Therefore, staff recommends a condition that they be increased to at least the minimum width to allow space for the root systems of trees planted.
6. The landscape plan submitted matches the Woolpert site plan, but does not match the Launch Properties preliminary site plan. Applicant must submit a landscape plan that matches the selected site plan and that it shows calculation of the required 30% tree canopy coverage.
7. HVAC mechanical units are not shown and will need to be screened from view, which will need to be verified at time of building permit application.
8. Trash screening is provided on both site plans and materials used will need to be verified for compliance at time of building permit. The location should be at the end of a drive aisle to facilitate access by the trash hauler.
9. A fence and retaining wall are shown on the site plan and their height and materials will need to be verified at time of building permit.
10. No pole or monument signs are shown on site. Because this is a commercial multi-tenant development, a master sign plan will need to be approved by the Planning Commission before building and free-standing sign permits can be issued.
11. Sustainability and building design standards do not apply due to the size of the structure.
12. The submitted photometrics plan shows compliance with Sec. 50-31. However, due to the reconfiguration of the parking lot shown in the Launch Properties site plan, a revised photometric plan will be needed.

### **Staff Recommendation**

Based on the above findings, staff recommends that Planning Commission adopt the findings of fact in the staff report and approve the special use permit with the following conditions:

- 1) The project be limited, constructed, and maintained consistent with plans titled "Site Improvements – Proposed Restaurant" by Woolpert, dated 3/23/2021, including Sheet C200 – Site Plan, Sheet C300 – Preliminary Grading Plan, Sheet C500 – Landscape Plan, and Sheet C700 – Photometrics Plan and their amendments as approved by the Land Use Supervisor and City Engineer as listed below.
- 2) Applicant provide details about site access for pedestrians to the Land Use Supervisor who will verify they are sufficient to for safe access by users.
- 3) Applicant provide details about construction of storm water facilities sufficient to meet City requirements as verified by the City Engineer.
- 4) Reduce the number of drive through speaker boxes to and ordering lanes to 1.
- 5) Reduce the number of vehicle parking spaces to 22.
- 6) Applicant provide a landscape plan based on the final site plan that shows landscape islands a minimum width of 8 feet and tree cover to meet the 30% parking lot coverage requirement.
- 7) Relocate trash enclosure to line up with a drive aisle to facilitate access by the trash hauler and provide details about the construction materials.
- 8) Developer submit a master sign plan for building and free-standing signs to the Planning Commission for approval before sign permits can be issued.
- 9) Provide a revised photometric plan that matches the approved site plan.
- 10) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PL 21-047  
 600 Block of  
 W. Central Entrance  
 Special Use Permit -  
 Restaurant in MU-N



**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.

DESCRIPTION OF PROPERTY SURVEYED

(Per Petition and Directive Doc. No. 1014358.0)

Lots 1 & 2, Block 1, JIGSAW, according to the recorded plat thereof, St. Louis County, Minnesota.

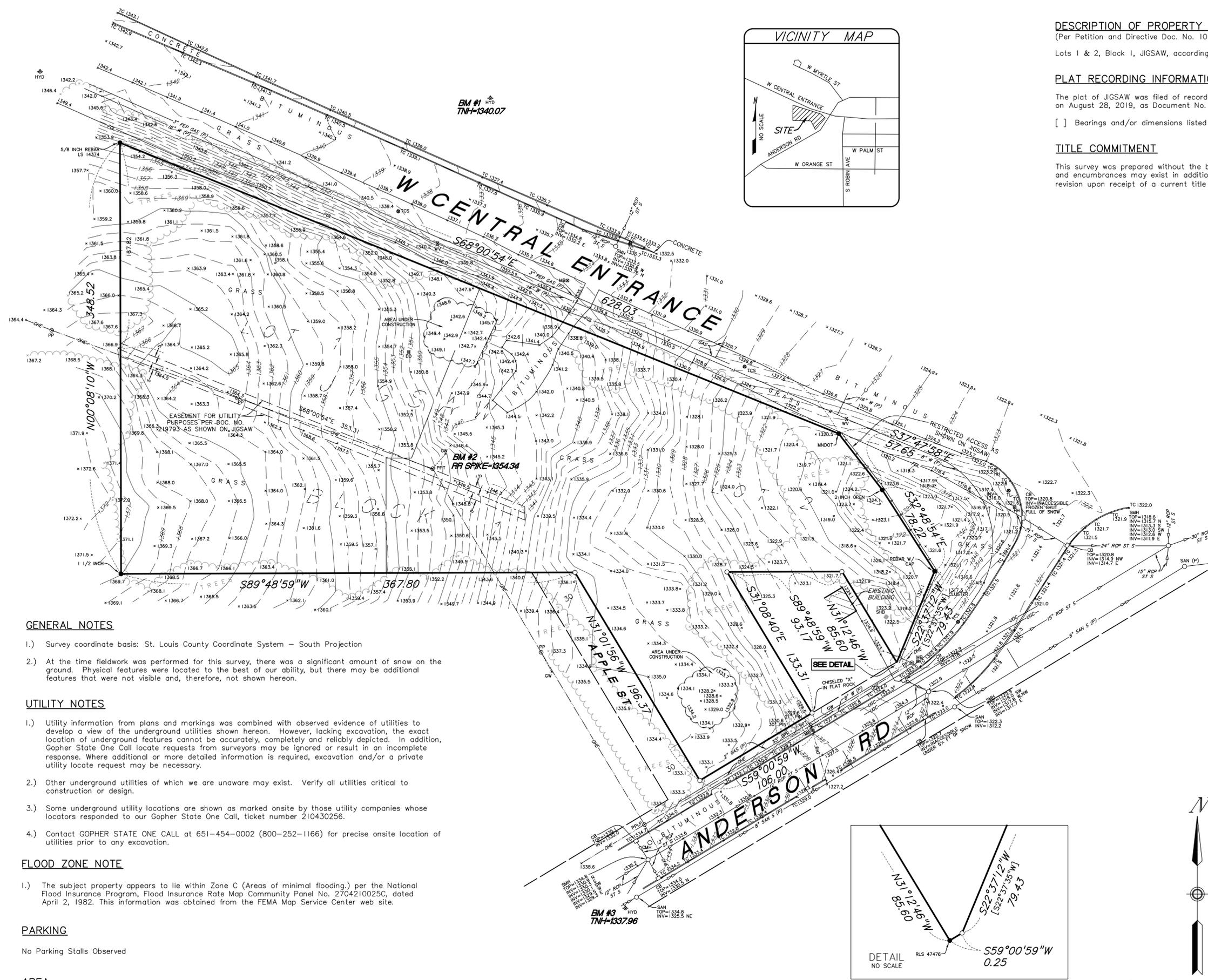
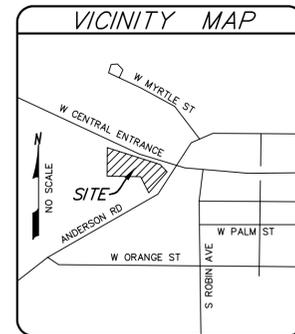
PLAT RECORDING INFORMATION

The plat of JIGSAW was filed of record in the office of the St. Louis County Registrar of Titles on August 28, 2019, as Document No. 1014357.

[ ] Bearings and/or dimensions listed within brackets are per plat or record documents.

TITLE COMMITMENT

This survey was prepared without the benefit of current title work. Easements, appurtenances, and encumbrances may exist in addition to those shown hereon. This survey is subject to revision upon receipt of a current title insurance commitment or attorney's title opinion.



LEGEND

- List of symbols and abbreviations: O Denotes iron monument set marked with P.L.S. No. 44890, unless otherwise noted; ● Denotes found iron monument; AIS Denotes advertisement/information sign; CB Denotes catch basin; CMH Denotes communication manhole; EO Denotes electrical outlet; FOL Denotes fiber optic line; GW Denotes guy wire; HH Denotes hand hole; HYD Denotes fire hydrant; INV Denotes structure invert; MB Denotes mailbox; OHE Denotes overhead electric line; (P) Denotes per plan; PEP Denotes polyethylene pipe; PP Denotes power pole; PPLP Denotes power and light pole; PPT Denotes power pole with transformer; RCP Denotes reinforced concrete pipe; SAN Denotes sanitary manhole; SAN S Denotes sanitary sewer; SMH Denotes storm manhole; ST S Denotes storm sewer; STC Denotes top of surmountable curb; TC Denotes top of concrete curb; TCS Denotes traffic control sign; TL Denotes traffic light; UGC Denotes underground communication line; W Denotes water line; WW Denotes water valve; PIN Denotes Pine tree; SHB Denotes shrub; SPR Denotes Spruce tree

BENCHMARKS (BM) (NAVD 88)

- 1.) Top of top nut of fire hydrant north side of Hwy. 194, 60% foot south of Members Credit Union Elevation = 1340.07 feet
2.) Top of railroad spike in east face of power pole, center of site Elevation = 1354.34 feet
3.) Top of top nut of fire hydrant south side of Anderson Road, across from house #501 Elevation = 1337.96 feet

GENERAL NOTES

- 1.) Survey coordinate basis: St. Louis County Coordinate System - South Projection
2.) At the time fieldwork was performed for this survey, there was a significant amount of snow on the ground. Physical features were located to the best of our ability, but there may be additional features that were not visible and, therefore, not shown hereon.

UTILITY NOTES

- 1.) Utility information from plans and markings was combined with observed evidence of utilities to develop a view of the underground utilities shown hereon. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. In addition, Gopher State One Call locate requests from surveyors may be ignored or result in an incomplete response. Where additional or more detailed information is required, excavation and/or a private utility locate request may be necessary.
2.) Other underground utilities of which we are unaware may exist. Verify all utilities critical to construction or design.
3.) Some underground utility locations are shown as marked onsite by those utility companies whose locators responded to our Gopher State One Call, ticket number 210430256.
4.) Contact GOPHER STATE ONE CALL at 651-454-0002 (800-252-1166) for precise onsite location of utilities prior to any excavation.

FLOOD ZONE NOTE

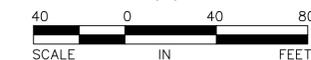
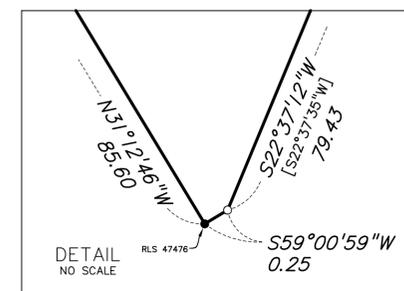
- 1.) The subject property appears to lie within Zone C (Areas of minimal flooding) per the National Flood Insurance Program, Flood Insurance Rate Map Community Panel No. 2704210025C, dated April 2, 1982. This information was obtained from the FEMA Map Service Center web site.

PARKING

No Parking Stalls Observed

AREA

Gross = 158,563 square feet or 3.640 acres



Revision table and drawing title block for SUNDE LAND SURVEYING, LLC. Drawing Title: BOUNDARY, LOCATION, TOPOGRAPHIC and UTILITY SURVEY FOR: WOOLPERT INC. 411 ANDERSON ROAD, DULUTH, MN. Project: 2021-018, Date: 03/03/2021, Sheet: 1 of 1.

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. Dated this 3rd day of March, 2021. SUNDE LAND SURVEYING, LLC. By: Leonard F. Carlson, P.L.S. Minn. Lic. No. 44890

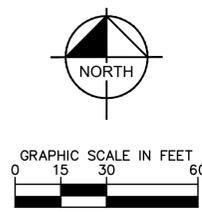
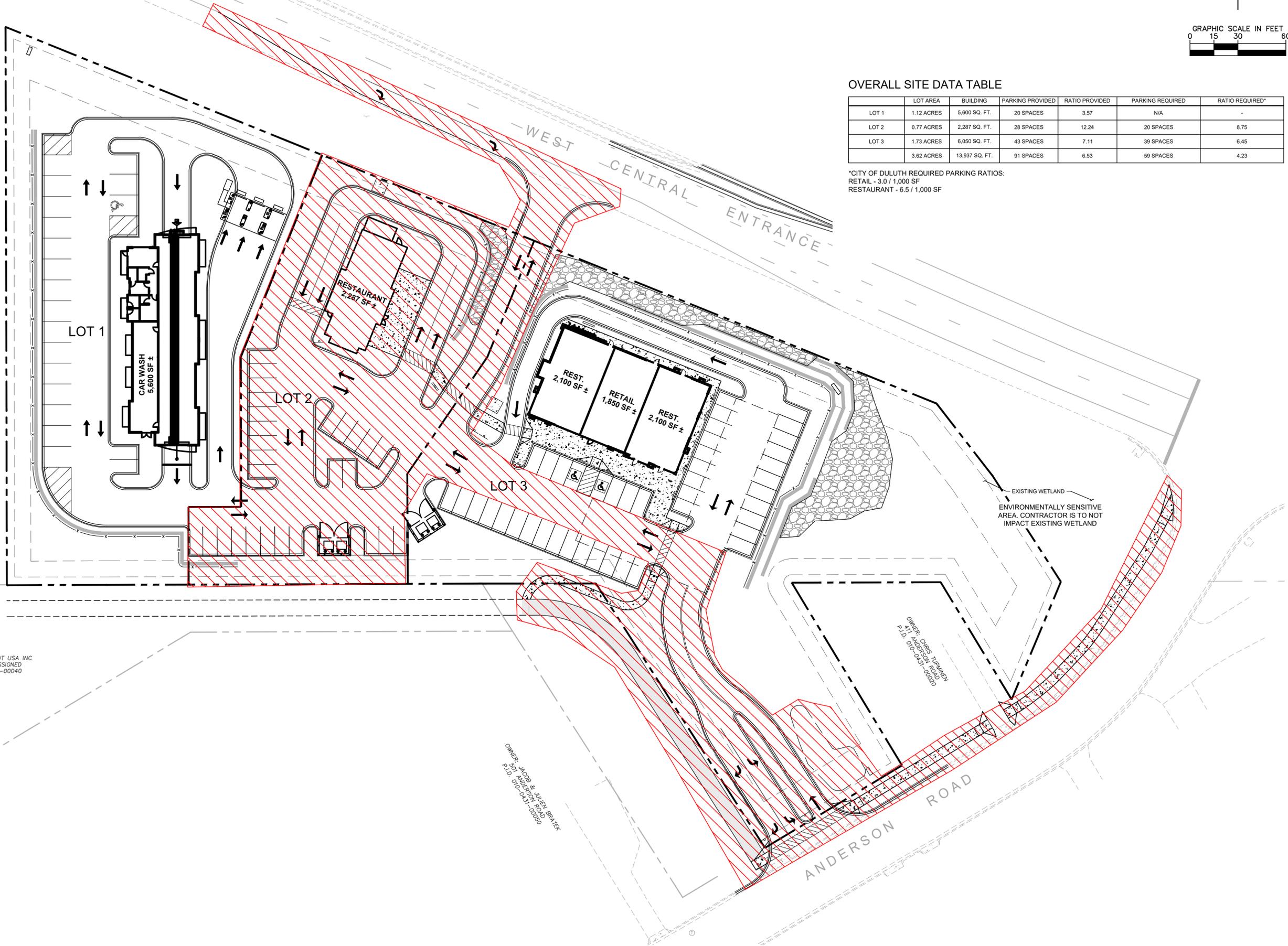
This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

OWNER: DONALD G ELLISON  
714 UNIVERSITY AVENUE  
P.O. BOX 100  
P.I.D. 010-2710-06870

OWNER: HOME DEPOT USA INC  
ADDRESS UN-ASSIGNED  
P.I.D. 010-2252-00040

OWNER: JACOB & JULIA BRATEX  
501 ANDERSON ROAD  
P.I.D. 010-2431-00020

OWNER: CHRIS TUJUNEN  
411 ANDERSON ROAD  
P.I.D. 010-2431-00020



OVERALL SITE DATA TABLE

LOT	LOT AREA	BUILDING	PARKING PROVIDED	RATIO PROVIDED	PARKING REQUIRED	RATIO REQUIRED*
LOT 1	1.12 ACRES	5,600 SQ. FT.	20 SPACES	3.57	N/A	-
LOT 2	0.77 ACRES	2,287 SQ. FT.	28 SPACES	12.24	20 SPACES	8.75
LOT 3	1.73 ACRES	6,050 SQ. FT.	43 SPACES	7.11	39 SPACES	6.45
	3.62 ACRES	13,937 SQ. FT.	91 SPACES	6.53	59 SPACES	4.23

\*CITY OF DULUTH REQUIRED PARKING RATIOS:  
RETAIL - 3.0 / 1,000 SF  
RESTAURANT - 6.5 / 1,000 SF

PRELIMINARY - NOT FOR CONSTRUCTION

JIGSAW SITE  
LAUNCH PROPERTIES  
DULUTH, MN

PRELIMINARY  
SITE PLAN

SHEET NUMBER  
EX-1

KHA PROJECT	XXXXXX
DATE	04/19/2021
SCALE	AS SHOWN
DESIGNED BY	BMW
DRAWN BY	LEC
CHECKED BY	WDM

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

BRIAN M. WURDEMAN  
MN LIC. NO. XXXXX  
DATE: XX-XX-XX

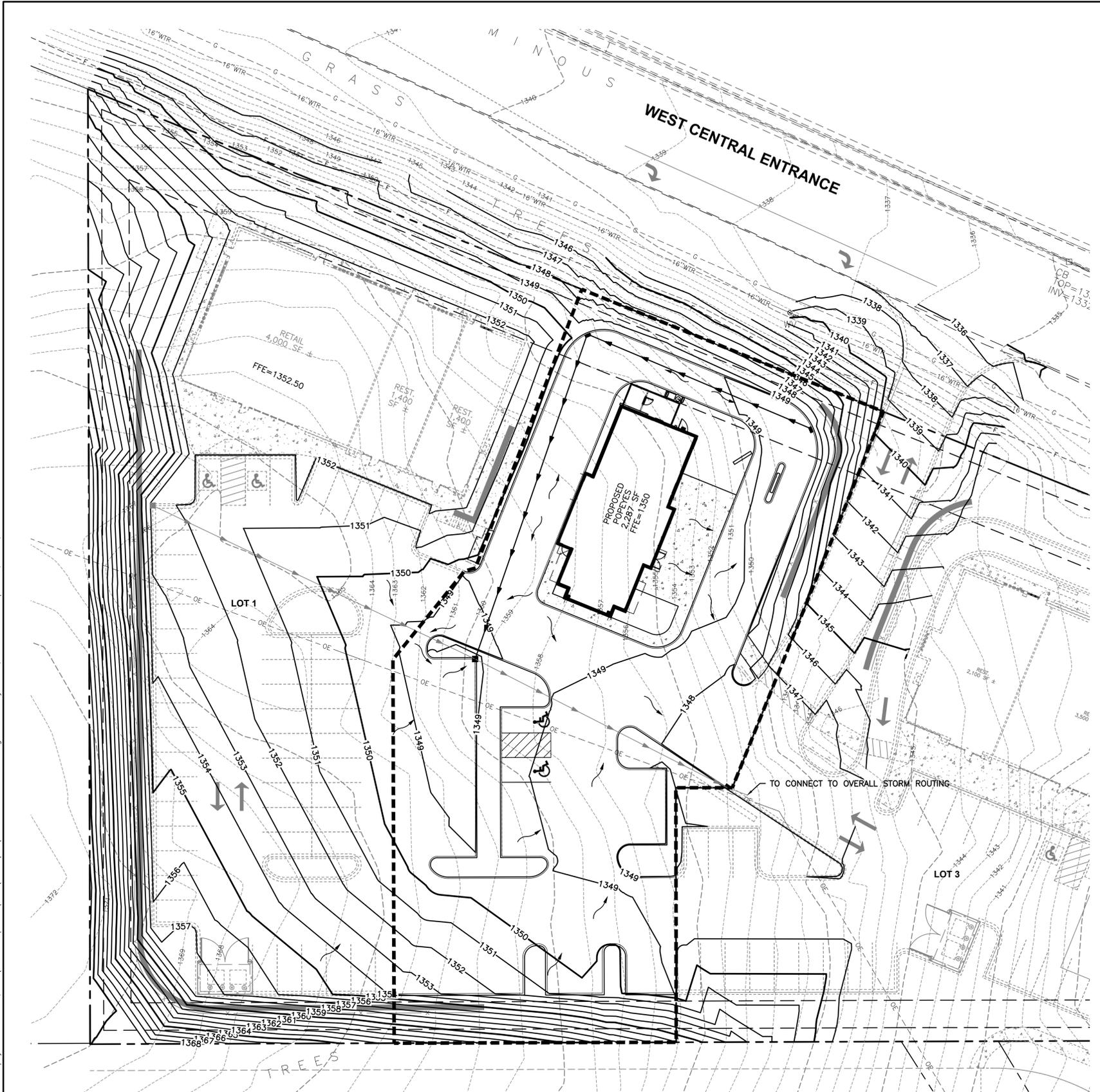
**Kimley»Horn**

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2550 UNIVERSITY AVENUE WEST, SUITE 238N, ST. PAUL, MN 55114  
PHONE: 651-645-4197  
WWW.KIMLEY-HORN.COM

No.	REVISIONS	DATE	BY



Layout Tab Name: C300 PRELIMINARY GRADING PLAN, Images: . Xrefs: 081205-P.dwg; 081205-TBLK.dwg; 081205-X.dwg  
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### GRADING LEGEND

- EXISTING BOUNDARY
- PROPOSED BOUNDARY
- EXISTING 1' CONTOUR
- EXISTING 5' CONTOUR
- PROPOSED 1' CONTOUR
- PROPOSED 5' CONTOUR
- PROPOSED STORM DRAIN
- CENTERLINE DRAINAGE SWALE
- CONSTRUCTION LIMITS
- DIRECTION OF FLOW
- OVERLAND FLOW ROUTE
- PROPOSED CATCH BASIN
- PROPOSED CURB INLET
- PROPOSED STORM MANHOLE
- PROPOSED FLARED END SECTION
- PROPOSED CLEANOUT
- BENCHMARK
- POSITIVE SLOPED CURB
- NEGATIVE SLOPED CURB
- INDICATES DETAIL LOCATION (DETAIL NUMBER/DETAIL SHEET)
- PROPOSED STORM STRUCTURE CALLOUT

### PROPOSED ELEVATIONS LEGEND

- ELEVATION AT TOP OF CURB
- ELEVATION AT FLOW LINE
- ELEVATION AT TOP OF PAVEMENT
- ELEVATION AT GRADE
- ELEVATION AT TOP OF SLAB
- ELEVATION AT TOP OF WALK
- TOP OF CASTING (RIM OR FLOW LINE) ELEVATION
- ELEVATION TO MATCH EXISTING GRADE

### EXISTING ELEVATIONS LEGEND

- TOP OF CASTING (RIM OR FLOW LINE) ELEVATION
- SPOT ELEVATION



No.	DATE	REVISION

PROJECT No: 081205  
DATE 03/23/21  
DES. JC  
DR. JC  
CKD. TR

1815 South Meyers Road  
Suite 950  
Oakbrook Terrace, IL 60181  
630.424.9080  
FAX: 630.495.3731

**WOOLPERT**  
ARCHITECTURAL ENGINEERING (INCORPORATED)

**SITE IMPROVEMENT PLANS**  
**PROPOSED RESTAURANT**  
SW CORNER OF ANDERSON ROAD & WEST CENTRAL ENTRANCE  
DULUTH, MN 55811

**PRELIMINARY GRADING PLAN**

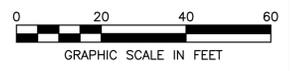
SHEET NO.  
**C300**

### BENCHMARK:

MINNESOTA DEPARTMENT OF TRANSPORTATION GEODETIC MONUMENT  
"6915 B RESET" (GSID #27366)  
ELEVATION = 1336.08 FEET. (NAVD88)



Know what's below.  
Call before you dig.

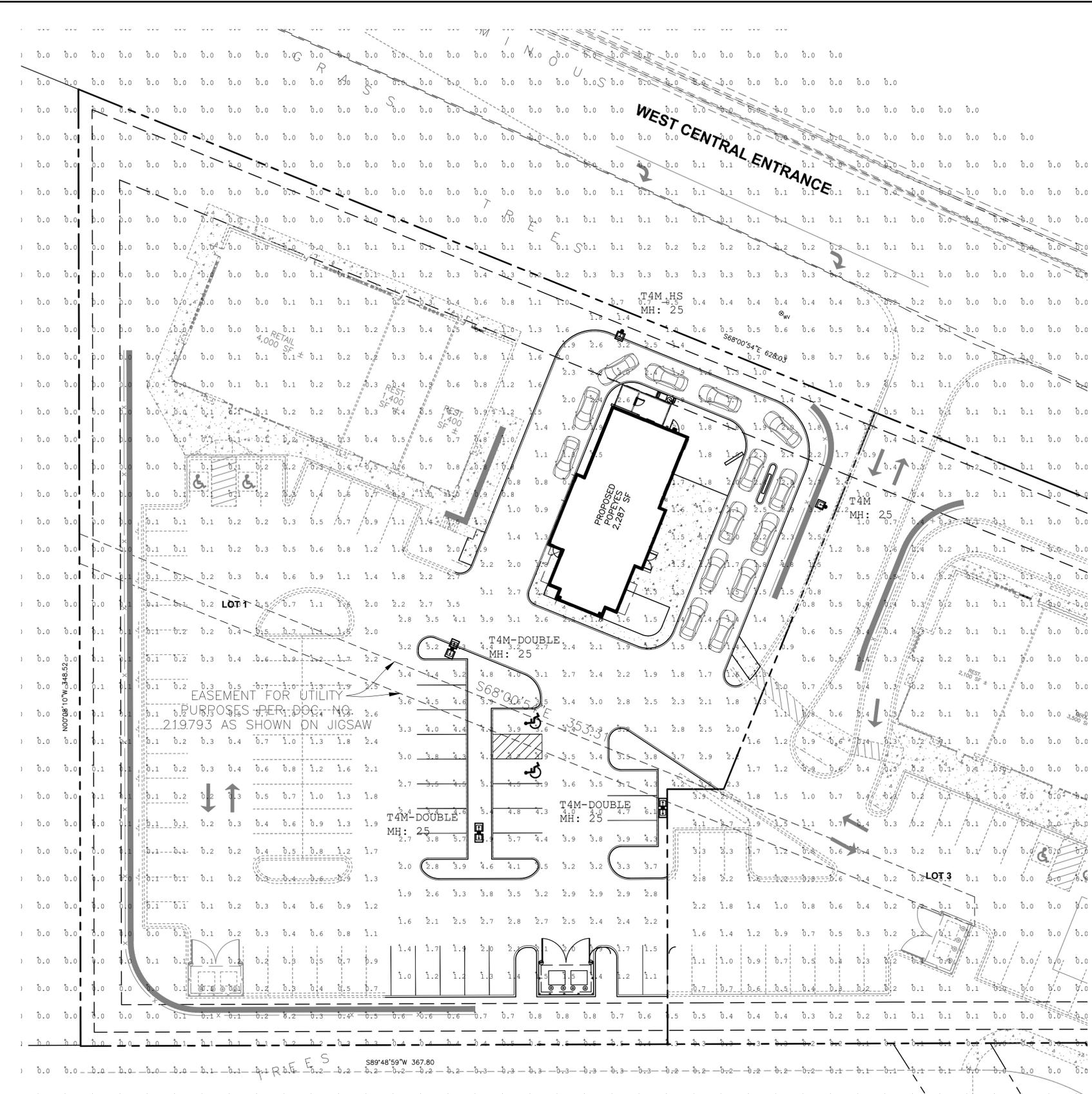


THE EXISTING CONDITIONS SHOWN ARE BASED UPON A SURVEY PREPARED BY EGAN, FIELD & NOWAK, INC. AND DATED JANUARY 31, 2018.

GRADING IS PRELIMINARY AND SUBJECT TO CHANGE BASED ON OVERALL DEVELOPMENT DESIGN.



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Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Max/Min	
OFFSITE	Illuminance	Fc	0.10	4.1	0.0	N.A.	
SITE	Illuminance	Fc	2.60	6.9	0.8	8.63	

Luminaire Schedule						
Symbol	Qty	Arrangement	LLF	Description	Lum. Watts	
□	1	SINGLE	1.000	DSX1 LED P4 40K T4M MVOLT	125	
□	1	SINGLE	1.000	DSX1 LED P4 40K T4M MVOLT HS	125	
□	3	BACK-BACK	1.000	DSX1 LED P4 40K T4M MVOLT	125	

MOUNTING HEIGHT (MH) VARIES. SEE FIXTURE LABEL ON PLAN.  
 HORIZONTAL MEASUREMENTS TAKEN ALONG A HORIZONTAL PLANE AT GRADE.



**d-series**

**Specifications**

EPA: 1,011 (800lm)

Length: 33" (838mm)

Width: 13" (330mm)

Height H1: 7-1/2" (190mm)

Height H2: 3-1/2" (89mm)

Weight (max): 27 lbs (12kg)

**D-Series Size 1 LED Area Luminaire**

Introduction

The modern styling of the D-Series is striking yet unobtrusive - making a bold, progressive statement even as it blends seamlessly with its environment. The D-Series distills the benefits of the latest in LED technology into a high performance, high efficacy, long-life luminaire.

The outstanding photometric performance results in sites with excellent uniformity, greater pole spacing and lower power density. It is ideal for replacing up to 750W metal halide in pedestrian and area lighting applications with typical energy savings of 65% and expected service life of over 100,000 hours.

Ordering Information		EXAMPLE: DSX1 LED P7 40K T3M MVOLT SPA NLTAIR2 PIRHN DDBXD				
Series	LEDs	Color temperature	Distinction	Voltage	Mounting	
DSX1 LED	Forward optics P1 P4 P7 P2 P5 P8 P3 P6 P9	30K 3000K 40K 4000K 50K 5000K	T15 Type I short (Automotive) T25 Type II short T3M Type II medium T35 Type II short T4M Type IV medium TFM Forward throw medium	TSVS Type V very short <sup>1</sup> TSS Type V short <sup>1</sup> TSM Type V medium <sup>1</sup> TSW Type V wide <sup>1</sup> BLC Backlight control <sup>1</sup> LCCO Left corner cutoff <sup>1</sup> RCCO Right corner cutoff <sup>1</sup>	MVOLT <sup>1</sup> 120V 208V 240V <sup>1</sup> 277V <sup>1</sup> 347V <sup>1</sup> 480V <sup>1</sup>	Shipped included SPA Square pole mounting RPA Round pole mounting <sup>2</sup> WBA Wall bracket <sup>1</sup> SPUBA Square pole universal mounting adapter <sup>1</sup> RPUUBA Round pole universal mounting adapter <sup>1</sup> KMA8 DDBXD U Mast arm mounting bracket adapter (specify finish) <sup>1</sup>
Control options		Other options		Finish options		
Shipped installed NLTAIR2 Night All generation 2 enabled <sup>10</sup> PIRHN Network, high flow motion/ambient sensor <sup>11</sup> PER Network wide lock receptacle only (controls ordered separately) <sup>12</sup> PER5 Five-pin receptacle only (controls ordered separately) <sup>13</sup> PER7 Seven-pin receptacle only (controls ordered separately) <sup>14</sup> DMG 0-10v dimming wires pulled outside fixture (for use with an external control, ordered separately) <sup>15</sup> DS Dual switching <sup>16</sup>		PIR High flow, motion/ambient sensor 8-15' mounting height, ambient sensor enabled at 5L <sup>17</sup> PIRHN High flow, motion/ambient sensor 15-30' mounting height, ambient sensor enabled at 5L <sup>17</sup> PIRHCW High flow, motion/ambient sensor 8-15' mounting height, ambient sensor enabled at 5L <sup>17</sup> PIRHNCSW Bi-level, motion/ambient sensor, 15-30' mounting height, ambient sensor enabled at 5L <sup>17</sup> FAO Field adjustable output <sup>18</sup>		Shipped installed DDBXD Dark bronze HS House-side shield <sup>19</sup> SF Single face (125, 277, 347V) <sup>1</sup> DF Double face (240, 240, 480V) <sup>1</sup> LRO Left rotated optics <sup>1</sup> DDBXD Textured dark bronze RRO Right rotated optics <sup>1</sup> HA 50°C ambient sensor <sup>1</sup> Shipped separately BS Bird spike <sup>20</sup> EGS External glare shield		

LITHONIA LIGHTING COMMERCIAL OUTDOOR One Lithonia Way • Conyers, Georgia 30012 • Phone: 1-800-705-SERV (7378) • www.lithonia.com © 2011-2020 Acuity Brands Lighting, Inc. All rights reserved. DSX1-LED Rev. 07/20/20 Page 1 of 8

**BENCHMARK:**  
 MINNESOTA DEPARTMENT OF TRANSPORTATION GEODETIC MONUMENT  
 "6915 B RESET" (GSD #27366)  
 ELEVATION = 1336.08 FEET. (NAVD88)



REVISION

No.	DATE	DESCRIPTION

PROJECT No: 081205  
 DATE: 03/23/21  
 DES. BY: DH  
 DR. BY: DH  
 CKD. BY: TR

1815 South Meyers Road  
 Suite 950  
 Oakbrook Terrace, IL 60181  
 630.424.9080  
 FAX: 630.495.3731

SITE IMPROVEMENT PLANS  
 PROPOSED RESTAURANT

SW CORNER OF ANDERSON ROAD & WEST CENTRAL ENTRANCE  
 DULUTH, MN 55811

PHOTOMETRICS PLAN

SHEET NO.

C700



**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

<b>File Number</b>	PL 21-053	<b>Contact</b>	Chris Lee, cleee@duluthmn.gov	
<b>Type</b>	Variance – rear yard setbacks	<b>Planning Commission Date</b>	May 11, 2021	
<b>Deadline for Action</b>	<b>Application Date</b>	April 12, 2021	<b>60 Days</b>	June 10, 2021
	<b>Date Extension Letter Mailed</b>	April 20, 2021	<b>120 Days</b>	August 9, 2021
<b>Location of Subject</b>	3034 Bald Eagle Circle			
<b>Applicant</b>	Nick Patterson, owner	<b>Contact</b>	3034 Bald Eagle Circle, Duluth, MN	
<b>Agent</b>	NA	<b>Contact</b>	NA	
<b>Legal Description</b>	See attached exhibits			
<b>Site Visit Date</b>	April 29, 2021	<b>Sign Notice Date</b>	April 27, 2021	
<b>Neighbor Letter Date</b>	April 27, 2021	<b>Number of Letters Sent</b>	16	

#### Proposal

Applicant is requesting a variance to add a deck to the rear of the home. The deck will encroach no more than 15 feet into the rear yard reducing the rear yard setback from 25 feet to 10 feet.

**Recommended Action:** Approval with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Residential	Traditional Neighborhood
<b>North</b>	R-1	Residential	Traditional Neighborhood
<b>South</b>	R-1	Residential	Traditional Neighborhood
<b>East</b>	P-1	Amity Park	Open Space
<b>West</b>	R-1	Residential	Traditional Neighborhood

#### Summary of Code Requirements

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

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

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

Governing Principle #5 – Promote reinvestment in neighborhoods. This variance would allow for the construction of a deck and egress to the rear of the home.

Housing Policy #4 – Improve the quality of the city's housing stock and neighborhoods. The variance would allow the home owner to make improvements to increase the value of their home.

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..... Includes many of Duluth's older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas.

History: The current parcel contains a 1,624 square foot single-family residence built in 2019.

**Review and Discussion Items**

1. Applicant is requesting a variance to construct a deck off the rear second floor of the home. The deck will be 22' by 15' and include stairs to reach the ground.
2. The home currently has a ledger board that was built into the second floor at the time of construction but the deck remained unbuilt after the home was built to meet the front and rear yard setbacks. The proposal would not negatively impact any adjacent properties, nor negatively impact or modify in any way the essential character of the neighborhood. Neighboring properties all have decks in the rear yard.
3. The applicant states that the current house, when built, was situated on the parcel in a manner so it could meet all the setbacks and still match the rest of the houses on the block face. The applicant also expresses a need for 2<sup>nd</sup> floor egress, which the deck would provide.
4. The applicant is proposing to use the property in a reasonable manner by adding a deck and egress from the upper floor.
5. The applicant's practical difficulty was not created by the landowner but rather is due to the size of the lot and the setback requirements of the UDC. The variance will not alter the essential character of the neighborhood as the proposed addition will resemble similar remodels and alterations to other homes in the area.
6. No public, agency, or other City comments were received.
7. Per UDC Section 50-37.1.N., approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year.

**Staff Recommendation**

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

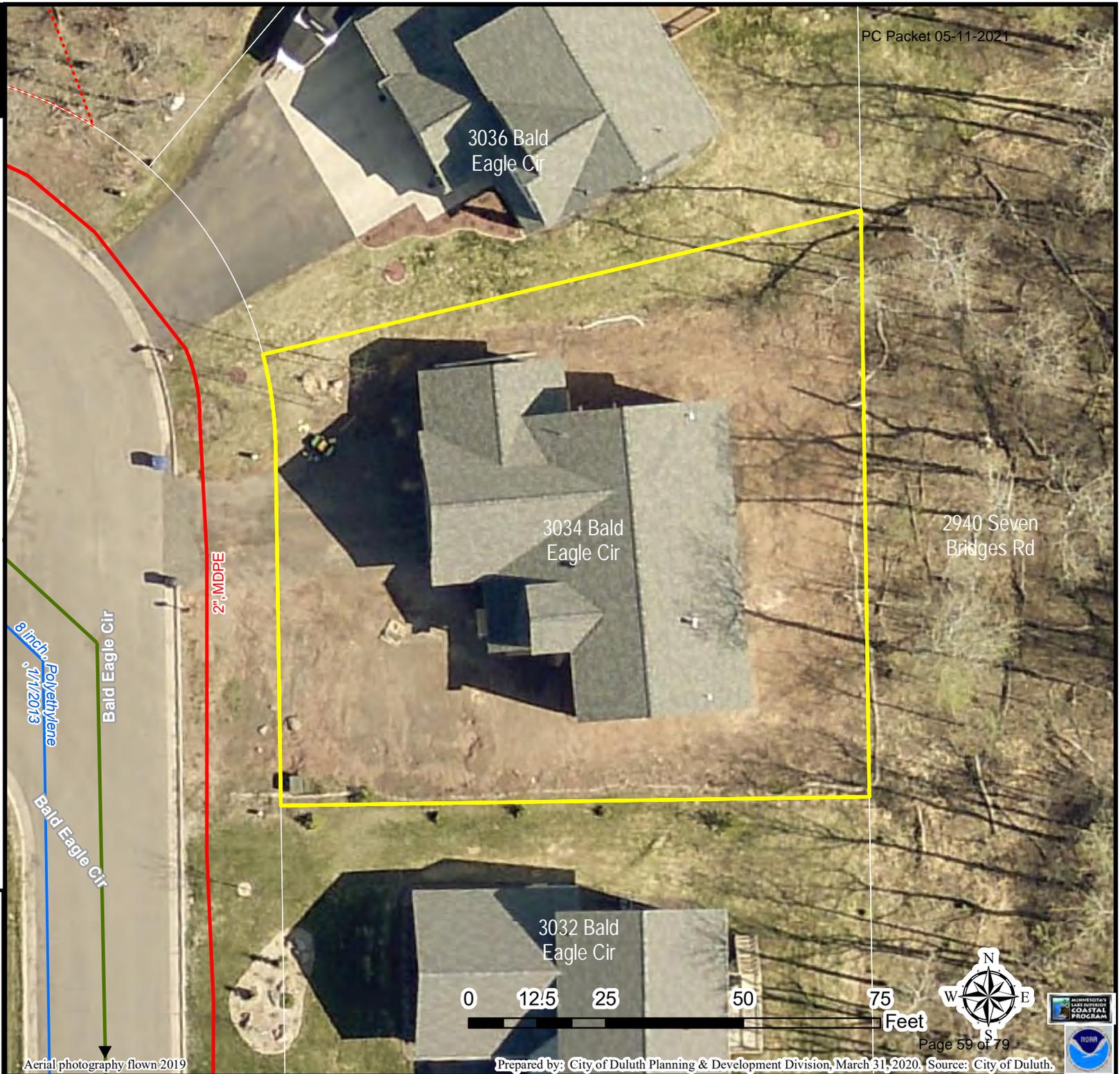
- 1) The second-floor addition, be limited to, constructed, and maintained according to the site plan submitted on April 12, 2021; and
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PL 21-053  
Variance  
3034 Bald Eagle Cir.

**Legend**

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains
  - CITY OF DULUTH
  - WLS&D; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains
  - Storm Sewer Pipe
  - Storm Sewer Catch Basin
- Vacated ROW
- Easement Type**
  - Utility Easement
  - Other Easement



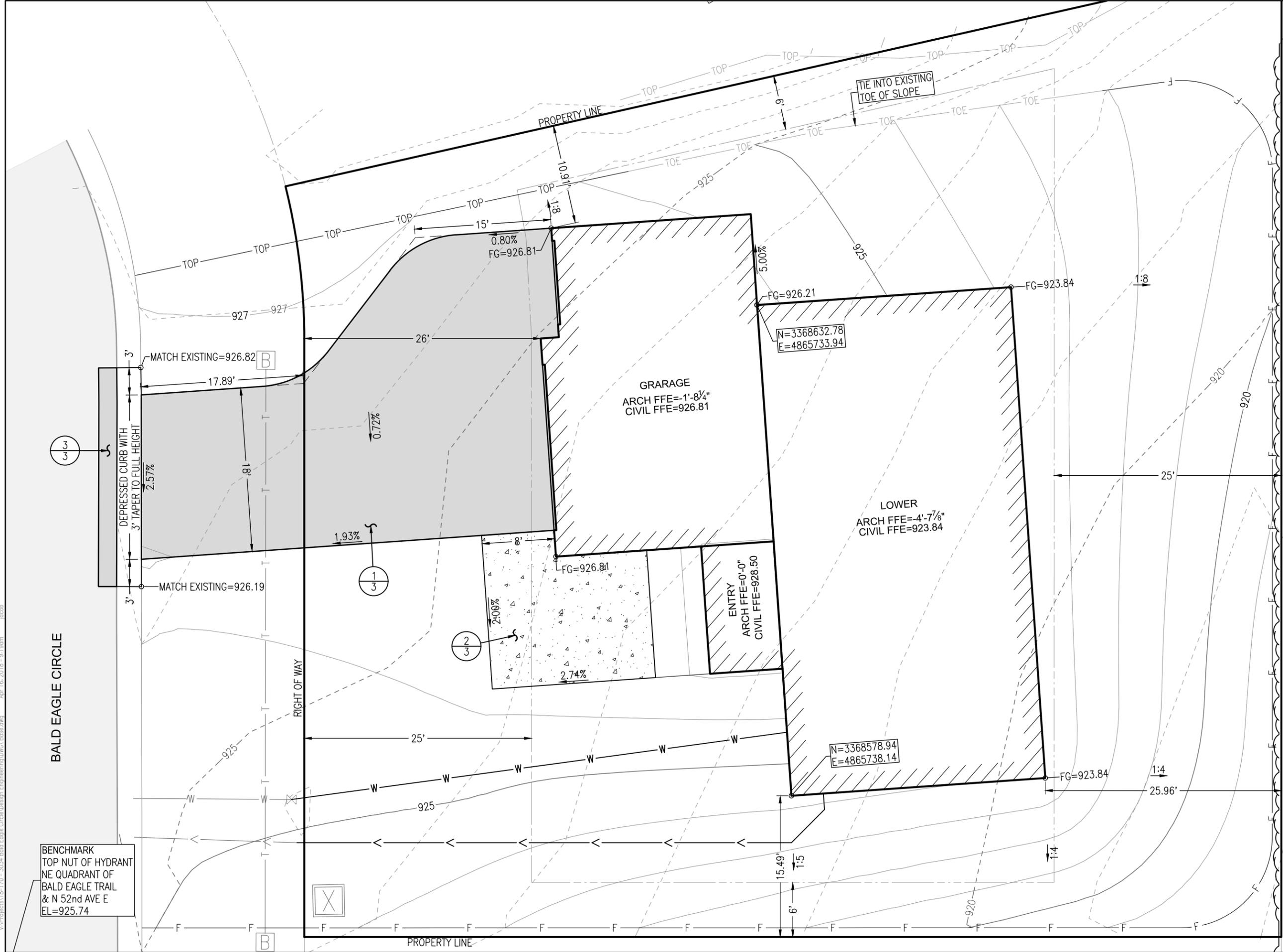
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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

Page 59 of 79

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.  
 04/16/18  
 Engineer: THOMAS P. DESMARIAS, P.E. Lic. No: 53121

revision	
Proj: 18-170	
Date: 4/16/18	
Drawn: JDO	
Checked: TPD	
<b>SITE &amp; GRADING</b>	
Sheet Title	
Sheet Number	<b>2</b>



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**INDEX OF DRAWINGS**

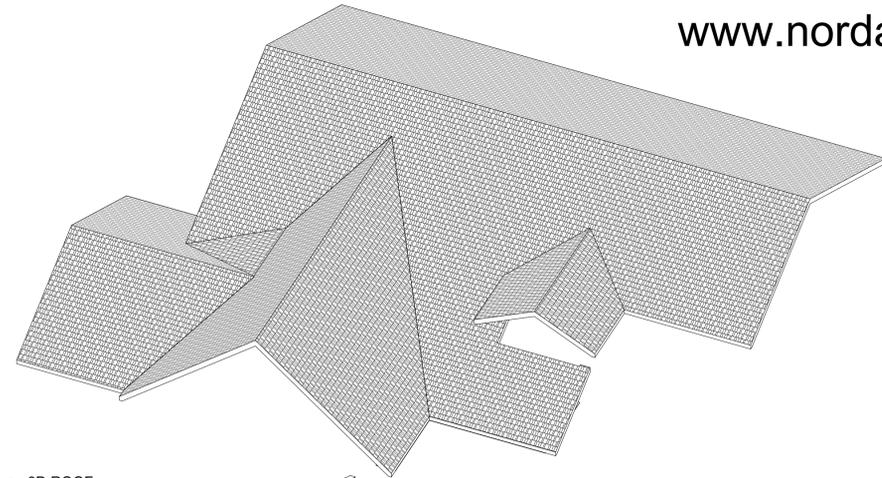
- A1 - FRONT AND REAR ELEVATIONS
- A2 - LEFT AND RIGHT ELEVATIONS
- A3 - FOUNDATION PLAN
- A4 - FLOORPLAN
- A5 - ROOF AND SECTIONS

# Nordaas

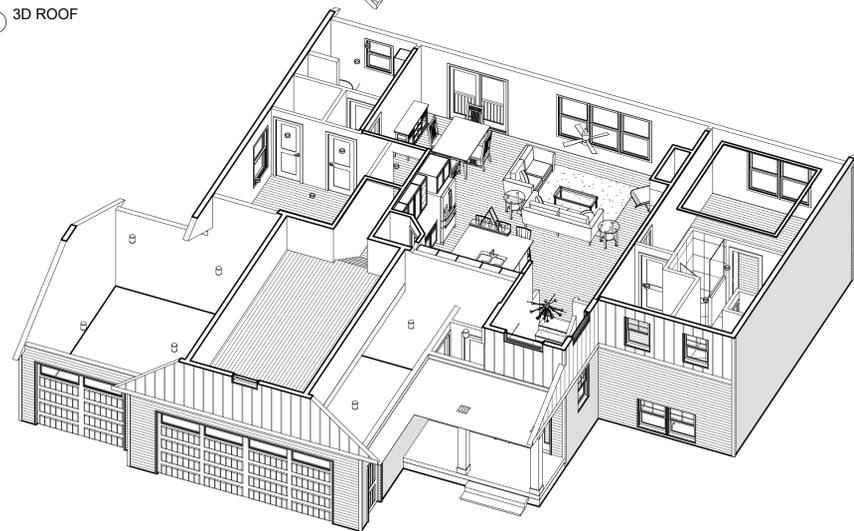


www.nordaashomes.com

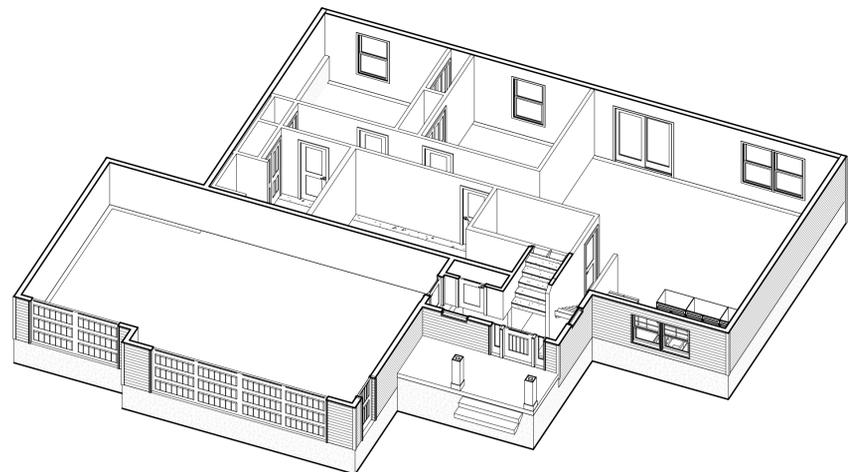
## NICK & JEN PATTERSON DULUTH, MN



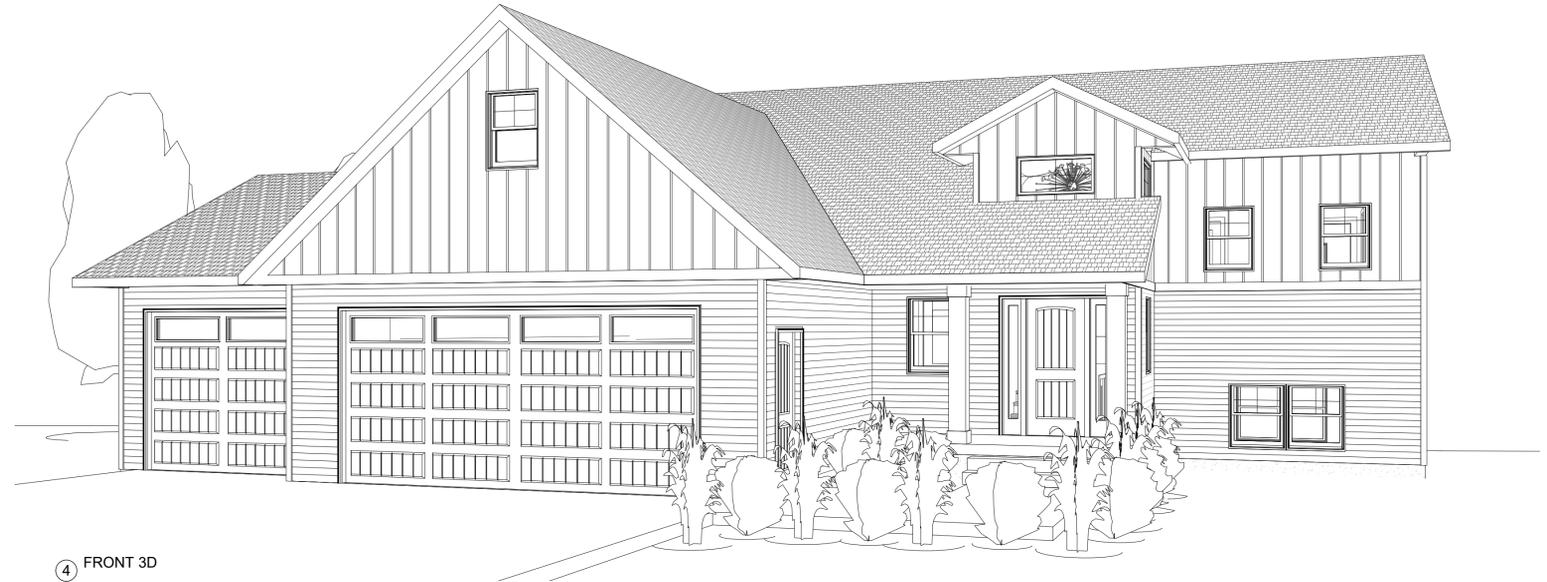
③ 3D ROOF



② 3D UPPER LEVEL



① 3D LOWER LEVEL



④ FRONT 3D



⑤ BACK 3D

NOTE:  
ALL ILLUSTRATIONS ARE FOR  
GRAPHICAL REPRESENTATION  
ONLY.





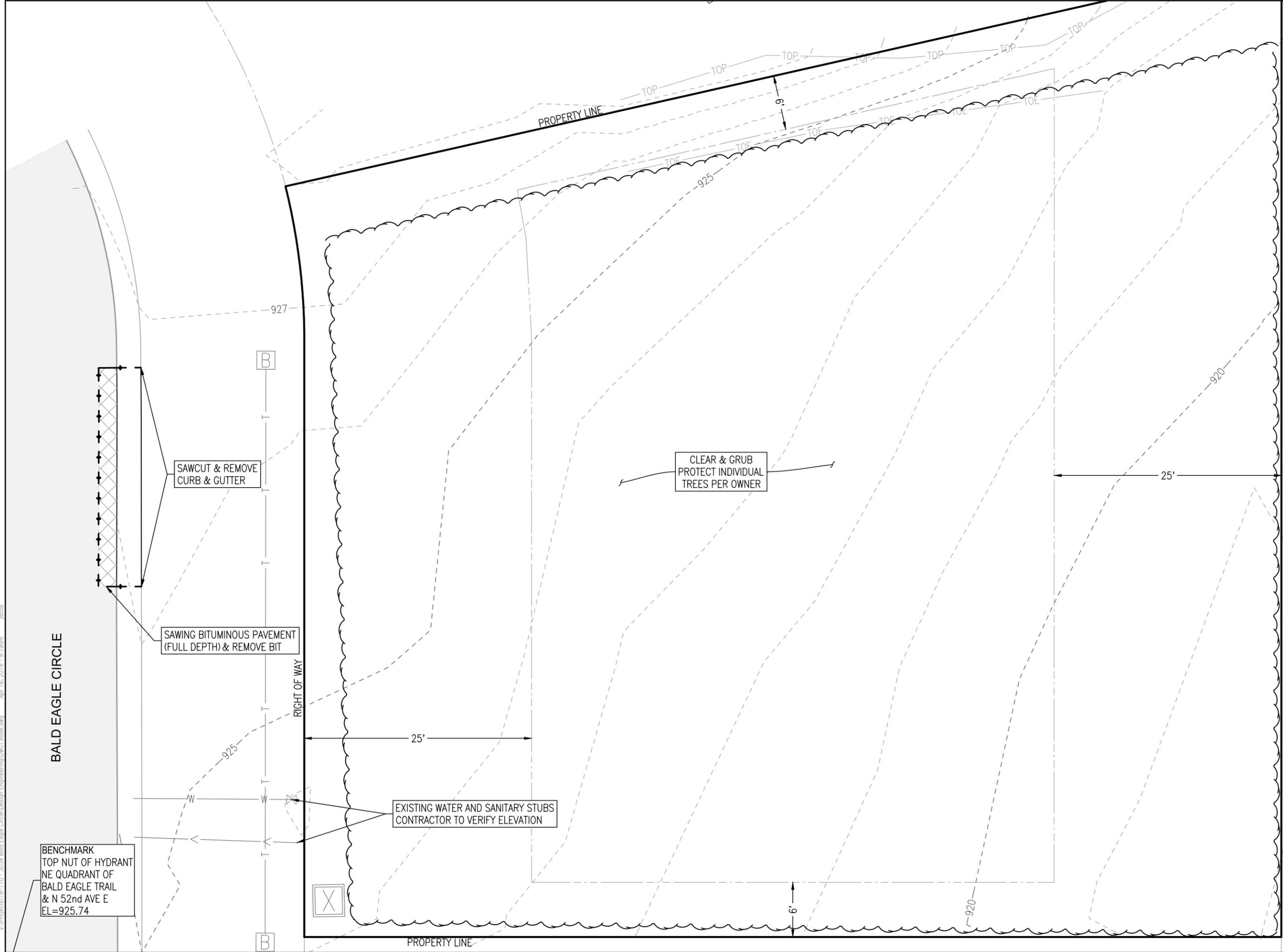




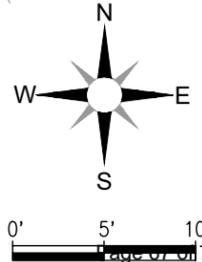


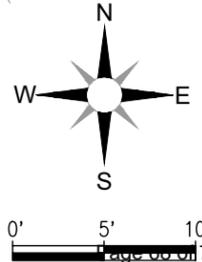
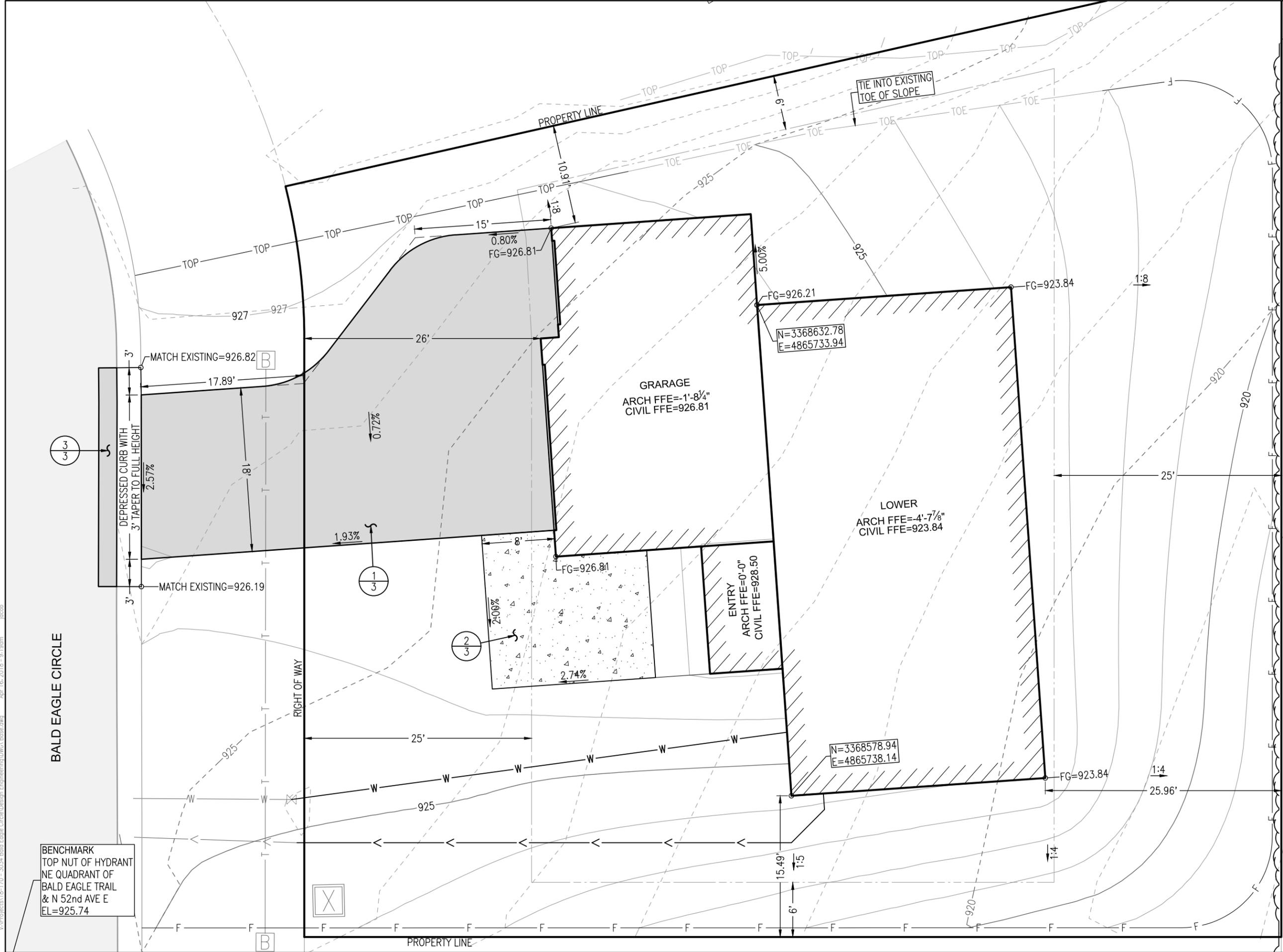
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.  
 Engineer: **THOMAS P. DESMARIAS, P.E.** Lic. No: 53121  
 Date: **04/16/18**

revision	
Proj:	18-170
Date:	4/16/18
Drawn:	JDO
Checked:	TPD
EXISTING & REMOVALS	
Sheet Title	
Sheet Number	<b>1</b>



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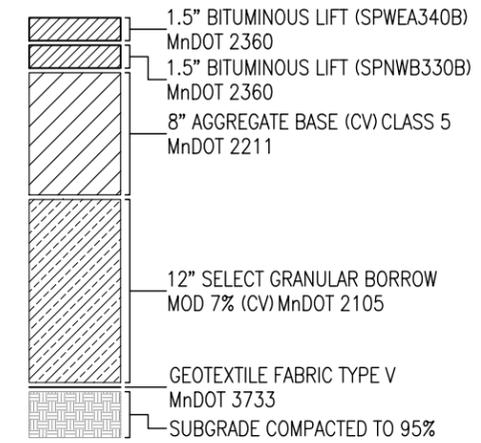
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.  
 04/16/18  
 Engineer: THOMAS P. DESMARIAS, P.E. Lic. No: 53121

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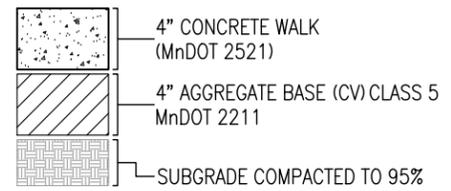
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 Drawn: JDO  
 Checked: TPD

**DETAILS**

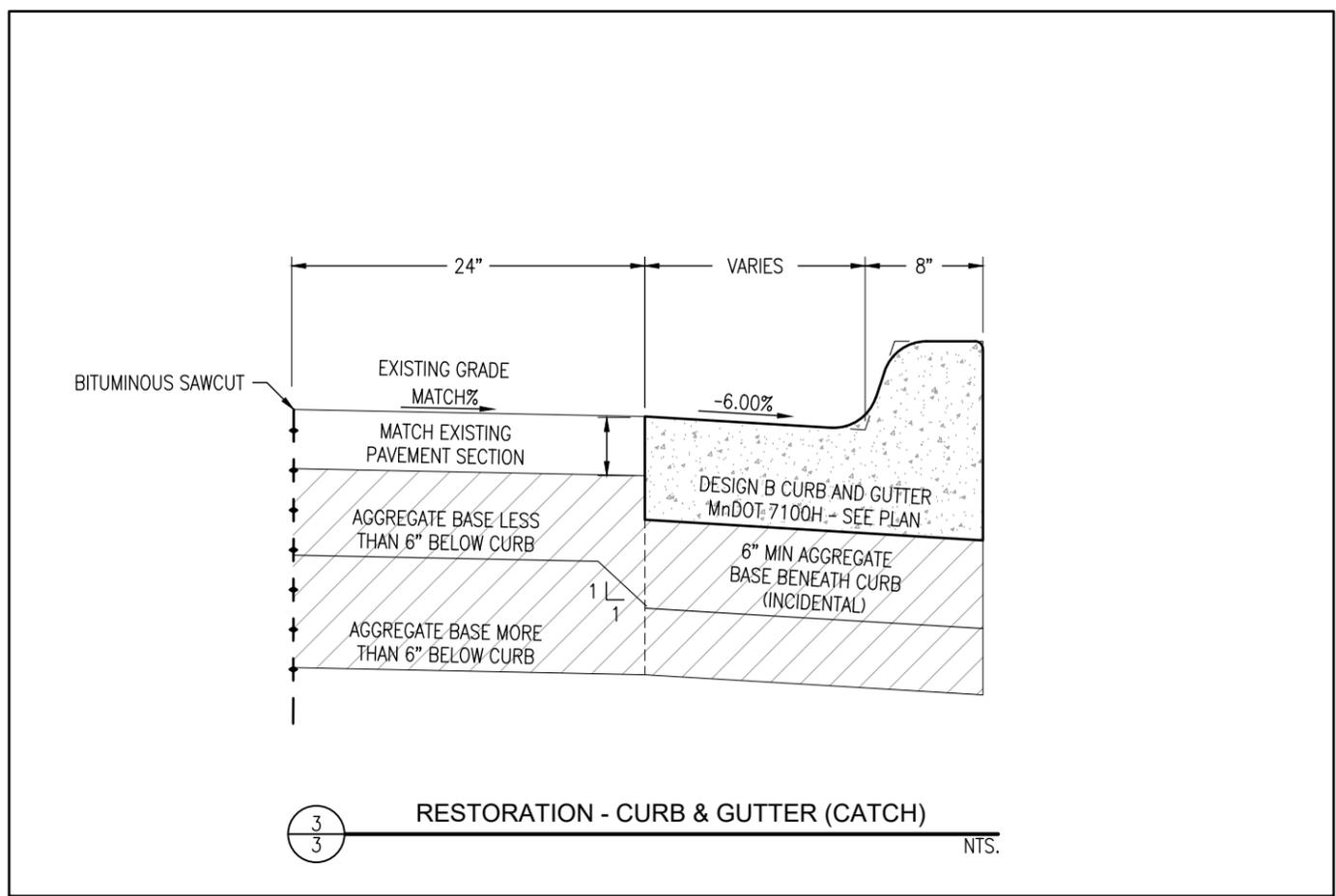
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 Sheet Number



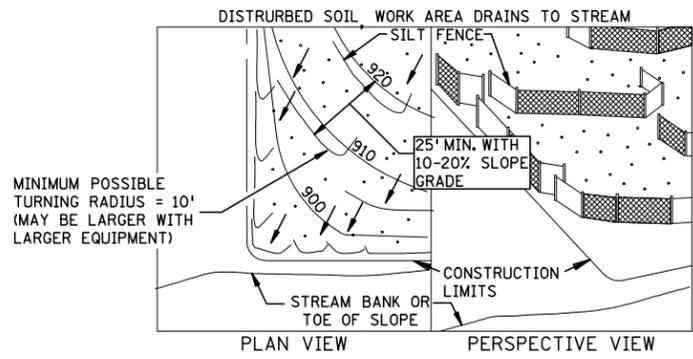
**1**  
**3** BITUMINOUS DRIVEWAY  
 SCALE: 1" = 12"



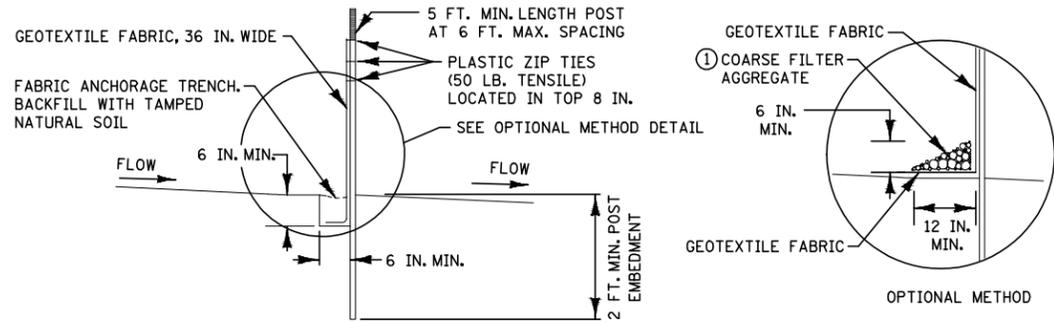
**2**  
**3** CONCRETE WALK  
 SCALE: 1" = 12"



**3**  
**3** RESTORATION - CURB & GUTTER (CATCH)  
 NTS.



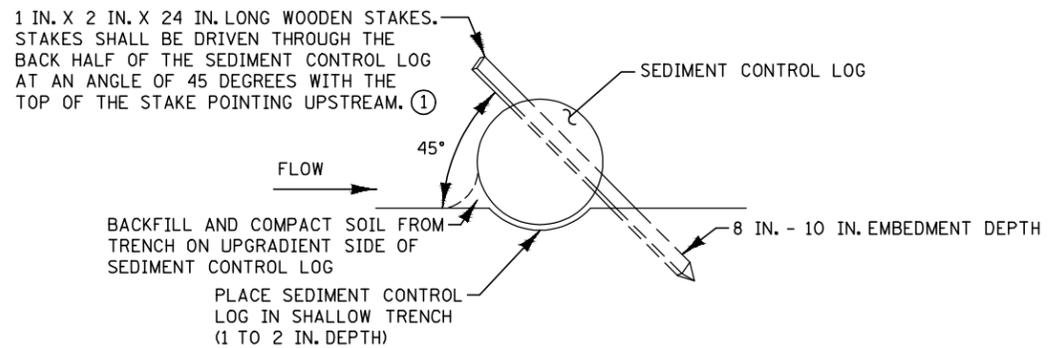
J-HOOK INSTALLATION



NOTES:

- SEE MNDOT SPECS. 2573, 3149 & 3886.
- ① COARSE FILTER AGGREGATE (SPEC. 3149) SHALL BE INCIDENTAL.
- ② TO PROTECT AREAS FROM SHEET FLOW, MAXIMUM CONTRIBUTING AREA: 1 ACRE.

SILT FENCE TYPE HI ②  
(HAND INSTALLED) NTS.

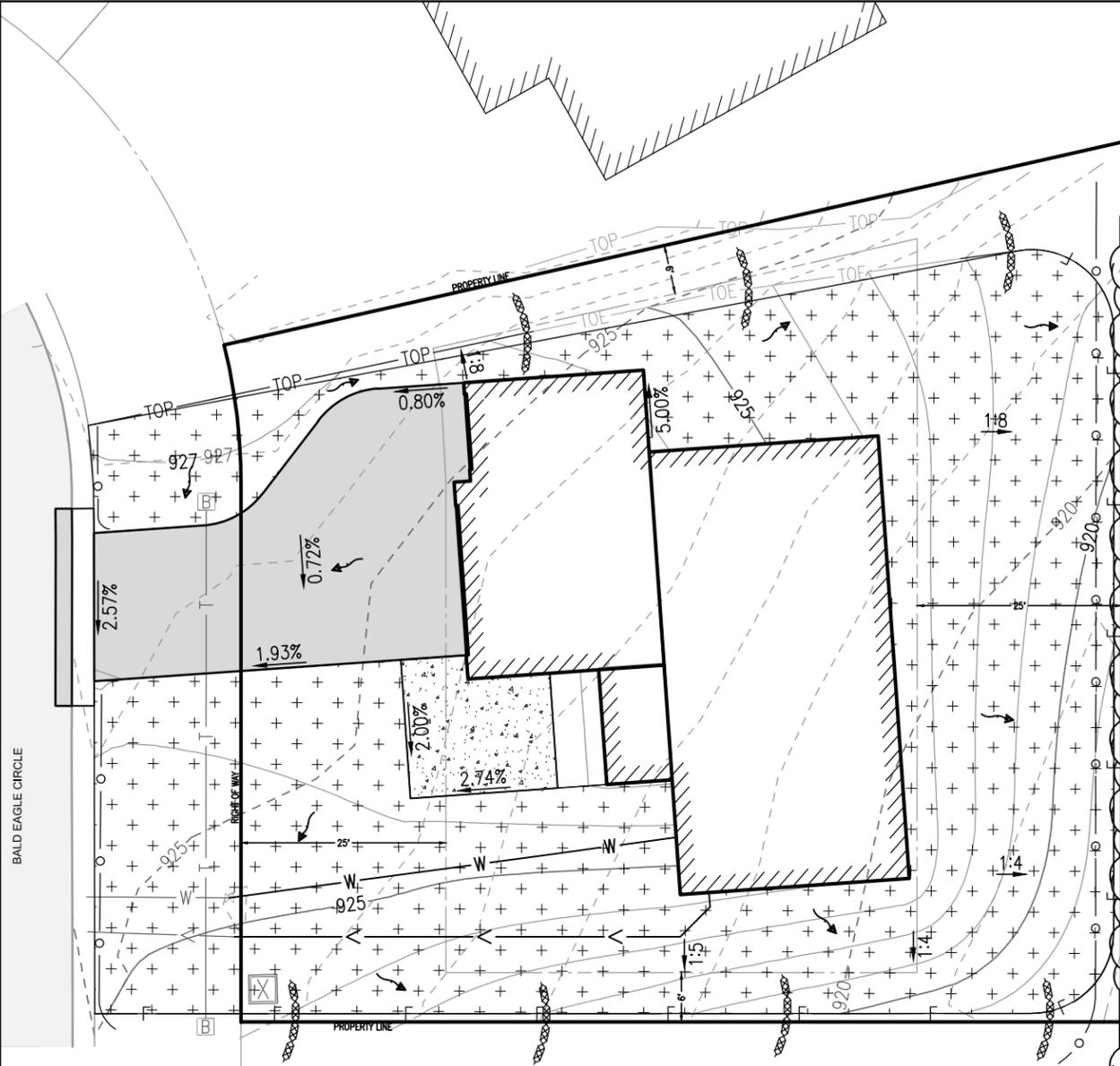


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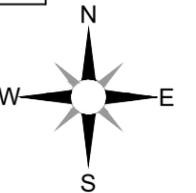
- SEE MNDOT SPECS. 2573, 3874, 3882, & 3897.
- FOR DITCH CHECKS, PLACE SEDIMENT CONTROL LOG PERPENDICULAR TO FLOW AND IN A CRESCENT SHAPE WITH THE ENDS FACING UPSTREAM WITH ENDS 6 INCHES HIGHER THAN MIDDLE TO ENSURE THAT WATER FLOWS OVER THE DIKE AND NOT AROUND THE ENDS.
- APPROXIMATE SPACING BETWEEN EACH DITCH CHECK SHOULD BE DETERMINED FROM THE FOLLOWING SPACING FORMULA:  
APPROXIMATE SPACING OF DITCH CHECKS (FT.) = Y = (DITCH CHECK HEIGHT (FT.) / % CHANNEL SLOPE) X 100

- ① SPACE BETWEEN STAKES SHALL BE A MAXIMUM OF 1 FOOT FOR DITCH CHECKS OR 2 FEET FOR OTHER APPLICATIONS.
- ② PLACE STAKES AS NEEDED TO PREVENT MOVEMENT OF SEDIMENT CONTROL LOGS PLACED ON SLOPES OR AS NEEDED DUE TO OTHER FACTORS. STAKES SHALL BE INCIDENTAL.

TEMPORARY SEDIMENT CONTROL  
SEDIMENT CONTROL LOGS NTS.



EROSION CONTROL	
DESCRIPTION	SYMBOL
SILT FENCE (TYPE HI)	— o —
SEDIMENT CONTROL LOG TYPE STRAW	
SEED AND MULCH	
FLOW DIRECTION	
SWALE FLOWLINE	



0' 10' 20'  
Scale bar



**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

# MEMO

**TO:** Planning Commission

**FROM:** Adam Fulton, Deputy Director of Planning and Development

**DATE:** May 11, 2021

**RE:** Conformance of Development District #17 for Zenith Historic Old Central High School Development to Comprehensive Plan

In order to facilitate development of Zenith Historic Old Central High School, located at 200 N 1<sup>st</sup> Ave E (the “Project”), the City needs to modify Development District #17. The role of the Planning Commission is to make sure the proposed development and its uses are consistent with the Comprehensive Plan and Unified Development Code (UDC). Tax Increment Financing (TIF) is a financing tool that uses the increase in property taxes generated from site improvements to pay for a portion of those improvements.

The Project will consist of renovation of the historic old high school to host approximately 87,000 square feet of multi-family residential space, resulting in approximately 125 apartment units, of which no less than 10% will be available at 60% area median income or less. Certain areas of the building will remain quasi-public space through preservation of the roughly 10,000 square foot auditorium to be utilized for co-working space, events, or potential public meetings/gatherings. The project also includes a surface parking lot.

The future land-use designation of the development site is Central Business Secondary (CBS). According to the Imagine Duluth 2035 Comprehensive Plan, CBS areas are intended for medium density neighborhood retail, employment centers, public spaces, and residential development. This land use is designated for the entire Lincoln Park commercial corridor east of highway 53 and transitional areas surround Downtown. The proposed development meets the intent of this future land use.

The property is zoned F-5; according to the Unified Development Chapter, “The F-5 District is applied to both the West Superior Street study area (Lincoln Park) and the transitional areas surrounding Downtown, including Canal Park and Central Hillside (Second Street from Sixth Avenue West to Third Avenue East). These areas consist of a combination of traditional mixed use buildings and office buildings.” F-5 is an appropriate zone designation for the CBS future land use category. It allows apartments as proposed by this project.

This project implements the following Comprehensive Plan principles:

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

*Principle #3 -Support existing economic base.* Supporting Duluth's existing economic foundation maintains jobs, tax base, and opportunity. Economic activity with specific location requirements may be subject to displacement or site competition with changes in real estate values. This traditional economic activity faces change as a result of global economic patterns, changing markets, new regulation, and aging of extensive infrastructure. Nevertheless, fundamentals remain and the economic contribution, sometimes taken for granted, is significant. This project supports the significant economic base of the Central Business District, which contains Duluth's highest concentration of commercial and retail businesses. Residential units in an area lacking will contribute to more patronization of these businesses.

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

*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. This project provides a new multifamily housing opportunity in Downtown and will bolster existing and future businesses by housing potential customers in the immediate vicinity.

*Principle #12 Create efficiencies in delivery of public services.* The costs of public service must be considered in land use decisions. Street construction and maintenance, utilities, libraries, fire, police, snow removal, and recreation facilities are services directly related to the physical location of development. Infrastructure should help direct development location rather than react to it. The integration of public services to maximize efficiencies with all related use decisions should be evaluated.

*Principle #6 Reinforce the place-specific.* Public and private actions should reinforce cultural, physical, and economic features which have traditionally defined Duluth, its open space, and its neighborhoods. Defining elements that reinforce the place-specific include climate-specific materials and design; repair and use of historic walls, bridges, and buildings. This project involves thoughtful renovation and preservation of the historic old high school.

City staff believe that the proposed development conforms to and implements the Comprehensive Plan principles. City staff ask that the Planning Commission review this item, and following discussion, make a finding that it conforms to the Imagine Duluth 2035 Comprehensive Plan.

**PLANNING COMMISSION  
CITY OF DULUTH, MINNESOTA**

**RESOLUTION NO. 21-052**

**RESOLUTION OF THE CITY OF DULUTH PLANNING COMMISSION FINDING THAT A MODIFICATION TO THE DEVELOPMENT PROGRAM FOR DEVELOPMENT DISTRICT NO. 17 AND A TAX INCREMENT FINANCING PLAN FOR TAX INCREMENT FINANCING DISTRICT NO. 34 (HISTORIC HIGH SCHOOL REDEVELOPMENT) CONFORM TO THE GENERAL PLANS FOR THE DEVELOPMENT AND REDEVELOPMENT OF THE CITY.**

WHEREAS, the Duluth Economic Development Authority (the "DEDA") and the City of Duluth (the "City") have proposed to adopt a Modification to the Development Program for Development District No. 17 (the "Development Program Modification") and a Tax Increment Financing Plan for Tax Increment Financing District No. 34 (Historic High School Redevelopment) (the "TIF Plan") therefor (the Development Program Modification and the TIF Plan are referred to collectively herein as the "Program and Plan") and have submitted the Program and Plan to the City Planning Commission (the "Commission") pursuant to Minnesota Statutes, Section 469.175, Subd.3, and

WHEREAS, the Commission has reviewed the Program and Plan to determine their conformity with the general plans for the development and redevelopment of the City as described in the comprehensive plan for the City.

NOW, THEREFORE, BE IT RESOLVED by the Commission that the Program and Plan conform to the general plans for the development and redevelopment of the City as a whole.

Dated: \_\_\_\_\_, 2021

\_\_\_\_\_

Chair

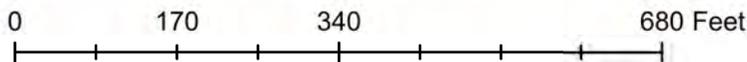
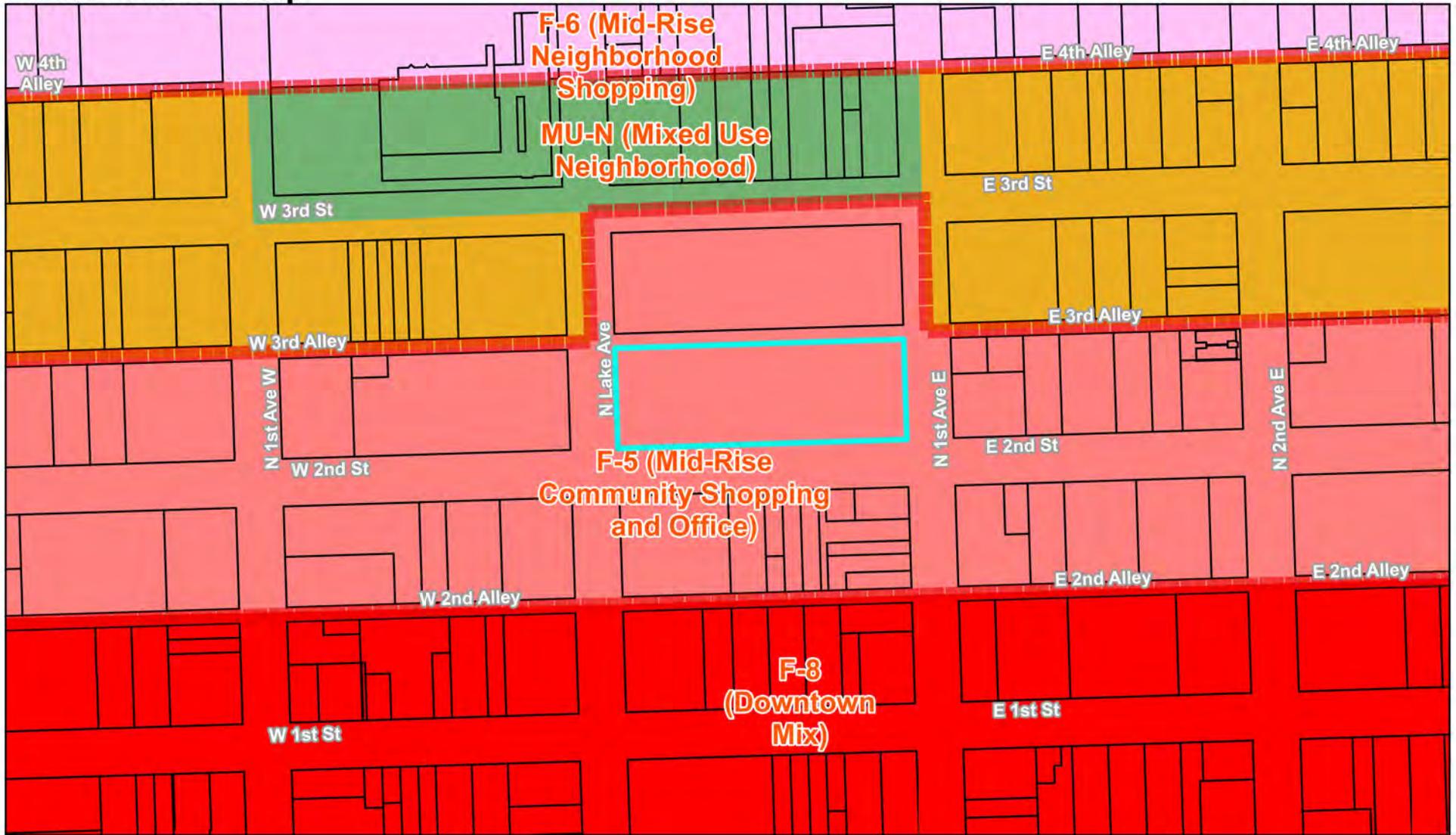
ATTEST:

\_\_\_\_\_

\_\_\_\_\_

Secretary

# Future Land Use Map



## Base Layers

Zoning Boundaries

## Future Land Use Plus

- Open Space
- Open Space/Outside Duluth
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Large-scale commercial
- Tourism/Entertainment District
- Commercial Waterfront
- General Mixed Use
- Neighborhood Mixed Use

- Urban Residential
- Neighborhood Commercial
- Central Business Secondary
- Central Business Primary

- Light Industrial
- General Industrial
- Industrial Waterfront
- Business Park
- Transportation and Utilities
- Transportation and Utilities/Outside Duluth
- Institutional
- Project Location Page 74 of 79

MODIFICATION TO REDEVELOPMENT PLAN/  
MUNICIPAL DEVELOPMENT DISTRICT PROGRAM  
PLAN DATED MAY 15, 1989

A. Statement of Statutory Authority

Pursuant to Minnesota Statutes, Sections 469.090 through 469.108 (the "EDA Act"), the City Council of the City of Duluth, Minnesota (the "City"), established the Duluth Economic Development Authority ("DEDA") by resolution dated April 24, 1989 (the "Resolution"). The EDA Act and the Resolution authorize DEDA to establish municipal development districts pursuant to Minnesota Statutes, Sections 469.124 through 469.134, and housing development projects pursuant to Minnesota Statutes, Sections 469.001 through 469.047. Within such projects, DEDA is authorized, pursuant to Minnesota Statutes, Sections 469.174 through 469.179 (the "Act"), to create tax increment financing districts.

In accordance with the above-referenced statutory authority, DEDA established the Redevelopment Plan/Municipal Development District (the "Project") and adopted the Redevelopment Plan/Municipal Development District Program Plan, dated May 15, 1989, for the Project (the "Project Plan").

B. Modification to the Project

DEDA desires to utilize TIF monies outside the current geographic boundaries of the Project. Additionally, DEDA may desire to provide tax-increment assistance for housing developments located in areas of the City that are outside the current geographic boundaries of the Project.

DEDA is modifying the Project and the Project Plan by expanding the geographic boundaries of the Project to include all property within the City of Duluth as legally described in Exhibit A and as shown on Exhibit B attached hereto and incorporated herein.

C. Statement of Objectives

As provided in the Redevelopment Plan/Municipal Development District Program Plan, the general objectives for the Project are as follows:

1. to increase the supply of decent, safe and sanitary housing within the community for persons of all income levels, with emphasis on the creation of rental and ownership opportunities for persons and families of low and moderate income;
2. to provide such housing in areas that are appropriate for such uses and

- in need of housing investment, with emphasis upon lands potentially useful for contributing to the public welfare, but which, by reason of special problems or conditions, have not reached full development potential by the ordinary operations of private enterprise;
3. to carry out the provision of housing and development of undeveloped and underdeveloped lands within the City, compatible with the planning needs of such areas and consistent with the general land use plan and other components of the City's Comprehensive Plan;
  4. where necessary, to further the projection of low- and moderate-income units in an appropriate economic mix, in such ratio as DEDA determines is necessary to meet the objectives of the City's Comprehensive Plan and project development financing requirements;
  5. to coordinate acquisition, site preparation and improvements, provision of necessary public improvements and facilities, provision of low and moderate income housing and other Project activities on Project housing sites, and to spread and equalize the costs thereof, in order to accomplish the entire Project development at a cost reasonably related to the public purposes to be served;
  6. to establish re-use valuations based on housing re-use, or use ancillary to the provision of housing, including the provision of low- and moderate-income units, and to sell acquired project sites for private redevelopment in accordance with the Housing Development Project/Municipal Development District Program Plan, dated May 15, 1989, at economically feasible land sale prices in order to induce and make possible private participation in the Project District development;
  7. to provide private developers with information regarding zoning, land use controls, and other City and Project requirements; information and assistance in obtaining construction and permanent financing; and information and assistance regarding construction of site and public improvements and financing for measures necessary to correct site sub-soil conditions or other characteristics which are inhibiting normal development, all in accordance with development agreements;
  8. to assist in the provision of rental opportunities to persons of low and moderate income at prices or rents within their means and to make advance commitments with respect to such rental assistance in low and moderate income units in order to assist developers in securing financing for housing improvements;

9. to finance the development costs of the Project and the provision of low- and moderate-income housing by means of tax increment generated by Project improvements and development and through the use of other available funding sources; and
10. to finance housing development and land redevelopment by a combination of private and public financing sources under the authority of and subject to the requirements of applicable federal, state and local laws and ordinances.
11. to encourage and promote the development of tax-forfeited lands located in the Project and thereby guide the type of developments which will enhance the quality of the surrounding neighborhood.
12. to promote the voluntary rehabilitation of substandard, or deteriorated or deteriorating housing units within the Project through the use of tax increment and other available funds.
13. to encourage and assist the development of private and public improvements which do not by themselves provide additional housing units within the Project, but which are necessary to serve the needs of residents of existing and projected residential areas.

D. Exhibits.

The Exhibits to this document are as follows:

- Exhibit A: Legal Description of Redevelopment Plan/Municipal Development District
- Exhibit B: Map of Redevelopment Plan/Municipal Development District

I:\BUS\_DEVA\DEDA\TIF\housing\district\districtplan

## Exhibit A

That property located in St. Louis County, Minnesota as follows:

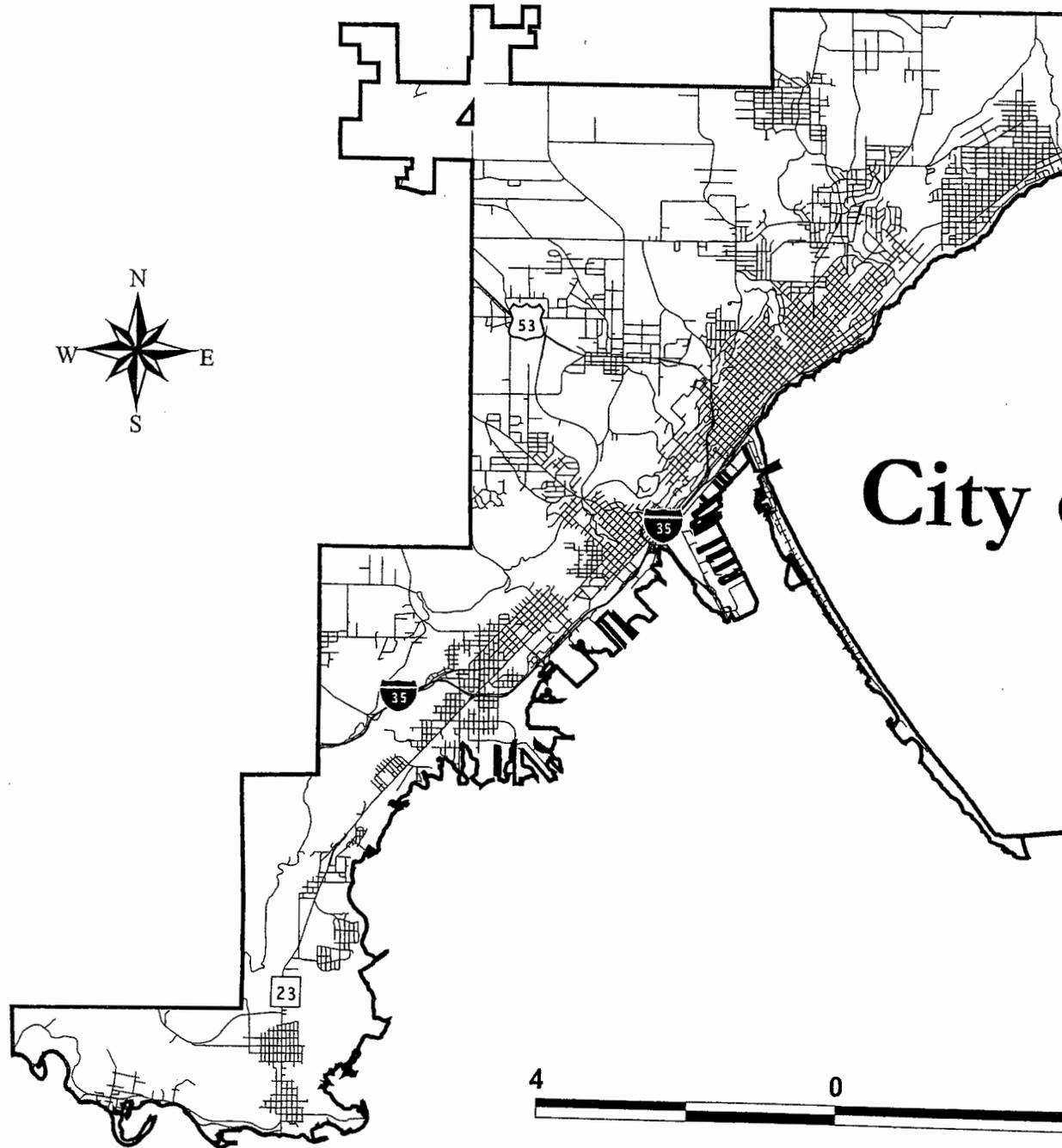
### CHAPTER I. NAME AND GENERAL POWERS.

#### Sec. 1. Generally.

The city of Duluth in the County of St. Louis and State of Minnesota shall continue to be, upon the adoption of this Charter, a municipal corporation of the same name, and with the same boundaries as it now has, to-wit: Commencing at a point where the north line of section twenty-five (25) township fifty-one (51) north of range thirteen (13) west, in St. Louis County, Minnesota, intersects the shore line of Lake Superior; thence west to the northwest corner of section twenty-six (26), in said township fifty-one (51) north of range thirteen (13) west; thence south to the quarter corner post on the west line of said section twenty-six (26); thence west to the center of section twenty-seven (27) in said township fifty-one (51) north of range thirteen (13) west; thence south to the quarter corner post on the south line of said section twenty-seven (27); thence west to the northwest corner of section thirty-five (35) in township fifty-one (51) north of range fourteen (14) west; thence south to the southwest corner of said section thirty-five (35); thence west to the northwest corner of township fifty (50) north of range fourteen (14) west; thence south to the southwest corner of said township fifty (50) north of range fourteen (14) west; thence west to the northwest corner of section two (2) in township forty-nine (49) north of range fifteen (15) west; thence south to the southwest corner of section fourteen (14) in said township forty-nine (49) north of range fifteen (15) west, thence west to the northwest corner of section twenty-two (22) in said township forty-nine (49) north of range fifteen (15) west; thence south to the southwest corner of section thirty-four (34) in said township forty-nine (49) north of range fifteen (15) west; thence west on the town line between township forty-eight (48) north of range fifteen (15) west and township forty-nine (49) north of range fifteen (15) west, to the southwest corner of said township forty-nine (49) north of range fifteen (15) west; thence south on the range line between township forty-eight (48) north of range fifteen (15) west and township forty-eight (48) north of range sixteen (16) west, to the center line of the channel of the St. Louis River; thence along the center line of the channel of said river to the state boundary line between the States of Minnesota and Wisconsin; thence along said state boundary line to the mouth of the St. Louis River at the entry of the Bay of Superior between Minnesota and Wisconsin points; thence in a straight line to the place of beginning.

By and in its corporate name, it shall have perpetual succession; save as herein otherwise provided and save as prohibited by the Constitution or Statutes of the State of Minnesota, it shall have and exercise all powers, functions, rights and privileges possessed by the city of Duluth prior to the adoption of this Charter; also all powers, functions, rights and privileges now or hereafter given or granted to municipal corporations of the first class having "home rule charters" by the Constitution and laws of the State of Minnesota; also all powers, functions, rights and privileges usually exercised by, or which are incidental to, or inhere in, municipal corporations of like power and degree; also all municipal power,<sup>2</sup> functions, rights, privileges and immunities of every name and nature whatsoever; and in addition, it shall have all the powers, and be subject to the restrictions contained in this Charter. In its corporate name, it may take and hold, by purchase, condemnation, gift or devise, and lease and convey any and all such real, personal or mixed property, within or without its boundaries as its purposes may require, or as may be useful or beneficial to its inhabitants.

(A). Certain lands upon which the Duluth International Airport is located were annexed to the corporate limits of the city of Duluth by Ord. No. 7564, passed February 13, 1967, under authority of M.S.A. 414.03, Subd. 2.



# City of Duluth

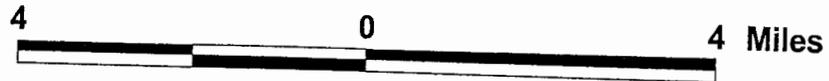


Exhibit B