



City of Duluth

09-14-2021 PC Packet

411 West First Street
Duluth, Minnesota 55802

Meeting Agenda Planning Commission.

Tuesday, September 14, 2021

5:00 PM

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

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

CALL TO ORDER AND ROLL CALL

APPROVAL OF PLANNING COMMISSION MINUTES

[PL 21-0810](#) Minutes - August 10, 2021

Attachments: [08-10-21 PC Minutes \(not approved yet\)](#)

[PL 21-0824](#) Minutes - August 24, 2021 Special Meeting

Attachments: [08-24-21 PC Minutes \(not approved yet\)](#)

PUBLIC COMMENT ON ITEMS NOT ON AGENDA

CONSENT AGENDA

[PL 21-106](#) Concurrent Use Permit for Small Cell Wireless at 1 N 6th Avenue by SAC Wireless/AT&T

Attachments: [PL 21-106 Staff Report and Attachments](#)

[PL 21-140](#) Concurrent Use of Streets Permit for a Small Cell Wireless Facility on an Existing Utility Pole at 830 North 11th Avenue East by SAC Wireless

Attachments: [PL 21-140 Staff Report and Attachments](#)

[PL 21-141](#) Concurrent Use of Streets Permit for a Small Cell Wireless Facility on an Existing Utility Pole at 2401 London Road by SAC Wireless

Attachments: [PL 21-141 Staff Report and Attachments](#)

[PL 21-142](#) Concurrent Use of Streets Permit for a Small Cell Wireless Facility on an Existing Utility Pole at 1439 North 8th Avenue East by SAC Wireless

Attachments: [PL 21-142 Staff Report and Attachments](#)

[PL 21-125](#) Interim Use Permit for a Vacation Dwelling Unit at 216 W 6th Street by Danielle Thralow

Attachments: [PL 21-125 Staff Report and Attachments](#)

[PL 21-143](#) Vacation of E 7th Street Between 20th Avenue E and 21st Avenue E

Attachments: [21-143 Staff Report and Attachments](#)

[PL 21-146](#) Interim Use Permit for Vacation Dwelling Unit at 1033 S Lake Avenue by Shannon Gardner

Attachments: [PL 21-146 Staff report & attachments](#)

[PL 21-147](#) Concurrent Use Permit for Underground Fiber-Optic Lines in the Rights of Way of 5th and 6th Avenues E and E 5th Street by Essentia Health East

Attachments: [PL 21-147 Staff Report and Attachments](#)

[PL 21-148](#) Vacation of Alley Between 50th and 51st Avenues W by City of Duluth

Attachments: [PL 21-148 Staff report & attachments](#)

PUBLIC HEARINGS

[PL 21-071](#) Vacation of 19th Avenue W Between Michigan Street and Lower Michigan Street by Bent Paddle Brewing

Attachments: [21-071 Staff Report and Attachments](#)

[PL 21-115](#) Planning Review for an 800-Stall Parking Structure at 502 E 2nd Street by Essentia Health East

Attachments: [PL 21-115 Staff Report and Attachments](#)

[PL 21-150](#) Final Plat for Sam Herzog's Arrowhead Acres Between Arrowhead and Marble Street, West of Arlington Avenue by Unique Opportunities, LLC

Attachments: [PL 20-150 Staff Report final with attachments](#)

OLD BUSINESS

[PL 21-096](#) Minor Subdivision at Glen Place and W Michigan Street by Aaron Schweiger

NEW BUSINESS

[PL 21-139](#) Review List of Proposed Reclassification of Tax Forfeit Parcels

Attachments: [PL 21-139 Staff Memo and Attachments](#)

[PL 21-152](#) Resolution of Intent to Sell Lester Park Golf Course

Attachments: [Staff Report PL21-152](#)

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 September 14, 2021 Meeting by other electronic means pursuant to Minnesota Statutes Section 13D.021 in response to the COVID-19 emergency. Some members of the Commission will be participating through video conference. Due to the COVID-19 emergency and the closure of City facilities, public comment will not be taken in person. However, members of the public can monitor the meeting and provide public comment on agenda items through WebEx Events. Visit <https://duluthmn.gov/live-meeting> to access the meeting. The public is also encouraged to submit written comment to planning@duluthmn.gov prior to the meeting. Please include "Planning Commission Agenda" in the subject line, and include your name and address and the agenda item you are speaking to. Please note that all public comment is considered Public Data.

City of Duluth Planning Commission

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August 10, 2021 - Meeting Minutes Council Chambers – Duluth City Hall

Call to Order

President Margie Nelson called to order the meeting of the city planning commission at 5:01 p.m. on Tuesday, August 10th, 2021, in city hall council chambers.

Roll Call

Attendance:

Members Present: Jason Crawford, Jason Hollinday, Margie Nelson, Michael Schraepfer, Sarah Wisdorf, and Andrea Wedul

Members Absent: Gary Eckenberg, Eddie Ranum, and Zandra Zwiebel

Staff Present: Adam Fulton, Robert Asleson, Steven Robertson, Jenn Moses, Chris Lee, and Cindy Stafford

Public Comment on Items Not on Agenda

No speakers.

Approval of Planning Commission Minutes -

Planning Commission Meeting – July 13, 2021

MOTION/Second: Wisdorf/Hollinday approved

VOTE: (6-0)

Presentation from the Duluth Transit Authority on Better Bus Blueprint

Chris Belden gave an overview. The Twin Ports region has been changing in recent years, with shifting development patterns, additions of housing and employment areas, and changing travel behavior. As part of the Better DTA Movement, the Better Bus Blueprint study is a full review of the DTA's fixed-route bus operations that aims to create a better experience for current and future bus riders. For more information or to provide feedback visit:
www.duluthtransit.com/home/better-dta/better-bus-blueprint.

Consent Agenda

PL 21-109 Minor Subdivision at 316 Garfield Avenue by Evergreen of Duluth

PL 21-110 Planning Review for Parking Lot and Site Improvements at 339 E Central Entrance by Brad Rixmann, RFP LLC

PL 21-111 Vacation of a Portion of Upham Road at 339 E Central Entrance by Brad Rixmann, RFP LLC

~~PL 21-113 Concurrent Use of Streets Permit for a New Skywalk over 4th Avenue East at 502 East 2nd Street by Essentia Health East*~~

~~PL 21-114 Concurrent Use of Streets Permit for a New Parking Structure over the East 1st Street~~

PL 21-117 Interim Use Permit for a Vacation Dwelling Unit in the F-3 District at 5723 Grand Avenue Unit 1 by Steve Becks

PL 21-118 Interim Use Permit for a Vacation Dwelling Unit in the F-3 District at 5723 Grand Avenue Unit 2 by Steve Becks

PL 21-120 Minor Subdivision at the Southwest corner of Central Entrance and Anderson Road by The Jigsaw LLC

PL 21-128 Vacation of Stebner Road at 4926 Airport Road by City of Duluth and Duluth Airport Authority

Commissioners – Andrea Wedul noted comments of opposition for items PL 21-110 & PL 21-111 and asked what their choices are. Deputy Director Fulton stated they have options, and can open it up to the public to hear comments.

Public: PL 21-110 & 21-111 - Brandon Agenter of 335 E Central Entrance addressed the commission and stated he has some concerns about utilities and property liability. Chris Lee noted this is a private easement, and will not impact the neighbors' properties. Lee shows an overview of the screen. There is access to the neighboring property. Agenter stated he isn't necessarily opposed, but just wants more information.

MOTION/Second: Schraepfer/Crawford - Table items PL 21-110 & PL 21-111 for more information to be provided to the neighboring property owner.

VOTE: (6-0)

Public: PL 21-120 Mike Wenholtz of 221 W 1st Street, the Metropolitan Interstate Council, addressed the commission. They do not want new access points to Central Entrance granted before MNDOT completes their full study and reconstruction. He is opposed. Wedul noted MNDOT is currently involved in the planning process, but won't finish anytime soon. Wedul noted the city can't wait until the end of 2021 to take action. Deputy Director Fulton noted this is a previously approved development. The entrance will be served through access roads to the rear of the property.

MOTION/Second: Crawford/Wedul approved the remaining consent agenda items per staff recommendations

VOTE: (6-0)

Public Hearings

PL21-112 UDC Map Amendment of the R-P District (Ramsey Village Plan) to Allow Type VIII (Mixed Use Commercial and Residential) at 5019 Ramsey Street and Type IV (Townhome) at 411 North 50th Avenue West by the City of Duluth

Staff: Steven Robertson introduced the city's proposal to amend an approved R-P concept map and plan. Any amendment to the concept map and plan that involves changes to land use, density, or height are required to follow the rezoning process, including a public hearing by the planning commission and final ordinance approval from the city council. If approved, the amendment would allow Type VIII (Mixed Use Commercial and Residential) at 5019 Ramsey Street and Type IV (Townhome) at 411 North 50th Avenue West. Staff recommends approval due to the reasons listed in the staff report.

Applicant: N/A

Public: Karen Guerndt of 1018 E 4th St addressed the commission. She is the realtor who is listing 5019 Ramsey Street. Currently it is an electrician's office. They are trying to sell the building to another business owner. She is in support.

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Commissioners: Sarah Wisdorf confirmed this is a legal non-conforming structure. Rezoning would allow for a future owner to make changes.

MOTION/Second: Wisdorf/Wedul recommend approval per staff recommendations

VOTE: (6-0)

~~PL 21-115 Planning Review for an 800 Stall Parking Structure at 502 E 2nd Street by Essentia Health East*~~

(Jason Crawford recused himself from the following agenda item)

PL 21-116 UDC Map Amendment from F-2 to MU-I along the South Side of London Road from 14th Avenue E to 16th Avenue E by Duluth Lakewalk Offices LLC

Staff: Jenn Moses introduced the applicant's proposal to rezone property from the current zoning of Form District 2 (F-2) to Mixed Use-Institutional (MU-I). The MU-I district is established to provide for the unique development needs and impacts of major medical, educational and research institutional development. The intent is to give institutional landowners the flexibility to plan and develop their facilities while ensuring that surrounding neighborhoods are protected from adverse impacts, such as traffic, overshadowing buildings, noise and unexpected expansion of institutional uses into residential areas. Although medical and dental clinics are allowed in the F-2 district, staff finds that the MU-I district better meets the existing land use, anticipated future development and the needs of the Lakewalk medical campus. Height of new buildings will remain consistent with the current buildings. Staff recommends approval due to the reasons listed in the staff report.

Applicant: Mark Pilon of Hanft Fride Law addressed the commission. He noted continuity in the area will be served. He noted building heights will remain consistent with the current buildings.

Public: Dan Jaeckel of 1600 London Road addressed the commission. He and his wife Lois are opposed. They aren't opposed to the sale of the property, but would like it to remain F-2. He is concerned about losing his view, impervious surface, noise and financial concerns. He does not want the MU-I given the chance to snowball along London Road.

Commissioners: Wisdorf asked what is current allowable height under F-2. Deputy Director Fulton stated the current buildings' height is quite low, 37'. Commissioner Wedul asked what the advantage is to rezone. Per Moses, with the new zoning they could create a more uniform campus. F-2 would require new buildings off of London Road, but wouldn't match the existing building. It would create a choppy building pattern. Wedul restated the reason is to have flexibility to move away from London Road. It is not a height issue, but design issue. Wedul noted the area is next door to the rose garden and asked if the applicant intends to connect to the networks the city has in place. Jaeckel stated it will be a consistent and unified campus. He sees the neighboring rose garden as a bonus.

MOTION/Second: Wedul/Schraepfer recommend approval per staff recommendations.

VOTE: (5-0, Crawford Abstained)

(Commissioners Schraepfer and Wisdorf recused themselves from the next agenda item).

PL 21-119 Special Use Permit for a Hotel at 723 S Lake Avenue by Blumberg-Park Point LLC

Staff: Chris Lee introduced the applicant's proposal to use the property as a 5-unit hotel. The applicant is not proposing any significant exterior changes to the current structure, but they are proposing to create a new 3-unit structure on an adjacent parcel. Hotels are required to have a front desk that is accessible at all times the hotel is operational. The site plan shows eight parking spaces. Staff recommends approval with the conditions listed in the staff report. Wedul

asked what the setbacks are. Lee stated MU-N setbacks varies between uses. The minimum side yard setback is 10' at the SW corner, and NW corner has a 0' setback. Wedul asked about parking. Lee reiterated there will be eight spaces. Wedul asked about the hotel layout. Lee confirmed the new 3-unit structure is a separate structure.

Applicant: Nick Adams of Heirloom properties (the applicant's representative) addressed the commission and welcomed questions. Their office is located at 202 E 1st Street.

Public: Gale Kerns of 714 S Lake Avenue addressed the commission. He lives across street. He isn't necessarily opposed, but has questions. There are two homes by him that are already vacation rentals. He was concerned this property would become a VRBO, but was told as a hotel, it has to be staffed 24 hours. He is concerned about traffic on entering and exiting off Lake Avenue. Blumberg has done a good job on another property, and hopes this will be the same. Marilyn Mayry addressed the commission. She lives across the street at 726 Lake Avenue South. Park point is a community. They pick up debris and work together as neighbors to keep their area safe. She doesn't want short term rentals or hotels in this neighborhood. It feels like their family. She noted a daily routine of debris pick-up and has had to put out fires made by visitors to their area. Duluth has enough hotels and B&Bs, especially Park Point. She is concerned about parking, traffic congestion, and noise and wants to keep their neighborhood as the treasure it is. Aimee Brown addressed the commission. She lives at 726 South Lake Avenue and is opposed to any new hotels or vacation rentals to this area until parking and traffic is addressed. The hotel may have visitors come to people staying there, and will use up street parking. She thinks it is a pedestrian safety issue. People try to cross the road when the bridge is up. Canal Park workers also park there, so they don't have pay for parking in Canal Park. Issues need to be addressed before more hotels and vacation rentals are added.

Commissioners: Wedul noted accessibility concerns. Will one accessible parking space be provided? Deputy Director Fulton noted accessibility issues will be addressed when the building permit is issued. Crawford noted the applicant is taking parking into consideration.

MOTION/Second: Crawford/Wedul approved a per staff recommendations

VOTE: (4-0, Schraepfer and Wisdorf Abstained)

Old Business

PL 21-096 Minor Subdivision at Glen Place and W Michigan Street by Aaron Schweiger

Staff: Deputy Director Fulton noted this item will remain on the table for more research on plat issues.

New Business

PL 21-132 City/County Strategic Land Realignment Project

Staff: Steven Robertson gave an overview. He referenced the staff packet and reviewed the tax forfeit parcel list up for consideration. There were two public information meetings. Comments were received. Pink are areas to add to public open space; including Hartley and Piedmont areas. And Mission project Area. 1 large scale of 100 acres has more intrinsic value than 10 – 10 acres areas.

MOTION/Second: Wedul/Wisdorf recommended that the city council approve the list of tax forfeit parcels in the St Louis River, Mission, Piedmont, Hartley/Downer, and Lester/Amity Public Land Project Areas and specifically indicated other parcels that the city administration and Natural Resources Commission have proposed for city ownership and permanent protection

VOTE: (6-0)

PL 21-127 Proposed UDC Text Amendments Related to Enforcement and Zoning Permit

Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton thanked commissioners and staff for their in-person attendance at this meeting. Their next special meeting on August 24th will be virtual. Regarding the previous month's Vassar Street item, more supplemental research revealed there is only a one-year period enacted if an EAW is requested and not five years as previously thought. There is an EAW for Munger Landing coming up. Other projects include Clyde Avenue and Grand in Smithville. The MPCA is the RGU for a remediation project that includes significant dredging. Point of Rocks issues – still in research phase. Wedul asked about the Cubis development trees. Fulton noted landscaping may be added to the swales, but it is hard to maintain. There will be tree replacement. Wedul asked about Kenwood Village. Deputy Director Fulton stated they are not proceeding with any projects. Crushing activity is not approved. Deputy Director Fulton has not heard anything from the neighbors. Site will be re-vegetated and will remain vacant. He noted Costco will be opening in the fall. He stated city councilor Zack Filipovich is currently in attendance if there are questions on the vacation dwelling units proposal. Wisdorf asked if the planning commission will need to recommend the proposal to the city council. Councilor Filipovich addressed the commission. The council came up with ideas, which were drafted into a resolution, and will be presented to the planning commission for approval, which will then go back to the city council. Wedul noted the proposed maximum of four bedrooms. Houses in her neighborhood may have 5, etc. How did they come up with that number? Filipovich stated their rationale was hashed out between council committees and councilors. The state building code was considered, and four was decided on. Wisdorf asked when current permits expire, will they be grandfathered in? Or reduced to 4 when renewing? Deputy Director Fulton stated IUP permits are not grandfathered in.

Heritage Preservation Commission – Vice-President Wisdorf stated the HPC is working on Downtown Design Guidelines. More public meetings ahead. (They did not meet yesterday due to lack of a quorum.)

Joint Airport Zoning Board – No update.

Duluth Midway Joint Powers Zoning Board – No update.

Adjournment

Meeting adjourned at 6:49 p.m.

Respectfully,

Adam Fulton – Deputy Director
Planning & Economic Development

* Items moved to the 8-24-2021 special meeting of the planning commission

City of Duluth Planning Commission

August 24, 2021 Special Meeting Minutes

Due to the COVID-19 emergency, many 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 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, August 24th, 2021.

Roll Call

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

Members Present: Gary Eckenberg*, Jason Hollinday*, Margie Nelson*, Michael Schraepfer*, Sarah Wisdorf*, Andrea Wedul*, and Zandra Zwiebel*

Members Absent: Jason Crawford and Eddie Ranum

Staff Present: Adam Fulton*, Robert Asleson*, and Steven Robertson*

Old Business

PL 21-110 Planning Review for Parking Lot and Site Improvements at 339 E Central Entrance by Brad Rixmann, RFP LLC

Staff: Adam Fulton gave an overview of both PL 21-110 & PL 21-111. During the Public hearing at the August 10th, an adjacent property owner addressed the planning commission with two concerns; the access over vacated Upham Road and the concern of their private utilities located under Upham Road. The applicant intends to work with the adjacent owner for use of the private easement over the vacated right of way. The applicant indicated that they only know of Pawn America's utilities in the area, and are unaware of any other private utilities located there. City Engineering has confirmed there are public utilities in the right of way for Central Entrance. Staff removed the recommendation of the easement for private access across vacated Upham Road from the staff report and is no longer part of staff recommendation. Staff received correspondence from Mike Casey (which was shared with commissioners via email). Staff should have listed in their staff report the correlation between this project and the Central Entrance planning study and the concerns of the Duluth Superior MIC. Staff has worked with the applicant to reserve space in the future for a possible sidewalk or trail. Staff recommends approval.

Applicant: Brad Rixmann of RFP, LLC, and Jeff Goetzman of TKDA are both in attendance, and can answer questions.

Public: The public hearing was held last meeting, but can be opened back up and the discretion of President Nelson and the commissioners. President Nelson opened the public

hearing. Mike Casey – addressed the commission. He thanked the commissioners for opening the public hearing. He has been involved in the Central Entrance planning study. He is extremely disappointed to see the lack of planning on this proposal. He hopes areas are maintained to improve the safety of the community, and not just for parking for businesses.

Commissioners: Andrea Wedul asked about the extension from Duluth Motor Sports East over to Blackman. Do they have the flexibility not to extend that drive? Deputy Director Fulton affirmed. It does not affect the material impacts of what is being proposed.

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

VOTE: (7-0)

PL 21-111 Vacation of a Portion of Upham Road at 339 E Central Entrance by Brad Rixmann RFP LLC

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

VOTE: (7-0)

Public Hearings

Deputy Director Fulton noted item PL 21-115 will be withdrawn until 9-14-2021.

PL 21-113 Concurrent Use of Streets Permit for a New Skywalk Over 4th Avenue E at 502 E 2nd Street by Essentia Health East

Staff: Steven Robertson introduced the applicant's proposal for a concurrent use permit to construct a skywalk (pedestrian walkway) over the public right of way, as part of the proposed parking ramp. The parking ramp will ultimately be owned and operated by the City of Duluth. This item was initially on the August 10, 2021, planning commission agenda. Staff recommends approval with the conditions listed in the staff report. Staff received a comment from a citizen (shared with the commissioners via email.) expressing concern about the parking ramp layout. Wedul asked about the snow chute. It appears that half is dumping into alley and half is going on their property. Has engineering approved this design? Robertson noted this will be discussed as part of P 21-115 at their next meeting. It is still being finalized.

Applicant: N/A

Public: No speakers.

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

VOTE: (7-0)

PL 21-114 Concurrent Use of Streets Permit for a New Parking Structure Over the E 1st Street Alley at 502 E 2nd Street by Essentia Health East

Staff: Steven Robertson introduced the applicant's proposal for a concurrent use permit to construct a private structure over the public right of way, as part of the proposed parking ramp. The parking ramp will ultimately be owned and operated by the City of Duluth. This item was initially on the August 10, 2021 planning commission agenda. Staff recommends approval with the conditions listed in the staff report. Zandy Zwiebel asked about the public easement. Is it only level four? Robertson said it starts at four, but also includes five and six.

Applicant: N/A

Public: No speakers.

MOTION/Second: Wedul/Hollinday recommended approval as per staff recommendations.

VOTE: (7-0)

PL 21-115 Planning Review for a 800-Stall Parking Structure at 502 E 2nd Street by Essentia Health East

No Action – Withdrawn until 9/14/2021

PL 21-127 UDC Text Amendments Related to Enforcement and Zoning Permit Revocation

Staff: Steven Robertson introduced the UDC amendments related to revocation of special use permits, interim use permits, and variances. The amended language provides an additional enforcement tool for the Land Use Supervisor and staff to more easily, speedily, and efficiently enforce the zoning code and ensure that conditions attached to planning commission approval have been implemented. Deputy Director Fulton noted they have also worked with Life Safety. They want to make sure their tools are correct and legally defensible. Michael Schraepfer asked if this includes a time frame element. Robertson stated not in this particular language, but he gave staff's normal routine is they usually give the applicant three to six months to correct something, and then it's a verbal warning usually a phone call or an email, and then it becomes a written warning. It takes a long time, a year is not atypical. Planning's goal is to seek compliance. Schraepfer asked if a time frame should be added to the UDC. Robertson reluctant to place every situation in the same time frame, and would like the freedom to view items on a case to case basis. Gary Eckenberg asked if this language would help the commission in the Cody Street compliance. Deputy Director Fulton noted this amendment isn't related to any specific item, but seek to fix the deficiency in the code from a legal standpoint. Revocation of a special use permit is a tool that can now be considered. Zwiebel asked about extensive clutter. Deputy Director noted it depends on the property's use. Storage of items outside is complicated. Automotive uses could start out as a body repair shop, and becomes more of a junk/salvage facility. That's an area where staff has to be very clear as to how they are making determinations. The International Property Maintenance Code is referred to in the UDC, but is more likely to be handled by the city's Life Safety Office. Schraepfer noted he doesn't agree with the revocation of use without any required notice. Deputy Director noted they may have miscommunicated, and there is a 14 day notice, and then there is an appeal process. There is ample opportunity for it to be challenged. Notice should be provided to the owner, the applicant, and the tenant of the property.

Public: No speakers.

Commissioners: Schraepfer reiterated he didn't think it was fair to give a 14 day revocation of someone's livelihood, without some sort of documented notification beforehand. To trust the city has the individual's best interest at heart is vague. Robertson noted there is a section in the code where it gives specific notice that the applicant is not in compliance. This would happen before the revocation process begins. Schraepfer appreciates the clarification.

MOTION/Second: Nelson/Eckenberg recommended approval as per staff recommendations.

VOTE: (7-0)

PL 21-135 UDC Text Amendments for Mixed Use-Institutional (MU-I), Residential-Planned (R-P), an Mixed Use-Planned (MU-P) Districts

Staff: Director Deputy Fulton gave an overview. The proposed changes to the UDC text for the referenced districts are based on updates discussed over the past several months with the

commission, and based on previous work plan items for UDC updates, and the policy direction of the Imagine Duluth 2035 Comprehensive Plan. If recommended for approval by the planning commission, the proposed changes will be brought before the city council for consideration in September. Staff recommends that the planning commission conduct a public hearing on the proposed UDC changes, and make a recommendation of approval for those changes to the city council. Wedul asked about the change of the minimum lot size in the R-P. Was there a rationale for dropping it to one acre? Deputy Director noted they would like to have urban redevelopment and conserve land on the outskirts of the city. It provides for more options in the core of the city. Zwiebel asked about the MU-I – a plan “may” be required. Deputy Director stated currently it is just an option. There may be situations where they want to see a district plan.

Applicant: N/A

Public: No speakers.

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

VOTE: (7-0)

Other Business

PL 21-133 Tax Increment Financing Comprehensive Plan Compliance for the Greysolon Plaza Project at East Superior Street and 3rd Avenue E

Staff: Theresa Bajda gave an overview. In order to facilitate redevelopment and preservation of the Greysolon Plaza affordable apartments located at the corner of East Superior Street and 3rd Avenue East, the city needs to approve adoption of the Greysolon Plaza Tax Increment Financing Plan. Staff recommends a motion to adopt the findings that the Tax Increment Financing Plan for Greysolon Apartments conforms to the general plans for the redevelopment of the city via resolution. 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). The 150-unit Greysolon Plana Apartments will be reinvested in to preserve the one-bedroom units for senior 62+ earning 50% or less of the area median income, with support from Section B Project Based Vouchers. The project includes upgrades to existing units, elevators, common areas; including the installation of the WiFi system throughout. This project implements the comp plan principles listed in the staff report.

Applicant: N/A

Public: N/A

Commissioners: Commissioner Eckenberg noted the limitation of seniors 62 and over. Because it's a HUD property, are they allowed to restrict candidate due to age? Bajda isn't aware of any changes. It is currently senior housing, and will continue to be senior housing. Deputy Director Fulton noted this is a conversion of a former hotel property, the developer is not seeking to displace anyone, but would like to see investment in the property. He will look into the different HUD programs and get back to the commissioners regarding senior housing. Commissioner Schraepfer noted it is a HUD loan, but not HUD owned.

MOTION/Second: Eckenberg/Hollinday TIF is in conformity with the Comprehensive Plan

VOTE: (7-0)

PL 21-136 UDC Text Amendment for Vacation Dwelling Units

Staff: Deputy Director Fulton noted the resolution attached on page 133 of the staff packet. He welcomed city councilor Zack Filipovic and added him as a panelist. There are complexities involved with this topic. Steven Robertson gave an overview. He clarified that this is not a public hearing, but just a discussion at this point. He noted the many inquiries the planning department gets on this matter, and that it is a hot topic. The interim use permits will now be approved by the planning commission. The number of bedrooms will be limited. There will be stronger screening rules, and the cap limit will increase with an annual accelerator of 10% up from 60 to 100. Deputy Director Fulton will clarify with the council when the increase is slated to begin. Robertson stated a new application will list the proximity to neighboring structures and a dense urban screen or fence is required to be in place during the permit period between the permitted property and neighboring properties. Robertson highlighted 50-20.3V Vacation dwellings limited. Only eligible applicants will be allowed to apply. This includes property owners that reside in their owner-occupied homestead property may apply for a temporary vacation dwelling unit in their owner-occupied homestead properties. This is geared toward homeowners that would like to rent out their homes for a limited period in order to obtain additional income. This is not for corporations who own multiple properties. Language was also changed in regards to accessory home shares. In September when the topic is brought back to the planning commission staff will have a clear copy of what the rules are. Having the planning commission approved the interim use permits will be a big change. Cottage home parks language will also be changed to add more connectivity. Robertson suggested an informational meeting for citizens hosted by staff.

Applicant: N/a

Public: N/A

Commissioners: Wedul noted Robertson's overview was helpful. She had questions on the process, term and lottery system, and also a technical question regarding RV's, and that an RV could have 3-4 bedrooms in it. How does that effect the limited number of bedrooms in regarding to accessory dwelling units? Robertson noted the RV discussion was a staff discussion for vehicles parked out on the street. It won't add to the bedroom calculation. Wedul suggest maybe staff should note that RVs should be parked only, and not occupied. Robertson agreed. Regarding the lottery system. He noted there are approximately eight people on the waiting list from 2018. Wedul suggested a press release would be helpful for future information. Commissioner Eckenberg noted vacation dwellings – limited – and the maximum of 21 nights. Is this language new? Robertson stated it is brand new tool, and allows homeowners to rent their entire house without being present. Eckenberg asked about current home accessory rules. Is there a limit? Robertson stated there is no limit, and not super popular, since the owners don't want to be on the property while their guests are there. Commissioner Zwiebel noted the limited maximum of 21 nights. She mentioned snowbirds. She would like to see the time period extended from 21 to 90. Robertson noted the city council concern might be determining what period is too long to haven an over the counter permit without neighbors being notified, etc. Commissioner Wedul asked about the squatting law. Is there an eviction process after so many days? She is try to understand the limit of 21 days. Deputy Director Fulton noted the time frame for a guest to stay is from two to seven days, with a maximum occupancy of 3 weeks/21 days for the year. This was council's decision to minimize the impact on the neighbors. Planning commission could make an alternate recommendation if they wish. Commissioner Eckenberg noted the language of no less than two nights. Why? Deputy Director Fulton stated it eliminates people from coming and going for just one night. Chair Nelson noted the availability of a hotel room for one night. Eckenberg noted the high price tag for one night in a hotel during a busy event. Councilor Filipovich thanked the commissioners for their discussion. He compared the limited Vacation Dwelling to a part time versus full time vacation dwelling. The two day

minimum is the current language and allows visitors to get a feel for the area. Commissioner Wedul noted there are certain requirements in place for long term rentals. In regards to protecting visitors, how are the short term buildings evaluated? Robertson noted there is a life safety inspection as well as a hotel/motel license inspection. Deputy Director Fulton noted they have to conform to building code standards. They are also evaluated by customers. Life Safety inspections continue to be a priority.

MOTION/Second: N/A – Discussion only

Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton noted there is an unusual item coming up on the planning commission's September agenda regarding the sale of land. Theresa Bajda will be preparing the staff memo. After review, please reach out to Deputy Director Fulton if there are any questions. Also, regarding comp plan density, he asked if there is an openness for discussion. Chair Nelson agreed to having a conversation to explore different options. Deputy Director Fulton asked for volunteers to be on the committee to discuss density in housing. President Nelson, Vice-President Wisdorf, along with commissioners Schraepfer, Wedul and Zwiebel volunteered. Deputy Director Fulton will also reach out to the absent planning commissioners. Commissioner Wisdorf asked about the Kenwood Super One. Deputy Director Fulton stated they may be issuing a permit for rock crushing, but neighbors will be notified first. No other update. Wisdorf asked about any Vassar Street updates. Deputy Director Fulton noted it has been to numerous council meetings, and the planning commissions' decision was upheld. The applicant has an extended review period of 120 days which extends into November.

Adjournment

Meeting adjourned at 6:53 p.m.

Respectfully,

Adam Fulton – Deputy Director
Planning & Economic Development



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 21-106	Contact	Steven Robertson, 218-730-5295	
Type	Concurrent Use Permit, Wireless Utility on Light Pole	Planning Commission Date		September 14, 2021
Deadline for Action	Application Date	Aug 20, 2021 (Exhibit Revised)	60 Days	
	Date Extension Letter Mailed	Aug 20, 2021	120 Days	
Location of Subject		1 North 6 th Avenue West		
Applicant	SACW	Contact	Joe Goldshlack and Marissa Miller	
Agent	AT&T	Contact	Ron Mitchell Jr	
Legal Description		See Attached Map		
Site Visit Date		September 4, 2021	Sign Notice Date	August 31, 2021
Neighbor Letter Date		N/A	Number of Letters Sent	N/A

Proposal: The applicant is seeking a concurrent use permit to allow a private obstruction (utility pole mounted antennas and related equipment) in the public right of way.

Recommended Action: Recommend to the city council to approve with conditions (Ordinance).

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-8	Utility Pole	Central Business Secondary
North	F-8/F-5	Institutional	Central Business Primary
South	F-8	Institutional/Commercial	Central Business Secondary
East	F-8/MU-C	Commercial	Central Business Primary
West	F-8/R-2	Institutional/Transportation	Central Business Secondary/Res-Urban

Summary of Code Requirements

UDC Section 50-37.7.C. The planning commission shall review the application, and council shall approve the application or approve it with modifications, if it determines that the proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city, and no portion of a public easement proposed of use is being physically occupied by the public.

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

Principle #4 - Support emerging economic growth sectors. Emerging economic sectors add economic, cultural and social diversity. These include higher education, medical, value-added manufacturing, commercial outdoor recreation, historic resources interpretation, arts and music, information technology and visitor services.

The installation falls with the provisions of Minnesota Statute 237.162 and 247.1643, as amended in 2017.

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

Existing small cell on utility poles in public right of way include the following sites: six around UMD, two near the Burning Tree Plaza, two near Canal Park, three near the 6000 block of East Superior Street, one near Spirit Mountain, one near Denfeld High School, one near East High School, one near the Radisson Hotel, one near the Miller Hill Mall, and one near Edgewater Park. There are three more on utility poles within the St. Scholastica Campus, on private property. Two more are under City Council consideration (PL 21-075, 1801 East Second Street, and PL 21-076, 651 East Fifth Street), which are from the same applicant as this application

This is a companion zoning application to PL 21-140, -141, and -142, also concurrent use permits for wireless equipment on existing utility poles.

The concurrent use permit application also included a structural analysis, radio frequency interference analysis report, and RF emissions analysis.

Review and Discussion Items:

- 1) The applicant is seeking a concurrent use permit to allow a private obstruction (utility pole mounted antennas and equipment mount) in the public right of way. The small wireless facility will be installed on a replacement Minnesota Power wooden pole with a carbon steel pole. The street light will be attached to the pole at 30 feet, and the wireless equipment will be placed at 24 to 32 feet. There will be no ground mounted equipment.
- 2) Granting a concurrent use permit would give the applicant the ability to use dedicated public rights-of-way, with conditions, while preserving other existing public uses in the same right-of-way corridors. Concurrent use permits require a public hearing and recommendation by the Planning Commission, and is approved by the City Council via ordinance. Unlike street right-of-way vacations, concurrent use permits are not recorded at the County as they are voidable permits issued by the City to applicants who are private users of public rights-of-way.
- 3) Ownership of the pole will remain with Minnesota Power. Liability, maintenance, and operation of the small wireless facilities will remain the responsibility of the applicant. In the event of an accident, such as a vehicle hitting the utility pole, the city is not responsible for restoring or replacing any of the applicant's equipment.
- 4) The existing pole will be replaced with a new pole. The new pole will have a structural analysis by the manufacturer to ensure that they can support the weight of the private small cell facilities.
- 5) Granting the proposed concurrent use permits will not harm or inconvenience the health, safety and general welfare of the city. The area proposed for the concurrent use permit will not take away from the public's ability to use the public right-of-way. Minnesota Power will own the poles and continue to use them for utility purposes (lighting).

6) The UDC generally requires that new wireless facilities follow a location standard: first they should be collocated on existing towers or other structures on city owned properties first, and then existing towers or other structures on other (private) property, and so forth down the location standard list. As these small wireless facilities would be located on existing infrastructure in public right of way, and as per the recent change in state statute, the city is processing these applications as concurrent use permits and not special use permits, and the UDC's use-specific standards do not apply in this specific situation.

7) The city has the ability to regulate land use, however, the Federal Communications Commission preempts local review on the potential environmental effects of radio frequency (RF) emissions, with the presumption that the applicant and service provider is in compliance with the Commission's RF rules. The applicant included an FCC checklist used to determine exemption from RF regulations (unlikely to cause exposure in excess of the FCC's guidelines).
























8) At the time that this memo was written, no written comments from the public have been received.

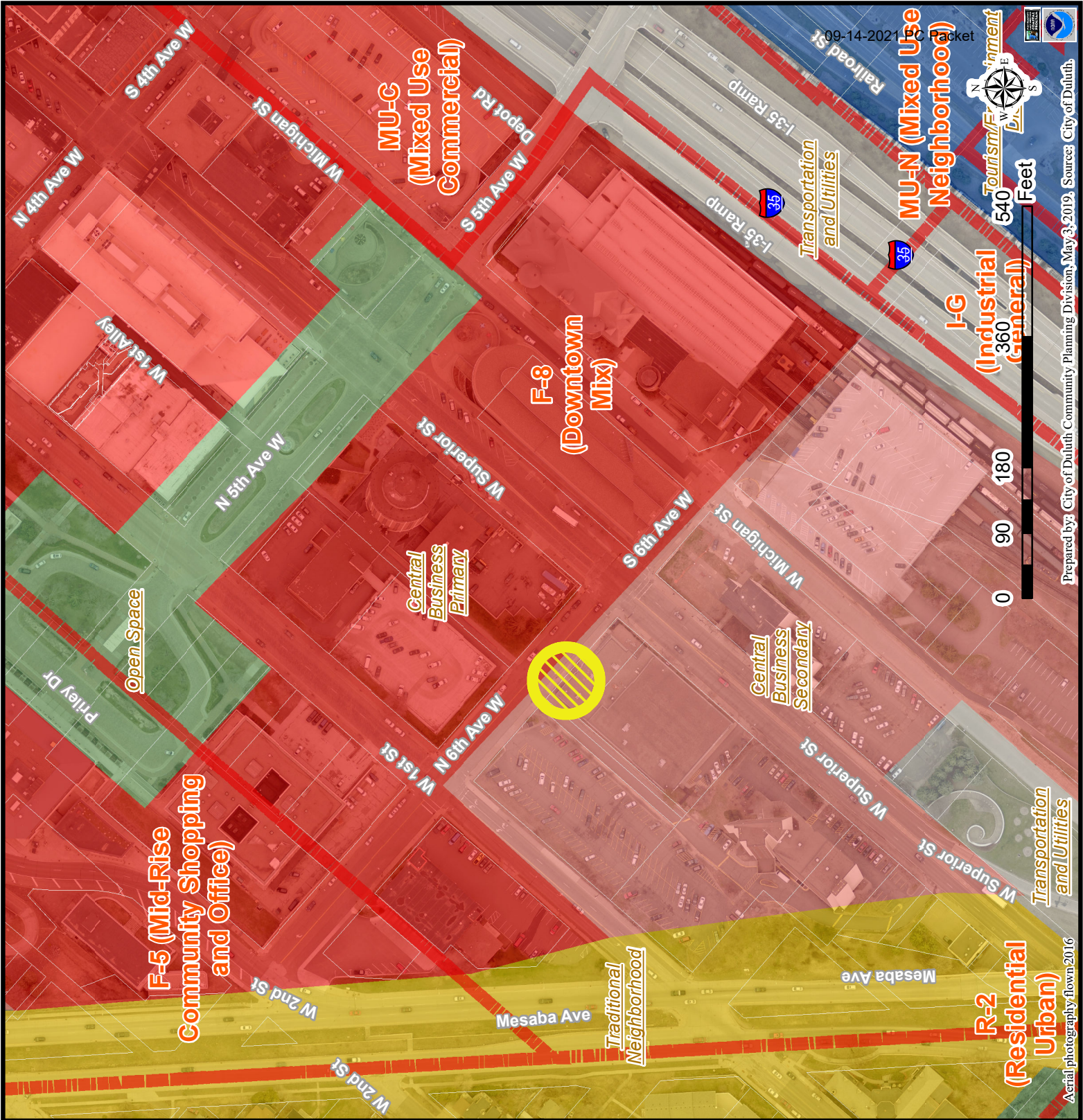
Staff Recommendation:

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

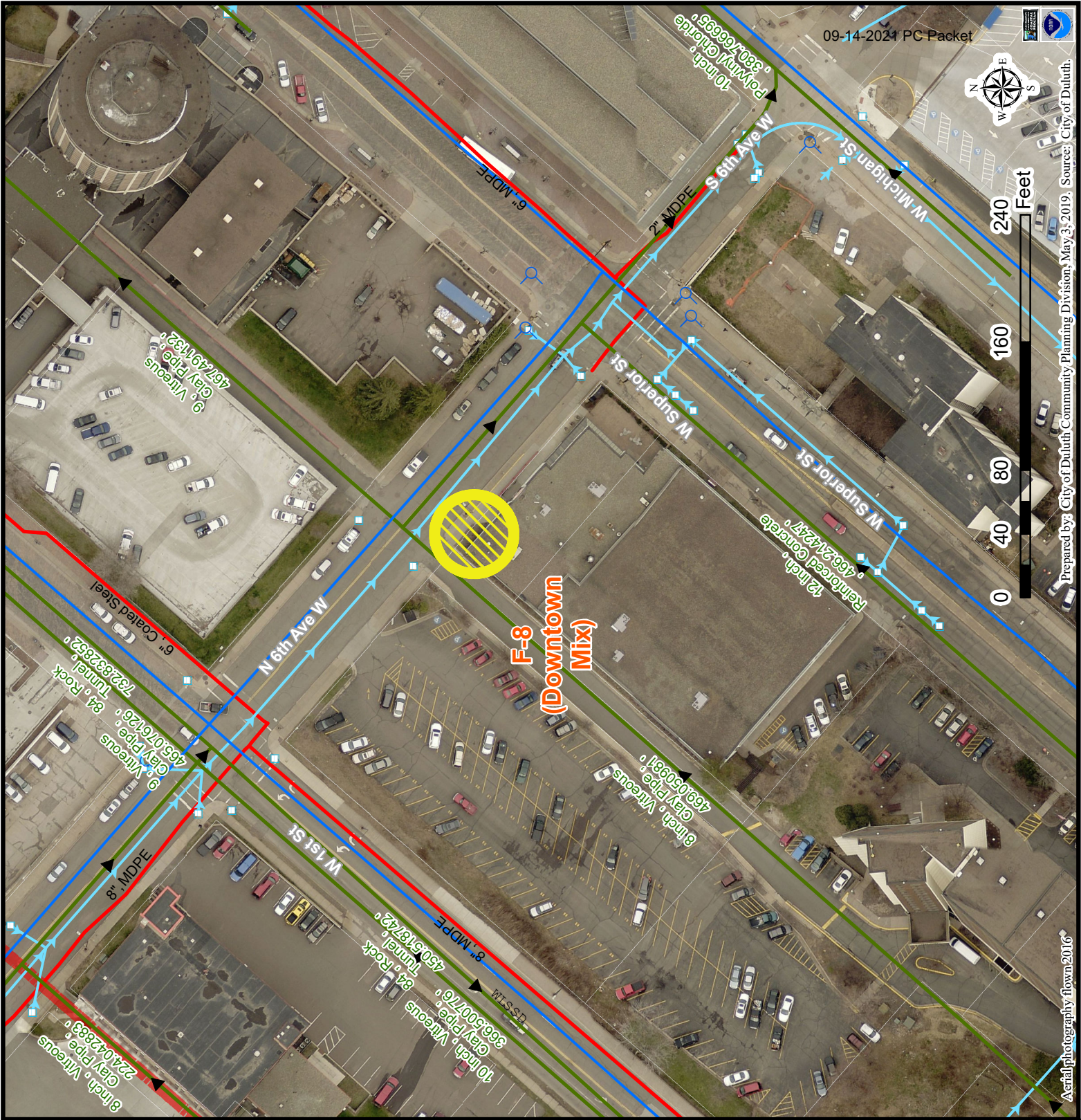
- 1) The project be limited to, constructed, and maintained according to construction drawings submitted and included with this staff report.
- 2) Applicant, and/or successors, shall remove the proposed obstructions at applicant's expense if directed to do so by the City with appropriate notice, and shall adhere to other standards and obligations established in the approving document (ordinance).
- 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, all other changes must be approved by amending the City Council's approved ordinance.

Legend

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



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 not a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.



Legend

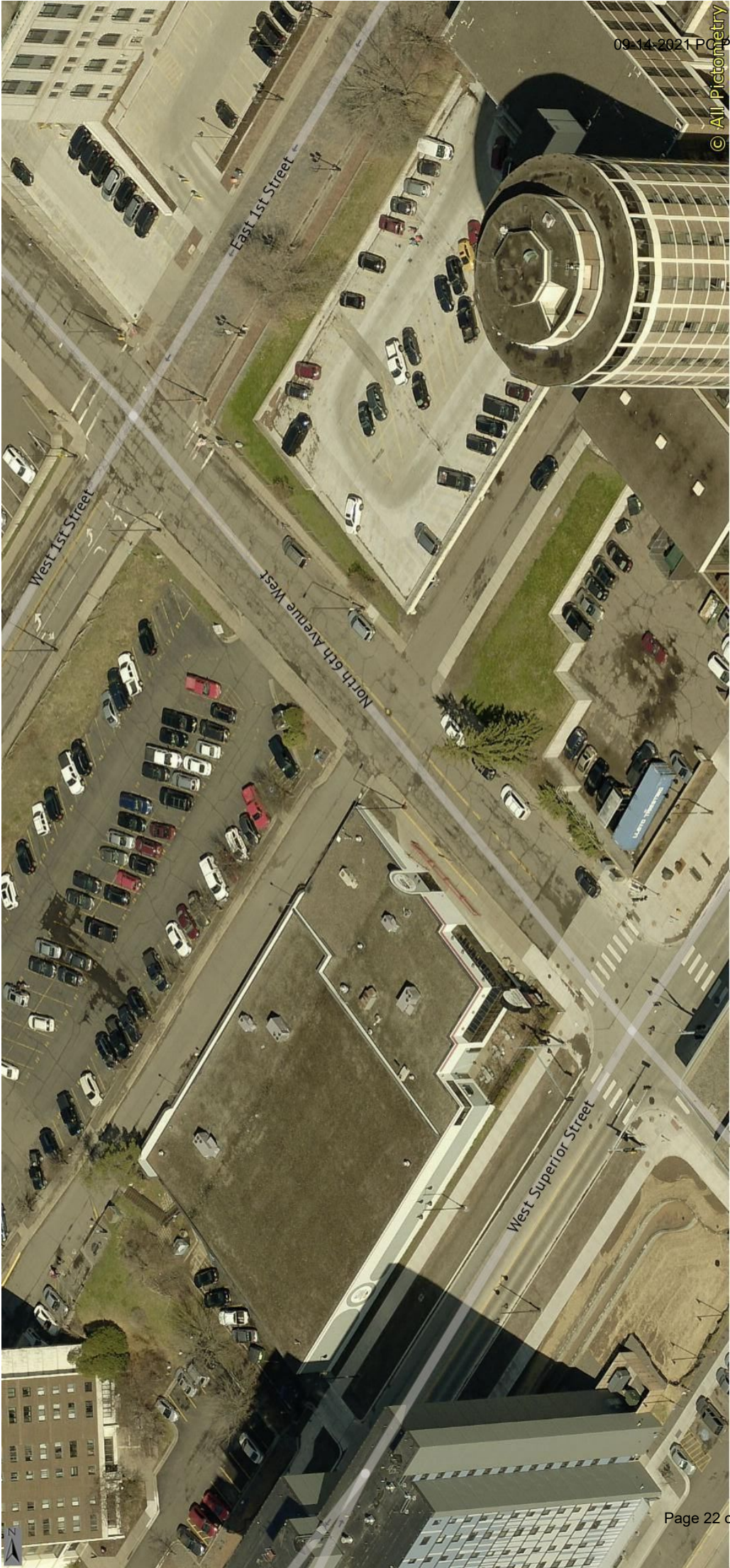
- Gas Main
- Water Main
- Hydrant

Sanitary Sewer Mains

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

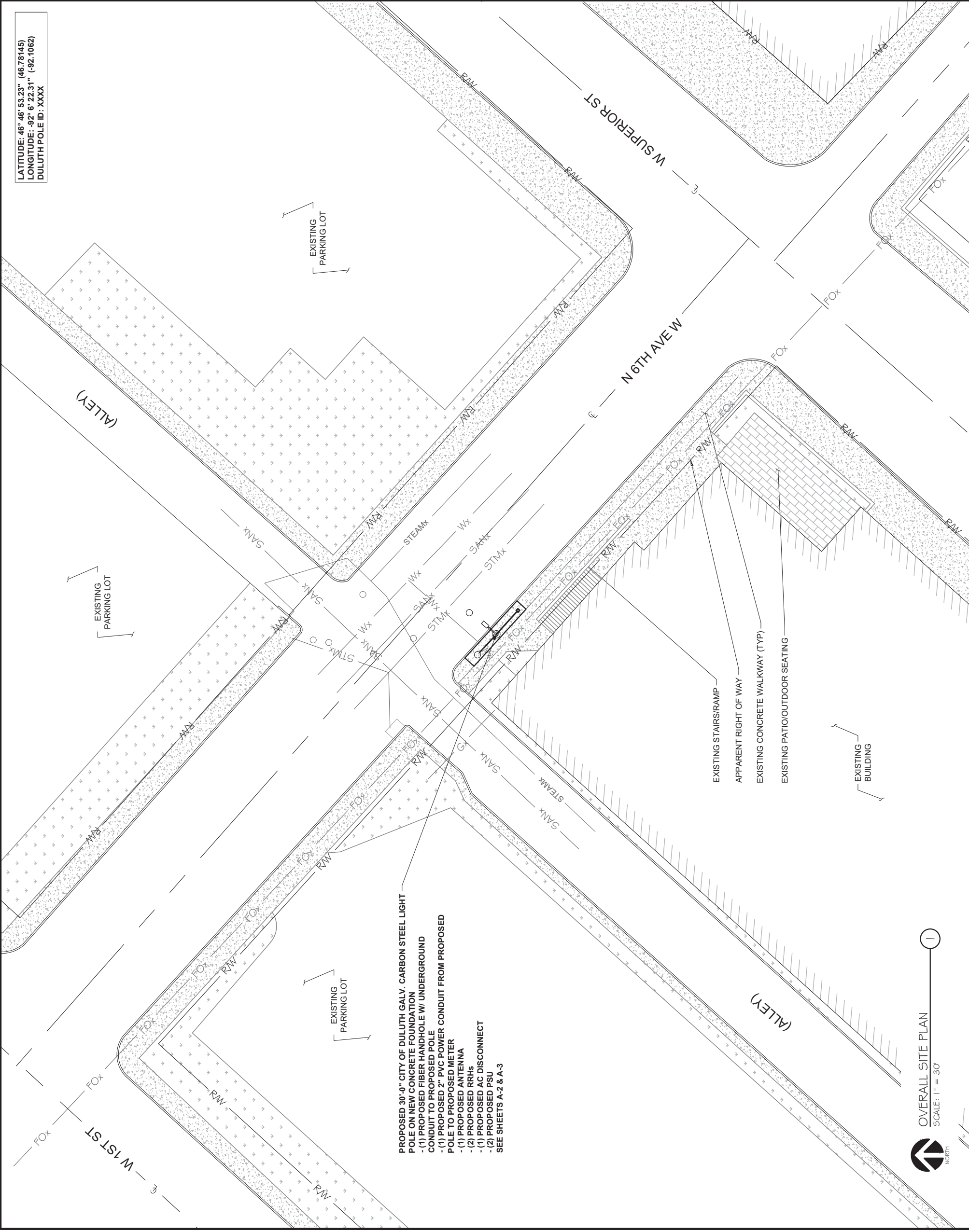
Storm Sewer Mains


- Storm Sewer Pipe
- Storm Sewer Catch Basin




09-14-2021 PC Packet

© All Pictometry





7900 XERXES AVENUE S., 3RD FLOOR
BLOOMINGTON, MN 55431




540 W. MADISON ST.
9TH FLOOR
CHICAGO, IL 60661
www.sacw.com



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




Signature: *James R. Skowronski* 6/10/2021
Date: 42202
Typed or Printed Name: Registration Number:

REV.	DATE	DESCRIPTION	GM	INITIALS
0	06/10/21	FINAL CDs ISSUED		

PROJECT TITLE:
CRAN 1C/2C/3C
MRUMW022246
CRAN_RUMW_DLCNL_003
189874
CITY ASSET ID # TBD

PROJECT INFORMATION:
1 N 6TH AVE W
DULUTH, MN 55802

SHEET TITLE:
OVERALL SITE PLAN



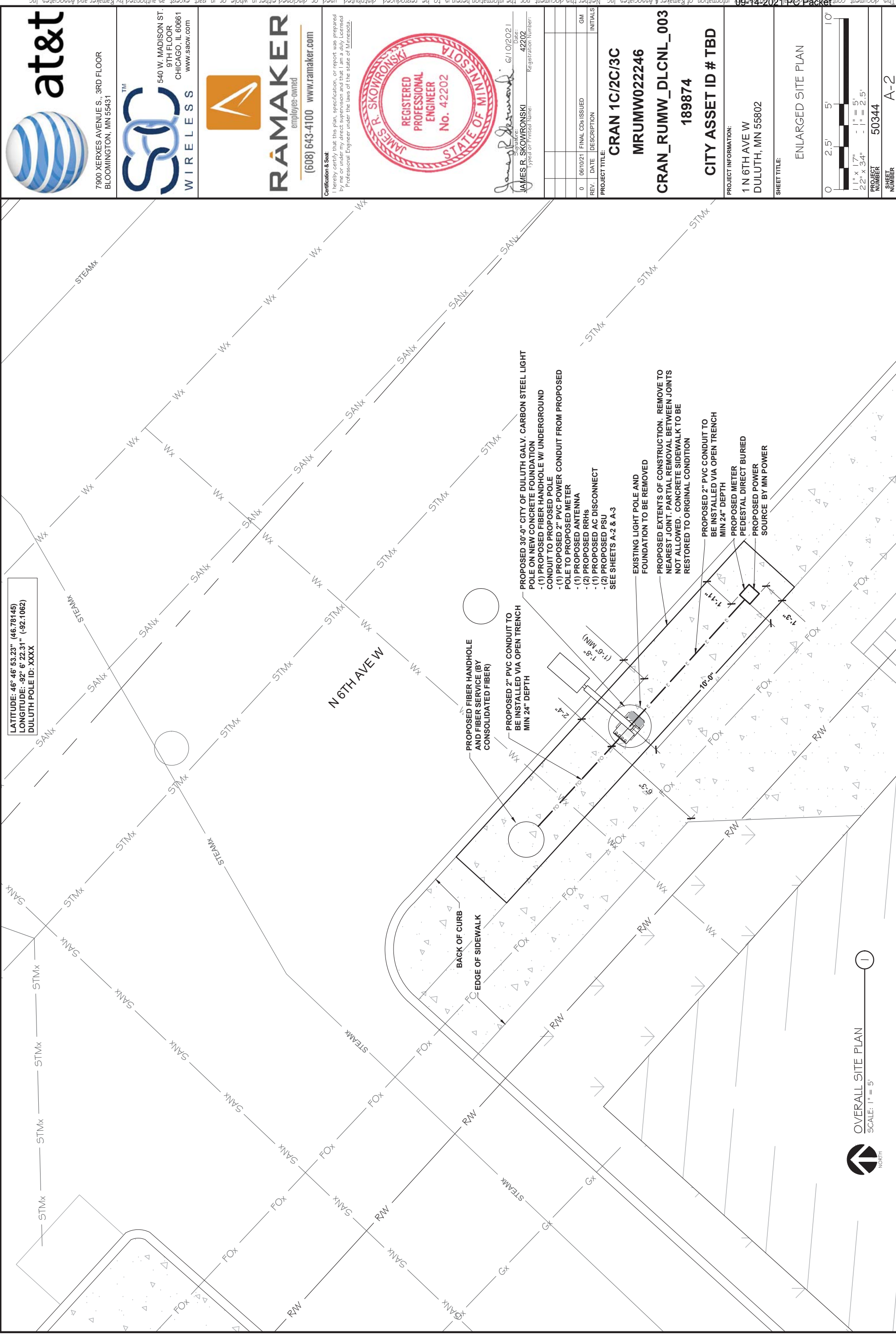
0 15' 30' 60'

1" = 30'
1" x 17" = 30'
22" x 34" = 15'

PROJECT NUMBER: 50344
SHEET NUMBER: A-1

LATITUDE: 46° 46' 53.23" (46.78145)
LONGITUDE: -92° 6' 22.31" (-92.1062)
DULUTH POLE ID: XXXX

Page 23 of 191



SBI (BEAM ARM) CARBON STEEL

ANCHOR BOLTS

Anchor bolts conform to ASTM F1554 Grade-55 standards. Bolts have an "L" bend at one end and a minimum of 12" galvanized threads on the other end. Two galvanized flat washers per ASTM F436 and two galvanized hexagonal nuts per ASTM A563 Grade DH are provided with each bolt.

ANCHOR BASE

The base plate is fabricated from ASTM A36 carbon steel. The base is fabricated with the base plate telescopes the pole shaft and is circumferentially welded top and bottom.

HIGH BASE

Each pole assembly is fashioned with a Millerbernd Manufacturing Company High Base. The base is fabricated from the same material as the pole shaft and stands 27 inches tall. The pole shaft is slip fitted and welded to the base.

DIRECT-EMBEDDED BASE

Each pole assembly is fashioned with a direct embedded base. The base extends below the ground line and is fitted with a 1 inch coupling located 2' below the ground line for wire entrance. The direct embedded base is fashioned with an anti-rotation bearing strap on the bottom of the base.

SHAFT

The pole shaft conforms to ASTM A1011 Grade 50 carbon steel standards.

HANDHOLE

a reinforced handhole with cover, grounding lug, and hardware is provided with each pole assembly. Pole assemblies fabricated with a High-Base are provided with a flush mounted handhole with cover, grounding lug, and hardware.

ARMS

SBI arms are fabricated from the same material as the pole shaft. SBI arms are fitted with a 2.38" x 6" pipe adapter for luminaire mounting. Arms are cut with a 45° angle at the arm base and are circumferentially welded to a mating cut on the pole shaft.

FINISHING

Carbon steel poles may be specified as hot-dip galvanized or mill galvanized. Poles shall be painted with our standard Millerbond Wet Coat Finish.

HARDWARE

All hardware and fasteners are supplied with each pole assembly. All structural fasteners are galvanized high-strength carbon steel.



ANCHOR BASE

PART#	MOUNTING HEIGHT	MAX ARM LENGTH (F')	WEIGHT (LBS.)	BASE O.D. (IN)	TOP O.D. +/- 0.5 (IN)	BOLT CIRCLE (IN)	BASE SOURCE (IN)	MAX EPA	MAX EPA	MAX EPA	MAX EPA	MAX EPA	MAX EPA
								90 MPH	100 MPH	110 MPH	120 MPH	130 MPH	140 MPH
S91-061-A-090-A-250	25	6	240	8	3.7	11	11	8.97	6.34	4.27	2.6	1.25	
S91-061-A-080-A-300	30	6	275	8	3.7	11	11	5.25	2.95	1.14			
S91-061-A-090-A-350	35	6	339	9	3.7	12	12	3.95	1.5				
S91-061-A-100-A-400	40	6	409	10	3.7	13	13	2.49					

DIRECT-EMBEDDED BASE

PART#	MOUNTING HEIGHT (FT)	MAX ARM LENGTH (FT)	WEIGHT (LBS.)	BASE O.D. (IN)	TOP O.D. (IN)	BURIAL DEPTH (FT)	MAX EPA 90 MPH	MAX EPA 100 MPH	MAX EPA 110 MPH	MAX EPA 120 MPH	MAX EPA 130 MPH	MAX EPA 140 MPH	MAX EPA 150 MPH
S91-061-D-080-A-250	25	6	221	8	3.7	5	8.97	6.34	4.27	2.6	1.25		
S91-061-D-080-A-300	30	6	257	8	3.7	6	5.25	2.95	1.14				
S91-061-D-090-A-350	35	6	318	9	3.7	6	3.95	1.5					
S91-061-D-100-A-400	40	6	388	10	3.7	7	2.49						



HIGH-BASE

PART#	MOUNTING HEIGHT (FT)	MAX ARM LENGTH (FT)	WEIGHT (LBS.)	BASE O.D. (IN)	TOP O.D. (IN)	BOIT CIRCLE (IN)	BASE SQUARE (IN)	MAX EPA 90 MPH	MAX EPA 100 MPH	MAX EPA 110 MPH	MAX EPA 120 MPH	MAX EPA 130 MPH	MAX EPA 140 MPH	MAX EPA 150 MPH
S81-061-H-081-A-250	25	6	238	8.1	3.7	11	12	10.62	7.88	5.72	3.98	2.57	1.4	
S81-061-H-081-A-300	30	6	275	8.1	3.7	11	12	6.9	4.46	2.55	1.02			
S81-061-H-089-A-350	35	6	356	8.9	3.7	12	14	5.17	2.67	0.72				
S81-061-H-097-A-400	40	6	399	9.7	3.7	15	15	3.37	0.82					

- Variations from above sizes are available. Consult factory for allowable weight and EPA ratings for custom sizes.
 Charts are for single arm configurations only. Consult factory for allowable weight and EPA ratings on twin arm arrangements.
 Chartered weights include the base, pole shaft, and luminaire mounting arm.
 The "Base 0.0" measurement for direct-embedded structures is taken at the ground line.

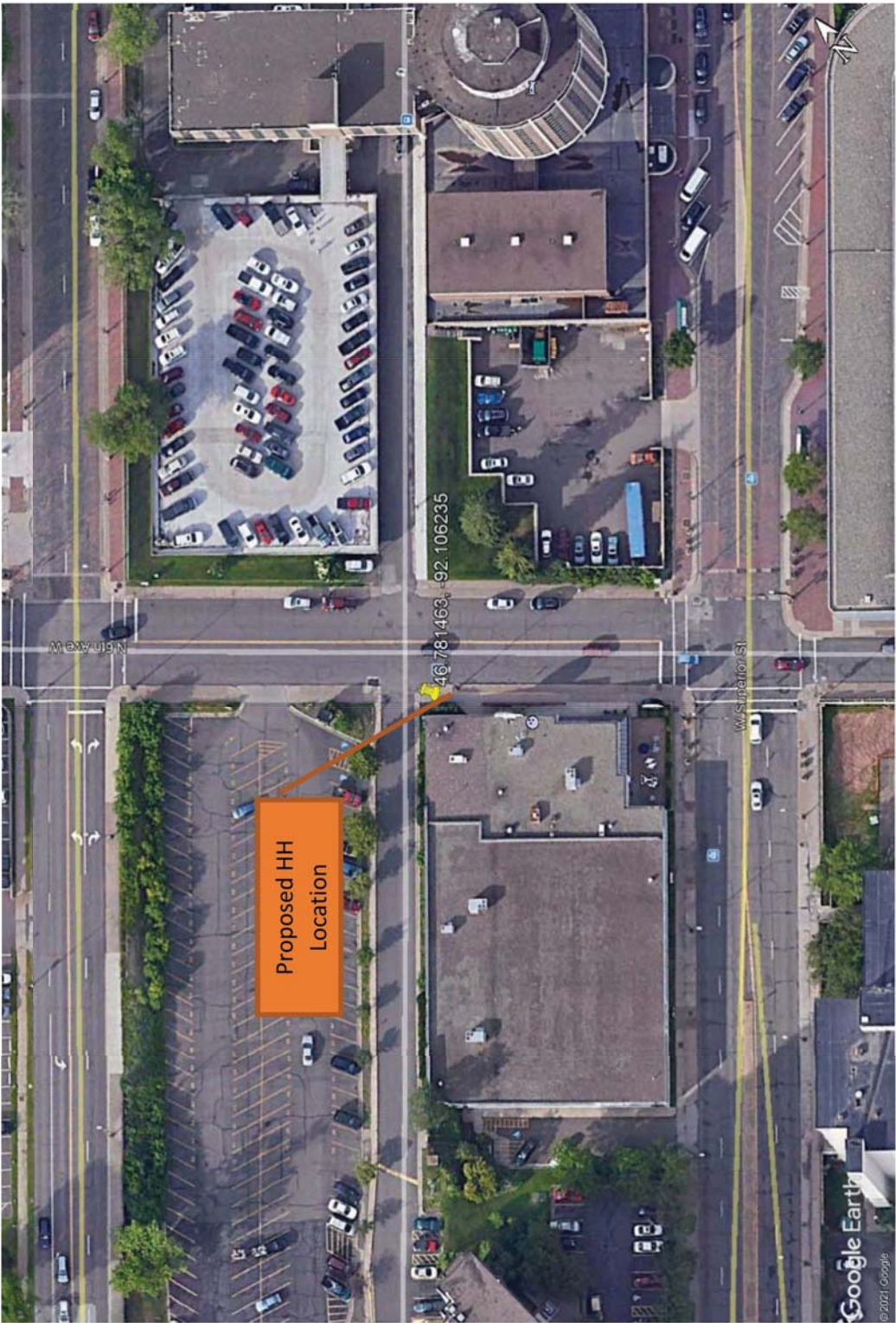
Product Ordering Code: SB1-061-H-097-D-30-H-GP with 15" Bolt Circle with "MILLERBERND FINISH BROWN PAINT" over the galvanized pole

S81 -	061	H	9.7	D	30	H	GP	15" BOLT CIRCLE
Design	Arm Span	Base Style	Base Diameter	Wall Thickness	Mounting Height	Cross Section	Finish	Options
<div>A = Anchor H = High D = Direct Embed</div> <div>Base diameter is identified with one decimal place to identify diameter in inches. (e.g. 094 = 9.4")</div> <div>A = 1" GA B = 7 GA C = 3/16" D = 1/4"</div> <div>Mounting height is identified with one decimal place to identify height in feet. (e.g. 255 = 25.5')</div> <div>C = Chamfered Square H = 8 Sided W = 16 Sided</div> <div>GY Hot Dip Galvanize FP = Finish Paint GP = Paint Over Galvanize</div> <div>Insert Part Number for options, separated by **</div>								

	7900 XERXES AVENUE S., 3RD FLOOR BLOOMINGTON, MN 55431			
	540 W. MADISON ST. 9TH FLOOR CHICAGO, IL 60661 www.sbcw.com			
 RAMAKER employee-owned (608) 643-4100 www.ramaker.com				
Certification & Seal: 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.				
				
James R. Skowronski JAMES R. SKOWRONSKI Typed or Printed Name: _____ Registration Number: 42202 Date: 6/10/2021				
REV.	DATE	DESCRIPTION	GM	INITIALS
0	06/10/21	FINAL CDs ISSUED		
PROJECT TITLE: CRAN 1C/2C/3C MRUMW022246 CRAN_RUMW_DLCNL_003 189874 CITY ASSET ID # TBD				
PROJECT INFORMATION: 1 N 6TH AVE W DULUTH, MN 55802				
SHEET TITLE: PROPOSED LIGHT POLE DETAILS				
SCALE: AS NOTED				
PROJECT NUMBER 50344		SHEET NUMBER A-4		

SITE NAME: CRAN_RUMW_DLCNL_003
SITE ADDRESS: 1 N 6th AVE W DULUTH, MN
LAT/LONG: 46.781463, -92.106235
POLE TYPE: STEEL, LIGHT POLE

Proposed Route Design
ATT Minnesota
[Plan View](#)



Nearest Intersection:
W Superior St & N 6th Ave W

Description:
CCI to install a new HH in the ROW near the light pole.

ATT is to leave stub 1.25" duct out from base of new light pole to the proposed HH location.

Approx. HH Location – Street View



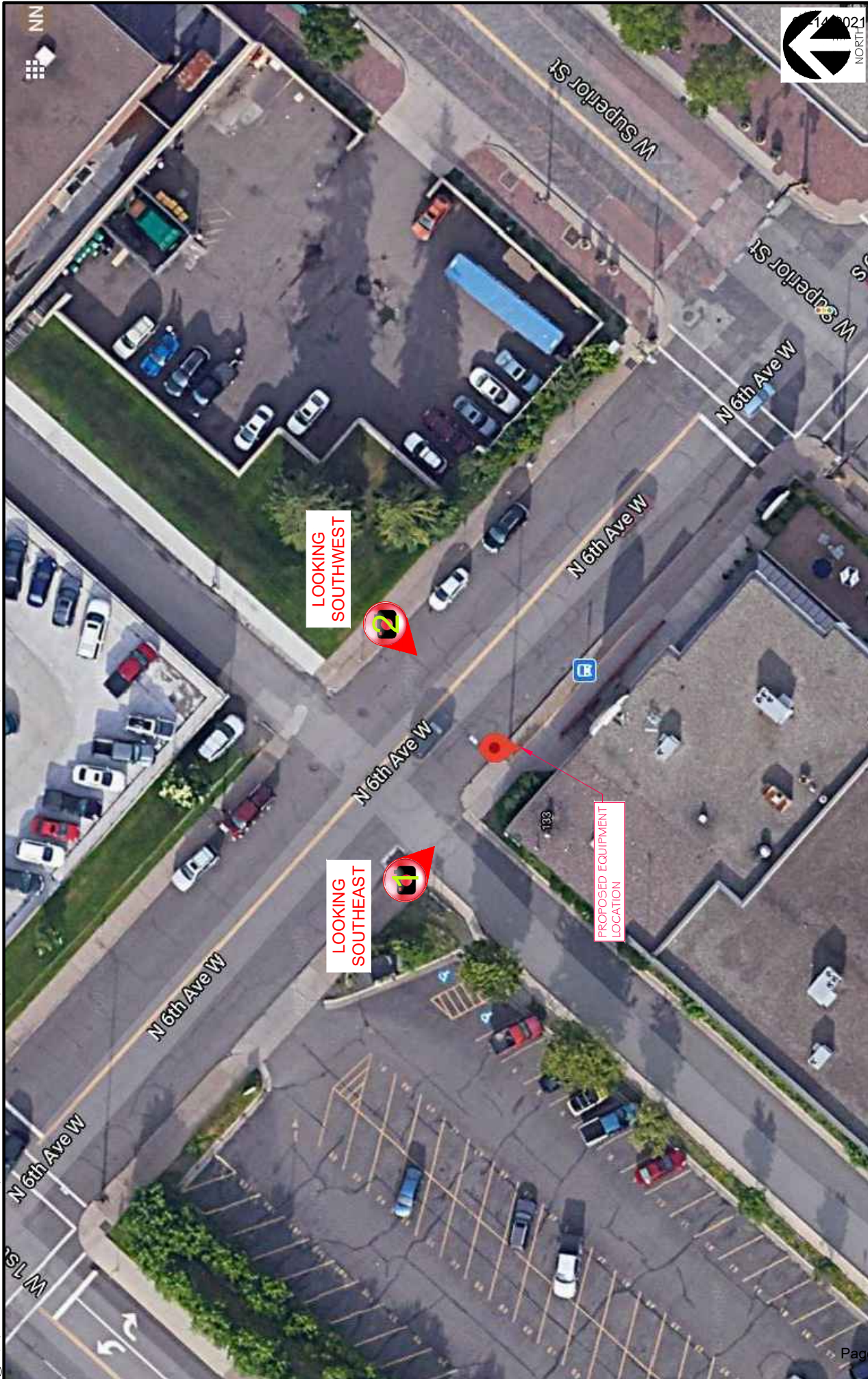
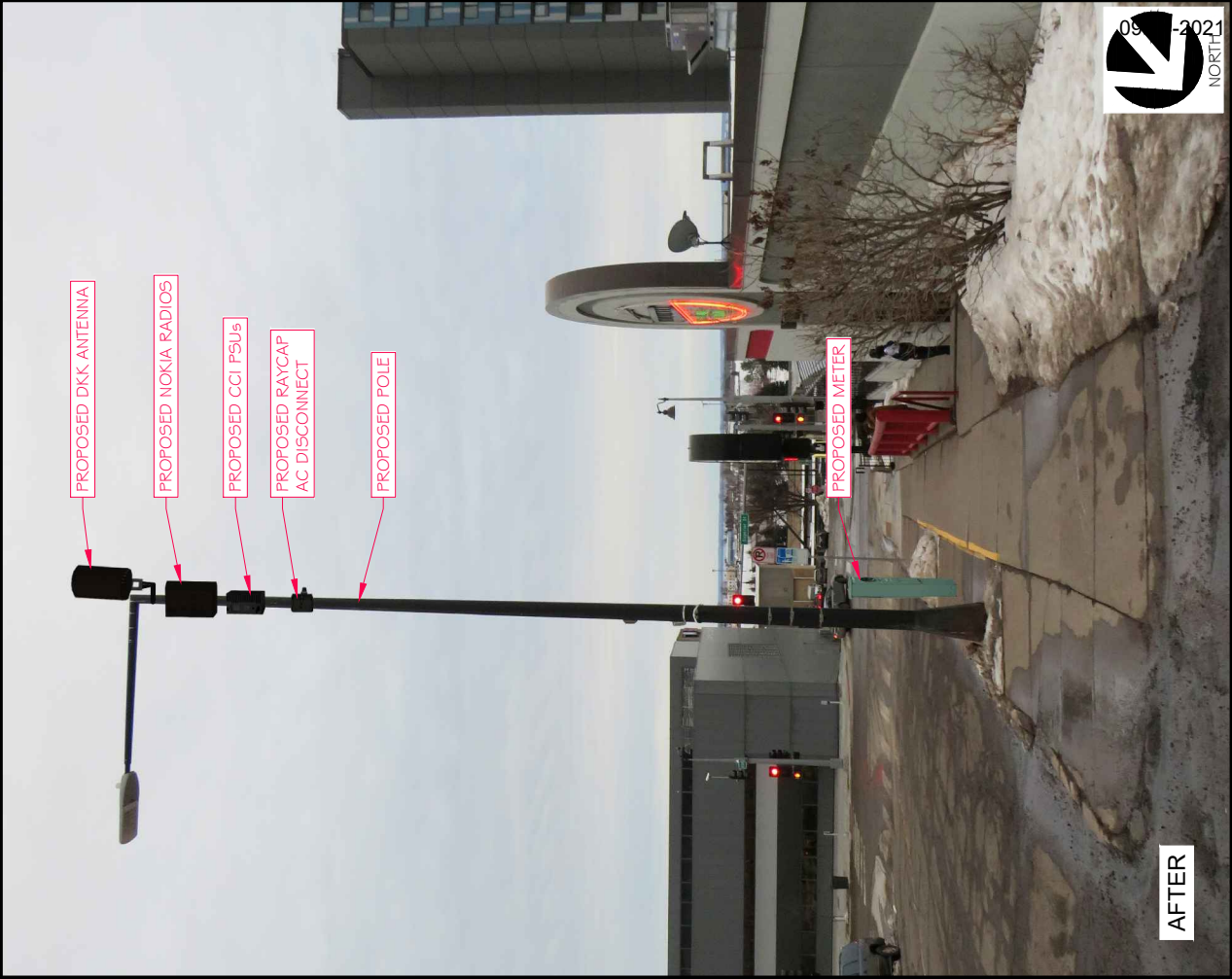


PHOTO RENDERING/SIMULATION LOCATION MAP		at&t 7900 XERXES AVENUE S, 3RD FLOOR BLOOMINGTON, MN 55401		RAMAKER employee-owned (608) 643-4100 www.ramaker.com	
SHEET TITLE:		PROJECT TITLE:		PROJECT LOCATION:	
MRUMWO22246 (148) 22201		MRUMWO22246 (148) 22201		I N 6TH AVENUE W, DULUTH, MN 50344	
PROJECT NUMBER:		PROJECT NUMBER:		PROJECT NUMBER:	
50344		50344		50344	
PROJECT LOCATION:		PROJECT LOCATION:		PROJECT LOCATION:	
I N 6TH AVENUE W, DULUTH, MN 50344		I N 6TH AVENUE W, DULUTH, MN 50344		I N 6TH AVENUE W, DULUTH, MN 50344	



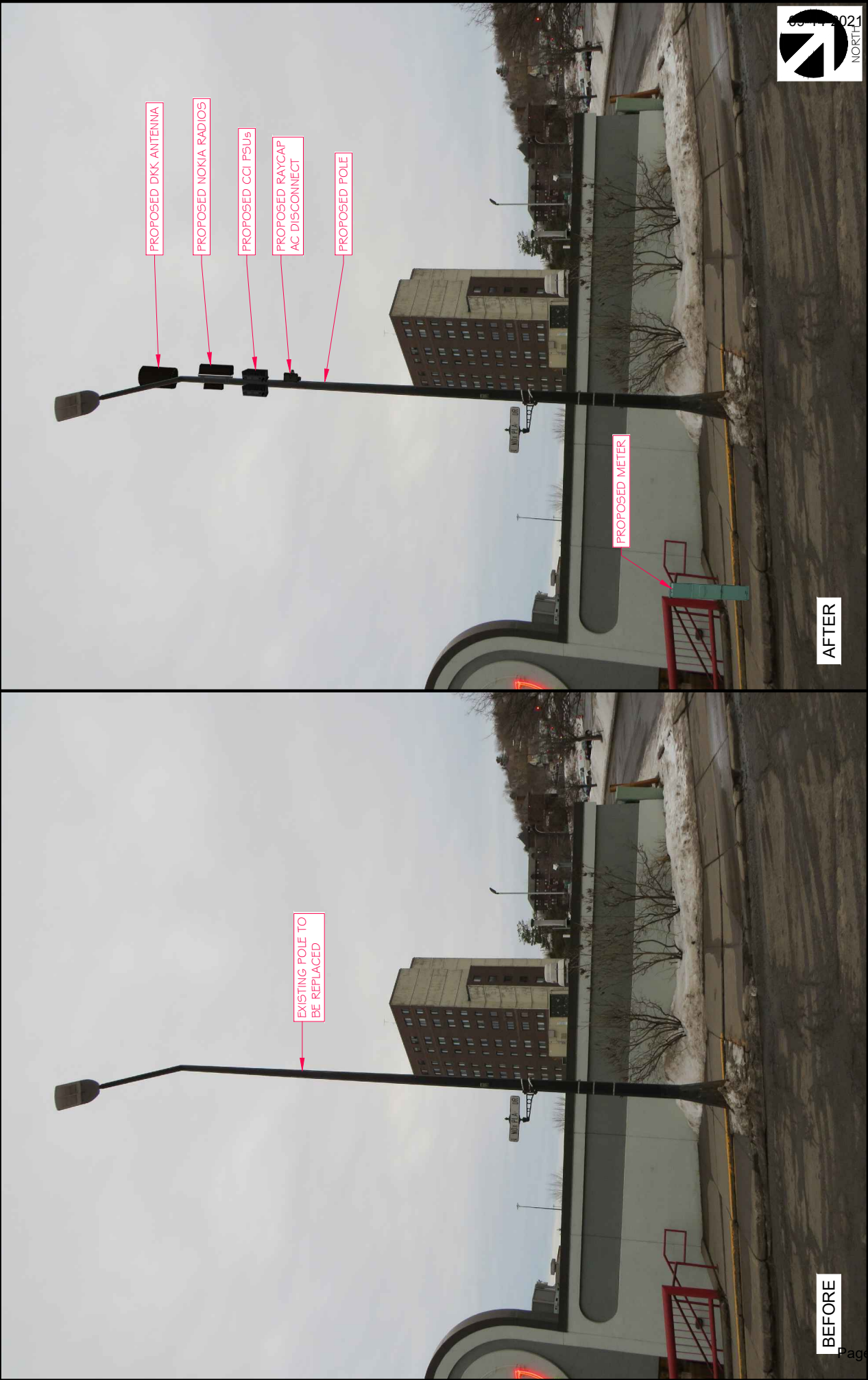
BEFORE






AFTER



SHEET TITLE: PHOTO RENDERING/SIMULATION - LOOKING SOUTHEAST		 7800 XERXES AVENUE S., 3RD FLOOR BLOOMINGTON, MN 55401		 employee-owned (608) 643-4100 www.ramaker.com	
PROJECT TITLE: MRUMWO22246 (148) 2220					
PROJECT NUMBER: 50344		 540 W. JACKSON ST. 3RD FLOOR CHICAGO, IL 60661 www.sbc.com			
PROJECT LOCATION: I N 6TH AVENUE W, DULUTH, MN 50344		This document contains confidential or proprietary information of Ramaker & Associates, Inc. Neither this document nor the information herein is to be reproduced, distributed, used or disclosed either in whole or in part except as authorized by Ramaker and Associates, Inc.			



SHEET TITLE: PHOTO RENDERING/SIMULATION - LOOKING SOUTHWEST		 7900 XERXES AVENUE S, 3RD FLOOR BLOOMINGTON, MN 55401		 RAMAKER employee-owned (608) 643-4100 www.ramaker.com	
PROJECT TITLE: MRUMWO22246 (148) 2220)		 540 W. MADISON ST. 8TH FLOOR CHICAGO, IL 60661 www.sbc.com			
PROJECT NUMBER: 50344					
PROJECT LOCATION: 1 N 6TH AVENUE W, DULUTH, MN 50344					



STATEMENT REGARDING AESTHETIC DESIGN CRITERIA

DLCNL_003 / 14812220 / MRUMW022246 / 1 N. 6th Avenue.

Pursuant to Ordinance 19-0027R, a SWF must adhere to the eight criteria listed below. Applicant's responses are stated below in red.

- (a) Except as established in Minnesota State Statute, the height of a new facility may not exceed the average height of existing utility poles or streetlights in the immediate area (150-foot radius of the proposed site) by more than five (5) feet, or forty (40) feet, whichever is greater; antennas mounted at the top of the pole shall not increase the height of the pole by more than five (5) feet; and

Applicant asserts that this proposed SWF will not exceed the average height of nearby light poles. The proposed top-mounted antenna will only extend two (2) feet above the top of the replaced pole. (See p. A3 of Construction Drawings).

- (b) New facilities shall be located as near as practicable to street intersections and shall be located to the extent practicable on existing poles or other structures currently in the right of way and shall be limited to the heights in section (a) above; and

Applicant has made every effort to utilize an existing light pole in the ROW. To ensure the facility's structural integrity, however, Applicant proposes removing and replacing the existing light pole with a nearly identical one that can withstand the additional weight.

- (c) Decorative lights, banner poles, clocks, flagpoles, and other public street furniture that was not designed to accommodate small cell facilities shall not be used if accommodating the small cell facilities interfere with the operation of the public street furniture; and

Applicant's proposed pole is not decorative.

- (d) Concealment elements shall be incorporated into new sites, including approved camouflage or shrouding techniques, to the greatest extent practicable; and

Applicant has made every practicable effort to camouflage and conceal its proposed equipment. Any additional concealment efforts would result in additional shrouds or screens that would cause the pole to look more crowded and abnormal than as proposed.

- (e) New electrical and other utility service lines must be undergrounded whenever possible to avoid additional overhead lines; for metal poles, undergrounded cables and wires must transition directly into the pole base without any external junction box; and

Electric and Fiber cabling will undergrounded by MN Power and Consolidated Fiber, respectively per the terms of their individual franchise agreements.

- (f) Unless otherwise required for compliance with FAA or FCC regulations, new wireless facilities shall not include any permanently installed lights; and



The Proposed SWF will not include any permanently installed lights besides a streetlight like the one currently mounted to the pole.

- (g) Any new facility and/or equipment and other improvements associated with a new facility must not obstruct any access to fire hydrants or fire escapes, or aboveground or underground public infrastructure, such as underground public utility lines; and

The proposed SWF will not obstruct access to fire hydrants or fire escapes, or aboveground or underground public infrastructure, such as underground public utility lines.

- (h) Unless indicated otherwise by the Land Use Supervisor or City Engineer, the color of the antennas and related accessory equipment shall be made to match the existing pole color; if no pole exists, color should match the poles in the immediate area.

Applicant intends to paint the proposed equipment to match the pole as close as possible.

Respectfully Submitted:

A handwritten signature in blue ink, appearing to read 'Joe Goldshlack', written over a horizontal line.

Dated:

June 16, 2021

Joe Goldshlack

SAC Wireless o.b.o. AT&T

540 W. Madison St., 9th Floor

Chicago, IL 60661

(517) 648-0023

joe.goldshlack@sacw.com



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 21-140	Contact	Steven Robertson, 218-730-5295	
Type	Concurrent Use Permit, Wireless Utility on Light Pole	Planning Commission Date		September 14, 2021
Deadline for Action	Application Date	Aug 20, 2021 (Exhibit Revised)	60 Days	
	Date Extension Letter Mailed		120 Days	
Location of Subject	1032 East 9 th Street			
Applicant	SACW	Contact	Joe Goldshlack and Marissa Miller	
Agent	AT&T	Contact	Ron Mitchell Jr	
Legal Description	See Attached Map			
Site Visit Date	September 4, 2021	Sign Notice Date		August 31, 2021
Neighbor Letter Date	N/A	Number of Letters Sent		N/A

Proposal: The applicant is seeking a concurrent use permit to allow a private obstruction (utility pole mounted antennas and related equipment) in the public right of way.

Recommended Action: Recommend to the city council to approve with conditions (Ordinance).

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Utility Pole	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1 / F-6	Residential/Commercial	Trad. Neigh/Neigh. Mixed Use
East	R-1 / F-6	Residential	Trad. Neigh/Neigh. Mixed Use
West	R-1 / MU-N	Residential/Commercial	Trad. Neigh/Neigh. Mixed Use

Summary of Code Requirements

UDC Section 50-37.7.C. The planning commission shall review the application, and council shall approve the application or approve it with modifications, if it determines that the proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city, and no portion of a public easement proposed of use is being physically occupied by the public.

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

Principle #4 - Support emerging economic growth sectors. Emerging economic sectors add economic, cultural and social diversity. These include higher education, medical, value-added manufacturing, commercial outdoor recreation, historic resources interpretation, arts and music, information technology and visitor services.

The installation falls with the provisions of Minnesota Statute 237.162 and 247.1643, as amended in 2017.

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

Existing small cell on utility poles in public right of way include the following sites: six around UMD, two near the Burning Tree Plaza, two near Canal Park, three near the 6000 block of East Superior Street, one near Spirit Mountain, one near Denfeld High School, one near East High School, one near the Radisson Hotel, one near the Miller Hill Mall, and one near Edgewater Park. There are three more on utility poles within the St. Scholastica Campus, on private property. Two more are under City Council consideration (PL 21-075, 1801 East Second Street, and PL 21-076, 651 East Fifth Street), which are from the same applicant as this application

This is a companion zoning application to PL 21-106, -141, and -142, also concurrent use permits for wireless equipment on existing utility poles.

The concurrent use permit application also included a structural analysis, radio frequency interference analysis report, and RF emissions analysis.

Review and Discussion Items:

- 1) The applicant is seeking a concurrent use permit to allow a private obstruction (utility pole mounted antennas and equipment mount) in the public right of way. The small wireless facility will be installed on a replacement Minnesota Power wooden pole. The street light will be attached to the pole at 21 feet, and the wireless equipment will be placed on the pole between 15 to 37 feet. There will be no ground mounted equipment.
- 2) Granting a concurrent use permit would give the applicant the ability to use dedicated public rights-of-way, with conditions, while preserving other existing public uses in the same right-of-way corridors. Concurrent use permits require a public hearing and recommendation by the Planning Commission, and is approved by the City Council via ordinance. Unlike street right-of-way vacations, concurrent use permits are not recorded at the County as they are voidable permits issued by the City to applicants who are private users of public rights-of-way.
- 3) Ownership of the pole will remain with Minnesota Power. Liability, maintenance, and operation of the small wireless facilities will remain the responsibility of the applicant. In the event of an accident, such as a vehicle hitting the utility pole, the city is not responsible for restoring or replacing any of the applicant's equipment.
- 4) The existing pole will be replaced with a new pole. The new pole will have a structural analysis by the manufacturer to ensure that they can support the weight of the private small cell facilities.
- 5) Granting the proposed concurrent use permits will not harm or inconvenience the health, safety and general welfare of the city. The area proposed for the concurrent use permit will not take away from the public's ability to use the public right-of-way. Minnesota Power will own the poles and continue to use them for utility purposes (lighting).

6) The UDC generally requires that new wireless facilities follow a location standard: first they should be collocated on existing towers or other structures on city owned properties first, and then existing towers or other structures on other (private) property, and so forth down the location standard list. As these small wireless facilities would be located on existing infrastructure in public right of way, and as per the recent change in state statute, the city is processing these applications as concurrent use permits and not special use permits, and the UDC's use-specific standards do not apply in this specific situation.

7) The city has the ability to regulate land use, however, the Federal Communications Commission preempts local review on the potential environmental effects of radio frequency (RF) emissions, with the presumption that the applicant and service provider is in compliance with the Commission's RF rules. The applicant included an FCC checklist used to determine exemption from RF regulations (unlikely to cause exposure in excess of the FCC's guidelines).

8) At the time that this memo was written, no written comments have been received.

Staff Recommendation:

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

- 1) The project be limited to, constructed, and maintained according to construction drawings submitted and included with this staff report.
- 2) Applicant, and/or successors, shall remove the proposed obstructions at applicant's expense if directed to do so by the City with appropriate notice, and shall adhere to other standards and obligations established in the approving document (ordinance).
- 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, all other changes must be approved by amending the City Council's approved ordinance.



Legend

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



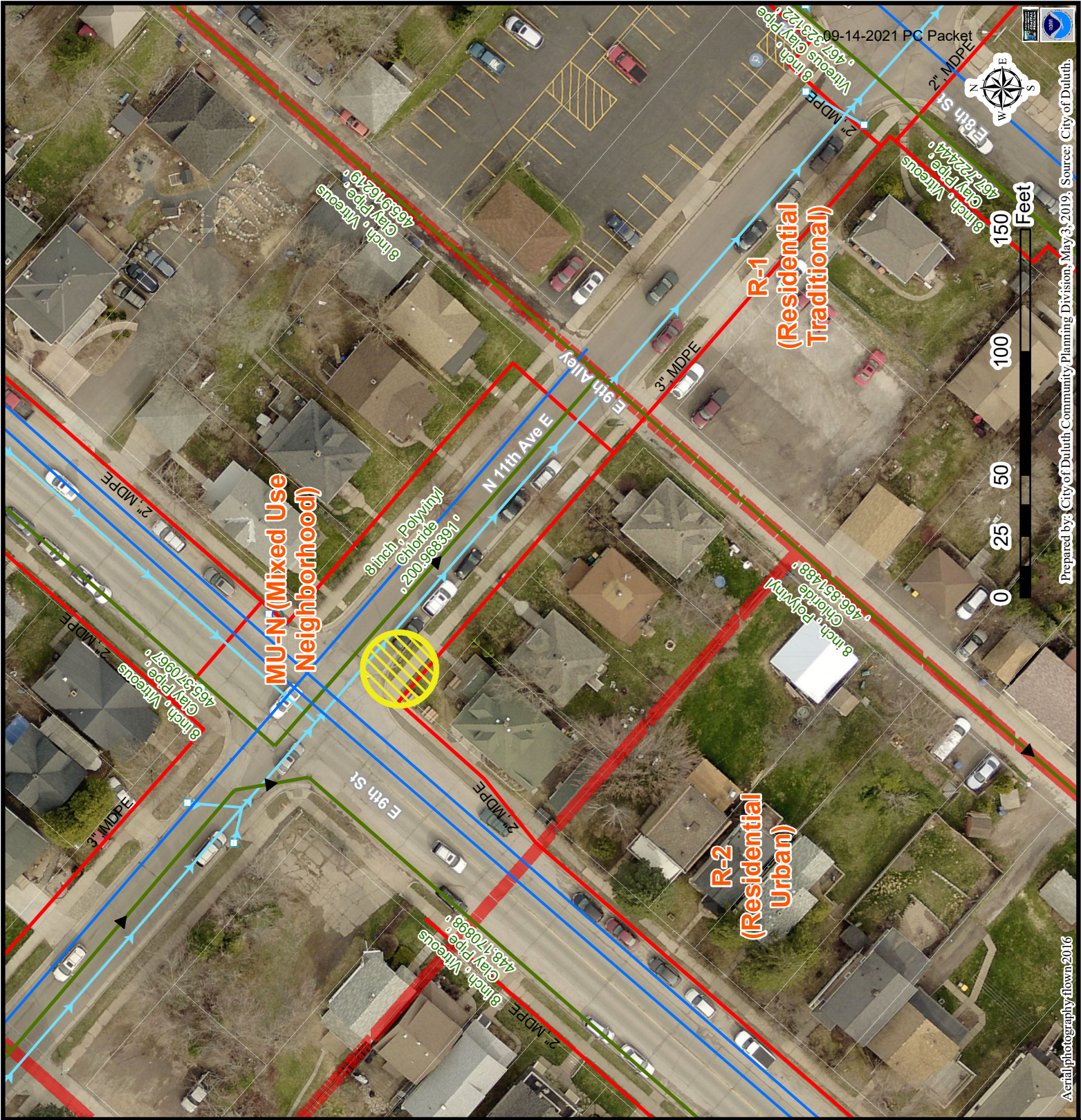
09-14-2021 PC Packet










Aerial photography flown 2016

Prepared by: City of Duluth Community Planning Division, May 3, 2019; Source: City of Duluth.

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 not 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.





<div></div> <div><div>PROJECT:</div><div>FA #:</div><div>PACE #:</div><div>PTN #:</div><div>USID #:</div><div>SCIP/CANDIDATE #:</div><div>CONFIGURATION:</div><div>SITE NAME:</div><div>SITE TYPE:</div><div>NEAREST ADDRESS:</div><div>JURISDICTION:</div><div>STRUCTURE OWNER:</div><div>POLE ID:</div></div> <div><div>CRAN 1C/2C/3C</div><div>14810153</div><div>MRUMW022374, MRUMW022373, MRUMW023082</div><div>3514A0DQR4, 3514A0DQRD, 3514A0EQE0</div><div>192443</div><div>D</div><div>PICO</div><div>CRAN_RUMW_DLLND_009</div><div>WOOD UTILITY POLE</div><div>1032 E 9TH STREET</div><div>DULUTH, MN 55805</div><div>CITY OF DULUTH</div><div>MN POWER</div><div>M5499954</div></div>		<div><div>PROJECT INFORMATION</div><div><div>PROJECT:</div><div>USID ID:</div><div>PACE #:</div><div>SCIP/CANDIDATE #:</div><div>POLE ASSET #:</div><div>SITE ADDRESS:</div><div>COUNTY:</div><div>JURISDICTION:</div><div>APPLICANT:</div><div>LATITUDE:</div><div>LONGITUDE:</div><div>GROUND ELEV. (A.M.S.L.):</div><div>PROPERTY OWNER:</div></div><div><div>CRAN 1C/2C/3C</div><div>192443</div><div>MRUMW022374, MRUMW022373, MRUMW023082</div><div>D</div><div>M5499954</div><div>1032 E 9TH STREET DULUTH, MN 55805</div><div>ST LOUIS</div><div>CITY OF DULUTH</div><div>AT&T MOBILITY</div><div>7900 XERXES AVENUE S., 3RD FLOOR BLOOMINGTON, MN 55431</div><div>46° 48' 12.07" (46.8033532)</div><div>-92° 05' 39.23" (-92.0942295)</div><div>944'</div><div>MINNESOTA POWER</div><div>30 W SUPERIOR ST DULUTH, MN 55802</div><div>P: (800) 228-4966</div></div><div><div>PROPOSED USE:</div><div>TELECOMMUNICATIONS FACILITY</div></div></div>		<div><div>PROJECT CONSULTANTS</div><div><div>AT&T CONSTRUCTION MANAGER:</div><div>AT&T PROJECT MANAGER:</div><div>CONSTRUCTION:</div><div>SAC PROJECT MANAGER:</div><div>SITE ACQUISITION:</div><div>A/E FIRM:</div></div><div><div>AUSTIN BRUNKEN</div><div>ab@23w@att.com</div><div>MARIA BURMEISTER</div><div>mbo18v@att.com</div><div>SAC WIRELESS</div><div>540 W. MADISON ST. 9TH FLOOR CHICAGO, IL 60661</div><div>MARISSA MILLER</div><div>marissa.miller@saaw.com</div><div>MICHAEL IACOPETTI</div><div>michael.iacopetti@saaw.com</div><div>RAMAKER & ASSOCIATES</div><div>855 COMMUNITY DRIVE</div><div>SAUK CITY, WI 53583</div><div>(608) 643-4100</div><div>JOSH OPSETH - PROJECT MANAGER</div></div></div>		<div><div>SCOPE OF WORK</div><div>THIS IS NOT AN ALL INCLUSIVE LIST. CONTRACTOR SHALL UTILIZE SPECIFIED EQUIPMENT PART OR ENGINEER APPROVED EQUIVALENT. CONTRACTOR SHALL VERIFY ALL NEEDED EQUIPMENT TO PROVIDE A FUNCTIONAL SITE. THE PROJECT GENERALLY CONSISTS OF THE FOLLOWING: -MN POWER TO REPLACE EXISTING POLE WITH NEW WOOD POLE -INSTALL (1) NEW PANEL ANTENNA TO BE MOUNTED TO NEW POLE -INSTALL (1) NEW NOKIA RRH 4T4R B25/B6G 320W UNIT & (1) NEW NOKIA RRH B4G UNIT TO BE -MOUNTED TO POLE EXTERIOR -INSTALL (1) NEW AC DISCONNECT UNIT (R5CAC-65333-P-120-D) -INSTALL CABLING AS REQUIRED -INSTALL GROUND AS REQUIRED -INSTALL NEW U-GUARD -INSTALL (1) NEW PSU -INSTALL (1) NEW HANDHOLE (BY OTHERS) -INSTALL (1) NEW POLE MOUNTED METER</div></div> <div><div>LOCATION MAP</div><div></div></div>		<div><div>UNDERGROUND UTILITIES</div><div> CALL MINNESOTA ONE CALL (800) 252-1166 CALL 3 WORKING DAYS BEFORE YOU DIG!</div></div> <div><div>CODE COMPLIANCE</div><div><ul style="list-style-type: none">2020 MN BUILDING CODE / 2018 IBC2020 MN MECHANICAL & FUEL GAS CODE / 2018 IMCMN ELECTRICAL CODE / 2017 NEC</div></div>		<div><div>DO NOT SCALE DRAWINGS</div><div>CONTRACTOR SHALL VERIFY ALL PLANS & EXISTING DIMENSIONS & CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ARCHITECT OR ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.</div></div>		<div><div>CRAN 1C/2C/3C</div><div>MRUMW022374</div><div>CRAN_RUMW_DLLND_009</div><div>192443</div><div>PROJECT INFORMATION:</div><div>1032 E 9TH STREET DULUTH, MN 55805</div><div>SHEET TITLE:</div><div>TITLE SHEET</div><div>SCALE: NONE</div><div>PROJECT NUMBER</div><div>47113</div><div>SHEET NUMBER</div><div>T-1</div></div> <div><div><div><div></div><div>7900 XERXES AVENUE S., 3RD FLOOR BLOOMINGTON, MN 55431</div></div><div><div></div><div>540 W. MADISON ST. 9TH FLOOR CHICAGO, IL 60661 www.saaw.com</div></div><div><div></div><div>employee-owned (608) 643-4100 www.ramaker.com</div></div><div><div></div><div><div>Signature: <i>James R. Skowronski</i> 7/19/2021</div><div>Date: 42202</div><div>Typed or Printed Name: Registration Number:</div></div><div><table><tr><td>3</td><td>07/19/21</td><td>FINAL CD# ISSUED</td><td>GM</td></tr><tr><td>2</td><td>06/17/21</td><td>FINAL CD# ISSUED</td><td>GM</td></tr><tr><td>1</td><td>04/07/21</td><td>FINAL CD# ISSUED</td><td>GM</td></tr><tr><td>0</td><td>12/02/20</td><td>FINAL CD# ISSUED</td><td>GM</td></tr><tr><td>REV.</td><td>DATE</td><td>DESCRIPTION</td><td>INITIALS</td></tr></table></div><div>PROJECT TITLE:</div></div><div><div>CONFIRMATION & SIGNATURE</div><div>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 <u>Minnesota</u>.</div></div></div><div><div></div><div>7900 XERXES AVENUE S., 3RD FLOOR BLOOMINGTON, MN 55431</div></div><div><div></div><div>540 W. 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PROJECT:

FA #:

PACE #:

PTN #:

USID #:

SCIP/CANDIDATE #:

CONFIGURATION:

SITE NAME:

SITE TYPE:

NEAREST ADDRESS:

JURISDICTION:

STRUCTURE OWNER:

POLE ID:

CRAN 1C/2C/3C

14810153

MRUMW022374, MRUMW022373, MRUMW023082

3514A0DQR4, 3514A0DQRD, 3514A0EQE0

192443

D

PICO

CRAN_RUMW_DLLND_009

WOOD UTILITY POLE

1032 E 9TH STREET

DULUTH, MN 55805

CITY OF DULUTH

MN POWER

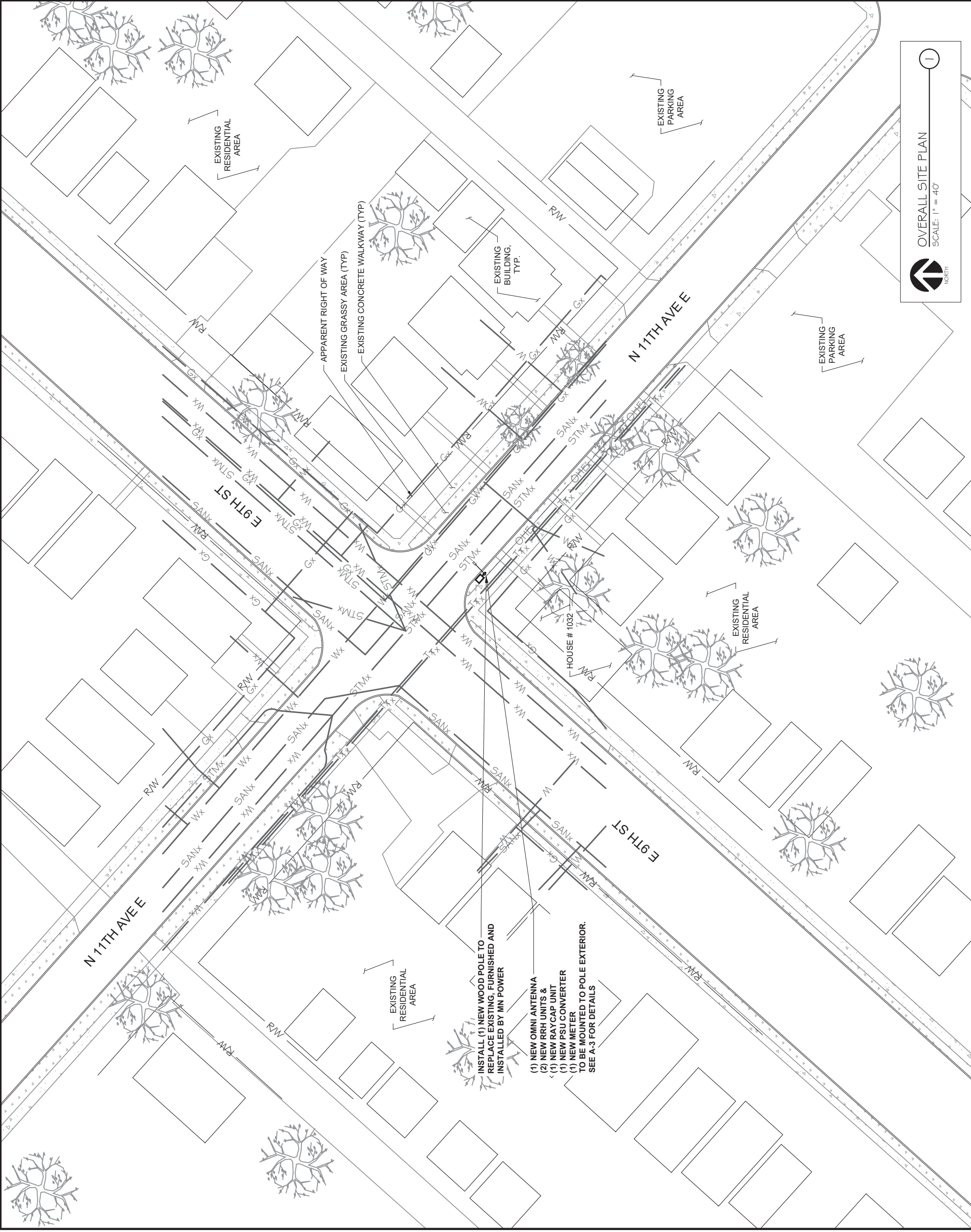
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DRAWING INDEX

T-1	TITLE SHEET
GN-1	GENERAL NOTES
A-1	OVERALL SITE PLAN W/ UG UTILITIES
A-2	ENLARGED SITE PLAN W/ UG UTILITIES
A-3	PROPOSED WOOD UTILITY POLE ELEVATIONS
A-4	EQUIPMENT DETAILS
A-5	MOUNTING DETAILS
A-6	SIGN DETAILS
E-1	ELECTRICAL ONE-LINE DIAGRAM
E-2	UTILITY DETAILS
E-3	UTILITY DETAILS
E-4	GROUNDING DETAILS
RF-1	RF PLUMBING DIAGRAM (REFERENCE ONLY)
TCP-1	TRAFFIC CONTROL PLAN
TCP-2	PEDESTRIAN SAFETY PLAN
REF	FIBER MEET ME POINT

SPECIAL NOTES

- ALL WORK SHALL BE INSTALLED IN CONFORMANCE WITH CURRENT AT&T CONSTRUCTION INSTALLATION GUIDE.
- EXISTING CONDITIONS WILL BE CHANGED & VERIFIED IN FIELD. IF SIGNIFICANT DEVIATIONS OR DETERIORATION ARE ENCOUNTERED AT THE TIME OF CONSTRUCTION, A REPAIR PERMIT WILL BE OBTAINED & CONTRACTOR SHALL NOTIFY ENGINEER IMMEDIATELY.
- THESE DRAWINGS ARE FULL SIZE & SCALEABLE ON 11"X17" SHEET SIZE
- STATEMENT THAT COMPLIANCE WITH THE ENERGY CODE IS NOT REQUIRED.
- SCOPE OF WORK DOES NOT INVOLVE MODIFICATIONS TO EXTERIOR ENVELOPE OF BUILDING, HVAC SYSTEMS OR ELECTRICAL LIGHTING.
- REFER TO AT&T MPE STUDY TITLED "RS102" FOR RF SAFETY COMPLIANCE CERTIFICATION





7900 XERXES AVENUE S., 3RD FLOOR
BLOOMINGTON, MN 55431



540 W. MADISON ST.
9TH FLOOR
CHICAGO, IL 60661
www.saw.com



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



Signature: *James R. Skowronski* Date: 7/19/2021
Typed or Printed Name: JAMES R. SKOWRONSKI Date: 4/22/02
Registration Number: 42202

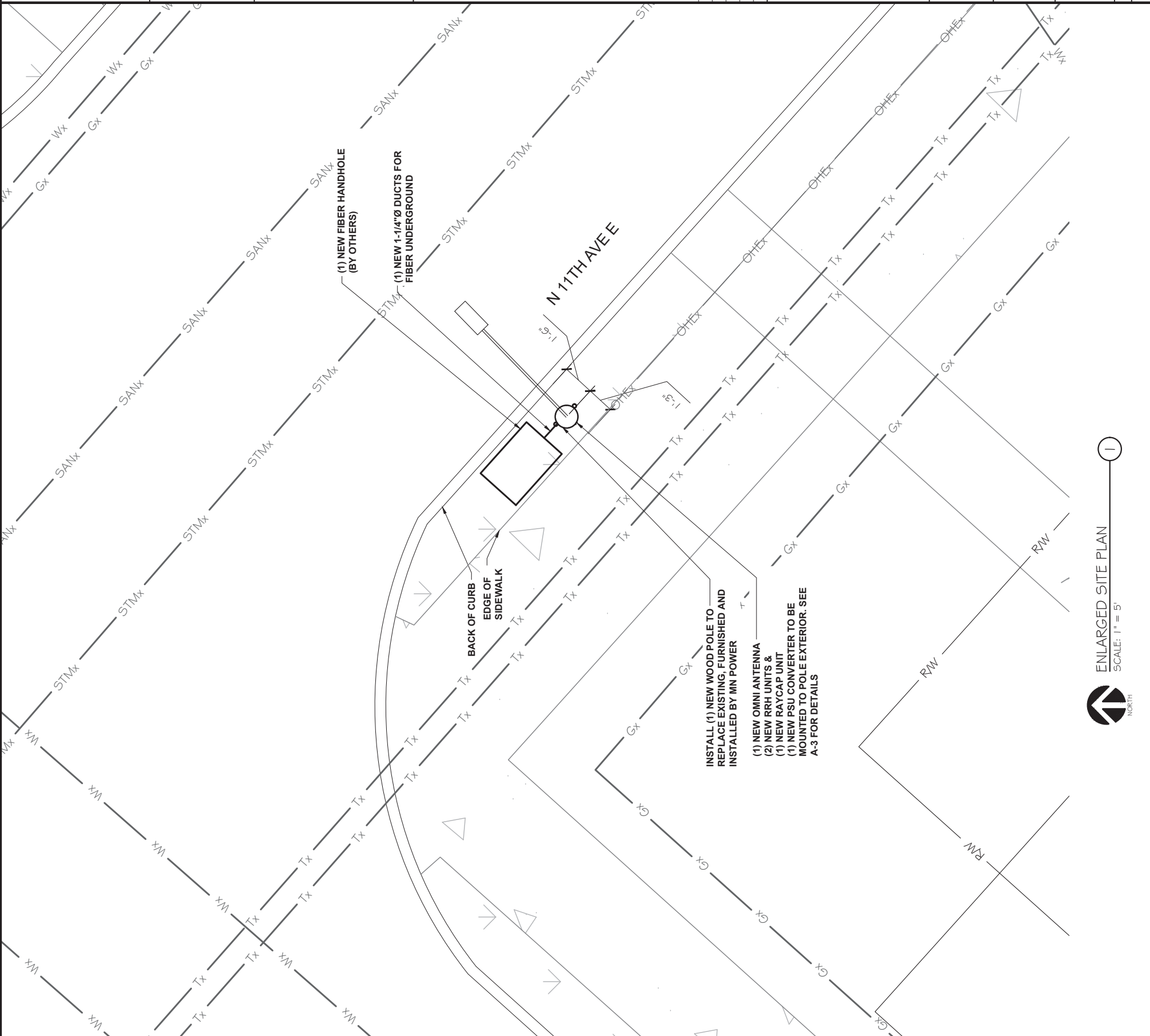
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REV.	DATE	DESCRIPTION	INITIALS

PROJECT TITLE:
CRAN 1C/2C/3C
MRUMW022374
CRAN_RUMW_DLLND_009
192443

PROJECT INFORMATION:
1032 E 9TH STREET
DULUTH, MN 55805

SHEET TITLE:
OVERALL SITE PLAN
W/ UG UTILITIES

PROJECT NUMBER: 47113
SHEET NUMBER: A-1



 ENLARGED SITE PLAN
SCALE: 1" = 5'



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Date: 42202
Typed or Printed Name: Registration Number:

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MRUMW022374
CRAN_RUMW_DLLND_009
192443

PROJECT INFORMATION:
1032 E 9TH STREET
DULUTH, MN 55805

SHEET TITLE:
ENLARGED SITE PLAN
W/ UG UTILITIES



0 2.5' 5' 10'

1 1" x 17" - 1" = 5'
22" x 34" - 1" = 2.5'

PROJECT NUMBER 47113
SHEET NUMBER A-2



SCALE: 1" = 5'

COLOR CODE

SCALE: N.T.S.

2



SCALE: 1" = 7.5'

3

1. ALL HARDWARE SHALL BE STAINLESS STEEL
2. ALL CABLES SHALL BE SECURED TO POLE EVERY 36" OR LESS
3. LIGHTNING RODS SHALL BE INCLUDED AS REQUIRED
4. STRUCTURAL BACKFILL TO BE COMPACTED IN 6" MAXIMUM LAYERS TO 100% OF CONTENT IN ACCORDANCE WITH ASTM D698, ADDITIONALLY, STRUCTURAL BACKFILL MUST HAVE A MINIMUM COMPACTED UNIT WEIGHT OF 100 POUNDS PER CUBIC FOOT (16 KN/M3)
5. ANY PRIMARY OR SECONDARY POWER LINES NEED TO MAINTAIN 5' CLEARANCE BETWEEN POWER LINES AND TOP OR BOTTOM OF EQUIPMENT (INCLUDING MOUNTS), WHICH EVER IS CLOSER
6. PEDESTAL MAY BE REQUIRED AS DETERMINED BY MN POWER
7. ANY INSTALLATION LINE PEDESTAL OR HAND-HOLE NEEDS TO BE AT LEAST 3' DISTANCE FROM POLE
8. ALL CONTRACTORS WORKING IN POWER SPACE NEED TO BE APPROVED BY MN POWER AND HIGH VOLTAGE CERTIFIED, REFERENCE ELECTRICAL NOTES #13 ON GN-1
9. PROPOSED SERVICE CONDUCTORS TO THE METER SIZED AND INSTALLED PER THE UTILITY AND THE NEC REQUIREMENTS CONDUCTORS SHALL BE ENCLOSED IN A MINIMUM OF 2" Ø SCH 80 PVC. 24" MIN OF CONDUCTOR SLACK SHALL BE COILED AT THE WEATHER HEAD TO ALLOW FOR FINAL CONNECTIONS
10. POWER ENCLOSED IN FLEX PIPE FROM AC DISTRIBUTION BOX TO BACK OF RADIO
11. CONTRACTOR MUST INSTALL COAX PROPERLY PER SPECIFICATIONS AND RADIUS TO ENSURE PROPER CONNECTION FROM RRU TO BOTTOM OF ANTENNA



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CHICAGO, IL 60661
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Certification & Seal:

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



Signature: James R. Skowronski Date: 7/19/2021
 JAMES R. SKOWRONSKI
 Typed or Printed Name: 42202
 Registration Number:

3	07/11/92	FINAL CD5 ISSUED	GM
2	06/11/72	FINAL CD5 ISSUED	GM
1	04/07/2	FINAL CD5 ISSUED	GM
0	12/02/20	FINAL CD5 ISSUED	GM
REV.	DATE	DESCRIPTION	INITIALS

PROJECT TITLE:

CRAN 1C/2C/3C

MRUMW022374

CRAN_RUMW_DLLND_009

192443

PROJECT INFORMATION:

1032 E 9TH STREET
DULUTH, MN 55805

SHEET TITLE:

PROPOSED WOOD UTILITY POLE ELEVATIONS

PROJECT

47113

SHEET

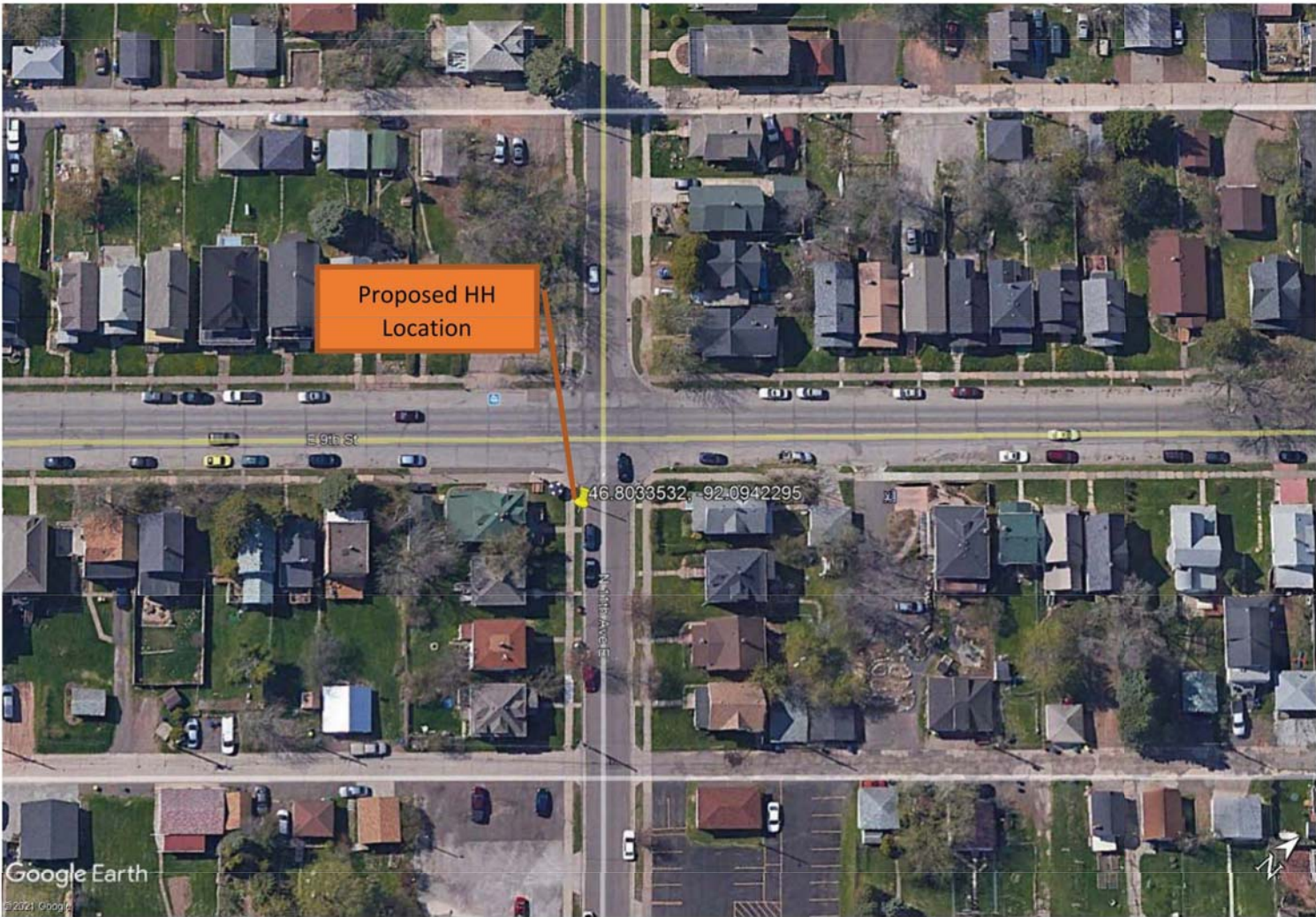
A-3

PROPOSED UTILITY POLE BACK ELEVATION

SCALE: 1" = 7.5'

SITE NAME: CRAN_RUMW_DLLND_009
SITE ADDRESS: N 11th AVE E DULUTH, MN
LAT/LONG: 46.8033532, -92.0942295
POLE TYPE: WOOD, UTLIRY/LIGHT POLE

Proposed Route Design
ATT Minnesota
Plan View



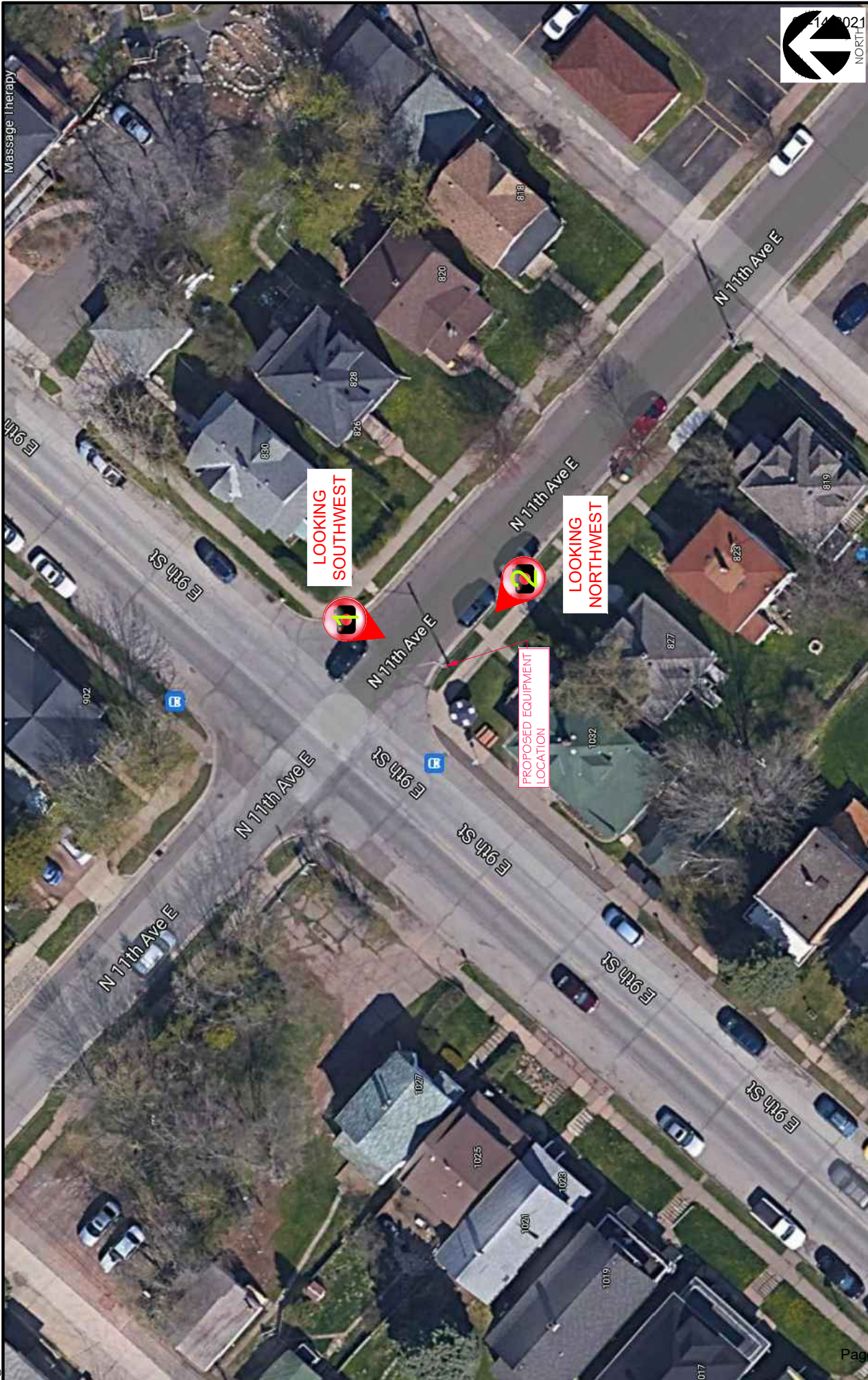
Nearest Intersection:
E 9th St & N 11th Ave E




Description:
CCI to install a new HH in the ROW near the light pole.

ATT is to leave stub 1.25" duct out from base of new light pole to the proposed HH location.

Approx. HH Location – Street View





 7900 XERVES AVENUE S., 3RD FLOOR BLOOMINGTON, MN 55401		 employee-owned RAMAKER (608) 643-4100 www.ramaker.com	
 540 W. JACKSON ST. 7TH FLOOR CHICAGO, IL 60661 www.sbcwi.com			
SHEET TITLE: PHOTO RENDERING/SIMULATION LOCATION MAP			
PROJECT TITLE: MRUMWO22374 (14810153)			
PROJECT NUMBER: 47113			
PROJECT LOCATION: 1032 E 9TH STREET, DULUTH, MN 55805			



SHEET TITLE: PHOTO RENDERING/SIMULATION - LOOKING SOUTHWEST		at&t 7900 XERXES AVENUE S., 3RD FLOOR BLOOMINGTON, MN 55401		PC Packet
PROJECT TITLE: MRUMW022374 (14810153)		RAMAKER employee-owned (608) 643-4100 www.ramaker.com		
PROJECT NUMBER: 47113		S&C WIRELESS 540 W. MADISON ST. 7TH FLOOR CHICAGO, IL 60661 www.sacwireless.com		This document contains confidential or proprietary information of Ramaker & Associates, Inc. Neither the document nor the information herein is to be reproduced, distributed, used or disclosed either in whole or in part except as authorized by Ramaker and Associates, Inc.
PROJECT LOCATION: 1032 E 9TH STREET, DULUTH, MN 55805				



BEFORE



AFTER



SHEET TITLE: PHOTO RENDERING/SIMULATION - LOOKING NORTHWEST		at&t 7900 XERVES AVENUE S., 3RD FLOOR BLOOMINGTON, MN 55401		PC Packet	
PROJECT TITLE: MRUMW022374 (14810153)		S&C WIRELESS 540 W. MADISON ST. 7TH FLOOR CHICAGO, IL 60661 www.saw.com		RAMAKER employee-owned (608) 643-4100 www.ramaker.com	
PROJECT NUMBER: 47113					
PROJECT LOCATION: 1032 E 9TH STREET, DULUTH, MN 55805					



STATEMENT REGARDING AESTHETIC DESIGN CRITERIA
DLLND_009 / 14810153 / MRUMW022374 / 830 N 11th Ave. E.

Pursuant to Ordinance 19-0027R, a SWF must adhere to the eight criteria listed below. Applicant's responses are stated below in red.

- (a) Except as established in Minnesota State Statute, the height of a new facility may not exceed the average height of existing utility poles or streetlights in the immediate area (150-foot radius of the proposed site) by more than five (5) feet, or forty (40) feet, whichever is greater; antennas mounted at the top of the pole shall not increase the height of the pole by more than five (5) feet; and

Applicant asserts that this proposed SWF will only extend three (3) feet above the top of the replaced MN Power utility pole. (See p. A3 of Exhibit "F," Construction Drawings).

- (b) New facilities shall be located as near as practicable to street intersections and shall be located to the extent practicable on existing poles or other structures currently in the right of way and shall be limited to the heights in section (a) above; and

Applicant's proposed pole is located directly on a street corner and is within the ROW.

- (c) Decorative lights, banner poles, clocks, flagpoles, and other public street furniture that was not designed to accommodate small cell facilities shall not be used if accommodating the small cell facilities interfere with the operation of the public street furniture; and

Applicant's proposed pole is not decorative.

- (d) Concealment elements shall be incorporated into new sites, including approved camouflage or shrouding techniques, to the greatest extent practicable; and

Applicant has made every practicable effort to camouflage and conceal its proposed equipment. Any additional concealment efforts would result in additional shrouds or screens that would cause the pole to look more crowded and abnormal than as proposed.

- (e) New electrical and other utility service lines must be undergrounded whenever possible to avoid additional overhead lines; for metal poles, undergrounded cables and wires must transition directly into the pole base without any external junction box; and

Barring any unforeseen issues, this SWF will draw power from existing electrical lines attached to it. It will therefore not require the construction of any new overhead or underground lines. The subject pole is not metal.

- (f) Unless otherwise required for compliance with FAA or FCC regulations, new wireless facilities shall not include any permanently installed lights; and

The Proposed SWF will not include any permanently installed lights besides a streetlight like the one currently mounted to the pole.



- (g) Any new facility and/or equipment and other improvements associated with a new facility must not obstruct any access to fire hydrants or fire escapes, or aboveground or underground public infrastructure, such as underground public utility lines; and

The proposed SWF will not obstruct access to fire hydrants or fire escapes, or aboveground or underground public infrastructure, such as underground public utility lines.

- (h) Unless indicated otherwise by the Land Use Supervisor or City Engineer, the color of the antennas and related accessory equipment shall be made to match the existing pole color; if no pole exists, color should match the poles in the immediate area.

Applicant intends to paint the proposed equipment to match the pole as close as possible.

Respectfully Submitted:

A handwritten signature in blue ink, appearing to read 'Joe Goldshlack', written over a horizontal line.

Dated: July 6, 2021

Joe Goldshlack
SAC Wireless o.b.o. AT&T
540 W. Madison St., 9th Floor
Chicago, IL 60661
(517) 648-0023
joe.goldshlack@sacw.com



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 21-141	Contact	Steven Robertson, 218-730-5295	
Type	Concurrent Use Permit, Wireless Utility on Light Pole	Planning Commission Date		September 14, 2021
Deadline for Action	Application Date	Aug 20, 2021 (Exhibit Revised)	60 Days	
	Date Extension Letter Mailed		120 Days	
Location of Subject	2401 London Road			
Applicant	SACW	Contact	Joe Goldshlack and Marissa Miller	
Agent	AT&T	Contact	Ron Mitchell Jr	
Legal Description	See Attached Map			
Site Visit Date	September 4, 2021	Sign Notice Date		August 31, 2021
Neighbor Letter Date	N/A	Number of Letters Sent		N/A

Proposal: The applicant is seeking a concurrent use permit to allow a private obstruction (utility pole mounted antennas and related equipment) in the public right of way.

Recommended Action: Recommend to the city council to approve with conditions (Ordinance).

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Utility Pole	Neighborhood Mixed Use
North	MU-N/R-1	Commercial/Residential	Neigh Mixed Use/Traditional Neigh
South	MU-C	Commercial	Central Business Secondary
East	MU-N/MU-C	Commercial	Neigh Mixed Use/Central Bus Secondary
West	MU-N/R-1	Commercial	Neigh Mixed use/Traditional Neigh

Summary of Code Requirements

UDC Section 50-37.7.C. The planning commission shall review the application, and council shall approve the application or approve it with modifications, if it determines that the proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city, and no portion of a public easement proposed of use is being physically occupied by the public.

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

Principle #4 - Support emerging economic growth sectors. Emerging economic sectors add economic, cultural and social diversity. These include higher education, medical, value-added manufacturing, commercial outdoor recreation, historic resources interpretation, arts and music, information technology and visitor services.

The installation falls with the provisions of Minnesota Statute 237.162 and 247.1643, as amended in 2017.

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

Existing small cell on utility poles in public right of way include the following sites: six around UMD, two near the Burning Tree Plaza, two near Canal Park, three near the 6000 block of East Superior Street, one near Spirit Mountain, one near Denfeld High School, one near East High School, one near the Radisson Hotel, one near the Miller Hill Mall, and one near Edgewater Park. There are three more on utility poles within the St. Scholastica Campus, on private property. Two more are under City Council consideration (PL 21-075, 1801 East Second Street, and PL 21-076, 651 East Fifth Street), which are from the same applicant as this application

This is a companion zoning application to PL 21-106, -140, and -142, also concurrent use permits for wireless equipment on existing utility poles.

The concurrent use permit application also included a structural analysis, radio frequency interference analysis report, and RF emissions analysis.

Review and Discussion Items:

- 1) The applicant is seeking a concurrent use permit to allow a private obstruction (utility pole mounted antennas and equipment mount) in the public right of way. The small wireless facility will be installed on a replacement Minnesota Power wooden pole. The street light will be attached to the pole at 26 feet, and the wireless equipment will be placed at 15 to 41 feet (height of light pole is 38 feet 6 inches). There will be no ground mounted equipment.
- 2) Granting a concurrent use permit would give the applicant the ability to use dedicated public rights-of-way, with conditions, while preserving other existing public uses in the same right-of-way corridors. Concurrent use permits require a public hearing and recommendation by the Planning Commission, and is approved by the City Council via ordinance. Unlike street right-of-way vacations, concurrent use permits are not recorded at the County as they are voidable permits issued by the City to applicants who are private users of public rights-of-way.
- 3) Ownership of the pole will remain with Minnesota Power. Liability, maintenance, and operation of the small wireless facilities will remain the responsibility of the applicant. In the event of an accident, such as a vehicle hitting the utility pole, the city is not responsible for restoring or replacing any of the applicant's equipment.
- 4) The existing pole will be replaced with a new pole. The new pole will have a structural analysis by the manufacturer to ensure that they can support the weight of the private small cell facilities.
- 5) Granting the proposed concurrent use permits will not harm or inconvenience the health, safety and general welfare of the city. The area proposed for the concurrent use permit will not take away from the public's ability to use the public right-of-way. Minnesota Power will own the poles and continue to use them for utility purposes (lighting).

6) The UDC generally requires that new wireless facilities follow a location standard: first they should be collocated on existing towers or other structures on city owned properties first, and then existing towers or other structures on other (private) property, and so forth down the location standard list. As these small wireless facilities would be located on existing infrastructure in public right of way, and as per the recent change in state statute, the city is processing these applications as concurrent use permits and not special use permits, and the UDC's use-specific standards do not apply in this specific situation.

7) The city has the ability to regulate land use, however, the Federal Communications Commission preempts local review on the potential environmental effects of radio frequency (RF) emissions, with the presumption that the applicant and service provider is in compliance with the Commission's RF rules. The applicant included an FCC checklist used to determine exemption from RF regulations (unlikely to cause exposure in excess of the FCC's guidelines).

8) At the time that this memo was written, no written comments from the public have been received.

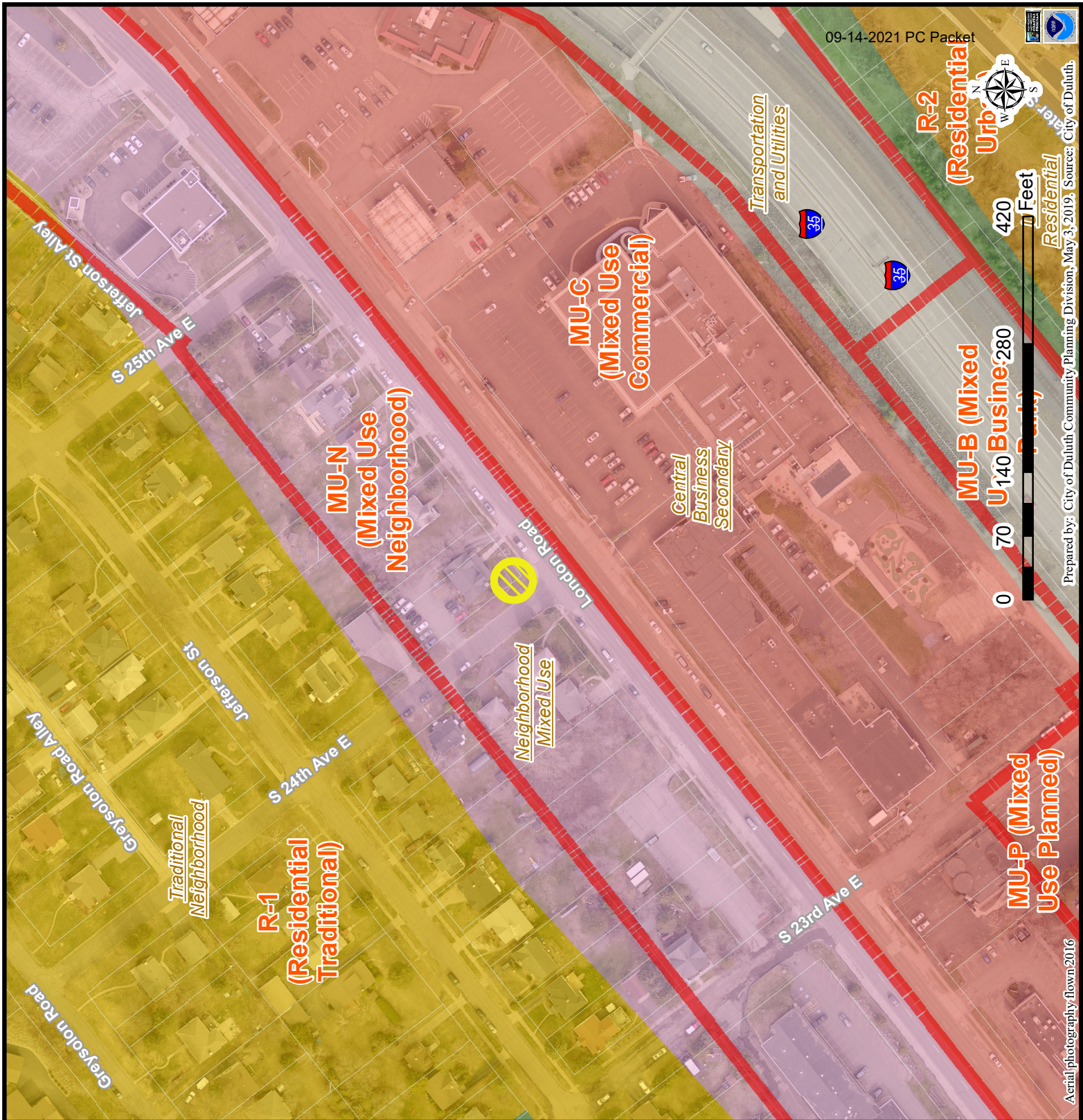
Staff Recommendation:

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

- 1) The project be limited to, constructed, and maintained according to construction drawings submitted and included with this staff report.
- 2) Applicant, and/or successors, shall remove the proposed obstructions at applicant's expense if directed to do so by the City with appropriate notice, and shall adhere to other standards and obligations established in the approving document (ordinance).
- 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, all other changes must be approved by amending the City Council's approved ordinance.

Legend

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





Legend

- Gas Main
- Water Main
- Hydrant

Sanitary Sewer Mains

- CITY OF DULUTH
- WLSSD; PRIVATE

Sanitary Sewer Forced Main

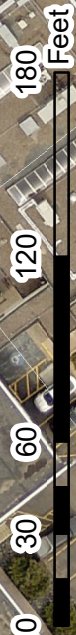
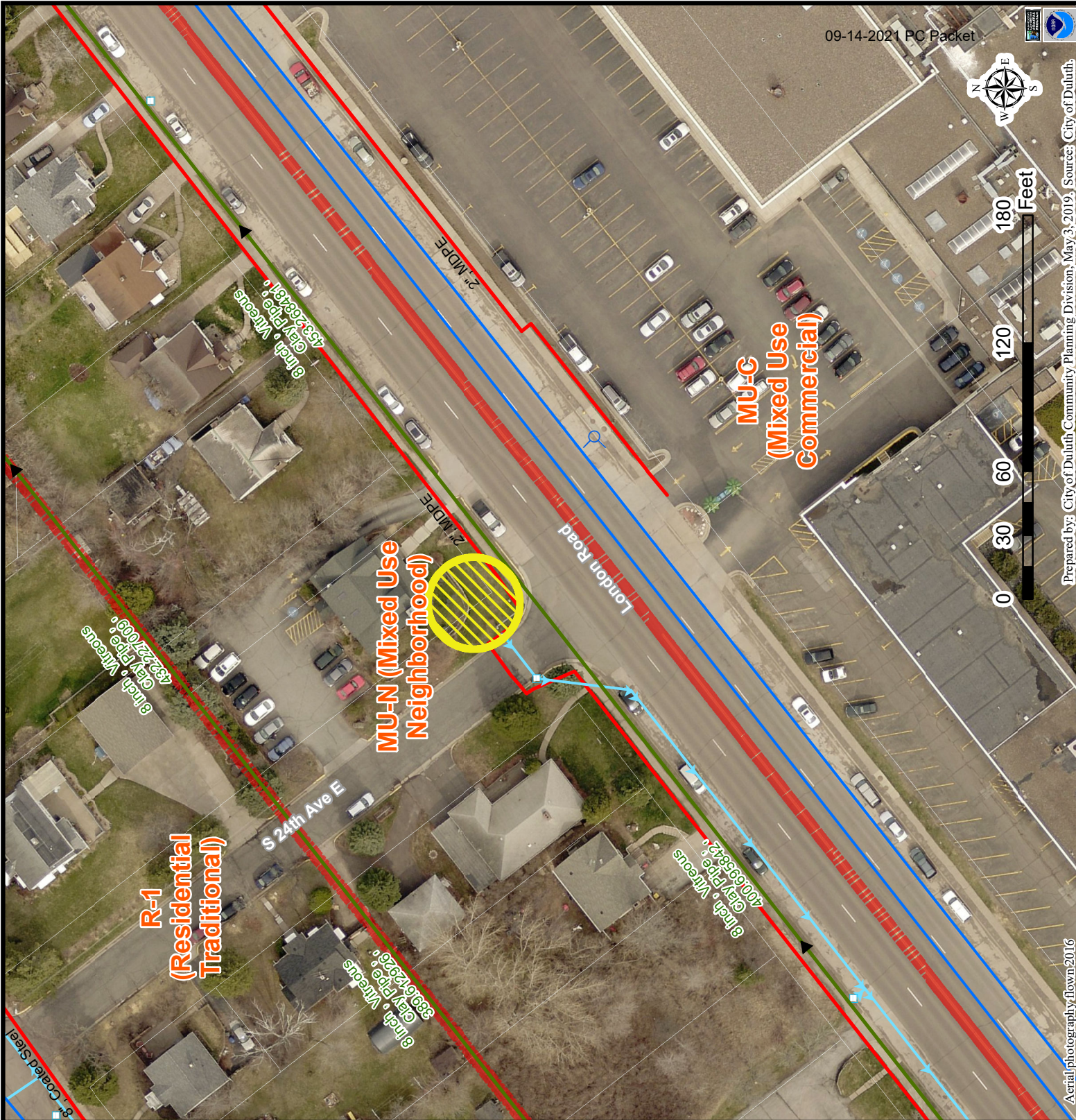
Storage Basin

Pump Station

Storm Sewer Mains

Storm Sewer Pipe

Storm Sewer Catch Basin



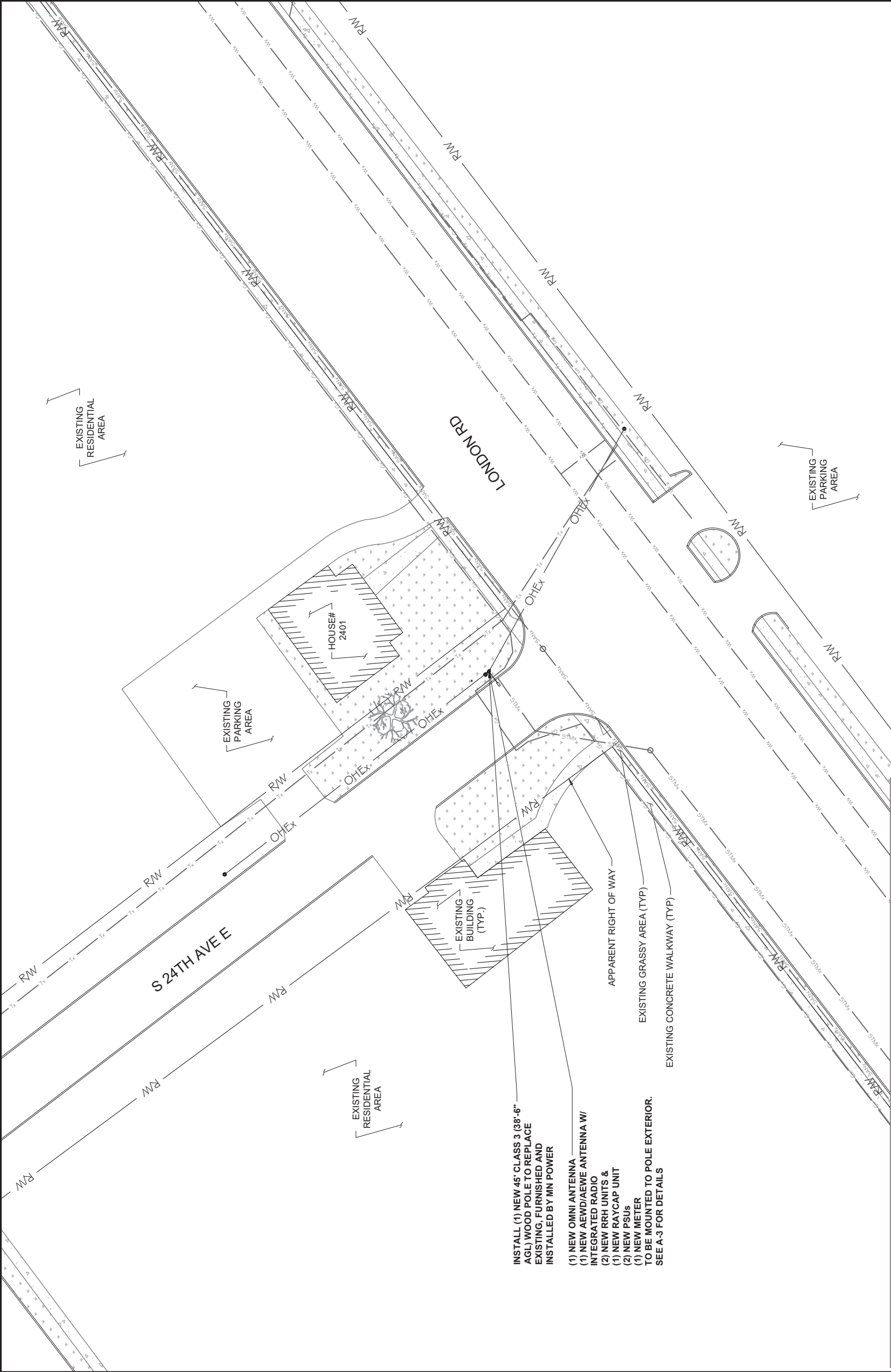
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is not a legally recorded map nor a survey and is not intended to be used as 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.



09-14-2021 PCH Packet

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<div><div></div><div>at&t</div></div> <div>7900 XERXES AVENUE S., 3RD FLOOR BLOOMINGTON, MN 55431</div> <div><div>SAC WIRELESS</div><div>540 W. MADISON ST. 9TH FLOOR CHICAGO, IL 60661 www.sacw.com</div></div> <div><div>A</div><div>RAMAKER</div><div>employee-owned (608) 643-4100 www.ramaker.com</div></div> <div>Certification # 346: 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.</div> <div><div>JAMES R. SKOWRONSKI</div><div>REGISTERED PROFESSIONAL ENGINEER No. 42202</div><div>STATE OF MINNESOTA</div></div> <div><div>JAMES R. SKOWRONSKI</div><div>7/20/2021</div><div>Signature Date</div><div>JAMES R. SKOWRONSKI</div><div>42202</div><div>Registration Number</div><div>Type of Contract Name:</div><div>GM</div><div>FINAL CD# ISSUED</div><div>07/20/21</div><div>GM</div><div>FINAL CD# ISSUED</div><div>06/17/21</div><div>GM</div><div>FINAL CD# ISSUED</div><div>04/05/21</div><div>GM</div><div>FINAL CD# ISSUED</div><div>02/19/21</div><div>REV.</div><div>DATE</div><div>DESCRIPTION</div><div>PROJECT TITLE</div><div>CRAN 1C/2C/3C/1R</div><div>MRUMW022375, MRUMW022355, MRUMW023078, MRUMW042861</div><div>CRAN_RUMW_DLLND_004</div><div>192438</div><div>PROJECT INFORMATION:</div><div>2401 LONDON ROAD DULUTH, MN 55812</div><div>SHEET TITLE:</div><div>TITLE SHEET</div><div>SCALE: NONE</div><div>PROJECT NUMBER</div><div>49970</div><div>SHEET NUMBER</div><div>T-1</div></div>						PROJECT: CRAN 1C/2C/3C/1R FA #: 14811098 PACE #: MRUMW022375, MRUMW022355, MRUMW023078, MRUMW042861 PTN #: 3514A0DQSA, 3514A0DQR8, 3514A0EQCN, 3514A0VRNV USID #: 192438 SCIP/CANDIDATE #: D CONFIGURATION: PICO SITE NAME: CRAN_RUMW_DLLND_004 SITE TYPE: WOOD LIGHT POLE NEAREST ADDRESS: 2401 LONDON ROAD DULUTH, MN 55812 JURISDICTION: CITY OF DULUTH STRUCTURE OWNER: MN POWER POLE ID: A0806889						DRAWING INDEX						T-1 TITLE SHEET GN-1 GENERAL NOTES A-1 OVERALL SITE PLAN W/ UG UTILITIES A-2 ENLARGED SITE PLAN W/ UG UTILITIES A-3 PROPOSED WOOD UTILITY POLE ELEVATIONS A-4 EQUIPMENT DETAILS A-5 MOUNTING DETAILS A-6 SIGN DETAILS E-1 ELECTRICAL ONE-LINE DIAGRAM E-2 UTILITY DETAILS E-3 GROUNDING DETAILS E-4 RF PLUMBING DIAGRAM (REFERENCE ONLY) TCP1 TRAFFIC CONTROL PLAN TCP2 PEDESTRIAN SAFETY PLAN REF FIBER MEET ME POINT DOCUMENT						SPECIAL NOTES						ALL WORK SHALL BE INSTALLED IN CONFORMANCE WITH CURRENT AT&T CONSTRUCTION INSTALLATION GUIDE. EXISTING CONDITIONS WILL BE CHANGED & VERIFIED IN FIELD. IF SIGNIFICANT DEVIATIONS OR DETEIORATION ARE ENCOUNTERED AT THE TIME OF CONSTRUCTION, A REPAIR PERMIT WILL BE OBTAINED & CONTRACTOR SHALL NOTIFY ENGINEER IMMEDIATELY. THESE DRAWINGS ARE FULL SIZE & SCALEABLE ON 11"x17" STATEMENT THAT COMPLIANCE WITH THE ENERGY CODE IS NOT REQUIRED. SCOPE OF WORK DOES NOT INVOLVE MODIFICATIONS TO EXTERIOR ENVELOPE OF BUILDING, HVAC SYSTEMS OR ELECTRICAL LIGHTING. REFER TO AT&T MPE STUDY TITLED "RS 102" FOR RF SAFETY COMPLIANCE CERTIFICATION					
<div>AT&T</div> <div>MOBILITY</div>						SCOPE OF WORK						LOCATION MAP						UNDERGROUND UTILITIES						CODE COMPLIANCE						DO NOT SCALE DRAWINGS					
PROJECT INFORMATION						SCOPE OF WORK						LOCATION MAP						UNDERGROUND UTILITIES						CODE COMPLIANCE						DO NOT SCALE DRAWINGS					
PROJECT: <u>USID ID:</u> <u>PACE #:</u> <u>SCIP/CANDIDATE #:</u> <u>POLE ASSET #:</u> <u>SITE ADDRESS:</u> <u>COUNTY:</u> <u>JURISDICTION:</u> <u>APPLICANT:</u> <u>LATITUDE:</u> <u>LONGITUDE:</u> <u>GROUND ELEV. (A.M.S.L.):</u> <u>PROPERTY OWNER:</u> <u>PROPERTY OWNER:</u> <u>CONTACT:</u> <u>PROPOSED USE:</u>						CRAN 1C/2C/3C/1R 192438 MRUMW022375, MRUMW022355, MRUMW023078, MRUMW042861 D A0806889 2401 LONDON ROAD DULUTH, MN 55812 ST LOUIS CITY OF DULUTH AT&T MOBILITY 7900 XERXES AVENUE S., 3RD FLOOR BLOOMINGTON, MN 55431 46° 48' 25.5" (46.80708) -92° 03' 53.08" (-92.06474) 701.54' MN POWER 30 W SUPERIOR STREET DULUTH, MN 55602 SCOTT LYTTINEN SLYTTINEN@MNPPOWER.COM 218-355-2024 TELECOMMUNICATIONS FACILITY												CALL MINNESOTA ONE CALL (800) 252-1166 CALL 3 WORKING DAYS BEFORE YOU DIG!						2020 MN BUILDING CODE / 2018 IBC 2020 MN MECHANICAL & FUEL GAS CODE / 2018 IMC MN ELECTRICAL CODE / 2017 NEC						CONTRACTOR SHALL VERIFY ALL PLANS & EXISTING DIMENSIONS & CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ARCHITECT OR ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.					



INSTALL (1) NEW 45' CLASS 3 (38'-6" AGL) WOOD POLE TO REPLACE EXISTING. FURNISHED AND INSTALLED BY MN POWER

(1) NEW OMNI ANTENNA
(1) NEW AEWD/AEWE ANTENNA W/ INTEGRATED RADIO
(2) NEW RRH UNITS &
(1) NEW RAYCAP UNIT
(2) NEW PSUs
(1) NEW METER
TO BE MOUNTED TO POLE EXTERIOR.
SEE A-3 FOR DETAILS

- NOTES:
- EXISTING UNDERGROUND UTILITY INFRASTRUCTURE INFORMATION WAS PROVIDED BY SAC WIRELESS & CITY OF DULUTH. INFORMATION WAS NOT CONFIRMED BY RAMAKER & ASSOCIATES IN THE FORM OF UTILITY LOCATES. THE EXISTING UTILITIES SHOWN ARE DIAGRAMMATICAL IN NATURE SHOWING APPROXIMATE LOCATIONS. ALL EXISTING UTILITIES SHALL BE LOCATED BY CONTRACTOR DURING CONSTRUCTION.
 - CONTRACTOR SHALL MAINTAIN A MINIMUM OF 3' CLEARANCE FROM ALL UTILITIES & 5' CLEARANCE FROM ALL CONDUITS.
 - CONTRACTOR SHALL PERFORM POTHOLES AT ALL UTILITY CROSSINGS IN LIEU OF DIRECTIONAL BORING. POTHOLES SHALL BE HYDROVAC ONLY.
 - CONTRACTOR SHALL HAVE EXISTING UTILITIES LOCATED AND FIELD MARKED PRIOR TO CONSTRUCTION.
 - THE CONTRACTOR SHALL TAKE CARE IN LOCATING ALL APPROPRIATE BORING PIT LOCATIONS IN ORDER TO AVOID EXISTING UTILITIES. MINIMIZE PAVEMENT RESTORATION AND TRAFFIC DISRUPTIONS. CONTRACTOR IS RESPONSIBLE FOR REPAIRING ALL DISTURBED PAVEMENT IN ACCORDANCE WITH THE CITY OF DULUTH STANDARD SPECIFICATIONS.
 - AT LOCATIONS WHERE PROPOSED DIRECTIONAL DRILLING WILL BE INSTALLED WITHIN 5' LONGITUDINALLY (PARALLEL) TO ANY EXISTING UTILITY, THE DIRECTIONAL DRILLER SHALL "POT-HOLE" EVERY 500' TO VERIFY THE LOCATION AND GRADE OF THE EXISTING UTILITY.
 - SHALL LOCATE THE EXISTING UTILITY LINE AND GRADE BY "POT-HOLING" AT LEAST 100' AHEAD OF DRILLING OPERATIONS.



NORTH

OVERALL SITE PLAN

SCALE: 1" = 40'

1



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BLOOMINGTON, MN 55431



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9TH FLOOR
CHICAGO, IL 60661
www.sacw.com



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



Signature: *James R. Skowronski* 7/20/2021
Date: 7/20/2021
Typed or Printed Name: JAMES R. SKOWRONSKI
Registration Number: 42202

REV.	DATE	DESCRIPTION	INITIALS
3	07/20/21	FINAL CD# 155UJED	GM
2	06/17/21	FINAL CD# 155UJED	GM
1	04/05/21	FINAL CD# 155UJED	GM
0	02/19/21	FINAL CD# 155UJED	GM

PROJECT TITLE:

CRAN 1C/2C/3C/1R
MRUMW022375, MRUMW022355,
MRUMW023078, MRUMW042861
CRAN_RUMW_DLLND_004
192438

PROJECT INFORMATION:
2401 LONDON ROAD
DULUTH, MN 55812

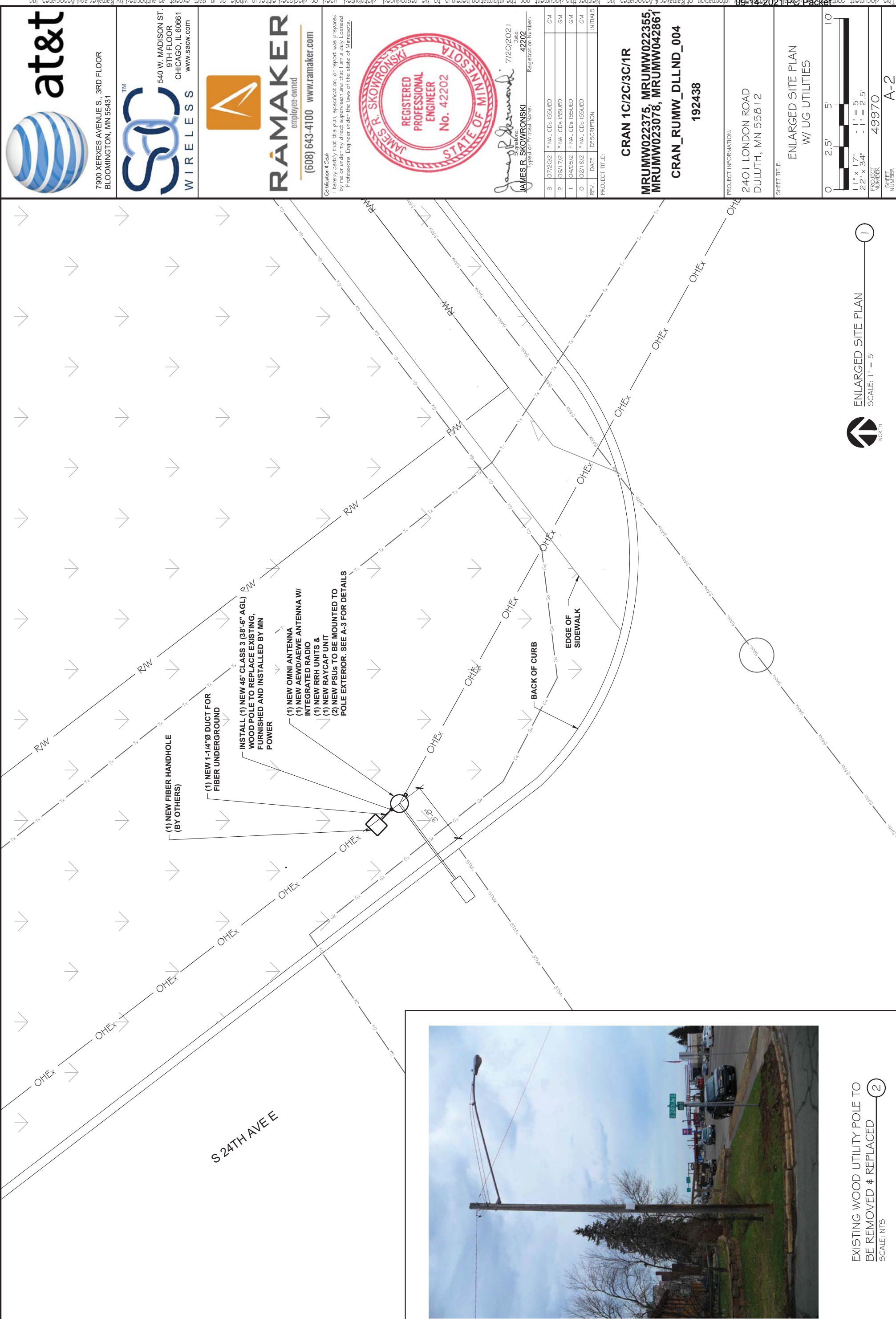
SHEET TITLE:
OVERALL SITE PLAN
W/ UG UTILITIES

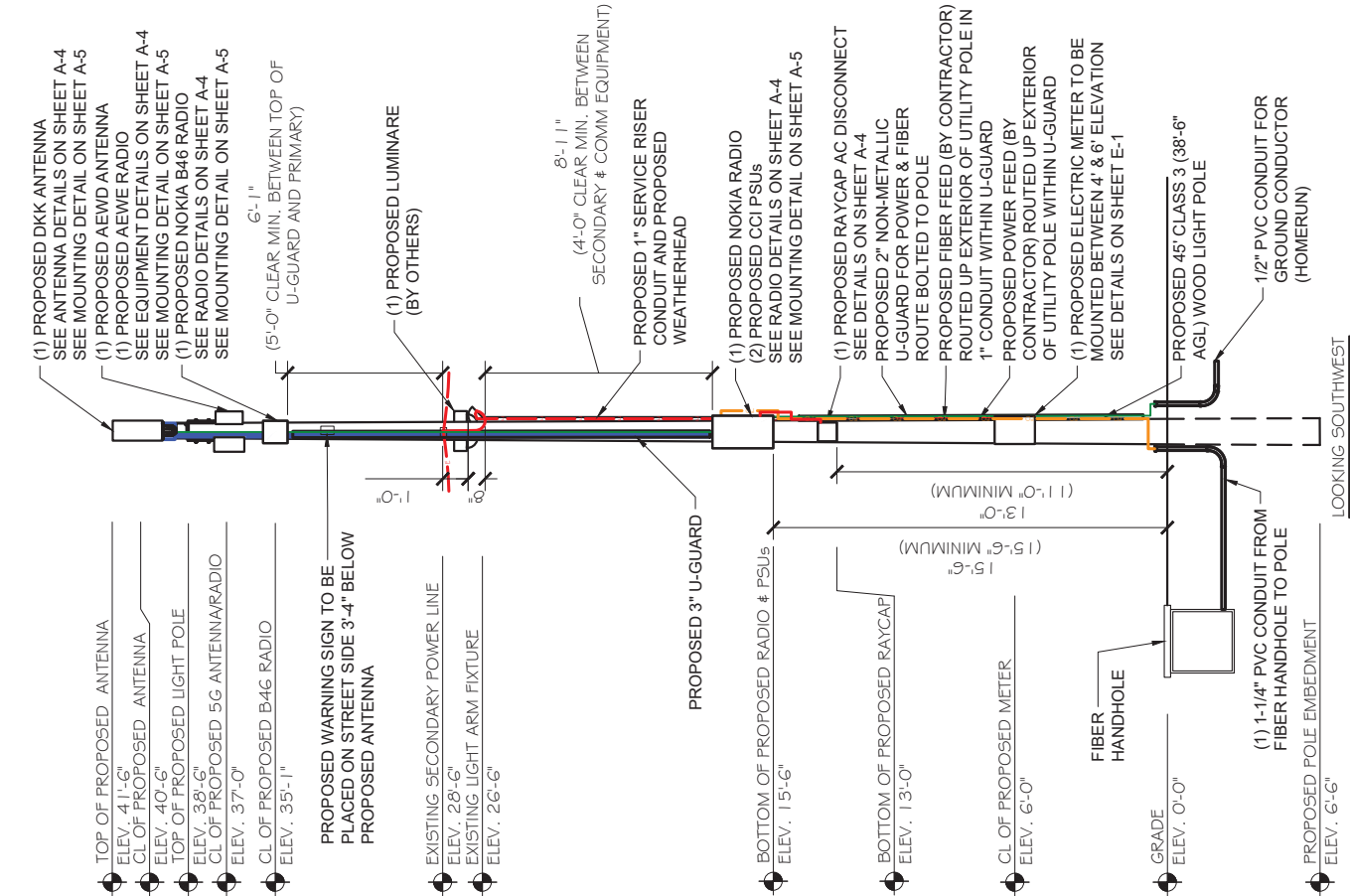
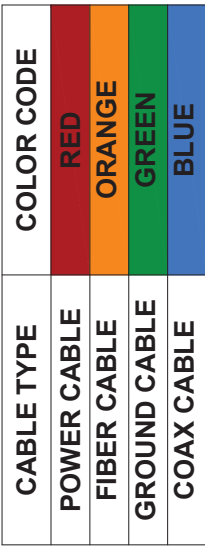
0 20' 40' 80'



1 1" x 1 7" - 1" = 40'
2 2" x 3 4" - 1" = 20'

PROJECT NUMBER: 49970
SHEET NUMBER: A-1





PROPOSED UTILITY POLE BACK ELEVATION

SCALE: 1" = 7.5'

1. ALL HARDWARE SHALL BE SECURED TO POLE WITHOUT STEEL
2. ALL CABLES SHALL BE SECURED TO POLE EVERY 36" OR LESS
3. LIGHTNING RODS SHALL BE INCLUDED AS REQUIRED
4. STRUCTURAL BACKFILL TO BE COMPACTED IN 6" MAXIMUM LAYERS TO 100% OF CONTENT IN ACCORDANCE WITH ASTM D688, ADDITIONALLY, STRUCTURAL BACKFILL MUST HAVE A MINIMUM COMPACTED UNIT WEIGHT OF 100 POUNDS PER CUBIC FOOT (16 KN/M³)
5. ANY PRIMARY OR SECONDARY POWER LINES NEED TO MAINTAIN 5' CLEARANCE BETWEEN POWER LINES AND TOP OR BOTTOM OF EQUIPMENT (INCLUDING MOUNTS), WHICHEVER IS CLOSER
6. PEDESTAL MAY BE REQUIRED AS DETERMINED BY MN POWER
7. ANY INSTALLATION LINE PEDESTAL OR HAND-HOLE NEEDS TO BE AT LEAST 3' DISTANCE FROM POLE
8. ALL CONTRACTORS WORKING IN POWER SPACE NEED TO BE APPROVED BY MN POWER AND HIGH VOLTAGE CERTIFIED. REFERENCE ELECTRICAL NOTES #13 ON GN-1
9. PROPOSED SERVICE CONDUCTORS TO THE METER SIZED AND INSTALLED PER THE UTILITY AND THE NEC REQUIREMENTS CONDUCTOR SHALL BE ENCLOSED IN A MINIMUM OF 2" Ø SCH 80 PVC. 24" MIN OF CONDUCTOR SLACK SHALL BE COILED AT THE WEATHER HEAD TO ALLOW FOR FINAL CONNECTIONS
10. POWER ENCLOSED IN FLEX PIPE FROM AC DISTRIBUTION BOX TO BACK OF RADIO
11. CONTRACTOR MUST INSTALL COAX PROPERLY PER SPECIFICATIONS AND RADIUS TO ENSURE PROPER CONNECTION FROM RRU TO BOTTOM OF ANTENNA



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



Signature: *James R. Skowronski* Date: 7/20/2021
 JAMES R. SKOWRONSKI 42202
 Typed or Printed Name: Registration Number:

3	07/20/2	FINAL CD5 ISSUED	GM
2	06/17/2	FINAL CD5 ISSUED	GM
1	04/05/2	FINAL CD5 ISSUED	GM
0	02/19/2	FINAL CD5 ISSUED	GM
REV.	DATE	DESCRIPTION	INITIALS

PROJECT TITLE:

CRAN 1C/2C/3C/1R

MRUMW022375, MRUMW022355,
MRUMW023078, MRUMW042861

CRAN_RUMW_DLLND_004
192438

PROJECT INFORMATION:

2401 LONDON ROAD
DULUTH, MN 55812

SHEET TITLE:

PROPOSED WOOD UTILITY POLE ELEVATIONS

PROJECT

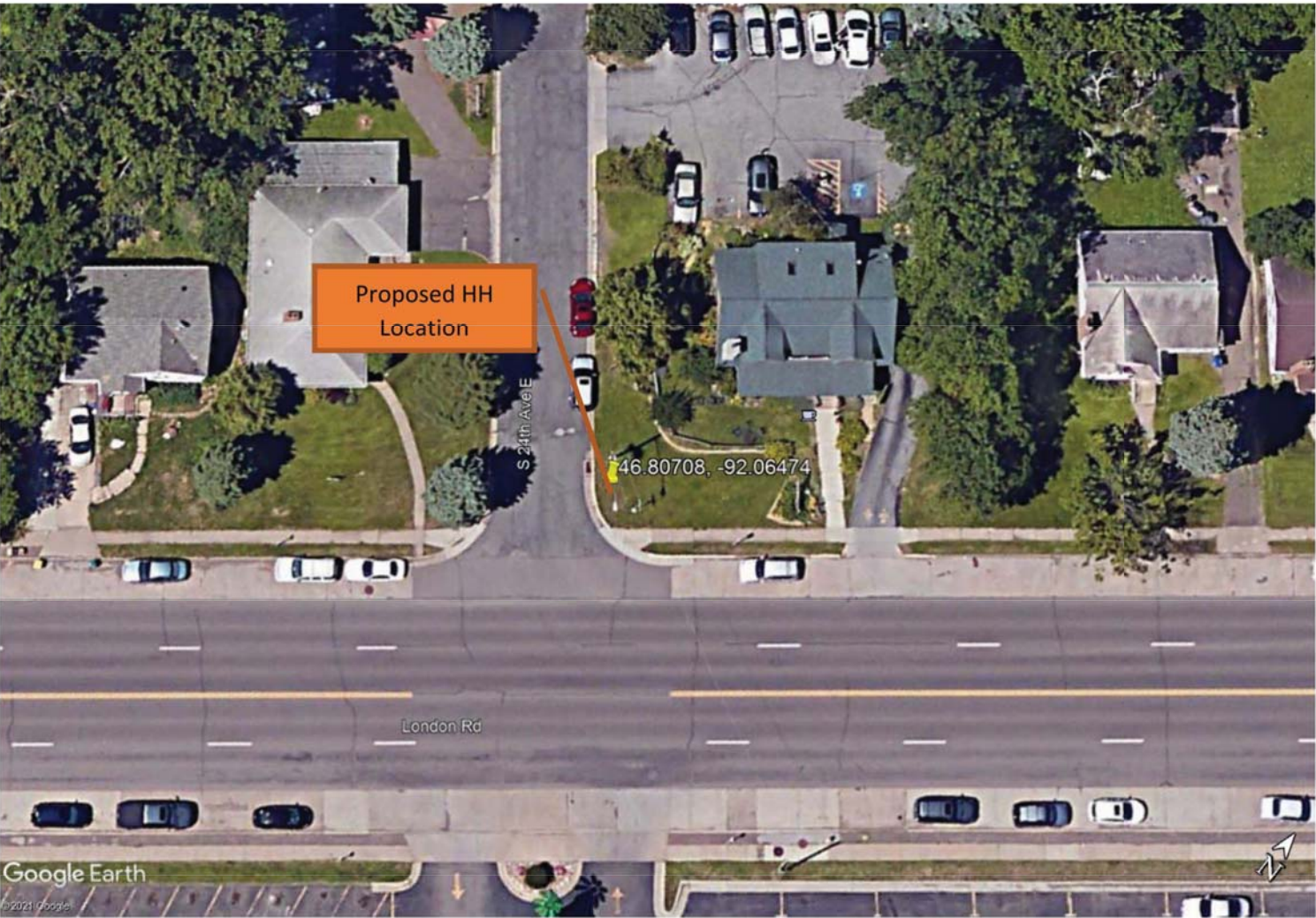
49970

SHEET
NUMBER

A-3

SITE NAME: CRAN_RUMW_DLLND_004
SITE ADDRESS: LONDON RD DULUTH, MN
LAT/LONG: 46.80708, -92.06474
POLE TYPE: WOOD, LIGHT POLE

Proposed Route Design
ATT Minnesota
Plan View

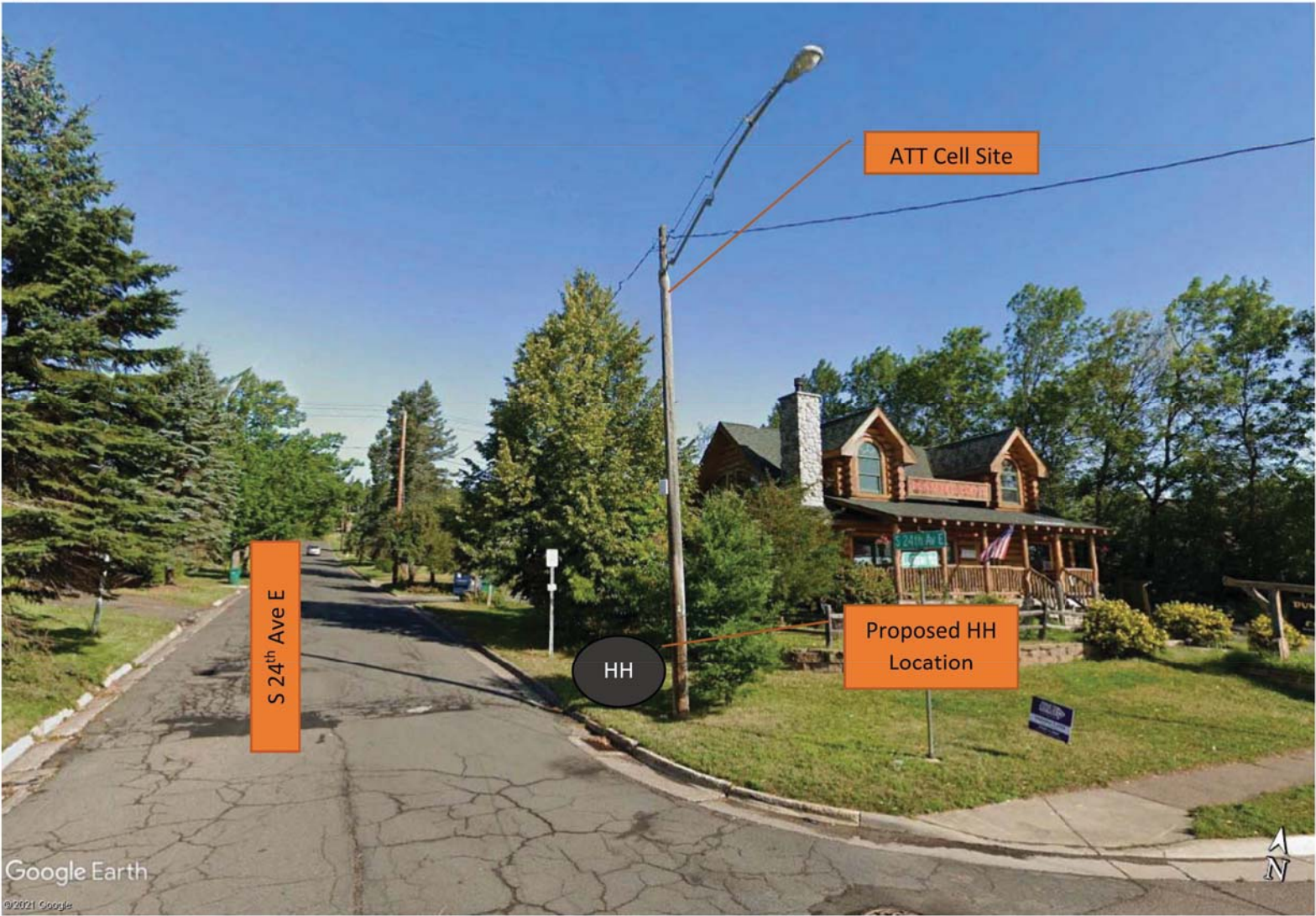


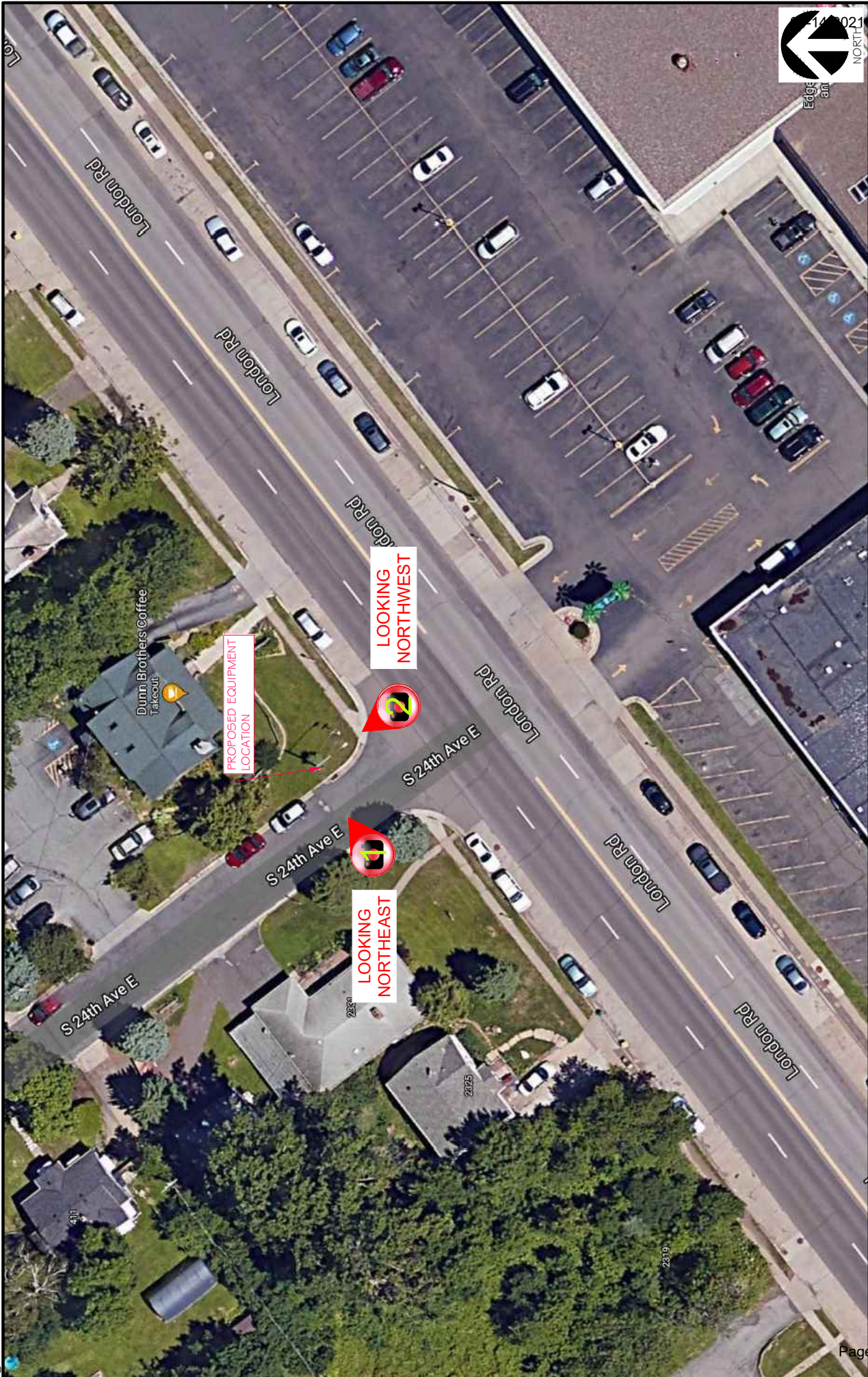
Nearest Intersection:
London Rd & S 24th Ave E




Description:
CCI to install a new HH in the ROW near the light pole.

ATT is to leave stub 1.25" duct out from base of new light pole to the proposed HH location.

Approx. HH Location – Street View





 7900 XERVES AVENUE S, 3RD FLOOR BLOOMINGTON, MN 55401		 employee-owned RAMAKER (608) 643-4100 www.ramaker.com	
 540 W. JACKSON ST. 3RD FLOOR CHICAGO, IL 60661 www.wireless.com			
SHEET TITLE: PHOTO RENDERING/SIMULATION LOCATION MAP			
PROJECT TITLE: MRUMW022375 (14811098)			
PROJECT NUMBER: 49970			
PROJECT LOCATION: 2401 LONDON ROAD, DULUTH, MN 55812			



BEFORE



AFTER



SHEET TITLE: PHOTO RENDERING/SIMULATION - LOOKING NORTHEAST		at&t 7900 XERVES AVENUE S, 3RD FLOOR BLOOMINGTON, MN 55401		PC Packet	
PROJECT TITLE: MRUMW022375 (14811098)		S&C WIRELESS 540 W. MADISON ST. CHICAGO, IL 60661 www.saw.com		RAMAKER employee-owned (608) 643-4100 www.ramaker.com	
PROJECT NUMBER: 49970					
PROJECT LOCATION: 2401 LONDON ROAD, DULUTH, MN 55812					

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AFTER

62 PHOTO RENDERING/SIMULATION - LOOKING NORTHWEST

PROJECT TITLE:
MRUMWO22375 (14811098)

49970

PROJECT LOCATION:
2401 LONDON ROAD, DULUTH, MN 55812



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PC Packet



STATEMENT REGARDING AESTHETIC DESIGN CRITERIA
DLIND_004 / 14811098 / MRUMW022375 / 2401 London Rd.

Pursuant to Ordinance 19-0027R, a SWF must adhere to the eight criteria listed below. Applicant's responses are stated below in red.

- (a) Except as established in Minnesota State Statute, the height of a new facility may not exceed the average height of existing utility poles or streetlights in the immediate area (150-foot radius of the proposed site) by more than five (5) feet, or forty (40) feet, whichever is greater; antennas mounted at the top of the pole shall not increase the height of the pole by more than five (5) feet; and

Applicant asserts that this proposed SWF will only extend three (3) feet above the top of the replaced MN Power utility pole. (See p. A3 of Exhibit "F," Construction Drawings).

- (b) New facilities shall be located as near as practicable to street intersections and shall be located to the extent practicable on existing poles or other structures currently in the right of way and shall be limited to the heights in section (a) above; and

Applicant's proposed pole is located directly on a street corner and is within the ROW.

- (c) Decorative lights, banner poles, clocks, flagpoles, and other public street furniture that was not designed to accommodate small cell facilities shall not be used if accommodating the small cell facilities interfere with the operation of the public street furniture; and

Applicant's proposed pole is not decorative.

- (d) Concealment elements shall be incorporated into new sites, including approved camouflage or shrouding techniques, to the greatest extent practicable; and

Applicant has made every practicable effort to camouflage and conceal its proposed equipment. Any additional concealment efforts would result in additional shrouds or screens that would cause the pole to look more crowded and abnormal than as proposed.

- (e) New electrical and other utility service lines must be undergrounded whenever possible to avoid additional overhead lines; for metal poles, undergrounded cables and wires must transition directly into the pole base without any external junction box; and

Barring any unforeseen issues, this SWF will draw power from existing electrical lines attached to it. It will therefore not require the construction of any new overhead or underground lines. The subject pole is not metal.

- (f) Unless otherwise required for compliance with FAA or FCC regulations, new wireless facilities shall not include any permanently installed lights; and

The Proposed SWF will not include any permanently installed lights besides a streetlight like the one currently mounted to the pole.



- (g) Any new facility and/or equipment and other improvements associated with a new facility must not obstruct any access to fire hydrants or fire escapes, or aboveground or underground public infrastructure, such as underground public utility lines; and

The proposed SWF will not obstruct access to fire hydrants or fire escapes, or aboveground or underground public infrastructure, such as underground public utility lines.

- (h) Unless indicated otherwise by the Land Use Supervisor or City Engineer, the color of the antennas and related accessory equipment shall be made to match the existing pole color; if no pole exists, color should match the poles in the immediate area.

Applicant intends to paint the proposed equipment to match the pole as close as possible.

Respectfully Submitted:

A handwritten signature in blue ink, appearing to read 'Joe Goldshlack', written over a horizontal line.

Dated: July 6, 2021

Joe Goldshlack
SAC Wireless o.b.o. AT&T
540 W. Madison St., 9th Floor
Chicago, IL 60661
(517) 648-0023
joe.goldshlack@sacw.com



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 21-142	Contact	Steven Robertson, 218-730-5295			
Type	Concurrent Use Permit, Wireless Utility on Light Pole	Planning Commission Date		September 14, 2021		
Deadline for Action	Application Date	Aug 20, 2021 (Exhibit Revised)	60 Days			
	Date Extension Letter Mailed		120 Days			
Location of Subject		1439 North 8 th Avenue East				
Applicant	SACW		Contact	Joe Goldshlack and Marissa Miller		
Agent	AT&T		Contact	Ron Mitchell Jr		
Legal Description		See Attached Map				
Site Visit Date		September 4, 2021	Sign Notice Date		August 31, 2021	
Neighbor Letter Date		N/A	Number of Letters Sent		N/A	

Proposal: The applicant is seeking a concurrent use permit to allow a private obstruction (utility pole mounted antennas and related equipment) in the public right of way.

Recommended Action: Recommend to the city council to approve with conditions (Ordinance).

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

Summary of Code Requirements

UDC Section 50-37.7.C. The planning commission shall review the application, and council shall approve the application or approve it with modifications, if it determines that the proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city, and no portion of a public easement proposed of use is being physically occupied by the public.

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

Principle #4 - Support emerging economic growth sectors. Emerging economic sectors add economic, cultural and social diversity. These include higher education, medical, value-added manufacturing, commercial outdoor recreation, historic resources interpretation, arts and music, information technology and visitor services.

The installation falls with the provisions of Minnesota Statute 237.162 and 247.1643, as amended in 2017.

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

Existing small cell on utility poles in public right of way include the following sites: six around UMD, two near the Burning Tree Plaza, two near Canal Park, three near the 6000 block of East Superior Street, one near Spirit Mountain, one near Denfeld High School, one near East High School, one near the Radisson Hotel, one near the Miller Hill Mall, and one near Edgewater Park. There are three more on utility poles within the St. Scholastica Campus, on private property. Two more are under City Council consideration (PL 21-075, 1801 East Second Street, and PL 21-076, 651 East Fifth Street), which are from the same applicant as this application

This is a companion zoning application to PL 21-140, -141, and -142, also concurrent use permits for wireless equipment on existing utility poles.

The concurrent use permit application also included a structural analysis, radio frequency interference analysis report, and RF emissions analysis.

Review and Discussion Items:

1) The applicant is seeking a concurrent use permit to allow a private obstruction (utility pole mounted antennas and equipment mount) in the public right of way. The small wireless facility will be installed on a replacement Minnesota Power wooden pole. The street light will be attached to the pole at 22 feet, and the wireless equipment will be placed at between 15 and 37 feet (top of the pole is at 34 feet). There will be no ground mounted equipment.

2) Granting a concurrent use permit would give the applicant the ability to use dedicated public rights-of-way, with conditions, while preserving other existing public uses in the same right-of-way corridors. Concurrent use permits require a public hearing and recommendation by the Planning Commission, and is approved by the City Council via ordinance. Unlike street right-of-way vacations, concurrent use permits are not recorded at the County as they are voidable permits issued by the City to applicants who are private users of public rights-of-way.

3) Ownership of the pole will remain with Minnesota Power. Liability, maintenance, and operation of the small wireless facilities will remain the responsibility of the applicant. In the event of an accident, such as a vehicle hitting the utility pole, the city is not responsible for restoring or replacing any of the applicant's equipment.

4) The existing pole will be replaced with a new pole. The new pole will have a structural analysis by the manufacturer to ensure that they can support the weight of the private small cell facilities.

5) Granting the proposed concurrent use permits will not harm or inconvenience the health, safety and general welfare of the city. The area proposed for the concurrent use permit will not take away from the public's ability to use the public right-of-way. Minnesota Power will own the poles and continue to use them for utility purposes (lighting).

6) The UDC generally requires that new wireless facilities follow a location standard: first they should be collocated on existing towers or other structures on city owned properties first, and then existing towers or other structures on other (private) property, and so forth down the location standard list. As these small wireless facilities would be located on existing infrastructure in public right of way, and as per the recent change in state statute, the city is processing these applications as concurrent use permits and not special use permits, and the UDC's use-specific standards do not apply in this specific situation.

7) The city has the ability to regulate land use, however, the Federal Communications Commission preempts local review on the potential environmental effects of radio frequency (RF) emissions, with the presumption that the applicant and service provider is in compliance with the Commission's RF rules. The applicant included an FCC checklist used to determine exemption from RF regulations (unlikely to cause exposure in excess of the FCC's guidelines).

8) At the time that this memo was written, no written comments have been received from the public, but there was a citizen request for more information on the potential impacts on RF emissions to remote control devices within nearby homes.

Staff Recommendation:

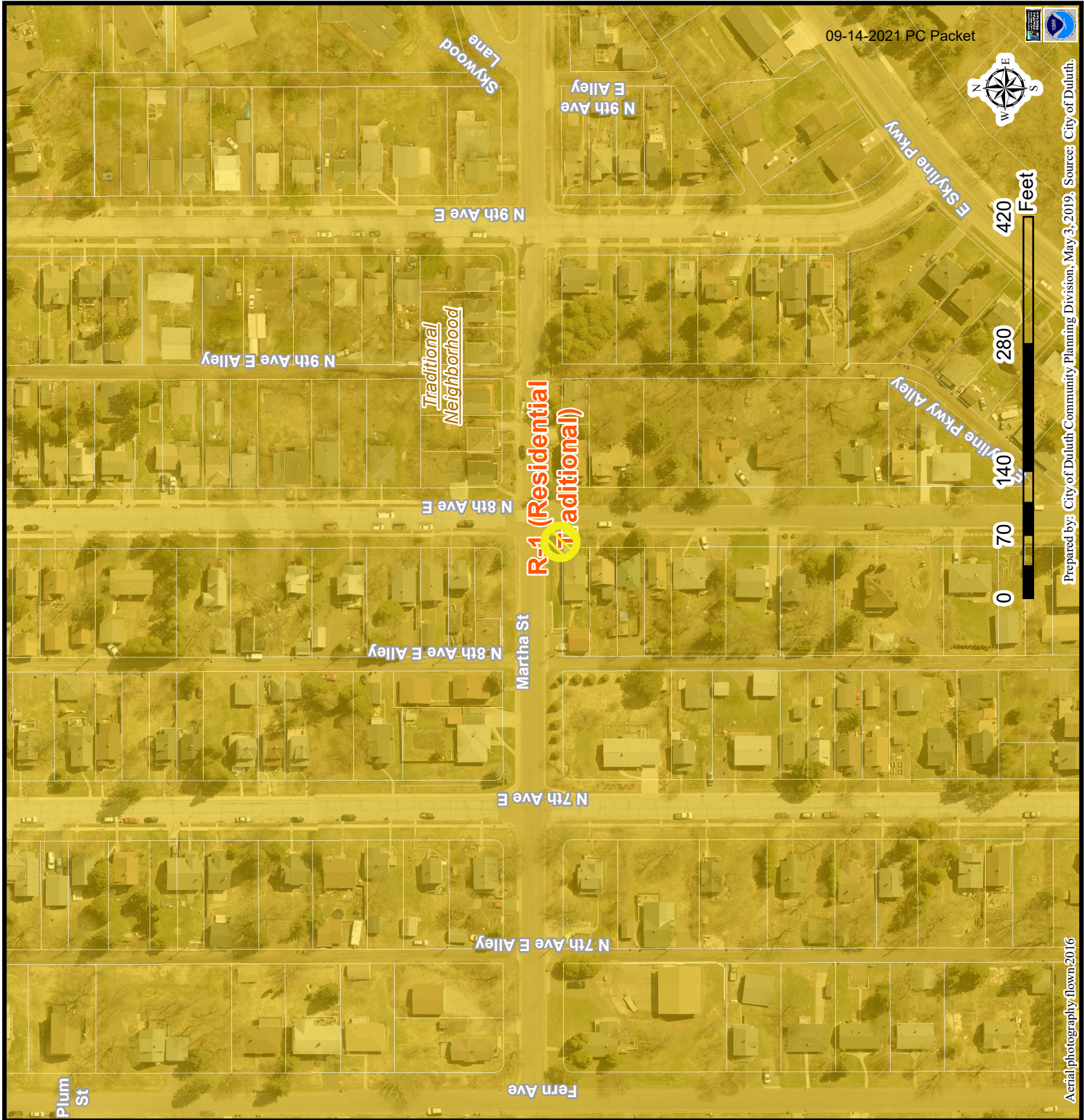
Based on the above findings, Staff recommends that the Planning Commission recommend approval of the concurrent use permit subject to the following conditions:

- 1) The project be limited to, constructed, and maintained according to construction drawings submitted and included with this staff report.
- 2) Applicant, and/or successors, shall remove the proposed obstructions at applicant's expense if directed to do so by the City with appropriate notice, and shall adhere to other standards and obligations established in the approving document (ordinance).
- 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, all other changes must be approved by amending the City Council's approved ordinance.

Legend

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

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is not a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.



Legend

- Gas Main
- Water Main
- Hydrant

Sanitary Sewer Mains

- CITY OF DULUTH
- WLSSD; PRIVATE

Sanitary Sewer Forced Main

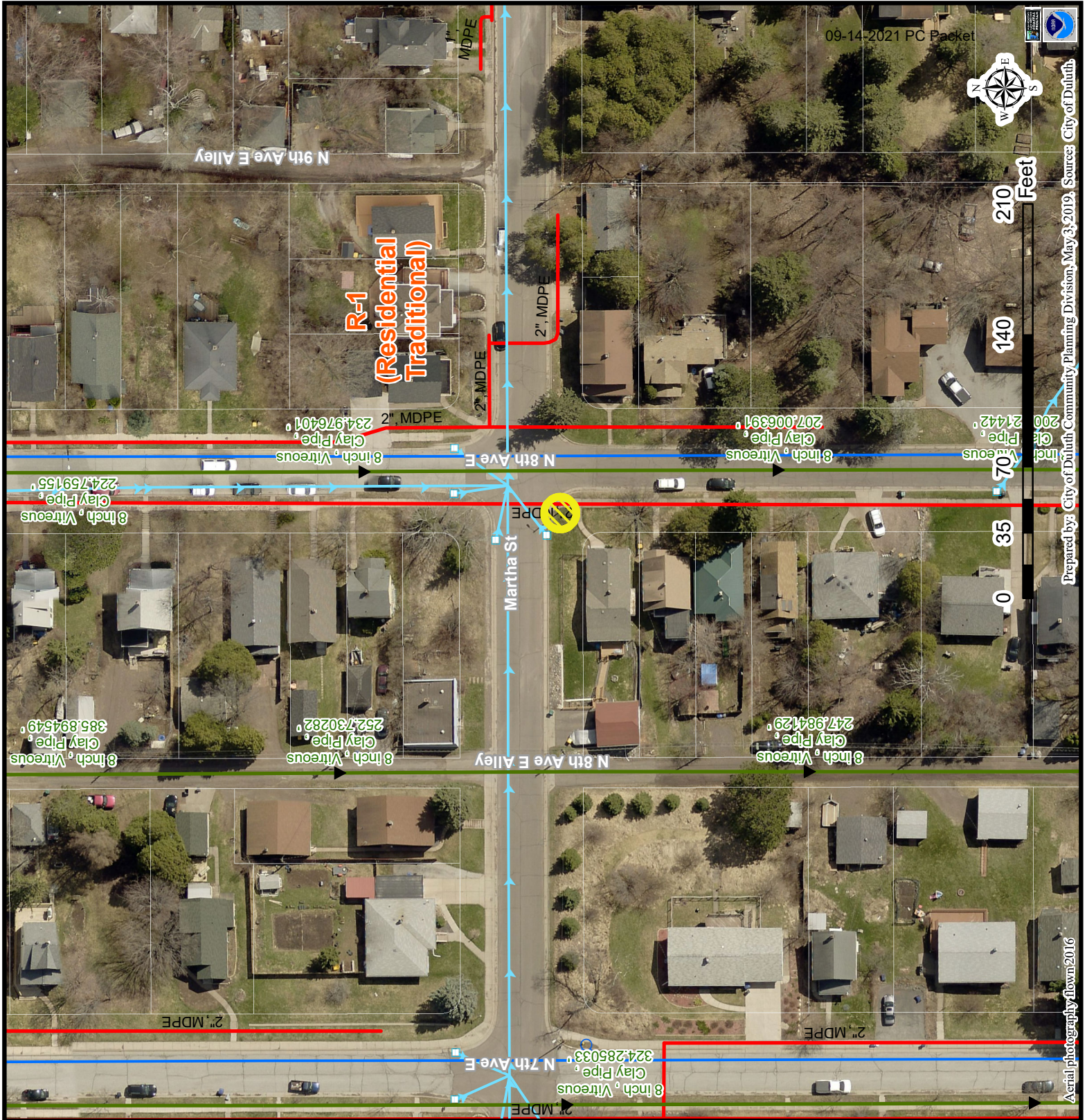
Storage Basin

Pump Station

Storm Sewer Mains

Storm Sewer Pipe

Storm Sewer Catch Basin



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PROJECT:
FA #:
PACE #:
PTN #:
USID #:
SCIP/CAN#:
CONFIGUR#:
SITE NAME:
SITE TYPE:
NEAREST 7
JURISDICTION:
STRUCTURE:
POLE ID:

CRAN 1C/2C/3C/1R
14810154
MRUMW022370, MRUMW022371, MRUMW023077, MRUMW042860
3514A0DQR5, 3514A0DQRE, 3514A0EQD2, 3514A0VRHQ
192444
F
PICO
CRAN_RUMW_DLLND_010
WOOD LIGHT POLE
1439 N 8TH AVENUE E
DULUTH, MN 55805
CITY OF DULUTH
MN POWER
M5500029

PROJECT INFORMATION	
PROJECT: USID ID: PAGE #:	CRAN 1C2C3C1R 192444 MRUMW022370, MRUMW022371, MRUMW023077, MRUMW042860 F M55000029
SCIP/CANDIDATE #: POLE ASSET #:	
SITE ADDRESS:	1439 N 8TH AVENUE E DULUTH, MN 55805
COUNTY: JURISDICTION:	ST LOUIS CITY OF DULUTH
APPLICANT:	AT&T MOBILITY 7900 XERXES AVENUE S., 3RD FLOOR BLOOMINGTON, MN 55431
LATITUDE: LONGITUDE:	46° 48' 20.87" (46.8057967) -92° 06' 12.01" (-92.1033347)
GROUND ELEV. (A.M.S.L.): PROPERTY OWNER:	1157 MN POWER 30 W SUPERIOR STREET DULUTH, MN 55802
PROPERTY OWNER CONTACT:	SCOTT LYTTINEN SLYTTINEN@MNPOWER.COM 218-355-2024
PROPOSED USE:	TELECOMMUNICATIONS FACILITY

PROJECT CONSULTANTS	KRIFANAND JOSEPH SEWERSAUD joes@att.com
AT&T CONSTRUCTION MANAGER:	MARIA BURMEISTER mb018v@att.com
AT&T PROJECT MANAGER:	SAC WIRELESS 540 W. MADISON ST. 9TH FLOOR CHICAGO, IL 60661
CONSTRUCTION:	MARISSA MILLER marissa.miller@sacw.com
SAC PROJECT MANAGER:	MICHAEL IACOPETTI michael.iacopetti@sacw.com
SITE ACQUISITION:	RAMAKER & ASSOCIATES 855 COMMUNITY DRIVE SAUK CITY, WI 53583 (608) 643-1100
AE FIRM:	JOSH OPSETH - PROJECT MANAGER greg.flanagan@consolidated.com justin.grev@consolidated.com
FIBER:	

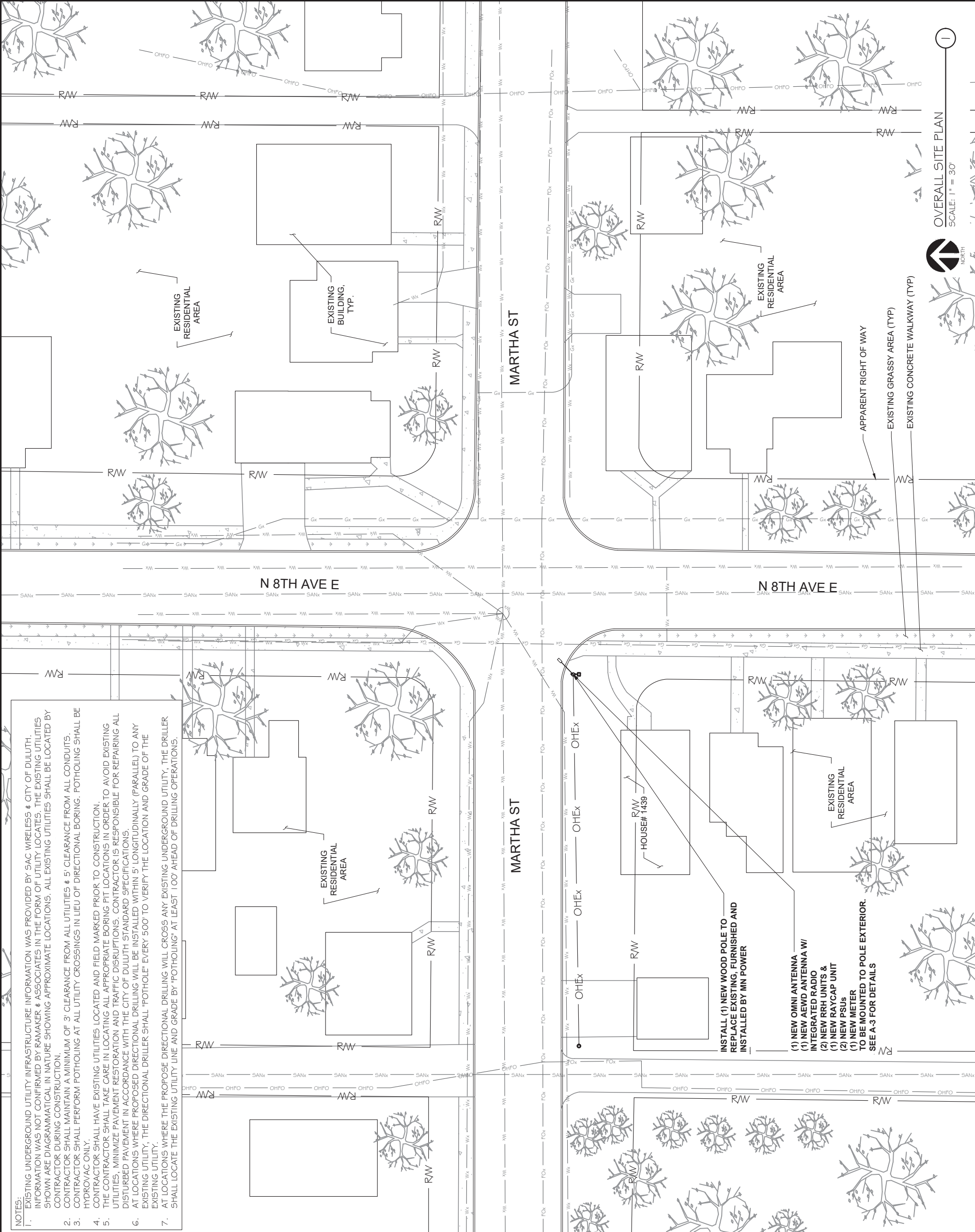
SCOPE OF WORK	
THIS IS NOT AN ALL INCLUSIVE LIST. CONTRACTOR SHALL UTILIZE SPECIFIED EQUIPMENT PART OR ENGINEER APPROVED EQUIVALENT. CONTRACTOR SHALL VERIFY ALL NEEDED EQUIPMENT TO PROVIDE A FUNCTIONAL SITE. THE PROJECT GENERALLY CONSISTS OF THE FOLLOWING:	
-MNI POWER TO REPLACE EXISTING POLE WITH NEW 40'-0" CLASS 3 WOOD LIGHT POLE (34'-0" ABOVE GROUND, 6'-0" BELOW GROUND)	-INSTALL (1) NEW AC DISCONNECT UNIT (R5CAC-6533-P-120-D)
-INSTALL (1) NEW OMNI ANTENNA TO BE MOUNTED TO NEW POLE	-INSTALL CABLING AS REQUIRED
-INSTALL (1) NEW AEWD/AEWE 5G NR 39GHz PICO TRP ANTENNA	-INSTALL GROUND AS REQUIRED
-INTEGRATED RADIO	-INSTALL NEW U-GUARD
-INSTALL (1) NEW NOKIA RRH 4T4R B25/B66 320W UNIT # (1)	-INSTALL (2) NEW PSU6
NEW NOKIA RRH B46 UNIT TO BE MOUNTED TO POLE EXTERIOR	-INSTALL (1) NEW HANDHOLE (BY OTHERS)
	-INSTALL (1) NEW POLE MOUNTED METER

<p>LOCATION MAP</p>		<p>CODE COMPLIANCE</p> <ul style="list-style-type: none"> • 2020 MN BUILDING CODE / 2018 IBC • 2020 MN MECHANICAL & FUEL GAS CODE / 2018 IMC • MN ELECTRICAL CODE / 2017 NEC
	<p>UNDERGROUND UTILITIES</p>	<p>CALL MINNESOTA ONE CALL (800) 252-1166 CALL 3 WORKING DAYS BEFORE YOU DIG!</p>

DRAWING INDEX	
T-1	TITLE SHEET
GN-1	GENERAL NOTES
A-1	OVERALL SITE PLAN W/ UG UTILITIES
A-2	ENLARGED SITE PLAN W/ UG UTILITIES
A-3	PROPOSED WOOD UTILITY POLE ELEVATIONS
A-4	EQUIPMENT DETAILS
A-5	MOUNTING DETAILS
A-6	SIGN DETAILS
E-1	ELECTRICAL ONE-LINE DIAGRAM
E-2	UTILITY DETAILS
E-3	GROUNDING DETAILS
RF-1	RF PLUMBING DIAGRAM (REFERENCE ONLY)
TCP-1	TRAFFIC CONTROL PLAN
TCP-2	PEDESTRIAN SAFETY PLAN
REF	FIBER MEET ME POINT

<h2 style="text-align: center;">SPECIAL NOTES</h2>	<ul style="list-style-type: none"> ALL WORK SHALL BE INSTALLED IN CONFORMANCE WITH CURRENT AT&T CONSTRUCTION INSTALLATION GUIDE. SIGNIFICANT DEVIATIONS OR DETERIORATION ARE ENCOUNTERED AT THE TIME OF CONSTRUCTION, A REPAIR PERMIT WILL BE OBTAINED & CONTRACTOR SHALL NOTIFY ENGINEER IMMEDIATELY. THESE DRAWINGS ARE FULL SIZE & SCALEABLE ON 11"X17" SHEET SIZE. STATEMENT THAT COMPLIANCE WITH THE ENERGY CODE IS NOT REQUIRED. SCOPE OF WORK DOES NOT INVOLVE MODIFICATIONS TO EXTERIOR ENVELOPE OF BUILDING, HVAC SYSTEMS OR ELECTRICAL LIGHTING. REFER TO AT&T MPE STUDY TITLED "RS 102" FOR RF SAFETY COMPLIANCE CERTIFICATION
	<h2 style="text-align: center;">DO NOT SCALE DRAWINGS</h2>
	<p>CONTRACTOR SHALL VERIFY ALL PLANS & EXISTING DIMENSIONS & CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ARCHITECT OR ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.</p>

 7900 XERXES AVENUE S., 3RD FLOOR BLOOMINGTON, MN 55431	 540 W. MADISON ST. 9TH FLOOR CHICAGO, IL 60661 www.sacw.com	 (608) 643-4100 www.ramaker.com	<p>Certification & Seal:</p> <p>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.</p>  <p><i>James R. Skowronski</i> 7/19/2021 JAMES R. SKOWRONSKI Typed or Printed Name: Registration Number: 42202</p> <table><tr><td>3</td><td>07/19/21</td><td>FINAL CDs ISSUED</td><td>GM</td></tr><tr><td>2</td><td>06/17/21</td><td>FINAL CDs ISSUED</td><td>GM</td></tr><tr><td>1</td><td>04/05/21</td><td>FINAL CDs ISSUED</td><td>GM</td></tr><tr><td>0</td><td>02/19/21</td><td>FINAL CDs ISSUED</td><td>GM</td></tr><tr><td>REV.</td><td>DATE</td><td>DESCRIPTION</td><td>INITIALS</td></tr></table> <p>PROJECT TITLE:</p> <p>CRAN 1C/2C/3C/1R</p> <p>MRUMW022370, MRUMW022371, MRUMW023077, MRUMW042860</p> <p>CRAN_RUMW_DLLND_010</p> <p>192444</p> <p>PROJECT INFORMATION:</p> <p>1439 N 8TH AVENUE E DULUTH, MN 55805</p> <p>SHEET TITLE:</p> <p>TITLE SHEET</p> <p>SCALE: NONE</p> <table><tr><td>PROJECT NUMBER</td><td>47153</td></tr><tr><td>SHEET NUMBER</td><td>T-1</td></tr></table>	3	07/19/21	FINAL CDs ISSUED	GM	2	06/17/21	FINAL CDs ISSUED	GM	1	04/05/21	FINAL CDs ISSUED	GM	0	02/19/21	FINAL CDs ISSUED	GM	REV.	DATE	DESCRIPTION	INITIALS	PROJECT NUMBER	47153	SHEET NUMBER	T-1
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REV.	DATE	DESCRIPTION	INITIALS																								
PROJECT NUMBER	47153																										
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- NOTES:
- EXISTING UNDERGROUND UTILITY INFRASTRUCTURE INFORMATION WAS PROVIDED BY SAC WIRELESS & CITY OF DULUTH. INFORMATION WAS NOT CONFIRMED BY RAMAKER & ASSOCIATES IN THE FORM OF UTILITY LOCATES. THE EXISTING UTILITIES SHOWN ARE DIAGRAMMATICAL IN NATURE SHOWING APPROXIMATE LOCATIONS. ALL EXISTING UTILITIES SHALL BE LOCATED BY CONTRACTOR DURING CONSTRUCTION.
 - CONTRACTOR SHALL MAINTAIN A MINIMUM OF 3' CLEARANCE FROM ALL CONDUITS.
 - CONTRACTOR SHALL PERFORM POTHOLES AT ALL UTILITY CROSSINGS IN LIEU OF DIRECTIONAL BORING. POTHOLES SHALL BE HYDROVAC ONLY.
 - CONTRACTOR SHALL HAVE EXISTING UTILITIES LOCATED AND FIELD MARKED PRIOR TO CONSTRUCTION.
 - THE CONTRACTOR SHALL TAKE CARE IN LOCATING ALL APPROPRIATE BORING PIT LOCATIONS IN ORDER TO AVOID EXISTING UTILITIES, MINIMIZE PAVEMENT RESTORATION AND TRAFFIC DISRUPTIONS. CONTRACTOR IS RESPONSIBLE FOR REPAIRING ALL DISTURBED PAVEMENT IN ACCORDANCE WITH THE CITY OF DULUTH STANDARD SPECIFICATIONS.
 - AT LOCATIONS WHERE PROPOSED DIRECTIONAL DRILLING WILL BE INSTALLED WITHIN 5' LONGITUDINALLY (PARALLEL) TO ANY EXISTING UTILITY, THE DIRECTIONAL DRILLER SHALL "POT-HOLE" EVERY 500' TO VERIFY THE LOCATION AND GRADE OF THE EXISTING UTILITY.
 - AT LOCATIONS WHERE THE PROPOSED DIRECTIONAL DRILLING WILL CROSS ANY EXISTING UNDERGROUND UTILITY, THE DRILLER SHALL LOCATE THE EXISTING UTILITY LINE AND GRADE BY "POT-HOLING" AT LEAST 100' AHEAD OF DRILLING OPERATIONS.

7900 XERXES AVENUE S., 3RD FLOOR
BLOOMINGTON, MN 55431

540 W. MADISON ST.
9TH FLOOR
CHICAGO, IL 60661
www.sacw.com

employee-owned
(608) 643-4100 www.ramaker.com

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

Signature: *James R. Skowronski* 7/19/2021
JAMES R. SKOWRONSKI
Typed or Printed Name: 42202
Registration Number:

3	07/11/2021	FINAL CD# 155UED	GM
2	06/17/21	FINAL CD# 155UED	GM
1	04/05/21	FINAL CD# 155UED	GM
0	02/11/21	FINAL CD# 155UED	GM

REV. DATE DESCRIPTION INITIALS

PROJECT TITLE:

CRAN 1C/2C/3C/1R
MRUMW022370, MRUMW022371,
MRUMW023077, MRUMW042860
CRAN_RUMW_DLLND_010
192444

PROJECT INFORMATION:
1439 N 8TH AVENUE E
DULUTH, MN 55805

SHEET TITLE:
OVERALL SITE PLAN
W/ UG UTILITIES

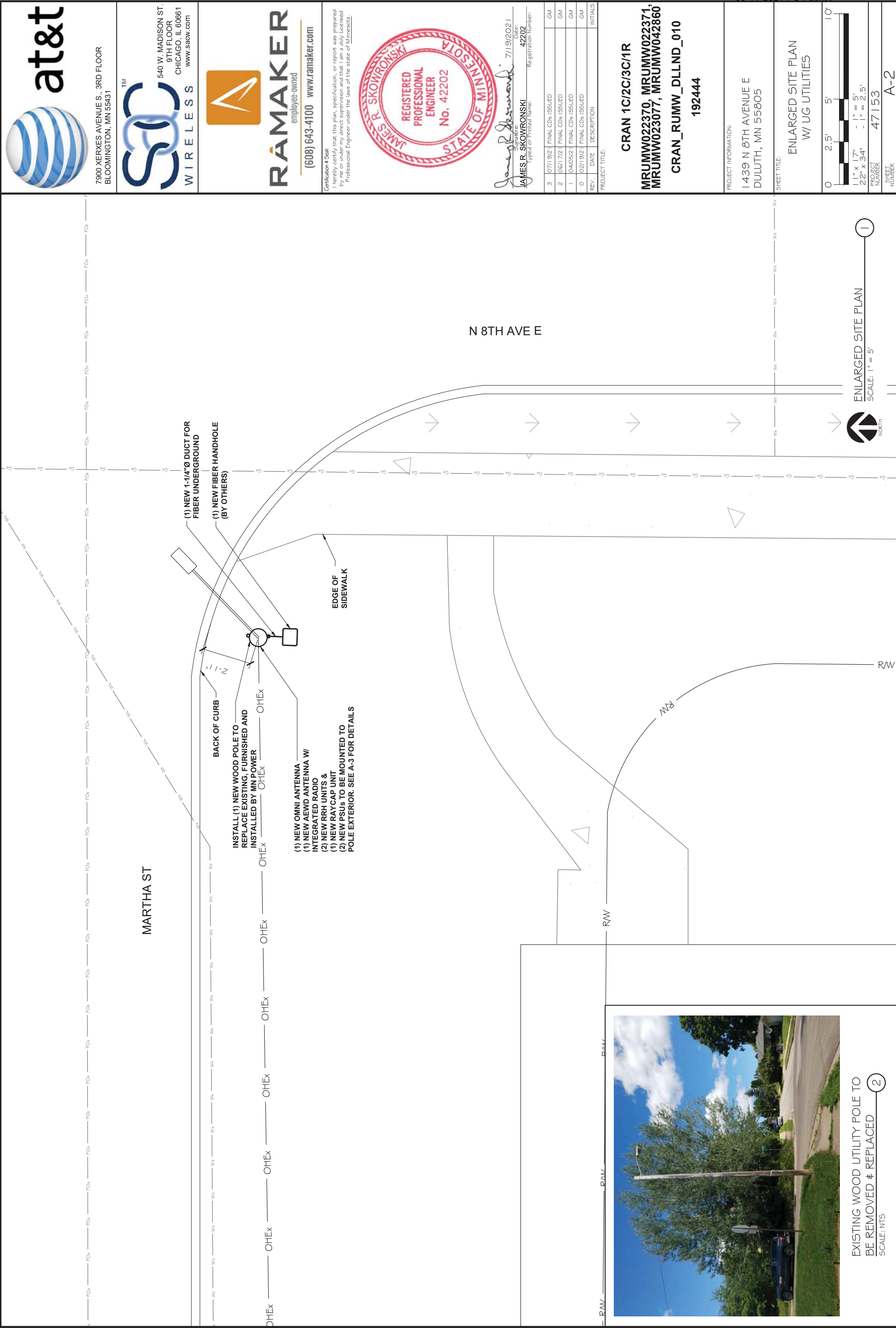
0 15' 30' 60'

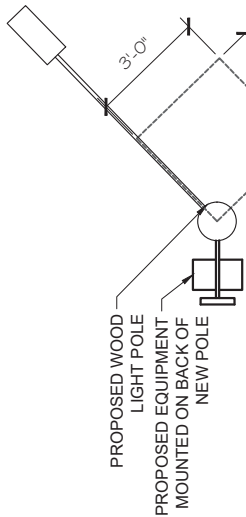
1" = 30'
1" x 17" = 30'
22" x 34" = 15'

PROJECT NUMBER
47153

SHEET NUMBER
A-1

09-14-2021 PO Packet



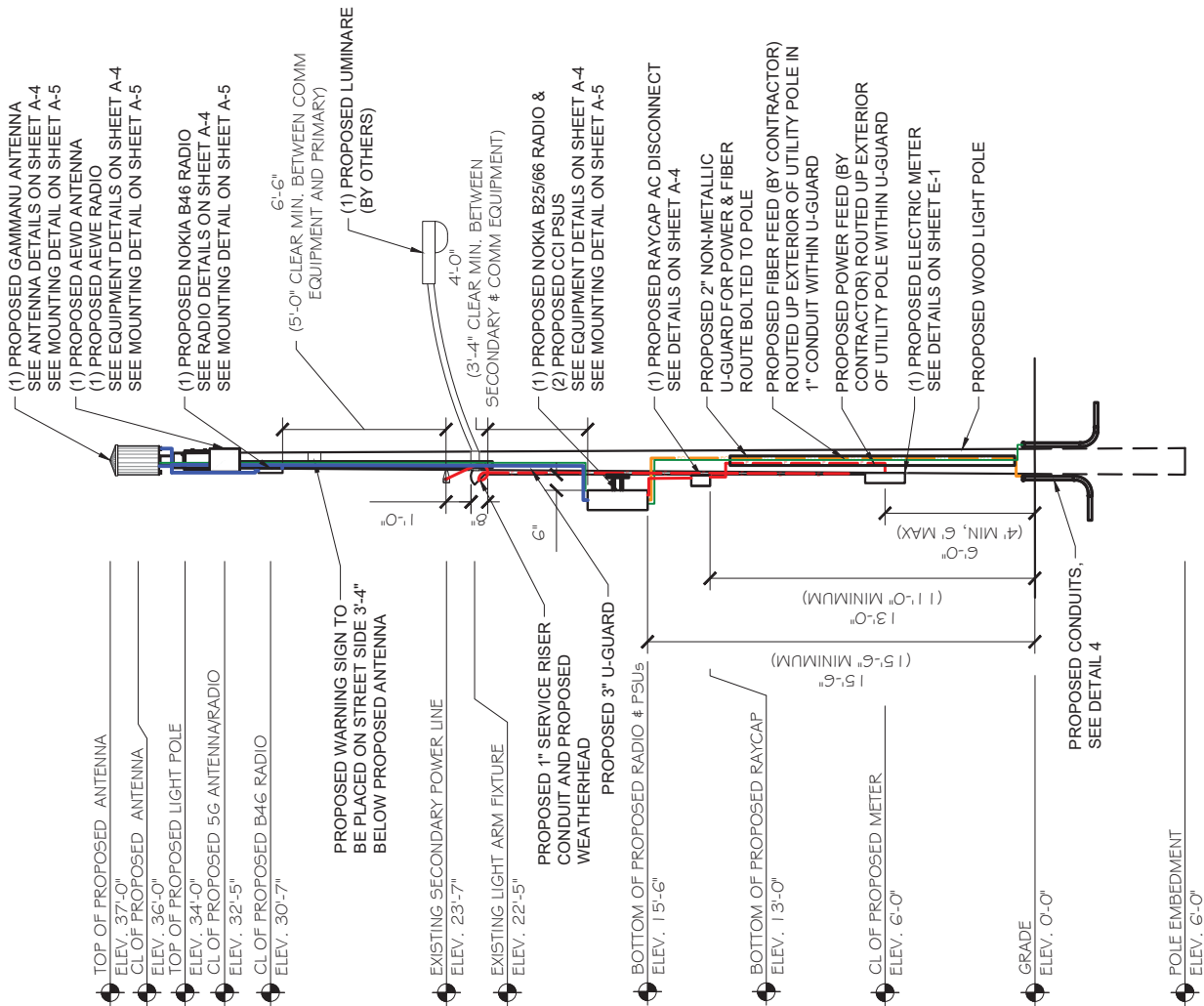


CLIMBING SPACE DETAIL

SCALE: 1" = 5'

CABLE TYPE	COLOR CODE
POWER CABLE	RED
FIBER CABLE	ORANGE
GROUND CABLE	GREEN
COAX CABLE	BLUE

COLOR CODE _____ 2
SCALE: N.T.S.

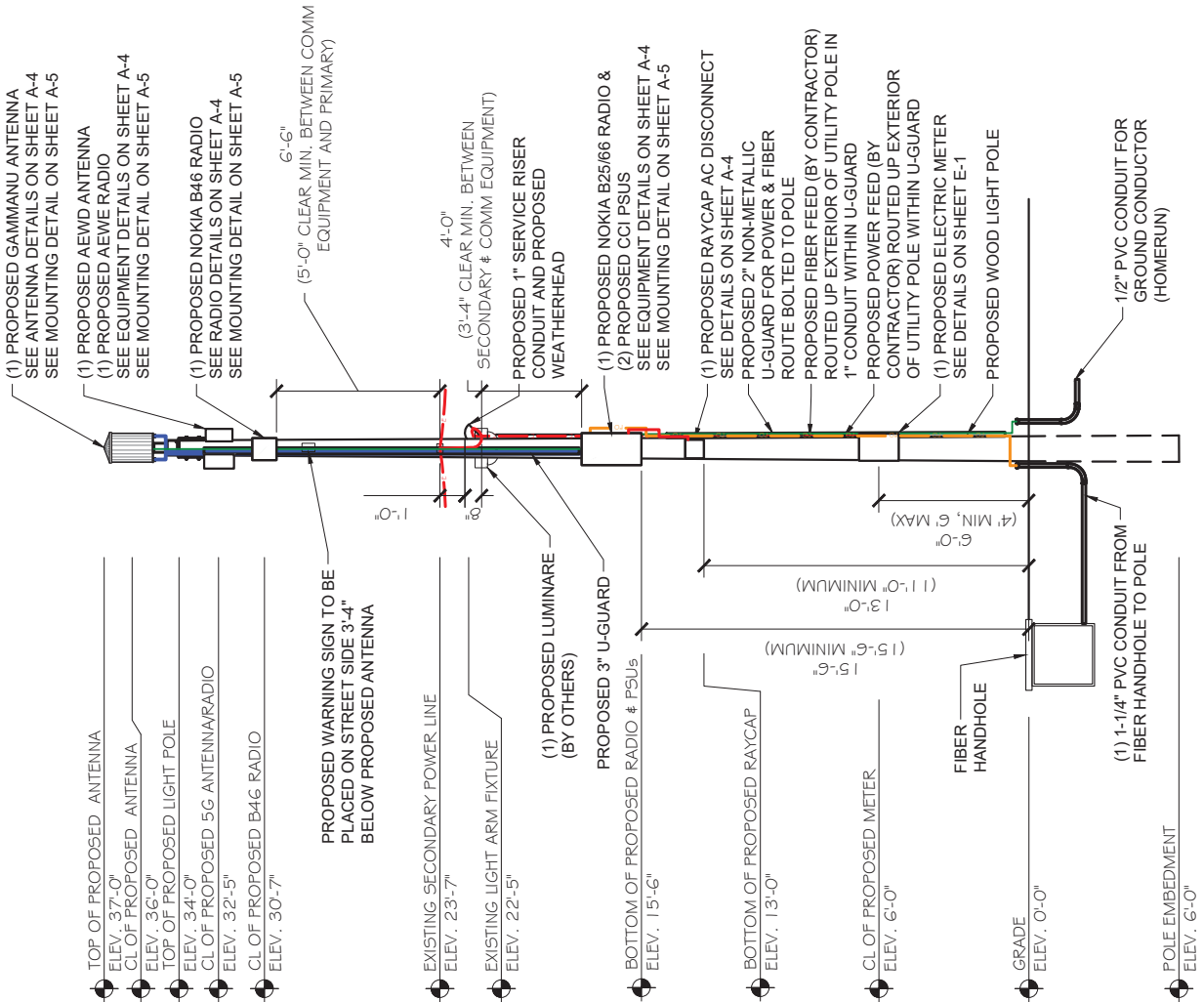


LOOKING NORTHWEST

PROPOSED UTILITY POLE SIDE ELEVATION

NOTES:

1. ALL HARDWARE SHALL BE STAINLESS STEEL
2. ALL CABLES SHALL BE SECURED TO POLE EVERY 36" OR LESS
3. LIGHTNING RODS SHALL BE INCLUDED AS REQUIRED
4. STRUCTURAL BACKFILL TO BE COMPACTED IN 6" MAXIMUM LAYERS TO 100% OF CONTENT IN ACCORDANCE WITH ASTM D698, ADDITIONALLY, STRUCTURAL BACKFILL MUST HAVE A MINIMUM COMPACTED UNIT WEIGHT OF 100 POUNDS PER CUBIC FOOT (16 KN/M3)
5. ANY PRIMARY OR SECONDARY POWER LINES NEED TO MAINTAIN 5' CLEARANCE BETWEEN POWER LINES AND TOP OR BOTTOM OF EQUIPMENT (INCLUDING MOUNTS), WHICH EVER IS CLOSER
6. PEDESTAL MAY BE REQUIRED AS DETERMINED BY MN POWER
7. ANY INSTALLATION LINE PEDESTAL OR HAND-HOLE NEEDS TO BE AT LEAST 3' DISTANCE FROM POLE
8. ALL CONTRACTORS WORKING IN POWER SPACE NEED TO BE APPROVED BY MN POWER AND HIGH VOLTAGE CERTIFIED, REFERENCE ELECTRICAL NOTES #13 ON GN-1
9. PROPOSED SERVICE CONDUCTORS TO THE METER SIZED AND INSTALLED PER THE UTILITY AND THE NEC REQUIREMENTS CONDUCTORS SHALL BE ENCLOSED IN A MINIMUM OF 2"Ø SCH 80 PVC. 24" MIN OF CONDUCTOR SLACK SHALL BE COILED AT THE WEATHER HEAD TO ALLOW FOR FINAL CONNECTIONS
10. POWER ENCLOSED IN FLEX PIPE FROM AC DISTRIBUTION BOX TO BACK OF RADIO
11. CONTRACTOR MUST INSTALL COAX PROPERLY PER SPECIFICATIONS AND RADIUS TO ENSURE PROPER CONNECTION FROM RRU TO BOTTOM OF ANTENNA



LOOKING NORTHEAST

PROPOSED UTILITY POLE BACK ELEVATION 4
SCALE: 1" = 7.5'



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employee-owned

(608) 643-4100 www.ramaker.com

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



Signature: James R. Skowronski Date: 7/19/2021
 JAMES R. SKOWRONSKI
 Typed or Printed Name: Registration Number: 42202

3	07/11/92	FINAL CDa ISSUED	GM
2	06/11/72	FINAL CDa ISSUED	GM
1	04/05/2	FINAL CDa ISSUED	GM
0	02/11/92	FINAL CDa ISSUED	GM
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CRAN_RUMW_DLLND_010
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439 N 8TH AVENUE E
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SHEET TITLE:

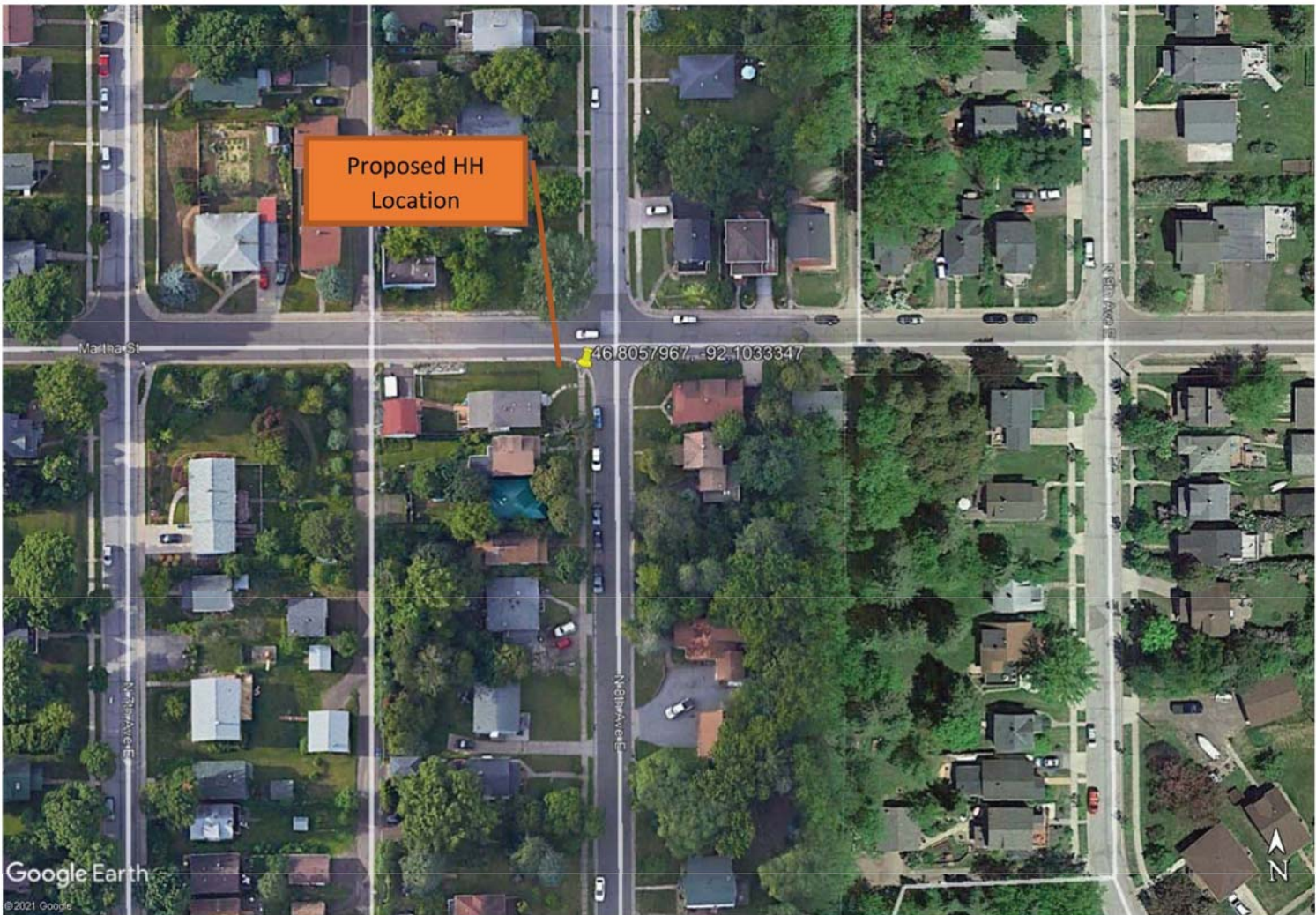
PROPOSED WOOD UTILITY POLE ELEVATIONS

47153

A-3

SITE NAME: CRAN_RUMW_DLLND_010
SITE ADDRESS: MARTHA ST DULUTH, MN
LAT/LONG: 46.8057967, -92.1033347
POLE TYPE: WOOD, LIGHT POLE

Proposed Route Design
ATT Minnesota
Plan View

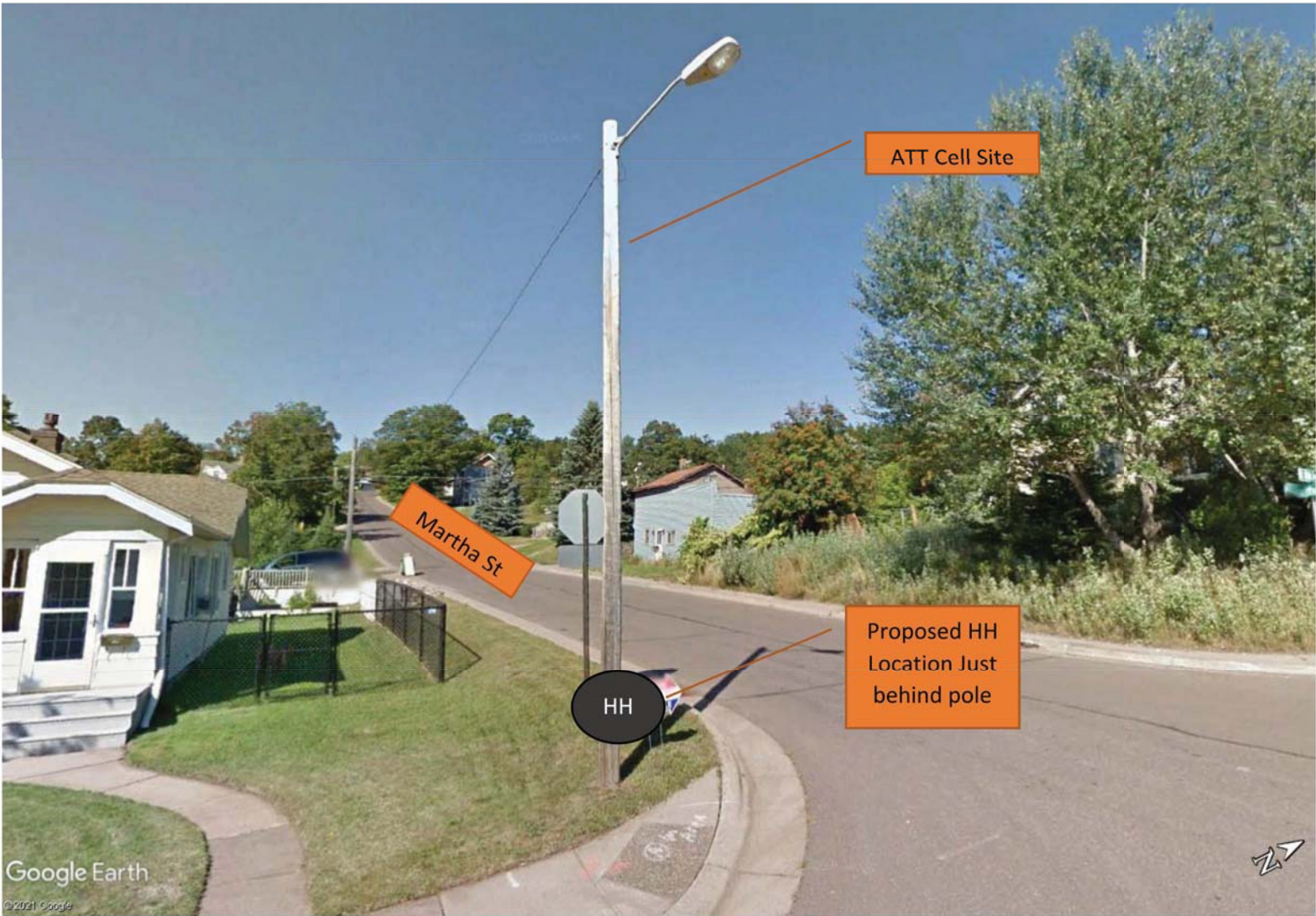


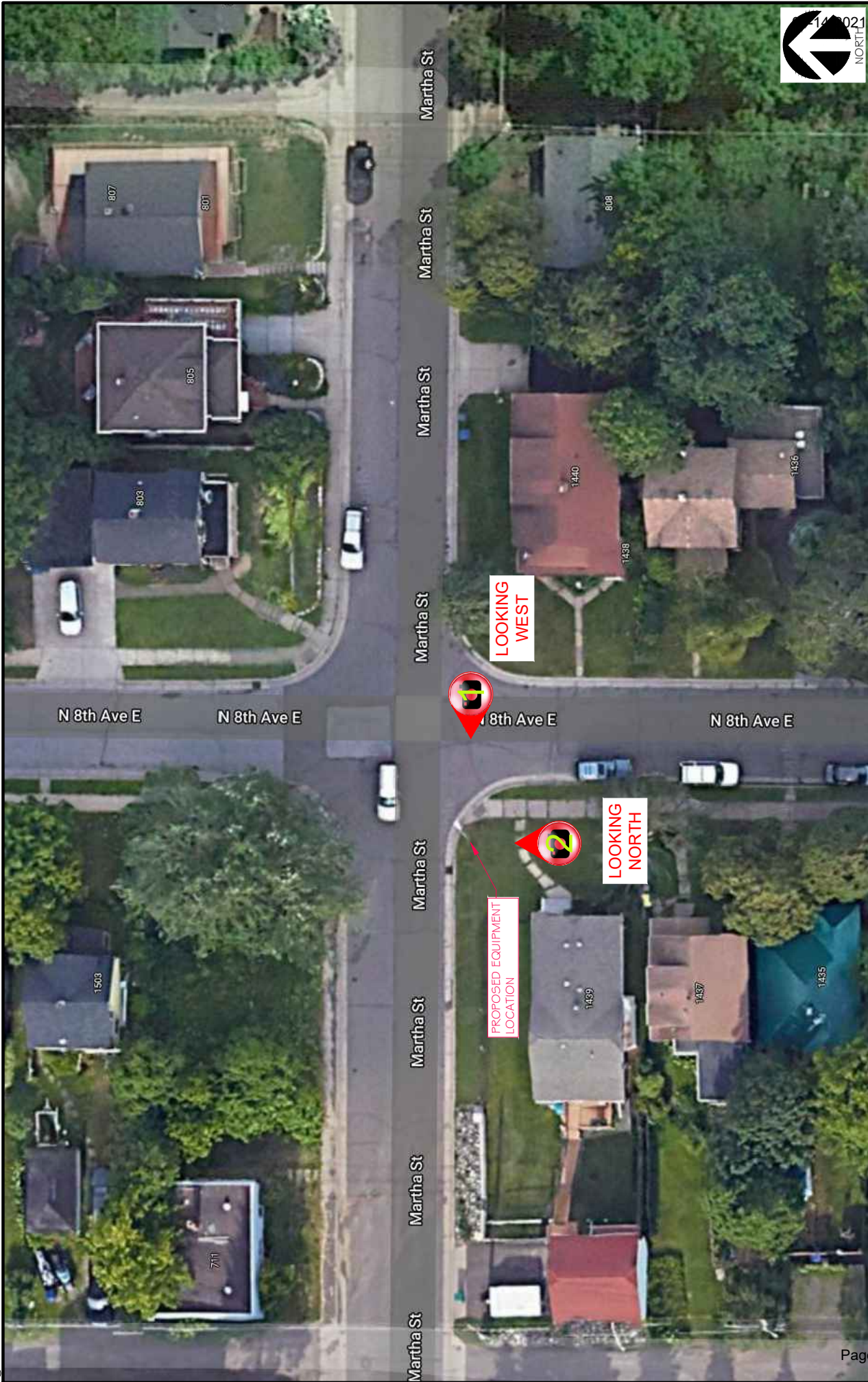
Nearest Intersection:
Martha St & N 8th Ave
E

Description:
CCI to install a new
HH in the ROW near
the light pole.

ATT is to leave stub
1.25" duct out from
base of new light pole
to the proposed HH
location.

Approx. HH Location - Street View





SHEET TITLE: PHOTO RENDERING/SIMULATION LOCATION MAP		at&t 7900 XERES AVENUE S., 3RD FLOOR BLOOMINGTON, MN 55401		PC Packet	
PROJECT TITLE: MRUMWO22370 (14810154)		S&C WIRELESS 540 W. JACKSON ST. 3RD FLOOR CHICAGO, IL 60661 www.saw.com		RAMAKER employee-owned (608) 643-4100 www.ramaker.com	
PROJECT NUMBER: 47153					
PROJECT LOCATION: 1439 N 8TH AVENUE E, DULUTH, MN 55805					



BEFORE



AFTER



SHEET TITLE:

PHOTO RENDERING/SIMULATION - LOOKING WEST

PROJECT TITLE:

MRUMW022370 (14810154)

PROJECT NUMBER:

47153

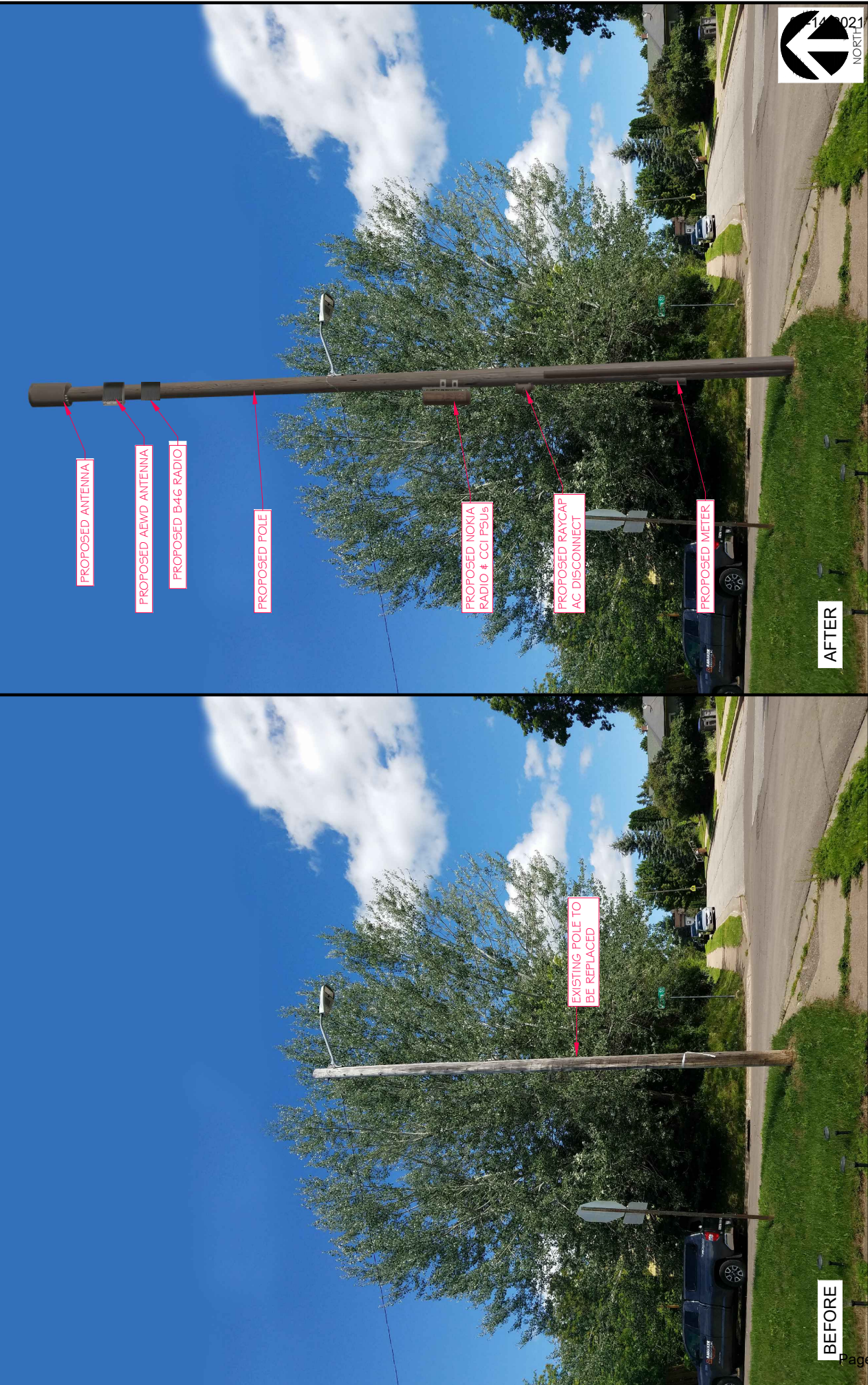
PROJECT LOCATION:

1439 N 8TH AVENUE E, DULUTH, MN 55805



RAMAKER
employee-owned
(608) 643-4100 www.ramaker.com

PC Packet



SHEET TITLE: PHOTO RENDERING/SIMULATION - LOOKING NORTH		at&t 7900 XERXES AVENUE S., 3RD FLOOR BLOOMINGTON, MN 55401		PC Packet
PROJECT TITLE: MRUMW022370 (14810154)		540 W. MADISON ST. 7TH FLOOR CHICAGO, IL 60661 www.aaw.com		
PROJECT NUMBER: 47153		SBC WIRELESS		RAMAKER employee-owned (608) 643-4100 www.ramaker.com
PROJECT LOCATION: 1439 N 8TH AVENUE E, DULUTH, MN 55805				

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STATEMENT REGARDING AESTHETIC DESIGN CRITERIA

DLLND_010 / 14810154 / MRUMW022370/ 1439 N 8th Ave. E.

Pursuant to Ordinance 19-0027R, a SWF must adhere to the eight criteria listed below. Applicant's responses are stated below in red.

- (a) Except as established in Minnesota State Statute, the height of a new facility may not exceed the average height of existing utility poles or streetlights in the immediate area (150-foot radius of the proposed site) by more than five (5) feet, or forty (40) feet, whichever is greater; antennas mounted at the top of the pole shall not increase the height of the pole by more than five (5) feet; and

Applicant asserts that this proposed SWF will only extend three (3) feet above the top of the replaced MN Power utility pole. (See p. A3 of Exhibit "F," Construction Drawings).

- (b) New facilities shall be located as near as practicable to street intersections and shall be located to the extent practicable on existing poles or other structures currently in the right of way and shall be limited to the heights in section (a) above; and

Applicant's proposed pole is located directly on a street corner and is within the ROW.

- (c) Decorative lights, banner poles, clocks, flagpoles, and other public street furniture that was not designed to accommodate small cell facilities shall not be used if accommodating the small cell facilities interfere with the operation of the public street furniture; and

Applicant's proposed pole is not decorative.

- (d) Concealment elements shall be incorporated into new sites, including approved camouflage or shrouding techniques, to the greatest extent practicable; and

Applicant has made every practicable effort to camouflage and conceal its proposed equipment. Any additional concealment efforts would result in additional shrouds or screens that would cause the pole to look more crowded and abnormal than as proposed.

- (e) New electrical and other utility service lines must be undergrounded whenever possible to avoid additional overhead lines; for metal poles, undergrounded cables and wires must transition directly into the pole base without any external junction box; and

Barring any unforeseen issues, this SWF will draw power from existing electrical lines attached to it. It will therefore not require the construction of any new overhead or underground lines. The subject pole is not metal.

- (f) Unless otherwise required for compliance with FAA or FCC regulations, new wireless facilities shall not include any permanently installed lights; and

The Proposed SWF will not include any permanently installed lights besides a streetlight like the one currently mounted to the pole.



- (g) Any new facility and/or equipment and other improvements associated with a new facility must not obstruct any access to fire hydrants or fire escapes, or aboveground or underground public infrastructure, such as underground public utility lines; and

The proposed SWF will not obstruct access to fire hydrants or fire escapes, or aboveground or underground public infrastructure, such as underground public utility lines.

- (h) Unless indicated otherwise by the Land Use Supervisor or City Engineer, the color of the antennas and related accessory equipment shall be made to match the existing pole color; if no pole exists, color should match the poles in the immediate area.

Applicant intends to paint the proposed equipment to match the pole as close as possible.

Respectfully Submitted:

A handwritten signature in blue ink, appearing to read 'Joe Goldshlack', written over a horizontal line.

Dated: July 6, 2021

Joe Goldshlack
SAC Wireless o.b.o. AT&T
540 W. Madison St., 9th Floor
Chicago, IL 60661
(517) 648-0023
joe.goldshlack@sacw.com



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 21-125	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date		September 14, 2021
Deadline for Action	Application Date	July 28, 2021	60 Days	September 27, 2021
	Date Extension Letter Mailed	August 12, 2021	120 Days	November 25, 2021
Location of Subject		216 West 6 th Street		
Applicant	Danielle Thralow	Contact		
Agent		Contact		
Legal Description		PID # 010-1280-00190		
Site Visit Date		August 31, 2021	Sign Notice Date	August 31, 2021
Neighbor Letter Date		August 27, 2021	Number of Letters Sent	40

Proposal

Applicant proposes to use a three-bedroom home as a vacation dwelling unit in the R-1 zoning district. Up to 7 people will be allowed to stay in the home.

The applicant was on the list as an applicant eligible to apply for an IUP for a vacation rental permit.

Recommended Action: Staff recommends that Planning Commission recommend approval.

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

Summary of Code Requirements:

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



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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: The 1,329 square foot home was constructed in 1896.

Review and Discussion Items:

- 1) Applicant's property is located at 216 W 6th St. 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 existing garage.
- 3) The applicant has indicated there will be a space for camper or trailer storage by VDU guests. Any campers parked on the property are not to be occupied at any time.
- 4) The applicant has indicated no outdoor amenities on the site plan as part of this rental.
- 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 themselves to serve as the managing agent, and they live within the minimum required distance.
- 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.



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8) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise"), including the prohibition on burning of trash.

10) At the time this report one comment was received with concerns regarding parking. The letter (included) states concerns with visitors parking on the property across the street that is not associated with this rental.

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 21-125
Interim Use Permit
216 W 6th St

PLANT A LOT
COMM GARDEN
PROGRAM

Legend

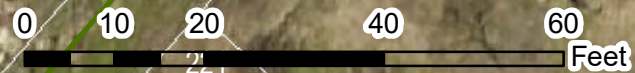
- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
 - CITY OF DULUTH
 - WLSSD; PRIVATE
 - Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains**
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin
- Zoning Boundaries



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226 W 6th St
BOUCHARD
GREG &

Aerial photography flown 2019



Prepared by: City of Duluth Planning & Economic Development, August 11, 2021. Source: City of Duluth

Vacation Dwelling Unit Worksheet (September 2020)

1. The minimum rental period shall be not less than two consecutive nights (does not apply to Form districts). **What will be your minimum rental period?** 2 nights

2. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two.

How many legal bedrooms are in the dwelling? What will be your maximum occupancy?

3 7

3. Off-street parking shall be provided at the following rate:

- a. 1-2 bedroom unit, 1 space
- b. 3 bedroom unit, 2 spaces
- c. 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.
- d. Vacation dwelling units licensed on May 15, 2016, are entitled to continue operating under the former off-street parking requirement. The parking exemption for vacation dwelling units licensed on May 15, 2016, expires upon transfer of any ownership interest in the permitted property.
- e. Form districts are not required to provide parking spaces.

How many off-street parking spaces will your unit provide? 3

4. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, on or off the street. **Will you allow motorhome or trailer parking? If so, where?** YES DRIVE WAY / GARAGE

5. The property owner must provide required documents and adhere to additional requirements listed in the City of Duluth's UDC Application Manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures.

6. The property owner must provide a site plan, drawn to scale, showing parking and driveways, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbeque grill, recreational fire, pool, hot tub, or sauna, and provide detail concerning the provision of any dense urban screen that may be required to buffer these areas from adjoining properties. Please note that this must be on 8 x 11 size paper.

7. The interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first. An owner of a vacation dwelling unit permitted prior to May 15, 2016, may request, and the land use supervisor may grant, an application for adjustment of an existing permit to conform to this section, as amended, for the remainder of the permit term.

8. Permit holder must keep a guest record including the name, address, phone number, and vehicle (and trailer) license plate information for all guests and must provide a report to the City upon 48 hours' notice. **Please explain how and where you will**

keep your guest record (log book, excel spreadsheet, etc):

LOG BOOK, WEBSITE AND SPREADSHEET

9. Permit holder 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 any complaints from neighbors or the City. The permit holder must notify the Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information.

Please provide the name and contact information for your local contact:

DANIELLE THALOW 309 716 5955

10. Permit holder must disclose in writing to their guests the following rules and regulations:

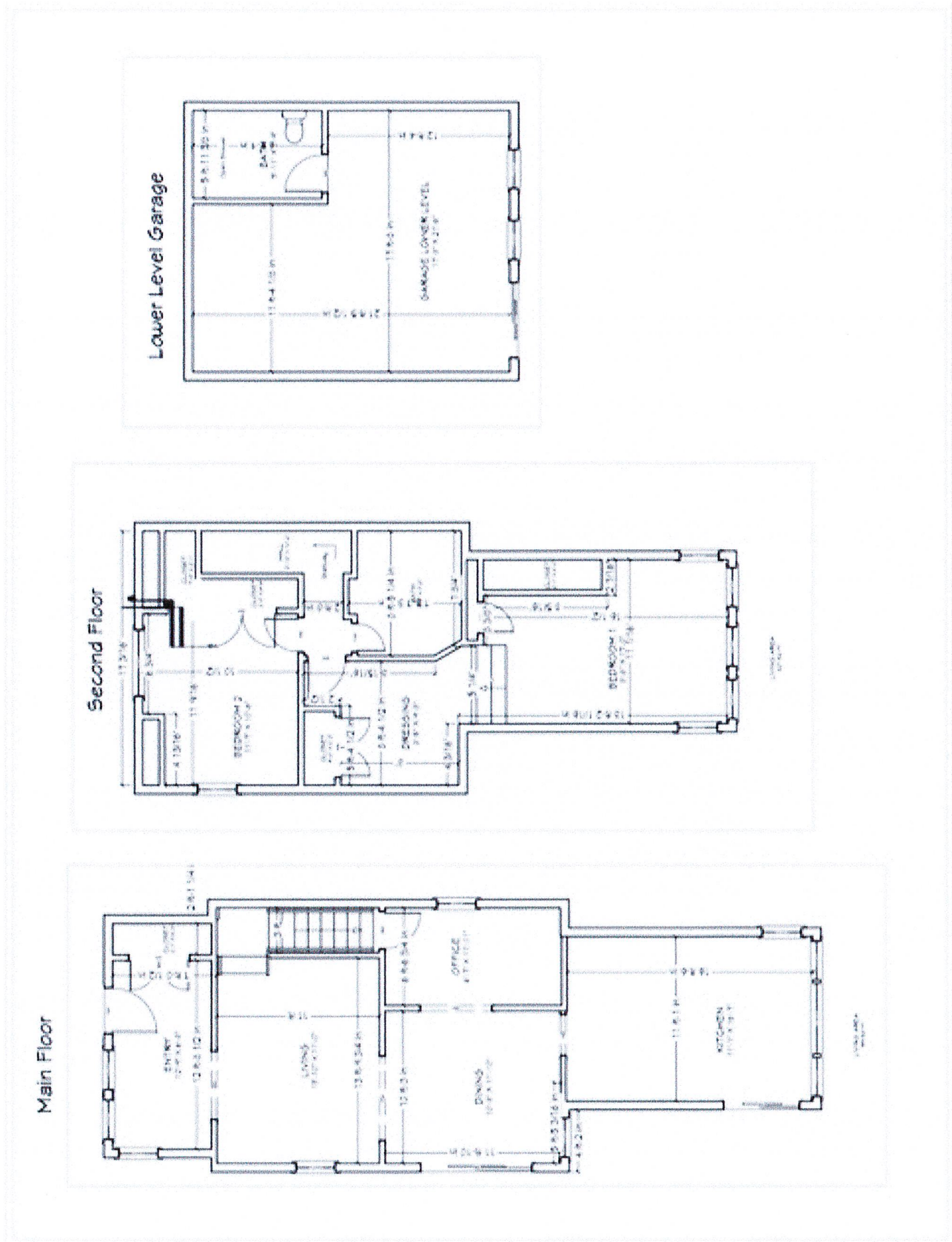
- a. The managing agent or local contact's name, address, and phone number; ✓
- b. The maximum number of guests allowed at the property; ✓
- c. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked; ✓
- d. Property rules related to use of exterior features of the property, such as decks, patios, grills, recreational fires, pools, hot tubs, saunas and other outdoor recreational facilities; ✓
- e. Applicable sections of City ordinances governing noise, parks, parking and pets; ✓

Please state where and how this information will be provided to your guests:

EMAIL OR TEXT UPON RESERVATION BOOKING
AND/OR UPON REQUEST FOR GUEST.

11. Permit holder must post their permit number on all print, poster or web advertisements. Do you agree to include the permit number on all advertisements? YES

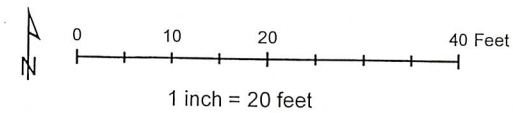
12. Prior to rental, permit holder must provide the name, address, and phone number for the managing agent or local contact to all property owners within 100' of the property boundary; submit a copy of this letter to the Planning and Community Development office. In addition, note that permit holder must notify neighboring properties within 10 days of a change in the managing agent or local contact's contact information. ✓





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SITE MAP Building Safety



From: [planning](#)
To: [Chris Lee](#)
Cc: [Eleanor Bacso](#)
Subject: FW: Vacation Dwelling Comments
Date: Wednesday, September 1, 2021 1:46:56 PM

Chris, can you add this to the staff report as a citizen comment?

Eleanor, can you save in the file community garden file? I think there is a sub folder under tax forfeit.

From: Starr Brainard <starr@duluthcommunitygarden.org>
Sent: Monday, August 30, 2021 1:13 PM
To: [planning](#) <planning@DuluthMN.gov>
Subject: Re: Vacation Dwelling Comments

I forgot to mention, DCGP's property is Strawberry Hill Community Garden, **219 W 6th St.**

On Mon, Aug 30, 2021 at 12:57 PM Starr Brainard <starr@duluthcommunitygarden.org> wrote:

Hello. I am writing in response to a letter my organization received regarding a permit for a Vacation Dwelling Unit at 216 W. 6th St. The only concern of the Duluth Community Garden Program is that vacationers using the unit do not park on our property. The neighborhood has very limited parking, and we have had issues before with neighbors parking on DCGP property so that our community gardeners are not able to park and access the garden. We do not want tissue exasperated by vacationers.

Is this email adequate to submit our comment or are we required to send a representative to the public hearing? Please let me know. Thank you.

--

Starr Brainard
Land Stewardship Coordinator
Duluth Community Garden Program
[218-722-4583](tel:218-722-4583)
206 W 4th St. #214
Duluth, MN 55806
www.duluthcommunitygarden.org
pronouns: she, her, hers

*The Duluth Community Garden Program strives to cultivate healthy neighborhoods
by providing access to land, resources, and community.*

--

Starr Brainard
Land Stewardship Coordinator
Duluth Community Garden Program
[218-722-4583](tel:218-722-4583)
206 W 4th St. #214
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by providing access to land, resources, and community.*





Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 21-143	Contact	Jenn Moses
Type	Vacation of Public Right of Way	Planning Commission Date	September 14, 2021
Deadline for Action	Application Date	September 2, 2021	60 Days
	Date Extension Letter Mailed	September 10, 2021	120 Days
Location of Subject	E 7 th Street Between 20 th and 21 st Avenues E		
Applicant	Brittany Robb, Executive Director	Contact	2010 E. 7 th Street, Duluth, MN
Agent	Hanft Fride, Attorney for applicant	Contact	
Legal Description	See Attached		
Site Visit Date	September 3, 2021	Sign Notice Date	August 31, 2021
Neighbor Letter Date	August 24, 2021	Number of Letters Sent	80

Proposal

Applicant proposes to vacate the existing right of way of E 7th Street, while preserving a utility easement.

Recommendation: Staff recommends approval of the vacation of right-of-way, subject to conditions.

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

Summary of Code Requirements:

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

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

1. Is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles, or pedestrians or the efficient supply of utilities or public services in the city;
2. Is not otherwise needed to promote the public health, safety, or welfare of the citizens of Duluth.

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

Governing Principle #7 – Create and maintain connectivity: Any need for connectivity is an important consideration in applications for street vacations.

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. Earlier this year, the facility received another Special Use Permit (PL 21-046) for an expansion including 6 additional bedrooms, a total expansion of about 6,000 sq. ft.

Review and Discussion Items:

- 1) The right of way was originally dedicated in 1887 and 1980 as part of the Highland Park Addition to Duluth and East Lawn Division of Duluth. The adjacent lots were never developed for housing. The lots on the north side of the right of way became sports fields and are owned by ISD 709. The lots on the south side were developed into the existing residential care facility in 1996.
- 2) The right of is unimproved and is not needed for access to any abutting parcels.
- 3) The applicant is seeking vacation to ensure the existing nonconforming building meets setback requirements, and to continue to use the outdoor space as they have been.
- 4) The right of way does not contain any trails or sidewalks, is not part of any pedestrian or trail plan, and is not needed for pedestrian or bike connectivity.
- 5) Utilities exist within the western portion of the area, so City Engineering has requested that a utility easement be maintained over the entire width and length of the right of way.
- 6) No other public or City comments have been received at the time of drafting this report.
- 7) Vacations of rights of way and easements lapse unless the vacation is recorded with the county recorder within 90 days after final approval. The vacation recording is facilitated by the City of Duluth.

Staff Recommendation:

Based on the above findings, staff recommends that Planning Commission recommend to City Council approval of the petitioned alley vacation with the following condition:

- 1) The vacation must be recorded within 90 days of final approval by City Council, or such approval will lapse.



PL 21-143
Site Map

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Aerial photography flown 2016

Page 93 of 191
Prepared by: City of Duluth Community Planning Division, August 24, 2021. Source: City of Duluth.

LEGAL DESCRIPTION OF VACATION OF EAST SEVENTH STREET

All that part of East Seventh Street adjacent to and abutting Blocks 22 and 24, HIGHLAND PARK ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota and adjacent to and abutting Lots 3, 4, 5 and 6 of Block 26 and Block 35, EAST LAWN DIVISION OF DULUTH according to the recorded plat thereof, St. Louis County, Minnesota described as follows:

Beginning at the South most corner of Block 24, said HIGHLAND PARK ADDITION TO DULUTH; thence on an assumed bearing of North 41 degrees 39 minutes 55 seconds East, along the Southeasterly line of said Block 24 and along the Southeasterly line of Block 26, said EAST LAWN DIVISION OF DULUTH 400.00 feet to the East most corner of Lot 6, said Block 26; thence South 48 degrees 20 minutes 05 seconds East, along the Northwesterly extension of the Northeasterly line of Block 35, said EAST LAWN DIVISION OF DULUTH, across said East Seventh Street 71.00 feet; thence Northwesterly, Westerly and Southwesterly 7.85 feet, along the Northeasterly and Northwesterly lines of said Block 35, along a tangential curve, concave to the South, having a radius of 5.00 feet and a delta angle of 90 degrees 00 minutes 00 seconds; thence South 41 degrees 39 minutes 55 seconds West, along the Northwesterly line of said Block 35 and along the Northwesterly line of Block 22, said HIGHLAND PARK ADDITION TO DULUTH 395.00 feet to the West most corner of said Block 22; thence North 48 degrees 20 minutes 05 seconds West, along the Northwesterly extension of the Southwesterly line of said Block 22 across said East Seventh Street for a distance of 66.00 feet to the point of beginning.

Said parcel contains 26,448 square feet or 0.61 acres.


SURVEYOR'S NOTES

1. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
2. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
3. THIS IS NOT A BOUNDARY SURVEY.

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

By _____

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


David R. Evanson
DATE: 08-23-2021 MN License #49505

RIGHT OF WAY VACATION EXHIBIT

CLIENT: HANFT FRIDE
C/O TERRI CROSSMON
ADDRESS: EAST 7TH STREET
DULUTH, MN 55803
DATE: 08-23-2021

REVISIONS:

JOB NO: 21-281 SHEET 1 OF 2


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

CLIENT: HANFT FRIDE
C/O TERRI CROSSMON
ADDRESS: EAST 7TH STREET
DULUTH, MN 55803

SHEET 2 OF 2

PHONE: 218-727-5211
LICENSED IN MN & WI
WWW.ALTALANDSURVEYDULUTH.COM



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 21-146	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date		September 14, 2021
Deadline for Action	Application Date	August 10, 2021	60 Days	October 9, 2021
	Date Extension Letter Mailed	August 23, 2021	120 Days	December 8, 2021
Location of Subject		1033 South Lake Avenue		
Applicant	Shannon Gardner, Owner	Contact		
Agent		Contact		
Legal Description		PID # 010-4380-02060		
Site Visit Date		September 3, 2021	Sign Notice Date	August 31, 2021
Neighbor Letter Date		August 27, 2021	Number of Letters Sent	31

Proposal

Applicant proposes to use a two-bedroom home in an existing duplex as a vacation dwelling unit. Up to 5 people will be allowed to stay in the home.

The applicant was on the list as an applicant eligible to apply for an IUP for a vacation rental permit.

Recommended Action: Staff recommends that Planning Commission recommend approval.

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

Summary of Code Requirements:

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



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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: The home is an existing duplex built in 1973. One 2-bedroom unit of the duplex will be used as a vacation dwelling unit.

Review and Discussion Items:

- 1) Applicant's property is located at 1033 South Lake Avenue. The proposed vacation dwelling unit contains 2 bedrooms, which would allow for a maximum of 5 guests.
- 2) The applicant is proposing 2 off street parking spaces on the driveway of the existing garage and accessed from 11th Street South.
- 3) The applicant has indicated there will not be a space for camper or trailer storage by VDU guests.
- 4) The applicant has indicated that a fire pit is located within a fenced in outdoor area between the garage and home. The fire pit and outdoor area is screened by the home and garage on the east and west sides of the yard area and trees and shrubs on the north edge of the property. Staff would recommend additional screening on the north and south ends of the outdoor area in the form of a dense urban screen such as a privacy fence or 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 Caitlin Gardner and Madison Gardner (both on property) to serve as the managing agent.



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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, including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise"), and including that the burning of trash shall be prohibited

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

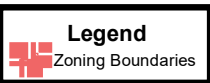
Staff Recommendation:

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 21-146
Interim Use Permit
Site Map



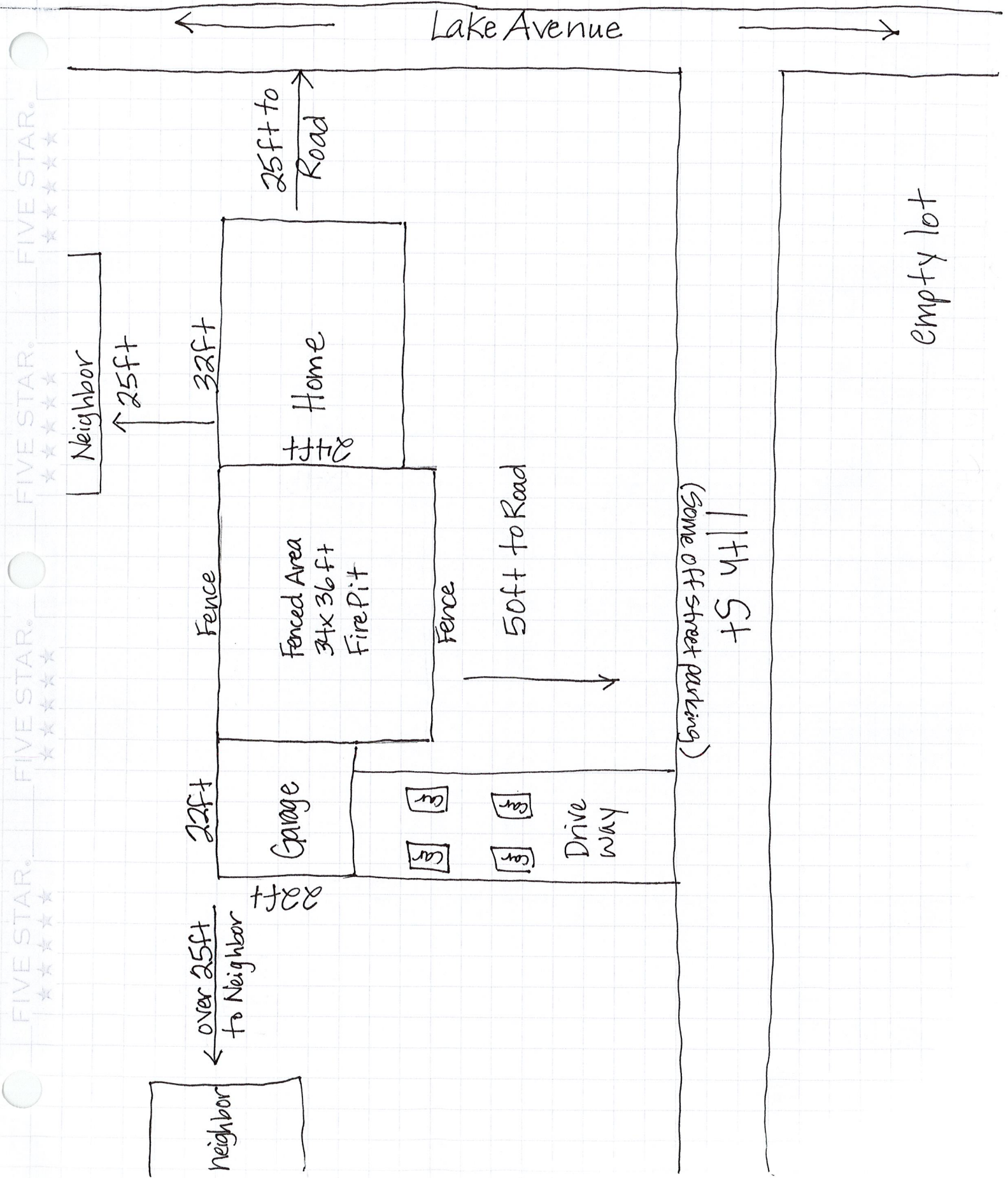
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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



1033 S Lake Site Plan
Lot Size: 100 x 40

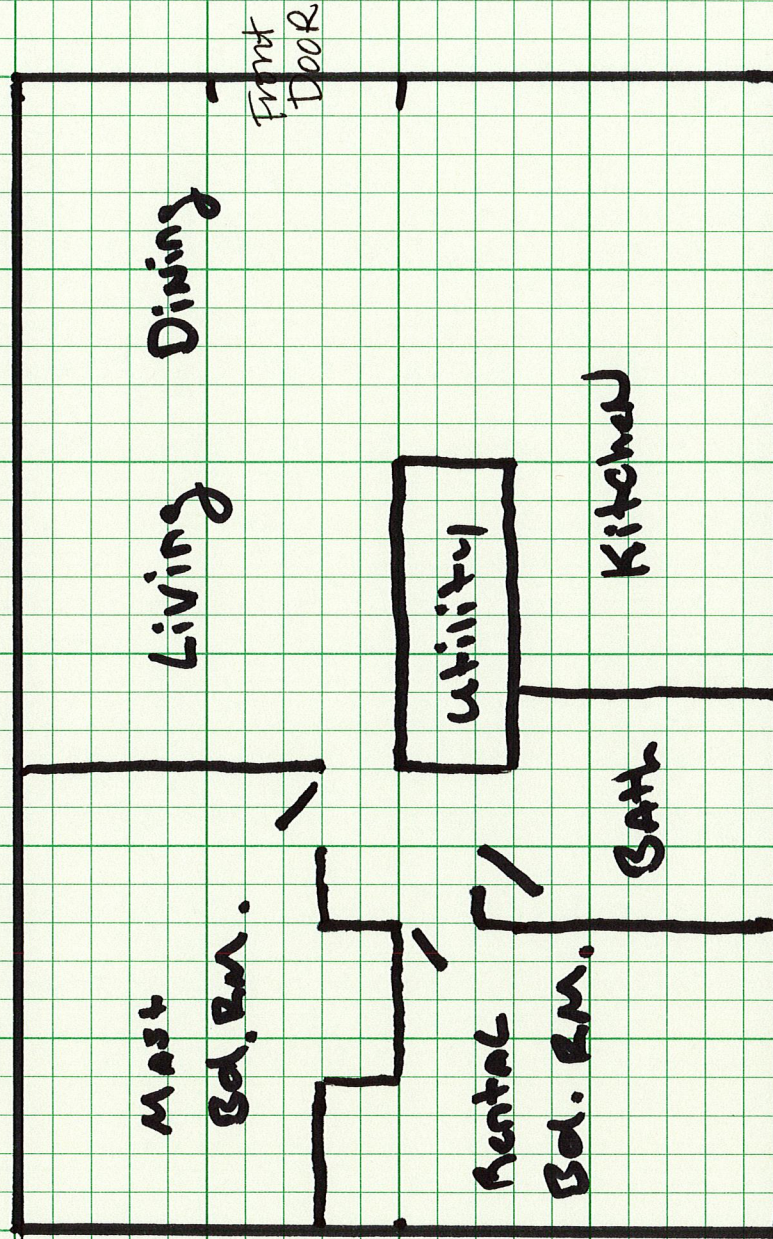
4:1 Scale
09-14-2021 PC Packet

FIVE STAR. ★★★★★
FIVE STAR. ★★★★★
FIVE STAR. ★★★★★



Floor Plan

Shannon Gardner
1033 S. Lake Ave.
Duluth, MN. 55802





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218-730-5580



planning@duluthmn.gov

File Number	PL 21-147	Contact	Steven Robertson	
Type	Concurrent Use Permit	Planning Commission Date	September 14, 2021	
Deadline for Action	Application Date	August 10, 2021	60 Days	October 9, 2021
	Date Extension Letter Mailed		120 Days	December 10, 2021
Location of Subject	4 th Avenue East and East 2 nd Street			
Applicant	Essentia Health	Contact		
Agent	LHB	Contact	Evan Aljoe, Healthcare Studio Lead	
Legal Description	See Attached	Sign Notice Date	August 29, 2021	
Site Visit Date	September 4, 2021	Number of Letters Sent	N/A	

Proposal

The applicant is seeking a concurrent use permit to construct private underground utilities within the public right-of-way of for private utility conduit (two, two-inch conduits) between Essentia Health's new hospital to the Involta Data Center.

Staff Recommendation

Staff is recommending Planning Commission recommend approval to the City Council.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-I (Generally)	Institutional (Generally)	Neighborhood Mixed Use (Generally)
North	R-1/MU-N	Residential	Medical District
South	MU-I	Medical	Medical District
East	F-6/R-2/MU-N	Medical/Commercial	Medical District
West	MU-I/R-1/R-2	Medical/Commercial	Medical District

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. Any proposed skywalk will significantly improve the circulation of pedestrians in the city without exposure to weather conditions (does not apply in this instance);
3. No portion of a public easement proposed for use is being physically used or occupied by the public.

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):**Governing Principle #4-Support economic growth sectors.**

Emerging and growing economic sectors, including medical, add economic, cultural, and social diversity.

Governing 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.

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 opportunity for a diversity of activity that segregated, uniform uses do not provide.

Economic Development Policy #2— Foster growth of existing employers and strategically recruit new employers to

Duluth. Strategy #1- Prioritize redevelopment efforts in the Core Investment Areas. Encourage collaboration between existing businesses in individual Core Investment Areas to support increased business activity overall and to improve their aesthetic and social environments. Recognize Core Investment Areas as hubs of the sharing and remote-work economy (Hillside CIA/Downtown Duluth)

Future Land Use

Institutional: applicable to medical, university/college, public school, religious, or governmental campuses. Can include adjacent areas that support them, with related commercial and/or office uses, and residential uses in the fringe areas of the district.

Recent History

This concurrent use permit is one of a number of permits related to the Vision Northland's Medical Center.

Review and Discussion Items:

- 1) The applicant is seeking a concurrent use permit to install private utility conduit in the ROW between the Involta Data Center located at the corner of 5th Street and 6th Avenue East to a point near the intersection of 3rd Street and 5th Avenue East, where it will connect with existing conduit installed under a separate Concurrent Use Permit earlier approved as part of Essentia's Vision Northland project. The utilities consist of two lines, each containing two 2" conduit. Installation will occur using direct borings so disruption to surface conditions will be minimized. Both lines will originate within Involta's data center located at 421 6th Avenue East. One line will extend west along 5th Street to 5th Avenue East and then turn south until it connects with existing conduit north of the intersection of 3rd Street and 5th Avenue East. The second line will extend south along 6th Avenue East and then turn west through private property to connect with existing conduit in 5th Avenue East.
- 2) The area proposed for the concurrent use permit will not take away from the public's ability to use the public right-of-way, nor will it harm or inconvenience the health, safety and general welfare of the city.
- 3) Concurrent use permits are approved by the City Council via an ordinance. Unlike street right-of-way vacations, concurrent use permits are not recorded at with St. Louis County as they are voidable agreements between the City and property owners. City engineering has reviewed and approved the exhibits (CUP exhibit, street cross-section, and legal description), and have indicated that they have no concerns with this proposal, but have asked for a revision to the legal description.

- 4) The City of Duluth requires concurrent use permits to include liability insurance to indemnify the City against all occurrences in the right-of-way. Other protections for the city and the public are typically included in the ordinance that is submitted for the City Council's review. The ordinance will require that the project proposer will locate any underground items in accordance with Gopher State One Call rules, and that the city will bear no responsibility for locating any facility related to the concurrent use permit except as it is legally responsible under the Gopher State One Call rules. A condition of earlier zoning applications was that Essentia Health locate any private improvements in accordance with Gopher State One Call rules and that they or subsequent owner of the private improvements shall relocate any improvements found to be in conflict with existing or future city utility or street projects. On August 14, 2019, Essentia Health was enrolled in Gopher One as a provider (MN01741).
- 5) No comments were received from the public at the time this staff report was written. City engineering had a minor change on the legal description.
- 6) Per UDC Sec. 50-37.1.N, approved concurrent use permits lapse 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 concurrent use permit with the following conditions:

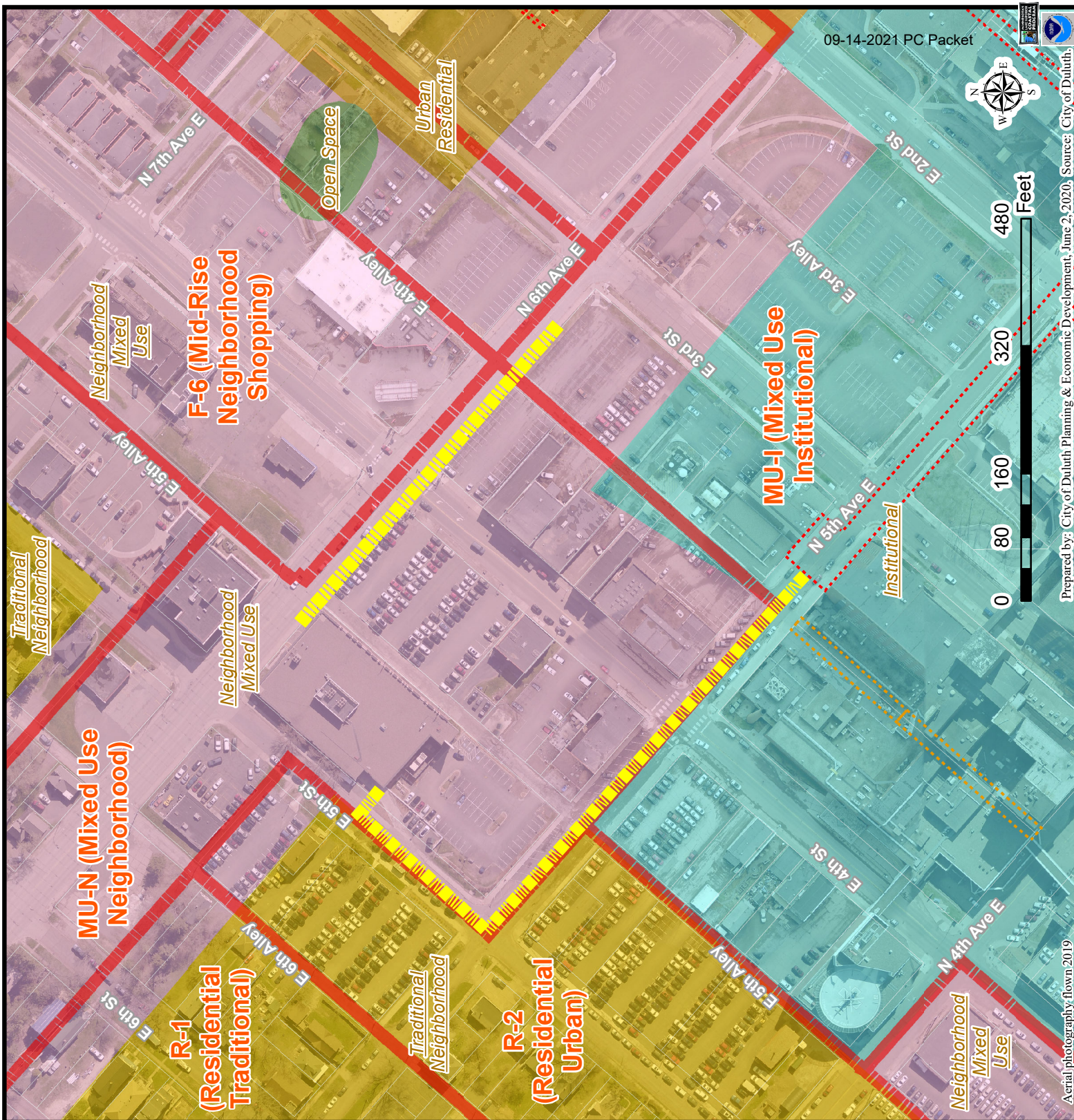
- 1) Applicant construct and maintain the project as identified in the attached exhibits.
- 2) Applicant provide annual proof of liability insurance to indemnify the City against any occurrences in the right of way that are due to items covered under this permit.
- 3) Applicant will remove the obstructions at the applicant's expense if directed to by the City with appropriate notice.
- 4) The structure will need to comply with any applicable engineering standards, or building or fire code requirements.
- 5) 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.

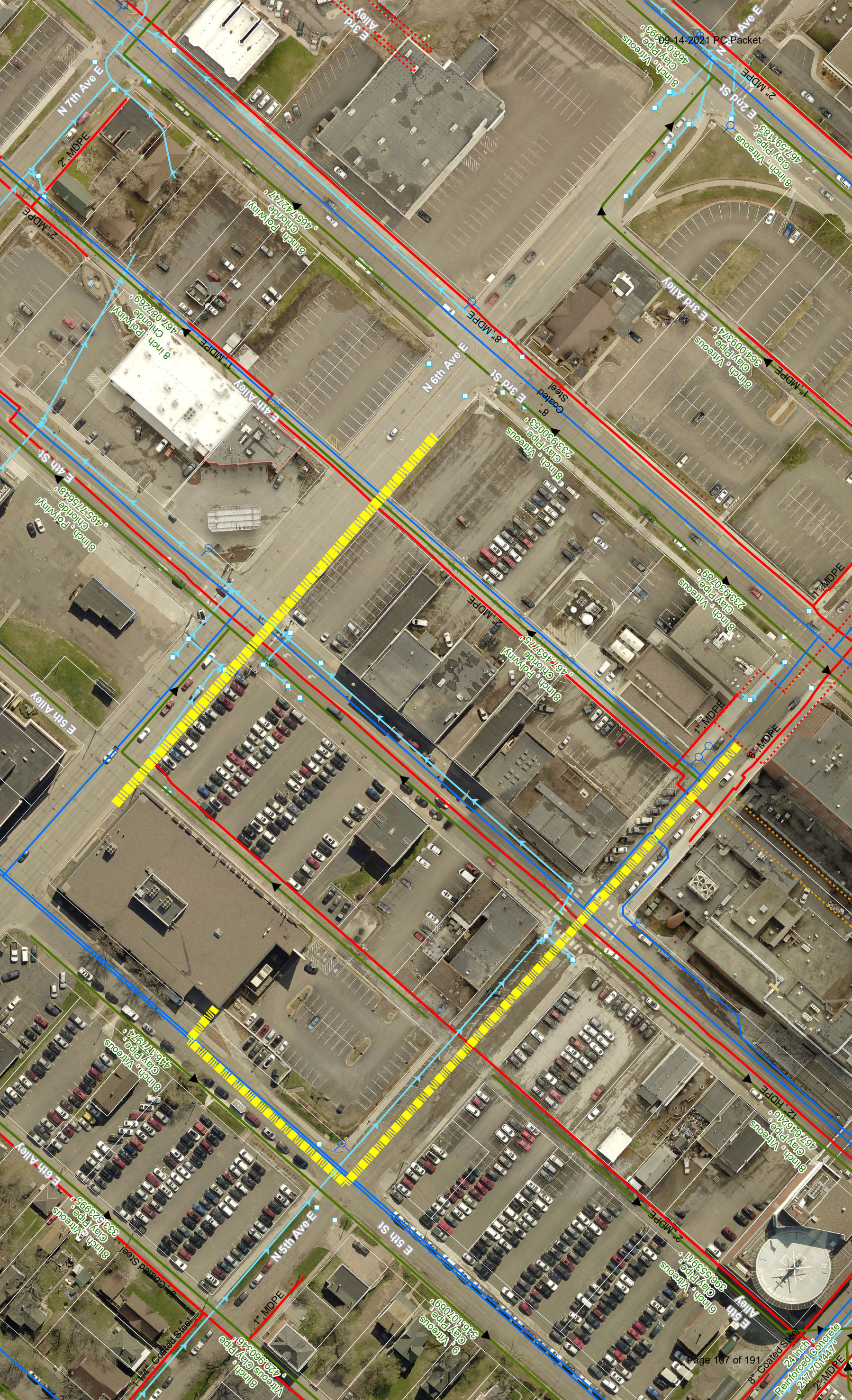


Legend

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

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09-14-2021 PC Packet



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August 6, 2021

Community Planning Division – City Hall
c/o Adam Fulton
411 West 1st Street
Duluth, Minnesota 55802

RE: Concurrent Use Permit Application

Dr. Mr. Fulton,

On behalf of Essentia Health, attached please find our application for a Concurrent Use Permit to install private utility conduit in the ROW between the Involta Data Center located at the corner of 5th street and 6th avenue east to a point near the intersection of 3rd street and 5th avenue east, where it will connect with existing conduit installed under a separate Concurrent Use Permit approved as part of Essentia's Vision Northland project. The utilities consist of two lines, each containing 2-2" conduit. Installation will occur using direct borings so disruption to surface conditions will be minimized.

Both lines will originate within Involta's data center located at 421 6th avenue east. The primary line will extend west along 5th street to 5th avenue east and then turn south until it connects with existing conduit north of the intersection of 3rd street and 5th avenue east. The secondary line will extend south along 6th avenue east and then turn west through private property to connect with existing conduit in 5th avenue east.

If there is any additional information or clarifications that we may provide, please do not hesitate to contact me directly. Thank you for your consideration of our request.

LHB, INC.

Evan Aljoe, Healthcare Studio Leader

LHB Project No. 180203

\\LHBDLHW24\DLHProjects\18Proj\180203\400 Design\403 Regulatory\Involta Concurrent Use\Involta CUP Application - City of Duluth Cover Letter.docx



August 9, 2021

Community Planning Division City Hall
c/o Adam Fulton
411 W 1st Street
Suite 402
Duluth, MN 55802

Re: Concurrent Use Permit Acknowledgement

Dear Mr. Fulton,

Pursuant to our Concurrent Use of Streets Application and the requirement of Section 50-37.7.C (f), we acknowledge that to the extent any of Essentia's private improvements are installed in the public right of way that they may be removed by the City of Duluth if needed for installation or repair of public improvements or if Essentia, as applicant, violates the terms of the permit granted.

Please feel free to reach me by phone at 218-409-8297 with any questions or concerns related to this correspondence.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Watson".

Charles B. Watson
CIO
Essentia Health
400 E. 3rd Street (P240)
Duluth, MN 55805

charles.watson@essentiahealth.org

LEGAL DESCRIPTION:

That part of Fifth Avenue East adjacent to Lot 81 northerly of a line 45.00 feet southerly of and parallel with the south line of alley adjacent to said Lot 81, East Third Street, DULUTH PROPER FIRST DIVISION, City of Duluth, St. Louis County, Minnesota; lying between two lines 26.00 feet southwesterly of and 32.00 feet southwesterly of the northeasterly line of said Fifth Avenue East.

AND

Those parts of Fifth Avenue East and East Fourth Street adjacent to Lot 81 and Lot 82 East Fourth Street, DULUTH PROPER FIRST DIVISION, City of Duluth, St. Louis County, Minnesota; lying between two lines 26.00 feet southwesterly of and 32.00 feet southwesterly of the northeasterly line of said Fifth Avenue East.

AND

Those parts of Fifth Avenue East and East Fifth Street adjacent to Lot 82 East Fifth Street, DULUTH PROPER FIRST DIVISION, City of Duluth, St. Louis County, Minnesota; lying between two lines 26.00 feet southwesterly of and 32.00 feet southwesterly of the northeasterly line of said Fifth Avenue East. The northwesterly sideline being prolonged or shortened to terminate 17.50 feet northwesterly of the northwesterly line of said Lot 82.

AND

Those parts of East Fifth Street and Fifth Avenue East adjacent to Lots 82 thru 90, even numbers, East Fifth Street, DULUTH PROPER FIRST DIVISION, City of Duluth, St. Louis County, Minnesota; lying between two lines 11.50 feet northwesterly of and 17.50 feet northwesterly of the southeasterly line of said East Fifth Street. The northwesterly sideline being prolonged or shortened to terminate 26.00 feet southwesterly of the southwesterly line of said Lot 82. The northeasterly sideline being prolonged or shortened to terminate 26.00 feet northeasterly of the southwesterly line of Lot 90, said East Fifth Street.

AND

That part of East Fifth Street adjacent to Lot 90, East Fifth Street, DULUTH PROPER FIRST DIVISION, City of Duluth, St. Louis County, Minnesota; lying between two lines 18.00 feet southwesterly of and 24.00 feet northwesterly of the southwesterly line of said Lot 90. The northwesterly sideline being prolonged or shortened to terminate 11.50 feet northwesterly southeasterly line of said East Fifth Street.

AND

The southwesterly 8.5 feet of Sixth Avenue East and East Fourth Street adjacent to Lot 16 of Block 71, PORTLAND DIVISION OF DULUTH, Lot 16 of Block 91, PORTLAND DIVISION OF DULUTH, Lot 16 of Block 92, PORTLAND DIVISION OF DULUTH, Lot 95 East Fourth

Street, DULUTH PROPER FIRST DIVISION and Lot 96 East Fifth Street, all in the City of Duluth, St. Louis County, Minnesota. The northwesterly sideline being prolonged or shortened to terminate 68.00 feet northwesterly of the southeasterly line of said Lot 96, East Fifth Street. The southeasterly sideline being prolonged or shortened to terminate 61.00 feet northwesterly of the southeasterly line of said Lot 16, Block 71

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.

Paul A. Vogel

Signed  _____

Date 8/10/2021 License No. 44075


EXHIBIT CONCURRENT USE

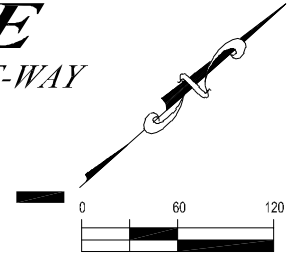
PRIVATE ELECTRICAL CONDUIT IN CITY RIGHT-OF-WAY

Part of Streets

PORTLAND DIVISION OF DULUTH
AND
DULUTH PROPER FIRST DIVISION

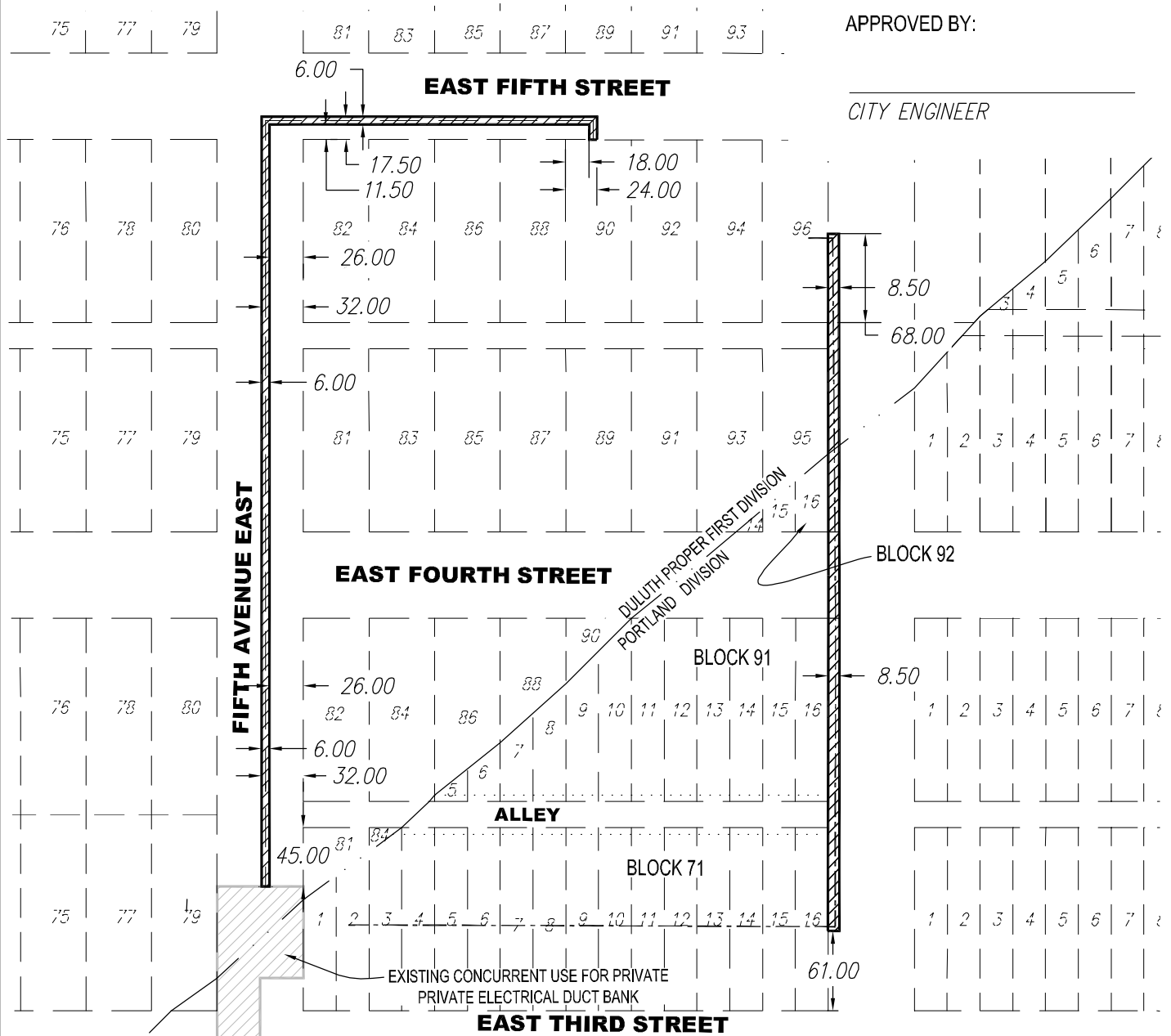
LEGEND

 = CONCURRENT USE AREA



APPROVED BY: _____

CITY ENGINEER



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

Print Name: Paul A. Vogel

License # 44075

Signature: 

Date: 08/10/2021

DATE PREPARED: 08/10/21

PROJ NO: 180203.23

FILE: 180203 Invol

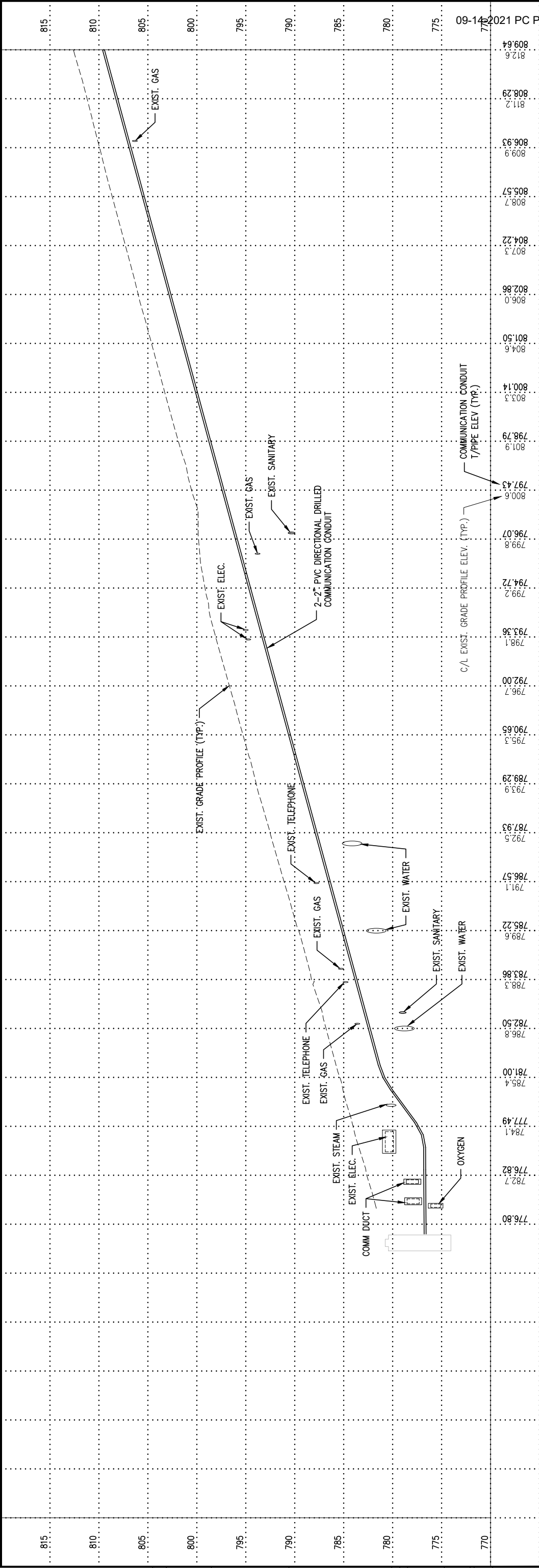
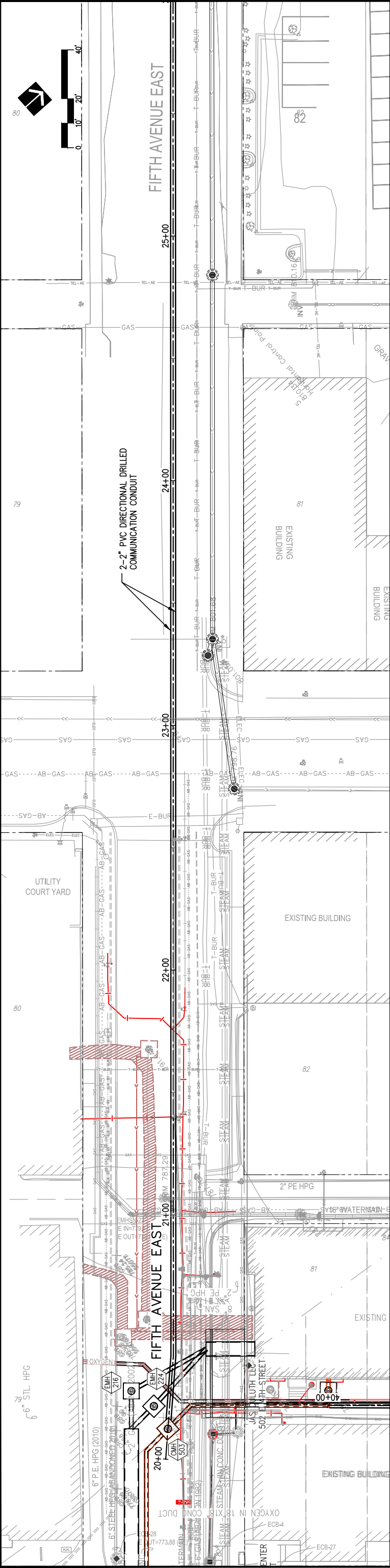
SHEET 1 of 1 SHEETS



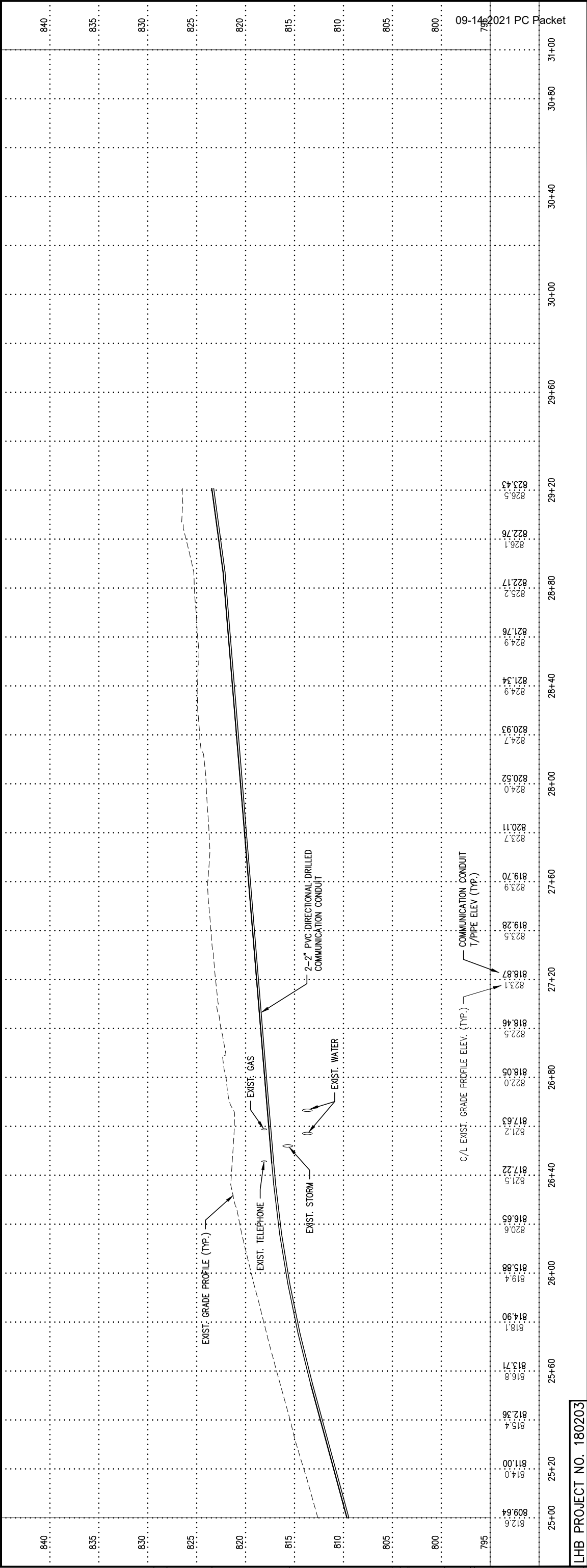
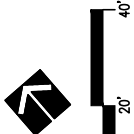
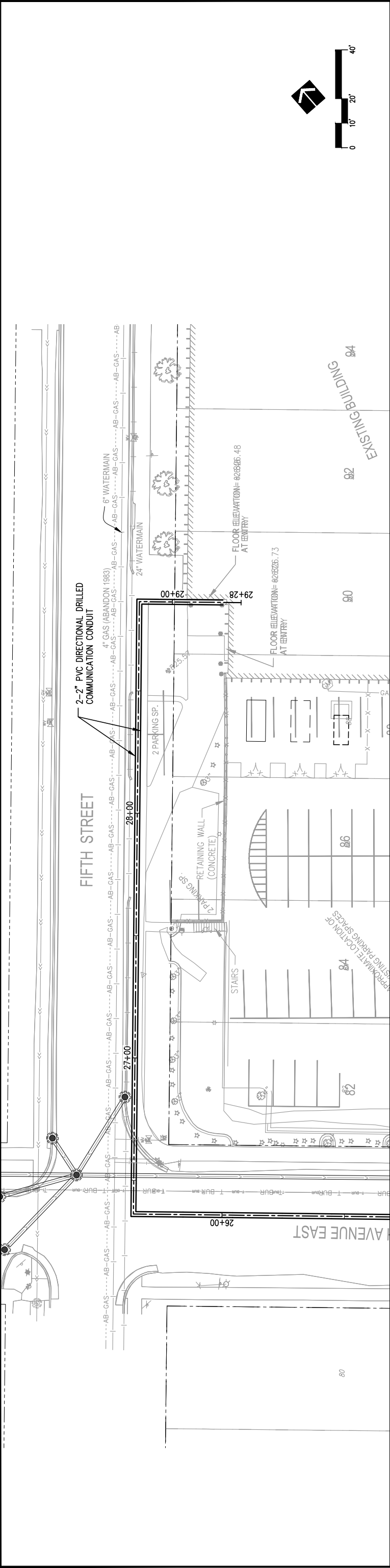
**PERFORMANCE
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LHBcorp.com

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



LHB PROJECT NO. 180203									
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.									
ADAM F. BESSE									
PRINTED NAME									
SIGNATURE									
08/10/2021 DATE									
52597 LIC. NO.									
PUBLIC STREET AND UTILITY IMPROVEMENTS									
CITY PROJECT NO. xxxx									
INVOLTA PRIMARY LINE PLAN & PROFILE									
SHEET NO. 1 OF 4 SHEETS									



LHB PROJECT NO. 180203

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.

ADAM F. BESSE
PRINTED NAME

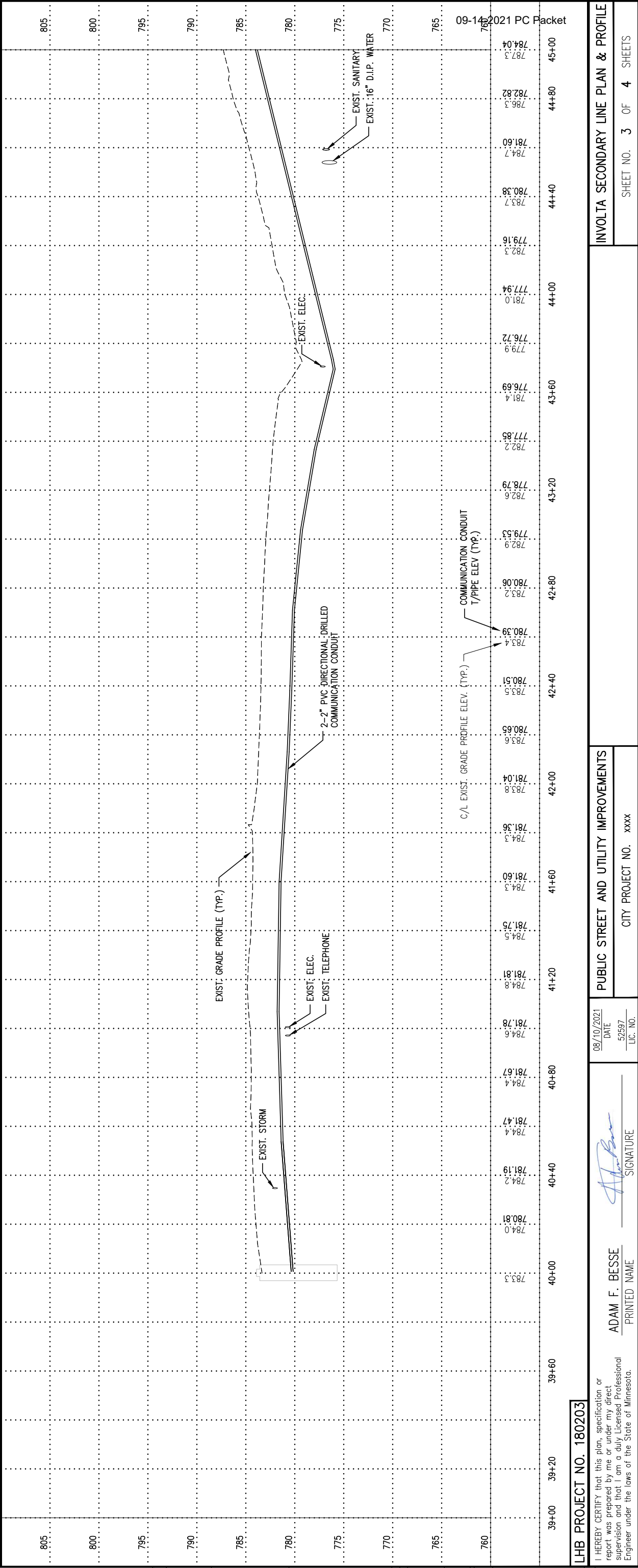
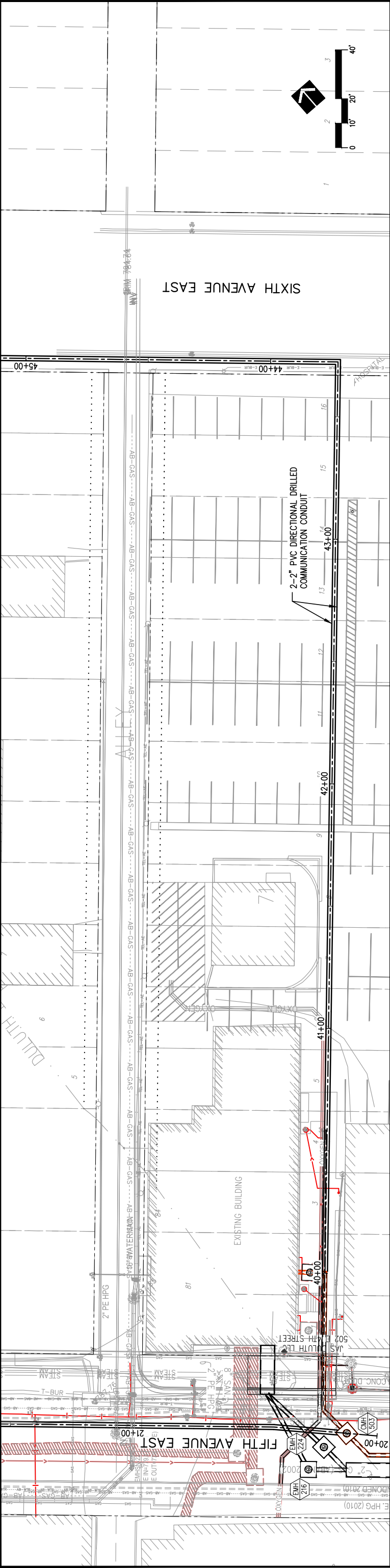
Adam Besse
SIGNATURE

08/10/2021
DATE
52597
LIC. NO.

PUBLIC STREET AND UTILITY IMPROVEMENTS
CITY PROJECT NO. xxxx

INVOLTA PRIMARY LINE PLAN & PROFILE
SHEET NO. 2 OF 4 SHEETS

Plot DATE: 8/10/2021 11:20:25 AM FILE: Q:\18Pro\180203\600 Drawings\CI-2 Duct Bank - Private Set\180203 Duct Bank 22- (Plan & Profile).dwg



LHB PROJECT NO. 180203

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.

ADAM F. BESSE
PRINTED NAME

Adam Besse
SIGNATURE

08/10/2021
DATE
52597
LIC. NO.

PUBLIC STREET AND UTILITY IMPROVEMENTS

CITY PROJECT NO. xxxx

INVOLTA SECONDARY LINE PLAN & PROFILE

SHEET NO. 3 OF 4 SHEETS

09-14-2021 PC Packet



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 21-148	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Vacation of Right-Of-Way	Planning Commission Date		September 14, 2021
Deadline for Action	Application Date	August 12, 2021	60 Days	October 11, 2021
	Date Extension Letter Mailed	August 30, 2021	120 Days	December 10, 2021
Location of Subject		A portion of a platted alley between North 51st Avenue West Alley and Mike Colalillo Drive.		
Applicant	City of Duluth	Contact		
Agent	Brett Crecelius	Contact		
Legal Description		See Attached		
Site Visit Date		September 3, 2021	Sign Notice Date	August 31, 2021
Neighbor Letter Date		August 27, 2021	Number of Letters Sent	31

Proposal

The City is requesting to vacate a portion of a platted alley between North 51st Avenue West Alley and Mike Colalillo Drive, and between 3 parcels. Following the vacation of the alley the City is proposing to sell the 3 parcels to the adjacent landowner to increase lot size and density for their development project.

Staff is recommending approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-P	Unimproved alley	Urban Residential
North	R-P	Residential	Urban Residential
South	R-P	Street	Urban Residential
East	MU-B	Street	Urban Residential
West	R-P	Residential	Urban Residential

Summary of Code Requirements:

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

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

1. Is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles, or pedestrians or the efficient supply of utilities or public services in the city;

2. Where the street terminates at a waterfront or shoreline, the street is not and will not be needed to provide pedestrian or recreational access to the water;
3. Is not otherwise needed to promote the public health, safety, or welfare of the citizens of Duluth.

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

Governing Principle #5 - Promote reinvestment in neighborhoods.

Transportation Chapter Policy #2 – Reduce infrastructure costs through innovation and wholesale design change

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

Review and Discussion Items:

Staff finds that:

1. The City is proposing to vacate a portion of a 10-foot wide platted alley between North 51st Avenue West Alley and Mike Colalillo Drive. The alley runs between three parcels and is located within Ramsay Village. Following the vacation of the alley the City is proposing to sell the three parcels to the adjacent landowner to increase lot size and density for their development project. The vacation shall support other actions by the city and private property owners, including the removal of blighted structures currently located on the private parcels. The portion of the alley to be vacated is shown on the attached exhibit.
2. The alley was platted in the West Duluth 7th Division but never utilized for its intended purpose as there is no pavement installed.
3. The alley will not be needed by the City for the promotion of public health, safety, or welfare of the citizens of Duluth since the alley is currently unimproved and City Engineering does not expect to need it in the future.
4. The City has determined that this portion of the alley right of way is not needed for street or pedestrian use. Vacating the right of way will not impact or deny access to other property owners.
5. The City Engineering office has reviewed the proposed vacation and has indicated that a utility easement shall be retained over the entire portion of the right of way.
6. No other public or City comments have been received at the time of drafting this report.
7. Vacations of rights of way and easements lapse unless the vacation is recorded with the county recorder within 90 days after final approval. The vacation recording is facilitated by the City of Duluth.

Staff Recommendation:

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

- 1.) Approval of the vacation shown on the attached exhibit
- 2.) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



PL 21-148
Site Map

Legend

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

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

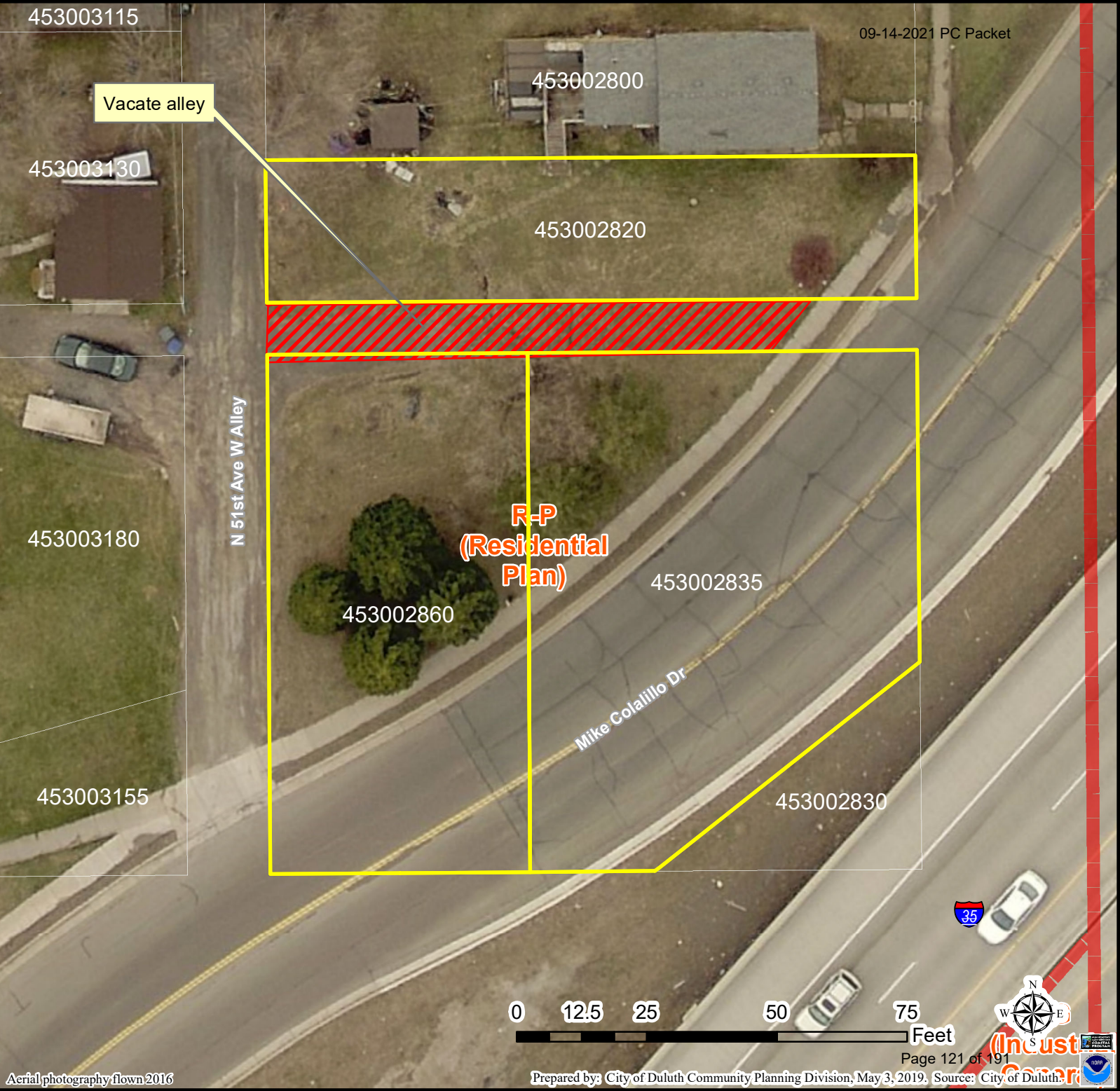
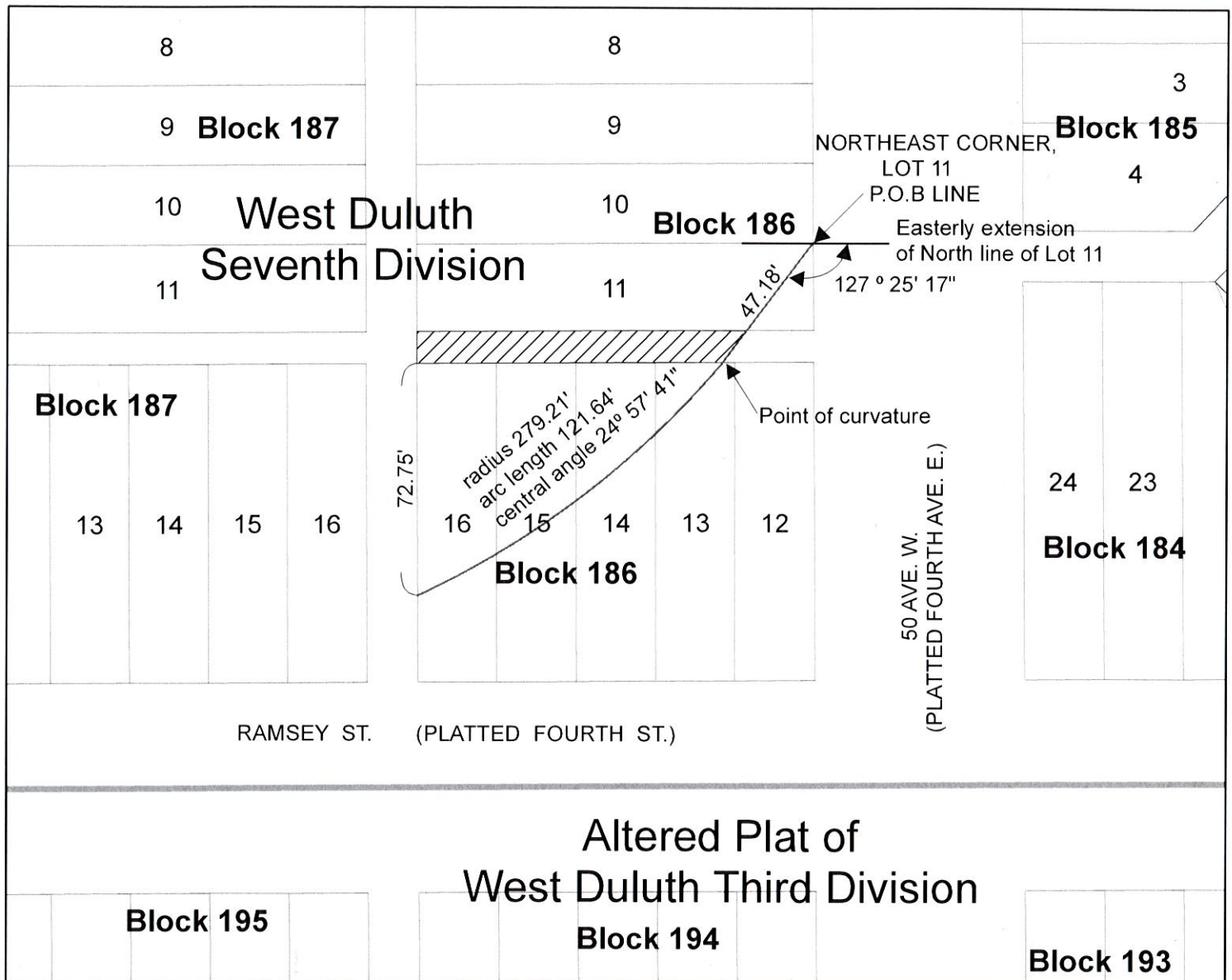


Exhibit A

09-14-2021 PC Packet



Vacation Area with Retained Utility Easement



Vacation of right of way, reserving an easement for utility purposes, in that part of the alley that lies south of Lot 11 and north of Lots 12 through 16, Block 186 of West Duluth Seventh Division according to the recorded plat thereof in St. Louis County, Minnesota, that lies west of a line described as:

Beginning at the northeast corner of said Lot 11; thence deflecting to the southwest 127 degrees 25 minutes 17 seconds from the easterly extension of the north line of Lot 11 a distance of 47.18 feet to a tangential curve; thence 121.64 feet more or less along said curve, radius 279.21 feet, central angle 24 degrees, 57 minutes, 41 seconds, concave to the northwest, to a point on the west line of said Lot 16 that is 72.75 feet south of the northwest corner of Lot 16, and there terminating.


APPROVED BY CITY ENGINEER

9-2-21
DATE
Page 122 of 191



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 21-071	Contact	Jenn Moses
Type	Vacation of Public Right of Way/Easement	Planning Commission Date	September 14, 2021
Deadline for Action	Application Date	8/17/21	60 Days
	Date Extension Letter Mailed	8/19/21	120 Days
Location of Subject	19 th Avenue W Between Michigan Street and Lower Michigan Street		
Applicant	14 Degree Properties, LLC	Contact	c/o Bent Paddle Brewing Co.
Agent	NA	Contact	
Legal Description	See Attached		
Site Visit Date	August 30, 2021	Sign Notice Date	August 31, 2021
Neighbor Letter Date	August 27, 2021	Number of Letters Sent	32

Proposal

Bent Paddle proposes to vacate the existing right of way of 19th Avenue West for vehicular use, while preserving a pedestrian and utility easement.

Recommendation: Staff recommends approval of the vacation of right-of-way, subject to conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-C	Right of Way	Central Business Secondary
North	F-5	Commercial	Central Business Secondary
South	I-G	Roadway/Freeway	Transportation & Utilities
East	MU-C	Taproom	Central Business Secondary
West	MU-C	Commercial, Manufacturing	Central Business Secondary

Summary of Code Requirements:

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

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

1. Is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles, or pedestrians or the efficient supply of utilities or public services in the city;
2. Is not otherwise needed to promote the public health, safety, or welfare of the citizens of Duluth.

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

Governing Principle #3 – Support existing economic base and Governing Principle #4 – Support economic growth sectors. Bent Paddle, with its production brewery and taproom in the Lincoln Park Craft District, is part of the historic brewery and manufacturing tradition of Duluth and an economic growth sector.

Governing Principle #5 – Promote reinvestment in neighborhoods and Governing Principle #6 – Reinforce the place specific. The addition of open space will create a neighborhood gathering point in the Lincoln Park Craft District, and will include seating, signage and wayfinding, and a trail. It will provide for new options for landscaping in a fully-developed core investment area.

Governing Principle #9 – Support private actions that contribute to the public realm. Bent Paddle will pay for investments that will be available for use by the public, including a trail, seating, and landscaping. The proposed private actions will also support economic revitalization in the surrounding area.

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.

History: Bent Paddle began operations in a taproom and brewing facility at 1912 W Michigan Street in 2013. At the time, the area south of Michigan Street was zoned I-G (Industrial General), a reflection of the history of manufacturing and other industrial uses. The Lincoln Park Small Area Plan, adopted in 2015, recommended that this area be rezoned from I-G to MU-C to better reflect the existing land uses and minimize any conflicts or negative impacts on the growing Lincoln Park Craft District. This plan articulated a vision of neighborhood-serving and destination retail, restaurants, shops, and services. In 2018, Bent Paddle expanded and relocated its taproom and offices to 1832 W Michigan Street. The parking lot adjacent to the building at 1912 W Michigan Street has a history of contamination which makes it prohibitive to do any reconstruction or reconfiguration of that lot.

Review and Discussion Items:

- 1) The right of way of 19th Avenue W was impacted by the Twin Ports Interchange construction this year, including removal of the roadway and replacement of utilities. At that time, Bent Paddle Brewing initiated the process of using the space for temporary outdoor service and amenities, and a paved pedestrian and bike trail to provide a new, direct connection from the Cross City Trail to the heart of the business district. The proposal called for maintaining a utility easement to support existing underground infrastructure. Based on these discussions, the City of Duluth requested that MnDOT evaluate and, if possible, modify its restoration plans for 19th Avenue W to leave the surface graded, but not paved. MnDOT was supportive of the potential reinvestment in the area, and collaborated with the city and with Bent Paddle.
- 2) Based on conversations with City Engineering, the City Clerk, and the applicant, it was determined that a vacation of the right of way (while retaining pedestrian and utility easements) was more appropriate than a concurrent use permit. The vacation of the right of way will allow for broader business activities between the two sides of the existing right of way, while the new easements will preserve the important public functions through alternate legal mechanisms.
- 3) The neighborhood has excellent vehicle connectivity, including parallel street connections between Michigan and Lower Michigan. This right of way is not needed for the efficient supply of vehicle traffic in the city.
- 4) All adjacent property owners have signed the vacation petition indicating their support for the street vacation.
- 5) Bent Paddle has placed sod and temporary planters and seating in the space. In fall 2021 they will hire a professional to design the final space, to be completed closer to the time Lower Michigan Street reopens to local traffic (upon completion of the Twin Ports Interchange project, estimated in 2023). Bent Paddle will enter into a development agreement with the City of Duluth regarding the final design and maintenance of the space.
- 6) Other than the easements maintained for pedestrian and utility easements, this right of way is not otherwise needed for the promotion of public health, safety, or welfare of the citizens of Duluth.
- 7) No other public or City comments have been received at the time of drafting this report.
- 8) Vacations of rights of way and easements lapse unless the vacation is recorded with the county recorder within 90 days after final approval. The vacation recording is facilitated by the City of Duluth.

Staff Recommendation:

Based on the above findings, staff recommends that Planning Commission recommend to City Council approval of the petitioned alley vacation with the following condition:

- 1) The vacation must be recorded within 90 days of final approval by City Council, or such approval will lapse.
- 2) Bent Paddle and the City complete a development agreement regarding temporary and long-term design, construction obligations, private and public use, and long-term maintenance and operational responsibility for the space.
- 3) Bent Paddle will dedicate a pedestrian easement for the trail once design of the space is continued, estimated in 2022.

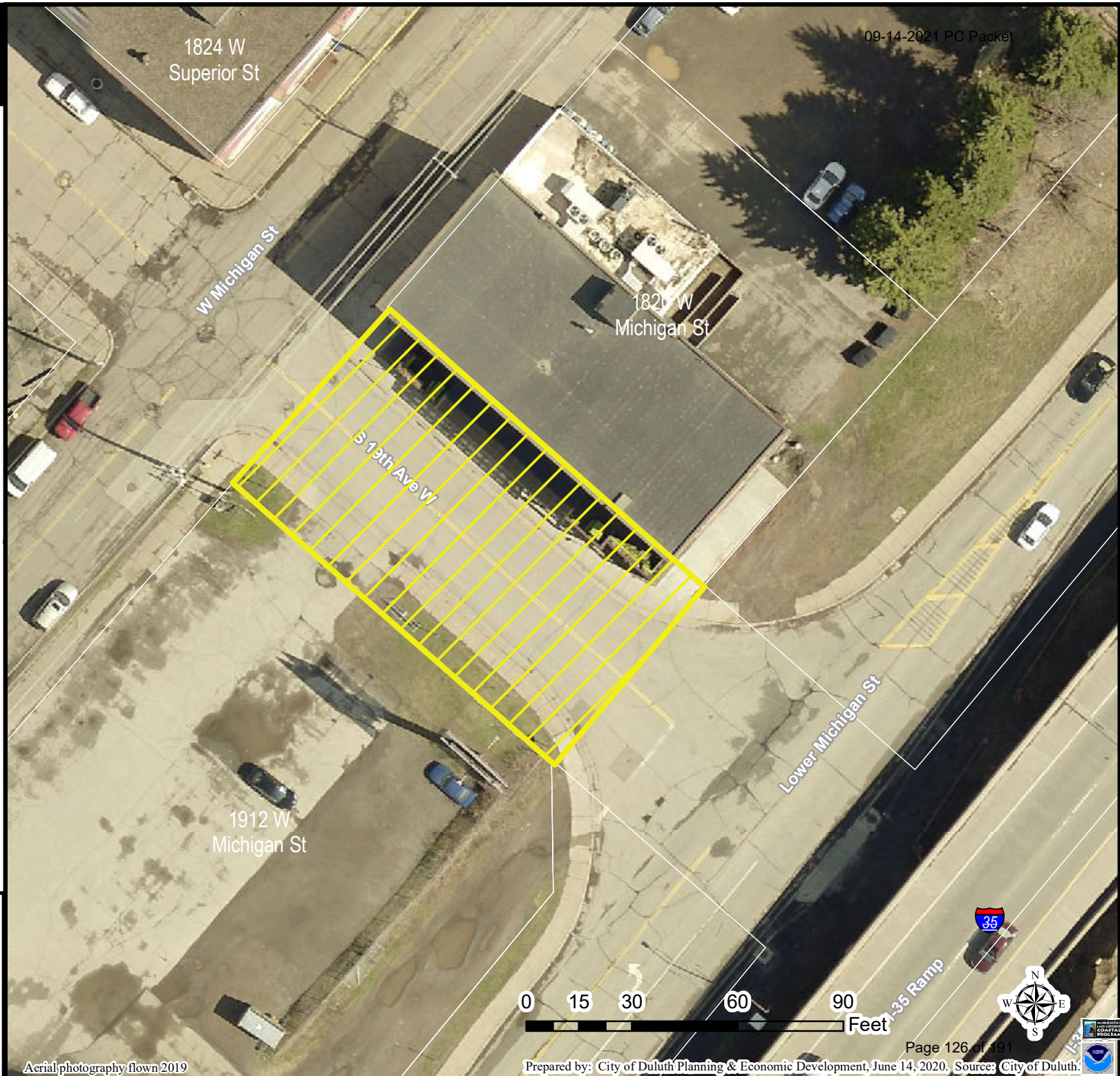


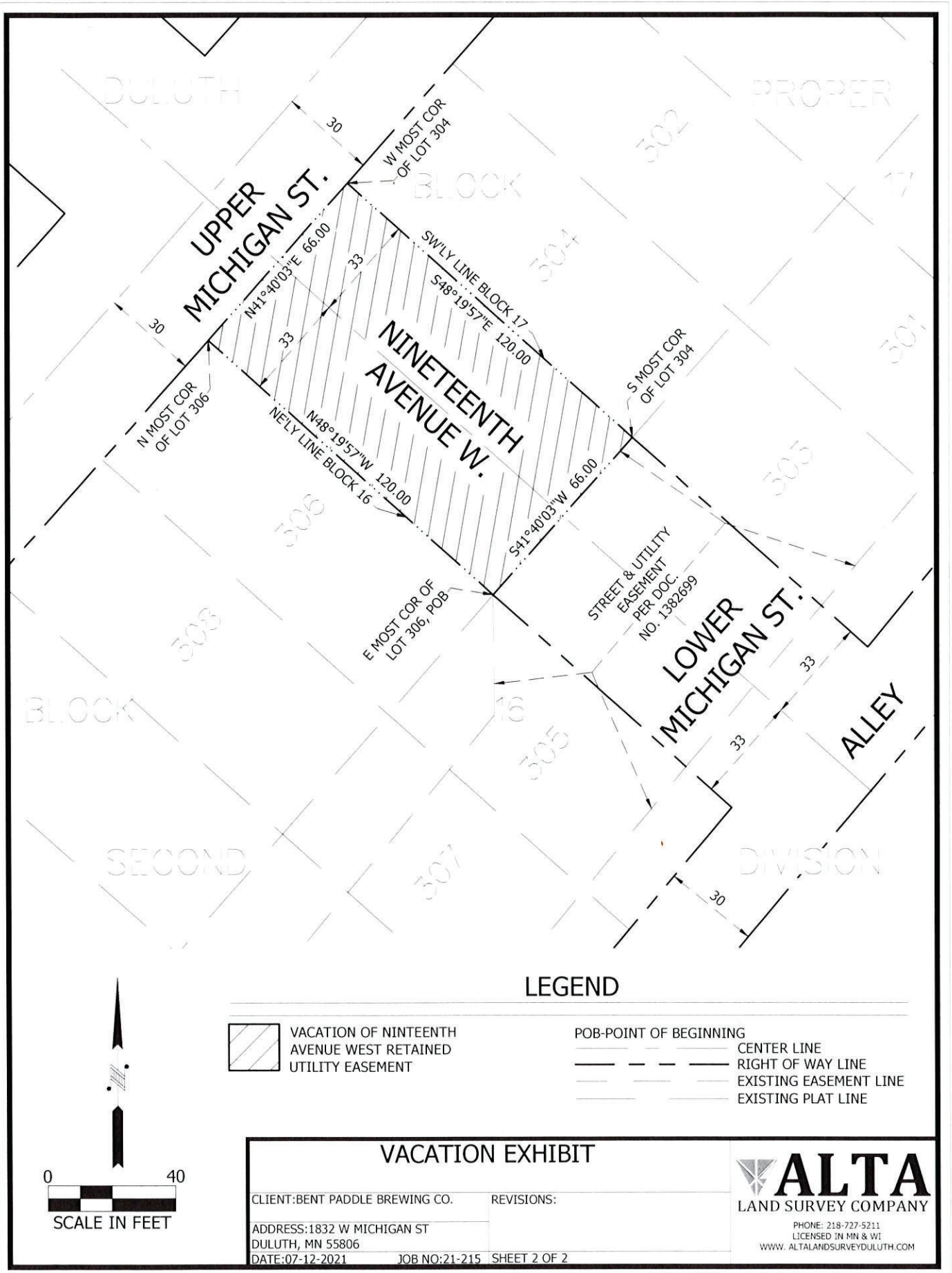
PL 21-076
Vacation of Street
1826 W Michigan St

Legend

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

Aerial photography flown 2019





LEGAL DESCRIPTION OF VACATION OF NINETEENTH AVE. W. WITH RETAINED UTILITY EASEMENT

All that part of Nineteenth Ave. W. adjacent to and abutting Blocks 16 and 17, DULUTH PROPER SECOND DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota described as follows:

Beginning at the East most corner of Lot 306, said Block 16; thence on an assumed bearing of North 48 degrees 19 minutes 57 seconds West, along the Northeasterly line of said Block 16 for a distance of 120.00 feet to the North most corner of said Lot 306; thence North 41 degrees 40 minutes 03 seconds East 66.00 feet to the West most corner of Lot 304, said Block 17; thence South 48 degrees 19 minutes 57 seconds East, along the Southwesterly line of said Block 17 for a distance of 120.00 feet to the South most corner of said Lot 304; thence South 41 degrees 40 minutes 03 seconds West 66.00 feet to the point of beginning.

Said parcel contains 7,920 square feet or 0.18 acres.

Approved by the City Engineer of the
City of Duluth, MN this 17 day
of AUG 2021

By [Signature]

SURVEYOR'S NOTES

1. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
2. THIS IS NOT A BOUNDARY SURVEY.

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

David R. Evanson
David R. Evanson
MN License #49505

DATE:07-12-2021

VACATION EXHIBIT

CLIENT: BENT PADDLE BREWING CO.

REVISIONS:

ADDRESS: 1832 W MICHIGAN ST
DULUTH, MN 55806

DATE:07-12-2021

JOB NO:21-215

SHEET 1 OF 2

ALTA
LAND SURVEY COMPANY

PHONE: 218-727-5211
LICENSED IN MN & WI
WWW.ALTALANDSURVEYDULUTH.COM



May 6, 2021

Adam Fulton
Planning and Development Division
City of Duluth
411 W 1st Street Room 160
Duluth, MN 55802

Dear Mr. Fulton,

We are writing today to formally express our interest in long-term use of the 19th Ave. West block in between West Michigan St. and Lower Michigan St. in the Lincoln Park Craft District of Duluth, MN for outdoor service and other amenities associated with our business. In our initial discussions with the City, Bent Paddle &/or 14* Properties would agree to the following initial provisions:

- Install and maintain a fire lane adjacent to the building on the east end of the right of way.
- Install and maintain a paved pedestrian and bike connection between Lower Michigan and Michigan Streets.
- Restore the remaining surface of the right of way to a paved or vegetative, non-erodible, surface that is approved by the City.

We understand we would be taking over the full costs of initial development and maintenance of these projects. We also understand there is the potential for more provisions if the project discussions move forward and we are ready and excited to entertain all thoughts in an effort to develop this space into a wonderful commercial outdoor space that will benefit not only our business but the city as a whole.

Cheers,

A handwritten signature in black ink that reads "Laura S. F. Mullen". The signature is fluid and cursive.

Laura Salyards-Fryberger Mullen
Bent Paddle Brewing Co. Co-Founder



PRODUCTION FACILITY + TAPROOM
1912 WEST MICHIGAN ST.
DULUTH, MN 55806

CORPORATE HEADQUARTERS + OFFICES
1832 WEST MICHIGAN ST.
DULUTH, MN 55806

SHIPPING + RECEIVING WAREHOUSE
215 S 37th AVE WEST
DULUTH, MN 55807



Noah Schuchman
Chief Administrative Officer

Room 418
411 West First Street
Duluth, Minnesota 55802



218-730-5039



nschuchman@duluthmn.gov

May 11, 2021

Patrick Huston, P.E.
Assistant District Engineer—Major Projects
District 1
Minnesota Department of Transportation
1123 Mesaba Avenue
Duluth, MN 55811

Dear Mr. Huston,

It recently came to our attention that the Twin Ports Interchange (TPI) project necessitates changes to city utilities that extend into the right of way of 19th Avenue West. We appreciate MnDOT's plan to ensure that all TPI-impacted City infrastructure is replaced and restored, and your diligence in communication with City staff on all aspects of this important project.

As you know, Bent Paddle Brewing owns property on the west side of 19th Avenue West between Michigan Street and Lower Michigan Street. They also lease the property on the east side of the street, so they are the sole business interest along this block. In collaboration with staff from the city Planning and Economic Development Department, Bent Paddle has sought options for temporary use of this street to assist in economic response to the Covid-19 pandemic. Bent Paddle has also indicated to the City that their long-range vision for their business and for this area of Lincoln Park could include an outdoor area for public seating, outdoor entertainment, and other amenities. From the City's perspective, this block of 19th Avenue West is an appropriate location for these activities. Bent Paddle has also demonstrated a commitment to finance the installation and maintenance of this space.

The City of Duluth is supportive of the concept. It includes community gathering spaces that would be beneficial for the Lincoln Park neighborhood, and supports continued economic development and reinvestment. MnDOT's utility work, including removal of all asphalt and concrete, provides an opportunity to reimagine this space in conjunction with the TPI project. The City of Duluth therefore requests that MnDOT modify its current plans for 19th Avenue West when the utility work is complete. The modifications, proposed in conjunction by City Engineering and Planning & Development staff, would leave the surface graded, but not paved. In this condition, the City will work with Bent Paddle on the completion of the site. The City further requests that the plan alterations ensure that the surface adjacent to the building remain drivable as a minimum 14' fire lane. If possible to add asphalt in the area of this fire lane, we would like to request that as well, consistent with the attached exhibits.

Thank you for your consideration of this request.

Sincerely,

Noah Schuchman
Chief Administrative Officer



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 21-115	Contact	Steven Robertson	
Type	MU-I Planning Review	Planning Commission Date	September 14, 2021	
Deadline for Action	Application Date	July 7, 2021	60 Days	September 4, 2021
	Date Extension Letter Mailed	July 29, 2021	120 Days	October 3, 2021
Location of Subject	East First Street, Between North 3rd and 4th Avenues East			
Applicant	Essentia Health (City of Duluth, Owner)	Contact	On file	
Agent	LHB	Contact	Evan Aljoe, Healthcare Studio Lead	
Legal Description	See Attached	Sign Notice Date	July 22 (Updated/Reposted)	
Site Visit Date	July 27, 2021	Number of Letters Sent	96	

Proposal

Applicant is seeking a MU-I Planning Review approval to construct a new approximately 800-space parking ramp within the Regional Exchange District as a third-party contractor-agent for the City of Duluth, pursuant to the terms of the Parking Ramp Development Agreement dated March 30, 2020. According to the applicant, "It will be a 6 story, 290,000 sf multi-model parking structure in Duluth's Downtown Medical District. The post-tension concrete structure will provide parking for cars, motorcycles, and bicycles; and include provisions for electric vehicle charging stations. Connected to Essentia Health's new inpatient medical tower by way of a pedestrian walkway above 4th avenue east, and the City of Duluth skyway system, this parking structure will ultimately be owned and operated by the City of Duluth and is intended to serve patients and visitors to Essentia Health as well as other developing businesses in the west medical district of the city".

This project is related to PL 21-114 and PL 21-113. This item was initially on the August 10, 2021, Planning Commission agenda and the August 24, 2021, Special Planning Commission meeting. Three staff recommendations and conditions were altered or deleted from the original August 10, 2021, memo, as were several discussion items.

Staff Recommendation

Staff is recommending Planning Commission approval, subject to conditions specified below.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-I	Medical	Medical District
North	MU-I	Medical	Medical District
South	MU-I	Medical	Medical District
East	F-7	Residential/Commercial	Central Business Primary
West	F-5/F-7	Residential/Commercial	Central Business Secondary/Primary

Summary of Code Requirements

50-15.4 MU-I Planning Review

50-23 Connectivity and Circulation – Focuses on pedestrian and bicycle accommodations.

50-24 Parking and Loading – Addresses required parking spaces, loading docks, and snow storage.

50-25 Landscaping and Tree Preservation – Landscaping requirements and tree preservation

50-29 Sustainability Standards – Sustainability point system for new development.

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

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

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

Governing Principle #4-Support economic growth sectors.

Emerging and growing economic sectors, including medical, add economic, cultural, and social diversity.

Governing 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.

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 opportunity for a diversity of activity that segregated, uniform uses do not provide.

Economic Development Policy #2—Foster growth of existing employers and strategically recruit new employers to Duluth.

Strategy #1- Prioritize redevelopment efforts in the Core Investment Areas. Encourage collaboration between existing businesses in individual Core Investment Areas to support increased business activity overall and to improve their aesthetic and social environments. Recognize Core Investment Areas as hubs of the sharing and remote-work economy (Hillside CIA/Downtown Duluth)

Future Land Use

Institutional: applicable to medical, university/college, public school, religious, or governmental campuses. Can include adjacent areas that support them, with related commercial and/or office uses, and residential uses in the fringe areas of the district.

Recent History

See attached summary of recent zoning permits for the west side of the Regional Medical District. This site was previously zoned as part of a Form District, which would have required active spaces (such as retail or service uses) along the 1st Street façade of the structure. The site was rezoned in 2019 to be MU-I campus for Essentia Health.

Included at the end of the staff report and attachments is a copy of a bikeways map from the Duluth Superior Metropolitan Bikeways Plan, and two exhibits from a 2019 Parking Study that was referenced for PL 19-018, the new medical facility for Essentia Health East, and PL 18-120 EAW for Essentia Health Vision Northland Project.

Staff Recommendation

Review and Discussion Items:

1) The applicant is seeking a MU-I Planning Review to construct a new approximately 800-unit parking ramp within the Regional Exchange District as a third-party contractor-agent for the City of Duluth, pursuant to the terms of the Parking Ramp Development Agreement dated March 30, 2020. The ramp will be six stories and 290,000 square feet. It will include parking for motorcycles and bicycles. The parking ramp will span a complete block, from 3rd Avenue East to 4th Avenue East along the upper side of East 1st Street. It is located directly across the street from the Medical District parking ramp, which also spans the full block on the lower side of West 1st Street.

2) The proposed ramp is part of Duluth's medical district "Regional Exchange District," established by the Minnesota State Legislature. It is one of several projects within the Regional Exchange District, and is being established to provide parking services to the Regional Medical District and surrounding areas.

3) The primary vehicle access will be off of Second Street, with the secondary vehicle access will be off of First Street. A skywalk is proposed on the 6th floor of the ramp, to connect it to the adjacent medical facility to the east (currently under construction) and the City Skyway system.

4) The ramp will have six floors for the major elements of the project, devoted to providing options for different types of parking. Proposed vehicle parking spaces will be 9 feet by 18 feet for standard parking spaces, and compact spaces will be 8 feet by 16 feet. 756 parking spaces will be for standard parking spaces, 17 for compact spaces, and 28 will be ADA compliant, for a total of 801 parking spaces. There will also be 25 motorcycle parking spaces. There will be a bike rack for 14 bike parking spaces under the canopy adjacent to the 2nd Street entry, and bike rack for 14 more bike parking spaces inside the ramp near the 1st Street entry. There is a potential for a future storage of 49 more bike parking spaces near the elevator lobby on the first floor if the project costs are lower than the engineer's estimates.

5) UDC 50-30.5 Parking design standards require that each facade of the parking structure that faces a public street shall contain, or have the appearance of containing, horizontal rather than sloped floor planes and shall not reveal interior ramps. This is a major element in for construction of new parking ramps, as of 2010 with the UDC was adopted. Where the ramp may be visible, the applicant will screen with "decorative metal screening". UDC 50-30.5 also requires that all sides of the structure not occupied by retail, office or residential uses must be articulated through the applicant's choice of at least three items.

According to the applicant, each façade of the proposed parking structure that faces a public street has horizontal rather than sloped floor planes and does not reveal interior vehicular ramps. The ramps required for vehicles to circulate between levels are located along the alley façade and are not visible from public streets. Further, the facades facing public streets are articulated with decorative wall insets and changes in color and material textures. Along 2nd street, the structure and entry/exit gates are set back from the property line and a landscaped pedestrian plaza has been created at the northeast corner of the block. The parking structure is also set back from the property line along most of 1st street as well as along the 3rd avenue. The base of the structure is finished with a combination of brick and concrete masonry units to reflect local neighborhood aesthetics. For floors above the first -floor perforated metal panels have been selected and will be painted to reflect the color of precast panels on the existing parking structure to the south. A blue tube steel accent along the top of the metal panel auto barriers also recalls the blue tubular arches found on the existing parking structure. Glass-backed elevators and glazed stairwells are included to permit visibility into the vertical circulation paths from the exterior of the building. At the top of the parking structure along 1st street and 3rd avenue an additional height of perforated panels is proposed to discourage attempted suicides by increasing the height of the barrier at that level. These additional panels will have larger openings to provide a more open appearance while still providing a barrier.

6) Lighting plans are not available at this time. Applicant is aware that the proposed ramp must comply with UDC lighting standards (as well as signage, etc) when they submit for a building permit. LED lighting should not exceed 2700K, to match similar lighting standards and appearance for the nearby Vision Northland medical facility currently under construction.

7) Section 50-29 of the UDC requires that this facility provide 4 sustainability points. They are proposing to meet it by reuse of previously developed land, building envelope design, lighting, HVAC equipment, and site water use reduction. The structure is designed to accommodate loads for potential future solar panels and supports above the top parking level (but there are no solar panels proposed at this time). In addition, the project is designed to accommodate potential future hybrid/electric/low energy vehicles in preferred locations near the primary building entrances (8 are located on level 5 near the 2nd street entry and 8 are located on level 2 near the elevator lobby). Included in the base bid are conduits and pathways to these locations to accommodate future electric vehicle charging stations, but at this point no electric vehicle charging stations have been included in the base bid.

8) Landscaping will be provided along the boulevards, but an irrigation system will not be included. Landscaping will include: 2 Whitespire Birch, 9 Prairie Gold Aspen, 10 Autumn Brilliance Serviceberry, 63 Low Mound Chokeberry shrubs, and 49-Firedance Dogwood shrubs. The landscaping is balanced to meet UDC requirements while keeping security issues in mind.

9) Snow will be removed through two snow chutes that will direct snow down to waiting dump trucks for removal.

10) Pedestrian safety is important for parking ramps which feature high levels of vehicular activity such as this proposed ramp. This parking ramp will feature sidewalks on all sides of the structure (excepting the alley), with two exterior pedestrian door SE and NE corners of the structure). Safety around the ramp will be enhanced through adequate provision of lighting, as discussed in discussion item 6.

11) This project is identified in the plans as the Blue Ramp, but this is a placeholder name. The City will more formally name the ramp in the near future.

12) Additional information related to off-street parking capacity in the downtown area is included at the end of the staff report. The information was accurate as of 2017, before two downtown parking ramps were closed by their owners or condemned for safety reasons by the City of Duluth.

13) At the time that this staff report was printed, two citizen comments/questions were received by the City; they are included at the end of the staff report and attachment packet.

14) According to UDC 50-37.1.N, an approved Planning Review will expire if the project or activity authorized by the permit is not begun within 1 year. There is not a MU-I district plan for this site, nor the larger Essentia Health Campus.

Staff Recommendation

Staff recommended Planning Commission approve the MU-I planning review, with the following conditions that must be met. Conditions can be contingent upon either: issuance of a building permit, a certificate of occupancy, or a development agreement:

- 1) Applicant must identify and post/sign locations for contractor and temporary construction employee parking;
- 2) Applicant shall submit a lighting plan with photometric plan that fully conforms to the requirements of the UDC;
- 3) City and Applicant shall collaborate to ensure the ramp is included and incorporated into any district plan adopted for the medical district.
- 4) Any alterations to the approved plans that do not alter major elements of the plans may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of UDC Chapter 50.

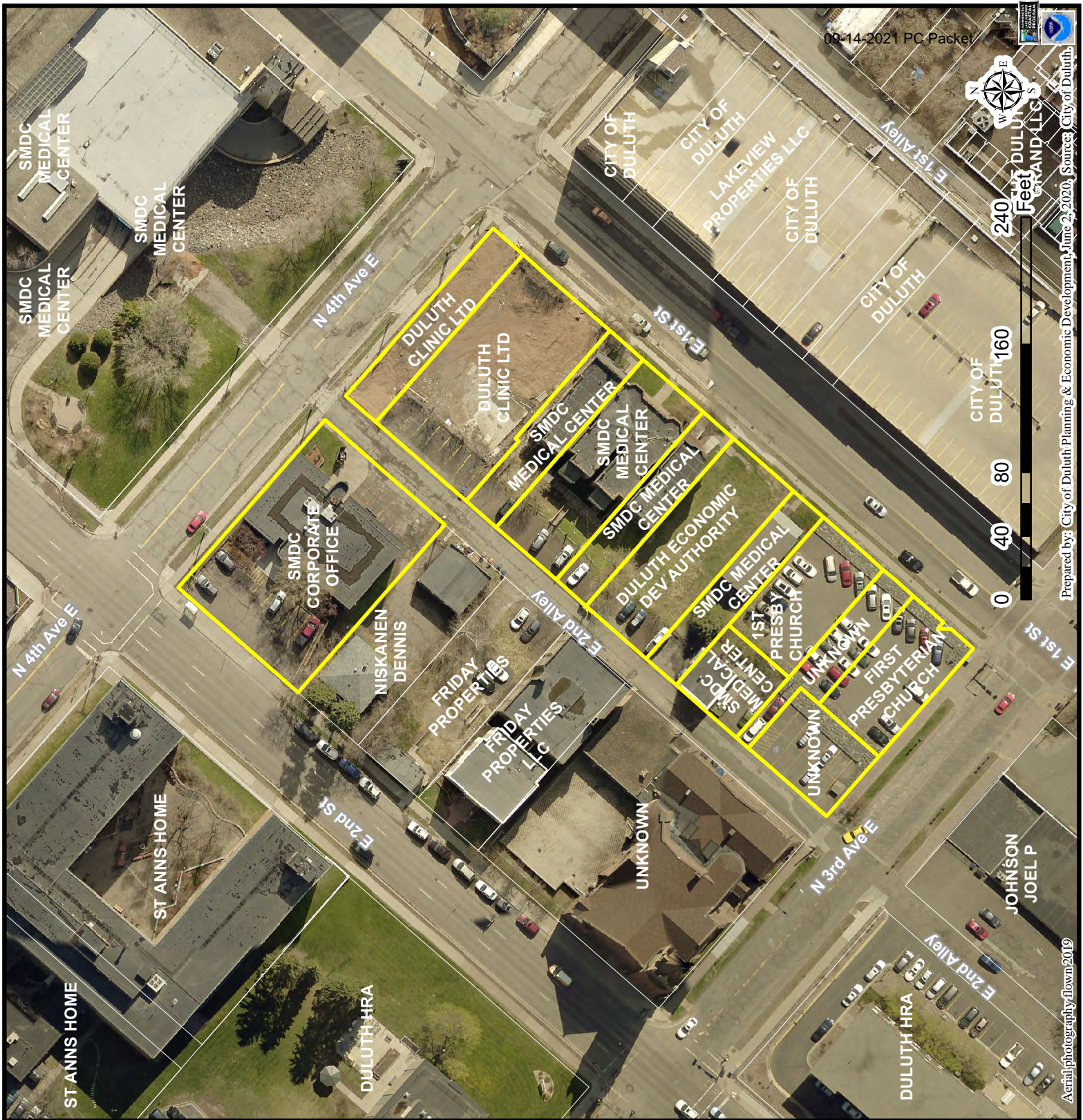
Legend

Easement Type

Utility Easement

Other Easement

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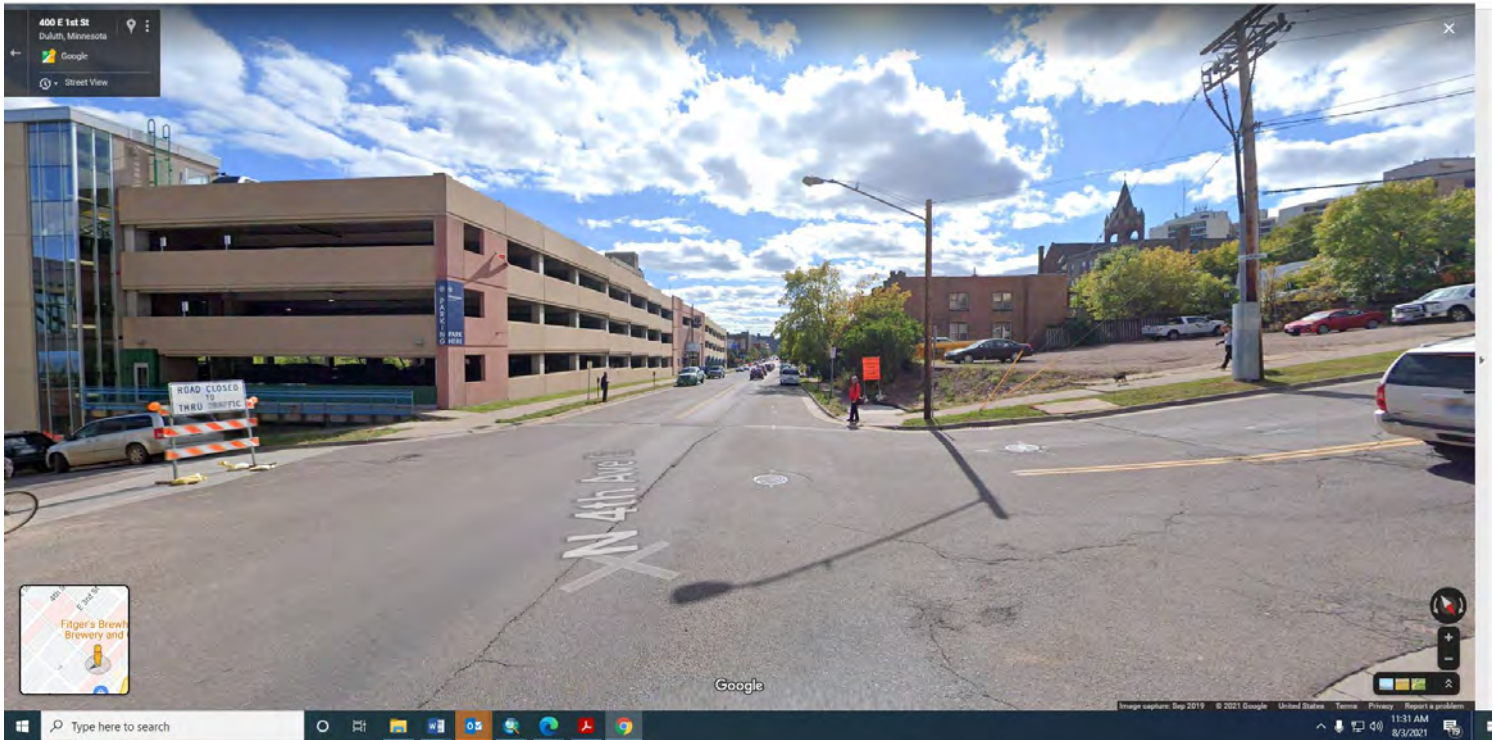






09-14-2024 Packet

© All Pictometry





July 6, 2021

Community Planning Division – City Hall
c/o Adam Fulton
411 West 1st Street
Duluth, Minnesota 55802

RE: Planning Review Application

Dr. Mr. Fulton,

On behalf of Essentia Health, attached please find our planning review application for a 6 story, 290,000 sf multi-model parking structure in Duluth's Downtown Medical District. The post-tension concrete structure will provide parking for cars, motorcycles, and bicycles; and include provisions for electric vehicle charging stations. Connected to Essentia Health's new inpatient medical tower by way of a pedestrian walkway above 4th avenue east, this parking structure will ultimately be owned and operated by the City of Duluth and is intended to serve patients and visitors to Essentia Health as well as other developing businesses in the west medical district of the city.

Zoning District Requirements

The project is located within the MU-I zoning district which was established to provide for the unique development needs and impacts of major medical, educational, and research institutional development. As such, it meets the following dimensional standards for the MU-I district:

TABLE 50-15.4-1 MU-I DISTRICT DIMENSIONAL STANDARDS		
LOT STANDARDS		
Minimum lot area per family	Multi-family	500 sq. ft.
	Efficiency unit	380 sq. ft.
STRUCTURE SETBACKS		
Structures and parking facility setbacks		0 ft.
STRUCTURE HEIGHT		
Maximum height of building	Generally	120 ft.
	On development sites totaling not more than 15% of developable area of the zone district, but not within those areas where a lower maximum is noted below.	300 ft.
	Within 200 ft. of R-1	46 ft.
	Within 200 ft. of R-2	66 ft.
	Within 200 ft. of MU-N	91 ft.
Section 50.21 <i>Dimensional standards</i> contains additional regulations applicable to this district.		

UCD Section 50.29 Sustainability Standards

In compliance with section 50.29 of the UDC, the project will achieve the required 4 sustainability points through a combination of the following strategies:

- 0.75 points through the development on previously used or developed land that is not contaminated.
- 1.50 points by meeting ASHRAE standard 189.1, section 7.4.2, for building envelope design.
- 0.75 points by meeting ASHRAE standard 189.1, section 7.4.6, for lighting.
- 0.75 points by meeting ASHRAE standard 189.1, section 7.4.3, for HVAC equipment.
- 0.75 points by meeting ASHRAE standard 189.1, section 6.3.1, for site water use reduction.

The structure is designed to accommodate loads for future solar panels and supports above the top parking level. In addition, the project is designed to accommodate future hybrid/electric/low energy vehicles in preferred locations near the primary building entrances. Included in the base bid are conduits and pathways to these locations to accommodate future electric vehicle charging stations. Alternates have been incorporated into the project design to incorporate electric vehicle charging stations into the project should funding permit.

UDC Section 30.5 Parking structure design standards

In compliance with section 30.5 of the UDC, each façade of the proposed parking structure that faces a public street has horizontal rather than sloped floor planes and does not reveal interior vehicular ramps. The ramps required for vehicles to circulate between levels is located along the alley façade and is not visible from public streets. Further, the facades facing public streets are articulated with decorative wall insets and changes in color and material textures. Along 2nd street, the structure and entry/exit gates are set back from the property line and a landscaped pedestrian plaza has been created at the northeast corner of the block. The parking structure is also set back from the property line along most of 1st street as well as along the 3rd avenue. These setbacks not only provide for better site lines and queuing space for vehicles entering and exiting the structure, thereby improving safety, but also permit the introduction of landscaping around most of the structure.

Materials have been selected for their compatibility with adjacent structures. The base of the structure is finished with a combination of brick and concrete masonry units to reflect the finishes selected for the podium of Essentia's new medical tower across 4th avenue to the east. For floors above the first-floor perforated metal panels have been selected to reflect the smooth lines of Essentia's glass tower but painted to reflect the color of precast panels on the existing parking structure to the south. A blue tube steel accent along the top of the metal panel auto barriers also recalls the blue tubular arches found on the existing parking structure.

Glass-backed elevators and glazed stairwells are included to permit visibility into the vertical circulation paths from the exterior of the building. These passive security measures are intended to provide a safe and comfortable environment to visitors using the parking structure. Landscaping has been selected to minimize places for people to hide and partial height walls are minimized for the same reason. At the top of the parking structure along 1st street and 3rd avenue an additional height of perforated panels is proposed to discourage attempted suicides by increasing the height of the barrier at that level. These additional panels will have larger openings to provide a more open appearance while still providing a barrier.

If there is any additional information or clarifications that we may provide, please do not hesitate to contact me directly. Thank you for your consideration of our request.

LHB, INC.



Evan Aljoe, Healthcare Studio Leader

LHB Project No. 180712

Q:\18Proj\180712\400 Design\403 Regulatory\Planning and Zoning\Planning Review\180712 Planning Review - City of Duluth Cover Letter.docx

SE Corner



South Elevation



1st Street View



09-14-2021 PC Packet

Sidewalk View



East Elevation



09-14-2021 PC Packet

West Elevation



09-14-2021 PC Packet

North Entry



North East View



09-14-2021 PC Packet

OWNERSHIP SKETCH

SECOND STREET

LEGEND

DULUTH PROPER FIRST DIVISION

BLOCK

BLOCK 48

PORTLAND DIVISION

BLOCK 28

FOURTH AVENUE EAST

FIRST STREET

THIRD AVENUE EAST

box elder 22" dbh

box elder 24" dbh

box elder 15" dbh

colorado spruce 18" dbh

OWNER: MILLER DULUTH MEDICAL CENTER FOUNDATION
DOT NO. 251059

OWNER: THE DULUTH CLINIC, LTD
NO DEC NO. 0446572 (A)

OWNER: SMDC MEDICAL CENTER
POLICY NO. OX-129232

OWNER: SMDC MEDICAL CENTER
POLICY NO. OX-12931839

OWNER: SMDC MEDICAL CENTER
POLICY NO. OX-12924102

OWNER: DEDA
STATE DEED
DOC NO.
01374384

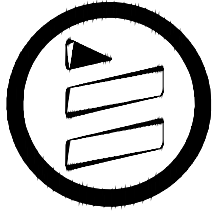
OWNER: SMDC MEDICAL CENTER
POLICY NO. OX-12923245

OWNER: SMDC MEDICAL CENTER
POLICY NO. OX-12925028



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COLE**

Federal Reserve Bank Building
100 Hennepin Street
Philadelphia, PA 19106
Tel: 215-502-2000 Fax: 215-574-0692

WARNING

LOCATION OF ALL UNDERGROUND
UTILITIES SHALL BE VERIFIED BY
THE CONTRACTOR.
CALL BEFORE DIGGING.

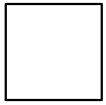
MINNESOTA
ONE-CALL SYSTEM
1-800-252-1166
REQUIRED BY
MN STATUTE 216D

CLIENT:



Essentia Health

502 East 2nd Street
Duluth, MN 55805



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07/06/21 LAND USE APPLICATION
03/09/21 SCHEMATIC DESIGN

NO DATE ISSUED FOR

NO DATE REVISION

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PROJECT NAME

**WEST MEDICAL DISTRICT
PARKING RAMP**

XXX EAST 2nd STREET
DULUTH, MN 55805

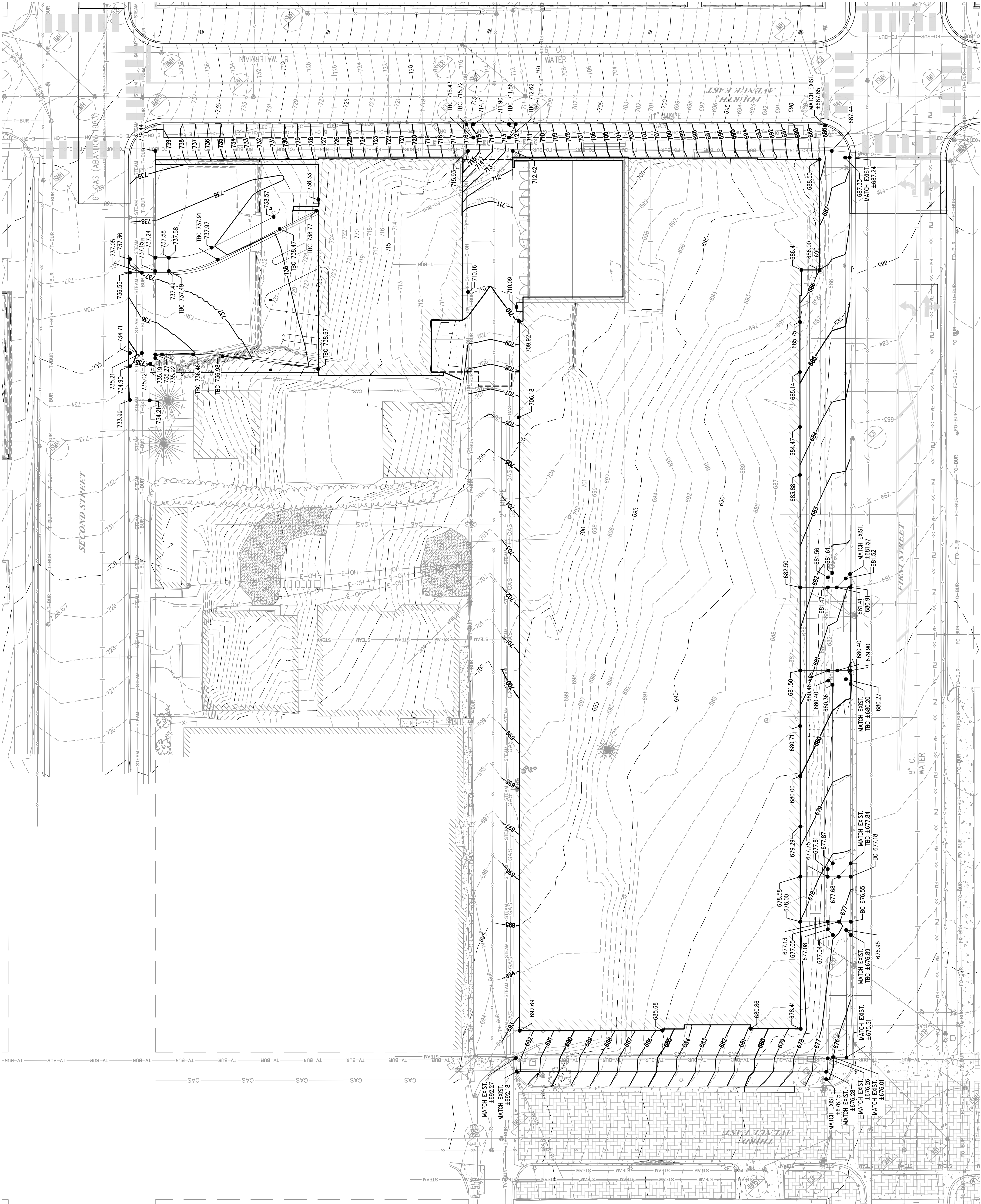
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GRADING PLAN



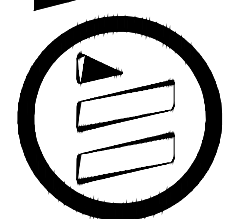
0 10' 20' 40'

FILE: J:\Used\ACD\2021\HB180712 Medical District parking Structure.dwg
DRAWN BY: MJ / JPH
CHECKED BY: JRB
PROJ. NO: J084
DRAWING NO: C3.01





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



136 Lovers Lane, Suite 200, Kalamazoo, MI 49002
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100 North 6th Street
Philadelphia, PA 19106-1590
Tel: 215-923-2020 Fax: 215-574-0952

WARNING

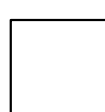
LOCATION OF ALL UNDERGROUND UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR.
CALL BEFORE DIGGING

MINNESOTA
ONE-CALL SYSTEM
1-800-252-1166
REQUIRED BY
MN STATUTE 216D

CLIENT:



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Duluth, MN 55805



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070621	LAND USE APPLICATION
022921	SCHEMATIC DESIGN
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NO	DATE	REVISION
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PROJECT NAME-

PROJECT NAME: WEST MEDICAL DISTRICT PARKING RAMP

XXX EAST 2nd STREET
DULUTH, MN 55805

DRAFTING TITLE:

01

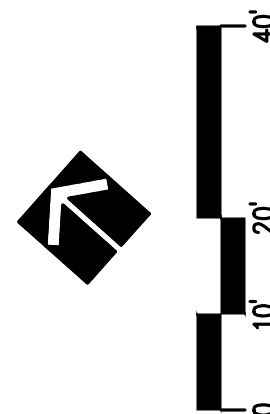
376

DRAWN BY-

THE UNIVERSITY OF CHICAGO

אורח

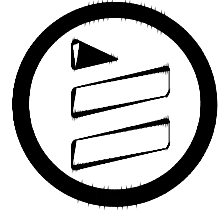
C4.01





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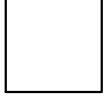
Federal Reserve Bank Building
100 North 2nd Street
Duluth, MN 55802
Tel: 218.502.2020 Fax: 218.574.682

CLIENT



Essentia Health

502 East 2nd Street
Duluth, MN 55805



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03/09/21	SCHEMATIC DESIGN	

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PROJECT NAME

WEST MEDICAL DISTRICT
PARKING RAMP

XXX EAST 2nd STREET
DULUTH, MN 55805

DRAWING TITLE

PARKING RAMP
LANDSCAPE PLAN

FILE: .\\dashed\\ACD\\dashed\\187172\\Medical District parking Structure.dwg
DRAWN BY: NSA
CHECKED BY: NSA
PROJECT NO: 187172
DRAWING NO:

L1.00





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Duluth, MN 55805

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03/29/21	SCHEMATIC DESIGN
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NO	DATE	REVISION
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PROJECT NAME:
WEST MEDICAL DISTRICT
PARKING RAMP

XXX EAST 2nd STREET
DULUTH, MN 55805

DRAWING TITLE:

LEVEL 1 PLAN -
ARCHITECTURAL
PARKING

FILE: XXX
DRAWN BY: MULVANEY
CHECKED BY: RCM
PROJ. NO: Project
DRAWING NO: Number

ISOMETRIC VIEW

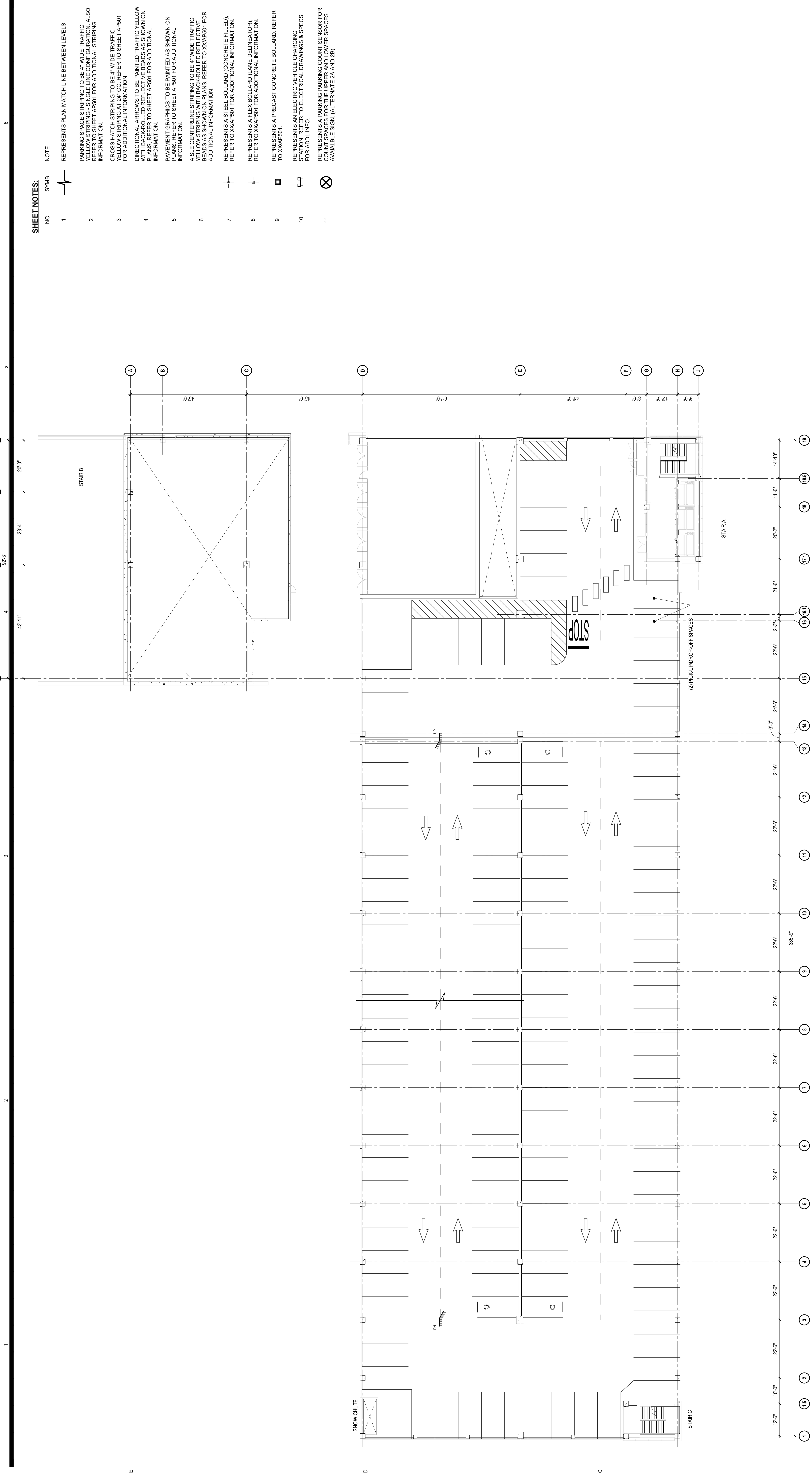
METRIC NORTH /

SPACE TABULATION				
LEVEL	PARKING SPACES		TOTAL	AREA (SF)
	STANDARD	COMPACT ADA		
6	123	2	142	56,800
5	164	2	170	57,500
4	132	4	136	45,300
3	147	4	151	51,300
2	127	4	132	45,000
1	63	1	64	36,000
GARAGE TOTAL	756	17	801	291,000

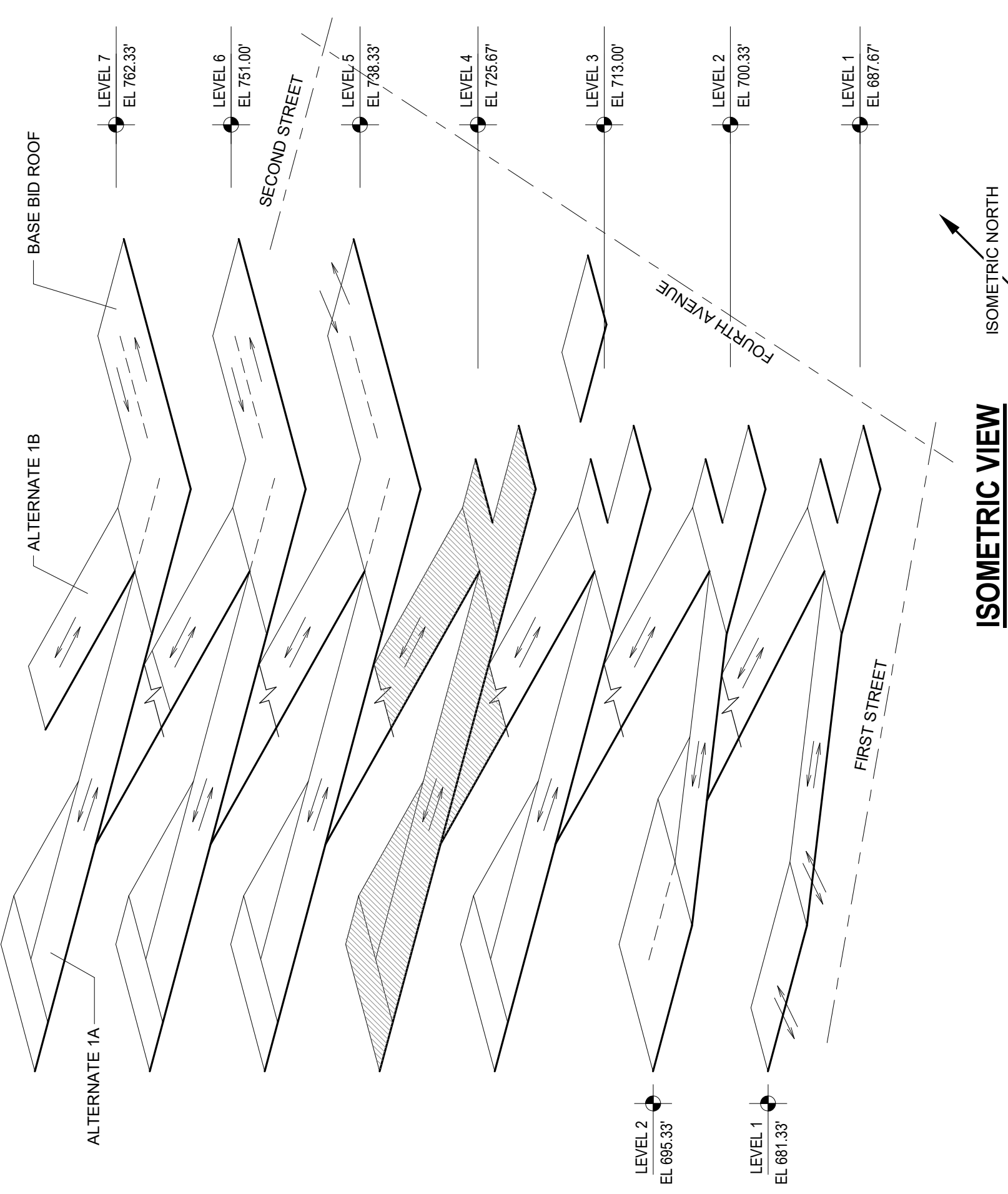
STANDARD SPACE SIZE = 9'-0" X 18'-0" @ 70° & 90°
 COMPACT SPACE SIZE = 8'-0" X 16'-0" @ 70° & 90°
 ADA = 8'-0" X 18'-0" W/ 8'-0" ACCESSIBLE AISLE @ 70° & 90°
 PARKING EFFICIENCY = 364.4 SF/SPACE
 MOTORCYCLE SPACE SIZE = 5'-0" X 8'-0"

ALTERNATE SPACE TABULATION				
PARKING EFFICIENCY (SF/SPACE)	TOTAL FLOOR AREA (SF)	ADDED SPACES	TOTAL SPACES	PARKING EFFICIENCY (SF/SPACE)
364.4 SF/SPACE	291,900	0	800	364.4 SF/SPACE
360.3 SF/SPACE	343,400	51,500	953	360.3 SF/SPACE
359.2 SF/SPACE	349,150	5,750	972	359.2 SF/SPACE

4 LEVEL 1 PLAN - ARCHITECTURAL PARKING - ALTERNATE



1 LEVEL 4 PLAN - ARCHITECTURAL PARKING
1/16" = 1'-0"



ISOMETRIC VIEW

ISOMETRIC NORTH

SHEET NOTES:

- | NO | SYMB | NOTE |
|----|------|---|
| 1 | | REPRESENTS PLAN MATCH LINE BETWEEN LEVELS. |
| 2 | | PARKING SPACE STRIPING TO BE 4" WIDE TRAFFIC YELLOW STRIPING - SINGLE LINE CONFIGURATION. ALSO REFER TO SHEET AP501 FOR ADDITIONAL STRIPING INFORMATION. |
| 3 | | GROSS MATCH STRIPING TO BE 4" WIDE TRAFFIC YELLOW STRIPING AT 24" OC. REFER TO SHEET AP501 FOR ADDITIONAL INFORMATION. |
| 4 | | DIRECTIONAL ARROWS TO BE PAINTED TRAFFIC YELLOW WITH BACK-ROLLED REFLECTIVE BEADS AS SHOWN ON INFORMATION. REFER TO SHEET AP501 FOR ADDITIONAL INFORMATION. |
| 5 | | PAVEMENT GRAPHICS TO BE PAINTED AS SHOWN ON PLANS. REFER TO SHEET AP501 FOR ADDITIONAL INFORMATION. |
| 6 | | AISLE CENTERLINE STRIPING TO BE 4" WIDE TRAFFIC YELLOW STRIPING - SINGLE LINE CONFIGURATION. ALSO REFER TO SHEET AP501 FOR ADDITIONAL INFORMATION. |
| 7 | | REPRESENTS A STEEL BOLLARD (CONCRETE FILLED). REFER TO XXAP501 FOR ADDITIONAL INFORMATION. |
| 8 | | REPRESENTS A FLEX BOLLARD (LANE DELINEATOR). REFER TO XXAP501 FOR ADDITIONAL INFORMATION. |
| 9 | | REPRESENTS A PRECAST CONCRETE BOLLARD. REFER TO XXAP501. |
| 10 | | REPRESENTS AN ELECTRIC VEHICLE CHARGING STATION. REFER TO ELECTRICAL DRAWINGS & SPECS FOR ADDITIONAL INFORMATION. |
| 11 | | REPRESENTS A PARKING PARKING COUNT SENSOR FOR COUNT SPACES FOR THE UPPER AND LOWER SPACES AVAILABLE SIGN. (ALTERNATE 2A AND 2B) |



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CLIENT:



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Duluth, MN 55805

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02/23/21	SCHEMATIC DESIGN	

NO	DATE	REVISION

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PROJECT NAME
WEST MEDICAL DISTRICT
PARKING RAMP

XXX EAST 2nd STREET
DULUTH, MN 55805

DRAWING TITLE
LEVEL 4 PLAN -
ARCHITECTURAL
PARKING

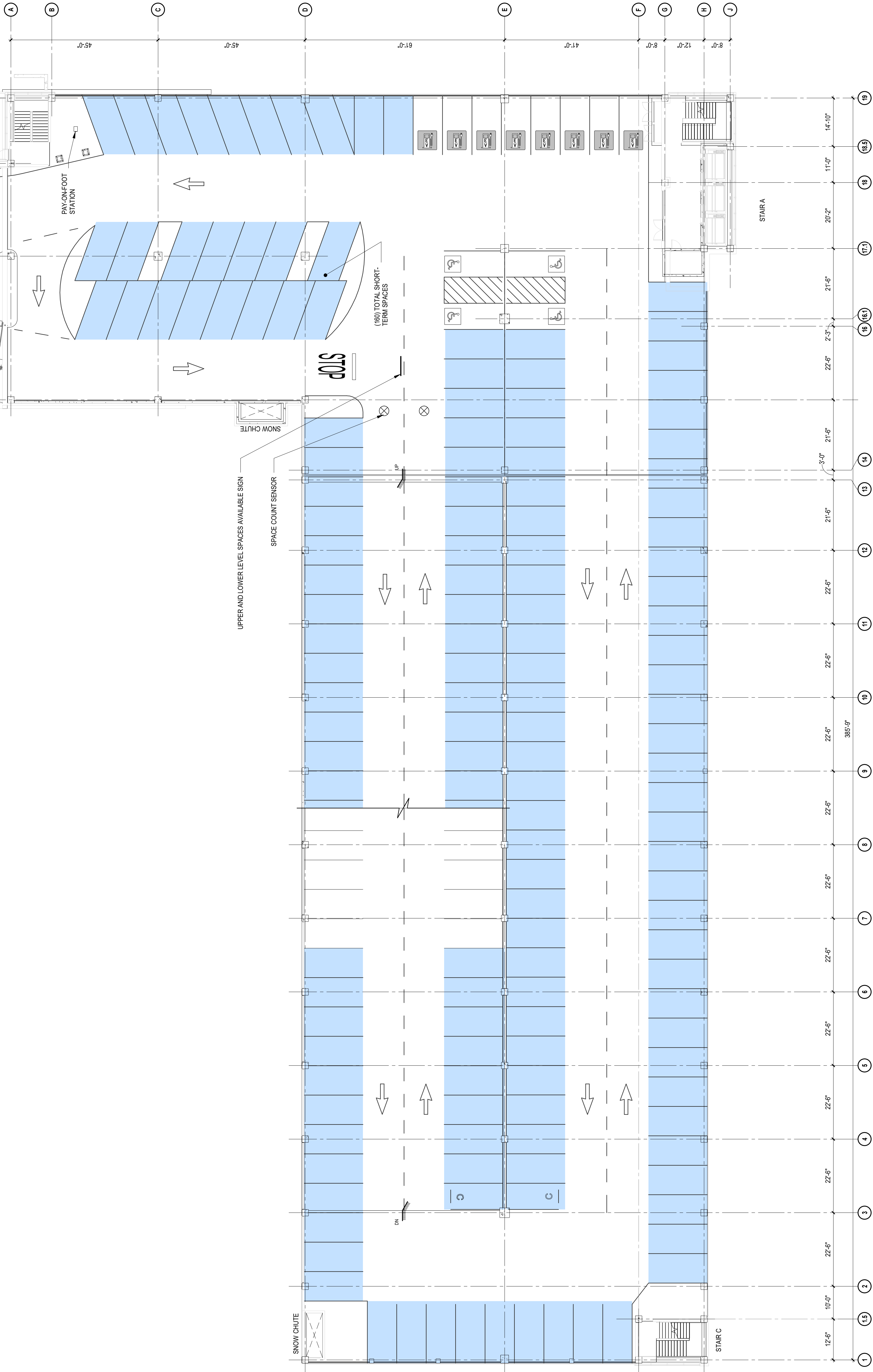
FILE: XXX
DRAWN BY: KALLINNEY
CHECKED BY: RUI
PROJ. NO: 23194387
DRAWING NO: 040406

AP104

3

3

3



1 LEVEL 5 PLAN - ARCHITECTURAL PARKING
V19 - 1/3



SHEET NOTES:

- | NO | SYMB | NOTE |
|----|------|---|
| 1 | | REPRESENTS PLAN MATCH LINE BETWEEN LEVELS. |
| 2 | | PARKING SPACE STRING TO BE 4" WIDE TRAFFIC YELLOW STRIPING - SINGLE LINE CONFIGURATION. ALSO REFER TO SHEET AP-501 FOR ADDITIONAL STRIPING INFORMATION. |
| 3 | | CROSS HATCH STRING TO BE 4" WIDE TRAFFIC YELLOW STRIPING AT 24" OC. REFER TO SHEET AP-501 FOR ADDITIONAL INFORMATION. |
| 4 | | DIRECTIONAL ARROWS TO BE PAINTED TRAFFIC YELLOW WITH BACK-ROLLED REFLECTIVE BEADS AS SHOWN ON SHEET AP-501 FOR ADDITIONAL INFORMATION. |
| 5 | | PAVEMENT GRAPHICS TO BE PAINTED AS SHOWN ON PLANS. REFER TO SHEET AP-501 FOR ADDITIONAL INFORMATION. |
| 6 | | ASILE CENTERLINE STRING TO BE 4" WIDE TRAFFIC YELLOW STRIPING - SINGLE LINE CONFIGURATION. ALSO REFER TO SHEET AP-501 FOR ADDITIONAL INFORMATION. |
| 7 | | REPRESENTS A STEEL BOLLARD (CONCRETE FULLED). REFER TO XAP-501 FOR ADDITIONAL INFORMATION. |
| 8 | | REPRESENTS A FLEX BOLLARD (LANE DELINEATOR). REFER TO XAP-501 FOR ADDITIONAL INFORMATION. |
| 9 | | REPRESENTS A PRECAST CONCRETE BOLLARD. REFER TO XAP-501. |
| 10 | | REPRESENTS AN ELECTRIC VEHICLE CHARGING STATION. REFER TO ELECTRICAL DRAWINGS & SPECS FOR ADD. INFO. |
| 11 | | REPRESENTS A PARKING COUNT SENSOR FOR COUNT SPACES FOR THE UPPER AND LOWER SPACES AVAILABLE SIGN. (ALTERNATE 2A AND 2B) |



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CLIENT:



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02/29/21		SCHEMATIC DESIGN

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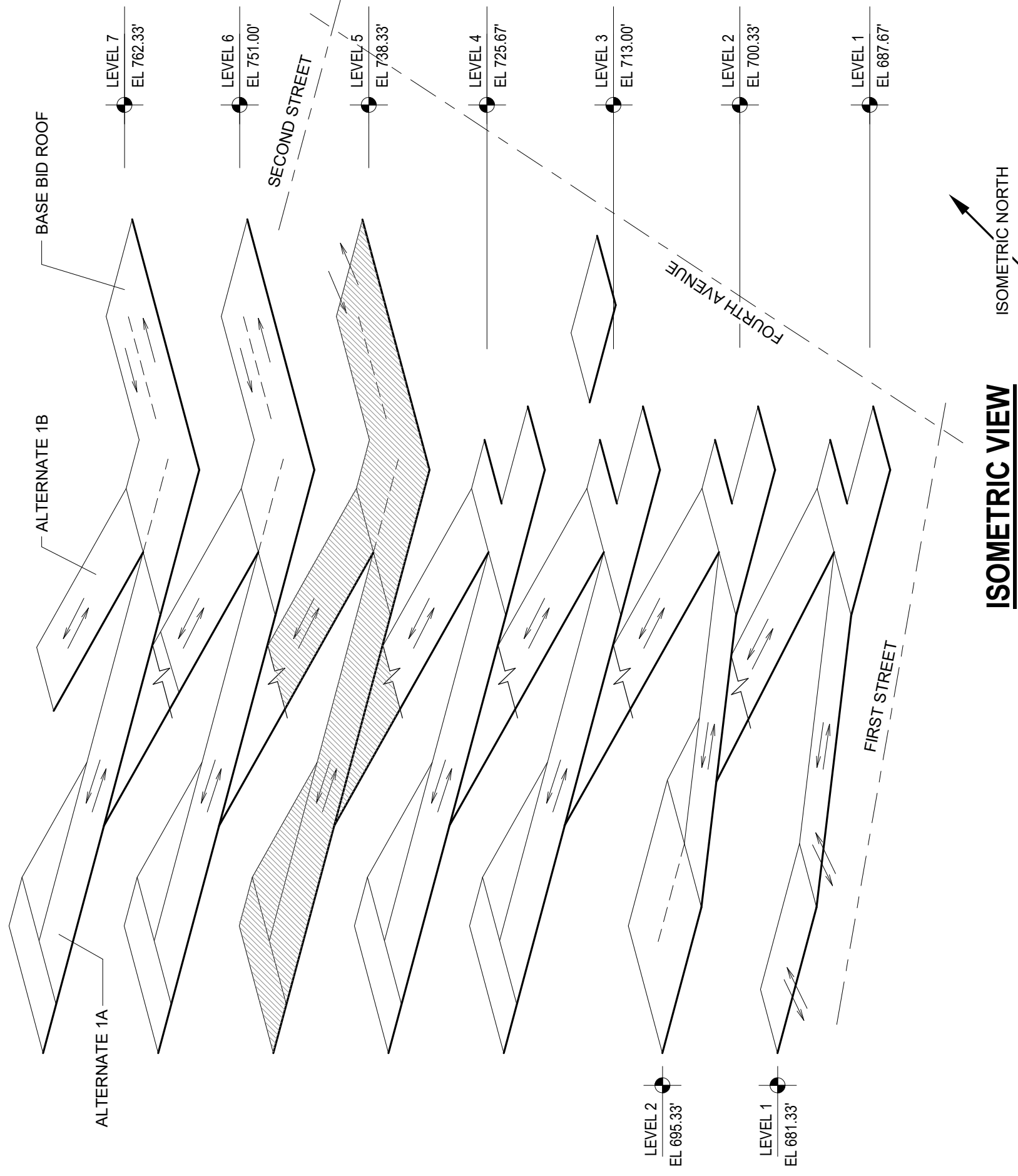
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PROJECT NAME
**WEST MEDICAL DISTRICT
PARKING RAMP**

DRAWING TITLE
**LEVEL 5 PLAN -
ARCHITECTURAL
PARKING**

XXX EAST 2nd STREET
DULUTH, MN 55805

ISOMETRIC VIEW



FILE: XXX
DRAWN BY: ALLIANCE
CHECKED BY: RCM
PROJ. NO: 190712
DRAWING NO: 000000

AP105



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Essentia Health

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Duluth, MN 55805

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PROJECT NAME:

WEST MEDICAL DISTRICT
PARKING RAMP

XXX EAST 2nd STREET
DULUTH, MN 55805

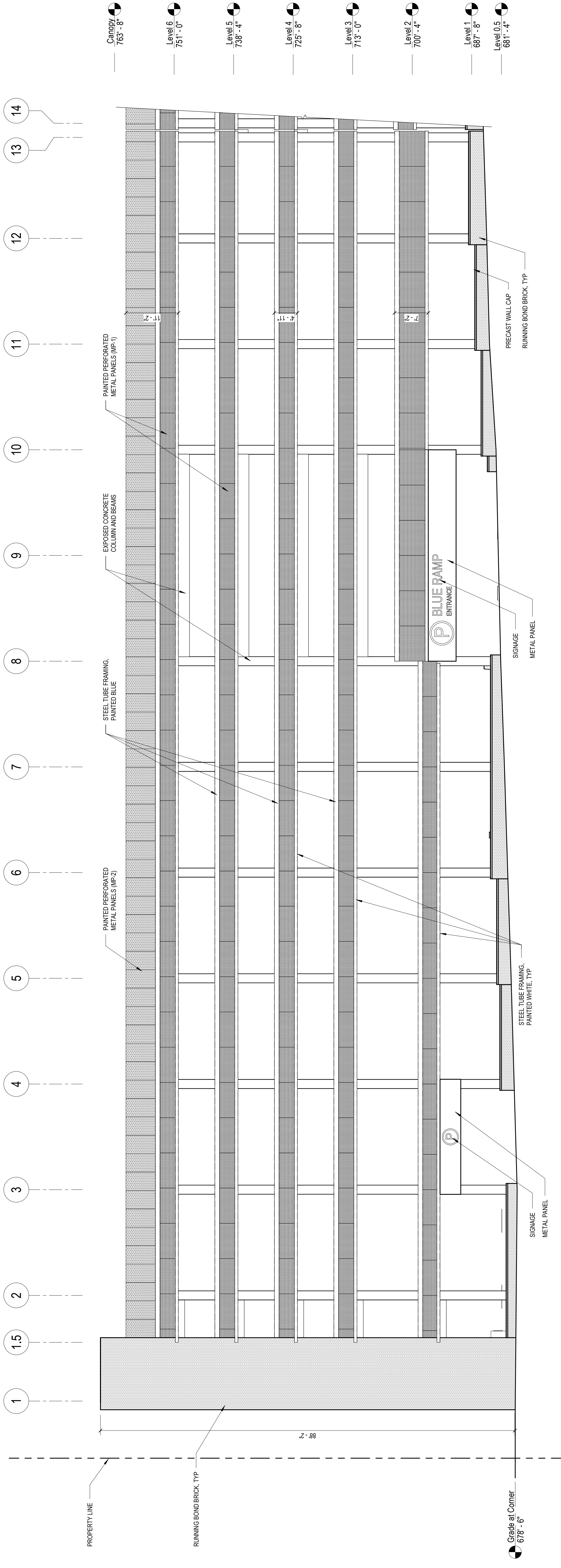
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EXTERIOR ELEVATIONS

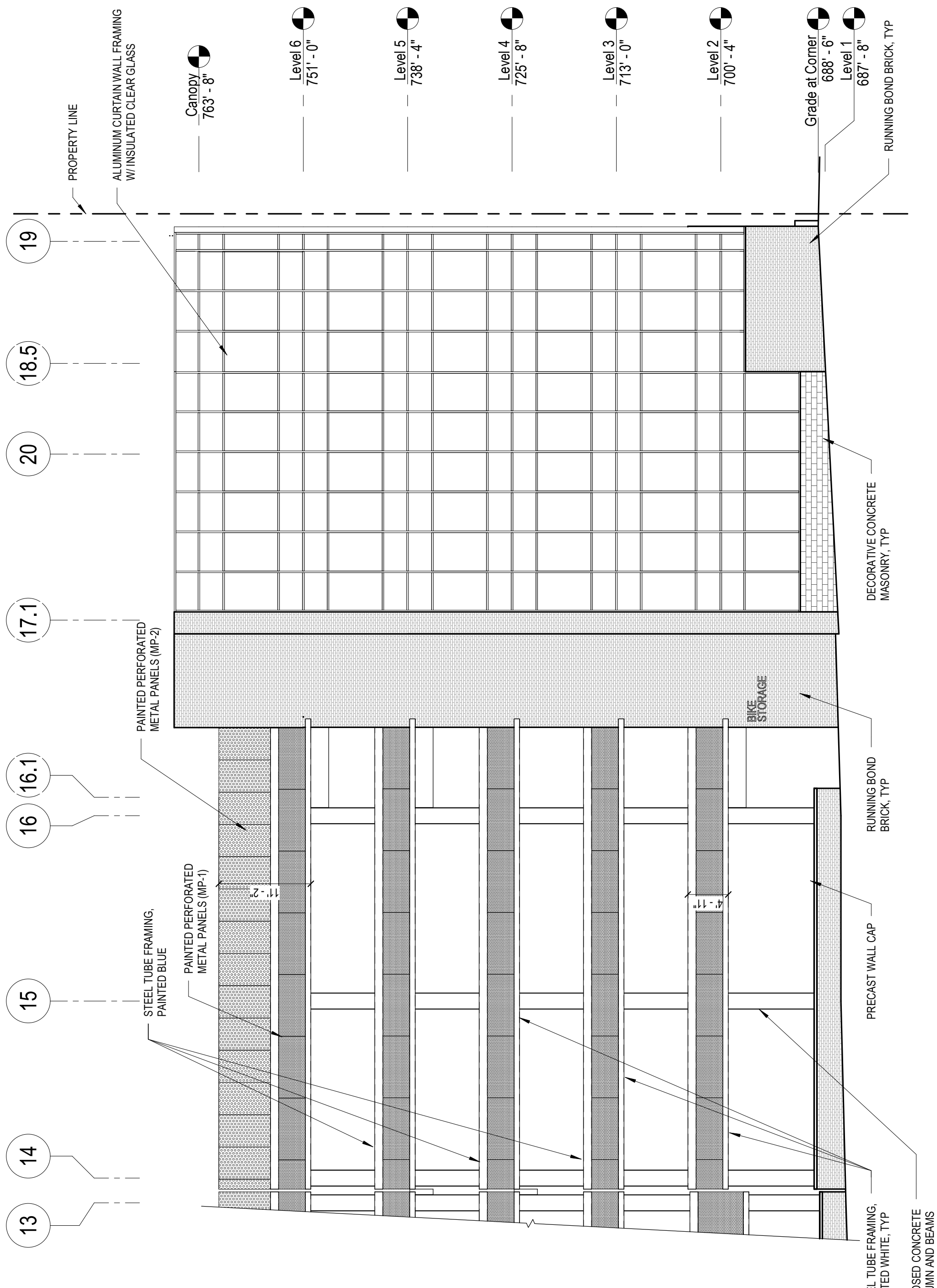
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DRAWN BY: Author
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DRAWING NO:

A202

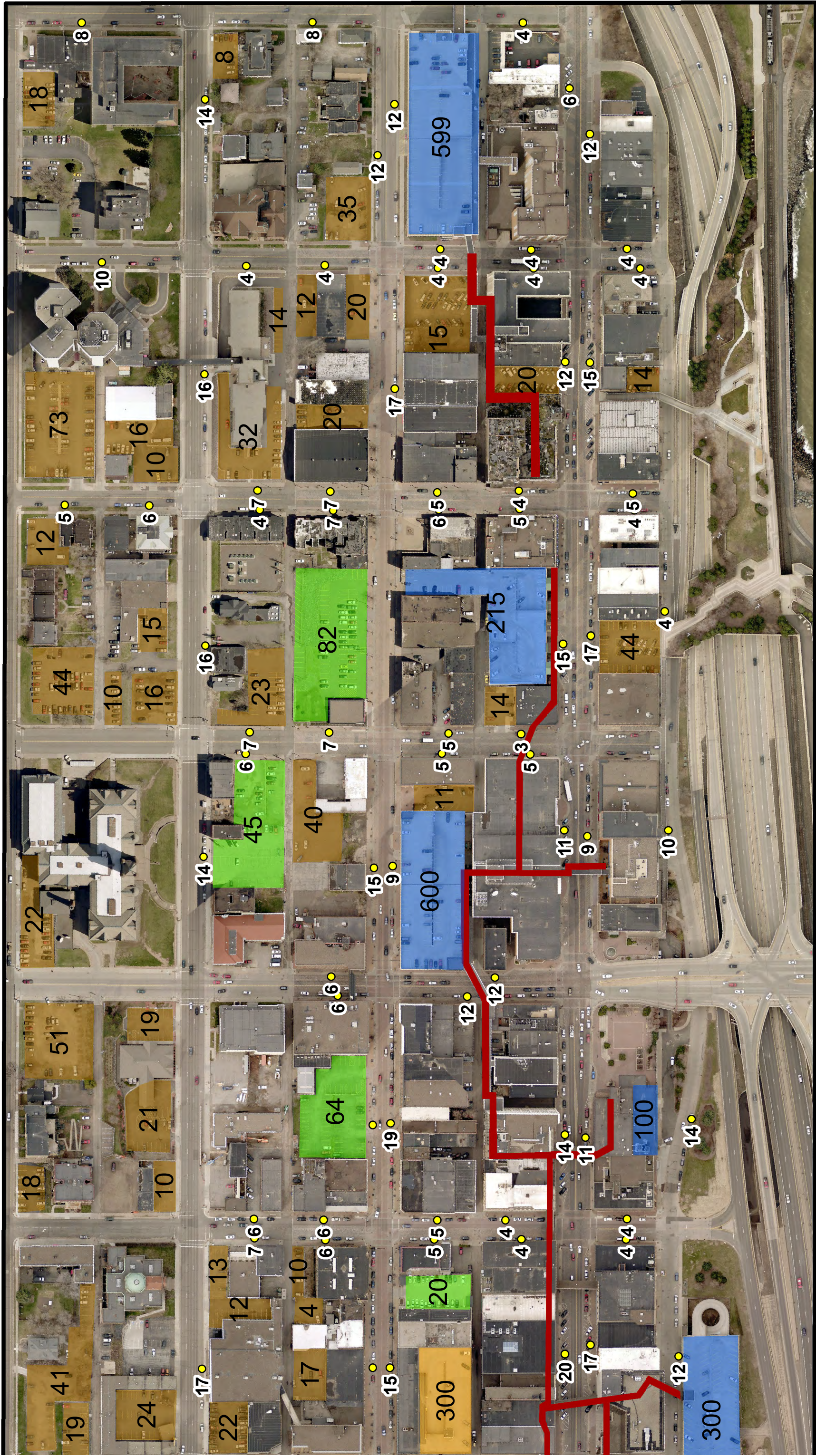
2 PARTIAL SOUTH ELEVATION (WEST) - BASE BID
3/32" = 1'-0"



1 PARTIAL SOUTH ELEVATION (EAST) - BASE BID $\frac{3}{32}" = 1'-0"$

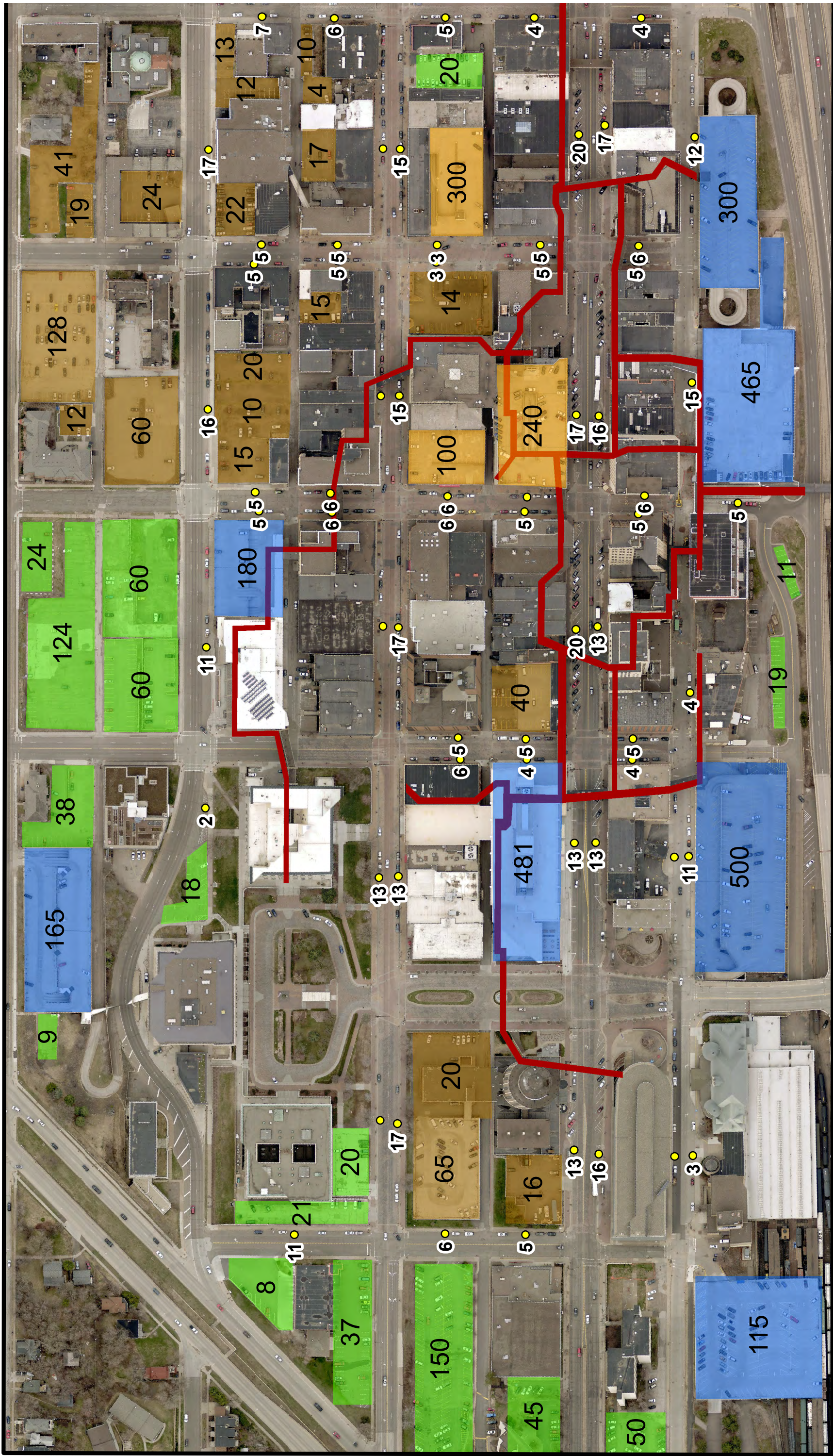
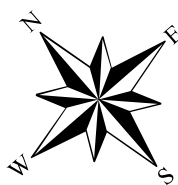


Duluth Downtown Parking- East Side



- 629 Private Lots
- 640 Private Ramps
- 905 Public Lots
- 3720 Public Ramps
- 1,518 Street Parking
- Sky Walk

Duluth Downtown Parking- West Side



629 Private Lots

640 Private Ramps

905 Public Lots

3720 Public Ramps

1,518 Sky Walk

Street Parking





DECC
SHUTTLE

DESIGNATED EMPLOYEE PARKING AREAS

Legend


Click on the surface lot you are interested in parking at and a web browser will open the location on Google Maps. From there, you are able to enter your starting address to get directions to the lot if necessary.

 = staff parking

 = physician parking

 = patient parking

 = church parking

 = restricted area

★Exceptions

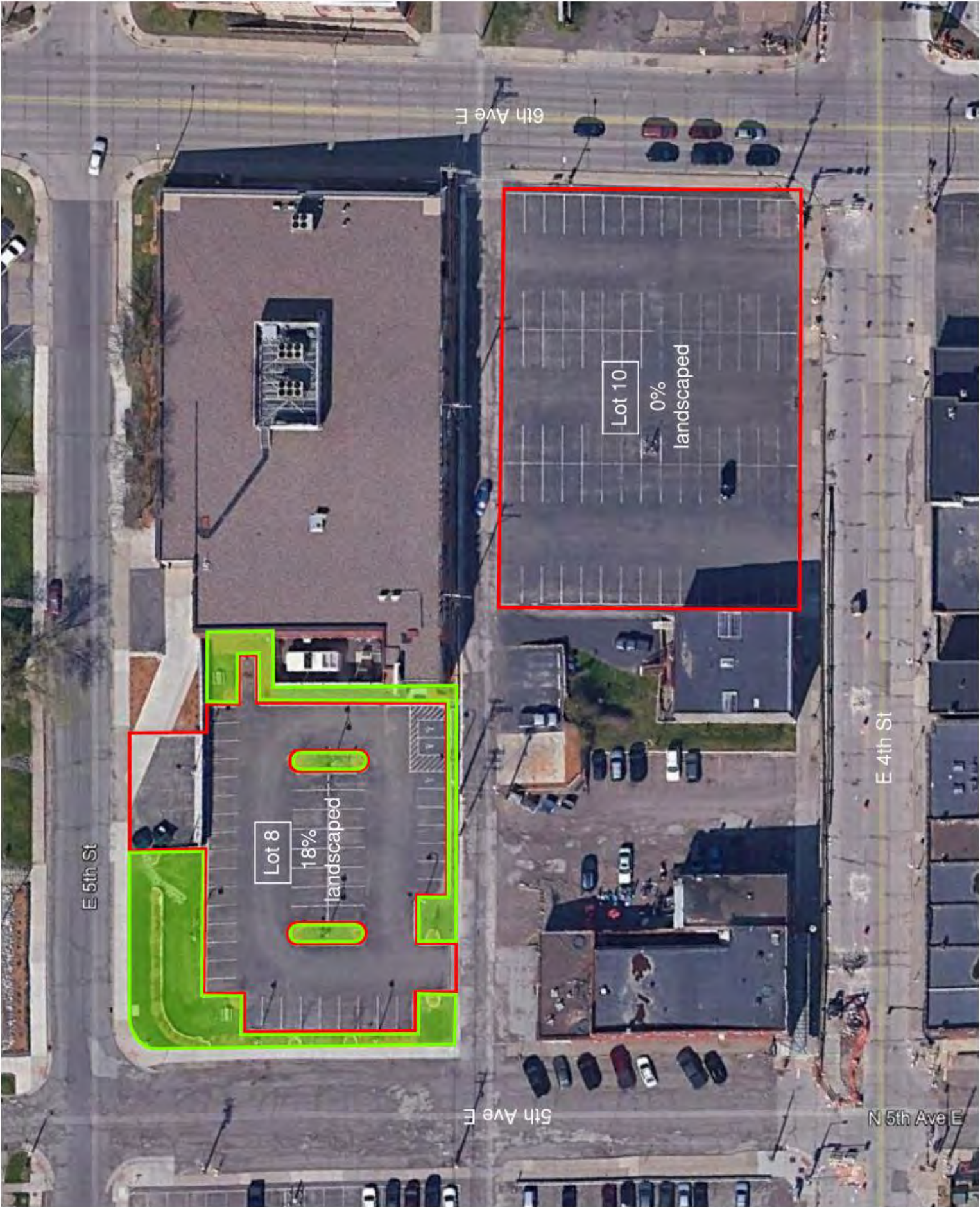
Lot 12, 19: closed on funeral days

Lot 11: opens at 8:45am

Lot 31: opens at 9:45am

PARKING AND LANDSCAPING:

Existing Surface Lot Study

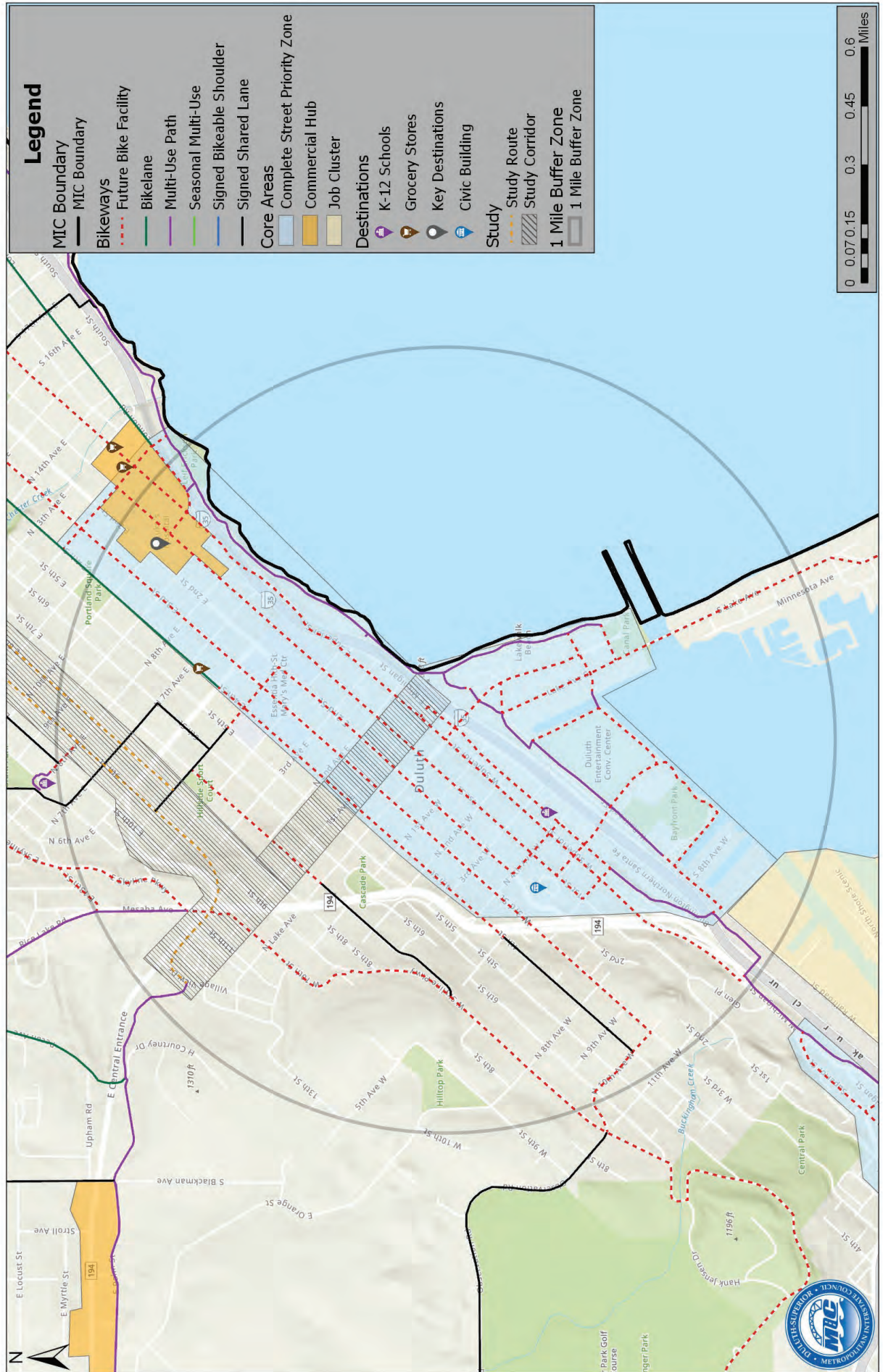


[illegible]

EXISTING PARKING INVENTORY

Lot Number or Name	Facility Type	Parking Inventory Available for Essential
1	Surface	14
2	Surface	16
3	Surface	17
4	Surface	10
5	Surface	20
6	Surface	188
7	Surface	43
8	Surface	48
9	Surface	127
10	Surface	77
11	Surface	142
12	Surface	30
13	Surface	29
14	Surface	19
15	Surface	84
16	Surface	56
17	Surface	32
18	Surface	12
19	Surface	24
20	Surface	7
25	Surface	16
26	Surface	28
28	Surface	15
29	Surface	112
30	Surface	43
31	Surface	43
115 E 1st St	Surface	64
518 E 4th St	Surface	4
532 E 1st St	Surface	8
DC1- Underground	Surface	38
DECC-Shuttle	Leased	unlimited
BLUE	Ramp	483
GREEN	Ramp	456
RED	Ramp	737
City Ramp	Leased	325
Fitger's Ramp	Leased	125
Tech Village	Leased	86
TOTAL		3,578

MAP 4.4: Downtown Duluth



Steven Robertson

From: Libby Bent
Sent: Tuesday, August 3, 2021 5:18 PM
To: Steven Robertson
Cc: Skip Williams
Subject: Official questions from We Walk in Duluth for the Aug. 10th PC meeting

Hello Steven,

We Walk in Duluth would like the following questions included as official questions in the PC packet for the Planning Commission's August 10th meeting regarding applications PL 21-113, 114, 115:

1. What other funds besides state money are being used to pay for the Essentia Ramp?
2. The legislation describing the Exchange District projects and funding amounts contained this statement regarding the Essentia Ramp: "(7) a ramp with up to 400 new parking stalls to serve medical entity east in an amount not to exceed \$14,000,000". Why is a 800-car ramp being proposed?
3. Since the ramp is public Infrastructure to be owned and operated by the City, why is the application to be reviewed by the PC coming from Essentia? Who determines the specific amenities and details of the ramp, such as electric vehicle charging capabilities, bicycle parking, etc?

Thank you,

Libby Bent, Skip Williams
WWID, parking subcommittee

Steven Robertson

From: Skip Williams
Sent: Tuesday, August 24, 2021 4:24 PM
To: planning <planning@DuluthMN.gov>
Subject: Question on Garage Staff Review -- Planning Commission 24 Aug 2021

c/o Adam Fulton

Understand that there is a staff review on 24 Aug 2021 on subject downtown parking garage. Have been unable to gain sufficient public information due to minutes missing on City Parking Commission site. Planning commission has helped fill in some information. However, several questions remain:

1. Were design features dropped which would have helped mitigate the negative impact of the garage on downtown? These were; street level retail and businesses areas; safe, secure and protected mass bike parking; level parking ramps to facilitate reuse as need for parking was reduced.
2. What formulas and assumptions were used to compute parking requirements, to include bike and charging spots? This Project developed before the City resolution on Climate Crisis which would change the priority and some objectives. [Note that what is referenced is embedded in older documents/vision.] The documentation on requirements seems to have been developed before priorities changed with resolution on Climate Crisis.)
3. Why were adding to existing garages not selected. This would allow project land to remain in the taxed category. Does the present proposal conform to design as listed in the State Bonding Bill providing funding? What additional sources of project funds are required?

Again, appreciated the Planning Commission staff helping to answer some questions, but it is in the interest of Essentia, the City which must operate the garage, and the citizens who must give up the opportunity for this land to remain available for commercial or private development. In addition, the location would create a dark canyon for pedestrians and others who use the street, especially if the street level is not designed for businesses or other retail activity.

Thank you



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 21-150	Contact	Kyle Deming		
Type	Final Plat	Planning Commission Date		September 14, 2021	
Deadline for Action	Application Date	August 11, 2021	60 Days	October 10, 2021	
	Date Extension Letter Mailed	September 1, 2021	120 Days	December 9, 2021	
Location of Subject		Between Arrowhead Rd. and Marble St. 660 feet west of Arlington Ave. (Duluth Heights)			
Applicant	Unique Opportunities, LLC	Contact	Samuel Herzog		
Agent		Contact			
Legal Description		W ½ of NE ¼ of the NE ¼ of Section 17, Township 50 N, Range 14 W			
Site Visit Date		June 25, 2021	Sign Notice Date		NA
Neighbor Letter Date		NA	Number of Letters Sent		NA

Proposal

Subdivide 20 acres into 4 lots and 1 outlot with one new street and completing streets that were parts of adjacent plats.

Staff recommends approval, with conditions

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N and R-1	Vacant/Undeveloped	Neighborhood Mixed Use, Low-Density Neighborhood
North	MU-N	Commercial	Neighborhood Commercial
South	R-1	Dwellings	Low-Density Neighborhood
East	MU-N and R-2	Vacant/Assisted Living	Neighborhood Mixed Use, Urban Residential
West	MU-P, R-1, R-P	Vacant/Dwelling	Low-Density Neighborhood, Urban Residential

Summary of Code Requirements

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

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

Once approved, the applicant shall file the plat in the office of the County Recorder within two years or the approval will lapse per Section 50-37.5.H.4.

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

Governing Principle #7 – Create and maintain connectivity.

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

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

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

Housing Policy #2 - Provide affordable, attainable housing opportunities

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

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

-- Residential-Traditional (R-1): traditional neighborhoods of single-family, duplexes and townhouses on moderately sized lots. Intended to be used primarily in established neighborhoods. Dimensional standards require development and redevelopment to be consistent with development patterns, building scale, and building location of nearby areas.

Future Land Use:

-- Neighborhood Mixed Use: A transitional use between more intensive commercial uses and purely residential neighborhoods. 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.

-- 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. 3 -4 units/acre (future study). Conservation development an option, required with SLO. Limited number of secondary/granny flats.

Related files: PL 20-168 Wetland Delineation, PL 21-060 Concept Plan, PL21-099 Preliminary Plat

Review and Discussion Items**Staff finds:**

- 1) This 20-acre tract of land was previously a farm with a dwelling and has never been subdivided. The plat shows a subdivision with 4 building lots, an outlot for storm water treatment and wetland preservation, land dedicated along the north, south, and west perimeter to complete previously dedicated streets as well as a new interior street called Herzog Ct. The applicant has recently decided that the name of the new interior street should be Eischen Ct.
- 2) The Planning Commission’s approval of the Preliminary Plat was conditioned on these items:
 1. The applicant provide any additional space needed for Stanford Ave. and Herzog Ct. cul du sac as required by City and County Engineers.
 2. The applicant enter into a development agreement addressing terms as identified by City staff that is approved by City Council before the Final Plat is recorded.
 3. The alignment of the utility easement extending southeast from the end of Herzog Ct. be adjusted to ease installation of utilities.
 4. Prior to tree removal and site grading, the applicant provide photographic evidence to the Land Use Supervisor to verify that construction fence was installed around wetlands to be preserved.
 5. Final drainage and utility easements shall be established prior to consideration of the final plat.

6. Prior to tree removal activities on Lots 1, 2, and 3, Block 2, the Land Use Supervisor approve the tree replacement plan and that trees to be preserved be fenced, including the area of the tree's dripline.
- 3) Below is staff's response on the satisfaction of the preliminary plat conditions listed above:
 1. No additional space is needed for streets in the plat after review by City and County Engineers.
 2. A development agreement addressing all needed terms has been created with City and applicant input and will be reviewed for approval by City Council September 13.
 3. It was determined by City Engineering that no adjustments are needed to the position of the utility easement extending southeast from Herzog Ct. (to be Eischen Ct.).
 4. Tree preservation will be required as part of a site plan review and is called out in the development agreement.
 5. Drainage and utility easements in the plat have been reviewed and approved by City Engineering staff.
 6. A tree replacement plan will be required for development of each lot and as a condition of the development agreement.
 - 4) Staff finds that, other than the item listed below, the final plat conforms to the requirements of Sec 50-37.5. and is consistent with all applicable requirements of MSA 462.358 and Chapter 505.
 - 5) The City Engineer commented that the process for dedication of the pedestrian and utility easement extending southeast from Herzog Ct. (to be Eischen Ct.) may need to be different than shown on easement documents and as shown on the face of the plat. These changes would result in minor wording changes that City staff can evaluate prior to recording of the plat and this is, therefore, recommended to be a condition met before the Land Use Supervisor signs the plat.
 - 6) No citizen or City comments have been received to date.

Staff Recommendation

Based on the above findings, staff recommends that Planning Commission approve the application with the following conditions:

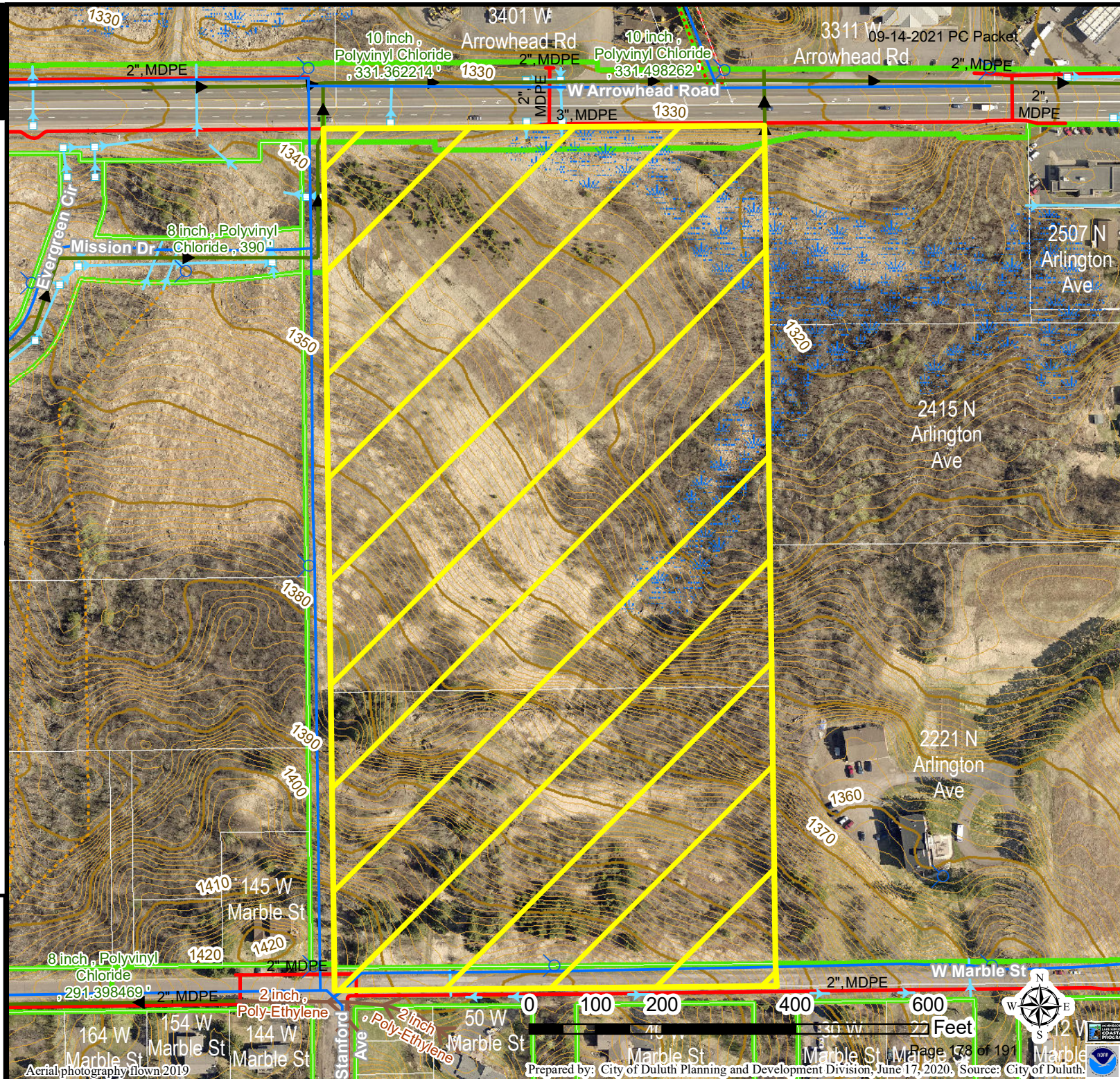
1. The Land Use Supervisor shall not sign the plat document until the City Council has approved a development agreement with the developer addressing all terms and conditions identified by the City.
2. The Land Use Supervisor shall not sign the plat document until the applicant adjust the plat and related easement documents to meet the City's requirements related to the pedestrian and utility easements extending southeast from Herzog Ct. (to be Eischen Ct.).
3. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

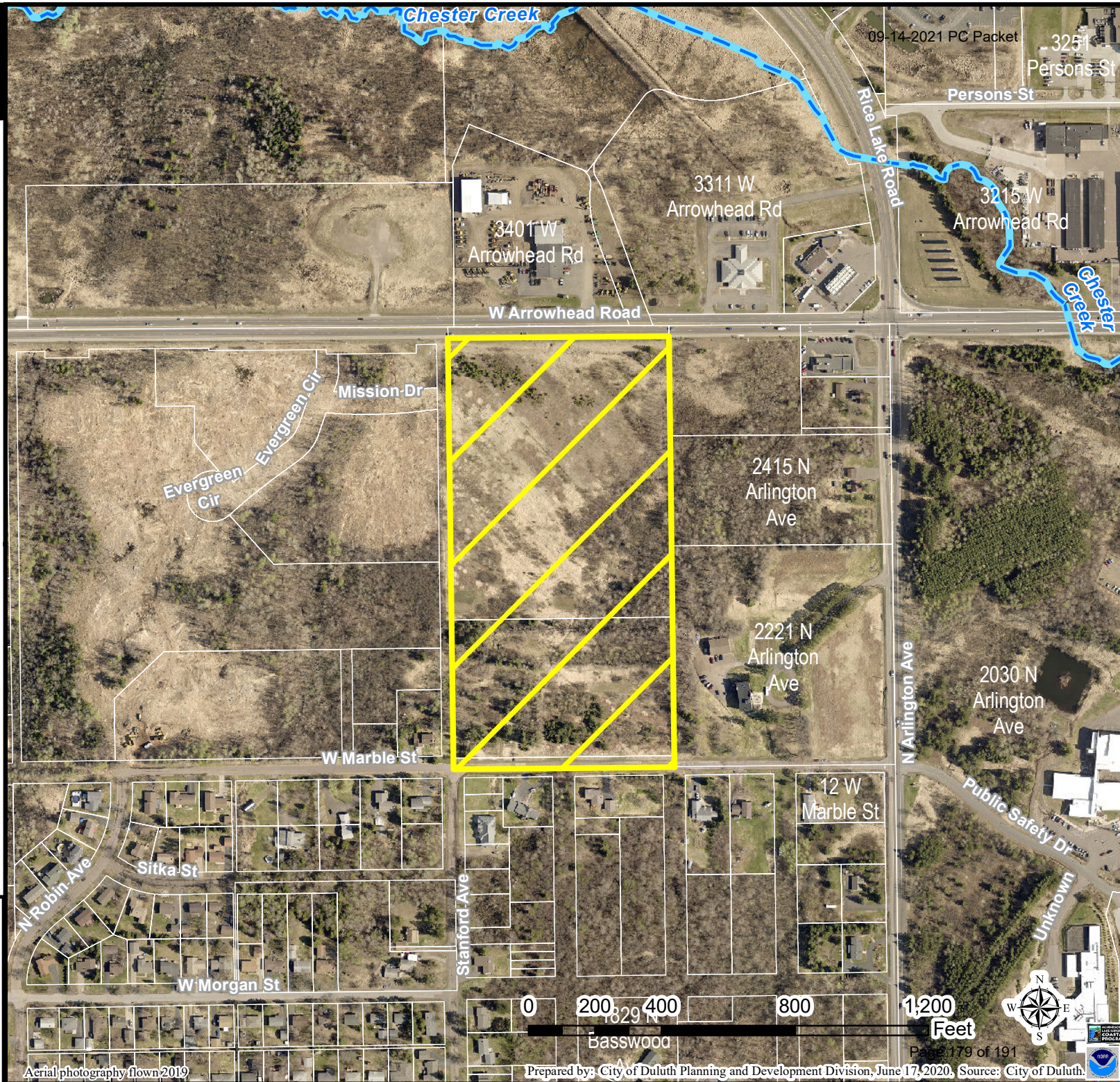


PL21-150
Final Plat
Arrowhead Acres
Unique Opportunities
LLC

- 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
 - 1 Ft contour
 - 10 Ft contour
 - Road or Alley ROW
 - Easement Type**
 - Utility Easement
 - Other Easement
 - Trout Stream (GPS)
 - Other Stream (GPS)
 - Wetlands (NRRI)

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

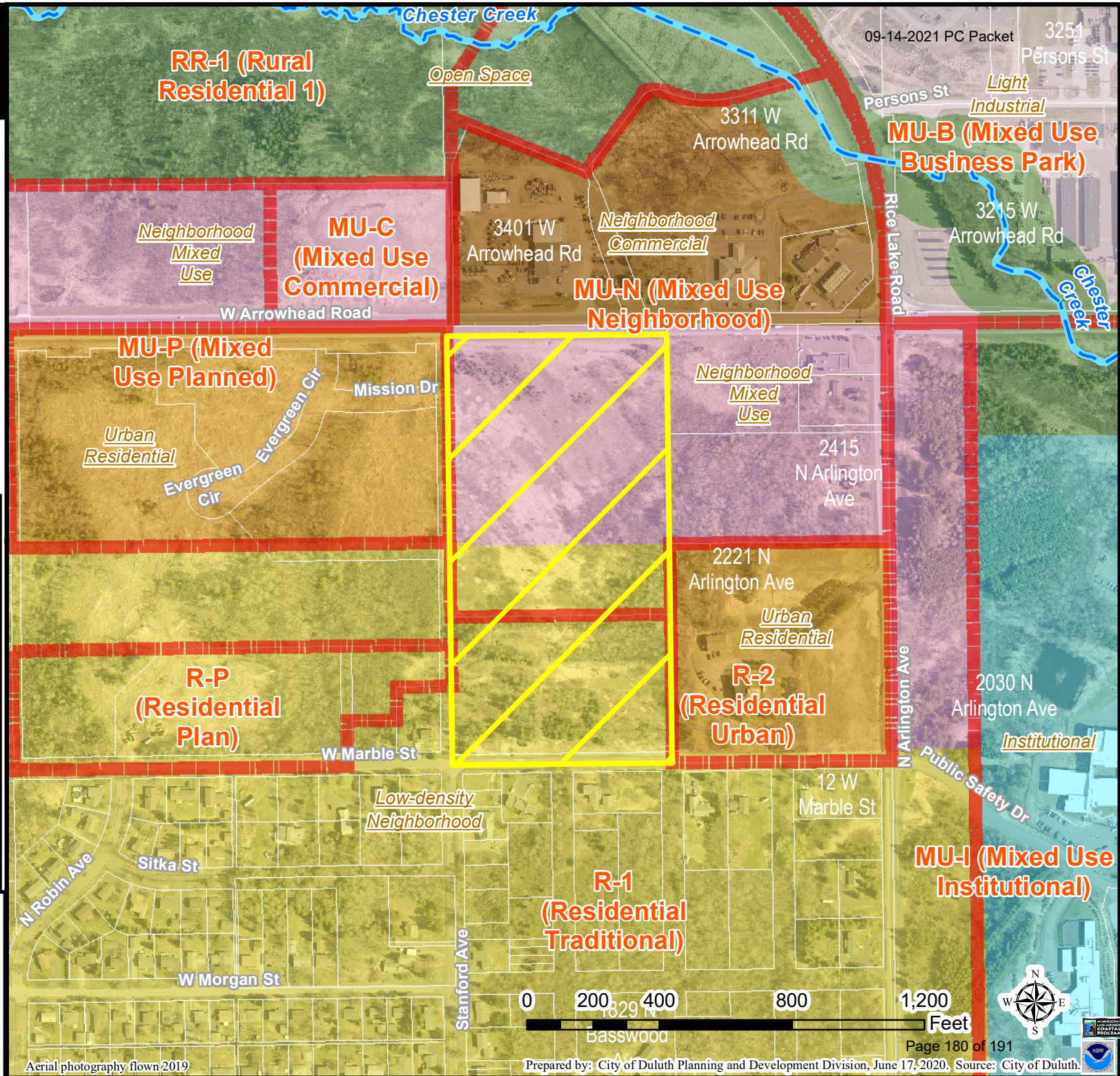




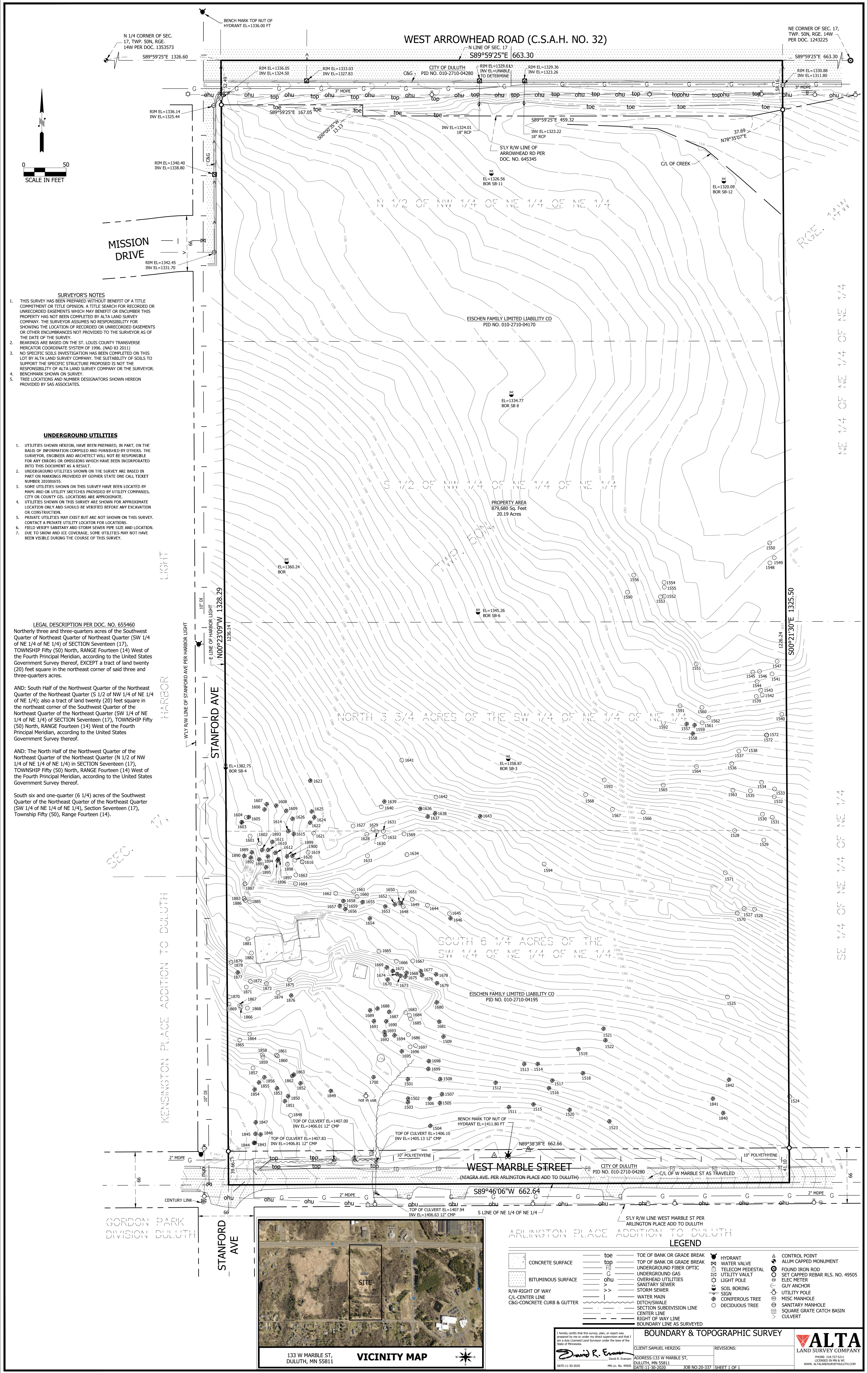
Legend

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

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SAM HERZOG'S ARROWHEAD ACRES

LOCATED IN PART OF THE NORTHEAST QUARTER OF THE NORTHEAST
QUARTER OF SECTION 17, TOWNSHIP 50 NORTH, RANGE 14 WEST OF THE
FOURTH PRINCIPAL MERIDIAN, ST. LOUIS COUNTY, MINNESOTA

KNOW ALL PERSONS BY THESE PRESENTS: That Eischen Family Limited Liability Company, a Minnesota Limited Liability Company under the laws of the State of Minnesota, owner of the following described property:

Northerly three and three-quarters acres of SW 1/4 of NE 1/4 of NE 1/4 of SECTION 17, TOWNSHIP 50 North, RANGE 14 West of the Fourth Principal Meridian EXCEPT a tract of land 20 feet square in the northeast corner of said three and three-quarters acres.

S 1/2 of NW 1/4 of NE 1/4 of NE 1/4; also a tract of land 20 feet square in the northeast corner of the SW 1/4 of NE 1/4 of SECTION 17, TOWNSHIP 50 North, RANGE 14 West of the Fourth Principal Meridian.

The N 1/2 of NW 1/4 of NE 1/4 of NE 1/4 in SECTION 17, TOWNSHIP 50 North, RANGE 14 West of the Fourth Principal Meridian.

(TORRENS PROPERTY)

AND

South six and one-quarter (6 1/4) acres of the Southwest Quarter of the Northeast Quarter of the Northeast Quarter (SW 1/4 of NE 1/4 of NE 1/4), Section Seventeen (17), Township Fifty (50), Range Fourteen (14). (ABSTRACT PROPERTY)

AND

All that part of the Southwest Quarter of the Northeast Quarter of the Northeast Quarter of Section 17, Township 50 North, Range 14 West of the Fourth Principal Meridian, St. Louis County, Minnesota described as follows:

Commencing at the North Quarter corner of said Section 17; thence on an assumed bearing of South 89 degrees 59 minutes 25 seconds East, along the North line of the Northeast Quarter of said Section 17 for a distance of 1326.60 feet to the West line of the Northeast Quarter of the Northeast Quarter of said Section 17; thence South 00 degrees 23 minutes 09 seconds East, along said West line 910.76 feet to the South line of the North 3 and 3/4 acres of the Southwest Quarter of said Northeast Quarter of the Northeast Quarter, said point being the point of beginning of the parcel herein described; thence North 89 degrees 53 minutes 21 seconds East, along said South line 662.85 feet to the East line of said Southwest Quarter of the Northeast Quarter of the Northeast Quarter; thence South 00 degrees 21 minutes 30 seconds East, along said East line 5.54 feet to the North line of the South 6 and 1/4 acres of said Southwest Quarter of the Northeast Quarter of the Northeast Quarter; thence South 89 degrees 46 minutes 06 seconds West, along said North line 662.84 feet to the West line of said Southwest Quarter of the Northeast Quarter of the Northeast Quarter; thence North 00 degrees 23 minutes 09 seconds West, along said West line 6.93 feet to the point of beginning. (ABSTRACT PROPERTY)

Has caused the same to be surveyed and platted as SAM HERZOG'S ARROWHEAD ACRES and does hereby dedicate to the public for public use the public way(s) and/or the drainage and utility easement(s) as created by this plat.

In witness whereof said Eischen Family Limited Liability Company, a Minnesota Limited Liability Company under the laws of the State of Minnesota, has caused these presents to be signed by its proper officers this ____ day of _____, 2021.

Signed: Eischen Family Limited Liability Company

Theresa Johnston, Trustee

STATE OF MINNESOTA
COUNTY OF ST LOUIS

This instrument was acknowledged before me on this ____ day of _____, 2021 by Theresa Johnston, Trustee, of Eischen Family Limited Liability Company under the laws of the State of Minnesota, on behalf of the Company.

Notary Public, _____ County, Minnesota
My Commission Expires _____

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

Dated this ____ day of _____, 2021.

David R. Evanson, Licensed Land Surveyor
Minnesota License Number 49505

STATE OF MINNESOTA
COUNTY OF ST. LOUIS

The foregoing Surveyor's Certificate was acknowledged before me this ____ day of _____, 2021 by David R. Evanson, Minnesota License Number 49505.

Notary Public, St. Louis County, Minnesota
My Commission Expires _____

CITY OF DULUTH PLANNING COMMISSION
Approved by the Planning Commission of the City of Duluth, St. Louis County, Minnesota, at a regular meeting thereof, on the ____ day of _____, 2021.

President, Duluth City Planning Commission
Executive Secretary, Duluth City Planning Commission

ST. LOUIS COUNTY SURVEYOR
I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this ____ day of _____, 2021.

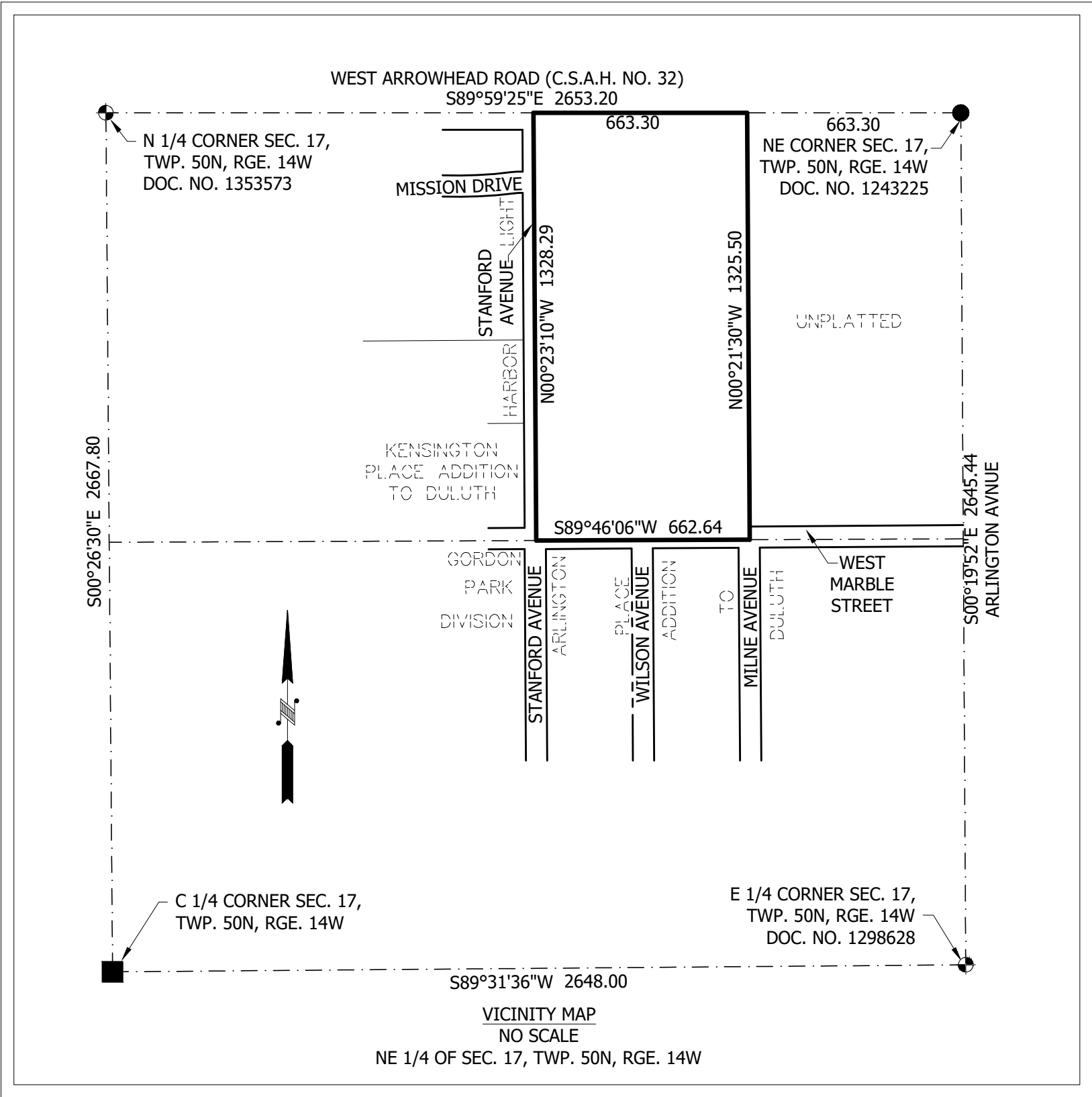
Nick C. Stewart
County Surveyor
Deputy

ST. LOUIS COUNTY AUDITOR
Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, and to Minnesota Statutes, Section 272.12, taxes payable in the year 20__ on the land hereinbefore described have been paid; there are no delinquent taxes and transfer entered this ____ day of _____, 2021.

Nancy Nilsen
County Auditor
Deputy

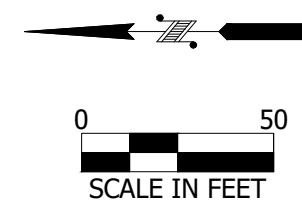
ST. LOUIS COUNTY REGISTRAR OF TITLES
I hereby certify that this plat of SAM HERZOG'S ARROWHEAD ACRES was filed in this office of the Registrar of Titles for public record on this ____ day of _____, 2021, at ____ o'clock ____ M., as Document No. _____ affecting Certificate(s) of Title No. 278876.

Wendy Levitt
Register of Titles
Deputy

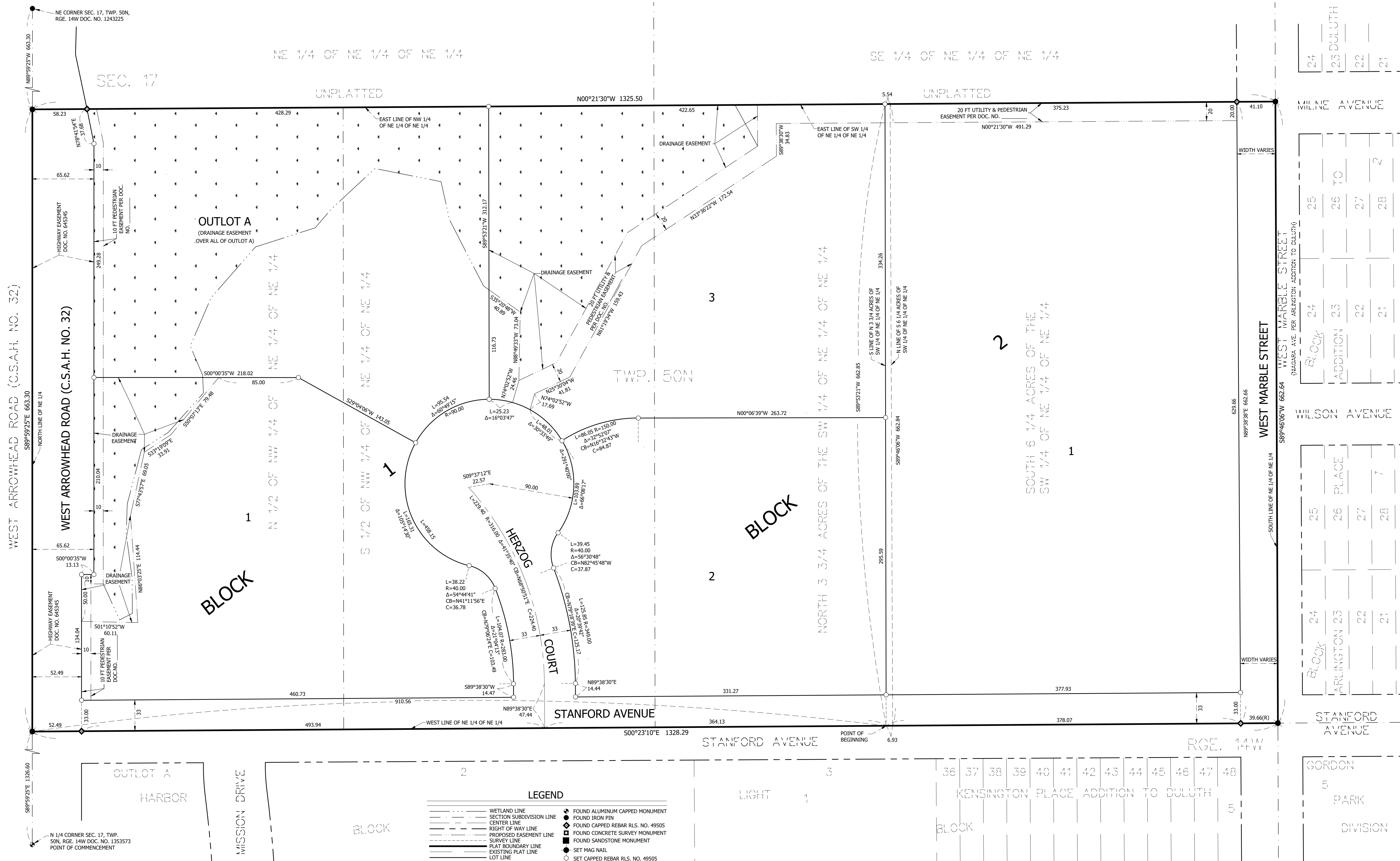


SAM HERZOG'S ARROWHEAD ACRES

LOCATED IN PART OF THE NORTHEAST QUARTER OF THE NORTHEAST
QUARTER OF SECTION 17, TOWNSHIP 50 NORTH, RANGE 14 WEST OF THE
FOURTH PRINCIPAL MERIDIAN, ST. LOUIS COUNTY, MINNESOTA



SURVEYOR'S NOTES
BEARINGS ARE BASED ON THE NORTH LINE OF THE NE 1/4
OF SEC. 17, TWP. 50N, RGE. 14W, WHICH IS SAID TO HAVE
A BEARING OF S89°59'25"E.





Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

Date: September 3, 2021
To: Planning Commission
From: Steven Robertson, Senior Planner
RE: PL 21-139, Reclassification of Tax Forfeit Parcels

St Louis County has requested city input on their proposal to reclassify a handful of tax forfeit parcels (less than a dozen) from conservation to non-conservation. City staff have already met and discussed this topic, and has a few recommendations. City staff will convene a short meeting of the tax forfeit subcommittee before the next regular Planning Commission meeting. A webex meeting invite will be sent to members of the Tax Forfeit Subcommittee prior to the upcoming regular Planning Commission meeting.

Draft Tax Forfeit Parcel Review Process

Background Information

Pursuant to Minnesota Statutes Section 282.01, Subdivision 1; all parcels of land becoming the property of the State of Minnesota in trust through forfeiture for nonpayment of real estate taxes are to be managed by the County in which they are located. The County Board is the body that makes the ultimate decision about the status and disposition of all tax forfeited lands. The County Land Department is a self-funded department that makes recommendations to the County Board and prepares parcels for sale. In rural areas, parcels with timber resources are held back from sale and managed for timber sales. In urban area, the County generally tries to sell tax forfeited land.

Classification

The first decision to make when a parcel is forfeited is its classification as “Conservation” or “Non-Conservation.” Lands classified “Conservation” are those properties for which there is potential for some public purpose. According to the statute, the goals of the classification/reclassification and listing process include: 1) Encouraging the most economical and efficient use of property for transportation, roads, water supply, drainage, sanitation, education and recreation. 2) Reducing local government taxes. 3) Conserving and developing local natural resources. 4) Encouraging suitable economic development.

Reclassification

Several times per year the County Board identifies tax forfeited land from the list that it feels is appropriate for sale, many times because a neighbor or someone else has inquired about it. Before these parcels can be sold, their status must be changed from “Conservation” to “Non-Conservation.”. The City is given notice of this reclassification and the opportunity to respond as to whether it agrees or disagrees with the reclassification. The City’s response, via resolution, must be sent to the County within 60 days of receiving the list. If the City disagrees with the reclassification, there is disagreement with the County as to whether or not the parcel should be prevented from being sold.

Free-Conveyance and Reconveyance

The last part of the tax forfeited land process involves land that the City identifies as being needed for some governmental purpose, such as a park or utility purpose. The City can apply for “free-conveyance” of the land and have a “use deed” conveyed to it, upon approval by the County Board. The request for the land must be for an “authorized governmental use” as define by the State Department of Revenue. When the City no longer needs the land for that purpose, it must “reconvey” the land to the State. When the parcel is reconveyed, the classification process described above commences. If a parcel is considered to be “park land,” it must also be reviewed and approved by the Parks Commission.



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

Date: September 14, 2021

To: Planning Commission

From: Jason Hale, Senior Housing Developer

RE: Planning Commission concurrence - Intent to Sell – Southern area, Lester Park Golf Course- PL 21-152

Recommendation:

Staff recommends adoption of the resolution associated with PL 21-152, which recommends to the City Council that the referenced property be sold.

Summary:

When lands that are designated as “park” property are proposed for sale or transfer within the City of Duluth, a specific provision of state legislation applies. In 1955, the Legislature acted to provide an option for Duluth to sell park lands, but included a provision that “No sale of property authorized under this act shall be made unless it shall first receive the recommendation of the planning commission of such city, evidenced by a written resolution adopted by a three-fourths vote of such commission, and filed as a public record with the clerk of such city...”. The legislation goes on to specify required actions for the City Council to provide for the sale.

Lester Park golf course has been designated as one such park property to be evaluated for sale. In August of 2014, the City issued a request for proposals for the development of all or a portion of the Lester Park golf course. The process resulted in several housing-development concepts, but ultimately none were advanced. In May of 2019, City Council approved a preliminary intent to sell 50 acres of property at the southern end of Lester Park golf course; in October of 2019, the City issued another request for proposals for the development of those 50 acres. One proposal was selected to proceed from this recent RFP process in the spring of 2020, but due to the COVID-19 pandemic and the large size of the property in question, that proposal was withdrawn.

The City continues to recognize the need for additional housing in Duluth and, in particular, affordable housing. Furthermore, the availability of large, developable parcels is limited within the city. Through the addition of housing in this location, new residents and the commensurate greater level of density in the neighborhood will support additional small-scale retail and commercial opportunities in the area, consistent with existing comprehensive plan priorities for the Lakeside neighborhood, which was identified as a ‘core investment area.’

The resolution for Planning Commission consideration proposes sale of approximately 37 acres, or 14% of the site, for mixed use, mixed-income development. The total area is 13 acres less than previously discussed and leaves the remainder of the property and its use open for future evaluation. The proposal aligns with the Commission’s approval of the rezoning of this southern area of the golf course to MU-N in June of 2019.

The City has pursued various options for this site for several years, but has not identified a successful or financially viable option. Since that time, various steps have been taken to promote the opportunity for future development of this portion of the site. The current resolution is a step in a process to provide additional certainty for potential development

partners, and a phased approach to promote more thoughtful, adaptable development consistent with neighborhood priorities. The proposed transfer to the Duluth Economic Development Authority advances the development process; however, the transfer will include clauses to provide for the property to revert back to City ownership should no successful project be identified, and to provide for any funding related to the sale to be provided to the City. Consistent with the intent for the process for disposition of this property, funding and golf related aspects of this proposal for sale of land will be taken up by the Parks and Recreation Commission, the City Council, and the Duluth Economic Development Authority.

**PLANNING COMMISSION
CITY OF DULUTH, MINNESOTA**

RESOLUTION NO. PL 21-152

**RESOLUTION OF THE CITY OF DULUTH PLANNING COMMISSION RECOMMENDING
THE CITY COUNCIL APPROVE SALE OF CERTAIN REAL PROPERTY IN THE LESTER
PARK NEIGHBORHOOD TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY
FOR NOMINAL CONSIDERATION.**

WHEREAS, the City issued requests for proposals for the development of all or a portion of the Lester Park Golf Course in 2014 and 2020; and

WHEREAS, neither process resulted in proposals which the City determined would result in development of said property which would meet the need and goals of the City; and

WHEREAS, the approximately 37 acres of the property currently used for Lester Park Golf Course, as described and depicted on attached Exhibit A and hereinafter referred to as the “City Property” would be appropriate for mixed used development; and

WHEREAS, the purpose of the proposed conveyance of the City Property to the Duluth Economic Development Authority is for the purpose of fostering the development and advancement of mixed income housing units and small-scale commercial development on the Property; and

WHEREAS, the Duluth Economic Development Authority is equipped to facilitate the development of the City Property; and

WHEREAS, the Commission has reviewed the conditions of conveyance on the attached Exhibit B to determine conformity with the general plans for the development and redevelopment of the City as described in the comprehensive plan for the City; and

WHEREAS, pursuant to Section 2-176(b) of the City Code, Preconditions of Conveyance, requires that the City’s Planning Agency review proposals for conveyance of City property for conformity to the City’s comprehensive plan and shall report its findings in writing to City Council.

NOW, THEREFORE, BE IT RESOLVED by the Commission that the proposed conveyance of the City Property to the Duluth Economic Development Authority for advancement of mixed income housing units and small-scale commercial development conforms with said comprehensive plan.

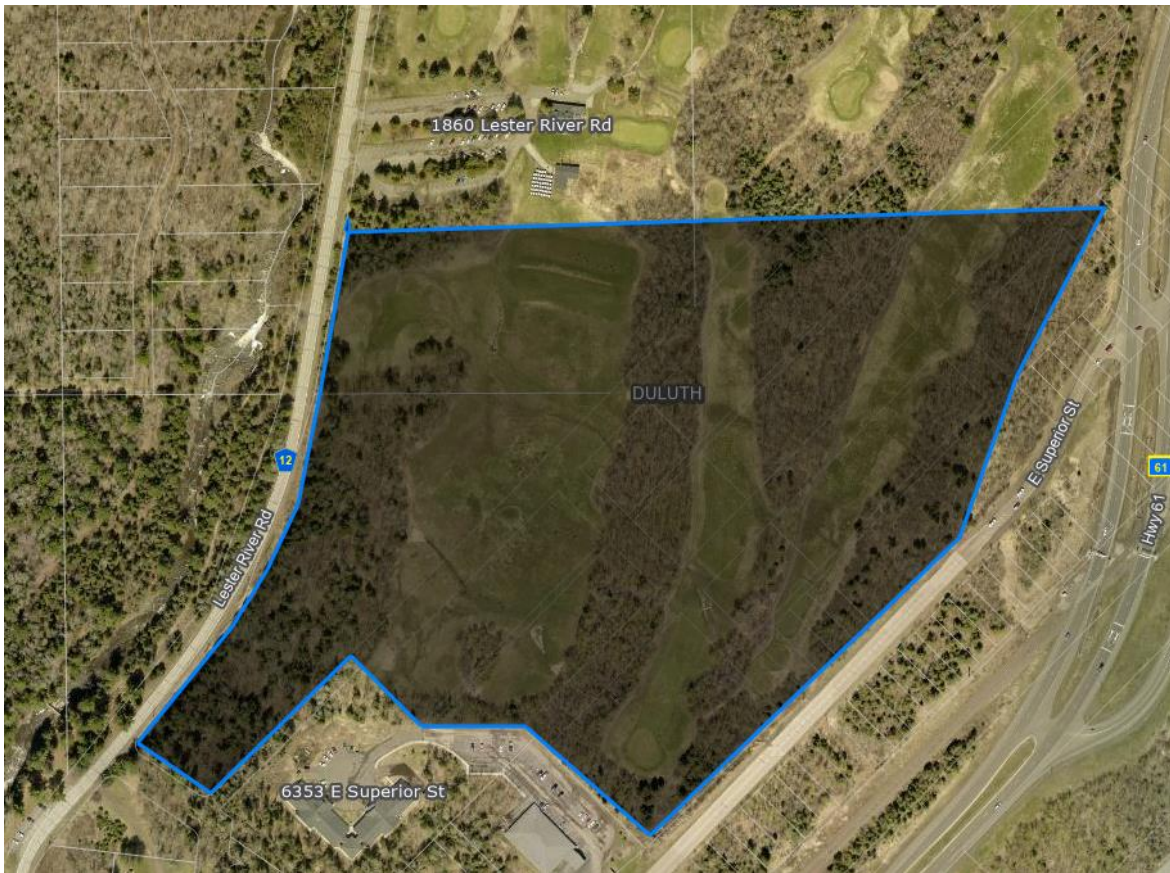
Dated: _____, 2021

Chair

ATTEST:

Secretary

Exhibit A



The Property as generally depicted above includes the following parcels:

- 010-2860-02710
- 010-2860-01720
- 010-2860-01480
- 010-2860-01680
- 010-2860-01690
- 010-2860-01710
- 010-2860-01440
- 010-2860-02910
- 010-2860-02670
- 010-2860-01180
- 010-2860-03030
- 010-1410-00120;

as well as portions of the following:

- 010-1410-00110
- 010-1410-00130
- 010-2860-02390

Exhibit B

The intention to convey property within the Lester Park Golf Course (the “Property”) is subject to the following conditions:

1. Two discrete sites will be reserved for affordable housing projects that rent to tenants earning 60 percent of the area median income on average, or less.
2. Not less than 20 percent of units within any multifamily housing project will be rented to individuals earning 60 percent of the area median income or less.
3. Any commercial development will be accessible to the larger community and will be less than 30,000 square feet.
4. Developments must be consistent with environmental and sustainability goals described in the City’s adopted comprehensive plan and include public pedestrian, bicycle and trail connections to surrounding public amenities and neighborhoods.
5. Development of the property must occur within seven years of conveyance; any property not developed within seven years of conveyance or under contract for development requiring completion of said development complying with the conditions of this resolution within nine years of conveyance will be re-conveyed back to City ownership unless further extended by City Council; the City will be a third-party beneficiary of such contract.
6. Development proposals for the property to be sold must include an evaluation of traffic impact, public transit access and multimodal transportation options.
7. Any development must follow all applicable statutes and city code.