



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Meeting Agenda Planning Commission.

Tuesday, November 9, 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 21-1012](#) Minutes 10/12/21

Attachments: [10-12-21 PC Minutes \(not approved yet\) \(1\)](#)

PUBLIC COMMENT ON ITEMS NOT ON AGENDA

CONSENT AGENDA

[PL 21-166](#) Vacation of Utility Easement at 2825 Exhibition Drive by Benjamin Setterlund and Jennifer Hovland

Attachments: [PL 21-166 Staff Report and Attachments](#)

[PL 21-175](#) Interim Use Permit for Vacation Dwelling Unit at 11 E 4th Street, Unit B (Form District) by BJS land Co. DLH LLC

Attachments: [PL21-175 Staff Report and attachments](#)

[PL 21-154](#) Concurrent Use Permit for Outdoor Seating at 109 W Superior Street by Dubh Linn Brew Pub

Attachments: [PL 21-154 Staff Report and Attachments](#)

PUBLIC HEARINGS

[PL 21-172](#) Special Use Permit for Middle and High School at 4321 Allendale Drive by Stella Maris Academy

Attachments: [PL 21-172 Staff report and attachments](#)

[PL 21-176](#) Vacation of Right of Way at 730 E Central Entrance by ISD 709

Attachments: [PL 21-176 Staff Report and Attachments](#)

[PL 21-174](#) Final Plat at 730 E Central Entrance by ISD 709

Attachments: [PL 21-174 Staff Report and Attachments](#)

[PL 21-074](#) UDC Text Amendment Related to Shipping/Temporary Storage Containers, Creating New Land Uses for Tobacco Shops and Pawn Shops, and Amendments Related to the Residential Planned and Mixed Use Planned Zone Districts by the City of Duluth

Attachments: [PL 21-074 Shipping Container](#)

OLD BUSINESS

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

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 November 9, 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

**October 12, 2021
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, October 12th, 2021.

Roll Call

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

Members Present: Jason Crawford*, Gary Eckenberg*, Margie Nelson*, Michael Schraepfer* (entered after approval of minutes), Andrea Wedul*, Sarah Wisdorf*, and Zandra Zwiebel*

Members Absent: Jason Hollinday, and Eddie Ranum

Staff Present: Adam Fulton*, Robert Asleson*, Jenn Moses*, Kyle Deming*, Chris Lee*, and Cindy Stafford*

Approval of Planning Commission Minutes -

Planning Commission Meeting – September 14, 2021

Planning Commission Meeting – September 28, 2021 – Special Meeting

MOTION/Second: Zwiebel/Wisdorf approved

VOTE: (6-0)

Public Comment on Items Not on Agenda

No speakers.

Presentation

Duluth Citizens' Climate Action Plan - Lora Wedge of Ecolibrium 3 gave an overview. She discussed the need, the plan and the process. There were four areas of key findings in: food and agriculture, transportation, buildings, and energy production. Actions and community initiatives were discussed. Wedge welcomed feedback. Commissioner Gary Eckenberg requested a hard copy of her presentation. Deputy Director Adam Fulton will forward to the commissioners.

(Item PL21-165 was pulled from the consent agenda items and moved to the public hearing portion.)

Consent Agenda

PL 21-105 Variance for a Deck at 107 E 9th Street

PL 21-151 Concurrent Use Permit for a Stairway at 107 E 9th Street by Scott Holm

PL 21-155 Concurrent Use Permit for a shed, fence and erosion improvements in the Right of Way at 802 Lake Ave South by Thomas and Bridget Reistad

PL 21-158 Vacation of a Utility Easement near Decker Road and Anderson Road by Lon Hovland

PL 21-164 Vacation of a Utility Easement at 1 Viewcrest Avenue by the City of Duluth

Commissioners: Andrea Wedul asked about PL 21-155. Should the wall be included in the application? Planner Chris Lee said it could be added. Wedul asked if there will be continued access. Lee affirmed.

Public: No speakers.

MOTION/Second: Zwiebel/Wedul approved consent agenda items as per staff recommendations

VOTE: (7-0)

Public Hearings

PL 21-165 Variance from Height Requirements for a 16-Unit Building at 22xx Water Street by Sanford Hoff

Staff: Jenn Moses gave an overview. The applicant is requesting a variance from UDC Section 50-14.6 for an additional 10' in height for a 4-story, 16-unit multi-family dwelling. This property is zoned R-2, and approximately ¼ of the rear lot area is occupied by utility and access easements, as well as the shoreland setback from Lake Superior. This leaves limited building area for development. The applicant asserts that other multi-family buildings within the vicinity have wider lakefront frontage which allows them to spread out more. This is a compact area, and the applicant is proposing a building height of 55'. Underground parking is not an option due to entry off of Water Street and shallow bedrock. Staff recommends approval with the conditions listed in the staff report.

Applicant: Alex Bushey of the Breakers and Ryan Arola of Arola Architecture address the commission and welcome questions. Commissioner Zandra Zwiebel asked why they need four stories versus three stories. Bushey stated it is the design proposed. Commissioner Wedul appreciates the design, but has a question on programming on the lower level. Bushey stated the lower floors are designed for parking. On the lower floor to the east is a community room. Wedul noted the high ceiling height of 12 ½'. She asked the applicant if they considered minimizing the ceiling height to 8' to keep consistent with adjoining buildings and to reduce their overall building height. Bushey stated it is not their proposed project.

Public: Mike Casey – 415 88th Ave W – addressed the commission, and shared with other attendees the hand raise function directions in the meeting's Web-Ex format. Alison Clarke – 226 Ridgewood Rd – addressed the commission. She noted the easement for extending the lakewalk and the city's potential program. Carol Burns of Water Street addressed the commission. She is concerned about the scope of the project. Parking on Water Street is already a challenge. Having 16 additional housing units will further complicate parking. She is also concerned about the safety of lakewalk users during construction.

Applicant: Ryan Arola stated they are providing two parking spots per unit, and will have visitor parking in front on their property.

Commissioners: Zwiebel would like to make a motion to not approve. The applicant could reduce their ceiling height and/or the number of floors. Wedul agrees and is going to second. Based on her calculations, they could take the ceiling height down to 8' and eliminate wasted space. Deputy Director Fulton noted denial would result in a year waiting period. Wedul retracts her second. Zwiebel still wants to deny, and doesn't feel this is enough of a practical difficulty. Zwiebel makes a motion to deny. There is not second, motion dies. Wedul suggested a motion to table for design modifications, including a fair ceiling height. Zwiebel noted once an item is tabled, there is no more discussion. Wedul withdraws her table motion for more discussion. Commissioner Michael Schraepfer noted an 8' ceiling height may be too low, but is in agreement with a motion to table. Commissioner Gary Eckenberg noted the 45' allowed building height. Is there a significant reason to adhere to it? Deputy Director Fulton stated 45' may be an unusual height, depending on current building methods. The difficult part of the site is that it is close to the lake. He noted the topography is now flat as the site is a grassy field. You see the lake because it is a mowed field. He noted that even a 10' high structure would impact the viewshed on Water Street. The applicant's proposal won't affect the view from higher up. Zwiebel noted the view from 21st Avenue East, and feels it will indeed impede the view. Deputy Director Fulton noted it will change the view, but it won't prevent the ability of people driving down 21st to see the lake. Schraepfer noted building in the city is challenging, and it is worthwhile to be flexible to make projects work. Zwiebel believes this project will impact everyone's viewshed, and is opposed.

MOTION/Second: Eckenberg/Crawford approved as per staff recommendations.

VOTE: (5-2, Wedul and Zwiebel Opposed)

PL 21-156 Subdivision Plat for Western Woods near Decker & Anderson by Lon Hovland

Staff: Kyle Deming introduced the applicants' proposal for the approval of the preliminary plat of Rearrangement of Park of Western Woods Division to provide for re-platting of 16 lots on 8.31 acres into 14 lots on a shortened street in an R-1 District. The proposal includes construction of a new public street and utilities. Also, there is an amendment to the application for the addition of Lot 8, Block 1, Western Woods Division to the area to be re-platted. The site will be connected to City water from an unbuilt street right of way off of Anderson Road at the northeast corner of the site. Municipal sanitary sewer pipes were installed earlier in 2021. Each of the 14 lots will have access to a new 1,900' long public street (Westwood Circle) connected to Decker Road and will end in a cul de sac. Final street design details will be determined by the City Engineer, but plans include a 28' wide street with curb and gutter and a sidewalk on one side. To comply with site connectivity requirements, staff recommends a pedestrian easement be added connecting the cul de sac to Anderson Road. A complete wetland delineation is on file, and there is sufficient space for development without impacting the wetlands. Two storm water detention basins are planned for the east side of Westwood Circle. A tree inventory is required before a final plat is approved. Staff recommends approval with the conditions listed in the staff report including the developer enters into a development agreement. Commissioner Zwiebel notes the driveway location on Lot 14. Is there a guarantee that the driveway actually be constructed on the utility easement? Deming noted platting is to facilitate organized development, so the location of the driveway could be an added condition. Deputy Director Fulton affirms. Wedul noted an isolated wetland near the north property boundary. Does it affect storm water treatment or mitigation? Deming stated the size of the storm water basins need to be calculated by the developer's civil engineer. The isolated wetland is not likely to affect the developability of the lots. Wedul is comfortable the storm water calculations will be within the scope of the existing layout. Zwiebel appreciates Wedul's comment about the isolated wetland noting that this is a dry year and the size of the wetland may be under-represented.

Deming noted a wetland also considers soil type and not necessarily only standing water and that the wetland delineation is from 2016.

Applicant: The applicant does not appear to be present.

Public: Mike Casey noted this is a cul de sac to nowhere. Why is the city not connecting this to Anderson Rd? He feels connectivity requires the street to go through, and not just a cul du sac. This development only has access out to Decker Road. They are moving away from two sidewalks to only one. He encourages affordable housing, but these lots seem to be bigger than the surrounding area lots. He would like to see more density. He doesn't like the tax implications of the City adding another road.

Commissioners: Wedul appreciates Casey's comments about walkability. Street vacations prohibit access, and will keep any eye out in the future.

MOTION/Second: Wedul/Wisdof approved as per staff recommendations (Further discussion followed with the motion being voted on later.)

Zwiebel would like to add a friendly amendment to require the driveway on Lot 14 be located on the utility easement to reduce wetland impacts. Wedul is hesitant to make it an amendment. An official motion was made for more discussion.

MOTION/Second: Zwiebel/Wedul amend original motion to include an added condition that the driveway on Lot 14 be constructed over the utility easement. (Further discussion followed.)

Zwiebel noted that the part of the lot where the dwelling could go is on the east side of the lot, which requires going over the wetland. It makes sense the developer would put the driveway in the same location as the utility easement, but a condition would ensure it. This would lessen the wetland impact. Wedul asked if there was a proposed pedestrian easement. Per Deming, the utility easement is for a sanitary sewer pipe. When the pipe enters the plat to the east, the lot is privately owned and so a pedestrian easement cannot be extended there. There is a separate potential pedestrian connection to the east via the proposed pedestrian easement from the cul du sac. The driveway access was the original motion along the utility easement.

MOTION/Second: Zwiebel/Wedul amend original motion to include an added condition that the driveway be constructed over the utility easement on the southwest side of the property

VOTE: (7-0)

Commissioners: Eckenberg noted the 1960's plat with roads that connect to the north and east. The proposed re-plat has a cul de sac. Has connecting to public roads fallen out of favor? Are curves more appealing than right angles? Deming noted the ability to connect to the adjacent area is limited by the Sackette Division that did not connect Denim Dr. to Wildwood St. and development of a home on Anderson Rd. where the other 33 feet of street should have gone to connect to Anderson Rd. Zwiebel appreciates the elimination of cul de sacs, but sees the need for one in this situation. Wedul clarified the previous plat included dog-legged roads, which are dangerous and hard to turn around on. Zwiebel appreciates the proposed sidewalk connectivity.

MOTION/Second: Wedul/Wisdof approved as per staff recommendations

VOTE: (7-0)

PL 21-157 Variance from Shoreland Setbacks for a Garage at Hartley Nature Center, 3001 Woodland Avenue by the City of Duluth

Staff: Kyle Deming introduced the applicants' proposal to construct a 30' x 40' stewardship garage for storage related to Hartley Nature Center. A variance is requested to reduce the Cold Water stream setback from 150' to 129.1'. Four sites on the property were considered and this selected site was deemed the least impactful. The site map and site plan in the staff report

show that the property is severely impacted by the presence of streams, wetlands and slopes. The garage could not be located to the south or west of the existing nature center building due to the presence of Tischer Creek and the re-routed tributary. The garage is needed for additional space to store items and equipment related to the management of the park. This includes vehicles, a canoe trailer, a snow blower, and other equipment. Hartley Nature Center has experienced vandalism and theft of equipment due to the remote location and lack of secure storage. The practical difficulty is due to the location of Tischer Creek and its tributary, wetlands, and steep slopes. Staff recommends approval with the conditions listed in the staff report. Commissioner Wedul asked about the wetlands analysis. Per Deming the wetland replacement plan was approved. Commissioner Zwiebel lives in the area and asked about the DNAP. Deming shared the DNAP map and confirmed the proposed location for the garage is located outside the DNAP area. Zwiebel asked about adding a condition for a rain garden be included for mitigation. Deming noted item 6 in the staff report that address rainwater garden. The applicant stated they will direct rainwater from the portion of the roof within 150 feet of the tributary into an infiltration basin at the southwest corner of the garage. The basin will contain riprap at the terminus of the rain leader, which will discharge to a vegetated swale that flows east to the proposed storm water treatment system being constructed for the Hartley Nature Center expansion. Additionally, the area behind the garage will be left natural, and any areas impacted during construction will be planted in a native seed mix and allowed to return to a natural state. Wedul asked about screening of the trash enclosure. Per Deming they will screen the trash enclosure, but defers to the applicant for more details.

Applicant: Jim Shoberg addressed the commission. He affirmed screening will be added by planting conifer trees.

Public: No speakers.

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

VOTE: (7-0)

PL 21-163 MU-C Planning Review for a New Dental Office at 17 W. Central Entrance by Joe Kleiman

Staff: Chris Lee introduced the applicant's proposal for a 2,700 sq. ft. new constructed medical office/dental office structure, with associated parking, landscaping, lighting, and connectivity located on a formerly developed site. This building was formerly a Pizza Hut, and was demolished in 2017. The applicant will use the existing foundation. There are no wetlands present on the site. The entire site is currently an impervious surface from the previous development. Storm water treatment will need to be approved prior to permitting. The site plan shows a new sidewalk connecting from the building to the Central Entrance sidewalks. The applicant has indicated that he will review the condition of the sidewalk on Central Entrance and make repairs as warranted. The applicant will provide eight parking spaces, which is one more than the seven that are required. The landscaping plan complies, and includes 36% canopy coverage at maturity for trees. Shrubs will be added to the Central Entrance frontage. The trash enclosures and HVAC equipment will be screened. Signage will be permitted separately and the exterior lighting will be minimal with downcast lighting. The applicant owns property to the east, and could include a shared driveway in the future. Staff received three comments. The MIC expressed concern about pedestrian access and the busy intersection. WSB Engineering is concerned with access onto Central Entrance and the curb cut location near a busy intersection. MnDOT asked the applicant to consider the master plan to avoid multiple access points. Staff recommends approval with the conditions listed in the staff report. Commissioner Eckenberg asked about the three comments the city received. Why didn't the staff address their concerns? Deputy Director Fulton noted there is no full alley to be used as an alternative access.

Commissioner Wedul asked about the landscaping plan – why is staff accepting a 2” caliper? She also noted the tree species proposed (Sugar Maple) may struggle with road salt present. Per Lee, the tree caliper size should be 2 ½” as per UDC standards. Lee defers to the applicant regarding the tree species chosen.

Applicant: Joe Kleiman addressed the commission. He purchased the property in 1995 from Highland Bakery. He bought the surrounding properties and sold the former laundromat to UPS, and sold the previous UPS building to Vita Pizza. He has 250’ of frontage on Central Entrance and of the three access points, he is proposing to reduce it to just one. He has had conversations with MnDOT. A 16’ wide back alley is a nonsensical route to enter a business. He is amenable to planting a more suitable tree variety for the area.

Public: No speakers.

Commissioners: Zwiebel often uses Arlington Avenue and thinks it is wise to reduce the three curb-cut openings into just one. Eckenberg is in support of the single curb-cut and feels assured MnDOT will approve.

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

VOTE: (7-0)

PL 21-162 MU-C Planning Review for a Building Expansion at 1902 Miller Trunk Highway by Target Corporation

Staff: Kyle Deming introduced the applicant’s proposal for a 16,448 sq. ft. store expansion and reconfiguration of the parking lot north of the building into a 24-stall customer pickup area with related landscaping and storm water improvements. The applicant’s plan shows multiple improvements to the existing storm water infrastructure that discharges to City storm water pipes and Miller Creek. Impervious surface will decrease and additional storm water treatment elements will be incorporated that reduce the amount of sediment, oils, and trash entering the storm water system. The existing temporary shipping containers will be removed from the site as this building expansion will accommodate the need for storage. Staff recommends approval with the conditions listed in the staff report. Commissioner Wedul noted it is nice to see innovative storm water plans. Regarding the landscaping plan, she would like to make sure the Autumn Red Maple trees are in compliance with the 2.5” minimum caliper requirements. Deming will ensure.

Applicant: Michele Caron a civil engineer from Sambatek, Inc. addressed the commission and welcomed questions. Wedul thanked the applicant for attending and noted some proposed trees are not deemed hearty enough. Caron is amenable to tuning the vegetation accordingly. John Dietrich of the Target Corporation addressed the commission. He appreciates Wedul’s level of detail, and agreed to meet the 2.5” minimum tree caliper, and welcomes alternative tree suggestions.

Public: No Comments

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

VOTE: (7-0)

Old Business

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

Item to Remain on the Table through the end of November for more Plat Research

Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton gave an overview. He thanked the commissioners for their service. The vacation rental ordinance will have its second reading at the 10/25 city council meeting. The planning department is considering a new drawing to gather interested vacation rental housing candidates possibly in November. He noted the Housing Trust Fund and the American Recover Plan funding. The Kayak Bay road will be completed this year. He will forward the commissioner a link to participate in an internet Broad Band survey. He also noted the Central Entrance study and appreciates MnDOT's work. The condemnation of the Duluth Armory has been lifted.

Heritage Preservation Commission – Vice-President Wisdorf gave an overview. The HPCF met on 10/11/2021 and continued their discussion on downtown design guidelines.

Joint Airport Zoning Board – Commissioner Eckenberg noted they met on 10/6/2021, and approved the zoning ordinance. The next step is to have Rice Lake, Hermantown and the City of Duluth include it in their comprehensive plans when next adopted. This will also be added as an addition to the UDC. Per Deputy Director Fulton, he and Kyle Deming will be meeting with the city attorney tomorrow. It is tremendous to have an agreement.

Duluth Midway Joint Powers Zoning Board – No updates.

Adjournment

Meeting adjourned at 7:28 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 21-166	Contact	Jenn Moses
Type	Vacation of Utility Easement	Planning Commission Date	November 9, 2021
Deadline for Action	Application Date	October 25, 2021	60 Days December 24, 2021
	Date Extension Letter Mailed	October 20, 2021	120 Days February 22, 2022
Location of Subject	2825 Exhibition Drive		
Applicant	Ben Setterland and Jennifer Hofland	Contact	On file at City Hall
Agent	N/A	Contact	N/A
Legal Description	See attached		
Site Visit Date	October 29, 2021	Sign Notice Date	October 26, 2021
Neighbor Letter Date	October 20, 2021	Number of Letters Sent	19

Proposal

The applicant proposes to vacate an unimproved utility easement located on the rear of Lots 1 through 3, Block 1, MONT DU VUE FIRST ADDITION.

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

	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	Utility, Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	RR-1	Recreation	Open Space

Summary of Code Requirements:

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

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

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

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

Governing Principle #12 – Create efficiencies in delivery of public service. As this utility easement is not needed, it can be vacated.

Future Land Use – Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Includes many of Duluth 's older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas

History: Mont du Vue First Addition was platted in 1980, but this easement was never used for its intended purpose.

Review and Discussion Items:

- 1) This easement was platted as part of Mont du Vue First Addition, and has never been developed with utility infrastructure.
- 2) Staff finds that this easement is not needed for the supply of utilities nor to promote the public health, safety, or welfare.
- 3) No public or City comments have been received at the time of drafting this report.
- 4) 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.

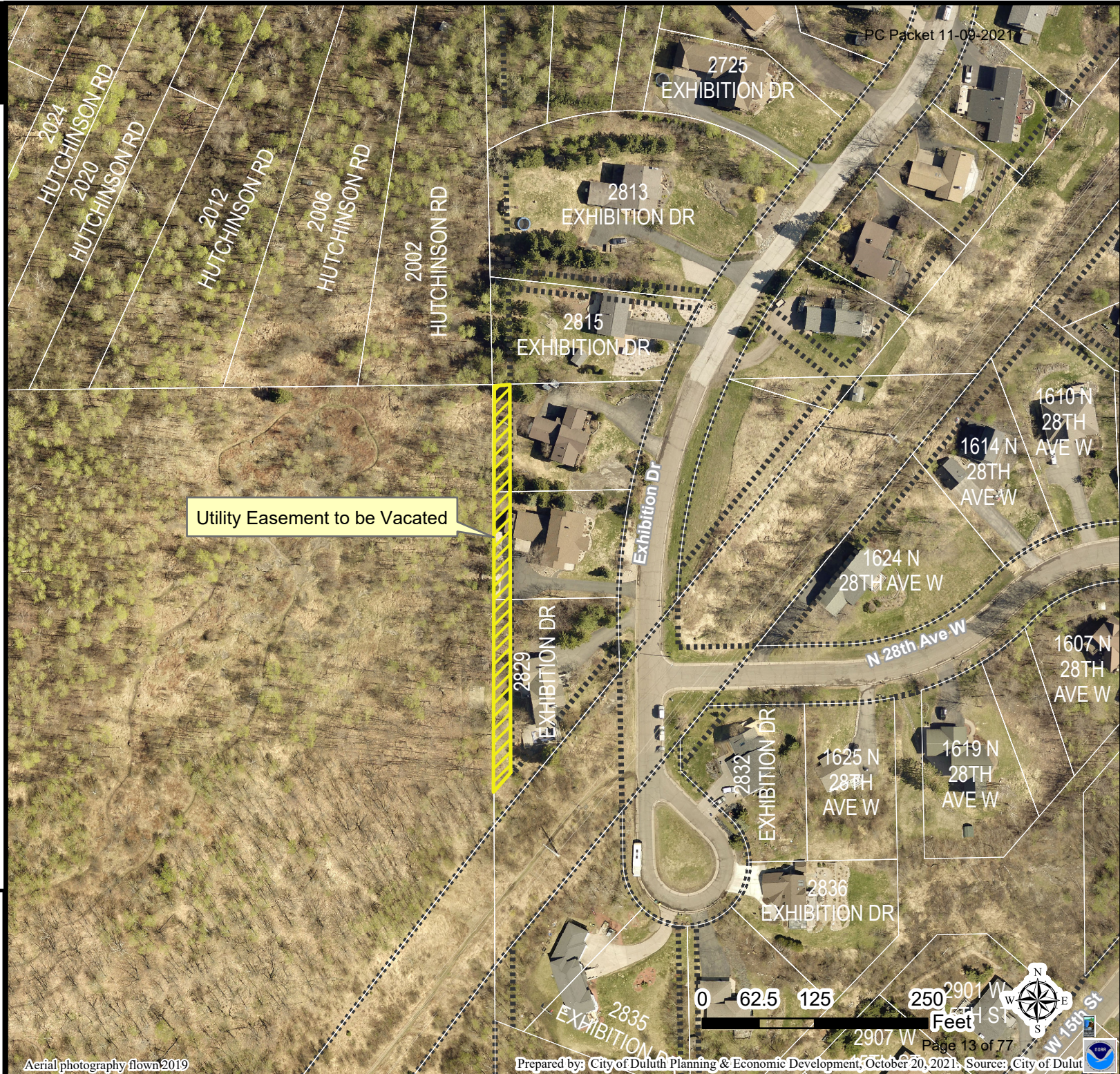
Staff Recommendation:

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.



2825 Exhibition Dr Utility Easement Vacation



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

VACATION EXHIBIT

VACATION DESCRIPTION:

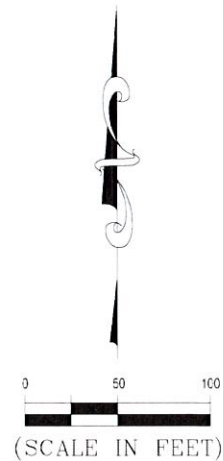
The west 20.00 feet of Lots 1 thru 3, inclusive, Block 1, MONT DU VUE FIRST ADDITION, City of Duluth, St. Louis County, Minnesota except the southeasterly 20.00 feet of said Lot 3.

 = AREA TO BE VACATED

APPROVED BY:

CITY ENGINEER

 10-20-21



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

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

Print Name: Paul A. Vogel

License # 44075

Signature: 

Date: 10/11/2021

DATE PREPARED: 10/11/21

PROJ NO: 210144

FILE: 210144 Vacat

SHEET 1 of 1 SHEETS



PERFORMANCE
DRIVEN DESIGN.
LHBcorp.com

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

MONT DU VUE FIRST ADDITION

IN THE S 1/2 OF THE SW 1/4 OF THE NW 1/4 AND THE W 1/2 OF THE NW 1/4 OF THE SW 1/4 OF SECTION 32, TOWNSHIP 50 NORTH, RANGE 14 WEST AND A REARRANGEMENT OF LOTS 28 THRU 32, BLOCK 1, LOTS 8 THRU 16, BLOCK 2, AND LOTS 1 THRU 13, BLOCK 3, PIEDMONT PARK ADDITION TO DULUTH, ALL IN THE CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA.

PLAT DEDICATION
MONT DU VUE FIRST ADDITION
DULUTH, ST. LOUIS COUNTY, MINNESOTA

KNOW ALL MEN BY THESE PRESENTS: That Rudolph W. Monson, Jr. and Marilyn P. Monson, his wife, being the owners of the following described property lying and being in the City of Duluth, County of St. Louis, State of Minnesota to-wit: All that part of the West One-half of the Northwest One-quarter (1/2 of NW 1/4), Section Thirty-two (32), Township Fifty (50) North of Range Fourteen (14), West of the Fourth Principal Meridian, according to the United States Government Survey thereof, lying south of Homebuilders Park, according to the recorded plat thereof, EXCEPTING that part of the Southeast One-quarter of Southwest One-quarter of the Northwest One-quarter (SE 1/4 of SW 1/4 of NW 1/4) lying southerly of a line 140 feet northerly of and parallel with the Northerly line of West Fifteenth Street, and the Northerly line of West Fifteenth Street produced, Section Thirty-two (32), Township Fifty (50) Range Fourteen (14) and FURTHER EXCEPTING that part platted as Mont Du Vue Addition to Duluth, EXCEPT MINERALS. Subject to easements as indicated in Document No. 197024 in the office of the Register of Deeds, St. Louis County, Minnesota. The West One-half of Northwest One-quarter of Southwest One-quarter (1/2 of NW 1/4 of SW 1/4 of NW 1/4) Section Thirty-two (32), Township Fifty (50) North of Range Fourteen (14) West, according to the United States Government Survey thereof, EXCEPT MINERALS. Subject to easements as indicated in Document No. 197024 in the office of the Register of Deeds, St. Louis County, Minnesota. Lots 28 thru 32, Block 1; Lots 8 thru 16, Block 2; and Lots 1 thru 13, Block 3; Piedmont Park Addition to Duluth, as filed in the office of the Register of Deeds, St. Louis County, Minnesota.

Being desirous of platting and rearranging a portion of the above described property more particularly described as follows: Beginning at the West Quarter corner of Section Thirty-two (32), Township Fifty (50) North, Range Fourteen (14) West, thence North 89° 47' East along the South line of the NW 1/4 of said section for a distance of 540.61 feet; thence North 40° 08' 14" East for a distance of 539.35 feet; thence North 49° 51' 46" West for a distance of 100.00 feet; thence North 40° 08' 14" East for a distance of 65.75 feet; thence South 89° 58' 41" East for a distance of 268.03 feet; thence North 89° 56' 47" East for a distance of 185.60 feet; thence South 0° 05' 32" East for a distance of 261.71 feet; thence South 42° 02' West for a distance of 594.11 feet to the West line of the 1/2 of the NW 1/4 of the SW 1/4 of said section; thence South 0° 37' 45" West along said West line for a distance of 874.92 feet to the South line of said NW 1/4 of SW 1/4; thence North 0° 36' 45" West along said South line for a distance of 658.75 feet to the West line of said NW 1/4 of SW 1/4; thence North 0° 51' 18" East along said West line for a distance of 1316.80 feet to the point of beginning, containing 27.91 acres of land more or less.

And, being desirous of platting and rearranging the same into lots, outlots, blocks, street, open space and utility easements have caused the same to be surveyed and the annexed plat thereof to be made in accordance with the statutes in such cases made and provided. Now therefore, we hereby do ratify and confirm in all respects said survey and plat thereof as "MONT DU VUE FIRST ADDITION" and sign, seal and execute said plat and hereby dedicate to the public the use of streets, utility easements and open space herein delineated.

IN WITNESS WHEREOF: We hereunto set our hands and seals this 31 day of February, A. D. 1980.

Rudolph W. Monson, Jr.
Marilyn P. Monson Owners

STATE OF MINNESOTA)
COUNTY OF ST. LOUIS) SS

On this 31 day of February, A. D. 1980 personally appeared before me Rudolph W. Monson, Jr. and Marilyn P. Monson, his wife, to me well known to be the persons described in and who executed the foregoing certificate and acknowledged the same as their free act and deed.

Carolyn Lassila
Notary Public, St. Louis County, Minnesota
My Commission expires July 19, 1981

I, Rudolph W. Monson, being first duly sworn on oath says: That I am a Registered Professional Engineer and Land Surveyor and that I have, at the request of the proprietors thereof, made a careful survey of the property described in the foregoing certificate of the proprietors, and have platted the same into lots, outlots, blocks, streets, open space, and utility easements as more fully appears on the annexed plat entitled MONT DU VUE FIRST ADDITION. The plat is a correct representation of the survey, all distances are correctly shown on the plat, and monuments for the guidance of future surveys have been correctly placed in the ground, and the outside boundary lines of the plat are correctly shown by a solid red line. There are no wet lands, rivers, streams, creeks, lakes, ponds, swamps, or public highways and thoroughfares laid out, opened or traveled existing before the platting other than shown on this plat.

Rudolph W. Monson
Surveyor Minn. Reg. No. 7286

STATE OF MINNESOTA)
COUNTY OF ST. LOUIS) SS

Subscribed and sworn to before me this 31 day of February, A. D. 1980.

Marilyn P. Monson
Notary Public, St. Louis County, Minnesota
My Commission expires 10/27/83

We hereby certify that the annexed plat entitled plat entitled MONT DU VUE FIRST ADDITION was approved by the Duluth City Planning Commission on the 11th day of December, A. D. 1979.

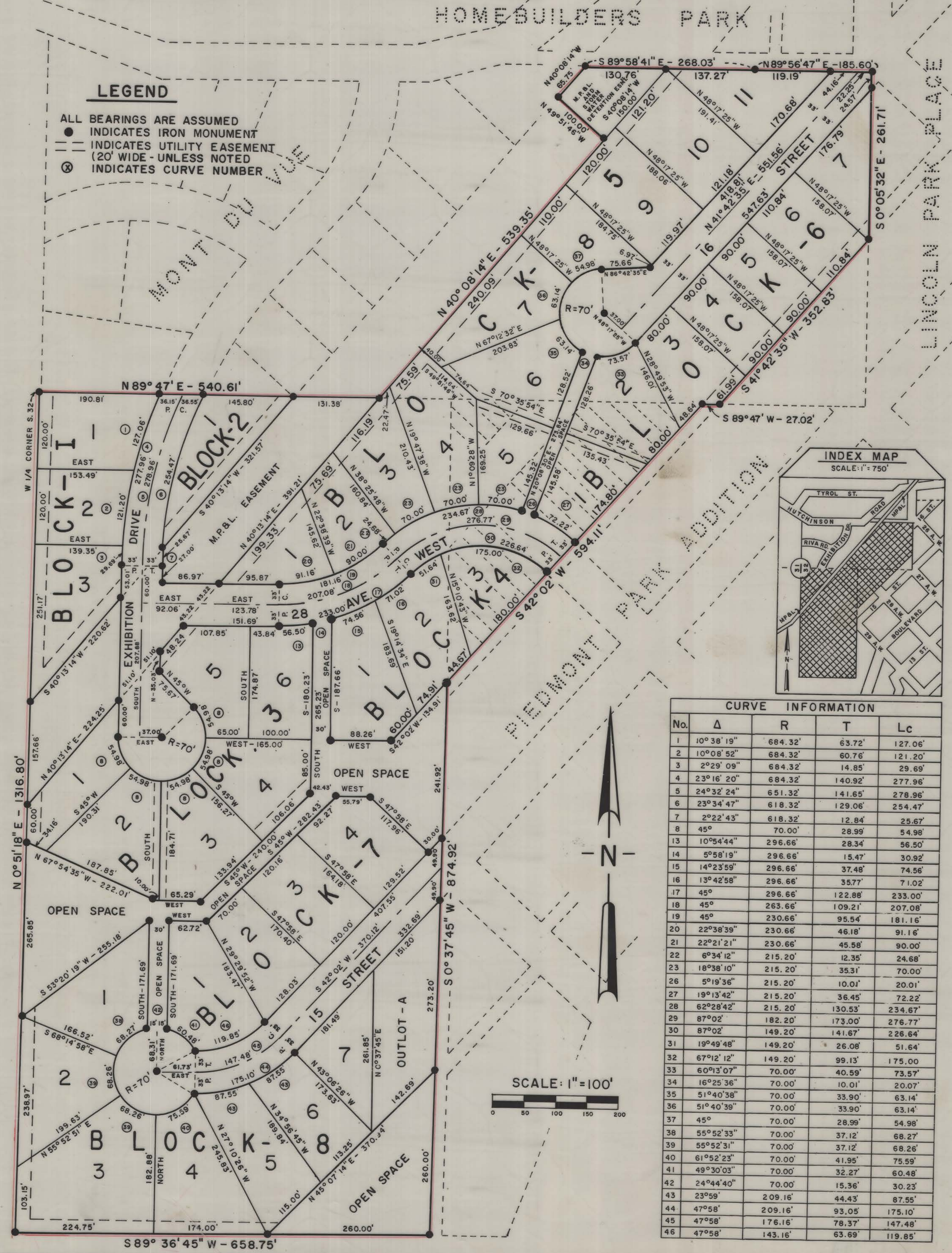
Paul Wittig
President, City Planning Commission
[Signature]
Director, Department of Planning and Development

MARILYN P. MONSON
NOTARY PUBLIC
ST. LOUIS COUNTY, MINN.
MY COMMISSION EXPIRES
OCTOBER 27, 1983

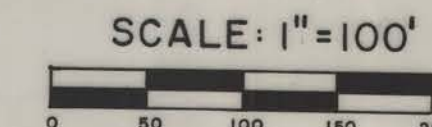
OFFICIAL PLAT

LEGEND

- ALL BEARINGS ARE ASSUMED
- INDICATES IRON MONUMENT
- INDICATES UTILITY EASEMENT (20' WIDE - UNLESS NOTED)
- ⊙ INDICATES CURVE NUMBER



CURVE INFORMATION				
No.	Δ	R	T	Lc
1	10° 38' 19"	684.32'	63.72'	127.06'
2	10° 08' 32"	684.32'	60.76'	121.20'
3	2° 29' 09"	684.32'	14.85'	29.69'
4	23° 16' 20"	684.32'	140.92'	277.96'
5	24° 32' 24"	651.32'	141.65'	278.96'
6	23° 34' 47"	618.32'	129.06'	254.47'
7	2° 22' 43"	618.32'	12.84'	25.67'
8	45°	70.00'	28.99'	54.98'
13	10° 54' 44"	296.66'	28.34'	56.50'
14	5° 58' 19"	296.66'	15.47'	30.92'
15	14° 23' 59"	296.66'	37.48'	74.56'
16	13° 42' 58"	296.66'	35.77'	71.02'
17	45°	296.66'	122.88'	233.00'
18	45°	263.66'	109.21'	207.08'
19	45°	230.66'	95.54'	181.16'
20	22° 38' 39"	230.66'	46.18'	91.16'
21	22° 21' 21"	230.66'	45.58'	90.00'
22	6° 34' 12"	215.20'	12.35'	24.68'
23	18° 38' 10"	215.20'	35.31'	70.00'
26	5° 19' 36"	215.20'	10.01'	20.01'
27	19° 13' 42"	215.20'	36.45'	72.22'
28	62° 28' 42"	215.20'	130.53'	234.67'
29	87° 02'	182.20'	173.00'	276.77'
30	87° 02'	149.20'	141.67'	226.64'
31	19° 49' 48"	149.20'	26.08'	51.64'
32	67° 12' 12"	149.20'	99.13'	175.00'
33	60° 13' 07"	70.00'	40.59'	73.57'
34	16° 25' 36"	70.00'	10.01'	20.07'
35	51° 40' 38"	70.00'	33.90'	63.14'
36	51° 40' 39"	70.00'	33.90'	63.14'
37	45°	70.00'	28.99'	54.98'
38	55° 52' 33"	70.00'	37.12'	68.27'
39	59° 52' 31"	70.00'	37.12'	68.26'
40	61° 52' 23"	70.00'	41.95'	75.59'
41	49° 30' 03"	70.00'	32.27'	60.48'
42	24° 44' 40"	70.00'	15.36'	30.23'
43	23° 59'	209.16'	44.43'	87.55'
44	47° 58'	209.16'	93.05'	175.10'
45	47° 58'	176.16'	78.37'	147.48'
46	47° 58'	143.16'	63.69'	119.85'





Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL21-175	Contact	Kyle Deming, kdeming@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date		November 9, 2021
Deadline for Action	Application Date	October 4, 2021	60 Days	December 3, 2021
	Date Extension Letter Mailed	October 20, 2021	120 Days	February 1, 2022
Location of Subject		11 E. Fourth St., Unit B (Central Hillside)		
Applicant	BJS Land Co. DLH, LLC	Contact	Neal Jacobi	
Agent	Heirloom Property Management	Contact		
Legal Description		Living Unit 3 and an undivided interest in the Common Elements, CIC #81, Lake Superior View Condominiums (PID 010-2785-00030)		
Site Visit Date		October 25, 2021	Sign Notice Date	October, 2021
Neighbor Letter Date		October 20, 2021	Number of Letters Sent	37

Proposal

To use a 2-bedroom condominium unit as a vacation dwelling unit with 2 off-street parking spaces, for a maximum of 5 occupants. The proposed vacation dwelling is located in the Mid-Rise Neighborhood Shopping District (F-6).

Recommended Action: Staff recommends that Planning Commission recommend approval.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-6 Mid-Rise Neighborhood Shopping	Residential - Condominium	Neighborhood Mixed Use
North	R-2 Residential-Urban	Residential	Traditional Neighborhood
South	F-6 Mid-Rise Neighborhood Shopping	Community Center and park	Neighborhood Mixed Use
East	F-6 Mid-Rise Neighborhood Shopping	Residential - Condominium	Neighborhood Mixed Use
West	F-6 Mid-Rise Neighborhood Shopping	Residential - Condominium	Neighborhood Mixed Use

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-2 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 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. Project is a reuse of a dwelling in a condominium building.
- 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. The proposed vacation dwelling unit expands beyond Canal Park some of the Duluth's tourism economy, possibly providing new tourism experiences.
- Housing Policy #2 – Provide affordable, attainable housing opportunities
- Housing Policy #3 – Prioritize inclusive housing policies to reflect the city's social, cultural, economic, and historic diversity and development patterns.
S4: Prioritize opportunities for permanent affordability, including affordable home ownership programs, in neighborhoods throughout the city. The condominium unit is an affordable housing unit (\$158,000) that will be used for short-term lodgings rather than long-term rental or homeowner housing.

Future Land Use— Neighborhood Mixed Use – A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live -work spaces. May include limited commercial - only space oriented to neighborhood or specialty retail markets. The proposed vacation dwelling unit is a limited commercial use.

History:

- The building was constructed in 1905.
- In 2006 the subject property was combined with 9 E. Fourth St., 13 E. Fourth St., and a new 8-unit building built at 1 E. Fourth St. to form Lake Superior View Condominiums. The project included the complete renovation of the subject property and the neighboring properties as well as the provision of additional off-street parking in the basement of 1 E. Fourth St.
- A vacation dwelling unit interim use permit was granted to Nikki Olson for 11 E. Fourth St., Unit B on 6/26/2017 (Res. #17-0472, Planning file no. PL17-073). This permit expired when the property was sold by Olson.

Review and Discussion Items:

1. Applicant's property is the upper unit in a 2-unit building. It is part of the 16-unit Lake Superior View Condominiums consisting of 8 units at 1 E. Fourth St., 2 units at 9 E. Fourth St., 2 units at 11 E. Fourth St., and 4 units at 13 E. Fourth St. The applicant has provided a letter (attached) from the Lake Superior View Condo Association agreeing to continue to allow short-term vacation rentals at the property.
2. The subject condominium unit was granted a vacation dwelling unit interim use permit in 2017 (PL17-073) that expired when the owner sold the unit.
3. Applicant is proposing a 2-bedroom vacation dwelling unit for up to 5 guests. Minimum stay duration will be 1 night, which is permitted in Form Districts.
4. Though provision of off-street parking is not required due to the location in a Form District, the applicant is providing one parking stall behind the dwelling unit, accessed from the alley, and an additional parking stall in the basement of 1 E. Fourth St. accessed from Lake Ave.
5. Applicant has indicated guests will not bring campers or trailers to the property.
6. The condominium unit has a balcony located on the front porch roof with a coffee table and chairs. As there is limited yard space, the applicant does not expect much use of the property's exterior spaces.
7. Applicant has indicated that Heirloom Property Management will manage the property and that they will contact the owners of all properties within 100 feet of the subject property to provide the manager's contact information.
8. 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.
9. Applicant must comply with items listed in the Vacation Dwelling Unit Worksheet (included with staff report) and

provide to guests information about City rules found on the handout provided to the applicant titled "Selected City Ordinances on Parking, Parks, Pets, and Noise."

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

Staff Recommendation:

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

1. The Interim Use Permit shall not be effective until the applicant has obtained all required licenses and permits for operation and provided notice to landowners within 100 feet of the property with required contact information.
2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PL21-175
Vacation Dwelling Unit
Interim Use Permit
11 E. 4th St., Unit B
BJS Land Co. DLH, LLC



Legend

Blocks
Lots
Subdivision Boundaries

Boundary Lines

<all other values>

Subtype, ROW, TYPE

Lot Line

Parcel Line

ROW (Road)

ROW (Not Road)

Subdivision Line

Water Line

Survey Line

Municipal Boundary

Zoning Boundaries

Trout Stream (GPS)

Other Stream (GPS)

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

Aerial photography flown 2019

Prepared by: City of Duluth Planning and Development Division, Oct. 10, 2021. Source: City of Duluth.

210 U-N (W) Feet Use
Page 20 of 77
Neighborhood



PL21-175
Vacation Dwelling Unit
Interim Use Permit
11 E. 4th St., Unit B
BJS Land Co. DLH, LLC

Legend

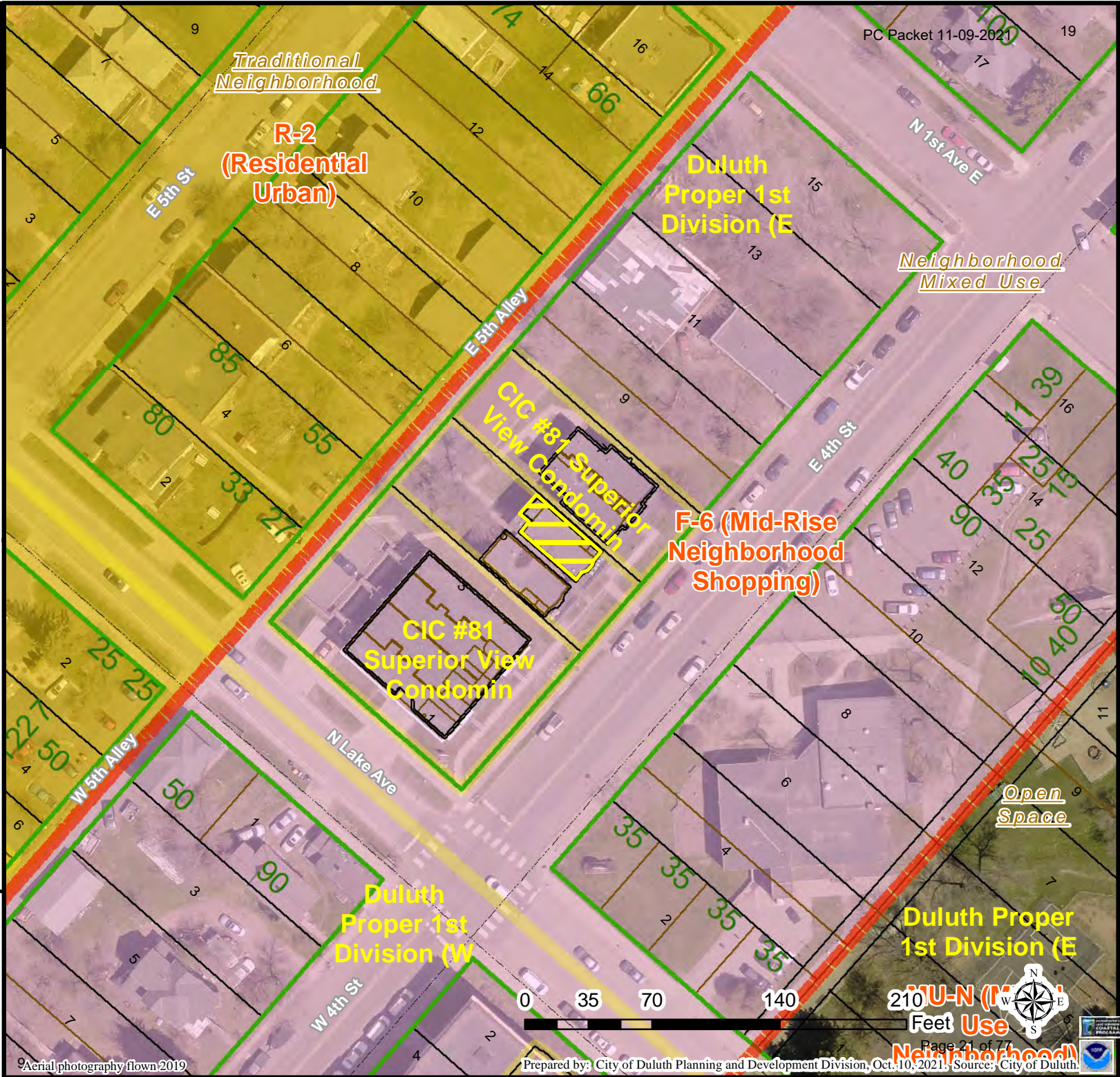
Blocks
Lots
Subdivision Boundaries

Boundary Lines
 <all other values>
 Subtype, ROW_TYPE
 Lot Line
 Parcel Line
 ROW (Road)
 ROW (Not Road)
 Subdivision Line
 Water Line
 Survey Line
 Municipal Boundary

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

Future Land Use - Plus

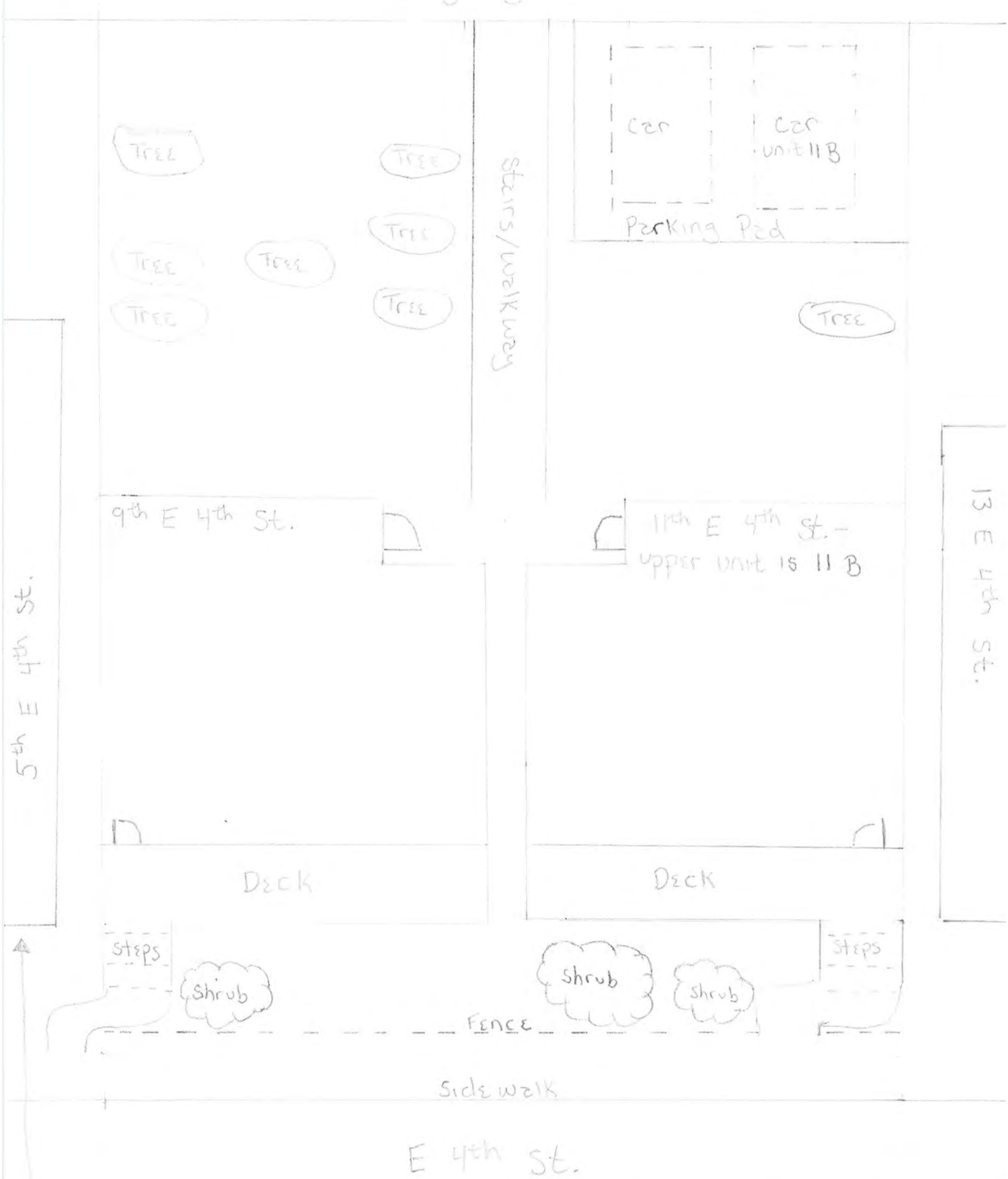
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Aerial photography flown 2019

Prepared by: City of Duluth Planning and Development Division, Oct. 10, 2021. Source: City of Duluth.

210 U-N (W) Use Neighborhood
Feet
Page 21 of 77





ZONING NOTICE

APPLICANT:
Holt Jacobs - BUS Land Co. LLC

ADDRESS OF PROPERTY:
11 E. 4th Street, Unit 110

PROJECT NARRATIVE:
General Use Approval Request - Short-term rentals

PROJECT DESCRIPTION:
Application for short-term rental for multiple units (Short-term rental for multiple units) (SR no. PL-17)

PROPERTY OWNER:
Holt Jacobs - BUS Land Co. LLC

PROPERTY MANAGER:
Holt Jacobs Property Management
110 E. 4th Street, Suite 110
Phone: 313-730-6750
Email: HoltJacobs@buslandco.com

ASSIGNED CITY PLANNER:
Kyle Gilling - Planning and Development Director
Phone: 313-730-6880
Email: kylegilling@buslandco.com

DATE & TIME OF PUBLIC HEARING:
Tuesday, November 9, 2021, 6 p.m. Public hearing to be held virtually via the link <https://buslandco.com/short-term-rental>. Comments may be sent before the hearing to kylegilling@buslandco.com

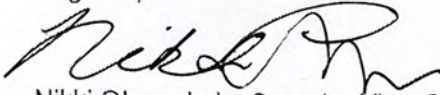
**PRIVATE
PROPERTY
NO TRESPASSING**

To: Prospective Buyers into the Condo Association
From: Lake Superior View Condo Association
Re: Vacation Rental Allowances
Date: 8/31/2021

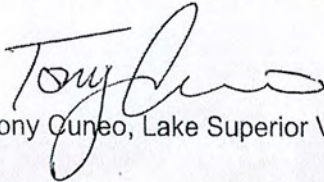
To Whom it may concern,

Upon transfer of title of 11B E 4thSt, Duluth MN 55805, the Lake Superior View Condo Association agrees to continue to allow short-term vacation rentals that meet all local, county, and state permits and regulations.

Regards,



Nikki Olson, Lake Superior View Condo Association President



Tony Cuneo, Lake Superior View Condo Association Secretary



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 21-154	Contact	Chris Lee	
Type	Concurrent Use Permit	Planning Commission Date	November 9, 2021	
Deadline for Action	Application Date	August 31, 2021	60 Days	October 30, 2021
	Date Extension Letter Mailed	September 10, 2021	120 Days	December 29, 2021
Location of Subject	109 W Superior Street			
Applicant	Dubh Linn Brew Pub	Contact	Michael Maxim	
Agent		Contact		
Legal Description	See Attached	Sign Notice Date	October 26, 2021	
Site Visit Date	September 28, 2021	Number of Letters Sent	N/A	

Proposal

The applicant is seeking a concurrent use permit to place fencing and tables into the right of way beyond the seasonal requirements of a sidewalk use permit.

Staff Recommendation

Staff recommend that the Planning Commission recommend approval of the concurrent use permit to the City Council (via ordinance).

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-8	Bar/Restaurant	Central Business Primary
North	F-8	Commercial	Central Business Primary
South	F-8	Commercial	Central Business Primary
East	F-8	Commercial	Central Business Primary
West	F-8	Commercial	Central Business Primary

Summary of Code Requirements

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

1. The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city;
2. 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 #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.

Future Land Use

Central Business Primary: Use encompassing a broad range of uses and intensities including retail, entertainment & lodging, and public spaces.

History

This property has received a sidewalk use permit (PL 21-126) to operate the serving area for the remainder of 2021 season.

Review and Discussion Items:

- 1) The applicant is seeking a concurrent use permit to construct an outdoor dining area into the right of way of West Superior Street. This space will be 33.83' x 27.17' and occupy 1,045 square feet.
- 2) The concurrent use area will be separated from other sidewalk users as required by the liquor license via a steel frame and lattice. This area will remain open to the public as usable space as required by the concurrent use permit ordinance.
- 3) 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. The applicant proposed a minimum of 6' of space between the building facade and seating area and 6" of space from the curb edge to the seating area. However, based on the need for sight lines and an inviting pedestrian space, staff recommends that the height of the lattice material be reduced and that the fencing be located further from the curb edge. There will not be interference with the pedestrian ramp on the sidewalk or the bus stop.
- 4) Concurrent use permits are approved by the City Council via an ordinance. Unlike street right-of-way vacations, concurrent use permits are not recorded with St. Louis County as they are voidable agreements between the City and property owners.
- 5) 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.
- 6) No comments were received from the public or other government agencies at the time this staff report was written.
- 7) 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 the Planning Commission recommend to the City Council approval of the concurrent use permit with the following conditions:

- 1) Applicant construct and maintain the project as identified in the attached exhibits.
- 2) Applicant will lower the overall height of the lattice material to 5.5 feet tall and move the barrier away from the curb edge by at least 6 inches.
- 3) The usable space will be required to be open to the public.
- 4) Applicant will remove the fencing from November 1 through March 31.
- 5) 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.
- 6) Applicant will remove the obstructions at the applicant's expense if directed to by the City with appropriate notice.
- 7) The structure will need to comply with any applicable engineering standards, or building or fire code requirements.
- 8) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

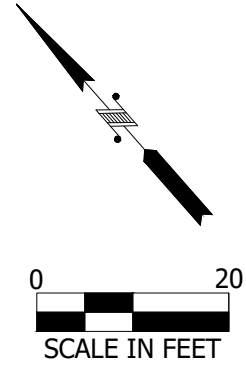


Legend

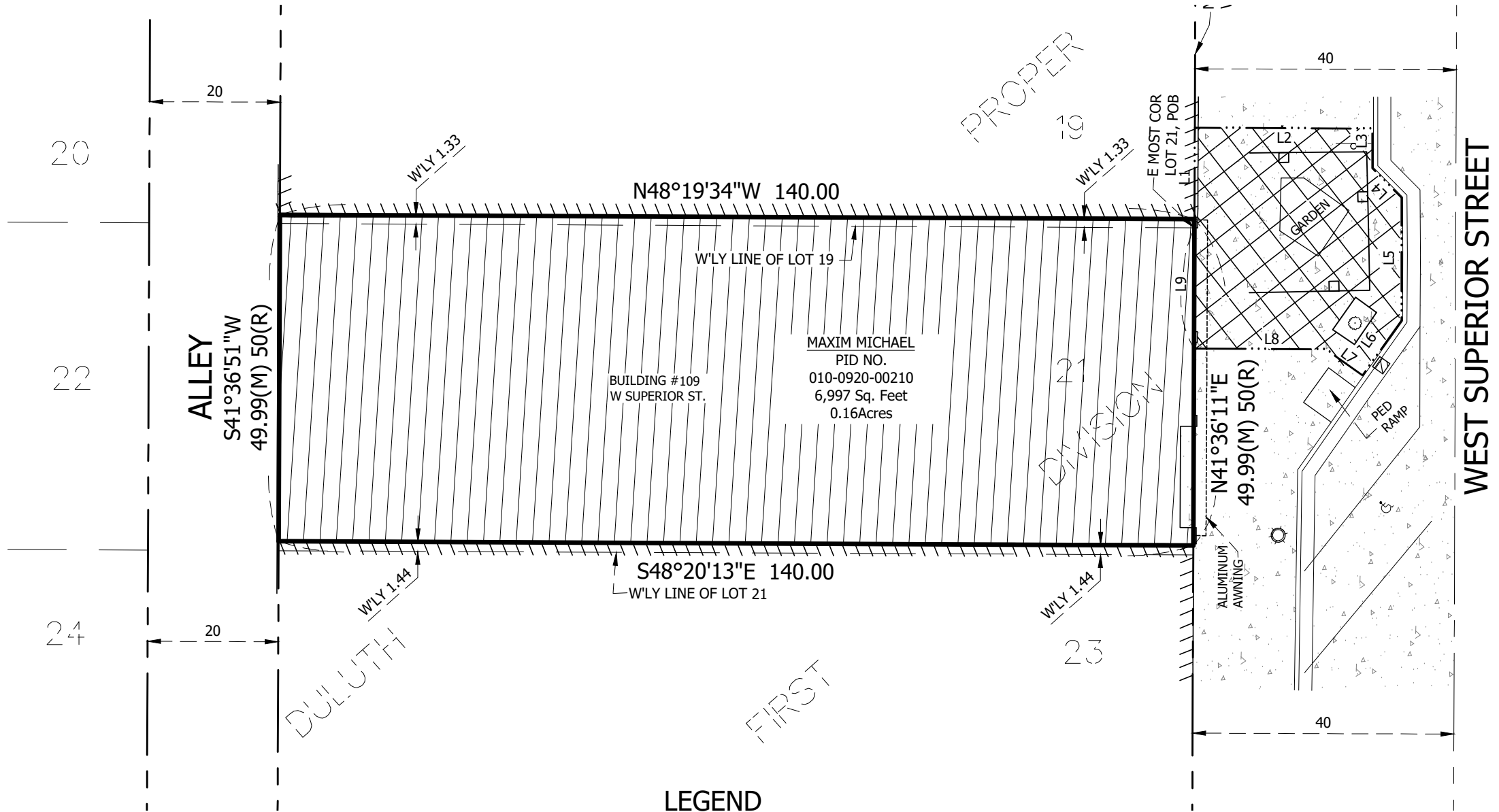
- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
 - CITY OF DULUTH
 - WLSSD; PRIVATE
 - Sanitary Sewer Forced Main
 - Storage Basin
 - PS Pump Station
- Storm Sewer Mains**
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin



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LINE	BEARING	DISTANCE
L1	N41°36'11"E	15.33
L2	S48°19'34"E	27.17
L3	S41°28'05"W	6.04
L4	S03°26'57"E	6.35
L5	S41°23'22"W	18.85
L6	S76°51'54"W	10.30
L7	N13°08'06"W	6.89
L8	N48°19'34"W	20.18
L9	N41°36'11"E	18.49



LEGAL DESCRIPTION PER DOC. NO. 1157565

The westerly 1.33 feet of Lot 19 and all of Lot 21, EXCEPT the westerly 1.44 feet thereof, West Superior Street, DULUTH PROPER, FIRST DIVISION

LEGAL DESCRIPTION FOR CONCURRENT USE AREA

A parcel of land lying within the platted right of way of West Superior Street, West Superior Street, DULUTH PROPER FIRST DIVISION according to the recorded plat thereof, St. Louis County, Minnesota, described as follows:

Beginning at the East most corner of Lot 21, said West Superior Street, DULUTH PROPER FIRST DIVISION; thence on an assumed bearing of North 41 degrees 36 minutes 11 seconds East, along the Northwesternly right of way line of said West Superior Street 15.33 feet; thence South 48 degrees 19 minutes 34 seconds East 27.17 feet; thence South 41 degrees 28 minutes 05 seconds West 6.04 feet; thence South 03 degrees 26 minutes 57 seconds East 6.35 feet; thence South 41 degrees 23 minutes 22 seconds West 18.85 feet; thence South 76 degrees 51 minutes 54 seconds West 10.30 feet; thence North 13 degrees 08 minutes 06 seconds West 6.89 feet; thence North 48 degrees 19 minutes 34 seconds West 20.18 feet to the Northwesternly right of way line of said West Superior Street; thence North 41 degrees 36 minutes 11 seconds East 18.49 feet to the point of beginning.

Said contains 1,045 square feet.

LEGEND

CONCRETE SURFACE

EXISTING BUILDINGS

PROPOSED CONCURRENT USE AREA

LIGHT POLE

SIGN

DECIDUOUS TREE

HANDI CAPPED PARKING SPOT

SQUARE GRATE CATCH BASIN

POB-POINT OF BEGINNING
(M)-FIELD MEASURED DIMENSION
(R)-RECORD DIMENSION

EXISTING BUILDING LINE

CENTER LINE

RIGHT OF WAY LINE

BOUNDARY LINE AS SURVEYED

EXISTING PLAT LINE

CONCRETE CURB & GUTTER

STEEL RAILING

CONCURRENT USE LINE

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)

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
MN License #49505

DATE:8-3-2021

CERTIFICATE OF SURVEY

CLIENT:MIKE MAXIM

ADDRESS:109 W SUPERIOR ST,
DULUTH, MN 55802

DATE:8-3-2021

REVISIONS:

JOB NO:21-245

SHEET 1 OF 1

ALTA
LAND SURVEY COMPANY

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





Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 21-172	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Special Use Permit – High School/Middle School	Planning Commission Date		November 9, 2021
Deadline for Action	Application Date	October 4, 2021	60 Days	December 3, 2021
	Date Extension Letter Mailed	October 18, 2021	120 Days	February 1, 2022
Location of Subject		4310 Allendale Avenue		
Applicant	Stella Maris Academy	Contact		
Agent	Bob Lisi	Contact		
Legal Description		PID 010-2720-00065, 010-4560-00030, 010-0650-00490, 010-0650-00670		
Site Visit Date	October 26, 2021	Sign Notice Date		October 26, 2021
Neighbor Letter Date	October 20, 2021	Number of Letters Sent		62

Proposal

Applicant proposes to operate a middle/ high school, grades 5 through 12, at the former Woodland Hills Academy located in the Woodland neighborhood. The special use permit is needed to operate the school in the RR-1 and R-1 Zoning Districts. No building expansions or additions are necessary for the proposed middle/high school.

Recommended Action: Approve with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	RR-1/R-1	School	Institutional
North	RR-1	Residential/vacant land	Rural Residential
South	R-1	Residential and School	Urban Residential
East	R-1	Residential	Traditional Neighborhood
West	RR-1	Vacant land	Urban Residential

Summary of Code Requirements

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

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

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

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

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

Governing Principle #11 - Consider education systems in land use actions. There is a connection between land use patterns and all level of educational facilities. School locations and housing opportunities for students and families require consideration of impacts on transportation and infrastructure systems, housing densities, parking, and non-student uses.

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

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

History: Original building was built as an orphanage in 1909. Building and campus was used as a residential youth treatment facility for the past 50 years.

Review and Discussion Items

Staff finds that:

1. Stella Maris Academy is requesting a special use permit to operate middle school through high school (5th-12th) grades at the former Hills Youth and Family Services facility located at 4321 Allendale Avenue in the Woodland neighborhood. A middle and high school are allowed to operate in the RR-1 and R-1 zoning districts with the issuance of a special use permit. The "Hills Campus" is approximately 135-acres comprised of 4 connected parcels with several structures. The primary building is a 70,000 square foot facility. The property also has a detached gymnasium, and several garage/outbuildings. A special use permit for middle school through high school programming (5th-12th grades) was approved by the Planning Commission recently for the adjacent St. John's Campus with a maximum capacity of 240 students. The Hills Campus would be used to serve an additional 200 students. The Hills Campus will undergo renovations to define classrooms, administrative offices, and other shared use spaces for the 200-student body in a portion of the 70,000 sf facility. The school hours of operation have not been finalized. The middle/ high school hours are 7:20 am to 2:30 pm and office hours for school operations are 7:00 am to 4:00 pm.
2. The use as a middle and high school use will not alter the essential character of the neighborhood, which includes a variety of uses including single-family homes and commercial uses. The applicant has stated that vehicular traffic activity is projected to slightly increase with the additional Hills Campus student capacity added to the permitted capacity at the St. John's Campus. Bus ridership will continue to be offered and encouraged with options such as highly utilized intercampus bussing between Holy Rosary and St. John's Campuses, reducing vehicular transportation. The Duluth Transit Authority provides service to the corner of Woodland Ave. and Calvary Road, approximately 1 block from the St. John's Campus and 2 blocks from the Hills Campus, and may also serve as a transportation option for students.
3. UDC Sec. 50-20.2.G (Use Specific Standards). The site plan depicts sufficient off-street student drop-off and pick-up areas that do not pose a safety or traffic hazard to pedestrians or vehicles. The school facility does intend to make interior improvements to the existing main building to accommodate 14 classrooms and office space. No exterior improvements are proposed at this time. It is anticipated that the interior improvements will not exceed 50% of the assessed value of the existing structure and will not trigger the need to incorporate safe routes to school infrastructure.

Engineering staff is recommending that the applicant retain a consultant to work with them on how vehicular traffic should flow on the campus to avoid bus and car conflicts. Additionally, City Engineering is recommending that a pedestrian/people powered plan be completed by the applicant in coordination with staff to ensure safety of students and other's commuting to school via walking or bike.

4. UDC Sec. 50-24 (Parking and Loading): The UDC requires the number of parking spaces for religious assembly and school use is based on classroom, auditorium and assembly room area. The applicant has stated that the main building will undergo renovations to define classrooms, administrative offices, and other shared use spaces. The facility renovation plan for the main building has not been determined. Applying 5 parking spaces per classroom, with no more than 14 classrooms, results in a minimum of 49 spaces and a maximum of 105 parking spaces. There are currently 96 spaces provide onsite. Staff believes that even with some additional office space the existing 96 parking spaces is sufficient for the intended uses. Due to the potential for high school students driving, the school should ensure students do not park on-street in adjacent neighborhoods.
5. UDC Sec. 50-25 (Landscaping and Tree Preservation). The applicant is not proposing any expansion or reconstruction on the buildings or parking area at this time. A dense tree buffer consisting of mature trees and vegetation is provided between the differing land uses of the adjacent residential homes and the school.
6. UDC Sec. 50-26 (Screening, Walls and Fences). Mechanical equipment must be screened on existing structures if the value of the renovation is 25% more of the accessed market value. The applicant has indicated that the proposed interior renovations over the course of 3-5 years may reach the 25% threshold. There is existing ground mounted mechanical equipment located on the exterior west side of the main building adjacent to the structure that is screened by natural vegetation surrounding the property with no adjacent residential homes. The existing dumpsters are screened by a chain link fence on three sides and a gate with plastic slats around the fencing. This is considered a nonconforming screening material; however, staff believes this is sufficient screening for the dumpsters and mechanicals.
7. UDC Sec. 50-29 (Sustainability Standards) and 50-30 (Building Design Standards). These requirements do not apply for this project.
8. UDC Sec. 50-31 (Exterior Lighting). No additional lighting is being planned for this project.
9. One public comment was received and is attached to this report. City Engineering comments are incorporated into the staff report.

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

- 1) The proposal is limited to the site plan and documents submitted with this application.
- 2) The high school shall prohibit students from parking in adjacent residential areas not specifically designated on approved plans, or shall obtain an amendment to this Special Use Permit to provide for such areas if needed in the future;
- 3) Any additional exterior lighting proposed at a future date shall be compliant with the UDC;
- 4) Acceptance by the City Engineer of the traffic/ped-people powered study to be completed by the applicant and to comply with all conditions the City Engineer requires based on the recommendations of the study.
- 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 review; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

Legend

- Zoning Boundaries
- Floodplain (UDC)**
 - General Flood Plain
 - Flood Way
 - Flood Fringe
- Shoreland (UDC)**
 - Cold Water
 - Natural Environment
 - General Development
 - 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.



Stella Maris Academy – Hills Campus

10/1/2021

Stella Maris Academy is requesting a special use permit to operate middle school through high school (5th-12th) grades at the former Hills Youth and Family Services facility located at 4321 Allendale Avenue, Duluth, MN 55803. The “Hills Campus” is approximately 135-acres comprised of 4 connected parcels with several structures: the primary ~70,000 square foot facility, a gymnasium, and several garage/outbuildings. Stella Maris Academy also has a special use permit for middle school through high school programming (5th-12th grades) at the adjacent St. John’s Campus with a maximum capacity of 240 students. The Hills Campus would be used to serve an additional 200 students.

The Hills Campus will undergo renovations to define classrooms, administrative offices, and other shared use spaces for the 200-student body in a portion of the 70,000 sf facility.

This special use permit request is aligned with the City of Duluth Comprehensive Plan, particularly principles 1, 3, 5, 6, 8, 11 and 12.

Principle #1 - Reuse previously developed lands.

Principle #3 - Support traditional economic base.

Principle #5 - Strengthen neighborhoods.

Principle #6 - Reinforce the place-specific.

Principle #8 - Encourage mixed activities, uses and densities.

Principle #11 - Include consideration for education systems in land use actions.

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

The investment by Stella Maris Academy to acquire the Hills property is a commitment to retaining and improving an existing asset historically used to serve youth. Prior to the Hills Youth and Family Services operation, the property served as a home for orphaned children. This special use permit request complements the long-standing history of delivering Catholic school education from the adjacent St. John’s Campus.

Stella Maris Academy will support our local economy through the staff it employs, and the purchase of goods and services required for its operation. The Hills Campus, along with the Stella Maris Academy St. John’s Campus, anchors the north end of the Woodland neighborhood mixed-use commercial district and surrounding residential properties. It has and will continue to offer a respectful presence and support the diversity of resources in this area of Woodland.

Vehicular traffic activity is projected to slightly increase with the additional Hills Campus student capacity added to the permitted capacity at the St. John’s Campus. Bus ridership will continue to be offered and encouraged with options such as our highly utilized intercampus bussing between Holy Rosary and St. John’s Campuses, reducing vehicular transportation. The Duluth Transit Authority provides service to the corner of Woodland Ave. and Calvary Road, approximately 1 block from the St. John’s Campus and 2 blocks from the Hills Campus, and may also serve as a transportation option for students.

The Hills Campus has 96 parking spaces with 82 additional parking spaces at the St. John’s Campus.

Stella Maris Academy – Hills Campus

10/1/2021

The minimum parking space requirement for high school programming outlined in Table 50-24-1 of the UDC indicates 5 parking spaces per classroom or 1.5 parking spaces per 1000 square feet. The property is located within ¼ mile of an active Duluth Transit Authority route, therefore a 30% reduction to the minimum parking spaces can be applied. The maximum parking spaces is 1.5 times the minimum required spaces prior to the 30% reduction for proximity to a DTA route.

The facility renovation plan for the main building has not been determined. Applying 5 parking spaces per classroom, we anticipate no more than 14 classrooms to serve the targeted student population requiring at least 49 parking spaces (5 spaces/classroom * 14 classrooms = 70 parking spaces less 30% = 49 spaces minimum) and a maximum of 105 parking spaces (70 parking spaces * 1.5 = 105).

Although the approximately 70,000 square foot main facility is larger than likely needed to serve 200 students, the minimum parking requirement for the entire facility would be 74 spaces after applying the 30% reduction (70,000sf * 1.5 spaces / 1000sf = 105 spaces * 70% = 74 spaces minimum). The maximum parking spaces allowed would be 158 (105 * 1.5 = 158). This condition governs and the existing 96 parking spaces at the Hills Campus meets the code requirement.

In summary, the proposed educational program at the Hills Campus by Stella Maris Academy complements the existing approved educational use at the adjacent St. John's Campus, and is a responsible and wise use of existing historical and well-maintained facilities in a neighborhood accustomed to the presence of school operations. Stella Maris Academy will continue to serve families in the Duluth area desiring a Catholic school education which adds to the rich diversity of educational options in our community.

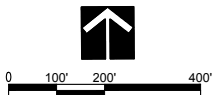
The following information compares the St. John's Campus approved use and operations to the planned use at the Hills Campus.

	Stella Maris Academy	
	St. John's Campus	Hills Campus
Grade offerings	5 th through 12 th grade (permitted use) (grade offerings may adjust based on existing available classroom space and enrollment)	5 th through 12 th grade (intended primarily for high school use but may benefit middle school programming)
Number of Students	240 based on 20 students/classroom in 12 classrooms (currently serving 122 students grades 5-8)	200 students

Stella Maris Academy – Hills Campus

10/1/2021

Number of Classrooms and Facility Amenities	12 classrooms, 4 sets of bathrooms (two additional sets in the church), a main office with secure entrance, a faculty room, 4 offices for administration, full-service lunchroom, one gymnasium, 82 parking spaces, playground and field.	Targeting up to 14 classrooms to be developed within the existing 70,000 square foot main facility which also contains multiple administrative offices, a lunchroom, work-out room, and theater stage, a separate gymnasium, outdoor basketball court, pavilion, several garage spaces, and 135-acres of outdoor recreational space.
Hot Lunch Program	Daily	To be developed
After School Programming	Yes	Yes
Transportation	District bussing and parent drop off/pick up	District bussing and parent drop off/pick up
Events	School events (conferences, seasonal concerts, parish events)	School events (conferences, seasonal concerts)



CLIENT:
STELLA MARIS ACADEMY

**4321 ALLENDALE AVENUE
Duluth, MN 55803**

THIS SQUARE APPEARS 1/2" x 1/2" ON
FULL SIZE SHEETS.

01	10-05-2021	ISSUED FOR PERMITTING
NO	DATE	ISSUED FOR

NO	DATE	REVISION
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PROJECT NAME:
**SMA SPECIAL USE PERMIT
HILLS CAMPUS**

DULUTH, MN

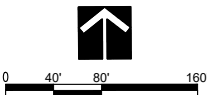
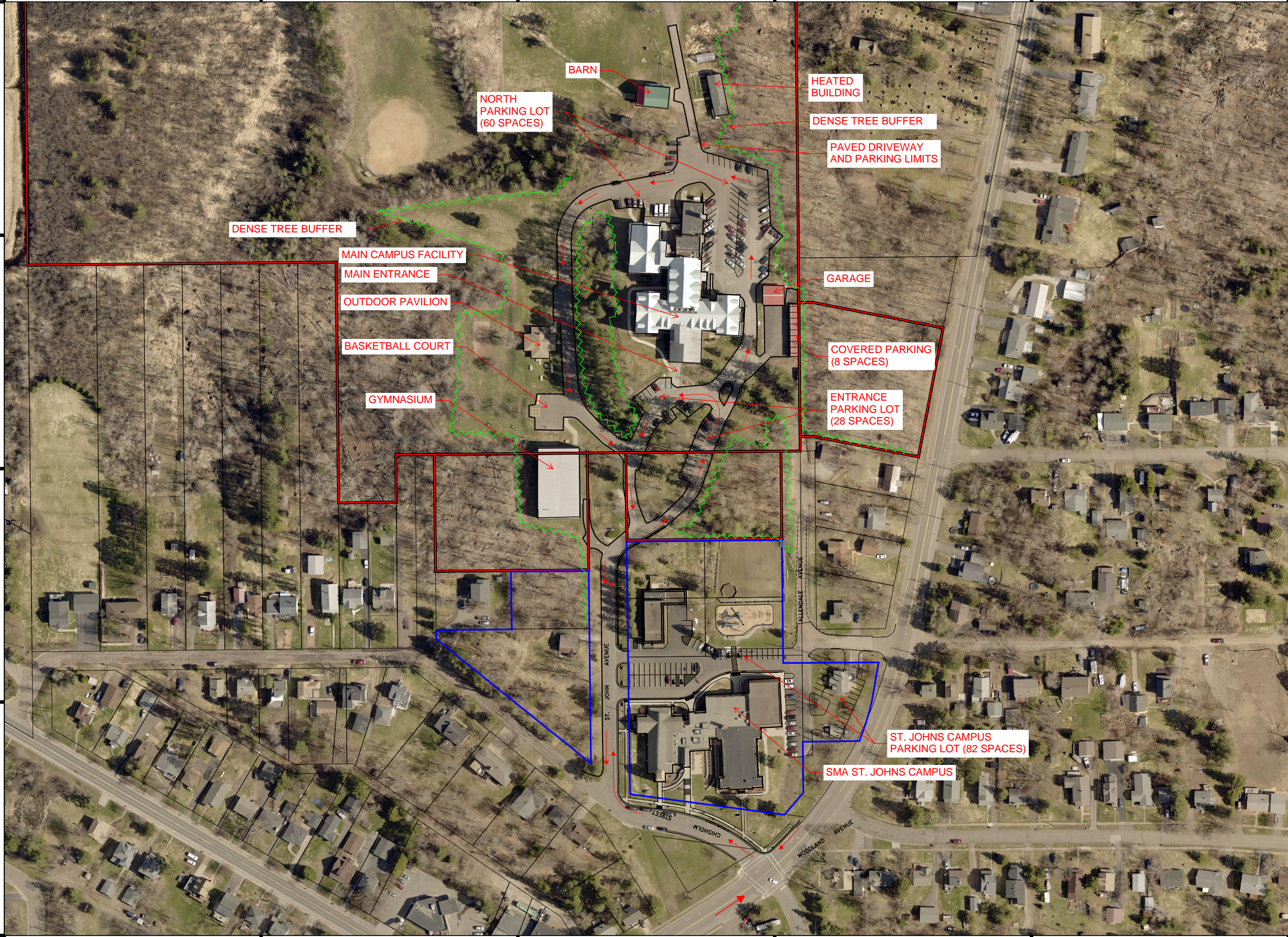
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SITE LAYOUT

FILE:
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CHECKED BY: RDL
PROJ. NO: avogel
DRAWING NO:

C001

STELLA MARIS ACADEMY
HILLS CAMPUS PROPERTY

STELLA MARIS ACADEMY
ST. JOHNS CAMPUS PROPERTY



CLIENT:
STELLA MARIS ACADEMY

4321 ALLENDALE AVENUE
Duluth, MN 55803

THIS SQUARE APPEARS 1/2" x 1/2" ON
FULL SIZE SHEETS.

01	10-05-2021	ISSUED FOR PERMITTING
NO	DATE	ISSUED FOR
NO	DATE	REVISION

- ▭ SMA HILLS CAMPUS PROPERTY
- ▭ SMA ST. JOHNS CAMPUS PROPERTY
- ➔ PRIMARY DROP-OFF TRAFFIC ROUTE
- ~ TREE LINE

PROJECT NAME:
**SMA SPECIAL USE PERMIT
HILLS CAMPUS**

DULUTH, MN

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SITE LAYOUT

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CHECKED BY: RDL
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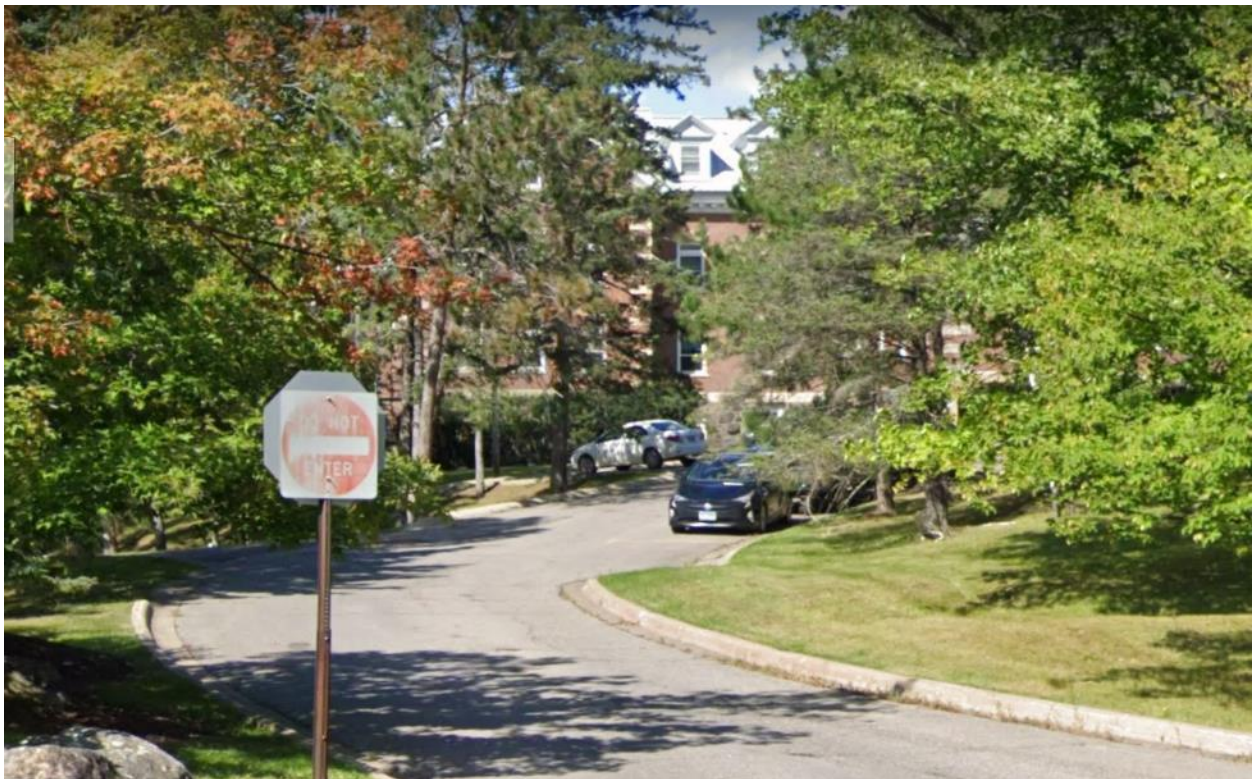
Stella Maris Academy – Hills Campus

10/1/2021

View looking north at the entrance to the Hills Campus from St. John's Avenue. Gymnasium on the left side.



View looking north from St. John's Avenue towards the main facility.



Stella Maris Academy – Hills Campus

10/1/2021

View of The Hills Campus from Allendale Avenue looking northwest.



View looking southeast from the Hills Campus main facility towards Allendale Avenue.



Greetings John Kelley,

I received your letter in the mail regarding the new owners of the Woodland Hills property near my house on West Chisholm St. I have the following comments that I would like addressed at the November 9th meeting. The last comment is unrelated to the project, I'm just hoping you can pass it on to the correct person.

- My main concern with this new Stella Maris high school is the increased traffic volumes that West Chisholm street would see compared to the previous property owners. As with many roads in Duluth, West Chisholm street is in rough shape. For example, during the summer construction of 2019, road users were using W Chisholm St as an unofficial detour to get around the closed intersection at Calvary and Woodland. The use was so heavy that City of Duluth Public Works employees had patched the road twice in one summer. I think West Chisholm street is about 50% patch material at this point. I'm grateful for the patchwork, but it seems to me that West Chisholm St needs some level of replacement beyond patching (reclaim/overlay or similar). I would even be happy if the road was made into gravel since it is in such bad shape now, requiring annual patching.
 - Has West Chisholm Street been inventoried and reviewed for repair needs?
 - Is there a maintenance plan that addresses the repair or replacement of West Chisholm Street? When is the earliest this would be?
 - Does this new high school affect the timeline to address the road surface conditions of West Chisholm Street?
- On a related note to road repair/replacement. I think this would make for a great opportunity to replace the lead service lines that are along West Chisholm Street. There are at least 7 houses on this street that were built before 1930. My house has been confirmed by City staff to have a lead service line. To me this seems like a great opportunity to efficiently and cost-effectively fix two problems. Replace the service lines then address the road surface.
 - Would the city be willing to do this?
 - Does the city have a plan to replace the lead service lines along West Chisholm St?
 - Is there an estimated timeline that such a project would be completed?
 - Would the service lines need to be fixed before the road is repaired?
- A third comment, which is entirely unrelated to this project... John, could you please pass on the following information to the correct person? The street sign at the intersection of Calvary Rd and West Chisholm St was replaced during the construction project of 2019. The street sign now incorrectly reads "Chisholm St" rather than the correct "W Chisholm St". I would appreciate if this was fixed.

Thank you for taking the time to address my concerns.

Feel free to contact me with any questions,
Max Elfelt



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 21-176	Contact	Steven Robertson	
Type	Vacation of Public Right of Way	Planning Commission Date		November 9, 2021
Deadline for Action	Application Date	October 8, 2021	60 Days	December 7, 2021
	Date Extension Letter Mailed	October 20, 2021	120 Days	February 5, 2022
Location of Subject		Unimproved Right of Way, East of Blackman Avenue		
Applicant	ISD 709	Contact		
Agent	Northland Consulting Engineers	Contact		
Legal Description		See Attached		
Site Visit Date		June 25, 2021	Sign Notice Date	October 25, 2021
Neighbor Letter Date		October 28, 2021	Number of Letters Sent	58

Proposal

The applicant is requesting vacation of three platted public rights of way, and one building easement, with retention of one utility easement. These vacations are required as part of a process to review and approval a final plat. Previously dedicated rights of way are vacated or eliminated prior to the adoption of a new final plat and new platted rights of way.

Staff Recommendation

Staff recommends approval with conditions. Vacations are recommended by the Planning Commission, and approved by the City Council via resolution.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-P	Former school (vacant)	Business Park, Urban Residential, Recreation
North	MU-C, MU-N	Commercial	Central Business Secondary, General Mixed Use
South	R-1	Residential, Antenna Farm	Traditional Neighborhood
East	R-P	Residential	Urban Residential
West	R-1	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. 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. Vacating this right of way will not reduce connectivity within the campus.

Future Land Use

Business Park: Primarily office and light industrial areas developed in a unified manner, with standards for site design and circulation patterns, signage, landscaping and building design. This land use category was specified for this particular site to provide for flexibility in redevelopment of the site, in support of ISD 709's intent to pursue sale of the property and redevelopment.

Site History or Previous Studies

Central High School at the top of the hill was built in 1971 as a replacement for the downtown Historic Old Central High School (HOCHS). The school terminated operations in 2011, and the building has been closed and vacant for that ten year period.

In late 2011 the City hosted two public meetings to gather input on future reuse of the site, with approximately 100 total attendees. Several scenarios were suggested to encourage public comment (Big Box Retail, Light Manufacturing, Casino, Nursing Home/Medical Care, Warehousing, Corporate Headquarters, Higher Education, and Heavy Industry).

In 2012 (PL 11-141) the future land use designation was changed. The site rezoned twice in 2013 (PL 13-037 and PL 13-117), in accordance with the previous future land use change. In 2014 it was rezoned again (PL 14-063) to a planned development, MU-P (Mixed Use Planned). As part of a planned development, a concept plan was required showing the proposed land uses to be allowed on the site, maximum density, and maximum height of structures. At the June 2014 Planning Commission meeting, the school district's representative offered to provide a buffer setback from residential properties on Blackman, to shield them from possible noise and light conflicts that may arise from future development.

At the June 2021 Planning Commission meeting, the commission recommend approval of the amendment to the concept plan (PL 21-069). A preliminary plat (PL 21-097) was reviewed and approved by the Planning Commission earlier this year.

Review and Discussion Items:

- 1) The applicant is requesting vacation of three platted public rights of way, and one building easement, with retention of one utility easement. These vacations are required as part of a process to review and approval a final plat.
- 2) A portion of the public right of way has been improved (paved), but it is not to city standards, and is not used by the public, especially since the school was closed at the end of the 2011 school year.
- 3) If the right of way and utility easement were vacated, it would allow ISD 709 to move forward with their final plat for this site (PL 21-174).
- 4) The public right of way and utility easement are not be needed by the City for the efficient supply of utilities or public services in the City, nor for the promotion of public health, safety, or welfare of the citizens of Duluth.
- 5) No other public or City comments, other than corrections to the exhibits, have been received at the time of drafting this report.
- 6) Vacations of rights of way typically result in the former right of way being allocated as private property back to the adjacent property owners, if they are within the same platted subdivision that initially dedicated the public right of way. In this case, the previously approved subdivisions are Clearview Park, Great View Addition to Duluth, and Swenson's Division of Duluth.
- 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.

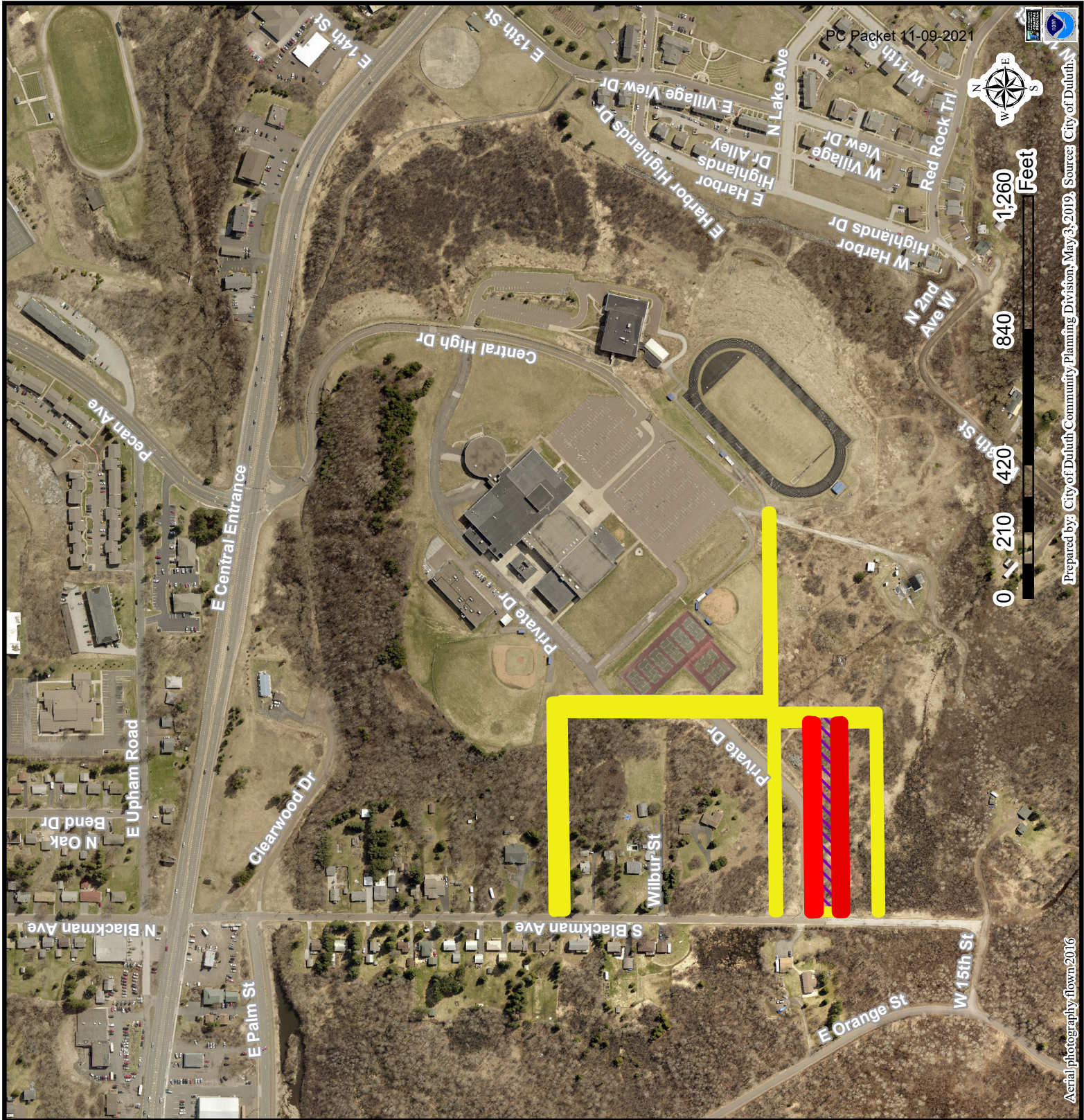
Staff Recommendation:

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.
- 2) The vacation is subject to the approval and filing of the final plat related to this project; the vacation shall be void if the final plat for Central Overlook is not recorded with St. Louis County.

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 2016


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

Subdivision Boundaries

Easement Type

Utility Easement

Other Easement

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

Legend

- Gas Main
- Water Main
- ⦿ Hydrant

Sanitary Sewer Mains

- CITY OF DULUTH
- WLSDD; PRIVATE

- ↑ Sanitary Sewer Forced Main

- ⦿ Storage Basin

- ⦿ Pump Station

Storm Sewer Mains

- Storm Sewer Pipe

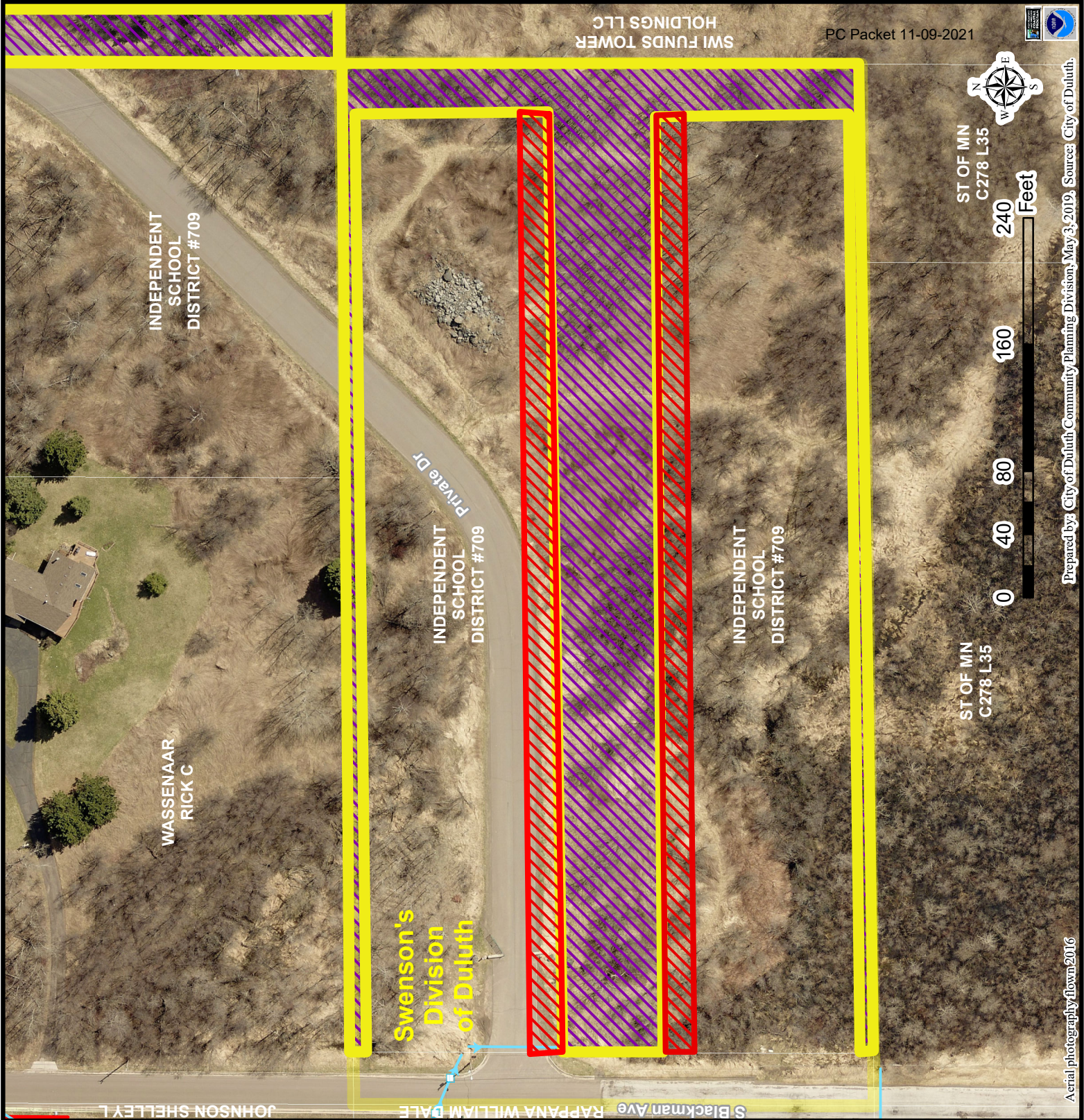
- ⦿ Storm Sewer Catch Basin

Subdivision Boundaries

Easement Type

- ⦿ Utility Easement
- ⦿ Other Easement

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Legend

- Gas Main
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Sanitary Sewer Mains

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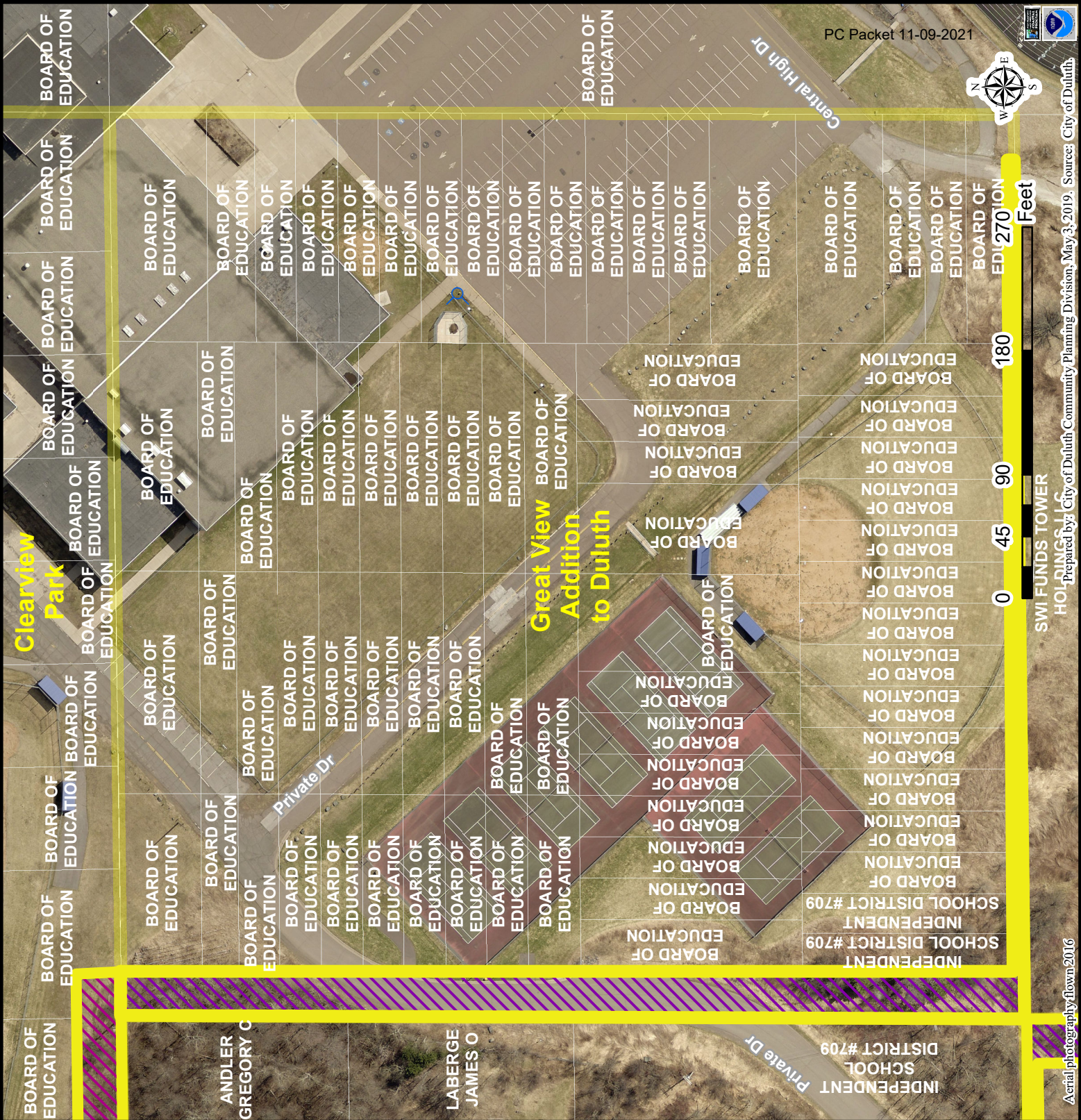
- Storm Sewer Pipe

- Storm Sewer Catch Basin

Easement Type

- Utility Easement
- Other Easement

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0 45 90 180 270 Feet

SWI FUNDS TOWER

HOUDINGS LLC

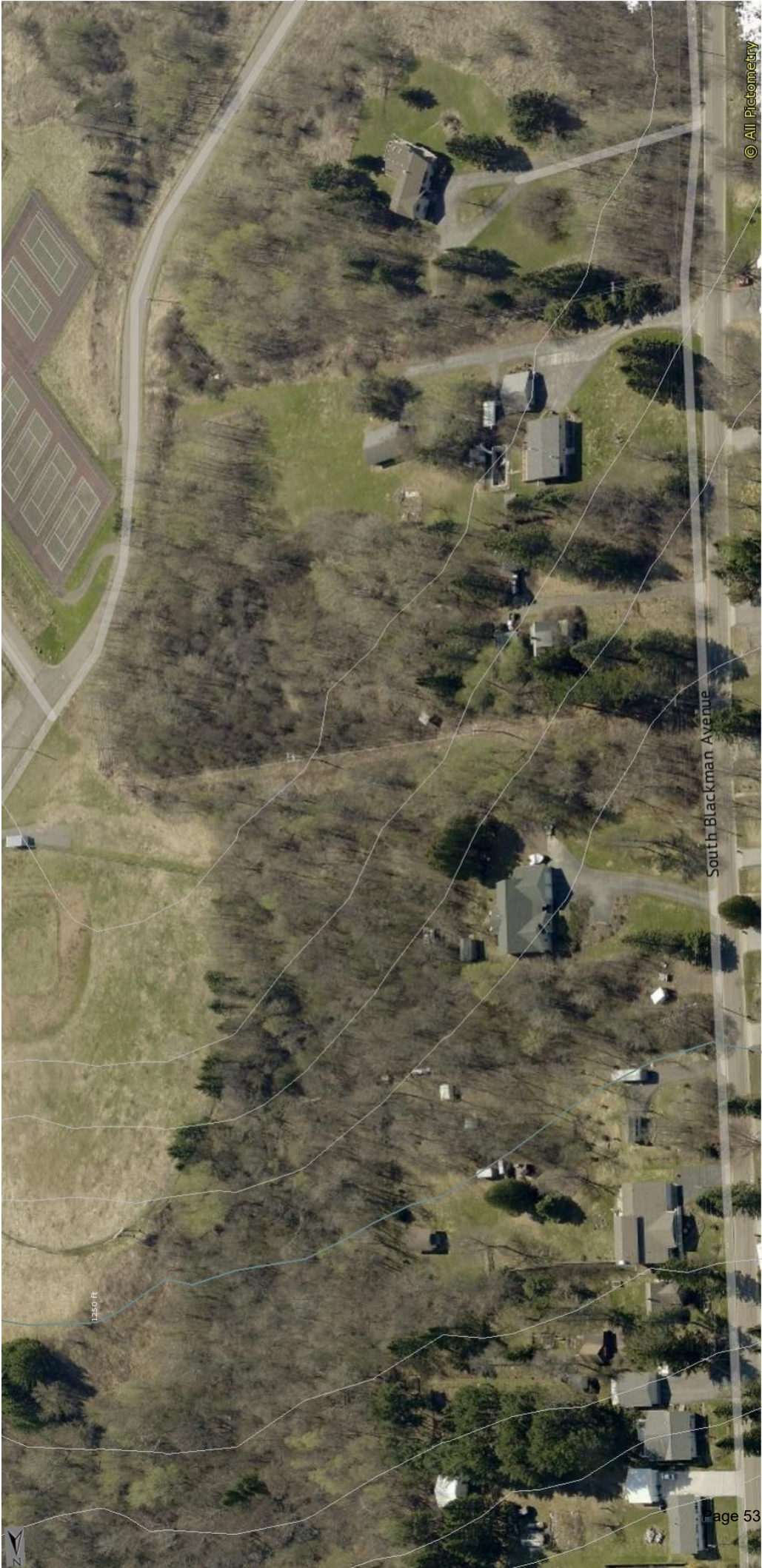
Aerial photography flown 2016

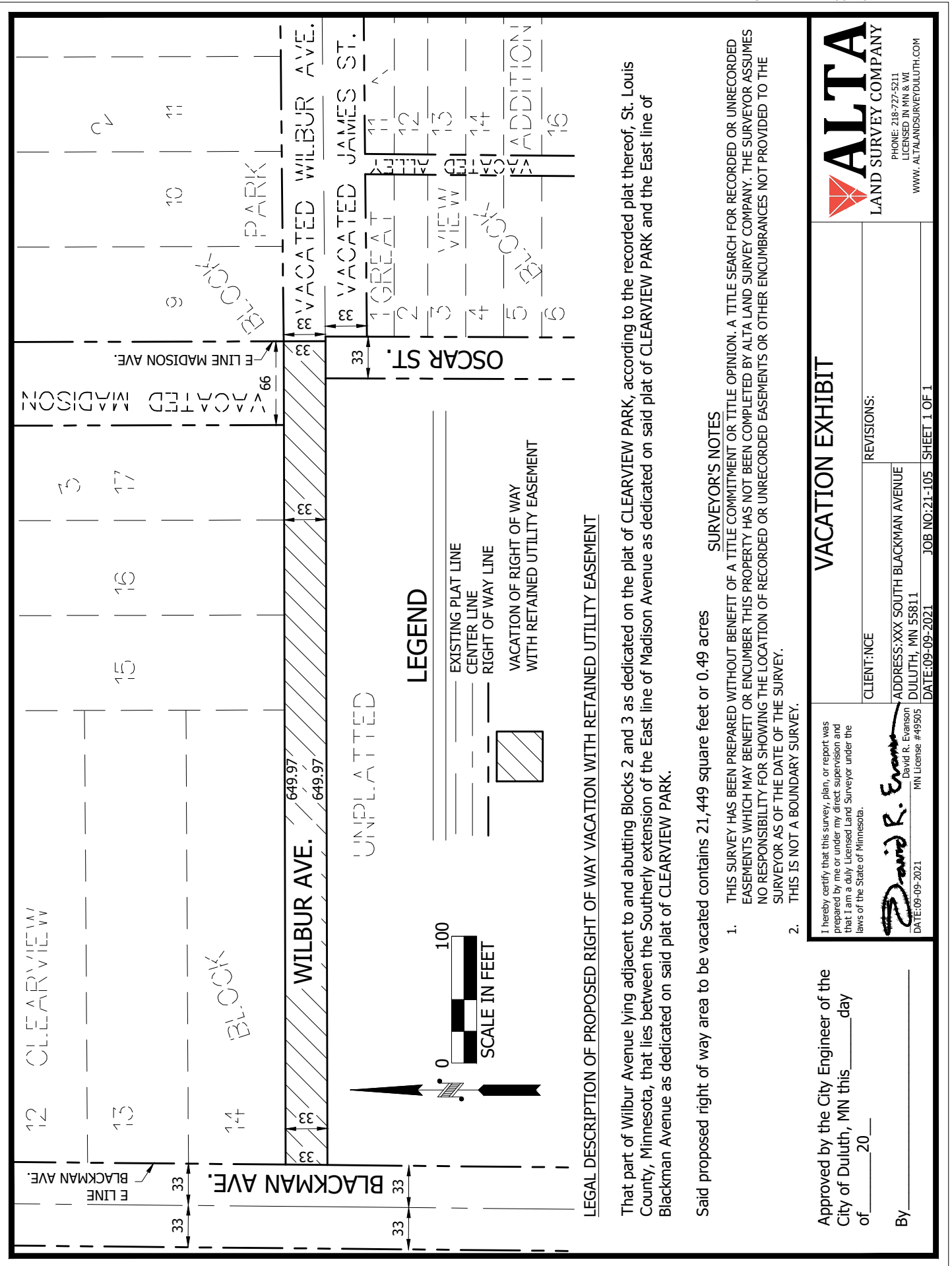
Prepared by: City of Duluth Community Planning Division, May 3, 2019. Source: City of Duluth.

South Blackman Ave



South Blackman Ave







CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	182.01	233.00	44°45'27"	N67°06'31"E	177.42
C2	234.09	333.00	40°16'38"	N24°35'29"E	229.30
C3	23.32	267.00	5°00'15"	N06°42'17"E	23.31
C4	27.59	333.00	4°44'51"	S06°49'55"W	27.58
C5	188.89	267.00	40°32'02"	S24°27'46"W	184.98
C6	130.46	167.00	44°45'27"	S67°06'31"W	127.16

INGRESS & EGRESS EASEMENT EXHIBIT

CLIENT:NCE

REVISIONS:

ADDRESS:802 CENTRAL ENTRANCE
DULUTH, MN 55811

DATE:10-26-2021

JOB NO:21-105

SHEET 2 OF 2



LEGAL DESCRIPTION OF PROPOSED INGRESS & EGRESS EASEMENT

A 66.00 foot wide easement for Ingress & Egress purpose lying over, under and across a part of Lots 1 thru 16, Block 1, SWENSON'S DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota and lying over, under and across part of Rudolph Street and the Alley adjacent to and Northerly of said Block 1, as said Rudolph Street and said Alley were dedicated on said SWENSON'S DIVISION OF DULUTH and lying over, under and across part of the South Half of the Northwest Quarter of the Southwest Quarter of the Southeast Quarter of Section 21, Township 50 North, Range 14 West of the Fourth Principal Meridian, St. Louis County, Minnesota and lying over, under and across part of Lots 6 thru 10, 16, 17, 21 thru 24, Block 1, GREAT VIEW ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County and lying over, under and across part of Oscar Street and part of Vacated Lidwell Street and the Vacated alleys located in said Block 1, as said Oscar Street, Lidwell Street and the Alleys within Block 1 were dedicated on said GREAT VIEW ADDITION TO DULUTH, said easement described as follows:

Commencing at the South Quarter corner of said Section 21; thence on an assumed bearing of North 00 degrees 33 minutes 26 seconds East, along the West line of said Southeast Quarter for a distance of 524.23 feet; thence North 89 degrees 26 minutes 34 seconds East 33.00 feet to the East line of Blackman Avenue as dedicated on said SWENSON'S DIVISION OF DULUTH, said point being the point of beginning of the easement herein described; thence North 89 degrees 29 minutes 15 seconds East 251.04 feet; thence Northeasterly 182.01 feet, along a tangential curve, concave to the Northwest, having a radius of 233.00 feet and a delta angle of 44 degrees 45 minutes 27 seconds; thence North 44 degrees 43 minutes 48 seconds East 417.64 feet; thence Northeasterly 234.09 feet, along a tangential curve, concave to the Northwest, having a radius of 333.00 feet and a delta angle of 40 degrees 16 minutes 38 seconds; thence Northerly 23.32 feet, along a non-tangential, concave to the East, having a radius of 267.00 feet and a delta angle of 05 degrees 00 minutes 15 seconds, the chord of said curve bears North 06 degrees 42 minutes 17 seconds East for a chord distance of 23.31 feet; thence North 80 degrees 48 minutes 00 seconds West 66.00 feet; thence Southerly 27.59 feet, along a non-tangential curve, concave to the East, having a radius of 333.00 feet and a delta angle of 04 degrees 44 minutes 51 seconds, the chord of said curve bears of South 06 degrees 49 minutes 55 seconds West for a chord distance of 27.58 feet; thence Southwesterly 188.89 feet, along a non-tangential, concave to the Northwest, having a radius of 267.00 feet and delta angle of 40 degrees 32 minutes 02 seconds, the chord of said curve bears South 24 degrees 27 minutes 46 seconds West for a chord distance of 184.98 feet; thence South 44 degrees 43 minutes 48 seconds West 417.64 feet; thence Southwesterly 130.46 feet, along a tangential curve, concave to the Northwest, having a radius of 167.00 feet and a delta angle of 44 degrees 45 minutes 27 seconds; thence South 89 degrees 29 minutes 15 seconds West 249.81 feet to said East line of Blackman Avenue; thence South 00 degrees 33 minutes 26 seconds West, along said East line 66.00 feet to the point of beginning.



Said Ingress & Egress Easement contains 70,042 Sq. Feet or 1.61 Acres.

LEGEND




PROPOSED INGRESS & EGRESS EASEMENT




REFER TO SURVEYOR'S NOTES






CAST IRON MON
FOUND REBAR






POC-POINT OF COMMENCEMENT
POB-POINT OF BEGINNING






SECTION SUBDIVISION LINE






RIGHT OF WAY LINE



PROPOSED EASEMENT LINE



SURVEY LINE




EXISTING PLAT LINE

SURVEYOR'S NOTES

1. STREETS, ALLEYS & AVENUES IN THE RECORDED PLAT OF GREAT VIEW ADDITION TO DULUTH THAT WERE VACATED PER TORRENS DOCUMENT NO. 374776.
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.

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
MN License #49505

DATE:10-26-2021

INGRESS & EGRESS EASEMENT EXHIBIT

CLIENT:NCE

REVISIONS:

ADDRESS:802 CENTRAL ENTRANCE
DULUTH, MN 55811

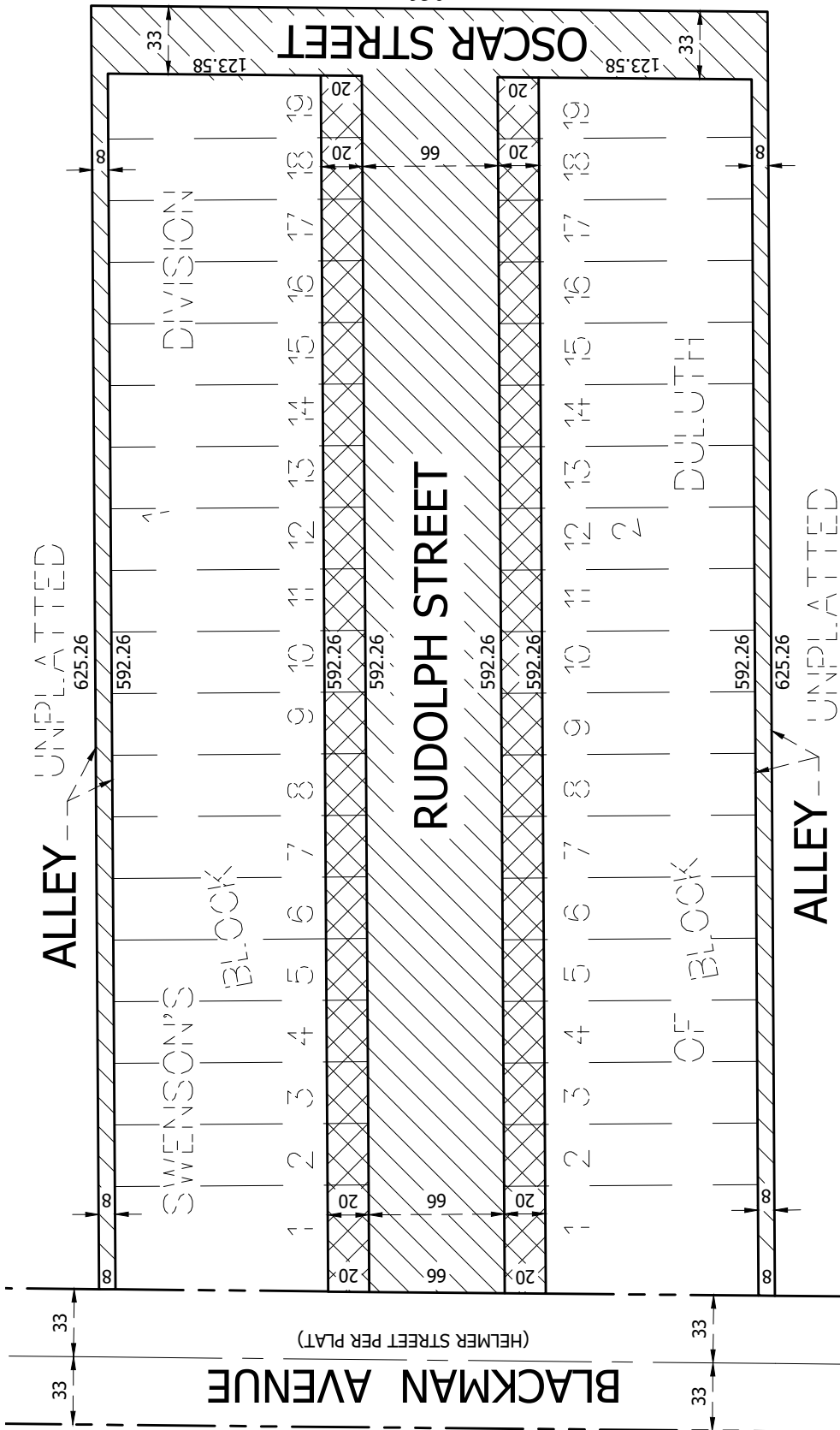
DATE:10-26-2021

JOB NO:21-105

SHEET 1 OF 2

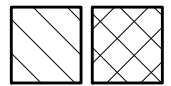
**ALTA**
LAND SURVEY COMPANY

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



LEGEND

- EXISTING PLAT LINE
- CENTER LINE
- RIGHT OF WAY LINE



VACATION OF RIGHT OF WAY

VACATION OF BUILDING LINE EASEMENT

VACATION EXHIBIT

CLIENT: NCE

ADDRESS: XXX SOUTH BLACKMAN AVENUE
DULUTH, MN 55811

DATE: 09-09-2021

REVISIONS:



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

JOB NO: 21-105 SHEET 2 OF 2

LEGAL DESCRIPTION OF PROPOSED RIGHT OF WAY VACATION

All of Oscar Street and all that part of Rudolph Street lying East of the West line of Blackman Avenue (Helmer Street per plat) as dedicated on the plat of SWENSON'S DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota. AND

All that part of the Alley lying adjacent to and abutting Block 1 lying East of the West line of Blackman Avenue (Helmer Street per plat) as dedicated on the plat of SWENSON'S DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota. AND

All that part of the Alley lying adjacent to and abutting Block 2 lying East of the West line of Blackman Avenue (Helmer Street per plat) as dedicated on the plat of SWENSON'S DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota.

Said proposed right of way area to be vacated contains 59,426 square feet or 1.36 acres

LEGAL DESCRIPTION OF PROPOSED BUILDING LINE EASEMENT VACATION

All of the building line easement lying within Block 1 as dedicated on the plat of SWENSON'S DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota. AND

All of the building line easement lying within Block 2 as dedicated on the plat of SWENSON'S DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota.

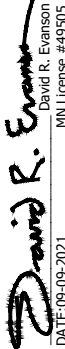
Said proposed building line easement area to be vacated contains 23,685 square feet or 0.54 acres

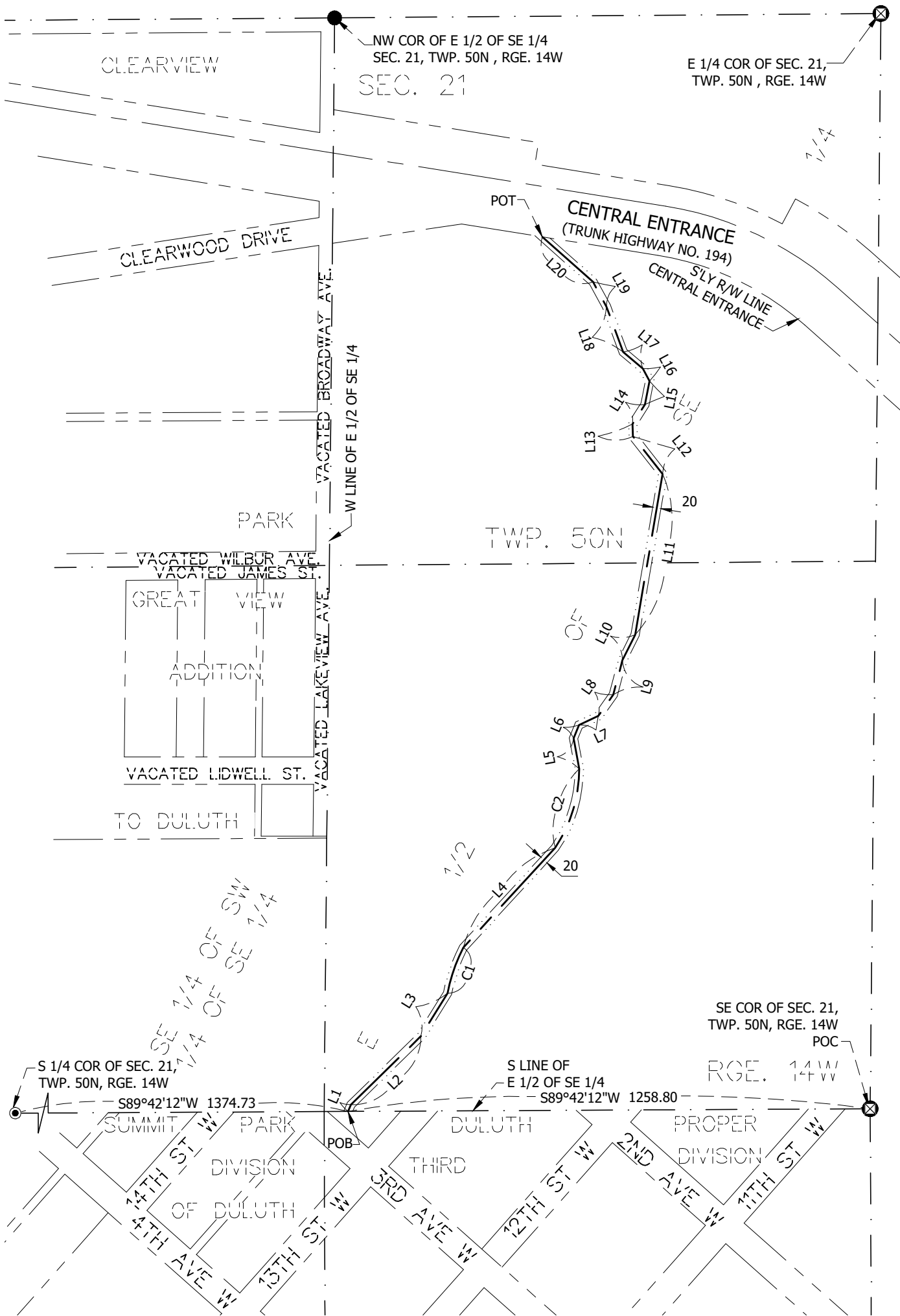
SURVEYOR'S NOTES

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. 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 MN License #49305 DATE: 09-09-2021		ALTA LAND SURVEY COMPANY PHONE: 218-727-5211 LICENSED IN MN & WI WWW.ALTLANDSURVEYDULUTH.COM	
VACATION EXHIBIT		CLIENT: NCE	REVISIONS:
ADDRESS: XXX SOUTH BLACKMAN AVENUE DULUTH, MN 55811		JOB NO: 21-105 SHEET 1 OF 2	



TRAIL EASEMENT EXHIBIT

CLIENT:NCE	REVISIONS:
ADDRESS:802 CENTRAL ENTRANCE DULUTH, MN 55811	
DATE:10-26-2021	JOB NO:21-105 SHEET 2 OF 2

**ALTA**
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OFFICIAL PLAT

Page 61 of 77

LINE	BEARING(M)	DISTANCE(M)	BEARING(COT)	DISTANCE(COT)	BEARING(RLS S2)	DISTANCE(RLS S2)
L29	N89°33'28"E	80.18	N83°59'00"E	80.00	N89°37'53"E	80.66
L30	S48°21'39"E	104.62	S55°52'1"E	104.51	S48°21'39"E	104.51
L31	S48°21'39"E	134.26	S55°55'00"E	134.61	S48°21'39"E	134.15

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	COR. BEARING	COR. LENGTH
C1	397.00	698.51	32° 33'30"	S60° 38' 24"E	391.67
C2	2385.50	31729	43° 15'00" (T)	S19° 52'20"W	233.92
C3	1138.84	283.00	74° 23'33"		13.38
C4	521.88	305.00	98° 01'24"	N49° 23'01"W	460.45
C5	341.75	263.00	104° 01'00"	N41° 01' 00"E	341.03
C6	341.75	263.00	104° 01'00"	N41° 01' 00"E	341.03
C7	992.1	2129	31° 17'33"	N36° 06'51"E	95.64
C8	218.29	333.00	37° 33'32"	S2° 58'46"W	214.40
C9	308.86	333.00	37° 33'32"	S2° 58'46"W	214.40
C10	308.86	333.00	37° 33'32"	S2° 58'46"W	214.40
C11	176.30	225.00	44° 53'36"	N69° 56'55"W	171.82
C12	153.74	190.00	46° 47' 39"	S69° 12'54"E	149.58
C13	153.74	190.00	46° 47' 39"	S69° 12'54"E	149.58
C14	217.99	333.00	37° 33'32"	S2° 58'46"W	214.40
C15	188.89	267.00	40° 02'02"	N24° 26' 12"E	184.98
C16	130.46	167.00	44° 05'27"	N6° 40' 31"E	127.16
C17	224.00	293.00	50° 01'00"	N34° 01' 00"E	224.00
C18	224.00	293.00	50° 01'00"	N34° 01' 00"E	224.00
C19	23.32	267.00	39° 01'55"	S06° 49' 17"W	23.32

LINE	BEARING	DISTANCE
L32	N09°36'17"E	34.49
L33	S05°34'41"W	230.60
L34	S05°34'41"W	121.79
L35	N05°12'22"W	70.95
L36	S05°12'22"W	70.95
L37	S00°133"E	225.76
L38	S44°17'43"E	261.12
L39	N09°42'17"E	173.42
L40	N41°38'02"E	249.10
L41	N08°38'02"E	140.19
L42	N08°38'02"E	140.19
L43	N08°21'33"E	187.68
L44	S06°32'26"W	85.58
L45	S41°39'26"W	162.47
L46	S41°39'26"W	57.10
L47	S45°13'15"E	66.53
L48	S45°13'15"E	70.95
L49	S45°13'15"E	70.95
L50	N40°46'53"E	66.00
L51	N40°46'53"E	460.81
L52	S03°12'17"E	70.95
L53	N09°57'41"E	34.35
L54	S05°05'33"W	188.87
L55	S05°05'33"W	130.87
L56	S44°17'43"E	261.12
L57	N41°10'53"W	146.52
L58	S09°51'33"E	291.00
L59	S45°13'08"E	182.48
L60	S45°13'08"E	70.95
L61	S09°51'33"E	249.10
L62	N09°42'17"E	231.04
L63	N44°24'38"E	417.64

LINE	BEARING(M)	DISTANCE(M)	BEARING(COT)	DISTANCE(COT)	BEARING
29	N89°33'26"E	80.18	N84°04'11"E	80.66	N83°59'
30	S48°21'39"E	104.62	S53°55'21"E	104.51	S48°21'
31	S48°21'39"E	134.26	S53°55'00"E	134.61	

CL	CLW	CL A	CL B	CL C	CL D	CL E	CL F	CL G	CL H	CL I	CL J	CL K	CL L	CL M	CL N	CL O	CL P	CL Q	CL R	CL S	CL T	CL U	CL V	CL W	CL X	CL Y	CL Z	CL AA	CL AB	CL AC	CL AD	CL AE	CL AF	CL AG	CL AH	CL AI	CL AJ	CL AK	CL AL	CL AM	CL AN	CL AO	CL AP	CL AQ	CL AR	CL AS	CL AT	CL AU	CL AV	CL AW	CL AX	CL AY	CL AZ	CL BA	CL BB	CL BC	CL BD	CL BE	CL BF	CL BG	CL BH	CL BI	CL BJ	CL BK	CL BL	CL BM	CL BN	CL BO	CL BP	CL BQ	CL BR	CL BS	CL BT	CL BU	CL BV	CL BW	CL BX	CL BY	CL BZ	CL CA	CL CB	CL CC	CL CD	CL CE	CL CF	CL CG	CL CH	CL CI	CL CJ	CL CK	CL CL	CL CM	CL CN	CL CO	CL CP	CL CQ	CL CR	CL CS	CL CT	CL CU	CL CV	CL CW	CL CX	CL CY	CL CZ	CL DA	CL DB	CL DC	CL DD	CL DE	CL DF	CL DG	CL DH	CL DI	CL DJ	CL DK	CL DL	CL DM	CL DN	CL DO	CL DP	CL DQ	CL DR	CL DS	CL DT	CL DU	CL DV	CL DW	CL DX	CL DY	CL DZ	CL EA	CL EB	CL EC	CL ED	CL EE	CL EF	CL EG	CL EH	CL EI	CL EJ	CL EK	CL EL	CL EM	CL EN	CL EO	CL EP	CL EQ	CL ER	CL ES	CL ET	CL EU	CL EV	CL EW	CL EX	CL EY	CL EZ	CL FA	CL FB	CL FC	CL FD	CL FE	CL FF	CL FG	CL FH	CL FI	CL FJ	CL FK	CL FL	CL FM	CL FN	CL FO	CL FP	CL FQ	CL FR	CL FS	CL FT	CL FU	CL FV	CL FW	CL FX	CL FY	CL FZ	CL GA	CL GB	CL GC	CL GD	CL GE	CL GF	CL GG	CL GH	CL GI	CL GJ	CL GK	CL GL	CL GM	CL GN	CL GO	CL GP	CL GQ	CL GR	CL GS	CL GT	CL GU	CL GV	CL GW	CL GX	CL GY	CL GZ	CL HA	CL HB	CL HC	CL HD	CL HE	CL HF	CL HG	CL HH	CL HI	CL HJ	CL HK	CL HL	CL HM	CL HN	CL HO	CL HP	CL HQ	CL HR	CL HS	CL HT	CL HU	CL HV	CL HW	CL HX	CL HY	CL HZ	CL IA	CL IB	CL IC	CL ID	CL IE	CL IF	CL IG	CL IH	CL II	CL IJ	CL IK	CL IL	CL IM	CL IN	CL IO	CL IP	CL IQ	CL IR	CL IS	CL IT	CL IU	CL IV	CL IW	CL IX	CL IY	CL IZ	CL JA	CL JB	CL JC	CL JD	CL JE	CL JF	CL JG	CL JH	CL JI	CL JJ	CL JK	CL JL	CL JM	CL JN	CL JO	CL JP	CL JQ	CL JR	CL JS	CL JT	CL JU	CL JV	CL JW	CL JX	CL JY	CL JZ	CL KA	CL KB	CL KC	CL KD	CL KE	CL KF	CL KG	CL KH	CL KI	CL KJ	CL KK	CL KL	CL KM	CL KN	CL KO	CL KP	CL KQ	CL KR	CL KS	CL KT	CL KU	CL KV	CL KW	CL KX	CL KY	CL KZ	CL LA	CL LB	CL LC	CL LD	CL LE	CL LF	CL LG	CL LH	CL LI	CL LJ	CL LK	CL LL	CL LM	CL LN	CL LO	CL LP	CL LQ	CL LR	CL LS	CL LT	CL LU	CL LV	CL LW	CL LX	CL LY	CL LZ	CL MA	CL MB	CL MC	CL MD	CL ME	CL MF	CL MG	CL MH	CL MI	CL MJ	CL MK	CL ML	CL MN	CL MO	CL MP	CL MQ	CL MR	CL MS	CL MT	CL MU	CL MV	CL MW	CL MX	CL MY	CL MZ	CL NA	CL NB	CL NC	CL ND	CL NE	CL NF	CL NG	CL NH	CL NI	CL NJ	CL NK	CL NL	CL NM	CL NN	CL NO	CL NP	CL NQ	CL NR	CL NS	CL NT	CL NU	CL NV	CL NW	CL NX	CL NY	CL NZ	CL OA	CL OB	CL OC	CL OD	CL OE	CL OF	CL OG	CL OH	CL OI	CL OJ	CL OK	CL OL	CL OM	CL ON	CL OO	CL OP	CL OQ	CL OR	CL OS	CL OT	CL OU	CL OV	CL OW	CL OX	CL OY	CL OZ	CL PA	CL PB	CL PC	CL PD	CL PE	CL PF	CL PG	CL PH	CL PI	CL PJ	CL PK	CL PL	CL PM	CL PN	CL PO	CL PP	CL PQ	CL PR	CL PS	CL PT	CL PU	CL PV	CL PW	CL PX	CL PY	CL PZ	CL QA	CL QB	CL QC	CL QD	CL QE	CL QF	CL QG	CL QH	CL QI	CL QJ	CL QK	CL QL	CL QM	CL QN	CL QO	CL QP	CL QQ	CL QR	CL QS	CL QT	CL QU	CL QV	CL QW	CL QX	CL QY	CL QZ	CL RA	CL RB	CL RC	CL RD	CL RE	CL RF	CL RG	CL RH	CL RI	CL RJ	CL RK	CL RL	CL RM	CL RN	CL RO	CL RP	CL RQ	CL RR	CL RS	CL RT	CL RU	CL RV	CL RW	CL RX	CL RY	CL RZ	CL SA	CL SB	CL SC	CL SD	CL SE	CL SF	CL SG	CL SH	CL SI	CL SJ	CL SK	CL SL	CL SM	CL SN	CL SO	CL SP	CL SQ	CL SR	CL SS	CL ST	CL SU	CL SV	CL SW	CL SX	CL SY	CL SZ	CL TA	CL TB	CL TC	CL TD	CL TE	CL TF	CL TG	CL TH	CL TI	CL TJ	CL TK	CL TL	CL TM	CL TN	CL TO	CL TP	CL TQ	CL TR	CL TS	CL TT	CL TU	CL TV	CL TW	CL TX	CL TY	CL TZ	CL UA	CL UB	CL UC	CL UD	CL UE	CL UF	CL UG	CL UH	CL UI	CL UJ	CL UK	CL UL	CL UM	CL UN	CL UO	CL UP	CL UQ	CL UR	CL US	CL UT	CL UU	CL UV	CL UW	CL UX	CL UY	CL UZ	CL VA	CL VB	CL VC	CL VD	CL VE	CL VF	CL VG	CL VH	CL VI	CL VJ	CL VK	CL VL	CL VM	CL VN	CL VO	CL VP	CL VQ	CL VR	CL VS	CL VT	CL VU	CL VV	CL VW	CL VX	CL VY	CL VZ	CL WA	CL WB	CL WC	CL WD	CL WE	CL WF	CL WG	CL WH	CL WI	CL WJ	CL WK	CL WL	CL WM	CL WN	CL WO	CL WP	CL WQ	CL WR	CL WS	CL WT	CL WU	CL WV	CL WW	CL WX	CL WY	CL WZ	CL XA	CL XB	CL XC	CL XD	CL XE	CL XF	CL XG	CL XH	CL XI	CL XJ	CL XK	CL XL	CL XM	CL XN	CL XO	CL XP	CL XQ	CL XR	CL XS	CL XT	CL XU	CL XV	CL XW	CL XX	CL XY	CL XZ	CL YA	CL YB	CL YC	CL YD	CL YE	CL YF	CL YG	CL YH	CL YI	CL YJ	CL YK	CL YL	CL YM	CL YN	CL YO	CL YP	CL YQ	CL YR	CL YS	CL YT	CL YU	CL YV	CL YW	CL YX	CL YY	CL YZ	CL ZA	CL ZB	CL ZC	CL ZD	CL ZE	CL ZF	CL ZG	CL ZH	CL ZI	CL ZJ	CL ZK	CL ZL	CL ZM	CL ZN	CL ZO	CL ZP	CL ZQ	CL ZR	CL ZS	CL ZT	CL ZU	CL ZV	CL ZW	CL ZX	CL ZY	CL ZZ
CL	39.700	698.51	33.350	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.380	564.838	31.38																																																																																																																																																																																																																																																																																																																																																																																																																											

◐	CAST IRON NON	◐	CAST IRON CAPED REBAR RLS. NO. 4374
◑	FIELD MEASURED	◑	FOUND 1 STATE MONUMENT
◒	NO FIELD DIMENSION	◒	FOUND SANDSTONE MONUMENT
◓	CITY-REGISTERED LAND SURVEY DIMENSION	◓	FOUND REBAR
◔	T-TORRENS DOCUMENT	◔	FOUND CAPED REBAR RLS. NO. 49505
◕	LOC-POINT OF COMMENCEMENT	◕	FOUND CONCRETE SURVEY MONUMENT
◖	LOC-POINT OF BEGINNING	◖	FOUND IRON ROD
◗	SECTION SUBDIVISION LINE	◗	SET CAPED REBAR RLS. NO. 49505
◘	CENTER LINE		
◙	RIGHT OF WAY LINE		
◚	EXISTING EASEMENT LINE		

SURVEY LINE
 PLAT BOUNDARY LINE
 EXISTING PLAT/PARCEL LINE
 LOT LINE
 WET LAND LINE
 WET LAND



BASIS OF BEARING
BEARINGS ARE BASED ON THE EAST LINE OF THE NE 1/4 OF
OF SEC. 21, TWP. 50N, RGE. 14W, WHICH IS SAID TO HAVE
A BEARING OF N00°33'43"E.



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 21-174	Contact	Steven Robertson	
Type	Final Plat, Central Overlook	Planning Commission Date		November 9, 2021
Deadline for Action	Application Date	October 5, 2021	60 Days	December 4, 2021
	Date Extension Letter Mailed	October 20, 2021	120 Days	February 2, 2022
Location of Subject		800 East Central Entrance		
Applicant	ISD 709	Contact	Available, on file	
Agent	Northland Consulting Engineers	Contact	Available, on file	
Legal Description		See Attached Map		
Site Visit Date		June 25, 2021	Sign Notice Date	October 25, 2021
Neighbor Letter Date		October 28, 2021	Number of Letters Sent	58

Proposal:

Applicant is seeking approval of a final plat in support of construction of new facilities in support of ISD 709 operations and administration, and in support of redevelopment of the remainder of the property.

Staff Recommendation

Approval of the preliminary plat, with conditions. Final Plats are approved by the Planning Commission.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-P	Former school (vacant)	Business Park, Urban Residential, Recreation
North	MU-C, MU-N	Commercial	Central Business Secondary, General Mixed Use
South	R-1	Residential, Antenna Farm	Traditional Neighborhood
East	R-P	Residential	Urban Residential
West	R-1	Residential	Urban Residential

Summary of Code Requirements

The planning commission shall approve the application, or approve it with modifications if it determines that:

- (a) Is consistent with the comprehensive land use plan;
- (b) Is consistent with all applicable requirements of MSA 462.358 and Chapter 505;
- (c) Is consistent with all applicable provisions of this Chapter;
- (d) Is consistent with any approved district plan covering all or part of the area of the preliminary plat;
- (e) Is located in an area with adequate police, fire and emergency facilities available to serve the projected population of the subdivision within the City's established response times, or the applicant has committed to constructing or financing public facilities that will allow police, fire or emergency service providers to meet those response times;
- (f) Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible;

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

The following Imagine Duluth 2035 Governing Principles should be considered when reviewing the request:

Governing Principle 1, Reuse previously developed lands.

Reuse of previously developed lands, including adaptive reuse of existing building stock and historic resources, directs new investment to sites which have the potential to perform at a higher level than their current state.

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

Undeveloped areas are an essential part of Duluth's municipal fabric, including urban plazas, neighborhood parks. These minimally developed or undeveloped areas collectively create an open space system.

Governing Principle 8, Encourage mix of activities, uses and densities

A mix of land uses, building types, housing types, and activities. provide opportunity for a diversity of activity that segregated, uniform uses do not provide.

Future Land Use

Business Park: Primarily office and light industrial areas developed in a unified manner, with standards for site design and circulation patterns, signage, landscaping and building design. This land use category was specified for this particular site to provide for flexibility in redevelopment of the site, in support of ISD 709's intent to pursue sale of the property and redevelopment.

Site History or Previous Studies

Central High School at the top of the hill was built in 1971 as a replacement for the downtown Historic Old Central High School. The school terminated operations in 2011, and the building has been closed and vacant for ten years.

In late 2011 the City hosted two public meetings to gather input on future reuse of the site, with approximately 100 total attendees. Several scenarios were suggested to encourage public comment (Big Box Retail, Light Manufacturing, Casino, Nursing Home/Medical Care, Warehousing, Corporate Headquarters, Higher Education, and Heavy Industry).

In 2012 (PL 11-141) the future land use designation was changed. The site was rezoned twice in 2013 (PL 13-037 and PL 13-117), in accordance with the previous future land use change. In 2014 it was rezoned again (PL 14-063) to a planned development, MU-P (Mixed Use Planned). As part of a planned development, a concept plan was required showing the proposed land uses to be allowed on the site, maximum density, and maximum height of structures. At the June 2014 Planning Commission meeting, the school district's representative offered to provide a buffer setback from residential properties on Blackman, to shield them from possible noise and light conflicts that may arise from future development.

At the June 2021 Planning Commission meeting, the commission recommended approval of the amendment to the concept plan (PL 21-069). A preliminary plat (PL 21-097) was reviewed and approved by the Planning Commission earlier this year.

Review and Discussion Items

- 1) The applicant is seeking Planning Commission approval of a final plat. The final plat is proposing to subdivide the property into three lots within Block 1, and one lot within Block 2 (at the very SE of the property). A companion planning commission application (PL 21-176) is being submitted along with this project, to vacate existing public rights of way on portions of this site. Much of the platted right of way of this site had been vacated in 1969, but three portions of rights of way still remain to be vacated.
- 2) The proposed final plat collects previously unplatted land and previously platted land (Clearview Park, Great View Addition to Duluth, and Swenson's Division of Duluth) into one new subdivision, Central Overlook.
- 3) The name of the proposed plat is Central Overlook. The name of the proposed public streets within the development are "H Courtney Drive" and "Portia Johnson Drive." Per 50-33.6.D, Names, the City Engineer has approved the proposed street names. Future development of the rest of the site may require the expansion of Portia Johnson Drive to Blackman Avenue, as an improved public street built to city standards.
- 4) The final plat is generally in accord with the existing approved Concept Plan, and with the proposed Regulating Plan.
- 5) The final plat is consistent with the comprehensive land use plan designation of this site, "business park." The plat is located in an area with adequate police, fire and emergency facilities available to serve the anticipated developments proposed for this site. The site is served by City sewer, water, and natural gas. A new water main will be installed. In general, there is sufficient infrastructure services available to support this preliminary plat.
- 6) The final plat and proposed project do not trigger any mandatory EAW reviews. However, it is possible that future development of the rest of the site may trigger a mandatory EAW, especially if higher density residential housing is proposed (example: 250 unattached or 375 attached housing units trigger a mandatory EAW).
- 7) Wetlands are shown on the final plat, but are not expected to be impacted by development proposed on this site. Wetlands are within the open space buffer area being preserved.
- 8) The nearest transit service stop/shelter is at the southeast corner of Central Entrance and Pecan Avenue, approximately 1,800 feet from the entrance of the proposed facilities building. The site will support sidewalks from Central Entrance up to the new proposed school facilities, allowing safe and direct pedestrian access.
- 9) The Planning Commission's approval of the Preliminary Plat was conditioned on these items:
 - The applicant enter into a development agreement addressing terms as identified by City staff that is approved before the Final Plat is recorded. This also includes easements for a recreational trail on the eastern edge of the site. Staff note: a development agreement is pending.
 - The proposed sidewalk needs to be extended from the intersection going west to allow pedestrian access to the proposed Facilities Building, Transportation Building, and District Services Center. Staff note: safe pedestrian access is being provided.
 - A wetland delineation is required to show the boundaries of existing wetlands within the site. If wetlands are near areas of proposed grading, the applicant shall provide photographic evidence to the Land Use Supervisor to verify that a construction fence was installed around wetlands to be preserved. Staff note: wetlands are shown on the final plat.
 - The City Forester must approve the tree replacement plan and that trees to be preserved. Staff note: the City forester has reviewed the tree replacement plan.
 - Open Space/Buffer be increased to approximately 125-150 feet along the western edge of the development adjacent to Blackman Avenue, to roughly approximate the open space presented with the rezoning application (PL 21-069), and should be preserved by an easement or similar tool. Staff note: open space has been expanded, but an easement has not been provided; may be addressed in development agreement.
- 10) No other public or City comments, other than corrections to the exhibits, have been received at the time of drafting this report.

Staff Recommendation

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

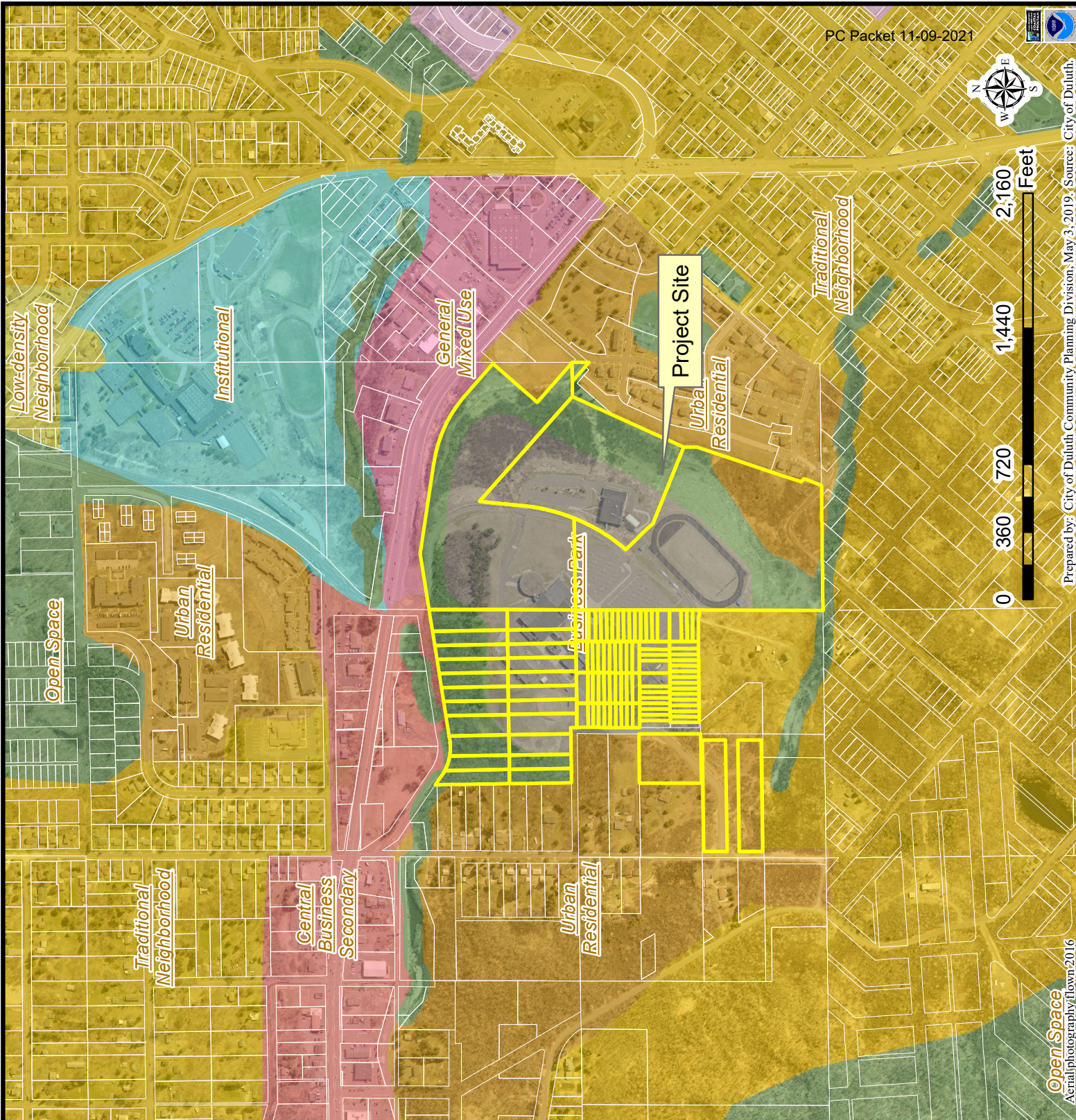
- 1) The final plat must be recorded in the office of the County Recorder as provided in MSA 505.4 and that such recording be completed within 2 years of the approval of the plat.
- 2) The plat not be filed until the vacation approval is filed in the St. Louis County Recorder's office.
- 3) The plat not be signed by the President and Secretary of the Planning Commission nor filed with the county until a development agreement is approved by the Duluth City Council. The development agreement must reflect language ensuring provision of a trail easement for the Superior Hiking Trail (as shown in Trail Easement Exhibit dated 10-26-21).
- 4) The applicant provides the City of Duluth two fully signed copies of the final plat (including County staff signatures), at least one being mylar. One copy will be stored in the city's plat files, and the other for the 911 addressing file. The President and Secretary of the Planning Commission will not sign the plat unless at least three copies are provided for signatures.



PL 21-069 Rezoning
MUP, Concept Plan
Rezone Map

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

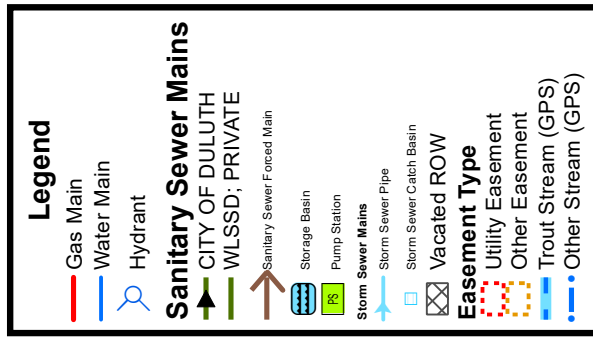


PC Packet 11-09-2021

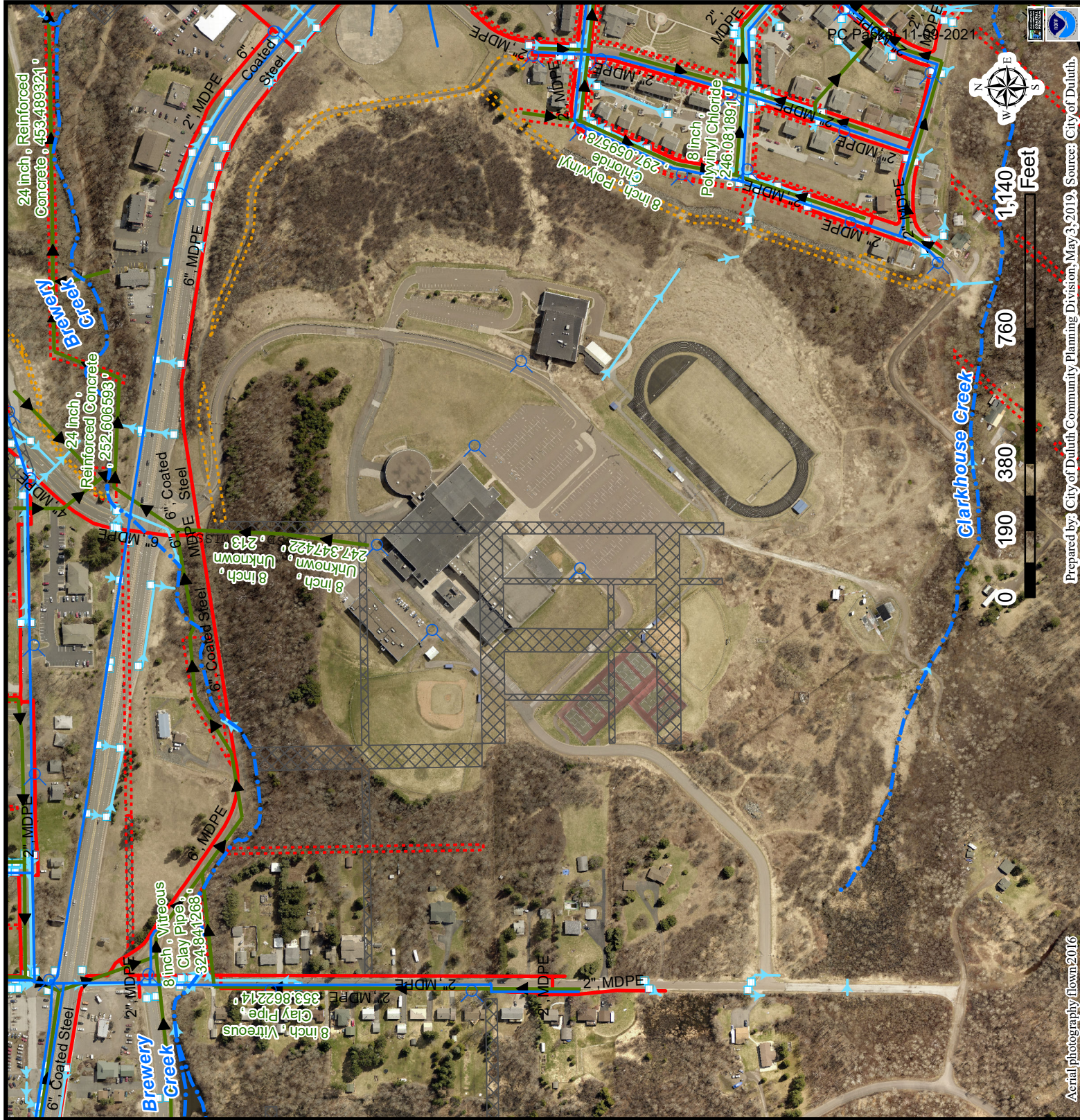
Prepared by: City of Duluth Community Planning Division, May 3, 2019. Source: City of Duluth.

Open Space
Aerial photography from 2016

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.

PL 21-069 Rezoning
MUP, Concept Plan
Rezone Map

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LOCATED IN PART OF THE SOUTHEAST QUARTER OF SECTION 21,
TOWNSHIP 50 NORTH, RANGE 14 WEST OF THE FOURTH PRINCIPAL
MERIDIAN, ST. LOUIS COUNTY, MINNESOTA

This is a detailed plat map of a portion of Township 50N, Range 14W, Section 21, Twp. 50N, Rge. 14W, Doc. No. 1245219. The map shows several lots, including Lot 1, Lot 2, Lot 3, and Lot 4, along with various streets and highways. Key features include Central Entrance-Trunk Highway No. 194, Clearwood Drive, H Courtney Drive, and Port Johnson Drive. The map also shows various easements, including utility easements and easements for the Central Entrance-Trunk Highway. The map is oriented with North at the top, and the township and range are indicated on the right side.

LINE TABLE					
LINE	BEARING(W)	DISTANCE(M)	BEARING(COT)	DISTANCE(RLS 82) BEARING(RLS 85) DISTANCE(RLS 85)	DISTANCE(PLAT)
L1	N89°12'22"E	22.45	N89°12'22"E	22.45	22.45
L2	N18°46'31"E	582.95	N18°46'31"E	582.95	582.95
L3	N45°24'55"E	406.63	N45°24'55"E	406.63	406.63
L4	N24°57'45"E	466.63	N24°57'45"E	466.63	466.63
L5	N41°38'21"E	267.02	N41°38'21"E	267.02	267.02
L6	S58°04'39"W	267.03	S58°04'39"W	267.03	267.03
L7	N41°38'21"E	267.02	N41°38'21"E	267.02	267.02
L8	N41°38'21"E	24.61	N41°38'21"E	24.61	24.61
L9	S48°21'39"E	29.64	S47°36'08"E	28.64	28.64
L10	N48°21'38"W	275.69	S60°23'47"W	360.234747	360.234747
L11	N48°21'38"W	275.69			
L12	N41°38'21"E	311.38			
L13	N41°38'21"E	311.38			
L14	N80°55'29"W	478.83			
L15	N55°15'38"W	267.03			
L16	N55°15'38"W	267.03			
L17	S40°08'27"E	753.89			
L18	S80°12'17"E	327.82			
L19	S200°13'46"E	327.82			
L20	S89°44'54"W	260.00			
L21	S89°44'54"W	260.00			
L22	S89°38'17"W	367.05			
L23	S50°33'26"W	329.15			
L24	S89°44'54"W	260.00			
L25	N00°21'03"E	229.51			
L26	N89°42'06"E	658.78			
L27	N89°42'06"E	658.78			
L28	N89°42'12"E	657.00			
L29	N89°42'12"E	657.00			
L30	N89°42'12"E	657.00			
L31	N89°42'12"E	657.00			
L32	N89°42'12"E	657.00			
L33	N89°42'12"E	657.00			
L34	N89°42'12"E	657.00			
L35	N89°42'12"E	657.00			
L36	N89°42'12"E	657.00			
L37	N89°42'12"E	657.00			
L38	N89°42'12"E	657.00			
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L249					

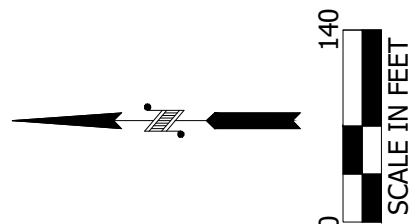
LINE TABLE						
	LINE	BEARING(N)	DISTANCE(W)	BEARING(COT)	DISTANCE(COT)	BEARING(RL 82)/DISTANCE(RL 82)
1	29	N89°32.26'E	80.18	N83°59.00"E	80.00	N89°75.5"E 80.66
2	29	N89°32.26'E	80.18	N89°04.11"E	80.66	N89°75.5"E 80.66
3	31	S48°21.39'W	134.26	S55°52.21"E	104.51	S48°21.39'E 104.51
4	31	S48°21.39'W	134.26	S55°55.00"E	134.61	S48°17.19'E 134.15

LINE	BEARING	DISTANCE
L32	N09°36'17"E	34.49
L33	S05°34'41"W	230.60
L34	S05°34'41"W	121.79
L35	N05°12'22"W	70.95
L36	S05°12'22"W	70.95
L37	S00°133"E	225.76
L38	S44°17'43"E	261.12
L39	N09°42'17"E	173.42
L40	N41°38'02"E	249.10
L41	N08°38'02"E	140.19
L42	N08°38'02"E	140.19
L43	N08°21'33"E	187.68
L44	S06°32'26"W	85.52
L45	S41°39'26"W	162.47
L46	S41°39'26"W	57.10
L47	S45°13'15"E	66.53
L48	S45°13'15"E	70.95
L49	S45°13'15"E	70.95
L50	N40°46'53"E	66.00
L51	N40°46'53"E	460.81
L52	S03°12'17"E	70.95
L53	N09°57'41"E	34.35
L54	S05°05'33"W	188.87
L55	S05°05'33"W	130.87
L56	S44°17'43"E	261.12
L57	N41°10'53"W	146.52
L58	S08°51'33"E	291.00
L59	S45°13'08"E	182.48
L60	S45°13'08"E	70.95
L61	S08°51'33"E	291.00
L62	N09°42'17"E	231.04
L63	N44°24'38"E	417.64

CL	CLW	CL A	CL B	CL C	CL D	CL E	CL F	CL G	CL H	CL I	CL J	CL K	CL L	CL M	CL N	CL O	CL P	CL Q	CL R	CL S	CL T	CL U	CL V	CL W	CL X	CL Y	CL Z	CL AA	CL AB	CL AC	CL AD	CL AE	CL AF	CL AG	CL AH	CL AI	CL AJ	CL AK	CL AL	CL AM	CL AN	CL AO	CL AP	CL AQ	CL AR	CL AS	CL AT	CL AU	CL AV	CL AW	CL AX	CL AY	CL AZ	CL BA	CL BB	CL BC	CL BD	CL BE	CL BF	CL BG	CL BH	CL BI	CL BJ	CL BK	CL BL	CL BM	CL BN	CL BO	CL BP	CL BQ	CL BR	CL BS	CL BT	CL BU	CL BV	CL BW	CL BX	CL BY	CL BZ	CL CA	CL CB	CL CC	CL CD	CL CE	CL CF	CL CG	CL CH	CL CI	CL CJ	CL CK	CL CL	CL CM	CL CN	CL CO	CL CP	CL CQ	CL CR	CL CS	CL CT	CL CU	CL CV	CL CW	CL CX	CL CY	CL CZ	CL DA	CL DB	CL DC	CL DD	CL DE	CL DF	CL DG	CL DH	CL DI	CL DJ	CL DK	CL DL	CL DM	CL DN	CL DO	CL DP	CL DQ	CL DR	CL DS	CL DT	CL DU	CL DV	CL DW	CL DX	CL DY	CL DZ	CL EA	CL EB	CL EC	CL ED	CL EE	CL EF	CL EG	CL EH	CL EI	CL EJ	CL EK	CL EL	CL EM	CL EN	CL EO	CL EP	CL EQ	CL ER	CL ES	CL ET	CL EU	CL EV	CL EW	CL EX	CL EY	CL EZ	CL FA	CL FB	CL FC	CL FD	CL FE	CL FF	CL FG	CL FH	CL FI	CL FJ	CL FK	CL FL	CL FM	CL FN	CL FO	CL FP	CL FQ	CL FR	CL FS	CL FT	CL FU	CL FV	CL FW	CL FX	CL FY	CL FZ	CL GA	CL GB	CL GC	CL GD	CL GE	CL GF	CL GG	CL GH	CL GI	CL GJ	CL GK	CL GL	CL GM	CL GN	CL GO	CL GP	CL GQ	CL GR	CL GS	CL GT	CL GU	CL GV	CL GW	CL GX	CL GY	CL GZ	CL HA	CL HB	CL HC	CL HD	CL HE	CL HF	CL HG	CL HH	CL HI	CL HJ	CL HK	CL HL	CL HM	CL HN	CL HO	CL HP	CL HQ	CL HR	CL HS	CL HT	CL HU	CL HV	CL HW	CL HX	CL HY	CL HZ	CL IA	CL IB	CL IC	CL ID	CL IE	CL IF	CL IG	CL IH	CL II	CL IJ	CL IK	CL IL	CL IM	CL IN	CL IO	CL IP	CL IQ	CL IR	CL IS	CL IT	CL IU	CL IV	CL IW	CL IX	CL IY	CL IZ	CL JA	CL JB	CL JC	CL JD	CL JE	CL JF	CL JG	CL JH	CL JI	CL JJ	CL JK	CL JL	CL JM	CL JN	CL JO	CL JP	CL JQ	CL JR	CL JS	CL JT	CL JU	CL JV	CL JW	CL JX	CL JY	CL JZ	CL KA	CL KB	CL KC	CL KD	CL KE	CL KF	CL KG	CL KH	CL KI	CL KJ	CL KK	CL KL	CL KM	CL KN	CL KO	CL KP	CL KQ	CL KR	CL KS	CL KT	CL KU	CL KV	CL KW	CL KX	CL KY	CL KZ	CL LA	CL LB	CL LC	CL LD	CL LE	CL LF	CL LG	CL LH	CL LI	CL LJ	CL LK	CL LL	CL LM	CL LN	CL LO	CL LP	CL LQ	CL LR	CL LS	CL LT	CL LU	CL LV	CL LW	CL LX	CL LY	CL LZ	CL MA	CL MB	CL MC	CL MD	CL ME	CL MF	CL MG	CL MH	CL MI	CL MJ	CL MK	CL ML	CL MN	CL MO	CL MP	CL MQ	CL MR	CL MS	CL MT	CL MU	CL MV	CL MW	CL MX	CL MY	CL MZ	CL NA	CL NB	CL NC	CL ND	CL NE	CL NF	CL NG	CL NH	CL NI	CL NJ	CL NK	CL NL	CL NM	CL NO	CL NP	CL NQ	CL NR	CL NS	CL NT	CL NU	CL NV	CL NW	CL NX	CL NY	CL NZ	CL OA	CL OB	CL OC	CL OD	CL OE	CL OF	CL OG	CL OH	CL OI	CL OJ	CL OK	CL OL	CL OM	CL ON	CL OO	CL OP	CL OQ	CL OR	CL OS	CL OT	CL OU	CL OV	CL OW	CL OX	CL OY	CL OZ	CL PA	CL PB	CL PC	CL PD	CL PE	CL PF	CL PG	CL PH	CL PI	CL PJ	CL PK	CL PL	CL PM	CL PN	CL PO	CL PP	CL PQ	CL PR	CL PS	CL PT	CL PU	CL PV	CL PW	CL PX	CL PY	CL PZ	CL QA	CL QB	CL QC	CL QD	CL QE	CL QF	CL QG	CL QH	CL QI	CL QJ	CL QK	CL QL	CL QM	CL QN	CL QO	CL QP	CL QQ	CL QR	CL QS	CL QT	CL QU	CL QV	CL QW	CL QX	CL QY	CL QZ	CL RA	CL RB	CL RC	CL RD	CL RE	CL RF	CL RG	CL RH	CL RI	CL RJ	CL RK	CL RL	CL RM	CL RN	CL RO	CL RP	CL RQ	CL RR	CL RS	CL RT	CL RU	CL RV	CL RW	CL RX	CL RY	CL RZ	CL SA	CL SB	CL SC	CL SD	CL SE	CL SF	CL SG	CL SH	CL SI	CL SJ	CL SK	CL SL	CL SM	CL SN	CL SO	CL SP	CL SQ	CL SR	CL SS	CL ST	CL SU	CL SV	CL SW	CL SX	CL SY	CL SZ	CL TA	CL TB	CL TC	CL TD	CL TE	CL TF	CL TG	CL TH	CL TI	CL TJ	CL TK	CL TL	CL TM	CL TN	CL TO	CL TP	CL TQ	CL TR	CL TS	CL TT	CL TU	CL TV	CL TW	CL TX	CL TY	CL TZ	CL UA	CL UB	CL UC	CL UD	CL UE	CL UF	CL UG	CL UH	CL UI	CL UJ	CL UK	CL UL	CL UM	CL UN	CL UO	CL UP	CL UQ	CL UR	CL US	CL UT	CL UU	CL UV	CL UW	CL UX	CL UY	CL UZ	CL VA	CL VB	CL VC	CL VD	CL VE	CL VF	CL VG	CL VH	CL VI	CL VJ	CL VK	CL VL	CL VM	CL VN	CL VO	CL VP	CL VQ	CL VR	CL VS	CL VT	CL VU	CL VV	CL VW	CL VX	CL VY	CL VZ	CL WA	CL WB	CL WC	CL WD	CL WE	CL WF	CL WG	CL WH	CL WI	CL WJ	CL WK	CL WL	CL WM	CL WN	CL WO	CL WP	CL WQ	CL WR	CL WS	CL WT	CL WU	CL WV	CL WW	CL WX	CL WY	CL WZ	CL XA	CL XB	CL XC	CL XD	CL XE	CL XF	CL XG	CL XH	CL XI	CL XJ	CL XK	CL XL	CL XM	CL XN	CL XO	CL XP	CL XQ	CL XR	CL XS	CL XT	CL XU	CL XV	CL XW	CL XX	CL XY	CL XZ	CL YA	CL YB	CL YC	CL YD	CL YE	CL YF	CL YG	CL YH	CL YI	CL YJ	CL YK	CL YL	CL YM	CL YN	CL YO	CL YP	CL YQ	CL YR	CL YS	CL YT	CL YU	CL YV	CL YW	CL YX	CL YY	CL YZ	CL ZA	CL ZB	CL ZC	CL ZD	CL ZE	CL ZF	CL ZG	CL ZH	CL ZI	CL ZJ	CL ZK	CL ZL	CL ZM	CL ZN	CL ZO	CL ZP	CL ZQ	CL ZR	CL ZS	CL ZT	CL ZU	CL ZV	CL ZW	CL ZX	CL ZY	CL ZZ
CL	397.00	668.51	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50	564.88	333.50																																																																																																																																																																																																																																																																																																																																																																																																																

CAST IRON MON
 FOUND CAPRED REBAR RLS. NO. 4374
 FOUND T-STATE MONUMENT
 FOUND SANDSTONE MONUMENT
 FOUND REBAR
 FOUND CONCRETE SURVEY MONUMENT
 FOUND CONCRETE SURVEY MONUMENT
 FOUND IRON ROD
 SET CAPRED REBAR RLS. NO. 49505

SECTION SUBDIVISION LINE
 CENTER LINE
 EXISTING EASEMENT LINE
 PROPOSED EASEMENT LINE
 PLAT BOUNDARY LINE
 EXISTING PLAT/PARCEL LINE
 WET LAND LINE
 WET LAND



BASIS OF BEARING
BEARINGS ARE BASED ON THE EAST LINE OF THE NE 1/4 OF
OF SEC. 21, TWP. 50N, RGE. 14W, WHICH IS SAID TO HAVE
A BEARING OF N00°33'43"E.



LEGAL DESCRIPTION OF PROPOSED INGRESS & EGRESS EASEMENT

A 66.00 foot wide easement for Ingress & Egress purpose lying over, under and across a part of Lots 1 thru 16, Block 1, SWENSON'S DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota and lying over, under and across part of Rudolph Street and the Alley adjacent to and Northerly of said Block 1, as said Rudolph Street and said Alley were dedicated on said SWENSON'S DIVISION OF DULUTH and lying over, under and across part of the South Half of the Northwest Quarter of the Southwest Quarter of the Southeast Quarter of Section 21, Township 50 North, Range 14 West of the Fourth Principal Meridian, St. Louis County, Minnesota and lying over, under and across part of Lots 6 thru 10, 16, 17, 21 thru 24, Block 1, GREAT VIEW ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County and lying over, under and across part of Oscar Street and part of Vacated Lidwell Street and the Vacated alleys located in said Block 1, as said Oscar Street, Lidwell Street and the Alleys within Block 1 were dedicated on said GREAT VIEW ADDITION TO DULUTH, said easement described as follows:

Commencing at the South Quarter corner of said Section 21; thence on an assumed bearing of North 00 degrees 33 minutes 26 seconds East, along the West line of said Southeast Quarter for a distance of 524.23 feet; thence North 89 degrees 26 minutes 34 seconds East 33.00 feet to the East line of Blackman Avenue as dedicated on said SWENSON'S DIVISION OF DULUTH, said point being the point of beginning of the easement herein described; thence North 89 degrees 29 minutes 15 seconds East 251.04 feet; thence Northeasterly 182.01 feet, along a tangential curve, concave to the Northwest, having a radius of 233.00 feet and a delta angle of 44 degrees 45 minutes 27 seconds; thence North 44 degrees 43 minutes 48 seconds East 417.64 feet; thence Northeasterly 234.09 feet, along a tangential curve, concave to the Northwest, having a radius of 333.00 feet and a delta angle of 40 degrees 16 minutes 38 seconds; thence Northerly 23.32 feet, along a non-tangential, concave to the East, having a radius of 267.00 feet and a delta angle of 05 degrees 00 minutes 15 seconds, the chord of said curve bears North 06 degrees 42 minutes 17 seconds East for a chord distance of 23.31 feet; thence North 80 degrees 48 minutes 00 seconds West 66.00 feet; thence Southerly 27.59 feet, along a non-tangential curve, concave to the East, having a radius of 333.00 feet and a delta angle of 04 degrees 44 minutes 51 seconds, the chord of said curve bears of South 06 degrees 49 minutes 55 seconds West for a chord distance of 27.58 feet; thence Southwesterly 188.89 feet, along a non-tangential, concave to the Northwest, having a radius of 267.00 feet and delta angle of 40 degrees 32 minutes 02 seconds, the chord of said curve bears South 24 degrees 27 minutes 46 seconds West for a chord distance of 184.98 feet; thence South 44 degrees 43 minutes 48 seconds West 417.64 feet; thence Southwesterly 130.46 feet, along a tangential curve, concave to the Northwest, having a radius of 167.00 feet and a delta angle of 44 degrees 45 minutes 27 seconds; thence South 89 degrees 29 minutes 15 seconds West 249.81 feet to said East line of Blackman Avenue; thence South 00 degrees 33 minutes 26 seconds West, along said East line 66.00 feet to the point of beginning.



Said Ingress & Egress Easement contains 70,042 Sq. Feet or 1.61 Acres.

LEGEND




PROPOSED INGRESS & EGRESS EASEMENT







REFER TO SURVEYOR'S NOTES









CAST IRON MON
FOUND REBAR









POC-POINT OF COMMENCEMENT
POB-POINT OF BEGINNING



SECTION SUBDIVISION LINE
RIGHT OF WAY LINE



PROPOSED EASEMENT LINE
SURVEY LINE




EXISTING PLAT LINE

SURVEYOR'S NOTES

1. STREETS, ALLEYS & AVENUES IN THE RECORDED PLAT OF GREAT VIEW ADDITION TO DULUTH THAT WERE VACATED PER TORRENS DOCUMENT NO. 374776.
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.

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
MN License #49505

DATE:10-26-2021

INGRESS & EGRESS
EASEMENT EXHIBIT

CLIENT:NCE

ADDRESS:802 CENTRAL ENTRANCE
DULUTH, MN 55811

DATE:10-26-2021

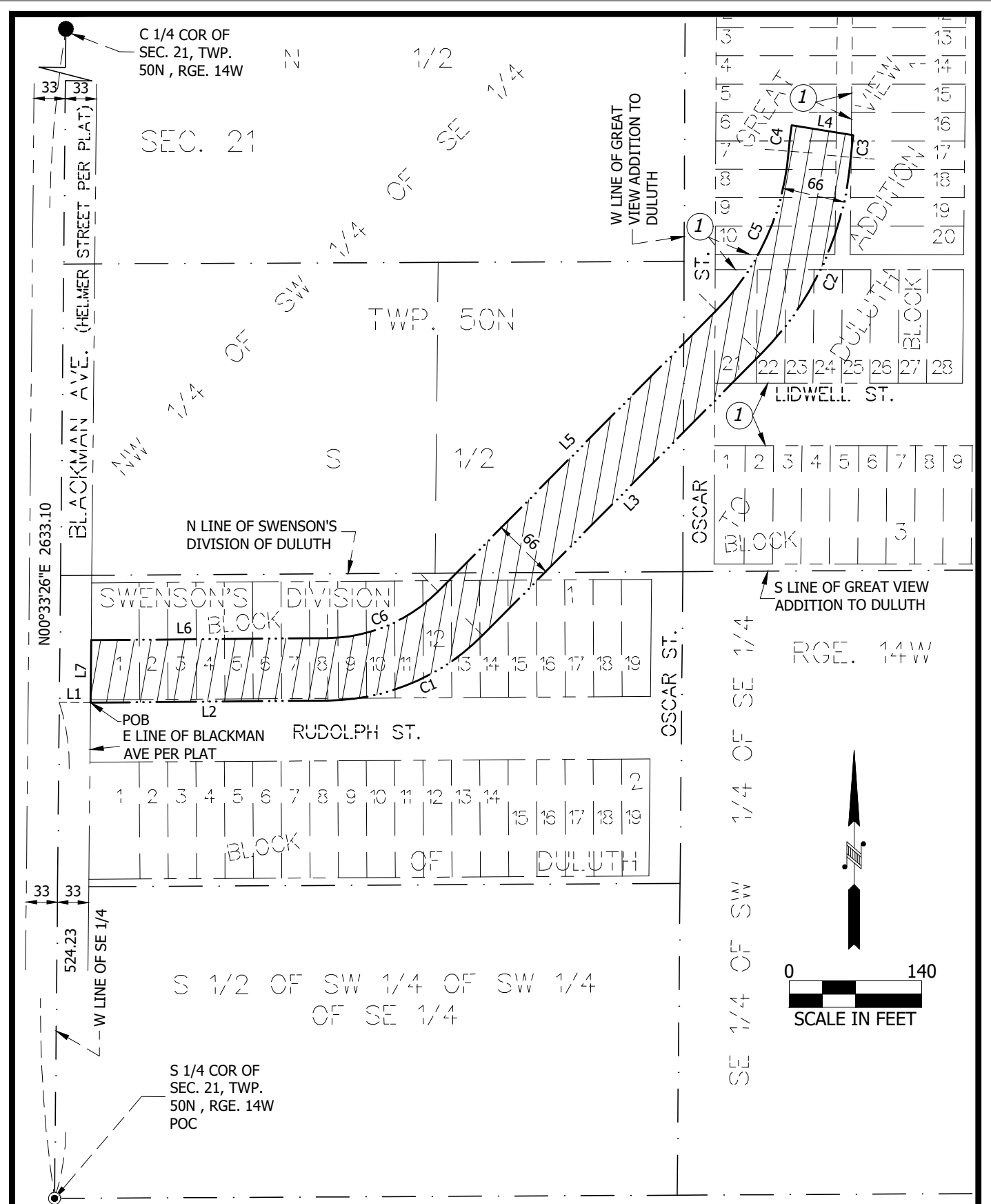
REVISIONS:

JOB NO:21-105

SHEET 1 OF 2


ALTA
LAND SURVEY COMPANY

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

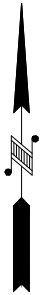
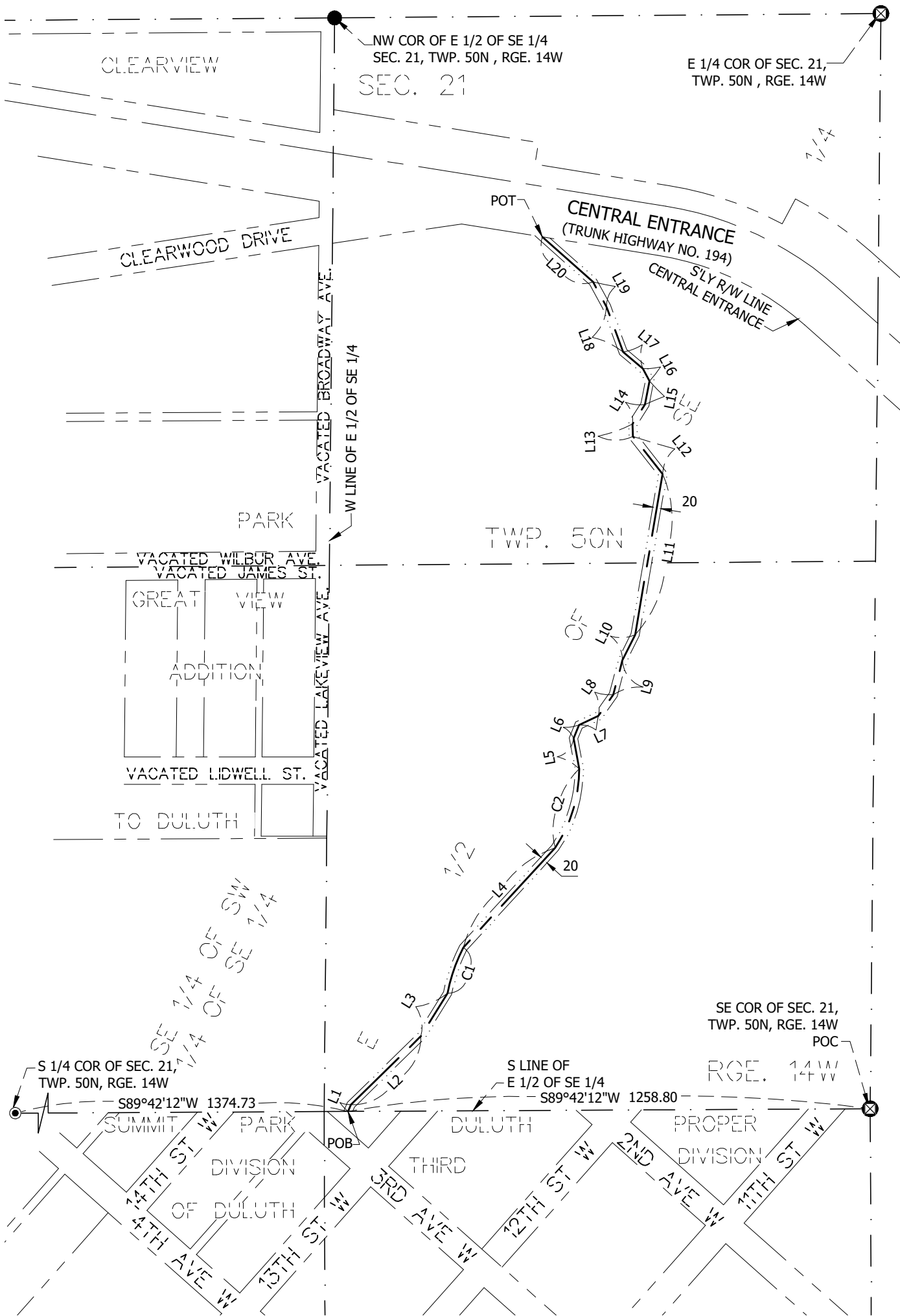


LINE	BEARING	DISTANCE
L1	N89°26'34"W	33.00
L2	N89°29'15"E	251.04
L3	N44°43'48"E	417.64
L4	N80°48'00"W	66.00
L5	S44°43'48"W	417.64
L6	S89°29'15"W	249.81
L7	S00°33'26"W	66.00

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	182.01	233.00	44°45'27"	N67°06'31"E	177.42
C2	234.09	333.00	40°16'38"	N24°35'29"E	229.30
C3	23.32	267.00	5°00'15"	N06°42'17"E	23.31
C4	27.59	333.00	4°44'51"	S06°49'55"W	27.58
C5	188.89	267.00	40°32'02"	S24°27'46"W	184.98
C6	130.46	167.00	44°45'27"	S67°06'31"W	127.16

<div>INGRESS & EGRESS EASEMENT EXHIBIT</div>		<div>ALTA LAND SURVEY COMPANY</div> <div>PHONE: 218-727-5211 LICENSED IN MN & WI WWW.ALTALANDSURVEYDULUTH.COM</div>		
			CLIENT:NCE	REVISIONS:
			ADDRESS:802 CENTRAL ENTRANCE DULUTH, MN 55811	
			DATE:10-26-2021	JOB NO:21-105

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TRAIL EASEMENT EXHIBIT

CLIENT: NCE	REVISIONS:
ADDRESS: 802 CENTRAL ENTRANCE DULUTH, MN 55811	
DATE: 10-26-2021	JOB NO: 21-105 SHEET 2 OF 2

**ALTA**
LAND SURVEY COMPANY

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

Date: November 9, 2021
 To: Planning Commission
 From: Steven Robertson, Senior Planner
 RE: PI 21-074, UDC Text Amendment, Shipping Containers and Retail Stores

The Planning Staff are recommending a change to the UDC related to shipping containers and retail stores.

Language for shipping containers (referenced in the zoning code as Temporary Moveable Storage Containers) was revised in 2019, along with new standards for accessory dwelling units. Over the last two years several conflicts or questions have arisen related to this section of the UDC, prompting a revision to the language with shipping containers to improve clarity and intent.

In addition to changes referenced above, at the meeting on November 9th, staff will be discussion recommending future minor amendments to use specific standards related to retail sales. The significant changes to the retail sales business in the last decade have prompted staff to recommend improved language. In addition, there will likely be additional changes suggested related to new land uses for commercial strip malls or a multi business, single structure, commercial use.

Recommendation:

Staff recommends that the Planning Commission discuss the items and suggests changes or edits as appropriate, to be brought forward to the City Council for action.

General Development, Development Process 1 Ensure that land use regulation sets clear expectations for development, redevelopment, and protection of Duluth's natural, cultural, economic, and social assets.

General Development, Development Process 2 In order to keep the regulatory burden reasonable and equitable, the City will implement the Comprehensive Plan through cooperation, incentives, and education, in addition to regulation.

..TITLE

AN ORDINANCE AMENDING SECTIONS 50-23 AND 50-41, RELATED TO ACCESSORY STORAGE OR SHIPPING CONTAINERS

..Body

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 50-20.4 of the Duluth City Code, 1959, as amended, be to include

~~C~~ Temporary moveable storage container. Storage or Shipping Container

1. ~~Temporary moveable storage containers~~ Storage or shipping containers shall must comply with the same UDC setback standards as for accessory structures, and shall not be located on any public right of way, or utility, pedestrian, or drainage easement, or on any required off-street parking, loading, or landscaping areas.
2. ~~Temporary moveable storage containers~~ Storage or shipping containers:
 - ~~a(a)~~ Are allowed in the MU-B and MU-W district only if buffered and screened from adjoining property to the same extent as is required for a principle primary or accessory structures;
 - ~~a(b)~~ Are allowed in the I-G or I-W districts without a requirement for buffering or screening;
 - ~~a(c)~~ Are allowed in the RR-1, RR-2, R-1, R-2, and MU-N zone districts, but shall not remain on any property for more than 15 days in any calendar year;
 - ~~a(d)~~ Are allowed in all other zone districts but shall not remain on any property for more than 45 days during any calendar year.
 - (e) Shall not be used for, or contain, any advertisement, and shall be painted a uniform color on all sides with no alpha-numeric writing or characters visible.
- 3 Storage or shipping containers shall not be used as permanent or semi-permanent storage or warehouse structures, or used to conduct business or commercial or similar activities, unless such storage or shipping container meets the following requirements:
 - (a) The exterior siding materials and color, the building form, and the roof design must be substantially similar in form and construction type as the principle building;
 - (b) The structure must meet all requirements of the Minnesota State Building Code;
 - (c) The structure must be installed on a concrete pad and permanently and immovably anchored to the concrete;
 - (d) No shipping container may be stacked upon another shipping container; and
 - (e) Has been granted an approved zoning permit per 50-37.13.

~~34~~ Exceptions to the above standards:

- (a)-Licensed and bonded contractors may use shipping containers for temporary storage housing of equipment and materials during construction projects only as expressly authorized by a City building, excavation, zoning, or obstruction permit.
- (b) The Land Use Supervisor may grant extensions to the time limit listed in subsection 2 above, but in no case shall the duration exceed 180 days.

Section 2. That Section 50-41.XX of the Duluth City Code, 1959, as amended, be amended as follows:

~~Temporary moveable storage container. A container designed for the storage of property that is typically rented to owners or occupants of property, and that customarily is delivered and removed by truck. This includes metal shipping containers.~~

Storage or Shipping Container. A container placed outdoors and used for the storage or transport of goods, cargo, materials or merchandise, typically by container ships, by rail, or other types of transport, that are used in connection with a lawful principle or accessory use of the lot. This use includes, but is not limited to, containers such as semi-trailers, roll-off containers, slide-off containers, piggyback containers, shipping containers, and portable moving and storage containers.

Section 3. That this ordinance shall take effect 30 days after its passage and publication.
(Effective date: _____, 2021)

STATEMENT OF PURPOSE: