



City of Duluth

Council Chambers, City
Hall

Meeting Agenda Planning Commission.

Council Chambers

Tuesday, June 13, 2023

5:00 PM

Council Chambers

CALL TO ORDER AND ROLL CALL

APPROVAL OF PLANNING COMMISSION MINUTES

[PL 23-0509](#) Minutes 5/9/23

Attachments: [05-09-2023 PC Minutes \(not approved yet\)](#)

PUBLIC COMMENT ON ITEMS NOT ON AGENDA

CONSENT AGENDA

[PL 23-056](#) Interim Use Permit Renewal for Vacation Dwelling Unit at 1313 Minnesota Avenue by Park Point Bay LLC

Attachments: [PL 23-056 Staff Report and Attachments](#)

[PL 23-077](#) Interim Use Permit for New Vacation Dwelling Unit at 325 S Lake Avenue, Unit 1308, by Cool & Kocon Real Estate Holdings LLC

Attachments: [PL 23-077 Staff report and Attachments](#)

[PL 23-088](#) Interim Use Permit for New Vacation Dwelling Unit at 325 S Lake Avenue, Unit 1306, by Brighton Beach Suite #2 LLC

Attachments: [PL23-088 Staff Report and Attachments](#)

[PL 23-089](#) Interim Use Permit for Vacation Dwelling Unit at 325 S Lake Avenue, Unit 1304, by Brighton Beach Suite #1 LLC

Attachments: [PL 23-089 Staff Report and Attachments](#)

[PL 23-092](#) Variance to Reduce Front Yard Setback for Single Family House at 24XX E Superior Street by Don and Laura Ness

Attachments: [PL23-092 Staff Report - final with attachments](#)

[PL 23-093](#) Variance to Side Yard Setbacks at 4224 McCulloch Street by Maury and Charlene Aaseng

Attachments: [PL 23-093 Staff report and attachments](#)

[PL 23-095](#) Vacation of Building Line Easement at 24xx E Superior Street by Don and Laura Ness

Attachments: [PL23-095 Staff Report - final with attachments](#)

[PL 23-099](#) Vacation of Utility Easement at DLH Ranch Hangar Site by Duluth Airport Authority

Attachments: [PL 23-099 Staff Report and Attachments](#)

[PL 23-102](#) Variance Extension to PL 20-160 at 316 Mygatt Avenue by John Bankson

Attachments: [PL 23-102 Staff Memo](#)

PUBLIC HEARINGS

[PL 23-086](#) Special Use Permit for Office at 1202 101st Avenue W by Kornerstores Inc.

Attachments: [PL 23-086 Staff report and attachments](#)

[PL 23-098](#) Planning Review for New Dugouts at 1200 Kenwood Avenue by College of St Scholastica

Attachments: [PL 23-098 Staff Report and Attachments](#)

TABLED ITEMS

[PL 23-003](#) UDC Text Amendments to Off-Street Parking Requirements by City of Duluth

Attachments: [PL 23-003 Staff Memo and Attachments Redacted](#)

COMMUNICATIONS

Land Use Supervisor Report

Historic Preservation Commission Report

Joint Airport Zoning Board Report

Duluth Midway Joint Powers Zoning Board Report

City of Duluth Planning Commission

**May 9, 2023 – City Hall Council Chambers
Meeting Minutes**

Call to Order

Vice-President Jason Holliday called to order the meeting of the city of Duluth planning commission at 5:03 p.m. on Tuesday, May 9th, 2023 in the Duluth city hall council chambers.

Roll Call

Attendance:

Members Present: Jason Crawford, Gary Eckenberg, Jason Holliday, Danielle Rhodes, and Michael Schraepfer

Members Absent: Samuel Lobby, Margie Nelson, and Andrea Wedul

Staff Present: Adam Fulton, Jenn Moses, Chris Lee, Kyle Deming, John Kelley, and Cindy Stafford

Approval of Planning Commission Minutes -

Planning Commission Meeting – April 11, 2023

MOTION/Second: Eckenberg/Rhodes approved

VOTE: (5-0)

Public Comment on Items Not on Agenda

No speakers.

(Item PL 23-073 was removed from the consent agenda and placed under public hearings.)

Consent Agenda

(Michael Schraepfer recused himself from the consent agenda items due to a conflict of interest.)

PL 23-083 Special Use Permit for the Cross City Trail in the Floodway near Keene Creek west of 57th Avenue West by the City of Duluth

PL 23-075 Vacation of 3' of the Alley Adjacent to 1002 E 1st Street for Construction of Parking Ramp Footings by St. Luke's Hospital

PL 23-074 Special Use Permit to Increase Child Care Capacity at 4628 Pitt Street by Lakeside Early Learning

PL 23-068 Interim Use Permit for a Vacation Dwelling Unit in a Form District at 4428 Regent Street Unit 3, by Joe Golcz

PL 23-067 Interim Use Permit for a Vacation Dwelling Unit in a Form District at 4428 Regent Street Unit 2, by Joe Golcz

PL 23-066 Interim Use Permit for a new Vacation Dwelling Unit at 1730 E 2nd Street by

Predictable 2 LLC

- PL 23-055 Interim Use Permit for renewal of a Vacation Dwelling Unit at 139 Howard Gnesen Road by Douglas McCorison
- PL 23-064 Interim Use Permit for a Vacation Dwelling Unit in a Form District at 20 N 12th Ave E, Unit 4, by New London Land Co., LLC
- PL 23-065 Interim Use Permit for a Vacation Dwelling Unit in a Form District at 20 N 12th Ave E, Unit 5, by New London Land Co., LLC
- PL 23-063 Interim Use Permit for a Vacation Dwelling Unit in a Form District at 20 N 12th Ave E, Unit 3, by New London Land Co., LLC
- PL 23-062 Interim Use Permit for a Vacation Dwelling Unit in a Form District at 20 N 12th Ave E, Unit 2, by New London Land Co., LLC
- PL 23-061 Interim Use Permit for a Vacation Dwelling Unit in a Form District at 20 N 12th Ave E, Unit 1, by New London Land Co., LLC
- PL 23-059 Interim Use Permit for Vacation Dwelling Unit in a Form District at 9 E 4th Street by BJS Land Co DLH, LLC
- PL 23-058 Interim Use Permit for Vacation Dwelling Unit in a Form District at 320 E Superior Street, Unit 2, by Demoiselles LLC
- PL 23-057 Interim Use Permit for Vacation Dwelling Unit in a Form District at 320 E Superior Street, Unit 1, by Demoiselles LLC
- PL 23-044 Interim Use Permit for Renewal of a Vacation Dwelling Unit at 1505 S Lake Avenue by Valerie A. Kennedy
- PL 23-023 Interim Use Permit for a Renewal Vacation Dwelling at 420 W 9th Street by Ben Gasner

Commissioners: PL 23-074 – Commissioner Gary Eckenberg asked if this was the old Lakeside Elementary School. Deputy Director Adam Fulton noted it was the former St. Michael's School. Eckenberg asked about the Special Use Permit approved in 2018. When did the number of students allowed go from 70 to 110? John Kelley stated in 2018 they were specifically looking at the count. There was a license renewal from the State issued in 2020 that approved the increase of the total to 110.

PL 23-067 and PL 23-068 - Eckenberg asked about the discrepancy in the Unit numbers from the agenda – compared to the staff reports. Chris Lee noted it will be corrected for the interim use permits.

PL 23-068 – Eckenberg verified the number of occupants for a one-unit vacation rental is three. Lee affirmed.

PL 23-023 Eckenberg asked about the condition of licensing included a road must have been built. John Kelley noted they are in the process of installing the road. The road will also be a condition prior to the issuance of a certificate of occupancy.

Public: PL 23-073 – Andrea Hanek – lives in Lakeside across from the child care facility. She supports the daycare, but wants to remove the item from the consent agenda for more discussion.

MOTION/Second: Eckenberg/Rhodes remove PL 23-073 from the consent agenda items and place under public hearings

VOTE: (4-0, Schraepfer Abstained)

MOTION/Second: Rhodes/Crawford approved the consent agenda items as per staff recommendations

VOTE: (4-0, Schraepfer Abstained)

Public Hearings

PL 23-073 Variance from Parking Requirements for Child Care at 4628 Pitt Street by Lakeside Early Morning

Staff: There was no presentation on this item, but staff was available to answer any questions. There were none

Public: Andrea Hanek – lives in Lakeside across from the child care facility. She noted the day care employees not parking in their allocated space. She has kids with special needs. Their bus and their care providers have a difficult time accessing their house. She also has safety concerns and notes that a fire truck would not be able to fit with cars parked on both sides of the road. She noted the basketball court that is not in use and wonders if staff could park there.

Applicant: Danielle Erjavec addressed the commission and gave an overview. The state has requirements for recreational areas and green space areas. There is parking on 46th & 47th Avenues and ten spots located in back. There is signage that states 10-15 minute parking.

Commissioners: Danielle Rhodes asked about access to the disabled children. Can signs or curb-cuts be added? Deputy Director Fulton noted that staff can follow-up with the parking division. Eckenberg asked about the basketball court. Erjavec noted the kids use it to ride their bikes in the summer and they play on it and build forts in the winter. Eckenberg stated the State refers to green space. Deputy Director Fulton noted the terminology is not related directly to hard scape or soft scape. The intent is for motor skill activity for the kids.

Public: Hanek would like to have a stipulation that parking for employees should be in the prescribed designated lot behind their facility.

MOTION/Second: Rhodes/Eckenberg approved with condition that the applicant notifies their staff and day care children's parents to park in their designated spots and to work with city staff to engage the parking department for assistance

VOTE: (5-0)

PL 23-072 Variance to Building Height at 3801-3811 London Road by London East, LLC

Staff: Kyle Deming introduce the applicant's proposal for a variance to allow three twin homes (a form of two-family dwelling) to be constructed at 39.5 feet tall instead of the 30 feet maximum building height per UDC Section 50-14.5. The project is within the London East development which includes both single-family detached homes and twin homes. Staff recommends approval with the two conditions listed in the staff report.

Commissioners: Eckenberg asked why the variance only applies to the middle units. Deming noted the planning commission already approved the variance for the single-family units. Rhodes clarified the actual variance is for 39.5 feet. Deming affirmed.

Applicant: Ted Stocke, present and welcomed questions. Commissioner Rhodes asked if the variance was denied, what would happen. The applicant stated they would have to redesign and change the look and flow of the buildings.

Public: No speakers.

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

VOTE: (4-1, Rhodes Opposed)PL 23-060 Variance to MU-W Side Yard Setbacks at 13th Street S and St Louis Avenue by Maria Fierek

Staff: John Kelley introduced the applicant's proposal for a side yard variance to reduce the setback from the required 25' setback to zero feet to construct a two-story building for residential and retail use, and a garage on a 40' x 240' lot in the MU-W, Mixed Use Waterfront zone district. The proposed variance is consistent with other properties in the nearby vicinity and with other properties in the Park Point neighborhood. A planning review by the planning commission is required for the proposed development of the site for a live-work building. Staff recommends approval with the condition listed in the staff report.

Commissioners: Rhodes asked about short-term rental concerns. Kelly noted they would have to go through proper channels and enter the waiting list for the lottery when available.

Applicant: Ryan Arola and applicant present. Their first step is to receive a variance for setbacks. They will come back with a full plan for a planning review in the future.

Public: No speakers.

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

VOTE: (5-0)PL 23-070 Preliminary Plat for Amity Bluffs Subdivision East of Woodland Avenue by Kevin Christianson

Staff: John Kelley introduced the applicant's proposal for a preliminary plat of 25 acres of land into 15 lots ranging from .26 acres to 1.96 acres into "Amity Bluffs". To comply with site connectivity requirements, the applicant is proposing a 15-foot wide pedestrian easement extending south from the terminus of the road on the east end of the site to an existing water line easement and trail that is used by adjacent residents to access Amity Creek to the west. The tree inventory identified one special tree over 20" in diameter in the northwest corner of the site, intended to be preserved during development. Kelley noted before application for the final plat is made, the tree replacement plan needs to be approved by the city forester. Staff recommends approval with the conditions listed in the staff report.

Applicant: David Bohlf is representing the applicant, and addressed the commission. He thanks staff and noted items 2 and 3 of the staff report. He thinks putting markers in, is a step that is not needed. He noted item 7 regarding the city forester approving the tree replacement plan. There is a gray area as to what the tree inventory includes. He would like to work with city staff to resolve prior to the final plat.

Public: No speakers.

MOTION/Second: Rhodes/Schraepfer approved as per staff recommendations

VOTE: (5-0)PL 23-076 MU-I Planning Review for New Parking Ramp at 1002 E 1st Street by St Lukes Hospital

Staff: Jenn Moses introduced the applicant's proposal for a 3-level, 323-stall parking ramp to replace the existing parking ramp. The height of the proposed building is 43'-10" from the average grade surrounding the structure to the top of the highest roof point. This ramp will provide an additional 60 spaces, or 20% capacity increase over the existing ramp. Design of the structure including structural columns and size of the elevator and stairs, will support an

additional 3 levels if needed in the future. Staff recommends approval with the conditions listed in the staff report.

Applicant: Michael Boeselager addressed the commission, and welcomed questions. There were none.

Public: No speakers.

MOTION/Second: Crawford/Schraepfer approved as per staff recommendations

VOTE: (5-0)

PL 23-069 Final Plat of "Rearrangement of Part of Western Woods Division" Southeast of Decker Road and Anderson Road by Lon Hovland

Staff: Kyle Deming introduce the applicants' proposal for the approval of the final plat of Rearrangement of Part of Western Woods Division to provide for re-platting of 17 lots, and a 3 acre unplatted parcel totaling 11.3 acres into 15 lots on a shortened street. The proposal includes construction of a new public street with sidewalk and utilities. The applicant has stated in writing that the wetland signage will be installed. This requirement is also listed in the development agreement. Some of the plat amendments have been made, but additional amendments will be made per guidance from city staff before the plat is recorded. The pedestrian easement through lot 8 will be required as a condition of approval of the final plat. Staff recommends approval with the conditions listed in the staff report.

Commissioners: Rhodes noted a satellite image that shows a road going through the wetland. Deming stated she is seeing a utility corridor where a sanitary sewer has been installed. Eckenberg asked if the pedestrian easement goes over the platted road. Deming explained the condition that the applicant must have recorded a pedestrian easement a minimum of 20 feet wide connecting Westwood Circle with the 33-foot-wide platted road in the adjacent Weiler Addition.

Applicant: Adam Zwak addressed the commission and thanked staff for highlighting the key points.

Public: No speakers.

MOTION/Second: Rhodes/Crawford approved as per staff recommendations

VOTE: (5-0)

PL 23-033 UDC Map Amendment to Rezone the Former DWP site in the Fairmont Neighborhood, from Roosevelt Street to Raleigh Street, from R-1 and R-2 to R-P

Staff: Jenn Moses introduced the applicant's proposal for a UDC Map Amendment (rezoning) for the former DWP site in the Fairmount neighborhood, from R-1 and R-2 to Residential-Planned (R-P) to support redevelopment of the property. The proposed R-P District incorporates 26.2 acres. Area A would have an overall density of 7 units/acre for a maximum of 77 units. This is less than allowed with the current zoning and less than what would be allowed under the Future Land Use designation. Area B would be kept entirely in open space. As adopted with the comprehensive plan (Imagine Duluth 2035), the Future Land Use for the area is a mix of Open Space and Urban Residential. Staff recommends approval noting the application is for rezoning. Comments received mostly referred to the change in future land use. There was a neighborhood meeting on 3/14/2023. DEDA staff proposed three areas, but the neighbors were not in favor of the height proposed. DEDA came back with 2 areas and a limited 40' maximum height. Multi-family units were taken out of the proposal. The proposal meets the comprehensive plan and development standards in the UDC still apply to the site.

Commissioners: Rhodes reviewed the proposal based on R-P guidelines. Can the height go as high as 65'? Per Moses, the applicant is proposing 40'. Rhodes asked if there will be proposed screening. Deputy Director Fulton noted this proposal is just for the rezoning. The regulating plan goes to the city council and does not come back to the planning commission. Rhodes asked if they can assure there will be an appropriate setback for the neighbors. Deputy Director Fulton noted they can't add a condition to a rezoning item.

Applicant: Tom Church of DEDA noted this is application is standard procedure and will help give straight answers to developers.

Public: Allan Kehr – 12 S 66th Ave W – addressed the commission. He wants to see the area remain as Urban Wilderness. He distributed a handout listing the Irving and Fairmount Revitalization plan which he said is in conflict with the current comp plan. He thinks the 2006 comp plan should be considered. It makes sense to locate housing where there has been housing in the past. He is not against development, but not here. Jim Stukel – 27 N 66th Ave W – addressed the commission. He thinks the proposed height is too high and will devalue their 2-story height limit of 25'. He sees drawbacks, which include traffic and pollution. He does not support the proposed plan, and supports in-fill housing. Kristen Schmitt – 6512 Raleigh St – addressed the commission. She notes there is great recreational value in the area. She hopes the inclusion of trailing leading from housing to rec areas will be included. She thinks the plan is a good compromise between housing and recreational area/green space. She thinks future input from the neighbors is important. City staff will work with the applicant to have an appropriate plan for the neighbors.

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

VOTE: (5-0)

Tabled Item

PL 23-003 UDC Text Amendments to Off-Street Parking Requirements by the City of Duluth
Deputy Director Adam Fulton noted this item may come off the table at the commissioners' next meeting.

Other Business

PL 21-165 Extension of the Variance to Building Height at The Breakers, 22xx Water Street

Staff: Deputy Direction Adam Fulton gave an overview. The increase is from 45' to 55'. The period can be extended for one year for the developer.

MOTION/Second: Rhodes/Schraepfer approved as per staff recommendations

VOTE: (5-0)

Communications

Land Use Supervisor (LUS) Report – Deputy Director Adam Fulton gave an overview. He noted the Duluth Area I-35 Corridor Plan and distributed a handout. Transportation planner James Gittemeier is involved in the project. Fulton also noted the city council overturned the planning commission's decision requiring an EAW for the Kinseth hotel project.

Heritage Preservation Commission – Gary Eckenberg noted there was no meeting or report.

Joint Airport Zoning Board – Gary Eckenberg noted no update.

Duluth Midway Joint Powers Zoning Board – Deputy Director Fulton noted they met a couple of weeks ago. He asked for a planning commission volunteer to attend their next meeting on 5/16. They are considering a new comp plan and rezoning action. They need a 4 out of 6 vote to move forward. Commissioner Schraepfer volunteered. Vice President Hollinday stated he could attend too, if it doesn't work out for Schraepfer.

Adjournment

Meeting adjourned at 7:27 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 23-056	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit– Accessory Vacation Dwelling Unit	Planning Commission Date		June 13, 2023
Deadline for Action	Application Date	April 7, 2023	60 Days	June 6, 2023
	Date Extension Letter Mailed	May 15, 2023	120 Days	August 5, 2023
Location of Subject		1313 Minnesota Ave		
Applicant	Park Point Bay LLC	Contact		
Agent	North Shore Host Co.	Contact		
Legal Description		PIN: 010-4390-01880		
Site Visit Date		June 2, 2023	Sign Notice Date	May 31, 2023
Neighbor Letter Date		May 26, 2023	Number of Letters Sent	30

Proposal

Applicant proposes to use their 3 bedroom home as a vacation dwelling unit. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of two consecutive nights. This property was on the waiting list.

Staff recommends Planning Commission approve.

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

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A vacation dwelling unit is an Interim Use in the R-1 zone district.

UDC Section 50-20.3. Use-Specific Standards. Lists all standards specific to vacation dwelling units.

UDC Sec. 50-37.10.E . . . the commission 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.

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

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

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

Review and Discussion Items:

- 1) The applicant's property is located on 1313 Minnesota Ave. The structure is a duplex with each unit containing 3-bedrooms that would allow a maximum occupancy of 7 people. This permit is for one of the 3- bedroom duplex units only (1313).
- 2) Two off-street parking spaces are required for this interim use permit. The site plan indicates 2 off-street parking spaces on the driveway and garage.
- 3) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicants have listed Rose Hale with North Shore Host Co to serve as the managing agent.
- 4) The site plan submitted indicates that there is proposed screening from properties on the south side of the property. This screening will need to be installed prior to the permit being issued. The useable exterior space has been buffered from all adjoining properties in accordance with the UDC requirements.
- 5) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 6) Applicant will need to apply for all relevant permits and licenses required of the Interim Use Permit for a Vacation Dwelling Unit.
- 7) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 8) No public, City, or agency comments were received.

Staff Recommendation:

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

- 1) The permit shall lapse if no activity is taken within one year of approval.
- 2) Applicant will install all required screening or obtain a waiver before the permit is issued.
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50



PL 23-056
Interim Use Permit
1313 Minnesota Ave

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
- Zoning Boundaries**

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



Aerial photography flown 2019

Prepared by: City of Duluth Planning & Economic Development, February 23, 2023 Source: City of Duluth



Vacation Dwelling Unit Worksheet

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

2. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two. You may rent no more than four bedrooms.

How many legal bedrooms are in the dwelling?

3

What will be your maximum occupancy?

7

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

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

How many off-street parking spaces will your unit provide? 2

4. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, on or off the street. **Will you allow motorhome or trailer parking? If so, where?** No Trailer Parking Provided

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

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

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

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

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

9. Permit holder must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24-hours-a-day to any complaints from neighbors or the City. The permit holder must notify the Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information.

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

North Shore Host Co - Rose Hale - 218.216.9069

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

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

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

Provided on the property description prior to booking, in guest messaging
 and in the physical guidebook in the home

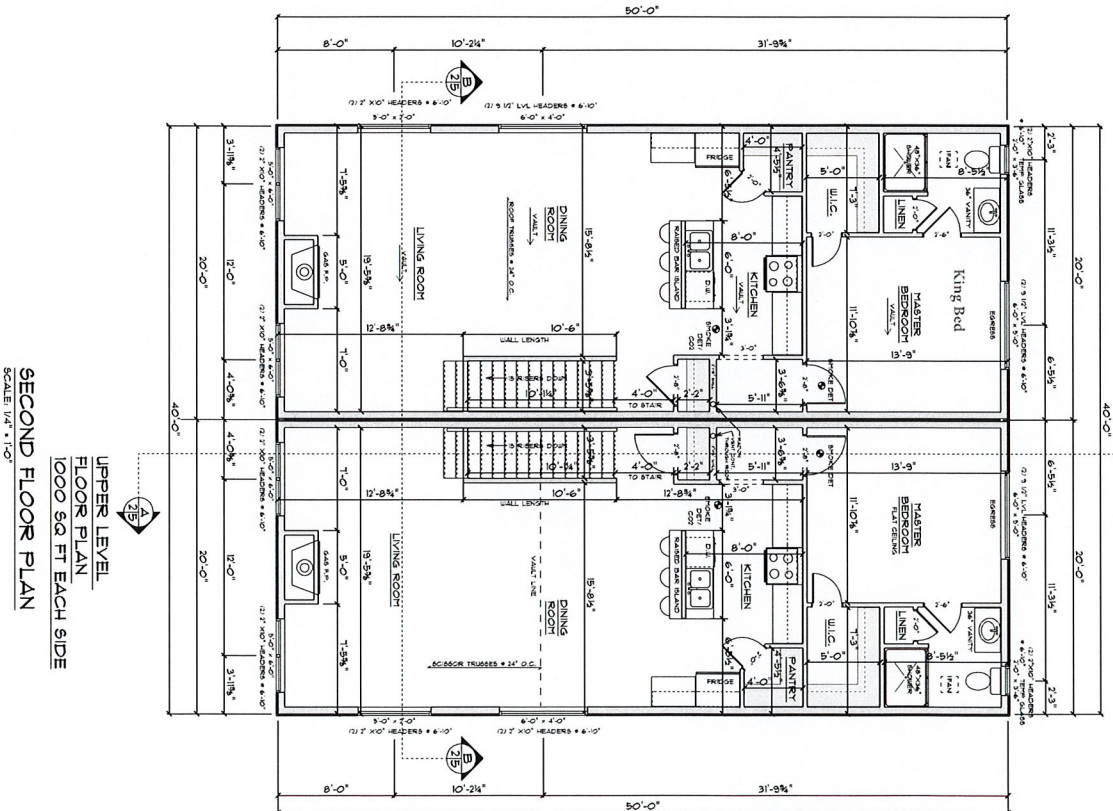
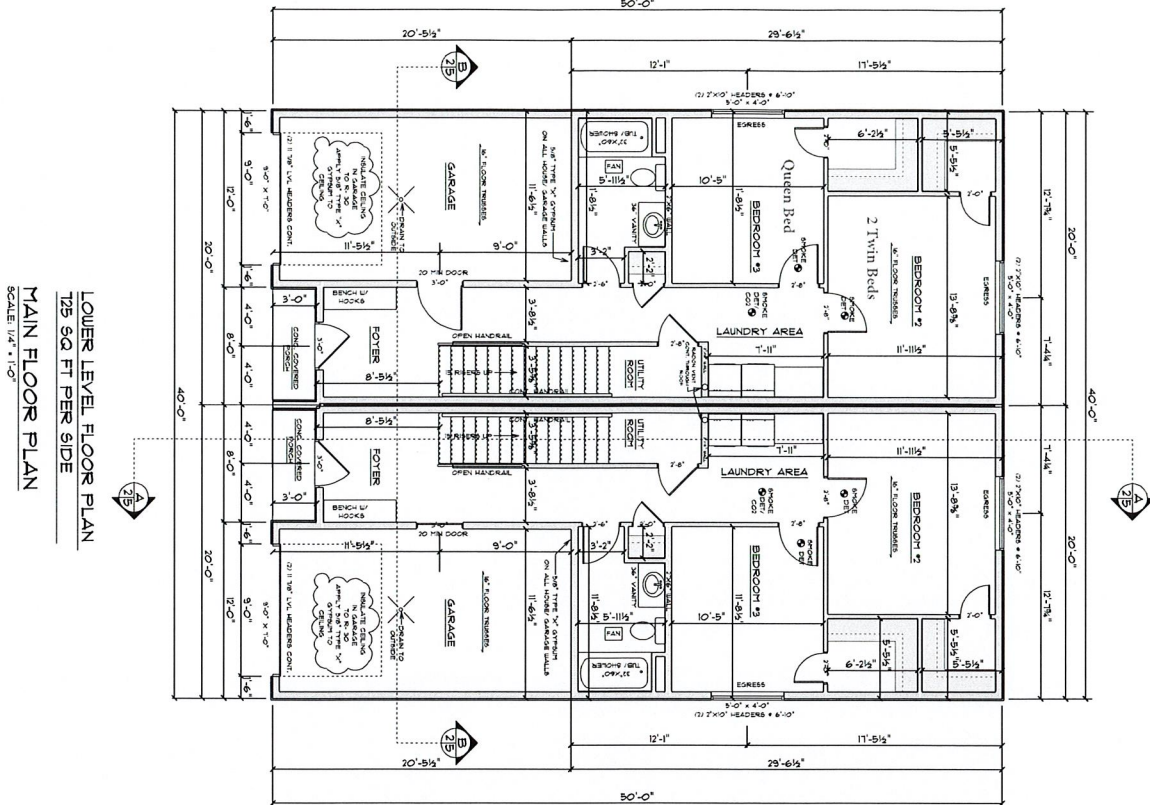
11. Permit holder must post their permit number on all print, poster or web advertisements. **Do you agree to include the permit number on all advertisements?** Yes

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

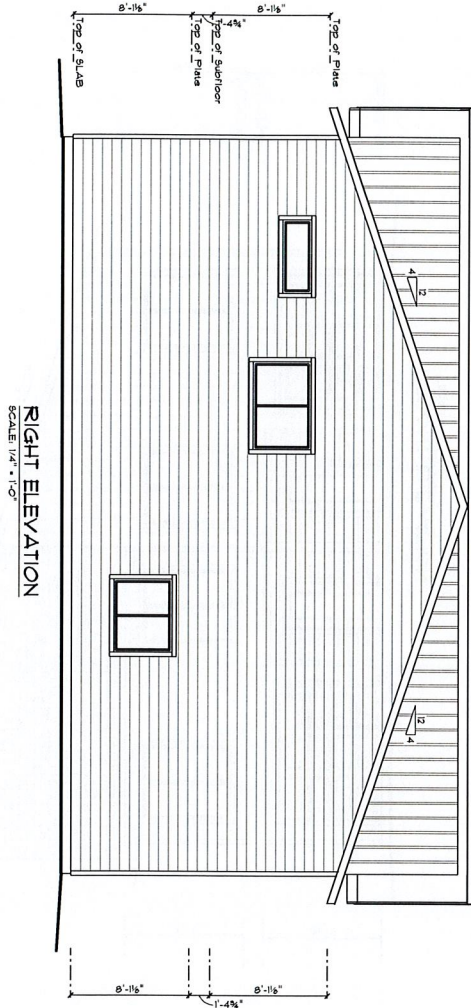


1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700


$$1/16'' = 1'-0''$$



THESE PLANS ARE PREPARED BY AN ARCHITECT AND ARE TO BE USED IN ACCORDANCE WITH THE MINNESOTA PROFESSIONAL ARCHITECT ACT. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY CHANGES OR OMISSIONS NOT SHOWN ON THESE PLANS. THE USER OF THESE PLANS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR COMPLYING WITH ALL APPLICABLE CODES AND REGULATIONS. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHERS. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE BUILDING AS SHOWN ON THESE PLANS. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHERS. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE BUILDING AS SHOWN ON THESE PLANS.



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"

A4

RESIDENCE FOR:
ILLIC
PARK POINT, DULUTH, MN

PLAN
2004

DATE:
6/9/2020

The homeowner (or licensed general contractor) shall assume full responsibility for the following: 1) completion of all work in accordance with state and local building codes and ordinances. 2) obtain all required building permits prior to construction. 3) Provide any necessary engineering work. Beams, columns, and structural members shown on drawings are for informational purposes only and should be checked by manufacturer or qualified structural engineer to ensure the structural integrity of the building. 4) Verify all plan dimensions prior to the start of the project and before ordering supplies. 5) Verify all window and door rough openings and heights before ordering units and before the start of construction. Minnesota AP Home Design has made every effort in preparing and checking these drawings for accuracy and is not responsible for any discrepancies that result in error or omission from these drawings.

DRAWN BY: ANNA PARROTT
MINNESOTA AP HOME DESIGN LLC
218-260-6794 Page 18 of 94



A3

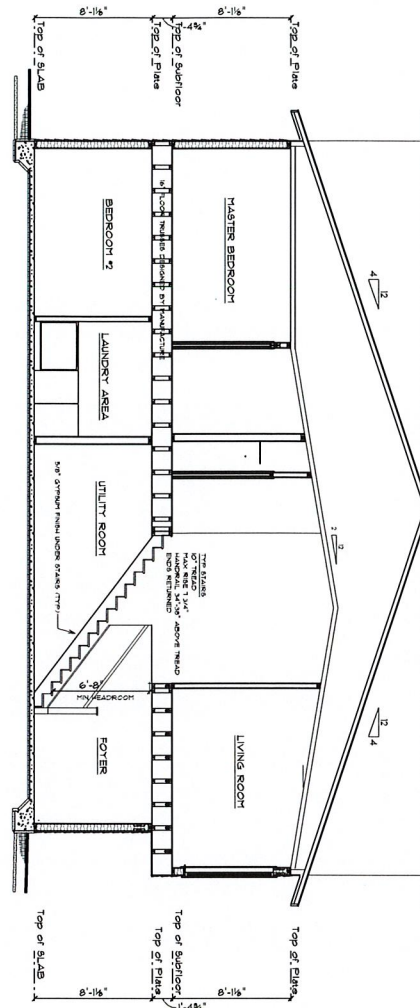
RESIDENCE FOR:
ILLCC
PARK POINT, DULUTH, MN

PLAN •
2004

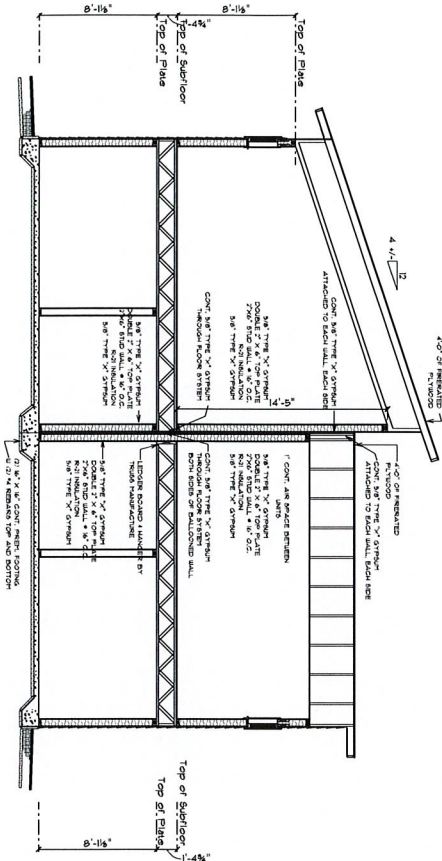
DATE:
6/9/2020

The Designer (s) or licensed general contractor shall assume full responsibility for the following: 1) completion of all work in accordance with state and local building codes and ordinances; 2) obtain all required building permits prior to construction; 3) provide any necessary engineering work, beams, columns, and structural members shown on drawings are for informational only and should be checked by manufacturer or qualified structural engineer to ensure the structural integrity of the building; 4) verify all plan dimensions prior to the start of the project and before ordering supplies; 5) verify all window and door rough openings and sizes before ordering units and before the start of construction. Minnesota AP Home Design LLC makes every effort in preparing and checking these drawings for accuracy and is not responsible for any discrepancies that result in error or omission from these drawings.

DRAWN BY: ANNA PARROTT
MINNESOTA AP HOME DESIGN LLC
218-260-6794 Page 19 of 94



WALL SECTION A
SCALE 1/4" = 1'-0"



WALL SECTION B
SCALE 1/4" = 1'-0"



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 23-077	Contact	Chris Lee	
Type	Interim Use Permit– Vacation Dwelling Unit in Form District	Planning Commission Date		June 13, 2023
Deadline for Action	Application Date	April 5, 2023	60 Days	June 4, 2023
	Date Extension Letter Mailed	April 28, 2022	120 Days	August 3, 2023
Location of Subject		325 South Lake Avenue, Unit 1308		
Applicant	Cool & Kocon Real Estate Holding	Contact		
Agent	Tyler Kocon	Contact		
Legal Description		CIC #29 Waterfront Plaza Condominiums (010-4444-00320)		
Site Visit Date	June 3, 2023	Sign Notice Date		May 30, 2023
Neighbor Letter Date	May 25, 2023	Number of Letters Sent		44

Proposal

Applicant is proposing a new interim use permit for a vacation dwelling unit. The permit would allow for a 2-bedroom condominium with a maximum of 5 occupants in the F-5 form district.

Vacation dwelling units located in form districts are exempt from minimum night stays and parking, and there is no cap on number of permits issued.

Staff is recommending Planning Commission recommend approval.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-5	Mixed Use Building	Tourism/Entertainment District
North	F-5	Mixed Use Building	Tourism/Entertainment District
South	F-5	Mixed Use Building	Tourism/Entertainment District
East	F-5	Parking lot	Tourism/Entertainment District
West	F-5	Parking lot	Tourism/Entertainment District

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-5 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. 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 - The issuance of a permit allows an existing structure in the downtown area to be functionally used, decrease vacancy levels, and increase tax base.

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 IUP in this location will enhance the level of activity in the downtown, and increase opportunities for additional commerce.

Future Land Use – Tourism/Entertainment: Retail, entertainment, and lodging facilities, meeting facilities, waterfront-related uses, open space uses.

Current History: The property currently is a mixed-use building. The ground floor contains a brewery and taproom. The upper floors are for the Suites Hotel, office space and dwelling units.

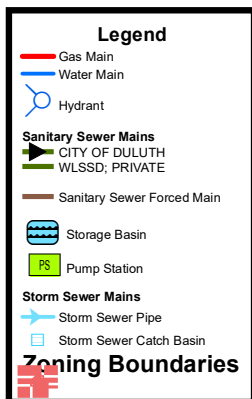
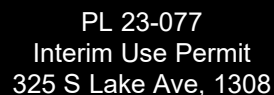
Review and Discussion Items:

- 1) Applicant's property is located at 325 South Lake Avenue, Unit 1308. The unit is located on the third floor of The Suites Hotel in Canal Park. The proposed vacation dwelling unit contains 2 bedrooms that would allow for a maximum of 5 guests.
- 2) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicants have listed Tami Kocon as the managing agent.
- 3) The site is not required to provide parking. However, the applicant has stated that there will be two parking spaces in the rear of the building for guests. Additional parking is available at other paid parking lots.
- 4) The site does not have any outdoor amenities and no screening is required as the unit is within an existing condominium/hotel building.
- 5) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 6) Applicant will apply for all relevant permits and licenses and these are contingent upon approval of the Interim Use Permit for a Vacation Dwelling Unit.
- 7) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 8) No comments from citizens, City staff, or any other entity were received regarding the application.

Staff Recommendation:

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

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



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.



- Receive an "Applicant Letter," which acknowledges a complete application, shares the date of the Planning Commission meeting and the assigned staff person, and notifies you of State-mandated deadlines for the City to make a decision, **OR**
- Receive notification that your application is incomplete, with details on further information to submit.

2. Public Notice. A mailed notice will be sent by the City to property owners within 350 feet.

- ☐ **You are required to post a sign notice** on the property at least two weeks before the date of the public hearing. See UDC Section 50-37.1.H for information on size, placement, and content of each sign; you may want to contact a sign company or printing company to have the sign made. You must provide evidence that the signs were in place; ***submit photo(s) of the signs to the Planning Division at least two weeks before the date of the public hearing.***

3. Staff Review. Planning staff will evaluate your application and prepare a staff report. When considering a recommendation for an interim use, Planning Staff generally review the Comprehensive Plan (including the Future Land Use Map, Governing Principles, and Policies), surrounding land uses and zoning, individual factors that are unique or special to the proposal, compliance with any approved district plan for the area, any additional UDC criteria, and other related factors.

- You will receive an email with the Planning Commission agenda and a link to this staff report about 5 days prior to the meeting.

4. Planning Commission Hearing. Planning Commission meetings are scheduled at 5:00 pm on the second Tuesday of each month. **We ask that applicants or an agent attend this meeting.**

The Planning Commission will hold a public hearing and make a recommendation to adopt, adopt with modifications, or deny the application.

5. City Council Decision. The Planning Commission recommendation will be forwarded to City Council in the form of a resolution. City Council will make a decision whether to approve the permit, approve it with modifications, or deny it.

The City Clerk's office will send notice of the Council action to the applicant.

6. Development Agreement. Interim Use Permits require a development agreement, to be finalized and signed after City Council approval. Staff will discuss the format and content of the development agreement with you. Alternatively, a development agreement can be done prior to submitting your application; let Planning staff know if you would prefer this.

Note that other City codes may apply to your project. Please be aware of any applicable Building Code (Construction Services Division), Fire Code (Life Safety Division), and stormwater/engineering (Engineering Division) regulations. The zoning approval may be only the first step in a several step process.

Vacation Dwelling Unit Worksheet

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

2. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two. You may rent no more than four bedrooms.

How many legal bedrooms are in the dwelling?

2

What will be your maximum occupancy?

5

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

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

How many off-street parking spaces will your unit provide? 1

4. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, on or off the street. **Will you allow motorhome or trailer parking? If so, where?** NO

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

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

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

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

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

Maintained through Airbnb Archiving / platform

9. Permit holder must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24-hours-a-day to any complaints from neighbors or the City. The permit holder must notify the Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information.

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

Tami Kocun 218-310-5511 service@splitrocktrading.com

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

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

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

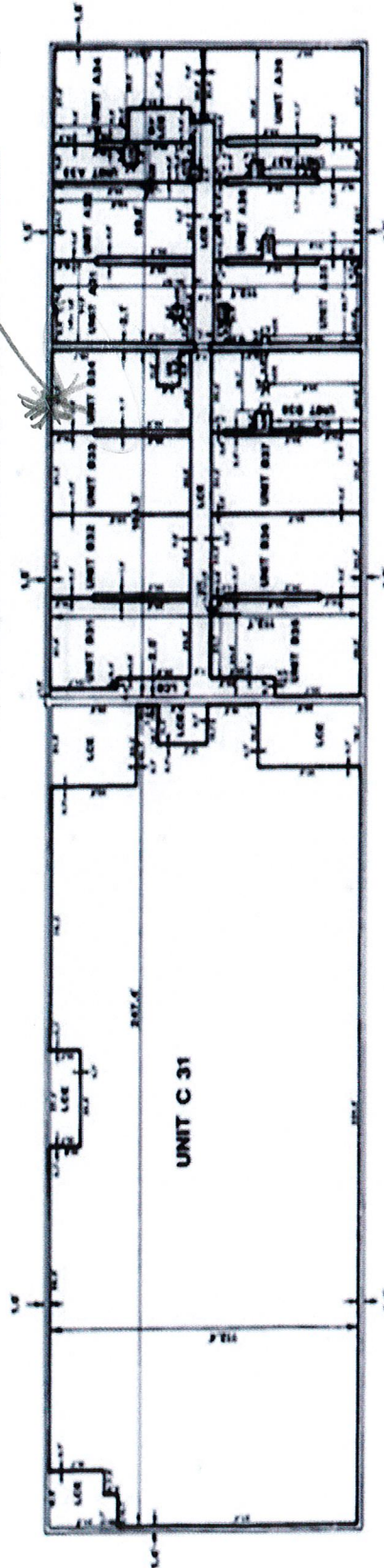
Will be sent via email prior to date of check-in
as well as Airbnb/Vrbo listing and posted in Welcome book
inside the unit.

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

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

PAZKINS

13800
Unit



00000000 0
 THIRD FLOOR
 00000000 00000000
 00000000 00000000

DETAILS ON P. 2

October 1997 • 207

NOTE: ELEMENTS BEFORE AND REFERENCED TO A SIGNATURE ARE REPORTED ON QUEST. 67 IN BIRTH.

SHEET 2 OF 10 SHEETS



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 23-088	Contact	Chris Lee	
Type	Interim Use Permit– Vacation Dwelling Unit in Form District	Planning Commission Date		June 13, 2023
Deadline for Action	Application Date	May 8, 2023	60 Days	July 7, 2023
	Date Extension Letter Mailed	May 16, 2022	120 Days	September 5, 2023
Location of Subject		325 South Lake Avenue, Unit 1306		
Applicant	Brighton Beach Suite #2 LLC	Contact		
Agent	Jessica Grassmann	Contact		
Legal Description		CIC #29 Waterfront Plaza Condominiums (010-4444-00310)		
Site Visit Date	June 3, 2023	Sign Notice Date		May 30, 2023
Neighbor Letter Date	May 25, 2023	Number of Letters Sent		44

Proposal

Applicant is proposing a new interim use permit for a vacation dwelling unit. The permit would allow for a 2-bedroom condominium with a maximum of 5 occupants in the F-5 form district.

Vacation dwelling units located in form districts are exempt from minimum night stays and parking, and there is no cap on number of permits issued.

Staff is recommending Planning Commission approve.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-5	Mixed Use Building	Tourism/Entertainment District
North	F-5	Mixed Use Building	Tourism/Entertainment District
South	F-5	Mixed Use Building	Tourism/Entertainment District
East	F-5	Parking lot	Tourism/Entertainment District
West	F-5	Parking lot	Tourism/Entertainment District

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-5 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. 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 - The issuance of a permit allows an existing structure in the downtown area to be functionally used, decrease vacancy levels, and increase tax base.

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 IUP in this location will enhance the level of activity in the downtown, and increase opportunities for additional commerce.

Future Land Use – Tourism/Entertainment: Retail, entertainment, and lodging facilities, meeting facilities, waterfront-related uses, open space uses.

Current History: The property currently is a mixed-use building. The ground floor contains a brewery and taproom. The upper floors are for the Suites Hotel, office space and dwelling units.

Review and Discussion Items:

- 1) Applicant's property is located at 325 South Lake Avenue, Unit 1306. The unit is located on the third floor of The Suites Hotel in Canal Park. The proposed vacation dwelling unit contains 2 bedrooms that would allow for a maximum of 5 guests.
- 2) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicants have listed Northshore Management as the managing agent.
- 3) The site is not required to provide parking. However, the applicant has stated that there will be one parking space in the rear of the building for guests. Additional parking is available at other paid parking lots.
- 4) The site does not have any outdoor amenities and no screening is required as the unit is within an existing condominium/hotel building.
- 5) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 6) Applicant will apply for all relevant permits and licenses and these are contingent upon approval of the Interim Use Permit for a Vacation Dwelling Unit.
- 7) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 8) No comments from citizens, City staff, or any other entity were received regarding the application.

Staff Recommendation:

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

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



PL 23-088
Interim Use Permit
325 S Lake Ave, 1306

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
- Zoning Boundaries**

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



Vacation Dwelling Unit Worksheet

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

2. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two. You may rent no more than four bedrooms.

How many legal bedrooms are in the dwelling?

2

What will be your maximum occupancy?

5

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

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

How many off-street parking spaces will your unit provide? a. 1 space in Marine Iron Lot

4. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, on or off the street. **Will you allow motorhome or trailer parking? If so, where?** No

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

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

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

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

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

Maintain an up to date excel spreadsheet

9. Permit holder must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24-hours-a-day to any complaints from neighbors or the City. The permit holder must notify the Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information.

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

Northshore Management 723 15th Ave Two Harbors, MN 55616
218-391-5081

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

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

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

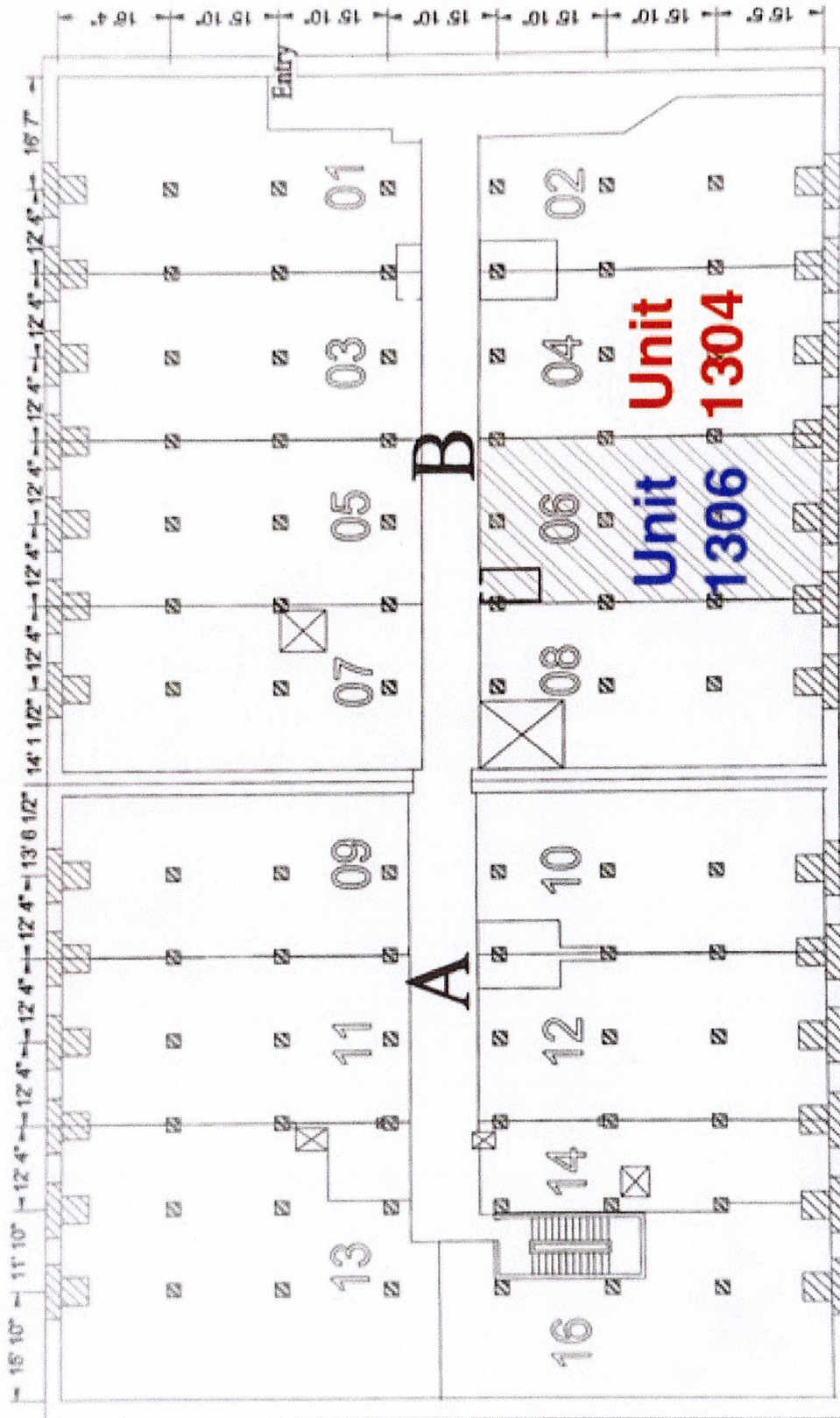
In the rental agreement sent to guests and in a
welcome binder upon check-in

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

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



Placement of Units within Suites Hotel





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 23-089	Contact	Chris Lee	
Type	Interim Use Permit– Vacation Dwelling Unit in Form District	Planning Commission Date		June 13, 2023
Deadline for Action	Application Date	May 8, 2023	60 Days	July 7, 2023
	Date Extension Letter Mailed	May 16, 2022	120 Days	September 5, 2023
Location of Subject		325 South Lake Avenue, Unit 1304		
Applicant	Brighton Beach Suite #1 LLC	Contact		
Agent	Ann Traxler	Contact		
Legal Description		CIC #29 Waterfront Plaza Condominiums (010-4444-00300)		
Site Visit Date	June 3, 2023	Sign Notice Date		May 30, 2023
Neighbor Letter Date	May 25, 2023	Number of Letters Sent		44

Proposal

Applicant is proposing a new interim use permit for a vacation dwelling unit. The permit would allow for a 2-bedroom condominium with a maximum of 5 occupants in the F-5 form district.

Vacation dwelling units located in form districts are exempt from minimum night stays and parking, and there is no cap on number of permits issued.

Staff is recommending Planning Commission approve.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-5	Mixed Use Building	Tourism/Entertainment District
North	F-5	Mixed Use Building	Tourism/Entertainment District
South	F-5	Mixed Use Building	Tourism/Entertainment District
East	F-5	Parking lot	Tourism/Entertainment District
West	F-5	Parking lot	Tourism/Entertainment District

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-5 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. 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 - The issuance of a permit allows an existing structure in the downtown area to be functionally used, decrease vacancy levels, and increase tax base.

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 IUP in this location will enhance the level of activity in the downtown, and increase opportunities for additional commerce.

Future Land Use – Tourism/Entertainment: Retail, entertainment, and lodging facilities, meeting facilities, waterfront-related uses, open space uses.

Current History: The property currently is a mixed-use building. The ground floor contains a brewery and taproom. The upper floors are for the Suites Hotel, office space and dwelling units.

Review and Discussion Items:

- 1) Applicant's property is located at 325 South Lake Avenue, Unit 1304. The unit is located on the third floor of The Suites Hotel in Canal Park. The proposed vacation dwelling unit contains 2 bedrooms that would allow for a maximum of 5 guests.
- 2) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicants have listed Northshore Management as the managing agent.
- 3) The site is not required to provide parking. However, the applicant has stated that there will be one parking space in the rear of the building for guests. Additional parking is available at other paid parking lots.
- 4) The site does not have any outdoor amenities and no screening is required as the unit is within an existing condominium/hotel building.
- 5) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 6) Applicant will apply for all relevant permits and licenses and these are contingent upon approval of the Interim Use Permit for a Vacation Dwelling Unit.
- 7) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 8) No comments from citizens, City staff, or any other entity were received regarding the application.

Staff Recommendation:

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

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



PL 23-089
Interim Use Permit
325 S Lake Ave, 1304

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
- Zoning Boundaries**

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MU-N (Mixed Use Neighborhood)

Aerial photography flown 2019

Vacation Dwelling Unit Worksheet

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

2. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two. You may rent no more than four bedrooms.

How many legal bedrooms are in the dwelling?

2

What will be your maximum occupancy?

5

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

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

How many off-street parking spaces will your unit provide? a. 1 space in Marine Iron Lot

4. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, on or off the street. **Will you allow motorhome or trailer parking? If so, where?** NO

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

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

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

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

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

Maintain an up to date excel spreadsheet

9. Permit holder must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24-hours-a-day to any complaints from neighbors or the City. The permit holder must notify the Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information.

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

Northshore Management 723 15th Ave Two Harbors, MN 55616
218-391-5081

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

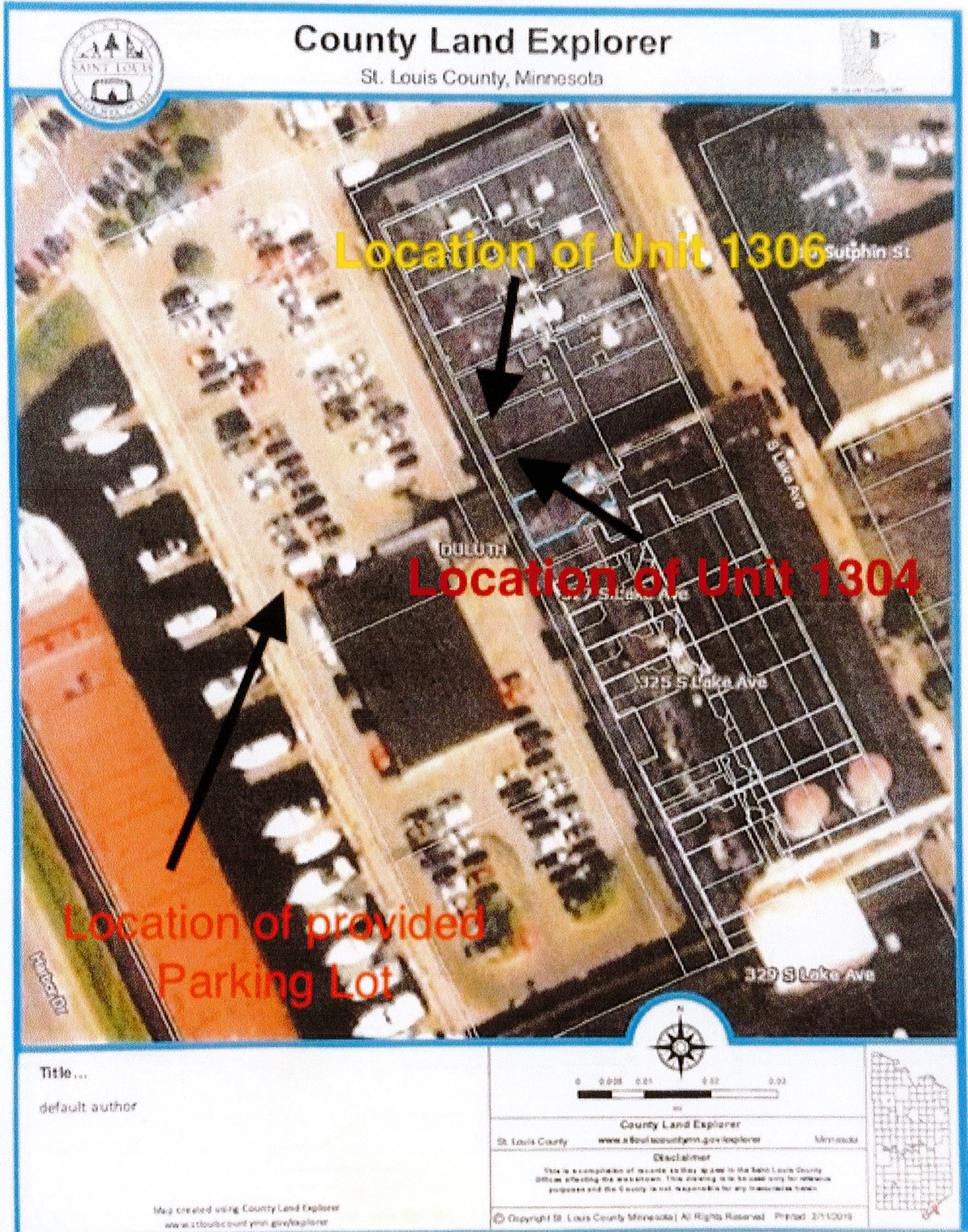
- a. The managing agent or local contact's name, address, and phone number;
- b. The maximum number of guests allowed at the property;
- c. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked;
- d. Property rules related to use of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

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

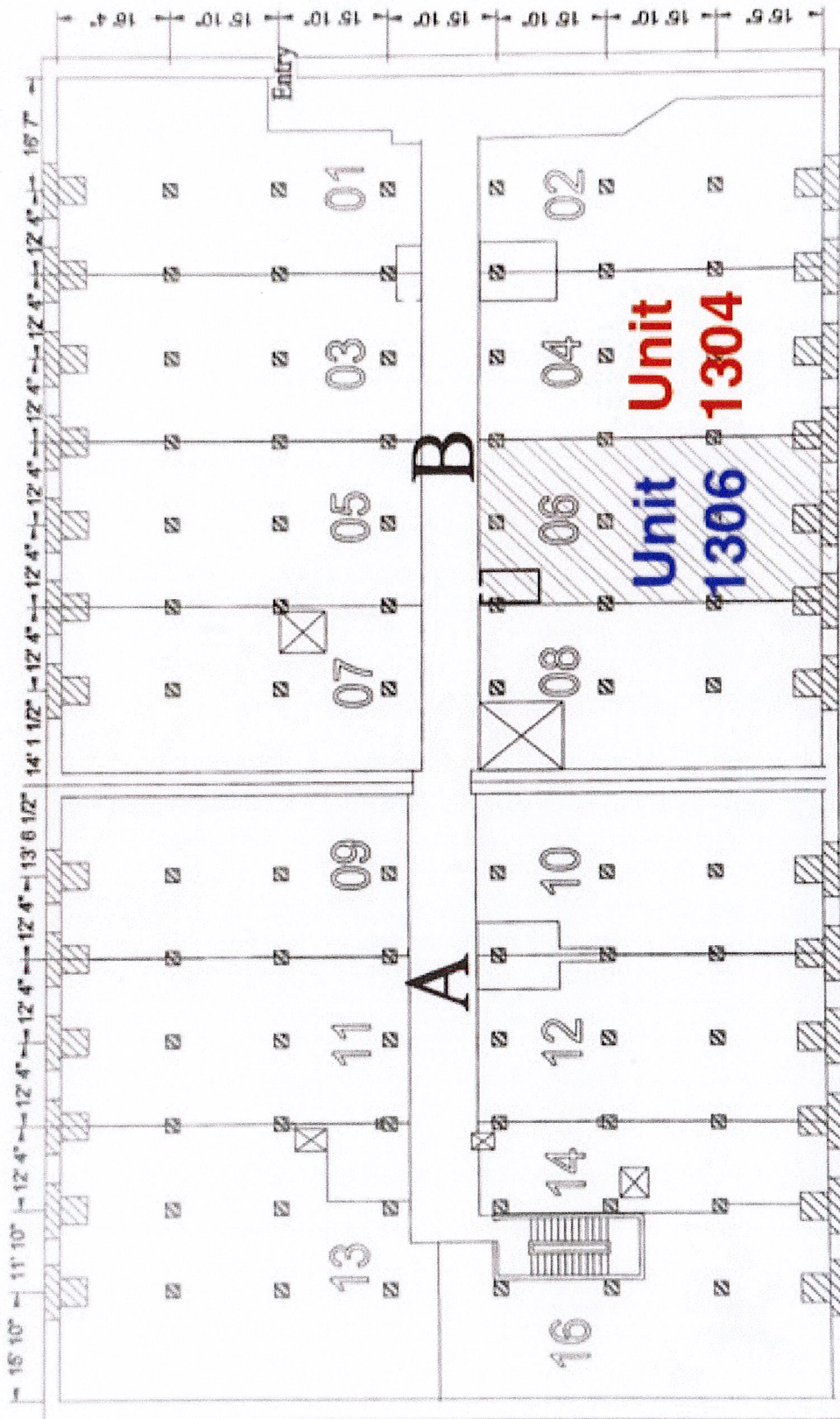
In the rental agreement sent to guests and
in a welcome binder provided upon check-in

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

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



Placement of Units within Suites Hotel





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 23-092	Contact	Kyle Deming
Type	Variance – front yard setback	Planning Commission Date	June 13, 2023
Deadline for Action	Application Date	May 11, 2023	60 Days July 10, 2023
	Date Extension Letter Mailed	May 24, 2023	120 Days September 8, 2023
Location of Subject	24xx E. Superior St. (Congdon)		
Applicant	Don and Laura Ness	Contact	on file
Agent		Contact	
Legal Description	Lot 3, Block 19, EXCEPT the Northerly 65.00 feet thereof; AND Lot 4, Block 19, EXCEPT that part lying Westerly of the Easterly 49.00 feet of the Northerly 65.00 feet thereof; AND Northerly 23 feet of Lots 13 AND 14, Block 19 (010-2080-02360).		
Site Visit Date	May 25, 2023	Sign Notice Date	May 27, 2023
Neighbor Letter Date	May 25, 2023	Number of Letters Sent	32

Proposal

A variance to reduce the front yard setback from 25 feet to 17 feet to allow construction of a two-story dwelling and garage.

Recommended Action: Approve with conditions.

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

Summary of Code Requirements

Table 50-14.5-1: R-1 District Dimensional Standards – Minimum depth of front yard – the smaller of 25 ft. or average of adjacent developed lots facing the same street.

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

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

#5 Promote reinvestment in neighborhoods. The project would result in a new dwelling on a vacant lot utilizing existing infrastructure.

Comprehensive Plan 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:

1. July 13, 2021 – Planning Commission approval of Minor Subdivision of land proposed by Duluth Women's Club that created the subject parcel (PL 21-082).

Review and Discussion Items

Staff finds that:

1. The lot is 49 feet wide at Superior St. and widens out to be 100 feet wide at a point 65 feet south of Superior St. The maximum depth of the lot is 173 feet (see site plan).
2. The property slopes down from Superior St. declining 20 feet in the first 75 feet and declining an additional 15 feet over the rear 100 feet of the lot.
3. The need for a variance is caused by the steep site conditions which is exacerbated by the 49-foot lot width at the street. The site constraints unique to this site are not caused by the applicant.
4. The proposed two-story home and attached garage have overall dimensions of 32 feet wide by 43 feet deep.
5. According to the applicant, locating the home further from the road would cause an exceptional burden during construction due to the maximum reach of the crane being 50 feet. The proposed home is of modular construction.
6. The applicant's proposed dwelling and garage have a combined footprint of 1,256 sq. ft., which is a reasonable use of the R-1 zoned site. It is also reasonable to place the structure near the street to minimize site excavation overall as well as minimizing the length of the driveway.
7. Granting the variance will not alter the essential character of the area because the neighbor to the east has a similarly sized home placed 25 feet from the street and, to the west, the private club's structure is 23 feet from the street.
8. The variance, if granted, will not impair an adequate supply of light or air or add to fire danger because the home is to be placed within required setbacks from side property lines.
9. Granting the variance is not expected to unreasonably diminish established property values in the area because the proposed home is scaled similarly to surrounding properties.
10. Granting the variance is not expected to increase congestion on public streets or impair the health, safety, or public welfare of inhabitants of the city due to factors identified above.
11. No comments from citizens, City staff, or any other entity were received regarding the application.
12. Per UDC Section 50-37.1.N. approved variances lapse if the project or activity authorized by the permit or variance is not begun within one year.

Staff Recommendation:

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

- 1) The project be limited to a 32-foot by 43-foot, two-story dwelling and garage to be located no less than 17 feet back from Superior St.
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PL 23-092

Variance to Front Yard Setback

PL 23-095

Vacation of Building Line Easement

Applicant: Don and Laura Ness

Area Map

Legend

Parcels



Lots



Blocks

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Aerial photography from 2020

Prepared by: City of Duluth Planning & Economic Development, May 24, 2023. Source: City of Duluth.



PL 23-092

Variance to Front Yard Setback

PL 23-095

Vacation of Building Line Easement

Applicant: Don and Laura Ness

Future Land Use Map

Legend

Future Land Use

 Traditional Neighborhood

Parcels

 Lots

 Blocks

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PL 23-092
Variance to Front Yard Setback
PL 23-095
Vacation of Building Line Easement
Applicant: Don and Laura Ness

Site Map

Legend

Zoning Boundaries

Parcels

Lots

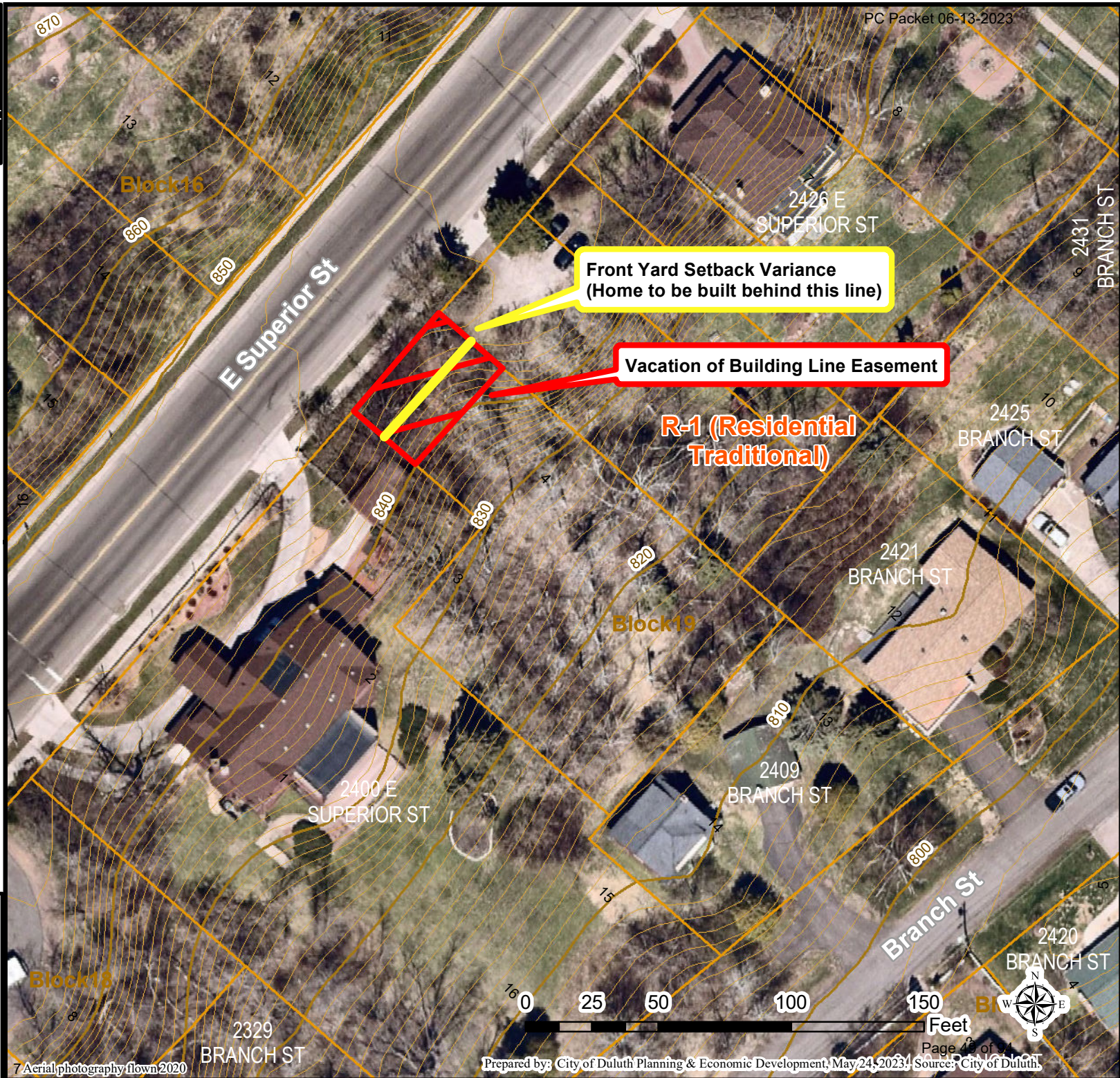
Blocks

Elevation

1 Ft contour

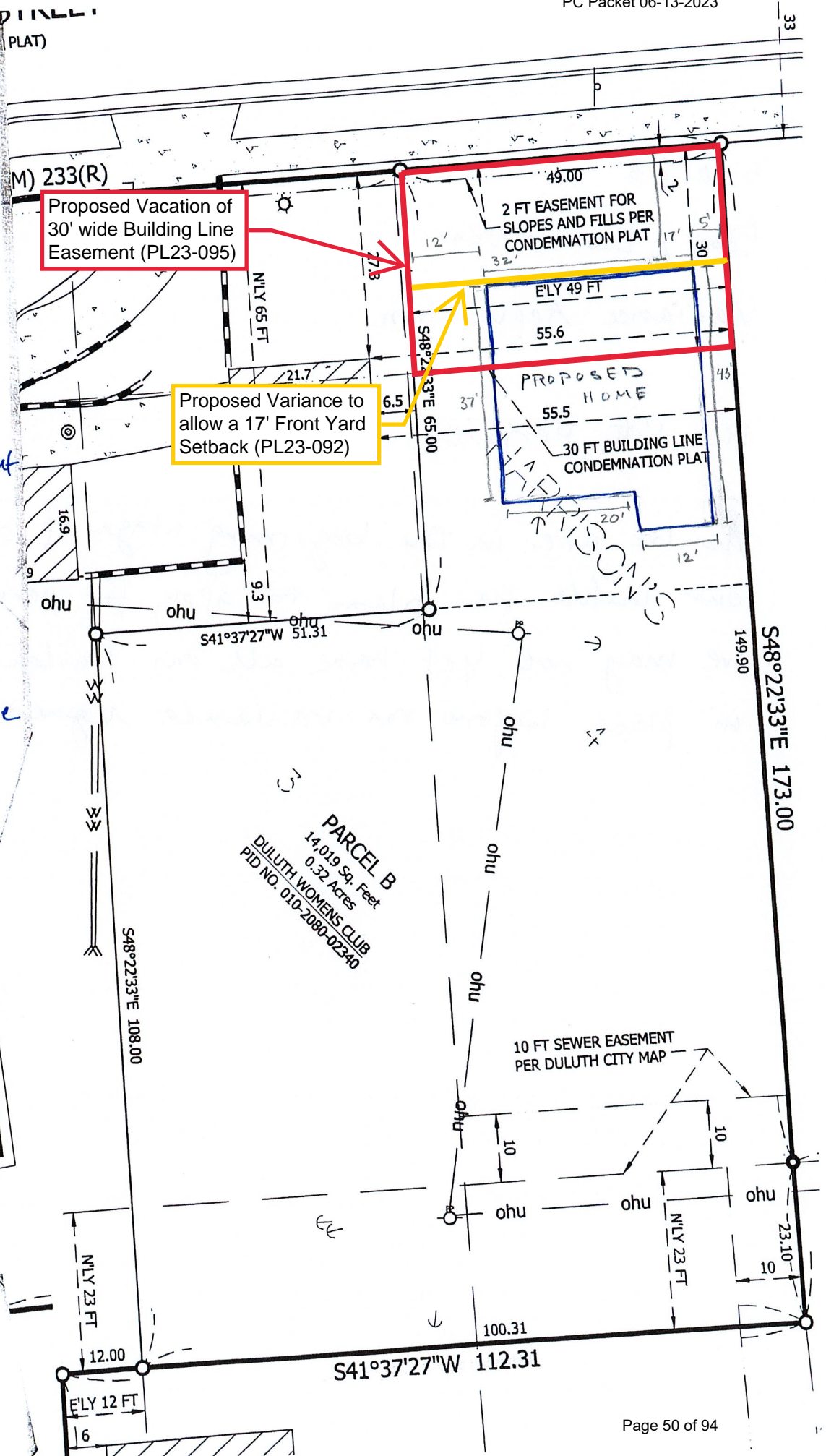
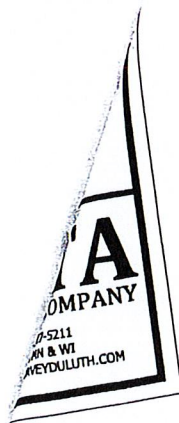
10 Ft contour

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010-2080-02360

With the top floor built into the roof with dormers to minimize the height of the home





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 23-093	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Variance – Side yard setback	Planning Commission Date		June 13, 2023
Deadline for Action	Application Date	May 11, 2023	60 Days	July 10, 2023
	Date Extension Letter Mailed	May 18, 2022	120 Days	September 8, 2023
Location of Subject		4224 McCulloch Street		
Applicant	Maury and Charlene Aaseng	Contact		
Agent		Contact		
Legal Description		010-3010-02190		
Site Visit Date		May 31, 2023	Sign Notice Date	May 30, 2023
Neighbor Letter Date		May 24, 2023	Number of Letters Sent	49

Proposal:

The applicant is seeking to construct an addition to the east side of the home for bedroom and living space. The applicant proposes to remove an existing single car garage and utilize the area along the northeast side of the home for the addition. The variance request is to reduce the side yard setback from 6 feet to 4'8" along the east property line.

Recommended Action:

Staff recommends approval with 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	Residential	Traditional Neighborhood
East	P-1	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements

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

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

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

Review and Discussion Items

Staff finds that:

- 1) The applicant is proposing to construct an addition to the existing home. The proposed addition would be along the east side of the home for bedroom and living space. The applicant proposes to remove an existing attached single car garage that occupies the south eastern rear portion of the house and utilize the area along the northeast side of the home for the addition. The variance request is to reduce the side yard setback from 6 feet to 4'8" along the east property line.
- 2) Section 50-37.1.L, Administrative Adjustments, of the UDC allows the Land Use Supervisor to grant an adjustment to the front, side or rear setback of a new or modified structure to one foot smaller than the minimum setbacks required in the R-1 zoning district. The side yard setback for R-1 is 6 feet and if a 1-foot administrative adjustment were granted to the applicant per Section 50-37.1.L.1 of the UDC, the setback would be 5 feet. The applicant is proposing a setback of 4'8".
- 3) The applicant stated that the location for the addition on the east side of the home is better suited to meet the existing floor layout of the home rather than building an addition off the rear of the house. The applicant also stated that the small garage on the east side of the home is in a state of disrepair and possesses oddly small dimensions that will not accommodate an average vehicle. This structure takes up valuable potential living space to meet the needs of a growing family. Applicant will also remove existing driveway in front of this garage.
- 4) The applicant is proposing to use the property in a reasonable manner by constructing an addition for living and bedroom space. Other homes in the neighborhood have been modified to accommodate additional living space.
- 5) The variance will not alter the essential character of the neighborhood as it will remain a single-family home with an addition for bedroom and living space.
- 6) The variance will not impair an adequate supply of light and air to adjacent properties as the only neighboring structure it borders is a detached garage with no windows facing the applicant's property. The neighbor to the east of the applicant's property who would be most impacted by the variance supports the proposed addition to the home. Additionally, the neighbor to the north of the applicant's property is also supportive of the variance. Neighbor letters of support are attached to the staff report.
- 7) Two letters were received from neighbors; no other private or City comments have been received.
- 8) Per UDC Section 50-37.1. N. approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year

Staff Recommendation

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

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



PL 23-093
Setback Variance
Site Map

PC Packet 06-13-2023



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Aerial photography flown 2016

R-1 (Residential
Traditional)

McCulloch St Alley

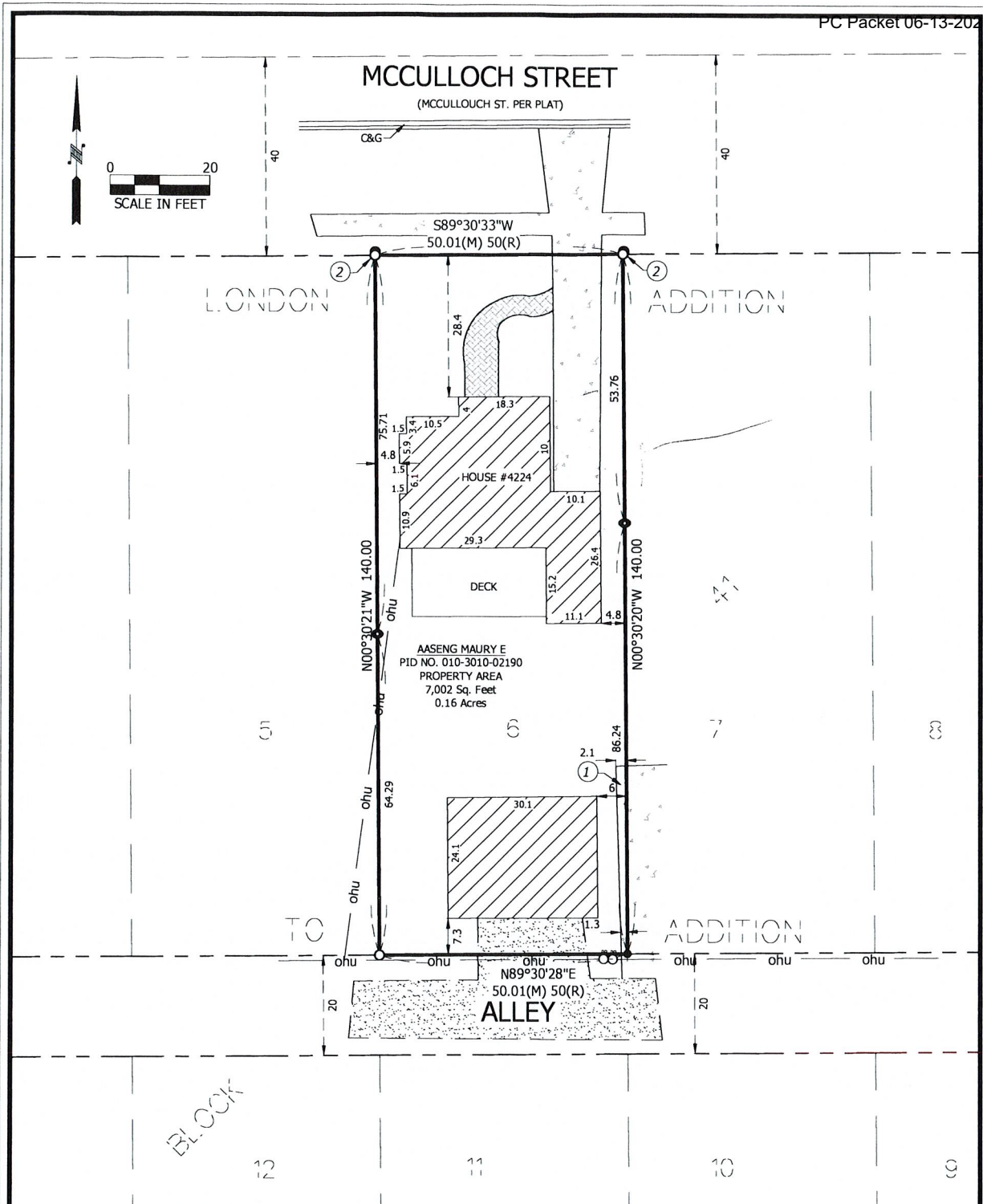
0 12.5 25 50 75 Feet



Page 53 of 94

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





SURVEYOR'S NOTES

1. A PORTION OF A NEIGHBORING CONCRETE DRIVEWAY IS LOCATED WESTERLY OF THE EASTERLY BOUNDARY LINE AS SHOWN HEREON.
2. FOUND IRON PIPES 0.60 FEET NORTH OF THE NORTHEAST AND NORTHWEST CORNERS OF LOT 6, BLOCK 41 LONDON ADDITION TO DULUTH.
3. 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. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
4. BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL PLAN FOR BUILDING FOUNDATION DIMENSIONS.
5. NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.

LEGEND

	CONCRETE SURFACE	(M)-FIELD MEASURED DIMENSION
	GRAVEL SURFACE	(R)-RECORD DIMENSION
	PAVER SURFACE	C&G-CONCRETE CURB & GUTTER
	EXISTING BUILDINGS	ohu OVERHEAD UTILITIES
		— CENTER LINE
		— RIGHT OF WAY LINE
		— EXISTING PLAT LINE
		— BOUNDARY LINE AS SURVEYED
		● SET SPIKE
		◆ SET MAG NAIL
		○ SET CAPPED REBAR RLS. NO. 49505
		○ UTILITY POLE
		# REFER TO SURVEYOR'S NOTES

LEGAL DESCRIPTION PER
DOCUMENT NO. 1194432
Lot Six (6), Block Forty-one (41),
London Addition to Duluth.

I hereby certify that this survey, plan, or report was
prepared by me or under my direct supervision and that I
am a duly Licensed Land Surveyor under the laws of the
State of Minnesota.
David R. Evenson
David R. Evenson
DATE: 11-23-2021 MIN. LIC. NO. 49505

CERTIFICATE OF SURVEY

CLIENT: MAURY AASENG
ADDRESS: 4224 MCCULLOCH STREET
DULUTH, MN 55804
DATE: 11-23-2021

REVISIONS:

JOB NO: 21-379 SHEET 1 OF 1

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

Neighbor letters:

1. To whom it may concern: I am writing this statement to express my approval of construction and remodeling to the home, (particularly the attached garage area) at 4224 McCulloch street, which is next to my property. I discussed this with property owner, Maury Aaseng and looked over the construction site with him. He showed me his plan and what he intends to accomplish in this construction. It all looks good and fine to me, and I would approve of a permit or variance with respect to property lines.

Robert K Johnson. 629 N 43rd Ave East. Duluth MN. 55804

2. We reside at 4219 McCulloch St. and live directly across the street from Maury and Charlene Aaseng. We have been residents on this street for thirty plus years and neighbors with the Aasengs for 12 years. They are considerate neighbors who have positively added to the beauty and the culture of the neighborhood. Their yard and the exterior of their home has been improved and well cared for. They have reached out and developed positive relationships with their neighbors. Their children are well known and loved. Their plans to make the changes to their home have been shared with the neighbors and met with support and encouragement. Improvements made to local housing, that protect the house and respect the integrity of the neighborhood are well received, on McCulloch. Because we live directly across the street, the front of their house is in full view. We support their plan and encourage you to do the same. Please contact us with questions you might have regarding this issue.

Chelly Townsend John Schmidt 4219 McCulloch St



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 23-095	Contact	Kyle Deming	
Type	Vacation of Building Line Easement	Planning Commission Date		June 13, 2023
Deadline for Action	Application Date	May 11, 2023	60 Days	N/A
	Date Extension Letter Mailed	N/A	120 Days	N/A
Location of Subject		24xx E. Superior St. (Congdon)		
Applicant	Don and Laura Ness	Contact		
Agent		Contact		
Legal Description		All that part of the 30-foot-wide building line easement was created in that document recorded in Condemnation Plat No. 1, Page 195, filed with the St. Louis County Register of Deeds on July 20, 1904 lying across the Northerly 30 feet of the Easterly 49 feet of Lot 4, Block 19, HARRISON'S DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota.		
Site Visit Date	May 25, 2023	Sign Notice Date		May 27, 2023
Neighbor Letter Date	May 25, 2023	Number of Letters Sent		32

Proposal: Vacate a 30-foot-wide building line easement along the front property line that requires all structures to be located outside of the easement.

Staff Recommendation

Approval with conditions.

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

Summary of Code Requirements

Vacation of public rights of way and/or easements require a Planning Commission public hearing and 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 Principles and Policies:

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

- Governing Principle #9 – Support private actions that contribute to the public realm. Vacation will allow for a reasonable use of the lot to support community housing needs.
- Housing Policy #2 - Provide affordable, attainable housing opportunities. The vacation will support development of a dwelling to provide needed housing for the community.

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:

- September 9, 1887 – Harrison's Division plat was filed at the Courthouse.
- July 20, 1904 – Condemnation plat was filed establishing the 30-foot-wide building line easement.
- July 13, 2021 – Planning Commission approval of Minor Subdivision of land proposed by Duluth Women's Club that created the subject parcel (PL 21-082).

Review and Discussion Items

1. The proposal is to vacate a "Building Line Easement" along the front of the lot as a result of a condemnation action in 1904.
2. A building line easement requires that no buildings are allowed to be constructed within the easement area. As traditional land use zoning did not exist at the time, this was a method to regulate building placement.
3. This building line easement is no longer needed as the public health, safety, or welfare of the citizens of Duluth are protected by the Unified Development Chapter that regulates building placement.
4. Vacations lapse unless they are 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 building line easement vacation with the following conditions:

1. The Council approve the vacation with at least a 6/9's vote.
2. The vacation must be recorded within 90 days of final approval by City Council, or such approval will lapse.



PL 23-092

Variance to Front Yard Setback

PL 23-095

Vacation of Building Line Easement

Applicant: Don and Laura Ness

Area Map

Legend

Parcels



Lots



Blocks

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 from 2020

Prepared by: City of Duluth Planning & Economic Development, May 24, 2023. Source: City of Duluth.



PL 23-092

Variance to Front Yard Setback

PL 23-095

Vacation of Building Line Easement

Applicant: Don and Laura Ness

Future Land Use Map

Legend

Future Land Use

 Traditional Neighborhood

Parcels

 Lots

 Blocks

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PL 23-092
Variance to Front Yard Setback
PL 23-095
Vacation of Building Line Easement
Applicant: Don and Laura Ness

Site Map

Legend

Zoning Boundaries

Parcels

Lots

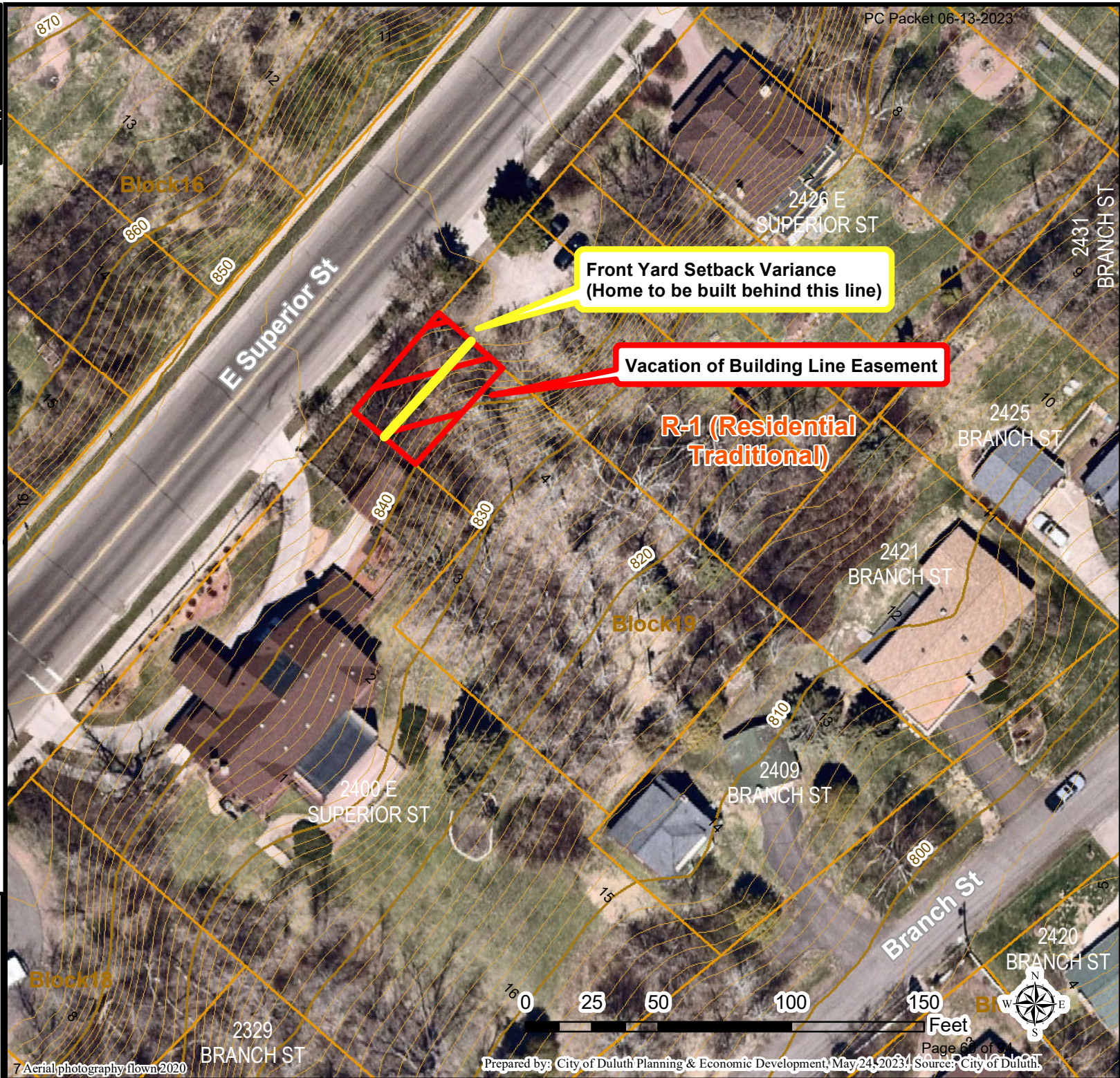
Blocks

Elevation

1 Ft contour

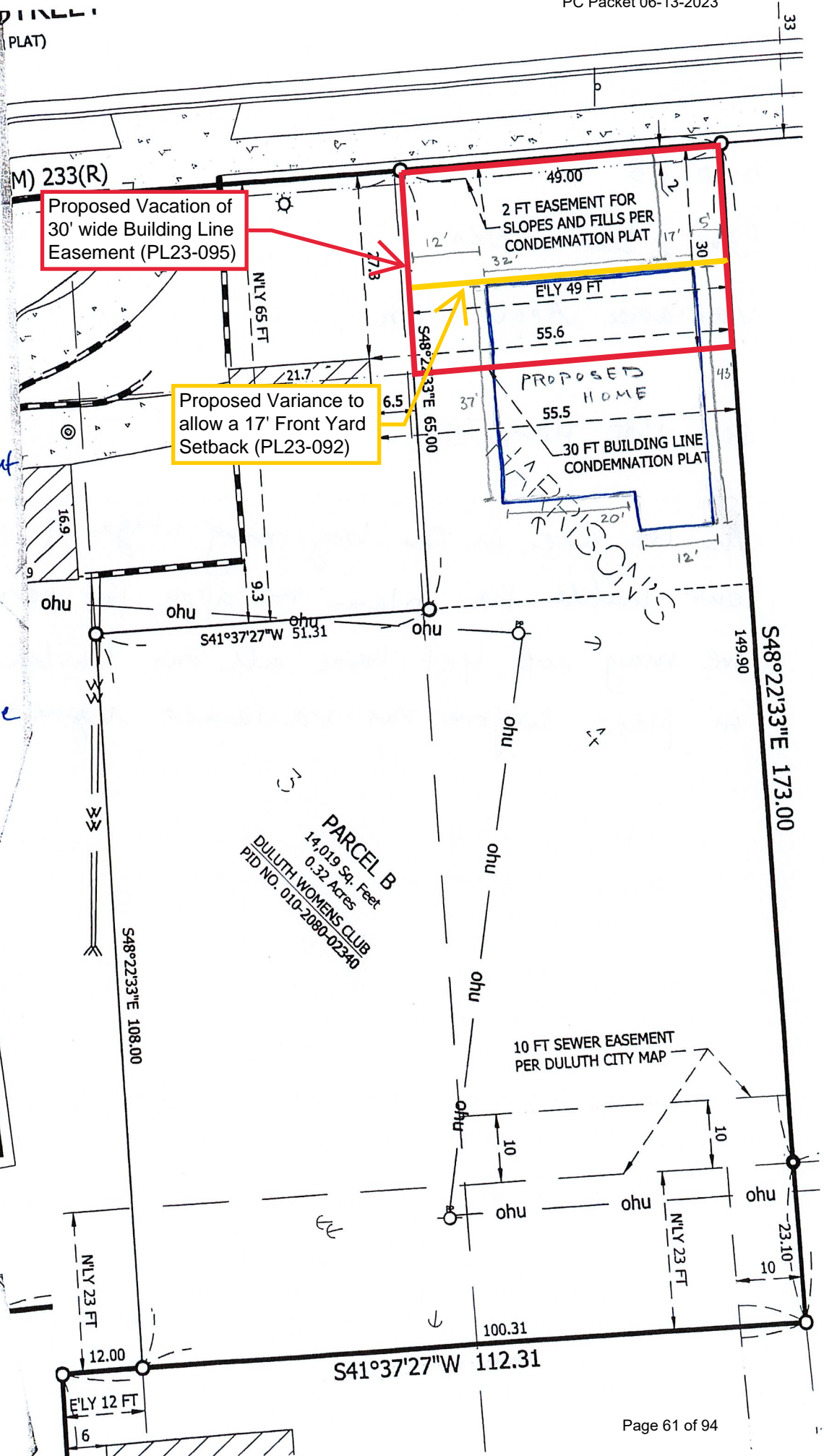
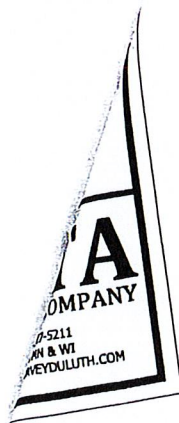
10 Ft contour

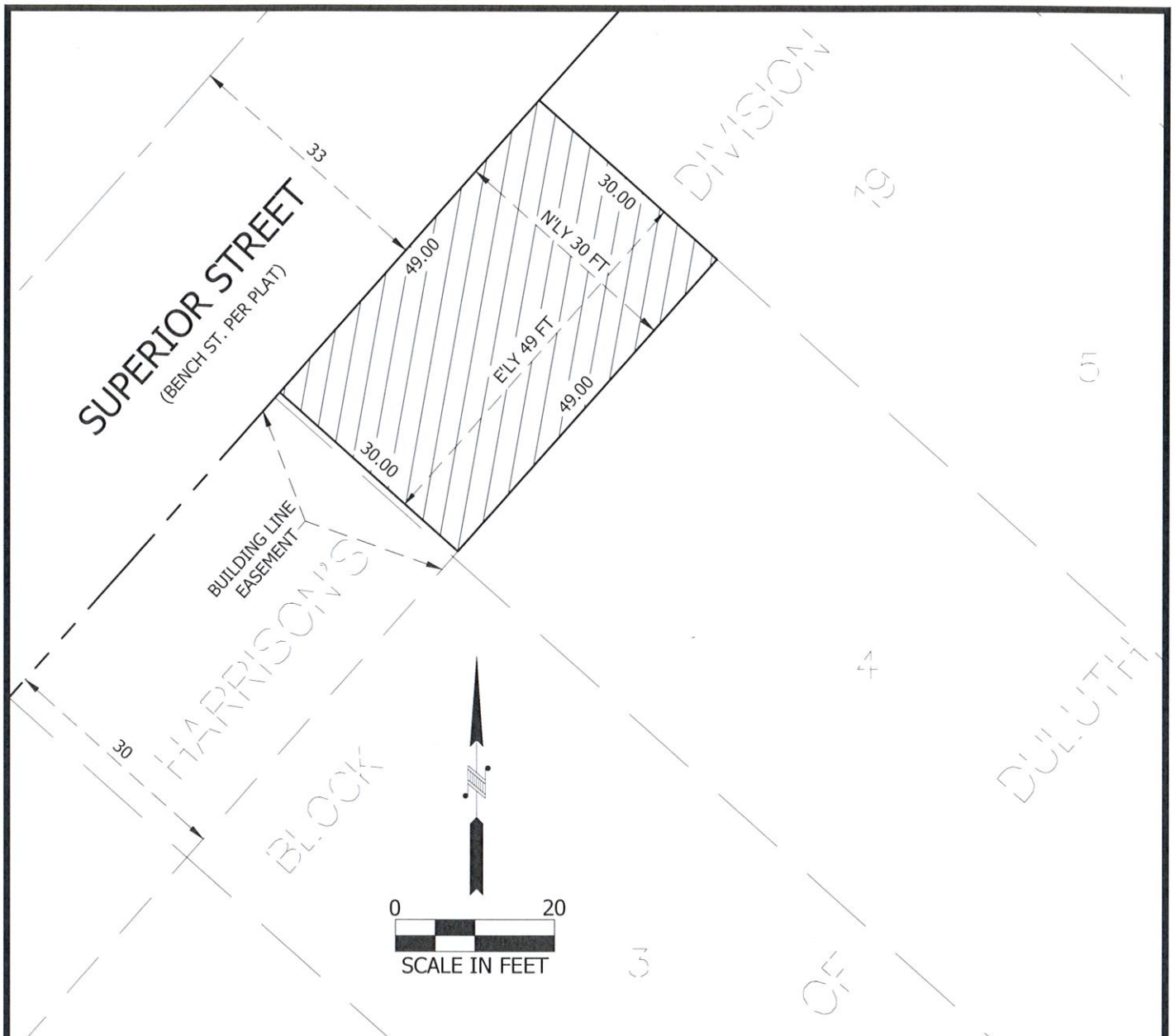
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010-2080-02360

With the top floor built into the roof with dormers to minimize the height of the home





LEGAL DESCRIPTION FOR VACATION OF BUILDING LINE EASEMENT

All that part of the 30 foot wide building line easement was created in that document recorded in Condemnation Plat No. 1, Page 195, filed with the St. Louis County Register of Deeds on July 20, 1904 lying across the Northerly 30 feet of the Easterly 49 feet of Lot 4, Block 19, HARRISON'S DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota. Said easement vacation contains 1,470 square feet.

SURVEYOR'S NOTES

- 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.

LEGEND

	BUILDING EASEMENT VACATION AREA
	CENTER LINE
	RIGHT OF WAY LINE
	EXISTING PLAT LINE
	EXISTING EASEMENT LINE

Approved by the City Engineer of the City of Duluth, MN this 4th day of June 2023

By [Signature]

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

David R. Evanson
David R. Evanson
MN License #49505
DATE: 05-12-2023

VACATION EXHIBIT

CLIENT: DON AND LAURA NESS

REVISIONS:

ADDRESS: XXXX SUPERIOR STREET
DULUTH, MN 55812

DATE: 05-12-2023

JOB NO: 23-131

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 23-099	Contact	Jenn Moses, jmoses@duluthmn.gov	
Type	Vacation of Utility Easements	Planning Commission Date		June 13, 2023
Deadline for Action	Application Date	N/A	60 Days	N/A
	Date Extension Letter Mailed	N/A	120 Days	N/A
Location of Subject	North of Airport Rd. west of Airport Approach Rd. (Airport)			
Applicant	Duluth Airport Authority	Contact	Mark Papko, Director of Operations	
Agent	SEH	Contact	Jarrod Nelson, Senior Airport Engineer	
Legal Description	Those portions of the 20 foot wide utility easements lying within Lot 4, Block 1, AIRPORT DIVISION, according to the plat thereof, on file and of record, at the Office of the St. Louis County Recorder, lying northerly of the north line of the public street and highway easement area within said Lot 4 as described in City of Duluth Ordinance No. 9574 Dedicating an Easement for Public Street and Highway Purposes dated December 2, 2002, recorded in the Office of the St. Louis County Recorder on January 27, 2003 as Document No. 884139.			
Site Visit Date	May 23, 2023	Sign Notice Date		May 30, 2023
Neighbor Letter Date	No letter sent due to all property within 350 feet being owned by airport or City of Duluth	Number of Letters Sent		0

Proposal: Vacation of two utility easements in preparation for site development.

Staff Recommendation

Approval of the vacation with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	A-P	Airport	General Industrial
North	A-P	Airport	General Industrial
South	MU-B	Industrial	General Industrial
East	A-P	Airport	General Industrial
West	MU-B	Industrial	General Industrial

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 Principles and Policies:

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

- Governing Principle #4 – Support economic growth sectors. The aviation industry continues to grow and this vacation facilitates development of an aircraft hangar.
- Governing Principle #7 – Create and maintain connectivity. The proposed vacation will eliminate unneeded utility easements that were replaced by a relocated water main.
- Governing Principle #9 – Support private actions that contribute to the public realm. Vacation will facilitate development of a needed aircraft hangar.
- Governing Principle #12- Create efficiencies in delivery of public services. Vacation will eliminate an unneeded utility easement.

Future Land Use

- Airport (AP): Intended to protect and reserve lands dedicated for airport operations. Structures and development (e.g., parking, hangars) that are incidental to and supportive of airport operations may be permitted.

History:

- Airport development began in 1930 with the creation of a municipal airport with turf runways. Development continued in 1942 with the paving of runways, extending the east-west runway to roughly its present length in 1951. The MN Air National Guard and the U.S. Air Force base began construction in the late 1940s and continued into the 1950s. The Air Force base closed in 1982, but the Air National Guard base remains active. The utility easements to be vacated were likely for water infrastructure from the Air Force base era.

Review and Discussion Items

1. The proposal is to vacate two existing utility easements in preparation for development of an aircraft hangar in keeping with the zoning of the area.
2. There are no utilities in the easements as they were removed when a replacement water main was installed in 2008 around the west side of the property.
3. The landowner is working with the City Engineering office on dedicating a utility easement for the relocated water main via a process separate from this vacation.
4. The City Engineering office has reviewed the easements proposed for vacation and has indicated they are not needed for existing or future utilities.
5. 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 utility easement vacation with the following conditions:

1. The Council approve the vacation with at least a 6/9's vote.
2. Applicant must present a vacation plat meeting the City Engineer's requirements within 90 days of Planning Commission's recommendation or the application will be denied.
3. The vacation must be recorded within 90 days of final approval by City Council, or such approval will lapse.



PL 23-099
Vacation of
Utility Easements
Duluth International Airport

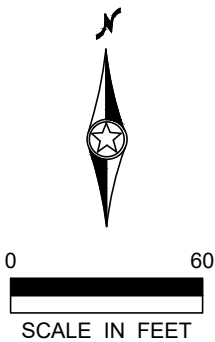
PC Packet 06-13-2023



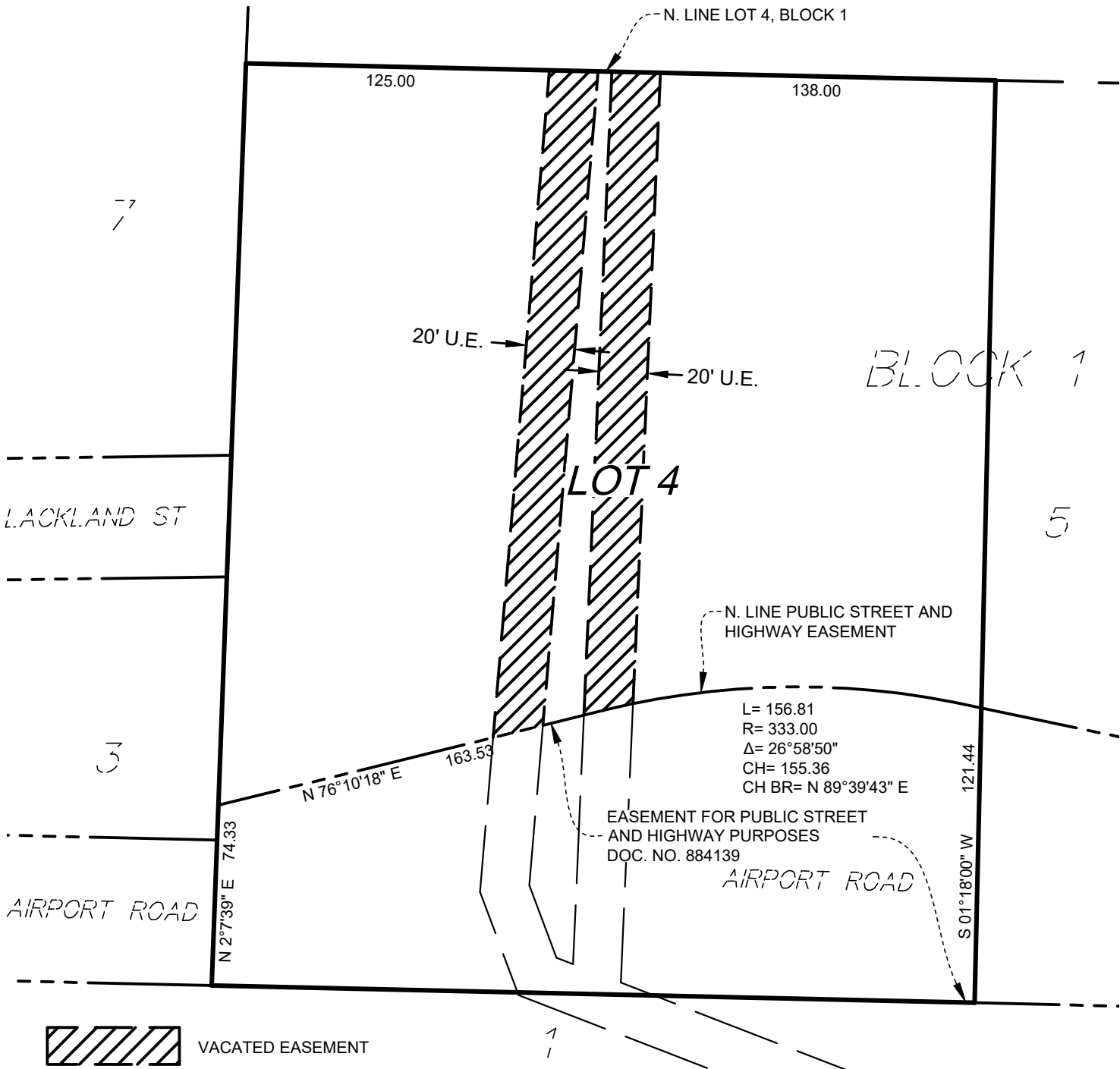
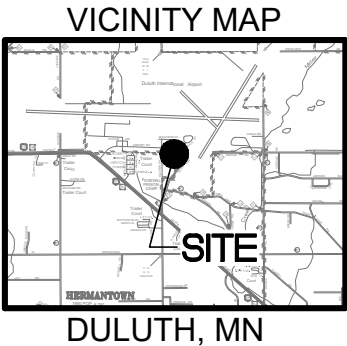
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EASEMENT VACATION EXHIBIT

LOT 4, BLOCK 1
AIRPORT DIVISION
ST. LOUIS COUNTY, MN



THE SOUTH LINE OF THE AIRPORT
DIVISION IS ASSUMED TO HAVE A
BEARING OF N 89°20'37" E.



Easement Vacation Description

Those portions of the 20.00 foot wide utility easements lying within Lot 4, Block 1, AIRPORT DIVISION, according to the plat thereof, on file and of record, at the County Recorder's office, St. Louis County, Minnesota, lying northerly of the north line of the public street and highway easement area within said Lot 4 as described in the City of Duluth Ordinance No. 9574 Dedicating an Easement for Public Street and Highway Purposes dated December 2, 2002 and recorded as Document No. 884139 on January 27, 2003 in said County Recorder's office.

SURVEYED FOR: CITY OF DULUTH

SURVEYED BY: SEH DRAFTED BY: CDM CHECKED BY: CDM

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.

Signature: Christopher D. Munn Lic. No. 45818
Printed Name: CHRISTOPHER D. MUNN Date: 6/01/2023



1	CDM	6/1/23	REVISED DESCRIPTION
NO.	BY	DATE	REVISIONS

PART OF LOT 4, BLOCK 1
AIRPORT DIVISION
ST. LOUIS COUNTY, MN

Page 66 of 94

FILE NO.
DU 170373 EA1
CLIENT CODE
DULAI

1

1



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

Date: June 1, 2023
 To: Planning Commission
 From: Chris Lee, Planner II
 RE: UDC Extension of PL20-160, Variance to front yard setbacks for home addition (PL 23-160).

A variance to reduce the front yard setback for a home addition by John Bankson was approved at the November 10, 2020 Planning Commission meeting. The approved variance provided for a 10-foot decrease from the 25-foot front yard setback. The approved variance request was not acted on by the UDC deadline for construction due to the COVID-19 pandemic and lack of available labor, and so the approval was administratively extended.

At present, there is no further authorization in the UDC for administrative extensions to the approval. However, the Planning Commission may act to reaffirm the variance approval of PL20-160 and provide a further one-year period for action by the applicant to begin construction.

Recommended Action: Motion to reaffirm the variance approval of PL 20-160 and authorize its extension through June 13, 2024.

SITE PLAN - PROPOSED ADDITION

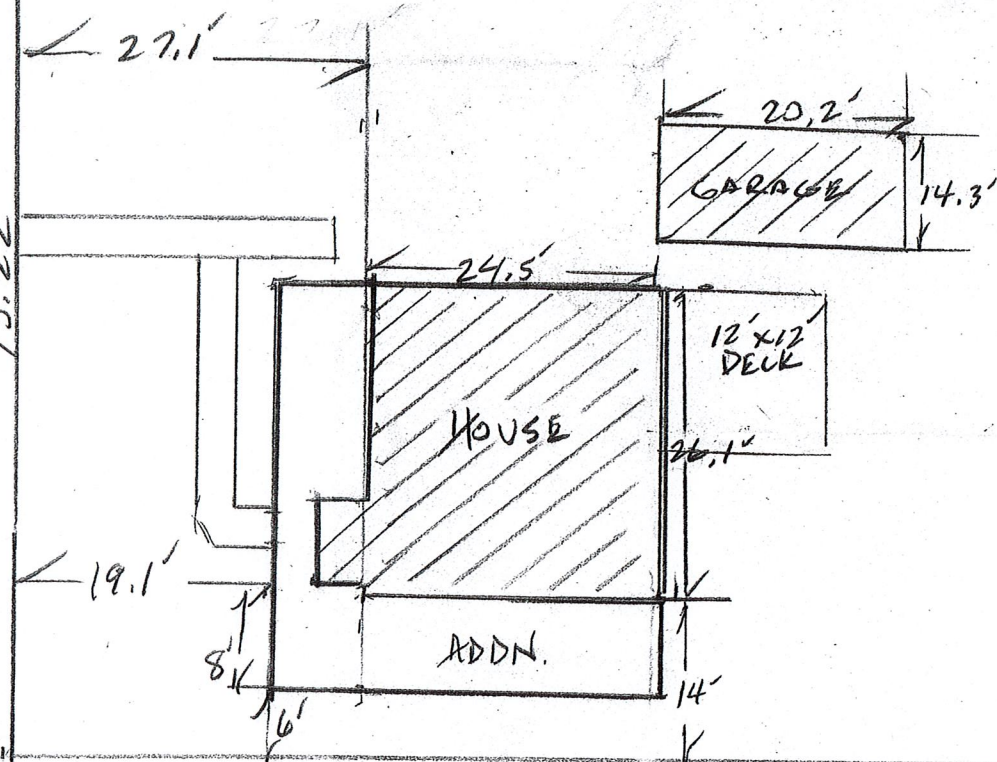
SRAMEK - BANKSON RES. 316 MYGATT AVE

PARCEL ID# 010-2610-00350

LOT 4 BLOCK 2 KENILWORTH PARK - DULUTH

MYGATT AVE

75.22'



179.83'



1/16" = 1'



NORTH ELEVATION



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

ACTION OF THE CITY OF DULUTH PLANNING COMMISSION

Date: November 11, 2020

Applicant:

Jean Sramek & John Bankson
 316 Mygatt Ave
 Duluth, MN 55803

Not sent via U.S. Mail, sent via email to jean.sramek@gmail.com

Address: 316 Mygatt Ave

Planning Commission File Number: PL 20-160

Proposal Requested:

Construct a 22 foot by 22 foot addition to the northeast corner of the dwelling, such addition to consist of a garage with one level of living space above. A variance is needed to reduce the corner side yard setback (N. Second Ave. W.) to 3 feet.

The above matter came for hearing before the City of Duluth Planning Commission ("Commission") on Tuesday, December 8, 2020, notice of said hearing having been given to all interested parties in accordance with Section 50-37.9 of the Duluth Legislative Code. The Commission received a report from Planning and Development Division Staff. All other parties interested in the matter were given an opportunity to be heard. The Commission now makes the findings and conclusions:

Findings of Fact:

1. The applicant is proposing to construct an addition to increase the functional living space to the front of the existing home. The proposed addition will be 26' x 12'. The current home is 27' from the front property line.
2. A practical difficulty exists on the site related to topography and position of the house on the parcel. Alternate locations are either too steep to reasonably build an addition or too close to the neighboring property.
3. The proposed addition will be consistent with other houses on the block. This house is smaller than the average of the block and the addition will make the house comparable size to others on the block. The addition will not have an impact on neighborhood character.
4. The applicant is proposing to use the property in a reasonable manner through the addition of more entry space to a single-family home. This addition creates more livable space and will allow the applicant to age in place. The current entry space is restrictive in its size and does not allow for efficient movement in and out of the home.
5. The variance, if granted, would not impair adequate light and air to surrounding properties.

6. The variance, if granted, would not result in congestion on the surrounding streets, would not impair fire or emergency service access, and would not diminish established property values in the surrounding area.
7. The variance, if granted, would not impair the intent of the UDC expressed in Sec. 50-2. The variance is consistent with the Comprehensive Plan designation of the property.
8. No comments from citizens, City staff, or any other entities were received during the drafting of this staff report.
9. Per UDC Section 50-37.1.N. approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year.

Conclusions:

- A. The request is in harmony with the purposes and intent of the UDC.
- B. The request is consistent with the comprehensive plan.
- C. The request will allow reasonable use of the land.
- D. The request does not impact the health, safety, or welfare of the general public.
- E. The request will not alter the essential character of the locality.

Decision:

Resolved that the application PL 20-160, a variance at 316 Mygatt Ave. to construct a 27 foot by 12 foot addition to the north corner of the dwelling, such addition will result in a front yard setback of 15 feet, is approved (vote 8/0), subject to the following conditions:

1. The project be limited to a 27 foot by 12 foot addition as shown on the site plan attached to the variance application.
2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.

Decided at Duluth, Minnesota, on Tuesday, November 11, 2020.

BY ORDER OF THE CITY PLANNING COMMISSION



Adam Fulton, Deputy Director of Planning & Economic Development

NOTICE OF RIGHT TO APPEAL

Any person aggrieved by, or any department of the city affected by, any decision of the Commission may appeal the decision of the Commission to the Duluth City Council pursuant to Section 50-37.10(4) of the Duluth Legislative Code. The appeal must be filed with the city clerk within 10 days of the decision. The appeal should be addressed to the council and specify the grounds for the appeal. The fee for an appeal is \$350.00. The appeal fee must be tendered when the appeal is filed.



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 20-160		Contact	Chris Lee, cleee@duluthmn.gov	
Type	Variance – front yard structure setback		Planning Commission Date		November 10, 2020
Deadline for Action	Application Date		October 1, 2020	60 Days	November 30, 2020
	Date Extension Letter Mailed		October 15, 2020	120 Days	January 29, 2020
Location of Subject		316 Mygatt Avenue			
Applicant	Jean Sramek and John Bankson		Contact		
Agent			Contact		
Legal Description		See attached			
Site Visit Date		October 30, 2020	Sign Notice Date		October 27, 2020
Neighbor Letter Date		October 28, 2020	Number of Letters Sent		44

Proposal

A variance to the front yard setback from the required 25 feet to a distance of 15 feet to allow for the construction of an addition to the front of the existing house. The proposed variance, if granted, would apply to the addition only.

Recommended Action: Approve variance with 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	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements

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

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

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

Governing Principle #5 – Promote reinvestment in neighborhoods. This addition allows the owners to enjoy a greater variety of aspects of their home and property.

Housing Policy #4 – Improve the quality of the city’s housing stock and neighborhoods. The proposed addition would allow for continued investment in the property.

Zoning – Residential-Urban (R-1): The R-1 district is established to accommodate traditional neighborhoods of single-family detached residences, duplexes and townhouses on moderately sized lots. This district is intended to be used primarily in established neighborhoods. Many of the dimensional standards in this district require development and redevelopment to be consistent with development patterns, building scale, and building location of nearby areas.

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.

History: The property currently contains a 1,500 square foot, 3-bedroom residential structure constructed in 1924.

Review and Discussion Items

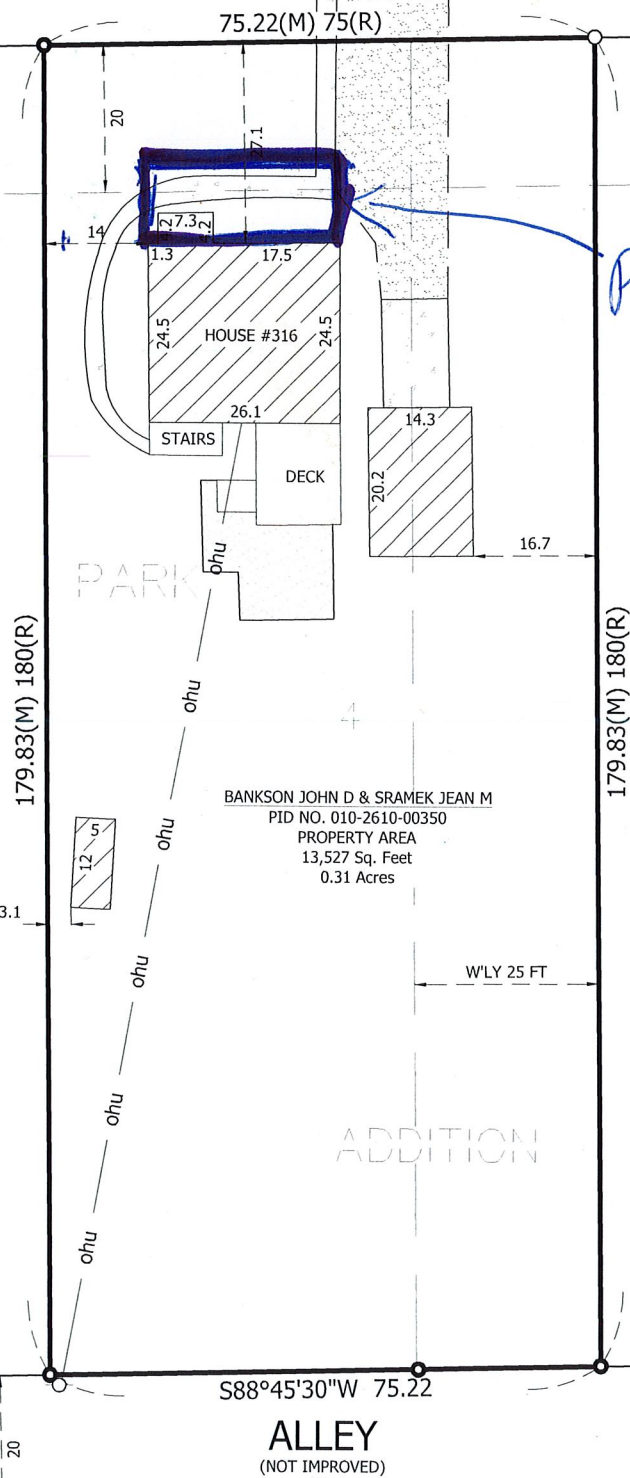
Staff finds that:

- 1) The applicant is proposing to construct an addition to increase the functional living space to the front of the existing home. The proposed addition will be 26’ x 12’. The current home is 27’ from the front property line.
- 2) A practical difficulty exists on the site related to topography and position of the house on the parcel. Alternate locations are either too steep to reasonably build an addition or too close to the neighboring property.
The proposed addition will be consistent with other houses on the block. This house is smaller than the average of the block and the addition will make the house comparable size to others on the block. The addition will not have an impact on neighborhood character.
- 3) The applicant is proposing to use the property in a reasonable manner through the addition of more entry space to a single-family home. This addition creates more livable space and will allow the applicant to age in place. The current entry space is restrictive in its size and does not allow for efficient movement in and out of the home.
- 4) The variance, if granted, would not impair adequate light and air to surrounding properties.
- 5) The variance, if granted, would not result in congestion on the surrounding streets, would not impair fire or emergency service access, and would not diminish established property values in the surrounding area.
- 6) The variance, if granted, would not impair the intent of the UDC expressed in Sec. 50-2. The variance is consistent with the Comprehensive Plan designation of the property.
- 7) No comments from citizens, City staff, or any other entities were received during the drafting of this staff report.
- 8) Per UDC Section 50-37.1.N. approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year.

Staff Recommendation

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

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



proposed addition -
26' x 12'

BANKSON JOHN D & SRAMEK JEAN M
PID NO. 010-2610-00350
PROPERTY AREA
13,527 Sq. Feet
0.31 Acres

LEGEND

SURVEYOR'S NOTES

1. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. THE TITLE SEARCH HAS RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THE 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. HEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MEASUREMENT

(M)-FIELD MEASURED DIMENSION
(R)-RECORD DIMENSION
C&G-CONCRETE CURB & GUTTER
ohu OVERHEAD UTILITIES
CENTER LINE
RIGHT OF WAY
BUILDING LINE PER PLAT
PLAT LINE
BOUNDARY LINE AS SURVEYED

Building Safety



10/20/2020, 3:13:20 PM

Master Address Repository St Louis Cty

● <all other values>

● Active

● Retired

Streets

— Unknown

— Freeway

— US Highway

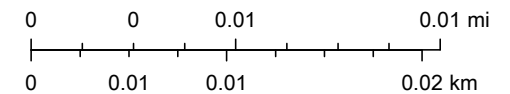
— Major Highway

— State and County Highway

— Residential Street

— Local Road

1:564



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

Page 76 of 94

Web AppBuilder for ArcGIS

University of Minnesota Duluth, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | Contact the City of Duluth GIS Office |

Variance Application Supplemental Form
 Jean Sramek and John Bankson, 316 Mygatt Avenue
 October 2020

List the UDC you are seeking relief from.

50-14.5 (front yard setback in an R-1). Our house is 27' from the front property line. The current enclosed mudroom is 23' feet from the front property line. We propose to replace the existing mudroom with an addition that is 26'x 12'. The finished structure would be 15' from the property line; our request is for relief from front setback requirements of 25' feet from the property line.

Statement on necessary permits.

We have not yet obtained permits or contracted design/build services for this proposed addition, as we have not yet obtained a variance for the setback requirements.

Need for the addition and long-term plans.

- Our house was built with a cramped entry inside the front door, and no storage space or closets. The stairs leading to the second floor are only 30 inches from the front door, which is on the NW corner of the house. (SEE PHOTOS #1 AND #2). Even for the able-bodied, navigating the entry is difficult.
- The existing mudroom (construction date unknown) will soon be beyond repairs and will need replacement.
- Like many people who enjoy the outdoors and our climate, we have a need for storage for seasonal outerwear and footwear, snowshoes and skis, and other gear, which most logically would be stored near the entrance to a house.
- We are in our late 50's and intend to "age in place" in our house for 20+ years or as long as possible. Among other accommodations, we would like to have a ground-floor bathroom; options for adding a bathroom on our first floor are limited, and a larger, 4-season mudroom addition would be an ideal place for a bathroom and sitting area. It would also allow for easier access for friends and family with mobility issues, which will soon enough describe the majority of people in our milieu.

Unique nature of the property and the lots on our street.

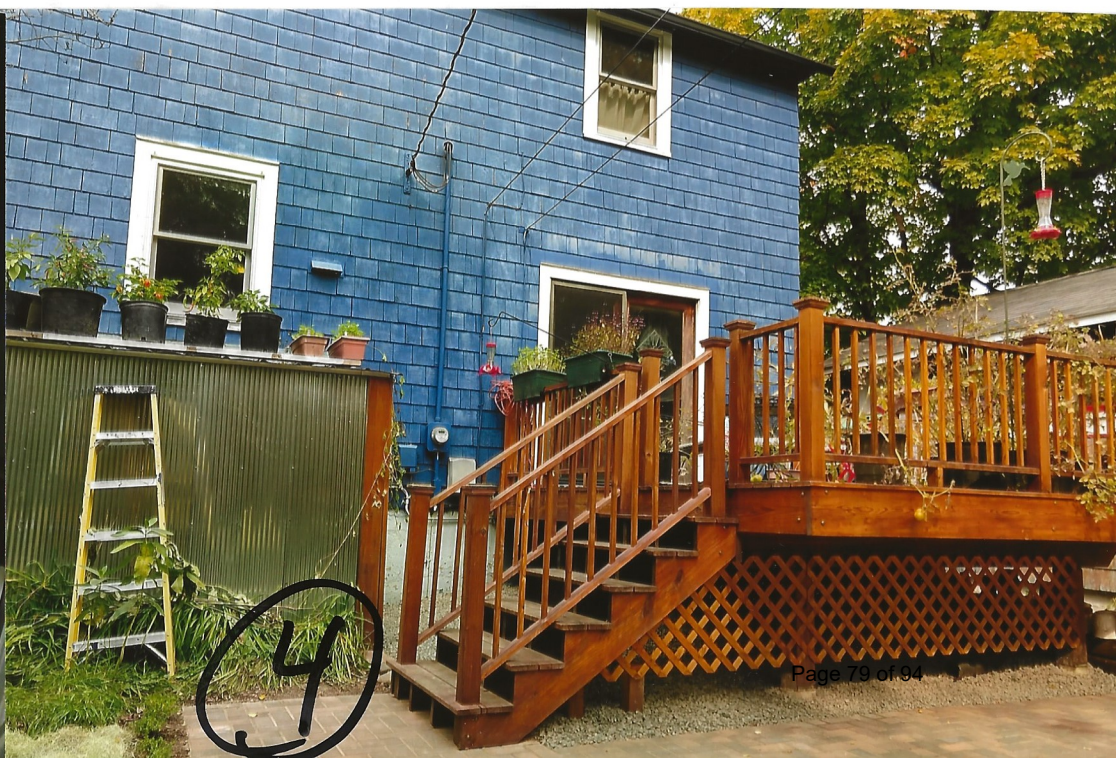
- Our lot(s) are large, but they slope downward from north to south. The flattest part of our property and the area which affords the most ease in construction is the front (north) side, facing the street.
- There are no alleys on our block, and the wooded areas at the south end of our lot and those of are neighbors are undeveloped. All the "action," garages, entrances, etc., are situated towards the front (north) side of the lots on the street
- Our house is 27' from the property line, but as our block does not have sidewalks, the right-of-way between the street/curb and our property line is quite generous, approximately 16', which means that our house is approximately 43' from the curb, and our proposed addition would be approximately 28' from the curb.
- Our house does not have a functional rear entrance. There is a covered entrance to the basement on the south side and there are doors leading to the deck from the dining room (SEE PHOTO #4), but the house's only practical entrance is on the NW corner.

Obstacles to building this addition on the South, East, or West sides of the house.

- South (back). Deck and patio are located here. (SEE PHOTO #4) Because of the slope of the back yard, an addition built here would mean extensive expense and remodeling, removing deck and patio, improving sidewalk to back of house, and installing a new back door with stairs leading up to ground level, which would defeat our desire for a ground-level entrance.
- East (SEE PHOTO #3) The garage and driveway are located on this side of the house. Building our proposed addition on this side would mean moving the garage or rebuilding it to be connected to our house, and having a new entrance to the house through the living room or dining room, both of which would be less than ideal. We have no need or desire to rebuild or expand our garage.
- West (SEE PHOTO #5). Although it might be possible to meet the setback requirements on this side of our lot, there are two other obstacles. The stairs to the second floor are located next to the West wall of the house, so an addition would have to include a second entrance towards the back of the house. In addition, the Taplett house (neighbor to the west) is of questionable structural integrity and we do not wish to be any closer to this house than we already are.

The addition will be used in a reasonable manner, will not impair the intent of zoning code, will not alter the essential character of the neighborhood, and will not cause any hazards or safety issues.

- We intend for the exterior of the addition to match the color, style and materials of our existing house.
- The addition will be used for everyday living and will not increase neighborhood noise or cause any other nuisances.
- Because the lots on our street are generously sized, and because the lots have ample right-of-way between the property lines and the street, our addition will not look out of place, unusual, or “too close to the street.” In photos #6, #7, and #8, I am standing on the curb in front of our house; #6 shows our house as is, #7 shows John standing 10’ from the house and #8 shows John standing 12’ from the house.
- This improvement on our property will enhance the aesthetics of our neighborhood and have a positive impact on our neighbors’ property values.









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 23-086	Contact	John Kelley	
Type	Special Use Permit – Office	Planning Commission Date	June 13, 2023	
Deadline for Action	Application Date	May 5, 2023	60 Days	July 7, 2023
	Date Extension Letter Mailed	May 18, 2023	120 Days	September 2, 2023
Location of Subject	Parcel 010-1800-08960 located at 1202 101 st Avenue West			
Applicant	Kornerstores, Inc	Contact	Derek Medved	
Agent		Contact		
Legal Description	LOTS 1 AND 2 **PLATTED AS CIC #158 1202 101ST AVE W	Sign Notice Date	May 30, 2023	
Site Visit Date	May 31, 2023	Number of Letters Sent/Date	48, May 25, 2023	

Proposal

Applicant proposes to use the first floor of a two story 4,490 square foot building for office use and garage space. Office use in an R-2 District requires a special use permit.

Staff Recommendation

Staff recommends that the Planning Commission approve the special use permit with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2	Residential	Traditional N'hood/Neighborhood Commercial
North	R-1	Residential	Traditional N'hood /Neighborhood Commercial
South	R-1	Residential	Traditional N'hood /Neighborhood Commercial
East	R-1	Residential	Traditional Neighborhood
West	MU-N	Residential	Neighborhood Commercial

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 ... including any use-specific standards ..., and is consistent with any approved district plan for the area.
3. 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.

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

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. This strengthens neighborhoods and is preferred to a dispersed development pattern with associated alteration of natural landscapes and extensions of public services. Site preparation or building modification costs are offset by savings in existing public infrastructure such as streets and utilities, and transit, fire, and police services.

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

Future Land Use

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

Neighborhood Commercial - Small - to moderate -scale commercial, serving primarily the adjacent neighborhood(s). May include specialty retail; community -gathering businesses such as coffee shops or lower intensity entertainment; offices; studios or housing above retail (storefront retail with vertical mixed use). Typically situated in or adjacent to residential neighborhoods. May transition to neighborhood mixed use.

History

The building is approximately 4,500 square feet and was a former Bell Telephone facility built in 1920. The building and property are a Common Interest Community Plat (CIC) created in 2022 and consists of a two-story structure with two units and garage space on the basements level.

Review and Discussion Items:

- 1) The applicant is seeking a special use permit for office use in the R-2, Residential Urban zoning district. The applicant is proposing to utilize approximately 2,300 square feet of the first floor of the building for office space and provide a new parking area. The second floor of the building is an existing residential rental unit.
- 2) An office use is a reasonable use in the R-2 district. Office use requires a special use permit to operate in an R-2 district.
- 3) The office hours of operation would be from 8 a.m. to 5:30 p.m. The office space will be occupied by 4-5 employees. The applicant has stated that no noise or traffic congestion will be created by the office use.
- 4) UDC Sec. 50-20.3.M. (Use Specific Standards - Office). The proposed location in the building and configuration of the parking for the use demonstrate that the site provides adequate support for an office.
- 5) UDC Sec. 50-24 (Parking and loading). Parking is required at 2.5 per 1,000 square feet of gross floor area. The office space will occupy 2,300 square feet and will require 6 parking spaces. The parking may be reduced by 30 percent if the site is located within 1/4 mile of an existing Duluth Transit Authority routes such as Commonwealth Avenue to the east. Therefore 4 parking spaces are required and will be provided based on the size of the proposed parking area noted on the site plan. Applicant will need to provide a site plan showing that parking lot will meet all UDC requirements including parking space dimensions, drive aisle width, paving materials, etc.
- 6) UDC Sec. 50-25 (Landscaping and Tree Preservation). Requires landscaping between differing land uses. The office is considered a commercial use and abuts residential to the north. A landscape buffer with plantings of trees and shrubs or an opaque wall, berm, fence or dense (at least 75 percent opacity) vegetative screen at least six tall is required along the boundary lot line. The site plan depicts "added landscaping" in the northeast corner of the property between the proposed parking area and the residential use to the north. The applicant has stated that the neighbor to the north does use yard area along the north property line and therefore the applicant would not like to install a fence or planting along the lot line but would like to provide a more immediate screening adjacent to the proposed parking area. A revised landscaping plan must be submitted meeting the requirements of the UDC. Alternatively, the Land Use Supervisor can approve an alternative landscaping plan.
- 7) UDC Sec. 50-26 (Screening, Walls and Fences). Not applicable; applicant has stated no mechanicals will be installed and

no dumpsters will be located on site. Garbage and recycling container will be stored within the underground garage space and place on curb during regular pick-up days.

- 8) UDC Sec. 50-29 (Sustainability Standards) and 50-30 (Building Design Standards). These requirements do not apply to this project.
- 9) UDC Sec. 50-31 (Exterior Lighting). No additional lighting is being planned for the use.
- 10) The City Construction Services and Inspections Department noted that a pre-review meeting is needed for a change of use permit. One public email comment was received with concerns of removing a housing unit for office space and parking. No additional public, agency, or other City comments were received.

Staff Recommendation

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

- 1) A revised landscaping plan must be submitted meeting the requirements of the UDC. Alternatively, the Land Use Supervisor can approve an alternative landscaping plan.
- 2) Applicant will need to provide a site plan showing that parking lot will meet all UDC requirements including parking space dimensions, drive aisle width, and paving materials
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PL 23-086
Special Use Permit
Site Map



Legend
Zoning Boundaries

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

Aerial photography flown 2016

R-1 (Residential
Traditional)

R-2
(Residential
Urban)

MU-N (Mixed Use
Neighborhood)

101st Ave W

101st Ave W Alley

W McGonagle St

0

20

40

80

120

Feet



Page 85 of 94

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

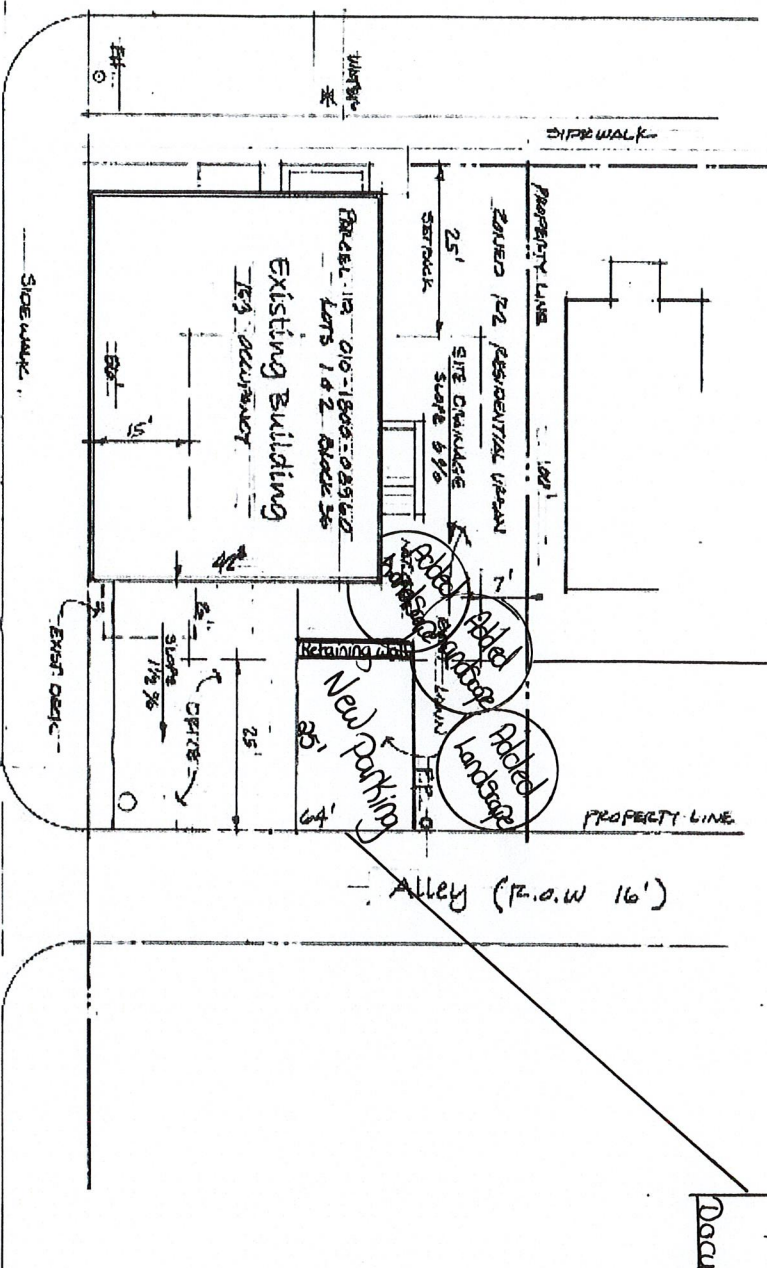


101st Avenue West (R.O.W 66')

Site Plan

Scale 1" = 20'-0"

McGowan St. (66' R.O.W.)



Trees, Plants, (Added landscape) 5-4-83

(New parking) 2-3 additional spaced to accommodate new parking formula.

Document updated 5-4-83

Condominium / Apartment Remodeling

1202 101st Avenue West
Duluth, MN 55808

Architect:

DESIGN ALTERNATIVE
3731 Alder Avenue
Hennepin, Minnesota 55810
218-729-9772

Certification:

I, *Kathy A. Blythe*, being duly sworn, depose and say that I am duly Licensed Architect under the laws of the State of Minnesota.

Kathy A. Blythe
Kathy A. Blythe

Date: 9-15-11 Exp. No. 14126

Consultant:

Drawing Title:

Site Plan

Scale: 1" = 20'

Project No: 1109

Date: Sept. 15, 2011

Revised: Kathy S.

Drawn By:

Drawing No:

S1

To The Planning and Development Division

Please do not allow the special use permit for office space located at 1202 101st Ave. West, Duluth, MN Duluth already has a shortage of housing and furthermore this is in a residential area that already has a shortage of parking on the street. This unit has very limited off street parking as well.

My daughter owns a home directly across (14 W. McGonagle Street) the street from this duplex and has two young children and the traffic and parking on McGonagle is already an issue. Putting in office space and taking away a rental home would further impede this situation as well as having multiple people working and stopping by a large corporation (KornerStores) headquarters.

Please with all due respect consider this as if you lived in that area or your children/grandchildren lived near 1202 101st Avenue West.

Sincerely,

Sheri Johnson



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 23-098	Contact	Jenn Moses, jmoses@duluthmn.gov
Type	MU-I Planning Review	Planning Commission Date	June 13, 2023
Deadline for Action	Application Date	May 30, 2023	60 Days July 29, 2023
	Date Extension Letter Mailed	June 5, 2023	120 Days September 27, 2023
Location of Subject	1200 Kenwood Ave., near the intersection of Niagara Street and Kenwood Avenue		
Applicant	The College of Saint Scholastica	Contact	Tim Orłowski, Director of Facilities Services
Agent	TKDA	Contact	Kathryn Poore-Larson
Legal Description	010-2710-03760		
Site Visit Date	June 3, 2023	Sign Notice Date	May 23, 2023
Neighbor Letter Date	May 25, 2023	Number of Letters Sent	52

Proposal

Construction of two new softball dugouts and an accessible entrance to the fields from Niagara Street.

Recommended Action: Approve with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-I	College campus	Institutional
North	R-1	Residential, Chester Creek	Traditional Neighborhood & Open Space
South	R-C	Open space	Open Space
East	R-1, P-1	Residential, Chester Park	Traditional Neighborhood & Open Space
West	R-C	Open space	Open Space

Summary of Code Requirements:

UDC Section 50-14.5.D.3. Planning Commission approval required.

Applicants that do not opt for approval of a district plan shall obtain separate approval for each future expansion or development project through the planning review procedures pursuant to Section 50-37.11.

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

#11 – Consider education systems in land use actions. This application reinvests in St Scholastica’s softball fields.

Future Land Use – Institutional – Applicable to medical, university/college, public school, religious, or governmental campuses. Institutional master plans should guide expansions and ancillary land uses in adjacent areas. Density increasing from fringe to taller buildings in core. Pedestrian-oriented design, transit facilities, and parking.

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

1. St. Scholastica proposes to expand the dugouts at the existing softball field from approximately 7’ x 20’ to approximately 8’ x 42’. As required by building code, an accessible walkway will also be constructed, running along the north property line from the Niagara Street parking to the adjacent dugout. Minor adjustments to fencing and other site infrastructure may be needed to accommodate the increased dugout size.
2. Work will be conducted entirely on St. Scholastica property and will not encroach into the right of way of Niagara Street.
3. Long-term plans for Niagara Street include future construction of the Campus Connector Trail within the right of way; the proposed dugout enlargements are not expected to interfere with the future trail location. Applicant is aware that future trail construction may impact existing parking within the right of way.
4. Proposed improvements do not trigger any UDC requirements related to landscaping, sustainability, or building design standards.
5. Applicant has stated there will be no changes or upgrades to any existing lighting on site.
6. Comments were received from Construction Services requesting the accessible pathway, and from the City’s transportation planner regarding the future Campus Connector trail to be located adjacent to this property. No other City, agency, or public comments were received. .
7. Per UDC 50-37.1.N, an approved Planning Review will expire if the project or activity authorized is not begun within one year, which may be extended for one additional year at the discretion of the Land Use Supervisor.

Staff Recommendation:

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

1. Applicant shall construct and maintain the project as identified in the attached exhibits.
2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



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.



KENWOOD FIELD DUGOUT IMPROVEMENT PROJECT

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BAR IS ONE INCH ON ORIGINAL DRAWING. IF NOT ONE INCH
ON THIS DRAWING ADJUST SCALES ACCORDINGLY.

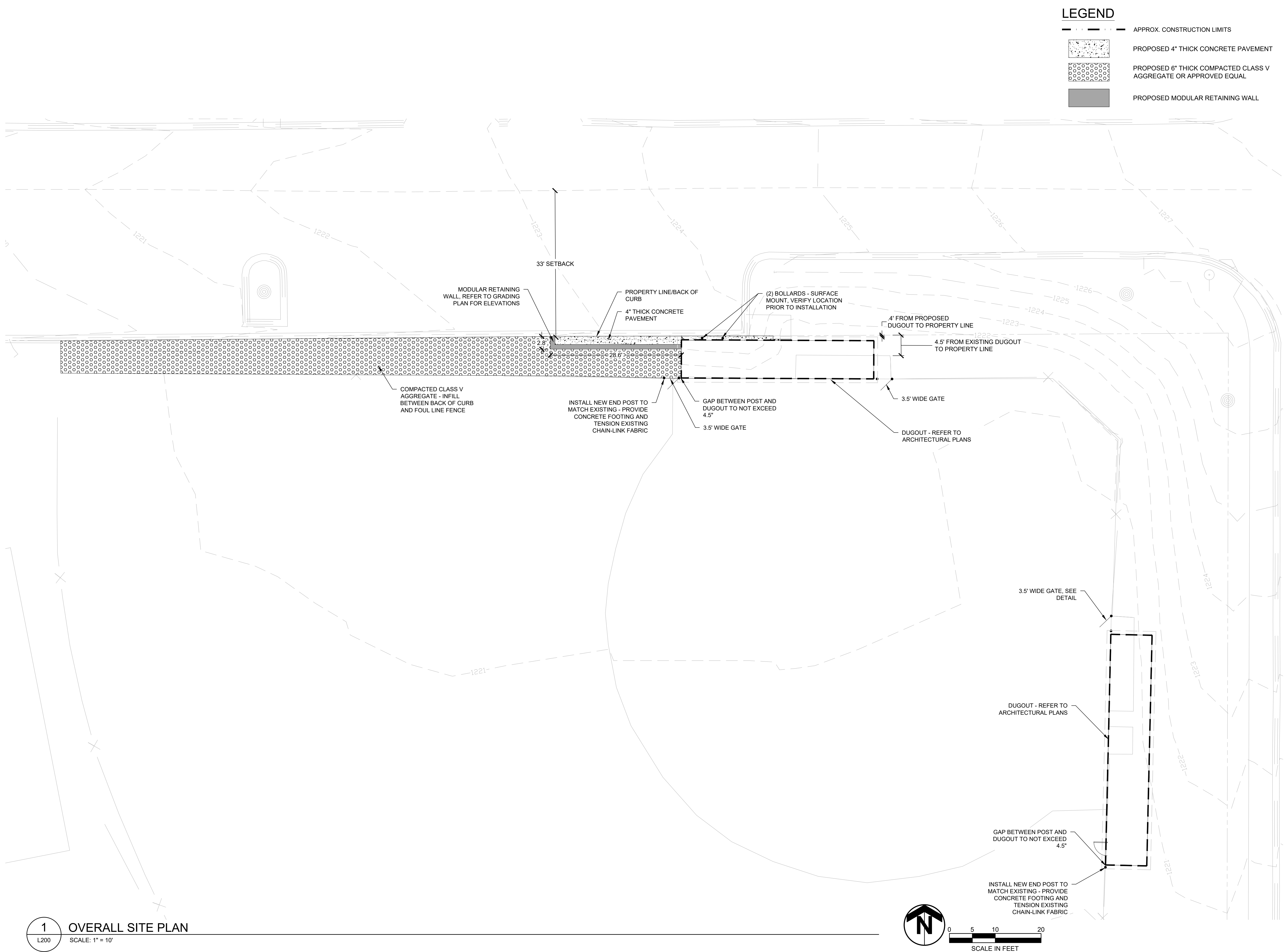
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SIGNATURE: _____
 PRINTED NAME: STEVEN FOSS
 LIC. NO.: 56582 DATE: 05/04/2023

DESIGNED	DRAWN	CHECKED
SDF	SDF	KWA

L200

18491001

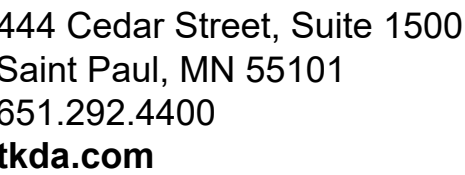


KENWOOD FIELD DUGOUT IMPROVEMENT PROJECT

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ON THIS DRAWING ADJUST SCALES ACCORDINGLY.

NO.
DATE
ISSUE RECORD

SIGNATURE: _____
 PRINTED NAME: KATHRYN POORE-LARSON
 LIC. NO.: 22318 DATE: 05/04/2023

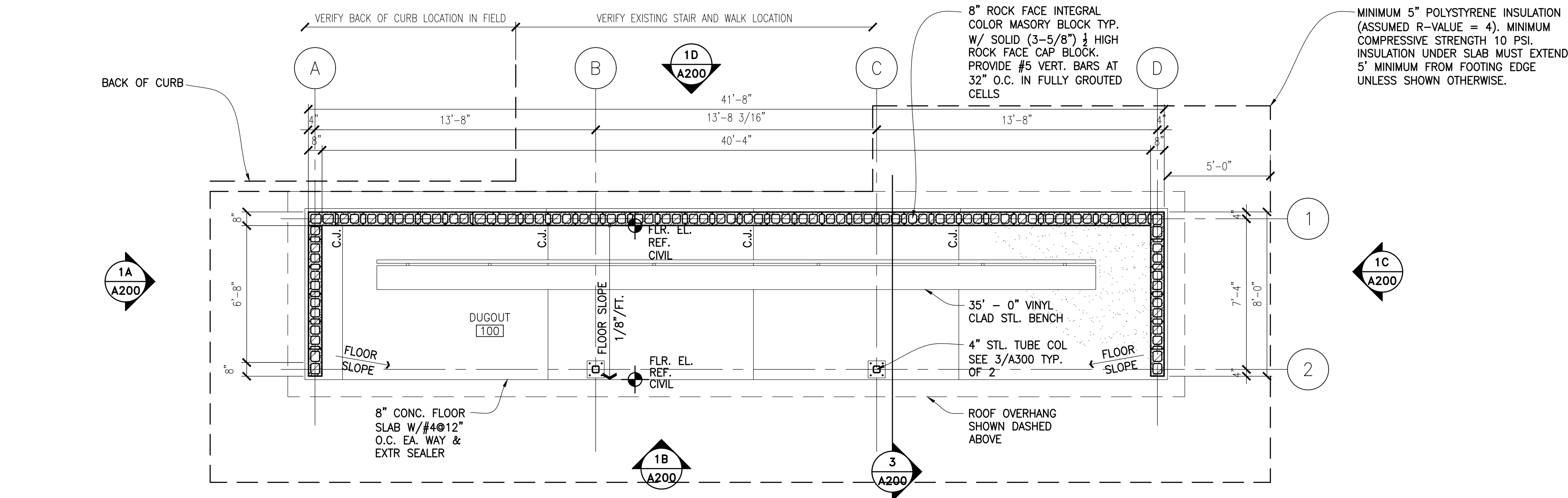


DESIGNED	DRAWN	CHECKED
SDF	SDF	KWA

FIRST BASELINE DUGOUT PLAN

A100

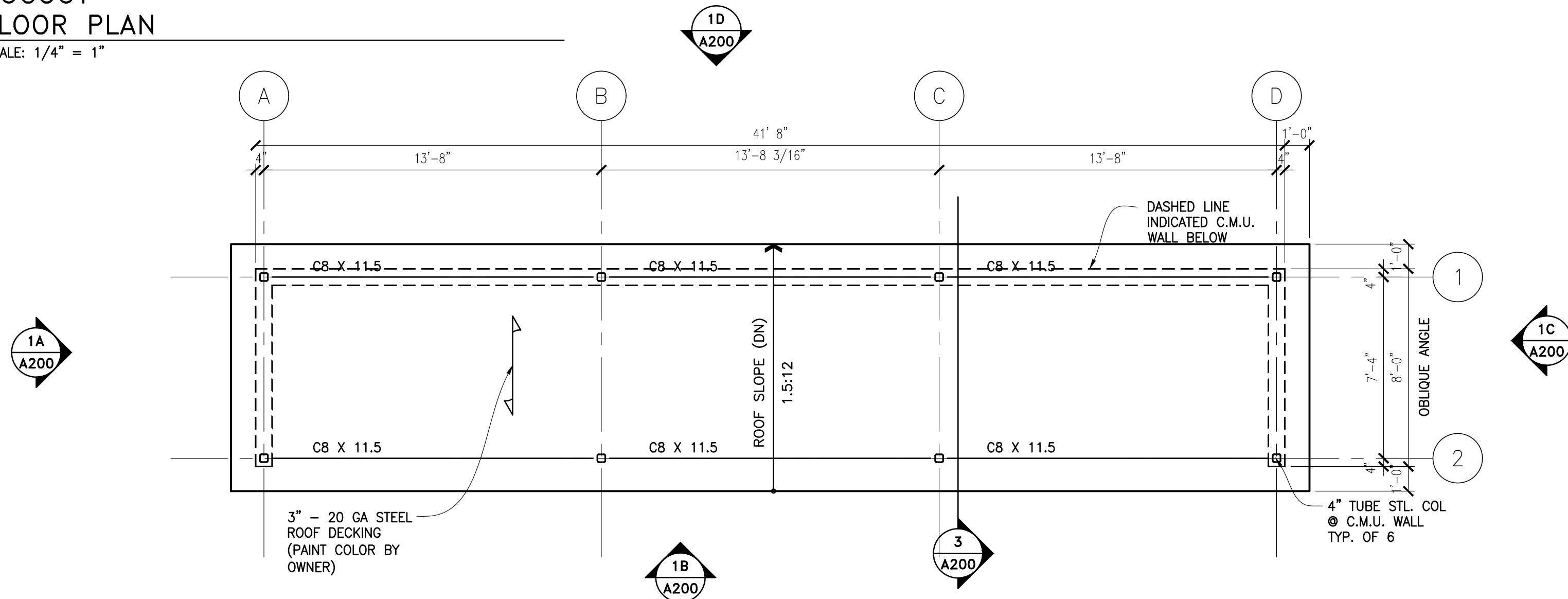
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**DUGOUT
FLOOR PLAN**

1
A100

SCALE: 1/4" = 1"



2
A100

DUGOUT
ROOF PLAN
SCALE: 1/4" = 1"

MIRROR / DUPLICATE DUGOUT PLAN AS IT RELATES TO THE HOME AND VISITING TEAM LOCATION WITHIN THE BASEBALL COMPLEX. REF. CIVIL

KENWOOD FIELD DUGOUT IMPROVEMENT PROJECT

BAR IS ONE INCH ON ORIGINAL DRAWING. IF NOT ONE INCH
ON THIS DRAWING ADJUST SCALES ACCORDINGLY.

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

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 ARCHITECT UNDER THE LAWS OF THE STATE OF MN.



444 Cedar Street, Suite 1500
Saint Paul, MN 55101
651.292.4400
tkda.com

THIRD BASELINE DUGOUT PLAN

A110

18491001



MIRROR / DUPLICATE DUGOUT PLAN AS
IT RELATES TO THE HOME AND VISITING
TEAM LOCATION WITHIN THE BASEBALL
COMPLEX. REF. CIVIL