



# City of Duluth

## Meeting Agenda

### Planning Commission.

*Council Chambers*

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Tuesday, July 11, 2023

5:00 PM

Council Chambers

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#### CALL TO ORDER AND ROLL CALL

#### APPROVAL OF PLANNING COMMISSION MINUTES

#### PUBLIC COMMENT ON ITEMS NOT ON AGENDA

#### CONSENT AGENDA

[PL 23-103](#) Interim Use Permit for Renewal Vacation Dwelling Unit at 1115 S Lake Avenue by Steven and Heather Pitschka

**Attachments:** [PL 23-103 Staff Report and Attachments](#)

[PL 23-105](#) Interim Use Permit for Renewal Vacation Dwelling Unit at 3840 S Lake Avenue by Charles Jacobs - Rental by the Lake 38 LLC

**Attachments:** [PL 23-105 Staff Report and Attachments revised](#)

[PL 23-106](#) Minor Subdivision to Create Two Parcels at 7825 Congdon Boulevard by Virginia Katz

**Attachments:** [PL 23-106 Staff report and attachments](#)

[PL 23-108](#) Vacation of Utility Easement at 3523 Chambersburg Avenue by James Wallner

**Attachments:** [PL 23-108 Staff report and attachments](#)

[PL 23-109](#) Vacation of Utility Easement at 3705-3867 London Road by London East, LLC

**Attachments:** [PL23-109 Staff Report - final with attachments](#)

[PL 23-110](#) Variance from Corner Side Yard Setback at 2430 E 3rd Street by William/Lynne Scalzo

**Attachments:** [PL 23-110 Staff report and attachments](#)

[PL 23-115](#) Minor Subdivision at 5217 Ivanhoe Street by Kelsey Dunaisky

**Attachments:** [PL 23-115 Staff report and attachments](#)

[PL 23-116](#) Vacation of Easement at 2300 Block of Commonwealth Avenue by DEDA

**Attachments:** [PL 23-116 Staff Report and Attachments](#)

[PL 23-117](#) Vacation of Drainage Easement at 2300 Block of Commonwealth Avenue by DEDA

**Attachments:** [PL 23-117 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



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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

[planning@duluthmn.gov](mailto:planning@duluthmn.gov)

<b>File Number</b>	PL 23-103	<b>Contact</b>	Chris Lee	
<b>Type</b>	Interim Use Permit– Renewal	<b>Planning Commission Date</b>	July 11, 2023	
<b>Deadline for Action</b>	<b>Application Date</b>	May 26, 2023	<b>60 Days</b>	July 27, 2023
	<b>Date Extension Letter Mailed</b>	June 20, 2023	<b>120 Days</b>	Sept. 23, 2023
<b>Location of Subject</b>	1115 South Lake Avenue			
<b>Applicant</b>	Steven Pitschka	<b>Contact</b>		
<b>Agent</b>	Heather Pitschka	<b>Contact</b>		
<b>Legal Description</b>	Lots 152 and 154 Upper Duluth Lake Avenue PIN: 010-4380-02005			
<b>Site Visit Date</b>	June 27, 2023	<b>Sign Notice Date</b>	June 27, 2023	
<b>Neighbor Letter Date</b>	June 26, 2023	<b>Number of Letters Sent</b>	32	

**Proposal**

Applicant is proposing to renew an existing interim use permit (PL 17-045) to rent single family home with 2 legal bedrooms as a vacation rental property for up to 5 occupants. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of 2 nights.

Staff is recommending Planning Commission approve the interim use permit.

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

**Summary of Code Requirements:**

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

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

1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location ....;
2. The applicant agrees to sign a development agreement with the city.

**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 Park Point 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.

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.

**Current History:** The property currently has been operating as a short term rental previously issued in 2017 (PL 17-045). There have been no reported complaints during the current permit period. The home size is 892 gross square feet, with attached garage constructed in 1954 (390 square feet).

**Review and Discussion Items:**

- 1) Applicant's property is located on 1115 South Lake Avenue. The proposed vacation dwelling unit has 2 bedrooms, which 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 themselves as the managing agent.
- 3) Parking for the house is located in the attached garage and the driveway. The driveway will also accommodate trailers and recreational vehicles.
- 4) The site plan indicates that there is a privacy fencing enclosing the entire rear yard. There are no other outdoor amenities.
- 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 approve the interim use permit 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

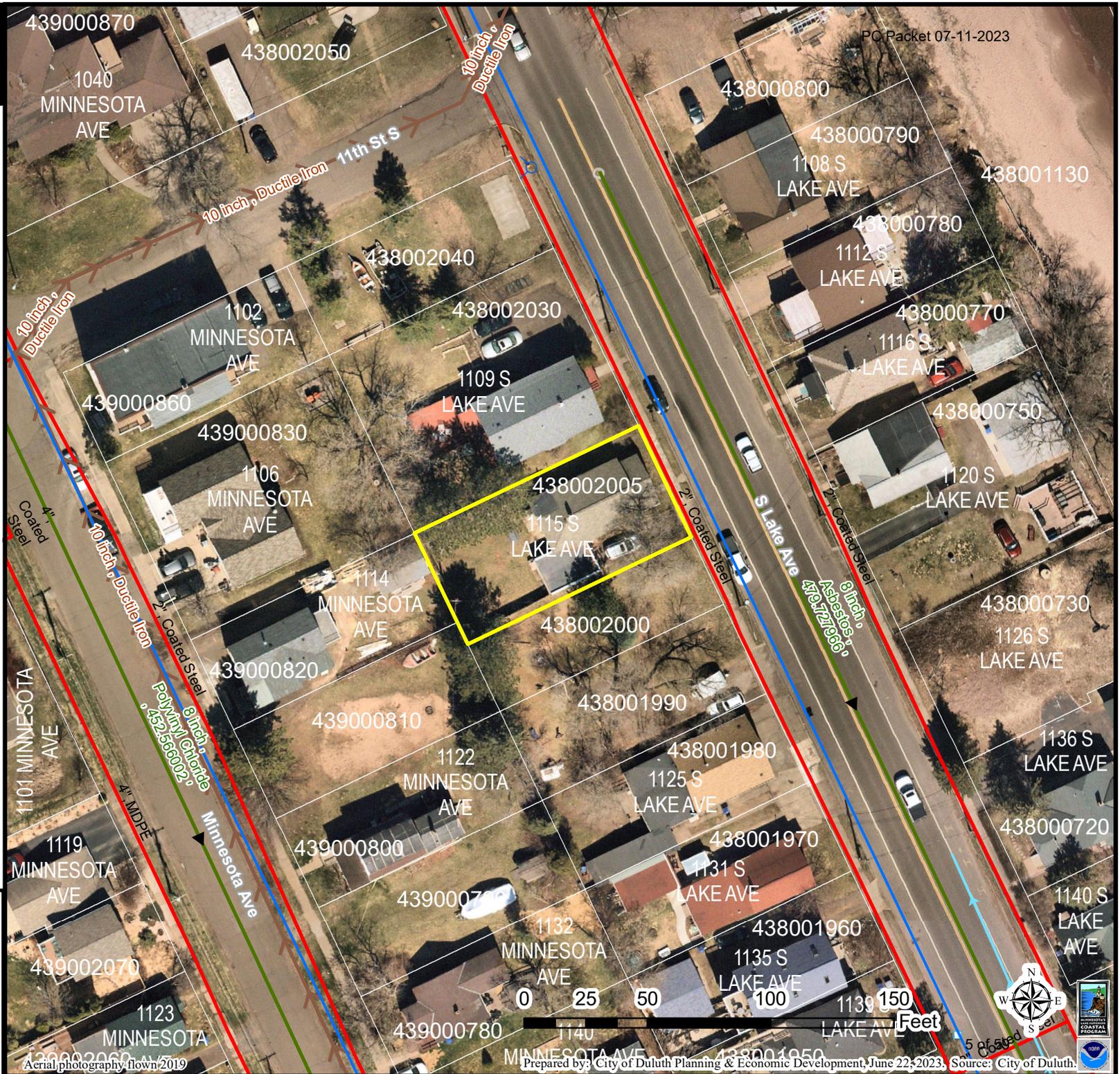


PL23-103  
Interim Use Permit  
1115 S Lake Ave

PO Packet 07-11-2023

### Legend

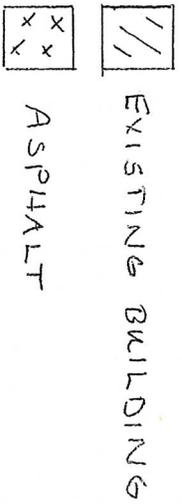
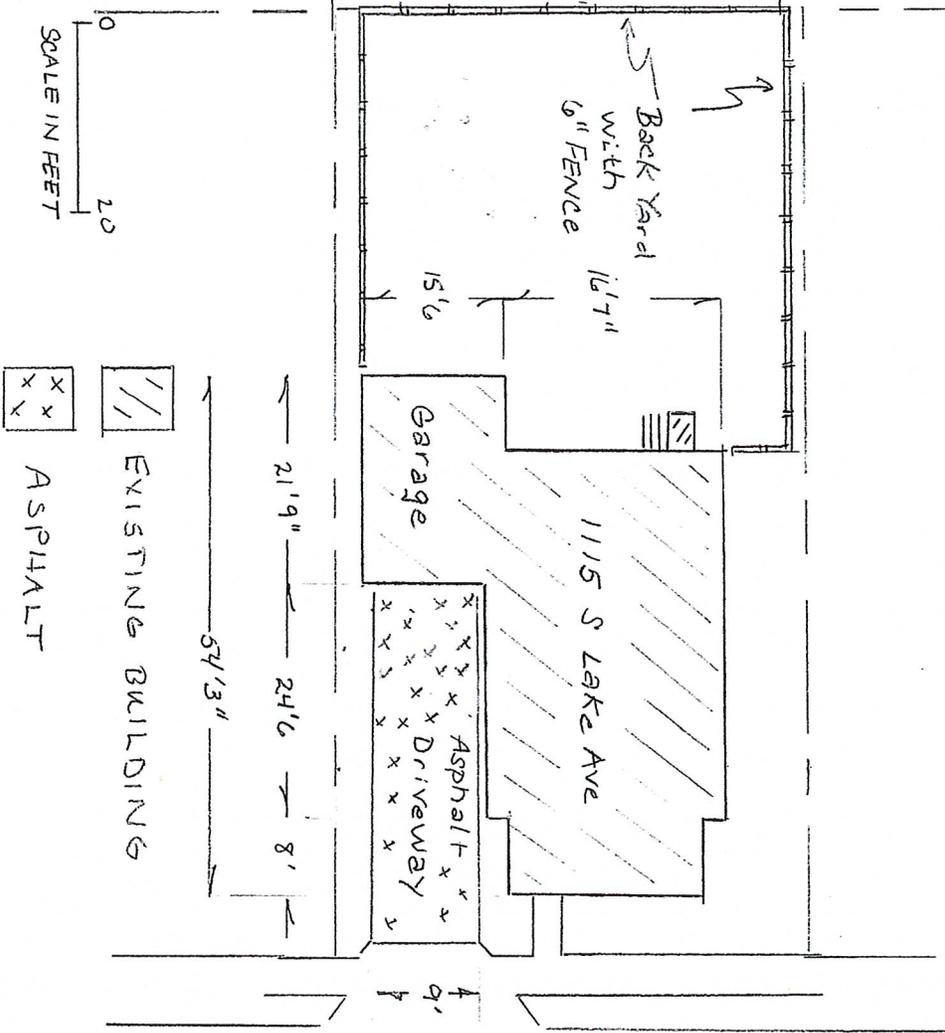
- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains**
- Storm Sewer Pipe
- Storm Sewer Catch Basin



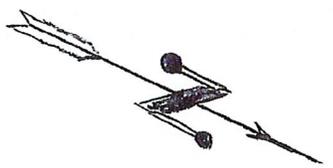
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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



PROJECT: INTERIM USE PERMIT FOR 1115 S LAKE AVE  
APPLICANTS: STEVEN & HEATHER PITTSCHKA  
LEGAL DESCRIPTION: NLY 10 FT. OF LOT 152 AND  
ALL OF LOT 154 UPPER DULUTH LAKE AVENUE



S Lake Ave



DATE: 03-07-2023 *Steven Pittschka*

### 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?** 3 + one in garage, two in driveway end-to-end. (see photo)

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

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. *Check/cash payments - MN Dept Rev & City Form*

MN TAX ID# 2759314

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.

*- we do not allow fires on our property*

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):

Vrbo website : owners "notes" (see attached sample)

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:

Heather Pitschka (218) 591-5667

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; *- on website & rental agreement*
- c. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked; *- Welcome letter (email through Vrbo website) (see attached)*
- d. Property rules related to use of exterior features of the property, such as decks, patios, grills, ~~recreational fires,~~ ~~poools, 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:

rental agreement & guest book on kitchen table upon arrival

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.

- Attached
- ~ Current MN Dept of Health Inspection Report 11/9/22
- ~ Current Vacation Rental - Operational Permit Issued 8/30/20



3 parking spots: in garage and 2 cars end-to-end in driveway

## 1115 South Lake Ave Fenced Back Yard



6 foot high fence encloses the back yard



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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

[planning@duluthmn.gov](mailto:planning@duluthmn.gov)

<b>File Number</b>	PL 23-105	<b>Contact</b>	Chris Lee	
<b>Type</b>	Interim Use Permit– Renewal	<b>Planning Commission Date</b>	July 11, 2023	
<b>Deadline for Action</b>	<b>Application Date</b>	June 1, 2023	<b>60 Days</b>	July 31, 2023
	<b>Date Extension Letter Mailed</b>	June 23, 2023	<b>120 Days</b>	Sept. 29, 2023
<b>Location of Subject</b>	3840 Lake Ave South			
<b>Applicant</b>	Rental by the Lake 38, LLC	<b>Contact</b>		
<b>Agent</b>	Chip Jacobs	<b>Contact</b>		
<b>Legal Description</b>	PIN: 010-3100-04080			
<b>Site Visit Date</b>	June 27, 2023	<b>Sign Notice Date</b>	June 27, 2023	
<b>Neighbor Letter Date</b>	June 26, 2023	<b>Number of Letters Sent</b>	18	

**Proposal**

Applicant is proposing to renew an existing interim use permit (PL 17-023) to rent a single family home with 3 legal bedrooms as a vacation rental property for up to 7 occupants. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of 2 nights.

Staff is recommending Planning Commission approve the interim use permit.

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

**Summary of Code Requirements:**

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

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

1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location ....;
2. The applicant agrees to sign a development agreement with the city.

**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 Park Point 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 Canal Park and downtown, and increase opportunities for additional commerce.

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.

**Current History:** The property currently has been operating as a short term rental previously issued in 2017 (PL 17-024). There have been no reported complaints during the current permit period.

**Review and Discussion Items:**

- 1) Applicant's property is located on 3840 South Lake Avenue. The proposed vacation dwelling unit has 3 bedrooms, which would allow for a maximum of 7 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 themselves and Heirloom Property Management as the managing agent.
- 3) Parking for the house is located in the two car attached garage on the north side of the house. There is also a paved area on the northside for recreational vehicles or trailers.
- 4) The site plan indicates that there is a wooden deck off the back of the house and a patio and grill on the southwest side as exterior amenities. The site plan shows existing screening/buffering surrounding the home and rear deck. The side patio is screened from the adjacent right of way by large trees. An existing detached shed is located in the northwest corner of the property. There is a front porch that will not be used for rentals.
- 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 approve the interim use permit 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 23-105  
Interim Use Permit  
3840 S LAKE AVE

**Legend**

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

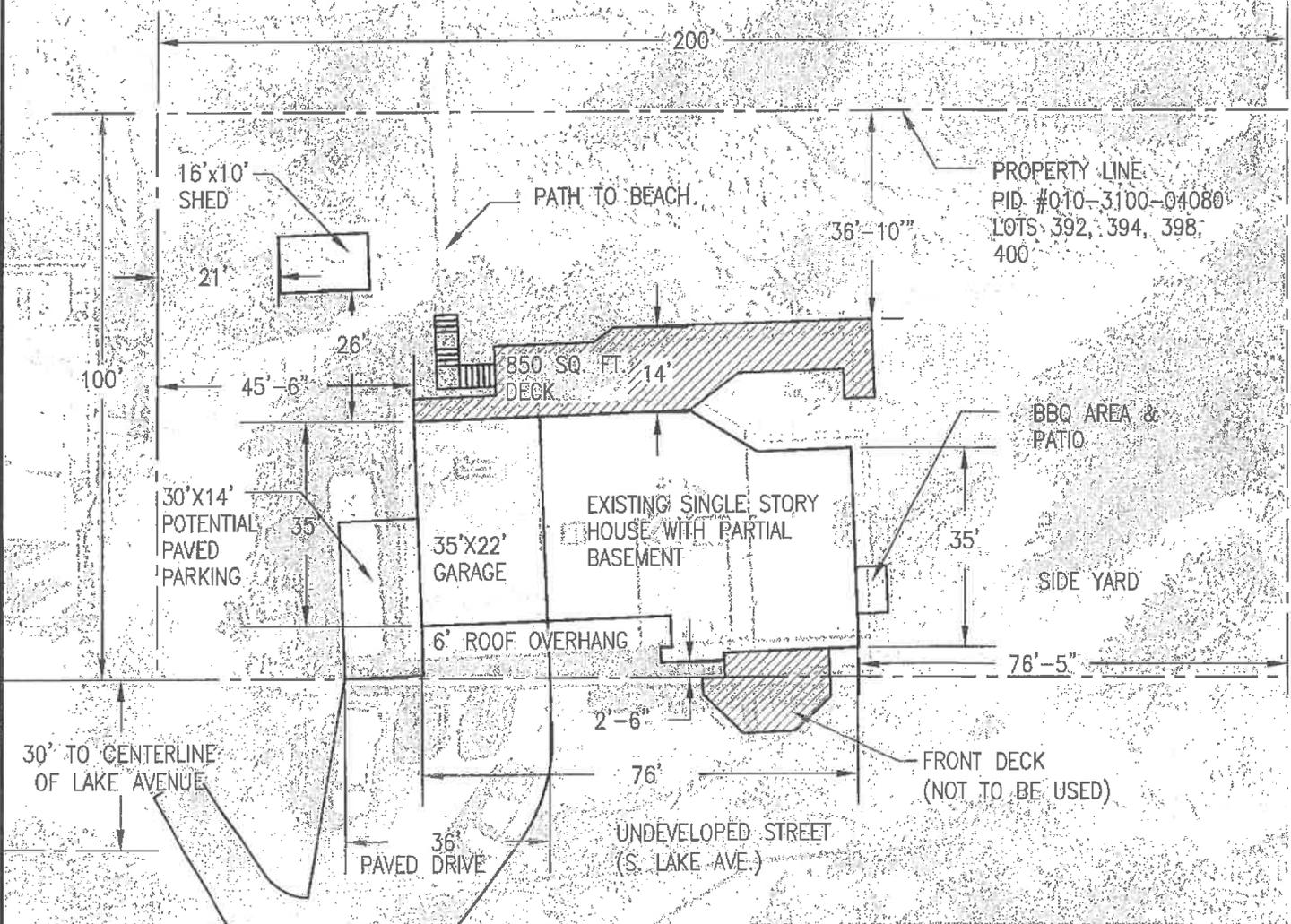


The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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

May 4, 2023

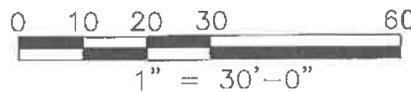
BEACH

NOTE:  
DIMENSIONS FROM PROPERTY LINE BASED  
ON SCALING OF AERIAL PHOTO, NOT SURVEY DATA



ZONED R-1

# 3840 LAKE AVENUE SOUTH VACATION RENTAL SITE PLAN



Date:	2/6/2017
Job No.:	3840 LAKE AVE S
Drawn By:	CFJ
Revised:	-
Approved By:	-
Sheet:	-

SITE 1  
5 of 59  
16

## 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?**

**What will be your maximum occupancy?**

3

7

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

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

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

1 on property, 4 car garage.

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?** On site

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):**

Listed on guest contracts - log book

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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:**

Charles Jacobs 218-348-5114 - Owner or Heirloom Property Management 218-409-4885

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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:**

Information posted in the rental unit.

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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.

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

Listed on guest contracts - log book

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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:**

Charles Jacobs 218-348-5114 - Owner or Heirloom Property Management 218-409-4885

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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:**

Information posted in the rental unit.

---

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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.



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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

 218-730-5580

 [planning@duluthmn.gov](mailto:planning@duluthmn.gov)

<b>File Number</b>	PL 23-106	<b>Contact</b>	John Kelley	
<b>Type</b>	Minor Subdivision	<b>Planning Commission Date</b>	July 11, 2023	
<b>Deadline for Action</b>	<b>Application Date</b>	June 1, 2023	<b>60 Days</b>	July 31, 2023
	<b>Date Extension Letter Mailed</b>	June 21, 2023	<b>120 Days</b>	September 29, 2023
<b>Location of Subject</b>	PID # 010-2805-00135 - 7825 Congdon Boulevard			
<b>Applicant</b>	Virginia Katz	<b>Contact</b>		
<b>Agent</b>	Rebecca Katz	<b>Contact</b>		
<b>Legal Description</b>	See Attached			
<b>Site Visit Date</b>	June 30, 2023	<b>Sign Notice Date</b>	N/A	
<b>Neighbor Letter Date</b>	N/A	<b>Number of Letters Sent</b>	N/A	

### Proposal

Applicant is requesting a Minor Subdivision to divide one vacant parcel into two lots in the North Shore neighborhood. Both parcels will have frontage on Congdon Boulevard.

**Recommended Action:** Approval with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	RR-2	Residential	Rural Residential/Open Space
<b>North</b>	RR-2	Vacant land	Rural Residential/Open Space
<b>South</b>	RR-2	Street/Lake Superior	Open Space
<b>East</b>	RR-2	Residential	Open Space
<b>West</b>	RR-2	Vacant land	Rural Residential

### Summary of Code Requirements

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

50-37.5, D 1. The planning commission shall approve the application if it determines that: (a) The lot or lots to be subdivided or combined have frontage on an improved public street; (b) Each proposed lot meets the minimum zoning requirements of the district that it is in; (c) If an existing structure on a lot complies with the requirements of this Chapter, then after the minor subdivision structures on each of the resulting lots will still comply with the requirements of this Chapter; and (d) If one or more of the existing lots, or a structure on one or more of those lots, does not comply with the requirements of this Chapter, the proposed relocation will not create any new nonconformity or increase any existing nonconformity between the requirements of this Chapter. 19 of 59

50-14.5.A. R-1 minimum lot area: 4,000 square feet; minimum lot frontage: 40 feet.

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

#### **Principle #1**

Reuse previously developed lands. 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 .... 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.

**Future Land Use: Rural Residential** - Areas of single -family lots of at least five acres. Limits the extension of municipal utilities for new development. Includes existing rural density areas with lots as small as an acre now served by municipal utilities but not planned for further subdivision.

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

**History:** The site is made up of one 6-acre lot with an existing home located on the east central portion of the property in the North Shore neighborhood. The underlying plat is “Lakewood Division Duluth.”

### **Review and Discussion Items**

Staff finds that:

1. Applicant is requesting a Minor Subdivision to divide one parcel into two lots. The lot to be split is approximately 6 acres with an existing home located on the east central portion of the property owned by the applicant’s family.
2. The subdivision will create lots that meet the zoning requirements of the RR-2 district. Minimum lot area in the RR-2 district is 2 acres. Each lot will meet the required 2-acre lot area.
3. The parcels have the required street frontage along Congdon Boulevard. Each lot will have over 100 feet of street frontage. The proposed subdivision, if approved, would not make the parcels non-conforming due to lot frontage, lot area, or similar bulk standard.
4. No public, agency, or other City comments were received.
5. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
6. Approval of this Minor Subdivision signifies that City of Duluth UDC standards are met. St. Louis County may have additional requirements. This subdivision approval lapses if deeds are not recorded with St. Louis County within 180 days. Applicant must provide the City with proof of recording.

### **Staff Recommendation**

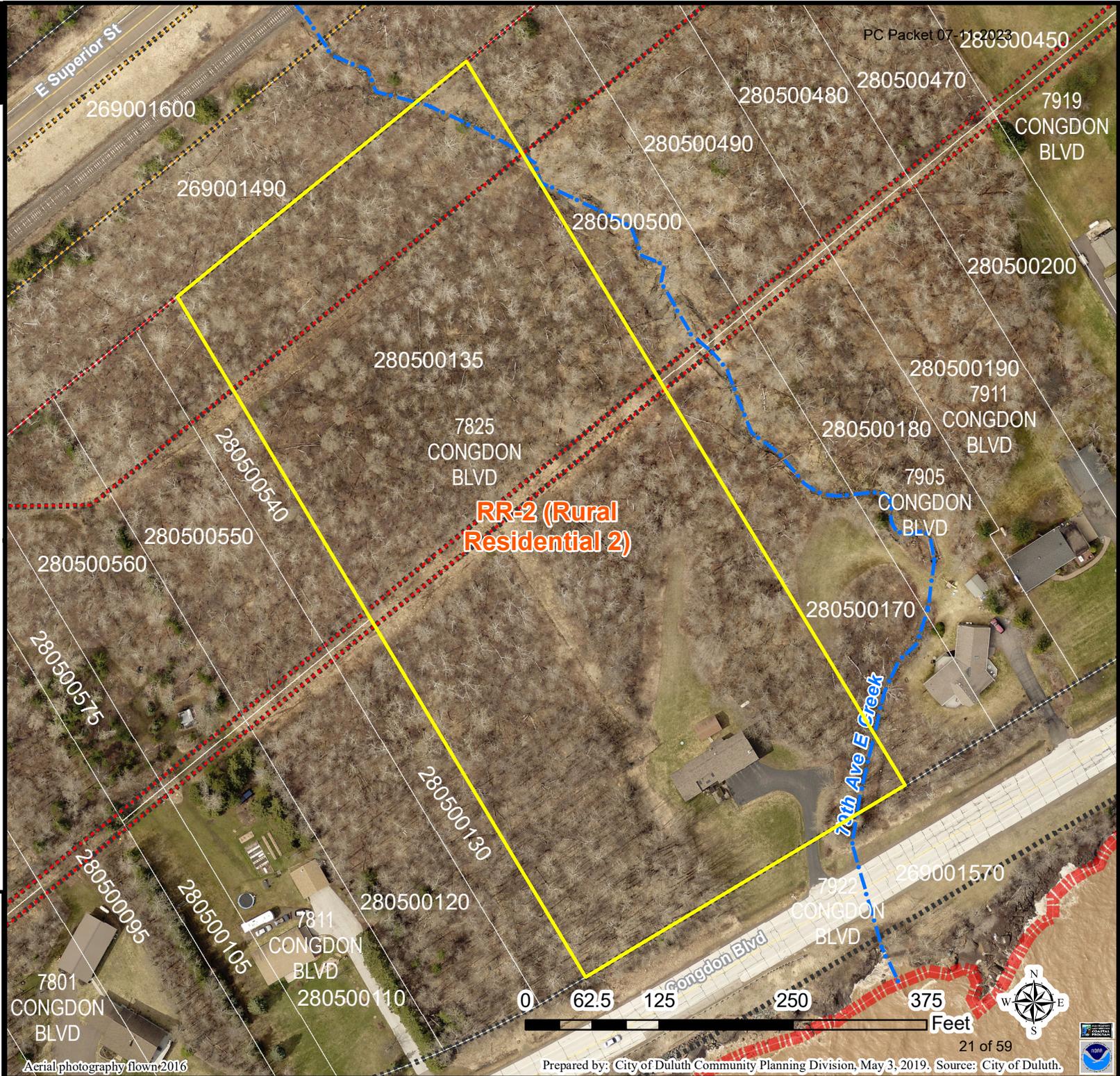
Based on the above findings, Staff recommends that Planning Commission approve the Minor Subdivision with the following conditions:

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



**Legend**

- Road or Alley ROW
- ⊠ Vacated ROW
- Easement Type**
- ▨ Utility Easement
- ▨ Other Easement
- ▨ Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)



**RR-2 (Rural Residential 2)**

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FIELD BOOK FIELDBOOK  
 The Year 2022  
 Drawing name: P:\GIS\Town\Other\Projects\TODA\Proposed\15513\15513.dwg  
 Date:

NO.	DATE	BY	DESCRIPTION OF REVISIONS

ISSUED BY: MK  
 CHECKED BY: MK  
 DATE: 03/08/23

HABERER CERTIFIES THAT THIS IS A FINAL SURVEYING PLAN OF A LOT OR LOTS OF LAND, AND THAT THE LOTS OF THE ESTATE OF MINNESOTA.

DATE: 03/08/23  
 CONTRACT NO.: 15513  
 M.A.L.C. NO.: 48927

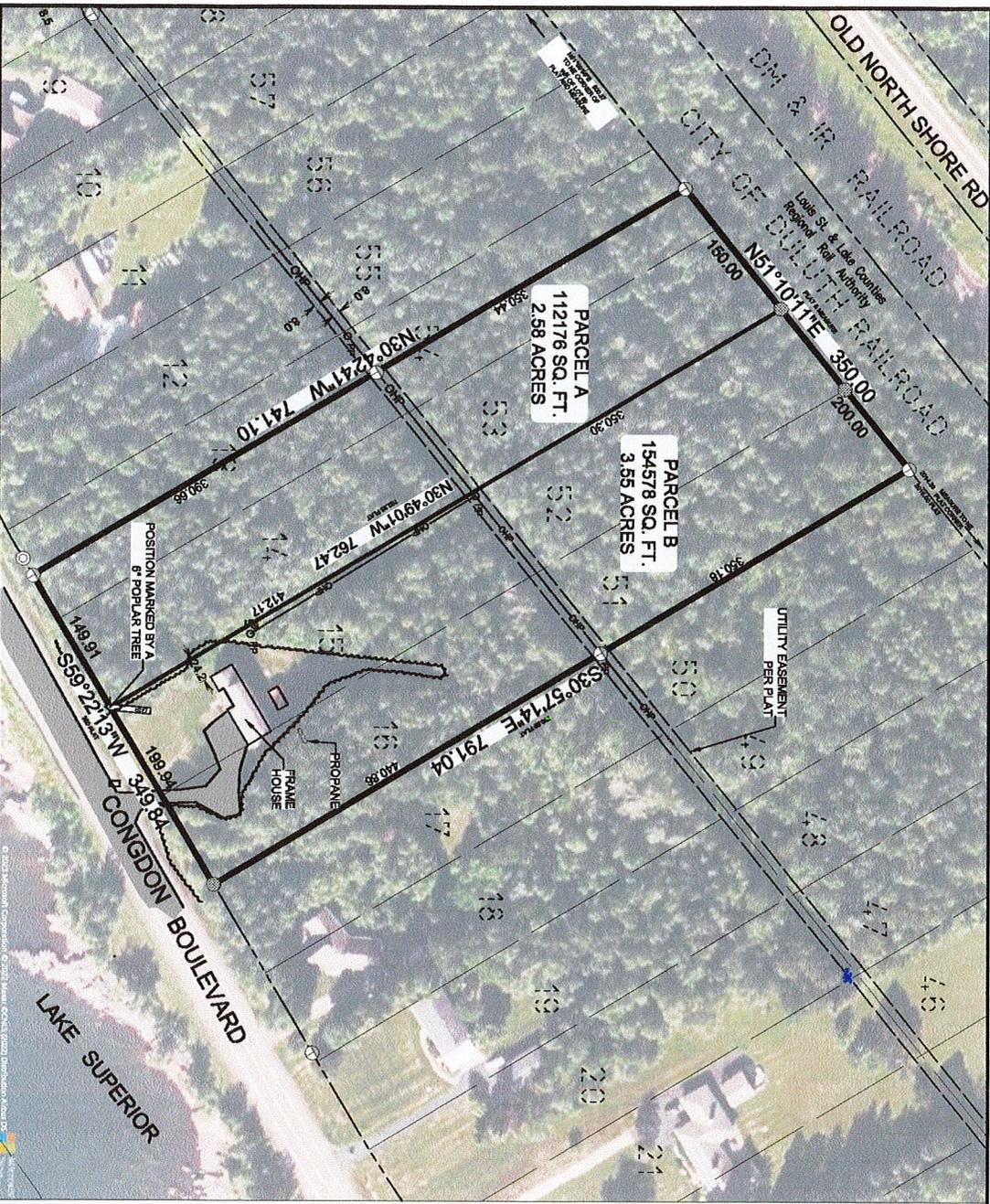
11 First Superior Street  
 Suite 420  
 Duluth, MN 55802  
 218.724.8578  
 218.724.8578

**TODA**

QUICK PLAT FOR:  
 REBECCA KATZ-HARWOOD  
 ST LOUIS COUNTY  
 MINNESOTA

CERTIFICATE OF SURVEY  
 In  
 LAKEWOOD DIVISION OF DULUTH

PROJECT NO.: 15513-xxx  
 SHEET NO.: 1



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

**ORIGINAL DESCRIPTION ACCORDING TO THE ST. LOUIS COUNTY PROPERTY DETAILS REPORT:**  
 PID - 010-2805-00135

THE EAST HALF OF LOT 13 AND ALL OF LOTS 14 THROUGH 16 AND ALL OF LOTS 51 THROUGH 53 AND THE EAST HALF OF LOT 54, LAKEWOOD DIVISION OF DULUTH.

**PROPOSED DESCRIPTIONS:**

PARCEL A  
 THE EAST HALF OF LOT 13 AND ALL OF LOTS 14 AND 53 AND THE EAST HALF OF LOT 54, LAKEWOOD DIVISION OF DULUTH,  
 CONTAINING 112,176 SQ. FT. OR 2.58 ACRES.

PARCEL B  
 LOTS 15, 16, 51 AND 52, LAKEWOOD DIVISION OF DULUTH,  
 CONTAINING 154,578 SQ. FT. OR 3.55 ACRES.

**LEGEND**

- PROPERTY LINE
- PLAT LINE
- BITUMINOUS
- EASEMENT PER PLAT
- BUILDING
- RIGHT OF WAY
- OHP OVER HEAD POWER / POLE
- FOUND IRON SURVEY MARKER - TEE
- FOUND IRON PIPE
- FOUND IRON ROD

**SCALE IN FEET**  
 0 50 100 200  
 1 inch = 100 feet

Bearings, Distances, and Coordinates are based on the St. Louis County TMS9 Coordinate System



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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

<b>File Number</b>	PL 23-108	<b>Contact</b>	John Kelley, jkelley@duluthmn.gov	
<b>Type</b>	Vacation of utility easement	<b>Planning Commission Date</b>	July 13, 2023	
<b>Deadline for Action</b>	<b>Application Date</b>	June 5, 2023	<b>60 Days</b>	August 4, 2023
	<b>Date Extension Letter Mailed</b>	June 21, 2023	<b>120 Days</b>	October 3, 2023
<b>Location of Subject</b>	3523 Chambersburg Avenue.			
<b>Applicant</b>	James Wallner	<b>Contact</b>		
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	See Attached			
<b>Site Visit Date</b>	June 30, 2023	<b>Sign Notice Date</b>	June 27, 2023	
<b>Neighbor Letter Date</b>	June 26, 2023	<b>Number of Letters Sent</b>	11	

**Proposal**

The applicant is requesting to vacate a portion of a 20-foot-wide platted utility easement traversing north and south across 3523 Chambersburg Avenue located in the Piedmont Heights neighborhood.

Staff is recommending approval with conditions.

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

**Summary of Code Requirements:**

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

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

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

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

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

**Governing Principle #5** - Promote reinvestment in neighborhoods.

The vacation will allow for construction of a single-family dwelling.

**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.

**Review and Discussion Items:**

Staff finds that:

1. The applicant is requesting to vacate a portion of a 20-foot wide platted utility easement traversing north to south across their property located at 3523 Chambersburg Avenue, as shown on the attached exhibit.
2. The proposed vacation will allow the applicant to construct a proposed single-family dwelling.
3. The utility easement was platted in the Levi Acres plat but never utilized for its intended purpose.
4. The utility easement will not be needed by the City for the safe and efficient circulation of automobiles, trucks, bicycles, or pedestrians or the efficient supply of utilities or public services in the city and City Engineering does not expect to need it in the future.
5. Minnesota Power has also indicated this utility easement is not needed for future power lines.
6. No other public or City comments have been received at the time of drafting this report.
7. Vacations of rights of way and easements lapse unless the vacation is recorded with the county recorder within 90 days after final approval. The vacation recording is facilitated by the City of Duluth.

**Staff Recommendation:**

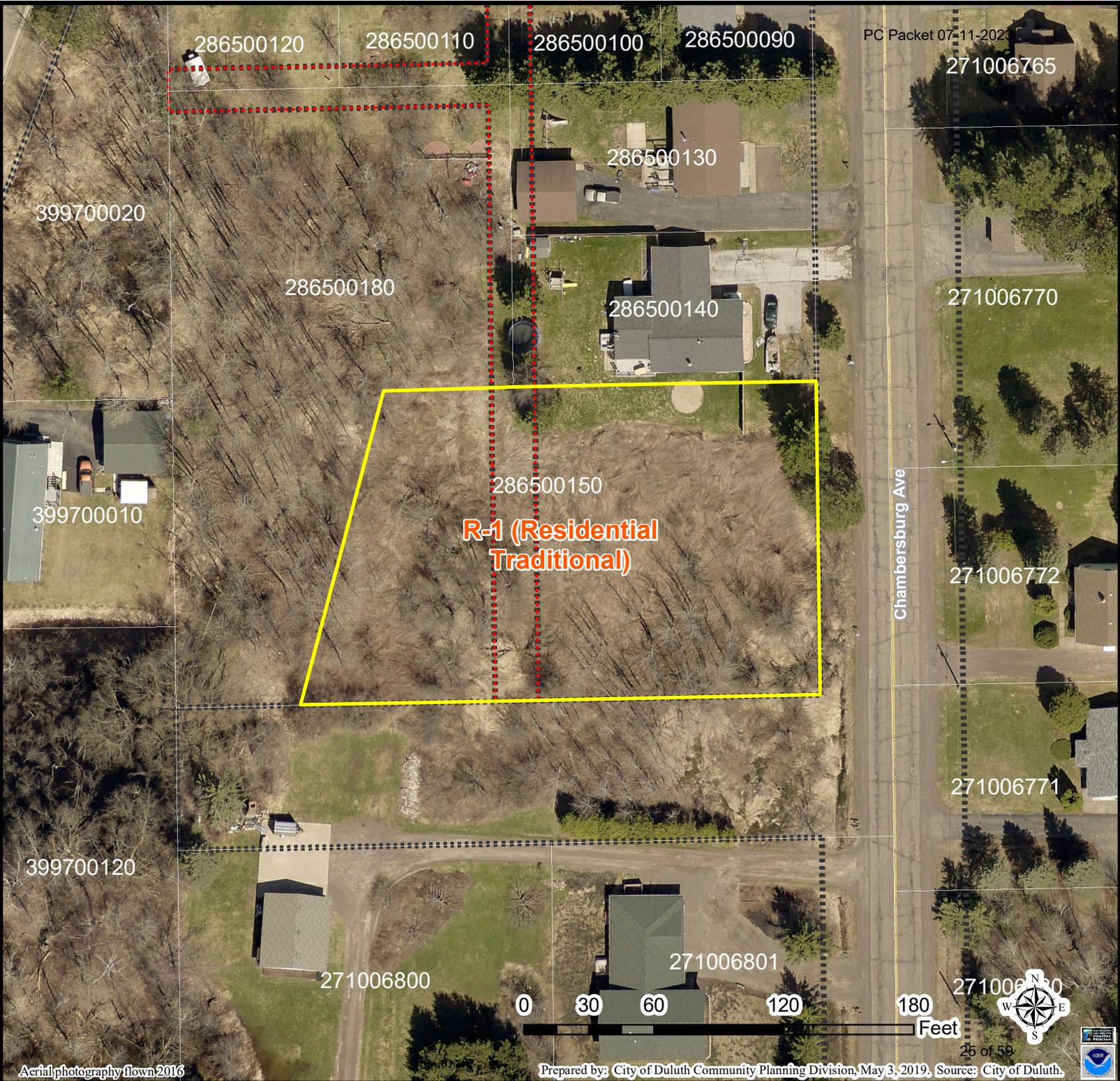
Based on the above findings, Staff recommends that Planning Commission recommend approval of the vacation with the following conditions:

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



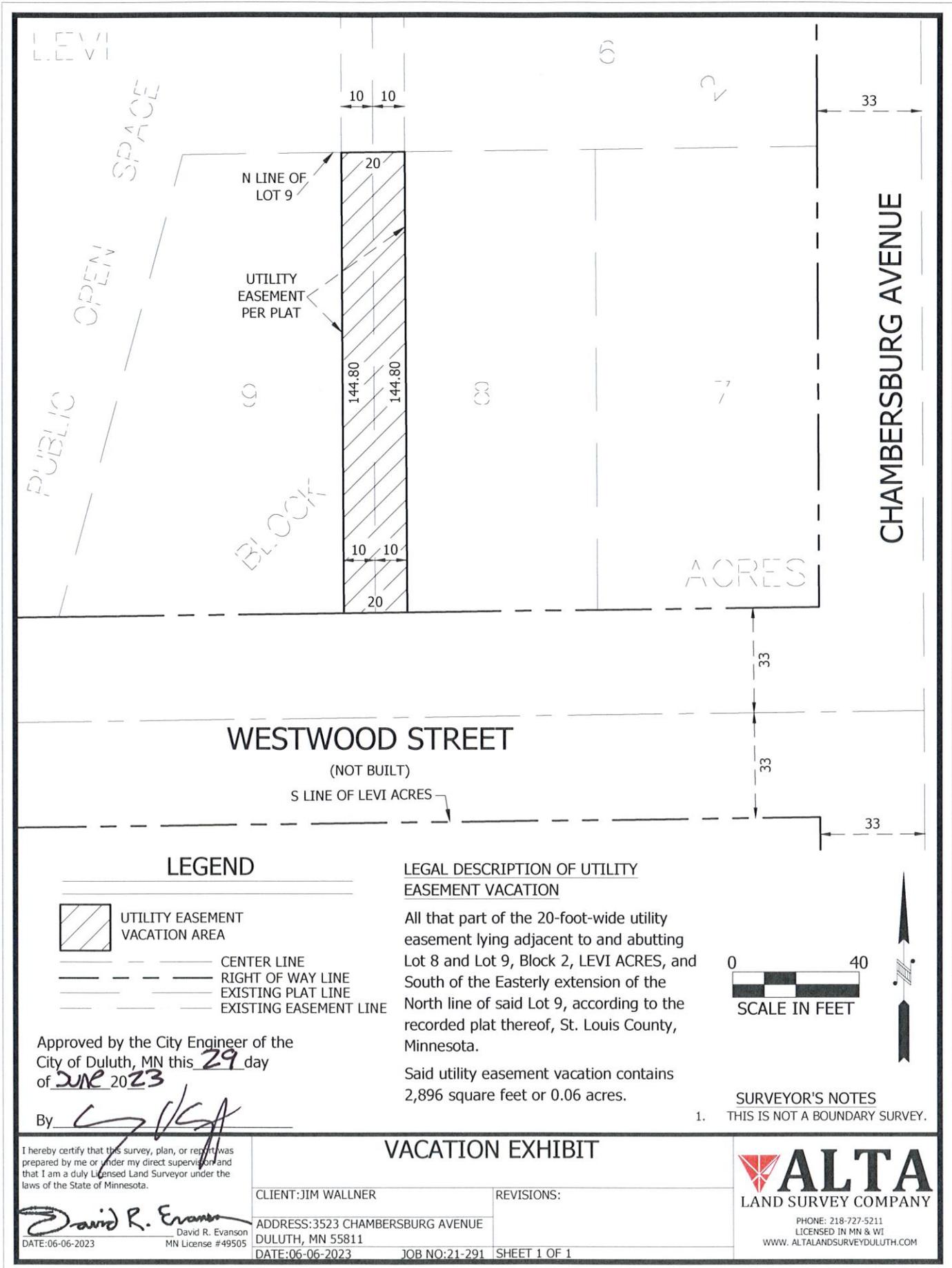
**Legend**

- ▬▬▬ Road or Alley ROW
- ☒ Vacated ROW
- Easement Type**
- ▬▬▬ Utility Easement
- ▬▬▬ Other Easement
- ▬▬▬ Zoning Boundaries



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

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 Duluth, Minnesota 55802

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 planning@duluthmn.gov

<b>File Number</b>	PL 23-109	<b>Contact</b>	Kyle Deming	
<b>Type</b>	Vacation of part of a Utility Easement	<b>Planning Commission Date</b>	July 11, 2023	
<b>Deadline for Action</b>	Application Date	June 7, 2023	<b>60 Days</b>	N/A
	Date Extension Letter Mailed	N/A	<b>120 Days</b>	N/A
<b>Location of Subject</b>	3705-3829 London Rd. (Congdon)			
<b>Applicant</b>	London East, LLC	<b>Contact</b>	Ted Stocke	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	All that part of the NWly 3 feet of Lots 3-26, Block 1, London East (see attached Exhibit)			
<b>Site Visit Date</b>	June 5, 2023	<b>Sign Notice Date</b>	June 26, 2023	
<b>Neighbor Letter Date</b>	June 29, 2023	<b>Number of Letters Sent</b>	31	

**Proposal:** Vacation of part of a utility easement for construction of a retaining wall.

**Staff Recommendation**

Approval of the vacation, with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Undeveloped/dwellings	Traditional Neighborhood
<b>North</b>	R-1	Railroad	Traditional Neighborhood
<b>South</b>	MU-N	Apartment buildings	Urban Residential
<b>East</b>	R-1	Undeveloped	Traditional Neighborhood
<b>West</b>	R-1	Undeveloped	Traditional Neighborhood

**Summary of Code Requirements**

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

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

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

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

Housing Strategy 5 - Foster opportunities for creative housing types and concepts, including tiny houses, townhomes, housing for individuals in Duluth on a temporary basis, and passive energy homes. This project fosters opportunities for creative housing type and concepts because it includes single-family detached and twin homes with unique amenities such as roof terraces.

Zoning – Residential-Traditional (R-1) - 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. The overall project includes both single-family detached residences and twin homes (a form of duplex).

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. Residential unit density of 4 -8 units/acre with a mix of housing types (i.e. town homes and 4-plexes) at corners. This project includes dwellings with shorter dimension to the street and includes a mix of single-family detached and twin homes.

**History:**

1. April 14, 2020 – Variance to reduce rear yard setback by 5 feet (PL 20-016) approved by Planning Commission;
2. April 14, 2020 – Vacate utility easement in former 38<sup>th</sup> Ave. E. (PL 20-027, Resolution 20-0470R);
3. April 14, 2020 – Preliminary Plat of London East (PL 20-035) approved by Planning Commission.
4. April 29, 2020 – Approval of Wetland Replacement Plan (PL 20-017) by City Land Use Supervisor;
5. June 9, 2020 – Final Plat approval (PL20-058) approved by Planning Commission;
6. June 14, 2022 – Variance to allow four 40-foot-tall one-family dwellings on certain lots in London East plat;
7. May 9, 2023 – Variance to building height at 3801-3803, 3805-3807, 3809-3811 London Rd. approved by Planning Commission.

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

1. The proposal is to vacate a 3-foot-wide by 895-foot-long section of a utility easement to enable construction of a retaining wall. The location is along the northeast property boundary (rear lot line) behind existing or to be constructed dwellings in the London East housing development.
2. The 20-foot-wide utility easement was dedicated in 2022 to provide a location for the City to install a natural gas main to provide gas to each dwelling.
3. The portion of the utility easement proposed for vacation is not needed for utility purpose according to the Chief Engineer for Utilities. They have indicated the vacation will not compromise the function of the gas main located in the remaining easement.
4. No other comments have been received on the proposed vacation.
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 easement vacation, as petitioned, 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 23-109

Vacate 3 foot wide section  
of Utility Easement  
Applicant: London East LLC

PC Packet 07-11-2023

### Area Map



### Legend

Zoning Boundaries

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Aerial photography flown 2022





PL 23-109

Vacate 3 foot wide section of Utility Easement  
Applicant: London East LLC

Area Map



**Legend**

**Future Land Use**

- Open Space
- Traditional Neighborhood
- Urban Residential
- Institutional

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PL 23-109

Vacate 3 foot wide section of Utility Easement  
Applicant: London East LLC

### Site Map

#### Parcels

- Lots
- Blocks
- Undefined ROW Status

#### ROW Status

- Utility, Active
- Road, Active - currently in use
- Utility, Vacated - via recorded doc.
- Road, Vacated - vacated
- Subdivision Boundaries

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**UTILITY VACATION DESCRIPTION:**

ALL THAT PART OF THE NORTHWESTERLY 3 FEET OF LOTS 3 THROUGH 26, BLOCK 1, LONDON EAST, ACCORDING TO THE PLAT ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY RECORDER, ST. LOUIS COUNTY, MINNESOTA, BEING A PART OF THE UTILITY EASEMENT RECORDED IN THE OFFICE OF THE COUNTY RECORDER, ST. LOUIS COUNTY, MINNESOTA, ON APRIL 25TH, 2023 AS DOCUMENT NUMBER 01465495.

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

CURTIS E. SCHLEY  6/28/2023 49907  
DATE REGISTRATION NO.

**CITY ENGINEER:**

APPROVED BY THE CITY ENGINEER OF THE CITY OF DULUTH, MINNESOTA THIS 28th DAY OF JUNE 2023

BY 

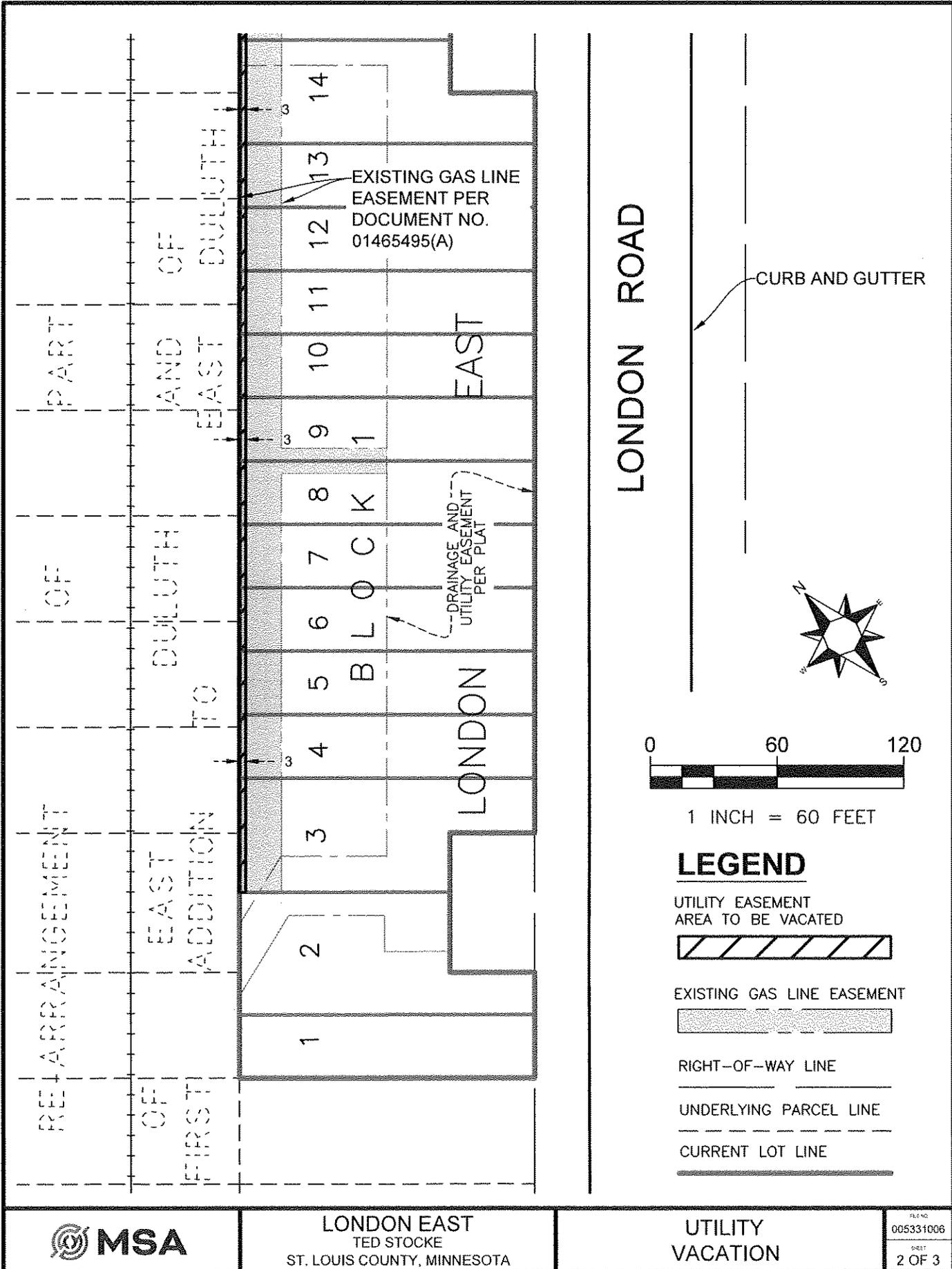
THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH AND DOES NOT PURPORT TO SHOW ALL EASEMENTS OR ENCUMBRANCES OF RECORD.



LONDON EAST  
TED STOCKE  
ST. LOUIS COUNTY, MINNESOTA

UTILITY  
VACATION

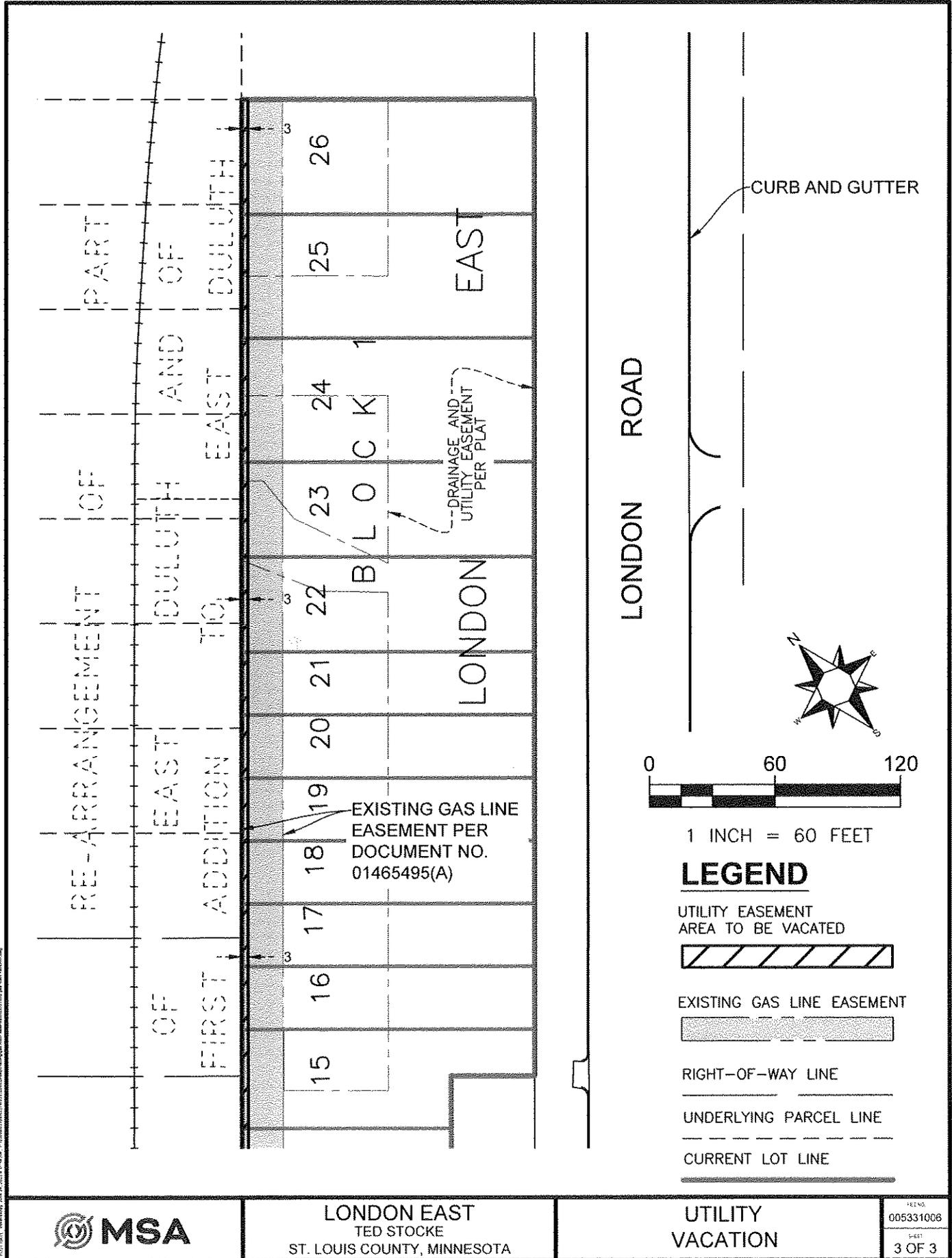
FILE NO.  
005331006  
SHEET  
1 OF 3



LONDON EAST  
TED STOCKE  
ST. LOUIS COUNTY, MINNESOTA

UTILITY  
VACATION

FILE NO.  
005331006  
SHEET  
2 OF 3



LONDON EAST  
 TED STOCKE  
 ST. LOUIS COUNTY, MINNESOTA

UTILITY  
 VACATION

RECORD NO.  
 005331006  
 SHEET  
 3 OF 3



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

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 411 West First Street  
 Duluth, Minnesota 55802

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planning@duluthmn.gov

<b>File Number</b>	PL 23-110	<b>Contact</b>	John Kelley, <a href="mailto:jkelley@duluthmn.gov">jkelley@duluthmn.gov</a>	
<b>Type</b>	Variance from corner side yard setback	<b>Planning Commission Date</b>	July 11, 2023	
<b>Deadline for Action</b>	<b>Application Date</b>	June 7, 2023	<b>60 Days</b>	August 6, 2023
	<b>Date Extension Letter Mailed</b>	June 21, 2023	<b>120 Days</b>	October 5, 2023
<b>Location of Subject</b>	2430 East 3 <sup>rd</sup> Street			
<b>Applicant</b>	William and Lynne Scalzo	<b>Contact</b>		
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	See Attached	<b>Sign Notice Date</b>	June 27, 2023	
<b>Site Visit Date</b>	June 30, 2023	<b>Number of Letters Sent</b>	40	

**Proposal**

The applicant is seeking a corner side yard variance to reduce the setback from the required 15' setback to 7.8' to construct a porch roof over a raised sidewalk along the north side of the existing home adjacent to North 25<sup>th</sup> Avenue East in the R-1, Residential Traditional zone district.

**Staff Recommendation**

Staff recommends that the Planning Commission approve the variance.

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

**Summary of Code Requirements**

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

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

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

History

The house is 4,000 square feet in size and was constructed in 1925. The applicant has stated that the structure was previously constructed and licensed as a duplex. The property currently functions as a single-family residence.

**Review and Discussion Items:**

- 1) The applicant is seeking a variance to the corner side yard setback to construct a porch roof over a raised sidewalk along the north and east side of the existing home adjacent to North 25th Avenue East. The variance is for a reduction in the corner side yard setback from 15' to 7.8' along the northeast property line.
- 2) The applicant states that the variance is requested due to the structure being located on a corner lot and its proximity to North 25<sup>th</sup> Avenue East. The existing entry porch located on the east side of the house adjacent to North 25<sup>th</sup> Avenue East is approximately 6' from the property line and the proposed new porch will be 7.8' from the property line. The applicant is proposing to use the property in a reasonable manner by constructing a covered open porch over a raised sidewalk for accessibility to the front and side entrances.
- 3) The applicant's practical difficulty was not created by the landowner but rather is due to the existing structure's location on the property and previous use as a duplex with entrances from both North 25<sup>th</sup> Avenue East and East 3<sup>rd</sup> Street.
- 4) The variance will not alter the essential character of the neighborhood as there are homes with covered porches and walkways with reduced setbacks in proximity to the applicants. UDC Section 50-21-1.3, Exceptions and encroachments, allows open sided porches, decks, or paved terraces to encroach up to 10 ft. into the front yard area, but no closer than 5 ft. from any property line. The encroachment standard applies to front yard areas. If the variance were granted it would be consistent with the intent of the front yard encroachment for open sided porches and would not be closer than 5 feet to the side lot line by maintaining a 7.8' setback. The porch design is consistent with the shingle style architecture of the home and is consistent with the look of adjacent homes.
- 5) The variance will not impair an adequate supply of light and air to adjacent properties as the design is of an open structure with low railings and the proposed porch roof and raised sidewalk would not increase the congestion in public streets or unreasonably diminish or impair established property values within the surrounding areas.
- 6) No public, agency, or other City comments were received.
- 7) Per UDC Section 50-37.1.N, approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year.

**Staff Recommendation**

Based on the above findings, Staff recommends that the Planning Commission approve 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 23-110 Variance  
Corner side yard setback

474000310  
NELSON  
NAOMI R

PC Packet 07-11-2028

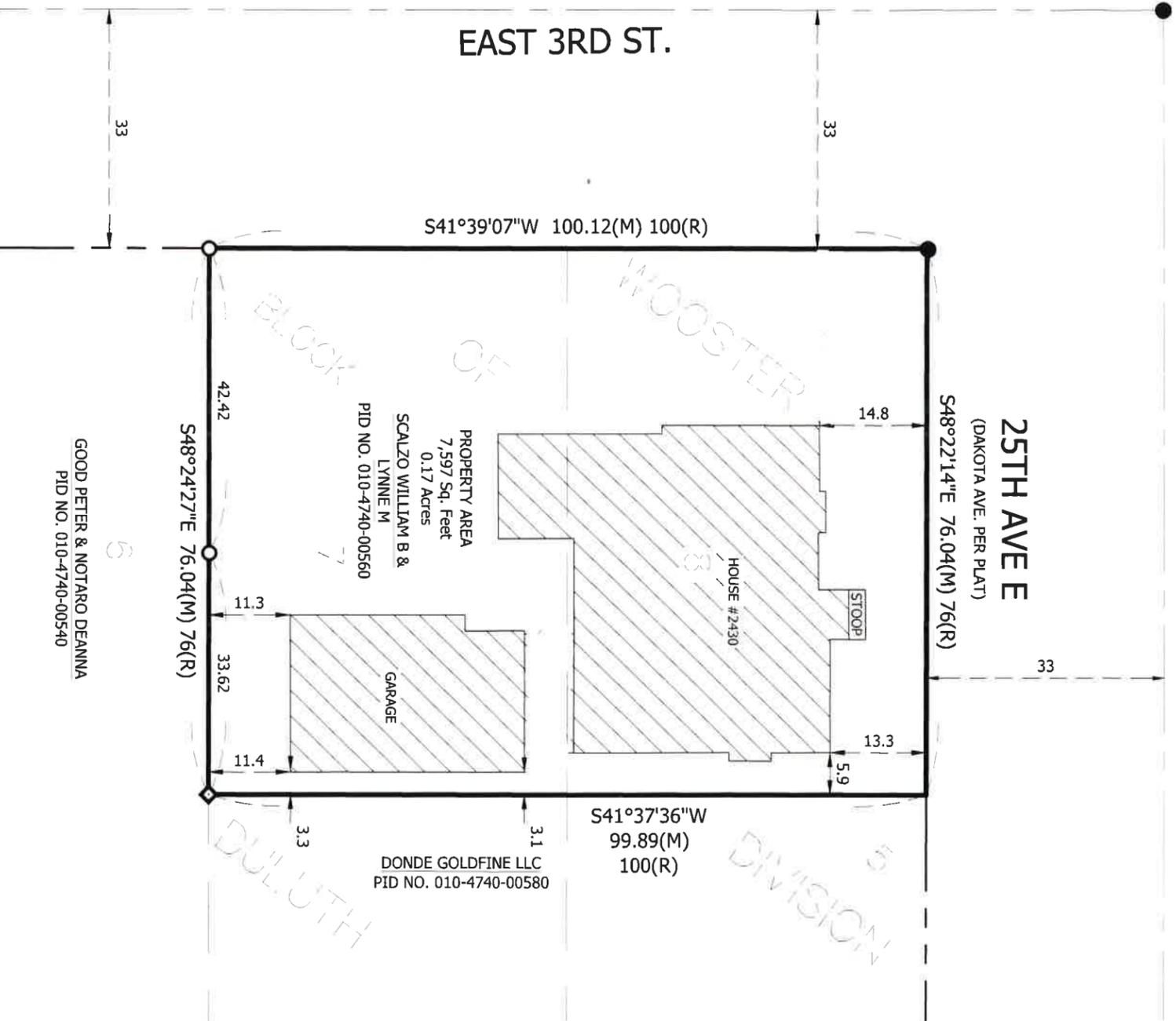
228 N 25TH  
AVE E

**Legend**

- ▬▬▬ Road or Alley ROW
- ⊠ Vacated ROW
- Easement Type**
- ▬▬▬ Utility Easement
- ▬▬▬ Other Easement
- ▬▬▬ Zoning Boundaries



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LEGAL DESCRIPTION PER DOC. NO. 640631

All that portion of Lots 7 and 8, Block 5, WOOSTER DIVISION OF DULUTH, which lies Northerly of a line drawn across said Lots parallel to the Southerly line of East Third Street and distant Southerly at right angles therefrom 76 feet.



**LEGEND**

- (M)-FIELD MEASURED DIMENSION
- (R)-RECORD DIMENSION
- CENTER LINE
- - - RIGHT OF WAY LINE
- BOUNDARY LINE AS SURVEYED
- FOUND REBAR
- ◆ FOUND CAPPED REBAR RLS. NO. 25299
- SET CAPPED REBAR RLS. NO. 49505
- ▨ EXISTING BUILDINGS

**SURVEYOR'S NOTES**

1. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
2. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
3. BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL PLAN FOR BUILDING FOUNDATION DIMENSIONS.
4. NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.

**CERTIFICATE OF SURVEY**

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

*David R. Evanson*  
David R. Evanson  
MN Lic. No. 49505

DATE: 10-13-2020

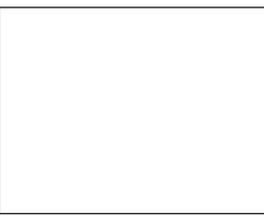
CLIENT: BILL & LYNNE SCALZO  
ADDRESS: 2430 E 3RD ST,  
DULUTH, MN 55812  
DATE: 10-13-2020

REVISIONS: 6-30-2023 SHOW EXISTING HOUSE  
JOB NO: 20-319 SHEET 1 OF 1

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



SCALZO ARCHITECTS, LTD.  
1901 South Street  
Duluth, Minnesota 55812  
Tele: 218.722.4319  
Fax: 218.722.3535



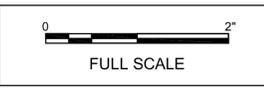
PROJECT:  
**SCALZO RESIDENCE**  
2430 EAST 3RD STREET  
DULUTH, MN 55812

OWNER:  
LYNNE & WILLIAM SCALZO  
2430 EAST 3RD STREET  
DULUTH, MN 55812

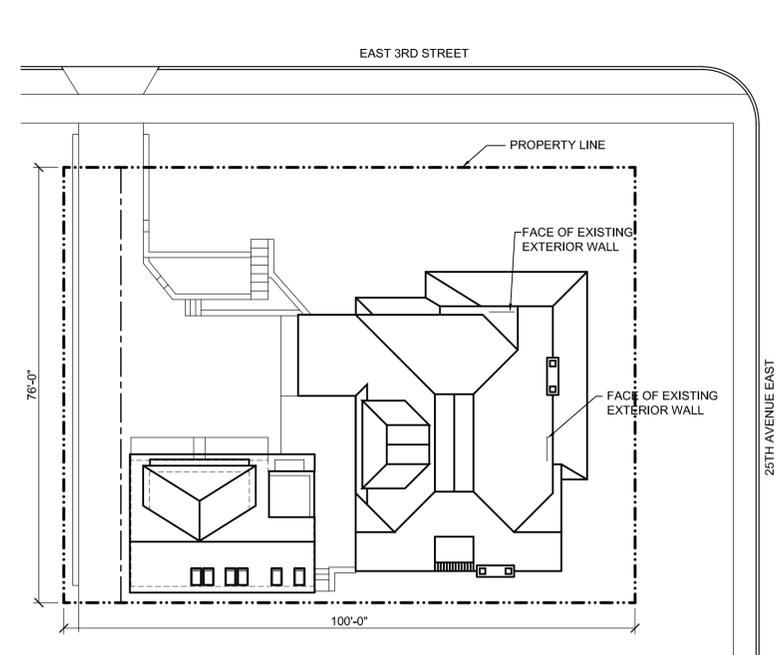
1ST FLOOR PLAN  
SECTION  
SITE PLAN

REVISIONS:  
▲ REVISED 6.28.23  
2 Revised July 2, 2023

DATE: MAY 18, 2023  
DRAWN: AWS  
CHECKED: WBS  
PROJECT: 9603

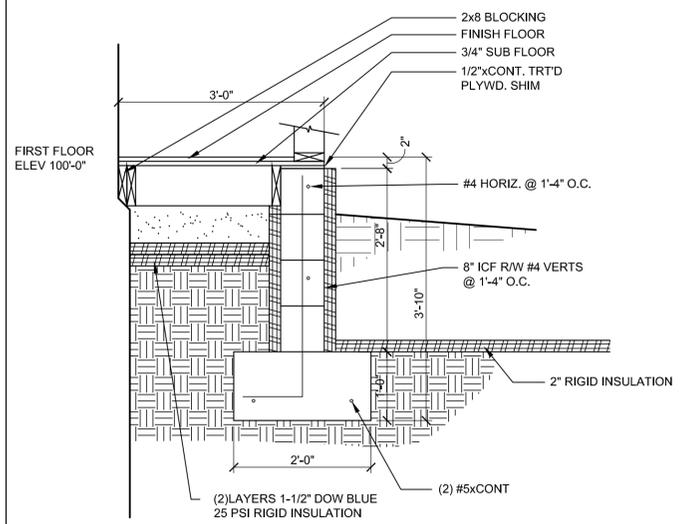


SHEET NO.  
**A2.0**

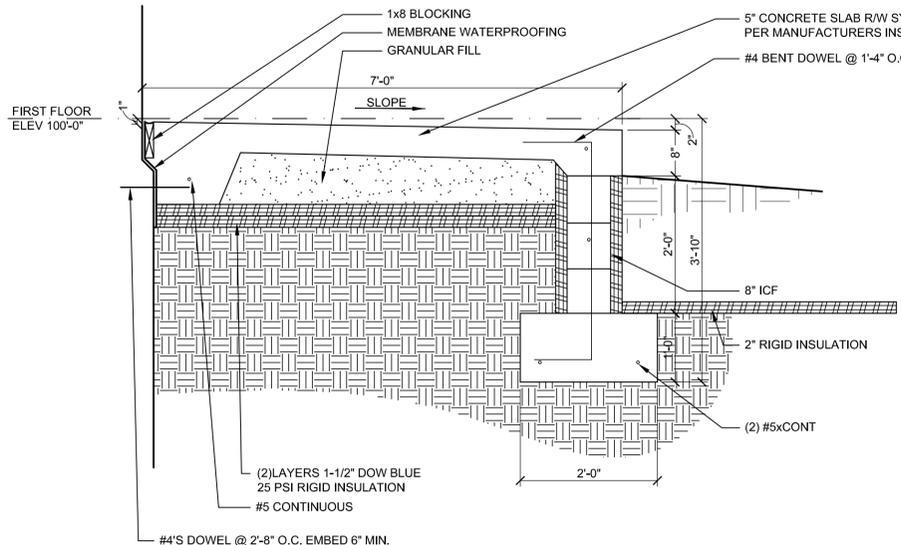


4 SITE PLAN  
A2.0 1/16"=1'-0"

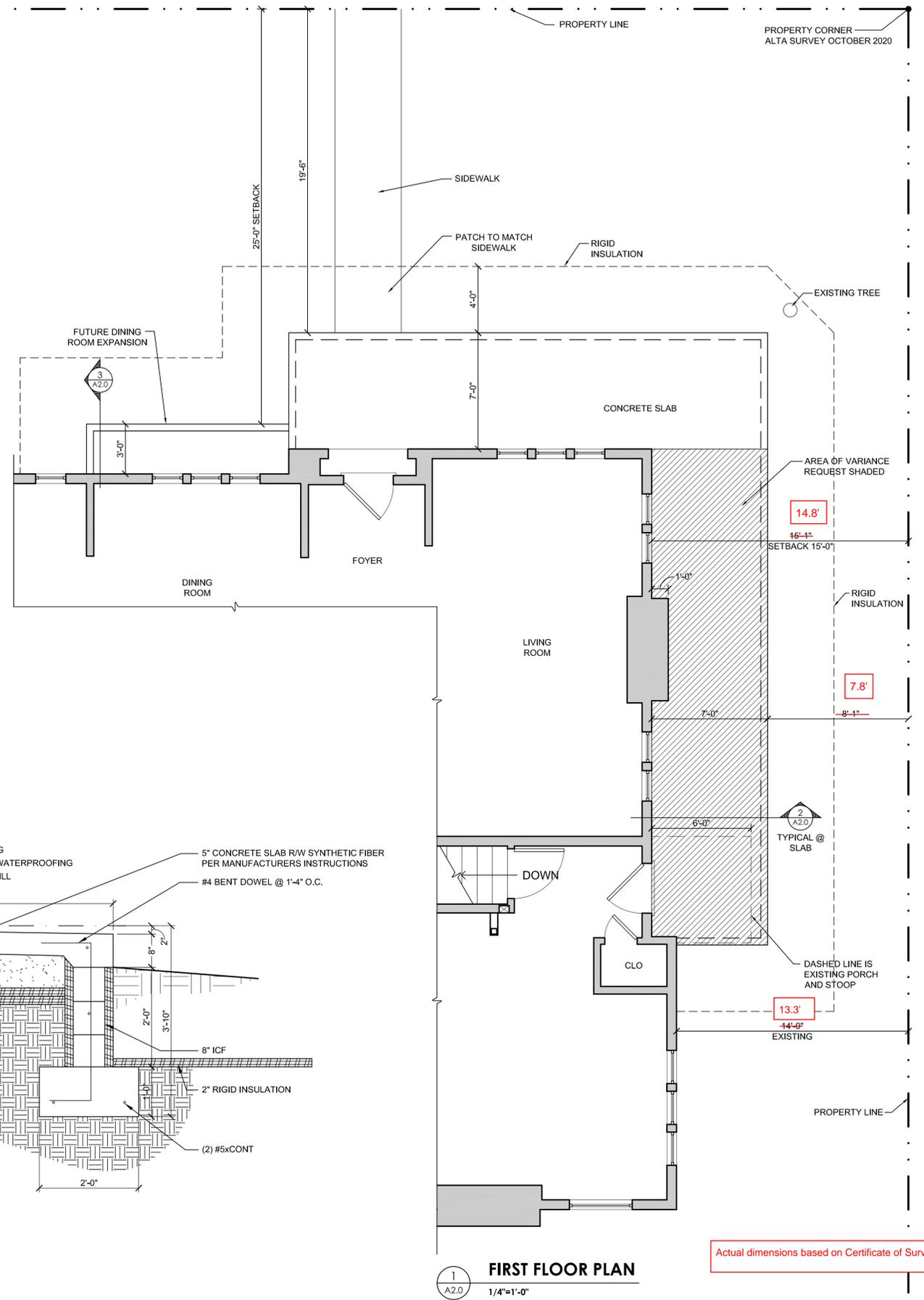
R-1 RESIDENTIAL TRADITIONAL  
FRONT YARD SET BACK 25' OR AVERAGE OF ADJACENT DWELLINGS  
FRONT SIDE YARD SETBACK 15'  
50-21-1 OPEN SIDED PORCH ALLOWED UP TO 10' TO FRONT YARD; NO CLOSER THAN 5 FEET TO PROPERTY LINE



3 SECTION  
A2.0 3/4"=1'-0"



2 SECTION  
A2.0 3/4"=1'-0"



1 FIRST FLOOR PLAN  
A2.0 1/4"=1'-0"

Actual dimensions based on Certificate of Survey June 30, 2023

EXHIBIT 4





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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

<b>File Number</b>	PL 23-115	<b>Contact</b>	John Kelley	
<b>Type</b>	Minor Subdivision	<b>Planning Commission Date</b>	July 11, 2023	
<b>Deadline for Action</b>	<b>Application Date</b>	June 14, 2023	<b>60 Days</b>	August 13, 2023
	<b>Date Extension Letter Mailed</b>	June 21, 2023	<b>120 Days</b>	October 12, 2023
<b>Location of Subject</b>	PID # 010-0190-16250 – 5217 Ivanhoe Street			
<b>Applicant</b>	Kelsey Dunaiski	<b>Contact</b>		
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	See Attached			
<b>Site Visit Date</b>	June 30, 2023	<b>Sign Notice Date</b>	N/A	
<b>Neighbor Letter Date</b>	N/A	<b>Number of Letters Sent</b>	N/A	

### Proposal

Applicant is requesting a Minor Subdivision to divide one vacant parcel into two lots in the Lakeside-Lester Park neighborhood. Two parcels will have frontage on Ivanhoe Street and one parcel will have frontage on Idlewild Street.

**Recommended Action:** Approval with conditions.

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

### Summary of Code Requirements

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

50-37.5, D 1. The planning commission shall approve the application if it determines that: (a) The lot or lots to be subdivided or combined have frontage on an improved public street; (b) Each proposed lot meets the minimum zoning requirements of the district that it is in; (c) If an existing structure on a lot complies with the requirements of this Chapter, then after the minor subdivision structures on each of the resulting lots will still comply with the requirements of this Chapter; and (d) If one or more of the existing lots, or a structure on one or more of those lots, does not comply with the requirements of this Chapter, the proposed relocation will not create any new

nonconformity or increase any existing nonconformity between the requirements of this Chapter.

50-14.5.A. R-1 minimum lot area: 4,000 square feet; minimum lot frontage: 40 feet.

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

**Principle #1**

Reuse previously developed lands. 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 .... 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.

**Future Land Use: Traditional Neighborhood** - Characterized by grid or connected street pattern... Limited commercial, schools, churches, and home businesses... Includes many of Duluth’s older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas.

**History:** The site is made up of one parcel with an existing home located on the southeast corner of the property along Ivanhoe Street. The parcel is split by the Idlewild Street alley with the northeastern portion of the lot having frontage along Idlewild Street. The parcel is located in the Lakeside-Lester Park neighborhood. The underlying plat is “Crosley Park Addition to Duluth.”

**Review and Discussion Items**

Staff finds that:

1. Applicant is requesting a Minor Subdivision to divide one parcel into three lots. The land is owned by the applicant. The lot to be split does have an existing house located on the southeast corner of the property. The existing house will meet the required setbacks for the minor subdivision.
2. The subdivision will create lots that meet the zoning requirements of the R-1 district. Minimum lot area in the R-1 district is 4,000 square feet. Each lot will meet the minimum lot area requirements.
3. The parcels have the required street frontage along Ivanhoe Street and Idlewild Street. Parcel B and C will frontage on Ivanhoe Street and Parcel A will have frontage on Idlewild Street.
4. The exiting shed located in the northwest corner of Lot B will need to be moved east to meet the minimum 3-foot side yard setback for and accessory structure. The existing garage located in the southeast corner of the Parcel A will need to be removed prior to the recording of the minor subdivision.
5. The proposed subdivision, if approved, would not make the parcels non-conforming due to lot frontage, lot area, or similar bulk standard.
6. No public, agency, or other City comments were received.
7. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
8. Approval of this Minor Subdivision signifies that City of Duluth UDC standards are met. St. Louis County may have additional requirements. This subdivision approval lapses if deeds are not recorded with St. Louis County within 180 days. Applicant must provide the City with proof of recording.

**Staff Recommendation**

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

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

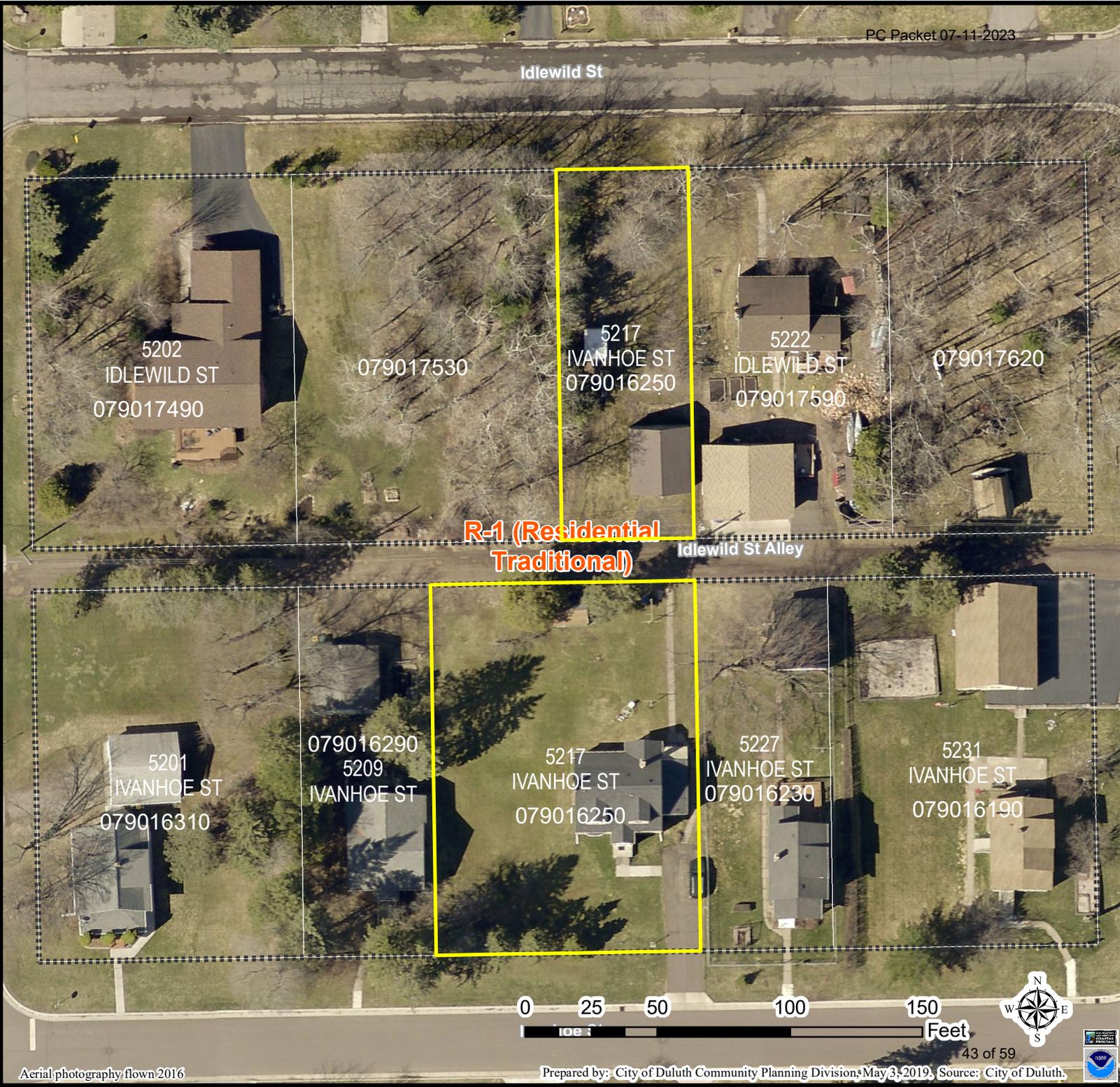


PL 23-115  
 Minor Subdivision  
 5217 Ivanhoe Street

PC Packet 07-11-2023

**Legend**

- Road or Alley ROW
- Zoning Boundaries



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Aerial photography flown 2016

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







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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

<b>File Number</b>	PL 23-116	<b>Contact</b>	Kyle Deming	
<b>Type</b>	Vacation of part of a Drainage and Utility Easement	<b>Planning Commission Date</b>		July 11, 2023
<b>Deadline for Action</b>	Application Date	N/A	<b>60 Days</b>	N/A
	Date Extension Letter Mailed	N/A	<b>120 Days</b>	N/A
<b>Location of Subject</b>	North end of Atlas Industrial Park			
<b>Applicant</b>	Duluth Economic Development Authority	<b>Contact</b>	Emily Nygren	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	Part of Lots 4 and 5, Block 2, Atlas Industrial Park			
<b>Site Visit Date</b>	July 6, 2023	<b>Sign Notice Date</b>		
<b>Neighbor Letter Date</b>		<b>Number of Letters Sent</b>		

**Proposal:** Vacation of part of a drainage and utility easement to assist with proposed future development.

**Staff Recommendation**

Approval of the vacation, with conditions.

	<i>Current Zoning</i>	<i>Existing Land Use</i>	<i>Future Land Use Map Designation</i>
<b>Subject</b>	I-G	Vacant	General Industrial
<b>North</b>	MU-B	Industrial	General Industrial
<b>South</b>	I-G	Vacant	General Industrial
<b>East</b>	I-G	Vacant (former US Steel site)	General Industrial
<b>West</b>	MU-B	Industrial	imagine

**Summary of Code Requirements**

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

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

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

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

Governing Principle #1 – Reuse previously developed lands.

Governing Principle #3 – Support existing economic base.

Governing Principle #7 – Create and maintain connectivity.

Zoning – Industrial-General (I-G) - The I-G district is intended to provide for general- to heavy- impact industrial, processing, assembly, fabrication and manufacturing uses. Office uses are allowed provided they are clearly incidental to and supportive of on-site industrial uses, as shown in Table 50-19.8. The district is intended primarily for locations close to major transportation corridors and active commercial centers. This district should be located away from residential development;

Future Land Use – General Industrial - Areas for manufacturing, processing, and other activities that may have off-site impacts and are generally isolated or buffered from other uses. Sites should have direct access to major regional transportation facilities and other infrastructure.

**History:**

12/20/2012 – Drainage and Utility Easement recorded (Doc. # 924480).

12/31-2015 – Atlas Industrial Park Plat recorded.

**Review and Discussion Items**

Staff finds:

1. The proposal is to vacate three portions of a drainage and utility easement in Lots 4 and 5 of Block 2, Atlas Industrial Park. One portion is approximately 12 feet wide by 151 feet long located on the west portion of Lot 5. The second portion is triangular and approximately 30 feet wide by 60 feet long located on Lot 5 near Lot 4. The third portion is approximately 75 feet wide by 280 feet long located along the Lot 4/Lot 5 boundary line.
2. The proposed vacation is within an area of the former Atlas Cement Plant site, a facility constructed in 1916 for the manufacturing of cement from slag coming from the adjacent U.S. Steel Plant. The plant closed in 1976 and was demolished in 1978.
3. Subsequent to the demolition, Duluth Economic Development Authority (DEDA) purchased the site and has been preparing the site for redevelopment, including platting it into lots in 2015.
4. In 2012, the DEDA dedicated to the public the drainage and utility easement that is the subject of the requested vacation. In 2013 the City authorized the installation of a sanitary sewer main and storm water mains and a storm water treatment basin within the easement area.
5. The sanitary and storm water pipes and treatment basin that are currently within the vacation area are proposed to be relocated to an area immediately west of the existing easement at which point the easement will be useless.
6. The plan the relocation of utilities and the replacement drainage and utility easement will need to be approved by the City Engineer. The City Engineer has reviewed draft plans and is in support of the relocation and rededication of the easement.
7. No other comments have been received on the proposed vacation.
8. Vacations of rights of way and easements lapse unless the vacation is recorded with the county recorder within 90 days after final approval. The vacation recording is facilitated by the City of Duluth.

**Staff Recommendation:**

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

1. The Council approve the vacation with at least a 6/9's vote.
2. The utility infrastructure be relocated according to plans approved by the City Engineer.
3. The replacement drainage and utility easement be approved by the City Council and recorded in the office of the St. Louis County Recorder.

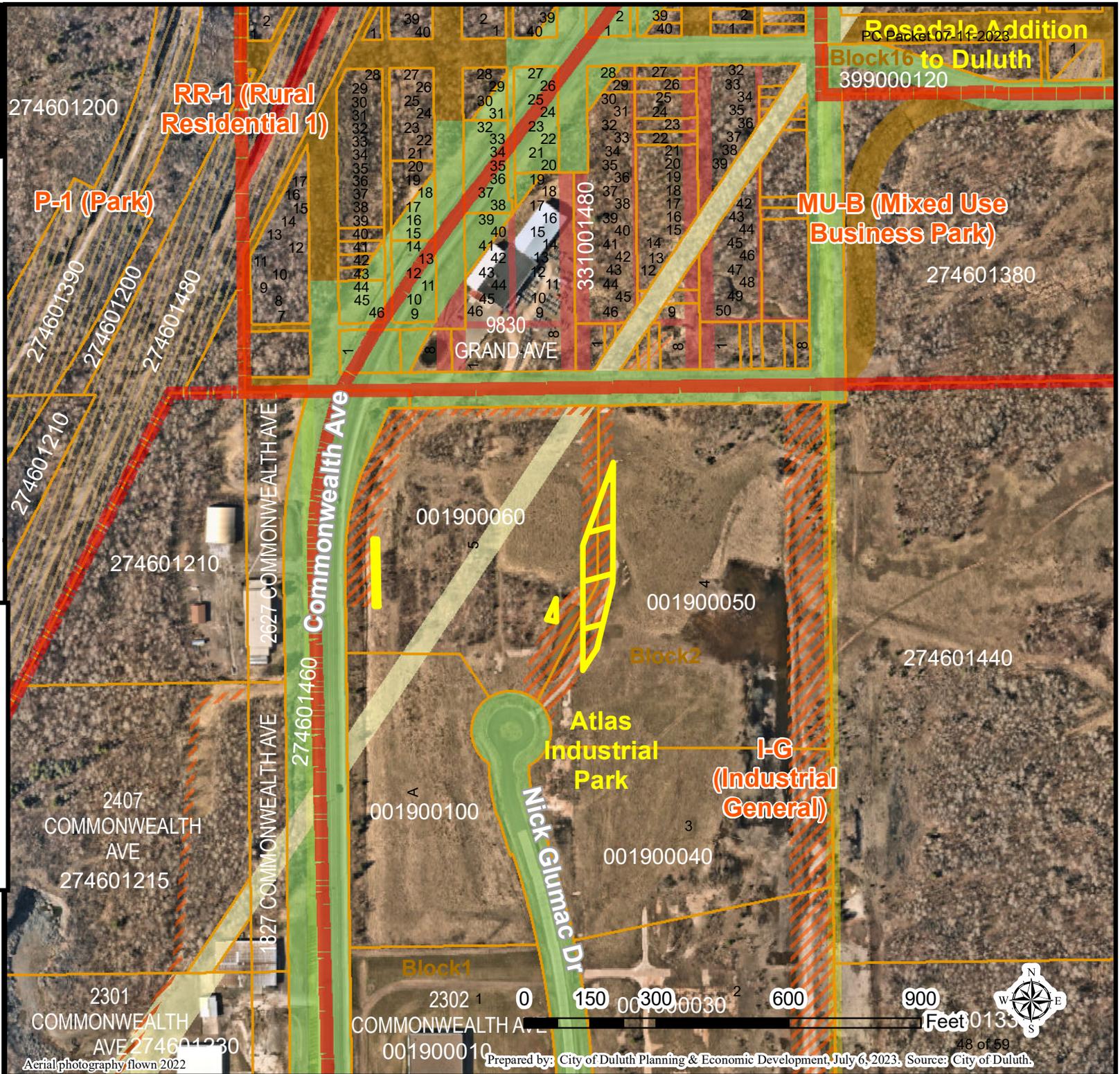


PL 23-116

Vacation of Drainage and Utility Easements  
Applicant: Duluth Economic Development Authority

Rosedale Addition  
Block 16 to Duluth  
399000120

Area Map



**Legend**

- Zoning Boundaries
- Parcels**

  - Lots
  - Blocks
  - Undefined ROW Status

- ROW Status**

  - Utility, Active
  - Railroad, Active
  - Road, Active - currently in use
  - Road, Vacated - vacated
  - Railroad, Inactive - Ded., not built
  - Subdivision Boundaries

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Aerial photography flown 2022





PL 23-116

Vacation of Drainage and Utility Easements  
Applicant: Duluth Economic Development Authority

**Future Land Use Map**

**Legend**

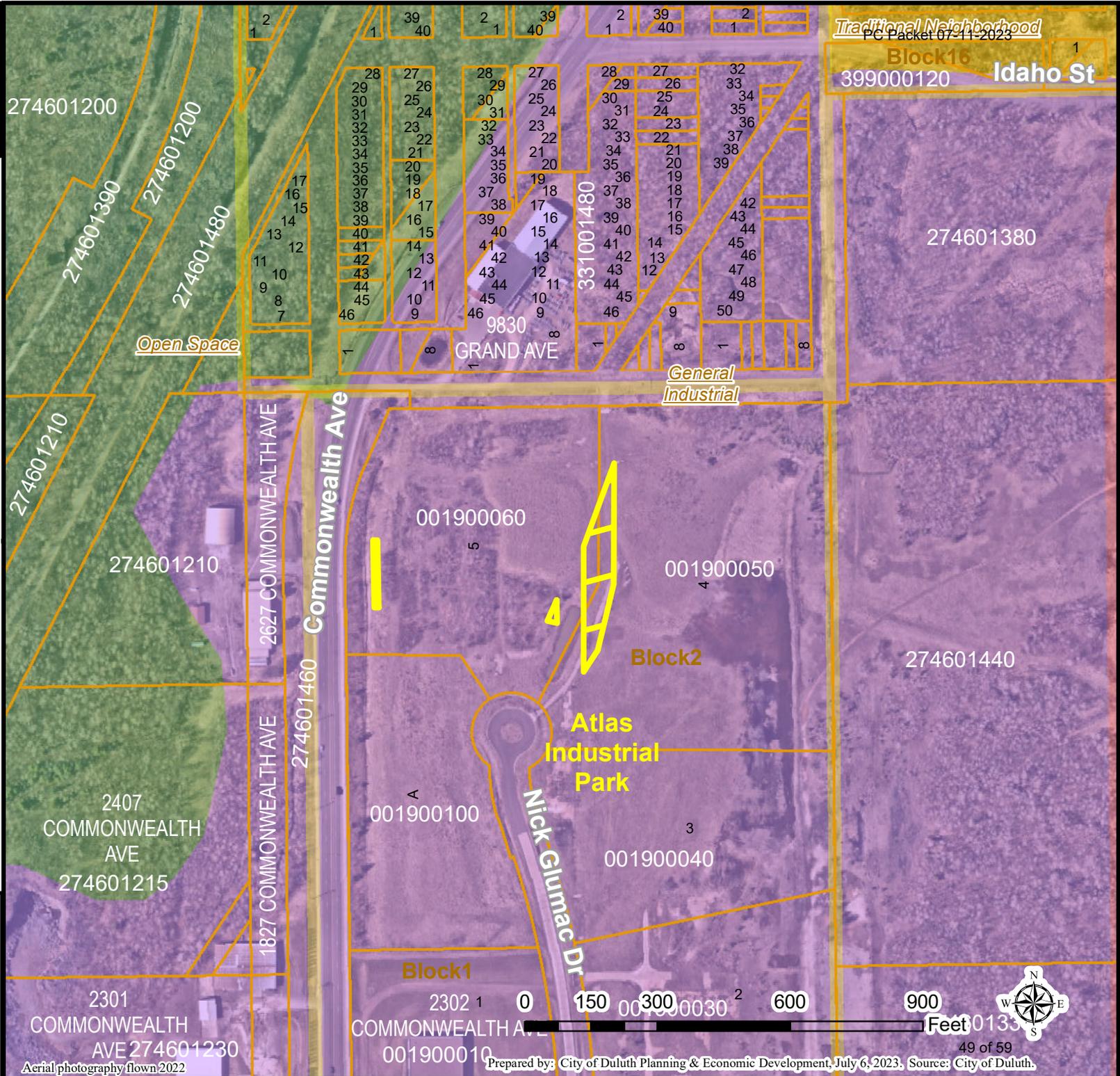
**Future Land Use**

- Open Space
- Traditional Neighborhood
- General Mixed Use
- General Industrial

**Parcels**

- Lots
- Blocks
- Subdivision Boundaries

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Aerial photography flown 2022

Prepared by: City of Duluth Planning & Economic Development, July 6, 2023, Source: City of Duluth.



49 of 59



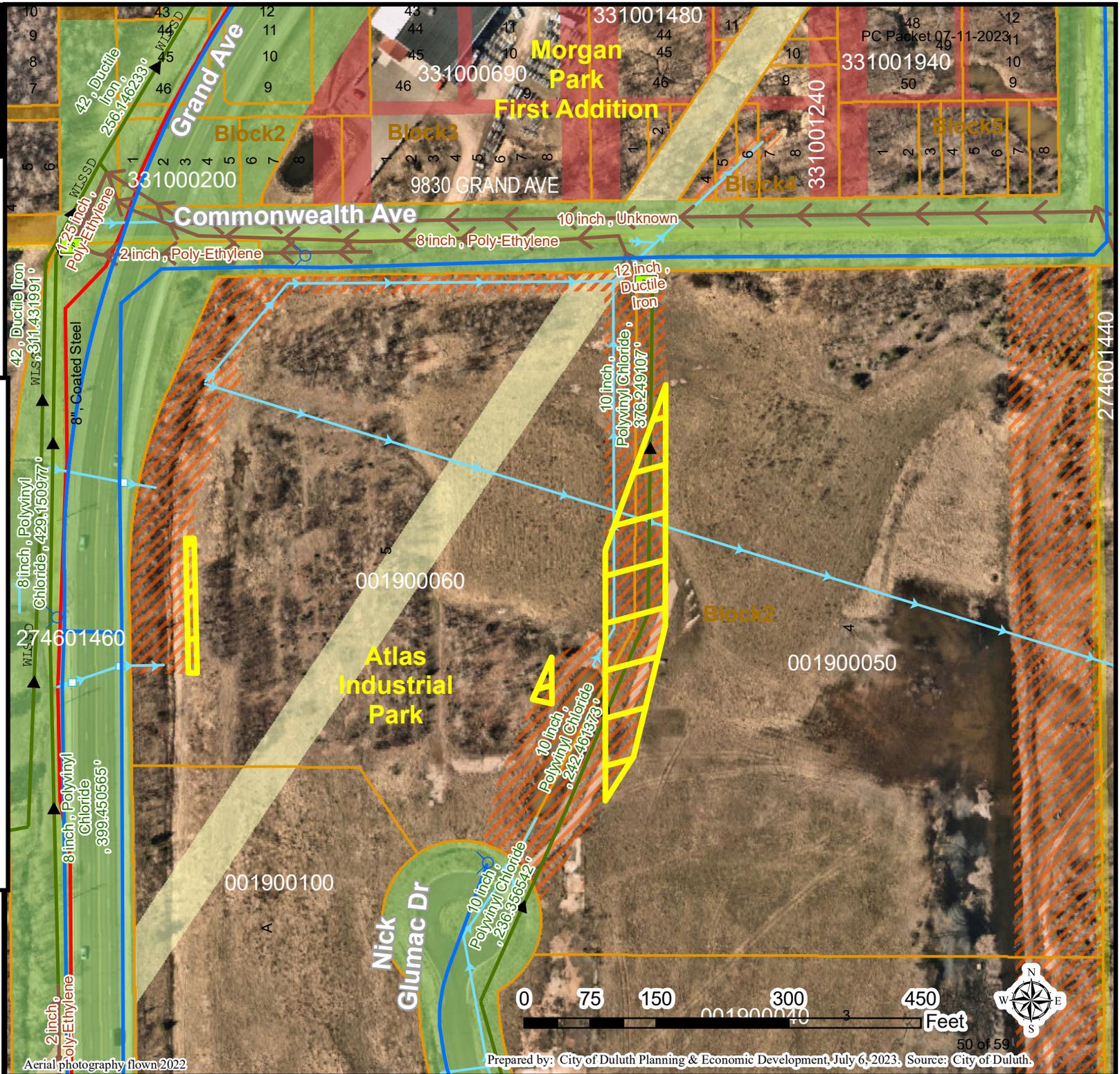
PL 23-116

Vacation of Drainage and Utility Easements  
Applicant: Duluth Economic Development Authority

### Site Map

### Legend

- Parcels**
  - Lots
  - Blocks
- Distribution Main**
  - Water Main
  - Hydrant
  - Gas Main
- Sanitary Sewer Mains**
  - City of Duluth
  - WLSDD; Private
  - Sanitary Sewer Forced Main
  - Pump Station
- Storm Sewer Mains**
  - Storm Sewer Pipe
  - Storm Sewer Catch Basin
  - Undefined ROW Status
- ROW Status**
  - Utility, Active
  - Road, Active - currently in use
  - Road, Vacated - vacated
  - Railroad, Inactive - Ded., not built
  - Subdivision Boundaries



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924480

Office of the  
Registrar of Titles  
St. Louis County, Minnesota  
Certified Filed on  
12/21/2012 at 1:45 PM as  
**Document No. 924480.0**  
Affecting Certificate(s) of Title  
193699.0 305719.0 315209.0  
**Mark A. Monacelli**  
Registrar of Titles  
By M. Raic Deputy  
TFR 9975



**DO NOT REMOVE**

**EASEMENT**

THIS INDENTURE is made this 19<sup>th</sup> day of December, 2012, by the DULUTH ECONOMIC DEVELOPMENT AUTHORITY, an economic development authority created pursuant to Minnesota Statutes Chapter 469 (DEDA).

WITNESSETH: That DEDA, in consideration of the sum of One and 00/100s Dollar, to it in hand paid by the CITY OF DULUTH, a Minnesota municipal corporation (the City) and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, does hereby Grant, Bargain, Sell and Convey unto the City, its successors and assigns, on behalf of the general public, an easement for utility and drainage purposes in, under, over, upon, across and along the following generally described tract or parcel of land lying and being in the County of St. Louis, State of Minnesota, described as follows, to-wit:

the Northwest Quarter of the Southeast Quarter (NW 1/4 of the SE 1/4) of Section Thirty-Four (34), Township Forty-Nine (49) North, Range Fifteen (15) West of the Fourth (4th) Principal Meridian, St. Louis County, Minnesota,

said easement being more particularly described as follows, to-wit:

Return to:  
City of Duluth  
TFR # 9975  
Cash 51659  
Jcw

Commencing at the Northwest Corner of the NW 1/4 of the SE 1/4 of said Section 34; thence North 89 degrees 38 minutes 47 seconds East, assumed bearing, along the north line of the NW 1/4 of the SE 1/4 of said Section 34, a distance of 835.29 feet; thence South 00 degrees 21 minutes 13 seconds East, a distance of 40.00 feet to south line of Commonwealth Avenue and being the Point of Beginning; thence South 00 degrees 34 minutes 17 seconds East, a distance of 400.00 feet; thence South 13 degrees 49 minutes 32 seconds West, a distance of 156.00 feet; thence South 33 degrees 02 minutes 18 seconds West, a distance of 196.00 feet; thence northeasterly a distance of 98.56 feet along a 90.00 foot radius curve concave to the south and being Nick Glumac Drive, having a chord bearing North 43 degrees 54 minutes 19 seconds West, and a central angle of 62 degrees 44 minutes 33 seconds; thence North 14 degrees 43 minutes 25 seconds East, a distance of 73.00 feet; thence North 23 degrees 49 minutes 29 seconds East, a distance of 151.71 feet; thence North 62 degrees 35 minutes 16 seconds East, a distance of 70.00 feet; thence North 00 degrees 15 minutes 38 seconds East, a distance of 384.00 feet; thence South 89 degrees 59 minutes 15 seconds West, a distance of 355.00 feet; thence South 40 degrees 18 minutes 19 seconds West, a distance of 105.00 feet; thence South 49 degrees 41 minutes 41 seconds East, a distance of 16.00 feet; thence South 20 degrees 24 minutes 43 seconds West, a distance of 164.36 feet; thence South 00 degrees 50 minutes 54 seconds East, a distance of 186.00 feet; thence South 89 degrees 39 minutes 52 seconds West, a distance of 75.26 feet to the east line of said Commonwealth Avenue and also being the most easterly line of Minnesota Trunk Highway No. 23; thence northerly along said most easterly line of Minnesota Trunk Highway No. 23 to the south line of Commonwealth Avenue; thence easterly along the south line of Commonwealth Avenue to the Point of Beginning.

*OK*  
 12/21/12

AND

A 20.00 foot wide easement for drainage purposes over, under and across those parts of Lots Three (3) thru Eight (8), Block 4, MORGAN PARK FIRST ADDITION (formerly known as Gary Second Division of Duluth), St. Louis County, Minnesota; centered on the following described line:

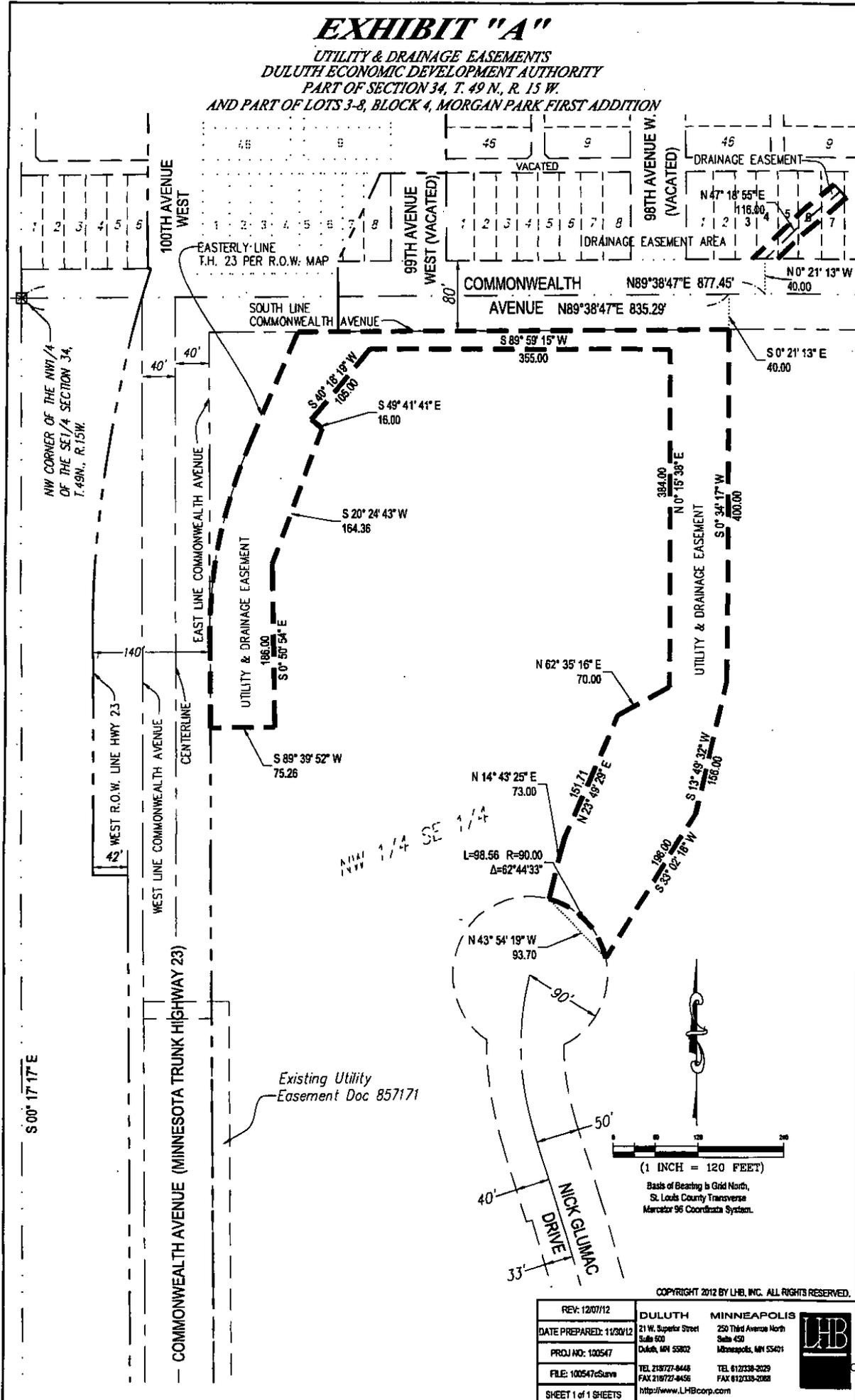
Commencing at the Northwest Corner of the NW 1/4 of the SE 1/4 of said Section 34; thence North 89 degrees 38 minutes 47 seconds East, assumed bearing, along the north line of the NW 1/4 of the SE 1/4 of said Section 34, a distance of 877.45 feet; thence North 00 degrees 21 minutes 13 seconds West, a distance of 40.00 feet to a point on the south line of Block 4, MORGAN PARK FIRST DIVISION and being the Point of Beginning of the line to be described; thence North 47 degrees 18 minutes 55 seconds East, a distance of 116.00 feet and said line there terminating.

*OK*  
 12/21/12



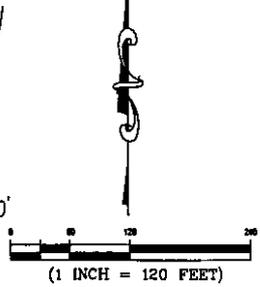
# EXHIBIT "A"

UTILITY & DRAINAGE EASEMENTS  
DULUTH ECONOMIC DEVELOPMENT AUTHORITY  
PART OF SECTION 34, T. 49 N., R. 15 W.  
AND PART OF LOTS 3-8, BLOCK 4, MORGAN PARK FIRST ADDITION



1/4 SE 1/4

L=98.56 R=90.00  
Δ=62°44'33"



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REV: 12/07/12	DULUTH	MINNEAPOLIS
DATE PREPARED: 11/30/12	21 W. Superior Street Suite 500 Duluth, MN 55802	250 Third Avenue North Suite 450 Minneapolis, MN 55401
PROJ NO: 100547	TEL 218/727-8448	TEL 612/338-2029
FILE: 100547c.dwg	FAX 218/727-8456	FAX 612/338-2088
SHEET 1 of 1 SHEETS	http://www.LHBcorp.com	



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

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 Duluth, Minnesota 55802

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<b>File Number</b>	PL 23-117	<b>Contact</b>	Kyle Deming	
<b>Type</b>	Vacation of a Drainage Easement	<b>Planning Commission Date</b>	July 11, 2023	
<b>Deadline for Action</b>	Application Date	N/A	<b>60 Days</b>	N/A
	Date Extension Letter Mailed	N/A	<b>120 Days</b>	N/A
<b>Location of Subject</b>	North end of Atlas Industrial Park			
<b>Applicant</b>	Duluth Economic Development Authority	<b>Contact</b>	Emily Nygren	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	Part of Lot 4, Block 2, Atlas Industrial Park			
<b>Site Visit Date</b>	July 6, 2023	<b>Sign Notice Date</b>		
<b>Neighbor Letter Date</b>		<b>Number of Letters Sent</b>		

**Proposal:** Vacation of a drainage easement to assist with proposed future development.

**Staff Recommendation**

Approval of the vacation, with conditions.

	<i>Current Zoning</i>	<i>Existing Land Use</i>	<i>Future Land Use Map Designation</i>
<b>Subject</b>	I-G	Vacant	General Industrial
<b>North</b>	MU-B	Industrial	General Industrial
<b>South</b>	I-G	Vacant	General Industrial
<b>East</b>	I-G	Vacant (former US Steel site)	General Industrial
<b>West</b>	MU-B	Industrial	imagine

**Summary of Code Requirements**

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

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

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

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

Governing Principle #1 – Reuse previously developed lands.

Governing Principle #3 – Support existing economic base.

Governing Principle #7 – Create and maintain connectivity.

Zoning – Industrial-General (I-G) - The I-G district is intended to provide for general- to heavy- impact industrial, processing, assembly, fabrication and manufacturing uses. Office uses are allowed provided they are clearly incidental to and supportive of on-site industrial uses, as shown in Table 50-19.8. The district is intended primarily for locations close to major transportation corridors and active commercial centers. This district should be located away from residential development;

Future Land Use – General Industrial - Areas for manufacturing, processing, and other activities that may have off-site impacts and are generally isolated or buffered from other uses. Sites should have direct access to major regional transportation facilities and other infrastructure.

**History:**

12/31-2015 – Atlas Industrial Park Plat recorded. Drainage easement was dedicated via the plat.

**Review and Discussion Items**

Staff finds:

1. The proposal is to vacate a 100-foot-wide drainage easement in Lots 4 of Block 2, Atlas Industrial Park.
2. The proposed vacation is within an area of the former Atlas Cement Plant site, a facility constructed in 1916 for the manufacturing of cement from slag coming from the adjacent U.S. Steel Plant. The plant closed in 1976 and was demolished in 1978.
3. Subsequent to the demolition, Duluth Economic Development Authority (DEDA) purchased the site and has been preparing the site for redevelopment, including platting it into the Atlas Industrial Park plat in 2015.
4. The drainage easement proposed for vacation was dedicated by DEDA to reserve land for storm water treatment infrastructure. Storm water infrastructure is now planned for a different part of the lot and, therefore, this drainage easement is no longer needed according to the City's storm water engineer.
5. No other comments have been received on the proposed vacation.
6. 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 easement vacation, as petitioned, with the condition that the Council approve the vacation with at least a 6/9's vote.



PL 23-117

Vacation of Drainage Easement

Applicant: Duluth Economic Development Authority

Future Land Use Map

Legend

Streams

Other Stream (GPS)

Future Land Use

- Open Space
- Traditional Neighborhood
- General Mixed Use
- General Industrial

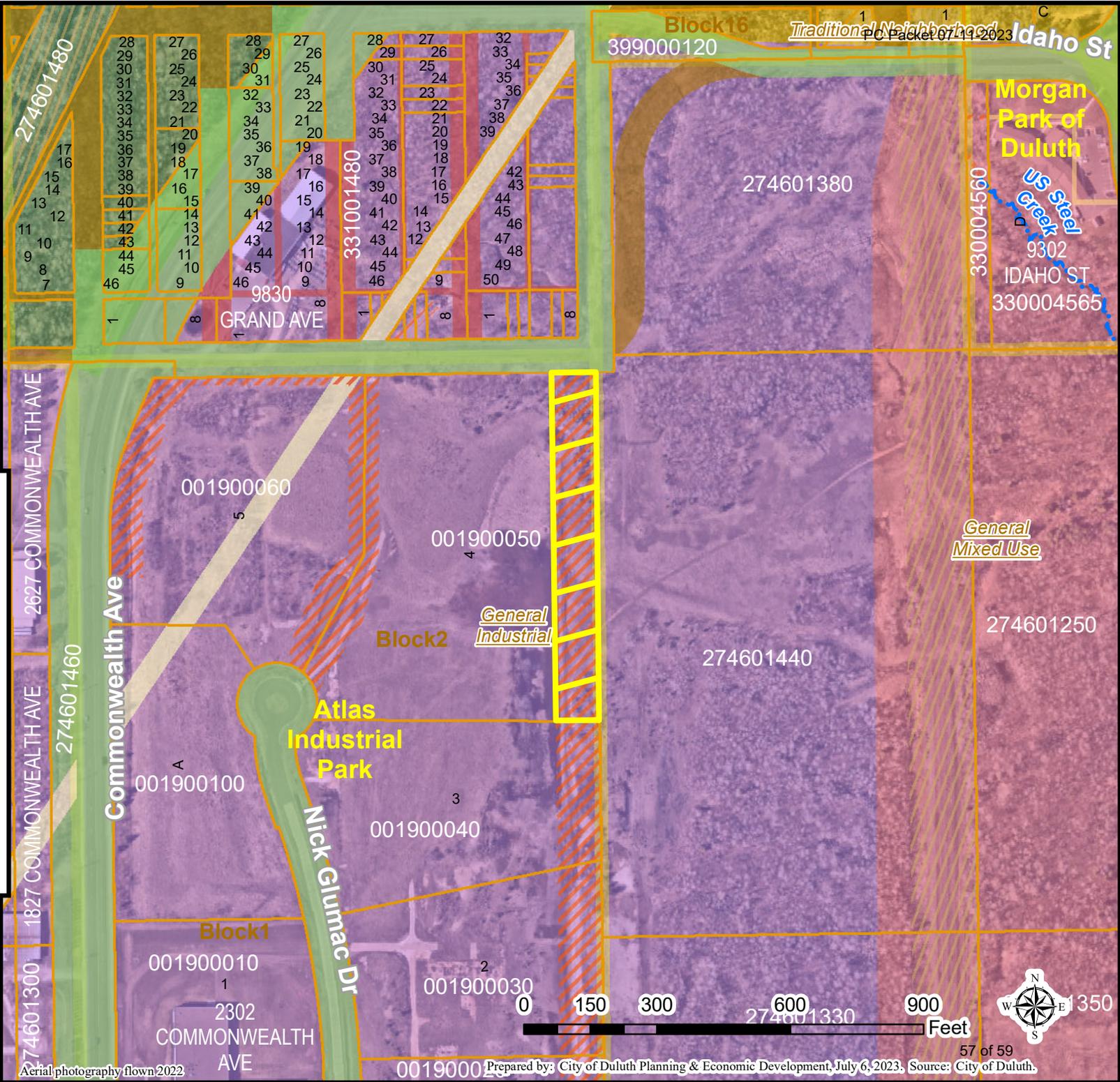
Parcels

- Lots
- Blocks
- Undefined ROW Status

ROW Status

- Utility, Active
- Railroad, Active
- Road, Active - currently in use
- Utility, Vacated - via recorded doc.
- Road, Vacated - vacated
- Railroad, Inactive - Ded., not built
- Subdivision 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 2022

Prepared by: City of Duluth Planning & Economic Development, July 6, 2023, Source: City of Duluth.



PL 23-117

Vacation of Drainage Easement

Applicant: Duluth Economic Development Authority

Area Map

**Legend**

**Parcels**  
 □ Lots  
 □ Blocks

**Distribution Main**  
 — Water Main  
 ○ Hydrant

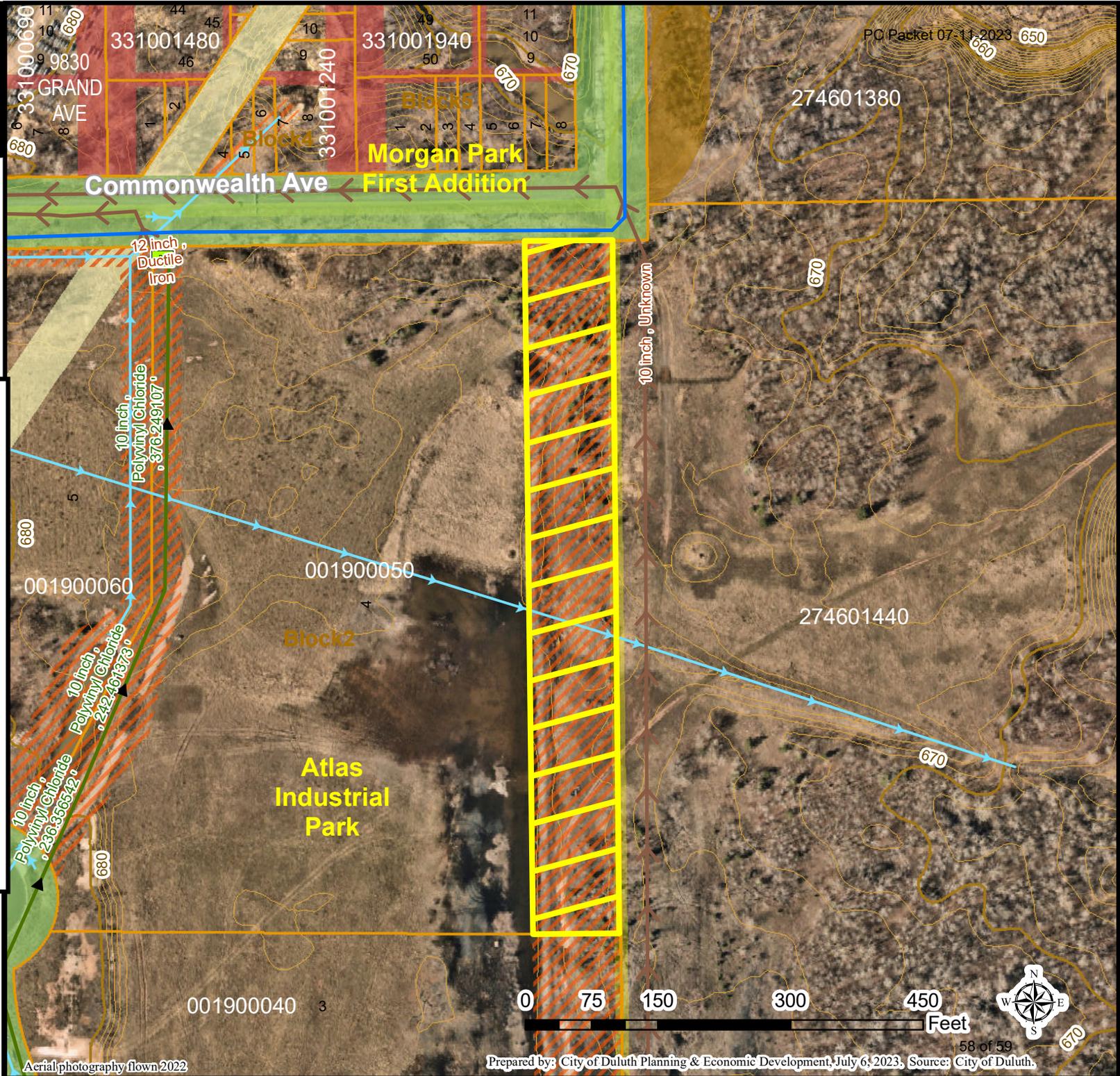
**Sanitary Sewer Mains**  
 — City of Duluth  
 — Sanitary Sewer Forced Main

**Storm Sewer Mains**  
 — Storm Sewer Pipe

**Elevation**  
 — 1 Ft contour  
 — 10 Ft contour  
 ■ Undefined ROW Status

**ROW Status**  
 ▨ Utility, Active  
 ■ Road, Active - currently in use  
 ■ Road, Vacated - vacated  
 ■ Railroad, Inactive - Ded., not built  
 ■ Subdivision Boundaries

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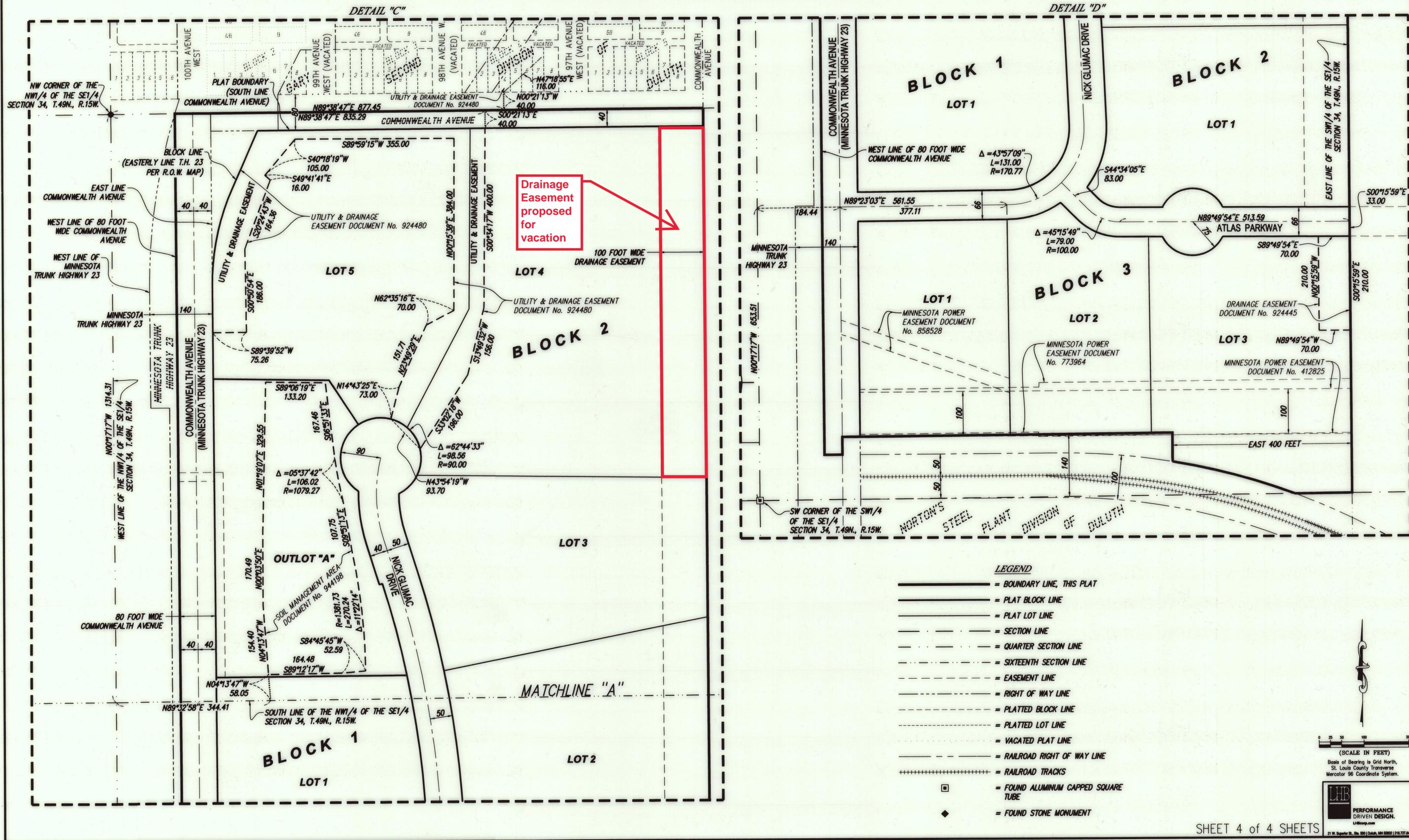


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# ATLAS INDUSTRIAL PARK

part of the SE 1/4  
Section 34, T49N, R15W of the 4th P.M.  
City of Duluth, St. Louis County, Minnesota



Drainage Easement proposed for vacation