

Meeting Agenda

Planning Commission.

Council Chambers

Tuesday, September 12, 2023	5:00 PM	Council Chambers

CALL TO ORDER AND ROLL CALL

APPROVAL OF PLANNING COMMISSION MINUTES

- PL 23-0824 Brown Bag Minutes 8/24/23
- PL 23-0808 Minutes 8/8/23

PUBLIC COMMENT ON ITEMS NOT ON AGENDA

CONSENT AGENDA

<u>PL 23-124</u>	Interim Use Permit for New Vacation Dwelling Unit at 122 E Buffalo Street by Venkata Gireesh Menta and Ruth Pallapati
<u>Attachments:</u>	pl 23-124 Staff Report and Attachments
<u>PL 23-130</u>	Vacation of Highland Avenue at 1203 N Arlington Avenue by Steven J. Elberling
<u>Attachments:</u>	PL 23-130 Staff report and attachments
<u>PL 23-135</u>	Minor Subdivision at 6th Street and 5th Avenue W by David and Laura Schauer
<u>Attachments:</u>	PL 23-135 Staff Report and Attachments
<u>PL 23-141</u>	Interim Use Permit for New Vacation Dwelling Unit at 36 Cato Avenue by Darin and Elina Reinke
<u>Attachments:</u>	PL 23-141 Staff Report with attachments
<u>PL 23-146</u>	Special Use Permit for Residential Care Facility at 1111 N 11th Avenue E by CHUM
<u>Attachments:</u>	PL 23-146 Staff Report and Attachments
<u>PL 23-147</u>	Vacation of Alley at 4102 99th Avenue W by Larry Varhalla
<u>Attachments:</u>	PL 23-147 Staff Report with attachments

<u>PL 23-150</u>	Special Use Permit for Residential Care Facility at 2122 Woodland Avenue by Deyona Kirk
Attachments:	PL 23-150 Staff Report and Attachments

PUBLIC HEARINGS

<u>PL 23-128</u>	Planning Review for Building Addition at 2101 Trinity Road by Lake Superior College
<u>Attachments:</u>	PL 23-128 Staff report and attachments
<u>PL 23-143</u>	Planning Review for Laundromat at 338 E Central Entrance by West End Properties, Inc.
<u>Attachments:</u>	PL 23-143 Staff Report and Attachments
<u>PL 23-145</u>	Minor Subdivision at 800 E Central Entrance by Luzy Ostreicher
<u>Attachments:</u>	PL 23-145 Staff Report with Attachments

TABLED ITEMS

<u>PL 23-003</u>	UDC Text Amendments to Off-Street Parking Requirements by City of Duluth
Attachments:	PL 23-003 Staff Memo and Attachments Redacted

COMMUNICATIONS

Land Use Supervisor Report

Historic Preservation Commission Report

Joint Airport Zoning Board Report

Duluth Midway Joint Powers Zoning Board Report

City of Duluth Planning Commission

August 8, 2023 – City Hall Council Chambers Meeting Minutes

Call to Order

President Margie Nelson called to order the meeting of the city of Duluth planning commission at 5:00 p.m. on Tuesday, August 8th, 2023 in the Duluth city hall council chambers.

Roll Call

Attendance:

Members Present: Jason Crawford, Gary Eckenberg, Jason Hollinday, Margie Nelson, Danielle Rhodes, Michael Schraepfer, and Andrea Wedul Member Absent: Brian Hammond

Staff Present: Adam Fulton, Jean Coleman, Jenn Moses, John Kelley, Jason Mozol, and Cindy Stafford

Approval of Planning Commission Minutes -

Planning Commission Meeting – July 11, 2023 **MOTION/Second:** Hollinday/Rhodes approved

VOTE: (7-0)

Public Comment on Items Not on Agenda

None

Public Hearings

PL 23-094 Preliminary Plat for Pine Haven Estates between Arrowhead Road and Krueger Road by Duluth YMCA Property, Inc.

Staff: John Kelley introduced the applicant's proposal for a preliminary plat of 58+ acres of land creating three lots ranging from approximately 11 acres to 24 acres into "Pine Haven Estates" for single-family homes. Staff recommends approval with the conditions listed in the staff report. A revised plat was received, which included utility easement and platting language. **Applicant:** Present, but did not speak.

Public: No speakers.

MOTION/Second: Wedul/Schraepfer approved as per staff recommendation

VOTE: (7-0)

PL 23-125 Special Use Permit for a Restaurant Use for a Cat Café at 1823 E Superior Street by Wired Whisker/Misha Smith

Staff: Jenn Moses introduced the applicant's proposal for a special use permit for a new coffee shop in an existing building with a dedicated, separate cat lounge where people can interact

with adoptable cats. A restaurant use with less than 5,000 square feet requires a special use permit. The site currently has two off-street parking spaces. The capacity of the building is similar to previous uses, allowing the nonconforming parking to remain. Staff recommends approval with the conditions listed in the staff report.

Commissioners: Andrea Wedul asked about business hours. Moses noted the hours were proposed by the applicant, and are unique to each special use permit issued.

Applicant: Misha Smith addressed the commission. She hopes the café will serve as an extension to animal rescue efforts. They encourage cat adoption. She is aware they are among neighbors and hopes to be non-disruptive. She noted their emphasis on cats, but there is a dog-friendly patio included in their layout.

Commissioners: Gary Eckenberg asked if the cats would all be from Duluth. Smith noted the selection will be local cats. Eckenberg asked about parking. Smith noted the parking situation is not unfamiliar to Duluth. Wedul asked about approval from the Department of Health. Smith noted the cats with be separate from the food prep area. Eckenberg asked about beverage options. Smith shared she would like to have a small selection of beer and wine.

Public: <u>Ted Policka</u> – 1815 E Superior St. – addressed the commission. He noted the former child care facility located in this space was not a problem. He is against this proposal. He thinks parking is not available for a café with only 2 of their own parking spaces. He noted that parking on the street is extremely limited. He is against the proposal, but will support the business once the commission approves it.

MOTION/Second: Rhodes/Hollinday approved as per staff recommendation

VOTE: (7-0)

PL 23-126 Concurrent Use Permit for Parking in the Right of Way at 2250 E Water Street by the Breakers/F.I. Salter

Staff: Jenn Moses introduced the applicant's proposal to obtain a concurrent use permit to allow six parking spaces within the right of way of E Water Street. This is a similar parking pattern to nearby properties along Water Street. The city of Duluth requires liability insurance to indemnify the city against all occurrences in the right of way. Staff recommends approval with the conditions listed in the staff report.

Applicant: Present, but did not speak.

Commissioners: Danielle Rhodes asked if there was a sidewalk present. Moses stated there is a trail located on the north side of Water Street. Eckenberg asked about the trail passing in front of the buildings and closer to the lake. Deputy Director Fulton noted it is cost prohibitive and highly unlikely.

MOTION/Second: Wedul/Crawford recommended approval as per staff recommendation

VOTE: (7-0)

Tabled Item

<u>PL 23-003 UDC Text Amendments to Off-Street Parking Requirements by the City of Duluth</u> Deputy Director Adam Fulton noted there will be a national speaker (recommended by city councilor Noah Hobbs) presenting on 8/24/2023 during a brown bag lunch meeting. They will potentially host a public meeting on Tuesday, August 29th, 2023, and will have a public hearing and possible vote on 9/12/2023. Deputy Director Fulton gave a brief overview of the changes, and noted they are not eliminating parking requirements. They are hoping to provide the market with greater flexibility. The city needs to adopt bicycle parking rules. A minimal amount needs to be provided. EV charging station minimums also need to be addressed.

Communications

Land Use Supervisor (LUS) Report – Deputy Director Adam Fulton gave an overview. There is a MN DOT meeting tomorrow night. He complimented staff on their continued work on the Core Investment Areas – long range planning.

Heritage Preservation Commission – Gary Eckenberg stated there will be a meeting on Monday.

Joint Airport Zoning Board – No updates.

Duluth Midway Joint Powers Zoning Board – No updates.

<u>Adjournment</u>

Meeting adjourned at 6:04 p.m.

Respectfully,

Adam Fulton – Deputy Director Planning & Economic Development

City of Duluth Planning Commission Brown Bag

Special Meeting - August 24, 2023 – Noon - City Hall Room 430 Meeting Minutes

Attendance

Members Present: Gary Eckenberg, Margie Nelson, Danielle Rhodes, Michael Schraepfer, and Andrea Wedul Members Absort, Jacon Crawford, Brian Hammond, and Jacon Hellinday.

Members Absent: Jason Crawford, Brian Hammond, and Jason Hollinday

Staff Present: Adam Fulton, Ryan Pervenanze, Steven Robertson, Chad Ronchetti, Jean Coleman, Kyle Deming, James Gittemeier, Mindy G., and Jason Mozol

Visitors: Mike Casey, Mark Baker, Peter Passi, Youlan Kartai, Unknown (2)

- 1) Introductions
- 2) Overview Deputy Director Adam Fulton provided background information and history on PL 23-003. He thanked the planning commission and staff for their efforts on this matter.
- 3) Presentation by Tony Jordan via Microsoft Teams, on Parking Reform Now (Portland Oregon)
- 4) Discussion and Questions by planning commission to Tony:
 - > Commissioner Andrea Wedul asked about snow removal.
 - > Commissioner Wedul asked about transit availability.
 - Commissioner Danielle Rhodes inquired about Portland's process or repeal of parking regulations.
 - > Commissioner Rhodes commented about proceeding incrementally.
 - > Commissioner Wedul noted the economy and impacts for visitors
 - Mindy G. noted EV Charging in tourist areas and in neighborhoods.
- 5) Discussion by Commissioners

<u>Adjournment</u>

Meeting adjourned at 1:35 p.m.

Respectfully,

Adam Fulton – Deputy Director Planning & Economic Development



Planning & Development Division

Planning & Economic Development Department

218-730-5580

planning@duluthmn.gov

Room 160 411 West First Street Duluth, Minnesota 55802

File Number	PL 23-124		Contact Chris I		is Lee, clee@duluthmn.gov	
Туре	Interim Use Permit		Planning Commission Date		September 12, 2023	
Deadline	Application Date		June 30, 2023	60 Days	September 28, 2023 (extended 30 days)	
for Action	Date Ex	tension Letter Mailed	July 7, 2023	120 Day	s November 27, 2023 (extended 30 days)	
Location of Subject 122 E Buffalo Street						
Applicant	Venkata	Gireesh Menta & Ruth Pallapati	Contact			
Agent			Contact			
Legal Description	egal Description PID:					
Site Visit Date	Site Visit DateAugust 29, 2023Sign Notice DateAugust 29, 2023		August 29, 2023			
Neighbor Letter	Date	August 15, 2023	Number of Letters Sent 49		49	

Proposal

Applicant is proposing an Interim Use Permit to operate a 4-bedroom vacation dwelling unit. 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.

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

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 is a 4 bedroom home containing 1,070 square feet built in 1952.

Review and Discussion Items:

1) Applicant's property is located on 112 E Buffalo Street. The proposed vacation dwelling unit has 4 bedrooms, which would allow for a maximum of 9 guests.

2) Permit holders must designate a managing agent or local contact who resides with 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 two car attached garage on the east side of the house and the driveway.

4) The site plan indicates that there two wooden decks and a firepit as exterior amenities. The site plan shows existing screening/buffering on the west side of the property. The south and east side do not meet the definition of dense urban screen with only a 4' tall chainlink fence.

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:

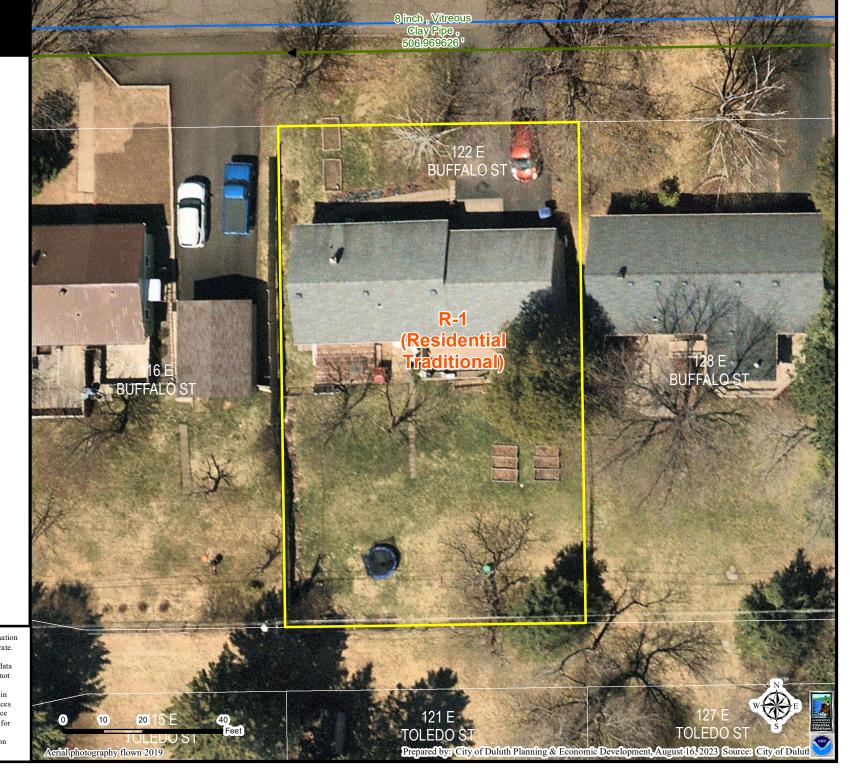
Based on the above findings, Staff recommends that Planning Commission approve the interim use permit subject to the following:

- 1) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 2) Applicant shall install dense urban screen or obtain waiver from neighbors on south and east sides.
- 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 administration approval shall constitute a variance from the provisions of Chapter 50

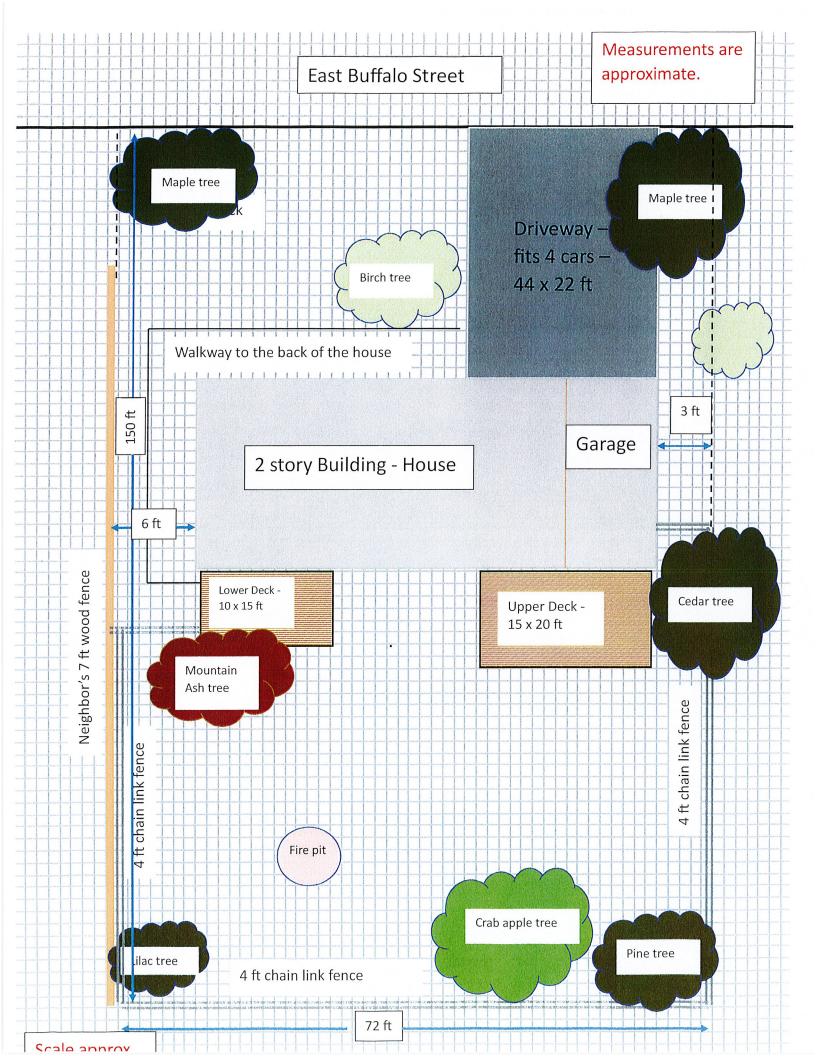


PL 23-124 Interim Use Permit 122 E Buffalo St





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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? ______ 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. 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?

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?

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):

Will maintain an excel spreadsheet

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

enkata Gireegh Menta & Ruth Pallapati

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:

ill provide this info in the weldvertisement in the residence also and

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?

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

🔇 218-730-5580

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planning@duluthmn.gov

Room 160 411 West First Street Duluth, Minnesota 55802

File Number	PL 23-130		Contact		John Kelley, jkelley@duluthmn.gov	
Туре	Vacation of right of way		Planning Commission Date		Date	September 12, 2023
Deadline	Application Date		July 19, 2023		60 Days	September 17, 2023
for Action	Date Ext	ension Letter Mailed	August 18, 20	023	120 Days	s November 16, 2023
Location of Subject 1203 North Arlington Avenue, PID# 010-2180-00250						
Applicant	Steven J.	Elberling	Contact			
Agent			Contact			
Legal Description	on	See Attached				
Site Visit Date		September 1, 2023	Sign Notice Date August 29, 2023		August 29, 2023	
Neighbor Letter	Date	August 18, 2023	Number of Letters Sent 13		13	

Proposal

The applicant is requesting to vacate a portion of a 66-foot-wide platted right of way of Highland Avenue traversing north and south along the west property line of 1203 North Arlington Avenue located in the Duluth Heights neighborhood.

Staff is recommending approval with conditions.

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

Summary of Code Requirements:

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

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

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

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:

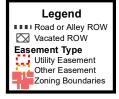
- 1. The applicant is requesting to vacate a portion of the unimproved platted Highland Avenue right of way traversing north to south along the east property line of the applicant's lot located at 1203 North Arlington Avenue, as shown on the attached exhibit.
- The applicant owns existing accessory structures within the unimproved right of way, which were in place prior to the current owner purchasing the property. The applicant is proposing to remove the larger accessory structure. As the vacated street will be split evenly between the two adjacent property owners, applicant will need to move the smaller structure onto their property.
- 3. The proposed vacation will allow the applicant to have a larger lot.
- 4. The unimproved portion of Highland Avenue was platted in the Highland Gardens 1st Addition plat but never utilized for its intended purpose. No utilities exist within the right of way.
- 5. The right of way 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.
- 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:

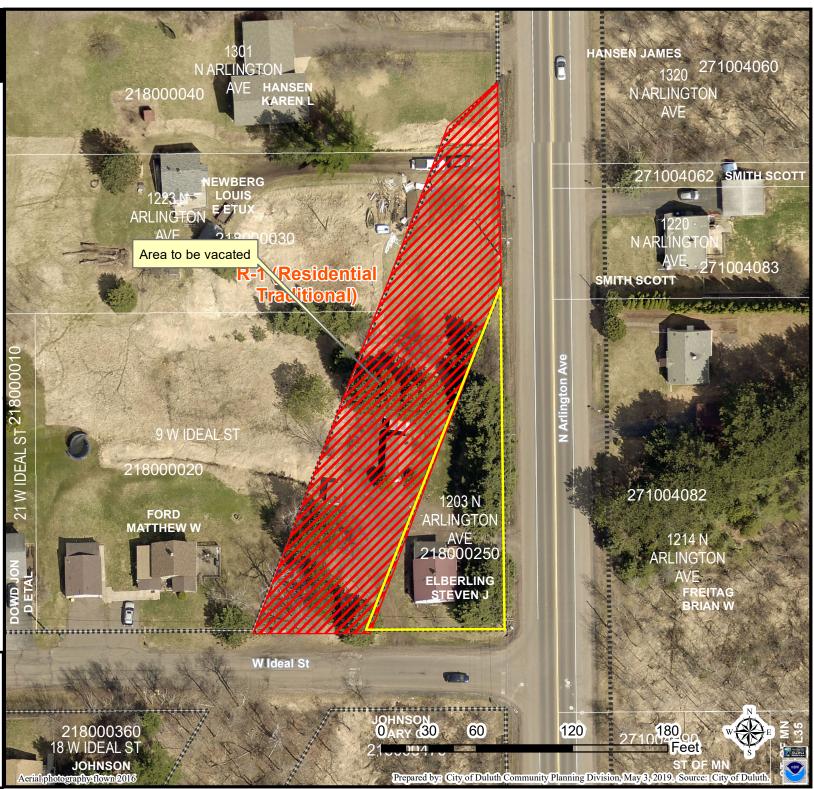
Based on the above findings, Staff recommends that Planning Commission recommend approval of the vacation with the following conditions:

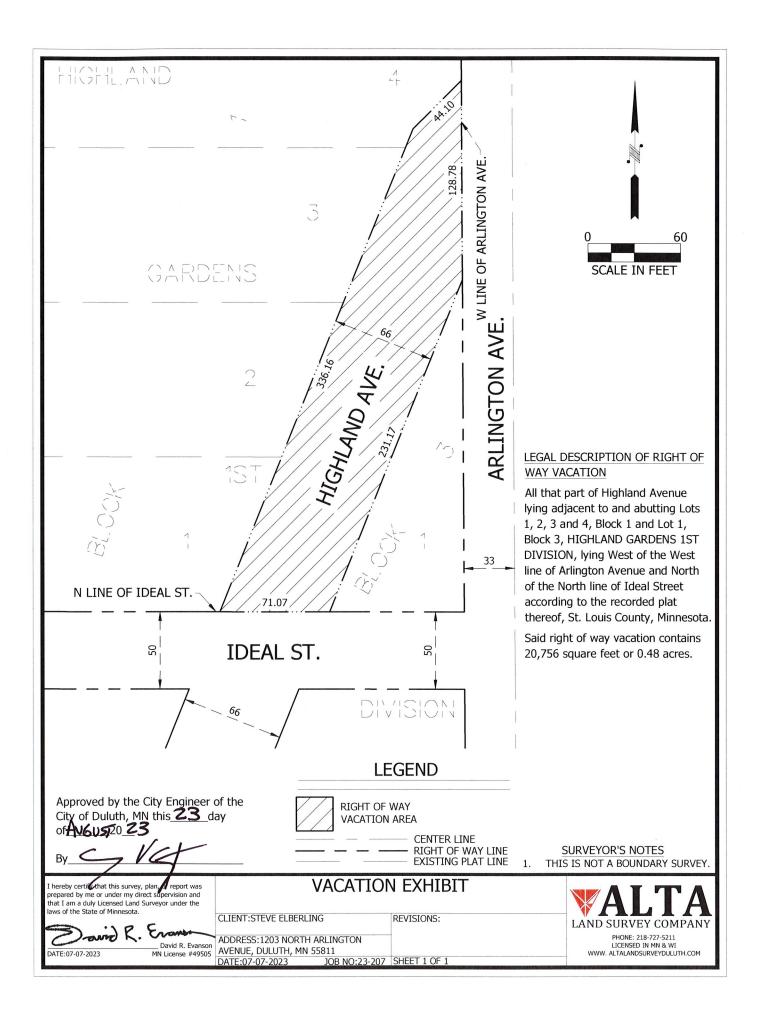
- 1.) The vacation must be recorded within 90 days of final approval by City Council or such approval will lapse.
- 2.) Applicant shall move the small accessory structure onto their portion of the vacated right of way.

DULUTH PL 23-130 Vacation of ROW



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Planning & Development Division

Planning & Economic Development Department

218-730-5580

planning@duluthmn.gov

Room 160 411 West First Street Duluth, Minnesota 55802

File Number	PL 23-135		Contact		Chris Lee	Chris Lee, clee@duluthmn.gov	
Туре	Minor Su	bdivision	Planning Commission Date		Se	September 12, 2023	
Deadline	Application Date		August 7, 20	August 7, 2023 60 Days		C	October 6, 2023
for Action	Date Ext	te Extension Letter Mailed August 12, 2023		120 Days	D	December 5, 2023	
Location of Sub	Subject 510 W 6 th Street						
Applicant	David and	d Laura Schauer Contact					
Agent		-	Contact				
Legal Description	on	See Attached					
Site Visit Date		August 30, 2023	Sign Notice Date N/A				
Neighbor Lette	r Date	N/A	Number of Letters Sent N/A				

Proposal

Applicant is requesting a Minor Subdivision to divide one undeveloped parcel into three parcels.

Recommended Action: Approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation	
Subject	R-2	Undeveloped	Traditional Neighborhood	
North	R-1	Residential	Traditional Neighborhood	
South	R-2	Residential	Traditional Neighborhood	
East	R-1	Residential	Traditional Neighborhood	
West	R-2	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; then after the requirements of this Chapter.

50-14.5.A. R-2 minimum lot area: 4,000 square feet; minimum lot frontage: 40 feet.

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

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 four lots combined into a single tax parcel from the Duluth Proper Third Division plat.

Review and Discussion Items

Staff finds that:

- Applicant is requesting a Minor Subdivision to divide one parcel into three. Two parcels will have 40' of frontage on W 6th Street and one will have 120' of frontage on W 6th Street, all meeting the required street frontage. The current parcel is undeveloped. All lots will meet the minimum square footage requirement.
- 2. The proposed minor subdivision parcels are currently undeveloped land owned by the applicant. The subdivision will create lots that meet the zoning requirements of the R-1 district.
- 3. 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:

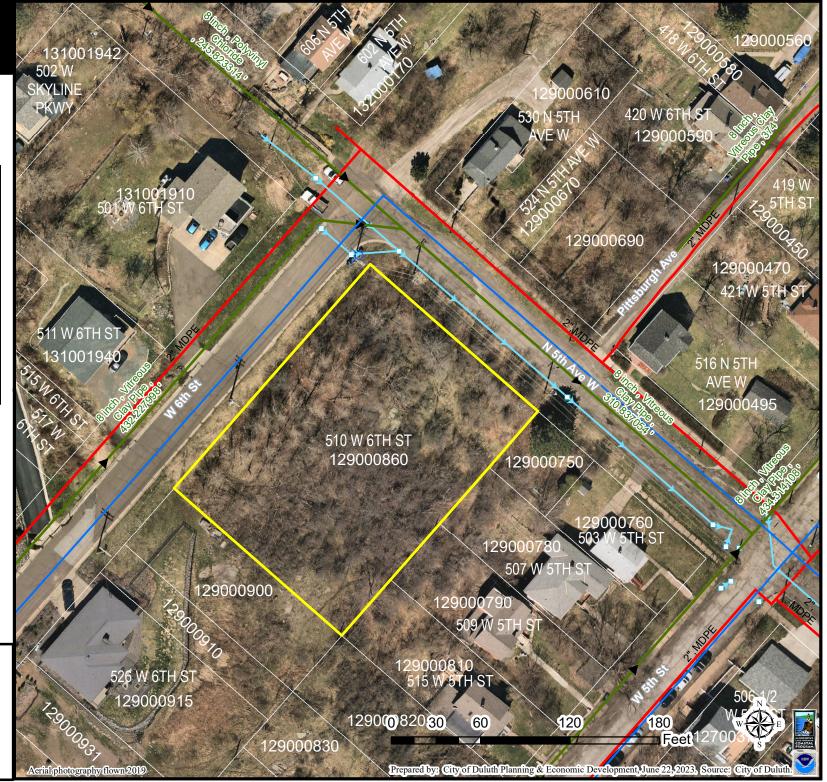
- 1. Appropriate deeds be filed with St. Louis County within 180 days. Prior to recording the deed that results from this adjustment, the Planning Division will need to stamp the deed, indicating compliance with the local zoning code.
- 2. Any alterations to the approved plans that do not alter major 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.

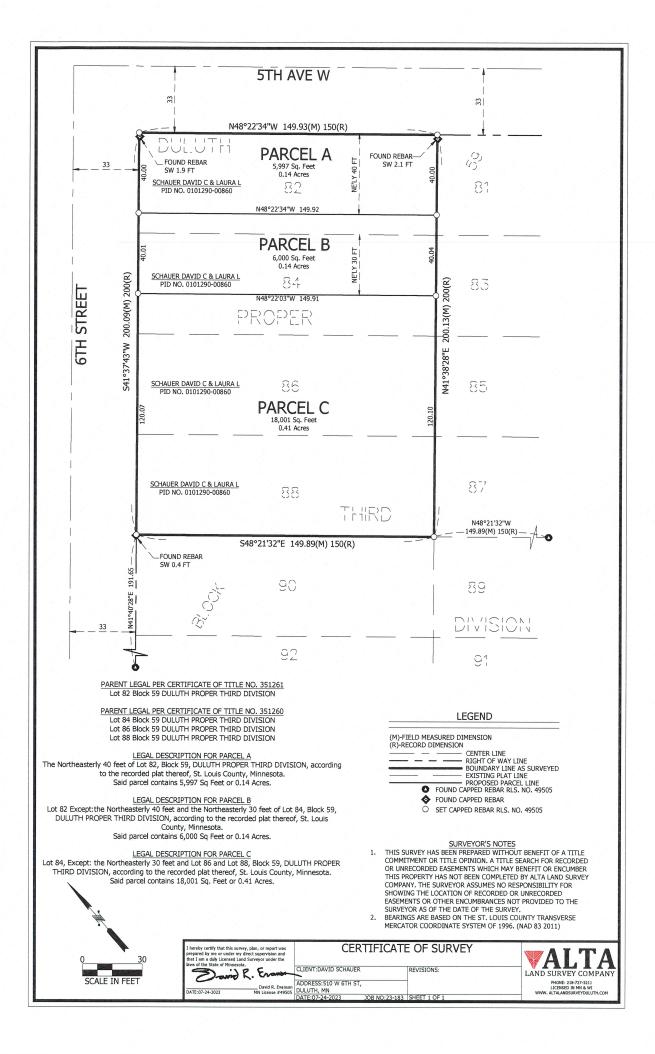


PL23-135 Minor Subdivision 510 W 6th St



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218-730-5580

planning@duluthmn.gov

Room 160 411 West First Street Duluth, Minnesota 55802

File Number	PL 23-141		Contact		Jason Mozol, jmozol@duluthmn.gov	
Туре	Interim L Unit	Interim Use Permit – Vacation Dwelling Unit		Planning Commission Date		September 12, 2023
Deadline	Application Date		August 7, 2023 60 Days		60 Days	October 6, 2023
for Action	Date Ext	ension Letter Mailed	August 14, 2023		120 Days	December 5, 2023
Location of Sub	on of Subject 36 Cato Ave					
Applicant	Darin an	d Elina Reinke	Contact	218-409	-9244	
Agent			Contact			
Legal Description	on	010-3970-01320				
Site Visit Date		9/6/23	Sign Notice Date 8/26/23		8/26/23	
Neighbor Letter	Date	August 21, 2023	Number of Letters Sent 70		70	

Proposal

The applicant proposes use of 2-bedroom duplex unit, half of the structure, as a vacation rental property. The property was on the lottery list for vacation dwelling units.

Recommended Action: Staff recommends that Planning Commission approve the interim use permit.

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

Summary of Code Requirements:

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

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

UDC Sec. 50-37.10.E . . . the commission shall only approve an interim use permit, or approve it with conditions, if it determines that: 1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location; 2. The applicant agrees to sign a development agreement with the city.

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

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

Econ. Dev. Policy #3 - Build on Existing Economic Strengths & Competitive Advantages

• **S9:** Encourage expansion of the city's tourism economy through efforts to expand in areas of current activity, such as in Canal Park, but also through marketing and investment in destination neighborhoods and iconic tourism experiences unique to Duluth.

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

History: The subject property, 36 Cato Ave, was built in 1917 and is part of a duplex with the owner/applicant residing in the adjoining unit.

Review and Discussion Items:

Staff finds that:

1) The vacation dwelling unit contains 2 bedrooms, which allow for a maximum of 5 guests.

2) The floor plan includes common living areas and kitchen on the lower level with both bedrooms and a bathroom on the upper level. Parking for the house is located in an off-street spot in the driveway off of Sunnyside St. There is also on street parking available.

3) The applicant has indicated there will be a space for a camper or trailer next to the driveway.

4) The site plan indicates a covered porch in the front and an uncovered deck in the rear for outdoor amenity space. An 8' rear and side yard fence buffers the site from neighboring properties.

5) Permit holders must designate a managing agent or local contact who resides with 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed themselves to serve as the managing agent.

6) 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.

7) Applicant must comply with Vacation Dwelling Unit Regulations, including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").

8) There are currently 139 licensed vacation dwelling units in the city, with 68 of those in form districts; the remaining 71 are subject to the cap of 90.

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

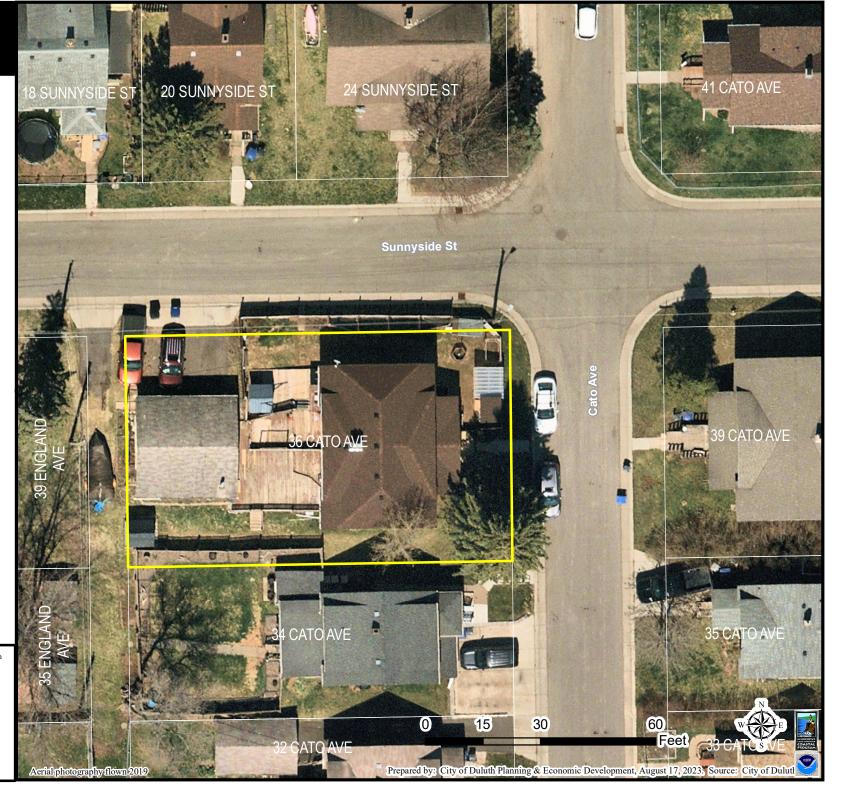
10) The permit will lapse if no activity takes place within 1 year of approval.

Staff Recommendation:

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

- 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 review; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.





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Vacation Dwelling Unit Worksheet

1. The minimum rental period shall be	e not less thar	two consecutive nights (does n	not apply to Form district	ts). What will be
your minimum rental period?	2	_ nights		

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

How many	legal	bedrooms	are in	the	dwelling?	
----------	-------	----------	--------	-----	-----------	--

2

What will be your maximum occupancy?

	5

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

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

How many off-street parking spaces will your unit provide? _____1

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

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):

Spreadsheet on a Property management software

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:

Darin Reinke, 38 Cato ave Duluth MN. 218-409-9244

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;

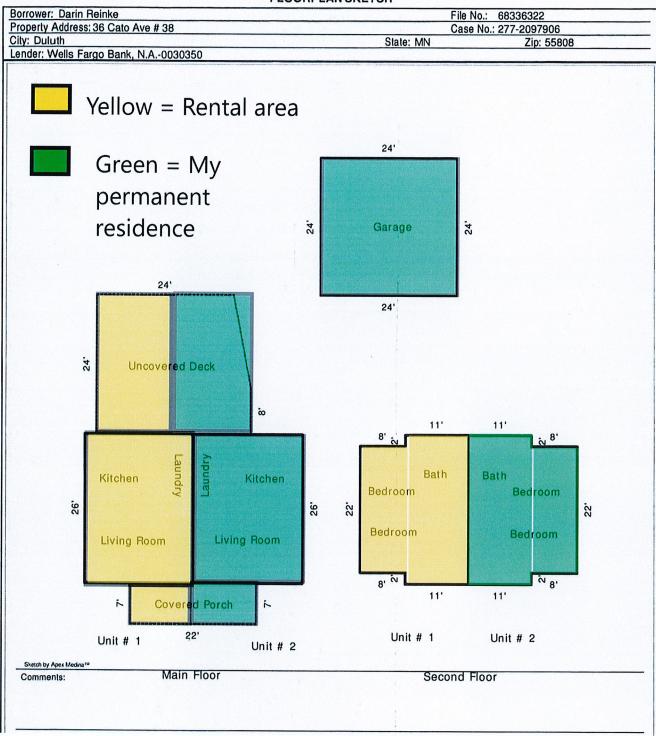
e. Applicable sections of City ordinances governing noise, parks, parking and pets;

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

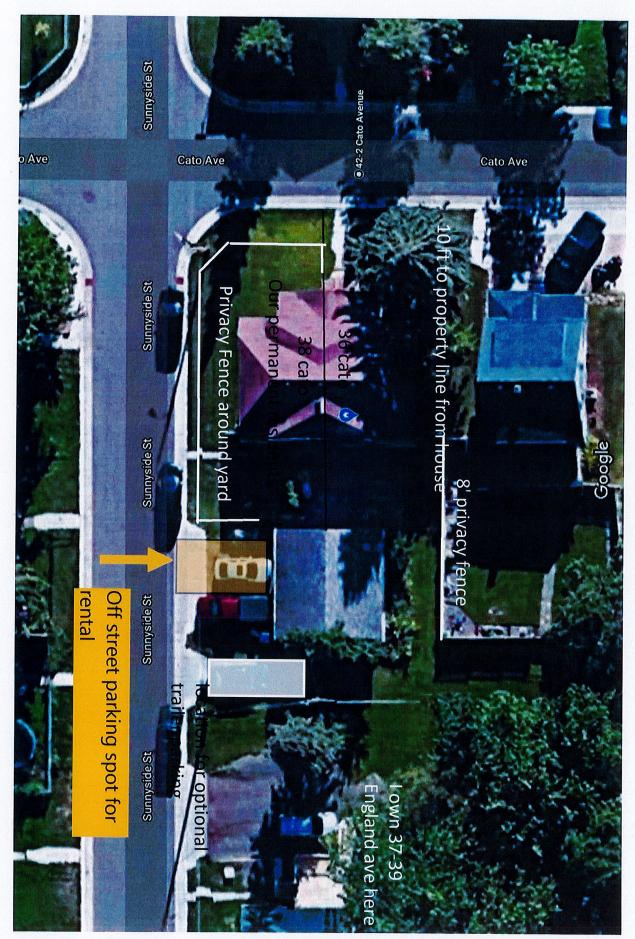
On the listing site and also in a house rules page that is emailed to them prior to their stay

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

218-730-5580

D pla

planning@duluthmn.gov

Room 160 411 West First Street Duluth, Minnesota 55802

File Number	PL 23-146		Contact	Contact Jenn Mose		s, <u>imoses@duluthmn.gov</u>	
Туре	Special Use Permit – Residential Care		Planning Cor	Planning Commission Date		September 12, 2023	
Deadline for	Application Date		August 10, 2	August 10, 2023 60 Days			October 9, 2023
Action	Date Extension Letter Mailed		September 1	, 2023	120 Days		December 8, 2023
Location of Subject		1111 N 11 th Avenue E					
Applicant	Chum/Stepping on Up		Contact	Joel Kil	Kilgour		
Agent	John Erickson, DSGW		Contact				
Legal Description		PID: 010-2790-03170	Sign Notice	Sign Notice Date		August 22, 2023	
Site Visit Date		September 2, 2023	Number of	Number of Letters Sent		78	

Proposal

Applicant is proposing to use a portion of the existing church to house up to 12 youth with a communal dining and living area and 24 hour staff.

Staff Recommendation

Staff recommends approval, with conditions.

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

Summary of Code Requirements

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

1. The application is consistent with the Comprehensive Land Use Plan;

2. The application complies with all applicable provisions ... including any use-specific standards ..., and is consistent with any approved district plan for the area.

3. The Commission may deny any application that would result in a random pattern of development with little contiguity to existing or programmed development or would cause anticipated negative fiscal or environmental impacts.

Sec. 50-20.1 – Residential care facility: Shall provide landscaping as required for multi-family residential abutting single-family residential.

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

Governing Principle #1 – Reuse previously developed land. This is a remodel of a previous child care center.

Governing Principle #10 – Take actions that enhance the environment, economic, and social well-being of the community. This project will help homeless youth ages 18-24.

Governing Principle #14 – Integrate fairness into the fabric of the community. Chum's Stepping on Up program works to ensure all have access to housing.

Housing Policy #2 – Provide affordable, attainable housing opportunities.

Future Land Use

Traditional Neighborhood: Characterized by grid or connected street pattern ... limited commercial, schools, and churches.

<u>History</u>

The building was built in 1959. This portion of the church was previously used as a child care.

Review and Discussion Items:

Staff finds that:

- 1) Applicant proposes to convert a portion of the building to a residential care facility that would house a maximum of 12 previously homeless young adults (ages 18-24), with 24-hour staffing and services.
- 2) As demonstrated with the governing principles and policies above as well as the residential nature of the neighborhood, this proposal meets the goals of the comprehensive plan.
- 3) UDC Sec. 50-24 (Parking and loading). The church has 65 existing parking spaces, which are only fully utilized during Sunday morning services or special events. No changes to the parking lot are proposed as part of this project, and the proposed use will share parking with the church. Parking usage will be less for the proposed use than its previous use as a child care.
- 4) UDC Sec. 50-25 (Landscaping and Tree Preservation). The church building is buffered from neighboring properties by wooded areas and steep slopes. The portion of the building proposed for the housing use is furthest away from the residential neighborhood along 11th Street. Staff finds that no additional buffering or landscaping is needed.
- 5) UDC Sec. 50-26 (Screening, Walls and Fences). Any new garbage, recycling, or other containers, or any exterior mechanicals, will be screened per UDC requirements. No walls or fences are proposed as part of this project.
- 6) UDC Sec. 50-29 (Sustainability Standards) and UDC Sec. 50-30 (Building Design Standards). These do not apply as this is reuse of an existing building and site.
- 7) UDC Sec. 50-31 (Exterior Lighting). New exterior lighting may be required at exits per the building code; any lighting will meet UDC requirements.
- 8) As demonstrated by the above findings, this proposal meets all application provisions of the UDC.
- 9) The proposed facility is not anticipated to have any negative impact on the community. Staff will be onsite 24/7, and the portion of the building used for housing is located furthest away from residences and roads; the small size of the facility also minimizes any potential impacts such as noise.
- 10) One comment from a neighbor was received in support of the project. No other public, agency, or other City comments were received.

Staff Recommendation

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

- 1) The project be limited, constructed, and maintained consistent with plans and documents submitted with the application.
- 2) Maximum number of people housed shall be 12.
- 3) Screening and exterior lighting will be confirmed at the time of building permit application.
- 4) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.





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- Duluth 2035 Comprehensive Plan
 - o Guiding Principles
 - 1- Reuse previously developed land
 - The proposed remodel was originally a childcare center but was underutilized.
 The remodel will be housing youth all year round and will make use of the existing structure, windows and plumbing to minimize time and cost.
 - 9- Support private actions that contribute to the public realm
 - The owners of the space, Peace Church, are generously choosing to rent out this area to provide as many as 12 people at a time with a safe space to stay, work and socialize.
 - 10- Take actions that enhance the environment, economic and social well-being of the community
 - The community will benefit from helping youth at a critical point in their lives get back on their feet. This fosters an environment where these people are allowed independence and a chance to grow without having to worry about housing. Eventually they will leave and be able to give back to these communities by renting or purchasing property, buying from businesses, and other things that come from being a citizen of a community.
- No negative impact on the community
 - The housing remodel is located away from all roads and residences in the area, as well as shielded by numerous trees and other plants.
 - The housing will be monitored 24/7 by two staffers and cameras and the two means of egress are located in the far corners of the building.

1

Overview: Homelessness in Duluth and the Stepping On Up Plan

Duluth, like virtually every community in the country, is facing a sharp increase in the number of people experiencing homelessness. Our current response system was built for fewer people and shorter stays. There are now far more people in need of shelter than there are existing shelter beds, and waitlists for subsidized housing can be one to two years. This



means that hundreds of people rely on crowded shelters, tents, doorways, cars, or couch surfing for significant portions of their lives. St Louis County has one of the highest rates of chronic homelessness in the state: chronic homelessness is defined as homelessness that persists for a year or more, or four separate incidents over three years. Chronic homelessness can have long lasting consequences to a person's mental and physical health and dramatically reduce their ability to maintain permanent housing when they finally achieve it.

- There are 155 emergency shelter beds in Duluth. This includes all emergency homeless shelters, youth homeless shelters and domestic violence shelters. All Duluth shelters are at or beyond capacity.
- By official count, 284 people were unsheltered in St. Louis County in January 2020. Unsheltered means living outside, in vehicles, skywalks or other places not meant for human habitation.
- A more accurate measure of unsheltered homelessness is how many people check in at the CHUM Warming Center: nearly 600 unique individuals over the 2022-2023 winter season.

<u>Stepping On Up</u> is a multi-agency, multi-sector collaborative plan to address this bottleneck and re-imagine our homeless response systems to reflect current needs. The plan was built around these guiding principles:

- 1. Everyone deserves a safe and affordable place to call home that is appropriate to their own cultural and developmental needs
- 2. Integration into the broader community and into communities of support of a person's own choosing (faith, cultural, vocational) increase the odds that they will be able to maintain stable housing
- 3. Criminalizing homelessness or trying to hide homelessness are not a good use of our collective resources and have detrimental effects on people's health
- 4. The public health and safety problems caused by chronic unsheltered homelessness must be addressed and mitigated urgently
- 5. Communities most impacted by homelessness must play key roles in plan design and leadership
- 6. A collaborative and systematic approach by providers and local government is needed
- 7. Existing nonprofit and public services are not able to address this issue alone, it must be an all-in effort that includes business, educational, healthcare, faith, community, labor and other sectors

The Stepping On Up plan will assure that when people experience homelessness, their homelessness will be brief with a clear pathway to stability. Stepping On Up will be implemented in three stages over 5 years beginning in Spring of 2023. Chum serves as fiscal sponsor for Stepping On Up, with partner agencies scaling up and adding programs in alignment with the Stepping On Up plan as capacity and funding allows.

Phase 1: Outdoor villages and outreach coordination

Respond to immediate health and safety concerns by increasing street outreach presence, providing for basic needs, and establishing authorized outdoor villages for those living in vehicles and tents.

Phase 1 Successes to date:

- Safe Bay site for families living in vehicles opened at Damiano Center, staffed by Chum
- Safe Storage facility opened at Damiano Center with support from HDC
- Laundry Love open weekly to provide free laundry service, operated by volunteers from five area faith communities and financial support from Leadership Duluth
- Additional street outreach worker hired at HDC, one more position funded and posted at Chum
- Planning underway for a staffed, service rich outdoor village

Phase 2: Shelter Next indoor villages

Create 100 new emergency "Shelter Next" beds at scattered-site, indoor villages where people can work to stabilize their lives toward a goal of permanent supportive housing. This is a reimagining of shelter for our current realities and based on best, people-centered practice. Simple, individual or double rooms provide dignity and a safe space for personal belongings. Other important elements of Phase 2 sites:

- Communal dining and living areas
- 24 hour staff **and c**oordinated service provision between agencies to ensure people have access to recovery, mental health, lifeskills, cultural and vocational support
- Located away from downtown with access to nature and public transportation
- Volunteer and community engagement as appropriate (and desired by residents) to break the cycle of isolation
- Prioritize conversion of existing non-residential structures

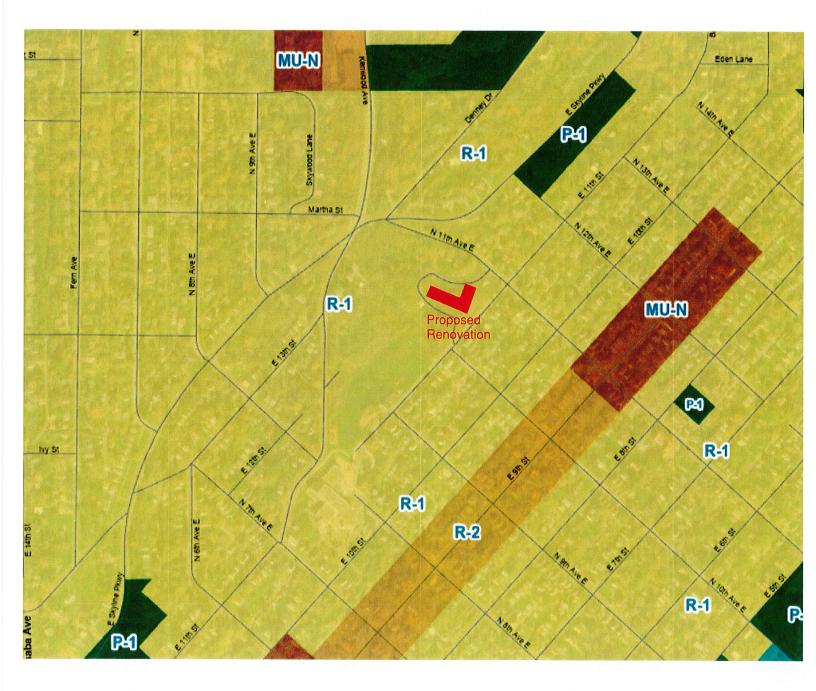
Two sites are currently in development: one serving youth (18-24 years old) and one for people reentering society from incarceration.

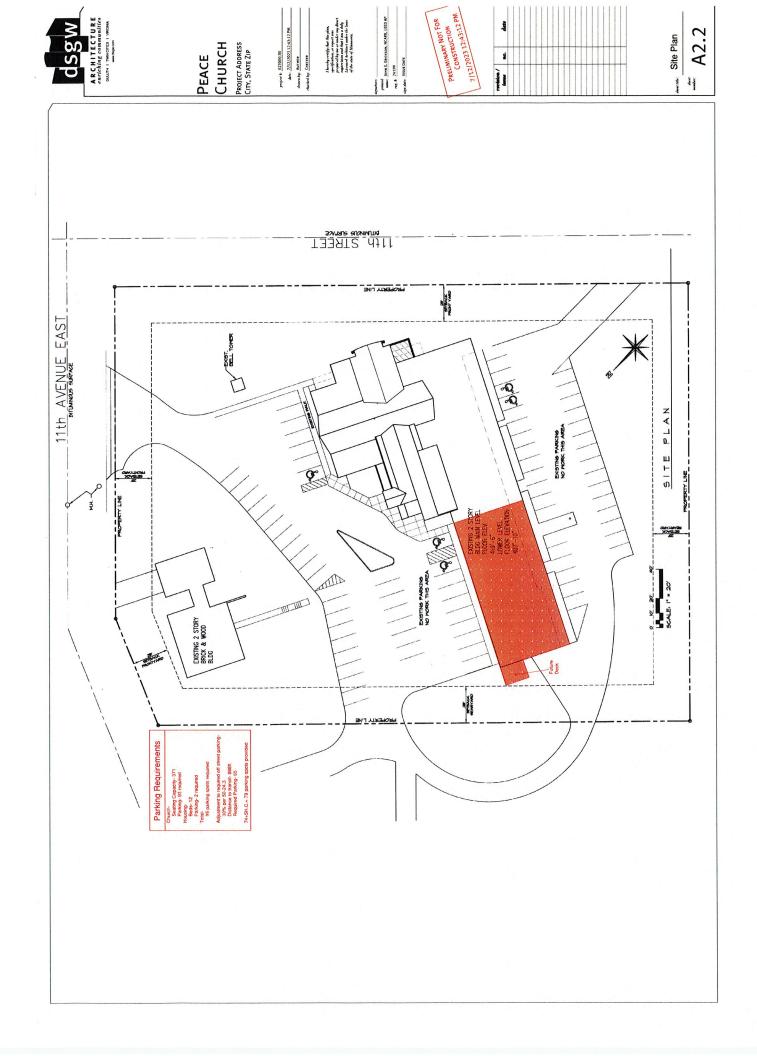
Phase 3: Permanent, community-oriented housing

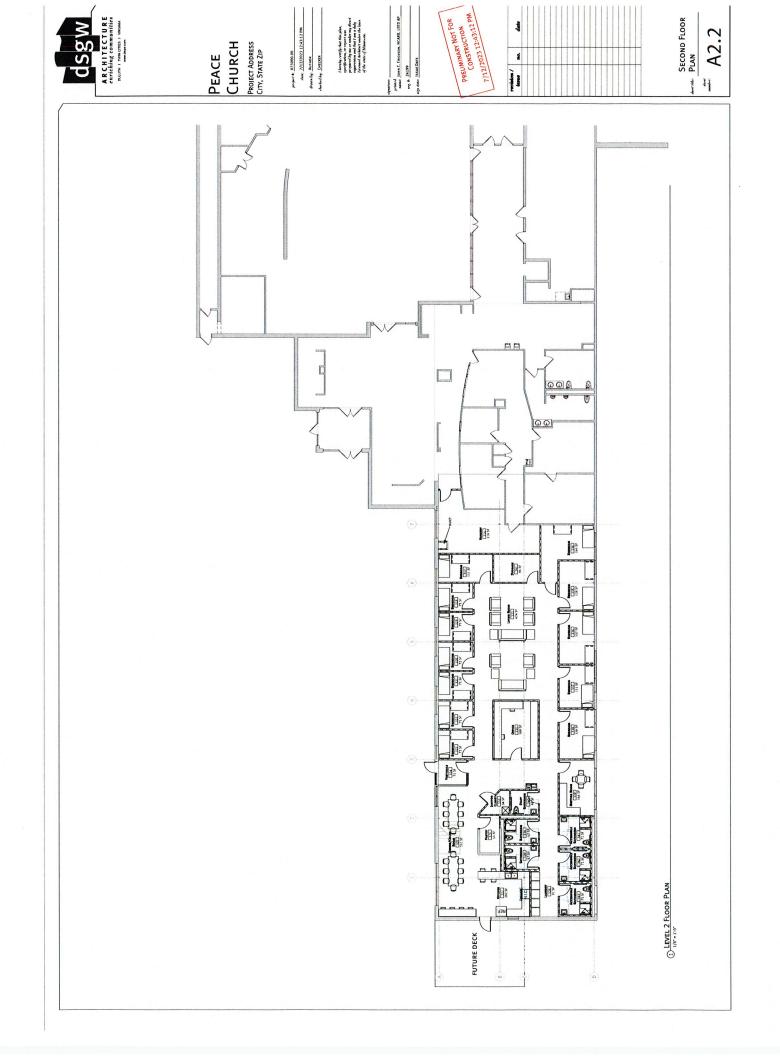
The primary cause of homelessness is lack of housing. There is a need for units across the income spectrum in Duluth, but the need is greatest for those with the fewest resources. We cannot depend entirely on private development or even traditional, multifamily projects that can require years of planning and fundraising. Phase 3 buildings will:

- Be new construction or repurposing of non-residential buildings to add to Duluth's housing stock
- Use creative, more cost effective models such as hotel/motel conversion, tiny houses and micro apartment units
- Be small scale (12-40 units per development) in multiple neighborhoods outside of the downtown core but with access to public transportation
- Include a deep level of support and service provision to ensure residents are successful and able to continue a path toward their own defined goals
- Continue with personalized and meaningful community engagement, each site with its own Good Neighbor committee and support from outside volunteers and community groups to advance resident goals, whether those goals are supporting recovery, cultural activities or planting a garden

One Roof will be breaking ground this summer on the first pilot project in this phase, which will house 24 people who have experienced chronic homelessness.









Planning & Development Division

Planning & Economic Development Department

218-730-5580

🖾 pla

planning@duluthmn.gov

Room 160 411 West First Street Duluth, Minnesota 55802

File Number	PL 23-147		Contact		Jason Mozol, jmozol@duluthmn.gov	
Туре	Vacation	of Alley Right of Way	Planning Co	mmissior	Date	September 12, 2023
Deadline	Applicat	ion Date	August 25, 2	023	60 Days	October 24, 2023
for Action	Date Ext	ension Letter Mailed	August 23, 2	023	120 Days	December 23, 2023
Location of Sub	All that part of the 16-foot-wide platted Alley lying adjacent to and abutting Lots 1 ⁻ Block 5 & Lots 17 through 19, Block 6, RIVER SIDE PARK SECOND ADDITION					
Applicant	Larry Var	halla	Contact	218-626	-1441	
Agent	Beth Dav	ies, AEOA	Contact	218-735-	6819	
All that part of the 16-foot-wide pLegal DescriptionBlock 5 & Lots 17 through 19, Blocrecorded plat thereof, St. Louis Co			k 6, RIVER SID	E PARK S		
Site Visit Date		9/6/23	Sign Notice Date		8	/29/23
Neighbor Lette	r Date	August 23, 2023	Number of Letters Sent		nt 5	,

Proposal

The applicant is requesting to vacate a portion of a 16-foot platted alley lying adjacent to and abutting Lots 17 through 19, Block 5 & Lots 17 through 19, Block 6, RIVER SIDE PARK SECOND ADDITION.

Staff is recommending approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	RR-1	Vacant/Undeveloped	Rural Residential
North	RR-1	Residential	Rural Residential
South	P-1	Vacant/Undeveloped	Open Space
East	RR-1	Vacant/Undeveloped	Rural Residential
West	RR-1	Residential	Rural Residential

Summary of Code Requirements:

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

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

- 1. Is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles, or pedestrians or the efficient supply of utilities or public services in the city;
- 2. Where the street terminates at a waterfront or shoreline, the street is not and will not be needed to provide pedestrian or recreational access to the water;
- 3. Is not otherwise needed to promote the public health, safety, or welfare of the citizens of Duluth.

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

Governing Principle #10 – Take action that enhance the environment, economic and social well-being of the community. The vacation will allow for the adjacent property owner to build a septic system that will protect surrounding water and soil quality.

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.

Review and Discussion Items:

Staff finds that:

- The applicant is requesting to vacate a portion of a 16-foot-wide platted alley lying adjacent to and abutting Lots 17 through 19, Block 5 & Lots 17 through 19, Block 6 in the RIVER SIDE PARK SECOND ADDITION as shown on the attached exhibit.
- 2. The proposed vacation will allow the adjacent, existing single-family dwelling to build a septic system.
- 3. The alley was platted in the River Side Park Second Addition Plat but never utilized for its intended purpose.
- 4. The alley will not be needed by the City for the promotion of public health, safety, or welfare of the citizens of Duluth since the alley is currently unimproved and City Engineering does not expect to need it in the future.
- 5. The City has determined that this portion of the alley is not needed for street or pedestrian use. Vacating the right of way will not impact or deny access to other property owners.
- 6. The City Engineering office has reviewed the proposed vacation and has indicated that no utility easement shall be retained.
- 7. Other than City Engineering, no other public or City comments have been received at the time of drafting this report.
- 8. Vacations of rights of way and easements lapse unless the vacation is recorded with the county recorder within 90 days after final approval. The vacation recording is facilitated by the City of Duluth.

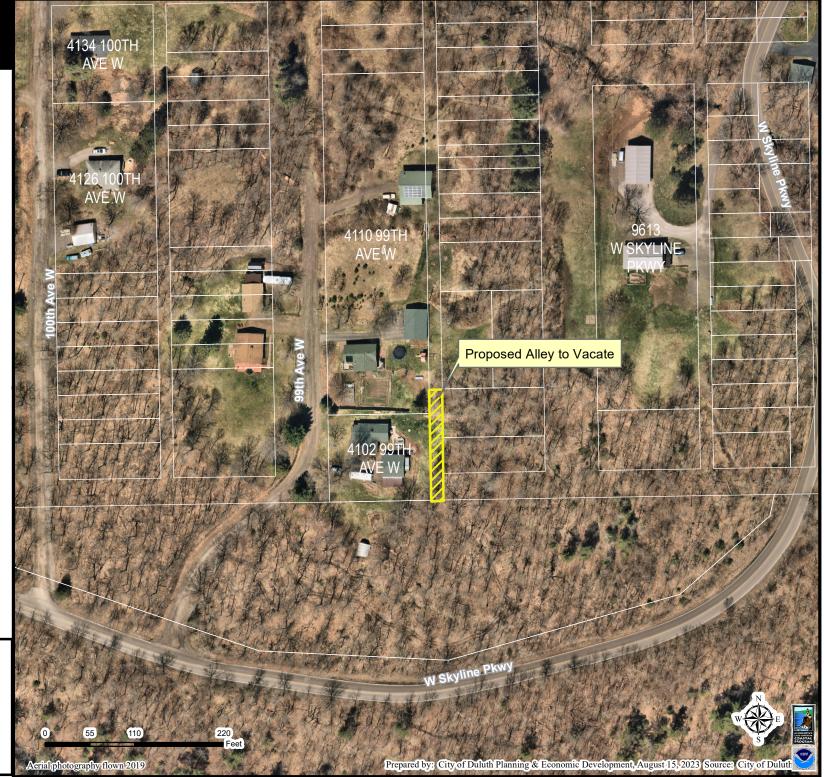
Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission recommend 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.



PL 23-147 Alley Vacation 4102 99th Avenue W



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Petition to Vacate Street, Alley, or Utility Easement

Name: Larry Varhalla

Description of street, alley, or easement to vacate: <u>Alley parallel to 99th Ave W and</u> adjacent to 4102 99th Ave W and 4110 99th Ave W

My request for this vacation is to (indicate purpose of vacation):

Replace septic system serving 4102 99th Ave W

The City of Duluth will not need this street, alley, or easement in the future because:

Rural area, two private owners along alley with ingress at 99th Ave W

PLEASE TAKE NOTICE: Pursuant to Section 50-37.6 of the Duluth City Code, the above-identified applicant(s) petition the Duluth City Council to vacate the street, alley, or easement described in the attached legal description.

This petition is made upon the following facts and reasons (Identify the factual basis and reasons supporting the petition) 1:

The septic sy	vstem serving	4102 99th	Ave W (010-3	980-00940)	is failing
and requires	replacement.	There is r	ot space on	the parcel	for a new
system. The p	proposed desig	yn places t	the septic sy	stem across	the alley
on parcels 01	.0-3980-01130	and 010-39	80-01150. Al	1 aforement	ioned
parcels are c	owned by Larry	/ Varhalla	. Connecting	to existing	municipal
sewer is cost	prohibitive.	8009911000001940000000000000000000000000	annan transmining an ann an transmining ann an transmining an an transmining an an transmining and an transmini	a (1997) BRANK AND AN	988 I LANDER LANDER MIT BERMINSTER AM STREET AM STREET AM ST

This petition is supported by a majority of the person(s) who own a majority of the lineal frontage of the land abutting upon the portion of the public easement proposed to be vacated. A copy of the signatures of these persons is attached hereto and made a part hereof.²

The petitioner(s) agree to provide the city with a plat of the easement(s) as required by Section 50-37.6B(3) of the Duluth City Code upon approval of the vacation. We understand that the vacation cannot occur without the submission of the required plat. We understand that the cost of producing the plat is the responsibility of the petitioner(s). We also understand that the approval will lapse and be of no effect if the plat and clerk certification is not recorded with the county recorder within 90 days after final approval

initial approval.	
Signature(s).	nainan k
Date: 7-21-23	

Notice: This is public data.

¹ In order to vacate a public easement it must be demonstrated that the easement is useless for the purpose for which it was dedicated.

² If a property is owned in joint tenancy or by tenants in common, each individual with an ownership interest will be counted to determine if a majority of owners have signed the petition. An owner cannot sign for another owner unless legally authorized to do so, i.e power of attorney, trustee, or court approved guardianship or conservatorship.

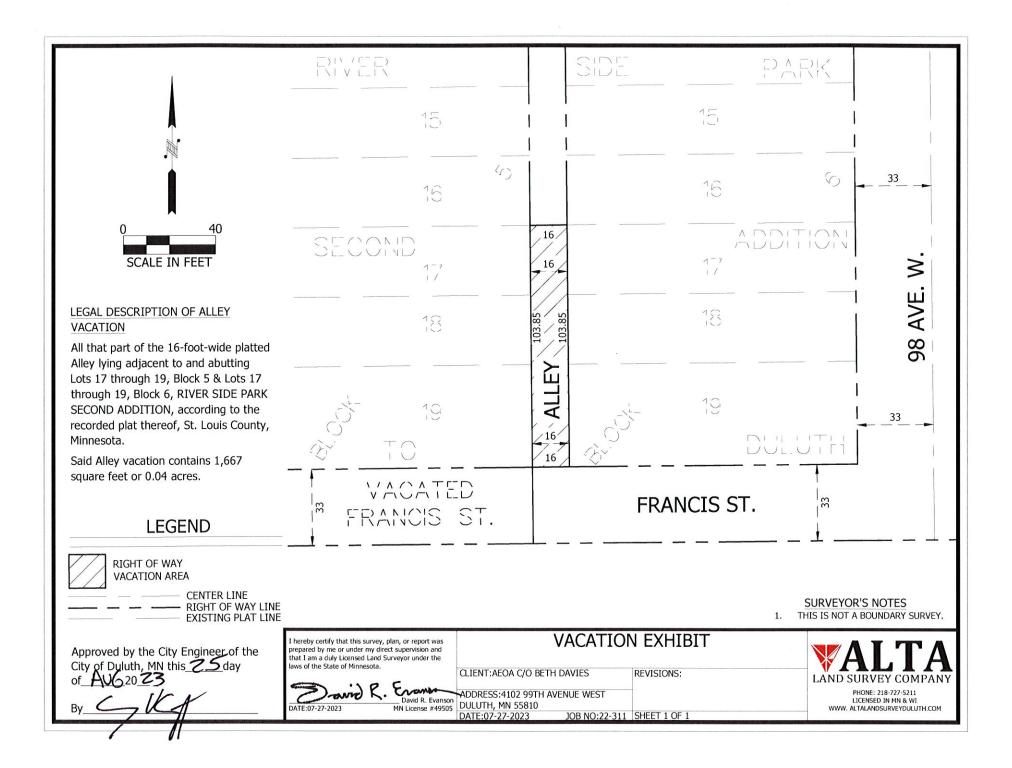
Petition Signature Form

We, the undersigned, do hereby request that the City of Duluth consider vacating: Alley adjacent to 4102 99th Ave W

Name (Print)	Signature	Property Address	Lot # (if known)
Scott kylande-Johnson	beg kil	4110 99th Ave W, Duluth	010-3980-00800
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LEGAL DESCRIPTION OF ALLEY VACATION

All that part of the 16-foot-wide platted Alley lying adjacent to and abutting Lots 17 through 19, Block 5 & Lots 17 through 19, Block 6, RIVER SIDE PARK SECOND ADDITION, according to the recorded plat thereof, St. Louis County, Minnesota.





Planning & Development Division

Planning & Economic Development Department

218-730-5580

D pla

planning@duluthmn.gov

Room 160 411 West First Street Duluth, Minnesota 55802

File Number	PL 23-150		Contact	Contact Jenn Mose		s, <u>imoses@duluthmn.gov</u>	
Туре	Special Use Permit – Residential Care		Planning Cor	Planning Commission Date			September 12, 2023
Deadline for	Application Date		August 16, 2	August 16, 2023 60 Days			October 15, 2023
Action	Date Extension Letter Mailed		September 1, 2023 120 Day		120 Days		December 14, 2023
Location of Sub	Location of Subject 2122 Woodland Avenue						
Applicant	Deyona k	Kirk	Contact				
Agent			Contact				
Legal DescriptionPID: 010-1840-00570		Sign Notice Date		August 25, 2023			
Site Visit Date		August 25, 2023	Number of Letters Sent		Sent	ent 40	

Proposal

Applicant is proposing to use the existing house for a residential care facility with 10 beds that provide housing and services to women and children.

Staff Recommendation

Staff recommends approval, with conditions.

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

Summary of Code Requirements

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

1. The application is consistent with the Comprehensive Land Use Plan;

2. The application complies with all applicable provisions ... including any use-specific standards ..., and is consistent with any approved district plan for the area.

3. The Commission may deny any application that would result in a random pattern of development with little contiguity to existing or programmed development or would cause anticipated negative fiscal or environmental impacts.

Sec. 50-20.1 – Residential care facility: Shall provide landscaping as required for multi-family residential abutting single-family residential.

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

Governing Principle #10 – Take actions that enhance the environment, economic, and social well-being of the community. This facility will provide housing and services to women and children in the community.

Governing Principle #14 – Integrate fairness into the fabric of the community. This project provides access to housing and services.

Housing Policy #2 – Provide affordable, attainable housing opportunities.

Future Land Use

Traditional Neighborhood: Characterized by grid or connected street pattern ... limited commercial, schools, and churches.

<u>History</u>

The existing house was built in 1906 and has 3 bedrooms.

Review and Discussion Items:

Staff finds that:

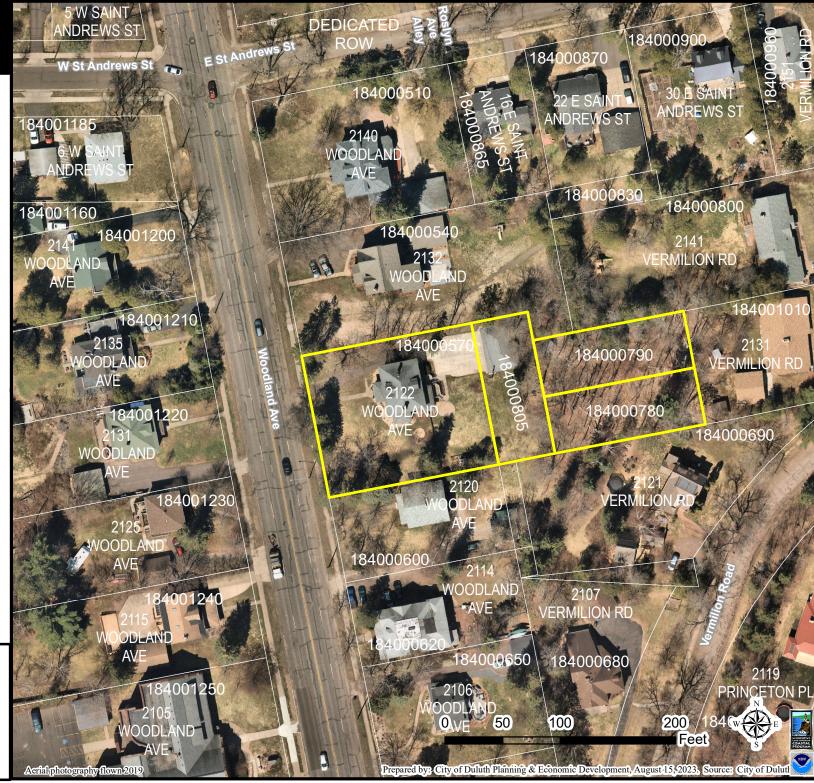
- 1) Applicant proposes to convert the existing house to a residential care facility that would house a maximum of 10 women and children, with staffing and services. The applicant plans to use the existing house, driveway, and parking.
- 2) This proposal meets the goals of the comprehensive plan by contributing to a variety of housing types within the neighborhood and providing services that contribute to the well-being of the community.
- 3) UDC Sec. 50-24 (Parking and loading). The UDC requires 2 parking spaces, which can be easily accommodated within the existing driveway.
- 4) UDC Sec. 50-25 (Landscaping and Tree Preservation). The existing house is buffered from adjacent residential properties on the sides and rear with extensive trees and vegetation. Staff finds that no additional buffering or landscaping is needed.
- 5) UDC Sec. 50-26 (Screening, Walls and Fences). Garbage/recycling needs will be similar to other residential properties, with scheduled pick-ups; no screening is required. No additional mechanicals will be added to the residential structure, and applicant is not proposing any walls or fences for the property.
- 6) UDC Sec. 50-29 (Sustainability Standards) and UDC Sec. 50-30 (Building Design Standards). These do not apply as this is reuse of an existing building and site.
- 7) UDC Sec. 50-31 (Exterior Lighting). No additional exterior lighting will be provided.
- 8) As demonstrated by the above findings, this proposal meets all application provisions of the UDC.
- 9) The proposed facility is not anticipated to have any negative impact on the community. The building will maintain its residential character and wooded areas on the parcels will remain.
- 10) One neighbor asked who would be housed in the facility and had no other comments or concerns. No other public, agency, or City comments have been received.

Staff Recommendation

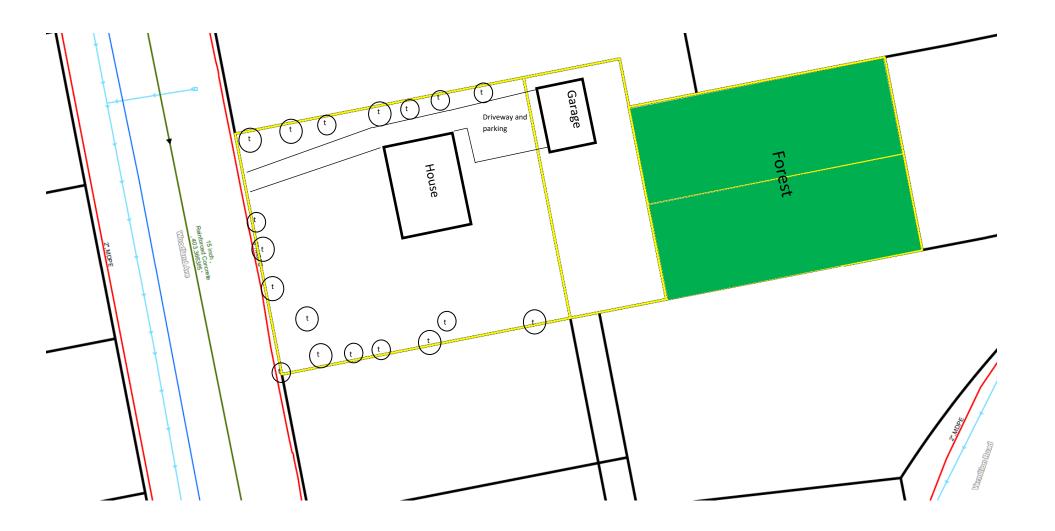
Based on the above findings, Staff recommends that the Planning Commission approve the special use permit with the following conditions:

- 1) The project be limited, constructed, and maintained consistent with plans and documents submitted with the application.
- 2) Maximum number of people housed shall be 10.
- 3) Existing vegetation shall be maintained to provide a buffer from adjacent properties.
- 4) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.





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Annie's House

Annie's House is the name of a facility where the non-profit organization Divine Konnections (DKI) provides housing and wraparound services to BIPOC young mothers with children 0-4 years old and have been homeless. There are approximately 10 beds in the facility, that support young mothers' mental, social, and emotional well-being by identifying barriers to access services and connecting them with resources related to experiences with chemical dependency, addiction, and domestic and sexual violence. Additional activities include: parenting classes, child care, transportation, and education/employment support. AHRR also provides access to home buying education and budgeting and homemaking skills. Divine Konnections employees provide these support service to the families residing at Annie's House. Each family who lives at Annie's House has their own unit, and share a kitchen and bathrooms.



Planning & Development Division

Planning & Economic Development Department

218-730-5580

planning@duluthmn.gov

Room 160 411 West First Street Duluth, Minnesota 55802

File Number	PL 23-128		Contact		John Kelley, <u>jkelley@duluthmn.gov</u>			
Туре	MU-I Plai	nning Review	Planning Co	ommission	Date	September 12, 2023		
Deadline	Applicat	ion Date	July 11, 2023 60 Day		60 Days	September 9, 2023		
for Action	Date Extension Letter Mailed		July 13, 2023 120 Day		120 Days	November 8, 2023		
Location of Sub	Location of Subject 2101 Trinity Road – Southwest corner of existing building							
Applicant	Lake Sup	erior College	Contact	Mark Ca	rdinal			
Agent	Architect	ure Advantage	Contact	Shane N	ies	25		
Legal Description	Legal Description 010-2710-06620							
Site Visit Date September 1, 2023		Sign Notice Date August 29		August 29, 2023				
Neighbor Letter	Date	July 18, 2023	Number of Letters Sent 52		52			

Proposal

Construction of 8,310 square foot building addition to house the Machine Tool and Welding programs as well as a loading and storage area. Additional site improvements include reconfiguring parking spaces and landscaping to facilitate the building addition.

Recommended Action: Approve with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-I	College campus	Institutional/Open Space
North	MU-I	College campus	Institutional
South	MU-I	College campus/Miller Creek	Open Space/Traditional Neighborhood
East	MU-I	College campus	Institutional
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements:

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

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

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

Governing Principles:

#11 – Consider education systems in land use actions. This application reinvests in the Lake Superior College building.

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

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.

Review and Discussion Items:

Staff finds that:

- Lake Superior College is relocating their downtown campus programs back to the main campus located at 2101
 Trinity Road. The college proposes to construct an 8,310 square foot addition to an existing campus building (TBuilding) to house the Machine Tool and Welding programs as well as a loading and storage area. Additional site
 improvements include reconfiguring the parking lot and landscaping to facilitate the building addition.
- 2. The college was approved for a shoreland variance (PL 22-225) to encroach into the Coldwater Stream (Miller Creek) shoreland setback from 150' to 120'. The approved variance was conditioned upon the applicant applying for and receiving approval from the Planning Commission for a MU-I Planning Review.
- 3. The building addition will require the removal of 24 parking spaces but will be installing 15 new spaces with 2 accessible spaces for a net loss of 9 spaces.
- 4. Proposed improvements do not trigger any UDC requirements related to landscaping, sustainability or building design standards. However, the new parking area with less than 25 parking spaces must provide the minimum tree canopy of 30 percent at maturity. The attached landscaping plan does include shrubs in the area between the building addition and the parking lot, and trees on either side of the building addition and along the front edge of the new parking spaces but did not include a canopy coverage calculation. The applicant did provide an updated tree planting plan meeting the 30 percent canopy coverage for the parking spaces. Staff is recommending the applicant provide an updated landscaping plan incorporating the 30 percent tree canopy coverage plan.
- 5. The applicant will be replacing two parking lot pole lights that will be removed during site excavation. The light poles are 25 feet in height and are compliant with UDC height requirements. The applicant will also be installing low height light bollards along the accessible sidewalk to the main building entry. Lighting will be verified for meeting UDC requirements at the time of building permit review.
- 6. No City, agency, or public comments were received.
- 7. Per UDC 50-37.1.N, an approved Planning Review will expire if the project or activity authorized is not begun within one year, which may be extended for one additional year at the discretion of the Land Use Supervisor.

Staff Recommendation:

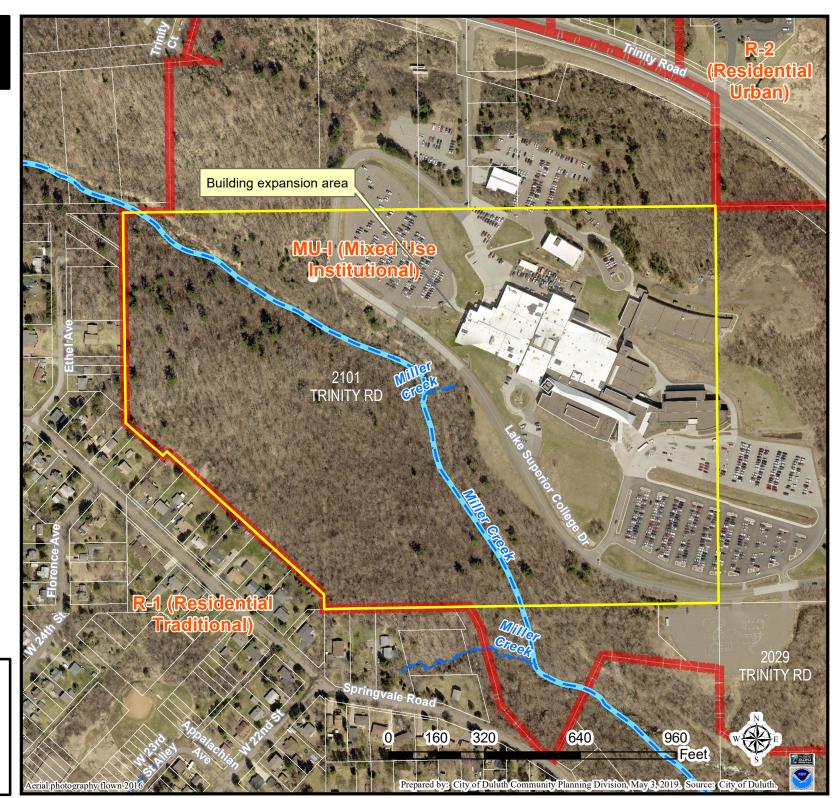
Based on the above findings, Staff recommends that Planning Commission approve the Planning Review with the following conditions:

- 1. Applicant shall construct and maintain the project as identified in the attached exhibits.
- 2. Applicant shall submit a revised landscaping plan incorporating the 30 percent tree canopy coverage plan.
- 3. Applicant shall submit a lighting plan meeting the UDC lighting standards at the time of building permit submittal.
- 4. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

DULUTH PL 23-128 MU-I Planning Review Site Map

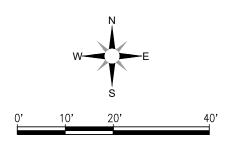


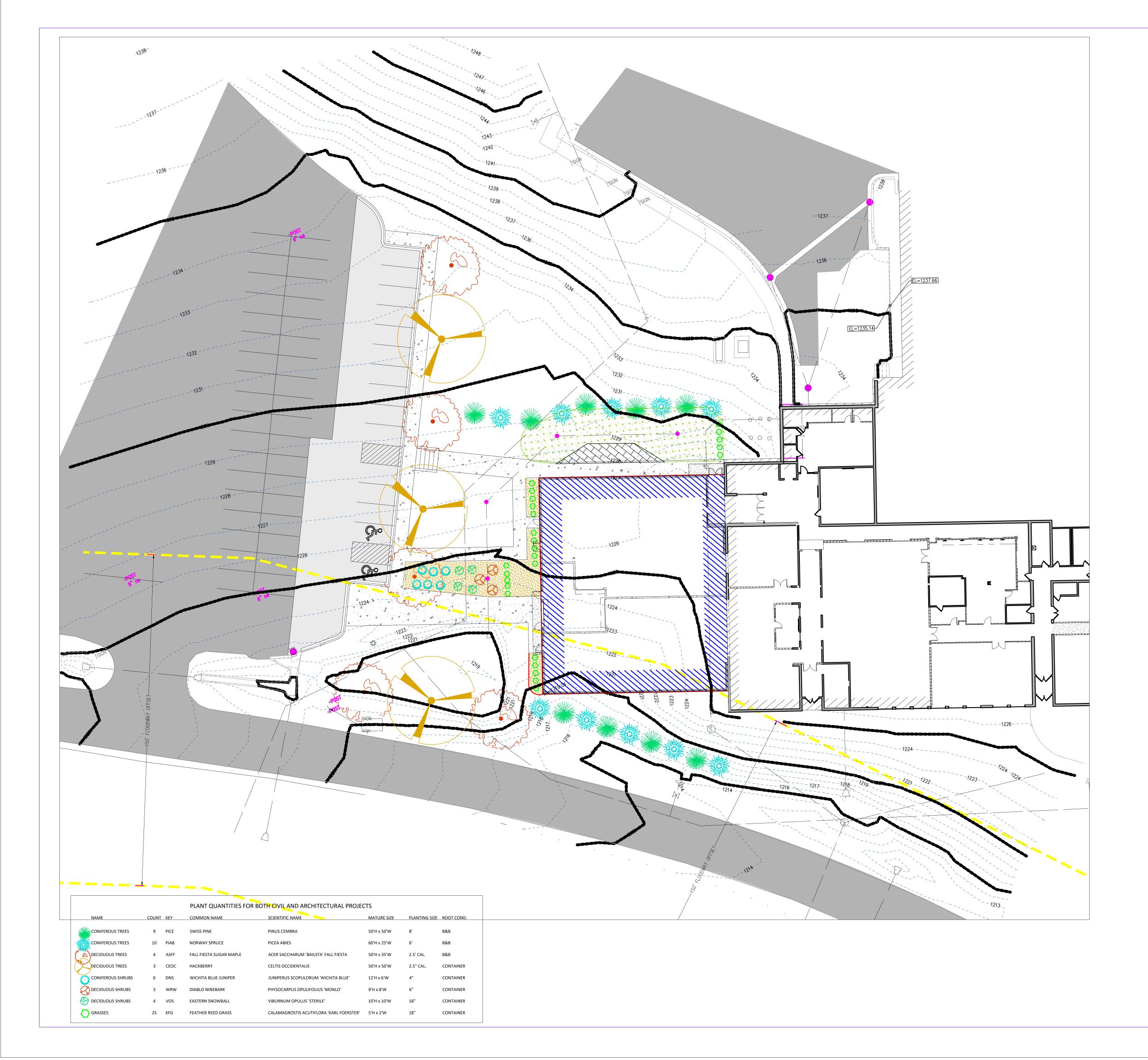
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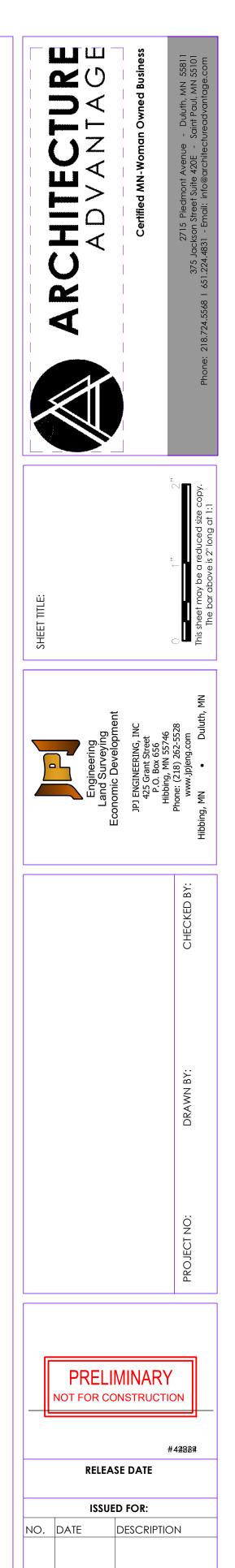


	A R C H I T E C T U R E A D V A N T A G III	2715 Piedmont Avenue - Duluth, Minnesota 55811 375 Jackson Street Suite 420E - Saint Paul, MN 55101 Phone: 218.724.5568 651.224.4831 - EMail: info@architectureadvantage.com
	Northla	Certified MN-Woman Owned Business
	Consulting Engineers L. 102 South 21st. Ave. West Suite #1 Tele:	L.P. 218.727.5995 218.727.7779 tion, or
	Professional Engineer under the laws of of Minnesota. PRELIMINARY NOT FOR CONSTRUCTION	XX/XX/XX No: ####
	SITE PLAN	This sheet may be a reduced size copy.The bar above is 1" long on a full size sheet. Drawing scales apply to full size sheets.
	CATION H MN 55811	CHECKED BY: TTP
	LSC MFR RELOCATION 221 TRINITY RD., DULUTH MN 55811	DRAWN BY: DRH
	LSC 221 TRI	PROJECT NO: 22-691
	RELEASE DATE: 08-03-2023 REVISIONS:	
	SET NO.	
40' ■	SHEET NO. C5.0 OF 10	

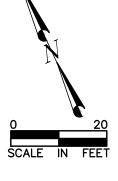




- LANDSCAPE NOTES
- 1. COORDINATE INSTALLATION WITH CONTRACTORS PERFORMING RELATED WORK.
- 2. SEED MIXTURES SHALL BE AS DEFINED IN CURRENT MNDOT SEEDING MANUAL. NATIVE SEEDS SHALL BE OF MINNESOTA (OR AS SPECIFIED) ORIGIN AND CERTIFIED BY THE MINNESOTA CROP IMPROVEMENT ASSOCIATION (MCIA). PROVIDE VERIFYING DOCUMENTATION TO THE OWNER 30 DAYS MINIMUM PRIOR TO INSTALLATION.
- 3. FOLLOW MNDOT SEEDING MANUAL FOR PLANTING INSTRUCTIONS FOR ESTABLISHMENT OF NATIVE SEED AND PROVIDE COORDINATION FOR REQUIRED EROSION PREVENTION AND SEDIMENT CONTROL.
- 4. PLANT MATERIAL SHALL CONFORM TO THE AMERICAN ASSOCIATION OF NURSERYMEN STANDARDS AND BE OF HARDY STOCK, FREE FROM DISEASE, INFESTATION, DAMAGE, AND DISFIGURATION. FOR DISCREPANCY BETWEEN THE NUMBER OF PLANTS ON THE SCHEDULE AND THE NUMBER SHOWN ON THE DRAWING, THE DRAWING SHALL GOVERN.
- PLANTING SOIL SHALL CONSIST OF 4 PARTS TOPSOIL TO 1 PART PEAT HUMUS, WITH 3 POUNDS OF COMMERCIAL FERTILIZER ADDED PER CUBIC YARD.
- 6 SPREAD A MINIMUM OF 6 INCHES OF TOPSOIL AND SEED/SOD ALL TURF AREAS DISTURBED BY CONSTRUCTION.
- 7 EDGE SHRUB BEDS WITH 6-INCH METAL EDGING (BLACK DIAMOND OR APPROVED EQUAL) EXCEPT WHERE ADJACENT TO CURBING, WALKS OR BUILDINGS.
- 8. PLACE PLANTS ACCORDING TO LAYOUT WITH PROPER NOMINAL SPACING.
- 9. SEE DETAILS FOR DEPTH OF PLANTING SOIL.
- 10 INSTALL 4 INCH DEPTH OF SHREDDED HARDWOOD BARK MULCH IN SHRUB BED AREAS.
- 11 INSTALL 4 INCH DEPTH OF COBBLE ROCK 6"-12" DIA ROCK MULCH IN PERENNIAL AND SHRUB BED AREAS.
- INSTALL A 4-FOOT DIAMETER SHREDDED HARDWOOD BARK MULCH DISH AROUND TREES NOT PLACED WITHIN A SHRUB OR PERENNIAL PLANTING BED. VINYL EDGING IS NOT REQUIRED, UNLESS NOTED OTHERWISE.



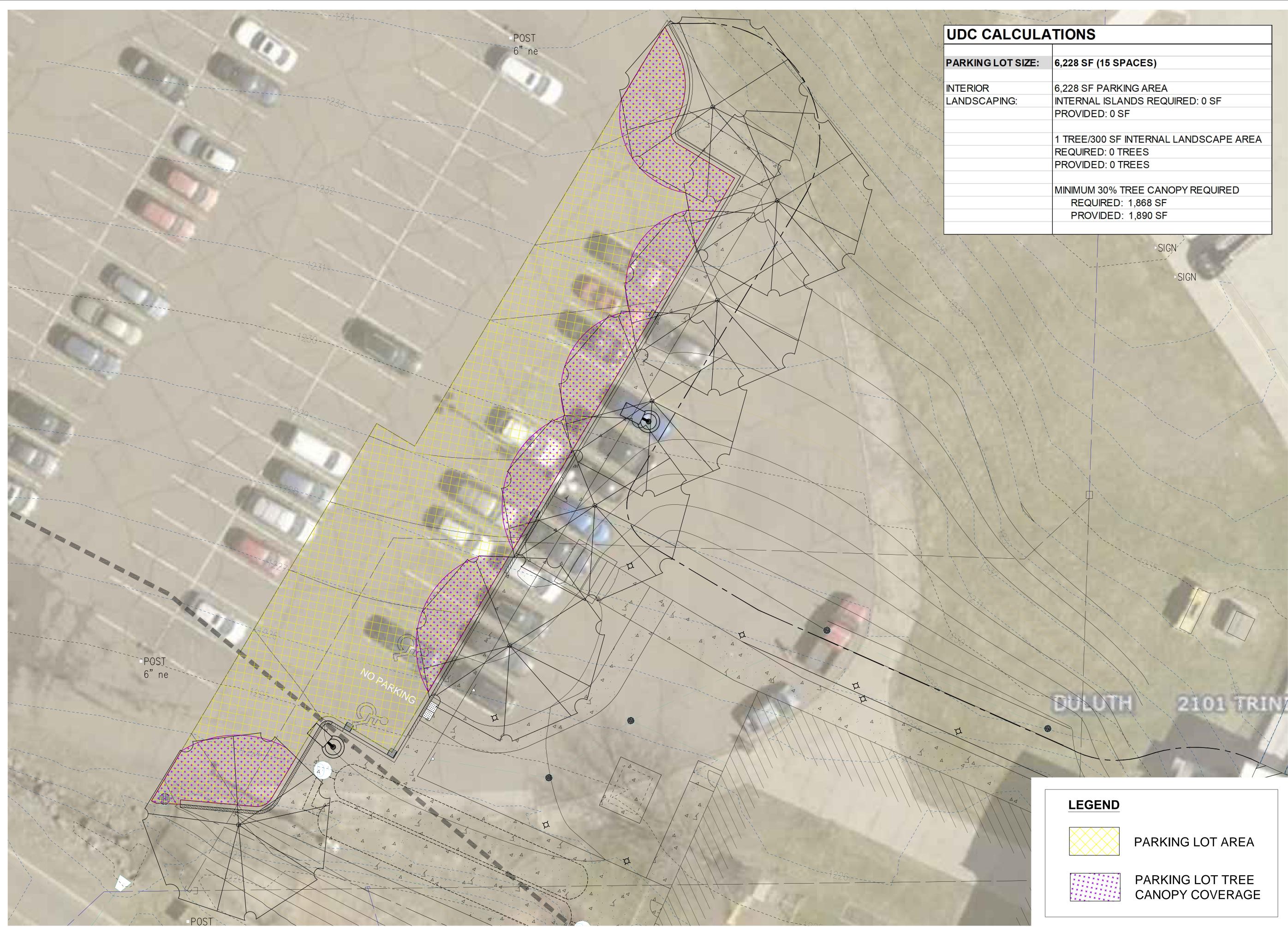
SHEET NO.



LEGEND

RAIN GARDEN/ BIO SWALE

SHREDDED BARK MULCH



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SHEET NUMBER

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Planning & Development Division

Planning & Economic Development Department

218-730-5580

D plar

planning@duluthmn.gov

Room 160 411 West First Street Duluth, Minnesota 55802

File Number	PL 23-143		Contact	Chris Lee	e, clee@duluthmn.gov
Туре	MU-C Pla	MU-C Planning Review Planning Commission		on Date	September 12, 2023
Deadline	Application Date		August 10, 2023 60 Days		October 9, 2023
for Action	Date Ext	ension Letter Mailed	August 18, 2023	120 Days	s December 8, 2023
Location of Sub	ocation of Subject 338 East Central Entrance				
Applicant	West En	d Properties, Inc	Contact		
Agent			Contact		
Legal Description	on	010-2710-05990			
Site Visit Date		September 1, 2023	Sign Notice Date		August 29, 2023
Neighbor Letter	Date	August 18, 2023	Number of Letters Sent		18

Proposal

Construction of 4,778 square foot laundromat (personal services and repair) and associated site improvements including 24 parking stalls.

Recommended Action: Approve with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-C	Auto Repair and Sales/Vacant	Central Business Secondary
North	MU-C	Retail	Central Business Secondary
South	R-1	Undeveloped	Open Space
East	MU-C	Undeveloped	Central Business Secondary
West	MU-C	Commercial	Central Business Secondary

Summary of Code Requirements:

50-15.3.E MU-C District – Planning review by the Planning Commission is required for most development and redevelopment. Development Standards:

1. The location, size and number of curb cuts shall be designed to minimize traffic congestion or hazard in the area. Any traffic control improvements required as a result of the proposal such as traffic signals, turning lanes, medians, signage and other types of improvements necessary to accommodate traffic flow to and from the proposed project shall be paid for by the property owner. Any additional right-of-way or easements needed shall be provided by the property owner at no cost to the city;

2. Any necessary public easements over the subject property shall be dedicated, and any necessary improvements within such easements or other easements adjacent to the subject property shall be made. 50-18.1 Shoreland, Flood Plains, Wetlands, Stormwater.

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

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

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

50-26 Screening, Walls, and Fences – Screening of equipment, loading areas, etc., plus fences & retaining walls. 50-29 Sustainability Standards – Sustainability point system for new development.

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

50-31 Exterior Lighting – Directs the minimum and maximum illumination values and lighting fixtures for a site.

50-37.11 Planning Review – Planning Commission shall approve the Planning Review or approve it with

modifications, if it is determined that the application complies with all applicable provisions of this Chapter.

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

Governing Principles:

Principle # 1- Reusing of previously developed lands: this proposal is making improvements to an existing site in a business district.

Principle #5 - Promote reinvestment in neighborhoods: this proposal is utilizing an existing site to bring a new business to a business district.

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

History:

The property has been used as various automotive uses (repair, sales, service) since the structure was built in 1961.

Review and Discussion Items:

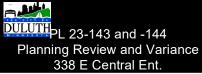
Staff finds:

- 1. The applicant is proposing to construct a new 4,777 square foot laundromat. A laundromat is a permitted use under the use of Personal Service and Repair.
- 2. As demonstrated with the governing principles above as well as the future land use of Central Business Secondary, this proposal meets the goals of the comprehensive plan.
- 3. UDC Sec. 50-24 (Parking and loading). The site plan indicates 24 parking stalls. The minimum number of stalls for this use is 12., meaning the maximum allowed is 18. Staff recommends that applicant either reduce the number of parking spaces or apply for a variance.
- 4. UDC Sec. 50-25 (Landscaping and Tree Preservation). As the lot is less than 25 stalls, the only applicable landscaping requirement for the parking lot is 30% tree canopy coverage; applicant is proposing ____% as shown in the attached plans. The applicant is proposing to meeting the street frontage landscaping requirements with 16 trees and 50 shrubs.
- 5. UDC Sec. 50-26 (Screening, Walls and Fences). Garbage/recycling containers will be screened meeting all UDC requirements. No exterior mechanicals are proposed in the site plan, but any added will be required to be screened.
- 6. UDC Sec. 50-29 (Sustainability Standards). Does not apply as the structure is under 10,000 square feet.
- 7. UDC Sec. 50-30 (Building Design Standards). The proposed structure meets these requirements for wall articulations, roof design, and glazing.
- 8. UDC Sec. 50-31 (Exterior Lighting). All proposed exterior lighting is specified as downward pointing and cut-off with no excess light crossing the property line.
- 9. As demonstrated by the above findings, this proposal meets all application provisions of the UDC.
- 10. The proposed laundromat will not result in a random pattern of development or have anticipated negative fiscal or environmental impacts.
- 11. No public, agency, or other City comments were received.
- 12. No City, agency, or public comments were received.
- 13. Per UDC 50-37.1.N, an approved Planning Review will expire if the project or activity authorized is not begun within one year, which may be extended for one additional year at the discretion of the Land Use Supervisor.

Staff Recommendation:

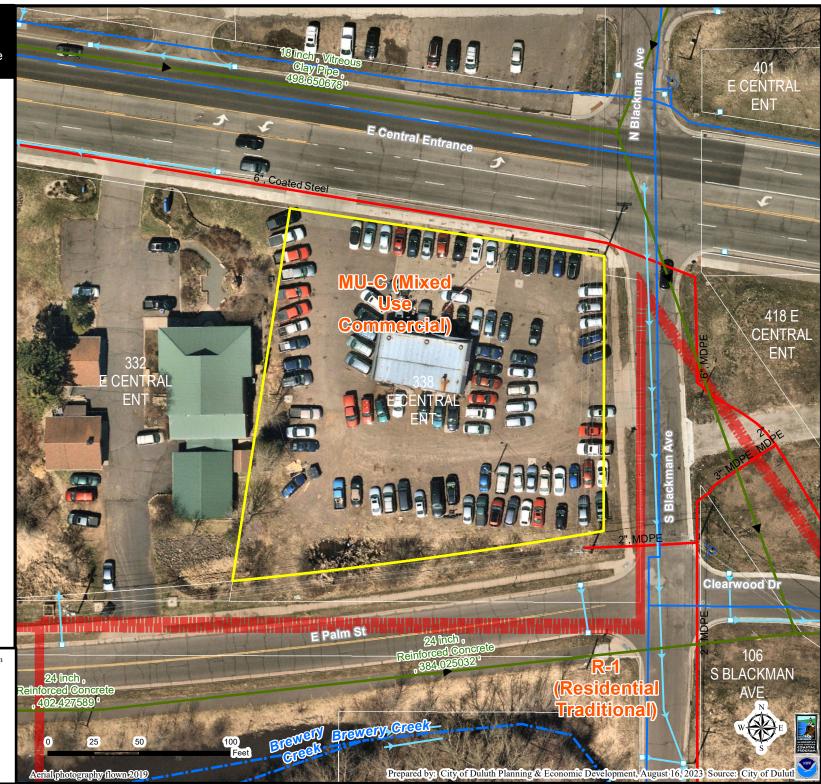
Based on the above findings, Staff recommends that Planning Commission approve the Planning Review with the following conditions:

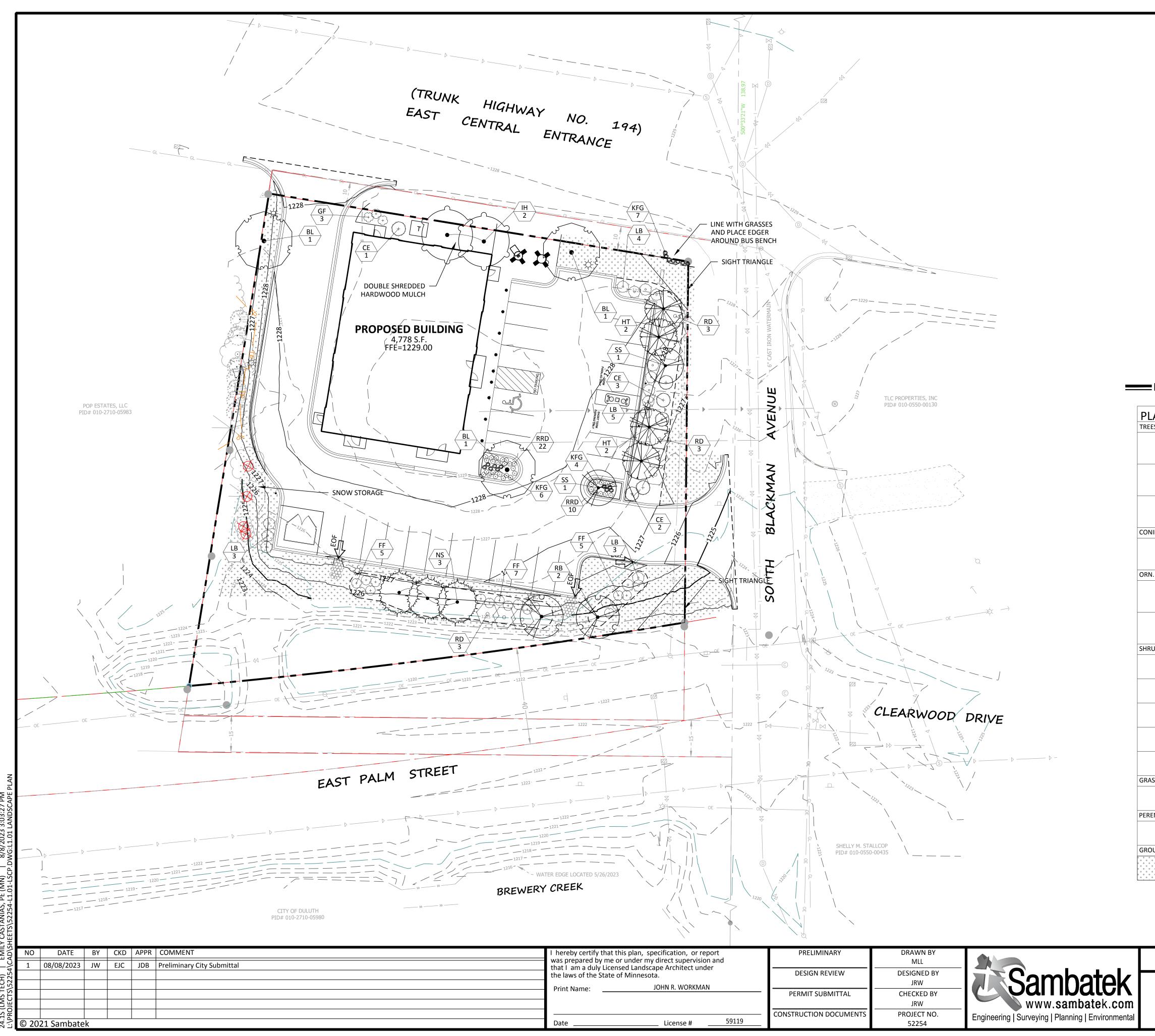
- 1. Applicant shall construct and maintain the project as identified in the attached exhibits.
- 2. Applicant shall either reduce the amount of required parking to meet UDC requirements or shall apply for a parking variance.
- 3. All screening, lighting, and other UDC requirements will be verified at time of building permit application.
- 4. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

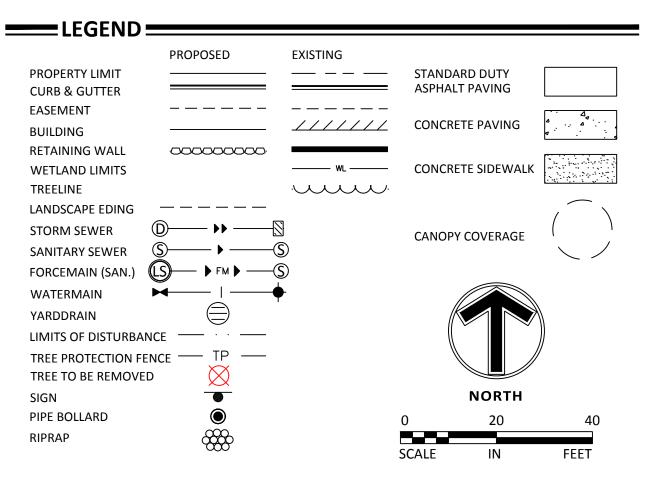




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DULUTH LANDSCAPE CODE

CALCULATIONS Sec. 50-25.3-B	REQUIRED	PROPOSED
ONE TREE PER 35 LF OF STREET FRONTAGE ONE LARGE SHRUB PER 25 LF OF STREET FRONTAGE 50-25.4-A	(175/35)=5 (175/25)=7	5 7
ONE TREE PER 35 LF OF PARKING LOT FRONTAGE THREE LARGE SHRUB PER 25 LF OF PARKING LOT FRONTAGE	(355/35)=11 (355/25)*3=43	11 43

NOTE: ALL REQUIRED LANDSCAPING SHALL BE PLANTED IN UNCOMPACTED SOIL WITH A MINIMUM DEPTH OF TWO (2) FEET PER CODE SECTION 50-25.2(F.)

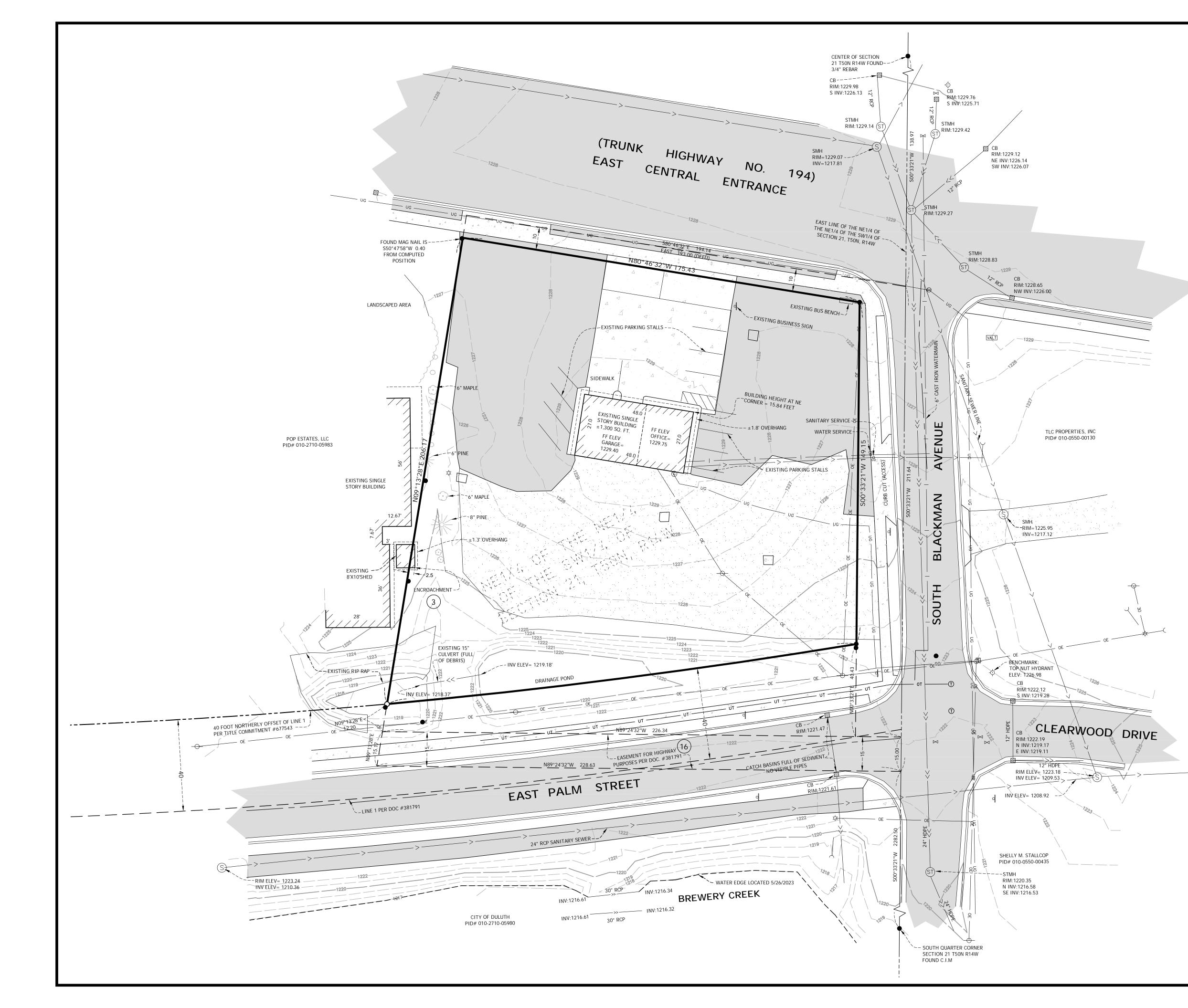
PLANT SCHEDULE

5	CODE	BOTANICAL / COMMON NAME	CONT	CAL	SIZE	QTY
	RB	Betula nigra `Cully` TM / Heritage Birch	B & B	2.5"Cal		2
$\frac{\overline{}}{\overline{}}$	IH	Gleditsia triacanthos `Imperial` / Imperial Honeylocust	B & B	2.5"Cal		2
e e e e e e e e e e e e e e e e e e e	BL	Tilia americana `Boulevard` / Boulevard Linden	B & B	2.5"Cal		3
FERS	CODE	BOTANICAL / COMMON NAME	CONT	CAL	SIZE	QTY
·	NS	Picea abies / Norway Spruce	B & B		6`	3
TREES	CODE	BOTANICAL / COMMON NAME	CONT	CAL	SIZE	QTY
	НТ	Crataegus crus-galli `Inermis` / Thornless Hawthorn	B & B	2.5"Cal		4
\bigcirc	SS	Malus x `Spring Snow` / Spring Snow Crab Apple	B & B	2"Cal		2
BS	CODE	BOTANICAL / COMMON NAME	CONT	SIZE		
0	RD	Cornus baileyi / Bailey`s Red-twig Dogwood	5 gal			9
+	CE	Euonymus alatus `Compactus` / Compact Burning Bush	5 gal			6
(+ c)	FF	Forsythia x `Fiesta` / Fiesta Forsythia	5 gal			17
(+)	GF	Forsythia x `Gold Tides` / Golden Tide Forsythia	5 gal			3
\bigcirc	LB	Syringa x `Bloomerang` / Lilac	5 gal			15
SES	CODE	BOTANICAL / COMMON NAME	CONT	SIZE		
and the second sec	KFG	Calamagrostis x acutiflora `Karl Foerster` / Feather Reed Grass	1 gal			17
NNIALS	CODE	BOTANICAL / COMMON NAME	CONT	SIZE		
$\langle \cdot \rangle$	RRD	Hemerocallis x `Rosy Returns` / Daylily	1 gal			32
JND COVERS	CODE	BOTANICAL / COMMON NAME	CONT			
·	TUR HIG	Turf Sod Highland Sod / Sod	Sod			

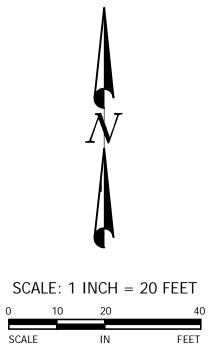
LANDSCAPE PLAN

LINN PROPERTY DEVELOPMENT, LLC TUMBLE FRESH CONCEPT DULUTH, MN





	DATE	15	JI
_	עאור		Sit ⊃J ⊢
	6/16/2023	ADDED EXISTING UTILITY INFORMATION	e D ENC 425 libbin (21) 70 N Dulu (21)
			gine J Su Granng, N 8) 20 filler th, M 8) 72 vv.jpj
			ERII 62-5 • Trur 1N 5 20-6
			NG, I reet 5746 528 nk H 5811 219
			nt NC 6



LEGEND:

- = FOUND IRON MONUMENT
- = 1/2 INCH IRON MONUMENT SET AND MARKED
- WITH CAP INSCRIBED "JPJ ENG 21401" = SANITARY SEWER MANHOLE
- = STORM SEWER MANHOLE
- = CATCH BASIN
- = HYDRANT
- = GATE VALVE
- = ELECTRIC POWER POLE
- = GUY WIRE
- = TELEPHONE BOX
- = SANITARY SEWER LINE
 - = STORM SEWER LINE

— >> -

— UE —

(13)

- UG UNDERGROUND GAS LINE
- ------ OE ------ = OVERHEAD ELECTRIC LINE
- _____X ____X ____ = FENCE LINE
- UT ----- UT = UNDERGROUND TELEPHONE LINE = UNDERGROUND ELECTRIC LINE
 - = BITUMINOUS SURFACE
 - = CONCRETE SURFACE
 - = GRAVEL SURFACE
 - = EXCEPTIONS FROM SCHEDULE B, SECTION II OF TITLE COMMITMENT

SURVEYOR NOTES:

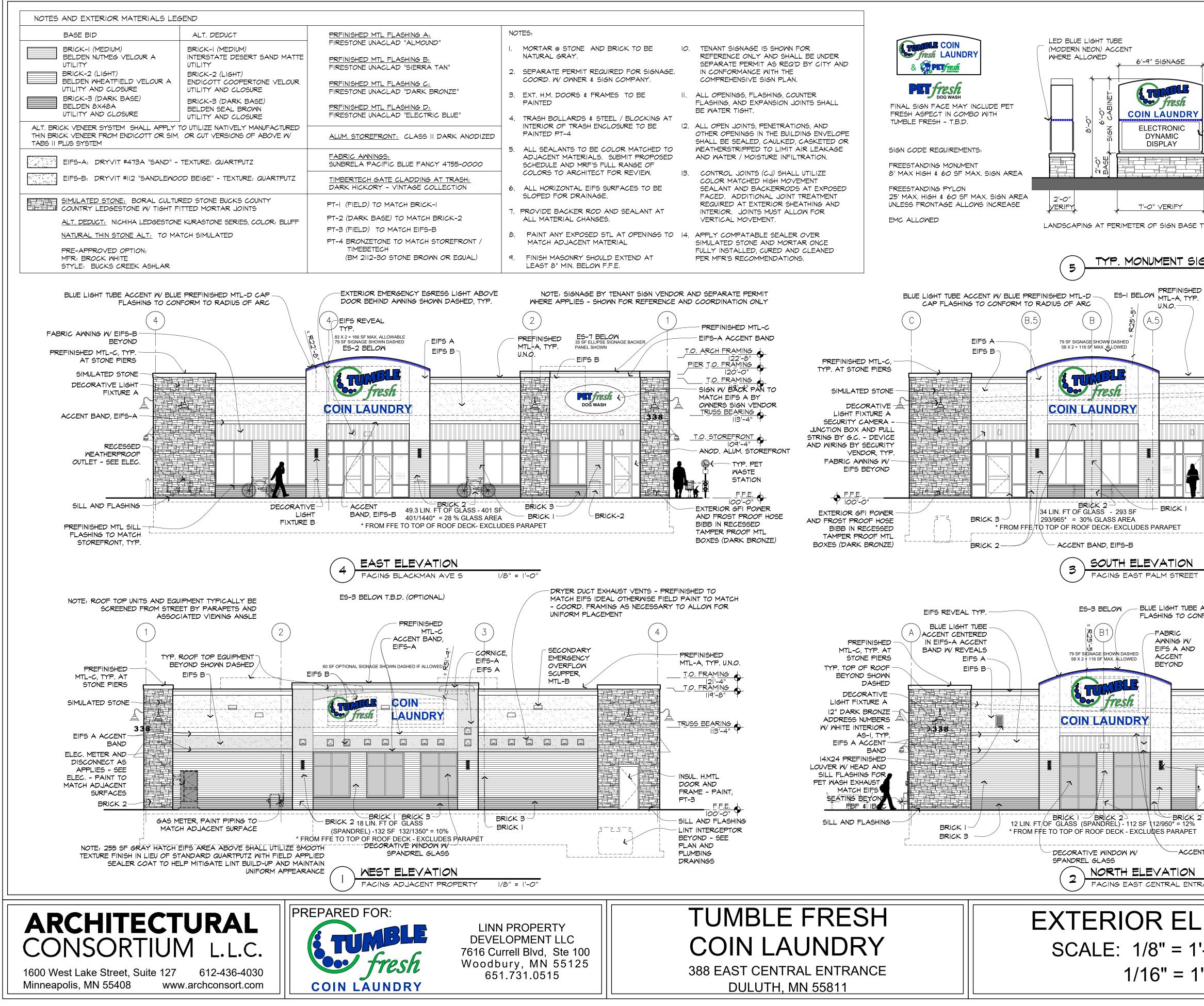
Orientation of the bearing system is based on the east line of the NE1/4 of the NE1/4 of the SW1/4 of Section 21, T50N, R21W, to have a bearing of S 00°33'21" W.

See sheet 1 of 2 sheets for Property Description, Title Commitment Notes, Surveyor Notes, Vicinity Map and Certification.

 \succ SURVE C S ЦГЕ \vdash LAND \Box \geq TA/NSPS Δ ____ Б ш AL

SURVEY BY : DRAWN BY : DESIGNED BY : APPROVED BY : RM DATE: 6/08/2023 PROJECT NUMBER 23-199 SHEET NUMBER

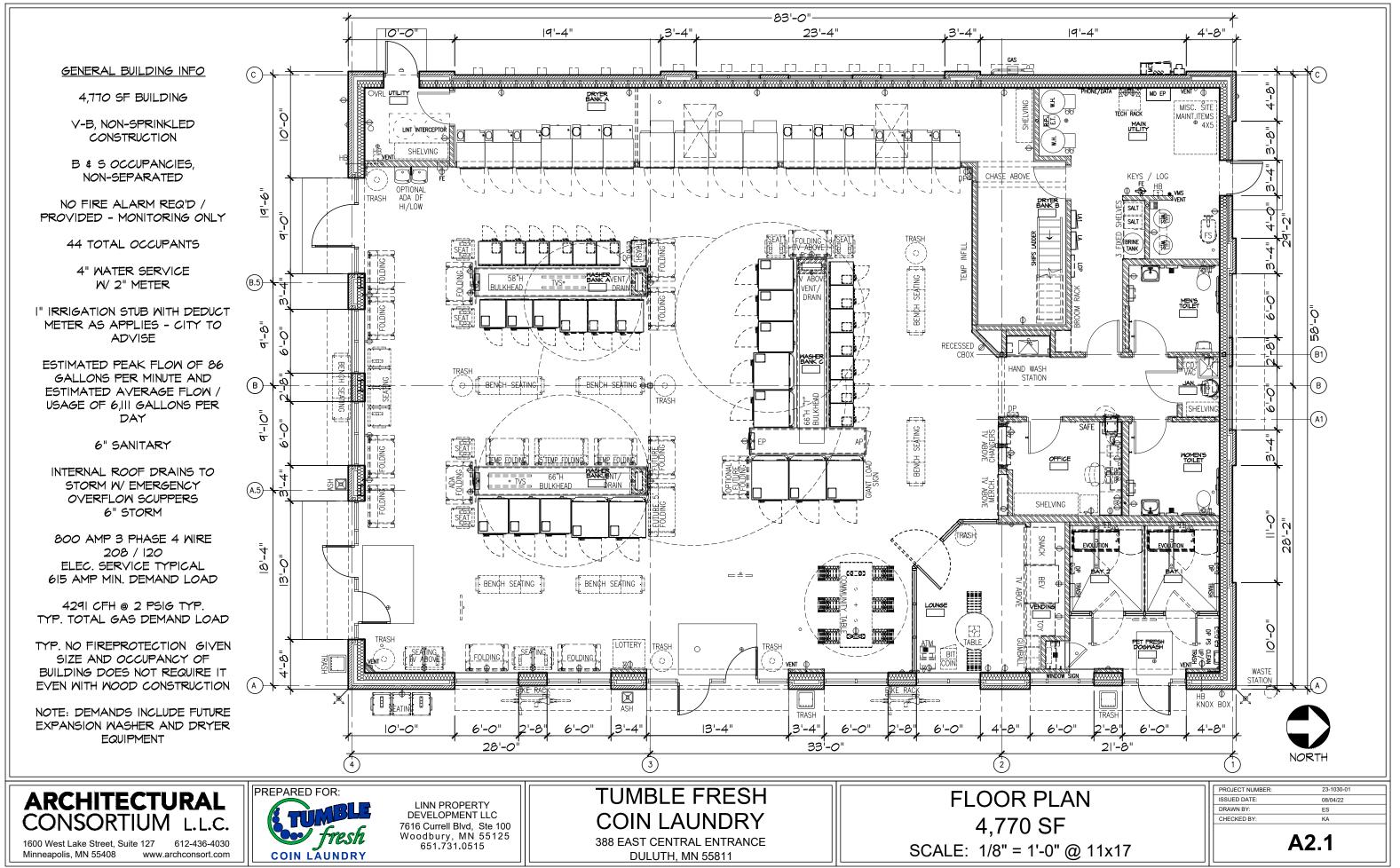
2 OF 2

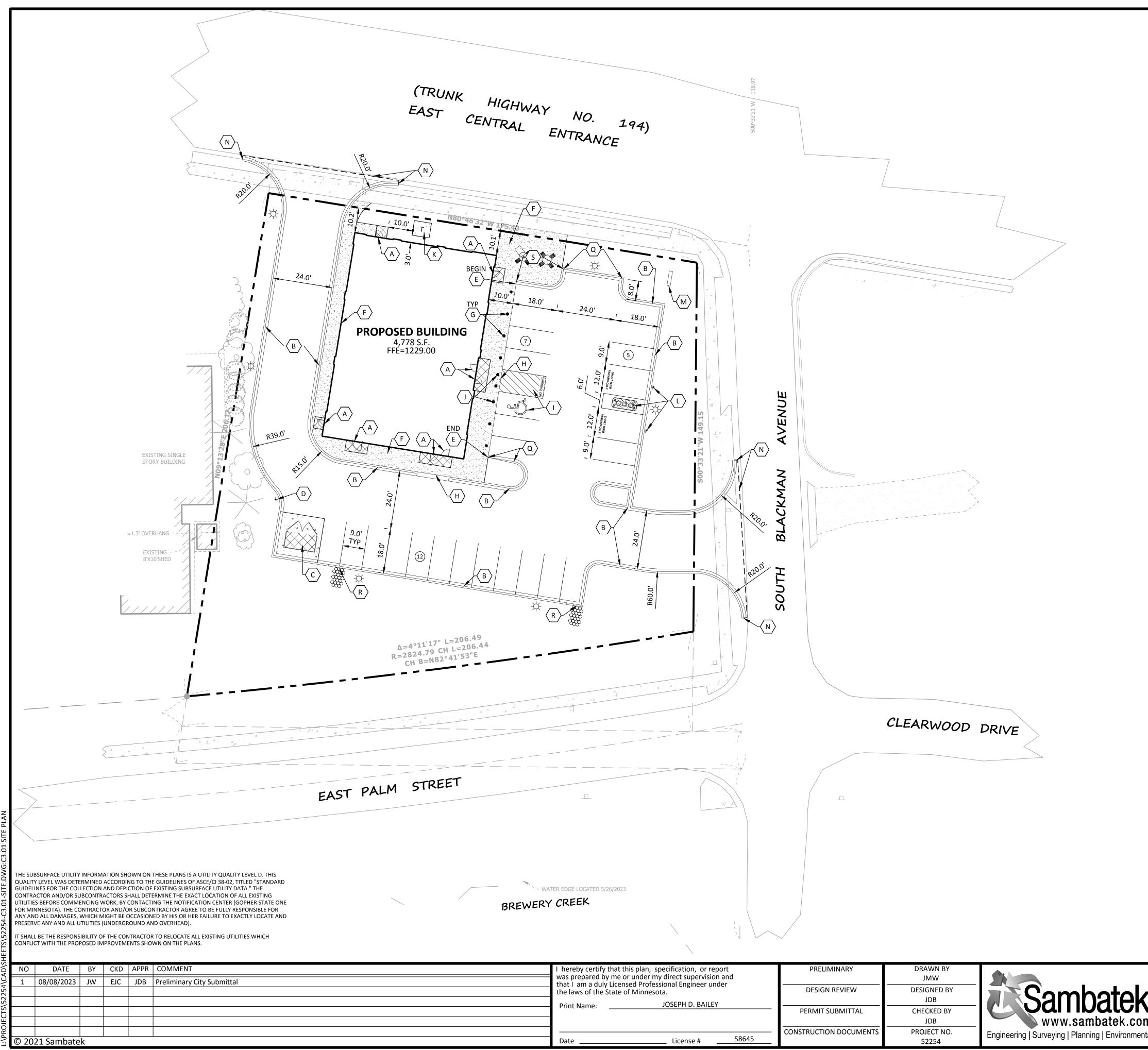


	VENDOR UNDER SEPARATE PERMIT.				
Ł	40 SF PER SIDE SHOWN ONLY I SIDE COUNTS TOWARDS AGGREGATE AREA		CELLAR PVC FAUX WOOD CLADDING, ALL SIDES	SUPPORT, BLOCKING BOLLARD	
K	TWO-SIDED BACKLIT ALUM. SIGN CABINET BY SIGN CO. TO MATCH EIFS-A ON BUILDING			AND GATE POST - PAINT. PT-4	1
	LED ELECTRONIC READER BOARD AS ALLOWED BY SIGN CO FINAL SIZE TO BE DETERMINED 17 SF SHOWN			Ш_	
×	MTL FLASHING		CELLAR PVC FAUX		
K	SIM. STONE VENEER BASE TO MATCH BUILDING BY G.C. ON SUBSTRATE BASE BY SIGN VENDOR			/ 	
	G.C. SHALL COORDINATE AND PROVIDE CONDUIT W/ PULL STRING		-9- -9-		
*	AND POWER BACK TO BUILDING - COORD. EXACT LOCATION OF STUB				
YP.	AT SIGN W/ OWNERS SIGN VENDOR				
SN		(6	TYP. TRASH		
	/4" = '- <i>O</i> "			/8" = '- <i>0</i>	, II
AND	GNAGE BY TENANT SIGN VENDOR SEPARATE PERMIT - SHOWN FOR RENCE AND COORDINATION ONLY				
	(A)				
	EIFS-A ACCENT BAND				
	T.O. ARCH FRAMING 122'-8"				
	PIER T.O. FRAMING				
<u> </u>					
	ACCENT BAND,				
	TRUSS BEARING				
	T.O. STOREFRONT				
	ANOD. ALUM.				
	SILL AND FLASHING				
	/⊗" = '− <i>O</i> "				
	BLUE PREFINISHED MTL-D CAP ADIUS OF ARC				
	PREFINISHED MTL-A, TYP. U.N.O.				
	T.O. ARCH FRAMING				
/					
	EIFS-A ACCENT BAND				
	SIMULATED STONE				
	II3'-4" Y PROPOSED KNOX BOX				
	T.O. STOREFRONT				
	DECORATIVE LIGHT FIXTURE B, TYP.				
4 F	FRAME - PAINT, PT-3				
	E.F.E. 100'-0" BRICK I				
	BRICK 3				
T BAND, EIF	 ∋-B				
A 11					
ANCE	/⊗" = '− <i>O</i> "				
	ATIONS		JECT NUMBER: ED DATE:	23-1030-01	
			NN BY:	08/04/22 ES	
-0" (D 22X34	CHE	CKED BY:	KA	
			۸٩	2 1	
-U ((@ 11X17			J. I	

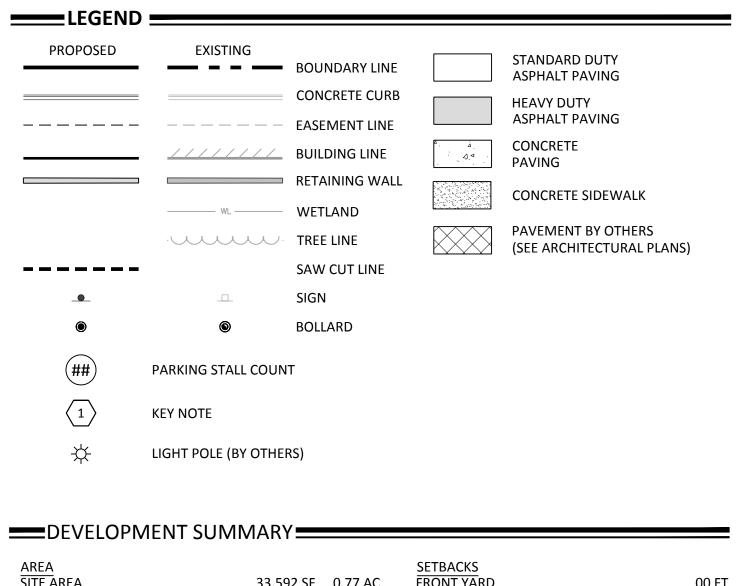
SIGN SHOWN FOR GENERAL REFERENCE

AND COORDINATION ONLY BY SIGN





Engineering | Surveying | Planning | Environmental



SITE AREA	33,592 SF	0.77 AC	FRONTYARD	00 F I
			REAR YARD	00 FT
PARKING SUMMARY			SIDE YARD	00 FT
STANDARD REQUIRED (2.5/1,000 SF	MIN)	12 STALLS		
MAXIMUM ALLOWABLE (200% OF N	/IN)	24 STALLS	ZONING	
ADA REQUIRED		1 STALLS	EXISTING ZONING	MU-C
			PROPOSED ZONING	MU-C
STANDARD PROVIDED		23 STALLS		
ADA PROVIDED		1 STALLS	GREEN SPACE REQUIREMENTS	
			EXISTING PERVIOUS	6,579 SF
			EXISTING IMPERVIOUS	27,013 SF
			PROPOSED PERVIOUS	12,102 SF
			PROPOSED IMPERVIOUS	21,490 SF

DEVELOPMENT NOTES

1. NOTES PLACEHOLDER

KEY NOTES

- A. BUILDING, STOOPS, STAIRS (SEE ARCHITECTURAL PLANS)
- B. B-612 CONCRETE CURB AND GUTTER (SEE DETAIL 03, SHEET C9.01)
- C. TRASH ENCLOSURE (SEE ARCHITECTURAL PLANS)
- D. NO LOITERING SIGNAGE (SEE ARCHITECTURAL PLANS)
- E. INTEGRAL CURB AND SIDEWALK
- F. CONCRETE SIDEWALK (SEE DETAIL 04, SHEET C9.01)
- G. CONCRETE PIPE BOLLARD (SEE DETAIL 04, SHEET C9.02)
- H. ADA ACCESS LOCATION
- I. ACCESSIBLE STALL STRIPING (SEE DETAIL 01, SHEET C9.01)
- J. ACCESSIBLE PARKING SIGN (SEE DETAIL 02, SHEET C9.01)
- K. TRANSFORMER
- L. VACUUM ISLAND & PARKING SIGNAGE (SEE ARCHITECTURAL PLANS)
- M. MONUMENT SIGN (SEE ARCHITECTURAL PLANS)
- N. MEET & MATCH EXISTING
- O. ELECTRIC METER
- P. GAS METER
- Q. CURB TRANSITION (SEE GRADING PLAN, SHEET C4.01)
- R. CURB CUT WITH RIP RAP (SEE DETAIL 02, SHEET C9.02)
- S. B612 FLAT CURB AND GUTTER (SEE DETAIL 07, SHEET C9.01)

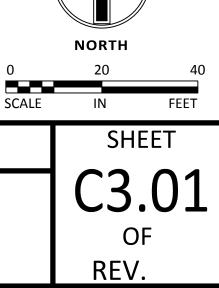
SITE PLAN

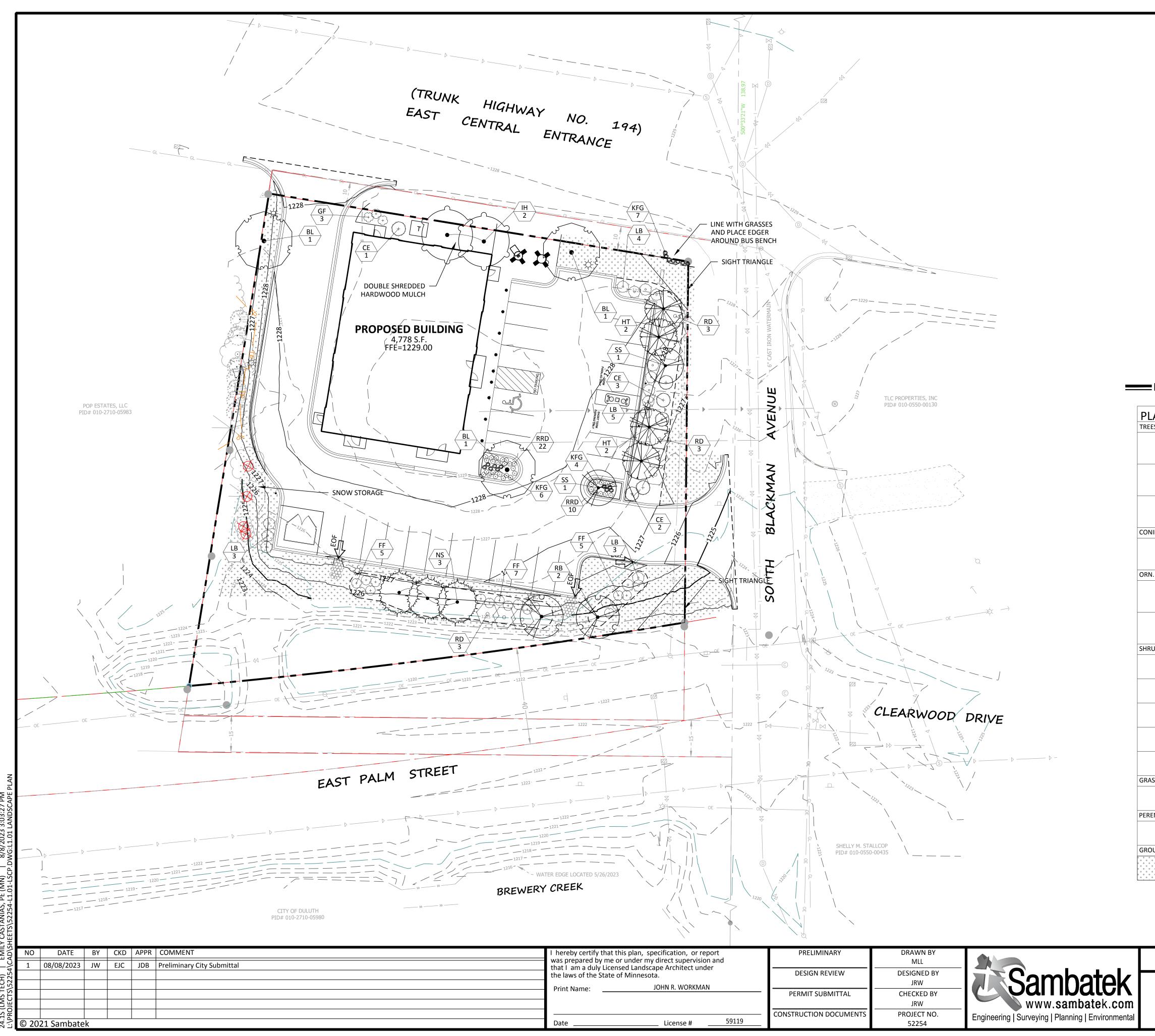
LINN PROPERTY DEVELOPMENT, LLC

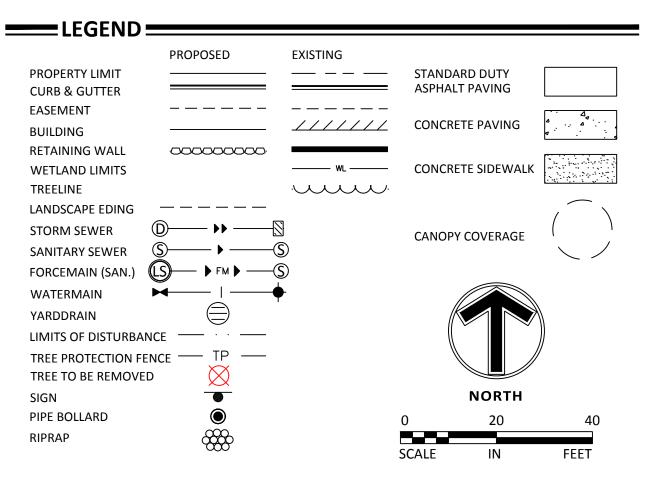
TUMBLE FRESH

CONCEPT

DULUTH, MN







DULUTH LANDSCAPE CODE

CALCULATIONS Sec. 50-25.3-B	REQUIRED	PROPOSED
ONE TREE PER 35 LF OF STREET FRONTAGE ONE LARGE SHRUB PER 25 LF OF STREET FRONTAGE 50-25.4-A	(175/35)=5 (175/25)=7	5 7
ONE TREE PER 35 LF OF PARKING LOT FRONTAGE THREE LARGE SHRUB PER 25 LF OF PARKING LOT FRONTAGE	(355/35)=11 (355/25)*3=43	11 43

NOTE: ALL REQUIRED LANDSCAPING SHALL BE PLANTED IN UNCOMPACTED SOIL WITH A MINIMUM DEPTH OF TWO (2) FEET PER CODE SECTION 50-25.2(F.)

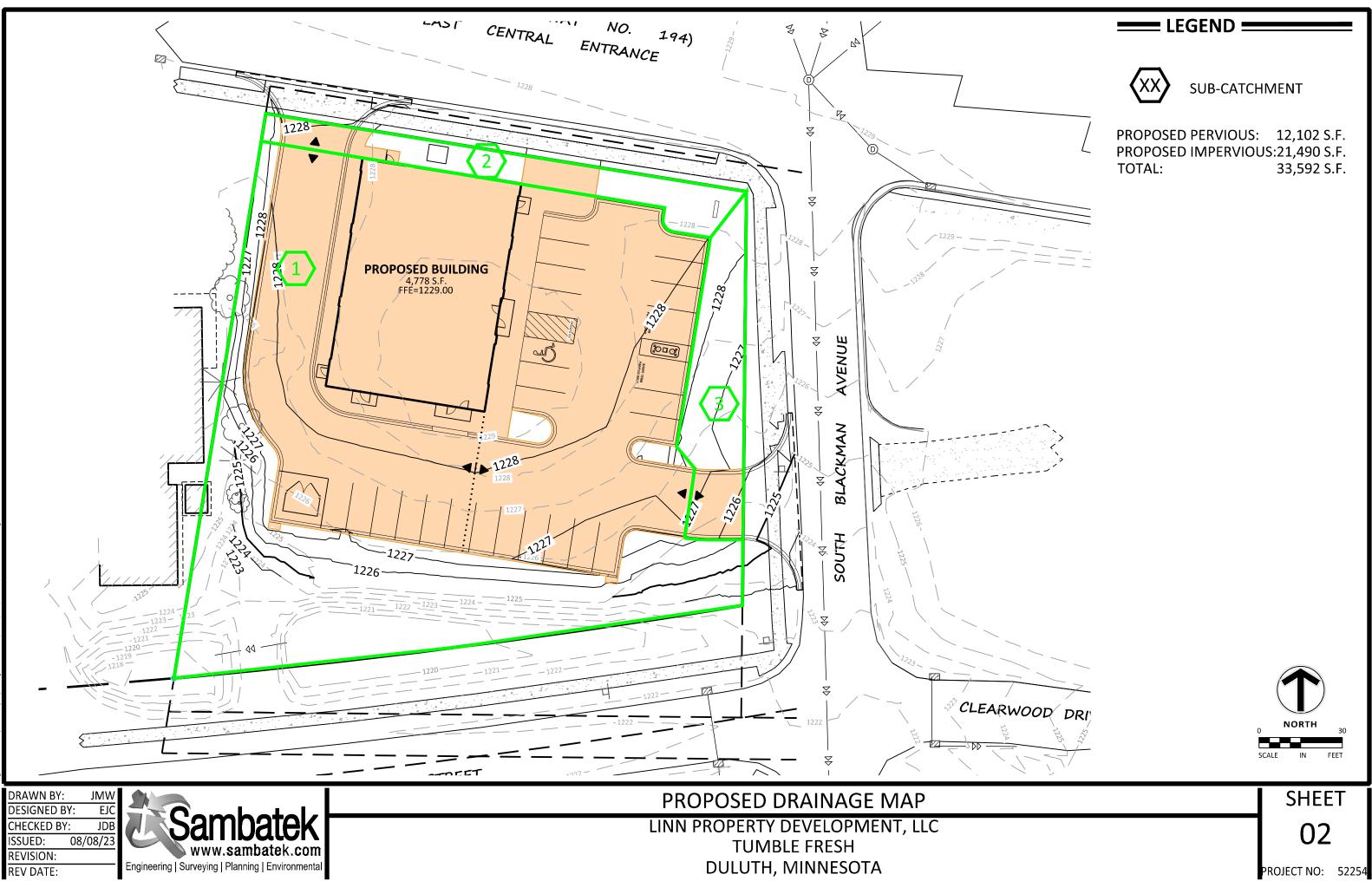
PLANT SCHEDULE

5	CODE	BOTANICAL / COMMON NAME	CONT	CAL	SIZE	QTY
	RB	Betula nigra `Cully` TM / Heritage Birch	B & B	2.5"Cal		2
$\frac{\overline{}}{\overline{}}$	IH	Gleditsia triacanthos `Imperial` / Imperial Honeylocust	B & B	2.5"Cal		2
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· · · · · · · · · · · · · · · · · · ·	TUR HIG	Turf Sod Highland Sod / Sod	Sod			

LANDSCAPE PLAN

LINN PROPERTY DEVELOPMENT, LLC TUMBLE FRESH CONCEPT DULUTH, MN









August 8, 2023

Chris Lee Planner II Planning & Development Division City of Duluth 411 West 1st Street, Room 160 Duluth, MN 55802

Dear Mr. Lee:

We are pleased to submit, on behalf of Linn Property Development, LLC, a member of the Linn Companies, the attached applications for Planning Review and Variance.

Background

Tumble Fresh Coin Laundry is a Minnesota born and expanding regional chain of self-service laundromats, started in 2010 by Stephen Linn of the Linn Companies. All Tumble Fresh Coin Laundromats locations offer clean, bright, comfortable, places to do one's laundry with many industry leading amenities. Today, with twelve locations in operation and several more under development, Tumble Fresh Coin Laundry has emerged as the true leader in the laundromat business, well known for outstanding quality and industry leading innovation throughout the Midwest.

The most recent stores showcase award-winning interior and exterior designs and now offer dual branding with our very own Pet Fresh Dog Wash. Pet Fresh is part of the same building, accessed through a separate entrance, providing convenient self-serve pet washing without disruption to our state-of-the-art laundromat services. Examples of this can be observed at two of our most recent locations, St. Paul and West St. Paul. Each site illustrates the level of innovation, detail, and craftsmanship incorporated throughout the entire chain of Tumble Fresh / Pet Fresh locations.

Building

The exterior of the structure includes several brick colors, simulated stone, EIFS and glass in conjunction with fabric awnings that are articulated to create an attractive façade, which accents the entrances and points of interest. An array of different lighting types to create further visual interest helps reinforce aspects of the architecture while also being function based. Generous parapets and thoughtful placement of roof top equipment maximize screening effectiveness. Spandrel glass is utilized on some facades to help create visual unity of 4-sided architecture at the exterior without complications of interior complications given interior layout.

Site

The site has been designed to maintain existing driveway locations and drainage patterns. The building is situated in the northwest corner of the site and oriented N-S. This provides the frontage along East Central Entrance while also creating an open and safe environment in the parking lot, the main field of which is expected to East Central Entrance, with additional

Linn Property Development, LLC August 8, 2023 Page 2

viewsheds from South Blackman Avenue and East Palm Street. This creates a real and perceived sense of security, which is important to Tumble Fresh clientele.

Stormwater Management

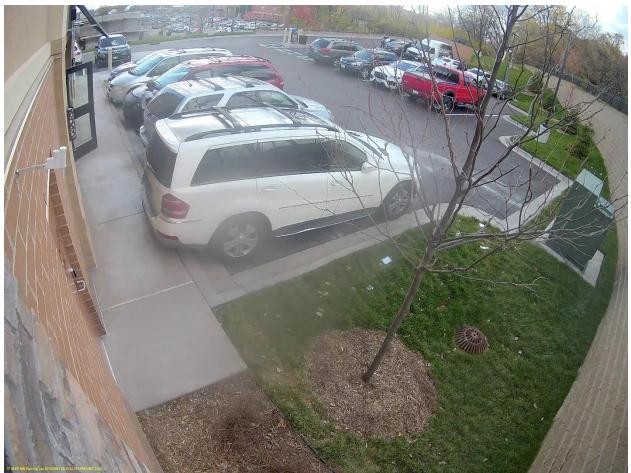
The site will total approximately 0.7 acres of disturbed area and will result in a decrease in impervious surface of approximately 20%. The application materials include a stormwater management memo.

Variance

Laundromat clientele tend to bring large amounts of laundry with them, especially for providers like Tumble Fresh, which provide multiple high-capacity machines. This means that public transit is not ideally suited for this use and leads to high demands for parking. As a result, the applicant is seeking a variance to allow an increase in maximum parking, to 200% of the minimum requirement, 24 total stalls. Below are examples from the West St. Paul, MN location, which shows a full parking lot during peak Sunday operations. A completed Variance Application Supplemental Form has been included with the submittal documents.



View facing building front (north)



View facing building side (southwest)

Sched	ule								
Symbo	l Label	QTY	Manufacturer	Catalog	Description	Number Lamps	Lamp Output	LLF	Input Power
	AA1	4	Lithonia Lighting	DSX0 LED P3 40K TFTM MVOLT	DSX0 LED P3 40K TFTM MVOLT	1	8447	0.9	71
	BB1	1	Lithonia Lighting	DSX0 LED P3 40K BLC MVOLT	DSX0 LED P3 40K BLC MVOLT	1	6925	0.9	71
\bigcirc	W1A	8	ANP Lighting	MBVB16M016LDDW40K	MINI BELLA VISTA - 16.00" BELL SHADE	1	1907	0.9	17.51
	W2	2	Lithonia Lighting	WPX1 LED P2 40K Mvolt	WPX1 LED wallpack 3000lm 4000K color temperature 120-277 Volts	1	2913	0.9	24.42
	W3	8	Lithonia Lighting	OLCS 8 WH	OUTDOOR CAST SCONCE W/DR3 FROSTED LENS; WHITE	1	522	0.9	8.93

Stati	stics						
Descri	ption	Symbol	Avg	Max	Min	Max/Min	Avg/Mir
Parking	Area	Ж	1.9 fc	4.1 fc	0.6 fc	6.8:1	3.2:1
Total A	rea Calculated @ Grade	+	0.4 fc	8.0 fc	0.0 fc	N/A	N/A

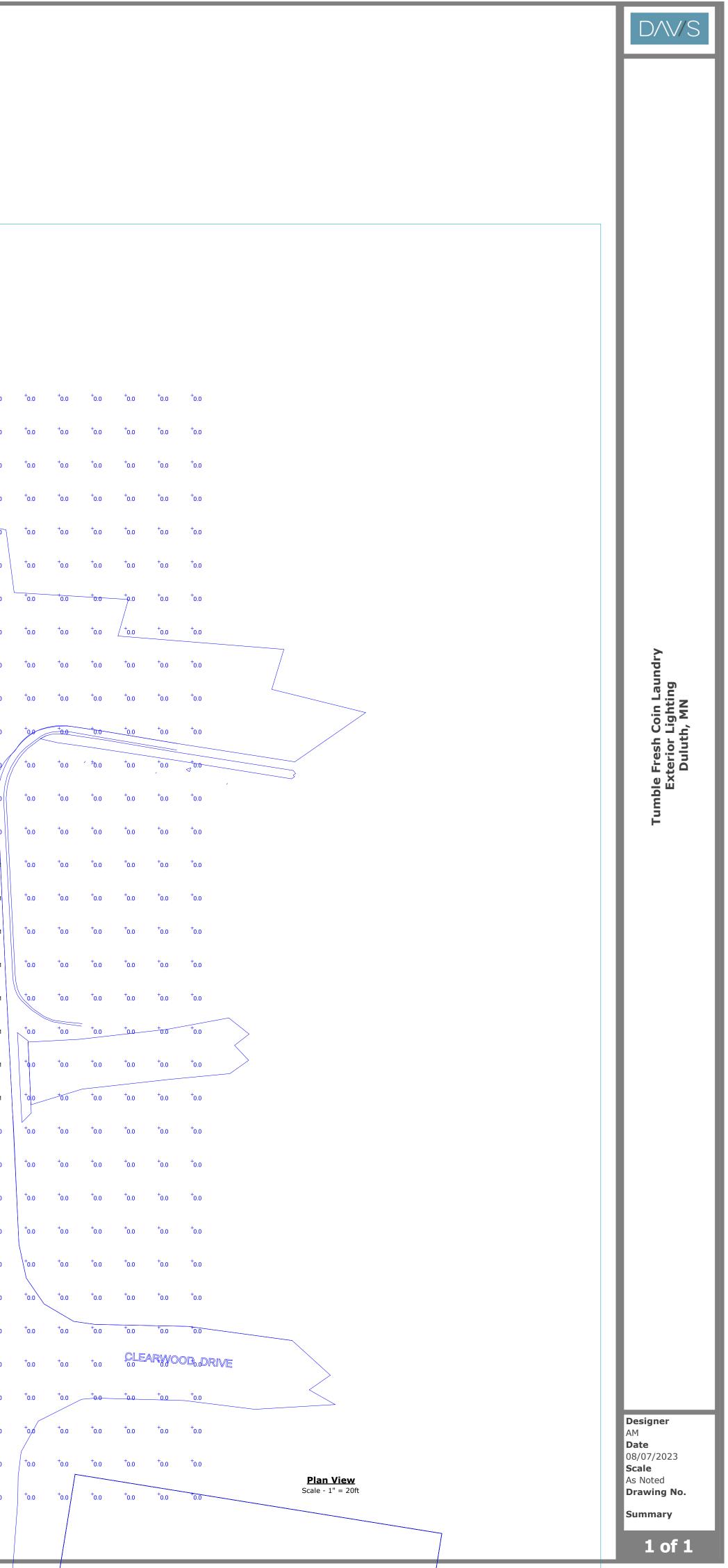
Note

1. Davis and Associates, Inc does not assume responsibility for the interpretation of this calculation, or compliance to local or state lighting codes and ordinances.

2. All readings/calculations are shown @ grade.

3. Fixture heights are shown on plan. 20' pole.

	⁺ 0.0	⁺ 0.0	⁺ 0.0	+0.0	+0.0	+0.0	⁺ 0.0	⁺ 0.0	+0.0	+0.0	+0.0	+0.0	+0.0	+0.0	+0.0	+0.0	+0.0	⁺ 0.0	+0.0	+0.0	+0.0	+0.0	+0.0	+0.0	⁺ 0.0	⁺ 0.0	+0.0	+0.0	⁺ 0.0	+0.0	+0.0	+0
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	+0.0	⁺ 0.0	⁺ 0.0	+0.0	+0.0	+0.0	⁺ 0.0	⁺ 0.0	+8.0	⁺ 0.0	+0.0	+0.0	+0.0	+0.0	+0.0	+0.0	⁺ 0.0	⁺ 0.0	+0.0	+0.0	+0.0	+0.0	+0.0	+ 0.0	+0.0	+0.0	+0.0	+0.0	+0.0	+0.0	+0.0	+0.
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	+0.0	⁺ 0.0	⁺ 0.0	+0.0	+0.0	⁺ 0.0	⁺ 0.0	⁺ 0.0	+0.0	+0.0	+ 0.0	+0.1	+0.2	+0.5	⁺ 0.8	+0.8	+0.4	±0.2	+0.2	+0.2	+0.2	+0.2	+0.2	⁺ 0.3	+0.3	+0.2	⁺ 0.2	+0.1	⁺ 0.1	+0.1	+0.0	+0
	+0.0	⁺ 0.0	+0.0	+0.0	+0.0	⁺ 0.0	+0.0	+0.0	+0.0	+0.0	+0.0	+0.2	*0.6	*1.4		*2.5	⁺ 0.9	±0.4	+0.4	+0.6	+0.8	+0.6	±0.4	*0.4	+0.5	+0.5	+0.4	+0.2	+0.1	+0.1	+0.0	+0
	⁺ 0.0	⁺ 0.0	+0.0	+0.0	+0.0	⁺ 0.0	+0.0	⁺ 0.0	+0.0	+0.0	+0.1	+0.6	*1.2	*2.4	O	3.1 W1A @			+1.0	+1.6	*3.0	+17	+0.8	+0.6	+1.0	[‡] 0.8	+0.4	+0.2	+0.1	+0.1	+0.0	+(
	⁺ 0.0	⁺ 0.0	+0.0	+0.0	⁺ 0.0	⁺ 0.0	+0.0	⁺ 0.0	⁺ 0.0	+0.0	+0.0	+1.1	** 2.2	*2.3	+	T			W3 (7	WIA			+1.7	+1.4	+1.1	+0.6	+0.3	+0.1	⁺ 0,1	⁺ 0.0	+ C
	⁺ 0.0	⁺ 0.0	⁺ 0.0	+0.0	+0.0	+0.0	+0.0	⁺ 0.0	+0.0	+0.0	+ 0.1	+	** 2.7	*2.6	+17									×2.1	*2.6	A1 @ 20'	⁺ 1.4	+1.0	+0.5	0.2	+0.1	+
M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M	0.0	⁺ 0.0	⁺ 0.0	⁺ 0.0	+0.0	+0.0	⁺ 0.0	⁺ 0.0	+0.0	⁺ 0.0	+ 0.	1,41	*3.0	*2.4	1.1 W 3	8 @ 7'] ⁺ 1.5	*1.9	*2.0	*2.2	**2.5	*2.2	*1.7	1.1	+0.6	+0.3	+0.2	+(
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Planning & Development Division

Planning & Economic Development Department

218-730-5580

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planning@duluthmn.gov

Room 160 411 West First Street Duluth, Minnesota 55802

File Number	PL 23-14	15	Contact		Kyle Dem	ing				
Туре	Minor Su	ubdivision	Planning C	Planning Commission Date September 12						
Deadline	Applica	tion Date	August 8, 2	2023	60 Days	October 7, 2023				
for Action	Date Ex	tension Letter Mailed	August 14, 2023 120 Days December 6, 202							
Location of Su	bject	800 E Central Entrance (former	Central Higl	h Schoo	l site)					
Applicant	Luzy Ost	reicher	Contact	On file						
Agent	Northlar	nd Consulting Engineers	Contact David Bolf							
Legal Descript	ion	Lot 3, Block 1, Central Overlook	(See Attach	ied)						
Site Visit Date		August 4, 2023	Sign Notice Date			N/A				
Neighbor Lette	er Date	N/A	Number of Letters Sent N/A			N/A				

Proposal

Applicant is requesting a Minor Subdivision to divide one parcel into two in preparation for development of a structure on the proposed Parcel A.

Recommended Action: Approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-P	Former school site	Business Park and Open Space
North	MU-N	Commercial	General Mixed Use and Open Space
South	R-1	Undeveloped	Traditional Neighborhood
East	R-P	Residential	Urban Residential
West	MU-P	Office and residential	Business Park

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.

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: Business Park - Primarily office and light industrial areas developed in a unified manner, with standards for site design and circulation patterns, signage, landscaping, and building design.

History: Central High School at the top of the hill was built in 1971 as a replacement for the downtown Historic Old Central High School (HOCHS). The school terminated operations in 2011, and the building was closed. The school building was demolished in November 2022 and the 53-acre property was purchased by the current owner in March 2023.

In 2012 (PL 11-141) the future land use designation was changed. The site rezoned twice in 2013 (PL 13-037 and PL 13-117), in accordance with the previous future land use change. In 2014 it was rezoned again (PL 14-063) to a planned development, MU-P (Mixed Use Planned). As part of a planned development, a concept plan was required showing the proposed land uses to be allowed on the site, maximum density, and maximum height of structures.

At the June 2021 Planning Commission meeting, the commission recommend approval of the amendment to the concept plan (PL 21-069). A preliminary plat (PL 21-097) and final plat (PL 21-174) was approved by the Planning Commission (11/9/2021). Vacation of streets and easements in the plat area (PL 21-176) was approved by City Council 3/28/2022 and subsequently recorded. A wetland delineation (PL 21-124) was approved 9/7/2021 for the property and is in effect for 5 years.

Review and Discussion Items

Staff finds that:

- 1. Applicant is requesting a Minor Subdivision to divide one 45-acre parcel into two parcels, Parcel A to be 26.69 acres and Parcel B to be 18.17 acres.
- 2. Parcel A contains most of the former high school building site (demolished) and remaining parking lot. There is an existing structure on proposed Parcel B, the former Secondary Technical Center and associated parking lot.
- 3. Both parcels are zoned MU-P with the required concept plan showing a mix of mixed use, multi-family residential and open space. The existing lot development is compliant with MU-P zoning and the proposed subdivision will not create any UDC nonconformities.
- 4. The Duluth Traverse multi-use trail crosses through both parcels within an easement dedicated for trail purposes. The subdivision will not affect its function.
- 5. Both parcels have the required street frontage along H. Courtney Drive.
- 6. There is a City gas main serving the Secondary Technical Building running near the Parcel A/B boundary extending south of H. Courtney Dr. Additionally, the water service to the Secondary Technical Building extends through Parcel A from Portia Johnson Dr.
- 7. The City Engineer commented that the existing water service and gas mains need to be addressed through easements or other agreements. The staff recommendation below includes conditions to address these issues. No other public, agency, or City comments were received.
- 8. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
- 9. 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. Prior to recording the deed(s) in the office of the Saint Louis County Recorder, the applicant shall submit the deed(s) to the Planning Division for approval; however, the Planning Division shall not approve the deed(s) until the following conditions have been met:

a. At the discretion of the City Engineer, an easement be granted to the City over the gas main or an agreement made with the City concerning the continued use or removal of the gas main; and

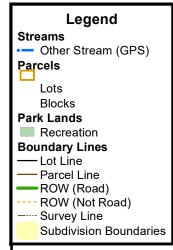
b. The applicant provides to future owners of Parcel A and Parcel B disclosure (to be recorded) as to the location of the water service for the Secondary Technical Center building or an agreement with the City Engineer be made for the removal of the water service.

- c. Appropriate deeds be filed with St. Louis County within 180 days.
- 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.



DULUTH PL 23-145 Minor Subdivision Central Overlook Div, Block 1, Lot 3 Applicant: Luzy Ostreicher

Area Map



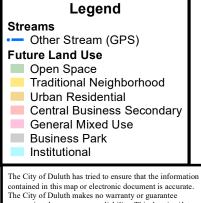
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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



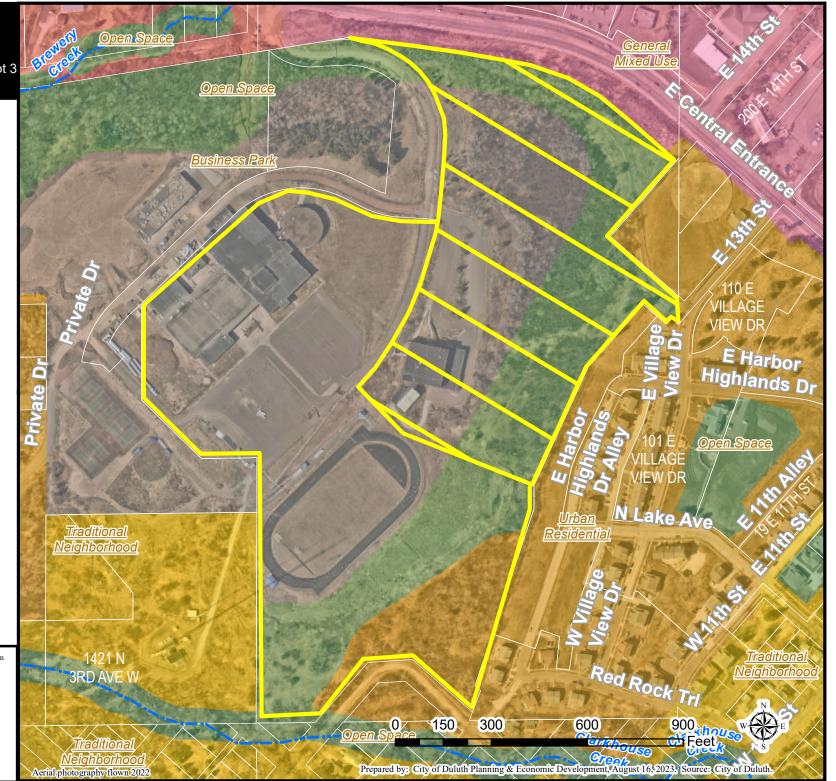


DOLUTH PL 23-145 Minor Subdivision Central Overlook Div, Block 1, Lot 3 Applicant: Luzy Ostreicher

Future Land Use Map



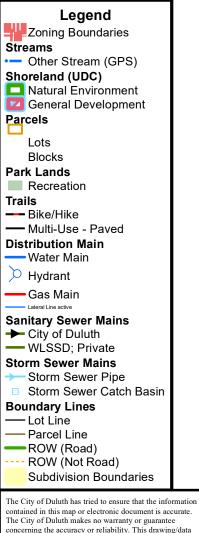
contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information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





DOLUTH PL 23-145 Minor Subdivision Central Overlook Div, Block 1, Lot 3 Applicant: Luzy Ostreicher

Site Map



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PARENT LEGAL DESCRIPTION

Lot 3, Block 1, CENTRAL OVERLOOK, according to the recorded plat thereof, St. Louis County, Minnesota.

LEGAL DESCRIPTION OF PARCEL A

Lot 3, Block 1, CENTRAL OVERLOOK, according to the recorded plat thereof, St. Louis County, Minnesota, EXCEPT that part described as follows:

Beginning at the Northwest corner of said Lot 3 and the intersection of H Courtney Drive, as dedicated on said CENTRAL OVERLOOK; thence on an assumed bearing of North 81 degrees 28 minutes 12 seconds East, along the North line of said Lot 3 for a distance of 82.93 feet; thence South 80 degrees 52 minutes 09 seconds East, along said North line 478.11 feet; thence Southeasterly 396.75 feet, along said North line, along a non-tangential curve, concave to the Southwest, said curve having a radius of 699.02 feet and a delta angle of 32 degrees 31 minutes 12 seconds, the chord of said curve bears South 64 degrees 37 minutes 53 seconds East for a chord distance of 391.44 feet; thence South 48 degrees 22 minutes 17 seconds East, along said North line 232.31 feet to an Easterly line of said Lot 3; thence South 41 degrees 38 minutes 21 seconds West, along said Easterly line 312.73 feet to a Northeasterly line of said Lot 3; thence South 48 degrees 21 minutes 39 seconds East, along said Northeasterly line 275.69 feet to an Easterly line of said Lot 3; thence South 00 degrees 33 minutes 43 seconds West, along said Easterly line 88.00 feet to a Northeasterly line of said Lot 3; thence North 48 degrees 21 minutes 39 seconds West, along said Northeasterly line 29.64 feet to an Easterly line of said Lot 3; thence South 41 degrees 01 minutes 22 seconds West, along said Easterly line 24.61 feet to a Northeasterly line of said Lot 3; thence North 48 degrees 21 minutes 39 seconds West, along said Northeasterly line 94.62 feet to an Easterly line of said Lot 3; thence South 41 degrees 38 minutes 21 seconds West, along said Easterly line 262.02 feet; thence South 24 degrees 57 minutes 45 seconds West, along said Easterly line 406.63 feet; thence North 67 degrees 44 minutes 01 seconds West 437.54 feet; thence North 43 degrees 05 minutes 27 seconds West 200.00 feet; thence Northeasterly and Northerly 577.83 feet, along a non-tangential curve, concave to the Northwest, said curve having a radius of 1177.10 feet and a delta angle of 28 degrees 07 minutes 34 seconds, the chord of said curve bears North 25 degrees 28 minutes 14 seconds East for a chord distance of 572.05 feet to the intersection of the East line of said H Courtney Drive and the South line of Portia Johnson Drive, as dedicated on said CENTRAL OVERLOOK; thence North 05 degrees 37 minutes 41 seconds East, along the East line of said H Courtney Drive 230.60 feet; thence Northerly and Northwesterly 521.80 feet, along an East line and Northeasterly line of said H Courtney Drive, along a tangential curve, concave to the Southwest, said curve having a radius of 305.00 feet and a delta angle of 98 degrees 01 minutes 24 seconds, the chord of said curve bears North 43 degrees 23 minutes 01 seconds West for a chord distance of 460.45 feet; thence South 87 degrees 36 minutes 17 seconds West, along a Northerly line of said H Courtney Drive 34.89 feet to the point of beginning.

Said Parcel contains 1,162,450 square feet or 26.69 acres.

LEGAL DESCRIPTION OF PARCEL B

That part of Lot 3, Block 1, CENTRAL OVERLOOK, according to the recorded plat thereof, St. Louis County, Minnesota, described as follows:

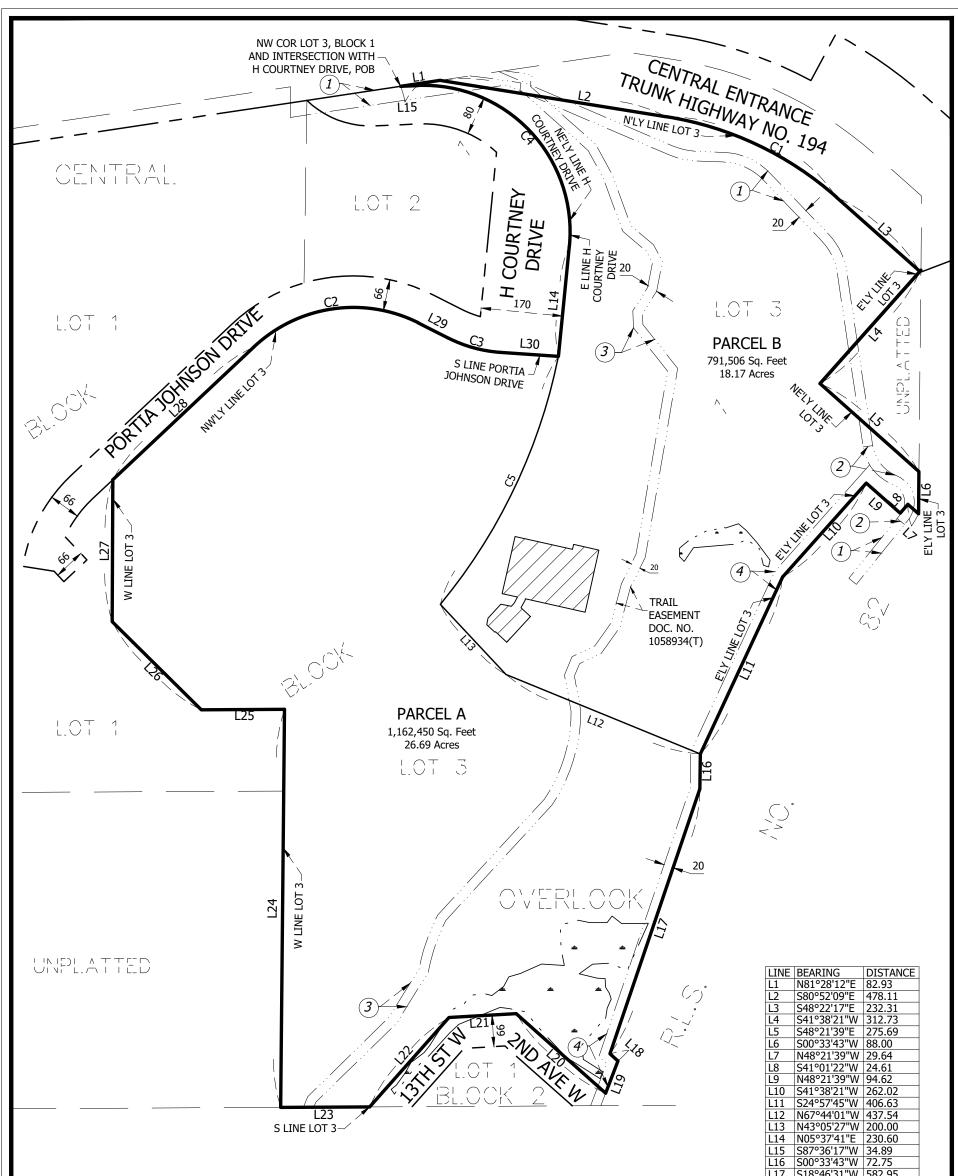
Beginning at the Northwest corner of said Lot 3 and the intersection of H Courtney Drive, as dedicated on said CENTRAL OVERLOOK; thence on an assumed bearing of North 81 degrees 28 minutes 12 seconds East, along the North line of said Lot 3 for a distance of 82.93 feet; thence South 80 degrees 52 minutes 09 seconds East, along said North line 478.11 feet; thence Southeasterly 396.75 feet, along said North line, along a non-tangential curve, concave to the Southwest, said curve having a radius of 699.02 feet and a delta angle of 32 degrees 31 minutes 12 seconds, the chord of said curve bears South 64 degrees 37 minutes 53 seconds East for a chord distance of 391.44 feet; thence South 48 degrees 22 minutes 17 seconds East, along said North line 232.31 feet to an Easterly line of said Lot 3; thence South 41 degrees 38 minutes 21 seconds West, along said Easterly line 312.73 feet to a Northeasterly line of said Lot 3; thence South 48 degrees 21 minutes 39 seconds East, along said Northeasterly line 275.69 feet to an Easterly line of said Lot 3; thence South 00 degrees 33 minutes 43 seconds West, along said Easterly line 88.00 feet to a Northeasterly line of said Lot 3; thence North 48 degrees 21 minutes 39 seconds West, along said Northeasterly line 29.64 feet to an Easterly line of said Lot 3; thence South 41 degrees 01 minutes 22 seconds West, along said Easterly line 24.61 feet to a Northeasterly line of said Lot 3; thence North 48 degrees 21 minutes 39 seconds West, along said Northeasterly line 94.62 feet to an Easterly line of said Lot 3; thence South 41 degrees 38 minutes 21 seconds West, along said Easterly line 262.02 feet; thence South 24 degrees 57 minutes 45 seconds West, along said Easterly line 406.63 feet; thence North 67 degrees 44 minutes 01 seconds West 437.54 feet; thence North 43 degrees 05 minutes 27 seconds West 200.00 feet; thence Northeasterly and Northerly 577.83 feet, along a non-tangential curve, concave to the Northwest, said curve having a radius of 1177.10 feet and a delta angle of 28 degrees 07 minutes 34 seconds, the chord of said curve bears North 25 degrees 28 minutes 14 seconds East for a chord distance of 572.05 feet to the intersection of the East line of said H Courtney Drive and the South line of Portia Johnson Drive, as dedicated on said CENTRAL OVERLOOK; thence North 05 degrees 37 minutes 41 seconds East, along the East line of said H Courtney Drive 230.60 feet; thence Northerly and Northwesterly 521.80 feet, along an East line and Northeasterly line of said H Courtney Drive, along a tangential curve, concave to the Southwest, said curve having a radius of 305.00 feet and a delta angle of 98 degrees 01 minutes 24 seconds, the chord of said curve bears North 43 degrees 23 minutes 01 seconds West for a chord distance of 460.45 feet; thence South 87 degrees 36 minutes 17 seconds West, along a Northerly line of said H Courtney Drive 34.89 feet to the point of beginning.

Said Parcel contains 791,506 square feet or 18.17 acres.

SURVEYOR'S NOTES

- 1. BIKEWAY EASEMENT PER TORRENS DOCUMENT NO. 436177.
- 2. BIKEWAY EASEMENT PER TORRENS DOCUMENT NO. 436177 & 449749. THE LEGAL DESCRIPTIONS IN THESE DOCUMENTS ARE CONTIGUOUS FOR THE AREA SHOWN HEREON.
- 3. TRAIL EASEMENT PER TORRENS DOCUMENT NO. 1058934.
- 4. SHARED USE PATH EASEMENT PER TORRENS DOCUMENT NO. 946969
- 5. 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.
- 6. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
- 7. BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL PLAN FOR BUILDING FOUNDATION DIMENSIONS.
- 8. 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.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the	CERTIFICATE OF SURVEY		
laws of the State of Minnesota.	CLIENT:NCE	REVISIONS:	LAND SURVEY COMPANY
David R. Evanson DATE:08-08-2023 MN License #49505	ADDRESS:802 EAST CENTRAL ENTRANCE DULUTH, MN 55811		PHONE: 218-727-5211 LICENSED IN MN & WI WWW. ALTALANDSURVEYDULUTH.COM
	DATE:08-08-2023 JOB NO:23-255	SHEET 1 OF 2	



0 200 SCALE IN FEET	POB-POINT OF BEGINNING RIGHT OF WAY LINE EXISTING EASEMENT LINE BOUNDARY LINE AS SURVEYED EXISTING PLAT LINE PROPOSED PARCEL LINE EXISTING BUILDINGS WET LANDS PER PLAT	CURVE ARC LENGTH RADIUS DELTA ANGL C1 396.75 699.02 32°31'12" C2 368.36 302.00 69°53'05" C3 111.75 283.00 22°37'32" C4 521.80 305.00 98°01'24"	S64°37'53"E 391.44 N81°42'05"E 345.94 N74°40'08"W 111.03 S43°23'01"E 460.45
	CLIENT:NCE ADDRESS:802 E DULUTH, MN 55 DATE:08-08-202		N25°28'14"E 572.05