



City of Duluth

Council Chambers, City
Hall

Meeting Agenda Planning Commission.

Council Chambers

Tuesday, December 12, 2023

5:00 PM

Council Chambers

APPROVAL OF PLANNING COMMISSION MINUTES

[PL 23-1127](#) Planning Commission Minutes 11/27/23

Attachments: [11-27-2023 Special PC Minutes \(not approved yet\)](#)

[PL 23-1114](#) Planning Commission Minutes 11/14/23

Attachments: [11-14-2023 PC Minutes \(not approved yet\)](#)

PUBLIC COMMENT ON ITEMS NOT ON AGENDA

CONSENT AGENDA

[PL 23-187](#) Vacation of 49th Avenue E Between Idlewild Street and Alley by Kelly Lee Greenwalt

Attachments: [PL23-187 Staff Report and Attachments](#)

[PL 23-199](#) Vacation of an Alley at 525 N 80th Avenue W by Darcy and Julie Sundin

Attachments: [PL 23-199 Staff Report with Attachments](#)

[PL 23-200](#) Interim Use Permit for a Vacation Dwelling Unit in a Form District at 413 S 20th Avenue E by 1934 1/2 London Road LLC

Attachments: [PL 23-200 Staff report and attachments](#)

[PL 23-201](#) Interim Use Permit for a Vacation Dwelling Unit in a Form District at 120 E Superior Street, Floor 3, by Lillecorps Two LLC

Attachments: [PL 23-201 Staff report and attachments](#)

[PL 23-202](#) Variance to the Rear Yard Setback at 319 N 28th Avenue W by Family Rise Together

Attachments: [PL 23-202 Staff Report and Attachments](#)

PUBLIC HEARINGS

[PL 23-198](#) Special Use Permit for a Domino's Restaurant at 7002 Grand Avenue by Duane Carlson Jr.

Attachments: [PL 23-198 Staff Report and Attachments](#)

[PL 23-162](#) Final Plat for Amity Bluffs Subdivision East of Woodland Avenue by Amity Bluffs LLC

Attachments: [PL 23-162 Staff report and attachments](#)

[PL 23-127](#) Scoping-EAW for Central High School Redevelopment

Attachments: [PL 23-127 Staff Memo - Scoping-EAW Review Explanation](#)

[Scoping-EAW Narrative](#)

[Appendix A Figures](#)

[Appendix B FEMA FIRMette](#)

[Appendix C MDH Well Log Reports](#)

[Appendix D DNR NHIS-USFWS IPaC Species List](#)

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

Monday, November 27, 2023, 5:00 p.m.
St. Louis County Government Services Center
2nd Floor – Lake Superior Room
320 W. Second St.
Special Meeting Minutes

Call to Order

President Margie Nelson called to order the special meeting of the city of Duluth planning commission at 5:00 p.m. on Tuesday, November 27th, 2023 in the St. Louis County – Lake Superior Room.

Roll Call

Attendance:

Members Present: Gary Eckenberg, Brian Hammond, Jason Hollinday, Margie Nelson, Danielle Rhodes, and Michael Schraepfer

Members Absent: Jason Crawford, and Andrea Wedul

Staff Present: Ryan Pervenanze, Jean Coleman, and Kyle Deming

Public Comment on Items Not on Agenda

None

Other Business

PL 23-127 Scoping – EAW for Central High School Redevelopment

Staff: Kyle Deming introduced the above topic and gave an overview. Tonight, the commission needs to consider whether or not the scenarios in the Scoping – EAW document are sufficient to review potential environmental issues relevant to the site, which will be considered in detail in the subsequent Draft AUAR document. The commission needs to determine if the document is ready for distribution to the public and the EQB official distribution list.

Applicant: Lauren Walburg of Stantec (the City's consultant on the AUAR) addressed the commission and provided a presentation with slides. She gave an overview of what an AUAR is. It is a community planning tool to conduct a hybrid environmental review. The format is based on an EAW, but the expected level of detail and analysis is comparable to an EIS. It must be updated every five years, until the AUAR boundary is built out. The AUAR is a good tool by studying multiple development scenarios, like an EIS, rather than just one as is done for an EAW. The AUAR evaluates development impacts over time. The first step in the AUAR process is to establish a study boundary. For this one, the City erred on the side of inclusion additional land. One of the scenarios needs to consider the Duluth Comprehensive Plan and there needs to be at least one alternative. In this case, Scenario B is a mixed residential and commercial project that reflects the most intensive development for the study area. The AUAR identifies and anticipates infrastructure, improvements and other development and establishes mitigation measures to avoid adverse environmental impacts. Once the AUAR is adopted it has the same weight and authority as a local ordinance. The AUAR is a fact-based process and can neutralize controversy. The Central High School Redevelopment Project AUAR is roughly 80 acres. The boundary includes existing and future potential entrances to the site. It is purposefully large to include related and cumulative actions. Commissioner Brian Hammond asked about the 360,000 sq. ft. of light industrial versus office space in Scenario A. Walburg noted the Duluth Comprehensive Plan includes business park, which consists of both industrial and office space uses. Kyle Deming noted the post-COVID market isn't driving a need for more office space and so the scenario is weighted toward light industrial/warehouse distribution. Scenario B is a

mixed-use development, which consists of 1,590 units of residential and 124,000 square feet of commercial development. Commissioner Hammond asked about the sale of parcel. Manager Ryan Pervenanze stated the land has been sold to a private developer by the school district. The developer originally was interested in and paid for an Environmental Assessment Worksheet (EAW), but due to the long time it will take to develop the large property and the potential need for the project to change over time due to market conditions, the City wanted a more extensive process and requested financial assistance from DEDA to provide for an AUAR. Jeff Schiltz and Mike Dosan from ICS introduced themselves. They represent the land owner and are thrilled to be working in their hometown. Scenario B contains much of what their proposed project would include and more and, therefore is the maximum scenario. Walburg stated a traffic impact study is underway, which in the future may include a connection to Harbor Highlands. The study of Central Entrance by MnDOT is providing info. to the traffic study and the AUAR scenarios is providing info. to the MnDOT study. Walburg went over the project timeline with the AUAR Order proposed for the Jan. 9, 2024 Planning Commission meeting, followed by the AUAR document drafting and comment period in winter/spring 2024, with adoption of the Final AUAR with mitigation plan in spring of 2024 being the adoption of the final AUAR and Mitigation Plan. Commissioner Gary Eckenberg asked about the timing of this special meeting and why it was needed. Walburg noted in order to have the scoping EAW published next week, the special meeting was needed tonight. Manager Pervenanze noted they city is trying to best accommodate the developer's schedule. Commissioner Eckenberg affirmed this is the city's first AUAR process. City attorney Jean Coleman noted the AUAR has been an option in Minnesota since the 1990's. Eckenberg asked if the planning commission is the actual RGU, and noted their decision for an EAW being overturned by the city council in the past. Manager Pervenanze stated the past decision was laid out. For this specific AUAR – the development would require an EAW, but the city took into consideration the need for additional scope and wanted to expand the study to an AUAR. Commissioner Danielle Rhodes affirmed an EAW is for a specific development, where an AUAR can cross multiple developments. Walburg stated in this case there is land owned outside of the developer's ownership, and so it is in the city's best interest to own this document. Manager Pervenanze stated this AUAR allows the city to be prepared in case development decisions change. The AUAR allows for flexibility. Commissioner Eckenberg asked why this tool wasn't used or even considered by the city in the past. Manager Pervenanze stated he is unsure why it hasn't been used in the past, and agrees it is an excellent tool. Mike Dosan from ICS noted Eckenberg's comments and stated the developments in the past were for a specific building and a specific timeline, which may have called for an EAW. This project includes multiple buildings and timelines, so would fit well with an AUAR. The AUAR is used widely by cities with large industrial developments that don't have a detailed plan, but want roads and utilities. He noted Hermantown just went through one. Commissioner Rhodes would like to see water ways represented on the scenario maps to avoid public confusion. Walburg explained they were shown on other maps and could be added to the scenario maps. Manager Pervenanze affirmed.

MOTION/Second: Hammond/Hollinday the Scoping EAW is sufficient, and is ready for distribution

VOTE: (6-0)

Adjournment

Meeting adjourned at 5:53 p.m.

Respectfully,

Ryan Pervenanze – Manager
Planning & Development Division

City of Duluth Planning Commission

**November 14, 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, November 14th, 2023 in the Duluth city hall council chambers.

Roll Call

Attendance:

Members Present: Gary Eckenberg, Brian Hammond, Jason Hollinday (entered meeting during consent agenda), Margie Nelson, Danielle Rhodes, and Michael Schraepfer
Members Absent: Jason Crawford and Andrea Wedul

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

Approval of Planning Commission Minutes -

Planning Commission Meeting – October 10, 2023 – Changes were previously requested by Danielle Rhodes and were shared with the commission by Deputy Director Adam Fulton.

MOTION/Second: Hammond/Schraepfer approved

VOTE: (5-0)

Public Comment on Items Not on Agenda

Ben Fye – requested a public hearing be held later in the agenda for PL 23-186 UDC Analysis – Vacation Dwelling Units in RR-1 near MU-C

MOTION/Second: Hammond/Schraepfer approved opening up the item for public comment

VOTE: (4-1, Hammond Opposed)

Consent Agenda

PL 23-169 Variance from Side Yard Setbacks for a Deck at 4225 Gladstone Street by Jennifer and Danielle Anderson

PL 23-172 Variance to Side Yard Setback to Rebuild Covered Porch at 219 N 15th Avenue E by Christina M. Anderson

PL 23-176 Interim Use Permit for a Vacation Dwelling Unit at 325 S Lake Avenue #1301 by Lake Superior Enterprises, LLC

PL 23-177 Variance to front yard setback for a home addition at 1515 E 7th Street by Craig and Margaret Lilja

PL 23-179 Minor Subdivision at 407 Stoll Avenue by Duluth Rental Depot, LLC
 PL 23-180 Variance to side yard setback to rebuild a house at 122 E 8th Street by Kyle Landwehr
 PL 23-183 Interim use permit for a vacation dwelling unit at 727 W 2nd Street by Justin and Alyssa Voegele
 PL 23-184 Minor subdivision at 2330-2400 London Road by ZMC Hotels, LLC

Commissioners: PL 23-169 - Danielle Rhodes asked for the need for a side deck was for accessibility purposes. John Kelly deferred to the applicant. Gary Eckenberg would like some clarification on variances, but the city attorney is not present tonight. Eckenberg is in favor of a Brown Bag meeting to discuss variances.

(Commissioner Jason Hollinday entered the meeting.)

Public: PL 23-169 – Jennifer Anderson explained the need for the side entrance, which is in the same location as it was before, but they were unable to replace it within a year and thus need the variance now.

MOTION/Second: Schraepfer/Rhodes approved the consent agenda items as per staff recommendation

VOTE: (6-0)

Public Hearings

(The following 2 items were related to the same project, and were presented together.)

PL 23-185 Concurrent use permit for a skywalk in the right of way of 10th Avenue E by St. Luke's Hospital

Staff: Jenn Moses introduced the applicant's request for a concurrent use permit to build a skywalk over the right of way of 10th Avenue E, connecting St. Luke's Hospital to Building A. The skywalk will be used by hospital staff and patients, improving connectivity within the hospital campus. Staff recommends approval with the conditions listed in the staff report.

Applicant: Neil Bright of the Erdman Company addressed the commission. He welcomed questions. There were none.

Public: No speakers

MOTION/Second: Hollinday/Eckenberg recommended approval as per staff recommendation

VOTE: (6-0)

PL 23-186 Planning Review for a new skywalk in an MU-I district over 10th Avenue E by St. Luke's Hospital

Staff: Jen Moses introduced applicant's proposal for an MU-I planning review to a new skywalk directly above an existing skywalk over 10th Avenue E, connecting St. Luke's Hospital to Building A. The UDC conditions will be met including 50% minimum transparency. No exterior lighting is planned for the skywalk. Staff recommends approval with the conditions listed in the staff report.

Applicant: (See notation above)

Public: No speakers.

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

VOTE: (6-0)

Other Business

PL 23-178 UDC Analysis – Vacation Dwelling Units in RR-1 near MU-C – Changing the Cap

Staff: Kyle Deming shared his memo dated November 7, 2023. Additional options include: Option 1, Expanding the exemption to include all rural residentially zoned (RR-1 and RR-2) properties, which would affect 785 residential addresses. He explained Option 2, which would expand the VDU cap exemption to include properties within 100 feet of a licensed hotel. This approach would result in 56 properties being exempt from the cap. Staff continues to recommend against making a change to the VDU exemption cap. Commissioner Rhodes thanked staff for reconfiguring the options.

Public: Ben Fye – 1504 Osage Ave – addressed the commission. The proximity of his home to the hotel has diminished his property value and privacy. He feels a zoning mistake was made, and feels he should have the right to obtain an interim use permit for a vacation dwelling. He said he has support from the city council. Deb Eng – 1516 Osage Ave – addressed the commission. She agrees there was poor zoning here. The traffic has increased and his turned their home into a non-home. She has a 10-year old daughter and is concerned for her safety. The hotel has negatively affected them.

Commissioners: Michael Schraepfer noted this is a tough situation, with four families being directly affected. It is unfortunate, but noted 56 other residences in close proximity to a hotel. The hotel is on commercial property, and could have been even worse, and noted the comparison to a department store. This is bad zoning, but it has been this way for a very long time. There is not a great solution here, and feels this is a decision for the city council to make. Gary Eckenberg noted the Environmental Assessment Worksheet (EAW) came to the planning commission in 2022. The planning commission was the Regulating Governing Authority (RGU) who voted in favor of the EAW, and yet the developer was allowed to appeal to the city council, who ultimately overturned their decision. He doesn't feel options 1 or 2 will work, since other neighbors feel opening up the area to vacation rentals is a way to lose the neighborhood feel. Option 3 to keep the cap the same would allow the city council to weigh in with their decision.

MOTION/Second: Eckenberg/Hammond recommended to keep cap the same

VOTE: (6-0)

Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton referred to page 92 of the commissioners' staff report packet which was a memo created by planner John Kelley regarding the public notification process of property owners within 350 feet of an applicant's property. Staff cannot recall other instances (besides the concern at Lake Superior College with a neighboring property to other school owned parcels – not being notified) where concern over the notice distance have been brought forward. Staff finds that the city UDC requirements are consistent with state statutes and enlarging the distance for notification would exceed state statute and would result in increased mailing costs and associated staff time. Commissioner Rhodes felt that the owner near Lake Superior College should have been notified, and it wouldn't require a change in the law, but maybe some logical consideration on staff's part. Deputy Director Fulton noted staff will make an effort to be more inclusive when the applicant owns multiple parcels next to each other. Deputy Director Fulton noted the city's transportation planner, James Gittemeier, will report to the planning commission in December.

Heritage Preservation Commission – Gary Eckenberg noted they met yesterday and discussed the railroad and Lincoln park. They approved a Certificate of Appropriateness (COA) for the St. Louis County Court house chiller system, which will need mechanical screening to match the color of the building.

Joint Airport Zoning Board – No updates.

Duluth Midway Joint Powers Zoning Board – Deputy Director Fulton noted a complaint related to a gravel quarry off of Becks Road.

Adjournment

Meeting adjourned at 5:45 p.m.

Respectfully,

Adam Fulton – Deputy Director
Planning & Economic Development



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 23-187	Contact	Chris Lee	
Type	Vacation Unimproved Right of Way	Planning Commission Date	December 12, 2023	
Deadline for Action	Application Date	October 20, 2023	60 Days	N/A
	Date Extension Letter Mailed	November 10, 2023	120 Days	N/A
Location of Subject	West of 4902 Idlewild Street			
Applicant	Kelly Greenwalt	Contact		
Agent		Contact		
Legal Description	All that part of 49 th Avenue East, also known as Spencer Avenue lying South of Idlewild Street and laying adjacent to and abutting Lot 1653, Block 119 and Lot 1654, Block 120, CROSLY PARK ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota.			
Site Visit Date	November 27, 2023	Sign Notice Date	November 28, 2023	
Neighbor Letter Date	November 21, 2023	Number of Letters Sent	32	

Proposal: Vacate a 66footwide 140 foot long unimproved street right of way between Idlewild Street and the Alley.

Staff Recommendation
 Approval with conditions.

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

Summary of Code Requirements

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

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

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

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

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

- Governing Principle #9 – Support private actions that contribute to the public realm. Vacation will allow for a reasonable use of the lot to support community housing needs.

Future Land Use

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

Review and Discussion Items

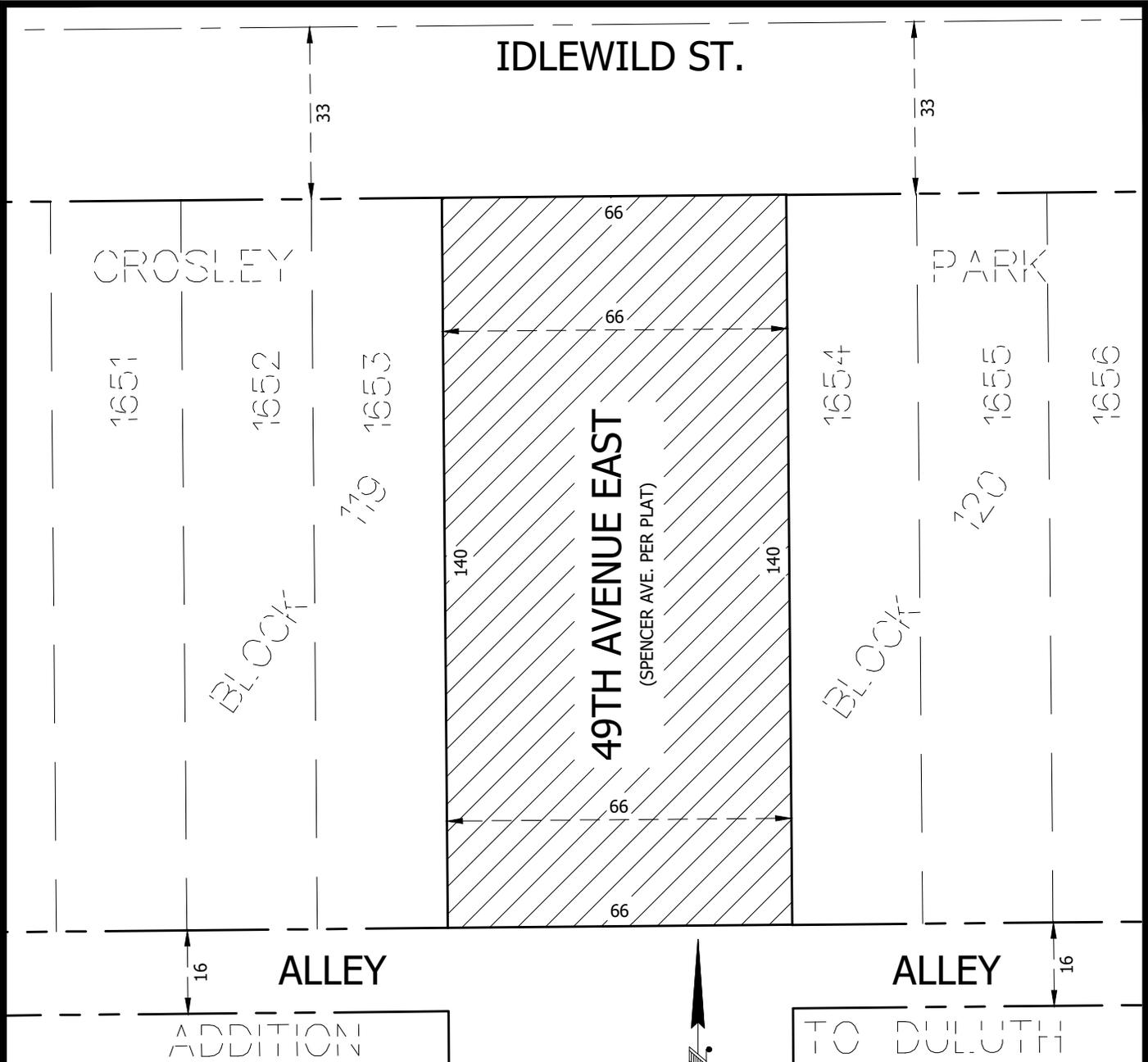
Staff finds that:

1. The proposal is to vacate 66' wide by 140' long platted right of way for 49th Avenue East (Spencer Ave per plat).
2. The street was platted in the Crosley Park Addition but never utilized for its intended purpose.
3. The street will not be needed by the City for the promotion of public health, safety, or welfare of the citizens of Duluth since the street is currently unimproved and City Engineering does not expect to need it in the future.
4. The City has determined that this portion of the alley is not needed for street or pedestrian use. Vacating the right of way will not impact or deny access to other property owners.
5. No utilities are currently located within the right of way. Engineering has reviewed the exhibit and has requested minor edits, which the applicant is currently working on.
6. Vacations lapse unless they are recorded with the county recorder within 90 days after final approval. The vacation recording is facilitated by the City of Duluth.

Staff Recommendation:

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

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



LEGAL DESCRIPTION OF RIGHT OF WAY VACATION

All that part of 49th Avenue East, also known as Spencer Avenue lying South of the South line of Idlewild Street and North of the East extension of the South line of Lot 1653, Block 119, CROSLLEY PARK ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota and lying adjacent to and abutting Lot 1653, Block 119 and Lot 1654, Block 120, said CROSLLEY PARK ADDITION TO DULUTH. Said right of way vacation area contains 9,240 square feet or 0.21 acres.



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

By _____

TO DULUTH

LEGEND

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

SURVEYOR'S NOTES

1. THIS IS NOT A BOUNDARY SURVEY.

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

David R. Evanson
David R. Evanson
MN License #49505
DATE:09-25-2023

RIGHT OF WAY VACATION EXHIBIT

CLIENT:ROBIN ROESER
ADDRESS:4902 IDLEWILD STREET
DULUTH, MN 55804
DATE:09-25-2023

REVISIONS:

JOB NO:23-305 SHEET 1 OF 1

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



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 23-199	Contact	Jason Mozol, jmozol@duluthmn.gov	
Type	Vacation of Alley Right of Way	Planning Commission Date	December 12, 2023	
Deadline for Action	Application Date	November 6, 2023	60 Days	N/A
	Date Extension Letter Mailed	N/A	120 Days	N/A
Location of Subject	525 N 80 th Ave W			
Applicant	Darcy and Julie Sundin	Contact		
Agent		Contact		
Legal Description	That part of the 16 foot wide Alleys as platted and dedicated in Block 4, NORTONS FAIRMOUNT PARK DIVISION OF DULUTH, as shown in the attached exhibit.			
Site Visit Date	12/4/23	Sign Notice Date	11/27/23	
Neighbor Letter Date	11/21/2023	Number of Letters Sent	37	

Proposal

The applicant is requesting to vacate a portion of a 16-foot platted alley lying northerly of a line drawn from the southeast corner of Lot 8, said Block 4 and the southwest corner of Lot 23, said Block 4 and its easterly and westerly extensions.

Staff is recommending approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Vacant/Undeveloped	Open Space/ Traditional Neighborhood
North	R-1	Vacant/Gravel Trail	Open Space
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Open Space/ Traditional Neighborhood
West	R-1	Residential	Open Space/ 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 #1 – Reuse previously developed lands- Reuse of previously developed lands... strengthens neighborhoods and is preferred to a dispersed development pattern with associated alteration of natural landscapes and extensions of public services. Site preparation or building modification costs are offset by savings in existing public infrastructure such as streets and utilities, and transit, fire, and police services.

The vacation will allow for the adjacent property owner to rebuild a garage where the existing garage stands.

Future Land Use –

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

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.

Review and Discussion Items:

Staff finds that:

1. The applicant is requesting to vacate that part of the 16 foot wide Alleys as platted and dedicated in Block 4, NORTONS FAIRMOUNT PARK DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, lying northerly of a line drawn from the southeast corner of Lot 8, said Block 4 and the southwest corner of Lot 23, said Block 4 and its easterly and westerly extensions. Reserving a drainage and utility easement over under and across the above described tract.
2. The proposed vacation will allow the adjacent property owner to rebuild their garage.
3. The alley was platted 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 has a drainage ditch running through it.
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 it does not expect to need the alley for future utilities.
7. Minnesota Power has existing power lines running through the alley and has requested an easement is retained.
8. No other public or City comments have been received at the time of drafting this report.
9. 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.

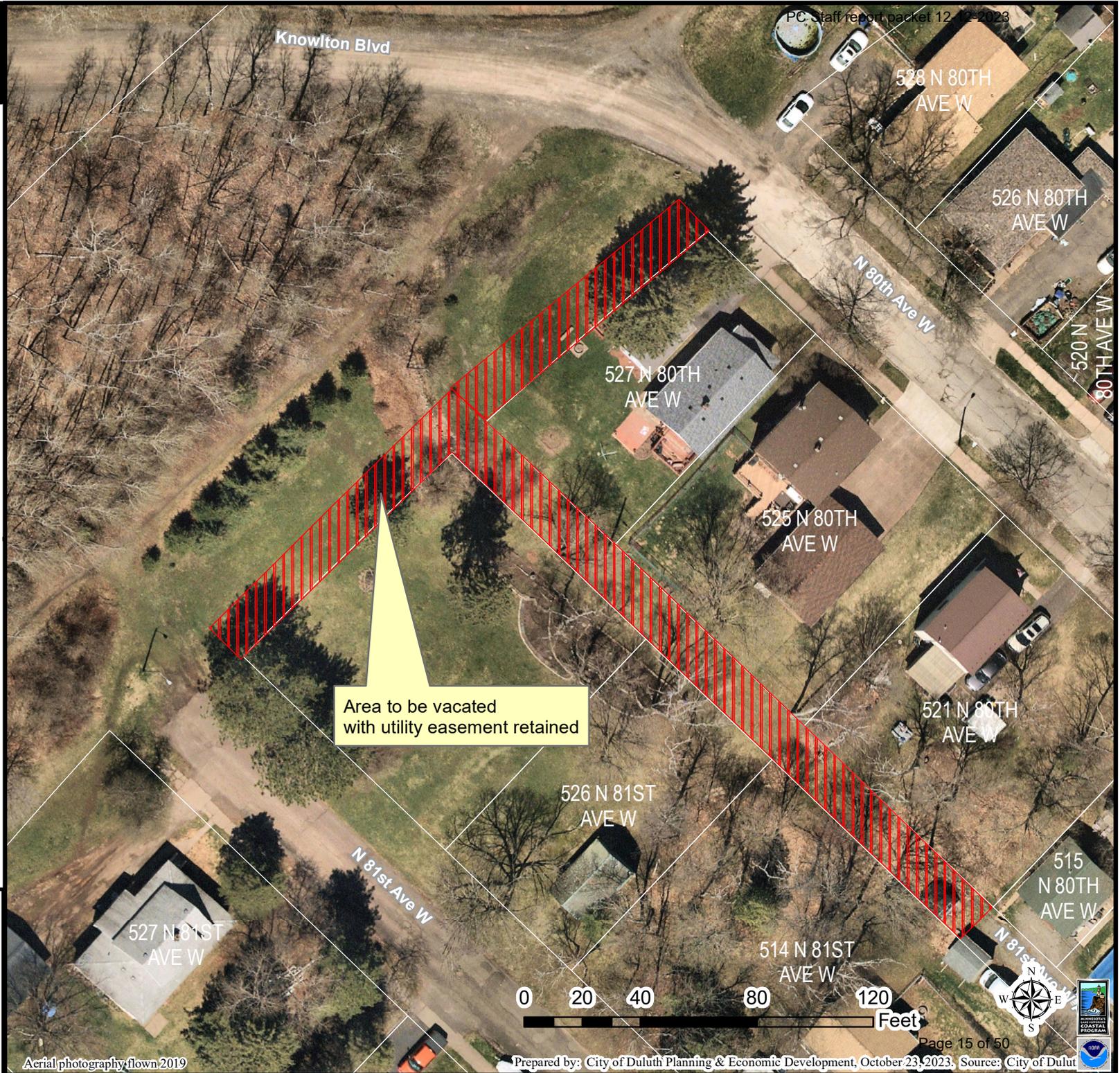
Staff Recommendation:

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

1. The final exhibit must be signed by the city engineer prior to City Council approval.
2. City Council must approve the vacation with at least 6/9 vote.
3. The vacation and easements must be recorded within 90 days of final approval by City Council or such approval will lapse.



PL23-199
Alley Vacation
525 N 80th Ave W



Area to be vacated
with utility easement retained

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.





Engineering
Land Surveying
Site Development

JPJ ENGINEERING, INC
425 Grant Street
Hibbing, MN 55746
(218) 262-5528

5670 Miller Trunk Hwy
Duluth, MN 55811
(218) 720-6219

www.jpjeng.com

VACATION SKETCH

For: Julie Sundin

525 North 80th Avenue West, Duluth, Minnesota 55807
Part of Block 4, NORTONS FAIRMOUNT PARK DIVISION OF DULUTH, St. Louis Co., MN

VACATION DESCRIPTION:

That part of the 16 foot wide Alleys as platted and dedicated in Block 4, NORTONS FAIRMOUNT PARK DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, lying northwesterly of a line drawn from the southeast corner of Lot 8, said Block 4 and the southwest corner of Lot 23, said Block 4, and bounded on the northeast by the northwesterly extension of the northeasterly line of said Block 4, and bounded on the southwest by the northwesterly extension of the southwesterly line of said Block 4.

Reserving drainage and utility easements over under and across the above described tract.



SCALE: 1 INCH = 60 FEET

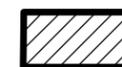


SURVEYOR NOTES:

Orientation of this bearing system is based on the southeasterly line of Block 4, NORTONS FAIRMOUNT PARK DIVISION OF DULUTH, to have a bearing of N 44°21'52" E.

JPJ Engineering has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.

Area of vacation is 7,393 square feet or 0.1697 acres ±.



Denotes right of way to be vacated with utility and drainage easements reserved

Approved by:

City Engineer

Date

CERTIFICATION:

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

Signed this 25th day of October, 2023 for JPJ Engineering, Inc.

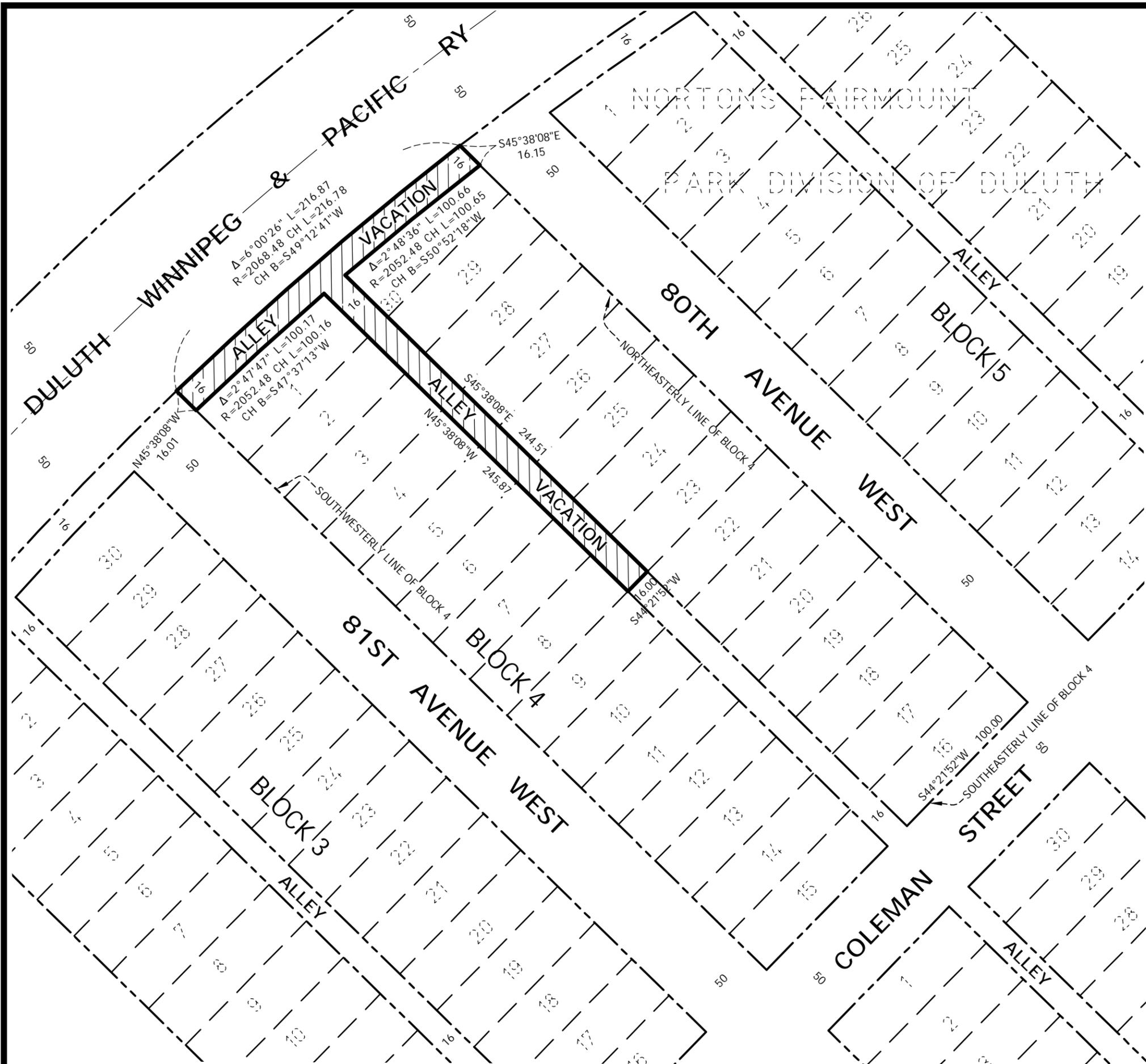
Randy M. Morton
Randy M. Morton, PLS License Number 21401

Revised: November 15, 2023, size of vacation.

Revised: November 22, 2023, added reserved easement over described tract.

Revised: December 6, 2023, revised per City of Duluth comments.

SURVEY BY :	
DRAWN BY :	AJG
DESIGNED BY :	
APPROVED BY :	RMM
DATE:	10/25/2023
PROJECT NUMBER	23-245
SHEET NUMBER	1 OF 1





Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580
 planning@duluthmn.gov

File Number	PL 23-200	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling	Planning Commission Date	December 12, 2023	
Deadline for Action	Application Date	November 6, 2023	60 Days	January 5, 2024
	Date Extension Letter Mailed	November 13, 2023	120 Days	March 5, 2024
Location of Subject	413 South 20th Avenue East			
Applicant	Jason Kleiman	Contact		
Agent		Contact		
Legal Description	PID # 010-1460-00620			
Site Visit Date	November 30, 2023	Sign Notice Date	November 28, 2023	
Neighbor Letter Date	November 16, 2023	Number of Letters Sent	26	

Proposal

Applicant proposes to use a one-bedroom home as a vacation dwelling unit. Up to 3 people will be allowed to stay in the home.

The applicant was not on the eligibility list; this is a property in the form district that is exempt from the eligibility list. Vacation dwelling units located in a Form District are exempt from minimum night stays and parking, and there is no cap on number of permits issued.

Recommended Action: Staff recommends that Planning Commission approve with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-2	Residential	Neighborhood Mixed Use
North	F-2	Commercial	Neighborhood Mixed Use
South	F-2	Residential	Neighborhood Mixed Use
East	F-2	Commercial	Neighborhood Mixed Use
West	F-2	Residential	Neighborhood Mixed Use

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-6 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 Council shall only approve an interim use permit, or approve it with conditions, if it determines that: 1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location; 2. The applicant agrees to sign a development agreement with the city.

3. There is a city-wide cap on vacation dwelling units or accessory vacation dwelling units; permits issued for vacation dwelling units or accessory vacation dwelling units in any form district shall not be counted against the maximum number



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

 218-730-5580

 planning@duluthmn.gov

of permits that may be issued, 4. Except for properties within the Higher Education Overlay District as identified in 50-18.5, the minimum rental period and off-street parking requirements of 50-20.3.U and 50-20.5.M shall not apply for vacation dwelling units or accessory vacation dwelling units in form districts.

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

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

- 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.

Applicant is proposing to provide another type of lodging product for visitors to the City of Duluth and surrounding area.

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

History: 413 South 20th Avenue East- The 2,496 square foot building was built in 1950. The first floor is office space. The upper floor will be used for the vacation dwelling unit.

Review and Discussion Items

Staff finds that:

- 1) Applicant's property is located at 413 South 20th Avenue East. The unit is located on the second floor of the structure. The proposed vacation dwelling is a one-bedroom unit. The unit would allow for a maximum of 3 guests.
- 2) Vacation dwelling units located in Form districts are exempt from number of interim use permits issued, minimum night stays and parking requirements.
- 3) The applicant has noted on the site plan that there will be two off street parking spaces provided in the rear yard area of the building.
- 4) The applicant has noted that there will be no parking for a camper or trailer.
- 5) The site does not have any outdoor amenities in the rear yard area. The applicant will need to provide a dense urban screen of vegetation or fencing along the south property line or the requirement for a dense urban screen or fence may be waived if the adjoining property owner does not want it on or near their shared property line, and indicates this with a signed letter. The applicant does plan on providing screening on the existing covered exterior patio in the front of the house from the property to the south.
- 6) Permit holders must designate a managing agent or local contact who resides within 25 miles of the city and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the city. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed themselves to serve as the managing agent, which meets the criteria.
- 7) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 8) Applicant must comply with Vacation Regulations (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").
- 9) No comments from citizens, City staff, or any other entity were received regarding the application.



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

10) The permit will expire 6 years from the approval date. 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 interim use permit subject to the following:

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



413 South 20th Avenue East

PC Staff report packet 12-12-2018

146002910

Legend
 Zoning Boundaries



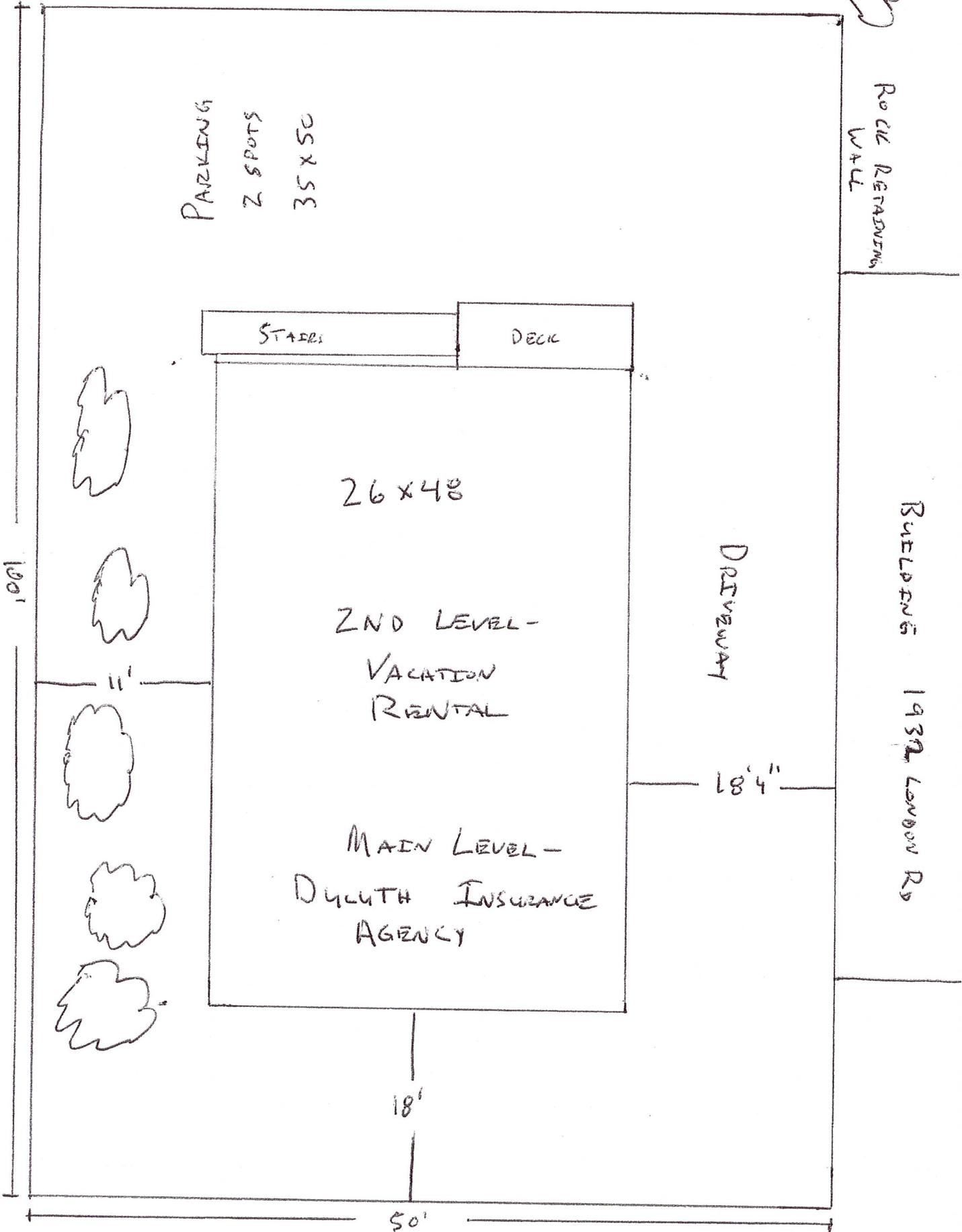
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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

Aerial photography flown 2016

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

Page 20 of 50

 Feet
 Business Park



ICO

100'

PARKING
2 SPOTS
35 X 50

STAIRS

DECK

26 X 48

2ND LEVEL -
VACATION
RENTAL

MAIN LEVEL -
DULUTH INSURANCE
AGENCY

DRIVEWAY

18'4"

18'

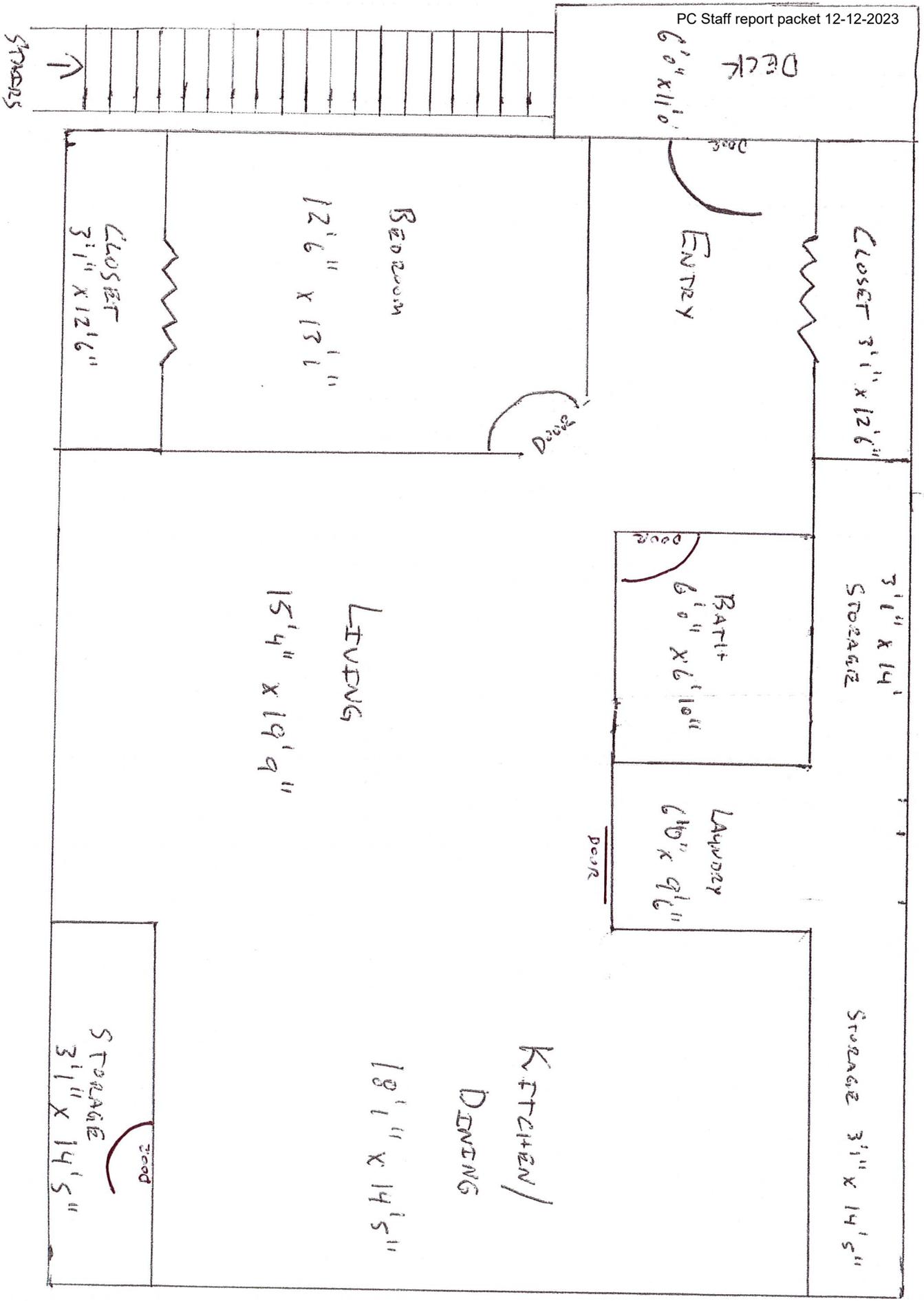
105'

ROCK RETAINING
WALL

BUILDING 1932 LONDON RD

20th AVE E

413 S. 20th Ave. E.





Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 23-201	Contact	John Kelley, jkelly@duluthmn.gov	
Type	Interim Use Permit– Vacation Dwelling Unit in Form District	Planning Commission Date		December 12, 2023
Deadline for Action	Application Date	November 7, 2023	60 Days	January 6, 2024
	Date Extension Letter Mailed	November 13, 2023	120 Days	March 6, 2024
Location of Subject	120 East Superior Street, Floor 3			
Applicant	Lillecorps Two LLC	Contact	Jayne Lillegard	
Agent		Contact		
Legal Description	PID # 010-0173-00040			
Site Visit Date	November 30, 2023	Sign Notice Date		November 28, 2023
Neighbor Letter Date	November 16, 2023	Number of Letters Sent		28

Proposal

Applicant is proposing a new interim use permit for a vacation dwelling unit. The permit would allow for a 4-bedroom condominium with a maximum of 9 occupants in the F-7 form district.

The applicant was not on the eligibility list; this is a property in the form district that is exempt from the eligibility list. Vacation dwelling units located in a Form District are exempt from minimum night stays and parking, and there is no cap on number of permits issued.

Staff is recommending Planning Commission recommend approval.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-7	Mixed Use Building	Central Business Primary
North	F-7	Parking Ramp	Central Business Primary
South	F-7	Park	Open Space
East	F-7	Mixed Use Building	Central Business Primary
West	F-7	Mixed Use Building	Central Business Primary

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-7 zone district.

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

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

Governing Principle #8 - Encourage mix of activities, uses, and densities - The issuance of a permit allows an existing structure in the downtown area to be functionally used, decrease vacancy levels, and increase tax base.

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

S9: Encourage expansion of the city's tourism economy through efforts to expand in areas of current activity, such as in Canal Park, but also through marketing and investment in destination neighborhoods and iconic tourism experiences unique to Duluth. The proposed IUP in this location will enhance the level of activity in the downtown, and increase opportunities for additional commerce.

Future Land Use – Central Business Primary: Encompasses a broad range of uses and intensities including but not limited to - governmental campus, significant retail, entertainment and lodging, opportunities for high-density housing, central plaza, public/ open space, and public parking facilities.

Current History: The property currently is a mixed-use building. The ground floor contains a bakery. The upper floors contain an office space and dwelling units.

Review and Discussion Items

Staff finds that:

- 1) Applicant's property is located at 120 East Superior Street. The unit is technically located on the fourth floor of the structure due to the walkout basement on Michigan Street. The proposed vacation dwelling unit contains 4 bedrooms that would allow for a maximum of 9 guests.
- 2) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicants have listed themselves to serve as the managing agent.
- 3) The site is not required to provide parking. However, the applicant will be renting a couple of parking spaces in the parking structure across the street from the property.
- 4) The site does not have any outdoor amenities.
- 5) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 6) Applicant will apply for all relevant permits and licenses and these are contingent upon approval of the Interim Use Permit for a Vacation Dwelling Unit.
- 7) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 8) No comments from citizens, City staff, or any other entity were received regarding the application.

Staff Recommendation:

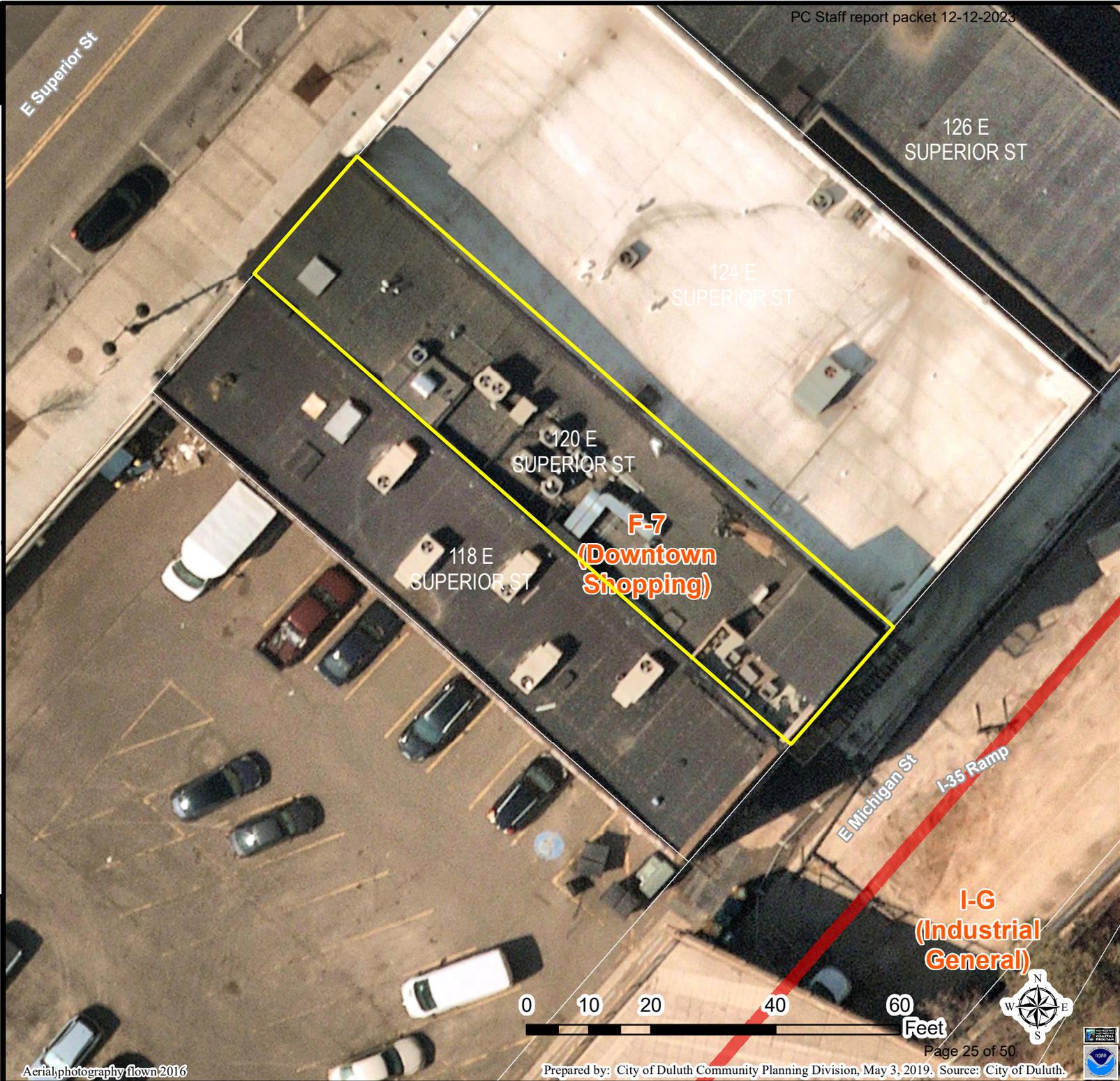
Based on the above findings, Staff recommends that Planning Commission recommend approval subject to the following:

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



120 East Superior Street, Floor 3

Legend
 Zoning Boundaries



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

Aerial photography flown 2016







Planning & Development Division
 Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 23-202	Contact	Jenn Moses, jmoses@duluthmn.gov	
Type	Variance – rear setback	Planning Commission Date	December 12, 2023	
Deadline for Action	Application Date	November 7, 2023	60 Days	January 6, 2024
	Date Extension Letter Mailed	November 20, 2023	120 Days	March 6, 2024
Location of Subject	319 N 28 th Avenue W			
Applicant	Family Rise Together	Contact	ChaQuana McEntyre	
Agent	Just Housing	Contact	Rachel Wagner	
Legal Description	See Attached	Sign Notice Date	November 28, 2023	
Site Visit Date	December 4, 2023	Number of Letters Sent	84	

Proposal

A variance to the rear yard setback for construction of a single family home, as well as a deck and accessible ramp, which will be located 10’ from the rear property line instead of the required 25’.

Staff Recommendation

Staff recommends approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Vacant	Neighborhood Mixed Use
North	MU-N	Residential	Neighborhood Mixed Use
South	MU-N	Commercial	Neighborhood Mixed Use
East	MU-N	Residential	Neighborhood Mixed Use
West	MU-N	Vacant	Neighborhood Mixed Use

Summary of Code Requirements

Sec. 50-15.2 – Rear yard setback in MU-N is 25 feet.

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

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

Neighborhood Mixed Use: A transitional use between more intensive commercial uses and purely residential neighborhoods ... May include limited commercial-only space oriented to neighborhood or specialty retail markets.

History

Previous condemned home on the site was torn down in 2022.

Review and Discussion Items:

Staff finds that:

- 1) The applicant is seeking a variance to rear yard setback to build a two-story single family home with deck and accessible ramp.
- 2) *Variance Criteria #1 (exceptional narrowness, shallowness, or shape):* This parcel is irregularly shaped due to its location abutting an adjacent plat; the entire block is also located at the intersection where a NE-SW oriented street grid meets an E-W street grid. Because of this, the southeastern lot line is only 70' long, whereas the northwestern lot line is nearly 105' long.
- 3) *Variance Criteria #2 (circumstances unique to the property, not created by the property owner):* The angled rear lot line is not typical for properties in the MU-N zone district, and existed even before the previous house on the property was built.
- 4) *Variance Criteria #3 (circumstances are peculiar to this property and do not apply generally to other land or buildings):* The setbacks in the MU-N zone district are designed for deeper lots; the 70' southeastern lot line in this instance means that almost 2/3 of the lot depth is taken up by setbacks, leaving just over 1/3 of the lot for construction of a house.
- 5) *Variance Criteria #4 (proposes to use in a reasonable manner not permitted by code):* Applicant proposes a single-family house with a footprint of 1,060 sq ft and a reasonably sized rear deck and a ramp leading to an accessible entrance. This is permitted in the MU-N zone district.
- 6) *Variance Criteria #5 (not impair light/air, increase congestion, or impair public safety or property values).* A previous single-family home existed on this lot. This will not impair light or air, nor increase congestion or impair public safety.
- 7) *Variance Criteria #6 (will not impair intent of this Chapter or alter the essential character of the locality).* Proposed house will be located in a neighborhood with a mix of uses, including single-family homes. Proposed home will be a similar size, placement, and character as the previous house. This will not alter the essential character of the neighborhood.
- 8) *Variance Criteria #7 (signs).* Does not apply to this application.
- 9) *Variance Criteria #8 (additional standards).* The proposal includes a fence and buffering between this property and the adjacent residential property.
- 10) *Variance Criteria #9 (economic considerations).* Does not apply, as the applicant is not using a demonstration of economic difficulty as part of the application.
- 11) One neighbor asked a question unrelated to the variance. No other public, agency, or other City comments were received.
- 12) Per UDC Section 50-37.1.N, approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year.

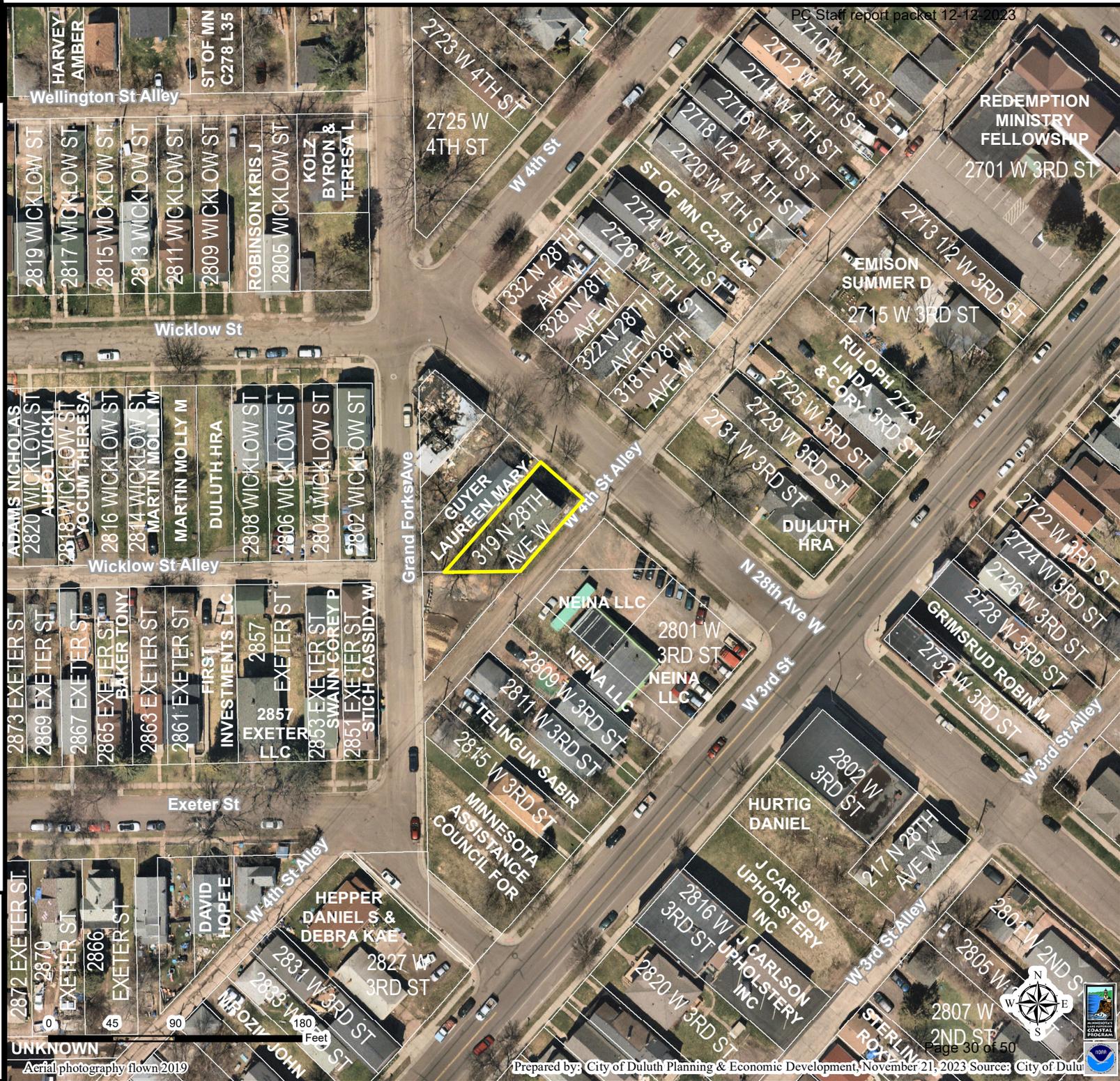
Staff Recommendation

Staff recommends approval of a rear yard setback variance, allowing placement of two corners of a home as well as a deck and ramp that will be 10' from the rear property line instead of 25', with the following conditions:

1. Project shall be built and maintained according to "Site Concept" dated 11/6/23 submitted with this application.
2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



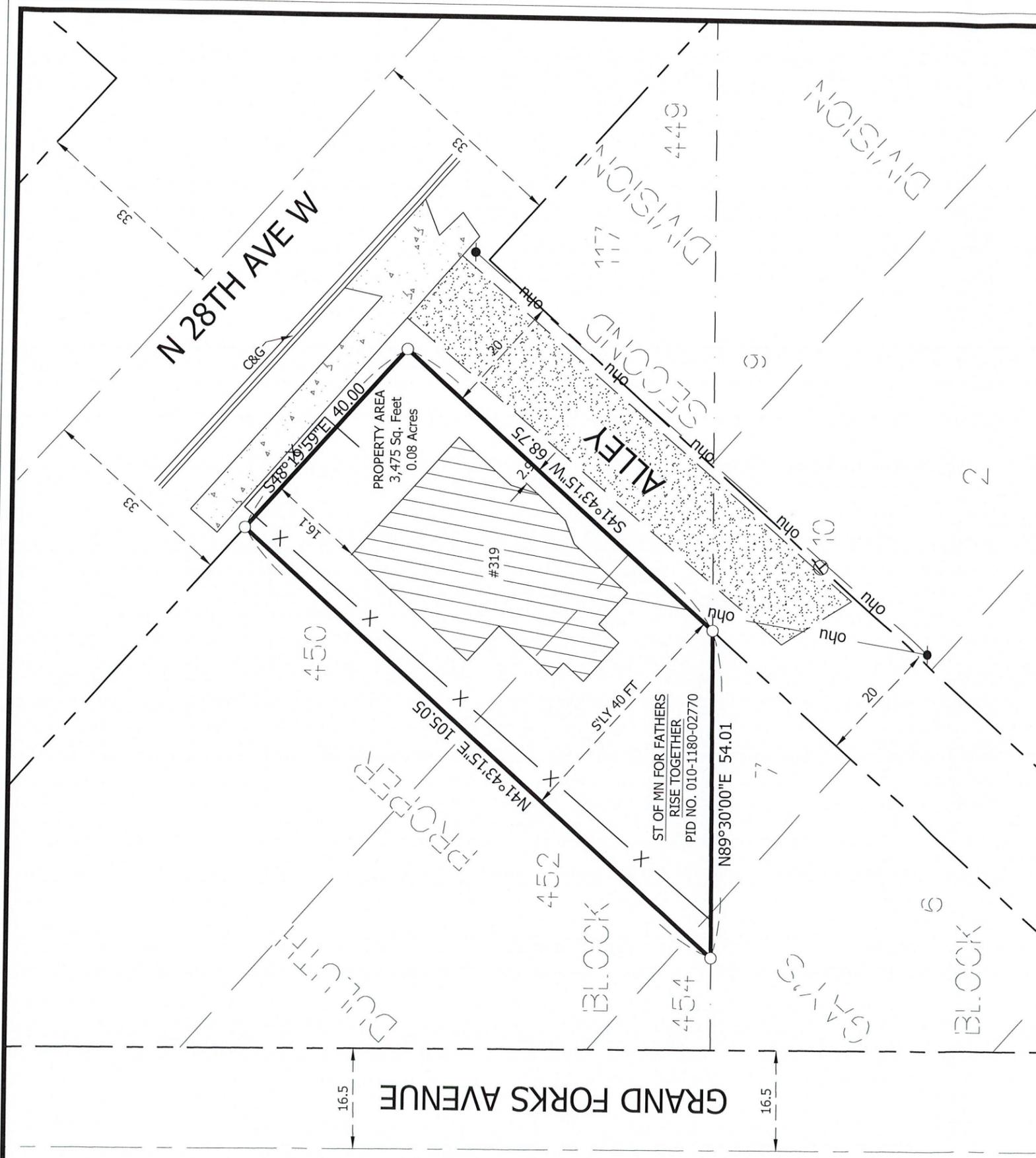
PL 23-202
 Variance
 319 N 28th Ave W



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

Aerial photography flown 2019





LEGEND

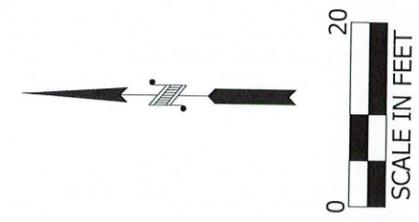
	CONCRETE SURFACE		C&G-CONCRETE CURB & GUTTER
	GRAVEL SURFACE		FENCE LINE
	EXISTING BUILDINGS		OVERHEAD UTILITIES
			SECTION SUBDIVISION LINE
			CENTER LINE
			RIGHT OF WAY LINE
			BOUNDARY LINE AS SURVEYED
			EXISTING PLAT LINE
			FOUND T-STAKE MONUMENT
			SET CAPPED REBAR RLS. NO. 49505
			UTILITY POLE

LEGAL DESCRIPTION PER DOCUMENT NO. 1402253

South 40 feet of Lot 450 and 452 AND that part of Lot 454 lying within 40 feet of the North line of the alley, Block 117, DULUTH PROPER SECOND DIVISION

SURVEYOR'S NOTES

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



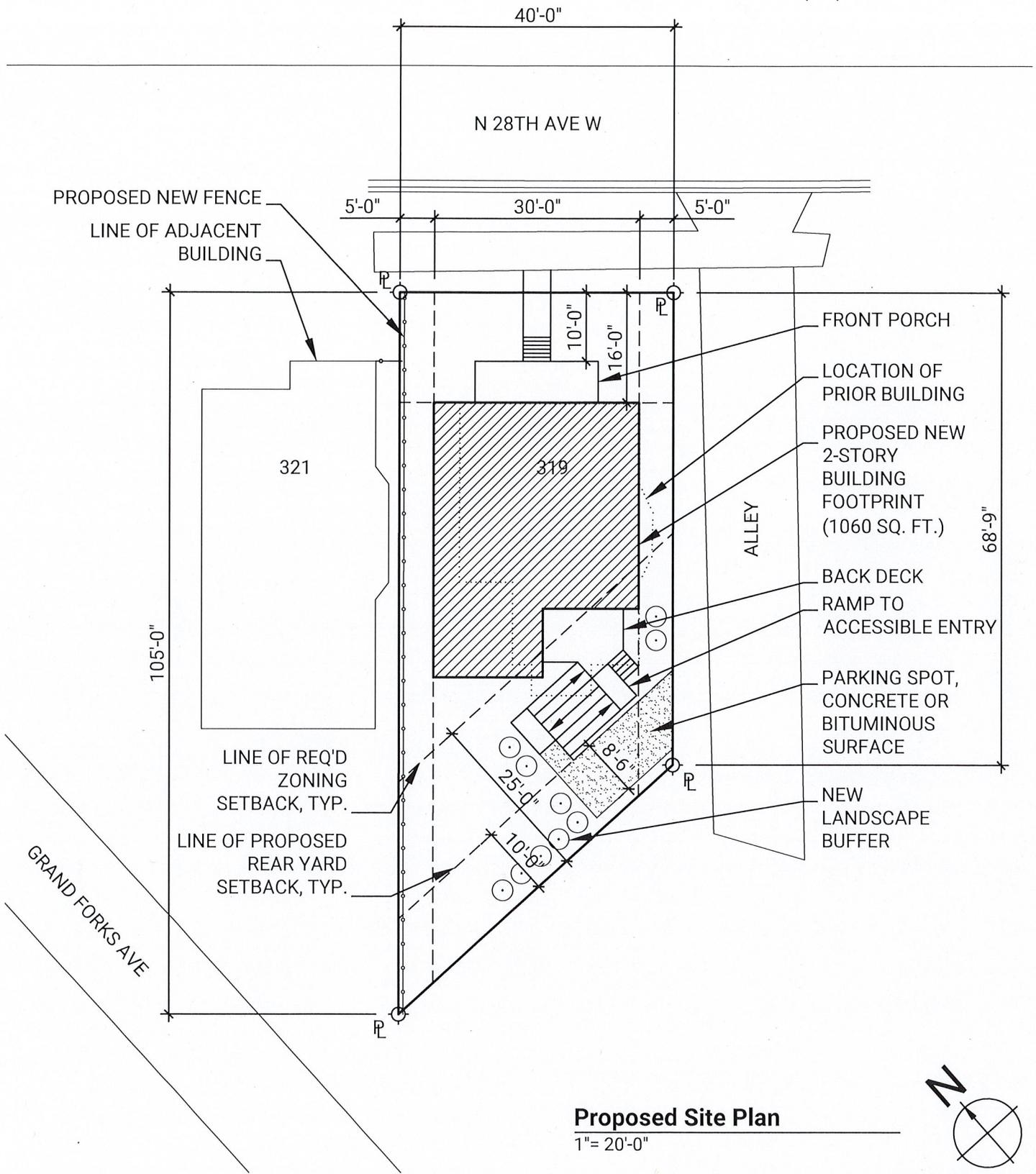
CERTIFICATE OF SURVEY

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

David R. Evanson
 David R. Evanson
 MN License #49505
 DATE: 09-26-2022

CLIENT: FAMILY RISE TOGETHER
 ADDRESS: 319 N 28TH AVENUE WEST
 DULUTH, MN 55806
 DATE: 09-26-2022
 JOB NO: 22-268
 SHEET 1 OF 1





Just Housing SBC
 2201 W 1st St
 Duluth, MN 55806
 218-722-4323

just-housing.org

Site Concept

Project: 23011 Family Rise Together
 Willa Mae's House
 319 N 28th Ave W
 Duluth, MN 55806



**JUST
HOUSING**

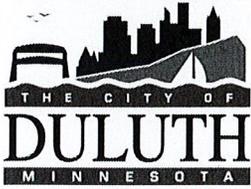
Willa Mae's House

A Supportive Housing Development Project Of Family Rise Together



Project Location: 319 N 28th Ave. West
Duluth, MN 55806

Project Concept Documentation Packet 1 August 2023



Planning & Development Division
 Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

Variance Application Supplemental Form Family Rise Together: 319 N 28th Ave. W

In order to submit a complete variance application, please explain how your request meets all of the below variance criteria. This is information that is required by the zoning code and will be shared with the Planning Commission during their review. You may fill out this form, or attach your information in a separate letter. This information will be shared with the Planning Commission in order to help them determine the appropriateness of the variance application and request.

List the UDC Section you are seeking relief from (example: "50-14.5 – front yard setback in an R-1"):

50-15.2 Mixed Use-Neighborhood (MU-N) – minimum depth of rear yard setback. We are requesting reduction of the rear yard setback from 25 feet to 10 feet.

1. Please explain how the exceptional narrowness, shallowness or shape of the property, or exceptional topographic or other conditions related to the property, would result in practical difficulties under strict application of the requirements of the UDC:

This parcel is not rectangular in shape. The back of the parcel is triangular in shape. The front of the parcel, along 28th Ave E, is 40' wide. The side abutting the alley is 68.75' long and the side abutting the neighbor's parcel is 105' long. The unusual shape of this property results in a practical difficulty for adherence to the rear yard setback.

2. Please explain how the special circumstances or conditions that create the need for relief is due to circumstances unique to the property, and were NOT created by the property owner or the property owners' predecessors-in-interest:

The parcel was purchased with a condemned 2-story home on the lot (which has since been demolished). The original home, location shown in the certified survey, did not meet the current setbacks, but fit well within the neighborhood. It was of a similar size and placement to the house which exists on the adjacent property. The owner wishes to build a new 2-story home of a similar size and character to the original, and will conform to the current requirements for front and side yard setbacks. However, the current required rear yard setback presents the practical difficulty.

3. Please explain the special circumstances or conditions applying to the building or land in question are peculiar to this property or immediately adjoining properties, and do not apply generally to other land or buildings in the vicinity:

This property abuts a property to the rear with a similar wedge-shaped configuration. These two properties abut the north side of an alley that connects N 28th Ave W with Grand forks Ave. This property is part of a peculiar triangular-shaped tract of land area bordered by N 28th Ave W, Grand Forks Ave, and the alley. This triangular-shaped tract of land is divided into 5 parcels, all of which have non-rectangular configurations.

Aerial photo of the land in question is included with this supplemental information.

4. Please explain how the application proposes to use the property in a reasonable manner, which would not be permitted by this code except for a variance:

The owner wishes to build a new single-family 2-story home of a similar size and character to the original, and will conform to the current requirements for front and side yard setbacks. The footprint of the proposed house, with the requested variance, is 1,060 square feet, which is an average sized, reasonable home. The required off-street parking space is off the alley at the back of the house, which essentially necessitates a rear entry. Without the variance, the allowable building area is too small to allow for the development of a desirable single-family home, with access from both the front and the rear.

5. Please explain how that if the variance is granted it will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets or the danger of fire or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety or public welfare of the inhabitants of the city:

The proposed site plan places the new house on the site in a manner consistent with the other single-family homes on the block. The size and configuration of the house is of a similar proportion to the adjacent home, and will not impact the supply of air or light to the adjacent home any more than did the original home on this site.

This newly constructed home will be durable and all-electric operation. With no combustion appliances in the house, the house will be safer than many in terms of fire resistance and potential fumes or other pollutants.

6 Please explain how, if the variance is granted, it will not substantially impair the intent of zoning code and the official zoning map, and will not alter the essential character of the neighborhood:

The priorities of this project are in alignment with the intent zoning ordinance and the purpose of the MU-N zoning. The site will be retained as a single-family residence. The project design takes into account the character of the neighborhood, as well as the ecology and sustainability of our community.

The home will be designed for net zero energy performance, and the building design will be in keeping with the character of the neighborhood. New landscaping and a new fence along the shared property line will installed as a buffer, and in character with the neighborhood. The site development, building construction, and landscaping will be undertaken with an approach intended to "leave it better than you found it."

Does your variance request need to meet any of the specific criteria in UDC Section 50-37.9, subsections D through M (E. Unsewered Areas, F. Two Family Dwellings in R-1, G. Parking Regulations, H. Reduce Setbacks, I. MU-C District, J. Airport Overlay, K. Flood Plain Regulations, L. Shorelands, or M. Non-Conforming Buildings)? Yes No

Discuss what subsections are applicable and how this request meets those: n/a



Planning & Development Division
 Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580
 planning@duluthmn.gov

File Number	PL 23-198	Contact	Chris Lee, clee@duluthmn.gov	
Type	Special Use Permit - Restaurant	Planning Commission Date	December 12, 2023	
Deadline for Action	Application Date	November 2, 2023	60 Days	January 1, 2024
	Date Extension Letter Mailed	November 10, 2023	120 Days	March 1, 2024
Location of Subject	7002 W Grand Avenue – Former Gas Station			
Applicant	Duane Carlson	Contact		
Agent		Contact		
Legal Description	PID: 010-2420-02140			
Site Visit Date	November 28, 2023	Sign Notice Date	November 28, 2023	
Neighbor Letter Date	November 21, 2023	Number of Letters Sent	24	

Proposal

A Special Use Permit to operate a restaurant in the existing building. The project will consist of a 2,861 sq. ft. pizza restaurant with related parking and landscaping.

Recommended Action: Approve with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Vacant	Traditional Neighborhood/Open Space
North	MU-N	Highway	Traditional Neighborhood
South	R-1	Railroad	Traditional Neighborhood/Open Space
East	R-1	Vacant	Traditional Neighborhood/Open Space
West	MU-C	Highway	Traditional Neighborhood

Summary of Code Requirements

- 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.

Sec. 50-20.3.Q – Restaurant Use Specific Standards.

1. Shall not exceed 5,000 sq ft.; 2. Drive-ins and drive-throughs for restaurants are allowed in the, MU-C, District, 3. Drive-

through lanes shall allow for stacking space for 5 cars; 4. Drive-through speaker boxes.

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

Governing Principle # 1- Reusing of previously developed lands: this proposal is utilizing existing developed lands for a new user.

Future Land Use – 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.

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.

History: The site is currently home to a former gas station. The tanks have been removed and the fuel pumps removed.

Review and Discussion Items

Staff finds that:

1. The proposed pizza restaurant will be 2,861 sq. ft with some indoor seating for ordering and service. There is no drive-through proposed for the restaurant.
2. No other use specific standards for a restaurant are applicable in the MU-N zone district.
3. The site plan shows 14 parking spaces for the proposed restaurant. This meets the minimum required (6.5 parking spaces per 1,000 sq. ft. of building area for restaurants or 40 stalls).
4. The landscape plan submitted indicates 12 trees and 24 shrubs exceeding the minimum required for the site. These trees and shrubs will be planted to meet the 30% parking coverage directly adjacent to the site and in surrounding parking areas. This is an alternative landscape design approved by the Land Use Supervisor. Staff determined that the alternative design would present a higher chance of survivability due to the harsh environment being adjacent to a state highway.
5. HVAC mechanical units are not shown and will need to be screened from view, which can be verified at time of building permit application.
6. Trash screening is shown on the plans with compliant materials.
7. Ground-mounted signs indicated on plans are not part of this review and are subject to separate sign permits.
8. Sustainability and building design standards do not apply due to the size of the structure.
9. A photometric plan with fixture details indicates code complaint lighting will need to be verified at the time of building permit application.
10. MnDOT has commented that a new access permit will be required. MnDOT requires new access permits for an existing access when a change of use occurs. The two existing accesses on Highway 23 previously were for a C-Store/Gas Station.
11. No public, agency, or City comments were received at the time of drafting this report.
12. 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 Special Use Permit with the following conditions:

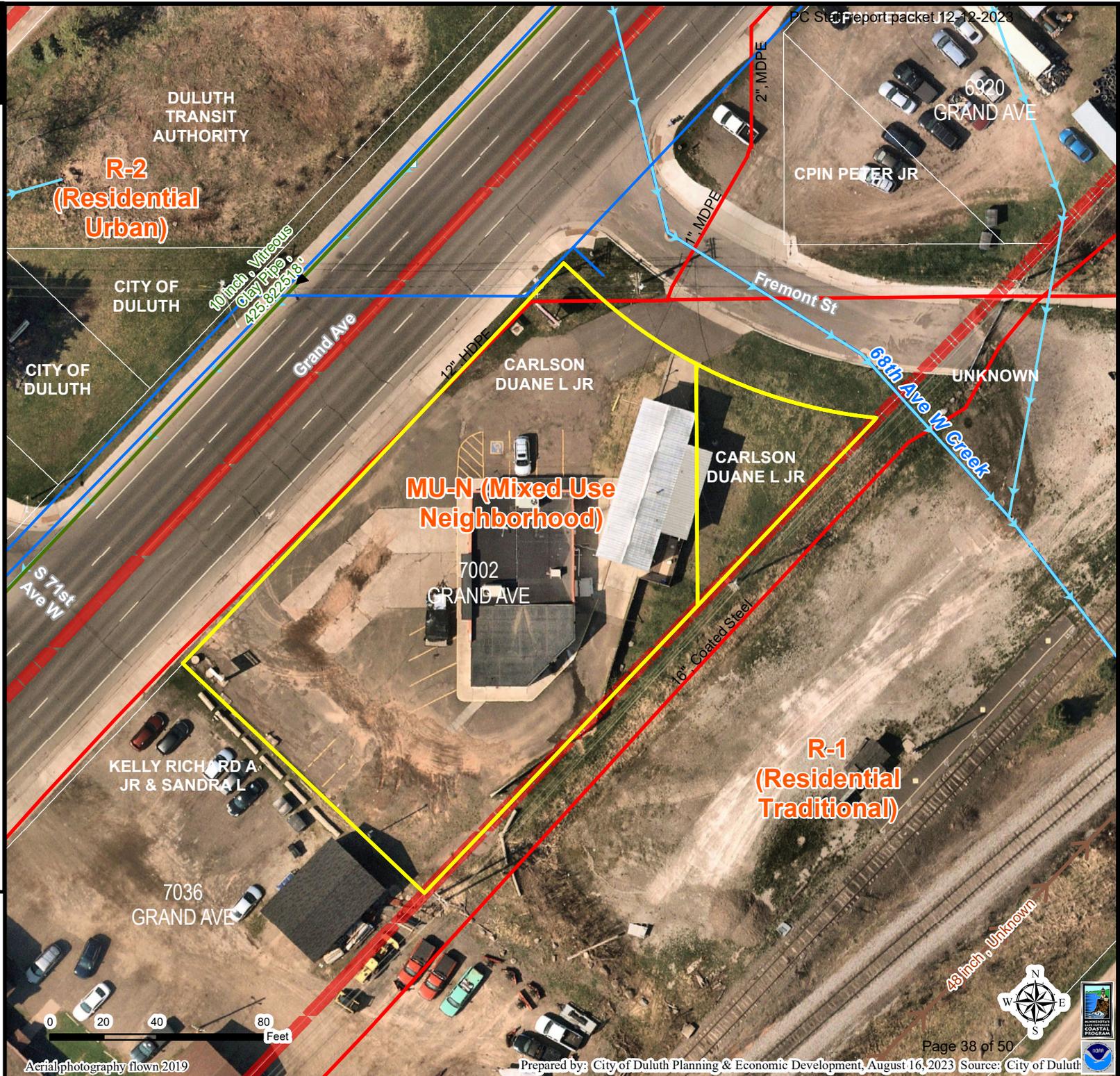
1. The project be limited, constructed, and maintained consistent with plans submitted and included in this report;
2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no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



PL23-198
Special Use Permit
7002 Grand Ave

Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
 - CITY OF DULUTH
 - WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- PS Pump Station
- Storm Sewer Mains**
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin
- Zoning Boundaries**
 - Trout Stream (GPS)
 - Other Stream (GPS)



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

Aerial photography flown 2019



PRELIMINARY
 NOT FOR CONSTRUCTION
 DATE: 11.2.2023

DOMINO'S PIZZA
 7002 GRAND AVE
 DULUTH, MN 55807

ISSUE DATE
 11.2.2023

PROJECT NO.
 2347

REVISIONS

SHEET NO.
SITE

TREE CANOPY COVERAGE OF PARKING LOT HARDSCAPE CALCULATION

PARKING LOT HARDSCAPE AREA	13,762 SF
TREE COVERAGE AREA AT MATURITY	4,177 SF
PERCENTAGE COVERAGE OF PARKING LOT	30.3%

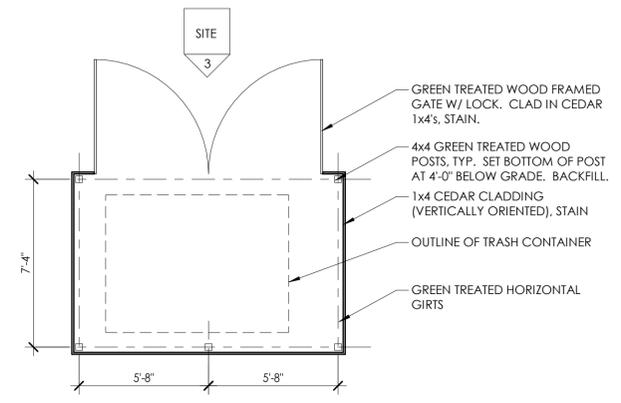
VEGETATION LEGEND

TREES (6 MIN. REQUIRED FOR STREETFRONT, ALTERNATE PLAN FOR 4 AT REAR YARD)

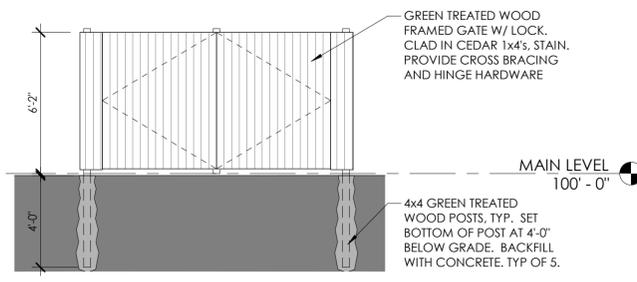
- SUGAR MAPLE - 50' AT MATURITY
- HACKBERRY - 35' AT MATURITY

SHRUBS (24 MIN. REQUIRED)

- LILAC, SUGAR PLUM FAIRY
- MOCKORANGE, MINIATURE SNOWFLAKE



2 TRASH ENCLOSURE
 1/4" = 1'-0"



3 TRASH ENCLOSURE ELEVATION
 1/4" = 1'-0"



1 SITE AND LANDSCAPE PLAN
 1/16" = 1'-0"



How the guiding principles as itemized by the City of Duluth apply to the special use zoning process and the development of a Domino's at 7002 W Grand Avenue.

Please consider the following while reviewing the application for the special use zoning permit that is being applied for:

Principle 1: Reuse previously developed land:

While this may seem self evident, the description of the property currently is most accurately portrayed as vacant. This property was purchased with the intent of relocating an existing Domino's Pizza business from 309 N Central Avenue. The building, the layout, the existing utilities and equipment already installed match very well with the requested new use of this existing space and property.

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

Since this space is already developed in some capacity, the only areas that seem to apply are declaring the necessity and explaining how we will further develop the property to create a more inviting and vibrant part of the neighborhood.

The relocation is necessary for this Domino's. The current building that houses this store has many signs of an aging facility. While structurally, the building is sound, the investment that is required to make this a state of the art location would be significant. Relocation or close are the only options for this store. The fact that we have this option makes relocation viable.

In terms of the undeveloped part of the principle, further developing parking space to include the landscaping and other upgrades to make this an attractive part of the neighborhood is important. Instead of an empty building and an empty parking lot, we will develop the blank space to include trees, shrubs, and attractive property layout to enhance the look of the area. The close proximity to the Superior Zoo will bring added notice to the improvement.

Principle 3: Support existing economic base.

The option to relocate as opposed to closing an existing business also would seem to be self evident. The developed property not only will impact the labor already at the store, but the new location will further develop need for more positions to be filled.

The tax base for the city of Duluth is also impacted in two areas. Property value will be positively impacted as well as Sales Tax revenue.

Principle 4: Support economic growth sectors.

Although this is not directly related to most of the sectors listed in this principles main body of text, all businesses that develop support those that are directly referred to. All manner of the growth sectors have employees that support and appreciate services and products of their choosing.

This area on W Grand has limited facilities to support economic growth and provide services to the neighborhood. In fact, by allowing Domino's to develop this space may spur growth of other business to invest locally and further develop unused or abandoned spaces.

Principle 5: Promote reinvestment in neighborhoods.

As referred to in the previous principle, this is the definition of what we hope to do with this lot. Domino's has always been a supporter of local athletics, arts, schools, and other events. Allowing this development with further the ability of Domino's to not only be a business partner in this neighborhood, but also be a supporting partner for several of the groups and entities that we already donate to and support.

Principle 6: Reinforce the space-specific.

How this applies to 7002 W Grand at first was confusing. Then, I further looked at the process that this exercise is making me do. It is opening up the ideal of developing a previously used space and further enhancing it to maybe help others do the same. We have a tourist railroad stop right behind us that frankly looks like a weeded lot but the customers use the bathroom. Developing the lot as prescribed in the landscape plan does exactly what this principles asks.

Principle 7: Create and maintain connectivity.

Development of a property, any property, should enhance this principle. By having space to add shade for pedestrians. Perhaps benches for a bus stop or simply opening the facility to allow the conveniences of getting out of the weather while waiting for a public transportation or walking down the sidewalk all enhance this principle.

Principle 8: Encourage mix of activities, uses, and densities.

Development of this property as a Domino's makes this the first restaurant in this section of the neighborhood. There are landscape properties, taverns, semi-industrial uses, gas stations, a zoo, and probably many others that are not listed. Food service except as provided by gas stations is decidedly missing. Allowing us to use this space as a Domino's further enforces this principles mission.

Principle 9: Support private actions that contribute to the public realm.

Reimagining the use of this space as a Domino's at first may not seem to directly contribute to this. However, the development of a modern looking facility that this Domino's will be is exactly how it supports this principle. Just like the Kwik Trip a few blocks away does, it brings a modern look to the area.

Principle 10: Take actions that enhance the environment, economic , and social well being of the community:

Development of this property and specifically the parking lot to conform with the requirement that the city of Duluth has set forth enhances the environment. Other factors described in this principle are addressed either in previous paragraphs or by simple definition.

Economic impact is a multi-faceted improvement for all parties. City, employee, and employer all (hopefully) see positive growth from this.

Social well being can be considered through the options of convenience of a service, the impact of having a safe place to congregate, and the overall improvement of a formerly unoccupied lot.

Principle 11: Consider education systems in land use actions.

Like some of the other principles, this consideration isn't as obvious. It also becomes more clear when you consider that all development done consistently with the overall development plan of a community enhances all areas. High tides raise all ships would seem to be the most applicable theme.

Is a school going to be build or developed because we put a Domino's in this location? No. But developing a complete community which includes all facets of business and industry may eventually lead to such an action.

Principle 12: Create efficiencies in delivery of public services.

Private business does not create efficiencies in delivery of public services directly, but supporting those that do this helps create an overall healthier system. If that causes efficiencies to develop or improvements to an area to become a priority, then we are lucky enough to have contributed to that.

We will continue to support those that specifically do provide these services in any possible way.

Declaration of Non-negative Impact to Develop Property

RE: 7002 Grand Avenue

As prescribed by the checklist for Special Use Permit – General and for the development of the property located at 7002 Grand Avenue, I am committing to develop the property as to not have a negative impact on the community and neighborhood.

This lot was formerly a gas station. All environmental inspections have already been done to verify that the property as it was purchased had all necessary environmental considerations properly identified and taken care of. Development of this property will not be adding any additional environmental concerns to this property.

Since the purchase of this property and through the process of applying for this special use permit. Areas have been identified and addressed with respect to the guiding principles of planning and development for the City of Duluth. In doing so, the process and the importance of developing not just the construction documents, but the overall site plan came into focus.

With that, please consider the other attached letter specifically referencing the guiding principles and how they apply to this property and how they are being addressed.

Development of a vacant property along with the process that the City has required has helped make a more cohesive plan that truly does improve the neighborhood, the area, and the develop of this property and future business.

Thank you for using such a process to bring a full circle plan into place.

With the consideration of these additional steps and the process of really looking at the project from several points of view, this process has helped developed a site and business plan for this project that will help improve more than just the look of this building and lot.



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 23-162	Contact	John Kelley, jkelly@duluthmn.gov	
Type	Final Plat	Planning Commission Date	December 12, 2023	
Deadline for Action	Application Date	September 6, 2023	60 Days	November 5, 2023
	Date Extension Letter Mailed	September 15, 2023	120 Days	January 4, 2024
Location of Subject	Parcels 010-2720-00320, 010-2720-00321, 010-2720-00322, 010-2720-00260, 010-2720-00340 east of Woodland Avenue and north of Vassar Street			
Applicant	Kevin Christiansen	Contact		
Agent		Contact		
Legal Description	See attached			
Site Visit Date	November 30, 2023	Sign Notice Date	N/A	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal

Final plat of 25 acres of land into 15 lots ranging from .26 acres to 1.96 acres into "Amity Bluffs."

Recommendation

Staff is recommending approval subject to included conditions.

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

Summary of Code Requirements

The planning commission shall approve the application, or approve it with modifications, if the application meets the following criteria:

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

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

Governing Principle #5 - Promote reinvestment in neighborhoods.

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

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

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

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.

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.

Site history: The site consists of 5 parcels.

1. PL 21-064 rezoning from RR-1 to R-1 September 13, 2021
2. PL 21-181 Approved wetland delineation November 17, 2021
3. PL 22-056 Concept Plan approval by the Land Use Supervisor May 6, 2022
4. PL 23-070 Preliminary Plat approval by the Planning Commission on May 9, 2023

Review and Discussion Items

Staff finds:

- 1) The applicant is seeking Planning Commission approval of a final plat. The proposal is to plat a 25 acre unplatted area into 15 single family lots and two outlots. Outlot A will be used for storm water treatment purposes and Outlot B will be open space. Each lot will have frontage on a new public street connected to Woodland Avenue and running east terminating with a hammer head turnaround, and to the south ending in a cul-de-sac. The proposed lot sizes and widths conforms to the basic requirements of the R-1, Residential Traditional zoning district.
- 2) The Planning Commission’s approval of the Preliminary Plan was conditioned on the following:
 1. Prior to undertaking any site work, the following conditions shall be met:
 - a. The development agreement and final plat shall be recorded;
 - b. All necessary permits shall be obtained;
 - c. Erosion control measures shall be installed and inspected by appropriate city officials;
 2. Drainage and utility easements shall be established over all wetland areas.
 3. Wetland boundaries shall be permanently marked to prevent accidental impact.
 4. The applicant shall enter into a development agreement addressing applicable development terms as identified by City staff herein, and as further identified in the review of the Final Plat of Amity Bluffs. The development agreement shall be approved and recorded with the appropriate St. Louis County offices.
 5. The development agreement must be recorded prior to the Planning Commission President and Secretary signing the Final Plat.
 6. Wetlands shall be fully protected during construction, monitored for impacts due to silt and sediment, and restored if required upon inspection by appropriate city officials.
 7. The City Forester must approve the tree replacement plan and shall validate that the construction process does not impact the trees indicated for preservation on the site.

- 3) Below is staff's response on the satisfaction of the preliminary plat conditions listed above:
1. The Development agreement is being prepared for review and approval.
 2. Applicant has added the required drainage and utility easements.
 3. The applicant shall install wetland signage. This requirement is also listed in the development agreement.
 4. Applicant has provided ample space in utility easements for required storm water basins.
 5. The development agreement is under development and will need to be approved by City Council and recorded before the plat is recorded.
 6. The developer shall install wetland boundary signs identifying the perimeter of wetlands. The wetland boundary sign conditions for approval will be defined in the Development Agreement and at the time of building permit submittal.
 7. The tree replacement plan condition's for approval will be defined in the Development Agreement and at the time of building permit submittal.
- 4) The developer agrees to convey that property described as Outlot A on the Plat to the City for storm water management and to dedicate to the City in trust for the general public all easements for streets, sidewalks, storm water management, and utilities as shown on the Plat at no cost to City.
- 5) The final plat is consistent with the comprehensive land use plan designation of this site, which is for a traditional neighborhood development. The final plat is located in an area of the city with adequate police, fire, and emergency facilities to serve the anticipated housing development. Staff finds that, other than the items addressed above and referenced in the recommendations below, the preliminary plat conforms to the requirements of Sec 50-37.5. and is consistent with all applicable requirements of MSA 462.358 and Chapter 505.
- 6) No citizen or City comments have been received to date.

Staff Recommendation

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

1. Prior to undertaking any site work, the following conditions shall be met:
 - a. The development agreement and final plat shall be recorded;
 - b. All necessary permits shall be obtained;
 - c. Erosion control measures shall be installed and inspected by appropriate city officials;
2. Drainage and utility easements shall be established over all wetland areas.
3. Wetland boundaries shall be permanently marked to prevent accidental impact.
4. The applicant to have the platted street name of James Street renamed to Katherine Lane prior to recording the plat.
5. The applicant shall enter into a development agreement addressing applicable development terms as identified by City staff herein, and as further identified in the review of the Final Plat of Amity Bluffs. The development agreement shall be approved and recorded with the appropriate St. Louis County offices.
6. The development agreement must be recorded prior to the Planning Commission President and Secretary signing the Final Plat.
7. Wetlands shall be fully protected during construction, monitored for impacts due to silt and sediment, and restored if required upon inspection by appropriate city officials.
8. The City Forester must approve the tree replacement plan and shall validate that the construction process does not impact the trees indicated for preservation on the site.



Legend

- Road or Alley ROW
- Zoning Boundaries



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



OFFICIAL PLAT

AMITY BLUFFS

LOCATED IN PART OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 51 NORTH, RANGE 14 WEST OF THE FOURTH PRINCIPAL MERIDIAN, ST. LOUIS COUNTY, MINNESOTA

KNOW ALL PERSONS BY THESE PRESENTS: That Amity Bluffs LLC, a Minnesota limited liability company, owner of the following property:

Southeast Quarter of the Northwest Quarter of the Southeast Quarter of Section 35, Township 51 North Range 14 West of the Fourth Principal Meridian, St. Louis County, Minnesota.

AND

Southwest Quarter of Northeast Quarter of Southeast Quarter, Section 35, Township 51 North, Range 14 West of the Fourth Principal Meridian, St. Louis County, Minnesota.

Parcel 2:

That part of the Northwest Quarter of the Southeast Quarter of the Southeast Quarter of Section 35, Township 51 North, Range 14 West of the Fourth Principal Meridian, lying northerly of the South 296.12 feet of said Northwest Quarter of the Southeast Quarter of the Southeast Quarter. Except the West 30.00 feet of said Northwest Quarter of the Southeast Quarter of the Southeast Quarter lying southerly of the northerly 25.00 feet thereof, and lying northerly of the North 50.00 feet of said South 346.12 feet of said Northwest Quarter of the Southeast Quarter of the Southeast Quarter, St. Louis County, Minnesota.

Has caused the same to be surveyed and platted as AMITY BLUFFS and does hereby dedicate to the public for public use the public way(s) and/or the drainage and utility easement(s) as created by this plat.

In witness whereof said Amity Bluffs LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this day of _____, 2023.

Signed : Amity Bluffs LLC

_____, Manager

Kevin Christianson

STATE OF MINNESOTA
COUNTY OF ST LOUIS

This instrument was acknowledged before me on this _____ day of _____, 2023 by Kevin Christianson, Manager of Amity Bluffs LLC, a Minnesota limited liability company.

Notary Public for the State of Minnesota

My Commission Expires _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, David R. Evanson, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data, dimensions, labels and symbols are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.021, as of the date of this certificate are shown and labeled on this plat; and that all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 2023.

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

STATE OF MINNESOTA
COUNTY OF ST. LOUIS

The foregoing Surveyor's Certificate was acknowledged before me this _____ day of _____, 2023 by David R. Evanson, Minnesota License Number 49505.

Notary Public for the State of Minnesota

My Commission Expires _____

CITY OF DULUTH PLANNING COMMISSION

Approved by the Planning Commission of the City of Duluth, St. Louis County, Minnesota, at a regular meeting thereof, on the _____ day of _____, 2023.

President, Duluth City Planning Commission

Executive Secretary, Duluth City Planning Commission

ST. LOUIS COUNTY SURVEYOR

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this _____ day of _____, 2023.

Nick C. Stewart
County Surveyor

Deputy

ST. LOUIS COUNTY AUDITOR

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, and to Minnesota Statutes, Section 272.12, taxes payable in the year 2023 on the land hereinbefore described have been paid; there are no delinquent taxes and transfer entered this _____ day of _____, 2023.

Nancy Nilsen
County Auditor

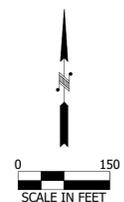
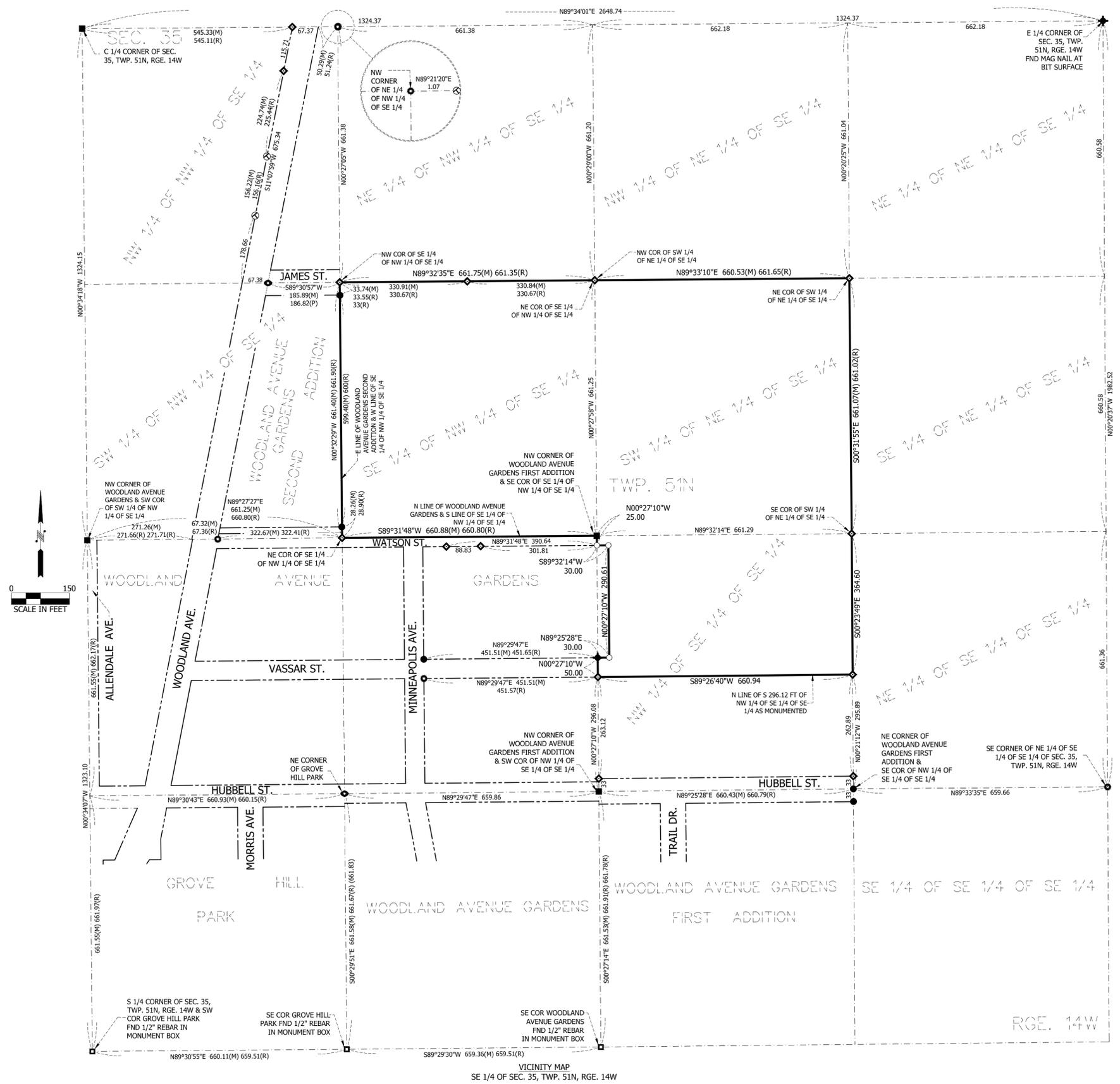
Deputy

ST. LOUIS COUNTY RECORDER

I hereby certify that this plat of AMITY BLUFFS was filed in this office of the County Recorder for public record on this _____ day of _____, 2023, at _____ o'clock _____ M., as Document No. _____.

Wendy Levitt
County Recorder

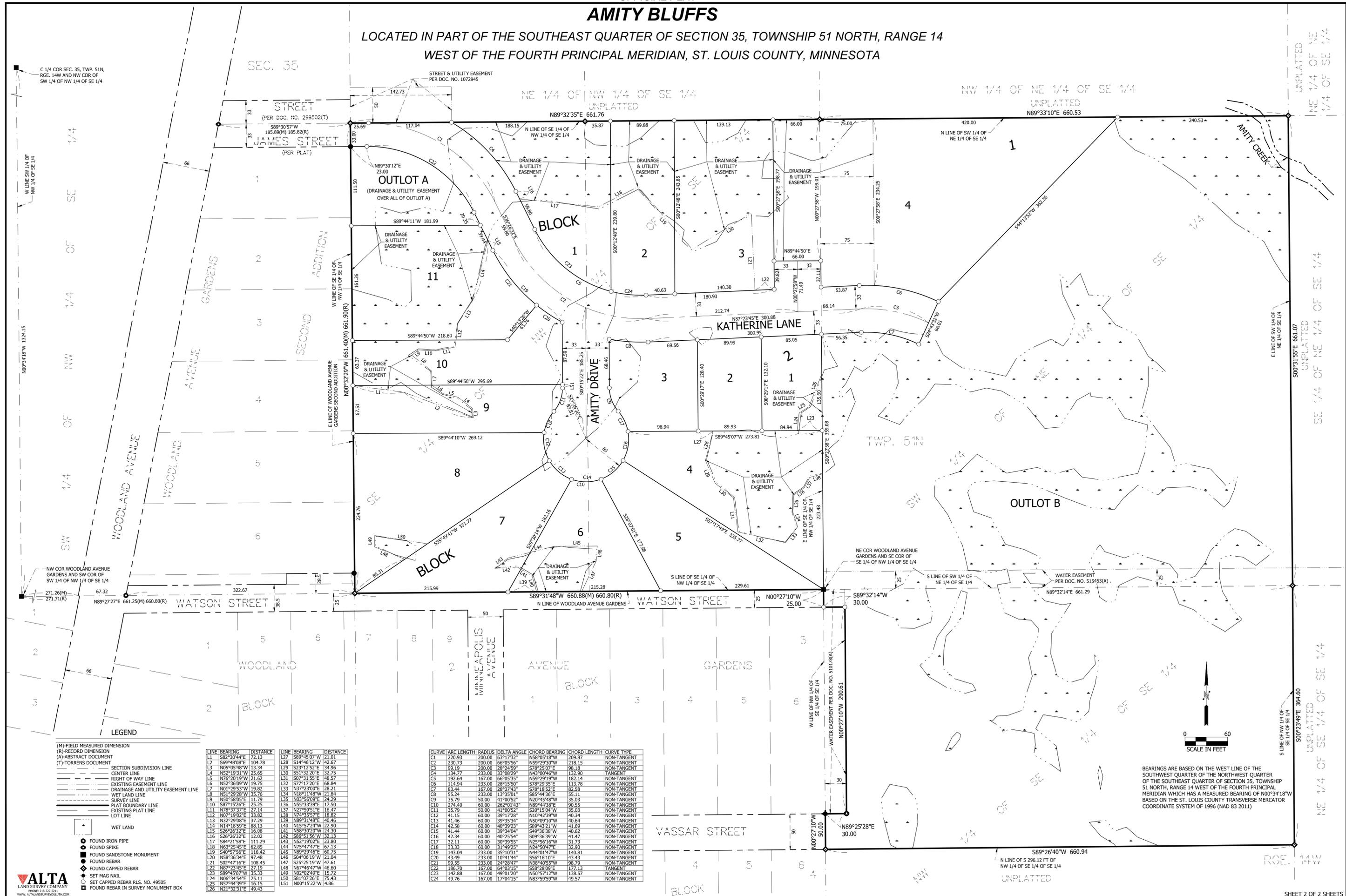
Deputy



VICINITY MAP
SE 1/4 OF SEC. 35, TWP. 51N, RGE. 14W

AMITY BLUFFS

LOCATED IN PART OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 51 NORTH, RANGE 14 WEST OF THE FOURTH PRINCIPAL MERIDIAN, ST. LOUIS COUNTY, MINNESOTA



LEGEND

- (M)-FIELD MEASURED DIMENSION
- (R)-RECORD DIMENSION
- (A)-ABSTRACT DOCUMENT
- (T)-TORRENS DOCUMENT
- SECTION SUBDIVISION LINE
- CENTER LINE
- RIGHT OF WAY LINE
- EXISTING EASEMENT LINE
- DRAINAGE AND UTILITY EASEMENT LINE
- WET LAND LINE
- SURVEY LINE
- PLAT BOUNDARY LINE
- EXISTING PLAT LINE
- LOT LINE
- WET LAND
- FOUND IRON PIPE
- FOUND SPIKE
- FOUND SANDSTONE MONUMENT
- FOUND REBAR
- FOUND CAPPED REBAR
- SET HMC NAIL
- SET CAPPED REBAR RLS. NO. 49505
- FOUND REBAR IN SURVEY MONUMENT BOX

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S82°30'44"E	72.13	L27	S89°45'07"W	21.01
L2	S69°48'08"E	104.78	L28	S14°46'12"W	42.67
L3	N05°05'48"W	13.34	L29	S23°12'52"E	34.96
L4	N52°19'31"W	25.65	L30	S51°32'20"E	32.75
L5	N76°20'19"W	21.62	L31	S07°31'55"E	48.57
L6	N52°36'09"W	19.75	L32	S77°17'20"E	68.84
L7	N01°29'53"W	19.82	L33	N37°23'00"E	28.21
L8	N51°29'28"W	35.76	L34	N18°11'48"W	21.84
L9	N50°30'05"E	11.79	L35	N03°46'09"E	24.29
L10	S87°15'26"E	25.25	L36	N55°33'39"E	17.50
L11	N78°37'37"E	27.14	L37	N27°59'51"E	16.47
L12	N07°19'02"E	33.82	L38	N74°25'57"E	18.82
L13	N32°29'08"E	37.29	L39	N89°31'48"E	40.46
L14	N14°18'59"E	88.13	L40	N15°47'24"W	22.90
L15	S26°26'32"E	16.06	L41	N59°30'20"W	24.30
L16	S26°26'32"E	12.02	L42	S86°51'56"W	32.13
L17	S84°21'58"E	111.29	L43	N52°19'02"E	23.80
L18	N63°25'45"E	62.85	L44	N75°47'47"E	67.13
L19	S40°57'56"E	116.42	L45	N89°29'46"E	60.75
L20	N58°36'34"E	97.48	L46	S04°06'19"W	21.04
L21	S02°47'16"E	108.45	L47	S25°25'19"W	47.61
L22	N87°23'45"E	27.19	L48	N67°46'47"W	46.60
L23	S89°45'07"W	35.33	L49	N02°02'49"E	15.72
L24	N06°34'54"E	25.11	L50	S81°07'26"E	75.43
L25	N57°44'39"E	16.15	L51	N00°15'22"W	4.86
L26	N21°32'31"E	49.43			

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	CURVE TYPE
C1	220.93	200.00	63°17'32"	N58°05'18"W	209.87	NON-TANGENT
C2	230.73	200.00	N9°29'30"W	218.15	NON-TANGENT	
C3	99.19	200.00	28°24'59"	S78°25'07"E	98.18	NON-TANGENT
C4	134.77	233.00	33°08'29"	N43°00'46"W	132.90	TANGENT
C5	182.64	167.00	66°05'35"	N59°29'19"W	182.14	NON-TANGENT
C6	114.94	233.00	28°15'50"	S78°29'35"E	113.78	NON-TANGENT
C7	83.44	167.00	28°37'43"	S78°18'52"E	82.58	NON-TANGENT
C8	55.24	233.00	13°35'01"	S85°44'36"E	55.11	NON-TANGENT
C9	35.79	50.00	41°00'52"	N20°45'48"W	35.03	NON-TANGENT
C10	274.40	60.00	262°01'43"	N89°44'38"E	90.55	NON-TANGENT
C11	35.79	50.00	41°00'52"	S20°15'04"W	35.03	NON-TANGENT
C12	41.15	60.00	39°17'28"	N10°42'39"W	40.34	NON-TANGENT
C13	41.46	60.00	39°35'34"	N50°09'10"W	40.64	NON-TANGENT
C14	42.58	60.00	40°39'23"	S89°43'21"W	41.69	NON-TANGENT
C15	41.44	60.00	39°44'04"	S49°36'38"W	40.62	NON-TANGENT
C16	42.34	60.00	40°25'54"	S89°36'39"W	41.47	NON-TANGENT
C17	32.11	60.00	30°39'55"	N25°56'16"W	31.73	NON-TANGENT
C18	33.33	60.00	31°49'25"	N24°50'47"E	32.90	NON-TANGENT
C19	143.04	233.00	35°10'21"	N44°01'47"W	140.81	NON-TANGENT
C20	43.49	233.00	10°41'44"	S56°16'10"E	43.43	NON-TANGENT
C21	99.55	233.00	24°28'47"	N38°40'55"W	98.79	NON-TANGENT
C22	186.70	167.00	64°03'15"	S58°28'09"E	177.13	TANGENT
C23	142.88	167.00	49°01'20"	N50°57'12"W	138.57	NON-TANGENT
C24	49.76	167.00	17°04'15"	N83°59'59"W	49.57	NON-TANGENT



BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 51 NORTH, RANGE 14 WEST OF THE FOURTH PRINCIPAL MERIDIAN WHICH HAS A MEASURED BEARING OF N00°34'18"W BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996 (NAD 83 2011)





Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580
 planning@duluthmn.gov

MEMORANDUM

DATE: December 4, 2023
TO: Planning Commission
FROM: Kyle Deming, Senior Planner (kdeming@duluthmn.gov)
RE: Public Hearing for Scoping EAW (Environmental Assessment Worksheet) for Central High School Redevelopment (**PL 23-127**)

On November 20, 2023 I sent a memo to the Planning Commission concerning the Central High School Redevelopment Project environment review and introducing the commission to the three-step Alternative Urban Areawide Review (AUAR) process.

We are currently in the first step, which is the 30-day comment period for the Scoping EAW. Comments on the document are due by 4:00 p.m., Thursday, January 4, 2024. The document can be found at <https://duluthmn.gov/planning-development/environmental/environmental-reviews/>.

Notice of the Scoping EAW's availability and the 30-day comment period have been advertised in the Duluth News Tribune, in a City-issued press release, and on the City's web page. The required government agencies have been notified and a paper copy of the document is available at the Duluth Public Library.

At the December 12, 2023 Planning Commission meeting, you will be holding a public hearing on the Scoping EAW. It is important to note that, at this step in the AUAR process, you are not evaluating the environmental effects of the proposed development scenarios. That will happen during the second step (anticipated to be February/March, 2024) where there will be another 30-day comment period and public hearing.

Comments during the first phase, the Scoping EAW, may suggest additional development scenarios and relevant issues to be analyzed in the subsequent AUAR document, including development at sites outside of the proposed AUAR boundary. The comments must provide reasons why a suggested development scenario or alternative to a specific project is potentially environmentally superior to those identified in the Scoping EAW.

At the January 9, 2024 Planning Commission meeting we will present responses to substantive comments made on the Scoping EAW and request your approval of the Final Order for AUAR. That action will commence the development of the Draft AUAR of the second step.

Please contact me if you have questions about the environmental review process.