



City of Duluth

Council Chambers, City
Hall

Meeting Agenda Planning Commission.

Council Chambers

Tuesday, June 11, 2024

5:00 PM

Council Chambers

CALL TO ORDER AND ROLL CALL

ZENITH AWARDS FOR PLAN IMPLEMENTATION

APPROVAL OF PLANNING COMMISSION MINUTES

[PL 24-0514](#) Planning Commission Minutes 5/14/24

Attachments: [5-14-2024 PC Minutes \(not approved yet\)](#)

PUBLIC COMMENT ON ITEMS NOT ON AGENDA

CONSENT AGENDA

[PL 24-037](#) Concurrent Use of Streets Permit for a Fire Escape at 114 W 1st Street by Sumlee Beede

Attachments: [PL24-037 Staff Report and Attachments Final](#)

[PL 24-056](#) Minor Subdivision at 1806 Rice Lake Rd by G & D Developers LLC

Attachments: [PL24-056 Staff Report and Attachments Final](#)

[PL 24-059](#) Interim Use Permit for Renewal of a Vacation Dwelling Unit at 416 S 88th Avenue W by Lawrence Telega

Attachments: [PL24-059 Staff Report and Attachments](#)

[PL 24-062](#) Interim Use Permit for a New Vacation Dwelling Unit in a Form District at 20 Sutphin Street #211 by Canal Park Square LLC

Attachments: [PL 24-062 Staff Report with Attachments](#)

[PL 24-064](#) Variance for Rear Yard Deck in a Shoreland at 130 Charlotte Place by Daniel and Angie Frank

Attachments: [PL24-064 Staff Report with Attachments](#)

[PL 24-065](#) Interim Use Permit for a New Vacation Dwelling Unit at 1 N Lake Avenue by Jenna Fernandez

Attachments: [PL24-065 Staff Report and Attachments](#)

[PL 24-066](#) Amendment to Special Use Permit for Expanded Hours at a Restaurant at 1832 E Superior Street by Misha Smith

Attachments: [PL 24-066 Staff Report and Attachments](#)

[PL 24-067](#) Minor Subdivision on 3900 Block of Maxwell Avenue by Gloria Carlson

Attachments: [PL 24-067 Staff Report with Attachments](#)

[PLSUB-2405-0002](#) Minor Subdivision for Incline Village at 709 Portia Johnson Drive by STC Building LLC

Attachments: [PLSUB-2405-0002 Staff Report with attachments](#)

PUBLIC HEARINGS

[PL 24-068](#) Variance from Height Requirement to Build Warehouse at 100 N Central Avenue by Sofidel

Attachments: [PL 24-068 Staff Report and Attachments](#)

COMMUNICATIONS

Land Use Supervisor Report

Historic Preservation Commission Report

Joint Airport Zoning Board Report

Duluth Midway Joint Powers Zoning Board Report

City of Duluth Planning Commission

May 14th, 2024 – City Hall Council Chambers
Meeting Minutes

Call to Order

President Gary Eckenberg called to order the meeting of the city of Duluth planning commission at 5:02 p.m. on Tuesday, May 14th, 2024 in the Duluth city hall council chambers.

Roll Call

Attendance:

Members Present: Chris Adatte, Gary Eckenberg, Brian Hammond, Jason Hollinday, Margie Nelson, Danielle Rhodes, and Dave Sarvela

Members Absent: Jason Crawford and Andrea Wedul

Staff Present: Ryan Pervenanze, Jean Coleman, Jenn Moses, Kyle Deming, John Kelley, Chris Lee, Jason Mozol, and Samantha Smith

Approval of Planning Commission Minutes

Planning Commission Meeting – April 9th, 2024 – Changes were previously requested by Danielle Rhodes in an email sent to planning staff members regarding a change to item PL24-011. Rhodes shared these proposed changes with the rest of the commission. Staff members Jenn Moses and Ryan Pervenanze confirmed the requested changes will be made.

President Gary Eckenberg requested a change be made to the Attendance list, asking for commission members to have first and last names listed. Eckenberg also requested changes be made under the Heritage Preservation Commission Report portion under “Communications”. Ryan Pervenanze ensured the corrections would be made.

MOTION/Second: Sarvela/Rhodes approved

VOTE: (7-0)

Public Comment on Items Not on Agenda

No comments.

(Items PL 24-039, PL24-044 and PL 24-252 were removed from the consent agenda and placed under public hearings.)

Consent Agenda

PL 24-035 Interim Use Permit for Amended Vacation Dwelling Unit in a Form District at 30 W 1st St by Jason Taly and Rachel Watson

~~PL 24-039 Variance from Shoreland Setback at 5730 London Road by Dean Jablonsky~~
PL 24-043 Interim Use Permit for a New Vacation Dwelling Unit at 103A E Superior Street by Eric Faust
~~PL 24-044 Vacation of a Utility Easement at 3800 Greysolon Place by Matt Schiller and Betsy Schwartz~~
PL 24-045 Variance from Retaining Wall Requirements in a Parking Lot on 3rd Street between 3rd and 4th Avenue W by St Louis County
PL 24-048 Vacation of a Portion of 63rd Avenue W Adjacent to 6303 Highland Street by Eric D. Abbett and Melissa Joy VanDell Abbett
~~PL 24-052 Interim Use Permit for an Interim Outdoor Living Site at 206 W 4th Street by Damiano Center~~
PL 24-053 Minor Subdivision for Incline Village at 802 E Central Entrance by Incline Plaza Development LLC

Commissioners: PL24-039 – Commissioner Danielle Rhodes requested this item be removed from the consent agenda and be placed under public hearings.

Public: PL24-044: Stephanie Ball – 3737 Greysolon Road – Stephanie addressed the commission and expressed her opposition to item PL24-044. She requested it be pulled from the consent agenda to be discussed individually.

PL-24-052: Roger Smith Sr. – 1720 Big Lake Road – Roger asked to remove this item from the consent agenda to be considered separately.

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

VOTE: (7-0)

Public Hearings

PL24-039 Variance from Shoreland Setback at 5730 London Road by Dean Jablonsky

Commissioners: Rhodes requested clarification as to why this item was considered a routine ask. It is her understanding that the applicant is building a new structure and it appears that there is room on the front and the sides to get more space if that's what the applicant wishes. She is wondering why this is a unique situation in the eyes of staff members.

Staff: John Kelley addressed the commissioners. He informed them that the applicant is proposing to use an existing foundation to construct a new single-family home that will meet the current setbacks for R-1, with the exception of the rear of the building. There are a couple decks and roof eaves that will encroach into the 50 ft shoreline setback, which requires a shoreline setback variance. In terms of practical difficulty, the applicant has indicated in the report that there are constraints due to topographical issues and a MNDOT drainage easement directly west of the existing structure and foundation. The applicant is asking for relief of 7 ft into the shoreline setback for the decks and roof eaves.

Commissioners: Commission members asked staff about the drainage easement on the west side of the structure and the feasibility of the applicant building on the west side instead. Staff reiterated that the client is wishing to build on the back of the structure, not the west side, so as to avoid conflict with the existing drainage easement. Commissioners also asked how far the proposed deck will go over the shoreline setback.

Applicant: Dean Jablonsky, 5730 London Road: Dean addressed the commission regarding the details of his property. Jablonsky purchased his parcel in 2019. The garage on the parcel has a tuck-under living quarters and it was built in the late 1970s/early 1980s, which was before current UDC regulations. The practical difficulty for adding on to this property is the setbacks on the front, rear, and west sides, as well as a steep 18-ft drop-off on the East side. The applicant believes the best solution is to build on the existing foundation to build upwards. He also wants to have a view of the lake with this proposed structure by adding a deck. The new deck will achieve this lake-view goal, but the eaves will go into the 50 ft. shoreline setback by a few feet. Bill burns, Legal Representative of Jablonsky: Burns reiterates that the applicant wants to protect views of the lake, and no views will be obstructed with his client’s building plan.

Public: No speakers.

Motion/second: Adatte/Hollinday recommended approval as per staff recommendation

Vote: (6-1)
Rhodes opposed

PL 24-044 Vacation of a Utility Easement at 3800 Greysolon Place by Matt Schiller and Betsy Schwartz

Staff: Jenn Moses addressed the commission. Moses recommends the procedure of first answering any commissioner questions, then ask the applicant if they would like to speak, and then open up the public hearing.

Commissioners: No questions.

Public: Stephanie Ball 3737, Greysolon Road – Stephanie addressed the commission and brought photographs for commissioners to help address her concerns about this item. Her property is directly behind the applicant’s property. Her concern is that there is, what she calls, a severe storm water drainage problem in her neighborhood. There is a public easement on the applicant’s property that could be used to address this drainage issue. She states that there was a large pipe was installed in the last several years that redirects water from the applicant’s property to her backyard, making her backyard un-usable. Ms. Ball argued that a utility easement should not be vacated unless it is useless, and it is not useless to her. Her map showed the utility easement and where it runs in regards to her property. It drains into her backyard. She suggested there is also likely a sub pump because of the “whoosh” noises that she hears.

Applicant: Matt Schiller addressed the commission. He stated that there is a sub pump from the basement that works in conjunction with the pipe to direct water in between her parcel and her neighbor’s property, not directly into her yard. He would be happy to cut the pipe shorter if that would help Stephanie. The issue in question is vacating a Minnesota Power easement that is not being used, which is not a public utility easement. Schiller reiterated that he would be happy to speak with Stephanie in private about finding a resolution to remedy her water drainage concerns, but the issues about the pipe she brought forward to the council are ultimately unrelated.

Commissioners: Commissioners had questions about whether the easement that the applicant wants to be vacated is a Minnesota Power easement or a City of Duluth easement, because the applicant’s original plat drawings had Minnesota Power on them and the City would not be the entity to address that. Commissioners also requested clarification in regards to the issue at hand being a drainage issue.

Staff: John Kelley answered that it’s a platted city easement. Minnesota Power is a private utility company, but staff did hear back from them that there were no issues reported for the vacation of that utility easement at this time.

Staff: Kelley answered the commissions questions saying that the issue being discussed seems to be about water drainage from one property to another, which is an issue between neighbors and should be handled by them outside of the commission meeting. The City Engineering department has deemed this easement useless as there is no need for it in that area. However, the City engineer stopped short of a complete utility vacation because there is an existing 5ft chunk of the easement that will be preserved. The City Engineer has retained the important part of the easement.

Motion/second: Rhodes/Hammond recommended approval as per staff recommendation

Vote: (7-0)

PL 24-052 Interim Use Permit for an Interim Outdoor Living Site at 206 W 4th Street by Damiano Center

Commissioners: Commissioner Rhodes asked staff for more information about the Safe Bay program as well as the potential for a temporary fence or screening permit for this project.

Staff: Jenn Moses addressed the commissioners. She believes the applicant hasn't looked into the details of that at this point, however, if the applicant chooses to pursue a fence permit application in the future, they will need to adhere to existing zoning rules for fences and have a fence permit in place. Moses explains that the applicant is seeking an Interim Use Permit for what the zoning code calls an Interim Outdoor Living Space. The City has been working with many organizations who help people who are experiencing homelessness, and they identified a need for places that are monitored where homeless people can go to be safe. Last year this organization operated under temporary use permit to see if the program ran smoothly and whether or not they would want to renew. This year staff guided them to the interim use permit so they can re-evaluate once a year to make appropriate changes, if necessary. Damiano center works in collaboration with CHUM and Safe Bay. This is a safe, legal place to for people to park and sleep overnight, and they also provide showers, bathrooms, trash/recycling and all services required by zoning regulations for an outdoor living site. It is staffed the entire time it's open by trained monitors. Damiano and Safe Bay staff has noticed that by having staff present the entire time it's open, that there has been less trespassing and less dangerous activity since opening last year.

Applicant: Seth Courier, 629 N 7th Ave E from Damiano Center – Seth addressed the commission. Safe Bay is a collaboration with CHUM and Damiano, where CHUM utilizes Damiano property and hygiene unit to operate Safe Bay at night. During the pilot launch of the Safe Bay program last year, Courier noted that there was a significant amount of unwanted activity, trespassing, and trash accumulation that occurred during the day outside of Safe Bay hours. People who were not utilizing Damiano services would park their cars outside the Damiano, which is where many of these issues were stemming from. Now, there is no parking allowed on the street outside of staffed hours by those who are not using Damiano's services, and this policy has caused these problems to subside. Courier went on to say that the neighborhood is safer when Safe Bay is operating. There is currently a half fence up around the Damiano property to help CHUM staff manage people who were walking through the parking lot. They want to apply for a fence permit and build a temporary fence that can put up and taken down every day. The purpose of this temporary fence will be to provide safety and comfort to the people staying there by serving as a physical and visual barrier. They want a temporary fence because Safe Bay works in conjunction with the warming center, so Safe Bay opens when the warming shelter closes. Courier also explained that Safe Bay is designed to be a short-term solution for people experiencing homelessness and is meant to help them transition to more permanent housing.

Public: Roger Smith Sr., 1720 Big Lake Road – Smith addressed the commission and was there speaking as a representative of the Fond Du Lac Band of Lake Superior and Chippewa. The Center for American Indian Resources (CAIR) building is across the street from the Damiano Center, and Smith explained that they have had concerns with people who utilize Safe Bay at the Damiano Center over the past 2 years. The Fond Du Lac Band appreciate the Damiano’s work and the services they provide for the community, at the same time they’ve been seeing problems during the day with garbage, human waste, drug/alcohol paraphernalia, and other debris being left around. Smith went on to talk about other issues that have occurred in 2024. The staff and clients at CAIR are not opposed to the permit or services provided by Safe Bay and the Damiano Center, but they do have safety concerns for their clients and staff members who work in the CAIR building.

Commissioners: Commissioners had clarifying questions about the hours of operations and more police involvement to address the safety concerns of the public.

Staff: Jenn Moses responded by informing the commission that the problems Mr. Smith reported did not happen under Safe Bay as it hasn’t been in operation yet this year in 2024. Moses noted the Safe Bay hours of operation are from 8pm to 8am each night in the warm months. Staff also pointed out that the police have been involved are aware of the concerns of the public, and staff have bi-weekly meetings that anyone is welcome to join to discuss these issues and how to improve the neighborhood. Above all else, Safe Bay has helped people and is making a positive difference in the community. There are still issues going on that are part of a bigger problem and are well-noted, but Safe Bay is helping resolve them and is not related to the public’s concerns.

Motion/second: Nelson/Rhodes recommended approval as per staff recommendation

Vote (7-0)

PL 24-021 Variance to Corner Side Yard Setback at 1231 W 4th Street by Katherine Mueller and Kevin Farnum

Staff: Jason Mozol addressed the commission and introduced the project with photos on display for the commission to reference. The current side-yard setback is 15 ft., and the applicant is requesting 3.9 ft. When reviewing a variance application, staff and Planning Commission consider 4 different practical difficulty criteria. 2 of these criteria were not met during review: The exceptional narrowness, shallowness or shape of the applicant’s property, or because of exceptional topographic or other conditions related to the property. Due to these findings, staff recommend Planning Commission deny the variance request. The applicants provided additional information regarding reduced output of a solar array if they were not granted the variance, but this was not considered for practical difficulty because compliant location of the proposed garage does not significantly limit the access to solar energy. Mozol presented a map that shows available space for garage to be built on the property.

Applicant: Katherine Mueller, 1231 W 4th St – The applicant presented additional materials including a survey. She talked about electrical usage for the proposed garage, specifically how solar access would be reduced in almost any other area of their lot mainly due to trees. Staff assumes their lot is buildable, but the applicant says that not all of it is due to protruding bedrock. Item 7 in the Staff Report warns of potential increased street congestion with the proposed variance. Mueller argues that it will not cause such problems given the length of the driveway being longer than a pick-up truck, and with this new garage they would park their vehicles in there instead of the right of way. Additionally, their house is located in a dead-end alley, avenue, and street, all of which the city has vacated. Her point being that this is a low-traffic area and the variance would not cause and increase in street congestion.

Public: No Speakers.

Commissioners: President Eckenberg asked the applicant to confirm that without the variance, there would be less solar production. Eckenberg asked for clarification on how this would apply to practical difficulty criteria, as it was unknown exactly how much of an impact on solar production the variance denial would have.

Applicant: Mueller responded that there would be less solar generation without the variance due to where the garage would be in relation to the house. State statutes for electricity do not apply to garages as they do to houses, and she is wondering why this is.

Staff: Jenn Moses added that while sunlight is important for solar projects, this does not guarantee that people can construct a large structure wherever you want, be it a house or garage. However, this is a garage project, not a solar project. There are many houses in Duluth that have shade that might not have the best spots for garages with solar panels, therefore this is not a unique problem. Staff also brought up the desire to preserve trees, and how preserving a tree in a proposed plan does not meet the practical difficulty criteria. It is not possible for staff to say yes to this project due to lack of substantial evidence. The garage could be built elsewhere and there are other solar places on the property that don't require cutting down trees.

Commissioners: Discussion ensued amongst the commission members about the potential kilowatt hours that will be saved each year with this proposal. It would not be a substantial amount of energy saved, per Minnesota Power rates found online. Commission members expressed their support of solar energy, but they determined that there are a lot of other places on this property that could get sun. When it comes to solar panels being installed, green energy should be encouraged. Green energy is good, but the project still needs to meet the criteria that was previously established.

MOTION/Second: Rhodes/Sarvela motion to deny the variance request per staff recommendation

VOTE: (5-2)
Eckenberg and Adatte opposed

PL 24-041 Variance from Rear Yard Setback at 1515 E 7th Street by Craig and Margaret Lilja

Staff: Chris Lee addressed the commission. The applicant of this project proposes to reduce the current rear-yard setback from 25ft to 18ft to build an attached garage to the rear of their existing home. Chris Lee presented images of a map that showed the buildable area if the garage is detached. The applicant states that this is a necessary request to build the garage on the same grade as the home, however the desire does not meet the variance criteria for exceptional narrowness, shallowness, or shape. Staff determined that the garage can be constructed in a manner that does not require a variance. However, the one potential uniqueness of this property is the telephone pole location that could prohibit some access to the garage, but there is still room for a driveway and navigating around the pole is possible. The circumstances are not unique. Staff recommends Planning Commission denies the variance request due to the reasons listed in the staff report.

Applicant: Craig Lilja, 1515 E 7th St. – Mr. Lilja addressed the commission. He stated that staff reported to him that the project meets all 9 zoning requirements except the the practical difficulty criteria, but the applicant believes they do meet the criteria. He says that if the garage were to be detached, the power pole would be in the driveway apron no matter how the garage is placed. That reason, to them, defines practical difficulty. Lilja then referenced item PL24-016 where staff recommended UDC text changes to R-1 setback regulations, specifically the rear setback reduction. Lilja also referenced an email from planner Chris Lee, that said if the

Applicants wait until council approves these changes, they would be able build the garage how they want and not need to request a variance. However, Lilja still wants to pursue the variance request on the principle that these variance requests exist so citizens can have the opportunity to vary from the code, and not have to wait until City Council changes the code. They also wish to continue with the variance request due to the power pole posing potential practical difficulty for them, and because the proposed project meets all of the other zoning criteria.

Public: No speakers.

Commissioners: Commissioners asked the applicant how much it would cost to have Minnesota Power move the pole, and the applicant informed them that it was determined to be upwards of \$9,000 to \$10,000. Money, however, is not a practical difficulty. Commissioner Rhodes noted that the UDC setback changes are actively making their way through city council. She imagines that these things must happen from time to time, where someone has a project being held up by a code change that is in progress. Rhodes asked staff for clarification on what the realistic timeline is for this change to the code. Commissioners also asked staff what would happen if they were to deny the request, or possibly table the request.

Staff: Jenn Moses stated that the proposed code changes were read at Council the night before on May 13th, and expected that second read will be later towards the end of May. After the code change is approved, it would go into effect 30 days later. If council votes to approve, CSI will start the process of reviewing building permits. Staff reminds everyone that they are handling this proposal based on what they are able to do right now per the current code. Staff was trying to give the applicant hope by letting him know that the code change could happen soon, but they can't legally approve this variance until the code is changed. There is legal risk to anticipate and apply potential code changes that may or may not happen. If council denies the code changes, the applicant can appeal, but the variance cannot be applied for again for another year. If Planning Commission votes to deny the applicant's request and council passes the code changes, there would be no need for the variance request. If this item is tabled, it will show up on next month's agenda in June.

MOTION/Second: Hammond/Nelson motion to deny the variance request per staff recommendation

VOTE: (5-2)
Eckenberg and Hollinday oppose

Other Business

PL 23-127 Adoption of Final Alternative Urban Areawide Review (AUAR) for the Central High School Redevelopment Project site at 800 E Central Entrance PL 24-058

Staff: Kyle Deming addresses the commission. He informs the commission that this is the final step in the AUAR process, as the Planning Commission approved it last month. The comment period expired with no objections filed, but 2 letters were received, that are included in the packet. Staff recommends for the Commissioners to adopt the final AUAR document.

Commissioners: No comments or discussion.

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

VOTE: (7-0)

PL 24-058 Compliance with Comprehensive Plan of Tax Increment Finance (TIF) Plan establishing TIF District No. 37 for Incline Plaza Phase 1 at 800 E Central Entrance

Staff: Kyle Deming addresses the commission. It is a statutory requirement that Planning Commission considers a TIF plan's consistency with the comprehensive plan and underlying

zoning. In order to assist planning commissioners, staff prepared a memo outlining the proposed TIF plan and what's to be accomplished with that plan. The memo also provides the comprehensive plan future land use designation for the property and the zoning, including their purpose statements and their intended uses, as well as the current zoning's regulating plan. There must be consideration of 5 guiding principles from the comprehensive plan found in the memo. Staff finds that the project is consistent with the comprehensive plan and the underlying zoning, including the regulating plan that has already been adopted for the property. Staff recommends that the Planning Commission finds that that the TIF plan is in compliance with the Comprehensive Plan.

Commissioners:

MOTION/Second: Hammond/Nelson recommended approval as per staff recommendation

VOTE: (7-0)

Communications

Land Use Supervisor (LUS) Report – Ryan Pervenanze addressed and thanked the commissioner on behalf of staff for their role in the AUAR process. He also acknowledged Senior Planner Kyle Deming for seeing the AUAR project through. Pervenanze mentioned that the commission will see some more environmental reviews coming up, including the Sofidel expansion project. Recognition and thanks were given to city attorney Jean Coleman for her efforts of working with staff and commissioners. She has accepted another position elsewhere and will be missed. Pervenanze also provided an update on PL24-011 in regards to Bald Eagle. The item went to council last night on 5/13, but no action was taken. There were many public comments, but the “fireworks” will come at the next meeting.

Heritage Preservation Commission Report: Staff informed the commissioners that there was no meeting, so there is nothing new to report. Bi-laws require a member of the Planning Commission to serve on the HPC. Commissioner Chris Adatte volunteered and was appointed Representative of the Planning Commission to the Heritage Preservation Commission. Vote by acclimation was recommended per Attorney Coleman.

Vote: (7-0) Chris Adatte is appointed.

Joint Airport Zoning Board – There is no report as the group has not met. President Eckenberg's term expired earlier this year, so they still need a member from the Planning Commission to serve on that board.

Duluth Midway Joint Powers Zoning Board – Staff reports that there are no major updates. Staff are still in communication with Midway Township and are still looking at doing a land-use study for the land off of Becks Road.

Adjournment

Meeting adjourned at 7:05 p.m.
Respectfully,

Ryan Pervenanze, Manager
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 24-037	Contact	Chris Lee, clee@duluthmn.gov	
Type	Concurrent Use Permit	Planning Commission Date	June 11, 2024	
Deadline for Action	Application Date	May 15, 2024	60 Days	July 17, 2024
	Date Extension Letter Mailed	May 15, 2024	120 Days	September 9, 2024
Location of Subject	114 W 1 st St			
Applicant	TSG Corporation LLC	Contact		
Agent	Ray Sunberg	Contact	Ryan Mears	
Legal Description	010-0940-00870	Sign Notice Date	May 22, 2024	
Site Visit Date	May 29, 2024	Number of Letters Sent	N/A	

Proposal

The applicant is seeking a concurrent use permit to construct a fire escape (platforms and stairs) and protective bollards in the platted alley behind 114 W 1st Street.

Staff Recommendation

Staff is recommending Planning Commission recommend approval to the City Council.

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

Summary of Code Requirements

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

1. The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city;
2. Any proposed skywalk will significantly improve the circulation of pedestrians in the city without exposure to weather conditions (does not apply in this instance);
3. No portion of a public easement proposed for use is being physically used or occupied by the public.

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

Governing Principle #5 – Promote reinvestment in neighborhoods. Land use should foster neighborhood reinvestment, maximize public investment in infrastructure, and diversify residential opportunities. The proposed project will provide safe egress for the current tenants and allow for a future expansion.

Future Land Use – Central Business Primary: Encompasses a broad range of uses including retail, entertainment and lodging, and high-density housing.

History: There was a fire escape in the location that has been heavily damaged.

Review and Discussion Items:

Staff finds that:

- 1) The applicant is seeking a concurrent use permit to construct a fire escape with stairs and bollards into the alley right of way behind 114 W 1st St.
- 2) The area proposed for the concurrent use permit will not take away from the public's ability to use the public right-of-way, nor will it harm or inconvenience the health, safety and general welfare of the city. Fire escapes will be built 14.6 feet above grade while projecting 34 inches, and the bollards will be placed 27 inches from the wall. Due to the low traffic volume and speed, no traffic congestion is anticipated. The bollards are being placed due to City Engineering request.
- 3) Concurrent use permits are approved by the City Council via an ordinance. Unlike street right-of-way vacations, concurrent use permits are not recorded at with St. Louis County as they are voidable agreements between the City and property owners. City engineering has indicated that they have no concerns with this proposal.
- 4) The City of Duluth requires concurrent use permits to include liability insurance to indemnify the City against all occurrences in the right-of-way. Other protections for the city and the public are typically included in the ordinance that is submitted for the City Council's review.
- 5) Staff have coordinated with City Engineering in the design and review of the application. No other comments were received from the public or other government agencies at the time this staff report was written.
- 6) Per UDC Sec. 50-37.1.N, approved concurrent use permits lapse if the project or activity authorized by the permit has not begun within one year.

Staff Recommendation

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

- 1) Applicant construct and maintain the project as identified in the attached exhibits. A complete legal description must be provided prior to this item going to City Council for approval.
- 2) Applicant provide annual proof of liability insurance to indemnify the City against any occurrences in the right of way that are due to items covered under this permit.
- 3) Applicant will remove the obstructions at the applicant's expense if directed to by the City with appropriate notice.
- 4) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



PL24-037
 Concurrent Use Permit
 114 W 1st St

Legend
Zoning Boundaries

- Trout Stream (GPS)
- Other Stream (GPS)

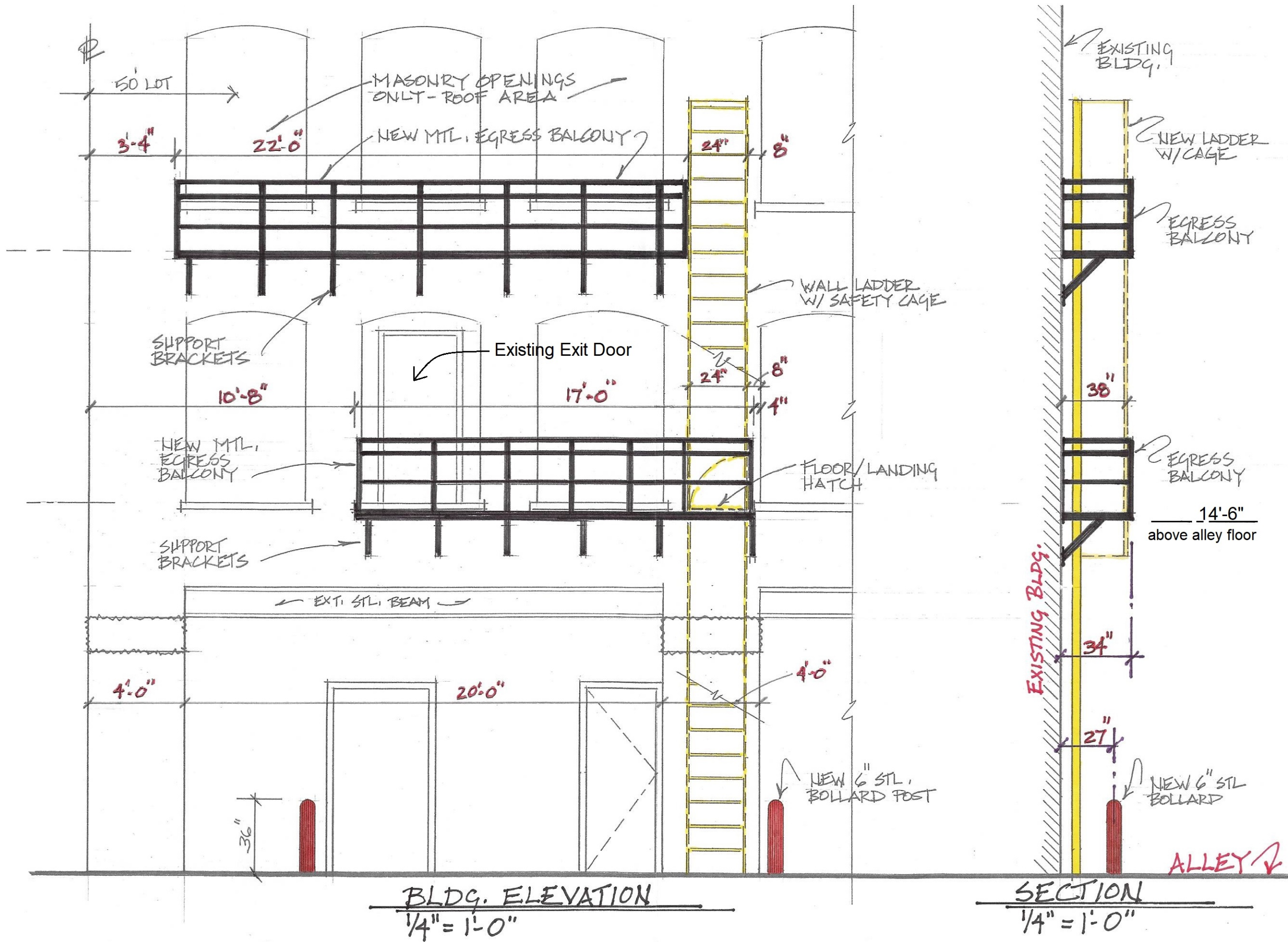


The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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

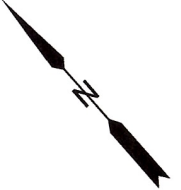
Aerial photography flown 2019

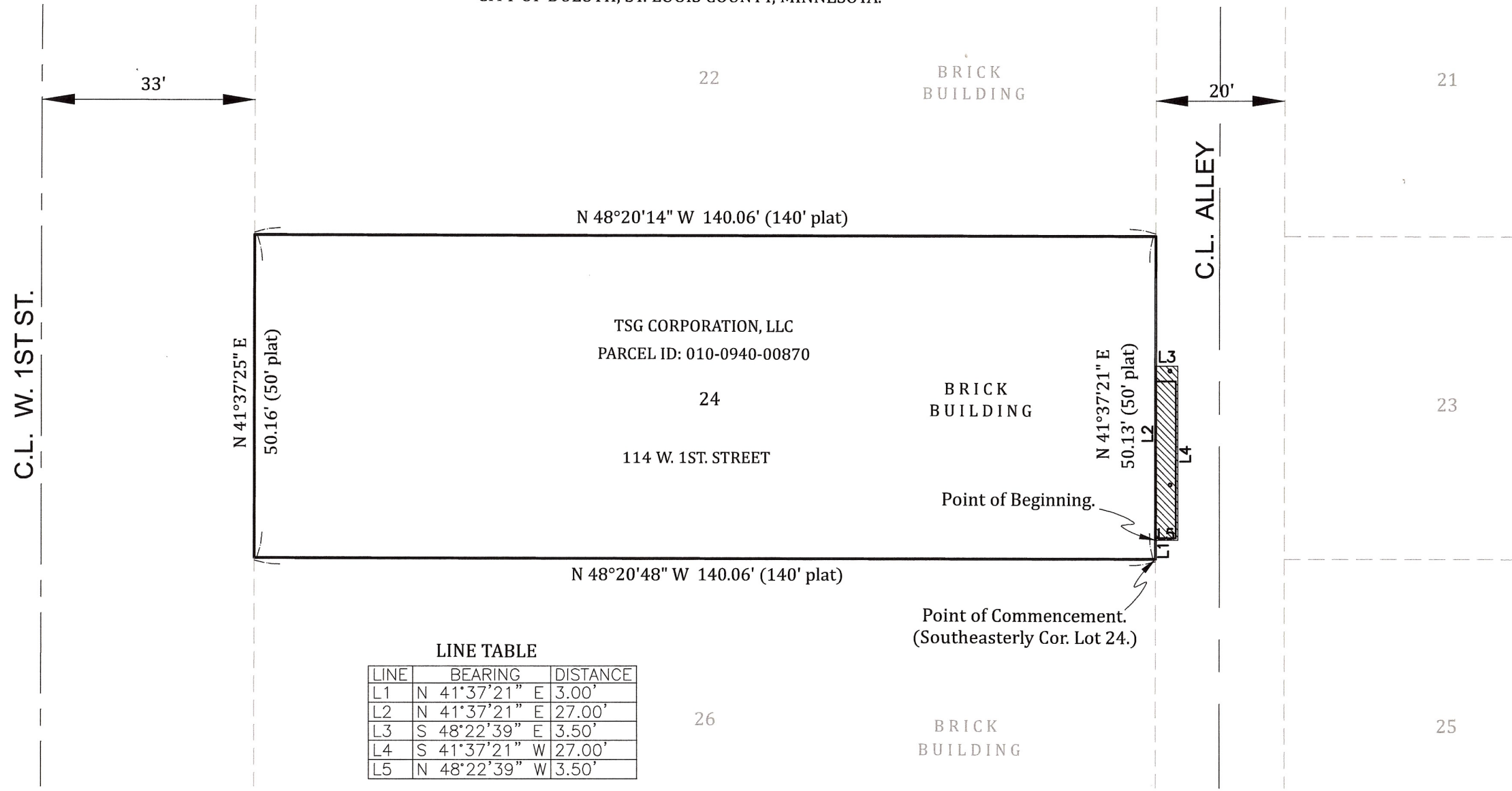
Prepared by: City of Duluth Planning & Economic Development, May 22, 2024 Source: City of Duluth.





CERTIFICATE OF SURVEY
 LOT 24, DULUTH PROPER FIRST DIVISION, WEST FIRST STREET
 CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA.


 Bearings Referenced to
 St. Louis County Transverse
 Mercator 96 Coordinate System.



LINE TABLE


LINE	BEARING	DISTANCE
L1	N 41°37'21" E	3.00'
L2	N 41°37'21" E	27.00'
L3	S 48°22'39" E	3.50'
L4	S 41°37'21" W	27.00'
L5	N 48°22'39" W	3.50'

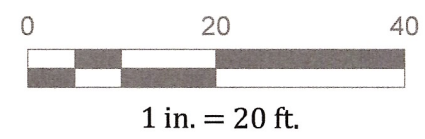


LEGAL DESCRIPTION PER DEED DOC. # 01305876
 LOT 24, DULUTH PROPER FIRST DIVISION, WEST FIRST STREET, ST. LOUIS COUNTY, MINNESOTA.

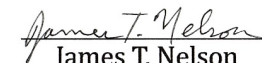
LEGAL DESCRIPTION FOR PROPOSED CONCURRENT USE AREA

A parcel of land within the platted right of way of the 20 ft. wide alley adjacent to Lot 24, Duluth Proper First Division, West First Street according to the recorded plat thereof, St. Louis County, Minnesota, further described as:
 Commencing at the southeasterly corner of said Lot 24; Thence N. 41 deg. 37 min. 21 sec. E., 3.00 ft along the westerly line of the platted 20 ft. wide alley to the Point of Beginning of this Legal Description of proposed Concurrent use Area:
 Thence continuing N. 41 deg. 37 min. 21 sec. E., 27.00 feet along the westerly line on said platted alley;
 Thence S. 48 deg. 22 min. 39 sec. E., 3.50 ft.; Thence S. 41 deg. 37 min. 21 sec. W., 27.00 ft. parallel with the westerly line of said platted alley;; Thence N. 48 deg. 22 min. 39 sec. W., 3.50 ft. to Point of Beginning.
 Described area contains: 94.5 sq. ft.

LEGEND
 PROPOSED CONCURRENT USE AREA - SEE BLDG. ELEVATION DETAIL SHEET.
 (EGRESS BALCONIES AND WALL LADDER W/SAFETY CAGE AND BOLLARD POST'S.)



SurveyScience Land Surveying, LLC
 Duluth, Minnesota
 (218) 428 - 4327

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.

 James T. Nelson
 Date: March 27th, 2024
 License No.: 49578



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 24-056	Contact	Chris Lee	
Type	Minor Subdivision	Planning Commission Date	June 11, 2024	
Deadline for Action	Application Date	April 25, 2024	60 Days	June 22, 2024
	Date Extension Letter Mailed	May 12, 2024	120 Days	August 21, 2024
Location of Subject	1806 Rice Lake Road			
Applicant	G&D Developers, LLC	Contact		
Agent		Contact		
Legal Description	See Attached			
Site Visit Date	May 29, 2024	Sign Notice Date	N/A	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal

Applicant is requesting a Minor Subdivision to divide a parcel and create 3 new parcels in the R-1 zone district.

Recommended Action: Staff recommends approval.

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

Summary of Code Requirements

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

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

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

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

Principle #5- Promote Reinvestment in Neighborhoods- This subdivision will allow the applicant to build infill housing in the neighborhood.

Future Land Use: Low Density Neighborhood – Single family housing with urban services. Typified by curvilinear streets, houses with longer dimension parallel to street, and attached garages. It includes a range of house sizes and lot sizes.

History: The parcels previously contained a single family home that has been demolished.

Review and Discussion Items

Staff finds that:

1. Applicant is requesting a Minor Subdivision to divide one parcel and create three parcels. The land is owned by the applicant. All three parcels are currently vacant and undeveloped.
2. The subdivision will create lots that meet the zoning requirements of the R-1 district. Parcel A is 24,345 square feet, Parcel B is 17,734 square feet, and Parcel C is 33,947 square feet. Dimensional standards for each lot meet minimum frontage and lot area requirements.
3. All parcels have the required street frontage along Rice Lake Road.
4. All parcels have access to gas, water and sanitary sewer utilities in the Rice Lake Road right-of-way.
5. No public, agency, or other City comments were received.
6. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
7. Approval of this Minor Subdivision signifies that City of Duluth UDC standards are met. St. Louis County may have additional requirements. This subdivision approval lapses if deeds are not recorded with St. Louis County within 180 days. Applicant must provide the City with proof of recording.

Staff Recommendation

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

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



PL24-056
 Minor Subdivision
 1806 Rice Lake Road

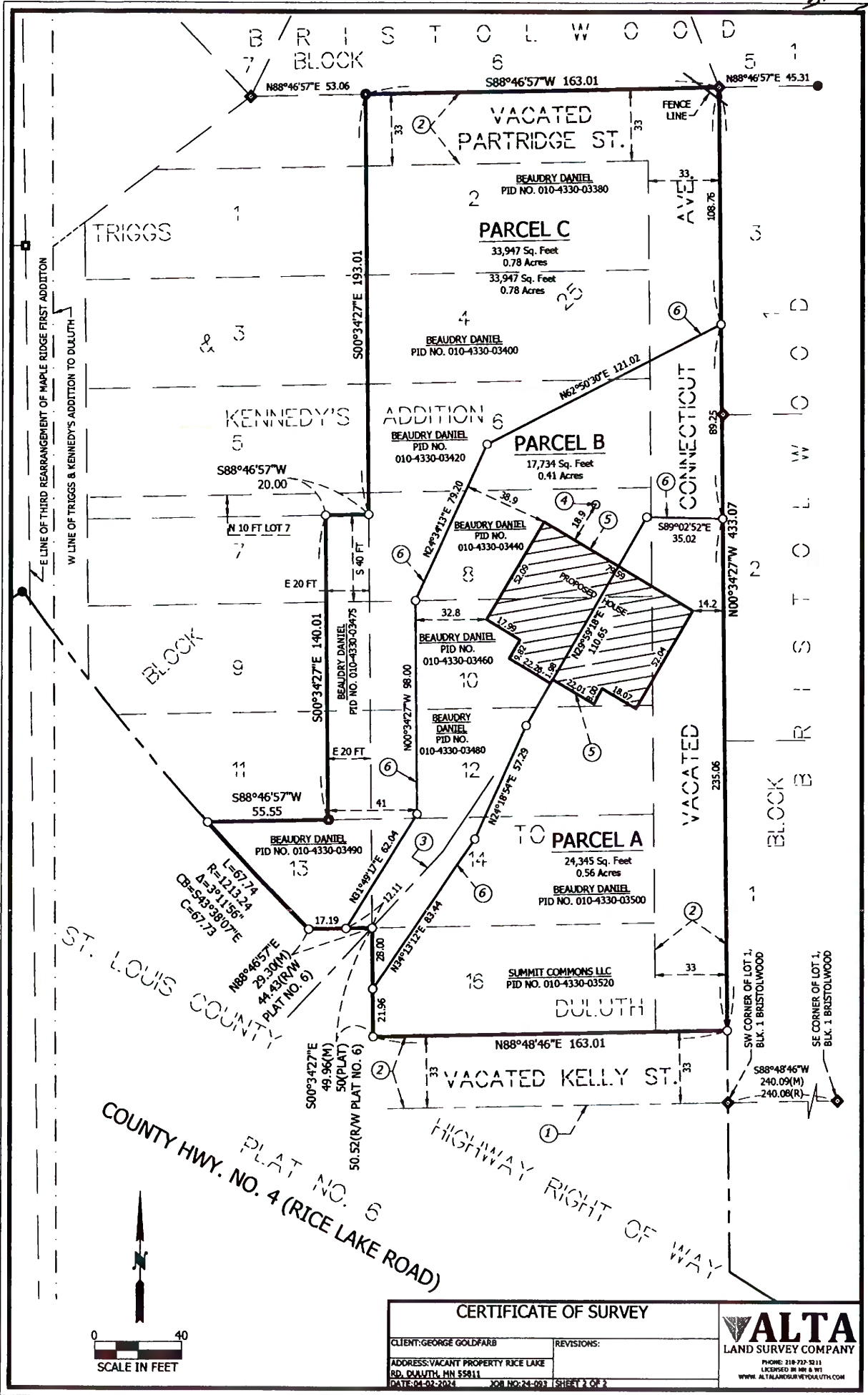
Legend
Zoning Boundaries

- 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.

Plan 3/1/24



PARENT LEGAL DESCRIPTION PER CERTIFICATE OF TITLE NO. 364624

Lot 2 Block 25 TRIGGS & KENNEDYS ADDITION TO DULUTH
 Lot 4 Block 25 TRIGGS & KENNEDYS ADDITION TO DULUTH
 Lot 6 Block 25 TRIGGS & KENNEDYS ADDITION TO DULUTH
 Lot 8 Block 25 TRIGGS & KENNEDYS ADDITION TO DULUTH
 Lot 10 Block 25 TRIGGS & KENNEDYS ADDITION TO DULUTH
 Lot 12 Block 25 TRIGGS & KENNEDYS ADDITION TO DULUTH
 Lot 13 Block 25 TRIGGS & KENNEDYS ADDITION TO DULUTH
 Lot 14 Block 25 TRIGGS & KENNEDYS ADDITION TO DULUTH

















East 20 feet of the South 40 feet of Lot 7 Block 25 TRIGGS AND
 KENNEDYS ADDITION TO DULUTH
 East 20 feet of Lots 9 and 11 Block 25 TRIGGS AND KENNEDYS
 ADDITION TO DULUTH

PARENT LEGAL DESCRIPTION PER DOCUMENT NO. 1003353

Lot 16, Block 25, together with that part of Connecticut Ave Adjacent
 thereto, TRIGGS AND KENNEDYS ADDITION TO DULUTH


PARCELS A, B & C WILL BE DESCRIBED IN THE FUTURE

LEGEND

	PROPOSED BUILDING	R/W-RIGHT OF WAY	
	REFER TO SURVEYOR'S NOTES	(M)-FIELD MEASURED DIMENSION	
	FOUND IRON PIPE	(R)-RECORD DIMENSION	
	FOUND CAPPED REBAR RLS. NO. 49505	POC-POINT OF COMMENCEMENT	
	FOUND REBAR	POB-POINT OF BEGINNING	
	FOUND CAPPED REBAR RLS. NO. 15294		FENCE LINE
	FOUND CONCRETE MONUMENT		SECTION SUBDIVISION LINE
	SET CAPPED REBAR RLS. NO. 49505		CENTER LINE
			RIGHT OF WAY LINE
			SURVEY LINE
			BOUNDARY LINE AS SURVEYED
			EXISTING PLAT LINE
			PROPOSED PARCEL LINE

SURVEYOR'S NOTES

1. THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 1, BLOCK 1, BRISTOLWOOD AS MONUMENTED. THIS LINE IS ALSO THE CENTERLINE OF VACATED KELLY STREET PER TRIGGS & KENNEDY'S ADDITION TO DULUTH.
2. VACATION OF PARTRIDGE STREET, CONNECTICUT AVENUE AND KELLY STREET IN THE PLAT OF TRIGGS & KENNEDY'S ADDITION TO DULUTH PER DOCUMENT NO. 618847.
3. CENTERLINE OF DRIVEWAY ENTRANCE OFF RICE LAKE ROAD.
4. LOCATION OF LARGE OAK TREE AS REQUESTED BY CLIENT.
5. BUILDING PLACEMENT AND DIMENSIONS SHOWN HEREON WERE CREATED UNDER THE DIRECTION OF THE CLIENT. THE PROPOSED BUILDING WAS LOCATED IN THE FIELD WITH GPS.
6. PROPOSED PARCEL LINES SHOWN HEREON WERE CREATED UNDER THE DIRECTION OF THE CLIENT. THE PROPOSED PARCEL LINES WERE LOCATED IN THE FIELD WITH GPS.
7. 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 ENCLUMBER 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.
8. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota. David B. Evanson MN License # 49505 DATE: 04-02-2024	CERTIFICATE OF SURVEY		 ALTA LAND SURVEY COMPANY PHONE: 218-727-5211 LICENSED IN MN & WI WWW.ALTLANDSURVEYORLUTH.COM
	CLIENT: GEORGE GOLDFARB ADDRESS: VACANT PROPERTY RICE LAKE RD., DULUTH, MN 55811 DATE: 04-02-2024	REVISIONS:	



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 24-059	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit, Renewal	Planning Commission Date		June 11, 2024
Deadline for Action	Application Date	May 7, 2024	60 Days	July 7, 2024
	Date Extension Letter Mailed	May 14, 2024	120 Days	September 4, 2024
Location of Subject	416 88 th Ave W			
Applicant	Lawrence Telega	Contact		
Agent		Contact		
Legal Description	010-2550-05162			
Site Visit Date	May 29, 2024	Sign Notice Date		May 28, 2024
Neighbor Letter Date	May 23, 2024	Number of Letters Sent		17

Proposal

The applicant proposes use of 3-bedroom dwelling in a R-1 zone district for a vacation dwelling unit. This is a renewal of permit PL 18-033

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

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

Summary of Code Requirements:

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

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

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

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

Governing Principle #4- Support economic growth sectors

A short-term rental supports the tourism industry and provides a service for visitors.

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.

History: The subject property, 416 88th Ave West, was built in 1958. This property has been operating as a vacation dwelling since 2015.

Review and Discussion Items:

Staff finds that:

- 1) Applicants' property is located at 416 88th Ave West. The dwelling unit contains 3 bedrooms, which allow for a maximum of 7 guests.
- 2) The minimum rental period will be two nights.
- 3) Four parking spaces will be provided in the driveway and garage.
- 4) The applicant has indicated they will allow motorhome or trailer parked in the garage. Motorhomes or campers are not allowed to be occupied.
- 5) The site plan indicates only a deck on the rear as an amenity. There is a dense urban screen on the north and east side of the property. The applicant will need to install screening or obtain waiver from south property owner prior to rental.
- 6) There have been no known complaints with this property operating as a vacation dwelling unit.
- 7) 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.
- 8) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 9) Applicant must comply with Vacation Dwelling Unit Regulations, including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 10) There are currently 157 licensed vacation dwelling units in the city, with 74 of those in form districts; the remaining 83 are subject to the cap of 100.
- 11) No City, public or agency comments were received.
- 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 permit subject to the following conditions:

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



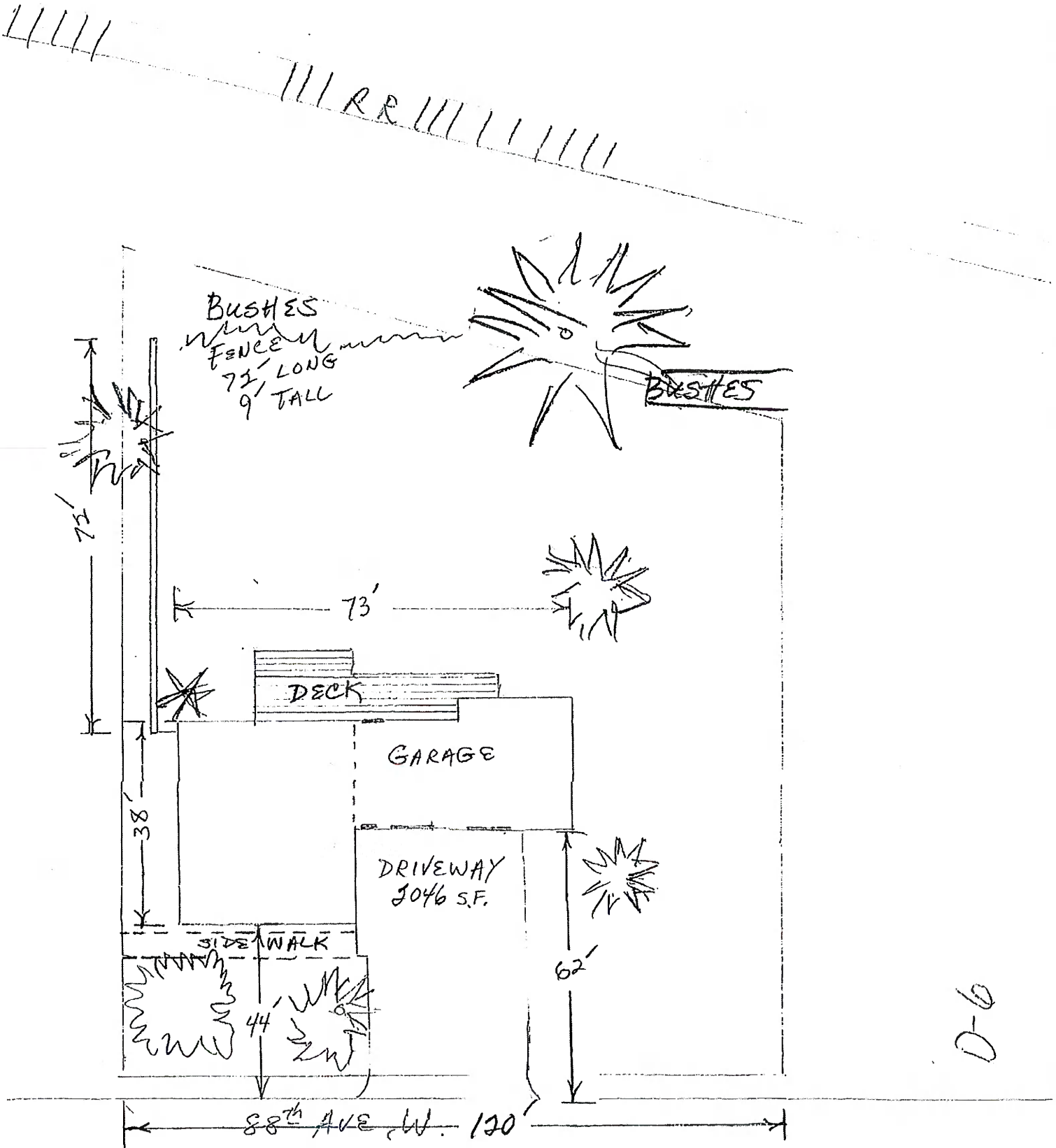
PL24-059
Interim Use Permit - Renewal
416 S 88th Ave W

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.



SITE PLAN
AND
LANDSCAPE PLAN



D-6

Vacation Dwelling Unit Worksheet

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

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

How many legal bedrooms are in the dwelling?

What will be your maximum occupancy?

3

8

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

a. 1-2 bedroom unit, 1 space

b. 3 bedroom unit, 2 spaces

c. 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.

d. Vacation dwelling units licensed on May 15, 2016, are entitled to continue operating under the former off-street parking requirement. The parking exemption for vacation dwelling units licensed on May 15, 2016, expires upon transfer of any ownership interest in the permitted property.

e. Form districts are not required to provide parking spaces.

How many off-street parking spaces will your unit provide? 4

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

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

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

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

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

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

I RECORD GUEST INFORMATION IN MY LOG BOOK

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

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

MYSELF LARRY TELEGA (218) 591-7036 9D HAYES CT. SUPERIOR WI
57880

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

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

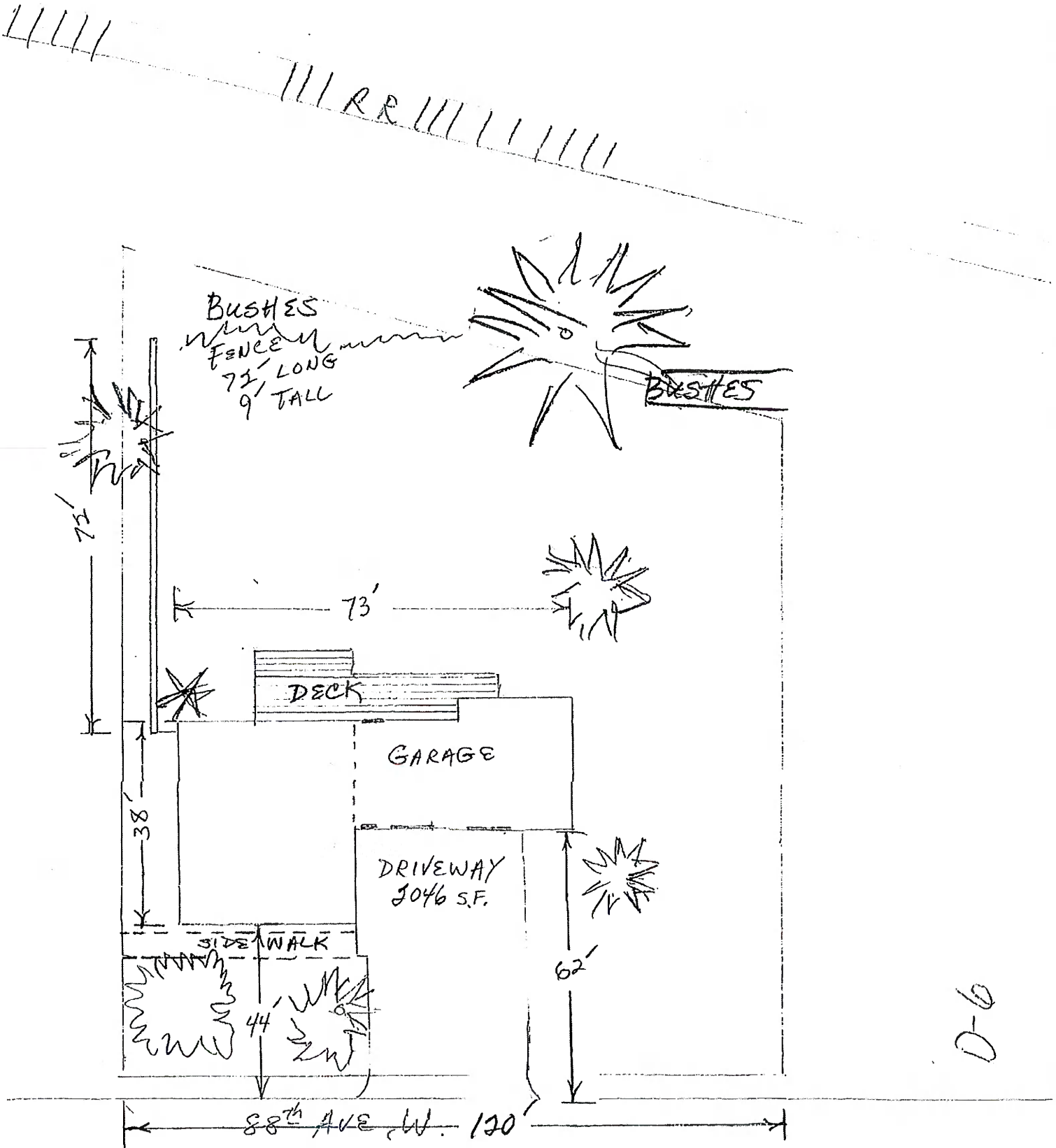
Please state where and how this information will be provided to your guests:

THAT INFORMATION IS IN GUESTS "HOUSE RULES"

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

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

SITE PLAN
AND
LANDSCAPE PLAN



D-6



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 24-062	Contact	Jason Mozol, jmozol@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date	June 11, 2024	
Deadline for Action	Application Date	May 7, 2024	60 Days	July 6, 2024
	Date Extension Letter Mailed	May 14, 2024	120 Days	September 3, 2024
Location of Subject	20 Sutphin St #211			
Applicant	Canal Park Square LLC	Contact		
Agent		Contact		
Legal Description	010-2490-00010			
Site Visit Date	May 22, 2024	Sign Notice Date	May 15, 2024	
Neighbor Letter Date	May 24, 2024	Number of Letters Sent	53	

Proposal

The applicant proposes use of 2-bedroom, apartment in a Form district as a vacation rental property.

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

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-5	Mid-Rise Mixed Use	Tourism/Entertainment District
North	F-5	Office	Tourism/Entertainment District
South	F-5	Mid-Rise Mixed Use	Tourism/Entertainment District
East	F-3	Restaurant/ Gas Station	Tourism/Entertainment District
West	F-5	Mid-Rise Mixed Use	Tourism/Entertainment District

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A vacation dwelling unit is an Interim Use in the F-5 zone district.

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

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

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

Governing Principle #4- Support economic growth sectors

A short-term rental supports the tourism industry and provides a service for visitors.

Future Land Use – Tourism/Entertainment-

Retail, entertainment, and lodging facilities, meeting facilities, waterfront related uses, open space uses.

History: The building on the subject property, 20 Sutphin St, was built in 1886. The existing structure is two stories with retail/restaurant space at street level and office/residential units above.

Review and Discussion Items:

Staff finds that:

- 1) Applicant’s property is located at 20 Sutphin St #211. One apartment unit will be rented. There are 2 bedrooms, which allow for a maximum of 5 guests.
- 2) The minimum rental period will be one night.
- 3) One parking space will be provided in the rear of the building.
- 4) The applicant has indicated they will not allow motorhome or trailer parking.
- 5) The site plan does not indicate any outdoor amenities.
- 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 Kevin Pietrusa to serve as the managing agent.
- 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 Dwelling Unit Regulations, including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 9) There are currently 157 licensed vacation dwelling units in the city, with 74 of those in form districts; the remaining 83 are subject to the cap of 100.
- 10) Staff responded to a phone call regarding impacts to parking in the area. No other City, public or agency comments were received.
- 11) The permit will lapse if no activity takes place within 1 year of approval.

Staff Recommendation:

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

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



PL24-062
Interim Use Permit
for Vacation Dwelling Unit
20 Sutphin St #211

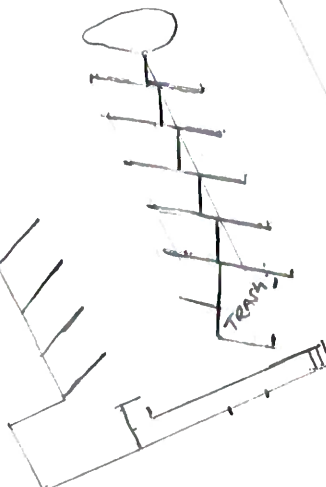


The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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

Sutphin st

AP. 211

302 S LAKE AVE



20 Sutphin

LAKE AVE S



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 24-064	Contact	Jason Mozol, jmozol@duluthmn.gov	
Type	Variance from shoreland setback	Planning Commission Date	June 11, 2024	
Deadline for Action	Application Date	May 7, 2024	60 Days	July 7, 2024
	Date Extension Letter Mailed	May 14, 2024	120 Days	September 4, 2024
Location of Subject	130 Charlotte Pl			
Applicant	Daniel and Angie Frank	Contact		
Agent		Contact		
Legal Description	010-0320-00200	Sign Notice Date	May 27, 2024	
Site Visit Date	June 3, 2024	Number of Letters Sent	53	

Proposal

The applicant is requesting a variance to reduce the 150' structure setback from coldwater rivers (50-18.1.D-1). The applicant is proposing to reduce the setback by 74.5' to 50.5'.

Staff Recommendation

Staff recommends that the Planning Commission approve the variance.

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

Summary of Code Requirements

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

Sec. 50-37.9.L No variance shall be granted that compromises the general purposes or intent of Section 50-18.1.D or results in adverse consequences to the environment. Variances shall include a requirement for the applicant to mitigate the impacts of the variance on shoreland areas.

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

#10 Take actions that enhance the environment, economic and social well-being of the community- As a part of this project, the property owner will improve the existing conditions in the shoreland impact zone by planting trees and shrubs, creating a rain garden and transitioning an area of the yard to no-mow.

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.

History

The property contains a 1,248 sq ft single family home built in 1964 and an existing 288 sq ft attached garage.

Review and Discussion Items:

Staff finds that:

- 1) The applicant is seeking a variance to reduce the 150' shoreland setback to Tischer Creek to build a deck off the rear of the house.
- 2) The applicant is proposing to construct a 10' x 24' deck off the rear of the house as a part of a remodeling project.
- 3) Staff finds the applicant has practical difficulty due to the property's proximity to Tischer Creek. The creek runs through the middle of the parcel, locating all but the front few feet of the parcel in the structure setback. The applicant is proposing to use the property in a reasonable manner by constructing a deck.
- 4) As required by Section 50-37.9.L, the applicant must mitigate impacts to shoreland areas and maintain a 50' vegetative buffer in the shore impact zone. The applicant has submitted a landscaping plan that largely improves the current conditions by planting seven shrubs and seven trees along the creek, establishing no-mow areas and creating a raingarden to capture runoff from the roof and impervious surfaces.
- 5) The proposed deck is in a flood fringe area. The deck will be built at the second story level, protected from flooding. The footings for the deck foundation will allow for the flow of flood waters to move freely and will not displace water onto neighboring properties.
- 6) The applicant's practical difficulty was not created by the landowner but rather is due to the way the property was initially developed and its proximity to Tischer Creek.
- 7) The variance will not alter the essential character of the neighborhood where there are a number of homes with attached decks.
- 8) The variance allowing a reduction of a setback will not impair an adequate supply of light and air to adjacent properties.
- 9) The proposal will not increase congestion in public streets or unreasonably diminish or impair established property values within the surrounding areas.
- 10) No public, agency, or other City comments were received.
- 11) Per UDC Section 50-37.1.N, approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year.

Staff Recommendation

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

- 1) The project be limited to the plans submitted with the proposed deck no closer than 50.5' from the ordinary high-water line of Tischer Creek.
- 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.



PL24-064
Shoreland Variance
130 Charlotte Pl

Legend

Streams

- Trout Stream (GPS)
- Other Stream (GPS)

Shoreland Overlay Zone

- Cold Water
- Natural Environment
- General Development

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.





ARCTEK DESIGN LLC
 4376 MIDWAY ROAD
 HERMANTOWN
 MINNESOTA
 55811
 PHONE: (715) 494-9668
 ARCTEKDESIGN@OUTLOOK.COM

APPROVED:

CHECKED BY:

SCALE: 1" = 10'-0"

DRAWN BY: MSS

5/5/2024

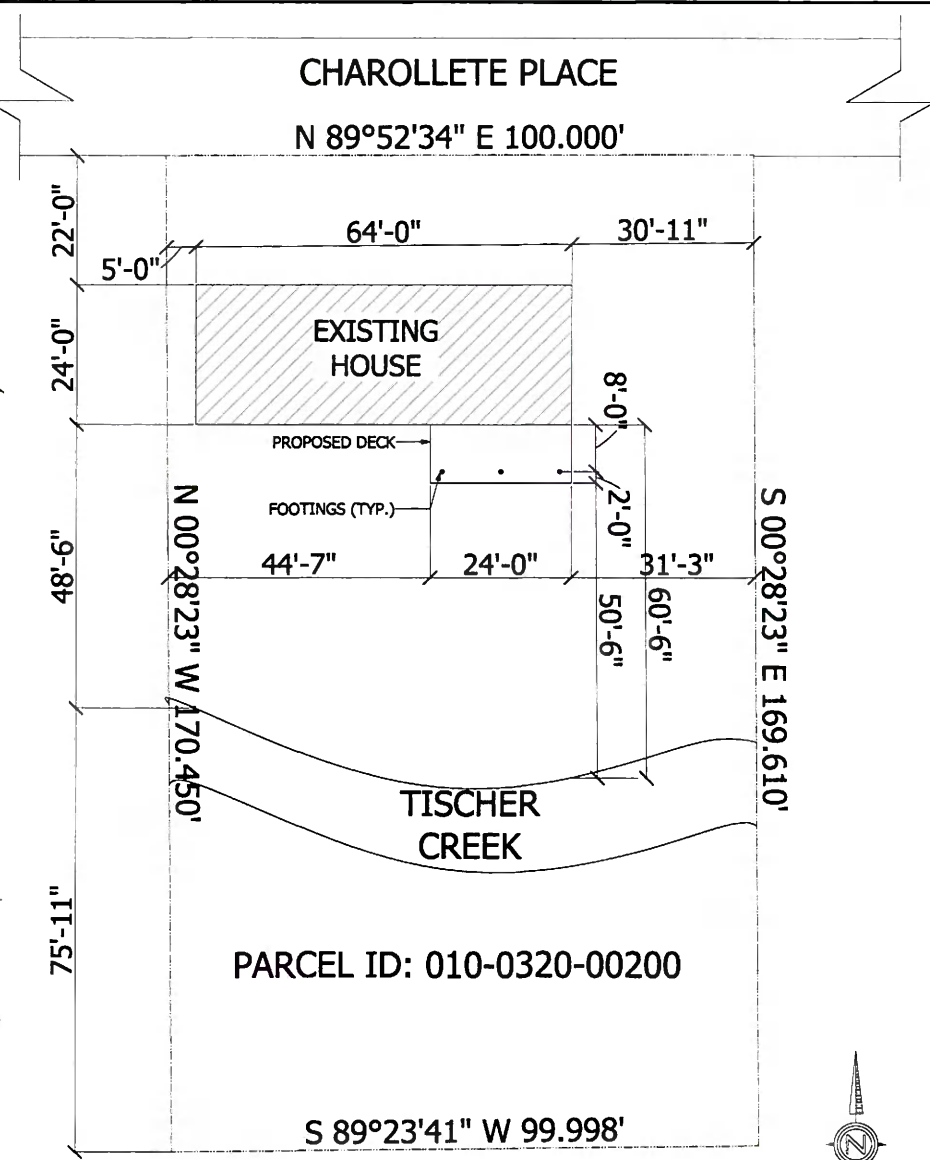
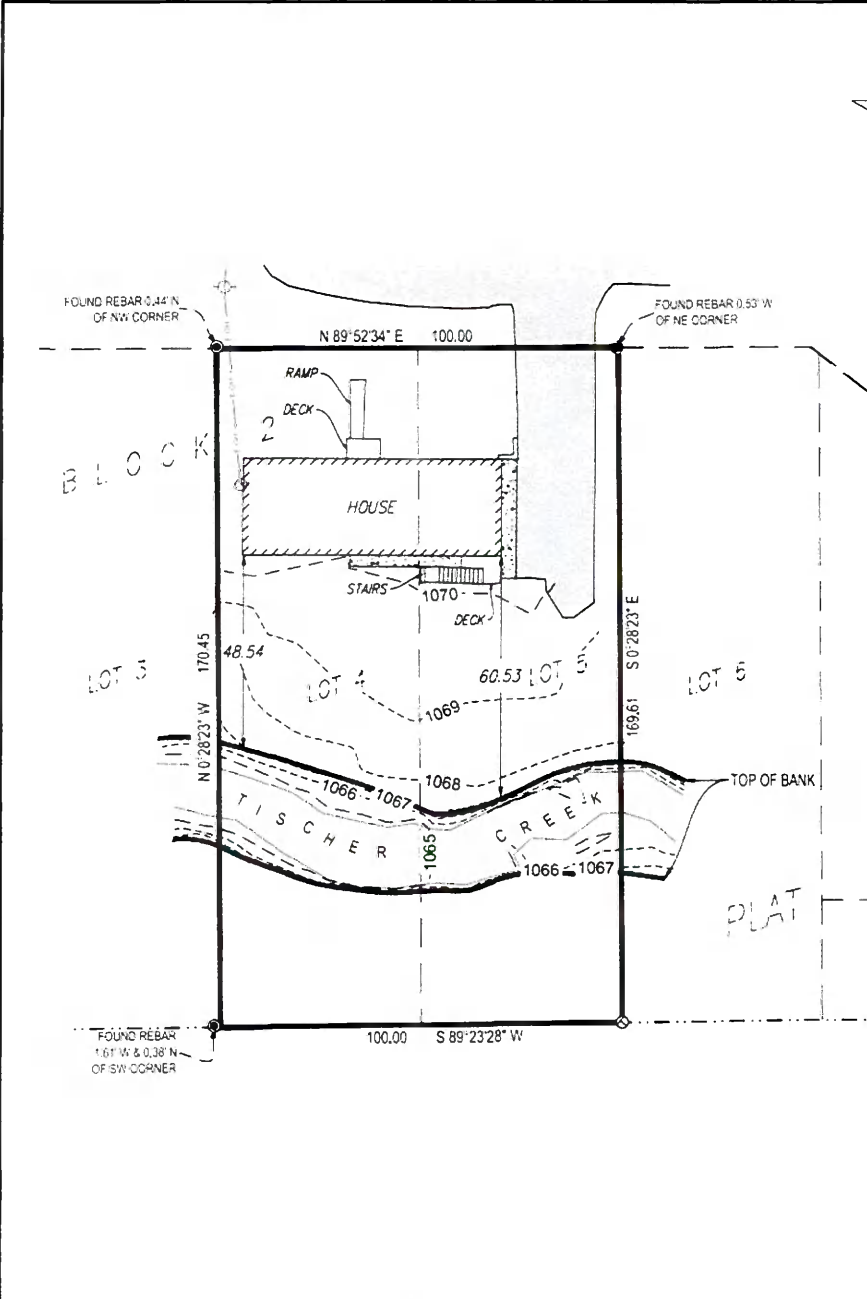
Arctek Design LLC owns all rights, including, but not limited to, copyrights of the blueprints or floor plans created under this agreement. Arctek Design reserves the blueprint or floor plan to the customer for purposes of constructing the structure depicted in the blueprint or floor plan. Although every effort has been made in preparing these plans for accuracy, the customer must verify accuracy & be responsible for the same. The customer shall not authorize, distribute to any public or display the blueprint or floor plan. This floor plan or blueprint is not a work made for hire as defined under 17 U.S.C. section § 101.

FRANK

130 CHARLOTTE PL
 Duluth
 Minnesota
 55803

PAGE:

S1



1 SITE PLAN
 SCALE: 1" = 10'-0"





ARCTEK DESIGN LLC
 4375 MEDWAY ROAD
 HERMANTOWN
 MINNESOTA
 55811
 PHONE: (715) 494-9668
 ARCTEKDESIGN@OUTLOOK.COM

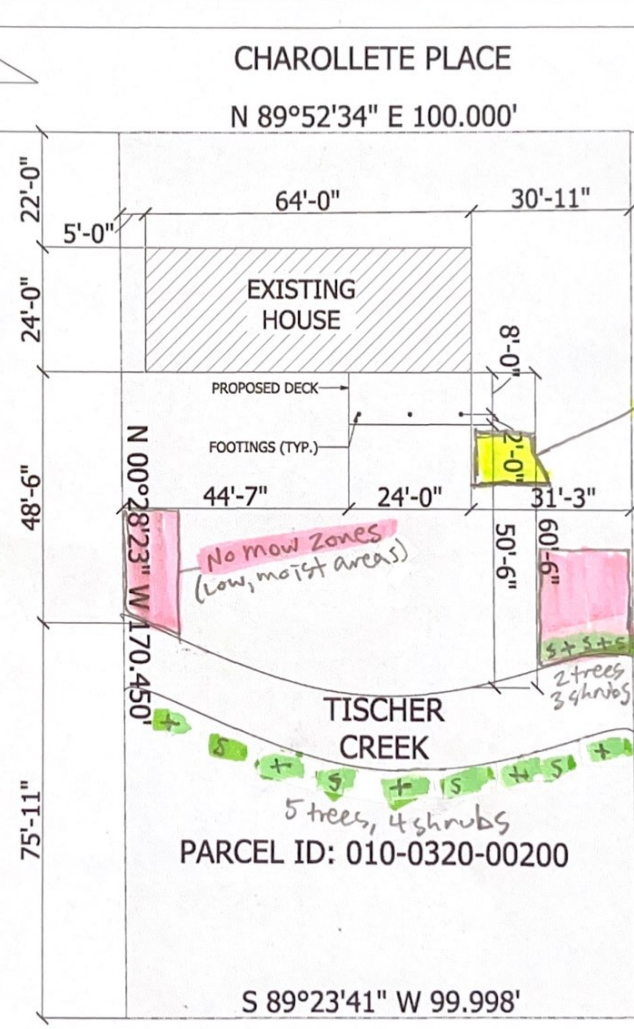
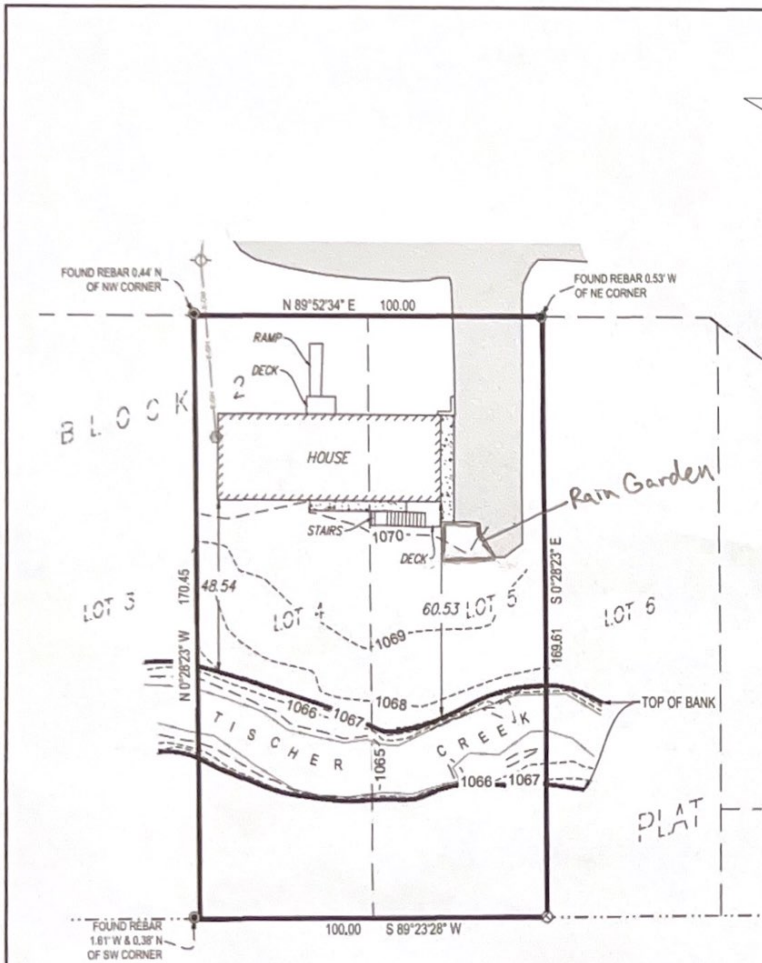
APPROVED:
 CHECKED BY:

SCALE: 1" = 10'-0"
 DRAWN BY: MSS
 5/5/2024

Arctek Design LLC comes with all rights, including, but not limited to, copyright of the drawings or floor plans created under its agreement. Arctek Design reserves the right to modify or alter the drawings or floor plans at any time without notice. Although every effort has been made to ensure the accuracy of the drawings, the customer must verify all dimensions & be responsible for the same. The customer shall not duplicate, reproduce in any media, or display the drawings or floor plan. This floor plan or drawing is not a work made for hire as defined under 17 U.S.C. section 101.

FRANK
 130 CHARLOTTE PL.
 DULUTH
 MINNESOTA
 55813

PAGE:
 S1



Rain Garden
 (Approx. 12x16')
 water catchment
 + gutter system
 will route rainwater
 to garden. This will
 also help with runoff
 from existing driveway

3+3+3
 2 trees
 3 shrubs

3+ = tree
 S = shrub

1 SITE PLAN
 SCALE: 1" = 10'-0"





Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 24-065	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date	June 11, 2024	
Deadline for Action	Application Date	May 7, 2024	60 Days	July 7, 2024
	Date Extension Letter Mailed	May 14, 2024	120 Days	September 4, 2024
Location of Subject	1 North Lake Ave			
Applicant	Jenna Fernandez	Contact		
Agent		Contact		
Legal Description	CIC #65 ONE WEST CONDOMINIUM, PIN: 010-3595-00040			
Site Visit Date	May 29, 2024	Sign Notice Date	May 13, 2024	
Neighbor Letter Date	May 23, 2024	Number of Letters Sent	48	

Proposal

The applicant proposes use of a 3-bedroom dwelling in a Form district as a vacation rental property.

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

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-7	Downtown Shopping	Central Business Primary
North	F-8	Downtown Mix	Central Business Primary
South	F-7	Downtown Shopping	Central Business Primary
East	F-7	Downtown Shopping	Central Business Primary
West	F-7	Downtown Shopping	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 Section 50-20.3. Use-Specific Standards. Lists all standards specific to vacation dwelling units.

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

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

Governing Principle #4- Support economic growth sectors

A short-term rental supports the tourism industry and provides a service for visitors.

Future Land Use – Central Business Primary-

Encompasses a broad range of uses and intensities: Governmental campus, significant retail, entertainment and lodging, opportunities for high density housing, central plaza, public/ open space and public parking facilities

History: The subject property, 1 N Lake Ave, was built in 1882. The existing structure is three stories with commercial at street level and residential units above. This unit is on the 2nd floor.

Review and Discussion Items:

Staff finds that:

- 1) Applicants' property is located at 1 N Lake Ave. The dwelling unit contains 3 bedrooms, which allow for a maximum of 7 guests.
- 2) The minimum rental period will be two nights.
- 3) One parking space will be provided in the rear of the building.
- 4) The applicant has indicated they will not allow motorhome or trailer parking.
- 5) The site plan does not indicate any outdoor amenities.
- 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.
- 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 Dwelling Unit Regulations, including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 9) There are currently 157 licensed vacation dwelling units in the city, with 74 of those in form districts; the remaining 83 are subject to the cap of 100.
- 10) No City, public or agency comments were received.
- 11) The permit will lapse if no activity takes place within 1 year of approval.

Staff Recommendation:

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

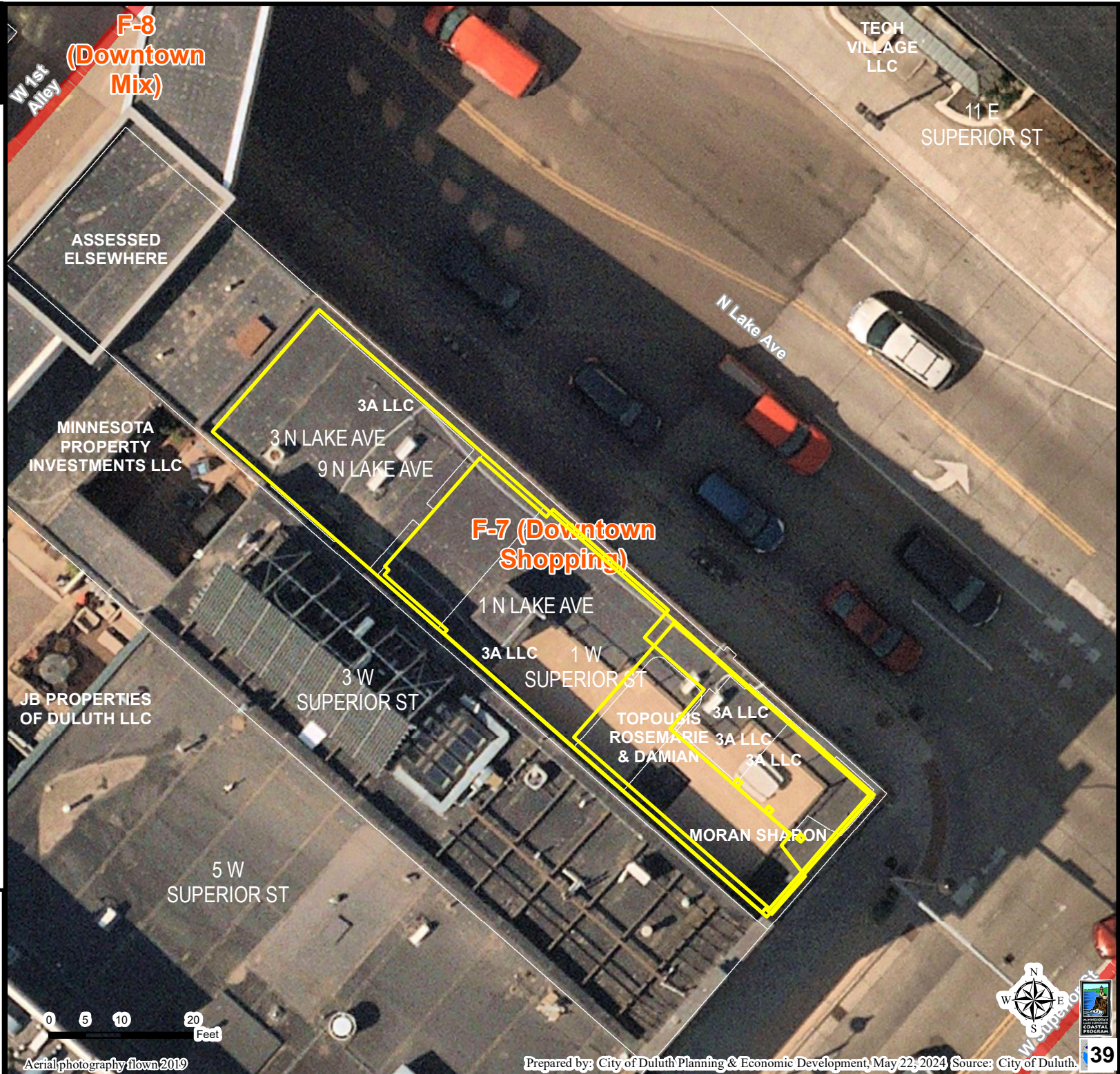
- 1) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administration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



PL24-065
Interim Use Permit
1 N Lake Ave

Legend
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.



Vacation Dwelling Unit Worksheet

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

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

How many legal bedrooms are in the dwelling?

3

What will be your maximum occupancy?

7

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

a. 1-2 bedroom unit, 1 space

b. 3 bedroom unit, 2 spaces

c. 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.

d. Vacation dwelling units licensed on May 15, 2016, are entitled to continue operating under the former off-street parking requirement. The parking exemption for vacation dwelling units licensed on May 15, 2016, expires upon transfer of any ownership interest in the permitted property.

e. Form districts are not required to provide parking spaces.

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

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

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

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

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

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

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

excel spreadsheet

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

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

Jenna Fernandez, 515-771-8213

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

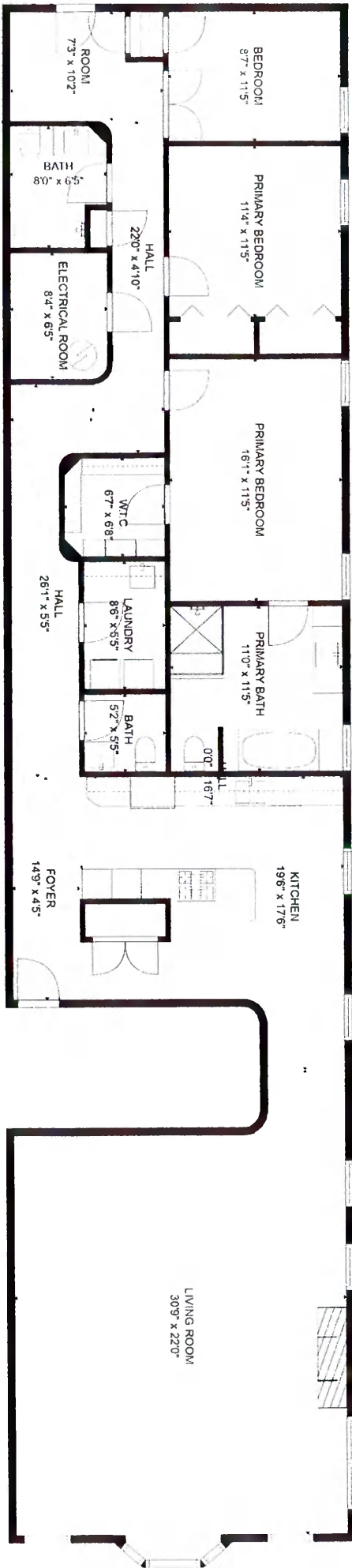
- a. The managing agent or local contact's name, address, and phone number;
- b. The maximum number of guests allowed at the property;
- c. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked;
- d. Property rules related to use of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

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

This information will be in our listing description and guidebook.

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

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



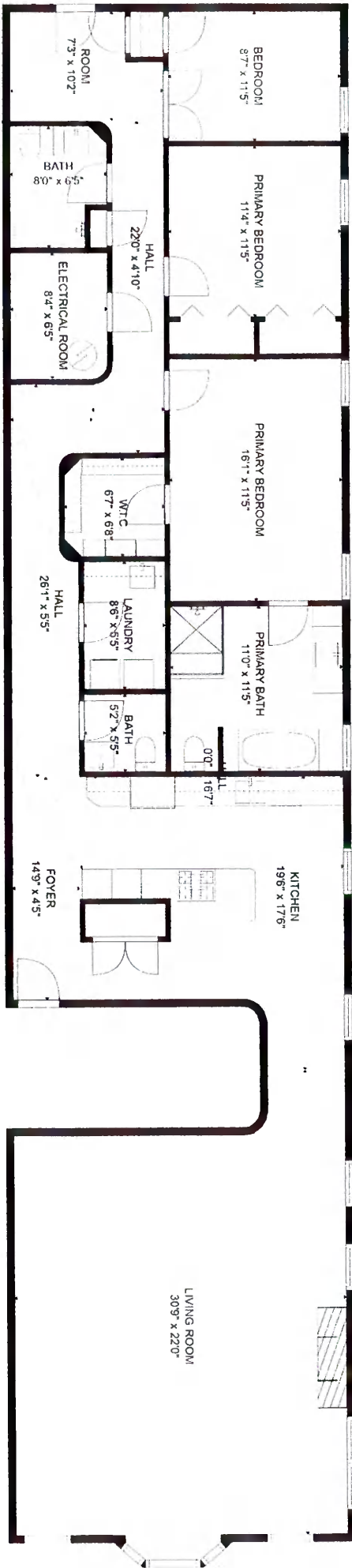
TOTAL: 2068 sq. ft

FLOOR 1: 2068 sq. ft

EXCLUDED AREAS: EMBEDDED WINDOW: 10 sq. ft

MEASUREMENTS ARE ESTIMATED. DEEMED HIGHLY RELIABLE BUT NOT GUARANTEED

See back →



TOTAL: 2068 sq. ft

FLOOR 1: 2068 sq. ft

EXCLUDED AREAS: EMBEDDED WINDOW: 10 sq. ft

MEASUREMENTS ARE ESTIMATED. DEEMED HIGHLY RELIABLE BUT NOT GUARANTEED

See back →



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 24-066	Contact	Jenn Moses, jmoses@duluthmn.gov	
Type	Special Use Permit Amendment	Planning Commission Date	June 11, 2024	
Deadline for Action	Application Date	May 7, 2024	60 Days	July 6, 2024
	Date Extension Letter Mailed	May 22, 2024	120 Days	September 4, 2024
Location of Subject	1823 E Superior Street			
Applicant	Misha Smith	Contact	Wired Whisker	
Agent		Contact		
Legal Description	PID 010-1480-01880	Sign Notice Date	May 22, 2024	
Site Visit Date	May 31, 2024	Number of Letters Sent	53	

Proposal

Applicant would like to extend the hours of operation to start at 6:00 am and close at 9:00 pm (previously approved 7:00 am – 8:00 pm).

Staff Recommendation

Staff recommends approval, with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2	Commercial	Urban Residential
North	R-2	Residential	Urban Residential
South	R-2	Residential	Urban Residential
East	R-2	Commercial	Urban Residential
West	R-2	Residential	Urban Residential

Summary of Code Requirements

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

1. The application is consistent with the Comprehensive Land Use Plan;
2. The application complies with all applicable provisions ... including any use-specific standards ..., and is consistent with any approved district plan for the area.
3. The Commission may deny any application that would result in a random pattern of development with little contiguity to existing or programmed development or would cause anticipated negative fiscal or environmental impacts.

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

Governing Principle #5 – Promote reinvestment in neighborhoods. Support neighborhood scale commercial areas. Wired Whisker is adding a new business and responding to customer requests for slightly expanded operating hours.

Governing Principle #8- Encourage a mix of activities, uses, and densities. Cities have evolved as a mix of land uses, building types, housing types, and activities. Wired Whisker will provide a neighborhood gathering place.

Future Land Use

Urban Residential: Greatest variety of residential building types, medium to high densities. Applicable to larger infill areas close to downtown, entertainment or activity centers, and waterfront residential areas. May include student housing areas, live/work units, and limited neighborhood retail.

History

The applicant received a Special Use Permit in 2023 (PL 23-125) for a coffee shop. The building was originally built in 1956.

Review and Discussion Items:

Staff finds that:

- 1) Applicant received approval in 2023 to open a neighborhood-based cat café, which is a café that, in addition to more traditional food service café functions, also has a designated space for visitors to interact with adoptable cats.
- 2) Hours of operation were originally approved at 7:00 am to 8:00 pm. Applicant has received feedback from people who live and work in the neighborhood indicating an extra hour in the morning and evening would allow people to get coffee on their way to work, or gather in the evening, and is requesting the hours of operation now be 6:00 am – 9:00 pm.
- 3) All other aspects of the site plan and operations would remain as previously approved under PL 23-125.
- 4) As demonstrated by the above findings, this proposal meets all application provisions of the UDC.
- 5) The changes to the hours of operation will not result in a random pattern of development or have anticipated negative fiscal or environmental impacts.
- 6) No public, agency, or City comments have been received.

Staff Recommendation

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

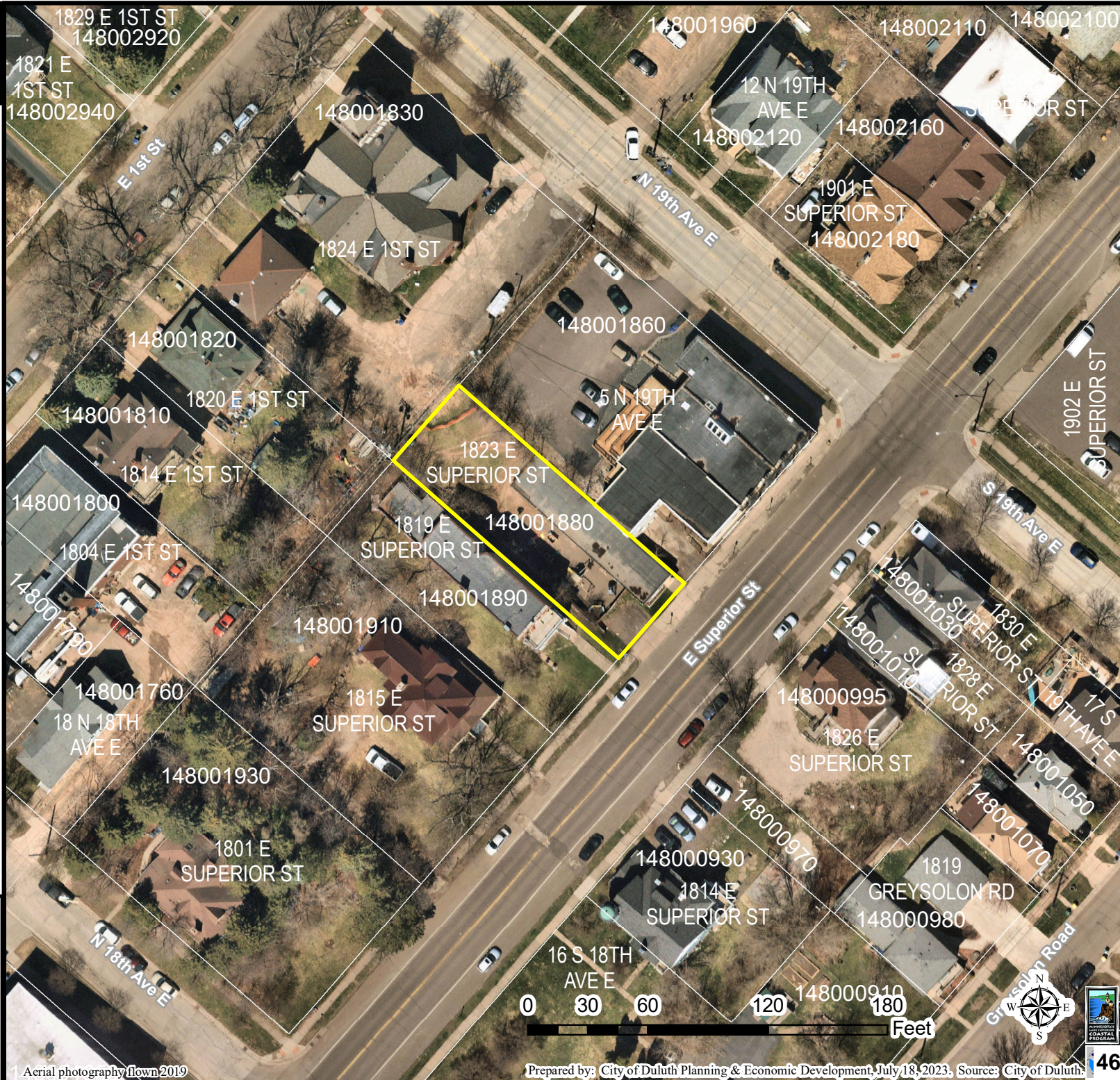
- 1) Proposed cat café shall not be open earlier than 6:00 a.m. or later than 9:00 p.m.
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



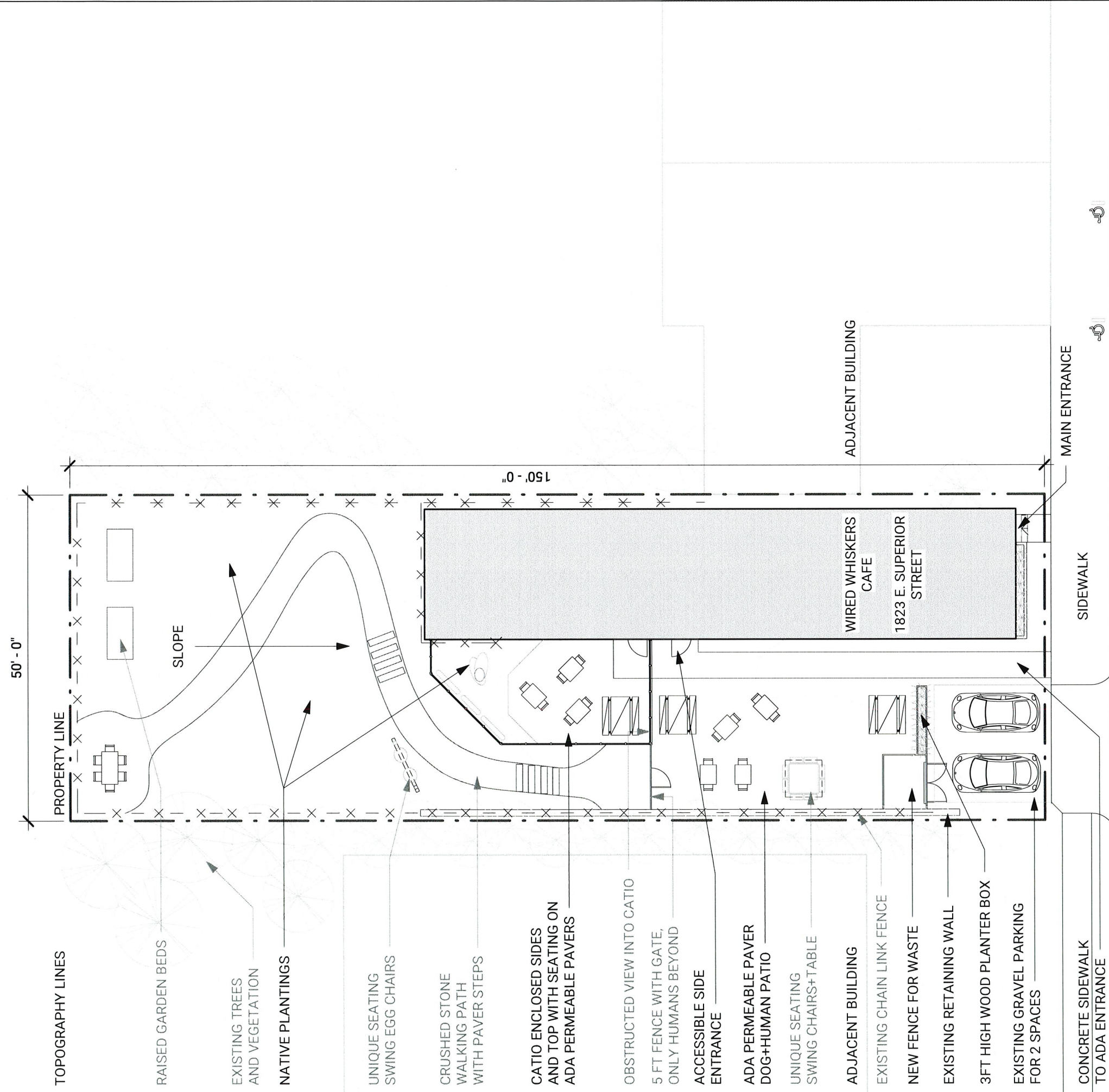
PL24-066
Special Use
Amending Hours of Operation
1823 E Superior St

This site received a special use permit in 2023 and is now proposing to amend that permit to have hours of operation allowed from 6:00 am to 9:00 pm (expanded from originally approved 7:00 am to 7:00 pm).

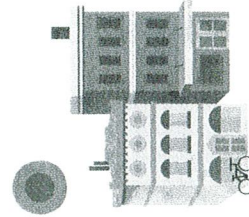
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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



1 Aerial photography flown 2019



E SUPERIOR STREET



Brick and
Mortar

www.brickandmortar.design

Wired Whisker Cafe Conceptual Site Plan

1/16" = 1'-0"

1823 E Superior St Duluth MN 55812

6/30/2023 5:17:04 PM



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 24-067	Contact	Jason Mozol, jmozol@duluthmn.gov	
Type	Minor Subdivision	Planning Commission Date	June 11, 2024	
Deadline for Action	Application Date	May 7, 2024	60 Days	July 7, 2024
	Date Extension Letter Mailed	May 14, 2024	120 Days	September 4, 2024
Location of Subject	PID # 010-0670-00225			
Applicant	Gloria Carlson	Contact		
Agent		Contact		
Legal Description	See Attached			
Site Visit Date	June 3, 2024	Sign Notice Date	N/A	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal

Applicant is requesting a Minor Subdivision to divide a parcel and create 2 new parcels in the Woodland neighborhood.

Recommended Action: Staff recommends approval.

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

Summary of Code Requirements

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

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

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

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

Principle #5- Promote Reinvestment in Neighborhoods- This subdivision will allow the applicant to build infill housing in the neighborhood.

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.

History: The proposed parcel is vacant and does not appear to have any development history. The parcel is located in the Woodland neighborhood. The underlying plat is “Colemans Second Acre Tract Addition To Duluth”.

Review and Discussion Items

Staff finds that:

1. Applicant is requesting a Minor Subdivision to divide one parcel and create two parcels. The land is owned by the applicant. Parcel A and Parcel B of the minor subdivision are undeveloped.
2. The subdivision will create lots that meet the zoning requirements of the R-1 district. Dimensional standards for each lot meet minimum frontage and lot area requirements.
3. Both parcels have the required street frontage along Maxwell Ave.
4. Both parcels have access to gas, water and sanitary sewer utilities in the Maxwell Ave.
5. The proposed subdivision, if approved, would not make the parcels non-conforming due to lot frontage, lot area, or similar bulk standard.
6. One City comment was received regarding wetlands on site. A wetland delineation was approved per PL21-180. Any future development will need to comply with all requirements of the Wetland Conservation Act.
7. No public, agency, or other City comments were received.
8. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
9. Approval of this Minor Subdivision signifies that City of Duluth UDC standards are met. St. Louis County may have additional requirements. This subdivision approval lapses if deeds are not recorded with St. Louis County within 180 days. Applicant must provide the City with proof of recording.

Staff Recommendation

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

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



PL24-067
 Minor Subdivision
 3900 Block- Maxwell Ave



Property to be subdivided

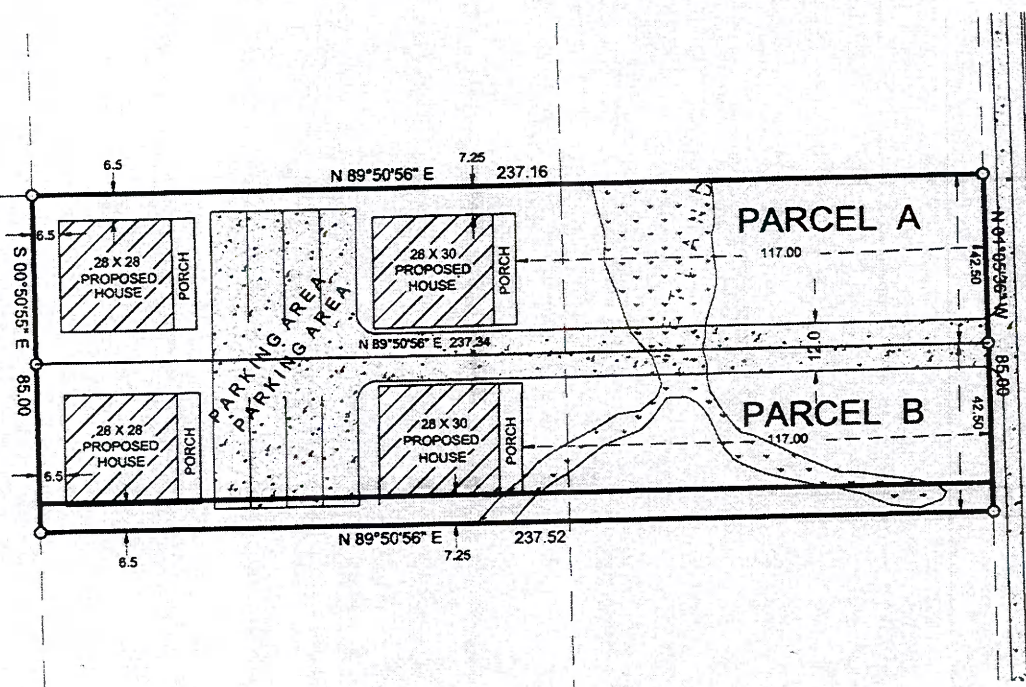
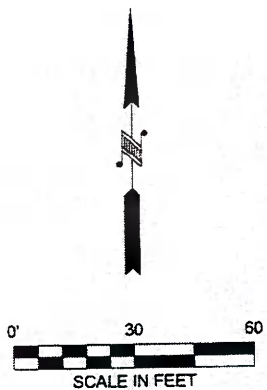
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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

Aerial photography flown 2019

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



CERTIFICATE OF SURVEY FOR: GLORIA CARLSON



MAXWELL AVENUE

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.

Date: 10-20-21

Ronald L. Krueger MN License No. 14374

PARCEL A LEGAL DESCRIPTION

The North 42.50 feet of Lots 11 and 12 Block 2 Colmans Second Acre Tract Addition To Duluth

PARCEL B LEGAL DESCRIPTION

The South 42.50 feet of the North 85.00 feet of Lots 11 and 12 Block 2 Colmans Second Acre Tract Addition To Duluth

DATE: 10/20/21
SCALE: 1 IN = 30 FEET
PROP ADD: Maxwell Avenue
PROJECT NO: 21-32

RON KRUEGER
Land Surveyor
7066 HIGHWAY 8
SAGINAW, MN 55779
Phone: 218-390-4030



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PLSUB-2405-0002		Contact	Kyle Deming	
Type	Minor Subdivision		Planning Commission Date	June 11, 2024	
Deadline for Action	Application Date	May 31, 2024	60 Days	July 30, 2024	
	Date Extension Letter Mailed	June 4, 2024	120 Days	September 28, 2024	
Location of Subject	709 Portia Johnson Drive (part of former Central High School site)				
Applicant	STC Building LLC / Luzy Ostreicher, per contract with ISD 709 (current owner)		Contact	On file	
Agent	William M. Burns / Jennifer Carey, Hanft Fride P.A.		Contact	On file	
Legal Description	Lot 1, Block 1, Central Overlook Division (PID # 010-0435-00010), See Attached				
Site Visit Date	May 31, 2024		Sign Notice Date	N/A	
Neighbor Letter Date	N/A		Number of Letters Sent	N/A	

Proposal

Applicant is requesting a Minor Subdivision to create 1 new parcel to be added to the Incline Village project.

Recommended Action: Staff recommends approval.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-P	Vacant school site	Business Park
North	MU-P	Office and warehousing	Business Park
South	MU-P	Vacant	Business Park
East	MU-P	Vacant	Business Park
West	MU-P, R-1	Vacant, broadcast tower	Business Park, Traditional Neighborhood

Summary of Code Requirements

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

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

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

Principle #1. Reuse previously developed lands. Directs new investment to sites which have the potential to perform at a higher level than their current state. This strengthens neighborhoods and is preferred to a dispersed development pattern Site preparation or building modification costs are offset by savings in existing public infrastructure such as streets and utilities, and transit, fire, and police services.

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

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

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

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

In September 2023 Planning Commission approved a minor subdivision of Lot 3, Block 1, Central Overlook Division, to create two parcels from the one platted lot (PL 23-145).

Planning Commission approved May 14, 2024, (PL 23-123) an Alternative Urban Areawide Review (AUAR) for the site and area.

Planning Commission approved May 14, 2024, (PL 24-053) a Minor Subdivision of Lot 3, Block 1, Central Overlook Division, to create a TIF parcel and a second parcel for future development.

Review and Discussion Items

Staff finds that:

1. Applicant (STC Building LLC) is the owner of Lot 3, Block 1, Central Overlook Division, and has plans to construct the Incline Plaza development on the property. Applicant is under contract to purchase from ISD 709 (owner of Lot 1, Block 1, Central Overlook Division) the 1.04 ac. Parcel B as shown attached. The purpose is to “square off” the applicant’s property for a more efficient development that follows the existing access road.
2. All of the subject parcels are zoned MU-P with the required concept plan showing a mix of mixed use, multi-family residential and open space. The lot development shown in the MU-P regulating plan is compliant with the proposed subdivision and will not create any UDC nonconformities.
3. The newly created parcel will have street frontage along H. Courtney Drive and will also be partially developed as a new private street in the first phase of site development.
4. The attached exhibits demonstrate compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
5. Approval of this Minor Subdivision signifies that City of Duluth UDC standards are met. St. Louis County may have additional requirements. This subdivision approval lapses if deeds are not recorded with St. Louis County within 180 days. Applicant must provide the City with proof of recording.
6. The applicant will need to record deeds to create the new parcels within 180 days of Planning Commission approval.

Staff Recommendation

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

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

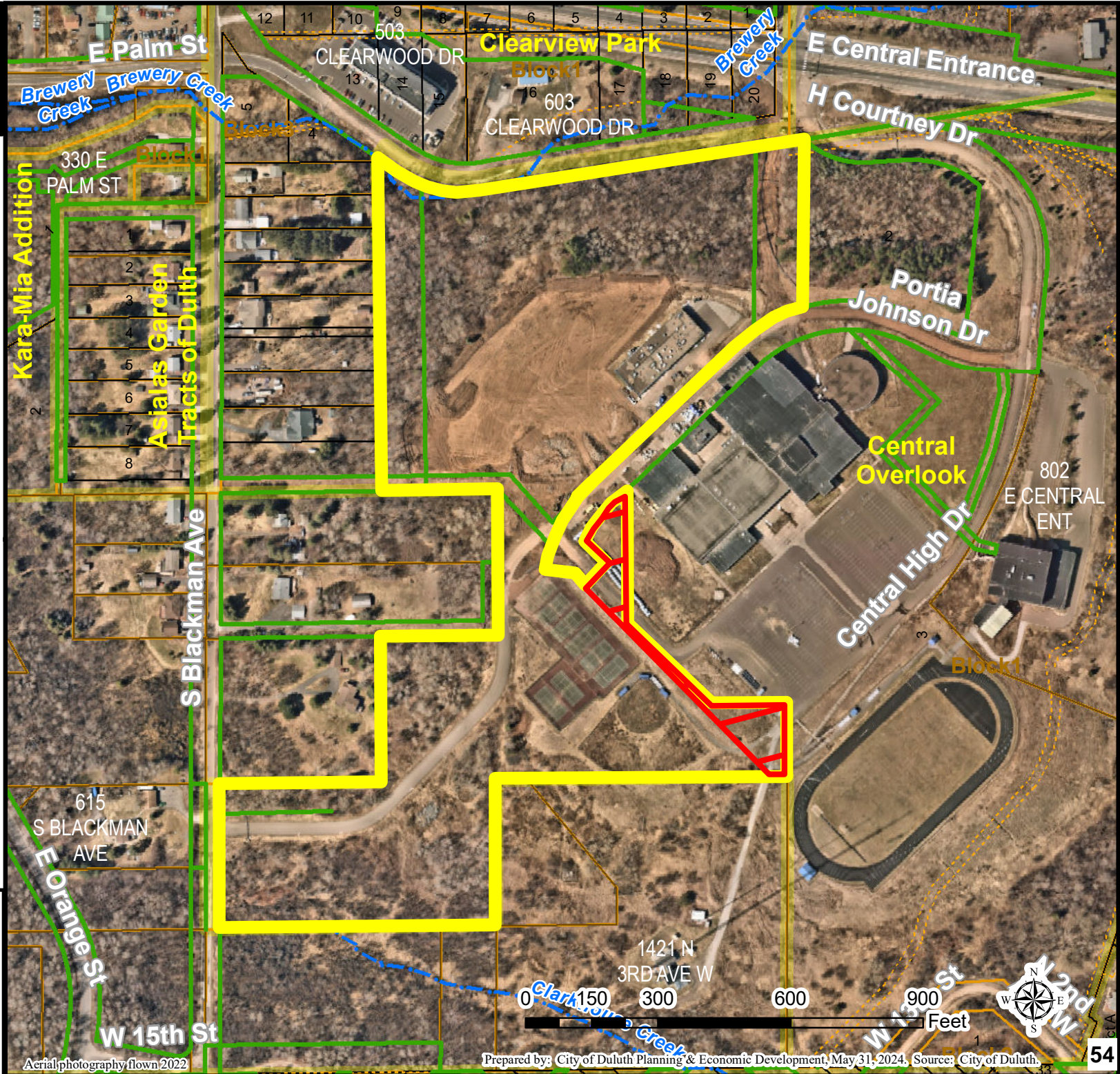


PLSUB-2405-0002
 Minor Subdivision
 Central Overlook Division,
 Block 1, Lot 1
 STC Building LLC

Area Map

- Legend**
- Streams**
 - Other Stream (GPS)
 - Parcels**
 - Lots
 - Blocks
 - Boundary Lines**
 - Lot Line
 - Parcel Line
 - ROW (Road)
 - ROW (Not Road)
 - Subdivision Boundaries

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



PARENT LEGAL DESCRIPTION OF PID NO. 010-0435-00010

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

LEGAL DESCRIPTION OF PARCEL A

Lot 1, Block 1, CENTRAL OVERLOOK, according to the recorded plat thereof, St. Louis County, Minnesota, EXCEPT that part lying Northeasterly of the following described line:

Commencing at the Southwest corner of said Lot 1; thence on an assumed bearing of North 89 degrees 40 minutes 15 seconds East, along the South line of said Lot 1 for a distance of 625.15 feet to an East line of said Lot 1; thence North 00 degrees 31 minutes 03 seconds East, along said East line 329.51 feet to a South line of said Lot 1; thence North 89 degrees 42 minutes 06 seconds East, along said South line 615.33 feet to the point of beginning of the line herein described; thence North 43 degrees 31 minutes 51 seconds West 601.86 feet to the South most corner of Portia Johnson Drive and said line there terminating. Said parcel contains 1,088,838 square feet or 25.00 acres.

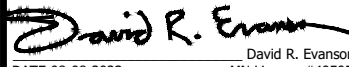

LEGAL DESCRIPTION OF PARCEL B

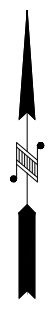
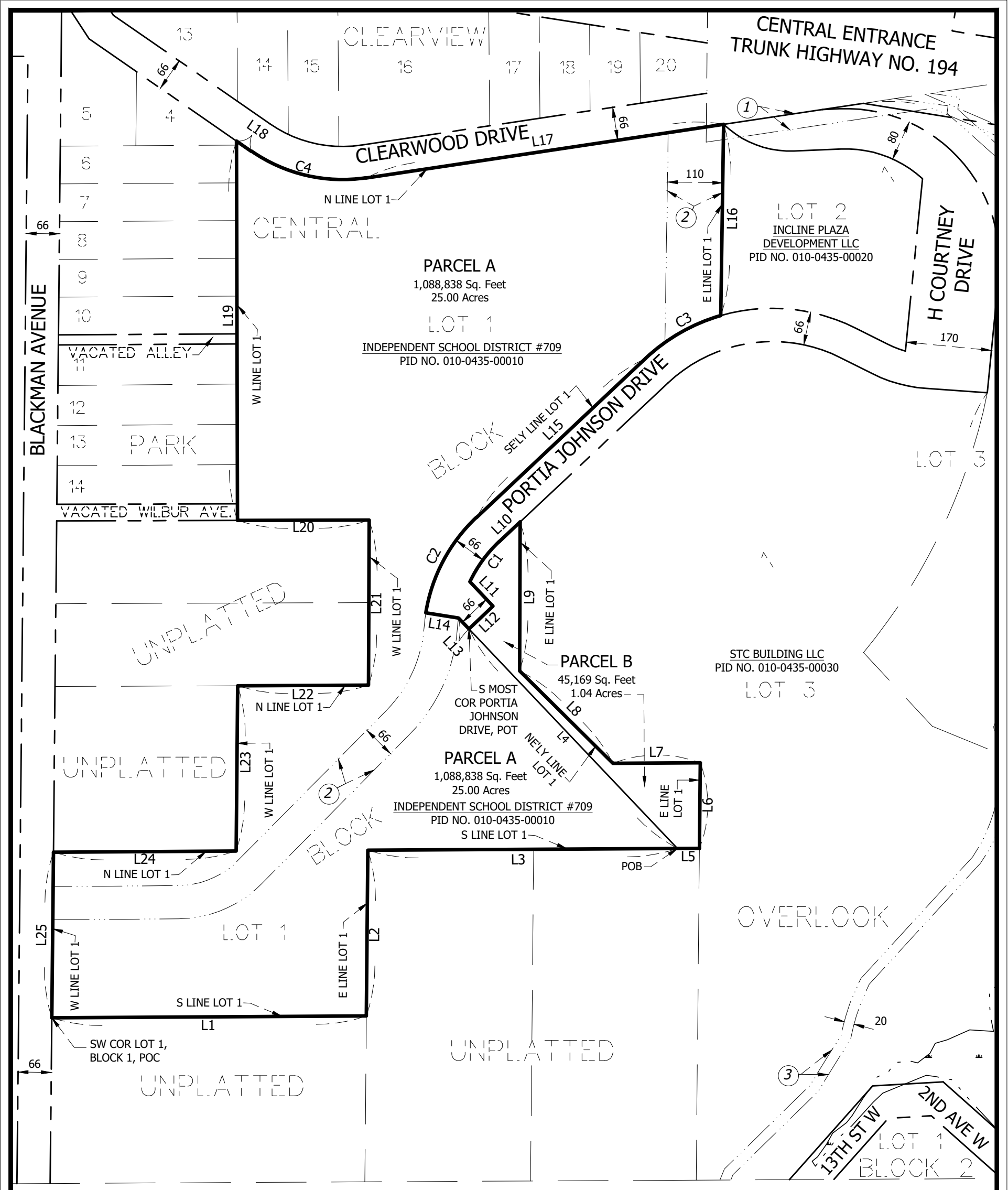
All that part of Lot 1, Block 1, CENTRAL OVERLOOK, according to the recorded plat thereof, St. Louis County, Minnesota, lying Northeasterly of the following described line:

Commencing at the Southwest corner of said Lot 1; thence on an assumed bearing of North 89 degrees 40 minutes 15 seconds East, along the South line of said Lot 1 for a distance of 625.15 feet to an East line of said Lot 1; thence North 00 degrees 31 minutes 03 seconds East, along said East line 329.51 feet to a South line of said Lot 1; thence North 89 degrees 42 minutes 06 seconds East, along said South line 615.33 feet to the point of beginning of the line herein described; thence North 43 degrees 31 minutes 51 seconds West 601.86 feet to the South most corner of Portia Johnson Drive and said line there terminating. Said parcel contains 45,169 square feet or 1.04 acres.

SURVEYOR'S NOTES

1. BIKEWAY EASEMENT PER TORRENS DOCUMENT NO. 436177.
2. UTILITY EASEMENTS PER PLAT OF CENTRAL OVERLOOK.
3. TRAIL EASEMENT PER TORRENS DOCUMENT NO. 1058934.
4. 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.
5. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
6. NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.  David R. Evanson MN License #49505 DATE:08-08-2023	CERTIFICATE OF SURVEY		 ALTA LAND SURVEY COMPANY PHONE: 218-727-5211 LICENSED IN MN & WI WWW. ALTALANDSURVEYDULUTH.COM
	CLIENT:NCE	REVISIONS:	
ADDRESS:709 PORTIA JOHNSON DRIVE DULUTH, MN 55811	DATE:06-29-2024	JOB NO:23-255	SHEET 1 OF 2



LEGEND

- POB-POINT OF BEGINNING
- POC-POINT OF COMMENCEMENT
- POT-POINT OF TERMINATION
- RIGHT OF WAY LINE
- EXISTING EASEMENT LINE
- BOUNDARY LINE AS SURVEYED
- EXISTING PLAT LINE
- PROPOSED PARCEL LINE
- ☐ WET LANDS PER PLAT

LINE	BEARING	DISTANCE
L1	N89°40'15"E	625.15
L2	N00°31'03"E	329.51
L3	N89°42'06"E	615.33
L4	N43°31'51"W	601.86
L5	N89°42'06"E	43.45
L6	N00°33'08"E	170.07
L7	S89°42'17"W	173.42
L8	N45°17'43"W	261.12
L9	N00°13'34"E	295.76
L10	S46°45'32"W	57.10
L11	S43°31'51"E	66.53
L12	S46°28'09"W	66.00
L13	N43°31'51"W	29.74

LINE	BEARING	DISTANCE
L14	N80°48'00"W	66.00
L15	N46°45'32"E	460.81
L16	N00°53'26"E	380.18
L17	S81°28'12"W	718.75
L18	N55°16'30"W	35.76
L19	S00°08'27"E	753.89
L20	N89°51'33"E	261.82
L21	S00°13'46"W	327.85
L22	S89°44'54"W	260.00
L23	S00°33'26"W	328.38
L24	S89°38'17"W	363.05
L25	S00°33'26"W	329.15

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	99.21	267.00	21°17'23"	N36°06'51"E	98.64
C2	218.29	333.00	37°33'32"	S27°58'46"W	214.40
C3	173.87	368.00	27°04'15"	N60°17'40"E	172.26
C4	239.57	317.29	43°15'40"	S76°54'20"E	233.92

CERTIFICATE OF SURVEY

CLIENT:NCE
 ADDRESS:709 PORTIA JOHNSON DRIVE
 DULUTH, MN 55811
 DATE:05-29-2024

REVISIONS:
 JOB NO:23-255 SHEET 2 OF 2

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



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 24-068	Contact	Jenn Moses, jmoses@duluthmn.gov	
Type	Variance – Building Height	Planning Commission Date	June 11, 2024	
Deadline for Action	Application Date	May 7, 2024	60 Days	July 6, 2024
	Date Extension Letter Mailed	May 22, 2024	120 Days	September 4, 2024
Location of Subject	100 N Central Avenue			
Applicant	Sofidel	Contact	Marcello Marzano	
Agent		Contact		
Legal Description	PIN 010-2806-00020	Sign Notice Date	May 24, 2024	
Site Visit Date	May 29, 2024	Number of Letters Sent	59	

Proposal

The applicant is requesting a variance to the height maximum in the I-G district, requesting 152' instead of the maximum of 60'.

Staff Recommendation

Staff recommends that the Planning Commission approve the variance.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	I-G	Industrial paper mill	Industrial
North	MU-C, R-P	Freeway	Central Business Secondary/Urban Res.
South	I-G, MU-B	Industrial	General Mixed use
East	I-W, Lake	Lake	Transportation & Utilities/Lake
West	R-1, R-2	Park, Residential Neighborhood	Traditional Neighborhood/Open Space

Summary of Code Requirements

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

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

#3: Support existing economic base – maintains jobs, tax base, and manufacturing. The traditional economic base in Duluth includes manufacturing.

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

History

A paper mill has been at this location since 1987.

Review and Discussion Items:

Staff finds that:

1. Applicant proposes to invest in the existing paper mill by increasing production lines and adding staff; this plan necessitates additional infrastructure for production lines, packaging, and storage.
2. Two additions are proposed. One addition for product conversion will be built in front of the existing building. A second addition is proposed for warehousing/product storage and will be placed to the rear of the existing building; due to site constraints, applicant proposes to build an automated warehouse to a height of 152' instead of the maximum of 60' specified for the I-G district. Applicant has identified a need for storage space for 40,000 pallets based on the capacity of the production and conversion spaces of the mill.
3. *Variance Criteria #1 (exceptional narrowness, shallowness, or shape):* Numerous site constraints exist on the property that minimize the buildable area available for the proposed project. The main building, originally built in 1987, is long and narrow and lies roughly in the middle of the property, requiring any additions or expansions to fit in the margins of the existing building; both the shape and size of the remaining buildable areas are constrained. In addition, a large area of contaminated soil lies between the parking lot and the frontage on Central Avenue; this area is not allowed to be disturbed so no construction can occur. Roads, rail lines, and utility lines limit where buildings can be built or expanded, as does the need the vehicle circulation in and around the site. The proposed addition will be placed where the existing wood room structure is, thereby repurposing an area previously built on.
4. *Variance Criteria #2 (circumstances unique to the property, not created by the property owner):* This paper mill has a unique history with an existing building in a location that creates challenges for any building additions or changes; the applicant did not build any of the existing buildings nor are they the responsible party for the area of contaminated soil in the front of the property.
5. *Variance Criteria #3 (circumstances are peculiar to this property and do not apply generally to other land or buildings):* This is the only paper mill in Duluth, and it has had several changes over time. The site constraints including location of freeways, rail lines, roadways, infrastructure, and contaminated area are peculiar to this property.
6. *Variance Criteria #4 (proposes to use in a reasonable manner not permitted by code):* Manufacturing is a permitted use in the I-G district, and the applicant proposes to use the site in the same way it has been used. The site provides the best location for a paper mill that requires proximity to utility and transportation infrastructure. There is no additional adjacent property available, so without a variance the project would not be able to proceed.
7. *Variance Criteria #5 (not impair light/air, increase congestion, or impair public safety or property values):* The small amount of additional truck traffic will use existing infrastructure designed for industrial traffic, such as Central Avenue to I-35. The increased height of the building will not impair any light or air access or cause public safety concerns.
8. *Variance Criteria #6 (will not impair intent of this Chapter or alter the essential character of the locality):* The proposed warehouse would be located on the back of the property, away from residential neighborhoods. Because of the existing building as well as the proposed addition in the front, the warehouse will be minimally visible from the street frontage. To demonstrate that it will not alter the essential character of the neighborhood, the applicant assembled several images showing massing of the proposed warehouse from several vantage points around town, which are attached.
9. An Environmental Assessment Worksheet and related documented for the proposed project is being prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minnesota Rules, Parts 4410.1000 to 4410.1700. The determination of the potential for significant environmental effects and identification of mitigation measures is pending. To the extent mitigations measures are identified that reasonably relate to the requested variance, the applicant will minimize adverse environmental effects.

10. No other City, public, or agency comments have been received.

11. Per UDC Section 50-37.1.N, approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year.

Staff Recommendation

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

- 1) The project be constructed and limited to the plans submitted with the application, allowing a warehouse no more than 152' feet in height.
- 2) The variance shall not be effective until a) completion of the Environmental Assessment Worksheet; and b) adoption of a Negative Declaration that preparation of an Environmental Impact Statement is not required.
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.

EXISTING BUILDINGS

A1.1 EXISTING DENKING + FIBER PLANT		
B2.2 FUTURE BALE HANDLING (REBUILD)		
C1.1 PM AREA AND ROLL HANDLING AREA		
C1.2 WORK SHOP		
C1.3 ELECTRICAL ROOMS		
C1.4 BOILER HOUSE		
C1.5 CHEMICAL STORAGE		
D1.1 JUMBO REEL STORAGE		
H1.1 WWTP		
J1.1 POWER SUBSTATION AREA		
K1.1 JUMBO REEL STORAGE / LOCKERS / OFFICES PM / ADMINISTRATION / MEETING R.		
L1.1 SPRINKLER		
REMAINING BUILDINGS		
TOTAL	476,089.0 ft²	

EXTERIOR AREAS

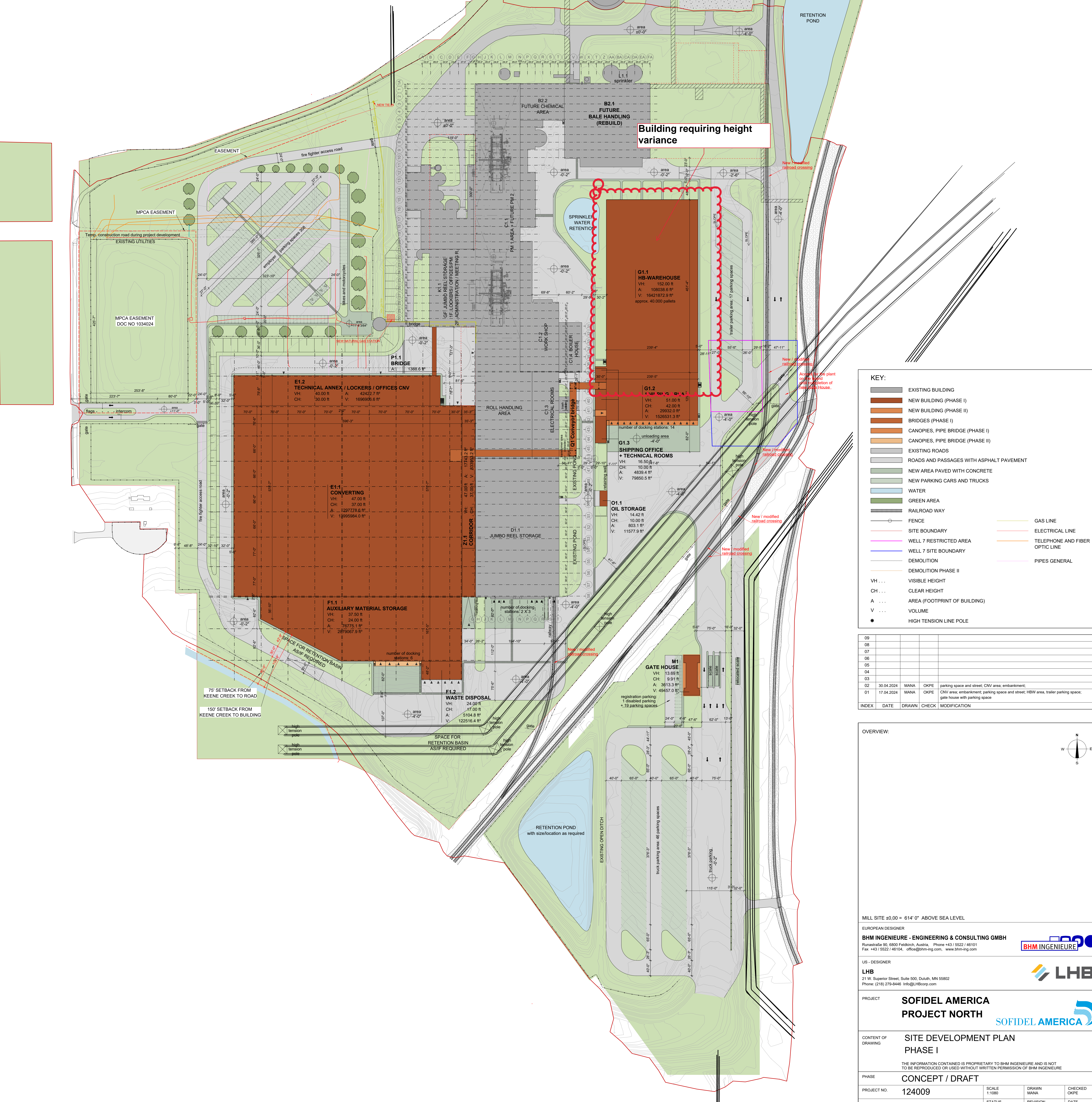
EXISTING BUILDINGS	476,089.0 ft²
NEW BUILDINGS	656,791.8 ft²
RETENTION PONDS AND CREEK	151,000.0 ft²
PAVED AREAS	1,364,020.0 ft²
GREEN AREAS	1,643,701.0 ft²
SIZE OF PLOT	4,258,321.0 ft²
G1 CONVEYOR BRIDGE	20,461.0 ft²
CANOPYS	7,415.0 ft²

DEMOLITION WORKS

BARK BIN	1609.0 ft²
OVERHEAD CONVEYOR CONSTR.	2392.3 ft²
SLUDGE FILTER BLDG.	12940.0 ft²
WOODROOM	11900.0 ft²
OVERHEAD CONVEYOR CONSTR.	4317.1 ft²
OIL STORAGE (RELOCATED)	696.5 ft²
GATE HOUSE	581.0 ft²
TOTAL	34,435.9 ft²

NEW BUILDINGS PHASE I

E1.1 CONVERTING	13995984.0 ft²	297778.6 ft²
E1.2 TECHNICAL ANNEX / LOCKERS / OFFICES CNV	1696906.6 ft²	42422.7 ft²
F1.1 AUXILIARY MATERIAL STORAGE	2879067.9 ft²	76775.1 ft²
F1.2 WASTE DISPOSAL	122516.4 ft²	5104.8 ft²
G1.1 HB-WAREHOUSE	16421872.9 ft²	108038.6 ft²
G1.2 SHIPPING AREA	1526531.3 ft²	29932.0 ft²
G1.3 SHIPPING OFFICE	79850.5 ft²	4839.4 ft²
M1 GATE HOUSE	49457.0 ft²	3613.3 ft²
O1.1 OIL STORAGE (RELOCATED)	11577.9 ft²	803.1 ft²
P1.1 BRIDGE	19440.4 ft²	1388.6 ft²
Z1.1 CORRIDOR	833953.2 ft²	17743.2 ft²
TOTAL	37,637,158.1 ft²	588,439.4 ft²



KEY:

[Symbol]	EXISTING BUILDING	[Symbol]	GAS LINE
[Symbol]	NEW BUILDING (PHASE I)	[Symbol]	ELECTRICAL LINE
[Symbol]	NEW BUILDING (PHASE II)	[Symbol]	TELEPHONE AND FIBER OPTIC LINE
[Symbol]	BRIDGES (PHASE I)	[Symbol]	PIPES GENERAL
[Symbol]	CANOPYS, PIPE BRIDGE (PHASE I)		
[Symbol]	CANOPYS, PIPE BRIDGE (PHASE II)		
[Symbol]	EXISTING ROADS		
[Symbol]	ROADS AND PASSAGES WITH ASPHALT PAVEMENT		
[Symbol]	NEW AREA PAVED WITH CONCRETE		
[Symbol]	NEW PARKING CARS AND TRUCKS		
[Symbol]	WATER		
[Symbol]	GREEN AREA		
[Symbol]	RAILROAD WAY		
[Symbol]	FENCE		
[Symbol]	SITE BOUNDARY		
[Symbol]	WELL 7 RESTRICTED AREA		
[Symbol]	WELL 7 SITE BOUNDARY		
[Symbol]	DEMOLITION		
[Symbol]	DEMOLITION PHASE II		
[Symbol]	VH ... VISIBLE HEIGHT		
[Symbol]	CH ... CLEAR HEIGHT		
[Symbol]	A ... AREA (FOOTPRINT OF BUILDING)		
[Symbol]	V ... VOLUME		
[Symbol]	● HIGH TENSION LINE POLE		

08				
07				
06				
05				
04				
03				
02	30.04.2024	MANA	OKPE	parking space and street, CNV area, embankment.
01	17.04.2024	MANA	OKPE	CNV area, embankment, parking space and street, HBW area, trailer parking space, gate house with parking space
INDEX	DATE	DRAWN	CHECK	MODIFICATION

OVERVIEW:

MILL SITE ±0,00 = 614' 0" ABOVE SEA LEVEL	
EUROPEAN DESIGNER	
BHM INGENIEURE - ENGINEERING & CONSULTING GMBH	
Rumstraße 50, 6800 Feldkirch, Austria, Phone +43 / 5522 / 48101	
Fax +43 / 5522 / 48104, office@bhmeng.com, www.bhmeng.com	
US - DESIGNER	
LHB	
21 W. Superior Street, Suite 500, Duluth, MN 55802	
Phone: (218) 278-9446, info@lhb.com	

PROJECT	SOFIDEL AMERICA PROJECT NORTH		
CONTENT OF DRAWING	SITE DEVELOPMENT PLAN PHASE I		
PHASE	CONCEPT / DRAFT		
PROJECT NO.	124009	SCALE	1:1000
DRAWING NO.	51160_00002	STATUS	PR
DRAWING NAME	S1160: ALL_OVE_SDP_SDP Phase 1_00002_PR_02	DRAWN	MANA
		CHECKED	OKPE
		REVISION	02
		DATE	28.11.2023

APPLICATION COVER SHEET

Rationale for the Variance Request

Introduction to the site and project:

The paper mill site in Duluth, Minnesota, has a rich and unique history. It began operating as Lake Superior Paper Industries in 1987 as a joint venture between Minnesota Power and Pentair, Inc. This marked the beginning of its journey as a vital contributor to Duluth's industrial landscape. In 1993, the recycle process was added to the paper mill, expanding its product range to include recycled paper products.

Two years later, in 1995, the mill was acquired by Consolidated Papers, marking a new phase in its development under new ownership. This was followed by further changes in ownership, including acquisitions by Stora Enso in 2000, NewPage Corporation in 2007, and Verso Corporation in 2015. However, in 2020 Verso decided to close the mill since the specialty paper industry had been facing declining demand for products like graphics and newsprint, due to the rise of digital media. Changes in consumer behavior and technological advancements have shifted the demand away from these types of paper products.

In 2021 ST Paper acquired the Duluth site. The new ownership decided to build a completely new machine for manufacturing tissue products. The installation of a new Andritz machine for tissue paper production represented a significant investment in modernizing the mill's operations and allowed the mill to reopen, rehire some of the workforce, and adapt to economic change in demand.

On February 1st, 2024, Sofidel strategically acquired the Duluth Paper Mill for further growth. This acquisition sets the stage for new opportunities and synergies, with Sofidel wanting to further expand the mill. The Sofidel investment will generate stability for the Duluth paper mill and fortify the economic landscape of Duluth by increasing the workforce, creating a positive impact on the surrounding region.

In order to achieve the increase in production lines and new staff, adequate building infrastructure for product conversion, packaging lines and finished product storage is required on site. The existing mill site is land locked and unable to expand laterally. This requires Sofidel to invest significantly more dollars to generate the storage volume by building vertically.

VARIANCE APPLICATION SUPPLEMENTAL FORM

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:

The expansion of products generated at the existing paper plant requires significant new construction in addition to maintaining most of the existing structures. This project consists of two new large volume structures. The shorter larger footprint production facility has been designed on the west side of the existing building and modified to accommodate shoreland setbacks and not require a variance.

After careful investigation, the best location on the site for the finished product warehouse is on the east side, between the current building and obstructions to the east. Specifically, it will be built where the wood-room structure is located today and include a good portion of the wood storage yard.

However, due to the volume required for storage of finished product within the warehouse even this location poses challenges due to space constraints in the form of utility lines, existing access road and rail lines. In addition to the narrow shape of the developable property, the required circulation for construction equipment, delivery trucks, and emergency vehicles such as fire trucks reduces the allowable footprint of the building even more. Therefore, since the available footprint for the warehouse is limited, it requires architectural and engineering solutions to maximize volume by going vertical with the storage systems.

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:

In addition to the irregular shape of the property, there are other constraints that prevent Sofidel from building a traditional sprawling warehouse. Those constraints are the location of the current buildings and undevelopable contaminated soil regions. Beyond the current site boundaries, there is no adjacent property to purchase. The existing paper mill property is land locked with rail lines, power lines, a road and the river to the east, a substation and I-35 to the north, a neighborhood to the west, and a stream on the southwest and south.

The paper mill building at the center of the property presents a challenge for Sofidel in constructing both the converting and warehouse structures in the same location. As a result, one lower height structure will need to be situated to the west, while the other will be positioned to the east. However, due to the footprint availability, the future warehouse on the east side must adopt a vertical construction approach rather than a horizontal. This is because it is surrounded on the west by the paper mill building, boiler room, the parent reels warehouse, and on the north by PGW, previously utilized for processing tree logs into pulp.

The presence of power lines on the site restricts the footprint of the warehouse, particularly in the east and south areas. As these power lines cannot be relocated, the future building must maintain a safe distance

from them. This constraint further reduces the available space for Sofidel to construct the finished goods warehouse, creating an even narrower area for development.

On the southeast of the property, there is a contaminated area called “Well 7”, which poses further restrictions on Sofidel’s construction plans. Indeed, it is not feasible to build the structure directly on or in close proximity to this contaminated site.

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:

The mill has been a significant part of Duluth's industrial landscape since 1987, contributing to the local economy and providing employment opportunities for residents. Over the years, the mill has undergone several ownership changes and developments to adapt to market demands and technological advancements in the paper industry.

Two peculiar characteristics linked to the mill are its process and workforce. Due to the several ownership changes, the Duluth paper mill has strong and versatile papermaking processes since it can efficiently manufacture both virgin and recycled products. This allows a broad product diversification that is not common in the papermaking industry. In addition to this unique feature, the mill also has an exceptional dedicated and skilled workforce that was retained from the previous owners. Among the employees, there are many who have been working for more than 30 years and who have accumulated extensive knowledge and expertise in their roles and the overall operations of the company. These individuals serve as mentors and trainers for newer employees, since they can pass on their knowledge and skills, helping to onboard and develop the next generation of workers. The presence of these resources is something that does not occur in other mills, making the Duluth paper mill unique regarding the capabilities of its workforce.

Sofidel wants to integrate the Duluth plant by adding a converting and an automated warehouse, which will boost productivity, significantly reduce logistic costs associated with transporting finished goods, and optimize internal efficiency. Traditional paper mill production is not ideal for the strategy of Sofidel since its main business is manufacturing, distributing, and selling finished goods, like kitchen towels, bath tissues, napkins, and facials. For this reason, integrating converting operations becomes imperative for transforming the parent reels currently produced on-site. To accommodate this expansion, a sizable warehouse is indispensable, which is directly proportional to the converting capacity.

In this particular case, the projected capacity of the converting lines will require an additional workforce of approximately 160 individuals beyond the existing 80 dedicated employees and will necessitate a warehouse capable of storing 40,000 pallets, which due to site constraints can only be built vertically.

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 current function of the paper mill is in accordance with the zoning of I-G (Industrial - General). The expansion maintains the original operations of paper manufacturing and adds additional steps to achieve a finished product for distribution. As noted above, for this future operation to be efficient the building height request generates building volume to achieve adequate storage of completed product prior to shipping.

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 site is large enough that this facility does not have an impact on any neighboring properties or public infrastructure. All shadow lines are within the existing property.

Required fire access is maintained and or additional access is planned to all portions of the existing and new structures.

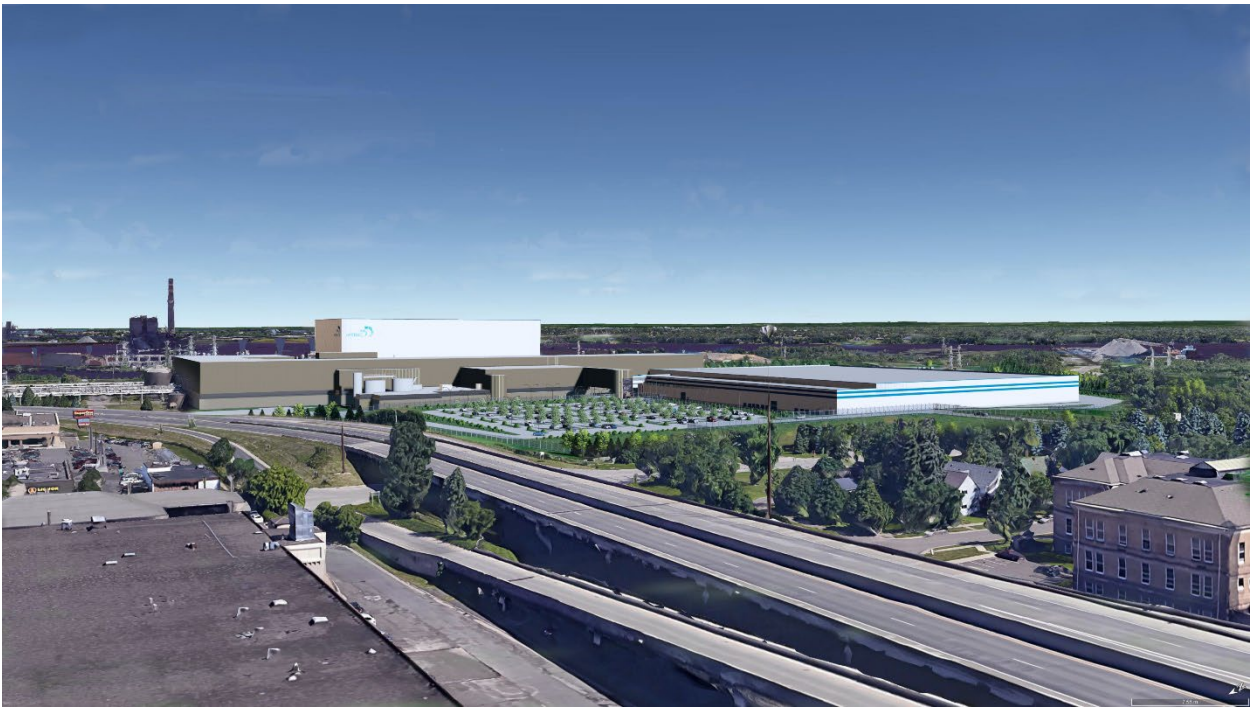
The existing paper mill site currently has rail and truck access and use. There is existing truck and rail traffic to the other locations down Central Avenue such as, other miscellaneous businesses, multiple shipping docks and Hibbard power plant. Truck traffic for the paper mill is projected to increase by an approximate average of 20 trucks per day with the new facility improvements. However, this additional truck traffic like existing mill traffic will be constrained to the roadway network which has been developed and designated for industrial truck traffic (I-35, Central Avenue, Waseca Industrial Road and S. 50th Ave West into the facility).

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

The new structure is on the backside of the existing structure and distant from the neighborhood lot lines and public properties, therefore it does not impact the character of the neighborhood or view sheds. The variance is within an industrial zone and supports the original use of the facility. Both the current and future functions related to paper production are within the current zoning regulations.

Perspective Drawings





Views of Paper Mill

From US Highway 2 and I-35



From Skyline Parkway at Thompson Hill



From I-35 in West Duluth



From Beacon Place and Belknap Street, Superior



From Bong Bridge



From 812 N 61st Ave W (West Duluth Hillside)



From Haines Road



From 1800 Block W Skyline Parkway



From 2800 Block W Skyline Parkway



From Spirit Mountain Recreation Area

