



City of Duluth

Council Chambers, City
Hall

Meeting Agenda Planning Commission.

Council Chambers

Tuesday, July 9, 2024

5:00 PM

Council Chambers

CALL TO ORDER AND ROLL CALL

APPROVAL OF PLANNING COMMISSION MINUTES

[PL 24-0611](#) Planning Commission Minutes 6/11/24

Attachments: [6-11-2024 PC Minutes \(not approved yet\)](#)

PUBLIC COMMENT ON ITEMS NOT ON AGENDA

CONSENT AGENDA

[PL 24-033](#) Vacation of Easement at 1420 London Road by Kyle Hammer

Attachments: [PL24-033 Staff Report with Attachments](#)

[PLIUP-2405-001](#) Interim Use Permit for a New Vacation Dwelling Unit at 204 W House Street by Diana Dennis

Attachments: [PLIUP-2405-0001 Staff Report and Attachments](#)

PUBLIC HEARINGS

[PL 24-036](#) MU-I Planning Review for Dental Office at 1420 London Road by Kyle Hammer

Attachments: [PL 24-036 Staff Report with attachments](#)

[PL 24-063](#) Variance for Detached Garage at 4404 London Road by Paul Tonkin

Attachments: [PL24-063 Staff Report and Attachments](#)

OTHER BUSINESS

[PLOR-2406-001](#) Conformance with Comprehensive Plan for TIF at Sofidel America, 100 N Central Avenue

Attachments: [PLOR-2406-0001 Resolution with Memo](#)

Update on West Superior Street Reconstruction

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

June 11th, 2024 – City Hall Council Chambers
Meeting Minutes

Call to Order

Vice President Jason Hollinday called to order the meeting of the city of Duluth planning commission at 5:01 p.m. on Tuesday, June 11th, 2024, in the Duluth city hall council chambers.

Roll Call

Attendance:

Members Present: Chris Adatte, Brian Hammond, Jason Hollinday, Danielle Rhodes, Dave Sarvela, and Andrea Wedul

Members Absent: Jason Crawford, Gary Eckenberg, Margie Nelson

Andrea Wedul arrived late at 5:06 p.m.

Staff Present: Ryan Pervenanze, Amanda Mangan, Jenn Moses, Kyle Deming, Chris Lee, Jason Mozol, Chad Ronchetti, and Samantha Smith

Zenith Awards for Plan Implementation

Jenn Moses addressed the commission. Ten years ago, Planning Commission awarded its first ever Zenith award for plan implementation. These awards honor projects that implement one or more adopted city plans. The City of Duluth recognizes that the success of city plans depends on having partners that invest in the community. This year at the annual Planning Commission meeting, planning commissioners selected three recipients for the awards.

The first award was given to the Zenith Apartments, received by Mark Laverty of Saturday Properties. Jenn Moses credited Mark's team for renovating and preserving the history of this building while simultaneously providing much needed housing to help the City meet its housing goals. Mark thanked the City of Duluth, planning commissioners, and planning staff for their work that was done with these projects and for the recognition given to him and his team. The second award was given to Lagom In-fill homes, and was received by architect and designer Ben Olson, and Josh MacInnes. The City of Duluth recognized the creative ways Ben and Josh made use of the narrow lots in Irving to create new affordable housing options. Ben spoke about the current housing crisis Duluth is facing and how his work is dedicated to changing that. He thanked staff for the recognition and work that they've done with code changes to help increase density, and he is excited to continue working alongside the City of Duluth to better the community.

The third and final Zenith award was given to Bell Building, and was received by Mike Poupore. The Bell building was originally built as a telephone exchange building. Mike purchased that building with the intention of preserving its beauty and also because it fit in nicely with the rest of the neighborhood. The City recognizes his creativity, dedication, and preservation efforts, and is happy to present this award to him. Mike gave his thanks to the room. He oversees a smaller

crew of people and acknowledges that this project been a long process, but he appreciates the patience of the city, vendors, and everyone else who helped with this work.

Approval of Planning Commission Minutes

Planning Commission Meeting – May 14th, 2024 –
MOTION/Second: Rhodes/Sarvela approved

VOTE: (6-0)

Public Comment on Items Not on Agenda

No comments.

(Item PL 24-064 was removed from the consent agenda and placed under public hearings.)

Consent Agenda

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

PL 24-056 Minor Subdivision at 1806 Rice Lake Rd by G & D Developers LLC

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

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

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

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

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

PL 24-067 Minor Subdivision on 3900 Block of Maxwell Avenue by Gloria Carlson

PLSUB-2405-0002 Minor Subdivision on 3900 Block of Maxwell Avenue by Gloria Carlson

Commissioners: Commissioner Wedul asked staff if there are questions that commissioners would like to ask about a specific item, would the item need to be pulled from the consent agenda in order to ask those questions. Wedul had questions regarding the diagram for item PL24-064. The diagram shows buffering along a trout stream on one side, but not the other side. She wants clarification that there is buffering on both sides before it is voted on.

Staff: Jason Mozol addressed the commissioners and answered Wedul's question. The shore impact zone is 50 ft on both sides of stream. However, there will only be impacts on the one side of the stream where the proposed deck will be built. Mozol believes that the applicant is planning for that area to be a lawn or vegetated space, but commissioners are welcome to ask the applicant directly.

Commissioners: Wedul requests to pull this item from the agenda for further clarification from the applicant.

Public: No comments.

MOTION/Second: Wedul/Rhodes approve the consent agenda items as per staff recommendation.

VOTE: (6-0)

Public Hearings

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

Staff: Ryan Pervenanze addressed the commission and asked if applicant could please come up to the podium to speak and answer questions about his project.

Commissioners: Wedul thanked the applicant for attending the meeting. In the interest of protecting the local water resources, she asked him if there is an intended buffer to Tishcer Creek between the pink no-mow zones where the deck would be built that is perhaps not shown on his diagram. Wedul explains to other commission members that a buffer is a planted area that has a lot of roughness, so it helps slow down storm water and aids in keeping the stream water cool to protect surrounding ecosystems. Lawn by itself does not count as a buffer, which is why she wanted clarification from the applicant.

Applicant: Daniel Frank addressed the commission and explained that the yellow portion on the diagram represents the rain garden. Rain water run-off will drain into the garden, which serves as a buffer. Frank also noted that there is currently vegetation in the no-mow zones on the north side of the creek, which is not indicated on the diagram. They do not plan on adding any extra vegetation as he feels that there is sufficient buffer behind the deck, and they do not want their views blocked. There was also some creek restoration that was previously done by the DNR to take precautions in protecting this area.

Public: No comments.

Motion/second: Wedul/Sarvela approve as per staff recommendation

Vote: (6-0)

PL24-068 Variance from Height Requirement to Build Warehouse at 100 N Central Avenue by Sofidel

Staff: Jenn Moses addressed the commission and presented a site plan for the Sofidel project for the room to view. Sofidel has come up with plans to take production capacity within the existing papermill building further than before with 2 proposed additions: The first addition will be a conversion facility, and the second addition will be the extra warehouse storage space needed to accommodate their equipment. The practical difficulty for this project focuses on site constraints. The papermill is surrounded by freeway access, utilities, and infrastructure. The space behind and immediately around the papermill warehouse must also have circulation room for semi-trucks, roadways, fire access, etc. Since they cannot expand out, the only other way for them to build is up, therefore a height variance request is needed. The staff report details what all of the site constraints are, and the applicant has met all the criteria. Staff recommends the Planning Commission approves the proposed height variance. The recommendation section of the Staff Report has conditions that the applicant must adhere to. The conditions include that they must follow the plans that they have submitted so far, so the warehouse addition can go up to 152 ft. This is only allowed for the warehouse, meaning they cannot build to that height on other parts on the site. The applicant has also been working on an environmental assessment worksheet. City staff has worked closely with their attorneys to make sure that this environmental work is recognized in the Staff Report so it is clear that the applicant is making sure all environmental work is done before proceeding with construction. The third condition

laid out in the Recommendations section is that minor alterations are allowed. Jenn Moses went on to highlight the many sketches provided by the applicant, including ones that demonstrated close-up shots of the site and how the warehouse height would look in comparison to the new conversion facility. The applicant has also taken vantage points from around the city to show how the proposed additions would look to people from different spots such as the Bong Bridge, surrounding neighborhoods, views from people coming into the city, and more.

Commissioners: Commissioner Wedul gave thanks to applicant for the visuals. She asked a clarifying question regarding the proposed height limit of 152 ft. and questioned if any potential expansion plans to add things like rooftop units or a tower in the future would be subject to the 152 ft. limit. Wedul also inquired about the feasibility of the applicant being allowed to add on an array of antennas to the top of the proposed structure.

Staff: Jenn Moses answered Wedul's question, stating that towers (such as the smokestack on the power facility adjacent to the paper mill) are exempt from the height requirements. However, this project is big enough so that it did not meet the exemption requirement for the tower, because it's a warehouse facility. The proposed warehouse addition is the only portion allowed to go up to the 152 ft. max. In regards to the potential addition of a wireless facility, there are so many criteria someone would need to meet in order for that to happen, including getting a special use permit. Moses hands the topic over to Planning staff member Chris Lee, who has ample experience with the city's cell-tower permitting. Lee explains that there are 2 routes an applicant can take to obtain a special use permit for cell towers; the administrative route or public hearing/review route. For example, if there is an existing cell tower and the applicant wishes to add 1 more, that would be handled administratively. However, if this were a new site with no existing cell towers and the applicant wanted to add some, it would come forward to the planning commission for a public hearing. As of right now there are no plans for the addition of any cell towers by the applicant.

Commissioners: Commissioners asked staff if there are any screening requirements for commercial equipment being allowed on the roof with this location's I-G zoning. They also asked about any potential for screening requirements regarding the viewshed of Lake Superior. Commissioner Rhodes also took a moment to thank and plead with applicant to continue to keep the paper mill odor at a minimum, as it has been positively impacting the neighborhood to have the odor kept under control.

Staff: Jenn Moses explained to the commissioners that the zoning code does exempt I-G and I-W districts from the screening of mechanical equipment on the roof. There is currently nothing in the code that would trigger a screening for the viewshed for a variety of reasons. Perhaps there is an opportunity for the Planning Commission to add conditions that control the prospect of adding of mechanical equipment or cell towers. Staff encouraged the commissioners to ask the applicant directly for more information about their future plans with this site.

Applicant: The applicant, Marcello Marzano, addressed the commission. Sofidel would like to expand the existing paper mill facility's capacity for more production, and with more production requires more overall facility space. With these additions, they will be increasing their workforce by 160 people, which also calls for more space. Their company manufactures 1 type of paper that is converted into many different kinds of household products. He also explained to the commissioners that the reason the unpleasant paper mill smells have subsided is due to changes Sofidel has implemented regarding production. Before, the paper mill was using recycled fibers that required chemicals and other components to ensure that the fibers were usable. Now, they will only be using virgin fibers, which do not smell as much.

Commissioners: Commissioners asked the applicant if the proposed storage facility will be for finished goods. They also questioned the applicant about why they needed this much added height for this facility, as well as the color choice of the proposed addition.

Applicant: The applicant responded to the commissioner's questions by stating that the facility will be used to store finished goods like napkins, paper towels, and other products. The added height is for capacity as well as conversion purposes. They will also utilize this space for the machinery that will be used for their paper conversion processes.

Antonio Cuccarese, on behalf of the applicant, jumped in to clarify that 1 type of product takes up a whole bay for storage purposes. Since they are making many products, they need more bays. He also reiterated to the commission that Sofidel has no plans for installing anything on top of the building, including antennas. They will have their heating and cooling system units on top of another building, not the 152 ft. building. They will be painting the facility white with blue, which happen to be their company colors. These colors can help lessen the contrast of the building to make it blend in better with the sky. Sofidel has another warehouse in a different location with a similar look.

Public: Mickey Pearson, 3231 E 4th Street – Mickey addressed the commission and thanked them for their work and service to the community. Mr. Pearson came to the meeting to speak on behalf of APEX (Area Partnership for Economic Expansion) in support of Sofidel's expansion plans. The paper plant has been an important source of employment for people of Duluth. Having recently met with Simone Giacomelli and touring their plant, APEX can say with confidence that Sofidel's plans for the facility align with their own corporate practices, embodying innovation and sustainability. APEX acknowledges that the proposed changes to the facility are substantial, but so too will be the growth in the employment landscape in terms of quantity and diversity.

Commissioners: Commissioner Adatte comments that he feels this is a good project. Big projects can be challenging, and he appreciates the thought that went into this design. He says this is great for job creation, and thanks the applicant for investing in the community.

Motion/second: Wedul/Adatte approve as per staff recommendation

Vote: (6-0)

Communications

Land Use Supervisor (LUS) Report – Ryan Pervenanze introduces attorney Amanda Mangan, who will be filling in for Jean Coleman, who left the city to work for another job opportunity. Ryan also gave an update on the City's new permitting software, EPL/ePlace, that recently went live to the public. The desired purpose of the software is to provide a better quality of services to the public, and it will only get continue to get better and more user friendly. Also, the land use study on Becks road to begin shortly as city staff is currently reviewing proposals.

Heritage Preservation Commission Report – No report as there was no meeting. The next meeting will be in July.

Joint Airport Zoning Board – President Eckenberg gives this report. He is absent, so there is no report.

Duluth Midway Joint Powers Zoning Board – President Eckenberg gives this report. He is absent, so there is no report.

Adjournment

Meeting adjourned at 5:49 p.m.
Respectfully,

Ryan Pervanze, 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 24-033	Contact	Jason Mozol, jmozol@duluthmn.gov	
Type	Vacation of Utility Easement	Planning Commission Date	July 9, 2024	
Deadline for Action	Application Date	N/A	60 Days	N/A
	Date Extension Letter Mailed	N/A	120 Days	N/A
Location of Subject	1420 London Rd			
Applicant	Kyle Hammer	Contact		
Agent	Kelly, Mortenson, DSGW	Contact		
Legal Description	See attached			
Site Visit Date	June 24, 2024	Sign Notice Date	June 20, 2024	
Neighbor Letter Date	May 24, 2024	Number of Letters Sent	32	

Proposal

The applicant is requesting to vacate a portion of a 20-foot wide utility easement within Block 18 of the Endion Division of Duluth.

Staff Recommendation

Staff is recommending approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-I	Medical	Central Business Secondary
North	MU-I	Medical	Central Business Secondary
South	MU-I	Medical	Central Business Secondary
East	MU-I	Medical	Neighborhood Mixed Use
West	MU-I	Medical	Central Business Primary

Summary of Code Requirements:

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

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

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

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

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

Governing Principle #1- Reuse previously developed lands

This project will reuse property previously developed as a parking lot, dental office and one-family dwelling.

Governing Principle #4 -Support Economic Growth Sectors

This project supports a locally owned business in the growing medical sector to develop and expand.

Future Land Use

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

Recent History

Right of way sections were originally platted through Block 18. Sections were vacated in 1974 and 1998, to leave only the existing utility easement. Currently, public sewer facilities are located within the easement.

Review and Discussion Items:

Staff finds that:

1. The applicant is requesting to vacate that the 20-foot-wide utility easement located in Block 18, ENDION DIVISION OF DULUTH as described in the attached exhibit.
2. The proposed vacation will allow the overlying property owner to construct a dental office and relocate utilities on private property.
3. The easement will no longer contain public utilities. The applicant will relocate existing sewer facilities approximately 50 feet to the north as a part of their construction project. The new sewer facilities will be on private property and privately owned.
4. The easement will not be needed by the City for the promotion of public health, safety, or welfare of the citizens of Duluth.
5. Vacating the easement will not impact or deny access to other property owners.
6. The City Engineering office has reviewed the proposed vacation and has indicated it does not expect to need the alley for future utilities.
7. No other public, agency, or City comments have been received.
8. Vacations of rights of way and easements lapse unless the vacation is recorded with the county recorder within 90 days after final approval. The vacation recording is facilitated by the City of Duluth.

Staff Recommendation:

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

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

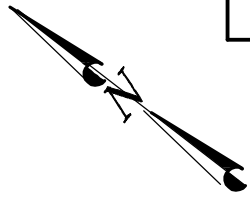


PL24-033
Utility Easement Vacation
1420 London Rd



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



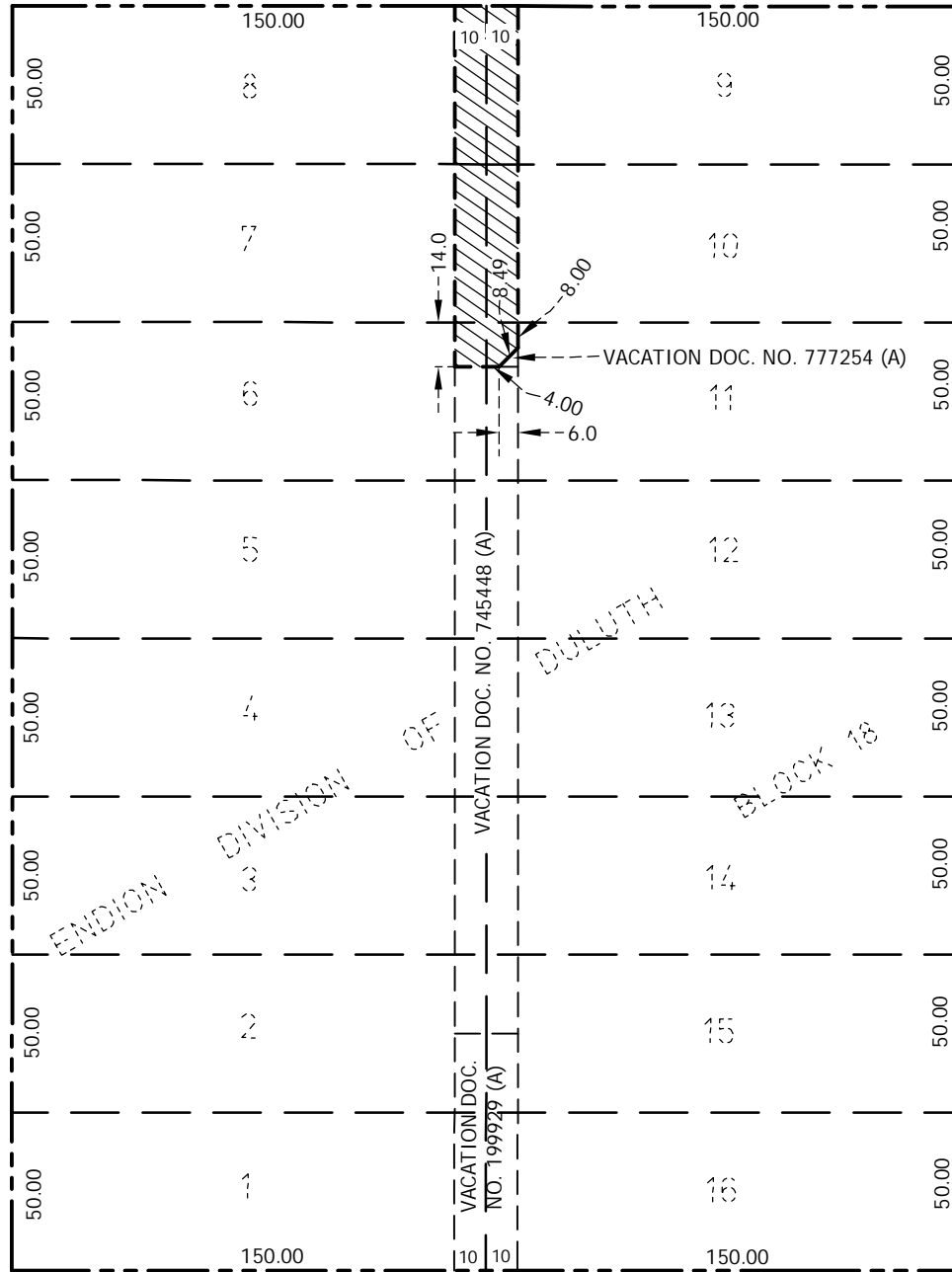
SCALE: 1 INCH = 60 FEET

15TH AVENUE EAST

(NEW YORK AVE PER PLAT)

LONDON ROAD
(SUPERIOR ST. PER PLAT)

SOUTH STREET



NOTE:



Denotes utility easement to be vacated.
2,262 square feet or 0.0519 acres ±

Revised June 26, 2024
Revised June 27, 2024

Approved by:

City Engineer

Date



425 Grant Street
PO Box 656
Hibbing, MN 55746
(218) 262-5528
www.jpjeng.com

VACATION EXHIBIT:

For: DSGW Architects

PROJECT NUMBER

23-202

SHEET NUMBER

2 OF 2 12

VACATION DESCRIPTION:

The southeasterly 10.00 feet of Lots 7 and 8, Block 18, ENDION DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota and the northwesterly 10.00 feet of Lots 9 and 10, said Block 18 and the northeasterly 14.00 feet of the southeasterly 10.00 feet of Lot 6, said Block 18.

and

The northeasterly 14.00 feet of the northwesterly 10.00 feet of Lot 11, said Block 18, EXCEPT that part previously vacated by the City of Duluth Resolution No. 99-0318, recorded in the office of the St. Louis County Recorder as Document No. 777254.

SURVEYOR NOTES:

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

Area of proposed vacation is 2,262 square feet or 0.0519 acres.

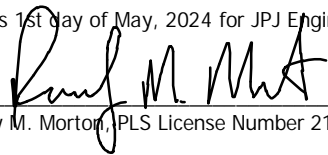
Approved by:

City Engineer Date

CERTIFICATION:

I hereby certify that 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.

Signed this 1st day of May, 2024 for JPJ Engineering, Inc.



Randy M. Morton, PLS License Number 21401

Revised June 26, 2024
Revised June 27, 2024



425 Grant Street
PO Box 656
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VACATION EXHIBIT:

For: DSGW Architects

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23-202

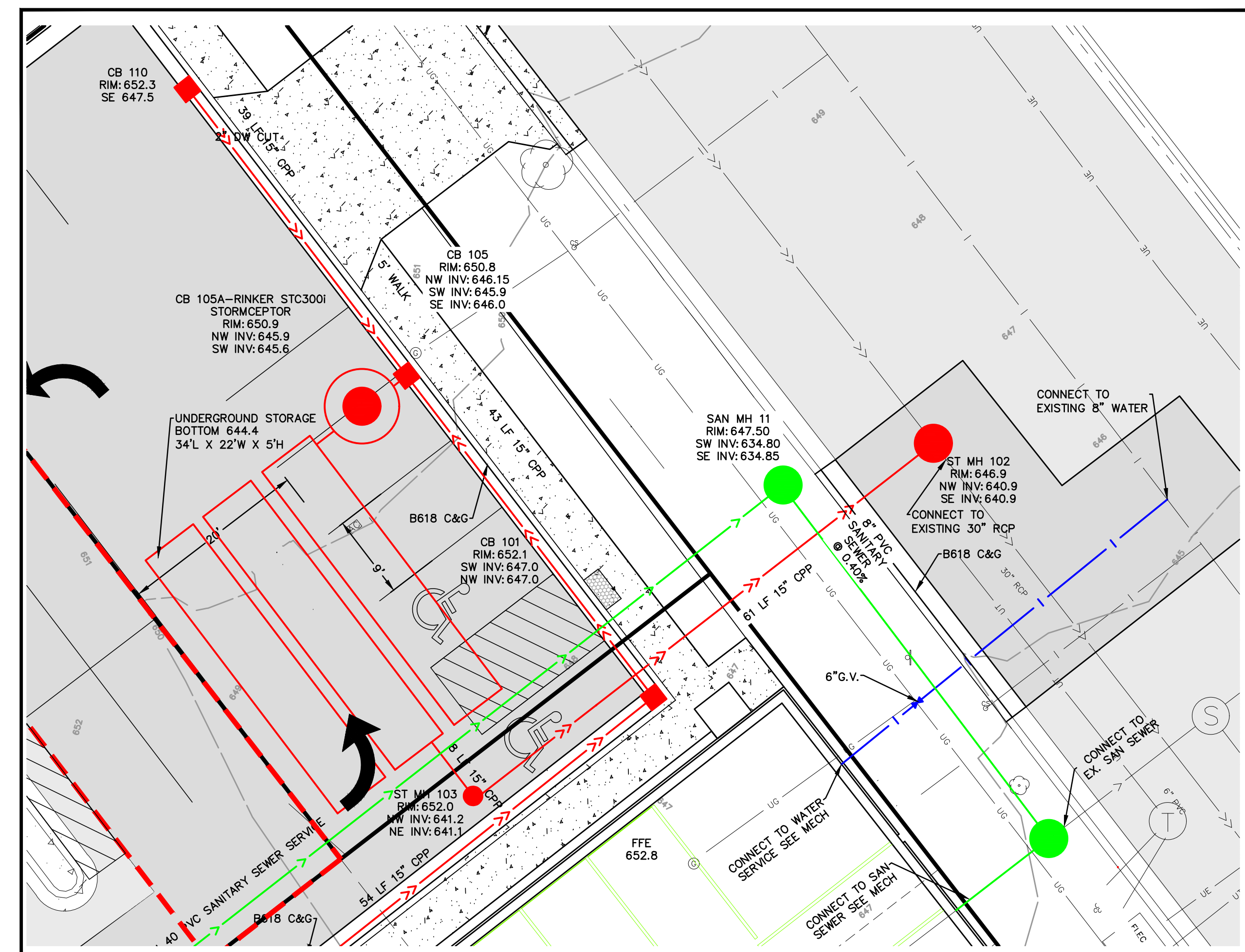
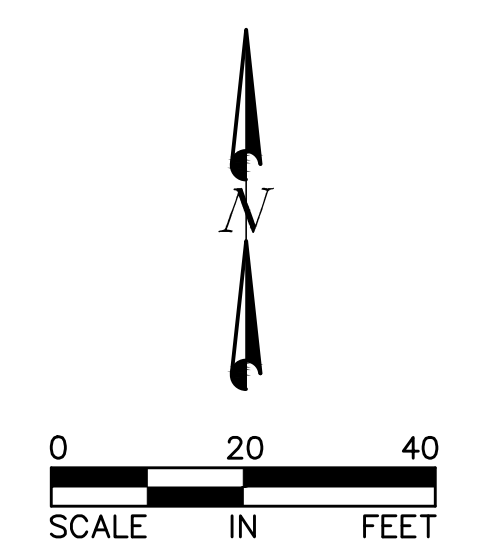
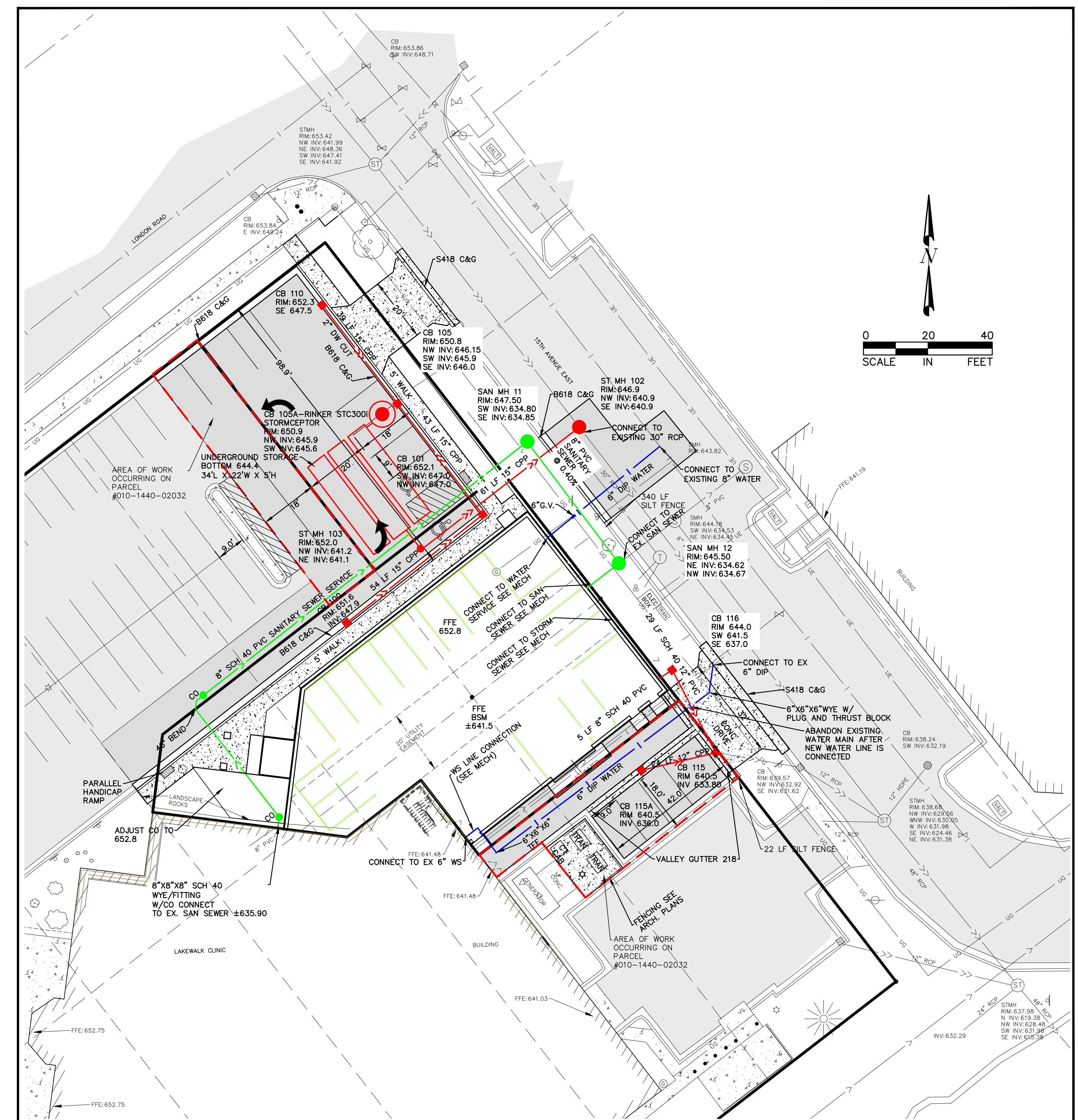
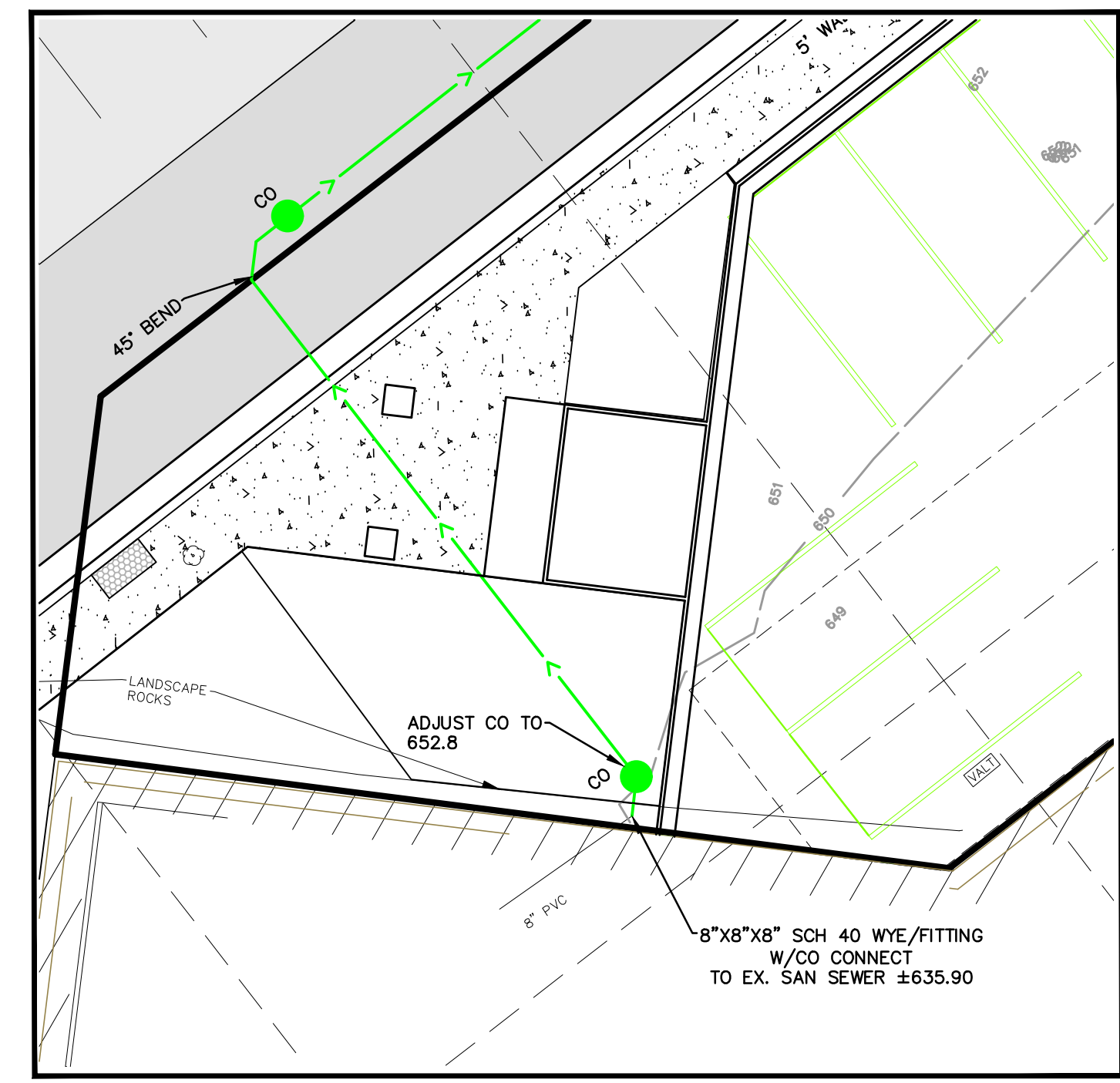
SHEET NUMBER

1 OF 2 13

Call 48 Hours before digging
GOPHER STATE ONE CALL
Twin Cities Area 651-454-0002
MN. Toll Free 1-800-252-1166



- RETAINING WALL NOTES:**
1. PROVIDE STRUCTURAL DESIGN OF RETAINING WALLS, EQUAL TO LANDFORM RETAINING WALL SPECIFICATIONS FOR MINIMUM DESIGN AND PERFORMANCE. PROVIDE CONSTRUCTION OF WALLS IN ACCORDANCE WITH APPROVED DESIGN.
 2. CONFIRM ARCHITECTURAL REQUIREMENTS FOR WALL UNITS WITH OWNER.
 3. SUBMIT DESIGN TO CITY FOR APPROVAL PRIOR TO PERMIT ISSUANCE.
 4. PROVIDE COORDINATION AND ASSURANCE THAT RELATED WORK CONSTRUCTED WITHIN THE REINFORCED EARTH ZONE, INCLUDING FENCES, UNDERGROUND UTILITIES, GUARD RAILS, ETC., IS IN ACCORDANCE WITH APPROVED DESIGN AND DOES NO DAMAGE TO REINFORCING ELEMENTS OF RETAINING WALL.



SIDE NOTE: TW= TOP OF WALL
SIDE NOTE: BW= BOTTOM OF WALL

NOTE:
THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF C/ASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA."

NOTE:
ANY PUBLIC UTILITIES SHOWN ON THIS PLAN ARE ONLY APPROXIMATE IN DEPTH AND LOCATION AND MUST BE VERIFIED BY THE CONTRACTOR.

OTHER UTILITIES MAY EXIST AND IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN THE LOCATION OF SUCH.

PORT CITY DENTAL

LONDON ROAD
DULUTH, MN

project # 23-202
date 12/14/2023
drawn by AAP
checked by JPI

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.

signature: *John P. Jannick*
typed/printed name: JOHN P. JANNICK, P.E.
reg. # 19907
sign date 1/31/2024



JPI ENGINEERING, INC
5670 Miller Trunk Hwy
Duluth, MN 55811
Phone: (218) 720-6219
www.jpjeng.com
Hibbing, MN • Duluth, MN

revision/issue	no.	date
ADD NO. 2		2-26-2024
ADD NO. 3		05-03-2024
UPDATED		05-22-2024

SITE PLAN

C3

Petition to Vacate Street, Alley, or Utility Easement

Name: DSGW

Description of street, alley, or easement to vacate: 20' Easement between Lots 6, 7, 8, Block 18 to the south and Lots 9, 10, 11, Block 18 to the north of Endion Division of Duluth

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

Vacate the easement with existing sanitary sewer that will be relocated

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

New sanitary sewer will be constructed to the northwest of the existing easement within private property and extend to public sewer in 15th Avenue East.

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

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

This is the Port City Dental development on the parcel.

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

The petitioner(s) agree to provide the city with a plat of the easement(s) as required by Section 5037.6B(3) of the Duluth City Code upon approval of the vacation. We understand that the vacation cannot occur without the submission of the required plat. We understand that the cost of producing the plat is the responsibility of the petitioner(s). We also understand that the approval will lapse and be of no effect if the plat and clerk certification is not recorded with the county recorder within 90 days after final approval.

Signature(s):  _____

Date: 5/3/2024

Notice: This is public data.

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

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



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PLIUP-2405-0001	Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date		July 9, 2024
Deadline for Action	Application Date	May 31, 2024	60 Days	July 30, 2024
	Date Extension Letter Mailed	June 14, 2024	120 Days	September 28, 2024
Location of Subject	204 W House St			
Applicant	Diana Dennis	Contact		
Agent		Contact		
Legal Description	PIN: 010-3290-00170			
Site Visit Date	June 23, 2024	Sign Notice Date		June 25, 2024
Neighbor Letter Date	June 14, 2024	Number of Letters Sent		39

Proposal

The applicant proposes use of a 2-bedroom dwelling as a new vacation rental property. Applicant was on the eligibility list.

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

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

Summary of Code Requirements:

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

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

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

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

Governing Principle #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. Includes many of Duluth’s older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas.

History: The subject property, 204 W House St, was built in 1915. The existing structure is a two story house containing 2 bedrooms.

Review and Discussion Items:

Staff finds that:

- 1) Applicants’ property is located at 204 W House St. The dwelling unit contains 2 bedrooms, which allow for a maximum of 5 guests.
- 2) The minimum rental period will be two nights.
- 3) One parking space will be provided on the driveway.
- 4) The applicant has indicated they will not allow motorhome or trailer parking.
- 5) The site plan does indicate a patio as an outdoor amenity. The property is screened by a privacy fence in the rear yard.
- 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.



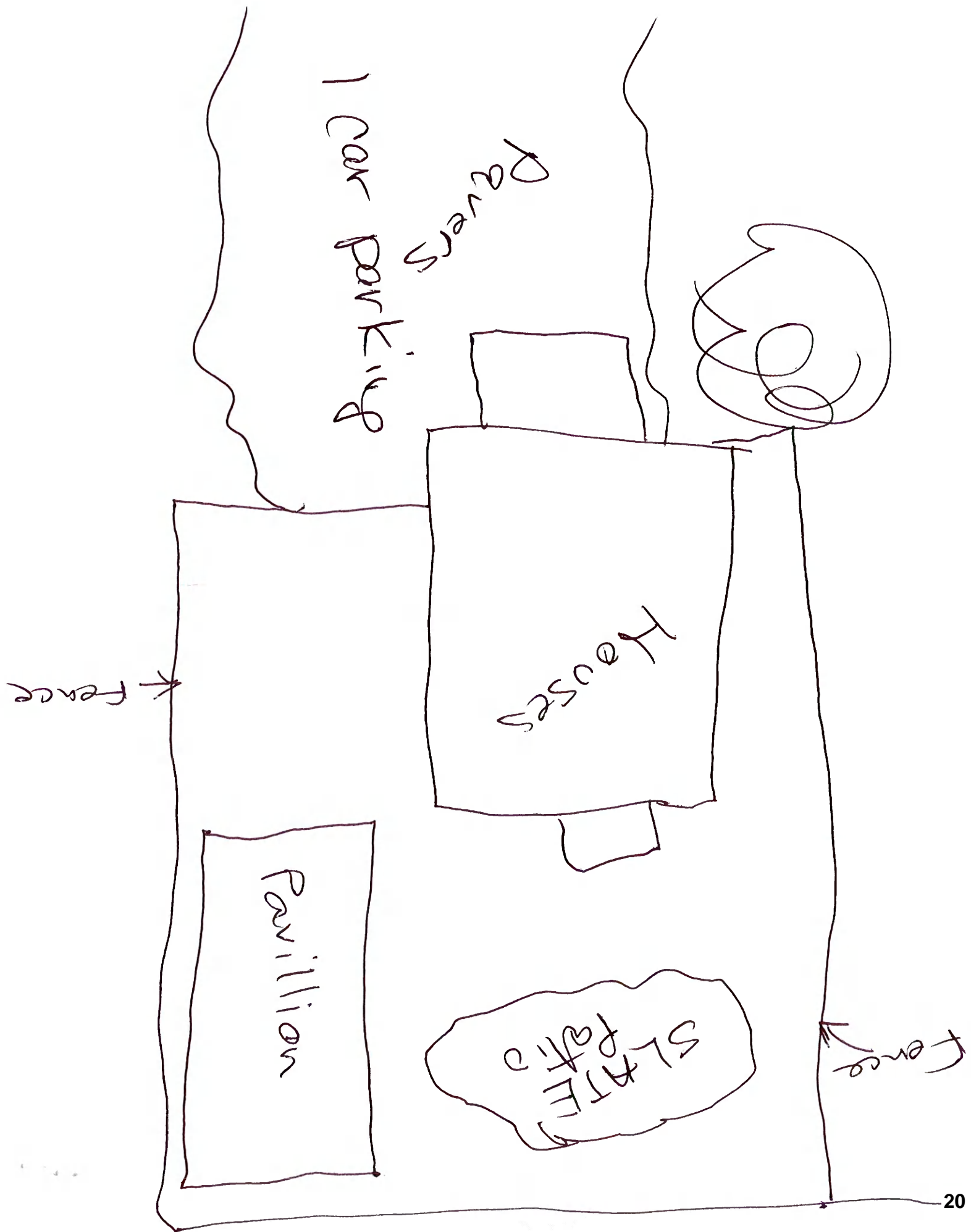
PLIUP-2405-0001
Interim Use Permit
204 W HOUSE ST

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.







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 24-036	Contact	Jason Mozol, jmozol@duluthmn.gov	
Type	MU-I Planning Review	Planning Commission Date	July 9, 2024	
Deadline for Action	Application Date	June 7, 2024	60 Days	July 6, 2024
	Date Extension Letter Mailed	May 21, 2024	120 Days	September 4, 2024
Location of Subject	1420 London Rd			
Applicant	Kyle Hammer	Contact		
Agent	Kelly, Mortenson, DSGW	Contact		
Legal Description	010-1440-2100 and 010-1440-12110			
Site Visit Date	June 24, 2024	Sign Notice Date	June 20, 2024	
Neighbor Letter Date	May 24, 2024	Number of Letters Sent	32	

Proposal

The applicant is proposing to demolish the existing dental clinic and construct a new 7,000 sq. ft clinic building. There is not a MU-I district plan for the site, so individual Planning Review is required.

Staff Recommendation

Staff is recommending Planning Commission approval, subject to conditions specified below.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-I	Medical	Central Business Secondary
North	F-2	Residential/Commercial	Central Business Secondary
South	MU-I	Medical	Central Business Primary
East	MU-I	Medical	Neighborhood Mixed Use
West	MU-I	Medical	Central Business Primary

Summary of Code Requirements

50-15.4 MU-I Planning Review

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

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

50-26 Screening, walls and fences- Addresses required screening.

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

50-31 Exterior Lighting- Sets standards for outdoor lighting.

50-37.11 Planning Review – Planning Commission shall approve the Planning Review or approve it with modifications, if it is determined that the application complies with all applicable provisions of this Chapter.

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

Governing Principle #1- Reuse previously developed lands

This project will reuse property previously developed as a parking lot, dental office and one-family dwelling.

Governing Principle #4 -Support Economic Growth Sectors

This project supports a locally owned business in the growing medical sector to develop and expand.

Future Land Use

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

Recent History

Currently, the property consists of parking associated with the adjacent Lakewalk Surgery Center and two single family dwellings that were built in 1899 and 1911. One of the dwellings has been remodeled to house the existing dental office.

Review and Discussion Items:

Staff finds that:

- 1) The applicant is seeking a MU-I Planning Review to construct a 7,000 sq ft dental clinic that will be attached to the adjacent Lakewalk Surgery Center. A planning review is required for all development or redevelopment in a MU-I district where there is not an existing district plan.
- 2) UDC 50-24 Sec. (Parking and loading). A maximum of 42 parking spaces are allowed on this site. 24 parking spaces will be provided, 14 in an underground ramp and 10 in a surface lot. Parking aisles and spaces meet the dimensional standards. 3 bike parking spaces are required. The applicant must submit a site plan and exhibit depicting the location of bike parking and rack design, and this must be approved by the Land Use Supervisor prior to receiving a building permit.
- 3) UDC Sec. 50-25 (Landscaping and tree preservation). This project must provide frontage landscaping along London Rd and S 15th Ave E, tree canopy coverage of parking areas, interior parking lot landscaping and replace trees removed from the site. A landscape plan was submitted that lacked calculations for canopy coverage and interior parking lot plantings, and placed frontage landscaping in the right-of-way. The applicant must submit landscaping plan that meet Sec. 50-25 standards, and this must be approved by the Land Use Supervisor prior to receiving a building permit.
- 4) UDC Sec. 50-26 (Screening, Walls and Fences). A parapet wall will screen all roof mounted utilities and a fence was approved via PLFENCE-2405-0014 to screen ground mounted utilities.
- 5) UDC Sec. 50-30 (Design Standards). The proposed structure meets these requirements for wall articulations, vertical articulations, and transparency.
- 6) UDC Sec. 50-31 (Exterior Lighting). All exterior lighting must meet standards for downcast lighting, output, and color temperature. The applicant must submit a photometric plan and drawings for exterior mounted fixtures that demonstrate compliance with Sec. 50-31, and this must be approved by the Land Use Supervisor prior to receiving a building permit.
- 7) No City, agency, or public comments were received.
- 8) According to UDC 50-37.1.N, an approved Planning Review will expire if the project or activity authorized by the permit is not begun within 1 year.

Staff Recommendation

Staff recommended Planning Commission approve the MU-I planning review, with the following conditions that must be met. Conditions can be contingent upon either: issuance of a building permit or a certificate of occupancy:

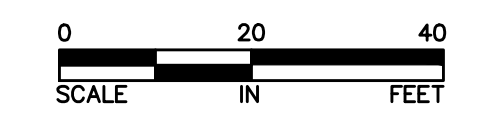
- 1) The applicant shall submit a site plan and exhibit depicting conformity with bike parking requirements of the UDC;
- 2) Applicant shall submit a landscaping plan that fully conforms with the requirements of the UDC;
- 2) Applicant shall submit a lighting plan with photometric plan and drawings for fixtures that fully conforms to the requirements of the UDC;
- 3) Applicant shall construct and maintain the project as identified in the attached exhibits.
- 4) Any alterations to the approved plans that do not alter major elements of the plans may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of UDC Chapter 50.



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Aerial photography flown 2019





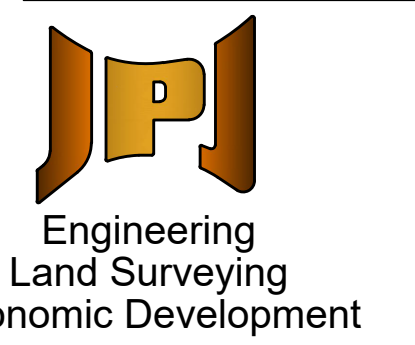
PORT CITY DENTAL

LONDON ROAD
DULUTH, MN

project # 23-202
date 12/14/2023
drawn by AAP
checked by JPJ

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.

signature: John P. Jamnick
typed/printed name: JOHN P. JAMNICK, P.E.
reg. #: 19907
sign date: 1/31/2024



JPJ ENGINEERING, INC
5670 Miller Trunk Hwy
Duluth, MN 55811
Phone: (218) 720-6219
www.jpjeng.com
Hibbing, MN • Duluth, MN

revision/issue	no.	date

PARKING LOT		
LAKEWALK OFFICE	30,636 SF = 181 STALLS INCLUDES 48 GARAGE STALLS	
LAKEWALK OFFICE	ELIMINATE 7 STALLS ON NORTH SIDE / 4 ON SOUTH SIDE = 170 REMAINING	
	REQUIRED	PROPOSED
SPACES PER PORT DENTAL BLDG SF	4/1000 SF OF GROSS FLOOR AREA	21 (9+12)
	6,500 SF = REQUIRED 26	
PARKING CREDITS	30% REDUCTION = DTA	TBD
SIZES	MIN 9'x17'	9'x18'
ISLES	90 DEG; 2-WAY TRAFFIC = 24'	24'
SNOW STORAGE	N/A	N/A
PED. WALKWAYS	> 300'	AS SHOWN
HANDICAP STALLS	MIN 1/25 SPACES	2

REMOVALS	QUANTITY
PRE-DEVELOPMENT (FT ²)	30100 SF
IMPERVIOUS	17737 SF
PERVIOUS	12363 SF
REMOVED IMPERVIOUS	-10,900 SF
POST REMOVAL IMPERVIOUS	
POST- ADDITIONAL IMPERVIOUS	+17,420 SF
POST-DEVELOPMENT (FT ²)	
IMPERVIOUS - NET INCREASE	8361 SF

NOTE:
THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF C/ASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA."

NOTE:
ANY PUBLIC UTILITIES SHOWN ON THIS PLAN ARE ONLY APPROXIMATE IN DEPTH AND LOCATION AND MUST BE VERIFIED BY THE CONTRACTOR.
OTHER UTILITIES MAY EXIST AND IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN THE LOCATION OF SUCH.

- RETAINING WALL NOTES:**
1. PROVIDE STRUCTURAL DESIGN OF RETAINING WALLS, EQUAL TO LANDFORM RETAINING WALL SPECIFICATIONS FOR MINIMUM DESIGN AND PERFORMANCE. PROVIDE CONSTRUCTION OF WALLS IN ACCORDANCE WITH APPROVED DESIGN.
 2. CONFIRM ARCHITECTURAL REQUIREMENTS FOR WALL UNITS WITH OWNER.
 3. SUBMIT DESIGN TO CITY FOR APPROVAL PRIOR TO PERMIT ISSUANCE.
 4. PROVIDE COORDINATION AND ASSURANCE THAT RELATED WORK CONSTRUCTED WITHIN THE REINFORCED EARTH ZONE, INCLUDING FENCES, UNDERGROUND UTILITIES, GUARD RAILS, ETC., IS IN ACCORDANCE WITH APPROVED DESIGN AND DOES NO DAMAGE TO REINFORCING ELEMENTS OF RETAINING WALL.

Call 48 Hours before digging
GOPHER STATE ONE CALL
 Twin Cities Area 651-454-0002
 MN. Toll Free 1-800-252-1166



PORT CITY DENTAL

LONDON ROAD
 DULUTH, MN

project # 23-202
 date 12/14/2023
 drawn by AAP
 checked by JPI

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.

signature: *John P. Jannick*
 typed/printed name: JOHN P. JANNICK, P.E.
 reg. # 19907
 sign date 1/31/2024

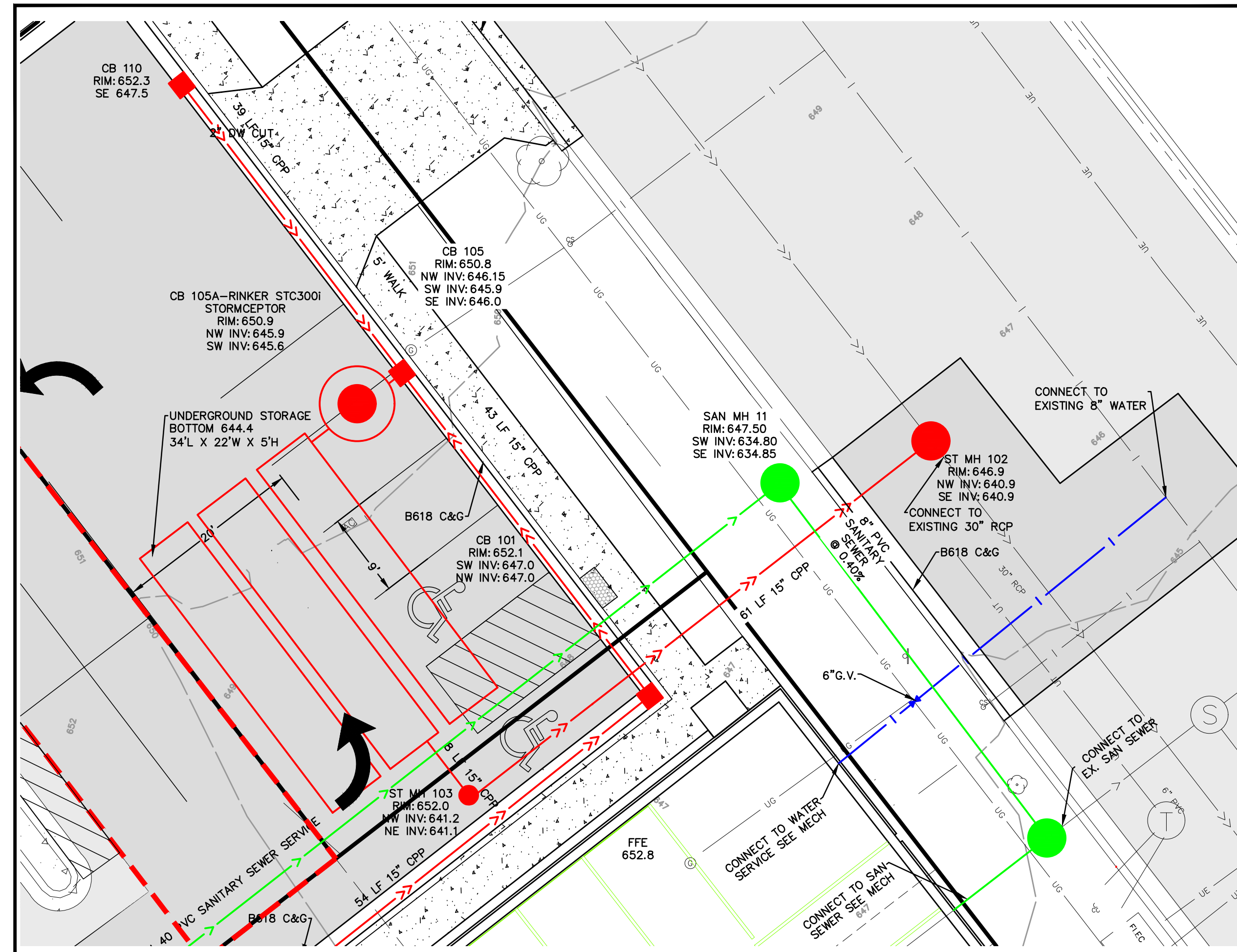
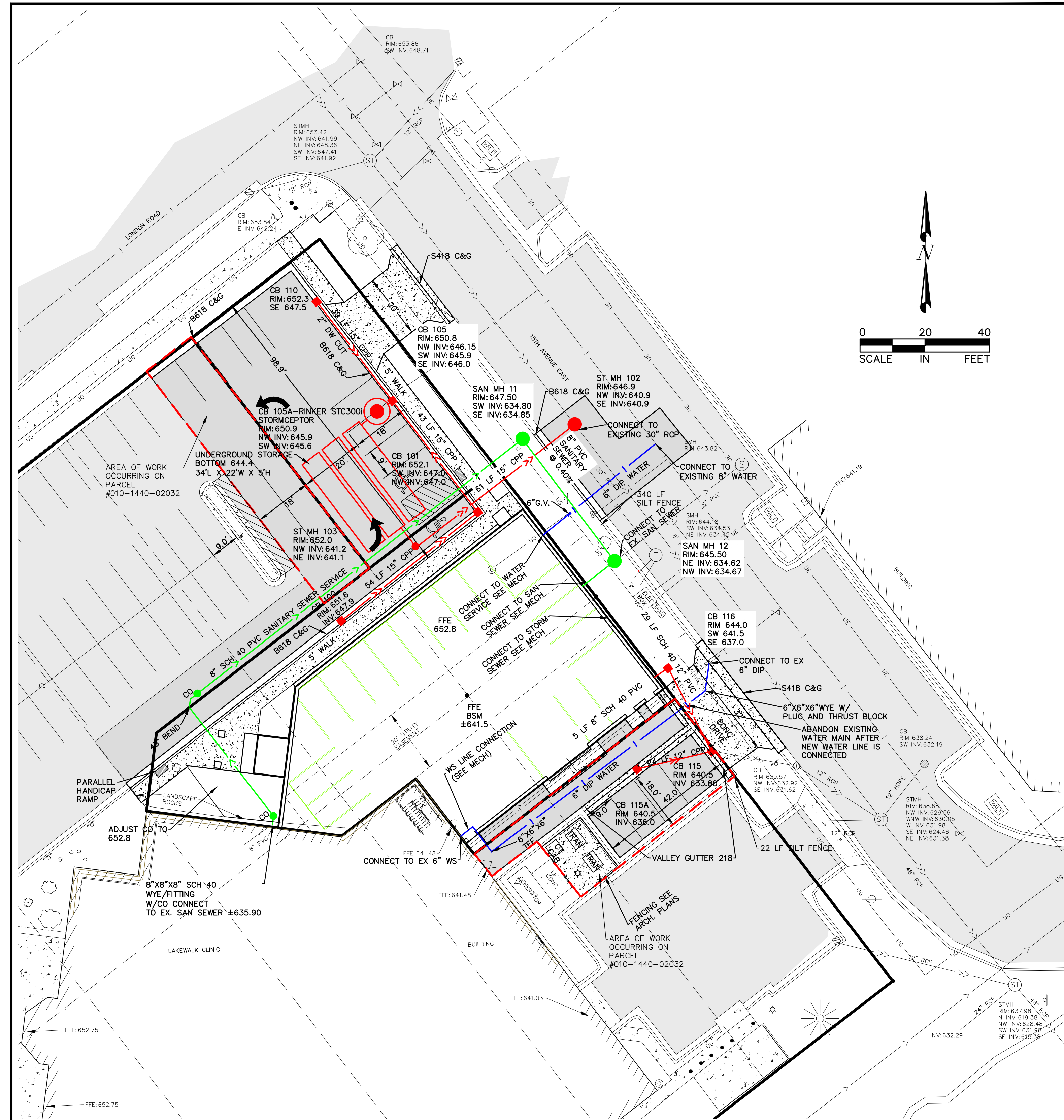
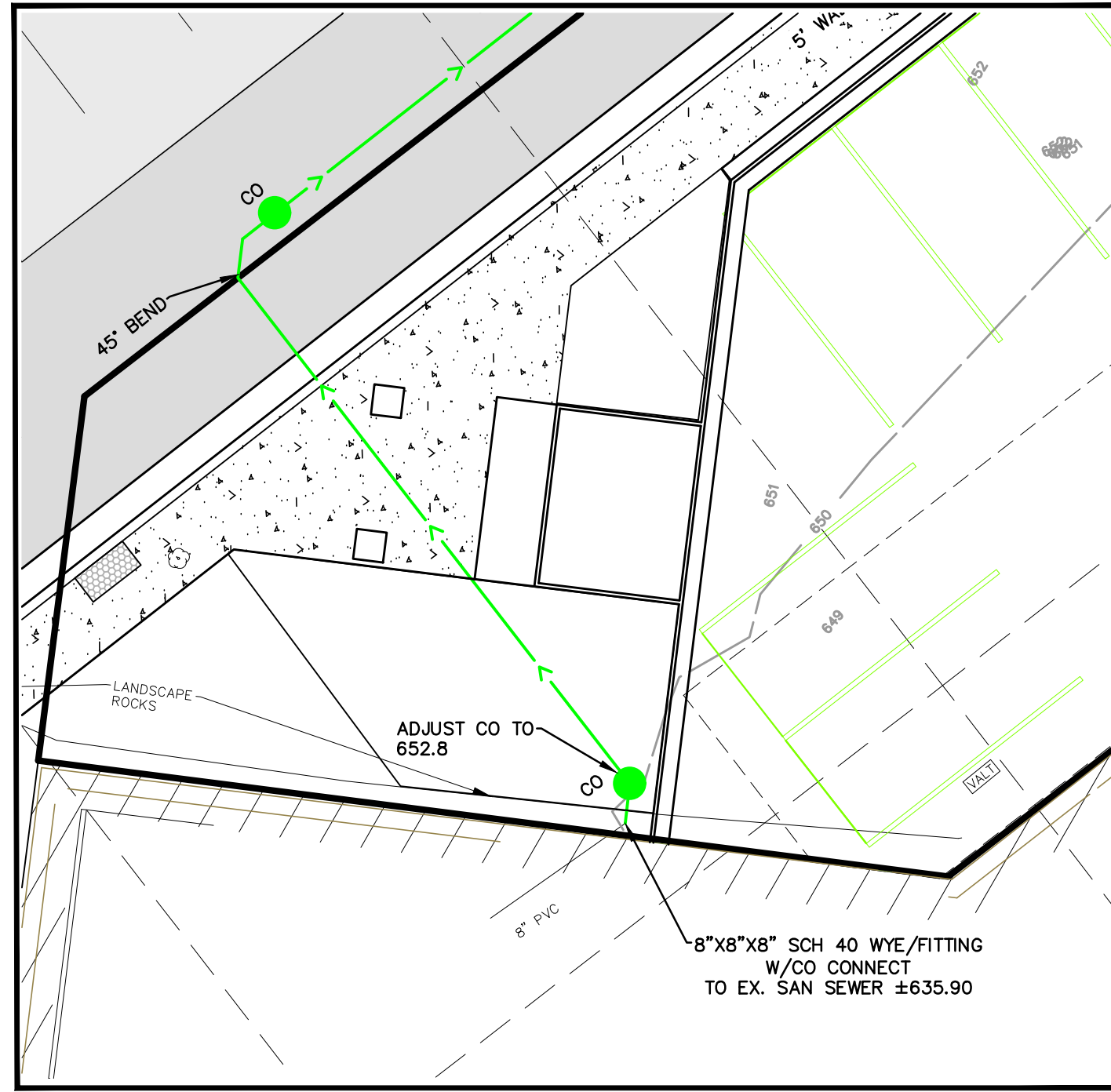


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revision/issue	no.	date
ADD NO. 2		2-26-2024
ADD NO. 3		05-03-2024
UPDATED		05-22-2024

SITE PLAN
 sheet title
 sheet number

C3

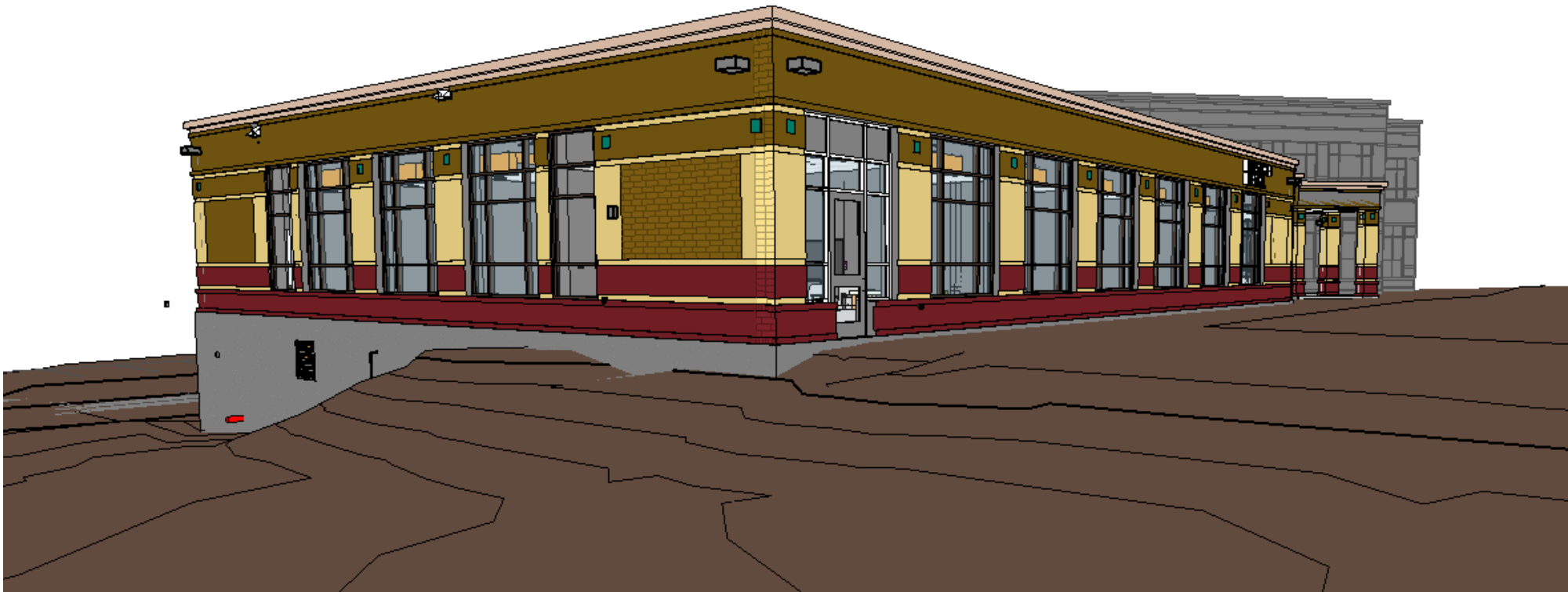


SIDE NOTE: TW= TOP OF WALL
 SIDE NOTE: BW= BOTTOM OF WALL

NOTE:
 THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF OI/ASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA."

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May 23, 2024 4:09pm
 G:\DSGW Architects\23-202 Port City Dental Duluth\3_dwg\300\23-202 BA.dwg









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 24-063	Contact	Chris Lee, clee@duluthmn.gov	
Type	Variance for Acc. Structure in Front Yard	Planning Commission Date	July 9, 2024	
Deadline for Action	Application Date	May 7, 2024	60 Days	July 6, 2024
	Date Extension Letter Mailed	May 14, 2024	120 Days	September 4, 2024
Location of Subject	4404 London Road	Legal Description	PIN: 010-2960-00080	
Applicant	Paul Tonkin	Contact		
Agent		Contact		
Site Visit Date	June 22, 2024	Sign Notice Date	June 25, 2024	
Neighbor Letter Date	June 13, 2024	Number of Letters Sent	27	

Proposal

The applicant is requesting a variance to construct a 24' x 31' detached garage in the front yard between the principle structure and the street.

Staff Recommendation

Staff recommends that the Planning Commission deny the variance.

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

Summary of Code Requirements

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

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

Future Land Use

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

History

The property contains a 2,100 sq. ft. single family home built in 1948.

Review and Discussion Items:

Staff finds that:

- 1) The applicant is seeking a variance to the requirements of Sec. 50-21.3 of the UDC that states no accessory structure may be located between a street and any façade of a primary building facing that street. The applicant would like to construct a 744 square foot accessory structure in the front yard area adjacent to London Road.
- 2) The applicant's property is a 1-acre parcel zoned R-1, Traditional Neighborhood. The parcel is 100' wide by approximately 430' deep. A single family home containing 2,100 square feet occupies the front portion of the parcel and is approximately 73' wide.
- 3) *Variance Criteria #1 (exceptional narrowness, shallowness, or shape):* The applicant states that the variance is requested due to the narrowness of the lot. The applicant states that due to the position of the home there is inadequate space on the sides to construct a driveway to build a garage on the rear yard. However, staff finds that additional parking can be placed on the site without a variance. The grades in the rear yard would not prevent building a garage. This lot size and shape is typical for lots in the area and significantly larger than the minimum lot size required in the R-1 zone district.
- 4) *Variance Criteria #2 (circumstances unique to the property, not created by the property owner):* The subject property is similar to many other residential properties in the area. The applicant states that the variance is requested due to the future removal of the on-street parking during and after the London Road Reconstruction Project; however, this is also an impact to homes throughout London Road. Therefore, the circumstances are not unique to this property.
- 5) *Variance Criteria #3 (circumstances are peculiar to this property and do not apply generally to other land or buildings):* The applicant states that due to the closeness of their home and the adjacent property, there is not a suitable way to create access to the rear yard without trespassing; however, there is at a minimum of 10' between the garage and property line. Moreover, the property contains a substantial area for parking vehicles.
- 6) *Variance Criteria #4 (proposes to use in a reasonable manner not permitted by code):* While an accessory structure is a typical use on London Road, the property does already contain an existing attached 2 stall garage, and substantial parking space within the driveway, so the addition of the proposed accessory structure creates an amount of parking/storage space that is larger than typical for single-family homes. In addition, the existing garage could also be extended to accommodate additional vehicles, if sheltered parking is desired. This structure would be permitted by code on other areas of the property without a variance.
- 7) *Variance Criteria #5 (not impair light/air, increase congestion, or impair public safety or property values).* The variance will not impair an adequate supply of light and air to adjacent properties. nor impair public safety due to its distance from the roadway.
- 8) *Variance Criteria #6 (will not impair intent of this Chapter or alter the essential character of the locality).* The essential character of the area is primarily homes on similar sized lots with accessory structures located adjacent to or behind the principle dwelling. An accessory structure in the front yard area would not be consistent with the essential character of the area nor with the intent of the Chapter, which aims to promote visibility of primary structures from the roadway and reduce visual impacts of accessory structures.

- 9) Variance criteria #7-8 do not apply to this application. Criteria #9 states that economic considerations alone shall not constitute a practical difficulty; thus, a variance cannot be granted for the sole reason that it is cheaper to build in a manner not required by code.
- 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 deny the variance for the following reasons:

1. There is space for additional parking without the need for a variance on a lot that is larger than the typical R-1 lot;
2. The circumstances are not unique to this property;
3. An accessory structure in the front yard area would not be consistent with the essential character of the area nor with the intent of the Chapter, which aims to promote visibility of primary structures from the roadway and reduce visual impacts of accessory structures.



PL24-063
 Variance to Front Setback
 4404 London Road

Legend
Zoning Boundaries



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Aerial photography flown 2019

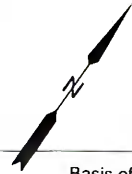
Prepared by: City of Duluth Planning & Economic Development, May 22, 2024 Source: City of Duluth.



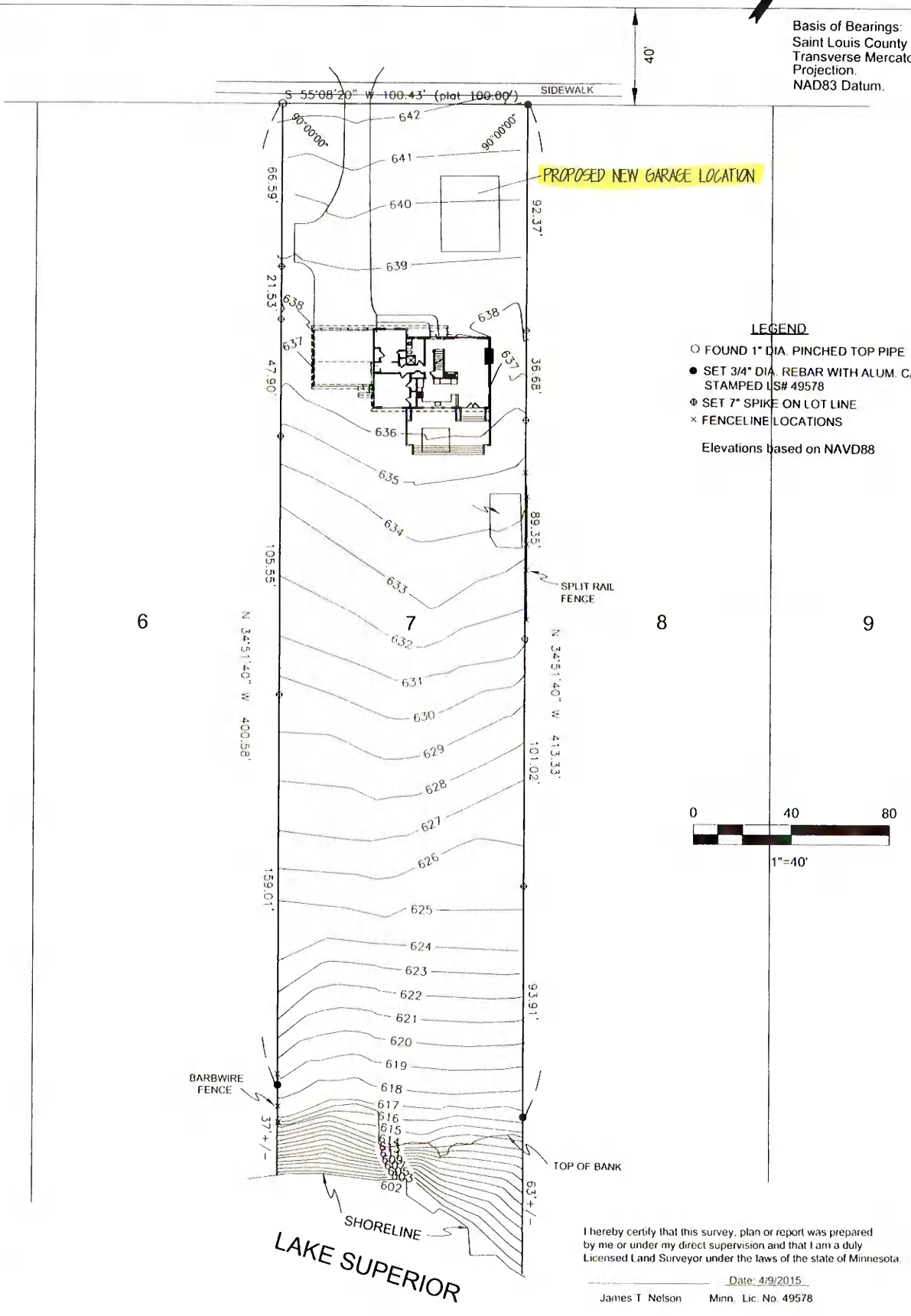
CERTIFICATE OF SURVEY

Survey for: Paul and Emily Tonkin
 Lot 7, Block A of LONDON ADDITION TO DULUTH

C.L. LONDON ROAD



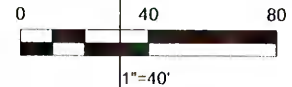
Basis of Bearings:
 Saint Louis County
 Transverse Mercator 96
 Projection.
 NAD83 Datum.



LEGEND

- FOUND 1" DIA. PINCHED TOP PIPE
- SET 3/4" DIA. REBAR WITH ALUM. CAP STAMPED LS# 49578
- ⊕ SET 7" SPIKE ON LOT LINE
- × FENCELINE LOCATIONS

Elevations based on NAVD88



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 and Surveyor under the laws of the state of Minnesota.

Date: 4/9/2015
 James T. Nelson Minn. Lic. No. 49578

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 property at 4404 London Road is a long and narrow lot on the shores of Lake Superior. There is an inadequate space between the west side of our house/attached garage and the property line with our neighbor to the west. According to the City of Duluth website, the recommended width of a residential driveway is 16 feet. The minimum width is 12 feet. There is only 10 feet of available space between the west side of our dwelling and our property line. It is not possible to extend our driveway along the west side of our house/attached garage to a detached garage in our backyard.

The most unique factor about our property is that it is on the shores of Lake Superior within city limits. A detached garage in our backyard would be more problematic for our neighbors and their property value as a backyard garage would detract from their views of Lake Superior. It may also decrease the morning sunlight that currently hits the south side of their home.

There is also not adequate space on the west side of our home/attached garage to add a third garage stall.

In the winter, our neighbor to the west must push the snow from their driveway to the space between our homes. This allows for the best drainage of snow melt from their property. Pushing snow to the west side of their driveway resulted in flooding of their basement living quarters and foundation deterioration problems.

Thus, creating a driveway on the west side of our home is not possible for multiple reasons including the fact that the driveway would be blocked in the winter by our neighbors' snow pile. The detached garage would not be accessible in the winter months.

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

The "London Road Project" that is scheduled to start in the summer of 2025 will eliminate the four spots of off-street parking that is located in front of our home. The "London Road Project" that was approved by the Duluth City Council and MnDOT will increase the flow of traffic in front of our home. It will become increasingly important to enter traffic on London Road with the vehicle facing forward as there will be fewer gaps in traffic once the stop lights on London Road are eliminated. Visitors and delivery vehicles currently back out of our driveway and enter London Road in reverse. This poses a safety issue and there have been several near misses to date. The current layout of our driveway and front yard makes turning a vehicle around very difficult. In the summer months, vehicles usually pull onto our front lawn to turn around. In the winter months, it is basically impossible to turn a vehicle around as mounds of snow on the edges of our driveway restrict the perimeter of the driveway.

The proposed detached garage with driveway extension will allow vehicles to turn around in our driveway and enter London Road in forward orientation. This should result in greater safety for delivery personnel, mail carriers, package carriers, visitors to our home and vehicles traveling eastbound on London Road.

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:

Our home located at 4404 London Road and our neighbor's home located immediately to the west at 4340 London Road were both constructed as close to the common property line as allowed by city code. There is approximately 15 feet of space between the two homes. Thus, extending our driveway to a detached garage in our backyard would require the driveway extension to traverse over our neighbor's property.

The "London Road Project" will eliminate the off-street parking in front of our home. The off-street parking in front of other homes on London Road has been spared.

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:

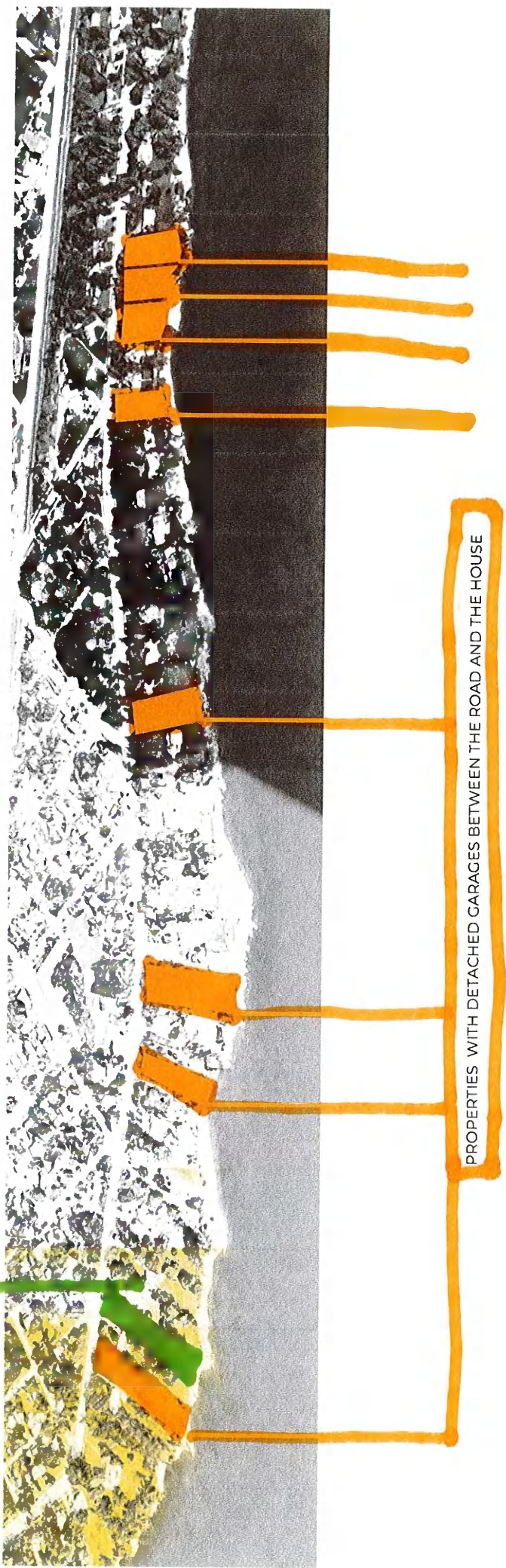
Our proposed construction project is reasonable as the construction of a detached garage positioned in the front yard of the home is common on London Road. There are several homes with detached garages located in the front yard that partially obstruct the façade of the primary home.

It is necessary to be granted a variance for the construction of our proposed detached garage as the current garage design would partially obstruct 13 feet of the façade of our primary home.

The proposed project was designed by a skilled architect, and the construction will be completed by Northern Trends which has a local and regional reputation for premium craftsmanship.

(Please see diagram on following page)

TONKIN
RESIDENCE



PROPERTIES WITH DETACHED GARAGES BETWEEN THE ROAD AND THE HOUSE

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

The proposed detached garage will not impair adequate light supply to either our neighbor to the east or the west. The garage is proposed to be located on the northeast corner of our property. Thus, morning sunlight will not be adversely impacted. If the garage were located behind our home in our backyard, it is likely that the new garage would negatively impact morning sunlight to our neighbor to the west.

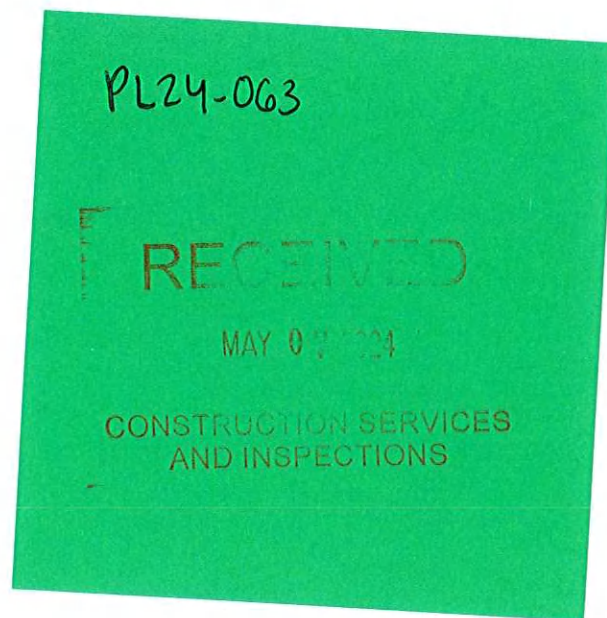
It is proposed that our new garage be detached from our home. Thus, there will be adequate air flow between the new garage and our home and onto neighboring properties. There might be an air flow issue to our neighbor to the east if the garage is attached to the home.

The proposed detached garage will help with traffic flow and safety as vehicles will be able to enter London Road facing forward from our property. Currently, cars often need to back onto London Road due to congestion on our driveway and an inadequate turn around space.

The proposed garage will not imperil public safety or impair property values. The garage will be fabricated with premium materials and constructed by a top contractor.

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

The proposed detached garage will be constructed with premium materials and will match the style and character of our home. The appearance of our home (with the detached garage) is consistent with the essential character of our neighborhood and is consistent with our residential neighborhood zoning.



RESOLUTION OF THE CITY OF DULUTH PLANNING COMMISSION FINDING THAT MODIFICATION TO THE DEVELOPMENT PROGRAM FOR DEVELOPMENT DISTRICT NO. 17 AND A TAX INCREMENT FINANCING PLAN FOR THE DULUTH MILL (SOFIDEL) TAX INCREMENT FINANCING HOUSING DISTRICT CONFORM TO THE GENERAL PLANS FOR THE DEVELOPMENT AND REDEVELOPMENT OF THE CITY.

WHEREAS, the Duluth Economic Development Authority ("DEDA") and the City of Duluth (the "City") have proposed to adopt a Modification to the Development Program for Development District No. 17 (the "Development Program Modification") and a Tax Increment Financing Plan for the Duluth Mill (Sofidel) Increment Financing Economic Development District (the Development Program Modification and the TIF Plan are referred to collectively herein as the "Program and Plan") and have submitted the Program and the Plan to the City Planning Commission (the "Commission") pursuant to Minnesota Statutes, Section 469.175, Subd.3, and

WHEREAS, the Commission has reviewed the Program and the Plan to determine their conformity with Imagine Duluth 2035, which is the general plan for the development and redevelopment of the City, and finds the Program and the Plan particularly aligned with Imagine Duluth 2035 Governing Principles #1 (Reuse of Previously Developed Lands), #3 (Support existing economic bases), and #4 (Support economic growth sectors), and WHEREAS, the future land use designation of the development site is General Industrial (G-I), which is appropriate for the proposed development, and WHEREAS, the development site is currently zoned I-G, which is appropriate for the proposed development.

NOW, THEREFORE, BE IT RESOLVED by the Commission that the Program and the Plan conforms to the general plans for the development and redevelopment of the City as a whole.

Dated: _____, 2024 _____ Chair

ATTEST:

Secretary



Planning & Development Division
Planning & Economic Development Department

Room 160
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Duluth, Minnesota 55802

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MEMO: PLOR-2406-0001

FROM: Emily Nygren, Economic Developer City of Duluth

DATE: June 26th, 2024

RE: PLOR-2406-0001 – Conformance of TIF Redevelopment District for Duluth Mill (Sofidel) to Comprehensive Plan

In order to facilitate the expansion of the Duluth Mill (the “Project”), recently purchased by Sofidel America, the City needs to create a new Tax Increment Financing (TIF) Economic Development District. The role of the Planning Commission is to make sure the proposed development and its uses are consistent with the Comprehensive Plan and Unified Development Chapter (UDC). Tax Increment Financing (TIF) is a financing tool that uses the increase in property taxes generated from this project and site improvements to pay for a portion of those improvements.

The Project will involve the construction of two new buildings connecting to the existing footprint, a converting facility and an automated warehouse. Sofidel anticipates that there will be an increase of 160 new jobs, and an investment of over \$180 million.

The future land use designation of the development site is General Industrial (G-I). According to the Imagine Duluth 2035 Comprehensive Plan, G-I areas are intended for the 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. The proposed development meets the intent of this future land use.

The currently property is zoned as special purpose district Industrial General, I-G. An amendment to allow a height variance for the automated warehouse was approved by Planning Commission on June 11th, 2024. According to City’s Unified Development Code (UDC), I-G zoned buildings should be located away from residential development and close to transportation corridors.

This project implements the following Comprehensive Plan Governing Principles:

Principle #1 Reuse previously developed lands. Reuse of previously developed lands, including adaptive reuse of existing building stock and historic resources, directs new investment to sites which have the potential to perform at a higher level than their current state. This strengthens commercial corridors and neighborhoods and is preferred to a dispersed development pattern with associated alteration of natural landscapes and extensions of public services. Site preparation or building modification costs are



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offset by savings in existing public infrastructure such as streets and utilities, and transit, fire, and police services. This project remains on current parcels in use by the current paper mill.

Principle #3 Support existing economic base. Supporting Duluth's existing economic foundation maintains jobs, tax base, and opportunity. Economic activity with specific location requirements may be subject to displacement or site competition with changes in real estate values. This traditional economic activity faces change as a result of global economic patterns, changing markets, new regulation, and aging of extensive infrastructure. Nevertheless, fundamentals remain and the economic contribution, sometimes taken for granted, is significant. This project ensures the continued use of the paper mill, as well as expanding with 160 new jobs.

Principle #4 Support economic growth sectors. Emerging and growing economic sectors add economic, cultural, and social diversity. These include higher education, medical, value-added manufacturing, commercial outdoor recreation, historic resources interpretation, arts and music, information technology and visitor services. Encourage and foster locally owned and entrepreneurial ventures to enhance the economic base.

City staff believe that the proposed development conforms to and implements the Comprehensive Plan principles. City staff ask that the Planning Commission review this item, and following discussion, make a finding that it conforms to the Imagine Duluth 2035 Comprehensive Plan.