



# City of Duluth

Council Chambers, City  
Hall

## Meeting Agenda Planning Commission.

*Council Chambers*

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Tuesday, January 14, 2025

5:00 PM

Council Chambers

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### CALL TO ORDER AND ROLL CALL

### APPROVAL OF PLANNING COMMISSION MINUTES

[PL 24-1210](#) Planning Commission Minutes 12/10/24

**Attachments:** [12-10-2024 PC Minutes \(not approved yet\)](#)

### PUBLIC COMMENT ON ITEMS NOT ON AGENDA

### CONSENT AGENDA

[PLIUP-2410-0014](#) Interim Use Permit for a Vacation Dwelling Unit at 325 S Lake Ave, Unit 1310 by Waterwheel Rentals LLC

**Attachments:** [PLIUP-2410-0014 Staff Report and Attachments](#)

[PLIUP-2411-0020](#) Interim Use Permit for a Vacation Dwelling Unit at 107A E Superior St by Eric Faust

**Attachments:** [PLIUP-2411-0020 Staff Report and Attachments](#)

[PLIUP-2411-0022](#) Interim Use Permit for a Vacation Dwelling Unit at 1730 E 2nd St by Predictable 2 LLC

**Attachments:** [PLIUP-2411-0022 Staff Report and Attachments](#)

### PUBLIC HEARINGS

[PLVAR-2411-0010](#) Variance to Reduce Lot Area at 631 E 3rd St by Top Dog Investments LLC

**Attachments:** [PLVAR-2411-0010 Staff Report with Attachments](#)

[PLVAR-2412-0011](#) Variance to Reuse Nonconforming Structure 631 E 3rd St by Top Dog Investments LLC

**Attachments:** [PLVAR-2412-0011 Staff Report with Attachments](#)

[PLSUB-2411-0006](#) Minor Subdivision at 631 E 3rd St by Top Dog Investments LLC

**Attachments:** [PLSUB-2411-0006 Staff Report with Attachments](#)

## COMMUNICATIONS

Land Use Supervisor Report

Heritage Preservation Commission Report

Duluth Midway Joint Powers Zoning Board Report

# City of Duluth Planning Commission

December 10<sup>th</sup>, 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 5:01 p.m. on Tuesday, December 10<sup>th</sup>, 2024, in the Duluth city hall council chambers.

## Roll Call

### **Attendance:**

Members Present: Chris Adatte, Jason Hollinday, Gary Eckenberg, Margie Nelson, Danielle Rhodes, and Andrea Wedul

Members Absent: Jason Crawford, Brian Hammond, and Dave Sarvela

Staff Present: Nick Anderson, Amanda Mangan, Jason Mozol, Chris Lee, Jenn Moses, Ariana Dahlen, Natalie Lavenstein, and Sam Smith

## Approval of Planning Commission Minutes

Planning Commission Meeting – November 6<sup>th</sup>, 2024 –

**MOTION/Second:** Hollinday/Rhodes approved

**VOTE: (5-0)**  
**(Adatte arrived at 5:03 p.m.)**

## Public Comment on Items Not on Agenda

No comments.

## Consent Agenda

PLIUP-2410-0015 Interim Use Permit for a Vacation Dwelling Unit at 5727 Grand Ave by Bailey Builds

PLVAR-2410-0009 Variance for Front Yard Setback at 114 N 26th Ave E by Anne and David Hyopponen

PLSUB-2410-0005 Minor Subdivision at 2384 Becks Rd by Northeast Property Holdings LLC

**Public:** No speakers.

**MOTION/Second:** Nelson/Wedul approve the consent agenda items as per staff recommendation

**VOTE: (6-0)**

## Other Business

No other business.

## **Communications**

Land Use Supervisor (LUS) Report – Jenn Moses addressed the commissioners and thanked them for attending the meeting this evening given how brief it was. Their approval of the items is important for the applicants so their projects can move forward. Moses informed the commissioners that the 2025 calendar for Planning Commission meetings has been created and will gladly send it to anyone who has not received it yet.

Ben VanTassel has been hired as the new Director of Planning & Economic Development. He has served as the manager of this department in previous years, and more recently he was serving the city in a different director position. Staff is happy to have Mr. VanTassel back in the department, and to have the director position filled to help keep things moving forward.

Moses' last update of the evening focused on the new FEMA floodplain maps. Staff was notified that the new maps will be officially in effect on the FEMA website in March of 2025. The DNR and FEMA also informed staff of a new model floodplain ordinance and new regulations that will need to be considered and adopted as part of the UDC. Staff member Jason Mozol has been working on incorporating the new model floodplain ordinance language into the UDC, and commissioners can expect to see this item on the January meeting agenda. Moses noted that the document for this upcoming item is 77 pages, but a portion of it consists of technical floodplain language that FEMA requires to be adopted into the zoning code. This document will come before the Planning Commission before it goes to City Council to be adopted, with the goal of having it in effect by March of 2025.

Heritage Preservation Commission Report – Chris Lee addressed the commissioners. The annual HPC meeting was held on November 12<sup>th</sup>. There was no change to bylaws and elections of officers were held. Jess McCullough was elected as President and Kal Randa was elected as Vice President.

The HPC will have their next meeting in January. There was no new business for their December meeting, so that meeting was cancelled.

Duluth Midway Joint Powers Zoning Board – No report.

**Commissioners:** President Eckenberg thanked everyone for attending the final meeting of the year and is looking forward to the upcoming meetings in 2025. He also gave recognition to the official groundbreaking of the Incline Village project, which the Planning Commission has played a role in over the course of 2024.

## **Adjournment**

Meeting adjourned at 5:11 p.m.  
Respectfully,

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Jenn Moses, 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](mailto:planning@duluthmn.gov)

<b>File Number</b>	PLIUP-2410-0014		<b>Contact</b>	Natalie Lavenstein, nlavenstein@duluthmn.gov	
<b>Type</b>	Interim Use Permit – Vacation Dwelling Unit		<b>Planning Commission Date</b>		January 14, 2025
<b>Deadline for Action</b>	<b>Application Date</b>		October 18, 2024	<b>60 Days</b>	December 17, 2024
	<b>Date Extension Letter Mailed</b>		October 31, 2024	<b>120 Days</b>	February 15, 2025
<b>Location of Subject</b>		325 S Lake Ave, Unit 1310			
<b>Applicant</b>	Waterwheel Rentals, LLC		<b>Contact</b>	Jon Birkeland	
<b>Agent</b>	NA		<b>Contact</b>	NA	
<b>Legal Description</b>		CIC #29 Waterfront Plaza Condominium 010-4444-00110			
<b>Site Visit Date</b>	January 2, 2025		<b>Sign Notice Date</b>		December 29, 2024
<b>Neighbor Letter Date</b>	December 20, 2024		<b>Number of Letters Sent</b>		59

**Proposal**

The applicant proposes use of a 2-bedroom condominium unit in a Form District as a vacation rental property.

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

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	F-5	Mixed Use	Tourism/Entertainment
<b>North</b>	F-5	Mixed Use	Tourism/Entertainment
<b>South</b>	F-5	Mixed Use	Tourism/Entertainment
<b>East</b>	F-5	Mixed Use	Tourism/Entertainment
<b>West</b>	F-5	Mixed Use	Tourism/Entertainment

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

A short-term rental allows property owners to generate income and provides a service for tourists.

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

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

Future Land Use – Tourism/Entertainment: Characterized by retail, entertainment, and lodging facilities, meeting facilities, waterfront - related uses, open space uses.

**History:** The subject property, 325 S Lake Ave, was built in 1900. The existing structure is a mixed-use building. The current uses include hotel, office space, dwelling units, and restaurant.

**Review and Discussion Items:**

Staff finds that:

- 1) Applicants’ property is located at 325 S Lake Ave, Unit 1310. The entire condominium unit will be rented. There are 2 bedrooms, which allow for a maximum of 5 guests.
- 2) The minimum rental period will be two nights.
- 3) One off-street parking space will be provided in the rear parking area.
- 4) The applicant has indicated they will not allow motorhomes or trailers.
- 5) 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 Waterwheel Rentals LLC to serve as the managing agent.
- 6) A time limit is needed on this Interim Use Permit (“IUP”) to protect the public health , safety and welfare from potential longer-term impacts of the requested use at the location of the subject property. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 7) Applicant must comply with Vacation Dwelling Unit Regulations, including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 8) There are currently 167 licensed vacation dwelling units in the city, with 80 of those in form districts; the remaining 87 are subject to the cap of 100. The subject property is located within a form district and is not subject to the cap.
- 9) No public, agency, or City comments were received.
- 10) The permit will lapse if no activity takes place within 1 year of approval.

**Staff Recommendation:**

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

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





PLIUP-2410-0014  
 Interim Use Permit  
 Vacation Dwelling Unit  
 325 S Lake Ave, Unit 1310



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Aerial photography flown 2019

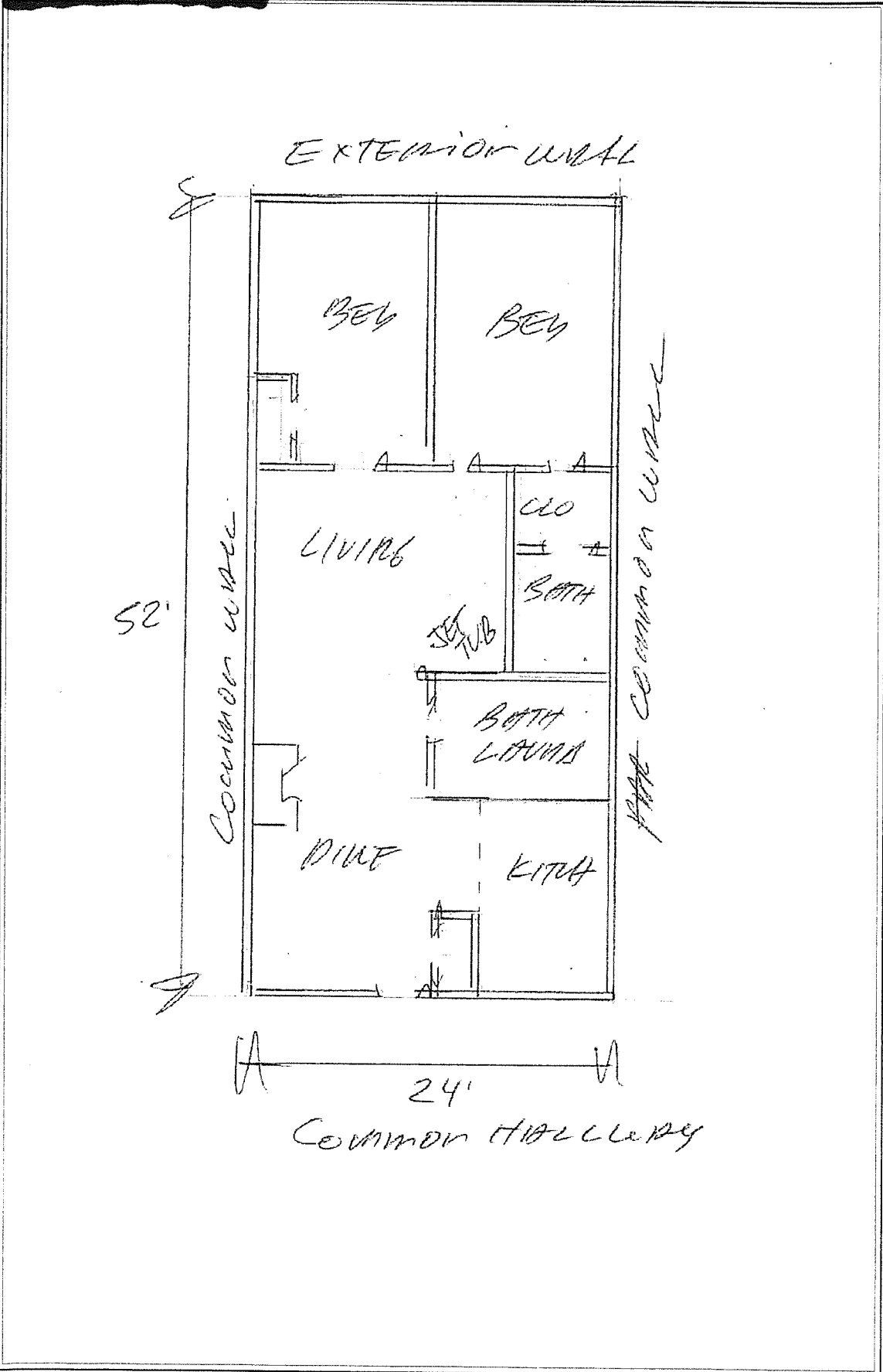
Prepared by: City of Duluth Planning & Economic Development, January 7, 2025. Source: City of Duluth





FLOORPLAN SKETCH

Borrower: Waterwheel Rentals LLC  
 Property Address: 325 Lake Ave S  
 City: Duluth State: Mn Case No. [REDACTED]  
 Zip: 55802





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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

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<b>File Number</b>	PLIUP-2411-0020		<b>Contact</b>	Natalie Lavenstein, nlavenstein@duluthmn.gov	
<b>Type</b>	Interim Use Permit – Vacation Dwelling Unit		<b>Planning Commission Date</b>	January 14, 2025	
<b>Deadline for Action</b>	<b>Application Date</b>	November 19, 2024	<b>60 Days</b>	January 18, 2025	
	<b>Date Extension Letter Mailed</b>	December 4, 2024	<b>120 Days</b>	March 19, 2025	
<b>Location of Subject</b>	107 E Superior St, Unit A				
<b>Applicant</b>	DCC Holdings LLC		<b>Contact</b>	Eric Faust	
<b>Agent</b>	NA		<b>Contact</b>	NA	
<b>Legal Description</b>	010-0910-00180				
<b>Site Visit Date</b>	January 2, 2025		<b>Sign Notice Date</b>	December 30, 2024	
<b>Neighbor Letter Date</b>	December 20, 2024		<b>Number of Letters Sent</b>	45	

**Proposal**  
 The applicant proposes use of a 1-bedroom apartment in a Form District as a vacation rental property.

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

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	F-7	Downtown Shopping	Central Business Primary
<b>North</b>	F-8	Downtown Mix	Central Business Primary
<b>South</b>	F-7	Downtown Shopping	Central Business Primary
<b>East</b>	F-7	Downtown Shopping	Central Business Primary
<b>West</b>	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 allows property owners to generate income and provides a service for tourists.

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

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

Future Land Use – Central Business Primary

Characterized by 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 was built in 1905. The existing structure is two stories with retail at street level and office/residential units above.

On May 15, 2024, Planning Commission approved an interim use permit for a vacation dwelling unit in the same building for 103 E Superior St, Unit A.

**Review and Discussion Items:**

Staff finds that:

- 1) Applicants’ property is located at 107 E Superior St, Unit A. The entire apartment unit will be rented. There is 1 bedroom, which allow for a maximum of 3 guests.
- 2) The minimum rental period will be one night.
- 3) One off-street parking space will be provided in the rear parking area.
- 4) The applicant has indicated they will not allow motorhomes or trailers.
- 5) 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.
- 6) A time limit is needed on this Interim Use Permit (“IUP”) to protect the public health , safety and welfare from potential longer-term impacts of the requested use at the location of the subject property. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 7) Applicant must comply with Vacation Dwelling Unit Regulations, including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 8) There are currently 167 licensed vacation dwelling units in the city, with 80 of those in form districts; the remaining 87 are subject to the cap of 100. The subject property is located within a form district and is not subject to the cap.
- 9) No public, agency, or City comments were received.
- 10) The permit will lapse if no activity takes place within 1 year of approval.

**Staff Recommendation:**

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

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





PLIUP-2411-0020  
 Interim Use Permit  
 Vacation Dwelling Unit  
 107A East Superior St



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Aerial photography flown 2019.

Prepared by: City of Duluth Planning & Economic Development, December 17, 2024. Source: City of Duluth



CONSULTANT

CERTIFICATION

HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DAILY REGISTERED ARCHITECT OR ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: FEB 6, 2012 REG. NO. 16327

COMMISSION NO.: 10-03

DRAWN BY: BAC

CHECKED BY: BAC

DATE: FEB 6, 2012

BID ISSUE DATE:

REVISION DATES: FEB 21, 2012

PROJECT TITLE

FANNIE ROSE BUILDING  
101 - 107 EAST SUPERIOR STREET  
DULUTH, MINNESOTA 55802

PHASE 2

OWNER

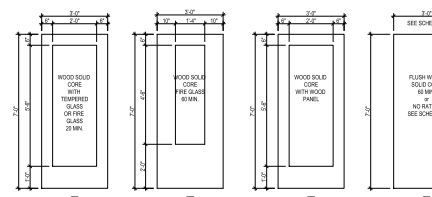
SHEET TITLE

SUITE 101A, SUITE 103A  
AND SUITE 107A

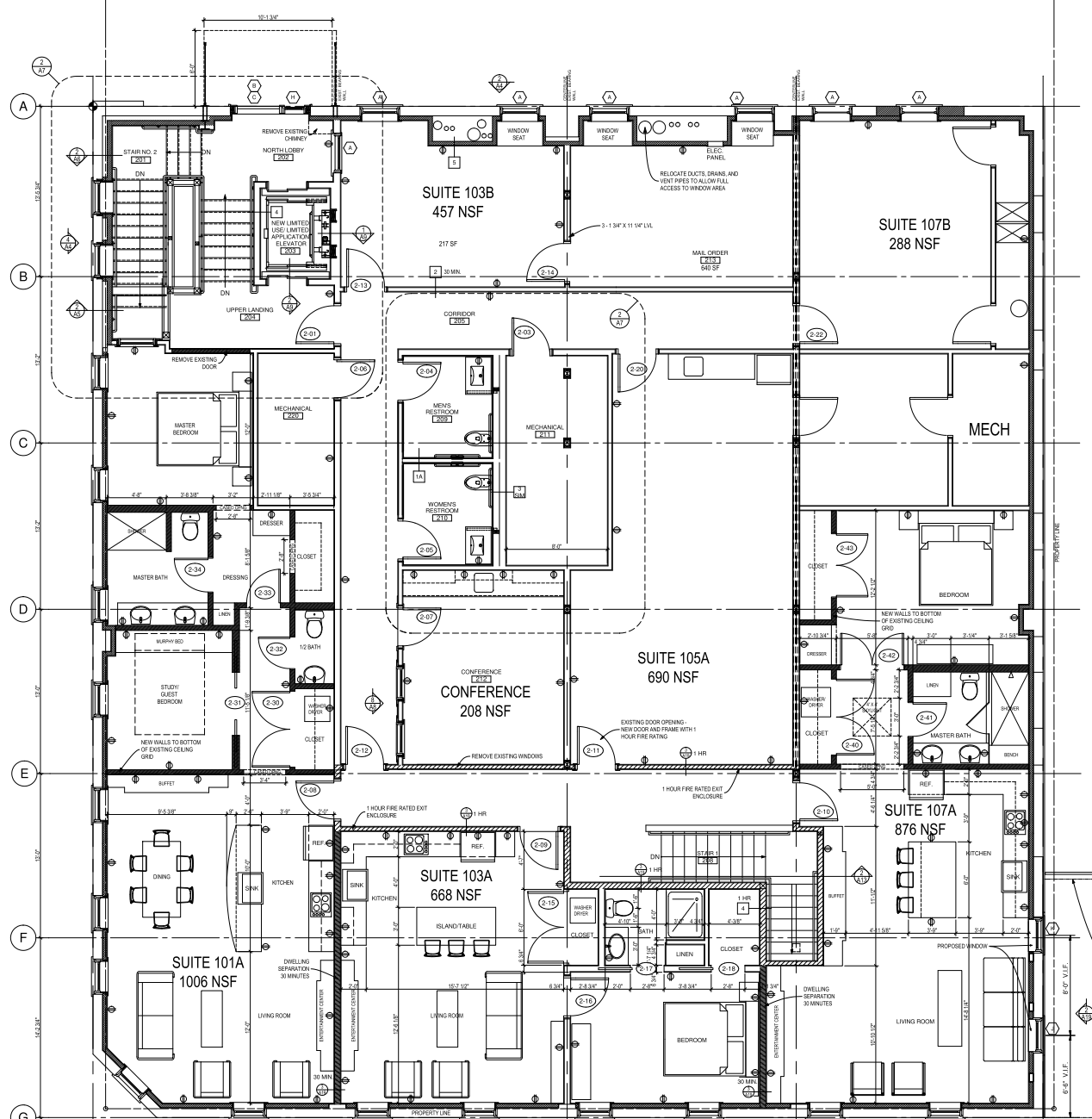
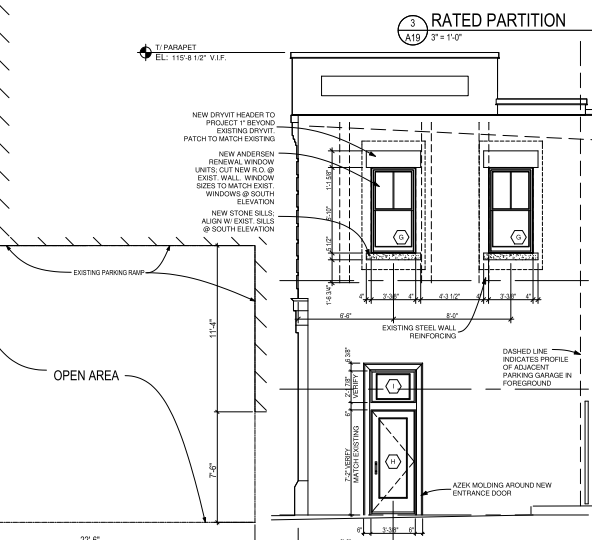
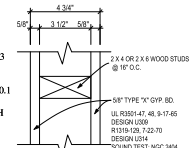
A19

SHEET NO.  
SHEET 19 OF 19

NO.	AMOUNT	QTY	UNIT	DESCRIPTION	PRICE	TOTAL	REMARKS
200	WOOD	2	DOOR	WOOD SOLID CORE	1500.00	3000.00	
201	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
202	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
203	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
204	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
205	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
206	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
207	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
208	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
209	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
210	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
211	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
212	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
213	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
214	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
215	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
216	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
217	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
218	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
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220	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
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229	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
230	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
231	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
232	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
233	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
234	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
235	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
236	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
237	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
238	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
239	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
240	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
241	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
242	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
243	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
244	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
245	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
246	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
247	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
248	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
249	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	
250	WOOD	1	DOOR	WOOD SOLID CORE	1500.00	1500.00	



**CODE REVIEW FOR FANNIE ROSE BUILDING WITH THREE APARTMENTS**  
 2006 IBC  
 OCCUPANCY CLASSIFICATION: BUSINESS GROUP B  
 RESIDENTIAL GROUP R-2  
 CONSTRUCTION TYPE: TYPE V-B  
 ALLOWABLE HEIGHT AND AREA: 2 STORIES AND 7000 SF  
 FRONTAGE INCREASE: 50% OF ALLOWED AREA = 3500 SF  
 AUTOMATIC SPRINKLER INCREASE = 1 STORY AND 14000 SF  
 TOTAL ALLOWABLE HEIGHT AND AREA: 3 STORIES AND 24,500 SF  
 ACTUAL HEIGHT AND AREA: 2 STORIES AND 16,000 SF  
 FIRE RESISTANCE RATED CONSTRUCTION: 1 HOUR ASSEMBLY SEC. 706.3.2 AND 1020.1  
 DOORS IN EXIT ENCLOSURE: 1 HOUR  
 UNPROTECTED OPENINGS IN EXTERIOR WALL: 10% OF EXTERIOR AREA WITH  
 FIRE SEPARATION DISTANCE OF 5' TO 10'  
 FIRE PARTITIONS: DWELLING SEPARATION: 1/2 HOUR  
 NONSEPARATED OCCUPANCIES: NO SEPARATION REQUIRED  
 EXIT ACCESS  
 COMMON PATH OF EGRESS TRAVEL: GROUP B 100'  
 GROUP R-2 125'  
 GROUP B 49 OCC.  
 GROUP R-2 10 OCC.  
 SEC. 304  
 SEC. 310  
 CHAPTER 6  
 TABLE 603  
 SEC. 506  
 SEC. 504.2.506.3  
 SEC. 1014.3  
 SEC. 1014.3.1  
 TABLE 1015.1  
 TABLE 1015.1  
 TABLE 1015.1  
 TABLE 1015.1  
 1 HOUR FIRE RATING  
 35 TO 39 STC SOUND RATING



SECOND FLOOR PLAN - SUITE 101A, SUITE 103A AND SUITE 107A  
 A19 1/4" = 1'-0"

EXTERIOR ELEVATION - NORTH WALL  
 A19 1/4" = 1'-0"





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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

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

<b>File Number</b>	PLIUP-2411-0022	<b>Contact</b>	Natalie Lavenstein, nlavenstein@duluthmn.gov	
<b>Type</b>	Interim Use Permit – Vacation Dwelling Unit	<b>Planning Commission Date</b>		January 14, 2025
<b>Deadline for Action</b>	<b>Application Date</b>	November 27, 2024	<b>60 Days</b>	January 26, 2025
	<b>Date Extension Letter Mailed</b>	December 6, 2024	<b>120 Days</b>	March 27, 2025
<b>Location of Subject</b>	1730 E 2 <sup>nd</sup> St			
<b>Applicant</b>	Predictable 2 LLC	<b>Contact</b>	Andrew and Molly Goldfine	
<b>Agent</b>	NA	<b>Contact</b>	NA	
<b>Legal Description</b>	010-1480-03080			
<b>Site Visit Date</b>	January 2, 2025	<b>Sign Notice Date</b>	December 30, 2024	
<b>Neighbor Letter Date</b>	December 20, 2024	<b>Number of Letters Sent</b>	37	

**Proposal**

The applicant proposes use of a 2-bedroom unit in a duplex as a vacation rental property. The applicant is on the eligibility list.

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

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-2	Residential	Urban Residential
<b>North</b>	R-2	Residential	Urban Residential
<b>South</b>	R-2	Residential	Urban Residential
<b>East</b>	R-2	Residential, Multi-Family	Urban Residential
<b>West</b>	R-2	Residential	Urban Residential

**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 allows property owners to generate income and provides a service for tourists.

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

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

Future Land Use – Urban Residential

Characterized by a 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.

**History:** The subject property, 1730 E 2<sup>nd</sup> St, was built in 1925. The existing structure is a duplex with a total of 4 bedrooms. On May 9, 2023, Planning Commission approved an interim use permit for a vacation dwelling unit in the same building for 1732 E Second St.

**Review and Discussion Items:**

Staff finds that:

- 1) Applicants’ property is located at 1730 E 2<sup>nd</sup> St. The entire duplex unit will be rented. There are 2 bedrooms in the unit, which allow for a maximum of 5 guests.
- 2) The minimum rental period will be two nights.
- 3) One off-street parking space will be provided in the rear parking area.
- 4) The applicant has indicated they will not allow motorhomes or trailers.
- 5) The site plan indicates a deck in the rear yard.
- 6) The property owners to the south and west have signed a letter waiving the requirement for screening.
- 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 Predictable 2 LLC to serve as the local contact.
- 8) A time limit is needed on this Interim Use Permit (“IUP”) to protect the public health, safety and welfare from potential longer-term impacts of the requested use at the location of the subject property. 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 167 licensed vacation dwelling units in the city, with 80 of those in form districts; the remaining 87 are subject to the cap of 100.
- 11) No public, agency, or City comments were received.
- 12) The permit will lapse if no activity takes place within 1 year of approval.

**Staff Recommendation:**

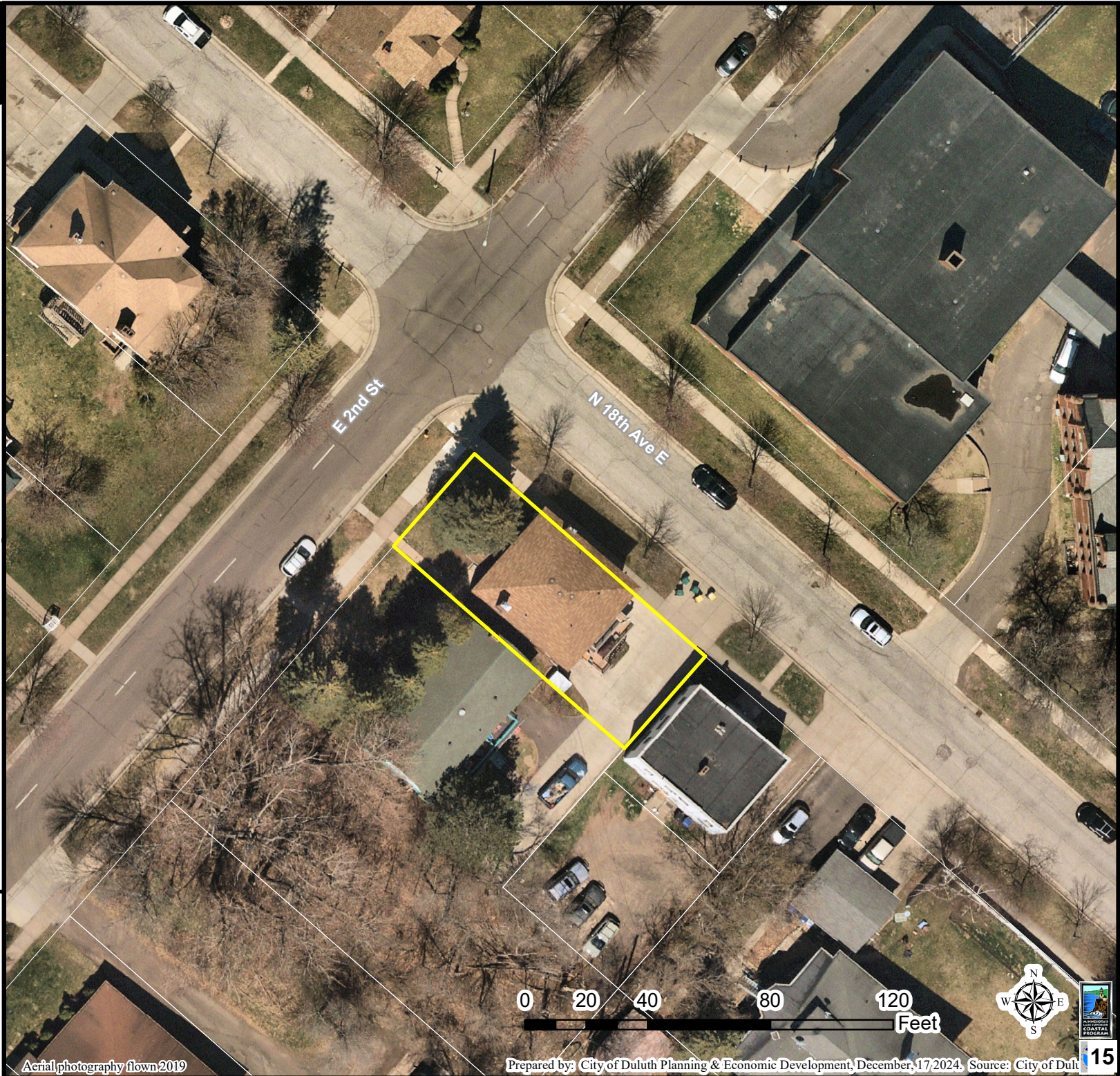
Based on the above findings, Staff recommends that Planning Commission approve the permit subject to the following conditions:

- 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.



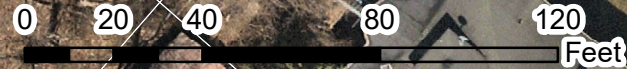


PLIUP-2411-0022  
 Interim Use Permit  
 Vacation Dwelling Unit  
 1730 E 2nd St



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Aerial photography flown 2019

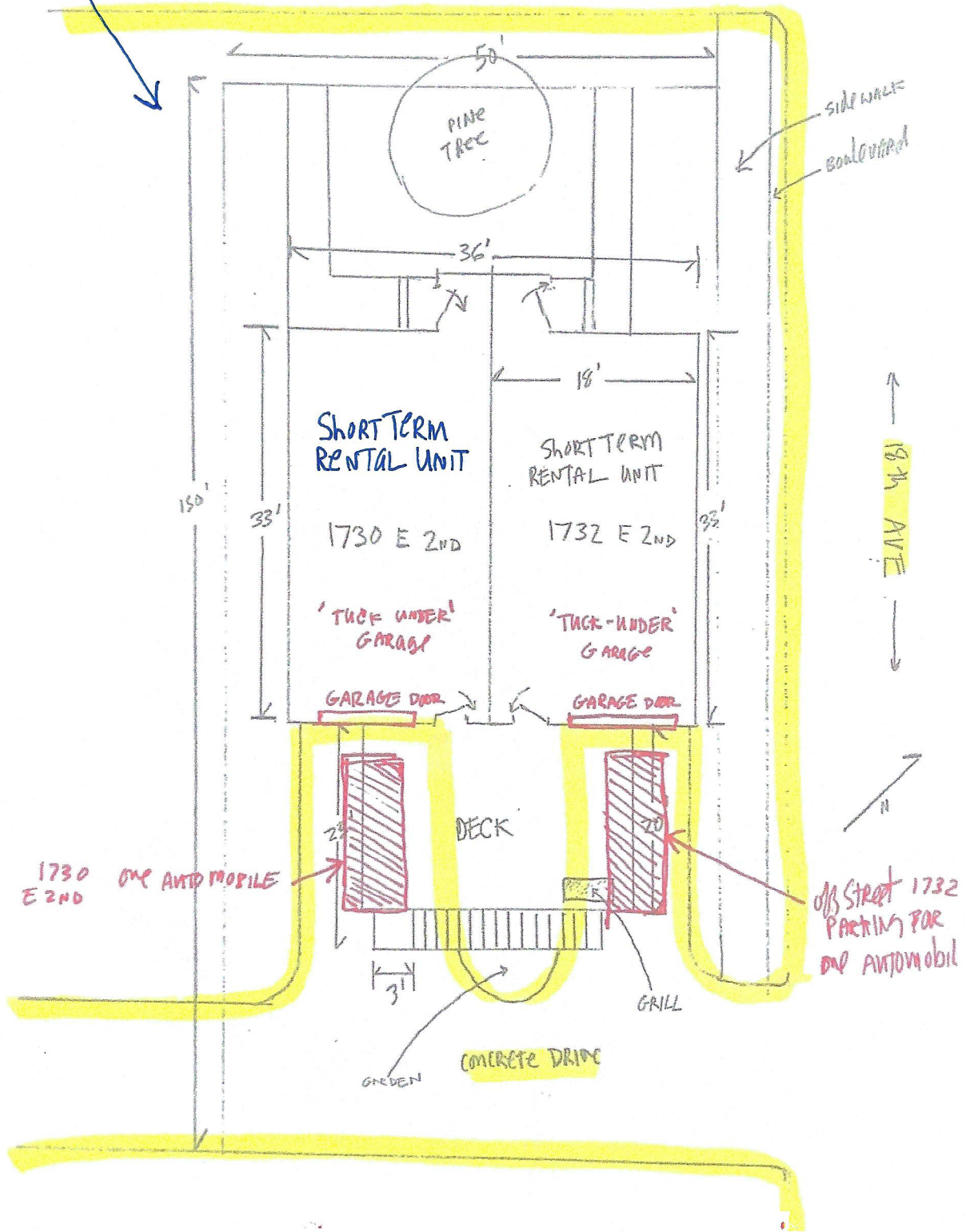


Prepared by: City of Duluth Planning & Economic Development, December, 17, 2024. Source: City of Duluth

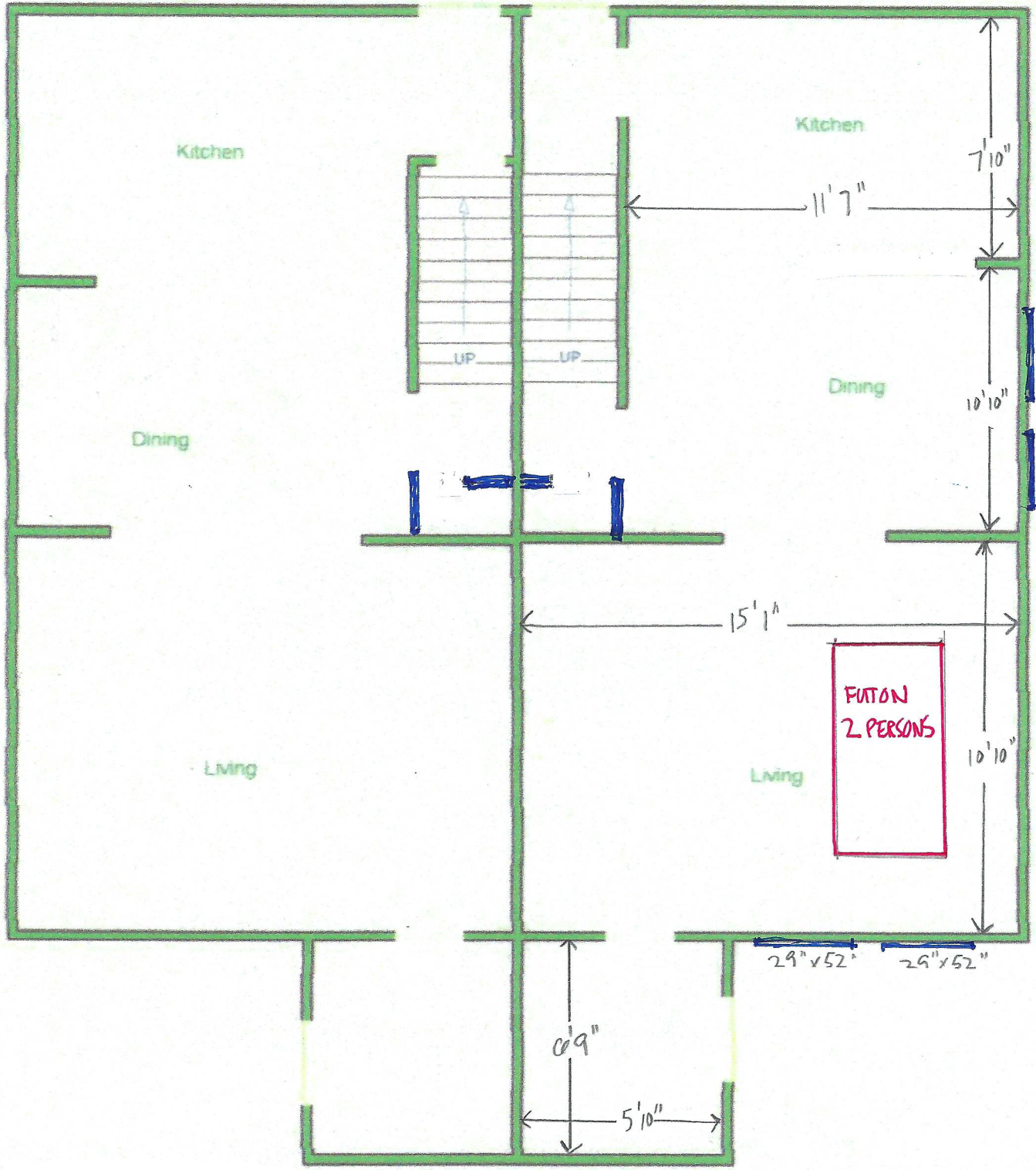


1730 E 2ND  
SITE PLAN - 2024

← EAST 2ND ST →



MAIN LEVEL 1730 E 2<sup>ND</sup> ST. →



← 2ND ST →



UPPER LEVEL 1730 E 2nd St





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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

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

<b>File Number</b>	PLVAR-2411-0010	<b>Contact</b>	Jason Mozol, <a href="mailto:jmozol@duluthmn.gov">jmozol@duluthmn.gov</a>	
<b>Type</b>	Variance from Lot Area	<b>Planning Commission Date</b>		January 14, 2025
<b>Deadline for Action</b>	<b>Application Date</b>	November 15, 2024	<b>60 Days</b>	January 14, 2025
	<b>Date Extension Letter Mailed</b>	December 20, 2024	<b>120 Days</b>	March 15, 2025
<b>Location of Subject</b>	631 E 3 <sup>rd</sup> St			
<b>Applicant</b>	Top Dog Investments LLC	<b>Contact</b>	Leah Holliday	
<b>Agent</b>	Architectural Associates	<b>Contact</b>	Ryan Mears	
<b>Legal Description</b>	010-3830-10690			
<b>Site Visit Date</b>	December 27, 2024	<b>Sign Notice Date</b>		December 31, 2024
<b>Neighbor Letter Date</b>	December 20, 2024	<b>Number of Letters Sent</b>		31

**Proposal**

The applicant proposes to divide the property to allow for restoration of the fire damaged multi-unit building on the property.

**Recommended Action:** Approve with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-N	Residential	Neighborhood Mixed Use
<b>North</b>	F-6	Parking/Grocery Store	Neighborhood Mixed Use
<b>South</b>	MU-N	Residential	Urban Residential
<b>East</b>	MU-N	Parking Lot	Neighborhood Mixed Use
<b>West</b>	MU-N	Residential	Neighborhood Mixed Use & 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.

50-15.2-1 MU-N minimum lot area: 4,000 square ft for a one family dwelling, 2,500 sq ft per family for a two-family dwelling, and 500 sq ft per unit in multi-family.

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

Principle #1- Reuse Previously Developed Land- This subdivision will allow the applicant to reuse an existing building previously damaged by fire.

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

**History:** The proposed parcel A contains a duplex home that was built in 1881. The proposed parcel B contains a multi-family structure that was built in 1902. The parcel is in the Hillside neighborhood. The underlying plat is the “Portland Division of Duluth.” The multi-family building was condemned in 2023 following damage from a fire. The current property owner intends to renovate and restore the building back to function as a multi-unit structure.

**Review and Discussion Items:**

Staff finds:

1. The applicant proposes to subdivide the parcel 010-3830-10690 into two parcels to allow for restoration of the multi-family structure on the property.
2. The applicant is requesting to reduce the required lot area for the proposed parcel A from 5,000 sq ft to 1,754 sq ft.
3. *Variance Criteria #1 (exceptional narrowness, shallowness, or shape):* The existing structures on this property were developed well prior to the adoption of the existing zoning code. In order to restore the existing multi-unit structure, it needs to exist on its own parcel, separate from the existing duplex. Due to the size of the parcel, there is not a way to divide the site that will result in both parcels meeting the required lot areas for their respective structures.
4. *Variance Criteria #2 (circumstances unique to the property, not created by the property owner):* This property and the structures on it were designed and constructed by previous owners prior to the adoption of the existing zoning code.
5. *Variance Criteria #3 (circumstances are peculiar to this property and do not apply generally to other land or buildings):* This property is peculiar because it is occupied by two primary structures on a single lot.
6. *Variance Criteria #4 (proposes to use in a reasonable manner not permitted by code):* The resulting parcels will both be occupied by residential structures that are permitted in this zone district. This older neighborhood has a number of properties with similar density and non-conforming structures on lots that don't meet the minimum lot size requirements.
7. *Variance Criteria #5 (not impair light/air, increase congestion, or impair public safety or property values):* The existing site layout has existed for over a hundred years and this variance will not alter that layout or change the impacts of the site from what they have been previously. This variance will support the restoration of an existing, blighted structure that is currently having negative impacts on the neighborhood.
8. *Variance Criteria #6 (will not impair intent of this Chapter or alter the essential character of the locality):* A duplex is an allowable use in the MU-N zone district.
9. No comments from the public, agencies, or other City departments were received.
10. 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:**

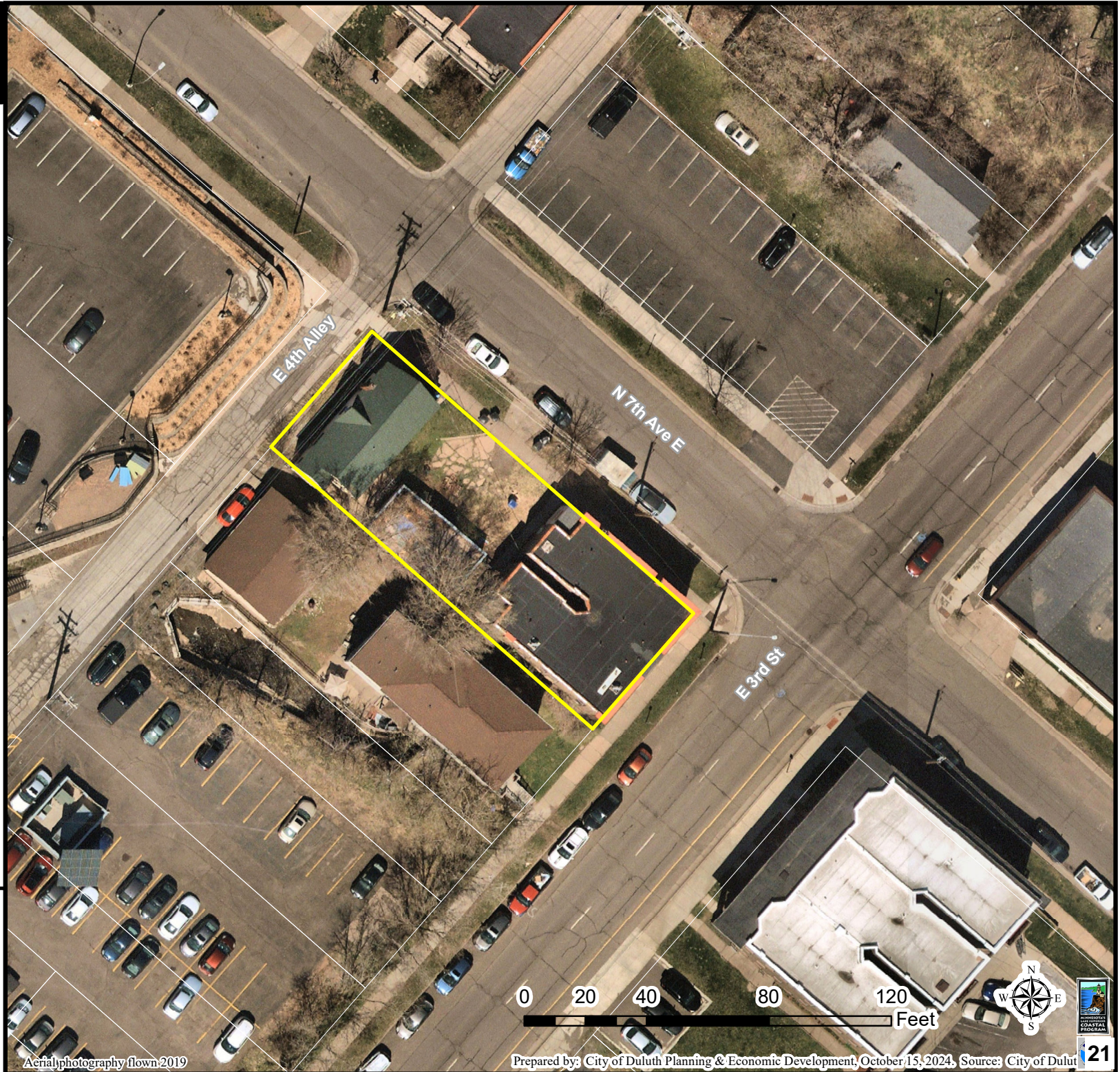
Based on the above findings, Staff recommends that Planning Commission approve the Planning Review with the following conditions:

1. The project be constructed and limited to the plans submitted with the application, allowing a subdivision of parcel 010-3830-10690 where parcel A has a lot area of 1,754 sq ft.
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.



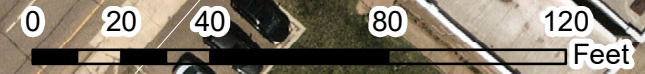


PLVAR-2411-0010  
 Variance  
 631 E 3rd St



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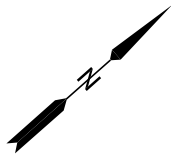
Aerial photography flown 2019

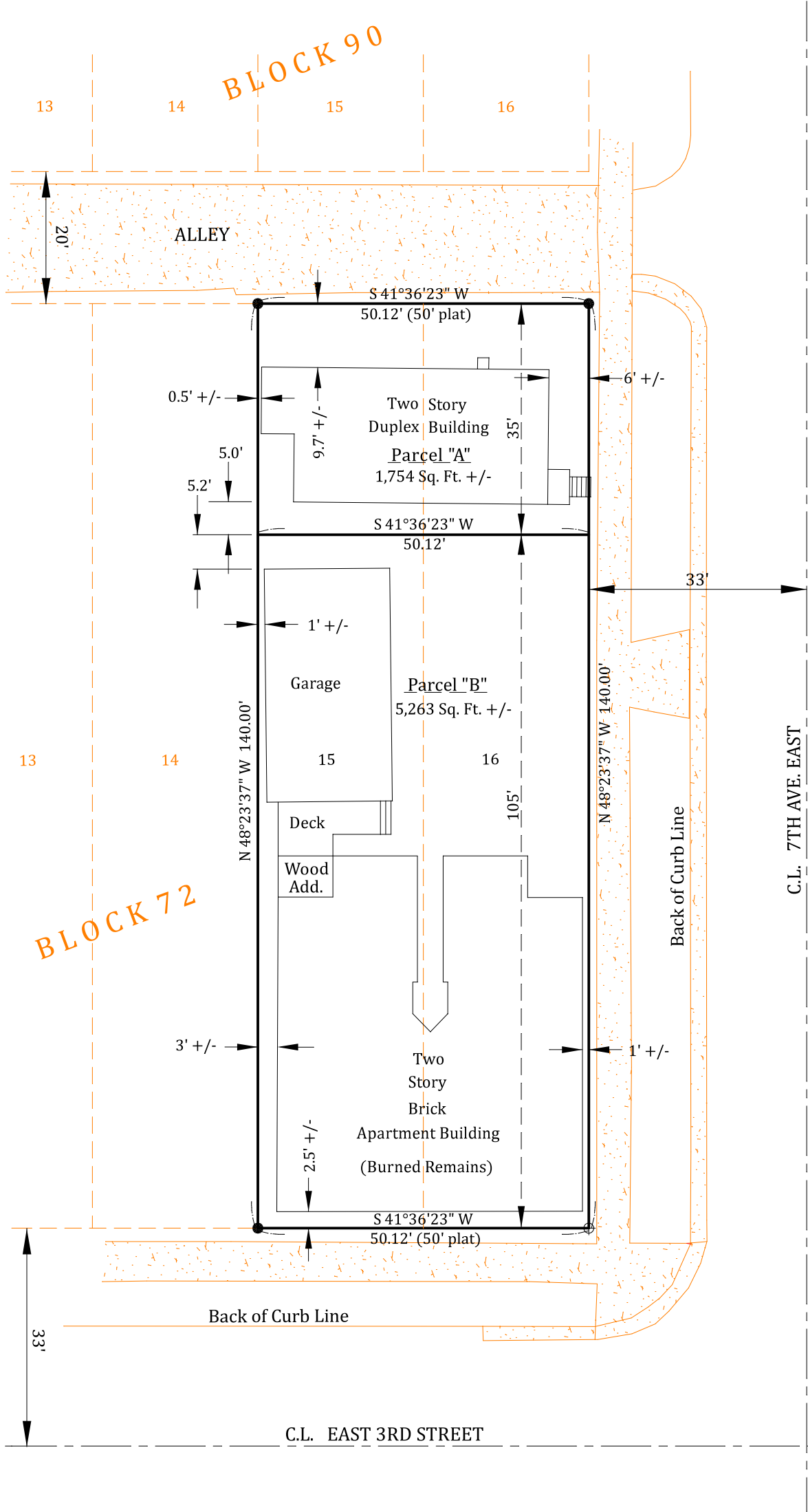




PROPOSED SUBDIVISION OF  
 LOTS 15 AND 16, BLOCK 72  
 PORTLAND DIVISION OF DULUTH  
 CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA

Parcel No.: 010 - 3830 - 10690  
 631 East 3rd. Street


  
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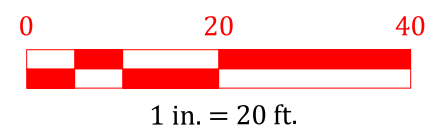


Proposed Parcel "A" Legal Description.  
 The Northerly 35 feet of Lots 15 and 16, Block 72  
 Portland Division of Duluth  
 City of Duluth, St. Louis County Minnesota.

Proposed Parcel "B" Legal Description.  
 The Southerly 105 feet of Lots 15 and 16, Block 72  
 Portland Division of Duluth  
 City of Duluth, St. Louis County Minnesota.

**LEGEND**

- Set 3/4 in. Dia. Rebar with Aluminum Cap inscribed "Nelson LS 49578"
- ⊕ Set 7 in. Spike - subsurface rock.
-  Concrete.



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.

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

Survey for: Top Dog Investments, LLC

James T. Nelson

Date: Nov. 15th, 2024  
 License Number: 49578



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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

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

<b>File Number</b>	PLVAR-2412-0011	<b>Contact</b>	Jason Mozol, <a href="mailto:jmozol@duluthmn.gov">jmozol@duluthmn.gov</a>	
<b>Type</b>	Variance from structure setbacks	<b>Planning Commission Date</b>		January 14, 2025
<b>Deadline for Action</b>	<b>Application Date</b>	November 15, 2024	<b>60 Days</b>	January 14, 2025
	<b>Date Extension Letter Mailed</b>	December 20, 2024	<b>120 Days</b>	March 15, 2025
<b>Location of Subject</b>	631 E 3 <sup>rd</sup> St			
<b>Applicant</b>	Top Dog Investments LLC	<b>Contact</b>	Leah Holliday	
<b>Agent</b>	Architectural Associates	<b>Contact</b>	Ryan Mears	
<b>Legal Description</b>	010-3830-10690			
<b>Site Visit Date</b>	December 27, 2024	<b>Sign Notice Date</b>		December 31, 2024
<b>Neighbor Letter Date</b>	December 20, 2024	<b>Number of Letters Sent</b>		31

**Proposal**

The applicant proposes to restore the fire damaged multi-unit building on the property.

**Recommended Action:** Approve with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-N	Residential	Neighborhood Mixed Use
<b>North</b>	F-6	Parking/Grocery Store	Neighborhood Mixed Use
<b>South</b>	MU-N	Residential	Urban Residential
<b>East</b>	MU-N	Parking Lot	Neighborhood Mixed Use
<b>West</b>	MU-N	Residential	Neighborhood Mixed Use & 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. 50-38.3.B- Non-conforming buildings: A nonconforming building that has been damaged from any cause or has deteriorated to the extent of more than 60 percent or more of its assessed market value at the time of the damage shall not be restored, except in conformity with this Chapter, unless the owner obtains a variance pursuant to Section 50-37.9.

50-15.2-1 MU-N minimum setbacks; front yard: 10', corner side yard: 10', side yard: 10', rear yard: 15'

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

Principle #1- Reuse Previously Developed Land- This subdivision will allow the applicant to reuse an existing building previously damaged by fire.

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

**History:** The proposed parcel A contains a duplex home that was built in 1881. The proposed parcel B contains a multi-family structure that was built in 1902. The parcel is in the Hillside neighborhood. The underlying plat is the “Portland Division of Duluth”. The multi-family building was condemned in 2023 following damage from a fire. The current property owner intends to renovate and restore the building back to function as a multi-unit structure.

**Review and Discussion Items:**

Staff finds:

1. The applicant proposes to restore the multi-family structure on the property that was damaged by a fire. In order to do so, the previously non-conforming building must be brought into compliance.
2. The applicant is requesting to reduce the required setbacks from 10' to 2.5' in the front yard, 10' to 3' in the side yard, and 10' to 1' in the corner side yard.
3. *Variance Criteria #1 (exceptional narrowness, shallowness, or shape):* The existing structure and the associated setbacks were established well prior to the adoption of the existing zoning code. Relocation of the existing structure would be impractical and there is not a location on the lot wide enough to accommodate this structure while leaving space for the required setbacks.
4. *Variance Criteria #2 (circumstances unique to the property, not created by the property owner):* This property and the structures on it were designed and constructed by previous owners prior to the adoption of the existing zoning code.
5. *Variance Criteria #3 (circumstances are peculiar to this property and do not apply generally to other land or buildings):* This structure previously operated as a legal, non-conformity similar to many others in the area. A fire in 2023, and subsequent time as a vacant building, have necessitated the need for this structure to come into conformance with the zoning code.
6. *Variance Criteria #4 (proposes to use in a reasonable manner not permitted by code):* A multi-unit apartment building is allowed in this zone district. This older neighborhood has numerous properties with similar density and structures operating as legal, non-conformities that don't meet the setback requirements.
7. *Variance Criteria #5 (not impair light/air, increase congestion, or impair public safety or property values):* The existing location of this structure has existed for over a hundred years and this variance will not alter that layout or change the impacts of the site from what they have been previously. This variance will support the restoration of condemned, blighted structure that is currently having negative impacts on the neighborhood.
8. *Variance Criteria #6 (will not impair intent of this Chapter or alter the essential character of the locality):* Multi-unit residential is an allowable use in the MU-N zone district.
9. No comments from the public, agencies, or other City departments were received.
10. 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 Planning Commission approve the Planning Review with the following conditions:

1. The project be constructed and limited to the plans submitted with the application, allowing a multi-unit structure on the southern (downhill) portion of the existing parcel 010-3830-10690 that is 1' from the 7<sup>th</sup> Ave E right of way, 2.5' from the 3<sup>rd</sup> St right of way, and 3' from the property line shared with 010-3830-10670.
2. This variance shall apply only to reuse of the existing building.
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 review; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.





PLVAR-2412-0011  
 Variance  
 631 E 3rd St



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Aerial photography flown 2019

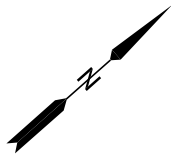
Prepared by: City of Duluth Planning & Economic Development, October 15, 2024. Source: City of Duluth

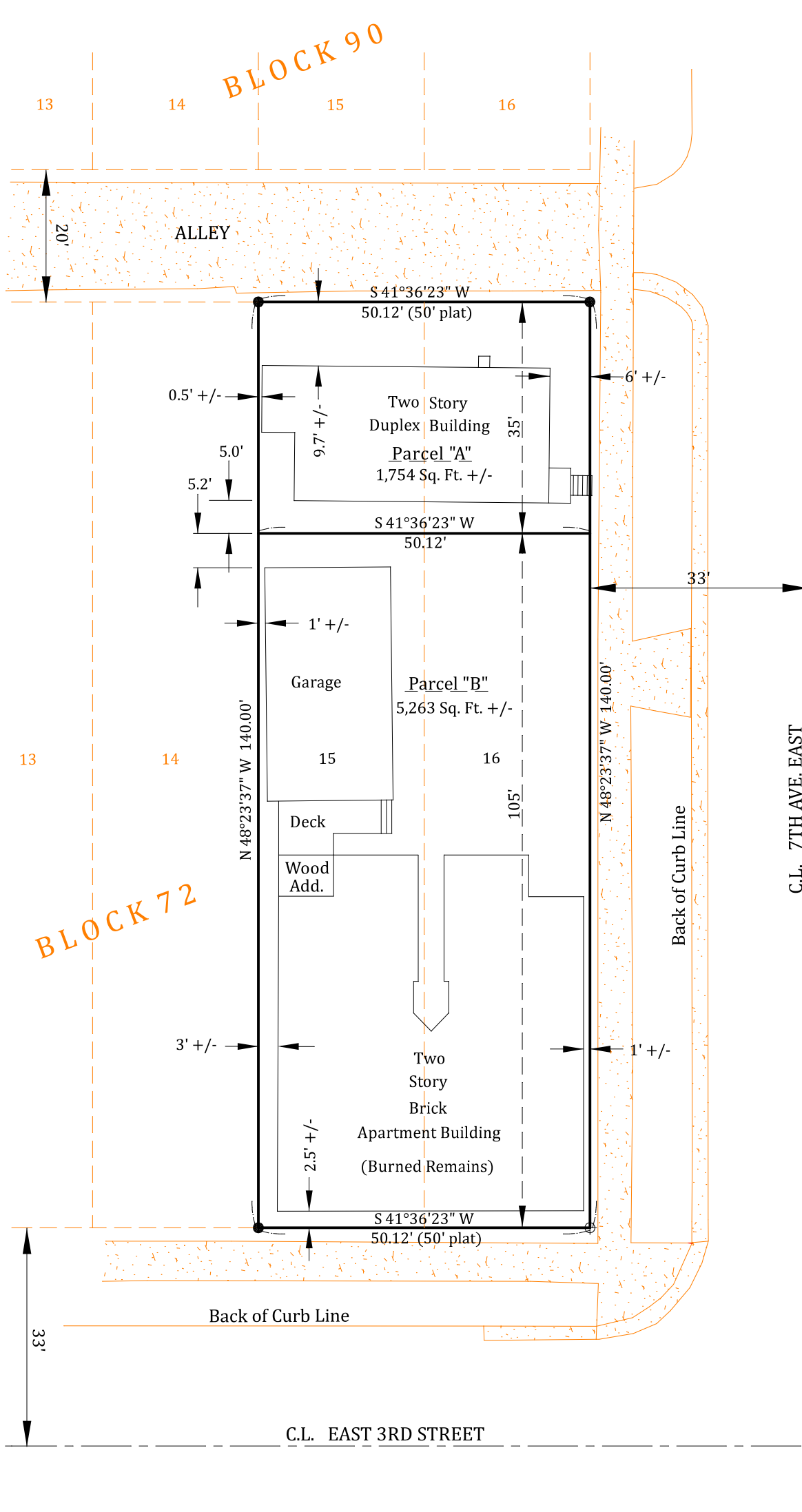




PROPOSED SUBDIVISION OF  
 LOTS 15 AND 16, BLOCK 72  
 PORTLAND DIVISION OF DULUTH  
 CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA

Parcel No.: 010 - 3830 - 10690  
 631 East 3rd. Street


  
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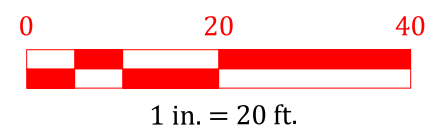


Proposed Parcel "A" Legal Description.  
 The Northerly 35 feet of Lots 15 and 16, Block 72  
 Portland Division of Duluth  
 City of Duluth, St. Louis County Minnesota.

Proposed Parcel "B" Legal Description.  
 The Southerly 105 feet of Lots 15 and 16, Block 72  
 Portland Division of Duluth  
 City of Duluth, St. Louis County Minnesota.

**LEGEND**

- Set 3/4 in. Dia. Rebar with Aluminum Cap inscribed "Nelson LS 49578"
- ⊕ Set 7 in. Spike - subsurface rock.
-  Concrete.



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.

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

Survey for: Top Dog Investments, LLC

James T. Nelson

Date: Nov. 15th, 2024  
 License Number: 49578



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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

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

<b>File Number</b>	PLSUB-2411-0006	<b>Contact</b>	Jason Mozol, <a href="mailto:jmozol@duluthmn.gov">jmozol@duluthmn.gov</a>	
<b>Type</b>	Minor Subdivision	<b>Planning Commission Date</b>		January 14, 2025
<b>Deadline for Action</b>	<b>Application Date</b>	November 15, 2024	<b>60 Days</b>	January 14, 2025
	<b>Date Extension Letter Mailed</b>	December 20, 2024	<b>120 Days</b>	March 15, 2025
<b>Location of Subject</b>	631 E 3 <sup>rd</sup> St			
<b>Applicant</b>	Top Dog Investments LLC	<b>Contact</b>	Leah Holliday	
<b>Agent</b>	Architectural Associates	<b>Contact</b>	Ryan Mears	
<b>Legal Description</b>	010-3830-10690			
<b>Site Visit Date</b>	December 27, 2024	<b>Sign Notice Date</b>		December 31, 2024
<b>Neighbor Letter Date</b>	N/A	<b>Number of Letters Sent</b>		N/A

**Proposal**

Subdivide the property to create separate lots for each existing building on the site.

**Recommended Action:** Approve with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-N	Residential	Neighborhood Mixed Use
<b>North</b>	F-6	Parking/Grocery Store	Neighborhood Mixed Use
<b>South</b>	MU-N	Residential	Urban Residential
<b>East</b>	MU-N	Parking Lot	Neighborhood Mixed Use
<b>West</b>	MU-N	Residential	Neighborhood Mixed Use & Open Space

**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.

50-15.2-1 MU-N minimum lot area: 4,000 square ft for a one family dwelling, 2,500 sq ft per family for a two-family dwelling, and 500 sq ft per unit in multi-family; minimum lot frontage: 30 ft for one or two family and 50 ft for multi



family.

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

Principle #1- Reuse Previously Developed Land- This subdivision will allow the applicant to reuse an existing building previously damaged by fire.

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

**History:** The proposed parcel A contains a duplex home that was built in 1881. The proposed parcel B contains a multi-family structure that was built in 1902. The parcel is in the Hillside neighborhood. The underlying plat is the “Portland Division of Duluth”. The multi-family building was condemned in 2023 following damage from a fire. The current property owner intends to renovate and restore the building back to function as a multi-unit structure.

**Review and Discussion Items:**

Staff finds:

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 each have primary structures present.
2. Lots created by this subdivision are subject to the zoning requirements of the MU-N district. Parcel B will meet minimum frontage and lot area requirements. Parcel A will meet minimum frontage requirements but not minimum lot area. This subdivision is conditional to approval of a variance from lot area standards, PLVAR-2411-0010.
3. Both parcels have access to gas, water and sanitary sewer utilities in the streets and alleys surrounding the site.
4. The proposed subdivision, if approved in conjunction with PLVAR-2411-0010, would not make the parcels non-conforming due to lot frontage, lot area, or similar bulk standard.
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 Planning Review with the following conditions:

1. This approval is conditional to approval of PLVAR-2411-0010 to allow parcel A to have a lot size less than the required minimum.
2. Appropriate deeds be filed with St. Louis County within 180 days. Prior to recording the deed that results from this adjustment, the Planning Division will need to stamp the deed, indicating compliance with the local zoning code.
3. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.





PLÙWÓ-241F-00€ Á  
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 631 E 3rd St



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 15, 2024. Source: City of Duluth

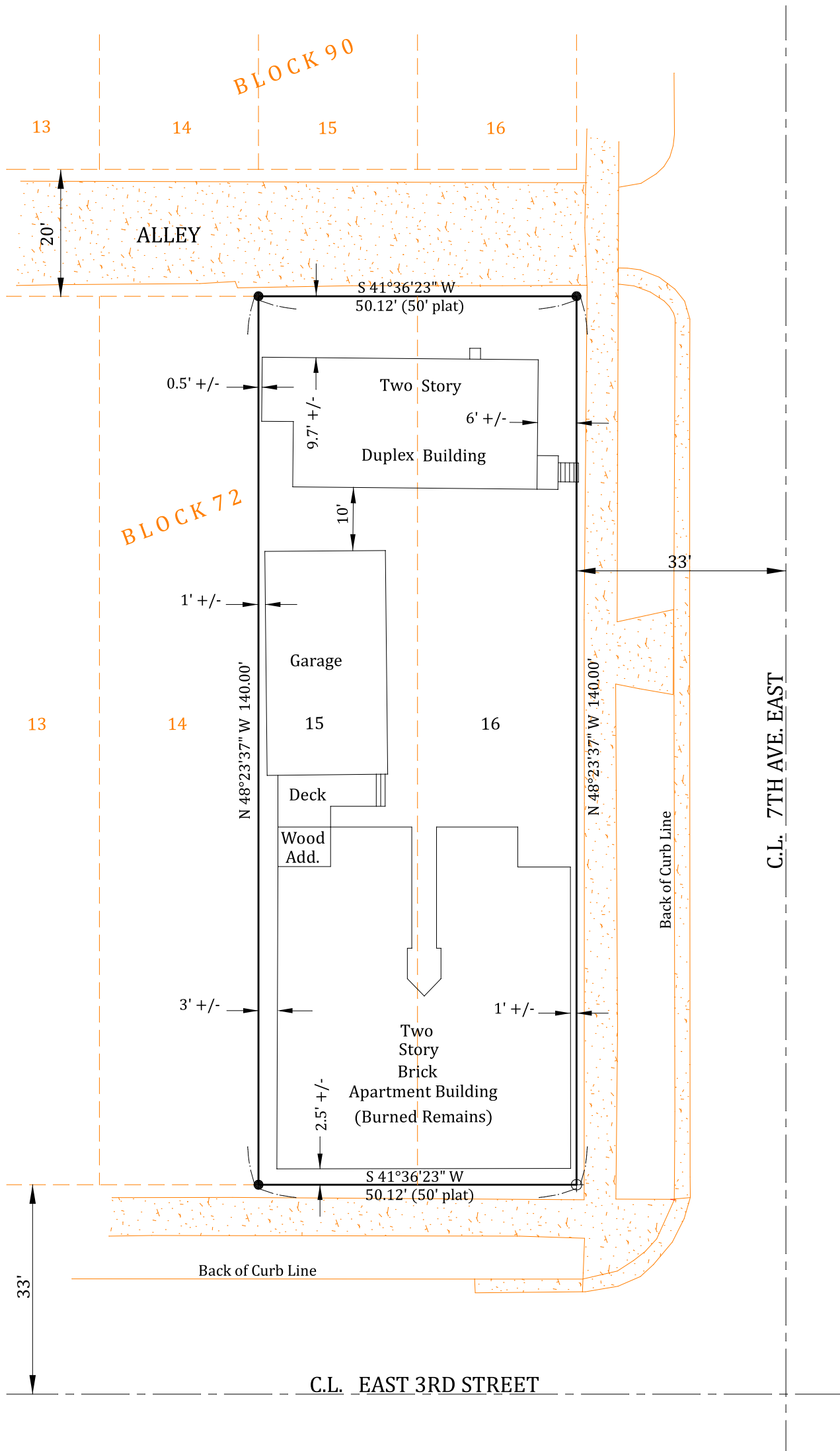
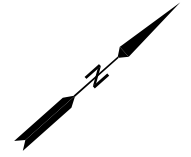




**CERTIFICATE OF SURVEY**  
 LOTS 15 AND 16, BLOCK 72  
 PORTLAND DIVISION OF DULUTH  
 CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA

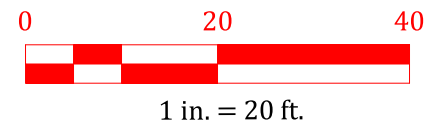
Parcel No.: 010-3830-10690  
 631 E. 3rd. Street

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



**LEGEND**

- Set 3/4 in. Dia. Rebar with Aluminum Cap inscribed "Nelson LS 49578"
- ⊕ Set 7 in. Spike - subsurface rock.
- ▨ Concrete.



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

Survey for: Top Dog Investments, LLC

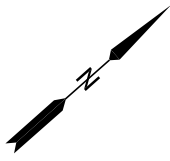
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.

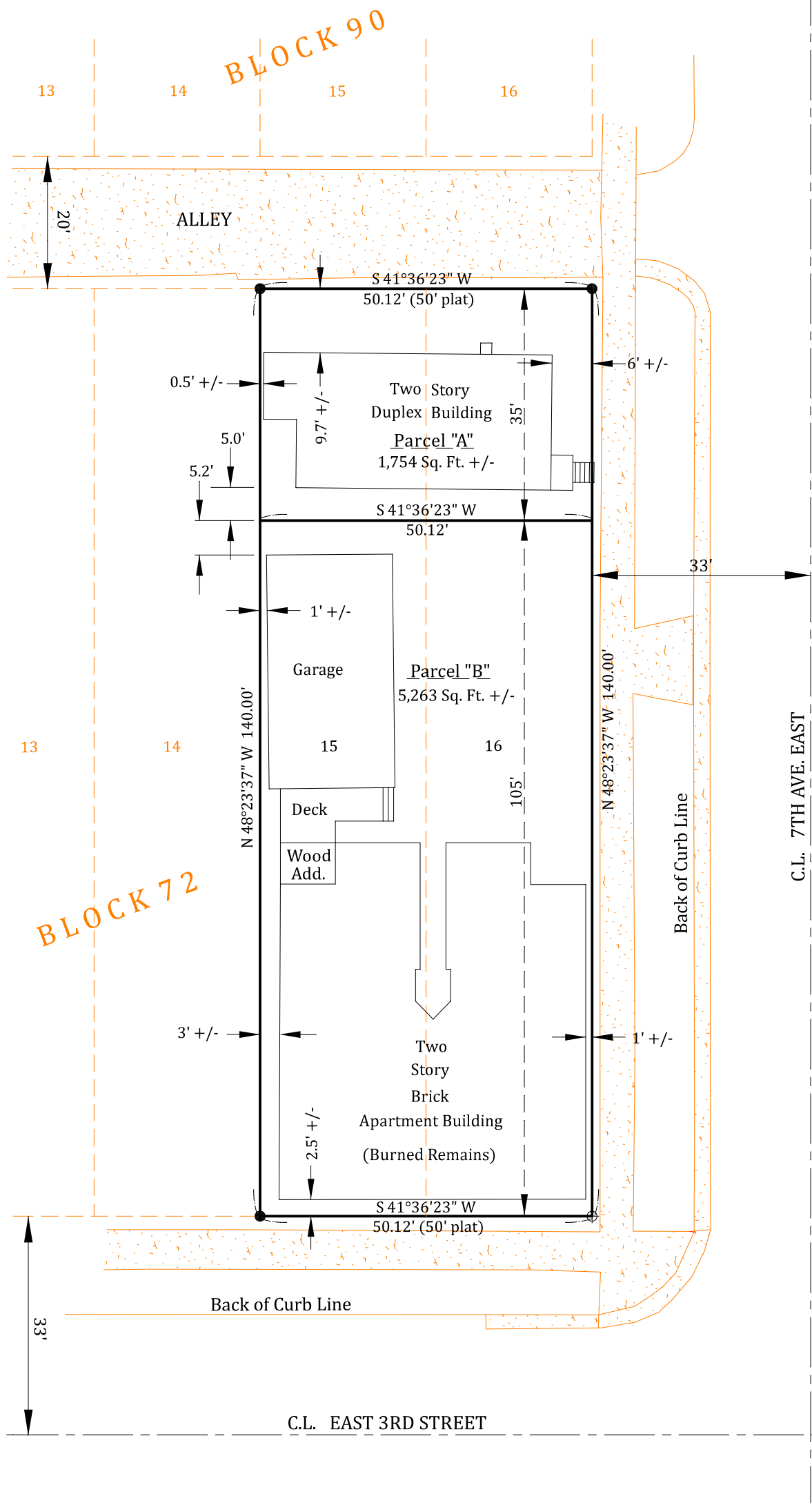
James T. Nelson

Date: Nov. 6th, 2024  
 License Number: 49578

PROPOSED SUBDIVISION OF  
 LOTS 15 AND 16, BLOCK 72  
 PORTLAND DIVISION OF DULUTH  
 CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA

Parcel No.: 010 - 3830 - 10690  
 631 East 3rd. Street


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

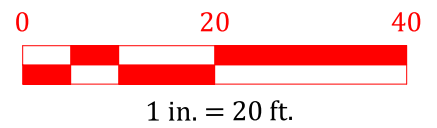


Proposed Parcel "A" Legal Description.  
 The Northerly 35 feet of Lots 15 and 16, Block 72  
 Portland Division of Duluth  
 City of Duluth, St. Louis County Minnesota.

Proposed Parcel "B" Legal Description.  
 The Southerly 105 feet of Lots 15 and 16, Block 72  
 Portland Division of Duluth  
 City of Duluth, St. Louis County Minnesota.

**LEGEND**

- Set 3/4 in. Dia. Rebar with Aluminum Cap inscribed "Nelson LS 49578"
- ⊕ Set 7 in. Spike - subsurface rock.
-  Concrete.



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.

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

Survey for: Top Dog Investments, LLC

James T. Nelson

Date: Nov. 15th, 2024  
 License Number: 49578