

City of Duluth

Council Chambers, City Hall

Meeting Agenda

Planning Commission.

Council Chambers

Thursday, March 27, 2025 5:00 PM Room 330

CALL TO ORDER AND ROLL CALL

APPROVAL OF PLANNING COMMISSION MINUTES

PL 25-0311 Planning Commission Minutes 03/11/25

<u>Attachments:</u> 3-11-25 PC Minutes (not approved yet)

PUBLIC COMMENT ON ITEMS NOT ON AGENDA

CONSENT AGENDA

PLIUP-2502-0 Interim Use Permit for a Vacation Dwelling Unit at 5801 Grand Ave, Unit 1

003 by Tanya Templer

Attachments: PLIUP-2502-0003 Staff Report and Attachments

PLIUP-2503-0 Interim Use Permit for a Vacation Dwelling Unit at 5801 Grand Ave, Unit 2

019 by Tanya Templer

Attachments: PLIUP-2503-0019 Staff Report and Attachments

PLIUP-2502-0 Interim Use Permit for Vacation Dwelling Unit at 611 W Skyline by CCL

004 PROPERTIES II LLC

<u>Attachments:</u> PLIUP-2502-0004 Staff Report and Attachments

PLIUP-2502-0 Interim Use Permit for a Vacation Dwelling Unit at 37 England Ave by

006 Riverside Rentals LLC

Attachments: PLIUP-2502-0006 Staff Report and Attachments

PLIUP-2502-0 Interim Use Permit for a Vacation Dwelling Unit at 124 N Hawthorne Rd by

007 David and Theresa Hanson

Attachments: PLIUP-2502-0007 Staff Report and Attachments

PLSUP-2502- Special Use Permit for a Restaurant at 601 N 56th Ave by Bailey Builds

0035

<u>Attachments:</u> PLSUP-2502-0035 Staff Report with attachments

PUBLIC HEARINGS

PLSUB-2411- Final Plat at 010-3921-00020 by Duluth HRA

0007

<u>Attachments:</u> PLSUB-2411-0007 Staff Report and Attachments

PLUMA-2502- UDC Map Amendment for a Rezone from R-1 to R-P at 2732 Woodland

0001 Ave by FORCE 1 LLC

Attachments: PLUMA-2502-0001 Staff Report with attachments

COMMUNICATIONS

Land Use Supervisor Report

Heritage Preservation Commission Report

City of Duluth Planning Commission

March 11th, 2025 – 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 5:00 p.m. on Tuesday, March 11th, 2025, in the Duluth city hall council chambers.

Roll Call

Attendance:

Members Present: Chris Adatte, Jason Crawford, Gary Eckenberg, Brian Hammond, Jason

Hollinday, Margie Nelson, Danielle Rhodes, Dave Sarvela, and Andrea Wedul

Members Absent: None

Staff Present: Nick Anderson, Amanda Mangan, Chris Lee, Jason Mozol, Jenn Moses, Ariana

Dahlen, Natalie Lavenstein, Christian Huelsman, and Sam Smith

Approval of Planning Commission Minutes

Planning Commission Meeting – February 11th, 2025 –

MOTION/Second: Nelson/Rhodes approved

VOTE: (7-0)

Planning Commission Meeting – March 3rd, 2025 –

MOTION/Second: Hollinday/Sarvela approved

VOTE: (7-0)

Public Comment on Items Not on Agenda

No comments.

Consent Agenda

PLVAC-2407-0002 Vacation of Right of Way near 1206 W 1st St by Jason Vincent **MOTION/Second:** Crawford/Sarvela remove this item from the consent agenda to be voted on separately

VOTE: 8-0

(Adatte arrived at 5:05pm)

PLIUP-2502-0002 Interim Use Permit for a Vacation Dwelling Unit at 1003 S Lake Ave by Island Twin Homes LLC

PLSUB-2501-0002 Minor Subdivision at Parcel Number 010-3890-01010 Near Anderson Rd and Fountain Gate Dr by Dirt Inc

PLSUP-2501-0015 Special Use Permit for a Water Pumping Station at 408 N 34th Avenue E by Lakehead Contractors Inc

PLVAC-2502-0001 Vacation of Right of Way at Mission Creek Cemetery (W 4th St and 133rd Ave W) by City of Duluth

PLVAC-2407-0002 Vacation of Right of Way near 1206 W 1st St by Jason Vincent

PLVAR-2502-0003 Variance from Shoreland Setbacks at the Lakewalk by City of Duluth

Public: No speakers.

MOTION/Second: Crawford/Sarvela approve the consent agenda items as per staff

recommendations

VOTE: (8-0)

Public Hearings

PLSUB-2407-0002 Vacation of Right of Way near 1206 W 1st St by Jason Vincent

Public: Coleen Christensen, $1300 \text{ W } 1^{\text{st}} \text{ St} - \text{Ms}$. Christensen addressed the commissioners. She was confused as to why this item was on this agenda because it was previously on the August 2024 agenda. She tried to connect with staff after the August meeting but was unable to do so. She's wondering why she received another letter.

Staff: Jason Mozol explained that the applicants delayed their application for several months and decided to move forward with their project more recently. Staff sent out another public notice since it had been a while since the previous neighbor letters were sent out back in August.

Public: Christensen clarified that she is not opposed to this vacation project, as she believes the land is useless. She stated that there are people camping above her house on city land, and she's concerned about those people being able to look into her home. She asked staff why the entire block was not vacated.

Staff: Jenn Moses informed Ms. Christensen that if she's wanting to vacate that part of the block, she can submit a vacation application. She is welcome reach out to planning staff to help her begin the application process.

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

Vote: (8-0)

<u>PLIUP-2411-0018</u> Interim Use Permit for a Vacation Dwelling Unit at 608 W 4th St by Justin Voegele

Staff: Chris Lee addressed the commissioners. The applicant's property is located at 608 West 4th Street, and it was on the eligibility list for available Vacation Dwelling Unit ("VDU") permits. This 3,245 sq ft home was built in 1890, and it is zoned R-2, Urban Residential. The home is a 4-unit multifamily dwelling. This application is for unit 3, which is located on the first floor of a four-unit multifamily dwelling. Units 1 and 4 have been issued interim use permits for vacation

dwelling units. The proposed VDU contains 1 bedroom, which would allow for a maximum of 3 guests for a minimum rental period of two nights.

Staff recommends denial because the applicant failed to demonstrate compliance with the parking standards in Section 50-20.3.V.3, which require operators of one-bedroom VDUs to provide at least one legally authorized off-street parking space. Specifically, the application included a parking space located in the property's front yard in violation of the parking restrictions in UDC Section 50-24.4 for residentially zoned property.

Previously, Staff recommended approval of the IUP application for unit 4, as the parking requirements for that unit were met. Staff recommended denial for the IUP application for unit 1 in this building as front yard parking is not permitted, but the planning commission voted to approve that application.

The applicant for this agenda item has provided information regarding previous reports and the past planning commission decision to support their proposal. There were various building permits that were approved for decks and retaining walls; however, these reports did not specifically address the parking issue. The UDC has continuously prohibited front yard parking since 1958. In 1977, the construction permit of the retaining wall authorized 1 or more parking stalls in the front yard, but that decision was not supported by law. Past errors of city officials do not legally justify an approval of new or continued uses that will violate the zoning code. Staff is recommending denial of this application. If planning commission decides to approve, the parking would still be considered prohibited and could be liable for front yard parking tickets from the city's parking services office as well as zoning code violation fees from the planning department.

Commissioners: Commissioner Crawford asked staff if the parking issue be different if this were a long-term rental license application.

Staff: Lee stated that it would still be front parking, which is prohibited in a residential zone regardless of if the structure is a one-family, two-family, or multi-family dwelling. He knows that there are parking requirements for long-term rentals, but he cannot say if there would be an approval or denial, as the planning department does not issue long-term rental licenses. **Commissioners:** Commissioner Rhodes clarified that rental license owners have the option to pay some sort of fee so that they would not need to have parking. She also noted that when planning commission went through this process before, the applicant supplied images showing approved building plans and it appeared that they had done things correctly, but maybe the city had done something incorrectly when the permits were authorized, which was the reasoning for planning commission approval. She referenced a case from 2002 in St. Louis Park, and asked staff for clarification on what the case was about.

Staff: Nick Anderson, Assistant City Attorney, gave a brief overview of the case. It involved the construction of 2-story garage that was erroneously approved for a certain height that was in violation of the zoning requirements for St. Louis Park. There was a lawsuit challenging this by a nearby property owner that brought to light that the previous approval was not authorized. There was a variance that was approved for the garage that exceeded the height allowed by the code, and there was no specific authorization for that variance even though it was granted. **Commissioners:** President Eckenberg referenced the minutes from the February 2024 planning commission meeting. Planning commission voted to approve PL23-181, an interim use permit for unit 1 at 608 W 4th St at that meeting. However, it was noted in the minutes that the planning commission cannot change city code to allow front yard parking in relation to the interim use permit. Even though the permit was approved, the applicants were still in violation of city code when it came to parking requirements.

Staff: Lee concurred that the approval was for the interim use permit, but it was not to allow the front yard parking.

Commissioners: Commissioner Wedul asked staff if she would be subject to receiving a parking ticket if she were to rent this proposed vacation dwelling unit.

Staff: Jenn Moses stated that the Parking Services Office has a list of properties that have approved variances for front yard parking, so when they are out doing enforcement, they know who not to ticket. Moses also explained how the zoning enforcement process would play into these scenarios.

Applicant: Justin Voegele addressed the commission and distributed a packet to each commission member. He and his wife, Alyssa, bought the property in 2020. In 1977, 604 W 4th St underwent a large construction project to recreate the space, and to make better use of the property. The project included a large addition to the house, exntensive decks, a multitude of retaining walls, and parking spaces situated between the building and the street. These parking spaces were permitted by the city of Duluth 48 years ago. In February 2024, the planning commission approved an IUP for unit #1 at this property, which included discussions of the parking spaces. The packet Voegele provided as an assembly of documents from Construction Services & Inspections along with Chris Lee's staff report. He went over the contents of each page within the packet. He hopes the planning commission will approve his IUP application tonight.

Commissioners: Commissioner Wedul asked if the two driveways on this property are permitted. Commissioner Rhodes asked if a variance would be a good option for this applicant's situation, so as to not have this issue be brought up again in 6 years when the permit would be up for renewal.

Staff: Chris Lee responded that the planning department does not issue driveway permits, as the city engineering department does this. Planning generally discourages 2 driveways due to the potential creation of a horseshoe shaped driveways that could lead to front yard parking. In this case, planning staff did not see the two driveways as an issue.

Staff can grant variance for front yard parking and has granted a handful of these types of variances in the past. There are specific criteria for a front yard parking variance, and those criteria are outlined in the UDC. If the applicant can meet those criteria, they could have a case that would potentially be granted a variance. Lee noted that this property may not meet the criteria because there is on-street parking available. The applicant is welcome to meet with staff to discuss further.

Jenn Moses informed everyone that staff can approve a variance for parking in situations where the location of the structure on the lot does not permit access to the side or rear yard, and there is no alley or street parking providing any access to the side of rear yard, and there is no permitted overnight parking on any street within 150 ft of the property. These rules were created to recognize that there are a few instances in Duluth where people have no options for parking on their property or on the street.

Commissioners: Jason Crawford asked staff if the geographical landscape of the property posed practical difficulties for parking for the applicant, and he wondered what other parking options they had for this property. Commissioner Rhodes asked about the approvals of the other two applications for different units on this property.

Staff: Moses reiterated that this property does have parking, it's on the street. Long-term rentals and short-term rentals are different uses and have different rules and requirements. IUPs for VDUs were designed to recognize that certain properties would be determined that there weren't going to be negative impacts on the surrounding neighbors. The want is to have people who utilize VDUs to park on properties where parking is legally allowed, not on the street. VDUs

require off-street parking. There is not another way for this applicant to comply with the parking requirement.

Chris Lee clarified that the applications for unit 1 and unit 4 of this property were both approved by the planning commission.

Applicant: Voegele asked staff about the handful of parking variances that were issued in the past and asked how old the oldest variance dated.

Staff: Lee responded that the list of approved parking variances were issued by the Board of Zoning Appeals. There are not dates tied to these variances, but it's evident that they predate 2010, meaning they were pre-UDC. The earliest may have been 1994.

Commissioners: Wedul asked staff if there is a way to access the comments on the older 1977 files. President Eckenberg asked about the timeline for action regarding this application.

Staff: Lee stated that it appears they were approving something else. Even though the signature applies to the parking, the parking was not called out as being part of the plan set. As noted in the staff report, there is deadline for action, which is April 30th, 2025. This deadline includes any appeals if the applicant does not agree with the planning commissioners' decision.

Commissioners: Discussion ensued amongst the commissioners regarding the previous applications for this property and how to treat this application given the evidence presented. **Public:** No speakers.

Motion/second: Hammond/Wedul deny as per staff recommendation on the grounds that:

1. The off-street parking space proposed by the applicant is prohibited under UDC 50-24.4, so the application does not satisfy the off-street parking requirement to operate a vacation dwelling unit under 50-20.3.V.3.

Vote: (5-4)

(Adatte, Crawford, Nelson, and Rhodes opposed)

PLSUB-2502-0003 Minor Subdivision at 2125 Abbotsford Ave by Christopher Michael

Staff: Natalie Lavenstein addressed the commissioners. She noted that there is a correction to be made – the applicant's last name is Davies. She presented a map and survey of the subject property. The applicant is requesting a Minor Subdivision to divide a parcel into 2 parcels. Staff recommends approval with four conditions listed in the staff report. The subject property consists of three structures. Proposed parcel A contains one existing residential structure and one accessory structure. The proposed parcel B contains one existing residential structure. Both residential structures were built in 1914. The underlying plat is "Glen Avon 3rd Division of Duluth." The property had various uses including a dormitory, group home, and renewal center.

The applicant intends to use wants to use the residential structure on parcel A as a long-term rental and the larger structure on proposed parcel B as their single family home. The proposed subdivision, if approved, would create a nonconforming building due to the accessory structure in the front yard of proposed Parcel A. This structure will need to be removed to avoid creating a greater nonconformity. Proposed Parcel A does not have its own water or sewer utilities; sewer utilities will need to be provided per City Engineering guidelines. There is a comment from the City Engineer in the staff report.

Commissioners: Wedul asked the applicant to clarify their name for the record.

Applicant: The applicant addressed the commissioners and confirmed that Christopher Michael Davies is his name. He and his wife purchased this in February. Their goal is to restore the

home and parcel off the carriage home to be used as a long-term rental. They would like to rent to students that he can mentor, as he is a physician. Davies intends to be fully compliant. **Commissioners:** Rhodes asked the applicant what their motivation is to have the long-term rental on a separate parcel, since long-term rentals do not need to have their own parcel. **Applicant:** Davies responded that they want to own both parcels for the foreseeable future, but they want the option to sell them separately down the road. Currently, they each have their own address.

Public: No speakers.

Motion/second: Nelson/Hollinday approve as per staff recommendation with the following conditions:

- 1. Prior to recording the deeds, applicant must provide evidence that the accessory structure located on proposed Parcel A was removed or relocated.
- 2. Prior to recording the deeds, proposed Parcel A and Proposed parcel B must have separate sewer utilities up to the main per the City Chief Utility Engineer.
- 3. Appropriate deeds to accomplish the land subdivision must be recorded with St. Louis County within 180 days. Prior to recording the deeds that result from these adjustments, the applicant must provide deeds for each parcel to the Planning Division to certify compliance with the local zoning code.
- 4. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

Vote: (9-0)

Other Business

No other business.

Communications

Land Use Supervisor (LUS) Report – Jenn moses addressed the commissioners She reminded commissioners of the upcoming special meeting on March 27th. Planning staff received 30 applications for the regular April meeting, so it was decided that it would be best to split them up into two separate meetings. Folks can expect to see a press release go out later this week. Moses also stated that staff will be looking at planning commissioner applications soon, and they are still Looking for candidates. If anyone is interested, they can apply via the Clerks webpage on the city of Duluth website. Until the two vacancies are filled, quorum will need to be a majority of current serving members, which is 4 commissioners.

Heritage Preservation Commission Report – No report.

Duluth Midway Joint Powers Zoning Board – No report.

Adjournment

Meeting adjourned at 6:12 p.m. Respectfully,

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

| File Number | PLIUP-25 | 02-0003 | Contact Natalie Lave | | | nstein, @duluthmn.gov | |
|-------------------------------------|--------------------------------------------|------------------------------------------------|--------------------------------|--------------------------|----------------|--------------------------|----------------|
| Туре | Interim U | Interim Use Permit – Vacation Dwelling Unit | | Planning Commission Date | | | March 27, 2025 |
| Deadline | Application Date | | February 19 | , 2025 | 60 Days | | April 20, 2025 |
| for Action | Date Ext | ension Letter Mailed | February 28, 2025 120 D | | 120 Days | 5 | June 19, 2025 |
| Location of Sub | Location of Subject 5801 Grand Ave, Unit 1 | | | | | | |
| Applicant | Tanya an | d Ryan Templer | Contact | NA | A | | |
| Agent | NA | | Contact | NA | NA . | | |
| Legal Description | on | 010-4510-02350 | | | | | |
| Site Visit Date | Site Visit Date March 13, 2025 | | Sign Notice Date | | March 13, 2025 | | |
| Neighbor Letter Date March 12, 2025 | | Number of Letters Sent 46 | | | | | |

Proposal

This is a renewal application for PL19-096. The applicant proposes to an apartment unit on the upper floor of an existing commercial building as a vacation rental property.

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

| | Current Zoning | Existing Land Use | Future Land Use Map Designation |
|---------|-------------------------------|----------------------------------------|---------------------------------|
| Subject | F-3 Residential/Restaurant Ce | | Central Business Secondary |
| North | MU-N | Residential Central Business Secondary | |
| South | F-4 | Commercial | Central Business Secondary |
| East | MU-C | Commercial Central Business Secondary | |
| West | /est F-3 Commercial | | Central Business Secondary |

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A vacation dwelling unit is an Interim Use in the F-3 zone district.

UDC Section 50-20.3.V 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 Secondary: An area adjacent to and supporting the central business primary area or a stand-alone area providing a similar mix of destination land uses but at a lower intensity than the primary CB area. Includes mixed regional and neighborhood retail, employment centers, public spaces, medium density residential, and public parking facilities.

History: The subject property was built in 1886. There is restaurant space on the lower level and 2 residential units on the upper level.

Review and Discussion Items:

Staff finds that:

- 1) Applicants' property is located at 5801 Grand Ave. The proposed vacation dwelling unit contains 1 bedroom which allows for a maximum of 3 guests.
- 2) This is a renewal application for PL19-096. To the best of our knowledge there are no reported code violations or police calls regarding the subject property.
- 3) The minimum rental period will be one night.
- 4) Several off-street parking spaces will be provided in the property's rear parking area.
- 5) The applicant has indicated they will not allow motorhomes or trailers.
- 6) The site plan indicates there are no outdoor amenities.
- 7) The adjacent residential property to the north has an existing fence screening it from the subject property, satisfying the requirements of UDC 50-20.3.V.7.
- 8) 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 holders 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 local contact.
- 9) 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.
- 10) Applicant must comply with vacation dwelling unit regulations, including providing information to guests on city rules.
- 11) There are currently 169 licensed vacation dwelling units in the city, with 84 of those in form districts; the remaining 85 are subject to the cap of 110. The subject property is located within a form district and is not subject to the cap.
- 12) No public, agency, or City comments were received.
- 13) 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-2502-0003

Interim Use Permit 5801 Grand Ave

N 58th Ave W Grand Ave 150 25 100 Feet Aerial Imagery Captured 2019 Prepared by: City of Duluth Planning & Economic Development, March 6, 2025. Source: City of Duluth

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 | PLIUP-25 | 03-0019 | Contact | | | atalie Lavenstein, lavenstein@duluthmn.gov | |
|-------------------------------------|--------------------------------------------|--------------------------------------------|----------------------|--------------------------|----------------|-----------------------------------------------|----------------|
| Туре | Interim U | erim Use Permit – Vacation Dwelling nit | | Planning Commission Date | | ſ | March 27, 2025 |
| Deadline | Application Date | | February 19 | , 2025 | 60 Days | A | April 20, 2025 |
| for Action | Date Ext | ension Letter Mailed | February 28, 2025 12 | | 120 Days | J | June 19, 2025 |
| Location of Sub | Location of Subject 5801 Grand Ave, Unit 2 | | | | | | |
| Applicant | Tanya an | d Ryan Templer | Contact | NA | | | |
| Agent | NA | | Contact | NA | NA | | |
| Legal Description | on | 010-4510-02350 | | | | | |
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Proposal

This is a renewal application for PL19-096. The applicant proposes to use one apartment unit on the upper floor of an existing commercial building as a vacation rental property.

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

| | Current Zoning | Existing Land Use | Future Land Use Map Designation |
|---------|----------------------------|-------------------|---------------------------------|
| Subject | F-3 Residential/Restaurant | | Central Business Secondary |
| North | MU-N | Residential | Central Business Secondary |
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Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

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History: The subject property was built in 1886. There is restaurant space on the lower level and 2 residential units on the upper level.

Review and Discussion Items:

Staff finds that:

- 1) Applicants' property is located at 5801 Grand Ave. The proposed vacation dwelling unit contains 1 bedroom which allows for a maximum of 3 guests.
- 2) This is a renewal application for PL19-096. To the best of our knowledge there are no reported code violations or police calls regarding the subject property.
- 3) The minimum rental period will be one night.
- 4) Several off-street parking spaces will be provided in the property's rear parking area.
- 5) The applicant has indicated they will not allow motorhomes or trailers.
- 6) The site plan indicates there are no outdoor amenities.
- 7) The adjacent residential property to the north has an existing fence screening it from the subject property, satisfying the requirements of UDC 50-20.3.V.7.
- 8) 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 holders 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 local contact.
- 9) 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.
- 10) Applicant must comply with vacation dwelling unit regulations, including providing information to guests on city rules.
- 11) There are currently 169 licensed vacation dwelling units in the city, with 84 of those in form districts; the remaining 85 are subject to the cap of 110. The subject property is located within a form district and is not subject to the cap.
- 12) No public, agency, or City comments were received.
- 13) 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-2502-0003

Interim Use Permit 5801 Grand Ave

N 58th Ave W Grand Ave 150 25 100 Feet Aerial Imagery Captured 2019 Prepared by: City of Duluth Planning & Economic Development, March 6, 2025, Source: City of Duluth.

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Planning & Development Division

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Room 160 411 West First Street Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

| File Number | PLIUP-2502-0004 | | Contact | | Chris Lee, o | Chris Lee, clee@duluthmn.gov | |
|-------------------------------------------|------------------------|-----------------------------------------|---------------------------------|-----------|----------------|------------------------------|--|
| Туре | Interim U Unit - Re | Jse Permit – Vacation Dwelling newal | Planning Co | ommissior | n Date | March 27, 2025 | |
| Deadline | Application Date | | February 20, 2025 60 Day | | 60 Days | April 21, 2025 | |
| for Action | Date Ext | ension Letter Mailed | March 6, 2025 | | 120 Days | June 20, 2025 | |
| Location of Subject 611 W Skyline Parkway | | | | | | | |
| Applicant | Connie ai | nd Lee Hoffman | Contact | Skyline \ | Vacation Ren | tal | |
| Agent | Chad Hof | fman | Contact | | | | |
| Legal Descript | ion | PIN: 010-1350-02900 | | • | | | |
| Site Visit Date March 13, 2025 | | Sign Notice Date | | N | March 13, 2025 | | |
| Neighbor Letter Date March 13, 2025 | | Number of Letters Sent | | ent 2 | 8 | | |

Proposal

The applicant proposes to renew a 4-bedroom dwelling as a vacation dwelling unit at 611 West Skyline Parkway. This property was previously approved as permit PL19-080.

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

| | Current Zoning | Existing Land Use | Future Land Use Map Designation |
|---------|-----------------------------------------|-------------------------------------------------|---------------------------------|
| Subject | R-1 Single Family Home | | Traditional Neighborhood |
| North | R-1 | Residential Traditional Neighborhood | |
| South | R-1 | Single Family Home | Traditional Neighborhood |
| East | R-1 | R-1 Single Family Home Traditional Neighborhood | |
| West | R-1 Single Family Home Traditional Neig | | Traditional Neighborhood |

Summary of Code Requirements:

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

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

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

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

Governing Principle #4- Support economic growth sectors

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

Future Land Use – Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood.

History: The subject property is a single-family home built in 1911. The property had an existing vacation dwelling unit that expires in 2025.

Review and Discussion Items:

Staff finds that:

- 1) Applicants' property is located at 611 W Skyline Parkway. The dwelling unit contains 4 bedrooms, which allow for a maximum of 9 guests.
- 2) The minimum rental period will be two nights.
- 3) The applicant is proposing four off-street parking stalls in the rear of the property, satisfying the off-street parking requirement in UDC Section 50-20.3.V.3. Applicant has been made aware that the front yard parking is not allowed.
- 4) The site plan does not indicate any outdoor amenities and has acceptable vegetative screening on the site.
- 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 holders 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 Jennifer McPherson to serve as the managing agent.
- 6) There are no known reported code violations or police calls to the property.
- 7) 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.
- 8) Applicant must comply with the City's 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 169 licensed vacation dwelling units in the city, with 84 of those in form districts; the remaining 85 are subject to the cap of 100. The subject property is located within a residential district and is subject to the cap.
- 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 and do not constitute a variance from the provisions of Chapter 50 may be approved by the Land Use Supervisor without further Planning Commission review.

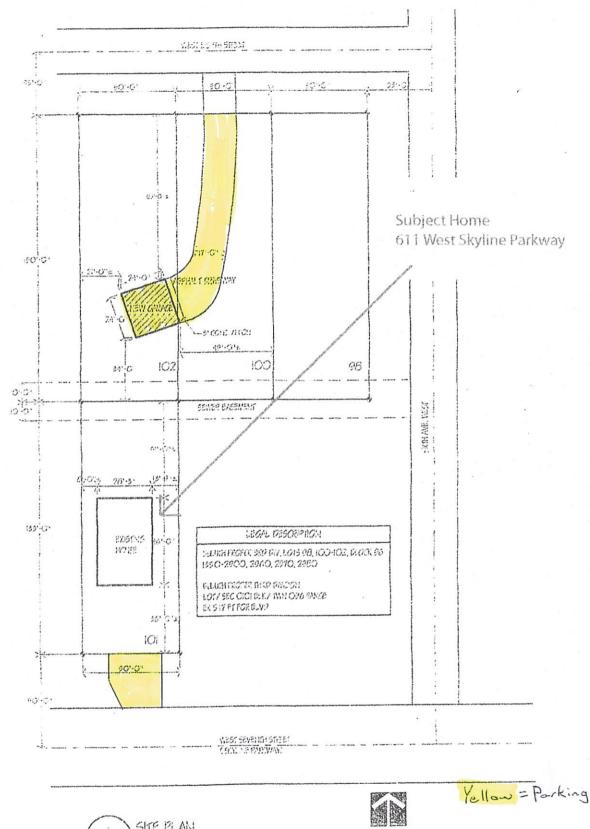


PLIUP-2502-0004

Interim Use Permit 611 W Skyline Pkwy

100 150 25 Feet Aerial Imagery Captured 2019 Prepared by: City of Duluth Planning & Economic Development, March 6, 2025, Source: City of Duluth.

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SITE PLAN m~50

MORTH

GARAGE 611 WEST SKYLINE DULLITH, MIN

intestas

anderson architects 521 spear ave. duluth, mn

18-724-4401

21

Renewal Application Cover Sheet – Description 611 West Skyline Parkway

We are renewing our Interim Use Permit for a Vacation Rental at 611 West Skyline Parkway.

Our home has 4 bedroom and 2 bathrooms which mandates a maximum of 9 people per stay. Our bookings are set for a minimum of 2 day increments that would not overlap each other.

We will provide off street parking for a minimum of 6 parking spaces.

Our record keeping of guests consists of the following: confirming booking through online portal, getting guests personal information on the rental agreement and following all city of Duluth and state of Minnesota requirements.

Our backyard is heavily wooded with no outside facilities readily available to guest, minimizing noise and interruption to any neighbors. To the south there is a garage, tree line, to the west there is no backyard neighbor, and is heavily treed. To the north is heavily treed with the neighbor's home being 60 - 70 feet from the backyard.



611 West Skyline Parkway Duluth, MN

Vacation Dwelling Unit Worksheet

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

What will be your minimum rental period?

2 night(s).

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

How many legal bedrooms are in the dwelling?

4

What will be your maximum occupancy?

9 or Bedroom # + 1

- 3. Off-street parking shall be provided at the following rate:
 - a. 1-2 bedroom unit, 1 space
 - b. 3 bedroom unit, 2 spaces
 - c. 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.
 - d. Vacation dwelling units licensed on May 15, 2016, are entitled to continue operating under the former off-street parking

requirement. The parking exemption for vacation dwelling units licensed on May 15, 2016, expires upon transfer of any ownership interest in the permitted property.

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

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

6

4. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles

(ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, on or off the street.

Will you allow motorhome or trailer parking?

No

If so, where?

5. The property owner must provide required documents and adhere to additional requirements listed in the City of Duluth's UDC

Application Manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures.

6. The property owner must provide a site plan, drawn to scale, showing parking and driveways, all structures and outdoor recreational

areas that guests will be allowed to use, including, but not limited to, deck/patio, barbeque grill, recreational fire, pool, hot tub, or sauna, and provide detail concerning the provision of any dense urban screen that may be required to buffer these areas from adjoining properties. Please note that this must be on 8 x 11 size paper.

- 7. The interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first. An owner of a
 - vacation dwelling unit permitted prior to May 15, 2016, may request, and the land use supervisor may grant, an application for
 - adjustment of an existing permit to conform to this section, as amended, for the remainder of the permit term.
- 8. Permit holder must keep a guest record including the name, address, phone number, and vehicle (and trailer) license plate information

for all guests and must provide a report to the City upon 48 hours' notice.

Please explain how and where you will keep your guest record (log book, excel spreadsheet, etc):

Guest booking sheets, these are kept in a secure off site safe to prevent identity theft.

9. Permit holder must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act

for the owner in responding 24-hours-a-day to any complaints from neighbors or the City. The permit holder must notify the Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information.

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

Jennifer Mc Pherson 611 W Skyline Pkwy (218) 260-7470

- 10. Permit holder must disclose in writing to their guests the following rules and regulations:
 - a. The managing agent or local contact's name, address, and phone number;
 - b. The maximum number of guests allowed at the property;
 - c. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked;
 - d. Property rules related to use of exterior features of the property, such as decks, patios, grills, recreational fires, pools, hot

tubs, saunas and other outdoor recreational facilities;

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

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

This info is provided after booking. We also have it posted in the welcome book located on the dining room table to be viewed by all.

11. Permit holder must post their permit number on all print, poster or web advertisements.

Do you agree to include the permit number on all advertisements?

Yes

12. Prior to rental, permit holder must provide the name, address, and phone number for the managing agent or local contact to all

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



Planning & Development Division

Planning & Economic Development Department

Room 160 411 West First Street Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

| File Number | PLIUP-25 | 02-0006 | Contact | Contact | | avenstein, ein@duluthmn.gov | |
|-------------------------------------|------------------------------------------------|-----------------------------------------------|-------------------|--------------------------|----------------|--------------------------------|--|
| Туре | Interim Unit | nterim Use Permit – Vacation Dwelling Jnit | | Planning Commission Date | | March 27, 2025 | |
| Deadline | Application Date Date Extension Letter Mailed | | February 24 | 1, 2024 | 60 Days | April 25, 2025 | |
| for Action | | | February 28, 2025 | | 120 Days | June 24, 2025 | |
| Location of Su | bject | 37 England Ave | | | | | |
| Applicant | Riverside | e Rentals LLC | Contact | Darin Re | einke | | |
| Agent | | | Contact | NA | IA | | |
| Legal Descript | ion | 010-3970-01310 | • | • | | | |
| Site Visit Date March 13, 2025 | | Sign Notice | Sign Notice Date | | March 13, 2025 | | |
| Neighbor Letter Date March 12, 2025 | | Number of Letters Sent | | ent : | 71 | | |

Proposal

The applicant proposes use of a 2-bedroom dwelling unit in a duplex as a new vacation rental property. The 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 N | | 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.V 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 – 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 was built in 1917. The existing structure is a duplex with 2 bedrooms in each unit.

Review and Discussion Items:

Staff finds that:

- 1) Applicants' property is located at 37 England Avenue. One of the property's two duplex units will be rented. The unit has 2 bedrooms, which allow for a maximum of 5 guests.
- 2) The minimum rental period will be two nights.
- 3) Two off-street parking spaces will be provided in the property's rear parking area.
- 4) The applicant has indicated they will allow motorhomes or trailers in the property's rear parking area.
- 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 holders 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 local contact.
- 6) There is existing screening on the south side of the property satisfying the requirements of UDC 50-20.3.V.7. The applicant owns the adjacent property to the east and is not requiring screening.
- 7) 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.
- 8) Applicant must comply with vacation dwelling unit regulations, including providing information to guests on city rules.
- 9) There are currently 169 licensed vacation dwelling units in the city, with 84 of those in form districts; the remaining 85 are subject to the cap of 110. The subject property is located within a residential traditional zone district and is subject to the cap.
- 10) No public, agency, or City 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.

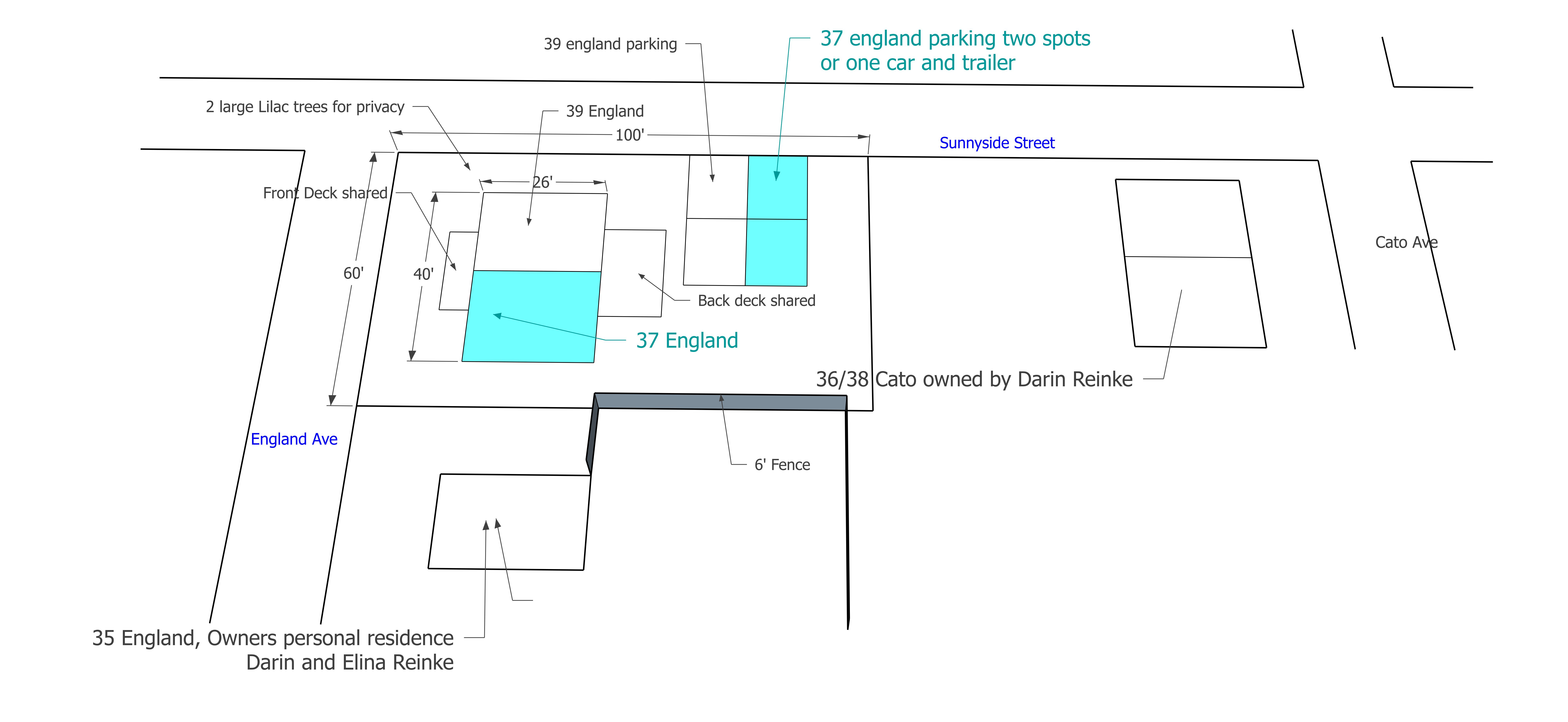


PLIUP-2502-0006

Interim Use Permit 37 England Ave



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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-25 | 02-0007 | Contact | Contact | | venstein, in@duluthmn.gov | |
|-------------------------------------|--------------------------------|--------------------------------|--------------------------------|---------|----------------|------------------------------|--|
| Туре | Interim Unit | Jse Permit – Vacation Dwelling | Planning Commission Date | | March 27, 2025 | | |
| Deadline | Application Date | | February 24 | 1, 2025 | 60 Days | April 25, 2025 | |
| for Action | Date Ext | ension Letter Mailed | February 28, 2025 120 D | | 120 Days | June 24, 2025 | |
| Location of Su | bject | 124 N Hawthorne Rd | | | | | |
| Applicant | Theresa | and David Hanson | Contact | NA | | | |
| Agent | NA | | Contact | NA | NA | | |
| Legal Descript | ion | 010-0690-00020 | | | | | |
| Site Visit Date | Site Visit Date March 13, 2025 | | Sign Notice Date | | March 13, 2025 | | |
| Neighbor Letter Date March 12, 2025 | | Number of Letters Sent 40 | | 40 | | | |

Proposal

This is a renewal application for permit PL19-028. The applicant proposes use of a 7-bedroom, single-family house as a vacation rental property.

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

| | Current Zoning | Existing Land Use | Future Land Use Map Designation |
|---------|----------------|----------------------------------|-------------------------------------|
| Subject | R-1 | Residential Traditional Neighbor | |
| North | R-1 | Residential | Open Space/Traditional Neighborhood |
| South | R-1 | Residential | Traditional Neighborhood |
| East | P-1 | Park and Open Space | Open Space |
| 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 Section 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.

UDC Section 50-20.3.V... Vacation dwelling units licensed before December 1, 2021, that exceeded four bedrooms are entitled to continue operating, however, this exemption expires upon transfer of any ownership interest in the permitted property.

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 - 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, 124 N Hawthorne Rd, was built in 1914. The existing structure is a 7-bedroom, single-family house with an attached garage. On May 28, 2019, the City Council passed a resolution approving the previous interim use permit for vacation dwelling unit, PL19-028.

Review and Discussion Items:

Staff finds that:

- 1) Applicants' property is located at 124 N Hawthorne Rd. The entire house will be rented. There are 7 bedrooms in the unit, which allow for a maximum of 15 guests. The applicant has indicated they will allow up to 14 guests. As noted above, as a previously approved permit this property is allowed to exceed the 4-bedroom limit until a change of ownership occurs.
- 2) This is a renewal application for PL19-028. To the best of our knowledge there are no reported code violations or police calls regarding the subject property.
- 3) The minimum rental period will be two nights.
- 4) The site plan indicates 8 off-street parking spaces: one in the garage and 7 on the driveway. Applicant has been made aware that front yard parking is not allowed.
- 5) The applicant has indicated they will allow motorhomes or trailers in the driveway.
- 6) The site plan indicates an attached deck as an outdoor amenity.
- 7) The adjacent residential properties are screened by existing dense trees and shrubs, satisfying the requirements of UDC 50-20.3.V.7.
- 8) 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 Karley Frey as the local contact.
- 9) 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.
- 10) 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").
- 11) There are currently 169 licensed vacation dwelling units in the city, with 84 of those in form districts; the remaining 85 are subject to the cap of 110. The subject property is located within a residential traditional zone district and is subject to the cap.
- 12) No public, agency, or City comments were received.
- 13) 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.

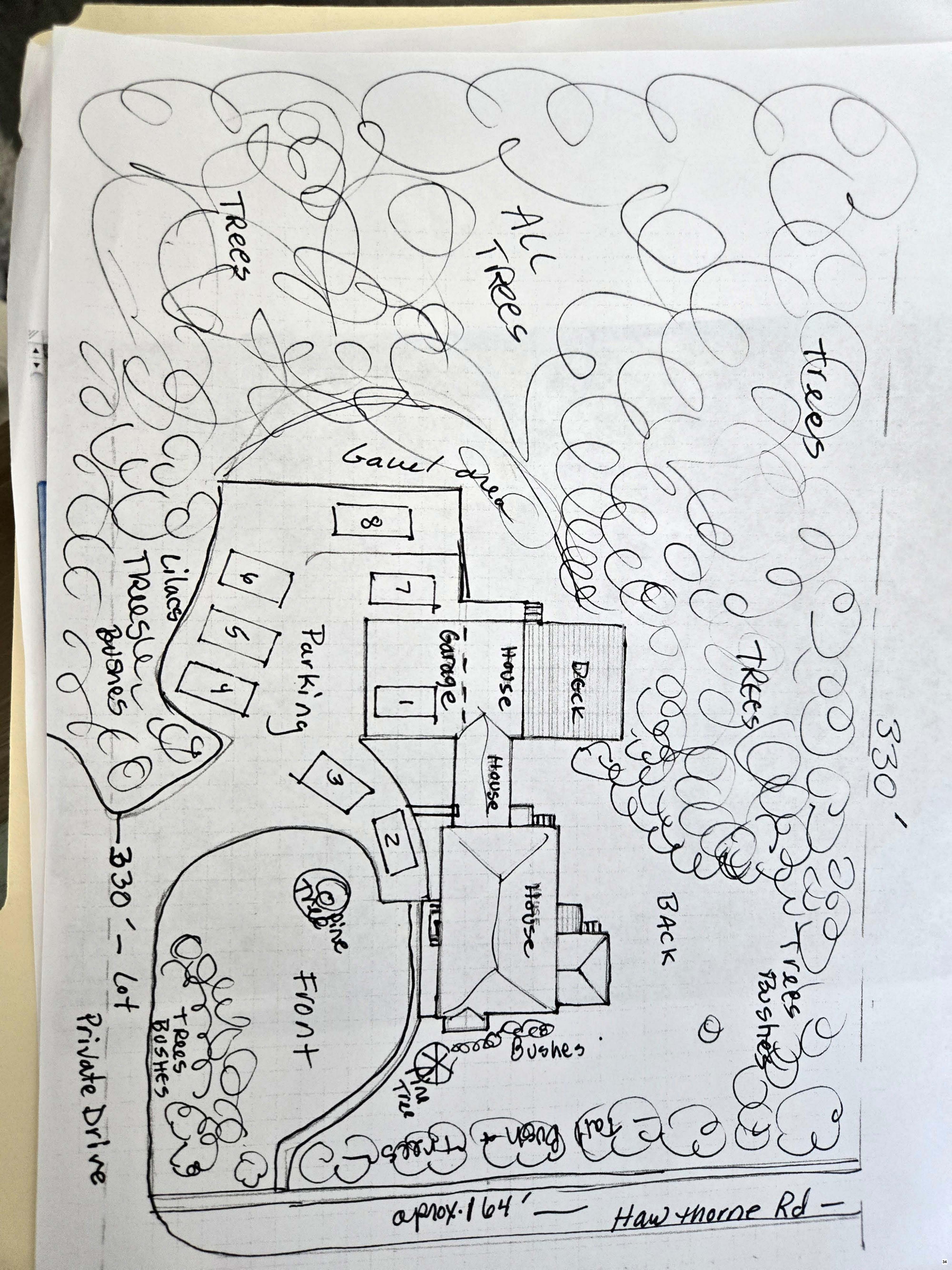


PLIUP-2502-0007

Interim Use Permit 124 N Hawthorne Rd

100 50 Feet Prepared by: City of Duluth Planning & Economic Development, March 6, 2025, Source: City of Duluth. Aerial Imagery Captured 2019

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Planning & Development Division

Planning & Economic Development Department

Room 160 411 West First Street Duluth, Minnesota 55802



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| Eile Nouskau | PLSUP-2502-0035 Contact Jason | | | | con Mozal impozal@duluthmn.gov | | |
|-------------------|-----------------------------------|------------------------------|--------------|----------------------------------|--------------------------------|--------------------------------|--|
| File Number | PLSUP-25 | 002-0035 | Contact | | Jason Mozo | ol, <u>imozol@duluthmn.gov</u> | |
| Туре | Special U | se Permit – Restaurant | Planning Cor | nmissio | n Date | March 27, 2025 | |
| Deadline for | Application Date | | February 14, | February 14, 2025 60 Days | | April 15, 2025 | |
| Action | Date Extension Letter Mailed | | March 5, 202 | March 5, 2025 | | June 14, 2025 | |
| Location of Sub | ject | 601 N 56 th Ave W | | | | | |
| Applicant | Bailey Bu | ilds Collective LLC | Contact | Nathar | niel Bailey | | |
| Agent | | | Contact | | | | |
| Legal Description | on | PID 010-4510-06850 | Sign Notice | Sign Notice Date | | March 13, 2025 | |
| Site Visit Date | Site Visit Date February 28, 2025 | | Number of | Number of Letters Sent | | 76 | |

Proposal

Applicant is proposing a coffee shop within an existing building that is also occupied by retail and a maker's space. A Restaurant use with less than 5,000 sf requires a Special Use Permit in the MU-N district.

Staff Recommendation

Staff recommends approval, with conditions.

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

Summary of Code Requirements

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

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

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

Governing Principle #1- Reuse previously developed lands.

Governing Principle #5 – Promote reinvestment in neighborhoods. Support neighborhood scale commercial areas.

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

Governing Principle #9- Support private actions the contribute to the public realm.

Cities have evolved as a mix of land uses, building types, housing types, and activities. This coffee shop contributes to the diversified uses present on this site. This coffee shop will be in a building that has gone through a number of redevelopments, will provide a neighborhood gathering place, and will support a local business in expanding their services within the primarily residential neighborhood.

Future Land Use

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

History

The property consists of two single-family homes and a garage that were combined at an unknown date. Previously, the building was occupied by a mortuary before its current use by the Bailey Builds Collective as a retail and maker space.

Review and Discussion Items:

Staff finds that:

- 1) Applicant proposes to open a coffee shop that will augment and diversify the existing uses on the property. The proposed coffee shop is classified by the UDC as a restaurant and will occupy 351 ss/ft of the existing structure which is less than the 5,000 sq/ft maximum allowed in the M-N district. No drive-through will be constructed or used. A walk-up window will provide service to pedestrians on the patio space in the front of the property.
- 2) The applicant anticipates operating hours to be between 7am and 7pm. To remain consistent with what is permitted by the UDC, the coffee shop will be allowed to operate from 7am to 10pm.
- 3) As demonstrated in the governing principles above, this proposal meets the goals of the comprehensive plan.
- 4) UDC Sec. 50-24 (Parking and loading). The site is proposed to contain 14 off-street parking spaces, two ADA accessible. On-street parking is available in this location.
- 5) UDC Sec. 50-25 (Landscaping and Tree Preservation). The two street frontages of the building contain shrubs and landscape plantings along the sidewalk. The parking lot will need to be 30% shaded by trees and compliance with this standard will be confirmed through the building permit application process. The adjacent residential property is screened by an existing 6-foot fence. This fence does not satisfy the standards established in Sec 50-25.5 since there are not shrubs planted along the external facing side of the fence. During the building permit application process, the applicant may submit an alternative landscaping plan, in accordance with Sec 50-25.8, identifying unique site conditions and alternative methods to satisfy screening requirements. Additional landscaping requirements do not apply since the proposed renovation does not exceed 75% of the market value of the building.
- 6) UDC Sec. 50-26 (Screening, Walls and Fences). Trash and recycling containers will be screened by being stored in the proposed shed in the NW corner of the site. If any exterior mechanicals are added, these will need to be screened as well.
- 7) UDC Sec. 50-29 (Sustainability Standards) and UDC Sec. 50-30 (Building Design Standards). These do not apply since this is reuse of an existing building without expansion of the building square footage.
- 8) UDC Sec. 50-31 (Exterior Lighting). If any exterior lighting is proposed, it will need to meet all UDC requirements; this will be confirmed at the time of building permit application.
- 9) As demonstrated by the above findings, this proposal meets all application provisions of the UDC.
- 10) The proposed coffee shop will not result in a random pattern of development or have anticipated negative fiscal or environmental impacts.
- 11) No public, agency, or City comments were received.

Staff Recommendation

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

- 1) The project be limited, constructed, and maintained consistent with plans submitted with the application.
- 2) Proposed coffee shop will operate between the proposed hours of 7:00 a.m. and 10:00 p.m.
- 3) Landscaping and exterior lighting will be confirmed at the time of building permit application; exterior lighting must not trespass on neighboring properties.
- 4) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PLSUP-2502-0035

Special Use Permit 601 N 56th Ave W

Legend

Zoning Boundaries
Road or Alley ROW

County Parcel Data

616 N 57TH AVE W R-1 (Residential 611 N 56TH 612 N 57TH **AVE W AVE W** N 56th Ave W 608 N 56TH **AVE W** AVE W 606 N 56TH 601 N 56TH AVE W **AVE W 5615 CODY ST** 5611 CODY ST **MU-N (Mixed Use** Cody St 5608 COY S115 30 90 60 38 Aerial Imagery Captured 2019 Prepared by: City of Duluth Planning & Economic Development, March 6, 2025. Source: City of Duluth.

AVE W

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

UDC SUMMARY

Article 2: Zone Districts

50-15.2 Mixed Use-Neighborhood (MU-N)

Minimum lot frontage: Minimum front yard setback: Smaller of 20 ft or avg. of adjacent

Minimum side yard setback: 15 ft (non-residential use adjacent to residential district or use)

Minimum side yard setback: 0 ft (non-residential use adjacent to non-residential district or use)

Minimum rear yard setback: 25 ft Maximum overall height: 45 ft (non-residential use)

Article 3: Permitted Uses

Table 50-19.8 Primary Use: Office

> Accessory Uses: Retail Store

Manufacturing, craft artisan production shop or artisan studio

Article 4: Development Standards

Section 50-24: Parking and Loading 50-24.2 Required Parking Spaces

Retail Store- 3 spaces per 1,000 S.F. of gross floor area (1,510 S.F. = 3 spaces) Light Manufacturing-1 per 1,000 S.F. of gross floor area (3,050 S.F. = 3 space) Office- 2.5 spaces per 1,000 S.F. of gross floor area (4,450 S.F. = 11 spaces) -17 spaces required

50-24.3 Adjustment to required off-street parking

A. Proximity to transit

1. The minimum number of off-street parking spaces required for any development or redevelopment lands may be reduced by 30 percent if they are located within 1/4 mile of existing Duluth Transit Authority routes in operation for one year, or they may be reduced by 20 percent if located within 1/2 mile of any Duluth Transit Authority transit center, as indicated by a "T" on Exhibit 50-24.3-1. Note: property is located on route 03, 30% reduction = 5 spaces

B. Sharing of parking spaces

1. General-Where two land uses listed in separate use categories in Table 50-19.8 share a parking lot or structure, the total off-site parking required for those uses may be reduced by the factors shown in Table 50-24-2. Total off-street parking required shall be the sum of the two parking requirements for the two uses divided by the factors in Table 50-24-2. If uses in three or more categories of Table 50-19.8 share a parking lot or structure, the land use supervisor shall determine the parking reduction based on the relative sizes of the various uses and the reduction factors listed in Table 50-24-2. Note: a reduction factor of 1.2 may be used.

-10 parking spaces are required in total Section 50-25: Landscaping and Tree Preservation

Note: Not required. The value of the renovation is less than 75 percent or more of the pre-application assessor's market value of the primary structure, as shown in the records of the city assessor.

Section 50-26: Screening, Walls & Fence

50-26.3 Screening and Location of Commercial Containers

C. Screening of commercial containers. 1. Not adjacent to structure wall. Commercial containers that are not located adjacent to a wall of an existing principal or

accessory structure shall be screened from view as follows: (a) On three sides with a wall constructed of masonry, brick, wood, stone, or similar material and at least as tall as the container being screened;

(b) On the fourth side a gate constructed of wood or metal and at least as tall as the container being screened.

Section 50-27: Signs 50-27.3 Design and construction standards

F. Required landscaping.

All freestanding signs, except in lots zoned I-G and I-W, must be landscaped at the base of the sign in accordance with the following: 1. Freestanding signs must be landscaped with small shrubs a minimum of 18 inches in height at planting, spaced appropriately based on mature height and spread to provide continuous screening of sign base once shrubs have reached maturity. The remainder of the landscape area must be planted with perennials, turf or other live groundcover; 2. Landscape must extend a minimum of two feet from the sign base on all sides. If this two foot area extends into the right-of-way, landscape is not required within the right-of-way area. All landscape must be maintained in good condition, and free and clear of rubbish and weeds. Landscape around the base of a sign is included in the total amount of landscape required on a site, if applicable; 3. There is no requirement regarding the mature height of landscape,

though landscape must be tailored to the scale of the sign. Landscape may be trimmed and maintained along the sign base to maintain visibility of the sign face;

50-27.6 Signs and activities exempt from permit requirements.

A. Alternation and maintenance operations.

The following activities are exempt from a zoning permit: 1. Painting, repainting, cleaning, and/or other normal maintenance and repair of a sign, not involving structural alterations or changes in the electrical components of the sign. Repairs to existing permitted illumination components are also exempt from sign permit requirements; 2. Changing of the message of an existing changeable message sign or electronic message sign; 3. Changing the sign face within an existing legal sign structure, provided

no alterations are made to the sign structure and the sign area, sign height or any other dimension of the sign;

Section 50-31: Exterior Lighting

50-31.1 Applicability A. General

Unless excepted in subsection B below, all exterior lighting on lots and parcels in any zone district that contain a primary structure with a multi-family, mixed use, commercial, institutional, industrial or parking principal use, when any of the following conditions occur shall comply with the standards of this Section 50-31:

4. The primary structure is renovated or redeveloped (including but not limited to reconstruction after fire, flood or other damage), and the value of that renovation or redevelopment, as indicated by building permits, is more than 25 percent of the market value of the land and

buildings, as indicated by tax assessor's records 50-31.3 Design and Illumination Standards

All exterior lighting regulated by this Section shall not be altered or replaced except where the alteration or replacement would comply with the provisions of this Section. All exterior lighting shall meet the following design standards:

A. Any light source or lamp that emits more than 900 lumens (13 watt compact fluorescent or 60 watt incandescent) shall be concealed or shielded with an Illuminations Engineering Society of North America (IESNA) full cut-off style fixture with an angle not exceeding 90 degrees, with 90 percent of the light below 80 degrees. Exterior lighting shall be designed, constructed, and maintained in a manner that minimizes off-site glare, light trespass on adjacent property, and traffic hazards for pedestrian and

motorists; B. All lighting shall have the intensities and uniformity ratio consistent with the IESNA lighting handbook, and shall be designed and located so that the illumination measured in footcandles at the finished grade shall comply with the standards in Table 50-31-1, Minimum and Maximum Illumination Values. All exterior lighting shall meet the requirements of the Minnesota State Energy Code, except for temporary decorative seasonal lighting;

STREET VIEW - 56TH AVE. W.



STREET VIEW - CODY ST.

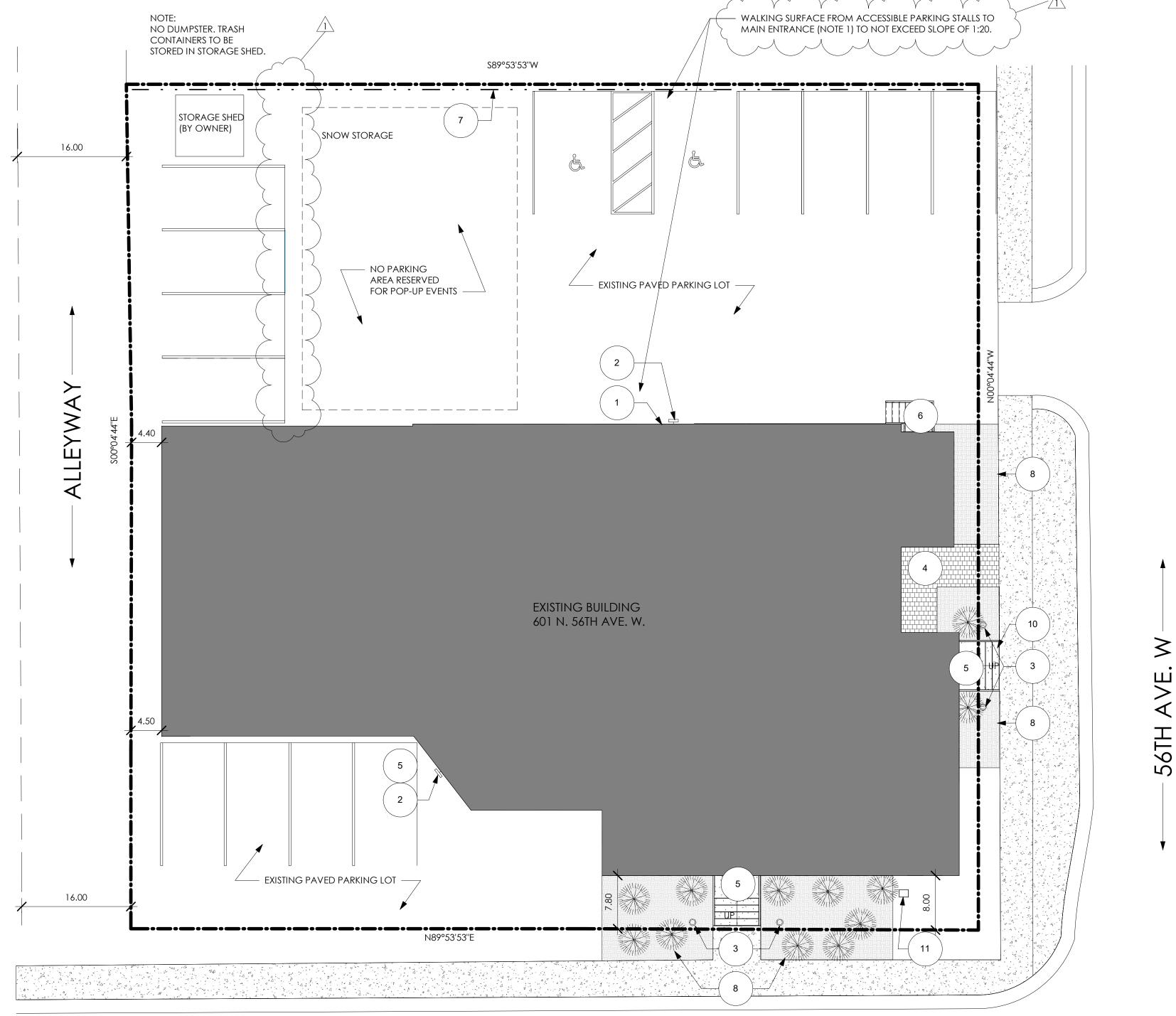


SITE PLAN NOTES:

1. SEE ALTA SURVEY FOR MORE INFORMATION.

2. LEGAL DESCRIPTION: LOTS 12, 13, 14, 15 AND 16, BLOCK 162, WEST DULUTH, FIFTH DIVISION, ST. LOUIS COUNTY, MINNESOTA.

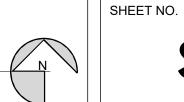
SITE KEYNOTES DESCRIPTION KEYNOTE EXISTING ACCESSIBLE ENTRANCE. EXISTING WALL MOUNTED LIGHT FIXTURE EXISTING POLE LIGHT FIXTURE, 4'-0" H EXISTING BRICK PAVERS TO REMAIN. EXISTING EXIT NEW EXTERIOR DOOR EXISTING 6'-0"H PRIVACY FENCE TO REMAIN. EXISTING LANDSCAPED AREA EXISTING CANVAS COVERED CANOPY TO BE REMOVED. EXISTING POST MOUNTED SIGN TO REMAIN.





1 SITE PLAN

SITE / 1" = 10'-0"



>

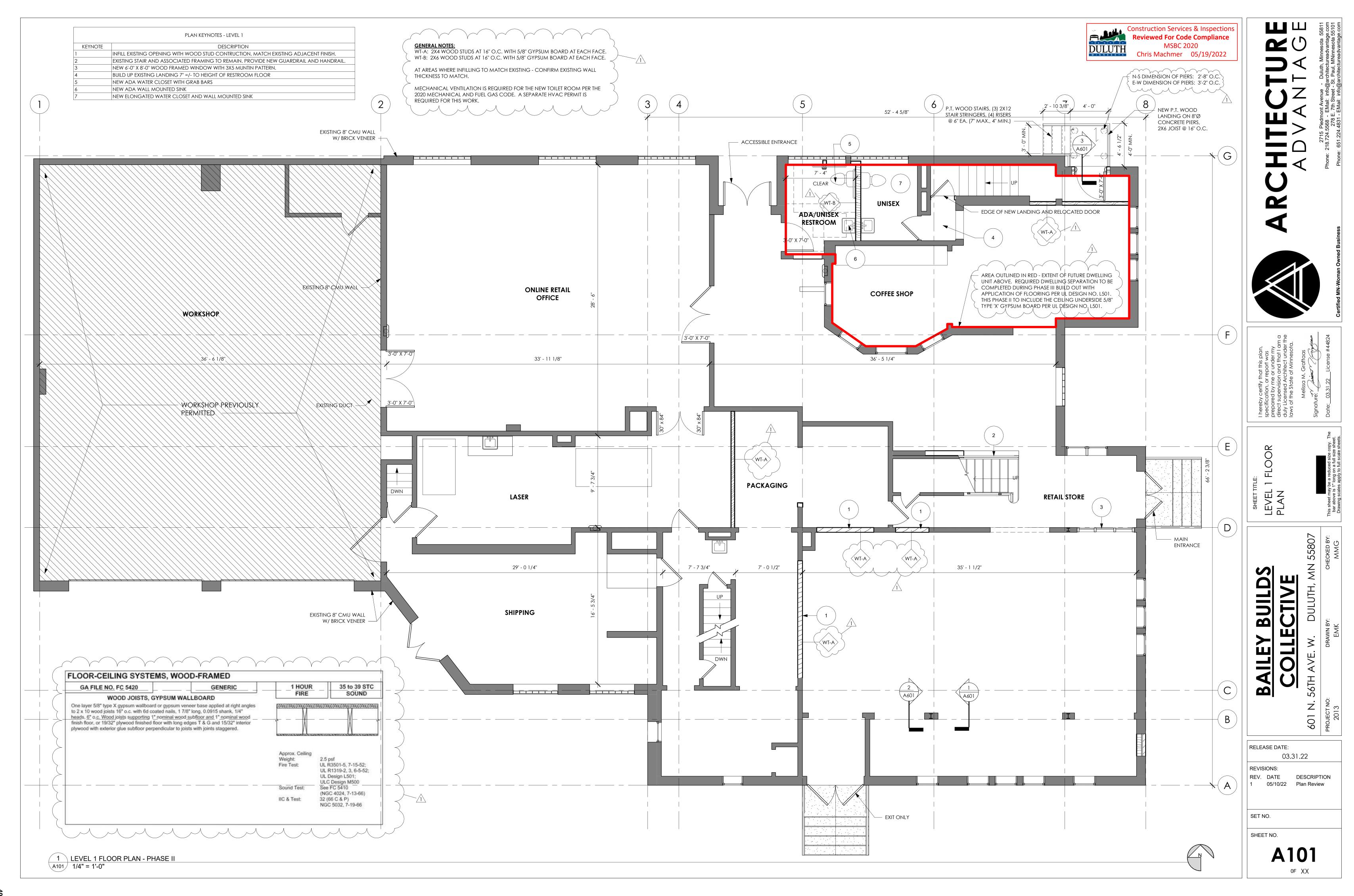
SITE

RELEASE DATE: 03.31.22 REVISIONS:

05/10/22 Plan Review

DESCRIPTION

REV. DATE





Planning & Development Division

Planning & Economic Development Department

Room 160 411 West First Street Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

| File Number | PLSUB-2411-0007 | | Contact | | Chris Lee, clee@duluthmn.gov | |
|--------------------------|------------------------------|--------------------------------------------------------------------------------|------------------------|----------|------------------------------|-------------------------|
| Туре | Final Plat | | Planning Co | mmissior | n Date | March 27, 2025 |
| Deadline Applicat | | ion Date | November 26, 2024 | | 60 Days | January 25, 2025 |
| for Action | Date Extension Letter Mailed | | December 20, 2024 | | 120 Days | May 25, 2025 (extended) |
| Location of Subject Adja | | Adjacent to Harbor Highlands Drive, west side of Harbor Highlands Neighborhood | | | | |
| Applicant | Duluth HI | RA | Contact Jill Keppers | | | |
| Agent | One Roof | Community Housing | Contact Debbie Freeman | | | |
| Legal Description | | PIN: 010-3920-00020 | | | | |
| Site Visit Date | | December 20, 2024 | Sign Notice Date | | 1 | N/A |
| Neighbor Letter Date | | N/A | Number of Letters Sent | | ent | N/A |

Proposal:

Approval of the final plat of HARBOR HIGHLAND FIRST ADDITION to provide for platting a 3.3 acre unplatted parcel into 24 lots and 1 outlot.

Staff Recommendation: Approval of the final plat, subject to included conditions.

| | Current Zoning | Existing Land Use | Future Land Use Map Designation |
|---------|----------------|--------------------|---------------------------------|
| Subject | R-P | Vacant/Undeveloped | Urban Residential |
| North | R-P | Vacant/Undeveloped | Open Space/Urban Residential |
| South | R-P | Residential | Urban Residential |
| East | R-P | Undeveloped | Urban Residential |
| West | MU-P | Residential | Open Space |

Summary of Code Requirements:

The planning commission shall approve the application, or approve it with modifications if it determines that the application meets the following criteria (Section 50-37.5.H.3):

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

Once approved, the applicant shall file the plat in the office of the County Recorder within two years or the approval will lapse per Section 50-37.5.H.4.

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

Governing Principles

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

- Governing Principle #7 Create and maintain connectivity. A condition of the preliminary plat approval of this subdivision was to provide the potential for road and pedestrian connection for Lake Avenue.
- Housing Policy #2 Provide affordable, attainable housing opportunities. These parcels are creating homes in a high demand market.
- Housing Policy #4 Improve the quality of the city's housing stock and neighborhoods. This subdivision will provide building lots for new housing development for targeted income levels.

<u>Future Land Use</u> – Urban Residential: Greatest variety of residential building types, medium to high densities. Applicable to larger infill areas close to downtown, entertainment or activity centers, and waterfront residential areas. May include student housing areas, live/work units, and limited neighborhood retail. Connected or adjacent to parks and open space.

Zoning

Residential Planned (R-P): The R-P district is established to provide a flexible development option for residential projects that integrate creative site design, provide a variety of housing types, provide unique on-site amenities, conserve natural features, increase pedestrian connectivity, or otherwise result in a final product that provides a greater level of public benefit than would be required under the existing zone district.

Site History

This area is part of the Harbor Highlands Traditional Neighborhood Development (TND). This TND was initially approved in November 2002 with its most recent amendments made in July 2022. On August 20, 2024, the Preliminary Plat of Harbor Highlands First Addition approved by Planning Commission (PLSUB-2406-0003).

Review and Discussion Items:

Staff Finds:

- 1) The proposal will plat 3.3 acres of unplatted land to form a new plat called the Harbor Highlands First Addition that consists of 24 residential building lots.
- 2) At the August 20, 2024, Planning Commission Meeting, Commissioners asked about the history, lot size, and ownership. The proper is owned by the Duluth HRA but has given One Roof the rights to develop the property for housing.
- 3) The Planning Commission's approval of the Preliminary Plan was conditioned on the following:
 - a) Prior to undertaking any site work, the following conditions shall be met:
 - i. The development agreement and final plat shall be recorded;
 - ii. All necessary permits shall be obtained;
 - iii. Erosion control measures shall be installed and inspected by appropriate city officials;
 - b) The development agreement must be recorded prior to the Planning Commission President and Secretary signing the Final Plat.
 - c) A proposed Lake Avenue connection to the Incline Village site. Applicant has failed to meet the condition; the current landowner, Duluth HRA, has stated the property has a HUD declaration of trust over the property that prevents this from being platted as right-of-way at this time. Staff has reviewed the current conditions on the property and recommends approval of the final plat.
- 4) The final plat is consistent with the comprehensive land use plan designation of this site, which is urban residential allowing a mix of densities and uses. The final plat is located in an area of the city with adequate police, fire, and emergency facilities to serve the anticipated housing development. Staff finds that, other than the items addressed above and referenced in the recommendations below, the preliminary plat conforms to the requirements of Sec 50-37.5. and is consistent with all applicable requirements of MSA 462.358 and Chapter 505.
- 5) As required under UDC Sec. 50-37.5.H.3.c., Applicant will sign a development agreement committing to the construction of unfulfilled conditions within two years after the approval of the final plat.
- 6) No citizen or City comments have been received to date.

Staff Recommendation:

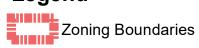
Based on the above findings, Staff recommends that Planning Commission approve the final plat subject to the following conditions:

- 1. The Planning Commission President shall not sign the plat until the development agreement has been approved by City Council and signed by the applicant.
- 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 administrative approval shall constitute a variance from the provisions of Chapter 50.

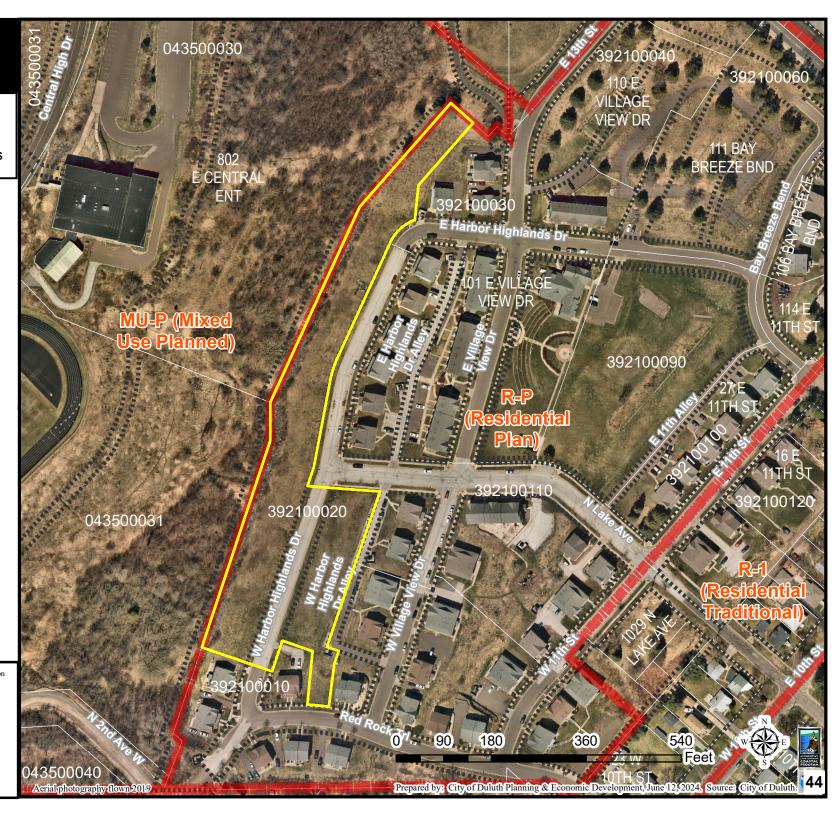


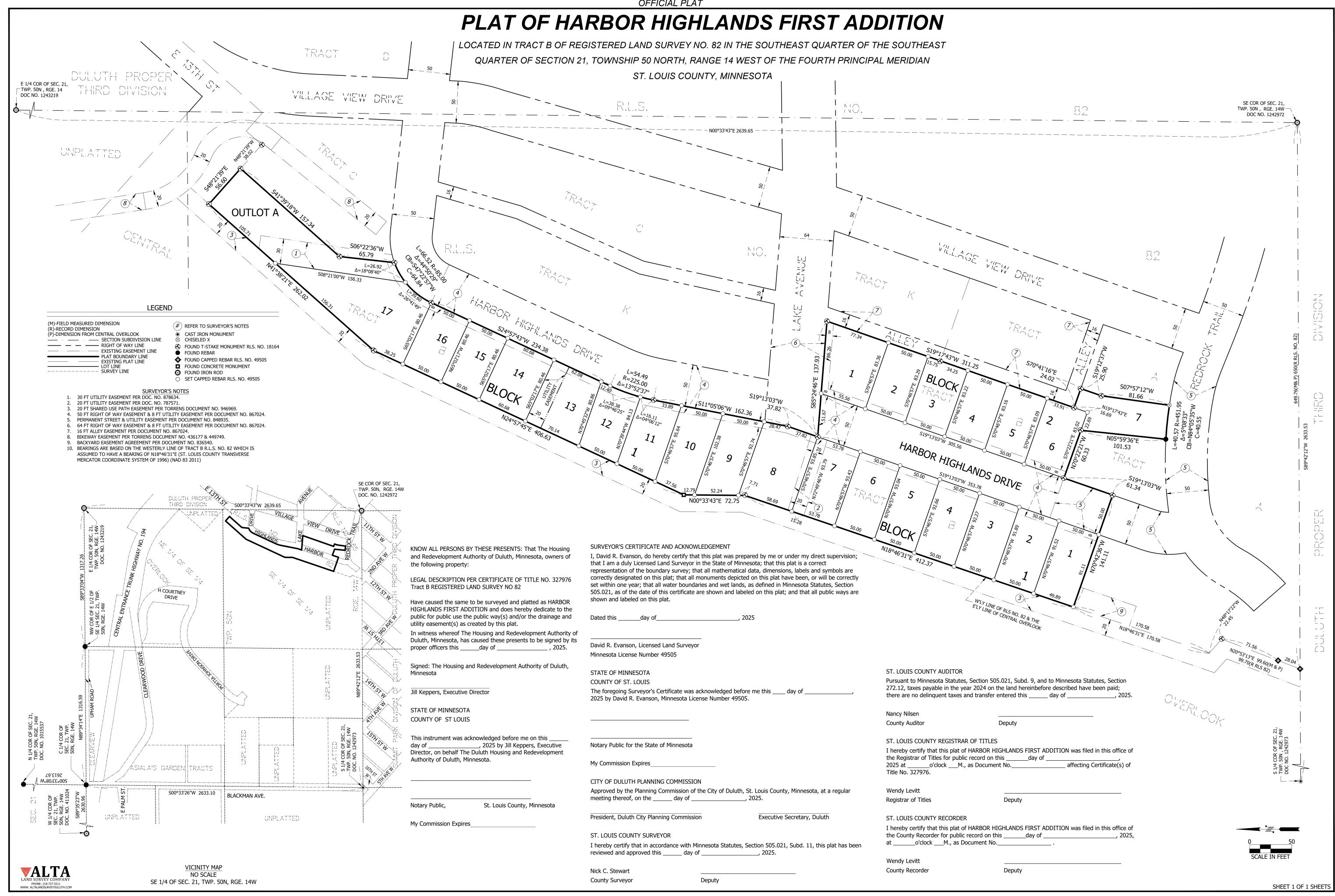
PLSUB-2411-0007 Final Plat 010-3921-00020

Legend



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Planning & Development Division

Planning & Economic Development Department

Room 160 411 West First Street Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

| File Number | PLUMA-2502-0001 | | Contact | | Jason Mozol, jmozol@duluthmn.gov | | |
|----------------------------------|------------------------------|----------------------|------------------------------|--------------------------|----------------------------------|----------------|--|
| Туре | UDC Map | Amendment-R-1 to R-P | Planning Co | Planning Commission Date | | March 27, 2025 | |
| Deadline | Application Date | | March 5, 2025 60 Days | | 60 Days | May 4, 2025 | |
| for Action | Date Extension Letter Mailed | | March 5, 20 | 25 120 Days | | July 3, 2025 | |
| Location of Subject | | 2732 Woodland Ave | | | | | |
| Applicant | Force 1 L | LC | Contact | Contact Brian Forcier | | | |
| Agent | N/A | | Contact N/A | | | | |
| Legal Description 010-4680-01265 | | | | | | | |
| Site Visit Date | | March 7, 2025 | Sign Notice | Sign Notice Date | | March 11, 2025 | |
| Neighbor Letter Date | | March 11, 2025 | Number of | Number of Letters Sent | | 53 | |

Proposal

Applicant is requesting a UDC Map Amendment (rezoning) from R-1 to Residential-Planned (R-P) to construct two multifamily buildings on the property.

Staff Recommendation

Staff recommends that the Planning Commission recommend approval of the rezoning amendment to the City Council (via ordinance).

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

Summary of Code Requirements

- UDC Sec. 50-14.7.E: The establishment of an R-P district requires rezoning the property per Section 50-37.3 from a current zone district to R-P and the approval of an R-P regulating plan per Section 50-37.11. that governs the uses, location, density, dimensional standards and character of the proposed project.
- UDC Sec. 50-37.3.C: The Planning Commission shall review the application, and Council shall approve the application or approve it with modifications, if it determines that the application: 1. Is consistent with the Comprehensive Land Use Plan; 2. Is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use; 3. Is required by public necessity, convenience, or general welfare, or good zoning practice; 4. Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible.

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

Governing Principles

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

Cities have evolved to be a mix of land uses, building types and housing types that is an ever-constant balance for neighborhoods and the City as a whole. R-P rezonings allow for an expansion of uses and buildings with process to protect against development that is out of character with the area.

Future Land Use

Open Space: High natural resource or scenic value, with substantial restrictions and development limitations.

Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys.

History

The parcel was previously used for a single-family home. The primary structure was demolished in 2013. Currently, the site is occupied by a two-car garage. A driveway provides access to the site from Woodland Ave.

Review and Discussion Items:

Staff finds that:

- 1. The subject property incorporates a total of 8.14 acres. The area is currently zoned R-1 (Residential-Traditional).
- 2. Applicant proposes rezoning to Residential-Planned (R-P). The R-1 district is identified in Table 50-14.7-2 as eligible to be rezoned to R-P.
- 3. As part of the Map Amendment process, an R-P plan identifying uses, density, and height is required. The comprehensive plan primarily identifies this area as "Traditional Neighborhood" with a goal density of 4-8 units per acre. 5.36 acres of the applicant's property is identified as developable with a proposed density of 14 units per acre. This allows for a maximum of 75 units. The remaining 2.78 acres would be kept as common open space. Taken as a whole, the total density for the 8.14 acre site would be no greater than 9.2 units per acre
- 4. Permitted uses are identified in the attached memo. Permitted residential uses include single-family, two-family, townhouse, multi-family, and live work.
- 5. The applicant has requested a maximum height of 45 feet. This is a 50% modification from the underlying R-1 standard as permitted in Table 50-14.7-1 if the application demonstrates avoidance of substantial impacts to views from uphill sites.
- 6. The R-P district requires a minimum of 30% of the area of the project be kept in open space; applicant is proposing to preserve 34% of the project as open space. This area includes high quality maple trees, a vegetated buffer around the perimeter of the site, and a shoreland buffer to protect the adjacent tributary to Tischer Creek.
- 7. An R-P district requires a level of public benefit that exceeds what would be required in the underlying zone district. The proposed R-P District identifies preservation of 34% of the area as permanent open space. In addition to the open space, the public benefit includes a connector trail/sidewalk with pedestrian access through the development from Woodland Ave to Wadena St.
- 8. As adopted with the comprehensive plan (Imagine Duluth 2035), the Future Land Use for the area is a mix of Open Space and Traditional Neighborhood. Although the Future Land Use Map shows Traditional Neighborhood as a preferred development pattern, staff finds that the proposed R-P district meets the intent of providing a mix of housing types, while implementing aspects of conservation design. The establishment of common open space meets the goals of the Open Space designation by substantially restricting development of areas with high natural resource value. This proposed R-P district implements the future land uses, development goals, and natural resource preservation goals of the comprehensive plan.
- 9. A public meeting is required in advance of an application for a UDC Map Amendment to R-P. A meeting was held on Monday, January 27, 2025, with 14 people in attendance. Attached is an outline of the discussion topics from the meeting.
- 10. Attached is public comment representing 21 individuals in opposition and 8 in support.
- 11. City engineering staff commented that water, gas and sewer are available to the site with adequate capacity. Services meeting City standards for storm water treatment and fire protection are required.
- 12. This amendment will not create material adverse impacts on nearby properties due to the requirements contained in City ordinances such as stormwater, landscaping and buffering, shielding of exterior lighting, screening of trash and mechanical equipment, and the establishment of a vegetated buffer surrounding the site.
- 13. The development must receive approval of a regulating plan in accordance with Sec 50-14.7.H and follow all applicable building and fire code standards and other regulations related to life safety.

Staff Recommendation:

Based on the above findings, staff recommends to Planning Commission that the proposed amendment to change the building, lot configuration, and use of the R-P Regulating Plan as depicted in the attached Exhibits be recommended for approval by City Council for the following reasons:

- 1) This proposal is consistent with the Comprehensive Land Use Plan.
- 2) The proposed R-P District is consistent with the future land use categories "Open Space" and "Traditional Neighborhood"
- 3) Material adverse impacts on nearby properties are not anticipated or will be mitigated.



PLUMA-2502-0001

Rezone 2732 Woodland Ave

Legend

Zoning Boundaries

Road or Alley ROW

County Parcel Data

10' Contour (elev. change)

ROW



Utility, Active



Access, Active currently in use



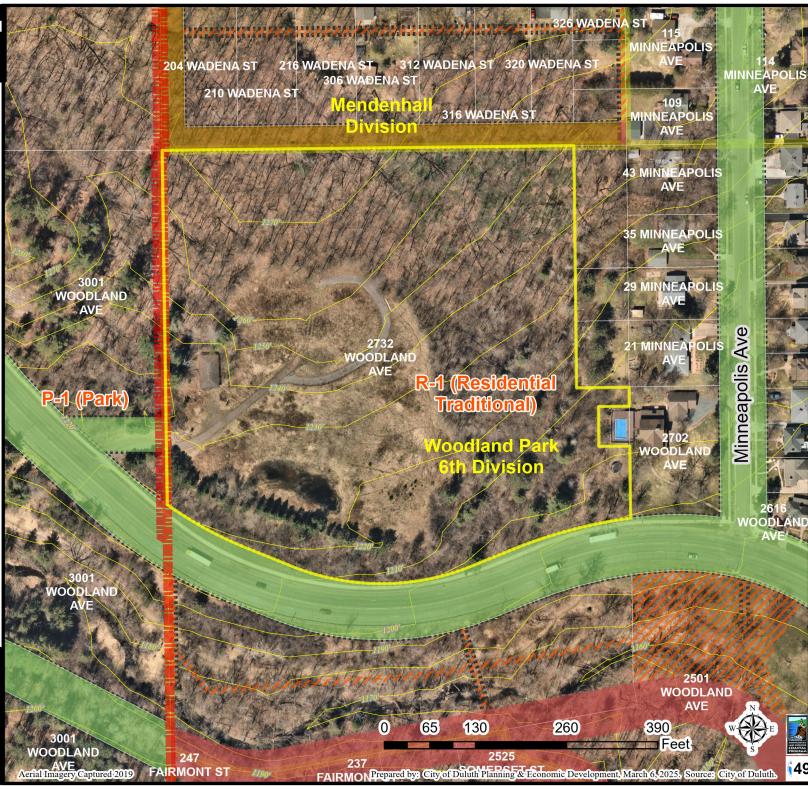
Road, Active - currently in use

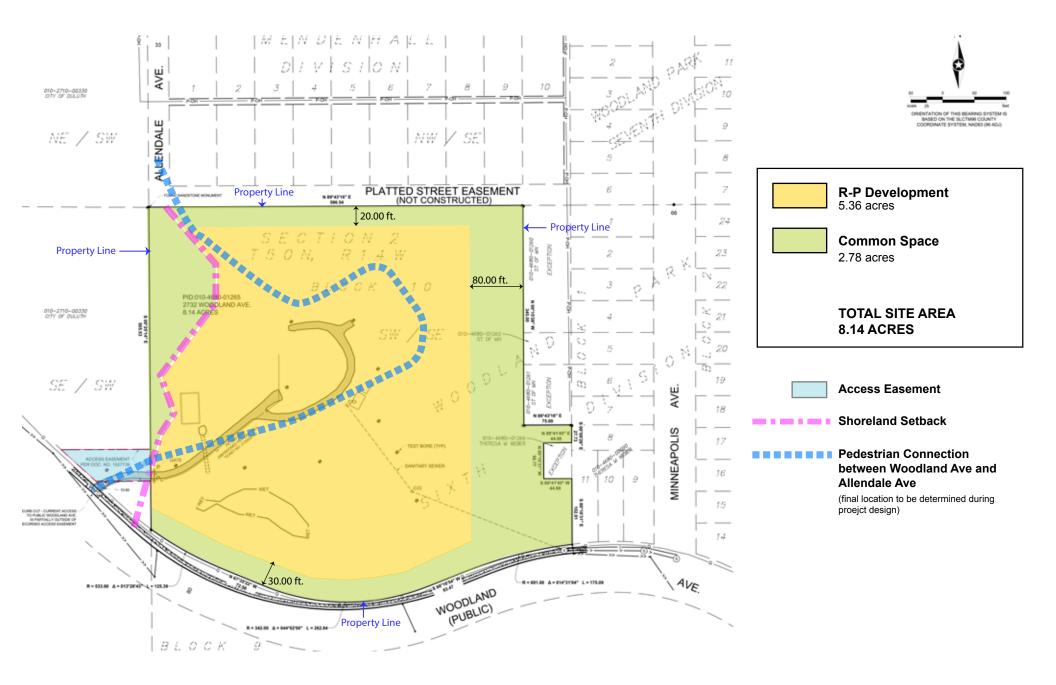


Road, Vacated - vacated via recorded document

<all other values>

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2732 Woodland Avenue



MEMO

project Woodland Development

project # 25021.00

date 3.4.2025

subject Re-Zoning Documentation-REVISED

from DSGW Architecture

to City of Duluth

cc NCE

Titanium Partners

T2 Inc.

PROJECT NARRATIVE (Rev -3/4/2025) **REQUIRED ACTION: RE-ZONE FROM R-1 TO R-P**

Lot Metrics

Total Site Area 8.14 acres Minimum Common Space (30% of Site Area) 2.44 acres

Proposed Common Space Site Area 2.78 acres - 34.2%

5.36 acres - 65.8% Residential Site Area

Proposed Density Unit per Acre of Residential Site 14 per acre (maximum 75 units)

Proposed Density Unit per Acre of Total Site 9 per acre

Modifications Allowed (per Table 50-14.7-1)

Distance from property lines no modification no modification Lot Frontage no modification Lot Area

50% increase to the 30 feet allowed by R-1= 45 ft **Building Height**

1.5 spaces per dwelling unit in indoor garage or exterior lot Parking

no modification Landscaping no modification Street Cross-section

Permitted Uses (per Table 50-19.8) **RESIDENTIAL USES Household Living**

Dwelling, Single Family



MEMO

- Dwelling, Two Family
- Dwelling, townhouse
- Dwelling, Multi Family
- Dwelling, Live Work

Group Living (per Table 50-19.8)

PUBLIC, INSTITUIONAL AND CIVIC USES (per Table 50-19.8) COMMERICAL USES (per Table 50-19.8) INDUSTRIAL USES (per Table 50-19.8) ACCESSORY USES (per Table 50-19.8) TEMPORARY USES (per Table 50-19.8)

Narrative of Public Benefits

The public will benefit from the zoning change to R-P as the site will become much more feasible for construction of housing. The existing site is very challenging due to a steep hillside and presence of underlying ledge-rock. The site can be developed for single family homes, but the cost for excavation, rock removal and utility work would price the lots beyond that of an average home buyer. By allowing multi-family development, the site becomes much more feasible to provide needed new housing for the City of Duluth. Benefits of multi-family development:

- 1. Preservation of Greenspace
 - Multi-family requires much less site development then single-family lots.
 - Less site work equates to greater retention of open space, trees and buffers
 - No impact to Tischer tributaries and related flood plain
 - Minimal disturbance to existing views from existing homes
- 2. Efficient use of Streets
 - Multi-Family is compact in development which equate to less roads and impervious surfaces.
 - Reduction of impervious surface equates to reduced stormwater management.
- 3. Recreation Facilities
 - The site will provide access to adjacent amenities.
 - Trail access to Woodland Community Center recreation area and Fryberger Arena
 - Site access to Woodland Avenue with connections to the Traverse Trail and Hartley Trails.
 - Bus route access at Woodland Avenue.
- 4. Access to Bike lanes and Trails
 - Sidewalks to Woodland Avenue and connecting trails
 - Trail access to north property with connection to Woodland Community Center
 - The site is currently zoned R-1 which has no requirements for connections to transit and access to bike lanes. The proposed R-P will include public connections which would otherwise have not existed with the R-1. Thus, the R-P provides better connectivity than R-1.
 - The proposed trails and connections will be both for residents and Public.
- 5. Pedestrian Services
 - Patios, benches and gathering areas for residents
 - Pedestrian scaled night sky friendly lights



MEMO

- 6. Compact Residential Development
 - Multi-family development requires less site area as it is vertical in organization, as opposed to greater site area for the horizontal organization of single-family lots.

END OF MEMO

To whoever it may concern

I am against the condominium project that I found out about yesterday,

In this era of unusual weather, destroying trees + other natural vegetation is the last thing "we" should be doing.

There are plenty of apartment bldg.s in the area already, No word for any more. Doing the opposite of what is the greater good is No way to Live.

Sincerely,
Parry Lw. Anderson
406 W. Redwing St.
DULOTh) MNI



Sent: Tuesday, March 18, 2025 11:49 AM
To: planning <planning@DuluthMN.gov>
Subject: No Condos in Woodland

I sent a email to my City Councilor but she doesn't feel she needs to reply. I have been a Woodland resident for over 30 years. I was fortunate I could purchase my first home when housing prices were affordable. I object to changing the zoning and putting in luxury condos. Why not a couple of affordable homes the first time homebuyers could afford? Last years revamped Woodland Ave would increase traffic accidents in that area. Wildlife inhabit that area. What guarantee is there that the Developers would finish the Condos? I notice the ones on London Road are unfinished and uninhabited. What makes you think this would not happen in Woodland. We are a great neighborhood with single family home dwellers. Let's keep it that way! Jill Bianchet Smith 5 W Owatonna St

Sent: Tuesday, March 4, 2025 6:05 PMTo: planning <planning@DuluthMN.gov>Subject: Concerns - Rezoning 2732 Woodland Ave

Hunter Boadwine 2616 Woodland Ave, Duluth, MN 55801

Hello,

I am writing urgently to express my strong opposition to the proposed development of two luxury condominium buildings near Hartley Nature Center. My primary concern revolves around the anticipated increase in traffic and pedestrian activity in the already hazardous winding hill section of Woodland. It is disheartening to witness the gradual encroachment on our natural environment for the sake of short-term financial gain. Many of my neighbors share these concerns, and I urge you to take into account the sentiments of the Woodland community. Thank you.

Sent: Monday, March 17, 2025 5:06 PM
To: planning cplanning@DuluthMN.gov>
Subject: Proposed Woodland Avenue housing

To whom it may concern:

I am writing to express my opinion opposing the idea of allowing a multiple-dwelling development on Woodland Avenue across from Hartley Park. I can see why a developer would like to build there, but I believe it would create problems. My wife and I live at 3814 Allendale Avenue, just off Woodland Avenue farther up the hill. We drive Woodland Avenue daily. We come and go from Hartley Park often.

The traffic on Woodland Avenue tends to move at or above the posted speed limit for both uphill-bound and down-bound drivers. Visibility is somewhat limited as one rounds the long curve where the development is planned. The additional traffic that would result from condo dwellers would exacerbate the traffic issue. I would urge one of your traffic engineers or planners to sit across from the entry to the proposed condominium

units and watch cars and delivery trucks buzz by, especially at rush hours.

There is also a bike lane along the east side of Woodland Avenue there, and it is used regularly. That bicycle traffic, especially with low visibility due to the curve, would be at increased risk from those condominium residents coming and going. All in all, it seems to be a poor idea. No one promised that property owner that a multiple-dwelling development would be permitted there. Please do not allow it to move forward. Thank you.

Triaint your

Sincerely,

Sam and Phyllis Cook



FW: Titanium Condos on Woodland

Sent: Monday, March 10, 2025 11:47 AM To: planning <planning@DuluthMN.gov> Subject: Titanium Condos on Woodland

Duluth Planning & Development Department:

My husband and I live on Wadena St, so those condo buildings will literally be in our backyard. And no we aren't very happy about it. The woods have been behind our house since it was built by my parents in 1968 (57 years or longer).

- There is much wildlife in those woods just 5-6 deer often, occasionally bear & cubs, owls, lots of squirrels, skunks, many types of birds.
- All of the neighborhood children have been exploring those woods for the past 50+ years.
 This summer and fall, I brought our 6 grandchildren into those woods to explore. So they are the 3rd generation to be in those woods.
- Access into and out of those condos will be very dangerous on the Woodland curve. And
 especially when people are going to and from work. There has been a bad accident at
 that curve in the past.
- The high number of people and pets that will inhabit those buildings also is concerning for that small area.
- The pedestrian access to Allendale Ave is also disturbing because we are one house away from that access. The architect said they probably won't build a road, but not sure if we can believe that. We have so much traffic in the winter already when hockey is going on.
- At first, they didn't give the numbers as to how much the condos will cost. But I'm sure
 that they aren't going to be for low or middle income families. Now we've seen the cost of
 the condos and they are very high priced, therefore not very affordable for many people.
- There was concern that the meeting was at noon on a Monday, therefore, the working people weren't able to attend. And it wasn't that well attended (maybe 20-30).
- The architect barely answered questions because they aren't very far into the process.
- It's zoned as residential, but it seems that it would be very crowded with 2 big buildings and driveways.
- There are walking pathways behind us that are used frequently to reach Hartley Nature Center and the hockey/baseball/tennis courts. Those paths probably wouldn't be accessible.

Sincerely, Ann Marie & Mike Edwards

Outlook

FW: New Condos in Woodland

Sent: Wednesday, March 5, 2025 9:07 PM **To:** planning <planning@DuluthMN.gov> **Subject:** New Condos in Woodland

Hello,

I'm reaching out regarding the proposed new condos Titanium Partners want to build on a vacant lot in Woodland. I am directly impacted by this as I live a few blocks away. I have also sent this to my city representative, Wendy Durrwachter. I have several concerns about this proposal:

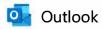
- 1) The amount of new people being centralized into one area that doesn't have the city infrastructure to accommodate so many more people,
- 2) The city's zoning changes for Woodland and what that would mean for future development,
- 3) The effect it will have on our property taxes,
- 4) Safety for that stretch of Woodland Avenue to accommodate so many more drivers and people,
- 5) Cutting down the forested area (one of the many reasons I purchased a home in this location was because of the surrounding green space),
- 6) Considering it's right across the street from Hartley, what is the environmental impact there are so many animals that live in those woods they would like to remove, and industrial run-off from the construction, plus the additional waste from 120+ people living in this small area,
- 6a) the river that runs through Hartley is also a huge concern because it connects to so many other areas of Duluth,
- 7) Creating a new road to connect the property to Wadena/Allendale that turn is already crazy and there is already so much traffic because of the community center, I can't imagine how adding 120+ people to this corner will affect it. Plus! All the additional parking area this location is going to need.

A personal opinion of mine is that Duluth doesn't need more condos, we need more single and duplex family homes. There's condos popping up all over the place, we need affordable family housing. I could understand partitioning this lot into single or duplex family homes while keeping the forested area around it. Will these buildings all have shops built in like all the other apartment complexes being built that will bring additional traffic to this area? If this is approved, and the city changes the zoning type, what additional changes are we going to see? I am very, very concerned by this proposal and do not think this is in the best interest of the Woodland neighborhood. There should be more focus on redeveloping the downtown's empty buildings into mixed-use luxury condos, apartments, and retail spaces rather than negatively affect the Woodland neighborhood. Happy to discuss further!

Thank you.

Rebecca Farmer

Woodland Resident, Isanti Street



FW: Woodland Avenue Condos

Sent: Tuesday, March 18, 2025 11:38 AM
To: planning <planning@DuluthMN.gov>
Cc: Council <Council@duluthmn.gov>
Subject: Woodland Avenue Condos

Good morning, Commissioners.

Firstly, I want to thank you for your service and commitment to Duluth, to ensure new development is done responsibly and respecting what's in the best interests of our loved city.

A little background. I grew up at 34 Minneapolis Avenue from 1976 to 1989 +/-, aged 11-23. My brother, Tony & I, had the paper routes (when kids could still do that) for four years along the neighborhoods from Minneapolis & St. Paul avenues all the way up to the Woodland Community Club. We, along with our childhood friends, diddled in and around "woods" all over the place in the area. To say I know that area like the back of my hand would be accurate.

With this e-mail, and subject to your due diligence, I am strongly in favor of allowing this contemplated project to proceed. It is not going to infringe on the 640 acre Hartley Nature Center (it can't), and I believe the traffic impacts would be negligible as any residents of the condominiums are not going to access/egress at the same time. I've lived in the 1st District my entire life. Between my and my parents' history, very frequent travels up Woodland Avenue, etc, this development makes sense. If neighbors want to use trails, or enjoy nature, cross country ski, etc., these amenities are literally across the street.

We have a housing shortfall in our city, across all price points. Any new residents who opt to purchase one of these units could free up traditional, neighborhood, single-family homes that are desperately in demand right now.

Duluth, St. Louis County, and ISD 709 would also benefit from an expanded tax base. Based on my reading, it does not appear that there is any public subsidy being contemplated for this project. It appears to be a win/win. I'd encourage you to please consider advancing this project. Lastly, I'd like to state that I have no economic interest in this project, personally or professionally, other than being a life-long Duluthian.

Thank you for the time in reading this. Have a great day and Spring! Todd Fedora



FW: Concerned

Sent: Tuesday, March 11, 2025 9:27 PM **To:** planning cplanning@DuluthMN.gov>

Subject: Concerned

I am writing to state my concern about the building development proposed on Woodland Ave. across from Hartley Nature Center. This is an area of wood/ undeveloped land that needs to remain that way. Period!!! There is no need to give reasons for this. You are very aware of how citizens in the lower and upper Woodland area feel about this development. They do NOT want trees cut, land taken from wild life, more traffic etc etc. in their special neighborhood area. PLEASE put a stop to this development.

Thank you. Carol Gallinger



FW: Titanium partners rezoning

Sent: Monday, March 3, 2025 9:40 AM

To: planning <planning@DuluthMN.gov>; Wendy Durrwachter <wdurrwachter@DuluthMN.gov>

Subject: Titanium partners rezoning

Hello,

Please do **not** approve the rezoning of property in Woodland for the 60-unit plan proposed by Titanium partners.

I have some questions that I would like answers to and one that is strictly rhetorical:

- Where can I access a copy of the actual application request that will be reviewed by the planning commission? I was unable to locate any reference to this request on the website where other planning commission documents are available (here: https://duluthmn.gov/boards-commissions/planning-commission/).
- 2. This is a request to rezone property: is this technically considered a variance, by definition? Or is rezoning subject to different process/criteria than a variance? How does rezoning compare with special use permits. Please clarify the process and what criteria would be weighed by the planning commission when making decisions on rezoning. Perhaps most importantly, what bars would have to be met to (a) grant or (b) reject the rezoning request?
- 3. Strictly rhetorical: why have zoning requirements if they can just be changed? The stated zoning goals for R1 include language like:
 - "...to accommodate traditional neighborhoods of single-family detached residences, duplexes and townhouses on moderately sized lots. This district is intended to be used primarily in established neighborhoods. Many of the dimensional standards in this district require development and redevelopment to be consistent with development patterns, building scale, and building location of nearby areas."

When the analysis was conducted to create the current zoning overlay, 'we' recognized the congruence of these parcels with the surrounding neighborhood, so what would have changed since then? Why would we have, back then, decided it was important to maintain the character of the neighborhood, but now suddenly abandon that value?

Thank you for whatever answers you can provide.

Matt Good man 321 Minneapolis Ave Duluth



FW: Writing in support for Woodland Avenue housing development

Sent: Thursday, March 6, 2025 10:43 AM **To:** planning cplanning@DuluthMN.gov>

Subject: Writing in support for Woodland Avenue housing development

Dear Duluth Planning Commission,

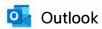
As an individual who was born and raised in Duluth and moved back to this area again as an adult, I would like to write my support for the proposed housing development on Woodland Avenue. I grew up on Superior Street in Lakeside. And I firmly believe that anyone who lives within 2 blocks of a major roadway needs to be prepared for high housing density in their areas. There are limited areas in Duluth where larger housing developments could be built to alleviate our long-time housing shortage. And Woodland Avenue is a perfect location for a large development. There are no major roadways in the neighborhood uphill from the development that would tempt the additional traffic uphill, with Woodland Avenue so accessible from the proposed location. It would still leave significant green space between the development and existing homes.

While everyone wants to see affordable housing built, until more expensive housing demand is met, no developer will choose to build less expensive units. The only way housing prices will come down is if we can build thousands more units of housing at any level, which will eventually result in prices being pushed down throughout the market. The City of Duluth needs to support any and every additional unit of housing we can, if we wish for housing prices to become affordable again. And we need to understand that **every** location where someone would build will be unpopular to nearby residents if it is anywhere

near an existing residential neighborhood.... Which is essentially most of Duluth.

In the early 2000's, Duluth's development plan indicated that the only way Duluth will be able to "expand" is upwards. We are bounded by several other townships and legal jurisdictions, and increasing housing density is the only way we can provide more units. This would expand Duluth's tax base, provide additional units of housing that would be attractive to elderly people and people who don't want to pay for yard maintenance and would open up houses for families to purchase. Please support this development.

Sincerely, Erica Henkel.



FW: Planned Woodland Avenue condos

Sent: Tuesday, March 11, 2025 1:30 PM
To: planning <planning@DuluthMN.gov>
Subject: Planned Woodland Avenue condos

Hello,

My husband and I live on east Wabasha Street in Woodland. Our neighborhood has just gone through several years of road construction. It was difficult having all the extra noise and dirt and detours, But we now have an improved sewage system, and much safer travel on Woodland Avenue. The section of Woodland Avenue from Oxford Street intersection to the Calvary Road intersection is so much safer. We no longer have people racing on the outside lanes to get ahead.. Allendale and Wadena Streets Also have plenty of traffic already, particularly when there are events at the Woodland community club. My husband and I are both very opposed to this plan.

Thank you for your time, Sue and John High



Sent: Sunday, March 16, 2025 9:26 AM **To:** planning cplanning@DuluthMN.gov>

Subject: Fwd: UDC Map Amendment/Rezoning on Woodland Avenue

Hi Jason and Wendy;

We've received the letter from the city of Duluth regarding the rezoning as we are within 350 feet of the site. We've also received some unsolicited flyers at our house from concerned community members and so I wanted to voice our opinion on this matter, for what it's worth.

We are in favor of this rezoning and, in fact, hope to see more in the future. I believe this zoning project is necessary given the lack of housing (and lack of housing variety) in Duluth. I think the vision of housing older community members (and others) in these new townhouses makes sense and that the houses vacated by said older community members will open up houses for new families. We moved here 10 years ago and it was fiercely combative to find a house and this has only gotten worse. Furthermore, this project is consistent with the vision and platform of the new mayor to build new housing, improve the housing shortage, and grow the population and tax base; as the new mayor won by a considerable margin, I think it's safe to assume this this platform is supported by many others in our community.

Our hopeful vision of the Woodland neighborhood is that it becomes more vibrant with a variety of housing options, a diverse community, and more walkable neighborhoods. The new bike lanes on woodland are awesome and there are a lot of sidewalks in our neighborhood, which is great; but being able to walk or ride bikes on this infrastructure to more restaurants, shops, taprooms, etc would be amazing. Thus, we are open to any new re-zoning that would support this vision of the Woodland Community. Thanks for listening and thank you for the work you do for our city;

Tim Kufahl 10 Minneapolis Avenue



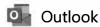
FW: Woodland apartments

Sent: Tuesday, March 18, 2025 3:29 PM **To:** planning cplanning@DuluthMN.gov>

Subject: Woodland apartments

Hello! I live on Snively Rd and I want to voice my support for the planned apartments at 2732 Woodland Ave. I am concerned about the affordability of luxury apartments for most Duluth residents and also hoping the city could do more to promote better bus accessibility in this area. However I think high density housing in this area could be a great idea. I just wanted to let you know my support lest your inbox is flooded with NIMBYs right now.

Thanks! Sophia LaGregg 55803



FW: Hartley Condos

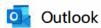
Sent: Saturday, March 8, 2025 8:20 AM To: planning <planning@DuluthMN.gov>

Subject: Hartley Condos

To whom it may concern;

I have lived in Duluth all my life with the last 24 years in or around the Woodland area. Why anyone would think that this area in question would benefit from turning into multiple family dwellings is beyond me. The area is pristine and already the city changed it to a one lane road both directions to cut traffic and install a bike lane. The congestion alone that this will bring to the area is mind boggling. This was a beautiful field where cows and animals once roamed. Please leave the area the way it is and do not allow a zoning permit to change the lay out and bring more traffic than there already is to our community.

Sincerely, Laura Lokken



FW: Potential housing development in the Woodland neighborhood

Sent: Sunday, March 2, 2025 3:05 PM
To: planning cplanning@DuluthMN.gov>

Subject: Potential housing development in the Woodland neighborhood

Members of the Duluth Planning Commission,

I understand there is to be a meeting on March 11 regarding zoning changes for the proposed multi-family building project in the Woodland neighborhood. I am unable to attend the meeting so I would like to share with you an email I sent to Councilor Durrwachter.

I have attached the plat drawing showing the promised trail access improvements. Thank you.

Councilor Durrwachter:

I have been reading about the proposed housing development in the Woodland neighborhood and concerns about how the development would adversely affect the neighborhood and nearby Hartley Park. As a resident of the Woodland neighborhood for nearly 40 years, I would like to offer some of my thoughts and concerns regarding the development.

During our time here in Woodland we have seen considerable development on the north side of the park which greatly reduced our access to Hartley Park. It was one of the reasons I attended the Duluth Planning Commission hearings that included variances for the Hartley Hills addition a few years ago. During the hearing I raised concerns about fewer trail access points with every new housing development that was adjacent to Hartley Park. The Hartley Hills developer promised they would provide access to existing trails via an improved 4-foot-wide gravel path from the east side of the development. Unfortunately, the developer never fulfilled his promise, leaving a narrow unimproved path out of the east side. My subsequent complaints to the city via our city councilor were to no avail. That has left me very skeptical of developers who make promises to nearby residents, only to ignore them in the end. I can see how some people might be wary of new developments in their neighborhood.

This might make me appear as someone who would be against development in Woodland. On the contrary, I feel responsible development is what is needed here. A number of years ago an attempt was made to re-develop the

shopping area along Woodland Ave near Calvary Rd. This development never got off the ground, while that shopping area, with the exception of the Miners grocery store has become outdated and run-down, in my opinion. There is a vacant gas station next to a car repair business that parks cars right up to the sidewalk. Some of these cars have been there for years. Other than Woodland Marketplace and the attached liquor store there are no businesses with discernable improvements in the past 25 years. With the adjacent rusting water tower, I sadly refer to it as Woodland blight. I look at the Kenwood shopping area and wish Woodland could be half as nice.

So, in spite of unfulfilled promises by developers, I welcome new residents to Woodland. New residents might help bring some new ideas for improvements to the blight as I pointed out. Now, I understand there are those against the proposed development because of tree removals and its proximity to Hartley Park. Hartley Park is our gem and it needs to be protected. Personally, I don't see the development, which is on private property, as a threat. I suppose there might be some who feel the sight of new housing might negatively affect the views from Hartley Park. Years ago, I used to be able to hike to the top of Knob Hill in Hartley Park and not notice the nearby neighborhoods. The development that has taken place along Marshall St, Hastings Drive, and Hartley Hills has forever changed that. So, any new housing on the northeast side of Hartley Park is not going to undo that. If the new developer can keep enough of the large pines intact along the east side of Woodland Ave, the visual impact should not be as bad.

I would like close with some additional thoughts. There should be no taxpayer dollars used to subsidize any part of the new development. Woodland Ave was just repaved this past year and this road should not be botched up by the developer when connecting to city utilities. The street entrances need to ensure safety for cars, cyclists, and pedestrians. Lastly, unlike the developer for Hartley Hills, if the new developer makes promises, there needs to be a method for holding them to their promises.

If you have any questions, feel free to contact me. I understand you are fairly new to the area and may not have a lot of familiarity with this neighborhood, so I would be happy to share more about Woodland.

With respect,

Paul Makowski

445 W. Winona St.



Outlook

Sent: Wednesday, March 5, 2025 12:53 PM To: planning <planning@DuluthMN.gov>

Subject: Titanium - Woodland Project - Detrimental

Good afternoon and thank you for all you do.

I wanted to express my dismay in the titanium with project. I feel like this would be detrimental to the environment and neighborhood of Woodland.

Please accept my understanding that this would increase traffic and danger to the area and animals of the area I would like to say no to the condos.

Please reconsider the luxury condo buildings in the heart of Woodland.

Sincerely, Linda Nervick Duluth resident



Outlook

FW: Not In Support of new Woodland Condos

Sent: Wednesday, March 5, 2025 3:53 PM **To:** planning planning@DuluthMN.gov>

Subject: Not In Support of new Woodland Condos

I've been a resident of the Woodland neighborhood, right by the Fryberger Arena and Woodland Y, since 2010. One of the joys and benefits of choosing this area to raise our family is the quiet, residential neighborhood.

I am deeply concerned about the new plan to place a concentration of 60 luxury condos on the vacant property opposite Hartley Nature Preserve. I am concerned on many levels.

First, can our infrastructure even handle it? Something as basic as sewage and water systems? My understanding is that a single-family home was once on that location, which tells me that it likely does not have the capacity needed to service 60 condo units.

Woodland Avenue was just completely torn up and redone, reducing it to a 2-lane road. As a resident, the reduction in lanes has caused backups at the intersection of Woodland and Oxford during the busier traffic hours. However, this has also created a scenario where traffic is more evenly dispersed. Great for driving, perhaps, but horrible for anyone who wants to make a left or right turn ONTO Woodland from any of the neighborhood streets that connect to it (e.g., St. Paul, Minneapolis, Anoka, etc.). The residents of Woodland perhaps should have been more vocal in opposing this redesign, as it has made it substantially more difficult to get out of our neighborhoods.

The location of this new development places it directly on a curve where people already drive too fast, and the road reconfiguration hasn't really reduced that in my personal experience. Now, instead of people flying past you in the left lane, they tailgate you. Creating a blind intersection on a 2-lane road

where people still speed sounds like a recipe for constant traffic accidents....it's far worse than Hartley's entrance. While we can probably handle another 120 cars coming and going throughout the day, the system isn't set up for it. So what's the solution? Add a traffic light on a sloping blind curve? Can't wait to see how many rear-end accidents that creates.

And if you don't put the driveway there, where the current one exists, you're going to instead probably cut through to Allendale, which WILL up-end our nice, quiet neighborhood, where right now kids are relatively safe from traffic. It will be a disaster come hockey season, where our streets are already

overrun with cars making navigation difficult. We tolerate it, but it's a problem. Adding 60 condos will make problems worse.

I don't know that our park facilities, as they currently stand, can handle another 60 housing units piled on board. The playground is small. The buildings not necessarily well maintained. All of that would require upgrading.

What I don't know is how this new development will affect our skyline. I absolutely do not want to walk out of my front door to be staring at the upper ends of two giant condos. There is a reason that property is NOT zoned for condos!

What I cannot predict is how this will affect our property values. We are already overtaxed, having watched our taxes more than double since we purchased. We are able to afford it, but only to a point.

Our schools are also already stressed. I don't know that 60 luxury condos will bring many families to the neighborhood, but this is something that must be considered. The district seems underfunded and mismanaged....this will create more stress on an already overburdened system.

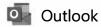
And finally, I am deeply concerned about the impact that a massive parking lot and condo development will have on Hartley Nature Preserve and Tischer Creek. The City is already responsible for a massive fishkill on a gem of a Trout Stream just this past summer, and I've seen no plans on how that will be restored. But now you know want to build a massive condo development directly on the watershed? Imagine the runoff from all that parking, and the pollution from the construction. Destroying a trout stream to build a bunch of condos is ABSOLUTELY WRONG.

I don't mean to come across as a luddite or an old curmudgeon who is simply opposed to change, but I don't see this as bringing anything positive to our neighborhood. I am against the proposed rezoning of the property, and against the proposal at this time. Titanium Partner's publicly stated goals are nice in theory, but as we've seen in many recent examples, developers in Duluth don't really seem to be playing nice. Look at what happened at Arrowhead and Kenwood. Look at the traffic debacle that is Blue Stone's entrance, where I was recently reended because no one ever thought a shopping mall and massive condos needed a left turn lane (and I was like the third accident I saw there in a 2 week time period).

I'm not seeing any community and environmental value here, only headaches and problems. I invite the city and Titanium Partners to convince me otherwise.

With respect,

Matt Pedersen Duluth, MN



FW: Not In Support of new Woodland Condos

Sent: Friday, March 7, 2025 2:35 PM **To:** planning planningDuluthMN.gov>

Subject: Re: Not In Support of new Woodland Condos

Good afternoon,

After giving this matter further consideration, I would like to submit additional commentary.

I would like to add that the parcel is already zoned R1, which allows for single-family, duplex, and townhomes. There's a reason this was zoned R1. R1 uses fit better within the community, and alleviate a lot of the problems I foresee when trying to cram in 60 units. Retaining the R1 zoning also honors the implicit promise that was made to every homeowner whose property borders that parcel. Buying one of those homes, with that vacant lot behind them, those owners go into it knowing that homes can be built there, not condos. A proposed rezone of that property amounts to a bad-faith agreement with the existing property owners.

With respect, consider Amity Bluffs (see attached site plan from <u>Realtor.com</u>), which is also currently under development just a bit further north on Woodland Ave.

I know Titanium Partners claims that doing single family homes requires clearing all the trees on the entirety of the parcel, but I think that is patently untrue and is being used as a manner to drive the property owners to allow the desired condo plan to move forward; it's a bit of extortion/scare tactic. If you look at the properties that abut the parcel in question, some have ample forest on their own property, plus there appears to be a platted road which obviously cannot be cleared (except to have proper road).

In reality, the simple truth is that the desire to build 60 luxury condo units is simply one of maximizing profit. I can't fault a business for wanting to do that, but that doesn't mean we should just LET THEM do it. Just do the math. Let's say, hypothetically, you carve up that parcel in a similar fashion to Amity Bluffs. Even if property buyers were required to contract with the developer to build the homes, let's just say 14 homes with an average price point of 800,000 that's 11.2 million in gross revenues. Compare that to the idea of selling 0 condos at a cost of 400-650K. The revenue range goes from 24 million to 39 million. It's very clear that this proposal to build condos is 100% about revenue potential.

At the moment, I'm very sad that my wife and I did not move forward with our idea to try to put a nature-based private elementary school at that location. Such a project would have also required rezoning and community buy in, but it would have been much more beneficial to the entire community. Finding ways for this parcel to benefit the community, and minimize the impact to neighbors, is very important. Condos just don't seem to be the answer.

The bottom line, for me, is that condos and high density housing are inappropriate for this location, and the city already knew that when they zoned it RI.

Best Regards, Matt Pedersen Duluth, MN



Outlook

FW: Message from PEIPPO K M

Sent: Wednesday, March 5, 2025 4:16 PM
To: planning <planning@DuluthMN.gov>
Subject: Re: Message from PEIPPO K M

Hi, Sam, thank you for getting back to me about the rezoning by Hartley. I do have concerns.

We continue to have need for affordable housing while public land in Hartley is being eaten away for high income housing. Promises made to minimize tree loss in new housing can't be counted on once the deal is struck. Access to Hartley by those of us without cars has been reduced by eliminating trailheads through the new high end developments. My landlord said he expected property taxes to go up in our neighborhood due to the new development, which could lead me to being priced out of the place I have called home for the past 17 years.

Thank you for considering my perspective. Kathleen



FW: 2732 Woodland Ave Condos

Sent: Tuesday, March 18, 2025 6:21 AM

To: planning <planning@DuluthMN.gov>
Subject: 2732 Woodland Ave Condos

Good morning,

I am writing to communicate my support for the construction of Condos at 2732 Woodland Ave. Additional people in the area has the to potential benefit the upper woodland business like Woodland Marketplace and Ace Hardware. The flow of traffic on Woodland Ave is excellent and bike lanes have significantly improved safety. Most importantly, the added housing is across the street from Hartley Park and does not degrade the user experience in the park.

The plan to preserve trails, minimize removal of trees, and safe access to woodland avenue (turn lanes) are important.

Mike Reuter 403 W Anoka St Duluth, MN 55803



FW: Plan to build two condo buildings across from the Hartley Nature Center.

----Original Message----

From: Kathy Schaub

Sent: Sunday, March 16, 2025 4:58 PM To: planning <planning@DuluthMN.gov>

Subject: Plan to build two condo buildings across from the Hartley Nature Center.

Sent from my iPad We have a problem with traffic now. We certainly do not need condo buildings to add to this. My vote is a definite no!



Outlook

FW: Regarding Proposed Luxury Condo Development in Woodland

Sent: Thursday, March 13, 2025 10:58 AM

To: Wendy Durrwachter <wdurrwachter@DuluthMN.gov>; planning <planning@DuluthMN.gov>

Subject: Regarding Proposed Luxury Condo Development in Woodland

Dear Wendy Durrwachter and Duluth City Council Members,

I am writing to express my concerns regarding the proposed luxury condo development in Woodland by Titanium Partners.

To be clear, I am firmly opposed to any development on this property. However, I recognize the need for dialogue and am open to a "Plan B" option should rezoning to R2 move forward. This alternative would involve a scaled-back version of Titanium's proposal — limiting the development to a single building containing 15 units, rather than two buildings with 30 units each.

This compromise would still provide some housing options in the area without the larger environmental and infrastructural impact of the current plan. Ideally, this reduced scope would also eliminate the need for a stoplight or roundabout on Woodland Avenue. If traffic control measures become necessary, I believe the project should be scaled back even further.

Thank you for your time and consideration. I appreciate your efforts to balance development with community interests.

Respectfully, Jerry Solon



FW: Woodland Ave

Sent: Thursday, March 13, 2025 8:41 PM To: planning cplanning@DuluthMN.gov>

Subject: Woodland Ave

Greetings.

First and foremost, thanks for your efforts in what I imagine is a thankless task.

Then, full disclosure, I live just outside city limits in Lakewood though i trespass on the Woodland corridor nearly daily.

That said, to whatever extent my voice can count on this project, I am fully and enthusiastically in favor. In a nutshell, an opportunity to bring a little moderate density with vastly less green space destruction than a string of single family lots. A location and development that I'd be sorely tempted to buy into myself.

| Cheers. | |
|----------------|--|
| dbu | |
| Dave Updegraff | |



FW: 2732 Woodland Ave

Sent: Tuesday, March 18, 2025 9:21 PM **To:** planning cplanning@DuluthMN.gov>

Subject: 2732 Woodland Ave

Hello,

I'm writing in regard to the 2 condo buildings that are looking to be zonned for the 2732 Woodland Ave property. What studies have they done about its effect on Tischer Creek by building such large complexes on that land? Especially the increased paved space being that it is down hill from the storm water holding ponds, is there concern of extra water runoff instead of the water absorbing into the ground like it currently is? What is the expected height of the buildings? Being that it's so close to Hartley Park - what efforts will be made to reduce light pollution? I'm worried about the added large parking lot lamp posts and light causing issues for the wildlife that live near by. What mixture of affordability will the condos be? What is the plan for the increased traffic in that area?

Thank you for your time, Ariel