



# City of Duluth

Council Chambers, City  
Hall

## Meeting Agenda Planning Commission.

*Council Chambers*

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Tuesday, June 10, 2025

5:00 PM

Council Chambers

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### CALL TO ORDER AND ROLL CALL

### APPROVAL OF PLANNING COMMISSION MINUTES

[PL 25-0513](#) Planning Commission Minutes 05/13/25

**Attachments:** [5-13-25 PC Minutes \(not approved yet\)](#)

### PUBLIC COMMENT ON ITEMS NOT ON AGENDA

### CONSENT AGENDA

[PLIUP-2504-0026](#) Interim Use Permit for a Vacation Dwelling Unit at 301 104th Ave W by Carie & Clinton Massey [CH]

**Attachments:** [PLIUP-2504-0026 Staff Report with Attachments](#)

[PLIUP-2505-0027](#) Interim Use Permit for a Vacation Dwelling Unit at 1329 Minnesota Ave by Kate Horvath [CL]

**Attachments:** [PLIUP-2505-0027 Staff Report and Attachments](#)

[PLPR-2505-0002](#) Planning Review for a Cold Storage Building at 2030 N Arlington Ave in an MU-I district by St Louis County [JM]

**Attachments:** [PLPR-2505-0002 Staff Report with Attachments](#)

[PLSUB-2505-0007](#) Minor Subdivision at 010-2320-01680 (Sherburne St) by One Roof Community Housing [CH]

**Attachments:** [PLSUB-2505-0007 Staff Report with Attachments](#)

[PLVAR-2504-0007](#) Variance at 9426 Congdon Blvd by Amanda Flowers [NL]

**Attachments:** [PLVAR-2504-0007 Staff Report with Attachments](#)

### PUBLIC HEARINGS

[PLUMA-2503-0003](#) UDC Map Amendment 3901 E Superior St by Northern Country Club [NL]

**Attachments:** [PLUMA-2503-0003 Staff Report With Attachments](#)

[PLUMA-2505-0004](#) UDC Map Amendment at 010-1773-00010 (Arrowhead Rd) by Titanium Partners [CL]

**Attachments:** [PLUMA-2505-0004 Staff Report and Attachments](#)

[PLUTA-2503-0001](#) UDC Text Amendment to Trash Enclosure Screening [CL]

**Attachments:** [PLUTA-2503-0001 Staff Memo and Attachments](#)

[PLUTA-2505-0002](#) UDC Text Amendment Related to Daycare, Small and Large; and Preschool [KD]

**Attachments:** [PLUTA-2505-0002 Staff Memo](#)

## OTHER BUSINESS

Spirit Valley Core Investment Area

## COMMUNICATIONS

Land Use Supervisor Report

Heritage Preservation Commission Report



# **City of Duluth Planning Commission**

**May 13<sup>th</sup>, 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 5:04 p.m. on Tuesday, May 13<sup>th</sup>, 2025, in the Duluth city hall council chambers.

## **Roll Call**

### **Attendance:**

Members Present: Chris Adatte, Jason Crawford, Brian Hammond, Gary Eckenberg, Danielle Rhodes, Dave Sarvela, Kate Van Daele, and Andrea Wedul

Members Absent: none

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

## **Approval of Planning Commission Minutes**

Planning Commission Meeting – April 8<sup>th</sup>, 2025 –

**MOTION/Second:** Wedul/Adatte approved

**VOTE: (7-0)**

## **Public Comment on Items Not on Agenda**

No comments.

## **Consent Agenda**

PLIUP-2503-0015 Interim Use Permit for a Vacation Dwelling Unit at 10 Industrial Ave by Nancy Nilsen

PLIUP-2503-0017 Interim Use Permit for a Vacation Dwelling Unit at 1004 S Lake Ave by Southbridge Properties LLC

PLIUP-2503-0018 Interim Use Permit for a Vacation Dwelling Unit at 1235 ½ Minnesota Ave by Lake View Land CO LLC

PLIUP-2503-0020 Interim Use Permit for a Vacation Dwelling Unit at 1210 S Lake Ave by Steven Pitschka

PLIUP-2503-0021 Interim Use Permit for a Vacation Dwelling Unit at 1535 S Lake Ave by Steven Pitschka

PLIUP-2503-0022 Interim Use Permit for a Vacation Dwelling Unit at 13402 W 3rd St by Matthew Evingson

PLCUP-2503-0001 Concurrent Use Permit for Skywalk at 333 E Superior St by Lakeview Properties LLC  
~~PLSUB-2501-0001 Minor Subdivision at 421 Anderson Rd by The Jigsaw LLC~~  
PLSUB-2504-0005 Minor Subdivision at 930 Swan Lake Rd by Alvin Berg  
PLSUP-2502-0018 Special Use Permit for Upgrade and Replacement of Antennas and Radios on an Existing Tower at 1602 London Rd by Mastec Network Solution  
PLVAC-2502-0002 Vacation of Right of Way near 125 Ave W and Highway 23 by Reed and Mistica Blazevic  
PLVAC-2504-0003 Vacation of Easement near 230 W 3rd St by CC San Marco LLC

**Public:** No speakers.

**Motion/second:** Wedul/Van Daele approve as per staff recommendation

**VOTE: (8-0)**  
**Crawford arrived at 5:09pm**

### **Public Hearings**

PLIUP-2504-0024 Interim Use Permit for a Vacation Dwelling Unit at 215 N 1st Ave E by Saturday Zenith LLC

**Staff:** Natalie Lavenstein addressed the commissioners. The subject property, 215 N 1st Ave E, was built in 1892. Formerly the Old Central High School, the building became a multi-family dwelling with 122 units. There are currently no other short-term rental units in the building. The applicants' property is located at 215 N 1st Ave E, Unit 226. The entire unit will be rented. There are 2 bedrooms, which allow for a maximum of 5 guests. 2 off-street parking spaces are provided anywhere in the existing parking lots. Properties located in Form Districts are not required to meet the vacation dwelling unit off-street parking requirements in 50-20.3.V.3. Two public comments were received regarding building safety and the apartment being used as a short-term rental rather than a long-term rental. Staff recommends approval.

**Commissioners:** Vice President Wedul asked staff if this application would be applied to just one unit or multiple units in the building.

**Staff:** Lavenstein responded that this application is specific to unit 226.

**Commissioners:** Commissioner Rhodes noted that this property received TIF assistance in the past. There has been confusion surrounding vacation dwelling units (VDUs) and other projects that have received TIF assistance, so she asked staff to explain how that works with this building and allowing VDUs.

**Staff:** Jenn Moses stated that zoning staff consulted economic development staff about this matter, as they are the ones that oversee TIF funds. They had no concerns with this permit moving forward, so it is her understanding that there is nothing in the TIF policy that precludes this unit from becoming a VDU.

**Applicant:** Teran Lind addressed the commissioners. He is the local contact listed for this application. He stated that the building has several larger units that have faced vacancies, so this permit is an attempt to fill a vacancy.

**Commissioners:** Wedul asked the applicant to address the comments in opposition to this project.

**Applicant:** Lind stated that the building has controlled key fob access, cameras, and any issues that are brought forward to management will be addressed as needed. There will be a lock box for the unit and there is also a call box that will have temporary passcodes for guests.

**Public:** Eddie Posten, 215 N Ave E, Apt 123 – Posten spoke in opposition of the project. He had previously submitted comments via email, and he stated that he was there representing several other renters who live in the building. Posten voiced concerns about security, parking, and the housing crisis in Duluth. He also said that he and several other tenants did not know there would be VDUs in their building when they recently renewed their leases.

**Commissioners:** Commissioners asked staff where the guests parking would be as well as off-street parking requirements for the subject property.

**Staff:** Lavenstein responded that guests would be provided with 2 off-street parking spots in any of the lots on the property. She noted that properties in form districts are not required to provide off-street parking.

**Commissioners:** Discussion ensued regarding the VDU cap, the different action options that planning commissioners can pursue for this project, and front desk staffing regulations in the use specific standards.

**MOTION/Second:** Hammond/Rhodes deny on the grounds that:

- 1. The application does not meet the requirements of Section 50-20, subsection V 8 (a) in the Use Specific Standards.**

**VOTE: (5-3)**

**Adatte, Crawford, and Van Daele opposed**

PLIUP-2503-0016 Interim Use for an Outdoor Living Site at 1533 W Arrowhead Rd by Vineyard Christian Fellowship, Duluth

**Staff:** Jason Mozol addressed the commissioners and provided visuals on the subject property from the staff report. CHUM has been providing services to people in need for over 50 years. Safe Bay is a piece of their programming that works to address homelessness. Safe Bay opened in 2023 under a temporary use permit and operated again in 2024 under an interim use permit at the Damiano Center, providing safe and secure overnight parking and sleeping places for people living in cars.

CHUM is currently undergoing renovations. In the meantime, the CHUM shelter will be moving to the Damiano Center, which does not leave room for Safe Bay operations. Safe Bay will operate at Vineyard Church this summer instead. A time limit on this Interim Use Permit is required because this is an interim living site. The time period for this interim use permit shall be one year from the date of approval. Should the program operate anywhere in Duluth next year, it will need to be renewed, and that permit will come before the planning commission for review again.

The Vineyard Church will provide an overnight parking lot. This is only for people sleeping in vehicles (not tents or other sleeping facilities). It will operate seasonally during the warmer months, May through October, and only at night (6:00 pm – 8:00 am). Vehicles will park in the existing, paved rear lot. Other parking lots in the front of the property will provide parking for other uses. The parking lot has storm water infrastructure on site, and it has a relatively flat grade. Many of the requirements for outdoor living sites can be found in the use specific standards section of the UDC. The rear property line will be buffered by temporary screening. The rear property line adjacent to the parking lot will be delineated by temporary fencing and signage. Trees and vegetation provide additional buffering between the proposed project site and the neighboring residential structures. There were multiple comments received regarding screening concerns. Mozol noted that there is a significant elevation change between parking lot and the adjacent residential properties, and the UDC requirement for screening is being met for this project.

The maximum occupancy for this site is 50 people. Staff from CHUM and overnight hosts provide oversight at all hours that the facility is open, and the site will be vacant during the day. All minors present on the site will be accompanied by a parent or guardian. Safe Bay provides bathroom facilities, garbage and recycling dumpsters, and a sharps container, all meeting the requirements of UDC Section 50-20.1.I.

There were numerous public comments received both in opposition and support of this applicant. This project addresses a need in the community to support the homeless population. Mozol stated that the applicant would be able to answer any questions folks might have. All the UDC requirements for this application have been met, and staff is recommending approval with conditions.

**Commissioners:** Commissioner Rhodes asked staff how the screening material will be attached.

Commissioner Van Daele noted that there seemed to be some confusion in some of the public comments about the snow fencing. She asked staff to clarify the screening requirements for this project. Van Daele also asked if the applicant would be willing to work with the neighborhood to ensure that they are content with the on-site screening.

**Staff:** Mozol directed commissioners to ask the applicant how the screening will be built and established. He visited the site earlier and noticed that the snow fencing that had previously been blown down was being fixed. The snow fencing is in place to delineate property boundaries, not to provide screening. The screening is provided by the proposed screening material, which is a mesh material that will be 5 to 6 ft tall, and then the natural berm will provide the rest of the screening on the site. Mozol encouraged commissioners to ask the applicant how they will address neighbor concerns.

**Commissioners:** Vice President Wedul noted that Duluth has a large recreation community that travels through the city each year, so she asked how this program will differentiate between those recreational travelers and people who own cars but are experiencing homelessness.

President Eckenberg asked staff if the dense screening requirements for this application are being met, as the subject property is located directly adjacent to a residential use.

**Staff:** Mozol responded that there is a sign-in process for this program. Commissioners are welcome to ask the applicant for more details.

The project is required to have screening from any residentially used parcels. The parcel to the East is vacant, so the applicant is not required to provide screening there. The parcel to the North is next to residentially used parcel, so screening is required there. The rest of the project area is screened by a berm. The definition of a dense urban screen says that vegetation, fencing or similar material or a berm can be utilized to create that screening. Mozol presented the UDC definition of dense urban screen to the room.

Moses added that dense urban screening is used to mitigate visual disturbances. It can be vegetation, a wall, fence or berm. In this location, there is a lot of natural vegetation, which can be classified as a dense urban screen as long it meets transparency requirements. The topography of the site also plays a role in meeting the height requirements for the screening provided by the berm.

**Commissioners:** Wedul noted that the screening requirements for subject properties are based on occupancy of the adjacent parcels. She asked if screening requirements should be based on the zoning designation, and she asked if the screening is continuous along the northern property line.

**Staff:** Mozol referenced the site map and explained what the different markings represented. He stated that the berm along with the elevation change provide adequate screening. The east

side of the property does not need screening because the adjacent parcel is not used residentially. The snow fencing does not serve any screening purpose.

**Applicant:** Joel Kilgour addressed the commissioners. He is the project organizer for Stepping On Up, a department within CHUM that addresses the unsheltered homeless population in Duluth. He stated that other Safe Bay/CHUM staff were present and able to answer questions about the project.

Kilgour gave some background on Safe Bay, which was piloted in 2003, to help address Duluth's homeless population. Like other cities, Duluth has seen an increase in the homeless population. Last year, people experiencing homelessness in St. Louis County jumped from 579 to 736, but non-profits assume this to be an underestimation. There are about 200 shelter beds in the city of Duluth. Some folks experiencing homelessness have vehicles that they can legally park on the street and sleep in, which provides a higher level of security, dignity, and safety. However, these people do not have access to bathrooms, showers, and other resources and support that shelters can provide. People who are experiencing homelessness are more likely to be victims of crime rather than perpetrators. Kilgour stated that this is a vulnerable population, and Safe Bay is a way to address this existing public safety and public health problem in the community. Despite budget cuts, Stepping On Up is dedicated to continuing Safe Bay operations because of the successes that have come from the program. Last year, 23 households transitioned into housing with this program.

Vineyard Church offered up their property so Safe Bay could continue operations this season while CHUM is under construction. This will be a comfortable and private place for Safe Bay clients who are looking for a peaceful place to sleep. Many of the folks who utilize Safe Bay work, go to school, and have other appointments that they need to get to each day. Project staff scheduled a neighborhood meeting because they want to have a good relationship with the neighbors of this area. Some of the neighbors expressed a desire for a clear delineation of property lines, so the project staff put up snow fencing and property markers. Kilgour stated that they are also making changes to how they handle garbage as to not disturb any wildlife in the area. Stepping On Up staff is committed to having recurring neighbor meetings each month going forward.

Kilgour believes that a lot of the worries that folks have are presumptions about the people who use Safe Bay, and that there is a lot of fear surrounding this project. He said that once the program has been in operation for a month, they can evaluate which concerns were legitimate. There were concerns about Safe Bay increasing criminal activity in the area. In 2023, there was a sharp uptick in service calls for that area, including Damiano. When looking closely at the call data, it was found that the calls were for other places along 4<sup>th</sup> street as well as the Damiano. This trend preceded the opening of Safe Bay that year. In 2024 there were 19 calls for service when Safe Bay was open, but only 3 of those calls were for Safe Bay residents. Kilgour stated that they have not seen any problems with the Safe Bay clients, and having Safe Bay in the neighborhood has helped make the area safer.

**Commissioners:** Commissioner Van Daele thanked the applicant for their work on this project and the efforts they've made to communicate with the surrounding neighbors. She asked the applicant for more details about the community meetings that will be held each month. Commissioner Rhodes asked how the screening will be attached.

**Applicant:** Kilgour responded that their staff used the map that the city used for neighbor letters when inviting community members to the meeting. There was section of folks on Linzie Rd that were not included because they were outside of that map radius, but those people will be included in future meetings. The meetings will be held on the second Thursday of each month.

Kilgour stated that in terms of screening, they will be following zoning code requirements, and they will put up the same screening that was used at Damiano. The screening consists of metal posts and green fabric that hooks onto the posts. They will remove it after the program season is over.

**Commissioners:** Commissioner Sarvela asked the applicant if they expect to meet the maximum occupancy, and he asked what they will do if that number is exceeded.

Commissioner Adatte asked the applicant to elaborate on how the hours of operation will be enforced each day.

**Applicant:** Kilgour responded that last year they had an average of 12 vehicles each night, and the most they had in one night was 22 vehicles. He does not anticipate that they'll see a significant increase beyond that number this year. Safe Bay staff are comfortable with a maximum of 50, but they will reassess staffing levels and other site options ahead of time if they begin to see the number of vehicles increase.

In previous years, Safe Bay staff had some problems with people not clearing out in the morning. Some of the Safe Bay clients did not have anywhere else to go during the day, and they felt comfortable staying parked on 4<sup>th</sup> street because Damiano offers other services outside of Safe Bay hours, which created some parking problems for the surrounding neighbors. This issue was resolved when Damiano staff began requiring folks to park at least 2 blocks away during the day. The Vineyard location will not have these problems as it is private property so people will need to leave each morning. There are also no other daytime services in the area that people would stick around for.

**Commissioners:** Rhodes asked who neighbors should reach out to if they have a concern during hours of operation. Sarvela asked for more details on the screening process for people who want to use Safe Bay.

**Applicant:** Kilgour stated that people should call 911 if there is an emergency. There is a number posted on the Vineyard church door for CHUM staff Drew Filkins, and there will be an overnight number for non-emergencies.

There is an intake process for this program. Safe Bay is for people who have been homeless for a long time and for those who are temporarily displaced, but there is a lot of gray area. People who are moving and struggling to find housing or those who are fleeing domestic violence are not technically homeless but may wish to use Safe Bay services. They have never encountered anyone wishing to use Safe Bay recreationally. People experiencing homelessness endure a lot of barriers, and Safe Bay staff aim to minimize barriers in the intake process.

**Commissioners:** Wedul noted that the screening for this project is made up of temporary material and suggested that the screening should be investigated as a more permanent feature if the program is intended to run long-term. Snow fencing in Duluth can deteriorate easily, and she asked how it will be maintained if damaged.

Eckenberg asked the applicant if they foresee Vineyard church being a second location for Safe Bay in the future after the construction work at CHUM is completed and to clarify whether tents will be allowed on site. He also asked about vehicle requirements and the possible liabilities associated with folks not having the proper forms up to date.

**Applicant:** Kilgour stated that the snow fencing will be replaced as needed. Snow fencing is what they could afford as their funding is limited, but he noted it held up all last year at Damiano. Some neighbors requested privacy fencing, and that option could be explored in the future if funding allows for it. They will investigate more permanent fencing if Vineyard becomes a permanent location for Safe Bay.

As of right now, Kilgour does not anticipate the need for a second Safe Bay location, but they will reassess after this year.



If people have something like a tent attached to their vehicle that makes sleeping more comfortable, they have no problem with it, and everything will leave with people each morning. Folks will not be allowed to stake tents, and there will not be any encampment.

During the intake process, staff request people's license and registration tabs. They have not documented proof of insurance in previous years, but this year they will. However, it is not the role of CHUM/Safe Bay staff to enforce traffic laws.

**Staff:** Jenn Moses stated the requirement for liability insurance is over the site and anything under the site control. After approval, the city attorney's office will review to ensure those requirements are met.

**Public:** Seth Currier, 629 N 7<sup>th</sup> Ave E – Currier has been the Director of the Damiano Center for over 7 years and is in favor on this project. For those who are living in their cars, Safe Bay provides dignity, a safe place for them to sleep and shower, and other basic needs. He stated there were parking problems in previous years, but CHUM staff resolved it, and it has not been an issue since. He also said the 911 calls last year were from people around or on Damiano property, and the parking lot there sees a lot of foot traffic. When Safe Bay is not in operation during the colder months, there is more destruction of property and other disturbances. When Safe Bay is up and running, it makes Damiano and the neighborhood safer. The folks who use Safe Bay simply want to get a full night's sleep so they can go to work, school, etc. The fence that has been used in previous years was not to keep Safe Bay in, but rather to keep others out. Without fencing, they would have problems with people looking into cars while they slept, making them feel unsafe. Currier does not anticipate Safe Bay being an issue at Vineyard Church.

Mike Tusken – Tusken served as an officer in Duluth for 30 years and served the last 7 years as the Police Chief. He is in favor of the project and believes that this program helps keep people safe. The 1-year timespan of the permit allows CHUM to evaluate how things went to perform better the following year. Tusken shared that his experience working with CHUM has been positive. The communication was always open and if there were problems in the community, CHUM would work with the police to fix them. There were similar concerns with other programs, such as the warming shelter, but he said that program proved to be beneficial for its users. Tusken noted that even though there have been occasional calls to service for these programs, there is always supervision and open communication between program staff and police. Police receive all types of calls across all neighborhoods in the city, and he does not anticipate an increase in 911 calls in this neighborhood.

Ethan Powers, 414 W 1<sup>st</sup> St – He is the shelter director for Safe Haven and is in favor of the project. There were similar concerns and conversations surrounding the public safety ordinances that went before city council last year. At Safe Haven, they work with survivors of domestic violence. People who are fleeing domestic violence are also considered unhoused. Last year they worked with about 700 people at their shelter, and roughly 50% of them owned cars. Part of Safe Haven's safety planning is to inform those with cars about the Safe Bay program because it provides safety, supervision, and other amenities. Not allowing Safe Bay to operate does not mean the problem goes away. Along with the other local non-profits, Safe Bay plays a small role in a larger effort to serve the unhoused community.

Deb Holman, 1208 E 11<sup>th</sup> St – Holman has worked as a street outreach worker for CHUM over the last 21 years and is in favor of the project. She stated that before Safe Bay, this population of folks who live and sleep in their cars was invisible. Having a space like Safe Bay provides dignity and respect, and it encourages people to utilize other services that can help them achieve more stable housing situations. Holman also noted that pets are allowed at Safe Bay, and they have resources to help people with pet care.

Hal Moore, 502 Madison Ave – Moore has lived near Vineyard Church for 20 years and is in favor of the project. He served as a teacher for the underprivileged for most of his life. He is not a member of Vineyard Church, but he approves of their outreach efforts in the community. Moore believes that community members have a responsibility to assist one another when people need help. He has volunteered to help at Safe Bay and urges commissioners to approve the permit.

Corrine Freedman Ellis, 1414 Mississippi Ave – Ellis is in favor of the project. She lives less than 1 mile from Vineyard Church, and she serves as lead pastor at Peace United Church of Christ (PUCC) in Duluth. As a Christian, Ellis believes that their faith calls them to co-create a world where all people are safe, housed and fed. Since January 2025, PUCC has been a host site for another Stepping On Up project, which is a youth shelter for 18- to 24-year-olds. Like Safe Bay, their project process involved neighbor concerns about unsafe activities. They put trust in CHUM and Stepping On Up, and their program has been successful. Ellis supports Safe Bay as a pastor, a neighbor and a mom.

James Callaway, 829 E 3<sup>rd</sup> St – Callaway is in favor of the project. He was previously homeless and living out of his vehicle and stayed at Safe Bay. Callaway experienced domestic abuse, and Safe Bay was a good resource for him and believes churches should help people. Folks in less fortunate situations should have a place to get cleaned up and feel safe when they sleep.

Heather Jellum, 25 Howard Gnesin Rd – Jellum is opposed to the project. The subject property shares a border with her property. She stated that the application plan relies on private land to meet screening requirements. Jellum expressed concerns regarding screening materials, folks trespassing on her property, security, privacy, wildlife containment, waste from the church dumpster, fire risk prevention, and the transparency of both the applicant and city staff. Jellum believes that there was a lack of communication from both CHUM and the city about plans for this project. She feels that project details surrounding enforcement of hours of operation, tent rules, and occupancy limits have been inconsistent throughout this process, and can put the city at risk for liability. Jellum stated that the dense urban screen requirement for this project should be re-evaluated.

Jessica Thiel, 1625 Linzie Rd – Thiel is opposed to the project and provided visuals of the subject property to the commissioners. She spoke about the UDC regulation for screening requirements pertaining to interim outdoor living sites and recited the UDC definition of dense urban screen. Thiel expressed concerns about the dense urban screening requirements not being met, noise pollution, light pollution, and security. She also stated that lack of funds is not an appropriate reason to forgo city codes and compared the Safe Bay application standards to other applications on the agenda. She urged the commissioners to deny the application.

Darren Phillips, 1527 Linzie Rd – Phillips is opposed to the project. He expressed concerns surrounding the lack of transparency and inconsistent information from both CHUM and Vineyard Church. He does not believe that Vineyard is a safe location for this program due to pending lawsuits and the allegations that came forward last year regarding the former church youth pastor. Phillips also stated that the church's senior pastor was recently asked to step aside. He believes that the city would be at risk of liability if the application is approved.

Laura Seitz, 1717 Linzie Rd – Seitz is opposed to the project. She voiced her concerns regarding inconsistent project information from various new sources, screening requirements and the enforcement of project conditions. Seitz questioned if the city is doing their due diligence in reviewing this permit and doesn't feel that the applicant can be trusted to carry out the project as they say they will. She urged the commissioners to deny the application.

Marybeth Hamilton, 1528 Linzie Rd – Hamilton lives one parcel away from the proposed project site and is opposed to the application as it's currently written. She stated that she supports Safe



Bay but has concerns with key outdoor living site requirements that are missing in the application, including requirements for dense urban screening, noise, light, and landscape buffering. Other public hearings on tonight's agenda have high standards that must be met, but she feels this application does not seem to meet those same standards. She anticipates impacts to her property, and urged the commissioners to deny or have the applicant revise the application to ensure all requirements are being met.

Greg Hill, 1503 W Arrowhead Rd – Hill leaves to the east of vineyard church and is opposed to the project. He feels that the screening requirements are not being met. CHUM does good work to help remedy Duluth's homeless problem, but he feels that CHUM is enabling people experiencing homelessness with this project. Hill offered a couple alternative options for Safe Bay – he suggested the program take place at Spirit Mountain instead. He also offered to host 1 or 2 cars at his house, where he would provide food, shelter and clothing.

**Commissioners:** Van Daele asked staff about the possibility of adding a condition of approval to the permit, which would be to have an after-action review or feedback session for the applicant and neighbors to participate in following completion of the Safe Bay program season.

**Staff:** Mozol responded that staff have not seen that kind of condition in past permits that have gone through this commission, and he is not sure if that is something within the commission's purview.

**Commissioners:** Rhodes commented that she lives near the original Safe Bay site and has seen crime rates decrease since the program began. There is a lot of fear surrounding this project, but nothing has happened yet. This permit is for one year, and she reminded folks this will be reviewed again next year.

Wedul stated that she supports the program, but she also supports adhering to regulations. She believes that the commission needs to address the dense urban screen requirement as they would with any other application. She asked if the applicant is committed to providing the required screening to alleviate some of the tension with the neighbors.

**Staff:** Mozol responded that the application in front of the commission is what is being proposed. Staff find that the berm along with the proposed screening material meet the dense urban screening requirements for this project. If there is further discussion that commissioners would like to pursue regarding the ability of the applicant to do more in terms of screening, he encourages commissioners to speak to the applicant about that request.

**Commissioners:** Van Daele asked staff about adding conditions of approval.

Rhodes added that the snow fence is not serving any screening purposes, and it is in place to delineate property boundaries. The dense urban screening has yet to be installed.

Wedul stated recited the different dense urban screening options in the UDC. She does not believe the proposed screening in the application does not meet the code requirements, and the screening needs to be a permanent feature to be consistent with the zoning code.

**Staff:** Moses responded that commissioners can add conditions of approval, but she recommends that those conditions be made clear in the motion. In the interest of clarity, she highlighted the distinction between dense urban screening and landscape buffer. As the Land Use Supervisor, she interprets the code to say that the applicant is required to provide a dense urban screen along the residential buffer, and the applicant can meet this requirement by choosing between additional landscaping or the natural vegetation.

Dense urban screen does not have to be a fence. Dense urban screening focuses on opacity and height.

**Commissioners:** Discussion ensued amongst the commissioners about screening and landscaping requirements and definitions. Commissioners urged staff to clarify between buffers and screening going forward.

**MOTION/Second:** Wedul/Sarvela approve as per staff recommendations with conditions:

- 1. The project be limited to, constructed, and maintained according to the information submitted with the application and all criteria in UDC Section 50-20.1.I.**
- 2. This Interim Use Permit has a duration of one year and shall expire one year from the date of approval; however, the site will only be open from May - October.**
- 3. Before operation commences, the applicant will ensure that the operator's name, telephone number, and e-mail address are posted on the site and easily visible to the public and will provide a photo of this signage on the site to the Land Use Supervisor.**
- 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 administrative approval shall constitute a variance from the provisions of UDC Chapter 50.**

**VOTE: (8-0)**

PLIUP-2504-0023 Interim Use Permit for a Laundromat and Multifamily Dwelling (Adaptive Reuse) at 2403 W 6th St by Festies INC

**Staff:** Chris Lee addressed the commissioners. The applicant proposes to use the existing historic structure as a laundromat on the main floor with 6 residential units on the upper floor. Adaptive reuse of a historic structure is allowed under an Interim Use Permit. The current zoning is R-1, and all uses that are permitted in the MU-N zone district shall be considered as eligible for an interim use permit in R-1, R-2, or R-P district. The time limit for this permit is 10 years. This time limit is to ensure there are no impacts on the surrounding uses. Staff have determined that 10 years is an acceptable expiration date based on the substantial financial investment the owner is making into the property.

The primary structure on the property was constructed in 1916 and is called the F. Belanger Block. The property was locally designated as a historic property in February 2024. There is a preservation plan that was done by New History in June 2024 (PL23-224). This designation allows for the property to have a variety of uses via an Interim Use Permit for Adaptive Reuse, which would allow the applicant flexibility in restoration and preservation. The proposed uses are a small footprint laundromat on the main floor and a 6-unit multi-family use on the upper floor. The operating hours of the laundromat will be 6am to 11pm. Interior and exterior building renovation are needed to restore the building to create the laundromat and apartments.

There are no planned additions or expansion to the structure aside from renovations to the stoop for an accessible ramp. All building renovations will need to comply with the historic preservation plan and will be required to receive a historic construction permit from the Heritage Preservation Commission. There are 6 proposed parking stalls at the rear of the property with access off the alley; per UDC requirements, a parking area will be paved. These parking stalls will be for the tenants of the apartments. In addition to meeting the historic requirements, all proposed building changes will need to meet UDC requirements for any exterior trash enclosures and exterior lighting. The use is expected to have minimal impacts with noise, light, and traffic to the surrounding area.

One public comment was received concerning parking. Staff recommends approval with conditions.

**Applicant:** David Sundberg addressed the commissioners. He stated that this building has been sitting vacant for many years and used to be a corner store. Through the historic designation and adaptive reuse channels, he was able to bring these project plans to fruition, and he is happy to invest in his community.

**Commissioners:** Van Daele thanked the applicant for the work they've put into this building. Eckenberg asked the applicant to explain why he chose smaller units for this project. He also asked the applicant to clarify where the parking spaces will be.

**Applicant:** Sundberg responded that the rationale for 6 smaller units as opposed to fewer larger units was that the space is more suitable for several smaller units rather than a couple large ones. With large units, 1 tenant could pass a background check and then proceed to bring in others who might not. He feels that 6 smaller units leave less room for potential problems. Sundberg explained where the parking spaces and access points will be.

**Public:** Rosanne Mellsmoen, 506 N 25th Ave W – She lives near the building is in favor of the project. Mellsmoen stated that she's watched this building deteriorate for years and is happy to see it being used. She expressed concerns regarding parking, property access, and folks who would have access to the laundromat.

**Commissioners:** Eckenberg asked the applicant to address Mellsmoen's concerns.

**Applicant:** Sundberg stated the laundromat will be primarily for the tenants in the units above. The laundromat will have card or fob access, so one must be approved to use it. There is no rear access, but there will be handicap accessible ramp.

**MOTION/Second:** Van Daele/Wedul approve as per staff recommendations with conditions:

- 1. The Interim Use Permit be in effect for a period of 10 years. Applicant may apply for a subsequent Interim Use Permit prior to expiration of this permit.**
- 2. Project shall comply with all UDC requirements, including but not limited to exterior lighting, screening, landscaping, and parking lot requirements. These shall be confirmed at the time of building permit.**
- 3. 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.**

**VOTE: (8-0)**

PLSUB-2501-0001 Minor Subdivision at 421 Anderson Rd by The Jigsaw LLC

**Staff:** Jason Mozol addressed the commissioners. He gave a presentation that combines this application along with PLSUP-2412-0029 and PLSUP-2412-0030, and recommends each item be voted on separately.

This area was re-platted in 2018 for future mixed-use development. The first two parcels in this plat are currently under development for a carwash and a fast-food restaurant. There are two special use permits before the commission tonight – one being for an oil change business and another for a coffee shop. These permits are from December 2024, but there were some discrepancies in their landscaping plans when the development was beginning to be constructed. The applications were considered incomplete until the developer provided plans to show compliant landscaping.

For the first application, PLSUB-2501-0001, the applicant is proposing a minor subdivision to create separate lots for two commercial developments. The land is owned by the applicant. The proposed parcels, Parcel 3-1 and Parcel 3-2, that will be created by the minor subdivision are both vacant with previous earthwork preparing them for future development. Lots created by

this subdivision are subject to the zoning requirements of the MU-N district in UDC Table 50-15.2-1. Parcel 3-1 is proposed to have 102.74' of frontage and a lot area of 21,379 sq/ft. Parcel 3-2 is proposed to have 510.27' of frontage and a lot area of 57,291 sq/ft. Both proposed parcels exceed the 50' minimum frontage and the 4,000 sq ft minimum lot area requirements. The proposal for PLSUP-2412-0029 is to construct a 1,740 sq/ft oil change business, like other oil change businesses around Duluth. The proposal for PLSUP-2412-0030 is to construct a drive-through coffee shop with combined structure footprints of 780 sq ft.

There is screening required in the rear of the property with the proposed oil change business, which is shown in the landscaping plan. The site is proposed to contain 6 off-street parking spaces; one identified as ADA accessible. The project must provide two bike parking spaces that are proposed to be located at the rear of the building. Trash and recycling containers will be screened by proposed fencing. If any exterior mechanicals are added, these will need to be screened as well.

The other special use permit for the proposed coffee shop is slightly different than other coffee shops around Duluth. 7 Brew is a drive-through only coffee shop, with no internal space for customers to order, and all ordering for this drive-through is done exclusively via an online platform and will not have an associated speaker box or menu board. The drive-through may operate from 6am to 10pm Monday-Friday and 7am to 10pm on Saturday and Sunday. Adjacent residential properties will be screened from glare and noise associated with drive-through traffic by existing and proposed vegetation and required fencing. The site is proposed to contain 5 off-street parking spaces; one identified as ADA accessible. The project must provide two bike parking spaces that are proposed to be located at the rear of the building. Trash and recycling containers will be screened by proposed fencing. If any exterior mechanicals are added, these will need to be screened as well.

Landscaping responsibilities are divided between the overall site developer (Jigsaw LLC) and the applicants (7 Brew and Take 5). Previous development within the larger Jigsaw Subdivision has resulted in areas of non-compliant landscaping in the rear of the site and along the retaining wall in the front. Two separate landscape plans are attached that, in aggregate, meet minimum landscaping standards for street frontage landscaping, parking lot landscaping, buffering between land uses and tree preservation. The attached landscape plan proposed by Jigsaw LLC remedies the areas of non-compliance and Jigsaw LLC has provided financial security to the City to complete the work. Staff spoke with one neighbor on the phone that expressed concern regarding the project and how adequate screening will be provided. Staff feel that requirements for this development are being met and recommend approval of these applications with conditions.

**Commissioners:** Wedul asked staff to clarify what the subdivision application would accomplish. Rhodes asked about the screening material for the dense urban screening requirements.

**Staff:** Mozol responded that there are currently separate parcels for Mr. Carwash and Popeye's, and the subdivision will create separate parcels for both the oil change business and the coffee shop. The request from the neighbor was for a fence specifically, and these developments will be there for a long period of time. The developer agreed to this condition.

**Commissioners:** Eckenberg asked Mozol a question regarding access. Wedul asked about the sidewalk completion requirements.

**Staff:** Mozol informed the commissioners that there will be two access points for this area, one coming off Central Ent and the other coming off Anderson Rd. There is sidewalk shown in the site drawings coming up off Anderson Rd, and there are pedestrian connections through the site, and are required in the final drawings.

**Applicant:** Bruce Carlson addressed the commissioners. He is the Senior Vice President of Construction & Development with Launch Properties. This has been a challenging project for his team due to Covid, labor shortages, and landscaping costs. There was a large amount of unexpected granite that was discovered on the site, and it is currently still there. The city asked them to remove the granite, but this has proven to be challenging for several reasons. Instead of hauling off the existing rock, they are hoping the city and planning commission might consider an alternative approach. They'd like to explore the possibility of leaving the granite on site to be used as a landscape element. Doing this could also be a more sustainable approach, as there would be less fuel used moving rock and maintaining the sod. The granite could also serve as an aesthetic piece. They intend to be compliant with the original application, but they wanted to float this idea to staff.

**Commissioners:** Rhodes asked if they designed their landscaping with an opaque fence.

**Applicant:** Carlson responded that they are going with staff direction. The fence will help debris from blowing into neighboring properties.

**Public:** Jessica Thiel, 1625 Linzie Rd – Thiel noted that the staff report says that the rear property line will be screened by vegetation and required fencing to meet the standard of a dense urban screen because the adjacent property is used residentially. It also states that in addition to the proposed vegetative screen, 6 ft tall opaque fencing must be installed on the rear of the site. She asked the commissioners what they believe meets the standard of a dense urban screen, and how staff determined the requirements were met for this application.

Sam Glennon, 604 W Central Ent – Glennon works on the Mr. Carwash Real Estate & Development team and is in favor of all 3 projects. They are excited to have more tenants near them. These projects will help drive more traffic into the development, which will serve all the retail businesses there. He referenced a letter that was sent to the staff that outlined their concerns about the developer's unfinished site work, including the unfinished access roads and the landscaping. They request that any future approvals within the development are conditioned on the master developer completing the work that was previously approved. They also ask that the master developer post some sort of bond or financial security with the city if their work is not completed.

**Commissioners:** Crawford asked staff to address the concerns brought forward by Glennon.

**Staff:** Mozol reiterated that the city has mechanisms in place to ensure that the work that was proposed is done as proposed. The private financing dispute between the developer and Mr. Carwash is not within the purview of this commission and should be handled privately. Moses added that the city does have escrow from the developer to make sure that the landscaping is completed.

**Commissioners:** Wedul asked if there is a tool in place to ensure that the developer completes the site access for Mr. Carwash. Van Daele asked when escrows are typically collected.

**Staff:** Mozol responded that there are checks throughout the process to ensure the work is done. The developer must provide compliant plans prior to a building permit being issued. After the building permit is issued, the buildings are not permitted to be occupied until a certificate of occupancy (COO) is issued.

Moses explained that the city can collect escrow for financial security to ensure work is completed. In some projects, the site work gets done before the COO is issued, so there would be no need to collect escrow. In other projects, the developer may be ready for a COO because everything inside the building is complete, but the site work isn't finished. Escrow is a useful tool in many cases. The developer has been cooperative throughout this process.

**MOTION/Second:** Sarvela/Adatte approve as per staff recommendations with conditions:

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

**VOTE: (8-0)**

PLSUP-2412-0029 Special Use Permit for Auto Service at 421 Anderson Rd by Take 5 Oil Change

**Motion/second:** Wedul/Van Daele approve as per staff recommendation with conditions:

1. The project, as modified by the conditions summarized below, be limited, constructed, and maintained consistent with plans submitted with the application.
2. The auto service use may operate between 7am and 8pm.
3. In addition to the proposed vegetative screening, 6' tall, opaque fencing must be installed along the rear of the site.
4. Final, compliant exterior lighting and landscaping plans must be submitted to and approved by the Land Use Supervisor prior to a building permit being issued.
5. 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.

**Vote: (8-0)**

PLSUP-2412-0030 Special Use Permit for Restaurant at 421 Anderson Rd by 7Brew

**Motion/second:** Crawford/Adatte approve as per staff recommendation with conditions:

1. The project, as modified by the conditions summarized below, be limited, constructed, and maintained consistent with plans submitted with the application.
2. The drive-through may operate between the hours of 6am to 10pm Monday-Friday and 7am to 10pm on Saturday and Sunday.
3. In addition to proposed vegetative screening, a 6' tall, opaque fence must be constructed along the west side of the entrance from Anderson Rd and along the rear of the site.
4. Final, compliant exterior lighting and landscaping plans must be submitted to and approved by the Land Use Supervisor prior to a building permit being issued.
5. 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.

**Vote: (8-0)**



PLSUP-2504-0049 Special Use Permit for a Daycare at 404 E 5th St by One Roof Community Housing

**Staff:** Natalie Lavenstein addressed the commissioners. The applicant proposes a daycare facility serving a maximum of 124 students on the first level of a proposed multi-family dwelling in Central Hillside. Daycare facilities with more than 15 students in an R-2 District require a special use permit. The applicant is proposing to construct a new multi-family building which will contain a daycare center on the first level and multi-family dwellings in the upper levels. The daycare will have a maximum licensure capacity of 124, with hours of operation between 6:45 am – 5:30 pm. The existing parking lot and structure will be demolished and a new building with parking spaces will be constructed.

The site plan includes 7 on-site parking spaces dedicated to family pick-up and drop-off, as well as 2 designated parking spaces along 4th Avenue. The 2 parking spaces are proposed as flexible-use spaces – reserved for child drop-off and pick-up during peak traffic period, and available for general or alternate use during other times of the day. A parking narrative is attached with a detailed analysis of the number of families arriving at a time. Staff find the applicant has prepared a reasonable plan for pick-up and drop-off and recommend that a condition of approval be placed regarding ensuring no traffic flow is impeded with this parking. The daycare is proposed to be in the Brae View apartment building and will have shared parking and site use. Preliminary plans for Brae View show all landscape requirements will be met. Landscaping will be confirmed prior to Brae View receiving the building permit for the site. The day care will provide an exterior play area; any fence installed for the play area will need to meet all fence criteria, including regulations related to materials and height. No additional outdoor dumpsters will be placed on site for the daycare. The day care proposes no building features or exterior lighting other than what is being constructed as part of the Brae View project. Brae View must meet all building design standards and exterior lighting requirements. No public or agency comments were received. A city comment was received stating the loading zone requires Parking Commission approval prior to construction. Staff recommends approval with conditions.

**Applicant:** Debbie Freedman, 3528 E 4<sup>th</sup> St – Freedman is the Executive Director at One Roof. The Brae View project has been in the works for several years and they have received ARPA funding and Minnesota Housing to move forward with this project. Childcare has always been part of the project. She is happy to answer commissioners' questions.

**Commissioners:** Eckenberg about the timeline for this project. Wedul questioned whether the applicant wants the black walnut trees on the site near cars and children.

**Applicant:** Freedman explained that they were hoping to start construction this summer, but the financial closing process with Minnesota Housing is lengthy and construction may be pushed back to spring of next year.

**Public:** No speakers.

**Motion/second:** Van Daele/Rhodes approve as per staff recommendation with the following conditions:

- 1. The daycare will be constructed and maintained consistent with the site plan and narrative submitted with the application.**
- 2. The applicant shall provide clear communication and signage regarding spaces available for pick-up and drop-off and will instruct families on overflow parking so that there is no queueing of cars and no impediment to traffic flow.**
- 3. The proposed loading zone must be approved by the City of Duluth Parking Commission prior to construction.**

- 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 review; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.**

**Vote: (7-0)  
Crawford abstained**

PLSUP-2503-0043 Special Use Permit for Bed and Breakfast at 5820 London Rd by Meredith Anderson

**Staff:** Chris Lee addressed the commissioners. The applicant proposes to use a 3-bedroom home as a bed and breakfast. A bed and breakfast is permitted in the R-1 as a special use. The primary structure on the property is a 3-bedroom, 3 bath centennial home built in 1891. The property also contains a detached garage and a small sauna. The parcel is .63 acres in size exceeding the minimum required for a Bed and Breakfast and the applicant will reside at the adjacent property. There is ample guest parking on the property's existing driveway, and the property appears outwardly to be a single-family dwelling with a structure and features that are common at residential properties. The proposed bed and breakfast is not anticipated to create any impact on surrounding properties if it is approved.

Staff received letters from the applicant's legal counsel. Staff recommends denial of the application on the grounds that the property does not meet the first-floor minimum area requirement of 1,500 square feet in UDC sec. 50-20.3.F., paragraph 5. The first floor of the property only contains 1,200 square feet, so it does not meet the criteria for a bed and breakfast.

**Commissioners:** Rhodes noted that the two comments received from the applicant's lawyers state that staff's interpretation of square footage is incorrect. She asked if this impacts staff's interpretation of the UDC or how commissioners should interpret this application. Rhodes also asked what the intention of the minimum square footage requirement on the main level is. She also wondered if the applicant was pursuing this permit as a way of getting around the vacation dwelling unit (VDU) rules with an alternative way of getting the same privileges and asked about other departments' requirements for this type of use.

**Staff:** Lee responded that legal counsel has determined that some definitions of gross floor area within the building code state that all parts of the foundation are included as part of the floor area. Staff determines that the floor area that is usable, livable space is between the walls where people will be occupying. This does not include the exterior porch space.

The intention of the square footage requirement was put in place to ensure that the properties being used as bed and breakfasts are meeting a certain size threshold. At the time of these rules being written, it was implied that bed and breakfasts would be larger structures to support more people residing in them with a comfortable amount of space.

Bed and breakfasts could be posted and rented out via Airbnb or VRBO websites, but that is up to the applicant how they want to run their business. Bed and breakfasts are permitted under a special use permit in the R-1, while VDUs are permitted under an interim use permit and are subject to the VDU cap. Lee stated that he cannot speak to what other departments require of bed and breakfasts.

**Applicant:** Bill Burns addressed the commissioners on behalf of the applicant Meredith Anderson. He stated that the subject home is historic and spacious enough for a bed and breakfast. The footprint of the home meets the square footage requirements. He believes that zoning code should be interpreted in this case to favor the landowner, not the city. They have



been able to find several different ways to include pieces of the home to meet the square footage requirements.

Meredith Anderson addressed the commissioners. She also believes her home meets all of the requirements for a bed and breakfast, including the square footage requirement. Anderson stated that the porch is part of the home and should be included in the gross square footage.

**Commissioners:** Crawford asked if there have been any appraisals done on the home that would include the square footage in the report. Wedul asked the applicant if they intended to use this property as a VDU as opposed to a bed and breakfast.

**Applicant:** Burns responded that he has not seen an appraisal and wasn't sure that it would be relevant to the matter at hand. He believes that the commissioners should make their decision based on what the zoning code says. The applicant intends to run a bed and breakfast, and the property meets all requirements for that type of use.

**Commissioners:** Wedul stated that in her experience, the finished floor area between walls is how gross square footage is counted.

Eckenberg asked the applicant what the gross square footage would be if the porch space was added to the total.

**Applicant:** Burns responded that the gross square footage with the porch included would come out to be over the required 1500.

**Public:** No speakers.

**Commissioners:** Discussion ensued about the interpretations bed and breakfast requirements in the zoning code as well as building code requirements.

**Motion/second:** Rhodes/Sarvela deny as per staff recommendation on the grounds that:

- 1. The property does not meet the minimum square footage requirement of 1,500 square feet on the main floor.**

**Vote: (2-6)**

**Adatte, Crawford, Hammond, Van Daele, Wedul, and Eckenberg opposed  
Motion fails**

**Motion/second:** Hammond/Van Daele approve the application on the grounds that:

- 1. The property does meet the minimum square footage requirement of 1,500 square feet on the main floor with the porch space included.**

**Vote: (5-3)**

**Rhodes, Sarvela, and Wedul opposed**

PLSUP-2504-0052 Special Use Permit for Personal Service and Repair, Small at 2517 W 1ST ST by Lara Hill

**Staff:** Natalie Lavenstein addressed the commissioners. The applicant proposes to use the main level of an existing single-family home as a chiropractic office. A chiropractic office is considered a personal service and requires a special use permit in the R-2 District. The subject property was built in 1921 and is a single-family home with a detached garage. The home is approximately 2,300 sq/ft and contains 2 bedrooms.

The applicant is proposing to use the main level of the home as a chiropractic office. The main level consists of a desk area, reception area, adjusting area, exam room, and office space. The home is approximately 2,300 sq/ft. The applicant is the only employee but anticipates hiring up to 2 employees. There will be an average of 2-4 clients per hour. The chiropractic office will operate between the hours of 8 am and 6 pm, except for occasional small educational events for clients and their guests which may occur between 6 pm and 8 pm. Attached to the staff

report is a narrative provided by the applicant which describes the general operations of the chiropractic office.

The requirements in UDC Sections 50-25 (Landscaping and Tree Preservation), 50-26 (Screening, Walls and Fences), 50-29 (Sustainability Standards), 50-30 (Building Design Standards), and 50-31 (Exterior Lighting) do not apply to this application because it does not contemplate new construction and will not result in significant alteration or expansion of existing structures. No public, agency, or City comments were received. Staff recommends approval with conditions.

**Commissioners:** Eckenberg asked staff if there is parking provided for customers.

**Staff:** Lavenstein responded that there is no required parking for this use.

**Applicant:** Lara Hill, 2517 W 1<sup>st</sup> St – Dr. Hill addressed the commissioners. She stated that her clients come to her to relieve their pain and expand their health. She also regularly partners with other local organizations and small businesses to give back to her community. There are three off-street parking spaces available at her location, and she is looking for more options across the street.

**Public:** No speakers.

**Commissioners:** No further discussion.

**Motion/second:** Crawford/Sarvela approve as per staff recommendation with the following conditions:

**Vote: (8-0)**

PLUMA-2503-0002 UDC Map Amendment from MU-C to R-1 near 46th Ave E and Regent St by 3 Stooges LLC

**Staff:** Jason Mozol addressed the commissioners. Applicant is requesting a UDC Map Amendment (rezoning) from Mixed-Use Commercial (MU-C) to Residential-Traditional (R-1). Rezoning this property will align the zoning and comprehensive plan designations. This change will support compatibility of future neighborhood uses.

Previously, there seemed to be something like a natural gas tank with a pump on the site, which is where the current zoning came from. That structure was removed about 10 years ago. The applicant proposes to rezone to Residential-Traditional (R-1) to support anticipated residential development. The future land use map in the comprehensive plan identifies this area as Traditional Neighborhood. This proposal is consistent with the comprehensive plan and implements several governing principles including reuse of existing developed area; investing in neighborhoods; and supporting private actions that contribute to the public realm. One public comment was received in support. Staff recommends approval with conditions.

**Commissioners:** Wedul noted that the title of the item says MU-B but the staff report says MU-C. She asked staff to clarify so the record can show the correct zoning.

Eckenberg asked staff to speak about the comment received.

**Staff:** Mozol responded that MU-B is correct, not MU-C. This will be reflected in the record. Mozol stated that he briefly looked into the neighbor situation, and he does not feel he is qualified to give a recommendation pertaining to that matter. He also feels that it is not relevant to tonight's action.

**Applicant:** Not present.

**Public:** No speakers.

**Motion/second:** Van Daele/Adatte approve as per staff recommendation with the following conditions:

**1. This proposal is consistent with the Comprehensive Land Use Plan.**

2. **The proposed amendment is consistent with the future land use category of “Traditional Neighborhood”, as well as the character of the neighborhood.**
3. **Material adverse impacts on nearby properties are not anticipated or will be mitigated.**

**Vote: (8-0)**

### **Other Business**

#### PL 25-0502 Updated Nomination Packet for the Proposed Lester-Amity-Hawk Ridge Designated Natural Area

Gini Breidenbach, Janelle Long, Tim Beaster, and John Lenczewski gave a brief presentation on the Duluth Natural Area Program Nomination for the Lester-Amity-Hawk Ridge natural area. They presented a visual of the proposed boundary for the land they are proposing to nominate, which covers 82 city-owned parcels and a total of 1184 acres. Some of the land is designated as park land. The proposed boundary includes Amity-Lester ski trails and hiking trails from Hawk Ridge.

Breidenbach listed the criteria that must be met for this designation under the Duluth Natural Area Program Ordinance, which includes Important Bird Congregation Area, Natural Water Feature Area, Special Species Area, Significant Plant Communities Area, and Geological Landform Area.

There are two important parts to this nomination package. One important part of this nomination is the Bird Congregation Area, which is the Hawk Ridge Nature Reserve. It serves a globally important migratory corridor. 60,000 raptors and 200,000 other birds are counted annually during Fall migration. The economic impact during fall migration is \$22 million from 35,000 tourists. The other important part of this nomination is the Natural Water Feature, Amity Creek. The east branch of Amity Creek is the best trout fishery in Duluth. It ranks 5th among north shore streams based on Brook Trout sampling, and it is a unique feature to Duluth. The purpose of this nomination opportunity is to protect this resource within our city. It is also an opportunity for the partners involved to work collaboratively with the city. The partnership brings committed funds to the restoration of this area, and this designation would provide more grant funding opportunities. They request that the planning commission recommend approval to city council.

**Commissioners:** Commissioner Hammond asked what the purpose of this nomination is. He also asked if there will be any impact to recreational areas, such as hiking trails.

**App:** The city’s natural resources program has a very limited budget and staff. The city has determined that their time and resources within the natural resources program are going to go to the natural areas system. This designation allows them to work in collaboration with the city, who is the owner and manager of this land, as a partner. There will be no impact on the recreational trails. Approval of this nomination shows commitment to protecting natural resources in the city.

**Public:** No speakers.

**Motion/second:** Wedul/Sarvela recommend approval to city council

**Vote: (7-1)**  
**Hammond opposed**

## **Communications**

Land Use Supervisor (LUS) Report – No report.

Heritage Preservation Commission Report – No report.

## **Adjournment**

Meeting adjourned at 10:05 p.m.

Respectfully,

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Jenn Moses, Manager  
Planning & Economic Development



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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802



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File Number	PLIUP-2504-0026		Contact	Christian Huelsman, chuelsman@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit		Planning Commission Date		June 10, 2025
Deadline for Action	Application Date		April 16, 2025	60 Days	June 15, 2025
	Date Extension Letter Mailed		May 8, 2025	120 Days	August 14, 2025
Location of Subject		301 104th Ave W			
Applicant	Carie & Clint Massey		Contact		
Agent	Becky Pederson		Contact		
Legal Description		PIN: 010-2260-07950			
Site Visit Date		May 26, 2025	Sign Notice Date		May 27, 2025
Neighbor Letter Date		May 20, 2025	Number of Letters Sent		15

**Proposal**

The applicant proposes to use a 2-bedroom dwelling as a vacation dwelling unit. This is a new application, and the applicant is on the eligibility list.

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

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Vacation Dwelling Unit	Traditional Neighborhood/Preservation
<b>North</b>	R-1	Residential	Traditional Neighborhood/Preservation
<b>South</b>	RR-1	Parkland (Birchwood Park)	Preservation/Recreation
<b>East</b>	R-1	Residential	Traditional Neighborhood
<b>West</b>	R-1	Residential	Preservation

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

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

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.

Preservation: Lands with substantial restrictions. High natural resource or scenic value, or severe development limitations.

**History:** The subject property, 301 104th Ave W, was built in 1890. The existing structure is a 2-bedroom, single-family home with a detached garage west of the inactive 105<sup>th</sup> Alley West.

**Review and Discussion Items:**

Staff finds that:

- 1) Applicants' property is located at 301 104th Ave W. The dwelling unit contains 2 bedrooms, which allows for a maximum of 5 guests.
- 2) This is a new application. To the best of our knowledge there are no violations or enforcement actions regarding the subject property.
- 3) The minimum rental period will be two nights.
- 4) One off-street parking space is required to be provided. The applicant is proposing one off-street parking stall, located in the parking space in front of the detached garage.
- 5) The applicant has indicated they will allow motorhome or trailer parking.
- 6) The site plan does not indicate any outdoor amenities. Staff notes there is a deck located to the rear of the structure. The applicant submitted a letter dated 5/7/2025 from the neighbor to the north, waiving the requirement of a dense urban screen. All other property lines abut public streets.
- 7) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holders must provide contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed Becky Pederson to serve as the managing agent.
- 8) A time limit is needed on this Interim Use Permit ("IUP") to protect the public health, safety and welfare from potential longer-term impacts of the requested use at the location of the subject property. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 9) Applicant must comply with 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").
- 10) There are currently 177 licensed vacation dwelling units in the city, with 89 of those in form districts; the remaining 88 are subject to the cap of 110. The subject property is located within a residential district and is subject to the cap.
- 11) No City, public or agency comments were received.
- 12) The permit will lapse if no activity takes place within 1 year of approval.

**Staff Recommendation:**

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

- 1) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 2) Any alterations to the approved plans that do not alter major elements of the plan 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-2504-0026**

Interim Use Permit  
301 104th Ave W

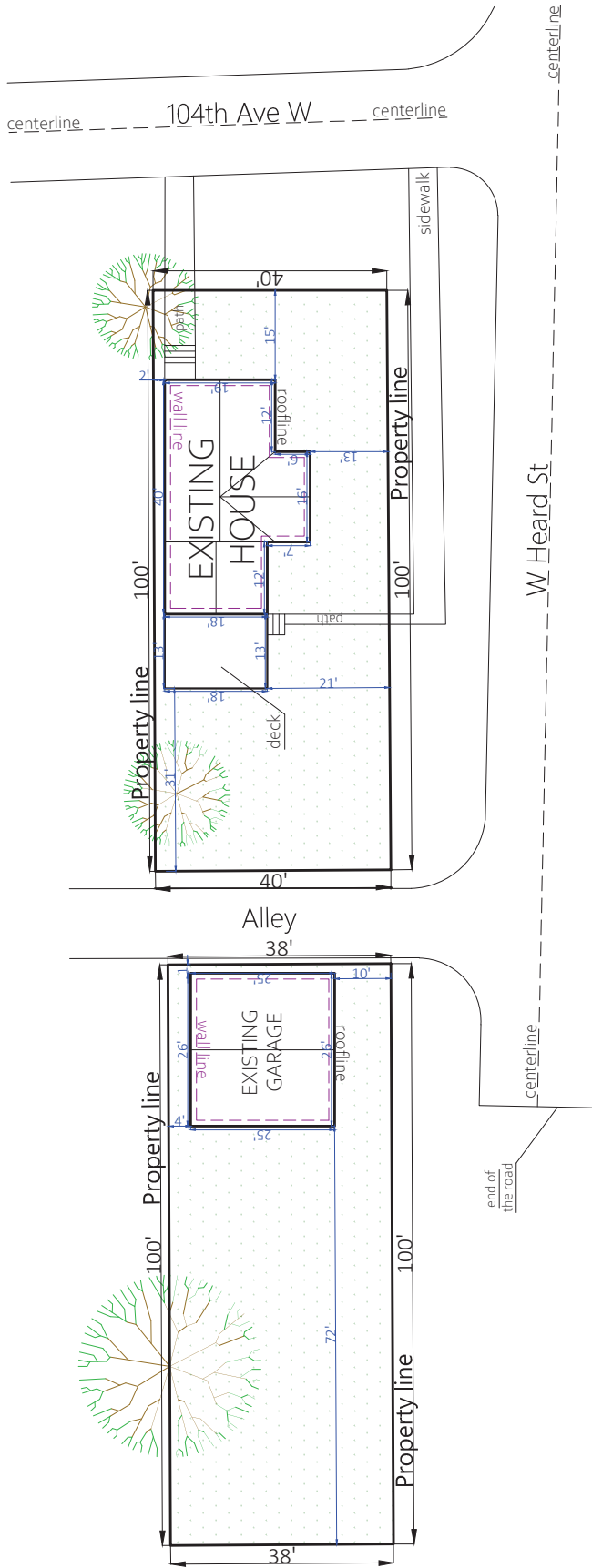


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**SITE PLAN**

Address: 301 104th Ave W  
Duluth, MN 55808  
Parcel ID: 010-2260-07950  
Lot area: 0.18 Acres  
Plot Size: 8.5"x11"  
Drawing scale: 1"=30'





5/27/25

To whom it may concern;

Here is the hard copy of the letter that was sent by our managers/neighbors to the north stating that they do not want a screen between the properties. This is to waive the requirement for a "dense urban screen". The picture of the letter was sent via attachment on email on 5/8/2025.

The property in question is :

301 104<sup>th</sup> Avenue W,

Duluth, MN, 55808l

Applicants: Clint and Carie Massey

[Carielynnsteil@gmail.com](mailto:Carielynnsteil@gmail.com) (715-225-3274)

[Clintmassey03@yahoo.com](mailto:Clintmassey03@yahoo.com) (763-670-6956)

A handwritten signature in cursive script that reads "Carie Massey". The signature is written in black ink and is positioned below the contact information.

DATE: 5/7/2025  
THOMAS R & BECKY L PEDERSON  
305 104TH AVE. WEST  
DULUTH, MN. 55808

TO WHOM IT MAY CONCERN,

THIS LETTER OF ACKNOWLEDGEMENT WILL  
CERTIFY THAT WE DON'T WANT A  
"DENSE URBAN SCREEN" TREES OR A  
FENCE ON OR NEAR OUR PROPERTY  
OR SHARED PROPERTY LINE. LOCATED  
AT 305 104TH AVE WEST, DULUTH MN. 55808

SINCERELY,

Thomas R Pederson

Becky L Pederson



**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-2505-0027	Contact	Chris Lee, cleee@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit - Renewal	Planning Commission Date		June 10, 2025
Deadline for Action	Application Date	May 5, 2025	60 Days	July 4, 2025
	Date Extension Letter Mailed	May 10, 2025	120 Days	September 2, 2025
Location of Subject		1329 Minnesota Ave		
Applicant	Kate Hovarth	Contact		
Agent		Contact		
Legal Description		PID 010-4390-01850 & 010-4400-00540		
Site Visit Date		May 28, 2025	Sign Notice Date	May 27, 2025
Neighbor Letter Date		May 16, 2025	Number of Letters Sent	29

**Proposal**

The applicant proposes to renew a 3-bedroom dwelling as a vacation dwelling unit at 1329 Minnesota Ave. This property was previously approved as permit PL19-158.

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

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Residential	Traditional Neighborhood
<b>North</b>	R-1	Residential	Traditional Neighborhood
<b>South</b>	R-1	Residential	Traditional Neighborhood
<b>East</b>	R-1	Residential	Traditional Neighborhood
<b>West</b>	P-1	Park	Open Space

**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 1,172 sq. ft. single family home built in 1899. The property has an existing vacation dwelling unit that expires in 2025. This property has been previously approved as a short term rental in 2013, 2016, and 2019.

**Review and Discussion Items:**

Staff finds that:

- 1) Applicants' property is located at 1329 Minnesota Ave. The dwelling unit contains 3 bedrooms, which allows for a maximum of 7 guests.
- 2) The minimum rental period will be two nights.
- 3) The applicant is proposing 2 off-street parking stalls, satisfying the standards in UDC Section 50-20.3.V.3. The applicant has indicated they will not allow motorhome or trailer parking.
- 4) The site plan does indicate a firepit and deck as outdoor amenities and has appropriate screening on one side and a screening waiver from the other neighbor.
- 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 Heirloom Property Management to serve as the managing agent.
- 6) A time limit is needed on this Interim Use Permit ("IUP") to protect the public health, safety and welfare from potential longer-term impacts of the requested use at the location of the subject property. Section 50-20.3.V.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 7) Applicant must comply with 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").
- 8) There are currently 177 licensed vacation dwelling units in the city, with 89 of those in form districts; the remaining 88 are subject to the cap of 110. The subject property is located within a residential district and is subject to the cap.
- 9) One public comment was received with concerns to the conditions of the rear parking area. Staff has found that the gravel parking surface is compliant with what is permitted in residential zoned districts.
- 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.



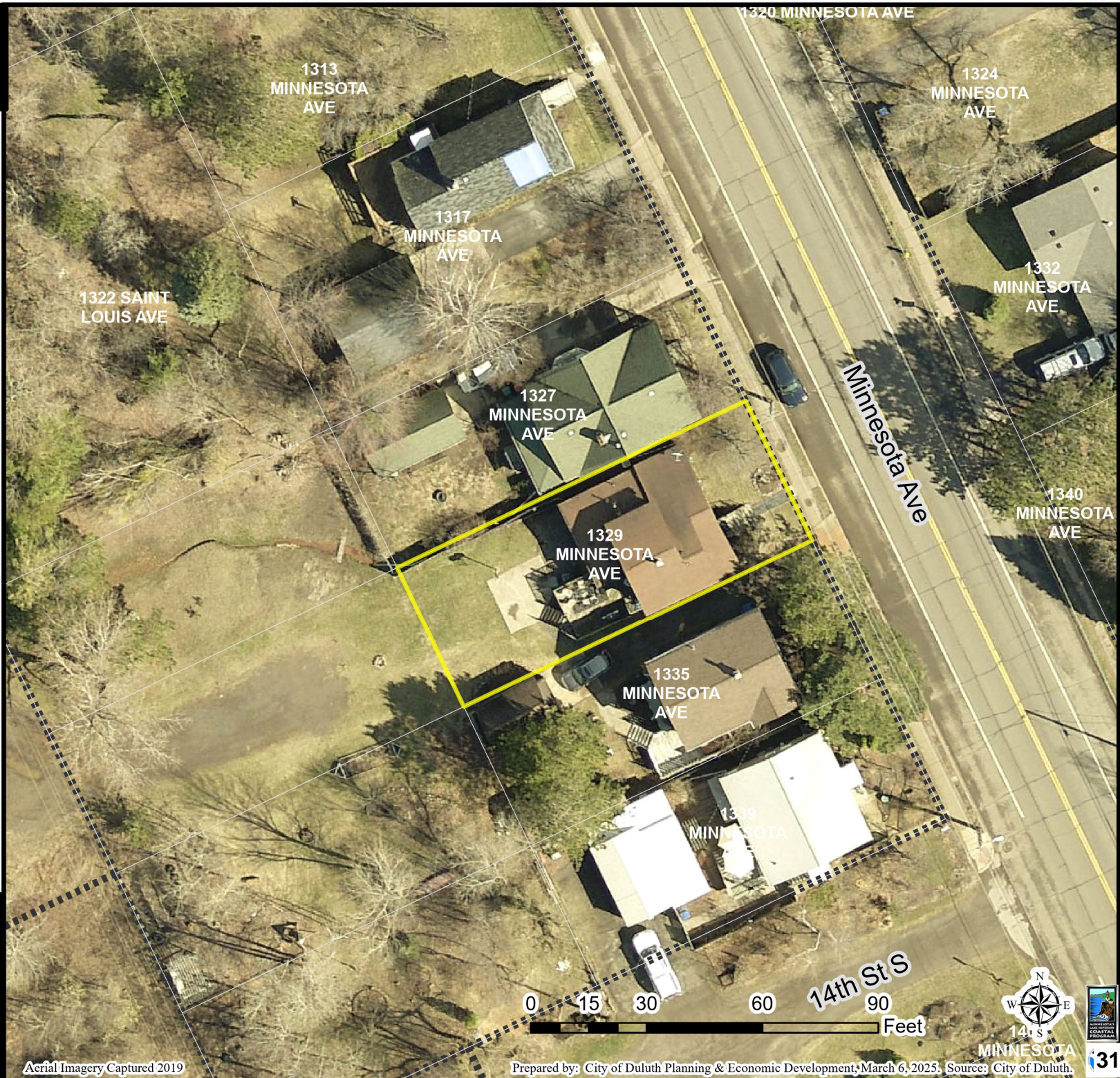


**PLIUP-2505-0027**

Interim Use Permit  
1329 Minnesota Ave

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Aerial Imagery Captured 2019



Prepared by: City of Duluth Planning & Economic Development, March 6, 2025. Source: City of Duluth.



**31**



1329 Minnesota Ave.  
Site Plan: Application date  
Kate Harvath 10/28/19  
218-310-3787

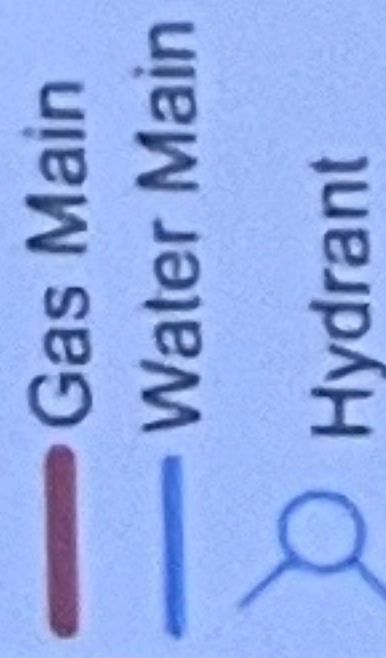




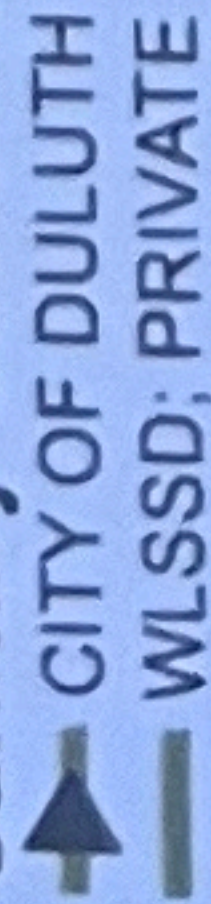


1329 Minnesota Ave

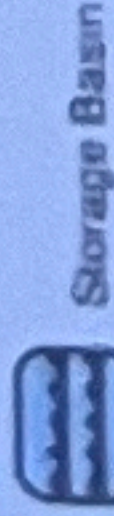
#### Legend



#### Sanitary Sewer Mains



Sanitary Sewer Forced Main

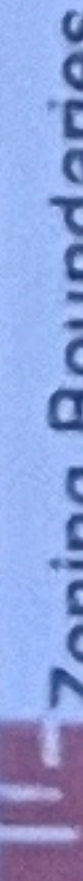


PS Pump Station

Storm Sewer Mains



Storm Sewer Catch Basin



Zoning Boundaries

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Aerial Photography flown 2019

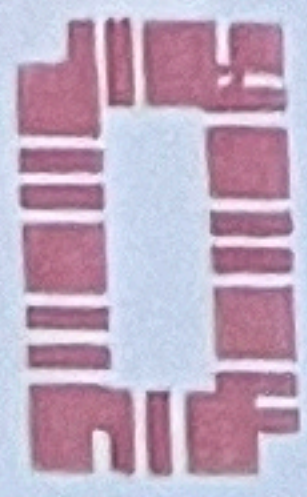
Prepared by: City of Duluth Community Planning Division, September 17, 2019. Source: City of Duluth



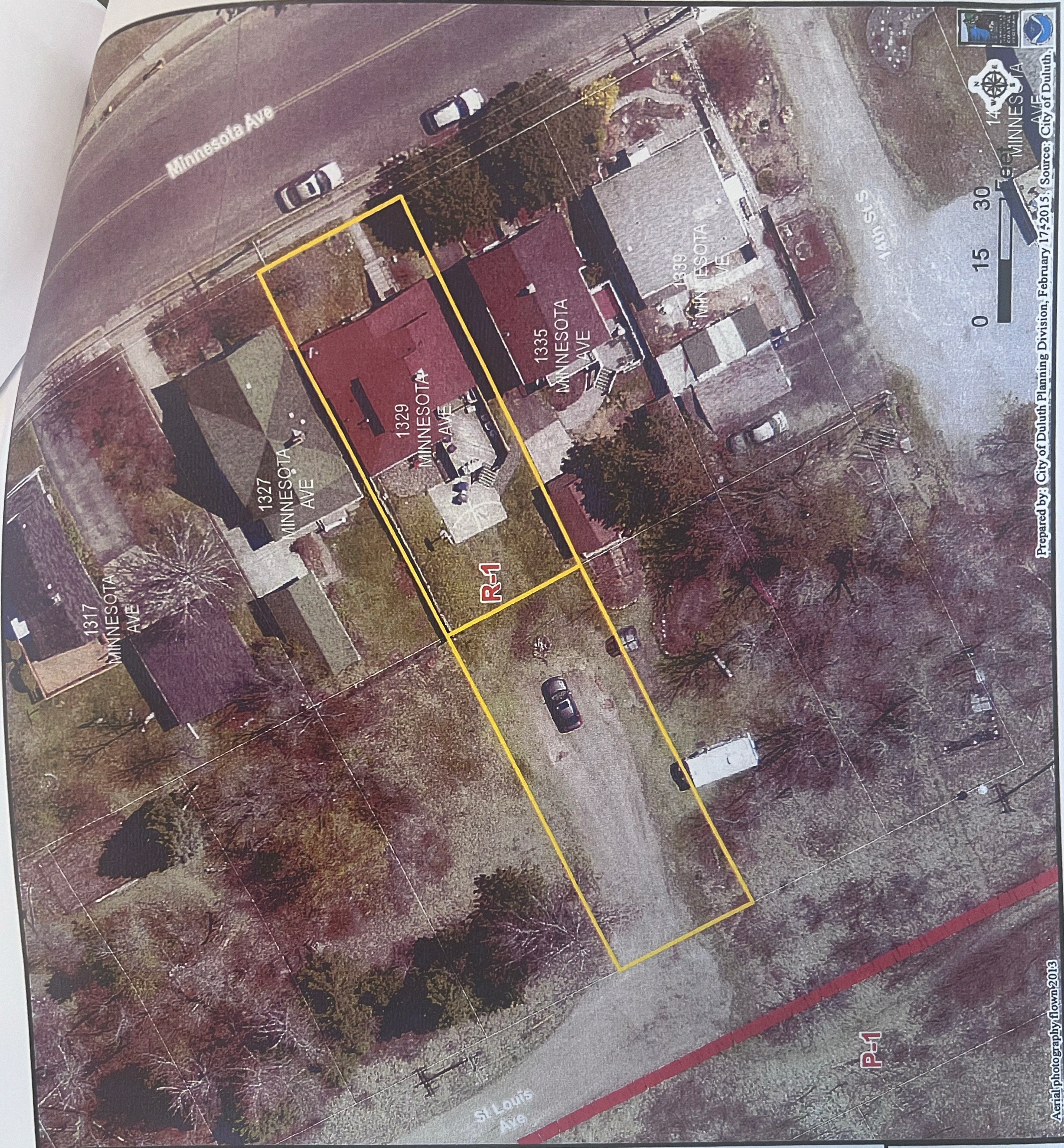


**City Planning**  
PL 16-046  
1329 Minnesota Ave  
Interim Use Permit-VDU  
Zoning Map

## Legend



**Zoning Boundaries**



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Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, February 17, 2015. Source: City of Duluth.



5/2/2016

No fence needed!

**From:** John Pegg <jpeggduluth@yahoo.com>

**To:** Dave Wade <dave.wade@newpagecorp.com>

**Cc:** Dave & Mary Wade <davewmaryr@aol.com>

**Subject:** No fence needed!

**Date:** Thu, Apr 21, 2016 11:22 am

---

Hi Dave and Mary -

I'm writing to let you know that we would prefer NOT to have any additional fencing between our homes. Having aaaaaaaaaaaaaaaaa fence between our garage and you back deck would inconvenience both of us in terms of access to our back lots and our driveway, and it would cause problems during the winter for snow removal. I have not found any of your guests to be intrusive or problematic and see no need of additional fences. Thank you

John

John & Lyn Clark Pegg

1335 Minnesota Ave.

Duluth, MN 55802

218-349-1786

*"When the power of love overcomes the love of power, the world will know peace" - Jimi Hendrix*



Please note this is a renewal, thank you!  
Kate Horvath

### Vacation Dwelling Unit Worksheet

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

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

**How many legal bedrooms are in the dwelling?**

3

**What will be your maximum occupancy?**

7

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

a. 1-2 bedroom unit, 1 space

b. 3 bedroom unit, 2 spaces

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

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

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

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

2-3

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

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

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

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

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



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

Heirloom Property Management keeps careful, digital log of all guests.

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:

Heirloom Property Management - 218-390-4317

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

- The managing agent or local contact's name, address, and phone number;
- The maximum number of guests allowed at the property;
- The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked;
- 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;
- Applicable sections of City ordinances governing noise, parks, parking and pets;

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

This information is issued to guests via email / booking card is in the dedicated guest book for the property

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.



-----Original Message-----

From: Randine Anderson Lewis < >

Sent: Thursday, May 22, 2025 10:48 AM

To: planning <[planning@DuluthMN.gov](mailto:planning@DuluthMN.gov)>

Subject: Interim Use Permit PLIUP-2505-0027

Hello,

I am responding to the City's notice of Public Hearing for an Interim Use Permit for a Vacation Dwelling Unit at 1329 Minnesota Avenue.

I live next door at 1327 Minnesota Avenue, and there have been many short term renters over the years. While it is saddening to have so few real "neighbors" here on Park Point because of the short term rentals in my neighborhood, the city doesn't seem to limit permits in this area.

My biggest concern has been that usually multiple families or individuals occupy the dwelling, and the back yard has become a parking lot, usually for 3 to 4 trucks or SUVs at a time. The driveway onto St. Louis Ave is made of dirt, and turns to mud when it rains. Large potholes have not been filled and the pooled water breeds mosquitoes. The owners have not filled or paved the driveway, and while I have tried to place unobtrusive rocks that separate my yard from their driveway, the trucks still turn around on my property and dig up the grass.

While of course I would prefer real neighbors who care about the yard and driveway, it would be less problematic if the owners would take care of the driveway and limit the number of vehicles behind the house.

Respectfully,

Randine Anderson

1327 Minnesota Ave., Duluth





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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PLPR-2505-0002		Contact	Jason Mozol, jmozol@duluthmn.gov	
Type	MU-I Planning Review		Planning Commission Date		June 10, 2025
Deadline for Action	Application Date		May 23, 2025	60 Days	July 22, 2025
	Date Extension Letter Mailed		May 27, 2025	120 Days	September 20, 2025
Location of Subject		2030 N Arlington Ave			
Applicant	St Louis County		Contact	Scott Hudson	
Agent	Widseth		Contact	Ryan Erspamer	
Legal Description		010-2710-03940			
Site Visit Date		May 29, 2025	Sign Notice Date		May 25, 2025
Neighbor Letter Date		May 23, 2025	Number of Letters Sent		93

**Proposal**

The applicant is proposing a ~12,000 square foot cold storage building at 2030 N Arlington Ave in an MU-I district.

**Recommended Action:** Staff recommends that Planning Commission approve the planning review with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-I/R-1	Public Services Campus	Institutional/Open Space
<b>North</b>	R-1/MU-B	Residential/Forested/Utilities	Light Industrial/Open Space/Traditional Neighborhood
<b>South</b>	R-1/R-P	Forested/Residential	Open Space/Traditional Neighborhood
<b>East</b>	R-P/MU-N	Forested/Residential	Open Space/Urban Residential
<b>West</b>	R-1/MU-N	Forested/Residential	Low Density Neighborhood/ Neighborhood Mixed Use

**Summary of Code Requirements:**

50-15.4.D MU-I District – Planning review pursuant to Sec 50-37.11 by the Planning Commission is required for all development and redevelopment, unless a district plan is approved.

50-18.1 Shoreland, Flood Plains, Wetlands.

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

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

50-26 Screening, Walls, and Fences – Screening of equipment, loading areas, etc., plus fences & retaining walls.

50-29 Sustainability Standards – Sustainability point system for new development.

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

50-31 Exterior Lighting – Directs the minimum and maximum illumination values and lighting fixtures for a site.

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

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

Governing Principles: Principle #1- Reuse previously developed land

This project is built on a section of property that is currently being used as an open air storage area and will not impact the undeveloped floodplain, shoreland, or wetland areas associated with Chester Creek running through the north of the property.

Future Land Use – Institutional

Applicable to medical, university/college, public school, religious, or governmental campuses. Can include adjacent areas that support them, with related commercial and/or office uses, and residential uses in the fringe areas of the district.

History: The Cook Home Poor Farm operated on the site in the late 19<sup>th</sup> century. In the 20<sup>th</sup> century, Chris Jensen Nursing Home, currently Hilltop Healthcare Rehabilitation and Skilled Nursing, began operating on the property. St Louis County public safety operations have also moved to the site, followed by City's police department in the early 2010's.

**Review and Discussion Items:**

Staff finds:

1. The applicant is proposing to construct a ~12,000 square foot cold storage building for property impounded by the County. This is an accessory structure that fits within the permitted "Government building or public safety facility" use of the site.
2. Sec 50-18.1.B (Wetlands, Shorelands, Floodplains)- No impacts to wetlands, floodplains or shorelands are anticipated.
3. Sec. 50-24 (Parking and loading). Existing parking within the facility will serve this building. Any vehicles located near the proposed building are placed there for storage and do not constitute a parking lot.
4. Sec. 50-25 (Landscaping and Tree Preservation). This site is not adjacent to a public street or a conflicting land use. This is an accessory structure, no parking lots are proposed, and any tree removal will be below the replacement threshold. Given these facts, no landscaping requirements apply to this project.
5. Sec. 50-26 (Screening, Walls and Fences). No exterior mechanicals or commercial containers are proposed. Any new fencing will need a separate fence permit. This facility serves a public institution with a public safety and security purpose so barbed or razor wire is permitted per Sec 50-26.4.A.2(a)
6. Sec. 50-29 (Sustainability Standards). This project is required to meet 3 sustainability points. This project satisfies this requirement by being built on previously developed land (.75 pts), providing lighting that meets ASHRAE standard 189.1 (.75 pts), providing a roof that meets the definition of a cool roof by having 4:12 pitch with a solar reflectance index of 39 (1pt), and does not impact a significant portion of native, natural vegetation on the site (.5 pts).
7. Sec. 50-30 (Building Design Standards). The proposed structure is an accessory structure and not required to meet building design standards per Sec 50-30.2(A).
8. Sec. 50-31 (Exterior Lighting). Exterior lights will be installed on the outside of the structure. The applicant provided a photometric plan and light fixture designs. The proposed lighting exceeds the maximum illumination of 10 footcandles and the proposed fixtures do not meet the downcast or cutoff requirements. A compliant lighting plan must be submitted to the Land Use Supervisor prior to building permit approval.
9. No public, agency, or City comments were received.
10. Per UDC 50-37.1.N, an approved Planning Review will expire if the project or activity authorized is not begun within one year, which may be extended for one additional year at the discretion of the Land Use Supervisor.

**Staff Recommendation:**

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

1. Applicant shall construct and maintain the project as identified in the attached exhibits.
2. An amended, compliant lighting plan be submitted and approved by the Land Use Supervisor prior to building permit approval.
3. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.





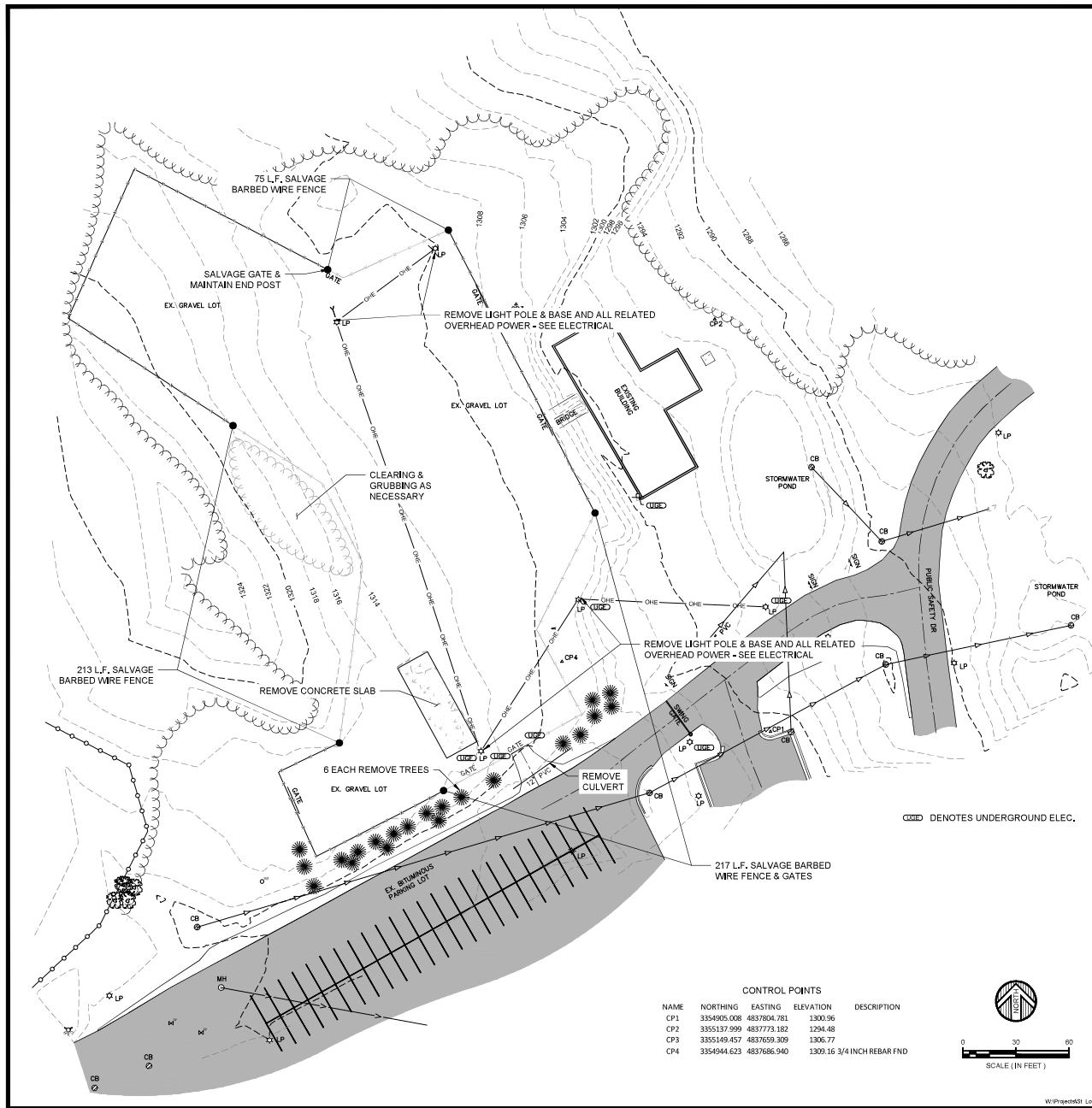
PLPR-2505-0002

MU-I Planning Review  
4030 Arlington Ave

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CONTROL POINTS			
NAME	NORTHING	EASTING	ELEVATION
CP1	3354905.008	4837804.781	1300.96
CP2	3355137.999	4837773.182	1294.48
CP3	3355149.457	4837659.309	1306.77
CP4	3354944.623	4837686.940	1309.16 3/4 INCH REBAR FND

#### GENERAL CONSTRUCTION NOTES

1. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS PRIOR TO CONSTRUCTION AND NOTIFY OWNER OF ANY DIFFERENCES BETWEEN THE FIELD AND PLAN.
2. UNLESS OTHERWISE NOTED, ALL MATERIALS, CONSTRUCTION TECHNIQUES AND TESTING SHALL CONFORM TO THE 2013 EDITION OF THE "STANDARD SPECIFICATIONS FOR TRENCH EXCAVATION AND BACKFILL SURFACE RESTORATION, WATERMAIN AND SERVICE LINE INSTALLATION, AND SANITARY SEWER AND STORM SEWER INSTALLATION" AS PUBLISHED BY THE CITY ENGINEERS ASSOCIATION OF MINNESOTA AND THE "STANDARD SPECIFICATIONS FOR CONSTRUCTION" AS PUBLISHED BY THE MINNESOTA DEPARTMENT OF TRANSPORTATION, CURRENT EDITION. THE CONTRACTOR SHALL REQUIRE ALL PROCEDURES AS OUTLINED BY THE LOCAL AGENCY.
3. THE CONTRACTOR SHALL RECEIVE THE NECESSARY PERMISSION/PERMITS FOR ALL WORK LOCATED OUTSIDE OF THE MUNICIPAL RIGHT-OF-WAY AND PROPERTY LIMITS.
4. THE CONTRACTOR SHALL VERIFY ALL EXISTING INVERT LOCATIONS AND ELEVATIONS PRIOR TO BEGINNING CONSTRUCTION.

#### GENERAL DEMOLITION NOTES

1. THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D, THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CI/ASCE 38.2, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA".
2. PRIVATE UTILITY LOCATES ARE TO BE COORDINATED WITH THE ENGINEER, THE PRIVATE LOCATES WILL BE DONE BY GOPHER STATE ONE CALL.
3. ALL EROSION CONTROL MEASURES AS SHOWN ON THE EROSION CONTROL PLAN ARE TO BE IN PLACE PRIOR TO BEGINNING REMOVALS.
4. CONTRACTOR SHALL PROTECT ALL EXISTING STRUCTURES, PAVEMENTS, BUILDINGS, LIGHT POLES & BASES, ETC. NOT NOTED FOR DEMOLITION & REMOVAL DURING REMOVALS, ANY DAMAGED STRUCTURES TO REMAIN SHALL BE REPAIRED OR REPLACED AT NO COST TO THE OWNER.
5. ALL MATERIALS IDENTIFIED FOR REMOVAL SHALL BE DISPOSED OFF SITE IN ACCORDANCE WITH STATE AND LOCAL LAWS.
6. BARBED WIRE FENCE COMPONENTS (POSTS, RAILS, CAPS, ENDS, MESH/FABRIC, BARBED WIRE, BRACKETS) SHALL BE SALVAGED AS MUCH AS PRACTICAL PER ENGINEER'S APPROVAL FOR REINSTALLATION, ALL NEW TIES, TENSION CABLE, CONCRETE, AND OTHER COMPONENTS NECESSARY FOR REINSTALLATION SHALL BE CONSIDERED INCIDENTAL TO COST OF CONSTRUCTION.

W:\Projects\603\_Louis County Property Management\485412023\11650\CA\DWG\IC-01-2023\11655.dwg P:\dtd by Jeremy Schwabe 12/10/2024 11:09:27 AM © 2024 WIDSETH SMITH HOLDING & ASSOCIATES, INC.

**WIDSETH**  
 ARCHITECTS • ENGINEERS • SCIENTISTS • SURVEYORS

IMPOUND GARAGE PHASE II - REBID  
 ST. LOUIS COUNTY  
 PUBLIC SAFETY COMPLEX  
 EXISTING CONDITIONS & REMOVALS

SHEET NO.  
**C4.01**

DATE	REVISION	DESCRIPTION

DRAWN BY: JES  
 CHECKED BY: JES  
 DATE: 2023-11-05

PROJECT NUMBER: 2023-11-05

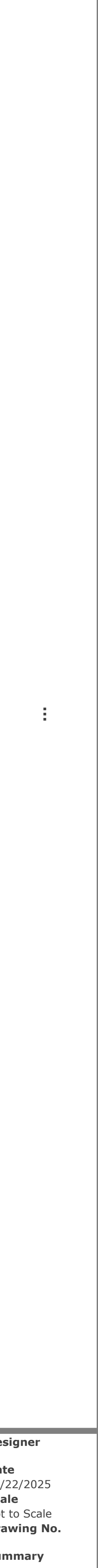




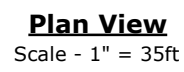








Statistics						
Description	Symbol	Avg	Min	Max/Min	Avg/Min	Max
Calc Zone #2	+	0.7 fc	0.0 fc	N/A	N/A	77.9 fc

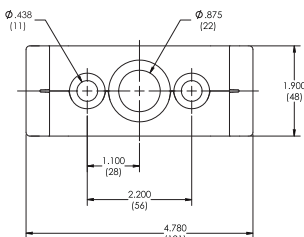
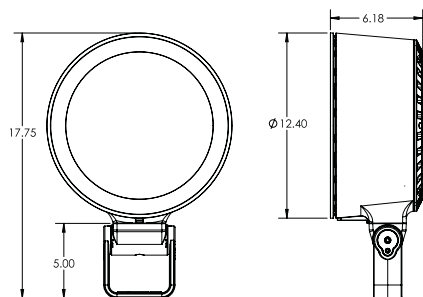




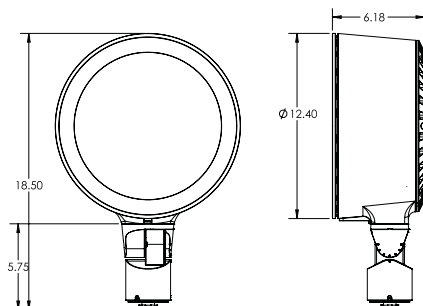
#### Specifications

Weight:	34lbs
EPA:	KM: 1.24 YM: 1.21

#### DIMENSIONS



YOKE



KNUCKLE

## SAF14 LED SPECIALTY ARCHITECTURAL FLOOD

#### HIGHLIGHTS

- Suitable for a variety of mounting applications including ground, wall, pole, stanchion
- 0-10V, Reverse phase Dimming
- Taper-Lock technology provides full aiming integrity utilizing both a rugged knuckle and yoke design
- Available in 80CRI and 90CRI
- 9,500lm
- IK10 option available
- Minimalist design that provides clean and intentional lines and transitions
- Slightly convex watershed lens that evades water build up and staining
- Industry leading flow-thru design achieved with separately sealed optical chamber and driver
- NOM Listed
- Available in MVOLT and 347 volt
- nLight Air wireless option available



IP68

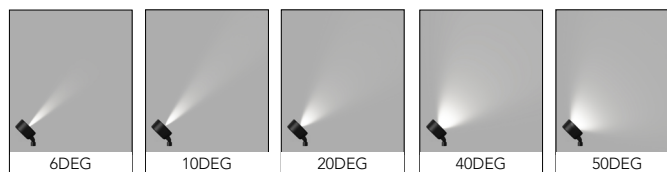


#### LUMEN PACKAGES

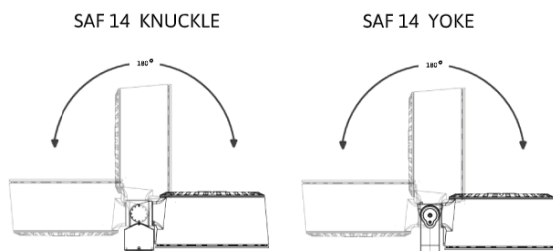
	6DEG	10DEG	15DEG	20DEG	30DEG	40DEG
Delivered Lumens	6,333	6,035	5,715	5,677	5,601	5,510
Watts	86	86	65	65	65	65
LPW	74	70	88	87	86	85
Peak Candela	380,615	151,901	50,868	34,851	14,125	8,210
	50DEG	70DEG	15Vx60H	30Vx60H	60Vx15H	60Vx30H
Delivered Lumens	5,471	5,302	5,844	5,642	5,469	5,390
Watts	65	65	65	65	65	65
LPW	84	82	90	87	84	83
Peak Candela	5,948	3,620	14,623	8,062	15,160	7,667

Note: Information based on 4000K @ P1, 80CRI

#### STANDARD DISTRIBUTION



#### AIMING DETAIL



## ORDERING INFORMATION

EXAMPLE: SAF14 LED P1 80CRI 27K MVOLT 6DEG CWL KM CJB L1 ZT BL

SAF14													
Series*		Source*	Performance Packages*	CRI*	Color Temperature*		Voltage*	Distribution*		Lens*		Mounting*	
SAF14	Specialty Architectural Flood	LED	P1	80CRI	27K	2700K	MVOLT 347	6DEG	6°	CWL	Clear Watershed Lens	KM	Knuckle
			P2	90CRI	30K	3000K		10DEG	10°			YM	Yoke
			P3	Note: P3 not available in 6DEG & 10DEG	35K	3500K		15DEG	15°			Note: CWL lens IK08. For IK10 use external WRG option.	
			Note: 347 volt is not available with P3	40K	4000K	20DEG		20°					
			Note: CRI not required with AMBLW	50K	5000K	30DEG		30°					
			AMBLW <sup>1</sup>	Amber Limited Wavelength (591nm)	40DEG	40°							
			Note: AMBLW not available in 6DEG		50DEG	50°							
					70DEG	70°							
					15VX60H	15° x 60°							
					30VX60H	30° x 60°							
			Note: AMBLW only available in P1		60VX15H	60° x 15°							
					60VX30H	60° x 30°							
Note: 347 volt is not available with 6DEG and 10DEG													

Mounting Accessories		Options Internal Accessory		Options*	Control Input*	External		Finish*											
ADPMR	Architectural Decorative Pole Mount Round	L1	Prismatic Lens	CSL_	ZT	GS	Glare shield	BL	Black Textured										
ADPMS	Architectural Decorative Pole Mount Square	L2	Linear Spread Lens					BRS	Bronze Smooth										
AMPC_/_	Architectural Mid Pole Clamp available to fit on a 4" or 6" pole with 1 or 2 fixtures	L3	Softening Lens					BRT	Bronze Textured										
APAR	Round 18" Pole Mount	IHL	Honeycomb Louver	Note: Cord length required for Yoke Mounting only	ELV	WRG	Wire Rock Guard	DBL	Black Smooth										
APAS	Square 18" Pole Mount	Note: Only one Internal accessory can be chosen						DDB	Designer Bronze										
AWSC	Architectural Wall Splice Cover	Hardware						DNA	Natural Aluminum										
CAJB	Cylindrical Architectural Junction box	TPH	Tamper proof hardware	LASC	NLTAIR2	Note: 347 volt is not available with ELV and NLTAIR2	Note: ZT is not available with 347 with YM	NBS	Natural Bronze Smooth										
CJB	Cylindrical Junction Box	Safety Cable						VET	Verde Textured										
CPM	Cylindrical Pedestal Mount							WH	White Textured										
CPMSA	Cylindrical Pole Mount Splice Access							WHS	White Smooth										
CSM_	Cylindrical Stacion Mount 12"-48" available in 6" increments							_Z	Zinc Undercoat (i.e.BLZ)										
CWMA_T	Cylindrical Wall Mount Arm Top 12"-48" (available in 6" increments)							Note: Zinc Undercoat provides corrosion protection for Marine Environment and Natatorium Construction											
								CF	Custom Finish										
								RALTB	RAL Paint Finishes										
Note: RALTB for pricing only, replace with applicable RAL call out when ready to order. See the <a href="#">RALBROCHURE</a> for available options. It is recommended that Hydrel products only use textured paint.																			

\*Required Fields

Notes:

1 Lumens not reflective of Amber output. See below chart

## DIMMING CHART

Voltage	Control Input	Min Dimming Level
MVOLT	ZT	1%
MVOLT	ELV Reserve Phase	1%
MVOLT	NLTAIR2	1%





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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

<b>File Number</b>	PLSUB-2505-0007		<b>Contact</b>	Christian Huelsman, chuelsman@duluthmn.gov	
<b>Type</b>	Minor Subdivision		<b>Planning Commission Date</b>		June 10, 2025
<b>Deadline for Action</b>	<b>Application Date</b>		May 1, 2025	<b>60 Days</b>	June 30, 2025
	<b>Date Extension Letter Mailed</b>		May 12, 2025	<b>120 Days</b>	August 29, 2025
<b>Location of Subject</b>		6300 block of Sherburne St			
<b>Applicant</b>	One Roof Community Housing		<b>Contact</b>	Debbie Freedman	
<b>Agent</b>			<b>Contact</b>		
<b>Legal Description</b>		010-2320-01680			
<b>Site Visit Date</b>		May 28, 2025	<b>Sign Notice Date</b>		N/A
<b>Neighbor Letter Date</b>		N/A	<b>Number of Letters Sent</b>		N/A

**Proposal:**

Subdivide the parcel to create 2 separate lots through a minor subdivision.

**Recommended Action:** Staff recommends approval.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-N	Vacant Land	Neighborhood Mixed Use
<b>North</b>	MU-N	Vacant Land	Neighborhood Mixed Use
<b>South</b>	MU-B	Railroad (Northern Pacific)	General Mixed Use
<b>East</b>	MU-N	Residential	Neighborhood Mixed Use
<b>West</b>	MU-N	Residential	Neighborhood Mixed Use

**Summary of Code Requirements:**

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

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

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

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

Governing Principle #5 - Promote reinvestment in neighborhoods.

New development or redevelopment should maximize public investment that strengthens neighborhood commercial centers or diversifies residential opportunities that fit the neighborhood's character.

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

Accommodating choice while protecting investment is a balance to strike in land use regulation. Mixed uses provide opportunities for a diversity of activity that segregated, uniform uses do not provide.

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

This subdivision will allow the applicant to divide a larger parcel to densify housing and to generate housing affordability through the applicant's mission to provide opportunities to attain safe and stable homes.

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

**History:** The existing parcel was platted as part of Hunter's Grassy Point Addition to Duluth. The parcel has not previously been developed.

**Review and Discussion Items:**

Staff finds:

1. Applicant is requesting a Minor Subdivision to divide one parcel into 2 parcels. The land is owned by the applicant. The parcel currently contains no structures. Dividing the parcel will create a 50'x 125' Parcel B and a Parcel A measuring 50' x 125'.
2. Lots created by this subdivision are subject to the zoning requirements of the MU-N district. All parcels will satisfy the minimum area requirements contained in UDC Table 50-15.2.1
3. Parcel A will have frontage on Sherburne Street. Parcel B will have frontage on Sherburne St.
4. The proposed subdivision, if approved, would not make the parcels non-conforming due to lot frontage, lot area, or similar bulk standard.
5. Two City comments were received. The Chief Utility Engineer stated that the parcels must have separate sewer utilities. The Engineering Division also stated that the applicant needs a paved road along their frontage and that, due to its expansive nature, the applicant should meet with Engineering well in advance of the work. Despite the comment from Engineering, staff finds that the proposal meets street frontage requirements per zoning.
6. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
7. Approval of this Minor Subdivision signifies that City of Duluth UDC standards are met. St. Louis County may have additional requirements. This subdivision approval lapses if deeds are not recorded with St. Louis County within 180 days. Applicant must provide the City with proof of recording.

**Staff Recommendation:**

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

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





**PLSUB-2505-0007**

Minor Subdivision  
Sherburne St

## Legend

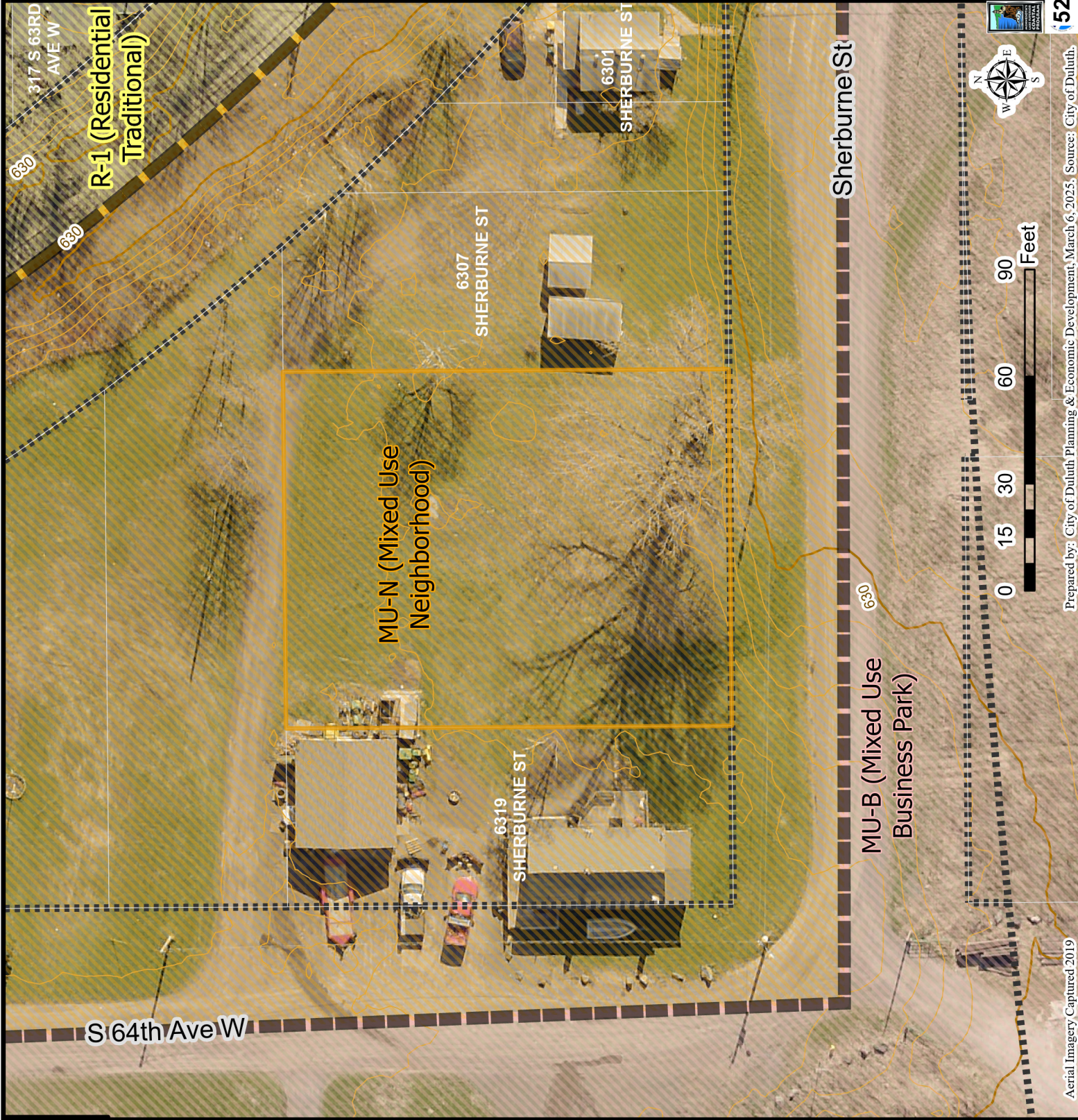
- Zoning Boundaries
- Road or Alley ROW
- County Parcel Data

## Zoning

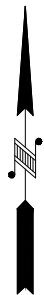
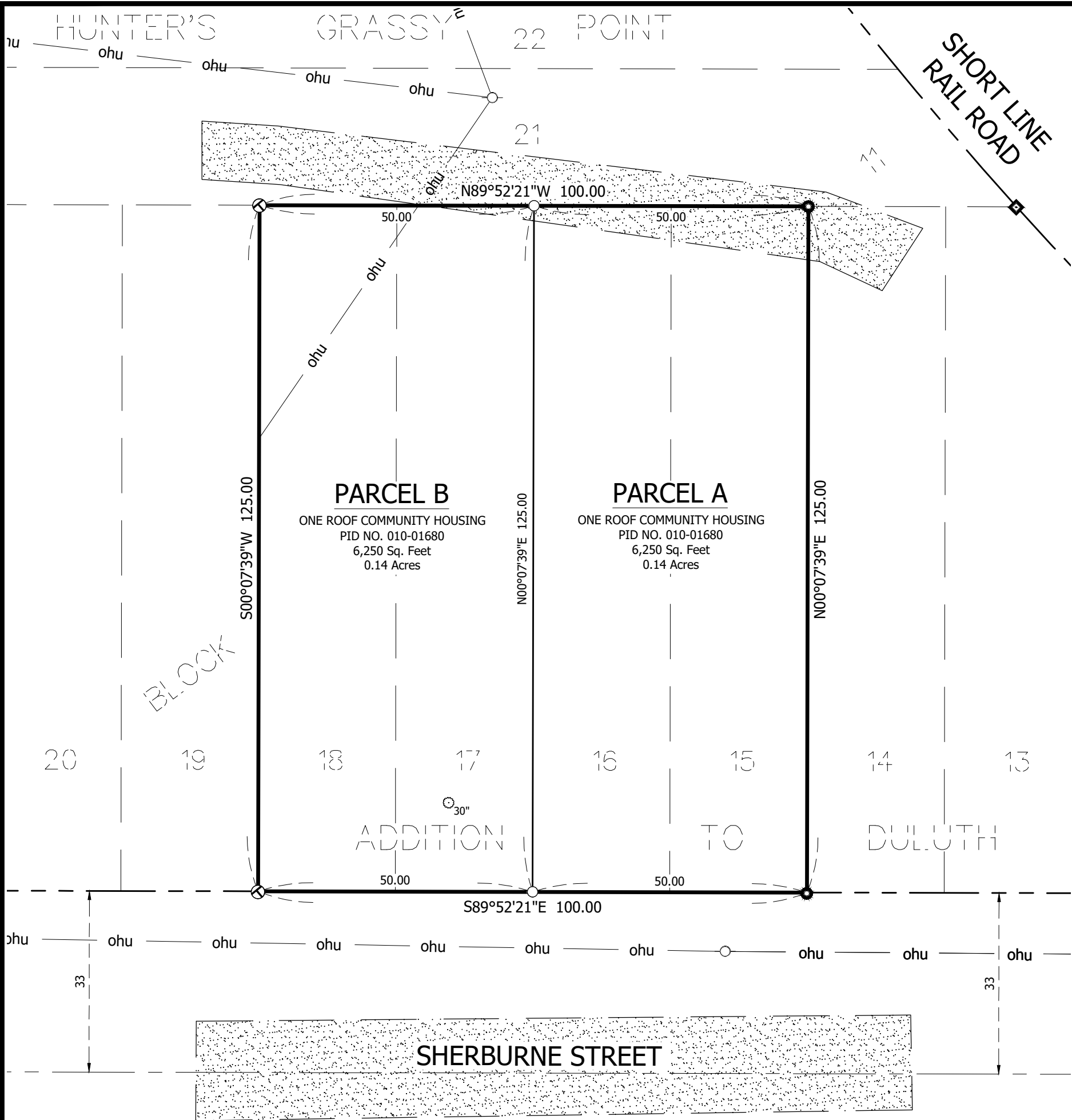
### UDC Zoning

- R-1 (Residential Traditional)
- MU-N (Mixed Use Neighborhood)
- MU-B (Mixed Use Business Park)

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.







LEGEND

- GRAVEL SURFACE
- UTILITY POLE
- DECIDUOUS TREE
- FOUND IRON PINCH TOP PIPE
- FOUND T-STAKE MONUMENT
- FOUND CAPPED REBAR RLS. NO. 49505
- OVERHEAD UTILITIES
- CENTER LINE
- RIGHT OF WAY LINE
- BOUNDARY LINE AS SURVEYED
- EXISTING PLAT LINE
- PROPOSED PARCEL LINE

PARENT LEGAL DESCRIPTION PER DOCUMENT NO. 1501209  
Lots 15, 16, 17 and 18, Block 11, HUNTERS GRASSY POINT ADDITION TO DULUTH.

SURVEYOR'S NOTES

- THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
- BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)

LEGAL DESCRIPTION FOR PARCEL A

Lots 15 and 16, Block 11, HUNTER'S GRASSY POINT ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota.  
Said parcel contains 6,250 Sq. Feet or 0.14 Acres.

LEGAL DESCRIPTION FOR PARCEL B

Lots 17 and 18, Block 11, HUNTER'S GRASSY POINT ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota.  
Said parcel contains 6,250 Sq. Feet or 0.14 Acres.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.  
*David R. Evanson*  
David R. Evanson  
MN License #49505  
DATE:05-08-2025

CERTIFICATE OF SURVEY

CLIENT:ONE ROOF COMMUNITY HOUSING  
ADDRESS:VACANT PROPERTY SHERBURNE STREET, DULUTH, MN 55807  
DATE:05-08-2025  
REVISIONS:  
JOB NO:25-129  
SHEET 1 OF 1

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



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**Fw: June Pending Items Notice**

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**From** Natalie Lavenstein <nlavenstein@DuluthMN.gov>

**Date** Fri 5/23/2025 8:15 AM

**To** Christian Huelsman <chuelsman@DuluthMN.gov>

See Cindy's comment below.

**Natalie Lavenstein** | Planner I | **Planning and Development Division** | City of Duluth | 411 W 1st Street Room 160, Duluth, MN 55802 | [nlavenstein@duluthmn.gov](mailto:nlavenstein@duluthmn.gov) | 218-730-5326 | she/her/hers



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**From:** Cindy Voigt <cvoigt@DuluthMN.gov>

**Sent:** Friday, May 23, 2025 7:48 AM

**To:** Natalie Lavenstein <nlavenstein@DuluthMN.gov>

**Cc:** Peggy Billings <pbillings@DuluthMN.gov>; Howard Smith <hsmith@DuluthMN.gov>; Cari Pedersen <cpedersen@DuluthMN.gov>; Bill Bergstrom <bbergstrom@DuluthMN.gov>

**Subject:** RE: June Pending Items Notice

2505-0007 the minor subdivision, our comment is they need a paved road for their frontage for access and this will be expansive. They should come and meet with us and their civil engineer well in advance of the work.

Cindy Voigt, P.E. (MN, ND & MI) | City Engineer | City of Duluth, MN | 411 W First Street, Room 240, Duluth, MN 55802 | [cvoigt@duluthmn.gov](mailto:cvoigt@duluthmn.gov) | 218-730-5071

---

**From:** Natalie Lavenstein <nlavenstein@DuluthMN.gov>

**Sent:** Friday, May 16, 2025 3:22 PM

**Subject:** June Pending Items Notice

Hello,

The Duluth City Planning Commission has received 8 new application(s) for review. The proposals can be found at the following link: [June Pending Items Notice](#). Please review the technical aspects and desirability of the proposals and provide comments at your earliest convenience. Note that City of

Duluth reviewers with access to EPL can view the applications there as well; by searching the project number under "Manage Plans".

\*\*If you have any questions, comments or need additional background information, please contact the assigned planner. Initials are provided at the end of each application item. Contact information here:

Christian Huelsman - [chuelsman@duluthmn.gov](mailto:chuelsman@duluthmn.gov)

Jason Mozol - [jmozol@duluthmn.gov](mailto:jmozol@duluthmn.gov)

Chris Lee - [cleee@duluthmn.gov](mailto:cleee@duluthmn.gov)

Natalie Lavenstein - [nlavenstein@duluthmn.gov](mailto:nlavenstein@duluthmn.gov)

**PLIUP-2504-0026** Interim Use Permit for a Vacation Dwelling Unit at 301 104th Ave W by Carie & Clinton Massey [CH]

**PLIUP-2505-0027** Interim Use Permit for a Vacation Dwelling Unit at 1329 Minnesota Ave by Kate Horvath [CL]

**PLSUB-2505-0007** Minor Subdivision at 010-2320-01680 (Sherburne St) by One Roof Community Housing [CH]

**PLUMA-2503-0003** UDC Map Amendment 3901 E Superior St by Northern Country Club [NL]

**PLUMA-2505-0004** UDC Map Amendment at 010-1773-00010 (Arrowhead Rd) by Titanium Partners [CL]

**PLVAR-2502-0004** Variance at 126 E 7th St by Pamela Matson [NL]

**PLVAR-2504-0006** Variance at 5713 Wadena St by Grace Place LLC [NL]

**PLVAR-2504-0007** Variance at 9426 Congdon Blvd by Amanda Flowers [NL]

We appreciate your time and input.

Thank you,

Natalie

**Natalie Lavenstein** | Planner I | **Planning and Development Division** | City of Duluth | 411 W 1st Street Room 160, Duluth, MN 55802 | [nlavenstein@duluthmn.gov](mailto:nlavenstein@duluthmn.gov) | 218-730-5326 | she/her/hers



---

**Fw: June Pending Items Notice**

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**From** Natalie Lavenstein <nladenstein@DuluthMN.gov>

**Date** Wed 5/21/2025 10:50 AM

**To** Christian Huelsman <chuelsman@DuluthMN.gov>

**Natalie Lavenstein** | Planner I | **Planning and Development Division** | City of Duluth | 411 W  
1st Street Room 160, Duluth, MN 55802 | [nladenstein@duluthmn.gov](mailto:nladenstein@duluthmn.gov) | 218-730-5326 | she/her/hers



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**From:** Lisa Consie <LConsie@DuluthMN.gov>

**Sent:** Monday, May 19, 2025 9:07 AM

**To:** Natalie Lavenstein <nladenstein@DuluthMN.gov>

**Cc:** Armella Bijold <abijold@duluthmn.gov>

**Subject:** RE: June Pending Items Notice

Hi Natalie,

**PLIUP-2504-0026** Interim Use Permit for a Vacation Dwelling Unit at 301 104th Ave W by Carie & Clinton Massey [CH]

-This one will need a change of use permit through CSI, which will trigger a fire inspection from DFD, prior to them operating their short term rental.

Thanks!

**Lisa Consie**  
Fire Marshal

**City of Duluth – Fire Department/Life Safety**

615 West 1<sup>st</sup> Street

Duluth, MN 55802

[www.duluthmn.gov](http://www.duluthmn.gov)

218-730-4398 (office)

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



**From:** Natalie Lavenstein <nlavenstein@DuluthMN.gov>

**Sent:** Friday, May 16, 2025 3:22 PM

**Subject:** June Pending Items Notice

Hello,

The Duluth City Planning Commission has received 8 new application(s) for review. The proposals can be found at the following link: [June Pending Items Notice](#). Please review the technical aspects and desirability of the proposals and provide comments at your earliest convenience. Note that City of Duluth reviewers with access to EPL can view the applications there as well; by searching the project number under "Manage Plans".

\*\*If you have any questions, comments or need additional background information, please contact the assigned planner. Initials are provided at the end of each application item. Contact information here:

Christian Huelsman - [chuelsman@duluthmn.gov](mailto:chuelsman@duluthmn.gov)

Jason Mozol - [jmozol@duluthmn.gov](mailto:jmozol@duluthmn.gov)

Chris Lee - [cleee@duluthmn.gov](mailto:cleee@duluthmn.gov)

Natalie Lavenstein - [nlavenstein@duluthmn.gov](mailto:nlavenstein@duluthmn.gov)

**PLIUP-2504-0026** Interim Use Permit for a Vacation Dwelling Unit at 301 104th Ave W by Carie & Clinton Massey [CH]

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**PLVAR-2502-0004** Variance at 126 E 7th St by Pamela Matson [NL]

**PLVAR-2504-0006** Variance at 5713 Wadena St by Grace Place LLC [NL]

**PLVAR-2504-0007** Variance at 9426 Congdon Blvd by Amanda Flowers [NL]

We appreciate your time and input.

Thank you,

Natalie

**Natalie Lavenstein** | Planner I | **Planning and Development Division** | City of Duluth | 411 W 1st Street Room 160, Duluth, MN 55802 | [nlavenstein@duluthmn.gov](mailto:nlavenstein@duluthmn.gov) | 218-730-5326 | she/her/hers





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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580  
[planning@duluthmn.gov](mailto:planning@duluthmn.gov)

File Number	PLVAR-2504-0007	Contact	Natalie Lavenstein, nlavenstein@duluthmn.gov	
Type	Variance from Shoreland Area Standards	Planning Commission Date		June 10, 2025
Deadline for Action	Application Date	May 19, 2025	60 Days	July 18, 2025
	Date Extension Letter Mailed	May 19, 2025	120 Days	September 16, 2025
Location of Subject		9426 Congdon Blvd		
Applicant	Amanda Flowers	Contact	NA	
Agent	NA	Contact	NA	
Legal Description		010-0300-00560		
Site Visit Date		May 28, 2025	Sign Notice Date	May 23, 2025
Neighbor Letter Date		May 19, 2025	Number of Letters Sent	12

**Proposal**

The applicant is requesting a variance to build a deck in the rear yard within the structure setback of Lake Superior. The deck would be 32.3' from the Ordinary High Water Level of Lake Superior instead of the required 50 ft.

**Recommended Action:** Staff recommends that Planning Commission approve the variance.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	RR-2	Residential	Rural Residential
<b>North</b>	RR-2	Residential	Open Space/Rural Residential
<b>South</b>	Lake Superior	Lake Superior	Lake Superior
<b>East</b>	RR-2	Residential	Rural Residential
<b>West</b>	RR-2	Residential	Rural Residential

**Summary of Code Requirements:**

Sec. 50-37.9.C –Granting of variances of any kind is limited to situations where, due to characteristics of the applicant’s property, enforcement of the ordinance would cause the landowner exceptional practical difficulties or undue hardship. Sec.50-37.9.C Requires the Planning Commission to approve, or approve with conditions, variances that meet 9 separate criteria, each of which are addressed in the findings sections below.

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

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

Governing Principle #6 – Reinforce the place-specific: Public and private actions should reinforce cultural, physical, and economic features which have traditionally defined Duluth, its open space, and its neighborhoods. This includes commercial areas providing neighborhood goods and services, ravine parks and other natural features that define neighborhood edges, and view corridors to the lake or river which serve to provide location and context.

Future Land Use – Rural Residential: Areas of single -family lots of at least five acres. Limits the extension of municipal utilities for new development. Includes existing rural density areas with lots as small as an acre now served by municipal utilities but not planned for further subdivision.

**History:** The subject property is a single-family home built in 1955 with an attached garage. Planning Commission approved an interim use permit for a vacation dwelling unit on November 6, 2024. There is an existing retaining wall in the rear yard adjacent to Lake Superior. A building permit was issued in October of 2024 to repair the retaining wall.

**Review and Discussion Items:**

Staff finds that:

- 1) The applicant proposes to construct a 10' by 15' deck on the upper level of the home. The entire rear yard is within the structure setback of Lake Superior. The deck would be 32.3' from the Ordinary High Water Level of Lake Superior instead of the required 50 ft.
- 2) *Variance Criteria #1 (exceptional narrowness, shallowness, or shape):* The lot was created prior to modern zoning requirements and does not meet current dimensional standards for the RR-2 district. Since the entire rear of the house is within the structure setbacks from Lake Superior, any deck will require a variance.
- 3) *Variance Criteria #2 (circumstances unique to the property, not created by the property owner):* The existing home was built prior to shoreland setback regulations and by a different owner. The home was built on a hill, creating a situation on the rear of the house with a walk-out basement and main living areas elevated a story above the ground. Outdoor spaces to enjoy the view of the lake would only be accessible from the basement level without use of a deck.
- 4) *Variance Criteria #3 (circumstances are peculiar to this property and do not apply generally to other land or buildings):* The subject property is one of a few developed lots with this shallow depth along Lake Superior. Most developed lots along Lake Superior have much longer lots, allowing more buildable areas outside of the structure setback.
- 5) *Variance Criteria #4 (proposes to use in a reasonable manner not permitted by code):* Applicant's proposal to build a 10' by 15' deck to allow access to the outdoors and increase viewshed of Lake Superior is a reasonable use.
- 6) *Variance Criteria #5 (not impair light/air, increase congestion, or impair public safety or property values):* The variance will not impair an adequate supply of light and air to adjacent properties, increase congestion, or impair public safety or property values.
- 7) *Variance Criteria #6 (will not impair intent of this Chapter or alter the essential character of the locality):* The deck will not alter the character of the neighborhood as there are several decks of similar size throughout the neighborhood.
- 8) One public comment was received in support of the proposed variance. No agency or City comments were received.
- 9) *Standards for variances in shorelands (does not compromise intent of shoreland regulations and mitigates impacts):* The deck does not add significant impervious surface and will have minimal impacts to water quality. As mitigation, the applicant proposes native plantings and no mowing as shown in the attached exhibit. This brings the property further into compliance with the goals of the shoreland ordinance, which aims to preserve naturally vegetative areas adjacent to shorelands.
- 10) Applicant has not listed economic considerations as part of the reason for this variance.
- 11) Per UDC Section 50-37.1.N, approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year.

**Staff Recommendation:**

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

1. Applicant shall implement the mitigation plan, including establishment of naturally vegetative areas, and will put no additional impervious surfaces within the rear yard.
2. The project be constructed and maintained according to the site plan submitted with this application.
3. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission action; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.





**PLVAR-2504-0007**

Variance  
9426 Congdon Blvd

## Legend

Zoning Boundaries

Road or Alley ROW

County Parcel Data

## Zoning

### UDC Zoning

RR-2 (Rural Residential 2)

Variance Area

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



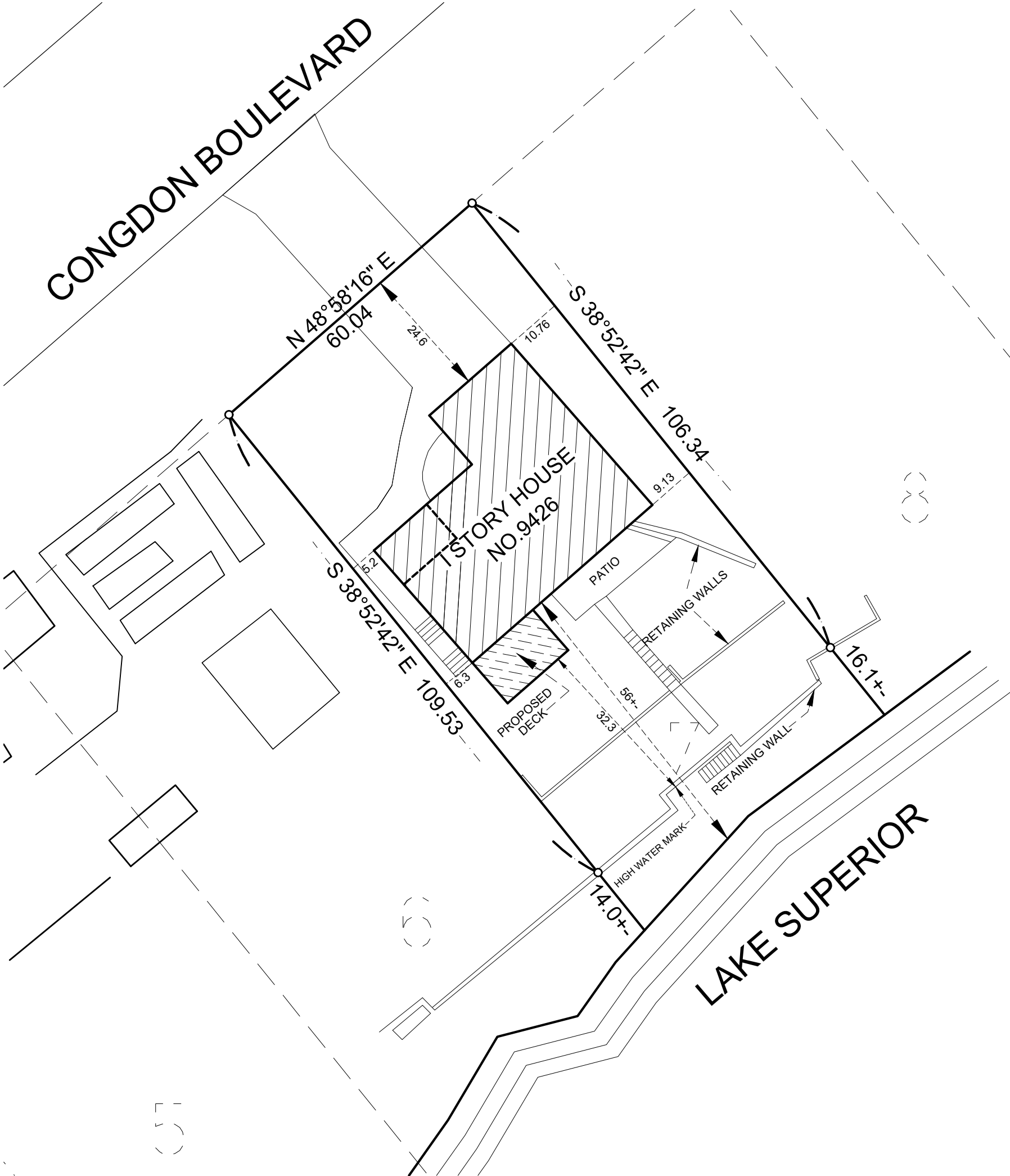
Aerial Imagery Captured 2019

Prepared by: City of Duluth Planning & Economic Development, March 6, 2025. Source: City of Duluth.





CERTIFICATE OF SURVEY  
FOR: AMANDA FLOWERS



LEGAL DESCRIPTION

Lot 7, Block 5, Bristol Beach Division

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

Date: 5-14-25

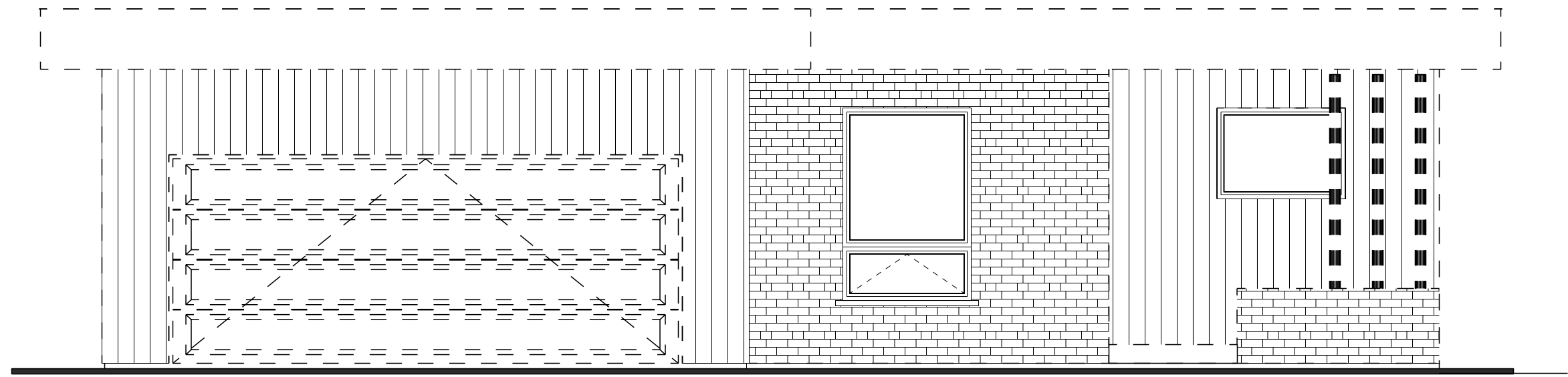
*Ronald L. Krueger*

Ronald L. Krueger MN License No. 14374

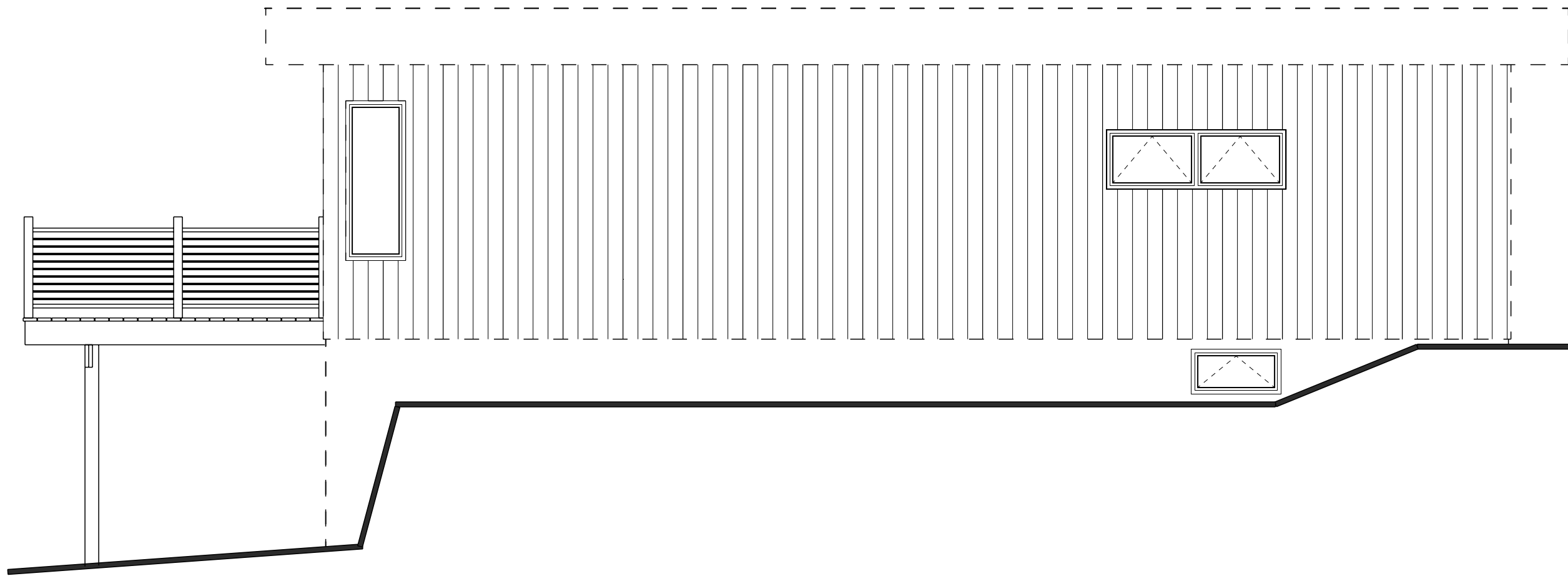
**RON KRUEGER**  
Land Surveyor  
7066 HIGHWAY 8  
SAGINAW, MN 55779  
Phone: 218-390-4030

DATE: 5/14/22  
SCALE: 1 IN = 20 FEET  
PROP ADD: XXX  
PROJECT NO: 25-007

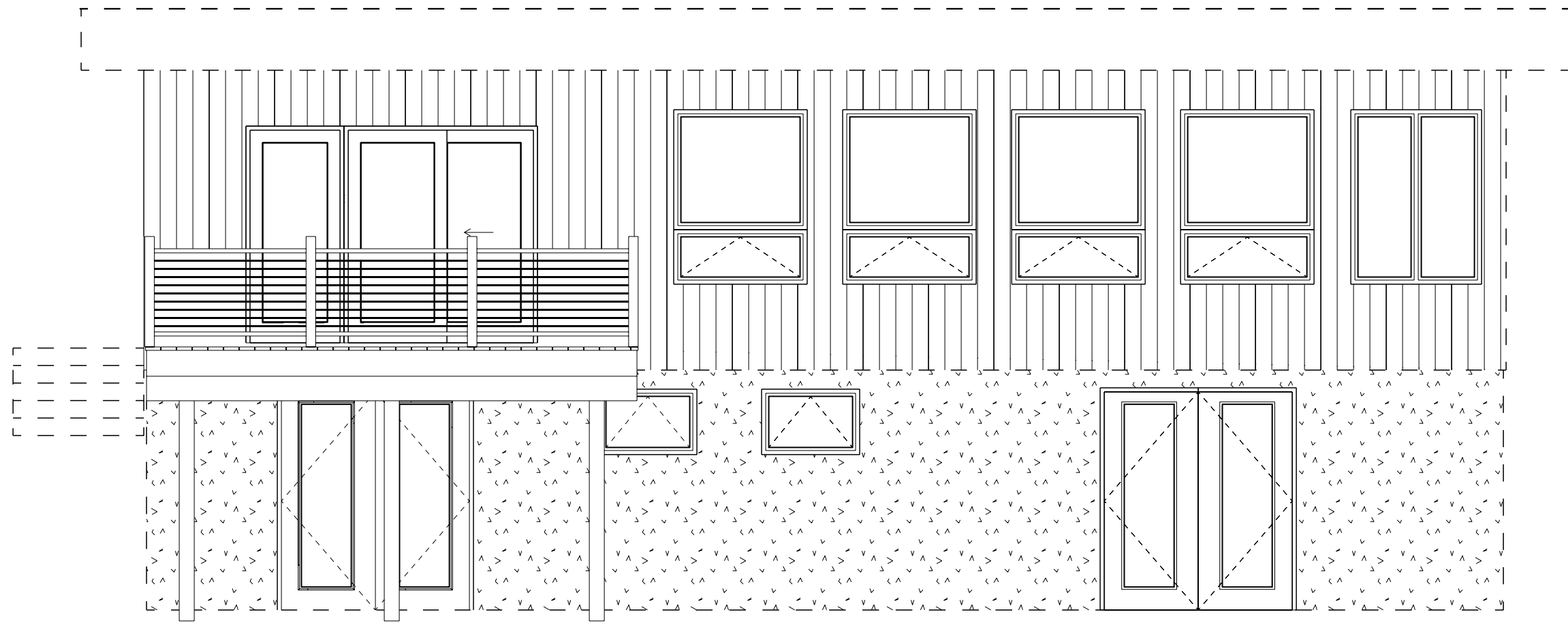




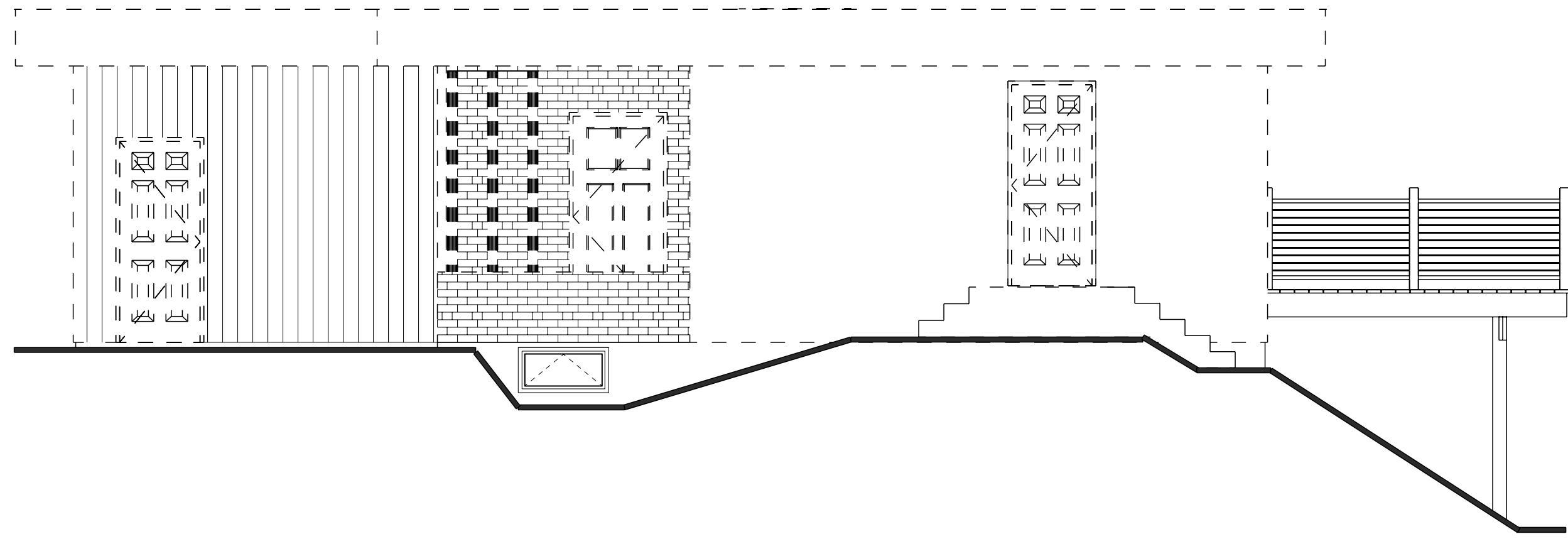
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2 LEFT ELEVATION  
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3 REAR ELEVATION  
SCALE: 1/4" = 1'-0"



4 RIGHT ELEVATION  
SCALE: 1/4" = 1'-0"



ARCTEK DESIGN LLC

462 STRAIT VIEW DR  
PORT ANGELES  
WASHINGTON  
98362  
PHONE: (715) 494-9668  
ARCTEKDESIGN@OUTLOOK.COM

APPROVED:

CHECKED BY:

SCALE: 1/4" = 1'-0"

DRAWN BY: MSS

4/21/2025

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

FLOWERS

9426 CONGDON BLVD  
Duluth  
Minnesota  
55804

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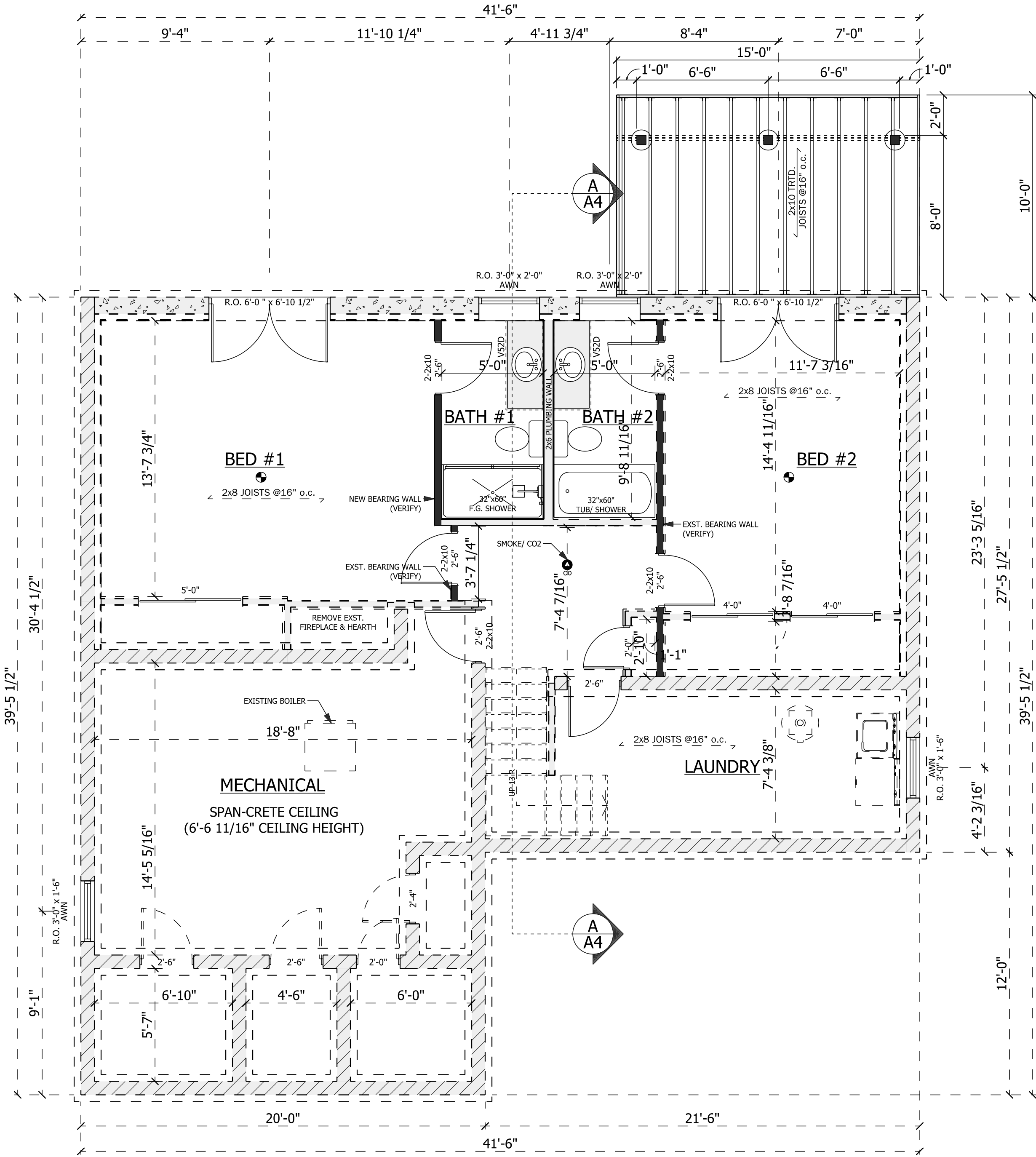


NOTES:

FOUNDATION WALL DIMENSIONS FROM OUTSIDE OF CONC.  
EXTERIOR WALL DIMENSIONS FROM OUTSIDE OF SHEATING/ BRICK  
INTERIOR WALL DIMENSIONS FROM WALL FINISH  
EXISTING SHOWN AS DASHED

DETAILS:

BASEMENT WALL HGT. = 7'-4"  
MAIN FLOOR PLATE HGT. = 8'-4"  
GARAGE PLATE HGT. = 9'-2"  
MAIN FLOOR SYSTEM = 2x8 JOISTS @16" o.c.



1 FOUNDATION PLAN  
SCALE: 1/4" = 1'-0"



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FLOWERS

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Duluth  
Minnesota  
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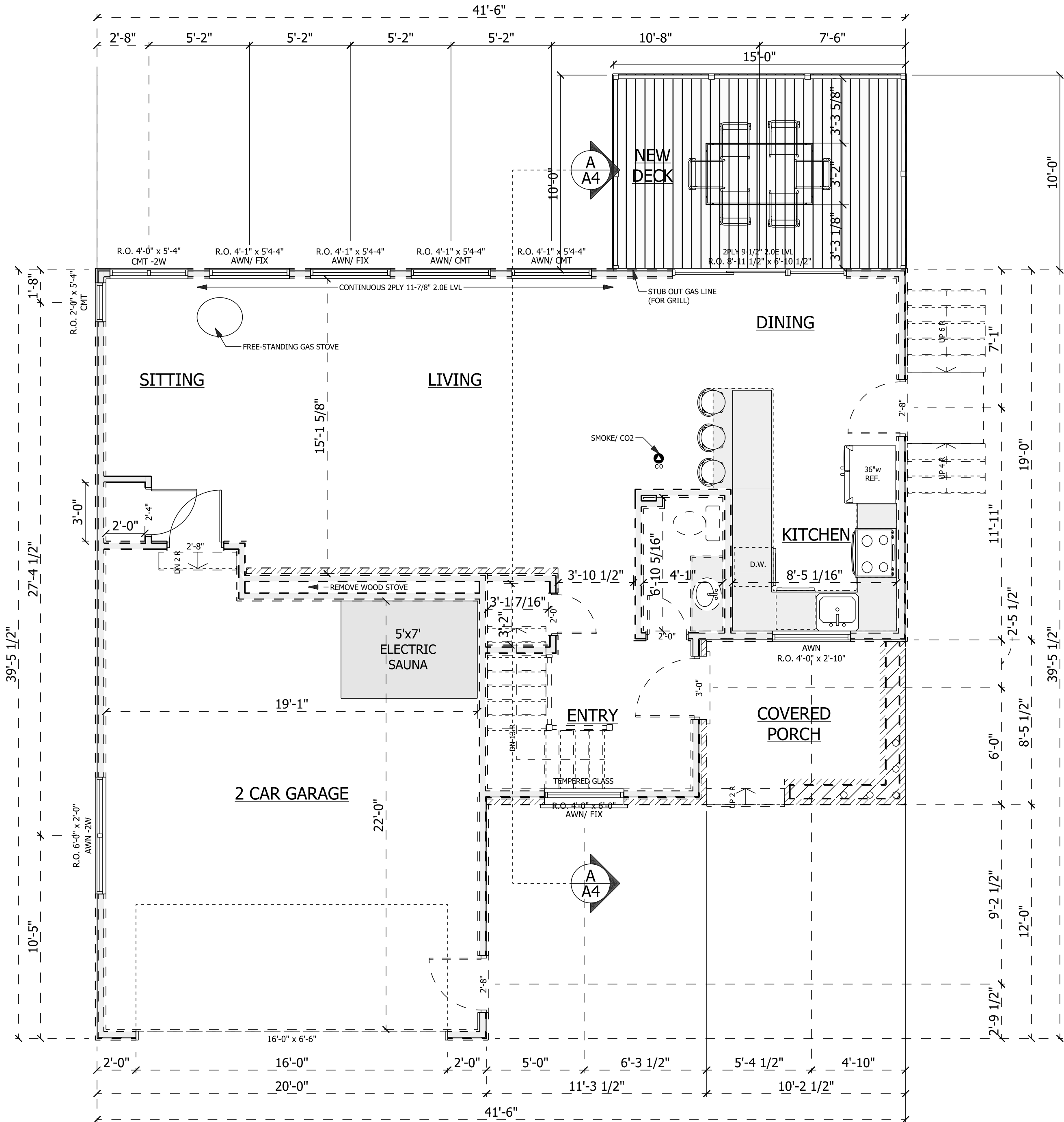
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NOTES:

FOUNDATION WALL DIMENSIONS FROM OUTSIDE OF CONC.  
EXTERIOR WALL DIMENSIONS FROM OUTSIDE OF SHEATING/ BRICK  
INTERIOR WALL DIMENSIONS FROM WALL FINISH  
EXISTING SHOWN AS DASHED

DETAILS:

BASEMENT WALL HGT. = 7'-4"  
MAIN FLOOR PLATE HGT. = 8'-4"  
GARAGE PLATE HGT. = 9'-2"  
MAIN FLOOR SYSTEM = 2x8 JOISTS @16" o.c.



1 MAIN FLOOR PLAN  
SCALE: 1/4" = 1'-0"



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98362  
PHONE: (715) 494-9668  
ARCTEKDESIGN@OUTLOOK.COM

APPROVED:

CHECKED BY:

SCALE: 1/4" = 1'-0"

DRAWN BY: MSS

4/21/2025

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FLOWERS

9426 CONGDON BLVD  
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Minnesota  
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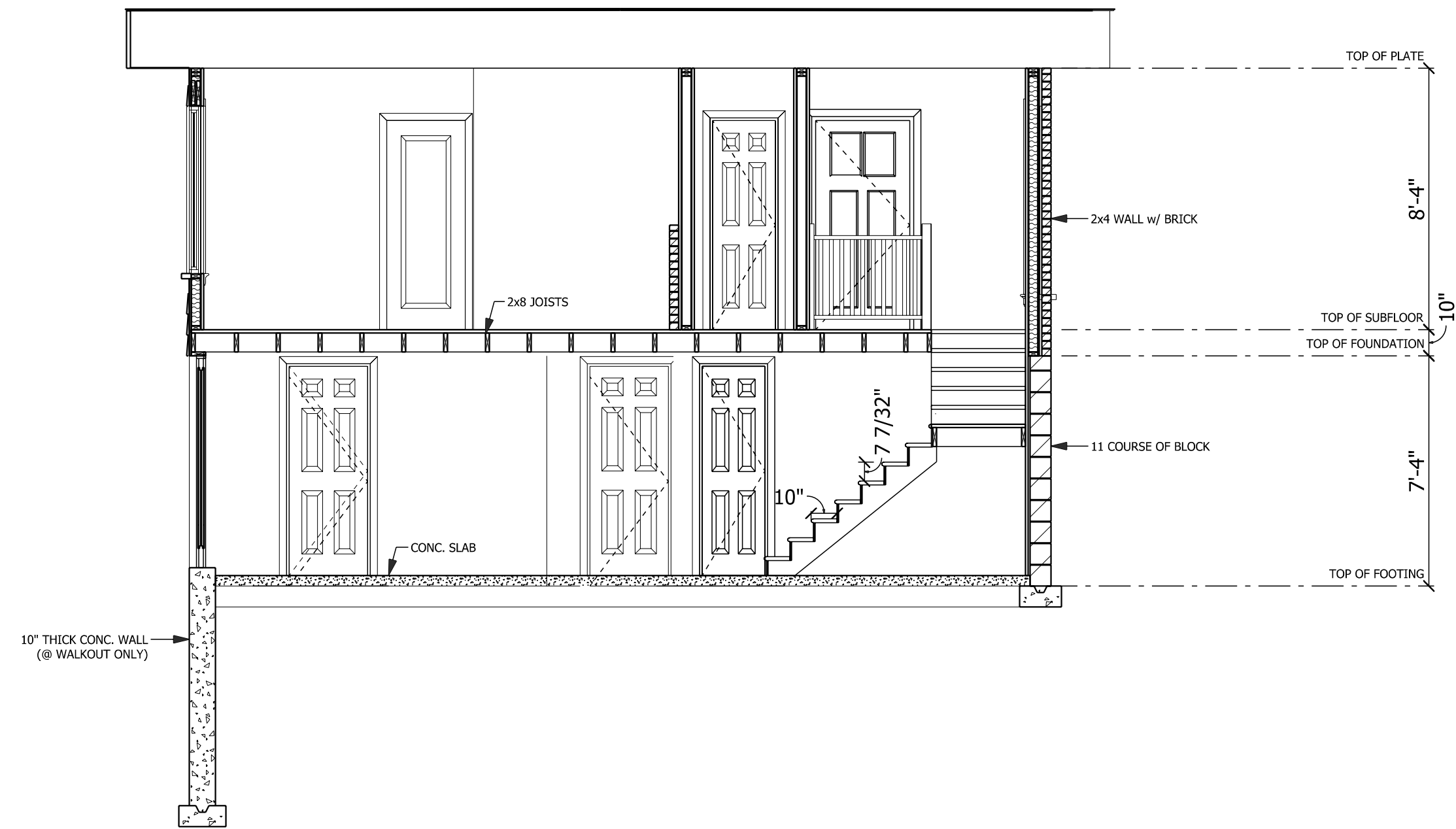
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NOTES:

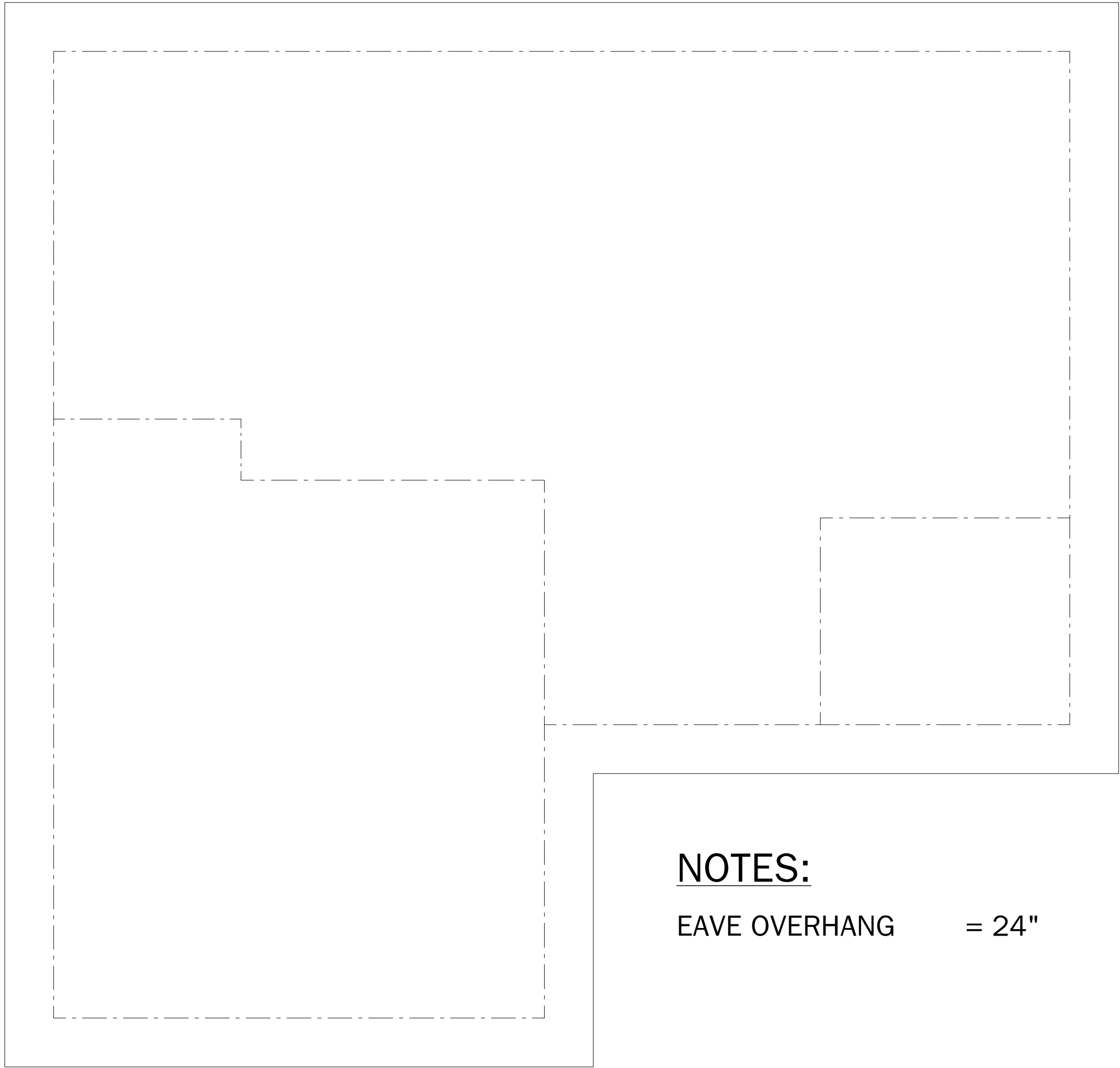
FOUNDATION WALL DIMENSIONS FROM OUTSIDE OF CONC.  
EXTERIOR WALL DIMENSIONS FROM OUTSIDE OF SHEATING/ BRICK  
INTERIOR WALL DIMENSIONS FROM WALL FINISH  
EXISTING SHOWN AS DASHED

DETAILS:

BASEMENT WALL HGT. = 7'-4"  
MAIN FLOOR PLATE HGT. = 8'-4"  
GARAGE PLATE HGT. = 9'-2"  
MAIN FLOOR SYSTEM = 2x8 JOISTS @16" o.c.



A CROSS SECTION  
SCALE: 1/4" = 1'-0"



1 ROOF PLAN  
SCALE: 1/4" = 1'-0"



ARCTEK DESIGN LLC

462 STRAIT VIEW DR  
PORT ANGELES  
WASHINGTON  
98362  
PHONE: (715) 494-9668  
ARCTEKDESIGN@OUTLOOK.COM

APPROVED:

CHECKED BY:

SCALE: 1/4" = 1'-0"

DRAWN BY: MSS

4/21/2025

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FLOWERS

9426 CONGDON BLVD  
Duluth  
Minnesota  
55804

PAGE:

A4



Prepared for: Amanda Flowers  
9416 Congdon Blvd  
Duluth, MN

Prepared by: Kurt Herke  
MSP Fine Gardening  
[651-202-0450](tel:651-202-0450)

Planting plan and guide for backyard/lake side of house.

(\*after each plant is the quantity and size to be planted)

Under proposed deck (purple):

Crushed stone patio with fabric underlayment.

Slope center (blue):

Plant a matrix of sedge plugs with select other native perennials in place of a lawn. Requiring no mowing, this blends the lines between cultivated and wild, promotes biodiversity and attracts beneficial insects and pollinators. It would also keep open the view to the flowering meadow of the lower terrace and the lake beyond while stabilizing the hillside and maintaining a natural look.

*Carex pensylvanica* 'Pennsylvania sedge' (500 2" plugs)

*Carex plantaginea* 'Plantain-leaved sedge' (100 2" plugs)

*Adiantum pedatum* 'Maidenhair fern' (25 #1)

*Heuchera richardsonii* 'Prairie alumroot' (20 #1)

*Asarum canadense* 'Wild ginger' (50 2" plugs)

Slope sides (yellow and green):

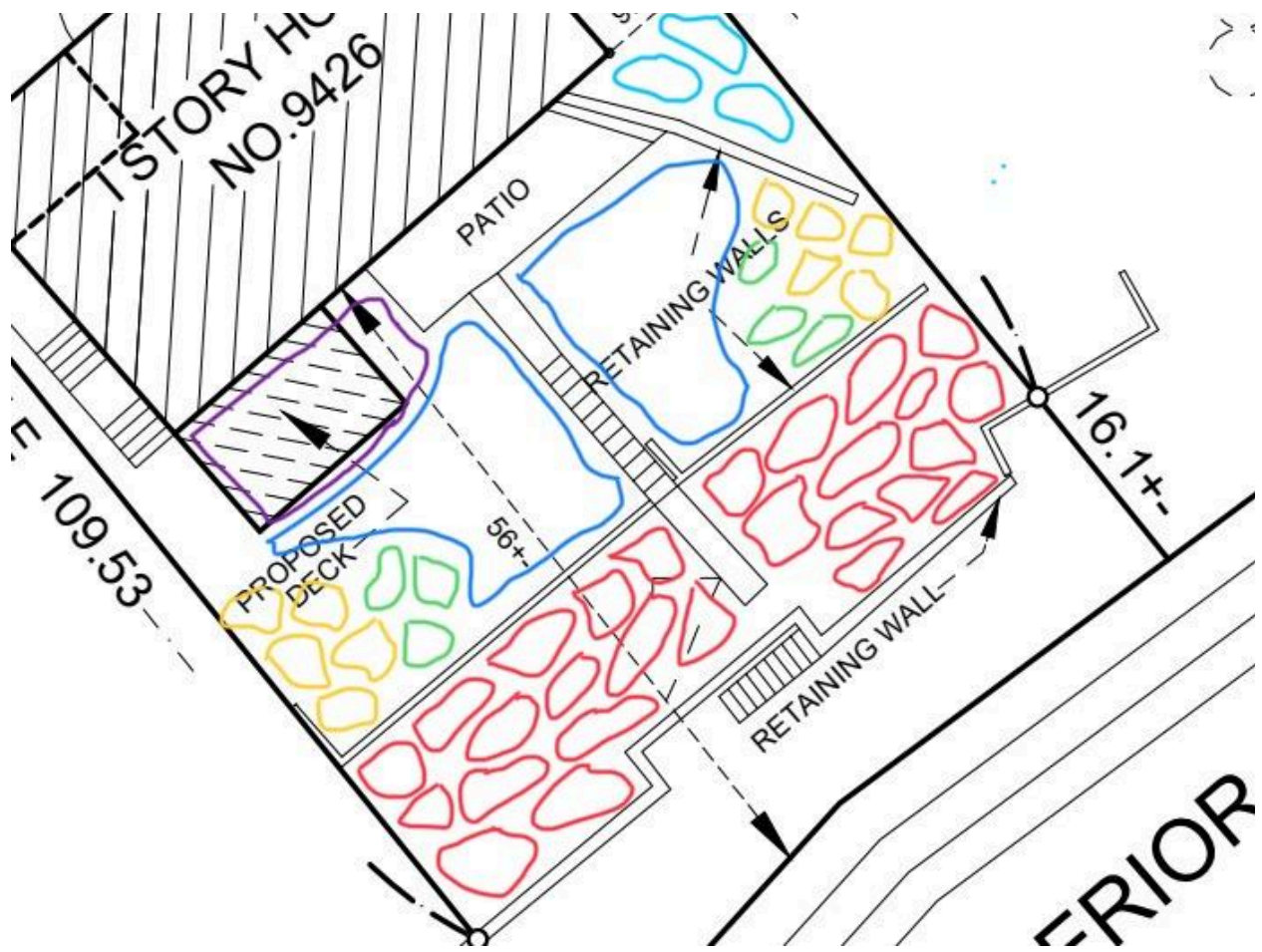
Plant groupings of native viburnum and low junipers to blend in with the existing plantings on each neighboring property:

Viburnum trilobum 'Highbush cranberry' (10 #5)  
Juniperus communis 'Blueberry delight' (6 #5)

Top of NE retaining wall (light blue):  
Plant small grouping of dwarf spreading pine for year round  
interest:  
Pinus mugo 'Mugo pine' (3 #10)

Lower terrace (red):  
Create a Minnesota native plant community of pollinator friendly,  
low maintenance perennials including:  
Asclepias tuberosa 'Butterfly weed' (30 #1)  
Monarda fistulosa 'Wild bergamot' (20 #1)  
Echinacea purpurea 'Purple coneflower' (40 #1)  
Rudbeckia hirta 'Black eyed Susan' (40 #1)  
Liatris aspera 'Rough blazing star' (30 #1)  
If you have any questions about this project please feel free to  
contact me.

Thank you!  
Kurt Herke  
MSP Fine Gardening  
[651-202-0450](tel:651-202-0450)







Planning & Development Division  
Planning & Economic Development Department

Room 160 • 411 West First Street • Duluth, Minnesota 55802  
218-730-5580 • [www.duluthmn.gov](http://www.duluthmn.gov)



## Variance Application Supplemental Form

In order to submit a complete variance application, please explain how your request meets all of the below variance criteria. This is information that is required by the zoning code and will be shared with the Planning

Commission during their review. You may fill out this form, or attach your information in a separate letter. This information will be shared with the Planning Commission in order to help them determine the appropriateness of the variance application and request.

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

Shoreland setback constraints. Table 50-18.1.D-1: Minimum Shoreland Area Standards

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

The existing house is in the shoreland setback.

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

The existing house is in the shoreland setback. To add anything on the lakeside requires a variance.

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

This property is unique as it is on Lake Superior. All of the neighboring homes have structures that also impede in the current shoreland setback requirements. The existing home was built in 1955 and the current shoreland setbacks were not existent at that time.

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

There is not currently lakeside access from the main living level of the home. Adding a deck would allow easy accessibility to enjoy the outdoors and Lake Superior. This home is going to be utilized as a short-term interim use 69



vacation rental. From a business perspective this is an important amenity for the Duluth tourists that will be staying at my property.

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

I live in one of the neighboring properties and am on the side of the proposed deck. It will not impact my property. The neighbor on the other side has a garage that is the same distance from the Lake that the proposed deck would be and does not impact any view from that property.

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

All neighboring properties have structures either closer to the lake or the same distance as the proposed deck would be. There is nothing that would change or alter the character of the neighborhood.

**Does your variance request need to meet any of the specific criteria in UDC Section 50-37.9, subsections D through M (E. Unsewered Areas, F. Two Family Dwellings in R-1, G. Parking Regulations, H. Reduce Setbacks, I. MU-C District, J. Airport Overlay, K. Flood Plain Regulations, L. Shorelands, or M. Non-Conforming Buildings)?**

Yes, shorelands. Table 50-18.1.D-1: Minimum Shoreland Area Standards



---

**FW: public hearing for variance**

---

**From** planning <planning@DuluthMN.gov>  
**Date** Fri 5/23/2025 3:04 PM  
**To** Natalie Lavenstein <nlavenstein@DuluthMN.gov>

Public comment

---

**From:** Joan Arbisi Little <[REDACTED]>  
**Sent:** Friday, May 23, 2025 1:11 PM  
**To:** planning <planning@DuluthMN.gov>  
**Cc:** Clinton Little <[REDACTED]>  
**Subject:** public hearing for variance

To the City of Duluth Planning and Development Division,

We live next door to the property at 9426 Congdon Blvd. and are fine with the variance application for a 10' x 15' deck.  
We believe it will enhance the property.

Sincerely,  
Joan and Clinton Little  
9436 Congdon Blvd.  
Duluth MN 55804

Notice: This email is intended for use of the party to whom it is addressed and may contain confidential information. If you have received this email in error, please inform me and delete it. Thank you.





**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-2503-0003	Contact	Natalie Lavenstein, nladenstein@duluthmn.gov	
Type	UDC Map Amendment-R-1 to R-P	Planning Commission Date		June 10, 2025
Deadline for Action	Application Date	May 16, 2025	60 Days	July 15, 2025
	Date Extension Letter Mailed	May 16, 2025	120 Days	September 13, 2025
Location of Subject		3901 E Superior St		
Applicant	SAS+ Associates	Contact	Luke Sydow	
Agent	Northland Country Club	Contact	Tony Yung	
Legal Description		010-2710-03550, 010-2710-03500, 010-3275-00032		
Site Visit Date		May 29, 2025	Sign Notice Date	May 26, 2025
Neighbor Letter Date		May 19, 2025	Number of Letters Sent	42

**Proposal**

Applicant is requesting a UDC Map Amendment (rezoning) from R-1 to Residential-Planned (R-P) to construct 11 townhomes (22 units total), 4 lots for single family homes (4 units total), and 2 bed and breakfast sites (4 units total).

**Staff Recommendation**

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

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Golf Course	Open Space, Traditional Neighborhood
<b>North</b>	R-1	Gold Course	Open Space
<b>South</b>	R-1	Residential	Traditional Neighborhood
<b>East</b>	R-1	Country Club	Open Space
<b>West</b>	P-1	Residential/ Church	Traditional Neighborhood

**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 dimensions to the street and detached garages, some with alleys.

### History

The parcels contain an existing sport court and accessory buildings to support Northland County Club amenities.

## **Review and Discussion Items:**

Staff finds that:

1. The subject property incorporates a total of 13.4 acres. The area is currently zoned R-1 (Residential-Traditional). 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.
2. As part of the Map Amendment process, an R-P plan identifying uses, density, and height is required. A total of 4.8 acres of the applicant's property is identified as residential area with a proposed density of 5 units per acre. The applicant proposes a maximum of 26 residential units. Another 6.4 acres of the applicant's property is identified as common open space.
3. As indicated in the attached memo, the applicant's proposal would allow single-family and two-family homes. Also included in the attached memo is a proposal for Bed & Breakfast sites. These sites will require special use permits prior to operating.
4. The applicant is not requesting an increase in the allowed maximum building height in the underlying R-1 standard as permitted in Table 50-14.7-1.
5. The R-P district requires a minimum of 30% of the area be kept in open space and 66% of the remaining area (excluding common open space) for residential purposes; applicant is proposing 6.4 acres as common open space, 4.8 acres as residential, and 1.2 acres of commercial. The remaining one acre is for streets and infrastructure.
6. An R-P district requires a level of public benefit that exceeds what would be required in the underlying zone district. As shown in the attached memo, the applicant proposes the following three public benefits: 1) Preservation of Natural Resources and Undeveloped Areas: More compact two-family dwellings allow for clustered development, thereby preserving a larger contiguous tract of land. Approximately 4.2 acres directly adjacent to the 40th Ave Creek will be kept in preservation; this allows for creek, trees, and wildlife habitat to be maintained in its current state. 2) A Higher Level of Sustainability: Standards will be set to ensure this development achieves higher sustainability than otherwise required; staff recommends a minimum of 4 points in accordance with Sec. 50-29. 3) More Efficient & Effective Use of Streets: By extending an existing developed area to create single and two-family residential opportunities, there will be less environmental impact, utility work and road construction necessary to achieve development. Keeping the new access road to the proposed homes as a private street will eliminate the need for City plow and maintenance services.
7. As adopted with the comprehensive plan (Imagine Duluth 2035), the Future Land Use for the area is primarily Open Space with some areas as Traditional Neighborhood. The Open Space designation is a reflection of the property's long-standing use as a golf course. Staff finds it reasonable for a golf course to include adjacent housing. 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.
8. A public meeting is required in advance of an application for a UDC Map Amendment to R-P. A meeting was held on Monday, April 29, 2024, with 26 people in attendance. Attached is an outline of the discussion topics from the meeting. The applicant was strongly encouraged to host an additional public meeting due to the time between the public meeting and application. However, the single meeting does meet the requirements of Sec. 50-14.G.
9. No public, City, or agency comments have been received.
10. 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.
11. 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 reasonably related to the overall needs of the community and to existing land use.
- 3) Material adverse impacts on nearby properties are not anticipated or will be mitigated.





PLXXX-2503-0003

UDC Map Amendment  
3901 E Superior St

## Legend

- Zoning Boundaries
- Road or Alley ROW
- County Parcel Data

## Zoning

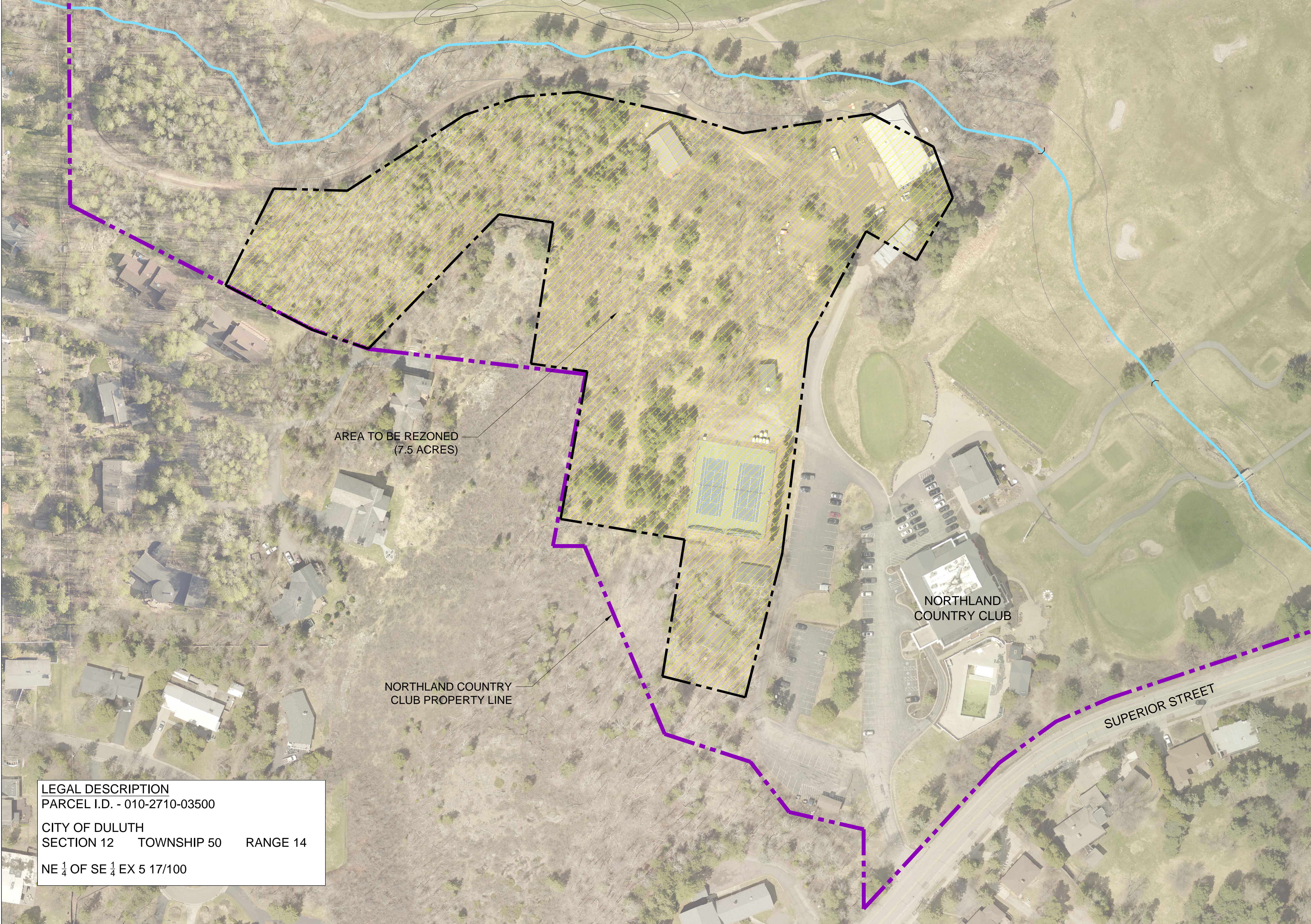
### UDC Zoning

- R-1 (Residential Traditional)
- RezoneArea

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AREA TO BE REZONED  
(7.5 ACRES)

NORTHLAND COUNTRY  
CLUB PROPERTY LINE

NORTHLAND  
COUNTRY CLUB

SUPERIOR STREET

LEGAL DESCRIPTION  
PARCEL I.D. - 010-2710-03500  
  
CITY OF DULUTH  
SECTION 12    TOWNSHIP 50    RANGE 14  
  
NE ¼ OF SE ¼ EX 5 17/100



LANDSCAPE ARCHITECTURE

**+ ASSOCIATES**

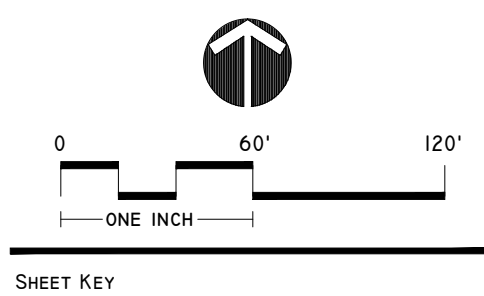
WWW.SASLANDARCH.COM

219 WEST FIRST STREET, SUITE 350  
DULUTH, MN 55802  
(P) 218.391.1335  
MAIL@SASLANDARCH.COM

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ISSUE RECORD/REVISION	
PURPOSE	DATE

**NORTHLAND  
COUNTRY CLUB**  
  
3901 E. SUPERIOR ST.  
DULUTH, MINNESOTA



SHEET KEY

SHEET TITLE  
**REZONING MAP**

DATE: 3/14/2025

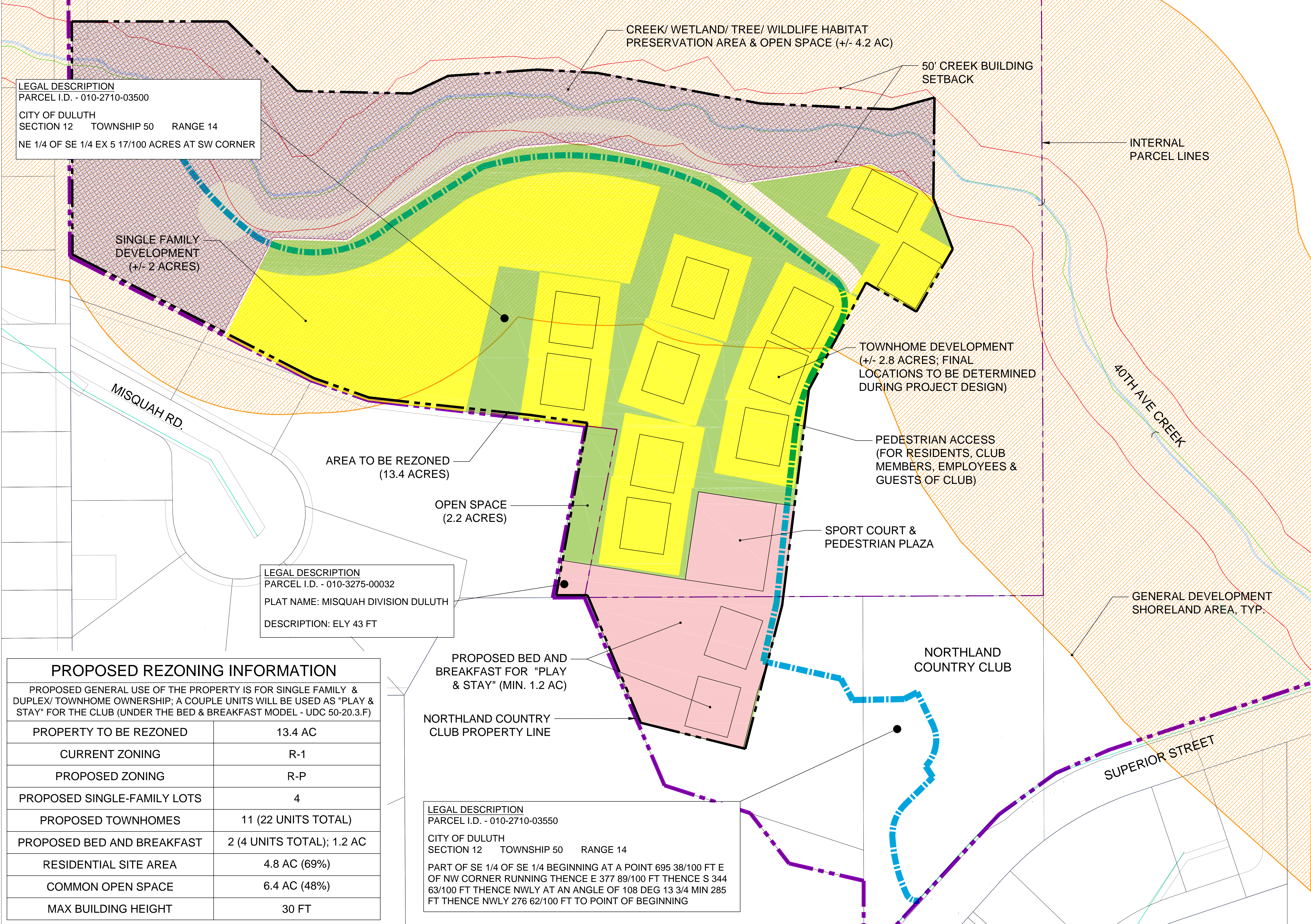
DRAWN BY: LWS

CHECKED BY: LWS

PROJECT NUMBER  
17200

SHEET NUMBER  
C-1





May 14, 2025 - 2:34pm  
P:\200 - NC C. Holdings\200 - NC Development\Graphics - 54125.dwg



LANDSCAPE ARCHITECTURE

**+ ASSOCIATES**

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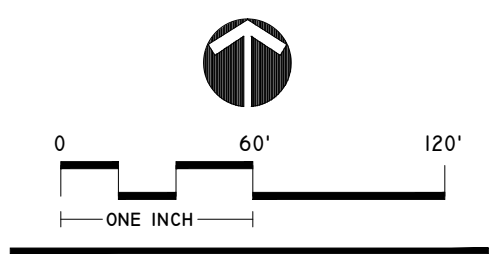
219 WEST FIRST STREET, SUITE 350  
DULUTH, MN 55802  
(P) 218.391.1335  
MAIL@SASLANDARCH.COM

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ISSUE RECORD/REVISION	
PURPOSE	DATE

**NORTHLAND  
COUNTRY CLUB**

3901 E. SUPERIOR ST.  
DULUTH, MINNESOTA



SHEET KEY

SHEET TITLE  
**REZONING MAP**

DATE: 5/14/2025

DRAWN BY: LWS

CHECKED BY: LWS

PROJECT NUMBER  
17200

SHEET NUMBER  
C-1



## MEMO

**PROJECT:** Northland Country Club (NCC) Re-Zoning  
**PROJECT #:** 17200  
**TOPIC:** R-P Re-Zoning Documentation  
**DATE:** 14 May 2025  
**FROM:** SAS+ Associates  
**TO:** City of Duluth  
**cc:** Northland Country Club

## PROJECT NARRATIVE

### REQUESTED ACTION: RE-ZONE FROM R-1 to R-P

### SITE DESCRIPTION

Total Site Area	13.4 acres
Minimum Common Open Space Required (30% of Site Area)	4.0 acres
Proposed Common Open Space Site Area	6.4 acres (48%)
Residential Site Area	4.8 acres (69% of non-Open Space)
Proposed Density- Units/ Acre of Residential Area	5 per acre (maximum 26 units)
Proposed Density- Units/ Acre of Total Site	2 per acre
Bed and Breakfast Site Area	1.2 acres

### SITE USES (as permitted per UDC Table 50-19.8)

- Dwelling, Single Family
- Dwelling, Two Family
- Lodging (Commercial), Bed and Breakfast

### NARRATIVE OF PUBLIC BENEFITS

The proposed change to R-P zoning will benefit the public in several ways, as outlined below (Numbers refer to City of Duluth UDC 50-14.7.C 'Modifications'):

1. *Preservation of Natural Resources and Undeveloped Areas*
  - o More compact two-family dwellings allow for clustered development, thereby the opportunity to preserve a larger contiguous tract of land.
  - o Approximately 4.2 acres directly adjacent to the 40<sup>th</sup> Ave Creek will be kept in preservation; this allows for wetland/ creek, trees, and wildlife habitat to be maintained in its current state.
2. *A Higher Level of Sustainability*
  - o Through the Regulating Plan (UDC 50-14.7-H.2), standards will be set to insure this development achieves a minimum of 4 points in accordance with UDC Section 50-29.



This will be accomplished through Location, Energy Efficiency, Alternative Energy, Stormwater Retention, Vegetation and/ or Transportation intentional design practices.

3. *More Efficient & Effective Use of Streets*

- By extending an existing developed area to create single and two-family residential opportunities, there will be less environmental impact, utility work and road construction necessary to achieve development. Keeping the new access road to the proposed homes as a private street will eliminate the need for City plow and maintenance services as well.

4. *Recreational Facilities & Mass Transit*

- This development will provide pedestrian access through the residential area, existing Club facilities, and out to Superior Street where a City of Duluth bus stop and sidewalk are present.
- The pedestrian access (details of which will be laid out in the Regulating Plan) will be used by residents, Club members, employees and guests of the Club.

7. *Pedestrian Services*

- To further enhance the development and create inviting spaces for residents, members, and guests, benches and pedestrian-scaled, dark sky-friendly lighting will be provided.

\*8. *Public Water Line Easement/ Installation*

- While this is not categorized in one of the seven public benefit 'modifications', NCC has, as part of this potential development, allowed the City of Duluth to install a 12" water main through NCC property in order to create a secondary service line to thousands of Lakeside residents, businesses and schools. This easement/ water line truly serves as a public benefit that hopefully will be taken into consideration as an additional R-P benefit, as was discussed with City of Duluth Engineering staff during the early stages of this R-P process.

**END OF MEMO**



Required community meeting.

The applicant shall hold at least one community meeting to discuss the plan before submitting the rezoning application for review and approval by the city. Notice of the public meeting shall be mailed to all property owners within 350 feet outside the planning area boundaries, and the city shall provide the applicant with the names and address of those property owners upon request.

The applicant shall submit with the application documentation that the community meeting has taken place, the date and time of the meeting, the number of attendees, any issues raised regarding the plan and any responses to those concerns incorporated in the plan;

NCC Community Meeting on rezoning:

4/29/24 – NCC Ballroom of Clubhouse

5:00pm

Number of attendees: ~~25~~ 26

Issues Raised by attendees: Utility Q.?

Type of properties?

is pinewood lake on the map? – no

Responses to Concerns:

Will Golf carts travel on the new road?

Will the maintenance bldg be moved?

Time line of city water-main to lake side?

A: 2.5 yrs ago – club approached by the city

Are there height restrictions on any building?

A: yes – 35 ft (not to exceed)

Type of duplex

A: 1100 sq. ft per side

HOA?

A: yes, under one umbrella

city with line time line?

\* Meeting disrupted by a member, sounding disgruntled from past meetings

Q: Where does the water line enter the property?

– separate from any (And) development

– 3rd & Pinewood (right of way)

No plan has been approved by the membership at this time.

A thank you for holding this information mtg.

Q: who would own the (And)? →



A: The land that it have on unit sits on only

Q: When would the city complete the water-line

A: if member approved, the city would complete early 2025

Q: What are the risks of the water line

A: Using HPE minimizes damage for many years

Q: What impact on nearby neighbors, view, light pollution?

A: possible view of lot 1 & 2 in front of another home

A: Street lights not required

Q: Bedrock?

A: A test drilling will need to be done

Q: Can the plan be mixed zone?

A: YES, very permissive - members must vote on development

Q: Do you think members w/vote yes?

A: too early to tell

Q: Lots w/ be sold to members?

A: YES

Q: Does the stream on #3 need environmental approval

A: NO, not a designated trout stream

Q: Water line open cut and then directionally drilled?

A: Bedrock is present on the upper portion, not below

Q: CLARIFY on member voting process?

A: 2 separate votes

Q: Date for votes?

A: Goal is to be ready for members to vote on water line  
in June, property dev. - late summer

Q: Any special variances planned?

A: The R-P zoning will alleviate any need for variances





**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-2505-0004	Contact	Chris Lee, cleec@duluthmn.gov	
Type	UDC Map Amendment-R-2 to MU-N	Planning Commission Date		June 10, 2025
Deadline for Action	Application Date	May 6, 2025	60 Days	July 5, 2025
	Date Extension Letter Mailed	May 15, 2025	120 Days	September 3, 2025
Location of Subject		PID: 010-1773-00010, Adjacent to 3503 W Arrowhead Rd		
Applicant	Force 1 LLC	Contact	Jesse Carlson	
Agent	N/A	Contact	N/A	
Legal Description		010-1773-00010		
Site Visit Date		May 28, 2025	Sign Notice Date	May 27, 2025
Neighbor Letter Date		May 16, 2025	Number of Letters Sent	13

**Proposal**

Applicant is requesting a UDC Map Amendment (rezoning) from R-2 to Mixed Use Neighborhood (MU-N) to allow for a mix of commercial and residential uses.

**Staff Recommendation**

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

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-2	Vacant	Neighborhood Mixed Use
<b>North</b>	RR-1	Vacant	Open Space
<b>South</b>	MU-P	Residential	Urban Residential
<b>East</b>	MU-C	Commercial	Neighborhood Mixed Use
<b>West</b>	R-1	Vacant	Urban Residential

**Summary of Code Requirements**

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. MU-N allows for a host of uses that fit along an existing light commercial corridor.

### Future Land Use

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

### History

The parcel is currently vacant and natural. There is no history of development on the site.

## **Review and Discussion Items:**

Staff finds that:

1. The subject property incorporates a total of 6.5 acres. The area is currently zoned R-2 (Residential-Urban). Applicant proposes rezoning to Mixed Use Neighborhood (MU-N).
2. The proposed MU-N allows for a continuation of the Mixed Use Commercial to the east but with lower intensity, more neighborhood scale uses. This allows a transition to the residential districts to the west and south but also promotes natural conservation of the properties to the north. As adopted with the comprehensive plan (Imagine Duluth 2035), the Future Land Use for the area is Neighborhood Mixed Use. This proposed MU-N zoning implements the future land uses and development goals.
3. Permitted and special uses in MU-N districts are identified in the use table in UDC Sec. 50-19.
4. City engineering staff have commented:
  - a. This parcel is located in the headwaters of Chester Creek, a DNR designated trout stream.
  - b. A full wetland delineation for the entire parcel(s) shall be completed at the time of development. Any and all wetlands in the Chester Creek watershed are crucial to the health of a cold water trout stream.
  - c. A full drainage study of the existing site shall be prepared to understand how drainage from Arrowhead Road flows through the site and are part of any wetlands that require this hydrology.
  - d. Any development will need to follow the UDC and Engineering guidelines (requirements and procedures) regarding stormwater management, which include requirements and controls relating to water quality, temperature, peak discharge rate, and impact to wetlands for naturally occurring flood storage.

This amendment 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

## **Staff Recommendation:**




Based on the above findings, staff recommends to Planning Commission that the proposed MU-N map amendment 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 MU-N zoning is consistent with the future land use categories of Neighborhood Mixed Use






## Legend

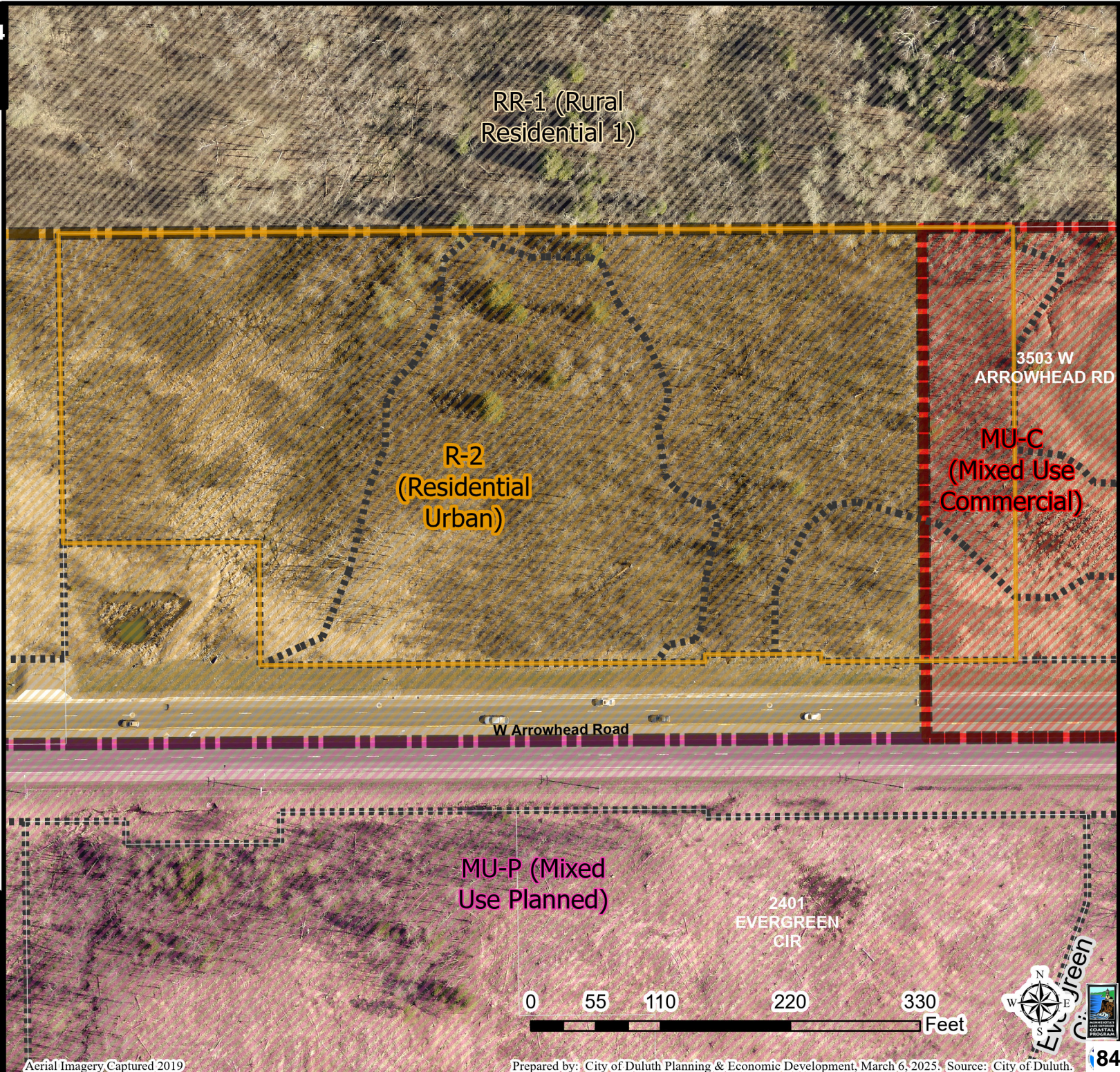
-  Zoning Boundaries
-  Road or Alley ROW
-  County Parcel Data

## Zoning

### UDC Zoning

-  RR-1 (Rural Residential 1)
-  R-2 (Residential Urban)
-  MU-P (Mixed Use Planned)
-  MU-C (Mixed Use Commercial)

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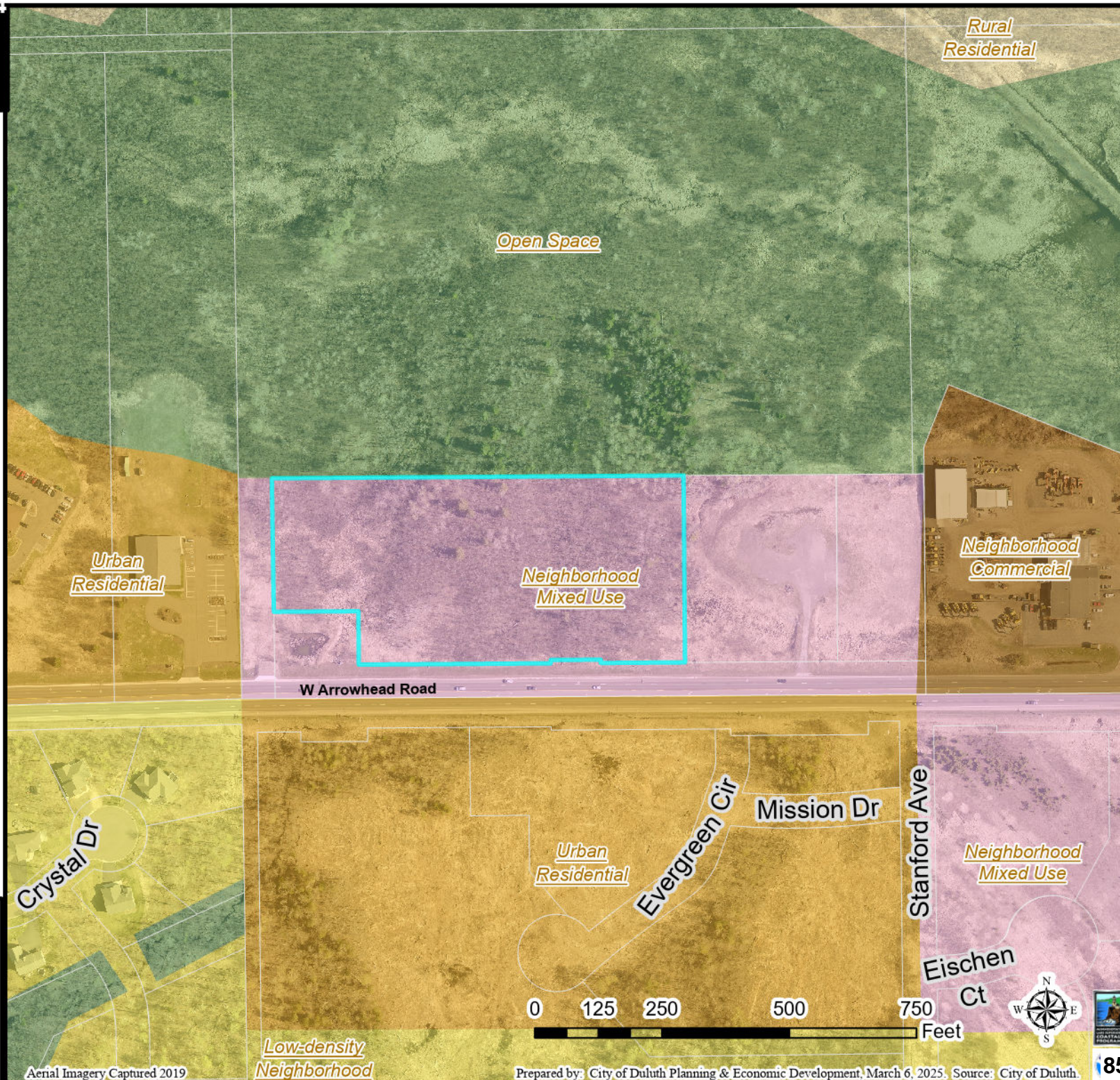


## Legend

 County Parcel Data

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Aerial Imagery Captured 2019

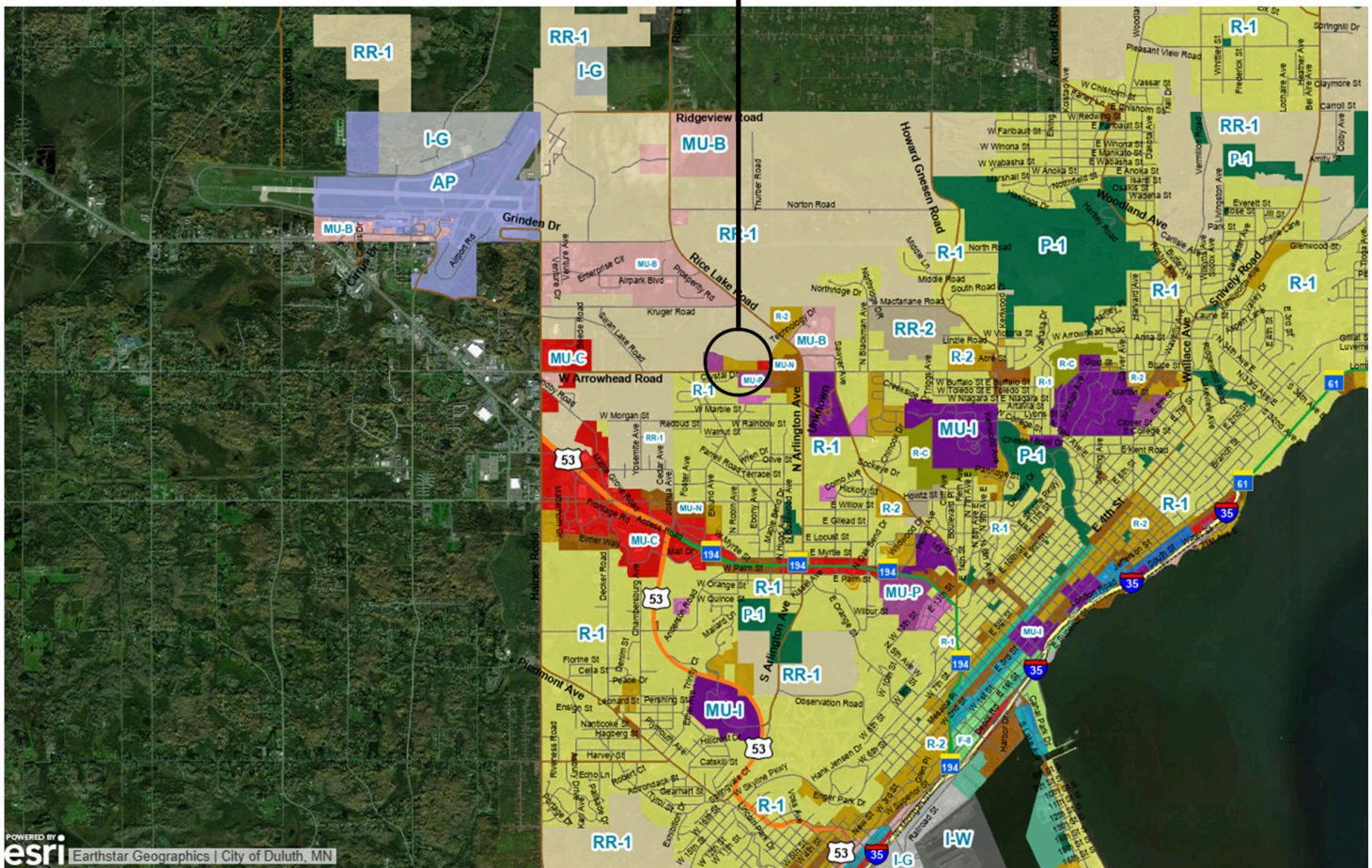




# PARCEL 010-1773-00010

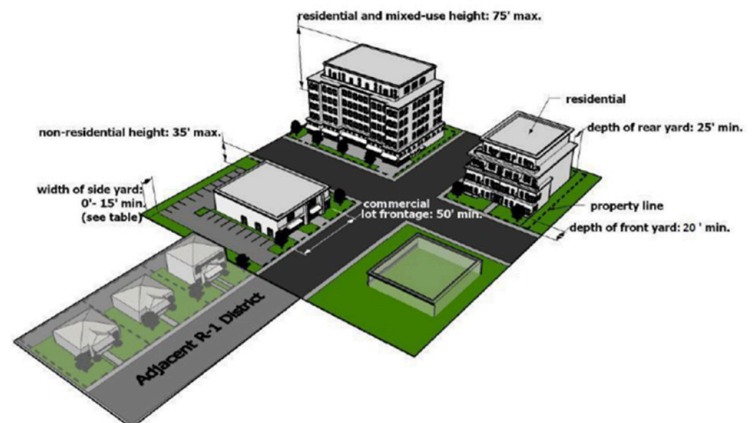
REQUEST REZONE FROM "R-2" TO "MU-N"

## PARCEL LOCATION

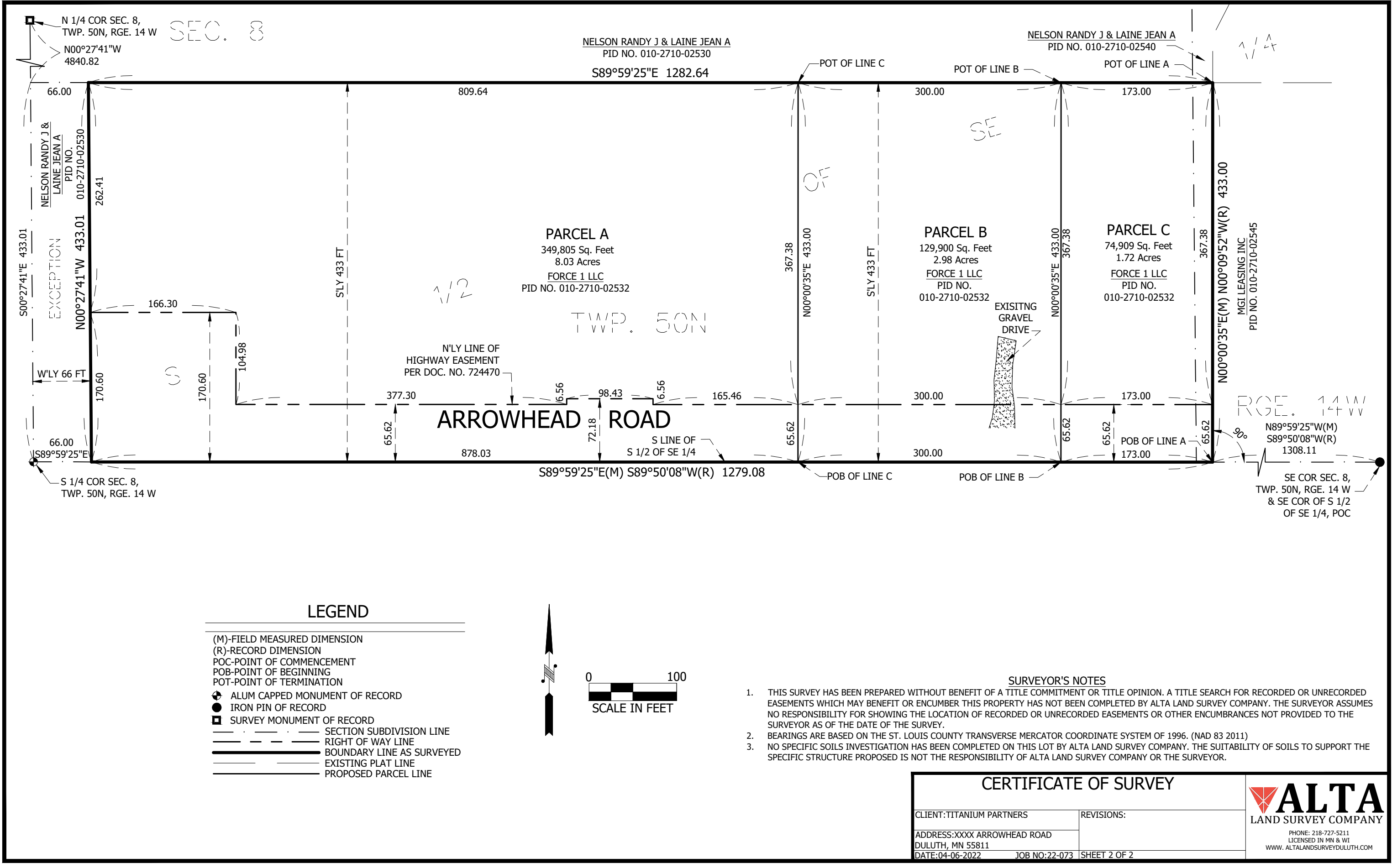


OVERALL MAP - SEE NEXT PAGE FOR DETAIL

The MU-N district is established to accommodate a mix of neighborhood-scale, neighborhood serving non-residential uses and a range of residential uses located in close proximity. This district accommodates both horizontal (uses located in separate structures) and vertical (uses located in the same building) types of mixed use. Non-residential uses may include small-scale retail, service and professional offices that provide goods and services to the residents of the surrounding neighborhood, as shown in Table 50-19.8;









PARENT LEGAL DESCRIPTION PER DOC. 1253067

The southerly 433.00 feet of the South Half of the Southeast Quarter of Section 8, Township 50 North, Range 14 west of the Fourth Principal Meridian, St. Louis County, Minnesota, lying westerly of the line described as follows: Commencing at the southeast corner of said South Half of the Southeast Quarter; thence South 89 degrees 50 minutes 08 seconds West, assumed bearing, along the south line of said South Half of the Southeast Quarter, a distance of 1308.11 feet to the beginning of the line to be described; thence North 00 degrees 09 minutes 52 seconds West a distance of 433.00 feet and said line there terminating.

EXCEPT the westerly 66.00 feet of the southerly 433.00 feet of the South Half of the Southeast Quarter of said Section 8, Township 50, Range 14.

LEGAL DESCRIPTION OF PARCEL A

That part of the Southerly 433.00 feet of the South Half of the Southeast Quarter of Section 8, Township 50 North, Range 14 West of the Fourth Principal Meridian, St. Louis County, Minnesota which lies Westerly of Line C described below:

Line C: Commencing at the Southeast corner of said South Half of the Southeast Quarter; thence on an assumed being of North 89 degrees 59 minutes 25 seconds West, along the South line of said South Half of the Southeast Quarter 1308.11 feet; thence continue North 89 degrees 59 minutes 25 seconds West, along said South line 473.00 feet to the point of beginning of said Line C; thence North 00 degrees 00 minutes 35 seconds East 433.00 feet to a line parallel with and distant 433.00 feet North of the South line of said South Half of the Southeast Quarter and said line there terminating.

EXCEPT the West 66.00 feet of Southerly 433.00 feet of the South Half of the Southeast Quarter of Section 8, Township 50 North, Range 14 West of the Fourth Principal Meridian, St. Louis County, Minnesota.

Said Parcel A contains 349,805 square feet or 8.03 acres.

LEGAL DESCRIPTION OF PARCEL B

That part of the Southerly 433.00 feet of the South Half of the Southeast Quarter of Section 8, Township 50 North, Range 14 West of the Fourth Principal Meridian, St. Louis County, Minnesota which lies between Line B and Line C described below:

Line B: Commencing at the Southeast corner of said South Half of the Southeast Quarter; thence on an assumed being of North 89 degrees 59 minutes 25 seconds West, along the South line of said South Half of the Southeast Quarter 1308.11 feet; thence continue North 89 degrees 59 minutes 25 seconds West, along said South line 173.00 feet to the point of beginning of said Line B; thence North 00 degrees 00 minutes 35 seconds East 433.00 feet to a line parallel with and distant 433.00 feet North of the South line of said South Half of the Southeast Quarter and said line there terminating.

Line C: Commencing at the Southeast corner of said South Half of the Southeast Quarter; thence on an assumed being of North 89 degrees 59 minutes 25 seconds West, along the South line of said South Half of the Southeast Quarter 1308.11 feet; thence continue North 89 degrees 59 minutes 25 seconds West, along said South line 473.00 feet to the point of beginning of said Line C; thence North 00 degrees 00 minutes 35 seconds East 433.00 feet to a line parallel with and distant 433.00 feet North of the South line of said South Half of the Southeast Quarter and said line there terminating.

Said Parcel B contains 129,900 square feet or 2.98 acres.



LEGAL DESCRIPTION OF PARCEL C

That part of the Southerly 433.00 feet of the South Half of the Southeast Quarter of Section 8, Township 50 North, Range 14 West of the Fourth Principal Meridian, St. Louis County, Minnesota which lies between Line A and Line B described below:

Line A: Commencing at the Southeast corner of said South Half of the Southeast Quarter; thence on an assumed being of North 89 degrees 59 minutes 25 seconds West, along the South line of said South Half of the Southeast Quarter 1308.11 feet to the point of beginning of said Line A; thence North 00 degrees 00 minutes 35 seconds East 433.00 feet to a line parallel with and distant 433.00 feet North of the South line of said South Half of the Southeast Quarter and said line there terminating.

Line B: Commencing at the Southeast corner of said South Half of the Southeast Quarter; thence on an assumed being of North 89 degrees 59 minutes 25 seconds West, along the South line of said South Half of the Southeast Quarter 1308.11 feet; thence continue North 89 degrees 59 minutes 25 seconds West, along said South line 173.00 feet to the point of beginning of said Line B; thence North 00 degrees 00 minutes 35 seconds East 433.00 feet to a line parallel with and distant 433.00 feet North of the South line of said South Half of the Southeast Quarter and said line there terminating.

Said Parcel C contains 74,909 square feet or 1.72 acres.

<div>I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.</div> <div><div>David R. Evanson MN License #49505</div></div> <div>DATE:04-06-2022</div>	CERTIFICATE OF SURVEY		<div><div>ALTA LAND SURVEY COMPANY</div><div>PHONE: 218-727-5211 LICENSED IN MN &amp; WI WWW. ALTALANDSURVEYDULUTH.COM</div></div>	
	CLIENT:TITANIUM PARTNERS	REVISIONS:		
	ADDRESS:XXXX ARROWHEAD ROAD DULUTH, MN 55811			
	DATE:04-06-2022	JOB NO:22-073		SHEET 1 OF 2



# PARCEL 010-1773-00010

REQUEST REZONE FROM "R-2" TO "MU-N"

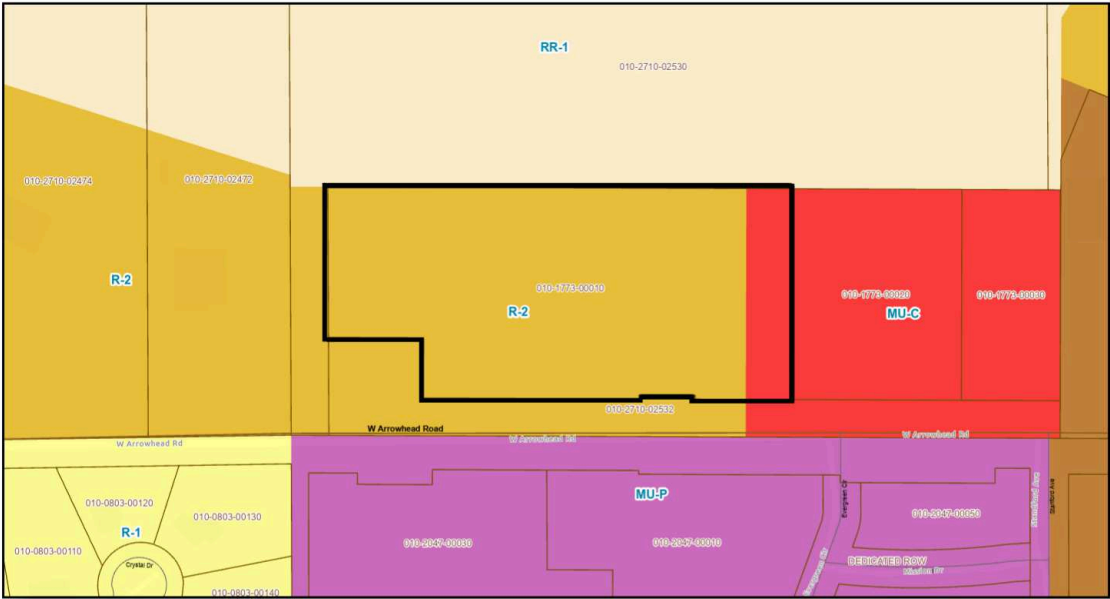
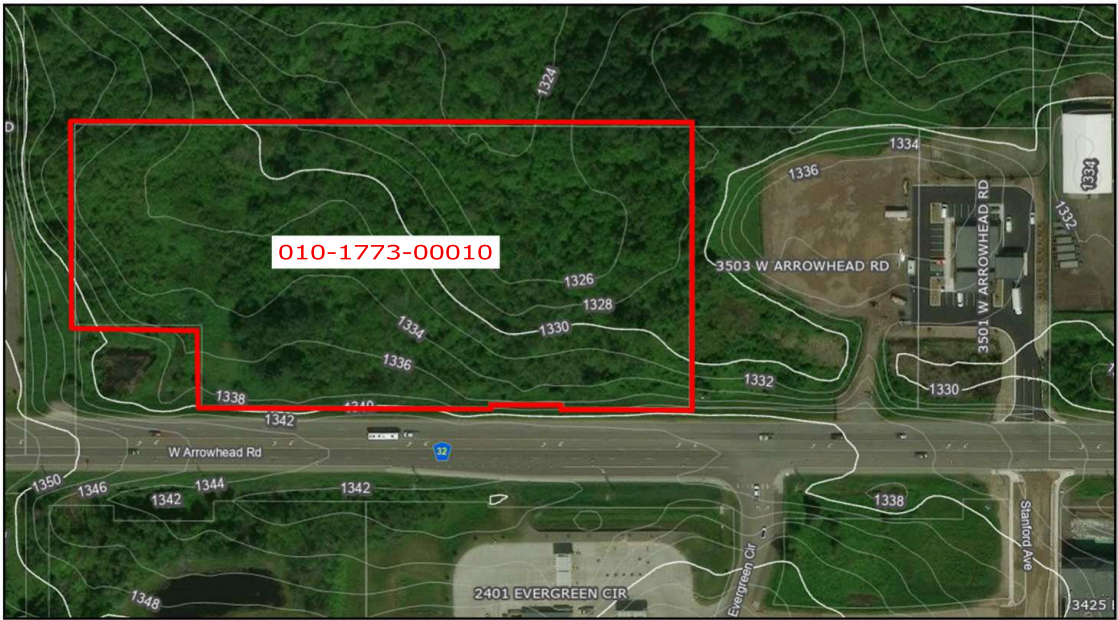


IMAGE FROM: DULUTHMN.MAPS.ARCGIS.COM (COMMUNITY PLANNING - ARCGIS) WITH PARCEL BORDER ADDED



AERIAL PHOTO WITH LAND ELEVATIONS WITH PARCEL BORDER ADDED





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

Room 160  
411 West First Street  
Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

## MEMORANDUM

DATE: June 3, 2025

TO: Planning Commission members

FROM: Chris Lee, Planner II

SUBJECT: UDC Text Amendment (PLUTA-2503-0001) related to trash enclosure screening (50-26.3).

Based on feedback, Planning staff has examined the zoning regulations related to the screening of exterior trash enclosures. This memo describes the current zoning rules and proposes potential changes.

**Screening of Commercial Containers in Current UDC:**

1. Must be constructed of masonry, brick, wood, stone, or similar materials.
2. Must have a gate constructed of wood or metal.

This language is in place to create a cohesiveness in site-wide design of the enclosures, so they coordinate with other structures existing on the site.

**Proposed Changes:**

The proposed changes are to ease the financial burden and alleviate site constraints to new site development. It is for this reason that staff are recommending eliminating the material requirements and replacing it with “durable, weather resistant material that is opaque.” This allows entire enclosures to be constructed of wood or metal if it provides cost savings for the project.

Per Section 50.37.3 of the UDC. Planning commission shall review the proposal based on the below criteria:

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.

Planning commission may recommend approval, approval with modifications or denial to city council.

[www.duluthmn.gov](http://www.duluthmn.gov)

The City of Duluth is an Equal Opportunity Employer.



Staff finds that:

- The proposed text amendment eases the development burden for trash enclosures thereby implementing the comprehensive land use plan and following good zoning practice.
- 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 by provide options for site development;
- 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.

Staff recommends that Planning Commission recommend approval to City Council.



## 50-27 SCREENING, WALLS, AND FENCES.

### 50-27.1 Screening of mechanical equipment.

#### A. Applicability.

The standards of this Section shall apply to all of the following uses that contain a primary structure in all zones, except I-G and I-W: a multi-family, mixed use, commercial, institutional, industrial, or parking principle use, when any of the following conditions occur:

1. A new primary structure is constructed;
2. The floor area in an existing primary structure(s), taken collectively, is increased by more than 25 percent;
3. An existing primary structure is relocated on the lot or parcel;
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 25 percent or more of the pre-application assessor's market value of the primary structure, as shown in the records of the city assessor.

The standards of this Section shall not apply if the only feasible location for mechanical screening would impede the functioning of solar, wind or geothermal energy equipment or systems if such systems are otherwise in compliance with applicable building codes and zoning requirements;

#### B. Screening standards.

The following exterior mechanical features shall be screened: (i) electrical and gas-powered mechanical equipment and power systems equipment; (ii) heating, ventilating and air conditioning equipment ductwork, and lines; and (iii) power systems equipment. Roof or wall-mounted antennas and vent openings shall not be considered mechanical equipment for purposes of these screening standards.

##### 1. Roof-mounted mechanical equipment.

Roof-mounted mechanical equipment shall be screened by a parapet wall or similar feature that is an integral part of the building's architectural design. The parapet wall or similar feature shall be sufficient to screen the mechanical equipment from ground view of a person on the other side of the public right-of-way on which the structure fronts, as illustrated in Figure 50-26.1-A;

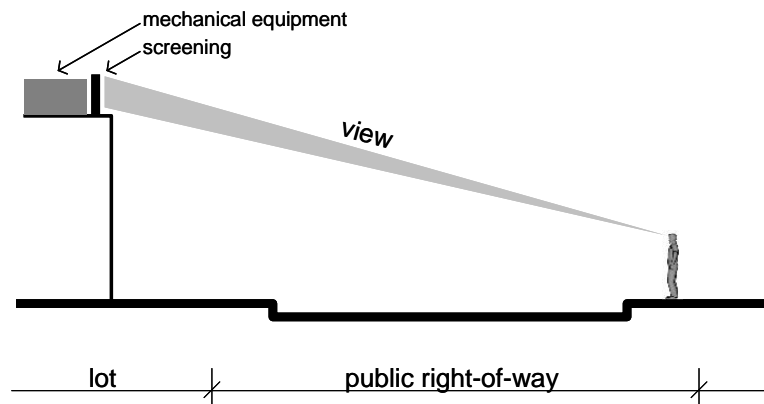


Figure 50-26.1-A: Screening for roof-mounted mechanical equipment

##### 2. Ground-mounted mechanical equipment.

Ground-mounted mechanical equipment shall be screened from view from ground view of adjoining properties and public right-of-way by landscaping or by a decorative wall that incorporates at least one of the primary materials and colors of the nearest wall of the primary structure. The wall shall be of a height equal to or greater than the height of the mechanical



equipment being screened. If landscaping is used for screening, the screening material shall be designed to provide 75 percent opacity one year after planting along the full required height and length of the screening buffer. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 36; Ord. No. 10153, 5-14-2012, § 9, Ord. No. 10562, 4-9-18, § 1; Ord. No. 10562, 4-9-2018, § 1)

### 50-27.2 Screening of service and off-street loading areas.

#### A. Applicability.

These standards shall apply to all service areas and off-street loading areas on all properties containing multi-family dwellings, commercial, institutional, industrial or mixed uses, except those located in the I-G and I-W districts.

#### B. Screening.

Service and off-street loading areas shall be designed and located to reduce the visual and acoustic impacts of these functions on adjacent properties and public streets. Non-enclosed service and off-street loading areas shall be screened with durable, sight-obscuring walls, fences, and/or dense indigenous evergreen planting of between six and eight feet in height. Screening materials shall be the same as, or of equal quality to, the materials used for the primary building and landscaping. (Ord. No. 10044, 8-16-2010, § 6.)

### 50-27.3 Screening and location of commercial containers.

#### A. Applicability and exemptions.

1. Except as noted in subsection 2 below, these standards shall apply to all exterior commercial containers, including without limitation garbage dumpsters, grease/oil tanks and cardboard compactors, on all properties containing multi-family dwelling, commercial, institutional, industrial or mixed uses;
2. These standards shall not apply to the following:
  - (a) Commercial containers located in the I-G and I-W districts;
  - (b) Commercial containers located behind a building and not visible from a public street or adjoining single-family, multi-family, mixed use or public property;
  - (c) The temporary purpose of disposing of waste generated during the time of an active building permit, or 180 days, whichever is shorter, for the demolition or construction of improvements on the property upon which the commercial container is located;
  - (d) A commercial container placed by or upon written authority of the city on a temporary basis;



Figure 50-26.2-A: Loading area screening



**B. Location.**

Commercial containers shall not be placed in any of the following:

1. Any required front yard area or any side yard area adjacent to a public street right-of-way;
2. Any fire lane;
3. Any required off-street parking space;
4. Any location that blocks vehicular or pedestrian traffic;
5. Any location that obstructs drivers' sight lines at intersection of streets and driveways;
6. Any location that may interfere with utilities;

**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 an opaque wall constructed of masonry, brick, wood, stone, or similar durable, weather resistant material and at least as tall as the container being screened;
- (b) On the fourth side a gate constructed of wood or metal an opaque, durable material and at least as tall as the container being screened;

2. Adjacent to structure wall.

Commercial containers that are located adjacent to a wall of an existing principal or accessory structure shall be screened from view as follows:

- (a) On two sides with a wall that is (1) constructed of an opaque the same principal materials and colors used on the wall of the principal or accessory building that forms the third wall of the enclosure durable weather resistant material, or dense vegetation and (2) at least as tall as the container being screened; and (3) in compliance with applicable fire and building codes;
- (b) On the fourth side a gate constructed of an opaque wood or metal durable material and at least as tall as the container being screened. (Ord. No. 10044, 8-16-2010, § 6.)



**Figure 50-26.3-A: Dumpster screening**





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

Room 160  
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Duluth, Minnesota 55802



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## MEMORANDUM

DATE: June 3, 2025

TO: Planning Commission members

FROM: Kyle Deming, Senior Planner

SUBJECT: UDC Text Amendment (PLUTA-2505-0002) related to daycare, small and large; and preschool

There continues to be a shortage of capacity for childcare in Duluth as documented in public and media reports. Multiple levels of government and non-profit agencies have been addressing this through a multi-prong approach including the following:

1. The Duluth 1200 Fund's Build Forward Duluth Program offers loans to purchase and make improvements in real estate that will house childcare centers in Duluth.
2. The Duluth 1200 Fund's Childcare Collaborative Grant Program is for new childcare operations in need of state license and training requirements, furnishings, equipment, capital improvements for space and working capital needs.
3. St. Louis County provides information on different licensing options for childcare providers as well as financial assistance to families paying for childcare.
4. Families First of Minnesota offers startup grants to cover the costs required to get the childcare center open including training, application fees, equipment purchase, etc.
5. Child Care Aware offers technical assistance in navigating the process of starting a childcare center through their Child Care Wayfinders. Funding is provided through the State's Department of Human Services.
6. The State's Department of Employment and Economic Development offers financial assistance to local communities and non-profits to assist the establishment of additional childcare providers.

For its part, the City has examined current zoning rules concerning provision of childcare (City of Duluth Legislative Code Chapter 50, the Unified Development Chapter (UDC)) to identify opportunities to encourage the creation of additional childcare capacity. This memo summarizes the current zoning rules and proposed changes.

### **Daycare in Current UDC:**

The UDC classifies childcare facilities as one of four types (described on the next page):

1. Daycare facility, small (14 or fewer),
2. Daycare facility, large (15 or more),
3. Preschool,
4. Accessory day care facility.

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Daycare facility, small (14 or fewer), is often operated by an individual proprietor with a childcare capacity of 14 or fewer children and is typically scaled to fit in a dwelling. The UDC permits it in all zone districts (except for industrial and waterfront and is a special use in MU-B).

Daycare facility, large (15 or more), requires more than one staff person to operate and is typically akin to a daycare center operating in a church or commercial building. The UDC permits it in commercial districts and most form districts (except for F-7 and F-8 downtown) but requires a special use permit in residential districts. Due to the scale the building code requires more safety features, such as multiple fire exits, toilet facilities, and controlled access points, and the State's licensing requirements are more numerous.

The UDC has a separate classification for Preschool which is treated in a similar fashion to Daycare, large. Neither the building code nor the State have separate rules for preschools and generally include them with childcare centers.

Accessory day care facility is allowed in all districts except I-W. It is intended to be accessory to the principle business use of the site providing childcare services for the employees of the business or institution. The building code and the State rules for daycare centers apply to these accessory daycare sites.

#### **Characteristics of Existing Daycare Centers:**

There are currently 30 licensed childcare centers operating in Duluth. Below is a sample excluding very large sites serving primarily preschoolers. Family childcare and group family childcare facilities are not included in the list of 30 as they are smaller facilities traditionally operating out of a dwelling.

Name:	Address:	Child Care Capacity:	Ages: I=Infants T=Toddlers P=Preschoolers S=School-aged	Lot Dimensions and Lot Area (in feet and square feet):	Lot Area per Child Care Capacity:	Pickup and Dropoff and Parking Locations:
Happy Time Day Care Center	203 N. 25 <sup>th</sup> Ave. W.	85	I, T, P	100' x 140' = 14,000 SF	164 SF/child	Off-street, On-Street
Aunty's Child Care	4801 Cooke St.	71	T, P	50' x 140' = 7,000 SF	99 SF/child	Off-street, On-Street
Montessori School of Duluth	313 Mygatt Ave.	52	T, P, S	243' x 125' = 30,375 SF	584 SF/child	Off-street
New Hope Child Care	1028 E. 8 <sup>th</sup> St.	42	I, T, P	220' x 140' = 30,800 SF	733 SF/child	Off-street
Hope For Kids Childcare Center	301 W. St. Marie St.	64	I, T, P	200' x 225' = 45,000 SF	703 SF/child	Off-street, w/ church
University Nursery School – Arlington	410 N. Arlington Ave.	72	I, T, P	200' x 225' = 45,000 SF	625 SF/child	Off-street, shared w/ church
Univ. Nursery Scl – Jefferson	916 E. 3 <sup>rd</sup> St.	168	I, T, P	300' x 170' = 51,000 SF	304 SF/child	Off-street
Young Minds Learning Center	1115 N. Lake Ave.	45	I, T, P, S	Irregular = 25,000 SF	555 SF/child	Off-street, On-Street



**Proposed Changes:**

The proposed changes to the UDC would expand the sites where a daycare center is permitted in residential districts without needing a special use permit. This would reduce uncertainty in establishing a daycare center by eliminating the discretionary approval by the Planning Commission and the public hearing preceding it.

The UDC modification would add new language to the use specific standards (Section 50-20.3.I) for Daycare facility, large and small, that would exempt the project from needing a special use permit if it meets the requirements below:

1. Minimum lot area per childcare capacity of 525 square feet,
2. 25-foot setback from all exterior play areas to lots abutting a residential use (does not apply to street or alley),
3. Paved drop-off/pick-up area with capacity for 1 vehicle per 14 childcare capacity (can be on-street, but capacity must be demonstrated),
4. Off-street employee parking on site or within 400 feet of the site.

The requirements above are based on a review of existing facilities, which are listed in the table on the previous page and the site aerial imagery attached to this memo. Criteria #1 (above) establishes a threshold for when the “density” of children on a site relative to the site’s size is large enough to avoid likely land use conflicts. 525 square feet per child is the average when excluding 4801 Cooke St., which is on a small lot. Criteria #2 provides a buffer from residential properties large enough to grant privacy. Criteria #3 requires exempt sites to have adequate capacity to handle child pickup/drop-off and Criteria #4 is to ensure employee parking considerations are made.

On Pages 11 and 12 of this memo are three sample sites (4501 Glenwood St., 1710 E. Superior St., 2701 W. 3<sup>rd</sup> St.) staff considered when crafting the criteria above. The sites would meet the criteria above, exempting them from needing a special use permit, since there is adequate off-street parking for employees as well as pickup/drop-off, and space for outdoor play areas away from the abutting residential use.

In addition to the changes above allowing certain sites to be exempt from getting a special use permit, there are three additional changes proposed to the use specific standards for daycare facilities, large and small, including:

1. Deleting the requirement for fencing of outdoor exercise areas in MU-B as this is already a State licensing requirement;
2. Deleting the provision that allows the Land Use Supervisor to deny an application for childcare in MU-B due to health and safety concerns because this consideration can be made by the Planning Commission during the special use permit review;
3. Adding a requirement for the Planning Commission to consider the location of outdoor play area relative to abutting residential uses.

Concerning existing UDC requirements for Preschools, the regulatory framework at the State has increased the enrichment activities that daycare facilities need to provide to the point that they are similar to the UDC definition of Preschool. It is for this reason that staff are recommending eliminating the Preschool line from the Use Table but retaining the definition in Section 50-41 and referring users to the corresponding Daycare facility, large or small, definitions.

In addition to the proposed changes listed above, staff is proposing UDC changes to definitions of daycare facility, large and small, to better align terminology with the building code and State licensing for the desired result of reduced confusion by potential daycare operators when navigating UDC rules.



**Findings and Recommended Action:**

Per Section 50.37.3 of the UDC, Planning Commission may review the proposal based on the criteria below:

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.

The Planning Commission may recommend approval, approval with modifications or denial to the City Council.

Staff finds that:

- Studies and media accounts have documented the high demand for and shortage in supply of daycare facilities in Duluth and that the proposed Unified Development Chapter (UDC) modification may assist in relieving this supply shortage.
- The proposed UDC modification will help reduce the uncertainty in obtaining zoning approval for daycare facilities on sites meeting certain conditions while still requiring other sites to use the special use permit approval process through the Planning Commission. The criteria in the proposed ordinance change will provide for buffering of outdoor activities spaces and thereby protect against creating material adverse impacts on surrounding properties.
- The proposed UDC amendment will promote orderly development in the city by continuing to guide where daycare uses can be located while proposing amendments to allow certain daycare facilities to locate without a special use permit if certain conditions are met that address orderly site development.
- The proposed ordinance language allows daycare uses in areas consistent with other similar land uses within the city and expands the conditions under which daycare, large, uses are allowed in certain zone districts, thereby implementing the comprehensive land use plan and following good zoning practice.

Staff recommends that the Planning Commission recommend approval to the City Council.



Proposed changes to the Use Table:

Offices																									
Bank							S <sup>2</sup>	P <sup>1</sup>	P <sup>1</sup>	P	S	P <sup>3</sup>	P	P	P	P	P	P	P	P					50-20.3.E
Office					S <sup>2</sup>		P <sup>2</sup>	P <sup>1</sup>	P <sup>1</sup>	P	P <sup>1</sup>	P <sup>3</sup>	P	P	P	P	P	P	P	P					50-20.3.M
Data center							S <sup>2</sup>	P <sup>1</sup>	P <sup>1</sup>	P	S	P <sup>3</sup>	U	U	U	U	U	U	U	U	P				
Outdoor Recreation & Entertainment																									
Golf course		S	S			P <sup>3</sup>																		P	
Marina or yacht club											P <sup>1</sup>										S	S			
Recreational vehicle park	S	S	S			P <sup>3</sup>					S											S			50.20.3.P
Other outdoor entertainment or recreation use not listed		S						S		S	S														50.20.3.N
Personal Services																									
Business park support services										P		P <sup>3</sup>													
Commercial support services							S <sup>2</sup>	P <sup>1</sup>		P															
<b>Preschool</b>		<b>S</b>	<b>S</b>	<b>S</b>	<b>P<sup>2</sup></b>	<b>P<sup>3</sup></b>	<b>P<sup>2</sup></b>	<b>P<sup>4</sup></b>	<b>P<sup>4</sup></b>	<b>S</b>	<b>P<sup>4</sup></b>	<b>P<sup>3</sup></b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>S</b>	<b>P</b>	<b>S</b>				<b>50-20.3.I</b>
Daycare facility, small (14 or fewer)	P	P	P	P	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P <sup>1</sup>	P <sup>1</sup>	S	P <sup>1</sup>	P <sup>3</sup>	P	P	P	P	P	P	P	P					50-20.3.I
Daycare facility, large (15 or more)		S	S	S	S <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P <sup>1</sup>	P <sup>1</sup>	S	P <sup>1</sup>	P <sup>3</sup>	P	P	P	P	P	P	S	P	S				50-20.3.I
Funeral home or crematorium					S <sup>2</sup>		S <sup>2</sup>	P <sup>1</sup>	P <sup>1</sup>	P		P <sup>3</sup>		P		P		P			P				
Mini-storage facility or self-service storage facility		S						S <sup>1</sup>		P						P		P	P		P	P			50-20.3.L
Personal service and repair, small (less than 10,000 sq. ft.)					S <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P <sup>1</sup>	P <sup>1</sup>	P	P <sup>1</sup>	P <sup>3</sup>	P	P	P	P	P	P	P	P					
Personal service and repair, large (10,000 sq. ft. or more)							S <sup>2</sup>	P <sup>1</sup>	P <sup>1</sup>	P	P <sup>1</sup>	P <sup>3</sup>		P		P		P		P		P			



Proposed changes to Use Specific Standards:

I. ~~Daycare facility, small and large, and preschools.~~

1. ~~For both Daycare facility, small and large, all new uses after May 1, 2019, the use must provide off-street parking spaces for pick-up and drop-off determined by the Land Use Supervisor to be sufficient to provide for the safe pick-up and drop-off of users of the facility based on the maximum licensed capacity of the facility, the configuration of the facility, the types and intensity of other uses adjacent to the facility, the intensity of traffic adjacent to the facility and other factors determined to be relevant to the safe pick-up and drop-off of users of the facility. The determination of the Land Use Supervisor may be appealed to the Commission. Pick-up and drop-off areas must be clearly signed as for pick-up and drop-off only, and shall not conflict with safe on-site pedestrian and vehicular movements.~~
2. ~~In the RR-1 and RR-2 districts, this use for both Daycare facility, small and large, all structures and related parking facilities, and structures other than driveways, are limited to no more than 20 percent of the lot or parcel area;~~
3. ~~In the MU-B district, uses shall provide a fenced outdoor exercise area. Outdoor exercise areas must be separated from improved public streets, drive lanes, and loading areas by at least 20 feet;~~
4. ~~In the MU-B district, the application may be denied by the Land Use Supervisor if he or she determines that the size, nature, character or intensity of the use of property in the immediate vicinity of the applicant's property would pose an unreasonable risk to the health, safety or welfare of users of the applicant's facility; the decision of the Land Use Supervisor may be appealed to the Commission~~
3. For both Daycare facility, small and large, proposed to abut a lot with a residential use, outdoor play areas must be setback and screened for privacy and acoustics as determined by the Planning Commission considering the size of the daycare facility and distance to the abutting residential structures;
4. For Daycare facility, large, an application is exempt from the requirement for a special use permit, and is therefore considered a permitted use, if the Land Use Supervisor determines the following conditions have been met:
  - a. The lot area exceeds the 525 square feet of lot area per child care capacity of the site.
  - b. There shall be a minimum 25-foot setback from all exterior play areas to lots abutting a residential use (does not apply to street or alley).
  - c. There shall be a paved drop-off/pick-up area with capacity for 1 vehicle per 14 child care capacity, and this requirement may be met with on-street parking if capacity can be demonstrated.
  - d. Paved off-street parking shall be provided for employees on the largest shift on site or within 400 feet of the site.

Proposed changes to Definitions:

Section 50-41.4 Definitions: D.

~~Daycare facility. A facility that provides accommodations for persons of any age who receive custodial care for less than 24 hours by individual other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for.~~

Daycare facility, small (14 or fewer). A facility that provides accommodations for up to 14 people of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for. This use is customarily regulated by the State as a "family child care home" or "group family child care home."

Daycare facility, large (15 or more). A facility that provides accommodations for 15 or more people of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for. This use is customarily regulated by the State as a "child care center," "adult day care center," or "adult day services center."

Section 50-41.16 Definitions: P.

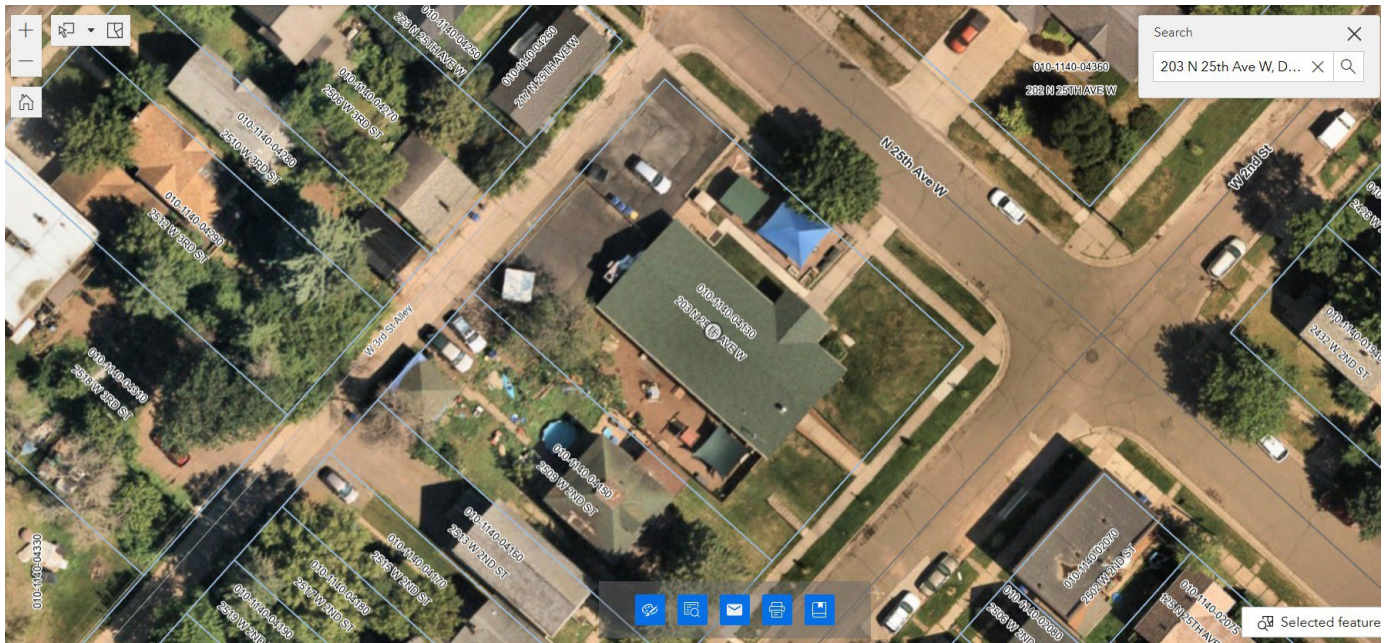


Preschool. An establishment licensed by the state to provide a systematic organization or arrangement of activities, personnel, materials, and equipment in a facility to promote the physical, intellectual, social, and emotional development of a child, who is at least 33 months old but who has not yet attended the first day of kindergarten, in the absence of the parent for a period of less than 24 hours a day. This use shall be considered either a Daycare facility, small or Daycare facility, large, based on the child care capacity.

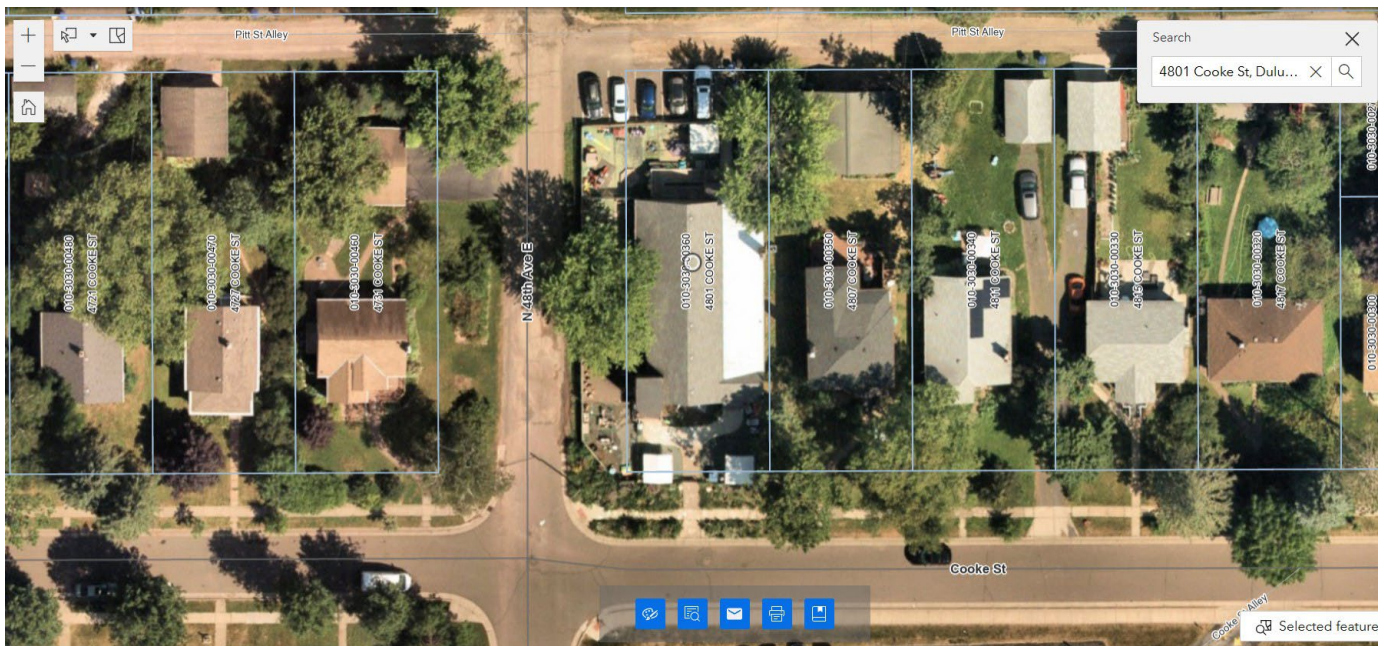


Below are aerial photos showing some of the existing day care centers from the table on Page 2 above.  
Note: The scale of the images is not consistent.

Happy Time Day Care Center (203 N. 25<sup>th</sup> Ave. W) 85 child care capacity



Aunty's Child Care (4801 Cooke St.) 71 child care capacity



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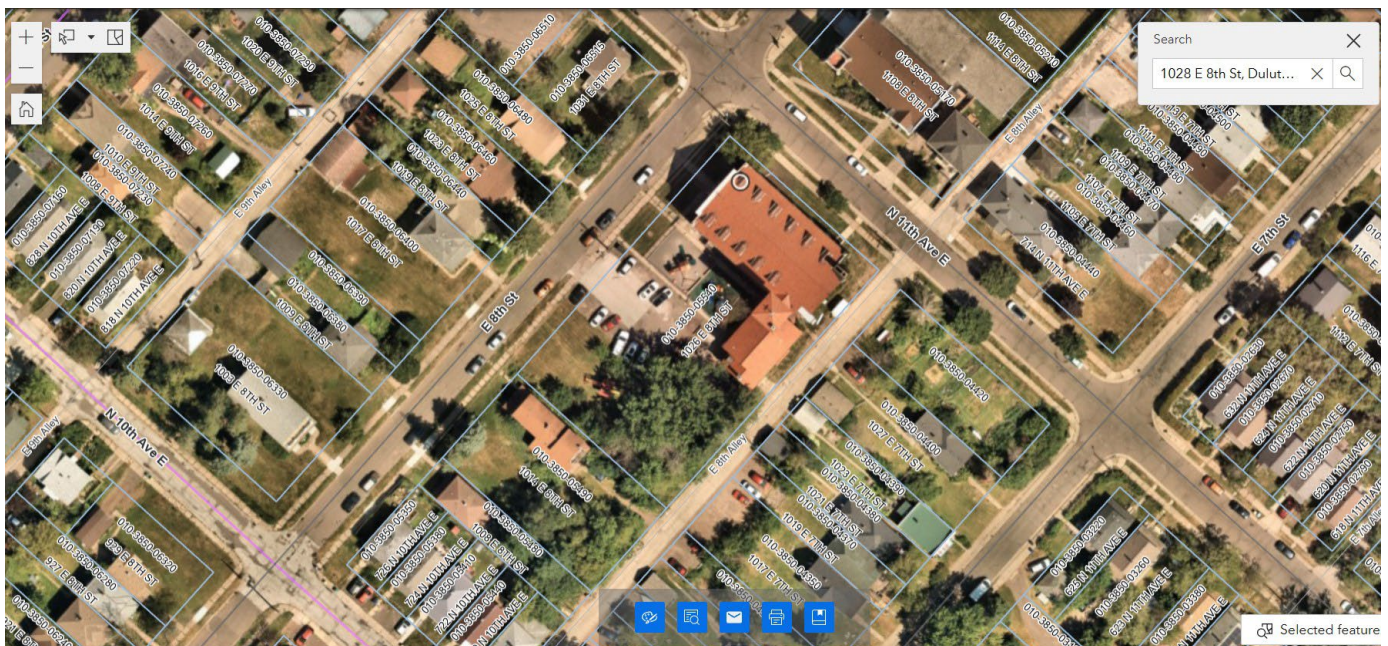
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Montessori School of Duluth (313 Mygatt Ave.) 52 child care capacity



New Hope Child Care (1028 E. 8<sup>th</sup> St.) 42 child care capacity



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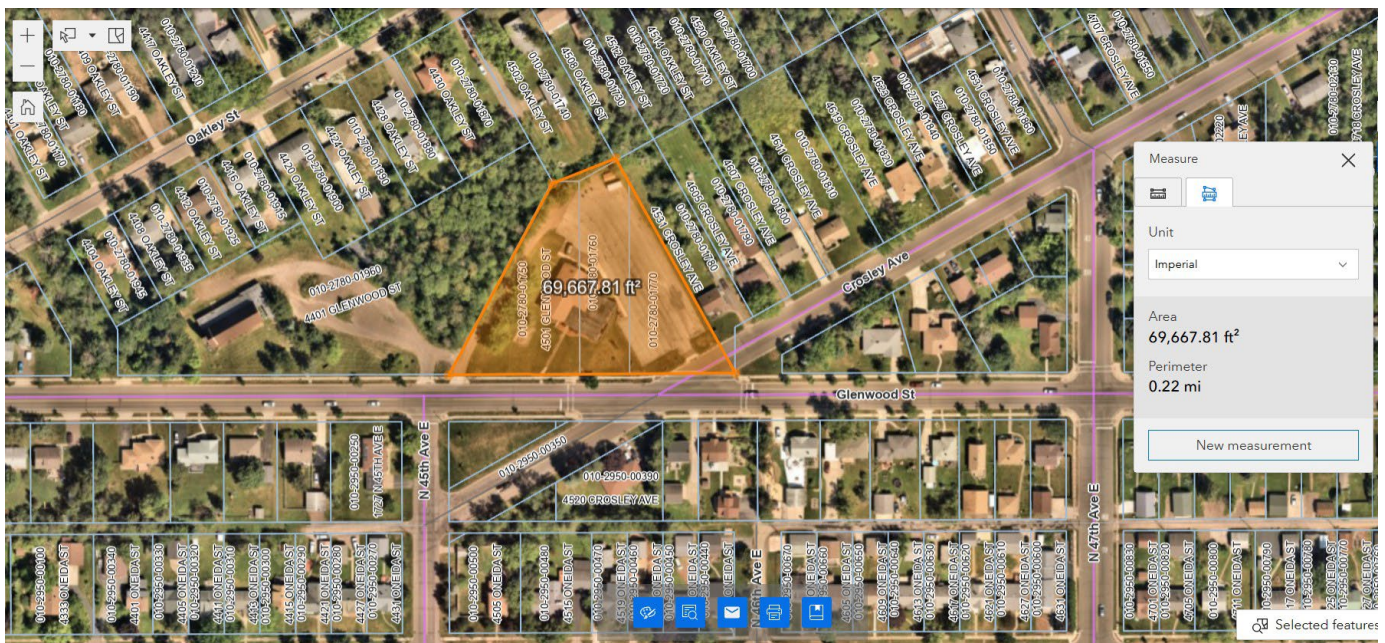


## Young Minds Learning Center (1115 N. Lake Ave.) 45 child care capacity



Below are the three sample sites that were reviewed when considering criteria under which a daycare center could be approved without needing a special use permit.

4501 Glenwood St. – 70,000 sq. ft. lot that would be exempt for a special use permit if the number of children permitted was limited to 133 ( $70,000 / 525$ ) and play areas were at least 25 feet from the abutting residential use.



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1710 E. Superior St. – 35,000 sq. ft. lot that would be exempt for a special use permit if the number of children permitted was limited to 66 ( $35,000 / 525$ ) and play areas were at least 25 feet from the abutting residential use.



2701 W. 3<sup>rd</sup> St. – 21,000 sq. ft. lot that would be exempt for a special use permit if the number of children permitted was limited to 40 ( $21,000 / 525$ ) and play areas were at least 25 feet from the abutting residential use.



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