



City of Duluth

Council Chambers, City
Hall

Meeting Agenda Planning Commission.

Council Chambers

Tuesday, December 9, 2025

5:00 PM

Council Chambers

CALL TO ORDER AND ROLL CALL

APPROVAL OF PLANNING COMMISSION MINUTES

[PL 25-1112](#) Planning Commission Special Meeting Minutes 11/12/25

Attachments: [11-12-25 PC Minutes \(not approved yet\)](#)

PUBLIC COMMENT ON ITEMS NOT ON AGENDA

CONSENT AGENDA

[PLIUP-2510-0043](#) Interim Use Permit for a Vacation Dwelling Unit at 30 N 25th Ave W by Elisabeth Mohn [CH]

Attachments: [PLIUP-2510-0043 Staff Report with Attachments](#)

[PLIUP-2511-0044](#) Interim Use Permit for a Vacation Dwelling Unit at 420 S 18th Ave E by Mitchell Ruter [CL]

Attachments: [PLIUP-2511-0044 Staff Report and Attachments](#)

[PLSUB-2510-0014](#) Minor Subdivision at 3705 Piedmont Ave by Bluemoon Properties [JM]

Attachments: [PLSUB-2510-0014 Staff Report with Attachments](#)

[PLVAC-2509-0008](#) Vacation of Right-of-Way at 10 94th Ave W by Sumair Sheikh [CH]

Attachments: [PLVAC-2509-0008 Staff Report with Attachments](#)

PUBLIC HEARINGS

[PLVAR-2511-0014](#) Variance to Shoreland Regulations for a Stormwater Basin at Palm St by City of Duluth Engineering [JM]

Attachments: [PLVAR-2511-0014 Staff Report with Attachments](#)

[PLSUP-2511-0065](#) Special Use Permit for a Stormwater Basin at Palm St by City of Duluth Engineering [JM]

Attachments: [PLSUP-2511-0065 Staff Report with Attachments](#)

COMMUNICATIONS

Land Use Supervisor Report

Heritage Preservation Commission Report

City of Duluth Planning Commission

November 12th, 2025 – City Hall Council Chambers
Special Meeting Minutes

Call to Order

President Gary Eckenberg called to order the special meeting of the city of Duluth Planning Commission at 5:00 p.m. on Wednesday, November 12th, 2025, in the Duluth city hall council chambers.

Roll Call

Attendance:

Members Present: Nik Bayuk, Gary Eckenberg, Brian Hammond, Danielle Rhodes, Dave Sarvela, and Andrea Wedul

Members Absent: Chris Adatte, Jason Crawford, and Kate Van Daele

Staff Present: Nick Anderson, Jenn Moses, Chris Lee, Jason Mozol, Christian Huelsman, Reina Owecke, and Sam Smith

Approval of Planning Commission Minutes

Planning Commission Special Meeting – October 15th, 2025 –

MOTION/Second: Bayuk/Sarvela approved

VOTE: (6-0)

Planning Commission Special Meeting – October 28th, 2025 –

MOTION/Second: Wedul/Sarvela approved

VOTE: (6-0)

Commissioners: Bayuk requested that some changes be made to the October 28th meeting minutes under item PLUMA-2509-0006 on the second page. He recalled that the DNR advised that both the general development waters designation and the cold-water river designation were acceptable for the creek, and he requested that the minutes clearly reflect that as well. Bayuk also noted that on the same page, 'Ron Finnegan' should be changed to 'Rob Finnegan'.

Public Comment on Items Not on Agenda

N/A

(Items PLIUP-2510-0040, PLIUP-2510-0041, and PLIUP-2510-0042 were removed from the consent agenda and placed under public hearings.)

Consent Agenda

~~PLIUP-2510-0040 Interim Use Permit for a Vacation Dwelling Unit at 4721 E Superior St by
Reilly Brennan [CL]~~

~~PLIUP-2510-0041 Interim Use Permit for a Vacation Dwelling Unit at 38 Cato Ave by
Darin Reinke [JM]~~

~~PLIUP-2510-0042 Interim Use Permit for a Vacation Dwelling Unit at 1520 Minnesota Ave by
William Michels [CL]~~

(Item PLVAC-2510-0010 was removed from the agenda per the applicant's request.)

Public Hearings

PLIUP-2510-0040 Interim Use Permit for a Vacation Dwelling Unit at 4721 E Superior St by
Reilly Brennan [CL]

Staff: Chris Lee addressed the commissioners and gave a brief report on the project. The applicant is proposing a new interim use permit (IUP) for a vacation dwelling unit (VDU). The permit would allow for a 3-bedroom condominium with a maximum of 7 occupants in the F-2 form district. This property was previously approved for an interim use permit in 2023 under a previous owner. The site does not have any outdoor amenities and will need to provide a dense urban screen or acquire waivers from the adjacent residential property. Since it is in a form district, the site is not required to provide parking and there is no off-street parking indicated on the site plan. Properties in form districts are also exempt from the VDU cap. Staff recommends approval with conditions listed in the staff report.

Commissioners: Eckenberg asked staff if the subject property was on the eligibility list or if it was exempt from the list. He also asked if the applicant resides at the subject property, as they have listed themselves as the local contact and provided the subject property address as the local contact address.

Sarvela asked staff if the applicant will provide any off-street parking.

Staff: Lee stated that properties in form districts are exempt from the eligibility list. The IUP and VDU permits do not transfer with new ownership, so the new owners need to reapply. The staff report says that the subject property is residential and subject to the cap, but this is an error. Lee said that ideally, the applicant would list their residing address on the application when they fill out the form, and deferred commissioners to the applicant to address the local contact address questions.

Properties in form districts are not required to provide parking, and the applicant has not indicated that they will provide off-street parking.

Applicant: Reilly Brennan addressed the commissioners. He lives two blocks away from the subject property. He did not list his home address for safety reasons.

Commissioners: Rhodes asked staff to clarify what information is required for the local contact.

Staff: Moses responded that the requirement says that the contact must live within 25 miles, but she does not believe that their home address needs to be disclosed to anyone other than the staff that review the application. The local contact is required to provide their contact information, like their phone number, to anyone within 100 ft of the subject property.

Public: No speakers.

Motion/second: Hammond/Sarvela approve as per staff recommendation with conditions listed in the staff report

Vote: (6-0)

PLIUP-2510-0041 Interim Use Permit for a Vacation Dwelling Unit at 38 Cato Ave by Darin Reinke [JM]

Commissioners: Eckenberg noted that applicant owns all adjacent properties to the subject property but was not sure where to find them on the map in the staff report.

Wedul asked staff what the green space on the map represents.

Staff: Mozol responded that 36 and 38 Cato Ave are on the same parcel as a duplex, with 38 being to the north and 36 being to the south. Mozol also pointed out where 37 England Ave is on the map. The green box represents yard space.

Applicant: Darin Reinke addressed the commissioners. He confirmed that the green on the map represents grass. 37 and 39 England Ave are behind the subject property, and he lives in the single-family dwelling at 35 England Ave.

Public: No speakers.

Motion/second: Bayuk/Sarvela approve as per staff recommendation with conditions listed in the staff report

Vote: (6-0)

PLIUP-2510-0042 Interim Use Permit for a Vacation Dwelling Unit at 1520 Minnesota Ave by William Michels [CL]

Staff: Chris Lee stated that the applicant for this project is proposing a renewal of an existing interim use permit for a vacation rental. The proposed vacation dwelling unit contains 5 bedrooms spread among 2 structures (a 2-story home and 1-story cottage), which would allow for a maximum of 11 guests. The previous permit is PL 19-173 with no proposed changes to this renewal, and this is the third renewal for this property. There is dense urban screening on the property lines in the form of a privacy fence and dense vegetation. One property line does contain a shared driveway that is currently not screened. The applicant will need to obtain a waiver from the screening requirements for the shared driveway. Staff recommends approval and deferred to the applicant to provide more details regarding the local contact listed in the application.

Commissioners: Eckenberg asked staff how many parking spaces are required for this property given the amount of legal bedrooms present.

Staff: Lee responded that section three, point D on the VDU worksheet states that VDUs 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.

Applicant: William Michels addressed the commissioners. He stated that Lynn Taipale is the correct local contact, not himself. Taipale has been managing the property for about 10 years.

Public: No speakers.

Motion/second: Sarvela/Hammond approve as per staff recommendation with conditions listed in the staff report

Vote: (6-0)

~~PLVAR-2510-0013 Variance to Shoreland Regulations at 800 Railroad St by Donald Holm Construction [CH]~~

PLVAC-2510-0010 Vacation of Right-of-Way at 2832 Jefferson St by Grace Shervey [CH]

Staff: Christian Huelsman addressed the commissioners and gave a brief overview of the project. The applicant is requesting to vacate a 15-foot-wide portion of S 29th Ave E from the intersection at Jefferson St and terminating at the Lakewalk – a total of 0.03 acres – as depicted in the attachments to this report. All the vacated area is within the plat of Harrison’s Division of Duluth. The portion of right-of-way is inactive and unimproved—incorrectly designated as an active roadway in City GIS and confirmed by the City Engineer—and the applicant owns all the land along the west side of the proposed vacation. The proposed vacation will allow the applicant to make property improvements—specifically to build a residential addition with the proper setbacks.

The street proposed to be vacated was platted but never utilized for its intended purpose and is not currently served by utilities. A Petition to Vacate Street, Alley, or Utility Easement was submitted by the applicant, with signatures from the applicant and the neighbor to the west. The remaining, abutting land is right-of-way. The portion of proposed street to be vacated will not be needed by the City for the promotion of public health, safety, or welfare of the citizens of Duluth. The remaining width of the S 29th Ave E right-of-way will be retained for current access to the Lakewalk. Based on consultation with the City Engineer, staff have also determined that this portion of the street is not and will not be needed for the safe and efficient circulation of pedestrians, bicycles, automobiles or trucks, or the efficient supply of utilities or public services in the city. Vacating the right-of-way will not impact or deny access to other property owners.

Two public comments were received seeking clarity on the action proposed and who submitted the application, and whether the action would impact their respective properties. Neither commenter owns property adjoining the proposed vacation area. MnDOT submitted comment expressing no immediate concerns regarding the proposed vacation area, requesting that coordination efforts be made such that “appropriate plats are updated to minimize future confusion for MnDOT surveys, right-of-way and private surveyors.” No other City, public or agency comments were received at the time of drafting this report. Staff recommends approval with conditions.

Applicant: Grace Shervey addressed the commissioners. She stated that half of the road was vacated years ago. She hopes to add a 9 ft addition to the house, and a 10 ft deck beyond that to help them be able to get to their front door. This vacation would help them obtain extra footage to meet setback requirements.

Public: No speakers.

Motion/second: Rhodes/Sarvela approve as per staff recommendations with conditions listed in the staff report

Vote: (6-0)

Other Business

PLEAW-2511-0002 Distribution of the Downtown Duluth Scoping EAW and Draft Change Order for Review

Staff: Moses addressed the commissioners and provided some background on how this project began. The City initiated this Alternative Urban Areawide Review (AUAR) in anticipation that the downtown area could see significant infill and redevelopment within the coming years, including areas that are within the City’s shoreland area and would require environmental review. The AUAR is meant to plan for this development in a holistic manner, understanding that there are environmental benefits of development within an already dense urban area, and that

environmental impacts are not contained to one site but rather are best studied and mitigated with a broader lens.

The purpose of the AUAR is to help the City adequately plan for this redevelopment and provide a mitigation plan for how the City and future developers will manage the environmental impacts. The City of Duluth is the Responsible Governmental Unit (RGU) and the proposer of the AUAR. Once complete, staff will update the AUAR every five years. The goal is to help streamline the process for developers and to help cut down on project timelines and expenses. The first step tonight is the Scoping EAW. The purpose of the Scoping EAW is to lay out the different scenarios that staff will be evaluating, which includes the environmental impacts of continuing existing conditions vs environmental impacts of development. This will not involve making changes to the comprehensive plan. The Scoping EAW is used to identify what exactly staff will be evaluating and how it will be carried out.

With planning commission approval, staff will distribute the EAW document to the public to start the 30-day public notice period. There will also be the public hearing in December so people can comment on the project. Staff will then complete the draft AUAR, which will have the results of the environmental analysis and any proposed mitigation. There will be another 30-day public comment period for the draft AUAR, and then staff will present the final AUAR. Staff anticipates the draft AUAR to come early in 2026, and the final AUAR will come after. Moses presented a visual diagram of the different topics that the EAW will cover.

Mitigation is an important part of the AUAR. The AUAR draft will include potential issues along with ways to mitigate those issues. The AUAR is a tool provided by the state of Minnesota, and it negates the need for an environmental impact statement. The conventional environmental review process would require the planning commission to decide whether an environmental impact statement is needed at the end of the process, but this is not needed with an AUAR. Staff recognizes that there are many vacant lots in downtown Duluth and more development is anticipated in the coming years, and the AUAR is the city's way of being proactive regarding environmental impacts for future projects in this area.

The boundaries chosen by staff include areas that have high potential for infill development and redevelopment. Areas of focus include Lot D Subarea, First St Subarea, Essentia Subarea, and a Secondary Subarea. Scenario A is the current land use, which reflects the existing conditions and will serve as a baseline to compare other scenarios. Scenario B reflects the maximum future development under the existing land use.

Planning commission's vote tonight will approve publication of the Scoping EAW and the draft order for distribution per the EQB. Moses went over the other steps for this project laid out in the timeline included in the memo.

Commissioners: Commissioners asked staff who proposed the boundaries, when commissioners could comment, and who will pay for this project.

Staff: Moses stated that the boundaries were created by zoning staff and economic development staff. The approval action tonight will initiate the comment period, so comments can be submitted after this first step is approved. Commissioners are welcome to email questions and considerations to planning staff. The city and DEDA will be paying for the study.

Commissioners: Commissioners asked how the AUAR impacts projects and developers within the proposed boundaries. They also asked if any other AUARs have been planned for other areas of Duluth to attract development.

Staff: Moses responded that the purpose of the AUAR is staff's effort in trying to help development move forward efficiently. With an AUAR in place, projects will not need individual EAWs, which will cut down on time and costs for developers. This is the first AUAR that staff

have done proactively. If council moves forward with the Lester Golf Course resolutions, staff could explore doing an AUAR for that area.

The scoping EAW lays out the plan for how staff will approach different development scenarios. Staff met with the consultant for several hours' worth of meetings to go over data and work out the potential development scenario. The AUAR will be updated every five years to ensure that staff are tracking development and any cumulative impacts from that development.

Commissioners: Rhodes asked if the development scenario includes environmental impacts for data centers and Wedul asked if the AUAR includes MnDOT's road work on I-35.

Staff: Moses responded that data centers are allowed in some areas, as Essentia has its own data center near 4th and 6th. However, none of the development scenarios include data centers. If a data center project were to come forward for this area it would be outside the scope of the AUAR, and the AUAR would need to be amended.

There is a transportation component in the AUAR, which includes a rough level of traffic study around downtown. Lot D will have a much more thorough traffic analysis because the developer has already provided a site plan. Any work MnDOT does on their own ROW has to follow their own EAW processes, and therefore the city is not responsible for their EAW processes.

Public: No speakers.

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

Vote: (6-0)

Communications

Land Use Supervisor (LUS) Report – Moses informed the commissioners of the moratorium on VDUs on that city council passed on Monday, November 10th. It's a two-fold moratorium that includes a resolution and an ordinance, and with those combined it will be one year long. This moratorium will allow city staff to go back and review and improve the VDU process. The moratorium went into effect Monday night when council passed it. Planning staff are processing the applications that were received and completed before the moratorium passed but are not accepting new applications.

Moses introduced Reina Owecke, who recently joined the land use zoning team as the newest planner. For the past four years, Owecke worked for the city of Duluth as a permit coordinator in Construction Services & Inspections and previously served on a different planning team.

Heritage Preservation Commission (HPC) Report – Wedul stated that HPC members met on Monday, November 10th. They elected new officers for the upcoming year and plan to review the bylaws at the December meeting. There will also be some presentations at the next meeting on some upcoming projects.

Adjournment

Meeting adjourned at 6:07 p.m.

Respectfully,

Jenn Moses, Manager
Planning & Economic Development



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PLIUP-2510-0043		Contact	Christian Huelsman, chuelsman@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit		Planning Commission Date		December 9, 2025
Deadline for Action	Application Date		October 21, 2025	60 Days	December 20, 2025
	Date Extension Letter Mailed		November 3, 2025	120 Days	February 18, 2026
Location of Subject		30 N 25 th Ave W			
Applicant	Elisabeth Mohn		Contact		
Agent			Contact		
Legal Description		PIN: 010-1120-04290			
Site Visit Date		November 25, 2025	Sign Notice Date		November 24, 2025
Neighbor Letter Date		November 12, 2025	Number of Letters Sent		57

Proposal

The applicant proposes to use the entire home as a vacation rental. This unit contains 3 bedrooms. This is a new application in a form district and not subject to the cap.

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

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-5	Residential	General Mixed Use
North	R-2	Residential	General Mixed Use
South	F-5	Residential	General Mixed Use
East	F-5	Residential	General Mixed Use
West	F-5	Residential	General Mixed Use

Summary of Code Requirements:

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

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

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

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

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

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

Future Land Use – General Mixed Use: The broadest mix of uses, including light industrial, office, commercial, and residential use. Includes areas that are in transition from industrial uses and large redevelopments that require master plans and phased development.

History: The subject property, 30 N 25th Ave W, was built in 1906. It is located in the plat of Duluth Proper Second Division, which was recorded in 1872.

Review and Discussion Items:

Staff finds that:

- 1) The applicant's property is located at 30 N 25th Ave W. The dwelling unit contains 3 bedrooms, which allows for a maximum of 7 guests.
- 2) This is a new application. Staff does not have record of any violations or enforcement actions relating to the subject property.
- 3) The minimum rental period will be one night, due to its location within a form district per 50-20.3.V.1.
- 4) The applicant is proposing one off-street parking stall, located at the rear of the lot off W 1st St. No minimum off-street parking requirements apply to vacation dwelling units in form districts, per 50-20.3.V.3(d).
- 5) The applicant has indicated they will not allow motorhome or trailer parking in the rear parking area.
- 6) The site plan indicates several outdoor amenities, including a patio, deck, grill, and firepit.
- 7) The site plan shows existing screening/buffering of outdoor space from the adjoining properties to the south and west, in the form of hop vine trellises spaced every three feet, which will not meet the requirement of a dense urban screen per UDC 50-20.3.V.7. The applicant is pursuing waivers from screening requirements by the neighboring property owners. After such a measure, the applicant will decide not to install hop vine trellises shown in the site plan.
- 8) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holders must provide contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed themselves to serve as the managing agent.
- 9) A time limit is needed on this Interim Use Permit ("IUP") to protect the public health, safety and welfare from potential longer-term impacts of the requested use at the location of the subject property. Section 50-20.3.V.9 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 10) 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").
- 11) There are currently 191 licensed vacation dwelling units in the city, with 94 of those in form districts; the remaining 97 are subject to the cap of 110. The subject property is located within a residential district and is subject to the cap.
- 12) No City, public or agency comments were received.
- 13) The permit will lapse if no activity takes place within 1 year of approval.

Staff Recommendation:

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

- 1) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 2) Any alterations to the approved plans that do not alter major elements of the plan 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.
- 3) The dense urban screen shall be installed prior to operation of a vacation dwelling unit, and shall provide 75 percent opacity one year after planting along the full required height and length of the screening buffer. A waiver from screening requirements, including signatures from abutting property owners, may be produced in lieu of a dense urban screen.



PLIUP-2510-0043

Interim Use Permit for a VDU
30 N 25th Ave W

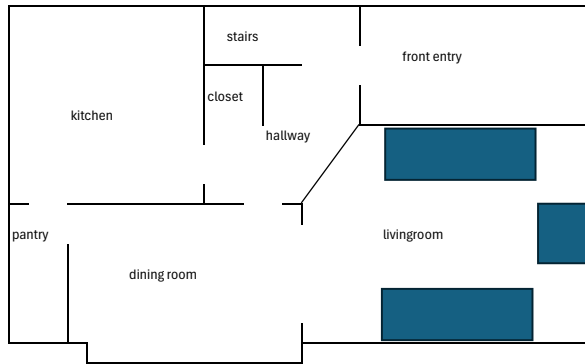
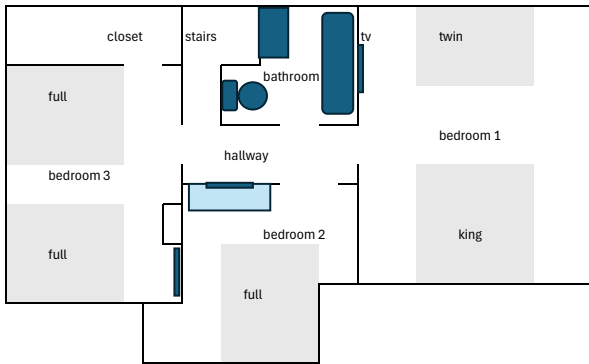
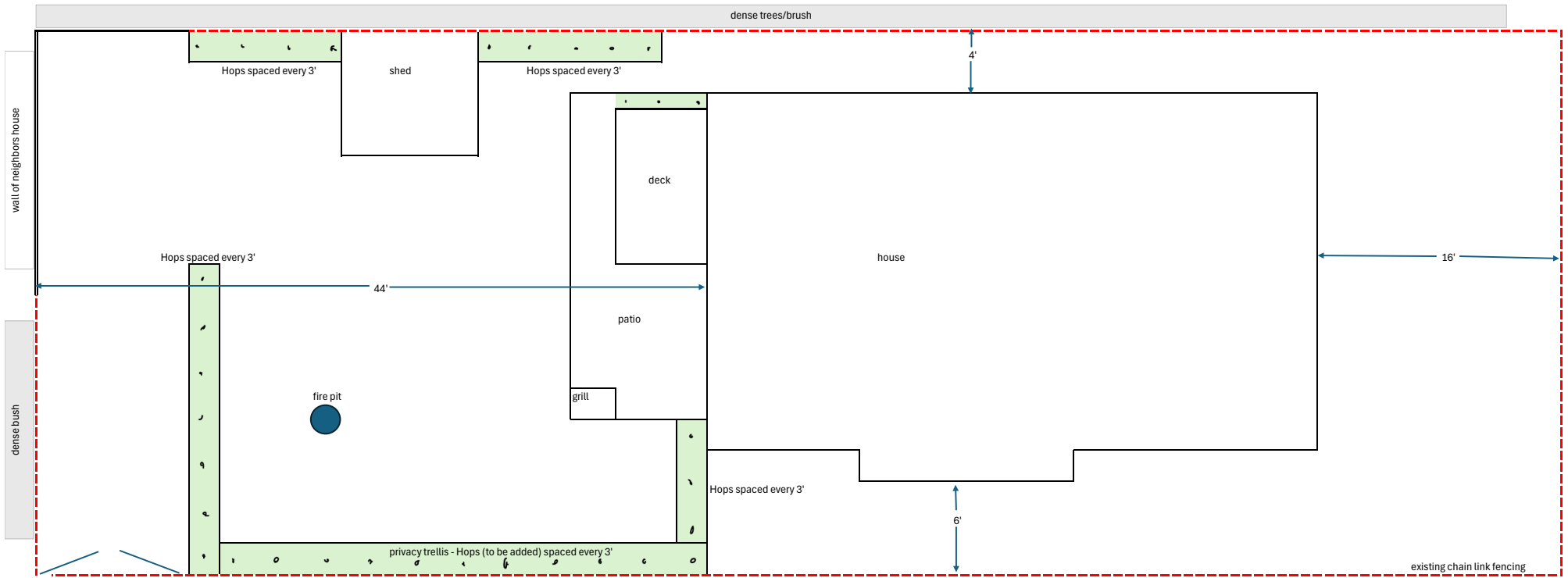


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Aerial Imagery Captured 2025

Prepared by: City of Duluth Planning & Economic Development, August 13, 2025. Source: City of 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	PLIUP-2511-0044		Contact	Chris Lee, clee@duluthmn.gov	
Type	Interim Use Permit– Vacation Dwelling Unit		Planning Commission Date		December 9, 2025
Deadline for Action	Application Date		November 4, 2025	60 Days	January 3, 2026
	Date Extension Letter Mailed		November 14, 2025	120 Days	March 4, 2026
Location of Subject		420 South 18 th Avenue East			
Applicant	Mitchell Ruter		Contact		
Agent	Leila Wise		Contact		
Legal Description		PID # 010-1460-00500			
Site Visit Date		November 24, 2025	Sign Notice Date		November 15, 2025
Neighbor Letter Date		November 18, 2025	Number of Letters Sent		29

Proposal

Applicant is proposing a new interim use permit for a vacation rental. The permit would allow a 3 bedroom home with 7 occupants. The proposed property is in a Form district and not subject to the cap.

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

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-2	Single family residence	Neighborhood Mixed Use
North	F-2	Single family residence	Neighborhood Mixed Use
South	F-2	Single family residence	Neighborhood Mixed Use
East	F-2	Single family residence	Neighborhood Mixed Use
West	F-2	Single family residence	Neighborhood Mixed Use

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A vacation dwelling unit is an Interim Use in the F-2 zone district.

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

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

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

Governing Principle #4 – Support economic growth sectors

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

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

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

Future Land Use – 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 property currently is a single-family home built in 1896.

Review and Discussion Items:

Staff finds that:

- 1) Applicant's property is located at 420 South 18th Avenue East. The proposed vacation dwelling unit contains 3 bedrooms, which would allow for a maximum of 7 guests.
- 2) The minimum rental period will be one night.
- 3) The applicant is proposing two off-street parking stalls, located in the driveway at the side yard of the property. Properties within a form district are not required to provide off-street parking.
- 4) The applicant has indicated they will not allow motorhome or trailer parking on the property.
- 5) The site plan does not indicate any outdoor amenities. There is dense urban screening on the property lines in the form of a privacy fence. The property appears to have gaps in the screening where there is chainlink fencing. The applicant will need to obtain a waiver from the screening requirements or install compliant screening prior to permit issuance.
- 6) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit 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 Leila Wise to serve as the managing agent.
- 7) A time limit is needed on this Interim Use Permit ("IUP") to protect the public health, safety and welfare from potential longer-term impacts of the requested use at the location of the subject property. Section 50-20.3.V.9 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 8) Applicant must comply with the City's vacation dwelling unit regulations, including providing information to guests on city rules..
- 9) There are currently 191 licensed vacation dwelling units in the city, with 94 of those in form districts; the remaining 97 are subject to the cap of 110. The subject property is located within a form district and is not subject to the cap.
- 10) No City 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) The applicant will obtain a screening waiver from the adjacent property owner or install screening.
- 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.



PLIUP-2511-0044

Interim Use Permit for a VDU
420 S 18th Ave E

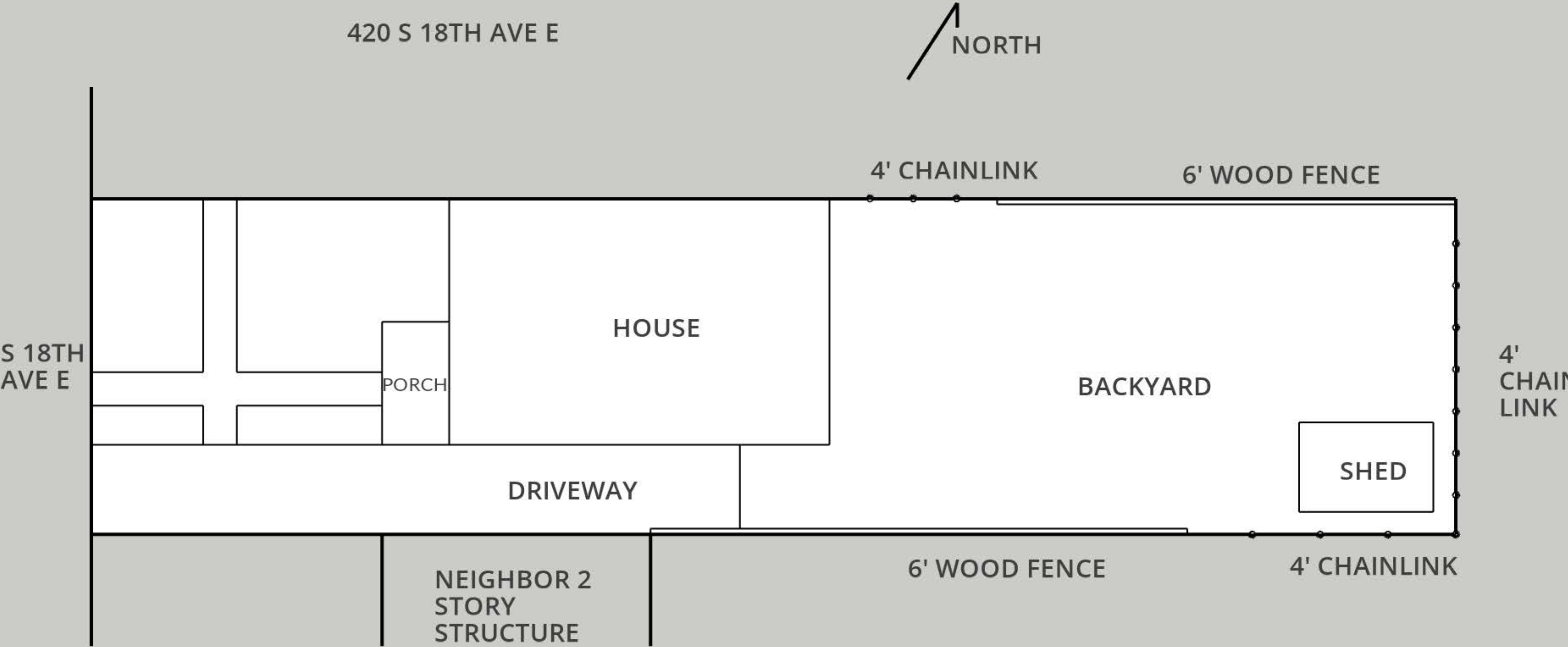


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Aerial Imagery Captured 2025

Prepared by: City of Duluth Planning & Economic Development, November 12, 2025. Source: City of Duluth.





Vacation Dwelling Unit Worksheet

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

What will be your minimum rental period?

2 night(s).

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

How many legal bedrooms are in the dwelling?

3

What will be your maximum occupancy?

7 or Bedroom # + 1

3. Off-street parking shall be provided at the following rate:
- a. 1-2 bedroom unit, 1 space
 - b. 3 bedroom unit, 2 spaces
 - c. 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.
 - d. Vacation dwelling units licensed on May 15, 2016, are entitled to continue operating under the former off-street parking requirement. The parking exemption for vacation dwelling units licensed on May 15, 2016, expires upon transfer of any ownership interest in the permitted property.
 - e. Form districts are not required to provide parking spaces.

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

2

4. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, on or off the street.

Will you allow motorhome or trailer parking?

No

If so, where?

5. Permit holder must keep a guest record including the name, address, phone number, and vehicle (and trailer) license plate information for all guests and must provide a report to the City upon 48 hours' notice.

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

excel spreadsheet

6. Permit holder must disclose in writing to their guests the following rules and regulations:
- a. The managing agent or local contact's name, address, and phone number;
 - b. The maximum number of guests allowed at the property;
 - c. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked;

lied

- d. Property rules related to use of exterior features of the property, such as decks, patios, grills, recreational fires, pools, hot tubs, saunas and other outdoor recreational facilities;
- e. Applicable sections of City ordinances governing noise, parks, parking and pets;

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

via message in rental app (i.e. airbnb, vrbo, etc.)

- 7. 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:

Mitchell Ruter
420 S 18th Ave E
6302510823
mitch.ruter@gmail.com

- 8. 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

city
e



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PLSUB-2510-0014	Contact	Jason Mozol, jmozol@duluthmn.gov		
Type	Minor Subdivision	Planning Commission Date		December 9, 2025	
Deadline for Action	Application Date	October 22, 2025	60 Days	December 21, 2025	
	Date Extension Letter Mailed	November 13, 2025	120 Days	February 19, 2025	
Location of Subject		3705 Piedmont Ave			
Applicant	Blue Moon Properties LLC	Contact	Shivaun Siegl		
Agent		Contact			
Legal Description		010-0615-00030			
Site Visit Date		October 31, 2025	Sign Notice Date		N/A
Neighbor Letter Date		N/A	Number of Letters Sent		N/A

Proposal

Subdivide the existing parcel to create two buildable parcels.

Recommended Action: Approve with conditions.

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

Summary of Code Requirements:

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

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

50-14.5-1 R-1 minimum lot area: 4,000 square ft for a one family dwelling, 2,000 sq ft per family for a two-family dwelling, and 2,500 sq ft for a townhouse unit; minimum lot frontage: 40 ft for one or two family and 20 ft for townhomes.

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

Principle #1- Reuse previously developed lands. This subdivision provides the opportunity for infill residential development within an existing neighborhood on land that has been impacted by the surrounding residential development.

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

History: The existing home and attached garage that will remain on Parcel A were built in 1919. The detached garage was built in 1978. Other outbuildings, including the pole building, were built at an unknown time.

Review and Discussion Items:

Staff finds:

1. Applicant is requesting a Minor Subdivision to divide one parcel into two separate parcels. The land is owned by the applicant. The proposed Parcel A is occupied by a house and pole building. Parcel B is occupied by a detached garage and a shed.
2. The garage and shed on Parcel B are not principal structures and may not remain as the only structures on Parcel A. The garage would also not conform to the side yard setback for accessory structures. The applicant has expressed a willingness to remove the garage and shed on Parcel B. They prefer to do so after the construction of a new home on Parcel B so the garage can be used as storage to support that project. Staff recommends that approval of this minor subdivision be conditioned on the applicant providing the City escrow to cover the cost of demolition of the structures and sign an access agreement with the City. These conditions will allow the City to access the site and remove the structures if the applicant does not do so in a timely manner.
3. Lots created by this subdivision are subject to the zoning requirements of the R-1 district in UDC Table 50-14.5-1. Parcels A and B will meet minimum frontage and lot area requirements.
4. Both parcels have access to gas, water and sanitary sewer utilities in the streets surrounding the site.
5. After the accessory structures are removed from Parcel B, the proposed subdivision would not make the parcels or existing structures non-conforming due to lot frontage, lot area, setbacks or similar bulk standard.
6. St Louis County commented that the applicant will need to apply for driveway permits for any new accesses since both Piedmont Ave and Haines Rd are county roads.
7. No other public, agency, or other City comments were received.
8. Approval of this Minor Subdivision signifies that City of Duluth UDC standards are met. St. Louis County may have additional requirements. This subdivision approval lapses if deeds are not recorded with St. Louis County within 180 days. Applicant must provide the City with proof of recording.

Staff Recommendation:

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

1. Prior to recording the minor subdivision, the applicant must provide escrow equal to the cost of removal of the shed and garage on Parcel B and enter into an access agreement with the City to allow removal of the structures.
2. Appropriate deeds be filed with St. Louis County within 180 days. Prior to recording the deed that results from this adjustment, the Planning Division will need to stamp the deed, indicating compliance with the local zoning code.
3. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

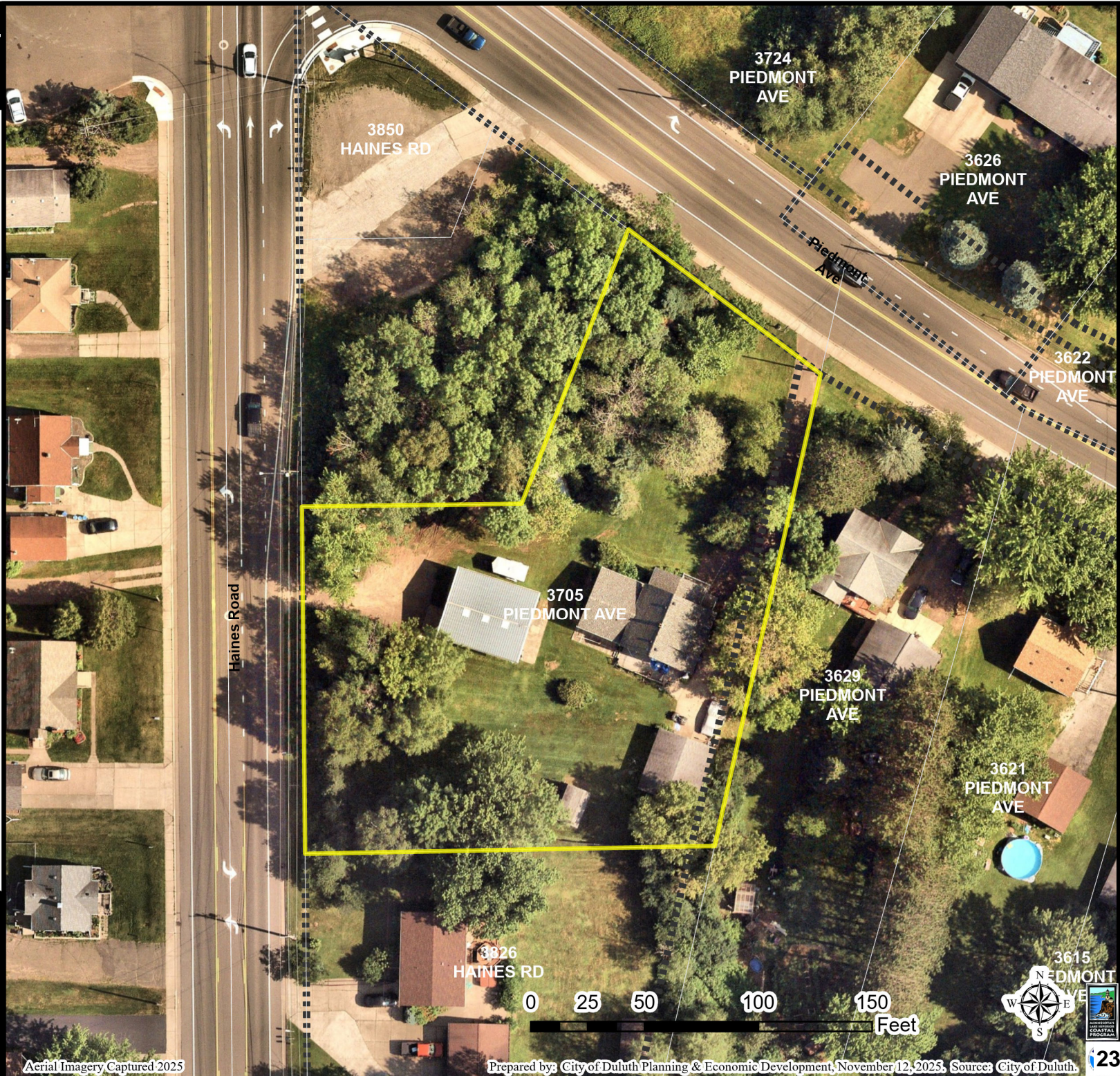


PLSUB-2510-0014

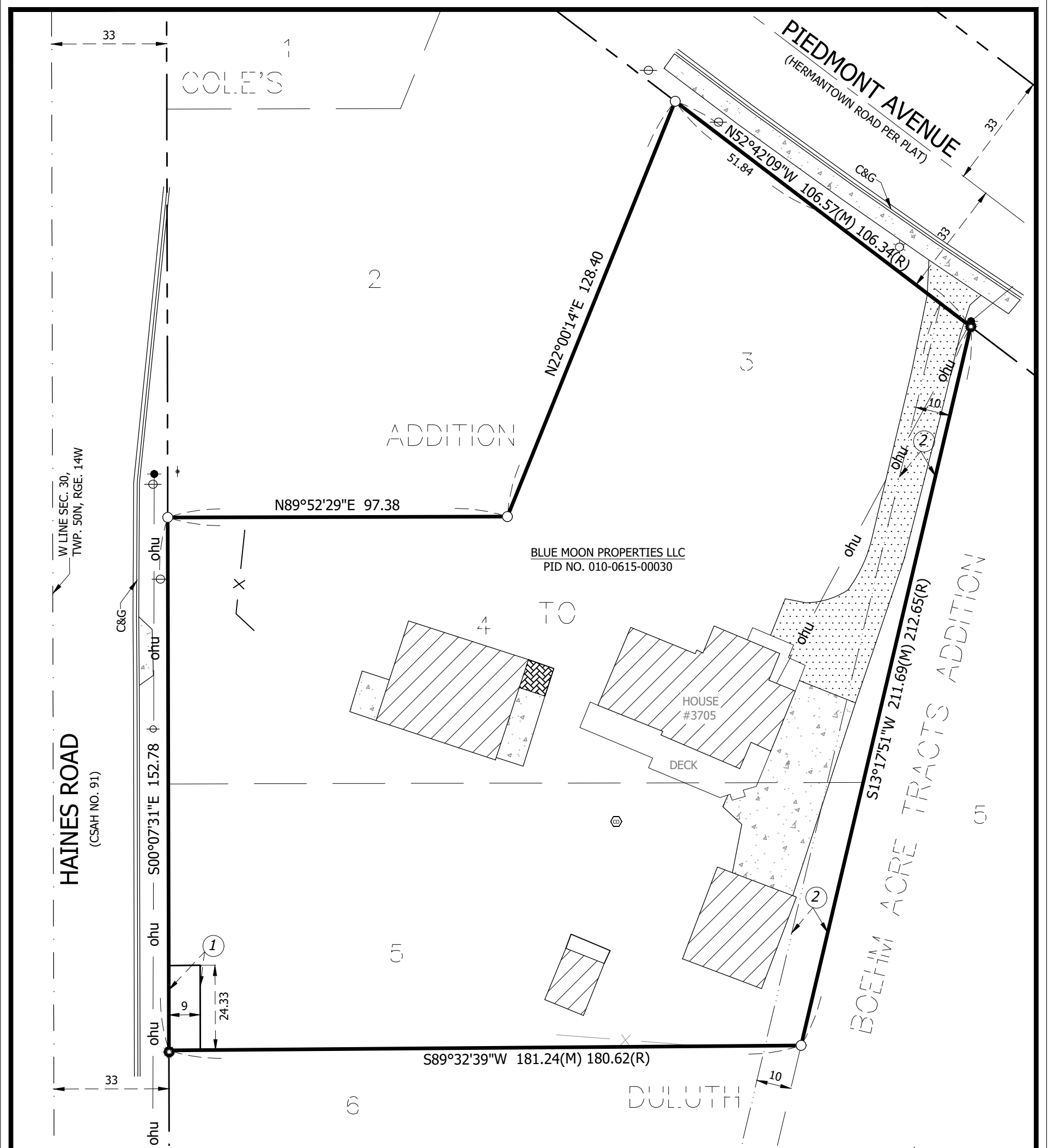
Minor Subdivision
3705 Piedmont Ave

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 2025

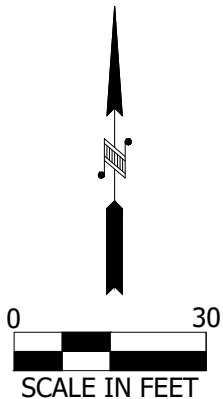


Prepared by: City of Duluth Planning & Economic Development, November 12, 2025. Source: City of Duluth.



LEGEND

	CONCRETE SURFACE	(M)-FIELD MEASURED DIMENSION		LIGHT POLE
	BITUMINOUS SURFACE	(R)-RECORD DIMENSION		SIGN
	PAVER SURFACE	C&G-CONCRETE CURB & GUTTER		REFER TO SURVEYOR'S NOTES
	EXISTING BUILDINGS			SANITARY CLEANOUT
				FOUND IRON PIPE
				SET CAPPED REBAR RLS. NO. 49505
				GUY ANCHOR
				UTILITY POLE



SURVEYOR'S NOTES

- EASEMENT FOR HIGHWAY PURPOSES TO ST. LOUIS COUNTY PER TORRENS DOCUMENT NO. 497649.
- UTILITY EASEMENT PER PLAT.
- 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)
- BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL PLAN FOR BUILDING FOUNDATION DIMENSIONS.
- NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.

PARENT LEGAL DESCRIPTION PER
CERTIFICATE OF TITLE NO. 192473
Lots 3, 4, 5, COLE'S ADDITION TO
DULUTH, except a strip of land 33 feet
wide East of and parallel to the West line
of Section 30, Township 50 Range 14,
commencing at the SW corner of said
Section 30, thence north to its
intersection with the Hermantown Road
as the same was laid out and existed on
June 9, 1934, lying within the limits of
Haines Road as platted.

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

David R. Evanson
MN License #49505
DATE:08-16-2023

CERTIFICATE OF SURVEY

CLIENT:ROBB STAUBER
ADDRESS:3705 PIEDMONT AVENUE
DULUTH, MN 55811
DATE:08-16-2023

REVISIONS:

JOB NO:23-252 SHEET 1 OF 1



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

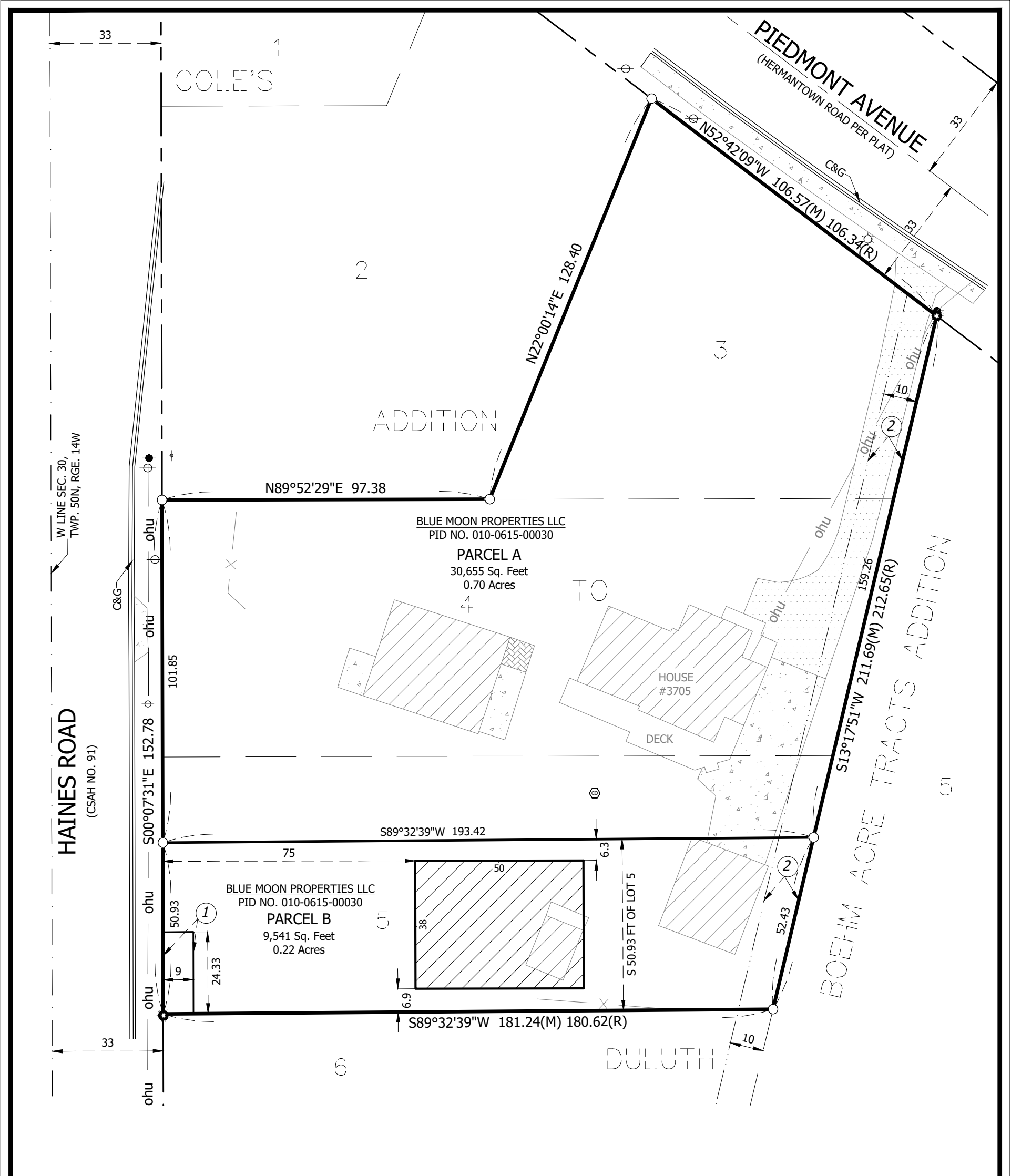
PARENT LEGAL DESCRIPTION PER CERTIFICATE OF TITLE NO. 192473
Lots 3, 4, 5, COLE'S ADDITION TO DULUTH, except a strip of land 33 feet wide East of and parallel to the West line of Section 30, Township 50 Range 14, commencing at the SW corner of said Section 30, thence north to its intersection with the Hermantown Road as the same was laid out and existed on June 9, 1934, lying within the limits of Haines Road as platted.

LEGAL DESCRIPTION OF PARCEL A
Lots 3, 4 and 5, COLE'S ADDITION TO DULUTH, except a strip of land 33 feet wide East of and parallel to the West line of Section 30, Township 50 Range 14, commencing at the SW corner of said Section 30, thence north to its intersection with the Hermantown Road as the same was laid out and existed on June 9, 1934, lying within the limits of Haines Road as platted, FURTHER EXCEPTING the South 50.93 feet of said Lot 5.
Said parcel contains 30,655 square feet or 0.70 acres.

LEGAL DESCRIPTION OF PARCEL B
The South 50.93 feet of Lot 5, COLE'S ADDITION TO DULUTH, except a strip of land 33 feet wide East of and parallel to the West line of Section 30, Township 50 Range 14, commencing at the SW corner of said Section 30, thence north to its intersection with the Hermantown Road as the same was laid out and existed on June 9, 1934, lying within the limits of Haines Road as platted. Said parcel contains 9,541 square feet or 0.22 acres.

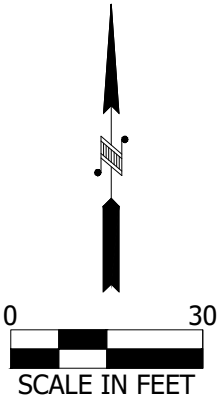
- SURVEYOR'S NOTES
- 1. EASEMENT FOR HIGHWAY PURPOSES TO ST. LOUIS COUNTY PER TORRENS DOCUMENT NO. 497649.
 - 2. UTILITY EASEMENT PER PLAT.
 - 3. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT 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.
 - 4. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
 - 5. BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL PLAN FOR BUILDING FOUNDATION DIMENSIONS.
 - 6. NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.

<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> David R. Evanson MN License #49505</div> <div>DATE:09-08-2025</div>	<div>CERTIFICATE OF SURVEY</div>		<div> ALTA LAND SURVEY COMPANY PHONE: 218-727-5211 LICENSED IN MN & WI WWW. ALTALANDSURVEYDULUTH.COM</div>
	CLIENT:ROBB STAUBER	REVISIONS:	
	ADDRESS:3705 PIEDMONT AVENUE DULUTH, MN 55811		
	DATE:09-08-2025	JOB NO:23-252 SHEET 1 OF 2	



LEGEND

	CONCRETE SURFACE	(M)-FIELD MEASURED DIMENSION		LIGHT POLE
	BITUMINOUS SURFACE	(R)-RECORD DIMENSION		SIGN
	PAVER SURFACE	C&G-CONCRETE CURB & GUTTER		REFER TO SURVEYOR'S NOTES
	PROPOSED BUILDINGS			SANITARY CLEANOUT
	EXISTING BUILDINGS			FOUND IRON PIPE
				SET CAPPED REBAR RLS. NO. 49505
				GUY ANCHOR
				UTILITY POLE



CERTIFICATE OF SURVEY

CLIENT:ROBB STAUBER
ADDRESS:3705 PIEDMONT AVENUE
DULUTH, MN 55811
DATE:09-08-2025

REVISIONS:
JOB NO:23-252
SHEET 2 OF 2

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



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PLVAC-2509-0008		Contact	Christian Huelsman, chuelsman@duluthmn.gov	
Type	Vacation of Street		Planning Commission Date		December 9, 2025
Deadline for Action	Application Date		September 9, 2025	60 Days	n/a
	Date Extension Letter Mailed		November 17, 2025	120 Days	n/a
Location of Subject		10 94 th Ave W			
Applicant	Sumair Sheikh		Contact		
Agent			Contact		
Legal Description		See attached			
Site Visit Date		November 25, 2025	Sign Notice Date		November 24, 2025
Neighbor Letter Date		November 12, 2025	Number of Letters Sent		14

Proposal:

The applicant seeks to vacate a portion of 66-foot wide, unimproved, platted right-of-way of 94th Ave W, between the DWP Trail (abandoned Duluth, Winnipeg and Pacific Railway) corridor and Lanigan Blvd in the Riverside neighborhood.

Recommended Action: Staff recommends that Planning Commission recommend approval to City Council with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	RR-1	Residential	Rural Residential
North	RR-1	Undeveloped	Rural Residential
South	RR-1	Recreational (Trail)	Rural Residential
East	RR-1	Recreational (Trail)/Residential	Rural Residential
West	RR-1	Undeveloped	Rural Residential

Summary of Code Requirements:

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

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

1. Is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles, or pedestrians or the efficient supply of utilities or public services in the city;
2. Where the street terminates at a waterfront or shoreline, the street is not and will not be needed to provide pedestrian or recreational access to the water;
3. Is not otherwise needed to promote the public health, safety, or welfare of the citizens of Duluth.

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

Governing Principle #5 – Duluth is strongly defined by its neighborhoods. This system should be supported through land use and transportation that fosters neighborhood reinvestment. New development or redevelopment should maximize public. The vacation will allow for the property owner to make improvements to their property.

Future Land Use – Rural residential: Areas of single-family lots of at least five acres. Limits the extension of municipal utilities for new development. Conservation development encouraged or required.

History: The applicant's residence was built in 1918, which preceded the plat approval in 1919. Parcels adjoining the proposed vacation area have seen no other physical development. To the south, the DWP Trail was first envisioned in 2011 and completed in 2017.

Review and Discussion Items:

Staff finds that:

1. The applicant is requesting to vacate 0.21 acres of right-of-way running south along 94th Ave W from the intersection at Lanigan Blvd and terminating at the DWP Trail, as depicted in the attachments to this report. The easterly 33 feet of the 66-foot right-of-way is proposed to be vacated. All the vacated area is within the plat of River Side Park 2nd Addition.
2. The right-of-way is inactive and unimproved, and the applicant owns all the land along the east side of the proposed vacation.
3. The proposed vacation will allow the applicant to make property improvements, specifically to build a well in replacement of the current well. The applicant has maintained the land adjacent to his property abutting 94th Ave W for five years.
4. The street proposed to be vacated was platted but never utilized for its intended purpose.
5. The 0.21-acre area of the proposed vacation area is not served by utilities.
6. A Petition to Vacate Street, Alley, or Utility Easement was submitted by the applicant, with signature from the property owner. The remaining, abutting land is tax forfeit.
7. The proposed street to be vacated will not be needed by the City for the promotion of public health, safety, or welfare of the citizens of Duluth.
8. The City has determined that this portion of the street is not needed for utility or pedestrian use. Vacating the right-of-way will not impact or deny access to other property owners.
9. St. Louis County Land and Minerals Department has provided a Letter of No Objection, in lieu of signing the vacation petition. No City or public comments were received at the time of drafting this report.
10. Vacations of rights of way and easements lapse unless the vacation is recorded with the county recorder within 90 days after final approval. The vacation recording is facilitated by the City of Duluth.

Staff Recommendation:

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

- 1) The vacation and easements must be recorded within 90 days of final approval by City Council or such approval will lapse.
- 2) The vacation must be approved with a 6/9 vote from City Council.



PLVAC-2509-0008

Vacation of Right-of-Way
10 94th Ave W

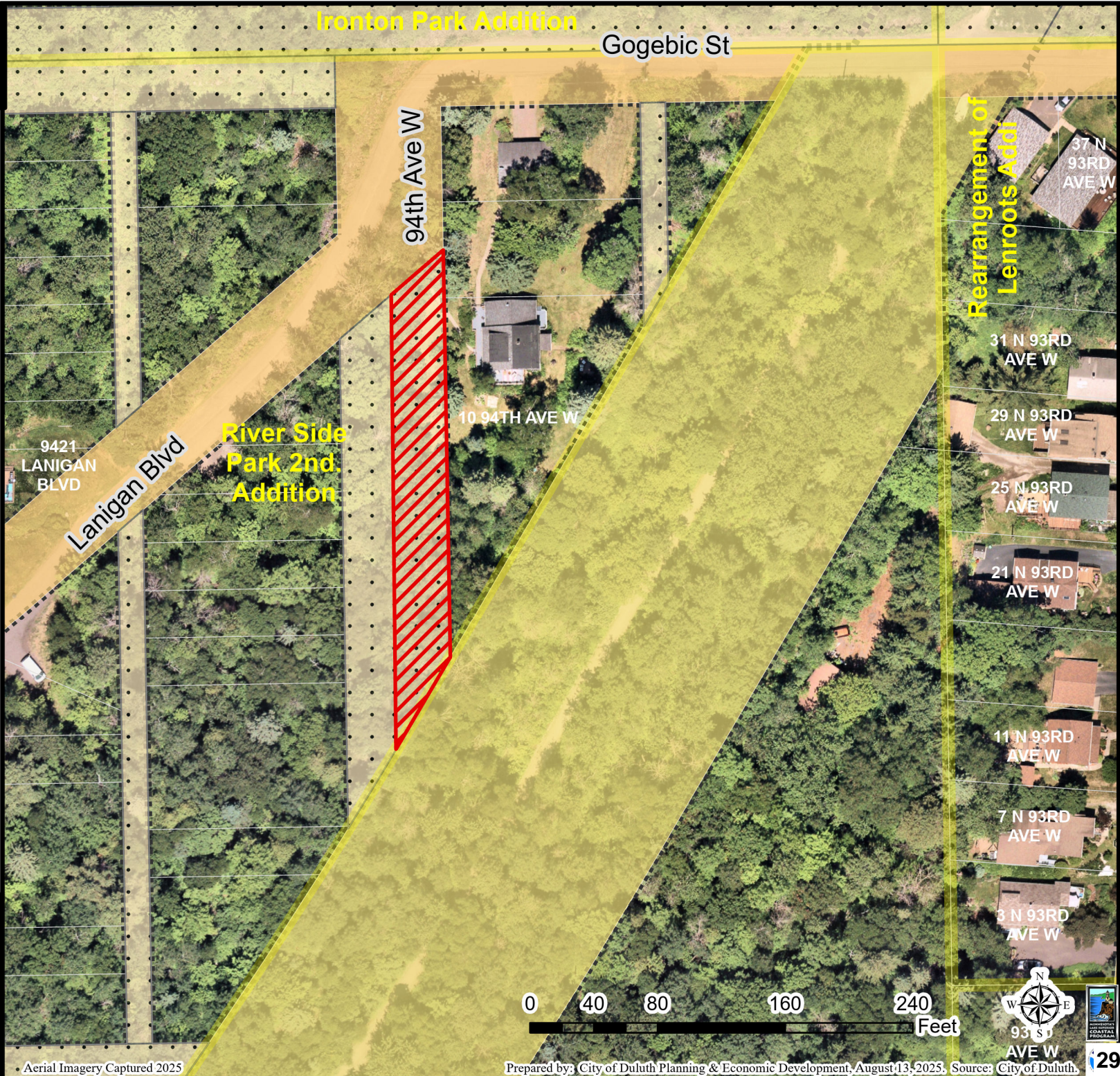
Legend

- Road or Alley ROW
- County Parcel Data
- Vacation Area

ROW

- Railroad, Abandoned - Road and Railroad - not used, not vacated, released to adjacent owners
- Road, Active - currently in use
- Road, Inactive - Dedicated, but not built

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 2025

Prepared by: City of Duluth Planning & Economic Development, August 13, 2025. Source: City of Duluth.

VACATION DESCRIPTION:

That part of 94th Avenue West, as platted and dedicated in RIVER SIDE PARK SECOND ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, adjacent to lots 1, 2, 3, 4, 5, 6, 7 & 8, Block 21 in said RIVER SIDE PARK SECOND ADDITION TO DULUTH, described as follows:

Commencing at the northwest corner of Lot 1, Block 21, said RIVER SIDE PARK SECOND ADDITION TO DULUTH; thence South 0 degrees 33 minutes 40 seconds East, assumed bearing along the west line of Lots 1, 2, 3 and 4, said Block 21, a distance of 90.49 feet to the point of beginning of the tract to be described; thence continue South 0 degrees 33 minutes 40 seconds East, along the west line of Lots 4, 5, 6, 7 and 8, said Block 21, a distance of 259.73 feet to the most southerly corner of said Lot 8; thence South 30 degrees 43 minutes 20 seconds West, along the southwesterly extension of the southeasterly line of said Lot 8, a distance of 7.69 feet; thence southwesterly 54.97 feet, along the northeasterly extension of the southeasterly line of Lot 10, Block 19, said RIVER SIDE PARK SECOND ADDITION TO DULUTH, being a tangential curve, concave to the northwest, having a radius of 2789.90 feet and a central angle of 1 degree 07 minutes 44 seconds to the centerline of said 94th Avenue West; thence North 0 degrees 33 minutes 40 seconds West, along said centerline 284.92 feet to the northeasterly extension of the northwesterly line of Lot 1, said Block 19; thence North 49 degrees 02 minutes 50 seconds East, along the northeasterly extension of the northwesterly line of said Lot 1, a distance of 43.33 feet to the point of beginning.

SURVEYOR NOTES:

Orientation of the bearing system is based on the northwesterly line of Lot 1, Block 19, RIVER SIDE PARK SECOND ADDITION TO DULUTH to have a bearing of N 49°02'50" E.

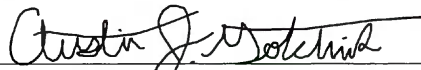
JPJ Engineering has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.

Area of vacation is 8,994 square feet or 0.2065 acres ±.

CERTIFICATION:

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

Signed this 8th day of September, 2025 for JPJ Engineering, Inc.



Austin J. Gotchnik, RLS License Number 62293

Revised October 2, 2025
Revised October 27, 2025
Revised November 17, 2025



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

VACATION EXHIBIT:

For: Sumair Sheikh

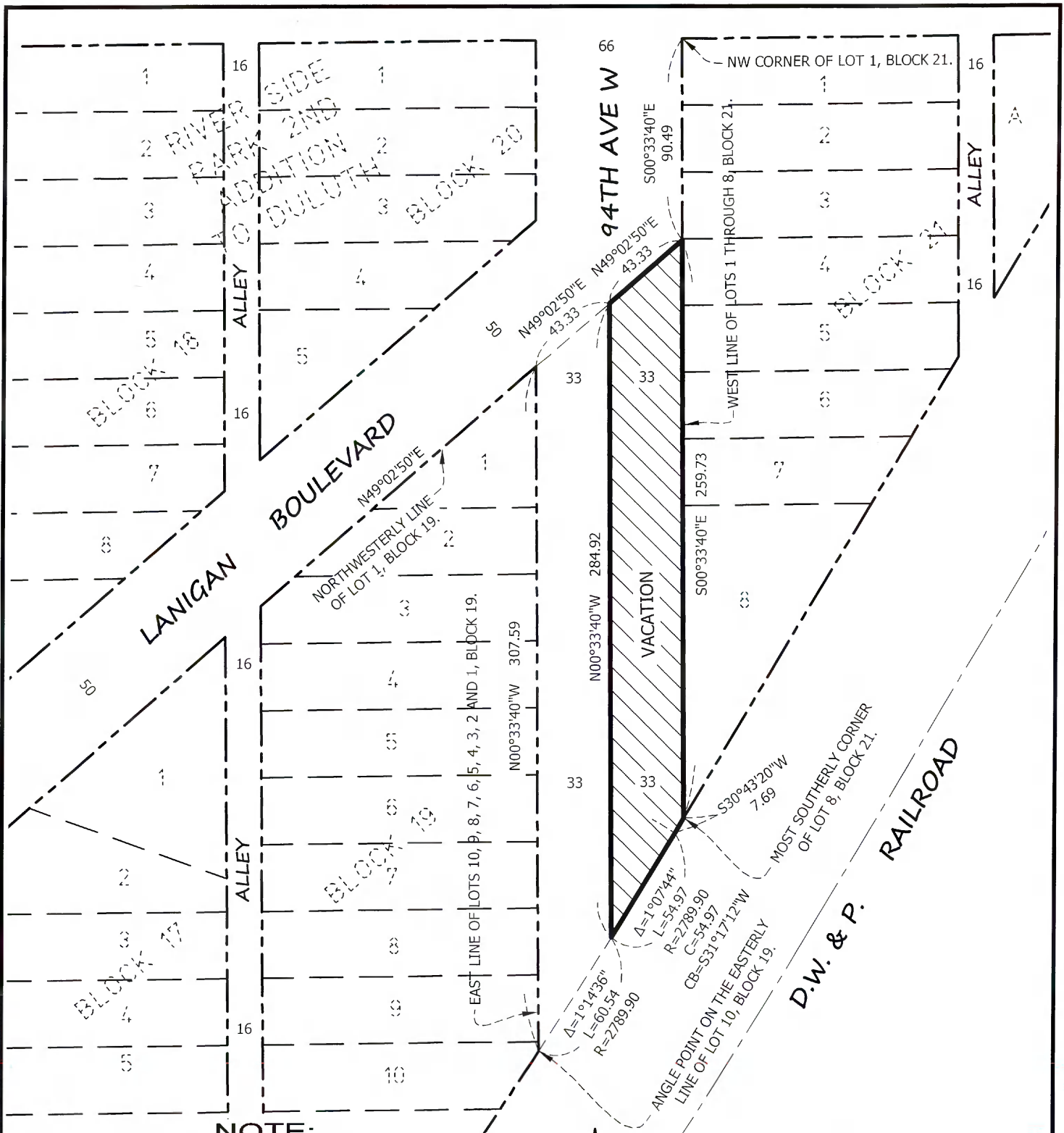
PROJECT NUMBER

25-522

SHEET NUMBER

1 of 2 Sheets

T:\Sheikh Sumair\25-522 Vacation Duluth\3 - dwg\20025-522 Sheikh Vacation.dwg 11/17/2025 9:38 AM



NOTE:

Orientation of the bearing system is based on the northwesterly line of Block 19, RIVER SIDE PARK SECOND ADDITION TO DULUTH have a bearing of N 49°02'50" E.

Area of vacation is 8,994 square feet or 0.2065 acres ±.



Denotes right of way to be vacated.

SCALE: 1 INCH = 60 FEET

Approved by:

[Signature]
City Engineer

11/17/25
Date

Revised October 2, 2025
Revised October 27, 2025
Revised November 17, 2025



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

VACATION EXHIBIT:

For: Sumair Sheikh

PROJECT NUMBER

25-522

SHEET NUMBER

2 of 2 Sheets

Petition to Vacate Street, Alley, or Utility Easement

Name: Sumair Sheikh

Description of street, alley, or easement to vacate: Platted as 94th Ave W. South of Gogebic St. Adjacent (West) to property located at 10 94th Ave W

My request for this vacation is to (indicate purpose of vacation):
The property has limited area to drill a deep well (current need), the vacation would allow more area for this purpose. This also would add to area to the property conforming it closer its current RR-1 zoning.

The City of Duluth will not need this street, alley, or easement in the future because:
The city engineer, Bill Bergstrom, stated that the city has no reason to retain since there are no utilities and available to serve the adjacent property, and the other parcels west of this are not desirable for development given lack of utility access and terrain issues.

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

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

Upon review of the area by and conversation with City Engineer, Bill Bergstrom, the requested area is not desirable for development. For the reason to provide more possible land to drill a deep well and supply reliable and sustainable water for the adjacent property.

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

The petitioner(s) agree to provide the city with a plat of the easement(s) as required by Section 50-37.6B(3) of the Duluth City Code upon approval of the vacation. We understand that the vacation cannot occur without the submission of the required plat. We understand that the cost of producing the plat is the responsibility of the petitioner(s). We also understand that the approval will lapse and be of no effect if the plat and clerk certification is not recorded with the county recorder within 90 days after final approval.

Signature(s):



Date: 9.9.2025

Notice: This is public data.

¹ In order to vacate a public easement it must be demonstrated that the easement is useless for the purpose for which it was dedicated.
² If a property is owned in joint tenancy or by tenants in common, each individual with an ownership interest will be counted to determine if a majority of owners have signed the petition. An owner cannot sign for another owner unless legally authorized to do so, i.e power of attorney, trustee, or court approved guardianship or conservatorship.

Petition Signature Form

We, the undersigned, do hereby request that the City of Duluth consider vacating: 94th Ave W south of Lanigan Blvd.

Name (Print)	Signature	Property Address	Lot # (if known)
Sumar Sheikh	[Handwritten Signature]	1094 th Ave W	010-3980-02600 -02620 -02640

Lots
1-8



Saint Louis County

Land and Minerals Dept. • www.stlouiscountymn.gov • landdept@stlouiscountymn.gov

Jason Meyer
Land Commissioner

October 8, 2025

City of Duluth – Planning and Economic Development
411 West First Street
Duluth, MN 55802
(via email)

RE: Vacation petition from Sumair Sheikh (25-522)

To whom it may concern:

The St. Louis County Land and Minerals Department has no objection to this vacation.

Sincerely,


Stacy M. Caldwell Melcher
Resource Management Supervisor

☒ Duluth Government Services Center
320 West 2nd Street, Ste 302
Duluth, MN 55802
(218) 726-2606
Fax: (218) 726-2600

☐ Pike Lake Area Office
5713 Old Miller Trunk Hwy
Duluth, MN 55811
(218) 625-3700
Fax: (218) 625-3733

☐ Virginia Area Office
7820 Highway 135
Virginia, MN 55792
(218) 742-9898
Fax: (218) 742-9870



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PLVAR-2508-0010		Contact	Jason Mozol, jmozol@duluthmn.gov	
Type	Variance from Shoreland Setbacks		Planning Commission Date		December 9, 2025
Deadline for Action	Application Date		November 4, 2025	60 Days	January 3, 2026
	Date Extension Letter Mailed		November 26, 2025	120 Days	March 4, 2026
Location of Subject		Corner of E Palm St and Blackman Ave			
Applicant	City of Duluth, Engineering		Contact	Nathan Bruno and Ryan Granlund	
Agent	LHB		Contact	Heidi Bringman	
Legal Description		010-2710-05980, 010-0360-00571, 010-2710-06001			
Site Visit Date		June 16, 2025	Sign Notice Date		November 25, 2025
Neighbor Letter Date		November 13, 2025	Number of Letters Sent		29

Proposal

The applicant proposes to reconstruct and expand the capacity of an existing stormwater basin within the channel of Brewery Creek.

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

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2/R-1	Stormwater Pond/Creek	Open Space
North	MU-C	Commercial Uses	Central Business Secondary
South	R-2	Multi-Family Residential	Urban Residential
East	R-1	Creek	Open Space
West	R-1	Single Family Residential	Urban Residential

Summary of Code Requirements:

Sec. 50-37.9.C – General Variance Criteria (paraphrased): Granting of variances of any kind is limited to situations where, due to characteristics of the applicant’s property, enforcement of the ordinance would cause the landowner practical difficulties.

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 #1- Reuse previously developed land- The project is proposed in a location that is currently used for stormwater retention.

Governing Principle #10- Take actions that enhance the environment, economic, and social well-being of the community- This project will mitigate downstream effects from flooding and increase the resilience of the City's stormwater infrastructure.

Future Land Use – Open Space: High natural resource or scenic value, with substantial restrictions and development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. Examples include: city parks and recreation areas, primary viewsheds, shorelands of the lake and streams, wetlands and floodplains, and high-value habitat.

History: Early development of Central Entrance corridor moved Brewery Creek from its original course to roughly its current location. MNDOT developed Palm St in the 1980's. During that project, Brewery Creek was further channelized and the current stormwater basin was constructed. The basin has gone largely unmaintained since and has filled with sediment and vegetation. In 2022, the City assumed ownership of the basin.

Review and Discussion Items:

Staff finds that:

- 1) The applicant proposes to reconstruct and expand the stormwater basin to increase its retention capacity and to install "smart" controls that allow for the efficient dewatering of the dead storage volume of the pond, enabling increased storage capacity during storms, by dynamically managing the basin's water levels based on real-time data and weather forecasts. Downstream sections of Brewery Creek in the Hillside neighborhood have repeatedly been damaged by flooding events and this project will contribute to mitigating those impacts.
- 2) The applicant requests to reduce the required structure setback from 50' to 0' to allow for the installation of pile walls around the perimeter of the basin, a fence above the walls for fall protection and other necessary utility infrastructure.
- 3) *Variance Criteria #1 (exceptional narrowness, shallowness, or shape):* The existing basin is taking on excess stormwater generated from the adjacent Central Entrance roadway and is no longer adequately sized for large storm events. The rehabilitation and capacity expansion of the existing basin is required to address downstream flooding and erosion control within the Brewery Creek watershed. The location of the parcel is entirely within the Brewery Creek shoreland zone and the size is restricted by development on all sides.
- 4) *Variance Criteria #2 (circumstances unique to the property, not created by the property owner):* The existing storm water basin was constructed by MNDOT in the early 1980's as part of the Central Entrance highway. The storm water basin was designed to mitigate for the loss of wetland storage as a result of filling wetlands to extend Palm Street as part of the Central Entrance project. At the time, it was determined that increasing the basin to contain the 100-yr storm was not economical and the basin was not designed to modern stormwater treatment standards.
- 5) *Variance Criteria #3 (circumstances are peculiar to this property and do not apply generally to other land or buildings):* No other parcels in the area contain stormwater ponds that are also part of Brewery Creek. No other locations within this area of the Brewery Creek corridor could be developed with the type of flood infrastructure being proposed in this location. Brewery Creek, although not designated as a special or impaired water, holds significant importance as a natural primary drainage system within Duluth. Its role in managing stormwater is crucial, serving as a conduit for runoff in the Duluth Heights, Central Hillside, and East Hillside neighborhoods. Effective management and treatment of stormwater for Brewery Creek are essential for safeguarding the health of Lake Superior, which is designated as a special and impaired waterbody. By ensuring that stormwater runoff from Brewery Creek is properly managed and treated, pollutants and sediment are minimized, reducing the risk of harm to Lake Superior's ecosystem.
- 6) *Variance Criteria #4 (proposes to use in a reasonable manner not permitted by code):* Stormwater management is a requirement of modern development. Many adjacent properties include stormwater infrastructure. There are limited opportunities in the Brewery Creek watershed to enhance the stormwater system. On this site, expanding the capacity can only be accomplished by locating structures within the shoreland zone.
- 7) *Variance Criteria #5 (not impair light/air, increase congestion, or impair public safety or property values).* This

project will not impair neighboring properties access to light or air and will not increase congestion. Effective stormwater management for Brewery Creek will contribute positively to the overall environmental health and resilience within Duluth by mitigating the risk of flooding, erosion, and water quality degradation; benefiting both the community and the surrounding natural areas. The proactive management and treatment of stormwater will support the health and vitality of Brewery Creek and Lake Superior.

- 8) *Variance Criteria #6 (will not impair intent of this Chapter or alter the essential character of the locality)*. This project will alter the appearance of the site from a stormwater basin that is primarily vegetated due to deferred maintenance, to a basin that is largely hardscaped and includes constructed sheet pile structures. The essential character of the area will not be severely altered since the use of the property is not changing. The change in appearance of the stormwater basin is mitigated by vegetative plantings discussed in item 9 below and shown in the attached landscaping plan.
- 9) *Standards for variances in shorelands (does not compromise intent of shoreland regulations and mitigates impacts)*. The basin itself will have direct benefits to the watershed by mitigating downstream flooding and erosion and treating stormwater for pollutants and sedimentation. Reconstruction will also remediate contaminated soils currently in the basin and establish a design that will be easier to remove pollutants in the future. The applicant is also proposing to plant trees and shrubs around the perimeter of the basin and revegetate areas within the basin with plugs and seed mixes of native plants.
- 10) Staff finds the applicant has demonstrated practical difficulty due to the necessity for this stormwater infrastructure to be located in close proximity to Brewery Creek and impacts are mitigated by vegetative plantings and benefits to local watersheds.
- 11) The City's Engineering staff held a public meeting with the neighborhood on September 25, 2025. They reported that all feedback received was supportive of this project. No comments from the public, agencies or other City departments were received.
- 12) 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 permit subject to the following conditions:

- 1) The project must be constructed and limited to the plans submitted with the application.
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PLVAR-2511-0014

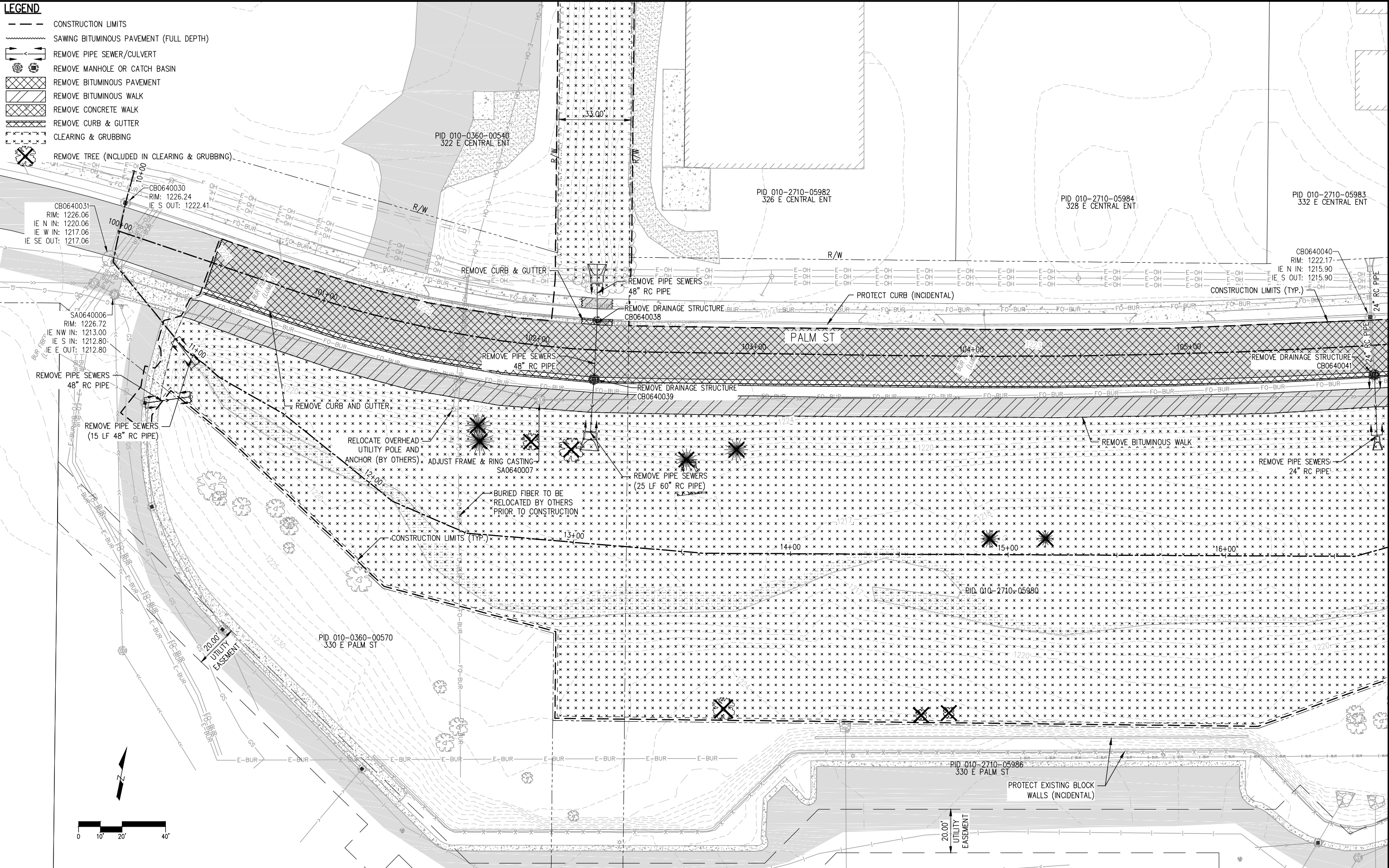
PLSUP-2511-0065

Variance to Shoreland Setbacks
Special Use Permit
Palm Street Pond



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- LEGEND**
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 - ~~~~~ SAWING BITUMINOUS PAVEMENT (FULL DEPTH)
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 - ⊗ REMOVE MANHOLE OR CATCH BASIN
 - ▨ REMOVE BITUMINOUS PAVEMENT
 - ▧ REMOVE BITUMINOUS WALK
 - ▩ REMOVE CONCRETE WALK
 - ▤ REMOVE CURB & GUTTER
 - ⊠ CLEARING & GRUBBING
 - ⊗ REMOVE TREE (INCLUDED IN CLEARING & GRUBBING)



PRELIMINARY
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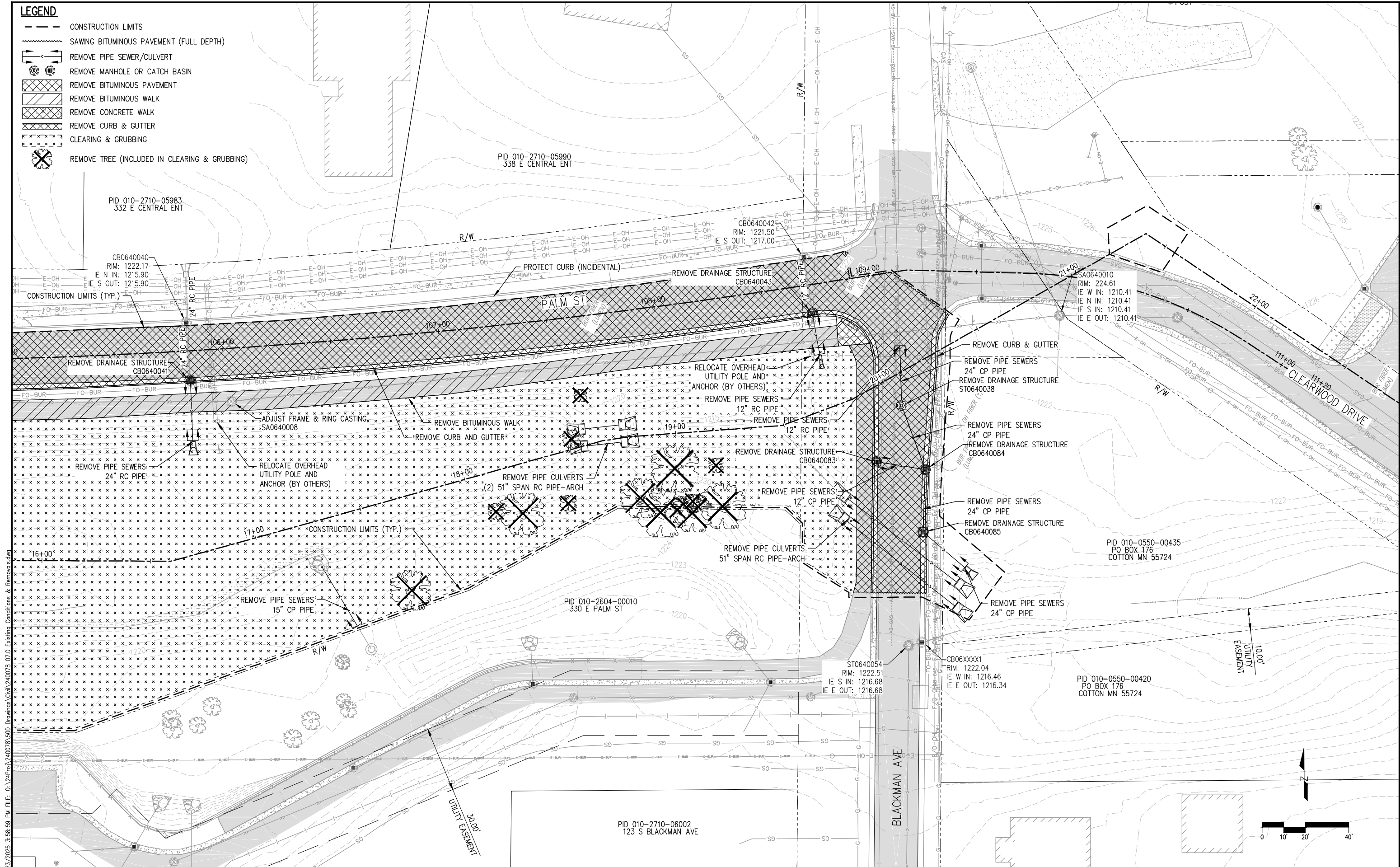
CITY PROJECT NO. 2208

PALM STREET PERMANENT STORMWATER MANAGEMENT SYSTEM IMPROVEMENTS

EXISTING CONDITIONS & REMOVALS

SHEET NO. 16 OF 43 SHEETS

- LEGEND**
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CITY PROJECT NO. 2208

PALM STREET PERMANENT STORMWATER MANAGEMENT SYSTEM IMPROVEMENTS

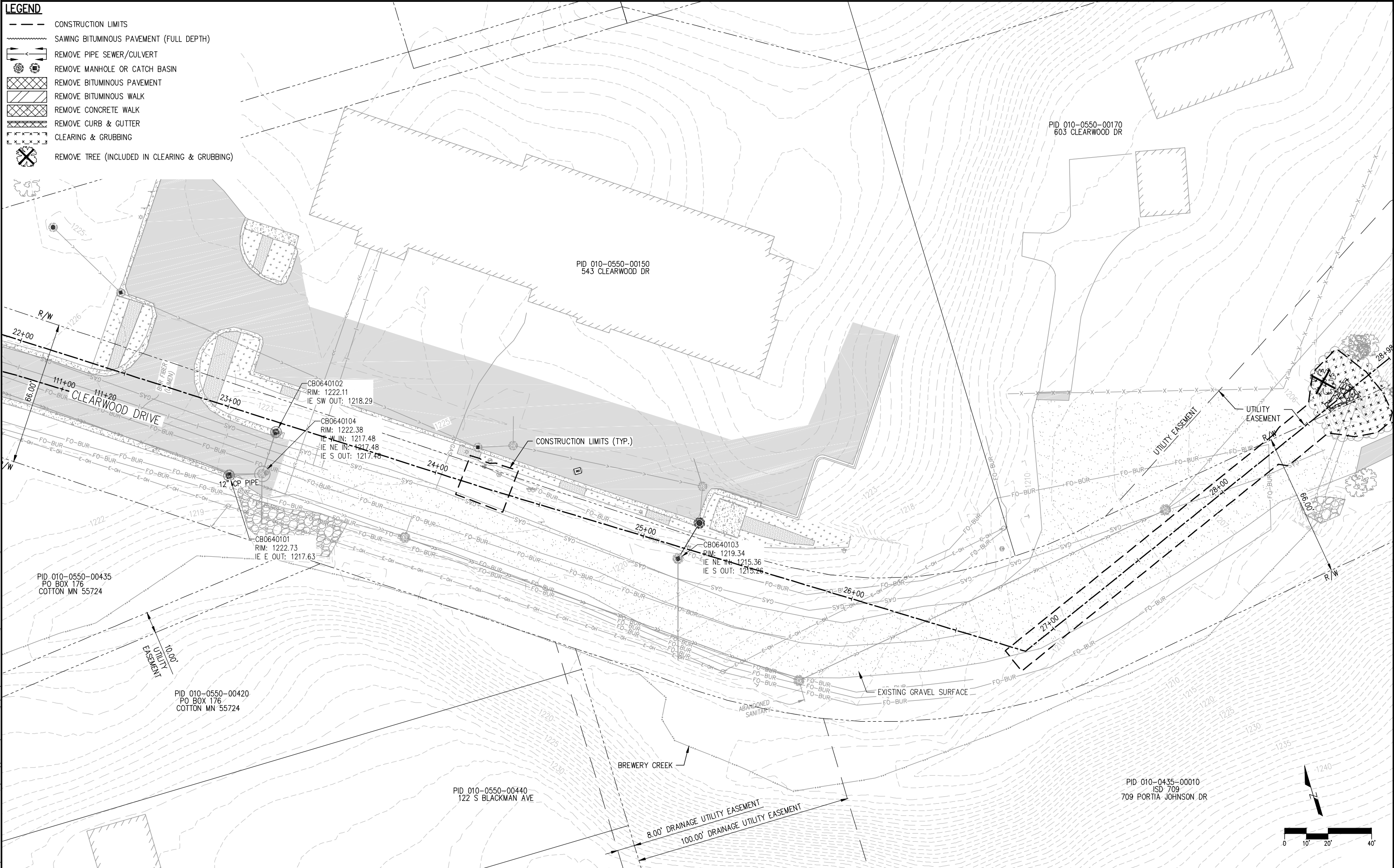
EXISTING CONDITIONS & REMOVALS

SHEET NO. 17 OF 43 SHEETS

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LHB PROJECT NO. 240078

- LEGEND**
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 - ~~~~~ SAWING BITUMINOUS PAVEMENT (FULL DEPTH)
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PRELIMINARY
NOT FOR CONSTRUCTION

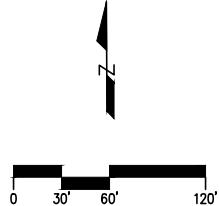
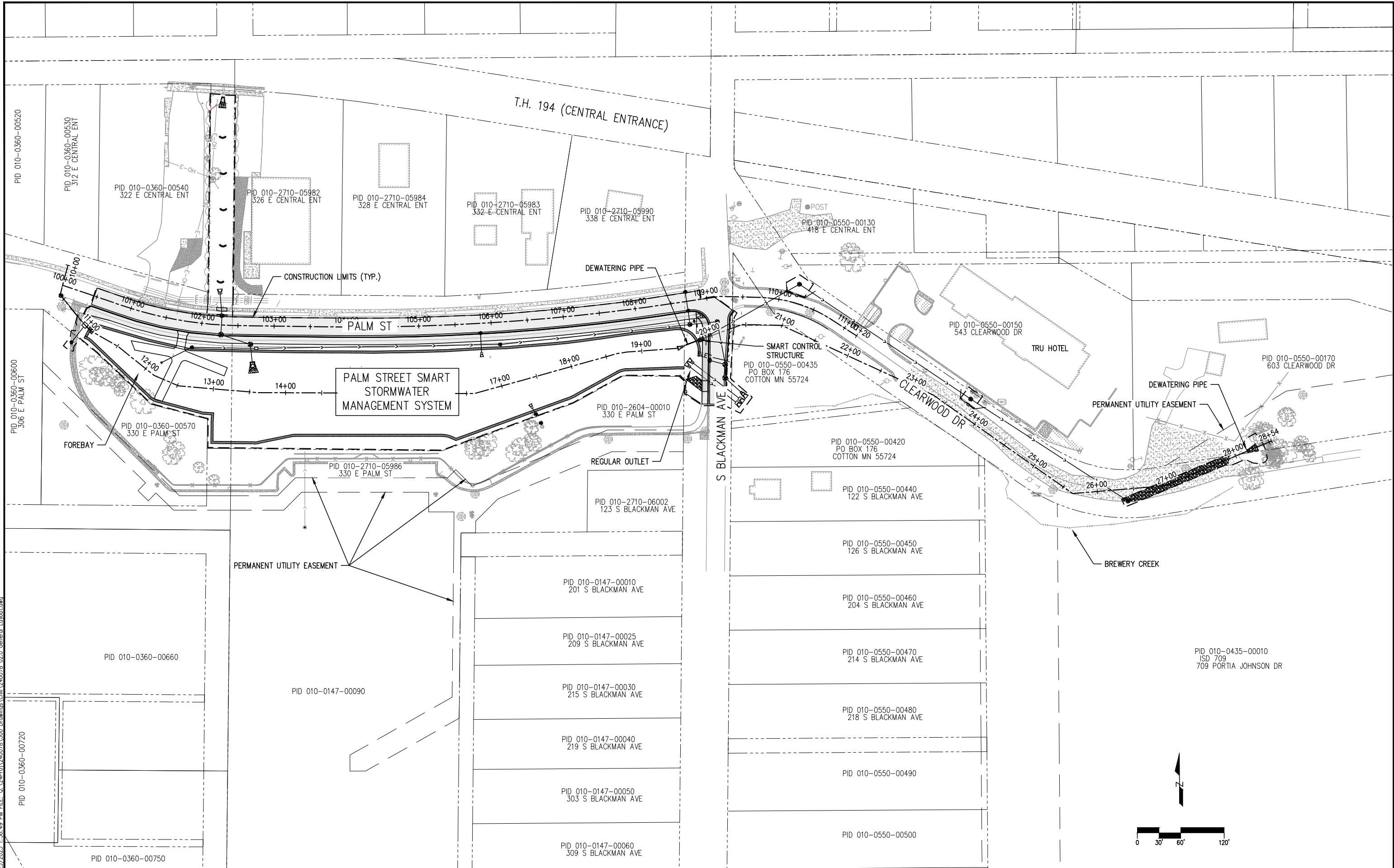
CITY PROJECT NO. 2208

PALM STREET PERMANENT STORMWATER MANAGEMENT SYSTEM IMPROVEMENTS

EXISTING CONDITIONS & REMOVALS
SHEET NO. 18 OF 43 SHEETS

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LHB PROJECT NO. 240078

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 LHB PROJECT NO. 240078



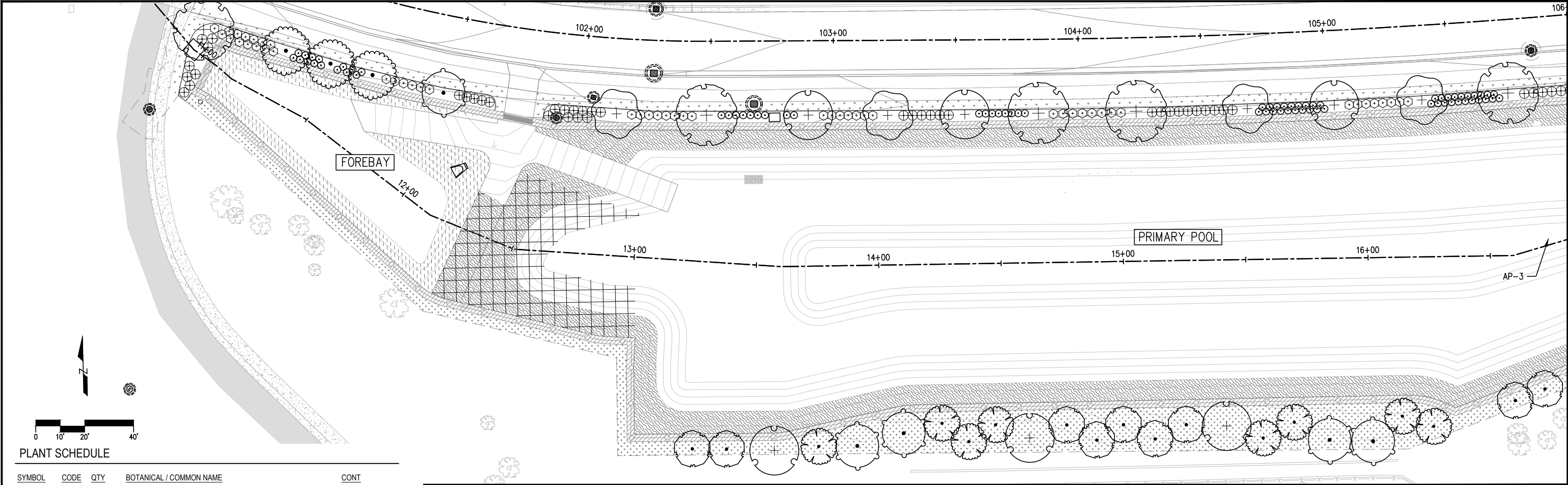
PRELIMINARY
 NOT FOR CONSTRUCTION

CITY PROJECT NO. 2208

PALM STREET PERMANENT STORMWATER MANAGEMENT SYSTEM IMPROVEMENTS

GENERAL LAYOUT
 SHEET NO. 2 OF 39 SHEETS

PLOT DATE: 10/23/2025 11:13:31 AM FILE: Q:\24-Pro\240078\500 Drawings\LA\240078-12.0 Landscape Plans.dwg



PLANT SCHEDULE

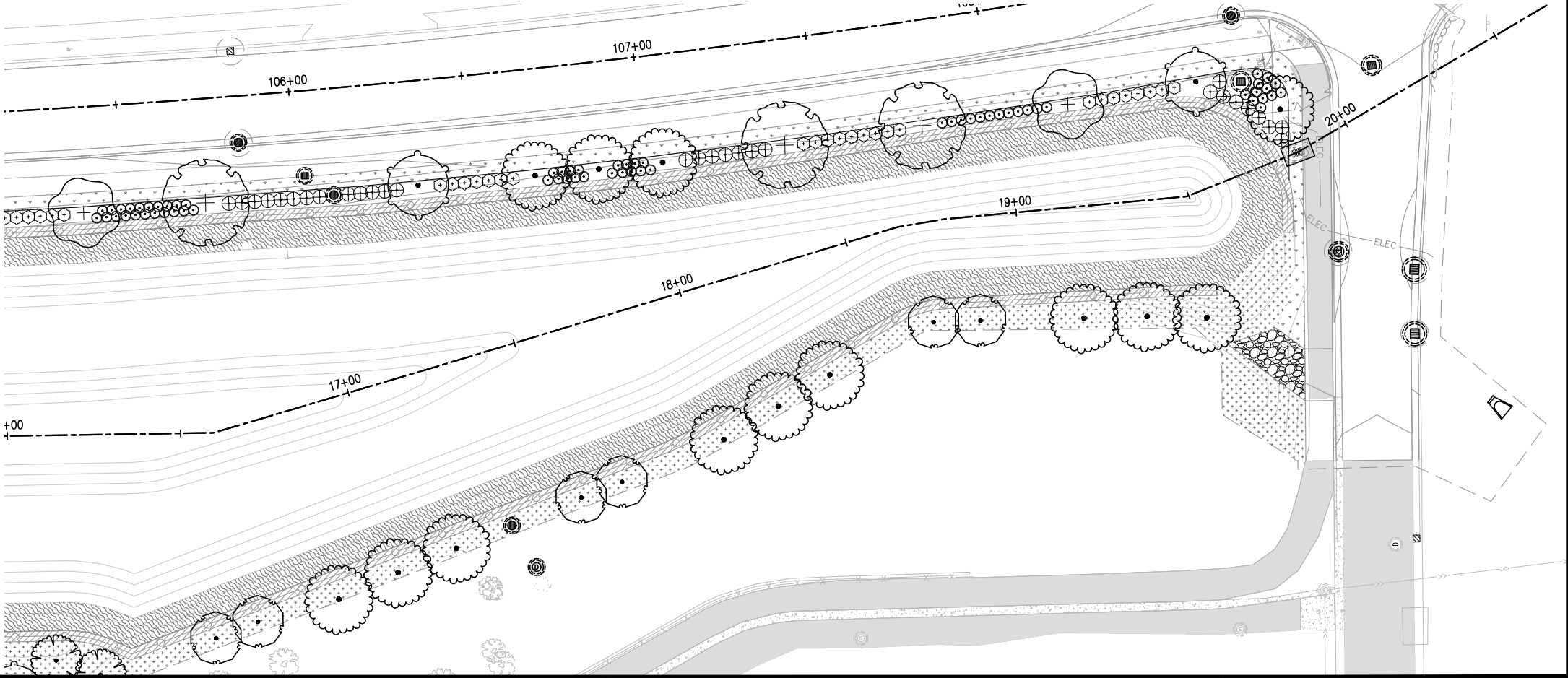
SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	CONT
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TREES

	AX	6	Aesculus x 'Bergeson' / Prairie Torch® Buckeye	2" CAL.
	AH	5	Alnus hirsuta 'Harbin' / Prairie Horizon® Manchurian Alder	2" CAL.
	AG	13	Amelanchier x grandiflora 'Autumn Brilliance' / Autumn Brilliance Apple Serviceberry	1.5" CAL.
	BR	16	Betula nigra / River Birch	2" CAL.
	CM	8	Crataegus x mordenensis 'Toba' / Toba Hawthorn	1.5" CAL.
	QB	7	Quercus bicolor / Swamp White Oak	2" CAL.
	UA	7	Ulmus x 'Accolade' / Accolade Elm	2" CAL.

SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	SIZE
	CK	114	Cornus sericea 'Kelsey' / Kelsey's Dwarf Red Twig Dogwood	#5 CONT.
	SP3	68	Salix purpurea 'Nana' / Dwarf Purple Osier Willow	#5 CONT.
	SW	75	Symphoricarpos x doorenbosii 'White Hedge' / White Hedge Snowberry	#5 CONT.

SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	CONT
GROUND COVERS				
	AT	14,151 sf	Aquatic/Transitional Ledge / Seed and Plugs	See Details
	SB	4,434 sf	Shrub Bed w/ Living Mulch	See Specifications
	TS	4,295 sf	Turf Sod	See Specifications
	SS2	13,734 sf	Upland / Seed and Plugs	See Details
	SS	7,340 sf	Wet Ditch Seed Mix / 2575.608 Seed Wet Ditch	See Specifications
	WS	3,164 sf	Willow Stake/Bundle Zone	See Details



PRELIMINARY
NOT FOR CONSTRUCTION

CITY PROJECT NO. 2208

PALM STREET PERMANENT STORMWATER MANAGEMENT SYSTEM IMPROVEMENTS

LANDSCAPE PLANS
SHEET NO. LA02 OF 3 SHEETS



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PLSUP-2511-0065		Contact	Jason Mozol, jmozol@duluthmn.gov	
Type	Special Use Permit for Major Utility Facility		Planning Commission Date		December 9, 2025
Deadline for Action	Application Date		November 13, 2025	60 Days	January 12, 2026
	Date Extension Letter Mailed		November 26, 2025	120 Days	March 13, 2026
Location of Subject		Corner of E Palm St and Blackman Ave			
Applicant	City of Duluth, Engineering		Contact	Nathan Bruno and Ryan Granlund	
Agent	LHB		Contact	Heidi Bringman	
Legal Description		010-2710-05980, 010-0360-00571, 010-2710-06001			
Site Visit Date		June 16, 2025	Sign Notice Date		November 25, 2025
Neighbor Letter Date		November 13, 2025	Number of Letters Sent		29

Proposal

The applicant proposes to reconstruct and expand the capacity of an existing stormwater basin within the channel of Brewery Creek.

Recommended Action: Staff recommends that Planning Commission approve with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2/R-1	Stormwater Pond/Creek	Open Space
North	MU-C	Commercial Uses	Central Business Secondary
South	R-2	Multi-Family Residential	Urban Residential
East	R-1	Creek	Open Space
West	R-1	Single Family Residential	Urban Residential

Summary of Code Requirements:

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

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

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

Governing Principle #1- Reuse previously developed land- The project is proposed in a location that is currently used for stormwater retention.

Governing Principle #10- Take actions that enhance the environment, economic, and social well-being of the community- This project will mitigate downstream effects from flooding and increase the resilience of the City's stormwater infrastructure.

Future Land Use – Open Space: High natural resource or scenic value, with substantial restrictions and development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. Examples include: city parks and recreation areas, primary viewsheds, shorelands of the lake and streams, wetlands and floodplains, and high-value habitat.

History: Early development of Central Entrance corridor moved Brewery Creek from its original course to roughly its current location. MNDOT developed Palm St in the 1980's. During that project, Brewery Creek was further channelized, and the current stormwater basin was constructed. The basin has gone largely unmaintained since and has filled with sediment and vegetation. In 2022, the City assumed ownership of the basin.

Review and Discussion Items:

Staff finds that:

- 1) The applicant proposes to reconstruct and expand the stormwater basin to increase its retention capacity and to install "smart" controls that allow for the efficient dewatering of the storage volume of the pond, enabling increased storage capacity during storms, by dynamically managing the basin's water levels based on real-time data and weather forecasts. Downstream sections of Brewery Creek in the Hillside neighborhood have repeatedly been damaged by flooding events, and this project will contribute to mitigating those impacts.
- 2) The applicant requests to reduce the required structure setback from 50' to 0' to allow for the installation of pile walls around the perimeter of the basin, a fence above the walls for fall protection and other necessary utility infrastructure.
- 3) *Special Use Permit Criteria #1 (the application is consistent with the Comprehensive Land Use Plan):* "Improve Duluth's resiliency to flooding and natural disasters" is Policy #1 of the Open Space section of the Comprehensive Plan. A strategy to accomplishing that policy is to, "Promote retention of stormwater above the bluff line to reduce flooding risks through land development controls and establishment of watershed-based storm water detention measures". This project accomplishes this strategy and is consistent with the comprehensive plan.
- 4) *Special Use Permit Criteria #2 (the application complies with all applicable provisions):* The project must meet the standards in the below code sections.
 - *Wetlands (Sec 50-18.1.B)-* Applications delineating wetlands on the site and permitting any impacts to wetlands must be approved prior to any soil disturbing activity.
 - *Floodplains (Sec 50-18.1.C)-* Areas of both Floodway and Flood Fringe designations exist on the site. Public utilities that must be in or adjacent to watercourses are permitted in both the Floodway and Flood Fringe. The infrastructure will be flood resistant and will not increase the water surface elevation of the base flood.
 - *Shorelands (Sec 50-18.1.D)-* A companion application, PLVAR-2511-0014, has been submitted related to shoreland impacts.
 - *Landscaping and Tree Preservation (Sec 50-25)-* This project must meet the below landscaping standards,
 - *Street frontage landscaping (Sec 50-25.3)-* 28 trees and 37 large shrubs must be provided along Palm St and Blackman Ave. The applicant is proposing 28 trees and 143 shrubs.
 - *Buffer for industrial uses abutting residential uses (Sec 50-25.5.C)-* A vegetated buffer with trees is proposed along the southern edge of the site. The buffer is not the full 15' required width on the western end and does not have the minimum trees or shrubs required. To offset these shortfalls, the applicant is proposing to exceed the minimum required shrubs along the street frontages. This project does not produce any noise or light impacts often associated with industrial uses. Given these facts, the land use supervisor has approved this alternative landscaping plan as satisfactory with the flexibility allowed in Sec 50-25.8.

- *Tree preservation (Sec 50-25.9)*- 24 trees are proposed to be removed. To mitigate these impacts, 72.4 caliper inches of replacement trees must be planted. The applicant proposes to plant 127.5 caliper inches of new trees.
- *Screening, Walls, and Fences (Sec 50-26)*- A fence permit must be applied for and issued prior to installation of the perimeter fence.

- 5) *Special Use Permit Criteria #3 (the application will not result in a random pattern of development or have negative fiscal or environmental impacts)*: This project continues the existing land use as a stormwater basin, and stormwater infrastructure is a common aspect of development in this area. This project will result in positive environmental impacts by mitigating the risk of flooding, erosion, and water quality degradation. The project will result in both direct and indirect positive fiscal impacts. Directly, the new design will be easier for the City to maintain, saving operation cost. Indirectly, reduced flooding will mitigate downstream damage and save repair costs.
- 6) The City's Engineering staff held a public meeting with the neighborhood on September 25, 2025. They reported that all feedback received was supportive of this project. No comments from the public, agencies or other City departments were received.
- 7) Per UDC Section 50-37.1.N, approved special use permits lapse if the project or activity authorized by the permit has not begun within one-year.

Staff Recommendation:

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

- 1) The project must be constructed and limited to the plans submitted with the application.
- 2) Permitting for wetlands must be completed prior to any soil disturbing activity.
- 3) A fence permit must be applied for and issued prior to installation of the perimeter fence.
- 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.



PLVAR-2511-0014

PLSUP-2511-0065

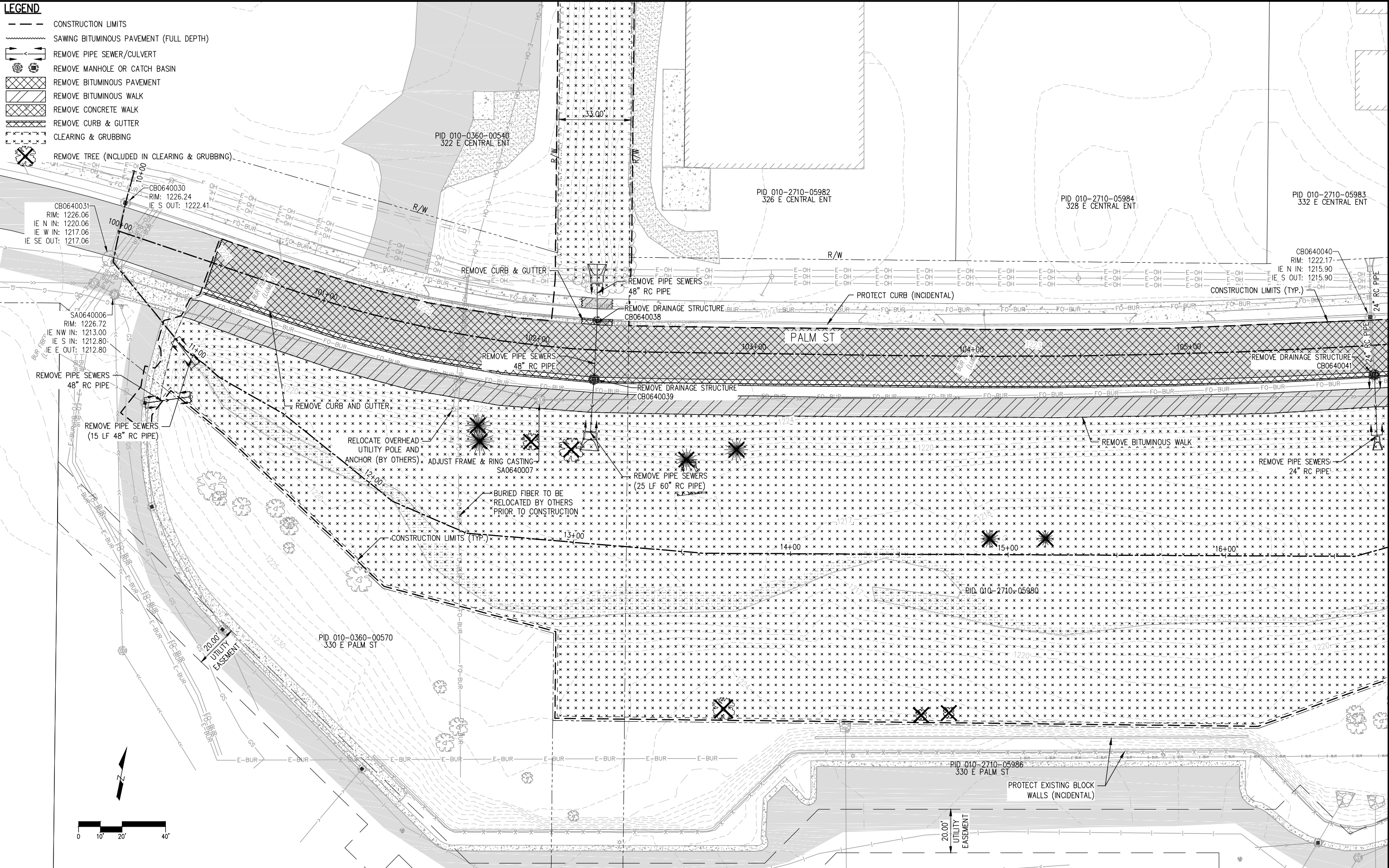
Variance to Shoreland Setbacks
Special Use Permit
Palm Street Pond



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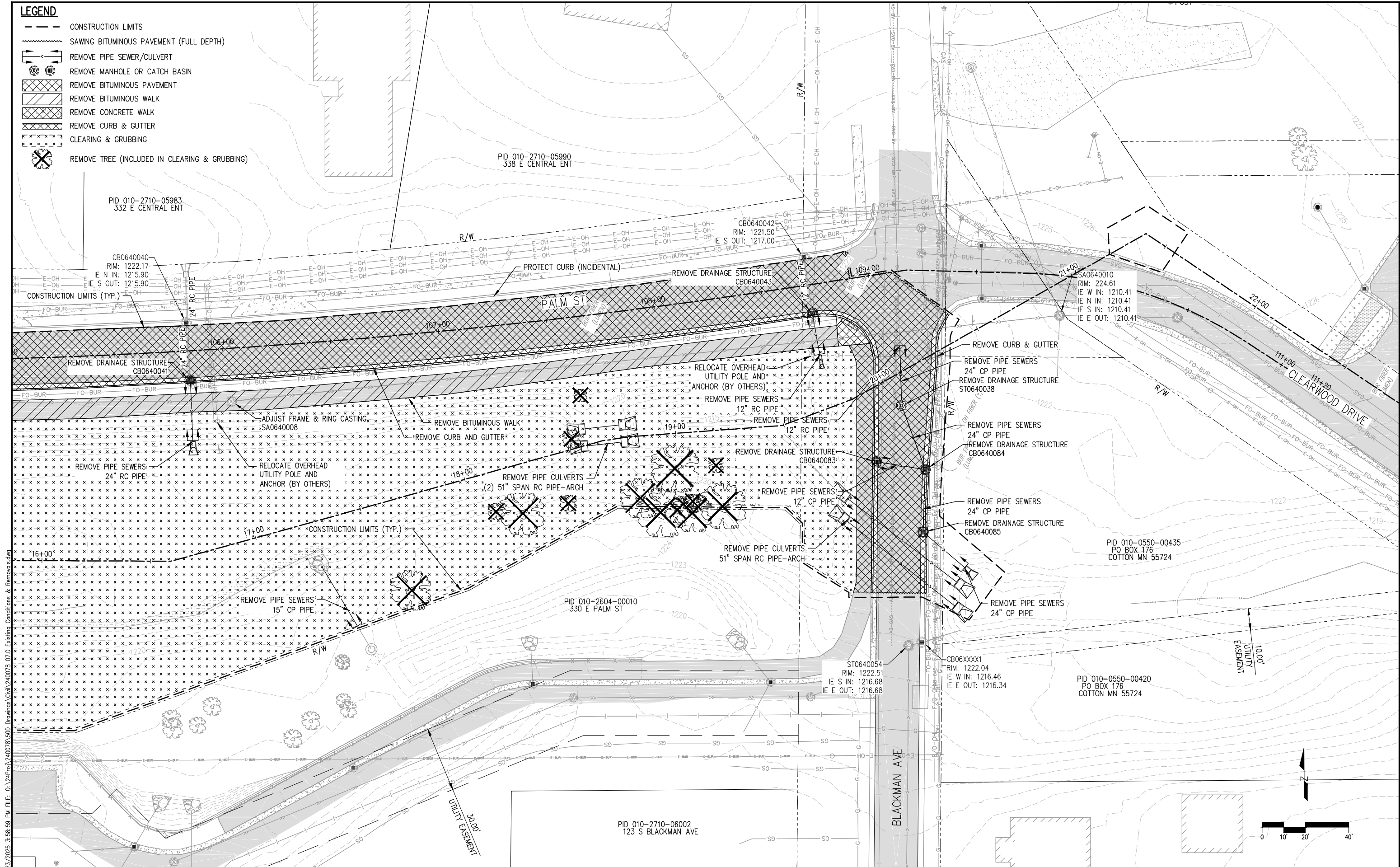
PRELIMINARY
NOT FOR CONSTRUCTION

CITY PROJECT NO. 2208

PALM STREET PERMANENT STORMWATER MANAGEMENT SYSTEM IMPROVEMENTS

EXISTING CONDITIONS & REMOVALS
SHEET NO. 16 OF 43 SHEETS

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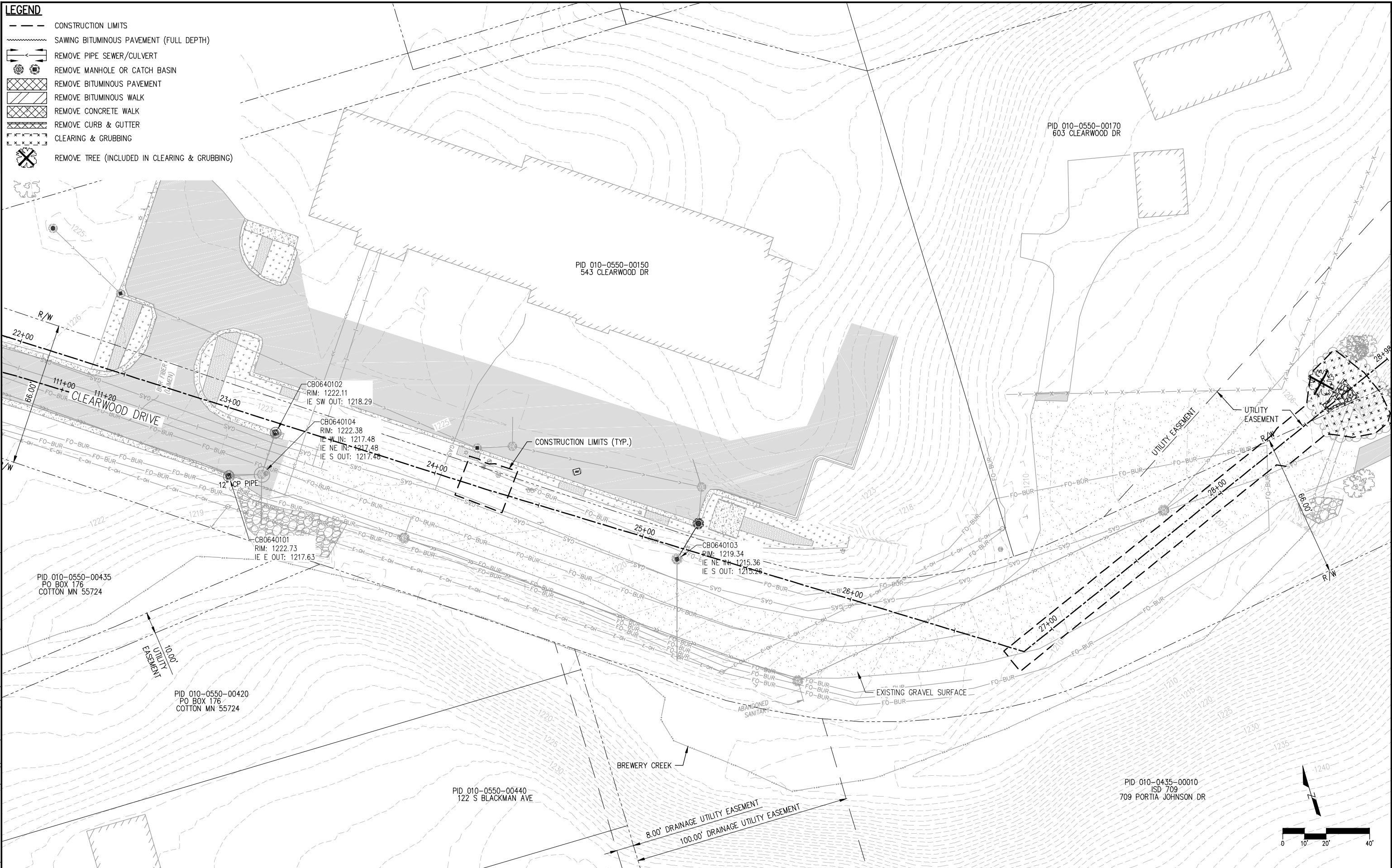
CITY PROJECT NO. 2208

PALM STREET PERMANENT STORMWATER MANAGEMENT SYSTEM IMPROVEMENTS

EXISTING CONDITIONS & REMOVALS

SHEET NO. 17 OF 43 SHEETS

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 - XXXXX CLEARING & GRUBBING
 - ⊗ REMOVE TREE (INCLUDED IN CLEARING & GRUBBING)



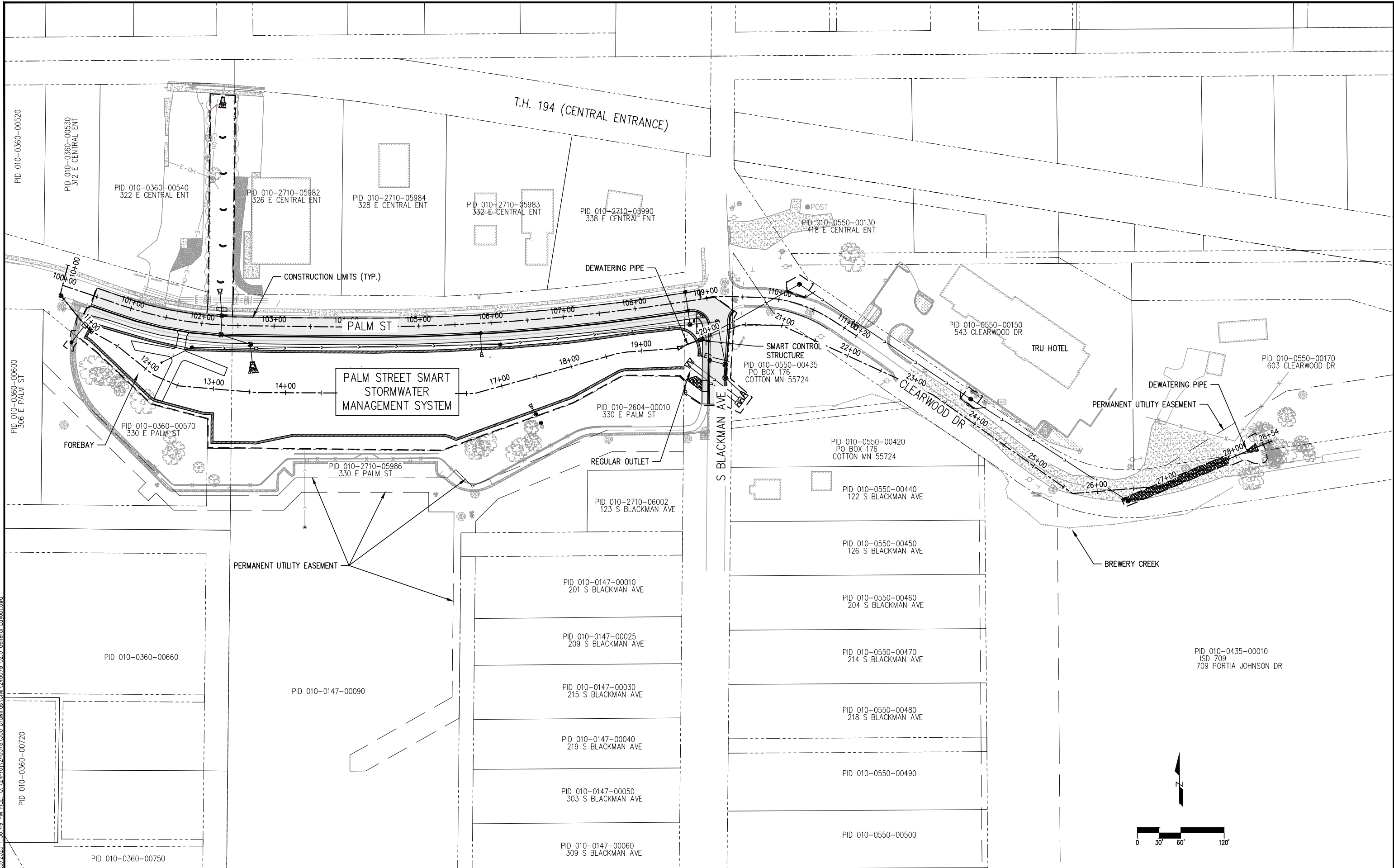
PRELIMINARY
NOT FOR CONSTRUCTION

CITY PROJECT NO. 2208

PALM STREET PERMANENT STORMWATER MANAGEMENT SYSTEM IMPROVEMENTS

EXISTING CONDITIONS & REMOVALS
SHEET NO. 18 OF 43 SHEETS

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PRELIMINARY
NOT FOR CONSTRUCTION

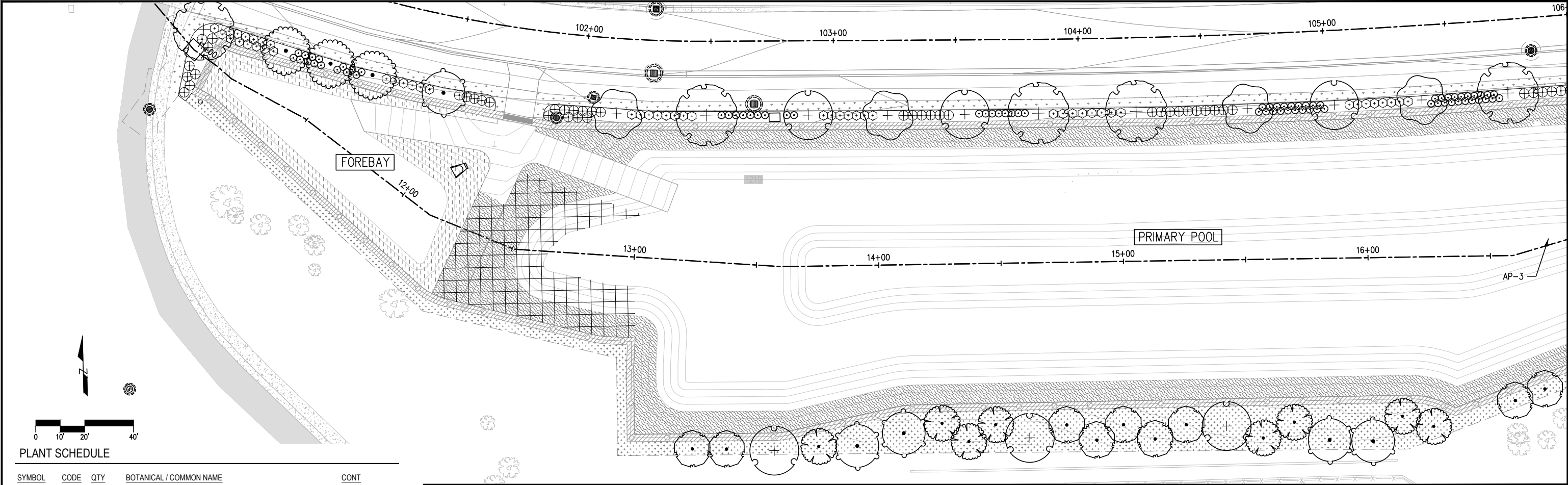
CITY PROJECT NO. 2208

PALM STREET PERMANENT STORMWATER MANAGEMENT SYSTEM IMPROVEMENTS

GENERAL LAYOUT

SHEET NO. 2 OF 39 SHEETS

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PLANT SCHEDULE

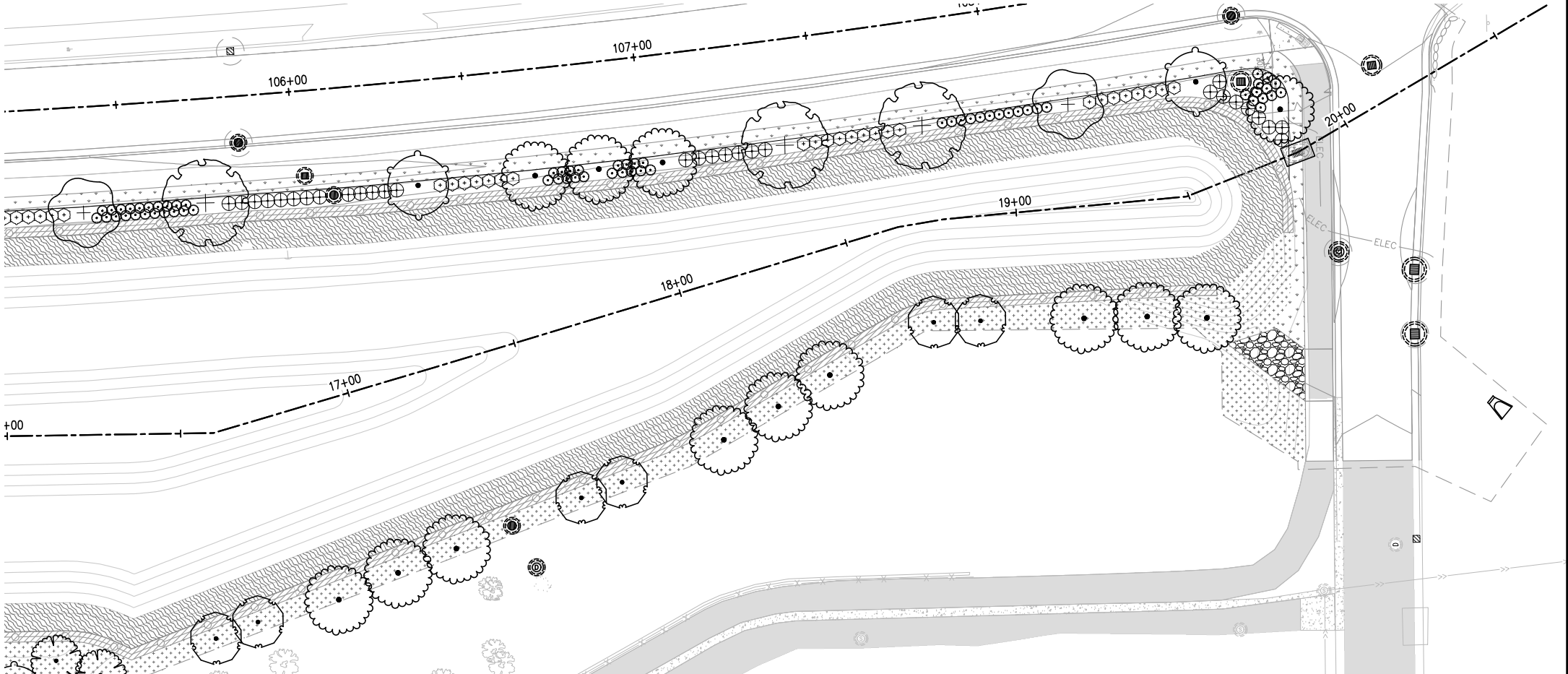
SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	CONT
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TREES

	AX	6	Aesculus x 'Bergeson' / Prairie Torch® Buckeye	2" CAL.
	AH	5	Alnus hirsuta 'Harbin' / Prairie Horizon® Manchurian Alder	2" CAL.
	AG	13	Amelanchier x grandiflora 'Autumn Brilliance' / Autumn Brilliance Apple Serviceberry	1.5" CAL.
	BR	16	Betula nigra / River Birch	2" CAL.
	CM	8	Crataegus x mordenensis 'Toba' / Toba Hawthorn	1.5" CAL.
	QB	7	Quercus bicolor / Swamp White Oak	2" CAL.
	UA	7	Ulmus x 'Accolade' / Accolade Elm	2" CAL.

SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	SIZE
	CK	114	Cornus sericea 'Kelsey' / Kelsey's Dwarf Red Twig Dogwood	#5 CONT.
	SP3	68	Salix purpurea 'Nana' / Dwarf Purple Osier Willow	#5 CONT.
	SW	75	Symphoricarpos x doorenbosii 'White Hedge' / White Hedge Snowberry	#5 CONT.

SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	CONT
GROUND COVERS				
	AT	14,151 sf	Aquatic/Transitional Ledge / Seed and Plugs	See Details
	SB	4,434 sf	Shrub Bed w/ Living Mulch	See Specifications
	TS	4,295 sf	Turf Sod	See Specifications
	SS2	13,734 sf	Upland / Seed and Plugs	See Details
	SS	7,340 sf	Wet Ditch Seed Mix / 2575.608 Seed Wet Ditch	See Specifications
	WS	3,164 sf	Willow Stake/Bundle Zone	See Details



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PALM STREET PERMANENT STORMWATER MANAGEMENT SYSTEM IMPROVEMENTS

LANDSCAPE PLANS
SHEET NO. LA02 OF 3 SHEETS