



PLANNING & ECONOMIC DEVELOPMENT

Planning & Development Division  
City Hall – 411 W 1<sup>st</sup> Street – Room 110  
Duluth, Minnesota 55802  
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Planning Commission Agenda  
City Council Chambers, 3<sup>rd</sup> Floor Duluth City Hall  
Tuesday, June 11, 2019 – 5:00 PM

Call to Order and Roll Call

Approval of Planning Commission Minutes (May 14, 2019 and May 29, 2019)

Presentation

1. Revised Report, Local Designation of the Lake Superior and Mississippi Railroad by City of Duluth

Consent Agenda

2. PL 19-051 Interim Use Permit for a Vacation Dwelling Unit renewal, 702 N. 7<sup>th</sup> Ave. E., by Charles Sill and Linda Simmons
3. PL 19-054 Final Plat of Hawthorne Division at northwest corner of E. Fourth St. and Hawthorne Rd. by Julie Ann Kubat

Public Hearings

4. PL 19-068 UDC Map Amendment to Rezone Property at Lester River Golf Course, From RR-1 (Rural Residential 1) and R-1 (Residential-Traditional), to MU-N (Mixed Use-Neighborhood), and P-1 (Park and Open Space) by the City of Duluth
5. PL 19-069 UDC Map Amendment to Rezone Property at Enger Park Golf Course, From R-1 (Residential-Traditional), to R-2 (Residential-Urban), by the City of Duluth
6. PL 19-052 Special Use Permit for a Day Care Center at 4402 Haines Rd., Ste. 2 by Building Blocks Learning Center
7. PL 19-059 Variance from Shoreland Setback at 120 Charlotte Place by Dan Russell
8. PL 19-062 Variance from Minimum Lot Frontage at the NE Corner of 59<sup>th</sup> Avenue West and Redruth Street by 1 LLC
9. PL 19-063 Minor Subdivision at the NE Corner of 59<sup>th</sup> Avenue West and Redruth Street by 1 LLC

Other Business

10. PL 19-074 Board of Trade Tax Increment Financing Request, Conformity with Comp Plan

Communications

Manager's Report

Reports of Officers and Committees

-Heritage Preservation Commission Representative

Adjournment

City of Duluth  
 Planning Commission  
 May 14, 2019 Meeting Minutes  
 Council Chambers - Duluth City Hall

Call to Order

Vice-President Margie Nelson called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, May 14, 2019, in city hall council chambers.

Roll Call

Attending: Jason Crawford, Gary Eckenberg, Margie Nelson, Michael Schraepfer, Luke Sydow, and Zandra Zwiebel

Absent: Janet Kennedy, Tim Meyer, and Sarah Wisdorf

Staff Present: Adam Fulton, Robert Asleson, Steven Robertson, Kyle Deming, Chris Lee, and Cindy Stafford

Approval of Planning Commission Minutes

March 26, 2019, Special Meeting

April 9, 2019

MOTION/Second: Schraepfer/Eckenberg approve the minutes

VOTE: (6-0)

Presentations

1. PL 19-057 St. Louis River Corridor Duluth Natural Areas Program Nomination by City of Duluth Parks Department – Diane Desotelle, natural resources coordinator, addresses the commission. She gives an overview. Designating the lands will ensure citizens and visitors will always have access to this special area where they can appreciate as well as continue to better understand the natural environment. Gary Eckenberg asks about land ownership. Desotelle states 50% is considered tax forfeited land. Eckenberg asks if the land can be developed. Per Desotelle, the county would need to agree, but they have support of county staff to go forward with the nomination. Zandra Zwiebel confirms they are still getting confirmation and approval from individual land owners. There are nine parcels of land. The goal of the management plan is habitat improvement. Zwiebel questions access points. Desotelle notes there are several access points to the Western Waterfront Trail. Zwiebel asks if there will be site specific goals in the management plan. Desotelle said there could be. There is a Natural Resource Commission which will have their first meeting in June. Regarding Mud Lake, the meeting has been postponed to the end of May. Zwiebel asks if they are expected to nominate this today before the Mud Lake meeting. Deputy Director Adam Fulton notes they would be recommending to the city council and not making the final decision. Luke Sydow notes LSMRR railroad is outside of the boundaries. Desotelle also notes the causeway is outside of the boundaries.

MOTION/Second: Eckenberg/Sydow support the nomination of areas along the St. Louis River to the Duluth Natural Areas Program

VOTE: (6-0)

Unfinished Items

2. PL 19-014 UDC Text Amendment Exempt Vacation Dwelling Units in Form Districts from the Maximum Cap of 60 Units by the City of Duluth

Staff: Steven Robertson gives an overview. The city is proposing exemption from vacation rental limits in form districts and relaxing the standards related to off-street parking and minimum stays except for districts in the higher-ed overlay. Staff recommends approval.

Applicant: N/A

Public: N/A

Commissioners: Michael Schraepfer and Nelson comment they approve of staff's recommendation to exclude the higher ed overlay district, which will address parking concerns.

MOTION/Second: Zwiebel/Schraepfer recommend approval as per staff's recommendations with added condition that the higher ed overlay district be excluded.

VOTE: (6-0)

Agenda Items #3 & # 7 have PL 19-028 PL 19-031 were removed from the consent agenda

### Consent Agenda

4. PL 19-034 Minor Subdivision at 431 East Skyline Parkway by Ralph Raschick
5. PL 19-037 Minor Subdivision at 4306 Enterprise Circle by Duluth Seaway Port Authority
6. PL 19-033 Vacation of Pedestrian Easement and Dedication of Replacement Easement at 4500 Cambridge Street by Saint Francis of Assisi, Inc.

Public: There are no speakers.

MOTION/Second: Sydow/Zwiebel recommend approval of the consent agenda items as per staff's recommendations.

VOTE: (6-0)

### Public Hearings

3. PL 19-028 Renewal of Existing Vacation Dwelling Unit Interim Use Permit at 124 North Hawthorne Road by Theresa Hanson

Staff: Chris Lee gives an overview of the applicant's proposal to use their house with seven bedrooms for a vacation rental. Up to 14 people will be allowed to stay in the home. Staff received two comments from neighbors regarding police calls and parking concerns. Staff recommends approval with the three conditions listed and would be open to an additional condition regarding parking.

Applicant: Teresa Hanson addresses the commission and notes there has never been a police call. She has received no calls or complaints from the neighbors regarding parking. Schraepfer notes there was a complaint with a picture showing cars parked in the driveway. The applicant confirms they are parking within her driveway, which is allowed. Her property managers are nearby and ready to address any neighbors' concerns. Eckenberg asks about the recommendation. Has it changed? Lee notes the recommendations are the same.

Public: There are no speakers.

Commissioners: Sydow asks if staff will reach out to the neighbors who complained to give them the manger's and owner's contact info.

MOTION/Second: Sydow/Zwiebel recommend approval as per staff's recommendation.

VOTE: (6-0)

7. PL 19-031 Vacation of Oakland Avenue between Gold Street and Maryland Street by City of Duluth Parks Department on behalf of the University of Minnesota, Duluth  
Applicant: Chris Lee introduces the applicant's proposal to vacate an undeveloped portion of Oakland Avenue from Maryland Street to ½ block south of Worth Street, maintaining a utility easement over a 20' portion running from ½ block north of Worth Street to ½ block south of Worth Street.

Public: No speakers

MOTION/Second: Zwiebel/Sydow recommend approval with the added condition that the signing and replacement of the dedication of the trail easement be in place prior to filing the vacation.

VOTE: (6-0)

8. PL 19-032 R-P Regulating Plan Amendment to allow Type I, Type VI and Type VII Buildings on the west side of North 53rd Avenue West north of Ramsey Street by Talle & Associates for Ramsey VI

Staff: Kyle Deming introduces the applicant's proposal to amend an approved regulating plan to change building types for four parcels to allow construction of an 8-unit structure or 4-unit structure while retaining the existing single-family detached structure. Any amendment to the Regulating Plan that involves changes to land use, density, or height are required to follow the rezoning process and receive approval from the city council. Staff recommends approval.

Applicant: Ken Talle of Talle & Associates addresses the commission. This addition to his development will bring the project total to 120 new dwelling units to the neighborhood. He welcomes questions.

Public: There are no speakers.

Commissioners: Eckenberg asks about the letters they received about parking concerns. How many parking spots are dedicated? Deming states that 1.25 spaces per dwelling unit are required. There is a transit reduction of 30%, which is about 1 parking space per unit regardless of bedrooms. Talle states there is one detached garage per unit and there is off-street parking spaces provided, which brings the count to about 1.5 per dwelling unit. They have exceeded the parking requirement. Talle notes there are off-street parking spots available, which will be done in conjunction with this project. Schraepfer confirms they are all 2-bedroom apartments.

MOTION/Second: Schraepfer/Crawford recommend approval as per staff's recommendations.

VOTE: (6-0)

9. PL 19-042 Vacation of Skywalk Easement in Minnesota Power Building at 30 West Superior Street and Vacation of Easements with rededication of replacement easements for the plazas on either side of Lake Avenue at Superior Street by Minnesota Power  
Staff: Kyle Deming introduces the applicant's proposal for safety reasons to vacate the skywalk through the first and second floors of their building after dedicating a replacement easement and providing for the construction of a stairway from the south end of the skywalk bridge over Superior Street; and, to vacate an existing public plaza

agreement for Lake Superior Plaza to be replaced with updated agreements that allow public access, but reduce the size of Lake Superior Plaza to provide a security buffer between the Plaza and the MN Power building. Public access is no longer needed to that particular side of the building. Staff recommends approval with the conditions listed in the staff report. Deputy Director Fulton notes there are other agreements in motion related to this project that do not typically come before the planning commission.

Applicant: Patrick Mullen of MN Power addresses the commission. The area is completely Minnesota Power space. Safety and security is important. He welcomes questions.

Public: Kathleen Spencer, 315 N. Lake Ave., addresses the commission. She asks about the area where vehicles pull up to unload equipment including the Christmas tree. She thinks this access is important and wants to go on record stating she thinks they should keep it. Mullen states for safety reasons, they are considering landscaping so cars won't have direct access.

Commissioners: Eckenberg notes the correspondence they received from Terri Alexander, and asks staff to address. City attorney, Robert Asleson states the city is in the process of approving a new plaza agreement, which includes the maintenance of the facility. The terms are still under consideration.

MOTION/Second: Zwiebel/Sydow recommend approval as per staff's recommendations.

VOTE: (6-0)

10. PL 19-029 Variance from the Shoreland Setback to build a New Single Family Home at 442 North 85th Avenue West

Staff: Chris Lee introduces the applicant's proposal for a variance from UDC requirements which mandate a 150' structure setback for construction in proximity to a tributary of Knowlton Creek, a designated cold water river. The applicant proposes to construct a new 72' by 40' single family home on the site. They are requesting to reduce the setback from 150' to approximately 89'. Staff recommends approval subject to the conditions listed in the staff report. Zwiebel asks about the no mow zone. Is it a requirement? Lee states there could be a condition added. Lee recommends asking the applicant in good faith not to mow that area.

Applicant: Mike Talarico, attorney for the applicant, addresses the commission. He gives an overview and welcomes questions. Zwiebel notes the mitigation plan and supports it.

Public: No speakers.

Commissioners: N/A

MOTION/Second: Crawford/Zwiebel approved as per staff's recommendations.

VOTE: (6-0)

11. PL 19-035 Variance from Corner Side Yard Setback for a garage at 5419 London Road by Philmore Properties, LLC

Staff: Chris Lee introduces the applicant's proposal for a variance from the corner yard setbacks to construct a 24' x 24' garage on the rear of the property. There is currently a garage on the site that is located on the property lines that will be removed and replaced with this proposed structure, which will be in greater compliance with the UDC. The proposed garage will be 5' from the corner side yard setbacks, reducing the setbacks by 15' from 20' to 5' for a detached accessory structure. Staff recommends approval subject to the conditions listed in the staff report.

Applicant: **Present, but did not speak.**  
 Public: **No speakers.**  
 Commissioners: **N/A**  
 MOTION/Second: **Zwiebel/Crawford approved as per staff's recommendations.**

VOTE: (6-0)

12. **PL 19-036 Variance from Shoreland Setbacks for a garage and home addition at 435 W. Toledo St. by Kelly Kairos**  
 Staff: Chris Lee introduces the applicant's proposal for a variance from UDC requirements which mandate a 150' structure setback for construction in proximity to the East Branch of Chester Creek, a designated cold water river. The applicant is proposing to construct a new 24' by 18' addition to their single family house and construct a new 22' x 24' garage on the site. They are requesting to reduce the setback from 150' to approximately 95' and 75'. Staff recommends approval subject to the conditions listed in the staff report. Sydow asks about the shed. Will it be kept?  
 Applicant: Kelly Kairos addresses the commission. She didn't consider removing the shed, but would entertain the possibility.  
 Public: **No speakers.**  
 Commissioners: **N/A**  
 MOTION/Second: **Schraepfer/Crawford recommend approved as per staff's recommendations.**

VOTE: (6-0)

(Commissioner Schraepfer recuses himself for the next two agenda items.)

13. **PL 19-038 Interim Use Permit for Lake View Land Co LLC for Vacation Dwelling Unit at 1235 Minnesota Avenue**  
 Staff: John Kelley introduces the applicant's proposal to use their dwelling as a vacation rental property. A vacation dwelling unit allows for periods of occupancy between 2 and 29 days. Staff recommends approval with the conditions listed in the staff report. Sydow asks if the IUP was applied for and received, and now it is back due to an owner change. Kelley affirms. Sydow asks if there were any police calls recorded. Kelley states no. Sydow asks a procedural question for the wait list of vacation rentals. Fulton notes the IUP is not transferable between properties, but an existing property can be applied for from the new owner.  
 Applicant: **Lake View Land Co, LLC – did not speak.**  
 Public: **No speakers.**  
 Commissioners: **Sydow confirms the updated standard regulations for vacation rentals do apply.**  
 MOTION/Second: **Crawford/Sydow recommend approval as per staff's recommendations.**

VOTE: (5-0, Schraepfer abstained)

14. **PL 19-039 Interim Use Permit for Lake View Land Co LLC for Accessory Vacation Dwelling Unit at 1235 Minnesota Avenue**  
 Staff: John Kelley introduces the applicant's proposal to use their accessory dwelling unit as a vacation rental property. An accessory dwelling unit allows for periods of occupancy between 2 and 29 days. Staff recommends approval with the conditions listed in the staff report.

Applicant: Lake View Land Co., LLC – did not speak.

Public: No speakers.

Commissioners: N/A

MOTION/Second: Sydow/Crawford recommend approval as per staff's recommendations.

VOTE: (5-0, Schraepfer abstained)

15. PL 19-024 Appeal of a Land Use Supervisor's Decision Related to Required Improvements of a Driveway Easement

Staff: Adam Fulton gives an overview. Lori and Mychal Franklin have appealed the Land Use Supervisor's determination that the proposed compacted gravel specification constitutes a paved surface for purposes of the UDC. Staff recommends a verbal motion to affirm the Land Use Supervisor determination based on the findings in the staff memo. Should the planning commission wish to reverse the determination, the verbal motion to reverse should include findings of fact to support that conclusion. MNDOT specification of compacted gravel at least 6" in thickness is required. Zwiebel notes the drainage issues. Are the pictures they received of the road the way it looks now? Deputy Director Fulton defers to the appellant. Sydow has concerns about separating the drainage issues from the materials questions, because they are directly related. Deputy Fulton shares the driveway exhibit on the overhead. The permeability between pavement and the proposed compacted gravel is similar and drainage for the driveway is required. Zwiebel asks about the UDC requirements. Fulton notes the 50-41.4-p. includes no definition of pavement in the UDC. The determination was made due to the rural setting.

Applicant: Steve Olson, attorney for the Franklins, address the commission. They have four areas of concern. Environmental harm. The area has trout streams. The millings (which contain toxins) will work its way down to the streams. This is a narrow easement. Every year new millings will need to be added, which will be swept away by the rain and plowing. The easy answer is to require paving, which will eliminate the harmful effects of the millings. Zwiebel asks again about the definition of pavement. Olson, thinks the proposed material isn't 100% dust free, where pavement would be. Eckenberg notes materials such as concrete, or bituminous. How is the proposed material different from this requirement? Olson notes it can't be proven that this proposed material is dust free. The millings will end up on the Franklins' property. City attorney Asleson notes the requirement states the material needs to be a dust-free hard material. The original proposal was for mixed material. They consulted with the city engineer. MNDot specs lists that it is indeed qualifies as dust-free. The city engineer agrees. Sydow notes the millings would need to be laid with another agent. His fear is that the millings won't bind.

Public: Greg Gilbert is in support. Zwiebel asks if another additive will be added to the millings. Barbo notes the alternative is binding and will be rolled out. They have been taking care of the road for 25 years. Scott Weyandt, engineer, addresses the commission. He is concerned with the product. The millings are low on oil. There is only 20' of width and a 7% grade. He doesn't know if this proposed product can remain stable. The surface is not as smooth as asphalt. Where will it go when plowed? The millings are impervious, but they are weaker.

Commissioners: Sydow is concerned about setting a precedent. Deputy Director Fulton notes this is specific to this rural area. Nelson visited the site. She thinks it will be a challenge no matter what, but she is inclined to agree with the land use supervisor's determination. Zwiebel notes they are being asked to determine if this is a dust free

product and would agree with the land use supervisor. Per Deputy Director Fulton, the city engineer determined in general this would pass as a dust-free solution, but he noted that the question under consideration is not dust, it is whether the proposed materials constitute a paved surface. Schraepfer sees both sides. Eckenberg is in support of the land use supervisor's decision. He also is concerned with setting a precedent. They are just an advisory committee to the city council. Sydow doesn't see a signature on LHB or the city's approval signature. Per Fulton, a PE signature is not required at this time for purposes of considering whether the MnDOT specification constitutes a paved surface. MOTION/Second: Eckenberg/Zwiebel affirm the land use supervisor's decision based on the staff memo.

VOTE: (5-1, Sydow opposed)

#### Other Business

#### 16. PL 19-058 Hartley Duluth Natural Areas Program Management Plan Extension by City of Duluth Parks Department

Staff: Adam Fulton gives an overview. The Duluth city council approved the provisional designation of Hartley as a Duluth Natural Area on September 24, 2018. To make the decision permanent, a management plan and program protections need to be enacted within one year or the planning commission may extend the deadline. Additional time (until February 28, 2020) is requested.

Applicant: N/A

Public: No speakers.

Commissioners: Sydow would like to extend the time frame a bit more than what was requested.

MOTION/Second: Sydow/Zwiebel recommend extension of the deadline until April 1, 2020

VOTE: (6-0)

#### Communications

##### Manager's Report –

Mud Lake Special Joint Meeting – Rescheduled to May 30, 2019, at the DECC; Deputy Director Fulton notes the brown bag and the upcoming special meeting. He thanks the commissioners in advance for their extra time.

#### Reports of Officers and Committees

- Heritage Preservation Commission – Zwiebel – Lincoln Park has submitted their application to SHPO. She notes the pastoret terrace, and the document created by Chad Ronchetti.

#### Adjournment

Meeting adjourned at 8:00 p.m.

Respectfully,

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Adam Fulton – Deputy Director  
Planning and Economic Development



City of Duluth  
 Planning Commission  
 May 29, 2019 Special Meeting Minutes  
 Council Chambers - Duluth City Hall

Call to Order

President Janet Kennedy called to order the meeting of the city planning commission at 5:00 p.m. on Wednesday, May 29, 2019, in city hall council chambers.

Roll Call

Attending: Gary Eckenberg, Janet Kennedy, Tim Meyer, Margie Nelson, Michael Schraepfer, Sarah Wisdorf, and Zandra Zwiebel

Absent: Jason Crawford and Luke Sydow

Staff Present: Adam Fulton, Robert Asleson, Steven Robertson and Chris Lee

Public Hearings

1. PL 19-061 UDC Map Amendment to Rezone Property Near the Former UDAC Site, Generally Between East Ninth Street Alley and East Skyline, and Between Fourth Avenue East and Seventh Avenue East, From R-1 (Residential-Traditional) to MU-N (Mixed Use Neighborhood) and P-1 (Parks and Open Space) by the City of Duluth

Staff: Steven Robertson introduces the city's proposal to rezone property to Park and Open Space (P-1) and Mixed Use Neighborhood (MU-N). Staff recommends approval.

Applicant: N/A

Public: Pamela Degrou, 479 E. 9<sup>th</sup> St., addresses the commission. She notes the map is more distinct and less broad than the general description of the agenda text. As her property is outside the zoning area identified in the map, she has no concerns or comments.

Commissioners: N/A

MOTION/Second: Nelson/Zwiebel recommend approval as per staff's recommendations.

VOTE: (7-0)

2. PL 19-060 UDC Map Amendment to Rezone Property Between East Second Street and East Third Street, and Between Sixth Avenue East and Ninth Avenue East, From R-2 (Residential-Urban) to MU-N (Mixed Use Neighborhood) by the City of Duluth

Staff: Steven Robertson introduces the city's proposal to rezone property to Mixed Use Neighborhood (MU-N). Staff recommends approval.

Applicant: N/A

Public: No speakers.

Commissioners: Zandra Zwiebel asks about the one building that is currently zoned R-2 (corner of 4<sup>th</sup> Street and 6<sup>th</sup> Avenue East). Staff explains that this current zoning proposal focused on a compact three block area, and while there may be other nearby areas that have incongruous zoning designations that should be reexamined in the future, staff believed that this specific zoning proposal is appropriate and should move forward at this time as is.

MOTION/Second: Meyer/Wisdorf recommend approval as per staff's recommendations.

VOTE: (7-0)

3. PL 19-023 UDC Map Amendment to Rezone Property Near the Essentia Campus, Between East Superior Street and East Second Street, and Between Third Avenue East and Eighth Avenue East, From Mixed-Use Neighborhood (MU-N), Mixed Use Commercial

(MU-C), and Form District Downtown Mix (F-8), to Mixed Use Institutional (MU-I) and Mixed-Use Neighborhood (MU-N) by the City of Duluth

Staff: Steven Robertson introduces the city's proposal to rezone property to Mixed Use Neighborhood (MU-N) and Mixed Use Institutional (MU-I). Staff recommends approval.

Applicant: N/A

Public: No speakers.

Commissioners: N/A

MOTION/Second: Zwiebel/Eckenberg recommend approval as per staff's recommendations.

VOTE: (7-0)

(The public hearing for items #4, 5 and 6 were held together.)

4. PL 19-019 Concurrent Use Permit for Structure Over the Right of Way of the First Street East Alley, Related to the New Hospital Facility at 502 East Second Street by Essentia Health

Staff: Steven Robertson introduces the applicant's proposal for a concurrent use permit to construct a private structure (in-patient tower and replacement of a portion of an existing clinic) over the public right of way of the alley between Superior Street and First Street. Staff recommends approval with the conditions listed in the staff report.

Applicant: Mark Hayward addresses the commission. They have worked closely with the city and will continue to work closely with any changes and address concerns as they arise.

Public: No speakers.

Commissioners: Chair Kennedy asks how often are items brought before the Planning Commission before they have engineering's approval. Staff states most of the time exhibits are approved by engineering prior to approval. This is an atypical situation due to the nature of the changes that were still being made to the proposal in May and April, but it does happen. Amendments that will be made to the exhibits are technical and do not substantially impact what is being reviewed tonight. Staff added that commissioners can add conditions, but timing is critical and this is a complicated project that city engineering and Essentia contractors are working very closely together on. Staff adds this is a very large city/private investment that there are many moving pieces that will likely have additional minor changes as conditions change. Changes to the exhibits will be approved by the engineering department prior to being submitted for final City Council approval.

MOTION/Second: Nelson/Wisdorf recommend approval as per staff's recommendations.

VOTE: (7-0)

5. PL 19-021 Concurrent Use Permit for Support Pillars In, and a Structure Over, the Right of Way of First Street East, Related to the New Hospital Facility at 502 East Second Street by Essentia Health

Staff: Steven Robertson introduces the applicant's proposal for a concurrent use permit to construct a private structure (in-patient tower and replacement of a portion of an existing clinic) over the public right of way of First Street, and placement of a new structural supports within the right-of-way of First Street. Staff recommends approval with the conditions listed in the staff report.

Applicant: N/A

Public: No speakers.

Commissioners: N/A

MOTION/Second: Wisdorf/Zwiebel recommend approval as per staff's recommendations.

VOTE: (7-0)

6. PL 19-022 Concurrent Use Permit for Private Utility Work Under the Right of Way of Fifth Avenue East, Related to the New Hospital Facility at 502 East Second Street by Essentia Health  
 Staff: Steven Robertson introduces the applicant's proposal for a concurrent use permit to construct private underground utilities within the public right-of-way of Fifth Avenue, to provide electrical duct banks from the existing emergency generators. Staff recommends approval with the conditions listed in the staff report.  
 Applicant: N/A  
 Public: No speakers.  
 Commissioners: N/A  
 MOTION/Second: Zwiebel/Wisdorf recommend approval as per staff's recommendations.
- VOTE: (7-0)
7. PL 19-018 Mixed Use Institution (MU-I) Planning Review For a Replacement Hospital Bed Tower, Surgical Suites and Clinic Space at 502 East Second Street by Essentia Health (Vision Northland)  
 Staff: Steven Robertson introduces the applicant's proposed plan review for a new in-patient and out-patient healthcare facility adjacent to the existing St. Mary Medical Center. The 940,000 gross square foot project consists of 18 levels on a sloping site and will provide 312 beds, out-patient clinics, and includes a rooftop helipad. The project is within the MU-I (Mixed Use – Institutional) zone district, which requires it to be reviewed and approved by the planning commission at a public hearing. Staff recommends approval with the conditions listed in the staff report.  
 Commissioners: Gary Eckenberg asks what purpose the curvature of the building serves, and asked about the entrance on second street. Staff replied that the curvature is an aesthetic choice by the applicant, and the 2<sup>nd</sup> street entrance and cross connection to Superior Street on their 6<sup>th</sup> level is intended to be accessible and more open to the public.  
 Applicant: Applicant notes concourse level does connect public through the area that will be open to the elevator between 2<sup>nd</sup> Street and Superior Street. The architect notes the curvature of the building is based on providing views to the lake. The curvature reduces the perceptive size of the structure. The aerodynamic shape reduces wind turbulence along the building.  
 Public: No speakers.  
 Commissioners: Zandra Zwiebel asks who will be lining up their curb cut; Fitgers or Essentia? Staff states that three of the conditions listed on the staff report, including this one related to access management and lining up the existing and proposed curb cuts, are important to address and correct, but will need further review and discussion with engineering, planning, and members of the Essentia Team. Zandra Zweibel asks would they add bumpouts to add more considerations for pedestrians? She notes that at least 4 sustainability points are needed for this project. Staff responds that the concern with pedestrian crossings and bumpouts is more broad to include just second and first street. Staff noted that some of the comments from government and public agencies referenced pedestrian safety and bumpouts, but bumpouts are not specifically called out

in the staff report recommendations. Staff states that the project will be able to provide enough points for sustainability, and that the applicant will likely provide a green or cool roof as shown on their exhibits. Deputy Director Adam Fulton addresses the commission regarding the study or converting 1<sup>st</sup> Street to two way to change infrastructure and traffic patterns in this neighborhood. There will be ongoing conversations about how pedestrians move throughout the area.

MOTION/Second: Zwiebel/Nelson approved as per staff's recommendations.

VOTE: (7-0)

8. PL 19-056 Variance from Side Yard Setbacks at 515 North Lake Avenue by Elden Lindamood

Staff: Chris Lee introduce the applicant's proposal for a variance from the side yard setbacks to renovate the exterior of the property. The structure is currently located 4.8 feet from the side lot line. The proposed renovations will reduce that setback to 4 feet. The required side yard setbacks in the R-2 district are 6 feet. Staff recommends approval with the conditions listed in the staff report. Zwiebel asks what will happen to the sidewalk.

Applicant: Eldon Lindamood states the sidewalk will likely be removed, because it is private.

Public: No speakers.

Commissioners: N/A

MOTION/Second: Zwiebel/Wisdorf approved as per staff's recommendations.

VOTE: (7-0)

Communications

Manager's Report – Deputy Director Fulton thanks the commissioners for all their hard work. He notes the Mud Lake Meeting to address the clean-up of the of the US Steel site and the prominence of the historic LMSR. This will be a high level meeting involving most elected and appointed city reps; there are comments from the Friends of the West Duluth Parks and Trails. Staff will report back to the June PC meeting with the findings of the Mud Lake meeting. MN Power plaza will go to the city council on June 10<sup>th</sup>. The design is still ongoing.

MOTION: Eckenberg nominates Wisdorf to serve on the Heritage Preservation Commission as the planning commission representative

VOTE: (7-0)

Adjournment

Meeting adjourned at 6:36 p.m.

Respectfully,

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Adam Fulton – Deputy Director  
Planning and Economic Development



## PLANNING &amp; ECONOMIC DEVELOPMENT

Community Planning Division  
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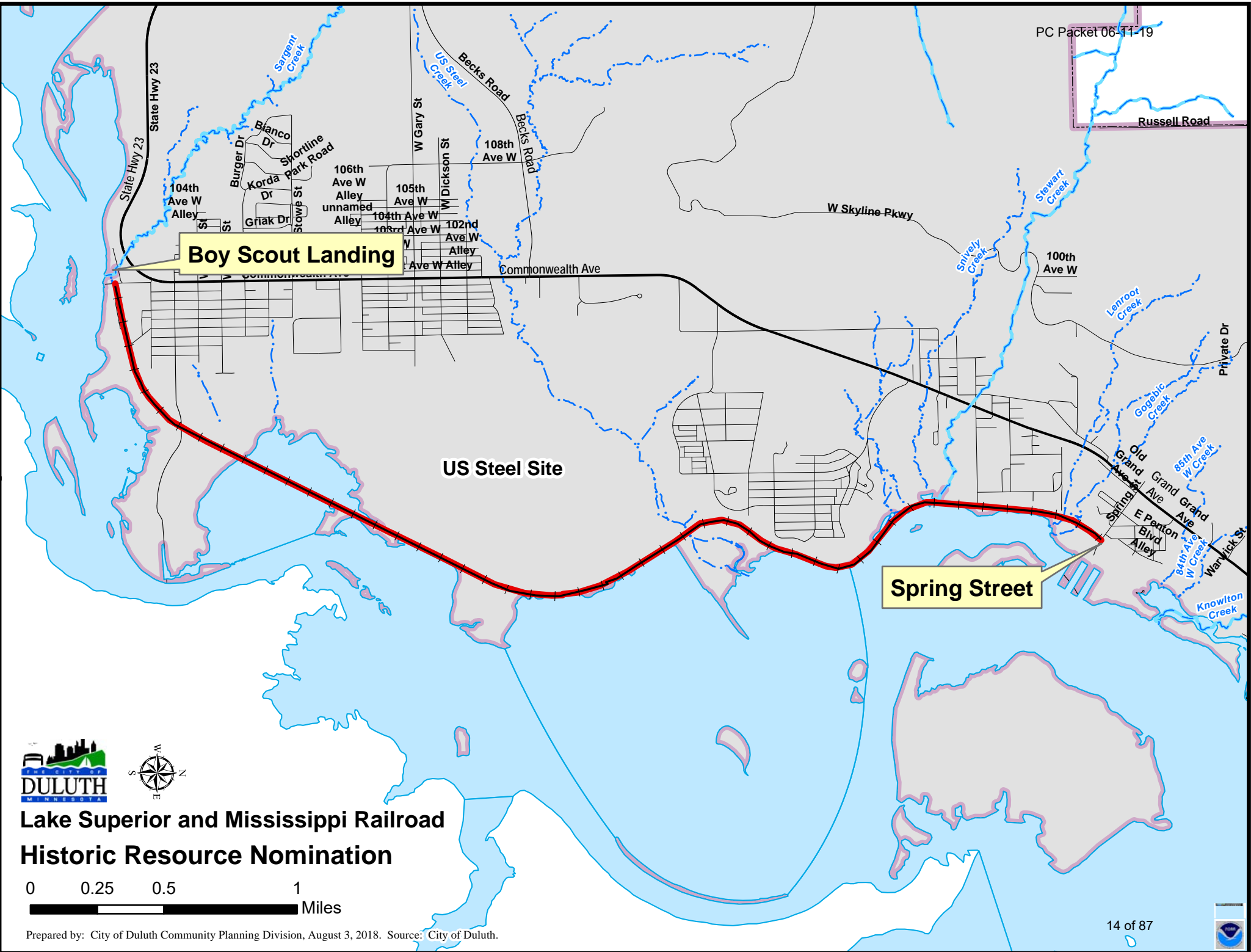
**DATE:** June 3, 2019  
**TO:** Planning Commission  
**FROM:** Jenn Moses, Senior Planner  
**RE:** Historic Nomination of Lake Superior and Mississippi Railroad (PL 18-007)

The Heritage Preservation Commission (HPC) of the City of Duluth previously voted to nominate the Lake Superior and Mississippi Railroad (LSMRR), from Boy Scout Landing on the west to Spring Street on the east, as a historic resource. A map of the area being designated is attached.

City Council elected to hold off on this nomination until further analyses regarding Mud Lake alternatives were completed. This information was shared at the public Mud Lake Workshop on 5/30/19. Now that this has been completed, the nomination process can be renewed.

Per UDC Section 50-37.8, all nominations for Historic Resource Designation shall be forwarded to the Planning Commission, which shall review the application and make a recommendation to the HPC. In its review and recommendation, the Planning Commission shall consider potential effects on the surrounding neighborhood, economics, environment, and other planning considerations.

The nomination documentation is available at <http://www.duluthmn.gov/planning-development/commissions-committees/>. This documentation contains no changes from the information shared with Planning Commission last year.



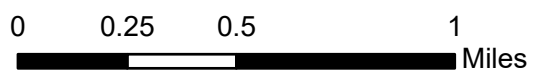
**Boy Scout Landing**

**US Steel Site**

**Spring Street**



**Lake Superior and Mississippi Railroad  
Historic Resource Nomination**





**CITY OF DULUTH**  
Community Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197  
Phone: 218/730.5580 Fax: 218/723-3559

<b>File Number</b>	PL 19-051	<b>Contact</b>	John Kelley, jkelley@duluthmn.gov	
<b>Type</b>	Interim Use Permit – Vacation Dwelling Unit	<b>Planning Commission Date</b>	June 11, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>	April 29, 2019	<b>60 Days</b>	June 28, 2019
	<b>Date Extension Letter Mailed</b>	May 15, 2019	<b>120 Days</b>	August 27, 2018
<b>Location of Subject</b>	702 North 7 <sup>th</sup> Avenue East			
<b>Applicant</b>	Charles D. Sill & Linda M. Simmons	<b>Contact</b>		
<b>Agent</b>	Joanna Hopkins	<b>Contact</b>		
<b>Legal Description</b>	SLY 45 FT of LOTS 1 and 2, , Block 10, Nortons Division (Parcel I.D. #010-3490-01450)			
<b>Site Visit Date</b>	June 5, 2019	<b>Sign Notice Date</b>	Tuesday May 28, 2019	
<b>Neighbor Letter Date</b>	May 31, 2019	<b>Number of Letters Sent</b>	84	

**Proposal**

The applicant has applied for renewal of Interim Use Permit PL 13-056. The applicant proposes use of the dwelling unit with three bedrooms as a vacation rental property. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of 2 nights.

**Recommended Action:** Recommend to City Council approval of an Interim Use Permit – Vacation Dwelling Unit

	<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>	R-1	Residential	Traditional Neighborhood

**Summary of Code Requirements:**

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in an R-2 District.

UDC Sec. 50-37.10.B . . . Council shall make, a decision to adopt, adopt with modifications or deny the application based on the criteria in subsection C below. The . . . Council may impose appropriate conditions and safeguards, including but not limited to financial security pursuant to Section 50-37.1.P, a development agreement regarding the design, construction, and operation of the special use, to protect the Comprehensive Land Use Plan, to conserve and protect property and property values in the neighborhood and to ensure that all conditions of the special use permit will continue to meet.

UDC Sec. 50-37.10.E . . . the Council 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 or to allow the city time to develop a regulation addressing the potential longer term

impacts of the requested use in that location; 2. The applicant agrees to sign a development agreement with the city confirming that (a) approval of the permit will not result in increased costs to the city if the property is later acquired by the city through eminent domain; (b) the use will be terminated at the applicant's expense on the date(s) stated in the permit, (c) the termination of the interim use as stated in the permit will create no rights to a nonconforming use and no rights to compensation for termination of the use or for the value of any structures or improvements related to the use, and (d) the applicant agrees to all conditions imposed by the city. No interim use permit shall be issued until a development agreement confirming these points is executed.

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

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

- Econ. Dev. Policy #3 - Build on Existing Economic Strengths & Competitive Advantages  
**S9:** Encourage expansion of the city's tourism economy through efforts to expand in areas of current activity, such as in Canal Park, but also through marketing and investment in destination neighborhoods and iconic tourism experiences unique to Duluth

Future Land Use – Traditional Neighborhood:

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

#### **Current History:**

- The owner of the property was approved for an Interim Use Permit to operate a Vacation Dwelling Unit in 2013 (PL 13-056).
- The owner was approved for a variance to the off-street parking requirement for a Vacation Dwelling Unit in 2013 (PL 13-055).

The site is developed consistent with the future land use as described and the applicant is not proposing alterations to the use.

### **Review and Discussion Items:**

- 1) The principle dwelling unit has three bedrooms, which would allow for a maximum of 7 people.
- 2) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. Applicant's agent will serve as the managing agent.
- 3) The required parking for a 3-bedroom vacation dwelling unit in 2 off-street spaces. However, the applicant was approved for a variance from the required off-street parking. Variances do not require renewal and run with the land – that is, they do not expire. Parking for the house is provided on street.
- 4) The applicant has provided a site plan showing a porch, fire pit, picnic table and swing for backyard amenities. The site plan shows existing buffering/screening between adjacent properties.
- 5) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 6) Applicant has all of the required permits and licenses.
- 7) Applicant must comply with Vacation Regulations (included with staff report), including providing information to



PC Packet 06-11-19  
guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").

8) No comments from citizens, City staff, or any other entity were received regarding the application.

**Staff Recommendation:**

Based on the above findings, Staff recommends that Planning Commission recommend approval subject to the following:

- 1) The Interim Use Permit shall not be effective until the applicant has received all required licenses and permits for operation.
- 2) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit document and provide evidence of compliance, which will be included in the resolution.
- 3) The applicant must provide a written disclosure to all guests, in writing, stating that quiet hours shall be observed between the hours of 10 p.m. and 8 a.m.



8. 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.

9. 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):**

*We keep copies of all rental agreements on our home computer, and can also access records of all guests on the VRBO website.*

10. 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:**

*Jeanna Hopkins, 711 E. 7th St Duluth MN 55805, Phone# 218-391-7106*

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

- a. The managing agent or local contact's name, address, and phone number;
- b. The maximum number of guests allowed at the property;
- c. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked;
- d. Property rules related to use of exterior features of the property, such as decks, patios, grills, recreational fires, pools, hot tubs, saunas and other outdoor recreational facilities;
- e. Applicable sections of City ordinances governing noise, parks, parking and pets;

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

*In our rental agreement, in the entry information email that we send 1 week prior to the rental period, and through information posted at the house.*

12. 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

13. **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.

14. **Prior to rental**, the building must be inspected and an Operational Permit issued by the Fire Prevention office. Permit holder must apply for and be granted State and local sales tax numbers, including Hotel and Motel Use Sales Tax, as discussed in item number 5 above; submit a copy of these approvals to the Planning and Community Development office.

## APPLICATION NOTES

We do not have a copy of our Pre-App Verification, since we did our pre-application meeting over the phone. This was done with Kyle Deming and Chris Lee, on Monday, April 22<sup>nd</sup> at 2:00 PM.

We feel that we have always operated in a way that has been respectful of the city and our neighbors, and that our business is an asset to Duluth. We have always paid all of our sales and lodging taxes from the first day we started this in 2011, long before the city started any enforcement efforts. Our next door neighbor in Duluth, Joanna Hopkins, is our house manager and housekeeper, for which we pay her \$30 per hour for housekeeping and \$35 per hour for yard maintenance, which is a significant part of her income. We emphasize to our guests that respect for our neighbors peace and quiet is required, and have never had any complaints or problems in this regard. Our guests give us great reviews on VRBO. Many are families or groups of friends, who prefer staying in a home over staying in hotel rooms. Several of our guests have been in Duluth on business, including one of the families that started Bent Paddle Brewing, back in 2012, when they were still in the planning stages of the business.

If you'd like to check out our place and our reviews on VRBO, here's a link:  
<https://www.vrbo.com/352621>



PL 19-051  
702 N. 7th Avenue East  
Zoning Map

**Legend**  
Zoning Boundaries



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

Aerial photography flown 2016

Prepared by: City of Duluth Community Planning Division, May 3, 2019, Source: City of Duluth.



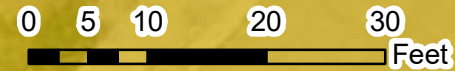


**Legend**

- Open Space
- Open Space/Outside Duluth
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Central Business Secondary
- Central Business Primary
- Large-scale commercial
- Tourism/Entertainment District
- Commercial Waterfront
- General Mixed Use
- Neighborhood Mixed Use
- Light Industrial
- General Industrial
- Industrial Waterfront
- Business Park
- Transportation and Utilities
- Transportation and Utilities/Outside Duluth
- Medical District
- Institutional

*Traditional  
Neighborhood*

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**CITY OF DULUTH**

Planning & Development Division

411 W 1<sup>st</sup> St, Rm 110 \* Duluth, Minnesota 55802-1197

Phone: 218-730-5580

<b>File Number</b>	PL 19-054	<b>Contact</b>	Kyle Deming, <a href="mailto:kdeming@duluthmn.gov">kdeming@duluthmn.gov</a>	
<b>Type</b>	Final Plat	<b>Planning Commission Date</b>	June 11, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>	April 30, 2019	<b>60 Days</b>	June 29, 2019
	<b>Date Extension Letter Mailed</b>	June 3, 2019	<b>120 Days</b>	August 28, 2019
<b>Location of Subject</b>	Northwest corner of Hawthorne Road and E. Fourth St. (Congdon Park)			
<b>Applicant</b>	Julie Ann Kubat	<b>Contact</b>		
<b>Agent</b>	Alta Survey	<b>Contact</b>	Dave Evanson	
<b>Legal Description</b>	See Attached			
<b>Site Visit Date</b>	June 3, 2019	<b>Sign Notice Date</b>	N/A	
<b>Neighbor Letter Date</b>	N/A	<b>Number of Letters Sent</b>	N/A	

**Proposal**

Requested is approval of the final plat to create three conforming lots in the R-1 district ranging in size from 0.61 acres to 1.97 acres from a combination of currently platted and unplatted land. The proposal will create two new building sites, to be developed at a later time.

**Recommended Action:** Approve with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1 Residential-Traditional	One family dwelling	Traditional Neighborhood
<b>North</b>	R-1 Residential-Traditional	One family dwellings	Traditional Neighborhood
<b>South</b>	R-1 Residential-Traditional	School	Institutional
<b>East</b>	R-1 Residential-Traditional	One family dwellings	Traditional Neighborhood
<b>West</b>	R-1 Residential-Traditional	One family dwellings	Traditional Neighborhood

**Summary of Code Requirements**

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

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

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

Governing Principle #1 - Reuse previously developed lands,  
 Principle #5 – Promote investment in neighborhoods,  
 Principle #7 – Create and maintain connectivity,  
 Principle #8 – Encourage a mix of activities, uses and densities,  
 Principle #9 – Support private actions that contribute to the public realm  
 Principle #10 - Take actions that enhance the environment, economic and social well-being of the community,  
 Principle #12 – Create efficiencies in delivery of public services,

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.

**History:**

1. Most of the subject site was platted as part of the Congdon Park Division on July 2, 1910.
2. The existing home at 415 N. Hawthorne Rd. was constructed in 1916.
3. The westerly half of the subject site was part of a replatting on April 6, 1921 called Second Rearrangement of Congdon Park Division.
4. The southeasterly part of the subject site has remained unplatted.
5. Right of way for East Fourth Street was secured along the southerly edge of the subject site.
6. November 13, 2018 – Planning Commission approved the Preliminary Plat, with no conditions.
7. April 1, 2019 – W&J Family Trust granted a “slopes and fills easement” to the City of Duluth along the north side of East Fourth Street.

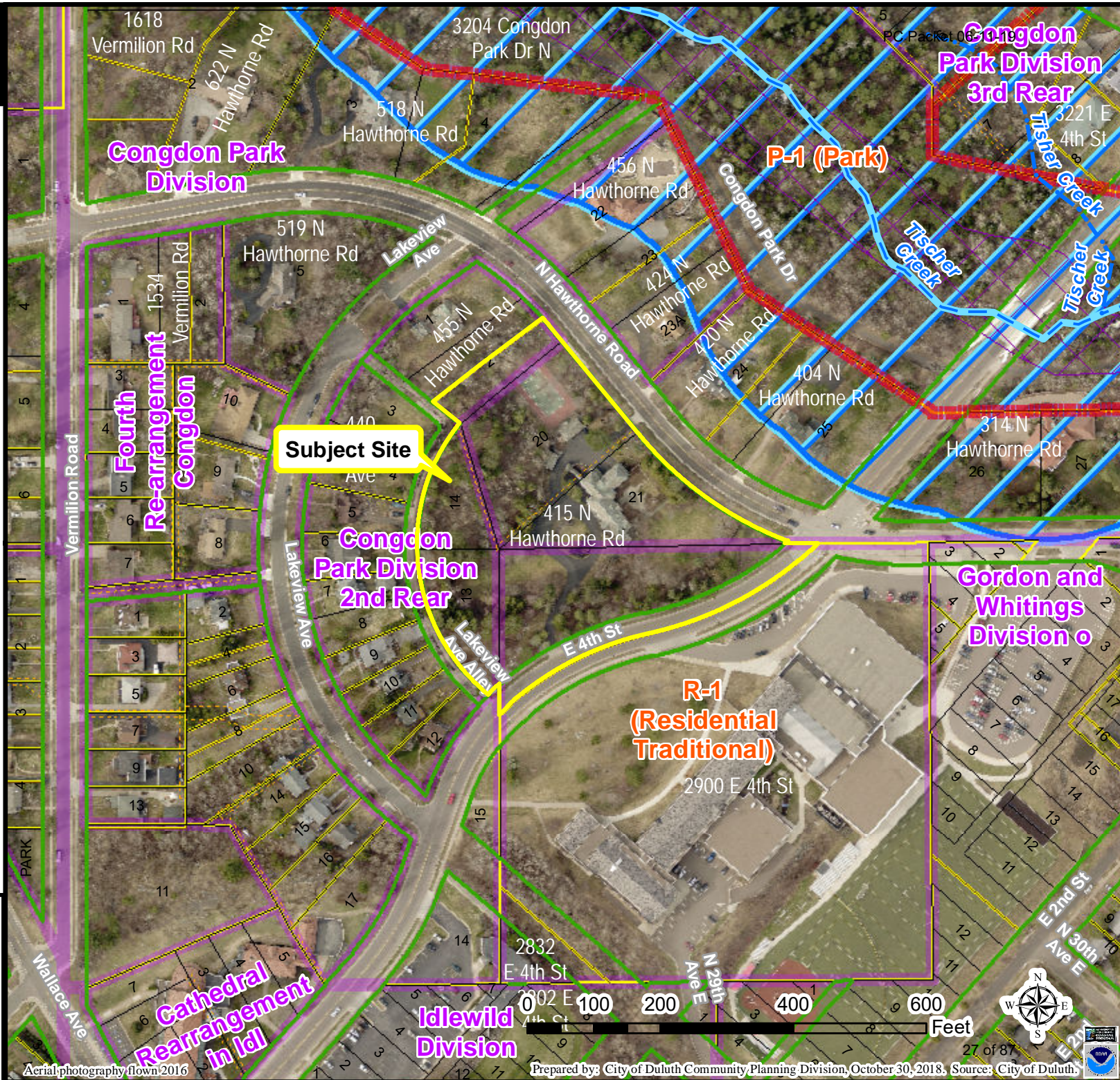
**Review and Discussion Items****Staff finds:**

- 1) The applicant would like to alter the subdivision of their land into three building lots consisting of a lot containing the existing home and garage and two additional lots to be developed at a later time.
- 2) The area to be platted is 3.76 acres and is sloped from northwest to southeast. The site is west of Tischer Creek. There are no shoreland, wetland, or flood plain areas affecting the proposed plat.
- 3) Easements dedicated by the existing plats will be retained through the replatting, including a 10-foot wide slopes and fills easement along the north side of E. 4<sup>th</sup> St. and retaining wall easements, sewer rights of way, and building line easements.
- 4) This Final Plat is consistent with the terms and provisions of the Preliminary Plat of Hawthorne Division that the Planning Commission approved with no conditions November 13, 2018.
- 5) Staff finds that the final plat conforms to the requirements of Sec 50-37.5. The final plat is consistent with the comprehensive land use plan, is consistent with all applicable requirements of MSA 462.358 and Chapter 505.
- 6) No additional public improvements are needed for approval of this Final Plat as all building lots are served by existing water, sewer, gas, and storm sewer services as well as paved streets and alley.
- 7) No citizen comments have been received on this project.

**Staff Recommendation**

Based on the above findings, staff recommends that Planning Commission approve the Final Plat with the conditions listed above, including:

1. The final plat be recorded in the office of the County Recorder as provided in MSA 505.4 and that such recording be completed within 2 years of the approval of the plat.
2. Official copies of the final plat be provided to the City of Duluth on media forms and in quantities as determined by the Land Use Supervisor within 30 days of recording.



### Legend

- Lots
- Parcels
- Subdivision Boundaries
- Boundary Lines**
- <all other values>
- Subtype, ROW\_TYPE**
- Lot Line
- Parcel Line
- ROW (Road)
- ROW (Not Road)
- Subdivision Line
- Water Line
- Survey Line
- Municipal Boundary
- Zoning Boundaries
- Floodplain (UDC)**
- General Flood Plain
- Flood Way
- Flood Fringe
- Shoreland (UDC)**
- Cold Water
- Natural Environment
- General Development
- Trout Stream (GPS)
- Other Stream (GPS)
- Wetlands (NRR1)

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**Legend**

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains**
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- 1 Ft contour
- 10 Ft contour
- Trout Stream (GPS)
- Other Stream (GPS)

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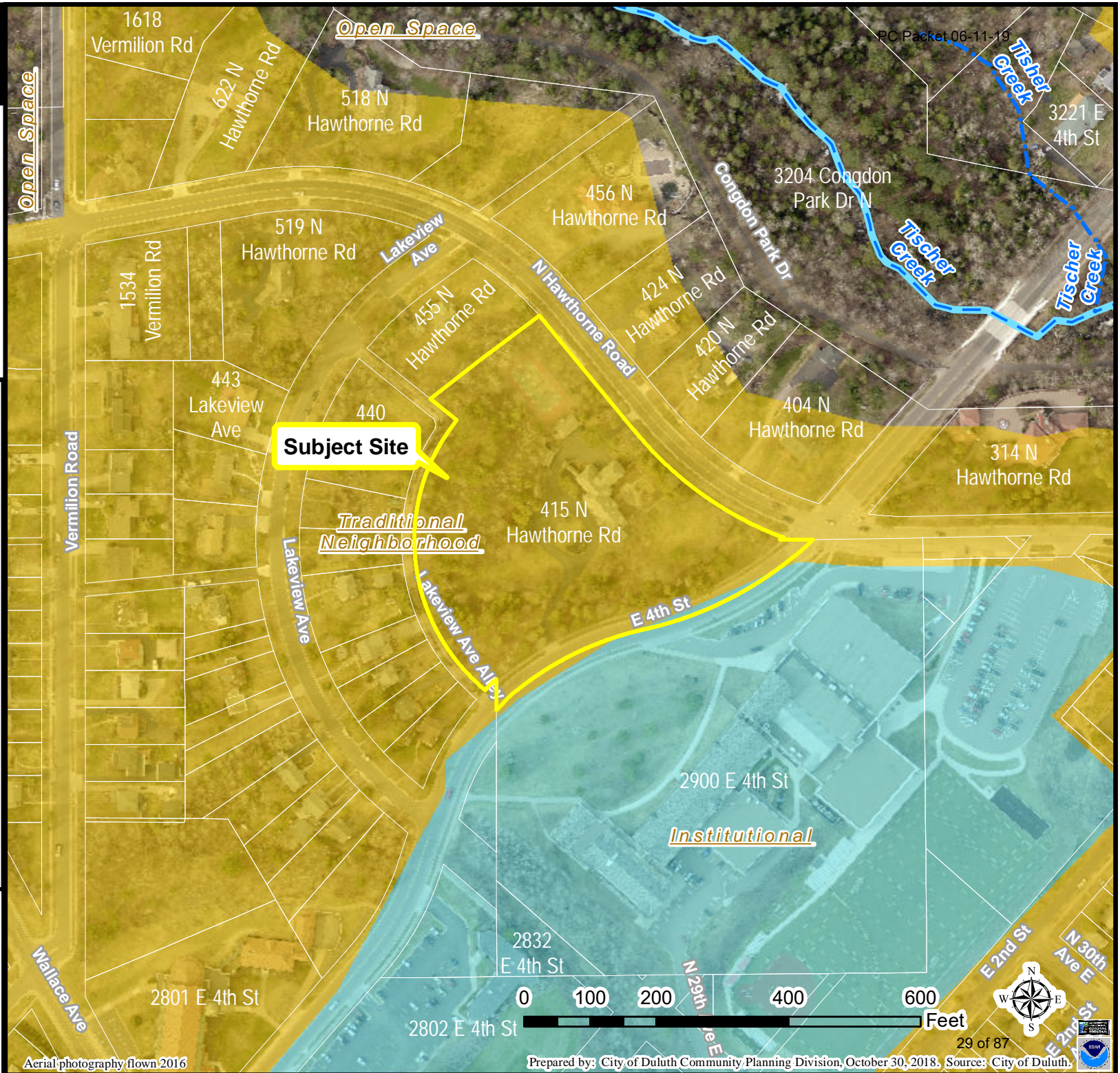




### Legend

- Trout Stream (GPS)
- Other Stream (GPS)
- Preservation
- Recreation
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Neighborhood Mixed Use
- General Mixed Use
- Central Business Secondary
- Central Business Primary
- Auto Oriented Commercial
- Large-scale Commercial
- Business Park
- Tourism/Entertainment District
- Medical District
- Institutional
- Commercial Waterfront
- Industrial Waterfront
- Light Industrial
- General Industrial
- Transportation and Utilities

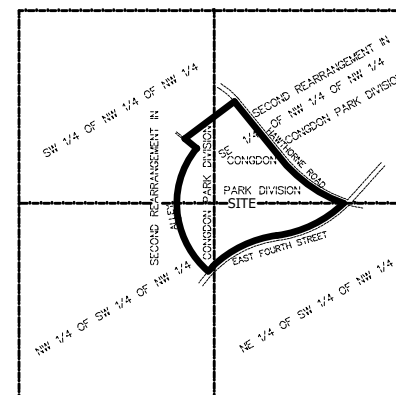
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OFFICIAL PLAT

# HAWTHORNE DIVISION

LOCATED IN PART OF BLOCK 4, CONGDON PARK DIVISION OF DULUTH, PART OF BLOCK 4, SECOND REARRANGEMENT IN CONGDON PARK DIVISION AND IN PART OF THE NE 1/4 OF THE SW 1/4 OF THE NW 1/4 SECTION 13, TOWNSHIP 50 NORTH, RANGE 14 WEST CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA



VICINITY MAP NOT TO SCALE SW 1/4 OF NW 1/4 OF NW 1/4 OF NW 1/4 OF NW 1/4 OF SW 1/4 OF NW 1/4 & NE 1/4 OF SW 1/4 OF NW 1/4 OF SECTION 13, TOWNSHIP 50 NORTH, RANGE 14 WEST OF FOURTH PRINCIPAL MERIDIAN

KNOW ALL PERSONS BY THESE PRESENTS: That the Trustees of W & J Family Trust, owner of the following described property:

- Lot 13 Block 4 SECOND REARRANGEMENT IN CONGDON PARK DIVISION
- Lot 14 Block 4 SECOND REARRANGEMENT IN CONGDON PARK DIVISION
- Lot 20 Block 4 CONGDON PARK DIVISION OF DULUTH
- Lot 21 Block 4 CONGDON PARK DIVISION OF DULUTH

All that part of Lot 2 in Block 4 SECOND REARRANGEMENT IN CONGDON PARK DIVISION OF DULUTH that lies SE1/4 of a straight line running from a point upon the NE1/4 end or boundary line of said Lot 2, and midway on said NE boundary line, to a point on the SW1/4 end or boundary line of said Lot 2, and midway on said SW1/4 boundary line.

All that part of the NE1/4 of SW1/4 of NW1/4 of SECTION 13 in TOWNSHIP 50 North of RANGE 14 West of the Fourth Principal Meridian, according to the Government Survey thereof, described as follows to-wit:

Beginning at a point on the North line of said NE1/4 of SW1/4 of the NW1/4 of said Section 13, which point is 221.27 feet West of the NE corner of said last mentioned Government Subdivision and which point is also the SE corner of Lot 21 in Block 4 Congdon Park Division of Duluth, according to the registered plat thereof on file in the office of the Registrar of Titles of said St. Louis County, and which point marked by an iron pipe monument; thence running West along the South line of said Lot 21 in said Block 4 said South line being also the North line of said last mentioned Government subdivision, a distance of 432.5 feet to a point which point is the SW corner of said Lot 21 and is also the NW corner of said last mentioned Government subdivision and which point is marked by an iron pipe monument; thence S71/2 along the W1/2 line of the last mentioned Government subdivision, said line also being the E1/2 line of said Congdon Park Division of Duluth, a distance of 212 feet, more or less, to an iron pipe monument upon the N1/2 line of Fourth Street, as said street is shown upon the said plat of Congdon Park Division of Duluth; thence N1/2 along a curve, said curve being north of a straight line drawn between the last mentioned point and the Point of Beginning, the said line being a chord of the said curve, whose radius is 500 feet and whose chord length is 241.21 feet to a point; thence N1/2 along a curve, the said curve being South of the aforesaid straight line, the said line being a chord of the said curve, whose radius is 500 feet and whose chord length is 241.21 feet to the Point of Beginning.

Has caused the same to be surveyed and platted as HAWTHORNE DIVISION

In witness whereof, said Trustees of W & J Family Trust, has caused these presents to be signed by its proper officer this \_\_\_\_ day of \_\_\_\_\_, 2019.

By: \_\_\_\_\_ its \_\_\_\_\_

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2019 by \_\_\_\_\_ the \_\_\_\_\_ of the Trustees of W & J Family Trust.

Notary Public, St. Louis County, Minnesota  
My Commission Expires \_\_\_\_\_

I, David R. Evanson, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.  
Dated this \_\_\_\_ day of \_\_\_\_\_, 2019.

David R. Evanson, Licensed Land Surveyor  
Minnesota License Number 49505

STATE OF MINNESOTA  
COUNTY OF ST. LOUIS

The foregoing Surveyor's Certificate was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2019 by David R. Evanson, Minnesota License Number 49505.

Notary Public, St. Louis County, Minnesota  
My Commission Expires \_\_\_\_\_

CITY OF DULUTH PLANNING COMMISSION  
Approved by the Planning Commission of the City of Duluth, St. Louis County, Minnesota, at a regular meeting thereof, on the \_\_\_\_ day of \_\_\_\_\_, 2019.

President, Duluth City Planning Commission \_\_\_\_\_ Executive Secretary, Duluth City Planning Commission \_\_\_\_\_

ST. LOUIS COUNTY SURVEYOR  
I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this \_\_\_\_ day of \_\_\_\_\_, 2019.

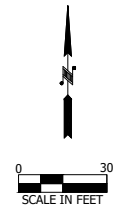
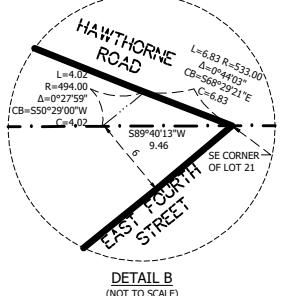
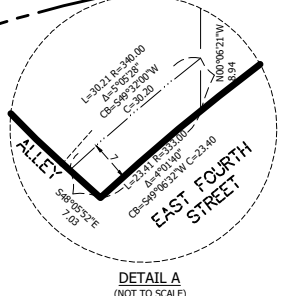
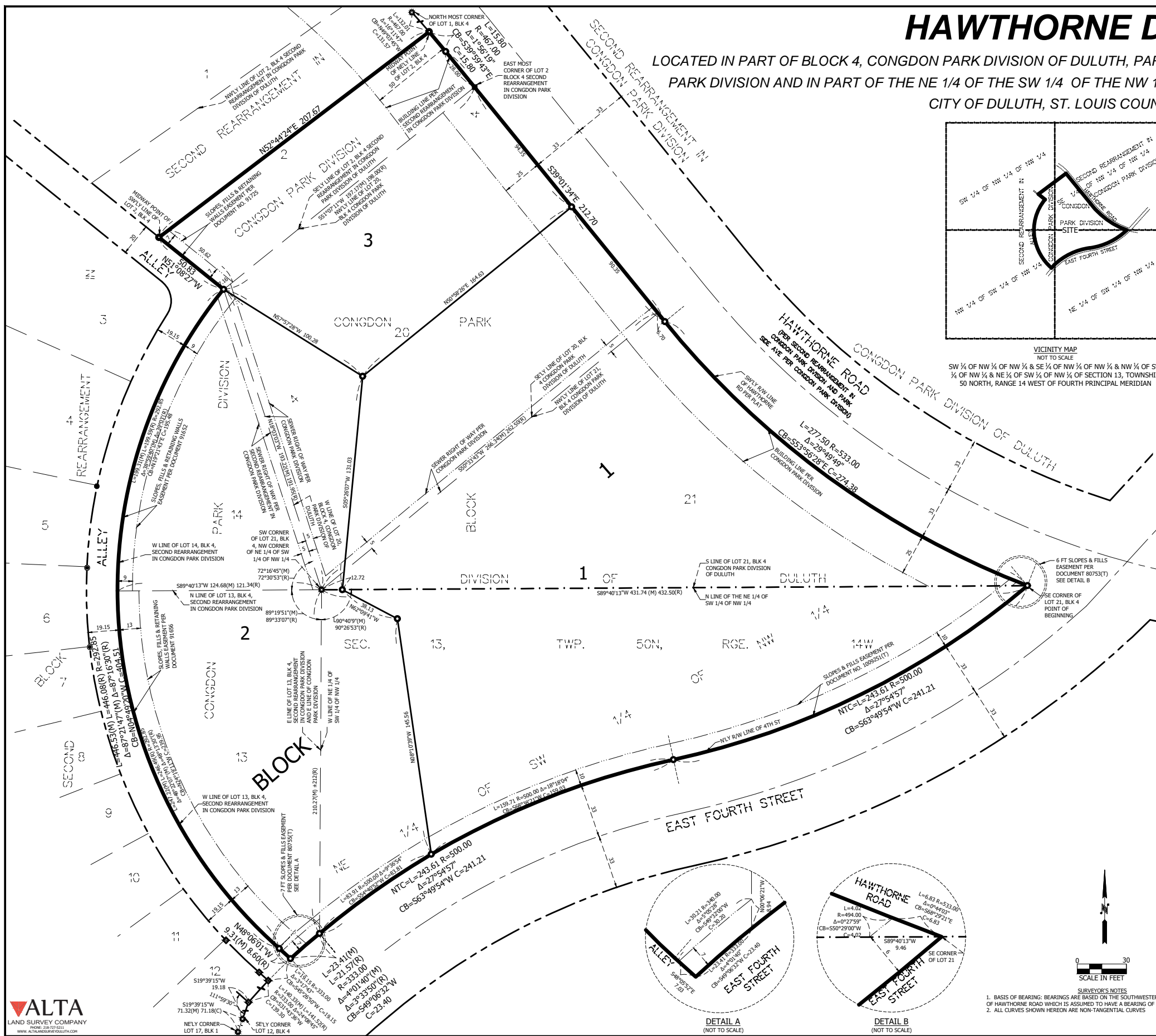
Nick C. Stewart  
County Surveyor \_\_\_\_\_ Deputy \_\_\_\_\_

ST. LOUIS COUNTY AUDITOR  
Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, and to Minnesota Statutes, Section 272.12, taxes payable in the year 20 \_\_\_\_ on the land hereinbefore described have been paid; there are no delinquent taxes and transfer entered this \_\_\_\_ day of \_\_\_\_\_, 2019.

Nancy Nilson  
County Auditor \_\_\_\_\_ Deputy \_\_\_\_\_

ST. LOUIS COUNTY REGISTRAR OF TITLES  
I hereby certify that this plat of HAWTHORNE DIVISION was filed in this office of the Registrar of Titles for public record on this \_\_\_\_ day of \_\_\_\_\_, 2019, at \_\_\_\_ o'clock \_\_\_\_ M., as Document No. \_\_\_\_\_

Wendy Levitt  
County Recorder \_\_\_\_\_ Deputy \_\_\_\_\_



**LEGEND**

--- SECTION SUBDIVISION LINE	● FOUND CAPPED REBAR RLS 24589
--- CENTER LINE	● FOUND 2 INCH PLUMBERS CAPPED IRON PIPE
--- RIGHT OF WAY LINE	● FOUND SANDSTONE MONUMENT
--- EASEMENT LINE	● FOUND CAPPED REBAR RLS 49505
--- LOT LINE	● FOUND CAPPED REBAR RLS 15294
--- PLAT BOUNDARY LINE	● FOUND 1 INCH IRON PIPE
	● SET 1/2 INCH CAPPED REBAR RLS 49505
R/W	RIGHT OF WAY
(M)	MEASURED DIMENSION
(R)	RECORD DIMENSION
(C)	COMPUTED DIMENSION
(T)	TORRENS DOCUMENT

**SURVEYOR'S NOTES**

1. BASIS OF BEARING: BEARINGS ARE BASED ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF HAWTHORNE ROAD WHICH IS ASSUMED TO HAVE A BEARING OF SOUTH 39°01'34" EAST
2. ALL CURVES SHOWN HEREON ARE NON-TANGENTIAL CURVES





**CITY OF DULUTH**  
 Planning and Development Division

411 W 1<sup>st</sup> St, Rm 110 \* Duluth, Minnesota 55802-1197  
 Phone: 218/730.5580 Fax: 218/723-3559

<b>File Number</b>	PL 19-068	<b>Contact</b>	Steven Robertson	
<b>Type</b>	Rezone from RR-1/R-1, to MU-N & P-1	<b>Planning Commission Date</b>	June 11, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>		<b>60 Days</b>	N/A City Application
	<b>Date Extension Letter Mailed</b>	N/A	<b>120 Days</b>	N/A
<b>Location of Subject</b>				
<b>Applicant</b>	City of Duluth	<b>Contact</b>	Planning and Development	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	Lester Park Golf Course, See Attached Map			
<b>Site Visit Date</b>	May 28, 2019	<b>Sign Notice Date</b>	May 29, 2019	
<b>Neighbor Letter Date</b>	May 30, 2019	<b>Number of Letters Sent</b>	41	

**Proposal**

The City is proposing to rezone property from the current zoning of RR-1 (Rural Residential-1) and R-1 (Residential-Urban), to MU-N (Mixed Use-Neighborhood) and P-1 (Parks and Open Space).

**Staff Recommendation**

Staff is recommending approval of the proposed rezoning at Lester Park Golf Course to MU-N and P-1.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1/RR-1	Golf Course	Neighborhood Mixed Use
<b>North</b>	RR-1	Golf Course	Open Space
<b>South</b>	R-1	Residential, Undeveloped	Low Density Neighborhood
<b>East</b>	RR-2/P-1	Golf Course, Undeveloped	Rural Residential
<b>West</b>	R-1/P-1/RR-1	Golf Course, Undeveloped	Open Space

**Summary of Code Requirements**

- UDC Sec. 50-37.3.B: Planning Commission shall review the application, conduct a public hearing ... with public notice ... and make a written recommendation to council.

- UDC Sec. 50-37.3.B.3 Where a proposed amendment to the zoning map would change any property from a residential district to a mixed use, form or special purpose district, a planning commission hearing and a notice of three weeks shall be required. In addition, the affirmative vote of 2/3 of the council shall be required. The city has not received the written consent of the owners of 2/3 of those properties located wholly or partially within 100 feet of the property proposed to be rezoned;

- 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 2, Declare the necessity and secure the future of undeveloped places.

Undeveloped areas are an essential part of Duluth's municipal fabric— urban plazas, neighborhood parks, large tracts of public ownership, and private lands zoned for minimal development. These minimally developed or undeveloped areas collectively create an open space system. These areas contribute to Duluth's cultural, health, recreational, and economic value and community identity. This open space system provides vistas, encourages active recreation, supplies natural infrastructure such as storm water retention, plant and animal habitat, and water quality, and is the strongest visual element defining Duluth's sense of place.

Governing Principle 5 -Promote reinvestment in neighborhoods.

Duluth is strongly defined by its neighborhoods. This system should be supported through land use and transportation that foster neighborhood reinvestment. 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 mix of activities, uses and densities

Cities have evolved as a mix of land uses, building types, housing types, and activities. Accommodating choice while protecting investment is a balance to strike in land use regulation. Mixed uses provide opportunity for a diversity of activity that segregated, uniform uses do not provide

### Future Land Use

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.

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.

### Recent History

The future land use designation of a portion of Lester Park Golf Course was amended by the City Council on May 13, 2019 (19-0305R). This change to the future land use was initially proposed as part of the broader adoption of the Imagine Duluth 2035 Comprehensive Plan proposed late winter 2017, but the item removed from the list of 21 proposed future land use changes when the plan was adopted to allow more time for discussion and review.



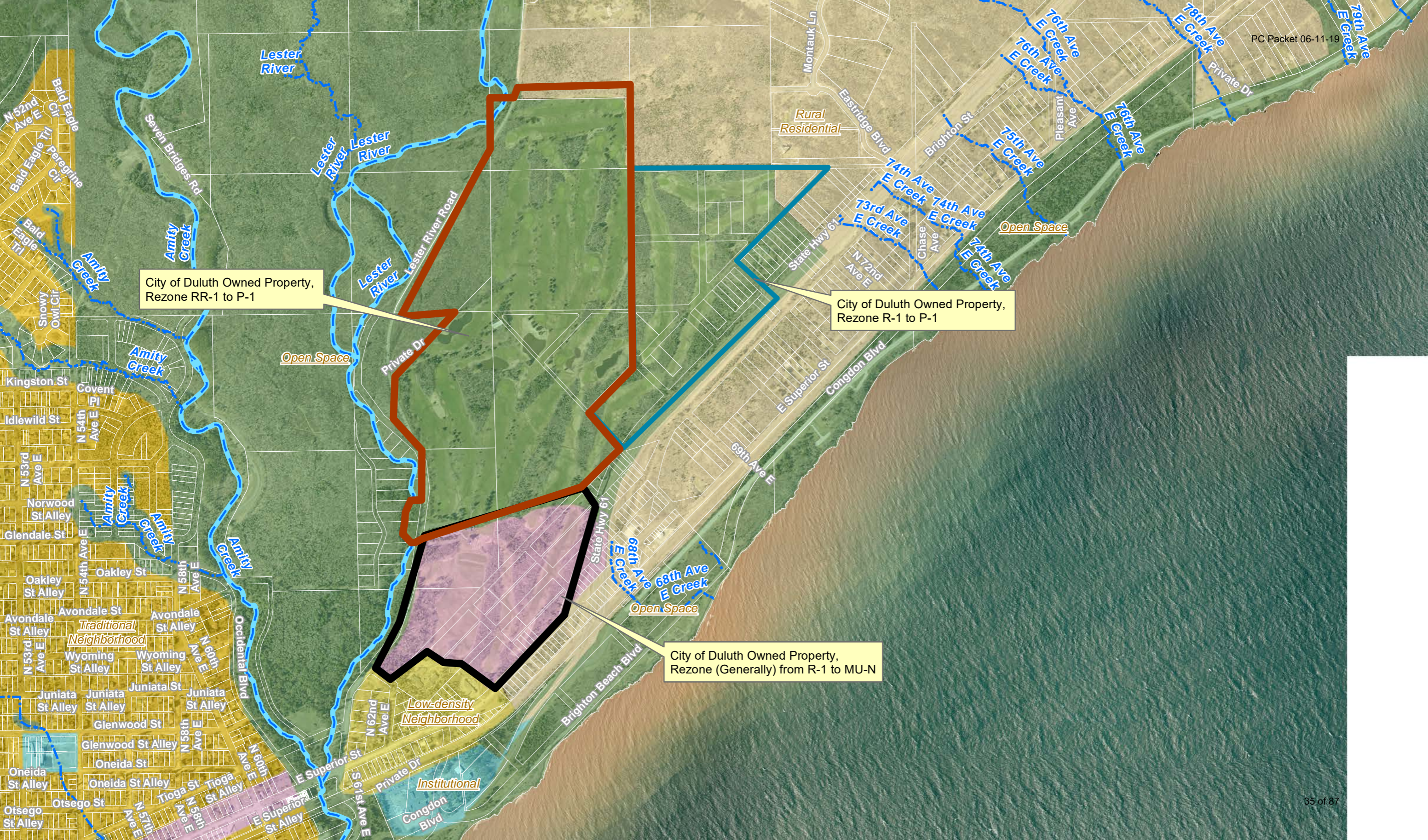
Staff finds that:

- 1) The City is proposing to rezone property from the current zoning of RR-1 (Rural Residential-1) and R-1 (Residential-Urban), to MU-N (Mixed Use-Neighborhood) and P-1 (Park and Open Space).
- 2) State Statute requires that a community's zoning map implement the general objectives of the Comprehensive Plan. The future land use category of Neighborhood Mixed Use is most commonly reflected in the City's zoning map as MU-N. This proposed rezoning action is to update the city's zoning map so that it matches the resolution approved by the City Council on May 13, 2019 (19-0305R).
- 3) The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan, and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or be considered arbitrary and capricious. Good zoning practice requires that zone districts be consistent with the future land use category identified for the area.
- 4) The majority of the subject area has a future land use designation of open space, but a significant portion has a future land use designation of Mixed Use Neighborhood, which translates most often into the MU-N zone district. The current land use is related to public recreation, a golf course and its attendant parking lot.
- 5) The purpose of the MU-N district is 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.
- 6) The purpose the P-1 district is intended to protect and reserve lands for recreational, scenic and natural resource uses. It is to be applied to publicly owned land but may be applied to private property with the landowner's written consent. Both passive recreational (e.g., walking paths, picnic tables) and active recreational (e.g., playgrounds, ball fields, tennis courts) uses may be permitted. Small-scale buildings, structures and development (e.g., parking) that are incidental to and supportive of an approved use may also be permitted. All uses and structures shall be compatible in scale, design and impact with the natural features and character of the land.
- 7) This specific rezoning action is not in anticipation of any specific development proposal; it is instead intended to update the zoning map to reflect the recent change to the future land use designation. Any proposed new land use at this subject area would follow zoning standards for reducing land use conflicts, such as mandatory buffering and landscaping, reasonable limits on light and noise, as well as storm water treatment and detention. In addition, access management controls (reducing conflict points on roads) would be considered to reduce impacts for future vehicle traffic into the existing street network. If this site was rezoned in the future as a planned development (similar to Bluestone Commons or Ramsey Village) there would be comparable land use controls.
- 8) Based on the future land use designation (as recently amended by the City Council) and the purpose statement of the MU-N zone district, rezoning as proposed in the attached map is appropriate for this neighborhood.
- 9) One piece of written correspondence has been received as of the date that this memo was printed (June 5, 2019).

**Staff Recommendation**

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning as shown.

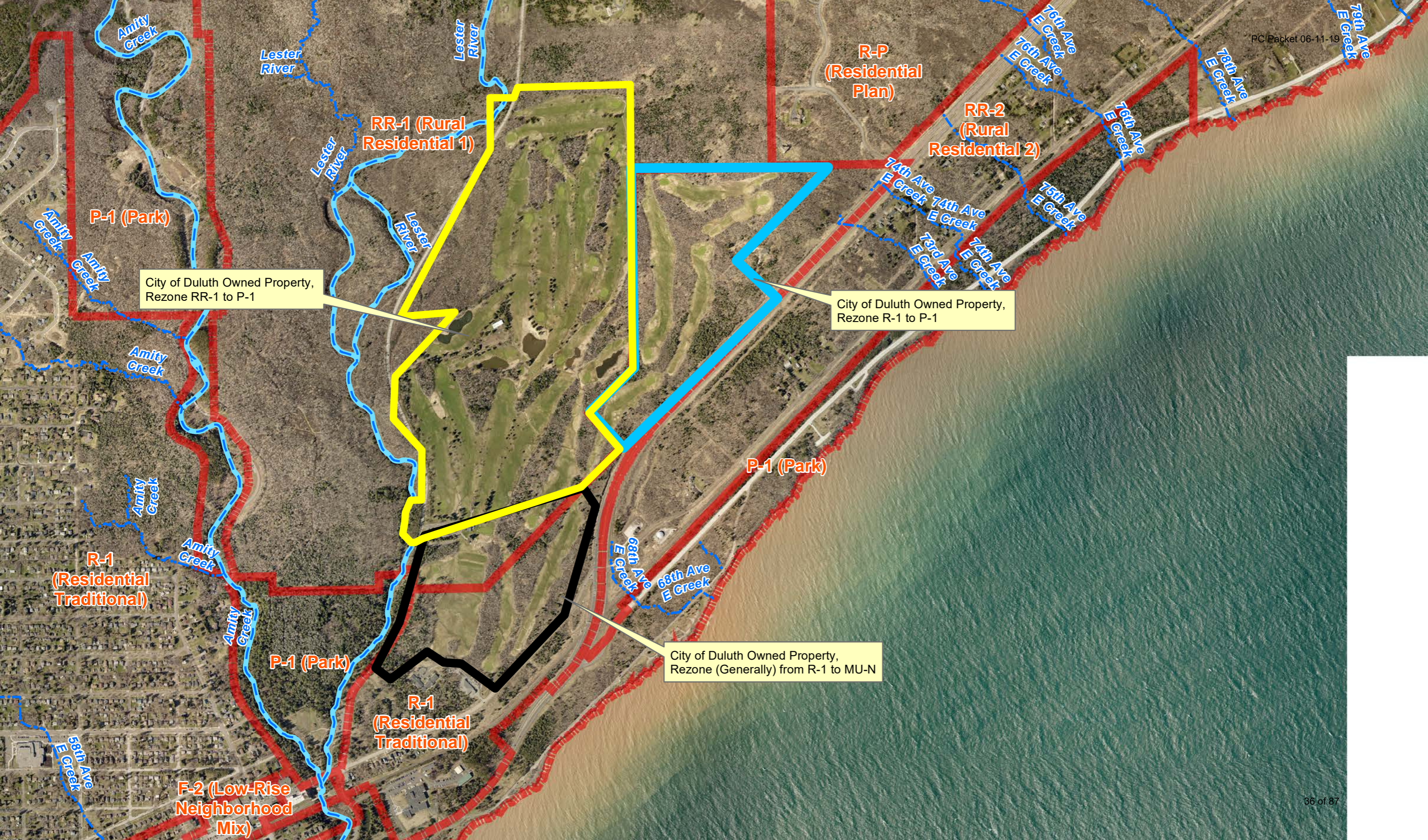
- 1) The proposed zone districts are the most reasonably able to implement the objectives of the Comprehensive Plan related to the land use for this area.
- 2) Material adverse impacts on nearby properties are not anticipated.
- 3) The rezoning is consistent with the Comprehensive-Plan Future Land Use Map.



City of Duluth Owned Property,  
Rezone RR-1 to P-1

City of Duluth Owned Property,  
Rezone R-1 to P-1

City of Duluth Owned Property,  
Rezone (Generally) from R-1 to MU-N



**RR-1 (Rural Residential 1)**

**R-P (Residential Plan)**

**RR-2 (Rural Residential 2)**

**P-1 (Park)**

City of Duluth Owned Property, Rezone RR-1 to P-1

City of Duluth Owned Property, Rezone R-1 to P-1

**P-1 (Park)**

**R-1 (Residential Traditional)**

City of Duluth Owned Property, Rezone (Generally) from R-1 to MU-N

**P-1 (Park)**

**R-1 (Residential Traditional)**

**F-2 (Low-Rise Neighborhood Mix)**

# Proposed Future Land Use Changes: East Hillside to Lester Park

20. Woodland:  
Current: Institutional  
Proposed: Neighborhood Commercial

11. Woodland Housing Areas:  
Current: Preservation and Recreation  
Proposed: Traditional Neighborhood

15. Riley Road - Rice Lake Annexation:  
Current: Undesignated  
Proposed: Rural Residential

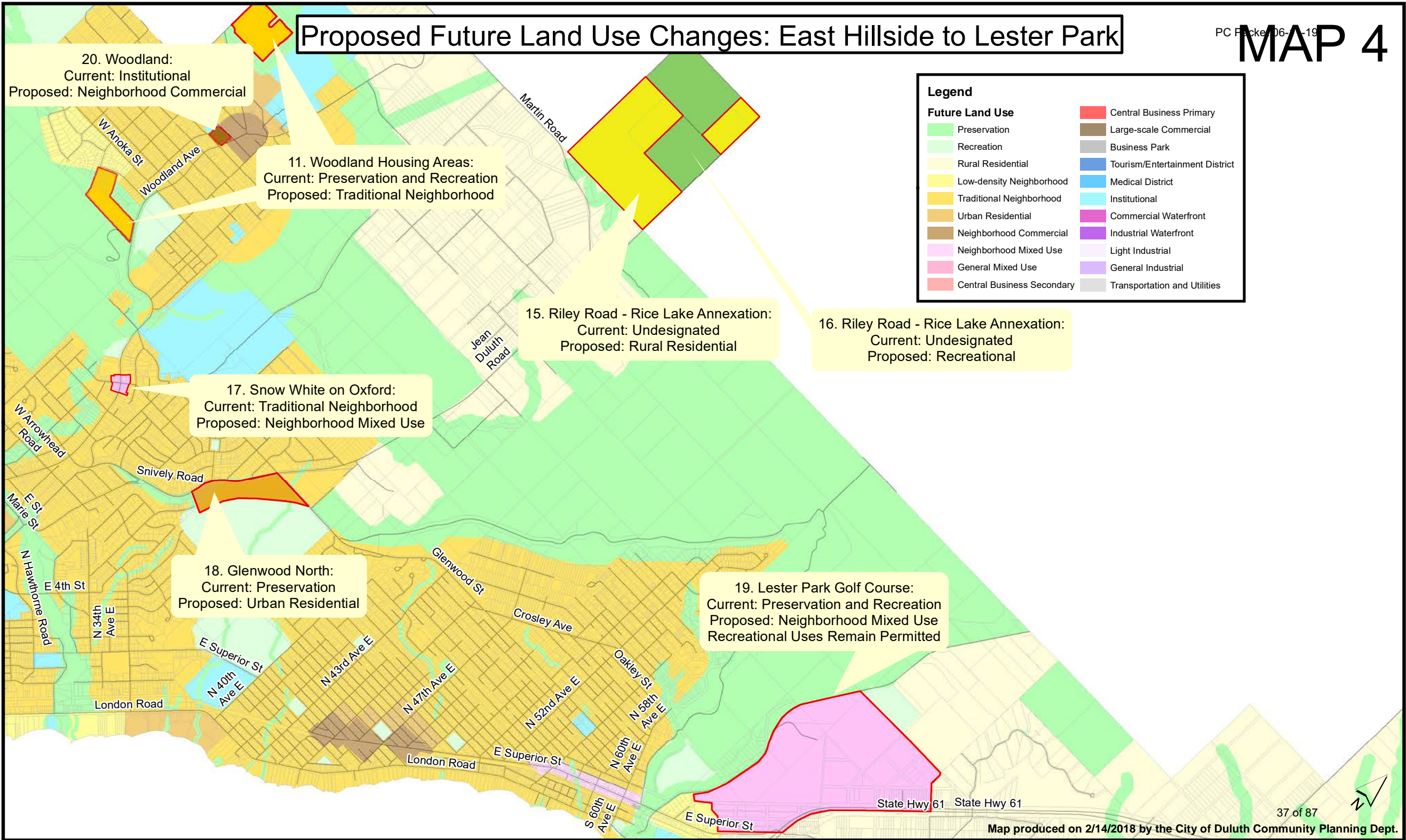
16. Riley Road - Rice Lake Annexation:  
Current: Undesignated  
Proposed: Recreational

17. Snow White on Oxford:  
Current: Traditional Neighborhood  
Proposed: Neighborhood Mixed Use

18. Glenwood North:  
Current: Preservation  
Proposed: Urban Residential

19. Lester Park Golf Course:  
Current: Preservation and Recreation  
Proposed: Neighborhood Mixed Use  
Recreational Uses Remain Permitted

Legend	
Future Land Use	
	Preservation
	Recreation
	Rural Residential
	Low-density Neighborhood
	Traditional Neighborhood
	Urban Residential
	Neighborhood Commercial
	Neighborhood Mixed Use
	General Mixed Use
	Central Business Secondary
	Central Business Primary
	Large-scale Commercial
	Business Park
	Tourism/Entertainment District
	Medical District
	Institutional
	Commercial Waterfront
	Industrial Waterfront
	Light Industrial
	General Industrial
	Transportation and Utilities



## Uses Allowed in Mixed Use-Neighborhood (MU-N) Zone District Revised January 2019

### Permitted Uses

- Dwelling, one family
- Dwelling, two-family
- Dwelling, townhouse
- Dwelling, multi-family
- Dwelling, live-work
- Co-housing facility
- Residential care facility/assisted living (6 or fewer)
- Residential care facility/assisted living (7 or more)
- Rooming house
- Bus or rail transit station
- Club or lodge (private)
- Government building or public safety facility
- Museum, library, or art gallery
- Park, playground, or forest reserve
- Religious assembly, small (less than 50,000 sq. ft. or more)
- Religious assembly, large (50,000 sq. ft. or more)
- Business, art, or vocational school
- School, elementary
- Medical or dental clinic
- Nursing home
- Agricultural, community garden
- Veterinary or animal hospital
- Bed and breakfast
- Office
- Preschool
- Day care facility, small (14 or fewer)
- Day care facility, large (15 or more)
- Personal service and repair, small (less than 10,000 sq ft)
- Grocery store, small (less than 15,000 sq ft)
- Retail store not listed, small (less than 15,000 sq ft)

### Special Uses

- Manufactured Home Park
- Cemetery or mausoleum
- School, middle or high
- Bank
- Data Center
- Agricultural, farmers' market
- Agricultural, urban
- Restaurant (less than 5,000 sq ft)
- Theater
- Hotel or motel
- Funeral Home or Crematorium
- Personal service and repair, large (10,000 sq ft or more)
- Automobile and light vehicle repair and service
- Filling Station
- Parking Lot (primary use)
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs

### Interim Uses

- Vacation dwelling unit

Uses Allowed in Park & Open Space (P-1) Zone District  
Revised January 2019

Permitted Uses

- Park, playground, or forest reserve
- Golf course

Special Uses

- Cemetery or mausoleum
- Club or lodge (private)
- Government building or public safety facility
- Museum, library, or art gallery
- Riding stable
- Seasonal camp or cabin
- Marina or yacht club
- Recreational vehicle park
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs

**From:** City of Duluth MN <[no-reply@DuluthMN.gov](mailto:no-reply@DuluthMN.gov)>  
**Sent:** Monday, June 3, 2019 5:57 PM  
**To:** Keith Hamre <[khamre@DuluthMN.gov](mailto:khamre@DuluthMN.gov)>  
**Subject:** The Form 'Boards - Planning Commission' was submitted

# Umbraco Forms

## Form Results

**First Name**

Patricia

**Last Name**

Greenwood

**Email Address**

**Message**

Let it be recorded that I oppose PL 19-068 UDC Map Amendment to Rezone Property at Lester River Golf Course, From RR-1 (Rural Residential 1) and R-1 (Residential-Traditional), to MU-N (Mixed Use-Neighborhood) and P-1 (Parks and Open Space), by the City of Duluth





**CITY OF DULUTH**  
Community Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197  
Phone: 218/730.5580 Fax: 218/723-3559

<b>File Number</b>	PL 19-069	<b>Contact</b>	Steven Robertson	
<b>Type</b>	Rezone from R-1, to R-2	<b>Planning Commission Date</b>	June 11, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>		<b>60 Days</b>	N/A City Application
	<b>Date Extension Letter Mailed</b>	N/A	<b>120 Days</b>	N/A
<b>Location of Subject</b>				
<b>Applicant</b>	City of Duluth	<b>Contact</b>	Planning and Development	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	Enger Park Golf Course, See Attached Map			
<b>Site Visit Date</b>	May 28, 2019	<b>Sign Notice Date</b>	May 29, 2019	
<b>Neighbor Letter Date</b>	May 30, 2019	<b>Number of Letters Sent</b>	41	

**Proposal**

The City is proposing to rezone property from the current zoning of R-1 (Residential-Urban), to R-2 (Residential-Urban).

**Staff Recommendation**

Staff is recommending approval of the proposed rezoning at Enger Park Golf Course to R-2.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Golf Course/Parking Lot	Urban Residential
<b>North</b>	R-1	Golf Course	Open Space
<b>South</b>	R-1	Golf Course, Undeveloped	Open Space
<b>East</b>	R-1	Golf Course, Undeveloped	Open Space
<b>West</b>	R-1	Golf Course, Undeveloped	Open Space

**Summary of Code Requirements**

- UDC Sec. 50-37.3.B: Planning Commission shall review the application, conduct a public hearing ... with public notice ... and make a written recommendation to council.

- UDC Sec. 50-37.3.B.3 Where a proposed amendment to the zoning map would change any property from a residential district to a mixed use, form or special purpose district, a planning commission hearing and a notice of three weeks shall be required. In addition, the affirmative vote of 2/3 of the council shall be required. The city has not received the written consent of the owners of 2/3 of those properties located wholly or partially within 100 feet of the property proposed to be rezoned;

- 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 2, Declare the necessity and secure the future of undeveloped places.

Undeveloped areas are an essential part of Duluth's municipal fabric— urban plazas, neighborhood parks, large tracts of public ownership, and private lands zoned for minimal development. These minimally developed or undeveloped areas collectively create an open space system. These areas contribute to Duluth's cultural, health, recreational, and economic value and community identity. This open space system provides vistas, encourages active recreation, supplies natural infrastructure such as storm water retention, plant and animal habitat, and water quality, and is the strongest visual element defining Duluth's sense of place.

Governing Principle 5 -Promote reinvestment in neighborhoods.

Duluth is strongly defined by its neighborhoods. This system should be supported through land use and transportation that foster neighborhood reinvestment. 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 mix of activities, uses and densities

Cities have evolved as a mix of land uses, building types, housing types, and activities. Accommodating choice while protecting investment is a balance to strike in land use regulation. Mixed uses provide opportunity for a diversity of activity that segregated, uniform uses do not provide

### Future Land Use

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

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.

**Review and Discussion Items**

Staff finds that:

- 1) The City is proposing to rezone property from the current zoning of R-1 (Residential-Urban), to R-2 (Residential-Urban).
- 2) State Statute requires that a community's zoning map implement the general objectives of the Comprehensive Plan. The future land use category of Urban-Residential is most commonly reflected in the City's zoning map as R-2. This proposed rezoning action is to update the city's zoning map so that it matches the resolution approved by the City Council on May 13, 2019 (19-0305R).
- 3) The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan, and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or be considered arbitrary and capricious. Good zoning practice requires that zone districts be consistent with the future land use category identified for the area.
- 4) The subject area has a future land use designation of Urban-Residential, which translates most often into the R-2 zone district. The current land use is related to public recreation, a golf course and its attendant parking lot.
- 5) The purpose of the R-2 is to accommodate multi-family apartments and townhouses, in an urban setting. This district also allows for single-family detached dwellings, duplexes and group living accommodations. The district is intended primarily for locations closer to commercial and mixed use activity centers, and may serve as a transition between lower-density residential areas and more intense commercial and mixed use neighborhoods.
- 6) This specific rezoning action is not in anticipation of any specific development proposal; it is instead intended to update the zoning map to reflect the recent change to the future land use designation. Any proposed new land use at this subject area would follow zoning standards for reducing land use conflicts, such as mandatory buffering and landscaping, reasonable limits on light and noise, as well as storm water treatment and detention. In addition, access management controls (reducing conflict points on roads) would be considered to reduce impacts for future vehicle traffic into the existing street network. If this site was rezoned in the future as a planned development (similar to Bluestone Commons or Ramsey Village) there would be comparable land use controls.
- 7) Based on the future land use designation (as recently amended by the City Council) and the purpose statement of the R-2 zone district, rezoning as proposed in the attached map is appropriate for this neighborhood. .
- 8) No written correspondence has been received as of the date that this memo was printed (June 4, 2019).

**Staff Recommendation**

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning as shown.

- 1) The proposed zone districts are the most reasonably able to implement the objectives of the Comprehensive Plan related to the land use for this area.
- 2) Material adverse impacts on nearby properties are not anticipated.
- 3) The rezoning is consistent with the Comprehensive-Plan Future Land Use Map



**Enger Park  
Open Space to Urban Residential**

*Open Space*

*Open Space*

*Open Space*

Change from Open Space  
to Urban Residential

*Urban  
Residential*

*Open Space*

*Traditional  
Neighborhood*

**Legend**

- Open Space
- Open Space/Outside Duluth
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Central Business Secondary
- Central Business Primary
- Large-scale commercial
- Tourism/Entertainment District
- Commercial Waterfront
- General Mixed Use
- Neighborhood Mixed Use
- Light Industrial
- General Industrial
- Industrial Waterfront
- Business Park
- Transportation and Utilities
- Transportation and Utilities/Outside Duluth
- Medical District
- Institutional

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.





R-1 (Residential Traditional)

City of Duluth Owned Property, Rezone R-1 to R-2

R-2 (Residential Urban)

## Uses Allowed in Residential-Urban (R-2) Zone District Revised January 2019

### Permitted Uses

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>- Dwelling, one family</li> <li>- Dwelling, two family</li> <li>- Dwelling, townhouse</li> <li>- Dwelling, multifamily</li> <li>- Residential care facility/assisted living (6 or fewer)</li> <li>- Residential care facility/assisted living (7 or more)</li> <li>- Government building or public safety building</li> <li>- Park, playground, or forest reserve</li> </ul> | <ul style="list-style-type: none"> <li>- Religious assembly, small (less than 50,000 sq. ft. or more)</li> <li>- School, elementary</li> <li>- Nursing home</li> <li>- Agriculture, community garden</li> <li>- Veterinarian or animal hospital</li> <li>- Bed and breakfast</li> <li>- Preschool</li> <li>- Day care facility, small (14 or fewer)</li> </ul> |
|---|--|

### Special Uses

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>- Manufactured Housing Park</li> <li>- Co-housing facility</li> <li>- Rooming house</li> <li>- Cemetery or mausoleum</li> <li>- Club or lodge (private)</li> <li>- Museum, library, or art gallery</li> <li>- Religious assembly, large (50,000 sq. ft. or more)</li> <li>- School, middle or high</li> <li>- Agriculture, farmers market</li> <li>- Agriculture, urban</li> <li>- Medical or dental clinic</li> <li>- Restaurant (less than 5,000 sq. ft.)</li> </ul> | <ul style="list-style-type: none"> <li>- Office</li> <li>- Day care facility, large (15 or more)</li> <li>- Funeral Home or crematorium</li> <li>- Retail store not listed, small (less than 15,000 sq. ft.)</li> <li>- Filling station</li> <li>- Electric power transmission line or substation</li> <li>- Major utility or wireless telecommunication facility</li> <li>- Water or sewer pumping stations/reservoirs</li> </ul> |
|---|--|

### Interim Uses

- Vacation Dwelling Unit



**CITY OF DULUTH**

Planning and Development

411 W 1<sup>st</sup> St, Rm 110 \* Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

<b>File Number</b>	PL 19-052	<b>Contact</b>	Steven Robertson	
<b>Type</b>	Special Use Permit for a Daycare	<b>Planning Commission Date</b>	June 11, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>	April 30, 2019	<b>60 Days</b>	June 29, 2019
	<b>Date Extension Letter Mailed</b>	May 29, 2019	<b>120 Days</b>	August 28, 2019
<b>Location of Subject</b>	4402 Haines Road, Suite 2			
<b>Applicant</b>	Building Blocks Learning Center	<b>Contact</b>	Luke Petrich	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>				
<b>Site Visit Date</b>	May 18, 2019	<b>Sign Notice Date</b>	May 28, 2019	
<b>Neighbor Letter Date</b>	May 29, 2019	<b>Number of Letters Sent</b>	10	

**Proposal**

Applicant proposes to expand an existing daycare to allow up to 120 students/children.

**Recommendation**

Staff are recommending approval with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-B	Business	Business Park
<b>North</b>	MU-B	Business	Business Park
<b>South</b>	RR-1	Undeveloped/Government	Business Park/Institutional
<b>East</b>	RR-1	Undeveloped	Rural Residential
<b>West</b>	Hermantown	Hermantown	Hermantown

**Summary of Code Requirements**

UDC Section 50-37.10. Special Use Permits: 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.

- 1) The application is consistent with the Comprehensive Land Use;
- 2) The application complies with all applicable provisions of this Chapter; including without limitations to any use-specific standards applicable to the proposed use, development or redevelopment, and is consistent with any approved district plan for the area.
- 3) Without limiting the previous criteria, 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 on the community.

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

Principle 5 -Promote reinvestment in neighborhoods.

Duluth is strongly defined by its neighborhoods. This system should be supported through land use and transportation that foster neighborhood reinvestment. 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 mix of activities, uses and densities

Cities have evolved as a mix of land uses, building types, housing types, and activities. Accommodating choice while protecting investment is a balance to strike in land use regulation. Mixed uses provide opportunity for a diversity of activity that segregated, uniform uses do not provide

Future Land Use, Business Park: Primarily office and light industrial areas developed in a unified manner, with standards for site design and circulation patterns, signage, landscaping, and building design.

Recent History: On March 25, 2019, the City Council approved ordinance 19-006-O allowing daycares and preschools in the MU-B zone district as special uses.

**Review and Discussion Items**

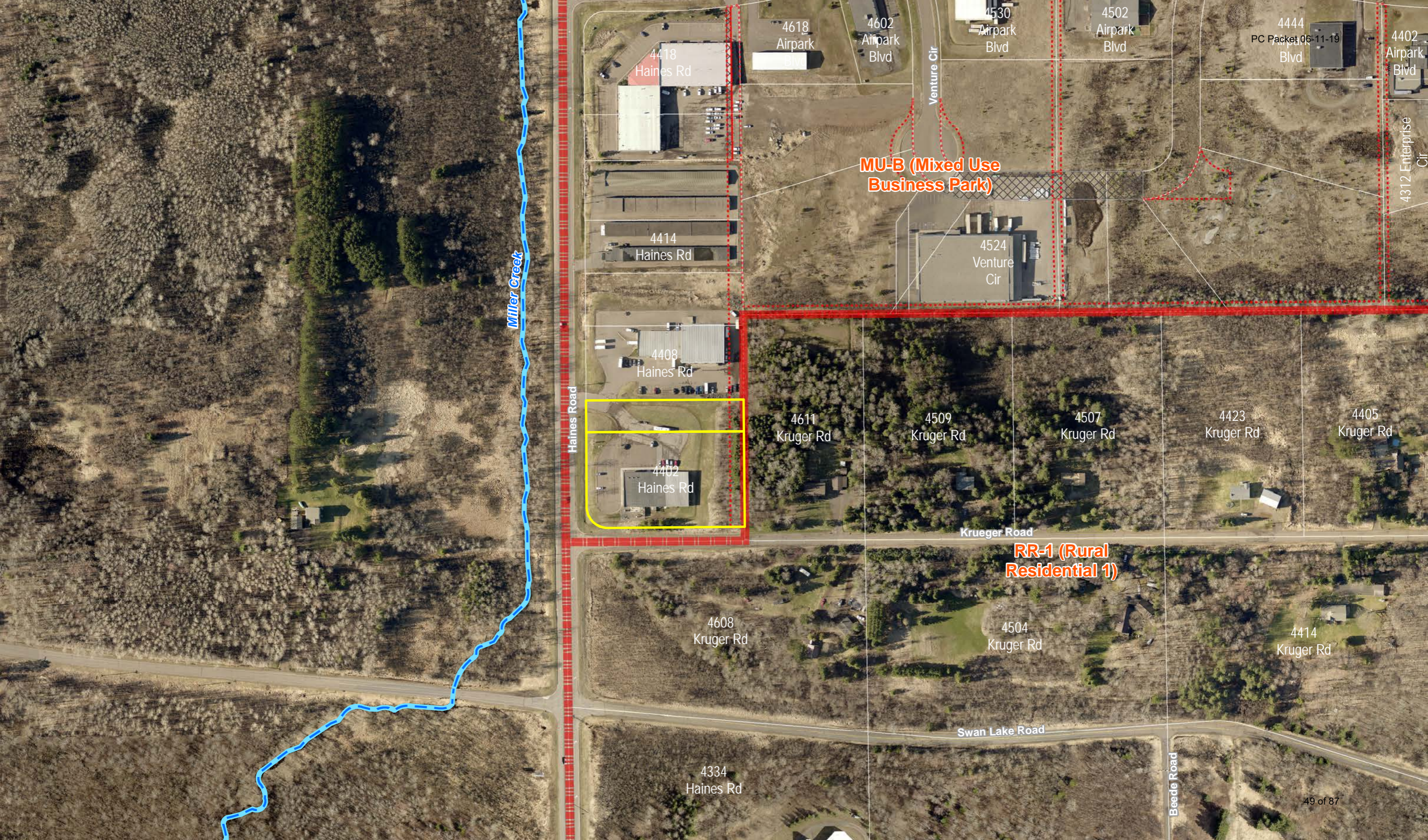
- 1) Applicant proposes to expand an existing daycare to allow up to 120 students/children, and 20 staff. The site currently supports up to 65 students/children, and 10 staff.
- 2) A daycare requires a special use permit to operate in a MU-B district. The applicant currently provides a fenced in play area that is approximately 2,250 square feet in size, separated from the right of way of Kruger Road by approximately 20 feet.
- 3) UDC Sec. 50-20.2 (Use Specific Standards). The applicant is not proposing any new buffer or similar screening around the structure as the building is close to the property lines near Krueger and Haines Road, and the (interior) expansion of this daycare will not have a visible impact on adjacent properties. The nearest residential structure is approximately 280 feet to the east, and buffered by existing trees and vegetation on the adjacent property.
- 4) UDC Sec. 50-24 (Parking and loading). The site provides 55 parking spaces, an ample supply for existing need and the proposed expansion. The applicant has estimated that parking demand for pick up and drop off is highest during 7 to 8 am, and 4 to 5 pm, and is willing to reserve, and sign, parking spaces just for pick up and drop off during that time period.
- 5) UDC Sec. 50-25 (Landscaping and Tree Preservation). These requirements do not apply for this project. However, the installation of at least one landscaping island would have a positive impact on the temperature of the stormwater entering Miller Creek, and would improve the appearance and possibly the traffic flow of the parking lot.
- 6) UDC Sec. 50-26 (Screening, Walls and Fences). The applicant is proposing to provide limited dumpster screening. The initial proposal shows metal siding panels, which is not adequate. The applicant has stated that they will revise plans as necessary and/or suggested/direct by the City.
- 7) UDC Sec. 50-29 (Sustainability Standards) and 50-30 (Building Design Standards). These requirements do not apply for this project.
- 8) UDC Sec. 50-31 (Exterior Lighting). The site has several down cast lights on the building. No new lighting will be installed as part of this project
- 9) No citizen or city departments comments were received at the time that this report was written (June 4, 2019).

**Staff Recommendation**

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

- 1) The proposal is limited to the site plan and documents submitted with this application;
- 2) Dumpster screening to meet minimum UDC standards;
- 3) Signs to be installed near the drop off and pick up parking areas indicated their use intended use; and
- 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 administrative approval shall constitute a variance from the provisions of Chapter 50.





Miller Creek

Haines Road

Venture Cir

Enterprise Cir

Beede Road

4418 Haines Rd

4618 Airpark Blvd

4602 Airpark Blvd

4530 Airpark Blvd

4502 Airpark Blvd

4444 PC Packet Blvd

4402 Airpark Blvd

MU-B (Mixed Use Business Park)

4414 Haines Rd

4524 Venture Cir

4408 Haines Rd

4402 Haines Rd

4611 Kruger Rd

4509 Kruger Rd

4507 Kruger Rd

4423 Kruger Rd

4405 Kruger Rd

RR-1 (Rural Residential 1)

4608 Kruger Rd

4504 Kruger Rd




4414 Kruger Rd

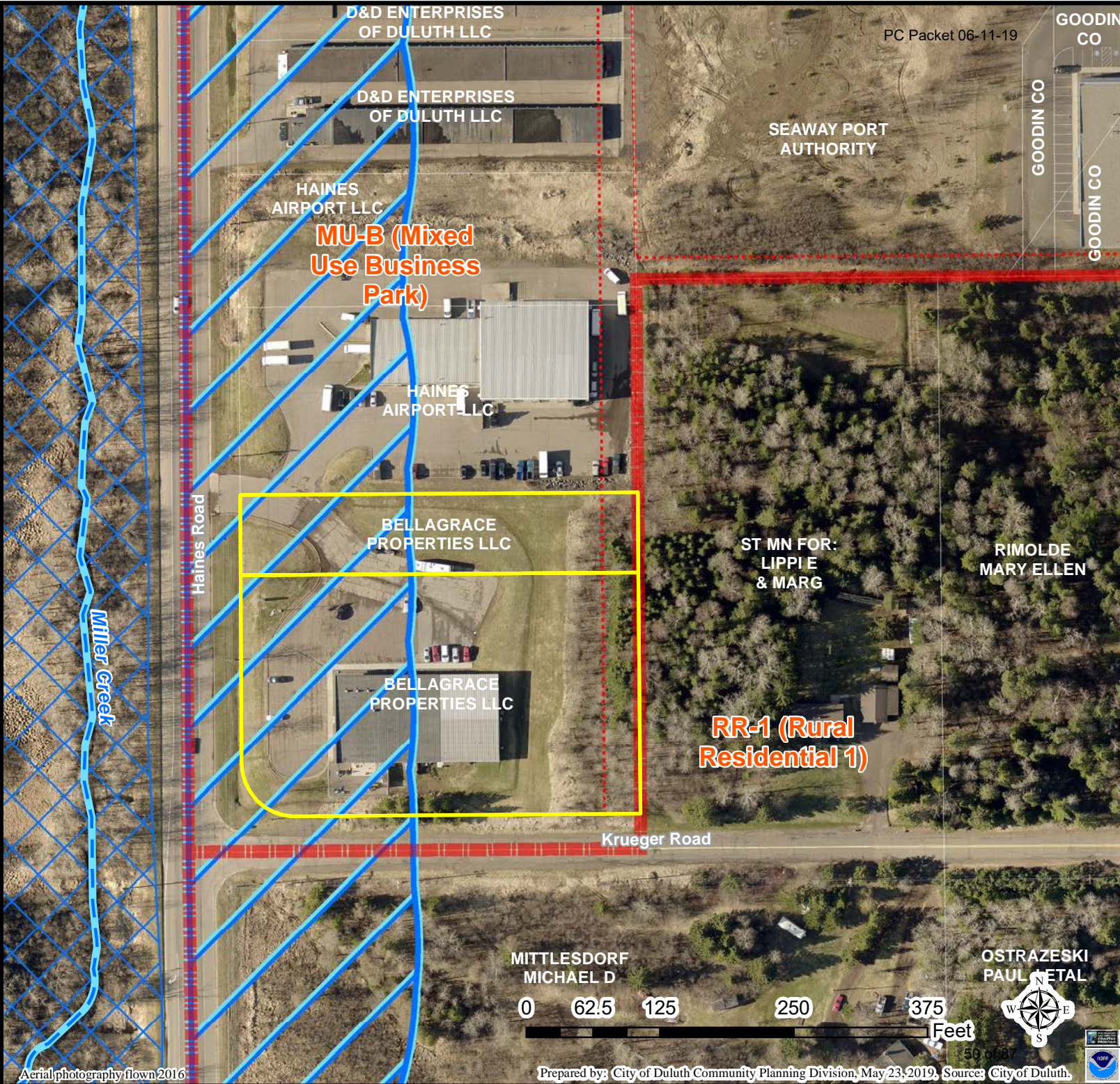
4334 Haines Rd

Swan Lake Road



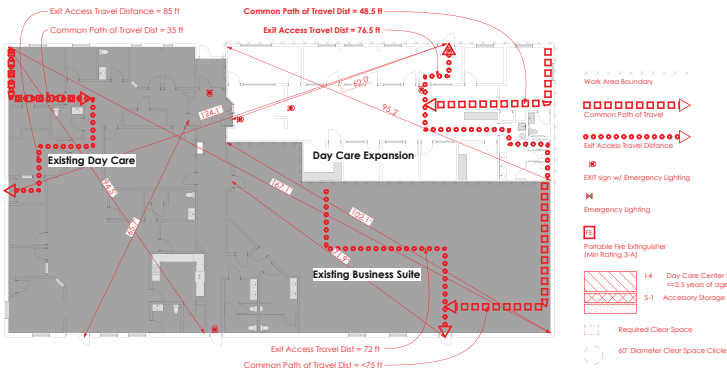
### Legend

-  Vacated ROW
- Easement Type**
-  Utility Easement
-  Other Easement
-  Zoning Boundaries
- Floodplain (UDC)**
-  General Flood Plain
-  Flood Way
-  Flood Fringe
- Shoreland (UDC)**
-  Cold Water
-  Natural Environment
-  General Development
-  Trout Stream (GPS)
-  Other Stream (GPS)



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.

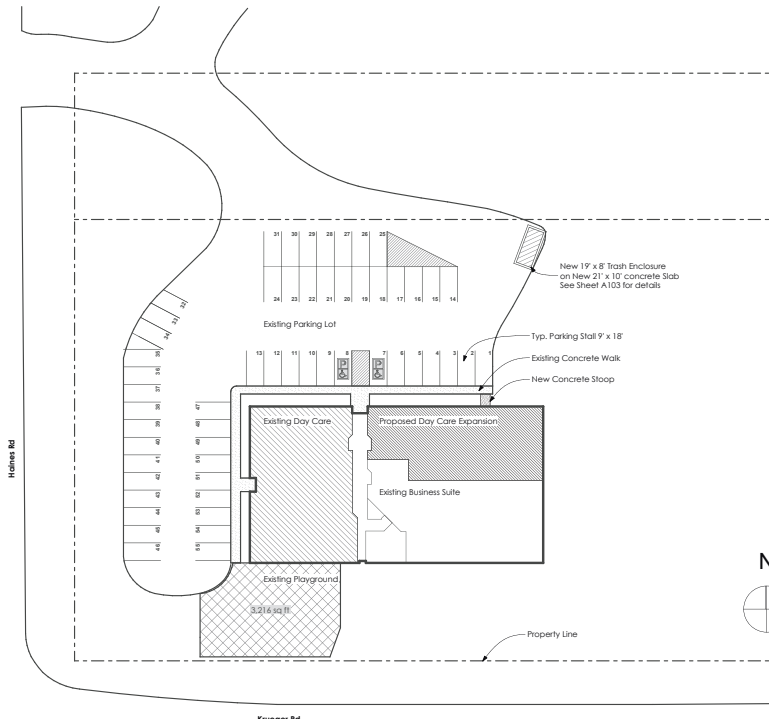




**1 A001 Main Level Fire Separation & Exiting**  
SCALE: 1/16" = 1'-0"



**3 A001 Main Level - Use Plan**  
SCALE: 1/16" = 1'-0"



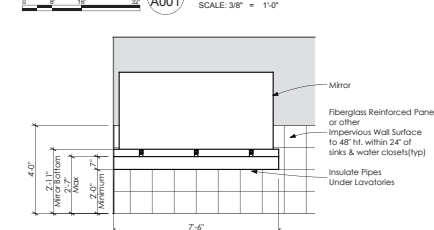
**5 A001 Site Plan**  
SCALE: 1" = 30'



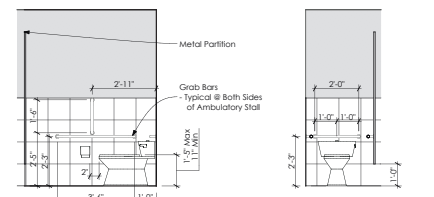
**Code Analysis - Building Blocks Day Care Expansion**

<b>Project Information</b>				
Project Name:	Building Blocks Day Care Center			
Project Address:	4402 Haines Road, Duluth, MN 55811			
Submitted by:	Jody Keppers, AIA			
Applicable Building Codes:	-2012 International Building Code as modified by 2015 MN Building Code and the 2015 MN Accessibility Code -2012 International Existing Building Code as modified by 2015 MN Conservation Code for Existing Buildings			
<b>Project Description</b>				
Level 2 Alteration of existing business (B) use (An existing Home Living office tenant space) which will be reconfigured for expansion of existing Building Blocks Learning Center day care center (4-4) use. Minor changes to interior room configuration include new openings between four rooms and conversion of an existing storage room into a restroom. A new exit door will also be added.				
<b>Change of Use</b>				
Change of use from B to I-4				
<b>Special Inspections</b>				
No special inspections required				
<b>Work Area Size/Volume (sq. ft./cubic ft.)</b>				
Zoning district	M-1.8			
<b>Building Information</b>				
Code Analysis Type (Separated/Non-separated)	Non-separated			
Construction Type	SB			
NFPA 13 Automatic Sprinkler System Throughout	1			
NFPA 101 Alarm/Notification System Throughout	1			
Exit Stairs above Grade Plane	1			
<b>Occupancies</b>				
Occupancies	I-4, I-4, B	I-4	I-4	487
Occupancy Area:	11497.50	4028.9	3003	4467.4
Occupant Load:	181	45.6	32.9	44.7
Day care occupant loads are regulated and indexed by state regulation, so the regulated numbers rather than "IC" numbers are used for the day care center.				
<b>Building Evt. Width (inches): Actual/Required</b>				
One Exit allowed?	N	N	N	N
Number of Exits Actual/Required	7/2	5/2	5/2	2/2
Common Path of Travel Max. Actual/Allowed	60 / 100	35 / 75	48.5 / 75	
Exit Access Travel Distance Actual/Allowed	85 / 300	85 / 200	76.5 / 200	
Minimum Corridor Width Actual/Required	50 / 44	57 / 44	48 / 44	
Blg. Diagonal Distance Actual/Separation Required	187 / 85.5	187 / 85.5	NA	187 / 85.5
Exit Separation Distance - Actual/Required	124.1 / 83.5	124.1 / 83.5	NA	
<b>Plumbing</b>				
Occupants	m / 6.5	m / 2.2	m / 2.2	m / 2.0
Toilets Provided/Required	16 / 5	12 / 2	12 / 2	12 / 2
Lavs Provided/Required	m / 6.5	m / 2.2	m / 2.2	m / 2.0
Tub/Shower Provided/Required	m / 0.0	m / 0.0	m / 0.0	
Kitchen Sinks Provided/Required	19 / 0	1 / 0	1 / 0	1 / 0
Drinking Fountains Provided/Required	0/0	0/0	0/0	0/0
Service Sinks Provided/Required	1/1	1/1	1/1	1/0
<b>Parking</b>				
Req'd/Required Area per Space	65 / 5	52 / 5	4467.4 / 400	Office calc.: 1 space per 400 sq. ft.
Total Spaces Provided/Required	55 / 83	15	10.4	11.17
<b>Building &amp; Property Size</b>				
Blgd. Total Floor Area	11498			
Blgd. Base Floor Area	0/NA			
Blgd. 1st Floor Area	11498			
<b>Max Building Size</b>				
Unadj. area per story per Table 503	13000			
Included per Building Footprint (Table 503)	12000			
Included per Building Footprint	60000			
Total Allowed Building Area per Floor	130000			
Total Actual Building Area per Floor	11498			
Max Stories Per Table 503	5			
Max Building Height Per Table 503	50			

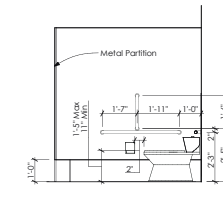
**4 A001 Drinking Fountain**  
SCALE: 3/8" = 1'-0"



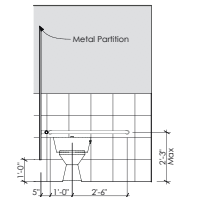
**6 A001 Lavatory**  
SCALE: 3/8" = 1'-0"



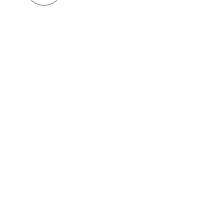
**7 A001 Ambulatory Toilet**  
SCALE: 3/8" = 1'-0"



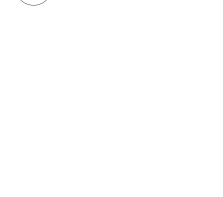
**8 A001 Ambulatory Toilet**  
SCALE: 3/8" = 1'-0"



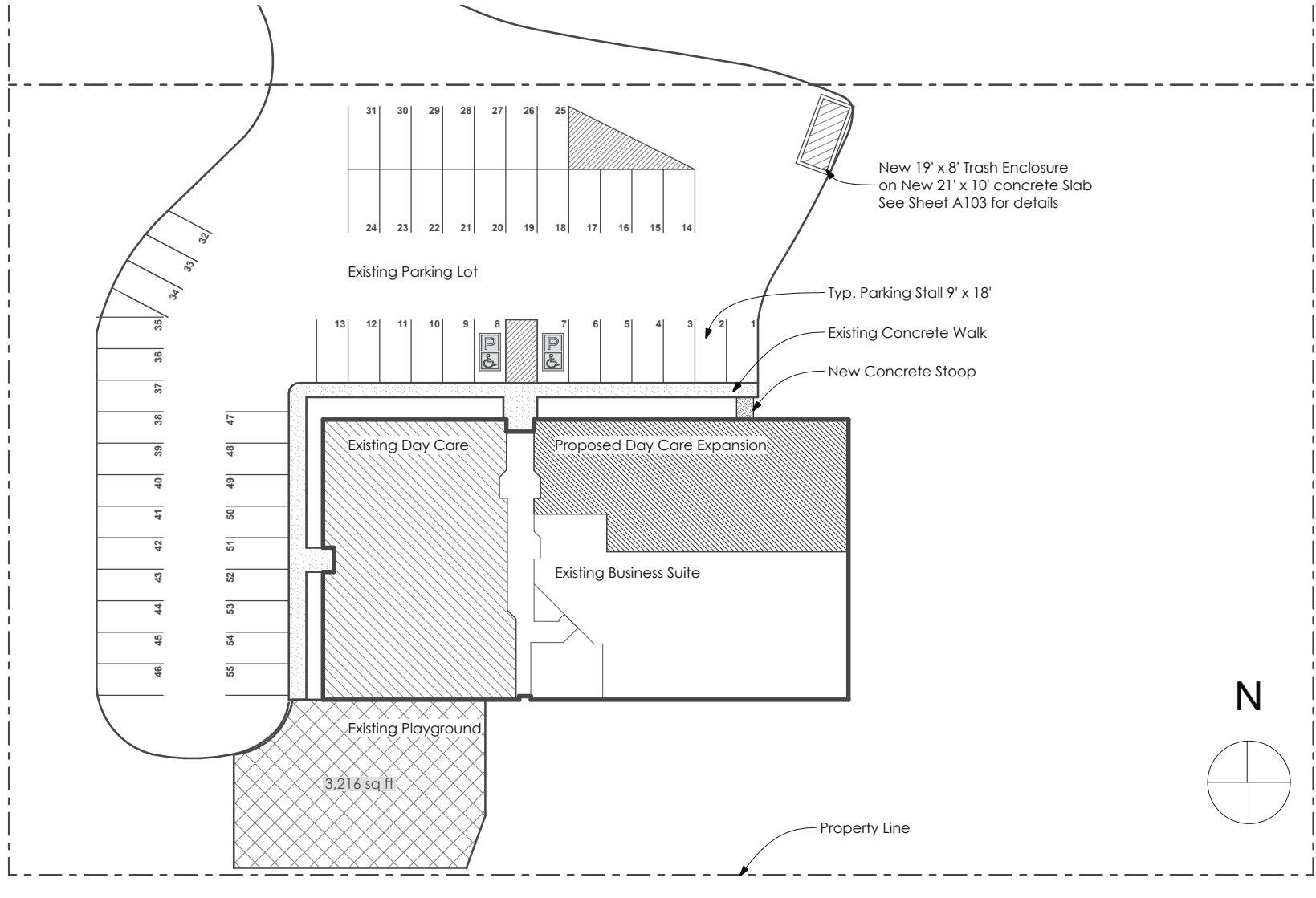
**9 A001 Accessible Toilet**  
SCALE: 3/8" = 1'-0"



**10 A001 Accessible Toilet**  
SCALE: 3/8" = 1'-0"



Haines Rd



Special Inspection
Work Area Size/
Zoning district
<b>Building Information</b>
Code Analysis Type
Construction Type
NFPA 13 Automatic
NFPA 13R Automatic
# of stories above
Occupancies
Occupancy Area
Occupant Load:
Building Exit Width
One Exit allowed
Number of Exits:
Common Path of
Exit Access Travel
Minimum Corridor
Bldg Diagonal Di
Exit Separation D
<b>Plumbing</b>
Occupants
Toilets Provided:
Lavs Provided/R
Tub/Showers Pr
Kitchen Sinks Pr
Drinking Fountai
Service Sinks Pr
<b>Parking</b>
Area/Required A
Total Spaces Pro

**The following is how BBLC will align with several of the Governing Principles which are the core foundations for the city's future growth and planning.**

**Principle #1 - Reuse previously developed lands.**

The expansion at BBLC's Haines Road location speaks directly to the first principle. When looking at an adaptive reuse of building stock this proposal is doing exactly that. What needs to be adapted will have a minimal impact on the existing infrastructure and will allow for the greatest use of the space with the least amount of cost and impact overall! The current space BBLC has at the Haines Road location is a perfect use for what BBLC does now. By allowing BBLC to modify the office space across the hall will allow BBLC to duplicate what is happening at the existing site to better serve the community as a whole! Currently BBLC provides quality early childhood to its students and families and by expanding into the adjacent space it will continue to do this on a larger scale by serving even more families in the communities.

**Principle #4 - Support economic growth sectors.**

BBLC's proposed expansion speaks directly to principle 4. BBLC meets this standard of enhancing the economic base by providing an additional 52 quality childcare spots within the local community. As well as 10 teaching positions and additional support staff. Finding quality childcare in the Duluth community is proving to be a challenge for parents. By expanding the program BBLC will be able to help the community overcome the childcare shortage with more spots in a quality program.

**Principle #11 – Consider education systems in land use actions.**

BBLC meets principle 11 as the expansion will only serve to enhance the space which has already proven to be an ideal location for quality childcare. Several families work in the area adjacent to BBLC's Haines Road location. This will allow more families to be near where their children receive their early childhood education. In considering the education system and its current use for the Haines Road location the land use pattern is already in place, along with infrastructure systems. The impact on housing densities, parking, and non-student uses will be minimal as BBLC is simply expanding on a system and process that already works!

To recap everything, this expansion for BBLC at the 4402 Haines Road location will serve to maximize the already successfully functioning operations. The space will be modified to maximize the use of the space provided and will only serve to help enhance the community and help towards solving the deficit our community has with quality and affordable childcare.

**Building Blocks Learning Center Haines Road Expansion – 4402 Haines Road Duluth, MN 55811****Impact on community statement.**

Building Blocks Learning Center's proposed expansion into suite 3 at 4402 Haines Road will not have a negative impact on the community based on several reasons.

The first consideration is parking. There are currently 56 parking spots in the parking lot. The tenant in suite 2 has 8 fulltime counselors who provide services to area veterans. Currently BBLC Haines Road's location has 57 active families. The capacity will increase with an additional 35 families being added to the expansion once the expansion is open. This brings a total of 92 families. Of these families 28 have siblings that attend BBLC. Drop off and pick up times vary among families. The busiest times are typically between 7 and 8 am. We typically see up to 10 cars at a time during this time. BBLC will reserve the closest parking spots on both the north side of the building and the side facing Haines road. These spots equal 18 parking spots that can be used during these times. There are enough spots available to accommodate during this time. The busiest pick up times are between 4:00 pm and 5:00 pm where we see up to 10 cars at a time. Families are consistent with their pick up and drop off times and we structure our enrolled students schedule with this in mind.

Staff parking will use up the remaining space. Currently staff park in the spots closest to Haines Road and will use the far spots on the North side of the parking lot. BBLC will have roughly 20 staff during the day using any where between 18 to 20 spots a day.

The vet center will have 8 dedicated spots to use for their parking needs. The Vet Center which occupies suite 2 have 8 fulltime staff. They occupy roughly 3,000 square feet of space in the building. Based on these numbers 28 spots will be reserved for staff of the building, 20 will be reserved for drop off and pick up, and the remaining will be reserved for guest parking.

Our new usage is currently next to a warehouse space which was Spee Dee Delivery. They have recently moved out of this facility and moved to a new location. Our location in conjunction to the warehouse is over 100 feet away and separated by a large elevated green space and two larger parking lots. Their usage had no impact on our health and safety and our operation had no impact on their ability to function. The road next to our playground is Kruger Road which is a quieter street. The outer fence to our playground is over 20 feet away from the road's shoulder and is elevated and surrounded with larger boulder rocks to enforce the fence and serve as a barrier if needed.

The large green space between the building and Kruger road provides the perfect location for the existing playground. The outer fence of the playground is over 20 feet away from Kruger Road. There is a ditch that separates the fence from the road and there are a number of larger rocks along with trees that provide a barrier and additional privacy. The additional green space provides the perfect amount of room for an expansion of the playground if necessary. Currently there are a number of large muscle equipment that is age appropriate for all age groups to participate in outdoor play.

BBLC's current Haines Road location has functioned and grown in the five years we have been here. This facility is set up perfectly for a childcare center as it is close to Miller Trunk Highway, it is set away from the Highway far enough to not be a hazard to the flow of traffic, and serves the community by providing a safe and secure facility for childcare.



Legislation Details (With Text)

**File #:** 19-006-O **Name:**

**Type:** Ordinance **Status:** Passed

**File created:** 2/14/2019 **In control:** Planning and Economic Development

**On agenda:** 3/11/2019 **Final action:** 3/25/2019

**Title:** AN ORDINANCE AMENDING SECTIONS 50-19.8 USE TABLE AND 50-20.3 COMMERCIAL USES TO ALLOW DAYCARE FACILITIES AND PRESCHOOLS IN THE MIXED USE BUSINESS (MU-B) ZONE DISTRICT.

**Sponsors:** Arik Forsman

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment A, 2. Attachment B

Date	Ver.	Action By	Action	Result
3/25/2019	1	City Council	adopted	
3/11/2019	1	City Council	read for the first time	

AN ORDINANCE AMENDING SECTIONS 50-19.8 USE TABLE AND 50-20.3 COMMERCIAL USES TO ALLOW DAYCARE FACILITIES AND PRESCHOOLS IN THE MIXED USE BUSINESS (MU-B) ZONE DISTRICT.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 50-19.8 of the Duluth City Code, 1959, as amended, be amended as follows:

Attachment 2, Table 50-19.8 Use Table

Section 2. That Section 50-20.3.I of the Duluth City Code, 1959, as amended, be amended as follows:

50-20.3.I Daycare facility, small and large, and Preschools

1. For all new uses after May 1, 2019, as part of the requirement to provide off-street parking in 50-24.2, 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. This specific standard does not apply to uses with the Downtown and Canal Park Special Parking Areas in 50-24.
2. In the RR-1 and RR-2 districts this use 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.

Section 3. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: \_\_\_\_\_, 2019)

STATEMENT OF PURPOSE: This ordinance implements a minor text amendment related to childcare facilities and preschools to chapter 50 of the City Code, known as the Unified Development Chapter (UDC).

During the Imagine Duluth 2035 Comprehensive Plan planning process in 2017 and 2018, significant comment was received from the public about ways the city code help to improve the situation for working families seeking daycare. The lack of affordable options was cited as a limiting factor for some people trying to enter the workforce. This text change is intended to allow daycares and preschools in the MU-B zone district (business parks and large employers can be found in the MU-B district).

The planning commission held a public hearing and considered the changes at their February 12, 2019, regular Planning Commission meeting. Following discussion and additional amendments to the proposed text change, the Commission voted with 7 yeas, 0 nays, and 0 abstentions, to recommend that the city council approve the text change to the Unified Development Chapter of the City Code.





PLANNING & ECONOMIC DEVELOPMENT  
 Community Planning Division  
 City Hall – 411 W 1<sup>st</sup> Street – Room 110  
 Duluth, Minnesota 55802  
 218-730-5580 / [planning@duluthmn.gov](mailto:planning@duluthmn.gov)

<b>File Number</b>	PL19-059		<b>Contact</b>	Kyle Deming, <a href="mailto:kdeming@duluthmn.gov">kdeming@duluthmn.gov</a>	
<b>Type</b>	Variance – Shoreland structure setback		<b>Planning Commission Date</b>	June 11, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>	May 7, 2019	<b>60 Days</b>	July 6, 2019	
	<b>Date Extension Letter Mailed</b>	May 30, 2019	<b>120 Days</b>	September 4, 2019	
<b>Location of Subject</b>	120 Charlotte Place				
<b>Applicant</b>	Dan & Michelle Russell		<b>Contact</b>	N/A	
<b>Agent</b>			<b>Contact</b>		
<b>Legal Description</b>	Brookline Division, Block 2, All of Lot 6 and Lot 7 except southerly 30 feet				
<b>Site Visit Date</b>	June 3, 2019		<b>Sign Notice Date</b>	May 30, 2019	
<b>Neighbor Letter Date</b>	May 30, 2019		<b>Number of Letters Sent</b>	59	

**Proposal**

The applicant is seeking a variance to reconstruct an existing detached garage 40 feet from Tischer Creek rather than required 150 feet.

Recommended Action: Approve variance with conditions

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Home with detached garage	Traditional Residential
<b>North</b>	R-1	Detached Residential	Traditional Residential
<b>South</b>	R-1	Creek and natural	Traditional Residential
<b>East</b>	R-1	Detached Residential	Traditional Residential
<b>West</b>	R-1	Detached Residential	Traditional Residential

**Summary of Code Requirements**

Sec. 50-37.9. B – Variance Procedures. “The Planning Commission shall...make a decision on the application based on the criteria in subsections 50-37.9. C – M...”

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

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 Principles and/or Policies and Current History (if applicable):**

Governing Principle #5 – Promote reinvestment in neighborhoods

Governing Principle #6- Reinforce the place-specific

Governing Principle #9 – Support private actions that contribute to the public realm

Governing Principle #10 – Take actions that enhance the environment, economic, and social well-being of the community.

Open Space Policy #1 – Improve Duluth’s resiliency to flooding and natural disasters.

Housing Policy #4 – Improve the quality of the city’s housing stock and neighborhoods.

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. 4-8 units/acre, conservation development an option, mix of housing types (i.e. town homes and 4-plexes) at corners, limited commercial uses (i.e. ‘corner store’) serving neighborhood market

History: Home and detached garage constructed in 1960.

**Review and Discussion Items**

Staff finds that:

- 1) The applicant’s current 22 foot wide by 24 foot deep garage was constructed in 1964 and has deteriorated to the point that the applicant cannot obtain property insurance on the structure. The applicant is proposing to remove it and replace it with a 22 foot wide by 26 foot deep garage that is no closer to the stream than the existing garage.
- 2) The applicant is proposing a reasonable use of the site consisting of a modest two-car garage only two feet larger than the existing garage. This project is also consistent with the purpose statement of the R-1 zone district that is for single-family detached residential structures and associated accessory structures.
- 3) Relief from the stream setback requirements is needed because the garage cannot be sited further from the stream while still observing the required corner side yard setback from Charlotte Place.
- 4) The proposal will not alter the essential character of the area because the neighborhood has homes and garages of similar size and similar distance to the stream.
- 5) The Base Flood Elevation (BFE) of Tischer Creek as it passes the subject property is 1072 feet above mean sea level (AMSL). The requirement is that the lowest occupied level of a structure be at least two feet above the BFE and, therefore, the applicant will need to construct the garage so that the top of the slab is at least elevation 1074 feet AMSL. This elevation exceeds the Shoreland requirement for structures to be at least three feet above the Ordinary High Water Level, which in this case is elevation 1070 feet AMSL (1067 + 3 = 1070).
- 6) The applicant’s project will not result in additional adverse consequences to the environment since the garage’s size is only increasing 8% over the existing garage and the increase is replacing existing driveway impervious surface. The applicant will locate the building at 1074 feet AMSL, which will reduce flooding chances.
- 7) Stream setback variances require the provision of mitigation factors from the impacts of the variance. Because the existing garage is a legal nonconforming structure and the size is only increasing 8%, the need for mitigating factors is reduced. The applicant will continue to leave the area between the structure and the stream naturally wooded vegetation to receive rainwater from the structure and allow infiltration. Also, the applicant recently participated in a stream restoration project on their property sponsored by the South St. Louis County Soil and Water Conservation District.
- 8) Comment from City Engineering office: Base flood elevation is 1072 feet. No other public or private comments were received.
- 9) 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 grant the Variance with the following conditions:

- 1) The project be limited to, constructed, and maintained with a 22 foot wide by 26 foot deep detached garage located at least 40 feet from Tischer Creek as shown on Certificate of Survey dated 5/17/2019 except that the top of the garage slab shall be no lower than 1074 feet AMSL; and
- 2) The applicant retain the area to the south of the garage in a naturally-vegetated state, and
- 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; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PL 19-059  
 Dan & Michelle Russell  
 120 Charlotte Place  
 Stream Setback Variance

### Legend

- Blocks
- Lots
- Parcels
- 1 Ft contour
- 10 Ft contour
- Subdivision Boundaries

**Boundary Lines**

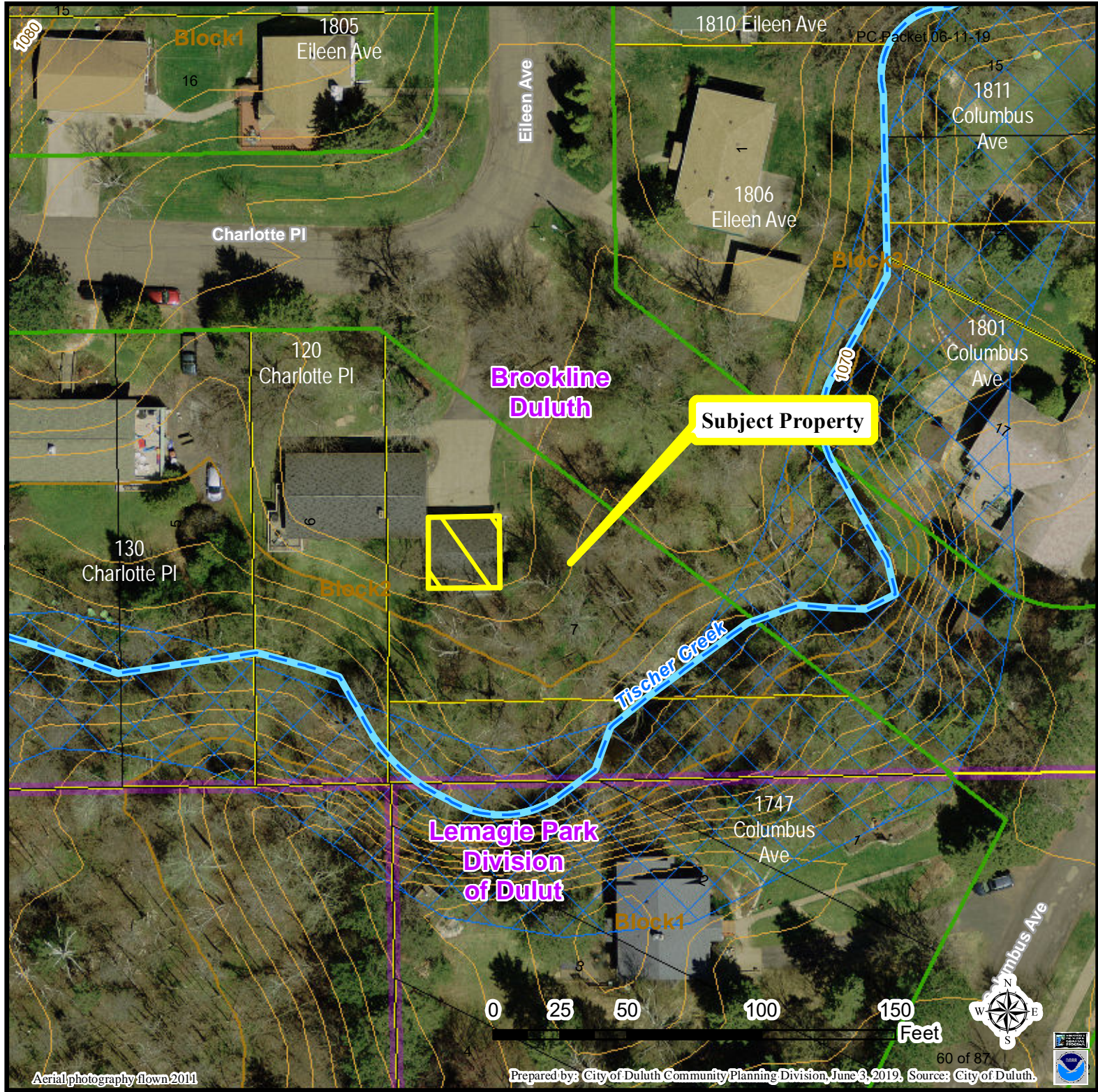
- <all other values>

**Subtype, ROW\_TYPE**

- Lot Line
- Parcel Line
- ROW (Road)
- ROW (Not Road)
- Subdivision Line
- Water Line
- Survey Line
- Municipal Boundary

**Floodplain (UDC)**

- General Flood Plain
- Flood Way
- Flood Fringe
- Trout Stream (GPS)
- Other Stream (GPS)
- Wetlands (NRR)



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.





PL 19-059  
 Dan & Michelle Russell  
 120 Charlotte Place  
 Stream Setback Variance

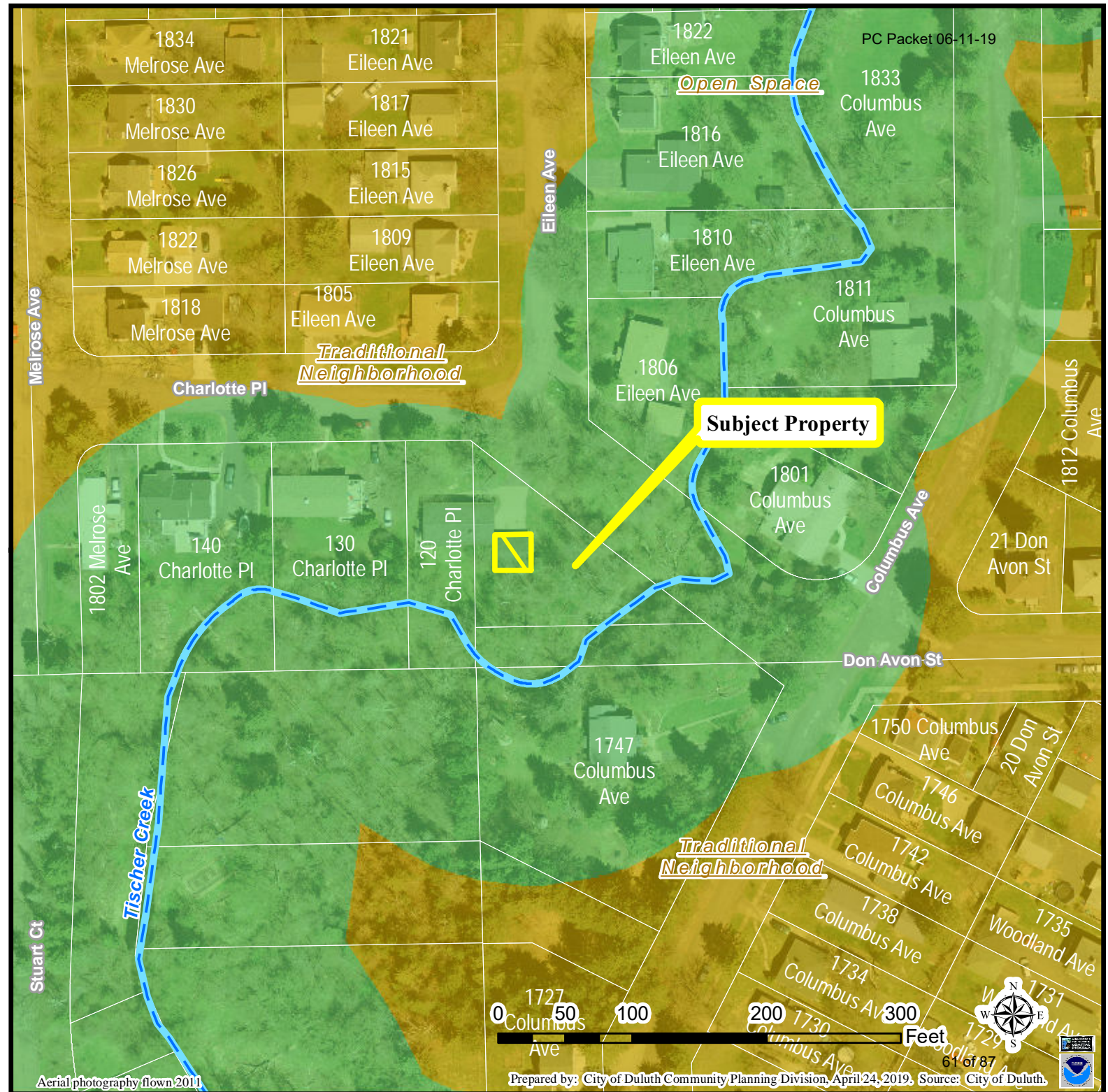
### Legend

- Trout Stream (GPS)
- Other Stream (GPS)

### Future Land Use

- Open Space
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Neighborhood Mixed Use
- General Mixed Use
- Central Business Secondary
- Central Business Primary
- Auto Oriented Commercial
- Large-scale Commercial
- Business Park
- Tourism/Entertainment District
- Medical District
- Institutional
- Commercial Waterfront
- Industrial Waterfront
- Light Industrial
- General Industrial
- Transportation and Utilities

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# Certificate of Survey

DANIEL AND MICHELLE RUSSELL  
part of Block 2, BROOKLINE  
City of Duluth  
St. Louis County, Minnesota

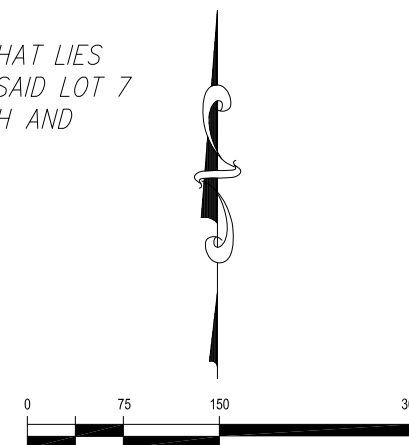
### LEGAL DESCRIPTION :

PER CERTIFICATE OF TITLE 317359

LOT 6, BLOCK 2, BROOKLINE  
AND  
LOT 7, BLOCK 2, EXCEPT THAT PART OF SAID LOT 7 THAT LIES  
BETWEEN THE FOLLOWING LINES; THE SOUTH LINE OF SAID LOT 7  
AND A LINE DRAWN ACROSS SAID LOT, 30 FEET NORTH AND  
PARALLEL THEREWITH, BROOKLINE.

### LEGEND

- ⊗ FOUND TEE IRON
- FOUND REBAR
- ⊗ 5/8" X 24" REBAR WITH ALUMINUM CAP  
INSCRIBED "MINNESOTA PLS 44075"  
SET THIS SURVEY
- "LAG" LOWEST ADJACENT GRADE



(SCALE IN FEET)

Basis of Bearing is Grid North,  
St. Louis County Transverse  
Mercator 96 Coordinate System.

## CHARLOTTE PLACE

## CHARLOTTE PLACE

BLOCK 1

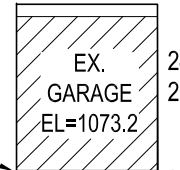
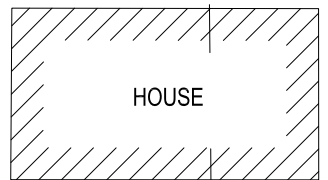
BLOCK 3

BROOKLINE  
BLOCK 2

LOT 5

LOT 6

LOT 7



24' EXISTING  
26' PROPOSED

EX.  
GARAGE  
EL=1073.2

22'

LAG=1072.8

LAG=1072.7

EL=1065.9

EL=1070.2

40.3±

56.5±

EL=1068.2

30.00

TOP OF BANK

CREEK

1065

1067

TISCHER

1066

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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.

Print Name: Paul A. Vogel

License # 44075

Signature:

Date: 05/17/2019

DATE PREPARED: 05/17/19

PROJ NO: 190313

FILE: 190313vSURV.

SHEET 1 of 1 SHEETS



PERFORMANCE  
DRIVEN DESIGN.  
LHBcorp.com

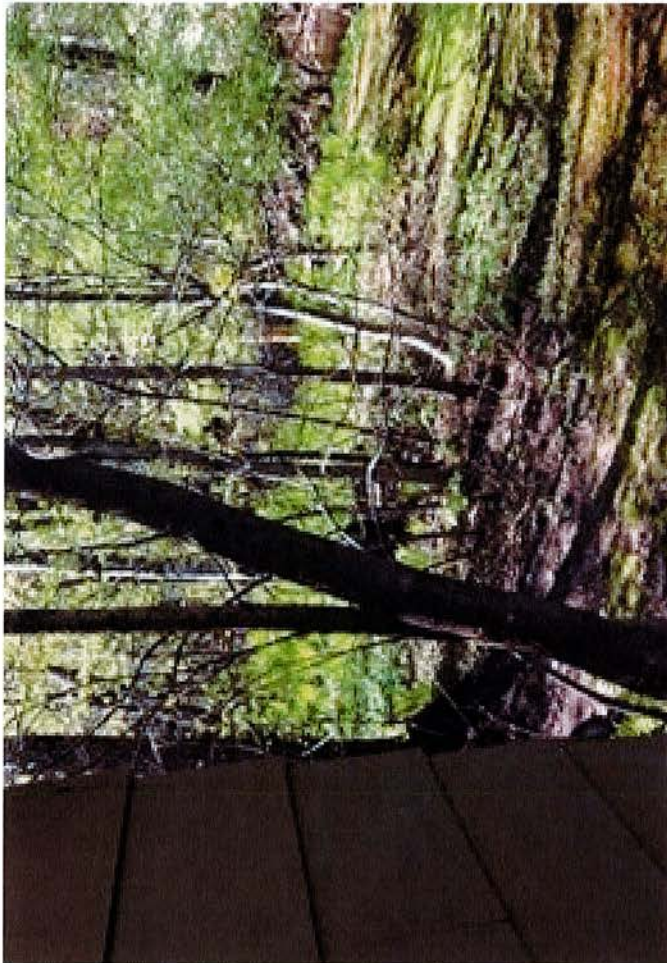
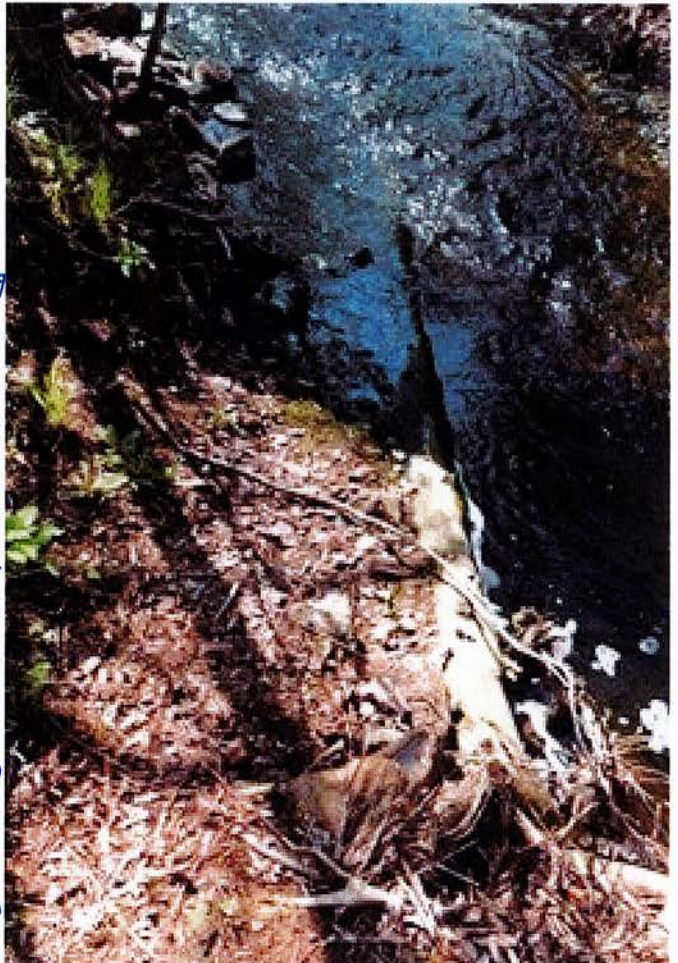
21 W. Superior St., Ste. 500 | Duluth, MN 55802 | 218.727.8446



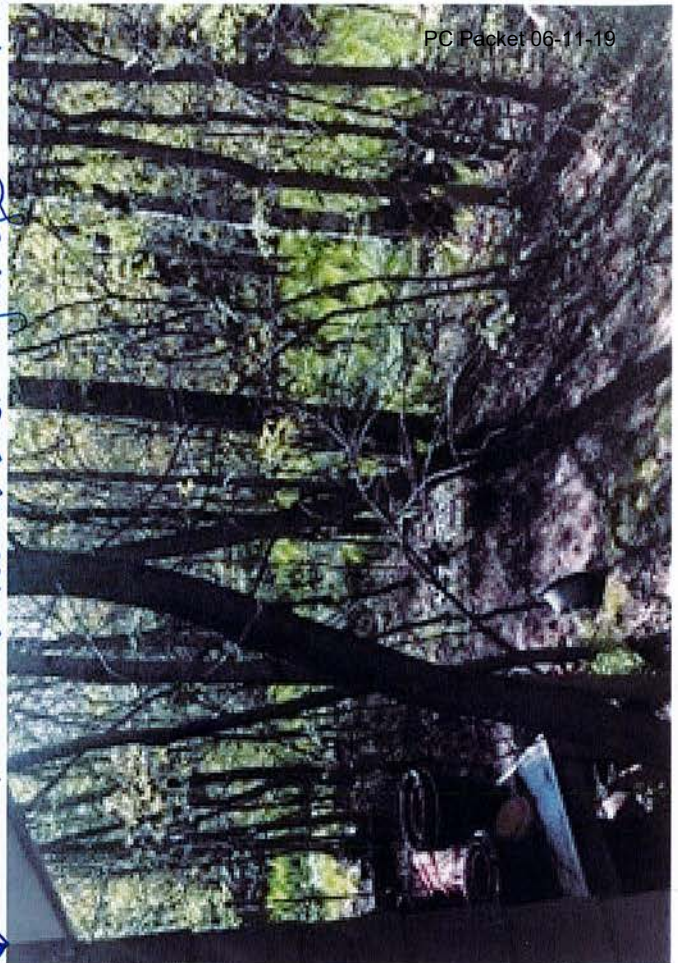
Photos provided by applicant - PL 19-059



Stream restoration area



Natural area between back of garage and stream







Existing garage





PLANNING & ECONOMIC DEVELOPMENT

Planning and Development Division  
 City Hall – 411 W 1<sup>st</sup> Street – Room 110  
 Duluth, Minnesota 55802

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

<b>File Number</b>	PL19-062		<b>Contact</b>	Mollie Hinderaker <a href="mailto:mhinderaker@duluthmn.gov">mhinderaker@duluthmn.gov</a>	
<b>Type</b>	Variance, Minimum Lot Frontage		<b>Planning Commission Date</b>	June 11, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>	May 07, 2019		<b>60 Days</b>	July 06, 2019
	<b>Date Extension Letter Mailed</b>			<b>120 Days</b>	Sept. 04, 2019
<b>Location of Subject</b>	Parcel 010-4500-01800 at 59 <sup>th</sup> Ave W. and Redruth				
<b>Applicant</b>	1 LLC, Josh Macinnes		<b>Contact</b>	201 S. Central Ave Duluth, MN 55807	
<b>Agent</b>	N/A		<b>Contact</b>	N/A	
<b>Legal Description</b>	Pin # 010-4500-01800				
<b>Site Visit Date</b>	May 31, 2019		<b>Sign Notice Date</b>	May 28, 2019	
<b>Neighbor Letter Date</b>	May 24, 2019		<b>Number of Letters Sent</b>	44	

**Proposal:**

The applicant is proposing a Variance from the Minimum Lot Frontage to be able to construct two infill single-family dwellings on the subdivided 75 foot lot following the pending approval of the Minor Subdivision application PL 19-063. A reduction of 5 feet from the minimum lot frontage standard of 40 feet in an R-1 district is proposed to create a lot frontage of 35 feet and 40 feet on Parcel A and Parcel B respectively.

**Recommended Action:**

Approve Variance with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Vacant	Traditional Neighborhood
<b>North</b>	R-1	Single-family Residential	Traditional Neighborhood
<b>South</b>	R-1	Single-family Residential	Traditional Neighborhood
<b>East</b>	R-1	Single-family Residential	Traditional Neighborhood
<b>West</b>	R-1	Single-family Residential	Traditional Neighborhood

**Summary of Municipal Planning Act & City Code Requirements**

50-41.12 - Definition of Lot frontage. Frontage shall be the dimension of the lot line at the street.

50-14.5 - R-1 District Dimensional Standards: Minimum lot frontage is 40 feet and Corner Lot: Width of Corner Side Yard is 15 feet

50-37.9.B – Variance Procedures. “The Planning Commission shall...make a decision on the application based on the criteria in subsections 50-37.9 C-M...”

50-37.9.C.- General Variance Criteria (paraphrased): The Planning Commission must find the following for a variance to be granted: a) That they are proposing to use the property in a reasonable manner, b) that the need for relief from the normal regulations is due to circumstances unique to the property and not caused by the landowner or a predecessor-in-interest, c) that granting the variance will not alter the

essential character of the area, d) that granting the variance is consistent with the intent of the UDC and the Comprehensive Plan.

50-37.1.L – Administrative Adjustments. “Where an application concerns development or redevelopment of a lot...the land use supervisor is authorized to approve applications that diverge from the requirements of this chapter in up to two of the following ways”

50-37.1.L.2 – Administrative Adjustments, Corner Side Yard Setback. “For properties zoned Residential-Traditional (R-1) or Residential-Urban (R-2), and have a lot frontage of 40 feet or less, the corner side yard setback is no less than five feet smaller than the minimum setback required by this chapter”

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

Governing Principle #5 – Promote reinvestment in neighborhoods

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

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

Housing Policy #1 Strategy #1 – Promote infill development with a mix of densities appropriate to the context of the surrounding neighborhood

Housing Policy #2 Strategy #6 – Continue to adjust applicable UDC criteria for housing development to encourage innovation and to simplify and accelerate the development process

**Future Land Use:** 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 and neighborhood extensions, and new traditional neighborhood areas.

**History:**

The project site is located on a vacant lot in 4<sup>th</sup> division of West Duluth. There was a small area plan done in 2016/2017 titled the “Irving Fairmount Brownfields Revitalization Plan” that includes the site area of this application.

**Review and Discussion Items**

Staff finds that:

- 1) The applicant is proposing a variance from the minimum lot frontage to be able to construct two infill single-family dwellings on a subdivided 75-foot lot following the pending approval of the Minor Subdivision application PL 19-063. A reduction of 5 feet from the minimum lot frontage standard of 40 feet in an R-1 district is proposed to create a lot frontage of 35 feet and 40 feet on Parcel A and Parcel B respectively.
- 2) The proposed building footprint for the single-family infill dwellings would amount to 720 square feet or 20 feet by 36 feet in dimension. If the Variance is granted and structures erected at this dimension, these infill dwelling units would not result in reductions of light or air to each other or surrounding properties.
- 3) The applicant is proposing a reasonable use of the site by planning to build two modestly sized single-family homes in an R-1 district. The Future Land Use for the site, Traditional Neighborhood, allows for density of single-family homes. Adding two modestly sized infill dwelling units would adhere to this vision along with the vision to increase housing options in the “Irving Fairmount Brownfields Revitalization Plan”.
- 4) The Comprehensive Plan’s overall Policy vision to build more affordable, infill housing units that have access to existing utilities is outlined clearly through the Governing Principles and Housing Chapter. This Variance application follows that vision by promoting residential development through design that caters to infill lots without disturbing the neighborhood character.
- 5) Relief is required from the lot frontage requirement to better promote the development of affordable and accessible housing clearly outlined in the Comprehensive Plan.
- 6) The proposal will not alter the essential character of the area. The two new single-family homes are

proposed to follow a modest size, craftsman style design that would blend in with the existing structures in the neighborhood while also increasing density and access to affordable housing. With these considerations, property values would not be adversely impacted and no threats to public safety would ensue by the granting of this Variance.

- 7) No public comments were received about this Variance application.
- 8) 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 findings of fact, staff recommends approval of the Variance to reduce Minimum Lot Frontage requirements PL 19-062, subject to the following conditions:

- 1) The project be limited to, constructed, and maintained according to the plan submitted by the applicant dated May 07, 2019, in addition to the following Administrative Adjustment:  
In order to adhere to all other UDC criteria, the proposed structure on Parcel B would have a maximum Corner Side Yard Setback reduction of 5 feet from the required 15 feet according to UDC 50-37.1.L.2
- 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.



PL 19-062  
 010-4500-01800  
 59th Ave W. and Redruth

**Legend**

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
  - CITY OF DULUTH
  - WLSSD; PRIVATE
  - Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains**
  - Storm Sewer Pipe
  - Storm Sewer Catch Basin
- Zoning Boundaries



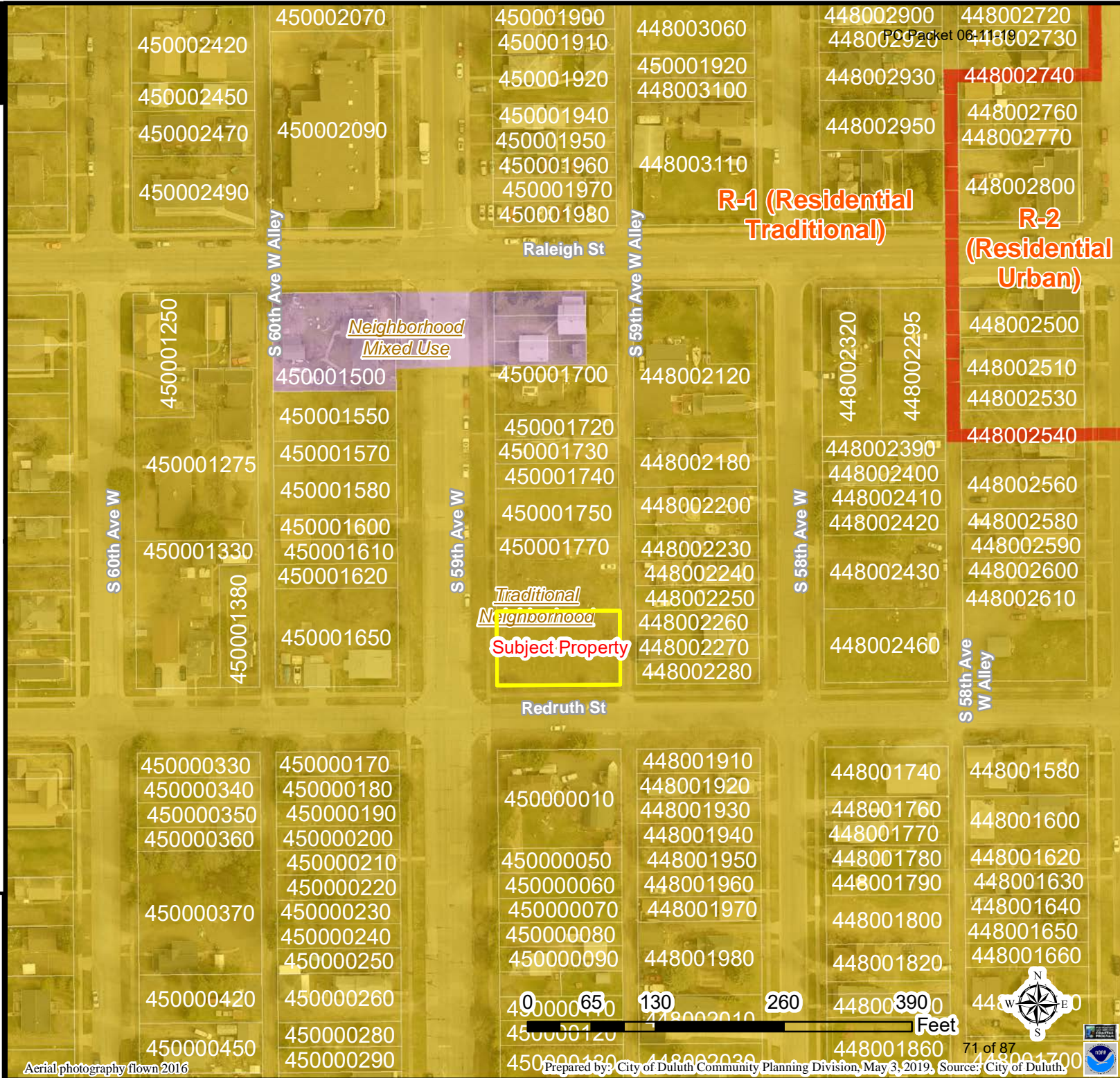
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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

Aerial photography flown 2016



**Legend**

- Zoning Boundaries
- Open Space
- Open Space/Outside Duluth
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Central Business Secondary
- Central Business Primary
- Large-scale commercial
- Tourism/Entertainment District
- Commercial Waterfront
- General Mixed Use
- Neighborhood Mixed Use
- Light Industrial
- General Industrial
- Industrial Waterfront
- Business Park
- Transportation and Utilities
- Transportation and Utilities/Outside Duluth
- Medical District
- Institutional



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**ORIGINAL LEGAL DESCRIPTION PER THE ST. LOUIS COUNTY PROPERTY DETAILS REPORT (PID#010-4500-01800):**

LOTS 14, 15, & 16, BLOCK 83, WEST DULUTH 4th DIVISION

**PROPOSED LEGAL DESCRIPTIONS**

**PARCEL A:**

LOT 14 AND LOT 15 EXCEPT THE SOUTHERLY 15 FEET THEREOF, BLOCK 83, WEST DULUTH 4TH DIVISION, ACCORDING TO THE RECORDED PLAT THEREOF, DULUTH, ST LOUIS COUNTY, MINNESOTA.

**PARCEL B:**

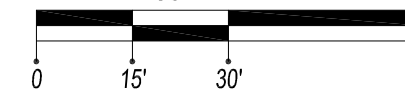
LOT 16 AND THE SOUTHERLY 15 FEET OF LOT 15, BLOCK 83, WEST DULUTH 4TH DIVISION, ACCORDING TO THE RECORDED PLAT THEREOF, DULUTH, ST LOUIS COUNTY, MINNESOTA.

**Surveyors Notes:**

No surveying was done to produce this drawing.



SCALE IN FEET



1 inch = 30 feet

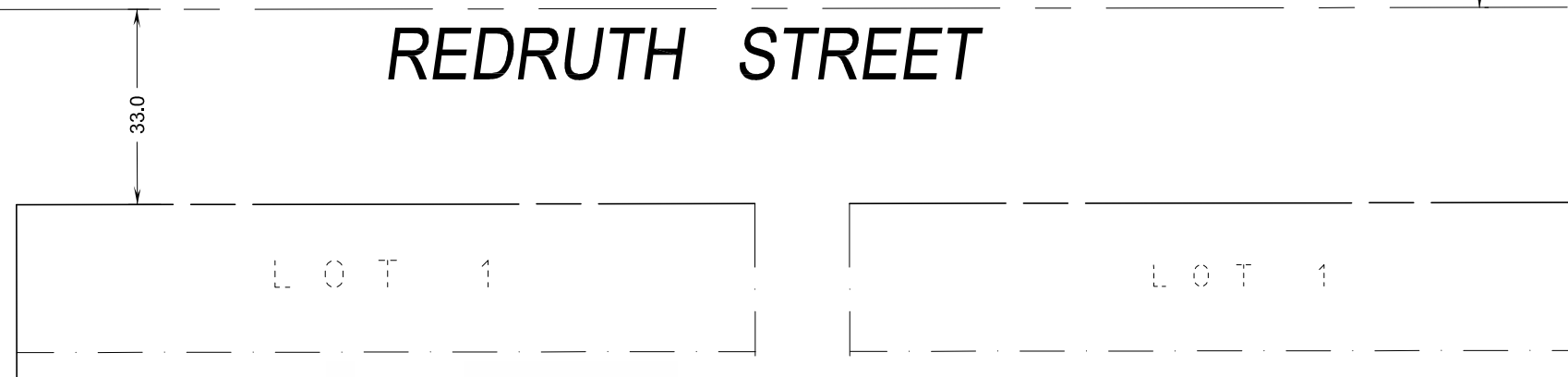
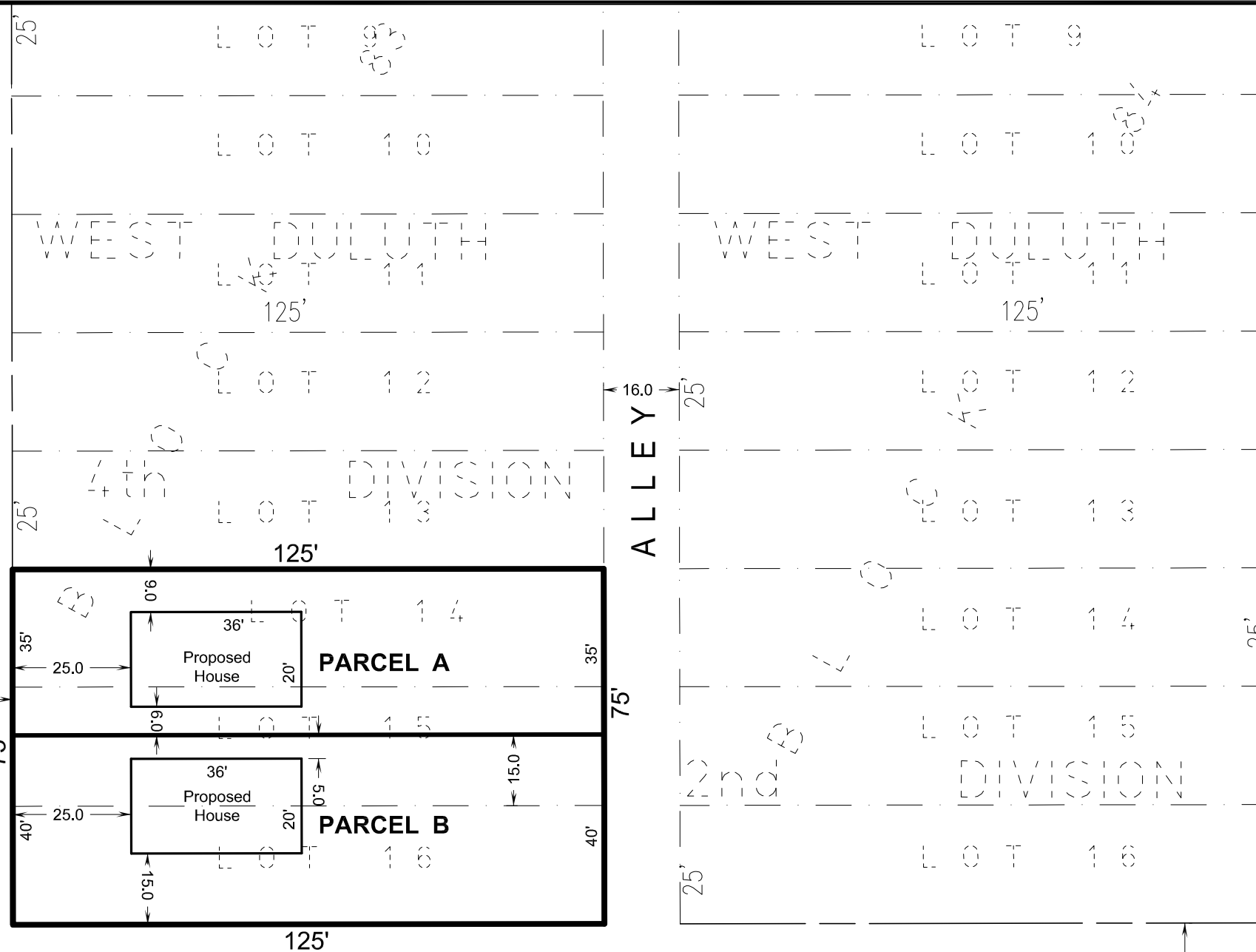
Bearings, Distances, and Coordinates are based on the SLCTM96 Coordinate System

**59th AVENUE WEST**

**58th AVENUE WEST**

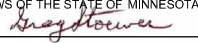
**ALLEY**

**REDRUTH STREET**



FIELD BOOK: FIELDBOOK  
 Plot Date: 05/31/2019  
 Drawing name: P:\Hermantown\Office\Projects\TKDA\15513 Land Surveys\15513.356 - LLC\04\_Production\01\_CAD\01\_Xref\11LLC.dwg  
 Xrefs:

NO.	DATE	BY	DESCRIPTION OF REVISIONS
1	8/01/17	JK	CERTIFICATION

DESIGNED JL	DRAWN JK	I HEREBY CERTIFY THAT THIS PLAN 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  GREG STOEWER	
CHECKED JG			
DATE	05/31/2019	LIC. NO.	21774



11 East Superior Street  
 Suite 420  
 Duluth, MN. 55802  
 218.724.8578  
 tkda.com

Parcel Split Exhibit  
 for: 1.LLC

DULUTH                      MINNESOTA

CITY PROJECT NO.                      MSA NO.

EXHIBIT

PROJECT NO. 15513.356	
RECORD NO. 72 of 87	SHEET NO. 1



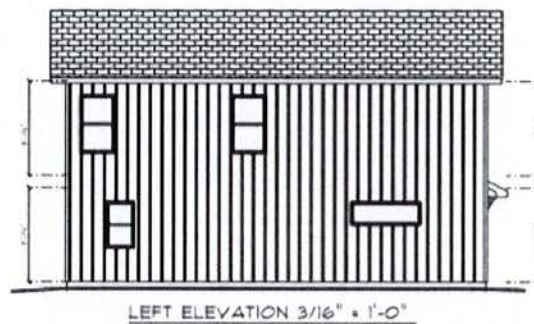
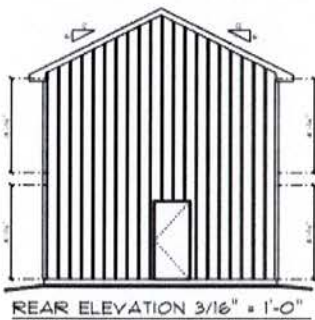
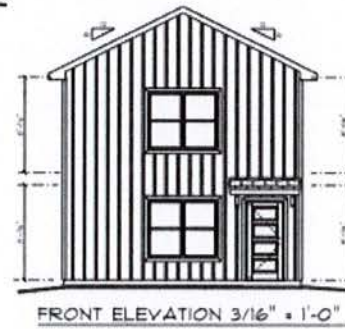
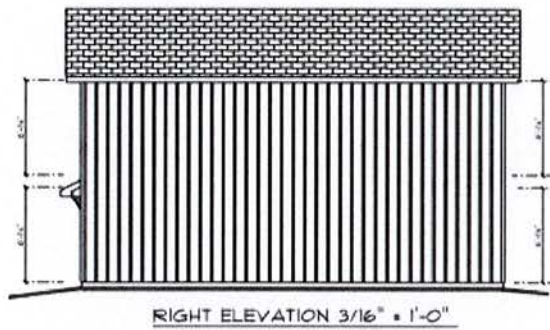
## VARIANCE APPLICATION SUPPLEMENTAL FORM – LOT 010-4500-01800

1. Lot 010-4500-01800 is a vacant lot at the North and East corner of 59<sup>th</sup> Avenue West and Redruth Street (SEE EXHIBIT A1 and EXHIBIT A2) in Duluth. 1 LLC is the owner and developer of the lot and wishes to maximize the use of this lot by building 2 new single family dwellings. 1 LLC is proposing to split the 75' lot into a 40' buildable corner lot and a 35' lot that is 5' short of the minimum lot frontage requirement per UDC Section 50-14.5
2. The current lot is 75' and is ample in size to house 2 new single family infill dwelling units, however it is 5' short according to the UDC. As the City of Duluth stated in the Imagine Duluth Comprehensive Plan, it has a desire to maximize housing and infill housing in situations where existing utilities and amenities are located. Also stated in this Comprehensive Plan was that there should be innovation to code allowed as a means to provide more affordable and attainable housing opportunities throughout the City (See Housing Policy #2, S6 below):

### **Policy #2 – Provide affordable, attainable housing opportunities**

- S1.** Establish new parameters and a framework for communication and collaboration for financing new rental housing and additional homeownership in the community.
- S2.** Align funding, resources, and zoning to implement reinvestment area goals.
- S3.** Develop a cost-effective strategy for housing replacement and reinvestment that includes a variety of housing types and encourages homeownership.
- S4.** Catalog available lots and develop a schedule for development phasing. Bring new development sites online only after existing lots are developed.
- S5.** Foster opportunities for creative housing types and concepts, including tiny houses, townhomes, housing for individuals in Duluth on a temporary basis, and passive energy homes.
- S6.** Continue to adjust applicable UDC criteria for housing development to encourage innovation and to simplify and accelerate the development process.

3. There are varying sizes and frontages of lots on the same block as the subject property, however, 1 LLC currently only has ownership of this one parcel and wishes to maximize the building density at this location to make 2 new single family homes as a means to offer more affordable and attainable homes to their end users.
4. 2 new single family homes are proposed for this lot that would allow for existing utilities and amenities to be accessed. These homes have been specifically designed for infill lots and are designed to have a craftsmen feel that will compliment the neighborhoods they are in (see elevation drawings below):



5. If this variance is granted, it will still allow ample space all around these 2 new single family dwellings for buffer space between adjacent properties. There would be approximately 50 feet between the North house and the adjacent dwelling (SEE **EXHIBIT B**).
6. Should this variance be granted, it will not substantially impair the intent of Duluth's UDC, but rather still adhere to the overall intent and philosophy of its governance. 1 LLC simply wishes to maximize this location for appropriate and complimentary infill housing in this neighborhood of Duluth. 1 LLC has a commitment to this area and neighborhood and built 2 new single family dwellings two blocks away from this location in 2018 at the corner of 57<sup>th</sup> Ave West and Redruth Street (see pictures below):







PLANNING & ECONOMIC DEVELOPMENT

Planning and Development Division  
 City Hall – 411 W 1<sup>st</sup> Street – Room 110  
 Duluth, Minnesota 55802

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

<b>File Number</b>	PL19-063		<b>Contact</b>	Mollie Hinderaker <a href="mailto:mhinderaker@duluthmn.gov">mhinderaker@duluthmn.gov</a>	
<b>Type</b>	Minor Subdivision		<b>Planning Commission Date</b>	June 11, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>	May 07, 2019		<b>60 Days</b>	July 06, 2019
	<b>Date Extension Letter Mailed</b>			<b>120 Days</b>	Sept. 04, 2019
<b>Location of Subject</b>	Parcel 010-4500-01800 at 59 <sup>th</sup> Ave W. and Redruth				
<b>Applicant</b>	1 LLC, Josh Macinnes		<b>Contact</b>	201 S. Central Ave Duluth, MN 55807	
<b>Agent</b>	N/A		<b>Contact</b>	N/A	
<b>Legal Description</b>	Pin # 010-4500-01800				
<b>Site Visit Date</b>	May 31, 2019		<b>Sign Notice Date</b>	May 28, 2019	
<b>Neighbor Letter Date</b>	N/A		<b>Number of Letters Sent</b>	N/A	

**Proposal**  
 The applicant is requesting a Minor Subdivision to divide a single lot into two lots, named Parcel A and Parcel B. The current parcel is 9,375 feet and the division would create Parcel A with 4,375 feet and Parcel B with 5,000 feet.

**Recommended Action:**  
 Approve Minor Subdivision with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Vacant	Traditional Neighborhood
<b>North</b>	R-1	Single-family Residential	Traditional Neighborhood
<b>South</b>	R-1	Single-family Residential	Traditional Neighborhood
<b>East</b>	R-1	Single-family Residential	Traditional Neighborhood
<b>West</b>	R-1	Single-family Residential	Traditional Neighborhood

**Summary of Municipal Planning Act & City 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 the application:

- (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.

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

- Governing Principle #5 – Promote reinvestment in neighborhoods
- Governing Principle #8 - Encourage mix of activities, uses, and densities
- Governing Principle #9 - Support private actions that contribute to the public realm

Housing Policy #1 Strategy #1 – Promote infill development with a mix of densities appropriate to the context of the surrounding neighborhood

**Future Land Use:**

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 and neighborhood extensions, and new traditional neighborhood areas.

**History:**

The project site is located on a vacant lot in 4<sup>th</sup> division of West Duluth. There was a small area plan done in 2016/2017 titled the “Irving Fairmount Brownfields Revitalization Plan” that includes the site area of this application.

**Review and Discussion Items**

Staff finds that:

1. The applicant is requesting a Minor Subdivision to divide a single lot into two lots, named Parcel A and Parcel B. The current parcel is 9,375 feet and the division would create Parcel A with 4,375 feet and Parcel B with 5,000 feet
2. A Variance (PL 19-062, pending approval) will be needed if the Minor Subdivision is granted in order to develop proposed Parcel A with infill housing. Reasoning for this includes furthering the vision and goals of the Comprehensive Plan and the “Irving Fairmount Brownfields Redevelopment Plan”. Furthermore, in order to meet other UDC requirements for a structure on the corner lot (proposed Parcel B), proposed Parcel A would suffice to be narrower at 35 feet while also making it similar in size to the lots of the surrounding area.
2. No public, agency, or City comments were received.
3. No existing platted right of way is being proposed to be vacated with this proposal.
4. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
5. 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 application PL 19-063 subject to 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, indication 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.



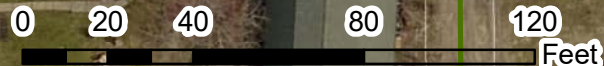
PL 19-063  
 010-4500-01800  
 59th Ave W. and Redruth

**Legend**

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
  - CITY OF DULUTH
  - WLSSD; PRIVATE
  - Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains**
  - Storm Sewer Pipe
  - Storm Sewer Catch Basin
- Zoning Boundaries



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

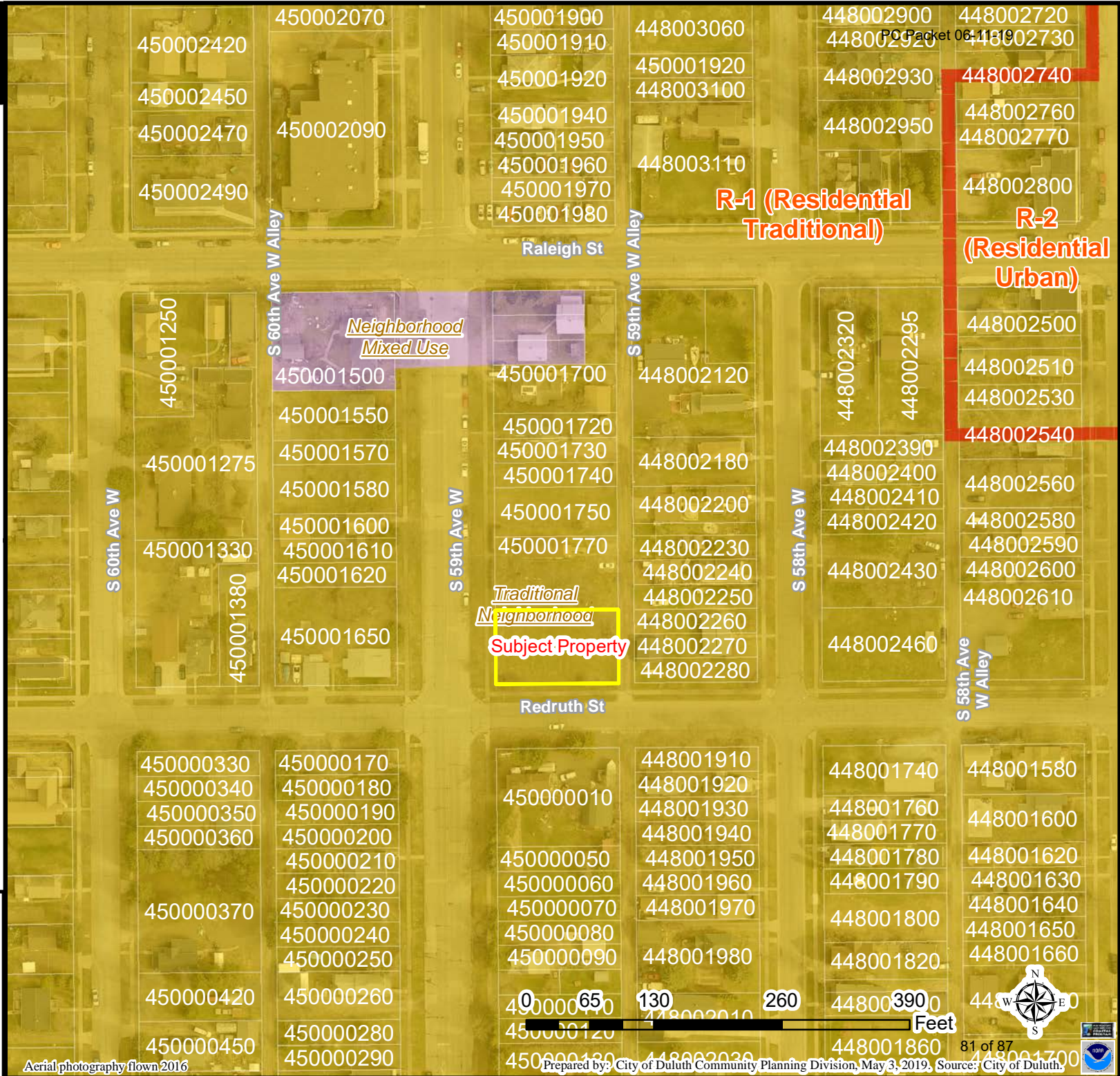






**Legend**

- Zoning Boundaries
- Open Space
- Open Space/Outside Duluth
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Central Business Secondary
- Central Business Primary
- Large-scale commercial
- Tourism/Entertainment District
- Commercial Waterfront
- General Mixed Use
- Neighborhood Mixed Use
- Light Industrial
- General Industrial
- Industrial Waterfront
- Business Park
- Transportation and Utilities
- Transportation and Utilities/Outside Duluth
- Medical District
- Institutional



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**ORIGINAL LEGAL DESCRIPTION PER THE ST. LOUIS COUNTY PROPERTY DETAILS REPORT (PID#010-4500-01800):**

LOTS 14, 15, & 16, BLOCK 83, WEST DULUTH 4th DIVISION

**PROPOSED LEGAL DESCRIPTIONS**

**PARCEL A:**

LOT 14 AND LOT 15 EXCEPT THE SOUTHERLY 15 FEET THEREOF, BLOCK 83, WEST DULUTH 4TH DIVISION, ACCORDING TO THE RECORDED PLAT THEREOF, DULUTH, ST LOUIS COUNTY, MINNESOTA.

**PARCEL B:**

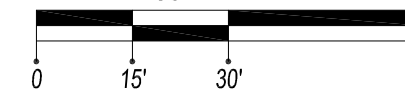
LOT 16 AND THE SOUTHERLY 15 FEET OF LOT 15, BLOCK 83, WEST DULUTH 4TH DIVISION, ACCORDING TO THE RECORDED PLAT THEREOF, DULUTH, ST LOUIS COUNTY, MINNESOTA.

**Surveyors Notes:**

No surveying was done to produce this drawing.



SCALE IN FEET



1 inch = 30 feet

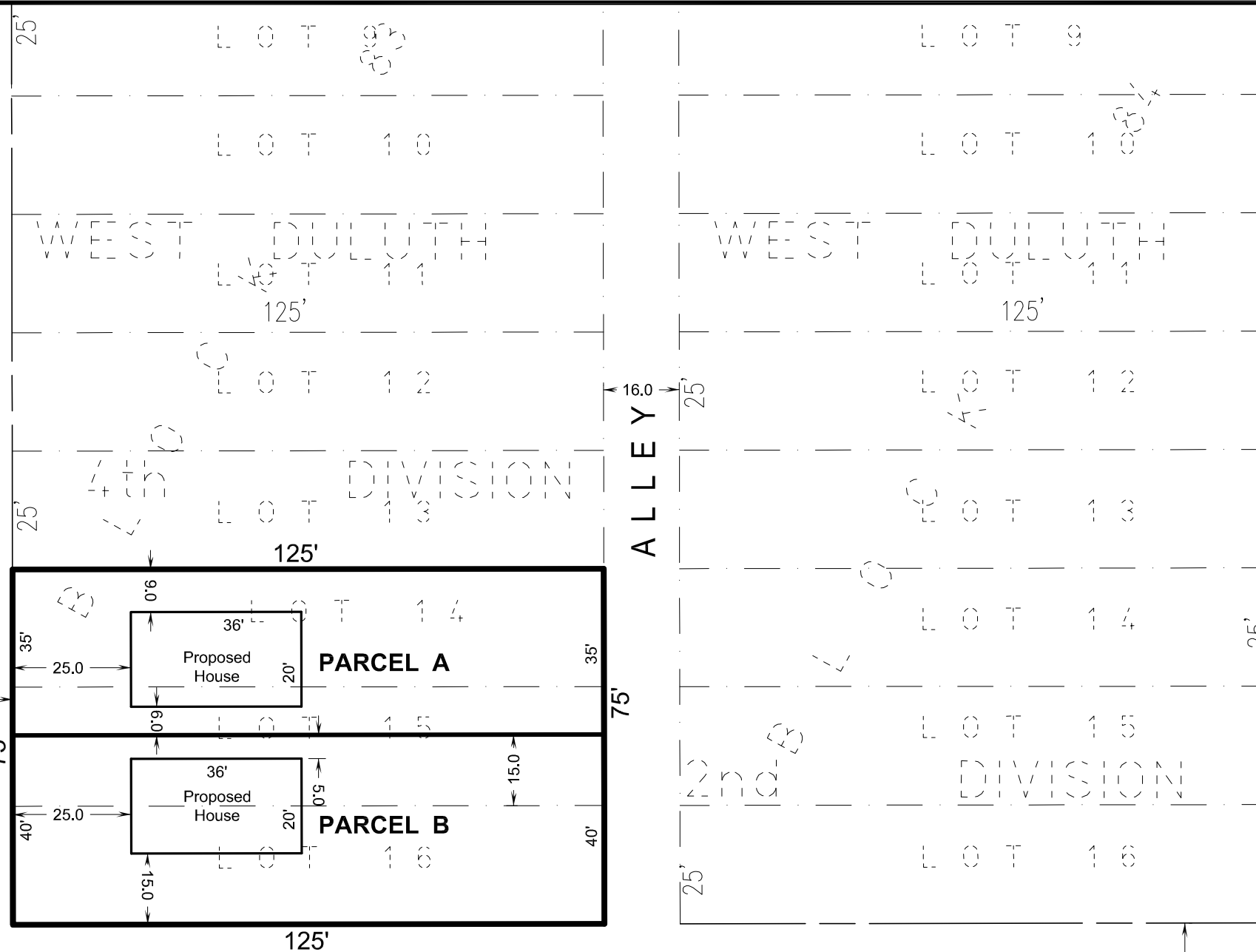
Bearings, Distances, and Coordinates are based on the SLCTM96 Coordinate System

59th AVENUE WEST

58th AVENUE WEST

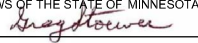
ALLEY

REDRUTH STREET



FIELD BOOK: FIELDBOOK  
 Plot Date: 05/31/2019  
 Drawing name: P:\Hermantown\Office\Projects\TKDA\15513 Land Survey\15513.356 - LCO\4 - Production\01\_CAD\01\_Xref\11LLC.dwg  
 Xrefs:

NO.	DATE	BY	DESCRIPTION OF REVISIONS
1	8/01/17	JK	CERTIFICATION

DESIGNED JL	DRAWN JK	I HEREBY CERTIFY THAT THIS PLAN 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  GREG STOEWER
CHECKED JG	DATE 05/31/2019	
LIC. NO.		21774



11 East Superior Street  
 Suite 420  
 Duluth, MN. 55802  
 218.724.8578  
 tkda.com

Parcel Split Exhibit  
 for: 1.LLC

DULUTH                      MINNESOTA

CITY PROJECT NO.                      MSA NO.

EXHIBIT		PROJECT NO. 15513.356
82 of 87	SHEET NO. 1	



## PLANNING & ECONOMIC DEVELOPMENT

Planning & Development Division  
 City Hall – 411 W 1<sup>st</sup> Street – Room 110  
 Duluth, Minnesota 55802  
 218-730-5580 / [planning@duluthmn.gov](mailto:planning@duluthmn.gov)

**DATE:** June 11, 2019  
**TO:** President and Planning Commissioners  
**FROM:** Adam Fulton, Deputy Director, Planning & Economic Development  
**RE:** PL 19-074, Redevelopment of the Board of Trade Building  
 Conformance of Development District for 301 West 1st Street to Comprehensive Plan

### **Background:**

In order to facilitate the redevelopment of the Board of Trade Building at 301 West 1<sup>st</sup> Street (the “Project”), the City needs to modify existing Development District 17. The role of the Planning Commission is to make sure the proposed development and its uses are consistent with the Comprehensive Plan and Unified Development Code (UDC). Tax Increment Financing (TIF) is a financing tool that uses the increase in property taxes generated from site improvements to pay for a portion of those improvements.

The Project will consist of reconfiguring and remodeling the approximately 99,000 square foot, 9-story building. The building will host approximately 18,000 square feet of commercial space and 84 apartment units. Of the apartments, 17 units will be rented at no greater than 50% of the Area Median Income. The building’s first floor currently hosts commercial retail, but the remaining eight stories are mostly vacant. This project will utilize historic tax credits and reinvest in deferred maintenance for critical elements of the building, including the roof and elevators.

The final plans for the top level of the building, the former Grain Exchange trading floor, are not yet finalized. The developer intends to retain intact the historic character of that element of the building, as well as other historic aspects such as the building’s exterior along 1<sup>st</sup> Street and other internal historic elements allowable by the State Building Code.

### **UDC Conformity:**

The area is zoned F-8, Downtown Mix; according to the Unified Development Chapter, the district provides slightly more flexibility in building form than does F-7, as it permits both Main Street Building III and Corridor Building III for office and residential uses.

### **Comprehensive Plan Conformity:**

The future land-use designation of the redevelopment site is Central Business Primary (CBP). According to the Imagine Duluth 2035 Comprehensive Plan, CBP:

Encompasses a broad range of uses and intensities:

- Governmental campus
- Significant retail
- Entertainment and lodging
- Opportunities for high-density housing
- Central plaza, public/ open space
- Public parking facilities

This project implements the following Comprehensive Plan Principles:

**Principle #1 – Reuse previously developed lands** – Reuse of previously developed lands, including adaptive reuse of existing building stock and historic resources, directs new investment to sites which have the potential to perform at a higher level than their current state. This strengthens neighborhoods and is preferred to a dispersed development pattern with attendant alteration of natural landscapes and extensions of public services. Site preparation or building modification costs are offset by savings in existing public infrastructure such as streets, utilities, and transit, fire and police services.

**Principle #8 – Encourage mix of activities, uses and densities** – Cities have evolved as a mix of land uses, building types, housing types, and activities. Accommodating choice while protecting investment is a balance to strike in land use regulation. Mixed uses provide opportunity for a diversity of activity that segregated, uniform uses do not provide.

Staff has determined that the proposed development conforms to and implements the Comprehensive Plan principles.

**Recommendation:**

Staff recommends adoption of a Resolution finding that the Project conform to the general plans for the development and redevelopment of the City.

The complete Resolution, along with zoning and future land use maps, are incorporated herein by reference and attached to this report for review.

**PLANNING COMMISSION  
CITY OF DULUTH, MINNESOTA**

**RESOLUTION NO. \_\_\_\_\_**

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

WHEREAS, the Duluth Economic Development Authority (the "DEDA") and the City of Duluth (the "City") have proposed to adopt a Modification to the Development Program for Development District No. 17 (the "Development Program Modification") and a Tax Increment Financing Plan for Tax Increment Financing District No. 32 (Board of Trade) (the "TIF Plan") therefor (the Development Program Modification and the TIF Plan are referred to collectively herein as the "Program and Plan") and have submitted the Program and Plan to the City Planning Commission (the "Commission") pursuant to Minnesota Statutes, Section 469.175, Subd. 3, and

WHEREAS, the Commission has reviewed the Program and Plan to determine their conformity with the general plans for the development and redevelopment of the City as described in the comprehensive plan for the City.

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

Dated: \_\_\_\_\_, 2019

\_\_\_\_\_  
Chair

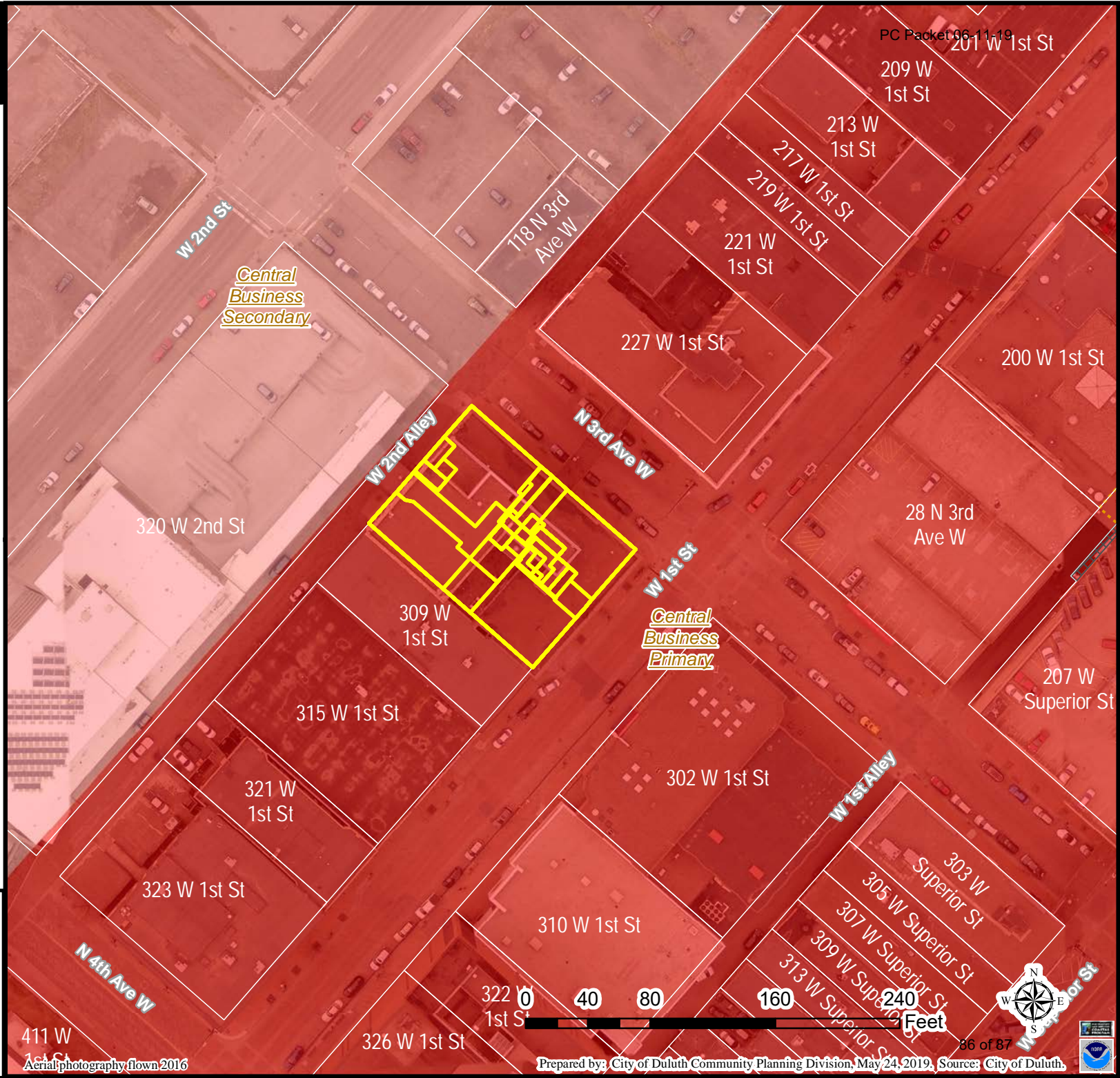
ATTEST:

\_\_\_\_\_  
Secretary



Legend

- Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement
- Open Space
- Open Space/Outside Duluth
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Central Business Secondary
- Central Business Primary
- Large-scale commercial
- Tourism/Entertainment District
- Commercial Waterfront
- General Mixed Use
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# CITY OF DULUTH

PC Packet 06-11-19

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT  
Planning & Development Division  
411 West First Street – Room 208 - Duluth, Minnesota 55802-1197  
218-730-5580 – An Equal Opportunity Employer

**DATE:** June 5, 2019  
**TO:** President Schraepfer and Planning Commissioners  
**FROM:** Adam Fulton, Deputy Director and Land Use Supervisor  
**RE:** Monthly Status Update

## Projects

### UDC Updates, including Tiny Houses

A research summary prepared by Emilie Voight will be emailed to Commissioners and discussed at the meeting.

In addition to changes to the code to reflect allowances for Tiny Houses, staff will bring forward amendments to the existing craft brewery and distilleries for the August PC meeting. Staff will recommend changes to the permitted use table to allow these land uses in several more zone districts, and propose changes to the definitions.

### City Flag Update

The City Flag process is open for voting, wrapping up on June 21<sup>st</sup>. Vote here:  
<https://duluthmn.gov/duluthflagproject>

### US Steel and Mud Lake Workshop

Information regarding the workshop will be provided at the meeting and, if available, emailed in advance. The Parks and Recreation Division is producing the final meeting summary.