



# City of Duluth

## Meeting Agenda

### Planning Commission.

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Tuesday, June 9, 2020

5:00 PM

Council Chamber, Third Floor, City Hall, 411  
West First Street

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To view the meeting, visit <http://www.duluthmn.gov/live-meeting>

#### Call to Order and Roll Call

#### Public Comment

#### Approval of Planning Commission Minutes

[PL031020](#) Planning Commission Minutes 03/10/20

**Attachments:** [03-10-20 PC Minutes \(not approved yet\)](#)

[PL041420](#) Planning Commission Minutes 04/14/20

**Attachments:** [04-14-20 PC Minutes \(not approved yet\) \(1\)](#)

[PL051220](#) Planning Commission Minutes 05/12/20

**Attachments:** [05-12-20 PC Minutes \(not approved yet\) \(1\)](#)

#### Consent Agenda

1. [PL 20-056](#) Minor Subdivision at 3xx Bellis St by James Gruba  
**Attachments:** [PL 20-056 Staff Report and Attachments](#)
2. [PL 20-047](#) Minor Subdivision at 54XX Tioga Street by Jay Isenberg  
**Attachments:** [PL 20-047 Staff Report and Attachments](#)
3. [PL 20-058](#) Final Plat of London East at Upper Side of 3700-3800 Block of London Road by TJS Construction LLC  
**Attachments:** [PL 20-058 Staff Report with attachments](#)
4. [PL 20-050](#) Concurrent Use Permit for Laydown Area by Duluth Seaway Port Authority  
**Attachments:** [PL 20-050 Staff Report Packet](#)

#### Public Hearing

5. [PL 20-052](#) Variance to Number of Parking Spaces for a Multi-Family Building at Burning Tree Road by Center City Housing Corp

**Attachments:** [PL 20-052 Staff Report - draft with attachments](#)

6. [PL 20-055](#) Special Use Permit for Auto Glass Repair in an MU-N District at 3802 Trinity Road by George Weller

**Attachments:** [PL 20-055 Staff Report and Attachments](#)

### **New Business**

7. [PL19-018](#) Minor Amendment to PL 19-018 Essentia Health's Vision Northland

**Attachments:** [PL 19-018 Transformer Amendment Memo and Attachments](#)

### **Old Business**

8. [PL 20-026](#) Variance from Corner Side Yard Setbacks for Single-Family House at 301 S 58th Avenue W by DEDA

**Attachments:** [PL 20-026 Memo with Attachments](#)

### **Communications**

Land Use Supervisor Report

Historic Preservation Commission Report

Joint Airport Zoning Board Report

Duluth Midway Joint Powers Zoning Board Report

Date for Brown Bag Meeting to Discuss Proposed UDC Text Changes

**NOTICE: The Duluth Planning Commission will be holding its June 9, 2020 Special Meeting by other electronic means pursuant to Minnesota Statutes Section 13D.021 in response to the COVID-19 emergency. Some members of the Commission will be participating through video conference. Due to the COVID-19 emergency and the closure of City facilities, public comment will not be taken in person. However, members of the public can monitor the meeting and provide public comment on agenda items through WebEx Events. Visit <https://duluthmn.gov/live-meeting> to access the meeting. The public is also encouraged to submit written comment to [planning@duluthmn.gov](mailto:planning@duluthmn.gov) prior to the meeting. Please include "Planning Commission Agenda" in the subject line, and include your name and address and the agenda item you are speaking to. Please note that all public comment is considered Public Data. The public is also encouraged to watch the meeting by tuning into Public Access Television, Channel 180.**



City of Duluth  
Planning Commission  
March 10, 2020 Meeting Minutes  
Council Chambers - Duluth City Hall

Call to Order

President Margie Nelson called to order the meeting of the city planning commission at 5:02 p.m. on Tuesday, March 10, 2020, in the council chambers in Duluth city hall.

Roll Call

Attending: Gary Eckenberg, Tim Meyer, Margie Nelson, Andrea Wedul, and Zandra Zwiebel  
Absent: Jason Crawford, Michael Schraepfer, and Sarah Wisdorf  
Staff Present: Adam Fulton, Robert Asleson, Steven Robertson, Chris Lee, John Kelley, and Cindy Stafford

Public Comment –N/A

Approval of Planning Commission Minutes

February 11, 2020

**MOTION/Second:** Meyer/Wedul approved the minutes with one change

**VOTE: (5-0)**

Consent Agenda

~~PL 20-007 Minor Subdivision at 538 Rose Street by One Roof Community Housing~~ (removed from consent agenda and placed under public hearings)

PL 20-008 Minor Subdivision at 3910-3912 W. 6<sup>th</sup> Street by Susan Hall

PL 20-009 Variance at 3910-3912 W. 6<sup>th</sup> Street by Susan Hall

PL 20-011 Concurrent Use of Streets Permit at 394 Lake Avenue South for Dewitt Seitz Building by Oneida Commercial Real Estate Services

PL 20-018 Minor Subdivision at South 69<sup>th</sup> Avenue West for Sherri Irving/Northland Homes

PL 20-024 Variance from Rear Yard Setback at 1314 Commonwealth Avenue by Larry Pulkrabek

**Staff:** N/A

**Applicant:** N/A

**Public:** No speakers.

**Commissioners:**

**MOTION/Second:** Zwiebel/Meyer recommended approval of the consent agenda items as per staff's recommendations.

**VOTE: (5-0)**

Public Hearings

PL 20-007 Minor Subdivision at 538 Rose Street by One Roof Community Housing (removed from consent agenda and placed under public hearings)

**Staff:** Deputy Director Adam Fulton asked if the commissioners would like staff to present the item. A presentation was not requested.

**Applicant:** N/A

**Public:** No speakers.

**Commissioners:** Gary Eckenberg noted he is on the One Roof Board and needs to abstain from the vote and therefore asked for this item to be removed from the consent agenda.

**MOTION/Second:** Wedul/Meyer recommended approval of the consent agenda items as per staff's recommendations.

**VOTE: (4-0, Eckenberg Abstained)**

PL 20-012 Vacation of Street at 715 N. 57<sup>th</sup> Avenue W., St. James Church by Richard Kunst

**Staff:** John Kelley introduces the applicant's proposal for the vacation of the North 58<sup>th</sup> Avenue alley between Kinnear Place and Elinor Street alley in order to unify property they own on both sides to allow for the expansion of the parking area on the west side of the St. James church and school buildings. As part of the vacation process, the applicant is also submitting an application for a special use permit for improvements to the existing parking lot (PL 20-013). Staff is recommending approval with the conditions listed in the staff report.

**Applicant:** N/A

**Public:** No speakers.

**Commissioners:** N/A

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

**VOTE: (5-0)**

PL 20-013 Special Use Permit for Expanded Church Parking at 715 N. 57<sup>th</sup> Avenue West, St. James Church, by Richard Kunst

**Staff:** John Kelley introduced the applicant's proposal for a special use permit for a church and 88 stall accessory parking lot in an R-1, Residential Traditional zone district. Staff recommends approval with the conditions listed in the staff report.

**Applicant:** N/A

**Public:** No speakers.

**Commissioners:** Eckenberg noted item #2 in the staff report stating the church will demo two buildings. He noted the map shows four buildings. He asked staff to clarify. Kelley noted there are existing homes on the site. Kelley noted the homes along Elinor will remain. There are four houses owned by the church, which will be removed. Andrea Wedul clarified two houses will remain on the block. Kelley affirmed. There is no need for alley access. Wedul noted the citizen comment they received to leave the existing trees. Kelley affirmed existing trees will remain and additional plantings will be added.

**MOTION/Second:** Eckenberg/Meyer approved as per staff's recommendations.

**VOTE: (5-0)**

PL 19-187 Special Use Permit for Hotel at 808 E. 2<sup>nd</sup> Street by Nick Christensen

**Staff:** Chris Lee introduces the applicant's proposal for the creation of a hotel through the addition of six units that are being built into the existing multi-use commercial building. This

hotel will provide furnished units marketed to patients and employees of nearby hospitals. As such, it will function similarly to an extended stay hotel. Staff recommends approval with the conditions listed in the staff report. Chair Nelson noted the congestion in the area. Is there a parking plan?

**Applicant:** Nick Christiansen noted there is parking available on 2<sup>nd</sup> street after regular hospital hours. Eckenberg asked if they have exterior plans for the building. Christiansen noted they do plan on updating the façade and replacing windows and doors. The proximity to the hospital allows for renters to walk to work without having a car. Second Avenue is being redone. Wedul asked about accessibility. The main grade enters on 2<sup>nd</sup> Street and the units are being built in compliance with ADA requirements. Deputy Director Fulton noted it is regulated by the building code.

**Public:** No speakers.

**Commissioners:** Tim Meyer also has parking concerns. He wonders about long-lease parking. Can they add this as a condition? Deputy Director Fulton suggests asking the applicant. Meyer suggested a friendly amendment to add a condition to have leased parking. Meyer asked if a year would be enough time to secure parking. The applicant asked what happens if he is unable to secure parking. Deputy Director Fulton noted enforcement could include the possibility of permit revocation. Zandy Zwiebel noted the large gravel lot. Who is this owned by? Christiansen noted a Mr. Murphy. JAS also owns an adjacent lot. Deputy Director Fulton noted the applicant will advertise to hospital staff, and noted there will be a high degree of access to hospital and to the Duluth transit System.

**MOTION/Second:** Zwiebel/Nelson approved as per staff's recommendations with friendly amendment to add leased parking to renters in need and will come back to planning commission within in a year.

Meyer/Eckenberg add a minimum of five leased parking spaces within two years as a condition of the special use permit.

**VOTE: (3-2, Zwiebel and Nelson Opposed)**

Christiansen wasn't expecting a parking caveat. It would cease and halt what he is working on now. Housing need is being met. Not everyone visiting Duluth will have a car. Meyer asked about his current development guidelines. They are already under construction and plan to open in June. Zwiebel doesn't agree with the parking condition. It's a throwback to a different time, and unrealistic.

Meyer agrees people visit Duluth without a vehicle, but there are parking issues already in that neighborhood, and feels it would be irresponsible not to have provided parking.

Wedul suggested allowing the hotel to be open and be operational within two years as long as five spaces are provided after.

City attorney Robert Asleson noted if the commission were to vote down the motion they could make another motion to vote on.

Vote to reconsider the amendment

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

**VOTE: (2-3, Wedul, Eckenberg and Meyer Opposed) – Motion Fails**

**MOTION/Second:** Eckenberg/Meyer approved with added condition the applicant secures five leased parking spaces within two years' time.

**VOTE: (5-0)**

PL 20-010 UDC Map Amendment at 108 E. 6<sup>th</sup> Street by 108 Lofts, LLC

**Staff:** Chris Lee introduced the applicant's proposal to rezone to Mixed Use – Neighborhood (MU-N) to allow for expanded uses in an existing structure. The proposal is consistent with the Comprehensive Plan and the future land use. Staff recommends approval without conditions. Wedul asked about MU-N versus R-2 Zoning. Surrounding properties are R-2. Lee cited the requirements for multi-family buildings and daycare. Lee noted the future land use has been designated MU-N. Deputy Director Fulton indicates that it is staff understanding that zoning change will help to accelerate property redevelopment. Nelson asked whether, if applicant didn't apply, would staff eventually bring forward for consistency with comp plan? Lee affirmed.

**Applicant:** N/A

**Public:** Dan Kuluvar, 618 N 1<sup>st</sup> Ave East, addressed the commission. He thinks a lot of construction activity will be going on by his property. He affirmed remodeling would be internal. Linda Alcott, 120 E. 7<sup>th</sup> St., addressed the commission. She would like to see a buffer between the properties and would like to see landscaping. She also questioned where parking will go. She wants to see the greenspace protected. She is also concerned about garbage screening. Therese Neo, 516 N 2<sup>nd</sup> Ave E., addressed the commission. She is concerned about parking. She doesn't know where 60-70 additional people will park. She hopes property managers will do a good job, and is excited to see new things happen. She is concerned about parking and the volume of traffic. Kuluvar asked if the owner has drawn up parking plan at this point.

**Applicant:** Nick Adams, 250 MacDonald Rd., represents applicant and addressed the commission. They don't have a full set of building plans yet. Tentatively they plan to convert the gymnasium to indoor parking. 81 parking spaces is tentatively what is planned. Garbage will be housed in an indoor garbage corral. Deputy Director Fulton indicated that commissioners are evaluating an application for the rezoning, the present application does not include anything about building details which would be addressed in a future application based on underlying zoning requirements. Meyer asked what is the next step of review by planning commission. Lee noted that multi-family residential is a permitted use in both MU-N and in R-2, so it will go through normal permitting processes. Meyer asked if the neighbors will get details of the project ahead of time. Lee stated it is at the discretion of the applicant, but staff recommends that the applicant do so.

**Commissioners:** Wedul noted this is an exciting project, and will improve the neighborhood. She congratulates the applicant moving forward. Meyer stated this is great project, but would like to see the neighbors informed of the applicant's plans.

**MOTION/Second:** Zwiebel/Meyer recommended approval as per staff's recommendations.

**VOTE: (5-0)**

PL 20-019 UDC Text Amendment Related to Sober Houses and Medical Uses, Land Use Supervisor Interpretations, and MU-W District 200 Foot Rule

**Staff:** Steven Robertson introduced the city's proposal for two ordinance changes to the Unified Development Chapter, which is summarized in the staff report. Adding a public notice clause to the land use supervisor interpretations. More transparent and improving public notice. Adding two new uses including sober houses. Definitions are most important part of the code. Took excerpts from St. Paul, more housing than supportive services. Treat similar to single homes or residential care facilities. SUP in R-1, addresses a potential need in the community.



Medical ambulatory care facility which is a middle sized. Care facilities must be licensed. Eckenberg regarding sober house, 4 lines of text stating what a sober house is not. Share common units. No onsite care. He is questioning what it is. Atypical to list what it is not. Facility with other folks in same situation. Loose collection of people living together. Robertson noted it is not state licensed, and they are more voluntary in nature. There is a need for places for people going through treatment to stay. Meyer noted a facility in lake side and blends in well. Wedul noted the term sober houses, and compared to a battered women shelter. Can you open it up to broader definition? Recovery house or protection house. Deputy Director Fulton, for clarification purposes a number of inquiries treat the same as a rooming house. It is protective healthy living. Eckenberg as of the 1<sup>st</sup> of the year Duluth has a facility called New Way. Eckenberg allow single family home w/ 3 bedrooms. Owner of rental property. Do these tenants pay? Is the rent paid by New Way? Robertson noted the financial arrangements are at the discretion of the provider. Most likely there is compensation from the tenants to the owner. More than six units would not be allowed in R-1.

**Applicant:** N/A

**Public:** Jim Adams, 4615 Grand Avenue, owns sober houses and addressed the commission. Largest operator in the region which includes the metro area. Came to Duluth in January to support New Way. They are part of the MN Association of sober houses. They regulate themselves. He would like to see this piece delayed, and feels it is missing the target just a bit. He would like to see the number increased from 6 to 10, which would create a stable environment. Structure and managers. Need to stay in compliance with their organization rules. Federal fair housing act – permitted use. Needs to be allowed in all municipalities. Doesn't fit Imagine Duluth Plan for housing for all. He would like to see the item tabled for more conversation. Nate, the program director for sober homes, addressed the commission. He has experience coming through the sober house system. Invaluable community effort is important to people in recovery. Married, homeowner, started small business co-leadership with other house managers. He stated New Way is an amazing program. Brian Annis, 1902 E 3<sup>rd</sup> St., addressed the commission and noted in 2012 he applied for Special Use Permit. He was directed to the Life Safety office, and then to Construction Services and then back to Planning. He has been sober since 2004. He was in a treatment center for 6 months and then lived in a sober house. There needs to be a level of accountability with an on-site manager. Greatly increases success of long-term recovery. He commended staff for bringing this item forward. He agrees that six is too low. But he is waiting to open, and wants to move forward. Angel Gilbertson, program manager of New Way, opened October of last year. The RISE model recover/environment. No where safe to go after treatment. Goal is tackling barriers so people can get well. Overdose numbers in Duluth are scary. People aren't shamed into box where they have to live in a certain area. UMD grad and student housing is completely different. No police calls. Sober house residents have been known to shovel elderly neighbors' sidewalks, etc.

**Commissioners:** Zweibel noted sober house care facility and rooming houses. She doesn't understand why it needs its own category. Robertson rooming house aren't allowed in R-1. Create a new use "sober houses". Sober houses are not inspected by state. Meyer disagrees with the term and feels it should be more generic. Supportive housing or recovery residence. This may require more research. Wedul agrees and would like to see the term be more flexible. Eckenberg is in favor of tabling. He would like more discussion with the people involved. Deputy Director Fulton appreciates the testimonies and recommends having more dialog. He suggests a brown bag session where the public would be invited. Robertson is okay with tabling the entire item.

**MOTION/Second:** Wedul/Eckenberg tabled for more discussion

**VOTE: (5-0)**

Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton gave an overview. Construction projects upcoming. Major construction on Superior Street will begin in April. MNDOT will be working on Lake Avenue. There will also be lake walk work. DTA embarking on feasibility analysis. Vacation rental issue went to council last night. Amendments upcoming. They are working on filling the planning commission vacancy. The pc annual meeting is next Monday at the Lake Superior Zoo at 5:30 p.m. OMC is catering.

Joint Airport Zoning Board (JAZB) Report – Chair Nelson no longer on JAZB. Deputy Director Fulton noted there is no report at this time.

Duluth – Midway Joint Powers Zoning Board (DMJPZB) Report – Deputy Director Fulton no update.

Proposed UDC Changes for Solar Generation Facilities – Robertson noted ideas from staff about text changes. City proposes solar power to pumping station.

Eckenberg noted a situation in the Lincoln park neighborhood. He noticed the intersection of Garfield and W. Superior Street. There are lots of walkers at night, but it's really dark. He is concerned about traffic speed. Deputy Director Fulton will bring the item to the city Engineer Department.

Adjournment

Meeting adjourned at 7:18 p.m.

Respectfully,

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Adam Fulton – Deputy Director  
Planning and Economic Development

City of Duluth  
Planning Commission  
April 14, 2020 Meeting Minutes  
Council Chambers - Duluth City Hall

*Due to the COVID-19 emergency, many planning commission members participated through video conference from home. The meeting was held as a Special Meeting pursuant to Minnesota Statute 13D.021 in response to the Covid-19 emergency. Public comment was taken at [planning@duluthmn.gov](mailto:planning@duluthmn.gov) prior to and during the meeting, and via verbal comment through public attendance in the WebEx video conference.*

Call to Order

President Margie Nelson called to order the meeting of the city planning commission at 5:20 p.m. on Tuesday, April 14th, 2020, in the council chambers in Duluth city hall.

Roll Call

**Attendance:** (\* Via WebEx video conferencing – all votes conducted via roll call)

Members Present: Jason Crawford\*, Gary Eckenberg\*, Tim Meyer\*, Margie Nelson, Michael Schraepfer\*, Andrea Wedul\*, Sarah Wisdorf\*, and Zandra Zwiebel\*

Members Absent: N/A

Staff Present: Adam Fulton, Kyle Deming\*, and Chris Lee\*

Public Comment – City councilor Janet Kennedy addressed the planning commission to say hello and thank you. She commented on how to raise and unraise your hand in web ex.

Approval of Planning Commission Minutes - There were no minutes approved at this meeting, and will be saved for another regular meeting.

Consent Agenda

1. PL 19-175 Vacation of Portion of Winnipeg and Water Streets near 12901 Water Street for Biran and Ann Smith
2. PL 20-020 Variance for Lot Area and Setbacks at 518 and 526 N 6<sup>th</sup> Avenue E by Jayson Sundvall
3. PL 20-021 Minor Subdivision at 518 and 526 N 6<sup>th</sup> Avenue E by Jayson Sundvall
4. PL 20-033 Variance for Dormers at 5802 London Road by Dean Jablonsky
5. PL 20-030 Variance to Corner Side Yard Setback at 4931 Dodge Street by Sandra Jungers

**Staff:** N/A

**Applicant:** N/A

**Commissioners:** Item PL 20-033 - Zandra Zwiebel asked if best practices for erosion control be added. The construction company should have some sort of erosion control

and know the potential impacts to the lake. Deputy Director Adam Fulton said he would work with staff to include that language. Item PL 20-021 – Andrea Wedul had questions about a structure looking like it was over the proposed property line in the drawing that was shown. Deputy Director Fulton clarified the drawing and the dimensions around the buildings.

**Public:** Mark Baker provided written comment in regards to PL 20-020 and PL 20-021, which was shared with the commissioners. He is opposed. Councilor Kenney asked commissioner Zwiebel about the dormer on PL 20-033. She wanted to know if that is something that should stay on the consent Agenda. Deputy Director Adam Fulton explained it was to ensure we collaborated on erosion control.

**MOTION/Second:** Eckenberg/Wedul recommended approval of the consent agenda items as per staff's recommendations.

**VOTE: (8-0)**

### Public Hearings

6. PL 20-022 MU-I Planning Review for Accessory Parking Lot at 916 E 3<sup>rd</sup> Street by Jefferson School, LLC

**Staff:** Chris Lee introduced the applicant's proposal to construct a new accessory parking lot to accommodate tenants in the building and their customers. This accessory parking lot will include a stormwater retention pond. Staff recommends approval subject to the conditions listed in the staff report.

**Applicant:** N/A

**Public:** Councilor Kennedy asked if the new landscaping will hold water. Lee noted that the parking is needed for the daycare and that if more landscaping is needed, commissioners can add that.

**Commissioners:** N/A

**MOTION/Second:** Wedul/Schraepfer motion to amend the conditions to include a requirement for two additional trees to be added to the landscape plan – approved.

**VOTE: (6-2, Eckenberg and Wisdorf opposed)**

PL 20-022: Approved

**VOTE: (8-0)**

(The final 3 items were presented together as they are related to one project.)

7. PL 20-035 Preliminary Plat for London East at upper side of the 3700-3800 Black of London Road by TJS Construction, LLC

**Staff:** Kyle Deming introduced the applicant's proposal to re-plat 18 existing lots (3.05 acres) into 26 lots to be developed with 13 twin homes (two unit structures that straddle a common lot line) located along a private access road parallel to London Road. A home owners association will manage the private road, parking, storm water treatment, and building exterior maintenance. Staff recommends approval with the conditions listed in the staff report. This is an undeveloped site and the developer wants to refigure the rest of the lots. Plat related action so twin homes can be constructed. The applicant is requesting pedestrian connections. There are three areas where water will collect before drainage. Water will not be draining onto London Road. Andrea Wedul asked if it is possible to connect to the lakewalk that is on the the other side of the rail corridor. Deming explained the sidewalk is pushed away from London Road.

**Applicant:** Ted Stocke of TJS Construction, LLC commented that he talked to the RR about a potential crossing and they shot down the idea.

**Commissioners:** Gary Eckenberg asked for clarification on whether these are rentals or owner occupied dwellings. Stocke clarified that these units are for sale and will be owner occupied. Tim Meyer voiced his concerns about traffic safety, the speed limit through this area and the density of the proposed development versus the existing neighborhood. He is also concerned there will be a significant change in the lakewalk experience. He is proposing that some type of buffer be added between the development and lakewalk and would like to know how additional storm water will be handled. Deputy Director Fulton explained that some of the land is tax forfeit and some may have been bought from a trust. There was discussion around the volume of traffic on London Road being tourists and that the bulk of the morning and evening rushes are traffic from people who are coming and going from work. Zwiebel and Eckenberg noted the speed limit in the area and if there was consideration of pedestrians being able to cross London Road.

**Public:** Staff received three written items of correspondence which was shared with the commissioners.

**MOTION/Second:** Eckenberg/Wedul approved as per staff's recommendations.

**VOTE: (7-1, Meyer Opposed)**

8. PL 20-016 Variance to reduce Rear Yard Setback from 25 feet to 20 feet for twin homes in the London East plat by TJS Construction, LLC

**Staff:** Kyle Deming introduced the applicant's proposal for a variance to reduce the rear yard setback from 25 feet to 20 feet to allow construction of 12 twin homes (24 dwelling units) in the London East plat. Staff recommends approval with the conditions listed in the staff report.

**Applicant:** Ted Stocke of TJS Construction, LLC

**Public:** The three written items of correspondence applies to all three public hearings.

**Commissioners:** Zwiebel proposed a buffer be added before approval. There was more discussion about the impact of 241 trees on the site. Deming and Stocke explained they are working on replacement trees. MSA Professional Services has been working with the city forester. The draft has identified the rear of the property as a primary location. The front of the property can't get substantial trees because of the power lines.

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

**VOTE: (7-1, Meyer Opposed)**

9. PL 20-027 Vacation of Utility Easement in former 38<sup>th</sup> Avenue East by TJS Construction, LLC for London East replat

**Staff:** Kyle Deming introduced the applicant's proposal to vacate the utility easement in former 38th Avenue East in preparation of re-platting 18 lots into the London East plat. Staff recommends approval with the conditions listed in the staff report.

**Applicant:** Ted Stocke of TJS Construction, LLC

**Public:** The three written items of correspondence applies to all three public hearings.

**Commissioners:** N/A

**MOTION/Second:** Zwiebel/Eckenberg recommended approved as per staff's recommendations.

**VOTE: (7-1, Meyer Opposed)**

Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton noted that the commissioners are playing a very critical role and thanked them. It is unclear if the May meeting will be held in City Hall.

Adjournment

Meeting adjourned at 6:55 p.m.

Respectfully,

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Adam Fulton – Deputy Director  
Planning and Economic Development

City of Duluth  
Planning Commission  
May 12, 2020 Meeting Minutes  
Council Chambers - Duluth City Hall

*Due to the COVID-19 emergency, many planning commission members participated through video conference from home. The meeting was held as a Special Meeting pursuant to Minnesota Statute 13D.021 in response to the Covid-19 emergency. Public comment was taken at [planning@duluthmn.gov](mailto:planning@duluthmn.gov) prior to and during the meeting, and via verbal comment through public attendance in the WebEx video conference during the meeting.*

Call to Order

President Margie Nelson called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, May 12th, 2020, in the council chambers in Duluth city hall.

Roll Call

**Attendance:** (\* Via WebEx video conferencing – all votes conducted via roll call)

Members Present: Jason Crawford\*, Gary Eckenberg\*, Tim Meyer\*, Margie Nelson\*, Michael Schraepfer\*, Andrea Wedul\*, Sarah Wisdorf\*, and Zandra Zwiebel\*

Members Absent: N/A

Staff Present: Adam Fulton\*, Robert Asleson\*, Kyle Deming\*, and Chris Lee\*

Public Comment – No speakers.

PL 20-045 – item 5 - Deputy Director Adam Fulton noted there were five pieces of correspondence received by staff, shared with the commissioners via email. Concerns were regarding street safety.

Gary Eckenberg would like to remove items 5 and 7 and place under public hearings.

Andrea Wedul would like to remove item 6 and place under public hearings.

Consent Agenda

1. PL 20-044 Minor Subdivision at 3006 Parkwood Drive by William J Stauber
2. PL 20-037 Minor Subdivision at 3926 Trinity Road by Shane Stolp
3. PL 20-040 Concurrent Use Permit for Snow Melt System in the Driveways of St. Luke's Buiding A Ambulance Garage at 1012 E 2<sup>nd</sup> Street
4. PL 20-042 Concurrent Use Permit for Existing Parking Structure at Superior Street and Lake Avenue by the City of Duluth

**Staff:** N/A

**Applicant:** N/A

**Commissioners:** N/A

**Public:** No speakers.

**MOTION/Second:** Ziebel/Wisdorf recommended approval of the consent agenda items as per staff's recommendations.

**VOTE: (8-0)**

Public Hearings

5. PL 20-025 Variance from Shoreland Setback for Two-Family House at 310 N 63<sup>rd</sup> Avenue West by DEDA  
**Staff:** No report was given.  
**Applicant:** N/A  
**Commissioners:** Eckenberg noted page 27 in the staff report regarding the comprehensive plan and principles and future land use. Should this remain open space? Deputy Director Adam Fulton stated back in 2006 a buffer was created around streams without planning for the existing housing stock. This development would be consistent. Planner Theresa Bajda noted future land use was zoned as open space, but would include the rest of the homes on the street. Eckenberg visited the site, and could not find other duplexes within a two-block radius. He is surprised a duplex is being considered. He also noted it would be an absentee landlord situation. Deputy Director Fulton state the lot was for sale by the County previously, and the proposed two-family home is allowed in the zoning district. Rebuild Duluth purchased it to create new housing at an affordable cost. The variance is in line with other houses in the neighborhood. Eckenberg does not feel it is a good fit and is opposed. Sarah Wisdorf is in support. She was part of the Mayor's housing task force, and affordable housing is a problem. She doesn't feel a duplex is high density and meets the zoning requirements. Andrea Wedul clarified they are just looking at the variance from the shoreland setback. Deputy Director Fulton affirmed. Wedul stated the location is sandwiched in between two other houses that are already grand-fathered in. Mike Schraepfer noted they passed the allowance for a duplex on a 25 foot lot. He feels a lot more of these will be coming forward. The policy has already been set. Zandy Zwiebel feels this will be a great fit to the neighborhood. Eckenberg asked if there was a model for design of the duplex to look at. Bajda stated the applicant's design is not ready for public view due to copyright issues. Eckenberg asked about DEDA's Rebuild Duluth process. Was there no consideration between home ownership versus a landlord situation? Bajda stated that wasn't part of the selection process. She noted the duplex has a small footprint of 1,026 square feet.  
**Public:** No speakers.  
**MOTION/Second:** Wisdorf/Zwiebel approved as per staff's recommendations.

**VOTE: (7-1, Eckenberg Opposed)**

6. PL 20-043 Vacation of Lake Avenue Between Superior Street and Michigan Street by the City of Duluth  
**Staff:** No report was given.  
**Applicant:** N/A  
**Commissioners:** Wedul noted there was a letter submitted by Gittermeyer. She would like to discuss what the long term implications are since this is a major corridor. Deputy Director Fulton noted this item is a technical correction. This existed pre-construction of the freeway. When they built the original plaza they did not vacate. Now with a new agreement with Minnesota Power, long term to public access to the plaza is needed.



They are retaining the appropriate easement. Wedul asked other than the storm line, are there other easements that need to be maintained? Deputy Director noted that other easements will be maintained. Underneath the plaza there is parking, and other the parking area are other utilities, including steam mains. It is a complex location, and has been scrutinized by the city attorneys' office. The long term implications have been addressed.

**Public:** No speakers.

**MOTION/Second:** Eckenberg/Meyer recommended approval as per staff's recommendations.

**VOTE: (8-0)**

7. PL 20-045 Special Use Permit for Expanded Child Care at 4801 Cooke Street by April Westman

**Staff:** No report was given.

**Applicant:** (see below)

**Commissioners:** Eckenberg asked about page 39 they are under a special use permit allowing 65 students, now they want to increase to 100 students. But he notes that 70 students won't be much of a change. Is it 70 or 100? Deputy Director Fulton deferred to the Applicant for licensing specifics. April Westman explained the increase is due to classroom size. It allows her to maximize her capacity, and states it is a licensing issue but that she is not increasing enrollment. Deputy Director Fulton noted it is a licensed day care and they reviewed the proposed changes. Planner Kaleb Montgomery affirms. Eckenberg noted the four letters of opposition and one in support. He encourages her to have a neighborhood meeting to explain to her neighbors the situation. This will build a better relationship. Westman stated she does have a good relationship with her neighbors, but they were under the wrong impression that this would create more traffic when in fact it will decrease by a parking spot. Zwiebel asked the applicant to explain the reduced parking spot. Westman stated it has to do with licensing. Her licensing capacity has to be relative to every classroom. The original teacher who was occupying that parking space can now go home. Wedul stated it's not the parking space the neighbors were concerned about, but the dropping off and picking up of students and the traffic involved. Agreeing with Eckenberg, Wedul would like to see the applicant have better communication with her neighbors. Westman agrees and states this special use permit request has no effect on the drop-off/pick-up routine.

**Public:** Janice Tamble, 4731 Cooke Street, addressed the commission. She disagrees with what the applicant stated and said traffic is an issue. They access other people driveways as a personal turn-a-round. The avenue has cars parked along both sides. There is an increase in traffic and the a.m. and p.m. She appreciates the need for daycare; however, she feels this is an intrusion. They are not a parking lot. She is opposed. Shelly Cook, 4732 Pitt Street, addressed the commission. This used to be a quiet neighborhood. She doesn't feel the first special use permit should have been approved and is opposed. There are no sidewalks on the street. There were mistakes made along the way and she doesn't think an addition to enrollment is warranted. Westman stated they will not be adding any additional students, and provided the neighbors with her cell phone to call her if they have concerns.

**Commissioners:** Eckenberg asked about the parking situation. There are four spaces, and 1 ADA space. Are those spaces for the 11 employees? Westman stated they do have the right to park on the street, because there is a severe need for childcare. They have 4-6 staff that park on the street. What she is asking for does not increase the number of students. Eckenberg asked if the drop-off is on Cooke Street. Westman

affirms. Zwiebel refers to the staff report which states 70 versus 65 students. She asks the applicant to verify there will be no increase in enrollment. Westman stated they are at full capacity at 65, and it wouldn't be financially feasible to add a student which would require additional staff. Eckenberg asked if the staff report could be changed to reflect only 65 students. Per Westman, for licensing purposes it needs to state 70. Deputy Director Fulton noted they are dealing with many layers of bureaucracy which includes fire code of 100 occupants. He is confident that they are moving forward correctly. Meyer state he lives in the neighborhood and noted the need for childcare. Anything they can do to help is warranted. Zwiebel appreciates the applicant's efforts. Eckenberg is confused by the numbers. If he approves, some sort of state regulation will be click in and yet no more students will be added. He feels it is flawed, but will vote in support.

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

**VOTE: (8-0)**

8. PL 20-039 Concurrent Use Permit for Fireplace Wall and Pavilion in the Right of Way of Lake Avenue at 3322 Minnesota Avenue by Mary DuBois
- Staff:** Chris Lee introduced the applicant's proposal to construct a pavilion on an existing concrete and stone foundation located directly adjacent to the property. The concurrent use area will be 14 feet x 21 feet. Staff recommends approval subject to the conditions listed in the staff report.
- Applicant:** Mary DuBois (see below)
- Public:** No speakers.
- Commissioners:** Zwiebel has concerns. She noted the applicant is not the owner and does not pay taxes on it. Is this correct? Per Lee, the applicant owns a portion of it, and the rest is in the right of way. He defers to the applicant regarding taxes. Mary DuBois clarified when she bought the property there was an old building there. She removed it for safety reasons, but the chimney remains and this is what she is hoping to save. Zwiebel is sensitive to private use of public property. She appreciates her efforts to save the fireplace. Per Deputy Director Fulton, it has been their policy in the past to recommend denial for applications to vacate rights of way on Park Point, but staff is able to recommend approval of a concurrent use permit. Eckenberg asked the applicant if it was her understanding that the portion of the building she took down was part of her property. DuBois thought so, but the property had not been surveyed. It seemed so because her fence goes through Lake Avenue and around where the structure was. She then had it surveyed. Eckenberg noted she now has full knowledge that it isn't her property. DuBois had work done to support the fireplace before she knew it wasn't hers. Wedul confirmed the CUP will be instead of a vacation and will support further degradation of what is currently there. City attorney Robert Asleson stated this is in the Lake Avenue unexercised easement. In this case it is the property is divided along both sides. The foundation and chimney would be located on the property of the applicant subject to the city's right to exercise easement to put a street in there. This is the reason the applicant is seeking a concurrent use permit. A CUP standard condition is the applicant agrees to remove the structure within six months if the city needs it for roadway purposes.
- MOTION/Second:** Wisdorf/Crawford recommended approval as per staff's recommendations.

**VOTE: (7-1, Zwiebel Opposed)**

Wedul recused herself from agenda item PL 20-029, because she was directly involved with the design.

9. PL 20-029 Special Use Permit for Placement of Fill in a Floodplain as Part of the Spirit Lake Sediment Remediation Project at the Former U.S. Steel Site by the U.S. EPA

**Staff:** Kyle Deming introduced the applicant's proposal for a Special Use Permit for placement of fill in the St. Louis River and Unnamed Creek (a.k.a. U.S. Steel Creek) floodplain. This is part of the Spirit Lake Sediment Remediation Project at the former U.S. Steel site by the U.S. Environmental Protection Agency, Great Lakes National Program Office (U.S. EPA – GLNPO). 44 acres of floodplain will be impacted by fill largely for construction of two confined disposal facilities (CDFs). Additional impacts are due to redirecting a culvert past on of the CDFs, re-meandering Unnamed Creek, and installing a weir in Unnamed Creek to control discharge into the shallow sheltered bay habitat that connects to Spirit Lake outside a newly created shoal. The staff report contains detailed information. Additional permits will be needed including shoreland permits and a historic construction/demolition permit for bridge construction on the Lake Superior and Mississippi Railroad. Staff recommended approval with the conditions listed in the staff report.

**Applicant:** Present, but did not speak.

**Public:** No speakers.

**Commissioners:** N/A

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

**VOTE: (7-0, Wedul Abstained)**

Wisdorf recused herself from agenda item PL 20-028.

10. PL 20-028 Special Use Permit for a Cottage Village at 1710 Carver Avenue and 231 W St Marie Street by Campus North LLC

**Staff:** John Kelley introduced the applicant's proposal for a Special Use Permit for a cottage home park containing nine dwelling units consisting of one and two bedroom homes and ranging in size from approximately 400 to 600 square feet, located in an R-1, Residential Traditional zone district. Staff recommends approval with the conditions listed in the staff report. Eckenberg asked if the units are privately owned. Kelley stated there is one owner, and the units will be rented out. Zwiebel asked if these would be similar to trailer park homes. Will the construction be more permanent? Kelley noted they will be on foundations. Deputy Director Fulton noted this is the first cottage home development. The development meets the requirements of the recently adopted ordinance, including shared open space and front porches.

**Applicant:** Mike Peller of Campus North LLC addressed the commission. The units are like the house you live in now, only smaller. Regarding density, the development will have 15 bedrooms on site between the nine units. Surface parking will be hidden from views of the roads. There will be proper trash enclosure screening. Eckenberg asked if there will be snow storage space. Peller stated there will be three possibilities for snow storage areas. Eckenberg is concerned with the rental property aspect. Can it be verified that only two people will be in two bedrooms, etc. Pellar doubted there would be cohabitation in one room. Wedul noted the landscaping. She is concerned about red pines being designated as the street tree. She would like to see more of a deciduous

tree. Pine creates a barrier. Pellar stated he is open to swapping the tree choice. Deputy Director Fulton stated Kelley will work with the applicant to revise plans.

**Public:** City councilor Gary Anderson addressed the planning commission. He thanked the commissioners for their important service. This development is in his district, and he has been contacted by his constituents. He stated the project looks like it will be a good development.

**Commissioners:** Eckenberg asked why Wisdorf abstained from the vote. He noted stating a reason for abstaining is required as set forth in their by-laws. Deputy Director Fulton noted Wisdorf works with the developer, and therefore recused herself. Zwiebel is impressed with the proposed development. Meyer noted as the only architect on the planning commission, he is concerned about the proximity of the units to each other. He noted fire code and building code issues. With this density he feels this is more along the line of a trailer park. The developer made an effort to blend, but he doesn't feel it fits the fabric of the neighborhood and is opposed. Eckenberg noted this project is reminiscent of the Gary New Duluth project. This is not in the spirit of tiny houses. Density at the expense of revitalization of the neighborhood. He is opposed. Wedul stated this project is a huge leap forward to what exists now. It is a perfect example of where this would be appropriate, on an organized corner with flexible quality student housing. Meyer stated the issue isn't size, but spacing between units. These should be single buildings or condos. Chair Nelson noted that these will likely be occupied by college students. She requests that the property manager will keep a close eye on tenant issues.

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

**VOTE: (5-2, Eckenberg and Meyer Opposed, Wisdorf Abstained)**

11. PL 20-026 Variance from Corner Side Yard Setbacks for Two-Family House at 301 S. 58<sup>th</sup> Avenue West by DEDA

**Staff:** Theresa Bajda introduced the applicant's proposal for a variance to reduce the corner side yard setback from 15' to 5'8" to allow future construction of a housing structure on the currently vacant lot. She noted other homes in the area have similar setbacks to the proposed house. Staff received two public comments, which were shared with the planning commission, including a petition. Staff recommends approval with the conditions listed in the staff report. Eckenberg asked about the petition they received with names redacted. Deputy Director Fulton noted names are indeed part of the public comment. Eckenberg asked about the site history. DEDA owns the property now. The house was condemned in 2009 due to life safety non-compliance and demolished. St. Louis County acquired the land and placed it on the market for sale. DEDA acquired the property through proper channels over the counter.

**Applicant:** DEDA

**Public:** Taimi Ranta (owner of property next door) addressed the commission. She didn't know the property was for sale, and would have been interested in purchasing. She feels this property is not big enough for a 2-family house. She has also submitted correspondence to the commissioners. She is opposed. Eckenberg asked Ranta if this neighboring property is her current residence. Ranta stated she plans to move there in the near future but couldn't due to covid-19. Eckenberg asks her to confirm whether the adjacent house is currently vacant. Ranta affirms.

**Commissioners:** Schraepfer noted he is in the property business. The county is not good at advertising property which is for sale. Sometimes signs go up just weeks before it goes to auction. There should be a standard procedure to offer property for sale to the neighbors first. It's a challenge to know if it is for sale. He says that county needs to improve their methods. Wedul echoes what Schraepfer stated. She doesn't feel the proposal is consistent with the neighborhood, and doesn't feel it is the best location. Deputy Director Fulton noted this is consistent with other corner lot setbacks in the neighborhood. He noted the property was available on the open market when purchased by DEDA for the Rebuild Duluth program. Schraepfer noted the city planning department is better at sending out notification letters than the county is. Chair Nelson agrees with Schraepfer about notification letters.

**MOTION/Second:** Eckenberg/Zwiebel motion to deny – more discussion follows. Wisdorf asks if they can table the item and revisit it at a future meeting. She supports the Rebuild Duluth Program, but feels more discussion is needed. Deputy Director Fulton noted tabling is an option. Zwiebel noted the county needs to be more pro-active. She would support a tabling motion, and also supports the Rebuild Duluth program. Wedul supports tabling for facilitating discussion for all property owners and the new owner. Deputy Director Fulton noted DEDA entered into the purchase agreement with the developer. He stated that a duplex is a permitted use in R-1 zoning. He doesn't know if DEDA will negotiate with neighboring property owners. Schraepfer reiterated the county should offer the property to the neighbors first as standard procedure. Deputy Director Fulton noted DEDA already acquired the property over the counter, and has already paid for it in support of the Rebuild Duluth program. St. Louis County is no longer involved. Eckenberg asked for a point of order to table. City attorney Robert Asleson stated there is a motion on the floor now, so it can be tabled.

**MOTION/Second:** Wisdorf/Wedul Table the motion to deny for more discussion between the applicant and neighbors

**VOTE: (8-0)**

### Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton noted they are working on a Kenwood Area enforcement issue. City Hall is still closed. He thanked the planning commissioners. He noted the reuse of vacant churches and this is a topic they will be thinking about in the future.

### Adjournment

Meeting adjourned at 7:40 p.m.

Respectfully,

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Adam Fulton – Deputy Director  
Planning and Economic Development





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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580  
 planning@duluthmn.gov

<b>File Number</b>	PL 20-056	<b>Contact</b>	John Kelley	
<b>Type</b>	Minor Subdivision	<b>Planning Commission Date</b>	June 9, 2020	
<b>Deadline for Action</b>	<b>Application Date</b>	May 4, 2020	<b>60 Days</b>	July 3, 2020
	<b>Date Extension Letter Mailed</b>	May 22, 2020	<b>120 Days</b>	September 1, 2020
<b>Location of Subject</b>	010-4720-00070, 010-4720-00075, 010-4720-00080			
<b>Applicant</b>	James Gruba	<b>Contact</b>		
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	See Attached			
<b>Site Visit Date</b>	May 29, 2020	<b>Sign Notice Date</b>	N/A	
<b>Neighbor Letter Date</b>	N/A	<b>Number of Letters Sent</b>	N/A	

**Proposal**

Applicant is requesting a Minor Subdivision to divide three separate parcels into two lots. The current parcels consist of a large lot at 17,204 square feet and two smaller lot each at 598 square feet. The division will create two lots. Parcel A will be 9,200 sq ft and Parcel B will be 9,200 sq ft.

	<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**

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 #1 - Reuse previously developed lands. Directs investment to sites which have the potential to perform at a higher level than their current state.

Governing Principle #8 – Encourage a mix of activities, uses, and densities. The applicant is proposing to create two new buildable lots to contribute to the housing needs of Duluth.

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

**Review and Discussion Items**

1. Applicant is requesting a Minor Subdivision to divide a three separate tax parcels into two lots. The parcels will and frontage along Bellis Street in the Woodland Neighborhood.
2. All parcels are zoned R-1, which has a minimum lot size of 4,000 square feet and have the required Street frontage along Bellis Street. The proposed subdivision, if approved, would not make the parcels non-conforming due to lot frontage, lot area, or similar bulk standard.
3. Parcel A appears to have a small accessory structure. To avoid creation of any nonconformities, this structure will need to be removed prior to the subdivision being recorded.
4. No public, agency, or City comments were received.
5. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
6. 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 recommend approval of the Minor Subdivision with the following conditions:

- 1) Appropriate deeds be filed with St. Louis County within 180 days. Prior to recording the deed that results from this adjustment, the Planning Division will need to stamp the deed, indicating compliance with the local zoning code.
- 2) Any accessory structures on Parcel A must be removed prior to recording to avoid creation of any nonconforming structures.
- 3) Applicant must provide evidence of recording of "shared access easement" with the office of St. Louis County Recorder within 180 days of approval by Planning Commission or the approval shall lapse.
- 4) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.





PL 20-056  
Minor Subdivision

2 inch, Poly-Ethylene

6 inch, Cast  
Iron, 6/22/1923

2", MDPE

6 inch, Cast  
Iron, 6/22/1923 P.C. Packet 06-09-2020

**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
- Road or Alley ROW
- Vacated ROW
- Easement Type
  - Utility Easement
  - Other Easement
- Zoning Boundaries
- 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.



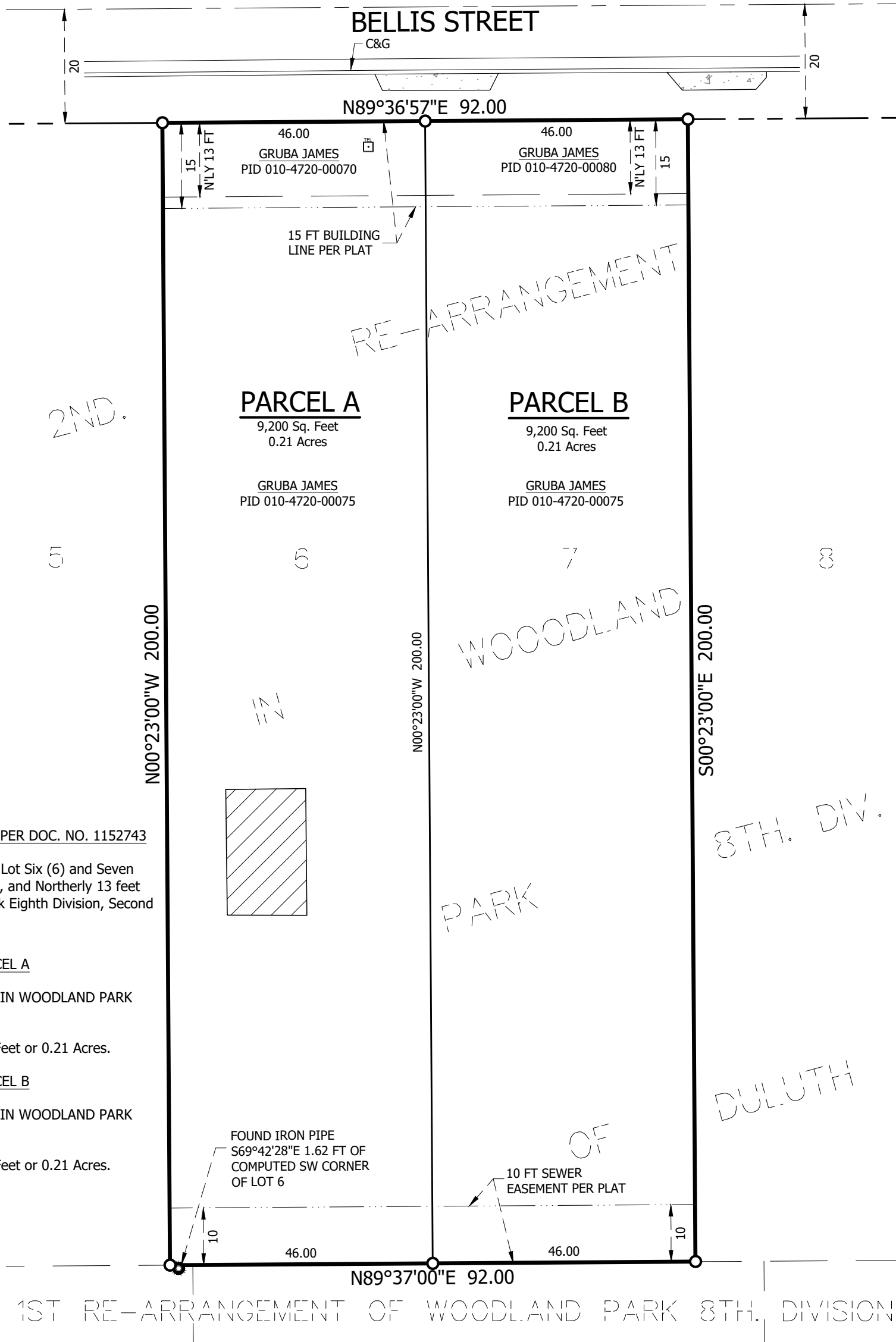
Subject property

**R-1  
(Residential  
Traditional)**

326 Bellis St

0 15 30 60 90 Feet





**PARENT LEGAL DESCRIPTION PER DOC. NO. 1152743**

Northerly 13 feet of Lot Six (6), Lot Six (6) and Seven (7) except the Northerly 13 feet, and Northerly 13 feet of Lot Seven (7), Woodland Park Eighth Division, Second Rearrangement.

**LEGAL DESCRIPTION FOR PARCEL A**

Lot 6, 2ND. RE-ARRANGEMENT IN WOODLAND PARK 8TH. DIV. OF DULUTH.

Said parcel contains 9,200 Sq. Feet or 0.21 Acres.

**LEGAL DESCRIPTION FOR PARCEL B**

Lot 7, 2ND. RE-ARRANGEMENT IN WOODLAND PARK 8TH. DIV. OF DULUTH.

Said parcel contains 9,200 Sq. Feet or 0.21 Acres.

**SURVEYOR'S NOTES**

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

**LEGEND**

- EXISTING BUILDINGS
- CONCRETE
- TELECOM PEDESTAL
- FOUND IRON PIPE
- SET CAPPED REBAR RLS. NO. 49505
- C&G-CONCRETE CURB & GUTTER
- CENTER LINE
- RIGHT OF WAY LINE
- EXISTING EASEMENT LINE
- BOUNDARY LINE AS SURVEYED
- PROPOSED PARCEL LINE

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.  
  
 David R. Evanson  
 MN Lic. No. 49505  
 DATE: 5-7-2020

**CERTIFICATE OF SURVEY**  
 CLIENT: JAMES GRUBA  
 ADDRESS: VACANT PROPERTY BELLIS ST, DULUTH, MN 55803  
 DATE: 5-7-2020  
 REVISIONS:  
 JOB NO: 20-101  
 SHEET 1 OF 1

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



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<b>File Number</b>	PL 20-047	<b>Contact</b>	Theresa Bajda, 218-730-5303	
<b>Type</b>	Minor Subdivision – R1	<b>Planning Commission Date</b>	June 9, 2020	
<b>Deadline for Action</b>	<b>Application Date</b>	May 15, 2020	<b>60 Days</b>	July 14, 2020
	<b>Date Extension Letter Mailed</b>	May 20, 2020	<b>120 Days</b>	September 12, 2020
<b>Location of Subject</b>	54xx Tioga Street			
<b>Applicant</b>	Jay Isenberg	<b>Contact</b>		
<b>Agent</b>	N/A	<b>Contact</b>		
<b>Legal Description</b>	Parcel ID Number 010-2840-01060			
<b>Site Visit Date</b>	May 20, 2020	<b>Sign Notice Date</b>	N/A	
<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 one platted lot into two lots. The current parcel is 13,844 square feet and the division will create two lots, proposed lot A to equal 7,262 square feet, and lot B to equal 6,582 square feet.

**Staff Recommendation:** Staff is recommending that Planning Commission approve and adopt this Minor Subdivision.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Vacant Lot	Traditional Neighborhood
<b>North</b>	R-1	Residential Single Family Home	Traditional Neighborhood
<b>South</b>	R-1	Residential Single Family Home	Traditional Neighborhood/Open Space
<b>East</b>	R-1	Residential Single Family Home	Traditional Neighborhood
<b>West</b>	R-1	Former Lester Park Library	Traditional Neighborhood

**Summary of Code Requirements:**

UDC Section 50-37.5D. The Planning Commission shall review and approve the application if it is determined that:

1. The lot or lots to be subdivided or combined have frontage on an improved public street.
2. Each proposed lot meets the minimum zoning requirements of the district it is in.
3. 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
4. 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 #1 – Reuse previously developed lands. The proposed minor subdivision directs future investment to a site that has potential to perform at a higher level than its current state. The subdivision would allow construction of two single-family structures on a currently vacant lot.

Governing Principle #5 – Promote reinvestment in neighborhoods. The proposed minor subdivision will allow the applicant to construct two single-family structures and put a vacant lot back in the tax base.

Housing Policy #4 – Improve the quality of the city’s overall housing stock and neighborhoods. The minor subdivision would allow new construction of two single-family homes in a desirable neighborhood in Duluth.

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

Recent History – This site was selected by the City of Duluth and DEDA for use in the Rebuild Duluth Program. The lot will be conveyed to a new owner at no cost once their land sale agreement is finalized via the Rebuild Duluth Program. No record of a previous structure on this site found. On February 20, 2020, Duluth City Council approved releasing designation of this property as a Duluth heritage preservation landmark via ordinance 20-005-O. The former Lester Park library to the west of this lot remains under said designation. The southern portion of the lot has an existing utility easement that will not interfere with proposed home construction.

**Review and Discussion Items**

Staff finds that:

- 1.) The applicant is requesting a Minor Subdivision to divide a single lot into two lots. The applicant intends to construct one single family home with attached garage on each subdivided lot. The proposed subdivision, if approved, would not make the parcels non-conforming due to lot frontage and lot area. Lot area on proposed parcel A to equal 7,262 square feet with 40 feet of street frontage on Otsego Street. Lot area on proposed parcel B to equal 6,582 square feet with 40 feet of street frontage on Otsego Street.
- 2.) The attached survey exhibit demonstrates compliance with lot frontage and lot area. The proposed design for single-family homes meets required setbacks of R-1 zoned districts; no nonconformity created.
- 3.) Both parcels have right of way on a developed street. No existing platted right of way is being proposed to be vacated with this proposal.
- 4.) No public, agency, or City Comments were received.
- 5.) Approval of this Minor Subdivision signifies that the City of Duluth UDC standards are met. St. Louis County may have additional requirements. This subdivision approval lapses if a legal survey and description 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 subject to the following conditions:

- 1.) Appropriate legal description and survey reflecting the relocated boundaries be obtained and filed with St. Louis County within 180 days. Prior to recording said survey resulting from this adjustment, the Planning Division will need to approve via signature, indicating compliance with local zoning code.



# PL20-047 Minor Subdivision Map Exhibit

**Legend**

- Easement Type
  - Utility Easement (Red dashed line)
  - Other Easement (Yellow dashed line)
- Zoning Boundaries (Red solid line)
- Trout Stream (GPS) (Blue dashed line)
- Other Stream (GPS) (Blue solid line)

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.



PARENT PARCEL OWNED BY THE CITY OF DULUTH PID 010-2840-01060

Lot 2, Block 14, LESTER PARK 2ND DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota.

LEGAL DESCRIPTION FOR PARCEL A

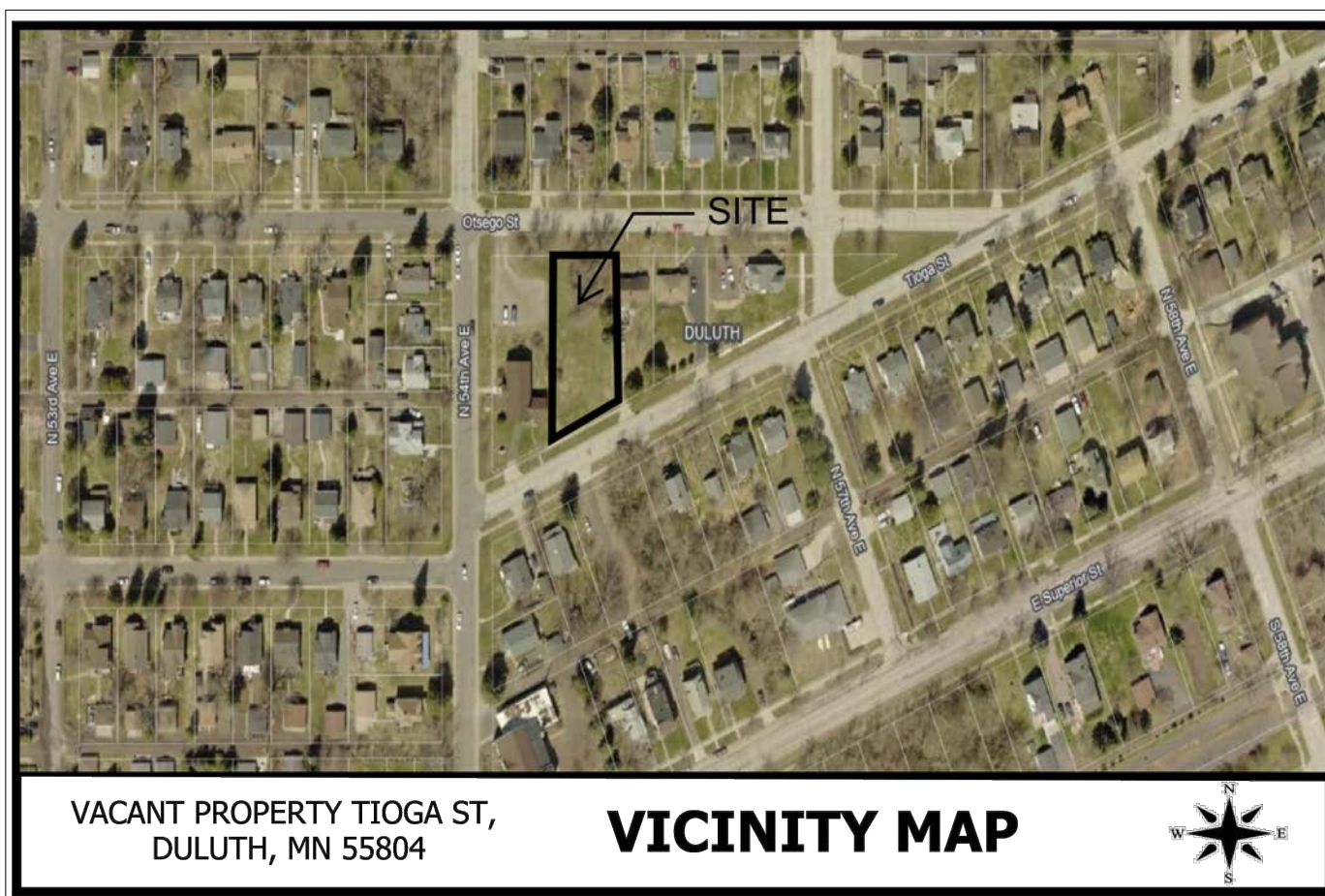
The West Half of Lot 2, Block 14, LESTER PARK 2ND DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota.

Said Parcel contains 7,262 Sq. Feet or 0.14 Acres.

LEGAL DESCRIPTION FOR PARCEL B

The East Half of Lot 2, Block 14, LESTER PARK 2ND DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota.

Said Parcel contains 6,582 Sq. Feet or 0.15 Acres.



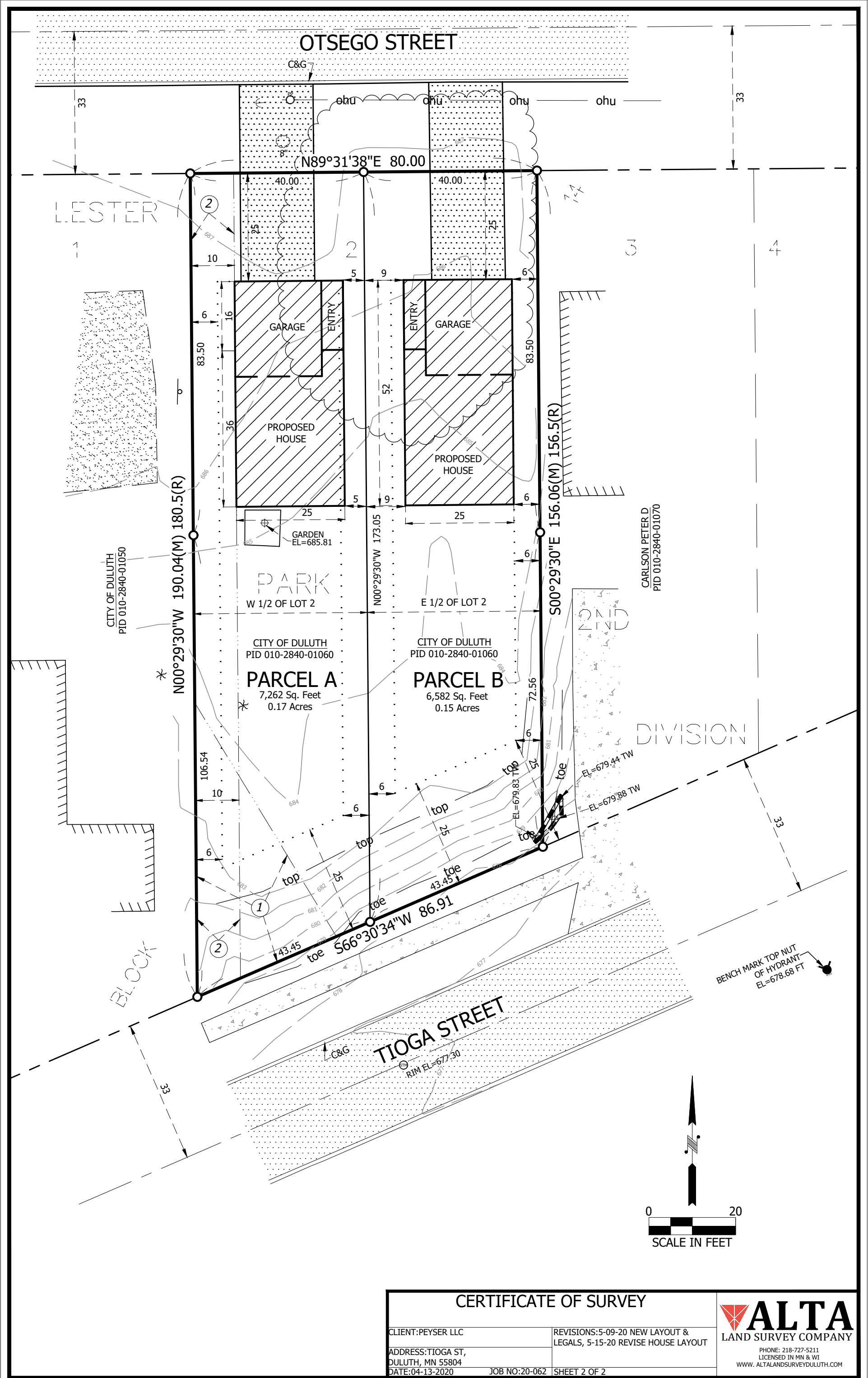
**LEGEND**

	CONCRETE SURFACE	(M)-FIELD MEASURED DIMENSION		HYDRANT
	BITUMINOUS SURFACE	(R)-RECORD DIMENSION		SIGN
	GRAVEL SURFACE	TW-TOP OF WALL ELEVATION		BUSH/SHRUB
	PROPOSED BUILDING	C&G-CONCRETE CURB & GUTTER		DECIDUOUS TREE
	PROPOSED DRIVEWAY	toe TOE OF BANK OR GRADE BREAK		# REFER TO SURVEYOR'S NOTES
		top TOP OF BANK OR GRADE BREAK		○ SET CAPPED REBAR RLS. NO. 49505
		ohu RETAINING WALL		⊖ GUY ANCHOR
		OVERHEAD UTILITIES		⊙ UTILITY POLE
		BUILDING LINE		⊙ STORM MANHOLE
		CENTER LINE		
		RIGHT OF WAY LINE		
		EXISTING EASEMENT LINE		
		SETBACK LINE		
		PROPOSED PARCEL LINE		
		BOUNDARY LINE AS SURVEYED		

SURVEYOR'S NOTES

- UTILITY EASEMENT PER DOCUMENT NO. 1376057.
- A 10 FOOT WIDE UTILITY EASEMENT SHOWN ON LOT SKETCH PROVIDED BY CLIENT. NO RECORDED DOCUMENTATION FOUND FOR THIS EASEMENT.
- NO DOCUMENTATION FOUND FOR THE LEGAL DESCRIPTION OF THE PARENT PARCEL. PARCEL IS OWNED BY THE CITY OF DULUTH.
- THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
- BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD83 2011)
- BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL PLAN FOR BUILDING FOUNDATION DIMENSIONS.
- NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.
- BENCHMARK SHOWN ON SURVEY.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.  David R. Evanson MN Lic. No. 49505	<b>CERTIFICATE OF SURVEY</b>		 <b>ALTA</b> LAND SURVEY COMPANY PHONE: 218-727-5211 LICENSED IN MN & WI WWW. ALTALANDSURVEYDULUTH.COM
	CLIENT: PEYSER LLC ADDRESS: TIOGA ST, DULUTH, MN 55804 DATE: 04-13-2020	REVISIONS: 5-09-20 NEW LAYOUT & LEGALS, 5-15-20 REVISE HOUSE LAYOUT	



### CERTIFICATE OF SURVEY

CLIENT: PEYSER LLC	REVISIONS: 5-09-20 NEW LAYOUT & LEGALS, 5-15-20 REVISE HOUSE LAYOUT	<p>ALTA LAND SURVEY COMPANY</p> <p>PHONE: 218-727-5211 LICENSED IN MN &amp; WI WWW.ALTLANDSURVEYDULUTH.COM</p>
ADDRESS: TIOGA ST, DULUTH, MN 55804		
DATE: 04-13-2020	JOB NO: 20-062 SHEET 2 OF 2	

**PL20-047**

P.C. Packet 06-09-2020

**Site Visit: 5/20/20**





Site Visit: 5/20/20







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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

<b>File Number</b>	PL 20-058	<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 9, 2020	
<b>Deadline for Action</b>	<b>Application Date</b>	May 15, 2020	<b>60 Days</b>	July 14, 2020
	<b>Date Extension Letter Mailed</b>	June 1, 2020	<b>120 Days</b>	September 12, 2020
<b>Location of Subject</b>	Upper side of 3700-3800 Blocks of London Road (Condon Park)			
<b>Applicant</b>	TJS Construction, LLC	<b>Contact</b>	Ted Stocke	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	See attached			
<b>Site Visit Date</b>	April 1, 2020	<b>Sign Notice Date</b>	NA	
<b>Neighbor Letter Date</b>	NA	<b>Number of Letters Sent</b>	NA	

**Proposal**

Re-plat of 18 existing lots (3.05 acres) into 26 lots to be developed with 13 twin homes (two unit structures that straddle a common lot line) located along a private access road parallel to London Road. A home owners association will manage the private road, parking, storm water treatment, and building exterior maintenance.

**Staff recommends** approval, with conditions

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Vacant/Undeveloped	Traditional Neighborhood
<b>North</b>	R-1	Railroad, Lakewalk	Traditional Neighborhood
<b>South</b>	R-1 and MU-N	Apartments, One-unit dwelling	Urban Residential
<b>East</b>	R-1	Vacant/Undeveloped	Traditional Neighborhood
<b>West</b>	R-1	One-unit dwelling	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;
- (c) Demonstrates that all required improvements have been installed or that (a) the applicant has signed a development agreement committing to construct those improvements within 2 years after approval of the final plat and (b) adequate security for the construction of the required improvements has been posted with the City pursuant to Section 50-37.1.P.

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

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

Governing Principle #5 – Promote reinvestment in neighborhoods.

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

Governing Principle #12- Create efficiencies in delivery of public services.

Housing Policy #2 - Provide affordable, attainable housing opportunities

Strategy 4 – Foster opportunities for creative housing types and concepts including . . . townhomes . . . .

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

Zoning – Residential-Traditional (R-1): traditional neighborhoods of single-family, duplexes and townhouses on moderately sized lots. Intended to be used primarily in established neighborhoods. Dimensional standards require development and redevelopment to be consistent with development patterns, building scale, and building location of nearby areas.

Future Land Use – Traditional Neighborhood - Characterized by grid/connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Includes many of Duluth’s older neighborhoods, infill projects, neighborhood extensions. 4-8 units/acre, mix of housing types (i.e. town homes and 4-plexes).

**History:**

1. April 14, 2020 – Variance to reduce rear yard setback (PL 20-016) approved by Planning Commission;
2. April 14, 2010 – Vacate utility easement in former 38<sup>th</sup> Ave. E. (PL 20-027) recommended for approval by Planning Commission., City Council consider approval of Resolution 20-0470R;
3. April 14, 2020 – Preliminary Plat (PL 20-035) approved by Planning Commission, with conditions listed in the “Review and Discussion Items;”
4. April 29, 2020 – Approval of Wetland Replacement Plan (PL 20-017) by City Land Use Supervisor;

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

- 1) The land was previously platted as 18 fifty-foot wide lots in Blocks 32, 33 and 34 of the Plat of Re-arrangement of Part of East Duluth and of First Addition to East Duluth. The applicant is submitting a final plat to re-plate the 3.05 acres into 26 lots for the development of twin homes (two dwelling unit structures that straddle a common lot line). Lots range in size from 3,800 to 9,227 square feet. Lot frontage ranges from 30 feet to 82 feet.
- 2) The applicant’s engineer, MSA, has provided the attached May 13, 2020 memo summarizing their response to conditions the Planning Commission placed on approval of the Preliminary Plat. Below is staff’s evaluation of those that have been resolved or are recommended as conditions of the Final Plat:
  - a) The final plat be designed so that all of the lots are compliant with minimum lot area requirements. STAFF RESPONSE: Final plat has been revised to comply with lot standards.
  - b) The utility easement on Lots 14 and 15 be extended eastward at the north plat boundary to connect to the existing utility easement in former 38<sup>th</sup> Avenue East. STAFF RESPONSE: Final Plat has been revised to include the utility easement extension.
  - c) The utility easement in former 38<sup>th</sup> Avenue East covered by this re-plate be vacated by the City Council with the vacation resolution filed in the St. Louis County Auditor’s office prior to recording the final plat. STAFF RESPONSE: The vacation resolution (#20-0470R) has been filed with the City Council with action anticipated at the June 8, 2020 City Council meeting. Following approval, City staff will provide for recording of the vacation resolution. Staff recommends the plat not be filed until the vacation approval is filed in the St. Louis County Recorder’s office.
  - d) Prior to tree removal activities, the applicant obtain from the Land Use Supervisor approval of a tree

replacement plan and that trees to be preserved be protected with construction fence, including the area of the trees' dripline. STAFF RESPONSE: The applicant has submitted an updated tree preservation plan proposed removal of 2,354 caliper inches of trees and mitigating the impact, in part, through preserving 69 caliper inches of existing trees and the planting of 191 replacement trees as shown on the attached exhibit. Staff Response: Staff recommends that this continue to be a condition of the Final Plat.

- e) Prior to tree removal and site grading, the applicant obtain required wetland permits and that evidence be provided showing required wetland mitigation. STAFF RESPONSE: The applicant's wetland replacement plan (PL 20-017) was approved April 29, 2020, but wetland bank credits have not yet been withdrawn. Staff recommends this continue to be a condition of the Final Plat.
  - f) Prior to issuing grading plans for the private access road, the Land Use Supervisor approve the location of guest parking throughout the site. STAFF RESPONSE: The applicant has provided an exhibit showing guest parking and staff recommends this continue to be a condition of the Final Plat.
  - g) The remaining preliminary plat conditions that are not listed above all receive the recommendation that they continue to be a condition of the Final Plat and are listed as such in the "Staff Recommendation" box below.
- 3) Staff finds that the Final Plat conforms to the requirements of Sec 50-37.5 and is consistent with all applicable requirements of MSA 462.358 and Chapter 505.
- 4) The preliminary plat is consistent with the comprehensive land use plan designation of this property "traditional neighborhood." The project will result in a townhome style development that is an extension of an existing neighborhood at 4-8 units per acre. The project implements Housing Policies #2 and #4 by fostering opportunities for creative housing types and concepts and improves the quality of the city's housing stock and neighborhoods. It also promotes reinvestment in neighborhoods and creates efficiencies in delivery of public services by developing housing in the area of existing transportation, utility, educational, and emergency services.
- 5) Public improvements related to the plat include water, sewer, gas within the plat's utility easements and construction of a sidewalk in the London Road street easement from 36<sup>th</sup> Ave. E. and continuing along the frontage of the London East plat. Per UDC requirements, the developer will need to complete a development agreement with the City in addition to providing financial security for the construction of those improvements. Staff recommends the Land Use Supervisor not sign the official plat document until the development agreement is complete and financial security has been provided.
- 6) The Final Plat was reviewed by City Engineering, GIS, and Property Management staff, who provided comments to the applicant. The applicant has incorporated all comments except one pertaining to line symbols, which the applicant feels are compliant with plat recording standards. No citizen comments have been received to date.

### **Staff Recommendation**

Based on the above findings, staff recommends that Planning Commission approve the application with the following conditions:

1. The Land Use Supervisor not sign the official plat document until the development agreement is complete and any necessary financial security has been provided per Section 50-37.5.H.3(c).
2. The plat not be filed until the vacation approval is filed in the St. Louis County Recorder's office.
3. Prior to recording the final plat, the Land Use Supervisor verify that the Common Interest Community (CIC) Declaration associated with this project includes a clause that requires the homeowners association to avoid altering wetlands identified as being preserved in the wetland replacement plan.

4. Prior to recording the final plat, the City Engineer identify any conditions that need to be placed in the CIC Declaration.
5. Immediately following recording of the plat in the St. Louis County Auditor's office, the applicant record a restrictive covenant that limits development of the lots into twin homes with proof of recording provided to the Land Use Supervisor. The applicant obtain required permits from MN-DOT for the accesses to London Road, utility work, and sidewalk installation.
6. The applicant obtain required permits from MN-DOT for the accesses to London Road, utility work, and sidewalk installation.
7. Prior to tree removal and site grading, the applicant obtain required wetland permits and that evidence be provided showing withdrawal of wetland bank credits.
8. Prior to approving the storm water permit for the site that the applicant provide evidence to the City Engineer that the culverts near wetlands are place to handle surficial drainage only, in order to prevent the drainage of the saturated soils that create wetland conditions.
9. Prior to tree removal and site grading, the applicant provide photographic evidence to the Land Use Supervisor to verify that construction fence was installed around wetlands to be preserved.
10. Prior to tree removal activities, the applicant obtain from the Land Use Supervisor approval of a tree replacement plan and that trees to be preserved be protected with construction fence, including the area of the trees' dripline.
11. Prior to site grading activities, the City Engineer approves the storm water management plan including the placement of any needed conditions in the CIC Declaration.
12. Prior to issuing grading plans for the private access road, the Land Use Supervisor approve the location of guest parking throughout the site.
13. The approval of this final plat shall lapse if the applicant has not caused it to be recorded in the office of the St. Louis County Recorder within two years of Planning Commission approval.



London East  
 3700-3800 Block of  
 Upper Side of London Rd.  
 TJS Construction, LLC

Area Map



Subject Property

**Legend**

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# LONDON EAST

BEING PART OF BLOCKS 32, 33 AND 34, RE-ARRANGEMENT OF PART OF EAST DULUTH AND OF FIRST ADDITION TO EAST DULUTH, LOCATED IN SECTION 13, TOWNSHIP 50 NORTH, RANGE 14 WEST, AND SECTION 18, TOWNSHIP 50 NORTH, RANGE 13 WEST, FOURTH PRINCIPAL MERIDIAN, COUNTY OF ST. LOUIS, MINNESOTA

KNOW ALL PERSONS BY THESE PRESENTS: THAT TJS CONSTRUCTION LLC, A LIMITED LIABILITY COMPANY, FEE OWNER OF THE FOLLOWING DESCRIBED PROPERTY SITUATED IN SAINT LOUIS COUNTY, MINNESOTA, TO-WIT:

LOTS 9 THROUGH 16, INCLUSIVE, BLOCK 32, INCLUDING THE THE EASTERLY HALF OF VACATED 38TH AVENUE EAST, ST. LOUIS COUNTY, MINNESOTA. ALL IN REARRANGEMENT OF PART OF EAST DULUTH AND OF FIRST ADDITION TO EAST DULUTH.

AND

LOTS 10 TO 18 INCLUSIVE BLOCK 33, INCLUDING THE THE WESTERLY HALF OF VACATED 38TH AVENUE EAST, EXCEPT THAT SOUTHEASTERLY 40 FEET OF LOTS 10 AND 18, BLOCK 33, PLAT OF RE-ARRANGEMENT OF PART OF EAST DULUTH AND OF FIRST ADDITION TO EAST DULUTH, ACCORDING TO THE PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY RECORDER IN AND FOR ST. LOUIS COUNTY, MINNESOTA.

AND

LOT 16, BLOCK 34, RE-ARRANGEMENT OF PART OF EAST DULUTH AND OF FIRST ADDITION TO EAST DULUTH, ST. LOUIS COUNTY, MINNESOTA.

HAS CAUSED THE SAME TO BE SURVEYED AND PLATTED AS LONDON EAST AND DOES HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC USE FOREVER THE DRAINAGE AND UTILITY EASEMENTS AS CREATED BY THIS PLAT.

IN WITNESS WHEREOF SAID TJS CONSTRUCTION LLC, A LIMITED LIABILITY COMPANY, HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS MANAGER THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_. TJS CONSTRUCTION LLC, A MINNESOTA COMPANY

BY: \_\_\_\_\_  
TED STOCKE, MANAGER

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

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY TED STOCKE AS MANAGER OF TJS CONSTRUCTION, A LIMITED LIABILITY COMPANY.

\_\_\_\_\_  
PRINTED NAME

NOTARY PUBLIC, \_\_\_\_\_ COUNTY, \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_

I CURTIS E. SCHLEY 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 SET OR WILL BE CORRECTLY SET WITHIN ONE YEAR AS INDICATED ON THE PLAT; 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 \_\_\_\_\_, 20\_\_\_\_.

BY: \_\_\_\_\_  
CURTIS E. SCHLEY, LICENSED LAND SURVEYOR  
MINNESOTA LICENSE NUMBER 49907

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

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY CURTIS E. SCHLEY, MINNESOTA LICENSE NUMBER 49907.

\_\_\_\_\_  
PRINTED NAME

NOTARY PUBLIC, \_\_\_\_\_ COUNTY, \_\_\_\_\_  
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 \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
PRESIDENT, DULUTH CITY PLANNING COMMISSION

\_\_\_\_\_  
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 \_\_\_\_\_, 20\_\_\_\_.

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 HEREBEFORE DESCRIBED HAVE BEEN PAID; THERE ARE NO DELINQUENT TAXES AND TRANSFER ENTERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

NANCY NILSEN  
COUNTY AUDITOR

\_\_\_\_\_  
DEPUTY

ST. LOUIS COUNTY RECORDER

I HEREBY CERTIFY THAT THIS PLAT OF MENARD DULUTH ADDITION WAS FILED IN THE OFFICE OF THE COUNTY RECORDER FOR PUBLIC RECORD ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_ O'CLOCK \_\_M., AS DOCUMENT NO. \_\_\_\_\_

WENDY LEVITT  
COUNTY RECORDER

\_\_\_\_\_  
DEPUTY

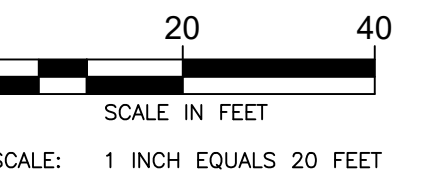
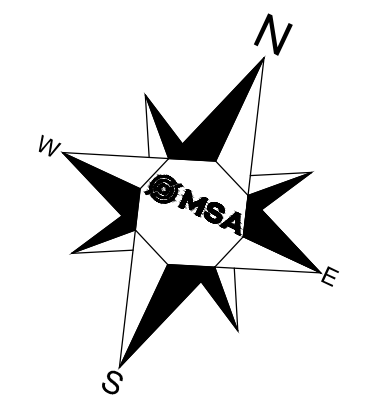


# LONDON EAST

BEING PART OF BLOCKS 32, 33 AND 34, RE-ARRANGEMENT OF PART OF EAST DULUTH AND OF FIRST ADDITION TO EAST DULUTH, LOCATED IN SECTION 13, TOWNSHIP 50 NORTH, RANGE 14 WEST, AND SECTION 18, TOWNSHIP 50 NORTH, RANGE 13 WEST, FOURTH PRINCIPAL MERIDIAN, COUNTY OF ST. LOUIS, MINNESOTA



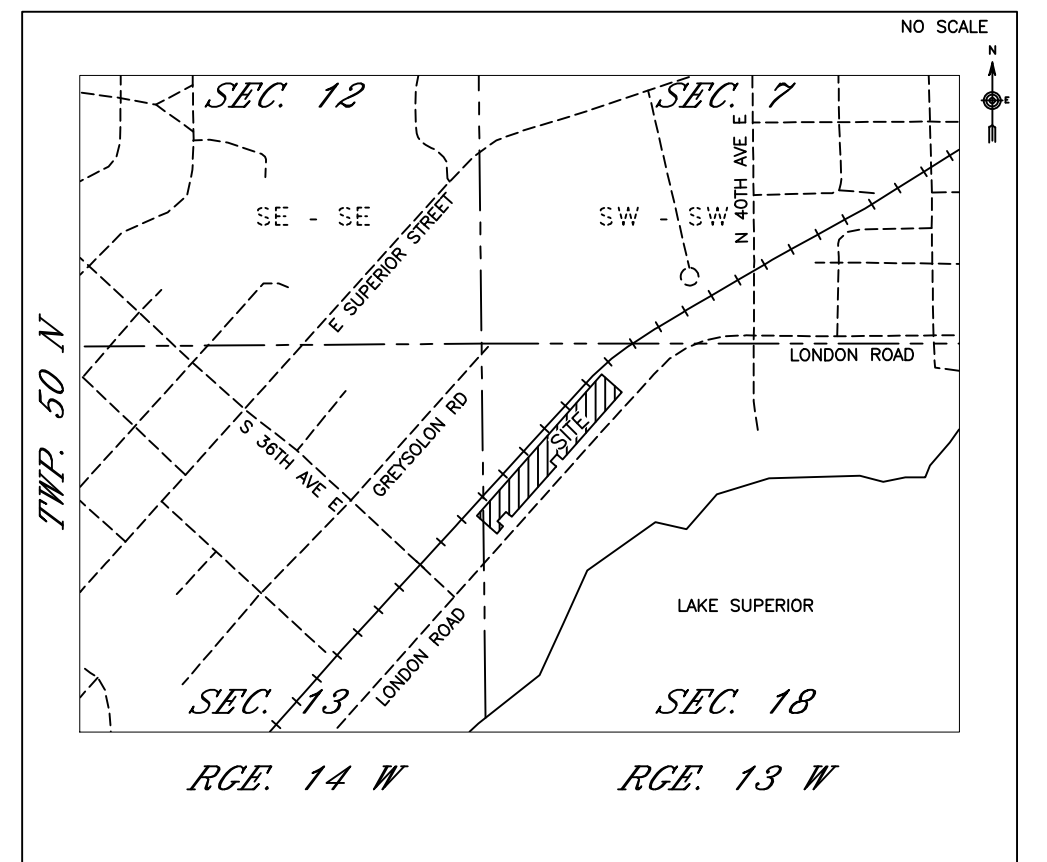
MATCH LINE  
(SEE SHEET 3 OF 3 SHEETS)



### LEGEND

- 3/4" IRON PIPE FOUND, INSCRIBED WITH LICENSE NO. 44975 UNLESS OTHERWISE INDICATED ON THIS PLAT.
  - 3/4" IRON PIPE, INSCRIBED LICENSE NO. 49907
- THE WETLAND DELINEATION WAS PREPARED BY MSA PROFESSIONAL SERVICES, INC., NOVEMBER 2016

FOR THE PURPOSES OF THIS PLAT, THE SOUTHEASTERLY LINE OF BLOCK 33, PLAT OF RE-ARRANGEMENT OF PART OF EAST DULUTH AND OF FIRST ADDITION TO EAST DULUTH, BEARS SOUTH 41 DEGREES 29 MINUTES 41 SECONDS WEST AS REFERENCED TO THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM (SCLTM 96) NAD83.



VICINITY MAP

# LONDON EAST

BEING PART OF BLOCKS 32, 33 AND 34, RE-ARRANGEMENT OF PART OF EAST DULUTH AND OF FIRST ADDITION TO EAST DULUTH, LOCATED IN SECTION 13, TOWNSHIP 50 NORTH, RANGE 14 WEST, AND SECTION 18, TOWNSHIP 50 NORTH, RANGE 13 WEST, FOURTH PRINCIPAL MERIDIAN, COUNTY OF ST. LOUIS, MINNESOTA



RE-ARRANGEMENT OF EAST DULUTH

RE-ARRANGEMENT OF EAST DULUTH

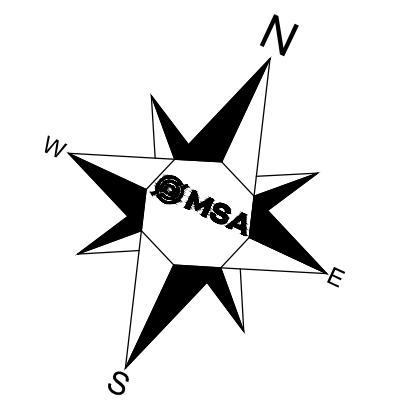
DULUTH

FLOOD ZONE C LIMITS

CENTERLINE OF ST. LOUIS COUNTY & LAKE COUNTY REGIONAL RAILROAD AUTHORITY RAILROAD

WETLAND

FLOOD ZONE C LIMITS



0 20 40  
SCALE IN FEET  
SCALE: 1 INCH EQUALS 20 FEET

### LEGEND

- . . . . 3/4" IRON PIPE FOUND, INSCRIBED WITH LICENSE NO. 44975 UNLESS OTHERWISE INDICATED ON THIS PLAT.
  - . . . . SET 3/4" IRON PIPE, INSCRIBED LICENSE NO. 49907
- THE WETLAND DELINEATION WAS PREPARED BY MSA PROFESSIONAL SERVICES, INC., NOVEMBER 2016

FOR THE PURPOSES OF THIS PLAT, THE SOUTHEASTERLY LINE OF BLOCK 33, PLAT OF RE-ARRANGEMENT OF PART OF EAST DULUTH AND OF FIRST ADDITION TO EAST DULUTH, BEARS SOUTH 41 DEGREES 29 MINUTES 41 SECONDS WEST AS REFERENCED TO THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM (SCLTM 96) NAD83.

### FLOOD ZONE:

BY GRAPHIC INTERPRETATION ONLY, THIS PROPERTY LIES IN ZONE C (AREAS OF MINIMAL FLOODING) PER NATIONAL FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 270421 0025 C. SAID RATE MAP HAS AN EFFECTIVE DATE OF APRIL 2, 1982. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE.

ALSO, BY GRAPHIC INTERPRETATION ONLY, THIS PROPERTY LIES IN ZONES A AND C (A-AREAS OF 100-YEAR FLOOD; BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS NOT DETERMINED, C-AREAS OF MINIMAL FLOODING) PER NATIONAL FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 270421 0030 C. SAID RATE MAP HAS AN EFFECTIVE DATE OF APRIL 2, 1982. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE.

MATCH LINE  
(SEE SHEET 2 OF 3 SHEETS)

EXCEPTION

# EXHIBIT A

## *EXISTING LEGAL DESCRIPTION:*

LOTS 9 THROUGH 16, INCLUSIVE, BLOCK 32, INCLUDING THE THE EASTERLY HALF OF VACATED 38TH AVENUE EAST, ST. LOUIS COUNTY, MINNESOTA.  
ALL IN REARRANGEMENT OF PART OF EAST DULUTH AND OF FIRST ADDITION TO EAST DULUTH.

AND

LOTS 10 TO 18 INCLUSIVE BLOCK 33, INCLUDING THE THE WESTERLY HALF OF VACATED 38TH AVENUE EAST, EXCEPT THAT SOUTHEASTERLY 40 FEET OF LOTS 10 AND 18, BLOCK 33, PLAT OF RE-ARRANGEMENT OF PART OF EAST DULUTH AND OF FIRST ADDITION TO EAST DULUTH, ACCORDING TO THE PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY RECORDER IN AND FOR ST. LOUIS COUNTY, MINNESOTA.

AND

LOT 16, BLOCK 34, RE-ARRANGEMENT OF PART OF EAST DULUTH AND OF FIRST ADDITION TO EAST DULUTH, ST. LOUIS COUNTY, MINNESOTA.

PLAT DATE: 11/20/20 10:59 AM P:\3006\531006\531006.dwg



**LONDON EAST**  
CITY OF DULUTH  
ST. LOUIS COUNTY, MN

**EXHIBIT**

PROJECT NO.  
**5331006**  
SHEET  
**1 OF 1**

 **MSA** Memo

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**To:** Kyle Deming  
**From:** Andrew Barnebey  
**Subject:** East London Road Development - Response to Condition of Approval for Preliminary Plat  
**Date:** May 13, 2020

---

The Preliminary Plat for this project was approved with the following conditions. Our response to those conditions is in italics after the conditions.

1. The final plat be designed so that all of the lots are compliant with minimum lot area requirements.

***This has been done.***

2. The utility easement on Lots 14 and 15 be extended eastward at the north plat boundary to connect to the existing utility easement in former 38th Avenue East.

***This has been done.***

3. The utility easement in former 38th Avenue East covered by this re—plat be vacated by the City Council with the vacation resolution filed in the St. Louis County Auditor’s office prior to recording the final plat.

***The exhibit for the vacation has been prepared – this will be done.***

4. Prior to recording the final plat, the Land Use Supervisor verify that the Common Interest Community (CIC) Declaration associated with this project includes a clause that requires the homeowners association to avoid altering wetlands identified as being preserved in the wetland replacement plan.

***This will be done.***

**MEMO**May 13, 2020

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5. Immediately following recording of the plat in the St. Louis County Auditor's office, the applicant record a restrictive covenant that limits development of the lots into twin homes with proof of recording provided to the Land Use Supervisor.

***This will be done.***

6. The applicant obtain required permits from MN—DOT for the accesses to London Road, utility work, and sidewalk installation.

***One permit has been acquired, the other permit will be acquired.***

7. Prior to tree removal and site grading, the applicant obtain required wetland permits and that evidence be provided to the Land Use Supervisor showing required wetland mitigation.

***This will be done.***

8. Prior to approving the storm water permit for the site that the applicant provide evidence to the City Engineer that the culverts near wetlands are place to handle surficial drainage only, in order to prevent the drainage of the saturated soils that create wetland conditions.

***This will be done.***

9. Prior to tree removal and site grading, the applicant provide photographic evidence to the Land Use Supervisor to verify that construction fence was installed around wetlands to be preserved.

***This will be done.***

10. Prior to tree removal activities, the applicant obtain from the Land Use Supervisor approval of a tree replacement plan and that trees to be preserved be protected with construction fence, including the area of the trees' dripline.

***A draft plan has been prepared. This will be done after the plan is finalized.***

11. Prior to site grading activities, the City Engineer approves the storm water management plan including the placement of any needed conditions in the CIC Declaration.

***This will be done.***

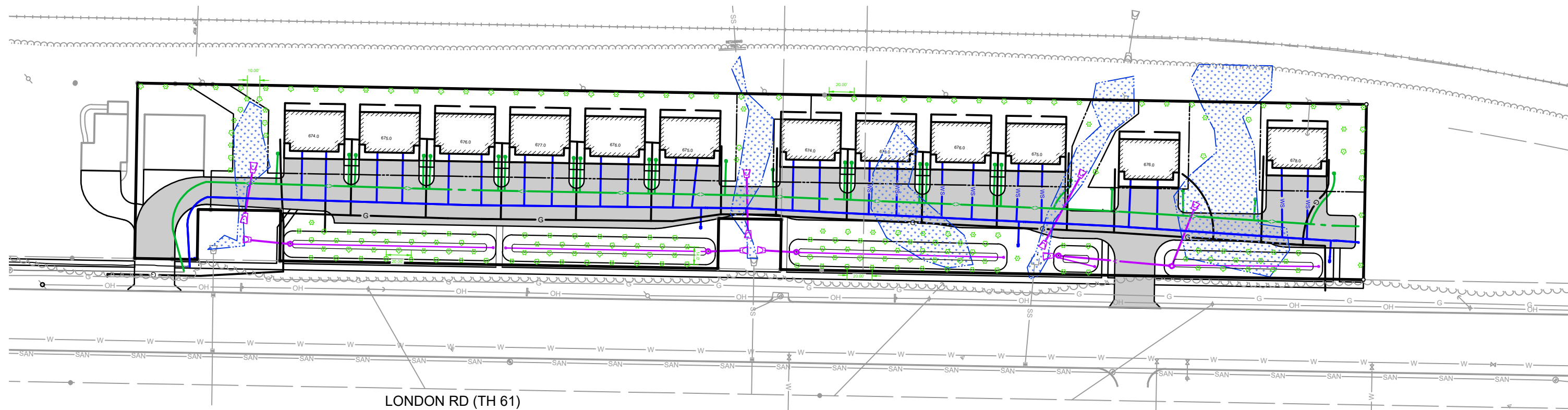
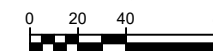
**MEMO**

May 13, 2020



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12. Prior to issuing grading plans for the private access road, the Land Use Supervisor approve the location of guest parking throughout the site.

***An exhibit has been prepared showing the guest parking locations. This will be done.***



LONDON RD (TH 61)

-  NEW DECIDUOUS TREE, VARIOUS, TOTAL: 94
-  NEW CONIFEROUS TREE, VARIOUS, TOTAL: 97

TOTAL TREES REPLACED: 191  
 TOTAL INCHES REPLACED: 382 INCHES

INCHES OF SPECIAL TREE REMOVED: 1419 IN  
 INCHES OF OTHER SIGNIFICANT TREE REMOVED: 935 IN  
 SPECIAL TREE % DBH TO BE REPLACED: 25%  
 OTHER SIGNIFICANT TREE % DBH TO BE REPLACED: 10%

TREE PRESERVATION CREDITS: 69

SPECIAL REPLACEMENT:  
 1419 IN REMOVED X 25% = 355 IN TO BE REPLACED

OTHER SIGNIFICANT TREE:  
 935 IN REMOVED X 10% = 94 IN TO BE REPLACED

TOTAL REPLACEMENT REQUIRED:  
 355 IN + 94 IN = 449 IN

**DRAFT**

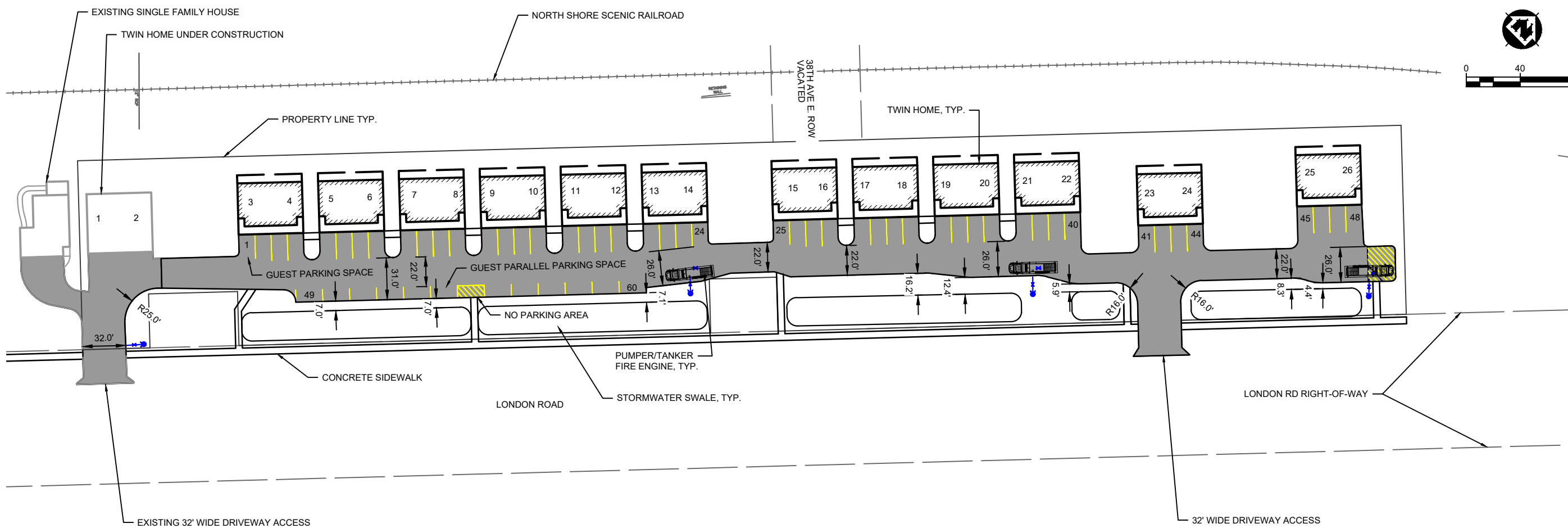
PROJECT NO.	05331003	SCALE	AS SHOWN	NO.	DATE	REVISION	BY
PROJECT DATE:	MARCH 2017	DRAWN BY:	JJJ				
F.B.:	N/A	CHECKED BY:	JJJ				
PLOT DATE: 5/13/20, P:\5300\5330\5331\05331006\CADD\Exhibits\05331006 Tree Exhibit 03182020.dwg							



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LONDON ROAD TOWNHOMES  
 TJS CONSTRUCTION, INC.  
 CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA

TREE REPLACEMENT PLAN EXHIBIT



PRIMARY PARKING PROVIDED (TWO PER UNIT IN GARAGES): 52 SPACES  
 GUEST PARKING IN FRONT OF UNITS: 48 SPACES  
 GUEST PARALLEL PARKING: 12 SPACES  
 TOTAL GUEST PARKING: 60 SPACES  
 TOTAL PARKING PROVIDED: 112  
 DIMENSIONS OF PARKING SPACES IN FRONT OF GARAGES: 12' X 20'  
 DIMENSIONS OF PARALLEL PARKING SPACES: 9' X 20'

PROJECT DATE:	DRAWN BY:	NO.	DATE	REVISION	BY
02/17/20	EDC	-	-	-	-
	DESIGNED BY:	EDC	-	-	-
	CHECKED BY:	JJJ	-	-	-

I HEREBY CERTIFY THAT THIS PLAN, REPORT, OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  
 Date \_\_\_\_\_ License No. \_\_\_\_\_



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LONDON EAST DEVELOPMENT  
 TJS CONSTRUCTION  
 DULUTH, MN

PARKING AND FIRE ACCESS  
 EXHIBIT Page 48 of 01

PROJECT NO. 05331006





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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

<b>File Number</b>	PL 20-050	<b>Contact</b>	Chris Lee, <a href="mailto:clee@duluthmn.gov">clee@duluthmn.gov</a>	
<b>Type</b>	Concurrent Use Permit	<b>Planning Commission Date</b>	June 9, 2020	
<b>Deadline for Action</b>	<b>Application Date</b>	May 7, 2020	<b>60 Days</b>	July 4, 2020
	<b>Date Extension Letter Mailed</b>	May 20, 2020	<b>120 Days</b>	September 4, 2020
<b>Location of Subject</b>	725 Helberg Drive			
<b>Applicant</b>	Duluth Seaway Port Authority	<b>Contact</b>	Deb DeLuca	
<b>Agent</b>	TKDA	<b>Contact</b>	Will DeRocher	
<b>Legal Description</b>	Adjacent to parcels: 010-3930-00310, 010-3940-00030, 010-3910-06940			
<b>Site Visit Date</b>	May 29, 2020	<b>Sign Notice Date</b>	May 26, 2020	
<b>Neighbor Letter Date</b>	N/A	<b>Number of Letters Sent</b>	N/A	

**Proposal:** Concurrent Use Permit for right of way improvements to accommodate stormwater run-off from a material laydown yard on the adjoining parcels. The area proposed to be used is roughly 1,240 feet long and occupies 23,874 sf.

**Staff Recommendation:** Staff is recommending that Planning Commission recommend approval to City Council with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	I-W	Undeveloped	Industrial Waterfront
<b>North</b>	I-W	Azcon/Industrial	Industrial Waterfront
<b>South</b>	I-W	Rail yard	Industrial Waterfront
<b>East</b>	I-W	Pier/Material Storage	Industrial Waterfront
<b>West</b>	I-W	Rail yard	Industrial Waterfront

**Summary of Code Requirements:**

UDC Section 50-37.7.C. The Planning Commission shall review the application, and council shall approve the application or approve it with modifications, if it determines that:

1. The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city.
2. Not applicable (skywalks)
3. No portion of a public easement proposed for use is being physically used or occupied by the public.
4. Not applicable (parking)

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

Governing Principle #1 – Reuse previously developed lands: includes adaptive reuse of existing building stock and historic resources, as this strengthens neighborhoods. This property is currently a vacant lot within an industrial area.

Future Land Use – Industrial Waterfront: Waterfront- or port dependent industrial uses. May co-exist in proximity to other waterfront related uses. Should have access to regional roads or rail.

**Review and Discussion Items**

Staff finds that:

- 1.) The applicant is seeking a concurrent use permit to make stormwater improvements in the right of way. The adjacent parcels (010-3930-00310, 010-3940-00030, 010-3910-06940) will be utilized as a material laydown and short term storage yard. These improvements are necessary to treat the stormwater from the lots.
- 2.) The site is currently a drainage ditch located between Helberg Drive and the rail yard. There is currently an active easement on the parcels that are owned by the Duluth Seaway Port Authority making this concurrent use permit necessary for improvements.
- 3.) The improvements will include excavating the existing ditch, installation of a filter media, and installation of a check dam to decrease and slow run-off and improve the quality of stormwater infiltration.
- 4.) The City of Duluth requires concurrent use permits to include liability insurance to indemnify the City against occurrences in the right of way. Other protections for the City and the public are typically included in the ordinance that is submitted to City Council. The ordinance will indicate the City is not responsible for removal/replacement of the applicant's infrastructure should the City need to access the right-of-way in the permitted area.
- 5.) The improvement to the ditch will not take away from the public's ability to use the right of way, nor will it harm or inconvenience the health, safety, and general welfare of the city.
- 6.) No other public, agency, or other comments have been received.

**Staff Recommendation**

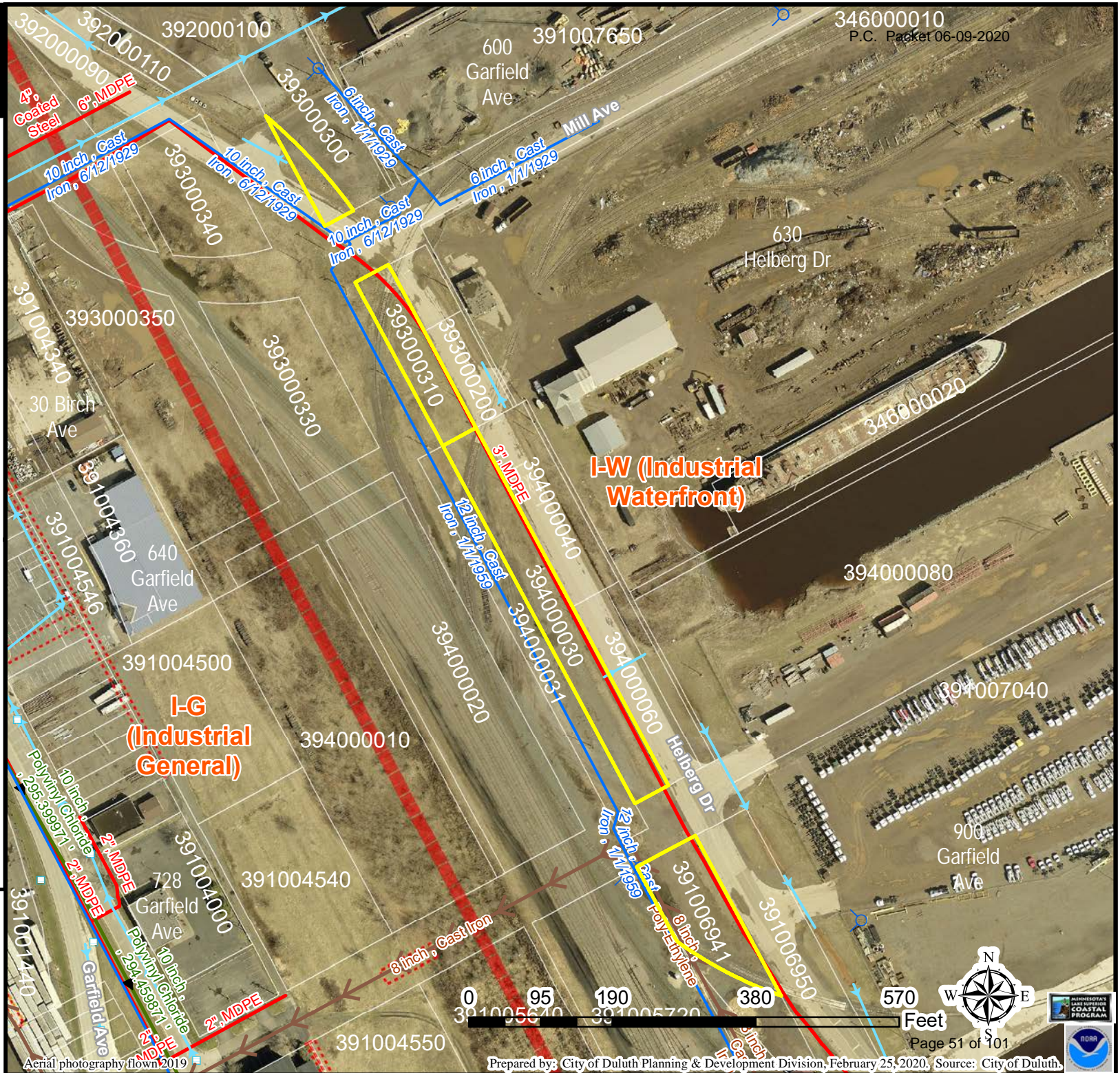
Based on the above findings, Staff recommends that Planning Commission recommend approval of the concurrent use permit with the following conditions:

- 1.) Applicant shall construct within the limits as identified in the attached exhibit and in coordination with the City Engineer and City Building Official and with all required permits.
- 2.) Applicant shall provide annual proof of liability insurance to indemnify the City against any occurrences in the right of way that are due to items covered under this permit.
- 3.) Applicant shall remove the system at the applicant's expense if directed to by the City with appropriate notice.
- 4.) The City shall not be responsible for any damage to the system caused by snow removal or work in the right-of-way.
- 5.) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



20-050  
CUP Laydown

34600010  
P.C. Packet 06-09-2020



**Legend**

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains
  - CITY OF DULUTH
  - WLSDD; PRIVATE
  - Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains
  - Storm Sewer Pipe
  - Storm Sewer Catch Basin
- Easement Type
  - Utility Easement
  - Other Easement
  - 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 2019

Prepared by: City of Duluth Planning & Development Division, February 25, 2020, Source: City of Duluth.





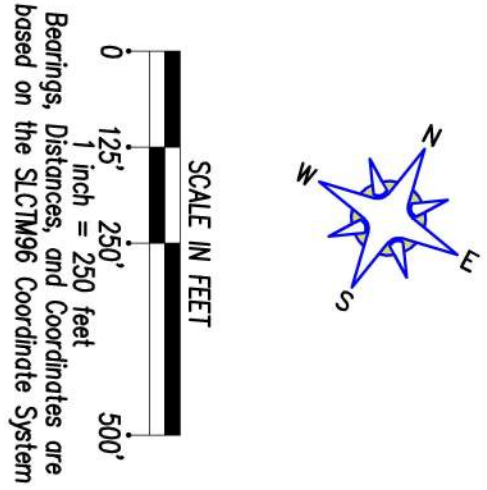
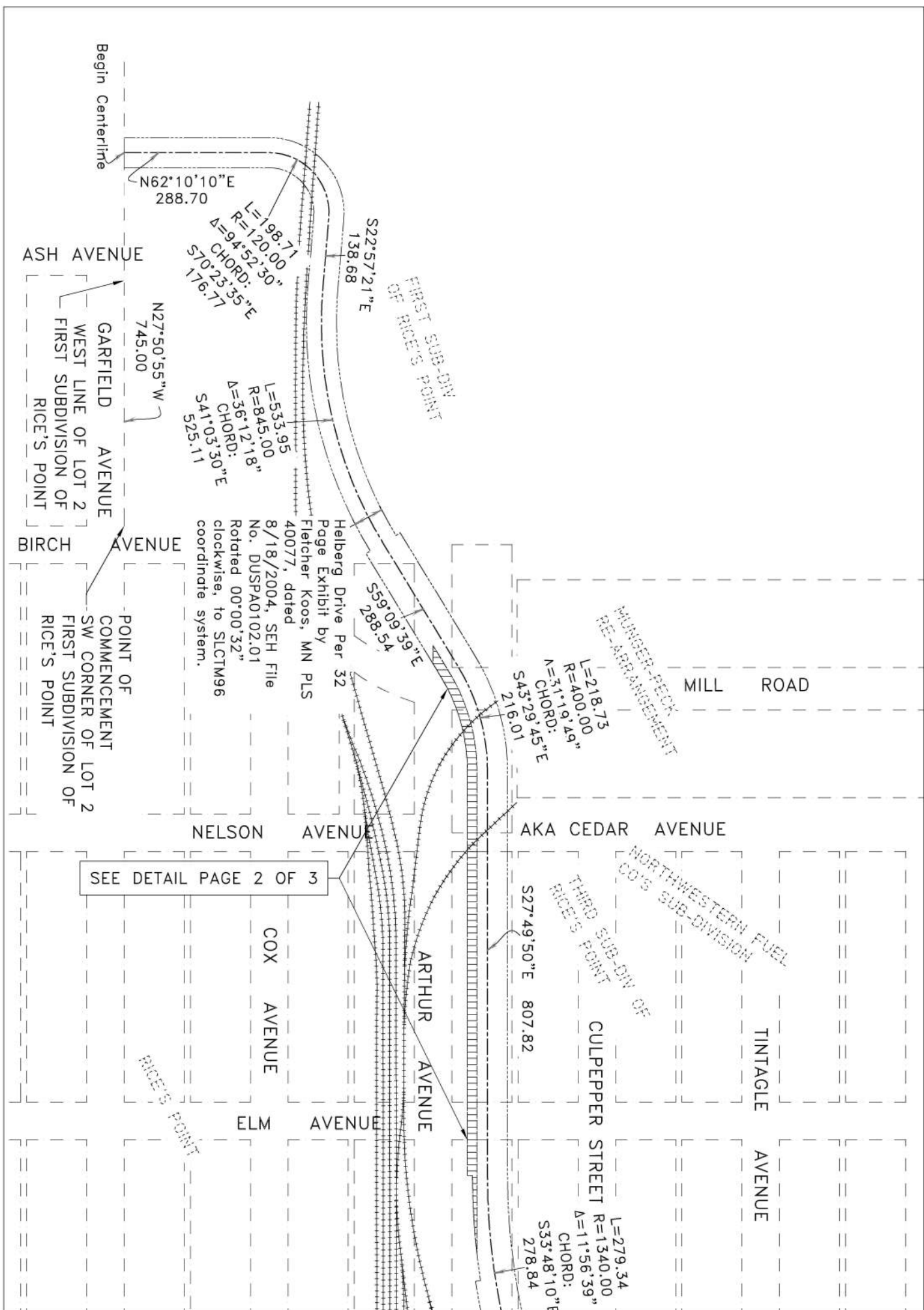
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*Greg Stover*  
 GREG STOVER  
 MINNESOTA LICENSE NUMBER 21724

NO	DATE	REVISION
1		
2		
3		

DSPA ALTEC LAYDOWN - HELBERG CONCURRENT USE PERMIT  
 for : Duluth Seaway Port Authority  
 PAGE 1 OF 3  
 JOB NO. 15518.015 FILE NO. L4743D DATE OF MAP: 5/29/2020 1 OF 3



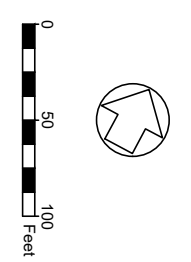
MUNGER-PECK - LOT 1 -  
REARRANGEMENT OF  
1st SUBDIVISION OF RICE'S

MILL AVE.

AKA CEDAR AVENUE

THIRD SUBDIVISION OF  
RICES POINT  
AKA CULPEPPER STREET

TINTAGLE AVENUE



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

Munger Peck  
3  
CURVE A  
L=218.73,  
R=400.00'  
Δ=31°19'49"  
CHORD: S43° 29' 45"E  
CHORD: 216.01

83  
S27° 49' 50"E  
807.82'  
AREA OF CONCURRENT USE  
AREA: 23200 SF

84

POINT OF CURVATURE  
6  
Munger Peck

BLOCK 5  
Munger Peck

BLOCK 76  
HELBERG DRIVE CENTERLINE  
953' ±

BLOCK 75  
122 124 126 128 130 132 134 136 138  
30.0  
Δ=11°56'39"  
CHORD: S33° 48' 10"E  
CHORD: 278.84  
L=279.34'  
R=1340.00'

LINE A  
S59° 09' 39"E  
288.54'  
L=208.34',  
R=381.00'  
Δ=31°19'49"  
CHORD: S43° 29' 45"E  
CHORD: 205.75

PARCEL 010-3940-00030  
DULUTH SEAWAY PORT AUTHORITY  
AKA ARTHUR AVENUE FIFTH STREET

40' - HELBERG DRIVE EASEMENT  
DULUTH SEAWAY PORT AUTHORITY

PARCEL 010-3910-06941  
DULUTH SEAWAY PORT AUTHORITY

8  
Munger Peck  
CENTERLINE OF FIFTH STREET  
ALSO KNOWN AS ARTHUR AVENUE

63  
PARCEL 010-3930-00310  
DULUTH SEAWAY PORT AUTHORITY

64

Helberg Drive Per 32 Page Exhibit by Fletcher Koos, MN PLS 40077, dated 8/18/2004, SEH File No. DUSPA0102.01 Rotated 00°00'32" clockwise to SLCTM96 coordinate system.

NELSON AVENUE

ELM AVENUE

56

55

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Duluth, MN 55802  
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*Greg Stoewer*  
GREG STOEWER  
MINNESOTA LICENSE NUMBER 21724

NO	DATE	REVISION
1		
2		
3		

DSPA ALTEC LAYDOWN - HELBERG CONCURRENT USE PERMIT  
PAGE 2 OF 3  
for : Duluth Seaway Port Authority  
JOB NO. 15518.015 FILE NO. L4743D DATE OF MAP: 5/29/2020 2 OF 3

**DESCRIPTION OF CONCURRENT USE AREA**

That part of Block 5, Mill Avenue and Fifth Street also known as Arthur Avenue, Munger-Peck Rearrangement of Lot 1 - 1st Subdivision of Rice's Point, and Block 76, and even numbered Lots 122 through 138 of Block 75, Nelson Avenue also known as Cedar Avenue and Elm Avenue, Third Subdivision of Rices Point, accorded to the recorded plats thereof, described as follows:

Said Concurrent Use Area is bounded on the southwest by the southwesterly line of the easement for Helberg Drive, described as follows:

Commencing at the southwest corner of Lot 2, First Subdivision of RICE'S POINT, according to recorded plat thereof; thence on a bearing North 27 degrees 50 minutes 55 seconds West, basis of bearing St. Louis County Transverse Mercator 1996 coordinate system, along the westerly line of said Lot 2 and its extension 745.00 feet to the point of beginning of the centerline of said easement, being a 60.00 foot wide easement; thence North 62 degrees 10 minutes 10 seconds East 288.70 feet; thence 198.71 feet along a tangential curve, concave southwest, having a radius of 120.00 feet and a central angle of 94 degrees 52 minutes 30 seconds; thence South 22 degrees 57 minutes 21 seconds East 138.68 feet; thence 533.95 feet along a tangential curve, concave northeast, having a radius of 845.00 feet and a central angle of 36 degrees 12 minutes 18 seconds and said center line there terminating.

Together with an 80.00-foot wide easement for roadway purposes, the centerline of said easement is described as follows:

Beginning at the terminus of the previously described centerline; thence South 59 degrees 09 minutes 39 seconds East 288.54 feet; thence 218.73 feet along a tangential curve, concave southwest, having a radius of 400.00 feet and a central angle of 31 degrees 19 minutes 49 seconds; thence South 27 degrees 49 minutes 50 seconds East 807.82 feet and said centerline there terminating.

Together with a 70.00-foot wide easement for roadway purposes over, under, and across the above-described property. Said easement being 40.00 feet to the left and 30.00 feet to the right of the following described line:

Beginning at the terminus of the above-described line; thence 205.76 feet along tangential curve, concave northeast, having a radius of 1340.00 feet and said line there terminating.

Together with an 80.00-foot wide easement for roadway purposes over, under, and across the above-described property. The centerline of said easement is described as follows:

Beginning at the terminus of the above-described line, thence 73.58 feet along a continuation of the above-described curve; thence South 39 degrees 46 minutes 29 seconds East 678.41 feet; and said centerline there terminating.

Together with a 60.00-foot wide easement for roadway purposes over, under, and across the above-described property. The centerline of said easement is described as follows:


Beginning at the terminus of the above-described line; thence continuing South 39 degrees 46 minutes 29 seconds East 71.43 feet; thence 137.75 feet along a tangential curve, concave northeast, having a radius of 300.00 feet and a central angle of 26 degrees 18 minutes 30 seconds; thence South 66 degrees 04 minutes 59 seconds East 83.38 feet; thence 199.53 feet along a tangential curve, concave southwest, having a radius of 300.00 feet and a central angle of 38 degrees 06 minutes 26 seconds; thence South 27 degrees 58 minutes 33 seconds East 60.00 feet and said centerline there terminating.

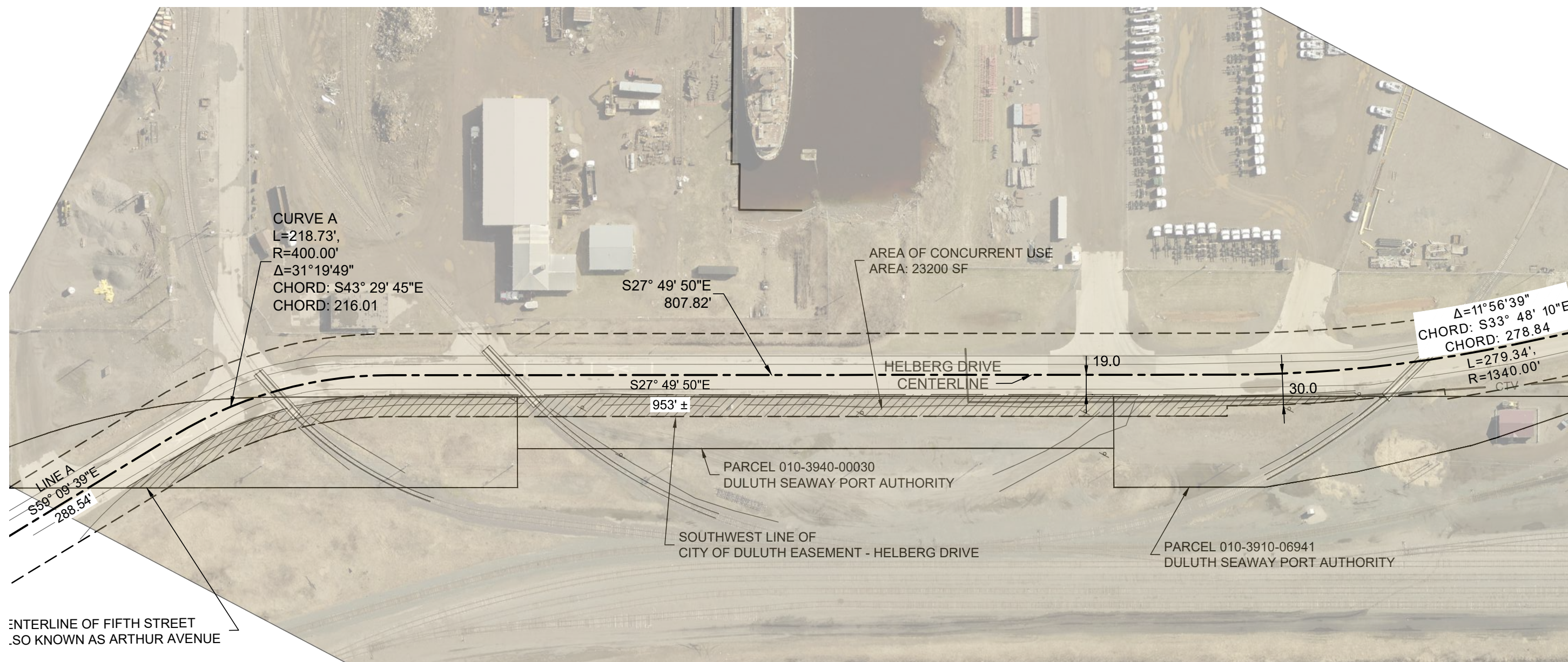
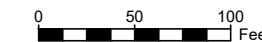
Said Concurrent Use Area is bounded on the northeast by a line described as follows:

Beginning at the intersection of a line that is parallel with and 19.00 feet southwest of said Helberg Drive centerline segment described as 288.54 feet South 59 degrees 09 minutes East (labeled Line A) with the centerline of said Arthur Avenue; Thence South 59 degrees 09 minutes East to a point that is perpendicular southwesterly of the end of Line A (labeled Point of Curvature); Thence southeasterly along a curve that is concentric to and southwesterly 19.00 feet of Helberg Drive centerline, concave to the southwest, radius 381.00 feet, delta 31 degrees 19 minutes 49 seconds; Thence along a tangential line South 27 degrees 49 minutes 50 seconds East 953 feet more or less to the southwest line of said Helberg Drive easement.

Said Concurrent Use Area is bounded on the northwest by said centerline of Arthur Avenue.

Area of said Concurrent Use Area is 23,301 square feet, more or less.

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	GREG STOEWER	JUNE 1, 2020	MINNESOTA LICENSE NUMBER 21724	JOB NO. 15518.015   FILE NO. L4743D   DATE OF MAP: 5/29/2020
	NO. 3	DATE	REVISION	3 OF 3




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 GREG STOEWER  
 MINNESOTA LICENSE NUMBER 21724

1			
2			
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NO	DATE	REVISION	

DSPA ALTEC LAYDOWN – HELBERG CONCURRENT USE PERMIT  
 LOCATION MAP  
 for : Duluth Seaway Port Authority  
 JOB NO. 15518.015 | FILE NO. L4743D | DATE OF MAP: 5/29/2020 | Page 55 of 101







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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580  
 planning@duluthmn.gov

<b>File Number</b>	PL 20-052	<b>Contact</b>	Kyle Deming, <a href="mailto:kdeming@duluthmn.gov">kdeming@duluthmn.gov</a>	
<b>Type</b>	Variance – minimum parking	<b>Planning Commission Date</b>	June 9, 2020	
<b>Deadline for Action</b>	<b>Application Date</b>	May 26, 2020	<b>60 Days</b>	July 25, 2020
	<b>Date Extension Letter Mailed</b>	June 1, 2020	<b>120 Days</b>	September 23, 2020
<b>Location of Subject</b>	End of extended Burning Tree Road south of Mountain Shadows Drive and Village Mall			
<b>Applicant</b>	Center City Housing Corp.	<b>Contact</b>	Nancy Cashman	
<b>Agent</b>	Hanft Fride P.A.	<b>Contact</b>	William M. Burns/Terri E. Crossmon	
<b>Legal Description</b>	See attached			
<b>Site Visit Date</b>	May 29, 2020	<b>Sign Notice Date</b>	May 27, 2020	
<b>Neighbor Letter Date</b>	May 29, 2020	<b>Number of Letters Sent</b>	10	

**Proposal**

A variance to reduce the minimum number of required parking stalls from 37 to 15 at a proposed 30 unit multi-family residential building for very low income residents who also receive services.

**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>	MU-N	Vacant/Undeveloped	Neighborhood Mixed Use
<b>North</b>	MU-N	Institutional	Neighborhood Mixed Use
<b>South</b>	R-1	Vacant/Undeveloped	Urban Residential
<b>East</b>	MU-N	Vacant/Undeveloped	Neighborhood Mixed Use
<b>West</b>	MU-N	Townhomes	Neighborhood Mixed Use

**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.G.2 – Reducing required parking spaces: Except as provided in 50-37.9.G, variances from the minimum amount

of off-street parking required may be approved if a smaller amount of off-site parking will be adequate to meet the needs of the facility because the facility is restricted to occupancy or use by populations with documented lower vehicle uses, such as the elderly or disabled.

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

Governing Principle #5 – Promote reinvestment in neighborhoods. New development or redevelopment should maximize public investment that strengthens diversifies residential opportunities that fit the neighborhood’s character.

Governing Principle #7 – Create and maintain connectivity. Connectivity is established through our network of streets and highways, transit system, sidewalks, greenways, bikeways, and trails (local and regional). Non-vehicular transportation should be considered an important component of the overall transportation network.

Governing Principle #13 – Develop a healthy community. The City will actively promote access for all to health resources, quality food, recreation, social and economic opportunities, and a clean and secure environment.

Governing Principle #14 – Integrate fairness into the fabric of the community. All people will have equitable access to resources and opportunities that stabilize and enhance their lives.

Housing Policy #2 - Provide affordable, attainable housing opportunities;

Strategy 5 – Foster opportunities for creative housing types and concepts.

Housing Policy #3 – Prioritize inclusive housing policies to reflect the city’s social, cultural, economic, and historic diversity;

Strategy #1 – Plan for a mix of housing types in all neighborhoods, available to a variety of income levels.

Map: Shown as a “new investment area” on the Imagine Duluth 2035 Housing Action Framework map.

Zoning – Mixed Use- Neighborhood (MU-N): Accommodate a mix of neighborhood-scale, neighborhood serving non-residential uses and a range of residential uses located in close proximity. Non-residential uses may include small-scale retail, service and professional offices that provide goods and services to the residents of the surrounding neighborhood.

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. Site design should maintain a largely residential building character. Commercial-only uses should be adjacent to non-residential or other mixed-use areas.

History: Feb. 2015 – Birch Tree Center opened by Center City Housing Corp. – a 12 bed single-room-occupancy mental health treatment center serving people 18 and older.

Aug. 2014 – A 56 foot wide street and utility easement granted to the public for extension of Burning Tree Road across Birch Tree property and a public street was constructed to a point 50 feet south of the north property line of Birch Tree property.

**Review and Discussion Items**

Staff finds that:

- 1) The applicant is proposing a 30-unit building providing “permanent supportive housing for behavioral health” and “people of very low income levels,” which is 60% of Multifamily Tax Subsidy Project limits in Section 42 of the Internal Revenue Code. This income limit translates to \$32,280 for one-person households and \$36,900 for two-person households.
- 2) The three-story building consists of 18 one-bedroom and 12 efficiency apartments with offices and a community room to provide services in support of residents. The developer expects units will be occupied by one or two residents each. Five of the units will be for persons who are permanently disabled. The site plan includes 15 parking stalls, a patio/ yard area for residents and a storm water treatment area.
- 3) Required off-street parking for this project is 37 stalls (1.25 parking stalls per dwelling unit) and the applicant is asking for a reduction of 22 stalls (59% of required) to 15 stalls. Because the project is less than ¼ mile of a transit stop (at the corner of Burning Tree Rd. and Mountain Shadows Dr.) it qualifies for a 30% reduction in required parking from 37 to 26 stalls. So the variance request could be thought of as a reduction of 11 stalls or 42% of the modified parking requirement.
- 4) The applicant is proposing to use the property in a reasonable manner as an apartment building is a permitted use in MU-N zone districts and that the proposed project utilizes only 11 % of the maximum number of dwelling units the UDC allows on this site.

- 5) The application indicates that “due to the character of the site, including elevation changes and wetlands, it would be prohibitively expensive to create significantly more parking. It would also create, due to the special nature of this facility, excessive impervious surface and cost. This variance request is premised on the limited need for parking and the inappropriateness of the code requirements when applied to the specifics of the facility.” The attached site plan shows the proposed building, parking, storm water treatment facilities, and outdoor gathering/green space with site topography indicating there are challenges to developing additional parking on this site.
- 6) The application continues “the uniqueness here is in the facility, which will serve very low income persons with mental health issues. Center City Housing, the developer here, owns and operates 10 low income facilities for persons with mental health or other issues limiting their ability or right to operate motor vehicles. Further, most residents cannot afford motor vehicles. Center City Housing’s experience would indicate that the actual parking needs here, including staff, should be no more than 10; thus, the variance to 15 allows for a 50% buffer.”
- 7) Center City Housing’s staffing plan is “there will be one 24-hour staff person working the front desk . . . three additional staff people . . . for an anticipated 8-hour shift with no overlap . . . and three additional part-time employees coming and going various times throughout an average workday.” This would result in a maximum staff parking utilization (assuming each drives alone) of seven stalls (plus a potential 5-10 minute overlap for front desk staff).
- 8) Center City Housing operates similar facilities in Duluth and provided four examples and their resident and parking numbers:
- San Marco Apartments – 70 dwelling units, 12 off-street parking spaces (230 W. Third St.)
  - The Frances Skinner Apartments – 33 dwelling units, 0 off-street parking spaces (102 E. First St.)
  - Steve O’Neil Apartments – 44 dwelling units, 20 off-street parking spaces (101 W. Fourth St.)
  - Garfield Square Apartments – 50 dwelling units with services, 21 off-street parking spaces (10 Piedmont Ave.)
- Center City Housing’s experience has been that, “while we do not document vehicle ownership, each of these facilities contain a similar demographic and, to our knowledge, none of them experience parking difficulty for its residents.” Resident parking demand for “projects of this type indicate that only 20% of households own cars,” which would translate to six resident cars at the Birchwood site. When combined with the maximum staff parking demand of seven, total parking demand would be 13 resulting in two extra spaces for visitors. Burning Tree Rd. is proposed to be constructed at 25 feet wide due to slope issues and available right of way, which is not sufficient to allow on-street parking.
- 9) The applicant intends to have a van and staff on site to provide transportation to tenants to meet their basic needs and go to appointments. Bus passes will also be available to tenants who can utilize transit services from the nearest bus stop at Burning Tree Rd. and Mountain Shadows Dr. There is no dedicated pedestrian walkway leading to this transit stop, however Burning Tree Rd. is a dead end in this area and traffic levels should be minimal serving this site and the neighboring Birch Tree Center, also operated by Center City Housing.
- 10) The Birchwood project’s funding sources (including MN Housing Finance Agency [MHFA] Housing Investment Bonds, federal Housing and Urban Development [HUD] HOME, and St. Louis County Housing and Redevelopment Authority [HRA]) will require the project’s residents be people whom Center City Housing has experience with having lower vehicle usage and, therefore they meet the standards of Sec. 50-37.9.G.2, the variance standard specific to reductions in parking (see ‘Summary of Code Requirements’ box above for the text).
- 11) Granting the variance will not alter the essential character of the area since it will permit construction of an apartment building that is similar in size to surrounding apartments and townhomes.
- 12) The variance, if granted, would not impair adequate light and air to surrounding properties as the three-story apartment building is proposed to be sited about 75 feet from the nearest building.
- 13) The variance, if granted, is not anticipated to create congestion on Burning Tree Rd. due to low demand for parking at this site.
- 14) The variance, if granted, is not anticipated to impair fire or emergency services provision since the building is located at a fire truck turn around that will be signed as such to prohibit illegal parking. Due to the 24-hour/day on-site staffing of the facility the applicant has the ability to reduce the likelihood that emergency vehicles would be obstructed from site access by illegally parked vehicles.
- 15) The variance, if granted, would not impair established property values in the surrounding area as reducing required parking allows for more green space, which provides more of an amenity adding to surrounding properties’ values than more pavement would.
- 16) The variance, if granted, would not impair the intent of the UDC expressed in Sec. 50-2. The variance is consistent with the Comprehensive Plan intentions to limit impacts to the natural environment due to site development as well as encouraging transportation via means other than single occupant vehicles.

- P.C. Packet 06-09-2020
- 17) No comments from citizens, City staff, or any other entity were received regarding the application.
  - 18) 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**

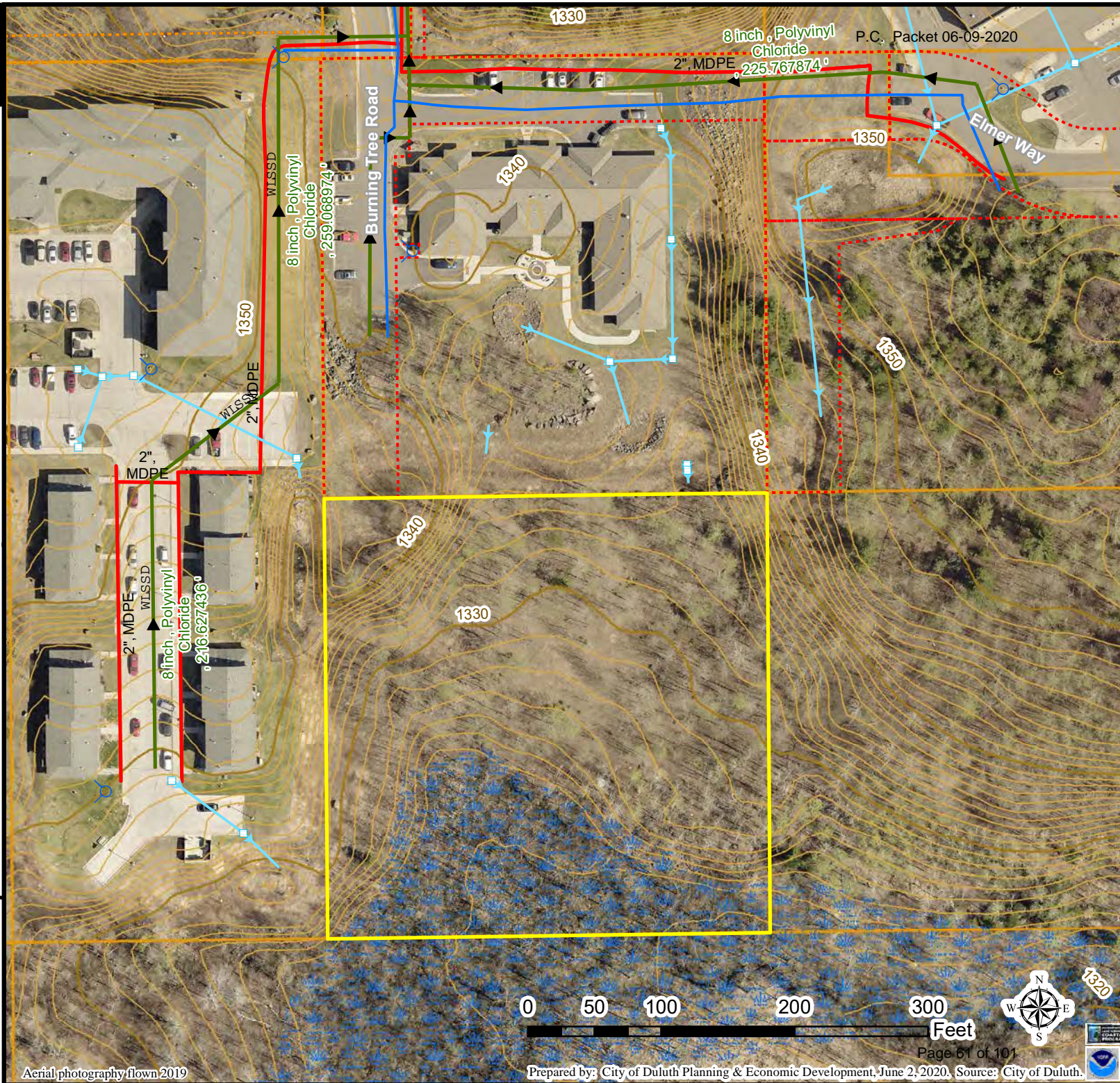
Based on the above findings, staff recommends that Planning Commission grant the Variance with the following conditions:

- 1) The project be limited to, constructed, and maintained as a 30-unit residential building providing “permanent supportive housing for behavioral health” and persons with incomes less than 60% of Multifamily Tax Subsidy Project limits authorized by Section 42 of the Internal Revenue Code; and
- 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; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



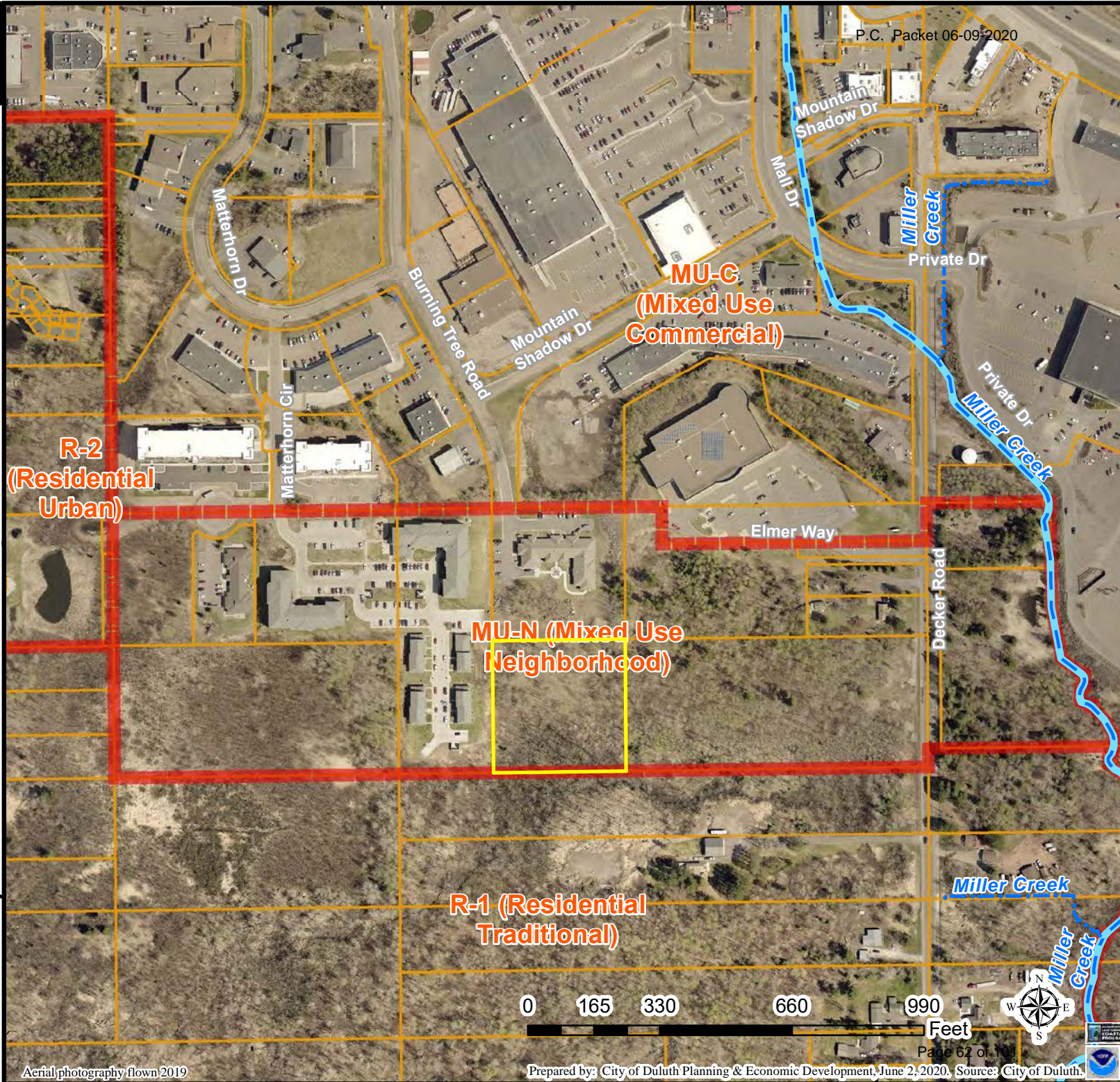
**Legend**

- 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
- Parcels
- 1 Ft contour
- 10 Ft contour
- Easement Type**
- Utility Easement
- Other Easement
- Trout Stream (GPS)
- Other Stream (GPS)
- Wetlands (NRR1)



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**

- Parcels
- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

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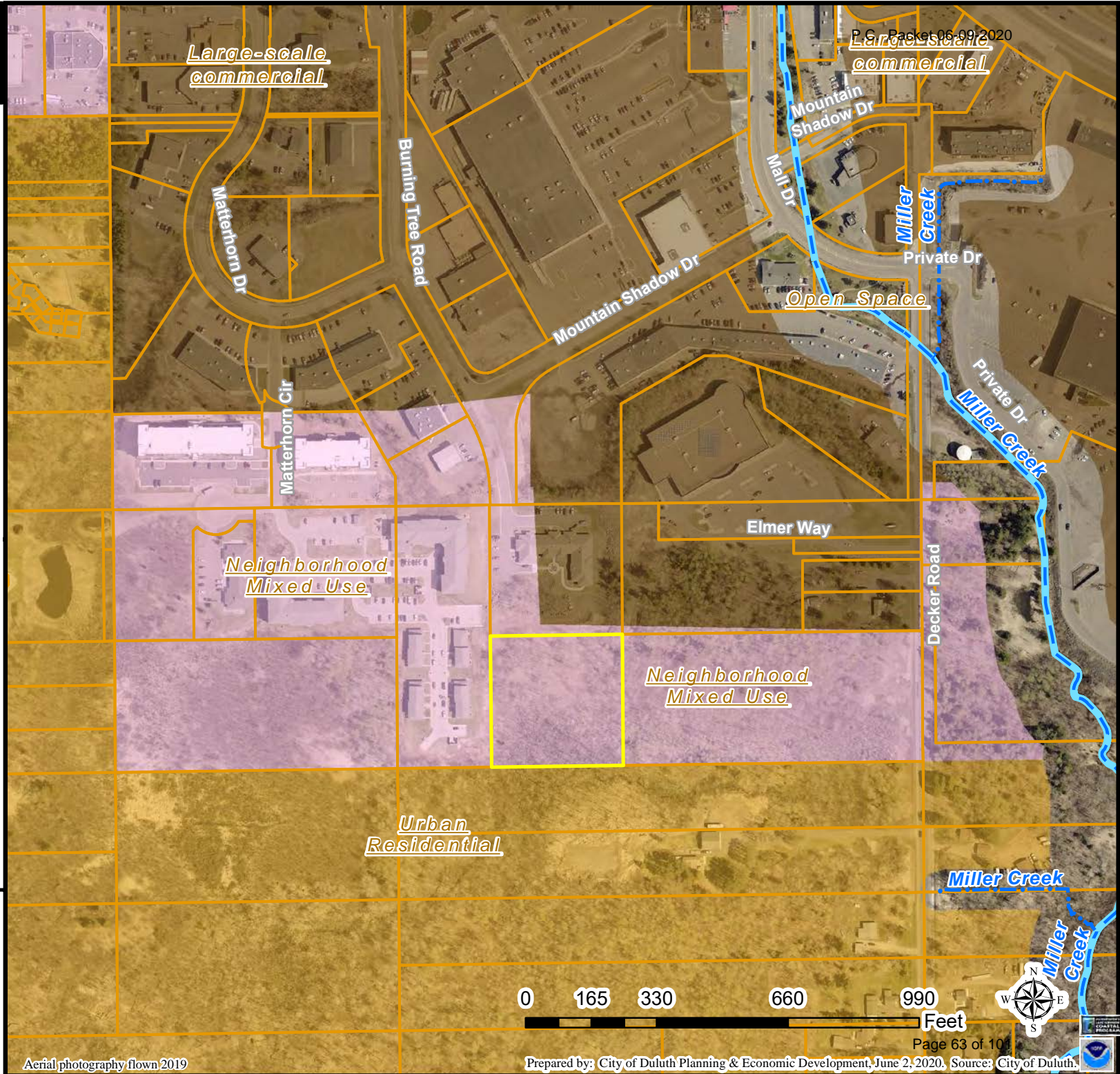




**Legend**

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

**Future Land Use - Plus**



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.



PERFORMANCE  
DRIVEN DESIGN.  
LHBcorp.com

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

CLIENT:  
Center City Housing Group

105 1/2 West 1st Street  
Duluth, MN 55802

THIS SQUARE APPEARS 1/2" x 1/2" ON  
FULL SIZE SHEETS.

NO	DATE	ISSUED FOR
01	05-22-2020	50% CD PRICING SET

NO	DATE	REVISION
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**PRELIMINARY**  
**NOT FOR CONSTRUCTION**  
05/22/20

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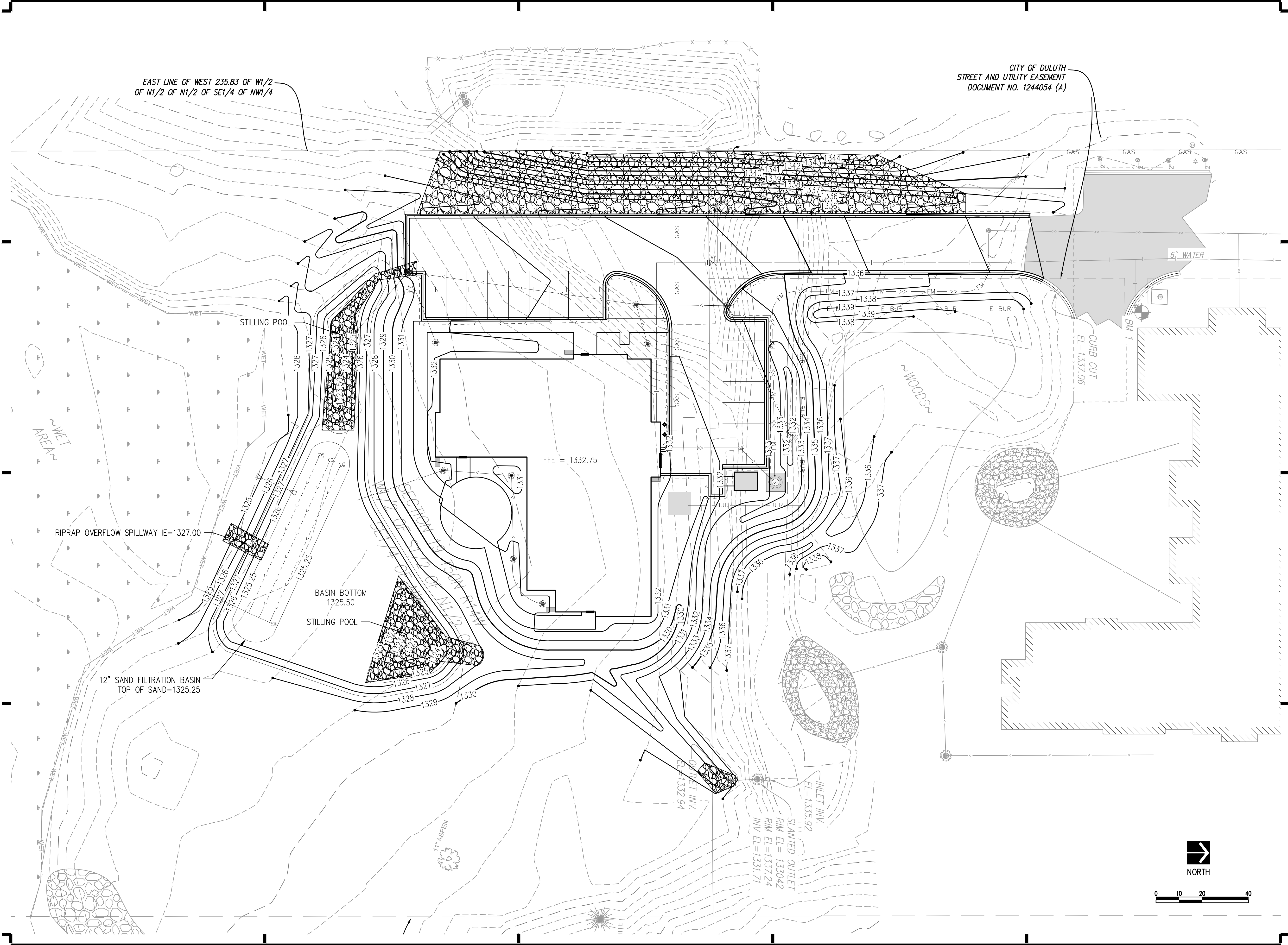
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Birchwood Apartments

4xxx Burning Tree Rd  
Duluth, MN 55811

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SITE GRADING PLAN

FILE: ...11901261600 Drawings\CI190026 C200.dwg  
DRAWN BY:  
CHECKED BY:  
PROJ. NO: 190026  
DRAWING NO:

**C200**



EAST LINE OF WEST 235.83 OF W1/2  
OF N1/2 OF N1/2 OF SE1/4 OF NW1/4

CITY OF DULUTH  
STREET AND UTILITY EASEMENT  
DOCUMENT NO. 1244054 (A)

STILLING POOL

RIPRAP OVERFLOW SPILLWAY IE=1327.00

BASIN BOTTOM  
1325.50

STILLING POOL

12" SAND FILTRATION BASIN  
TOP OF SAND=1325.25

FFE = 1332.75

CURB CUT  
EL=1337.06



NORTH







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

CLIENT:  
Center City Housing Group

105 1/2 West 1st Street  
Duluth, MN 55802

THIS SQUARE APPEARS 1/2" x 1/2" ON FULL SIZE SHEETS.

NO	DATE	ISSUED FOR
01	05-22-2020	50% CD PRICING SET

NO	DATE	REVISION
----	------	----------

**PRELIMINARY**  
NOT FOR CONSTRUCTION  
05/22/20

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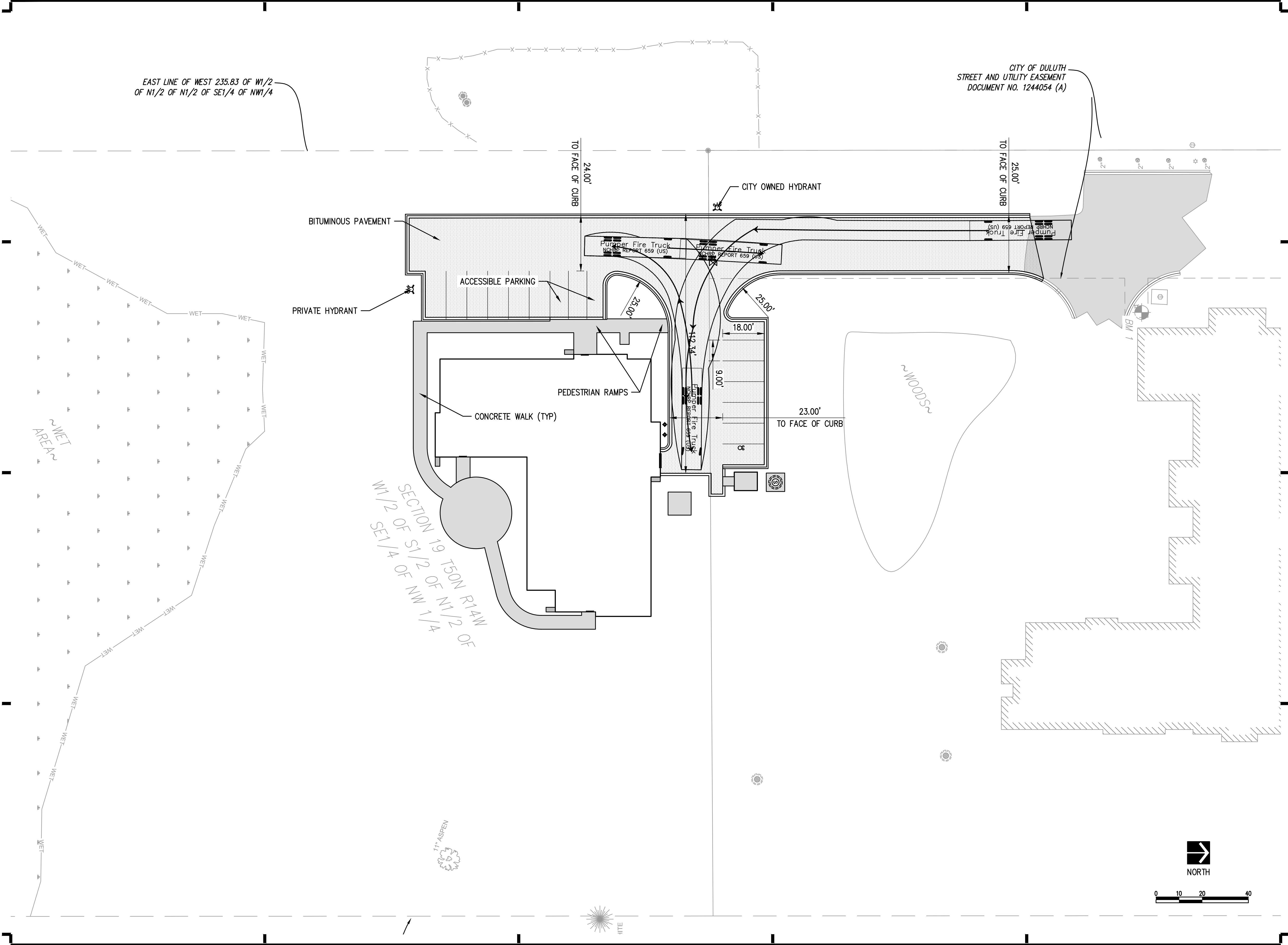
PROJECT NAME:  
Birchwood Apartments

4xxx Burning Tree Rd  
Duluth, MN 55811

DRAWING TITLE:  
**PARKING AND  
EMERGENCY VEHICLE  
ACCESS EXHIBIT**

FILE: ...1190026\600 Drawings\CIRoad and Parking Exhibit 2020-05-29.dwg  
DRAWN BY:  
CHECKED BY:  
PROJ. NO: 190026  
DRAWING NO:

**EX1**





**PERFORMANCE  
DRIVEN DESIGN.**  
LHBcorp.com

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

CLIENT:  
**Center City Housing Corp.**

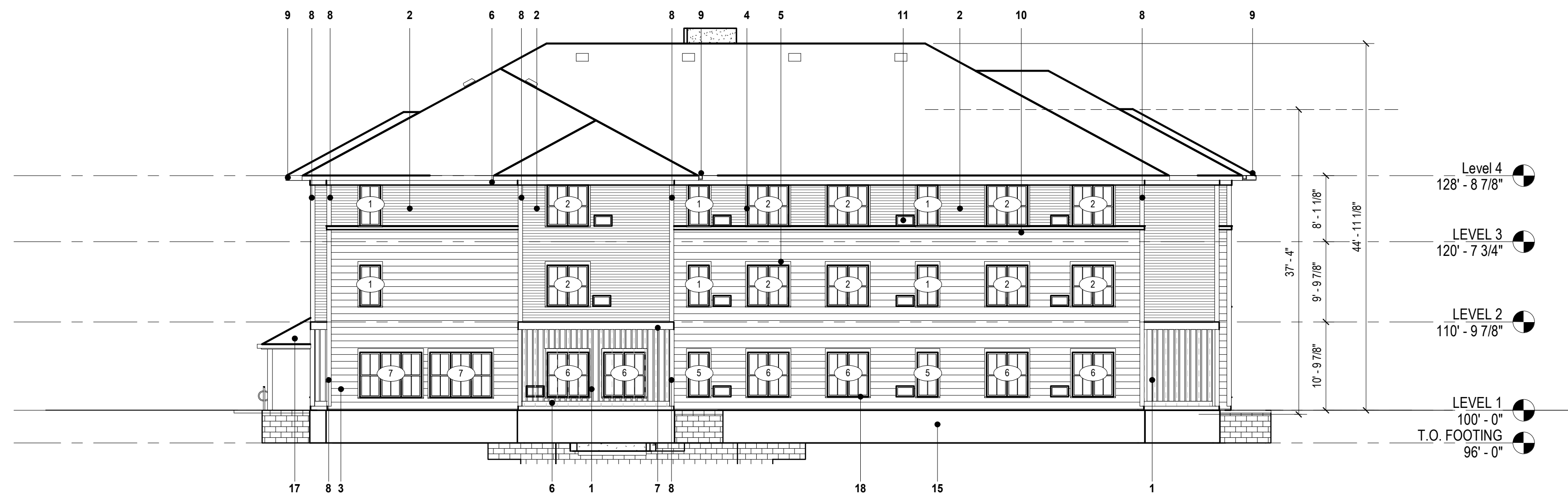
105 1/2 West 1st Street  
Duluth, MN 55802

**EXTERIOR ELEVATION KEY**

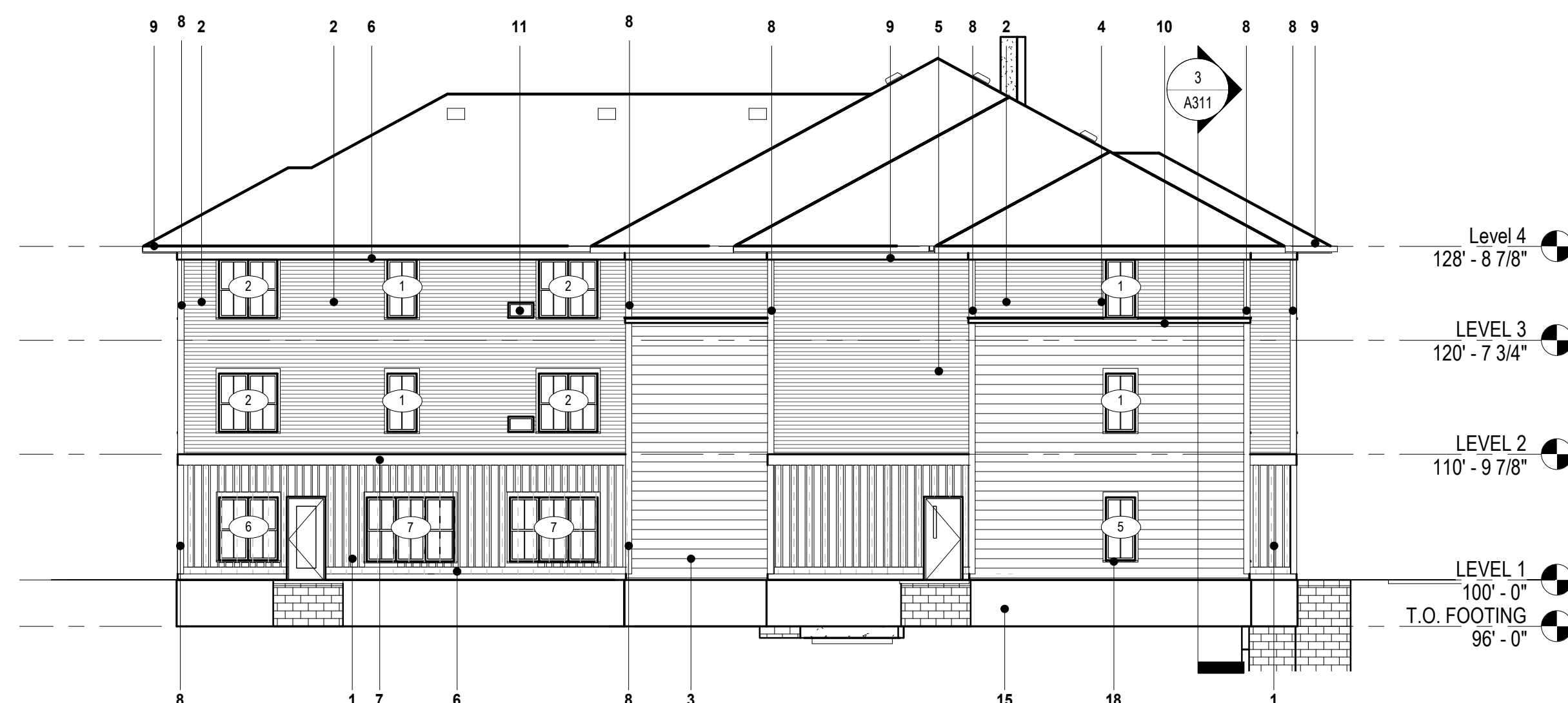
- 1 SMARTSIDE, SMOOTH BOARD AND BATTEN: SMART VERTICAL SIDING (BOARD) WITH 440 SERIES, ALTERNATING 5.5" AND 7.21" TRIM (BATTEN)
- 2 SMARTSIDE LAP SIDING, SMOOTH, EXPERT FINISH - 4" EXPOSURE
- 3 SMARTSIDE LAP SIDING, SMOOTH, EXPERT FINISH - 10" EXPOSURE
- 4 SMARTSIDE, SMOOTH TRIM, 440 SERIES - 3.5"
- 5 SMARTSIDE, SMOOTH TRIM, 440 SERIES - 5.5"
- 6 SMARTSIDE, SMOOTH TRIM, 440 SERIES - 7.21"
- 7 SMARTSIDE, SMOOTH TRIM, 540 SERIES - 11.21"
- 8 SMARTSIDE, SMOOTH, EXPERT FINISH, 540 SERIES, CORNER BOARD - 6"
- 9 GUTTER, 6" x 6"
- 10 SMARTSIDE, SMOOTH TRIM, 540 SERIES - 5.5"
- 11 THROUGH WALL A/C UNIT
- 12 MECHANICAL LOUVER, SEE MECH. FOR SIZES
- 13 PREFINISHED METAL CAP FLASHING
- 14 DOWNSPOUT
- 15 CMU FOUNDATION
- 16 BUILDING ADDRESS
- 17 WOOD FRAMED ENTRY CANOPY
- 18 SMARTSIDE, SMOOTH TRIM, 540 SERIES - 1.5"



**2 NORTH ELEVATION**  
3/32" = 1'-0"



**3 SOUTH ELEVATION**  
3/32" = 1'-0"



**1 EAST ELEVATION**  
3/32" = 1'-0"



**4 WEST ELEVATION**  
3/32" = 1'-0"

THIS SQUARE APPEARS 1/2"x1/2"  
ON FULL SIZE SHEETS

NO	DATE	ISSUED FOR
1	5/22/20	50% CD PRICING SET

NO	DATE	REVISION

**PRELIMINARY**  
**NOT FOR CONSTRUCTION**  
5/22/20

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PROJECT NAME:  
**Birchwood Apartments**

4xxx Burning Tree Rd  
Duluth, MN 55811

DRAWING TITLE:  
**EXTERIOR ELEVATIONS**

DRAWN BY: Author  
CHECKED BY: Checker  
PROJ. NO: 190026  
DRAWING NO:

**A201**



PERFORMANCE  
DRIVEN DESIGN,  
LLC  
11050 Hwy 101, Duluth, MN 55812

2141 Apple St., St. Paul, MN 55115 (763) 727-4444

Client:  
Center City Housing Corp.

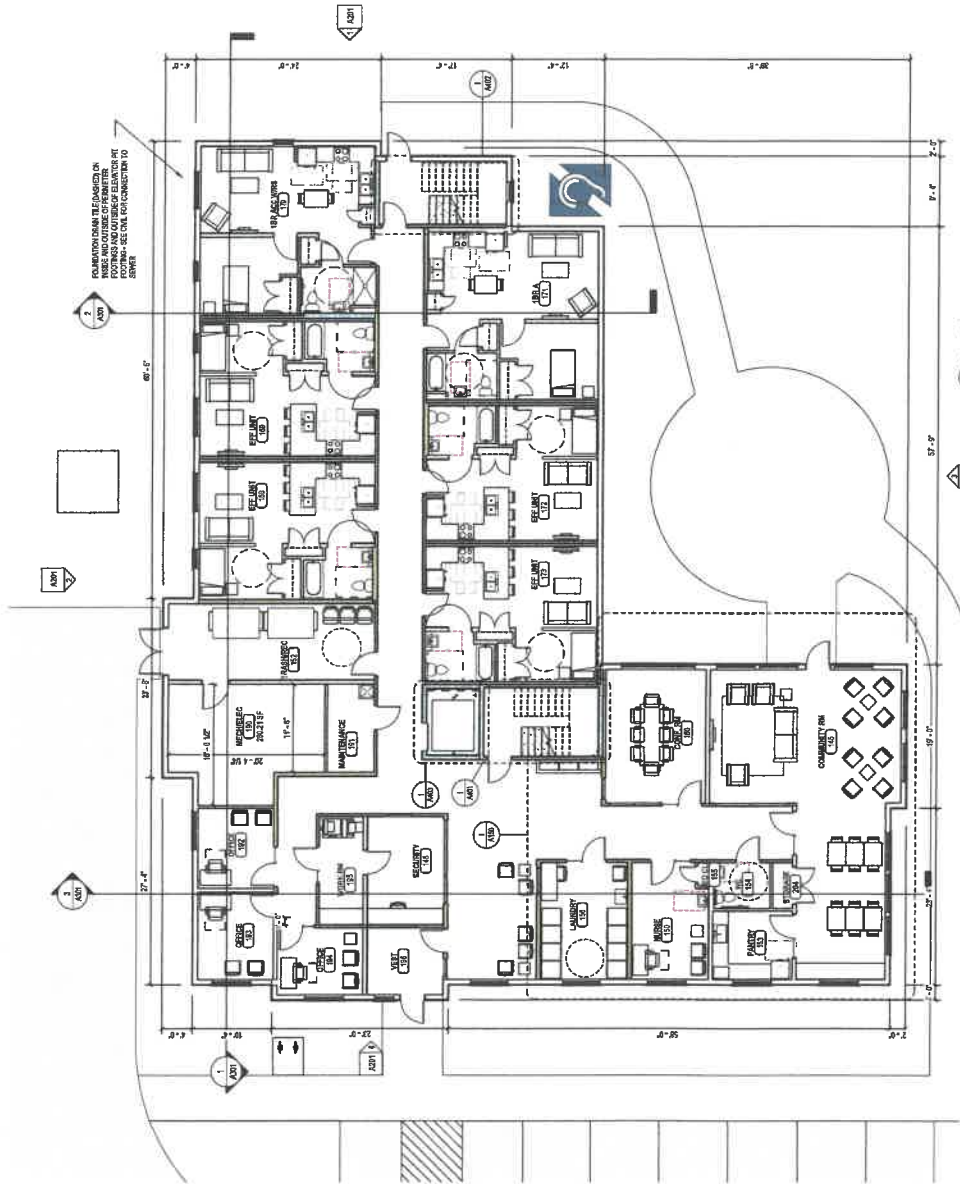
105 1/2 West 1st Street  
Duluth, MN 55802

P.O. Packet 06-09-20  
4xxx Bunting Tree Rd  
Duluth, MN 55811  
DRAWING TITLE:  
LEVEL 1 FLOOR PLAN  
PROJECT NAME:  
Birchwood Apartments  
CONTRACT NO.: 111111  
DATE: 06/15/10  
DESIGNER: [ ]  
CHECKER: [ ]  
DATE: [ ]  
REASON: [ ]

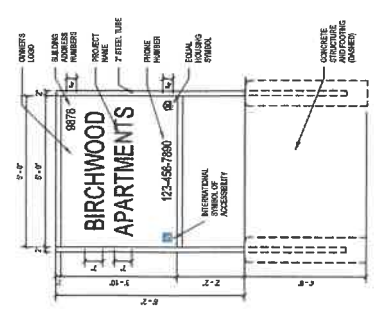
Drawn By: [ ]  
Checked By: [ ]  
Scale: 1/8" = 1'-0"  
Drawing No.: A101  
Date: 06/15/10

**GENERAL SHEET NOTES**

1. SEE G001 AND G002 FOR CODE PLANS & INFORMATION
2. SEE G010 FOR PROJECT NOTES INCLUDING:
  - GENERAL BUILDING PLAN NOTES
  - GENERAL UNIT PLAN NOTES
  - GENERAL KITCHEN NOTES
  - GENERAL BATHROOM NOTES
  - GENERAL ELEVATOR NOTES
  - INTERIOR DETAIL NOTES
  - GENERAL PUBLIC STAIR NOTES
  - GENERAL SHAFT DETAIL NOTES
3. SEE SHEET A201 FOR TYPICAL MOUNTING HEIGHTS.



UNITS ARE TO BE PROVIDED WITH...  
OWNER'S LOAD  
SLAB ON GROUND  
FLOOR FINISH  
PROJECT MAKE  
7' FEEB. LIRE  
FRAME  
EQUAL  
DRAINAGE  
STROK  
CONCRETE  
AND FLOORING  
(PARTS)



2. MOUNTING SIGN

Parcel 010-2710-05181

The South 100.00 feet of that part the West Half of the North Half of the North Half of the Southeast Quarter of the Northwest Quarter of Section 19, Township 50 North, Range 14 West of the Fourth Principal Meridian, St. Louis County, Minnesota, lying Westerly of the Southerly extension of the West line of Outlot A, Village Mall, Rearrangement of Block 5, Except the West 235.83 feet thereof.

-AND-

That part of the South Half of the North Half of the Southeast Quarter of the Northwest Quarter of Section 19, Township 50 North, Range 14 West of the Fourth Principal Meridian, lying Westerly of the Southerly extension of the West line of Outlot A, Village Mall, Rearrangement of Block 5, Except the West 235.83 feet thereof.



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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580  
 planning@duluthmn.gov

<b>File Number</b>	PL 20-055	<b>Contact</b>	John Kelley	
<b>Type</b>	Special Use Permit for an Automobile and Light Vehicle, Service/Auto Glass Repair	<b>Planning Commission Date</b>	June 9, 2020	
<b>Deadline for Action</b>	<b>Application Date</b>	May 5, 2020	<b>60 Days</b>	July 4, 2020
	<b>Date Extension Letter Mailed</b>	May 22, 2020	<b>120 Days</b>	September 2, 2020
<b>Location of Subject</b>	3802 Trinity Road			
<b>Applicant</b>	George Weller	<b>Contact</b>		
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	See attached			
<b>Site Visit Date</b>	May 29, 2020	<b>Sign Notice Date</b>	May 27, 2020	
<b>Neighbor Letter Date</b>	May 28, 2020	<b>Number of Letters Sent</b>	22	

**Proposal**

Applicant is requesting a special use permit for an automobile and light vehicle, service/auto glass repair located in an MU-N, Mixed Use Neighborhood zone district.

**Recommendation**

Staff recommend approval with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-N	Vacant commercial building	Urban Residential
<b>North</b>	R-1	Single Family Homes	Urban Residential
<b>South</b>	R-1	Single Family Homes	Traditional Neighborhood
<b>East</b>	R-1	Single Family Homes	Urban Residential
<b>West</b>	R-1	Single Family Homes	Open Space

**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):**

Governing Principle #1 - Reuse of previously developed lands....directs new investment to sites that have the potential to perform at a higher level than their current state. Site preparation or building modification costs are offset by savings in existing public infrastructure such as streets and utilities, and transit, fire, and police services.

The applicant will be utilizing an existing building formerly occupied by Hanson's Auto Repair for use as an auto glass repair shop and a small retail space for a floral shop. Existing utilities will be utilized for the development.

Governing Principle 5 – Promote reinvestment in neighborhoods ....through land use and transportation. New development or redevelopment should maximize public investment that strengthens neighborhood commercial centers or diversifies residential opportunities that fit the neighborhood's character.

The proposed site improvements will improve the aesthetics of the vacant building and site through additional landscaping and improvements to the existing structure, which will create more desirable built environment for the neighborhood.

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 opportunities for a diversity of activity that segregated, uniform uses do not provide.

The proposed uses will provide services to the surrounding neighborhoods and to city residents.

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.

**History:**

Building constructed in 2007 consisting of 7,000 square feet for an auto repair shop, convenience store and gas station. PL 19-012 Rezoning MU-N to MU-B denied by Planning Commission and City Council.

**Review and Discussion Items**

- 1) The applicant is requesting a special use permit for an automobile and light vehicle, service/auto glass repair shop located in an MU-N zone district. The applicant is also proposing utilize space within the building for a retail floral shop, which is a permitted use in the MU-N zone district. Site improvements include the removal of the gas pump canopy, restriping of the parking area, trash enclosure and installation of a light pole. The applicant is also proposing some landscaping. Hours of operation will be 7:30am to 5:00pm Monday through Friday.
- 2) The applicant will be utilizing an existing 7,000 square foot building formerly occupied by Hansons Auto Repair for use as an auto glass repair shop and a small retail space for a floral shop. The applicant will be using approximately 4,500 square feet of the total finished footage which includes those areas of the former convenience store space that supported the previous auto service as well as the repair shop area. The space that intended for the floral shop is approximately 2,500 square feet. A portion of the parking lot that was used for gas pumps is currently unpaved and the tanks were removed when the gas station ceased operation. The applicant is proposing to pave the gravel area [how big is this gravel area? Can they do any landscaping/stormwater treatment within this area?] within one year of opening the new business.
- 3) 50-20.3.C (Use Specific Standards) Automobile and light vehicle repair and service. As noted above the site was previously occupied by an auto repair shop, gas station and convenience store. The auto glass repair shop will consist of approximately 4,500 square feet and will be operated entirely within the existing building. The applicant is not proposing any outdoor displays or storage of merchandise, parts of refuse. The will be no outdoor storage of automobiles on site.

- 4) 50-24 (Parking and Loading). The site currently has 27 parking spaces from its previous use as an auto repair shop, gas station and convenience store. No new additional parking will be added to the site. The use as an automobile and light vehicle repair service requires 2 space per 1,000 square feet of gross floor area. The applicant is required to provide 7 spaces to meet the parking requirements. The retail/floral shop use requires 3 space per 1,000 square feet of floor area. The applicant is required to provide 9 spaces. The UDC does allow for a maximum number of spaces not to exceed 150% of the minimum number of off street parking space. The combined uses at 150% would be 24 spaces. As noted above the site has 27 existing parking stalls; although this is over the maximum, the existing parking lot is allowed to continue until the parking lot is reconstructed, at which time it must come into compliance with the UDC.
- 5) Sec. 50-25 (Landscaping and Tree Preservation). The reuse of the existing structure and minimal site improvements will not meet the threshold to require UDC landscaping requirements. The site does abut residential use to the east and there is an existing privacy fence and trees along the property line from the previous business for screening purposes. The applicant is proposing some shrubs on the southwest corner of the site around the existing sign.
- 6) Sec. 50-26 (Screening, Walls and Fences). The site plan depicts a trash enclosure located on the northwest corner of the building. There is an existing concrete slab that the dumpsters were located on for the previous use of the property. The trash enclosure will meet the UDC requirements for screening of commercial containers.
- 7) Sec. 50-28 (Stormwater Drainage and Erosion Control). The applicant is not proposing to add any impervious surface to the site. The City stormwater engineer has looked at the site plan and has stated that it is a good re-use of the property.
- 8) Sec. 50-29 (Sustainability Standards). Not applicable to this project.
- 9) Sec. 50-30 (Building Design Standards). These requirements do not apply for this project.
- 10) Sec. 50-31 (Exterior Lighting). One pole mounted light not to exceed 20 feet in height with compliant fixture is proposed in the northwest corner of the property.
- 11) No citizen or city departments comments were received at the time that this report was written (May 29, 2020).
- 12) Special Use Permits expire within 1 year ... [look up standard language used here]

**Staff Recommendation**

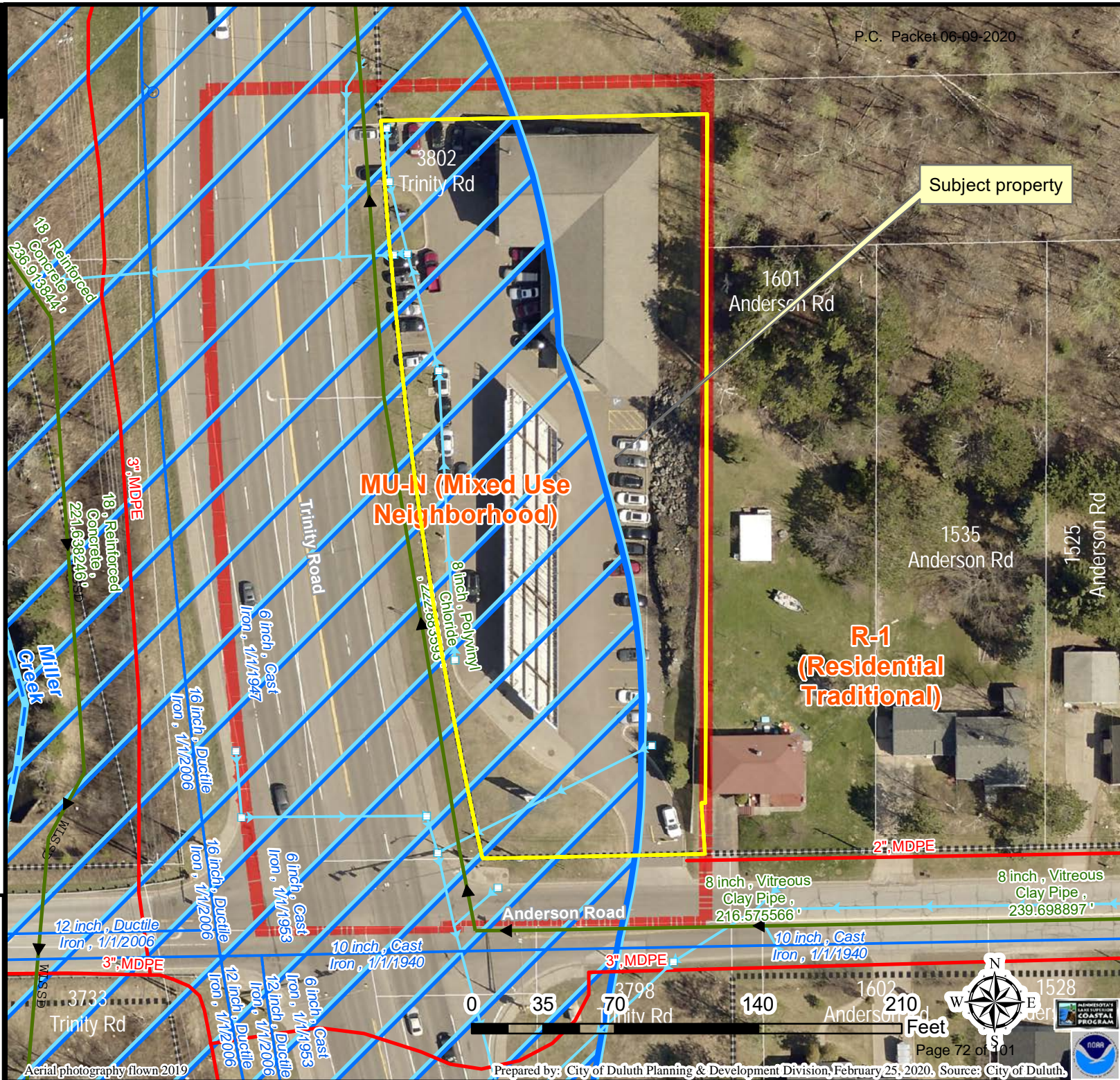
Based on the above findings, Staff recommends that Planning Commission approve the special use permit subject to the following conditions:

- 1) The proposal is limited to the site plan and documents submitted with this application; and
- 2) Applicant to install pavement over the gravel area in the parking lot within one year of the issuance of the special use permit. Prior to receiving a building permit, applicant shall deposit an escrow (performance bond, cash, or other financial security to ensure the gravel area is paved. This amount shall be held, without interest, until the applicant has installed the pavement, provide documentation that the gravel area was installed within one year of the issuance of the special use permit. This escrow shall not be released until the improvement is completed; 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 review; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



PL 20-055 SUP  
3802 Trinity Road

P.C. Packet 06-09-2020



Subject property

MU-N (Mixed Use Neighborhood)

R-1 (Residential Traditional)

- 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
  - Road or Alley ROW
  - Vacated ROW
  - Easement Type
    - Utility Easement
    - Other Easement
  - Zoning Boundaries
    - Zoning Boundaries
  - 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.



Aerial photography flown 2019

Prepared by: City of Duluth Planning & Development Division, February 25, 2020, Source: City of Duluth.



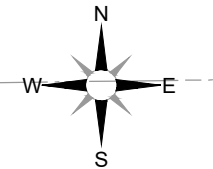
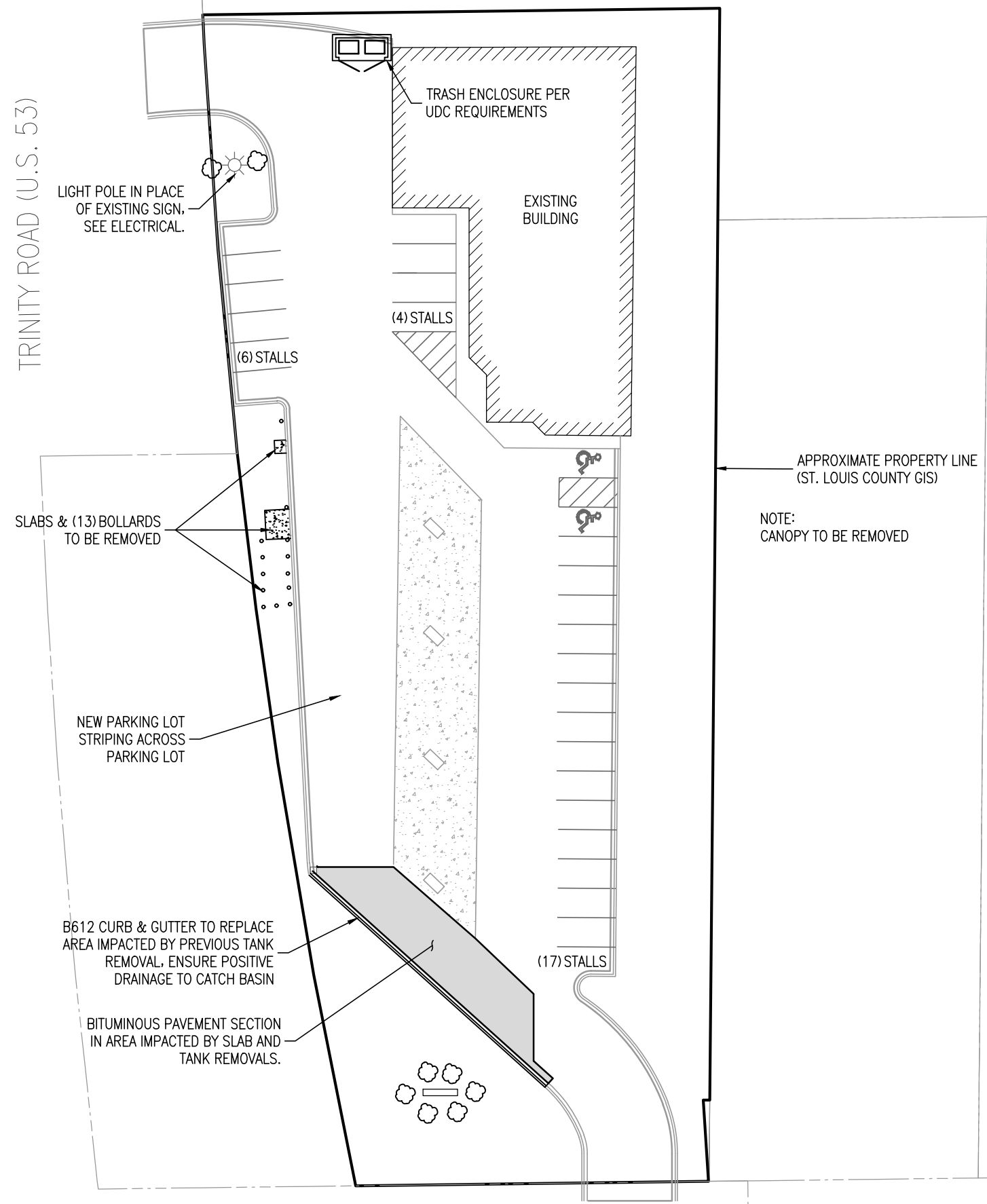


**PARKING SUMMARY:**  
LIGHT AUTO REPAIR - (2) STALLS / 1,000 SF  
~3,700 SF X (2)/1,000 SF = 7.2 STALLS REQ.  
150% MAX = 7.2 X 1.5 = 11 STALLS

GARDEN MATERIAL SALES - (1) STALLS / 1,000 SF  
~3,300 SF X (1) / 1,000 SF = 3.3 STALLS REQ.  
150% MAX = 3.3 X 1.5 = 5 STALLS

UDC MAXIMUM ALLOWED STALLS PER NEW USE = (16) STALLS

CURRENT SITE HAS (27) STALLS. NO ADDITIONAL PARKING TO BE ADDED.



**PRELIMINARY  
 DO NOT USE FOR  
 CONSTRUCTION**

I hereby certify that I am a duly Licensed Professional Engineer in the State of Minnesota.  
 Signature: \_\_\_\_\_  
 Title: Engineer  
 Date: \_\_\_\_\_

revision	description

Proj: 20-163  
 Date: XX/XX/XX  
 Drawn: ARZ  
 Checked: ARZ  
**LANDSCAPE PLAN**  
 Sheet Title  
 Sheet Number  
**C2**

TRINITY ROAD (U.S. 53)

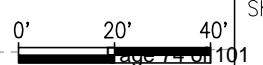
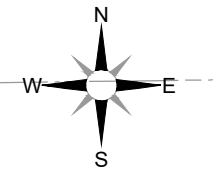
SHRUBS PLACED PER UDC REQUIREMENTS  
 LIGHT POLE IN PLACE OF EXISTING SIGN. SEE ELECTRICAL.

TRASH ENCLOSURE PER UDC REQUIREMENTS

EXISTING BUILDING

APPROXIMATE PROPERTY LINE (ST. LOUIS COUNTY GIS)

SHRUBS PLACED PER UDC REQUIREMENTS




ANDERSON ROAD



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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

 218-730-5580

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

Date: May 27, 2020  
 To: Planning Commission  
 From: Steven Robertson, Senior Planner  
 RE: Minor Amendment to PL 19-018 Essentia Health's Vision Northland MU-I Planning Review, Related to Location of Proposed Transformer/Utility Yard

On Wednesday, May 29, 2019, the Planning Commission approved PL 19-018, a Mixed Use Institutional (MU-I) Planning Review for Essentia Health's Vision Northland project. This new, approximately 940,000 square facility consisting of 18 levels and 312 beds, was approved based upon information resulting from the Environmental Assessment Worksheet PL 18-120.

An element of the Vision Northland facility plan included an electrical transformer utility yard located on the west side of Fourth Avenue East, approximately half way between First and Second Streets. A condition of the 2019 approval was that the transformer utility yard be set back 25 feet from the right of way of Fourth Avenue East, leaving room for screening/landscaping and vehicle bollards. The applicant is asking for a minor amendment to the approved PL 19-018 MU-I Plan; specifically the applicant would like to move the transformer utility yard closer to the Fourth Avenue ROW line.

At the August or September 2020 Planning Commission, the applicant will ask the Planning Commission to review a second MU-I Planning Review for a new 9 story, 1,000 space parking ramp/garage at the NW corner of Fourth Avenue East and First Street, directly across the street from the existing First Street Parking Ramp (a.k.a Medical Facility Parking Ramp). Because of this new proposed structure, which will essential be located around and above this transformer yard, the transformer yard will need to be moved slightly (25 feet) to the east to better fit in with proposed engineering and structural plans of the new parking ramp. The new location will be adjacent to the Fourth Avenue East right of way, but will have better security and screening due to the width and strength of the proposed new parking ramp's reinforced walls.

The attached parking ramp illustrations (façade, etc) are for review only, and the Planning Commission's approval of this minor amendment does not signify review or approval of any element of a future proposed parking ramp. A new public hearing and planning review at the Planning Commission is required for approval of a new parking ramp.

Staff are recommending that the Planning Commission approve the minor amendment to PL 19-018 MU-I Plan, with the condition that the project is constructed as shown in the plans and that this project is an integral part of a larger parking ramp.



**PERFORMANCE  
DRIVEN DESIGN.**

LHBcorp.com

May 12, 2020

Steven Robertson, Senior Planner  
City of Duluth  
411 W 1<sup>st</sup> St., Room 160  
Duluth, MN 55802

**ESSENTIA HEALTH VISION NORTHLAND  
PLANNING COMMISSION ACTION PL 19-018**

On behalf of Essentia Health, LHB would like to request a modification to the location of the new utility yard associated with the Vision Northland Project and approved by Action of the City of Duluth Planning Commission under file number PL 19-018.

Prior approved action: The utility yard was originally designed as a stand-alone utility yard with metal siding installed around the perimeter of the yard to obscure views of the yard from 1<sup>st</sup> street and 4<sup>th</sup> avenue east. The yard was located along the alley between 1<sup>st</sup> street and 2<sup>nd</sup> street, 25 feet from 4<sup>th</sup> avenue east right-of-way. The offset from 4<sup>th</sup> avenue east served two purposes:

- 1) Provide a measure of safety from out-of-control vehicles on 4<sup>th</sup> avenue east jumping the curb and crashing into the utility yard.
- 2) Permit a more appropriate use of street/avenue fronting property.

Requested modification: A new parking structure is now proposed for this property and the team proposes to integrate the utility yard into the design of the parking structure. This integration has the advantage of enhancing the visual screening of the utility yard from public right-of-way, utilizing the design of the parking structure to screen the utility yard. However, the previously approved location of the utility yard negatively impacts the functional efficiency of the proposed parking structure. We therefore propose, and seek approval, to adjust the location of the utility yard to be offset 2' from 4<sup>th</sup> avenue east right-of-way. We believe this modification is warranted and propose to accommodate the previous concerns as follows:

- 1) The physical structure of the parking structure will provide enhanced safety from out-of-control vehicles on 4<sup>th</sup> avenue east. Not only are several reinforced concrete columns located between the utility yard and 4<sup>th</sup> avenue east, an 18 inch thick foundation/retaining wall will be built along the right-of-way. This wall will extend above both the utility yard elevation as well as the elevation of sidewalk and street along 4<sup>th</sup> avenue east, providing a barrier to any out-of-control vehicles.
- 2) Development of the site as a parking structure precludes any other use of the property between the utility yard and 4<sup>th</sup> avenue east. Leaving the utility yard in it's prior approved location creates a width of 23' of unused space. We believe this space could be better utilized by adjusting the location of the utility yard and locating this 23' to the west of the utility yard, which will improve the functionality and efficiency of the parking structure.

Thank you for your consideration of our request. Attached please find preliminary plans and sketches further our intent. Should you have any questions or concerns regarding this request, please feel free to contact me directly. We look forward to working with the Planning Commission further as we develop this project.

Utility Yard location  
May 12, 2020  
LHB, INC.

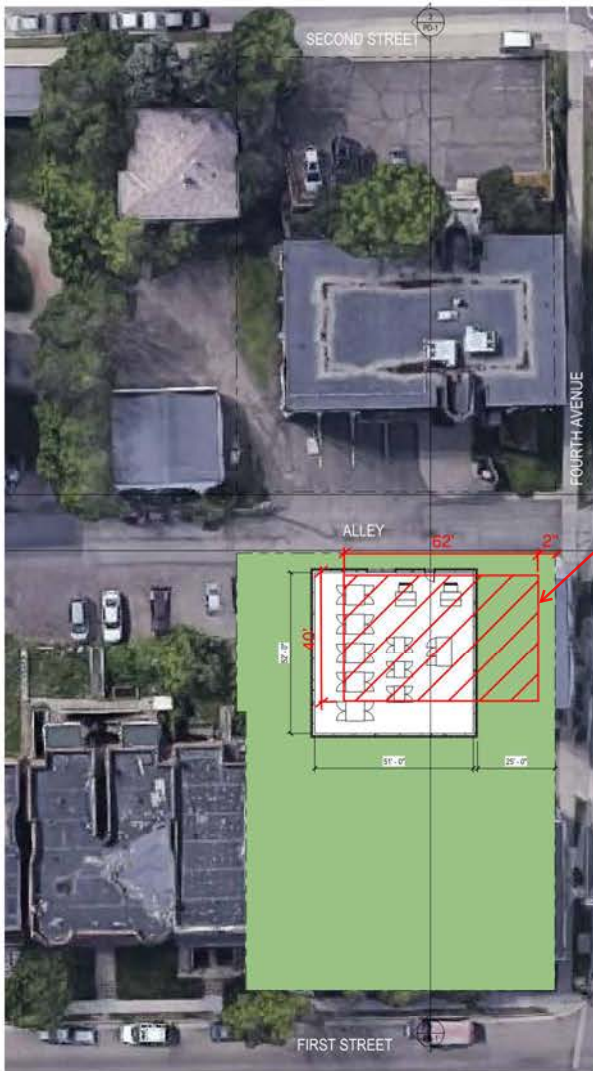


EVAN ALJOE  
HEALTHCARE STUDIO LEADER

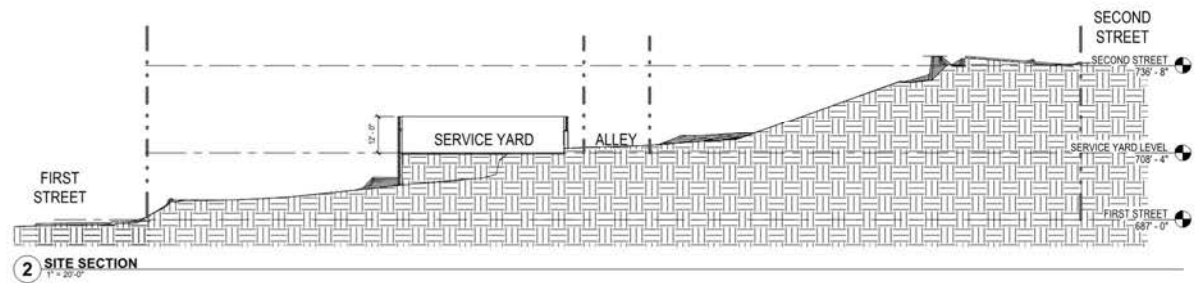
c: Dan Cebelinski; Essentia Health  
Oscar Gomes, Charles Kronk; Ewing Cole  
LHB Project No. 180203.00

\\LHBDLHW24\DLHProjects\18Proj\180203\400 Design\403 Regulatory\Transformer Yard\180203LT20200511-Transformer Yard  
placement.docx

# SITE PLAN AND SECTION



PROPOSED  
ADJUSTMENT



## VISION NORTHLAND TRANSFORMER YARD



**TRANSFORMER YARD – VIEW 1**



TRANSFORMER YARD – VIEW 2





725' 730' 735' 740'

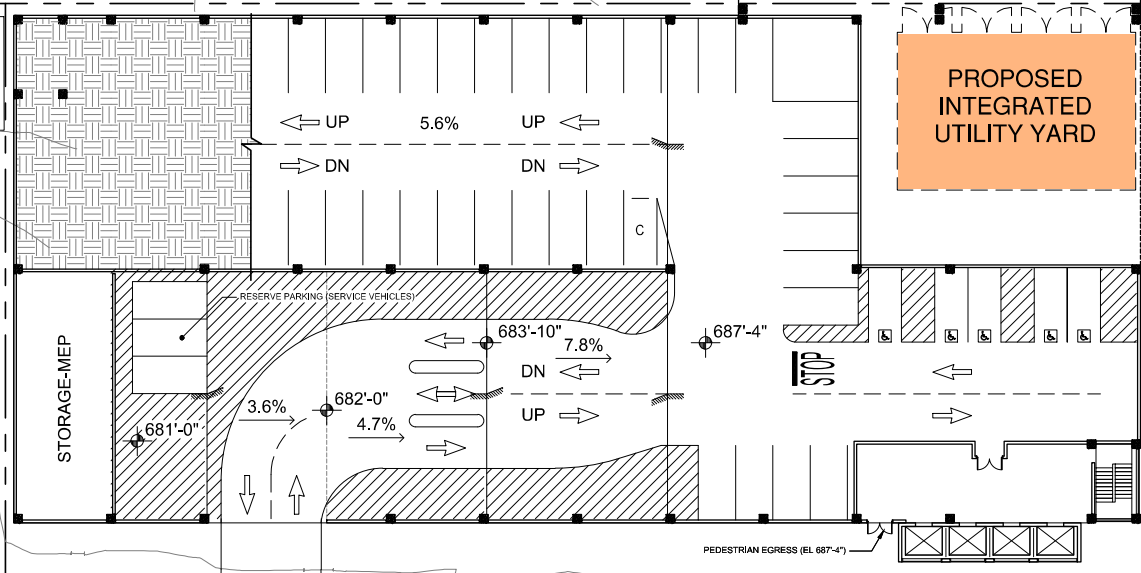
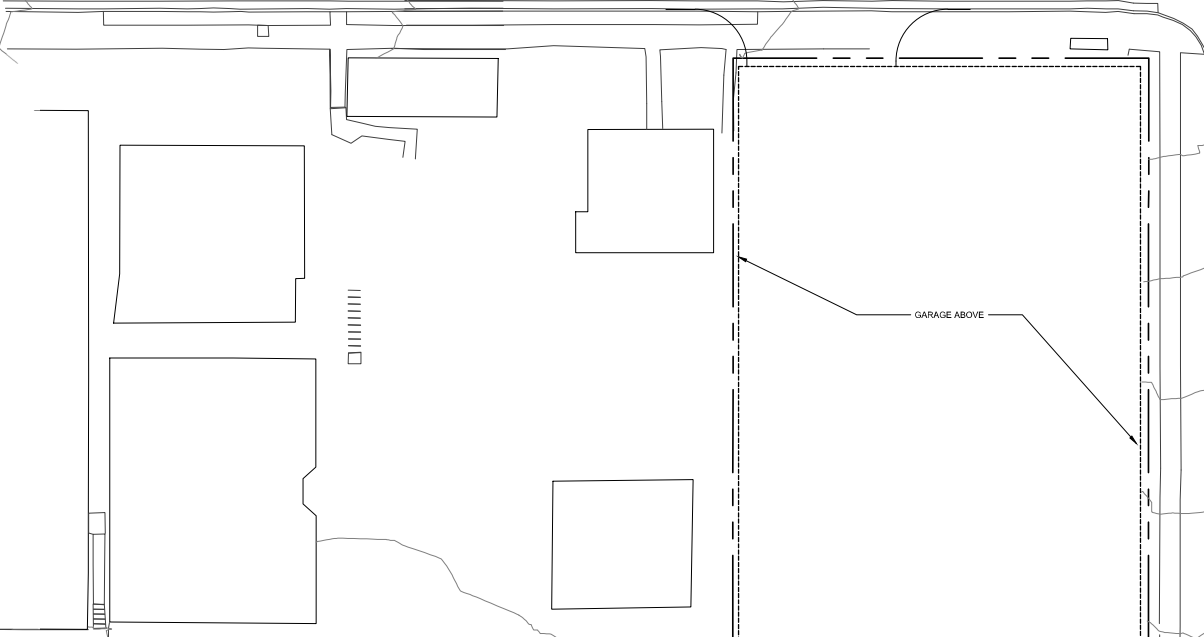
735'  
730'  
725'  
720'  
715'  
710'  
705'  
700'  
695'  
690'

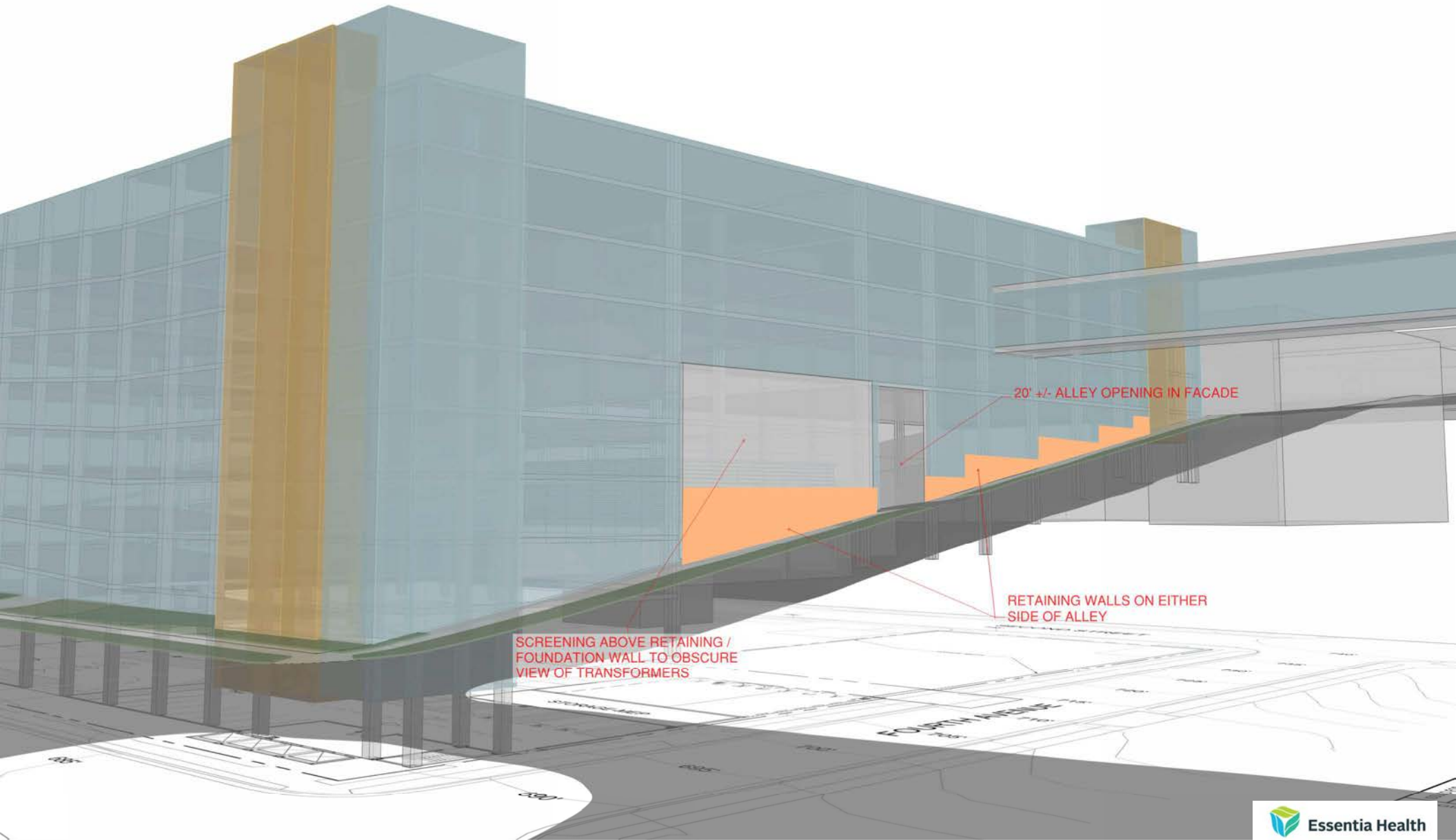
THIRD AVENUE

FOURTH AVENUE

675' 680' 685'

FIRST STREET





SCREENING ABOVE RETAINING /  
FOUNDATION WALL TO OBSCURE  
VIEW OF TRANSFORMERS

20' +/- ALLEY OPENING IN FACADE

RETAINING WALLS ON EITHER  
SIDE OF ALLEY



## ACTION OF THE CITY OF DULUTH PLANNING COMMISSION

**Applicant:**

Scot Ramsey, Vice President Facilities  
Essentia Health  
East Region Administration | MDMC 130  
502 East Second Street, Duluth, MN 55805

**Date:** June 20, 2019

**Location:** E Second St and N Fourth Ave

**Planning Commission File Number:**

PL 19-018

**Proposal:** Applicant is proposing a new inpatient and outpatient 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, outpatient clinics, and includes a rooftop helipad. The project is within the MU-I (Mixed Use-Institutional) zone district, which requires it be reviewed and approved by the Planning Commission at a public hearing.

The above matter came for hearing before the City of Duluth Planning Commission (“Commission”) on Wednesday, May 29, 2019, notice of said hearing having been given to all interested parties in accordance with Section 50-37.11 of the Duluth Legislative Code. The applicant appeared and presented their request to the Commission. The Commission also received a report from Planning Division Staff. All other parties interested in the matter were given an opportunity to be heard. The Commission now makes the findings and conclusions:

**Findings of Fact:**

The project is within the MU-I (Mixed Use-Institutional) zone district, which requires review and approval by the Planning Commission following a public hearing. In addition to the MU-I Planning Review, there are several concurrent use permit applications submitted for this project for private utilities or private structure foundations within the public rights of way. The City is also proposing to rezone land (PL 19-023), near this site from MU-N, MU-C, and F-8, to MU-I and MU-N in conformance with the City’s Comprehensive Plan and future land use map. The proposed expansion to the Essentia campus’ MU-I area is intended to better reflect long-term plans for the campus.

The tentative timeline for the project involves site demolition in September 2019, excavation/blasting in October 2019, begin foundation in November 2019, begin structure shell in January 2020, occupy the structure May 2022, and finish minor outstanding close out items by July 2022.

**Conclusions:**

- A. The request is in harmony with the purposes and intent of the UDC.
- B. The request is consistent with the comprehensive plan.
- C. The request will allow reasonable use of the land.

**Decision:**

Resolved that application PL 19-018, is approved (Planning Commission vote 7-0), subject to the following conditions contingent upon either: issuance of a building permit, a certificate of occupancy, or a development agreement:

- 1) Submit a plan indicating how they will bring their surface parking lots into compliance with the UDC's landscaping and stormwater requirements, and must identify and post/sign locations for contractor and temporary construction employee parking;
- 2) Must submit a master campus sign plan for review and approval of the city;
- 3) Must meet MS4 standards as applicable;
- 4) Submit a UDC sustainability checklist, signed by the project architect or project owner;
- 5) Submit a sample of the fritted bird-safe glass for review prior to issuance of the building permit;
- 6) Submit a lighting plan with photometric plan;
- 7) Increase the number of bike racks to provide the capacity for at least 80 bicycles;
- 8) Amend the location and size of the proposed bus shelters in collaboration with the Duluth Transit Authority;
- 9) Change the proposed vehicle driveway access on Superior Street to either line up with the existing access for the Fitger's public parking ramp;
- 10) Revise the vehicle driveway access on Superior and East Second Street to reduce their width to not exceed the maximum recommend width for commercial or industrial uses in an urban area (2014 Duluth City Engineering Specifications and Standard is 26 feet);
- 11) Submit detail drawings of proposed pedestrian crosswalk improvements for city parks and recreation comment and city engineering review and approval;
- 12) Applicant is responsible for performing Gopher One State locate calls, and for submitting record drawings (prepared by a surveyor) of the private obstructions in the right of way related to this project;
- 13) Except as noted above, the project be limited to, constructed, and maintained according to the site plans, landscaping plans, and exterior elevations provided with this application; and
- 14) Any alterations to the approved plans that do not alter major elements of the plans may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of UDC Chapter 50.

Items 1, 9, and 10 are to be further resolved through coordination between Essentia Health staff and City Planning and Engineering staff.

Decided at Duluth, Minnesota, on Tuesday, May 29, 2019

BY ORDER OF THE CITY PLANNING COMMISSION



Adam Fulton, Deputy Director of Planning and Construction Services

**Please note:**

Planning reviews approved by the Planning Commission shall lapse if the project or activity authorized by the permit is not begun within 1 year of the permit date. The building official may extend this period one time for a period of up to 1 year if the property owner presents a written request showing the reasons for the delay was outside the owner's control (UDC Sec. 50-37.1.N).

**NOTICE OF RIGHT TO APPEAL**

Any person aggrieved by, or any department of the city affected by, any decision of the Commission may appeal the decision of the Commission to the Duluth City Council pursuant to Section 50-37.10(4) of the Duluth Legislative Code. The appeal must be filed with the city clerk within 10 days of the decision. The appeal should be addressed to the council and specify the grounds for the appeal. The fee for an appeal is \$350.00. The appeal fee must be tendered when the appeal is filed.



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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

June 3, 2020

**Re: PL 20-026 Application Changes – June 9, 2020 Planning Commission Meeting**

Dear President Nelson and Planning Commissioners:

On May 12, 2020, the Duluth Planning Commission reviewed application PL 20-026, a variance request for reduction in the corner lot setback at 301 S 58<sup>th</sup> Avenue West (010-4480-01910). This application was unanimously tabled and no decision was made. City staff explored the land exchange with the neighboring property owner, as discussed at the May 12 meeting, as well as alternative design options with the Rebuild Duluth applicant to address lot density concerns expressed by the Planning Commission. Staff findings and changes to application PL 20-026 are summarized below.

**Application Proposal:** The applicant (DEDA) is seeking a variance to reduce the corner side yard setback from 15' to 5'8" to allow future construction of a housing structure on a currently vacant lot.

**Application Modifications:** The Rebuild Duluth applicant selected for development on this site has modified their design, removing the previously proposed accessory dwelling unit and maintaining one single family home as depicted in the attached exhibit. This updated design reduces the required number of off-street parking spaces and reduces the household density; only one household will reside on the 25' x 125' lot. The front and rear yard setbacks align with development standards of an R-1 zoned district. The applicant will maintain side yard setbacks of 5'8" on both sides of the proposed single family home, which is consistent with setback requirements for non-corner lots. In addition to a 5'8" side yard setback parallel to Redruth Street on the north side of the lot, the attached exhibit shows a roughly 15'-18' city owned boulevard. This will provide adequate site drainage to the street, unobstructed views from around the corner for motorists and pedestrians, and adequate space for snow removal and storage.

**Additional Discussion/Clarification:** At the May 12, 2020 meeting, this property was referred to as a tax forfeit property purchased by the Housing and Redevelopment Authority of Duluth Minnesota (HRA) via auction. Staff confirmed with the St. Louis County Land and Minerals Department that this property was not tax forfeit and in fact sold by the previous owner directly to the HRA in 2011. Prior to sale, the lot had a single family home that was demolished in 2011. The HRA conveyed the lot to DEDA in February 2020 for use in the Rebuild Duluth program.

In addition to design modifications, the Planning Commission requested staff explore an opportunity for land swap as suggested by the neighboring property owner, Ms. Ranta. Staff explored this opportunity and established that the UDC would not allow the development of a single family home on Ms. Ranta's offered site without securing a variance due to minimum lot width requirements. The two parcels proposed by Ms. Ranta are located in the Gary New Duluth neighborhood and are considered part of the existing single-family home site. Subdividing the lots to create two home sites would result in non-conforming lots. Additionally, even if Ms. Ranta's property could be appropriately subdivided, the Rebuild Duluth participant prefers the subject property site and location.



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

Room 160  
411 West First Street  
Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

**Staff Recommendation:** Staff is recommending the Planning Commission approve and adopt this variance without the requirement that future construction plans require a landscaping and buffering plan.

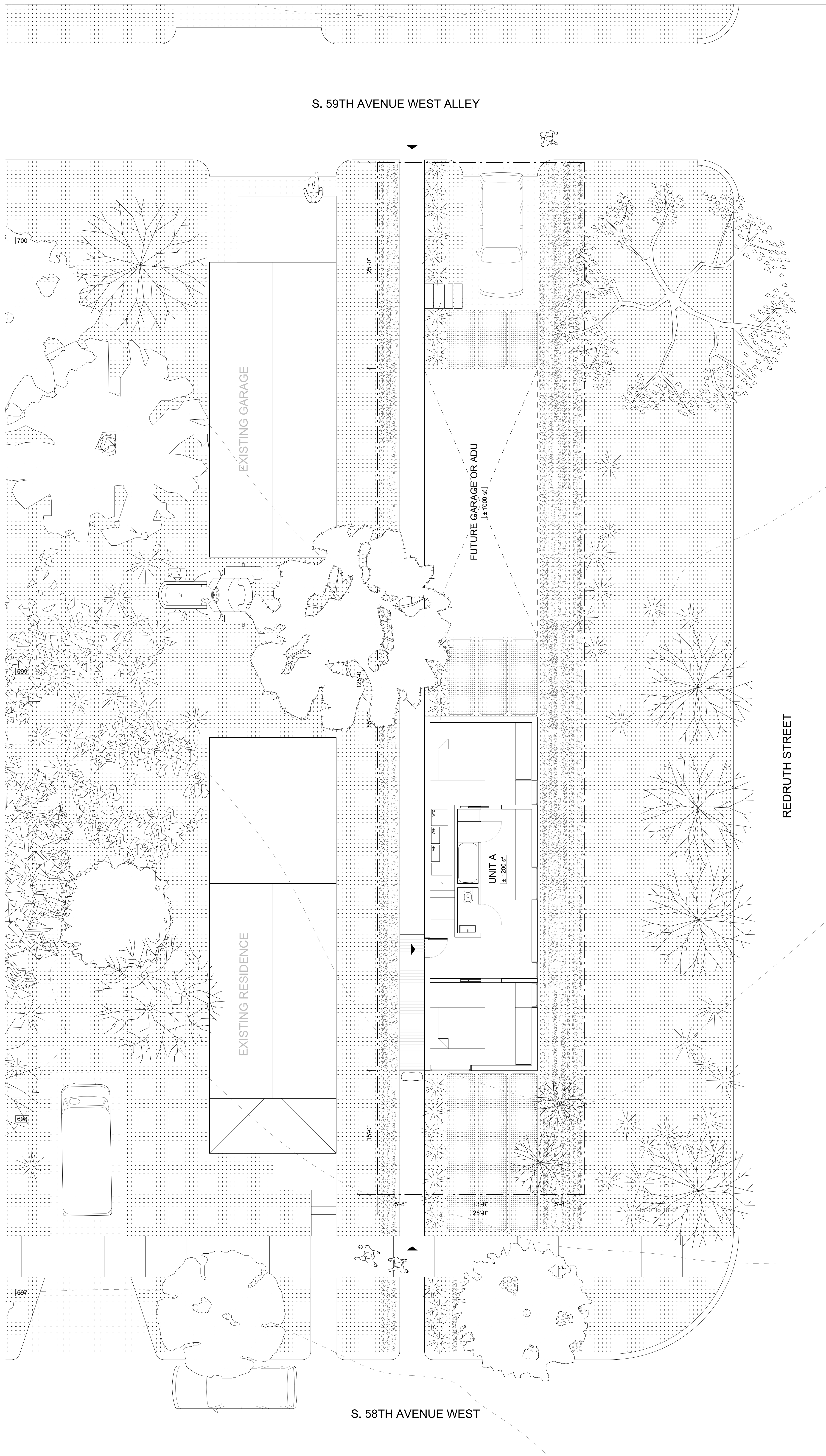
Attached to this memo you will find the revised single-family home design and one additional public comment received on May 13, 2020. Following this memo is the original staff report packet presented on May 12, 2020.

Thank you for your time and consideration.

Respectfully,

A handwritten signature in black ink, appearing to be "T. Bajda".

Theresa Bajda  
Planner II





Wednesday, May 13, 2020

Dear Duluth Planning Commission,

I am writing as a proponent of the planning application PL20-026 to grant a variance to the side yard setback from 15' to 5'-8." I was witness to discussion of this application during the Planning Commission meeting on Tuesday, May 12, and feel that there are a number of items that warrant further discussion. But first there are a few issues that merit clarification:

1. The matter at hand is whether the Planning Commission approves or denies a variance to reduce the side yard setback from 15'-0" to 5'-8". This alone is the central question under consideration. I support the variance for the following reasons:

a. As a zoning ordinance, the side yard setback is intended to maintain certain clearances between built structures and the curb to provide visibility for motorists, adequate landscaping for water management, room for snow plow wakes, and preserve other public goods. In the case of the lot in question, a city-owned and city-maintained boulevard of 10' between the curb and the lot line already ensures that these public goods are provided for;

b. As demonstrated in the planning application, at least six other residences within 2 blocks of the lot in question are not in compliance with the corner side yard setback;

c. The current setback requirements for the lot would permit a buildable area of only 7'-0" wide, precluding any future development on the lot. Without a variance from the corner side yard setback, the lot is unbuildable. The setback requirement poses a practical difficulty inherent to the lot itself;

d. a structure of located in nearly the same position on the lot existed until 2011 without causing undue harm to the neighborhood.

2. There was a great deal of discussion during tonight's meeting about considerations other than the matter at hand (#1 above). This discussion focused on the way tax-forfeited lots are listed, auctioned, and sold by Saint Louis County. This topic is neither germane to the matter at hand, nor within the Planning Commission's purview to use as a basis for judgment.

a. Commissioner Schraepfer, echoed by Commissioners Zwiebel and Nelson, suggested that tax-forfeited lots should be offered to adjacent landowners as a matter of best practice. As a citizen and prospective land owner, I find this "right of first refusal" suggestion not only to be unfair to the public at large, but also to reinforce the power held by existing landowners. Luckily, the manner in which Saint Louis County conveys land is not the matter at hand and should not be taken into consideration by the Commission on this application.

b. Ms. Taimi Ranta, the landowner of the adjacent lot, voiced her opposition to the variance citing a number of concerns:

(1) the proposed structure will be too close to her home;

- (2) she was not aware the land had been tax-forfeited, listed in the county's tax-forfeit directory, listed at public auction, or made available to be purchased over the counter;
- (3) she would be happy to purchase it from DEDA or exchange it for her lots in Gary West Duluth.
- (4) Ms. Ranta also suggested that property was a rental and not her current place of residence.

I believe these claims warrant closer examination:

- (1) The proposed structure on this 25'-wide lot would be no closer to her house than any other structure built within the allowable buildable area of another 25'-wide lot, per Duluth zoning code. The proposed structure complies with the side yard setback on the side adjacent to Ms. Ranta's lot. In fact, the proposed structure has a more generous sideyard setback on this side at 5'-8" than the minimum of 3'-0" required by zoning code.
- (2) tax-forfeited land and all the listing processes that it undergoes are public record and made publicly available through the Saint Louis County website and other channels
- (3) DEDA acquired the property in question at fair market value via an over the counter sale. Land transfer is not a bargaining system and DEDA cannot be expected to trade.
- (4) The condition of Ms. Ranta's property suggests that it is not fit for habitation. With visibly broken windows and a dilapidated porch, it does not appear to be occupied or maintained and appears to require significant improvement.

It seems clear to me that had the proposed development been located on the opposite side of Ms. Ranta's lot, on a mid-block lot instead of a corner lot, it would not require a variance and therefore not be under review by the Planning Commission. The proposed building would be fully compliant with zoning code for 25'-lot developments in R-1 neighborhoods per Duluth zoning code. Consequently, the manner it was conveyed to DEDA (which is not the matter at hand) would not be a matter of discussion because the proposed development would not have come across the Planning Commissioners' desks.

3. I would also like to point out that the proposed buildable area in question on this lot is identical to the proposed buildable area (PL20-025) that was approved earlier in the same meeting. The same development is planned for both lots. Schematic site plans for both of these lots are available for review upon request. I cannot see how the same building built on lots of the same dimensions located in the same neighborhood can be assessed in different ways. How can the first be acceptable and the second be objectionable?

4. Commissioner Wedul suggested that the proposed development is "inconsistent with the flavor of the neighborhood" following a cursory review of the neighborhood in the Saint Louis County Land Explorer during the meeting. I challenge Ms. Wedul's assessment on several grounds:

- a. Without schematic site plans and building plans, the Planning Commission does not have sufficient information about the size, massing, and arrangement of the proposed development to make this assessment. These plans can be made available upon request.

- b. The proposed development matches the neighboring residences in form and proportion and is actually smaller than many adjacent structures in area, width, and height. It has a handsome material palette consistent with neighboring residences.
- c. While categorized as a duplex in this application, the proposed development could just as well be a primary unit + ADU. It meets all criteria for both duplexes and primary/ADU categories.
  
- d. The proposed development that was selected for the Rebuild Duluth program features 2 separate structures, similar in massing and arrangement to the house and garage on Ms. Ranta's neighboring lot.

Contrary to Commissioner Wedul's assessment, the proposed development is actually sensitive to and consistent with neighborhood character.

- 5. Given matters (1), (2), (3), and (4) above, I advocate that the Planning Commission approve the variance unless they can provide good reason that a reduction in corner side yard setback from 15' to 5'-8" causes undue harm.
  
- 6. I would also like to refocus the conversation on the added value and benefits of making the lot developable by granting the requested variance. I will reiterate some of the broadly held development goals of the City. Granting the variance would:
  - a. return a vacant parcel to the property tax rolls
  - b. promote reinvestment in disinvested lots in established neighborhoods
  - c. add (2) units of cost-efficient housing to Duluth's rented- or owned-housing stock that are affordable to over 80% of Duluth households per Rebuild Duluth guidelines

Duluth is estimated to have a shortage of almost 4,500 units of housing. Recent changes to zoning code approved by the Duluth City Council allow previously un-developable lots like the one in question to be developed; your Commission can actualize this potential by approving this variance. The groundwork for beautiful, affordable infill housing has been laid. Now is the time to build on it.

All my best,

Benjamin Olsen  
2369 Doswell Avenue  
Saint Paul, MN 55108





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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

 218-730-5580

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

<b>File Number</b>	PL20-026	<b>Contact</b>	Theresa Bajda, 218-730-5303	
<b>Type</b>	Variance – Corner Side yard Setback in R-1	<b>Planning Commission Date</b>	May 12, 2020	
<b>Deadline for Action</b>	<b>Application Date</b>	March 9, 2020	<b>60 Days</b>	May 8, 2020
	<b>Date Extension Letter Mailed</b>	Not Applicable	<b>120 Days</b>	July 7, 2020
<b>Location of Subject</b>	301 S 58 <sup>th</sup> Ave West			
<b>Applicant</b>	Duluth Economic Development Authority	<b>Contact</b>		
<b>Agent</b>	Theresa Bajda – City of Duluth Planning	<b>Contact</b>	218-730-5303, <a href="mailto:tbajda@duluthmn.gov">tbajda@duluthmn.gov</a>	
<b>Legal Description</b>	Parcel ID Number 010-4480-01910			
<b>Site Visit Date</b>	March 10, 2020	<b>Sign Notice Date</b>	4/23/20	
<b>Neighbor Letter Date</b>	4/17/20	<b>Number of Letters Sent</b>	46	

**Proposal:** The applicant is seeking a variance to reduce the corner side yard setback from 15' to 5' 8" to allow future construction of a housing structure on the currently vacant lot.

**Staff Recommendation:** Staff is recommending that Planning Commission approve and adopt this variance without the requirement that future construction plans require a landscaping and buffering plan.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Vacant lot	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	S 58 <sup>th</sup> Ave W	Traditional Neighborhood
<b>West</b>	R-1	S 59 <sup>th</sup> Ave W	Traditional Neighborhood

**Summary of Code Requirements:**

The Planning Commission shall review and approve the application if it is determined that:

Sec. 50-14.5.1-1 – R1 District Dimensional Standards: Corner Lot; wide of front side yard for dwelling is 15 feet.

Sec. 50-37.9.B – Variance Procedures: “The Planning Commission shall...make a decision on the application based on the criteria in subsections 5037.9.C – 50.37.9.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 hardships. The Planning Commission must find the following for a variance to be granted: a) That the landowner is proposing to use the property in a reasonable manner, b) that the need for relief from the general guidelines 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.H: Standards for variances to reduce setbacks: When the application is for the reduction of required front, rear or side yard setback, the commission may require the submission of a landscaping and buffering plan.

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

Governing Principle #1 – Reuse previously developed lands. The proposed variance would allow infill housing construction on a currently vacant lot within an established neighborhood.

Governing Principle #5 – Promote reinvestment in neighborhoods. The variance would allow future housing construction and put a vacant lot back in the tax base.

Housing Policy #4 – Improve the quality of the city’s housing stock and neighborhoods. The variance would allow new construction of affordable housing on a small 25’ lot that had a previously demolished single family home.

Future Land Use – Traditional Neighborhood: Characterized by grid or connected street pattern with houses oriented with shorter dimensions 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.

Recent History – This previously plotted lot had a single-family house that was condemned for human habitation in 2009 and demoed in 2011. As seen in the included neighborhood view exhibit, many lots have housing structures built within the 15ft side yard setback required in R-1 districts on corner lots. This site was selected by City of Duluth and DEDA for use in the Rebuild Duluth Program. The lot will be conveyed to a new owner at no cost once their successful proposal for infill housing and land sale agreement is approved. The Rebuild Duluth program was intended to build a collective knowledge of creative/innovative design for infill housing in Duluth, with focus on how to simplify said development while maintaining affordability. Supported by Mayor Larson and City Administration, priority was given to Rebuild Duluth program applicants during the selection process, whose proposal was for narrow, 25’ lots. The applicant is proposing a two-family home(duplex) for this site. The total square footage of the building footprint proposed for this site is 1,026 square feet.

**Review and Discussion Items**

Staff finds that:

- 1.) The applicant is requesting a reduction in the corner lot front side yard setback variance to 5' 8" to allow for future construction of a housing structure as part of the Rebuild Duluth Program. Single-family housing is a reasonable use in this zone district.
- 2.) The 25' x 125' parcel would only allow a structure of 7 feet in width if current setbacks for R-1 zoning were adhered to, which demonstrates practical difficulty for this site. Reduction in the required corner lot side yard setback will allow for a feasible housing design for future infill construction. Maintaining a 5' 8" side yard setback on both sides of the property, the applicant can construct a two-family home (duplex) . The total square footage of the building footprint proposed for this site is 1,026 square feet.
- 3.) Variances to setbacks require the submission of a landscaping and buffering plan. Applicants to the Rebuild Duluth program must provide landscaping and stormwater retention designs which thoughtfully consider UDC standards and a diverse vegetation. A buffering and landscape plan for the variance area faces the street and is not recommended.
- 4.) Other homes in the neighborhood are built within the 15 feet corner lot front side yard setback area, as seen in the attached map. This proposed variance will allow for use of the property in a manner consistent with the neighborhood character. This area was platted prior to the existing setback standards.
- 5.) The addition of a housing structure would not impair light or air to neighbors, increase congestion in the neighborhood, create fire danger, or imperil public safety. A landscaping and buffering plan within the variance area would not be favorable as it abuts the street.
- 6.) To date, two public comment was received on 4/21/20 and included with this staff report. In addition, neighborhood residents obtained signatures opposing variance; this is also included with this staff report.
- 7.) Per UDC Section 50-37.1.N, approved variances shall lapse if the project or activity authorized by the permit or variance is not begun within one year of the permit date.

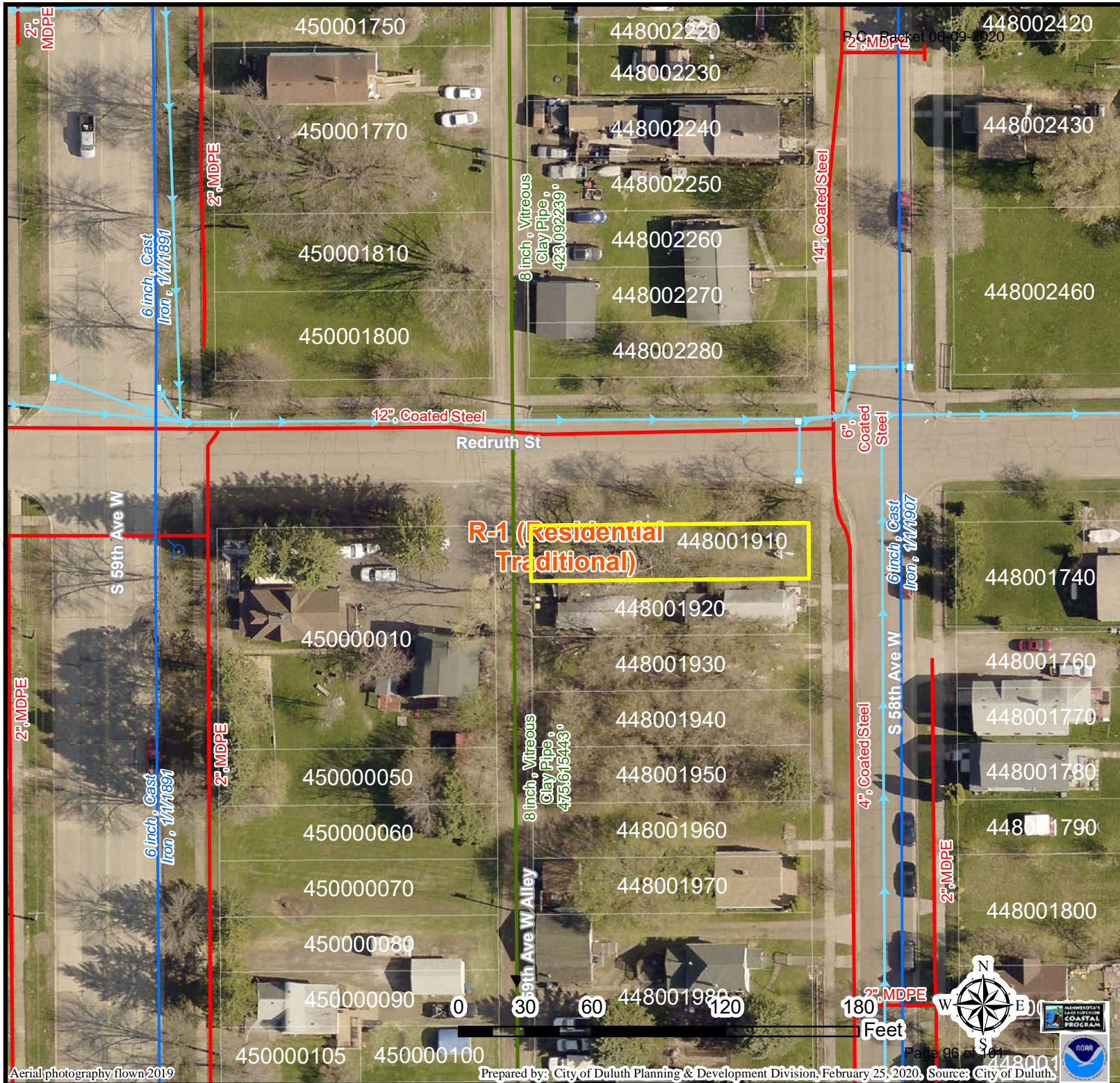
**Staff Recommendation**

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

- 1.) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land use Supervisor without further Planning Commission action; however, no such administrative approval shall constitute a variance from the provisions of UDC Chapter 50.



PL20-026  
Corner Lot  
Front Side Yard Variance

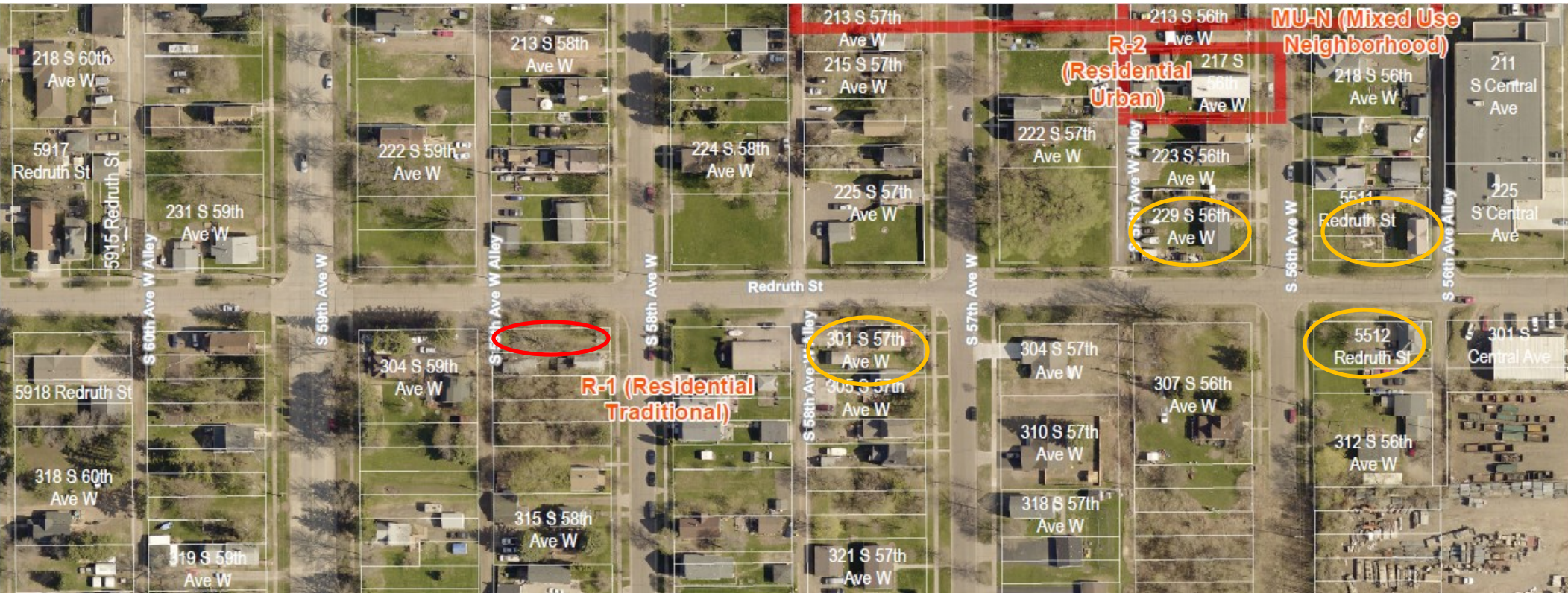



The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used 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.




### Neighborhood View

### Corner Lots with less than 15ft front side yard setback



 Property seeking variance

 Corner lots with less than front side yard setback

PL 20-026 Site Visit : 3/12/20

P.C. Packet 06-09-2020

Parcel: 010-4480-01910; 301 S 58th Ave West



PL20-026

Public Comments Received

\*Names/signatures removed to preserve confidentiality



Variance 301S 58th ave west

Theresa Bajda

Tue 4/21

You forwarded this message on 4/22/2020 8:24 AM.

Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

My opinions and concerns. I feel the lot is to small to build a house there. It will encroach on the neighbors home next to it. It will possibly be a hazard to vehicle line of sight around the corner. The snow plows will end up plowing snow right up to the new home. This will cause flooding and structural damage with the tax payers footing the bill. A 25 foot lot is just to small. Kids will have no place to play but in the street. A safety hazard for them. Please do not approve this variance.

To whom it may concern

Variance for 301 S. 59th Ave West

My opinions and concerns. I feel the lot is to small to build a house there. It will encroach on the neighbors home next to it. It will possibly be a hazard to vehicle line of sight around the corner. The snow plows will end up plowing snow right up to the new home. This will cause flooding and structural damage with the tax payers footing the bill. A 25 foot lot is just to small. Kids will have no place to play but in the street. A safety hazard for them. Please do not approve this variance.

213 S 59th Ave W  
S. 58th AVE. W

227 S 58th Ave W

219 S. 59th Ave. W.

218 S. 60th Ave W

301 S 59th Ave west

301 S 59th Ave West

231 S 59th Ave W

309 S. 59th W.

307 South 59th Ave West #2

318 S 59th AVE. W.

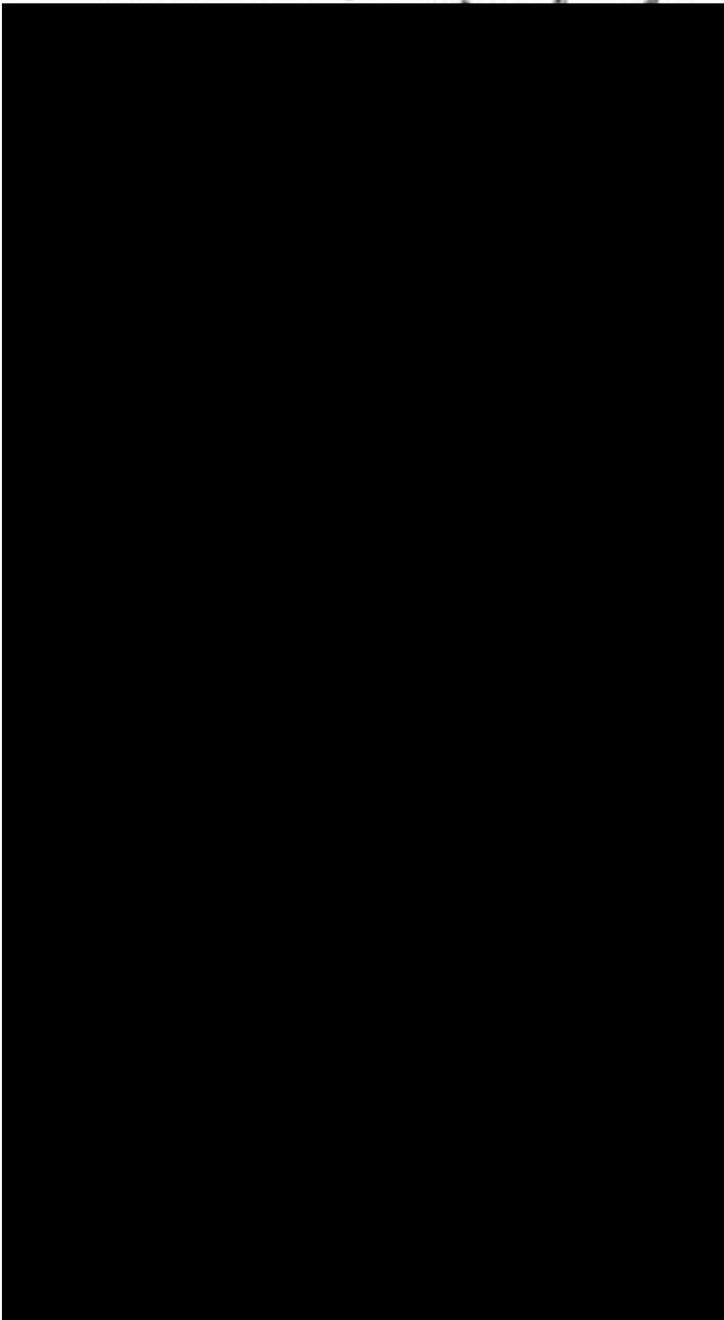
232 S 59th Ave W.

207 S. 63rd Ave

222 S 59th Ave W

Variance for 301 S. 58<sup>th</sup> Ave W

I feel the lot is too small to build a house there. It will encroach on the neighbors home next to it. Lower property values. It will possibly be a hazard to vehicle line of sight around the corner. The snow plows will end up plowing snow right up to the new home. This will cause flooding and structural damage with the tax payers footing the bill. A 25 foot lot is just too small. Kids will have no place to play but in the street. A safety hazard for them. Please do not approve this variance.



212 58<sup>th</sup> Ave W

218 409 0761

209 S. 58<sup>th</sup> Ave W  
218-628-3123

5710 Raleigh St 218-349-4534

213 S. 58<sup>th</sup> Ave W

✓ 217 S. 58<sup>th</sup> Ave W

229 S. 58<sup>th</sup> Ave W

315 S. 58<sup>th</sup> Ave W

318 S. 52<sup>th</sup> Ave W

321 S. 57<sup>th</sup> Ave W

308 S. 58<sup>th</sup> Ave W

224 S. 58<sup>th</sup> Ave W

16 S. 58<sup>th</sup> Ave W

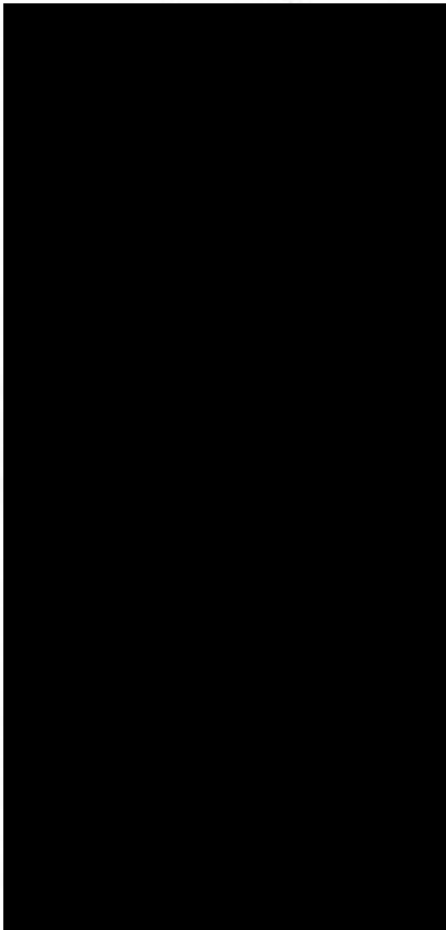
8 S. 60<sup>th</sup> Ave W

5 S. 60<sup>th</sup> Ave W

My opinions and concerns.

*variance for 301 S 57th Ave W*

I feel the lot is too small to build a house there. It will encroach on the neighbors home next to it. Lower property values. It will possibly be a hazard to vehicle line of sight around the corner. The snow plows will end up plowing snow right up to the new home. This will cause flooding and structural damage with the tax payers footing the bill. A 25 foot lot is just too small. Kids will have no place to play but in the street. A safety hazard for them. Please do not approve this variance.



*301 S. 57th Ave W*



*311 S. 57th Ave W  
309 S. 57th Ave W.*



*329 S. 57th Ave W  
55807*

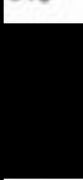


*325 S. 57th Ave W*

*328 S 57th Ave W 55807*

*318 S. 57th Ave W Duluth MN  
55807*

*310 S 57th Ave W Duluth, MN 55807*



*304 S 57th Ave W Duluth, MN 55807*

*215 S. 57th Ave W. Duluth 55807*