



# City of Duluth

## Meeting Agenda

### Planning Commission.

*Council Chambers*

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Tuesday, October 10, 2023

5:00 PM

Council Chambers

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#### CALL TO ORDER AND ROLL CALL

#### APPROVAL OF PLANNING COMMISSION MINUTES

[PL 23-0912](#) Planning Commission Minutes 9/12/23

**Attachments:** [09-12-2023 PC Minutes \(not approved yet\)](#)

#### PUBLIC COMMENT ON ITEMS NOT ON AGENDA

#### CONSENT AGENDA

[PL 23-139](#) Variance to Shoreland Setback Requirements at 11XX N 27th Avenue W by Shaun and Sara Floerke

**Attachments:** [PL 23-139 Staff Report and Attachments](#)

[PL 23-149](#) Interim Use Permit for a New Vacation Dwelling Unit at 5830 London Road by Meredith Anderson

**Attachments:** [PL 23-149 Staff Report and Attachments](#)

[PL 23-151](#) Vacation of a Portion of 67th Avenue W Adjacent to 6630 Grand Avenue by James Williams

**Attachments:** [PL 23-151 Staff report with attachments](#)

[PL 23-152](#) Variance to Side Yard Setback at 803 N 57th Avenue W by Jesse Merrill

**Attachments:** [PL 23-152 Staff report and attachments](#)

[PL 23-156](#) Interim Use Permit for a New Vacation Dwelling Unit at 4218 Lombard Street by Jeremy and Carolyn Dick

**Attachments:** [PL 23-156 Staff Report and Attachments](#)

[PL 23-159](#) Interim Use Permit for a New Vacation Dwelling Unit at 5808 London Road Unit 1 by 5808 London Road LLC

**Attachments:** [PL 23-159 Staff report and attachments](#)

[PL 23-161](#) Interim Use Permit for a New Vacation Dwelling Unit at 4712 Glenwood Street by Chelsea and Kyle Anderson

**Attachments:** [PL 23-161 Staff report and attachments](#)

[PL 23-165](#) Interim Use Permit for Renewal of a Temporary Parking Lot at 830 E 1st Street by St. Luke's Hospital

**Attachments:** [PL 23-165 Staff report and attachments](#)

[PL 23-168](#) Interim Use Permit for Temporary Parking Lot at 4600 Stebner Road by Cirrus Design

**Attachments:** [PL 23-168 Staff Report and Attachments](#)

## PUBLIC HEARINGS

[PL 23-153](#) Special Use Permit for Day Care at 1533 W Arrowhead Road by Building Blocks Learning Center

**Attachments:** [PL 23-153 Staff report and attachments](#)

[PL 23-166](#) Planning Review for Restaurant With Drive-Through at 1600 Miller Trunk Highway by HR Green, Inc.

**Attachments:** [PL23-166 Staff Report and Attachments](#)

[PL 23-133](#) Variance from Front Yard Setback for an Accessory Structure at 2221 Norton Road by Troy Hendrickson

**Attachments:** [PL 23-133 Staff Report and Attachments](#)

[PL 23-164](#) Variance to 50-21.3 to Allow an Accessory Structure Between A Street and Primary Building at 2221 Norton Road by Troy Hendrickson

**Attachments:** [PL 23-164 Staff Report and Attachments](#)

[PL 23-157](#) UDC Map Amendment from Residential-Traditional (R-1) to Mixed Use Neighborhood (MU-N) at 4831 Grand Avenue by Our Saviors Lutheran Church

**Attachments:** [PL 23-157 Staff Report and Attachments](#)

[PL 23-129](#) UDC Map Amendment from Mixed Use-Business (MU-B) to Mixed Use-Neighborhood (MU-N) North of Sherburne Avenue and East of 64th Avenue W by City of Duluth

**Attachments:** [PL 23-129 Staff Report and Attachments](#)

[PL 23-170](#) A UDC Text Amendment to Amend the following sections: 50-31, Related to Exterior Lighting standards; 50-19.8 Related to Accessory Uses in MU-B and I-G districts; 50-41, Related to Definitions for Elevator Penthouses and Stair Penthouses, and Accessory Childcare and Accessory Retail or Service uses; 50-14.5 and 50-14.6 Related to Minimum Depth of Rear Yard.

**Attachments:** [PL23-170 UDC Text Amendments - Memo to PC](#)

[PL 23-003](#) UDC Text Amendments to Off-Street Parking Requirements by City of Duluth

**Attachments:** [PL 23-003 Staff Memo and Attachments October 2023](#)

## OTHER

[PL 23-174](#) Conformance to Comprehensive Plan for Tax Increment Financing on 1st Street from Lake Avenue to 2nd Avenue E

**Attachments:** [PL 23-174 Staff Memo and Attachment](#)

[PL 23-178](#) UDC Analysis - Vacation Dwelling Units in RR-1 near MU-C

**Attachments:** [Memo - UDC Analysis - VDUs in RR-1](#)

## COMMUNICATIONS

Land Use Supervisor Report

Historic Preservation Commission Report

Joint Airport Zoning Board Report

Duluth Midway Joint Powers Zoning Board Report

# City of Duluth Planning Commission

**September 12, 2023 – City Hall Council Chambers  
Meeting Minutes**

## **Call to Order**

President Margie Nelson called to order the meeting of the city of Duluth planning commission at 5:00 p.m. on Tuesday, September 12th, 2023 in the Duluth city hall council chambers.

## **Roll Call**

### **Attendance:**

Members Present: Jason Crawford, Gary Eckenberg, Brian Hammond, Jason Hollinday, Margie Nelson, Danielle Rhodes, Michael Schraepfer, and Andrea Wedul (arrived after the approval of minutes)

Member Absent: N/A

Staff Present: Adam Fulton, Jean Coleman, Jenn Moses, Kyle Deming, John Kelley, Chris Lee, and Cindy Stafford

## **Approval of Planning Commission Minutes** -

Planning Commission Meeting – August 8, 2023 and Brown Bag Meeting – August 24, 2023

**MOTION/Second:** Hollinday/Eckenberg approved

**VOTE: (7-0)**

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

None

## **Consent Agenda**

(Item PL 23-124 was removed from the consent agenda and placed under public hearings.)

PL 23-130 Vacation of Highland Avenue at 1203 N Arlington Avenue by Steven J. Elberling

PL 23-135 Minor Subdivision at 6<sup>th</sup> Street and 5<sup>th</sup> Avenue W by David and Laura Schauer

PL 23-141 Interim Use Permit for a New Vacation Dwelling Unit at 36 Cato Avenue by Darin and Elina Reinke

PL 23-146 Special Use Permit for a Residential Care Facility at 1111 N 11<sup>th</sup> Avenue E by CHUM

PL 23-147 Vacation of an Alley at 4102 99<sup>th</sup> Avenue W by Larry Varhalla

PL 23-150 Special Use Permit for a Residential Care Facility at 2122 Woodland Avenue by Deyona Kirk

**Public:** PL 23-146: Jessica Olson – 1624 E 8<sup>th</sup> St – addressed the commission. She is a member of the congregation, and voiced her support for the proposal. City Councilor Gary Anderson – 30 E. Saint Andrew St - is also a member of the congregation and voiced his support. PL 23-150: Councilor Anderson addressed the commission and voiced his support.

Dave Jordet – 2141 Woodland Ave – addressed the commission. He is concerned about parking issues and noted homeowner insurance if it is a commercial use. He is opposed to the proposal.  
**MOTION/Second:** Wedul/Hammond approved the consent agenda items as per staff recommendation

**VOTE: (8-0)**

### **Public Hearings**

#### **PL 23-124 Interim Use Permit for a new Vacation Dwelling Unit at 122 E Buffalo Street by Venkata Gireesh Menta and Ruth Pallapati**

**Staff:** A presentation was not given, but questions were welcomed.

**Public:** Lauri Athmann – 146 E Buffalo St – addressed the commission. She has lived in the Kenwood area for 34 years. She is concerned about non-residents and transient guests. She does not think this will benefit their neighborhood. She is opposed. Kim Roufs – 1006 Mississippi Ave – addressed the commission. She noted discrepancies on what is listed on Zillow versus what is listed on the staff report regarding the number of bedrooms and parking. She thinks this will lower the housing stock, and would prefer permanent neighbors. She is opposed. Judith McKeever – 1202 Missouri Ave – addressed the commission. She is a 29-year Kenwood resident. She is concerned about traffic and road conditions in the winter. She voiced her appreciation for having their concerns heard. She is opposed.

**Commissioners:** Danielle Rhodes asked about the property manager. One will be hired if the applicants move out of the area. Andrea Wedul asked how this permit was offered. Chris Lee noted the applicant was chosen to apply as part of the lottery process. Gary Eckenberg asked about the parking situation and the size of the garage. Lee noted it is only a one-car garage, but the driveway has room for three vehicles. Jason Crawford asked about the four-bedroom maximum. Lee noted a rumored fifth bedroom is not confirmed, and would not be allowed. Deputy Director Adam Fulton noted the UDC sets a firm limit. If the home is advertised as a five-bedroom dwelling, it could be subject to permit revocation. Chair Nelson noted there are vacation rentals throughout the city. Wedul added if there was ever a behavior issue, there are ways to address. Michael Schraepfer noted he understands the neighbors are concerned, but this is not a new program and vacation rentals are dispersed throughout the city.

**MOTION/Second:** Nelson/Hammond approved as per staff recommendation

**VOTE: (8-0)**

(Commissioner Wedul recused herself from the following item due to a conflict of interest.)

#### **PL 23-128 Planning Review for a Building Addition at 2101 Trinity Road by Lake Superior College**

**Staff:** John Kelley introduced the applicant's proposal for the construction of an 8,310 square foot building addition for the machine tool and welding programs as well as a loading and storage area for the college. Additional site improvements include reconfiguring parking spaces and landscaping to facilitate the building addition. The building addition will require the removal of 24 parking spaces, but will be installing 15 new spaces with two accessible spaces for net loss of 9 spaces. Staff received public comment from a resident of 2121 Trinity Road who will speak tonight. The zoning sign had fallen over, and they weren't notified of the proposal. Staff recommends approval with the conditions listed in the staff report.

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

**Public:** Mary Vranesich – 2121 Trinity Rd – addressed the commission. Her husband, James Helewski, was unable to attend tonight. She noted the zoning sign was facing towards the

campus. The Heleski homestead shares borders with the college on three sides. She is concerned that they weren't notified about the proposal. She noted the school has changed from a vocational school to a college. She doesn't think they should encroach on the wetlands and is opposed to their proposal.

**Commissioners:** Rhodes asked why the neighbor wasn't notified. Kelley stated normal procedure was followed, and the address of the school was beyond the notification zone. Rhodes asked if there was a way to modify the process to capture all parcels, so that all neighbors would have been notified. Kelley stated a UDC amendment would be needed to make the change to notification procedure. Rhodes asked if this item could be on the next meeting agenda. Deputy Director Fulton affirmed.

**MOTION/Second:** Crawford/Eckenberg approved as per staff recommendation

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

PL 23-143 Planning Review for a Laundromat at 338 E Central Entrance by West End Properties, Inc.

**Staff:** Chris Lee introduced the applicant's proposal for the construction of a 4,778 square foot laundromat (personal services and repair) and associated site improvements including 24 parking stalls. All proposed exterior lighting is specified as downward pointing and cut-off with no excess light crossing the property line. Staff recommends approval with the conditions listed in the staff report.

**Commissioners:** Eckenberg asked if MNDot was concerned about the egress on to Central Entrance. Is it a right turn only? Per Lee, the egress would be all directions. MNDot did not provide a comment. Rhodes commented on there being no windows facing Central Entrance. Lee noted the building layout was chosen to accommodate parking. Commissioner Brian Hammond noted pedestrian access. He was pleased to see a sidewalk connection and would like to add a condition for curb-cuts for ADA access to Blackman and Central Entrance and to add bike lanes. Wedul asked why the buffering design stopped on Palm Street. Lee noted it was for storm water retention purposes. Wedul sees the retention pond, but thinks the buffer should extend further past the drainage. Lee deferred to the applicant. Wedul asked about Brewery Creek and stormwater management. Lee noted engineers will work on additional details.

**Public:** Silvin Pop – 332 E Central Entrance – addressed the commission. He is the owner/doctor at Waters Edge Animal Hospital and Urgent Care located next door. He noted the land is infected with gas tanks and asked if the land will be cleaned up when removing the gravel. He is concerned about noise and air quality for his animals. He is also concerned about security and has seen drug needles and debris in the area. He is opposed to the proposal.

**Applicant:** Blake Martin/Developer – applicant – noted Linn Companies is acquiring the site. They are the largest laundromat business in Minnesota. This will be their 14<sup>th</sup> side, and they also have a site in Superior. He noted their site will remain well lit, and thought their lighting could discourage drug use in the area. Staff members will check for cleanliness. They have a pet cleaning area as well as a pedestrian car wash. It is a unique business, and is pedestrian friendly. They are aware of the contamination on site, and are working with the MPCA. They will clean it up the right way. In addressing Commissioner Wedul's previous comments, he noted they will rely on their civil engineer to meet stormwater requirements and agreed to add trees behind the dumpster for additional screening. Per Hammonds' comments, Martin noted the sidewalks should have curb cuts. Hammond stated there could be pedestrian hotel traffic.

**MOTION/Second:** Crawford/Rhodes approved as per staff recommendation

**VOTE: (8-0)**

PL 23-145 Minor Subdivision at 800 E Central Entrance by Luzy Ostreicher

**Staff:** Kyle Deming introduced the applicant's proposal for a minor sub-division to divide one parcel into two in preparation for development of a structure on the proposal parcel A. Parcel A contains most of the former high school building site (demolished) and remaining parking lot. There is an existing structure on proposed parcel B, the former Secondary Technical Center and associated parking lot. The City Engineer commented that the existing water service and gas mains need to be addressed through easement or other agreements. Staff recommends approval with the conditions listed in the staff report including an easement be granted, or an agreement made pertaining to the gas main and water service.

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

**Public:** No speakers.

**MOTION/Second:** Wedul/Holliday approved as per staff recommendation

**VOTE: (8-0)**

Tabled ItemPL 23-003 UDC Text Amendments to Off-Street Parking Requirements by the City of Duluth

Deputy Director Fulton thanked the commissioners for their special meeting/brown bag attendance. There will be a public meeting on the 20<sup>th</sup> and expects revisions will be brought to the October meeting.

Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton gave an overview. Staff is working with Northern Lights Express to determine timeline. Community meetings upcoming for 6<sup>th</sup> Avenue East. Our division's new director, Chad Ronchetti, is now in position.

Heritage Preservation Commission – Gary Eckenberg noted they have not met since June.

Joint Airport Zoning Board – No updates.

Duluth Midway Joint Powers Zoning Board – Deputy Direct Fulton noted annex land complaints related to the quarry, which will require analysis of township files.

Adjournment

Meeting adjourned at 6:40 p.m.

Respectfully,

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Adam Fulton – Deputy Director  
Planning & Economic Development



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

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 411 West First Street  
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 planning@duluthmn.gov

|                            |   |                                 |                              |                  |
|----------------------------|---|---------------------------------|------------------------------|------------------|
| <b>File Number</b>         | PL 23-139                                     | <b>Contact</b>                  | Chris Lee, clee@duluthmn.gov |                  |
| <b>Type</b>                | Variance from shoreland setback               | <b>Planning Commission Date</b> | October 10, 2023             |                  |
| <b>Deadline for Action</b> | <b>Application Date</b>                       | August 7, 2023                  | <b>60 Days</b>               | October 6, 2023  |
|                            | <b>Date Extension Letter Mailed</b>           | August 18, 2023                 | <b>120 Days</b>              | December 5, 2023 |
| <b>Location of Subject</b> | 11XX N 27 <sup>th</sup> Ave W. 010-3220-03160 |                                 |                              |                  |
| <b>Applicant</b>           | Shaun and Sara Floerke                        | <b>Contact</b>                  |                              |                  |
| <b>Agent</b>               |   | <b>Contact</b>                  |                              |                  |
| <b>Legal Description</b>   | See Attached                                  | <b>Sign Notice Date</b>         | September 26, 2023           |                  |
| <b>Site Visit Date</b>     | August 30, 2023                               | <b>Number of Letters Sent</b>   | 40                           |                  |

**Proposal**

The applicant is seeking a variance from the shoreland setback for a tributary of Miller Creek. The applicant is proposing to reduce the setback from 150' to 100' to construct a single family home and accessory structure.

**Staff Recommendation**

Staff recommends that the Planning Commission approve the variance.

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

**Summary of Code Requirements**

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

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



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

Principle #5: Promote Reinvest in neighborhoods: Duluth is strongly defined by its neighborhoods. This system should be supported through land use and transportation that foster neighborhood reinvestment. New development or redevelopment should maximize public investment that strengthens neighborhood commercial centers or diversifies residential opportunities that fit the neighborhood's character.

Future Land Use

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

History: This parcel is currently undeveloped.

**Review and Discussion Items:**

Staff finds that:

- 1) The applicant is seeking a variance from the shoreland setback for Miller Creek. The setback for structures for this tributary is 150' from the ordinary high water mark. The applicant is proposing to construct a single family home and detached garage located 120' (house) and 100' (garage) away from the ordinary high water mark.
- 2) The applicant states that the variance is requested due to the size of the buffer and its impact on the lot. The shoreland buffer for this tributary of Miller Creek covers a large portion of the buildable area on the lot. The large shoreland setback and presence of an easement leaves a small triangular space of buildable area, resulting in practical difficulty. While the house is primarily sited within the buildable area, a variance is needed to accommodate part of the house and most of the garage.
- 3) The proposed home and garage are proposed to be constructed in a manner that will have the least amount of impact on the creek. The applicant proposes to maintain as much of the existing vegetation on site to act as a buffer. As required by Section 50-18.1.D , a mitigation plan is required for any shoreland variance. Mitigation involves ensuring that stormwater within the variance area does not cause erosion or runoff into the creek beyond what would occur if no structures were present, and typically involves an assessment of stormwater flow and directing stormwater into swales, raingardens, catchment systems, etc. Applicant is required to submit a mitigation plan prior to receiving a building permit.
- 4) The variance will not alter the essential character of the neighborhood as the proposed structure is a moderately sized home (30'x36') with detached garage (24'x32'). The proposed uses are common in this neighborhood and permitted in the R-1 zone district.
- 5) The variance will not impair an adequate supply of light and air to adjacent properties as the home and garage will not increase the congestion in public streets or unreasonably diminish or impair established property values within the surrounding areas.
- 6) Two comments related to the shape of the lot have been received; staff notes that the lot was previously platted and is not proposing to be altered at this time. No other public, agency or other City comments were received.
- 7) 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 the Planning Commission approve the variance with the following conditions:

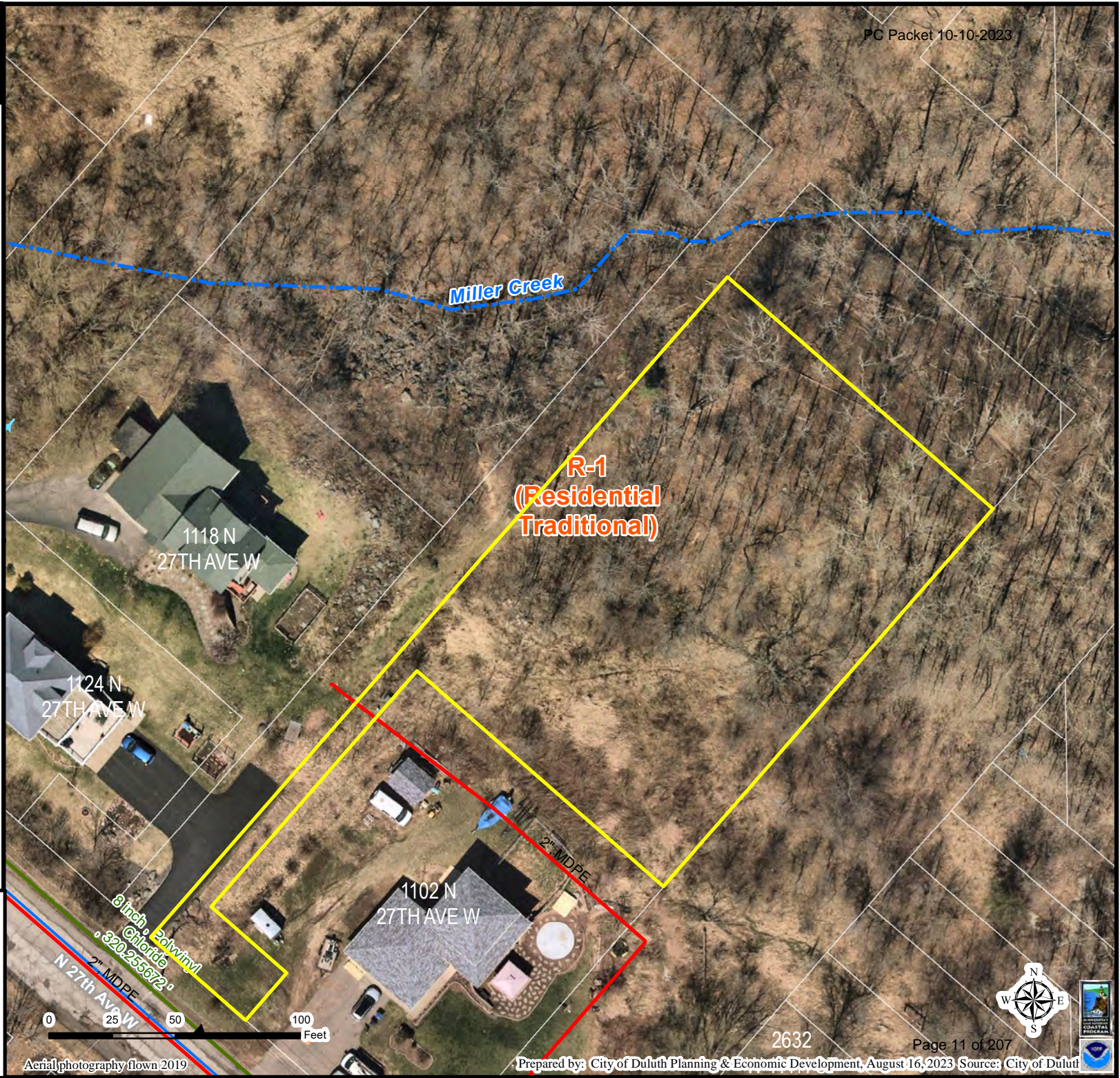
- 1) Project must be built and maintained according to the site plan submitted with this application, including the size and layout of the garage and house that will encroach no further than 100' and 120', respectively, to the ordinary high water level.
- 2) A mitigation plan shall be submitted and approved by the Land Use Supervisor prior to receiving a building permit.
- 3) The areas of existing vegetation shown on the site plan shall be protected during construction.
- 4) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



# PL 23-139 Variance from Shoreland Setback 1118 N 27th Ave W

**Legend**

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



**JUST HOUSING**

Just Housing SBC  
2201 W 1st Street  
Duluth, MN 55806  
218-7722-4323

just-housing.org

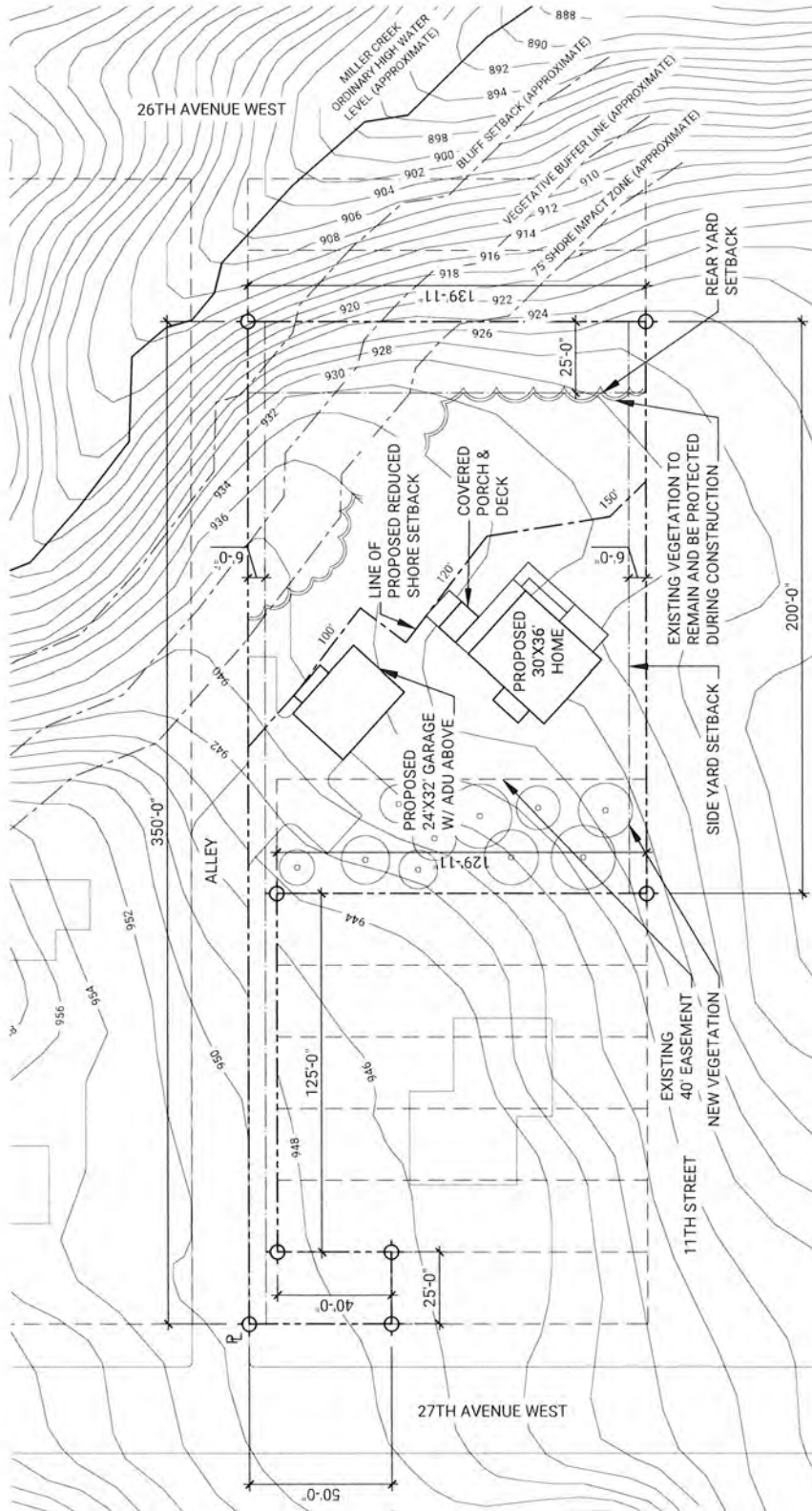
PROJECT: 23003

**MILLER CREEK HOME**

DATE:  
8/2/2023

**CONCEPTUAL SITE PLAN**

**PD0.9**



**CONCEPTUAL SITE PLAN - OPTION 6**

1  
PD0.9 1" = 40'-0"



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 Planning & Economic Development Department

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## Variance Application Supplemental Form

In order to submit a complete variance application, please explain how your request meets all of the below variance criteria. This is information that is required by the zoning code and will be shared with the Planning Commission during their review. You may fill out this form, or attach your information in a separate letter. This information will be shared with the Planning Commission in order to help them determine the appropriateness of the variance application and request.

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

50-18.1 Natural Resources Overlay, Section D. Shorelands, Table 50-18.1.D-1 setback for Structures from OHWL – coldwater river

We are requesting reduction of the shore setback to 100' for the detached garage, and reduction of the shore setback to 120' for the principal structure.

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

Access to the property is via the alley or the adjoining 10' wide band of the parcel connecting the entry at 27<sup>th</sup> Ave W to the parcel area behind the adjacent landowner. The exceptional topographic conditions of the property combined with the configuration of the parcel and the 40' easement from the southwest property line make strict adherence to the 150' setback extremely difficult.

The zoning-compliant building area within the 150' shore setback is a small triangle confined to the "bottom" of the site, at the bottom of a slope and farthest from the side of vehicular and pedestrian access. Attempting to place a modestly sized house (which is planned) and a garage all within this confined, sloping area would result in more site disturbance, more runoff to manage, and a greater risk of erosion and other negative impacts to the shoreland area.

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

The lot of record was established in 2003, as one of four parcels created on the east size of 27<sup>th</sup> Ave W between 11<sup>th</sup> St and 12<sup>th</sup> Street (which are both "paper streets" between 27<sup>th</sup> Ave W and Miller Creek). We purchased the property in 2004, with the intent to build a small home on the property in the future. Three other homes sit on 3 of the 4 parcels along this block; we live in one of them. In 2010 Miller Creek in Lincoln Park was designed as protected waters on the NR-O map, and became subject to the shoreland provisions of the zoning ordinance.

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

Four lots were created in 2003, intended for single family development. The lots appear to have been sized and configured to allow for good water management that would not negatively impact nearby Miller Creek. Three parcels were developed prior to 2010, when the current Shoreland ordinance was adopted.

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

We propose to build a modest one-story single-family home, 1,100 ft<sup>2</sup> with a finished basement and an 800 ft<sup>2</sup> detached garage with guest quarters above the garage. The house will have a covered front porch, a covered side entry porch and a rear deck. This use of the property is consistent with the use of the other lots on this block and in this neighborhood.

We are approaching this project with sustainability and stewardship as our priorities, and believe that everything in our proposed use of the property is reasonable. We explored various site options and feel that the most reasonable and most sustainable development of the property requires a variance, so that we may accomplish the following:

- Minimize impervious surface
- Minimize and direct runoff from the driveway and parking areas away from the regulated waters
- Create space between the structures that allows natural slopes and drainage patterns to remain
- Build with minimal site disturbance
- Maintain existing natural vegetation buffers

With the above in mind as guidance, the following logical site plan developed:

- Garage and parking areas to the northwest, high side of the lot, as close to the alley as possible
- Both buildings and roofs oriented to allow drainage around the buildings from high to low areas, with drainage not directed toward the creek
- A one-story home with a basement, setting the first floor elevation at a level that allows for resident entry and exit with a minimum of steps.

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

The proposed layout of the two buildings on this site will not in any way impede the supply of light or air to any of the neighboring properties. Placing the garage at the top of the site will make use of the intended entry path to the buildings, and the spacing of the garage and house allows for access by the fire department, should that ever be necessary. The profile of the buildings will step down with the slope of the site, and blend harmoniously with the surroundings.

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

The priorities of this project are in alignment with the intent zoning ordinance and the purpose of the natural resources overlay. We wish to live as good stewards of the land and water, and our project design takes into account the sensitive nature of the site, as well as the ecology and sustainability of our community. The home will be designed for net zero energy performance, and the building design will be in keeping with the character of the neighborhood.

The site development, building construction, and landscaping will be undertaken with an approach intended to "leave it better than you found it." The boundary of the shore impact zone will be clearly marked prior to any site work, and no construction activities will occur beyond that boundary. Any vegetation removed for construction will be done in a way that doesn't produce runoff toward the waters, and erosion and sediment control measures will be in place.

**Does your variance request need to meet any of the specific criteria in UDC Section 50-37.9, subsections D through M (E. Unsewered Areas, F. Two Family Dwellings in R-1, G. Parking Regulations, H. Reduce Setbacks, I. MU-C District, J. Airport Overlay, K. Flood Plain Regulations, L. Shorelands, or M. Non-Conforming Buildings)?** Yes  No

Discuss what subsections are applicable and how this request meets those: n/a

## **Floerke Variance Application**

PID 010-3220-03160

### **Project Plan to Mitigate Impacts of the Variance on Shoreland Areas**

6 August 2023

- Guiding Principle: develop the property as sensitively as possible and in compliance and compatibility with Shorelands 50-18.1.
- Clearly mark the boundary of the 75' shore impact zone as a "do not disturb" area during construction
- Clearly mark the entire existing vegetative boundary along the north side of the site, as a "do not disturb" area during construction
- Minimize impervious area
- Place the house and entries close enough to parking and garage to allow short pedestrian path, but with enough space for emergency vehicle access and also for drainage between buildings
- Manage runoff from roofs of garage and house as follows:
  - gable roofs on both buildings will not direct runoff toward creek
  - "staggering" and spacing the two buildings as shown on the conceptual site plan PD0.9 will allow for slower management of runoff, and absorption of water back into the ground
- Maintain existing natural grades as much as possible
- Plant new trees, native species, along southwest 40' boundary of site
- Plant native species landscaping/vegetation after construction; work with local landscaper, either Prairie Restorations Inc or Shoreview Natives

**LEGAL DESCRIPTION**

LOTS 1 THROUGH 8 & LOTS 19 THROUGH 32,  
BLOCK 13, MERCHANTS PARK.

NOTE: PROPERTY DIVIDED PER BILLMAN'S  
CONSTRUCTION PLOT PLANS.

This survey was filed with  
the St. Louis County  
Surveyor's Office in  
accordance with St. Louis  
County Ordinance 21

**BUILDABLE AREA (38330 SQ. FT.)**

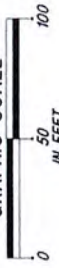
**MILLER CREEK**

**75' SHORE IMPACT ZONE**

**150' SHORE SETBACK**

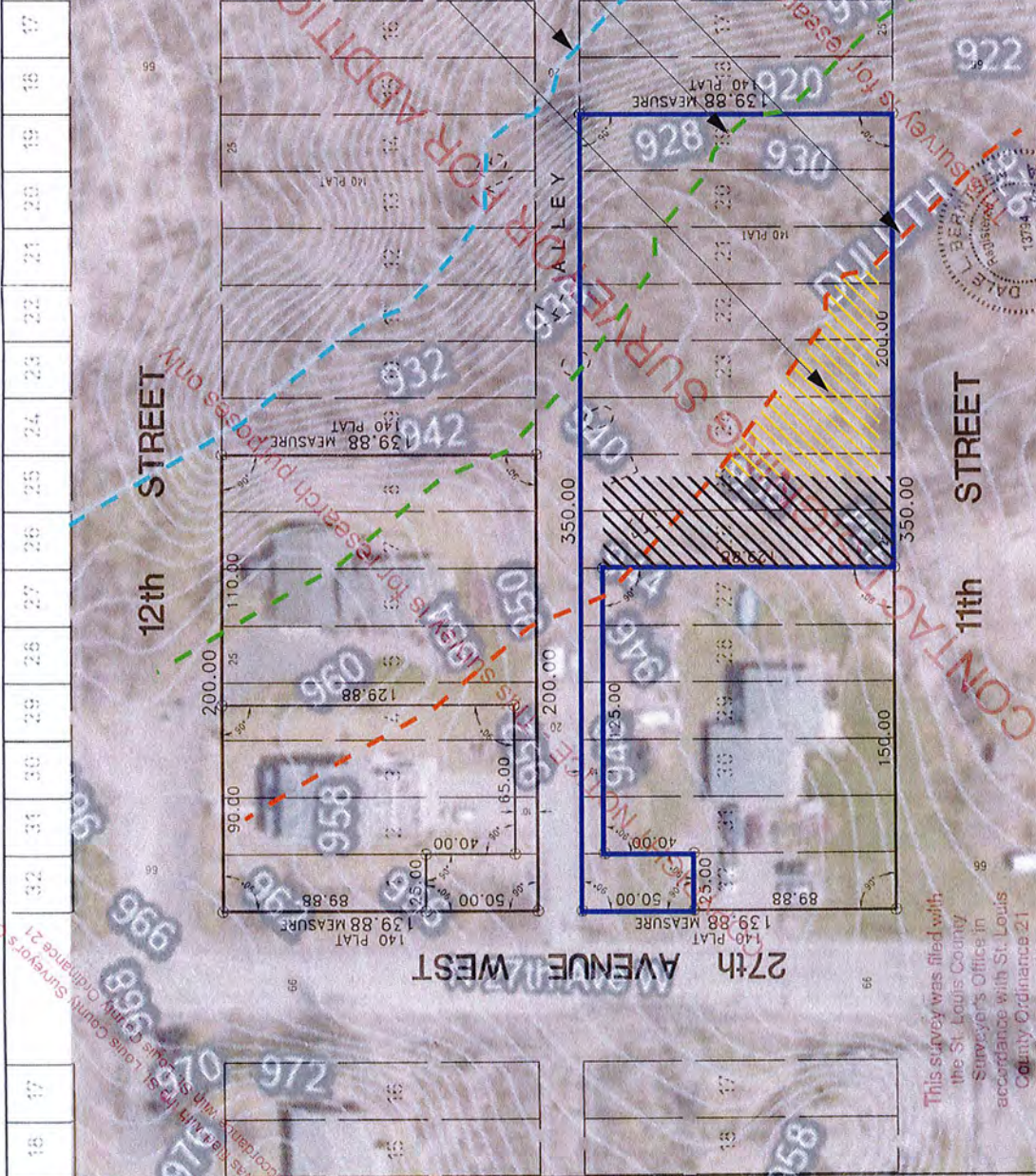


**GRAPHIC SCALE**



SET BACK SURVEY, ST. LOUIS COUNTY SURVEYOR'S OFFICE  
M/LC NO. 1035  
LOT LINE  
PROPERTY LINE

Not for Platting  
Distribution  
Filed with the St. Louis County  
Surveyor's Office  
APR 2 2002



**BOUNDARY SURVEY**  
FOR  
**RUE OF DULUTH, LLC**

**03-147**

BY: **L-4498** JOB NO. DATE: 02/07/03

REVISION NO. DATE

DATE 2/06/03  
M/LC NO. 13794

*Ally E. Bunt*

**PLANNERS**  
**SALO ENGINEERING, INC.**  
15 East First Street • Duluth, Minnesota 55802 • 218/727-8796



**ENGINEERS**

**SURVEYORS**

**PLANNERS**

**PLANNERS**

**PLANNERS**

**PLANNERS**

**PLANNERS**

**PLANNERS**

**PLANNERS**

**PLANNERS**

**PLANNERS**

**PLANNERS**

**PLANNERS**

I HEREBY CERTIFY THAT THIS SURVEY 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

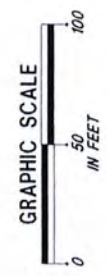


**LEGAL DESCRIPTION**  
LOTS 1 THROUGH 8 & LOTS 19 THROUGH 32,  
BLOCK 13, MERCHANTS PARK.

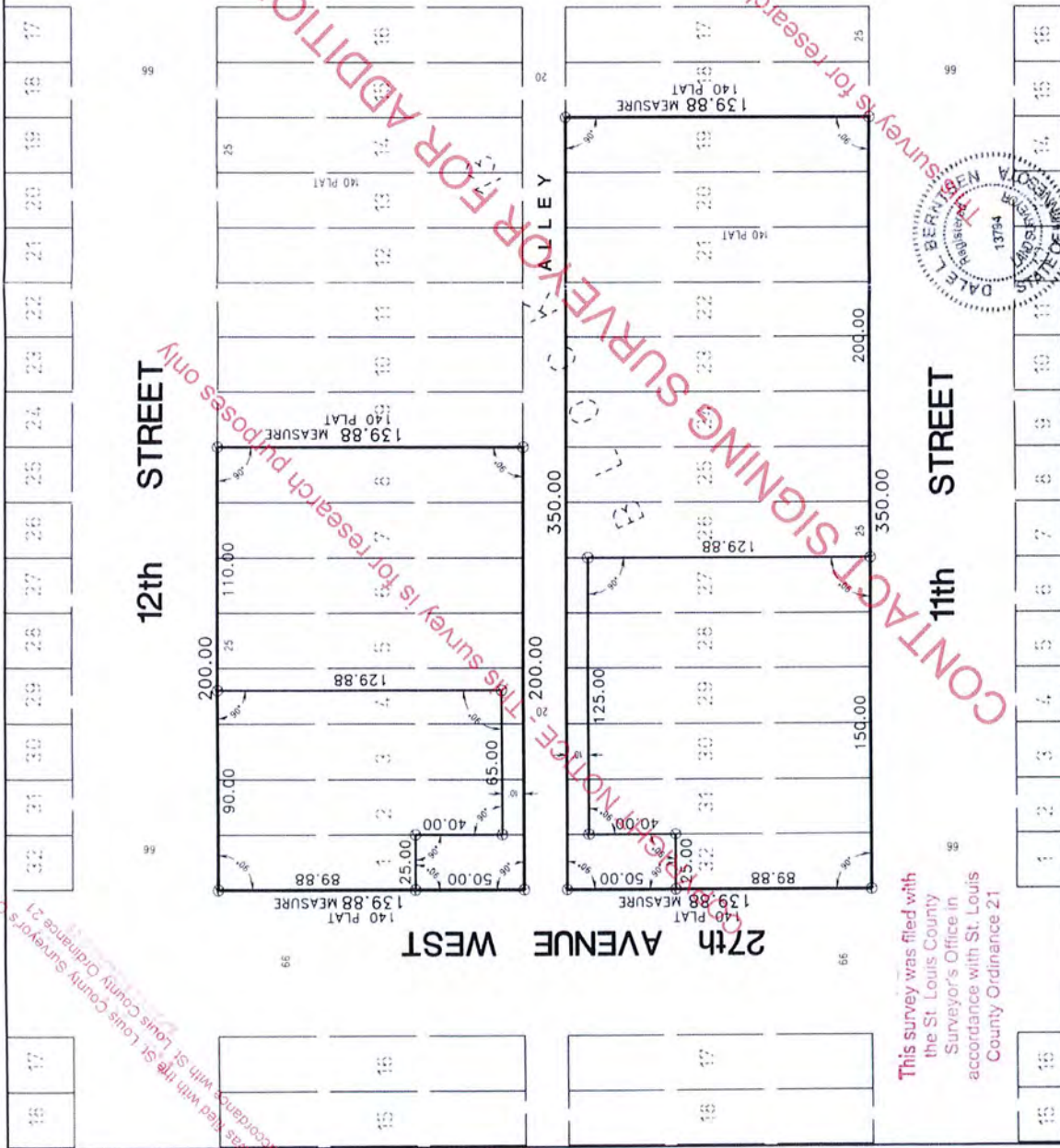
NOTE: PROPERTY DIVIDED PER BILLMAN'S  
CONSTRUCTION PLOT PLANS.

This survey was filed with  
the St. Louis County  
Surveyor's Office in  
accordance with St. Louis  
County Ordinance 21

|    |    |
|----|----|
| 1  | 2  |
| 32 | 31 |



SET IRON SURVEY MARKS  
MIN. LIC. NO. 13398  
FILED WITH THE ST. LOUIS COUNTY  
ORDINANCE 21  
PROPERTY  
LOT LINE  
NOT FOR PUBLIC DISTRIBUTION  
APR 2 2003



**BOUNDARY SURVEY**  
FOR  
RJE OF DULUTH, LLC  
JOB NO. L-4435 DATE 02/07/03

03-147



| ENGINEERS  | SURVEYORS          | PLANNERS   | NO | DATE    | REVISION |
|--|--------------------|--|----|---------|----------|
| <b>SALO ENGINEERING, INC.</b><br>15 East First Street - Duluth, Minnesota 55802 - 218/727-8796 | <i>[Signature]</i> | I HEREBY CERTIFY THAT THIS SURVEY 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 | 1  | 2/06/03 |          |
|  |                    |  | 2  |         |          |
|  |                    |  | 3  |         |          |

This survey was filed with  
the St. Louis County  
Surveyor's Office in  
accordance with St. Louis  
County Ordinance 21

This survey was filed with the St. Louis County Surveyor's Office  
in accordance with St. Louis County Ordinance 21



**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>          | PL 23-149                           | <b>Contact</b>                  | Chris Lee, <a href="mailto:clee@duluthmn.gov">clee@duluthmn.gov</a> |                   |
| <b>Type</b>                 | Interim Use Permit                  | <b>Planning Commission Date</b> | September 12, 2023  |                   |
| <b>Deadline for Action</b>  | <b>Application Date</b>             | August 14 2023                  | <b>60 Days</b>  | October 13, 2023  |
|                             | <b>Date Extension Letter Mailed</b> | September 1, 2023               | <b>120 Days</b>   | December 12, 2023 |
| <b>Location of Subject</b>  | 5830 London Road                    |                                 |   |                   |
| <b>Applicant</b>            | Meredith Anderson                   | <b>Contact</b>                  |   |                   |
| <b>Agent</b>                |                                     | <b>Contact</b>                  |   |                   |
| <b>Legal Description</b>    | PID: 010-2830-00210                 |                                 |   |                   |
| <b>Site Visit Date</b>      | September 27, 2023                  | <b>Sign Notice Date</b>         | September 26, 2023  |                   |
| <b>Neighbor Letter Date</b> | September 20, 2023                  | <b>Number of Letters Sent</b>   | 25  |                   |

**Proposal**

Applicant is proposing an Interim Use Permit to operate a 3-bedroom vacation dwelling unit in the R-1 district. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of 2 nights. This property was on the eligibility list for available permits.

Staff is recommending Planning Commission approve the interim use permit.

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

**Summary of Code Requirements:**

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the R-1 zone district.

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

UDC Sec. 50-37.10.E . . . the Council shall only approve an interim use permit, or approve it with conditions, if it determines that:

1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location ....;
2. The applicant agrees to sign a development agreement with the city.

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

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

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

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

**Current History:** The property is a 3 bedroom home containing 1,600 square feet built in 1900.

There are currently 141 licensed vacation dwelling units in the city, with 68 of those in form districts; the remaining 73 are subject to the cap of 90.

**Review and Discussion Items:**

- 1) Applicant's property is located on 5830 London Road The proposed vacation dwelling unit has 3 bedrooms, which would allow for a maximum of 7 guests.
- 2) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicants have listed themselves as the managing agent.
- 3) Parking for the proposed vacation dwelling unit is provided on the existing 2-car driveway on the west side of the home.
- 4) The site plan indicates a deck, a sauna, and a firepit as outdoor amenities. The site plan does not indicate there is a dense urban screen on the east property line for the required screening. The applicant will need to install a screen or provide a waiver prior to issuance of the permit.
- 5) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 6) Applicant will apply for all relevant permits and licenses.
- 7) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 8) One citizen comment was received in opposition to the proposal and is included in the report.
- 9) The permit will lapse if no activity takes place within 1 year of approval.

**Staff Recommendation:**

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

- 1) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 2) Applicant shall install dense urban screen or obtain waiver from neighbors on the east side.
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administration approval shall constitute a variance from the provisions of Chapter 50

## Vacation Dwelling Unit Worksheet

1. The minimum rental period shall be not less than two consecutive nights (does not apply to Form districts). **What will be your minimum rental period?** 2 nights

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

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

**What will be your maximum occupancy?**

3

7

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

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

**How many off-street parking spaces will your unit provide?** 2

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

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

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

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

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

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

Digital records / excel spreadsheet

9. Permit holder must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24-hours-a-day to any complaints from neighbors or the City. The permit holder must notify the Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information.

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

Meredith Anderson 218-341-0776  
5820 London Rd Duluth, MN 55804

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

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

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

Online listing PLUS in-home binder/guide  
for tenants explaining rules + regulations.

11. Permit holder must post their permit number on all print, poster or web advertisements. Do you agree to include the permit number on all advertisements? Yes

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

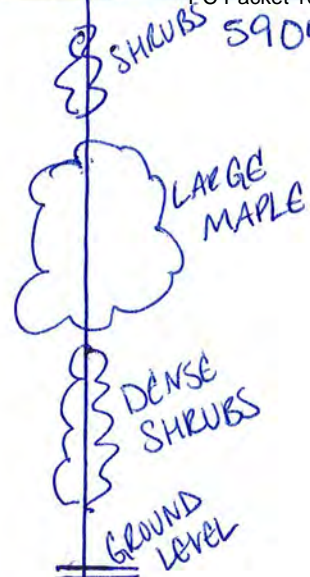
5820 LONDON RD

5904 LONDON RD

DRIVEWAY  
(PARKING  
FOR 2 CARS)

18'

↑  
S  
I  
D  
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W  
A  
L  
K  
↓

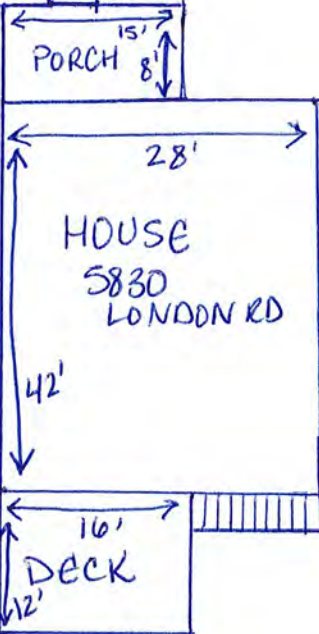


LARGE MAPLE

DENSE SHRUBS

GROUND LEVEL

NOTE:  
OWNER/AGENT OF  
5830 RESIDES AT  
THIS PROPERTY.



PORCH 15' x 8'

28'

42'

DECK 16' x 12'

HOUSE  
5830  
LONDON RD

12'

10'

TOTAL  
LOT DEPTH  
= 217 FT



12' SAUNA

8'

X OUTDOOR  
FIRE PIT

PROPERTY WIDTH 50'

SLOPED  
RETAINING WALL  
5' H ON PROPERTY LINE  
PROVIDING PRIVACY

SEVERAL  
LARGE MAPLE  
TREES  
+ DENSE LILAC  
MATURE SHRUBS  
8' H.

RETAINING WALL  
GARDENS 3' H  
TO BEACH / SHORELINE.

175 FT DRAWN  
TO SCALE  
(TO FIT 8x11" PAPER)

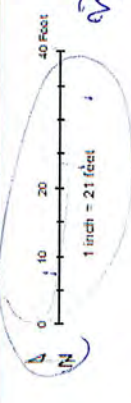
+42' ROUGHLY  
TO WATER LINE

+42' NOT  
TO SCALE TO FIT  
PAGE.

LAKE SUPERIOR SHORELINE

TO SCALE:  
1.5" = 25 FT  
3" = 50 FEET  
N

125  
100 = 45  
Printed: 7/27/2023



1/2" =

**SITE MAP**  
**Building Safety**



THIS MAP IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. THE INFORMATION AND DATA ON THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY. THE INFORMATION AND DATA ON THIS MAP IS NOT TO BE USED FOR CONSTRUCTION. THE INFORMATION AND DATA ON THIS MAP IS NOT TO BE USED FOR CONSTRUCTION. THE INFORMATION AND DATA ON THIS MAP IS NOT TO BE USED FOR CONSTRUCTION.

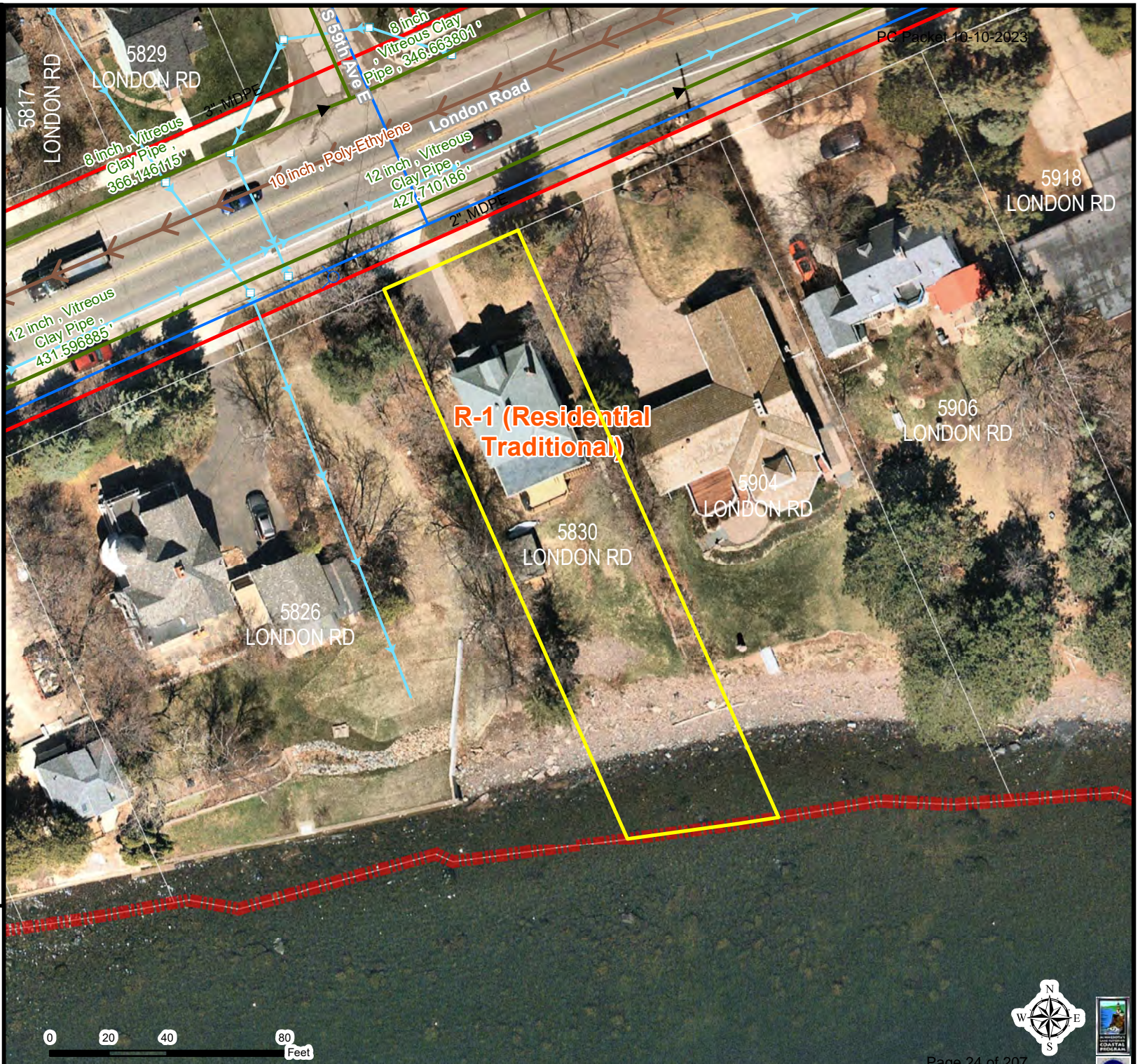


PL23-149  
Interim Use Permit  
5830 London Rd

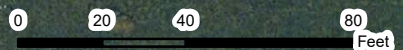
PC Packet 10-10-2023

**Legend**

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



**From:** [Lynn Salmela](#)  
**To:** [planning](#)  
**Cc:** [Chris Lee](#); [John Kelley](#)  
**Subject:** Vacation Property Planning Activity London Road  
**Date:** Tuesday, September 26, 2023 8:56:16 AM

---

Good Morning,

I received two letters in the mail yesterday about vacation property planning activity at 5830 and 5808 London Road. I have received other notices (which I raised concern) in the past and know that these are not the only two vacation property's on that block. I find it very difficult to understand why so many vacation properties are needed or acceptable so close together all along the same block of London Road.

I own a modest two bedroom home within 350 feet of those properties. I am wondering what the Interim Use Permit will do to my neighborhood and how it will ultimately impact affordable housing for all of us? I am opposed to an excessive number of vacation properties in my neighborhood. I am unable to attend the public hearing on October 10th and am writing to express my concerns. Please take my perspective into consideration prior to granting permits and please develop control measures / criteria to minimize the number of vacation properties permissible within a certain size area.

Thank you,  
Lynn Salmela  
110 S 58th Ave E  
Duluth, MN 55804

Sent from my iPad



**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 23-151  | <b>Contact</b>                  | Jason Mozol, jmozol@duluthmn.gov |           |
| <b>Type</b>                 | Vacation of Street Right of Way  | <b>Planning Commission Date</b> | October 10, 2023                 |           |
| <b>Deadline for Action</b>  | <b>Application Date</b>  | 10/3/2023                       | <b>60 Days</b>                   | 12/2/2023 |
|                             | <b>Date Extension Letter Mailed</b>  | 10/3/2023                       | <b>120 Days</b>                  | 1/31/2024 |
| <b>Location of Subject</b>  | Right of Way of 67th Avenue W Adjacent to 6630 Grand Avenue  |                                 |                                  |           |
| <b>Applicant</b>            | James Williams   | <b>Contact</b>                  | 218-348-0455                     |           |
| <b>Agent</b>                |  | <b>Contact</b>                  |                                  |           |
| <b>Legal Description</b>    | All that part of 67 <sup>th</sup> Avenue West lying adjacent to and abutting Lot 1, Block 5 and Lot 18, Block 14, Hunter's Grassy Point Addition to Duluth Third Division, according to the recorded plat thereof, St. Louis county, Minnesota, except the Northwesterly 5 feet of said 67 <sup>th</sup> Avenue West. Said right of way vacation contains 7,920 Square feet or 0.18 acres. |                                 |                                  |           |
| <b>Site Visit Date</b>      | 9/22/23  | <b>Sign Notice Date</b>         | 9/25/23                          |           |
| <b>Neighbor Letter Date</b> | 9/22/23  | <b>Number of Letters Sent</b>   | 18                               |           |

Right of Way

**Proposal**  
 The applicant is requesting to vacate a 120-foot portion of a 66-foot platted street lying adjacent to and abutting Lots 1, Block 5 and Lot 18, Block 14, Hunter's Grassy Point Addition to Duluth Third Division.  
  
 Staff is recommending approval with conditions.

|                | <b>Current Zoning</b> | <b>Existing Land Use</b> | <b>Future Land Use Map Designation</b> |
|----------------|-----------------------|--------------------------|--|
| <b>Subject</b> | MU-N                  | Parking Lot              | Neighborhood Mixed Use                 |
| <b>North</b>   | MU-N                  | Residential              | Traditional Neighborhood               |
| <b>South</b>   | MU-N                  | Commercial               | Neighborhood Mixed Use                 |
| <b>East</b>    | MU-N                  | Commercial               | Neighborhood Mixed Use                 |
| <b>West</b>    | MU-N                  | Church                   | Neighborhood Mixed Use                 |

**Summary of Code Requirements:**  
 Vacation of public rights of way and/or easements require a Planning Commission public hearing with a Recommendation to City Council. City Council action is to approve or deny by resolution. Resolutions approving either a full or partial vacation require a 6/9's vote of the council.  
  
 UCD Sec. 50-37.6.C – The Planning Commission shall review the proposed vacation, and Council shall approve the proposed vacation, or approve it with modifications, if it determines that the street, highway, or easement proposed for vacation:

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

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

**Governing Principle #7** – Create and maintain connectivity

This portion of the right-of-way dead ends and is not connected to any other part of the street network.

**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.

**Review and Discussion Items:**

Staff finds that:

1. The applicant requests vacation of all that part of 67<sup>th</sup> Avenue West lying adjacent to and abutting Lot 1, Block 5 and Lot 18, Block 14, Hunter's Grassy Point Addition to Duluth Third Division, according to the recorded plat thereof, St. Louis county, Minnesota, except the Northwesterly 5 feet of said 67<sup>th</sup> Avenue West. Said right of way vacation contains 7,920 Square feet or 0.18 acres.
2. A portion of the adjacent commercial building is in the platted street. The proposed vacation will allow the owner's business to be wholly on their property.
3. The street was platted in the Hunter's Grassy Point Addition to Duluth Third Division. It was previously improved as a gravel road. The gravel road was abandoned in the early 2000's.
4. The street will not be needed by the City for the promotion of public health, safety, or welfare of the citizens of Duluth.
5. The City has determined that this street is not needed for street or pedestrian use. Vacating the right of way will not impact or deny access to other property owners or impact future trail development.
6. The City Engineering office has reviewed the proposed vacation and has indicated that no utility easement shall be retained.
7. Vacations of rights of way and easements lapse unless the vacation is recorded with the county recorder within 90 days after final approval. The vacation recording is facilitated by the City of Duluth.
8. The City has received two public comments from citizens regarding right of way use for trail or road development.

**Staff Recommendation:**

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

- 1.) The vacation must be recorded within 90 days of final approval by City Council or such approval will lapse.



PL23-151  
Vacation of Street  
6630 Grand Ave

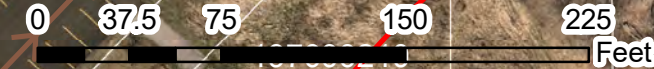
**Legend**

- Hydrant
- LifecycleStatus**
- Water Main
- Network Structure**
- Subtype**
- Storage Basin
- Pump Station
- Sanitary Sewer Mains**
- Owner**
- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storm Sewer Catch Basin
- Subtype**
- Storm Sewer Pipe
- Material**
- Gas Main



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Aerial photography flown 2019



LEGAL DESCRIPTION OF RIGHT OF WAY VACATION

All that part of 67th Avenue West lying adjacent to and abutting Lot 1, Block 5 and Lot 18, Block 14, HUNTER'S GRASSY POINT ADDITION TO DULUTH THIRD DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota, EXCEPT the Northwesterly 5 feet of said 67th Avenue West. Said right of way vacation contains 7,920 square feet or 0.18 acres.

SURVEYOR'S NOTES

1. RIGHT OF WAY OF GRAND AVENUE PER THE RECORDED PLAT OF HUNTER'S GRASSY POINT ADDITION TO DULUTH THIRD DIVISION.
2. RIGHT OF WAY OF HIGHWAY NO. 23 (GRAND AVENUE) PER THE RECORDED PLAT OF MN DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO'S. 69-146 & 69-152.
3. SOUTHEASTERLY LINE OF RECORDED PLAT OF HUNTER'S GRASSY POINT ADDITION TO DULUTH THIRD DIVISION.
4. THIS IS NOT A BOUNDARY SURVEY.

Approved by the City Engineer of the City of Duluth, MN this 3rd day of OCT 2023

By [Signature]

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.

[Signature]  
 David R. Evanson  
 MN License #49505

DATE:08-16-2023

RIGHT OF WAY VACATION EXHIBIT

CLIENT:JIM WILLIAMS

REVISIONS:

ADDRESS:6630 GRAND AVENUE  
 DULUTH, MN 55807

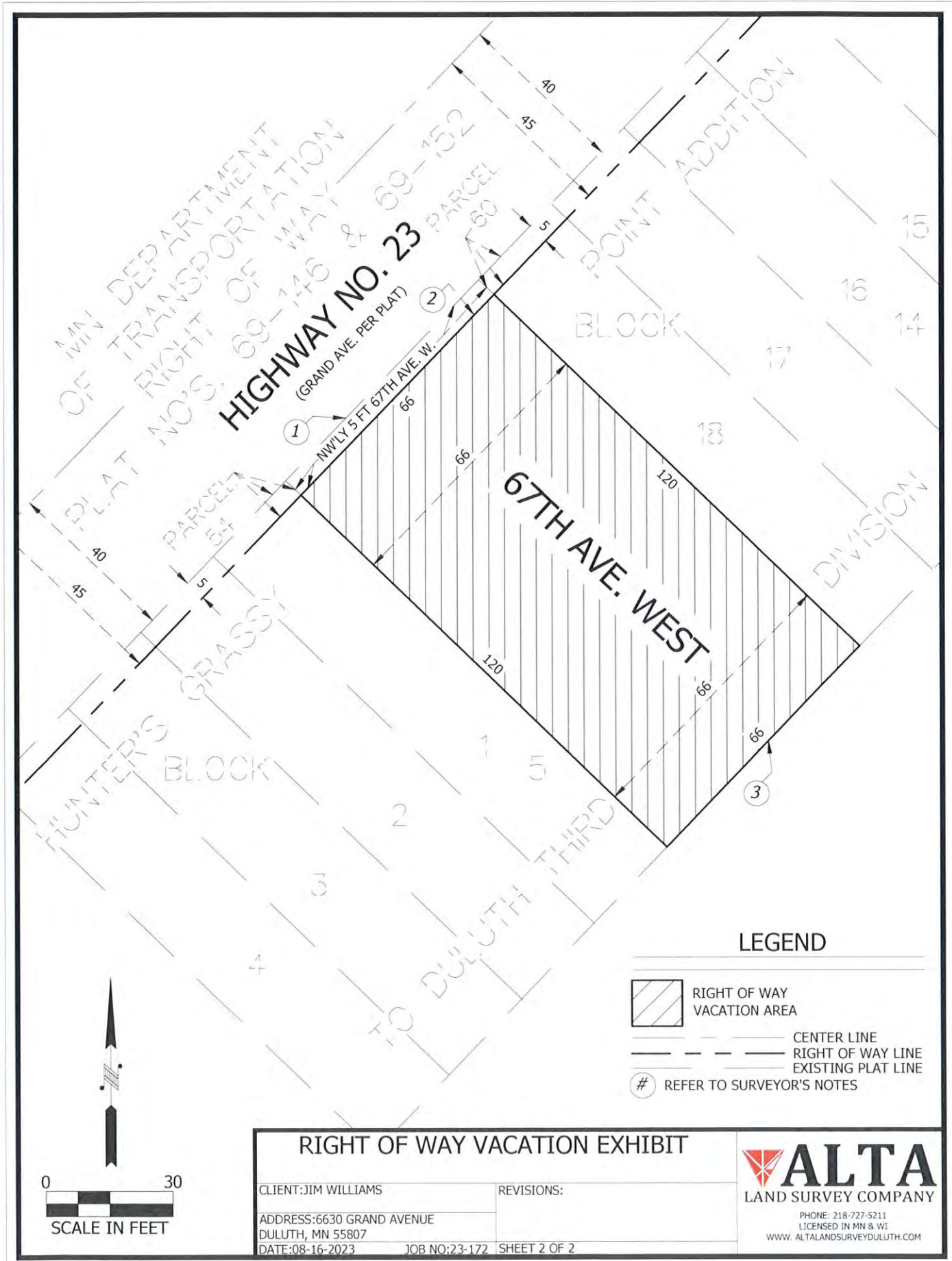
DATE:08-16-2023

JOB NO:23-172

SHEET 1 OF 2



PHONE: 218-727-5211  
 LICENSED IN MN & WI  
 WWW. ALTALANDSURVEYDULUTH.COM



| RIGHT OF WAY VACATION EXHIBIT                  |                             |
|--|-----------------------------|
| CLIENT: JIM WILLIAMS                           | REVISIONS:                  |
| ADDRESS: 6630 GRAND AVENUE<br>DULUTH, MN 55807 |                             |
| DATE: 08-16-2023                               | JOB NO: 23-172 SHEET 2 OF 2 |

**ALTA**  
LAND SURVEY COMPANY

PHONE: 218-727-5211  
LICENSED IN MN & WI  
WWW.ALTLANDSURVEYDULUTH.COM

# Petition to Vacate Street, Alley, or Utility Easement

Name: James Williams

Description of street, alley, or easement to vacate: Cut in driveway at 16630 Grand Ave.

My request for this vacation is to (indicate purpose of vacation):

during survey found out building was built on edge of vacant road

The City of Duluth will not need this street, alley, or easement in the future because:

Small vacant roadway, deadends into private property - no through fare


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

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

In July 2023 it was discovered the west front corner of the building at 16630 Grand Ave was built on property listed as a vacant dead end roadway owned by the City of Duluth. The driveway/road is landlocked and can never be used as a road.

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

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

Signature(s): 

Date: 8-17-23

**Notice: This is public data.**

<sup>1</sup> In order to vacate a public easement it must be demonstrated that the easement is useless for the purpose for which it was dedicated.

<sup>2</sup> If a property is owned in joint tenancy or by tenants in common, each individual with an ownership interest will be counted to determine if a majority of owners have signed the petition. An owner cannot sign for another owner unless legally authorized to do so, i.e. power of attorney, trustee, or court approved guardianship or conservatorship.

### Petition Signature Form

We, the undersigned, do hereby request that the City of Duluth consider vacating: 67<sup>th</sup> Ave W

| Name (Print) | Signature              | Property Address | Lot # (if known) |
|--------------|------------------------|------------------|------------------|
| ROBER SISTO  | <i>Robert A. Sisto</i> | 6700 GRAND AVE   |                  |
|              |                        |                  |                  |
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**Re: Planning Package**

Mike Casey [REDACTED]

Fri 9/29/2023 10:09 AM

To: Jason Mozol <jmozol@DuluthMN.gov>

Thanks for the fast reply.

I'm a long time Cross City Trail advocate so I'm concerned that more property will be given away or transformed before the trail alignment's property is acquired by the City. At one time the city was not to change public lands until the alignment was determined and acquired. When Kwik Trip acquired land in the area the City was to have an easement on the land for the trail for this very reason, but that feel through. The completion of the trail will be heavily impacted by land transactions that could prevent it from being completed at all. So I would like to learn more about the rezoning and the vacation of land and why. Also is the Planning Department aware of the land needs to complete the Cross City Trail, a project that is now in its 25th year and for some of us over 40 years in the making.

Note, I have included James Gittemeier in this email so he can be aware and maybe provide some information.

Mike Casey



**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 23-152  | <b>Contact</b>                  | John Kelley        |                   |
| <b>Type</b>                | Variance from corner side yard setback                         | <b>Planning Commission Date</b> | October 10, 2023   |                   |
| <b>Deadline for Action</b> | <b>Application Date</b>  | August 17, 2023                 | <b>60 Days</b>     | October 16, 2023  |
|                            | <b>Date Extension Letter Mailed</b>                            | September 15, 2023              | <b>120 Days</b>    | December 15, 2023 |
| <b>Location of Subject</b> | 803 North 57 <sup>th</sup> Avenue West Parcel # 010-4520-11000 |                                 |                    |                   |
| <b>Applicant</b>           | Jesse Merrill  | <b>Contact</b>                  |                    |                   |
| <b>Agent</b>               |  | <b>Contact</b>                  |                    |                   |
| <b>Legal Description</b>   | See Attached   | <b>Sign Notice Date</b>         | September 26, 2023 |                   |
| <b>Site Visit Date</b>     | September 29, 2023   | <b>Number of Letters Sent</b>   | 62                 |                   |

**Proposal**

The applicant is seeking a corner side yard variance to reduce the setback from the required 15' setback to 4' to construct an 18' x 22' carport on a 71' x 50' lot in the R-1, Residential Traditional district.

**Staff Recommendation**

Staff recommends that the Planning Commission approve the variance.

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

**Summary of Code Requirements**

Sec. 50-14.5 Corner side yard set back detached accessory building 15 feet

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.

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

#1 Reuse previously developed lands. The project would allow construction of a carport to accompany an existing dwelling.

#5 Promote reinvestment in neighborhoods. The project would result in enhancing the value of an existing dwelling.

Future Land Use

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

History: The 1,100 square foot home was built in 1918. A detached garage was located in the area of the proposed carport but was removed in 2006 by the previous owner.

**Review and Discussion Items:**

Staff finds that:

- 1) The applicant is seeking a variance to the corner side yard setback to construct an 18' x 22' carport. The parcel is a corner lot and requires a 15' corner side yard setback for accessory structures. The variance is for a reduction in the corner side yard setback from 15' to 4' along the south property line.
- 2) The applicant states that the variance is requested due to the 50' lot width and the placement of the home, which was not created by the applicant, on a corner lot. The 15' side yard setback requirement creates a practical difficulty in allowing for an accessory structure such as a carport to be constructed. A setback of 4' is a reasonable setback for a lot of this size with the existing dwelling being approximately 20 feet from the corner side yard.
- 3) The applicant is proposing to use the property in a reasonable manner by constructing a carport. The applicant has received an approved administrative adjustment for a reduction the rear yard setback from 5' to 4' for an accessory structure.
- 4) The applicant's practical difficulty was not created by the landowner but rather is due to the existing home location on the property and due to the existing lot size and corner side yard setback requirement. The variance will not alter the essential character of the neighborhood as there are detached accessory structures with reduced setbacks in proximity to the applicants.
- 5) The variance will not impair an adequate supply of light and air to adjacent properties as the design is of an open structure and would not increase the congestion in public streets or unreasonably diminish or impair established property values within the surrounding areas.
- 6) The applicant did provide a letter of support from a neighbor with the application (see attached) no other public, agency, or other City comments were received.
- 7) 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**

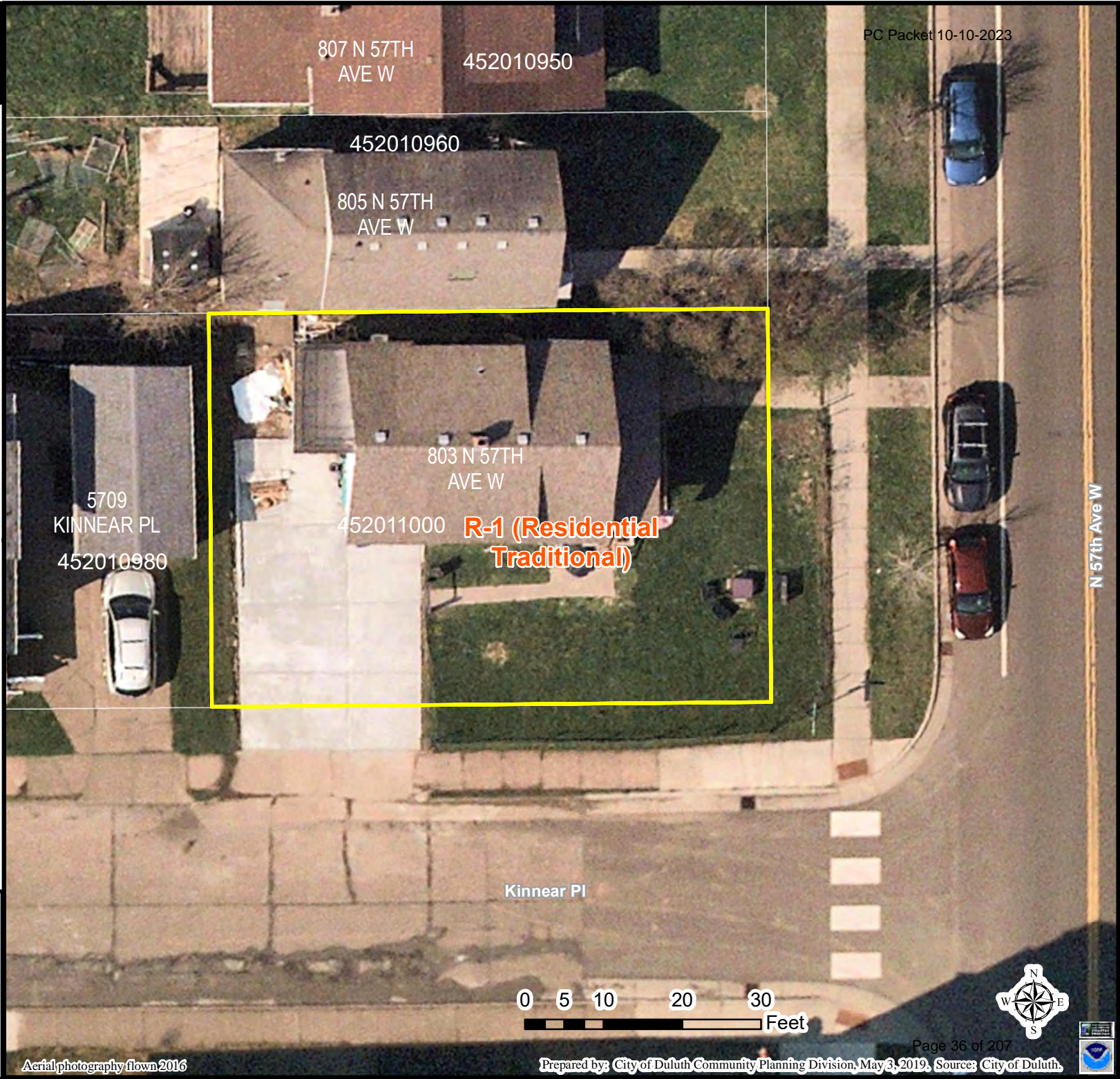
Based on the above findings, Staff recommends that the Planning Commission approve the variance with the following conditions:

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



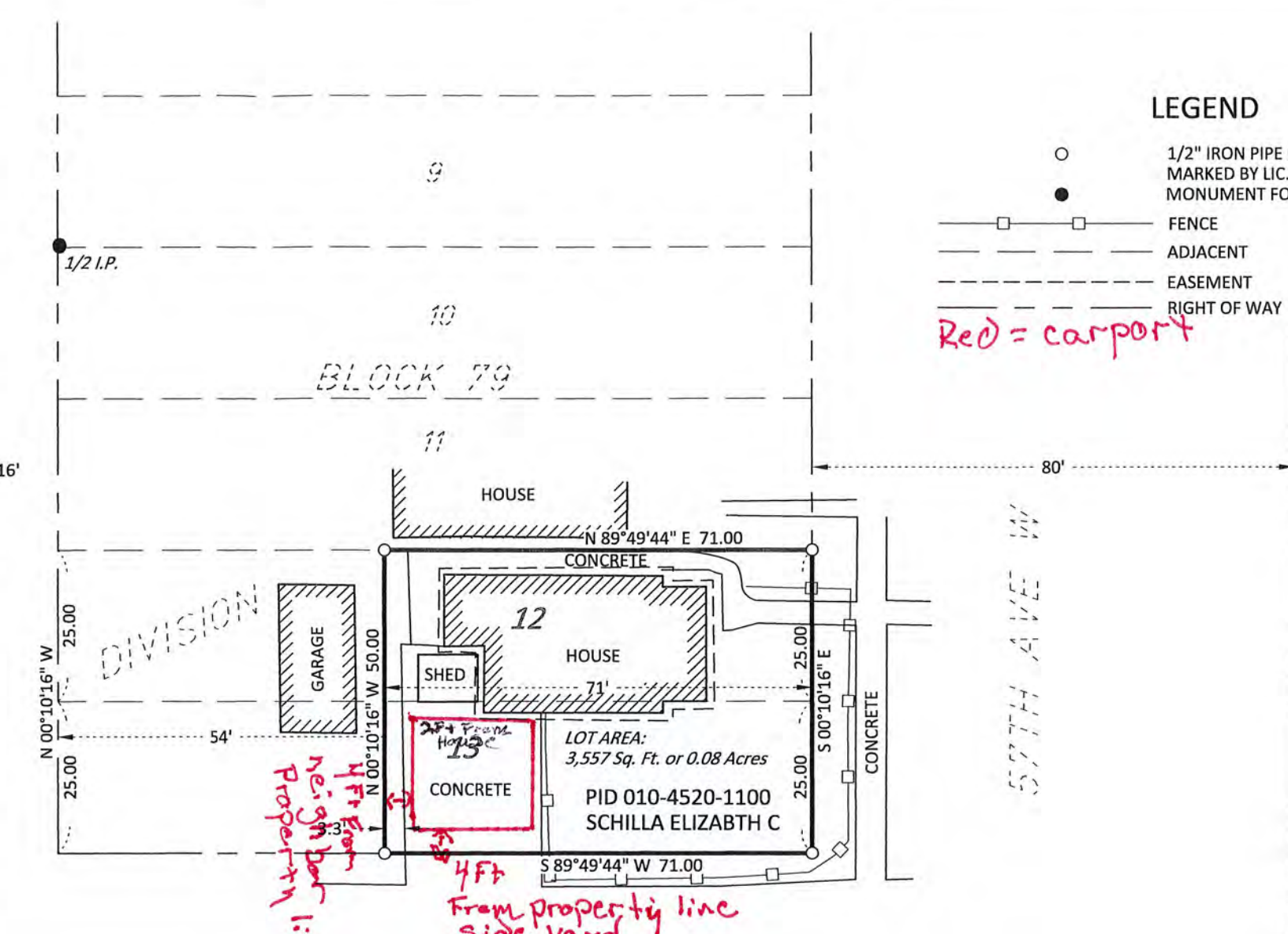
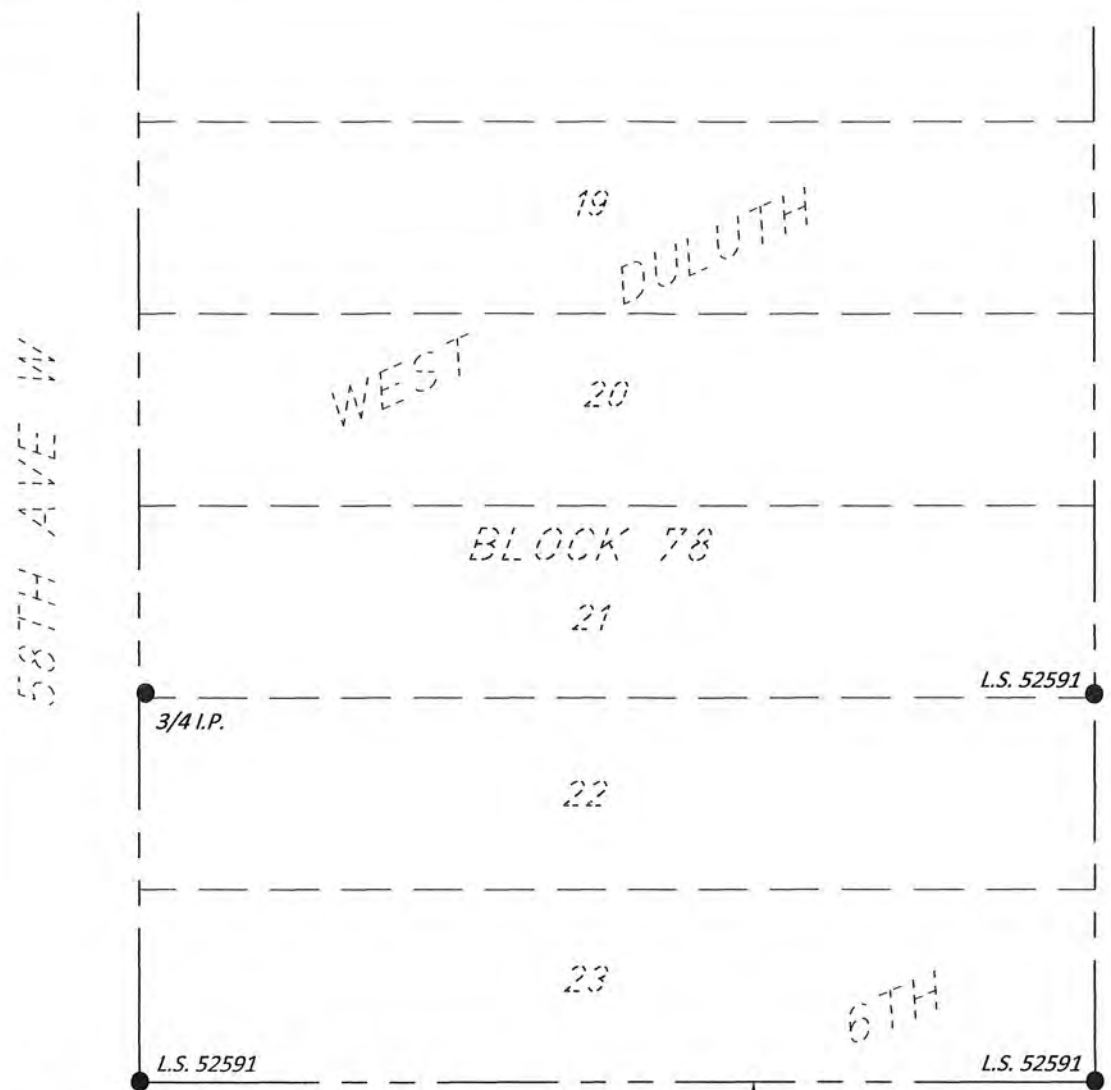
PL 23-152  
Variance  
Site Map

**Legend**  
Zoning Boundaries



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





**LEGEND**

- 1/2" IRON PIPE MONUMENT SET
- MARKED BY LIC. NO. 52137
- MONUMENT FOUND
- FENCE
- ADJACENT
- - - EASEMENT
- - - RIGHT OF WAY

*Red = carport*

**SURVEYOR'S CERTIFICATION**  
 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.

*Kory R. Thurnau*  
 Kory R. Thurnau  
 License Number 52137  
 08/15/2023  
 Date

**SURVEYOR'S NOTE**

This survey was performed, and the survey map prepared, without benefit of either a title insurance commitment or an attorney's title opinion. The record boundary and easement information (if any) shown hereon is based on information provided by the client. Research of documents affecting title to the property surveyed or adjoining properties has been limited to a cursory review of record information and it is recommended that all title matters affecting this property and survey be reviewed by an attorney or other title professional.

Bearings are based on the St. Louis County Transverse Mercator Coordinate System 1996 (NAD83 2011)

**LEGAL DESCRIPTION**

Easterly 71 feet of Lots 12 and 13, Block 79, West Duluth, 6th Division, St. Louis County, Minnesota



|   |  |  |
|---|--|--|
| <b>CERTIFICATE OF SURVEY</b><br>DULUTH, MINNESOTA |  | EASTERLY 71 FEET OF LOTS 12 AND 13,<br>BLOCK 79, WEST DULUTH, 6TH DIVISION,<br>ST. LOUIS COUNTY, MINNESOTA |
|   | <b>BOLTON &amp; MENK</b><br>4960 MILLER TRUNK HWY<br>SUITE 550<br>DULUTH, MN 55811<br>(218) 729-5939 |  |
|   |  | FOR: JESSE MERRILL   |

- Carport
- property
- property line

House

Front

Side House

Carport

2 FT From house

18 FT

2 FT

4 FT From Property line

Driveway

sidewalk/skirt

side walk

Road Kenner PL

Yard

N 75 N

neighbor yard

4 FT from neighbors property line

14 FT from Road

8/7/2023

To Whom it may concern,

We are the neighbors of Jesse Merrill and Beth Schilla who live at 803 N 57<sup>th</sup> Avenue West Duluth, MN 55807. We are located at 5709 Kinnear Place Duluth, MN 55807.

We are not opposed to Jesse and Beth installing a two-car carport on their property over their driveway.

Katie Terwey  
katieerwey

Josh Terwey  




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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

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|                             |                                     |                                 |                                 |                   |
|-----------------------------|-------------------------------------|---------------------------------|---------------------------------|-------------------|
| <b>File Number</b>          | PL 23-156                           | <b>Contact</b>                  | Jenn Moses, jmoses@duluthmn.gov |                   |
| <b>Type</b>                 | Interim Use Permit                  | <b>Planning Commission Date</b> | October 10, 2023                |                   |
| <b>Deadline for Action</b>  | <b>Application Date</b>             | August 31, 2023                 | <b>60 Days</b>                  | October 30, 2023  |
|                             | <b>Date Extension Letter Mailed</b> | September 27, 2023              | <b>120 Days</b>                 | December 29, 2023 |
| <b>Location of Subject</b>  | 4218 Lombard St                     |                                 |                                 |                   |
| <b>Applicant</b>            | Jeremy and Carolyn Dick             | <b>Contact</b>                  |                                 |                   |
| <b>Agent</b>                |                                     | <b>Contact</b>                  |                                 |                   |
| <b>Legal Description</b>    | PID: 010-2960-01290                 |                                 |                                 |                   |
| <b>Site Visit Date</b>      | September 27, 2023                  | <b>Sign Notice Date</b>         | September 26, 2023              |                   |
| <b>Neighbor Letter Date</b> | September 22, 2023                  | <b>Number of Letters Sent</b>   | 37                              |                   |

**Proposal**

Applicant is proposing an Interim Use Permit to operate a 3-bedroom vacation dwelling unit, with a maximum of 7 guests. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of 2 nights.

Staff is recommending Planning Commission approve the interim use permit.

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

**Summary of Code Requirements:**

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the R-1 zone district.

UDC Sec. 50-37.10.E . . . the Council shall only approve an interim use permit, or approve it with conditions, if it determines that:

1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location ....;
2. The applicant agrees to sign a development agreement with the city.



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

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

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

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

**Current History:** The property is a 3 bedroom home containing 1,536 square feet built in 1916.

**Review and Discussion Items:**

- 1) The proposed vacation dwelling unit has 3 bedrooms, which would allow for a maximum of 7 guests.
- 2) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicants have listed themselves as the managing agent and will mail this notice to everyone within 100 feet.
- 3) Parking for the house is located in the two car attached garage on the east side of the house and the driveway.
- 4) The site includes a rear deck and yard, which are the spaces most likely to be used by guests. Per Section 50-20.3.U, a "dense urban screen" that provides 75% opacity is required adjacent to residential properties. Applicant shall provide photos of a dense urban screen adjacent to the east and west side of the rear yard, or submit letters from these two adjacent property owners, prior to receiving the final permit.
- 5) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 7) Applicant must comply with Vacation Regulations including providing information to guests on city rules ("Selected City Ordinances on Parking, Parks, Pets, and Noise") and keeping detailed guest logs.
- 8) One neighbor called with questions about the use. No other comments from citizens, City staff, or any other entity were received regarding the application.

**Staff Recommendation:**

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

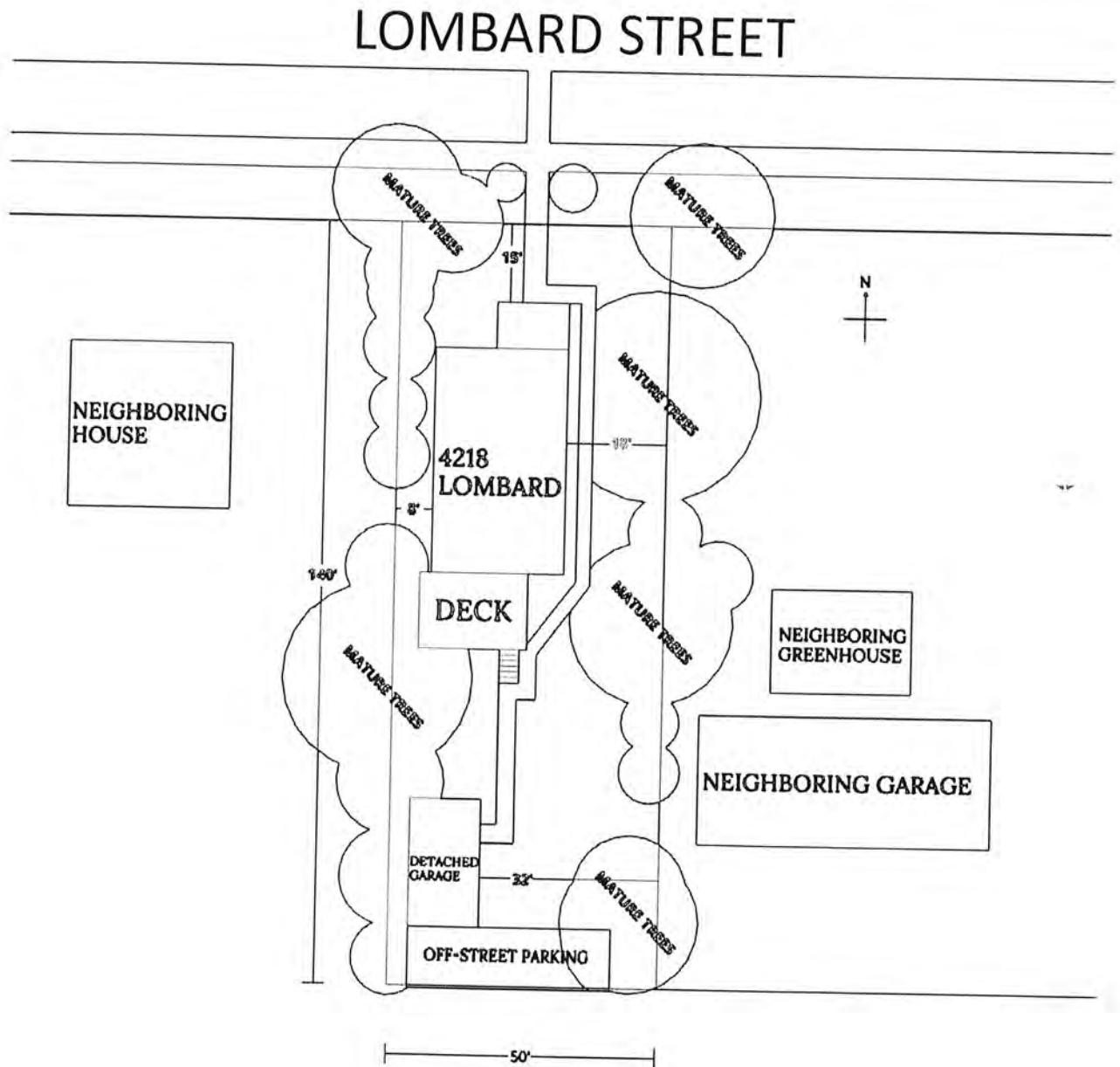
- 1) Applicant shall install dense urban screen or obtain waiver from neighbors on south and east sides.
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administration approval shall constitute a variance from the provisions of Chapter 50



PL23-156  
Interim Use Permit  
4218 Lombard St



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## Vacation Dwelling Unit Worksheet

1. The minimum rental period shall be not less than two consecutive nights (does not apply to Form districts). What will be your minimum rental period? 2 (two) nights

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

How many legal bedrooms are in the dwelling?

3

What will be your maximum occupancy?

7

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

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

How many off-street parking spaces will your unit provide? 2

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

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

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

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

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

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

Log book

9. Permit holder must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24-hours-a-day to any complaints from neighbors or the City. The permit holder must notify the Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information.

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

Jeremy + Carolyn Dicle 952-212-9912 218-340-9284

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

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

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

posted on the wall at the licensed property

11. Permit holder must post their permit number on all print, poster or web advertisements. Do you agree to include the permit number on all advertisements? YES

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

(included)



**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 23-159                                   | <b>Contact</b>                  | John Kelley, jkelley@duluthmn.gov |                    |
| <b>Type</b>                 | Interim Use Permit – Vacation Dwelling Unit | <b>Planning Commission Date</b> |                                   | October 10, 2023   |
| <b>Deadline for Action</b>  | <b>Application Date</b>                     | September 1, 2022               | <b>60 Days</b>                    | October 31, 2023   |
|                             | <b>Date Extension Letter Mailed</b>         | September 15, 2022              | <b>120 Days</b>                   | December 30, 2023  |
| <b>Location of Subject</b>  | 5808 London Road Unit 1                     |                                 |                                   |                    |
| <b>Applicant</b>            | 5808 London Road LLC                        | <b>Contact</b>                  | Dean Jablonsky                    |                    |
| <b>Agent</b>                |   | <b>Contact</b>                  |                                   |                    |
| <b>Legal Description</b>    | PID # 010-2830-00170                        |                                 |                                   |                    |
| <b>Site Visit Date</b>      | September 29, 2023                          | <b>Sign Notice Date</b>         |                                   | September 26, 2023 |
| <b>Neighbor Letter Date</b> | September 20, 2023                          | <b>Number of Letters Sent</b>   |                                   | 24                 |

**Proposal**

Applicant proposes to use a two-bedroom unit within an existing duplex located at 5808 London Road (Unit 1) as a vacation dwelling unit. Up to 5 people will be allowed to stay in the home. This property was on the eligibility list for a vacation dwelling unit.

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

|                | <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                   | Lake                     | Traditional Neighborhood               |
| <b>East</b>    | R-1                   | Residential              | Traditional Neighborhood               |
| <b>West</b>    | R-1                   | Residential              | Traditional Neighborhood               |

**Summary of Code Requirements:**

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

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

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



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

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 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

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

Governing Principle #8 - Encourage mix of activities, uses, and densities. A short-term rental allows property owners to generate income and provide a service for tourists.

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

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

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

**History:** This 2,023 sq ft home was built in 1901. The home is a duplex with two units. The Planning Commission approved an Interim Use Permit (PL 22-012) for a 3-bedroom vacation dwelling unit in March of 2022.

**Review and Discussion Items:**

**Staff finds that:**

- 1) Applicant's property is located at 5808 London Road Unit 1 (Parcel B as shown on attached site plan). Unit 1 is in an existing duplex dwelling. The proposed vacation dwelling unit contains 2 bedrooms, which would allow for a maximum of 5 guests.
- 2) The Planning Commission approved an Interim Use permit at this property (PL22-012) on March 8, 2022 for a 3-bedroom vacation dwelling unit within the existing duplex at this location.
- 3) The applicant is proposing 2 off street parking spaces on a shared access drive and parking area with the adjacent property to the east. Access to the site and parking area will be from London Road.
- 4) The applicant has indicated there will not be a space for camper or trailer storage by VDU guests.
- 5) The applicant owns the adjacent properties to the east and west and has indicated in writing that a dense urban screen is not required between the properties.
- 6) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed Bluewaterlodging, Tabby Jablonsky, to serve as the managing agent.
- 7) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 8) Applicant must comply with Vacation Dwelling Unit Regulations (included with staff report), including providing



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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").

9) There are currently 141 licensed vacation dwelling units in the city, with 68 of those in form districts; the remaining 73 are subject to the cap of 90.

10) The Minnesota Department of Transportation stated that It appears there is ample off-street parking associated with the address and MnDOT sees no initial issues with the vacation use. A comment was also received from a property owner, see attached email, on South 58<sup>th</sup> Avenue East regarding the number of vacation dwelling units in the area and impacts to the number of housing units and property values. No other comments were received from citizens, City staff, or any other entity were received regarding the application.

11) The permit will lapse if no activity takes place within 1 year of approval.

**Staff Recommendation:**

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

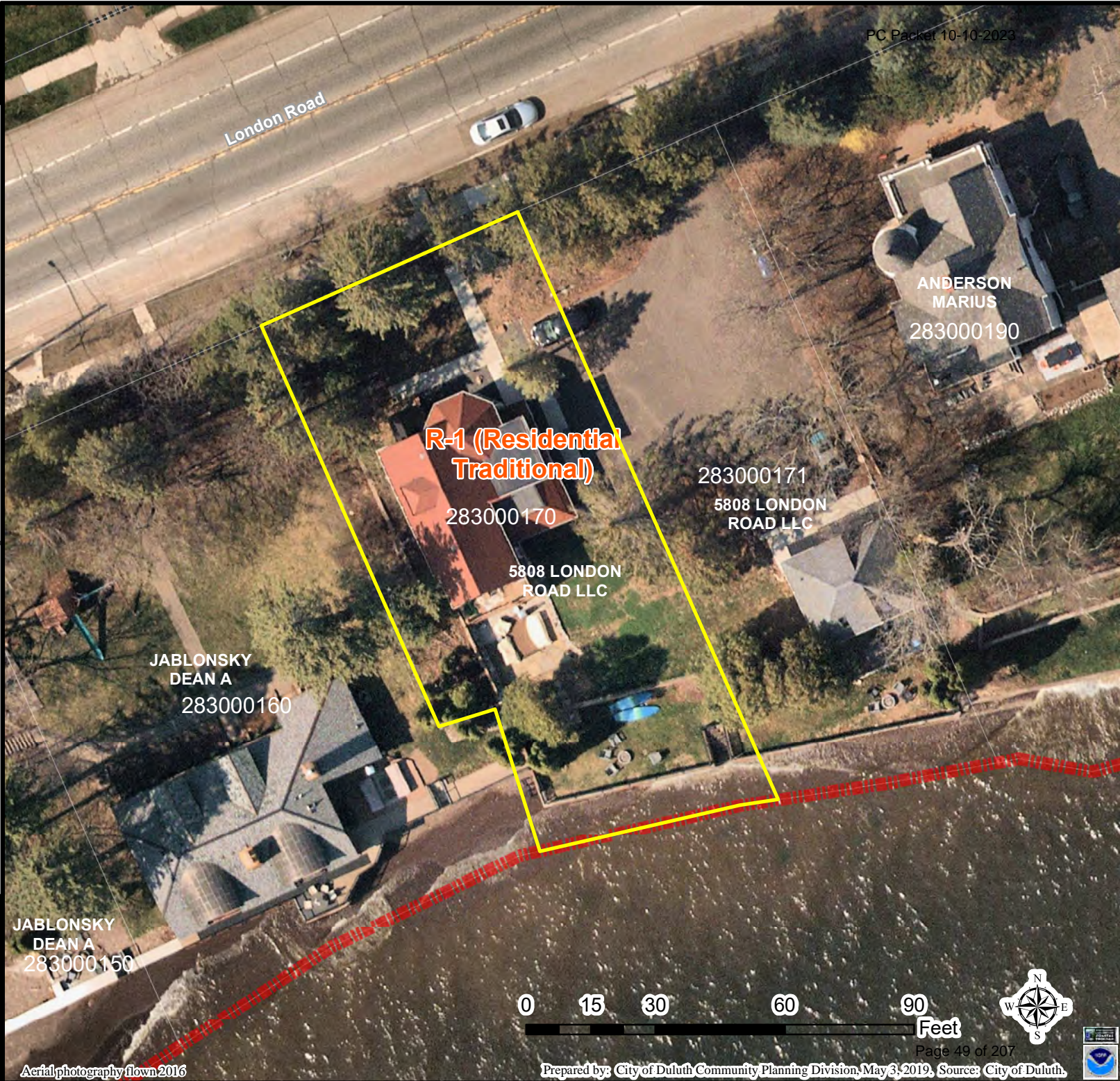
- 1) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.





**Legend**

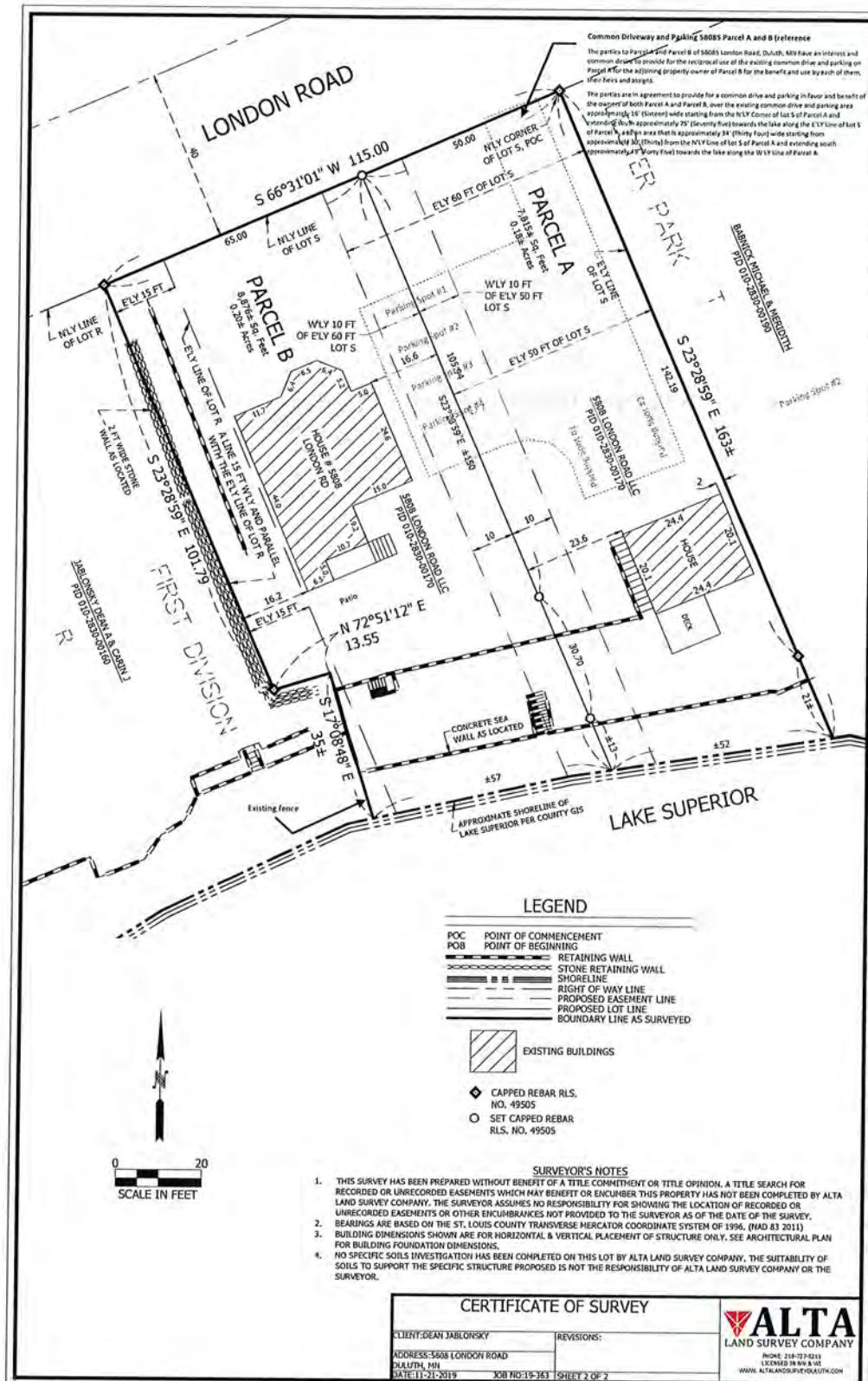
- Road or Alley ROW
- Zoning Boundaries



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.



# 5808 London Road Unit 1 Survey



## Vacation Dwelling Unit Worksheet

1. The minimum rental period shall be not less than two consecutive nights (does not apply to Form districts). **What will be your minimum rental period?** 2 nights

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

|   |   |
|---|---|
| <b>How many legal bedrooms are in the dwelling?</b> | <b>What will be your maximum occupancy?</b> |
| <u>2</u>  | <u>5</u>                                    |

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

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

**How many off-street parking spaces will your unit provide?** 2

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

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

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

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

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

keep your guest record (log book, excel spreadsheet, etc):  
VRBO and Excel Spreadsheet

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9. Permit holder must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24-hours-a-day to any complaints from neighbors or the City. The permit holder must notify the Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information.

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

Bluwaterlodging, Tabby Jablonsky 1-218-481-2347

---

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

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

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

Guestbook and emailed contract with required information

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11. Permit holder must post their permit number on all print, poster or web advertisements. **Do you agree to include the permit number on all advertisements?** Yes

12. **Prior to rental**, permit holder must provide the name, address, and phone number for the managing agent or local contact to all property owners within 100' of the property boundary; submit a copy of this letter to the Planning and Community Development office. In addition, note that permit holder must notify neighboring properties within 10 days of a change in the managing agent or local contact's contact information.

### Additional Contacts

Other contacts that may be needed for your vacation dwelling unit:

- 1.) City of Duluth Construction Services and Inspections, for a **Change of Use Permit** and/or **Building Permit**: <https://duluthmn.gov/csi/> or 218-730-5240.
- 2.) Life Safety Division of the Fire Department, for an **Operational Permit**: <https://duluthmn.gov/fire/> or 218-730-4380.
- 3.) State Department of Health, for a **Lodging License**: Sara Bents, 218-302-6184, or <https://www.health.state.mn.us/>
- 4.) State **Tax Identification Numbers** can be obtained by calling 651-282-5225 or visiting <https://www.revenue.state.mn.us>
- 5.) Make sure you sign up for **City of Duluth Tourism Tax** by contacting the City Treasurers office at 218-730-5350 or [www.duluthmn.gov/finance/tourism-taxes/](http://www.duluthmn.gov/finance/tourism-taxes/) .

## 5808 London Road Unit 1 Landscaping plan



**95% if existing tree are evergreens.**

Date: August 29<sup>th</sup>, 2023

Re: 5808 London Road Unit 1, Interim Use permit

Topic: Dense Urban Screen

To Whom It May Concern,

I, Dean Jablonsky, owner of property located at 5814 London Road, Duluth, MN do not want my neighbor located at 5808 London Road, Duluth, MN to add additional (or any) dense urban screening between our properties as part of his interim use permit at Unit 1. I'm fully supportive of my neighbor receiving his Vacation Dwelling Interim Use permit. If you have any questions, please let me know.

Sincerely,

*Dean Jablonsky*

Dean Jablonsky, Owner

Sent: Tuesday, September 26, 2023 8:56 AM  
To: planning <planning@DuluthMN.gov>  
Cc: Chris Lee <cllee@DuluthMN.gov>; John Kelley <jkelley@DuluthMN.gov>  
Subject: Vacation Property Planning Activity London Road

Good Morning,

I received two letters in the mail yesterday about vacation property planning activity at 5830 and 5808 London Road. I have received other notices (which I raised concern) in the past and know that these are not the only two vacation property's on that block. I find it very difficult to understand why so many vacation properties are needed or acceptable so close together all along the same block of London Road.

I own a modest two bedroom home within 350 feet of those properties. I am wondering what the Interim Use Permit will do to my neighborhood and how it will ultimately impact affordable housing for all of us? I am opposed to an excessive number of vacation properties in my neighborhood. I am unable to attend the public hearing on October 10th and am writing to express my concerns. Please take my perspective into consideration prior to granting permits and please develop control measures / criteria to minimize the number of vacation properties permissible within a certain size area.

Thank you,

Lynn Salmela

110 S 58th Ave E

Duluth, MN 55804



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

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 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

|                             |                                     |                                 |                              |                  |
|-----------------------------|-------------------------------------|---------------------------------|------------------------------|------------------|
| <b>File Number</b>          | PL 23-161                           | <b>Contact</b>                  | Chris Lee, clee@duluthmn.gov |                  |
| <b>Type</b>                 | Interim Use Permit                  | <b>Planning Commission Date</b> | September 12, 2023           |                  |
| <b>Deadline for Action</b>  | <b>Application Date</b>             | September 5, 2023               | <b>60 Days</b>               | November 4, 2023 |
|                             | <b>Date Extension Letter Mailed</b> | September 14, 2023              | <b>120 Days</b>              | January 1, 2024  |
| <b>Location of Subject</b>  | 4712 Glenwood Street                |                                 |                              |                  |
| <b>Applicant</b>            | Chelsea & Kyle Anderson             | <b>Contact</b>                  |                              |                  |
| <b>Agent</b>                | Heirloom Property Mgmt.             | <b>Contact</b>                  |                              |                  |
| <b>Legal Description</b>    | PID: 010-2950-00700                 |                                 |                              |                  |
| <b>Site Visit Date</b>      | September 27, 2023                  | <b>Sign Notice Date</b>         | September 26, 2023           |                  |
| <b>Neighbor Letter Date</b> | September 20, 2023                  | <b>Number of Letters Sent</b>   | 47                           |                  |

**Proposal**

Applicant is proposing an Interim Use Permit to operate a 2-bedroom vacation dwelling unit in the R-1 district. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of 2 nights. This property was on the eligibility list for available permits.

Staff is recommending Planning Commission approve the interim use permit.

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

**Summary of Code Requirements:**

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the R-1 zone district.

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

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



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

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

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

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

**Current History:** The property is a 2 bedroom home containing 768 square feet built in 1949.

There are currently 141 licensed vacation dwelling units in the city, with 68 of those in form districts; the remaining 73 are subject to the cap of 90.

**Review and Discussion Items:**

- 1) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicants have listed Heirloom Property Management as the managing agent.
- 2) Parking for the proposed vacation dwelling unit is provided on the existing parking area in the rear yard off the alley. Prior to receiving a building permit, staff will confirm that the parking area is wide enough for the proposed vehicles and is appropriate surfaced in aggregate materials per Section 50-24.
- 3) The site plan indicates a picnic table and firepit as outdoor amenities. The site plan does not indicate there is a dense urban screen and has not provided the screening waiver at the time of application. The applicant will need to install a screen or provide a waiver prior to issuance of the permit.
- 4) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 5) Applicant will apply for all relevant permits and licenses.
- 6) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 7) No public, agency, or City comments have been received regarding this application.
- 8) The permit will lapse if no activity takes place within 1 year of approval

**Staff Recommendation:**

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

- 1) Applicant shall install dense urban screen or obtain waiver from owners of abutting properties.
- 2) Prior to receiving building permit, applicant shall provide evidence that existing parking area has dimensions for vehicles has shown on the attached site plan and is an appropriate aggregate surface.
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administration approval shall constitute a variance from the provisions of Chapter 50



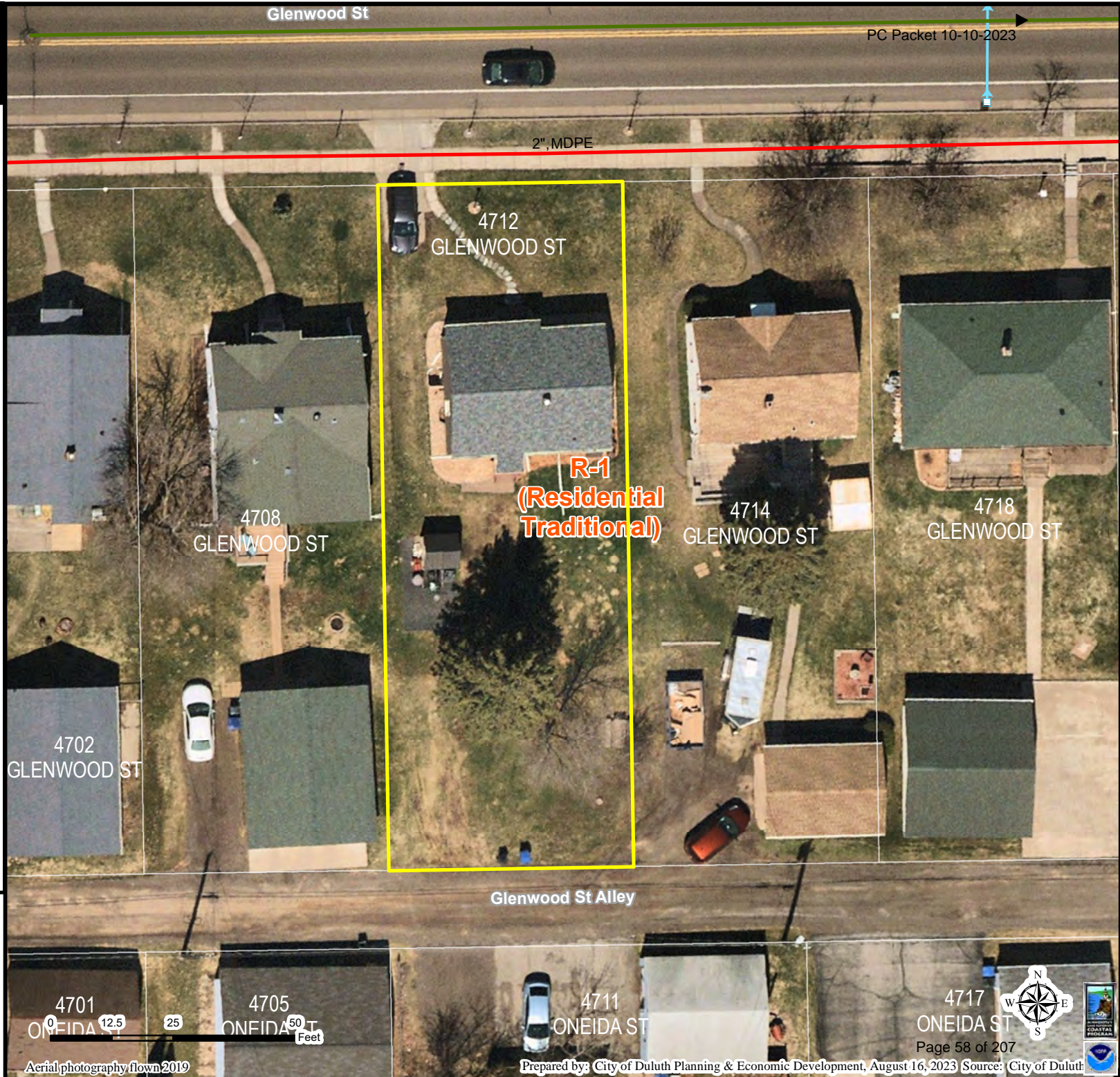
PL23-161  
Interim Use Permit  
4712 Glenwood St

Glenwood St

PC Packet 10-10-2023

**Legend**

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



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Aerial photograph flown 2019

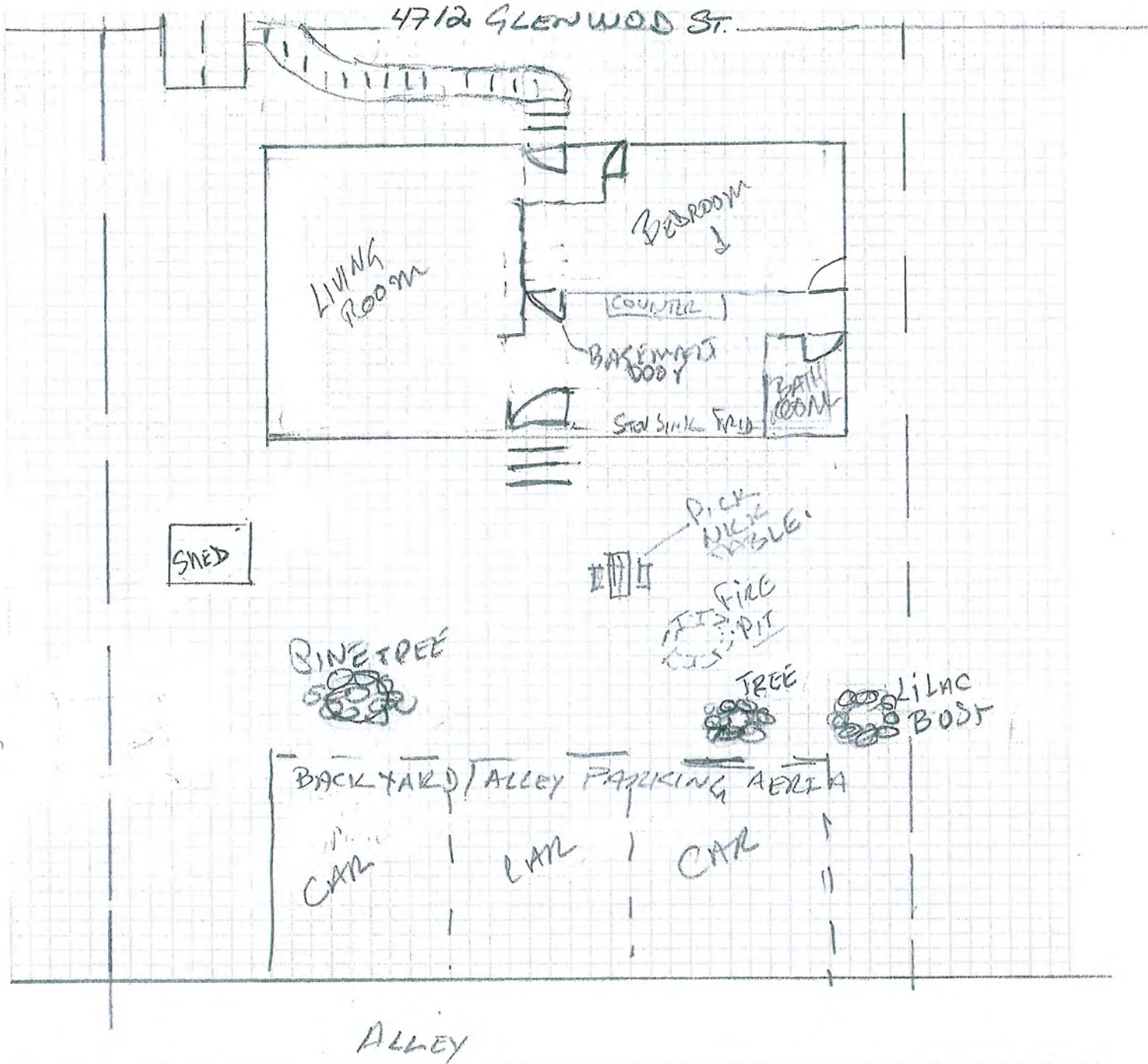
Prepared by: City of Duluth Planning & Economic Development, August 16, 2023 Source: City of Duluth

4717 ONEIDA ST

Page 58 of 207

1

# GLENWOOD



## Vacation Dwelling Unit Worksheet

1. The minimum rental period shall be not less than two consecutive nights (does not apply to Form districts). **What will be your minimum rental period?** 2 nights

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

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

**What will be your maximum occupancy?**

2

5

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

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

**How many off-street parking spaces will your unit provide?** 4

4. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, on or off the street. **Will you allow motorhome or trailer parking? If so, where?** Yes, Back Alley parking

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

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

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

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

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

Property Management Records on PM platform

9. Permit holder must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24-hours-a-day to any complaints from neighbors or the City. The permit holder must notify the Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information.

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

Heirloom Property Management 218-409-4885

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

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

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

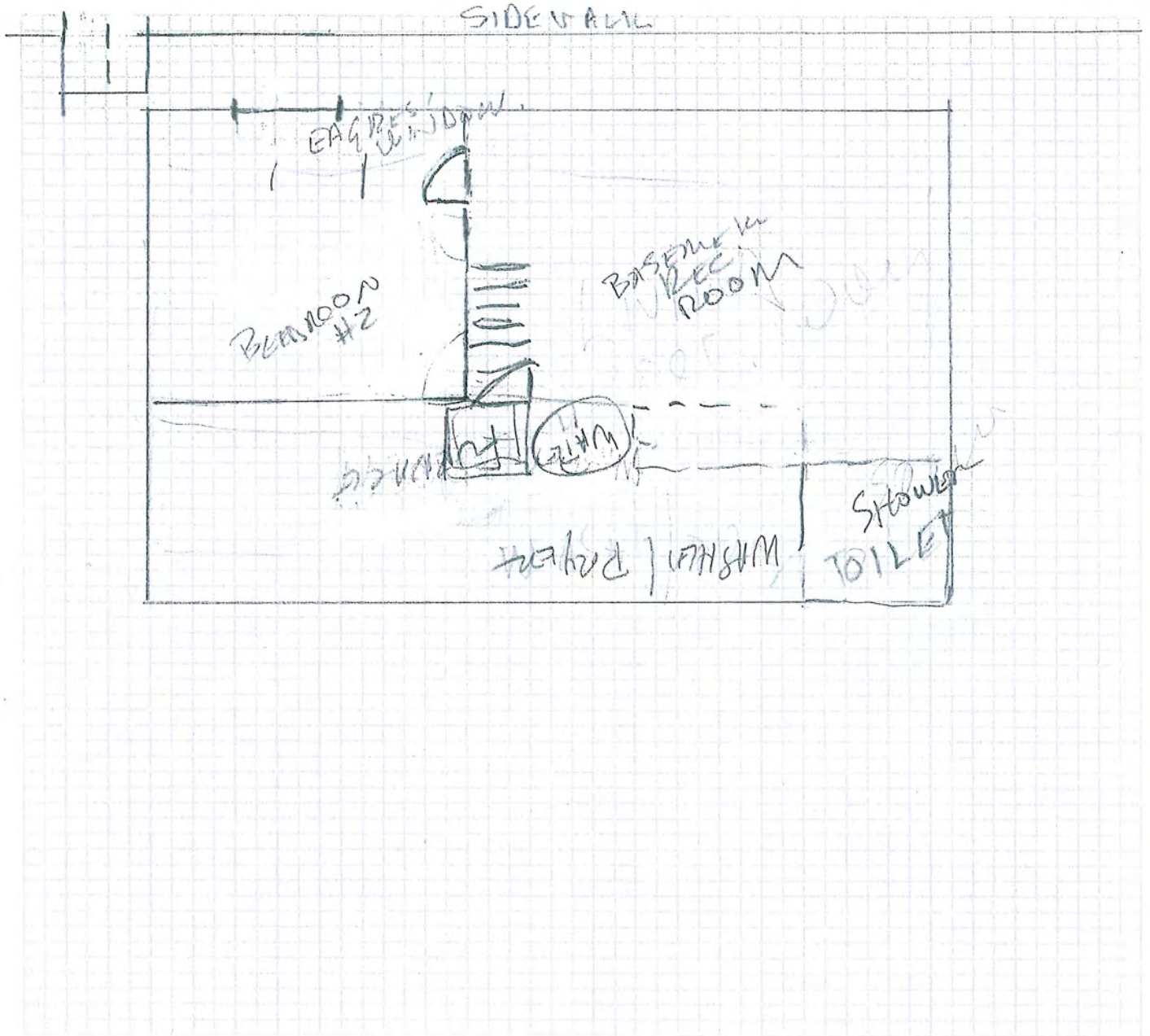
guest property binder onsite.

11. Permit holder must post their permit number on all print, poster or web advertisements. Do you agree to include the permit number on all advertisements? yes.

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

2

Greenwood





**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 23-165  | <b>Contact</b>                  | Chris Lee, clee@duluthmn.gov |                    |
| <b>Type</b>                 | RENEWAL - Interim Use Permit for Temporary Parking Lot | <b>Planning Commission Date</b> |                              | October 10, 2023   |
| <b>Deadline for Action</b>  | <b>Application Date</b>                                | September 11, 2023              | <b>60 Days</b>               | November 10, 2023  |
|                             | <b>Date Extension Letter Mailed</b>                    | September 21, 2023              | <b>120 Days</b>              | January 9, 2024    |
| <b>Location of Subject</b>  | 830 E First Street                                     |                                 |                              |                    |
| <b>Applicant</b>            | St. Luke's Hospital                                    | <b>Contact</b>                  | Michael Boeseleager          |                    |
| <b>Agent</b>                | SEH  | <b>Contact</b>                  | Dan Hinzmann                 |                    |
| <b>Legal Description</b>    | PIN: 010-3830-02280                                    |                                 |                              |                    |
| <b>Site Visit Date</b>      | September 26, 2022                                     | <b>Sign Notice Date</b>         |                              | September 26, 2023 |
| <b>Neighbor Letter Date</b> | September 21, 2023                                     | <b>Number of Letters Sent</b>   |                              | 33                 |

**Proposal**

The applicant is proposing to renew a temporary parking lot with 67 parking spaces to accommodate employees and visitors that will be displaced by the demolition of the St. Luke's Parking Ramp. This temporary parking lot will include stormwater retention, but not landscaping features.

**Recommendation**

Staff recommends approval, subject to conditions.

|                | <b>Current Zoning</b> | <b>Existing Land Use</b> | <b>Future Land Use Map Designation</b> |
|----------------|-----------------------|--------------------------|--|
| <b>Subject</b> | MU-I                  | Parking Lot              | Institutional                          |
| <b>North</b>   | MU-N/R-2              | Housing                  | Urban Residential                      |
| <b>South</b>   | F-8                   | Club                     | Urban Residential                      |
| <b>East</b>    | MU-I                  | Museum/Parking           | Institutional                          |
| <b>West</b>    | MU-N                  | Parking                  | Urban residential                      |

**Summary of Code Requirements**

50-18.1 Shoreland, Flood Plains, Wetlands, Stormwater

50-23 Connectivity and Circulation – Focuses on pedestrian and bicycle accommodations.

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

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

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

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

50-19.7-“When a proposed land use is not explicitly listed in the use table, the land use supervisor shall determine whether or not it is included in the definition of a listed use or is so consistent with the size, scale, operating characteristics and external impacts of a listed use that it should be treated as the same use. Any such interpretation shall be made available to the public and shall be binding on future decisions of the city until the land use supervisor makes a different interpretation.”

UDC Interpretation 23-001: Temporary Parking Lots are allowable with review and approval by the Planning Commission as an Interim Use Permit. Stormwater requirements may be required by the City Engineer. It is intended that an approved IUP have a time period of 1 year.

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

Governing Principle #1 – Reuse previously developed lands. The parking lot is intended to be a temporary use of this site (2-5 years), with long term use of the site ideally including either a new medical or institutional use.

Economic Development Policy #3: Priority will be given to investment that reuses previously developed lands and limits increase in utility operation or maintenance costs.

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

Site history: The site was the location of the United Baptist Christian Church, which was constructed in 1920. It had been purchased by St. Luke’s Hospital approximately 10 years ago. The structure was demolished in 2022. This parking lot was approved as an Interim Use Permit in 2022 (PL22-201) for 32 stalls.

**Review and Discussion Items**

Staff finds that:

- 1) The applicant is proposing to renew an interim use permit for a temporary parking lot with 67 parking spaces (including 1 handicap accessible spot). While not increasing in overall size, a reconfiguration of the lot will provide 67 spaces instead of the current 32. This temporary parking lot will include stormwater retention, but not landscaping features.
- 2) The St. Luke’s Lakeview Parking Ramp was demolished in 2023 removing 263 available parking spaces for staff and visitors.
- 3) 50-18.1 (Stormwater Management) – The City Stormwater Engineer has reviewed the site and has no comment as it functions currently.
- 4) 50-23 (Connectivity) –The site has internal connectivity from the parking lot to the west. Existing sidewalks in the adjacent rights-of-way will continue to remain unaltered.
- 5) 50-24 (Parking) – The parking spaces meet or exceed the standard size requirement for length and width of off-street parking (17 by 9 is required, at a minimum). However, the parking aisles are not consistent with standard drive widths in the UDC; 90-degree parking (perpendicular parking) requires a drive length of 24 feet. Two of the drives are 22 feet wide and non-compliant, and two are 24 feet wide. Wheel stops, also known as parking blocks, have been installed on the outer parking stalls to ensure that vehicles do not overhang onto and partially block the public sidewalk.
- 6) 50-25 (Landscaping) – No landscape plan is proposed for this site.
- 7) 50-26 (Screening), 50-27 (Signs), 50-29 (Sustainability), and 50-30 (Design Standards) are not applicable.
- 8) 50-31 (Exterior Lighting) –Applicant is not proposing new lighting for the parking lot, and there is no exterior lighting in the existing parking lot.
- 9) No public, agency, or City comments have been received on this project to date.
- 10) Interim Use Permits are required to have a time period for the authorized use. Staff recommends this Interim Use be authorized for a period of two years.



**Staff Recommendation**

Based on the above findings, staff recommends that Planning Commission approve the interim use permit renewal, subject to the following conditions:

- 1) The project be limited to, constructed, and maintained according to the construction plans drawn for this zoning application and included with this staff report.
- 2) This specific Interim Use Permit has a duration of two years. Additional terms for the temporary parking lot will require additional Interim Use Permit applications be submitted, and reviewed and approved by the Planning Commission.
- 3) The applicant will submit an escrow valued at 125% for restoring the site to conditions existing prior to the parking lot, which includes removal of concrete and grass planting.
- 4) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of UDC Chapter 50.



PL23-165  
Interim Use Permit  
830 E 1st St

825 E 1ST ST

**MU-N (Mixed Use Neighborhood)**

PC Packet 10-10-2023

902 E 1ST ST

**Legend**

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
  - CITY OF DULUTH
  - WLS&D; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- PS Pump Station
- Storm Sewer Mains**
  - Storm Sewer Pipe
  - Storm Sewer Catch Basin
- Zoning Boundaries**
  - Trout Stream (GPS)
  - Other Stream (GPS)

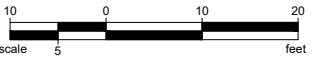
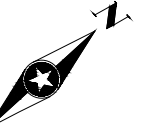


The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used 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 & Economic Development, August 16, 2023 | Source: City of Duluth

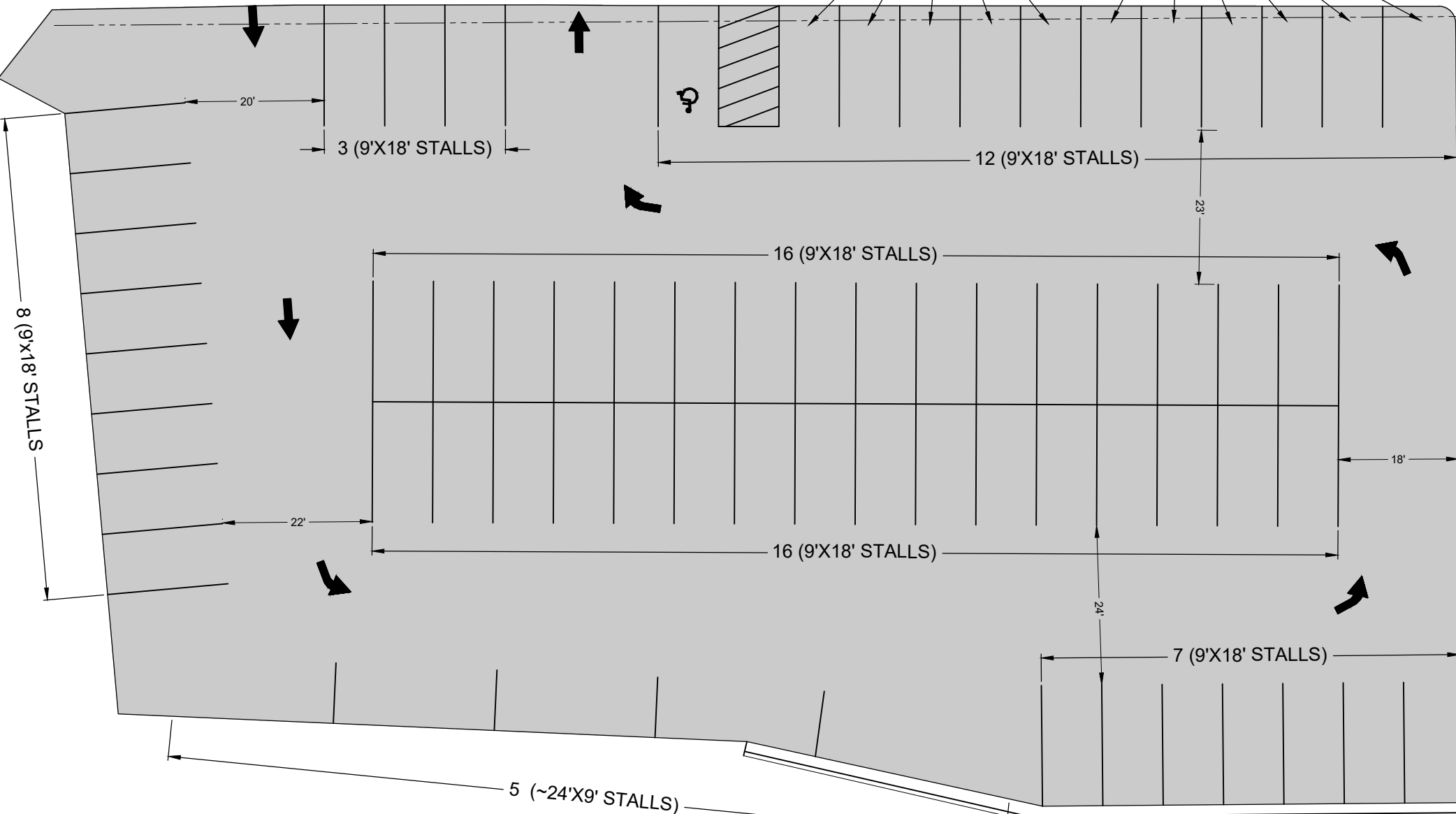




E 1ST STREET

PARKING STOP (APPROXIMATE)

R/W



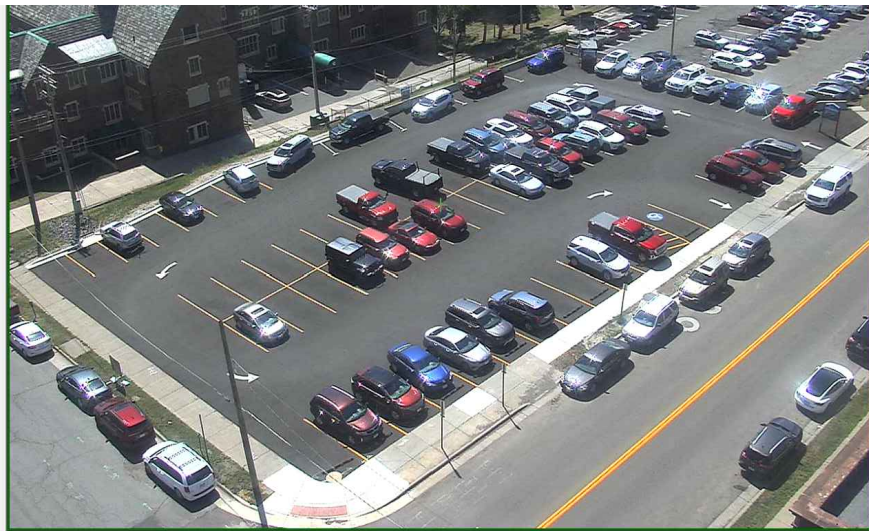
N 9TH AVE E

NOTE: THIS EXHIBIT INTENDS TO DESCRIBE THE GENERAL AS BUILT LAYOUT OF THIS PARKING LOT. LAYOUT SHOWN IS BASED ON ORIGINAL TOPOGRAPHIC SURVEY (PRIOR TO CONSTRUCTION) AND WAS SUPPLEMENTED WITH AERIAL IMAGERY AFTER CONSTRUCTION WAS COMPLETED. PRECISE MEASUREMENTS WOULD REQUIRE ADDITIONAL FIELD EFFORTS.

67 TOTAL STALLS

R/W

ALLEY



NOTE: PHOTO COLLECTED AUGUST 15, 2023



PROJECT NO.  
STLUH 169965  
DATE:  
8/18/2023

St. Luke's Parking Lot Layout  
Duluth, MN

EX. 1

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September 1, 2023

RE: St. Luke's Hospital  
1st Street Lot  
SEH No. STLUH 169965 14.00

Mike Boeselager  
Vice President, Support Services  
St. Luke's Hospital  
915 E. 1st Street  
Duluth, MN 55805

Dear Mr. Boeselager:

This letter intends to address pertinent items relative to St. Luke's request for a renewal of the interim use permit for the constructed parking lot located at 830 E. 1<sup>st</sup> Street.

### **Background**

A church building was razed at the 830 E. 1<sup>st</sup> Street site in 2022. With St. Luke's need for off street parking, this was identified as a potential site to help support this need. The City of Duluth planning commission granted St. Luke's an Interim Use permit for this parking lot on November 10, 2023.

After approval, this lot was constructed up to gravel in the late fall of 2022, and then paved in the early spring of 2023 (when field conditions allowed for paving to occur). It is our understanding the lot was constructed and has operated within the stipulations of this permit (stormwater, access, parking stops, etc.). It is also our understanding that layout modifications were suggested by the Contractor and ultimately approved by SLH which incorporated a restriping of the adjacent lot. This allowed for a more efficient overall parking strategy within the lot. We are not aware of any negative impacts based on this field adjustment.

An exhibit is attached generally describing the as-built condition of the lot.

### **Request to City**

Due to the requirements associated with interim use permits within the City of Duluth, St. Luke's will be required to request a renewal of the permit. It is our understanding that the lot is intended to continue to operate in its current condition for a minimum of two years, and potentially longer depending upon the ultimate highest and best use of the site (likely a building structure of some kind).

It is also our understanding that St. Luke's is committed to moving the ultimate use forward as quickly as is reasonable. However, until they have other parking facilities back online (namely the adjacent 1<sup>st</sup> Street Ramp which is currently under construction), removal of this lot would not be feasible. Therefore, St. Luke's is requesting that the upcoming approval be granted for a two-year cycle instead of a single year. If any material changes come to pass with the ultimate use of the lot faster than expected, this will still require coordination with the City and the planning commission.

Mike Boeselager  
September 1, 2023  
Page 2

### Ongoing Owner Obligations

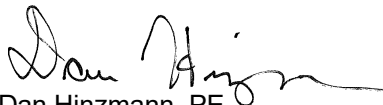
Please be advised that there are ongoing obligations that are associated with operation of this lot. In particular, there is an onsite stormwater treatment structure which requires regular inspection and maintenance to ensure it is operating properly. The manufacturer's operations and maintenance plan for this structure is included as an attachment to this memo. More specific to this structure, we recommend the following:

- SLH staff reviews the function of the structure immediately following spring melt and then quarterly until review is no longer feasible due to snow / ice coverage. Inspections shall be clearly documented and housed by SLH facilities staff and would be available to the City upon request.
- Any functional issues with the structure (broken grate, curbing broken by a plow during the winter, etc.) must be addressed immediately.
- Sediment levels should be documented with each quarterly inspection and kept on file. Should sediment accrue to over 50% of the available capacity, this sediment must be removed and disposed of.
  - Please be aware that stormwater sediment should be treated as a contaminated material due to vehicle oils, petroleum, and other potential contaminants. This type of material has special disposal requirements that involve hauling the material to a designated facility to accept such materials.
- If sediment levels accumulate more than 3" in depth between quarterly cycles, monthly inspection cycles will commence to ensure extensive sediment does not build up between cycles. The source of excessive sediment should be addressed as well.

We understand you have communicated this plan to your facilities management staff and that it is incorporated into your protocols for regular maintenance and inspection. In our recent review of the installed infrastructure, it appears that it was installed in accordance with the manufacturer's recommendations and that no immediate maintenance is required.

Sincerely,

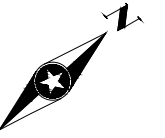
SHORT ELLIOTT HENDRICKSON INC.



Dan Hinzmann, PE  
Professional Engineer  
(Lic. MN, WI)

drh  
Attachments

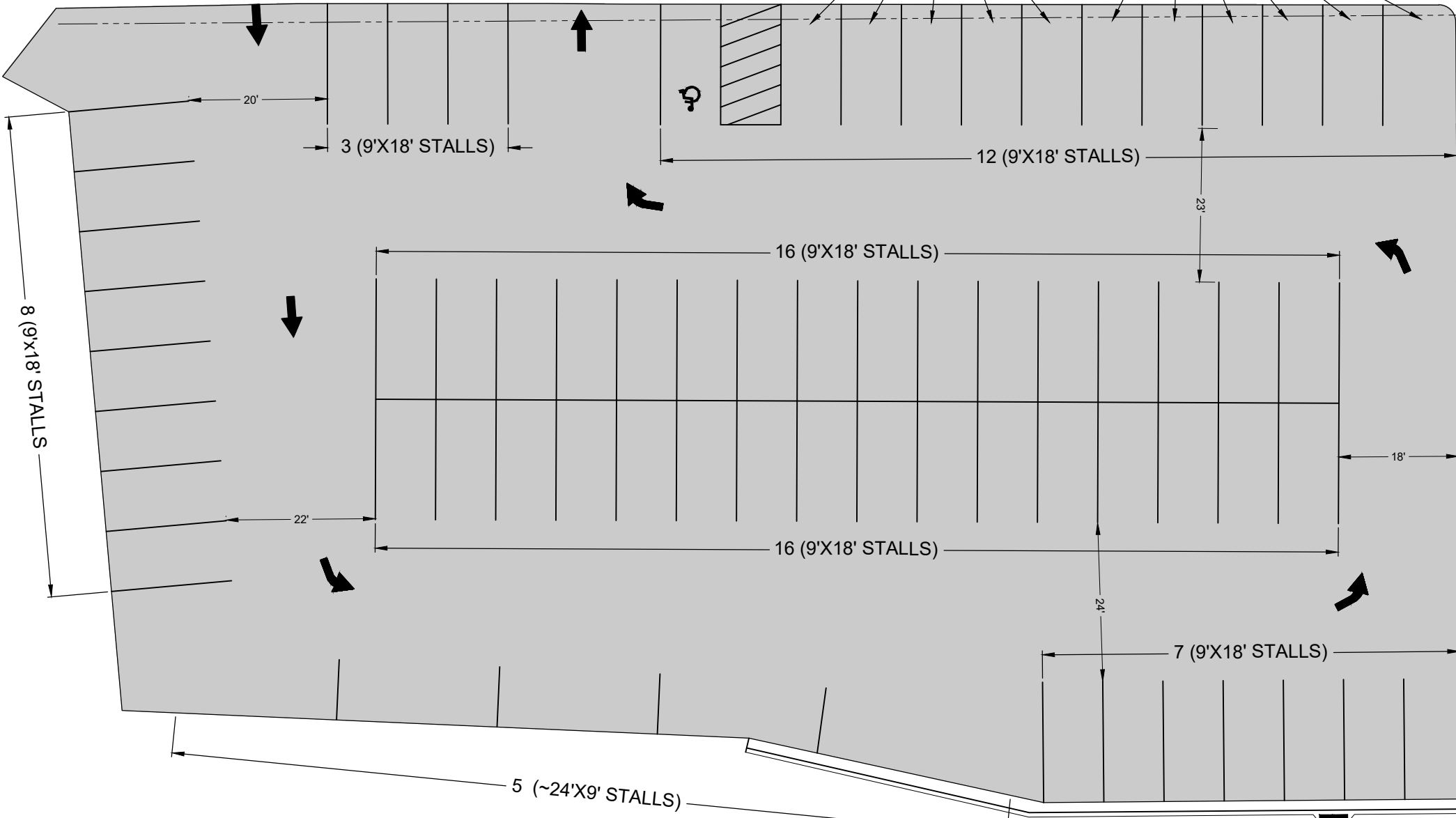
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E 1ST STREET

PARKING STOP (APPROXIMATE)

R/W



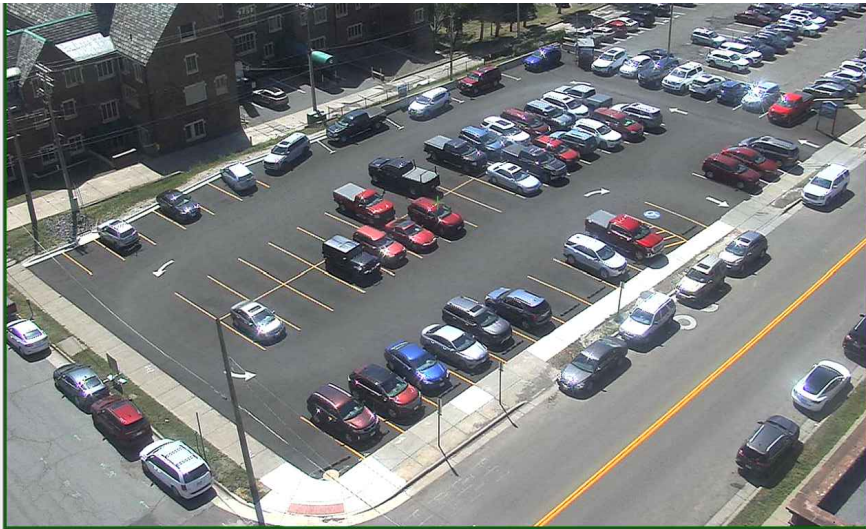
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67 TOTAL STALLS

R/W

ALLEY



NOTE: PHOTO COLLECTED AUGUST 15, 2023

PROJECT NO.  
STLUH 169965

DATE:  
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St. Luke's Parking Lot Layout  
Duluth, MN

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Building a Better World  
for All of Us®

Photos collected on September 1, 2023.



**Photo 1: Stormwater Treatment Structure and Outlet showing stable conditions.**



**Photo 2: Stormwater Treatment Structure with minimal sediment deposition**

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 418 West Superior Street, Suite 200, Duluth, MN 55802-1512

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# RECYCLED PLASTIC (95%+) DRY FILTER BOX DROP-IN SPECIFICATION

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*February 2022*

The following specification is a sample guideline to be customized by the engineer as needed for preparing a site-specific specification. This information is provided for reference purposes only and is not intended as a warranty or guarantee.



## **DROP-IN SPECIFICATION**

### RECYCLED PLASTIC (95%+) DRY FILTER BOX FOR SURFACE BMPS

#### 1. AUTHORIZED PRODUCTS

- 1.1. The recycled plastic dry filter box shall be a Rain Guardian Bunker Pretreatment Chamber (U.S. Patent Nos. 8,501,016 and 8,858,804).

#### 2. AUTHORIZED SUPPLIERS

##### 2.1. Minnesota, Alaska, and Hawaii

- 2.1.1. Anoka Conservation District  
1318 McKay Dr. NE, Suite 300  
Ham Lake, MN 55304  
(763) 434-2030 ext. 15  
AnokaSWCD.org | RainGuardian.biz

##### 2.2. Wisconsin

- 2.2.1. Anoka Conservation District  
1318 McKay Dr. NE, Suite 300  
Ham Lake, MN 55304  
(763) 434-2030 ext. 15  
AnokaSWCD.org | RainGuardian.biz

- 2.2.2. Ferguson Enterprises, LLC doing business as Ferguson Waterworks  
12500 Jefferson Avenue  
Newport News, VA 23602

##### 2.3. Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming

- 2.3.1. Ferguson Enterprises, LLC doing business as Ferguson Waterworks  
12500 Jefferson Avenue  
Newport News, VA 23602

#### 3. AUTHORIZED MANUFACTURERS

- 3.1. Anoka Conservation District  
1318 McKay Dr. NE, Suite 300  
Ham Lake, MN 55304  
(763) 434-2030  
AnokaSWCD.org | RainGuardian.biz

#### 4. INTRODUCTION

##### 4.1. Scope

- 4.1.1. This specification details requirements for proper design, installation, and maintenance of a recycled plastic dry filter box for surface stormwater best management practices (BMP).

## 4.2. Product Summary

- 4.2.1. A recycled plastic dry filter box is a pretreatment structure installed at grade with a curb-cut or curb inlet opening that allows water to enter a high performance modular biofiltration system, bioretention, rain garden, bioswale, or similar stormwater BMP.
- 4.2.2. The box provides a stable inlet, reduces runoff velocities, and captures gross pollutants; therefore, simplifying the recurring sediment removal and surface erosion common with turf, rip rap, or smooth concrete inlet aprons.
- 4.2.3. Capturing sediment within the box helps extend the life of a downstream primary treatment BMP by reducing the sediment load and internal scour/erosion.
- 4.2.4. Recycled plastic dry filter boxes can be installed on both new and existing projects where there are concerns about inlet stability and/or maintenance issues.

## 5. SPECIFICATIONS

- 5.1. Functional components of the recycled plastic dry filter box must include the components listed below and meet the standards in Table 1.
  - 5.1.1. Top grate
    - 5.1.1.1. Top grate mechanically separates larger debris pieces (e.g. leaf litter and garbage) from stormwater runoff, thereby increasing storage space for sediment and finer debris within the unit. In addition, the top grate of the box must minimally support pedestrian foot traffic loads due to frequent positioning in the road right-of-way.
  - 5.1.2. Impermeable side walls
    - 5.1.2.1. Impermeable side walls which, when connected to a water permeable filter sidewall, create a debris and sediment trap. Chamber therefore allows heavier solids to settle and collect in an easy to clean location. The side walls also contain flow, thereby preventing inlet erosion.
  - 5.1.3. Water permeable filter sidewall
    - 5.1.3.1. The water permeable filter sidewall is independently connected to the impermeable side walls. The permeable filter allows for the box to dry out between runoff events, easing maintenance by preventing the need to remove sediment/debris in a slurry state. It also prevents anoxic conditions and habitat for mosquito reproduction.
  - 5.1.4. Impermeable debris walls
    - 5.1.4.1. Impermeable debris walls capture floatables when BMP is filled to capacity (e.g. leaf litter and seeds) and prevent transfer of floatables between the inlet and BMP.
  - 5.1.5. High volume overflow points
    - 5.1.5.1. The recycled plastic dry filter box must provide for high volume overflow during large storm events such that water within the structure does not overtop the sidewalls, which would reduce the box's ability to retain floatables and maintain a stable inlet. The overflow points also ensure stormwater will not bypass the BMP until it reaches capacity.

5.1.6. Splash pad

5.1.6.1. The box should include a splash pad downstream of the principal (permeable filter wall) and emergency overflow (debris wall) points to reduce scouring below the box (i.e. within the aggregate base and BMP soil).

5.1.7. All components must be easy to clean without specialized equipment.

Table 1: Recycled plastic standards for the dry filter box. All materials will have UV additives to prevent deterioration of the plastic lumber from exposure to UV light and shall be resistant to termites, marine borers, salt spray, oil, and fungus.

| PROPERTY OF RECYCLED PLASTIC LUMBER  | METHOD AND/OR VALUE                  |
|--|--------------------------------------|
| Plastic lumber shall be manufactured with recycled HDPE, post-industrial and post-consumer | 95%+                                 |
| Flexural strength  | ASTM D6109, 1,350 PSI                |
| Flexural modulus secant @ 1% strain  | ASTM D6109, 79,000 PSI               |
| Compression strength (parallel to grain)   | ASTM D6108, 1,030 PSI                |
| Compression modulus (parallel to grain)  | ASTM D6108, 39,400 PSI               |
| Compression strength (perpendicular to grain)  | ASTM D6108, 390 PSI                  |
| Specific gravity   | ASTM D6111, 41.5 lbs/ft <sup>3</sup> |
| Flash point  | 644°F                                |
| Thermal expansion  | ASTM D6341, 0.000058 in/in/°F        |
| Average screw pull out   | ASTM D6117, 511 lbs                  |
| Average nail pull out  | ASTM D6117, 145 lbs                  |
| Static coefficient of friction – dry plain surface   | ASTM C1028, 0.37                     |
| Static coefficient of friction – wet plain surface   | ASTM C1028, 0.46                     |
| Static coefficient of friction – dry wood grain embossed surface                           | ASTM C1028, 0.51                     |
| Static coefficient of friction – wet wood grain embossed surface                           | ASTM C1028, 0.55                     |
| Weight per foot of recycled plastic lumber   | 1.5 lbs                              |
| Dry filter box total weight  | 54 lbs                               |
| Standard exterior dimensions of dry filter box   | 51.25”L x 20”W x 16”H                |

6. DELIVERY, STORAGE, AND HANDLING

6.1. Delivery

6.1.1. Delivery of a recycled plastic dry filter box must be from an authorized supplier.

6.1.2. Reasonable accommodations should be made to protect all materials from damage during delivery. Shipments should be inspected upon arrival to insure no damage occurred during transportation. Any damage found after delivery will be the responsibility of the contractor.

6.2. Storage and Handling

6.2.1. Storage prior to installation should occur on smooth surfaces, free from dirt, mud, and debris. Boxes are designed to persist in all seasons so temperature and precipitation should not be a problem.

## 7. INSTALLATION

- 7.1. A recycled plastic dry filter box should rest on a level, solid base to prevent settling. A well-draining aggregate base material (minimum 6" thickness) should be compacted to 95% percent standard proctor. The aggregate base should have a surface area equal to or larger than the concrete pad on which the recycled plastic dry filter box will be secured.
- 7.2. The aggregate base location and distance behind the curb depends on site considerations but considerations should include bioretention basin side slopes and inlet slope to promote water flow into the unit.
- 7.3. The filter box must include a 4" concrete base to provide a firm foundation for the chamber structure and to supply a splash pad for water entering the unit.
- 7.4. Excavation at the unit installation location should ensure sufficient depth for the 6" aggregate base, recycled plastic dry filter box concrete base, and ponding depth of the bioretention practice. For example, if the ponding depth of the basin is designed to be 1' and the recycled plastic dry filter box base is 4", then soil should be excavated to 1'-10" (1' ponding depth, 6" aggregate base, 4" filter box base).
- 7.5. Stormwater is most commonly directed into the box via a curb-cut or concrete inlet. Said inlet should be framed from the back of the curb to the unit inlet prior to pouring. Top elevations of the framing should match the top of the curb on the street side and the top of the filter box on the bioretention side.
- 7.6. Side curbs of the poured inlet must have an insurmountable profile to prevent water flow from overtopping the downstream side of the inlet.
- 7.7. The slope of the inlet from the gutter to the filter box must be large enough to promote the inflow of water to the filter box.

## 8. OPERATION

8.1. Items below assume proper installation of the recycled plastic dry filter box based on design guidelines.

8.1.1. Stormwater entering the box via a curb-cut or concrete inlet must pass through the top metal grate. The grate provides for mechanical sorting of larger debris such as leaves and garbage.

8.1.2. Once in the box, the vertical, permeable filter wall allows for settling within the box and filtration of stormwater through the permeable filter screen. Should the filter screen clog or the unit fill, maintenance will be required.

8.1.3. As the box and BMP fill, the water level rises and the top debris walls of the box restrict floatable debris from entering or exiting the BMP.

8.1.4. Cold climate suitability

8.1.4.1. During winter, recycled plastic dry filter boxes will likely become buried in snow and ice which is no different from any other inlet type. Runoff will likely continue to enter the box beneath the snow or when an open pathway is formed during snowmelt. When properly designed and installed, recycled plastic dry filter boxes will not shift or separate from the inlet as the ground freezes and thaws.

9. MAINTENANCE

9.1. Depending on the characteristics of the contributing watershed and seasonal variation, common maintenance needs include periodic removal of accumulated leaves (and other organic debris) and garbage from the top grate and sediment and fine debris from the recycled plastic dry filter box. Contributing watersheds with high sediment concentrations may require up to monthly or twice monthly visits to satisfy maintenance needs.

9.2. If sediment accumulates beyond an acceptable level in the system, it will be necessary to remove. This can be done by manual removal with a shovel or vacuum device. The filter screen can be cleaned manually through brushing or with pressurized water.

10. PAYMENT

10.1. Payment of recycled plastic dry filter boxes shall be based on a per unit price and may or may not include delivery of the box to the project site. The contractor is responsible for determining the style of box needed and total cost (including delivery fees, handling fees, and any associated taxes).

---

# **RAIN GUARDIAN™ BUNKER**

## **TYPICAL DETAILS**

---





**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 23-168                                    | <b>Contact</b>                  | Jenn Moses, jmoses@duluthmn.gov |                    |
| <b>Type</b>                 | Interim Use Permit for Temporary Parking Lot | <b>Planning Commission Date</b> |                                 | October 10, 2023   |
| <b>Deadline for Action</b>  | <b>Application Date</b>                      | September 13, 2023              | <b>60 Days</b>                  | November 12, 2023  |
|                             | <b>Date Extension Letter Mailed</b>          |                                 | <b>120 Days</b>                 | January 11, 2023   |
| <b>Location of Subject</b>  | 4600 Stebner Road                            |                                 |                                 |                    |
| <b>Applicant</b>            | Cirrus Design                                | <b>Contact</b>                  | Alan Juszczak                   |                    |
| <b>Agent</b>                |  |                                 |                                 |                    |
| <b>Legal Description</b>    | N/A  |                                 |                                 |                    |
| <b>Site Visit Date</b>      | N/A  | <b>Sign Notice Date</b>         |                                 | September 26, 2023 |
| <b>Neighbor Letter Date</b> | September 29, 2023                           | <b>Number of Letters Sent</b>   |                                 | 4 emails           |

**Proposal**

The applicant is proposing to create a temporary parking lot with 100 parking spaces to accommodate employees of Cirrus Design at the new Innovation Center. Parking lot will be paved in 2024.

**Recommendation**

Staff recommends approval, subject to conditions.

|                | <b>Current Zoning</b> | <b>Existing Land Use</b> | <b>Future Land Use Map Designation</b> |
|----------------|-----------------------|--------------------------|--|
| <b>Subject</b> | I-G                   | Light Industrial         | Transportation and Utilities           |
| <b>North</b>   | City of Rice Lake     | Undeveloped              | N/A                                    |
| <b>South</b>   | MU-N                  | Airport                  | Transportation and Utilities           |
| <b>East</b>    | MU-N/RR-1             | Airport                  | Transportation and Utilities           |
| <b>West</b>    | I-G                   | Undeveloped              | Transportation and Utilities           |

**Summary of Code Requirements**

50-19.7-“When a proposed land use is not explicitly listed in the use table, the land use supervisor shall determine whether or not it is included in the definition of a listed use or is so consistent with the size, scale, operating characteristics and external impacts of a listed use that it should be treated as the same use. Any such interpretation shall be made available to the public and shall be binding on future decisions of the city until the land use supervisor makes a different interpretation.”

UDC Interpretation 23-001: Temporary Parking Lots are allowable with review and approval by the Planning Commission as an Interim Use Permit. Stormwater requirements may be required by the City Engineer. It is intended that an approved IUP have a time period of 1 year.



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

Governing Principle #4 – Support economic growth sectors. The parking lot is intended to be a temporary use to support Cirrus Design’s new use of its Innovation Center.

Future Land Use – Transportation and Utilities: Applicable to airports, the port terminals, large highway rights-of-way, and similar uses.

**Site history:** The site was former used by AAR, as a Maintenance, Repair, and Overhaul facility for airplanes. AAR shuttered in 2020 due to Covid and in 2022 DEDA sold the building to Cirrus Design due to the company’s growth needs.

**Review and Discussion Items**

Staff finds that:

- 1) Cirrus Design recently opened its new Innovation Center which will house a significant increase in employees from the previous use of the building. Cirrus has identified an open, grassy area to the east of the existing building, between the existing parking lot and the airport security fence, as a location to accommodate this increased parking need.
- 2) The applicant proposes 100 parking spaces in a temporary gravel lot. Applicant intends to construct a full, permanent parking lot in 2024, as there is not sufficient time remaining in the 2023 construction season.
- 3) The total number of parking spaces on the site meets the parking standards in UDC Section 50-24.
- 4) As the site has been previously disturbed and currently contains only turf grass, no trees will be removed and no wetlands disturbed as part of the project. Applicant has submitted a Wetland Delineation (PL 23-167) to confirm the location of nearby wetlands.
- 5) As a temporary lot, landscaping is not required. The future permanent lot will need to meet all landscaping requirements.
- 6) The site plan shows adequate locations for snow storage.
- 7) Applicant has submitted grading and erosion control plans that have been approved by the City Engineer. Erosion control includes silt fencing and inlet protection that will be maintained throughout the period of the temporary lot. Applicant’s engineer is working with City Engineering to document and map all existing stormwater features on the site to accurately plan for adequate stormwater for the future permanent lot.
- 8) Applicant has provided an estimate of \$36,100 to restore the area if a permanent parking lot is not constructed on the site. Staff recommends that the applicant give financial security to cover this amount, along with permission for the city to restore the site, if a permanent lot is not constructed by the end of this Interim Use Permit.
- 9) No exterior lighting will be provided in this lot.
- 10) A time limit on this Interim Use Permit is required because this is a temporary gravel lot. The time period for this lot shall be one year from the date of approval.
- 11) No public comments have been received on this project to date.

**Staff Recommendation**

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

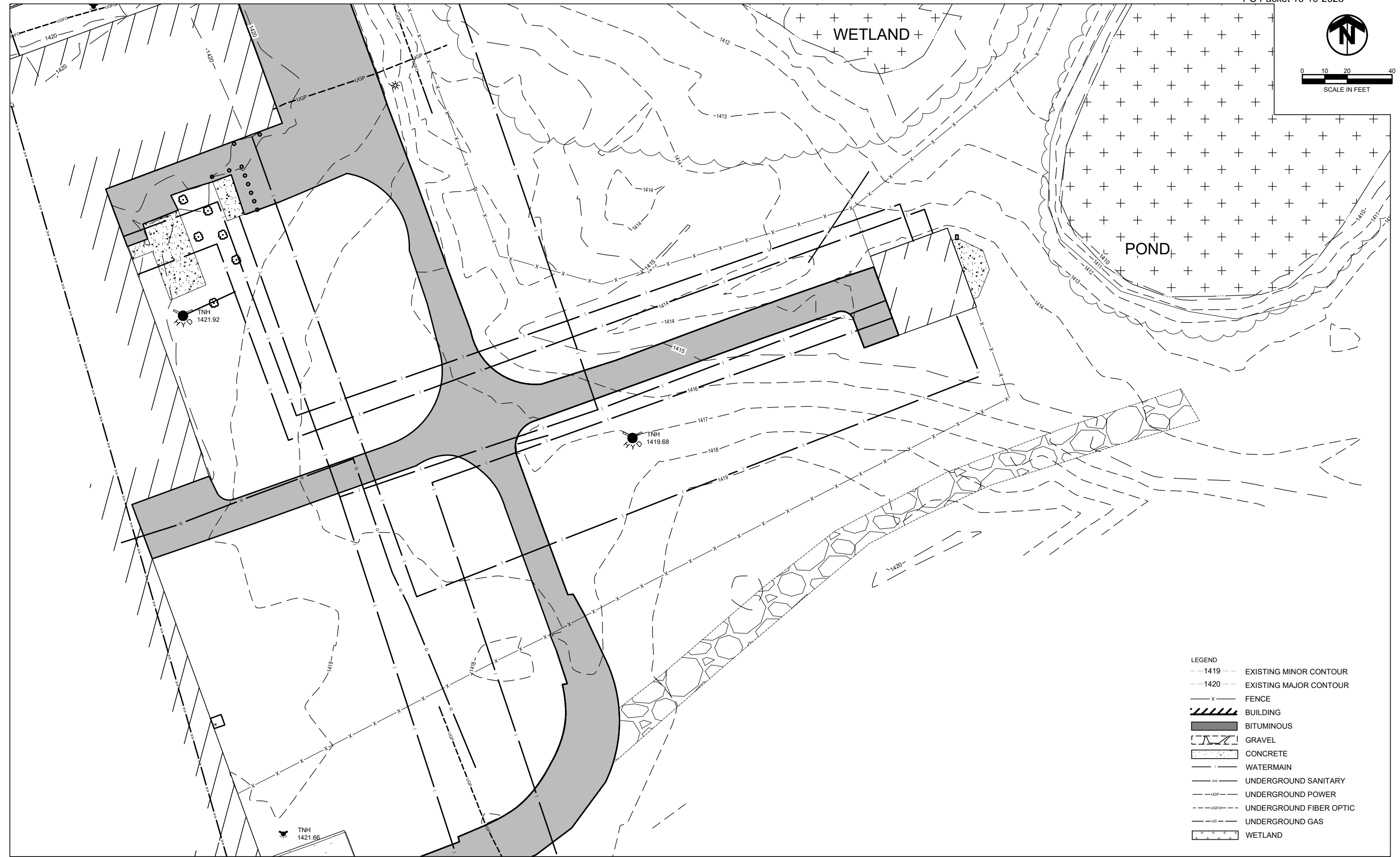
- 1) The project be limited to, constructed, and maintained according to the construction plans submitted with this application.
- 2) This Interim Use Permit has a duration of one year and shall expire one year from the date of approval.
- 3) The applicant will submit financial security in the form of escrow or a letter of credit for restoring the site to conditions existing prior to the parking lot, if no permanent lot is constructed.
- 4) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of UDC Chapter 50.



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.



0 10 20 40  
SCALE IN FEET



- LEGEND
- - - 1419 - - - EXISTING MINOR CONTOUR
  - - - 1420 - - - EXISTING MAJOR CONTOUR
  - x - - - FENCE
  - BUILDING
  - BITUMINOUS
  - GRAVEL
  - CONCRETE
  - WATERMAIN
  - UNDERGROUND SANITARY
  - UNDERGROUND POWER
  - UNDERGROUND FIBER OPTIC
  - UNDERGROUND GAS
  - WETLAND

PLOT DATE: Sep 13, 2023 - 11:35am  
FILENAME: K:\a\Cirrus\Projects\2078900004\_Production\01\_CAD\02\_Sheets\C-EXIST COND (TEMP LOT).dwg

| NO. | DATE | BY | DESCRIPTION OF REVISIONS |
|-----|------|----|--------------------------|
|     |      |    |                          |
|     |      |    |                          |
|     |      |    |                          |

DESIGNED AKB  
 DRAWN JRD  
 CHECKED AKB

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE: \_\_\_\_\_ DATE: 09.13.23  
 NAME: ANDREW K. BARNEBEY LIC. NO.: 56425



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

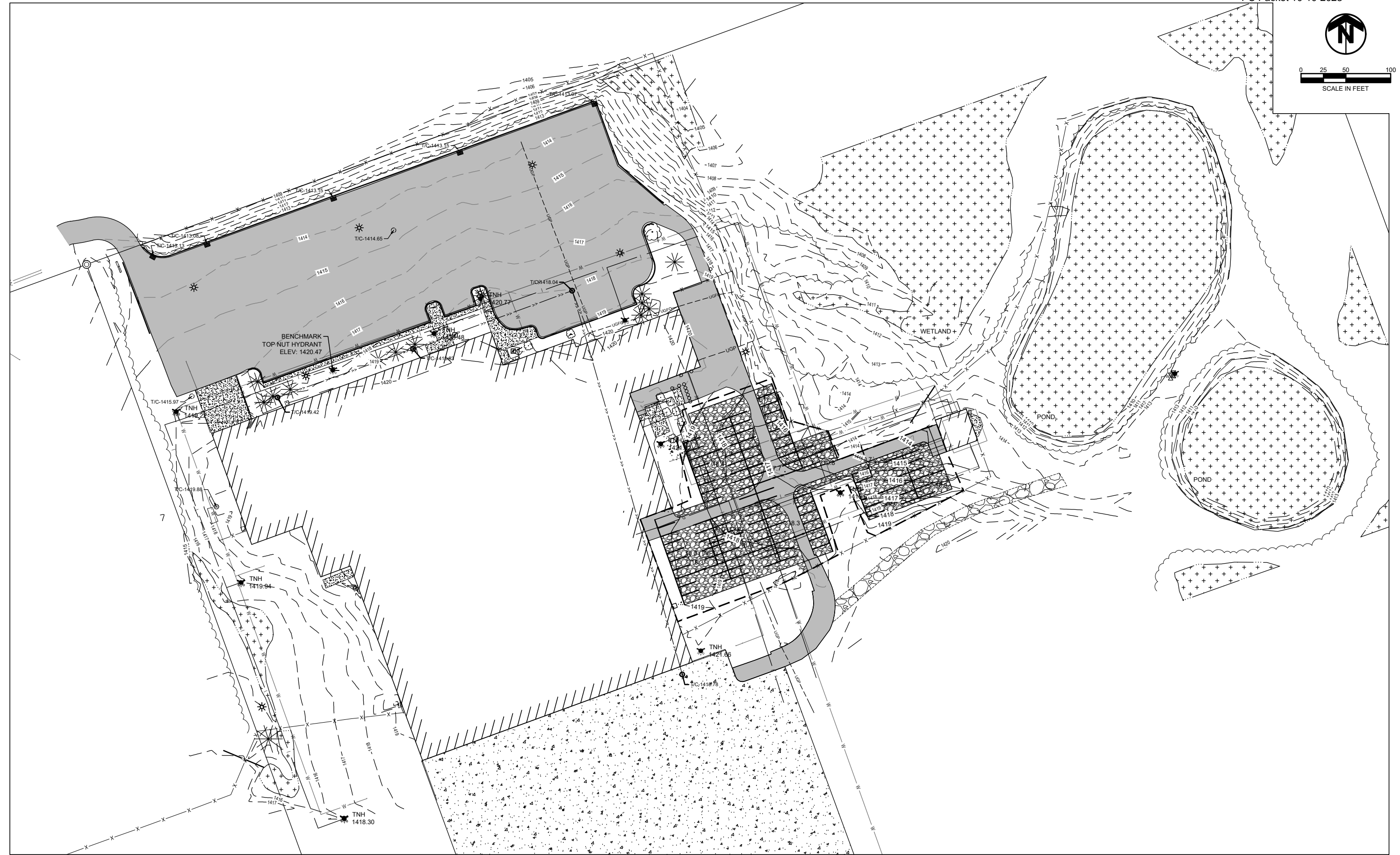
**CIRRUS TEMPORARY PARKING LOT**

**EXISTING CONDITIONS**

PROJ. NO. 20789.000  
 DRAWING NO. C100  
 Page 83 of 207



0 25 50 100  
SCALE IN FEET



PLOT DATE: Sep 13, 2023 - 11:40am  
FILENAME: K:\a\Cirrus\A\rcr\20789000\04\_Production\01\_CAD\02\_Sheets\C-GRAD (TEMP LOT).dwg

| NO. | DATE | BY | DESCRIPTION OF REVISIONS |
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| DESIGNED                 | AKB | I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. |
| DRAWN                    | JRD |  |
| CHECKED                  | AKB |  |
| SIGNATURE: _____         |     | DATE: 09.13.23   |
| NAME: ANDREW K. BARNEBEY |     | LIC. NO.: 56425  |



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### CIRRUS TEMPORARY PARKING LOT

### GRADING OVERVIEW

PROJ. NO. 20789.000  
DRAWING NO. C101  
Page 84 of 207



0 10 20 40  
SCALE IN FEET



**LEGEND**

- CONSTRUCTION LIMITS
- EXISTING MINOR CONTOUR
- EXISTING MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED GRADE
- MATCH EXISTING GRADE
- PROPOSED SLOPE
- WETLAND
- EXISTING PAVEMENT TO REMAIN
- PROPOSED GRAVEL

PLOT DATE: Sep 13, 2023 - 11:50am  
FILENAME: K:\a\Cirrus\A\rcr\20789000\04\_Production\01\_CAD\02\_Sheets\C-GRAD (TEMP LOT).dwg

| NO. | DATE | BY | DESCRIPTION OF REVISIONS |
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| DESIGNED                 | AKB | I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. |
| DRAWN                    | JRD |  |
| CHECKED                  | AKB |  |
| SIGNATURE: _____         |     | DATE: 09.13.23   |
| NAME: ANDREW K. BARNEBEY |     | LIC. NO.: 56425  |



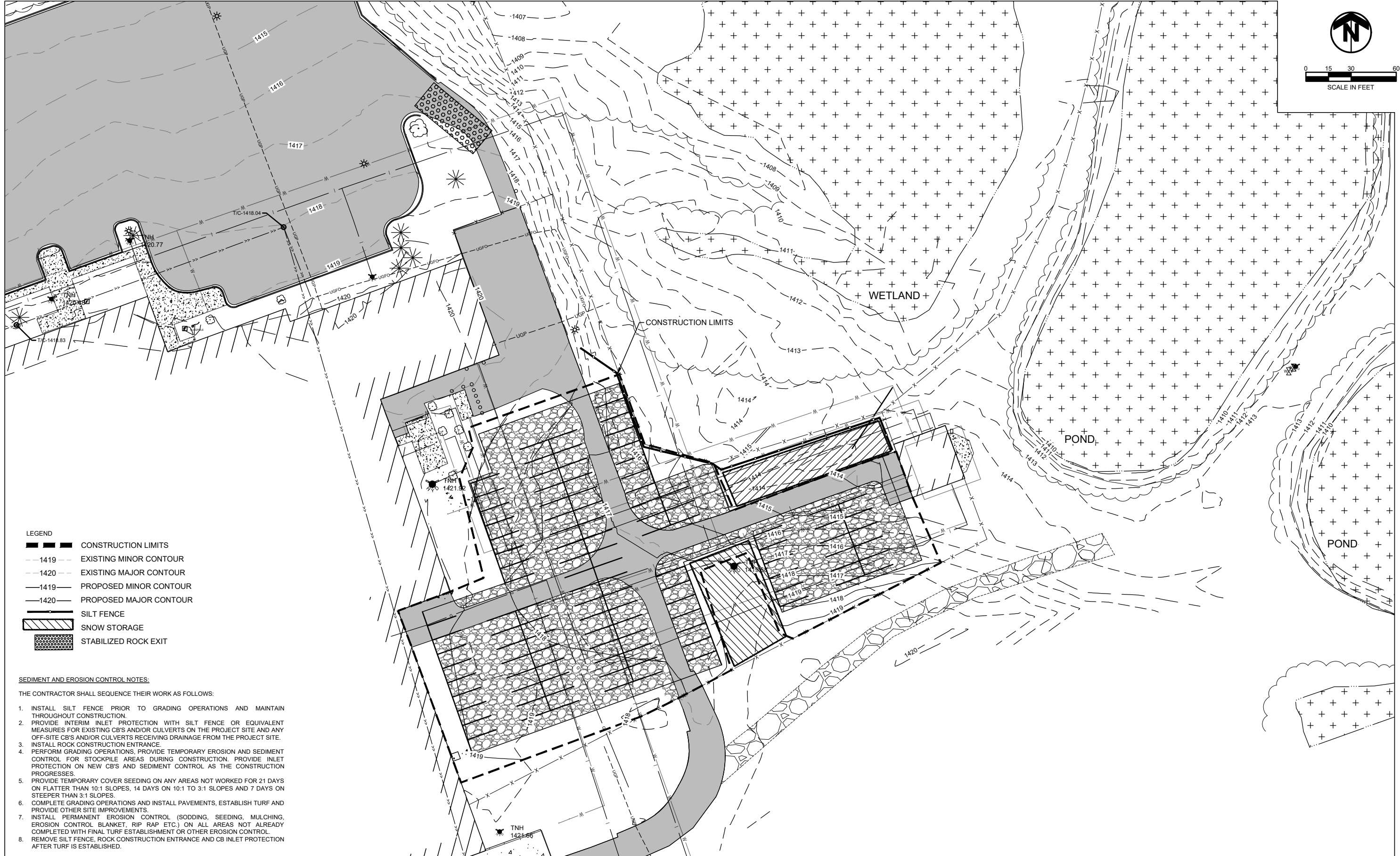
11 E. Superior Street, Suite 420  
Duluth, MN 55802  
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tkda.com

**CIRRUS TEMPORARY PARKING LOT**

**GRADING & DRAINAGE PLAN**



0 15 30 60  
SCALE IN FEET



- LEGEND**
- CONSTRUCTION LIMITS
  - EXISTING MINOR CONTOUR
  - EXISTING MAJOR CONTOUR
  - PROPOSED MINOR CONTOUR
  - PROPOSED MAJOR CONTOUR
  - SILT FENCE
  - SNOW STORAGE
  - STABILIZED ROCK EXIT

- SEDIMENT AND EROSION CONTROL NOTES:**
- THE CONTRACTOR SHALL SEQUENCE THEIR WORK AS FOLLOWS:
1. INSTALL SILT FENCE PRIOR TO GRADING OPERATIONS AND MAINTAIN THROUGHOUT CONSTRUCTION.
  2. PROVIDE INTERIM INLET PROTECTION WITH SILT FENCE OR EQUIVALENT MEASURES FOR EXISTING CB'S AND/OR CULVERTS FROM THE PROJECT SITE AND ANY OFF-SITE CB'S AND/OR CULVERTS RECEIVING DRAINAGE FROM THE PROJECT SITE.
  3. INSTALL ROCK CONSTRUCTION ENTRANCE.
  4. PERFORM GRADING OPERATIONS, PROVIDE TEMPORARY EROSION AND SEDIMENT CONTROL FOR STOCKPILE AREAS DURING CONSTRUCTION. PROVIDE INLET PROTECTION ON NEW CB'S AND SEDIMENT CONTROL AS THE CONSTRUCTION PROGRESSES.
  5. PROVIDE TEMPORARY COVER SEEDING ON ANY AREAS NOT WORKED FOR 21 DAYS ON FLATTER THAN 10:1 SLOPES, 14 DAYS ON 10:1 TO 3:1 SLOPES AND 7 DAYS ON STEEPER THAN 3:1 SLOPES.
  6. COMPLETE GRADING OPERATIONS AND INSTALL PAVEMENTS, ESTABLISH TURF AND PROVIDE OTHER SITE IMPROVEMENTS.
  7. INSTALL PERMANENT EROSION CONTROL (SODDING, SEEDING, MULCHING, EROSION CONTROL BLANKET, RIP RAP ETC.) ON ALL AREAS NOT ALREADY COMPLETED WITH FINAL TURF ESTABLISHMENT OR OTHER EROSION CONTROL.
  8. REMOVE SILT FENCE, ROCK CONSTRUCTION ENTRANCE AND CB INLET PROTECTION AFTER TURF IS ESTABLISHED.

PLOT DATE: Sep 13, 2023 - 11:53am  
FILENAME: K:\a-cirrus\alrcra\20789000\04\_Production\01\_CAD\02\_Sheets\C-EROS (TEMP LOT).dwg

| NO. | DATE | BY | DESCRIPTION OF REVISIONS |
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|          |     |   |
|----------|-----|---|
| DESIGNED | AKB | I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF --- |
| DRAWN    | JRD |   |
| CHECKED  | AKB | SIGNATURE: _____ DATE: _____<br>NAME: ANDREW K. BARNEBEY LIC. NO.: 09.13.23   |



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**CIRRUS TEMPORARY PARKING LOT**

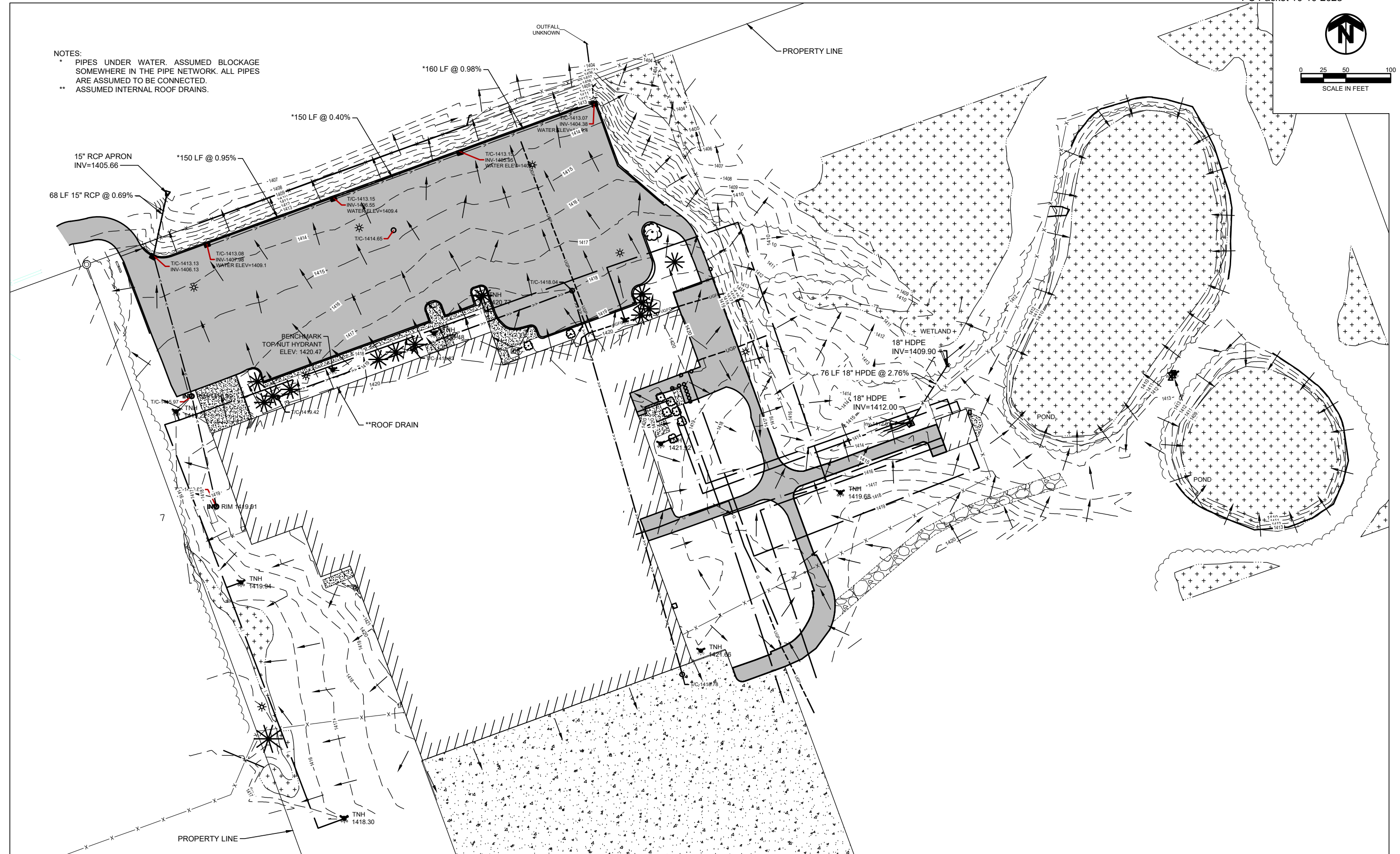
**EROSION CONTROL PLAN**

PROJ. NO. 20789.000  
DRAWING NO. C103  
Page 86 of 207



0 25 50 100  
SCALE IN FEET

NOTES:  
\* PIPES UNDER WATER. ASSUMED BLOCKAGE SOMEWHERE IN THE PIPE NETWORK. ALL PIPES ARE ASSUMED TO BE CONNECTED.  
\*\* ASSUMED INTERNAL ROOF DRAINS.



PLOT DATE: Sep 19, 2023 - 2:27pm  
FILENAME: K:\a\Cirrus\A\rcra\2078900\04\_Production\01\_CAD\02\_Sheets\Grading Schematic.dwg

| NO. | DATE | BY | DESCRIPTION OF REVISIONS |
|-----|------|----|--------------------------|
|     |      |    |                          |
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|  |     |  |
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| DESIGNED                                 | AKB | I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. |
| DRAWN                                    | JRD |  |
| CHECKED                                  | AKB |  |
| SIGNATURE: _____ DATE: 09.19.23          |     | NAME: ANDREW K. BARNEBEY LIC. NO.: 56425   |
| NAME: ANDREW K. BARNEBEY LIC. NO.: 56425 |     |  |



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CIRRUS SITE

PARCEL STORMWATER  
MAPPING

PROJ. NO. 20789.000

DRAWING NO.

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C101

**ENGINEER'S ESTIMATE  
CIRRUS TEMP PARKING LOT RESTORATION  
DULUTH, MINNESOTA**



| ITEM NO.                          | GENERAL NOTES | SPEC. NO. | ITEM DESCRIPTION                            | UNIT     | TOTAL ESTIMATED QUANTITY | ESTIMATED UNIT PRICE | EXTENSION    |                  |
|-----------------------------------|---------------|-----------|---|----------|--------------------------|----------------------|--------------|------------------|
| 1                                 |               | 2021.501  | MOBILIZATION                                | LUMP SUM | 1                        | \$ 1,560.00          | \$ 1,560.00  |                  |
| 2                                 |               | 2104.507  | REMOVE AGGREGATE                            | CU YD    | 1420                     | \$ 15.00             | \$ 21,300.00 |                  |
| 3                                 |               | 2123.610  | STREET SWEEPER (WITH PICKUP BROOM)          | HOURL    | 2                        | \$ 350.00            | \$ 700.00    |                  |
| 4                                 |               | 2574.507  | COMMON TOPSOIL BORROW FROM ONSITE STOCKPILE | CU YD    | 1420                     | \$ 5.00              | \$ 7,100.00  |                  |
| 5                                 |               | 2574.508  | FERTILIZER, TYPE 1 (200 LBS/ACRE)           | POUNDS   | 175                      | \$ 1.00              | \$ 175.00    |                  |
| 6                                 |               | 2575.505  | SEEDING                                     | ACRE     | 1                        | \$ 300.00            | \$ 300.00    |                  |
| 7                                 |               | 2575.508  | SEED MIXTURE 25-131 (220 LBS/ACRE)          | POUNDS   | 200                      | \$ 5.00              | \$ 1,000.00  |                  |
| 8                                 |               | 2575.509  | MULCH MATERIAL TYPE 3 (2 TONS/ACRE)         | TONS     | 2                        | \$ 300.00            | \$ 600.00    |                  |
| TOTAL CONSTRUCTION COSTS          |               |           |   |          |                          |                      | \$           | 32,735.00        |
| CONSTRUCTION CONTINGENCY (10%)    |               |           |   |          |                          |                      | \$           | 3,280.00         |
| <b>TOTAL ESTIMATED</b>            |               |           |   |          |                          |                      | \$           | <b>36,015.00</b> |
| <b>TOTAL ESTIMATED (ROUND UP)</b> |               |           |   |          |                          |                      | \$           | <b>36,100.00</b> |





**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 23-153   | <b>Contact</b>                  | John Kelley, <a href="mailto:jkelly@duluthmn.com">jkelly@duluthmn.com</a> |                   |
| <b>Type</b>                 | Special Use Permit – Day Care Facility  | <b>Planning Commission Date</b> | October 10, 2023  |                   |
| <b>Deadline for Action</b>  | <b>Application Date</b>   | August 23, 2023                 | <b>60 Days</b>  | October 22, 2023  |
|                             | <b>Date Extension Letter Mailed</b>   | September 15, 2023              | <b>120 Days</b>   | December 21, 2023 |
| <b>Location of Subject</b>  | 1533 West Arrowhead Road (Parcel # 010-3500-00095)  |                                 |   |                   |
| <b>Applicant</b>            | Building Blocks Learning Center   | <b>Contact</b>                  | Luke Petrich  |                   |
| <b>Agent</b>                | Keppers Design Architecture   | <b>Contact</b>                  | Jody Keppers  |                   |
| <b>Legal Description</b>    | Outlots 6, 7, 8 AND 9, EXCEPT the Southerly 400 feet of Westerly 100 feet of Outlot 7, Nortons Duluth Outlots |                                 |   |                   |
| <b>Site Visit Date</b>      | September 29, 2023  | <b>Sign Notice Date</b>         | September 26, 2023  |                   |
| <b>Neighbor Letter Date</b> | September 20, 2023  | <b>Number of Letters Sent</b>   | 37  |                   |

**Proposal**

Applicant is requesting a special use permit for a Daycare Facility for 82 children in the lower level of the Vineyard Christian Fellowship Church, and a new outdoor playground.

**Recommendation**

Staff are recommending approval with conditions.

|                | <b>Current Zoning</b> | <b>Existing Land Use</b> | <b>Future Land Use Map Designation</b>      |
|----------------|-----------------------|--------------------------|---|
| <b>Subject</b> | R-2                   | Church                   | Urban Residential, Low Density Neighborhood |
| <b>North</b>   | R-1                   | Residential              | Low Density Neighborhood                    |
| <b>South</b>   | R-1                   | Residential              | Traditional Neighborhood                    |
| <b>East</b>    | R-2                   | Vacant land              | Neighborhood Mixed Use                      |
| <b>West</b>    | R-2                   | Residential              | Urban Residential                           |

**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: 1) is consistent with the Comprehensive Land Use Plan; 2) 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.

Without limiting the previous criteria, the Commission may deny any application that would result in a random pattern of development .... or would cause anticipated negative fiscal or environmental impacts on the community.

UDC Section 50-20.3.I. Daycare facility, small and large, and preschools. Must provide off-street parking spaces for pick-up and drop-off, which must be clearly signed for pick-up and drop-off only, and shall not conflict with safe on-site pedestrian and vehicular movements.

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

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

Governing Principle #11 - Include consideration for education systems in land use actions. The daycare facility enrolls preschool aged students.

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.

Low Density Neighborhood: Single -family housing with urban services. Typified by curvilinear streets, houses with longer dimension parallel to street, and attached garages. Includes a range of house sizes and lot sizes. Non -residential uses are mainly uses such as schools and churches. Parks and open space are located within or adjacent.

**Review and Discussion Items**

- 1) The applicant proposes to operate a daycare facility in the lower level of the existing a 25,000 square foot Vineyard Christian Fellowship church building. The daycare proposes an enrollment of up to 72 children with hours of operation from 7:00 am to 5:00 pm during the week, with 30 employees (16 full time, 14 part time). This site was previously used by the church for a daycare during church services. The applicant has indicated that potential future modification to rooms within the lower level of the building could allow for an additional 10 students.
- 2) A daycare facility requires a special use permit to operate in an R-2 district. This use will not alter the essential character of the neighborhood, which includes a variety of uses including single-family homes, religious assembly and commercial uses.
- 3) Sec 50-20.3.I (Daycare facility, small and large, and preschools). Parents will use the existing church parking lot for drop off and pick up adjacent to the main entrance. The building has a primary entrance for the day care for drop off and pick up located on the south side of the building and the day care exits are located on the southeast and southwest corners of the building. The applicant is proposing a block of 8 parking spaces that will be signed in the main parking lot for pick-up and drop-off. Parents can walk their children into the building.
- 4) The applicant is proposing to use a 3,000 square foot area of an existing gravel parking located on the west central portion of the property for a temporary fenced playground. The applicant is in the process of designing a new playground area immediately to the west of the building that will include a fenced in playground for toddlers and children, and a nature playground in a wooded area on the western edge of the playground area. The applicant is working with the City storm water engineer on the design as it is in proximity to existing stormwater management structures.
- 5) Sec 50-24 (Parking and Loading). Daycare facility use requires 1 space per 5 persons care. The daycare will use the existing church parking lot located on the property primarily in front of the building. The parking lot has ample space available to accommodate parking, drop off and pick up.
- 6) Sec. 50-25 (Landscaping and Tree Preservation). No additional landscaping is required as this project is not increasing the floor space by 25%, nor is the building expanding to accommodate this program being housed in the existing church building.
- 7) Sec. 50-26 (Screening, Walls and Fences). The site plan does not show a dumpster on site. If the applicant does place a dumpster on site it shall meet the screening requirements for a dumpster enclosure of Section 50-26.3.C of the UDC.
- 8) Sec. 50-27 (Signs). Sign permits are required and will be reviewed and permitted in a separate process.
- 9) Sec. 50-28 (Stormwater Drainage and Erosion Control). The applicant is not proposing to add any impervious surface to the site.
- 10) Sec. 50-29 (Sustainability Standards). Not applicable to this project.
- 11) Sec. 50-30 (Building Design Standards). These requirements do not apply for this project.
- 12) No public or City Departments comments were received at the time that this report was compiled.

**Staff Recommendation**

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

- 1) The daycare hours of operation shall be 7:00 am to 5:00 pm Monday through Friday.
- 2) Limited to 82 children with approved future modifications to lower level meeting building code and life safety requirements.
- 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 23-153  
Special Use Permit  
1533 West Arrowhead Rd

**Legend**  
Zoning Boundaries

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**PRELIMINARY -  
NOT FOR  
CONSTRUCTION**

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DIMENSION DOES NOT  
MEASURE ONE INCH (1")  
EXACTLY, THIS DRAWING  
WILL HAVE BEEN ENLARGED  
OR REDUCED, AFFECTING  
ALL LABELED SCALES

# Building Blocks Learning Center

1533 W Arrowhead Rd Duluth MN 55811

ISSUED:  
August 23, 2023 SUP App &  
CSI Pre-App Meeting

Site Plan

# A001

| Sheet Index             |  |
|-------------------------|--|
| Site Plan and Schedules |  |
| A001                    | Site Plan                              |
| A002                    | Code Review                            |
| Plans                   |  |
| A101                    | Lower Level Plan - Existing & Proposed |
| A102                    | Upper Level Plan - Existing            |
| A103                    | Site Plan Detail                       |



**9 LEGEND**

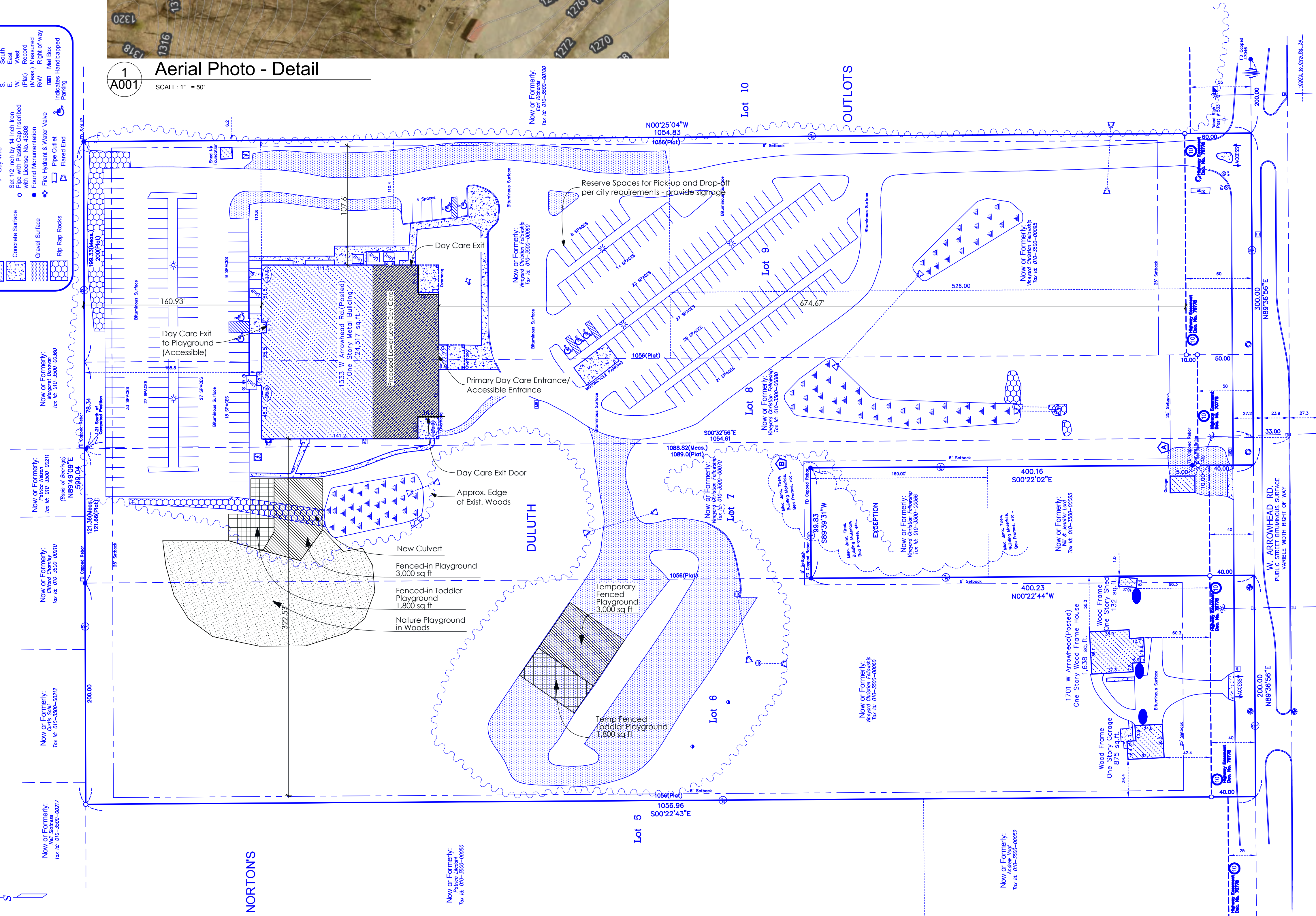
- Light Pole
- Water Valve
- Fire Hydrant
- Stands
- Stand Pipe
- Wall Mount Electric Meter
- Electric Transformer
- Building Foot Print
- Concrete Surface
- Gravel Surfaces
- Rip Rap Rocks
- Gas Valve
- Storm Inlet (Square)
- Storm Inlet (Round)
- Height at That Spot
- Overhead Utility
- Underground Utility
- Fence Line
- North
- South
- East
- West
- Way
- Measured (Reals)
- R/W
- Right-of-way
- Mail Box
- Handicapped
- Parking
- Light Pole
- Water Valve
- Fire Hydrant
- Stands
- Stand Pipe
- Wall Mount Electric Meter
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- Fence Line
- North
- South
- East
- West
- Way
- Measured (Reals)
- R/W
- Right-of-way
- Mail Box
- Handicapped
- Parking

**1 A001 Aerial Photo - Detail**  
SCALE: 1" = 50'

**17 NORTH ARROW / SCALE**

GRAPHIC SCALE  
1" = 40' feet

**2 A001 Site Plan**  
SCALE: 1" = 50'



**PRELIMINARY -  
NOT FOR  
CONSTRUCTION**

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OR REDUCED, AFFECTING  
ALL LABELED SCALES

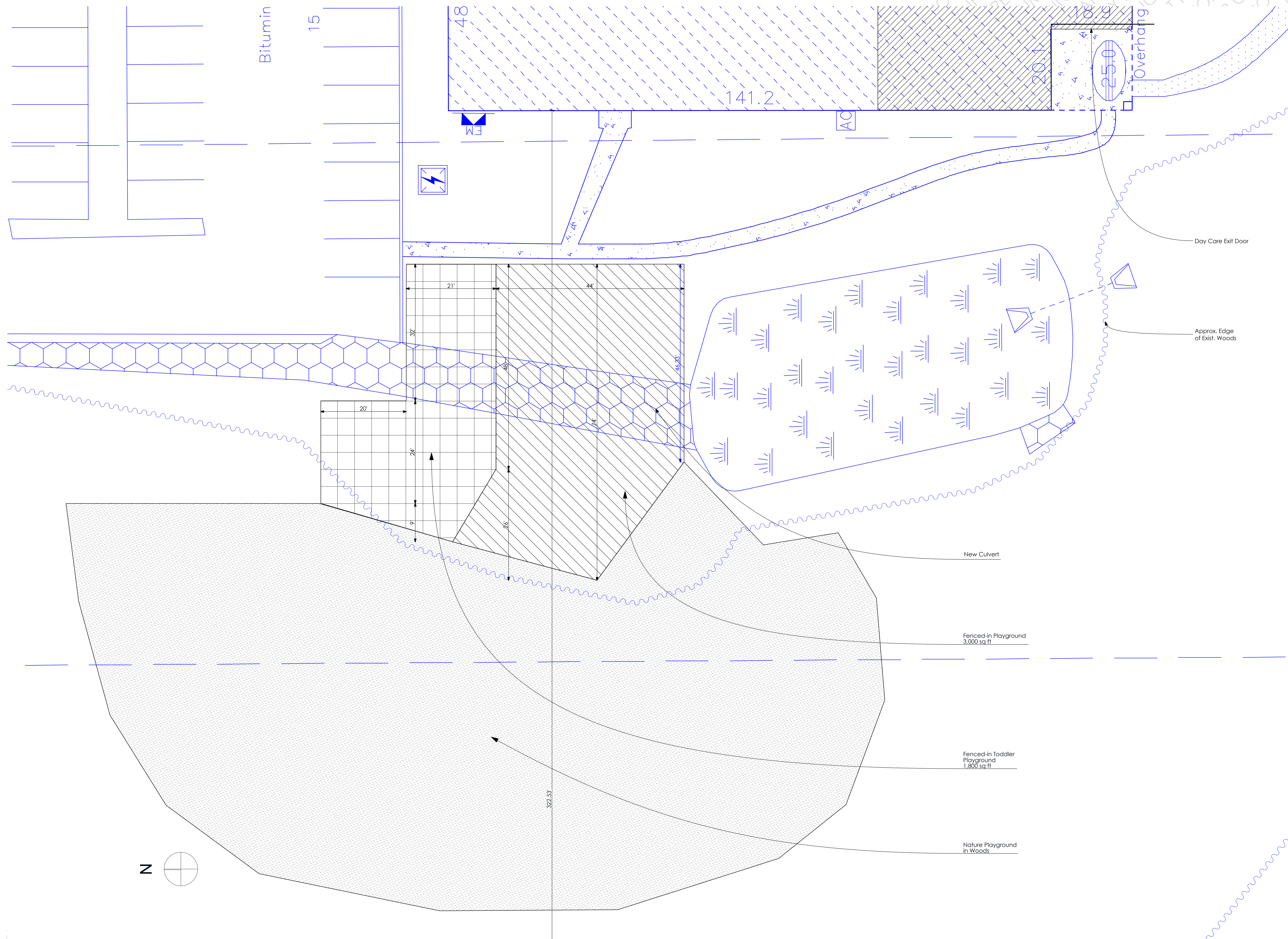
**Building Blocks Learning Center**

1533 W Arrowhead Rd Duluth MN 55811

ISSUED:  
August 23, 2023 SUP App &  
CSI Pre-App Meeting

Site Plan Detail

**A103**





**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 23-166   | <b>Contact</b>                  | Chris Lee, clee@duluthmn.gov |                   |
| <b>Type</b>                 | MU-C Planning Review – Restaurant                           | <b>Planning Commission Date</b> | October 10, 2023             |                   |
| <b>Deadline for Action</b>  | <b>Application Date</b>                                     | September 11, 2023              | <b>60 Days</b>               | November 11, 2023 |
|                             | <b>Date Extension Letter Mailed</b>                         | September 15, 2023              | <b>120 Days</b>              | January 1, 2024   |
| <b>Location of Subject</b>  | 1600 Miller Trunk Hwy, Mall Outlot – Former Park State Bank |                                 |                              |                   |
| <b>Applicant</b>            | HR Green, Inc   | <b>Contact</b>                  | Joe Vavrina@hrgreen.com      |                   |
| <b>Agent</b>                |   | <b>Contact</b>                  |                              |                   |
| <b>Legal Description</b>    | PID: 010-3927-00020   |                                 |                              |                   |
| <b>Site Visit Date</b>      | September 23, 2023  | <b>Sign Notice Date</b>         | September 22, 2023           |                   |
| <b>Neighbor Letter Date</b> | September 22, 2023  | <b>Number of Letters Sent</b>   | 33                           |                   |

**Proposal**

A Planning Review for a free-standing restaurant redevelopment of a former bank building. The project will consist of a 6,110 sq. ft. restaurant with a two-lane drive through and related parking and landscaping.

**Recommended Action:** Approve with conditions.

|                | <b>Current Zoning</b> | <b>Existing Land Use</b> | <b>Future Land Use Map Designation</b> |
|----------------|-----------------------|--------------------------|--|
| <b>Subject</b> | MU-C                  | Vacant Bank              | Large-scale commercial                 |
| <b>North</b>   | MU-C                  | Highway                  | Large-scale commercial                 |
| <b>South</b>   | MU-C                  | Mall                     | Large-scale commercial                 |
| <b>East</b>    | MU-C                  | Mall Parking Lot         | Large-scale commercial                 |
| <b>West</b>    | MU-C                  | Mall Parking Lot         | Large-scale commercial                 |

**Summary of Code Requirements**

50-15.3.E MU-C District – Planning review by the Planning Commission is required for most development and redevelopment. Development Standards:

1. Curb cuts shall be designed to minimize traffic congestion or hazard in the area. Any traffic control improvements required such as traffic signals, turning lanes, medians, signage ...shall be paid for by the property owner.
2. Any necessary public easements over the subject property shall be dedicated, and any necessary improvements within such easements or other easements adjacent to the subject property shall be made.

50-18.1 Shoreland, Flood Plains, Wetlands, Stormwater.

50-23 Connectivity and Circulation – Focuses on pedestrian and bicycle accommodations.

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

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

50-26 Screening, Walls, and Fences – Screening of equipment, loading areas, etc., plus fences & retaining walls.  
50-29 Sustainability Standards – Sustainability point system for new development.  
50-30 Design Standards – Building standards for multi-family, commercial, institutional, and industrial buildings.  
50-31 Exterior Lighting – Directs the minimum and maximum illumination values and lighting fixtures for a site.  
50-37.11 Planning Review – Planning Commission shall approve the Planning Review or approve it with modifications, if it is determined that the application complies with all applicable provisions of this Chapter.

Sec. 50-20.3.Q – Restaurant Use Specific Standards.

1. N/A
2. Drive-ins and drive-throughs for restaurants are allowed in the, MU-C, district;
3. Drive-through lanes shall allow for stacking space for 5 cars;
4. N/A

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

Governing Principle #8 – Encourage mix of activities, uses, and densities. The proposed restaurant would complement the retail users at the mall and be highly visible from a high traffic road.

Governing Principle # 1- Reusing of previously developed lands: this proposal is utilizing existing developed lands for a new user.

Future Land Use – Large Scale Commercial: Mall, shopping center, and big box retail development, with associated surrounding retail and service uses, but only ancillary office uses. Oriented primarily to the motorist, with planned internal circulation patterns while still accommodating pedestrian movement. Requires access to regional transportation routes. May include regional green infrastructure for watershed protection.

History: The site is currently home to a vacant 2,100 sq. ft. bank building with a two-lane drive-thru. The bank will be demolished as part of this redevelopment.

**Review and Discussion Items**

Staff finds that:

1. The proposed rapid-service restaurant will be 6,110 sq. ft with indoor seating and a drive-through system for service. The drive through will contain two separated canopies, one for the ordering system and one for the pick-up window.
2. The proposal results in re-use of a site with a vacant or outdated building on the Miller Hill Mall campus, and will provide additional activation of the Highway 53 corridor.
3. The proposed restaurant includes a two-lane drive-thru with more than 5 vehicle stacking spaces, as is required. The proposed drive-thru will be a modification to drive-thru service on the site, as the site was original designed for bank-related drive-thru service.
4. No other use specific standards for a restaurant are applicable in the MU-C zone district.
5. The site plan shows 41 parking spaces for the proposed restaurant. This meets the minimum required (6.5 parking spaces per 1,000 sq. ft. of building area for restaurants or 40 stalls), by one stall. There is other parking available in the mall parking lot.
6. The plans indicate a pedestrian connection from the mall entrance to the site through the parking lot with a separate sidewalk between parking rows. Another connection on the northeast side of the proposed restaurant will connect to the existing sidewalk near Highway 53.
7. The landscape plan submitted indicates 24 trees and 53 shrubs exceeding the minimum required for the site. These trees and shrubs will be planted to meet the 30% parking coverage directly adjacent to the site and in surrounding parking areas.
8. HVAC mechanical units are not shown and will need to be screened from view, which can be verified at time of building permit application.
9. Trash screening is shown on the plans with compliant materials.
10. Ground-mounted signs indicated on plans are not part of this review and are subject to separate sign permits.
11. Sustainability and building design standards do not apply due to the size of the structure.
12. A photometric plan with fixture details indicates code complaint lighting with only building mounted lighting proposed.
13. A stormwater and erosion control plan will need to be reviewed and approved by City Engineering prior to building permits being issued.
14. No public, agency, or City comments were received at the time of drafting this report.
15. The permit will lapse if no activity takes place within 1 year of approval.



**Staff Recommendation**

Based on the above findings, staff recommends that Planning Commission approve the MU-C Planning Review with the following conditions:

1. The project be limited, constructed, and maintained consistent with plans submitted and included in this report;
2. Stormwater plans are approved by the City Engineer;
3. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



PL23-166  
 Planning Review for Restaurant  
 1600 Miller Trunk Hwy

RR-1 (Rural Residential 1)  
 PC Packet 19-10-2023

**Legend**  
**Zoning Boundaries**

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



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# PL23-166 Planning Review for Restaurant 1600 Miller Trunk Hwy

**Legend**

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
  - CITY OF DULUTH
  - WLS&D; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- PS Pump Station
- Storm Sewer Mains**
  - Storm Sewer Pipe
  - Storm Sewer Catch Basin
- Zoning Boundaries**
  - Trout Stream (GPS)
  - Other Stream (GPS)



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DULUTH, MN 55811

## FSR# 05418

| REVISION SCHEDULE | NO. | DATE | DESCRIPTION |
|-------------------|-----|------|-------------|
|                   |     |      |             |

PRELIMINARY

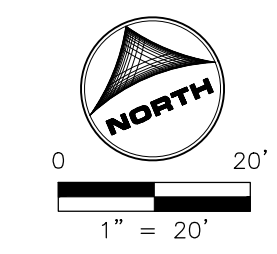
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|--|-------------|
| ENGINEER'S PROJECT #   | 2202615     |
| PRINTED FOR  | PRELIMINARY |
| DATE   | 08/01/2023  |
| DRAWN BY:  | MRJ         |
| CHECKED BY:  | JFV         |
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| SHEET  | SITE PLAN   |
| SHEET NUMBER   | C-200       |

| HATCH LEGEND |   |
|--------------|---|
|              | DENOTES STANDARD PAVEMENT SECTION                                     |
|              | DENOTES CONCRETE SECTION  |
|              | DENOTES PROP. SIDEWALK  |
|              | DENOTES AREA OF DEPRESSED SIDEWALK                                    |
|              | DENOTES AREA OF DEPRESSED CURB AND GUTTER WITH LENGTH NOTED ON PLANS. |
|              | DENOTES REVERSE CURB & GUTTER   |

| SITE DATA:   |                                      |
|--|--------------------------------------|
| • ZONING:  | MU-C (MIXED USE COMMERCIAL DISTRICT) |
| • LEASE PARCEL:  | 46,028± SQ. FT. (1.06 AC.)           |
| BUILDING AREA:   |                                      |
| • BUILDING FOOT PRINT:   | 6,110± SQ. FT.                       |
| • FLOOR AREA RATIO (F.A.R.):   | = 0.132                              |
| • NUMBER OF EMPLOYEES DURING LARGEST SHIFT:  | = 15 EMPLOYEES                       |
| PARKING DATA:  |                                      |
| • TYPICAL PARKING WIDTH:   | 9.0                                  |
| • TYPICAL PARKING LENGTH:  | 17.0'                                |
| • TYPICAL ISLE WIDTH:  | 24'                                  |
| • REGULAR PARKING SPACES PROVIDED:   | 39                                   |
| • ADA PARKING SPACES PROVIDED:   | 2                                    |
| • TOTAL PARKING SPACES PROVIDED:   | 41                                   |
| PARKING FORMULA:<br>6.5 SPACE FOR EVERY 1000 SQUARE FEET OF GROSS FLOOR AREA.<br>(6.110/6.5 = 39.7 STALLS) |                                      |
| • TOTAL PARKING STALLS REQUIRED:   | = 40 STALLS                          |

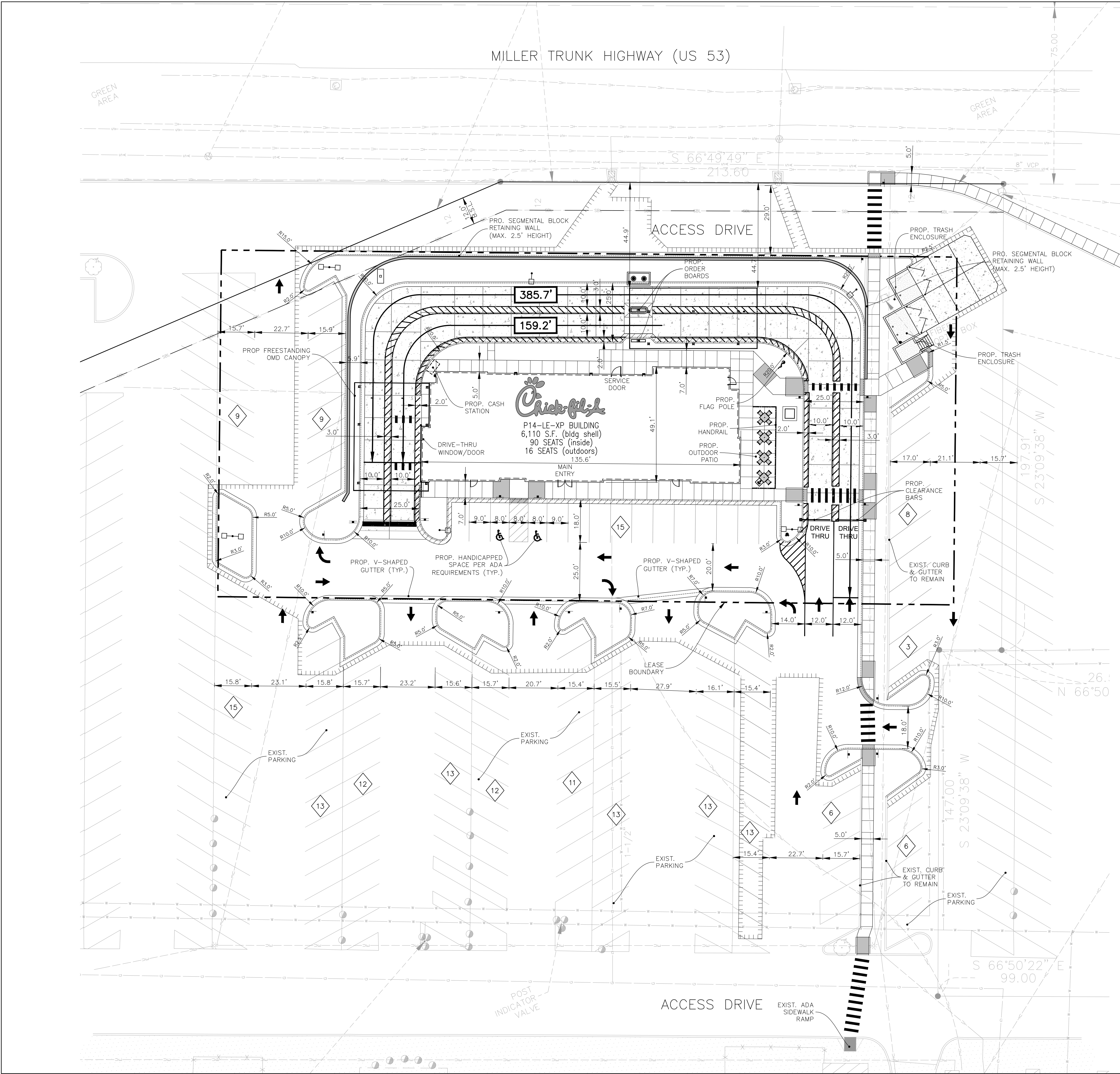
| PROJECT NOTES:   |  |
|--|--|
| • ALL CONSTRUCTION WITHIN PUBLIC R.O.W./ EASEMENTS AND OR CONNECTION TO PUBLIC SEWERS AND STREETS SHALL COMPLY WITH THE CITY OF DULUTH STANDARD CONSTRUCTION SPECIFICATIONS.                               |  |
| • AT LEAST ONE WEEK PRIOR TO ANY CONSTRUCTION WITHIN PUBLIC R.O.W./ EASEMENTS AND/OR ANY CONNECTION TO PUBLIC SEWERS AND STREETS, THE CONTRACTOR SHALL CONTACT THE CITY TO OBTAIN APPLICABLE CITY PERMITS. |  |
| • INGRESS/EGRESS WILL BE PROVIDED INTERNAL AND EXTERNAL TO THIS SITE.  |  |
| • ALL CONCRETE CURB & GUTTER SHALL BE 24" (B6.18) UNLESS OTHERWISE NOTED ON THE PLANS.   |  |
| • ALL PAVEMENT DIMENSIONS ARE MEASURED TO THE FACE OF CURB UNLESS OTHERWISE NOTED.   |  |
| • ALL CONSTRUCTION MATERIALS, DUMPSTER, DETACHED TRAILERS OR SIMILAR ITEMS ARE PROHIBITED ON PUBLIC STREETS OR WITHIN THE PUBLIC RIGHT-OF-WAY".  |  |

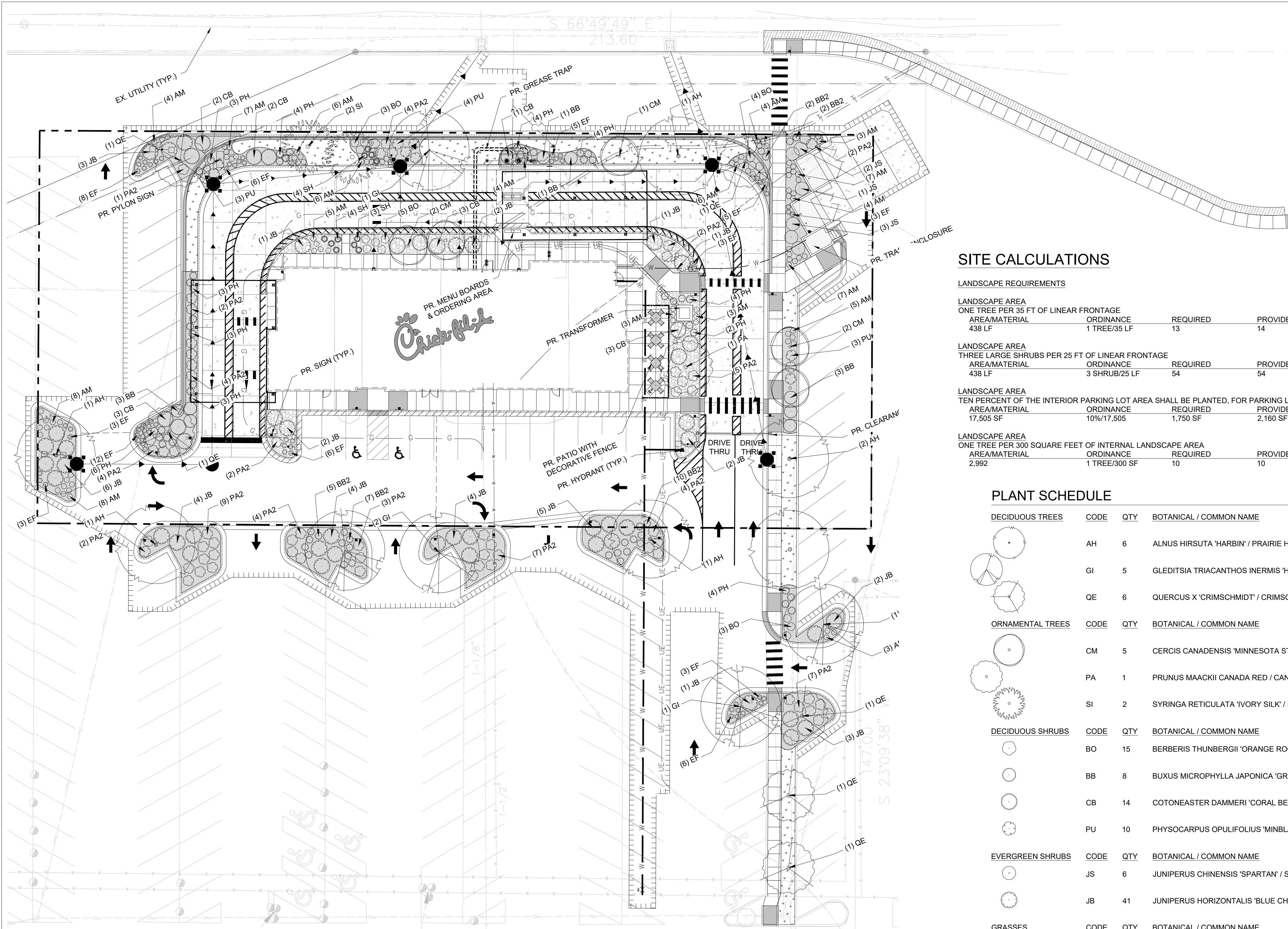
| IMPERVIOUS/PERVIOUS DATA:   |                            |
|-----------------------------|----------------------------|
| • DISTURBANCE AREA:         | 55,336 SQ. FT. (1.270 AC.) |
| • EXISTING PERVIOUS AREA:   | 6,837 SQ. FT. (12.4%)      |
| • EXISTING IMPERVIOUS AREA: | 48,499 SQ. FT. (87.6%)     |
| • PROPOSED PERVIOUS AREA:   | 9,748 SQ. FT. (22.4%)      |
| • PROPOSED IMPERVIOUS AREA: | 45,588 SQ. FT. (77.6%)     |



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PRELIMINARY  
NOT FOR CONSTRUCTION





**GROUNDCOVER LEGEND**

| SYMBOL | DESCRIPTION         | AREA     |
|--------|---------------------|----------|
|        | SOD TURF            | 2,243 SF |
|        | SHREDDED WOOD MULCH | 5,308 SF |
|        | DECORATIVE ROCK     | 1,447 SF |
|        | NATIVE SEEDING      | 661 SF   |

**SITE CALCULATIONS**

**LANDSCAPE REQUIREMENTS**

LANDSCAPE AREA  
ONE TREE PER 35 FT OF LINEAR FRONTAGE

| AREA/MATERIAL | ORDINANCE    | REQUIRED | PROVIDED |
|---------------|--------------|----------|----------|
| 438 LF        | 1 TREE/35 LF | 13       | 14       |

LANDSCAPE AREA  
THREE LARGE SHRUBS PER 25 FT OF LINEAR FRONTAGE

| AREA/MATERIAL | ORDINANCE     | REQUIRED | PROVIDED |
|---------------|---------------|----------|----------|
| 438 LF        | 3 SHRUB/25 LF | 54       | 54       |

LANDSCAPE AREA  
TEN PERCENT OF THE INTERIOR PARKING LOT AREA SHALL BE PLANTED, FOR PARKING LOTS BETWEEN 25 AND 50 SPACES.

| AREA/MATERIAL | ORDINANCE  | REQUIRED | PROVIDED |
|---------------|------------|----------|----------|
| 17,505 SF     | 10%/17,505 | 1,750 SF | 2,160 SF |

LANDSCAPE AREA  
ONE TREE PER 300 SQUARE FEET OF INTERNAL LANDSCAPE AREA

| AREA/MATERIAL | ORDINANCE     | REQUIRED | PROVIDED |
|---------------|---------------|----------|----------|
| 2,992         | 1 TREE/300 SF | 10       | 10       |

**PLANT SCHEDULE**

| DECIDUOUS TREES  | CODE | QTY | BOTANICAL / COMMON NAME   | SIZE      |
|------------------|------|-----|---|-----------|
|                  | AH   | 6   | ALNUS HIRSUTA 'HARBIN' / PRAIRIE HORIZON® MANCHURIAN ALDER                | 2" CAL.   |
|                  | GI   | 5   | GLEDITSIA TRIACANTHOS INERMIS 'HARVE' / NORTHERN ACCLAIM® HONEY LOCUST    | 2" CAL.   |
|                  | QE   | 6   | QUERCUS X 'CRIMSCHMIDT' / CRIMSON SPIRE™ OAK                              | 2" CAL.   |
| ORNAMENTAL TREES | CODE | QTY | BOTANICAL / COMMON NAME   | SIZE      |
|                  | CM   | 5   | CERCIS CANADENSIS 'MINNESOTA STRAIN' / MINNESOTA STRAIN EASTERN REDBUD    | 1.5" CAL. |
|                  | PA   | 1   | PRUNUS MAACKII CANADA RED / CANADA RED CHOKECHERRY                        | 1.5" CAL. |
|                  | SI   | 2   | SYRINGA RETICULATA 'IVORY SILK' / IVORY SILK JAPANESE TREE LILAC          | 1.5" CAL. |
| DECIDUOUS SHRUBS | CODE | QTY | BOTANICAL / COMMON NAME   | SIZE      |
|                  | BO   | 15  | BERBERIS THUNBERGII 'ORANGE ROCKET' / ORANGE ROCKET JAPANESE BARBERRY     | 5 GAL.    |
|                  | BB   | 8   | BUXUS MICROPHYLLA JAPONICA 'GREEN BEAUTY' / GREEN BEAUTY JAPANESE BOXWOOD | 5 GAL.    |
|                  | CB   | 14  | COTONEASTER DAMMERI 'CORAL BEAUTY' / CORAL BEAUTY COTONEASTER             | 5 GAL.    |
|                  | PU   | 10  | PHYSOCARPUS OPULIFOLIUS 'MINBLA3' / DARKSTAR® NINEBARK                    | 5 GAL.    |
| EVERGREEN SHRUBS | CODE | QTY | BOTANICAL / COMMON NAME   | SIZE      |
|                  | JS   | 6   | JUNIPERUS CHINENSIS 'SPARTAN' / SPARTAN JUNIPER                           | 5 GAL.    |
|                  | JB   | 41  | JUNIPERUS HORIZONTALIS 'BLUE CHIP' / BLUE CHIP CREEPING JUNIPER           | 5 GAL.    |
| GRASSES          | CODE | QTY | BOTANICAL / COMMON NAME   | SIZE      |
|                  | BB2  | 26  | BOUTELOUA GRACILIS 'BLONDE AMBITION' / BLONDE AMBITION BLUE GRAMA         | 1 GAL.    |
|                  | PH   | 40  | PANICUM VIRGATUM 'HEAVY METAL' / HEAVY METAL SWITCH GRASS                 | 1 GAL.    |
|                  | SH   | 11  | SPOROBOLUS HETEROLEPIS / PRAIRIE DROPS EED                                | 1 GAL.    |
| PERENNIALS       | CODE | QTY | BOTANICAL / COMMON NAME   | SIZE      |
|                  | AM   | 93  | ACHILLEA X 'MOONSHINE' / MOONSHINE YARROW                                 | 1 GAL.    |
|                  | EF   | 63  | ECHINACEA PURPUREA 'FATAL ATTRACTION' / FATAL ATTRACTION CONEFLOWER       | 1 GAL.    |
|                  | PA2  | 62  | PEROVSKIA ABROTANOIDES / RUSSIAN SAGE                                     | 1 GAL.    |



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**FSR# 05418**

REVISION SCHEDULE  
NO. DATE DESCRIPTION

ENGINEER'S PROJECT # 2202615

PRINTED FOR PRELIMINARY

DATE 08/01/2023

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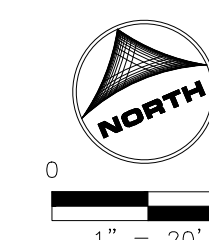
CHECKED BY: XXXX

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SHEET  
**LANDSCAPE PLAN**

SHEET NUMBER

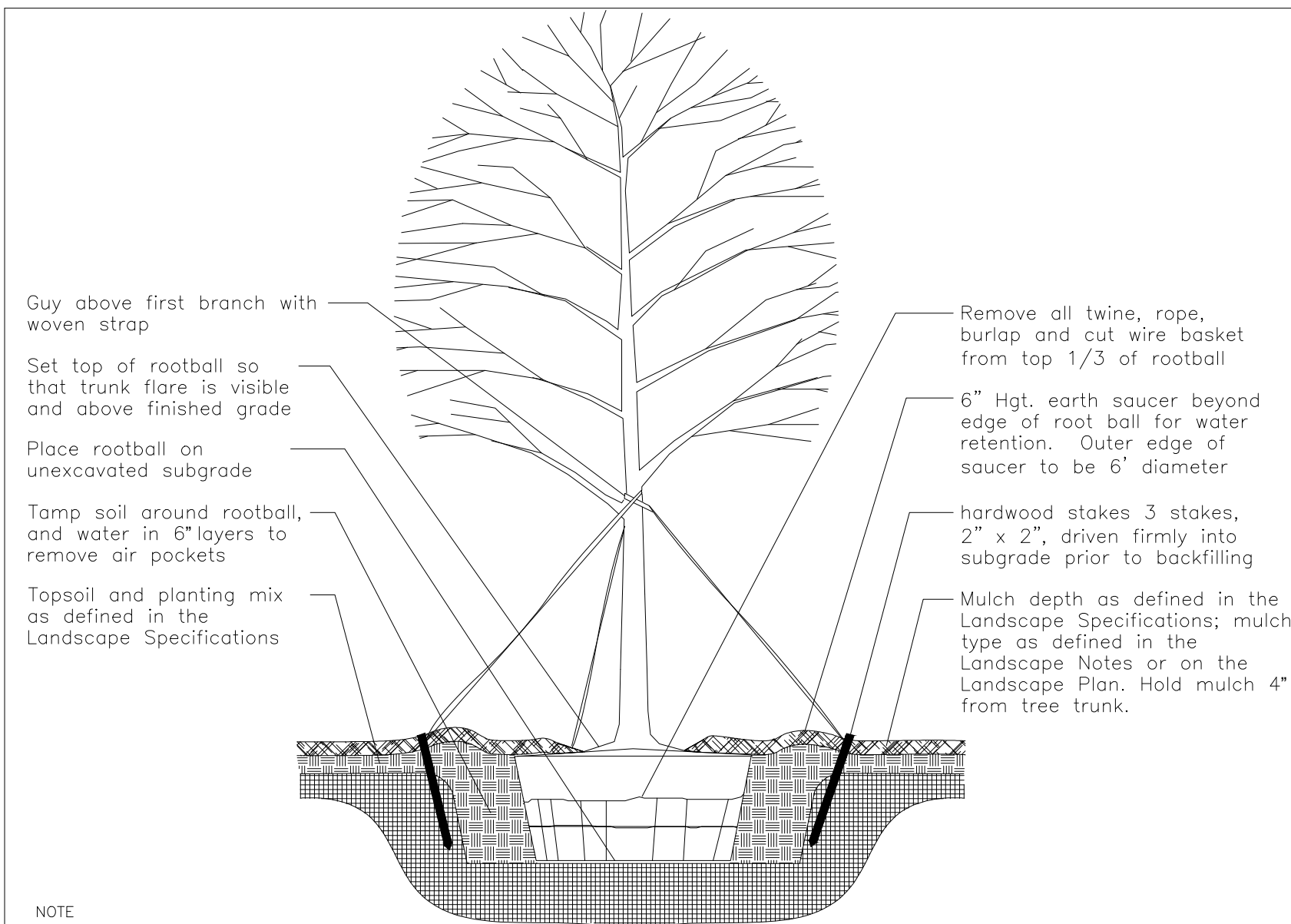
**L-100**



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0 10 20  
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1" = 20'

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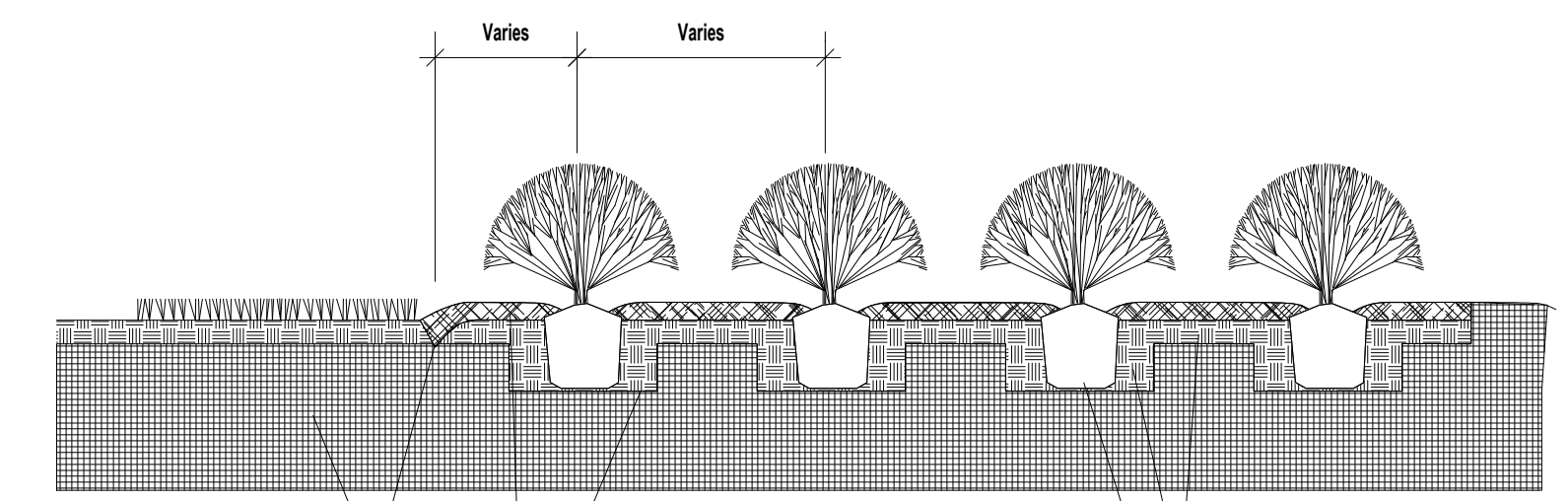
PRELIMINARY



- NOTE
- Hole to be twice the width of the rootball.
  - Do not heavily prune tree at planting; Prune only crossover limbs, broken or dead branches; Do not remove the terminal buds of branches that extend to the edge of the crown.
  - Each tree must be planted such that the trunk flare is visible at the top of the rootball. Trees where the trunk flare is not visible shall be rejected. Do not cover the top of the rootball with soil. Mulch to be held back 4\"/>

### 1 TREE PLANTING AND STAKING DETAIL

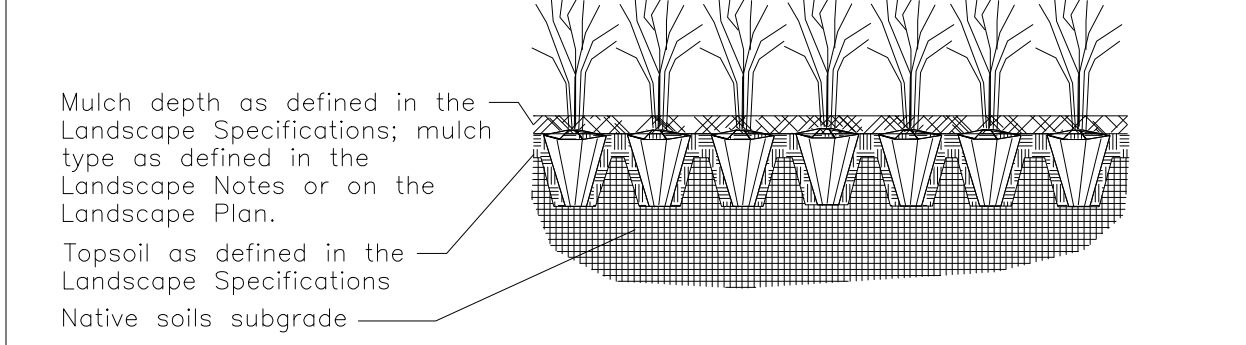
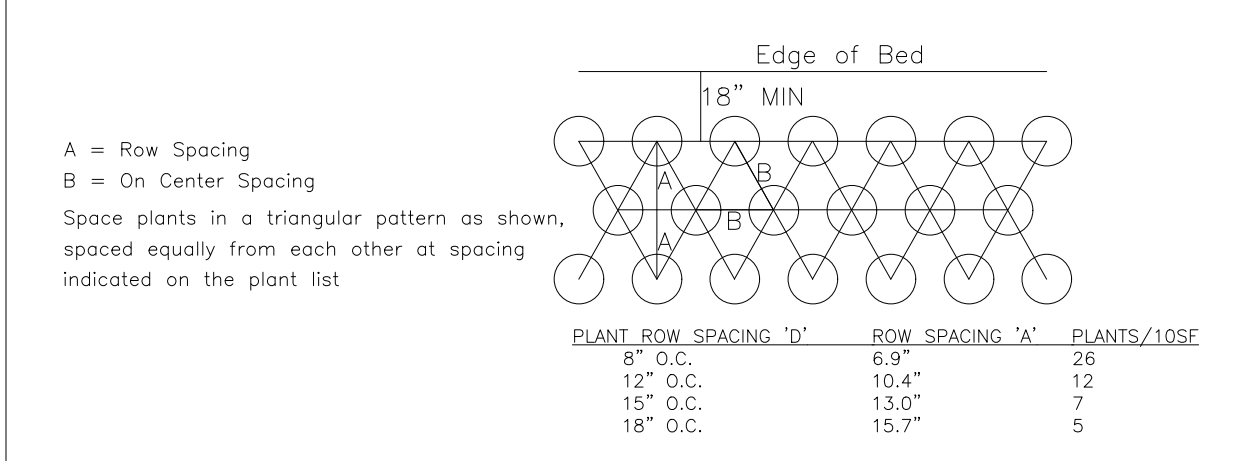
SCALE: NTS



- NOTE
- Clean construction debris from within landscape island areas (ie. concrete, rocks, rubble, building materials, ect), prior to installing topsoil and plant material.
  - Fracture/loosen existing subgrade to a minimum 24\"/>

### 2 SHRUB BED PLANTING DETAIL

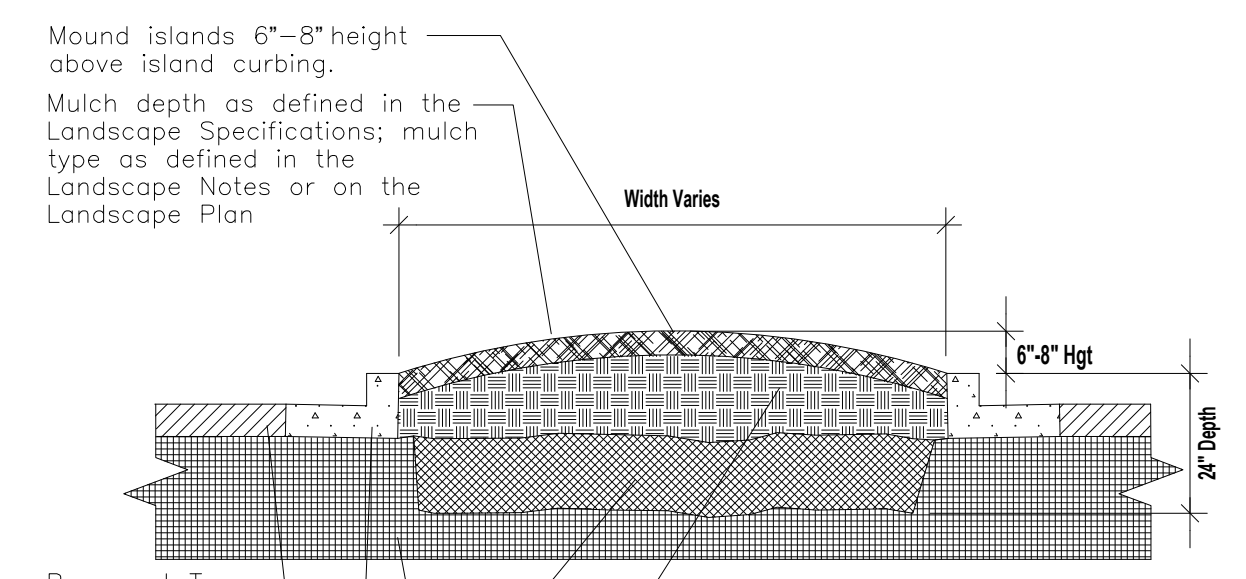
SCALE: NTS



- NOTE
- Space groundcover plants in accordance with indicated spacing listed on the plant list, or as shown on the landscape plan.
  - Adjust spacing as necessary to evenly fill planting bed with indicated quantity of plants.
  - Plant to within 24\"/>

### 3 GROUND COVER PLANTING DETAIL

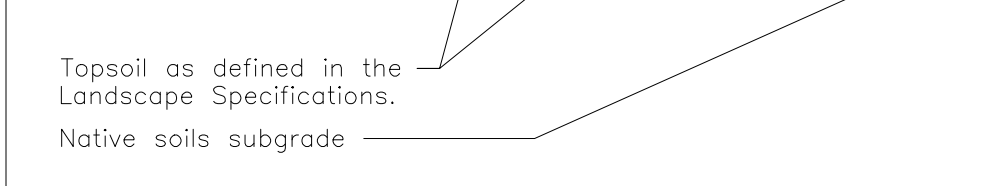
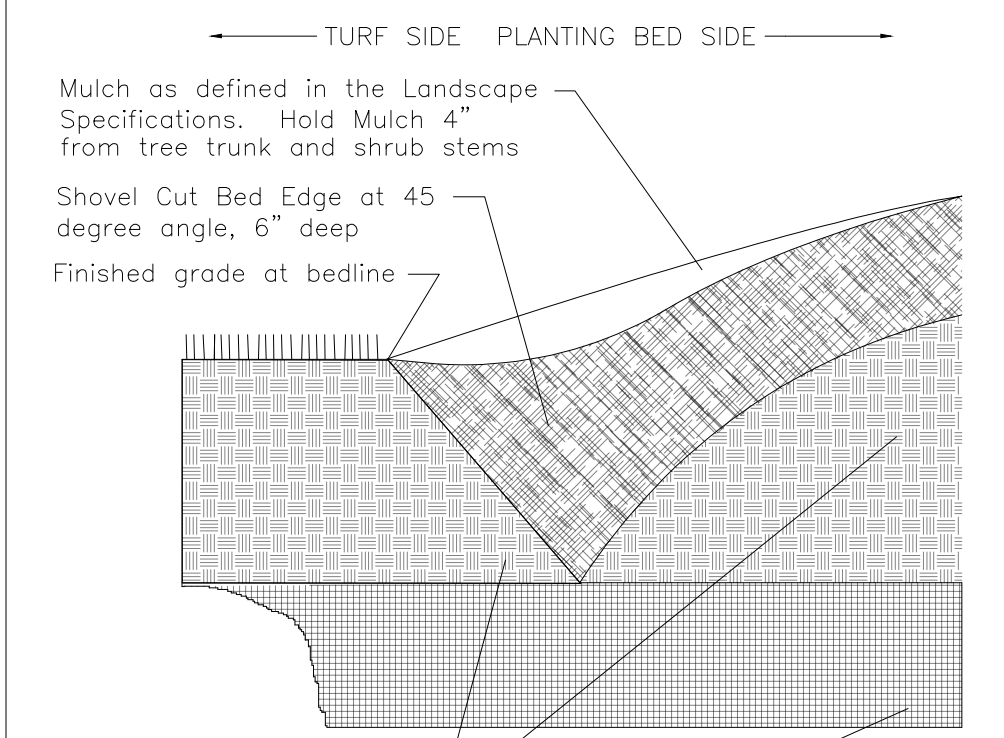
SCALE: NTS



- NOTE
- Clean construction debris from within landscape island areas (ie. concrete, rocks, rubble, building materials, ect), prior to installing topsoil and plant material.
  - Fracture/loosen existing subgrade to a minimum 24\"/>

### 4 PARKING ISLAND BERMING DETAIL

SCALE: NTS



### 5 \"/>

SCALE: NTS

## GENERAL NOTES

- BASE MAP INFORMATION IS ACCURATE AS OF THE DATE PRINTED ON THIS PACKAGE.
- THE LANDSCAPE PLANS CONTAINED HEREIN ILLUSTRATE APPROXIMATE LOCATIONS OF ALL SITE CONDITIONS. REFER TO SURVEY, ARCHITECTURAL, CIVIL ENGINEERING, STRUCTURAL, ELECTRICAL, IRRIGATION AND ALL OTHER DRAWINGS, IF AVAILABLE, FOR ADDITIONAL DETAILED INFORMATION.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR BECOMING AWARE OF AND FIELD VERIFYING ALL RELATED EXISTING AND PROPOSED CONDITIONS, UTILITIES, PIPES AND STRUCTURES, ETC. PRIOR TO BIDDING AND CONSTRUCTION. THE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR CONTACTING JULIE, THE COUNTY PUBLIC WORKS DEPARTMENT, THE MUNICIPALITY AND ANY OTHER PUBLIC OR PRIVATE AGENCIES NECESSARY FOR UTILITY LOCATION PRIOR TO ANY CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE OWNER'S REPRESENTATIVE OF APPARENT CONFLICTS WITH CONSTRUCTION AND UTILITIES SO THAT ADJUSTMENTS CAN BE PLANNED PRIOR TO INSTALLATION. IF FIELD ADJUSTMENTS ARE NECESSARY DUE TO EXISTING UTILITY LOCATIONS THEY MUST BE APPROVED BY THE OWNER'S REPRESENTATIVE. THE CONTRACTOR SHALL TAKE SOLE RESPONSIBILITY FOR ANY AND ALL COSTS OR OTHER LIABILITIES INCURRED DUE TO DAMAGE OF SAID UTILITIES/STRUCTURES/ETC.
- THE CONTRACTOR SHALL COMPLY WITH ALL CODES APPLICABLE TO THIS WORK.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATION WITH SUBCONTRACTORS AND OTHER CONTRACTORS OF RELATED TRADES, AS REQUIRED, TO ACCOMPLISH THE PLANTING AND RELATED OPERATIONS.
- THE CONTRACTOR SHALL COORDINATE INSTALLATION OF ALL PLANT MATERIAL WITH THE INSTALLATION OF OTHER IMPROVEMENTS SUCH AS HARDSCAPE ELEMENTS AND RELATED STRUCTURES. ANY DAMAGE TO EXISTING IMPROVEMENTS IS THE RESPONSIBILITY OF THE CONTRACTOR.
- THE CONTRACTOR IS RESPONSIBLE TO RESTORE ALL AREAS OF THE SITE, OR ADJACENT AREAS, WHERE DISTURBED BY OPERATIONS OF OR RELATED TO THE CONTRACTOR'S WORK.
- ALL SURFACE DRAINAGE SHALL BE DIVERTED AWAY FROM STRUCTURES AND NOTED SITE FEATURES IN ALL AREAS AT A MINIMUM OF 2% SLOPE OR AS SHOWN ON THE CIVIL ENGINEERING PLANS. ALL AREAS SHALL POSITIVELY DRAIN AND ALL ISLANDS SHALL BE CROWNED 1\"/>

### LANDSCAPE NOTES

- LANDSCAPE CONTRACTOR TO READ AND UNDERSTAND THE LANDSCAPE SPECIFICATIONS (SHEET L-103) PRIOR TO FINALIZING BIDS. THE LANDSCAPE SPECIFICATIONS SHALL BE ADHERED TO THROUGHOUT THE CONSTRUCTION PROCESS.
- CONTRACTOR RESPONSIBLE FOR LOCATING AND PROTECTING ALL UNDERGROUND UTILITIES PRIOR TO DIGGING.
- CONTRACTOR RESPONSIBLE FOR PROTECTING EXISTING TREES FROM DAMAGE DURING CONSTRUCTION.
- ALL PLANTING AREAS SHALL BE CLEANED OF CONSTRUCTION DEBRIS (IE. CONCRETE, ROCK, RUBBLE, BUILDING MATERIALS, ETC.) PRIOR TO ADDING AND SPREADING OF THE TOPSOIL.
- ALL SHRUBS BEDS (EXISTING AND NEW) TO BE MULCHED WITH A 3 INCH MINIMUM LAYER OF DOUBLE SHREDDED HARDWOOD MULCH.
- ALL ANNUAL AND PERENNIAL BEDS TO BE TILLED TO A MINIMUM DEPTH OF 12 INCHES AND AMENDED WITH 4 INCHES OF ORGANIC MATERIAL. MULCH PLANTED ANNUAL AND PERENNIAL BEDS WITH 2 INCH DEPTH OF MINI NUGGETS.
- PLANTING HOLES TO BE DUG A MINIMUM OF TWICE THE WIDTH OF THE SIZE OF THE ROOT BALL OF BOTH SHRUB AND TREE. BACK TO BE A MIX OF 4 PARTS TOPSOIL AND 1 PART ORGANIC SOIL CONDITIONER (IE. NATURE'S HELPER OR PRO MIX). BACKFILL AND TAMP BOTTOM OF HOLE PRIOR TO PLANTING SO TOP OF ROOT BALL DOES NOT SETTLE BELOW SURROUNDING GRADE.
- EXISTING GRASS IN PROPOSED PLANTING AREAS TO BE KILLED AND REMOVED AND AREA TO BE HAND RAKED TO REMOVE ALL ROCKS AND DEBRIS LARGER THAN 1 INCH IN DIAMETER PRIOR TO PLANTING SHRUBS.
- ANY EXISTING GRASS DISTURBED DURING CONSTRUCTION TO BE FULLY REMOVED, REGRADED AND REPLACED. ALL TIRE MARKS AND INDENTIONS TO BE REPAIRED.
- SOIL TO BE TESTED TO DETERMINE FERTILIZER AND LIME REQUIREMENTS AND DISTRIBUTED PRIOR TO LAYING SOD.
- SOD TO BE DELIVERED FRESH (CUT LESS THAN 24 HOURS PRIOR TO ARRIVING ON SITE), LAID IMMEDIATELY, ROLLED, AND WATERED THOROUGHLY IMMEDIATELY AFTER PLANTING. EDGE OF SOD IS TO BE \"/>



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**FSR# 05418**

| REVISION SCHEDULE NO. | DATE | DESCRIPTION |
|-----------------------|------|-------------|
|                       |      |             |

**PRELIMINARY**

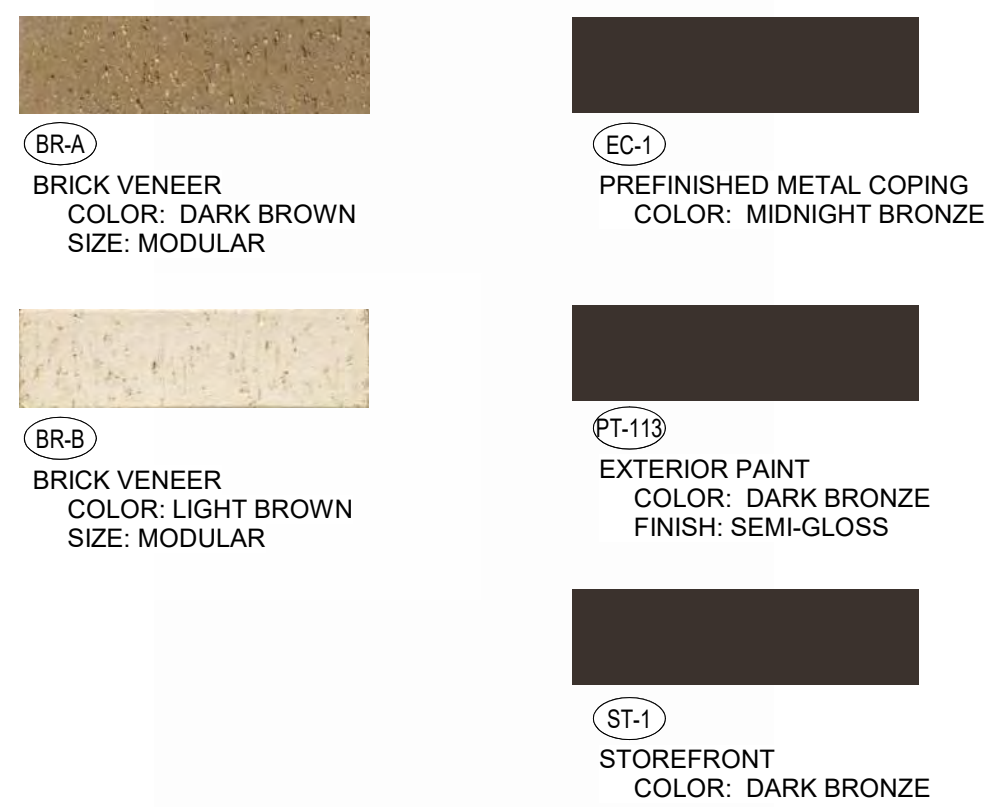
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| ENGINEER'S PROJECT # | <b>2202615</b> |
| PRINTED FOR          | PRELIMINARY    |
| DATE                 | 08/01/2023     |
| DRAWN BY:            | XXX            |
| CHECKED BY:          | XXX            |

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SHEET  
**LANDSCAPE DETAILS & NOTES**  
 SHEET NUMBER  
**L-101**

PRELIMINARY  
 NOT FOR CONSTRUCTION

**EXTERIOR FINISHES**



**ATTACHED CANOPY SCHEDULE**

| Mark        | Description     | Count | Overall Width | Overall Depth | Tie Back Mounting (Offset From Top) | Integral Lighting |
|-------------|-----------------|-------|---------------|---------------|-------------------------------------|-------------------|
| C1-C        | Exterior Canopy | 10    | 6'-4"         | 1'-0"         | 0"                                  | No                |
| C4-B        | Exterior Canopy | 2     | 5'-4"         | 4'-0"         | 2'-4"                               | Yes               |
| C4-G        | Exterior Canopy | 1     | 7'-4"         | 4'-0"         | 2'-4"                               | Yes               |
| C4-L        | Exterior Canopy | 1     | 28'-4"        | 4'-0"         | 2'-4"                               | Yes               |
| Grand Total |                 | 14    |               |               |                                     |                   |



PERSPECTIVE VIEW - WEST



PERSPECTIVE VIEW - NORTH



PERSPECTIVE VIEW - EAST



PERSPECTIVE VIEW - SOUTH



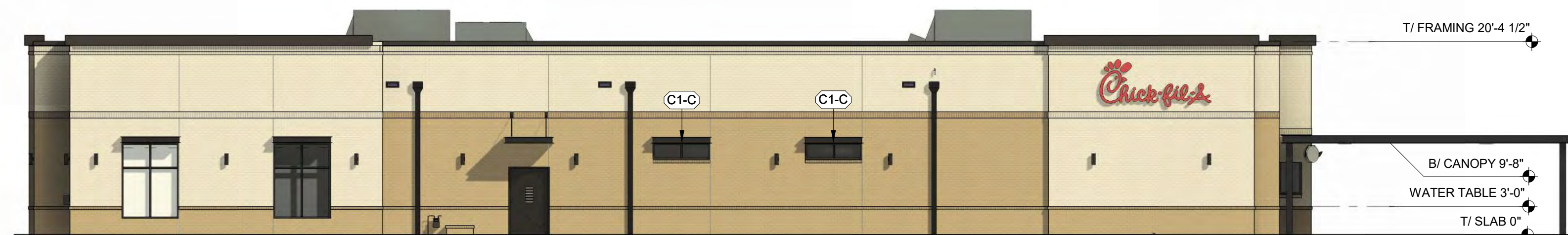
PERSPECTIVE VIEW - REFUSE ENCLOSURE



**REF. ENCLOSURE FINISHES**

EC-1  
PREFINISHED METAL COPING  
COLOR: MIDNIGHT BRONZE

BR-A  
BRICK VENEER  
COLOR: DARK BROWN  
SIZE: MODULAR



EXTERIOR ELEVATION - NORTHEAST



EXTERIOR ELEVATION - NORTHWEST



**OP CANOPY FINISHES**

CP-1  
PREFINISHED METAL COPING  
COLOR: DARK BRONZE

CP-2  
METAL DECKING  
COLOR: WHITE



EXTERIOR ELEVATION - SOUTHWEST

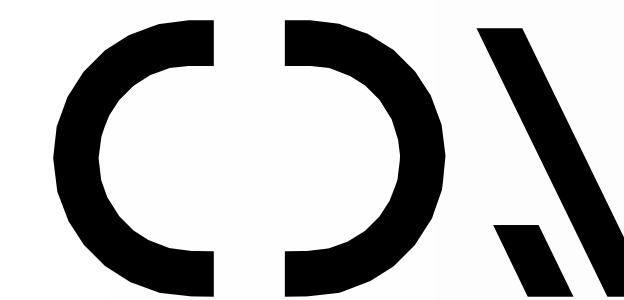


EXTERIOR ELEVATION - SOUTHEAST



*Chick-fil-A*

**Chick-fil-A**  
5200 Buffington Road  
Atlanta, Georgia  
30349-2998



**CHIPMAN DESIGN ARCHITECTURE INC**

1350 E TOUHY AVE  
FIRST FLOOR EAST  
DES PLAINES, IL 60018

TEL : 847.298.6900

I HEREBY CERTIFY THAT THESE PLANS HAVE BEEN PREPARED UNDER MY SUPERVISION AND THAT TO THE BEST OF MY KNOWLEDGE, THEY COMPLY WITH ALL RULES, REGULATIONS AND ORDINANCES OF DULUTH, MN RELATING TO STRUCTURES AND BUILDINGS.



**CHICK-FIL-A**  
Duluth FSU  
1600 Miller Trunk Hwy  
Duluth, MN 55811

**FSR#05418**

BUILDING TYPE / SIZE: P14 LE XP  
RELEASE: 23.05

**REVISION SCHEDULE**

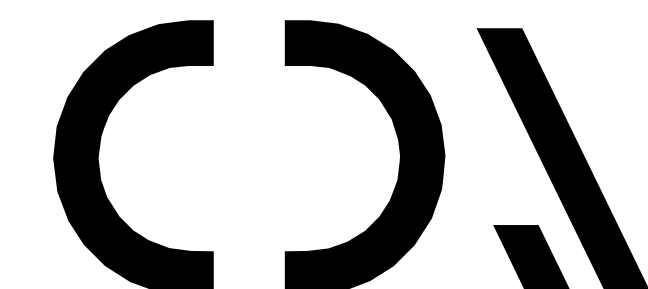
| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
|     |      |             |

**PRELIMINARY**

|   |                         |
|---|-------------------------|
| CONSULTANT PROJECT #  | 23-3905.00              |
| PRINTED FOR   | PRELIMINARY             |
| DATE  | 08/08/23                |
| DRAWN BY  | ZJ                      |
| CHECKED BY  | CG                      |
| <small>Information contained on this drawing and in all digital files produced for above named project may not be reproduced in any manner without express written or verbal consent from authorized project representatives.</small> |                         |
| SHEET   | DESIGN OVERVIEW - BRICK |
| SHEET NUMBER  | X-900                   |



Chick-fil-A  
Chick-fil-A  
5200 Buffington Road  
Atlanta, Georgia  
30349-2998



CHIPMAN DESIGN  
ARCHITECTURE INC  
1350 E TOUHY AVE  
FIRST FLOOR EAST  
DES PLAINES, IL 60018  
TEL: 847.298.6900

I HEREBY CERTIFY THAT THESE PLANS HAVE BEEN PREPARED UNDER MY SUPERVISION AND THAT TO THE BEST OF MY KNOWLEDGE, THE SAME COMPLY WITH ALL RULES, REGULATIONS AND ORDINANCES OF DULUTH, MN RELATING TO STRUCTURES AND BUILDINGS.



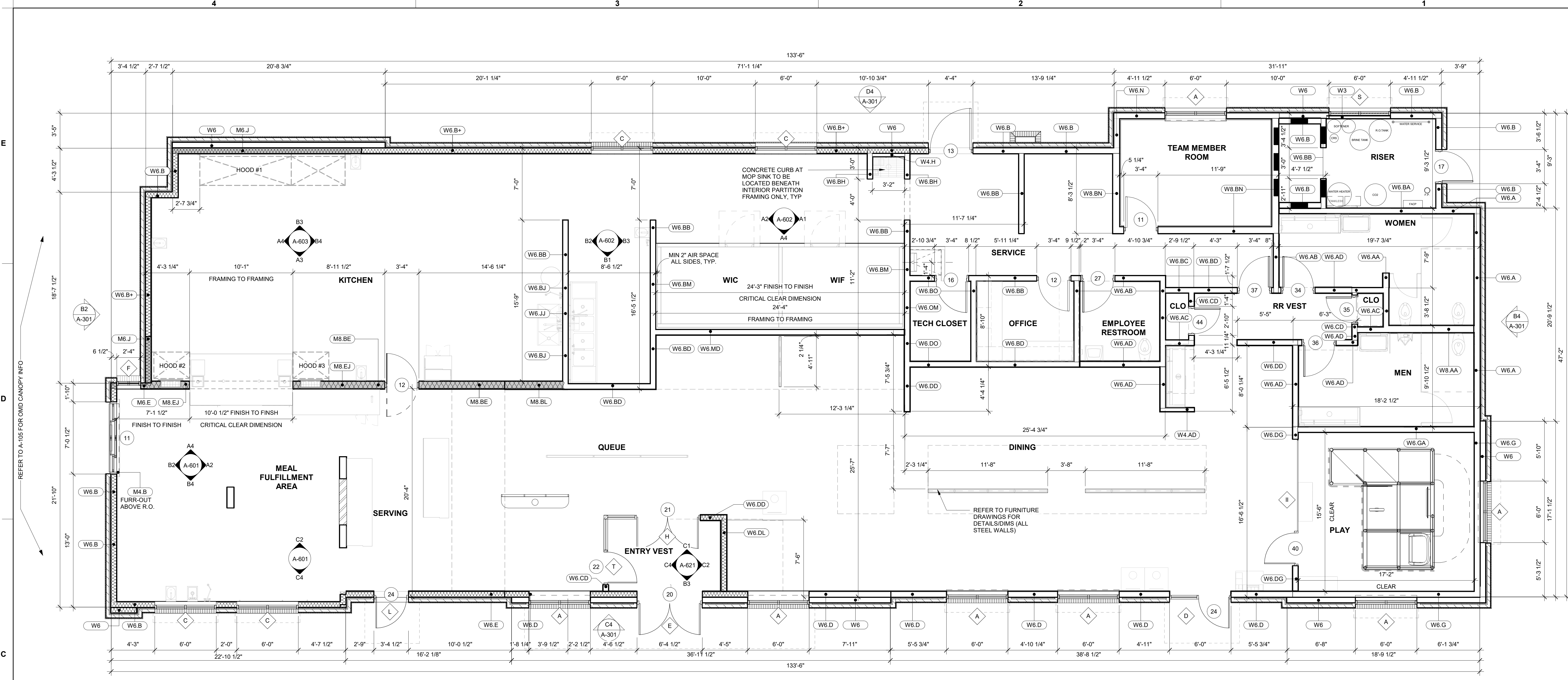
CHICK-FIL-A  
Duluth FSU  
1600 Miller Trunk Hwy  
Duluth, MN 55811

FSR#05418  
BUILDING TYPE / SIZE: P14 LE XP  
RELEASE: 23.05

REVISION SCHEDULE

| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
|     |      |             |

PRELIMINARY  
CONSULTANT PROJECT # 23-3905.00  
PRINTED FOR: PRELIMINARY  
DATE: 08/08/23  
DRAWN BY: ZJ  
CHECKED BY: CG  
Information contained on this drawing and in all digital files produced for above named project may not be reproduced in any manner without express written or verbal consent from authorized project representatives.  
SHEET: FLOOR PLAN  
SHEET NUMBER: A-201



C4 FLOOR PLAN  
1:52

REFER TO LEGEND BELOW FOR WALL CAVITY FRAMING AND INSULATION

REFER TO WALL TYPES ON THE RIGHT FOR SHEATHING AND MATERIALS ON EXPOSED SIDE(S) OF WALL (REFER TO ROOM LABELS FOR ORIENTATION)

PLUS SIGN INDICATES ADDITIONAL LAYER OF SHEATHING

WOOD STUD WALL  
W4 2x4 WOOD STUDS  
W6 2x6 WOOD STUDS  
W8 2x8 WOOD STUDS

METAL STUD WALL  
M4 3 5/8" METAL STUDS  
M6 6" METAL STUDS  
M8 8" METAL STUDS

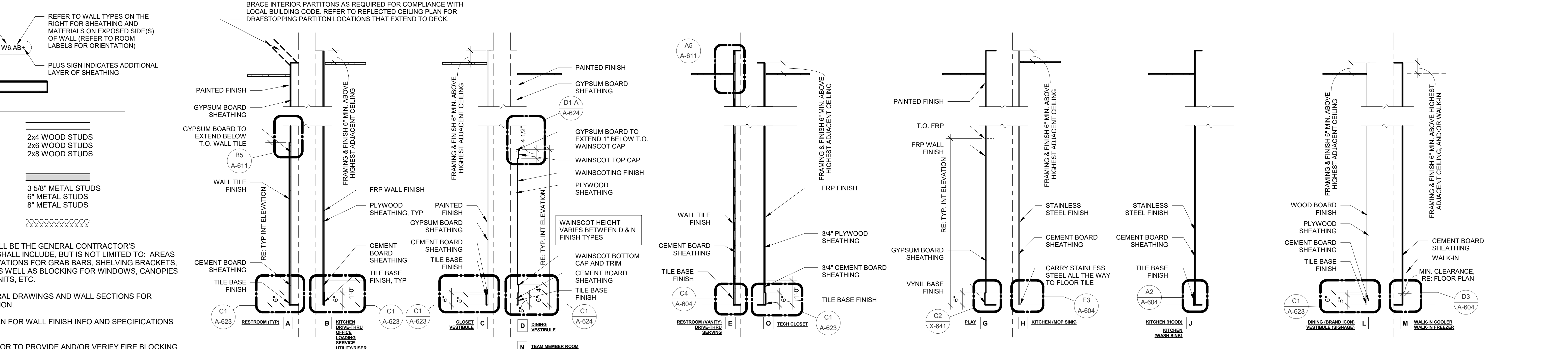
BATT INSULATION

NOTE 1: WALL BLOCKING SHALL BE THE GENERAL CONTRACTOR'S RESPONSIBILITY. BLOCKING SHALL INCLUDE, BUT IS NOT LIMITED TO: AREAS INDICATED ON INTERIOR ELEVATIONS FOR GRAB BARS, SHELVING BRACKETS, MONITORS, FIXTURES, ETC. AS WELL AS BLOCKING FOR WINDOWS, CANOPIES ROOF FRAMING, ROOF TOP UNITS, ETC.

NOTE 2: REFER TO STRUCTURAL DRAWINGS AND WALL SECTIONS FOR EXTERIOR WALL CONSTRUCTION.

NOTE 3: REFER TO FINISH PLAN FOR WALL FINISH INFO AND SPECIFICATIONS FOR WALL SHEATHING INFO

NOTE 4: GENERAL CONTRACTOR TO PROVIDE AND/OR VERIFY FIRE BLOCKING AT 10' MAX VERTICAL SPACING AND AT CEILING HEIGHT IN ALL COMBUSTIBLE STUD WALLS, ACCORDING TO LOCAL CODE REQUIREMENTS.



WALL TYPES LEGEND  
N.T.S.

INSULATION SCHEDULE

| LOCATION          | R-VALUE | THICKNESS |
|-------------------|---------|-----------|
| ROOF              | R-17.4  | 3" RIGID  |
| WALL (CONTINUOUS) | R-5     | 1" RIGID  |
| WALL (CAVITY)     | R-19    | 6" BATT   |
| SLAB              | R-10    | 2" RIGID  |

NOTES:  
1. REFER TO FLOOR PLAN AND WALL SECTION SHEETS FOR INSULATION EXTENTS AND LOCATIONS.  
2. REFER TO SPECIFICATIONS FOR INSULATION PRODUCT INFORMATION.

FLOOR PLAN GENERAL NOTES

A.1 ALL DIMENSIONS SHOWN ARE FRAMING DIMENSIONS (FACE OF STUD/JAMB) UNLESS OTHERWISE NOTED.  
A.2 FASTENERS, ANCHORS, CLIPS, STRAPS, ETC WHICH ARE IN CONTACT WITH PRESERVATIVE AND/OR FIRE TREATED WOOD SHALL BE OF G-185 HOT DIPPED ZINC-COATED GALVANIZED STEEL, STAINLESS STEEL, OR AN APPROVED EQUAL.  
A.3 REFER TO CIVIL AND LANDSCAPE FOR LOCATIONS OF WALKS, BOLLARDS, LANDSCAPING AREAS, FLAG POLE, AND OTHER SITE ITEMS.  
A.4 REFER TO INTERIOR ELEVATIONS FOR LOCATIONS AND TYPES OF CORNER GUARDS.  
A.5 CONTRACTOR TO COORDINATE LOCATION OF POLE MOUNTED EXTERIOR CAMERA WITH STRONG SYSTEMS AND INSTALL UNDERGROUND CONDUIT AS REQUIRED. RE: ELECTRICAL.  
A.6 REFER TO ACCESSIBILITY PLAN AND FURNITURE DRAWINGS FOR SEATING LAYOUT & SPECIFICATIONS. CONTACT: OWNER.  
A.7 REFER TO ACCESSIBILITY PLAN AND OWNER DRAWINGS FOR CONDIMENT COUNTERS AND TRASH RECEPTACLES.  
A.8 REFER TO IT WALLBOARD USER GUIDE FOR WALLBOARD INSTALLATION, IF APPLICABLE.  
A.9 REFER TO MILLWORK PLAN FOR RAISED CONCRETE CURB LOCATIONS.  
A.10 FREEZER AND COOLER DOORS AND HARDWARE SUPPLIED BY FREEZER/COOLER MANUFACTURER.





NOTES CORRESPONDING TO EASEMENTS:

9. Minerals in the SE1/4 of NW1/4, Section 19, Township 50 North, Range 14 West, and all minerals and mineral rights in the W1/2 of NE1/4, Section 19, Township 50 North, Range 14 West, except that part platted as Jankowski and Tomlin First Addition, shown as a recital on the Certificate of Title. (A BLANKET EASEMENT OVER the W1/2 of NE1/4, Section 19, Township 50 North, Range 14 West)

(10) Subject to an easement, in favor of the State of Minnesota for trunk highway purposes, as such easement was condemned by the State of Minnesota in certain condemnation proceedings, the final certificate in which proceedings was recorded in the office of the Register of Deeds, on July 14, 1942, in Book 728 of Deeds, Page 282, over the following land situated in St. Louis County, Minnesota, described as follows: All that part of the SE1/4 of the NW1/4 of the NE1/4, Section 19, Township 50 North, Range 14 West, which lies within a distance of 154 feet Northeasterly and 75 feet Southwesterly of the following described line, beginning at a point on the East line of said Section 19, distant 1321.4 feet South of the Northeast corner thereof; thence running Northwesterly at an angle of 55 degrees 49 minutes, with said East section line for a distance of 574 feet; thence deflect to the left on a 2 degree, 59 minutes 43 seconds curve, delta angle 10 degrees 36 minutes, for a distance of 353.9 feet; thence on a tangent to said curve for a distance of 1359.5 feet; thence deflect to the right on a 3 degrees, 00 minutes, 18 seconds curve, delta angle 18 degrees 24 minutes for a distance of 612.3 feet; thence on a tangent to said curve for a distance of 100 feet and there terminating, shown as a recital on the Certificate of Title. Excepting therefrom the right of way of existing highways. (AS SHOWN ON SURVEY)

11. Minerals in all that part of the N1/2 of the N1/2 of the N1/2 of the N1/2 of the NE1/4 of the SE1/4 of Section 19, Township 50 North, Range 14 West of the Fourth Principal Meridian, lying West of the center of the highway known as Trunk Highway #53, also known as Trinity Road, shown as a recital on the Certificate of Title. (NOT ON OR TOUCHING CFA PARCEL)

12. Minerals and mineral rights in the Easterly five-sixths of the N1/2 of the NW1/4 of the SE1/4 of Section 19, in Township 50 North of Range 14 West of the Fourth Principal Meridian, shown as a recital on the Certificate of Title. (NOT ON OR TOUCHING CFA PARCEL)

13. Minerals in the E1/2 of S1/2 of N1/2 of S1/2 of SW1/4 of NE1/4, and E1/2 of N1/2 of S1/2 of SW1/4 of NE1/4, Section 19, Township 50 North Range 14, West of the Fourth Principal Meridian, shown as a recital on the Certificate of Title. (NOT ON OR TOUCHING CFA PARCEL)

14. Subject to the following: All that part of the N1/2 of the N1/2 of the N1/2 of the NE1/4 of the SE1/4 of Section 19, Township 50 North, Range 14 West of the Fourth Principal Meridian, lying West of the center of the highway known as Trunk Highway #53, also known as Trinity Road EXCEPT the West 25 feet thereof, is also known as Lot 36 Auditor's Plat of Trinity Road Acres, on file and of record in the office of the Register of Deeds, in Book W of Plats, Page 26, and is subject to an easement in favor of the public for purposes of opening and extending Palmetto Street as platted in Duluth Heights, Sixth Division, through said Section 19, as shown by Resolution adopted by Common Council of Duluth, which resolution bearing dated January 10, 1894, was recorded March 15, 1894, in the office of the Register of Deeds for said County, in Book P of Miscellaneous, Page 18, reference to said easement and the record thereof being hereby made. The Easterly five-sixths of the N1/2 of the NW1/4 of the SE1/4 of Section 19, in Township 50 North of Range 14 West of the Fourth Principal Meridian, is SUBJECT to an easement in favor of the public for highway purposes as such easement was condemned by the City of Duluth in that certain condemnation proceeding referred to by that certain resolution of the City Council of the City of Duluth, a certified copy of which resolution was recorded in the office of the Register of Deed March 15, 1894, in Book P of Miscellaneous, Page 18. The E1/2 of S1/2 of N1/2 of S1/2 of SW1/4 of NE1/4, and E1/2 of the N1/2 of S1/2 of S1/2 of SW1/4 of NE1/4, Section 19, Township 50 North of Range 14 West of the Fourth Principal Meridian, is Subject to such easements and servitudes as are incident to the reservation of the mineral estate by the State of Minnesota affected by deed registered in the office of the Register of Titles, as Document No. 475432, shown as a recital on the Certificate of Title. (NOT ON OR TOUCHING CFA PARCEL)

15. Easement for public highway purposes in favor of the City of Duluth, a municipal corporation, contained in Easement dated May 18, 1938, filed May 19, 1938, as Document No. 141956, affecting the West 33 feet of Southwest Quarter of Northeast Quarter, Section 19, Township 50, Range 14. (NOT ON OR TOUCHING CFA PARCEL)

16. Subject to right of way of Decker Road, as shown on available maps. (NOT ON OR TOUCHING CFA PARCEL)

17. Utility easement as retained in vacation of roadway dated January 9, 1941, filed May 26, 1941, as Document No. 155769, and as retained in instrument dated January 31, 1972, filed February 7, 1972, as Document No. 358932, and shown on the recorded plat of Registered Land Survey No. 92. (NOT ON OR TOUCHING CFA PARCEL)

(18) Subject to right of way of Trinity Road (U.S. Highway 53) as shown on available maps. (AS SHOWN ON SURVEY)

19. Easement for sanitary trunk sewer, slopes and fills in favor of United States Air Force Sewage Treatment Plant at the Duluth International Airport, evidenced in Certificate passed August 23, 1965, filed September 7, 1965, as Document No. 315765. (NOT ON OR TOUCHING CFA PARCEL)

20. Terms, conditions, provisions and obligations of and easements contained in Amended and Restated Construction, Operation and Reciprocal Easement Agreement dated July 28, 1987, filed March 1, 1988, as Document No. 450213 (Abstract) and as Document No. 497728 (Torrens). (Includes other lands) As affected by Assignment and Assumption Agreement dated December 1, 1993, filed December 23, 1993, as Document No. 0592197 (Abstract) and as Document No. 576124 (Torrens), by and between Duluth Mall, Inc., an Indiana corporation, Assignor, and Simon Property Group, L.P., dba Simon Real Estate Group Limited Partnership, a Delaware limited partnership, Assignee. Amended by First Amendment to Amended and Restated Construction, Operation and Reciprocal Easement Agreement dated January 29, 2019, filed February 6, 2019, as Document No. 1007665.0. Being an amendment and restatement of the following: Construction, Operation and Reciprocal Easement Agreement dated September 20, 1971, filed January 21, 1972, as Document No. 152259 (Abstract) and as Document No. 358701 (Torrens). Amended and supplemented by Amendment to Construction, Operation and Reciprocal Easement Agreement dated July 1, 1974, filed October 21, 1974, as Document No. 201705 (Abstract) and as Document No. 380099 (Torrens). Amended and supplemented by Supplement to Operating Agreement dated January 11, 1972, and amended August 23, 1974, evidenced by Memorandum of Supplement to Operating Agreement dated August 23, 1974, filed October 21, 1974, as Document No. 201707 (Abstract) and as Document No. 380101 (Torrens). As affected by an unrecorded Maintenance Agreement dated September 20, 1971, evidenced by Memorandum of Maintenance Agreement dated July 1, 1974, filed October 21, 1974, as Document No. 201706 (Abstract) and as Document No. 380100 (Torrens).h Pri Amended by Amendment to Construction, Operation and Reciprocal Easement Agreement dated July 1, 1974, filed June 7, 1977, as Document No. 253608 (Abstract) and filed June 9, 1977, as Document No. 401729 (Torrens). (NOT ON OR TOUCHING CFA PARCEL)

21. Terms, conditions and restrictions contained in Agreement and Easement dated May 24, 1971, filed January 18, 1972, as Document No. 152260 (Abstract) and Document No. 358702 (Torrens). Amended by Correction of Easement and Agreement dated April 10, 1974, filed July 12, 1974, as Document No. 196486 (Abstract) and filed July 11, 1974, as Document No. 378046 (Torrens). (NOT ON OR TOUCHING CFA PARCEL)

22. Terms and conditions of and easements for public utilities, public roadway, retention pond, ring road and related purposes in favor of the City of Duluth, evidenced in Notice of Adverse Claim filed October 5, 1988, as Document No. 504614. (NOT ON OR TOUCHING CFA PARCEL)

(Continued)

NOTES CORRESPONDING TO EASEMENTS:

(Continued)

23. Terms and conditions of unrecorded Lease Agreement dated April 30, 2001, evidenced by Memorandum of Lease dated April 30, 2001, filed May 30, 2001, as Document No. 701301, by and between Simon Property Group, L.P., a Delaware limited partnership, Landlord, and Barnes & Noble Booksellers, Inc., a Delaware corporation, Tenant. (NOTHING TO GRAPHICALLY SHOW)

24. Easement for highway and related purposes in favor of the State of Minnesota contained in Highway Easement dated January 15, 2008, filed March 13, 2008, as Document No. 850335.0, being described as parcel 70 on Minnesota Department of Transportation Right of Way Plat No. 69-89 filed August 1, 2006, as Document No. 821544.0, being amended by Minnesota Department of Transportation Right of Way Plat No. 69-101 filed March 1, 2007, as Document No. 833082.0. As affected by Land Surveyor's Certificate of Correction to Plat, regarding Minnesota Department of Transportation Right of Way Plat No. 69-101 dated June 10, 2011, filed January 25, 2012, as Document No. 909950.0. NOTE: Temporary easements expired December 1, 2012. (NOT ON OR TOUCHING CFA PARCEL)

25. Terms and conditions of Resolution 08-0102 approved February 11, 2008, approving easements and waiving assessment pertaining to Miller Trunk Highway, access roads and signalization, together with covenants of and easement for street and highway purposes in favor of the City of Duluth, a Minnesota municipal corporation, all contained in Easement, Construction & Assessment Agreement dated February 28, 2008, filed April 30, 2008, as Document No. 852300.0, and filed March 13, 2008, as Document No. 850335.0. (NOT ON OR TOUCHING CFA PARCEL)

26. Terms and conditions of unrecorded Shopping Center Lease dated April 30, 2010, evidenced in Memorandum of Lease dated April 30, 2010, filed July 13, 2010, as Document No. 896898.0, by and between Simon Property Group, L.P., a Delaware limited partnership, Landlord, and Ulta Salon, Cosmetics & Fragrance, Inc., a Delaware corporation, Tenant. Being amended and restated by Amended and Restated Memorandum of Lease dated May 13, 2020, filed October 26, 2020, as Document No. 1031019.0, by and between Simon Property Group, L.P., a Delaware limited partnership, Landlord, and Ulta Salon, Cosmetics & Fragrance, Inc. a Delaware corporation, Tenant. (NOTHING TO GRAPHICALLY SHOW)

(27) Easements shown on the recorded plat of Registered Land Survey Number 92, filed December 7, 2010, as Document No. 893449.0. (NOT ON OR TOUCHING CFA PARCEL)

28. Easements dedicated on the recorded plat of Jankowski and Tomlin First Addition filed as Document No. 274016 (Abstract). (NOT ON OR TOUCHING CFA PARCEL)

29. Terms and conditions of and easement for sediment trap and maintenance road easement in favor of the City of Duluth, Minnesota, a municipal corporation, and The Miller Creek Joint Powers Board, Minn. Stat. 92001. Sec 471.59, contained in Right Road Access Easement and Sediment Trap Access Easement Agreement dated December 12, 2003, filed March 27, 2015, as Document No. 955594.0, being authorized by Resolution 00-0389 adopted June 12, 2000, filed March 27, 2015, as Document No. 955593.0. (NOT ON OR TOUCHING CFA PARCEL)

30. Terms and conditions of and easement for sediment trap in favor of the City of Duluth, Minnesota, a municipal corporation, and The Miller Creek Joint Powers Board, Minn. Stat. 92001. Sec 471.59, contained in Sediment Trap Access Easement Agreement dated December 12, 2003, filed March 27, 2015, as Document No. 955595.0, being authorized by Resolution 00-0389 adopted June 12, 2000, filed March 27, 2015, as Document No. 955593.0. (NOT ON OR TOUCHING CFA PARCEL)

31. Terms and conditions of Agreement dated February 28, 1966, filed May 19, 1966, in Book 476, Page 51, as Document No. 320479. (NOT ON OR TOUCHING CFA PARCEL)

32. Terms and conditions of Lease dated December 23, 1969, filed January 18, 1971, as Document No. 135872 (Abstract) and filed January 20, 1971, as Document No. 351355 (Torrens), by and between Duluth Mall, Inc., an Indiana corporation, Landlord, and J.C. Penney Company, Inc., a Delaware corporation, Tenant. (NOTE: Lease term is 25 years, with five (5) successive options to extend the term for five (5) separate additional periods of five (5) years each.) Amended by First Amendment to Lease and Memorandum of Lease dated December 1, 1971, filed January 21, 1972, as Document No. 358699. Jul Amended by Second Amendment to Lease and Memorandum of Lease dated December 3, 1971, filed January 25, 1972, as Document No. 358758. As affected by Agreement dated November 27, 1973, filed March 1, 1974, as Document No. 375317. (NOTHING TO GRAPHICALLY SHOW)

33. Easement for sanitary sewer purposes in favor of the City of Duluth, a municipal corporation, contained in Indenture dated March 5, 1973, filed July 12, 1973, as Document No. 370391. (NOT ON OR TOUCHING SURVEYED AREA, AS SHOWN ON PLAT OF REGISTERED LAND SURVEY NUMBER 92)

34. Terms, conditions and restrictions pertaining to signs, fences, walls and other matters contained in Agreement dated July 14, 1970, filed January 20, 1971, as Document No. 351356, by and between Duluth Mall, Inc., and J.C. Penney Company. (NOT ON OR TOUCHING CFA PARCEL)

35. Terms and conditions of Agreement dated November 9, 1971, filed November 22, 1971, as Document No. 357500, by and between Duluth Mall, Inc., and the City of Duluth. (NOT ON OR TOUCHING CFA PARCEL)

36. The following appears as a memorial on the Certificate of Title. While the Company will affirmatively insure against loss or damage sustained by the Insured as a result of these matters affecting title to the Land, neither Commercial Partners Title, a division of Fidelity National Title Insurance Company, nor Fidelity National Title will undertake to have the memorial(s) removed from the Certificate of Title: a. UCC Financing Statement filed August 13, 2013, as Document No. 934749. (NON-SURVEY MATTER)

STATEMENT OF POSSIBLE ENCROACHMENTS:

There are no visible above ground encroachments over or across any property lines of surveyed property.

PROPERTY DESCRIPTION:

Part of Tract B, Registered Land Survey No. 92, St. Louis County, Minnesota.

Torrens Property

AND

That part of the West Half of the Northeast Quarter of Section 19, Township 50 North, Range 14 West, St. Louis County, Minnesota, lying southwesterly of Highway No. 53.

Abstract Property

LEASE PARCEL (CFA PROPERTY) DESCRIPTION:

A Lease Parcel over, under and across that part of the West Half of the Northeast Quarter of Section 19, Township 50 North, Range 14 West, St. Louis County, Minnesota and that part of Tract B, Registered Land Survey No. 92, St. Louis County, Minnesota described as follows: Commencing at the Northwest corner of the West Half of the Northeast Quarter of Section 19, Township 50 North, Range 14 West, St. Louis County, Minnesota; thence South 0 degrees 01 minutes 33 seconds West an assumed bearing along the west line of said West Half of the Northeast Quarter of Section 19 a distance of 497.74 feet, more or less, to the northwest corner of Tract B, Registered Land Survey No. 92, St. Louis County, Minnesota; thence South 76 degrees 15 minutes 58 seconds East a distance of 1139.28 feet to the point of beginning of the Lease Parcel to be described; thence North 23 degrees 31 minutes 24 seconds East 312.24 feet; thence South 66 degrees 31 minutes 30 seconds East 312.24 feet; thence South 23 degrees 28 minutes 34 seconds West 147.63 feet; thence North 66 degrees 25 minutes 59 seconds West 312.36 feet to the point of beginning.

LEASE PARCEL AREA: 46,027 square feet = 1.057 acres.

CERTIFICATION:

To Chick-fil-A, Inc., a Georgia corporation; Simon Property Group, L.P., a Delaware limited partnership; Fidelity National Title Insurance Company; and Commercial Partners Title Insurance Company;

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 6(a), 7(a), 7(b), 7(c), 8, 9, 11, 13, 16, 17 and 18 of Table A thereof.

The field work was completed on July 14, 2023.

Date of Plat or Map: July 17, 2023

[SEAL]

Thomas E. Hodorff, L.S. #11 Minn. Reg. No. 23677

GENERAL NOTES:

- 1. The bearing system used is based on St. Louis County Transverse Mercator 1996 adjustment.
2. Utility Notes:
a. The location of the underground utilities shown hereon, if any, are approximate only and can not be completely and reliably depicted. PURSUANT TO MSA 216D CONTACT GOPHER STATE ONE CALL AT (612) 454-0002 PRIOR TO ANY EXCAVATION. Gopher State One Call locate requests from surveyors for design may be ignored or result in an incomplete or untimely response. Note to the client and any other user of this survey: Source information from available plans and field markings (public or private) are combined with observed evidence to help develop a view of both above and below ground utilities. Without excavation, the location of any shown underground feature is approximate.
b. Other underground utilities of which we are unaware may exist. Note: Verify all utilities critical to construction or design.
3. Subject property is identified as being in both "Zone C, Area of Minimal Flooding" AND "Zone A2, Base flood elevation determined" on Flood Insurance Rate Map, Community-Panel No. 2704210025C, effective date April 2, 1982. (Note: Lease Parcel lies entirely in "Zone C, Area of Minimal Flooding")
4. Pursuant to Table A Item 6a the surveyor was provided the following zoning information per Site Investigation Report, by HR Green, Project No. CFA #05419, dated November 22, 2022.

Current Zoning Classification: Presently MU-C (Mixed Use Commercial) Building Setback Requirements: Front = 12 feet; Rear = 0 feet; Sides = 0 feet; Building Height Requirements: unknown; Floor Space Area Restrictions: unknown Parking Requirements: 6.5 Spaces per 1000 Square Feet

5. Site Area Tract B, RLS No. 92: = 1,646,906 square feet = 37.808 acres (including right of way) = 1,616,045 square feet = 37.099 acres (excluding right of way) Lease Parcel Area: = 46,027 square feet = 1.057 acres.

6. There are a total of 81 existing striped parking stalls on said lease property, of which there are 1 designated as handicap.

7. All field measurements matched recorded dimensions within the precision requirements of ALTA/NSPS specifications.

8. This survey was made on the ground and in accordance with the 2021 Minimum Standard Detail Requirements for Land Title Surveys as adopted by ALTA and NSPS. (Substantial features observed while conducting survey: Improved shopping mall area, including paved parking, existing buildings, utility lines and green areas, as shown on survey)

9. In preparing this survey I have relied upon the supporting documents and the Commitment for Title Insurance issued by Fidelity National Title Insurance Company and Commercial Partners Title Insurance Company, having an effective date of October 14, 2022 and bearing file number CP71200.

10. There is no observable evidence of cemeteries in the field or of record.

11. There is no visible above ground evidence of earth moving work, building construction or building additions within recent months.

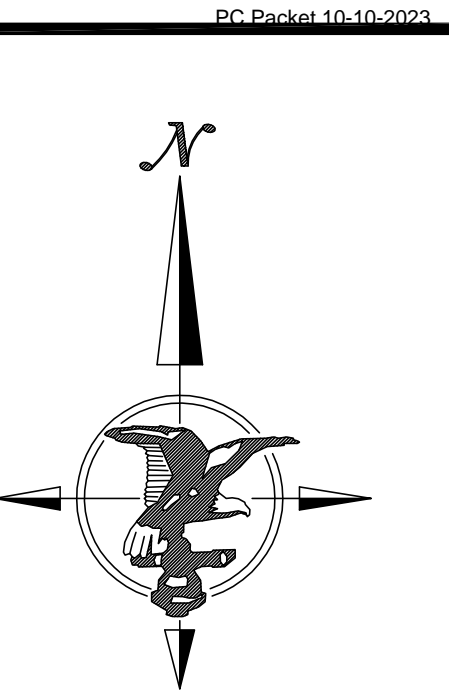
12. The Surveyor is unaware of any proposed changes to street right of ways. There was no observed evidence of recent street or sidewalk construction or repairs while conducting the field work.

13. There are no easements or servitudes of record or any observed during the field inspection that benefit subject property pursuant to Table A Item 18 except as shown.

14. Elevation datum is based on NAVD 88 data. H5J Benchmark #1 is located Top Nut Hydrant (AS SHOWN ON SURVEY) Elevation = 1337.23

15. The Surveyor, is not required to and does not determine, how or whether a recorded document affects a property, if the document is plottable and is within the CFA Parcel, it is shown on the survey.

16. All matters shown on recorded plats are shown on the survey.



SCALE: 1 INCH = 30 FEET

REVISIONS

Table with 2 columns: Date, and Description. Row 1: 8/2/23, add lease parcel & per comments. Row 2: 8/18/23, per comments.

ALTA/NSPS LAND TITLE SURVEY WITH TOPOGRAPHY

For:

HR GREEN

SITE:

MILLER MALL

LEASE PARCEL DULUTH, MINNESOTA

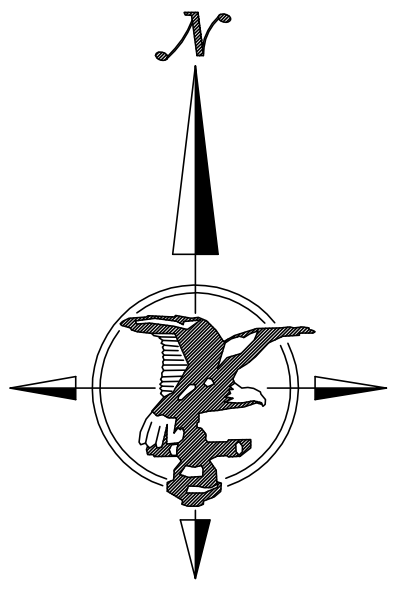
ST. LOUIS COUNTY

HARRY S. JOHNSON CO., INC. LAND SURVEYORS

9063 Lyndale Avenue South Bloomington, MN. 55437 Tele. 952-884-5341 Fax 952-884-5344

www.hsjsurveyors.com

Table with 2 columns: Book, Page, CAD Technician, Sheet No. and File No., W.O. Number. Values include 669, 70, CT, 2023224, 2023224, 1 OF 2.



SCALE: 1 INCH = 30 FEET

REVISIONS

| Date:   | Comments                        |
|---------|---------------------------------|
| 8/2/23  | add lease parcel & per comments |
| 8/18/23 | per comments                    |
|         |                                 |
|         |                                 |
|         |                                 |
|         |                                 |

ALTA/NSPS  
LAND TITLE SURVEY  
WITH TOPOGRAPHY

For:

HR GREEN

SITE:

MILLER MALL

LEASE PARCEL

DULUTH, MINNESOTA

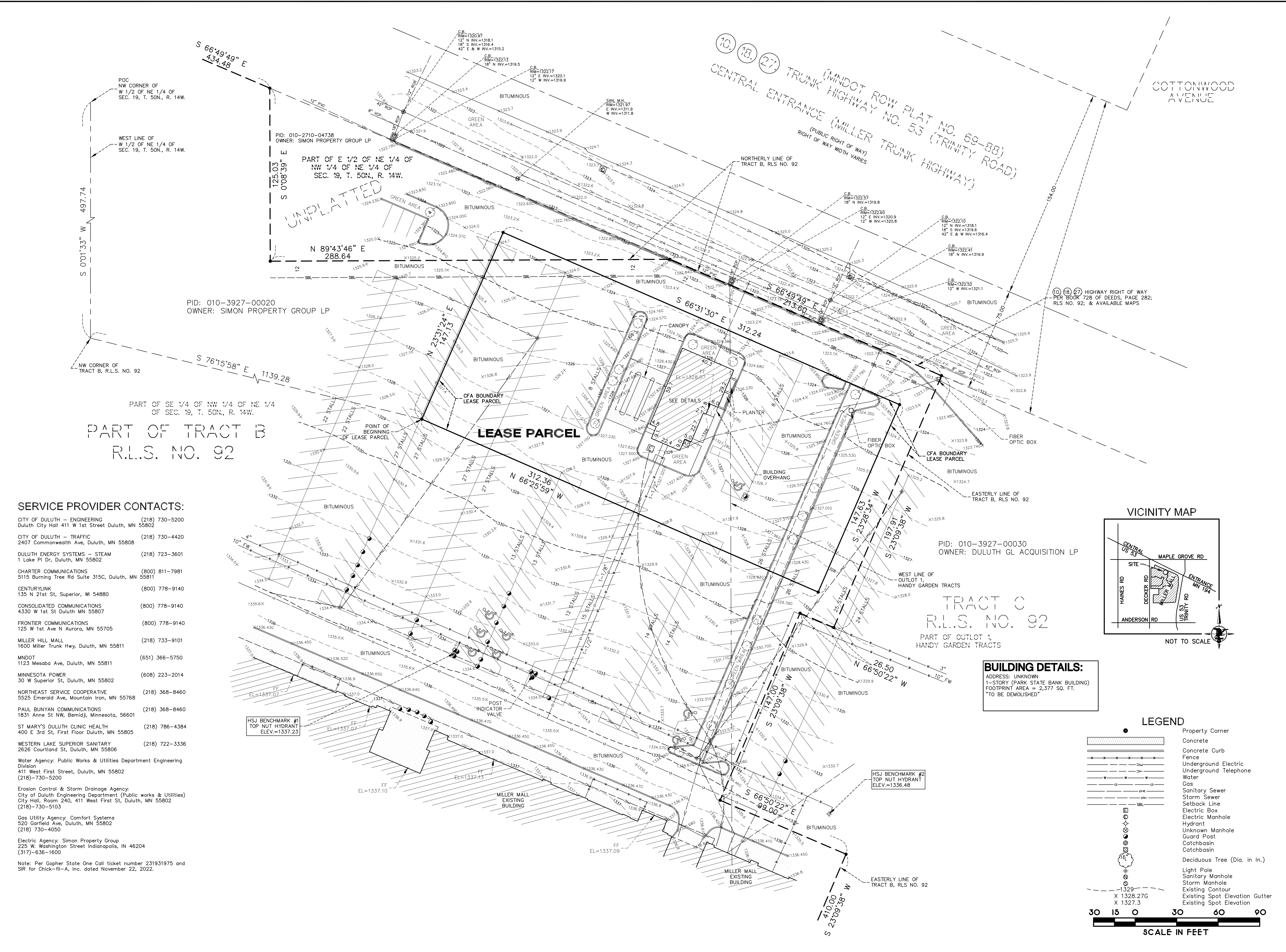
ST. LOUIS COUNTY

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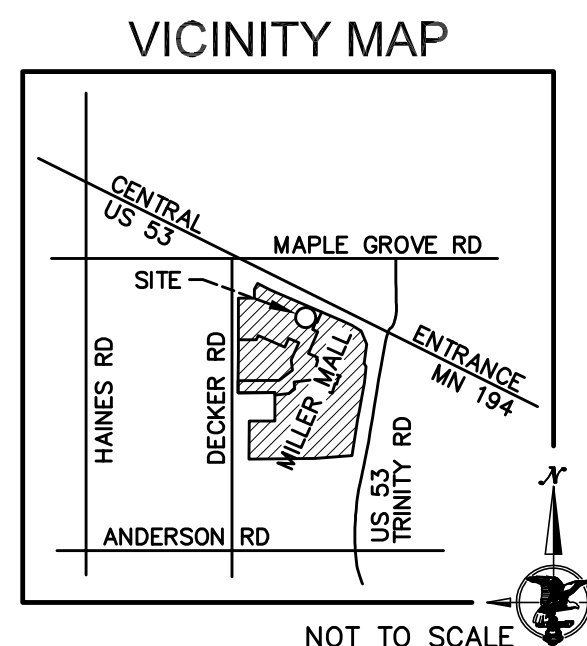
|                      |                        |
|----------------------|------------------------|
| Book<br>669          | File No.<br>2023224    |
| Page<br>70           | W.O. Number<br>2023224 |
| CAD Technician<br>CT |                        |



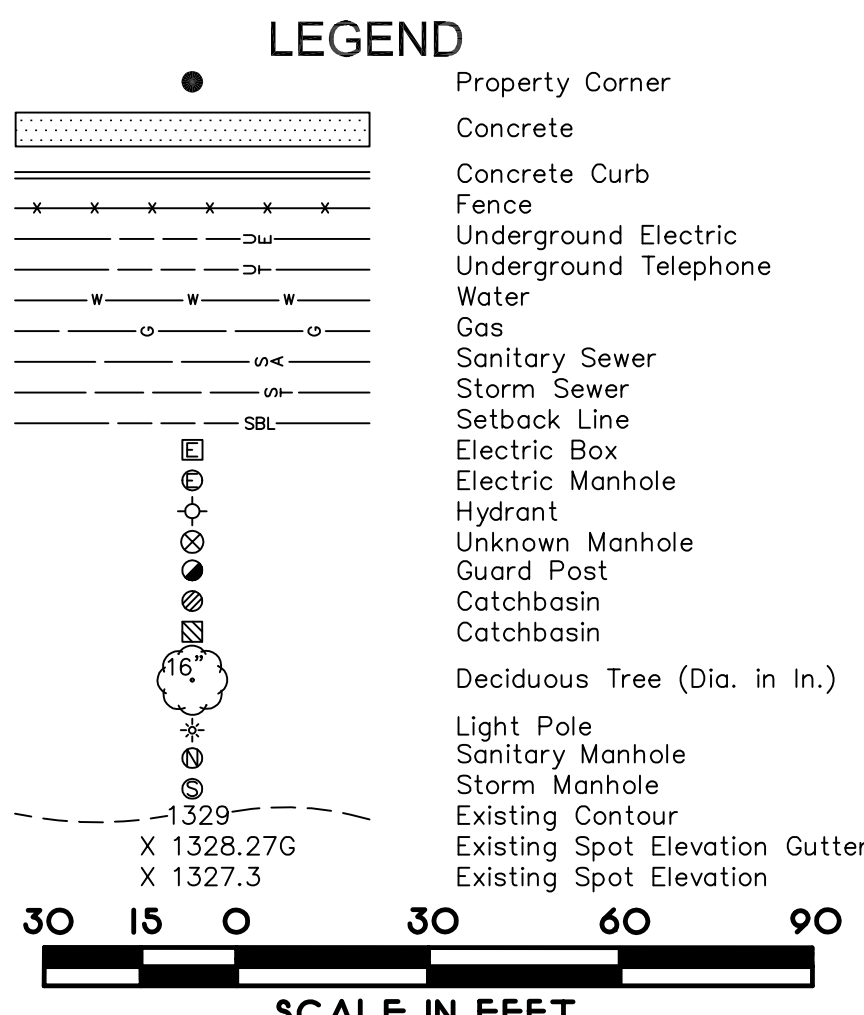
SERVICE PROVIDER CONTACTS:

- CITY OF DULUTH – ENGINEERING (218) 730-5200  
Duluth City Hall 411 W 1st Street Duluth, MN 55802
- CITY OF DULUTH – TRAFFIC (218) 730-4420  
2407 Commonwealth Ave, Duluth, MN 55808
- DULUTH ENERGY SYSTEMS – STEAM (218) 723-3601  
1 Lake Pl Dr, Duluth, MN 55802
- CHARTER COMMUNICATIONS (800) 811-7981  
5115 Burning Tree Rd Suite 315C, Duluth, MN 55811
- CENTURYLINK (800) 778-9140  
135 N 21st St, Superior, WI 54880
- CONSOLIDATED COMMUNICATIONS (800) 778-9140  
4330 W 1st St Duluth MN 55807
- FRONTIER COMMUNICATIONS (800) 778-9140  
125 W 1st Ave N Aurora, MN 55705
- MILLER HILL MALL (218) 733-9101  
1600 Miller Trunk Hwy, Duluth, MN 55811
- MNDOT (651) 366-5750  
1123 Mesaba Ave, Duluth, MN 55811
- MINNESOTA POWER (608) 223-2014  
30 W Superior St, Duluth, MN 55802
- NORTHEAST SERVICE COOPERATIVE (218) 368-8460  
5525 Emerald Ave, Mountain Iron, MN 55768
- PAUL BUNYAN COMMUNICATIONS (218) 368-8460  
1831 Anne St NW, Bemidji, Minnesota, 56601
- ST MARY'S DULUTH CLINIC HEALTH (218) 786-4384  
400 E 3rd St, First Floor Duluth, MN 55805
- WESTERN LAKE SUPERIOR SANITARY (218) 722-3336  
2626 Courtland St, Duluth, MN 55806
- Water Agency: Public Works & Utilities Department Engineering Division  
411 West First Street, Duluth, MN 55802  
(218)-730-5200
- Erosion Control & Storm Drainage Agency  
City of Duluth Engineering Department (Public works & Utilities)  
City Hall, Room 240, 411 West First St, Duluth, MN 55802  
(218)-730-5103
- Gas Utility Agency: Comfort Systems  
520 Garfield Ave, Duluth, MN 55802  
(218) 730-4050
- Electric Agency: Simon Property Group  
225 W. Washington Street Indianapolis, IN 46204  
(317)-636-1600

Note: Per Gopher State One Call ticket number 231931975 and SIR for Chick-til-A, Inc. dated November 22, 2022.



**BUILDING DETAILS:**  
ADDRESS: UNKNOWN  
1-STORY (PARK STATE BANK BUILDING)  
FOOTPRINT AREA = 2,377 SQ. FT.  
"TO BE DEMOLISHED"





**Chick-fil-A**  
 5200 Buffington Road  
 Atlanta, Georgia  
 30349-2998

**HRGreen.com**  
 HRGreen

**CHICK-FIL-A**

**DULUTH (MN) FSU**

**1600 MILLER TRUNK HIGHWAY  
 DULUTH, MN 55811**

**FSR# 05418**

REVISION SCHEDULE  
 NO. DATE DESCRIPTION

**PRELIMINARY**

ENGINEER'S PROJECT # **2202615**

PRINTED FOR **PRELIMINARY**

DATE **08/01/2023**

DRAWN BY: **MRJ**

CHECKED BY: **JFV**

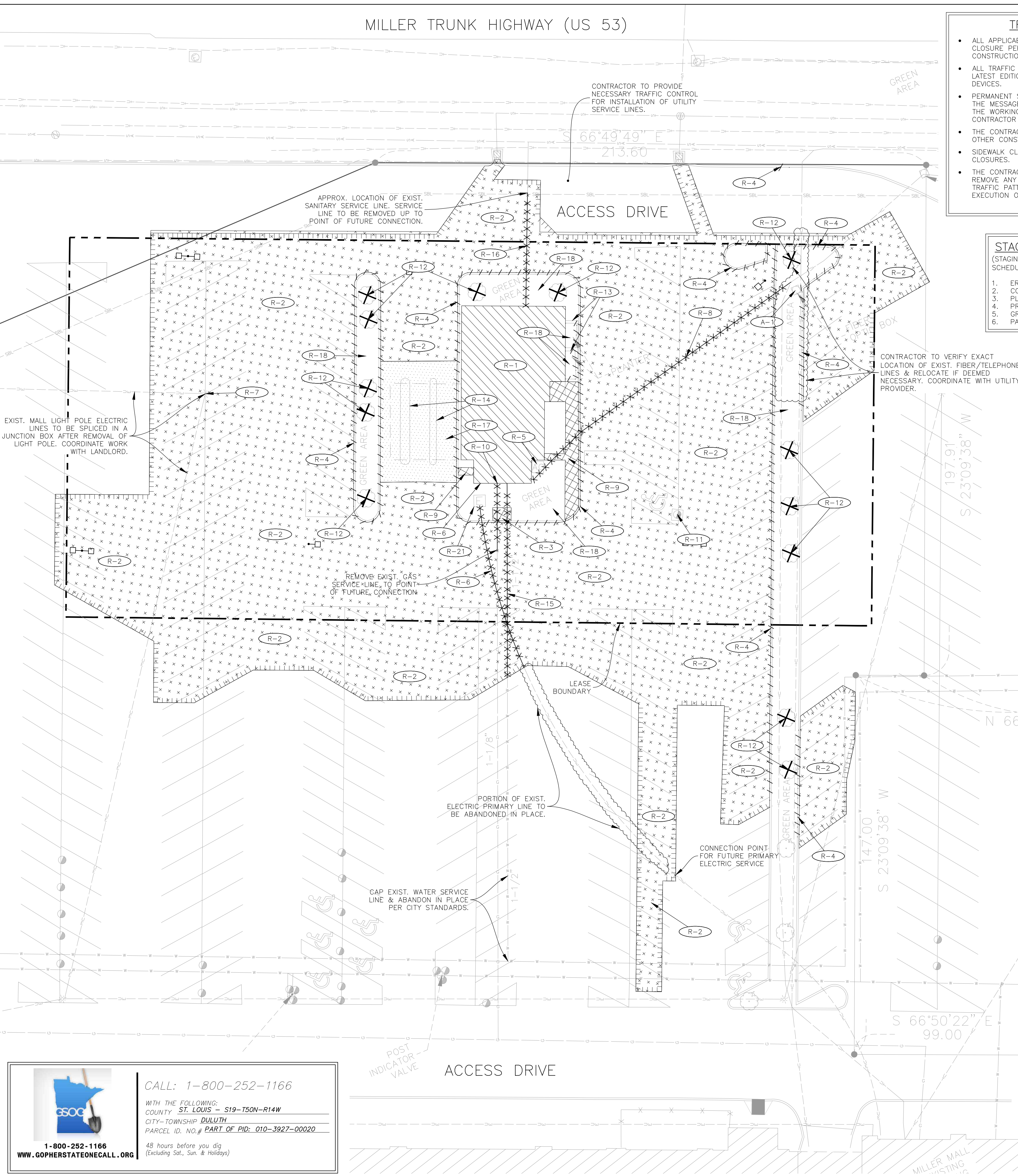
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**SHEET  
 SITE DEMOLITION PLAN**

SHEET NUMBER

**C-100**

**MILLER TRUNK HIGHWAY (US 53)**



**TRAFFIC CONTROL NOTES:**

- ALL APPLICABLE CITY PERMITS, INCLUDING BUT NOT LIMITED TO CLOSURE PERMITS, SHALL BE OBTAINED PRIOR TO ANY CONSTRUCTION WITHIN CITY ROW OR LANE CLOSURES.
- ALL TRAFFIC CONTROL SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
- PERMANENT SIGNING THAT CONVEYS A MESSAGE CONTRARY TO THE MESSAGE OF TEMPORARY SIGNING AND NOT APPLICABLE TO THE WORKING CONDITIONS SHALL BE COVERED BY THE CONTRACTOR WHEN DIRECTED BY THE CITY.
- THE CONTRACTOR SHALL COORDINATE HIS TRAFFIC CONTROL WITH OTHER CONSTRUCTION PROJECTS IN THE AREA.
- SIDEWALK CLOSED SIGNS REQUIRED FOR ALL SIDEWALK CLOSURES.
- THE CONTRACTOR IS CAUTIONED NEITHER TO OBSTRUCT NOR REMOVE ANY EXISTING PAVEMENT, NOR TO DISTURB THE EXISTING TRAFFIC PATTERNS MORE THAN IS NECESSARY FOR THE PROPER EXECUTION OF THE WORK.

**STAGING NOTES:**

- (STAGING SUBJECT TO CHANGES PER SITE CONTRACTORS SCHEDULE AND METHODS OF OPERATION)
1. EROSION CONTROL MEASURES AND STOCKPILE STAGING
  2. CONSTRUCTION ENTRANCES
  3. PLAN REMOVALS
  4. PROPOSED UNDERGROUND
  5. GRADING
  6. PAVING

**LEGEND**

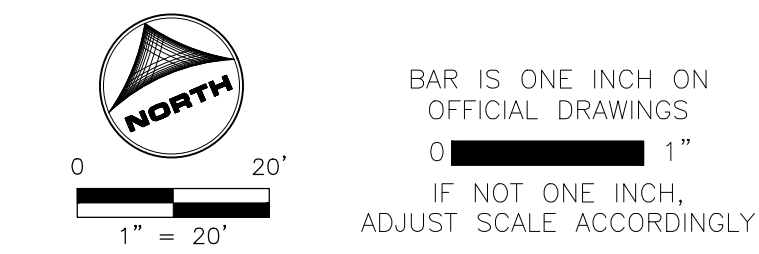
- TTTTTTT INDICATES FULL DEPTH SAWCUT
- +++++ INDICATES BIT / ASPHALT PAVEMENT REMOVAL (FULL DEPTH)
- INDICATES CONCRETE PAVEMENT REMOVAL (FULL DEPTH)
- INDICATES CONCRETE SIDEWALK REMOVAL (FULL DEPTH)
- INDICATES BUILDING/TRASH ENCLOSURE REMOVAL
- R-# INDICATES MISC. REMOVAL ITEMS (SEE THIS SHEET FOR DESCRIPTIONS)
- INDICATES CONCRETE CURB & GUTTER REMOVAL
- XXXXX INDICATES UTILITY/FENCE/WALL REMOVAL
- X INDICATES TREE AND BRUSH REMOVAL (SEE LANDSCAPING PLANS FOR SIZE AND QUANTITY)
- INDICATES TREE AND BRUSH PROTECTION (SEE LANDSCAPING PLANS FOR SIZE AND QUANTITY)

**PROJECT NOTES:**

- LAND DISTURBING ACTIVITIES SHALL NOT COMMENCE UNTIL APPROVAL TO DO SO HAS BEEN RECEIVED BY GOVERNING AUTHORITIES. IN ADDITION TO, NO LAND CLEARING OR GRADING SHALL BEGIN UNTIL ALL PERIMETER EROSION AND SEDIMENT CONTROL MEASURES HAVE BEEN INSTALLED, (INCLUDING STORM WATER POLLUTION PREVENTION PLAN PER THE DEVELOPMENT CRITERIA) SEE SHEET C-302 FOR EROSION CONTROL MEASURES)
- ALL EXISTING UTILITIES TO BE FIELD VERIFIED PRIOR TO CONSTRUCTION.
- CONTRACTOR SHALL COORDINATE AND COMPLY WITH ALL UTILITY COMPANIES INVOLVED IN PROJECT AND PAY ALL REQUIRED FEES AND COSTS.
- ALL STRUCTURES & DEBRIS SHALL BE REMOVED PRIOR TO CONSTRUCTION & DISPOSED OF OFFSITE.
- ANY EXISTING FIELD DRAIN TILES ENCOUNTERED SHALL BE RECONNECTED OR CONNECTED TO THE NEAREST STORM SEWER.
- CONTRACTOR TO KEEP ACCESS DRIVE OPEN AT ALL TIMES WITH MINOR CLOSINGS ALLOWED FOR PAVING ACTIVITIES.
- THE CONTRACTOR IS CAUTIONED NEITHER TO OBSTRUCT NOR REMOVE ANY EXISTING PAVEMENT, NOR TO DISTURB THE EXISTING TRAFFIC PATTERNS MORE THAN IS NECESSARY FOR THE PROPER EXECUTION OF THE WORK.
- ALL BITUMINOUS PAVEMENT REMOVAL AREAS SHALL BE SAWCUT.
- CONTRACTOR SHALL INSTALL CONSTRUCTION FENCING AND SIGNAGE AROUND CONSTRUCTION BOUNDARIES TO PROTECT PEDESTRIANS.

| REMOVALS / RELOCATES / ADJUSTMENTS |                          |   |
|------------------------------------|--------------------------|---|
| NUMBER                             | REMOVAL TAGS             | REMARKS                                   |
| A-1                                | FIBER OPTIC BOX          | ADJUST TO FG                              |
| R-1                                | BUILDING W/ FOUNDATION   | REMOVE                                    |
| R-2                                | BITUMINOUS PAVEMENT      | REMOVE                                    |
| R-3                                | CONCRETE PAD             | REMOVE                                    |
| R-4                                | CONCRETE CURB & GUTTER   | REMOVE                                    |
| R-5                                | AC UNIT                  | REMOVE                                    |
| R-6                                | ELECTRIC SERVICE & METER | REMOVE (COORD. W/ UTILITY)                |
| R-7                                | LIGHT POLE & BASE        | REMOVE                                    |
| R-8                                | TELEPHONE LINE           | REMOVE (COORD. W/ UTILITY)                |
| R-9                                | CONCRETE SIDEWALK        | REMOVE                                    |
| R-10                               | GAS SERVICE AND METER    | REMOVE (COORD. W/ UTILITY)                |
| R-11                               | SIGN                     | REMOVE                                    |
| R-12                               | TREE                     | REMOVE (SEE LANDSCAPE PLANS)              |
| R-13                               | CONCRETE PLANTER WALL    | REMOVE                                    |
| R-14                               | CONCRETE MEDIAN          | REMOVE                                    |
| R-15                               | WATER SERVICE            | REMOVE (COORD. W/ UTILITY)                |
| R-16                               | SANITARY SERVICE         | REMOVE (COORD. W/ UTILITY)                |
| R-17                               | CONCRETE PAVEMENT        | REMOVE                                    |
| R-18                               | LANDSCAPING              | REMOVE                                    |
| R-19                               | TRANSFORMER              | REMOVE (TRANSFORMER TO BE REUSED IF ABLE) |

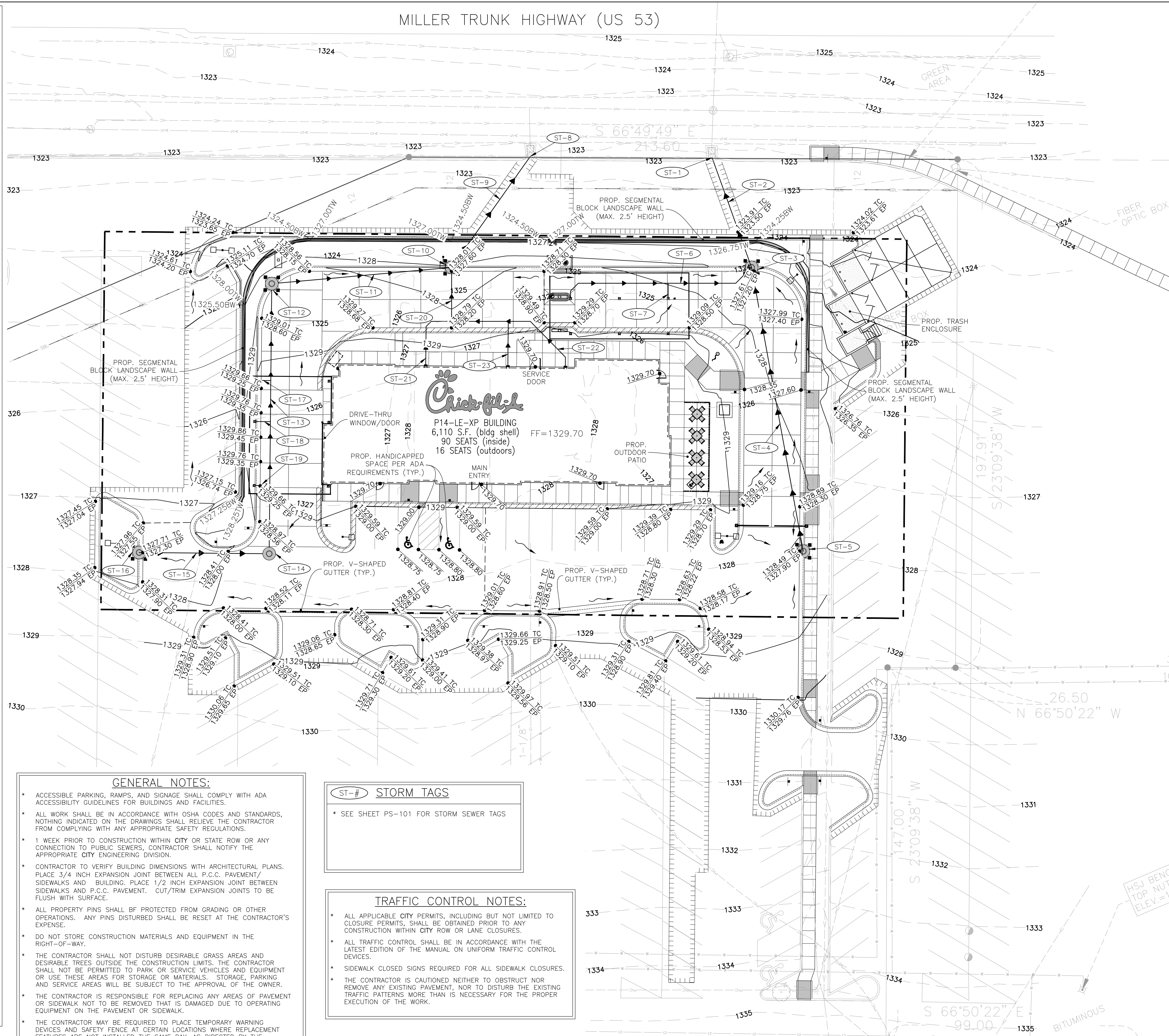
**CSOC**  
 CALL: 1-800-252-1166  
 WITH THE FOLLOWING:  
 COUNTY ST. LOUIS - S19-T50N-R14W  
 CITY-TOWNSHIP DULUTH  
 PARCEL ID. NO.# PART OF PID: 010-3927-00020  
 1-800-252-1166  
 WWW.GOPHERSTATEONCALL.ORG  
 48 hours before you dig  
 (Excluding Sat., Sun. & Holidays)



**PRELIMINARY  
 NOT FOR CONSTRUCTION**

GRADING & DRAINAGE NOTES

- CONTRACTOR IS RESPONSIBLE FOR COORDINATION OF SITE PLAN DOCUMENTS AND ARCHITECTURAL DESIGN FOR EXACT BUILDING UTILITY CONNECTION LOCATIONS, GREASE TRAP REQUIREMENTS/DETAILS, DOOR ACCESS, AND EXTERIOR GRADING. THE UTILITY SERVICE SIZES ARE TO BE DETERMINED BY THE ARCHITECT. THE CONTRACTOR SHALL COORDINATE INSTALLATION OF UTILITIES/SERVICES WITH THE INDIVIDUAL COMPANIES, TO AVOID CONFLICTS AND ENSURE PROPER DEPTHS ARE ACHIEVED. THE JURISDICTION UTILITY REQUIREMENTS SHALL ALSO BE MET, AS WELL AS COORDINATING THE UTILITY TIE-INS/CONNECTIONS PRIOR TO CONNECTING TO THE EXISTING UTILITY/SERVICE. WHERE CONFLICTS EXIST WITH THESE SITE PLANS, ENGINEER IS TO BE NOTIFIED PRIOR TO CONSTRUCTION TO RESOLVE SAME.
- SITE GRADING SHALL BE PERFORMED IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS AND THE RECOMMENDATIONS SET FORTH IN THE GEOTECHNICAL REPORT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING AND REPLACING WITH SUITABLE MATERIALS AS SPECIFIED IN THE GEOTECHNICAL REPORT. ALL EXCAVATED OR FILLED AREAS SHALL BE COMPACTED AS OUTLINED IN THE GEOTECHNICAL REPORT. MOISTURE CONTENT AT TIME OF PLACEMENT SHALL BE SUBMITTED IN COMPACTION REPORT PREPARED BY A QUALIFIED GEOTECHNICAL ENGINEER, REGISTERED WITH THE STATE WHERE THE WORK IS PERFORMED, VERIFYING THAT ALL FILLED AREAS AND SUBGRADE AREAS WITHIN THE BUILDING PAD AREA AND AREAS TO BE PAVED HAVE BEEN COMPACTED IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS AND THE RECOMMENDATIONS SET FORTH IN THE GEOTECHNICAL REPORT. SUBBASE MATERIAL FOR SIDEWALKS, CURB, OR ASPHALT SHALL BE FREE OF ORGANICS AND SHOULD UNSUITABLE MATERIALS. SHOULD SUBBASE BE DEEMED UNSUITABLE BY OWNER OR OWNER'S REPRESENTATIVE, SUBBASE IS TO BE REMOVED AND FILLED WITH APPROVED FILL MATERIAL COMPACTED AS DIRECTED BY THE GEOTECHNICAL REPORT.
- ALL FILL, COMPACTION, AND BACKFILL MATERIALS REQUIRED FOR UTILITY INSTALLATION SHALL BE AS PER THE RECOMMENDATIONS PROVIDED IN THE GEOTECHNICAL REPORT AND SHALL BE COORDINATED WITH THE APPLICABLE UTILITY COMPANY SPECIFICATIONS.
- THE CONTRACTOR SHALL COMPLY TO THE FULLEST EXTENT WITH THE LATEST OSHA STANDARDS AND REGULATIONS, OR ANY OTHER AGENCY HAVING JURISDICTION OF ANY EXCAVATION AND TRENCHING PROCEDURES. THE CONTRACTOR IS RESPONSIBLE FOR DETERMINING THE "MEANS AND METHODS" REQUIRED TO MEET THE INTENT AND PERFORMANCE CRITERIA OF OSHA, AS WELL AS ANY OTHER ENTITY THAT HAS JURISDICTION FOR EXCAVATION AND/OR TRENCHING PROCEDURES.
- PAVEMENT SHALL BE SAW CUT IN STRAIGHT LINES TO THE FULL DEPTH OF THE EXISTING PAVEMENT. ALL DEBRIS FROM REMOVAL OPERATIONS SHALL BE REMOVED FROM THE SITE AT THE TIME OF EXCAVATION. STOCKPILING OF DEBRIS WILL NOT BE PERMITTED.
- THE TOPS OF EXISTING MANHOLES, INLET STRUCTURES, AND SANITARY CLEANOUT TOPS SHALL BE ADJUSTED, IF REQUIRED, TO MATCH PROPOSED GRADES IN ACCORDANCE WITH ALL APPLICABLE STANDARDS.
- THE CONTRACTOR IS RESPONSIBLE FOR VERIFICATION OF EXISTING TOPOGRAPHIC INFORMATION AND UTILITY INVERT ELEVATIONS PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION. CONTRACTOR TO ENSURE 0.75% MINIMUM SLOPE ALONG ALL ISLANDS, GUTTERS, AND CURBS; 1.0% ON ALL CONCRETE SURFACES; AND 1.5% MINIMUM ON ASPHALT, TO PREVENT PONDING. ANY DISCREPANCIES THAT MAY AFFECT THE PUBLIC SAFETY OR PROJECT COST MUST BE IDENTIFIED TO THE ENGINEER IN WRITING IMMEDIATELY. PROCEEDING WITH CONSTRUCTION WITHOUT NOTIFICATION IS DONE SO AT THE CONTRACTOR'S OWN RISK.
- PROPOSED TOP OF CURB ELEVATIONS ARE GENERALLY 6" ABOVE EXISTING LOCAL ASPHALT GRADE UNLESS OTHERWISE NOTED. FIELD ADJUST TO CREATE A MINIMUM OF 0.75% GUTTER GRADE ALONG CURB FACE. ENGINEER TO APPROVE FINAL CURBING CUT SHEETS PRIOR TO INSTALLATION.
- IN CASE OF DISCREPANCIES BETWEEN PLANS OR RELATIVE TO OTHER PLANS, THE SITE PLAN WILL TAKE PRECEDENCE. IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY CONFLICTS.
- CONTRACTOR SHALL BE REQUIRED TO SECURE ALL NECESSARY PERMITS AND APPROVALS FOR ALL OFF-SITE MATERIAL SOURCES AND DISPOSAL FACILITIES. CONTRACTOR SHALL SUPPLY A COPY OF APPROVALS TO ENGINEER AND OWNER PRIOR TO INITIATING WORK.
- SITE GRADING SHALL NOT PROCEED UNTIL EROSION CONTROL MEASURES HAVE BEEN INSTALLED.
- SEE EROSION CONTROL PLAN FOR EROSION CONTROL MEASURES AND NOTES.
- ALL EXISTING STRUCTURES, UNLESS OTHERWISE NOTED TO REMAIN, FENCING, TREES, & ETC., WITHIN CONSTRUCTION AREA SHALL BE REMOVED & DISPOSED OF OFF SITE. NO ON SITE BURNING WILL BE ALLOWED.
- ALL DRAINAGE STRUCTURES SHALL BE PRE-CAST.
- ALL DRAINAGE STRUCTURES AND STORM SEWER PIPES SHALL MEET HEAVY DUTY TRAFFIC (H2D) LOADING AND BE INSTALLED ACCORDINGLY.
- GENERAL CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES HAVING UNDERGROUND UTILITIES ON SITE OR IN RIGHT-OF-WAY PRIOR TO EXCAVATION. CONTRACTOR SHALL CONTACT UTILITY LOCATING COMPANY AND LOCATE ALL UTILITIES PRIOR TO GRADING START.
- NO PART OF THE PROPOSED PROJECT IS LOCATED WITHIN A FLOOD HAZARD AREA
- SPOT ELEVATIONS SHOWN ARE @ EDGE OF PAVEMENT UNLESS OTHERWISE NOTED ON PLAN.
- ALL CONCRETE CURB & GUTTER SHALL BE TYPE B-6.18 CURB UNLESS OTHERWISE NOTED ON THE PLANS.
- ALL STORM SEWER JOINTS SHALL HAVE O-RING GASKETS.
- MATCH EXISTING GRADES AT PROPERTY LINES AND/OR CONSTRUCTION LIMITS.
- BACKFILL TO THE TOP OF CURBS.
- SITE SHALL BE GRADED TO PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS
- ALL SIDEWALK CROSS SLOPES SHALL BE A MAXIMUM OF 1.5%.
- DESIGNATED HANDICAP PARKING AREAS SHALL BE GRADED TO A MAXIMUM OF 1.5%
- SLOPES IN PAVEMENT SHALL BE UNIFORM TO AVOID PONDING OF PAVEMENT.
- THE CONTRACTOR SHALL CONFINE HIS GRADING OPERATIONS TO WITHIN CONSTRUCTION LIMITS AND EASEMENTS SHOWN ON THE PLANS. ANY DAMAGE TO PROPERTIES OUTSIDE THE SITE BOUNDARY SHALL BE AT THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
- THE CONTRACTOR SHALL APPLY NECESSARY MOISTURE CONTROL TO THE CONSTRUCTION AREA AND HAUL ROADS TO PREVENT THE SPREAD OF DUST.
- ALL FIELD TILES ENCOUNTERED SHALL BE REPLACED AND/OR CONNECTED TO THE STORM SEWER SYSTEM AND LOCATED AND IDENTIFIED ON THE RECORD PLANS BY THE CONTRACTOR.
- ALL STORM DRAINAGE CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH THE MOST CURRENT STANDARDS & SPECIFICATIONS OF THE CITY OF DULUTH.



GENERAL NOTES:

- ACCESSIBLE PARKING, RAMPS, AND SIGNAGE SHALL COMPLY WITH ADA ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES.
- ALL WORK SHALL BE IN ACCORDANCE WITH OSHA CODES AND STANDARDS. NOTHING INDICATED ON THE DRAWINGS SHALL RELIEVE THE CONTRACTOR FROM COMPLYING WITH ANY APPROPRIATE SAFETY REGULATIONS.
- 1 WEEK PRIOR TO CONSTRUCTION WITHIN CITY OR STATE ROW OR ANY CONNECTION TO PUBLIC SEWERS, CONTRACTOR SHALL NOTIFY THE APPROPRIATE CITY ENGINEERING DIVISION.
- CONTRACTOR TO VERIFY BUILDING DIMENSIONS WITH ARCHITECTURAL PLANS. PLACE 3/4" INCH EXPANSION JOINT BETWEEN ALL P.C.C. PAVEMENT/ SIDEWALKS AND BUILDING. PLACE 1/2" INCH EXPANSION JOINT BETWEEN SIDEWALKS AND P.C.C. PAVEMENT. CUT/TRIM EXPANSION JOINTS TO BE FLUSH WITH SURFACE.
- ALL PROPERTY PINS SHALL BE PROTECTED FROM GRADING OR OTHER OPERATIONS. ANY PINS DISTURBED SHALL BE RESET AT THE CONTRACTOR'S EXPENSE.
- DO NOT STORE CONSTRUCTION MATERIALS AND EQUIPMENT IN THE RIGHT-OF-WAY.
- THE CONTRACTOR SHALL NOT DISTURB DESIRABLE GRASS AREAS AND DESIRABLE TREES OUTSIDE THE CONSTRUCTION LIMITS. THE CONTRACTOR SHALL NOT BE PERMITTED TO PARK OR SERVICE VEHICLES AND EQUIPMENT OR USE THESE AREAS FOR STORAGE OR MATERIALS. STORAGE, PARKING AND SERVICE AREAS WILL BE SUBJECT TO THE APPROVAL OF THE OWNER.
- THE CONTRACTOR IS RESPONSIBLE FOR REPLACING ANY AREAS OF PAVEMENT OR SIDEWALK NOT TO BE REMOVED THAT IS DAMAGED DUE TO OPERATING EQUIPMENT ON THE PAVEMENT OR SIDEWALK.
- THE CONTRACTOR MAY BE REQUIRED TO PLACE TEMPORARY WARNING DEVICES AND SAFETY FENCE AT CERTAIN LOCATIONS WHERE REPLACEMENT FEATURES ARE NOT INSTALLED THE SAME DAY, AS DIRECTED BY THE ENGINEER OR THE CITY.
- ALL CONSTRUCTION WITHIN PUBLIC ROW/EASEMENTS AND/OR ANY CONNECTION TO PUBLIC SEWERS AND STREETS, SHALL COMPLY WITH THE CITY CONSTRUCTION SPECIFICATIONS FOR SUBDIVISIONS AND LATEST EDITION OF MNDOT DESIGN STANDARDS
- EXCAVATION SHALL BE IN ACCORDANCE WITH THE GEOTECHNICAL REPORT PREPARED FOR THIS PROJECT.
- CONTRACTOR TO GRADE 4" BELOW THE BACK OF CURB TO ALLOW FOR THE PLACEMENT OF TOPSOIL. A MINIMUM OF 4" OF TOPSOIL SHALL BE PLACED IN ALL PLANTING BEDS AND ALL GRASSED AREAS. GRADED AREAS TO BE HELD DOWN TO THE APPROPRIATE ELEVATION TO ACCOUNT FOR TOPSOIL. SEE SHEET L-101 FOR DETAILS.

**ST-# STORM TAGS**

- SEE SHEET PS-101 FOR STORM SEWER TAGS

**TRAFFIC CONTROL NOTES:**

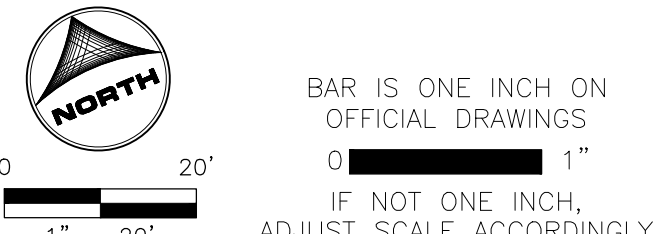
- ALL APPLICABLE CITY PERMITS, INCLUDING BUT NOT LIMITED TO CLOSURE PERMITS, SHALL BE OBTAINED PRIOR TO ANY CONSTRUCTION WITHIN CITY ROW OR LANE CLOSURES.
- ALL TRAFFIC CONTROL SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
- SIDEWALK CLOSED SIGNS REQUIRED FOR ALL SIDEWALK CLOSURES.
- THE CONTRACTOR IS CAUTIONED NEVER TO OBSTRUCT NOR REMOVE ANY EXISTING PAVEMENT, NOR TO DISTURB THE EXISTING TRAFFIC PATTERNS MORE THAN IS NECESSARY FOR THE PROPER EXECUTION OF THE WORK.

**HATCH LEGEND**

|  |  |  |   |
|--|--|--|---|
|  | DENOTES REVERSE CURB & GUTTER                    |  | DENOTES AREA OF DEPRESSED SIDEWALK                |
|  | DENOTES CONCRETE CURB & GUTTER (CATCHING)        |  | DENOTES EXISTING AND OR PROPOSED SPOT ELEVATIONS. |
|  | DENOTES AREA OF DEPRESSED SPILLING CURB & GUTTER |  | DENOTES PROPOSED DRAINAGE DIRECTION ARROW.        |
|  | DENOTES AREA OF DEPRESSED CATCHING CURB & GUTTER |  | DENOTES PROPOSED OVERFLOW DIRECTION ARROW.        |

**NOTE:**

- ALL STORM STRUCTURES WITHIN PAVED AREAS REQUIRE WEEP HOLES. SEE DETAILS S1 & S2 ON SHEET C-404 FOR WEEP HOLE DETAILS.



PRELIMINARY  
NOT FOR CONSTRUCTION



**Chick-fil-A**  
5200 Buffington Road  
Atlanta, Georgia  
30349-2998



**CHICK-FIL-A**

**DULUTH (MN) FSU**  
1600 MILLER TRUNK HIGHWAY  
DULUTH, MN 55811

**FSR# 05418**

| REVISION SCHEDULE |      | DESCRIPTION |
|-------------------|------|-------------|
| NO.               | DATE |             |
|                   |      |             |

**PRELIMINARY**

|                      |             |
|----------------------|-------------|
| ENGINEER'S PROJECT # | 2202615     |
| PRINTED FOR          | PRELIMINARY |
| DATE                 | 08/01/2023  |
| DRAWN BY:            | MRJ         |
| CHECKED BY:          | JFV         |

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SHEET  
**GRADING PLAN**

SHEET NUMBER  
**C-300**

CALL: 1-800-252-1166

WITH THE FOLLOWING:  
COUNTY ST. LOUIS - S19-T50N-R14W  
CITY-TOWNSHIP DULUTH  
PARCEL ID. NO.# PART OF PID: 010-3927-00020

1-800-252-1166  
WWW.GOPHERSTATEONCALL.ORG

48 hours before you dig  
(Excluding Sat., Sun. & Holidays)

UTILITY NOTES

- REFER TO MECHANICAL, ELECTRICAL, AND PLUMBING PLANS FOR DUTY SERVICE SIZES AND EXACT LOCATIONS. CONTRACTOR TO CONFIRM SIZES OF ALL SERVICES PRIOR TO INSTALLATION. REFER TO ELECTRICAL PLANS FOR ELECTRIC AND TELEPHONE SERVICE CONSTRUCTION DETAILS. REFER TO MECHANICAL PLANS FOR GAS SERVICE CONSTRUCTION DETAILS.
- FIELD VERIFY ELEVATIONS AND LOCATIONS OF ALL CONNECTIONS TO EXISTING UTILITIES PRIOR TO COMMENCING CONSTRUCTION.
- PROVIDE TEMPORARY SUPPORT FOR EXISTING UTILITY LINES THAT ARE ENCOUNTERED DURING CONSTRUCTION UNTIL BACKFILLING IS COMPLETE.
- MAINTAIN A MINIMUM OF 7.5' COVER OVER ALL WATER MAINS.
- MAINTAIN A MINIMUM OF 6.0' COVER OVERALL SANITARY SEWER.
- ADJUST ALL MANHOLES AND FRAMES TO FINISHED GRADES.
- ALL SANITARY SEWER AND WATER SERVICES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF DULUTH AND STATE OF MINNESOTA PLUMBING CODE.
- 12" MINIMUM VERTICAL CLEARANCE BETWEEN STORM SEWER AND SANITARY SEWER PIPES. 18" MINIMUM VERTICAL CLEARANCE BETWEEN SANITARY/STORM SEWER AND WATER MAIN.
- MAINTAIN A MINIMUM OF 10' HORIZONTAL SEPARATION BETWEEN SANITARY SEWER LINES AND PUBLIC WATER MAINS.
- WHERE PUBLIC UTILITY FIXTURES ARE SHOWN AS EXISTING ON THE PLANS OR ENCOUNTERED WITHIN THE CONSTRUCTION AREA, IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO NOTIFY THE OWNERS OF THOSE UTILITIES PRIOR TO THE BEGINNING OF ANY CONSTRUCTION. THE CONTRACTOR SHALL AFFORD ACCESS TO THESE FACILITIES FOR NECESSARY MODIFICATION OF SERVICES, UNDERGROUND STRUCTURES, AND UTILITIES HAVE BEEN PLOTTED FROM AVAILABLE SURVEYS AND RECORDS AND THEREFORE, THEIR LOCATIONS MUST BE CONSIDERED APPROXIMATE ONLY. IT IS POSSIBLE THERE MAY BE OTHERS, THE EXISTENCE OF WHICH IS PRESENTLY NOT KNOWN OR SHOWN. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THEIR EXISTENCE AND EXACT LOCATIONS AND TO AVOID DAMAGE THERETO. NO CLAIMS FOR ADDITIONAL COMPENSATION WILL BE ALLOWED TO THE CONTRACTOR FOR ANY INTERFERENCE OR DELAY CAUSED BY SUCH WORK. THE CONTRACTOR IS REQUIRED TO UTILIZE THE UTILITY CALL Gopher State One Call at 1-800-252-1166 AT LEAST 72 HOURS PRIOR TO EXCAVATING ANYWHERE ON THE PROJECT.
- LOCATION OF SITE UTILITIES SHALL BE VERIFIED WITH PROPER UTILITY COMPANY PROVIDING SERVICE.
- ALL WATER AND SANITARY LEADS TO BUILDING SHALL END 5' OUTSIDE THE BUILDING LIMITS AS SHOWN ON PLAN AND SHALL BE PROVIDED WITH A TEMPORARY PLUG AT END.
- SEE SITE SPECIFICATIONS "UNDERGROUND UTILITIES" FOR BACKFILLING AND COMPACTION REQUIREMENTS.
- GENERAL CONTRACTOR WILL BE RESPONSIBLE FOR ALL TAP AND TIE IN FEES REQUIRED, AS WELL AS COST OF UNDERGROUND SERVICE CONNECTIONS TO THE BUILDING.
- ELECTRICAL SERVICE TO PAD MOUNTED TRANSFORMER SHALL BE RUN UNDERGROUND, FROM EXISTING PRIMARY WIRE TIE-IN LOCATION TO TRANSFORMER LOCATION, ASSOCIATED COST BY GENERAL CONTRACTOR.
- ALL EXISTING UTILITIES TO BE FIELD VERIFIED PRIOR TO CONSTRUCTION.
- FOR EXACT LIGHT POLE LOCATIONS SEE PHOTOMETRICS PLAN.
- MATERIAL PERMITTED FOR USE AS SANITARY SEWER PIPES SHALL BE PVC SCHEDULE 40 FOR 4" & 6".
- COMFORT SYSTEMS WILL FURNISH AND INSTALL THE GAS MAINS AND GAS SERVICE UP TO AND INCLUDING THE METER. CONTRACTOR TO PROVIDE (1) 4" SCHEDULE 40 PVC CONDUIT UNDER PAVED AREAS FOR NEW SERVICE LINE.
- CONTRACTOR TO FURNISH AND INSTALL (1) 4" SCHEDULE 40 PVC CONDUITS FOR TELEPHONE SERVICE FROM CENTURYLINK PEDESTAL TO BUILDING, CENTURYLINK TO SUPPLY, PROVIDE AND INSTALL PRIMARY TELEPHONE SERVICE. CONDUITS TO BE INSTALLED A MINIMUM 24" BELOW FINISHED GRADE.
- CONTRACTOR TO FURNISH AND INSTALL (2) 4" SCHEDULE 40 PVC CONDUITS WITH PULL WIRE FOR PRIMARY ELECTRIC SERVICE. SIMON PROPERTY GROUP TO PROVIDE AND INSTALL PRIMARY ELECTRIC SERVICE. CONTRACTOR TO FURNISH AND INSTALL (4) 4" SCHEDULE 40 PVC CONDUITS WITH PULL WIRE FOR SECONDARY ELECTRIC SERVICE. CONDUITS SHALL HAVE A MINIMUM OF 36" OF COVER. CONTRACTOR TO PROVIDE AND INSTALL TRANSFORMER PAD AND SECONDARY SERVICE IN ACCORDANCE WITH SIMON PROPERTY GROUP SPECIFICATIONS AND REQUIREMENTS. TRANSFORMER PAD SHALL BE INSTALLED TO FINAL GRADE AND LEVELLED.
- CONTRACTOR TO FURNISH AND INSTALL (1) 3" SCHEDULE 40 PVC CONDUIT WITH PULL STRING FOR ISP SERVICE FROM CENTURYLINK MAIN TO BUILDING. CENTURYLINK TO SUPPLY, PROVIDE AND INSTALL ISP SERVICE. CONDUIT TO BE INSTALLED MINIMUM 24" BELOW FINISHED GRADE.
- ALL SEWER CONSTRUCTION SHALL MEET THE REQUIREMENTS OF THE CITY OF DULUTH.
- ALL CONNECTIONS TO PUBLIC SANITARY SEWERS SHALL BE PER CITY OF DULUTH STANDARD CONSTRUCTION SPECIFICATIONS.
- THE CFA FIRE WATER SERVICE PIPE SHALL BE CLASS 52 DUCTILE IRON PIPE.
- ALL FIELD TILES ENCOUNTERED SHALL BE REPLACED AND/OR CONNECTED TO THE STORM SEWER SYSTEM AND LOCATED AND IDENTIFIED ON THE RECORD PLANS BY THE CONTRACTOR.
- ROOF DRAINS, FOUNDATION DRAINS, AND OTHER CLEAN WATER CONNECTIONS TO THE SANITARY SEWER SYSTEM ARE PROHIBITED.
- PROVIDE UNDERDRAINS FROM SEEPS OR SPRINGS ENCOUNTERED. EXTEND TO STORM SEWER SYSTEM OR DAYLIGHT AT THE BOTTOM OF THE FILL SLOPE.
- ALL PROPOSED PIPE CONNECTIONS TO EXISTING OR PROPOSED MANHOLES SHALL CONFORM TO ASTM-C923.
- TRACER WIRE IS REQUIRED PER STATE AND CITY STANDARDS.
- IF EXISTING SANITARY/WATER LATERALS ARE NOT TO BE USED/REUSED, THEY SHALL BE ABANDONED AT MAIN PER CITY STANDARDS.

MISCELLANEOUS NOTES:

- ALL BUILDING UTILITY SERVICE LOCATIONS TO BE VERIFIED W/ ARCHITECTURAL PLANS PRIOR TO CONSTRUCTION.
- FOR EXACT LIGHT POLE LOCATIONS SEE PHOTOMETRICS PLAN.
- AT LEAST ONE WEEK PRIOR TO ANY CONSTRUCTION WITHIN PUBLIC R.O.W./ EASEMENTS AND/OR ANY CONNECTION TO PUBLIC SEWERS AND STREETS, THE CONTRACTOR SHALL CONTACT THE CITY AND/OR MNDOT TO OBTAIN APPLICABLE PERMITS.
- WORK WITHIN THE ROW SHALL BE DONE IN ACCORDANCE WITH THE CITY SPECIFICATIONS.
- ONLY THE CITY OF DULUTH PUBLIC WORKS DEPARTMENT MAY OPERATE EXISTING VALVES.
- THE CONTRACTOR MUST CONTACT THE CITY OF DULUTH PUBLIC WORKS DEPARTMENT TO SCHEDULE INSPECTIONS FOR ALL WORK WITHIN THE ROW.
- TRACER WIRE ON THE WATER SERVICE SHALL BE CONNECTED TO THE TRACER WIRE ON THE WATER MAIN AND INSTALLED IN ACCORDANCE WITH CITY SPECIFICATIONS.
- ANY WORK PERFORMED IN THE ROW SHALL BE PERFORMED BY A CITY "QUALIFIED" CONTRACTOR AND MONITORED BY PUBLIC WORKS.

LEGEND:

- DENOTES MAINTAIN 18" VERTICAL SEPARATION PER MPCA'S REQUIREMENTS

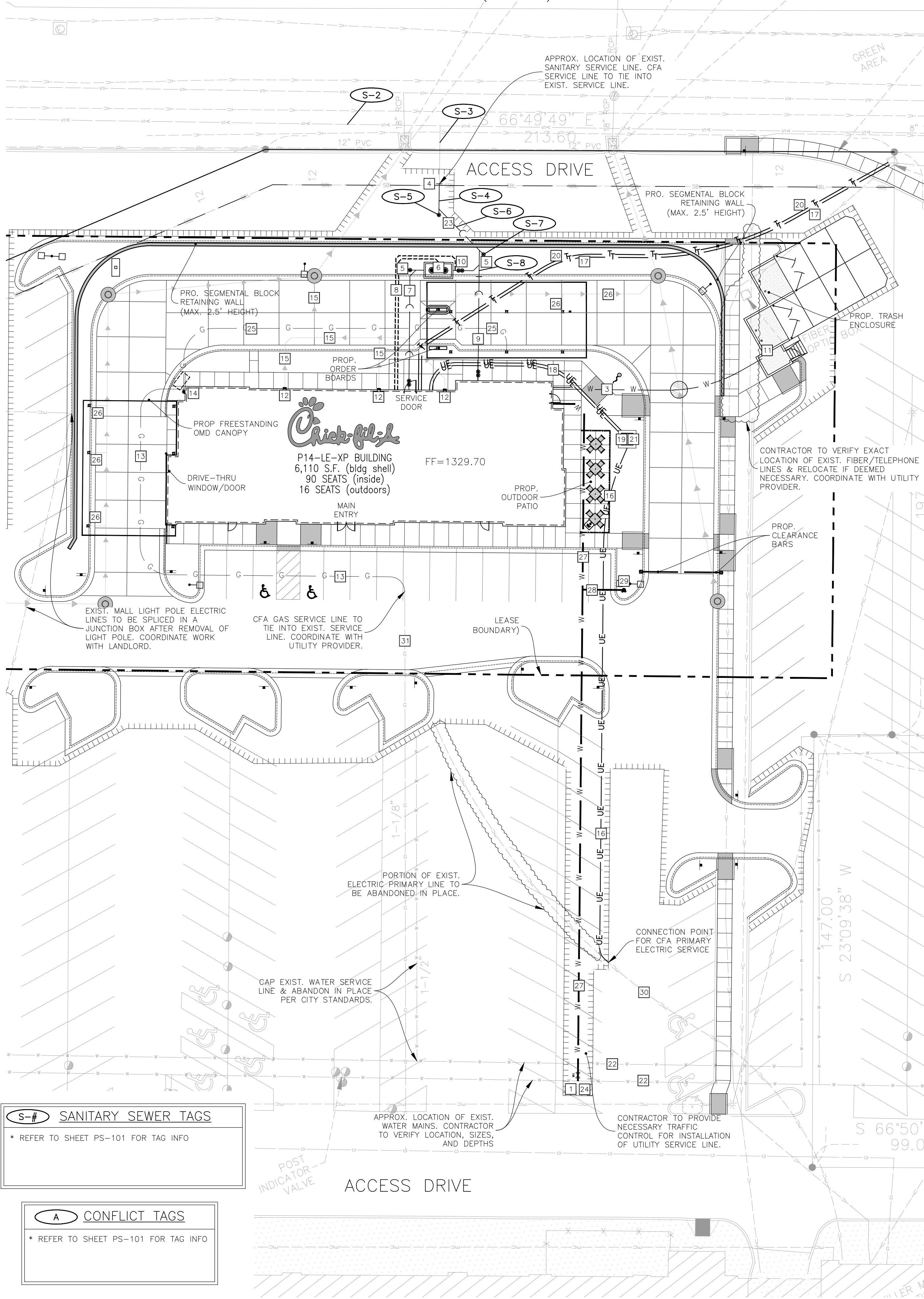
S-# SANITARY SEWER TAGS

- \* REFER TO SHEET PS-101 FOR TAG INFO

A CONFLICT TAGS

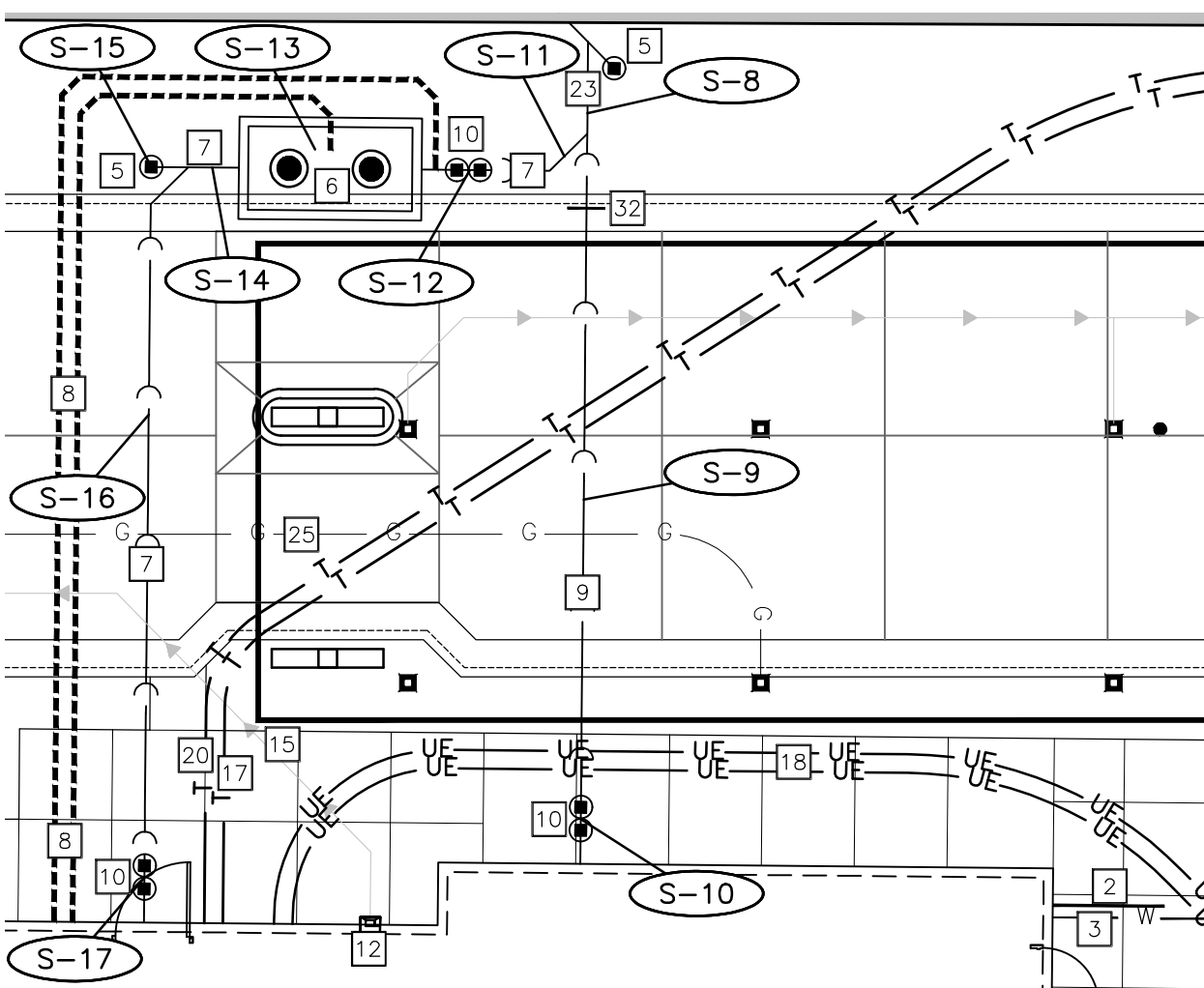
- \* REFER TO SHEET PS-101 FOR TAG INFO

MILLER TRUNK HIGHWAY (US 53)



LAYOUT NOTES

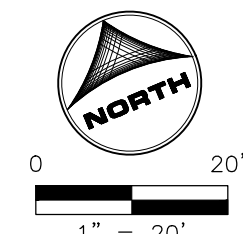
- PAY CONNECTION FEES FOR 2" DOMESTIC / 6" FIRE WATER SERVICE AND METER. DOMESTIC SERVICE TO SPLIT OFF FIRE SERVICE INTERNAL TO BLDG. METER LOCATED INTERNAL TO BLDG.
- 1.5" SOFT COPPER (TYPE K) IRRIGATION LINE TO HAVE SEPARATE METER LOCATION ADJACENT TO DOMESTIC WATER METER INTERNAL TO THE BUILDING. MAINTAIN MIN. 7.5' COVER.
- 3/4" CW TO DUMPSTER POST HYDRANT (SOFT COPPER TYPE K). MAINTAIN MIN. 7.5' COVER.
- CONNECTION TO EXIST. SANITARY SEWER SERVICE. CONTRACTOR TO VERIFY INVERT AT EXISTING SERVICE LINE PRIOR TO ORDERING STRUCTURES. SEE SANITARY TAGS FOR INFO.
- 4" OR 6" CLEAN OUT (SEE DETAIL). CLEANOUT SHALL BE FLUSH W/ PAVEMENT & INSTALLED UNDER A PROTECTIVE METAL BOX COVER SIMILAR TO A METER PIT COVER WITH A TRAFFIC BEARING LID.
- PRECAST 1,000 GAL. CAPACITY GREASE TRAP. PLUMBING CONTRACTOR TO COORDINATE WITH BUILDING CONTRACTOR. TOP OF MANHOLE TO BE 0.2' ABOVE FINISH GRADE AND MATCH SIDEWALK GRADES WHERE REQUIRED. VERIFY GREASE TRAP MEETS CITY/COUNTY SPECIFICATIONS PRIOR TO INSTALLATION. REFER TO PLUMBING PLAN, SHEET P-101.
- 4" KITCHEN WASTE LINE (SEE SANITARY TAGS FOR INFO)
- 3" VENT LINE. CONNECT TO GREASE INTERCEPTOR. (SEE SHEET P-101 FOR LOCATION)
- 4" RESTROOM WASTE LINE (SEE SANITARY TAGS FOR INFO)
- 4" OR 6" TWO-WAY CLEAN OUT (REFER TO PLUMBING PLANS)(SEE DETAIL 37/C-403)
- DUMPSTER POST HYDRANT. REFER TO THE FIXTURE CONNECTION SCHEDULE (P-303) DEPICTED ON THE PROJECT PLUMBING PLANS.
- DOWNSPOUT FOR ROOF DRAINAGE (REFER TO ARCHITECTURAL PLANS)
- PROPOSED GAS SERVICE (SEE NOTE 19)
- COORDINATE GAS METER INSTALLATION WITH GAS COMPANY.
- 8" PVC SDR 26 ROOF DRAIN PIPE SYSTEM (CONNECT TO SITE STORM DRAIN)
- UNDERGROUND PRIMARY ELECTRIC SERVICE. (SEE NOTE 21)
- UNDERGROUND PRIMARY TELEPHONE SERVICE. (SEE NOTE 20)
- UNDERGROUND SECONDARY ELECTRIC SERVICE TO BUILDING. (SEE NOTE 21)
- PROPOSED PAD MOUNTED TRANSFORMER PER ELECTRIC COMPANY STANDARDS. SEE SERVICE UTILITY NOTES, THIS SHEET.
- UNDERGROUND ISP SERVICE (SEE NOTE 22)
- INSTALL TRANSFORMER PAD (SEE NOTE 21)
- APPROX. LOCATION OF EXISTING WATERMAIN. CONTRACTOR TO FIELD VERIFY LOCATION, DEPTH, & MATERIAL.
- 6" PVC SCHEDULE 40 - SANITARY SERVICE PIPE
- CFA FIRE SERVICE CONNECTION. CONNECT TO EXISTING 10" FIRE WATER MAIN VIA TAPPING SLEEVE AND VALVE & VALVE BOX. LOCATION & DEPTH TO BE FIELD VERIFIED. COORDINATE TAP WITH LANDLORD.
- 1.5" GAS SERVICE LINE TO DRIVE-THRU CANOPY
- 6" PVC SDR 26 CANOPY DRAIN SYSTEM (CONNECT TO SITE STORM DRAIN)
- 6" FIRE SERVICE - DI CL52 PIPE - OPEN TRENCH. MAINTAIN MIN. 7.5' COVER.
- 6" FIRE HYDRANT SERVICE LINE - DI CL52 PIPE - OPEN TRENCH (TEE OFF 6" FIRE LINE)
- FIRE HYDRANT WITH AUXILIARY VALVE AND VALVE BOX
- APPROX. LOCATION OF EXISTING ELECTRIC PRIMARY WIRES. CONTRACTOR TO VERIFY EXACT LOCATION AND NUMBER OF WIRES/CONDUITS. CONTRACTOR TO COORDINATE CONNECTION WITH LANDLORD.
- APPROX. LOCATION OF EXISTING GAS SERVICE LINE. CONTRACTOR TO VERIFY EXACT LOCATION AND SERVICE SIZE. CONTRACTOR TO COORDINATE CONNECTION WITH UTILITY PROVIDER AND LANDLORD.
- 6"x4" REDUCER



UTILITY LAYOUT BLOW-UP DETAIL SCALE: 1"=10'

ONSITE WATERLINE NOTES:

- THRUST BLOCKS SHALL BE PROVIDED AT ALL BENDS, TEES, AND FIRE HYDRANTS.
- ALL FIRE HYDRANTS SHALL BE PROVIDED WITH AN APPROVED AUXILIARY GATE VALVE.
- ALL WATER MAINS SHALL BE HYDROSTATICALLY TESTED AND DISINFECTED BEFORE ACCEPTANCE. SEE SITE WORK SPECIFICATIONS.
- ALL TRENCHING, PIPE LAYING, AND BACKFILLING SHALL BE IN ACCORDANCE WITH FEDERAL OSHA REGULATIONS.
- GENERAL CONTRACTOR SHALL HAVE APPROVAL OF ALL GOVERNING AGENCIES HAVING JURISDICTION OVER THIS SYSTEM PRIOR TO INSTALLATION.
- ALL WATER MAIN SHALL BE INSTALLED WITH TRACER WIRE IN ACCORDANCE WITH CITY STANDARDS.



BAR IS ONE INCH ON OFFICIAL DRAWINGS  
 0 10 20'  
 1" = 20'  
 IF NOT ONE INCH, ADJUST SCALE ACCORDINGLY

PRELIMINARY NOT FOR CONSTRUCTION



Chick-fil-A  
 5200 Buffington Road  
 Atlanta, Georgia  
 30349-2998



CHICK-FIL-A

DULUTH (MN) FSU

1600 MILLER TRUNK HIGHWAY  
DULUTH, MN 55811

FSR# 05418

| REVISION SCHEDULE NO. | DATE | DESCRIPTION |
|-----------------------|------|-------------|
|                       |      |             |

PRELIMINARY

|                      |             |
|----------------------|-------------|
| ENGINEER'S PROJECT # | 2202615     |
| PRINTED FOR          | PRELIMINARY |
| DATE                 | 08/01/2023  |

DRAWN BY: MRJ  
 CHECKED BY: JFV  
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SHEET PLUMBING SITE PLAN

SHEET NUMBER PS-100



CALL: 1-800-252-1166

WITH THE FOLLOWING:  
 COUNTY ST. LOUIS - 519-TSON-R14W  
 CITY-TOWNSHIP DULUTH  
 PARCEL ID. NO.# PART OF PID: 010-3927-00020

48 hours before you dig  
 (Excluding Sat., Sun. & Holidays)

1-800-252-1166  
 WWW.GOPHERSTATEONECALL.ORG

**S-# STORM TAGS**

|       |  |       |  |
|-------|--|-------|--|
| ST-1  | EXIST. STM MH<br>RIM = 1322.52<br>INV = 1321.10 W 12" (CONTRACTOR TO FIELD VERIFY)<br>INV = 1321.10 S 12" RCP (TO BE CORED)  | ST-17 | 6 LIN FT SS PVC SDR-26, 6" (CANOPY DRAIN)<br>@ 1.00% |
| ST-2  | 42 LIN FT SS RCP, 12"<br>@ 0.48%   | ST-18 | 6 LIN FT SS PVC SDR-26, 6" (CANOPY DRAIN)<br>@ 1.00% |
| ST-3  | STM SWR CB 4' DIA., R-3235 TY A GRATE<br>T/C = 1327.61<br>INV = 1321.30 N 12" RCP<br>INV = 1324.30 SW 6" PVC<br>INV = 1324.30 S 12" RCP                                  | ST-19 | 6 LIN FT SS PVC SDR-26, 6" (CANOPY DRAIN)<br>@ 1.00% |
| ST-4  | 110 LIN FT SS RCP, 12"<br>@ 1.00%  | ST-20 | 19 LIN FT SS PVC SDR-26, 8" (BLDG DRAIN)<br>@ 1.00%  |
| ST-5  | STM SWR CB 4' DIA., R-3235 TY A GRATE<br>T/C = 1328.49<br>INV = 1325.40 N 12" RCP  | ST-21 | 25 LIN FT SS PVC SDR-26, 8" (BLDG DRAIN)<br>@ 1.00%  |
| ST-6  | 75 LIN FT SS PVC SDR-26, 6" (CANOPY DRAIN)<br>@ 1.00%  | ST-22 | 53 LIN FT SS PVC SDR-26, 8" (BLDG DRAIN)<br>@ 1.00%  |
| ST-7  | 6 LIN FT SS PVC SDR-26, 6" (CANOPY DRAIN)<br>@ 1.00%   | ST-23 | 17 LIN FT SS PVC SDR-26, 8" (BLDG DRAIN)<br>@ 1.00%  |
| ST-8  | EXIST. STM MH<br>RIM = 1322.60<br>INV = 1320.80 W (CONTRACTOR TO FIELD VERIFY)<br>INV = 1320.90 E (CONTRACTOR TO FIELD VERIFY)<br>INV = 1320.90 SW 12" RCP (TO BE CORED) |       |  |
| ST-9  | 50 LIN FT SS RCP, 12"<br>@ 0.50%   |       |  |
| ST-10 | STM SWR CB 4' DIA., R-3235 TY A GRATE<br>T/C = 1328.01<br>INV = 1321.15 NE 12" RCP<br>INV = 1324.60 S 8" PVC<br>INV = 1324.60 W 12" RCP                                  |       |  |
| ST-11 | 67 LIN FT SS RCP, 12"<br>@ 0.45%   |       |  |
| ST-12 | STM SWR CB 4' DIA., R-3235 TY A GRATE<br>T/C = 1328.77<br>INV = 1324.90 E 12" RCP<br>INV = 1324.90 S 12" RCP   |       |  |
| ST-13 | 101 LIN FT SS RCP, 12"<br>@ 0.50%  |       |  |
| ST-14 | STM SWR MH 4' DIA., R-1713 CL<br>RIM = 1328.36<br>INV = 1325.40 N 12" RCP<br>INV = 1325.40 W 12" RCP   |       |  |
| ST-15 | 48 LIN FT SS RCP, 12"<br>@ 0.52%   |       |  |
| ST-16 | STM SWR CB 2' DIA., R-3235 TY A GRATE<br>T/C = 1327.71<br>INV = 1325.65 E 12" RCP  |       |  |

**NOTE:**  
 • ALL STORM STRUCTURES WITHIN PAVED AREAS REQUIRE WEEP HOLES. SEE DETAILS 51 & 52 ON SHEET C-404 FOR WEEP HOLE DETAILS.

**S-# SANITARY SEWER TAGS**

|      |  |
|------|--|
| S-1  | EXIST. SAN MH<br>RIM = 1321.97<br>INV = 1311.80 W<br>INV = 1311.90 E   |
| S-2  | EXIST. SAN SWR MAIN, 8" VCP  |
| S-3  | EXIST. 20 LIN FT SAN SWR STUB, 6" PVC<br>@ 1.00% (ESTIMATED)   |
| S-4  | 11 LIN FT SAN SERVICE, 6" PVC SCHEDULE 40<br>@ 1.04%<br>CONNECTION TO EXIST. SAN SEWER STUB<br>INV @ STUB = +/- 1322.00 (ESTIMATED)<br>(CONTRACTOR TO FIELD VERIFY INVERT AT MAIN PRIOR TO ORDERING MATERIAL. NOTIFY ENGINEER W/ ANY DISCREPANCIES.) |
| S-5  | CLEANOUT (SEE DETAIL)<br>RIM = 1323.50<br>INV = 1322.12  |
| S-6  | 22 LIN FT SAN SERVICE, 6" PVC SCHEDULE 40<br>@ 1.04%<br>INV @ S-4 = 1322.10  |
| S-7  | CLEANOUT (SEE DETAIL)<br>RIM = 1327.00<br>INV = 1322.33  |
| S-8  | 9 LIN FT SAN SERVICE, 6" PVC SCHEDULE 40<br>@ 2.08%<br>INV @ S-6 = 1322.29<br>6"x4" REDUCER<br>INV @ REDUCER = +/- 1322.48   |
| S-9  | 35 LIN FT SAN SERVICE, 4" PVC SCHEDULE 40<br>@ 2.08%<br>INV @ BLDG = 1323.20<br>(VERIFY WITH ARCHITECT/PLANS)  |
| S-10 | TWO-WAY CLEAN OUT (SEE DETAIL)<br>RIM = 1329.60<br>INV = +/- 1323.15   |
| S-11 | 10 LIN FT SAN SERVICE, 4" PVC SCHEDULE 40<br>@ 2.08%<br>INV @ S-8 = 1322.39  |
| S-12 | TWO-WAY CLEAN OUT (SEE DETAIL)<br>RIM = 1328.70<br>INV = +/- 1322.58   |
| S-13 | GREASE TRAP (1,000 GAL.)<br>SEE BUILDING PLUMBING PLAN FOR DETAILS<br>RIM(S) = 1328.70 W, 1328.70 E<br>INV = 1322.76 (INLET)<br>INV = 1322.59 (OUTLET)   |
| S-14 | 5 LIN FT SAN SERVICE, 4" PVC SCHEDULE 40<br>@ 2.08%  |
| S-15 | CLEANOUT (SEE DETAIL)<br>RIM = 1328.50<br>INV = 1322.86  |
| S-16 | 41 LIN FT SAN SERVICE, 4" PVC SCHEDULE 40<br>@ 2.15%<br>INV @ S-14 = 1322.82<br>INV @ BLDG = 1323.70<br>(VERIFY WITH ARCHITECT/PLANS)  |
| S-17 | TWO-WAY CLEAN OUT (SEE DETAIL)<br>RIM = 1329.65<br>INV = +/- 1323.65   |

**A CONFLICT TAGS**

• OMITTED FOR THIS SUBMITTAL



**Chick-fil-A**  
 5200 Buffington Road  
 Atlanta, Georgia  
 30349-2998



**CHICK-FIL-A**  
**DULUTH (MN) FSU**  
 1600 MILLER TRUNK HIGHWAY  
 DULUTH, MN 55811

**FSR# 05418**

**REVISION SCHEDULE**  
 NO. DATE DESCRIPTION

**PRELIMINARY**

ENGINEER'S PROJECT # **2202615**  
 PRINTED FOR PRELIMINARY  
 DATE 08/01/2023  
 DRAWN BY: MRJ  
 CHECKED BY: JFV

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SHEET  
**UTILITY TAGS**

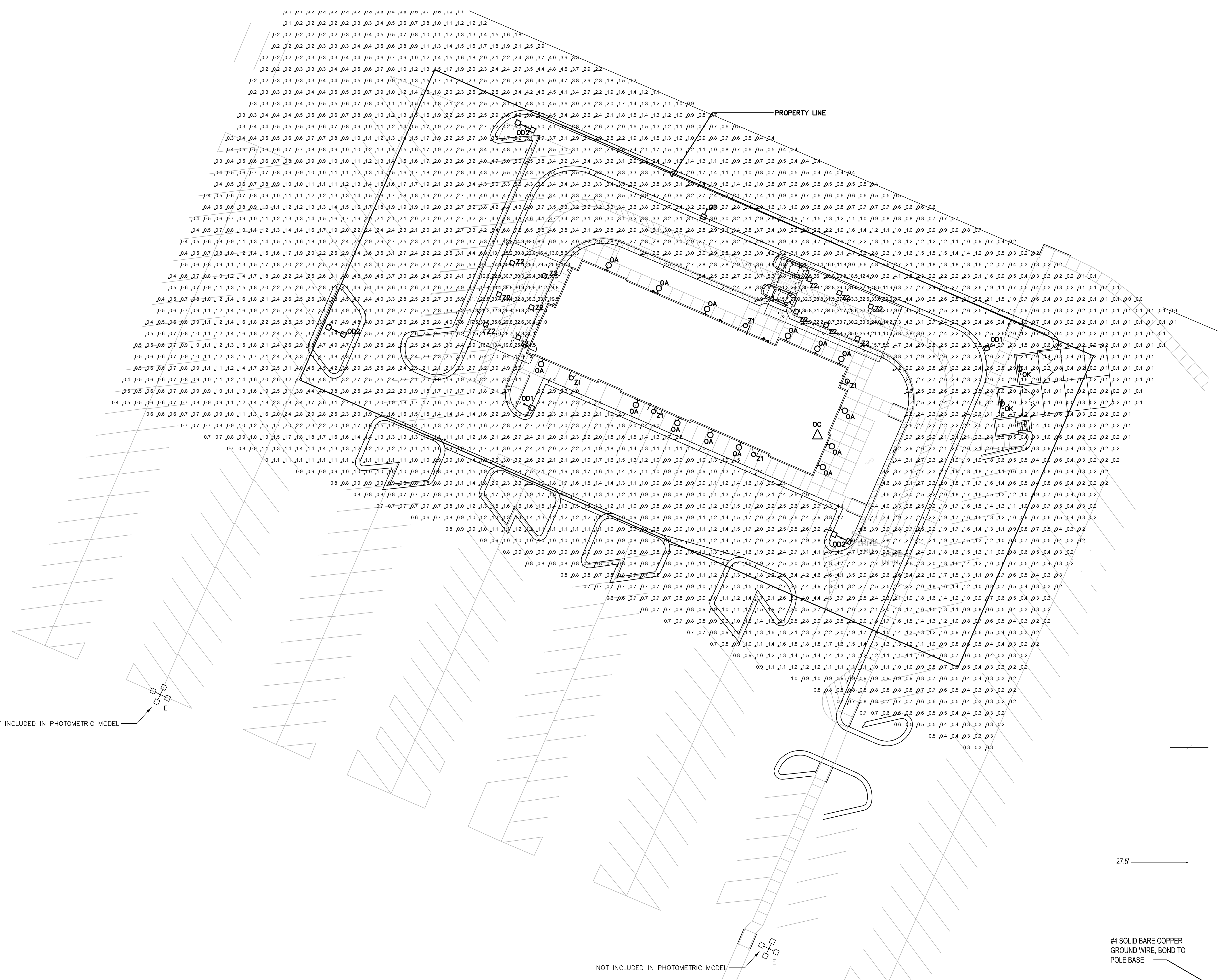
SHEET NUMBER  
**PS-101**

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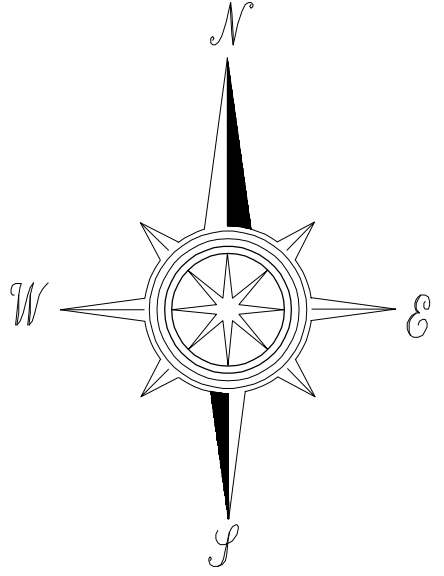
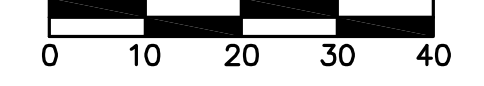


Chick-fil-A  
5200 Buffington Road  
Atlanta, Georgia 30349-2998

DICKERSON ENGINEERING, INC.  
Professional Engineer  
ABRAHAM H. DICKERSON, P.E.  
TEL: (847) 866-0280  
FAX: (847) 866-0284

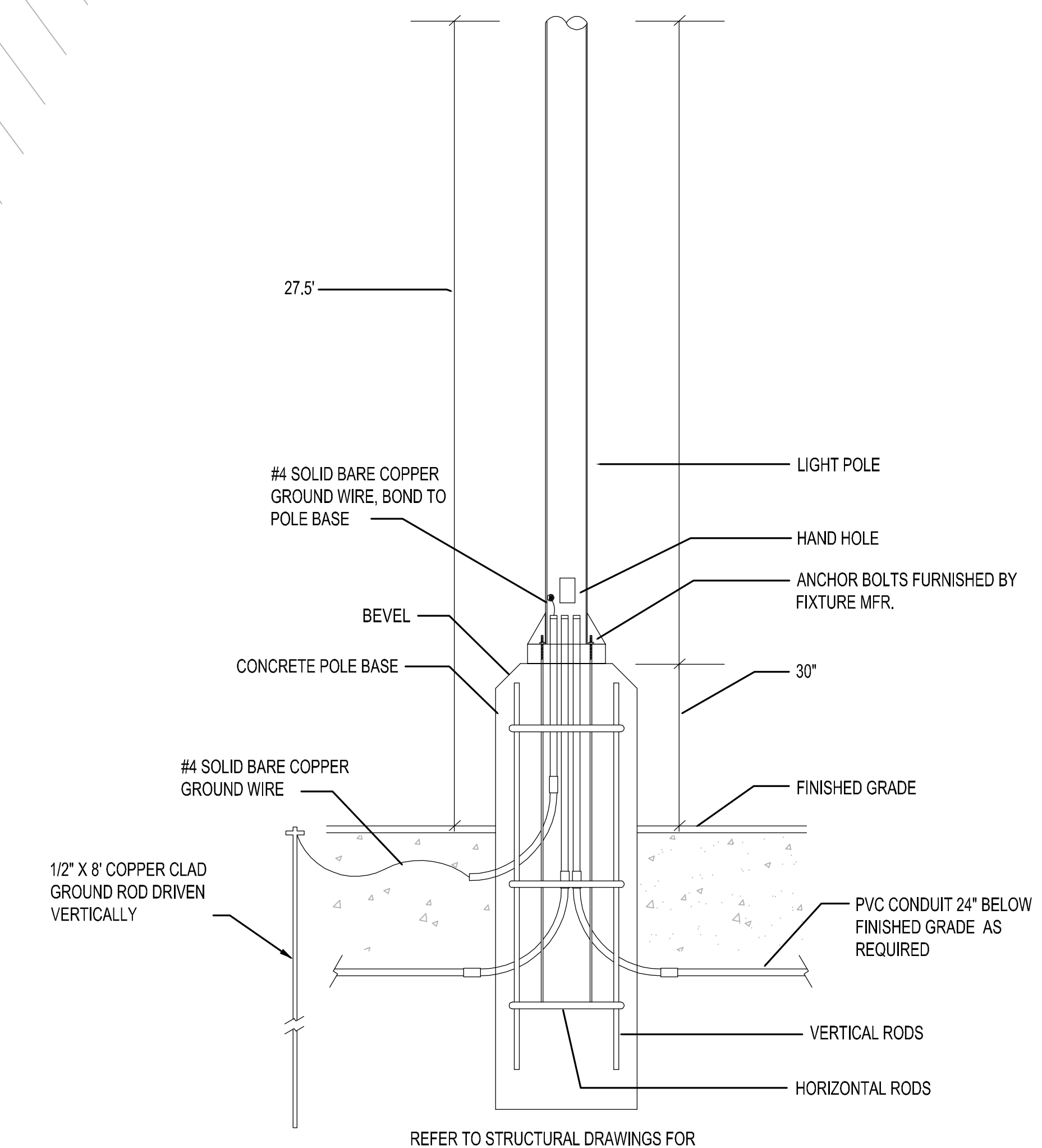


1 PHOTOMETRIC PLAN  
SCALE: 1"=20'-0"



| PHOTOMETRIC STATISTICS (MAINTAINED) IN PARKING LOT (NOT INCLUDING UNDER CANOPY LIGHTING) |         |
|--|---------|
| AVERAGE  | 4.5 FC  |
| MAX  | 10.0 FC |
| MIN  | 0.8 FC  |

| FIXTURE | HEIGHT (UNLESS NOTED OTHERWISE) | LIGHT LOSS FACTOR | COLOR | LIGHT FIXTURE SPECIFICATION                      | POLE  | COMMENTS |
|---------|---------------------------------|-------------------|-------|--|---|----------|
| 00      | 27.5'                           | .9                | 4000K | GE EVOLVE - EAS B 0 H4 F 7 40 1 B DKBZ           | KW INDUSTRIES - RSP 25-50-7-BRZ-DM10-BC (SINGLE LUMINAIRE)  | TYPE IV  |
| 001     | 27.5'                           | .9                | 4000K | GE EVOLVE - EAS B 0 H3 F 7 40 1 B DKBZ           | KW INDUSTRIES - RSP 25-50-7-BRZ-DM10-BC (SINGLE LUMINAIRE)  | TYPE III |
| 002     | 27.5'                           | .9                | 4000K | (2) GE EVOLVE - EAS B 0 H4 F 7 40 1 B DKBZ       | KW INDUSTRIES - RSP 25-50-7-BRZ-DM180-BC (DOUBLE LUMINAIRE) | TYPE IV  |
| 0A      | 8'                              | .9                | 3000K | PROGRESS LIGHTING - P5675-31 WITH TOP COVER LENS |   |          |
| 0K      | 8'                              | .9                | 3000K | HUBBELL - LNC-5LU-3K-3-1                         |   |          |
| Z1      | 10'                             | .9                | 3000K | PROVIDED WITH CANOPY                             |   |          |
| Z2      | 9.5'                            | .5                | 3000K | LSI - CRUS-SC-LED-LW30-UE-WHT                    |   |          |



2 TYPICAL POLE BASE DETAIL  
NOT TO SCALE

CHICK-FIL-A  
DULUTH FSU  
1600 Miller Trunk Highway, Building C  
Duluth, MN 55811

FSR# 05419

| REVISION | NO. | DATE | DESCRIPTION |
|----------|-----|------|-------------|
|          |     |      |             |

ARCHITECT'S PROJECT #  
PRINTED FOR TOWN REVIEW  
DATE 08/07/2023  
DRAWN BY JFC  
SHEET



**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 23-133                           | <b>Contact</b>                  | John Kelley, <a href="mailto:jkelly@duluthmn.gov">jkelly@duluthmn.gov</a> |                    |
| <b>Type</b>                | Variance from front yard setback    | <b>Planning Commission Date</b> | October 10, 2023  |                    |
| <b>Deadline for Action</b> | <b>Application Date</b>             | July 26, 2023                   | <b>60 Days</b>  | September 24, 2023 |
|                            | <b>Date Extension Letter Mailed</b> |                                 | <b>120 Days</b>   | November 23, 2023  |
| <b>Location of Subject</b> | 2221 Norton Road                    |                                 |   |                    |
| <b>Applicant</b>           | Troy Hendrickson                    | <b>Contact</b>                  |   |                    |
| <b>Agent</b>               |                                     | <b>Contact</b>                  |   |                    |
| <b>Legal Description</b>   | See Attached                        | <b>Sign Notice Date</b>         | September 26, 2023  |                    |
| <b>Site Visit Date</b>     | September 29, 2023                  | <b>Number of Letters Sent</b>   | 12  |                    |

**Proposal**

The applicant is seeking a variance to reduce the front yard setback from the required 60' setback to 42' to construct a 2,520 square foot accessory structure adjacent to Norton Road in the RR-1, Rural Residential zone district.

**Staff Recommendation**

Staff has no recommendation but provides findings for Planning Commission consideration.

|                | <b>Current Zoning</b> | <b>Existing Land Use</b> | <b>Future Land Use Map Designation</b> |
|----------------|-----------------------|--------------------------|--|
| <b>Subject</b> | RR-1                  | Residential              | Rural Residential                      |
| <b>North</b>   | RR-1                  | Vacant land              | Rural Residential                      |
| <b>South</b>   | RR-1                  | Residential              | Rural Residential                      |
| <b>East</b>    | RR-1                  | Residential              | Rural Residential                      |
| <b>West</b>    | RR-1                  | Residential              | Rural Residential                      |

**Summary of Code Requirements**

Sec. 50-14.3 Minimum depth front yard 60 ft

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.



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

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

History

The existing house is approximately 3,100 square feet in size and was constructed in 2015 on a 10-acre parcel. A previous 1,000 square foot dwelling was located in the proposed garage location adjacent to Norton Road and was torn down. Note that the existing driveway is not paved as is required per UDC.

**Review and Discussion Items:**

Staff finds that:

- 1) The applicant is seeking a variance to front yard setback to construct a 2,250 square foot accessory structure adjacent to Norton Road. The variance is for a reduction in the front yard setback from 60' to 42' along the front property line.
- 2) The applicant's property is a 10-acre parcel zoned RR-1, Rural Residential. The topography of the land slopes gently downward north to south from approximately 1,420 to 1,390 in elevation. The applicant is proposing to construct the accessory structure where the original home was located but was removed in 2014.
- 3) Existing driveway is gravel which does not meet UDC requirements (both current requirements and those in effect in 2015 when the house was built). The slope on the property suggests that with significant rainfall or snow melt, erosion could be a factor on the driveway. Staff was not previously aware of the gravel driveway and has not pursued any enforcement.
- 4) *Variance Criteria #1 (exceptional narrowness, shallowness, or shape):* The applicant states that the variance requested is due to identified wetland areas on the southern and northern portions of the property that would prohibit the construction of the accessory structure without causing impacts. A report prepared by a wetland professional documents location of these wetlands and that the location proposed by the applicant does not impact wetlands. However, staff finds that many other locations exist outside of the wetlands that do not require a variance, and thus the threshold for practical difficulty is not met.
- 5) *Variance Criteria #2 (circumstances unique to the property, not created by the property owner):* The subject property is similar to many other rural properties in the area, but one unique characteristic about this property is the presence of an existing flat and previously disturbed area that contained the previous house.
- 6) *Variance Criteria #3 (circumstances are peculiar to this property and do not apply generally to other land or buildings):* Despite the presence of a suitable location that contained the previous house, staff finds that this circumstance is not peculiar to this property, as removal of an older house and construction of a new house on a different area of the property is common.
- 7) *Variance Criteria #4 (proposes to use in a reasonable manner not permitted by code):* Applicant's proposal for an accessory structure is a typical use on large parcels in a rural residential area. Property does already contain an existing attached garage, so the addition of the proposed accessory structure creates an amount of parking/storage space that is larger than typical for single-family homes. This structure would be permitted by code on other areas of the property without a variance.
- 8) *Variance Criteria #5 (not impair light/air, increase congestion, or impair public safety or property values):* The variance will not impair an adequate supply of light and air to adjacent properties as the area is rural in nature with large lots of similar size and shape with forested areas. The proposed use will not unreasonably increase the congestion in public streets or unreasonably diminish or impair established property values within the surrounding areas.
- 9) *Variance Criteria #6 (will not impair intent of this Chapter or alter the essential character of the locality):* The essential character of the area is primarily homes on similar sized lots with accessory structures located adjacent to or behind the principle dwelling. A 2,500 square foot accessory structure in the front yard area and in close proximity to Norton Road would not be consistent with the essential character of the area.
- 10) Variance criteria #7-8 do not apply to this application. Criteria #9 states that economic considerations alone shall not constitute a practical difficulty; thus, a variance cannot be granted for the sole reason that it is cheaper to build in a manner not required by code.

- 11) No City, agency, or public comments were received.
- 12) Per UDC Section 50-37.1.N, approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year.

### **Staff Recommendation**

Staff has no recommendation for this item but summarizes the above findings for Planning Commission to determine whether to approve this item.

Findings in favor of approving the variance:

- The location of the area proposed for the accessory structure was the location of the previous home on the property, and is not due to any action of the applicant.
- The applicant proposes to use the property in a reasonable manner.
- Approval of the variance are not anticipated to result in any impacts to light, air, congestion, or property values.

Findings in favor of denying the variance:

- The request is not due to exceptional narrowness, shallowness, or shape of the applicant's property.
- The location alters the essential character of the area, as other residential properties in the vicinity do not have accessory structures within the front yard setback.
- Circumstances are not peculiar to this property, as many other properties have experienced demolition of a previous house, and a new house built in a different location on the property.

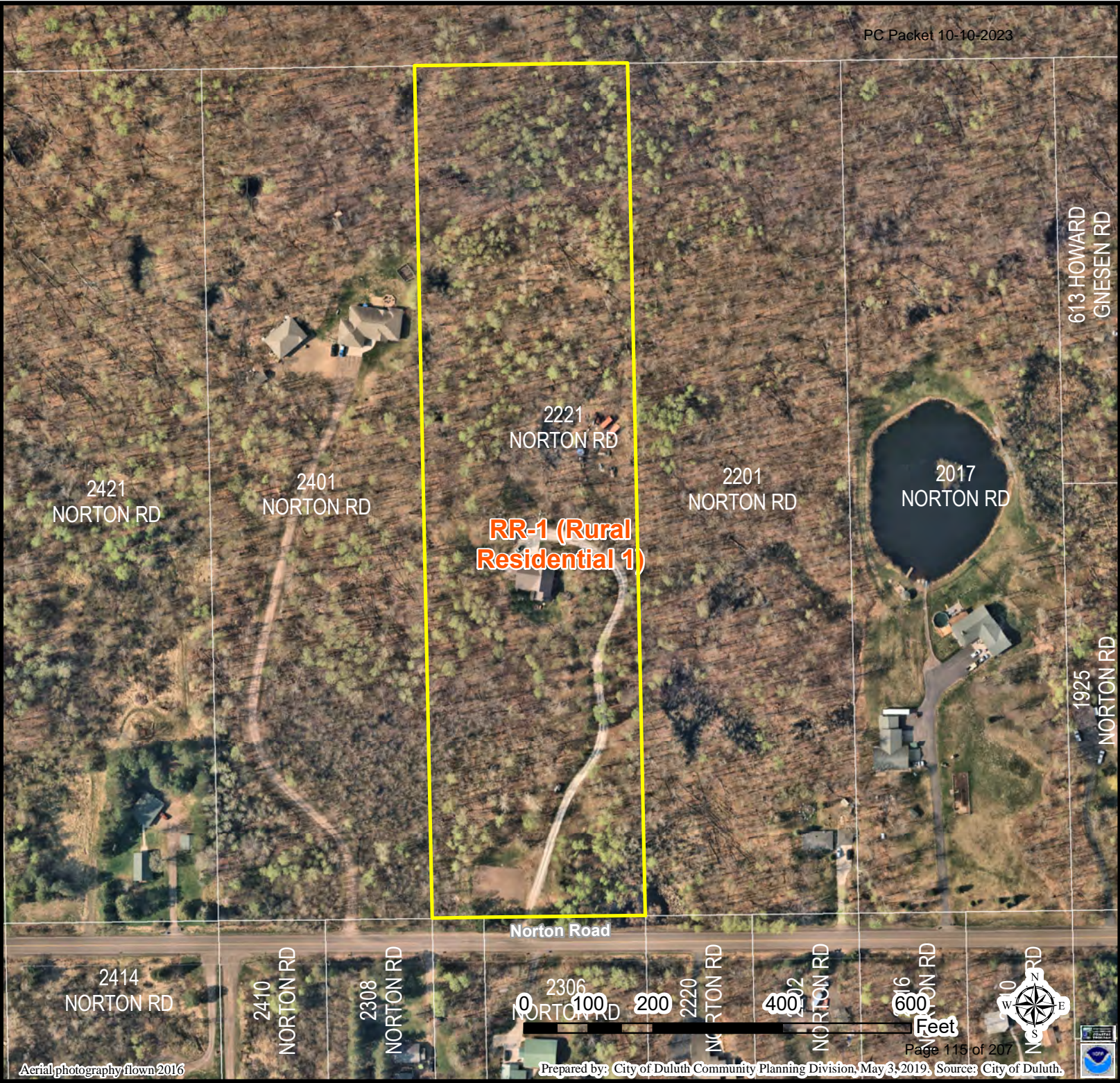
If Planning Commission approves the variance, staff recommends the following conditions:

- 1) The project shall be built, maintained, and limited to the site plan submitted with the application. Existing property line shall be surveyed and staked, and the appropriate setback staked, prior to receiving a building permit. Applicant shall notify planning staff once stakes are in place for inspection.
- 2) Accessory structure shall be placed no closer than 40' from the property line and no greater than 42' x 60' in size. Per UDC Section 50-21.D, accessory structures shall not exceed 20 feet in height.
- 3) Driveway from structure to Norton Road shall be paved as required in Section 50-24.
- 4) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.

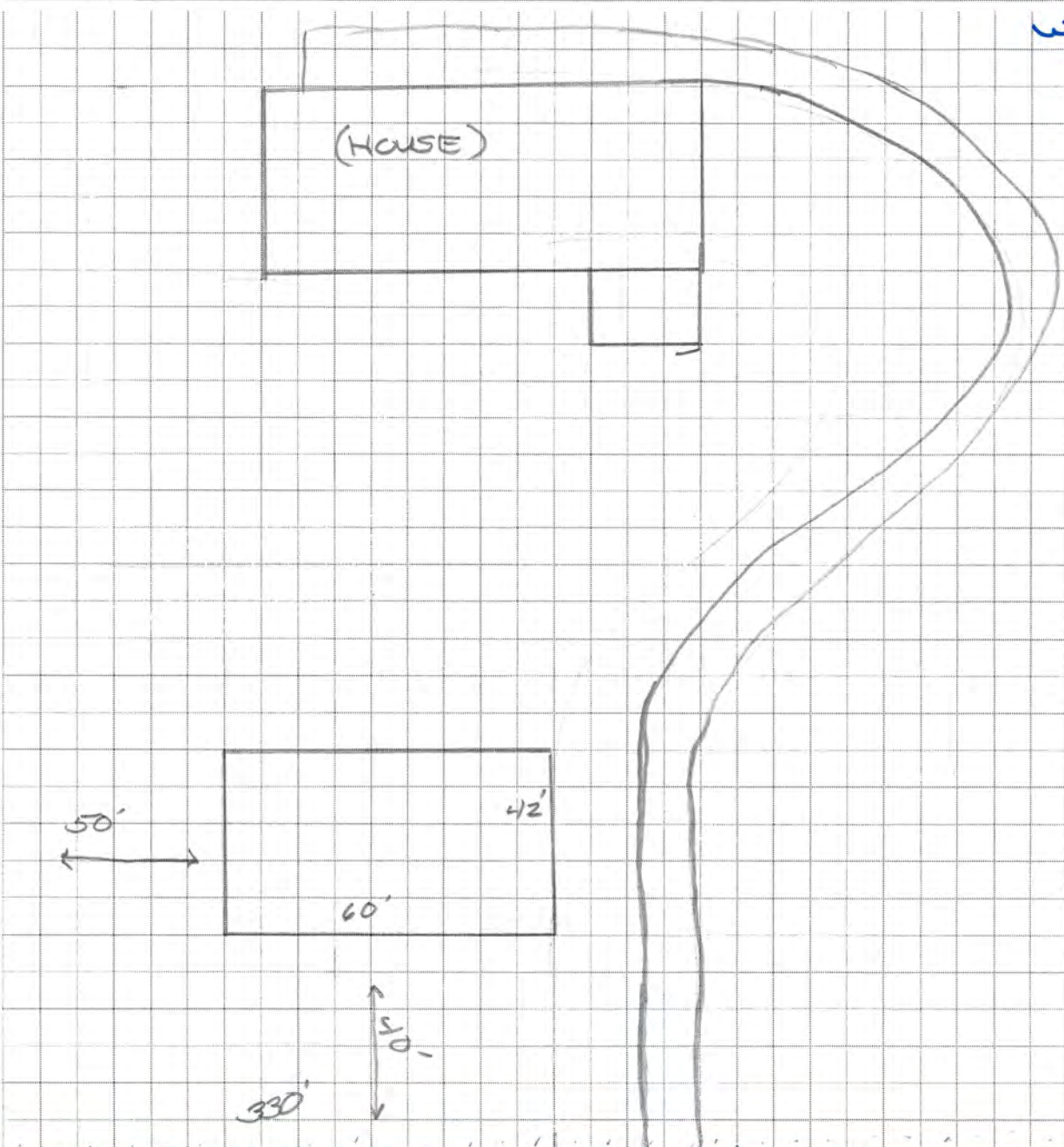
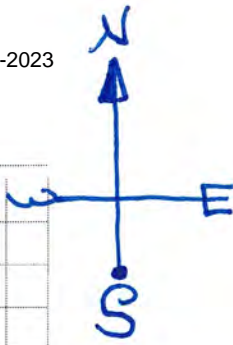


**Legend**

- Road or Alley ROW
- 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.



WEST

NORTON ROAD

EAST

North arrow required

Scale: 1" = \_\_\_\_\_ feet

# SITE PLAN

Grid is 4 squares per inch  
DO NOT USE PENCIL

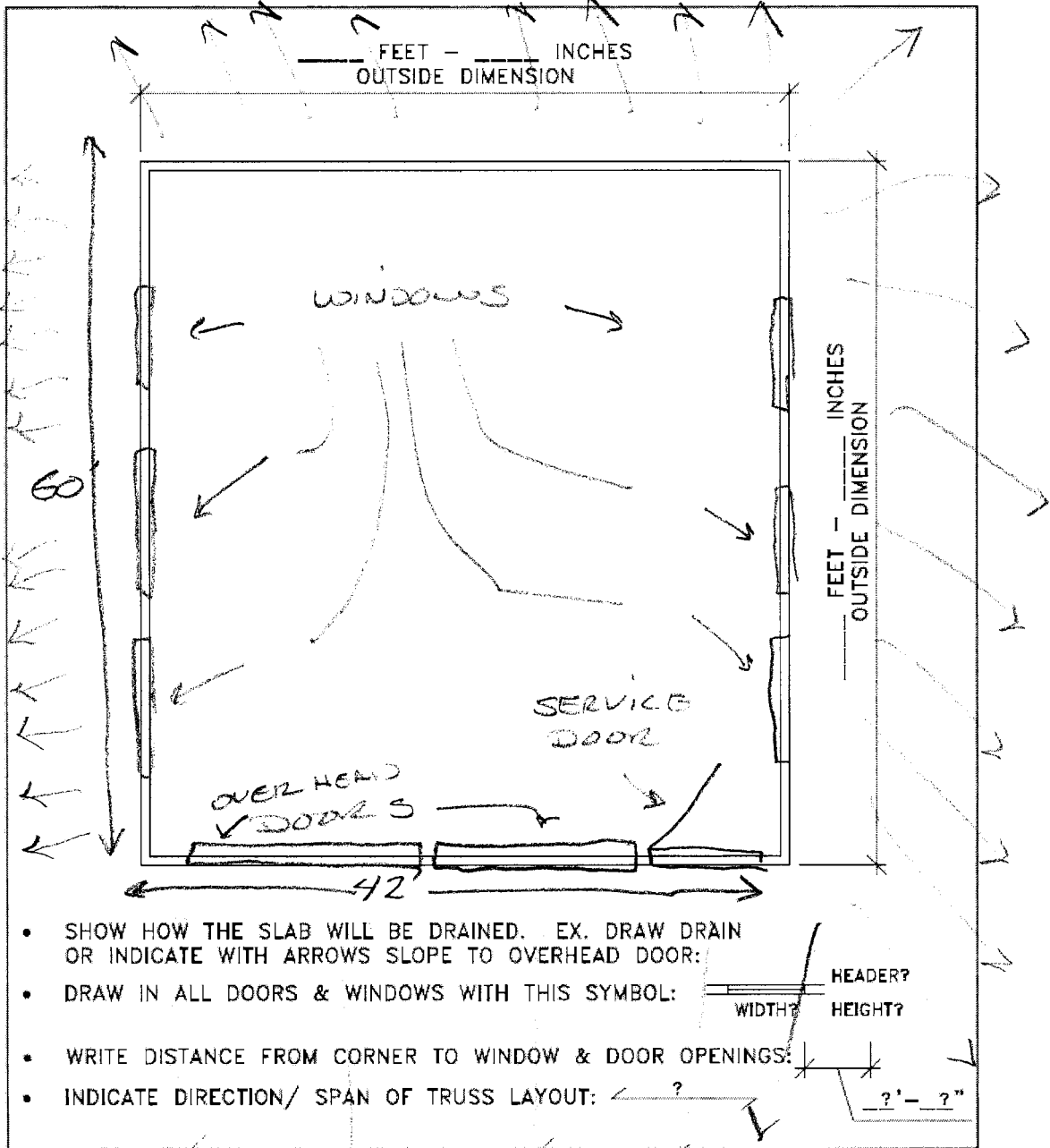
Site Address \_\_\_\_\_

Owner's Name \_\_\_\_\_

This site plan is an accurate and complete representation of the footprint(s) of all existing and proposed structure(s) and their location(s) on the subject property

Applicant's Signature *Ray Helle*

Date 10-14-23



## GARAGE PLAN WORKSHEET

EXAMPLE NOT FOR CONSTRUCTION

Date: 3/24/2015  
 Job No.: GARAGE WORKSHEET  
 Drawn By: RDA  
 Revised: 3/25/2015  
 Approved By: DWN  
 Sheet:

GAR

GRAPHIC: GRAND RAPIDS, MN  
JOB NO: 080-12-007

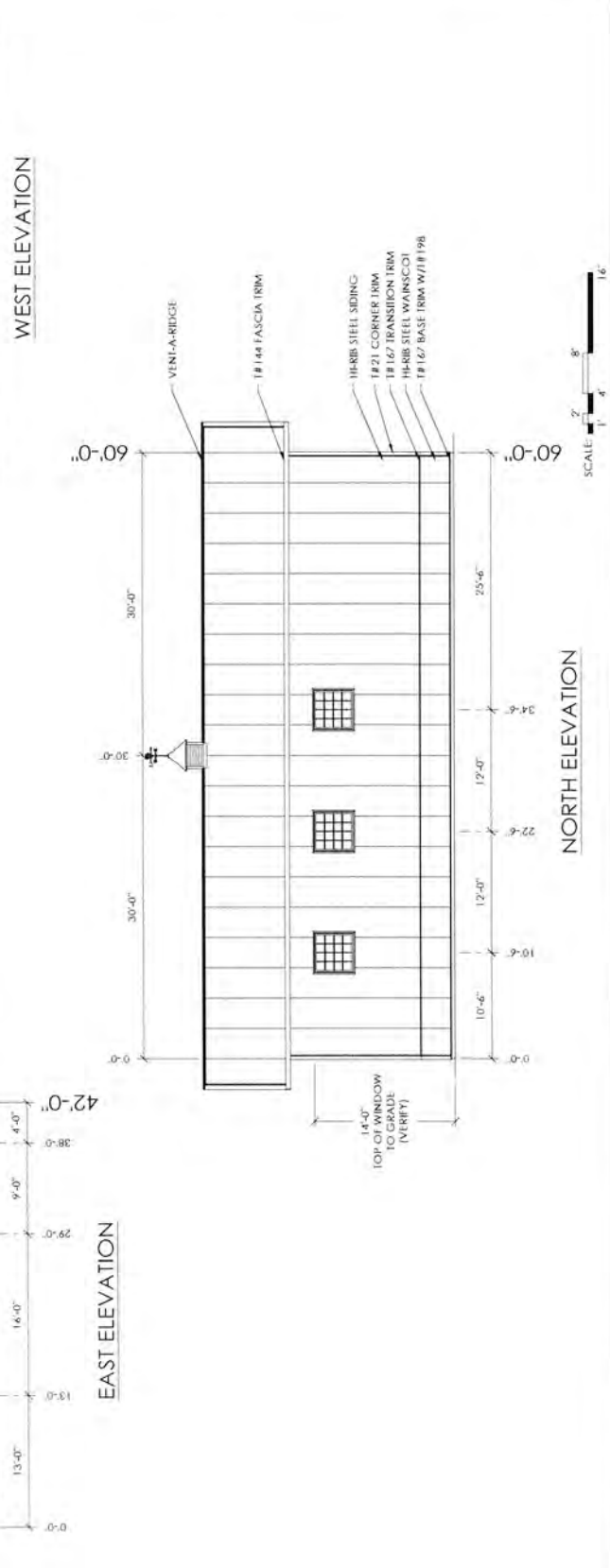
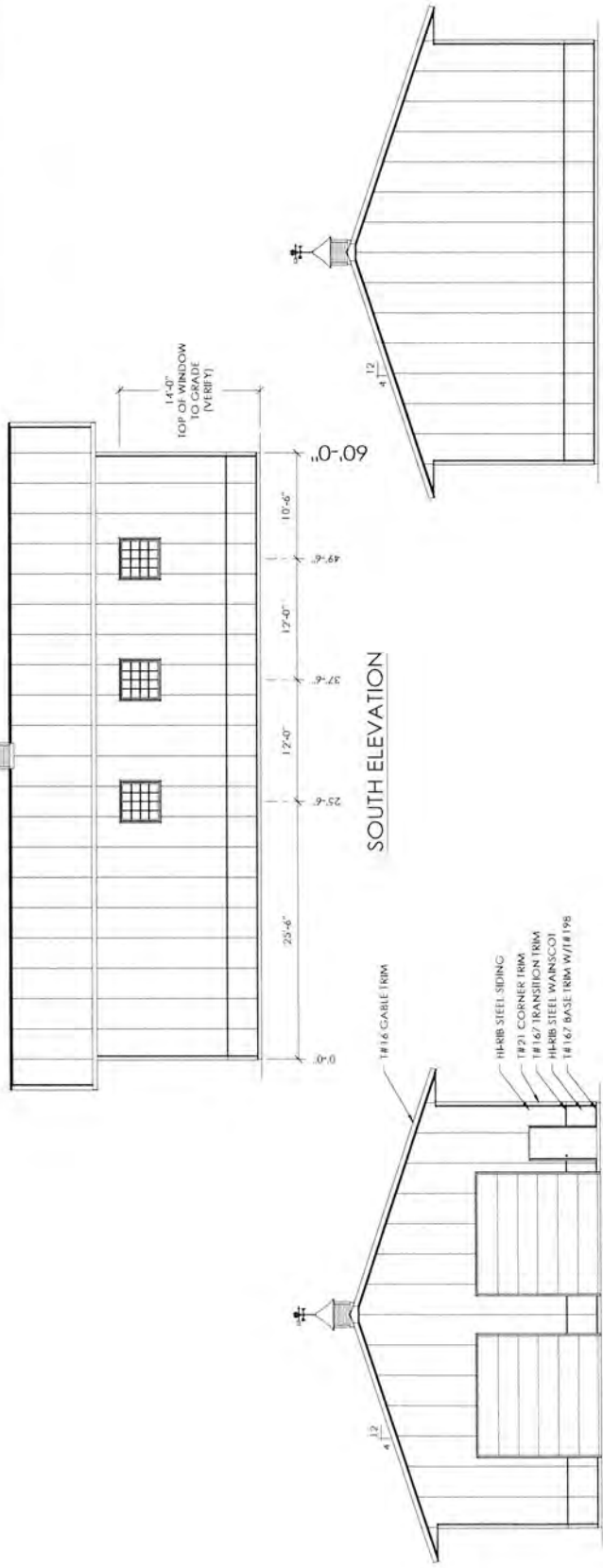
TROY OR MISSY HENDRICKSON  
DULUTH, MN  
ALLIED DESIGN ARCHITECTURAL & ENGINEERING GROUP, P.C.  
100 S. PESHING P.O. BOX 110 MORTON, IL 61550  
PHONE NUMBER: 309-263-4105

|               |           |
|---------------|-----------|
| DRAWN BY:     | MIB       |
| DATE:         | 5/15/2023 |
| CHECKED BY:   | KILL      |
| DATE:         | 5/23/2023 |
| REVISED DATE: |           |
| REVISED DATE: |           |
| REVISED DATE: |           |

PC Packet 10-10-2023  
I HEREBY CERTIFY THAT THE PLAN, SPECIFICATIONS, AND NOTES PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ARCHITECT IN THE STATE OF MINNESOTA.  
Troy Hendrickson  
DATE: 05/23/2023  
LIC. # 37884

SCALE: AS NOTED  
SHEET NO: OF  
S4 S6

**DESIGN AND EXPLANATORY NOTES**  
1.) EXTERIOR DOOR AND WINDOW LOCATIONS ARE TAKEN FROM THE EXTERIOR FACE OF THE MAILERS AND ARE TO THE CENTER OF THE DOOR AND WINDOW UNITS. VERIFY ALL DOOR AND WINDOW LOCATIONS WITH THE OWNER.



## Variance Application Supplemental Form

In order to submit a complete variance application, please explain how your request meets all of the below variance criteria. This is information that is required by the zoning code and will be shared with the Planning Commission during their review. You may fill out this form or attach your information in a separate letter. This information will be shared with the Planning Commission in order to help them determine the appropriateness of the variance application and request.

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

50-14.3 Residential-Rural 1 (RR-1) – front yard setback in the RR-1

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

This property has an identified wetland on the west side of the property, marked in green on the satellite view map provided by the City of Duluth. Placing the structure to the north of the property behind the house Alternate locations are problematic as there is also a standing water swamp to the north of the property. Please see Hendrickson Wetland Information.pdf. The desired spot is where the original house near the road once sat. This site does not interfere with any wetlands or swamps. The original home was removed to build the current home, which sits on a ridge. Most of the land provides a watershed for the swamp located on the front east side of the property as well as the marked wetland. As the map denotes, the wetland and eastern swamp are at an elevation of 1390 feet, rising to the 2015 home of 1420 feet. In summary, existing wetland site constraints restrict construction to the proposed location which falls within the front yard setback and creates a practical difficulty in avoiding wetland impacts.

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

The special circumstances creating the need for relief are due to the exceptional topographic features of the property and the number of valuable wetland resources. Wetlands on my property support many birds and turtles and provide waterfowl with breeding grounds. Existing wetlands have not been created or altered by me or the previous owners of the property.

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

Due to the exceptional topographical nature of this property, placing the building in another location is not feasible due to the numerous wetlands. In addition, extreme topography add complexity to the property and limit buildable sites.

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

Placing the structure behind the house to the north of the property would require cutting and clearing of more trees. Hauling in suitable fill and possibly damaging indicated wetlands. Please see Hendrickson Wetland Information.pdf.

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

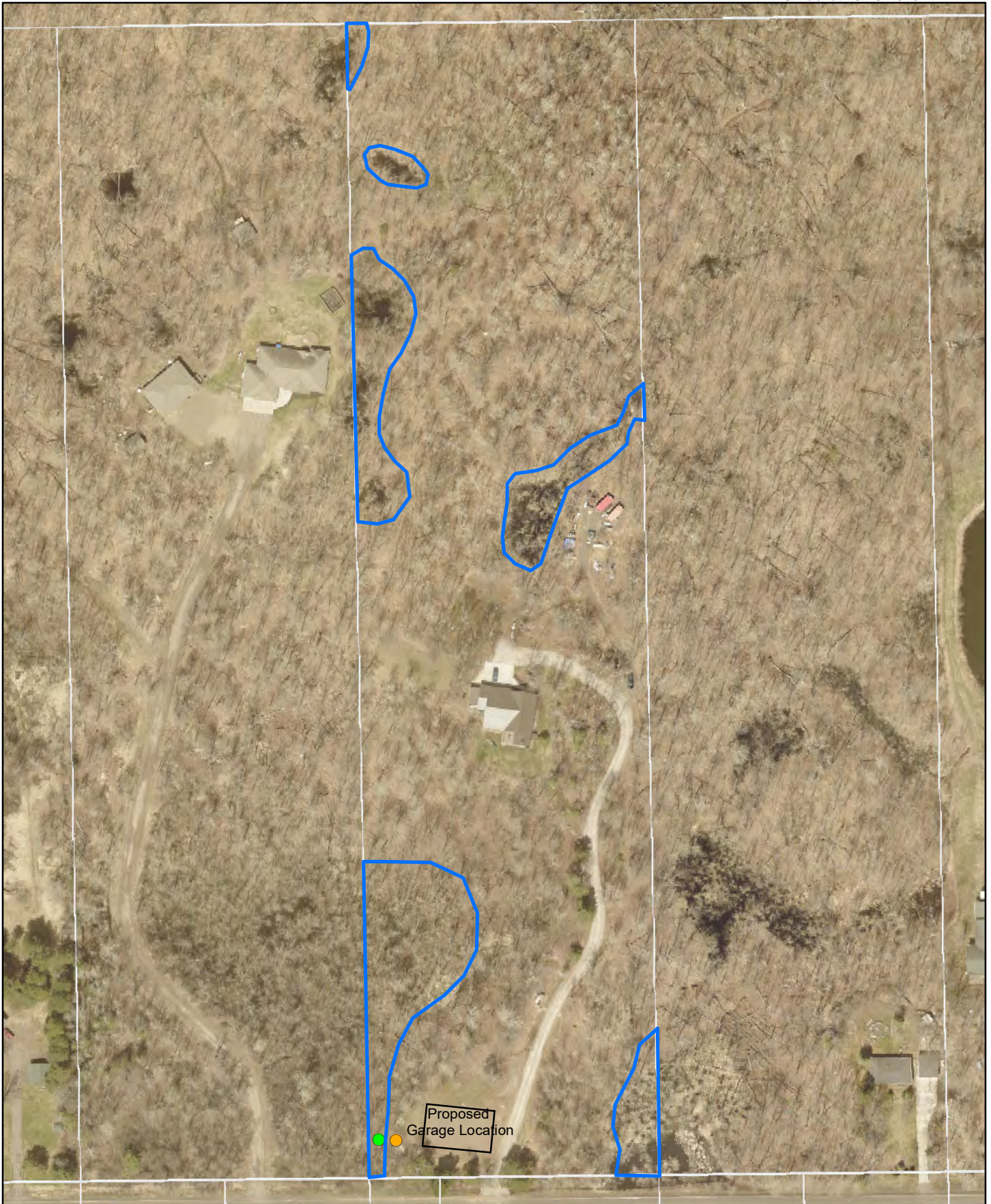
The building will not impair light or air flow to the adjacent properties, the width of the lot is 330 feet. The depth of the property is 1,320 feet, for a total of ten acres. There is no increase in congestion on Norton Road. This structure will increase the taxable value of the property and enhance the usability of the property for generations to come. There are no health or safety concerns for the public welfare of the inhabitants of the city of Duluth.

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

Norton Road is a rural road located in the northern portion of Duluth. Most homesteads have ten acres, which were once used for farming. This structure, designed by Morten Buildings, has barn-like aesthetics, nodding to the past agricultural heritage this area of Duluth once held. Decorative accents have been taken into consideration by the homeowner; this includes ornamental exterior lighting and a cupola on the roof. The finished project will include landscaping with attractive natural stone. The finished project will protect the character of the distinctive neighborhood and semi-rural feel.

**7. Does your variance request need to meet any of the specific criteria in UDC Section 50-37.9, subsections D through M (E. Unsewered Areas, F. Two Family Dwellings in R-1, G. Parking Regulations, H. Reduce Setbacks, I. MU-C District, J. Airport Overlay, K. Flood Plain Regulations, L. Shorelands, or M. Non-Conforming Buildings)? Yes **No****





**Hendrickson Property**

- Upland Point
- Wetland Point
- Approx. Wetland Boundary





**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 23-164                           | <b>Contact</b>                  | John Kelley, <a href="mailto:jkelly@duluthmn.gov">jkelly@duluthmn.gov</a> |                  |
| <b>Type</b>                | Variance – building placement       | <b>Planning Commission Date</b> | October 10, 2023  |                  |
| <b>Deadline for Action</b> | <b>Application Date</b>             | September 7, 2023               | <b>60 Days</b>  | November 6, 2023 |
|                            | <b>Date Extension Letter Mailed</b> |                                 | <b>120 Days</b>   | January 5, 2024  |
| <b>Location of Subject</b> | 2221 Norton Road                    |                                 |   |                  |
| <b>Applicant</b>           | Troy Hendrickson                    | <b>Contact</b>                  |   |                  |
| <b>Agent</b>               |                                     | <b>Contact</b>                  |   |                  |
| <b>Legal Description</b>   | See Attached                        | <b>Sign Notice Date</b>         | September 26, 2023  |                  |
| <b>Site Visit Date</b>     | September 29, 2023                  | <b>Number of Letters Sent</b>   | 12  |                  |

**Proposal**

A variance to allow placement of a 42-ft. by 60-ft. accessory structure in the area between the front of the home and Norton Road in the RR-1, Rural Residential zone district.

**Staff Recommendation**

Staff has no recommendation but provides findings for Planning Commission consideration.

|                | <b>Current Zoning</b> | <b>Existing Land Use</b> | <b>Future Land Use Map Designation</b> |
|----------------|-----------------------|--------------------------|--|
| <b>Subject</b> | RR-1                  | Residential              | Rural Residential                      |
| <b>North</b>   | RR-1                  | Vacant land              | Rural Residential                      |
| <b>South</b>   | RR-1                  | Residential              | Rural Residential                      |
| <b>East</b>    | RR-1                  | Residential              | Rural Residential                      |
| <b>West</b>    | RR-1                  | Residential              | Rural Residential                      |

**Summary of Code Requirements**

Sec. 50-21.3 No accessory structure may be located between a street and any façade of a primary building facing that street

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.

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

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

History

The existing house is approximately 3,100 square feet in size and was constructed in 2015 on a 10-acre parcel. A previous 1,000 square foot dwelling was located on the proposed garage location adjacent to Norton Road and was torn down in 2014. Note that the existing driveway is not paved as is required per UDC.

**Review and Discussion Items:**

Staff finds that:

- 1) The applicant is seeking a variance to the requirements of Sec. 50-21.3 of the UDC that states no accessory structure may be located between a street and any façade of a primary building facing that street. The applicant would like to construct a 2,250 square foot accessory structure in the front yard area adjacent to Norton Road. This is a companion application to PL 23-133 for a variance to reduce the front yard setback from 60' to 42'.
- 2) The applicant's property is a 10-acre parcel zoned RR-1, Rural Residential. The topography of the land slopes gently downward north to south from approximately 1,420 to 1,390 in elevation. The applicant is proposing to construct the accessory structure where the original home was located but was removed in 2014.
- 3) Existing driveway is gravel which does not meet UDC requirements (both current requirements and those in effect in 2015 when the house was built). The slope on the property suggests that with significant rainfall or snow melt, erosion could be a factor on the driveway. Staff was not previously aware of the gravel driveway and has not pursued any enforcement.
- 4) *Variance Criteria #1 (exceptional narrowness, shallowness, or shape):* The applicant states that the variance requested is due to identified wetland areas on the southern and northern portions of the property that would prohibit the construction of the accessory structure without causing impacts. A report prepared by a wetland professional documents location of these wetlands and that the location proposed by the applicant does not impact wetlands. However, staff finds that locations exist, particularly to the west or north of the house (the house is situated 760 +/- feet from the north property line), where an accessory building could be constructed.
- 5) *Variance Criteria #2 (circumstances unique to the property, not created by the property owner):* The subject property is similar to many other rural properties in the area, but as the new house was built by the applicant in 2015, staff finds the circumstances were created by the property owner. The home is sited approximately 500 +/- feet from Norton Road, and in placing the house in this location the applicant thereby limited their own options for placement of an accessory structure.
- 6) *Variance Criteria #3 (circumstances are peculiar to this property and do not apply generally to other land or buildings):* Despite the presence of a suitable location that contained the previous house, staff finds that this circumstance is not peculiar to this property, as removal of an older house and construction of a new house on a different area of the property is common. In addition, a new house could have been placed in the same location as the previous house, allowing ample other areas on the lot for accessory structures.
- 7) *Variance Criteria #4 (proposes to use in a reasonable manner not permitted by code):* Applicant's proposal for an accessory structure is a typical use on large parcels in a rural residential area. Property does already contain an existing attached garage, so the addition of the proposed accessory structure creates an amount of parking/storage space that is larger than typical for single-family homes. This structure would be permitted by code on other areas of the property without a variance.
- 8) *Variance Criteria #5 (not impair light/air, increase congestion, or impair public safety or property values).* The variance will not impair an adequate supply of light and air to adjacent properties as the area is rural in nature with large lots of similar size and shape with forested areas. The proposed use will not unreasonably increase the congestion in public streets or unreasonably diminish or impair established property values within the surrounding areas.
- 9) *Variance Criteria #6 (will not impair intent of this Chapter or alter the essential character of the locality).* The essential character of the area is primarily homes on similar sized lots with accessory structures located adjacent to or behind the

principle dwelling. An accessory structure in the front yard area would not be consistent with the essential character of the area.

- 10) Variance criteria #7-8 do not apply to this application. Criteria #9 states that economic considerations alone shall not constitute a practical difficulty; thus, a variance cannot be granted for the sole reason that it is cheaper to build in a manner not required by code.
- 11) No public, agency, or other City comments were received.
- 12) Per UDC Section 50-37.1.N, approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year.

### **Staff Recommendation**

Staff has no recommendation for this item but summarizes the above findings for Planning Commission to determine whether to approve this item.

Findings in favor of approving the variance:

- The applicant proposes to use the property in a reasonable manner.
- Approval of the variance are not anticipated to result in any impacts to light, air, congestion, or property values.

Findings in favor of denying the variance:

- The request is not due to exceptional narrowness, shallowness, or shape of the applicant's property.
- The applicant created the need for the variance due to their placement of the house built in 2015.
- The location alters the essential character of the area, as other residential properties in the vicinity do not have accessory structures within the front yard setback.
- Circumstances are not peculiar to this property, as many other properties have experienced demolition of a previous house, and a new house built in a different location on the property.

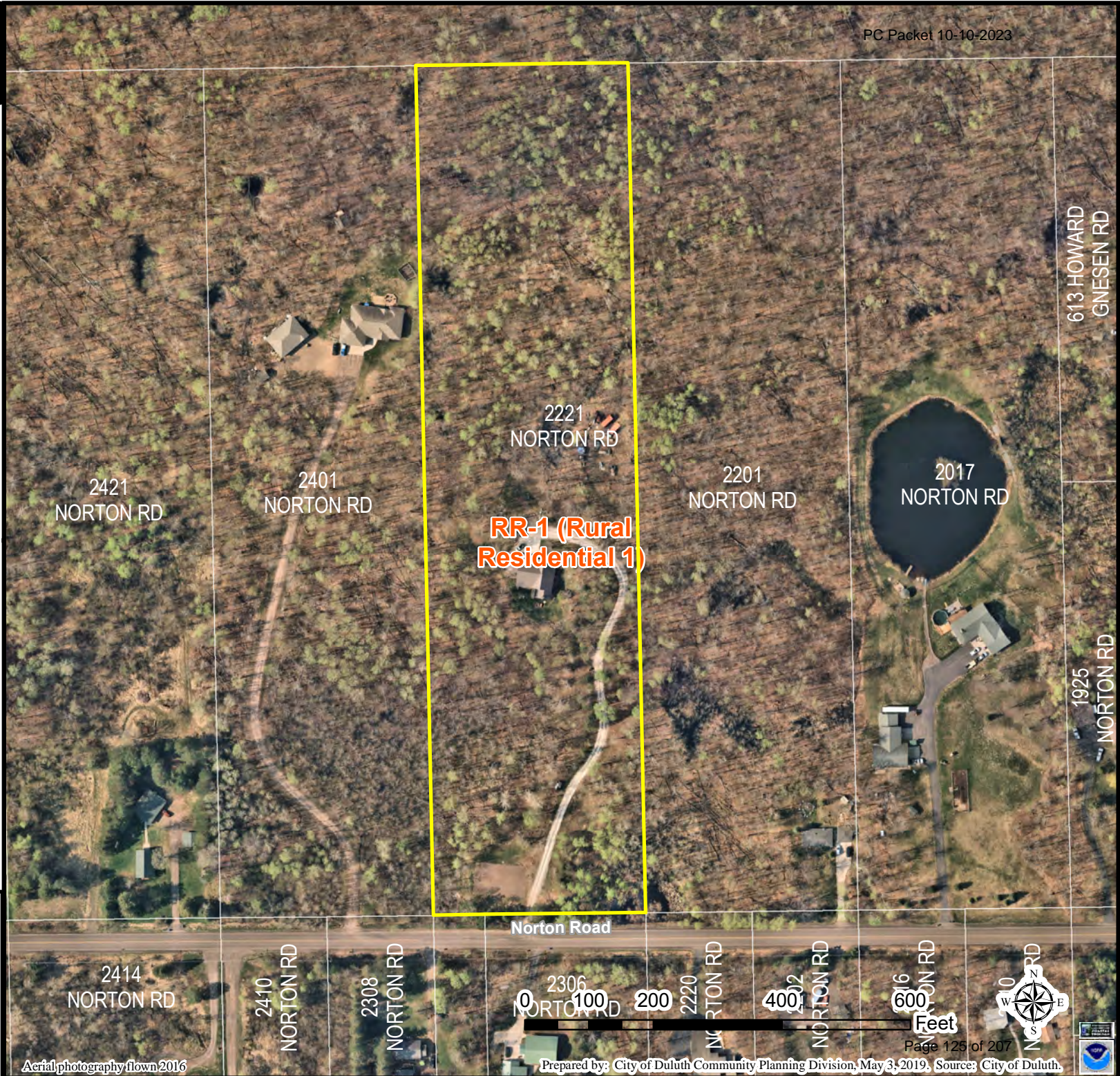
If Planning Commission approves the variance, staff recommends the following conditions:

- 1) The project shall be built, maintained, and limited to the site plan submitted with the application.
- 2) Driveway from structure to Norton Road shall be paved as required in Section 50-24.
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.

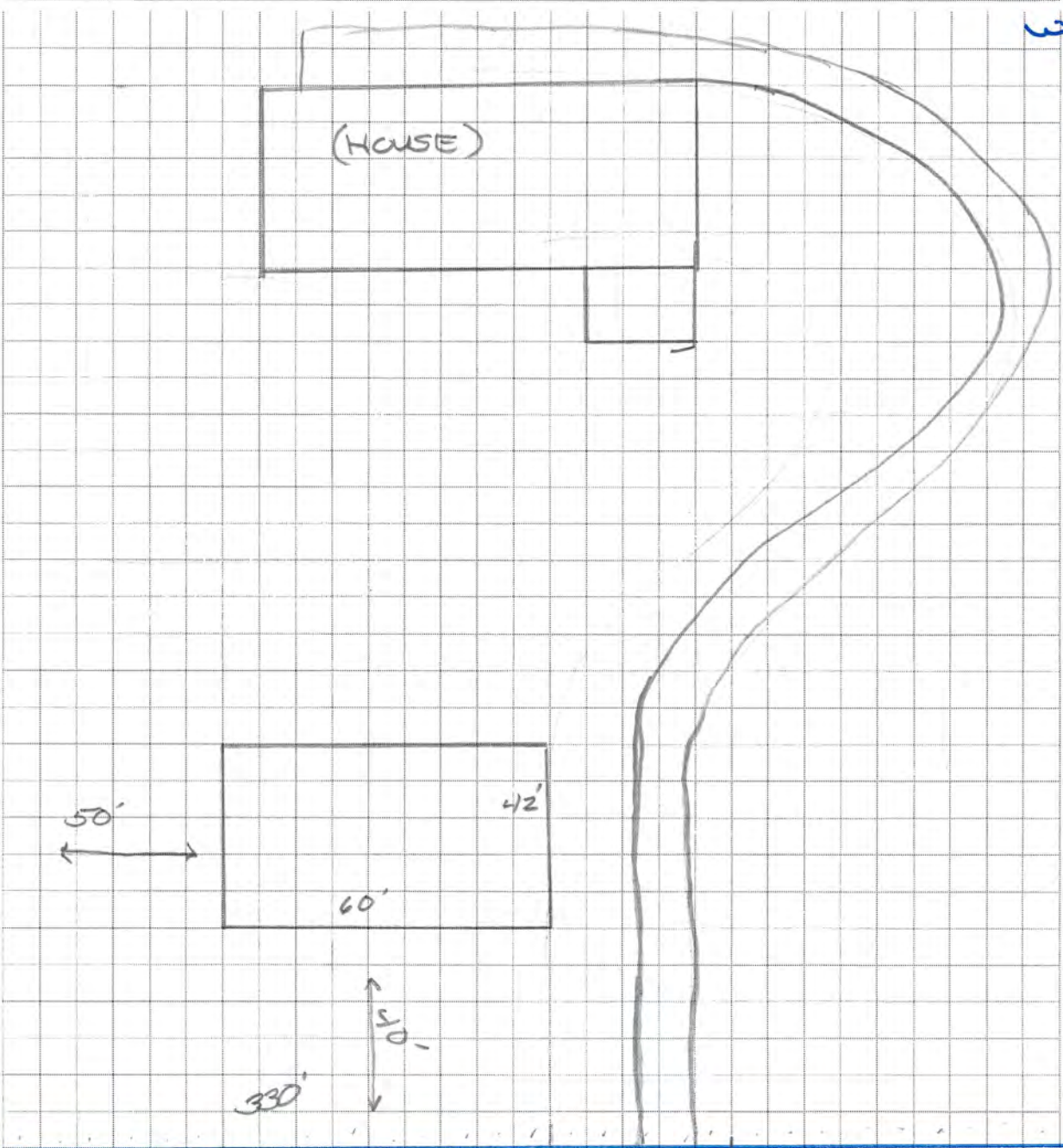
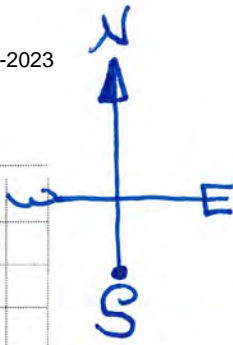


**Legend**

- Road or Alley ROW
- 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.



6  
15/20  
3

25  
10

WEST

NORTON ROAD

EAST

North arrow required

Scale: 1" = \_\_\_\_\_ feet

# SITE PLAN

Grid is 4 squares per inch

DO NOT USE PENCIL

Site Address \_\_\_\_\_

Owner's Name \_\_\_\_\_

This site plan is an accurate and complete representation of the footprint(s) of all existing and proposed structure(s) and their location(s) on the subject property

Applicant's Signature *Ray Helle*

Date 10-14-23

GRAPHIC: GRAND RAPIDS, MN  
JOB NO: 080-12-007

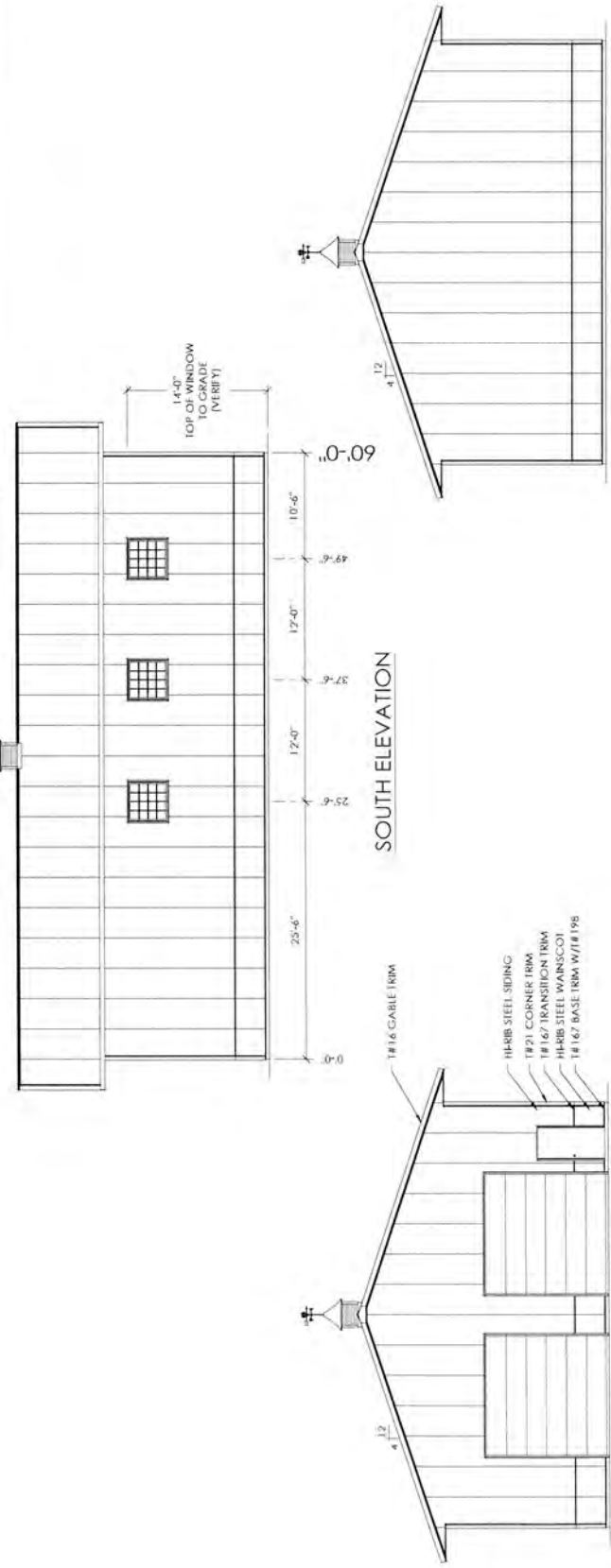
TROY OR MISSY HENDRICKSON  
DULUTH, MN  
ALLIED DESIGN ARCHITECTURAL & ENGINEERING GROUP, P.C.  
100 S. PESHING P.O. BOX 110 MORON, IL 61550  
PHONE NUMBER: 309-263-4105

|               |           |
|---------------|-----------|
| DRAWN BY:     | MIB       |
| DATE:         | 5/15/2023 |
| CHECKED BY:   | KILL      |
| DATE:         | 5/23/2023 |
| REVISED DATE: |           |
| REVISED DATE: |           |
| REVISED DATE: |           |

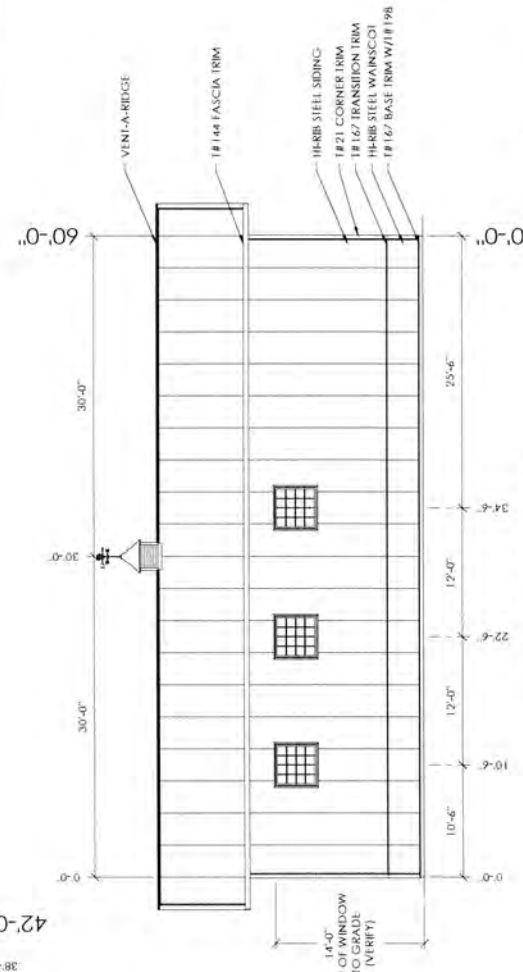
PC Packet 10-10-2023  
I HEREBY CERTIFY THAT THE PLAN, SPECIFICATIONS, AND NOTES PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ARCHITECT IN THE STATE OF MINNESOTA.  
Troy Hendrickson  
DATE: 05/23/2023  
LIC. # 37884

SCALE: AS NOTED  
SHEET NO: S4 OF S6

**DESIGN AND EXPLANATORY NOTES**  
1.) EXTERIOR DOOR AND WINDOW LOCATIONS ARE TAKEN FROM THE EXTERIOR FACI OF THE MAILERS AND ARE TO THE CENTER OF THE DOOR AND WINDOW UNITS. VERIFY ALL DOOR AND WINDOW LOCATIONS WITH THE OWNER.



WEST ELEVATION



NORTH ELEVATION



## Variance Application Supplemental Form

In order to submit a complete variance application, please explain how your request meets all of the below variance criteria. This is information that is required by the zoning code and will be shared with the Planning Commission during their review. You may fill out this form or attach your information in a separate letter. This information will be shared with the Planning Commission in order to help them determine the appropriateness of the variance application and request.

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

50-14.3 Residential-Rural 1 (RR-1) – front yard setback in the RR-1

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

This property has an identified wetland on the west side of the property, marked in green on the satellite view map provided by the City of Duluth. Placing the structure to the north of the property behind the house Alternate locations are problematic as there is also a standing water swamp to the north of the property. Please see Hendrickson Wetland Information.pdf. The desired spot is where the original house near the road once sat. This site does not interfere with any wetlands or swamps. The original home was removed to build the current home, which sits on a ridge. Most of the land provides a watershed for the swamp located on the front east side of the property as well as the marked wetland. As the map denotes, the wetland and eastern swamp are at an elevation of 1390 feet, rising to the 2015 home of 1420 feet. In summary, existing wetland site constraints restrict construction to the proposed location which falls within the front yard setback and creates a practical difficulty in avoiding wetland impacts.

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

The special circumstances creating the need for relief are due to the exceptional topographic features of the property and the number of valuable wetland resources. Wetlands on my property support many birds and turtles and provide waterfowl with breeding grounds. Existing wetlands have not been created or altered by me or the previous owners of the property.

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

Due to the exceptional topographical nature of this property, placing the building in another location is not feasible due to the numerous wetlands. In addition, extreme topography add complexity to the property and limit buildable sites.



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

Placing the structure behind the house to the north of the property would require cutting and clearing of more trees. Hauling in suitable fill and possibly damaging indicated wetlands. Please see Hendrickson Wetland Information.pdf.

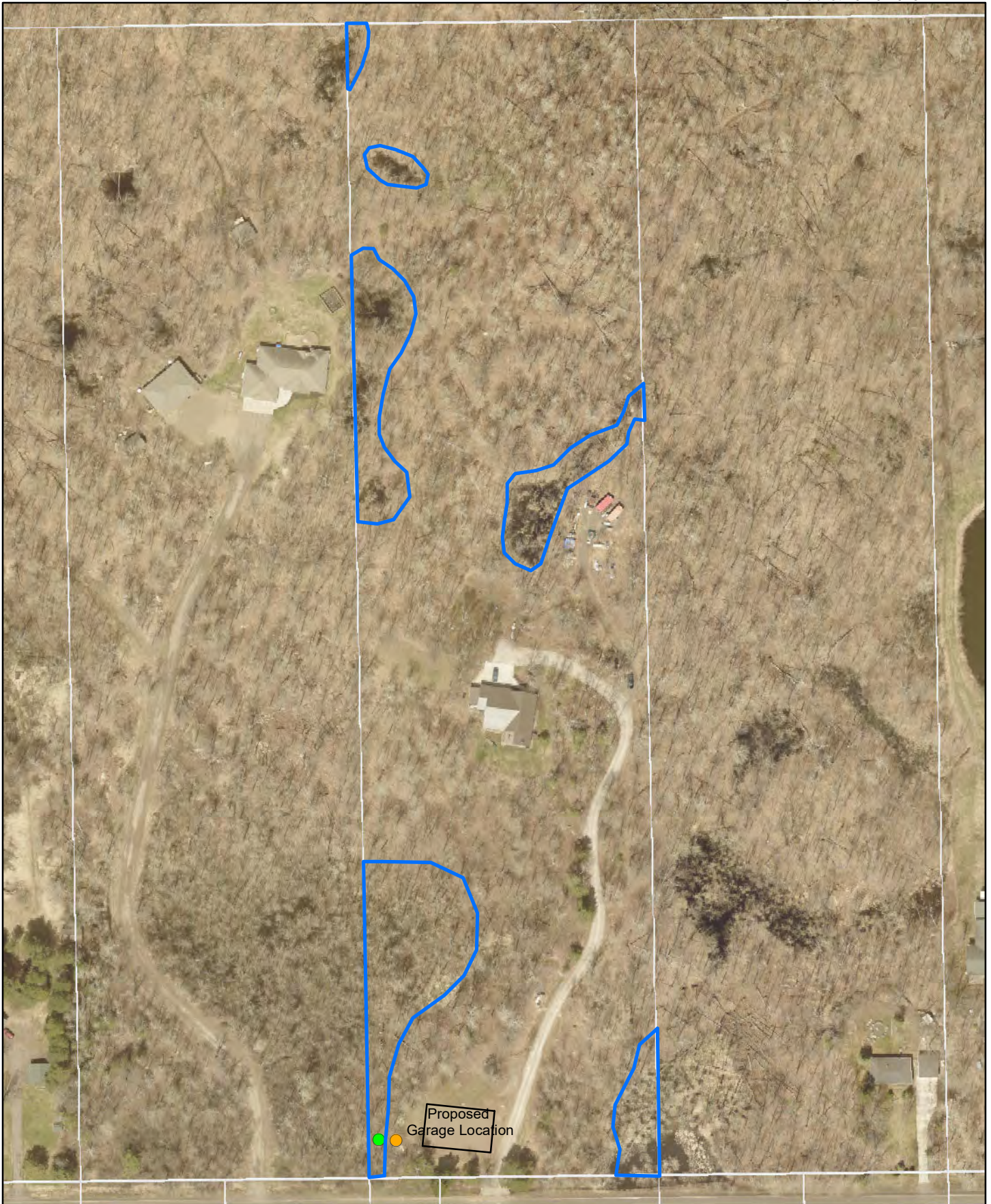
**5. Please explain how that if the variance is granted it will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets or the danger of fire or imperil the public safety, or unreasonably diminish or impair established property values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

The building will not impair light or air flow to the adjacent properties, the width of the lot is 330 feet. The depth of the property is 1,320 feet, for a total of ten acres. There is no increase in congestion on Norton Road. This structure will increase the taxable value of the property and enhance the usability of the property for generations to come. There are no health or safety concerns for the public welfare of the inhabitants of the city of Duluth.

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

Norton Road is a rural road located in the northern portion of Duluth. Most homesteads have ten acres, which were once used for farming. This structure, designed by Morten Buildings, has barn-like aesthetics, nodding to the past agricultural heritage this area of Duluth once held. Decorative accents have been taken into consideration by the homeowner; this includes ornamental exterior lighting and a cupola on the roof. The finished project will include landscaping with attractive natural stone. The finished project will protect the character of the distinctive neighborhood and semi-rural feel.

**7. Does your variance request need to meet any of the specific criteria in UDC Section 50-37.9, subsections D through M (E. Unsewered Areas, F. Two Family Dwellings in R-1, G. Parking Regulations, H. Reduce Setbacks, I. MU-C District, J. Airport Overlay, K. Flood Plain Regulations, L. Shorelands, or M. Non-Conforming Buildings)? Yes **No****



**Hendrickson Property**

- Upland Point
- Wetland Point
- Approx. Wetland Boundary





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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

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 planning@duluthmn.gov

|                             |   |                                 |                    |                   |
|-----------------------------|---|---------------------------------|--------------------|-------------------|
| <b>File Number</b>          | PL 23-157   | <b>Contact</b>                  | Jenn Moses         |                   |
| <b>Type</b>                 | UDC Map Amendment   | <b>Planning Commission Date</b> | October 10, 2023   |                   |
| <b>Deadline for Action</b>  | <b>Application Date</b>   | September 1, 2023               | <b>60 Days</b>     | October 31, 2023  |
|                             | <b>Date Extension Letter Mailed</b>   | September 1, 2023               | <b>120 Days</b>    | December 30, 2023 |
| <b>Location of Subject</b>  | Four parcels located between 4831 Grand Avenue and W 4 <sup>th</sup> Street |                                 |                    |                   |
| <b>Applicant</b>            | Our Saviors Lutheran Church   | <b>Contact</b>                  | Roxanne Bijold     |                   |
| <b>Agent</b>                |   | <b>Contact</b>                  |                    |                   |
| <b>Legal Description</b>    | Parcels 010-4520-14290, 010-3610-10030, 010-3610-10040, and 010-3610-10050  |                                 |                    |                   |
| <b>Site Visit Date</b>      | September 22, 2023  | <b>Sign Notice Date</b>         | September 26, 2023 |                   |
| <b>Neighbor Letter Date</b> | September 22, 2023  | <b>Number of Letters Sent</b>   | 44                 |                   |

**Proposal**

UDC Map Amendment (rezoning) to change the zoning of property adjacent to 4831 Grand Avenue from Residential-Traditional (R-1) to Mixed Use-Neighborhood (MU-N). This proposal is consistent with the comprehensive plan.

**Staff Recommendation**

Staff recommend that the Planning Commission recommend approval for rezoning three of the four parcels to City Council.

|                | <b>Current Zoning</b> | <b>Existing Land Use</b> | <b>Future Land Use Map Designation</b> |
|----------------|-----------------------|--------------------------|--|
| <b>Subject</b> | R-1                   | Church                   | Traditional Neighborhood               |
| <b>North</b>   | R-1                   | Residential              | Traditional Neighborhood               |
| <b>South</b>   | MU-N                  | Commercial               | Neighborhood Commercial                |
| <b>East</b>    | R-1                   | Residential              | Traditional Neighborhood               |
| <b>West</b>    | MU-N                  | Multi-family Residential | Neighborhood Commercial                |

**Summary of Code Requirements**

- UDC Sec. 50-37.3.B: Planning Commission shall review the application, conduct a public hearing ... with public notice ... and make a written recommendation to council.
- UDC Sec. 50-37.3.C: The Planning Commission shall review the application, and Council shall approve the application or approve it with modifications, if it determines that the application: 1. Is consistent with the Comprehensive Land Use Plan; 2. Is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use; 3. Is required by public necessity, convenience, or general welfare, or good zoning practice; 4. Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible.

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

**Governing Principle #1 – Reuse previously developed lands:** Directs new investment to sites which have the potential to perform at a higher level than their current state. This strengthens neighborhoods and supports reuse of existing public infrastructure. This site is an existing church adjacent to public streets and a transit line.

**Governing Principle #5 – Promote reinvestment in neighborhoods:** Land use and transportation should foster neighborhood reinvestment,...strengthen neighborhood commercial centers, or diversify residential opportunities that fit the neighborhood's character. This rezoning allows a mixture of residential opportunities in addition to the existing church use.

**Future Land Use – Traditional Neighborhood:** Characterized by grid or connected street pattern ... limited commercial, schools, churches, and home businesses.

**History:** Property contains a church built in 1957.

**Review and Discussion Items:**

Staff finds that:

1. Our Saviors Lutheran Church owns a total of 9 parcels. The four parcels to the rear of the building are currently zoned Residential-Traditional (R-1), while the remaining parcels along Grand Avenue are zoned Mixed Use-Neighborhood. This split zoning is likely due to the existing land use pattern that supports a mix of commercial and residential along Grand Avenue, and residential along the properties adjacent to W 4<sup>th</sup> Street.
2. The current split zoning does not allow the property owner to use the existing property in a unified or consistent manner. When the church was built in 1957, the building code allowed buildings to span multiple parcels; this would not be permitted today. The pattern of zoning followed those parcel lines, and because churches are permitted in the R-1 district, was never addressed or changed.
3. The Future Land Use Map of the Comprehensive Plan indicates Neighborhood Commercial along Grand Avenue and Traditional Neighborhood along W 4<sup>th</sup> Street. However, the dividing line of the future land uses does not follow parcel lines exactly, instead angling around properties on this block and the two adjacent blocks in ways that suggests Neighborhood Commercial is not limited only to the half block fronting Grand Avenue.
4. Duluth has recently seen many churches adapt to changes in membership, attendance, and congregation/community needs in a variety of ways, including adaptive reuse of all or portions of existing church buildings. This property owner intends to adapt a portion of the existing building to a new use, but is not able to do so since the zoning creates an artificial division within the existing building. The applicant has stated that the intent is to work with CHUM to provide housing. Whether the future use is housing or another use, incorporating the entire building with one consistent zone district helps determine allowable uses.
5. The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan, and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or be considered arbitrary and capricious. Good zoning practice requires that zone districts be consistent with the future land use category identified for the area. Other criteria for zoning may include considering existing land use patterns and if the rezoning is related to the needs to the community or existing land use.
6. The purpose of the MU-N zone district is "to accommodate a mix of neighborhood-scale, neighborhood serving non-residential uses and a range of residential uses located in close proximity." This is consistent with the Future Land Use designation of Neighborhood Commercial.
7. The Comprehensive Plan supports the rezoning to MU-N in the following ways: a majority of the applicant's property is guided for Neighborhood Commercial; surrounding and adjacent properties are a mix of commercial and residential in a manner that matches the Neighborhood Commercial land use; the MU-N district is consistent with the Neighborhood Commercial designation; and it supports governing principles such as reuse of previously developed lands and reinvestment in neighborhoods.
8. One of the parcels proposed for rezoning, parcel 010-3610-10050, has historically been used as parking for the church but is otherwise a vacant parcel. It is therefore distinct from the other parcels under consideration, both in existing land use and the potential for adverse impacts on nearby properties. As this property could easily be sold or transferred, and it is directly adjacent to a neighboring residential property, staff recommends this parcel be excluded from the rezoning.
9. This amendment, for the remaining three parcels, will not create material adverse impacts on nearby properties as it is consistent with other land uses in the area, the existing church building is expected to remain, and zoning criteria such

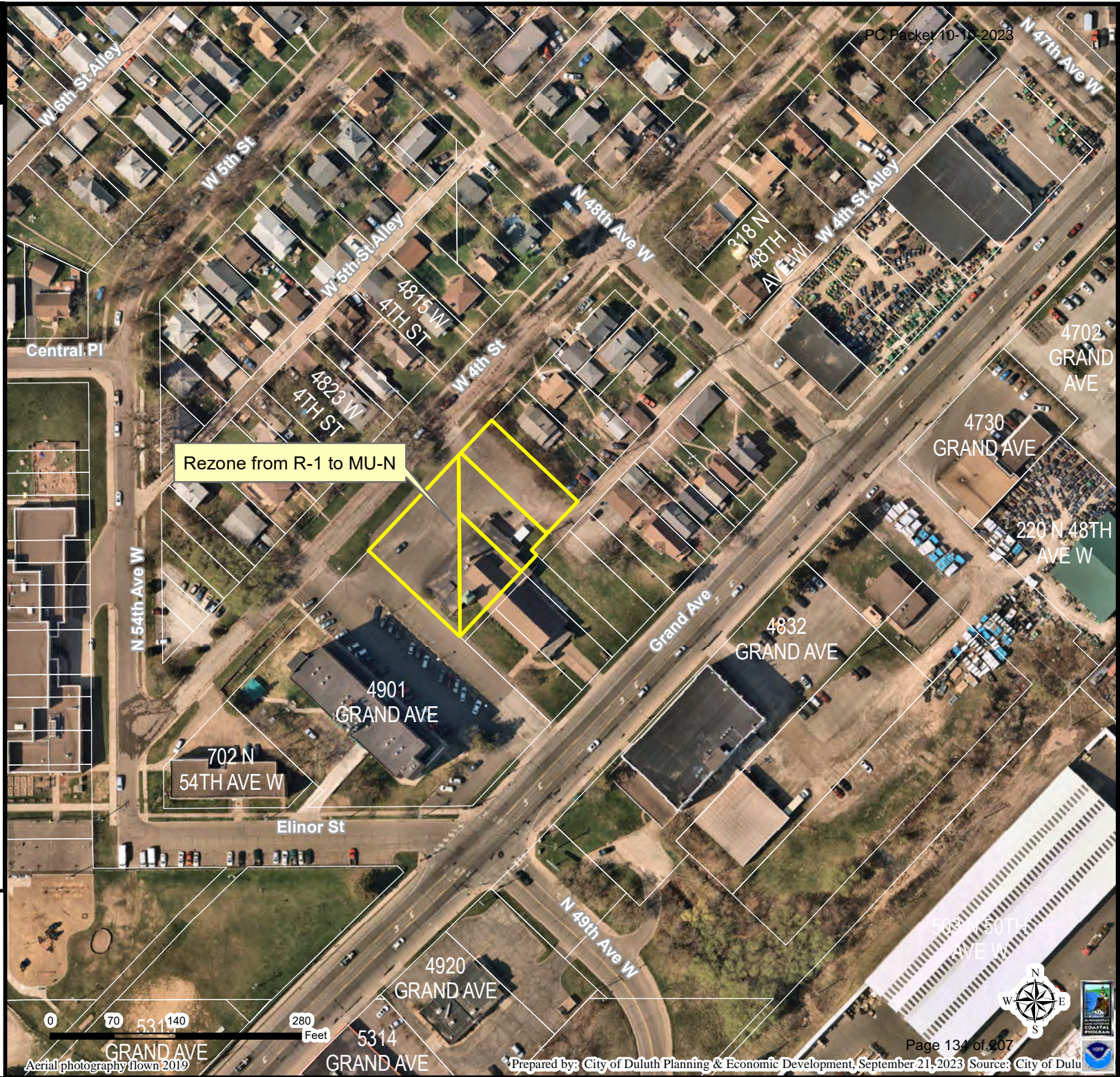
as lighting and buffering are designed to mitigate adverse impacts.  
10. No public, agency, or City comments were received.

**Staff Recommendation:**

Based on the above findings, staff recommends that Planning Commission recommend approval of the UDC Map Amendment for parcels 010-4520-14290, 010-3610-10030, and 010-3610-10040 for the following reasons:

- 1) This proposal is consistent with the Comprehensive Land Use Plan.
- 2) The proposed amendment is consistent with the future land use category of “Neighborhood Commercial” and with existing land uses.
- 3) Material adverse impacts on nearby properties are not anticipated.

Staff recommends that Planning Commission not include parcel 010-3610-10050 in this recommendation, due to the potential for adverse material impacts.



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 Planning & Economic Development Department

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 Duluth, Minnesota 55802

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|                             |   |                                 |                    |     |
|-----------------------------|---|---------------------------------|--------------------|-----|
| <b>File Number</b>          | PL 23-129   | <b>Contact</b>                  | Jenn Moses         |     |
| <b>Type</b>                 | UDC Map Amendment   | <b>Planning Commission Date</b> | September 10, 2023 |     |
| <b>Deadline for Action</b>  | <b>Application Date</b>   | N/A                             | <b>60 Days</b>     | N/A |
|                             | <b>Date Extension Letter Mailed</b>   | N/A                             | <b>120 Days</b>    | N/A |
| <b>Location of Subject</b>  | South of Redruth Street and north of Sherburne Street, between S 63 <sup>rd</sup> Avenue W and S 64 <sup>th</sup> Avenue W  |                                 |                    |     |
| <b>Applicant</b>            | One Roof Community Housing/City of Duluth   | <b>Contact</b>                  |                    |     |
| <b>Agent</b>                |   | <b>Contact</b>                  |                    |     |
| <b>Legal Description</b>    | Parcels 010-2320-01850, 010-2320-01840, 010-2320-01810, 010-2320-01790, 010-2320-01780, 010-2320-001760, 010-2320-01740, 010-2320-01720, 010-2320-01680, 010-2320-01660, 010-2320-01650, 010-2320-01640 |                                 |                    |     |
| <b>Site Visit Date</b>      | September 29, 2023  | <b>Sign Notice Date</b>         | September 26, 2023 |     |
| <b>Neighbor Letter Date</b> | September 22, 2023  | <b>Number of Letters Sent</b>   | 21                 |     |

**Proposal**

UDC Map Amendment (rezoning) to change the zoning of one-half block from Mixed Use-Business (MU-B) to Mixed Use-Neighborhood (MU-N).

**Staff Recommendation**

Staff recommend that the Planning Commission recommend approval of the rezoning amendment to the City Council.

|                | <b>Current Zoning</b> | <b>Existing Land Use</b> | <b>Future Land Use Map Designation</b> |
|----------------|-----------------------|--------------------------|--|
| <b>Subject</b> | MU-B                  | Vacant, Residential      | Neighborhood Mixed Use                 |
| <b>North</b>   | MU-B                  | Commercial               | Neighborhood Mixed Use                 |
| <b>South</b>   | MU-B                  | Railroad                 | General Mixed Use                      |
| <b>East</b>    | R-1                   | Railroad, Residential    | Traditional Neighborhood               |
| <b>West</b>    | MU-B                  | Residential, Commercial  | Neighborhood Mixed Use                 |

**Summary of Code Requirements**

- UDC Sec. 50-37.3.B: Planning Commission shall review the application, conduct a public hearing ... with public notice ... and make a written recommendation to council.
- UDC Sec. 50-37.3.C: The Planning Commission shall review the application, and Council shall approve the application or approve it with modifications, if it determines that the application: 1. Is consistent with the Comprehensive Land Use Plan; 2. Is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use; 3. Is required by public necessity, convenience, or general welfare, or good zoning practice; 4. Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible.



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

**Governing Principle #1 – Reuse previously developed lands:** Directs new investment to sites which have the potential to perform at a higher level than their current state. This strengthens neighborhoods and supports reuse of existing public infrastructure.

**Governing Principle #5 – Promote reinvestment in neighborhoods:** Land use and transportation should foster neighborhood reinvestment,...strengthen neighborhood commercial centers, or diversify residential opportunities that fit the neighborhood's character.

**Future Land Use – Neighborhood Mixed Use:** A transitional use between more intensive commercial uses and purely residential neighborhoods.

**Review and Discussion Items:**

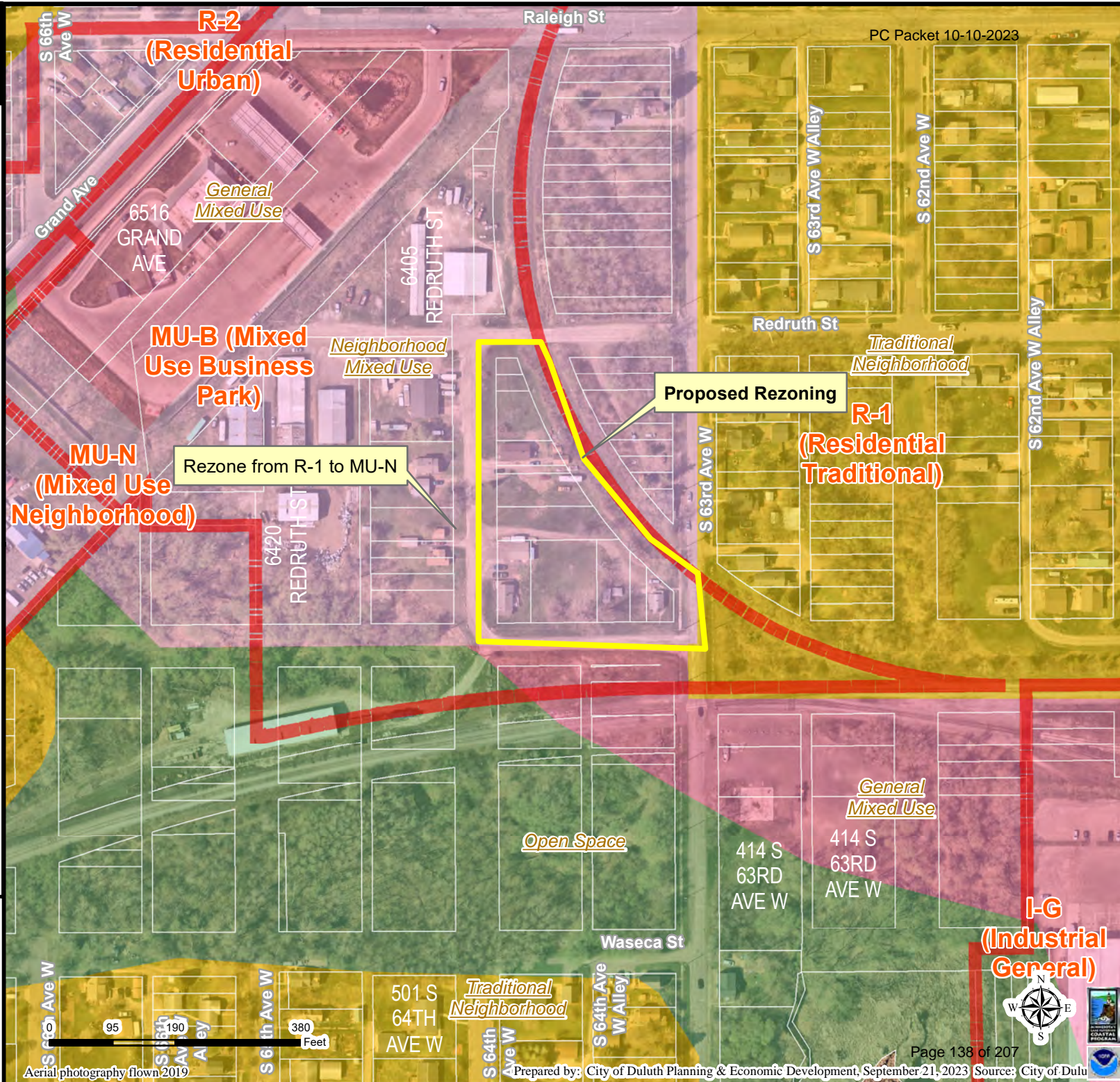
Staff finds that:

1. The area proposed for rezoning was initiated with an application by One Roof Community Housing, which owns parcel 010-2320-01660 and, as part of housing initiatives by both One Roof and the City of Duluth, plans to use the parcel to build a single-family home.
2. The anticipated reuse of the -01660 site by One Roof, while not part of this application, is consistent and congruent with the existing neighborhood and the proposed zoning district.
3. Upon review, the City of Duluth proposes to rezone the area bordered by the railroad, Sherburne Street, and 64<sup>th</sup> Avenue W, as several other single-family homes exist in this area that are non-conforming uses in the existing MU-B zone district. As non-conforming uses, owners would not be allowed any expansions or enlargements in the existing zone district. The rezoning will improve the owners' process for reinvestment in their properties and the neighborhood, if desired and appropriate.
4. The existing lot configuration and the existing built improvements on the affected parcels are inconsistent with MU-B zoning, and pre-date it.
5. The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan. The comprehensive plan future land use designates this area as Neighborhood Mixed Use. The MU-N zone district allows the single-family housing that exists and is proposed in the area, and is consistent with the Comprehensive Plan.
6. This amendment will not create material adverse impacts on nearby properties; in fact, it will allow residential properties in the area to continue and ensure that any new development in this area is more consistent with these uses than would be permitted under the current MU-B zoning.
7. No public, agency, or City comments were received.

**Staff Recommendation:**

Based on the above findings, staff recommends to Planning Commission the UDC Map Amendment be recommended for approval by City Council for the following reasons:

- 1) This proposal is consistent with the Comprehensive Land Use Plan.
- 2) The proposed amendment is consistent with the future land use category of "Neighborhood Mixed Use."
- 3) Material adverse impacts on nearby properties are not anticipated.



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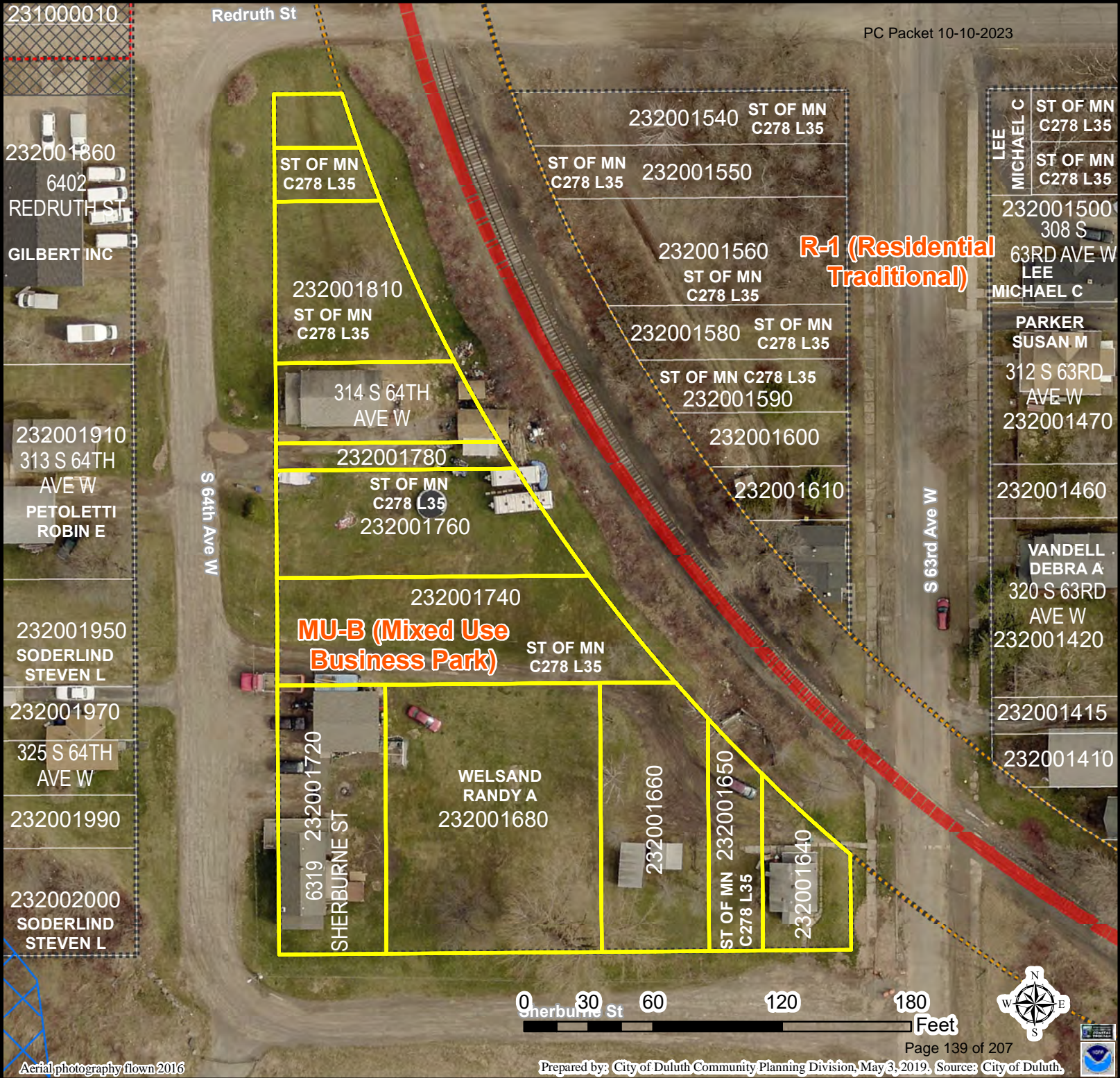
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**Legend**

- ▬ Road or Alley ROW
- ☒ Vacated ROW
- Easement Type**
- ▬ Utility Easement
- ▬ Other Easement
- ▬ Zoning Boundaries
- Floodplain (UDC)**
- ▬ General Flood Plain
- ▬ Flood Way
- ▬ Flood Fringe



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## MEMORANDUM

DATE: October 2, 2023

TO: Planning Commission members

FROM: Kyle Deming, Senior Planner

SUBJECT: UDC Text Amendment (PL23-170) for accessory day care, accessory retail/showroom, equipment penthouse and roof access stairway, and alley lighting

From time to time it is appropriate to amend the Unified Development Chapter (UDC) to clarify language that may be commonly misunderstood, to address new uses, and to establish or amend standards all with the intent of more completely implementing the Comprehensive Plan.

Following below are proposed amendments that provide for accessory day care facilities in I-G zones, accessory retail/showroom in MU-B and I-G zones, clarification of exceptions for equipment penthouses and roof access stairways, and provision of alley lighting on urban sites.

### **Accessory day care standards and addition to I-G zones**

Media have reported recently about the shortage of day care facilities in the community. The Comprehensive Plan contains Governing Principles (#3, #4, #11, #13) and strategies (Economic Development Policy 1, Strategy 1) to encourage the provision of day care facilities throughout the community. It is important that day care facilities be conveniently located near businesses to reduce vehicle miles traveled or transit times for child pickup/drop-off.

It is important to have appropriate standards to ensure that day care uses integrate well with adjacent uses. Currently, there are no use specific standards for Accessory day care facility. This amendment duplicates the use specific standard from the Day care facility, small and large principal uses found in Sec. 50-20.3.I to Accessory day care facility as Sec. 50-20.5.D (see below). The amendment also expands Accessory day care facility to the I-G zone and adds use specific standard #5 (below) to quantify the amount of a site that can be devoted to the day care facility.

#### **D. Accessory day care facility.**

**1. For all new uses after May 1, 2019, as part of the requirement to provide off-street parking in 5024.2, the use must provide off-street parking spaces for pick-up and drop-off determined by the Land Use Supervisor to be sufficient to provide for the safe pick-up and drop-off of users of the facility based on the maximum licensed capacity of the facility, the configuration of the facility, the types and intensity of other uses adjacent to the facility, the intensity of traffic adjacent to the facility and other factors determined to be relevant to the safe pick-up and drop-**

off of users of the facility. The determination of the Land Use Supervisor may be appealed to the Commission. Pick-up and drop-off areas must be clearly signed as for pick-up and drop-off only, and shall not conflict with safe on-site pedestrian and vehicular movements. This specific standard does not apply to uses with the Downtown and Canal Park Special Parking Areas in 50-24.

2. In the RR-1 and RR-2 districts this use and related parking facilities and structures other than driveways are limited to no more than 20 percent of the lot or parcel area;

3. In the MU-B and I-G districts, uses shall provide a fenced outdoor exercise area. Outdoor exercise areas must be separated from improved public streets, drive lanes, and loading areas by at least 20 feet;

4. In the MU-B and I-G districts, the application may be denied by the Land Use Supervisor if he or she determines that the size, nature, character or intensity of the use of property in the immediate vicinity of the applicant's property would pose an unreasonable risk to the health, safety or welfare of users of the applicant's facility; the decision of the Land Use Supervisor may be appealed to the Commission;

5. In the I-G district, the use must be related to provision of day care services to the primary use on the lot, and the use may not exceed 15% of the gross floor area of the buildings on the lot.

Staff would also like to clarify that accessory day care facilities are to be used by dependents of employees or users of the principal use of the property while they are on site and proposes the amendment to Sec. 50-41 below:

Accessory day care facility. A private or public establishment licensed by the state that regularly provides, for periods less than 24 hours a day, one or more dependents of employees or users of a business or facility with care, training, supervision, rehabilitation or developmental guidance, for gain or otherwise, while the employees or users are on site for work or other activities related to the principal use of the property. ~~on a regular basis, for periods less than 24 hours a day, for gain or otherwise.~~ This use is as a secondary and subordinate activity to a permitted or approved special use of the property and does not result in additional trips to the site.

### **Accessory retail or showroom**

Many manufacturers and industrial businesses provide space within their facilities for display of products manufactured or processed on site and often provide for the sale of the products from the site. As retail sales is not a permitted use in Mixed Use-Business Park (MU-B) and Industrial-General (I-G) zones, this activity is not allowed, but is important to the businesses especially small businesses that are gaining strength in our community. The amendments below create a new use, Accessory retail or showroom, to be allowed in MU-B and I-G zones, and establishes Use Specific Standards for it.

To UDC Definitions (Sec. 50-41), add:

Accessory retail or showroom. Space allocated within an industrial business for the display and/or sales (or donation) of products assembled, manufactured, or processed on site.

To Use Specific Standards (Sec. 50-20.5), add:

J. Accessory retail or showroom.

1. The use must not exceed 15% of the gross floor area of the buildings on the lot which are associated with the assembly, manufacture, or processing of the products on display or offered for sale.

**Equipment penthouse and roof access stairways**

Table 50-23-1: Exceptions and Encroachments provides Exceptions to Building Height Limits for a long list of structures and building elements. The amendments below clarify and limit exceptions for elevators, HVAC/electrical equipment, and roof access stairways and provides a definition for Roof access stairway.

In considering these amendments, staff tried to adjust the UDC to align better with the building code which has a provision for allowing “Penthouses” to exceed the building’s roof without being considered and additional “Story.” The building code uses the following definition “*PENTHOUSE. An enclosed, unoccupied rooftop structure used for sheltering mechanical and electrical equipment, tanks, elevators and related machinery, and vertical shaft openings.*” The building code is clear that this space is for equipment and not for people, other than when performing maintenance. The UDC amendment below clarifies this intention for the elevator or HVAC/electrical equipment penthouses.

Television and radio towers, accessory communications towers for private use, religious assembly or ornamental spires and towers, belfries, monuments, tanks, water and fire towers, stage tower or scenery lofts, cooling towers, chimneys, elevator ~~penthouses, air conditioning or~~ HVAC/electrical equipment penthouses, roof access stairway, skylights, smokestacks, conveyors, storage elevators and facilities, flagpoles, accessory wind power equipment or accessory rooftop solar collectors.

The amendment above also adds “roof access stairway” to the list of Exceptions and Encroachments. The new definitions below, proposed to be added to UDC Sec. 50-41, provide clarity in what is considered a penthouse and roof access stairway.

Roof access stairway. An enclosed space extending above the roof of a building providing only a stairway to the roof and landing for door swing space meeting the minimum requirements of the applicable sections of the currently adopted Minnesota Building Code.

Penthouse, elevator or HVAC/electrical equipment. An enclosed, unoccupied rooftop structure used for sheltering mechanical and electrical equipment, tanks, elevators and related machinery, and vertical shaft openings.

To further limit the how much roof area may consist of these equipment penthouses and stairways, we add the following to the Condition or Limits column adjacent to the Exceptions to Building Height Limits row at the bottom of the table:

The combined area of elevator/HVAC/electrical equipment and roof access stairways may not exceed 25% of the building’s roof area and may not extend more than 10 feet above the roof.

**Alley lighting**

In urban areas where buildings are constructed abutting streets, alleys, and sidewalks/trails, it is sometimes more efficient to light these public ways from a structure other than a pole. UDC lighting standards in Sec. 50-31 prohibit light trespass onto public streets, but the proposed language would allow the Land Use Supervisor to approve an Administrative Adjustment to permit this lighting.

To Section 50-37.1.L. Administrative Adjustments, the following language would be added:

12. For exterior lighting installed on publicly- or privately-owned property that is appurtenant to a street, trail or other public way, and intended to provide lighting to the same, such lighting may be determined to be exempt from some requirements of UDC Section 50-31.



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*Planning & Economic Development Department*

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## MEMORANDUM

**DATE:** October 2, 2023

**TO:** Planning Commission

**FROM:** Jenn Reed Moses, Senior Planner

**SUBJECT:** Proposed UDC Changes to Parking Regulations (PL 23-003), October 2023 Update

In February 2023, Staff provided a memo with a first draft of potential changes to Section 50 of the City of Duluth Legislative Code, the Unified Development Chapter (UDC). These changes impacted Section 50-18.5, Higher Education Overlay; 50-19, Permitted Use Table; 50-20, Use-Specific Standards; 50-24, Parking and Loading; and 50-41, Definitions. The memo from February 7, 2023, is included as an attachment, and summarizes the changes proposed.

Since that time, the proposed parking changes have undergone further evaluation, including:

- Continued staff research and internal discussions with City departments.
- A Planning Commission Brown Bag, held on August 24, 2023, which included a discussion of parking changes occurring across the country and best practices in zoning.
- A public meeting on September 20, 2023, to hear from interested members of the public.
- Coverage in the local media.

Findings from this research and evaluation include:

1. The accessibility code under the state building code ensures availability of ADA parking whenever a parking lot or parking structure is built. Staff from Construction Services have previously commented that if a building elects to not provide any parking, this also means that no ADA parking spaces are provided. Planning staff have evaluated a concept to require a minimum amount of ADA parking spaces for residential and commercial developments. However, because of the specific code paths in the building code that projects must follow, including determining detailed accessible routes from each parking space into buildings, it would be confusing at best, and conflicting at worse, to require ADA spaces in the zoning code. Construction services staff concurs with the decision to leave all ADA requirements in the building code and not incorporate any changes to ADA requirements in the UDC.
2. A dominant issue that's been identified throughout the process is the availability of parking for residents living in multi-family housing developments, since even if people choose a different mode of transportation to get to daily destinations, a majority of households in the city do have personal automobiles that generally needs to be parked at overnight locations. The percentage of households with cars varies greatly across the city; in some neighborhoods 30-40% of households may not own a personal vehicle. As previously stated in this project, it is expected that developments have varying parking needs based on location, market, and transportation alternatives, and the proposed parking changes are intended to allow developments to determine the right amount of parking for their needs. The current off-street parking requirement for multi-family development is 1.0 space per unit. To ensure that multi-family developments conduct a rigorous analysis, the proposed text





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changes now include a new use-specific standard for multi-family developments that requires a detailed parking plan if fewer than 0.5 parking spaces per unit is proposed.

- a. As written, this parking plan would be required throughout the city, including the downtown area which currently is exempt from parking requirements. If Planning Commission prefers to keep a similar parking exemption downtown, it could consider a) exempting the F-7 and F-8 zone districts from the parking plan requirement, or b) exempting all Form districts from the parking plan requirement.
3. The first draft of the parking changes in February 2023 continued all parking maximums by converting Table 50-24.2 from Parking Minimums to calculated Parking Maximums. Upon further evaluation, though, it is evident that many of the uses in that table are not uses where overparking is a concern (for example, data centers or a bed and breakfast). This draft of the changes eliminates some of these parking maximums. It also eliminates the maximums for light manufacturing and contractor's shop, as these uses tend to have large paved "lay-down" areas that are already exempt from parking maximums.
4. Bicycling as a form of transportation can be a concern in industrial areas where there is heavy truck or rail traffic; because of this, the section on bicycle parking now allows flexibility for requirements in those zone districts.
5. The proposed code changes still require a percentage of parking lots to be "EV Ready" which includes: conduit provided underground for future wiring; a box for the conduit connections; and a suitable electrical panel. Incorporating these as parking lots are built will cost a few thousand dollars, but save tens of thousands in future retrofit costs. The highest need (and therefore where EV Ready is required) is overnight uses including multi-family and hotels/motels; this also meets an equity goal as electric vehicles have lower cost of ownership over their lifespan, particularly as increasing number of used electric vehicles approach the market.
6. Pre-application meetings and conversations with developers continue to suggest that most new developments will provide parking even with proposed code changes, but might provide a little less or a little more than the thresholds listed in the code today. Diverse stakeholders such as the Chamber of Commerce, Duluth Transit Authority, and City of Duluth Sustainability Office continue to be supportive of the proposal to allow greater flexibility in determining a site's parking needs.
7. Ancillary to these proposed parking changes, lodging types being provided in the city continue to diversify, ranging from single-family homes to apartment-type spaces, extended stay to conventional hotels. It is likely that future study will be needed to determine any changes to the UDC needed requiring definitions of lodging types, staffing for hotels, and whether parking is required as a use-specific standard.
8. Additional reporting on this issue is planned. During the annual report to the Planning Commission, staff will include evaluation and outcomes for parking issues during the previous year. In addition, staff will establish a process for continuous feedback from both the city Parking Division and the city Life Safety division, to ensure that both those work groups are attuned to this topic and have a regular opportunity to provide necessary feedback on further refinements and changes needed.

This proposed code language keeps many of the same features as the first draft, including continued design standards for landscaping and stormwater and overflow parking lots as a new Interim Use.



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- A new land use category, overflow parking area, to allow flexibility where demand warrants. This overflow parking area would be allowed via an Interim Use Permit, which could be renewed annually.
- Requirements for bicycle parking, including short-term, employee, and resident bicycle parking.
- Requirements for certain overnight uses (multi-family and hotel/motel) to either provide EV charging stations or be EV ready.

Staff recommends that Planning Commission recommend approval of these changes. An ordinance with these changes will then go to City Council, and will require two readings before a vote.

## **Proposed UDC Code Changes – Parking**

### **50-18.5 Higher Education Overlay (HE-O).**

#### **A Purpose.**

The purpose of this Section 50-18.5 is to minimize the impacts of potential student use on adjacent residential neighborhoods and to encourage the development of pedestrian friendly neighborhood destinations near the UMD [University of Minnesota-Duluth] and St. Scholastica campuses;

#### **B Applicability.**

This Section applies to land within the HE-O, shown in Exhibit 50-18.5-1, that (a) is zoned R-2 or MU-N; and (b) includes new development or redevelopment where the value of the redevelopment exceeds 75 percent of the market value of the land and buildings, as indicated by tax assessor's records; except for:

1. One-family or two-family dwellings;
2. Any residential development where all of the dwelling units are restricted by development agreement or covenant for occupancy by those aged 50 and over or for occupancy by those individuals and households protected by the federal Fair Housing Act amendments of 1988.

A planning review by the planning commission, pursuant to the procedures in Article 5, shall be required unless exempt in the above applicability standards;

#### **C Development standards.**

##### 1. General.

- (a) Vehicle ingress and egress shall be located in a manner that avoids or minimizes impacts to residents in adjacent R-1 districts and that reduces the potential for pedestrian-vehicular conflicts;
- (b) Primary buildings shall adhere to a build-to zone of five feet to 20 feet along primary streets. This requirement shall supersede building setbacks in Section 50-14.6 and 50-15.2. Alternatively, if the land use supervisor determines that site conditions such as existing buildings or topography make this unfeasible, pedestrian walkways can be used to connect people from public sidewalks along primary streets to businesses and residences. These walkways shall:
  - Include pedestrian-scaled lighting;
  - Be raised or otherwise designed to encourage run-off and limit ponding during wet weather;
  - Be visually recognizable to both pedestrians and motorists;
  - Include trees and other landscaping along the length of the walkway; this landscaping can also be used to meet parking lot landscaping requirements in Section 50-25.4;
  - Be at least five feet wide;
  - Include well-marked crossings where the walkway intersects with private vehicle drives;
- (c) Unless lighting meets exception criteria in Section 50-31.1.B, the maximum height of any light pole is 20 feet;

##### 2. Residential.

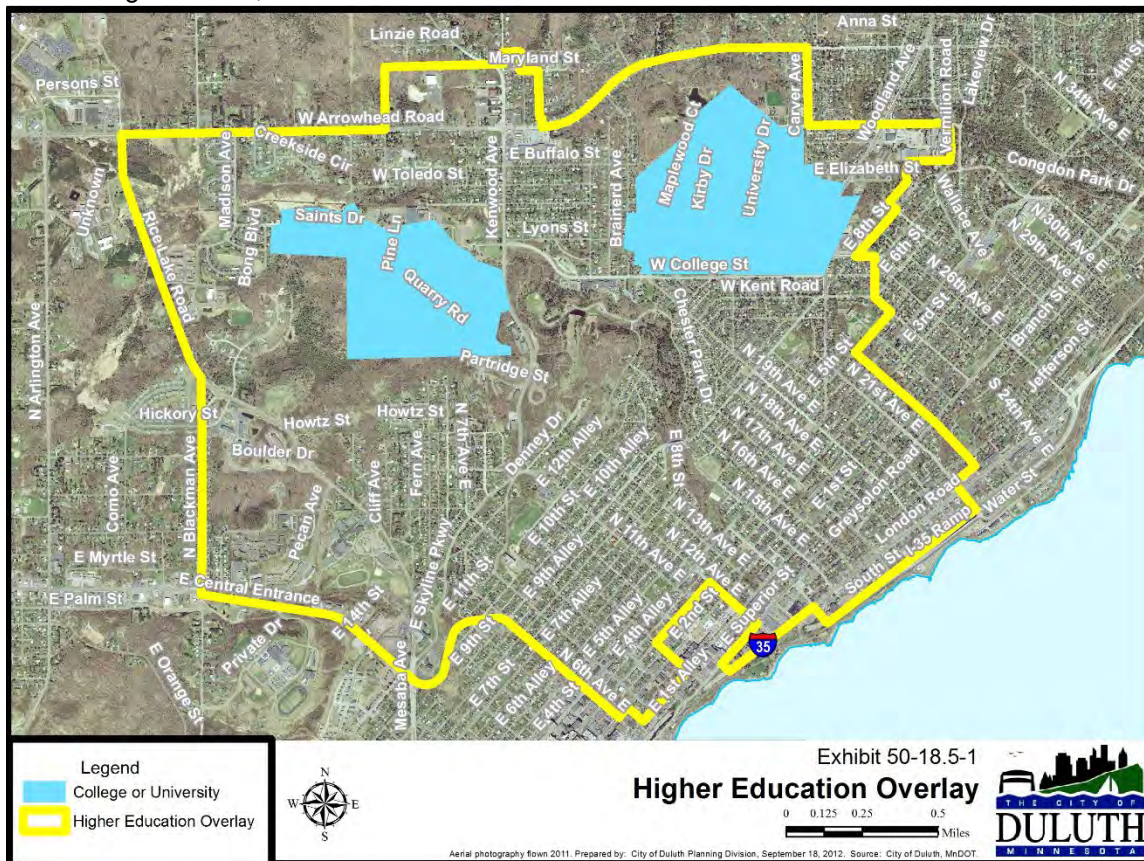
- (a) ~~Required resident parking spaces shall be provided at the ratio of 0.7 space per bedroom, with a minimum of one space per dwelling unit;~~
- (b) ~~Visitor parking spaces shall be provided at the rate of 15 percent of required resident parking spaces;~~
- (c) ~~At least one bicycle or motorized scooter parking space per five parking spaces shall be provided, which shall not be located in any required yard or between the principal dwelling and the street;~~
- (d) ~~A development that provides an enhanced shelter with space dedicated solely for bicycle or motorized scooter parking shall be granted a reduction in the off-street parking requirement of five percent if the shelter complies with the following standards:~~
  - ~~The enhanced shelter shall not be located in any required yard setback;~~
  - ~~The enhanced shelter shall not be located between the principal building and a public street;~~
  - ~~The enhanced shelter shall be enclosed on at least three sides and covered to adequately protect bicycles from the elements;~~
  - ~~The enhanced shelter shall utilize primary exterior materials that match the primary exterior materials of the principal structure;~~
- (e) ~~If the development or redevelopment is determined to have mitigated the impacts of potential student use in the adjacent residential neighborhood, the development or redevelopment may adjust the parking requirements as provided in either Section 50-24.3.A or 50-24.3.B if eligible, but may not utilize both adjustments;~~

- (f) No residential balcony, patio, or deck shall be located on any side of the property facing and within 200 feet of an R-1 district;
- 3. Commercial.
  - (a) Commercial development shall be concentrated on major roads, not on streets intended primarily for neighborhood traffic;

**D Primary streets.**

The following streets are designated as primary streets in the Higher Education Overlay District:

1. Woodland Avenue;
2. St. Marie Street;
3. Arrowhead Road;
4. College Street;
5. Kenwood Avenue, north of College Street;
6. Fourth Street;
7. London Road;
8. Superior Street;
9. Ninth Street, between Sixth Avenue East and 15th Avenue East; and
10. Eighth Street, between 15th Avenue East and Woodland Avenue.



(Added by Ord. No. 10192, 12-17-2012, § 8; Ord. No. 10286, 3-10-2014, § 5)

50-19.8 Permitted use table.

| TABLE 50-19.8: USE TABLE, REVISED DEC 2022   |             |      |      |     |                |                |                |                |                |                |                |                |     |     |     |     |     |         |     |     |     |                        |     |     |     |    |   |   |           |           |           |
|--|-------------|------|------|-----|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|-----|-----|-----|-----|-----|---------|-----|-----|-----|------------------------|-----|-----|-----|----|---|---|-----------|-----------|-----------|
| P: Permitted Use    S: Special Use<br>I: Interim Use      A: Accessory Use<br>U: Permitted Only in Upper Stories (Form Dist.)<br>1, 2, 3, as per table 50-19.1 | Residential |      |      |     |                | Mixed Use      |                |                |                |                | Form           |                |     |     |     |     |     | Special |     |     |     | Use Specific Standards |     |     |     |    |   |   |           |           |           |
|  | R-C         | RR-1 | RR-2 | R-1 | R-2            | R-P            | MU-N           | MU-C           | MU-I           | MU-B           | MU-W           | MU-P           | F-1 | F-2 | F-3 | F-4 | F-5 | F-6     | F-7 | F-8 | F-9 |                        | I-G | I-W | P-1 | AP |   |   |           |           |           |
| <b>Retail Sales</b>  |             |      |      |     |                |                |                |                |                |                |                |                |     |     |     |     |     |         |     |     |     |                        |     |     |     |    |   |   |           |           |           |
| Adult bookstore  |             |      |      |     |                |                |                |                |                |                |                |                |     |     |     |     |     |         |     |     |     |                        |     |     |     | P  |   |   |           |           | Chapter 5 |
| Building materials sales   |             |      |      |     |                |                | S <sup>1</sup> |                | P              |                | P <sup>3</sup> |                |     |     |     |     |     |         |     |     |     |                        |     |     |     |    |   |   |           |           | 50-20.3.G |
| Garden material sales  |             | S    |      |     |                |                | P <sup>1</sup> |                |                |                | P <sup>3</sup> |                |     |     | P   |     |     |         |     |     |     |                        |     |     |     |    |   |   |           |           |           |
| Grocery store, small (less than 15,000 sq. ft.)  |             |      |      |     | S <sup>2</sup> | P <sup>3</sup> | P <sup>2</sup> | P <sup>1</sup> |                |                | P <sup>1</sup> | P <sup>3</sup> |     | P   |     | P   | P   | P       | P   | P   | P   |                        |     |     |     |    |   |   |           | 50-20.3.K |           |
| Grocery store, large (15,000 sq. ft. or more)  |             |      |      |     |                |                | P <sup>1</sup> |                |                |                | P <sup>3</sup> |                |     |     |     |     |     |         |     |     |     |                        |     |     |     |    |   |   |           | 50-20.3.K |           |
| Retail store not listed, small (less than 15,000 sq. ft.)  |             |      |      |     | S <sup>2</sup> | P <sup>3</sup> | P <sup>2</sup> | P <sup>1</sup> | P <sup>1</sup> |                | P <sup>1</sup> | P <sup>3</sup> | P   | P   | P   | P   | P   | P       | P   | P   | P   | P                      | P   |     |     |    |   |   |           | 50-20.3.R |           |
| Retail store not listed, large (15,000 sq. ft. or more)  |             |      |      |     |                |                | P <sup>1</sup> |                |                |                | P <sup>1</sup> | P <sup>3</sup> |     | P   |     | P   | P   |         | P   | P   |     |                        |     |     |     |    |   |   |           | 50-20.3.R |           |
| <b>Vehicle Related</b>   |             |      |      |     |                |                |                |                |                |                |                |                |     |     |     |     |     |         |     |     |     |                        |     |     |     |    |   |   |           |           |           |
| Automobile and light vehicle, service  |             |      |      |     |                |                | S <sup>2</sup> | P <sup>1</sup> |                | P              |                | P <sup>3</sup> |     | P   |     | P   | P   | P       |     |     |     |                        |     |     |     | P  |   |   |           | 50-20.3.C |           |
| Automobile and light vehicle, repair   |             |      |      |     |                |                | P <sup>1</sup> |                | P <sup>1</sup> |                | P <sup>3</sup> |                |     |     |     |     |     |         |     |     |     |                        |     |     |     | P  |   |   |           | 50-20.3.C |           |
| Automobile and light vehicle sales, rental, or storage   |             |      |      |     |                |                | P <sup>1</sup> |                | P              |                |                |                |     |     |     |     |     |         |     |     |     |                        |     |     |     | P  |   |   |           | 50-20.3.D |           |
| Automobile and light vehicle impound lot   |             |      |      |     |                |                | S <sup>1</sup> |                | P <sup>1</sup> |                | P <sup>3</sup> |                |     |     |     |     |     |         |     |     |     |                        |     |     | P   |    |   |   | 50-20.3.V |           |           |
| Car wash (primary use)   |             |      |      |     |                |                | S <sup>2</sup> | P <sup>1</sup> |                | P <sup>1</sup> | P <sup>3</sup> |                |     |     |     |     |     |         |     |     |     |                        |     |     |     |    |   |   |           | 50-20.3.W |           |
| Filling station (small)  |             |      |      |     | S <sup>2</sup> | P <sup>3</sup> | S <sup>2</sup> | P <sup>1</sup> |                | P              | P <sup>1</sup> | P <sup>3</sup> |     | P   |     | P   | P   | P       |     |     |     |                        |     |     | P   | P  |   |   | 50-20.3.J |           |           |
| Filling station (large)  |             |      |      |     |                |                | P <sup>1</sup> |                | P              | P <sup>1</sup> | P <sup>3</sup> |                | P   |     | P   | P   | P   |         |     |     |     |                        |     | P   | P   |    |   |   | 50-20.3.J |           |           |
| Parking lot (primary use)  |             |      |      |     | S              |                | S <sup>2</sup> | P <sup>1</sup> | P <sup>1</sup> | P              | P <sup>1</sup> | P <sup>3</sup> | S   | S   | S   | S   | S   | S       |     | S   | S   |                        |     | P   | P   |    |   |   | 50.20.3.O |           |           |
| Parking structure  |             |      |      |     |                |                | P <sup>1</sup> | P <sup>1</sup> | P              | P <sup>1</sup> | P <sup>3</sup> |                |     |     |     | S   |     | S       |     |     |     |                        |     | P   | P   |    |   |   | 50.20.3.O |           |           |
| <u>Overflow Parking Area</u>   | I           | I    | I    | I   | I              | I              | I              | I              | I              | I              | I              | I              | I   | I   | I   | I   | I   | I       | I   | I   | I   | I                      | I   | I   | I   | I  | I | I | I         | 50.20.3.N |           |
| Truck or heavy vehicle sales, rental, repair or storage  |             |      |      |     |                |                |                |                |                | P              |                |                |     |     |     |     |     |         |     |     |     |                        |     |     |     | P  |   |   |           |           |           |

## 50-20.1 Residential Uses

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### C. Dwelling, multi-family.

1. Every multi-family dwelling unit on or above the ground floor of a new multifamily structure constructed after January 1, 2021 shall have at least one exterior window that allows for the exchange of air and the admittance of daylight;
2. New construction multi-family dwellings proposing construction of fewer than 0.5 off-street parking spaces per dwelling unit shall submit an off-street parking plan for the development meeting the following conditions:
  - a. The plan shall be prepared by a professional expert in off-street parking;
  - b. The plan shall establish a rationale for the total number of off-street parking spaces provided with a basis in the total anticipated number of full or part time people living in the development who may own cars, and where those cars shall be parked during their tenancy;
  - c. If the parking plan assumes that on-street parking will be available for any of the parking needs, the plan shall include an analysis of available on-street parking including vehicle counts during the day, overnight, weekday, and weekend;
  - d. The plan shall establish alternate or backup parking solutions in the case that off-street parking demand exceeds available supply, so as to ensure the new development does not result in negative impacts to existing neighborhoods.

## 50-20.5 Accessory Uses

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### D. Accessory dwelling unit.

An accessory dwelling unit may be created within, or detached from, any one-family or two-family dwelling, as a subordinate use, in those districts shown in Table 50-19.8, provided the following standards are met:

1. Only one accessory dwelling unit may be created per lot;
2. No variances shall be granted for an accessory dwelling unit;
3. Only the property owner, which shall include title holders and contract purchasers, may apply for an accessory dwelling unit;
4. ~~One off-street parking space shall be provided in addition to off-street parking that is required for the primary dwelling;~~
5. Accessory dwelling units shall contain no more than 800 square feet of total floor space and shall be consistent in character and design with the primary dwelling. An accessory dwelling unit shall not exceed the total floor area square footage of the principal structure;
6. If a separate outside entrance is necessary for an accessory dwelling unit located within the primary dwelling, that entrance must be located either on the rear or side of the building;
7. An accessory dwelling unit shall not be considered a principal one-family dwelling. An accessory dwelling must be located on the same tax parcel as the principal one or two-family dwelling;
8. An accessory dwelling unit shall not exceed the height of the principal residential structure or 20 feet, whichever is greater.

## 50-20.3 Commercial uses.

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

1. For all new uses after May 1, 2019, ~~as part of the requirement to provide off-street parking in 50-24.2,~~ the use must provide off-street parking spaces for pick-up and drop-off determined by the Land Use Supervisor to be sufficient to provide for the safe pick-up and drop-off of users of the facility based on the maximum licensed capacity of the facility, the configuration of the facility, the types and intensity of other uses adjacent to the facility, the intensity of traffic adjacent to the

facility and other factors determined to be relevant to the safe pick-up and drop-off of users of the facility. The determination of the Land Use Supervisor may be appealed to the Commission. Pick-up and drop-off areas must be clearly signed as for pick-up and drop-off only, and shall not conflict with safe on-site pedestrian and vehicular movements. ~~This specific standard does not apply to uses with the Downtown and Canal Park Special Parking Areas in 50-24.~~

2. In the RR-1 and RR-2 districts this use and related parking facilities and structures other than driveways are limited to no more than 20 percent of the lot or parcel area;
3. In the MU-B district, uses shall provide a fenced outdoor exercise area. Outdoor exercise areas must be separated from improved public streets, drive lanes, and loading areas by at least 20 feet;
4. In the MU-B district, the application may be denied by the Land Use Supervisor if he or she determines that the size, nature, character or intensity of the use of property in the immediate vicinity of the applicant's property would pose an unreasonable risk to the health, safety or welfare of users of the applicant's facility; the decision of the Land Use Supervisor may be appealed to the Commission;

#### N. Overflow Parking Area

1. Interim use permits for Overflow Parking Areas may be granted for a period of 1 year. If the applicant has documented an ongoing parking need, with a parking study documenting the location, use, and adequacy of existing parking in the surrounding area, the Interim use permit may be approved for up to 5 years.
2. If located in a neighborhood or district that demonstrates a need for additional off-street parking, the Overflow Parking Area shall be public parking (either free or paid), or shared with other nearby uses. Applicant shall include information about parking demand in the application for the Interim use permit, as well as a plan for how the parking will be shared and/or open to the public.
3. Overflow Parking Areas, being temporary in nature, are not required to meet the paving requirements of Section 50-24. or the landscaping requirements of Section 50-25.4; however, if paving is provided, all requirements of Sections 50-24 and 50-25 must be met, if applicable.
4. Applicant must work with City Engineering on a stormwater and erosion plan that adequately meets stormwater requirements for the duration of the anticipated use of the parking area, and shall provide the approved plan as part of the application; applicant is responsible for ongoing maintenance of stormwater and erosion infrastructure and is expected to provide proof of such maintenance upon request during the course of the Interim use permit.
5. Prior to establishment of the parking area, applicant shall provide financial security, in the amount necessary to reestablish the area to natural vegetation once the overflow parking area is terminated. This security shall be held without interest until the parking area is discontinued and applicant or property owner has provided proof that the area has either been reestablished to natural vegetation or been developed with an approved use on the property.
6. The interim use permit shall terminate upon change in ownership of the property and is not transferable.

## 50-24 PARKING AND LOADING.

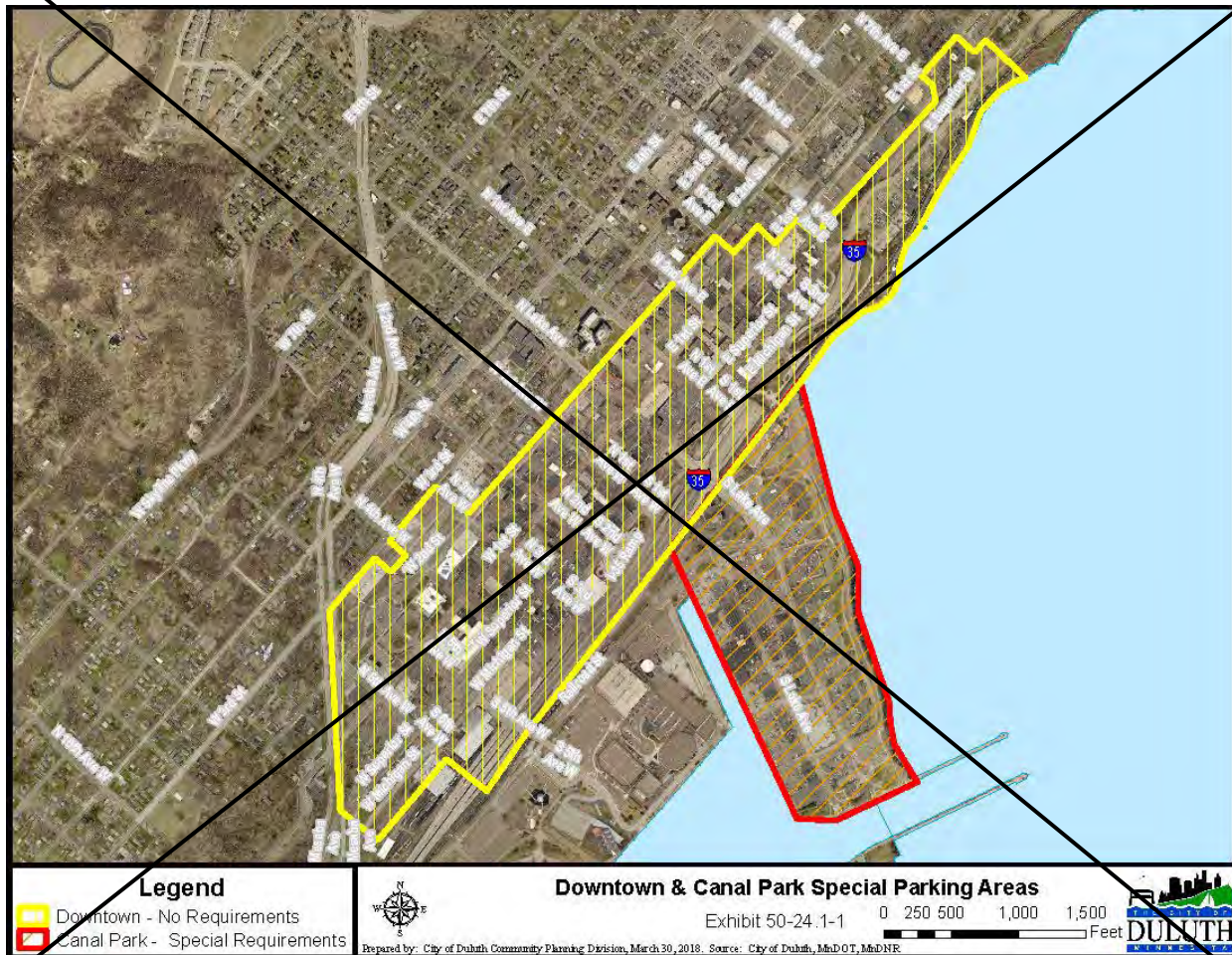
### 50-24.1 Applicability.

~~The standards of this Section 50-24 shall apply to all development and redevelopment, except that:~~

1. ~~Development and redevelopment in any of the form districts shall only be required to provide that amount of parking that can be accommodated on the development parcel while allowing the principal building to meet all of the building form standards in Section 50-22;~~

2. ~~No off-street parking shall be required for any non-residential use on a lot smaller than 10,000 square feet in any mixed use district or special purpose district;~~
3. ~~No off-street parking shall be required for any building with less than 10,000 square feet of gross floor area and with a non-residential primary use in any mixed use district or special purpose district;~~
4. ~~No off-street parking shall be required within the boundaries of the Downtown area shown in Exhibit 50-24.1-1;~~
5. ~~No off-street parking shall be required for any use except (1) hotels or motel, and (2) residential developments with more than ten units, within the boundaries of the Canal Park area shown in Exhibit 50-24.1-1;~~
6. ~~Development and redevelopment that is exempt from being required to provide off-street parking but does provide parking, must follow all the provisions of this Section.~~

(Ord. No. 10044, 8 16 2010, § 6; Ord. No. 10096, 7 18 2011, § 26.)





### **50-24.2 Required Maximum parking spaces.**

In all districts there shall be provided, at the time any building or structure is erected, except as provided in Section 50-24.5, *Calculation of parking spaces*, the number of off-street parking spaces shown in Table 50-24-1, *All development and redevelopment after [insert effective date]* shall adhere to a maximum amount of off-street parking as stated in the table below unless an exemption from or variation of this requirement is provided in another section of this Chapter. Any use not listed is exempt from maximum parking requirements.

Off-street parking spaces that existed on November 18, 2010, and that were composed of hard-surfaced, dust-free material such as concrete, bituminous, or pervious paving materials may continue even if they exceed the maximum parking limit. (Ord. No. 10042, 8-16-2010, § 4; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 29; Ord. No. 10153, 5-14-2012, § 4.)

| <b>Table 50-24-1: <u>Maximum</u> Off-Street Pparking Spaces Required</b> |  |
|--|--|
| <b>Use</b>   | <b><u>Maximum Requirement*</u> (May Be Adjusted to 30% Less or 50% More)</b>                                 |
| <b>RESIDENTIAL USES</b>  |  |
| Dwelling, one family   | 4 <u>2.5</u> spaces per dwelling unit  |
| Dwelling, two family   |  |
| Dwelling, townhouse  |  |
| Dwelling, live work  |  |
| Co-housing facility  |  |
| Manufactured home park   |  |
| Dwelling, multi-family   | 1- <del>2.5</del> <u>2.5</u> spaces per dwelling unit  |
| Assisted living facility (elderly)                                       | 1 space per 3 habitable units  |
| Residential care facility  | 1 space per <del>6-3</del> residential care beds, but not less than 2 spaces                                 |
| Sober house  | 1 space per <del>6-3</del> single occupancy beds, but not less than 2 spaces                                 |
| Rooming house  | 4 <u>2</u> spaces per habitable unit   |
| <b>PUBLIC, INSTITUTIONAL AND CIVIC USES</b>                              |  |
| Bus or rail transit station  | No requirement   |
| Business, art, or vocational school                                      | 1 parking space for each 8 seats in the main auditorium or 3 spaces for each classroom, whichever is greater |
| Cemetery or mausoleum  | No requirement   |
| Club or lodge (private)  | 2- <del>5</del> <u>4</u> spaces per 1,000 sq. ft. of floor area  |
| Government building or public safety facility                            | As determined by land use supervisor based on anticipated use and neighborhood impacts                       |
| Hospital   | 2 spaces per 1,000 sq. ft. <u>As determined by approved MU-I Plan</u>  |

**Table 50-24-1: Maximum Off-Street Parking Spaces Required**

| Use   | <u>Maximum Requirement*</u> (May Be Adjusted to 30% Less or 50% More)   |
|---|---|
| Medical or dental clinic  | 4-6 spaces per 1,000 sq. ft. of gross floor area  |
| Museum, library or art gallery                                    | 1 space per 1,000 sq. ft. of gross floor area   |
| Nursing home  | 1-2 spaces per 6 beds   |
| Park, playground or forest reserve                                | No requirement  |
| Religious assembly  | 1 space per 4-2 seats or per 100 sq. ft. in main auditorium, whichever is greater   |
| School, elementary  | 1 parking space for each 10 seats in the auditorium or main assembly room or 1 space for each classroom, whichever is greater |
| School, middle  | 1 parking space for each 8 seats in the main auditorium or 3 spaces for each classroom, whichever is greater                  |
| School, high  | 5 parking spaces for each classroom or 1.5 parking spaces per 1,000 square feet, whichever is greater                         |
| University or college   | 2 spaces per 1,000 sq. ft. of office, research and library area plus 1 space per 125 sq. ft. of auditorium space.             |
| Other community facility or institutional support uses not listed | As determined by land use supervisor based on anticipated use and neighborhood impacts  |
| <b>COMMERCIAL USES</b>  |   |
| Adult bookstore   | 2.5-4 spaces per 1,000 sq. ft. of gross floor area  |
| Adult entertainment establishment                                 | 5-7 spaces per 1,000 sq. ft. of gross floor area  |
| Agriculture   | No requirement  |
| Automobile and light vehicle repair and service                   | 2-3 spaces per 1,000 sq. ft. of gross floor area  |
| Automobile and light vehicle sales, rental or storage             | 2-3 spaces per 1,000 sq. ft. of gross floor area  |
| Bank  | 3.5-5 spaces per 1,000 sq. ft. of gross floor area  |
| Bed and breakfast   | 1 space for manager plus 1-1.5 spaces per habitable unit  |
| Building material sales   | 4-1.5 spaces per 1,000 sq. ft. of gross floor area  |
| Business park support activities                                  | 2-3 spaces per 1,000 sq. ft. of gross floor area  |
| Convention and event center                                       | 1 space per 4-2.5 seats or per 100 sq. ft. in main auditorium and event spaces, whichever is greater                          |
| Daycare facility  | 4-1.5 spaces per 5 persons care capacity  |
| Data center   | 1 space per 1,000 sq. ft. of gross floor area   |
| Filling station   | 4-6 spaces per 1,000 sq. ft. gross floor area plus 1 per service stall  |
| Funeral home or crematorium                                       | 1-2 spaces per 50-100 square feet of floor space in slumber rooms, parlors or individual funeral service rooms                |

| Table 50-24-1: <u>Maximum Off-Street Parking Spaces Required</u>  |  |
|---|--|
| Use   | Maximum Requirement* (May Be Adjusted to 30% Less or 50% More)   |
| Garden material sales   | 4 <u>1.5</u> spaces per 1,000 sq. ft. of gross floor area  |
| Grocery store   | 3 <u>5</u> space per 1,000 sq. ft. of gross floor area   |
| Golf course   | 2.5 <u>4</u> spaces per 1,000 square feet of clubhouse area  |
| Hotel or motel  | 2 <u>1</u> spaces per 3 guest rooms plus 1 per 200-150 sq. ft. of gross floor area in all accessory uses including restaurants and meeting rooms |
| Indoor entertainment facility   | 2.5 <u>4</u> spaces per 1,000 sq. ft. of gross floor area.   |
| kennel  | 1 <u>1.5</u> spaces per 1,000 sq. ft. of gross floor area  |
| Marina or yacht club  | 2.5 <u>4</u> spaces per 1,000 sq. ft. of clubhouse area, plus 1 per 10 boat slips  |
| Mini storage facility   | 1 space per 20 <u>15</u> storage units   |
| Office  | 2.5 <u>4</u> spaces per 1,000 sq. ft. of gross floor area  |
| Parking lot or parking structure (primary use)  | No requirement   |
| Personal service or repair  | 2.5 <u>4</u> spaces per 1,000 sq. ft. of gross floor area  |
| Preschool   | 1 <u>5</u> spaces per 5 persons care capacity  |
| Restaurant  | 6.5 <u>10</u> spaces per 1,000 sq. ft. of gross floor area   |
| Retail store  | 3 <u>4.5</u> spaces per 1,000 sq. ft. of gross floor area  |
| Riding stable   | No requirement   |
| Seasonal camp or cabin  | 1 space for every two beds, or <u>2</u> for each cabin or sleeping unit, whichever is greater  |
| Theater   | 1 space per 6 <u>4</u> seats or <u>2</u> per 400-150 sq. ft. in main auditorium, whichever is greater  |
| Tourist or trailer camp   | 2 <u>1</u> spaces per 3 sleeping rooms, suites, or trailer   |
| Truck or heavy vehicle sales, rental, repair or storage   | 4 <u>1.5</u> spaces per 1,000 sq. ft. of gross floor area  |
| Vacation dwelling unit  | 1 space for 1-2 bedrooms, 2 spaces for 3-4 bedrooms, 3 spaces for 5+ bedrooms As indicated in Section 50-20.3                                    |
| Veterinarian or animal hospital   | 2.5 <u>4</u> spaces per 1,000 sq. ft. of gross floor area  |
| Other commercial use not listed   | As determined by land use supervisor based on anticipated use and neighborhood impacts   |
| <b>INDUSTRIAL USES</b>  |  |
| Airport and related facilities  | As determined by airport management  |
| <ul style="list-style-type: none"> <li>• Electric power or heat generation plant</li> <li>• Electric power transmission line</li> <li>• Junk and salvage services</li> <li>• Major utility or wireless communication tower</li> </ul> | No requirement   |

**Table 50-24-1: Maximum Off-Street Parking Spaces Required**

| Use  | Maximum Requirement* (May Be Adjusted to 30% Less or 50% More)                         |
|--|--|
| <ul style="list-style-type: none"> <li>• <del>Radio or television broadcasting tower</del></li> <li>• <del>Railroad or shipyard and related facilities</del></li> <li>• <del>Solar or geothermal power facility (primary use)</del></li> <li>• <del>Truck freight or transfer terminal</del></li> <li>• <del>Water or sewer works</del></li> <li>• <del>Wind power facility (primary use)</del></li> <li>• <del>Bulk storage not listed</del></li> </ul> |  |
| <ul style="list-style-type: none"> <li>• Contractor's shop and storage yard</li> <li>• Dry cleaning or laundry plant</li> <li>• <del>Recycling collection point (primary use)</del></li> <li>• <del>Solid waste disposal or processing facility</del></li> </ul>   | 1.5 spaces per 1,000 sq. ft. of gross floor area                                       |
| <ul style="list-style-type: none"> <li>• <del>Manufacturing, light manufacturing, heavy manufacturing, hazardous or special</del></li> <li>• <del>Storage warehouse</del></li> <li>• <del>Water dependent manufacturing, light or heavy</del></li> <li>• <del>Wholesaling</del></li> </ul>   | 1.5 spaces per 1,000 sq. ft. of gross floor area                                       |
| Research laboratory  | As determined by land use supervisor based on anticipated use and neighborhood impacts |
| Other industrial uses not listed   | As determined by land use supervisor based on anticipated use and neighborhood impacts |
| <b>ACCESSORY USES</b>  |  |
| Accessory bed and breakfast  | 1 space for primary use dwelling; plus 1.5 space per habitable unit                    |
| Accessory caretaker quarters   | 1 space  |
| All other accessory uses   | No requirement   |
| <b>TEMPORARY USES</b>  |  |
| Temporary real estate sales office   | 23 spaces  |
| All other temporary uses   | No requirement   |

\*The parking space requirement may be modified by Section 50-18.5 (Higher Education Overlay District), Section 50-24.3 (Adjustment to required off-street parking) and Section 50-24.4 (Maximum parking spaces), and Section 50-37.1.L (Administrative Adjustments).

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 27; Ord. No. 10286, 3-10-2014, § 10; Ord. No. 10340, 11-24-2014, § 1; Ord. No. 10458, 7-11-2016, § 2; Ord 10746, 5-10-2021, § 5)

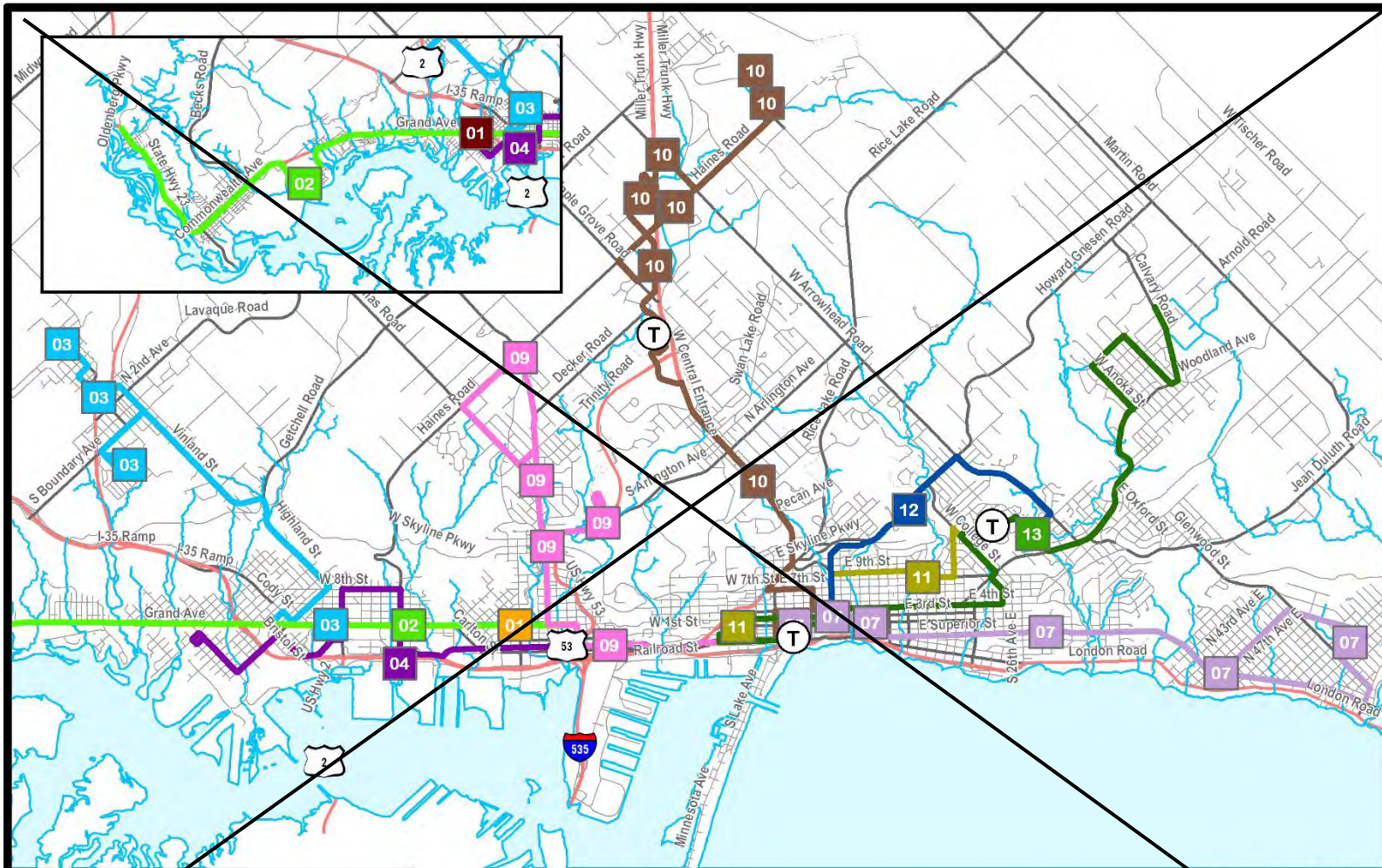
**50-27.2 Adjustment to required off-street parking.**

The minimum parking requirements listed in Section 50-24.2 above shall be adjusted as follows:

- A. Proximity to transit.
  - 1. The minimum number of off-street parking spaces required for any development or redevelopment lands may be reduced by 30 percent if they are located within 1/4 mile of existing Duluth Transit Authority routes in operation for one year, or they may be reduced by 20 percent if

~~located within 1/2 mile of any Duluth Transit Authority transit center, as indicated by a "T" on Exhibit 50-24.3-1;~~

- ~~2. If an existing transit route or center is eliminated or changed in location, any development approved in conformance with this Section 50-24.3 shall not be deemed nonconforming in terms of required parking.~~

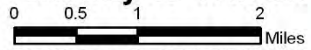


**Legend**

|          |          |                |
|----------|----------|----------------|
| Route 01 | Route 07 | Route 12       |
| Route 02 | Route 09 | Route 13       |
| Route 03 | Route 10 | Transit Center |
| Route 04 | Route 11 |                |



**Exhibit 50-24.3-1: DTA Route Map**  
**Adjustment to Parking - Proximity to Transit**



Aerial photography flown 2007. Prepared by: City of Duluth Planning Division, May 21, 2010. Source: City of Duluth, MnDNR, MnDOT.



**B Sharing of parking spaces.**

**1. General.**

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

| Table 50-24-2: Shared Parking Reduction Factors              |                          |                                 |   |        |                  |
|--|--------------------------|---------------------------------|---|--------|------------------|
| Add the two parking requirements and divide by these factors |                          |                                 |   |        |                  |
| Property Use   | Multi-family Residential | Public, Institutional, or Civic | Food, Beverage, Indoor, Entertainment, or Lodging | Retail | Other Commercial |
| Public, institutional or civic                               | 1.1                      | 1.0                             |   |        |                  |
| Food, beverage, indoor, entertainment or lodging             | 1.1                      | 1.2                             | 1.0   |        |                  |
| Retail   | 1.2                      | 1.3                             | 1.3   | 1.0    |                  |
| Other commercial   | 1.3                      | 1.5                             | 1.7   | 1.2    | 1.0              |

**2. Additional sharing permitted for certain uses.**

As an alternative to those reduction factors listed in Table 50-24-2, (a) up to 50 percent of the parking spaces required for food, beverage and indoor entertainment uses, and up to 100 percent of parking spaces required for religious assembly uses and elementary, middle, high school, university or college auditoriums may be used jointly by (b) any non-residential use not normally open, used or operated during the same hours as those listed in (a), or any non-residential use that has excess parking capacity based on the minimum off-street parking for that use. A written agreement assuring the continued availability of the parking spaces for the uses they serve shall be required on a form approved by the city and shall be filed with the application for a building permit. (Ord. No. 10042, 8-16-2010, § 3; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 28.)

**50-Maximum parking limits.**

No more than 150 percent of the minimum required number off-street parking spaces, excluding the adjustments allowed in 50-24.3, shall be provided. This limit does not apply to the following uses: one-family, two-family, townhouse and live-work dwellings. Accessory parking shall be subject to parking maximums shown in Table XX.X. Off-street parking spaces that existed on November 18, 2010, and that were composed of hard surfaced, dust-free material such as concrete, bituminous, or pervious paving materials may continue even if they exceed the maximum parking limit. (Ord. No. 10042, 8-16-2010, § 4; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 29; Ord. No. 10153, 5-14-2012, § 4.)

### 50-24.3 Calculation of parking spaces.

The following rules shall apply to calculation of the number of required parking spaces:

- B. Floor area shall mean the gross floor area of the specific use;
- C. Requirements for a fraction of a parking space shall be ignored;
- D. The parking space requirement for a use not specifically listed in Table 50-24-1 shall be the same as for the most similar use listed in that table, as determined by the land use supervisor;
- E. ~~Whenever a building or use is enlarged to the extent of 25 percent or more in floor area or in the site area used, the building or use shall be required to (a) retain any on-site parking existing prior to the expansion, and if that is not sufficient to comply with the parking required for the use as expanded, then (b) to comply with the requirements in Table 50-24-1 for the expansion area;~~
- F. ~~Required off-street parking for one-, two-family, townhouse, multi-family, and live-work dwellings may be located in a garage or carport. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10509, 6-12-2017, §1)~~

### 50-24.4 Location of parking spaces.

#### G. ~~On-site location and exceptions.~~

- ~~1. All required parking spaces shall be located on the same lot with the principal building or the primary use served; except as provided in subsection 2 below;~~
- ~~2. If an increase in the number of parking spaces is required by a change or enlargement of any use the increased parking requirement may be satisfied by utilizing:
 
  - ~~(a) Primary use parking lots or parking structures located and maintained up to 500 feet from the lot containing the change or enlargement, or~~
  - ~~(b) Accessory parking lots that existed on November 18, 2010, were composed of hard-surfaced, dust-free material such as concrete, bituminous, or pervious paving materials, and that are located and maintained up to 500 feet from the lot containing the change or enlargement;~~~~
- ~~3. Where required parking spaces are not provided on site, a written agreement assuring the continued availability of the parking spaces for the uses they serve shall be required on a form approved by the city and shall be filed with the application for a building permit;~~
- ~~4. Parking located in a public street right of way pursuant to a concurrent use permit or other public grant shall not be used to satisfy off-street parking required by Chapter 50.~~

#### H. ~~Parking location within the site.~~

~~Parking spaces for all motorized vehicles and trailers shall only be provided on those portions of the lot indicated in Table 50-24-3. (Ord. No. 10509, 6-12-17, §2)~~



| Table 50-24-3: Permitted Parking Areas                  |  |  |
|---|--|--|
| Type of Lot   | Permitted Parking Area   |  |
| <b>Residential Districts</b>                            |  |  |
| Non-corner lot with non-residential use                 | The rear yard and one side yard  |  |
| Non-corner lot with residential use and no garage       | The rear yard, and the area between one side lot line and the nearest side wall of the dwelling unit and its extension to the improved street abutting the front yard (see diagram to the right).  |  |
| Non-corner lot with residential use and detached garage | The rear yard, and the area between the closest side lot line to the side wall of the dwelling unit nearest to the garage, and its extension to the improved street abutting the front yard (see diagram to the right).                                      |  |
| Non-corner lot with residential use and attached garage | The rear yard, and the area between the closest side lot line to the common wall separating the dwelling unit and garage, and its extension to the improved street abutting the front yard (see diagram to the right).                                       |  |
| Corner lot with residential use or non-residential use  | The rear yard and one side yard  |  |
| <b>Mixed Use and Special Purpose Districts</b>          |  |  |
| All mixed use and special purpose districts             | Buildings or projects constructed after November 19, 2010, shall locate no more than 50 percent of off-street accessory parking within the front yard, except as provided in Section 50-24.6.C or unless modified as part of an approved MU-I District Plan. |  |
| Form districts  | Parking only permitted on those portions of the lot permitted for the building type being constructed pursuant to secs. 50-16 and 50-22.   |  |

I. **Optional pedestrian walkways within parking areas.**

For parking areas within mixed use and special purpose districts identified in Table 50-24.3, buildings or projects may locate up to 60 percent of off-street accessory parking within the front yard if a pedestrian walkway is provided. The pedestrian walkway shall:

- Include pedestrian-scaled lighting;
- Be raised or otherwise designed to encourage run-off and limit ponding during wet weather;
- Be visually recognizable to both pedestrians and motorists;
- Include trees and other landscaping along the length of the walkway, this landscaping can also be used to meet parking lot landscaping requirements in Section 50-25.4;
- Be at least eight feet wide; and
- Include well-marked crossings where the walkway intersects with private vehicle drives. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 30; Ord. No. 10153, 5-14-2012, § 5; Ord. No. 10286, 3-10-2014, § 11; Ord. No. 10509, 6-12-2017, § 2; Ord. No. 10769, 9-27-2021, § 2)

**50-24.5 Parking lot design standards.**

**A. General standards.**

The design of off-street parking spaces, drive aisles, and driveways shall meet the standards shown in Table 50-24-4;

| Table 50-24-4: Parking Design Standards   |                                  |         |
|---|----------------------------------|---------|
| Parking Space Size*   |                                  |         |
| Size of Car   | Minimum Size of Parking Space    |         |
| Small   | 8.5 ft. x 15 ft.                 |         |
| Standard  | 9 ft. x 17 ft.                   |         |
| Aisle Widths  |                                  |         |
| Angle of Parking  | Minimum Width of Aisle           |         |
|   | One-Way                          | Two-Way |
| Parallel/no parking   | 11 ft.                           | 21 ft.  |
| 30 degree   | 11 ft.                           | 21 ft.  |
| 45 degree   | 13 ft.                           | 23 ft.  |
| 60 degree   | 18 ft.                           | 24 ft.  |
| 75 degree   | 20 ft.                           | 24 ft.  |
| 90 degree   | 20 ft.                           | 24 ft.  |
| Permitted Percentage of Small Car Spaces<br>(Applies to lots with more than 5 spaces) |                                  |         |
| Size of Parking Lot   | Maximum Percentage of Small Cars |         |
| 6 to 100 spaces   | 40%                              |         |
| 100 to 149 spaces   | 45%                              |         |
| 150 or more spaces  | 50%                              |         |

**Table 50-24-4: Parking Design Standards**

| Required Surface Treatment/Paving           |  |
|---|--|
| Zone District                               | Requirement  |
| All residential district parking areas      | Surfaced in a dust free, hard surface material such as concrete or bituminous, or pervious paving materials, except for rear yards which may be surfaced in aggregate materials, compressed aggregates or similar surfaces <u>if it is demonstrated that practices will be installed to prevent erosion.</u> |
| All mixed use and special purpose districts | All parking areas and vehicle display lots, including on- and off-road vehicles, trailers, and all terrain vehicles, shall be surfaced in a dust free, hard surface material such as concrete or bituminous. Pervious paving material shall be approved by the city engineer.                                |

\*The area set aside for a parking space may encroach beyond the face of a curb a maximum of 1.5 ft., provided that (a) it does not include trees, posts, or other obstructions that would prevent a vehicle from fully utilizing the space, and (b) it is not included in required open space, landscape area requirements, or required pedestrian walkways.

**B. Parking lot and driveway entrances.**

All parking lot and driveway entrances must conform to the design specification regulations of the city engineer;

**C. Snow storage areas.**

A portion of each surface parking area shall be designated for snow storage. The areas required to meet the minimum parking requirements of this Section 50-24 shall not be used for snow storage. Snow storage areas may be landscaped if the vegetation is selected and installed so as not to be harmed by snow storage. Snow storage areas shall not count towards those landscape areas required by Section 50-25 unless they are integrated with a side or rear buffer required by Section 50-25;

**D. Parking lot walkways.**

Each surface parking area that (a) serves a multi-family residential, commercial, public, institutional, civic, or mixed use, and (b) contains 50 or more parking spaces, and (c) contains any parking spaces located more than 300 feet from the front façade of the building shall contain at least one pedestrian walkway from allowing pedestrians to pass from the row of parking furthest from the primary building façade to the primary building entrance or a sidewalk allowing the pedestrian to reach the primary building entrance without crossing additional driving spaces or aisles. The required walkway must be at least five feet wide, shall not be located within a driving aisle, and shall be located in a landscaped island running perpendicular to the primary building façade if possible. If located in a landscaped island, the minimum width of the island shall be increased by five feet to accommodate the walkway without reducing the amount of landscaped area. If any parking space in the parking aisle located furthest from the primary structure is more than 200 feet from the walkway, additional similar walkways shall be required within 200 feet of those spaces. If there is a public sidewalk along the street frontage located within 50 feet of any required walkway, the walkway shall connect to that sidewalk;

**E. Tandem or in-line parking.**

~~Tandem or in-line parking, or other similar arrangements that involve the placement of two or more parking spaces in a row directly behind one another so that one parking space is blocking access for other parking spaces, is not allowed for off street parking spaces required by Chapter 50, but is allowed to meet off street parking required in Chapter 29A. This provision does not apply to required off street parking spaces within enclosed structures, such as garages or parking structures. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10286, 3-10-2014, § 12; Ord. No. 10340, 11-24-2014, § 2; Ord. No. 10509, 6-12-2017, §3)~~

**50-24.6 Required loading space.**

Unless otherwise provided in this Chapter, all construction of new buildings or expansions of existing buildings shall provide off street loading space shown in Table 50-24-5 below.

| Table 50-24-5: Off-Street Loading Space Standards  |   |
|--|---|
| Type of Use or Facility  | Off-Street Loading Requirement  |
| Office, hotel or motel   | 1 space for 20,000 sq.ft. of gross floor area   |
| Personal service and repair not otherwise listed; building material sales; garden material sales; retail store not listed (large); automobile and light vehicle repair and service, automobile and light vehicle sales, rental, or storage; truck or heavy vehicle sales, rental, repair, or storage; wholesaling. | 1 space for 20,000-50,000 sq.ft. of gross floor area; and<br>2 spaces for more than 50,000 sq.ft. gross floor area    |
| Manufacturing  | 1 space for 25,000 to 50,000 sq.ft. of gross floor area;<br>2 spaces for more than 50,000 sq.ft. of gross floor area. |

(Ord. No. 10044, 8-16-2010, § 6.)

**50-24.7 Bicycle parking.**

With the exception of single-family and two-family dwelling units, any new development, building expansions of more than 50% of the building’s square footage, or renovations that exceed 50% of the building’s value shall provide bicycle parking.

1. Short-term and employee bicycle parking (non-residential uses). Provide permanently anchored bicycle racks, which provide two points of contact with the frame at least 6-inches apart horizontally, within 50 feet of the building entrance. Racks shall accommodate parking for two bicycles plus 5 percent of motorized vehicle parking spaces on the site, and shall be located entirely on the property and not within the right of way. This requirement may be waived if the Land Use Supervisor and City Engineer determine there is no acceptable space for bicycle parking on the site.
2. Resident parking (residential uses). Secure bicycle parking shall be provided at a rate of 1 bicycle for every 5 dwelling units. Parking shall be convenient from the street and shall meet one or more of the following conditions: a) covered, lockable enclosures with permanently anchored racks for bicycles; b) lockable bicycle rooms with racks; or c) lockable bicycle lockers. This requirement may be waived if the Land Use Supervisor and City Engineer determine there is no acceptable space for bicycle parking on the site.
3. Bicycle parking requirements in support of uses in the MU-B, MU-W, I-G, I-W, or AP district may be adjusted based on the anticipated demand for bicycle parking at the site and to ensure the safety of all road users in industrial locations.

**50-24.8 Electric vehicle charging stations.**

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1. In any new parking lot that is accessory to either a multi-family or hotel or motel use, electric vehicle (EV) charging stations shall be provided as follows: parking lots with 10 or more parking spaces must have EV charging stations or be EV ready for a minimum of 10% of the parking spaces. Charging stations must include Level 2 or higher chargers; if spaces are EV ready, the wiring must support Level 2 chargers. If the EV charging stations are connected to solar or other renewable energy source, only 5% of the parking spaces are required to provide EV charging.
2. If the parking capacity of an existing parking lot with 20 or more spaces, that is also accessory to either a multi-family or hotel or motel use, is increased by 30% or more, EV charging stations shall be provided as noted in 50-24.7.1 above.
3. EV ready spaces shall include a cabinet, box or enclosure connected to a conduit linking parking spaces with 208/240V or higher voltage AC electrical service suitable for the number of charging stations.

**Article 6.**

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“Overflow parking area.” A parking lot that provides extra parking for a site or neighborhood, intended for areas where there is a need for parking over the allowed maximum, or a need for stand-alone parking to address parking in a neighborhood or district, over and above existing primary use parking lots in the area



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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802



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planning@duluthmn.gov

## MEMORANDUM

**DATE:** February 7, 2023

**TO:** Planning Commission

**FROM:** Jenn Reed Moses, Senior Planner

**SUBJECT:** Proposed UDC Changes to Parking Regulations (PL 23-003)

Staff is proposing changes to Section 50 of the City of Duluth Legislative Code, the Unified Development Chapter (UDC). These changes impact Section 50-18.5, Higher Education Overlay; 50-19, Permitted Use Table; 50-20, Use-Specific Standards; 50-24, Parking and Loading; and 50-41, Definitions.

City staff have reviewed the zoning regulations pertaining to off-street parking, reviewed best practices in planning in Minnesota and other places in the country, as well as current development patterns and needs in Duluth, and find the following:

- Innovation in technology and changing trends demonstrate that modes like automatic vehicles will impact needs for off-street parking at destinations. In addition, there is an increased need for bike parking and EV charging stations.
- Parking needs can be accommodated in myriad ways, as demonstrated in the downtown and Canal Park areas, which have been exempt from parking minimums, and form districts, which have flexibility in parking minimums. These areas also demonstrate that the absence of parking minimums does not result in an overall loss of parking available.
- Construction costs have increased drastically in recent years; the cost of providing parking lots and parking structures is significant, causing parking regulations to become a deterrent to development.
- Developers often have thresholds for parking from lenders, or conduct their own market assessments to determine needed parking. As vehicles have become a pervasive form of transportation, market demand increasingly drives the parking needs of any development.
- It is increasingly difficult to identify minimum numbers of off-street parking spaces that should be included in zoning regulations, as land uses become increasingly varied. Businesses and developers report changes in service delivery and customer mix that indicate there is no standard that fits every restaurant, retail store, or housing development (using restaurants as an example, this category includes everything from a drive-through coffee hut to a pizza restaurant that is delivery/pick-up only and a full-service sit-down restaurant).

Based on conversations with Planning Commission and community members, Staff are proposing a series of changes to update parking regulations in zoning, including:

- Removal of off-street parking requirements in the remaining areas of the city. Those that choose to provide parking will still need to meet requirements related to parking space and drive aisle dimensions, parking location, stormwater requirements, and landscaping.

- A new land use category, overflow parking area, to allow flexibility where demand warrants. This overflow parking area would be allowed via an Interim Use Permit, which could be renewed annually.
- Requirements for bicycle parking, including short-term, employee, and resident bicycle parking.
- Requirements for certain overnight uses (multi-family and hotel/motel) to either provide EV charging stations or be EV ready.

These changes are shown in the attached pages. These modifications were developed through several months of discussion at Planning Commission meetings, a Planning Commission Brown Bag on November 7, 2022, and a meeting on January 10, 2023, which included public comment on a draft of these changes. A press release on January 9, 2023, elicited widespread media coverage, and a legal notice was posted in the Duluth News Tribune on January 28, 2023, February 4, 2023, and February 11, 2023. Copies of all comments received are attached.

Staff recommends that Planning Commission recommend approval of these changes. An ordinance with these changes will then go to City Council, and will require two readings before a vote.

January 10, 2023

City of Duluth Planning Commission  
Care of Adam Fulton  
411 West First Street, Room 160  
Duluth, MN 55802

Members of the City of Duluth Planning Commission,

On behalf of the Duluth Area Chamber of Commerce, we write in strong support of PL 23-D1, Draft UDC Text Amendment: Changes to Parking Regulations.

We have heard from several Chamber members/local developers who are in favor of these changes and believe these updates help foster additional development in the City of Duluth.

We appreciate your service to our community, consideration of this important topic, and hope there continues to be updates to the Unified Development Chapter (UDC) to help encourage and support development and growth.

Please feel free to contact us if you have any questions, concerns and/or if there are other ways we can work together to continue to support our members, our business community and our community at large. Again, thank you for your service and consideration.

Respectfully,



Matt Baumgartner, President  
Duluth Area Chamber of Commerce



Daniel Fanning, Vice President  
Duluth Area Chamber of Commerce





1/10/2023

City of Duluth Planning Commission  
411 W 1st St  
Duluth, MN 55802

Subject: Proposed UDC Code Changes - Parking

Dear Commissioners and City Officials:

As the Duluth Planning Commission considers the changes to the parking requirements in the UDC, we would like to express the Duluth Transit Authority's strong support of the proposed changes. It is great to see the City of Duluth looking at ways to reform outdated and complicated parking regulations, just as many other cities around the country have been doing and have had positive outcomes. We would also encourage exploring revisions to rental and multifamily requirements as they related to parking.

Parking requirements have been shown to cause many unintended consequences that have shifted our cities away from their historically walkable built environments to those that make it a requirement to own a car to move around a city. Over-prescribing parking can lead to underutilized property, lower tax revenues, increased development costs, safety concerns, blight, environmental issues, and other negative outcomes. Allowing developers to allocate the parking they feel is necessary, while setting maximums, will certainly improve our community in many ways. Potentially freeing up land availability for further development and densities will make our community more fiscally resilient. Urban population density also impacts the DTA's federal funding allocations.

The DTA offers fixed-route mass transit and on-demand paratransit to the vast majority of the City of Duluth and has strong ridership compared to similar-sized cities. We have seen this community embrace alternative modes of transportation for generations. Reforming parking minimums does not take away someone's choice to drive a personal automobile. It does however make other modes more viable and attractive. Parking minimums have hindered growth in our community and have undermined the investments that this community and state have made in mass transit options. The proposed changes are a commonsense approach to letting the market determine its needs while making our community more affordable and livable.

Thank you for your consideration.

Sincerely,

Christopher Belden  
Director of Planning  
Duluth Transit Authority



**Mindy Granley**  
Sustainability Officer

Room 422  
411 West First Street  
Duluth, Minnesota 55802

218-730-5334

mgranley@duluthmn.gov

January 10, 2023

To: Jenn Moses, Planning and Economic Development

Re: PL 23-D1 Draft UDC Text Amendment: Changes to Parking Regulations

I am writing to support the proposed UDC code changes related to Parking that support the City of Duluth Climate Action Work Plan including:

**Objective 3.7:** Reduce per-person, single-occupancy driving citywide

- Review city code and policy to remove barriers and enable more opportunities for biking, walking, transit, and low emissions vehicles
- Enhance and institutionalize complete streets policy to include user experience and green infrastructure, prioritize connectivity for vulnerable communities
- Gather early input on street projects to increase bike, walk, and wheelchair access along highly-used routes
- Collaborate with DTA to expand first-mile and last-mile mobility options for transit
- Eliminate minimum parking requirements for new development
- Revise policies and regulations to promote an increase of EV charging infrastructure.

I fully support the new Requirement 50-24.6 on bicycle parking.

I also support Requirement 50.24.7 for EV charging stations. This would help expand charging options and promote adoption of low-emission vehicles. Note:

- The Minnesota Public Utilities Commission (Docket No. E999/CI-17-879) found that “barriers to increased EV adoption in Minnesota include but are not limited to: (a) inadequate supply of and access to charging infrastructure, and (b) lack of consumer awareness of EV benefits and charging options.”
- Most EV charging will happen at work or home, but many people live in multi-family housing or buildings which are unequipped for charging.
- Helping to increase access to EV charging is supportive of overall EV adoption.
- With clean car rules recommended for adoption by an Administrative Law Judge on May 7, 2021, access to EVs is set to expand in Minnesota.

On the renewable energy requirement for 50-24.6: many locations will not have feasible options, due to building shading or the installation/structural costs of installing solar in parking lots. However, our local electric utility is moving towards 80% carbon-free power by 2030, and analysis shows that emission reduction from EVs come from efficiency and pollution reduction equipment and do not solely rely on renewable energy availability. Note that the lifecycle emissions of EVs being lower even without 100% renewable energy. (source: [https://afdc.energy.gov/vehicles/electric\\_emissions.html](https://afdc.energy.gov/vehicles/electric_emissions.html))

Thank you for your leadership,

Mindy Granley, Sustainability Officer



**Parking Services**

218-730-5470

Ground Floor  
411 West First Street  
Duluth, Minnesota 55802

ParkingTickets  
@duluthmn.gov

**Recommendations Regarding Potential Elimination of Off-Street Parking Requirements for New Developments**

*January 9, 2023*

The following are potential/likely outcomes of removal of off-street parking requirements for new commercial and/or housing development projects. All are related to the resultant increased parking pressure on the surrounding community, particularly in residential areas, and assume that less onsite parking would be created on the project site. Historically, projects on the perimeter of residential areas that do not include enough onsite parking to serve their needs result in a large increase in on-street parking, both legal and illegal.

1. Resident requests for Residential Permit Parking Zones. These types of zones are not generally applicable or effective in these situations, as they tend to simply push parking to the next block, and then the next block, etc. Rather, these zones are intended to serve much larger areas, such as those surrounding larger local educational institutions. Also, setting such a precedent would be problematic, as it would be difficult to evenly apply such zones throughout the city without effectively undermining the concept of on-street public parking. Finally, establishment of such zones in relation to a development with a residential component would be counterproductive, as residents of the new building would also qualify for zone permits.
2. Reports of illegal parking, particularly items such as parking too close to driveways, blocking driveways, parking on boulevards, and parking in marked accessible parking stalls.
3. Perception of blight – the increased number of parked cars usually causes area residents to feel that the value of their homes has decreased.
4. Increased public safety concerns associated with the increased parking and traffic congestion.
5. Generally increased tensions between the building owners/management and the area residents.

Due to the negative impacts on public safety and the quality of life for the residents and other stakeholders in the area of a new commercial of mixed-use development, the City's Parking Services Division does not recommend the elimination or reduction of onsite parking requirements for new development projects.

**Mark Bauer | Duluth Police Department**  
*Parking Services Manager*



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

The City of Duluth is an Equal Opportunity Employer.

**Jennifer Moses**

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**From:** Cindy Stafford  
**Sent:** Tuesday, January 10, 2023 5:00 PM  
**To:** Adam Fulton; Jennifer Moses  
**Subject:** FW: Parking Plan Comment

**From:** planning  
**Sent:** Tuesday, January 10, 2023 4:59 PM  
**To:** Noah Hobbs [REDACTED]  
**Subject:** RE: Parking Plan Comment

Thank you for your email. It will be shared with the planning commission.

Cindy Stafford

**From:** Noah Hobbs <[REDACTED]>  
**Sent:** Tuesday, January 10, 2023 4:47 PM  
**To:** planning <[planning@DuluthMN.gov](mailto:planning@DuluthMN.gov)>  
**Subject:** Parking Plan Comment

Esteemed Planning Commissioners,

I want to thank you for the amount of time you took to look at revisiting our planning regulations in the UDC. I've reviewed the proposed changes and I think it's a well-thought-out proposal to incentivize development, promote multimodal transportation, and prioritize the productive use of land over concrete to house a car for 8 hours a day. I believe that this is the direction we want to move in as a city. You have my full support in passing the proposal as presented.

Thank you for your service!

**Noah Hobbs**

Duluth City Councilor At-Large

[REDACTED]



**Jennifer Moses**

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**From:** planning  
**Sent:** Tuesday, January 10, 2023 11:16 AM  
**To:** Jennifer Moses  
**Subject:** FW: Parking Minimum and Maximums

**From:** Andrea Crouse <[REDACTED]>  
**Sent:** Tuesday, January 10, 2023 11:00 AM  
**To:** planning <planning@DuluthMN.gov>  
**Subject:** Parking Minimum and Maximums

Hello Planning Commissioners,

I am writing today to encourage you to support the code revision to eliminate parking minimums, instate parking maximums, and improve bike parking requirements in City Codes.

The work I do to support active living and health equity with a focus on Duluth's Hillside neighborhood has put me in contact with thousands of residents to talk about their needs and vision for a healthier, more connected community. And I'll tell you, in our conversations, not a single time have we heard residents express a need for more parking. Now I'm not saying this isn't an issue, but it's clearly not a pressing or priority issue. In fact, what we hear from residents is the need for investing in our community to address the housing crisis, create green space and areas for public gatherings, develop space for new, locally owned businesses, and create safe and walkable communities. There is a wealth of data that identifies the increased value walkable/bikeable communities have to the bottom line of business. For folks who continue to struggle to find quality, affordable housing, a requirement to invest in additional built infrastructure for cars, especially parked cars, demonstrates a priority for cars over people and specifically prioritizes the needs of those with personal vehicles over those who don't have vehicles.

While cars can provide important access to jobs, medical appointments, school, and other needs, they are not required for this if we build communities that are safe, walkable, and have thriving public transportation options. Not only is this good for the economy, for physical health, but it's good for sustainability and CO2 emissions.

Over a 1/3 of the households in the Hillside don't own personal vehicles. This means folks want to invest in transportation networks that de-center personal vehicles and support safe walking, biking, and public transportation options. To that end, I'm grateful to see that in addition to removing parking minimum requirements, improving bike parking is a priority in this proposed code change.

Thank you for your service to the community and your thoughtful consideration of how we build the future Duluth which supports the personal and economic health and connectivity we need in the future!

Respectfully,  
Andrea B. Crouse

## Jennifer Moses

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**From:** Steven Robertson  
**Sent:** Tuesday, January 31, 2023 4:14 PM  
**To:** Jennifer Moses; Adam Fulton  
**Subject:** My Comment on UDC Min Parking Changes

Thank you for the opportunity to comment on the zoning code proposal! My understanding is that the proposed UDC change to eliminate minimum off-street parking requirements throughout the entire city is based on the desire to reduce impervious surfaces (particularly parking lots), and the desire to decrease development costs by eliminating the need to provide costly off-street parking spaces which may not be fully utilized, and the desire to promote other means of transportation (walking, biking, bussing) rather than the car/truck/SUV.

I wanted to share comments related to the building code, but I also I wanted to share some general comments. If it is not inappropriate, please include my comment with the other written comments from city staff and citizens that have been received on this matter.

### ADA, State Building Code, and Off-Street Parking

The Americans with Disabilities Act (ADA) was signed into law in 1990, with the intent to increase access and opportunities for people living with disabilities. The ADA is a federal regulation, and violations of the ADA requirements are generally settled through lawsuits.

The Minnesota State Building Code (SBC) is a compilation of various state rule chapters that regulate different parts of building construction. Although compiled as separate rule chapters, the compilation itself is identified as the Minnesota State Building Code. The purpose of the Minnesota State Building Code is to provide minimum standards to safeguard life and limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy of all structures covered by the code. The MN Accessibility Code is Chapter 1341 of Minnesota Rule, and one of the chapters of the Minnesota State Building Code.

When new buildings are constructed or existing buildings are altered or their use of change, the Construction Services and Inspections Office administers the State Building Code, including the Accessibility Code. Sometimes people confuse ADA with the Mn Accessibility Code. The ADA is enforced through private actions and litigation; it is not administered by the Construction Services and Inspections Office.

Section 1106 of the Mn Accessibility Code states that where parking is provided, accessible parking spaces shall be provided. For example, for a parking lot of 76 to 100 spaces, a minimum of four accessible spaces is required. However, if no parking is provided by a future housing or commercial development, the Mn Accessibility Code can not require the provision of an accessible parking space as a condition of building permit review and approval. There is no requirement to provide accessible parking on site, unless some minimum number of off-street parking spaces is required by the zoning code.

## Ongoing Planning Studies

There are several ongoing planning studies/projects, one a housing study (analysis of residential market potential), and another being a green infrastructure code audit. The results of both planning efforts may provide information relevant to the issue of off-street parking and parking lots. If this proposal is delayed several months city staff can more easily incorporate recommendations from both these ongoing planning efforts. In particular, the green infrastructure and code audit will most likely have recommendations (based on previous work they have done) that impact standards for additional parking lot landscaping and a reduction in the number of restaurant and retail drive through lanes. There is also a parking utilization study being conducted in portions of the Lincoln Park Neighborhood at the end of this February; the results of that study could be evaluated before making permanent changes to the parking requirements.

In addition, the city conducts an annual housing indicator report, the last one was for 2021 which had 4,164 units surveyed. This housing indicator report is an incredibly useful tool for understanding the rental market and costs for renters. It would be interesting to see if the 2022 housing study survey could be amended to ask about off-street parking provisions. Then it could be determined, after adjusting for age of the housing stock and other variables, if there is clear Duluth based evidence that rental properties that do not provide off-street parking have lower rents than rental properties that do provide parking. If true, this would lend real world Duluth evidence to support the parking proposal.

## Off-Street Parking Fees and Rentals

Chapter 29A of the City Code (Housing, Property Maintenance and Rental Code) has several references Chapter 50 (UDC). There is a requirement that single family homes used as rental property pay an additional fee for not providing off-street parking spaces. There may be a conflict between striking the requirement for off-street parking for new single or multifamily rentals in the zoning code but then still requiring existing single family rentals to pay the off-street parking fee.

## UDC questions/details

Several code questions; these may have already been addressed by staff:

Current language does not allow tandem parking, proposed rules are striking that provision, allowing tandem parking. Is that the intent? Tandem parking are spaces that are typically 2 or 3 vehicles deep that in which only the rear most parking space has access to the drive aisle.

Current language does not allow private parking spaces in the public right of way without a concurrent use permit, proposed rules are striking that provision, presumably allowing private parking spaces on the public right of way. Is that the intent? This may conflict with City Engineering standards and specifications.

Current language does not allow required parking spaces to be located off-site; in other words required off-street parking must be located on the same parcel as the use/business/development generating the need for parking. The proposed rules are striking that provision. Understanding that "required parking" is being eliminated, would new optional off-site off-street parking spaces for new development be considered accessory parking spaces or primary use parking lots? To be more specific, would a new retail store in a MU-C district be allowed to create an off-site parking lot in an adjacent R-2 zone district as an accessory parking lot by right or as primary use parking lot or overflow parking lot with a special use permit?

Current language exempts single family homes from the maximum number off-street parking spaces, the proposed rules are striking that provision, establishing that the maximum number of off-street parking spaces that a single-family home may have is 2.5 parking spaces. Is that the intent? Many homes constructed since the 1970s will likely exceed this maximum, creating many new legal non-conformities.

Proposed language is striking the requirement for additional off-street parking for developments within the higher education overlay. The current standard in the overlay is .7 parking spaces per bedroom, with requirements for additional visitor parking, instead of 1 space per dwelling unit in the rest of the city. The 2012 public input asking for higher off-street parking standards in neighborhoods near the colleges was a primary driver of the higher education overlay, with the build to zones and restrictions on balconies less critical. I suggest eliminating this overlay zone entirely if the additional off-street parking restrictions are stricken, as the primary purpose for the overly would now be eliminated.

Proposed language for overflow parking requires that a demonstrated need for neighborhood parking must be established first, but doesn't list the criteria for establishing need. There is no requirement for screening of headlights from nearby residential properties, and no requirement that the overflow parking lot be accessible from an accessible sidewalk.

If there is no longer any required minimum off-street parking in the UDC, can the Planning Commission require off-street parking as a condition of approval on future Special or Interim Use Permit?

### **Redevelopment Strategy and Shared Vision**

In the context of economic development, the city is sometimes asked to partner with developers to provide assistance to find or create off-street parking spaces for new developments or redevelopments. Assistance includes tools such as Tax Increment Financing or Tax Abatement, or seeking bonding dollars from the state legislature to fund new parking ramps, or privatizing or leasing existing public parking spaces to developments. Will eliminating the zoning code's role in mandating off-street parking spaces create inconsistency with the economic development strategy to provide public city financial support for off-street parking for new developments?

City engineering manages public right of way and has standards on access management (driveways and curb cuts). City Planning has standards for new development and redevelopment, including guidelines for off-street parking. City Parking Services manages on-street parking, including provision of accessible parking spaces and loading zones, and residential parking permits (typically near schools are other areas high demand for on-street parking). There are several city departments that have a leading role in the "transportation" arena. And there are competing strategic values in play with this proposal (the strategy to eliminate parking requirements for new development to reduce impervious surface vs the strategy to use public subsidies to provide public or public/private off-street parking spaces for new private development). The "complete streets" policy notwithstanding, there are a lot of friction points over what is the best use of public street/right of way use, and no unifying vision or direction. For example, during the Superior Street reconstruction planning phase, there was a lot of discussion over maintaining abundant on-street parking spaces (critical for adjacent businesses) vs more pedestrian amenities or bike lanes to make the area attractive and safe for tourists and visitors. This proposed ordinance change could be a spring board to have a wider discussion about how the community can weigh these competing values into one framework or policy.

### **Current Bus and Pedestrian Infrastructure**



The City of Duluth does not have the same breadth and quality of pedestrian infrastructure that some of the urban areas of the twin cities have. Duluth has several large areas that are rural, semi-rural, and suburban, that lack sidewalks and ADA complaint pedestrian ramps at crosswalks. In addition, the DTA currently has approximately 1,500 designated bus stops throughout Duluth. Approximately 50% of these bus stops and bus routes (from 33 routes to 15 routes) will be eliminated as part of the stream-lining of DTA's Better Bus Blueprint, a bold initiative to improve the transit service by reducing travel times and upgrading the bus experience. The Better Bus Blueprint will absolutely be a major improvement in quality and efficiencies of the transit service, but it will reduce access in some areas of the city. In addition, the city is wrestling with the process of ensuring that sidewalks and pedestrian ramps are shoveled. So even when there is a bus stop and a bus shelter, getting to it may be problematic to people with access or mobility limitations. The reality is that in many areas of Duluth the personal vehicle is still the safest and most effective means of transportation, and there is still a need for requiring developments in some areas of Duluth to provide off-street parking.

### **Stakeholder input**

In the past, when there was a major ordinance change that could potentially have wide community impact, city staff have held additional optional public information meetings. I am suggesting it might be useful and appreciate to make an effort to have one or more public information meetings, and/or presentations to stakeholder groups that expressed an interest in parking issues in the past (such as our various business/community organizations). In addition, input from either the Parking Commission or the Commission on Disabilities may provide useful feedback on this proposal, and would further a culture of diversity, equity, and inclusion.

### **Thank you**

Thank you for the opportunity to comment. I apologies for the length of the email, but I wanted to highlight several items, particularly the issue with the Mn State Building Code and the chapter on accessibility. It should be understood that the city can not use the state building code to compel the provision of off-street parking spaces.

**Steven Robertson, CSI Manager**

## Jennifer Moses

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**From:** planning  
**Sent:** Tuesday, January 10, 2023 11:15 AM  
**To:** Jennifer Moses  
**Subject:** FW: Eliminate parking minimums

**From:** Dave Zbaracki [REDACTED]  
**Sent:** Tuesday, January 10, 2023 10:09 AM  
**To:** planning <planning@DuluthMN.gov>  
**Subject:** Eliminate parking minimums

Dear Planning Commission,

I fully support the proposal to eliminate parking minimums. It is long past time that our city does something to live up to the progressive values that it espouses. Cars as default transportation is suburban planning, not urban planning. We need better, less costly, and more sustainable infrastructure. This proposal does not wave a magic wand, but goes a long way to fixing our problems.

-Dave Zbaracki

## Jennifer Moses

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**From:** planning  
**Sent:** Tuesday, January 10, 2023 5:00 PM  
**To:** Jocelyn Heid  
**Cc:** Jennifer Moses; Adam Fulton  
**Subject:** RE: Proposed Parking Code Changes

Hello =

Thank you for your comment. It will be shared with the planning commission.

Cindy Stafford

**From:** Jocelyn Heid [REDACTED]  
**Sent:** Tuesday, January 10, 2023 4:49 PM  
**To:** planning <planning@DuluthMN.gov>  
**Subject:** Proposed Parking Code Changes

I urge you to approve the proposed parking code changes. These changes will move Duluth forward to a better, more efficient use of public resources.

I apologize for sending th email of support so late in the day.

Thank you,

Jocelyn Heid

3028 E Superior St, Duluth, MN 55812  
[REDACTED]

**Jennifer Moses**

---

**From:** JOSEPH KLEIMAN <[REDACTED]>  
**Sent:** Wednesday, January 11, 2023 9:32 AM  
**To:** Adam Fulton  
**Cc:** Jennifer Moses  
**Subject:** Re: Proposed parking changes

Adam,

One other thought, will the electrical code require a separate electrical service for the charging station? Would it be required to be separated of the electrical entrance that serves the building? Again, adding expense could very well have little or no demand. Sorry to bother you but just another thought of mandating the need can cause many unwanted expenses. Thank you.

Joe Kleiman

---

**From:** Adam Fulton <[REDACTED]>  
**Sent:** Tuesday, January 10, 2023 5:16 PM  
**To:** JOSEPH KLEIMAN <kleimanrealty@msn.com>  
**Subject:** RE: Proposed parking changes

Joe,

Thanks for being here tonight and providing these comments. We'll add to the file and consider impacts on this one.

Thanks,

ADam

**From:** JOSEPH KLEIMAN <[REDACTED]>  
**Sent:** Tuesday, January 10, 2023 2:16 PM  
**To:** Adam Fulton <afulton@DuluthMN.gov>  
**Subject:** Proposed parking changes

Adam,

The need to provide EV charging stations for new commercial development, isn't that something that the market will decide? Mandating the expense for something that might arise years in the future would seem to be a burden for developers, property owners. If there is a need I am the first to make the installation but to force the move just adds additional expense whether or not there is a need. Not a fan. Thanks.

Joe Kleiman  
[REDACTED]

**Jennifer Moses**

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**From:** JOSEPH KLEIMAN <[REDACTED]>  
**Sent:** Wednesday, January 11, 2023 9:01 AM  
**To:** Adam Fulton  
**Cc:** Jennifer Moses  
**Subject:** Re: Proposed parking changes

Adam,

As an additional follow-up to last night's comments, I would like to know how many electric vehicles are currently registered in the State of Minnesota, this would be important to know. The latest information I had was that less than 1% of vehicles registered in the State of Minnesota were EV's. Is that enough EV's to mandate the expense of providing charging stations on all new commercial developments? I recently completed the new Orthodontic office on Central Entrance, three employees on site, I don't see how that type of business should have a mandatory need for a charging station. Is the planning department suggesting that Orthodontic office needs to provide patients with capacity to charge there EV's? If so, who will pay for the electricity, will there be a cap on what a property owner might charge to use the charging station? For those developers who provide first class developments which include many amenities, providing charging stations would be voluntarily provided should the market dictate the need. Should the planning department feel the need to adjust maximum and minimum parking requirements I understand but don't feel an EV charging station is something the planning department needs to get involved in. Additionally, regarding on-street parking for residential use I think the City of Duluth better take a closer look at policy in place for snow emergencies and snow removal. Currently parking on the street is very difficult and lanes of traffic have narrowed significantly. I see a statement that the City of Duluth will not be removing snow due to the fact that they have no money to complete the task. Lessening the requirement for off-street parking will certainly add to the problem. Thank you for your consideration on this matter.

Joe Kleiman  
 [REDACTED]

---

**From:** Adam Fulton <[REDACTED]>  
**Sent:** Tuesday, January 10, 2023 5:16 PM  
**To:** JOSEPH KLEIMAN <[REDACTED]>  
**Subject:** RE: Proposed parking changes

Joe,

Thanks for being here tonight and providing these comments. We'll add to the file and consider impacts on this one.

Thanks,

ADam

---

**From:** JOSEPH KLEIMAN <[REDACTED]>  
**Sent:** Tuesday, January 10, 2023 2:16 PM

To: Adam Fulton <[REDACTED]>

PC Packet 10-10-2023

**Subject:** Proposed parking changes

Adam,

The need to provide EV charging stations for new commercial development, isn't that something that the market will decide? Mandating the expense for something that might arise years in the future would seem to be a burden for developers, property owners. If there is a need I am the first to make the installation but to force the move just adds additional expense whether or not there is a need. Not a fan. Thanks.

Joe Kleiman

[REDACTED]

**Jennifer Moses**

---

**From:** Adam Fulton  
**Sent:** Tuesday, January 10, 2023 5:17 PM  
**To:** planning; Jennifer Moses  
**Cc:** Ryan Pervenanze  
**Subject:** FW: Proposed parking changes  
**Attachments:** Parking Code Changes Jan 23.pdf

Please add to file – I imagine we'll have more comments, too, as DNT is doing a weekend article. Let's include all of these for the next meeting in Feb.

**From:** JOSEPH KLEIMAN <[REDACTED]>  
**Sent:** Tuesday, January 10, 2023 2:16 PM  
**To:** Adam Fulton <afulton@DuluthMN.gov>  
**Subject:** Proposed parking changes

Adam,

The need to provide EV charging stations for new commercial development, isn't that something that the market will decide? Mandating the expense for something that might arise years in the future would seem to be a burden for developers, property owners. If there is a need I am the first to make the installation but to force the move just adds additional expense whether or not there is a need. Not a fan. Thanks.

Joe Kleiman  
<[REDACTED]>

## Jennifer Moses

---

**From:** planning  
**Sent:** Tuesday, January 10, 2023 4:31 PM  
**To:** Dave & Dina  
**Cc:** Adam Fulton; Jennifer Moses  
**Subject:** RE: Duluth Parking Code update

Hello -

We are in receipt of your comment. It will be shared with the planning commission members.

Thanks, Cindy

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

From: Dave & Dina <[REDACTED]>  
Sent: Tuesday, January 10, 2023 4:21 PM  
To: planning <planning@DuluthMN.gov>  
Subject: Duluth Parking Code update

Commissioners,

I'm writing to voice my support for the proposed changes to the Parking Code. Changes like these that will provide more flexibility and sensibility in how housing is developed and will incentivize alternative modes of transportation (buses, bikes, EVs) instead of just gasoline powered cars and trucks are definitely signs of a community that is forward thinking and actively working to provide smart solutions, rather than simply defaulting to antiquated codes. I urge you to support these proposed changes.

Sincerely,

Dave Pagel

801 Woodland Ave.



## Jennifer Moses

---

**From:** planning  
**Sent:** Tuesday, January 10, 2023 4:15 PM  
**To:** Rebecca Bischoff  
**Cc:** Jennifer Moses; Adam Fulton  
**Subject:** RE: Parking Code Changes

Hello Rebecca –

Thank you for your comment. It will be shared with the planning commission members.

Cindy



**Cindy Stafford** City of Duluth  
Planning & Economic Development  
411 W. 1<sup>st</sup> St. Room 160, Duluth, MN 55812  
[cstafford@duluthmn.gov](mailto:cstafford@duluthmn.gov) Phone (218) 720-5161

**From:** Rebecca Bischoff <[REDACTED]>  
**Sent:** Tuesday, January 10, 2023 3:28 PM  
**To:** planning <planning@DuluthMN.gov>  
**Subject:** Parking Code Changes

Hi Planning Commission,

I am in favor of the proposed parking code changes that incentives multi-modal transportation.

Thanks,

Rebecca Bischoff  
Lincoln Park Resident

**Jennifer Moses**

---

**From:** planning  
**Sent:** Wednesday, January 11, 2023 7:05 AM  
**To:** Adam Fulton  
**Cc:** Jennifer Moses  
**Subject:** RE: Concerns About Proposed Parking Changes

Copying Jenn for her to file.

Thanks, Cindy



**Cindy Stafford - City of Duluth**  
Planning & Economic Development  
411 W. 1<sup>st</sup> St. Room 123, Duluth, MN 55802  
cstafford@duluthmn.gov Phone (218) 723-6161

**From:** Adam Fulton <afulton@DuluthMN.gov>  
**Sent:** Tuesday, January 10, 2023 5:18 PM  
**To:** planning <planning@DuluthMN.gov>  
**Subject:** FW: Concerns About Proposed Parking Changes

Please retain for file

**From:** Branden Robinson <[REDACTED]>  
**Sent:** Tuesday, January 10, 2023 2:01 PM  
**To:** Adam Fulton <[REDACTED]>  
**Subject:** Concerns About Proposed Parking Changes

Hi Adam,

I'm writing with concerns about the proposed changes to the UDC, to remove minimum parking requirements and impose more restrictive maximum parking requirements across the City.

We see this as an exceptionally burdensome change for many businesses and the broader community.

- The City has recently implemented parking policies to lessen the burden on neighborhood residential parking and snow removal efforts, both of which will be thwarted by these new proposed standards.
- There are many businesses where ample parking is, and will always be, a critical part of the business model.
- We rely nearly 100% on vehicular travel for our guests. Guests do not use public transit, and rely on personal vehicles to access and explore the area.
- The freedom of vehicular travel is paramount to the guest experience, due to the variety of attractions and natural attributes that define our unique geographical location. Guests travel to the North Shore, state parks, Iron Range, etc., all areas that cannot be effectively serviced by public transit and are nearly impossible to access by bicycle.

- Guests who visit Duluth carry a lot of luggage and gear for team events and various outdoor activities, underscoring the importance of reliance on personal vehicles.
- Changing these ordinances will not change consumer behavior. They will only create excess future challenges for businesses and residents.
- The proposed maximum parking limits for hotels and motels do not account for the true parking demand, comprised of guest vehicles and vehicles of staff who live outside of effective public transportation corridors.
- The maximum allowable parking under this new model would not meet our parking demand, nor would it meet that of other, larger properties.
- These new standards would push an extreme burden onto surrounding neighborhoods to handle the parking demand created by businesses,
- Businesses would have the added burden of patrolling private lots from vehicles visiting neighboring businesses.

We are strongly opposed to the proposed changes, and look for your guidance to create a model that will address the ongoing needs of this community.

Respectfully Submitted,

**Branden H. Robinson**

General Manager

South Pier Inn

701 S. Lake Ave.

Duluth, MN 55802



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Planning & Development Division  
Planning & Economic Development Department

218-730-5580  
planning@duluthmn.gov

Room 160  
411 West First Street  
Duluth, Minnesota 55802

### PARKING CHANGES Comments September 20, 2023

Parking lots are "there" 24 hours a day, 7 days a week, whether a car is parked in a spot or not. Not all businesses need space all 24 hours or 7 days per week. Parking lots deter from walking & riding & other aesthetic & natural reasons people visit and live in Duluth.

Lots get hot & collect water when non-permeable, require lots of snow removal

Are the parking lots paying their way with property taxes to cover the storm runoff, silt, salt & other deposits? Do they pay for the electric charging infrastructure? Are we going into debt to pay for parking facilities that do not pay enough to pay down the loans?

Name and Contact Info (Optional)

George Hornish (████████████████████)

Adam

Adam Fulton | Deputy Director, Planning & Economic Development | he/him/his | City of Duluth | 411 West First Street, Duluth, MN 55802 | 218-730-5325 | afulton@duluthmn.gov

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

From: John Williams <[REDACTED]>  
Sent: Wednesday, August 30, 2023 7:31 PM  
To: Adam Fulton <afulton@duluthmn.gov>  
Cc: Council <Council@duluthmn.gov>; Roz Randorf <rrandorf@DuluthMN.gov>  
Subject: parking mandates

Hi Adam,

I read an article in the paper today with alarm concerning parking mandates. I hope this is not an imminent proposal and will be considered before the city council and public first.

Off street parking is crucial for multi unit rentals for neighborhoods to have enough on street spaces available. I've seen many sections of Duluth. (Jefferson street for one), that finding parking pushes people onto adjoining blocks because of not enough provided parking. Park point is another area that I am especially concerned about as this is where I live. The section of lake avenue before the S curve is becoming overloaded already and with additional potential short term rentals in this section, the policy of no parking mandates will surely be taken advantage of by developers seeking for S.F.

I am copying city council members this email and again reiterate that this should be a public decision and not something decided without input.

Thank you for your consideration,

John Williams  
Park Point  
[REDACTED]

Sent from my iPhone

**Jenn Moses**

---

**From:** Jenn Moses  
**Sent:** Wednesday, September 20, 2023 4:45 PM  
**To:** Cindy Stafford  
**Subject:** Fwd: Proposed Parking Requirement Changes

Please save to the file with other comments. Thanks!

Get [Outlook for iOS](#)

---

**From:** Branden Robinson <[REDACTED]>  
**Sent:** Wednesday, September 20, 2023 2:34:00 PM  
**To:** Jenn Moses <[REDACTED]>  
**Subject:** Proposed Parking Requirement Changes

Good Afternoon Jenn,

As I will be unable to attend tonight's Planning meeting regarding possible changes to parking requirements in Duluth's UDC, I would like to share some of my concerns:

1. Duluth's parking needs are diverse. As a result, these needs can vary widely within a given zoning district, or even within a form district. A one-size-fits-all parking standard simply cannot address the varying needs throughout the city.
2. Due to challenging and variable winter snow removal needs and the city's track record of not engaging formal snow emergencies, on-street parking can become excessively limited during winter months, which places increased reliance on public and private off-street parking facilities, which also face their own snow removal and storage challenges.
3. Duluth's geography lends itself to reliance on personal vehicles. Given a long incorporated footprint, the perpetual vertical challenge, and status as a regional center with limited public transit, having convenient parking for local residents in each area of town will continue to be critical.
4. Removing parking requirements creates a supply and demand challenge. With parking scarcity, this could drive up parking prices, increasing the burden on motorists and reducing their willingness to visit the areas of town where parking shortages could exist.
5. As a small business operator, I am concerned about the burden that reduced parking requirements, and resulting reduced parking availability, could have on our ability to maintain our parking lot for exclusive use of our customers, who are nearly entirely vehicle-dependent. This would almost certainly require us to monitor our lot full-time and tow unauthorized vehicles, which would represent a high administrative cost to us.
6. Travel and tourism represents one of Duluth's largest industries, which is largely driven by car-dependent leisure tourists. Yes, many travelers enjoy Duluth's centralized amenities in Canal Park and Downtown, but access to some of the area's most important demand generators, including the North Shore, Hawk Ridge, state parks (in both MN and WI), and the Boundary Waters or Voyageurs NP simply cannot be accessed or enjoyed without use of personal vehicles. Travelers use Duluth as a gateway to these important destinations, and without ease of access and parking, which is already challenging at times, they will not make Duluth a part of their travel plans.

I thank you for your consideration of these points during discussions of changes to Duluth's parking requirements.

Regards,  
Branden

--

**Branden H. Robinson**

General Manager



701 S. Lake Ave.  
Duluth, MN 55802

P: [REDACTED]

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**Jenn Moses**

---

**From:** planning  
**Sent:** Wednesday, September 20, 2023 10:03 AM  
**To:** Adam Fulton  
**Subject:** FW: Parking Changes

**From:** Betty Greene <[REDACTED]>  
**Sent:** Wednesday, September 20, 2023 9:54 AM  
**To:** planning <planning@DuluthMN.gov>  
**Subject:** Parking Changes

I have questions/concerns about the proposed parking regulation changes and I am not able to come to this afternoon's public hearing.

Will there no longer be a requirement for off-street parking at rental houses? What impact will this have on neighborhoods near UMD and other school locations?

Will the change only affect new businesses and newly created rental properties?

Under what circumstances will businesses that currently offer parking be able to remove or decrease their parking?

What impact will this have on parking for those who qualify for handicap-accessible parking?

Thank you for answering these questions and for registering these as concerns.

Betty Greene



**Jenn Moses**

---

**From:** planning  
**Sent:** Wednesday, September 20, 2023 7:49 AM  
**To:** Adam Fulton  
**Subject:** FW: Downtown parking in duluth

Hi Adam -

Please see email below.

Thanks, Cindy



**Cindy Stafford -City of Duluth**  
**Planning & Economic Development**  
 411 W. 1<sup>st</sup> St. Room 100, Duluth, MN 55802  
[cstafford@duluthmn.gov](mailto:cstafford@duluthmn.gov) Phone (218) 730-5161

**From:** Jenson, Correne <[REDACTED]>  
**Sent:** Tuesday, September 19, 2023 5:57 PM  
**To:** planning <planning@DuluthMN.gov>  
**Subject:** Downtown parking in duluth

Hello,

I just saw the notice of a public meeting for Wednesday September 20<sup>th</sup> about city parking. I would like to propose that downtown business owners and their employees can purchase a monthly parking pass that they hang in their window so they don't have to keep getting tickets because they are working with clients and can't feed (e-feed) their meters when they are trying to run a business. I've seen so many small business owners downtown struggle with parking and parking tickets.

Another note is that the way tickets are given out doesn't seem very fair. I once witnessed a parking attendant in front of Frandsen bank go down a whole block of cars taking a picture and giving them all tickets because the first person in the row parked out of the lines due to a spring snow the night before and they probably couldn't see the lines when they parked early morning. Since it was spring the snow had melted by mid-day and was obvious now that everyone was out of the parking lines. I actually enjoy shopping downtown Superior Wisconsin more because they have free parking.

Thanks.

*Correne Jenson*

**Jenn Moses**

---

**From:** Pat Olson [REDACTED]  
**Sent:** Friday, September 22, 2023 1:28 PM  
**To:** planning  
**Subject:** UDC Parking Requirements

Hello,

I am a resident homeowner on the 2400 block of London Road in Endion, and whenever anyone, anywhere doesn't have enough off street parking, they end up parking on London Road. Many of them actually block my driveway completely, so I can't get out. Even if they technically aren't blocking my driveway, they come so close on either side that I can't see to pull out into traffic safely. In the winter it is even worse.

There is not enough of street parking in Duluth! Please do not make it any worse! Please require adequate off street parking for ALL students and ALL housing in Duluth!

If you want fewer people to drive in the city, then increase the bus routes while increasing security/public safety at all bus stops and on all busses! The main reason people don't use public transportation is because it is not safe. Transit security is the first thing to get cut, so women, the elderly & the disabled have to go back to driving. Please require off street parking for all schools, hospitals, and multi-family homes, whether rental or owned!!!!

Sent from my iPhone



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### PARKING CHANGES Comments September 20, 2023

If the city seriously intends to address its rental housing shortage, elimination of rental parking minimums is essential.


Keeping off-street parking minimums for rentals, ~~special~~ especially in the UMD area is a recipe for more students driving to campus.

Name and Contact Info (Optional)



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

# MEMO

**TO:** Planning Commission

**FROM:** Adam Fulton, Deputy Director of Planning and Development

**DATE:** October 3, 2023

**RE:** Conformance of TIF Redevelopment District for First Street Development to Comprehensive Plan

In order to facilitate development of two new vertical multifamily projects along the First Street corridor between Lake Avenue and Third Avenue, (the "Project"), the City needs to create a new Tax Increment Financing (TIF) Redevelopment District. The role of the Planning Commission is to make sure the proposed development and its uses are consistent with the Comprehensive Plan and Unified Development Chapter (UDC). Tax Increment Financing (TIF) is a financing tool that uses the increase in property taxes generated from site improvements to pay for a portion of those improvements.

The Project will consist of the redevelopment of the First Street corridor with a new multifamily building that includes no fewer than 130 new housing units. The Project will also include enhanced streetscapes and pedestrian corridors to maximize participation in the Superior Street commercial corridor.

The future land-use designation of the development site is Central Business Primary (CBP). According to the Imagine Duluth 2035 Comprehensive Plan, CBP areas are intended for a broad range of uses and intensities including: governmental campuses, significant retail, entertainment and lodging, high-density housing, public open space, and public parking facilities. This land use is designated for Downtown Duluth corridor. The proposed development meets the intent of this future land use.

The property is zoned F-8. According to the Unified Development Chapter, the F-8 District provides slightly more flexibility in building form than does F-7, as it permits both Main Street Building III and Corridor Building III for office and residential uses." F-8 is an appropriate zone designation for the CBP future land use category. It allows apartments as proposed by this project.

This project implements the following Comprehensive Plan principles:

*Principle #1 Reuse previously developed lands.* Reuse of previously developed lands, including adaptive reuse of existing building stock and historic resources, directs new investment to sites which have the potential to perform at a higher

level than their current state. This strengthens neighborhoods and is preferred to a dispersed development pattern with associated alteration of natural landscapes and extensions of public services. Site preparation or building modification costs are offset by savings in existing public infrastructure such as streets and utilities, and transit, fire, and police services.

*Principle #3 -Support existing economic base.* Supporting Duluth's existing economic foundation maintains jobs, tax base, and opportunity. Economic activity with specific location requirements may be subject to displacement or site competition with changes in real estate values. This traditional economic activity faces change as a result of global economic patterns, changing markets, new regulation, and aging of extensive infrastructure. Nevertheless, fundamentals remain and the economic contribution, sometimes taken for granted, is significant. This project supports the significant economic base of the Central Business district, which contains Duluth's highest concentration of commercial and retail businesses. Residential units in an area lacking will contribute to more patronization of these businesses.

*Principle #5 Promote reinvestment in neighborhoods.* Duluth is strongly defined by its neighborhoods. This system should be supported through land use and transportation that foster neighborhood reinvestment. New development or redevelopment should maximize public investment that strengthens neighborhood commercial centers or diversifies residential opportunities that fit the neighborhood's character.

*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. This project provides new multifamily housing opportunities in Downtown and will bolster existing and future businesses by housing potential customers in the immediate vicinity.

*Principle #12 Create efficiencies in delivery of public services.* The costs of public service must be considered in land use decisions. Street construction and maintenance, utilities, libraries, fire, police, snow removal, and recreation facilities are services directly related to the physical location of development. Infrastructure should help direct development location rather than react to it. The integration of public services to maximize efficiencies with all related use decisions should be evaluated.

City staff believe that the proposed development conforms to and implements the Comprehensive Plan principles. City staff ask that the Planning Commission review this item, and following discussion, make a finding that it conforms to the Imagine Duluth 2035 Comprehensive Plan.

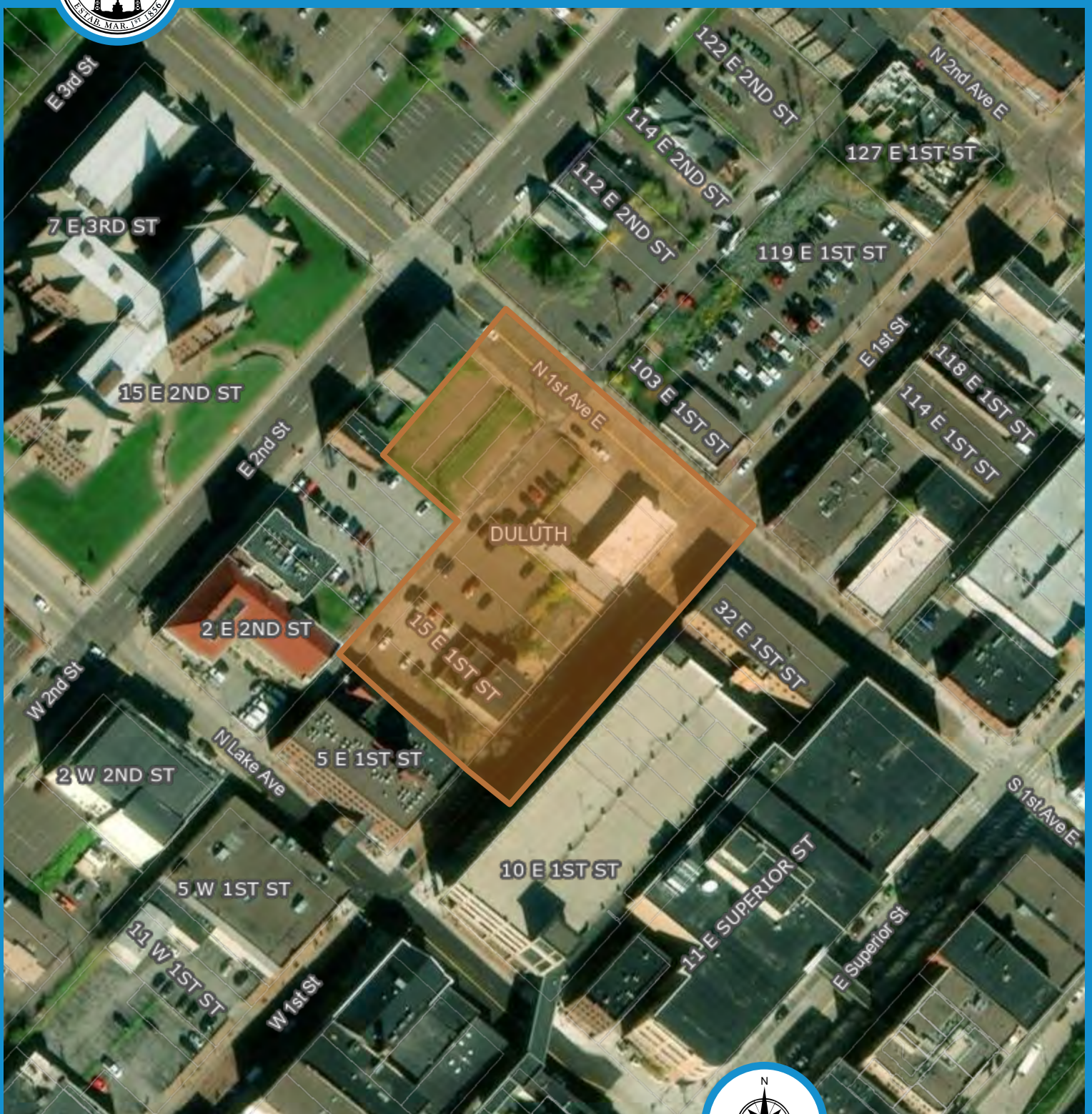
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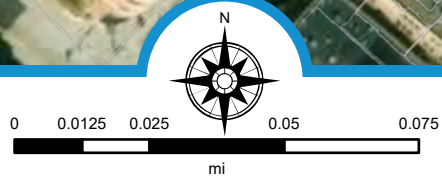
# County Land Explorer

St. Louis County, Minnesota

PC Packet 10-10-2023



## 1st St. Redevelopment TIF District



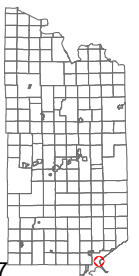
County Land Explorer

St. Louis County [www.stlouiscountymn.gov/explorer](http://www.stlouiscountymn.gov/explorer) Minnesota

### Disclaimer

This is a compilation of records as they appear in the Saint Louis County Offices affecting the area shown. This drawing is to be used only for reference purposes and the County is not responsible for any inaccuracies herein

Map created using County Land Explorer  
[www.stlouiscountymn.gov/explorer](http://www.stlouiscountymn.gov/explorer)





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## MEMORANDUM

**DATE:** October 2, 2023  
**TO:** Planning Commission members  
**FROM:** Kyle Deming, Senior Planner  
**SUBJECT:** Vacation Dwelling Units in RR-1 districts near MU-C districts (PL23-178)

Question: Is it good land use practice to exempt vacation dwelling units (VDUs) in those portions of Rural Residential (RR-1) districts in close proximity to Mixed Use-Commercial (MU-C) districts from the cap on VDU permits?

Summary and Recommendation: The cap on VDU permits was established to balance concerns about loss of permanent housing with the desire by landowners to provide a form of tourist accommodations in demand by the travelling public. Staff recommends making no changes to the VDU permit cap based on the analysis below, which finds that expanding the exemption will only benefit seven residences and one business and will increase the likelihood of getting more requests to be exempt from the cap.

### UDC ANALYSIS

1. Background: Vacation Dwelling Units (VDUs) are a form of short-term rental allowed as an Interim Use Permit by the Unified Development Chapter (UDC). The City Council established a cap on the number of VDUs that are permitted within the City and landowner interest in VDUs exceeds the cap. The number of VDU permits is allowed to increase annually based on the net increase of permanent residential dwelling units from the previous year. Form Districts are exempt from the VDU permit cap, and it has been asked if the exemption should be expanded to include VDUs in RR-1 Districts.
2. Brief history of VDU regulation in Duluth
  - a. City Council approved Ordinance 10192 on Dec. 17, 2012, providing for Vacation Dwelling Units (VDUs) and Accessory Vacation Dwelling Units (Accessory VDUs).
  - b. 2013 amended minimum stay of 5 nights during summer for all zone districts (6/15 – 9/15) to minimum stay of 3 nights during the summer for R-2, MU-N, and F-5 districts.
  - c. After a 10-month moratorium on VDU permits was put in place to allow a study by staff, City Council created Accessory Home Share permits April 11, 2016 (PL16-016). Council also set minimum rental period for VDUs to 2 nights for all zone districts, clarified screening requirements, and set a cap of 60 VDU permits.
  - d. In 2019 City Council provided an exemption from the cap on VDUs for properties in Form Districts (PL19-014).
  - e. In 2021 City Council amended the VDU and AHS ordinances to (PL21-136):

- i. Give the Planning Commission authority to approve VDU IUPs
- ii. Limited VDUs to 4 bedrooms per permit
- iii. Set the annual increase in the number of VDU permits to 10% of the net increase in housing units, with no more than 10 new permits per year, and set a maximum of 120 VDU permits total.
- iv. Established the Vacation Dwelling Unit, Limited, a short-term rental permit for homeowners to rent out a portion of their homes for 2-7 night stays up to 21 days per year.

f. Number of VDUs: The table at right shows the number of VDU permits in effect for each zone district. There are 68 VDU permits in Form Districts (shaded gray in the table) that are exempt from the VDU cap. There are 73 VDU permits (unshaded in the table) in MU-N, R-1, and R-2 districts that are subject to the cap on VDU permits.

| <b>Vacation Dwelling Unit (VDU)</b> |                       |  |
|-------------------------------------|-----------------------|--|
| <b>Permits by Zone District</b>     |                       |  |
| Zone District                       | Number of VDU Permits |  |
| F-1                                 | 2                     | 68 VDU Permits from Form Districts exempt from the cap |
| F-2                                 | 10                    |  |
| F-3                                 | 4                     |  |
| F-4                                 | 10                    |  |
| F-5                                 | 24                    |  |
| F-6                                 | 8                     |  |
| F-7                                 | 3                     |  |
| F-8                                 | 7                     |  |
| MU-N                                | 2                     | 73 VDU Permits subject to the cap                      |
| R-1                                 | 65                    |  |
| R-2                                 | 6                     |  |
| <b>Total</b>                        | <b>141</b>            |  |

g. Distribution of VDUs: Please see the Appendix for a map of existing permitted VDUs citywide.

3. Brief summary of Current VDU regulations: The Unified Development Chapter (UDC) establishes the parameters under which short term rentals, such as Vacation Dwelling Units (VDUs), are allowed. Current VDU rules, called Use Specific Standards, are found in the Appendix, but generally, standards include:
- a. A minimum rental period of two nights with the VDU’s maximum occupancy related to the number of bedrooms (two guests per bedroom, plus one additional person), and a maximum of 4 bedrooms allowed in a VDU.
  - b. Off street parking related to the number of bedrooms is required, except parking is not required for VDUs in Form Districts.
  - c. Screening is required to buffer neighbors from the VDUs outdoor activity areas, which must be shown on a site plan.
  - d. VDU permit holder must have a local contact within 25 miles that is capable of responding 24 hours per day and this contact info. must be provided to neighbors.
  - e. VDU permits terminate in six years or if the property is transferred.
  - f. In addition to a UDC Interim Use Permit, VDUs also need a building permit to recognize the altered use of the space. The Fire Department inspects the VDUs for safety and issues an Operational Permit. And the Treasurer collects appropriate lodging taxes from VDUs.
  - g. The State of Minnesota also inspects the facility and requires a lodging license as well.



4. Why VDUs are allowed in certain districts?

- a. When the VDU ordinance was originally established, VDUs were primarily in detached dwelling structures and so only those zone districts that primarily permitted detached dwellings were opened to VDU permits. Since detached dwellings are not allowed in more intense commercial (i.e. MU-C), industrial, and waterfront zones, VDUs were not permitted in those districts. This is to preserve sites in these high value zone districts and to minimize complaints that typically arise from locating sensitive land uses locating near uses that generate a lot of vehicle traffic and noise.
- b. With a change to the UDC in 2019 the Council expanded VDUs to be permitted in all Form Districts and it exempted VDUs in Form Districts from the cap on VDU permits.
- c. This expansion of the cap exemption was to satisfy demand for VDUs in areas of the city where noise and traffic conflicts with detached dwellings would not likely occur.
- d. Additionally, due to the abundance of vacant building space in Form Districts, conversions to VDUs would likely not displace permanent residents and the additional lodgers may benefit the surrounding tourist-oriented businesses.

5. Why exempt from the VDU cap those VDUs proposed to in a RR-1 zone near a MU-C zone?

- a. Good planning practice is to locate intense land uses adjacent to high-capacity transportation and utility areas, be they nodes or corridors. The practice is also to transition to medium and then lower intensity land uses as distance from the node or corridor increases.
  - i. Mixed Use-Commercial (MU-C) zoning is the most intense commercial-oriented zone district and is located primarily along the Central Entrance-Miller Trunk Highway corridor as well as parts of Haines Rd. between Maple Grove Rd. and Arrowhead Rd.
  - ii. There are also MU-C zones at the Spirit Valley Shopping Center and West Duluth Super One, in the vicinity of the Heritage Hockey Center-27<sup>th</sup> Ave. W. between Michigan St. and I-35, along Lower Michigan St. in Lincoln Park, and along London Rd. from 21<sup>st</sup> -26<sup>th</sup> Ave. E.
  - iii. Adjacent to these zones are Mixed Use-Neighborhood (MU-N) zones, Apartment Residential (R-2) zones, or mid-density Form Districts where lower intensity commercial uses mix with higher intensity residential uses. Beyond these zones are typically lower intensity residential zones such as Residential-Traditional (R-1).
- b. Rural Residential (RR-1) zones are typically located beyond R-1 zones, but there are places where MU-C zones abut RR-1 zones, as shown on the attached map. Below are some reasons to consider exempting RR-1 zones from the VDU cap when they are within close proximity to a MU-C zone.
  - i. Adjacent to intense land uses. MU-C zones are typically populated with uses that generate traffic and noise and so the additional intensity of a VDU may not be out of character for the adjacent RR-1 zone.
  - ii. Near transportation infrastructure. Since MU-C zones are typically near high-capacity transportation infrastructure, it may be a convenient location for VDU guests in an adjacent RR-1 district. Additionally, the guests may benefit from being

near amenities typically found in MU-C zones including retail stores, restaurants, and services.

- iii. Larger RR-1 lots allow space for buffering to adjacent permanent residences. RR-1 sites are typically larger, which allows space to buffer the potential noise and traffic generated by the VDU from adjacent residential uses.

#### 6. Why not exempt RR-1 zones from the VDU?

- a. RR-1 dwellings are typically on private septic systems and VDU guests may not be familiar with practices necessary to protect the septic system. Guests may deposit things that cannot be handled by the septic system or run too much water into the septic system at one time causing unwanted material to overflow into the leach field that is only supposed to handle liquids (hydraulic overload). The attached map shows RR-1 zoned address within 300 feet of a MU-C zone colored based on their method of wastewater treatment. Aside from the cluster of addresses in the Miller Creek Townhomes neighborhood, most addresses within 300 feet of MU-C zones are served by private septic systems.
- b. Another concern about expanding the exemption is that exceptions to the rules create complexity. People like predictability in regulations and adding another exception to the VDU cap, especially one that would apply on only part of a zone district, may cause frustration with determining eligibility. Additionally, creating this exception may cause other people interested in obtaining a VDU permit to request similar treatment.
- c. Creating the proposed cap exemption will benefit seven residential addresses and one commercial structure containing three addresses. The attached map shows RR-1 zoned addresses within 300 feet of MU-C zones. Aside from the cluster of addresses in the Miller Creek Townhomes neighborhood (whose Declaration and/or Bylaws likely prohibit owners from obtaining a VDU), there are few properties that would benefit from expanding the VDU cap exemption.

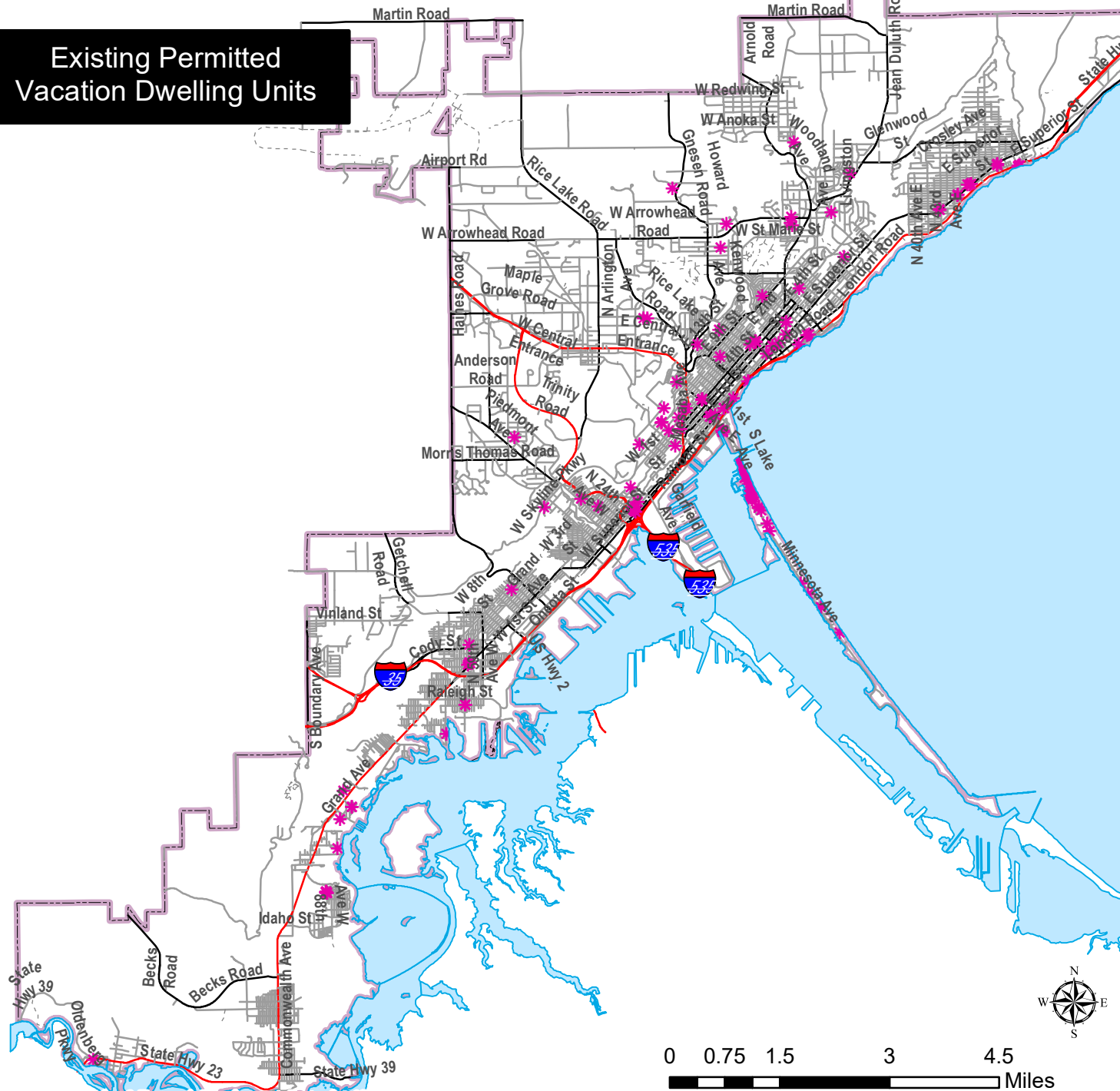
#### 7. Recommendation

- a. Make no change to the VDU cap exemption because:
  - i. The change doesn't serve an overwhelming need in the community (only 7 residences and one business would be affected), and
  - ii. Expanding the exemption to the cap will increase the likelihood of getting more requests to be exempted from the cap.
- b. If a change to the cap is desired, consider the following proposed conditions:
  - i. Limit exemption to parcels within 300 feet of an existing MU-C district.
  - ii. Before issuing the VDU Interim Use Permit, require inspection and certification that the septic system is functioning properly. Require the applicant to provide documentation of the septic system capacity and limit VDU occupancy to correspond accordingly.
  - iii. Require periodic (annual?) septic system inspection and filing of inspection results with the City.
  - iv. Require notices be posted within the VDU regarding proper usage of the septic system.

# APPENDIX



## Existing Permitted Vacation Dwelling Units



**Legend**

- \* Vacation Dwelling Unit (VDU)
- Light Blue Area Lake Superior
- Pink Dashed Line Municipal Boundary

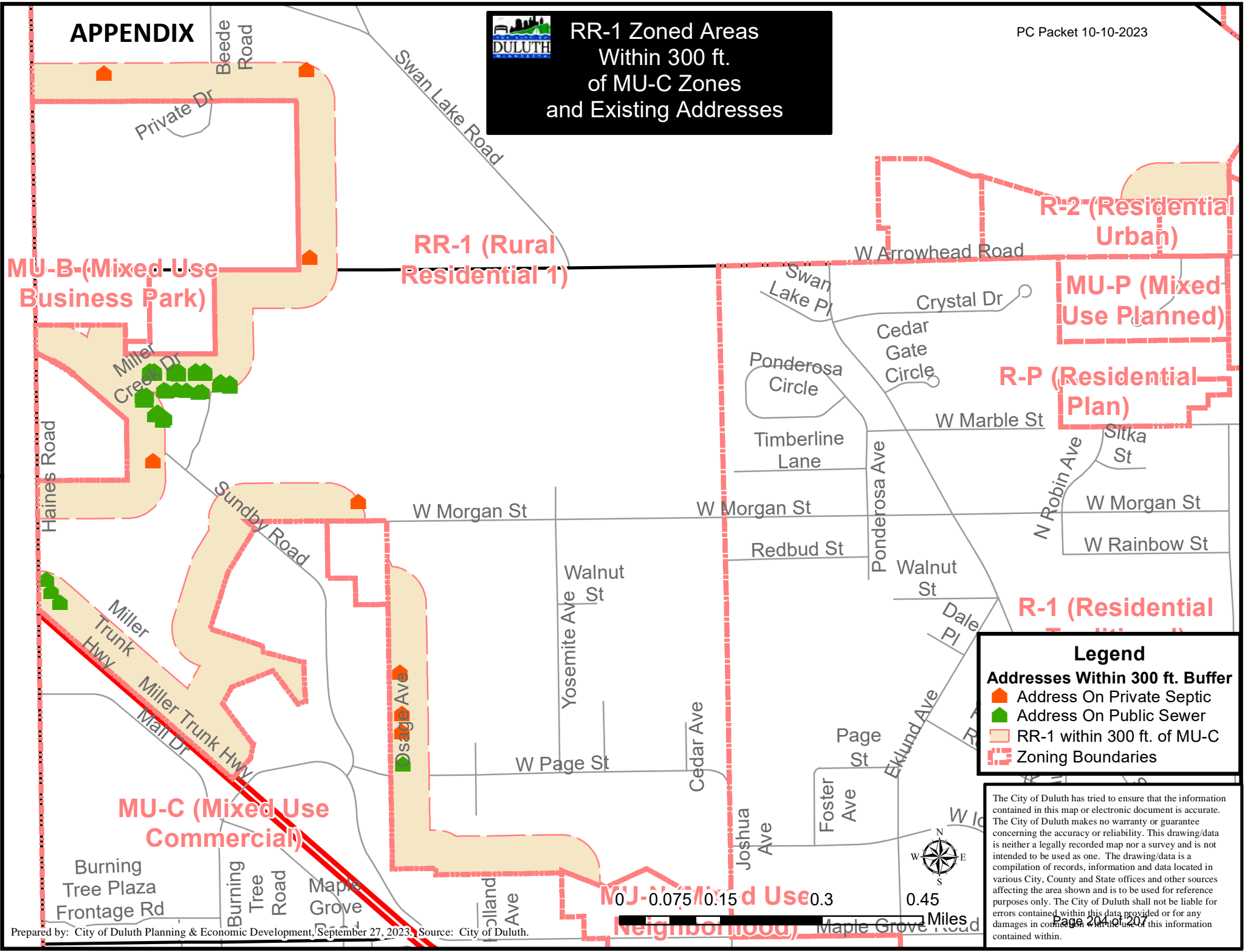
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**APPENDIX**



**RR-1 Zoned Areas  
Within 300 ft.  
of MU-C Zones  
and Existing Addresses**



**Legend**

- Addresses Within 300 ft. Buffer**
- Address On Private Septic
- Address On Public Sewer
- RR-1 within 300 ft. of MU-C
- 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.



## APPENDIX

Duluth Legislative Code: Chapter 50  
Unified Development Chapter. Selected text

ARTICLE 3: PERMITTED USES.

Section 50-20: Use Specific Standards.

### Section 50-20.3.U. Vacation dwelling unit.

1. **Rental Period.** The minimum rental period shall not be less than two consecutive nights, nor more than a maximum of 29 consecutive nights. The minimum rental period shall not apply for vacation dwelling units in form districts,
2. **Maximum Number of Persons and Bedrooms.** The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two, which shall not exceed nine. The maximum number of bedrooms that may be rented may not exceed four. Vacation dwelling units licensed before December 1, 2021, that exceeded four bedrooms are entitled to continue operating, however, this exemption expires upon transfer of any ownership interest in the permitted property.
3. **Off Street Parking.** Off street parking shall be provided at the following rate:
  - (a) Vacation dwelling units licensed on May 15, 2016, shall provide the following minimum number of off street parking spaces:
    - 1-2 bedroom unit, one space
    - 3-4 bedroom unit, two spaces
    - 5+ bedroom unit, three spaces.
  - (b) Vacation dwelling units licensed after May 15, 2016, shall provide the following minimum number of off street parking spaces:
    - 1-2 bedroom unit, one space
    - 3 bedroom unit, two spaces
    - 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.
  - (c) Vacation dwelling units licensed on May 15, 2016, are entitled to continue operating under the former off-street parking requirement. The parking exemption for vacation dwelling units licensed on May 15, 2016, expires upon transfer of any ownership interest in the permitted property.
  - (d) The minimum off-street parking requirements shall not apply for vacation dwelling units in form districts.
4. **Motorhome/ATV.** Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, off the street;
5. **Other Licenses Required.** In addition to the permit issued pursuant to this chapter, the property owner must obtain all licenses and permits from the city of Duluth and state of Minnesota required for guest occupancy on the property.
6. **Guest Records.** The property owner must provide required documents and adhere to additional requirements listed in the city of Duluth's UDC application manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures;
7. **Application Materials.** The property owner must provide a site plan, drawn to scale, showing parking and driveways, distance from lot line of proposed vacation dwelling to neighboring residential structures, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbecue grill, recreational fire, pool, hot tub, or sauna, and provide detail concerning the provision of any dense urban screen or fence that may be required to buffer these areas from adjoining properties. A dense urban screen or fence is required if the adjoining property is used as a residential use, as identified in 50-19.8. Prior to the permit being authorized, the fence or dense vegetative screen must be in place, and it must be continuously

maintained during the entire permit period. The requirement for a dense urban screen or fence may be waived if the adjoining property owner does not want it on or near their shared property line, and indicates this with a signed letter;

8. Vacation Rentals Within Multi Family Structures. Any vacation dwelling unit that will be located in a multi-family structure that has nine or more dwelling units shall:
  - (a) Make available 24-hour staffing at a front desk that is accessible to all tenants;
  - (b) If determined applicable by the Land Use Supervisor, provide a letter from a duly established Home Owner's Association stating the support of the Home Owner's Association Board of Directors for the vacation dwelling unit, and enumerating any Home Owner's Association rules to be incorporated into the interim use permit;
9. Termination. The interim use permit shall terminate upon change in ownership of the property or in six years after the date of issuance, whichever occurs first. Upon permit termination, property owner may reapply. The permit is only valid for the property and applicant or property owner that it was initially issued to and the permit shall not be transferred to a new applicant or property owner, or to a new property or different address.
10. Maximum Number of Vacation Dwelling Units. No more than 60 permits may be issued for either vacation dwelling units or accessory vacation dwelling units, excepting that the maximum number of permits that may be issued shall increase by 10 percent of the net increase in housing units constructed and issued certificates of occupancy in the city in the previous year, or no more than ten (10) new vacation dwelling units per year, whichever is less, provided that the total number of vacation dwelling units authorized shall not exceed 120 units. Permits for vacation dwelling units within Form Districts (F1-F9) are exempt from the maximum number of permits that may be issued.
11. Nuisance Reduction. The vacation dwelling permit holder shall ensure that all requirements for waste removal services and prohibitions on burning of trash is strictly adhered to by occupants of the vacation dwelling. The permit holder must designate in writing a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24-hours-a-day to any complaints from neighbors or the City. The permit holder must notify the city within 10 days of a change in the managing agent or local contact's contact information. The permit holder shall notify by letter all property owners within 100' of the property boundaries of the name, address, and phone number of the managing agent or local contact named above and provide the city with a copy of the letter. The permit holder must notify said property owners within 10 days of a change in the managing agent or local contact's contact information.
12. Advertisement. The permit holder must include the permit number on all print, poster or web advertisements.

## ARTICLE 5: ADMINISTRATION AND PROCEDURES.

### Section 50-39: Enforcement and Penalties.

#### Section 50-39.1.A. Violations defined.

It shall be a violation of this Chapter, and a public nuisance, to do any of the following:

12. Violations related to vacation dwelling units, accessory vacation dwelling units or accessory home shares.
 

To use any lot, structure, dwelling or dwelling unit as a vacation dwelling unit, accessory vacation dwelling unit, or accessory home share without the approvals or permits required by this chapter, in violation of the provisions of this chapter, or in violation of any other applicable provisions of city code;

#### Section 50-39.2.C. Enforcement tools.

The city may use any of the following tools and powers to enforce this Chapter, in any order, and the use of one tool or power shall not restrict the city from using an additional tool or power to remedy the same violation.

3. Enforcement of Vacation Dwelling Unit, Accessory Vacation Dwelling Unit, Accessory Vacation Dwelling Unit, Limited, or Accessory Home Share Violations
- (a) If the city determines that a vacation dwelling unit, accessory vacation dwelling unit, accessory vacation dwelling unit, limited, or accessory home share is a public nuisance, operating without approvals or permits required by this Chapter, or operating in violation of this Chapter or any other applicable provisions of city code, the city shall notify the holder of the interim use permit, accessory vacation dwelling unit, limited, or home share permit in writing and order the correction of the violation in accordance with this Section;
  - (b) Any vacation dwelling unit, accessory vacation dwelling unit, accessory vacation dwelling unit, limited, or home share permit issued pursuant to this chapter may be suspended for up to six (6) months or revoked by the city for good cause. If the city intends to suspend or revoke a permit, the land use supervisor shall issue written notice of such intent to the permit holder at least twenty-one (21) days before such suspension or revocation is set to begin. The permit holder may then demand a hearing before the land use supervisor. Such demand shall be made in writing to the land use supervisor within ten (10) days following issuance of the notice;
  - (c) For purposes of this section, "good cause" shall include, but not be limited to:
    - (i) failure to remedy a violation noted pursuant to 50-39.2.C.1;
    - (ii) issuance of three or more violation notices under section 50-39.2.C.1 within a single permit cycle;
    - (iii) the occurrence of one or more nuisance events as defined in Duluth City Code § 40-10;
    - (iv) use or operation of the dwelling unit or home share in a manner that imperils public health, safety or welfare, including, but not limited to, violation of this Chapter or any other provision of local, state, or federal law intended to protect the occupants of the dwelling or the surrounding neighborhood and community;
  - (d) Any permit holder whose license is suspended or revoked by the land use supervisor may appeal the final suspension or revocation to the Planning Commission in accordance with 50-37.1.O.