



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Meeting Agenda

### Planning Commission.

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Tuesday, February 9, 2021

5:00 PM

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

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

#### Call to Order and Roll Call

#### Public Comment on Items Not on Agenda

#### Approval of Planning Commission Minutes

[PL 21-0112](#) Minutes 1/12/21

**Attachments:** [01-12-21 PC Minutes \(not approved yet\) \(1\) \(1\)](#)

#### Consent Agenda

[PL 21-008](#) Review of 319-323 East Superior Street Redevelopment Draft EAW

**Attachments:** [PL 21-008 Staff Memo and Attachments](#)

[PL 20-188](#) Vacation of Swenson Avenue at 330 S 88th Avenue W by Jason Lindelof

**Attachments:** [PL 20-188 Staff Report and Attachments](#)

[PL 21-003](#) Variance from Flood Fringe Requirements at 827 S Lake Avenue by Lorien and Gregg Mueller

**Attachments:** [PL 21-003 Staff Report and Attachments](#)

[PL 21-006](#) Concurrent Use of Streets for Foundation, Canopies, and Balconies of Lincoln Flats at 2102 W Superior Street by Duluth Lincoln Park1, LLC

**Attachments:** [PL 21-006 Staff Report and Attachments](#)

#### Public Hearings

[PL 21-001](#) Planning Review for a Medical Clinic (Ambulatory Surgical Center) at Miller Hill Mall, 1600 Miller Trunk Highway, by Essentia Health

**Attachments:** [PL 21-001 Staff Report and Attachments](#)

[PL 21-002](#) Planning Review for Building Addition at 103 W Central Entrance by O'Reilly Auto Enterprises, Inc.

**Attachments:** [PL 21-002 Staff Report with attachments](#)

[PL 21-004](#) Proposed UDC Text Changes Related to Sober Houses and Signage Including Signage at Bus Shelters

**Attachments:** [PL 21-004 Staff Report and Attachments Revised](#)

### Communications

[PL 21-LUS02](#) Land Use Supervisor Report

**Attachments:** [2021 - February LUS Update](#)

- Historic Preservation Commission Report
- Joint Airport Zoning Board Report
- Duluth Midway Joint Powers Zoning Board Report

### Recess to Annual Meeting

- Election of Officers
- Review of Bylaws

NOTICE: The Duluth Planning Commission will be holding its February 9, 2021 Special Meeting by other electronic means pursuant to Minnesota Statutes Section 13D.021 in response to the COVID-19 emergency. Some members of the Commission will be participating through video conference. Due to the COVID-19 emergency and the closure of City facilities, public comment will not be taken in person. However, members of the public can monitor the meeting and provide public comment on agenda items through WebEx Events. Visit <https://duluthmn.gov/live-meeting> to access the meeting. The public is also encouraged to submit written comment to [planning@duluthmn.gov](mailto:planning@duluthmn.gov) prior to the meeting. Please include "Planning Commission Agenda" in the subject line, and include your name and address and the agenda item you are speaking to. Please note that all public comment is considered Public Data. The public is also encouraged to watch the meeting by tuning into Public Access Television, Channel 180.

# City of Duluth Planning Commission

January 12, 2021  
Meeting Minutes

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

## **Call to Order**

President Margie Nelson called to order the meeting of the city planning commission at 5:02 p.m. on Tuesday, January 12th, 2021.

## **Roll Call**

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

Members Present: Jason Crawford\*, Gary Eckenberg\* (entered meeting after the consent agenda items), Tim Meyer\* (entered meeting after the approval of minutes), Margie Nelson\*, Eddie Ratnam\*, Michael Schaefer\*, Andrea Wedul\*, Sarah Wisdorf\*, and Zandra Zwiebel\*

Member Absent: N/A

Staff Present: Adam Fulton\*, Robert Asleson\*, Steven Robertson\*, Kyle Deming\*, John Kelley\*, and Cindy Stafford\*

**Public Comment on Items Not on Agenda** - No speakers.

## **Approval of Planning Commission Minutes**

Planning Commission Meeting – December 8, 2020

**MOTION/Second:** Zwiebel/Wedul approved

**VOTE: (7-0)**

Commissioners Michael Schaefer and Sarah Wisdorf recused themselves from the consent agenda items due to a financial conflict of interest.

## **Consent Agenda**

PL 20-185 Variance to Side and Front Yard Setbacks to Match the Existing Foundation at 2001 W 8<sup>th</sup> Street by Kurt Herke

PL 20-189 Interim Use Permit for a Vacation Dwelling Unit at 7 N 19<sup>th</sup> Ave W, Unit 1 by Newcastle 8, LLC

PL 20-190 Interim Use Permit for a Vacation Dwelling Unit at 7 N 19<sup>th</sup> Ave W, Unit 2 by

Newcastle 8, LLC

PL 20-191 Interim Use Permit for a Vacation Dwelling Unit at 7 N 19<sup>th</sup> Ave W, Unit 3 by Newcastle 8, LLC

PL 20-192 Interim Use Permit for a Vacation Dwelling Unit at 7 N 19<sup>th</sup> Ave W, Unit 4 by Newcastle 8, LLC

**Public:** No speakers.

**Commissioners:** Zandra Zwiebel asked if each of the Interim Use Permits count towards the city's 60 cap limit. John Kelley stated they aren't part of the cap, since they are located in a form district, which is exempt.

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

**VOTE: (6-0-2 abstained - Schraepfer and Wisdorf)**

### Public Hearings

PL 20-194 Variance to Off-Street Parking Requirements at 310 N 9<sup>th</sup> Ave E by Beverly Ricker

**Staff:** Kyle Deming introduced the applicant's proposal to convert an existing structure to a duplex while providing zero of the required one off-street parking spaces. The applicant reports that the manager of the property to the rear of her property has given verbal permission for them to use the space for parking two vehicles by the storage of trash/recycling bins. This agreement has been in place for the four years the applicant has owned the property without problems. The applicant has attempted to acquire land to the rear of her property for off-street parking spaces, but reports that after trying through a real-estate agent for six weeks, the landowner has refused to communicate with them about a potential property purchase or lease. Duluth Life Safety office will process the applicant's rental license application if the variance is approved. Staff recommends approval with the conditions listed in the staff report.

**Applicant:** Beverly Ricker not in attendance

**Public:** No speakers.

**Commissioners:** Zwiebel asked if the applicant will continue her efforts to try to purchase the land from the adjacent property owner. Deming noted previous communication efforts resulted in a dead-end, and he is unsure if the owner will continue to try. Andrea Wedul confirmed the variance would be reducing the number of parking space from 1 to zero. Deming affirmed and also noted they are not allowed to expand the structure. Sarah Wisdorf asked why this is a planning commission issue. Deputy Director Fulton noted it is not a licensed rental, so it needs to be brought before the planning commission as use issue. Gary Eckenberg asked if the applicant was invited to attend the planning commission meeting. Deming answered yes. Eckenberg would have liked to see the applicant in attendance, and will be voting against this item based on that issue.

**MOTION/Second:** Wedul/Wisdorf approved as per staff recommendations

**VOTE: (8-1, Eckenberg Opposed)**

### Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton gave an overview. He welcomed city attorney, Rebecca St. George, and city councilors, Van Nett, Randorf, and Filipovich who will be in attendance for the work session on pending UDC text changes following the planning commission meeting. Staff is working with the Enger Park Golf Course developer, and public



meetings will be scheduled. The city is not proceeding with the Lester Golf Course site. Zwiebel asked about Central High School. Deputy Director Fulton hoped to have an update soon, and will email commissioners. Historical Central is still in project development stage and may not come back to the planning commission because it is in a Form District. It is fairly likely a business subsidy will be applied for related to its redevelopment, but they have not applied yet. Top of the Hill Central – There have been preliminary discussions, and staff would like to assist the school district in proceeding with its plans for the site. There may be some zoning aspects which the planning commission will need to evaluate. Zwiebel asked about the Kenwood/Arrowhead site tree situation. Deputy Director Fulton noted grading took place by the owner at the site. The developer constructed a berm and plans to plant trees on top of the berm to shield the neighbors from the Plaza shopping center. The developer is working on plans, and it is a work in progress. They will continue to seek to address neighbors' concerns. Gary Eckenberg asked about the administrative citation given to the Cody Street property owner. Deputy Director Fulton shared it is a city charter requirement for personal delivery of the ticket. They are working with the police to help with delivery. Wedul noted the Stocke Development on East London Road and 36<sup>th</sup> Avenue East, and asked about tree removal. Deputy Director noted development is under way and there have been notable trees removed. New trees will be planted and construction is slated to begin in March or April. A vegetative buffer will be added.

Heritage Preservation Commission – Commissioner Wisdorf gave an overview. They are getting close to finalizing the Marten Trail Plan. This will be a good educational opportunity for the community. The HPC is looking forward to Adam Fulton and Jason Hale's presentation to them at their next meeting regarding Old Central High School.

Joint Airport Zoning Board – No report.

Duluth Midway Joint Powers Zoning Board – No report.

### **Adjournment**

Meeting adjourned at 5:44 p.m.

Respectfully,

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Adam Fulton – Deputy Director  
Planning and Economic Development

### **Work Session on Pending UDC Text Changes**

Senior Planner Steven Robertson gave a brief presentation about several proposed zoning ordinance text changes: vacation rental dwelling units, sober house regulations, self-storage and mini-storage, and signage related to mass transit bus shelters. Deputy Director Fulton noted that some of these topics, specifically sober house rules and to a lesser degree vacation dwelling units, were discussed earlier last year, but more direct action had been delayed due to the challenges of holding public hearings and information meetings during COVID.

Robertson shared some of the recent ordinance and actions on vacation dwellings. Commissioner Eckenberg stated that the planning commission already submitted their recommendation to the city council, adding that maybe the next step should involve more direction from the city council as opposed to the planning commission trying to guess at what the city council would like to see. Commissioner Schraepfer added that with the new construction code rules for vacation dwellings, a lot of people have been pushed out of the market due to the high cost of making their homes handicap accessible. Deputy Director Fulton added that a recent vacation dwelling application that the planning commissioners saw involved the applicant spending a lot of funds to upgrade their structure and driveway to meet the new ADA rules, and as a consequence there is pressure to increase density to help defray the construction costs. Commissioner Schraepfer added that there is very limited exception to the construction code, other than for accessory homes shares. Commissioner Meyer stated that he believed that a hard cap on the number of vacation dwelling units is superfluous, and that if we removed a cap the free market would do a better job of deciding what the right number is, and added that we should focus attention on ensuring that the existing vacation dwellings are done right, and not worry about how many exist in Duluth. Commissioner Wedul stated if the city council wants a perspective and clear answer from the planning commission on what the right number is, that number should probably come from them as they may have a better idea of what they, or their constituents, want to see. Commissioner Zwiebel noted that accessory home shares are not capped, and issuing new accessory home shares does not impact or take away from the maximum number of on vacation dwelling units. Commissioner Wisdorf noted that the new construction costs for ADA compliance is a challenge for people that want to enter the market.

City Councilor Roz Randorf thanked the planning commissioners for their work, and stated that she has appreciated their work in the past and respect their recommendations. She added that concerns for affordable housing plays a part in the overall discussion in vacation dwellings, and that there is a concern that too many vacation dwellings can take away housing that would have otherwise gone to a family that needed affordable housing. City Councilor Zack Flipovich also thanked the planning commissioners for their work on this project, and has recalled that this has been a major topic since at least 2016. He added that he wanted to make sure that the added construction costs for ADA compliance is a statewide mandate, not a specific City of Duluth requirement. He concluded that thinks vacation dwellings can be a great tool for some homeowners to make occasional revenue on their homes, but understands that there can be concern about the full-time commercial vacation rentals that remove housing stock from the housing market.

President Nelson stated that she felt that there was good dialogue, but at this point the conversation probably has concluded and we are not going to add any more meaningful items to the conversation tonight. She added that it would be helpful if in the future staff would provide the planning commissioners with a summary of code changes, a list of suggested changes, and an idea of how those various code changes could possibly impact the city and the housing market. Commissioner Zwiebel stated that she would like more information on the ADA compliance costs that some people are seeing. Deputy Director Fulton stated that they can ask for some of that information from the City of Duluth Construction Services Department. Commissioner Schraepfer stated that he understands the fear about the impact of vacation dwellings on the housing market, but he feels that the actual impact is very small as most of the vacation dwelling units are larger or more expensive homes that would not be available as real affordable housing. City Councilor Flipovich added that he does have a concern about the

impact on affordable housing, but he would like to see more data and information on the topic instead of having to rely upon anecdotal information.

Roberson discussed the sober house rule change, adding that there has been requests from staff and citizens on more clarity for this item. He continued by saying that staff would like to reintroduce the language that was presented last year for planning commission consideration.

Robertson discussed the idea of amending the code to allow more flexibility in the locating of new storage facilities in commercial areas. He added that with some of the challenges we are seeing with undeveloped areas zoned MU-C, and big box retail stores becoming vacant, the city may want to consider allowing storage facilities in areas that the city resisted in the past. Robertson added that staff are suggesting design standards (such as window transparency and active space), which would allow for more interesting and functional designs than what we would have seen in the past.

Robertson discussed the general idea of allowing limited off-site commercial advertising on bus shelters. The flexibility for advertising would be tied to bus shelters that are covered by a master concurrent use permit. Phil Pumphrey, General Manager of the Duluth Transit Association, expressed an interest and support for flexibility for signage at DTA transit shelters, stating that the additional revenue will allow them to better maintain shelters for their transit users.

A copy of the meeting video-recording is available upon request.





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

218-730-5580  
 planning@duluthmn.gov

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

## MEMORANDUM

**DATE:** February 2, 2021 (Groundhog Day)  
**TO:** Planning Commission  
**FROM:** Steven Robertson, Senior Planner  
**RE:** Review of Environmental Assessment Worksheet for 319-333 East Superior Street (PL 20-008)

The purpose of this memo is to introduce the project and explain the process for review of the 319-333 East Superior Street Project Environmental Assessment Worksheet (EAW). The draft EAW has been placed on the City's web page. Additional paper copies are available to review; if interested please contact Cindy Stafford at 218-730-5580 or [planning@duluthmn.gov](mailto:planning@duluthmn.gov).

### ***What is the project for which this environmental review is being conducted?***

The project involves the demolition of three buildings in downtown Duluth at the southwest corner of Superior St E and N 4th Ave E that will be replaced by a 15-story mixed-use complex. The complex will house retail space on the first and second floors and 200 apartments including three townhome units. The new facility will provide parking for the three townhome units and a loading zone. The site is within the Duluth Commercial Historic District and two of the buildings are contributing structures in the district.

### ***What is the purpose of the environmental review process?***

The Minnesota Environmental Policy Act of 1973 established a formal process for reviewing the environmental impacts of major development projects. The purpose of the review is to provide information to units of government on the environmental impacts of a project before approvals or necessary permits are issued. After projects are completed, unanticipated environmental consequences can be very costly to undo, and environmentally sensitive areas can be impossible to restore. Environmental review creates the opportunity to anticipate and correct these problems before projects are built. The process operates according to rules (legally binding regulations) adopted by the EQB,<sup>1</sup> but it is carried out by a local governmental unit or state agency (which is termed the RGU, for Responsible Governmental Unit). The Duluth City Planning Commission is the RGU for the City of Duluth. The primary role of the EQB is to advise local units and state agencies on the proper procedures for environmental review.

### ***What is an Environmental Assessment Worksheet (EAW)?***

An EAW is a document designed to provide a brief analysis and overview of the potential environmental impacts for a specific project and to help the RGU determine whether an Environmental Impact Statement (EIS) is necessary. The EAW consists of a standard list of 31 questions and is meant to set out the basic facts of the project's environmental impacts. The EAW is not meant to approve or disapprove a project, but is simply a source of information to guide other approvals and permitting decisions. The

<sup>1</sup> EQB rule provisions can be found in Chapter 4410, Environmental Review, parts 4410.1000 to 4410.1700.

information in the EAW process has two functions: to determine whether an EIS is needed, and to indicate how the project can be modified to lessen its environmental impacts; such modifications may be imposed as permit conditions by regulatory agencies.

***What is an Environmental Impact Statement (EIS)?***

An EIS is a more detailed analysis of environmental effects. It can frequently take as long as one year for a project to complete the entire EIS process. Unlike the EAW, the EIS does not have a questionnaire type format. Instead, the focus is on the key environmental, social and economic issues that are likely to result from the project, and a detailed analysis of those issues. The EIS also examines whether there are alternative project designs or locations that would result in fewer environmental impacts.

***What action is the Planning Commission being asked to take at the February 9 Planning Commission meeting?***

The commission needs to consider whether or not the EAW document adequately addresses the questions and is ready for distribution to the public and the EQB official list. This is an important consideration because the EAW document contains the information the commission will need to make its decision on the need for an EIS at the end of the 30-day comment period. Note that the Heritage Preservation Commission has also received this information, and has been asked to comment at their February 8, 2021, meeting.

***What is the timeline for review of this EAW?***

<b>February 9, 2021</b>	Planning Commission review of EAW for completeness
February 16, 2021	EAW distributed to EQB's official list; press release issued
February 23, 2021	Notice published in the EQB Monitor; 30-day comment period starts
<b>March 9, 2021</b>	Planning Commission meeting – opportunity for oral comments
March 25, 2021	30-day comment period ends
<b>April 13, 2021</b>	Planning Commission meeting – review responses to comments and make a decision on the need for an EIS (Note April 13, 2021 is the regular Planning Commission meeting for April, but the Planning Commission could choose to hold a special meeting earlier in April)

Anyone who wishes may review and comment on the EAW during the comment period. Oral comments from the public may be provided at the March 9, 2021 Planning Commission meeting; all other comments must be submitted in writing within the 30 days ending 4:30 p.m., March 25, 2021. The rules suggest that comments address: the accuracy and completeness of the information, potential impacts that may warrant further investigation before the project is commenced and the need for an EIS on the project. All substantive comments received during the comment period must be given a written response by the RGU. At the close of the comment period, the RGU must make a decision on the need for an EIS between three working days and 30 days after the comment period ends.

***What information does the RGU need to take into account when reviewing the EAW and making a decision on the need for an EIS?***

The purpose of the EAW, comments and comment responses is to provide the record on which the RGU can base a decision about whether an EIS needs to be prepared for a project. EIS need is described in the rules: "An EIS shall be ordered for projects that have the potential for significant environmental effects" (part 4410.1700, subpart 1). In deciding whether a project has the potential for significant environmental effects, the RGU "shall compare the impacts that may reasonably be expected to occur from the project with the criteria in this rule," considering the following factors (part 4410.1700, subparts 6 and 7):

- A. Type, extent, and reversibility of environmental effects;
- B. Cumulative potential effects of related or anticipated future projects;
- C. The extent to which environmental effects are subject to mitigation by ongoing public regulatory authority; and
- D. The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other Environmental Impact Statements.

The RGU is obligated to examine the facts, consider the criteria and draw its own conclusions about the significance of potential environmental effects, and it is the purpose of the record of decision to document that the RGU fulfilled this obligation. Among the four criteria, the first and third are usually the most relevant. The first deals with the nature and significance of the environmental effects that will or could result from the project. It relies directly on the EAW information and may be augmented by information from the comments and responses. The third criterion is frequently the main justification for why an EIS is not required. Projects often have impacts that could be significant if not for permit conditions and other aspects of public regulatory authority. However, the RGU must be careful to rely on ongoing public regulatory authority to prevent environmental impacts only where it is reasonable to conclude that such authority will adequately handle the potential problem.

***Can the RGU's decision be appealed?***

The decision of the RGU to prepare or not prepare an EIS can be appealed in the county district court where the project would take place. The appeal must be filed within 30 days of the date on which the RGU makes its decision. There is no administrative appeal of an RGU; the EQB has no jurisdiction to review an RGU's decision.



# ENVIRONMENTAL ASSESSMENT WORKSHEET

319-333 E Superior St, Duluth MN

Duluth, MN 55060

February 1, 2021

Proposer:  
Northstar Development Interests, LLC  
*Gregg Johnson*

RGU:  
City of Duluth  
411 W 1<sup>st</sup> St  
Duluth, MN 55802

WSB PROJECT NO. 017127-000





July 2013 version

# ENVIRONMENTAL ASSESSMENT WORKSHEET

This Environmental Assessment Worksheet (EAW) form and EAW Guidelines are available at the Environmental Quality Board's website at:

<http://www.eqb.state.mn.us/EnvRevGuidanceDocuments.htm>. The EAW form provides information about a project that may have the potential for significant environmental effects. The EAW Guidelines provide additional detail and resources for completing the EAW form.

**Cumulative potential effects** can either be addressed under each applicable EAW Item, or can be addresses collectively under EAW Item 19.

**Note to reviewers:** Comments must be submitted to the RGU during the 30-day comment period following notice of the EAW in the *EQB Monitor*. Comments should address the accuracy and completeness of information, potential impacts that warrant further investigation and the need for an EIS.

1. **Project title:** 319 - 333 E Superior St, Duluth MN

2. **Proposer:** Northstar Development Interests, LLC

**Contact person:** Gregg Johnson

**Title:** Project Developer

**Address:**

**City, State, ZIP:**

**Phone:**

**Fax:**

**Email:** johnsong@landmarkcompany.com

3. **RGU:** City of Duluth

**Contact person:** Adam Fulton

**Title:** Deputy Director

**Address:** 411 W 1<sup>st</sup> St

**City, State, ZIP:** Duluth, MN 55802

**Phone:** 218-730-5580

**Fax:**

**Email:** planning@duluthmn.gov

4. **Reason for EAW Preparation:** (check one)

Required:

EIS Scoping

**Mandatory EAW**

Discretionary:

Citizen petition

RGU discretion

Proposer initiated

**If EAW or EIS is mandatory give EQB rule category subpart number(s) and name(s):**

4410.4300 Mandatory EAW Category, Subpart 31: Historical Places

5. **Project Location**

**County:** St. Louis

**City/Township:** Duluth

**PLS Location (1/4, 1/4, Section, Township, Range):** S27 T50 R14

**Watershed (81 major watershed scale):** Lake Superior - South

**GPS Coordinates:** 46.79085, -92.09384

**Tax Parcel Numbers:** 010-3830-00170, 010-3830-00180, 010-3830-00190, 010-3830-00200

**At a minimum attach each of the following to the EAW:**

- County map showing the general location of the project;
- U.S. Geological Survey 7.5 minute, 1:24,000 scale map indicating project boundaries (photocopy acceptable); and
- Site plans showing all significant project and natural features. Pre-construction site plan and post-construction site plan.

**Figures – Appendix A:**

Figure 1: Project location

Figure 2: Site topography

Figure 3: Existing conditions

Figure 4: Proposed conditions

Figure 5: Cover types

Figure 6: Land Use

Figure 7: Current zoning

Figure 8: Surface geology

Figure 9: Bedrock geology

Figure 10: Soils

Figure 11: Surface waters

Figure 12: Wells

Figure 13: Environmental hazards

## 6. Project Description:

- a. Provide the brief project summary to be published in the *EQB Monitor*, (approximately 50 words).

The project involves the demolition of three buildings in downtown Duluth at the southwest corner of Superior St E and N 4<sup>th</sup> Ave E that will be replaced by a 15-story mixed-use complex. The complex will house retail space on the first and second floors and 200 apartments including three townhome units. The new facility will provide parking for the three townhome units and a loading zone. Additional parking spaces have been secured in a parking ramp on an adjoining property.

- b. Give a complete description of the proposed project and related new construction, including infrastructure needs. If the project is an expansion include a description of the existing facility. Emphasize: 1) construction, operation methods and features that will cause physical manipulation of the environment or will produce wastes, 2) modifications to existing equipment or industrial processes, 3) significant demolition, removal or remodeling of existing structures, and 4) timing and duration of construction activities.

Northstar Development Interests, LLC proposes to construct a 15-story mixed use building in a highly urbanized area of downtown Duluth (**Figure 1**). The proposed building will be a mix of retail and residential housing that includes 200 apartment units and 20,000 square feet of commercial space (**Appendix B**). The first and second floor of the building will house retail space while the second floor will also contain an open-air common area for the building residents. Three of the units will be townhomes and have associated parking spaces attached on the northwest side of the building facing the alleyway and additional spaces have been secured in a parking ramp on an adjoining property. A loading facility is also included in the plans on the northwest side of the building. The project will connect to the existing city sewer and water system that serves the current site.

The project involves the demolition of three buildings at the southwest corner of Superior St E and N 4<sup>th</sup> Ave E that will be replaced by the mixed-use complex (**Figure 4**). Currently, the site consists of a hotel and two buildings historically used for retail space. Of the three structures on site, two buildings are currently vacant and have some fire damage due to unauthorized use while the third building is a 42 unit and three-story hotel, currently in operation. The fourth parcel is an empty lot that historically housed a small commercial building. These buildings will be demolished, and waste will be produced that is taken off site and disposed of following all laws and regulations.

The site is within the Duluth Commercial Historic District and two of the buildings are contributing structures in the district. These buildings are currently vacant and have been impacted by vandalism in recent years. Incorporation or reuse of the existing structures is not practical. The demolition of these buildings may be accompanied by mitigation measures such as recordation following the Minnesota Historic Property Record (MHPR) guidelines for Level II documentation, interpretive signage acknowledging the non-extant properties, and/or salvage of historic components prior to or during demolition.

The Voyager Inn property is listed on the Minnesota Pollution Control Agency’s “What’s in My Neighborhood” Petroleum remediation, leak site; Underground tanks. The excavated material has the potential to contain hazardous material due to this historic leak site on the property. A Response Action Plan (RAP) and/or Construction Contingency Plan (CCP) will be developed for the proper management of contamination and/or regulated materials encountered during reconstruction. If contaminated materials are encountered during excavation, construction activities will cease and the CCP must be implemented.

An asbestos survey has been completed on all three buildings and has found that asbestos containing material is present on-site. This finding requires a Response Action Plan (RAP) that will be followed for the proper management of this material upon demolition and disposal. After demolition, the existing footprint will require minor excavation to prepare the site for the construction of the 15-story building.

The demolition, site preparation, and construction are anticipated to start in the fall of 2021, after all approvals are in place.

**c. Project magnitude:**

**Table 1: Project Magnitude.**

<b>Total Project Acreage</b>	0.5 acres
<b>Linear project length</b>	NA
<b>Number and type of residential units</b>	200 unit - apartments
<b>Commercial building area (in square feet)</b>	20,000
<b>Industrial building area (in square feet)</b>	NA
<b>Institutional building area (in square feet)</b>	NA
<b>Other uses – specify (in square feet)</b>	NA
<b>Structure height(s)</b>	15 story

**d. Explain the project purpose; if the project will be carried out by a governmental unit, explain the need for the project and identify its beneficiaries.**

The purpose of this proposed development by Northstar Development Interests, LLC is to provide additional housing and retail options in downtown Duluth, MN.

**e. Are future stages of this development including development on any other property planned or likely to happen?  Yes  No**  
**If yes, briefly describe future stages, relationship to present project, timeline and plans for environmental review.**

**f. Is this project a subsequent stage of an earlier project?  Yes  No**  
**If yes, briefly describe the past development, timeline and any past environmental review.**

7. **Cover types:** Estimate the acreage of the site with each of the following cover types before and after development:

**Table 2: Cover Types.**

Cover Type	Before	After	Cover Type	Before	After
Wetlands	0	0	Lawn/landscaping	0.08	0
Deep water/streams	0	0	Impervious surface	0.42	0.40
Wooded/forest	0	0	Stormwater Pond	0	0
Brush/Grassland	0	0	Other (describe)	0	0.10
Cropland	0	0			
			<b>TOTAL</b>	<b>0.50</b>	<b>0.50</b>

Current conditions cover type on site is mostly impervious with one lot of lawn/landscaping (**Figure 5**). The entire site will be developed into a single building footprint with an open-air common space in the center of the building on second floor. This open space will contain an atrium including few trees and is listed as “Other” cover type. The location of the open-air landscaped area makes it inaccessible to the public and drainage will be directed to city sewer similarly to a rooftop.

8. **Permits and approvals required:** List all known local, state and federal permits, approvals, certifications and financial assistance for the project. Include modifications of any existing permits, governmental review of plans and all direct and indirect forms of public financial assistance including bond guarantees, Tax Increment Financing and infrastructure. *All of these final decisions are prohibited until all appropriate environmental review has been completed. See Minnesota Rules, Chapter 4410.3100.*

**Table 3: Permits and Approvals Required.**

Unit of Government	Type of Application	Status
<b>State</b>		
Pollution Control Agency	NPDES/SDS Construction Stormwater Permit	To be obtained
	Section 401 Certification	To be obtained, if needed
	Pre-demolition checklist and notification	To be completed
	Response Action Plan	To be obtained
	Sanitary Sewer Extension	To be obtained, if needed
Department of Health	Watermain Extension Plan Review	To be obtained, if needed
<b>Local</b>		
City of Duluth	Right of way permit	To be obtained
	Zoning approvals	To be obtained
	NPDES Excavation/sewer/backfill/utility connection permit	To be obtained
	Building Permit	To be obtained

Unit of Government	Type of Application	Status
	Demolition Permit	To be obtained
	Erosion and sediment control permit (ESCP)	To be obtained
	Shoreland Permit	To be obtained

**Cumulative potential effects may be considered and addressed in response to individual EAW Item Nos. 9-18, or the RGU can address all cumulative potential effects in response to EAW Item No. 19. If addressing cumulative effect under individual items, make sure to include information requested in EAW Item No. 19**

**9. Land use:**

**a. Describe:**

- i. Existing land use of the site as well as areas adjacent to and near the site, including parks, trails, prime or unique farmlands.**

Existing land use on and near the site is highly developed with commercial and residential properties in downtown Duluth (**Figure 6**). The project site is mostly impervious as it is developed with buildings and parking lot. The unoccupied lot was previously developed, and compacted fill material does not provide infiltration on-site. Few scrub trees and manicured lawn are present on-site but do not provide natural habitat. The proposed project will not change the land use of the site in regard to impervious surface or natural habitat.

The properties adjacent to the northeast and northwest of the project site are developed into a hospital and a parking lot. The properties to the southeast and southwest are developed into hotel and commercial and retail space. The hotel directly adjacent to the site to the southwest is the same building type as the proposed mixed-use complex. Interstate 35W is southeast of the project site followed by the Lakewalk Trail and Lake Superior. Lake Superior is less than 1,000 feet from the project site.

The property to be redeveloped is in the Duluth Commercial Historic District according to the national registrar. Two of the buildings currently on-site, the Hacienda del Sol, and Duluth Oriental Grocery are contributing features to the historic district. The third building onsite, The Voyager Inn, was built in 1959 and is not included as a contributing structure as its date of construction falls outside the period of significance. Surrounding properties are a mix of new and old construction including the site adjoining the property to the southwest being an 11-story hotel and condominium complex that was built in 2006 (**Figure 3**).

Cascade Park, and Lilliput Park are City parks less than 0.5 miles from the project site and access to the Lakewalk Trail is one block to the northeast. There are no prime or unique farmlands adjacent to or near the project site. The project is not expected to impact these nearby features.

- ii. Plans. Describe planned land use as identified in comprehensive plan (if available) and any other applicable plan for land use, water, or resources management by a local, regional, state, or federal agency.**

The City of Duluth made updates to its Comprehensive Plan in 2018. This document, *Imagine Duluth 2035*, details a vision for growth and development over the next 20 years.

The project site is located in the Central Business District in Duluth. The area is defined in the City's Comprehensive Plan current and future land use as encompassing a broad range of uses and intensities including governmental campus, significant retail, entertainment and lodging, opportunities for high-density housing, central plaza, public/open space, and public parking facilities. The proposed building provides for both retail and high-density housing in an already urbanized area of downtown Duluth.

The site itself is in the Duluth Commercial Historic District and two of the buildings on-site are contributing structures. The plan addresses reuse of previously developed lands under its governing principal #1 stating: "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." The two buildings on-site have historical significance; however, they are vacant and in a current state of dis-repair. The buildings currently pose a safety risk for the community and surrounding occupied buildings.

The Housing section of this document describes the City's policy to improve the quality of the City's housing stock and neighborhoods by encouraging healthy and safe housing options. The proposed building replaces two vacant structures in downtown Duluth to provide for high-density housing in its place. The project site is in an area that provides access to health, social services, other goods and services, public transportation, and employment opportunities. The proximity to these opportunities helps to meet housing strategies outlined in the plan.

**iii. Zoning, including special districts or overlays such as shoreland, floodplain, wild and scenic rivers, critical area, agricultural preserves, etc.**

The project site is located in the Form District 8 (F-8) -- downtown mix and is adjacent to Mixed Use Institutional (MU-I) district (**Figure 7**). The F-8 district permits both Main Street Building III and Corridor Building III for commercial and residential uses. These building types have maximum height requirements of 15 stories. The Main street building III type should include retail or service uses on the ground floor whenever possible. The proposed building is consistent with the current and proposed uses for the district. Re-zoning will not be necessary to accommodate the proposed project.

The project site is also located within the Natural Resources Overlay (NR-O) District since it is located within 1,000 feet of Lake Superior. The proximity to a MN DNR Public Waters subjects the site to regulations of the Minnesota Wetland Conservation Act (WCA), Federal Emergency Management Agency (FEMA), and the Minnesota Department of Natural Resources (MNDNR) shoreland and floodplain rules. Development of the site will require a shoreland permit that includes stormwater management and erosion control plans.

**b. Discuss the project's compatibility with nearby land uses, zoning, and plans listed in Item 9a above, concentrating on implications for environmental effects.**

The project is compatible with nearby land uses, zoning, and plans outlined in Duluth's Comprehensive Land Use Plan. The proposed building would be considered a Corridor Building III and will help to create a vibrant commercial core for Downtown. The mixed-use building will provide opportunities for high-density housing and retail space which fits with the goals and policies expressed in the land use plan for districts zoned F-8. The plans express that redevelopment of existing properties is allowed in this form district. Additionally, the project location provides convenient access to public transit in a pedestrian friendly area of downtown Duluth.

There are two buildings on-site that are contributing structures to the Duluth Commercial Historic District. Redevelopment of this property directs new investment to this site that has potential to perform at a higher level than its current state.

The site is located within the NR-O district. Project activities will require erosion control and stormwater management plans to comply with an approved shoreland permit.

**c. Identify measures incorporated into the proposed project to mitigate any potential incompatibility as discussed in Item 9b above.**

The project site is currently zoned as F-8 Downtown Mix and will remain this zoning classification according to the Imagine Duluth 2035 comprehensive plan. There is no need to amend current or planned land use or zoning for the project area. Project activities will comply with an approved shoreland permit to mitigate any potential effects to Lake Superior. Additionally, removal of existing vacant structures will help to revitalize the downtown area.

**10. Geology, soils and topography/land forms:**

**a. Geology - Describe the geology underlying the project area and identify and map any susceptible geologic features such as sinkholes, shallow limestone formations, unconfined/shallow aquifers, or karst conditions. Discuss any limitations of these features for the project and any effects the project could have on these features. Identify any project designs or mitigation measures to address effects to geologic features.**

The geology of the North Shore of Lake Superior consists of Precambrian basalt and gabbro bedrock that is overlain by glacial till soils and non-native fill soils in some areas (**Figure 8-9**). Bedrock is exposed in downtown Duluth and northeastward along the North Shore of Lake Superior. Depth to bedrock at the project site is estimated to be zero feet. Bedrock on the project site is currently overlain with pavement, buildings, and non-native fill soils.

Minor excavation of soils and bedrock material will occur. Weathered and/or fractured rock will be removed, and more extensive means may be used to excavate more competent bedrock. If clay seams are encountered, mitigation may be required to solidify the foundation of the building. Additionally, groundwater seepage occurs in cracks and fractures in the bedrock. If groundwater is encountered, it will need to be managed during construction and considered in the design of the foundation to prevent water infiltration.



- b. Soils and topography - Describe the soils on the site, giving NRCS (SCS) classifications and descriptions, including limitations of soils. Describe topography, any special site conditions relating to erosion potential, soil stability or other soils limitations, such as steep slopes, highly permeable soils. Provide estimated volume and acreage of soil excavation and/or grading. Discuss impacts from project activities (distinguish between construction and operational activities) related to soils and topography. Identify measures during and after project construction to address soil limitations including stabilization, soil corrections or other measures. Erosion/sedimentation control related to stormwater runoff should be addressed in response to Item 11.b.ii.**

The NCRS web soils survey maps Urban land, Mesaba, and rock outcrop with 1 to 18 percent slopes as soil units on-site (**Figure 10**). Urban land soils are fill material from surrounding uplands, gravel pits, and blasted bedrock. The Mesaba is a gravely sandy loam material that overlays the bedrock in some areas. And the rock-outcrop is the basalts and gabbro bedrock that underlays the area. The elevation on-site is from 646 to 666 feet above sea level (**Figure 2**).

The site is currently developed with buildings and impervious surface with one parcel of landscaped lawn. The area on-site that is not currently impervious is 3,500 square feet parcel located at 321 E Superior St. Demolition of existing development will disturb soils and bedrock. Erosion and sediment control BMPs would be implemented during demolition and construction as outline in the stormwater pollution prevention plan (SWPPP). BMPs may include but are not limited to erosion control blankets, silt fencing, and stormwater inlet control structures.

**NOTE: For silica sand projects, the EAW must include a hydrogeologic investigation assessing the potential groundwater and surface water effects and geologic conditions that could create an increased risk of potentially significant effects on groundwater and surface water. Descriptions of water resources and potential effects from the project in EAW Item 11 must be consistent with the geology, soils and topography/land forms and potential effects described in EAW Item 10.**

#### **11. Water resources:**

- a. Describe surface water and groundwater features on or near the site in a.i. and a.ii. below. Surface water - lakes, streams, wetlands, intermittent channels, and county/judicial ditches. Include any special designations such as public waters, trout stream/lake, wildlife lakes, migratory waterfowl feeding/resting lake, and outstanding resource value water. Include water quality impairments or special designations listed on the current MPCA 303d Impaired Waters List that are within 1 mile of the project. Include DNR Public Waters Inventory number(s), if any.**

Lake Superior is approximately 550 feet to the south east of the project site (**Figure 11**). This Minnesota DNR Public Water (16-1P) is listed on the MPCA's 303d Draft 2020 Impaired Waters List due to mercury and PCBs in fish tissue affecting aquatic consumption. Lake Superior is also listed as a restricted outstanding resource value water under Minnesota Rules parts 7050.0250 to 7050.0335. The project proximity to Lake Superior subjects the site to additional construction requirements. An erosion control permit and NPDES Construction Stormwater permit will be acquired prior to demolition and construction of the proposed site to fulfill these requirements.

Clark House Creek (PWI: na), Chester Creek (PWI: S-003), and Brewers Creek (PWI: na) are located within one mile of the project site. Chester Creek is on the Impaired Waters List for E. coli affecting aquatic recreation. The project area does not drain to these nearby creeks and water quality impairments will not affect the project activities.

- ii. **Groundwater – aquifers, springs, seeps. Include: 1) depth to groundwater; 2) if project is within a MDH wellhead protection area; 3) identification of any onsite and/or nearby wells, including unique numbers and well logs if available. If there are no wells known on site or nearby, explain the methodology used to determine this.**

The Minnesota Well Index (MDI) was used to determine the location of wells on or nearby the project site (**Figure 12**). Zero wells are located on-site, and five wells are located within 500 feet of the project area **Table 4 (Appendix C)**. Nearby wells are 24 to 60 feet deep and depth to groundwater is at varying depths. Ground water in this area is found locally in faults and fractures in the granite bedrock. The project site is not within a Minnesota Department of Health (MDH) wellhead protection area. The nearest wellhead protection area is 14 miles to the south west in Esko, MN.

**Table 4: Wells within 500 feet of the Project Area.**

Well ID	Address	Approximate distance from site (ft)	Well use	Well depth (ft)
739032	302 1 <sup>st</sup> St E	200	elevator	54
739033	302 1 <sup>st</sup> St E	200	elevator	60
704151	402 1 <sup>st</sup> St E	500	elevator	24
704152	402 1 <sup>st</sup> St E	500	elevator	42
764826	222 Superior St E	300	elevator	34

Using the NEPAssist Tool, it has been determined that the project site is not located on a sole source aquifer. The nearest sole source aquifer is the Mille Lacs Sole Source Aquifer, over 60 miles away to the south west.

- b. **Describe effects from project activities on water resources and measures to minimize or mitigate the effects in Item b.i. through Item b.iv. below.**
  - i. **Wastewater - For each of the following, describe the sources, quantities and composition of all sanitary, municipal/domestic and industrial wastewater produced or treated at the site.**
    - 1) **If the wastewater discharge is to a publicly owned treatment facility, identify any pretreatment measures and the ability of the facility to handle the added water and waste loadings, including any effects on, or required expansion of, municipal wastewater infrastructure.**
    - 2) **If the wastewater discharge is to a subsurface sewage treatment systems (SSTS), describe the system used, the design flow, and suitability of site conditions for such a system.**

**3) If the wastewater discharge is to surface water, identify the wastewater treatment methods and identify discharge points and proposed effluent limitations to mitigate impacts. Discuss any effects to surface or groundwater from wastewater discharges.**

Wastewater generated within the proposed development will discharge to the Duluth sanitary sewer system via the existing 36-inch trunk sanitary sewer in E Superior St. The City sanitary sewer system has sufficient capacity for projected flows from the development.

Wastewater will be conveyed through the City sanitary sewer system to the Western Lake Superior Sanitary District (WLSSD) wastewater treatment plant (WWTP). The WLSSD WWTP has a treatment capacity of 49 million gallons per day (MGD). The WWTP currently treats approximately 40 MGD, so the plant has a residual capacity of 9 MGD. Below is an estimate of the wastewater flow from the proposed development (**Table 5**).

**Table 5: Wastewater Flow Calculations.**

Land Use	Units	Flow Assumption (gpd/unit)	Average Flow (gpd)	Peak Factor*	Peak Hourly Flow (gpd)
Apartments	200	180	36,000	4.0	144,000

*gpd = gallons per day*

*\*Peak factor based on average flow per standard Metropolitan Council values.*

The WLSSD WWTP has sufficient residual capacity to treat the projected 0.036 MGD of average wastewater flow that will be generated by the proposed development. The wastewater will be domestic in character and will not require specific pretreatment measures.

- ii. **Stormwater - Describe the quantity and quality of stormwater runoff at the site prior to and post construction. Include the routes and receiving water bodies for runoff from the site (major downstream water bodies as well as the immediate receiving waters). Discuss any environmental effects from stormwater discharges. Describe stormwater pollution prevention plans including temporary and permanent runoff controls and potential BMP site locations to manage or treat stormwater runoff. Identify specific erosion control, sedimentation control or stabilization measures to address soil limitations during and after project construction.**

The existing site consists of primarily impervious surface. Stormwater runoff from the site leads to the municipal road storm sewer systems adjacent to the site, ultimately discharging to Lake Superior via City of Duluth storm sewer system.

A HydroCAD model was developed to show the existing and proposed stormwater runoff rates from the site. The site is proposed to replace all the existing impervious surface with reconstructed impervious surface; therefore, the runoff rates will not change for proposed conditions (**Table 6**). Additionally, there will be no changes to stormwater volume or water quality as a result of the proposed site because the impervious surface area and land use is not changing. There are no adverse impacts to total stormwater volume or pollutants, therefore there are no environmental effects from stormwater discharges anticipated with the proposed site.

**Table 6: Existing and Proposed Stormwater Discharge Runoff.**

Site Condition	2-Year Storm Event (cfs)	10-Year Storm Event (cfs)	100-Year Storm Event (cfs)
Existing	1.77	2.66	4.28
Proposed	1.77	2.66	4.28

The proposed site will disturb less than one acre of total area; therefore, there will be no stormwater quality requirements for the reconstructed impervious surface areas to meet the City's MS4 Permit or National Pollution Discharge Elimination System (NPDES) requirements.

The proposed site will be a mix of redeveloping existing impervious area and new impervious area, so stormwater parameters for the site shall be weighted from the existing predevelopment/project site conditions to determine the allowable levels of discharge parameters leaving the proposed project site based on the City of Duluth's Unified Development Code (UDC) requirements. These requirements shall be discussed at the preliminary design submittal meeting for the proposed site.

The final proposed site design shall show that they meet all standards in the City of Duluth's (UDC) and MPCA NPDES Construction General Permit, including temporary and permanent erosion control and sedimentation control measures at the site. The NPDES Permit has more stringent erosion control requirements prior to discharge to Outstanding Resource Value Water (ORVW) that the site will be required to follow. These erosion control features may include but are not limited to storm drain inlet protection at adjacent municipal streets, dust control, frequent street sweeping, and stabilizing disturbed soils with mulch or other products to limit soil erosion when construction activity has permanently or temporarily ceased on any portion of the site. All temporary and permanent erosion control and sediment control measures must be included in the project's stormwater management plan.

- iii. **Water appropriation - Describe if the project proposes to appropriate surface or groundwater (including dewatering). Describe the source, quantity, duration, use and purpose of the water use and if a DNR water appropriation permit is required. Describe any well abandonment. If connecting to an existing municipal water supply, identify the wells to be used as a water source and any effects on, or required expansion of, municipal water infrastructure. Discuss environmental effects from water appropriation, including an assessment of the water resources available for appropriation. Identify any measures to avoid, minimize, or mitigate environmental effects from the water appropriation.**

The site will connect to the City of Duluth water distribution system via the existing 16-inch trunk watermain in E Superior St and 8-inch watermain in N 4th Ave E. The City's water supply system includes the Lakewood Water Treatment Plant (WTP), fifteen storage facilities, eleven pumping stations, and over four hundred miles of watermain. The City's current DNR water appropriation permit allows for withdrawal of up to nine billion gallons per year, and the City has withdrawn approximately five billion gallons per year in recent years.

Below is an estimate of the water demands for the proposed development (**Table 7**). Based on the estimated annual demand of 16.4 million gallons per year, additional water appropriation will not be required.

**Table 7: Water Demand Calculations.**

Land Use	Units	Demand Assumption (gpd/unit)	Average Day Demand (gpd)	Max. Day Demand Factor*	Max. Day Demand (gpd)
Apartments	200	225	45,000	1.8	81,000

*gpd = gallons per day*

*\*Historical maximum day demand factor from 2017-2019.*

#### iv. Surface Waters

- a) **Wetlands - Describe any anticipated physical effects or alterations to wetland features such as draining, filling, permanent inundation, dredging and vegetative removal. Discuss direct and indirect environmental effects from physical modification of wetlands, including the anticipated effects that any proposed wetland alterations may have to the host watershed. Identify measures to avoid (e.g., available alternatives that were considered), minimize, or mitigate environmental effects to wetlands. Discuss whether any required compensatory wetland mitigation for unavoidable wetland impacts will occur in the same minor or major watershed, and identify those probable locations.**

No wetlands are located within the project area or adjacent to the project site. Impacts to wetlands from this project are not anticipated.

- b) **Other surface waters- Describe any anticipated physical effects or alterations to surface water features (lakes, streams, ponds, intermittent channels, county/judicial ditches) such as draining, filling, permanent inundation, dredging, diking, stream diversion, impoundment, aquatic plant removal and riparian alteration. Discuss direct and indirect environmental effects from physical modification of water features. Identify measures to avoid, minimize, or mitigate environmental effects to surface water features, including in-water Best Management Practices that are proposed to avoid or minimize turbidity/sedimentation while physically altering the water features. Discuss how the project will change the number or type of watercraft on any water body, including current and projected watercraft usage.**

No surface water features are located within the project area or adjacent to the project site. Impacts to surface waters from this project are not anticipated.

**12. Contamination/Hazardous Materials/Wastes:**

- a. Pre-project site conditions - Describe existing contamination or potential environmental hazards on or in close proximity to the project site such as soil or ground water contamination, abandoned dumps, closed landfills, existing or abandoned storage tanks, and hazardous liquid or gas pipelines. Discuss any potential environmental effects from pre-project site conditions that would be caused or exacerbated by project construction and operation. Identify measures to avoid, minimize or mitigate adverse effects from existing contamination or potential environmental hazards. Include development of a Contingency Plan or Response Action Plan.**

Publicly available data from the Minnesota Pollution Control Agency (MPCA) and Minnesota Department of Agriculture (MDA) databases were reviewed to identify verified or potentially contaminated sites that may be encountered during the proposed development (**Figure 13**). The following database listings were reviewed:

- MPCA “What’s in My neighborhood?” website
- MPCA Petroleum Remediation Program Map Online website
- Minnesota Department of Agriculture (MDA) “What’s in My neighborhood?” website

MPCA “What’s in My Neighborhood?” website

Two listings were identified within the project area, and 43 listings were identified within 1,000 feet of the site (**Table 8, 9**).

The two listings that are identified within the project area include:

**Table 8: WIMN Listings within the Project Area.**

Map ID	Site Name	Site ID	Activity	Status
16	Voyager Motel/Lakewalk Inn	109460	Petroleum remediation, leak site; Underground tanks	Inactive
42	Hacienda Del Sol	215131	Brownfields, petroleum brownfield and voluntary investigation and cleanup	Inactive

The 43 listings that are correctly plotted within 1,000 feet of the project area include:

**Table 9: WIMN Listings within 1,000 feet of the Project Area.**

Map ID	Site Name	Site ID	Activity	Status
1	Rainbow Auto Body Inc	1998	Air Quality; Hazardous Waste	Inactive
2	Northland Chiropractic Center	16441	Hazardous Waste	Inactive

Map ID	Site Name	Site ID	Activity	Status
3	Paul Bunyan Press	16117	Hazardous Waste	Inactive
4	Miller Dwan Medical Center	24220	Hazardous Waste	Inactive
5	Greysolon Plaza Property	24721	Hazardous Waste; Underground Tanks	Active
6	A Quality Lube Center	23708	Aboveground Tanks; Hazardous Waste	Active
7	Joes Peerless Auto Body	23379	Hazardous Waste; Underground Tanks	Inactive
8	Saint Anns Home & Residence	24501	Hazardous Waste, Minimal quantity generator	Active
9	A1 Auto Body	23711	Hazardous Waste	Inactive
10	Lake Superior Cust Photolab Inc	23329	Hazardous Waste	Inactive
11	Tri Towers Beauty Shop	23191	Hazardous Waste	Inactive
12	Dunbar's Auto Body	27688	Hazardous Waste	Inactive
13	Clean As New Auto Cleaning	29292	Hazardous Waste	Inactive
14	Whirlwind Power Co	25868	Hazardous Waste	Inactive
15	Northern Access Transportation	56856	Hazardous Waste	Inactive
17	Miller Dwan Medical Center	109580	Aboveground Tanks	Active
18	Grandview Manor	112895	Underground Tanks	Inactive
19	E 1st St Medical Parking Facility	146463	Petroleum Remediation, Leak Site; Underground Tanks	Inactive
20	Sheraton Hotel/Condominium	186951	Brownfields, Voluntary Investigation and Cleanup	Active
21	Graysolon Plaza	192682	Petroleum Remediation, Leak Site	Active
22	Former Pickwick Restaurant	193582	Petroleum Remediation, Leak Site	Active
23	Essentia Health Duluth 1st Street Pharmacy	213953	Hazardous Waste, Minimal quantity generator	Active
24	Duluth Opera Block	222216	Brownfields, Voluntary Investigation and Cleanup	Active
25	Essentia Health - Duluth	1668	Air Quality; Hazardous Waste, Large quantity generator; Site Assessment	Active
26	Gene's Auto Body	2509	Air Quality; Hazardous Waste, Very small quantity generator	Active
27	Harbor Centers Inc	14444	Hazardous Waste	Inactive

Map ID	Site Name	Site ID	Activity	Status
28	ISD 709 Central Administration Building	12415	Hazardous Waste, Very small quantity generator	Active
29	Royal Garage	13510	Hazardous Waste	Inactive
30	Arrowhead Hearing Aid Center	24529	Hazardous Waste	Inactive
31	Tv Spotlight Inc	23341	Hazardous Waste	Inactive
32	Johnson's Auto Repair of Duluth	26558	Hazardous Waste	Inactive
33	State Farm Mutual Insurance	26385	Hazardous Waste	Inactive
34	Housing & Redevelopment Authority Duluth	26400	Hazardous Waste, Small quantity generator	Active
35	HealthEast Transportation	26455	Aboveground Tanks; Hazardous Waste	Active
36	Balcum Appliance Inc	28366	Hazardous Waste	Inactive
37	Aubol Keith	50155	Hazardous Waste	Inactive
38	SMDC	64827	Hazardous Waste	Inactive
39	King Manor	112193	Underground Tanks	Inactive
40	Fitger's on the Lake LLC	120783	Hazardous Waste, Minimal quantity generator	Active
41	Greysolon Plaza Parking Lot	193848	Brownfields, Voluntary Investigation and Cleanup	Active
43	Uncle Dunbar's Auto Body Inc	1318	Air Quality; Hazardous Waste, Very small quantity generator	Active
44	SMDC Campus Addition	191217	Brownfields, Voluntary Investigation and Cleanup	Inactive
45	Tri-towers	112192	Underground Tanks	Active

If any contaminated soil/groundwater or hazardous material is encountered during construction, necessary steps to remediate will need to be taken.

MPCA Petroleum Remediation Program Map Online website

Five listings were mapped within the project area or within 1,000 feet of the project area that were also listed on the MPCA “What’s in My Neighborhood?” website. These listings include Voyager Motel/Lakewalk Inn, Greysolon Plaza Parking Lot, Former Pickwick Restaurant. One listing was mapped within 1,000 feet of the project area on the MPCA Petroleum Remediation Program Map Online that was not listed previously (**Table 10**).



**Table 10: MPCA Petroleum Remediation Program Map Online listings within 1,000 feet of the Project Area.**

Map ID	Site Name	Site ID	Activity	Status
na	Saint Marys Medical Center	LS0008875	Leak Site	Inactive

MDA “What’s in My Neighborhood?” website

No listings were mapped within the project area or within 1,000 feet of the project area.

Listings with potential environmental effects

Based on review of the identified MPCA listings, the potential to encounter contaminated soil, groundwater, and/or soil vapor at the proposed project area is high. Prior to project area redevelopment, the following MPCA regulatory file reviews should be reviewed and/or investigated for environmental planning purposes:

- Site 16 (Leak Sites LS0016259)
- Site 19 (Leak Site LS0016350)
- Site 20 (Voluntary Investigation and Cleanup VP21540)
- Site 42 (Petroleum Brownfields and Voluntary Investigation and Cleanup (BF0000232))

A Response Action Plan (RAP) and/or Construction Contingency Plan (CCP) will be developed for the proper management of contamination and/or regulated materials encountered during reconstruction. If contaminated materials are encountered during excavation, construction activities will cease and the CCP must be implemented.

- b. Project related generation/storage of solid wastes - Describe solid wastes generated/stored during construction and/or operation of the project. Indicate method of disposal. Discuss potential environmental effects from solid waste handling, storage and disposal. Identify measures to avoid, minimize or mitigate adverse effects from the generation/storage of solid waste including source reduction and recycling.**

Prior to site redevelopment, the removal/demolition of site structures will occur. State and Federal law requires a pre-demolition inspection consisting of but not limited to, an asbestos survey, lead paint sampling, and a regulated materials inventory. Regulated materials will be handled appropriately and remaining general demolition debris will need to be hauled to a licensed demolition landfill. Beneficial reuse and recycling of materials should be considered to minimize demolition waste.

Project activities will generate wastes and debris typical of construction operations. All waste and unused materials will be properly contained and disposed of off-site in conformance with state and local standards.

- c. Project related use/storage of hazardous materials - Describe chemicals/hazardous materials used/stored during construction and/or operation of the project including method of storage. Indicate the number, location and size of any above or below ground tanks to store petroleum or other materials. Discuss potential environmental effects from accidental spill or release of hazardous materials. Identify measures to avoid, minimize or mitigate adverse effects from the use/storage of chemicals/hazardous materials including source reduction and recycling. Include development of a spill prevention plan.**

Products, materials, or wastes typical of construction sites will be present during the construction of this project (e.g. gasoline, diesel fuel, oil, hydraulic fluid, portable toilets, etc.). To ensure compliance with the NPDES/SDS Construction Stormwater permit, products that have the potential to leach pollutants will be stored under cover; hazardous materials will be stored in sealed containers and will have secondary containment to prevent spills, solid wastes will be collected and disposed of properly, and vehicle and equipment washing will not be allowed on site.

- d. Project related generation/storage of hazardous wastes - Describe hazardous wastes generated/stored during construction and/or operation of the project. Indicate method of disposal. Discuss potential environmental effects from hazardous waste handling, storage, and disposal. Identify measures to avoid, minimize or mitigate adverse effects from the generation/storage of hazardous waste including source reduction and recycling.**

The proposed project is not expected to generate any hazardous wastes during construction or operation. If hazardous wastes are generated by the contractor, it will be the responsibility of the contractor to recycle and/or dispose of the waste in accordance with local, State, and Federal regulations.

**13. Fish, wildlife, plant communities, and sensitive ecological resources (rare features):**

- a. Describe fish and wildlife resources as well as habitats and vegetation on or in near the site.**

Habitat within the site is limited. Existing landcover within the project site is developed with mostly impervious surface. There are scrub trees present and one open lot with manicured lawn. Trees may provide for temporary resting place for birds and squirrels but do not provide critical habitat.

- b. Describe rare features such as state-listed (endangered, threatened or special concern) species, native plant communities, Minnesota County Biological Survey Sites of Biodiversity Significance, and other sensitive ecological resources on or within close proximity to the site. Provide the license agreement number (LA-1003) and/or correspondence number (ERDB - 20210177) from which the data were obtained and attach the Natural Heritage letter from the DNR. Indicate if any additional habitat or species survey work has been conducted within the site and describe the results.**

A MN DNR National Heritage Review was completed for the proposed project site to determine if any rare features or other significant natural features occur within an approximate 1-mile radius of the project site. This database review found three species within the search boundary including Peregrine falcon (*Falco peregrinus*) – State special concern species, Lake sturgeon (*Acipenser fulvescens*) –

Species in greatest conservation need, and Lake chub (*Couesius plumbeus*) – State special concern species.

According to the Fish and Wildlife Service’s Information for Planning and Consultation (IPaC) database, there are four threatened or endangered species listed in the vicinity of the project. The species list includes two mammals, the Canada Lynx (*Lynx canadensis*) - threatened, and Northern Long-eared Bat (*Myotis septentrionalis*) – threatened; and two bird species Piping Plover (*Chaquadrus melodus*) - endangered, and Red Knot (*Calidris canutus rufa*) – threatened. Critical habitat has been designated for the Canada Lynx and this habitat overlaps the project area. No other state or federally listed critical habitat overlaps the project area.

- c. Discuss how the identified fish, wildlife, plant communities, rare features and ecosystems may be affected by the project. Include a discussion on introduction and spread of invasive species from the project construction and operation. Separately discuss effects to known threatened and endangered species.**

The site currently provides little to no wildlife habitat as the majority of the site is impervious surface in a highly developed urban area. Current and changed conditions at the site do not provide natural area that would support the threatened and endangered species listed in the area including the Canada Lynx, Long-eared Bat, and two shoreland bird species. The site is not within a township that contains any known roost trees or hibernaculum for the northern long-eared bat.

Nesting areas for the peregrine falcon include window ledges of multi-story complexes. A nest box on a nearby building has had nesting falcons for multiple years. It is unlikely that the construction activities will affect these birds. If the nesting Peregrine Falcons do exhibit unusual behaviors or signs of distress, especially during breeding season, the DNR Regional Nongame Specialist will be contacted. Nesting and fledging occur from April through July.

Fish species can be adversely impacted by changes in stream hydrology or decreased water quality caused by construction activities. The project vicinity to Lake Superior requires that a stormwater management plan be developed and followed to minimize these impacts.

There is little risk for the introduction and spread of invasive species from this project site since most of the site is developed impervious surface.

- d. Identify measures that will be taken to avoid, minimize, or mitigate adverse effects to fish, wildlife, plant communities, and sensitive ecological resources.**

Minimal impacts to fish and wildlife are anticipated. During and immediately following construction, erosion control BMPs will be in place to prevent erosion from the site into Lake Superior per the NPDES/SDS requirements.

#### **14. Historic properties:**

**Describe any historic structures, archeological sites, and/or traditional cultural properties on or in close proximity to the site. Include: 1) historic designations, 2) known artifact areas, and 3) architectural features. Attach letter received from the State Historic Preservation Office (SHPO). Discuss any anticipated effects to historic properties during project construction and**

**operation. Identify measures that will be taken to avoid, minimize, or mitigate adverse effects to historic properties.**

According to the Office of the State Archaeologist online portal, two archaeological sites are recorded within 400 to 800 feet of the project area. Both are submerged in Lake Superior and consist of a probable dock and the ruins of the 1870 Outer Harbor Breakwater. Neither site will be affected by the proposed project.

In 2005, A National Register of Historic Places Multiple Property Documentation Form (MPDF) was completed for the “Historic Resources of Downtown Duluth, Minnesota, 1872-1933.” The multiple property group for Duluth includes two historic districts - the Duluth Commercial Historic District and the West Superior Street Historic District. At that time, the Duluth Commercial Historic District contained 114 buildings (87 contributing, 20 non-contributing) and seven non-contributing vacant lots. The district is located in the geographical heart of Duluth, east-west along Superior Street. Of the contributing buildings, only two will be directly impacted by the project. The Hacienda del Sol (formerly known as the Carlson Bakery) at 319 East Superior Street, and the Duluth Oriental Grocery (formerly known as the Parker Millinery) at 323 East Superior Street, are slated to be demolished to accommodate new project construction.

Building Location and Historic Context

*Hacienda del Sol (formerly known as the Carlson Bakery)*

The two-story variegated orange brick structure is located at 319 East Superior Street, near the center of the block between North 3rd Avenue East and North 4th Avenue East. The structure has a long, narrow rectangular footprint and common brick sidewalls. Additions and remodeling of the structure to accommodate recent use as a restaurant are visible.

The Hacienda del Sol is currently vacant and in a general state of disrepair. The City has requested the property be secured to prevent further damage from trespassers who have burnt holes in the floor. The property has, in the past, been considered to be a contributing resource to the Duluth Commercial Historic District. Contributing resources are defined as structures, buildings, and sites which add to the historical integrity or architectural qualities from which a historic district was designated. Non-contributing resources, a modern hotel for example, do not contribute. Over time, structures may change contributing status based on significant alterations or remodeling. Although remodeling and additions have changed the original structure, these changes were completed prior to the designation of the Hacienda del Sol as a contributing resource. The current vacancy of the building, if left alone, creates a safety risk for the community and potential hazard for the surrounding district. The building itself is neither a locally designated property nor a nationally registered property.

*Duluth Oriental Grocery (formerly known as the Parker Millinery)*

The two-story structure is located at 323 East Superior Street, on the northeast side of the Hacienda del Sol. The Duluth Oriental Grocery is currently vacant and in a general state of disrepair. As a vacant property, the building creates a safety risk to the community and potential fire hazard for the surrounding district. Listed as contributing to the Duluth Commercial Historic District, the building itself is neither a locally designated property nor a nationally registered property.

## Background

### *Hacienda del Sol (formerly known as the Carlson Bakery)*

The former Carlson Bakery (Hacienda del Sol) was designed by Anthony Puck and constructed in 1910. Born in Christiania, Norway, Puck came to Duluth in 1904. He was a prolific architect who also designed the Spina Building (2-8 West 1st Street) and the Pickwick Restaurant (508 East Superior Street). These still standing structures are typical examples of Puck's work.

The Hacienda del Sol has changed ownership and use over time, resulting in remodeling of the interior and exterior. In 1982, the facade and interior were remodeled as the building was converted to restaurant use. The building is further described in the MPDF as follows:

Two simple brick piers with red sandstone blocks frame a large new aluminum storefront assembly with false divided lights and transoms. The bulkhead appears to be new construction in a brick that roughly matches the original. New signage and wood paneled cornice with gooseneck lighting separate the rest and second floor. Three columns of large, tightly spaced brick quoins divide the second floor into two bays, with each bay holding a new pair of aluminum frame, single hung 1/1 windows with false divided light transoms. The windows rest off small, simple red sandstone sill, while the heads are formed from massive flat-faced red sandstone blocks. A series of two-brick steps are surmounted by a broad, flat brick fascia and dentil wooden projecting cornice. A low brick parapet is divided into two bays by projecting brick piers, and the whole is capped by a cast stone coping. A large two-story deck was added to the east facade in 2004, following the demolition of the adjacent historic building.

### *Duluth Oriental Grocery (formerly known as the Parker Millinery)*

Designed by architect, F.L. Young, the Parker Millinery was constructed in 1900. Born in Ontario, Canada in 1858, Young arrived in Duluth in the 19th century and worked as a partner with several other Duluth architects. According to the MPDF, he worked with Austin Terryberry (1887-1888), Gearhard Tenbusch (1891-1897), and Carl Nystrom (1902-1905). Aside from the Parker Millinery, Young is known for his design of the Mutual Automobile Company Building (302 East Superior Street) and the Ely High School, in Ely, Minnesota.

Like the Hacienda del Sol, the Duluth Oriental Grocery has changed ownership and use over the last century. Limited remodeling and alterations have taken place. The structure is best described in the MPDF.

This is a two-story cream brick storefront with a rectangular plan and off-white terra cotta detailing. The first floor is largely intact and is composed of two flat brick piers with inset brick panels in a herringbone pattern, which frame a large storefront opening. Although the original windows have been replaced with new aluminum frame units and the bulkheads were covered in blue glazed certain tile, the original configuration remains, along with the two recessed single-light wood entry doors, the hexagonal tile pavement at the east entrance, and the pressed metal ceiling on the interior. The storefront is topped by a large expanse of Luxfer prisms, altered only by the installation of a ventilation fan.

A simple terra cotta molding demarcates the base of the second floor, which is more elaborately decorated than the storefront. Two pairs of 9/1 double hung windows pierce the facade at the second floor, altered only slightly by the addition of metal screens and storms. Each pair is framed by a large terra cotta surround with a garland molding and a simple terra cotta sill, while a terra cotta panel with a bead-and-reel molding surrounding an inset panel separates the two windows in each pair. A large, flat terra cotta string course cuts across the facade at the midpoint of the windows, and three decorative terra cotta plaques bearing a sculpted shield motif flank the window pairs. Two large terra cotta brackets covered with acanthus leaves support a projecting terra cotta cornice, all of which sites just below a low brick parapet capped by terra cotta coping tiles.

### Current Setting

The Hacienda del Sol and Duluth Oriental Grocery buildings are located on the north side of northeast-southwest running East Superior Street. To the northeast, on the corner of North 4th Avenue East is the Voyageur Inn, a motel constructed in 1959.

According to a newspaper article in 2016, new ownership remodeled the 42-room motel. The Voyageur Inn has not been inventoried or evaluated for National Register eligibility, likely due to the date of construction missing the 50-year criteria at the time of previous surveys. The mid-century building is outside the period of significance for the Duluth Commercial District and is a general representation of circa 1950-1960 hotel complexes.

Located to the southwest of the Hacienda del Sol and Duluth Oriental Grocery buildings stands the Sheraton (Duluth Grand). Constructed in 2006, the 11 story, 147-room modern hotel shadows the historic district.

A vacant lot between the Hacienda del Sol and Duluth Oriental Grocery buildings once contained a small commercial building. The structure, recorded as a vacant lot in the 2005 MPDF, was located at 321 East Superior. The building was demolished in 2003. Additions to the Hacienda del Sol were completed after the demolition of this structure.

On the south side of East Superior Street, are six contributing structures (**Table 11**). Construction dates of these buildings range from 1881 to 1928. Remodeling and restoration of many of the buildings has taken place in the last few years and they retain historic integrity supporting their contributing status.

**Table 11: Nearby Contributing Structures.**

Property Address	Historic Name	Current Name	Date of Construction	Architect
320 East Superior Street	Buffalo Saloon	Lindor-Ward Pianos (2005)	1881	Unknown
318 East Superior Street	McNamara Automobiles	Duluth Vinyl Roofs (2005)	1913	Frederick German

Property Address	Historic Name	Current Name	Date of Construction	Architect
314 East Superior Street	Northwestern Cadillac Company	Bisys Insurance/Superior USA	1920	Unknown
310 - 312 East Superior Street	Hotel Florham	Brigila Insurance, First Northern Consultants (2005)	1900	Unknown
308 East Superior Street	Burrell & Harmon Metal Work	Lester River Fly Shop (2005)/Carmody Irish Pub & Brewing (2020)	1905	Unknown
302 East Superior Street	Mutual Auto Co.	Charter Communications (2005)/Duluth Trading Company (2020)	1915	Frank Young

### Project Impacts and Mitigation

Demolition of the Hacienda del Sol and Duluth Oriental Grocery would remove two contributing resources from the Duluth Commercial Historic District. However, setting and feeling of the district has been compromised with the 2006 construction of the adjacent 11-story Sheraton Hotel. The current vacancy of the Hacienda del Sol and Duluth Oriental Grocery place safety risks on the landowners and city and create a potential fire hazard for the historic district. Incorporation or reuse of the existing structures is not practical. The creation of a mixed-use complex will open access to the downtown historic district, create much needed housing and commercial space and promote the cultural opportunities within the existing district.

The project has the potential to affect the adjacent and nearby contributing resources. Protective measures could be implemented to provide adequate protection to adjacent historic buildings. Additional mitigation measures may include:

- Recordation of the Hacienda del Sol and Duluth Oriental Grocery buildings following the Minnesota Historic Property Record (MHPR) guidelines for Level II Documentation
- Interpretation and signage acknowledging the non-extant properties
- Salvage opportunities for historic components prior to or during demolition.

### **15. Visual:**

**Describe any scenic views or vistas on or near the project site. Describe any project related visual effects such as vapor plumes or glare from intense lights. Discuss the potential visual effects from the project. Identify any measures to avoid, minimize, or mitigate visual effects.**

The project site is located three blocks from Lake Superior and the lake can be viewed from the site. The proposed 15-story building may obstruct views of the lake from further uphill despite significant elevation change. The neighboring property to the southwest of the project site is an 11-story hotel

and condominium complex that nearly matches the height of the proposed building. New construction of tall structures in this general area will naturally obstruct some views of the lake.

The City of Duluth has described a viewshed planning process in the 2006 Comprehensive Land Use Plan. An updated process for evaluating important views would support the establishment of parameters regulating the development types and heights across Duluth (*Imagine Duluth 2035*). Official viewsheds, evaluation, and implementation actions have not been created, however, important vistas have been identified, including views from Skyline Parkway. The nearest section of Skyline Parkway is located approximately 0.7 miles to the north and northwest of the project site and views are not expected to be impacted by the project development. Elevation at the project site is approximately 660 feet above sea level (ASL) and Skyline Parkway is over 1000 feet ASL.

#### 16. Air:

- a. Stationary source emissions - Describe the type, sources, quantities and compositions of any emissions from stationary sources such as boilers or exhaust stacks. Include any hazardous air pollutants, criteria pollutants, and any greenhouse gases. Discuss effects to air quality including any sensitive receptors, human health or applicable regulatory criteria. Include a discussion of any methods used assess the project's effect on air quality and the results of that assessment. Identify pollution control equipment and other measures that will be taken to avoid, minimize, or mitigate adverse effects from stationary source emissions.**

The proposed project does not include heavy industrial facilities, but the project will still involve some stationary source air emissions. The complex will include heating and cooling systems operated by natural gas and electricity and will include a boiler which will result in direct or indirect sources of stationary greenhouse gas (GHG) emissions. Emissions from the project are expected to be similar to other institutional facilities in the area. Exhaust plumes from the boiler are not expected to be visible.

Although the project is not expected to have significant GHG impacts, several opportunities for climate change and GHG mitigation and adaptation exist. Potential GHG and climate change mitigation measures that may be considered include:

- Use energy efficient building materials that reduce needs for home heating and cooling.
- Install energy star appliances and programable thermostats.
- Install smart irrigation, or no irrigation at all, to reduce outdoor water use.
- Install high-albedo (reflective) roofing materials that reflect solar energy and save energy.
- Install rooftop solar, electric vehicle charging stations, and/or battery power walls in new homes to make them more energy autonomous and EV-ready.
- Allocate part of the site to a community solar garden and create a solar-ready community with lower long-term electricity costs.
- Create a microgrid for efficient, automated distribution of energy among participants.

- b. Vehicle emissions - Describe the effect of the project's traffic generation on air emissions. Discuss the project's vehicle-related emissions effect on air quality. Identify measures (e.g. traffic operational improvements, diesel idling minimization plan) that will be taken to minimize or mitigate vehicle-related emissions.**



The EPA has identified a group of 93 compounds emitted from mobile sources that are listed in their Integrated Risk Information System (IRIS). In addition, the EPA identified seven compounds with significant contributions from mobile sources that are among the national and regional-scale cancer risk drivers. These are acrolein, benzene, 1, 3-butadiene, diesel particulate matter, plus diesel exhaust organic gases (diesel PM), formaldehyde, naphthalene, and polycyclic organic matter. While Federal Highway Administration (FHWA) considers these the priority mobile source air toxics, the list is subject to change and may be adjusted in consideration of future EPA rules. EPA rule requires controls that will dramatically decrease Mobile Source Air Toxin (MSAT) emissions through cleaner fuels and cleaner engines.

For this EAW, the amount of MSAT emitted would be proportional to the average daily traffic (ADT). The ADT estimated for the proposed site development is slightly higher than that for the no build condition, because the project involves an increase in residential housing that produces additional trips. This increase in ADT means MSAT under the build scenarios may be higher than the no build condition in the project area. There could also be localized differences in MSAT from indirect effects of the project such as associated access traffic, emissions of evaporative MSAT (e.g., benzene) from parked cars, and emissions of diesel particulate matter from delivery trucks. Travel to other destinations would be reduced with subsequent decreases in emissions at those locations.

It is expected there may be slightly higher MSAT emissions in the project area with the project relative to the no build condition due to increased ADT. There also could be increases in MSAT levels in a few localized areas where ADT increases. In general, the EPA's vehicle and fuel regulations will ensure lower MSAT levels in the future when compared to today.

- c. Dust and odors - Describe sources, characteristics, duration, quantities, and intensity of dust and odors generated during project construction and operation. (Fugitive dust may be discussed under item 16a). Discuss the effect of dust and odors in the vicinity of the project including nearby sensitive receptors and quality of life. Identify measures that will be taken to minimize or mitigate the effects of dust and odors.**

During demolition and construction, particulate emissions will temporarily increase due to generation of fugitive dust. The nearest and most sensitive receptors to the construction activity are the business and residential properties that immediately surround the property. Construction dust control is required to be in conformance with City ordinances and the NPDES Construction Stormwater permit. The construction and operation of the proposed site development is not anticipated to involve processes that would generate odors.

Prior to demolition of the existing buildings a demolition inspection will occur. If asbestos or other potential contaminants are encountered, these materials will be properly stored and disposed of by following a Hazardous Waste Contingency Plan that is developed by the contractor.

**17. Noise**

**Describe sources, characteristics, duration, quantities, and intensity of noise generated during project construction and operation. Discuss the effect of noise in the vicinity of the project including 1) existing noise levels/sources in the area, 2) nearby sensitive receptors, 3) conformance to state noise standards, and 4) quality of life. Identify measures that will be taken to minimize or mitigate the effects of noise.**

Existing sources of noise include surrounding roadways. Interstate 35 is located approximately 200 feet east of the project and E Superior St is a main thoroughfare in downtown Duluth that is directly adjacent to the project site. Traffic volumes on the cross streets of E Superior St and N 4<sup>th</sup> Ave E are not expected to increase dramatically after the project is complete. An existing parking garage will be used for tenant and customer parking for the proposed building. This parking garage currently serves other local businesses, residential, and hospital visitors. Nearby sensitive receptors include existing housing directly adjacent to the site.

During construction, noise levels will temporarily increase and vary in intensity based on the types of construction equipment being used (**Table 12**). To minimize the effects of this noise, construction will be limited to daytime hours consistent with the City’s construction and noise ordinances. In addition, construction equipment will be fitted with mufflers that would be maintained throughout the construction process.

**Table 12: Typical Roadway Construction Equipment Noise Levels at 50 Feet.**

Equipment Type	Manufacturers Sampled	Total Number of Models in Sample	Peak Noise Level	
			Range	Average
Backhoe	5	6	74-92	83
Front Loader	5	30	75-96	85
Dozer	8	41	65-95	85
Grader	3	15	72-92	84
Scraper	2	27	76-98	87
Pile Driver	N/A	N/A	95-105	101

*Source: United States Environmental Protection Agency and Federal Highway Administration*

Following construction, noise in the area will be typical of downtown urban area. Additional traffic added to surrounding roadways is not expected to generate noise to a degree with would exceed noise standards or diminish quality of life for people living or working nearby.

**18. Transportation**

**a. Describe traffic-related aspects of project construction and operation. Include: 1) existing and proposed additional parking spaces, 2) estimated total average daily traffic generated, 3) estimated maximum peak hour traffic generated and time of occurrence, 4) indicate source of trip generation rates used in the estimates, and 5) availability of transit and/or other alternative transportation modes.**

The proposed development includes a 200-dwelling unit high-rise residential building with commercial space on the first and second floors, which replaces two underused buildings and a 42-room hotel. The proposed development will provide off-street parking spaces for only three of the units, as the site is in the Duluth central business district. The Skywalk, Lakefront Park and

access to retail, commercial, medical and recreational opportunities are nearby. Bus routes and a Duluth Transit facility are located on the same block as the proposed development. For the residents that own personal vehicles, several parking facilities are close including a large parking ramp adjacent to the site where parking spaces have been secured.

1. 24 existing off-street parking spaces that will be removed. Six off-street parking spaces are proposed with the development that will serve three units of townhouses.
2. The estimated total average daily traffic generated by the site is 2,270 trips. The existing hotel generates an estimated 351 trips per day.
3. The estimated a.m. peak hour (between 7:00 and 9:00 a.m.) traffic is 207 trips and the estimated p.m. peak hour (between 4:00 and 6:00 p.m.) traffic is 137 trips. The existing hotel generates an estimated 20 and 26 trips during the a.m. and p.m. peak hours respectively.
4. Trip generation rates are based on Trip Generation Manual, 10<sup>th</sup> Edition by the Institute of Transportation Engineers, September 2017. The primary data source was Land Use: 232, High Rise Residential with 1<sup>st</sup> Floor Commercial. Due to the fact that this is a relatively new land use in the manual and there are fewer data points, Land Use: 222, Multifamily Housing (High-Rise) was used to provide additional data and check the validity and realism of the estimates. The data stated that it was based on 98.4% dwelling unit occupancy, so to provide a conservative estimate, a 100% occupancy was used for the calculations. **Table 13** shows the trip generation estimates for the proposed development. **Table 14** shows the trip generation estimates for the existing use.
5. The site of the proposed development is six blocks from the Duluth Transit Center, next to the 3<sup>rd</sup> Avenue East Transit Stop which is located in the adjacent parking ramp and a block away from several transit stops serving most of Duluth Transit’s bus routes. The site is within a block of the entrance to the Lakewalk system and a few blocks from 3.5 miles of Skywalk systems connecting pedestrians to commercial, residential, recreational, hospitality and medical facilities.

**Table 13: Trip Generation from Proposed Development.**

TRIP GENERATION										
Site	# of Units	Unit Type	ITE Code/Description	AM Trips			PM Trips			Weekday Trips
				In	Out	Total	In	Out	Total	
Northstar Development Superior Street Duluth, MN	200	Dwelling Units	232 - High Rise Residential with 1st Floor Commercial	50	157	207	83	54	137	2,270

Source: Institute of Transportation Engineers

**Table 14: Trip generation from Existing Development.**

TRIP GENERATION										
Site	# of Units	Unit Type	ITE Code/Description	AM Trips			PM Trips			Weekday Trips
				In	Out	Total	In	Out	Total	
Voyageur Lakefront Inn Duluth, MN	42	Hotel Rooms	310 - Hotel	12	8	20	13	13	26	351

- b. Discuss the effect on traffic congestion on affected roads and describe any traffic improvements necessary. The analysis must discuss the project's impact on the regional transportation system.**

*If the peak hour traffic generated exceeds 250 vehicles or the total daily trips exceeds 2,500, a traffic impact study must be prepared as part of the EAW. Use the format and procedures described in the Minnesota Department of Transportation's Access Management Manual, Chapter 5 (available at: <http://www.dot.state.mn.us/accessmanagement/resources.html>) or a similar local guidance.*

The proposed development will take advantage of its location in the Duluth downtown area. Being a mixed-use residential building, the proximity to public transit, many different land-uses (office, retail, recreational, medical, and institutional), the Duluth Lakewalk system and the climate-controlled Skywalk system, there are many transportation options other than a resident owned vehicle.

- c. Identify measures that will be taken to minimize or mitigate project related transportation effects.**

The proposed development removes a vehicle access onto Superior Street about 50 feet from the intersection with North 4<sup>th</sup> Avenue East. Six off-street parking spaces will be provided for townhomes via East 1<sup>st</sup> Alley, and most of the vehicle owners will utilize the secured spaces in an adjacent parking ramp or other nearby parking ramps. With the low number of on-site parking spaces provided and the development site located near attractions and transit routes, transportation impacts are expected to be manageable.

**19. Cumulative potential effects: (Preparers can leave this item blank if cumulative potential effects are addressed under the applicable EAW Items)**

- a. Describe the geographic scales and timeframes of the project related environmental effects that could combine with other environmental effects resulting in cumulative potential effects.**

The proposed project will result in the construction of a 15-story mixed-use building and associated utilities in downtown Duluth. Impacts will result from construction of this building. Project-related impacts will include those associated with construction (e.g., soil disturbance, noise, dust, etc.) as well as those associated with the permanent conversion of the existing buildings on-site. These impacts will include visual impacts and increased traffic.

Construction of the mixed-use complex is anticipated to begin in fall 2021. Any impacts to the environment will be required to meet Federal, State, and Local regulation and will be mitigated as required; therefore, it is not anticipated that these impacts will combine to create a cumulative potential effect.

Adjacent to the project, Essentia Health is performing a redevelopment project for its downtown Duluth campus that will result in a replacement hospital bed tower, new surgical suites and outpatient space and renovations to the existing facilities. The proposed project includes a 920,000 square foot multi-story tower that will reduce Essentia Health's overall footprint. This

proposed redevelopment project is adjacent to the site to the northeast of N 4<sup>th</sup> Street East. Construction began in September 2019 and will be completed in the beginning of 2023.

The Essentia project is currently underway and these two projects have the potential to happen concurrently. These two projects may have temporary impacts to traffic with road and alley closures. Additionally, noise and dust generated by the construction activities at both sites will have a temporary cumulative potential effect.

- b. Describe any reasonably foreseeable future projects (for which a basis of expectation has been laid) that may interact with environmental effects of the proposed project within the geographic scales and timeframes identified above.**

There are no reasonably foreseeable future projects.

- c. Discuss the nature of the cumulative potential effects and summarize any other available information relevant to determining whether there is potential for significant environmental effects due to these cumulative effects.**

The cumulative potential effects are temporary in nature. Both traffic and noise/dust will be impacted during construction activities and be restored once construction is complete. Road and alleyway closures will be coordinated among the projects to limit impacts to traffic. Concurrent schedules will also limit the timeframe where noise and dust will be produced, limiting impacts to sensitive receptors.

- 20. Other potential environmental effects: If the project may cause any additional environmental effects not addressed by items 1 to 19, describe the effects here, discuss the how the environment will be affected, and identify measures that will be taken to minimize and mitigate these effects.**

No additional environmental effects have been identified.

**RGU CERTIFICATION.** *(The Environmental Quality Board will only accept **SIGNED** Environmental Assessment Worksheets for public notice in the EQB Monitor.)*

**I hereby certify that:**

- The information contained in this document is accurate and complete to the best of my knowledge.
- The EAW describes the complete project; there are no other projects, stages or components other than those described in this document, which are related to the project as connected actions or phased actions, as defined at Minnesota Rules, parts 4410.0200, subparts 9c and 60, respectively.
- Copies of this EAW are being sent to the entire EQB distribution list.

Signature \_\_\_\_\_

Date \_\_\_\_\_

Title \_\_\_\_\_

# APPENDIX A

## Figures









**Figure 2 - USGS Topography**

Duluth EAW Project  
Duluth, MN



0 300  
Feet  
1 inch = 300 feet







### Figure 3 - Existing Site Conditions

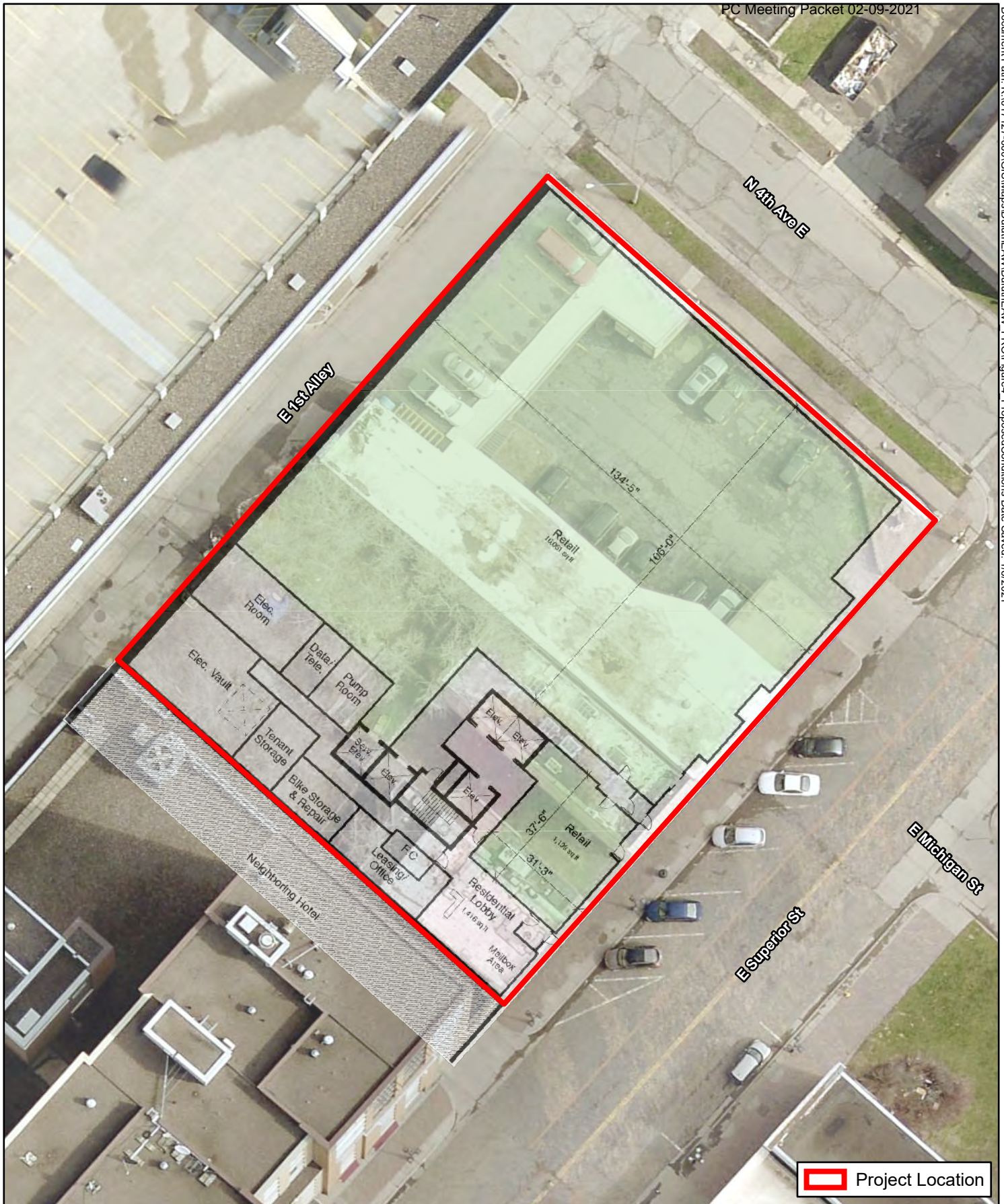
Duluth EAW Project  
Duluth, MN



0 100  
Feet  
1 inch = 100 feet







**Figure 4 - Proposed Site Conditions**

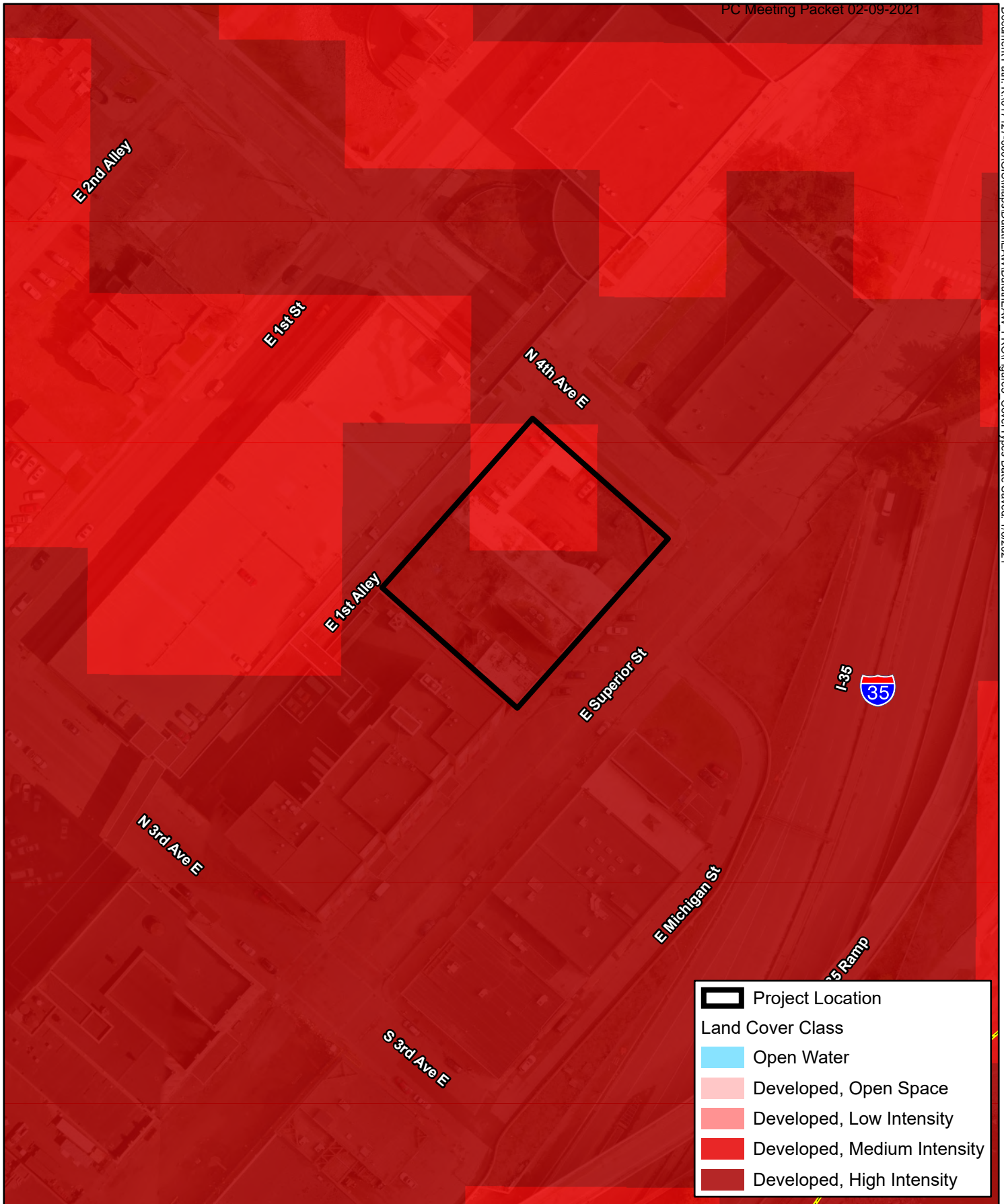
Duluth EAW Project  
Duluth, MN



0 35 Feet  
1 inch = 35 feet







### Figure 5 - Cover Types

Duluth EAW Project  
Duluth, MN



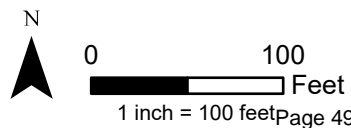
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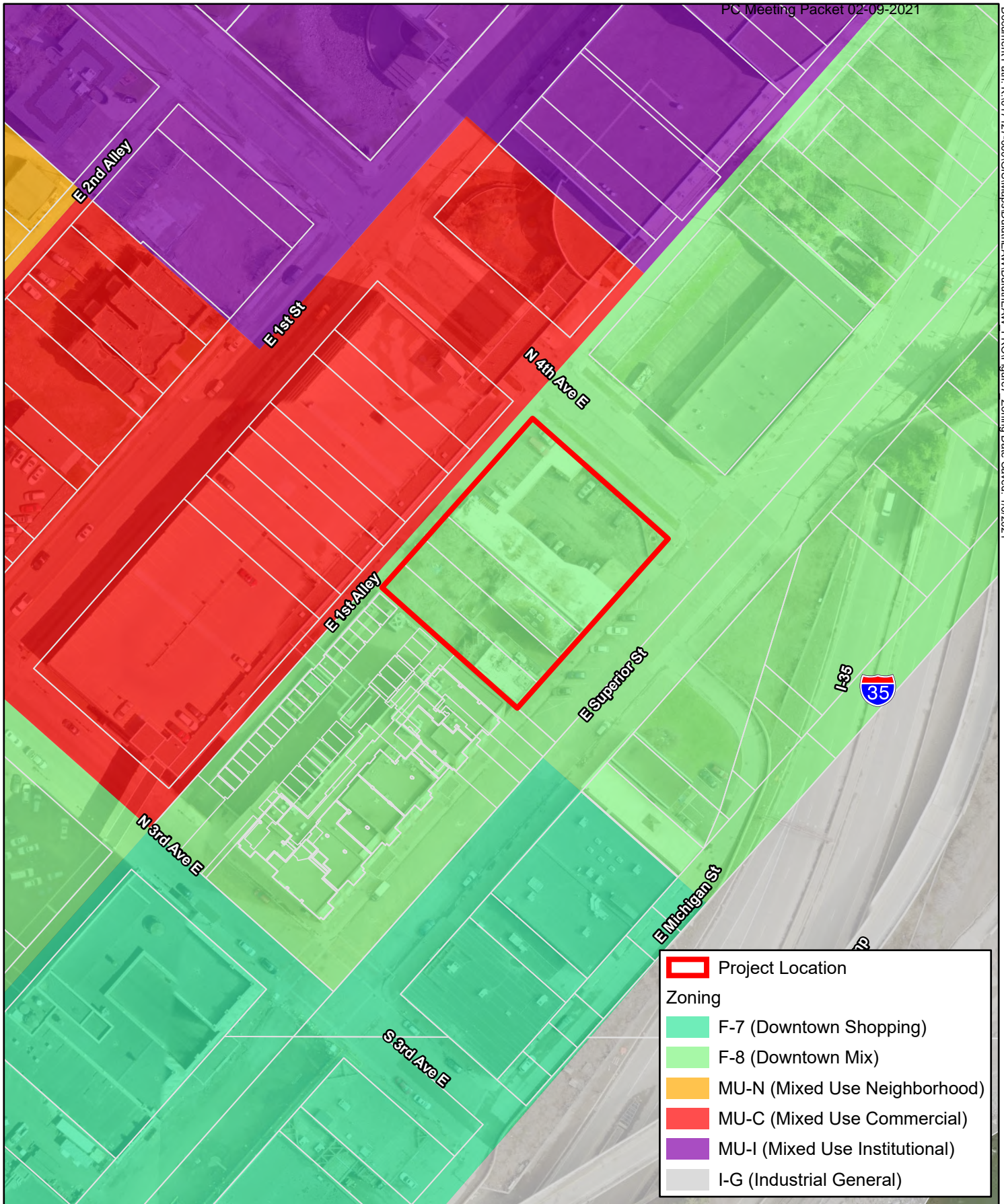




**Figure 6 - Land Use**  
 Duluth EAW Project  
 Duluth, MN







### Figure 7 - Current Zoning

Duluth EAW Project  
Duluth, MN



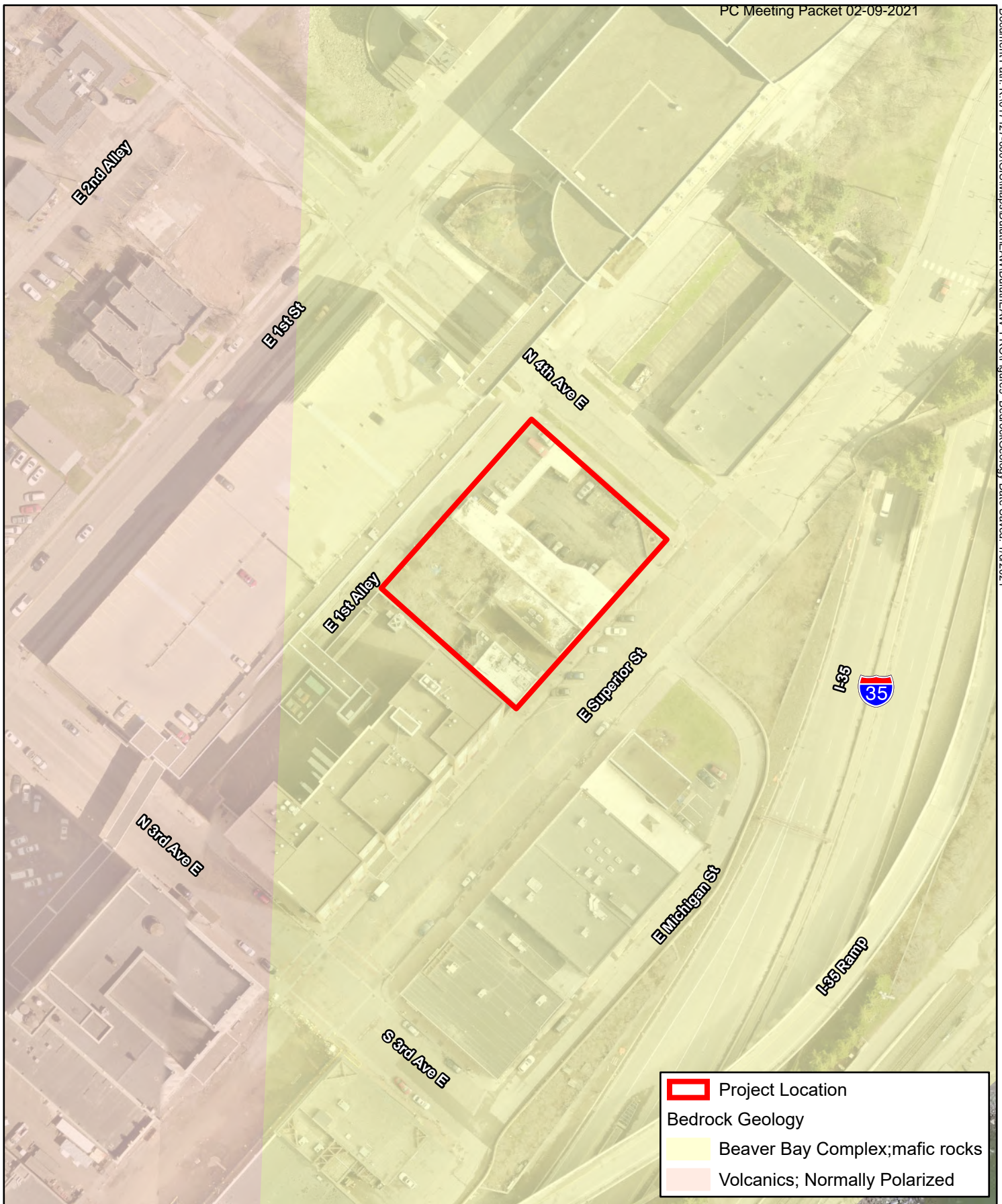
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1 inch = 100 feet











### Figure 9 - Bedrock Geology

Duluth EAW Project  
Duluth, MN



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1 inch = 100 feet







**Figure 10 - County Soils**

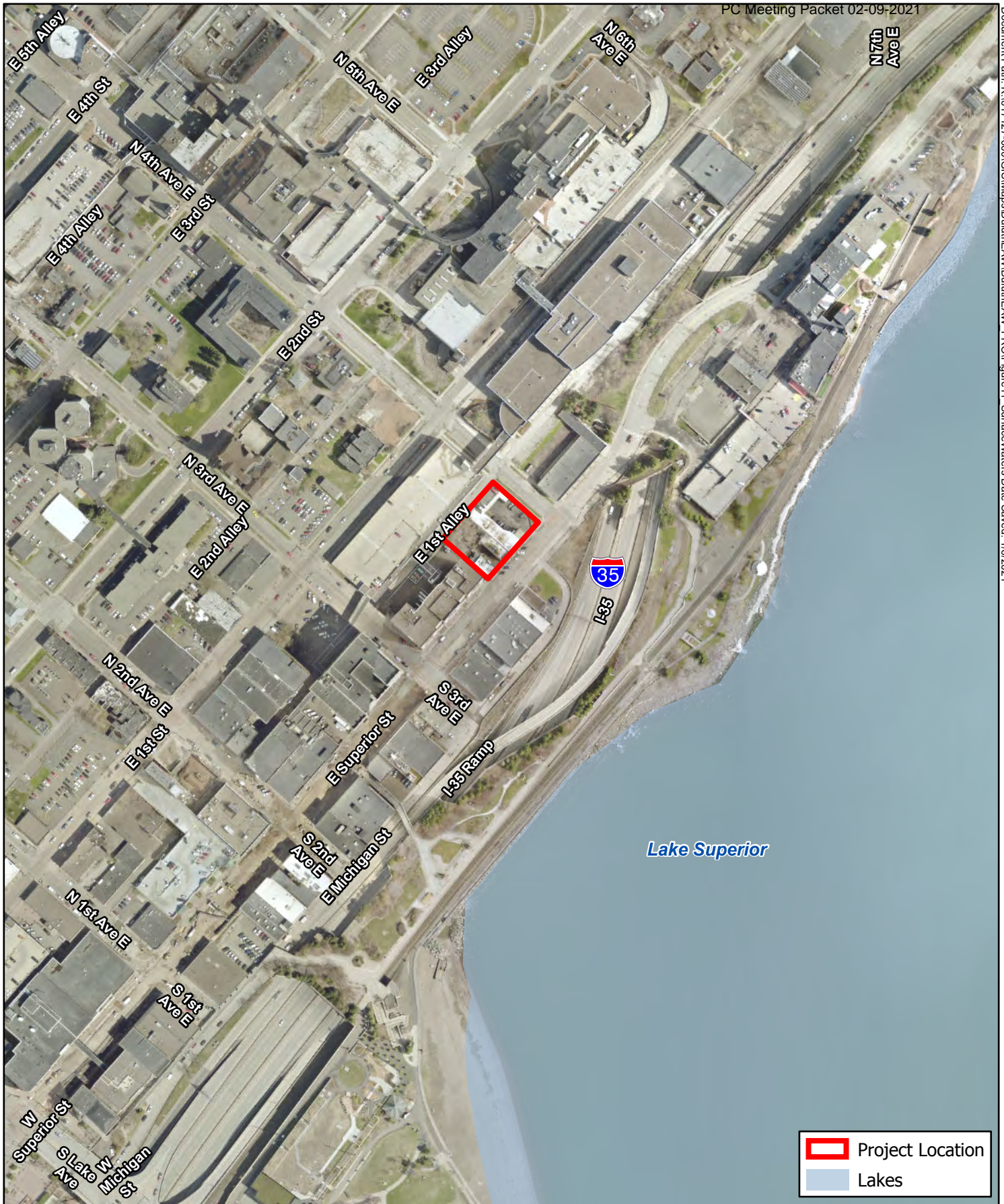
Duluth EAW Project  
Duluth, MN



0 100 Feet  
1 inch = 100 feet







**Figure 11 - Surface Waters**

Duluth EAW Project  
Duluth, MN






0 300  
Feet  
1 inch = 300 feet







	Project Location
	Located Wells
	Unlocated Wells



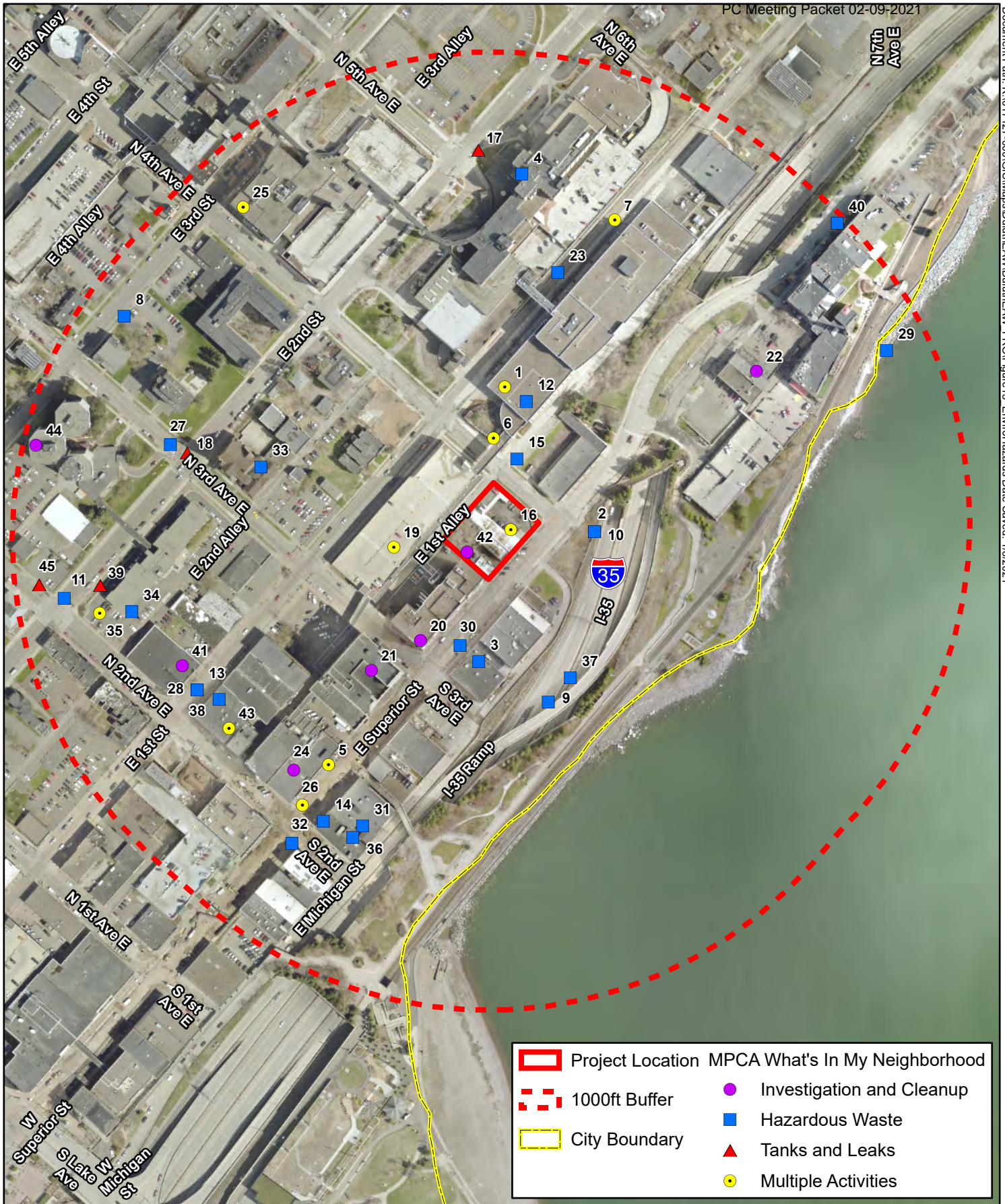
**Figure 12 -Wells**  
 Duluth EAW Project  
 Duluth, MN



0 300  
 Feet  
 1 inch = 300 feet







### Figure 13 - Environmental Hazards

Duluth EAW Project  
Duluth, MN



0 300  
Feet  
1 inch = 300 feet



# **APPENDIX B**

## Preliminary Site Plans



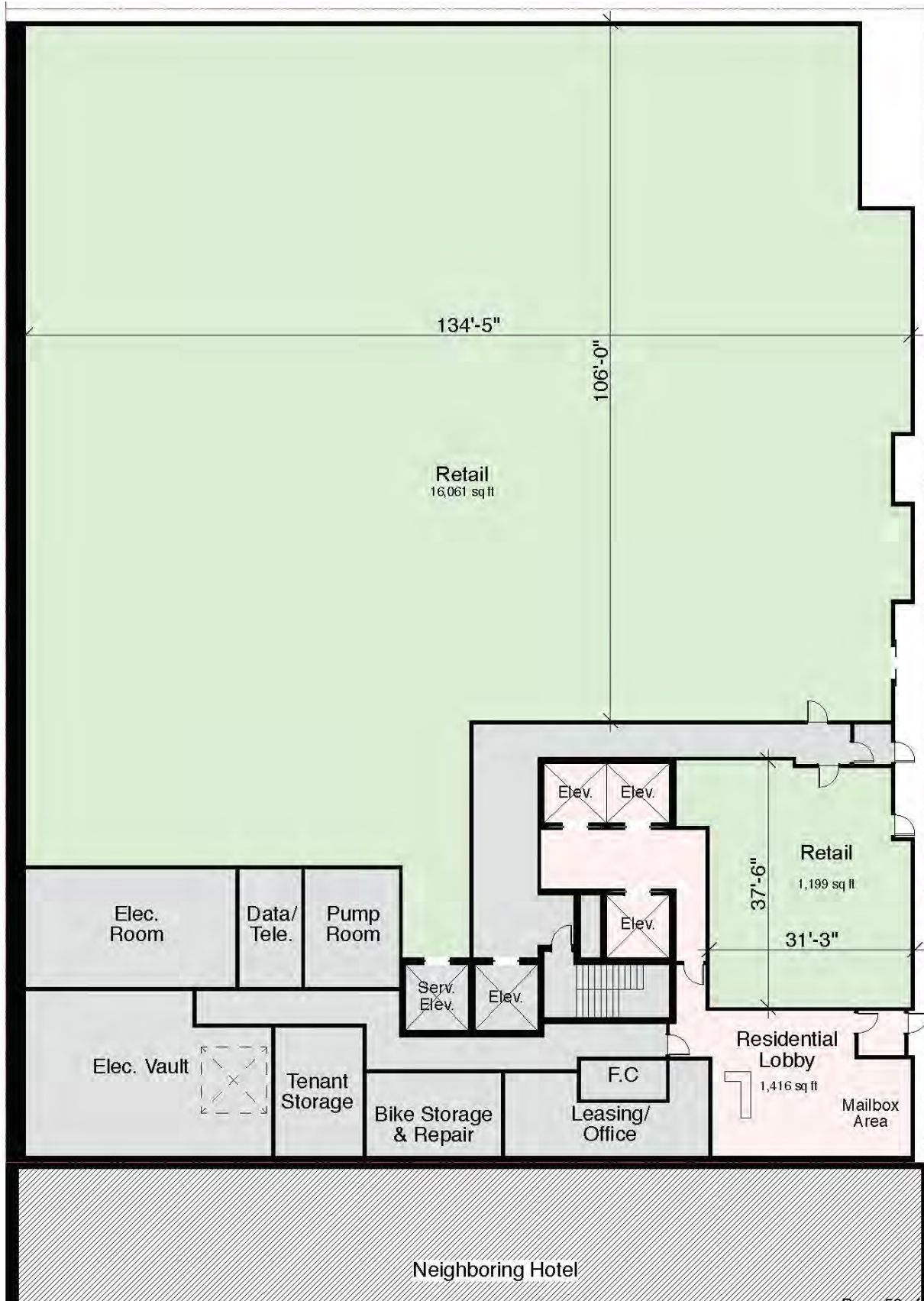


## PRELIMINARY BUILDING MASSING DIAGRAM – PROJECT CONCEPT





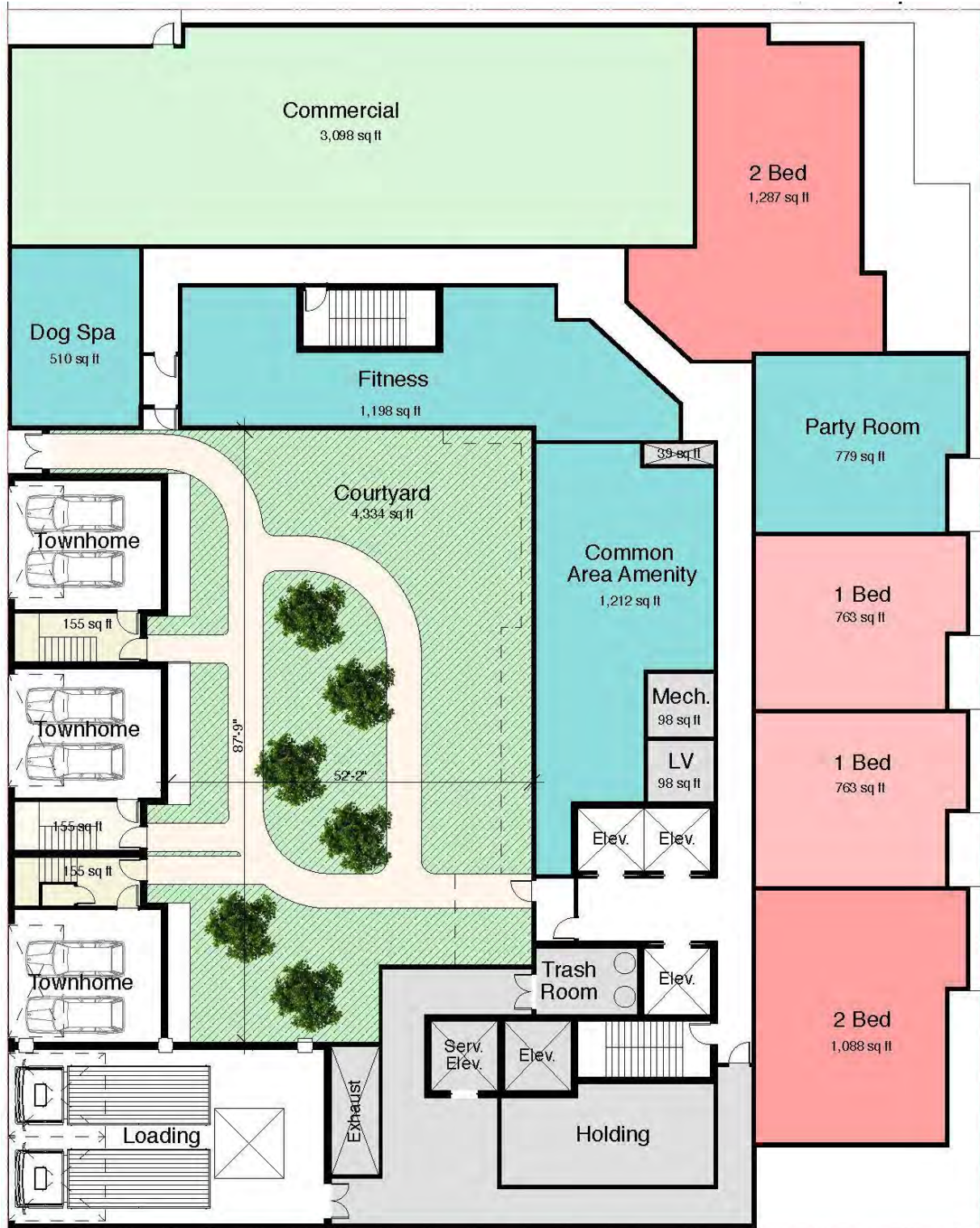
### PRELIMINARY FLOOR PLANS -1<sup>ST</sup> FLOOR







### PRELIMINARY FLOOR PLANS -2<sup>ND</sup> FLOOR



Neighboring Hotel Roof





### PRELIMINARY FLOOR PLANS -3<sup>RD</sup> & 4<sup>TH</sup> FLOOR





### PRELIMINARY FLOOR PLANS -5<sup>TH</sup> FLOOR





### PRELIMINARY FLOOR PLANS -6<sup>TH</sup> FLOOR TO 15<sup>TH</sup> FLOOR (TYPICAL)



# **APPENDIX C**

## Well Logs

**704151**

County St. Louis  
 Quad Duluth  
 Quad ID 244D

MINNESOTA DEPARTMENT OF HEALTH  
**WELL AND BORING REPORT**  
 Minnesota Statutes Chapter 1031

PC Meeting Packet 02-09-2021  
 Entry Date

Update Date 12/05/2019

Received Date 12/07/2004

<b>Well Name</b> ST. MARY'S	<b>Township</b> 50	<b>Range</b> 14	<b>Dir Section</b> W 27	<b>Subsection</b> AABADD	<b>Well Depth</b> 24 ft.	<b>Depth Completed</b> 24 ft.	<b>Date Well Completed</b> 11/09/2004
<b>Elevation</b> 687 ft.	<b>Elev. Method</b> LiDAR 1m DEM (MNDNR)				<b>Drill Method</b> Non-specified Rotary	<b>Drill Fluid</b>	
<b>Address</b> Well 402 1ST ST E DULUTH MN 55802					<b>Use</b> elevator	<b>Status</b> Active	
<b>Stratigraphy Information</b>					<b>Well Hydrofractured?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>From</b>	<b>To</b>
Geological Material GRANITE	From 0	To (ft.) 24	Color GRAY	Hardness V.HARD	<b>Casing Type</b> Step down	<b>Joint</b> Welded	
					<b>Drive Shoe?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Above/Below</b>	
					<b>Casing Diameter</b>	<b>Weight</b>	
					16 in. To 24 ft. 62.6 lbs./ft.		
					20 in. To 1 ft. 52.7 lbs./ft.		
					<b>Open Hole</b> From _____ ft. To _____ ft.		
					<b>Screen?</b> <input type="checkbox"/>	<b>Type</b>	<b>Make</b>
					<b>Static Water Level</b>		
					<b>Pumping Level (below land surface)</b>		
					<b>Wellhead Completion</b>		
					Pitless adapter manufacturer	Model	
					<input type="checkbox"/> Casing Protection	<input type="checkbox"/> 12 in. above grade	
					<input type="checkbox"/> At-grade (Environmental Wells and Borings ONLY)		
					<b>Grouting Information</b>	Well Grouted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Specified	
					Material	Amount	From To
					neat cement	18 Sacks	ft. 24 ft.
					<b>Nearest Known Source of Contamination</b>		
					0 feet	Direction	Type
					Well disinfected upon completion? <input type="checkbox"/> Yes <input type="checkbox"/> No		
					<b>Pump</b> <input type="checkbox"/> Not Installed	Date Installed	
					Manufacturer's name		
					Model Number	HP	Volt
					Length of drop pipe	ft Capacity	g.p. Typ
					<b>Abandoned</b>		
					Does property have any not in use and not sealed well(s)? <input type="checkbox"/> Yes <input type="checkbox"/> No		
					<b>Variance</b>		
					Was a variance granted from the MDH for this well? <input type="checkbox"/> Yes <input type="checkbox"/> No		
					<b>Miscellaneous</b>		
					First Bedrock	upper southwest volc	Aquifer
					Last Strat	upper southwest volc	Depth to Bedrock 0 ft
					Located by Minnesota Geological Survey		
					Locate Method Digitization (Screen) - Map (1:12,000) (>15 meters)		
					System	UTM - NAD83, Zone 15, Meters	X 569253 Y 5182485
					Unique Number Verification	Plat Book	Input Date 04/06/2018
					<b>Angled Drill Hole</b>		
					<b>Well Contractor</b>		
					United Drilling, Inc.	L0008	SCHERER, B.
					Licensee Business	Lic. or Reg. No.	Name of Driller

**Remarks**  
 BROKEN ROCK FROM 19 TO 21 FT, BACK INTO SOLID.

**704152**

County St. Louis  
 Quad Duluth  
 Quad ID 244D

MINNESOTA DEPARTMENT OF HEALTH  
**WELL AND BORING REPORT**  
 Minnesota Statutes Chapter 1031

PC Meeting Packet 02-09-2021  
 Entry Date

Update Date 12/05/2019

Received Date 12/07/2004

<b>Well Name</b> ST. MARY'S	<b>Township</b> 50	<b>Range</b> 14	<b>Dir Section</b> W 27	<b>Subsection</b> AABDCB	<b>Well Depth</b> 42 ft.	<b>Depth Completed</b> 42 ft.	<b>Date Well Completed</b> 11/10/2004
<b>Elevation</b> 684 ft.	<b>Elev. Method</b> LiDAR 1m DEM (MNDNR)				<b>Drill Method</b> Air Rotary	<b>Drill Fluid</b>	
<b>Address</b> Well 402 1ST ST E DULUTH MN 55802					<b>Use</b> elevator	<b>Status</b> Active	
<b>Stratigraphy Information</b>					<b>Well Hydrofractured?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>From</b>	<b>To</b>
Geological Material GRANITE	From 0	To (ft.) 42	Color GRAY	Hardness V.HARD	<b>Casing Type</b> Step down	<b>Joint</b> Welded	
					<b>Drive Shoe?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Above/Below</b>	
					<b>Casing Diameter</b>	<b>Weight</b>	
					16 in. To 42 ft. 62.6 lbs./ft.		
					20 in. To 1 ft. 52.7 lbs./ft.		
					<b>Open Hole</b>	From _____ ft.	To _____ ft.
					<b>Screen?</b> <input type="checkbox"/>	<b>Type</b>	<b>Make</b>
<b>Static Water Level</b>							
<b>Pumping Level (below land surface)</b>							
<b>Wellhead Completion</b>							
Pitless adapter manufacturer					Model		
<input type="checkbox"/> Casing Protection					<input type="checkbox"/> 12 in. above grade		
<input type="checkbox"/> At-grade (Environmental Wells and Borings ONLY)							
<b>Grouting Information</b>					Well Grouted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Specified		
Material neat cement		Amount 2 Sacks		From		To ft. 42 ft.	
<b>Nearest Known Source of Contamination</b>							
feet					Direction		Type
Well disinfected upon completion?					<input type="checkbox"/> Yes <input type="checkbox"/> No		
<b>Pump</b> <input type="checkbox"/> Not Installed <input type="checkbox"/> Date Installed							
Manufacturer's name							
Model Number			HP		Volt		
Length of drop pipe			ft Capacity		g.p. Typ		
<b>Abandoned</b>							
Does property have any not in use and not sealed well(s)?					<input type="checkbox"/> Yes <input type="checkbox"/> No		
<b>Variance</b>							
Was a variance granted from the MDH for this well?					<input type="checkbox"/> Yes <input type="checkbox"/> No		
<b>Miscellaneous</b>							
First Bedrock upper southwest volc			Aquifer				
Last Strat upper southwest volc			Depth to Bedrock		0 ft		
Located by Minnesota Geological Survey							
Locate Method GPS SA Off (averaged) (15 meters)							
System UTM - NAD83, Zone 15, Meters			X 569180		Y 5182404		
Unique Number Verification Plat Book			Input Date		04/06/2018		
<b>Angled Drill Hole</b>							
<b>Well Contractor</b>							
United Drilling, Inc.			L0008		SCHERER, B.		
Licensee Business			Lic. or Reg. No.		Name of Driller		

**Remarks**  
 BROKEN ROCK FROM 19 TO 21 FT, BACK INTO SOLID.

**739032**

County St. Louis  
 Quad Duluth  
 Quad ID 244D

MINNESOTA DEPARTMENT OF HEALTH  
**WELL AND BORING REPORT**  
 Minnesota Statutes Chapter 1031

PC Meeting Packet 02-09-2021  
 Entry Date

Update Date 12/05/2019

Received Date 04/11/2006

<b>Well Name</b> CITY OF	<b>Township</b> 50	<b>Range</b> 14	<b>Dir Section</b> W 27	<b>Subsection</b> AACBCD	<b>Well Depth</b> 54 ft.	<b>Depth Completed</b> 54 ft.	<b>Date Well Completed</b> 03/23/2006
<b>Elevation</b> 663 ft.	<b>Elev. Method</b> LiDAR 1m DEM (MNDNR)				<b>Drill Method</b> Non-specified Rotary	<b>Drill Fluid</b>	
<b>Address</b> Well 302 1ST ST E DULUTH MN 55805					<b>Use</b> elevator	<b>Status</b> Active	
<b>Stratigraphy Information</b>					<b>Well Hydrofractured?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>From</b>	<b>To</b>
Geological Material GRANITE	From 0	To (ft.) 54	Color RED/BLK	Hardness HARD	<b>Casing Type</b> Single casing	<b>Joint</b> Welded	
					<b>Drive Shoe?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Above/Below</b>	
					<b>Casing Diameter</b> 18 in. To 54 ft.	<b>Weight</b> 70.6 lbs./ft.	<b>Hole Diameter</b> 24 in. To 54 ft.
					<b>Open Hole</b> From _____ ft. To _____ ft.		
					<b>Screen?</b> <input type="checkbox"/>	<b>Type</b>	<b>Make</b>
					<b>Static Water Level</b>		
					<b>Pumping Level (below land surface)</b>		
					<b>Wellhead Completion</b>		
					Pitless adapter manufacturer	Model	
					<input type="checkbox"/> Casing Protection	<input type="checkbox"/> 12 in. above grade	
					<input type="checkbox"/> At-grade (Environmental Wells and Borings ONLY)		
					<b>Grouting Information</b>	Well Grouted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Specified	
					Material neat cement	Amount 3 Cubic yards	From To ft. 54 ft.
					<b>Nearest Known Source of Contamination</b>		
					feet	Direction	Type
					Well disinfected upon completion? <input type="checkbox"/> Yes <input type="checkbox"/> No		
					<b>Pump</b> <input type="checkbox"/> Not Installed	Date Installed	
					Manufacturer's name		
					Model Number	HP	Volt
					Length of drop pipe ft	Capacity g.p.	Typ
					<b>Abandoned</b>		
					Does property have any not in use and not sealed well(s)? <input type="checkbox"/> Yes <input type="checkbox"/> No		
					<b>Variance</b>		
					Was a variance granted from the MDH for this well? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
					<b>Miscellaneous</b>		
					First Bedrock upper southwest volc	Aquifer	
					Last Strat upper southwest volc	Depth to Bedrock	0 ft
					Located by Minnesota Geological Survey		
					Locate Method GPS SA Off (averaged) (15 meters)		
					System UTM - NAD83, Zone 15, Meters	X 569073	Y 5182268
					Unique Number Verification	Address verification	Input Date 04/06/2018
					<b>Angled Drill Hole</b>		
					<b>Well Contractor</b>		
					United Drilling, Inc.	L0008	LANGSDORF, A.
					Licensee Business	Lic. or Reg. No.	Name of Driller

**Remarks**  
 NO DRILL CASING.



**739033**

County St. Louis  
 Quad Duluth  
 Quad ID 244D

MINNESOTA DEPARTMENT OF HEALTH  
**WELL AND BORING REPORT**  
 Minnesota Statutes Chapter 1031

PC Meeting Packet 02-09-2021  
 Entry Date 08/03/2006  
 Update Date 12/05/2019  
 Received Date 04/11/2006

<b>Well Name</b> CITY OF	<b>Township</b> 50	<b>Range</b> 14	<b>Dir Section</b> W 27	<b>Subsection</b> AACBDC	<b>Well Depth</b> 60 ft.	<b>Depth Completed</b> 60 ft.	<b>Date Well Completed</b> 03/23/2006
<b>Elevation</b> 662 ft.	<b>Elev. Method</b> LiDAR 1m DEM (MNDNR)				<b>Drill Method</b> Non-specified Rotary	<b>Drill Fluid</b>	
<b>Address</b> Well 302 1ST ST E DULUTH MN 55805					<b>Use</b> elevator	<b>Status</b> Active	
<b>Stratigraphy Information</b>					<b>Well Hydrofractured?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>From</b>	<b>To</b>
Geological Material GRANITE	From 0	To (ft.) 60	Color RED/BLK	Hardness HARD	<b>Casing Type</b> Single casing	<b>Joint</b> Welded	
					<b>Drive Shoe?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Above/Below</b>	
					<b>Casing Diameter</b> 18 in. To 60 ft.	<b>Weight</b> 70.6 lbs./ft.	<b>Hole Diameter</b> 24 in. To 60 ft.
					<b>Open Hole</b> From _____ ft. To _____ ft.		
					<b>Screen?</b> <input type="checkbox"/>	<b>Type</b>	<b>Make</b>
					<b>Static Water Level</b>		
					<b>Pumping Level (below land surface)</b>		
					<b>Wellhead Completion</b>		
					Pitless adapter manufacturer	Model	
					<input type="checkbox"/> Casing Protection	<input type="checkbox"/> 12 in. above grade	
					<input type="checkbox"/> At-grade (Environmental Wells and Borings ONLY)		
					<b>Grouting Information</b>	Well Grouted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Specified	
					Material neat cement	Amount 3.25 Cubic yards	From To ft. 60 ft.
					<b>Nearest Known Source of Contamination</b>		
					feet	Direction	Type
					Well disinfected upon completion? <input type="checkbox"/> Yes <input type="checkbox"/> No		
					<b>Pump</b> <input type="checkbox"/> Not Installed	Date Installed	
					Manufacturer's name		
					Model Number	HP	Volt
					Length of drop pipe	ft	Capacity g.p. Typ
					<b>Abandoned</b>		
					Does property have any not in use and not sealed well(s)? <input type="checkbox"/> Yes <input type="checkbox"/> No		
					<b>Variance</b>		
					Was a variance granted from the MDH for this well? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
					<b>Miscellaneous</b>		
					First Bedrock upper southwest volc	Aquifer	
					Last Strat upper southwest volc	Depth to Bedrock	0 ft
					Located by Minnesota Geological Survey		
					Locate Method GPS SA Off (averaged) (15 meters)		
					System UTM - NAD83, Zone 15, Meters	X 569091	Y 5182277
					Unique Number Verification	Address verification	Input Date 04/06/2018
					<b>Angled Drill Hole</b>		
					<b>Well Contractor</b>		
					United Drilling, Inc.	L0008	LANGSDORF, A.
					Licensee Business	Lic. or Reg. No.	Name of Driller

**Remarks**  
 NO DRILL CASING.



**764826**

County St. Louis  
 Quad Duluth  
 Quad ID 244D

MINNESOTA DEPARTMENT OF HEALTH  
**WELL AND BORING REPORT**  
 Minnesota Statutes Chapter 1031

PC Meeting Packet 02-09-2021  
 Entry Date 07/28/2009  
 Update Date 12/05/2019  
 Received Date 10/23/2009

<b>Well Name</b> HURLBUT-	<b>Township</b> 50	<b>Range</b> 14	<b>Dir Section</b> W 27	<b>Subsection</b> ADBBBA	<b>Well Depth</b> 34 ft.	<b>Depth Completed</b> 34 ft.	<b>Date Well Completed</b> 03/03/2009
<b>Elevation</b> 628 ft.	<b>Elev. Method</b> LiDAR 1m DEM (MNDNR)				<b>Drill Method</b> Non-specified Rotary	<b>Drill Fluid</b>	
<b>Address</b> C/W 222 SUPERIOR ST E DULUTH MN 55802					<b>Use</b> elevator	<b>Status</b> Active	
<b>Stratigraphy Information</b>					<b>Well Hydrofractured?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>From</b>	<b>To</b>
Geological Material	From	To (ft.)	Color	Hardness	<b>Casing Type</b> Step down	<b>Joint</b> Welded	
BROKEN GRANITE	0	5	BLACK	HARD	<b>Drive Shoe?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>Above/Below</b>	
GRANITE	5	34	BLACK	HARD	<b>Casing Diameter</b>	<b>Weight</b>	<b>Hole Diameter</b>
					16 in. To 34 ft. 62.6 lbs./ft.	20 in. To 34 ft.	
					20 in. To 5 ft. 52.7 lbs./ft.		
					<b>Open Hole</b> From _____ ft. To _____ ft.		
					<b>Screen?</b> <input type="checkbox"/>	<b>Type</b>	<b>Make</b>
					<b>Static Water Level</b>		
					<b>Pumping Level (below land surface)</b>		
					<b>Wellhead Completion</b>		
					Pitless adapter manufacturer	Model	
					<input type="checkbox"/> Casing Protection	<input type="checkbox"/> 12 in. above grade	
					<input type="checkbox"/> At-grade (Environmental Wells and Borings ONLY)		
					<b>Grouting Information</b>	Well Grouted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Specified	
					Material	Amount	From To
					neat cement	1.5 Cubic yards	ft. 34 ft.
					<b>Nearest Known Source of Contamination</b>		
					feet	Direction	Type
					Well disinfected upon completion?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
					<b>Pump</b> <input checked="" type="checkbox"/> Not Installed	Date Installed	
					Manufacturer's name		
					Model Number	HP	Volt
					Length of drop pipe	ft	Capacity g.p. Typ
					<b>Abandoned</b>		
					Does property have any not in use and not sealed well(s)? <input type="checkbox"/> Yes <input type="checkbox"/> No		
					<b>Variance</b>		
					Was a variance granted from the MDH for this well? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
					<b>Miscellaneous</b>		
					First Bedrock	upper southwest volc	Aquifer
					Last Strat	upper southwest volc	Depth to Bedrock 0 ft
					Located by Minnesota Geological Survey		
					Locate Method Digitization (Screen) - Map (1:12,000) (>15 meters)		
					System	UTM - NAD83, Zone 15, Meters	X 569103 Y 5182134
					Unique Number Verification	Address verification	Input Date 04/28/2016
					<b>Angled Drill Hole</b>		
					<b>Well Contractor</b>		
					United Drilling, Inc.	1832	LANGSDORF, A.
					Licensee Business	Lic. or Reg. No.	Name of Driller





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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

<b>File Number</b>	PL 20-188	<b>Contact</b>	John Kelley, jkelley@duluthmn.gov	
<b>Type</b>	Vacation of Right-Of-Way	<b>Planning Commission Date</b>	February 9, 2021	
<b>Deadline for Action</b>	<b>Application Date</b>	December 11, 2020	<b>60 Days</b>	February 9, 2021
	<b>Date Extension Letter Mailed</b>	December 16, 2020	<b>120 Days</b>	April 10, 2021
<b>Location of Subject</b>	Unimproved Portion of Swenson Avenue and adjacent to 330 South 88 <sup>th</sup> Avenue West (Applicant)			
<b>Applicant</b>	Jason Lindelof	<b>Contact</b>		
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	See Attached			
<b>Site Visit Date</b>	January 29, 2021	<b>Sign Notice Date</b>	December 29, 2020/Revised January 25, 2021	
<b>Neighbor Letter Date</b>	January 26, 2021	<b>Number of Letters Sent</b>	19	

**Proposal**

The applicant is requesting to vacate an unimproved portion of Swenson Avenue adjacent to their street frontage along South 88<sup>th</sup> Avenue West.

**Recommended Action**

Staff recommends a recommendation of approval with conditions. Final action on vacations is by the City Council.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Unimproved right of way	Traditional Neighborhood
<b>North</b>	R-1	Residential	Traditional Neighborhood
<b>South</b>	R-1	Residential	Traditional Neighborhood
<b>East</b>	R-1	Vacant land	Traditional Neighborhood
<b>West</b>	R-1	Residential	Traditional Neighborhood

**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.** Vacations of streets should be supported only if the right of way or easement is not needed for connectivity.

**Governing Principle #12 – Create efficiencies in delivery of public services.** The costs of public services must be included in land use decisions. This includes decisions about whether to build future infrastructure or convert rights of way to private use.

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

**Review and Discussion Items:**

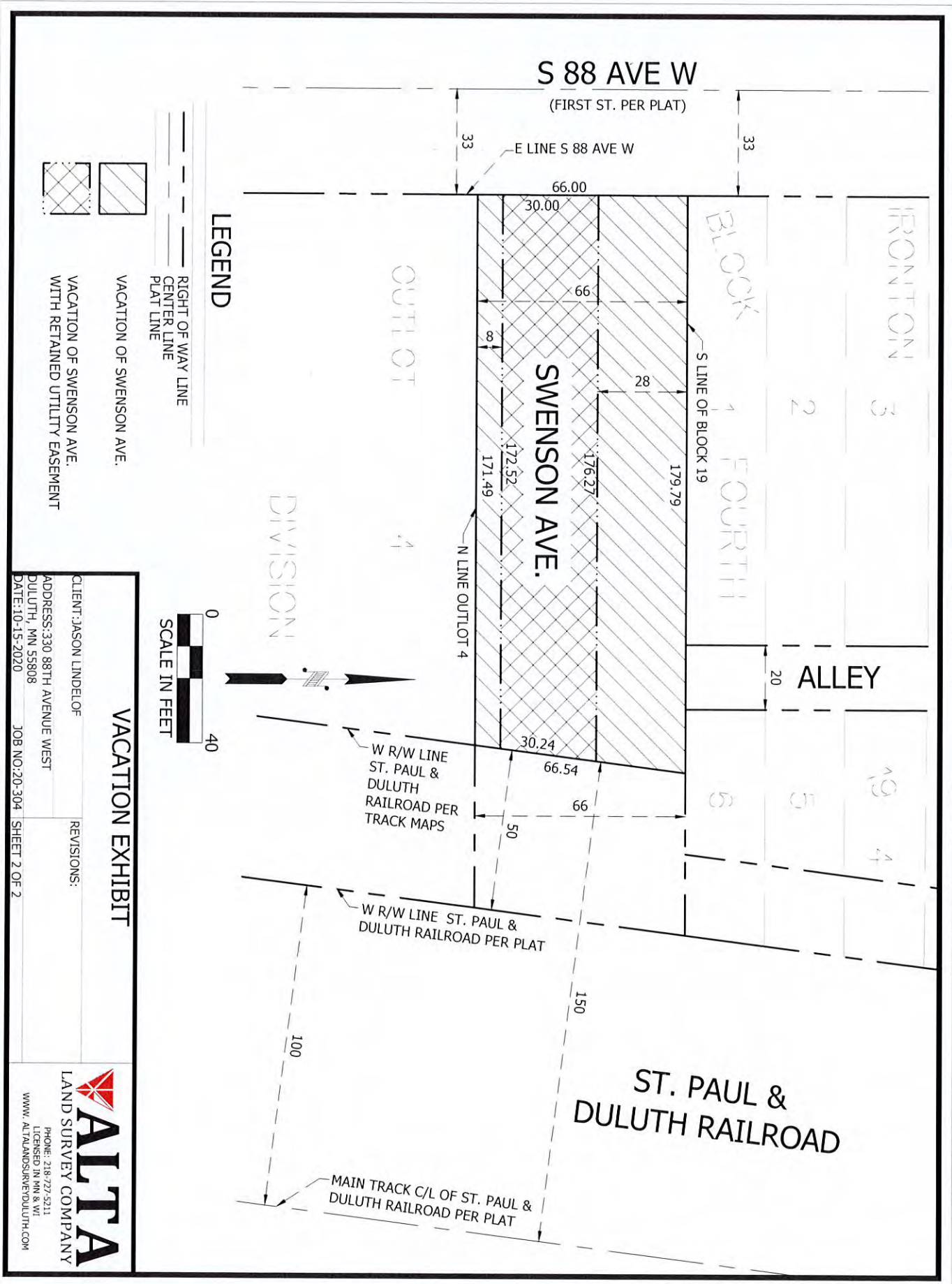
Staff finds that:

1. The applicant is requesting to vacate an unimproved portion of the platted right of way for Swenson Avenue in proximity to their property located at 330 South 88<sup>th</sup> Avenue West as shown on the attached exhibit. The applicant is proposing to remove the existing home and garage, and construct a new dwelling unit.
2. The proposed vacation of a portion of Swenson Avenue is approximately 11,592 square feet, and is 0.27 acres in size. The platted street ends at a railroad right of way so it would not provide connectivity further east even if it was improved.
3. The applicant owns the property on the north side of the unimproved portion of Swenson Avenue. The property owner with frontage along the south side of the right of way has signed the vacation petition and has access to their property via South 88th Avenue West.
4. The City has determined that this portion of the right of way is not needed for street use. Vacating the right of way will not impact or deny access to other property owners.
5. There are utilities within the area to be vacated, which consist of storm sewer mains. The City Engineering office has reviewed the proposed vacation and has indicated that a 30-foot wide utility easement shall be retained over the portion of the right of way with the storm sewer mains. This easement is shown in the attached exhibit.
6. The eastern terminus of Swenson Avenue could provide potential connections to the Marten (Western Waterfront) trail. Therefore a pedestrian easement shall be retained over the same portion as the utility easement.
7. No other public or City comments have been received at the time of drafting this report.
8. Vacations of rights of way and easements lapse unless the vacation is recorded with the county recorder within 90 days after final approval. The vacation recording is facilitated by the City of Duluth.

**Staff Recommendation:**

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

- 1.) The applicant shall submit a revised exhibit showing the combined utility and pedestrian easement area.
- 2.) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.





LEGAL DESCRIPTION OF VACATION OF SWENSON AVE.  
All that part of Swenson Ave. adjacent to and abutting Block 19 and Outlot 4, IRONTON FOURTH DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota, that lies between the East line of S 88 Ave W, First St. per plat and a line parallel with and distant 150.00 feet Westerly of the main track center line of the St. Paul and Duluth Railroad as shown on said IRONTON FOURTH DIVISION. Said parcel contains 11,592 square feet or 0.27 acres.

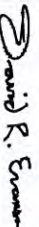
LEGAL DESCRIPTION OF RETAINED UTILITY EASEMENT OVER THE VACATED PORTION OF SWENSON AVE.  
All that part of Swenson Ave. lying between a line parallel with and distant 28.00 feet South of the South line of Block 19, IRONTON FOURTH DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota and a line parallel with and distant 8.00 feet North of the North line of Outlot 4, said IRONTON FOURTH DIVISION, and lies between the East line of S 88 Ave W, First St. per plat and a line parallel with and distant 150.00 feet Westerly of the main track center line of the St. Paul and Duluth Railroad as shown on said IRONTON FOURTH DIVISION. Said parcel contains 5,232 square feet or 0.12 acres.

- SURVEYOR'S NOTES
1. THIS IS NOT A BOUNDARY SURVEY.

Approved by the City Engineer of the City of Duluth, MN this 27 day of Sept, 2021

By 

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

  
David R. Ewinson

MN Lic. No. 49505  
DATE: 10-15-2020

VACATION EXHIBIT

CLIENT: JASON LINDELOF

REVISIONS:

ADDRESS: 330 88TH AVENUE WEST  
DULUTH, MN 55808  
DATE: 10-15-2020

JOB NO: 20-304 SHEET 1 OF 2



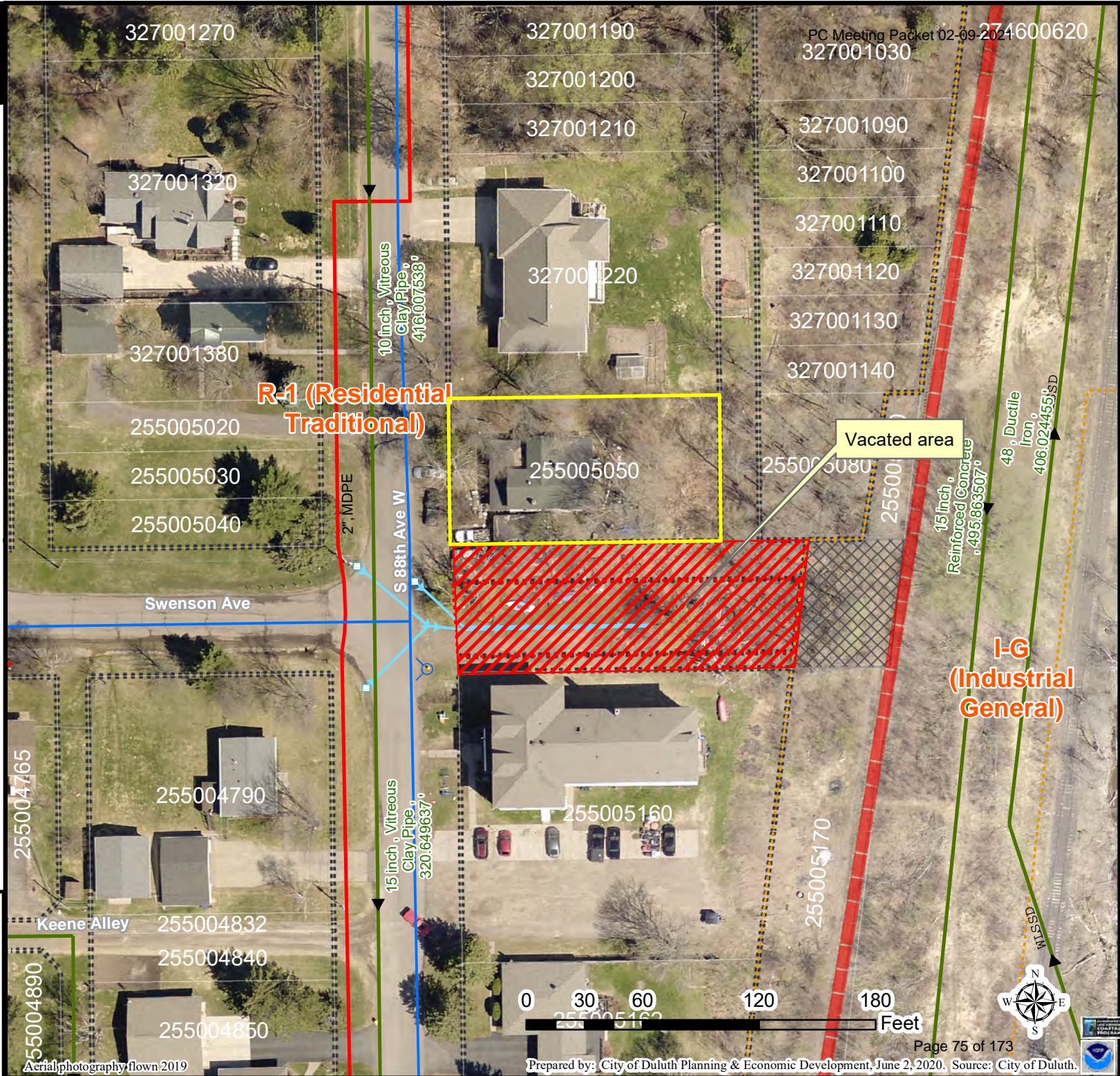
**ALTA**  
LAND SURVEY COMPANY  
PHONE: 218-727-5211  
LICENSED IN MN & WI  
WWW.ALTAWSURVEYDULUTH.COM





**Legend**

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains**
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Road or Alley ROW
- Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement
- Zoning Boundaries



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**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 21-003	<b>Contact</b>	John Kelley, <a href="mailto:jkelly@duluthmn.gov">jkelly@duluthmn.gov</a>	
<b>Type</b>	Variance – Flood fringe fill requirements	<b>Planning Commission Date</b>	February 9, 2021	
<b>Deadline for Action</b>	<b>Application Date</b>	January 5, 2021	<b>60 Days</b>	March 6, 2021
	<b>Date Extension Letter Mailed</b>	January 13, 2021	<b>120 Days</b>	May 5, 2021
<b>Location of Subject</b>	827 South Lake Avenue			
<b>Applicant</b>	Lorien & Gregg Mueller	<b>Contact</b>		
<b>Agent</b>	Jody Keppers	<b>Contact</b>		
<b>Legal Description</b>	010-4380-02270, 010-4390-01130			
<b>Site Visit Date</b>	January 29, 2021	<b>Sign Notice Date</b>	January 26, 2021	
<b>Neighbor Letter Date</b>	January 26, 2021	<b>Number of Letters Sent</b>	36	

**Proposal:**  
 The applicant is seeking a variance from the 15-foot fill requirement in a flood fringe zone to construct a new single family home.

**Recommended Action:**  
 Staff recommends approval with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Vacant land	Traditional Neighborhood
<b>North</b>	R-1	Vacant land	Traditional Neighborhood
<b>South</b>	R-1	Single Family Homes	Traditional Neighborhood
<b>East</b>	R-1	Single Family Homes	Traditional Neighborhood
<b>West</b>	R-1	US Army Core of Engineers	Traditional Neighborhood/Institutional

**Summary of Code Requirements**

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

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

Sec. 50-37.9.L – Standards for variances in Shorelands: No variance shall be granted that compromises the general purposes

or intent of Section 50-18.1.D or results in adverse consequences to the environment. Variances shall include a requirement for the applicant to mitigate the impacts of the variance on shoreland areas.

Section 50-18.1.C.3.i.ii All structures, including accessory structures, shall be elevated on fill so that a structure’s lowest floor is above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one foot below the regulatory flood protection elevation and the fill shall extend at that elevation at least 15 feet beyond the outside limits of the structure. In A-O zones, the finished fill elevation for structures must be a minimum of two feet above the highest adjacent grade. The structure’s design and as-built condition in relation to the regulatory flood protection elevation must be certified by a professional engineer or architect licensed in Minnesota;

Any portion of a non-residential structure below the regulatory flood protection elevation will be structurally dry floodproofed in accordance with the FP-1 or FP-2 classification found in the State Building Code;

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

Governing Principle #1 - 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. The applicant is proposing to construct the new garage in the general area of the existing structure location.

Governing Principle 5 – Promote reinvestment in neighborhoods .... 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. The property owner will be reinvesting in the Park Point neighborhood by constructing a single family home.

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

**Review and Discussion Items**

- 1) The applicant is requesting a variance from the requirement that finished fill elevation for a structure located within the flood fringe zone shall be no lower than one foot below the regulatory flood protection elevation, extended at least 15 feet beyond the outside limits of the structure. The variance, if granted, would allow for the construction of a new single-family home.
- 2) The applicant stated that the property has been used to support a single-family dwelling for more than 100 years. The original home was removed. The hardship was created by the low elevation of this property and by increasingly stringent flood regulations rather than any decisions on the part of current or former property owners. Additionally the applicant has stated that only a small number of properties on this block are of low enough elevation to face a similar problem. The vast majority of other properties in the general neighborhood have a high enough elevation so that they do not face this problem.
- 3) Section 50.18.1.C.3.(a).(i) of the UDC requires that all structures, including accessory structures, shall be elevated on fill so that a structure’s lowest floor is above the regulatory flood protection elevation of 607 ft. Per the architects site/grading plan, the slab elevation will be set at elevation 608.5’ which is 1.5’ above the regulatory flood protection elevation of 607.0’.
- 4) The UDC also requires that the finished fill elevation for structures shall be no lower than one foot below the regulatory flood protection elevation and the fill shall extend at that elevation at least 15 feet beyond the outside limits of the structure. The proposed grade elevation at the front and rear (east and west sides) of the proposed building meets the minimum elevation requirement for a distance of 15’ beyond the building perimeter and does not require a variance. However, the narrowness of the property (40’ wide) makes it infeasible to provide a full 15’ width of fill on the north and south sides of the parcel that complies with the minimum fill elevation requirements of 606 feet. With 15’ of fill on each side of the building, only 10 feet of buildable width would remain.
- 5) The sides of the new home will be graded with grassed swales to convey any runoff to the west towards the St. Louis Bay. Roof runoff will be managed with gutters and downspouts to minimize runoff onto neighboring properties.
- 6) The structure’s design and as-built condition in relation to the regulatory flood protection elevation must be certified by a professional engineer or architect licensed in Minnesota. The applicant has submitted a letter certified by a licensed professional engineer (see attached) that states a residential project of this magnitude with minimal fill will have a

negligible effect on the watershed’s storage/flood elevation, there is minimal risk of soil erosion due to high velocity flows, wave action or ice action at this location and that side yard drainage controls such as grass swales will convey runoff to the west towards the St. Louis Bay.

- 7) The City Construction and Inspection Services Department has stated that they are not opposed to the minimum necessary relief to the required 15 feet of perimeter fill due to site constraints and that construction in a flood hazard area must comply with the Minnesota State Building Code, including Chapter 1335, Flood proofing regulations.
- 8) The applicant is proposing a reasonable use of the site consisting of a single family dwelling.
- 9) The proposal will not alter the essential character of the neighborhood as adjacent homes are of similar size and configuration.
- 10) No other public, private or City comments were received.
- 11) Per UDC Section 50-37.1. N. approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year

**Staff Recommendation**

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

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





PL 21-003 Variance  
Location Map

PC Meeting Packet 02-09-2021

**Legend**



Zoning Boundaries

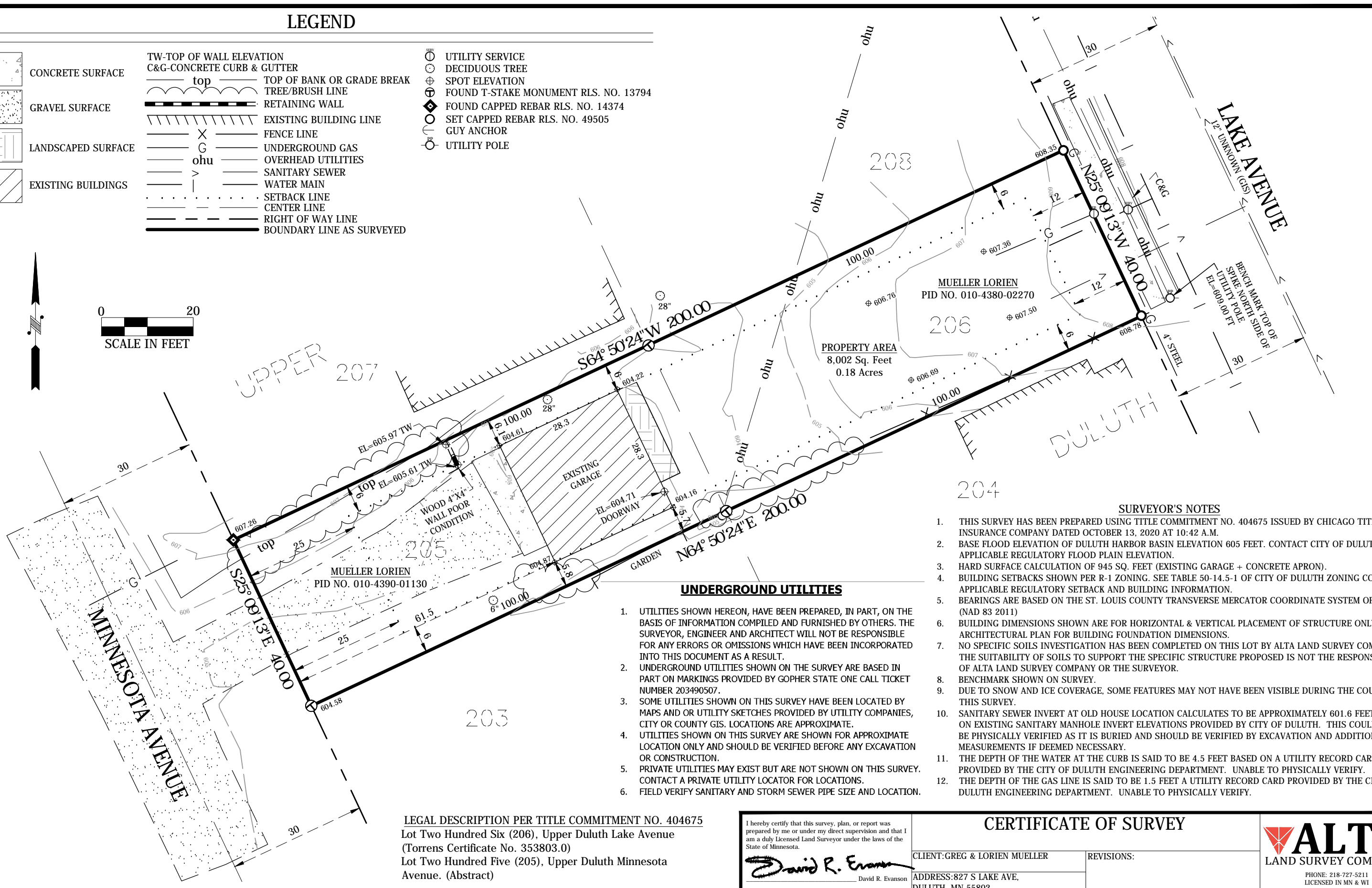
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### LEGEND

- |  |                    |  |                                |  |                                       |
|--|--------------------|--|--------------------------------|--|---------------------------------------|
|  | CONCRETE SURFACE   |  | TW-TOP OF WALL ELEVATION       |  | UTILITY SERVICE                       |
|  | GRAVEL SURFACE     |  | C&G-CONCRETE CURB & GUTTER     |  | DECIDUOUS TREE                        |
|  | LANDSCAPED SURFACE |  | top TOP OF BANK OR GRADE BREAK |  | SPOT ELEVATION                        |
|  | EXISTING BUILDINGS |  | TREE/BRUSH LINE                |  | FOUND T-STAKE MONUMENT RLS. NO. 13794 |
|  |                    |  | RETAINING WALL                 |  | FOUND CAPPED REBAR RLS. NO. 14374     |
|  |                    |  | EXISTING BUILDING LINE         |  | SET CAPPED REBAR RLS. NO. 49505       |
|  |                    |  | FENCE LINE                     |  | GUY ANCHOR                            |
|  |                    |  | UNDERGROUND GAS                |  | UTILITY POLE                          |
|  |                    |  | OVERHEAD UTILITIES             |  |                                       |
|  |                    |  | SANITARY SEWER                 |  |                                       |
|  |                    |  | WATER MAIN                     |  |                                       |
|  |                    |  | SETBACK LINE                   |  |                                       |
|  |                    |  | CENTER LINE                    |  |                                       |
|  |                    |  | RIGHT OF WAY LINE              |  |                                       |
|  |                    |  | BOUNDARY LINE AS SURVEYED      |  |                                       |



#### UNDERGROUND UTILITIES

- UTILITIES SHOWN HEREON, HAVE BEEN PREPARED, IN PART, ON THE BASIS OF INFORMATION COMPILED AND FURNISHED BY OTHERS. THE SURVEYOR, ENGINEER AND ARCHITECT WILL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS WHICH HAVE BEEN INCORPORATED INTO THIS DOCUMENT AS A RESULT.
- UNDERGROUND UTILITIES SHOWN ON THE SURVEY ARE BASED IN PART ON MARKINGS PROVIDED BY GOPHER STATE ONE CALL TICKET NUMBER 203490507.
- SOME UTILITIES SHOWN ON THIS SURVEY HAVE BEEN LOCATED BY MAPS AND OR UTILITY SKETCHES PROVIDED BY UTILITY COMPANIES, CITY OR COUNTY GIS. LOCATIONS ARE APPROXIMATE.
- UTILITIES SHOWN ON THIS SURVEY ARE SHOWN FOR APPROXIMATE LOCATION ONLY AND SHOULD BE VERIFIED BEFORE ANY EXCAVATION OR CONSTRUCTION.
- PRIVATE UTILITIES MAY EXIST BUT ARE NOT SHOWN ON THIS SURVEY. CONTACT A PRIVATE UTILITY LOCATOR FOR LOCATIONS.
- FIELD VERIFY SANITARY AND STORM SEWER PIPE SIZE AND LOCATION.

#### SURVEYOR'S NOTES

- THIS SURVEY HAS BEEN PREPARED USING TITLE COMMITMENT NO. 404675 ISSUED BY CHICAGO TITLE INSURANCE COMPANY DATED OCTOBER 13, 2020 AT 10:42 A.M.
- BASE FLOOD ELEVATION OF DULUTH HARBOR BASIN ELEVATION 605 FEET. CONTACT CITY OF DULUTH FOR APPLICABLE REGULATORY FLOOD PLAIN ELEVATION.
- HARD SURFACE CALCULATION OF 945 SQ. FEET (EXISTING GARAGE + CONCRETE APRON).
- BUILDING SETBACKS SHOWN PER R-1 ZONING. SEE TABLE 50-14.5-1 OF CITY OF DULUTH ZONING CODE FOR APPLICABLE REGULATORY SETBACK AND BUILDING INFORMATION.
- BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
- BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL PLAN FOR BUILDING FOUNDATION DIMENSIONS.
- NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.
- BENCHMARK SHOWN ON SURVEY.
- DUE TO SNOW AND ICE COVERAGE, SOME FEATURES MAY NOT HAVE BEEN VISIBLE DURING THE COURSE OF THIS SURVEY.
- SANITARY SEWER INVERT AT OLD HOUSE LOCATION CALCULATES TO BE APPROXIMATELY 601.6 FEET BASED ON EXISTING SANITARY MANHOLE INVERT ELEVATIONS PROVIDED BY CITY OF DULUTH. THIS COULD NOT BE PHYSICALLY VERIFIED AS IT IS BURIED AND SHOULD BE VERIFIED BY EXCAVATION AND ADDITIONAL MEASUREMENTS IF DEEMED NECESSARY.
- THE DEPTH OF THE WATER AT THE CURB IS SAID TO BE 4.5 FEET BASED ON A UTILITY RECORD CARD PROVIDED BY THE CITY OF DULUTH ENGINEERING DEPARTMENT. UNABLE TO PHYSICALLY VERIFY.
- THE DEPTH OF THE GAS LINE IS SAID TO BE 1.5 FEET A UTILITY RECORD CARD PROVIDED BY THE CITY OF DULUTH ENGINEERING DEPARTMENT. UNABLE TO PHYSICALLY VERIFY.

**LEGAL DESCRIPTION PER TITLE COMMITMENT NO. 404675**  
 Lot Two Hundred Six (206), Upper Duluth Lake Avenue  
 (Torrens Certificate No. 353803.0)  
 Lot Two Hundred Five (205), Upper Duluth Minnesota  
 Avenue. (Abstract)

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.  
  
 David R. Evanson  
 DATE: 12-28-2020 MN Lic. No. 49505

CERTIFICATE OF SURVEY	
CLIENT: GREG & LORIEN MUELLER	REVISIONS:
ADDRESS: 827 S LAKE AVE, DULUTH, MN 55802	
DATE: 12-28-2020	JOB NO: 20-371 SHEET 1 OF 1

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

**PRELIMINARY -  
NOT FOR  
CONSTRUCTION**

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IF THE BAR BELOW DOES NOT  
MEASURE EXACTLY 1", REVISE  
ALL SCALES ACCORDINGLY



**Mueller Residence**  
827 South Lake Avenue Duluth MN 55802

ISSUED:  
Jan 5, 2020 Variance  
App

Cover Sheet

Mueller.pln

**A001**



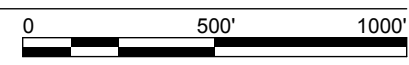
Site Location  
827 S Lake Avenue



1  
A001

### Aerial Photo - Project Location

SCALE: 1" = 500'

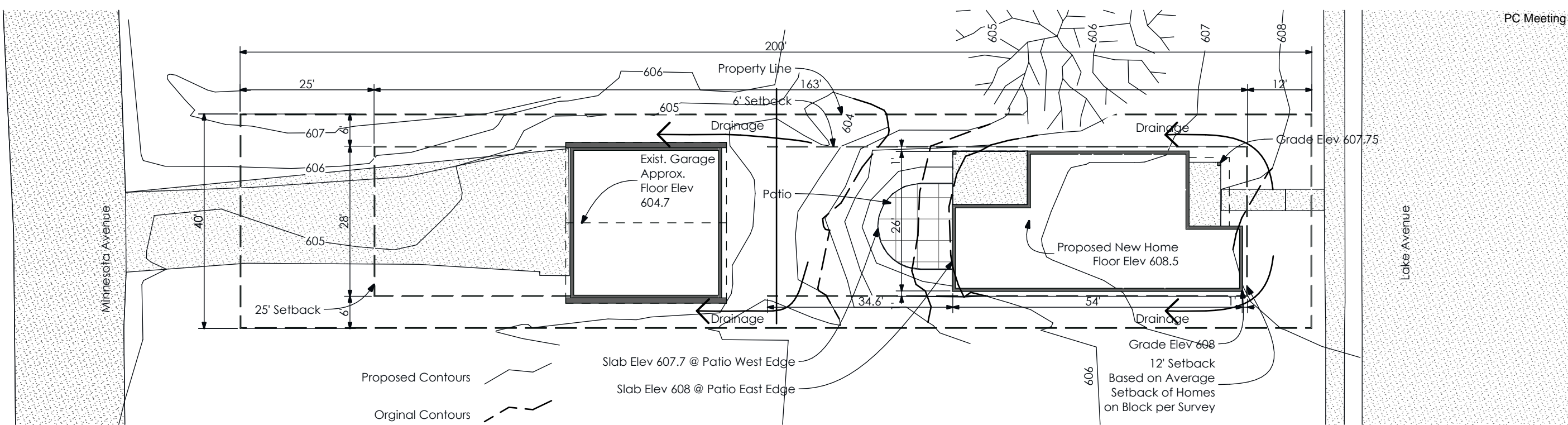




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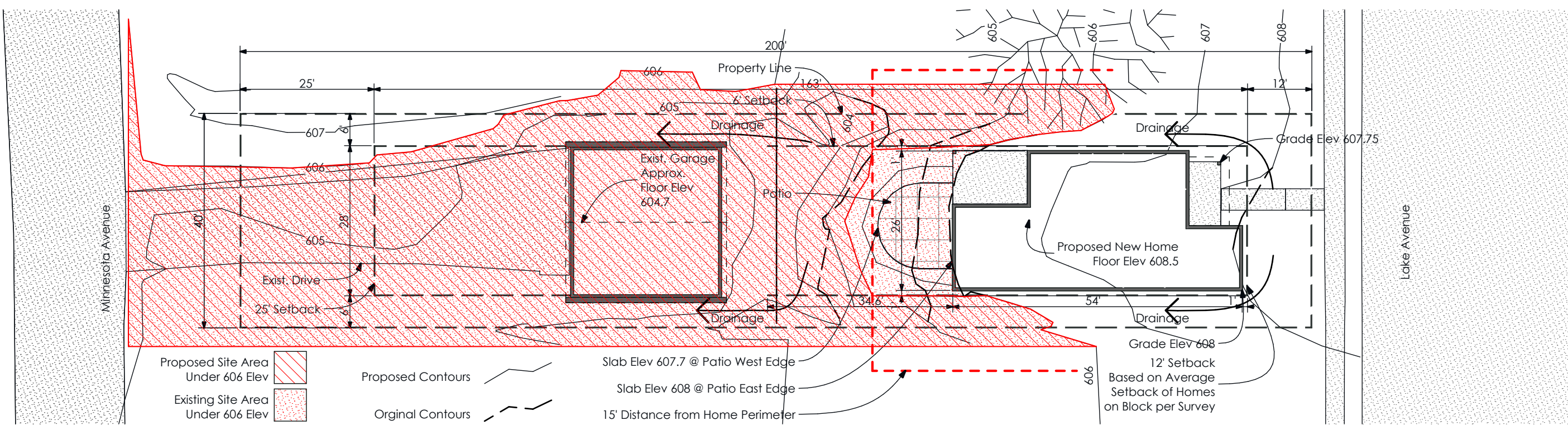
IF THE BAR BELOW DOES NOT  
MEASURE EXACTLY 1", REVISE  
ALL SCALES ACCORDINGLY



# 1 Site Plan

1  
A002

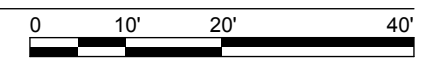
SCALE: 1" = 20'



# 2 Site Plan w/ Flood Areas

2  
A002

SCALE: 1" = 20'



**Mueller Residence**  
827 South Lake Avenue Duluth MN 55802

ISSUED:  
Jan 5, 2020 Variance  
App

Site

Keppers Design  
 Jody Keppers AIA  
 620 Ridgewood Rd  
 Duluth, MN 55804  
 218-409-6409  
 www.keppersdesign.com  
 jkeppers@keppersdesign.com

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**Mueller Residence**  
 827 South Lake Avenue Duluth MN 55802

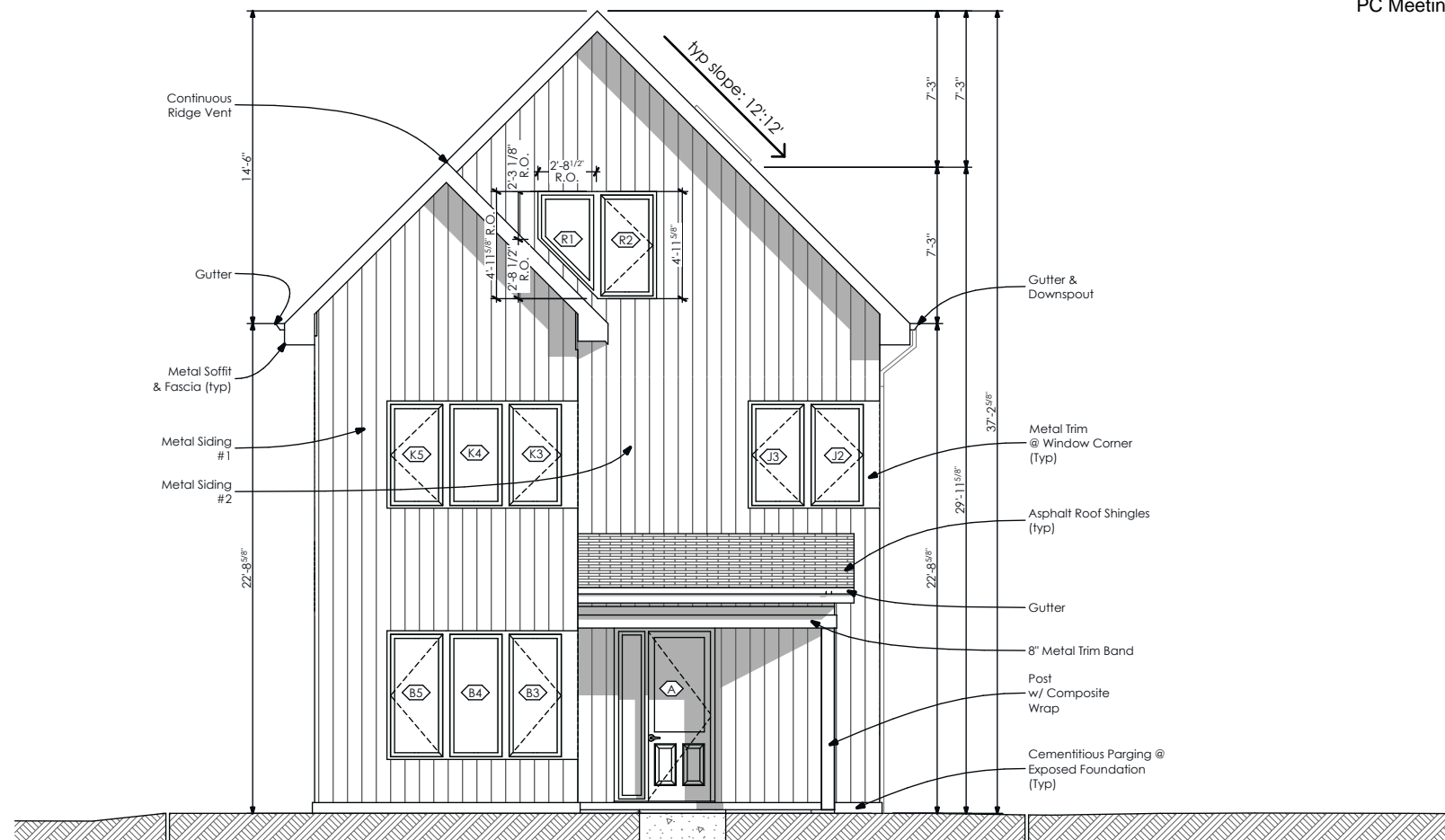
ISSUED:  
 Jan 5, 2020 Variance  
 App

Exterior Elevations -  
 East

Mueller.pln  
**A201**  
 Page 84 of 173  
 10/2020018 Printed: 1/5/21



**1**  
**A201**  
**View 1**  
 NOT TO SCALE



**2**  
**A201**  
**East Elevation**  
 SCALE: 1/8" = 1'-0"



**PRELIMINARY -  
NOT FOR  
CONSTRUCTION**

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MEASURE EXACTLY 1", REVISE  
ALL SCALES ACCORDINGLY



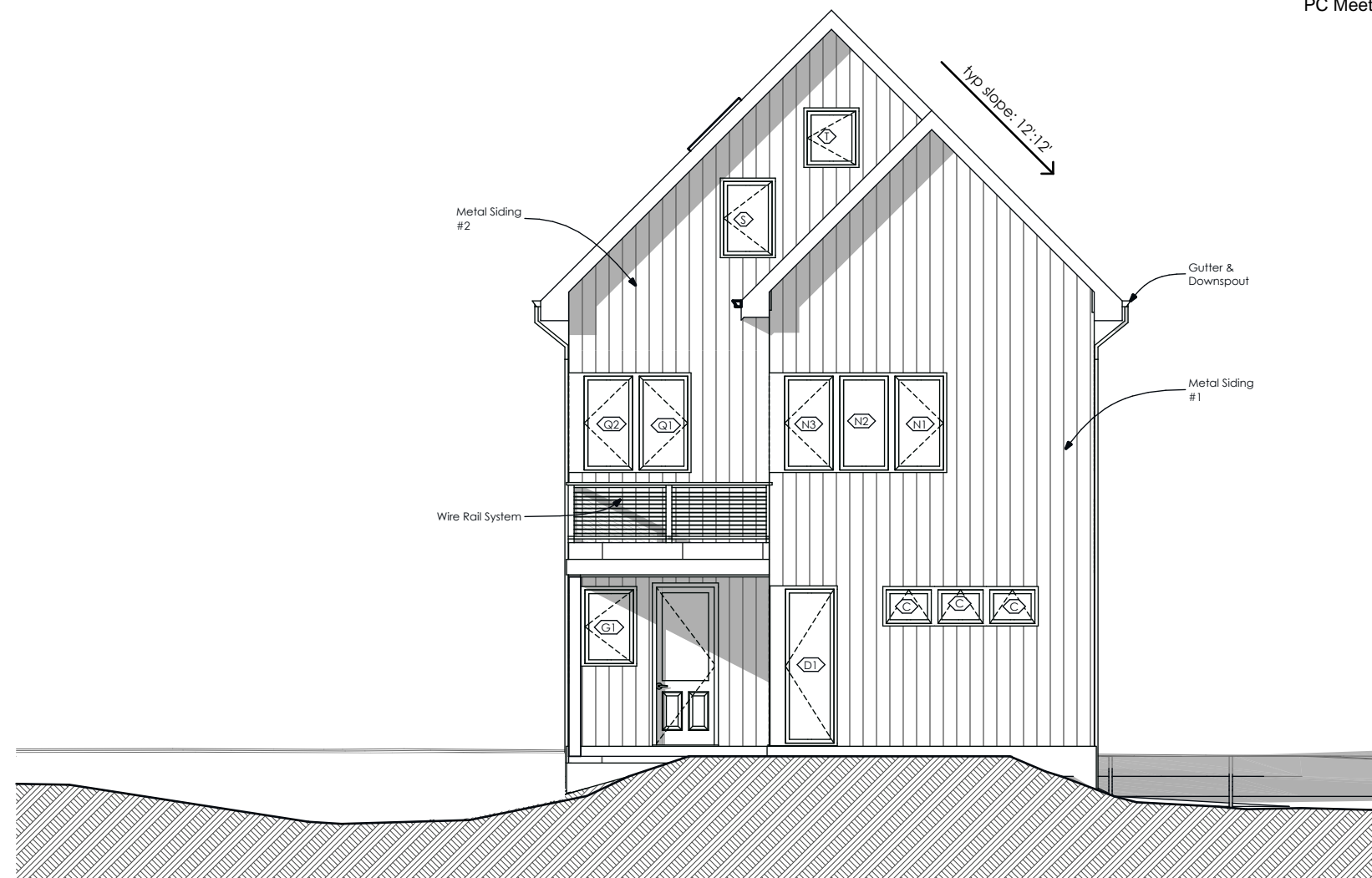
**Mueller Residence**  
827 South Lake Avenue Duluth MN 55802

ISSUED:  
Jan 5, 2020 Variance  
App

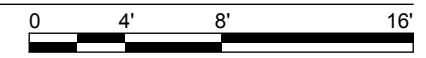
Exterior Elevations -  
West



**1**  
**View 3**  
NOT TO SCALE



**2**  
**West Elevation**  
SCALE: 1/8" = 1'-0"



January 12, 2021

Jody Keppers, AIA  
Keppers Design  
620 Ridgewood Road  
Duluth, MN 55804

Sent by Email to: [jkeppers@keppersdesign.com](mailto:jkeppers@keppersdesign.com)

**Re: 827 S. Lake Ave. - Mueller Residence Flood Fringe Review**  
**NCE Job No.: 21-005**

Dear Jody:

The following letter will summarize my review of the proposed site in regards to the flood plain variance application submitted to the City of Duluth. New construction will consist of a proposed single-family home that will be constructed in a similar location to a home that was demolished last year, but had been on the site for over 100 years. A portion of the site sits within the designated flood fringe defined by the elevation 605' contour. NCE was provided a topographic survey and a site and grading plan developed by Keppers Design (architect). It is NCE's understanding this survey and plans will be the basis of construction with the slab elevation built off of the survey benchmark.

This letter will provide the findings based on my review of the provided documentation for the project and variance submittal. There are (3) requirements this letter will address listed below:

**Requirement #1: City UDC Section 50-37.9.K.2.(b)**

Project will not produce adverse effects to flood capacity and efficiency of the water course.

**Requirement #1 Discussion:**

The proposed new construction of a single-family home will not affect flood capacity and the efficiency of the watercourse. The new homes elevation and location on the site will be very similar to the demolished homes requiring minimal additional fill in the flood fringe. When considering the flood capacity of the St. Louis River and Lake Superior watershed, a residential project of this magnitude with minimal fill will have a negligible effect on the watershed's storage/flood elevation.

**Requirement #2: City UDC Section 50-37.9.K.4.(k)**

Project shall consider the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

**Requirement #2 Discussion:**

Per the architects site/grading plan, the slab elevation will be set at elevation 608.5' which is 1.5' above the regulatory flood protection elevation of 607.0'. Evaluating existing contours and past photos, the previous home was a similar size and set at a comparable elevation. The sides of the new home will be graded with grassed swales to convey any runoff to the west towards the St. Louis Bay. Roof runoff will be managed with gutters and downspouts to minimize runoff onto neighboring properties. In the event of a flood, this area would be expected to be a gradual rise and fall scenario. There is minimal risk of soil erosion due to high velocity flows, wave action or ice action at this location.

**Requirement #3: DNR Shoreland and Floodplain Variance Guidance Series “Floodplain Fill”**

The foundation protection design is approved by a qualified professional and addresses:

- Fill no lower than one (1) foot below the regulatory flood protection elevation extends at least fifteen (15) feet beyond the outer limits of at least one side of the structure such that access is provided to the structure during times of flooding;
- All remaining sides of the structure have the foundation adequately protected (using fill, vegetation, armoring, retaining walls, etc.) for the conditions associated with flooding at that site such as velocities, waves, ice jams, etc.; and
- The design uses appropriate sloping and grading to drain the water away from the structure without increasing flood damage potential to adjoining properties.

**Requirement #3 Discussion:**

The existing property is a 40’ wide platted lot. Side yard setbacks are 6’ on both sides effective leaving 28’ of buildable area. 15’ of grading would cause the current projects grading to extend across the property line which the owner does not own, see site plan. Existing contours of the lots to the north and south need to be tied into further limiting the elevation available for grading. The width of the lot will not allow the 15’ grading width requirement to be met along the side yards with the proposed building width of 26’. However, the front and rear yards of the home will be above the regulatory flood elevation and would meet the requirements with a flood elevation of 607.0’. Site drainage will shed water away from the foundation around all sides of the home. On the side of the home grassed swales will convey runoff to the west towards the St. Louis Bay. As mentioned above, this area is well protected from high velocity flows or wave action that could cause erosion.

If you have any questions or comments on the above findings, please feel free to contact me.

Respectfully,



Adam Zwak, P.E. – Partner  
Northland Consulting Engineers, LLP  
102 S. 21<sup>st</sup> Ave. W., Suite One.  
Duluth, MN 55806





**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 21-006	<b>Contact</b>	John Kelley, jkelley@duluthmn.gov	
<b>Type</b>	Concurrent Use Permit	<b>Planning Commission Date</b>	February 9, 2021	
<b>Deadline for Action</b>	<b>Application Date</b>	January 5, 2021	<b>60 Days</b>	March 6, 2021
	<b>Date Extension Letter Mailed</b>	January 19, 2021	<b>120 Days</b>	May 5, 2021
<b>Location of Subject</b>	2102, 2104, 2112, 2110, 2306 W Superior Street			
<b>Applicant</b>	Duluth Lincoln Park 1 LLC	<b>Contact</b>	Dante Tomassoni	
<b>Agent</b>	Dante Tomassoni	<b>Contact</b>		
<b>Legal Description</b>	See attached			
<b>Site Visit Date</b>	January 29, 2021	<b>Sign Notice Date</b>	January 26, 2021	
<b>Neighbor Letter Date</b>	N/A	<b>Number of Letters Sent</b>	N/A	

**Proposal:** The purpose of this application is to obtain a Concurrent Use Permit (CUP) to attach balconies, rooftop parapet walls and canopies above ground and attached to a structure along West Superior Street and South 21<sup>st</sup> Avenue West for a proposed 74 unit apartment building.

**Staff Recommendation:** Staff is recommends that Planning Commission recommend approval to City Council.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	F-5, MU-C	Vacant building	Central Business Secondary
<b>North</b>	F-5	Office/Commercial	Central Business Secondary
<b>South</b>	MU-C	Street	Central Business Secondary
<b>East</b>	MU-C	Office/Commercial	Central Business Secondary
<b>West</b>	F-5	Office/Commercial	Central Business Secondary

**Summary of Code Requirements:**

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

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

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

Governing Principle #1 – Reuse previously developed lands: includes adaptive reuse of existing building stock and historic resources, as this strengthens neighborhoods. The applicant is proposing to reuse previously developed lands to construct a 74 unit apartment building with the CUP for architectural treatments to the exterior of the building and foundation footings for structural support.

Future Land Use – Central Business Secondary: An area adjacent to and supporting the central business primary area or a stand-alone area providing a similar mix of destination land uses but at a lower intensity than the primary CB area. Includes mixed regional and neighborhood retail, employment centers, public spaces, medium density residential, and public parking facilities.

**History:**

1890-1901 – Buildings were constructed.

1979 – Buildings were combined with a single metal front façade.

The property was rezoned from MU-N to F-6 in 2011 (11-068)

Most recently occupied by Roberts Home Furnishings

PL 19-103 – Planning Commission approved a variance from occupied space setback for a multi-family apartment building on August 13, 2019

**Review and Discussion Items**

Staff finds that:

- 1.) The applicant is proposing to construct a new 74 unit apartment building in the Lincoln Park neighborhood. The application for a concurrent use permit is for the portion of the project located at the southwest corner of Superior Street and South 21st Avenue West. The building will require architectural elements to the exterior façade of the building on the north and west portions of the structure which will extend into the right of way of West Superior Street, South 21st Avenue West.
- 2.) The concurrent use area consists of locations on the north and west side of the building. The proposed apartment complex will consist of four floors above ground with parking at street level. Three floors of apartment units are above the parking garage.
- 3.) Balconies will be located attached to each living space for units on the north and west façades of the building. There will be a total of 14 balconies with each concurrent use area extending 4.33 feet into the right of way for West Superior Street and South 21st Avenue West. The balconies are described as concurrent use parcels 1 through 11 on Exhibit I. The applicant states that balconies will be no lower than fourteen (14) feet above the street level and are vertically spaced for three floors. The applicant also stated that the balconies will improve the aesthetics of the neighborhood and building, improve resident connection and engagement to the community and improve resident quality of life. Balconies will need to comply with all building code requirements for encroachments into the public right of way.
- 4.) Canopies are proposed above each door on the building that borders a sidewalk at a minimum of ten (10) feet above street level along and extending into West Superior Street and South 21st Avenue West. The canopies are described as concurrent use parcels 1 through 4 on Exhibit K. Canopies will need to comply with all building code requirements for encroachments into the public right of way.
- 5.) The parapet rooftop wall will be constructed along the north and west building roof line and will extend approximately 4 feet into the right of way at a height of approximately 53-feet as depicted in Exhibit J. Parapet design is also required by Section 50-22, Duluth Building Form Standards of the UDC for this building type. The applicant has stated that the Parapet is designed to improve the aesthetics of the neighborhood and building. Parapet walls will need to comply with all building code requirements for encroachments into the public right of way.
- 6.) The City Engineering staff has stated that the balconies will be at the elevation of street lights. The street lighting may be replaced with a decorative lighting system in the future and based on the density of balconies along the street frontage it will be difficult to work around light fixture placement. Some balconies may have street lights adjacent to them. In addition street trees are planted in the boulevard and their canopies may extend into the balcony area.
- 7.) The City Construction and Inspection Services Department has stated that the building design will need to be revised to comply with building code requirements for encroachments into public right of way.
- 8.) The balconies, canopies and parapet walls will not impact pedestrian or vehicular movement in the street right of way, nor will it impact the visual characteristics of the streets.
- 9.) The City of Duluth requires concurrent use permits to include liability insurance to indemnify the City against occurrences in the right of way. Other protections for the city and the public are typically included in the ordinance that is submitted to City Council. The ordinance will state that the City is not responsible for removal/replacement of the applicant's infrastructure should the City need to access the right-of-way in the permitted area.
- 10.) The area proposed for the concurrent use permit will not diminish the public's ability to use the public right of way, nor will it harm or inconvenience the health, safety, and general welfare of the city.
- 11.) No other public, agency, or other comments have been received as of January 29, 2021.

**Staff Recommendation**

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

- 1.) Applicant shall maintain the project as identified in the attached exhibits.
- 2.) All construction elements of the building design shall comply with building code requirements for encroachments into public right of way prior to the issuance of the concurrent use permit.
- 3.) Applicant shall provide annual proof of liability insurance to indemnify the City against any occurrences in the right of way that are due to items covered under this permit.

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





**Legend**

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



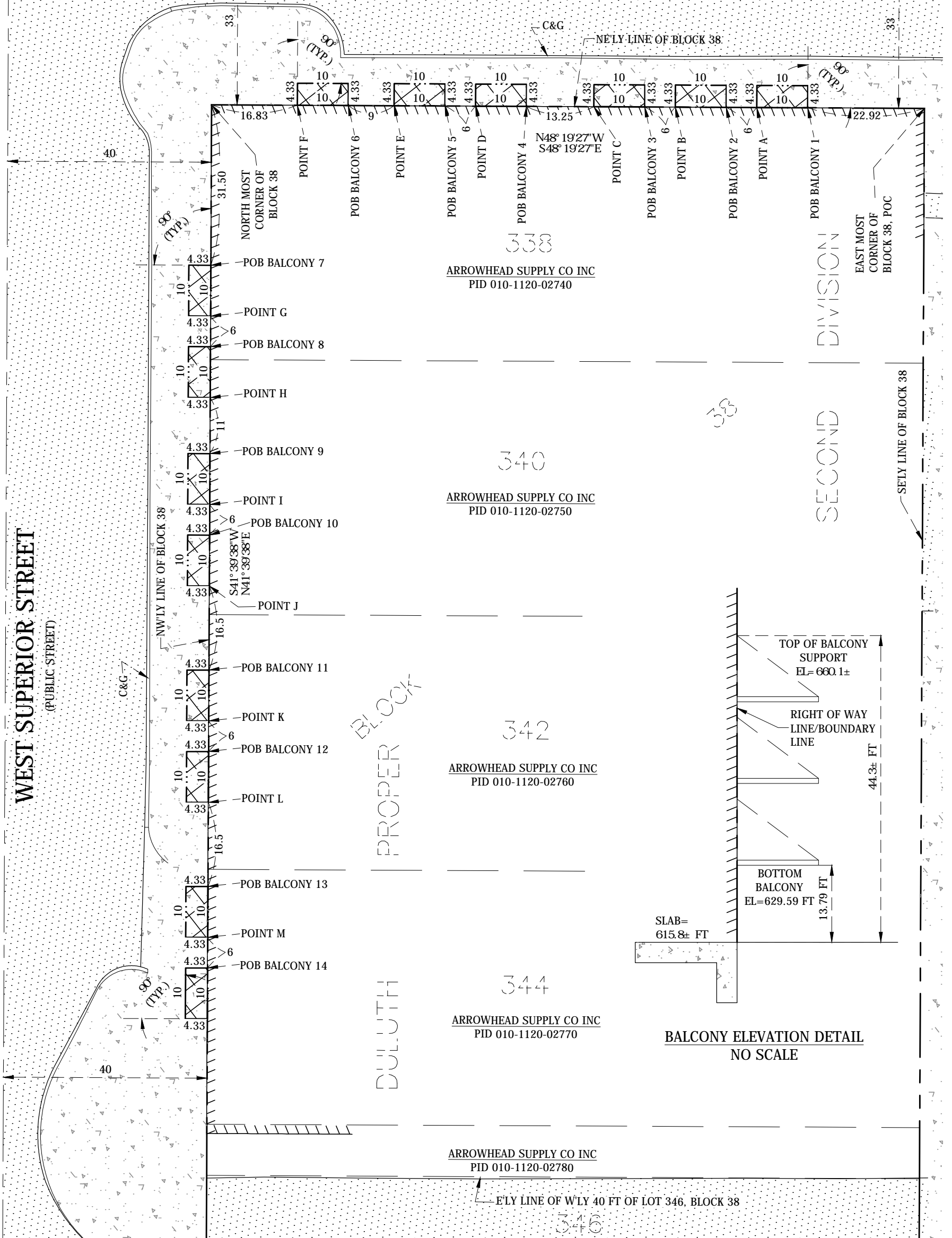
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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






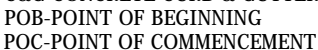
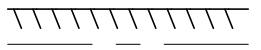
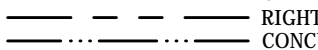





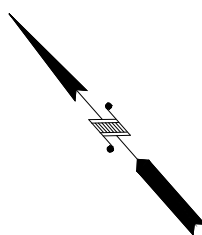
# TWENTY FIRST AVENUE WEST

(PUBLIC AVENUE)



## LEGEND

-  PROPOSED CONCURRENT USE AREA
-  BITUMINOUS SURFACE
-  CONCRETE SURFACE
-  C&G CONCRETE CURB & GUTTER
-  POB-POINT OF BEGINNING
-  POC-POINT OF COMMENCEMENT
-  BUILDING LINE
-  CENTER LINE
-  RIGHT OF WAY LINE
-  CONCURRENT USE LINE



## CONCURRENT USE EXHIBIT

CLIENT: P&R PROPERTIES  
 ADDRESS: 2102, 2104 & 2110 W SUPERIOR ST, DULUTH, MN 55806  
 DATE: 12-28-2020

REVISIONS:

JOB NO: 20-380 SHEET 2 OF 2

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



**LEGAL DESCRIPTION FOR CONCURRENT USE PARCEL CANOPY #1**

A parcel of land lying within the platted right of way of Twenty First Avenue West, DULUTH PROPER SECOND DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota, described as follows:

Commencing at the East most corner of Block 38; thence on assumed bearing of North 48 degrees 19 minutes 27 seconds West, along the Northeasterly line of said Block 38 for a distance of 129.58 feet to the point of beginning of the parcel herein described; thence North 41 degrees 40 minutes 33 seconds East 3.00 feet to a line parallel with and distant 3.00 feet Northeasterly of the Northeasterly line of said Block 38; thence North 48 degrees 19 minutes 27 seconds West, along said parallel line 9.00 feet; thence South 41 degrees 40 minutes 33 seconds West 3.00 feet to the Northeasterly line of said Block 38; thence South 48 degrees 19 minutes 27 seconds East, along said Northeasterly line 9.00 feet to the point of beginning. The concurrent use parcel lies between the bottom of the canopy elevation at 625.80 feet, more or less, and the top of the support for the canopy elevation at 629.15 feet, more or less. Said parcel contains 27.00 square feet.

**LEGAL DESCRIPTION FOR CONCURRENT USE PARCEL CANOPY #2**

A parcel of land lying within the platted right of way of West Superior Street, DULUTH PROPER SECOND DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota, described as follows:

Commencing at the East most corner of Block 38; thence on assumed bearing of North 48 degrees 19 minutes 27 seconds West, along the Northeasterly line of said Block 38 for a distance of 140.00 feet to the North most corner of said Block 38; thence South 41 degrees 39 minutes 38 seconds West, along the Northwesterly line of said Block 38 for a distance of 1.42 feet to the point of beginning of the parcel herein described; thence North 48 degrees 20 minutes 22 seconds West 3.00 feet to a line parallel with and distant 3.00 feet Northwesterly of the Northwesterly line of said Block 38; thence South 41 degrees 39 minutes 38 seconds West, along said parallel line 9.00 feet; thence South 48 degrees 40 minutes 22 seconds East 3.00 feet to the Northwesterly line of said Block 38; thence North 41 degrees 39 minutes 38 seconds East 9.00 feet to the point of beginning. The concurrent use parcel lies between the bottom of the canopy elevation at 625.80 feet, more or less, and the top of the support for the canopy elevation at 629.15 feet, more or less. Said parcel contains 27.00 square feet.

**LEGAL DESCRIPTION FOR CONCURRENT USE PARCEL CANOPY #3**

A parcel of land lying within the platted right of way of West Superior Street, DULUTH PROPER SECOND DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota, described as follows:

Commencing at the East most corner of Block 38; thence on assumed bearing of North 48 degrees 19 minutes 27 seconds West, along the Northeasterly line of said Block 38 for a distance of 140.00 feet to the North most corner of said Block 38; thence South 41 degrees 39 minutes 38 seconds West, along the Northwesterly line of said Block 38 for a distance of 78.95 feet to the point of beginning of the parcel herein described; thence North 48 degrees 20 minutes 22 seconds West 3.00 feet to a line parallel with and distant 3.00 feet Northwesterly of the Northwesterly line of said Block 38; thence South 41 degrees 39 minutes 38 seconds West, along said parallel line 4.42 feet; thence South 48 degrees 40 minutes 22 seconds East 3.00 feet to the Northwesterly line of said Block 38; thence North 41 degrees 39 minutes 38 seconds East 4.42 feet to the point of beginning. The concurrent use parcel lies between the bottom of the canopy elevation at 625.80 feet, more or less, and the top of the support for the canopy elevation at 629.15 feet, more or less. Said parcel contains 13.26 square feet.

**LEGAL DESCRIPTION FOR CONCURRENT USE PARCEL CANOPY #4**

A parcel of land lying within the platted right of way of West Superior Street, DULUTH PROPER SECOND DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota, described as follows:

Commencing at the East most corner of Block 38; thence on assumed bearing of North 48 degrees 19 minutes 27 seconds West, along the Northeasterly line of said Block 38 for a distance of 140.00 feet to the North most corner of said Block 38; thence South 41 degrees 39 minutes 38 seconds West, along the Northwesterly line of said Block 38 for a distance of 155.95 feet to the point of beginning of the parcel herein described; thence North 48 degrees 20 minutes 22 seconds West 3.00 feet to a line parallel with and distant 3.00 feet Northwesterly of the Northwesterly line of said Block 38; thence South 41 degrees 39 minutes 38 seconds West, along said parallel line 4.42 feet; thence South 48 degrees 40 minutes 22 seconds East 3.00 feet to the Northwesterly line of said Block 38; thence North 41 degrees 39 minutes 38 seconds East 4.42 feet to the point of beginning. The concurrent use parcel lies between the bottom of the canopy elevation at 625.80 feet, more or less, and the top of the support for the canopy elevation at 629.15 feet, more or less. Said parcel contains 13.26 square feet.

**LEGAL DESCRIPTION PER TITLE COMMITMENT FILE NO. HB-39266**

The land referred to in this Commitment is described as follows:

Lot 338, Block 38, Duluth Proper Second Division, St. Louis County, Minnesota.

Torrens Property.

Torrens Certificate No. 238921.0.

Lot Three Hundred Forty (340), in Block Thirty-eight (38), Duluth Proper Second Division, according to the plat thereof, St. Louis County, Minnesota.

Abstract Property

Lot Three Hundred Forty-two (342), in Block Thirty-eight (38), Duluth Proper Second Division, according to the plat thereof, St. Louis County, Minnesota.

Abstract Property

Lot 344, Block 38, Duluth Proper Second Division, St. Louis County, Minnesota.



Torrens Property.

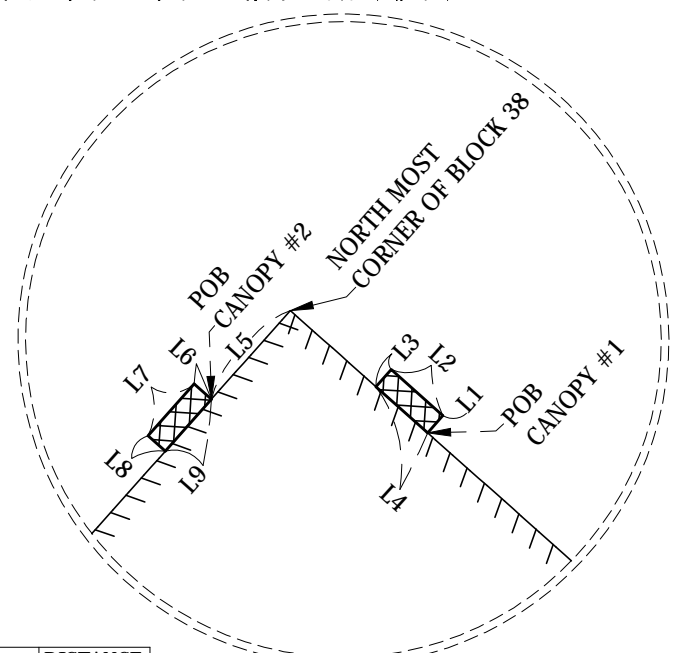
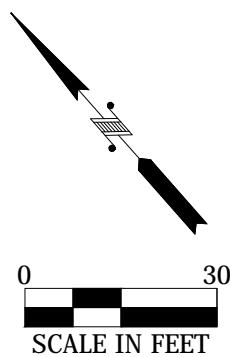
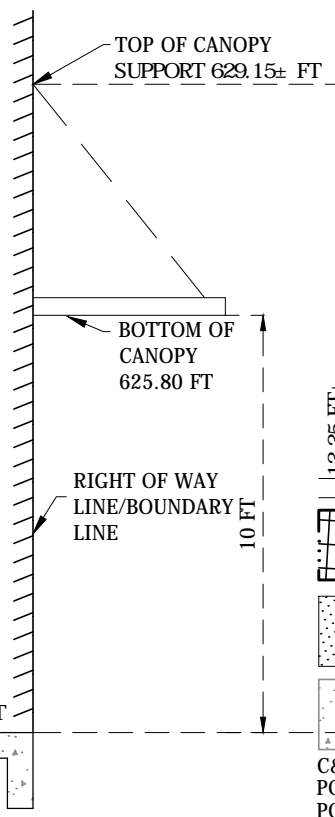
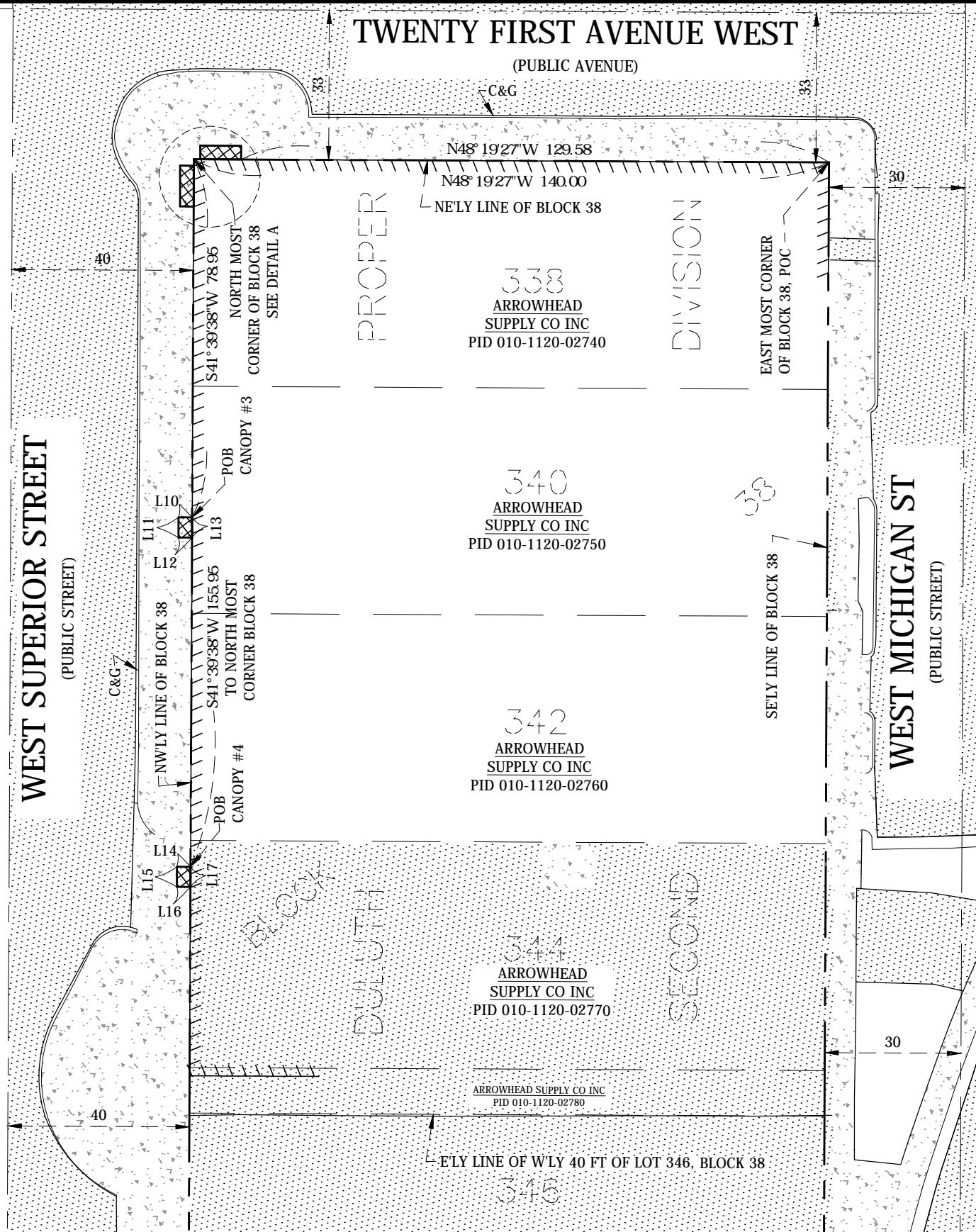
Torrens Certificate No. 240925.0.

Lot 346 EXCEPT the W'ly 40 feet thereof Block 38, Duluth Proper Second Division, St. Louis County, Minnesota.

Torrens Property.

Torrens Certificate No. 328213.0

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.   David R. Evanson MN Lic. No. 49505 DATE: 12-28-2020	<b>CONCURRENT USE EXHIBIT</b>		 ALTA LAND SURVEY COMPANY PHONE: 218-727-5211 LICENSED IN MN & WI WWW: ALTALANDSURVEYDULUTH.COM
	CLIENT: P&R PROPERTIES ADDRESS: 2102, 2104 & 2110 W SUPERIOR ST, DULUTH, MN 55806 DATE: 12-29-2020	REVISIONS:  JOB NO: 20-380 SHEET 1 OF 2	



DETAIL A  
1" = 25'

**LEGEND**

- PROPOSED CONCURRENT USE AREA
- BITUMINOUS SURFACE
- CONCRETE SURFACE
- C&G CONCRETE CURB & GUTTER
- POB-POINT OF BEGINNING
- POC-POINT OF COMMENCEMENT
- BUILDING LINE
- CENTER LINE
- RIGHT OF WAY LINE
- CONCURRENT USE LINE

LINE	BEARING	DISTANCE
L1	N41° 40'33\"E	3.00
L2	N48° 19'27\"W	9.00
L3	S41° 40'33\"W	3.00
L4	S48° 19'27\"E	9.00
L5	S41° 39'38\"W	1.42
L6	N48° 20'22\"W	3.00
L7	S41° 39'38\"W	9.00
L8	S48° 20'22\"E	3.00
L9	N41° 39'38\"E	9.00
L10	N48° 20'22\"W	3.00
L11	S41° 39'38\"W	4.42
L12	S48° 20'22\"E	3.00
L13	N41° 39'38\"E	4.42
L14	N48° 20'22\"W	3.00
L15	S41° 39'38\"W	4.42
L16	S48° 20'22\"E	3.00
L17	N41° 39'38\"E	4.42

**SURVEYOR'S NOTES**

- BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
- THIS IS NOT A BOUNDARY SURVEY.

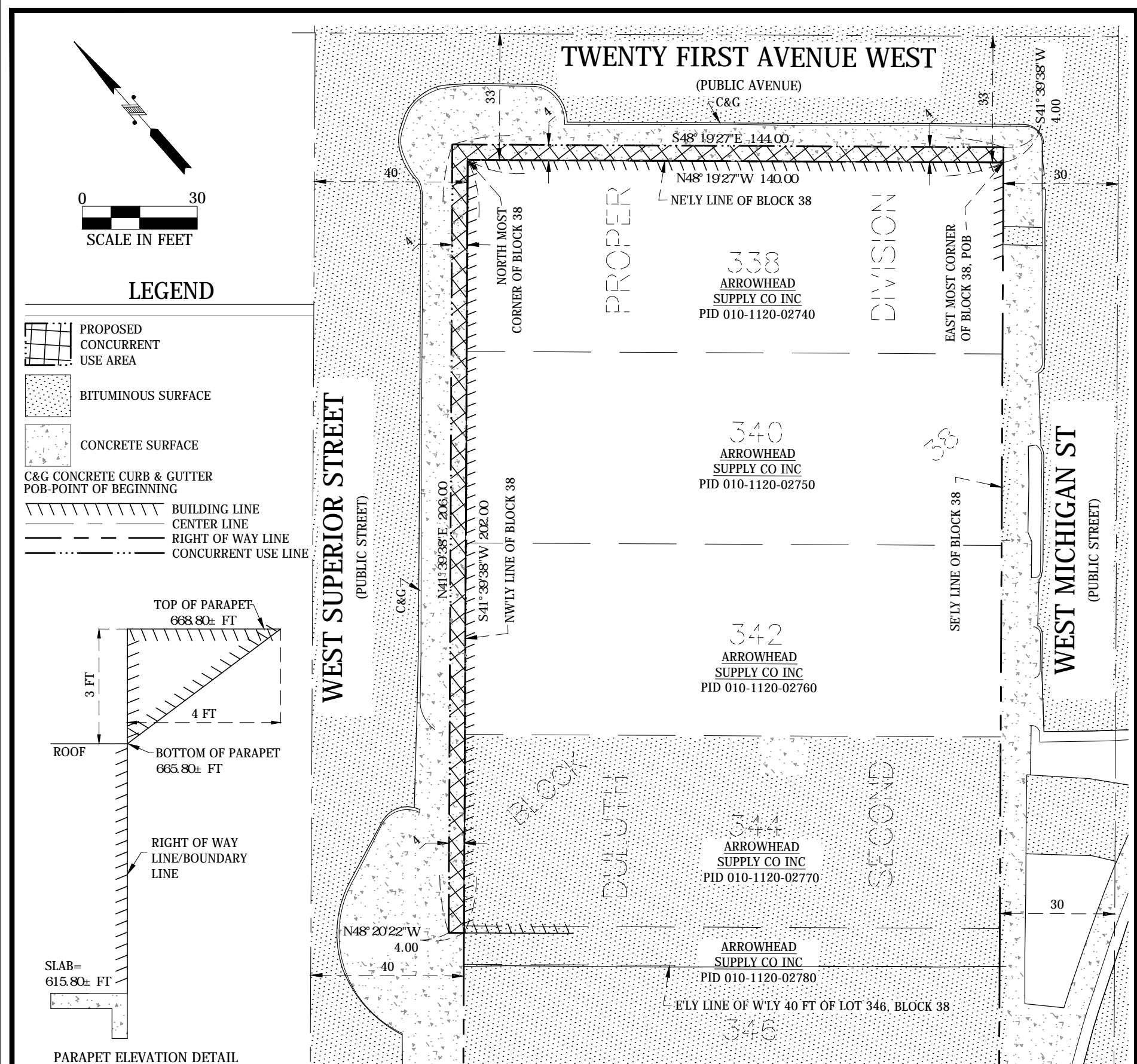
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**LEGAL DESCRIPTION FOR CONCURRENT USE PARCEL**

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**SURVEYOR'S NOTES**

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Torrens Certificate No. 328213.0

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

*David R. Evanson*  
David R. Evanson

DATE: 12-28-2020 MN Lic. No. 49505

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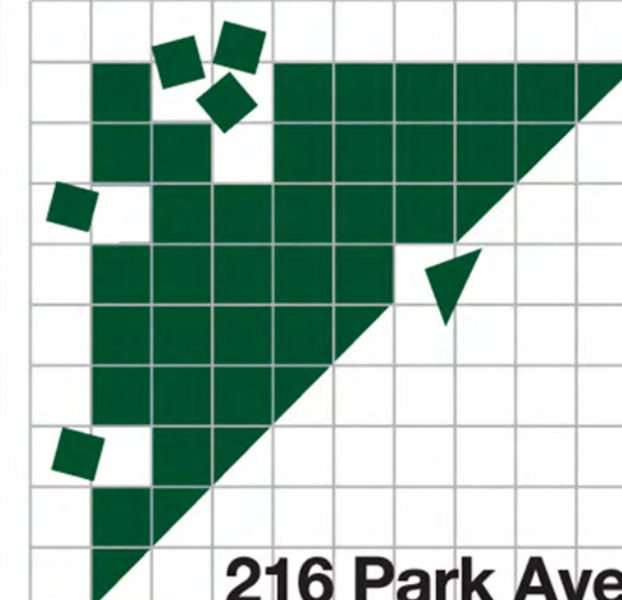


PROPOSED SITE



# LINCOLN PARK FLATS

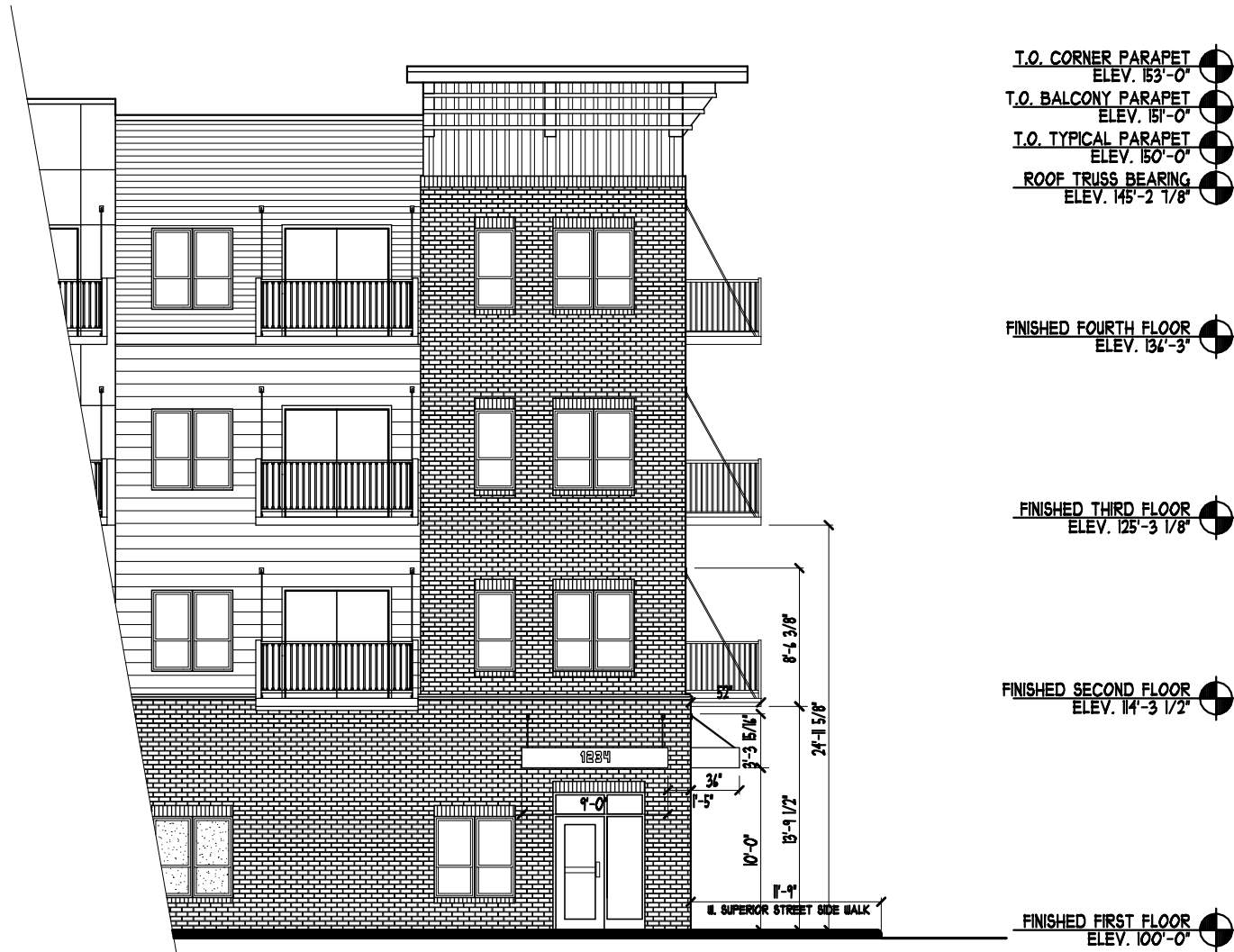
DULUTH  
MINNESOTA



## COLE GROUP ARCHITECTS

216 Park Avenue S., Suite 102 • St. Cloud, MN 56301  
Phone: (320) 654-6570 Fax: (320) 230-6570





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

- T.O. CORNER PARAPET  
ELEV. 153'-0"
- T.O. BALCONY PARAPET  
ELEV. 151'-0"
- T.O. TYPICAL PARAPET  
ELEV. 150'-0"
- ROOF TRUSS BEARING  
ELEV. 145'-2 1/8"

● FINISHED FOURTH FLOOR  
ELEV. 135'-3"

● FINISHED THIRD FLOOR  
ELEV. 125'-3 1/8"

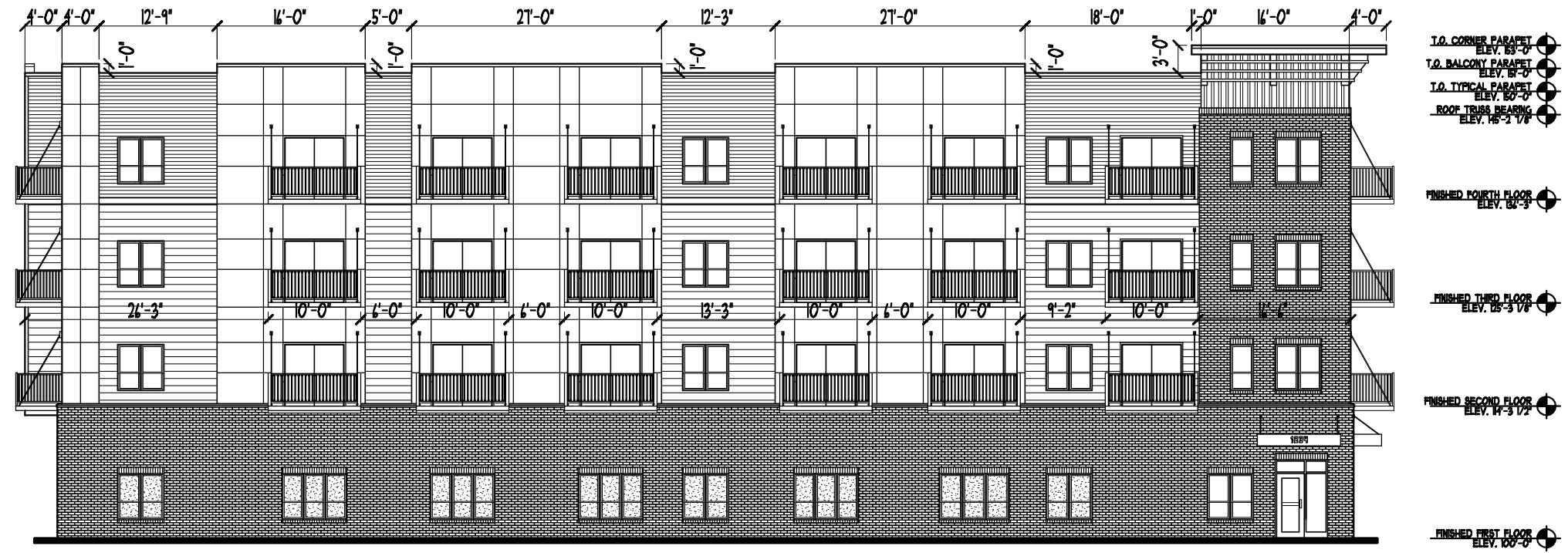
● FINISHED SECOND FLOOR  
ELEV. 114'-3 1/2"

● FINISHED FIRST FLOOR  
ELEV. 100'-0"



NORTH ELEVATION  
SCALE: 3/32" = 1'-0"





**EAST ELEVATION**  
SCALE: 1/16" = 1'-0"



NORTH ELEVATION  
SCALE: 1/16" = 1'-0"







**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 21-001	<b>Contact</b>	Steven Robertson	
<b>Type</b>	MU-C Planning Review	<b>Planning Commission Date</b>	February 9, 2021	
<b>Deadline for Action</b>	<b>Application Date</b>	January 5, 2021	<b>60 Days</b>	March 6, 2021
	<b>Date Extension Letter Mailed</b>	January 19, 2021	<b>120 Days</b>	May 5, 2021
<b>Location of Subject</b>	1600 Miller Trunk Highway			
<b>Applicant</b>	Essentia Health	<b>Contact</b>	Dan Cebelinski	
<b>Agent</b>	Kurt Smith, HGA Inc.	<b>Contact</b>		
<b>Legal Description</b>	PIN: 010-3830-07680, Tract O of Registered Land Survey #92			
<b>Site Visit Date</b>	2/2/21	<b>Sign Notice Date</b>	1/26/21	
<b>Neighbor Letter Date</b>	1/27/21	<b>Number of Letters Sent</b>	9	

**Proposal**

The applicant is proposing to redevelop the former Sears store at Miller Hill Mall into “an outpatient surgery center...the project will renovate approximately 40 percent of the former department store, including a laboratory and plans for a pharmacy. The intent is to be in operation spring of 2022.”

**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-C	Commercial Campus	Large Scale Commercial
<b>North</b>	MU-C	Commercial	Neighborhood Mixed Use
<b>South</b>	R-1	Residential/Undeveloped	Urban Residential
<b>East</b>	MU-C	Commercial	Large Scale Commercial
<b>West</b>	MU-N	Residential/Undeveloped	Urban residential/Mixed Use Neigh.

## Summary of Code Requirements

50-15.3 MU-C District – Planning review by the Planning Commission is required for grading and construction of parking areas over 3,000 square feet and building construction or expansion over 500 square feet.

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.

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

Governing 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 which impacts 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.

Governing Principle #4-Support economic growth sectors. Emerging and growing economic sectors add as they economic, cultural, and social diversity. These include higher education, medical, value-added manufacturing, commercial outdoor recreation, historic resources interpretation, arts and music, information technology and visitor services. Encourage and foster locally owned and entrepreneurial ventures to enhance the economic base.

Governing Principle #7-Create and maintain connectivity. Connectivity is established through our network of streets and highways, transit system, sidewalks, greenways, bikeways, and trails (local and regional). Non-vehicular transportation should be considered an important component of the overall transportation network. Winter maintenance of sidewalks and other public ways is critical to the creation of usable pedestrian systems.

Economic Development Policy #3: Build on Existing Economic Strengths & Competitive Advantages.

ED P3, Strategy 2: Coordinate with major institutions, including hospital and university campuses, to plan for their growth, minimize development impacts, and provide for stability and livability for the campuses, their employees, and surrounding neighborhoods.

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. Design Notes: Building footprints exceed 50,000 sq. ft.; site design includes generous landscaping of parking areas; buffering of adjacent residential, improved pedestrian connections to and through sites.

### Site history:

The mall first opened in 1973. In 1995 (Ordinance 9280), as part of an approval to expand Miller Hill Mall, a landscape buffer was required to the south of the mall property (nearest the Sear's site). This provided buffer between the mall property and adjacent post-war suburban housing development; however, site design standards at that time were parking-based and the site plan proceeded based on typical national standards for mall development. Few updates have proceeded since that time. As such, the mall remains a large structure situated in the midst of large surface parking areas on all sides of the building.

This project will be the applicant's second redevelopment at Miller Hill Mall. Essentia Health purchased Younker's in late 2018 or early 2019, and remodeled the 145,000 square foot department store. Essentia Health Miller-Miller Hill Health Plaza operates 7 days a week (5:30 to 10 pm on weekdays) out of the former Younker's site.

The last major addition to this property was in 2013, for Dick's (retail sales). PL 12-138 reviewed the development proposal to add 26,000 sq ft. The project also included the removal of some existing asphalt, replaced by landscape features. There were also two companion variance applications to this development (PL 13-050 and PL 13-051); requests to add additional signage limits that was approved (from 43 sq ft to 425 sq ft).

Registered Land Survey 92, which covers land within the Miller Hill Mall, was recorded in December 2010. This site is on Tract O of RLS 92.

### **Review and Discussion Items**

The applicant is proposing to redevelop the former Sears store at Miller Hill Mall into an outpatient surgery center. The project will renovate approximately 40 percent of the former department store, including a laboratory and plans for a pharmacy.

1. 50-15.3 MU-C Development Standards. No new curb cuts are being planned for this development. The development will make use of existing traffic patterns and access points.
2. 50-18.1 Shoreland, Flood Plains, Wetlands, Stormwater. The property is within the Coldwater River setback of Miller Creek, and is adjacent to a FEMA designated floodplain. However, other than grading to remove parking and driving surfaces and install landscaping, no work will be done to impact shoreland, floodplain, or wetlands. It should be noted that Miller Creek is an impaired waterway, impacted by heavy commercial development (and excessive impervious surface and lack of shading for trout populations) along much of its length. As this redevelopment site is directly adjacent to Miller Creek, any minor improvement to temperature or sediment/runoff will have a beneficial impact to downstream properties. Stormwater runoff for this site will be captured and conveyed to the large storm pond to the south and west, which also treats runoff from other areas of the mall complex and is a shared facility managed by Simon Properties. City engineering will require a plan or survey showing the full storm sewer system in this area and the original plans for the stormwater pond that this area drains to, as well as updated information on maintenance of the system as a whole.
3. 50-23 Connectivity and Circulation. This redevelopment makes use of the large existing parking surface of the Miller Hill Mall. No new vehicle access are required or needed. Pedestrian movement to this development site is extremely constrained. Options to allow access to this site outside of motorist only could be provided, from either Blackman Avenue and/or Trinity Road (both of which have existing sidewalks that end about 300 to 400 feet from existing building entrances). Some limited pedestrian striping is being planned near the eastern and southern facades of the building to provide visually improved crossings for pedestrians.
4. 50-24 Parking and Loading. No new parking or loading areas are being created, but existing parking areas are being reconfigured to provide limited protected parking areas. Nearly 80 existing parking stalls will be removed and converted into landscape features. The remaining parking stalls will more than sufficient to provide required off-street parking spaces for the redevelopment, and exceeds minimum parking requirements of the UDC. The applicant will not have snow storage on the site, but will instead remove it off-site (as is the standard procedure for the applicant's other parking surfaces downtown). In any event, snow storage is not allowed on required parking lot landscaping or stormwater ponds.



5. 50-25 Landscaping and Tree Preservation. Based on the size of the existing parking area (excluding the driving surface of Mall Drive), the applicant is required to provide 15% interior lot landscaping, 30% tree canopy coverage at maturity, and one tree per 300 square feet of internal landscape area (50-25.4.B). The proposed landscaping includes 41,078 square feet of greenspace (14.7%, nearly the 15% required). According to the UDC, Internal parking lot landscaping should be dispersed on the site to break up the perception of large uninterrupted expanses of pavement; the proposed landscaping focuses on one large landscape island at the western edge of the site and four smaller landscape islands generally on the east or north edge of the site, leaving a large expanse of parking in the middle of the site. The applicant is providing 50 trees of mixed species, primarily Hackberry, Burk Oak, and Red Maple, trees that typically have canopies of 35 to 40 feet in diameter at maturity (960 to 1,250 sq ft per tree, at maturity). Based on the requirement of one tree per 300 square feet of internal landscape area, the project should provide at least 136 trees within the parking lot islands.

6. 50-26 Screening, Walls, and Fences. The project will add exterior mechanical equipment, chiefly among them a large oxygen tank. The applicant will provide a 12 foot tall masonry screening wall to block a portion of the oxygen tank from view. The applicant is planning to have a patient discharge area in what was the Sears Auto Center. This will provide an enclosed and conditioned space for patients who have just had a procedure to be able to get into their car easily. This patient discharge area is a one-way drive with the entry on the east side of the old Auto Center and the discharge on the west side between the two mechanical screening walls.

7. 50-29 Sustainability Standards. The sustainability point system is required for new development. This is a redevelopment of an existing structure, and the additions to the structure do not trigger sustainability standards.

8. 50-30 Design Standards. The building design standard is required for new development or redevelopments/renovations that expand the existing footprint by 50%. This redevelopment does not trigger design standards.

9. 50-31 Exterior Lighting – No new parking lot lighting will be installed, and existing parking lot light fixtures will remain. Several small lighting fixtures will be added to the structure, but they will comply with the city's lighting standards (downcast, and 3000K or less for LED lighting).

10. No written or verbal comments have been received from the public at the time this staff report was printed (2/2/21).

#### **Staff Recommendation**

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

A. The project be limited to, constructed, and maintained according to the construction and building plans drawn for this zoning application and included with this staff report;

B. Prior to receiving a building permit, applicant shall deposit an escrow (performance bond, cash, or other financial security equal to the amount of landscaping improvements) to ensure implementation of the landscape plan. This amount shall be held, without interest, until the applicant has installed the required landscaping, hired a certified professional to inspect landscaping and confirm that all landscaping was installed correctly and according to approved plans, and forwarded the inspection results to the city along with a request for reimbursement of escrow. This escrow shall not be released until all required improvements are completed. Applicant is to maintain required landscaping and replace any vegetation that expires for a period of one year following the installation of trees and shrubs;

C. Landscape plan be revised to meet the standards of the landscape section related to tree canopy coverage (30% at maturity, using the UDC Application Manual's Tree Species and Canopy Diameter guide), 136 trees in the interior landscape island, and two or three additional landscape islands located within the middle of the site to break up the large expanse of the parking area;

D. A Master Campus Sign Plan, per 50-27.10, be submitted and approved prior to any new signage (pole, monument, wall, projecting, banner, etc) is approved for the Miller Hill Mall. This would require that Essentia Health coordinate with Simon Properties;

E. A sidewalk or trail, or similar pedestrian connection, be provided to allow citizens safe access from Trinity Road to the front door of this development. An approximately 500 foot sidewalk already exists at the intersection of Mall Drive and Trinity Road flowing westward, but a 300 gap between development's door and existing sidewalk remains. A similar situation exists at the former Younker's site, with a 350 foot gap between the redevelopment's door and the nearest Sidewalk on Decker Road. Like condition E, this would require that Essentia Health coordinate with Simon Properties ;

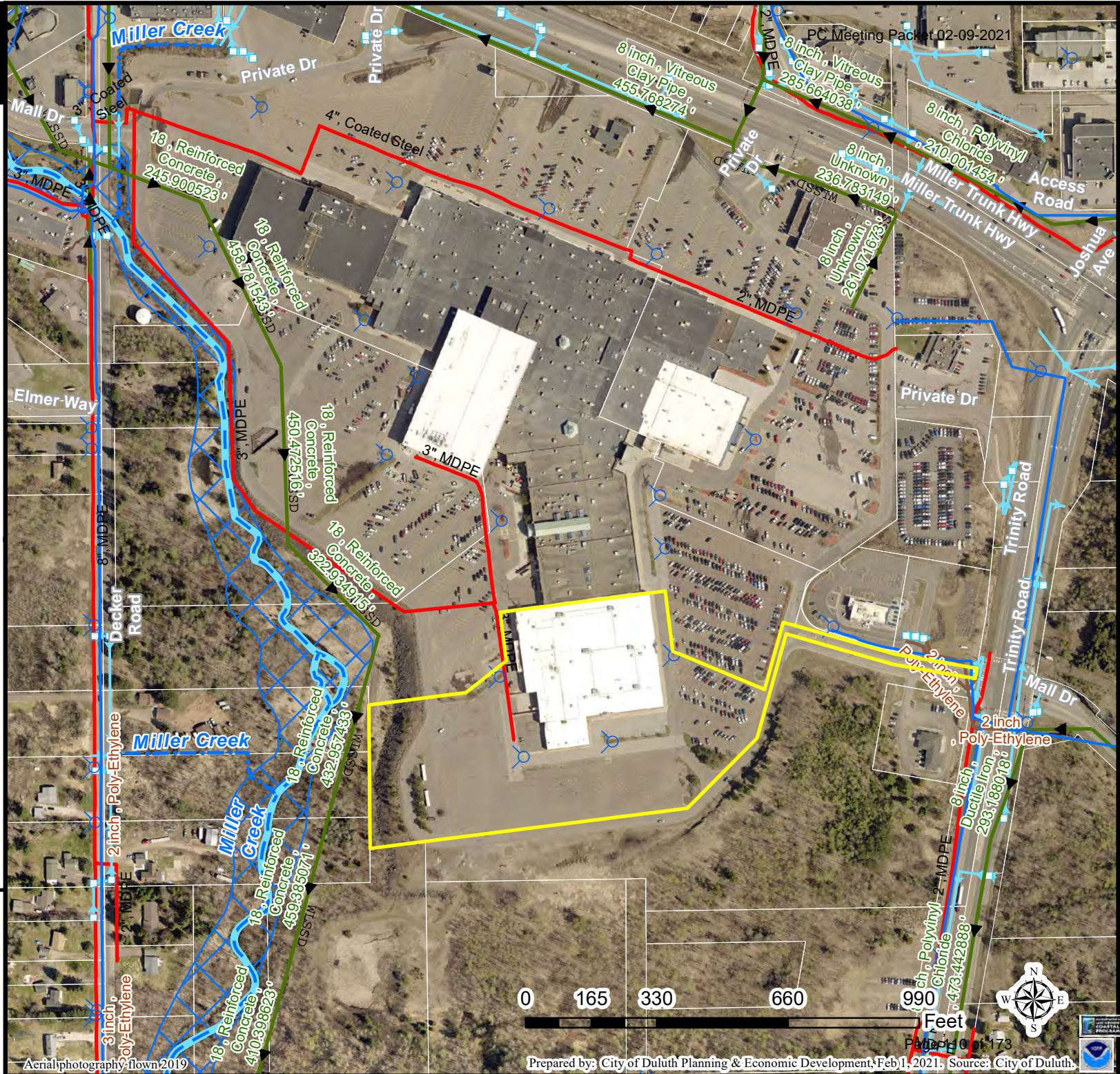
F. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of UDC Chapter 50.



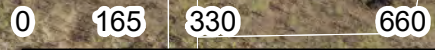


### Legend

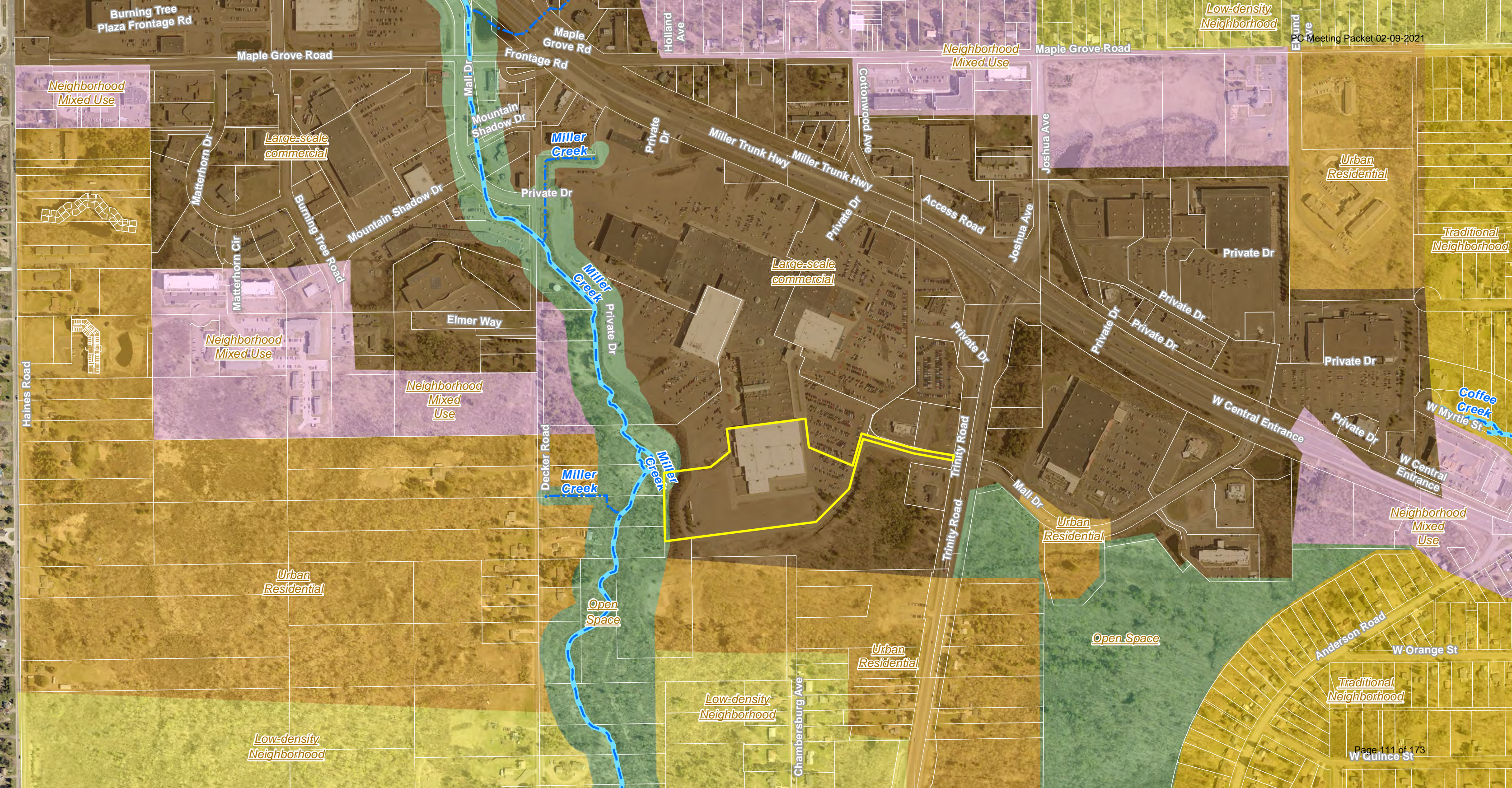
- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
- CITY OF DULUTH
- WLSRD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains**
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Floodplain (UDC)**
- General Flood Plain
- Flood Way
- Flood Fringe
- Trout Stream (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.











January 29, 2021

Duluth Planning Commission  
City of Duluth Planning and Development Staff  
City Hall, Room 160  
411 West First Street  
Duluth, MN 55802

Commissioners and staff:

Essentia Health plans to open an outpatient surgery center in the former Sears store at the Miller Hill Mall in Duluth. This new center is another way to offer a variety of services to patients at convenient locations.

This 32,080-square-foot project will renovate approximately 40 percent of the former department store. It includes a laboratory and plans for a pharmacy. Plans are being considered for the rest of the building.

Construction will begin this spring with the new outpatient surgery center expected to open in spring of 2022.

The new day surgery center will serve the growing demand by patients who want to use outpatient services and recover at home. The new facility also reflects the growing number of surgeries and other procedures that can be done safely without hospitalization.

The new facility will allow patients to easily access high-quality and safe care while giving them the convenience they seek. There will be easy connections to the mall and other amenities.

We look forward to discussing our plans with you at the Planning Commission's meeting on Feb. 9.

Sincerely,

Dan Cebelinski  
Director of Facilities  
Essentia Health

**ESSENTIA HEALTH**

**DULUTH AMBULATORY  
SURGERY CENTER**

1600 MILLER TRUNK HWY  
DULUTH, MN  
55811



2 WEST ELEVATION



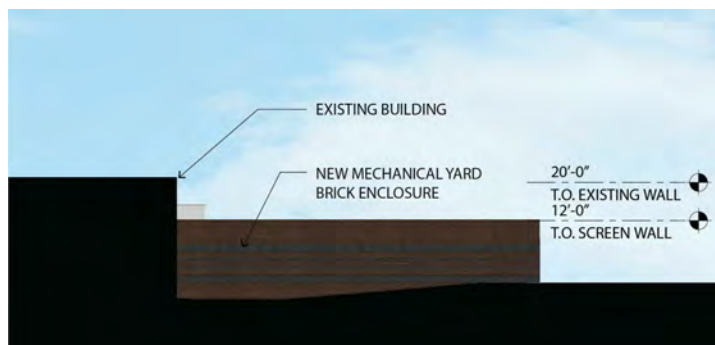
1 EAST ELEVATION



**ESSENTIA HEALTH**

**DULUTH AMBULATORY  
SURGERY CENTER**

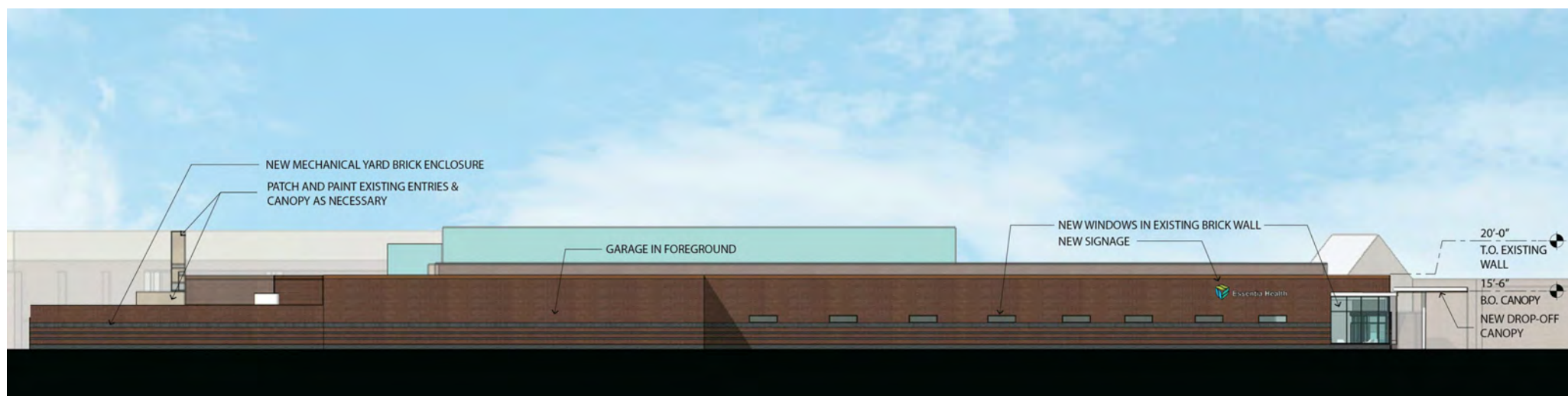
1600 MILLER TRUNK HWY  
DULUTH, MN  
55811



4 NORTH ELEVATION



5 MECHANICAL YARD WALLS  
NTS



3 SOUTH ELEVATION

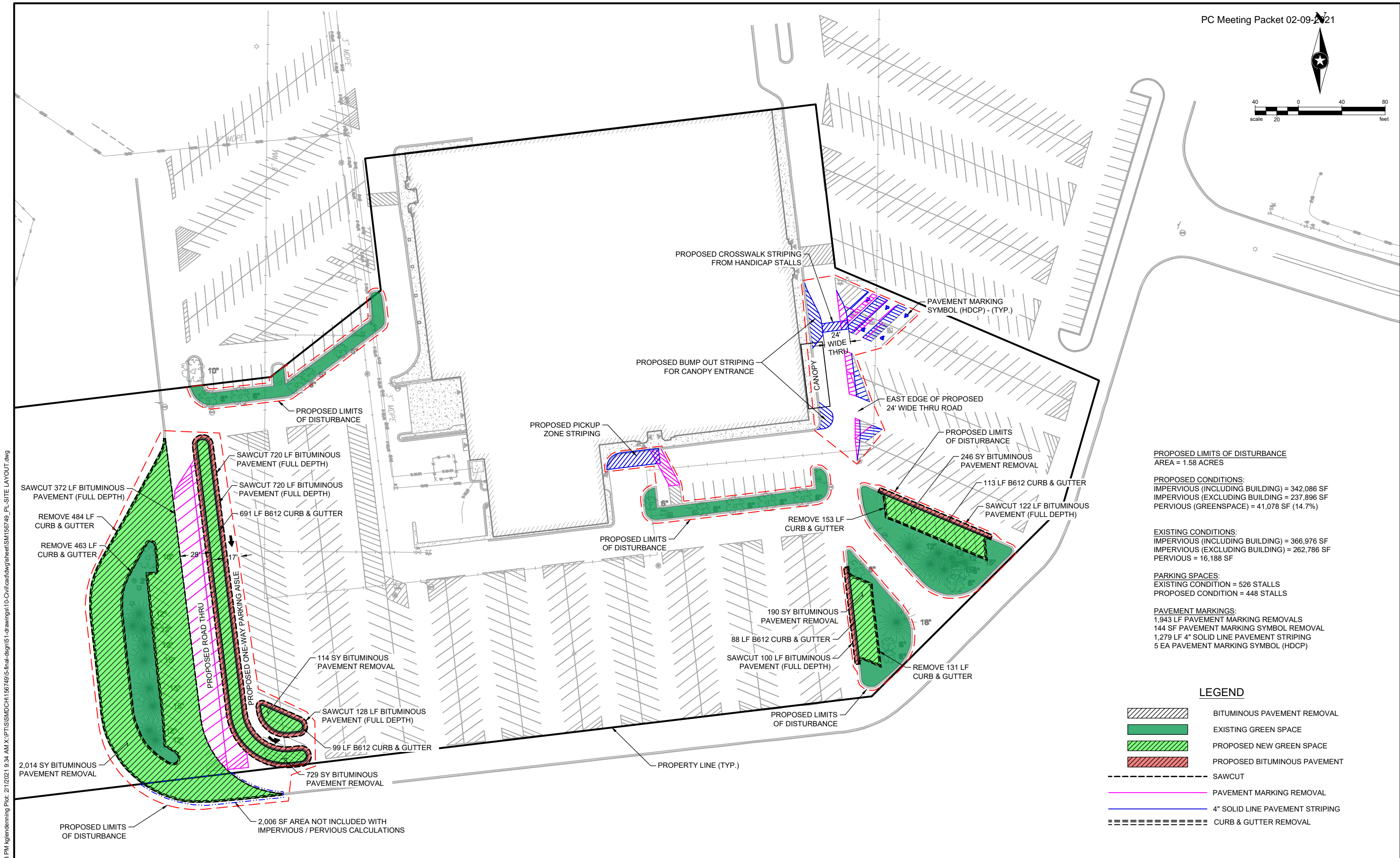
**ESSENTIA HEALTH****DULUTH AMBULATORY  
SURGERY CENTER**1600 MILLER TRUNK HWY  
DULUTH, MN  
55811**7 BUILDING SIGNAGE - SOUTH**

12" = 1'-0"

**6 BUILDING SIGNAGE - EAST**

NTS





PROPOSED LIMITS OF DISTURBANCE  
AREA = 1.58 ACRES

PROPOSED CONDITIONS:  
IMPERVIOUS (INCLUDING BUILDING) = 342,086 SF  
IMPERVIOUS (EXCLUDING BUILDING) = 237,896 SF  
PERVIOUS (GREENSPACE) = 41,078 SF (14.7%)

EXISTING CONDITIONS:  
IMPERVIOUS (INCLUDING BUILDING) = 366,976 SF  
IMPERVIOUS (EXCLUDING BUILDING) = 262,786 SF  
PERVIOUS = 16,188 SF

PARKING SPACES:  
EXISTING CONDITION = 526 STALLS  
PROPOSED CONDITION = 448 STALLS

PAVEMENT MARKINGS:  
1,943 LF PAVEMENT MARKING REMOVALS  
144 SF PAVEMENT MARKING SYMBOL REMOVAL  
1,279 LF 4" SOLID LINE PAVEMENT STRIPING  
5 EA PAVEMENT MARKING SYMBOL (HDPC)

**LEGEND**

- BITUMINOUS PAVEMENT REMOVAL
- EXISTING GREEN SPACE
- PROPOSED NEW GREEN SPACE
- PROPOSED BITUMINOUS PAVEMENT
- SAWCUT
- PAVEMENT MARKING REMOVAL
- 4" SOLID LINE PAVEMENT STRIPING
- CURB & GUTTER REMOVAL

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DRAWN BY: KLG				
DESIGNER: TPY				
CHECKED BY: MJB				
DESIGN TEAM	NO.	BY	DATE	REVISIONS

PHONE: 218.279.3000  
418 W SUPERIOR ST  
STE 200  
DULUTH, MN 55802-1512  
www.sehinc.com

DULUTH,  
MINNESOTA

**SEARS SITE LAYOUT  
ESSENTIA HEALTH  
MALL PARKING LOT CONCEPT**

FILE NO.  
SMDCH 156749  
Page 116 of 173

1  
3



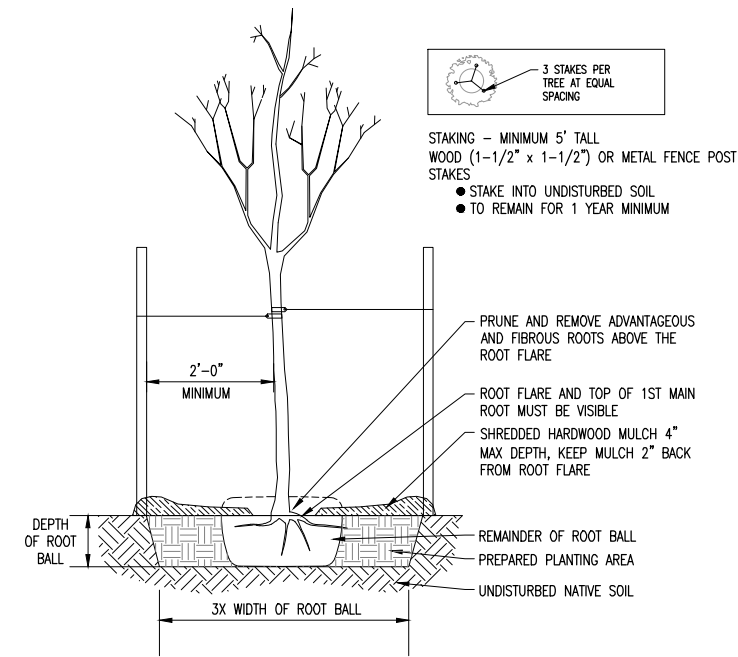
**LANDSCAPE NOTES**

- IT IS THE GENERAL CONTRACTORS RESPONSIBILITY THAT ALL PLANTING BEDS TO RECEIVE A MINIMUM OF 24" OF PULVERIZED TOPSOIL. REMOVE GRAVEL BASE MATERIAL AS NEEDED TO ACHIEVE THIS DEPTH. LANDSCAPE ARCHITECT TO VERIFY TOPSOIL DEPTH PRIOR TO PLANT INSTALLATION.
- ALL PLANTING AREAS SHALL RECEIVE 4" LAYER OF SHREDDED BARK MULCH
- CONTRACTOR SHALL BE REQUIRED TO MAINTAIN PLANTINGS FOR A PERIOD OF TWO WEEKS AND SHALL WARRANTY ALL PLANT MATERIAL (TREES, SHRUBS, PERENNIALS, AND GRASSES) FOR A PERIOD OF ONE YEAR FROM THE DATE OF ACCEPTANCE FROM THE OWNER.
- THE CONTRACTOR SHALL VERIFY THE LOCATION AND PROTECT ALL UTILITIES AND STRUCTURES. DAMAGE TO UTILITIES AND STRUCTURES SHALL BE REPAIRED BY THE CONTRACTOR TO THE SATISFACTION OF THE OWNER.
- ALL PLANT MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH MNDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION MANUAL, 2005 EDITION SECTION 3861 -PLANT STOCK. ALL PLANT MATERIAL SHALL AT LEAST MEET MINIMUM REQUIREMENTS SHOWN IN THE "AMERICAN STANDARD FOR NURSERY STOCK" (ANSI Z60.1-2004). NO PLANT MATERIAL SHALL BE SUBSTITUTED WITHOUT AUTHORIZATION OF SEH.
- NO PLANT MATERIALS SHALL BE SUBSTITUTED WITHOUT THE AUTHORIZATION OF SEH

PLANT SCHEDULE				
COMMON NAME	BOTANICAL NAME	QTY.	*CONTRACTOR TO VERIFY QUANTITIES	TOTAL CANOPY
TREES				
COMMON HACKBERRY	Celtis occidentalis	12	1 - 1/2" B&B	23,556 SQ FT
SKYLINE HONEYLOCUST	Gleditsia triacanthos v. inermis 'Skycole'	7	1 - 1/2" B&B	26,936 SQ FT
BUR OAK	Quercus macrocarpa	8	1 - 1/2" B&B	40,208 SQ FT
NORTHWOODS RED MAPLE	Acer rubrum 'Northwood'	9	1 - 1/2" B&B	8,658 SQ FT
REDMOND LINDEN	Tilia americana 'Redmond'	7	1 - 1/2" B&B	8,792 SQ FT
SCOTCH PINE	Pinus sylvestris	7	5" B&B	8,792 SQ FT

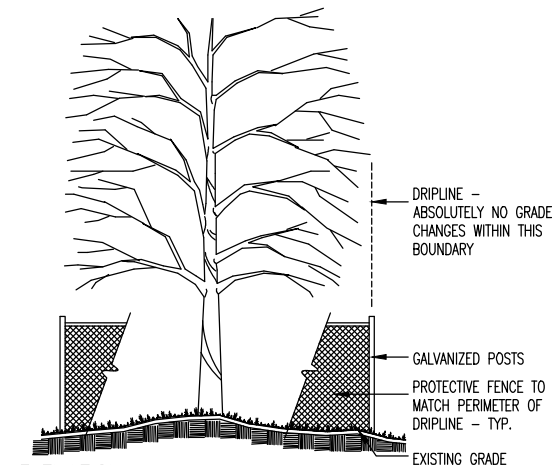
**CANOPY CALCULATIONS**

TOTAL SITE AREA	383,164 SQ FT
ESTIMATED EXISTING PROTECTED TREE CANOPY	(56,528 SQ FT)
25% REDUCED FOR CANOPY OVERLAP	42,396 SQ FT
ESTIMATED PROPOSED TREE CANOPY	(116,942 SQ FT)
25% REDUCED FOR CANOPY OVERLAP	87,707 SQ FT
REQUIRED TREE CANOPY (30% OF SITE)	114,949 SQ FT
TOTAL ESTIMATED CANOPY	130,103 SQ FT

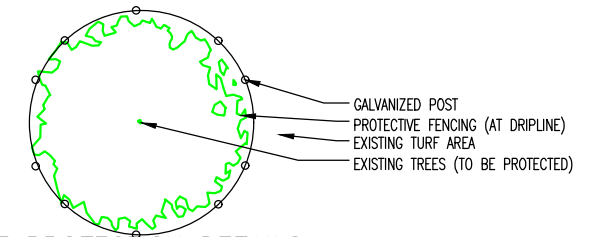


TREE PLANTING DETAIL  
NOT TO SCALE

- ALL PLANTS MUST MEET THE THE AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60)
- IDENTIFY 1ST MAIN ROOT. SET AT GRADE. DIG HOLE ONLY DEEP ENOUGH TO ALLOW FOR UNDISTURBED SOIL DIRECTLY BENEATH TREE ROOTS TO MINIMIZE CHANCE OF SETTLING AND BACKFILL.
- WATER THOROUGHLY TO SETTLE ANY AIR POCKETS AND ADD SOIL IF SINK HOLES DEVELOP
- ROOT FLARE AND TOP OF 1ST MAIN ROOT MUST BE VISIBLE WHEN BACK FILLING IS COMPLETE
- REMOVE TOP 1/3 OF PACKAGING TO FIND THE 1ST MAIN ROOT AND REMOVE ALL SOIL FROM ROOT BALL ABOVE IT. DIG HOLE TO DEPTH OF REMAINING ROOT BALL DEPTH AND PLACE THE TREE IN THE HOLE. REMOVE ALL REMAINING PACKAGING AND BACKFILL WITHOUT COMPACTING THE SOIL
- IF TREES ARE BROUGHT TO THE SITE EARLY ENSURE THAT TREES ARE STORED IN A SHADED AREA AND ADEQUATELY WATERED BEFORE PLANTING



ELEVATION  
TREE PROTECTION DETAILS  
NOT TO SCALE



PLAN  
TREE PROTECTION DETAILS  
NOT TO SCALE

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DRAWN BY: _____ X _____				
DESIGNER: _____ X _____				
CHECKED BY: _____ X _____				
DESIGN TEAM	NO.	BY	DATE	REVISIONS

**SEH**  
 PHONE: 218.279.3000  
 418 W SUPERIOR ST  
 STE 200  
 DULUTH, MN 55802-1512  
 www.sehinc.com

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  
 Date: XX/XX/XX NAME, XX Lic. No. XXXXXX

**DULUTH, MINNESOTA**

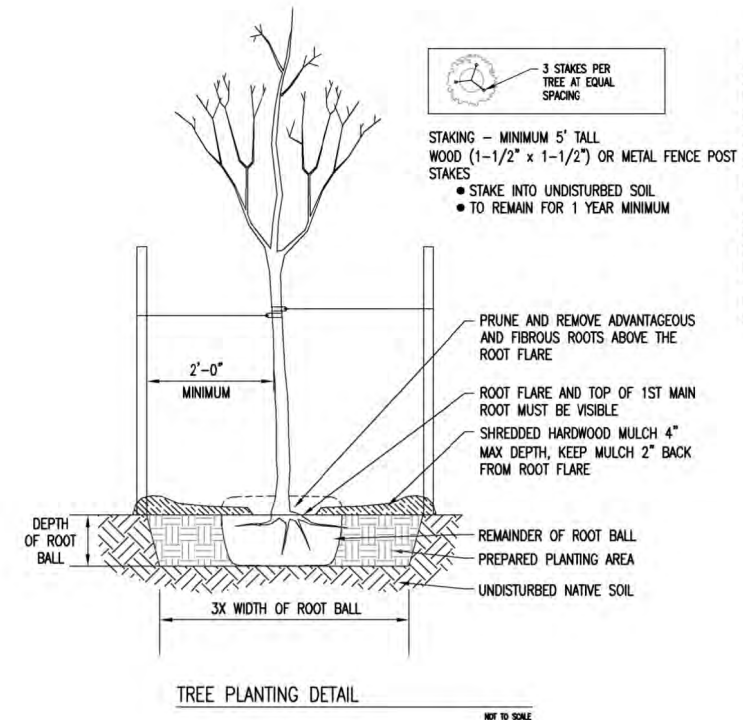
**LANDSCAPE PLAN ESSENTIA HEALTH MALL PARKING LOT CONCEPT**

FILE NO. SMDCH 156749  
 Page 117 of 173

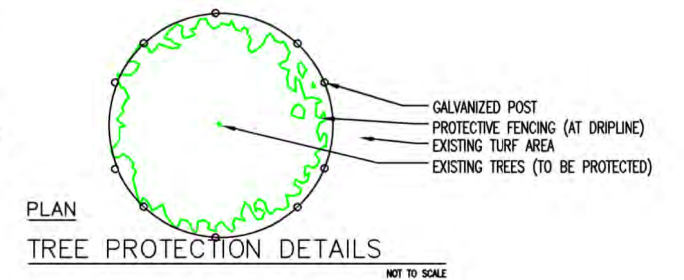
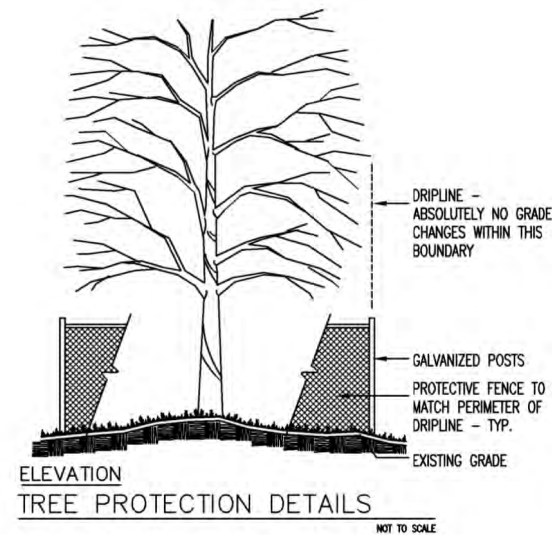
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- NO PLANT MATERIALS SHALL BE SUBSTITUTED WITHOUT THE AUTHORIZATION OF SEH

PLANT SCHEDULE				
COMMON NAME	BOTANICAL NAME	QTY.	*CONTRACTOR TO VERIFY QUANTITIES	
TREES				
COMMON HACKBERRY	Celtis occidentalis	12	1 - 1/2" B&B	-
SKYLINE HONEYLOCUST	Gleditsia triacanthos v. inermis 'Skycole'	7	1 - 1/2" B&B	-
BUR OAK	Quercus macrocarpa	8	1 - 1/2" B&B	-
NORTHWOODS RED MAPLE	Acer rubrum 'Northwood'	9	1 - 1/2" B&B	-
REDMOND LINDEN	Tilia americana 'Redmond'	7	1 - 1/2" B&B	-
SCOTCH PINE	Pinus sylvestris	7	5" B&B	-



- ALL PLANTS MUST MEET THE THE AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60)
- IDENTIFY 1ST MAIN ROOT. SET AT GRADE. DIG HOLE ONLY DEEP ENOUGH TO ALLOW FOR UNDISTURBED SOIL DIRECTLY BENEATH TREE ROOTS TO MINIMIZE CHANCE OF SETTLING AND BACKFILL.
- WATER THOROUGHLY TO SETTLE ANY AIR POCKETS AND ADD SOIL IF SINK HOLES DEVELOP
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- IF TREES ARE BROUGHT TO THE SITE EARLY ENSURE THAT TREES ARE STORED IN A SHADED AREA AND ADEQUATELY WATERED BEFORE PLANTING



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DRAWN BY: _____ X _____				
DESIGNER: _____ X _____				
CHECKED BY: _____ X _____				
DESIGN TEAM	NO.	BY	DATE	REVISIONS

**SEH**  
 PHONE: 218.279.3000  
 418 W SUPERIOR ST  
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I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  
 Date: XX/XX/XX NAME, XX Lic. No. XXXXXX

**DULUTH, MINNESOTA**

**LANDSCAPE PLAN ESSENTIA HEALTH MALL PARKING LOT CONCEPT**

FILE NO. SMDCH 156749  
 Page 118 of 173











**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 21-002	<b>Contact</b>	Kyle Deming	
<b>Type</b>	MU-C Planning Review	<b>Planning Commission Date</b>		February 9, 2021
<b>Deadline for Action</b>	<b>Application Date</b>	January 5, 2021	<b>60 Days</b>	March 6, 2021
	<b>Date Extension Letter Mailed</b>	January 19, 2021	<b>120 Days</b>	May 5, 2021
<b>Location of Subject</b>	103 W. Central Entrance (Duluth Heights)			
<b>Applicant</b>	O'Reilly Auto Enterprises, LLC	<b>Contact</b>	Christine Kelly	
<b>Agent</b>	Craig A. Schneider, AIA	<b>Contact</b>	Thom Lundberg/Simpson Batista	
<b>Legal Description</b>	Lots 4-16, Block 31, Duluth Heights 6 <sup>th</sup> Division (010-0890-09970, 09950, 10060, 10080)			
<b>Site Visit Date</b>	1/22/2021	<b>Sign Notice Date</b>		1/27/2021
<b>Neighbor Letter Date</b>	1/27/2021	<b>Number of Letters Sent</b>		43

**Proposal**

A 6,150 sq. ft. expansion to the rear of the existing store and construction of 15 additional parking spaces to the west of the store along with landscaping and screening.

**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-C	Auto parts store	Central Business Secondary
<b>North</b>	R-1	Church	Traditional Neighborhood
<b>South</b>	MU-C	Donut shop	Central Business Secondary
<b>East</b>	MU-C	Commercial	Central Business Secondary
<b>West</b>	MU-N	Dwellings	Neighborhood Mixed Use

**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. The location, size and number of curb cuts shall be designed to minimize traffic congestion or hazard in the area. Any traffic control improvements required as a result of the proposal such as traffic signals, turning lanes, medians, signage and other types of improvements necessary to accommodate traffic flow to and from the proposed project shall be paid for by the property owner. Any additional right-of-way or easements needed shall be provided by the property owner at no cost to the city;

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.

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

Governing Principle #1 – Reuse previously developed lands.

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

Zoning – MU-C District: Established to provide for community and regional commercial development along commercial corridors and nodal centers. Intended non-residential uses include retail, lodging, service, and recreational facilities needed to support the community and region. Development should facilitate pedestrian connections between residential and non-residential uses.

Future Land Use – Central Business Secondary: An area adjacent to and supporting the central business primary area or a stand-alone area providing a similar mix of destination land uses, but at a lower intensity than the primary CB area. Includes mixed regional and neighborhood retail, employment centers, public spaces, medium density residential, and public parking facilities. Medium densities; multi-story and mixed-use buildings are encouraged, Form-based guidelines, pedestrian-oriented design, and limited off-street parking required.

Site history: Existing 9,225 sq. ft. store was built in 1972. There were homes northwest and southwest of the store that were torn down in 2007 and 2013.

**Review and Discussion Items**

Staff finds that:

- 1) 50-15.3 (MU-C District) – Applicant has provided required plan documents.
- 2) 50-15.3.E (Development Standards) – The project will remove a driveway onto Basswood Ave. and will widen the Myrtle St. driveway to 29 feet and the Central Entrance driveway to 32 feet. To reduce conflicts for vehicles entering/exiting the Central Entrance driveway, the curb could be extended further into the parking lot and the southerly most parking space deleted to better define the driveway. No traffic study is needed, per Cari Pedersen, City Engineering. No additional public easements are needed.
- 3) 50-18.1.B (Wetlands) – There is a 2,000-3000 sq. ft. wetland at the northwest corner of the site that will



be impacted by the project. It is likely exempt due to its size and isolated nature. The applicant can apply for a determination before proceeding with the project according to R.C. Boheim, City's wetland consultant.

- 4) 50-18.1.E (Stormwater Management) – The applicant's plans show storm water detention in a subsurface structure that discharges to a City ditch in Myrtle St. Comments from Tom Johnson, Storm Water Engineer, City of Duluth "The treatment includes water quality and flood control BMPs. The final design of the stormwater management system has not been submitted, and the project manager is aware that approval of the system is required to meet the UDC before the project can proceed."
- 5) 50-23 (Connectivity) – Central Entrance is a major transit corridor. Public sidewalks exist along Central Entrance and Basswood Ave. The applicant could enhance pedestrian connections to the front door of the store by adding a sidewalk link to Basswood Ave.
- 6) 50-24 (Parking) – Minimum required parking is 32 spaces (utilizing the 30% transit reduction) and plans show 35 spaces. Parking count could be further reduced since the addition consists of back stock space.
- 7) 50-25 (Landscaping) – The landscape plan shows street frontage landscaping compliance, with the exception of Basswood Ave. where overhead powerlines limit tree options. Staff suggests additional shrubs be utilized to offset the lack of trees. Internal parking lot and shade requirements need to be recalculated based on the entire parking lot and not just the area of the parking spaces. Additionally, the irrigation plan shows irrigation pipes running through the alley that will need to be relocated or a concurrent use permit obtained.
- 8) 50-26 (Screening) – Plans show rooftop mechanical screening and trash screening. The loading door is screened by landscaping at the west edge of the parking lot
- 9) 50-27 (Signs) – Plans show the addition of shrubs at the base of the existing pole sign to bring it to compliance. Any additional changes to the sign would need a separate sign permit.
- 10) 50-29 (Sustainability) – Not Applicable.
- 11) 50-30 (Design Standards) – Plans show partial compliance with façade design standards with foundation landscaping and entryway designs. However, transparency requirements and a second wall/roof articulation option needs to be incorporated into the design of the Basswood and Myrtle St. facades. The Land Use Supervisor can approve an alternate design under Sec. 50-30.F.
- 12) 50-31 (Exterior Lighting) – Site lighting and photometric plans show compliant fixtures. However, no lighting is provided for the parking lot in front of the building since the existing noncompliant flood lights are being removed. Additional pole-mounted luminaries will be needed to replace the removed lighting.
- 13) The following comments were received in addition to those mentioned above:
  - Cindy Voigt, City Engineer, the alley will need to be improved to City standards with a plan and Memorandum of Understanding submitted to the City Engineer. City will plow the alley once improved, except the alley to the west, due to lack of a turnaround.
  - Eric Shaffer, City Engineer for Utilities, no concerns with utilities.
  - Wendy Rannenberg, City Building Official, the building addition will need to comply with the Minnesota State Building Code.
- 14) Per UDC 50-37.1.N, an approved Planning Review will expire if the project or activity authorized is not begun within one year, which may be extended for one additional year at the discretion of the Land Use Supervisor.

**Staff Recommendation**

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

- 1) The project be limited to, constructed, and maintained according to the construction and building plans submitted with this application titled "O'Reilly Auto Parts Store Addition" subject to modifications to be approved by the Land Use Supervisor listed below:
  - a) Adjust landscape plans to provide the correct amount of internal parking lot landscaping and additional shrubs on Basswood Ave. side of the site.
  - b) Relocate storm water pipes and irrigation pipes from the alley or obtain a concurrent use permit.
  - c) Adjust building plans to comply with additional Sec. 50-30 commercial design requirements.
- 2) Prior to receiving a building permit, the applicant shall deposit with the City an escrow (performance bond, cash, or other financial security equal to the amount of landscaping improvements) to ensure implementation of the landscape plan. This amount shall be held, without interest, until the applicant has installed the required landscaping, hired a certified professional to inspect landscaping and confirm that all landscaping was installed correctly and according to approved plans, and forwarded the inspection results to the City along with a request for reimbursement of escrow. This escrow shall not be released until all improvements are completed. The applicant is to maintain required landscaping and replace any vegetation that expires for a period of one year following the installation.
- 3) Obtain from MN-DOT and the City necessary permits to alter the driveways onto public streets.
- 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.





**Legend**

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.

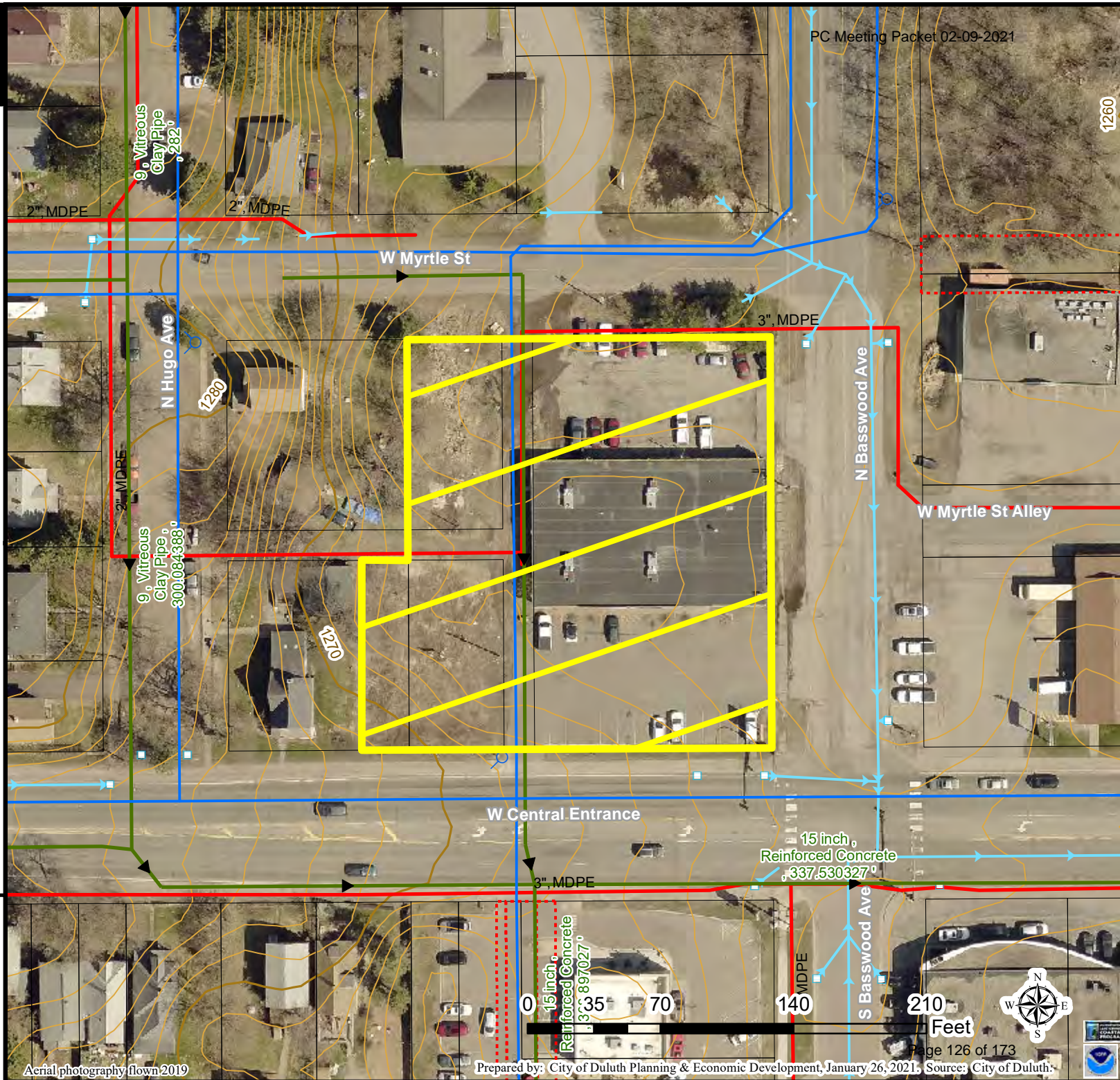






**Legend**

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
- CITY OF DULUTH
- Storm Sewer Mains
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- 1 Ft contour
- 10 Ft contour
- Easement Type**
- Utility Easement



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Aerial photography flown 2019



1260

1280

1270

210 Feet



# O'Reilly AUTO PARTS

## O'REILLY AUTO PARTS STORE ADDITION WEST CENTRAL ENTRANCE DULUTH, MN #1

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 Architect under the laws of the State of Minnesota.  
Craig A. Schneider  
Date: 10-16-2020 License # 44045

**CRAIG A. SCHNEIDER, AIA**  
ARCHITECT  
1736 East Sunshine, Suite 417  
Springfield, Missouri 65804  
417.862.0558  
Fax: 417.862.3265  
e-mail: architect@esterjtschneider.com

**PROJECT:**  
O'REILLY AUTO PARTS STORE ADDITION  
WEST CENTRAL ENTRANCE  
DULUTH, MN #1  
**COVER SHEET**

**O'Reilly AUTO PARTS**  
CORPORATE OFFICES  
233 SOUTH PATTERSON  
SPRINGFIELD, MISSOURI 65804  
(417) 862-2674 TELEPHONE

COMM # 4498  
DATE: 10-16-2020  
REVISION  
DATE:

T1.1

### ABBREVIATIONS LEGEND

APP	ABOVE FINISHED FLOOR	INSUL	INSULATE
AC	ACCUSTICAL	INT	INTERIOR
A/C	AIR CONDITIONING	JST	JOIST
ALT	ALTERNATE	JT	JOINT
AL	ALUMINUM	JNT	JOINT
ALUM	ALUMINUM	KIT	KITCHEN
AB	ANCHOR BOLT	LH	LEFT HAND
ARCH	ARCHITECT (URAL)	LF	LINEAL FOOT
BBMT	BASEMENT	L	LENGTH
BRG	BEARING	LINTEL	LINTEL
BM	BENCH MARK	LIVE LOAD	MACHINE
BEL	BELT	MACH	MACHINE
BLK	BLOCK	MH	MANHOLE
BLKG	BLOCKING	MFR	MANUFACTURER
BD	BOARD	MAS	MASONRY
BW	BOTH WAYS	MO	MASONRY OPENING
BCT	BOTTOM	MAX	MAXIMUM
BF	BOTTOM OF FOOTING	MECH	MECHANICAL
BOF	BOTTOM OF FOOTING	MED	MEDIUM
BRK	BRICK	MFR	MODIFIED BITUMEN ROOFING
BLDG	BUILDING	MET	METAL
BUR	BUILT-UP ROOFING	MTL	METAL
CAB	CABINET	M	METER(S)
CLG	CEILING	MWK	MILLWORK
CL	CENTER LINE	MIM	MINIMUM
C/O	CENTER OF	MISC	MISCELLANEOUS
C/C	CENTER TO CENTER	MT	MOUNT(ED), (ING)
CLR	CLEAR	NOM	NOMINAL
COL	COLUMN	N	NORTH
CONC	CONCRETE	NIC	NOT IN CONTRACT
CMU	CONCRETE MASONRY UNIT	NTS	NOT TO SCALE
CONST	CONSTRUCTION	OC	ON CENTER(S)
CONTR	CONTRACTOR	OPN	OPENING
CONTR	CONTINUOUS	OPH	OPPOSITE HAND
CNTR	COUNTER	OD	OUTSIDE DIAMETER
CFL	COUNTER FLASHING	OO	OUT TO OUT
CSK	COUNTERSUNK	OA	OVERALL
CRS	COURSES	OH	OVERHEAD
CF	CUBIC FOOT	PC	PIECE
CY	CUBIC YARD	PNT	PAINTED
DL	DEAD LOAD	PTD	PAINTED
DEM	DEMOLISH, DEMOLITION	PKG	PARKING
DTL	DETAIL	PLAM	PLASTIC LAMINATE
DIAG	DIAGONAL	PL	PLATE
DIA	DIAMETER	PWD	PLYWOOD
DM	DIMENSION	PVC	POLYVINYL CHLORIDE
DR	DOOR	PBF	POUNDS PER SQUARE FT.
DS	DOWN SPOUT	PBI	POUNDS PER SQUARE IN.
D	DRAIN	PT	PRESSURE TREATED
DWG	DRAWING	PL	PROPERTY LINE
DF	DRINKING FOUNTAIN	REMO	REMOVE
E	EAST	RET	RETURN
E/FS	EXTERIOR INSULATION AND FINISH SYSTEM	RH	RIGHT HAND
ELEC	ELECTRICAL	RD	ROOF DRAIN
EWC	ELECTRIC WATER COOLER	RFG	ROOFING
EL	ELEVATION	RM	ROOM
ELEV	ELEVATION	RO	ROUGH OPENING
ELEV	ELEVATOR	SHT	SEALANT
EMER	EMERGENCY	SHT	SEALANT
EQ	EQUAL	SEC	SECTION
ENG	EXISTING	SECT	SECTION
EXIST	EXISTING	SHTHG	SHEATHING
EXP	EXPOSED	SHT	SHEET
EXT	EXTERIOR	SIM	SIMILAR
FOF	FACE OF FINISH	SC	SOLID CORE
FO	FACE OF MASONRY	S	SOUTH
FOS	FACE OF STUDS	SQ	SQUARE FOOT
FIN	FINISHED	SI	SQUARE INCH
FFE	FINISHED FLOOR ELEV.	SY	SQUARE YARD
PFL	FINISHED FLOOR LINE	STD	STANDARD
FE	FIRE EXTINGUISHER	STD	STORAGE
FEC	FIRE EXTINGUISHER CABINET	STND	SUSPENDED
FT	FIRE TREATED	SYM	SYMMETRY, (ICAL)
FLG	FLASHING	TEL	TELEPHONE
FLR	FLOOR	TV	TELEVISION
FD	FLOOR DRAIN	THK	THICKNESS
FTG	FOOTING	T&G	TONGUE & GROOVE
FDN	FOUNDATION	TM	TOP OF MASONRY
FNDN	FOUNDATION	TOM	TOP OF MASONRY
FUR	FURROING	TS	TOP OF STEEL
GA	GAGE, GAUZE	TOS	TOP OF STEEL
GV	GALVANIZED	TW	TOP OF WALL
GALV	GALVANIZED	TOW	TOP OF WALL
GC	GENERAL CONTRACTOR	TYP	TYPICAL
GL	GLASS, GLAZING	UNO	UNLESS OTHERWISE NOTED
GP	GYP	UNO	UNLESS NOTED OTHERWISE
GYP	GYP	VERT	VERTICAL
GWB	GYP	VT	VINYL TILE
HTG	HEATING	WC	WAINSCOT
HVAC	HEATING/VENTILATING/AIR COND.	WC	WATER CLOSET
HT	HEIGHT	WFW	WELDED WIRE FABRIC
HC	HOLLOW CORE	W	WEST
HM	HOLLOW METAL	W	WIDTH, WIDE
HK	HOOKED	WN	WINDOW
HOR	HORIZONTAL	W/O	WITHOUT
HS	HOSE BIBB	W/O	WITHOUT
INS	INSULATE, (CON)	WD	WOOD

### SYMBOLS LEGEND

	SECTION NUMBER	WT?	WALL TYPE MARK
	SECTION / ELEVATION MARK	?	DOOR MARK
	SHEET NUMBER	?	WINDOW MARK
	DETAIL NUMBER	#	GRID MARK
	DETAIL MARK		
	SHEET NUMBER		

### OWNER OR TENANT

O'REILLY AUTO ENTERPRISES, LLC  
CORPORATE OFFICES  
233 SOUTH PATTERSON  
SPRINGFIELD, MISSOURI 65802  
417-862-2674 PHONE

**BIDDING INFORMATION:**  
REFER TO OWNER'S WEB SITE:  
HTTP://WWW.OREILLYPLANROOM.COM

NOTE: REFER TO CURRENT PROJECTS LIST, LOCATED AT BOTTOM OF SIGN IN PAGE, FOR INVITED GENERAL CONTRACTORS.

ALL SUB-CONTRACTOR BIDS TO BE SUBMITTED TO INVITED GENERAL CONTRACTORS ONLY.

CONTACT OWNER'S DESIGNATED REPRESENTATIVE FOR ADDITIONAL PROJECT INFORMATION.

### ARCHITECT

**CRAIG A. SCHNEIDER, AIA**  
ARCHITECT

1736 East Sunshine, Suite 417  
Springfield, Missouri 65804

417.862.0558  
Fax: 417.862.3265  
e-mail: architect@esterjtschneider.com

### STRUCTURAL ENGINEER

JS Smith Consulting Engineers, P.C.

Aaron D. Smith P.E. 44131  
1801 W 32nd Street, Bldg B, Suite 104 \* JOPLIN, MISSOURI 64804  
PHONE: 417-824-0444 \* FAX: 417-824-0430

### GENERAL NOTES

A. CONTRACT ADMINISTRATION (LIMITED SERVICE): THE ARCHITECT AND/OR ENGINEER OF RECORD INDICATED HEREIN ARE PROVIDING A LIMITED SERVICE AND NOT PROVIDING CONTRACT ADMINISTRATION SERVICES FOR THIS PROJECT WHICH IS THE RESPONSIBILITY OF OTHERS. THE ARCHITECT AND/OR ENGINEER ARE NOT RESPONSIBLE FOR FIELD ACTIVITIES ON THIS PROJECT WITHOUT DIRECT INSPECTION OF THE WORK IN PROGRESS. IF FIELD CONDITIONS ARE UNCOVERED THAT REQUIRE A CHANGE OR ADDITIONAL INFORMATION, THE ARCHITECT AND/OR ENGINEER DOES NOT DELEGATE AUTHORITY TO ANYONE ELSE FOR DETERMINING THE MEANING OF PLANS OR SPECIFICATIONS AS AUTHENTICATED HEREIN.

B. QUALITY STANDARDS AND BUILDING CODES: CONTRACTORS SHALL BE RESPONSIBLE FOR KNOWING THE QUALITY AND PUBLIC SAFETY REGULATIONS SET FORTH IN THE GOVERNING CODES AND OTHER APPLICABLE REGULATIONS OF LOCAL AND STATE AGENCIES HAVING JURISDICTION WHICH GOVERN EACH CONTRACTOR'S WORK.

C. EXISTING CONDITIONS: FIELD VERIFY EXISTING CONDITIONS BY DETAILED INSPECTION PRIOR TO SUBMITTING BID AND BEGINNING WORK. NOTIFY THE ARCHITECT AND/OR ENGINEER OF RECORD IF EXISTING CONDITIONS DEVIATE SUBSTANTIALLY FROM THOSE INDICATED HEREIN.

### MECH. / ELEC. ENGINEER

SMITH-GOTH ENGINEERS, INC.

3855 S. JEFFERSON AVE. P: 417-882-2200  
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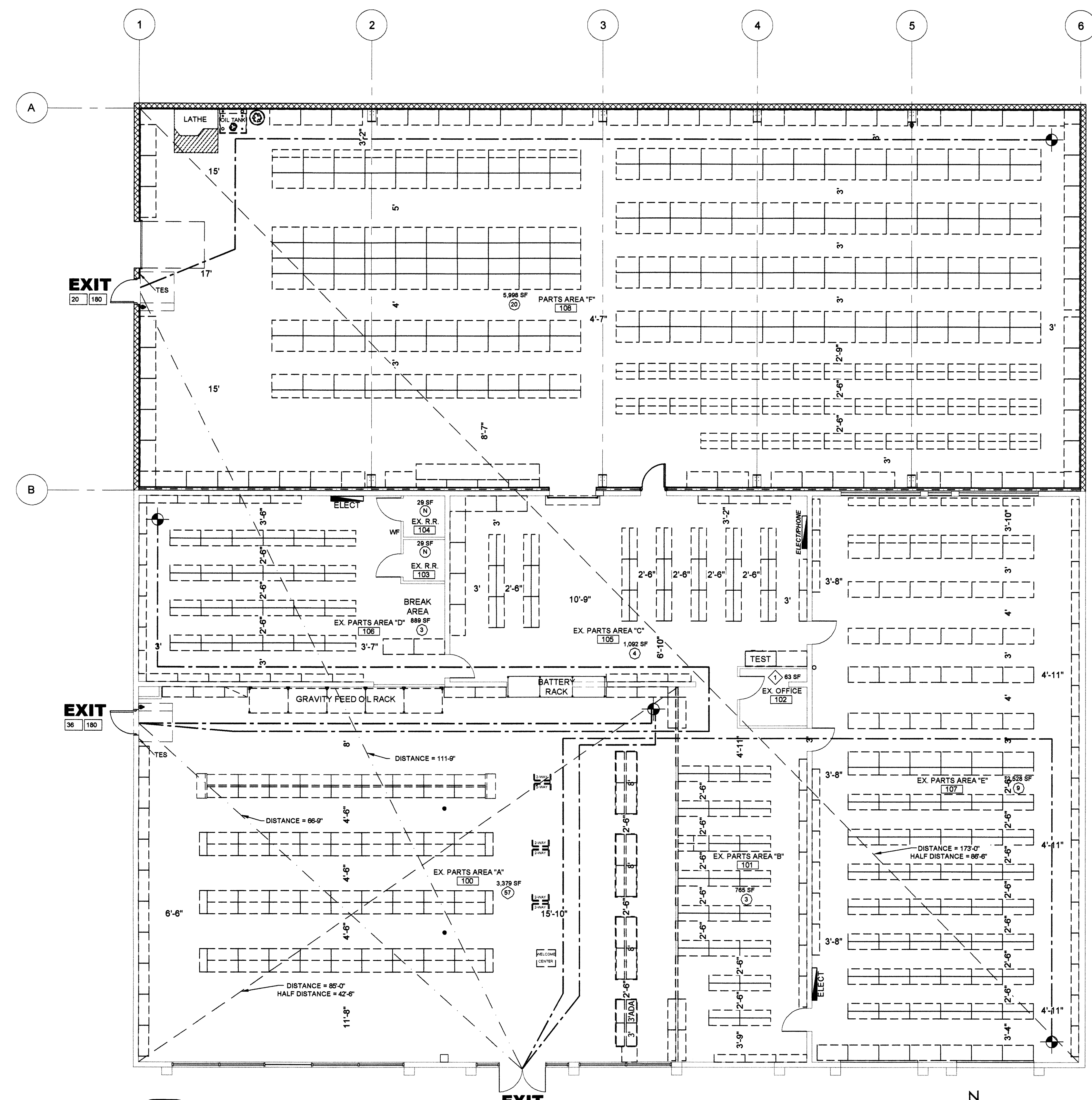
### QUALITY CONTROL

1. REFER TO PROJECT MANUAL, SECTION 01 45 16 - QUALITY CONTROL PROCEDURES, FOR ADDITIONAL REQUIREMENTS.

2. REFER TO STRUCTURAL DRAWINGS FOR SCHEDULE OF SPECIAL INSPECTIONS, IF INDICATED.

3. WHERE REQUIRED, THE OWNER SHALL PROVIDE THE SERVICES OF AN INDEPENDENT TESTING LABORATORY TO PERFORM TESTING AND SPECIAL INSPECTIONS INDICATED.





**1 CODE SUMMARY PLAN**  
 G1.1 SCALE: 1/8" = 1'-0"

**AREA MODIFICATIONS SUMMARY**

ALLOWABLE AREA (TABLE 503): 12,500 SQ. FT.  
 AREA MODIFICATION FORMULA:  $A_a = A_1 + (A_2 \times I_1)$

FRONTAGE INCREASE ( $I_1$ ) CALCULATION:  
 $I_1 = [F/P - 0.25] \times VW/30$   
 BUILDING PERIMETER  $P = 474'$ , 4 SIDES HAVE OPEN SPACE 30' OR GREATER, THEREFORE  $F = 330'$   
 $I_1 = [330/474 - 0.25] \times 30/30 = 0.45$   
 $I_1 = 0.44$ , ALLOWABLE AREA CAN BE INCREASED BY 45%  
 12,500 S.F. + (45% \* 12,500) = **18,125 S.F.**

**PROJECT DATA**

REAL ESTATE	
TOTAL GROSS PROPERTY AREA :	39,482 GSF
GROSS PROPERTY AREA 1:	4,998 GSF
GROSS PROPERTY AREA 2:	7,496 GSF
GROSS PROPERTY AREA 3:	26,988 GSF
SITE	
PARKING GROSS AREA:	15,926± GSF
EXISTING PARKING AREA:	7,354± GSF
NEW PARKING AREA:	8,572 GSF
BUILDING	
TOTAL BUILDING GROSS AREA:	15,375 GSF
TOTAL BUILDING INTERIOR AREA:	14,856 GSF

**HAZARDOUS MATERIALS INVENTORY STATEMENT (HMIS)**

- (A) UPON REQUEST OWNER TO PROVIDE UNDER SEPARATE COVER, PROJECT HAZARDOUS MATERIALS INVENTORY STATEMENT (HMIS) FOR COMMODITY TYPES, HAZARD CLASS, AND QUANTITIES.
- (B) OWNER RESPONSIBLE FOR MONITORING INVENTORY COMMODITY TYPES AND QUANTITIES TO NOT EXCEED CODE REQUIREMENTS.

**OCCUPANCY LOAD SUMMARY**

ROOM OR AREA (REFER TO FLOOR PLAN)	AREA PER OCCUPANT(S.F.)	OCCUPANTS (QTY.)
100 - EX- PARTS AREA "A"	60	57
101 - EX- PARTS AREA "B"	300	3
102 - EX- OFFICE	100	1
103 - EX- RESTROOM	N/A	0
104 - EX- RESTROOM	N/A	0
105 - EX-PARTS AREA "C"	300	4
106 - EX-PARTS AREA "D"	300	3
107 - EX-PARTS AREA "E"	300	9
108 - PARTS AREA "F"	300	20
<b>TOTAL OCCUPANCY</b>		<b>97</b>

**PLUMBING FIXTURE SUMMARY**

GENERAL  
 IPC TABLE 403.1  
 PRIMARY OCCUPANCY: (M) MERCANTILE  
 TOTAL OCCUPANCY: 97

OCCUPANCY LOAD CALCULATED PER SEX:  
 FEMALE: 97 / 2 = 49  
 MALE: 97 / 2 = 49

PLUMBING FIXTURES  
 WATER CLOSETS (URINALS): 1 PER 500  
 REQUIRED FOR FEMALE: 49/500 = 1  
 PROVIDED FOR FEMALE: 1  
 REQUIRED FOR MALE: 49/500 = 1

LAVATORIES:  
 REQUIRED FOR FEMALE: 1 PER 750  
 PROVIDED FOR FEMALE: 49/750 = 1  
 REQUIRED FOR MALE: 49/750 = 1  
 PROVIDED FOR MALE: 1

DRINKING FOUNTAINS:  
 REQUIRED: 1 PER 1,000  
 PROVIDED: 97/1000 = 1  
 PROVIDED: 2

SERVICE SINK REQUIRED: 1  
 SERVICE SINK PROVIDED: 1

**BUILDING CODE**

BUILDING OFFICIAL CONTACT NUMBER: (218) 730-5247  
 COUNTY: ST. LOUIS  
 ZIP CODE: 55811

GOVERNING CODES AND ORDINANCES  
 BUILDING CODE: 2015 MBC  
 PLUMBING CODE: 2015 MPC  
 MECHANICAL CODE: 2015 MMFGC  
 ELECTRICAL CODE: 2017 NEC  
 FIRE CODE: 2015 MSFC  
 ENERGY CODE: 2015 MEC  
 ACCESSIBILITY CODE: 2015 MAC  
 AMENDING ORDINANCE: N/A

USE GROUP & CONSTRUCTION TYPE  
 PRIMARY USE GROUP: M (MERCANTILE)  
 CONSTRUCTION TYPE: II-B  
 (NON-COMBUSTIBLE / UNPROTECTED)

AREA MODIFICATIONS  
 FRONTAGE INCREASE: NOT APPLIED  
 AUTOMATIC SPRINKLER INCREASE: NOT PROVIDED

ALLOWABLE HEIGHT & BUILDING AREA  
 NO. OF STORIES: 2 STORIES  
 AREA: 12,500 SQ. FT.

ACTUAL HEIGHT & BUILDING AREA  
 NO. OF STORIES: 1 STORY  
 BUILDING HEIGHT: 14'-3"  
 TOTAL GROSS BUILDING AREA: 15,375 SQ. F.T

FIRE PROTECTION SYSTEMS  
 AUTOMATIC SPRINKLER SYSTEM: NOT REQUIRED  
 PORTABLE FIRE EXTINGUISHERS: REQUIRED  
 FIRE ALARM SYSTEM: NOT REQUIRED  
 AUTOMATIC DETECTION SYSTEM: NOT REQUIRED

STRUCTURAL DESIGN (REFER TO STRUCTURAL DRAWINGS)  
 1. LIVE LOADS: 20 PSF  
 ROOF (1/4"12): (REDUCIBLE)

2. ROOF COLLATERAL LOADS  
 A. ARCHITECTURAL / MECHANICAL: 2.5 PSF  
 B. SUSPENDED ACOUSTICAL CEILING SYSTEM LOAD (WHERE OCCURS): 2.0 PSF  
 C. SPRINKLER SYSTEM  
 UNIFORM BRANCH PIPE LOAD: 0.0 PSF  
 LINEAL LOOP / TEE MAIN PIPE LOAD: 0.0 PLF

3. SNOW LOADS CE = 1.0 CT = 1.0  
 GROUND LOAD (PG): 60 PSF  
 MINIMUM ROOF SNOW LOAD (PF): 42 PSF  
 IMPORTANCE FACTOR (IS): 1.0

4. WIND LOADS GCFI = ± 0.18  
 BASIC WIND SPEED: VULT = 115 MPH  
 VASD = 89.1 MPH  
 C

EXPOSURE:  
 5. SEISMIC  
 SS: 0.041  
 S1: 0.017  
 SDS: 0.044  
 SD1: 0.027  
 IMPORTANCE FACTOR (IE): 1.0  
 SITE CLASS: D  
 DESIGN CATEGORY: A

6. BUILDING LATERAL DEFLECTION LIMITS:  
 (REFERENCE CODE DEFLECTION LIMITS, WHERE MORE STRINGENT CODE DEFLECTION LIMITS APPLY, THEY SHALL SUPERSEDE THE FOLLOWING)  
 MAX. ROOF SNOW OR LIVE LOAD DEFLECT.: SPAN/240  
 MAX. ROOF TOTAL LOAD DEFLECT.: SPAN/180  
 MAX. METAL BUILDING RIGID FRAME LATERAL DEFLECTION: HEIGHT/150  
 MAX. METAL BUILDING HORIZONTAL GIRT LATERAL DEFLECTION: SPAN/240

COMMERCIAL ENERGY EFFICIENCY CODE  
 COMPLIANCE WITH BUILDING ENERGY EFFICIENCY REQUIREMENTS BASED UPON APPLICABLE ENERGY CODE (PERFORMANCE METHOD).

CERTIFICATE OF COMPLIANCE AND CALCULATIONS TO BE PROVIDED UPON REQUEST UNDER SEPARATE COVER.

**GENERAL NOTES**

- (A) REFER TO PROJECT MANUAL FOR ADDITIONAL REQUIREMENTS.
- (B) REFER TO PLANS, SECTIONS, AND DETAILS FOR CONSTRUCTION OF FIRE RATED ASSEMBLIES. WHERE UNDERWRITERS LABORATORY (UL) TEST NUMBERS ARE REFERENCED, CONTRACTOR SHALL PROVIDE CONSTRUCTION MATERIALS, MEANS AND METHODS TO COMPLY WITH TESTED STANDARD.
- (C) REFER TO MECHANICAL AND ELECTRICAL DRAWINGS FOR ADDITIONAL REQUIREMENTS.
- (D) OWNER FURNISHED AND INSTALLED FURNISHINGS AND FIXTURES SHOWN FOR REFERENCE ONLY.
- (E) CONTRACTOR TO PROVIDE PORTABLE FIRE EXTINGUISHERS DURING CONSTRUCTION AS REQUIRED TO PROTECT THE WORK AREA AND EACH STORAGE UNIT AND JOB TRAILER PER THE FIRE CODE.
- (F) SURFACE MOUNTED PORTABLE FIRE EXTINGUISHERS SHALL BE UL LISTED ABC TYPE, WITH 10 LBS. CAPACITY. REFER TO DETAIL 10/A4.2 FOR TYPICAL MOUNTING REQUIREMENTS.
- (G) EXIT DISCHARGE DOORS, PROVIDE TACTILE EXIT SIGNS STATING "EXIT" WITH BRAILLE (GRADE 2 CONTRACTED) LETTERING. SIGN CONSTRUCTION AND MOUNTING TO COMPLY WITH ANSI A117.1. REFER TO FLOOR PLAN FOR LOCATIONS.

**SYMBOLS LEGEND**

- ROOM SQUARE FOOTAGE:  
 325 SF  
 180
- DESIGN OCCUPANT LOAD SERVED BY EXIT:  
 MAXIMUM ALLOWABLE CAPACITY (EXAMPLE: 36" / 2' = 180):
- (N) OCCUPANT LOAD SERVED BY EXIT BUT NOT COUNTED IN TOTAL OCCUPANT LOAD:
- (20) ROOM OCCUPANT LOAD AT 80 SQ. FT. GROSS PER PERSON:
- (40) ROOM OCCUPANT LOAD AT 100 SQ. FT. GROSS PER PERSON:
- (200) ROOM OCCUPANT LOAD AT 300 SQ. FT. GROSS PER PERSON:
- (E) FIRE EXTINGUISHER (SURFACE MOUNTED)
- TES --- LOCATION OF TACTILE EXIT SIGNAGE
- EGRESS TRAVEL PATH STARTING POINT
- EXIT ACCESS TRAVEL DISTANCE (LENGTH IN FEET)
- EXTERIOR WALL LIGHT
- CLEAR FLOOR AREA (EXIT DOOR AND / OR FIRE EXTINGUISHER)
- FLOOR/CEILING FIRE RATED ASSEMBLY

REFER TO LIGHTING PLAN FOR EMERGENCY EXIT LIGHTING LOCATIONS

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 professional engineer in the State of Minnesota.  
 Craig A. Schneider  
 License # 44045  
 Date: 10-16-2020

**CRAIG A. SCHNEIDER, AIA**  
**ARCHITECT**  
 417.862.0558  
 417.862.3265  
 e-mail: architect@electricschneider.com

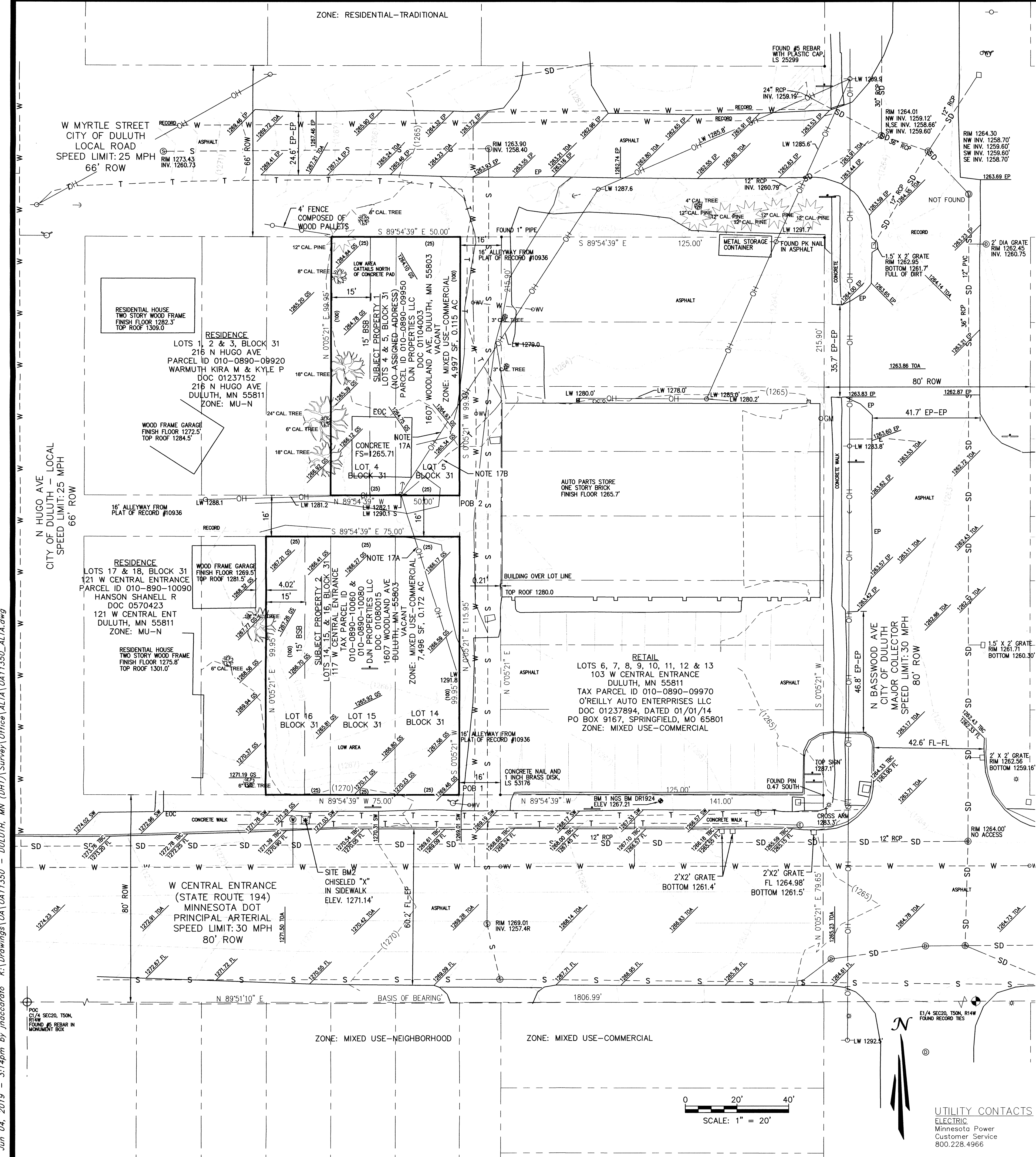
**PROJECT:**  
**O'REILLY AUTO PARTS STORE ADDITION**  
**WEST CENTRAL ENTRANCE**  
**DULUTH, MN #1**  
**CODE SUMMARY PLAN**

**O'Reilly AUTO PARTS**  
 CORPORATE OFFICES  
 233 SOUTH PATTERSON  
 SPRINGFIELD, MISSOURI 65802  
 (417) 862-2674 TELEPHONE

COMM # 4498  
 DATE: 10-16-2020  
 REVISION  
 DATE:



RECEIVED  
JUN 26 2019  
CITY OF DULUTH



**SURVEY LEGEND:**

- PROPERTY LINE
- - - ADJACENT PROPERTY LINE
- SECTION LINE
- - - EASEMENT
- - - BUILDING SETBACK
- - - UNDERGROUND ELECTRIC
- - - COMMUNICATION LINE
- - - WATERLINE
- - - GAS LINE
- - - OVERHEAD ELECTRIC
- - - FENCE
- - - SANITARY SEWER
- - - STORM DRAIN
- - - WATER VALVE
- - - HYDRANT
- - - LIGHT POLE
- - - DECIDUOUS TREE
- - - PINE TREE
- - - ELECTRIC METER
- - - COMMUNICATION MANHOLE
- - - SANITARY SEWER MANHOLE
- - - UTILITY POLE
- - - GUY WIRE
- - - GAS METER
- - - SIGN
- - - TRAFFIC SIGNAL
- - - STORM DRAIN MANHOLE
- - - CLEAN OUT
- - - RECORD DISTANCE
- - - CONTROL MONUMENT AS DESCRIBED HEREON
- - - SET #5 REBAR WITH 2-INCH AL. CAP, LS 53176
- - - SITE BENCH MARK, SET CHISELED X IN SIDEWALK

**ALTA/NSPS LAND TITLE SURVEY**

LOTS 4, 5, 14, 15 AND 16 OF BLOCK 31, DULUTH HEIGHTS SIXTH DIVISION, LOCATED IN THE NORTHEAST QUARTER SECTION 20, TOWNSHIP 50 NORTH, RANGE 14 WEST OF THE 4TH PRINCIPAL MERIDIAN, CITY OF DULUTH, COUNTY OF ST. LOUIS, STATE OF MINNESOTA.

**TITLE COMMITMENT NOTES:**

- Title Commitment No. 19-5631, effective date February 22, 2019, was prepared by Meridian Title Corporation as agent for First American Title Insurance Company. The Commitment was relied upon for record data regarding rights-of-way, easements and encroachments in the preparation of this survey.
- Responses to Schedule "B" Exceptions  
Exceptions 1, 3, 4, 5 and 6 are not part of this survey and are not addressed. The following exceptions from Schedule "B" are shown and noted hereon to the best of my knowledge and belief:  
2. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.  
Does affect both subject properties and is further identified in Notes #17 and #18 of this survey.
- Reservation of minerals and mineral rights to the State of Minnesota, as reserved in Conveyance of Forfeited Lands recorded January 28, 1994 as Document No. 0595427 (affects Lots 14 and 15).

**NOTES:**

- FLOOD ZONE DESIGNATION: THIS SITE IS IN ZONE C, AREAS OF MINIMAL FLOODING, AND IS OUTSIDE THE 100 YEAR FLOODPLAIN, ACCORDING TO FEMA FLOOD MAP 2704210025C, EFFECTIVE DATE APRIL 2, 1982.
- SUBJECT PROPERTY 1, 2, AND 3 ARE WITHIN THE CITY OF DULUTH LIMITS.
- THE PROPERTY IS ZONED MU-C (MIXED USE-COMMERCIAL).
- DULUTH UDC, 50-15.3: MU-C MINIMUM DIMENSIONAL STANDARDS  
MAXIMUM BUILDING HEIGHT, NON-RESIDENTIAL - 45 FEET  
FRONT SETBACK - 0 FEET (STRUCTURES UNDER 35 FEET IN HEIGHT)  
FRONT SETBACK - 12 FEET (ALL STRUCTURE PORTIONS OVER 35 FEET)  
SIDE AND REAR SETBACK - 15 FEET
- MAXIMUM LOT COVERAGE - N/A
- BASIS OF BEARINGS: THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 20 AS NORTH 89°51'10" EAST, COMMENCING FROM MONUMENT SHOWN HEREON.
- PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS SURVEY, THE UNDERSIGNED BELIEVES THAT AS A LAND SURVEYOR REGISTERED IN THE STATE OF MINNESOTA THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN. ALL INFORMATION SHOWN HEREON IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.
- Mn DOT STATIONING FOR THE FRONT OF THE LOT ALONG HWY 194, W CENTRAL ENTRANCE IS NOT AVAILABLE.
- ROAD IMPROVEMENTS AND RIGHT-OF-WAY ALONG HWY 194: Mn/DOT, R/W ENGINEER, DUANE HILL - THERE IS NO PLANNED CHANGE OF RIGHT-OF-WAY ON HWY 194 (W CENTRAL ENT.) AT THIS TIME. Mn/DOT, DUANE HILL 218.725.2704  
CITY OF DULUTH, DIRECTOR OF PUBLIC WORKS, JIM ENNING - THERE ARE NO PLANNED STREET IMPROVEMENTS ALONG W MYRTLE ST AT THIS TIME. CITY OF DULUTH, JIM ENNING 218.730.5705
- UTILITY LOCATES BY GOPHER STATE ONE CALL TICKET NUMBERS 191234130, 191234131, 191234132, 191234133.
- WATER MAIN IS 6 INCH DUCTILE IRON PIPE LOCATED ALONG HWY 194.
- GAS MAIN IS 2 INCH MOPE LOCATED THROUGH THE ALLEY GOING EAST-WEST AND A 3 INCH MOPE GOING NORTH-SOUTH ALONG THE EAST PROPERTY LINE AND AROUND THE WEST AND NORTH SIDE OF THE BUILDING ON THE PROPERTY TO THE EAST.
- SANITARY SEWER IS 10 INCH PVC LOCATED EAST OF THE PROPERTY.
- THERE IS NO WETLANDS OF RECORD OR EVIDENCE OF EARTH MOVING ON THE SUBJECT PROPERTIES, BUT SIGNS OF WETLAND VEGETATION ARE PRESENT.
- THERE IS A STRUCTURE SLAB IN THE PROPERTY WITH NO EVIDENCE OF UTILITY CONNECTIONS.
- PROJECT BENCH MARKS ARE:  
SITE 1, NOS. BENCH MARK DRI924, NAVD 88 ELEVATION 1267.21 FEET, LOCATED 78 FEET EAST OF THE SOUTHEAST CORNER OF LOT 14.  
SITE BM 2, A CHISELED X IN CONCRETE WALK 18 FEET SE OF THE SW CORNER OF LOT 16, ELEVATION 1271.14 FEET.
- AREA OF CONCERN:  
A. OVERHEAD ELECTRIC LINES CROSSING PROPERTY IS NOT IN AN EASEMENT.  
B. UNDERGROUND TELEPHONE LINE CROSSING LOT 5 IS NOT IN AN EASEMENT.
- CURRENT ENCROACHMENTS: NOTE 17A AND 17B.

**LAND DESCRIPTION FROM TITLE COMMITMENT:**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF ST. LOUIS, STATE OF MINNESOTA AND DESCRIBED AS FOLLOWS:  
LOTS 4, 5, 14, 15 AND 16, BLOCK 31, DULUTH HEIGHTS SIXTH DIVISION, ACCORDING TO THE RECORDED PLAT THEREOF.

**METES AND BOUNDS DESCRIPTION:**

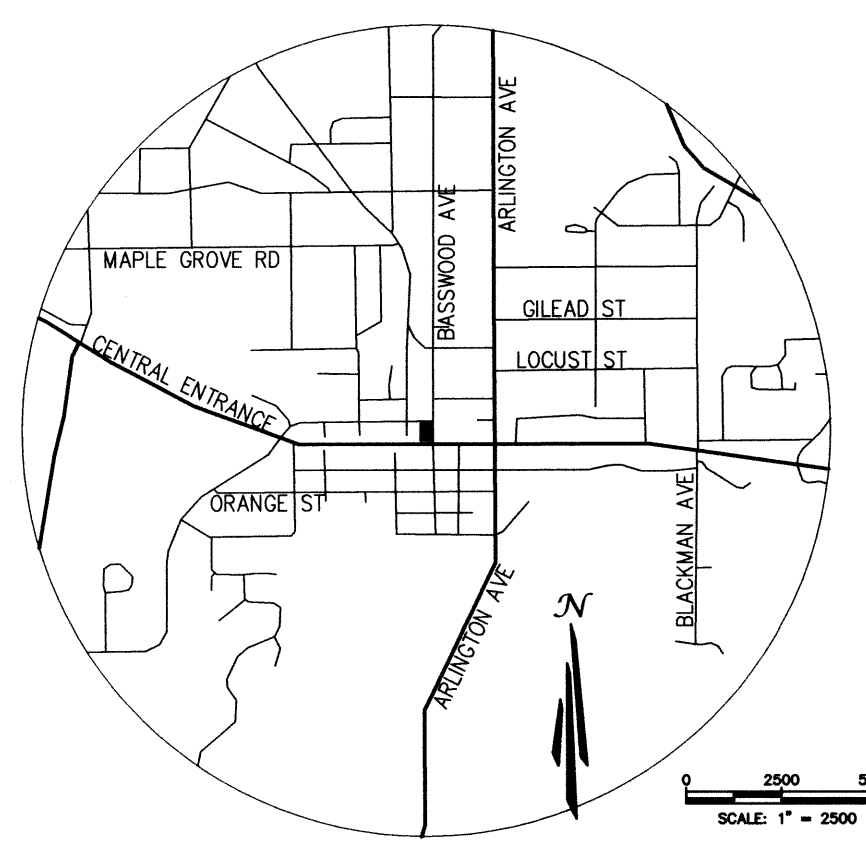
Considering the south line of the northeast quarter of said Section 20 as bearing North 89°51'10" East with all bearings contained herein relative thereto;

Commencing at the center quarter corner of said Section 20; thence North 89°51'10" East along the south line of the northeast quarter of Section 20 a distance of 1806.99 feet; thence North 00°05'21" East a distance of 79.65 feet to the southeast corner of said Block 31; thence North 89°54'39" West along the south line of Block 31 a distance of 141.00 feet to the southeast corner of said Lot 14, the Point of Beginning; thence North 89°54'39" West a distance of 75.00 feet to the southwest corner of Lot 16; thence North 00°05'21" East a distance of 99.95 feet to the northwest corner of Lot 16; thence South 89°54'39" East a distance of 75.00 feet to the northeast corner of Lot 14; thence South 00°05'21" West a distance of 99.95 feet to the Point of Beginning, containing 7,496 square feet or 0.172 acres more or less.

Together with;

Commencing at the center quarter corner of said Section 20; thence North 89°51'10" East along the south line of the northeast quarter of Section 20 a distance of 1806.99 feet; thence North 00°05'21" East a distance of 79.65 feet to the southeast corner of said Block 31; thence North 89°54'39" West along the south line of Block 31 a distance of 141.00 feet to the southeast corner of said Lot 14; thence North 00°05'21" East a distance of 115.95 feet to the southeast corner of said Lot 5, the Point of Beginning; thence North 89°54'39" West a distance of 50.00 feet to the southwest corner of Lot 4; thence North 00°05'21" East a distance of 99.95 feet to the northeast corner of Lot 4; thence South 89°54'39" East a distance of 50.00 feet to the northeast corner of Lot 5; thence South 00°05'21" West a distance of 99.95 feet to the Point of Beginning, containing 4,997 square feet or 0.115 acres more or less.

**VICINITY MAP**



**SURVEY CERTIFICATION**

I HEREBY CERTIFY TO MERIDIAN TITLE CORPORATION, AGENT FOR FIRST AMERICAN TITLE INSURANCE COMPANY AND O'REILLY AUTO ENTERPRISES, L.L.C. A DELAWARE LIMITED LIABILITY COMPANY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH THE 2016 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 (A), 7(A)(C), 8, 9, 11, 13, 14, 16, 17, 18, AND 19 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON MAY 16 2019.

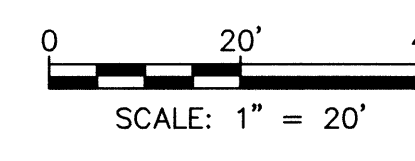
STEVEN BLAINE VARRIANO, L.S. 53176

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.  
STEVEN BLAINE VARRIANO, LICENSE NO. 53176  
DATE: 6/4/19

**ABBREVIATIONS**

BSB	BUILDING SETBACK	IN	INCH
ENT.	ENTRANCE	IP	IRON PIPE
DIA	DIAMETER	FL	FLOWLINE
RCP	REINFORCED CONC. PIPE	FF	FINISHED FLOOR
BM	BENCH MARK	SSMH	SANITARY SEWER MANHOLE
EP	EDGE OF PAVEMENT	LW	LOW WIRE
INV	INVERT	DIP	DUCTILE IRON PIPE
ROW	RIGHT OF WAY	EOC	EDGE OF CONCRETE
NG	NATURAL GROUND	FF	FINISH FLOOR
MPH	MILES PER HOUR	FS	FINISH SURFACE
		AL	ALUMINUM
		R	RECORD
		MU-N	MIXED USE-NEIGHBORHOOD

**UTILITY CONTACTS**  
ELECTRIC: Minnesota Power, Customer Service 800.228.4966  
PHONE/INTERNET: Charter Communications, Customer Service 833.493.4939  
WATER, SEWER, GAS: Comfort Systems, City of Duluth Utility Department 218.730.5200



05/29/19  
06/04/19  
DL JUN BY DATE

Updates per O'Reilly comments  
Updates per O'Reilly comments

NO. DESCRIPTION REVISIONS

6183 East County Road 16  
Loveland, CO 80537  
D: 970.413.1447  
www.tait.com

**TAIT**  
& ASSOCIATES  
ENGINEERING ENVIRONMENTAL BUILDING LAND  
Duluth  
Denver  
Sacramento  
San Luis Obispo  
Atlanta

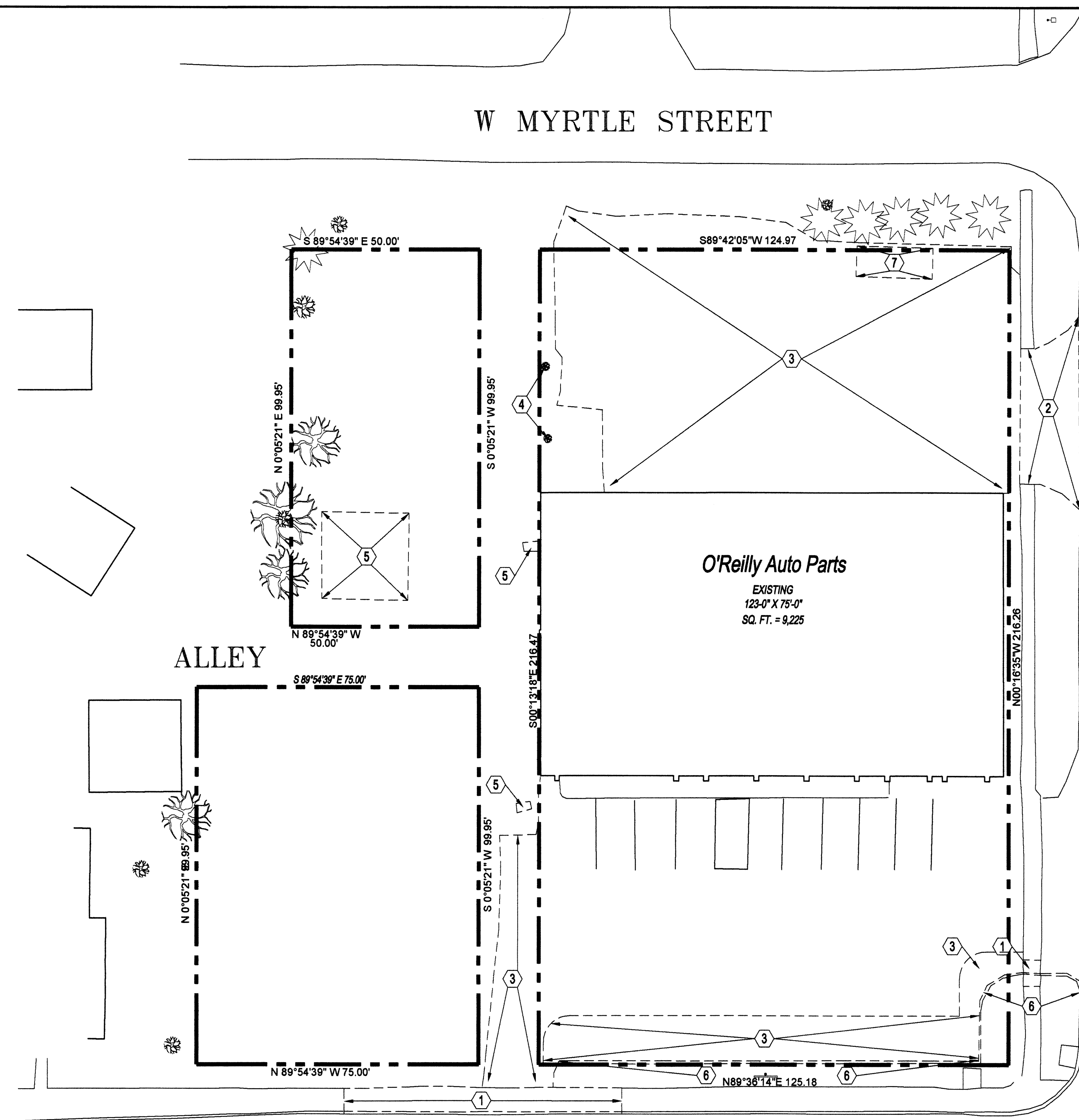
117 W CENTRAL ENTRANCE, DULUTH, MN 55811  
ALTA / NSPS LAND TITLE SURVEY  
NE 1/4 SECTION 20, TOWNSHIP 50 NORTH, RANGE 14 WEST

DRAWN: DL  
DATE: 05/22/2019  
CHECKED: SV  
DATE: 05/28/2019  
REVISION #: 1  
DATE: 05/29/2019  
JOB NO.: OA11350

SV1

Jun 04, 2019 - 3:14pm by hhaecarola K:\Drawings\04\0417350 - DULUTH, MN (DHT)\Survey\Office\ALTA\0417350\_ALTA.dwg





**1 SITE DEMOLITION PLAN**  
 D1.1 SCALE: 1" = 20'-0"



**GENERAL NOTES**

- (A) REFER TO PROJECT MANUAL FOR ADDITIONAL REQUIREMENTS.
- (B) SITE CONDITIONS BASED UPON SURVEY PROVIDED BY OWNER. FIELD VERIFY EXISTING CONDITIONS BY DETAILED INSPECTION PRIOR TO SUBMITTING BID AND BEGINNING CONSTRUCTION. NOTIFY ARCHITECT IF EXISTING CONDITIONS DEVIATE SUBSTANTIALLY FROM THOSE INDICATED HEREIN.
- (C) REMOVE ALL EXISTING SITE CONSTRUCTION AND DELETERIOUS MATERIALS UNLESS OTHERWISE NOTED.
- (D) EXISTING CONSTRUCTION TO REMAIN TO BE PROTECTED AS REQUIRED. REPLACE AND/OR REPAIR EXISTING CONSTRUCTION DAMAGED DUE TO CONTRACTOR ACTIVITIES.
- (E) ALL DEMOLITION MATERIALS SHALL BECOME PROPERTY OF CONTRACTOR FOR PROPER DISPOSAL UNLESS OTHERWISE NOTED.
- (F) REFER TO SITE UTILITY PLAN FOR DEMOLITION OF EXISTING UTILITIES.
- (G) EXISTING UNDERGROUND INSTALLATION SUCH AS WATER MAINS, GAS MAINS, SEWERS, TELEPHONE LINES, POWER LINES, AND BURIED STRUCTURES IN THE VICINITY OF THE WORK ARE INDICATED ON THE DRAWINGS ONLY TO THE EXTENT SUCH INFORMATION HAS BEEN MADE AVAILABLE. THERE IS NO GUARANTEE AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION AND ALL RESPONSIBILITY FOR THE ACCURACY AND COMPLETENESS IS EXPRESSLY DISCLAIMED. GENERALLY SERVICE CONNECTIONS ARE NOT INDICATED ON THE DRAWINGS. CONTRACTOR SHALL BE RESPONSIBLE FOR DISCOVERY OF EXISTING UNDERGROUND INSTALLATIONS IN ADVANCE OF EXCAVATING OR TRENCHING BY CONTRACTING LOCAL UTILITIES.

**KEY NOTES**

- ① PORTION OF EXISTING SIDEWALK TO BE REMOVED TO ALLOW FOR NEW DRIVE ENTRANCE.
- ② EXISTING DRIVE ENTRANCE TO BE REMOVED.
- ③ PORTION OF EXISTING PAVING TO BE REMOVED.
- ④ EXISTING PLANTING TO BE REMOVED.
- ⑤ EXISTING CONCRETE PAD/BLOCK TO BE REMOVED.
- ⑥ PORTION OF EXISTING CURB TO BE REMOVED.
- ⑦ METAL STORAGE CONTAINER TO BE REMOVED.

**ENVIRONMENTAL GENERAL NOTES**

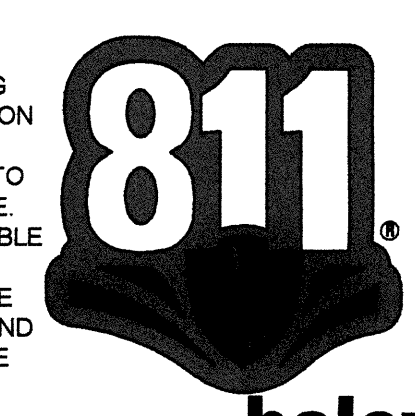
- (A) AN ENVIRONMENTAL ANALYSIS HAS BEEN PERFORMED ON THE EXISTING SITE. REFER TO PROJECT MANUAL.
- (B) IF THIS PROJECT CONTAINS HAZARDOUS MATERIALS, CONTRACTOR TO PROVIDE WORK REQUIRED FOR PROPER REMOVAL, HANDLING, AND DISPOSAL PER ENVIRONMENTAL ANALYSIS RECOMMENDATIONS.

**SYMBOLS LEGEND**

NOTE: REFER TO SURVEY FOR EXISTING CONDITIONS SYMBOLS LEGEND.

————— EXISTING CONDITIONS TO REMAIN.  
 - - - - - EXISTING CONDITIONS TO BE REMOVED.

**CAUTION:**  
 INFORMATION ON THIS DRAWING CONCERNING TYPE AND LOCATION OF UNDERGROUND AND OTHER UTILITIES IS NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. THE CONTRACTOR IS RESPONSIBLE FOR MAKING HIS OWN DETERMINATION AS TO THE TYPE AND LOCATION OF UNDERGROUND AND OTHER UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE THERETO.



**Know what's below  
 Call before you dig.**

I hereby certify that this plan, specification or other document was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.  
 Craig A. Schneider  
 License # 4498

**CRAIG A. SCHNEIDER, AIA**  
**ARCHITECT**  
 1736 East Sunshine, Suite 417  
 Springfield, Missouri 65804  
 417.862.0558  
 Fax: 417.862.3265  
 e-mail: architect@esteschnaider.com

**PROJECT:**  
**O'REILLY AUTO PARTS STORE ADDITION**  
**WEST CENTRAL ENTRANCE**  
**DULUTH, MN #1**  
**SITE DEMOLITION PLAN**

**O'Reilly AUTO PARTS**  
 CORPORATE OFFICES  
 233 SOUTH PATTERSON  
 SPRINGFIELD, MISSOURI 65802  
 (417) 862-2674 TELEPHONE

COMM #	4498
DATE:	10-16-2020
REVISION	
DATE:	

D1.1



**KEY NOTES:**

- C1.1 INSTALL 4" X 4" AREA INLET. RIM = 65.0' INV = 62.5'. REFER TO DETAIL 2C1.1.
- C1.2 INSTALL 43 LF OF 12" PIPE. REFER TO PIPE NOTES.
- C1.3 INSTALL 4" X 4" AREA INLET. RIM = 65.0' INV = 62.2'. REFER TO DETAIL 2C1.1.
- C1.4 INSTALL ADS STORMTECH BURIED CHAMBER DETENTION AND WATER QUALITY SYSTEM PER MANUFACTURER REQUIREMENTS. CONTACT DAN MURPHY FOR DESIGN 216-341-3065
- C1.5 INSTALL 48 LF OF 6" CPP PIPE. INV (W) = 62.1' INV (E) = 61.8'. REFER TO PIPE NOTES.
- C1.6 INSTALL 46 LF OF 6" CPP PIPE. INV (W) = 61.7' INV (E) = 61.7'. REFER TO PIPE NOTES.
- C1.7 INSTALL 6" Ø TO 1.34" Ø FLOW RESTRICTOR ON PIPE C3.
- C1.8 INSTALL 5' X 7' RIP RAP PAD. REFER TO DETAIL 3C1.2
- C1.9 WARNING, CONTRACTOR TO PROTECT EXISTING TREES IN ROW
- C1.10 INSTALL 5' X 13' RIP RAP PAD. REFER TO DETAIL 3C1.2
- C1.11 INSTALL 3" WIDE CURB CUT
- C1.12 WARNING! UTILITY CROSSINGS. CONTRACTOR TO VERIFY ELEVATION AND LOCATION OF EXISTING UTILITIES. COORDINATE CONSTRUCTION WITH CITY OF DULUTH AND UTILITY PROVIDERS ON HOW TO BEST PROCEED. CALL CITY TO DIG POTHOLE FOR ELEVATION INVESTIGATION.
- C1.13 WARNING! OVERHEAD ELECTRIC POLE. CONTRACTOR TO COORDINATE WITH UTILITY PROVIDER ON HOW TO BEST PROCEED
- C1.14 LIMITS OF NEW PAVEMENT. CONTRACTOR TO MATCH EXISTING GRADES.
- C1.15 LIMITS OF NEW CURB AND GUTTER. CONTRACTOR TO MATCH EXISTING GRADES.
- C1.16 NEW DRIVEWAY ON W. CENTRAL ENTRANCE TO BE BUILT PER ADOPTED STANDARD PLAN S-297.254. NEW SIDEWALKS ARE TO BE ADA COMPLIANT.
- C1.17 DRAIN AREA THROUGH CURB CUTS.

**PIPES NOTES:**

1. PIPE MATERIALS SHALL BE IN ACCORDANCE WITH AND AS APPROVED BY THE CITY OR APPLICABLE AUTHORITY. REINFORCED CONCRETE PIPE (RCP), CORRUGATED POLYETHYLENE PIPE (CPE).
2. ALL PIPE IS TO BE INSTALLED PER THE MANUFACTURER'S REQUIREMENTS AND MEET COVER REQUIREMENTS PER THE MANUFACTURER.

**GENERAL NOTES:**

- A. REFER TO PROJECT MANUAL FOR ADDITIONAL REQUIREMENTS.
- B. SITE CONDITIONS BASED UPON SURVEY SUBMITTED BY OWNER. FIELD VERIFY EXISTING CONDITIONS BY DETAILED SITE INSPECTION PRIOR TO SUBMITTING BID AND BEGINNING CONSTRUCTION.
- C. FIELD VERIFY SANITARY SEWER SERVICE CONNECTION INVERT PRIOR TO ESTABLISHING FINAL FINISH FLOOR ELEVATION.
- D. COORDINATE WORK WITH OTHER SITE RELATED DEVELOPMENT DRAWINGS.

**STORM WATER RUNOFF SUMMARY:**

TOTAL PROPERTY AREA = 0.91 ACRES.  
 TOTAL DISTURBED AREA = 0.75 ACRES < 1.0 ACRES THEREFORE A NOI IS NOT REQUIRED.  
 DISTURBED AREA IS GREATER THAN .07 ACRES THEREFORE A SWPPP IS REQUIRED.  
 STORM WATER QUALITY AND STORM WATER VOLUME CONTROL IS REQUIRED PER THE CITY OF DULUTH STANDARDS. REFER TO THE STORM WATER REPORT.

**STAGES OF CONSTRUCTION:**

1. CONTRACTOR TO PERFORM DETAILED SITE INSPECTION TO LOCATE ALL EXISTING UTILITIES AND VERIFY ANY POSSIBLE CONFLICTS WITH PROPOSED IMPROVEMENTS PRIOR TO BEGINNING ANY CONSTRUCTION. CONTACT OWNER WITH ANY CONFLICTS. MONTH 1
2. INSTALLATION OF CONSTRUCTION ENTRANCE. MONTH 1
3. INSTALLATION OF EROSION CONTROL FENCE. MONTH 1
4. DEMOLITION OF EXISTING SITE IMPROVEMENTS. MONTH 1
5. REMOVAL OF EXISTING PAVEMENT ON THE SITE. MONTH 1
6. INSTALLATION OF ALL STORM WATER DRAINAGE IMPROVEMENTS. MONTH 1
7. ROUGH GRADING. MONTH 1 & MONTH 2
8. CONSTRUCTION OF NEW SITE IMPROVEMENTS. MONTH 2
9. FINAL GRADING. MONTH 3
10. PLACEMENT OF FINAL LANDSCAPING ITEMS AND SOD. MONTH 3
11. REMOVAL OF EROSION CONTROL FENCE. MONTH 3

**SHOP DRAWING NOTE:**

CONTRACTOR TO PROVIDE ENGINEER WITH SHOP DRAWINGS FOR ADS SYSTEMS AND EQUIPMENT PRIOR TO BEGINNING CONSTRUCTION AND ORDERING MATERIALS.



NOTE: PRIOR TO BEGINNING ANY SITE WORK & ORDERING OF MATERIALS, CONTRACTOR SHALL FIELD VERIFY ALL UTILITY & DRAINAGE CONNECTIONS TO EXISTING SYSTEMS BY POT HOLING AND SHALL NOTIFY ENGINEER OF NEEDED CHANGES. FAILURE TO DO SO WILL RESULT IN THE CONTRACTOR BEING RESPONSIBLE FOR ALL REVISION COSTS AND DELAYS.

**CAUTION:**  
 INFORMATION ON THIS DRAWING CONCERNING TYPE AND LOCATION OF UNDERGROUND AND OTHER UTILITIES IS NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. THE CONTRACTOR IS RESPONSIBLE FOR MAKING HIS OWN DETERMINATION AS TO THE TYPE AND LOCATION OF UNDERGROUND AND OTHER UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE THERETO.



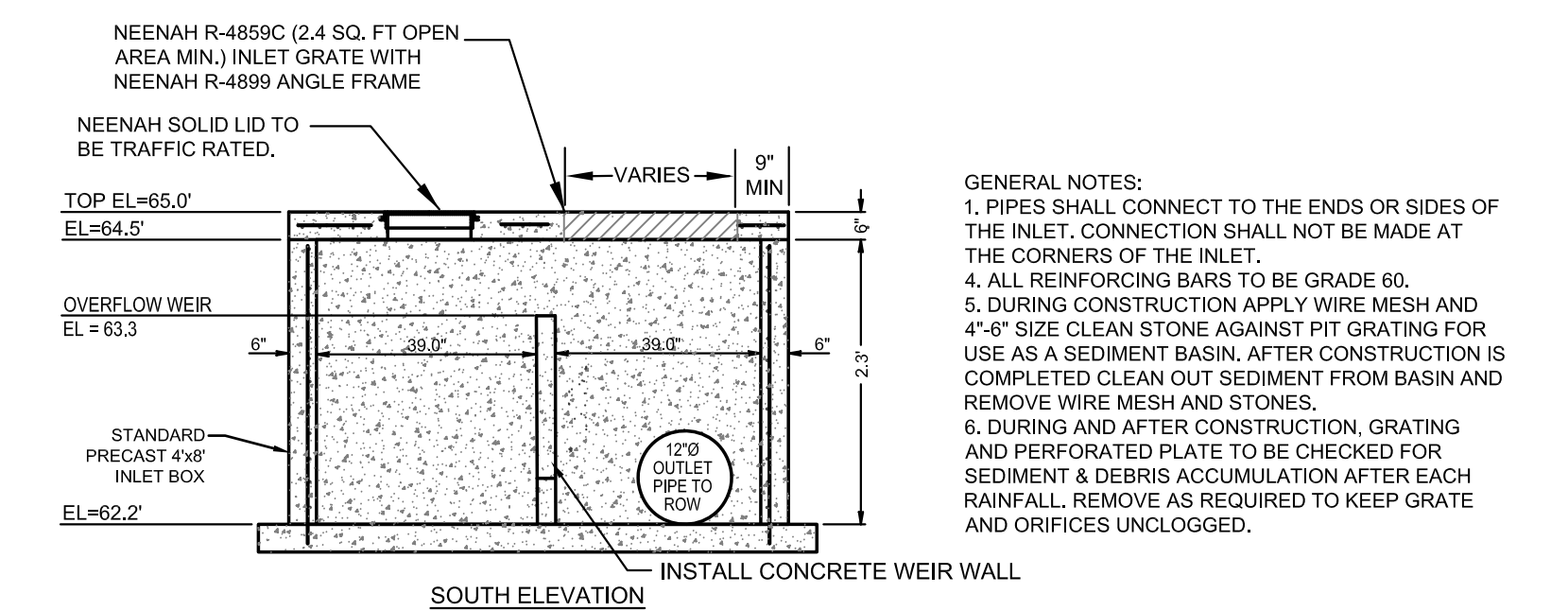
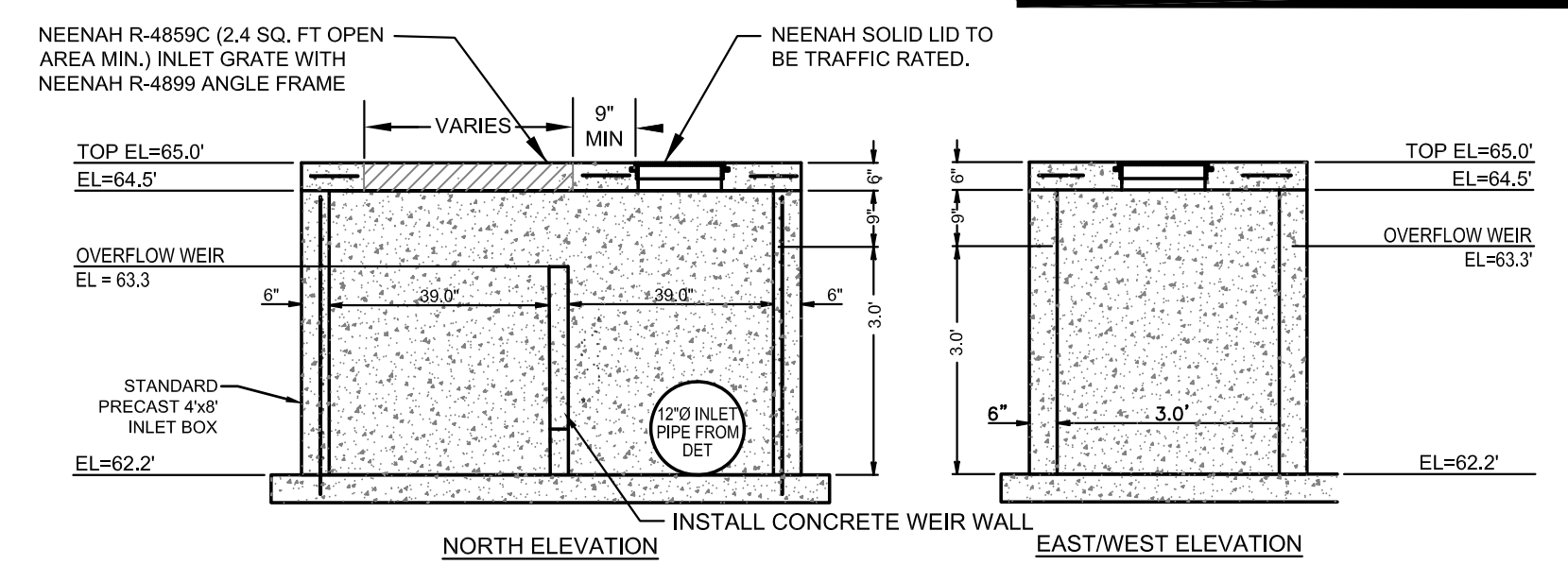
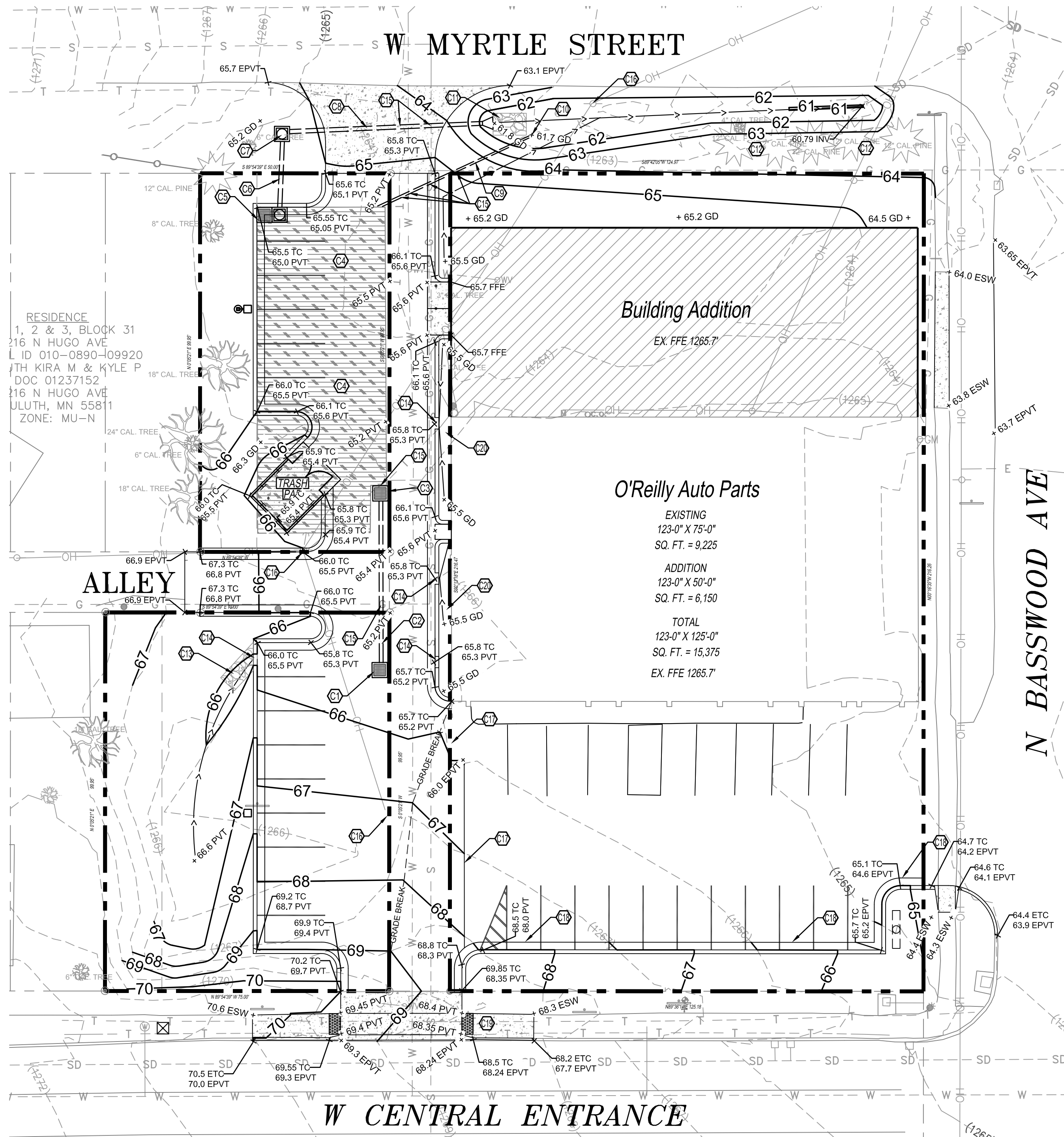
**MO ANDERSON ENGINEERING**  
 EMPLOYEE OWNED  
 ENGINEERS - SURVEYORS - LABORATORIES - DRILLING  
 2045 W. WOODLAND - SPRINGFIELD, MISSOURI 65807 - PHONE 417.862.2741  
 MO ANDERSON ENGINEERING, INC. MISSOURI REGISTERED PROFESSIONAL ENGINEER, P.E.# 44545  
 DWG BY: DJG | PROJ.# 19SP101 | DRAWING # WB-111-XXX

**CRAIG A. SCHNEIDER, AIA**  
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 e-mail: architect@estertyschneider.com

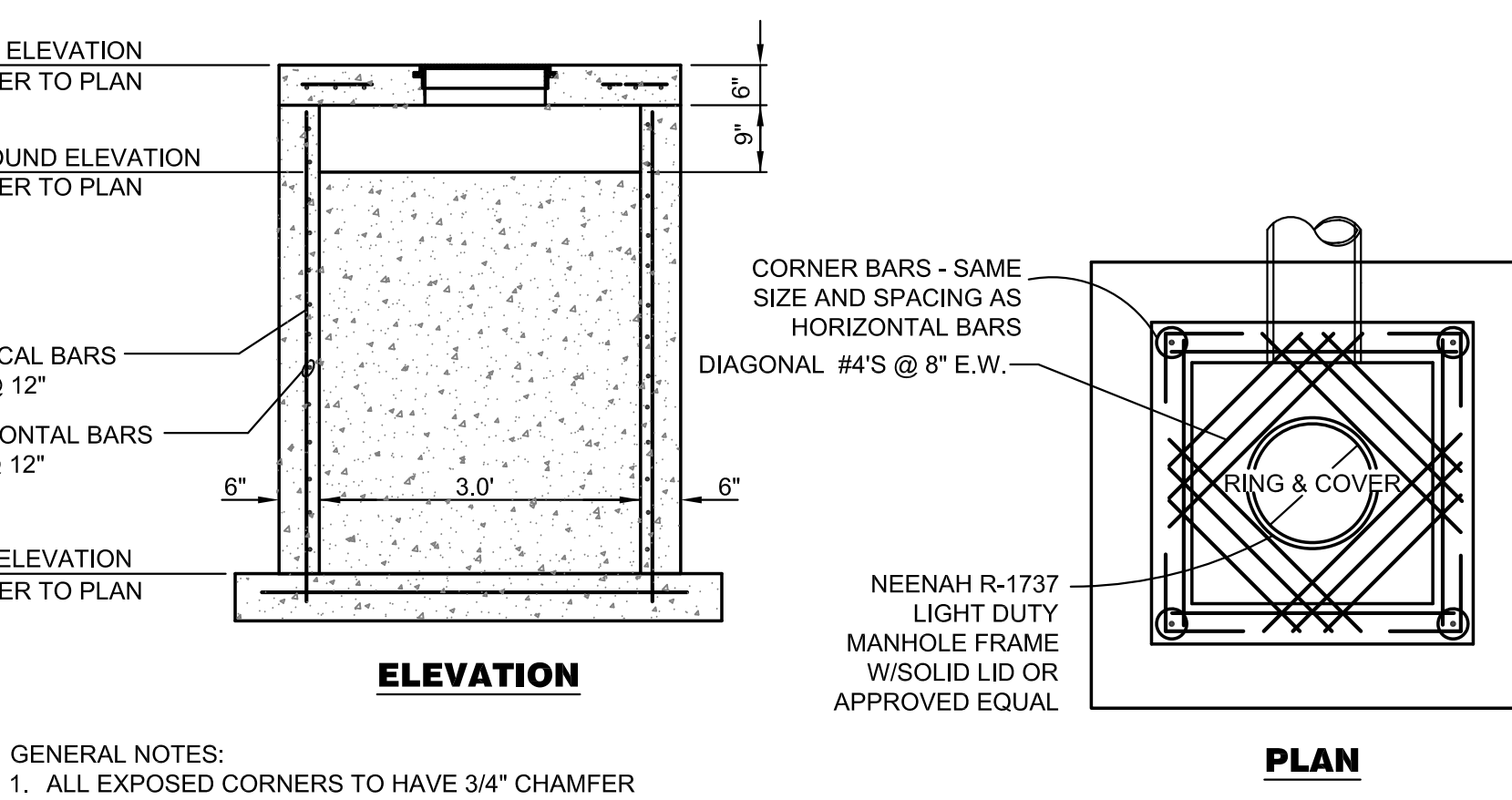
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 DULUTH, MN #1  
**SITE GRADING PLAN**

**O'Reilly AUTO PARTS**  
 CORPORATE OFFICES  
 535 SOUTH LEXINGTON  
 DULUTH, MN 55802  
 (417) 862-2674 - TELEPHONE

COMM # 4498  
 DATE: 10-16-20  
 REVISION DATE:  
 C1.1



**3 4X8 DETENTION OUTLET STRUCTURE**  
 C1.1 SCALE: NOT TO SCALE



**4 4X4 YARD INLET**  
 C1.1 SCALE: NOT TO SCALE

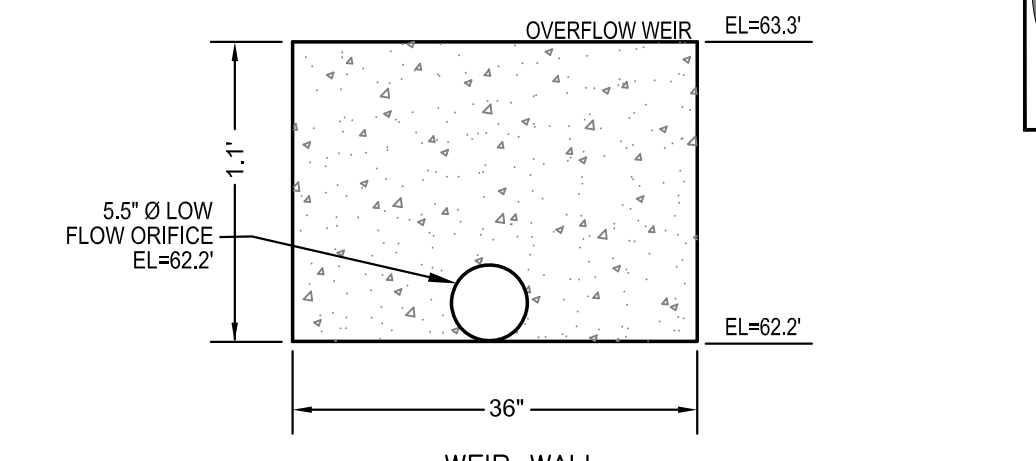


**SPECIAL NOTE:**  
 FIELD VERIFY SANITARY SEWER CONNECTION INVERT PRIOR TO ESTABLISHING FINAL FINISH FLOOR ELEVATION. REFER TO SITE UTILITIES PLANS.

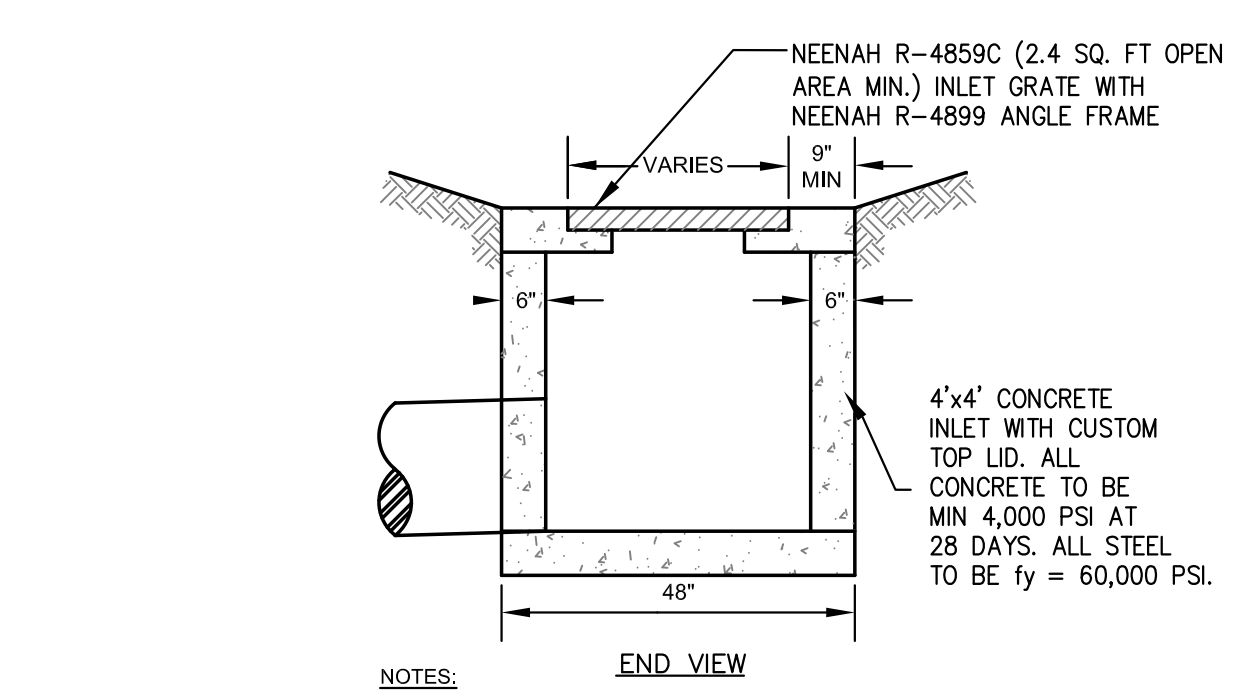
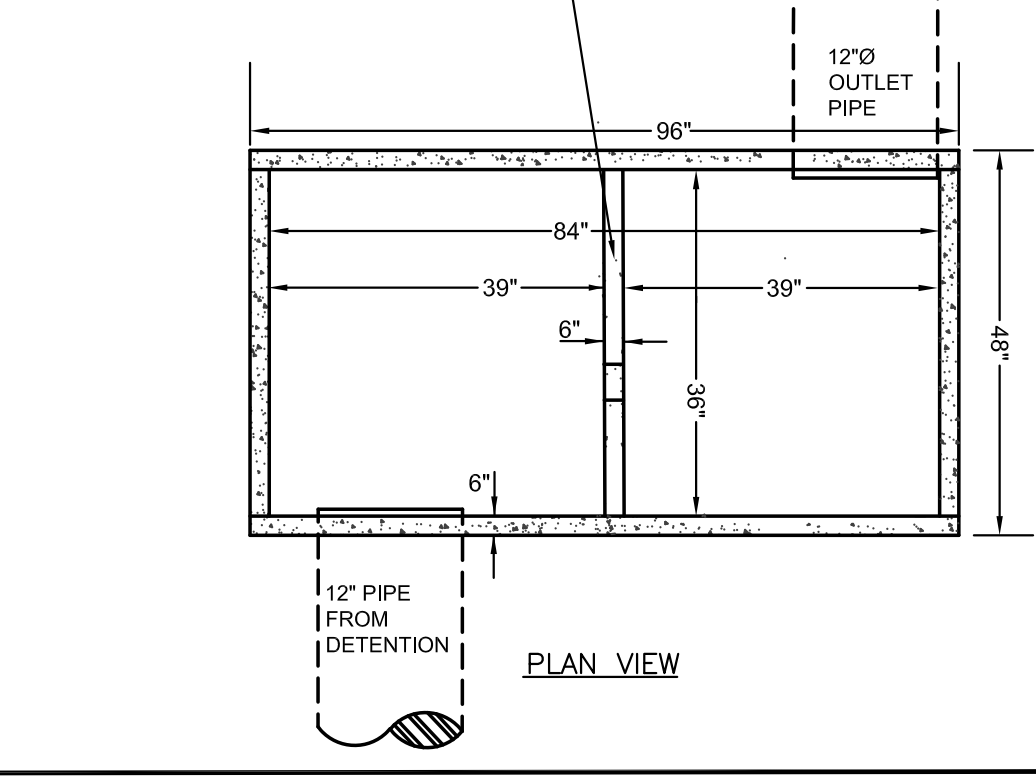
**SPECIAL NOTE:**  
 CONTRACTOR SHALL FIELD VERIFY PROPOSED GRADES MATCH EXISTING PAVEMENT AT DRIVEWAY ENTRANCE. CONTRACTOR SHALL NOTIFY ENGINEER IF DISCREPANCY OCCURS.

**SPECIAL NOTE:**  
 PRIOR TO CONTRACT CLOSEOUT, CONTRACTOR SHALL SECURE THE SERVICES OF A REGISTERED LAND SURVEYOR TO PROVIDE SITE SURVEY OF COMPLETED PROJECT CONDITIONS AND SUBMIT FOR REVIEW AND APPROVAL BY OWNER. REFER TO PROJECT MANUAL FOR ADDITIONAL REQUIREMENTS.

**SPECIAL NOTE:**  
 CONTRACTOR SHALL FIELD VERIFY STORMWATER CONNECTION INVERT AT EXISTING CONNECTION PRIOR TO INSTALLATION OF STORMWATER SYSTEM. CONTRACTOR SHALL NOTIFY ENGINEER IF DISCREPANCY OCCURS.



INSTALL 6" THICK WEIR WALL W/ #4'S @ 6" E.W. DOWEL WEIR WALL INTO CONCRETE BOX. REFER TO DETENTION OUTLET WEIR WALL DETAIL.



NOTES:  
 1. INLET CAN BE SUBSTITUTED WITH ROUND EQUIVALENTS.  
 2. MIN. #4 BARS @ 12" O.C. (ALL WALLS VERT. HOR. & SLAB)

**2 4X4 AREA INLET**  
 C1.1 SCALE: NOT TO SCALE

**SYMBOLS LEGEND**

REFER TO SURVEY (S11) FOR EXISTING CONDITION SYMBOLS LEGEND AND SITE CONTROL.

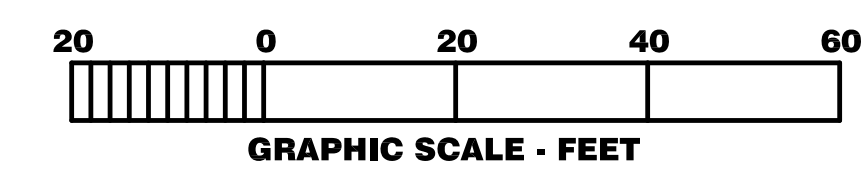
SYMBOL	DESCRIPTION	ABBREVIATION
---	EXISTING GRADE LINES	---
---	PROPOSED NEW GRADE LINES	---
[Hatched Box]	NEW BUILDING CONSTRUCTION	---
[Hatched Box]	UNDERGROUND DETENTION AREA	---
[Hatched Box]	NEW CONCRETE PAVING BLOCK	---
[Square]	TEMPORARY EROSION CONTROL FENCE	---
[Arrow]	SURFACE FLOW ARROW	---

NEW SPOT ELEVATIONS LIST:  
 GRADE: NONE  
 SIDEWALK: SW  
 TOP OF WALL: TW  
 TOP OF CURB: TC  
 TOP OF PAVEMENT: PVT  
 NEW GRADE CONCRETE: CONC  
 EXISTING TOP OF CURB: ETC  
 EXISTING GRADE: EGD  
 EXISTING PAVEMENT: EPVT  
 EXISTING SIDEWALK: ESW  
 FLOW LINE: FL  
 TOP OF BERM: TOP  
 FLARED END SECTION: FES

NOTE: ELEVATIONS ARE SHORTENED FOR CLARITY. 1285.0' = 65.0'

TEMPORARY BENCHMARK:  
 SITE BM 2. A CHISELED X IN CONCRETE WALK 18 FEET SE OF THE SW CORNER OF LOT 16. ELEVATION 1271.14 FEET.

**1 SITE GRADING PLAN**  
 C1.1 SCALE: 1" = 20'-0"











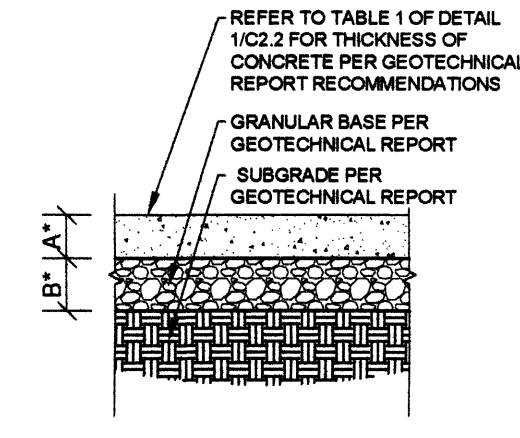


### GENERAL NOTES

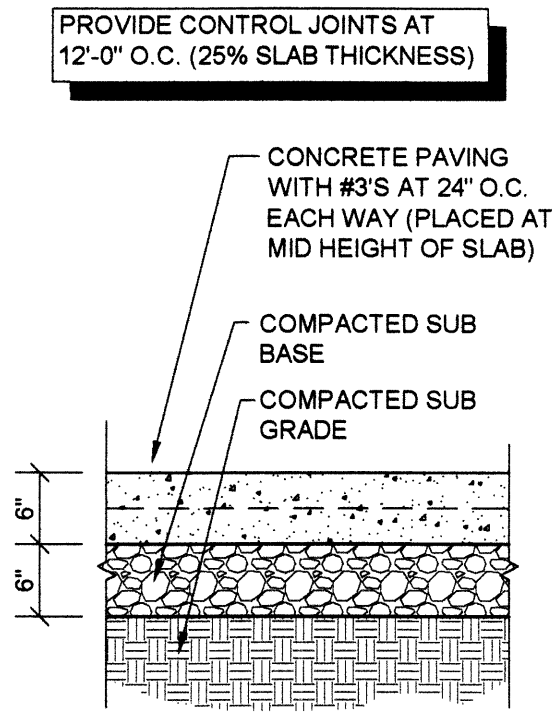
- (A) REFER TO PROJECT MANUAL FOR ADDITIONAL REQUIREMENTS.
- (B) DIMENSIONS ARE TO ROUGH FACE OF CONCRETE, FRAMING, OR CENTER LINE OF STRUCTURE UNLESS OTHERWISE INDICATED.
- (C) REFER TO ARCHITECTURAL SITE DRAWINGS FOR ADDITIONAL REQUIREMENTS.
- (D) REFER TO ARCHITECTURAL EXTERIOR FINISH SCHEDULE FOR ADDITIONAL MATERIAL TYPES, COLORS, AND FINISHES.
- (E) FIELD VERIFY EXISTING CONDITIONS BY DETAIL INSPECTION PRIOR TO SUBMITTING BID AND BEGINNING CONSTRUCTION. NOTIFY ARCHITECT IF EXISTING CONDITIONS DEVIATE SUBSTANTIALLY FROM THOSE INDICATED HEREIN.

I hereby certify that the specifications report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Missouri.  
 Date: 10-16-2020 License # 44045  
 Craig A. Schneider

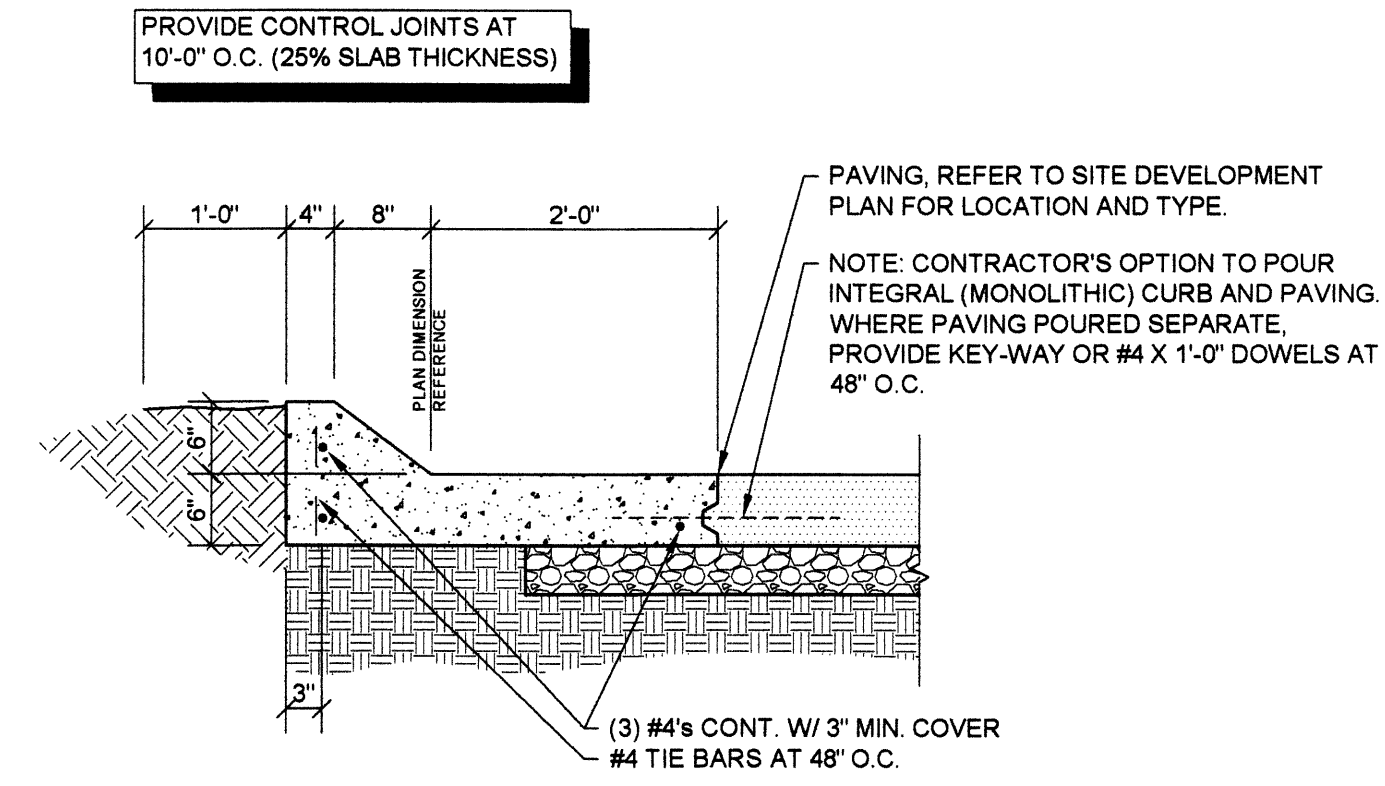
PAVEMENT TYPE	TABLE 1	
	STANDARD DUTY	HEAVY DUTY (NO REUSE PAVES)
ASPHALTIC CONCRETE 'A'	4.0 INCHES	4.5 INCHES
GRAVELAR BASE 'B'	8.0 INCHES	8.0 INCHES



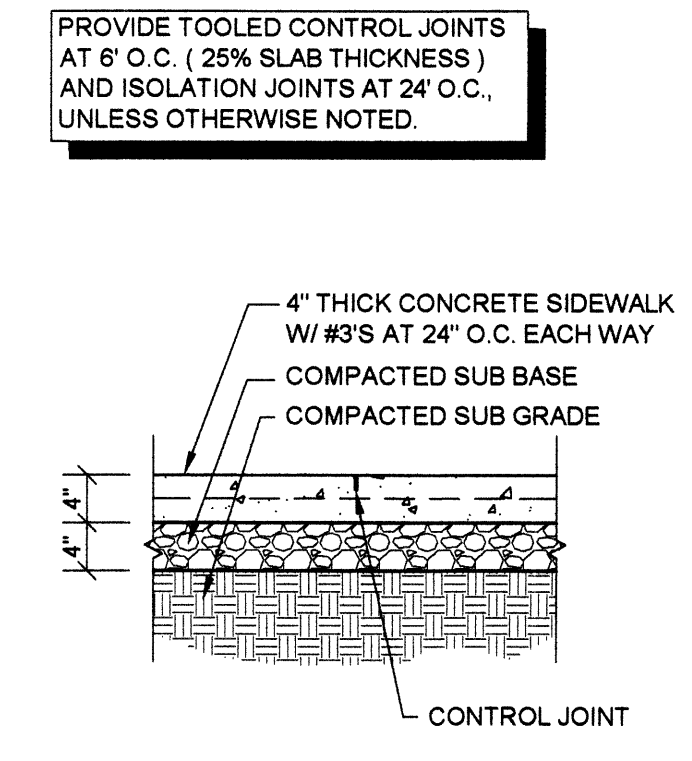
**1 ASPHALT PAVING SECTION**  
 C2.2 SCALE: 3/4" = 1'-0"



**2 CONCRETE (HEAVY DUTY) PAVING SECTION**  
 C2.2 SCALE: 3/4" = 1'-0"

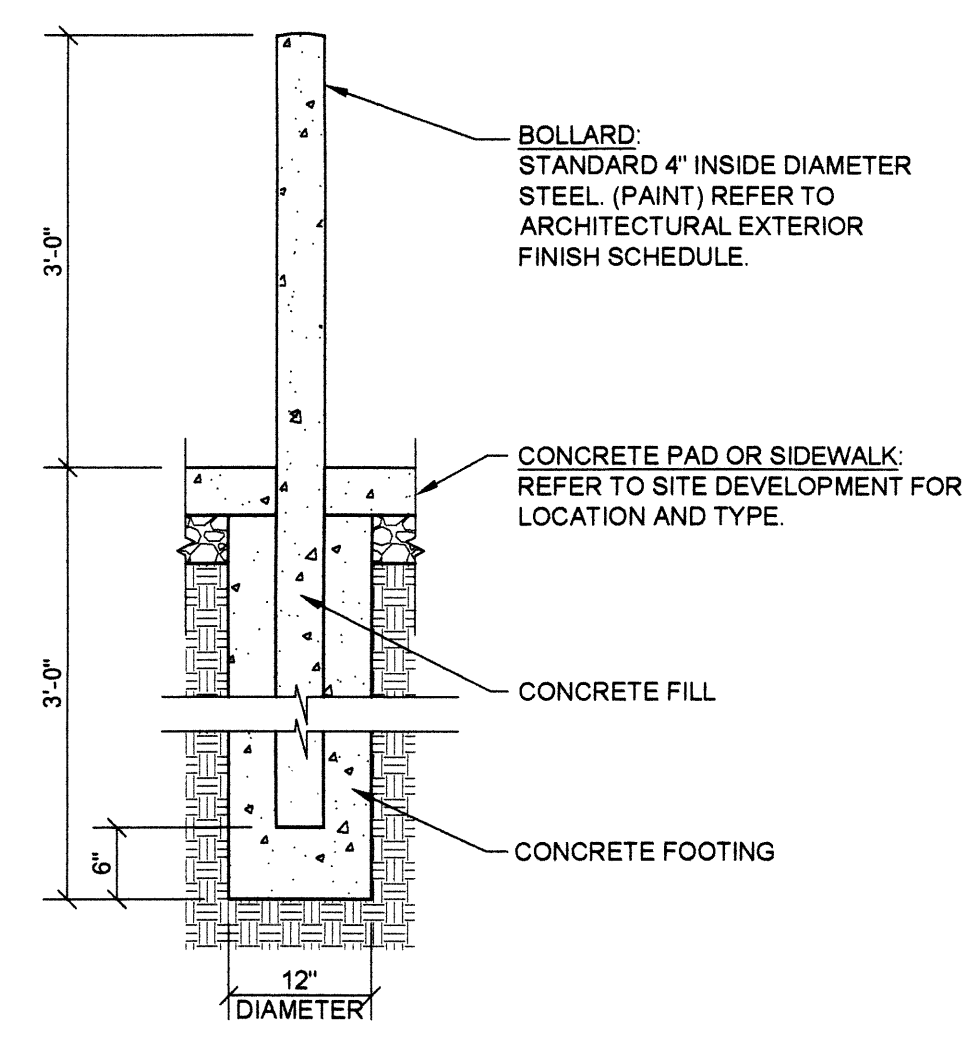


**3 CONCRETE CURB SECTION**  
 C2.2 SCALE: 3/4" = 1'-0"



**4 NOT USED**  
 C2.2 SCALE: N.T.S.

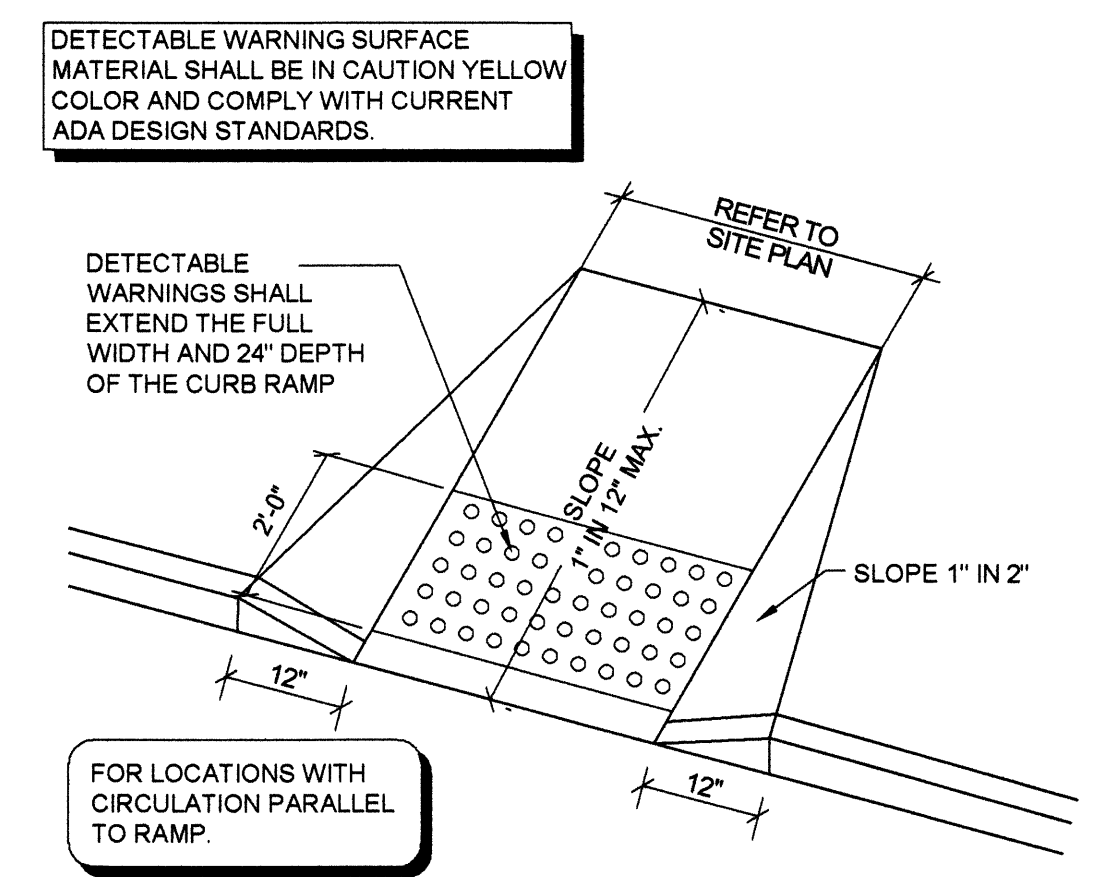
**5 CONCRETE SIDEWALK SECTION**  
 C2.2 SCALE: 3/4" = 1'-0"



**6 NOT USED**  
 C2.2 SCALE: 3/4" = 1'-0"

**7 STEEL BOLLARD SECTION**  
 C2.2 SCALE: 3/4" = 1'-0"

**8 NOT USED**  
 C2.2 SCALE: (NOT TO SCALE)



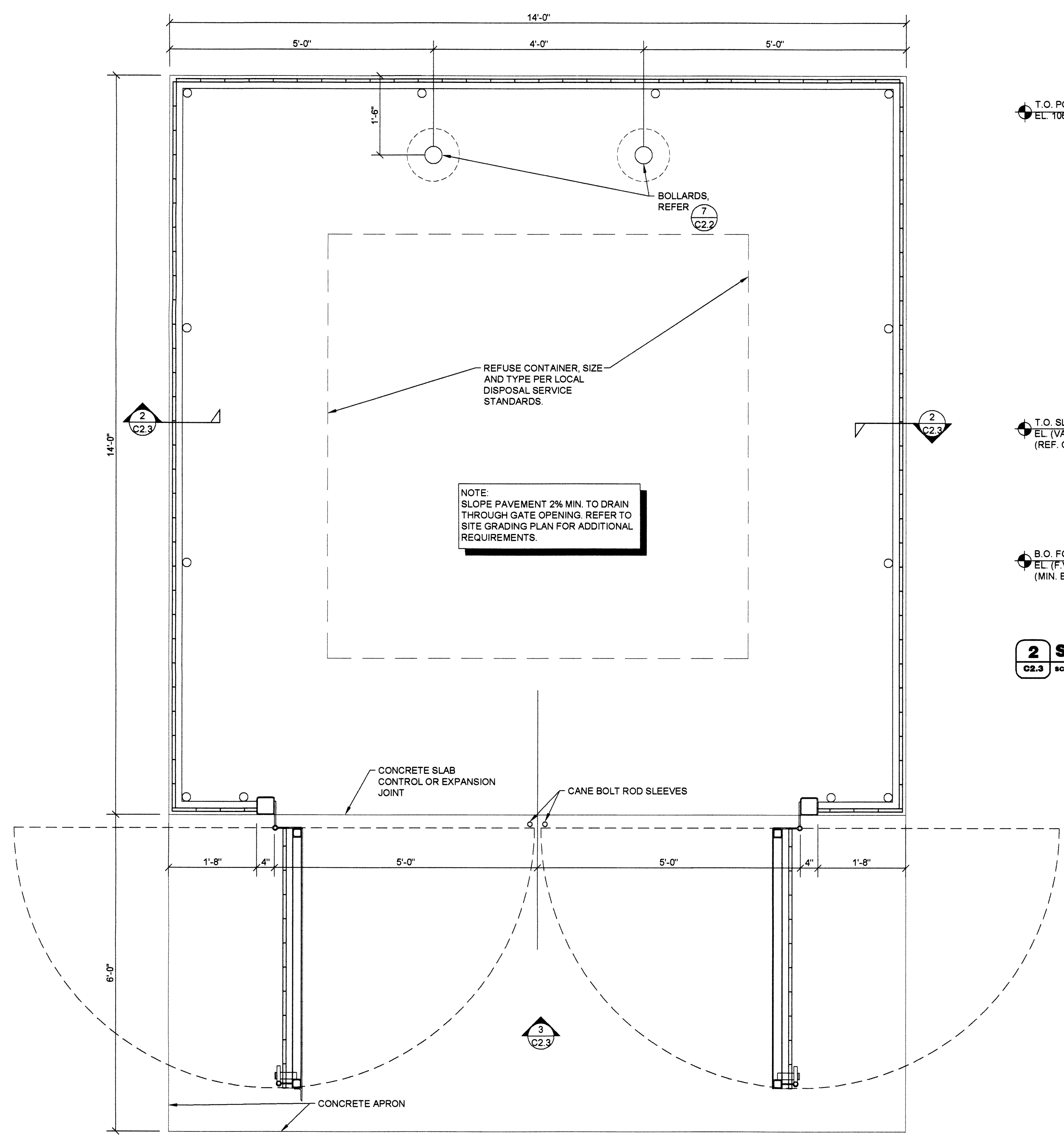
**9 CONCRETE SIDEWALK CURB RAMP DETAIL**  
 C2.2 SCALE: (NOT TO SCALE)

PROJECT:  
**O'REILLY AUTO PARTS STORE ADDITION**  
**WEST CENTRAL ENTRANCE**  
**DULUTH, MN #1**  
**SITE DEVELOPMENT DETAILS**

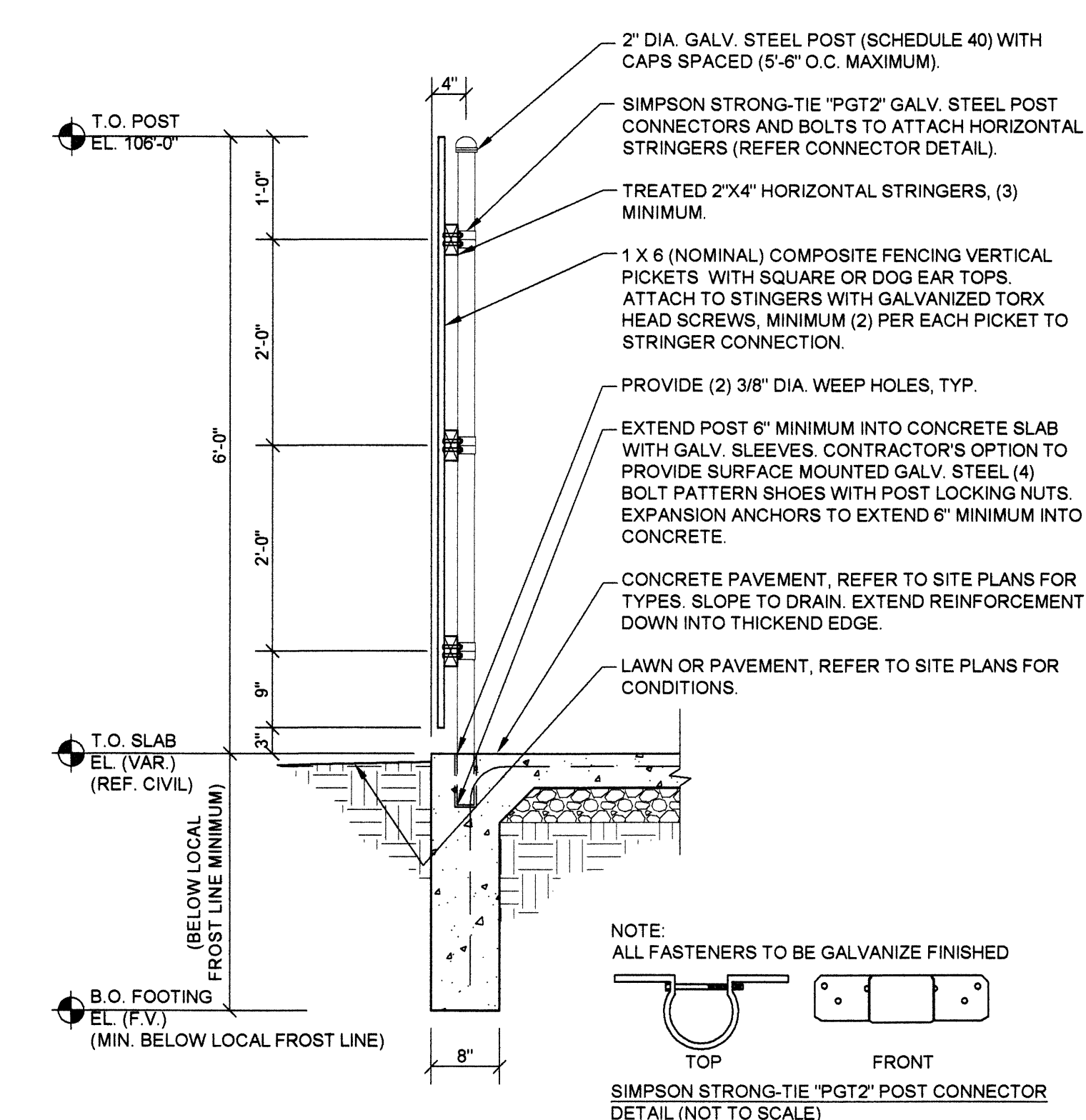
**O'Reilly** AUTO PARTS  
 CORPORATE OFFICES  
 233 SOUTH PATTERSON  
 SPRINGFIELD, MISSOURI 65802  
 (417) 862-2674 TELEPHONE

COMM # 4498  
 DATE: 10-16-2020  
 REVISION  
 DATE:

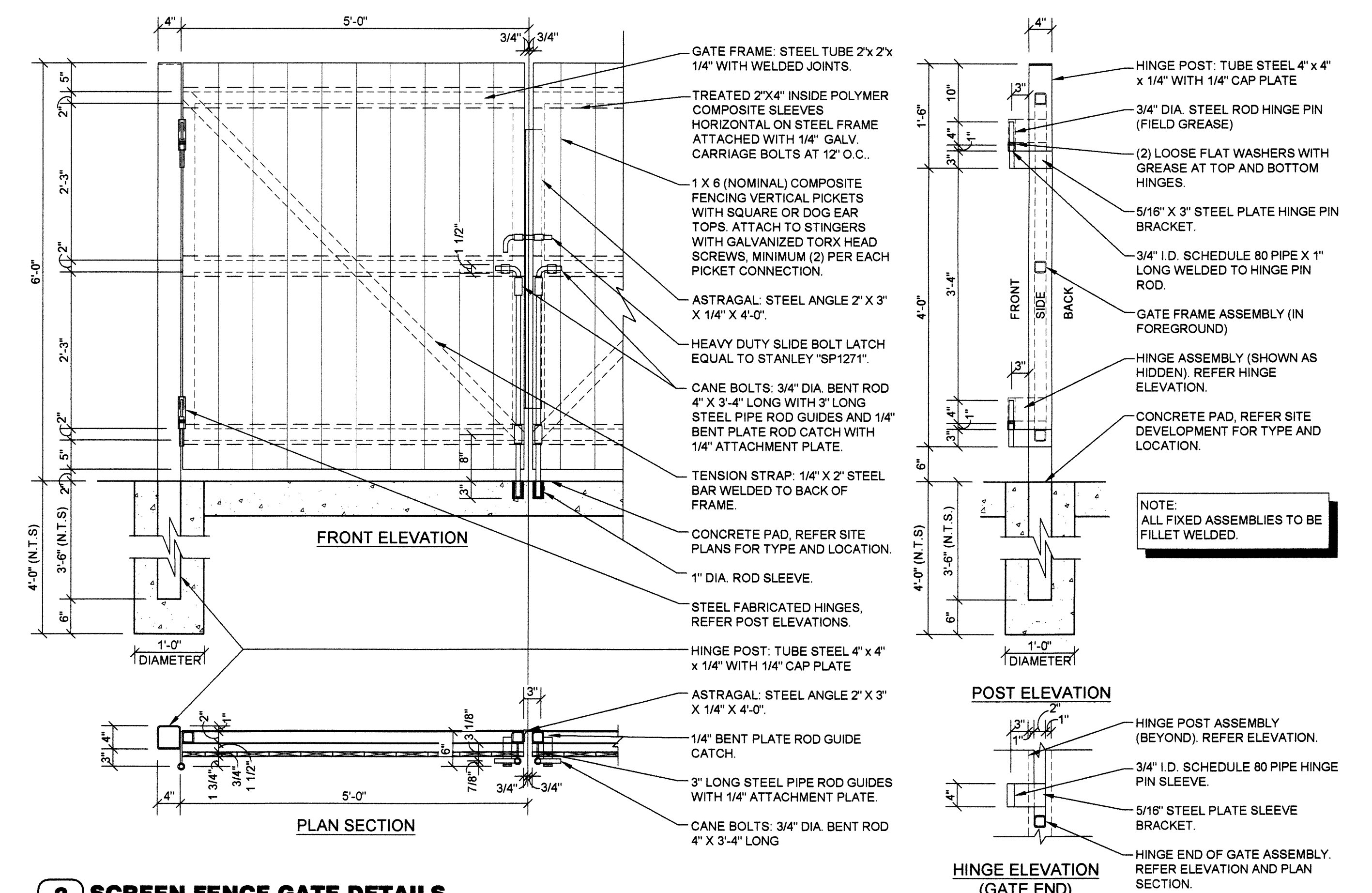




**1 POLYMER COMPOSITE MATERIAL SCREEN FENCE REFUSE ENCLOSURE PLAN**  
 C2.3 SCALE: 3/4" = 1'-0"



**2 SCREEN FENCE SECTION**  
 C2.3 SCALE: 3/4" = 1'-0"



**3 SCREEN FENCE GATE DETAILS**  
 C2.3 SCALE: 3/4" = 1'-0"

**GENERAL NOTES**

- (A) REFER TO PROJECT MANUAL FOR ADDITIONAL REQUIREMENTS.
- (B) DIMENSIONS ARE TO ROUGH FACE OF CONCRETE, FRAMING, OR CENTER LINE OF STRUCTURE UNLESS OTHERWISE INDICATED.
- (C) REFER TO CIVIL DRAWINGS FOR ADDITIONAL REQUIREMENTS.
- (D) REFER TO ARCHITECTURAL EXTERIOR FINISH SCHEDULE FOR MATERIAL TYPES, COLORS, AND FINISHES, UNLESS OTHERWISE INDICATED PROVIDE FINISHES AS FOLLOWS:
  1. ALL NON-GALVANIZED METAL PARTS TO BE PRIMED AND PAINTED (2) COATS SHERWIN WILLIAMS SW6468 "HUNT CLUB".
  2. COMPOSITE FENCING MATERIAL COLOR TO BE EQUAL TO LOUISIANA-PACIFIC - LP ELEMENTS ATLAS COLLECTION "MOJAVE RIDGE" OR MIDWEST MANUFACTURING - ULTRADECK "NEW". FINAL COLOR TO BE SELECTED FROM MANUFACTURER'S STANDARD SAMPLES.

I hereby certify that this specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Missouri.  
 Craig A. Schneider  
 License # 44045

**PROJECT:**  
 O'REILLY AUTO PARTS STORE ADDITION  
 WEST CENTRAL ENTRANCE  
 DULUTH, MN #1  
**SITE DEVELOPMENT DETAILS**

**O'Reilly AUTO PARTS**  
 CORPORATE OFFICES  
 233 SOUTH PATTERSON  
 SPRINGFIELD, MISSOURI 65802  
 (417) 862-2674 TELEPHONE

COMM # 4498  
 DATE: 10-16-2020  
 REVISION DATE:



### LANDSCAPE NOTES:

- CONTRACTOR SHALL REPORT TO LANDSCAPE ARCHITECT ALL CONDITIONS WHICH IMPAIR AND/OR PREVENT THE PROPER EXECUTION OF THIS WORK, PRIOR TO BEGINNING WORK.
- NO MATERIAL SUBSTITUTIONS SHALL BE MADE WITHOUT THE LANDSCAPE ARCHITECT'S PRIOR WRITTEN APPROVAL. ALTERNATE MATERIALS OF SIMILAR SIZE AND CHARACTER MAY BE CONSIDERED IF SPECIFIED PLANT MATERIALS CAN NOT BE OBTAINED.
- COORDINATE ALL WORK WITH ALL OTHER SITE RELATED DEVELOPMENT DRAWINGS.
- COORDINATE WORK SCHEDULE AND OBSERVATIONS WITH LANDSCAPE ARCHITECT PRIOR TO CONSTRUCTION START-UP.
- ALL PLANT MATERIAL SHALL BE INSTALLED AS PER DETAILS.
- ALL PLANT MATERIAL SHALL CONFORM TO THE AMERICAN NURSERYMAN STANDARDS FOR TYPE AND SIZE SHOWN. PLANTS WILL BE REJECTED IF NOT IN A SOUND AND HEALTHY CONDITION.
- IN THE EVENT OF PLANT COUNT DISCREPANCY, PLANT SYMBOLS SHALL OVERRIDE SCHEDULE QUANTITIES AND CALL OUT SYMBOL NUMBERS.
- ALL PLANTING BEDS SHALL BE COVERED WITH A MINIMUM OF 3" DEPTH OF ARIZONA RIVER ROCK (1"-2" DIAMETER). SUBMIT SAMPLE FOR APPROVAL.
- ALL PLANT MATERIAL SHALL BE GUARANTEED FOR A PERIOD OF ONE YEAR BEGINNING AT THE DATE OF ACCEPTANCE BY THE OWNER. REPLACE ALL PLANT MATERIAL FOUND DEAD OR NOT IN A HEALTHY CONDITION IMMEDIATELY WITH THE SAME SIZE AND SPECIES AT NO COST TO THE OWNER.
- FINISH GRADES SHALL PROVIDE A SMOOTH TRANSITION WITH ADJACENT SURFACES AND ENSURE POSITIVE DRAINAGE IN ACCORDANCE WITH THE SITE GRADING PLAN.
- AMEND EXISTING APPROVED TOPSOIL AT A RATIO OF THREE CUBIC YARDS OF APPROVED COMPOST PER 1000 SQUARE FEET. ROTO-TILL ORGANIC MATTER A MINIMUM OF 6 INCHES INTO TOPSOIL.
- FERTILIZE ALL TREES AND SHRUBS WITH 'AGRIFORM' PLANTING TABLETS. QUANTITY PER MANUFACTURER'S RECOMMENDATIONS.
- ALL PLANTING BEDS SHALL HAVE A MINIMUM 18" DEPTH OF TOPSOIL. LAWN AREAS SHALL HAVE A MINIMUM 12" DEPTH OF TOPSOIL. SPREAD, COMPACT, AND FINE GRADE TOPSOIL TO A SMOOTH AND UNIFORM GRADE 3" BELOW ADJACENT SURFACES OF PLANTER BED AREAS, 1-1/2" BELOW ADJACENT SURFACES OF TURF SEED AREAS, AND 1" BELOW ADJACENT SURFACES OF TURF SEED AREAS.
- REUSE EXISTING TOPSOIL STOCKPILED ON THE SITE. SUPPLEMENT WITH IMPORTED TOPSOIL WHEN QUANTITIES ARE INSUFFICIENT. VERIFY SUITABILITY AND CONDITION OF TOPSOIL AS A GROWING MEDIUM. PERFORM SOIL TEST/ ANALYSIS AND PROVIDE ADDITIONAL AMENDMENT AS DETERMINED BY SOIL TESTS. TOPSOIL SHALL BE A LOOSE, FRIABLE, SANDY LOAM, CLEAN AND FREE OF TOXIC MATERIALS, NOXIOUS WEEDS, NEEED SEEDS, ROCKS, GRASS OR OTHER FOREIGN MATERIAL AND A HAVE A PH OF 5.5 TO 7.0. IF ONSITE TOPSOIL DOES NOT MEET THESE MINIMUM STANDARDS, CONTRACTOR IS RESPONSIBLE TO EITHER:
  - PROVIDE APPROVED IMPORTED TOPSOIL, OR
  - IMPROVE ON-SITE TOPSOIL WITH METHODS APPROVED BY THE LANDSCAPE ARCHITECT.
- IF IMPORTED TOPSOIL FROM OFF-SITE SOURCES IS REQUIRED, ENSURE IT IS FERTILE, FRIABLE, NATURAL LOAM, SURFACE SOIL, REASONABLY FREE OF SUBSOIL, CLAY LUMPS, BRUSH, WEEDS AND OTHER LITTER, AND FREE OF ROOTS, STUMPS, STONES LARGER THAN 2 INCHES IN ANY DIMENSION, AND OTHER EXTRANEIOUS OR TOXIC MATTER HARMFUL TO PLANT GROWTH.
  - OBTAIN TOPSOIL FROM LOCAL SOURCES OR FROM AREAS HAVING SIMILAR SOIL CHARACTERISTICS TO THOSE FOUND ON THE PROJECT SITE. OBTAIN TOPSOIL ONLY FROM NATURALLY, WELL-DRAINED SITES WHERE TOPSOIL OCCURS AT A DEPTH OF NOT LESS THAN 4 INCHES.
  - REPRESENTATIVE SAMPLES SHALL BE TESTED FOR ACIDITY, FERTILITY, TOXICITY, AND GENERAL TEXTURE BY A RECOGNIZED COMMERCIAL OR GOVERNMENT AGENCY AND COPIES OF THE TESTING AGENCY'S FINDINGS AND RECOMMENDATIONS SHALL BE FURNISHED TO THE OWNER'S REPRESENTATIVE BY THE CONTRACTOR. NO TOPSOIL SHALL BE DELIVERED IN A FROZEN OR MUDDY CONDITION. ACIDITY/ALKALINITY RANGE - PH 5.5 TO 7.6.
- IMMEDIATELY CLEAN UP ANY TOPSOIL OR OTHER DEBRIS ON THE SITE CREATED FROM LANDSCAPE OPERATIONS AND DISPOSE OF PROPERLY OFF SITE.
- TREES SHALL NOT BE PLANTED WITHIN THE 5'-0" CLEAR ZONE OF ALL STORM DRAIN PIPE, STRUCTURES, OR FACILITIES.
- SEEPAGE BEDS AND OTHER STORM DRAINAGE FACILITIES MUST BE PROTECTED FROM ANY AND ALL CONTAMINATION DURING THE CONSTRUCTION AND INSTALLATION OF THE LANDSCAPE IRRIGATION SYSTEM.
- IN THE EVENT OF A DISCREPANCY, NOTIFY THE LANDSCAPE ARCHITECT IMMEDIATELY.

### TOPSOIL NOTES

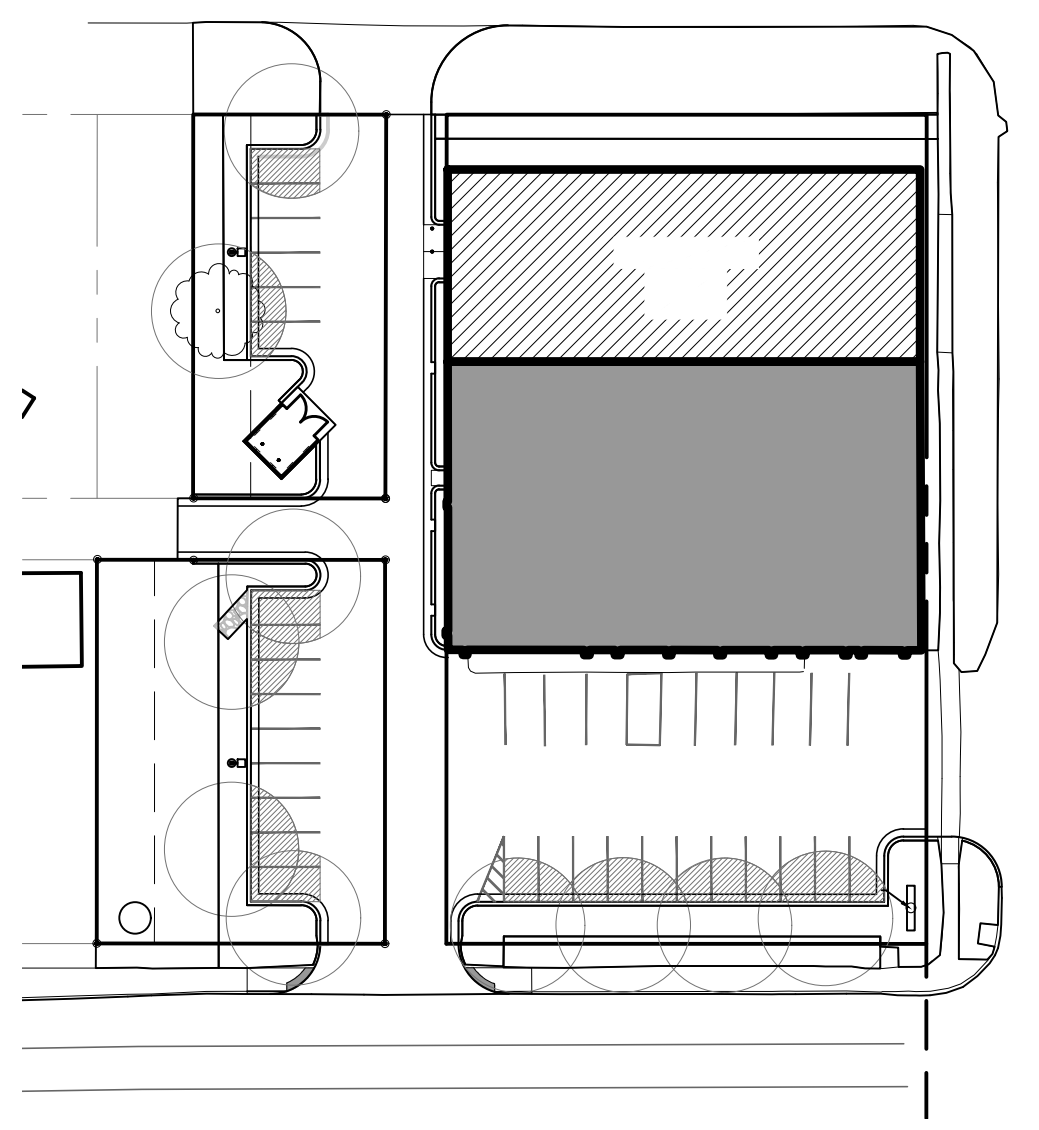
- TOPSOIL REQUIREMENTS: ASTM D 5260, PH RANGE OF 5.5 TO 7, FOUR PERCENT ORGANIC MATERIAL MINIMUM, FREE OF STONES 1/2 INCH OR LARGER IN ANY DIMENSION, AND OTHER EXTRANEIOUS MATERIALS HARMFUL TO PLANT GROWTH.
- TOPSOIL SOURCE: STRIP EXISTING TOPSOIL FROM ALL AREAS OF THE SITE TO BE DISTURBED. TOPSOIL SHALL BE FERTILE, FRIABLE, NATURAL LOAM, SURFACE SOIL, REASONABLY FREE OF SUBSOIL, CLAY LUMPS, BRUSH, WEEDS AND OTHER LITTER, AND FREE OF ROOTS, STUMPS, ORGANIC MATTER LARGER THAN 2 INCHES IN ANY DIMENSION, AND OTHER EXTRANEIOUS OR TOXIC MATTER HARMFUL TO PLANT GROWTH. TOPSOIL SHALL BE SCREENED TO ACHIEVE THIS REQUIREMENT. REPRESENTATIVE SAMPLES SHALL BE TESTED FOR ACIDITY, FERTILITY AND GENERAL TEXTURE BY A RECOGNIZED COMMERCIAL OR GOVERNMENT AGENCY AND COPIES OF THE TESTING AGENCY'S FINDINGS AND RECOMMENDATIONS SHALL BE FURNISHED TO THE ARCHITECT'S REPRESENTATIVE BY THE CONTRACTOR. ALL TOPSOIL SHALL BE AMENDED TO ACHIEVE SPECIFIED PH AND ORGANIC REQUIREMENTS. RE-TEST TOPSOIL PRIOR TO FINAL COMPLETION TO ENSURE REQUIREMENTS HAVE BEEN MET. NO TOPSOIL SHALL BE PLACED WHILE IN A FROZEN OR MUDDY CONDITION.
- PLACE TOPSOIL IN AREAS WHERE REQUIRED TO OBTAIN THICKNESS AS SCHEDULED. PLACE TOPSOIL DURING DRY WEATHER. PROVIDE ADDITIONAL IMPORTED TOPSOIL REQUIRED TO BRING SURFACE TO PROPOSED FINISH GRADE. AS REQUIRED:
- COMPACTED TOPSOIL THICKNESS AT THE FOLLOWING AREAS:
  - LAWN AREAS: 12 INCHES MINIMUM OR AS NECESSARY TO ACHIEVE EVEN GRADES WITH SURROUNDING LAWN AREAS.
  - PLANTER BEDS: 18 INCHES MINIMUM
  - FINE GRADE TOPSOIL TO SMOOTH, EVEN SURFACE WITH LOOSE, UNIFORMLY FINE TEXTURE. REMOVE RIDGES AND FILL DEPRESSIONS, AS REQUIRED TO MEET FINISH GRADES. FINISH GRADE OF TOPSOIL SHALL BE 2" BELOW FINISH GRADE OF PAVEMENTS AREAS FOR SOD AND 1" FOR SEED.
- TOPSOIL STOCKPILE LOCATIONS TO BE COVERED COORDINATE WITH EROSION AND SEDIMENT CONTROL PLAN.
- ALL GRAVEL, SUBBASE, AND OTHER IMPORTED FILL MATERIALS OTHER THAN TOPSOIL SHALL ONLY BE STOCKPILED IN PROPOSED INFRASTRUCTURE AREAS. NO GRAVEL OR ROCK MATERIALS SHALL BE STOCKPILED OR TEMPORARILY PLACED IN PROPOSED LANDSCAPE AREAS TO PREVENT LANDSCAPE AREAS FROM BEING CONTAMINATED WITH ROCK MATERIALS. CONTRACTOR SHALL SUBMIT A DETAILED STOCKPILE PLAN TO LANDSCAPE ARCHITECT AND OWNER FOR APPROVAL PRIOR TO ANY EARTHWORK OPERATIONS.

### WEED ABATEMENT NOTES:

- ALL AREAS TO BE PLANTED SHALL HAVE WEED ABATEMENT OPERATIONS PERFORMED ON THEM PRIOR TO PLANTING.
- CONTRACTOR SHALL SPRAY ALL EXPOSED WEEDS WITH @ROUND-UP® (CONTACT HERBICIDE) OR APPROVED EQUAL.
- DO NOT WATER FOR AT LEAST SEVEN (7) DAYS. REMOVE EXPOSED WEEDS FROM THE SITE.
- CONTRACTOR SHALL OPERATE THE AUTOMATIC IRRIGATION SYSTEM FOR A PERIOD OF FOURTEEN (14) DAYS. AT CONCLUSION OF THIS WATERING PERIOD, DISCONTINUE WATERING FOR THREE TO FIVE (3-5) DAYS.
- APPLY SECOND APPLICATION OF @ROUND-UP® TO ALL EXPOSED WEEDS. APPLY IN STRICT CONFORMANCE WITH MANUFACTURER'S SPECIFICATIONS AND INSTRUCTIONS. DO NOT WATER FOR AT LEAST SEVEN (7) DAYS. REMOVE WEEDS FROM THE SITE.
- IF ANY EVIDENCE OF WEED GERMINATION EXISTS AFTER TWO (2) APPLICATIONS, CONTRACTOR SHALL BE DIRECTED TO PERFORM A THIRD APPLICATION.
- AT THE TIME OF PLANTING, ALL PLANTING AREAS SHALL BE WEED FREE.

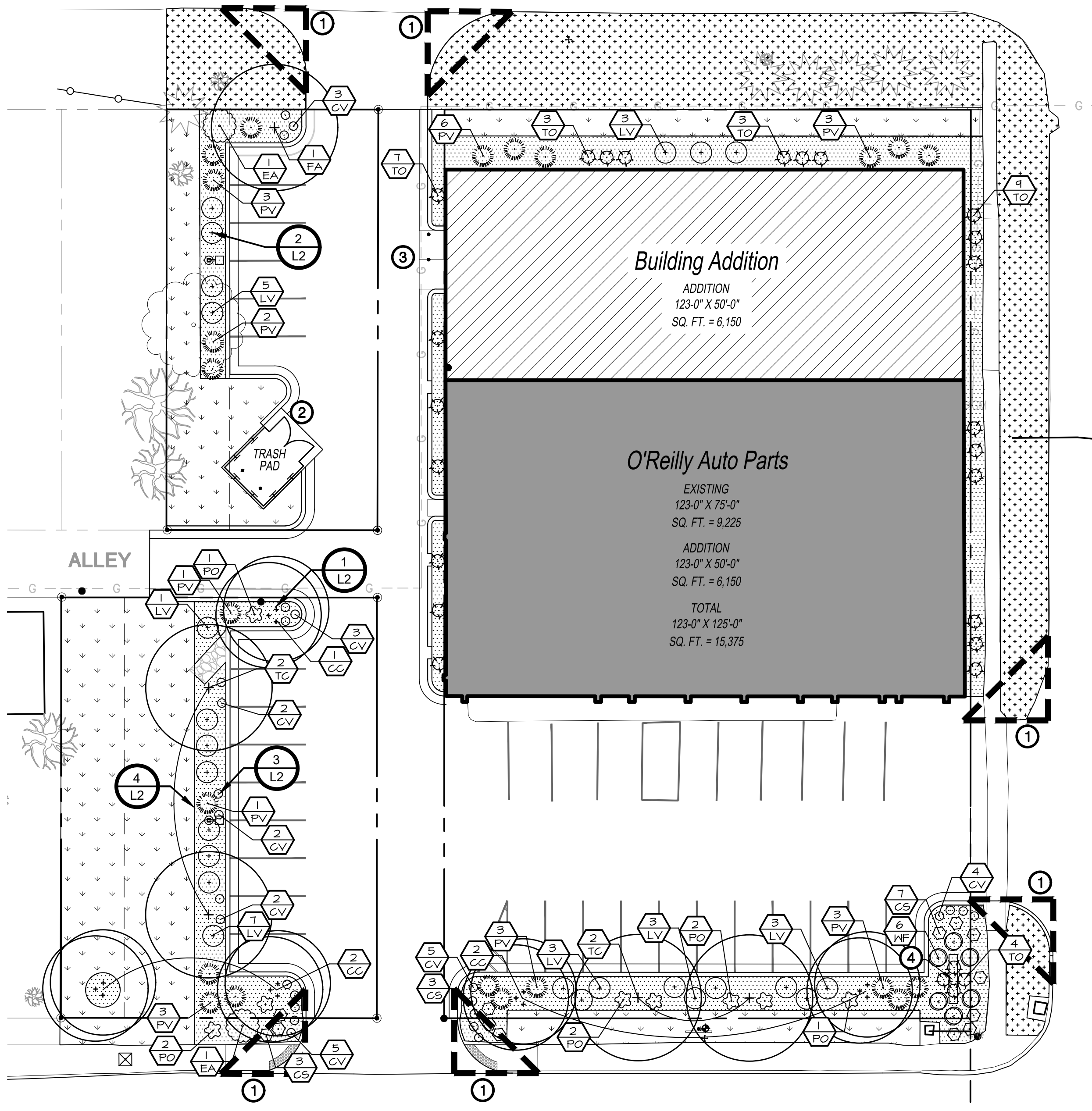
### TURF AREA PREPARATION NOTES:

- LIMIT TURF SUBGRADE PREPARATION TO AREAS TO BE PLANTED.
- NEWLY GRADED SUBGRADES: LOOSEN SUBGRADE TO A MINIMUM DEPTH OF 4 INCHES. REMOVE STONES LARGER THAN 1 INCH IN ANY DIMENSION AND STICKS, ROOTS, RUBBISH, AND OTHER EXTRANEIOUS MATTER AND LEGALLY DISPOSE OF THEM OFF OWNER'S PROPERTY.
- SPREAD PLANTING SOIL OVER LOOSENED SUBGRADE.
- REDUCE ELEVATION OF PLANTING SOIL TO ALLOW FOR SOIL THICKNESS OF SOD.
- UNCHANGED SUBGRADES: IF TURF IS TO BE PLANTED IN AREAS UNALTERED OR UNDISTURBED BY EXCAVATING, GRADING, OR SURFACE-SOIL STRIPPING OPERATIONS, PREPARE SURFACE SOIL AS FOLLOWS:
  - REMOVE EXISTING GRASS, VEGETATION, AND TURF. DO NOT MIX INTO SURFACE SOIL.
  - LOOSEN SURFACE SOIL TO A DEPTH OF AT LEAST 6 INCHES. APPLY SOIL AMENDMENTS AND FERTILIZERS ACCORDING TO PLANTING SOIL MIX PROPORTIONS AND MIX THOROUGHLY INTO TOP 6 INCHES OF SOIL. TILL SOIL TO A HOMOGENEOUS MIXTURE OF FINE TEXTURE.
- APPLY SOIL AMENDMENTS DIRECTLY TO SURFACE SOIL BEFORE LOOSENING.
  - REMOVE STONES LARGER THAN 1 INCH IN ANY DIMENSION AND STICKS, ROOTS, TRASH, AND OTHER EXTRANEIOUS MATTER.
  - LEGALLY DISPOSE OF WASTE MATERIAL, INCLUDING GRASS, VEGETATION, AND TURF, OFF OWNER'S PROPERTY.
- FINISH GRADING: GRADE PLANTING AREAS TO A SMOOTH, UNIFORM SURFACE PLANE WITH LOOSE, UNIFORMLY FINE TEXTURE. GRADE TO WITHIN PLUS OR MINUS 1/2 INCH OF FINISH ELEVATION. ROLL AND RAKE, REMOVE RIDGES, AND FILL DEPRESSIONS TO MEET FINISH GRADES. LIMIT FINISH GRADING TO AREAS THAT CAN BE PLANTED IN THE IMMEDIATE FUTURE.
- MOISTEN PREPARED AREA BEFORE PLANTING IF SOIL IS DRY. WATER THOROUGHLY AND ALLOW SURFACE TO DRY BEFORE PLANTING. DO NOT CREATE MUDDY SOIL.
- BEFORE PLANTING, OBTAIN LANDSCAPE ARCHITECT'S ACCEPTANCE OF FINISH GRADING; RESTORE PLANTING AREAS IF ERODED OR OTHERWISE DISTURBED AFTER FINISH GRADING.



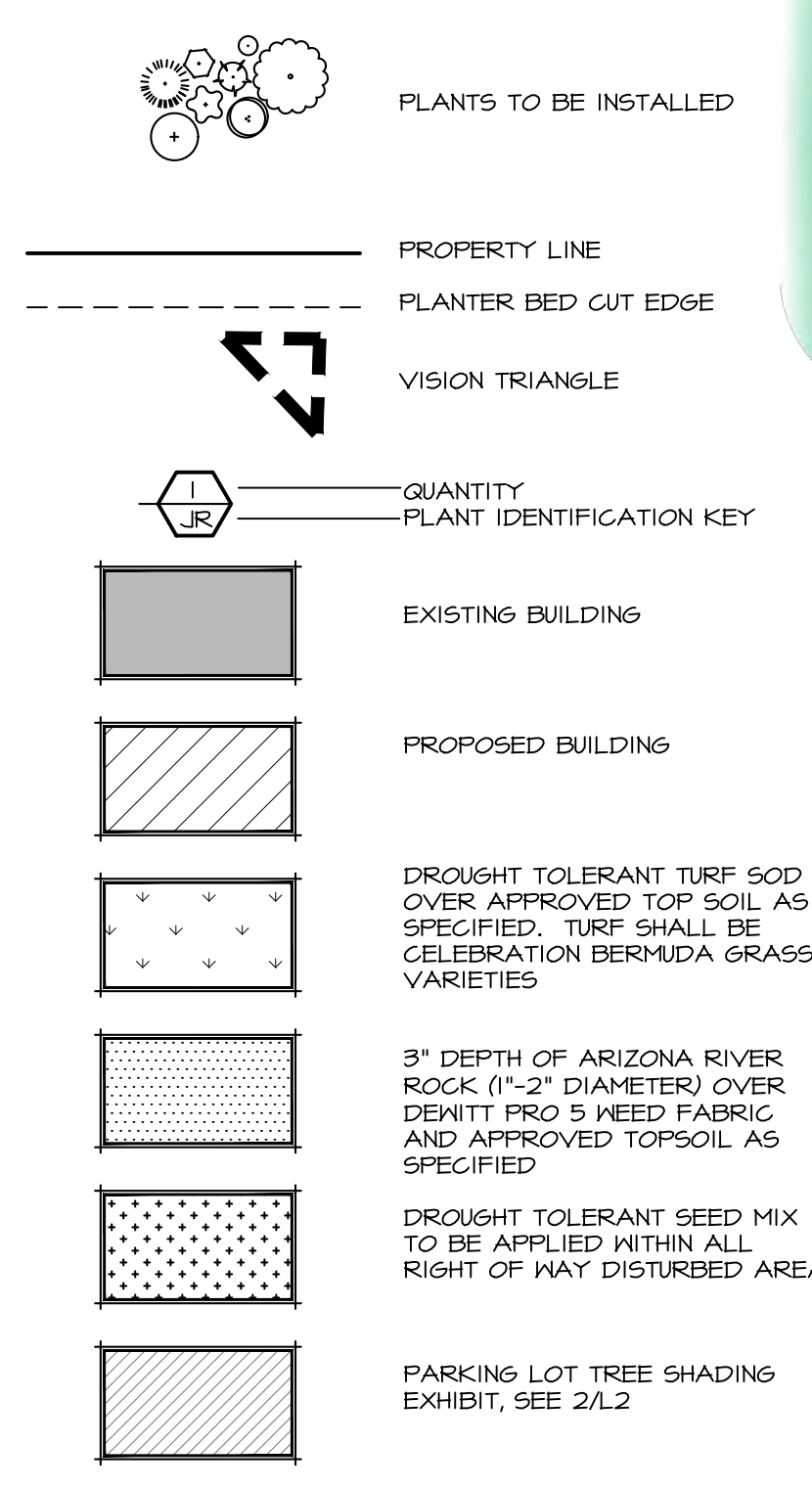
**2 PARKING LOT SHADING EXHIBIT**  
SCALE: 1" = 50'-0"

### W MYRTLE STREET



**1 LANDSCAPE PLAN**  
SCALE: 1" = 20'-0"  
GRAPHIC SCALE - FEET

### LANDSCAPE LEGEND



### CALLOUT LEGEND



### LANDSCAPE REQUIREMENTS

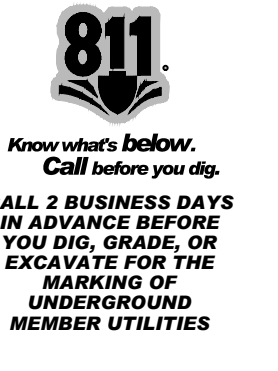
W CENTRAL ENTRANCE - 200 LINEAR FEET		
Requirements:	TREES REQUIRED	TREES PROVIDED
1 TREE PER 35 LINEAR FEET	6	6
1 LARGE SHRUBS PER 25 LINEAR FEET	6	6
50% LANDSCAPE COVERAGE	LARGE SHRUBS REQUIRED	LARGE SHRUBS PROVIDED
	4	12
N BASSWOOD AVE - 216 LINEAR FEET		
Requirements:	TREES REQUIRED	TREES PROVIDED
1 TREE PER 35 LINEAR FEET	6	6
1 LARGE SHRUBS PER 25 LINEAR FEET	6	6
50% LANDSCAPE COVERAGE	LARGE SHRUBS REQUIRED	LARGE SHRUBS PROVIDED
	4	4
W MYRTLE ST - 191 LINEAR FEET		
Requirements:	TREES REQUIRED	TREES PROVIDED
1 TREE PER 35 LINEAR FEET	5	5**
1 LARGE SHRUBS PER 25 LINEAR FEET	6	17
50% LANDSCAPE COVERAGE	LARGE SHRUBS REQUIRED	LARGE SHRUBS PROVIDED
	6	17
PARKING LOT - 200 LINEAR FEET OF PERIMETER		
PARKING LOT AREA = 5,712 S.F.	SHADED AREA REQUIRED	SHADED AREA PROVIDED
34 STALLS	30% OF 5,712 S.F. = 1,712 S.F.	2,010 S.F. (35%)
Requirements:	LARGE SHRUBS REQUIRED	LARGE SHRUBS PROVIDED
1 TREE PER 35 LINEAR FEET	24	24
3 LARGE SHRUBS PER 25 LINEAR FEET	24	24
INTERNAL PARKING LOT LANDSCAPING:	TREES REQUIRED	TREES PROVIDED
10% INTERNAL LANDSCAPING WITH 1 TREE PER 300SF ON INTERNAL LANDSCAPE AREA, MINIMUM PLANTER WIDTH TO BE 6'	6	6 (1 EXISTING)
BUSINESS SIGN REQUIREMENTS - TALL SIGN		
Requirements:	SHRUBS AT A MINIMUM 18" TALL AT THE TIME OF INSTALLATION	
	SHRUBS TO EXTEND 2' BEYOND THE EDGE OF THE SIGN IN ALL DIRECTIONS	

NOTES:  
 • NO PROPOSED TREES DUE TO LACK OF PLANTABLE SPACE WITHIN THE EXISTING SITE CONDITIONS.  
 • EXISTING TREES TO REMAIN AND COUNT TOWARDS LANDSCAPE REQUIREMENTS.

### PLANT SCHEDULE

QTY.	KEY	BOTANICAL NAME	COMMON NAME	SIZE	TYPE	NOTES
<b>DECIDUOUS &amp; ORNAMENTAL TREES</b>						
5	CC	Cercis canadensis	Eastern Redbud	2" CAL.	Flowering	25' H x 30' W
5	TC	Tilia cordata	Littleleaf Linden	2" CAL.	Shade	60' H x 40' W
<b>SHRUBS/PERENNIALS/ORNAMENTAL GRASSES</b>						
26	CV	Cornopsis verticillata 'Moonbeam'	Moonbeam Threadleaf Cornopsis	#5	Small	1' H x 2' W
13	CS	Cornus sericea 'Kelsey'	Kelsey's Dwarf Red-Osier Dogwood	#5	Small	3' H x 3' W
2	EA	Euonymus alatus 'Compactus'	Dwarf Burning Bush	#5	Large	8' H x 10' W
2	LV	Ligustrum vulgare 'Lodense'	Lodense Privet	#5	Large	8' H x 6' W
2	PV	Philadelphus x virginalis 'Minnesota Snowflake'	Minnesota Snowflake Mockorange	#5	Large	8' H x 6' W
0	PO	Physocarpus opulifolius 'Dart's Gold'	Dart's Gold Ninebark	#5	Small	5' H x 5' W
26	TO	Thuja occidentalis 'Mansdyke Silver'	Mansdyke Silver Arborvitae	#5	Large	6' H x 3' W
6	MF	Wielandia hirta 'Minuet'	Minuet Welwala	#5	Small	3' H x 5' W

NOTE: DULUTH, MINNESOTA IS CLASSIFIED AS A USDA HARDINESS ZONE 4A.



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**ARCHITECT**  
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 417.862.0558  
 417.862.3265

**PROJECT:**  
**O'REILLY AUTO PARTS STORE ADDITION**  
**WEST CENTRAL ENTRANCE**  
**DULUTH, MN #1**  
**LANDSCAPE PLAN**



COMM # 4498  
 DATE: 10-16-2020  
 REVISION  
 DATE:







# IRRIGATION NOTES

1. SYSTEM DESIGN BASED ON THE ASSUMPTION OF THE AVAILABILITY OF 30 G.P.M. WITH 40 P.S.I. AT THE SOURCE AND 40 P.S.I. AT THE EMITTERS. FIELD VERIFY. IF THE SOURCE PRESSURE DOES NOT MEET THESE REQUIREMENTS CONTACT THE LANDSCAPE ARCHITECT IMMEDIATELY FOR CHANGE ORDER REQUIREMENTS.
2. ALL LATERAL LINES THAT ARE NOT LABELED SHALL BE 3/4" DIAMETER.
3. CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES PRIOR TO INITIATION OF ANY DEMOLITION OR CONSTRUCTION OPERATIONS. ANY DAMAGE TO EXISTING UTILITIES SHALL BE CONTRACTOR'S RESPONSIBILITY.
4. COORDINATE ALL IRRIGATION INSTALLATION OPERATIONS WITH CIVIL, MECHANICAL, AND ELECTRICAL ENGINEERING SHEETS.
5. CONTRACTOR SHALL COORDINATE INSTALLATION OF IRRIGATION CONDUIT AND SLEEVES UNDER HARD SURFACES WITH RESPECTIVE CONTRACTORS.
6. ALL SLEEVES SHALL BE INSTALLED AS PART OF IRRIGATION CONTRACT. APPROXIMATE LOCATION OF SLEEVES ARE SHOWN ON THE IRRIGATION PLAN. FIELD VERIFY LOCATION. ALL ENDS OF SLEEVES SHALL BE TAPED OR CAPPED AND MARKED WITH A 2" X 4" PAINTED STAKE EXTENDING TO 24" ABOVE GRADE. STAKES SHALL NOT BE REMOVED UNTIL THE IRRIGATION SYSTEM IS COMPLETE. ALL SLEEVES SHALL EXTEND A MINIMUM OF 18" BEYOND BACK OF CURB OR EDGE OF PAVEMENT. PROVIDE COMPACTED BACKFILL AS NECESSARY AT HARD SURFACE LOCATIONS. CONTRACTOR SHALL OBTAIN AND PAY FOR ALL PERMITS AND FEES REQUIRED FOR THIS WORK.
7. IRRIGATION CONTROLLER(S) ARE TO BE LOCATED AS SHOWN ON THE PLAN. CONTROLLERS SHALL BE WIRED TO POWER SUPPLY BY A LICENSED ELECTRICIAN PER LOCAL CODES. IRRIGATION CONTRACTOR TO PROVIDE ALL REQUIRED CONNECTIONS TO 24 VOLT IRRIGATION CONTROL. WIRE INSIDE THE BUILDING THROUGH APPROPRIATE SIZED CONDUIT.
8. ALL ELECTRICAL WORK TO MEET OR EXCEED N.E.C., STATE CODES, LOCAL CODES, AND MANUFACTURER'S RECOMMENDATIONS.
9. CONTRACTOR SHALL REMOVE AND DISPOSE OF ALL ROCK AND DEBRIS BROUGHT TO THE SURFACE AS A RESULT OF TRENCHING OPERATIONS.
10. CONTRACTOR SHALL REFER TO SPECIFICATIONS AND DETAIL DRAWINGS FOR ADDITIONAL REQUIREMENTS.
11. ALL 24 VOLT POWER WIRES SHALL BE #14 AWG COPPER. ALL ABOVE GROUND 120 VOLT AND 24 VOLT WIRE SHALL BE IN PVC CONDUIT. ONE POWER WIRE SHALL BE PROVIDED BACK TO THE CONTROLLER FOR EACH VALVE. ALL COMMON WIRES SHALL BE #12 AWG COPPER. ALL 24 VOLT WIRES SHALL BE TAPED TOGETHER AT TEN FOOT (10'-0") INTERVALS.
12. INSTALLATION SHALL COMPLY WITH ALL NATIONAL, STATE, AND LOCAL LAWS AND ORDINANCES.
13. IRRIGATION CONTRACTOR SHALL PROVIDE A COMPLETE AS-BUILT DRAWING IN PDF FORMAT UPON COMPLETION OF INSTALLATION AND PRIOR TO FINAL PAYMENT.
14. THE ENTIRE SYSTEM SHALL BE GUARANTEED TO BE COMPLETE AND PERFECT IN EVERY DETAIL FOR A PERIOD OF ONE YEAR FROM THE DATE OF ITS ACCEPTANCE. REPAIR OR REPLACEMENT OF ANY DEFECTS OCCURRING WITHIN THE ONE YEAR SHALL BE FREE OF EXPENSE TO THE OWNER.
15. AS PART OF THIS CONTRACT, PERFORM AT NO EXTRA COST WINTERIZATION AND SPRING START UP OF THE SYSTEM DURING THE GUARANTEE PERIOD (ONE YEAR).
16. ALL MATERIALS SHALL BE NEW AND WITHOUT FLAWS OR DEFECTS OF THE QUALITY AND PERFORMANCE SPECIFIED, AND SHALL MEET THE REQUIREMENTS OF THIS SYSTEM. USE MATERIALS AS SPECIFIED. NO SUBSTITUTIONS SHALL BE PERMITTED WITHOUT PRIOR WRITTEN PERMISSION OF THE OWNER OR LANDSCAPE ARCHITECT.
17. IRRIGATION CONTRACTOR SHALL MAKE NECESSARY MINOR FIELD ADJUSTMENTS TO PIPE, AND OTHER IRRIGATION EQUIPMENT LOCATIONS TO FIT THE AS-BUILT SITE. ADJUST HEAD AND PIPE LOCATIONS AS REQUIRED TO AVOID DAMAGING EXISTING TREE ROOTS. ADJUSTMENTS SHALL ENSURE HEAD TO HEAD COVERAGE AND NOT OVERSPRAY THE BUILDING OR OTHER IMPROVEMENTS.
18. IRRIGATION PIPING LAYOUT IS SCHEMATIC. WHERE LINES ARE SHOWN BELOW PAVEMENT ADJACENT TO LANDSCAPE AREAS, THEY SHALL BE LOCATED IN THE LANDSCAPE AREA UNLESS SHOWN WITH A SLEEVE SYMBOL.
19. BASE PLAN AND LOCATION OF EXISTING EQUIPMENT ARE SCHEMATIC IN NATURE. FIELD VERIFY ALL BASE AND EXISTING IRRIGATION ELEMENTS AND CONDITIONS PRIOR TO CONSTRUCTION AND PROVIDE NECESSARY ADJUSTMENTS.
20. ALL MAIN LINE FITTINGS SHALL BE LEEKCO DUCTILE IRON PUSH ON TYPE UNLESS NOTED FOR LATERAL SERVICE (ON 3" OR LARGER ONLY).
21. IN THE EVENT OF A DISCREPANCY, IMMEDIATELY NOTIFY THE LANDSCAPE ARCHITECT.
22. ALL MAIN LINE FITTINGS SHALL BE SCHEDULE 40 SOLVENT WELD TYPE UNLESS NOTED FOR LATERAL SERVICE.
23. IN THE EVENT OF A DISCREPANCY, IMMEDIATELY NOTIFY THE LANDSCAPE ARCHITECT.

# DRIP IRRIGATION NOTES

1. ALL PLANTER BEDS SHALL BE IRRIGATED WITH AN INLINE EMITTER DRIP LINE IRRIGATION SYSTEM. NETAFIM TECHLINE HCVXR OR APPROVED EQUAL. ALL TREES IN THE NOTED AREA ARE TO BE IRRIGATED AS PER DETAIL. THE CONTRACTOR IS RESPONSIBLE TO INSTALL THE DRIP SYSTEM AS PER MANUFACTURER'S RECOMMENDATIONS AND THE FOLLOWING REQUIREMENTS:
  - A. AN INLINE EMITTER DRIP LINE TUBING SHALL BE USED. THE EMITTER SPACING SHALL BE TWELVE INCHES (12") AND THE EMITTER FLOW RATE TO BE .33 G.P.H. LATERALS SHALL BE SPACED AT EIGHTEEN INCHES (18").
  - B. A MANUAL DISC FILTER SHALL BE INSTALLED ON EACH ZONE SEE LEGEND FOR MODEL NUMBER. THE FILTER SHALL BE INSTALLED IN CONJUNCTION WITH AN ELECTRIC REMOTE CONTROL VALVE AS SPECIFIED (SIZE AS NOTED ON SCHEDULE). THE FILTER SHALL INCLUDE 120 MESH DISC FILTER RINGS. SEE DETAIL.
  - C. ALL ZONES SHALL BE INSTALLED WITH A MANUAL LINE FLUSHING VALVE. INSTALL WITH COLLAR. SEE DETAIL 12/L5.
  - D. ALL TUBING SHALL BE STAKED DOWN WITH T56 SIX INCH (6") SOIL STAPLES EVERY 3'-5' PLUS TWO ON EACH TEE, ELBOW OR CROSS.
2. THE CONTRACTOR IS RESPONSIBLE TO SCHEDULE A MEETING WITH THE LANDSCAPE ARCHITECT AND THE OWNER'S REPRESENTATIVE BEFORE PROCEEDING WITH ANY IRRIGATION INSTALLATION IN ORDER TO REVIEW WORK TO BE DONE. NO CHANGES IN MATERIAL SPECIFIED OR TO THE DESIGN OF THE SYSTEM SHALL BE ALLOWED WITHOUT PRIOR APPROVAL OF THE LANDSCAPE ARCHITECT.
3. ALL PVC LATERAL LINES FROM VALVES TO HEADERS ARE TO BE BURIED AT MINIMUM DEPTH OF TWELVE INCHES (12"). SIZE AS NECESSARY. (SEE PIPE SIZING NOTES ON THIS SHEET)
4. AFTER INSTALLATION OF THE IRRIGATION SYSTEM THE CONTRACTOR IS RESPONSIBLE TO PROVIDE THE OWNER WITH AS-BUILT DRAWINGS AND INSTRUCTIONS FOR MAINTENANCE OF THE DRIP SYSTEM.
5. PROVIDE DRIP LINE TO ENSURE EACH SHRUB AND TREE RECEIVES ADEQUATE IRRIGATION SO THAT THE OPTIMUM AMOUNT OF WATER IS APPLIED TO ENSURE THE HEALTH OF ALL PLANT MATERIAL. BURY DRIP LINE AT 5" MIN. BELOW GRADE. SEE DETAILS 14/L5 AND 10/L5. LOCATE DRIP LINE TO OBTAIN COMPLETE COVERAGE OF PLANTER AREAS. SEE DETAIL 16/L5. REFER TO NOTES, SPECIFICATIONS, AND DETAILS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.

# CAUTION NOTICE

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

# SYSTEM OPERATIONAL NOTES

**SYSTEM OPERATION:**  
(BASED ON HISTORICAL CLIMATE)

**CONTROLLER SETUP / WATERING SCHEDULE:**

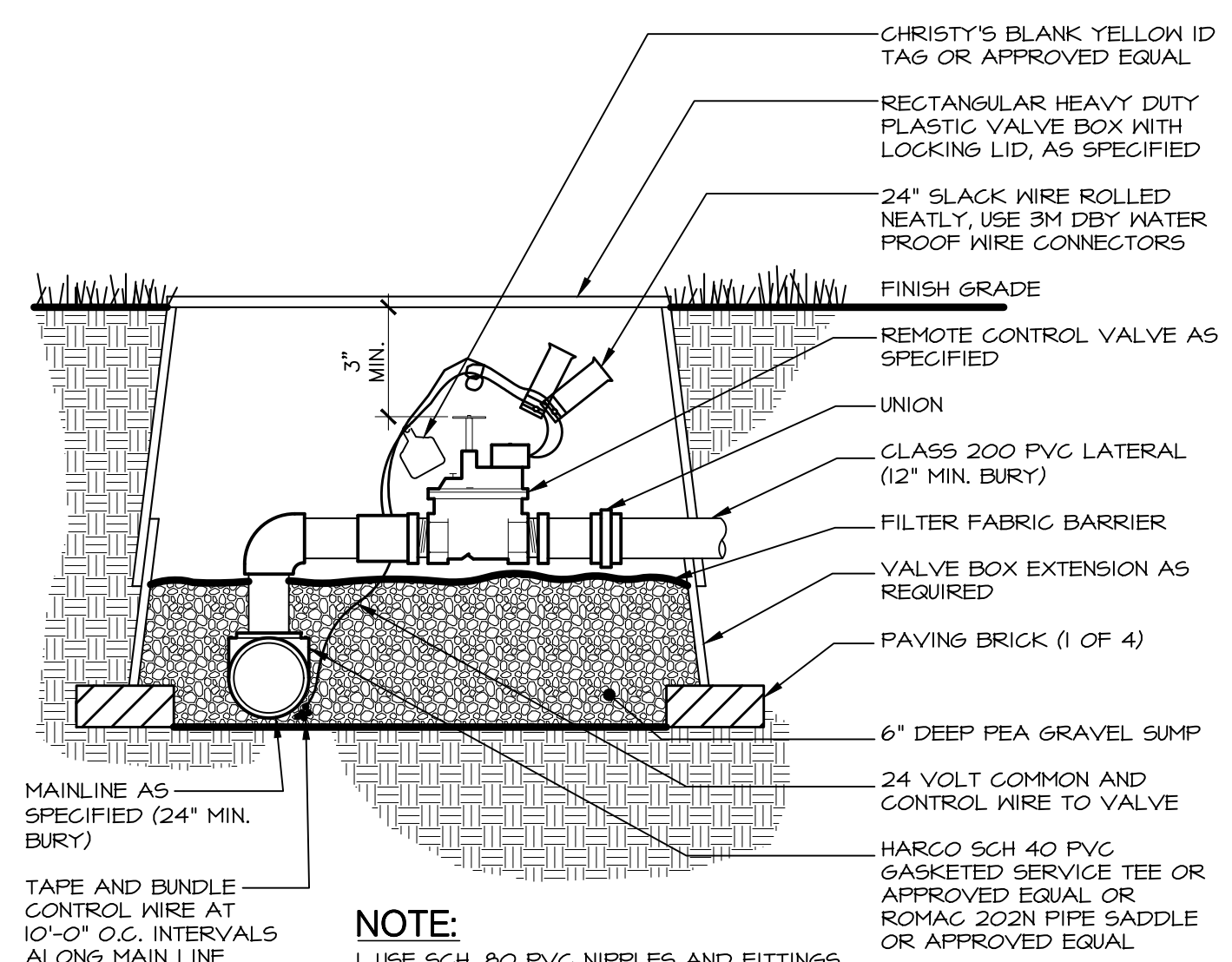
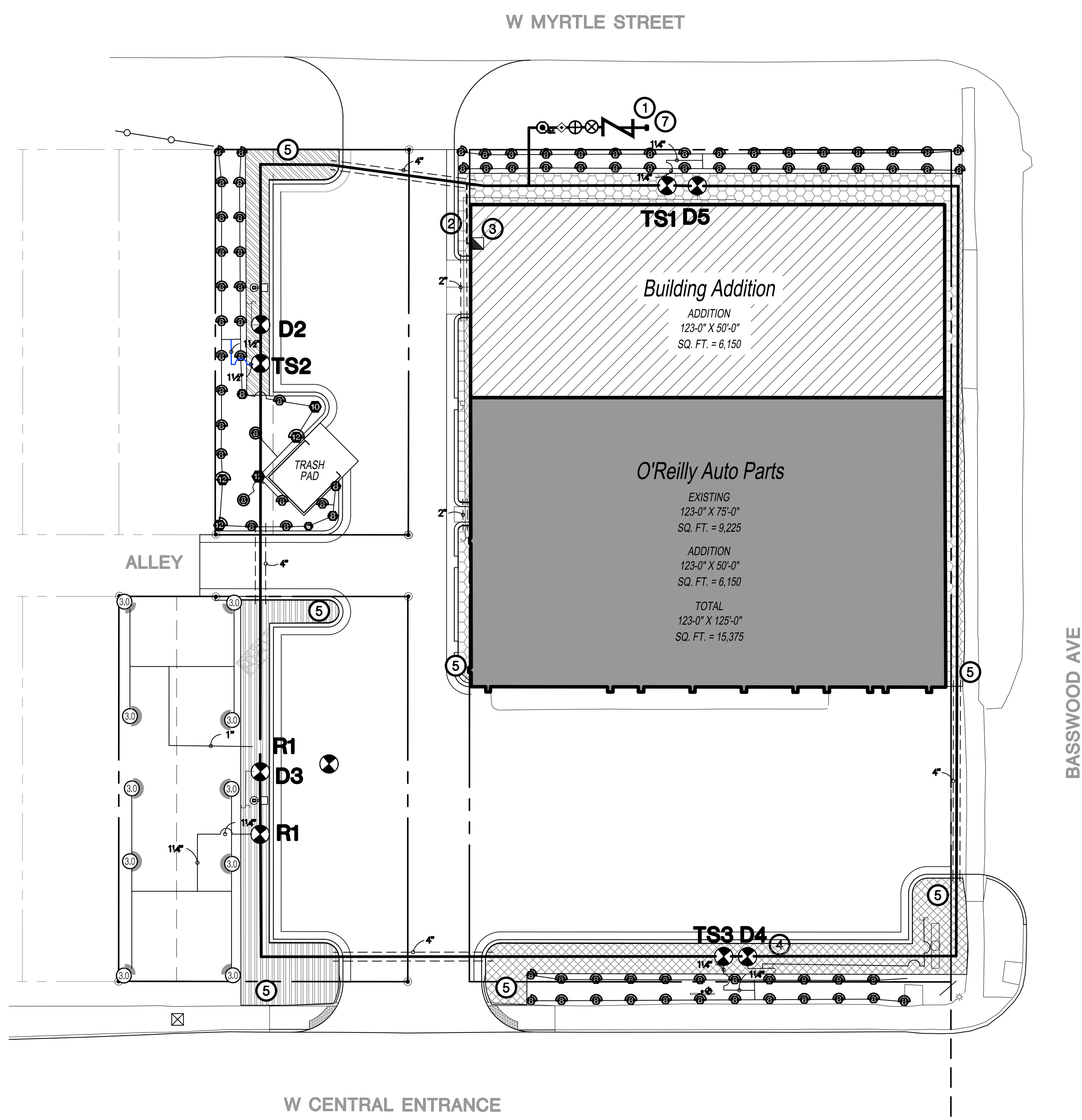
A CYCLING TECHNIQUE WILL BE USED FOR APPLICATION OF WATER. EACH STATION RUN TIME WILL BE APPLIED WITH THREE (3) DIFFERENT START TIMES. THEREFORE STATION RUN TIMES REFLECT ONE THIRD (1/3) THE TOTAL APPLICATION. THE WATERING SCHEDULE SHALL BE MONDAYS, WEDNESDAYS AND FRIDAYS. SET CONTROLLER FOR STATION TIME #1 AT 5:30A.M. WATERING WILL BE STOPPED DURING THE MONTHS OF DECEMBER THROUGH FEBRUARY. EXTEND WATER WINDOW IF REQUIRED TO MEET PEAK WATER REQUIREMENTS.

**INITIAL STATION RUN TIMES:**

DRIP ZONES:  
SHRUBS - 30 MINUTE CYCLES.  
TREES - 45 MINUTE CYCLES.

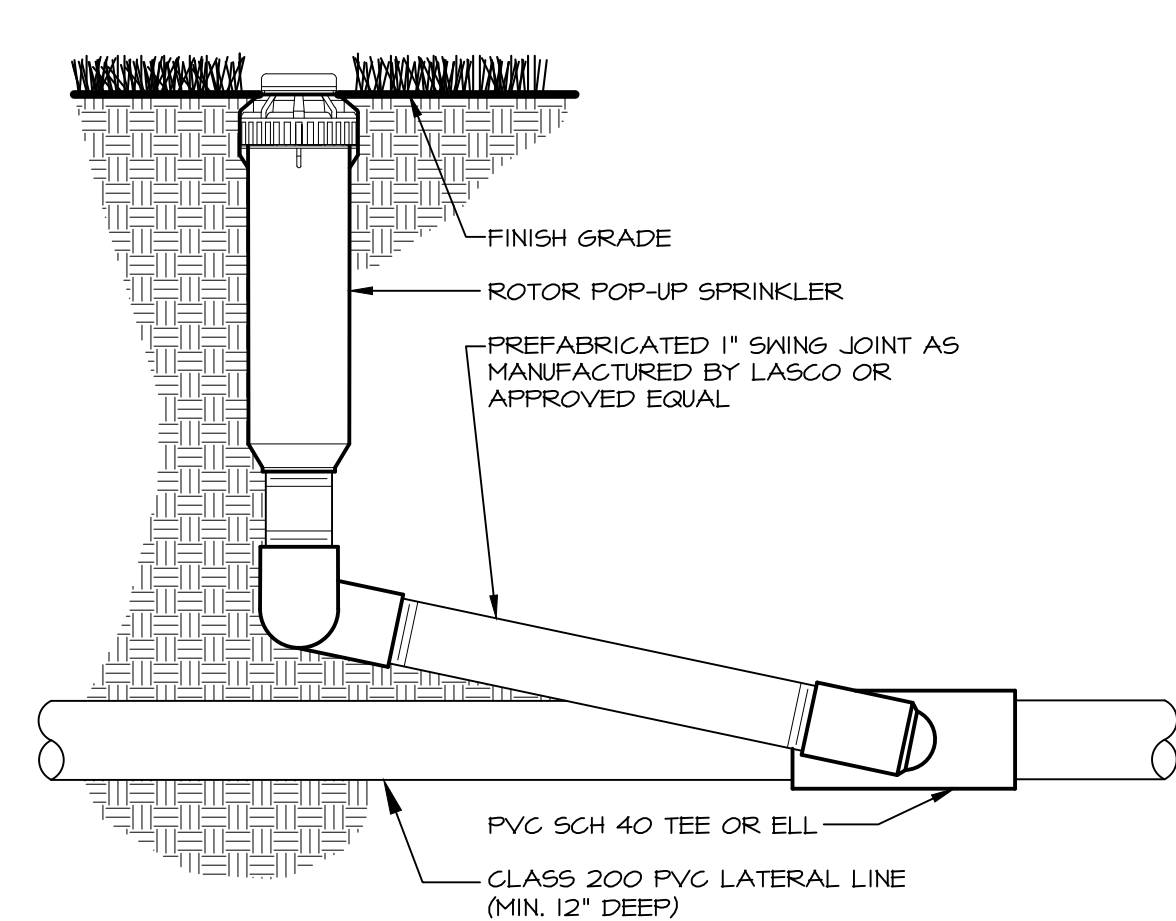
**SYSTEM BALANCING:**

AS THE SYSTEM OPERATES, SOME ZONES WILL BE WET WHILE OTHERS ARE DRY. ADJUST ONLY THOSE STATIONS WHICH REQUIRE ADDITIONAL OR LESS WATER. FOR EXAMPLE, IF STATION T51, A 15' TURF SPRAY ZONE IS ALWAYS DRY, CHANGE THE STATION T51 RUN TIME FROM FIFTEEN (15) MINUTES TO SIXTY (60) MINUTES CONTINUING MAKING ADJUSTMENTS UNTIL THE ZONE MOISTURE CONTENT IS ACCEPTABLE. USE NOZZLE CHANGES OR NOZZLE SCREEN ADJUSTMENTS TO ADJUST WET AND DRY AREAS WITHIN A ZONE.



# 1 REMOTE CONTROL VALVE

NOT TO SCALE



# IRRIGATION MATERIAL LEGEND

SYMBOL	DESCRIPTION
⊙ ⊕ ⊖ ⊗ ⊘ ⊙	'HUNTER' PROS-04-PRS40-CV-F SPRAY AS SPECIFIED. NOZZLE AS INDICATED ON PLANS. SEE DETAIL 15/L4.
⊙	Hunter P6-J-06-V TURF ROTOR, 6.0" POP-UP, ADJUSTABLE AND FULL CIRCLE. WITH DRAIN CHECK VALVE. NOZZLE AS INDICATED ON PLANS. SEE DETAIL 2/L4.
⊗	ELECTRIC REMOTE CONTROL VALVE, SEE ZONE SCHEDULE FOR VALVE SIZES.
D3	REMOTE CONTROL VALVE LABEL (R = ROTOR, TS = TURF SPRAY, SS = SHRUB SPRAY, D = DRIP). SEE DETAIL 3/L6 FOR DRIP VALVES AND DETAIL 5/L5 FOR TURF/ROTOR VALVES.
—	SCHEDULE 40 SOLVENT WELD PVC LATERAL LINE, SIZE AS INDICATED ON PLANS. PROVIDE ONE (1) KING DRAIN AUTOMATIC DRAIN VALVE AT LOW POINT OF EACH LATERAL ZONE, SEE DETAIL 2/L5.
—	1-1/2" SCHEDULE 40 SOLVENT WELD PVC MAIN LINE, SEE DETAIL 2/L5.
---	SCHEDULE 40 IRRIGATION SLEEVE, SIZE AS INDICATED ON PLANS. PROVIDE AN ADDITIONAL 2" SLEEVE AT ALL MAIN LINE SLEEVE LOCATIONS FOR CONTROL WIRES.)
---	GRAY SCHEDULE 40 PVC FOR ELECTRICAL CONTROL WIRES, SIZE AS INDICATED ON PLANS. COORDINATE WITH ELECTRICAL.
⊗	'HUNTER' FLOW CLICK SENSOR FCT-100 WITH INTERFACE MODULE AND MASTER VALVE, SEE DETAIL 14/L5.
⊕	ISOLATION VALVE, SIZE TO MATCH MAIN LINE, SEE DETAIL 6/L5.
⊖	NIBCO MANUAL DRAIN VALVE SIZE TO MATCH MAINLINE, SEE DETAIL 3/L5.
⊗	1" HUNTER HQ-5LRC QUICK COUPLING VALVE W/ HK-55 KEY, AND HOSE SHIVEL, SEE DETAIL 8/L5.
⊕	HUNTER I-CORE-600-55 6 STATION WALL MOUNTED CONTROLLER WITH LOCKABLE STAINLESS STEEL CABINET, DUAL 40M, AND SOLAR-SYNC ET SYSTEM, SEE DETAIL. INSTALL SOLAR-SYNC SENSOR WITHIN 40'-0" OF ICG CONTROLLER. SEE DETAIL 7/L5.
⊖	'NETAFIM' COMBINATION TEE, SEE DETAIL 11/L5.
⊖	REDUCED PRESSURE BACK FLOW PREVENTOR, SIZE TO MATCH MAINLINE, SEE DETAIL 1/L5.

# CALLOUT LEGEND

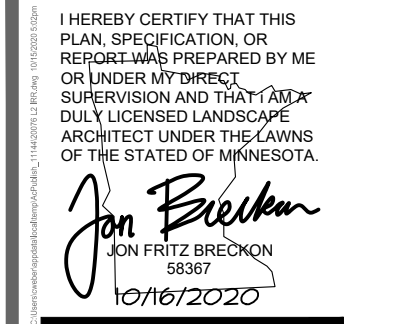
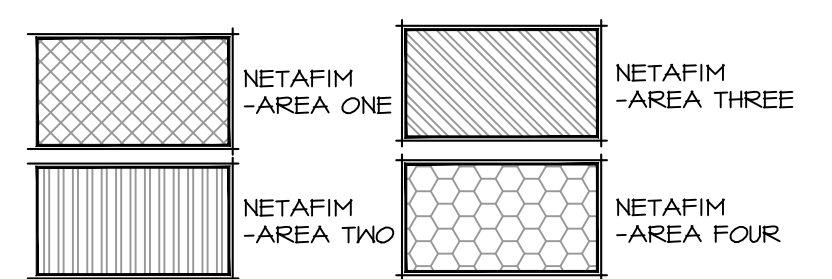
1. CONNECT NEW 1-1/2" MAINLINE TO EXISTING WATER METER PER CIVIL PLANS IN THIS APPROXIMATE LOCATION. (FIELD VERIFY). SEE CIVIL PLANS FOR ADDITIONAL INFORMATION.
2. 2" WIRE SLEEVE. ROUTE TO CONTROLLER LOCATION PER LOCAL CODES AS REQUIRED.
3. WALL MOUNT IRRIGATION CONTROLLER IN THIS APPROXIMATE LOCATION AS REQUIRED. CONNECT 120 VOLT AS REQUIRED. ALL ABOVE GRADE WIRES SHALL BE LOCATED IN APPROPRIATELY SIZED CONDUIT (2" MINIMUM). IRRIGATION CONTRACTOR SHALL BE RESPONSIBLE TO COORDINATE WITH CERTIFIED ELECTRICAL CONTRACTOR FOR ALL ELECTRICAL CONNECTIONS. IRRIGATION CONTRACTOR SHALL ENSURE ALL CONTROLLER OPTIONS AND ZONES ARE FULLY OPERATIONAL AFTER TRENCHING HAS FINISHED. CONTROLLER LOCATION TO BE OWNER APPROVED. REVISE LOCATION AS REQUIRED FOR OWNER APPROVAL.
4. EXTEND EXTRA WIRES TO THIS POINT. COIL APPROXIMATELY 24" LENGTH OF EXTRA WIRES IN SEPARATE VALVE BOX AT THIS LOCATION.
5. INSTALL 'HUNTER' OPERATION INDICATOR STAKE AT END OF DRIPZONE LINE TO ENSURE PROPER FUNCTIONALITY, SEE DETAIL 4/L5.
6. MAINLINE AND ASSOCIATED IRRIGATION EQUIPMENT TO BE LOCATED IN ADJACENT LANDSCAPE AREAS WITHIN PROPERTY LIMITS. REFER TO SLEEVING LOCATIONS FOR ACTUAL HARDSCAPE CROSSINGS.
7. MAINLINE AND ASSOCIATED IRRIGATION MATERIALS SHOWN IN HARDSCAPE AREAS IS FOR GRAPHIC CLARITY ONLY AND SHALL BE LOCATED IN ADJACENT LANDSCAPE AREAS. REFER TO IRRIGATION SLEEVE LOCATIONS FOR ACTUAL HARDSCAPE PIPE CROSSINGS.

# ZONE SCHEDULE

ZONE #	GPM	PSI	VALVE SIZE
R1	12.00	40	1" ICV-1016-F5-A5-40
R2	18.00	40	1" ICV-1016-F5-A5-40
TS1	16.20	40	1" PCZ-101-40
TS2	23.80	40	1" PCZ-101-40
TS3	16.70	40	1" PCZ-101-40
D1	10.58	40	1" LVCZ10075-HFHP
D2	2.90	40	1" LVCZ10075-HFHP
D3	6.46	40	1" LVCZ10075-HFHP
D4	6.58	40	1" LVCZ10075-HFHP

\* NOTE: WATER AVAILABILITY & PRESSURE INFORMATION NOT KNOWN. CONTRACTOR TO FIELD VERIFY. REFERENCE CIVIL PLANS FOR METER SIZE AND LOCATION

# DRIP MATERIAL LEGEND



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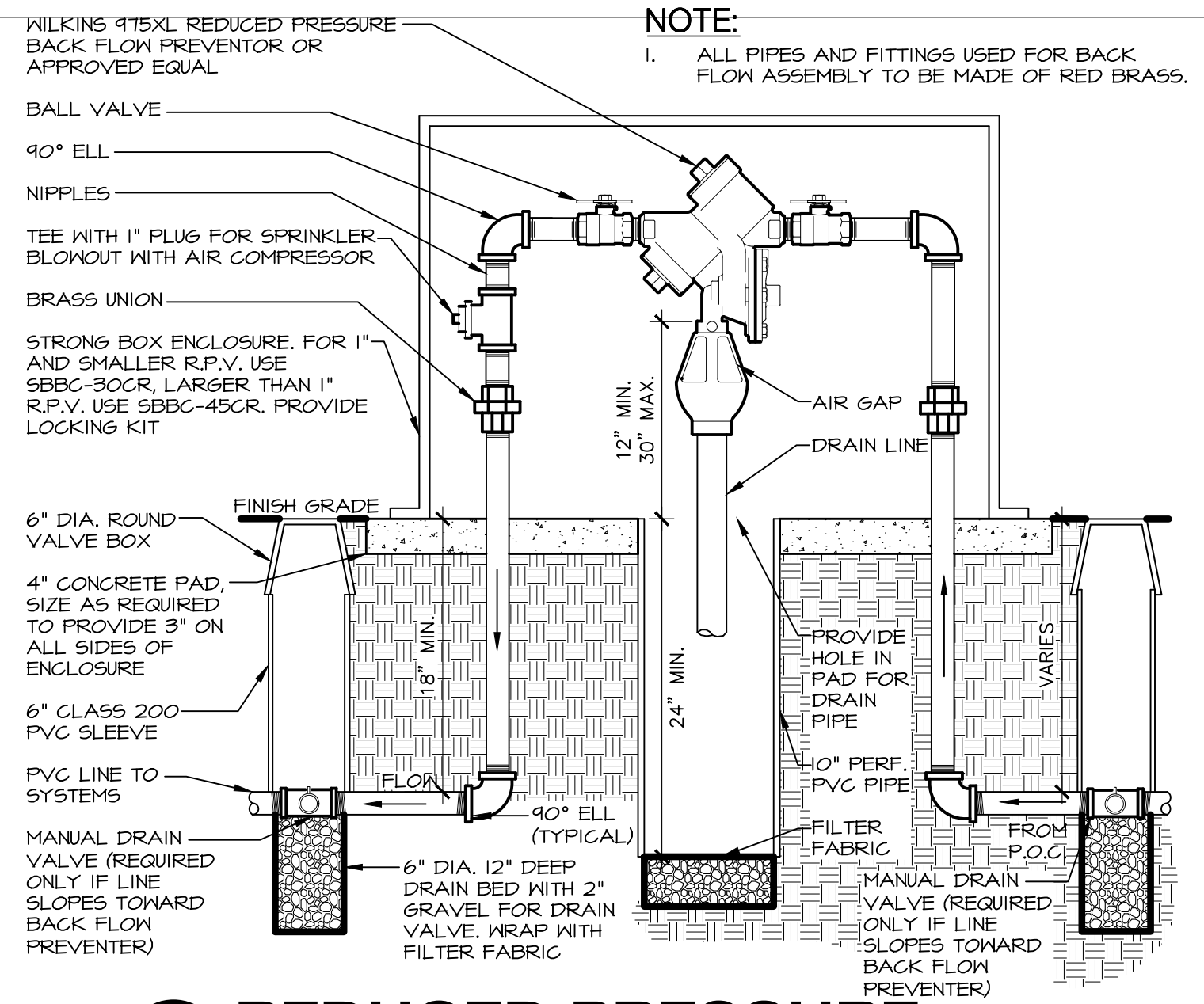
**PROJECT:**  
O'REILLY AUTO PARTS STORE ADDITION  
WEST CENTRAL ENTRANCE  
DULUTH, MN #1  
IRRIGATION PLAN

**O'Reilly AUTO PARTS**

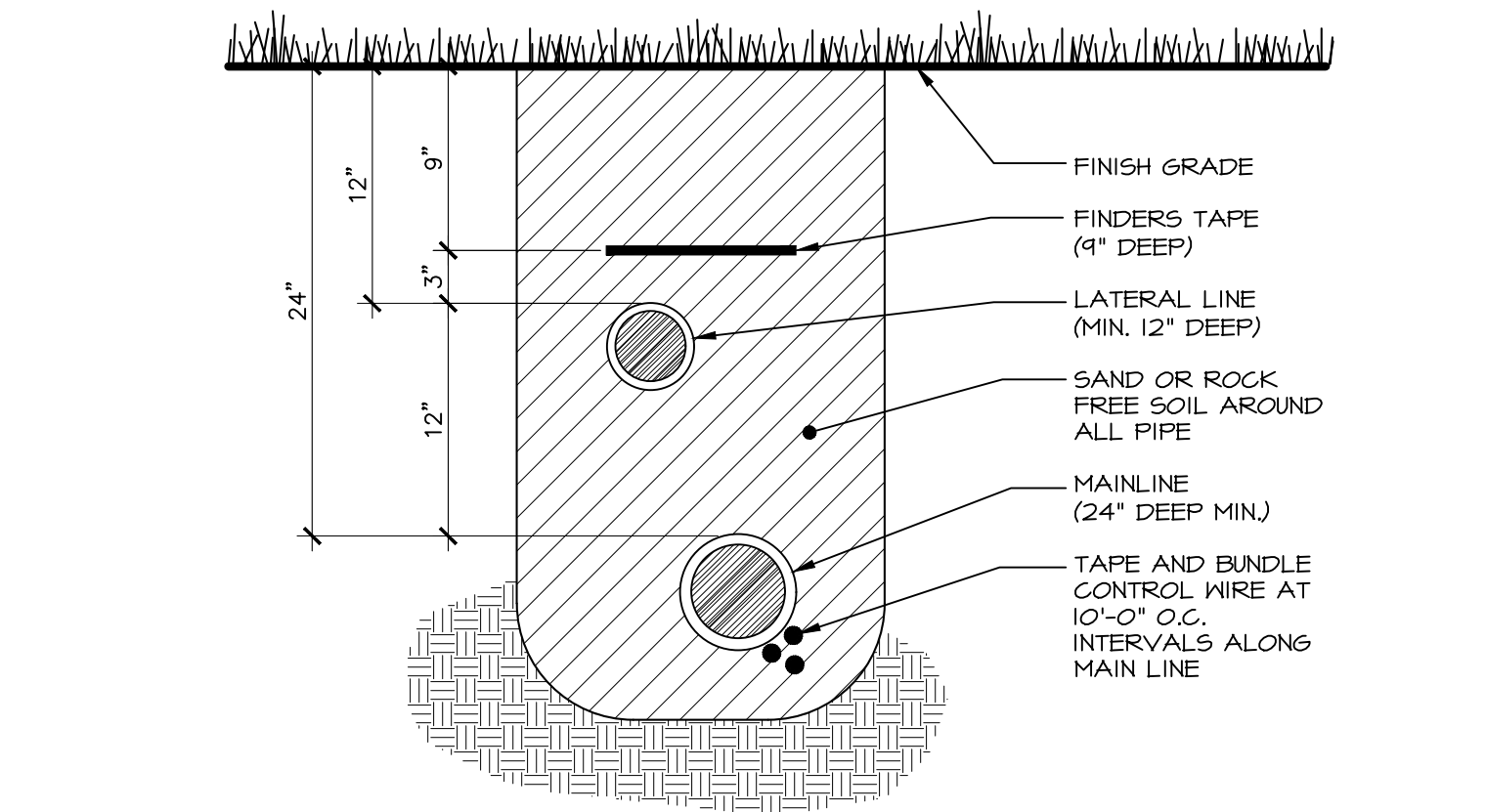
CORPORATE OFFICES  
289 SOUTH PATTERSON  
SPRINGFIELD, MISSOURI 65802  
(417) 862-2674 TELEPHONE

COMM # 4498  
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REVISION  
DATE:

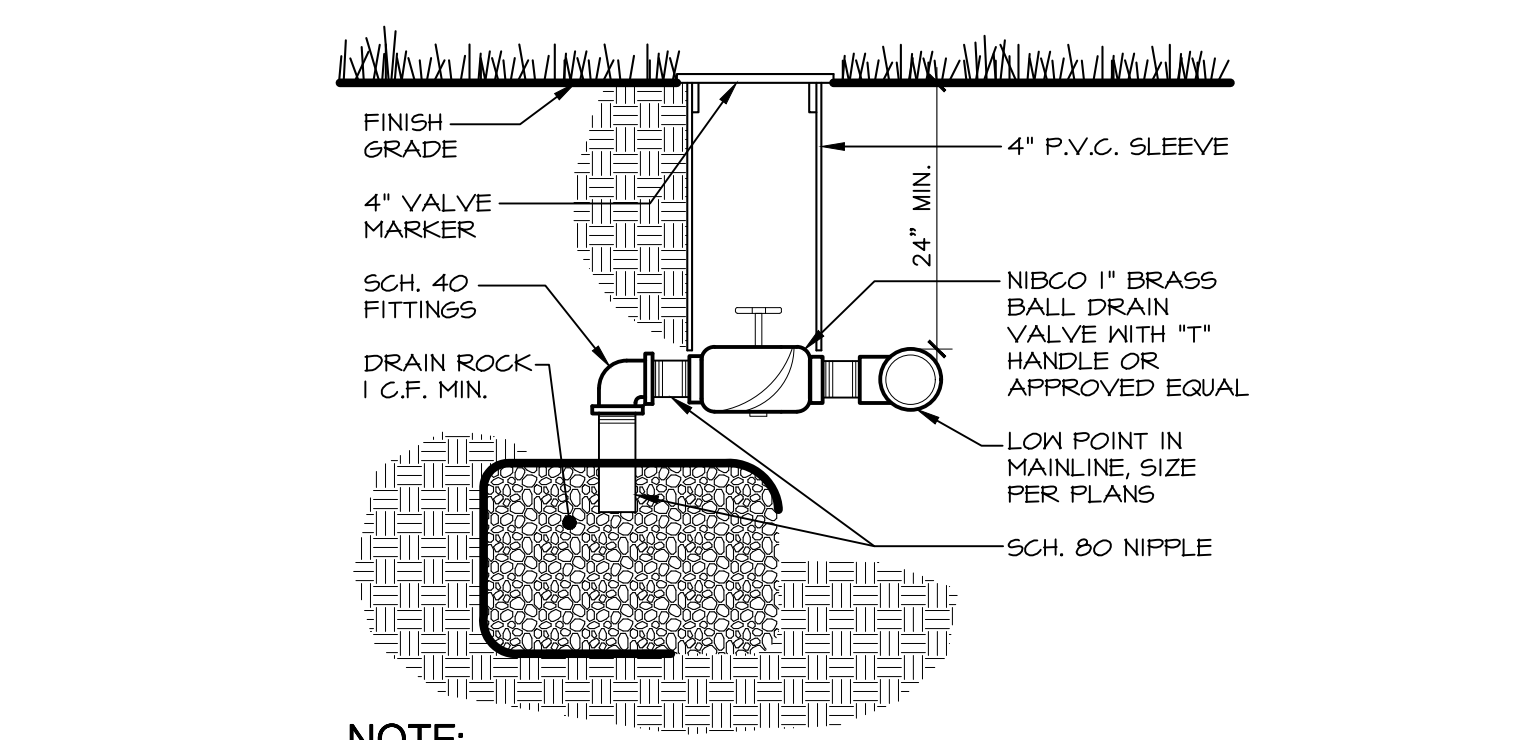




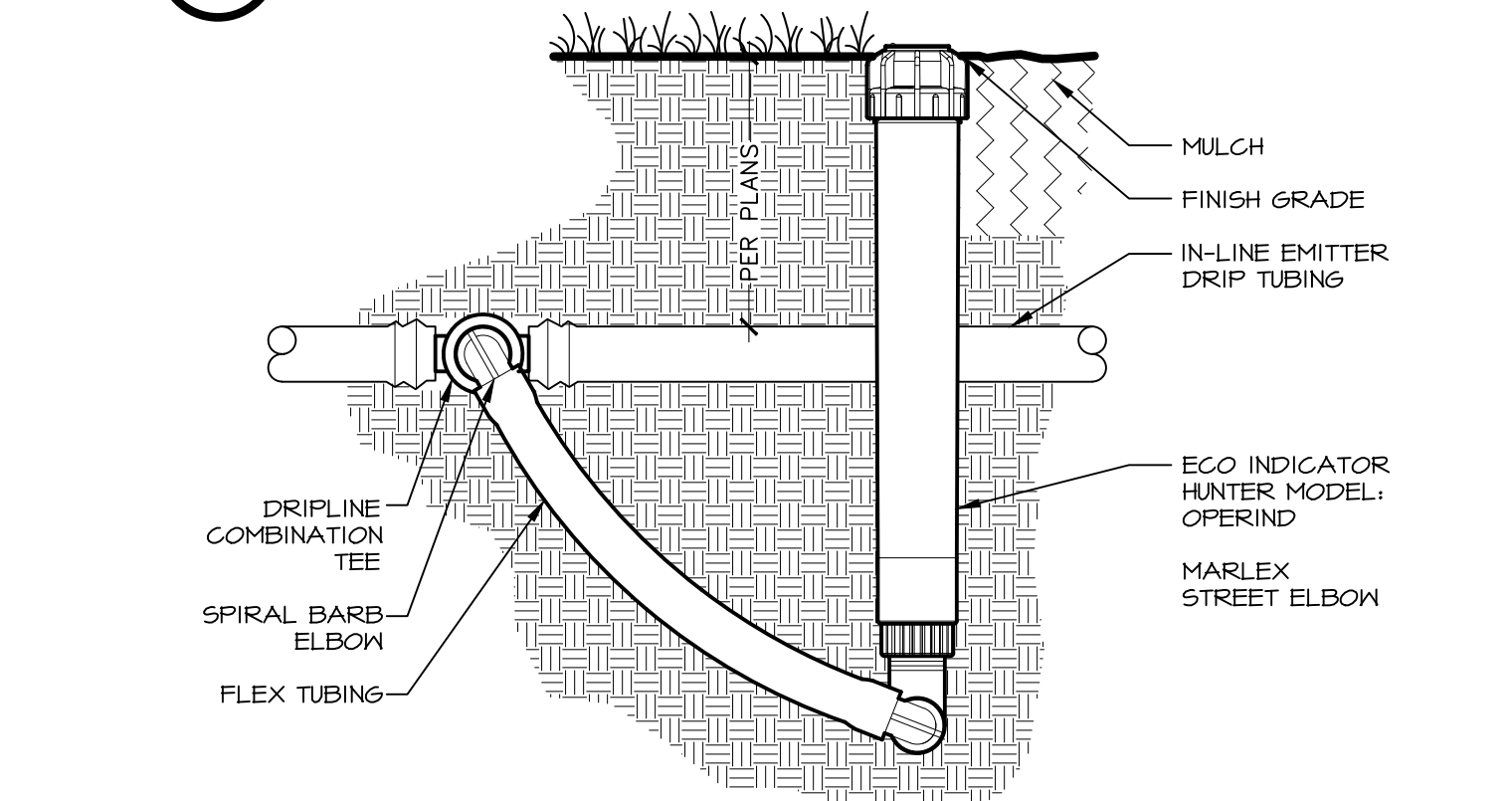
**1 REDUCED PRESSURE BACK FLOW PREVENTER** NOT TO SCALE



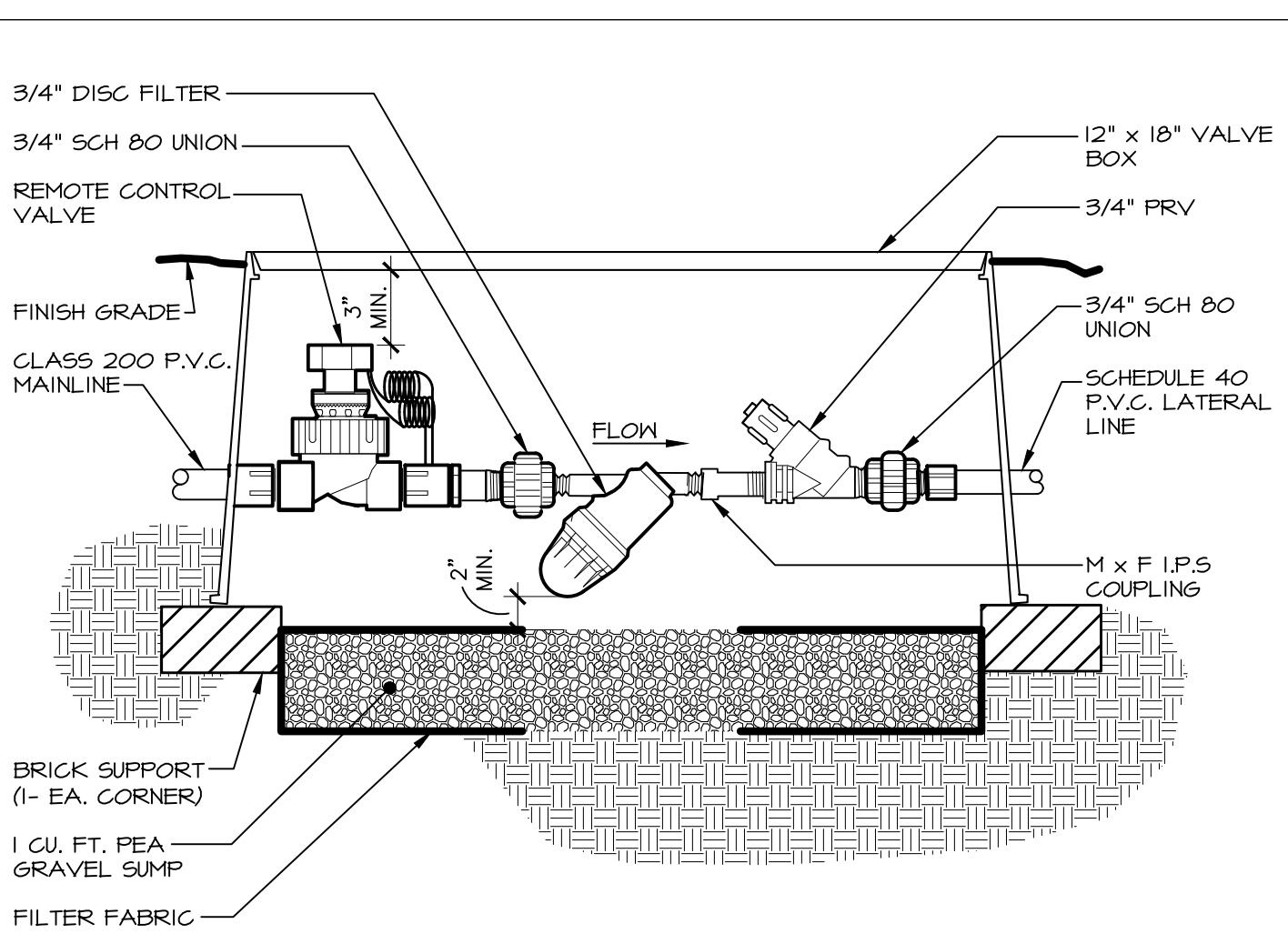
**2 TRENCH SECTION** NOT TO SCALE



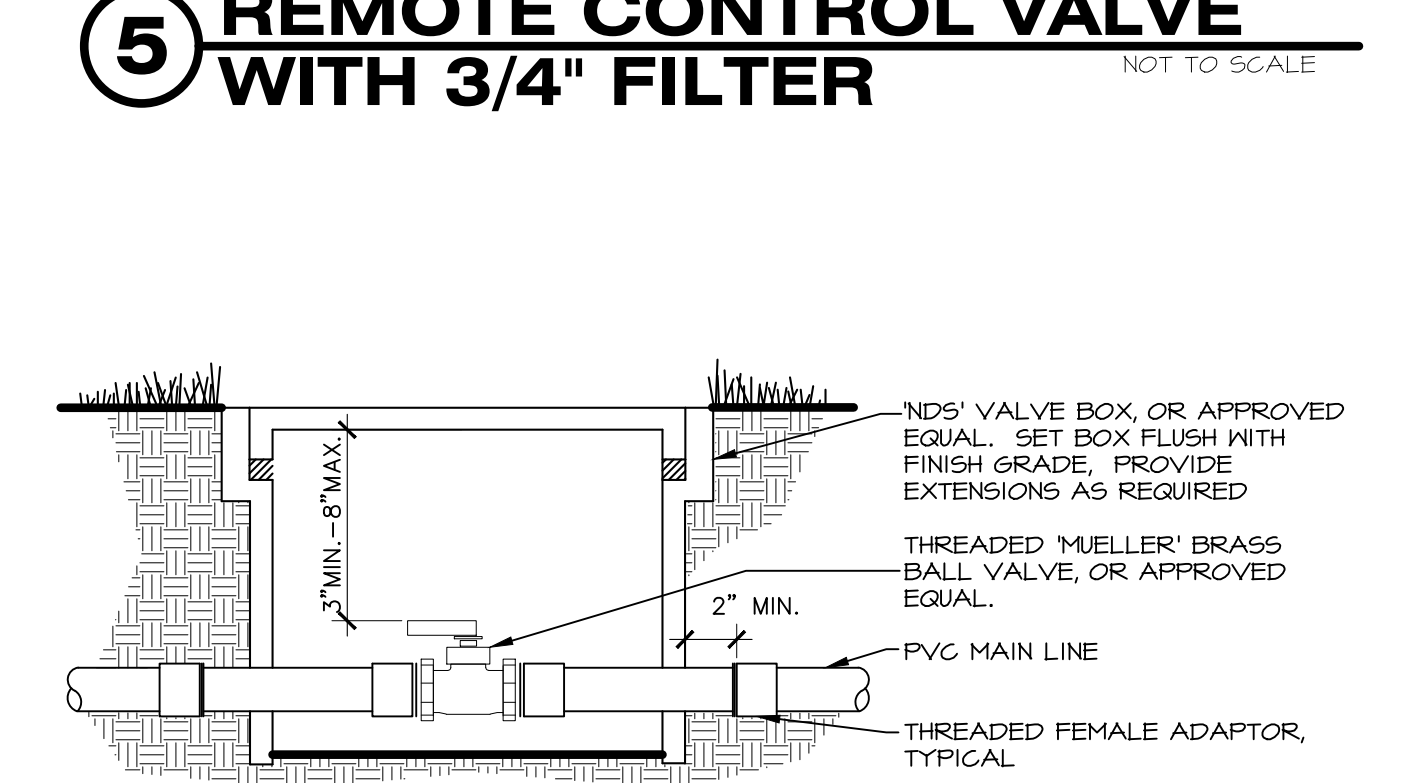
**3 MANUAL DRAIN VALVE** NOT TO SCALE



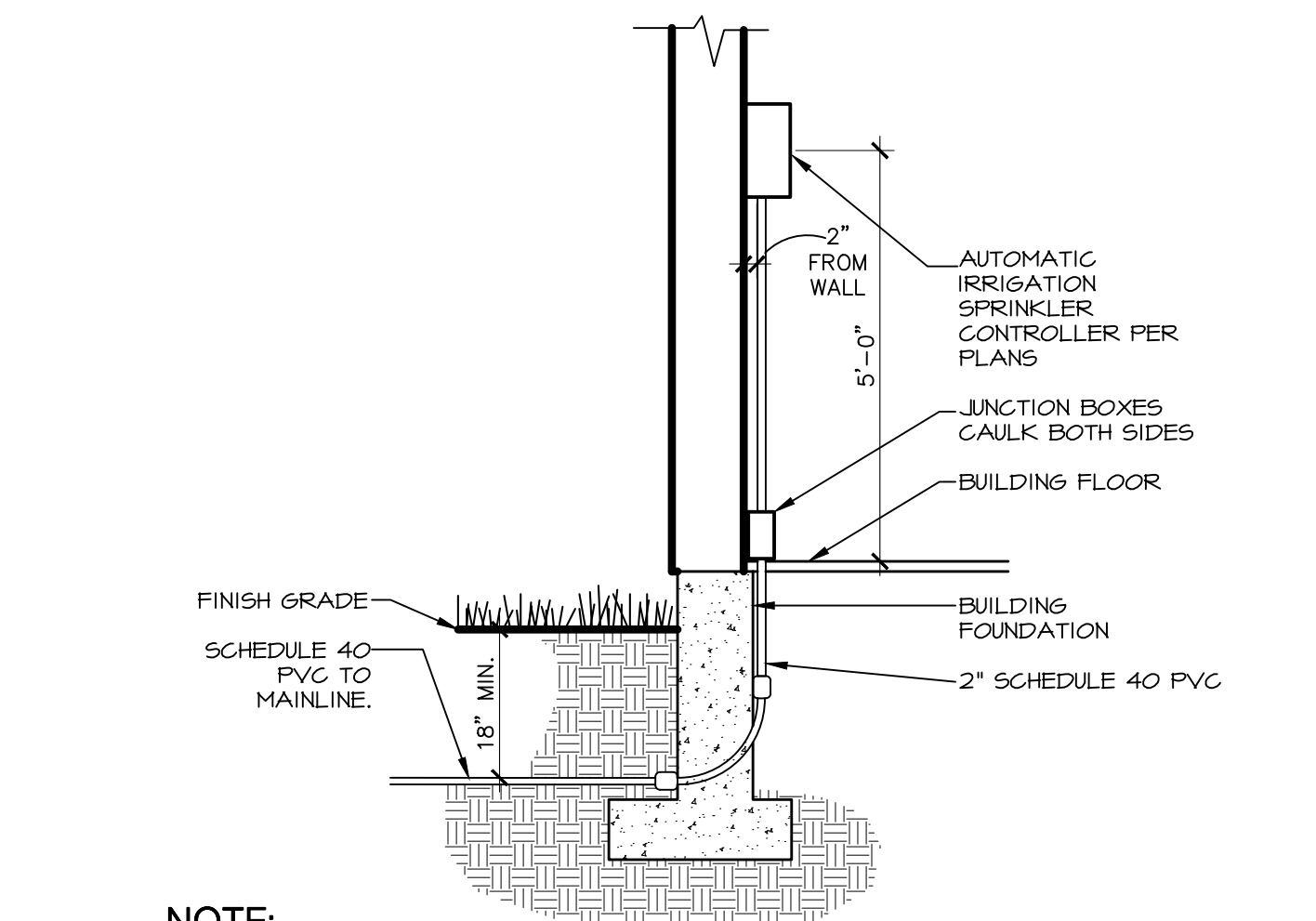
**4 ECO INDICATOR** NOT TO SCALE



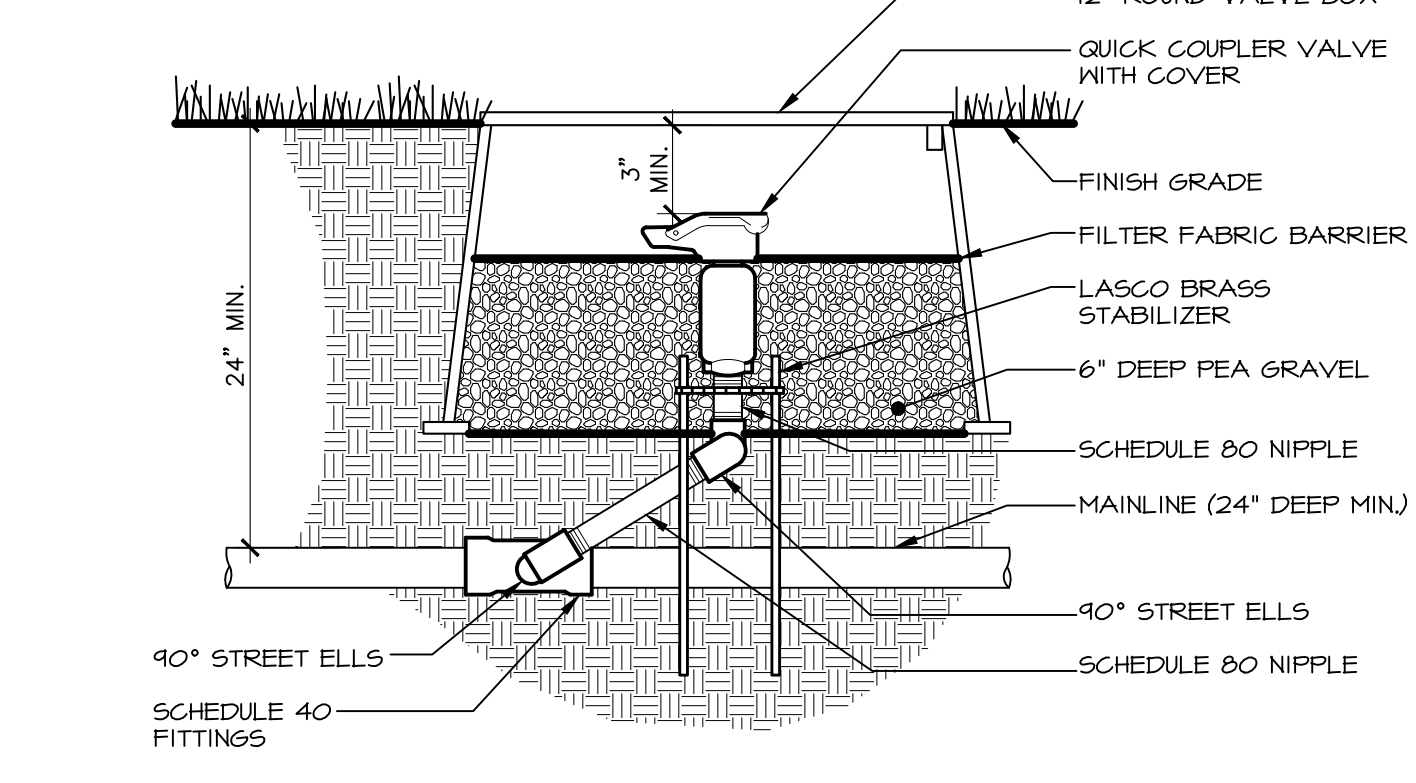
**5 REMOTE CONTROL VALVE WITH 3/4" FILTER** NOT TO SCALE



**6 ISOLATION VALVE** NOT TO SCALE

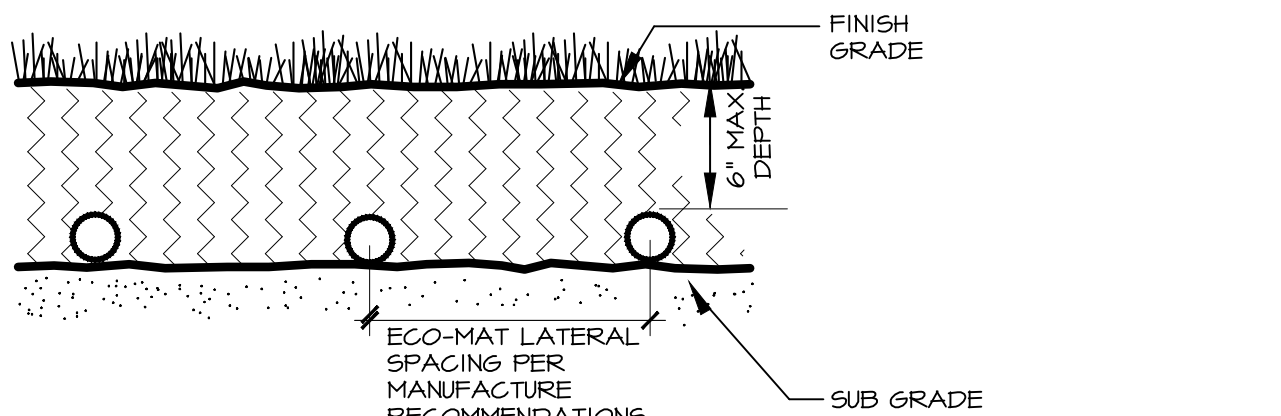


**7 AUTOMATIC IRRIGATION CONTROLLER** NOT TO SCALE

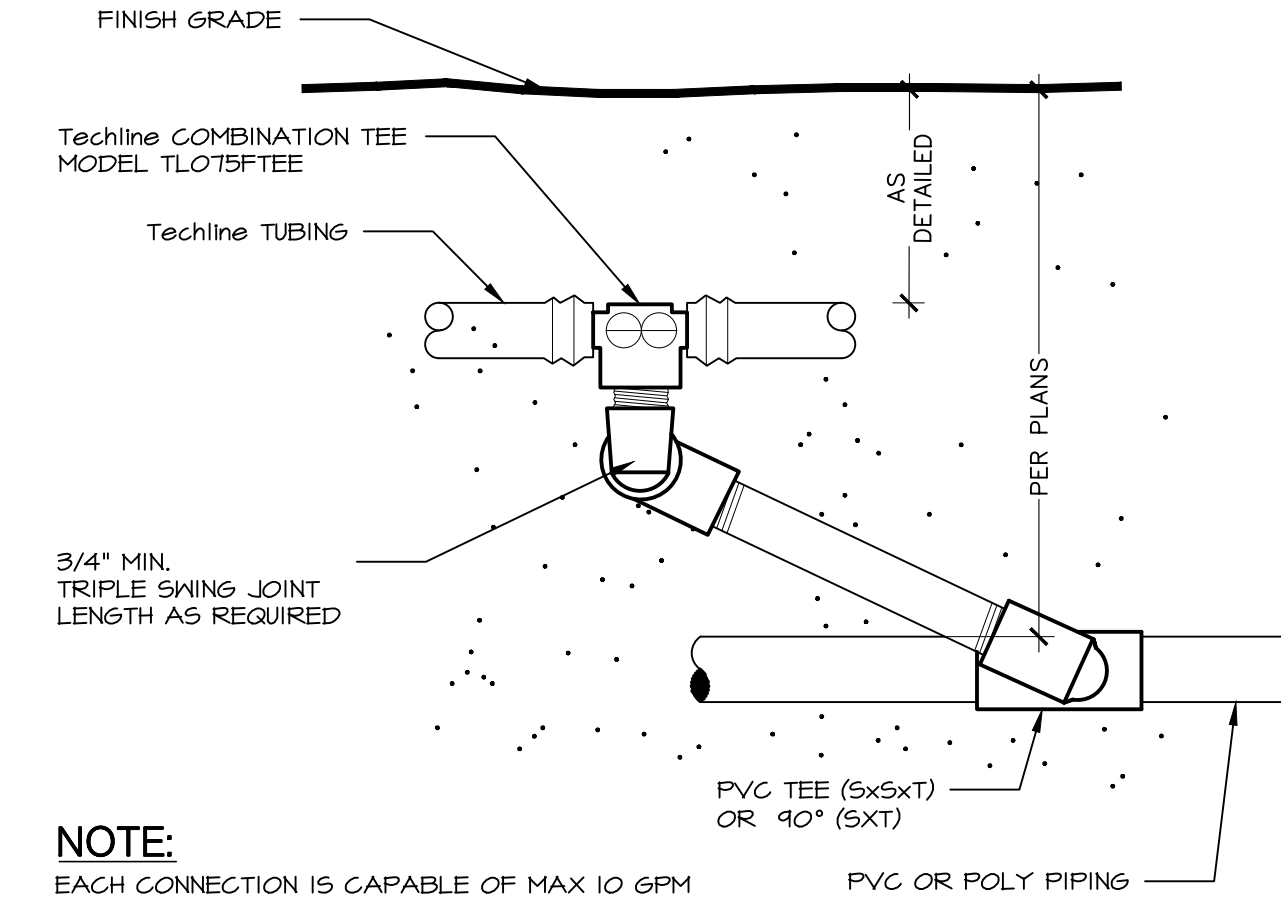


**8 QUICK COUPLER VALVE** NOT TO SCALE

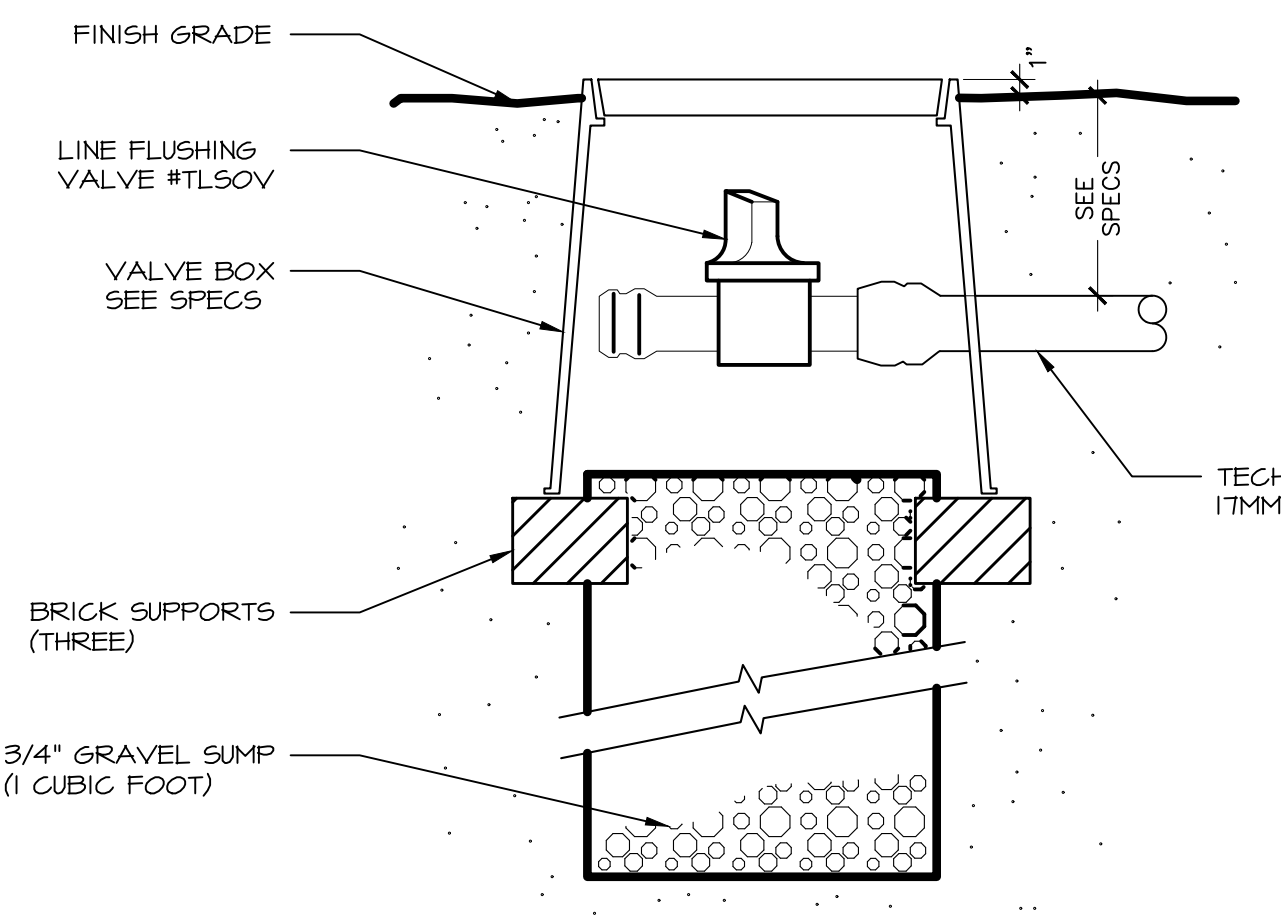
**9 TECHLINE SUBGRADE INSTALLATION** NOT TO SCALE



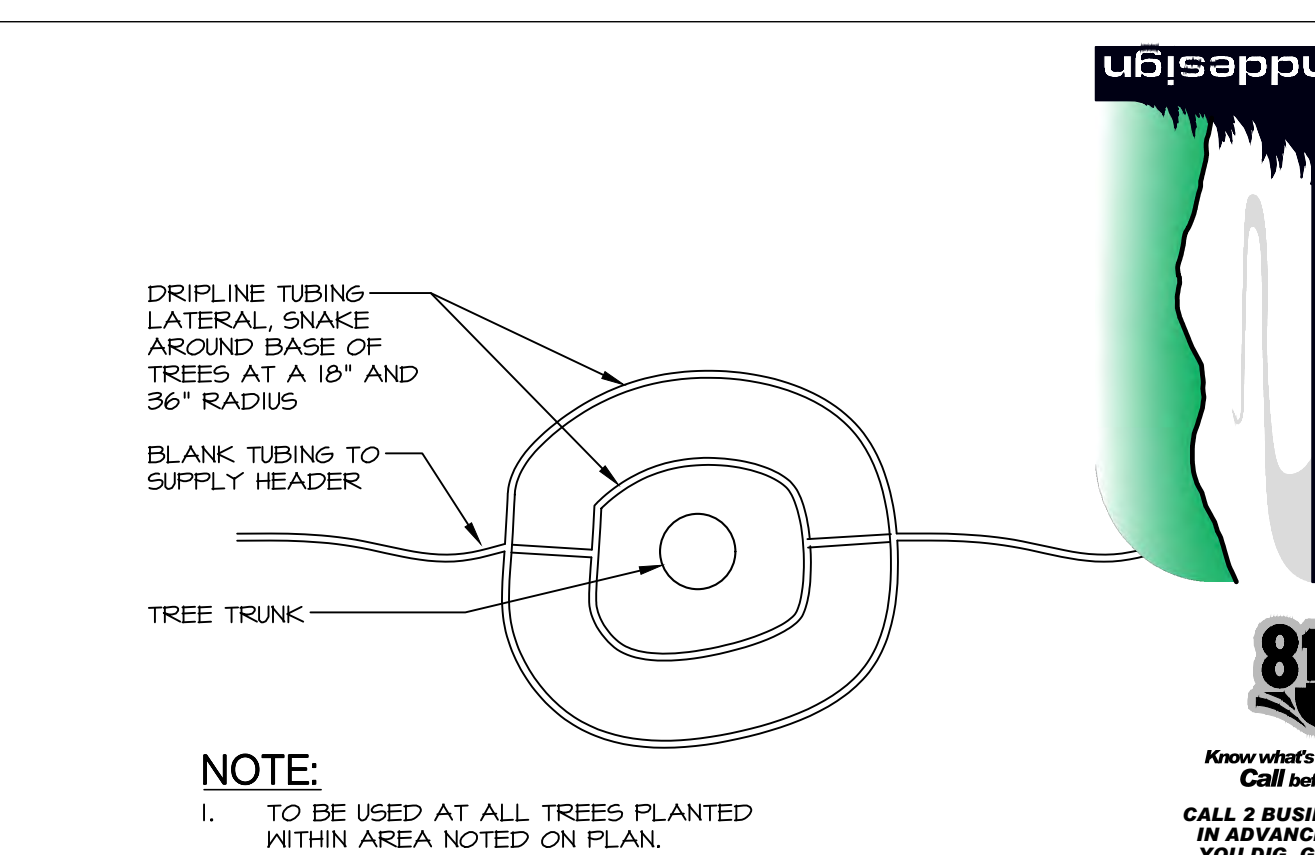
**10 DRIPLINE SUBGRADE INSTALLATION - TURF** NOT TO SCALE



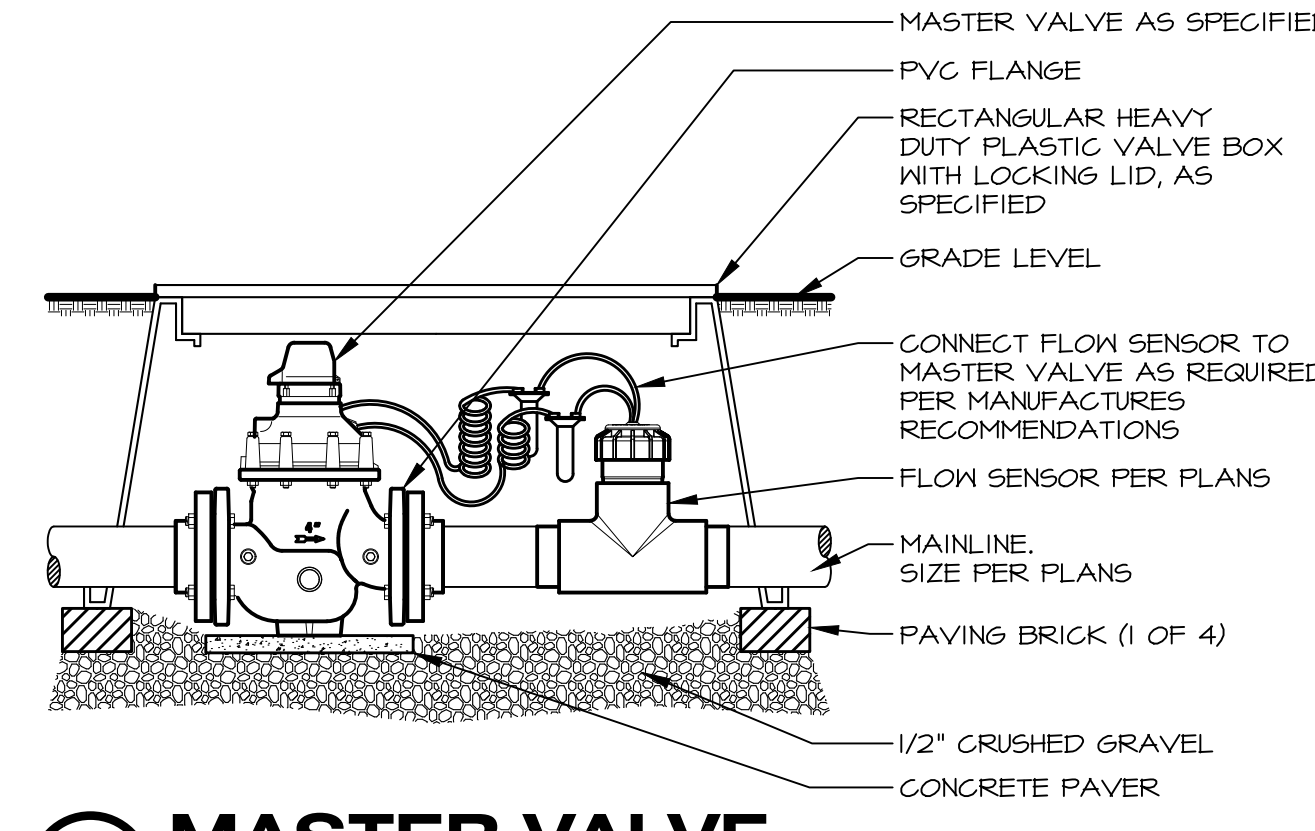
**11 TECHLINE START CONNECTION** NOT TO SCALE



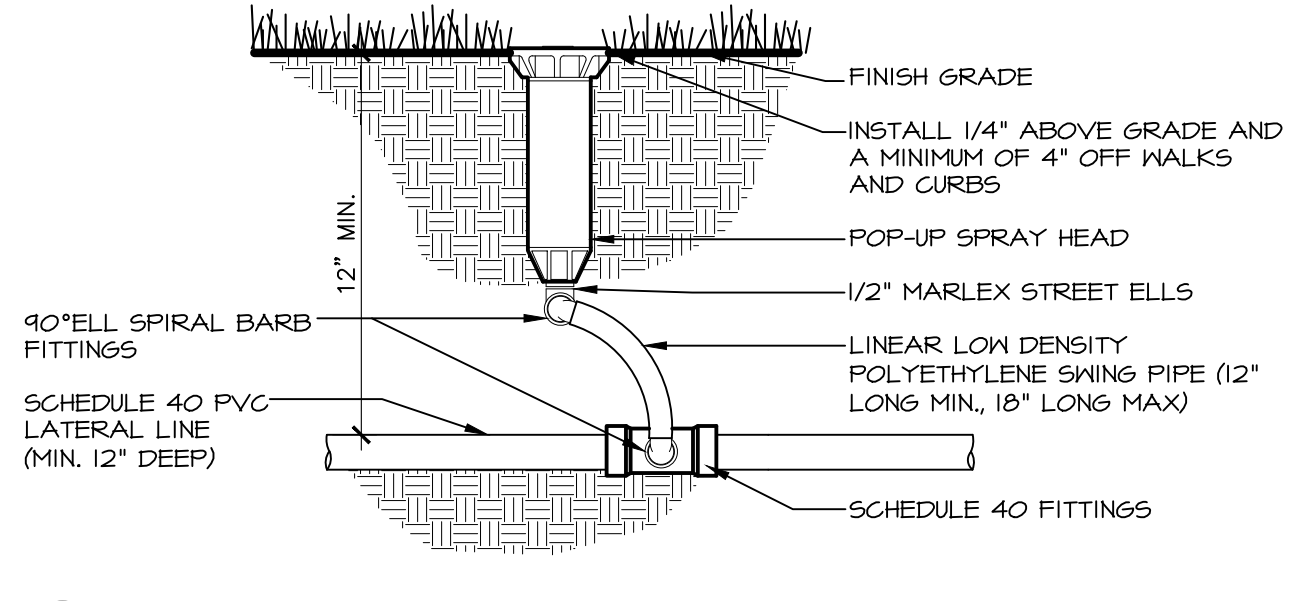
**12 MANUAL LINE FLUSHING VALVE PLUMBED TO TUBING** NOT TO SCALE



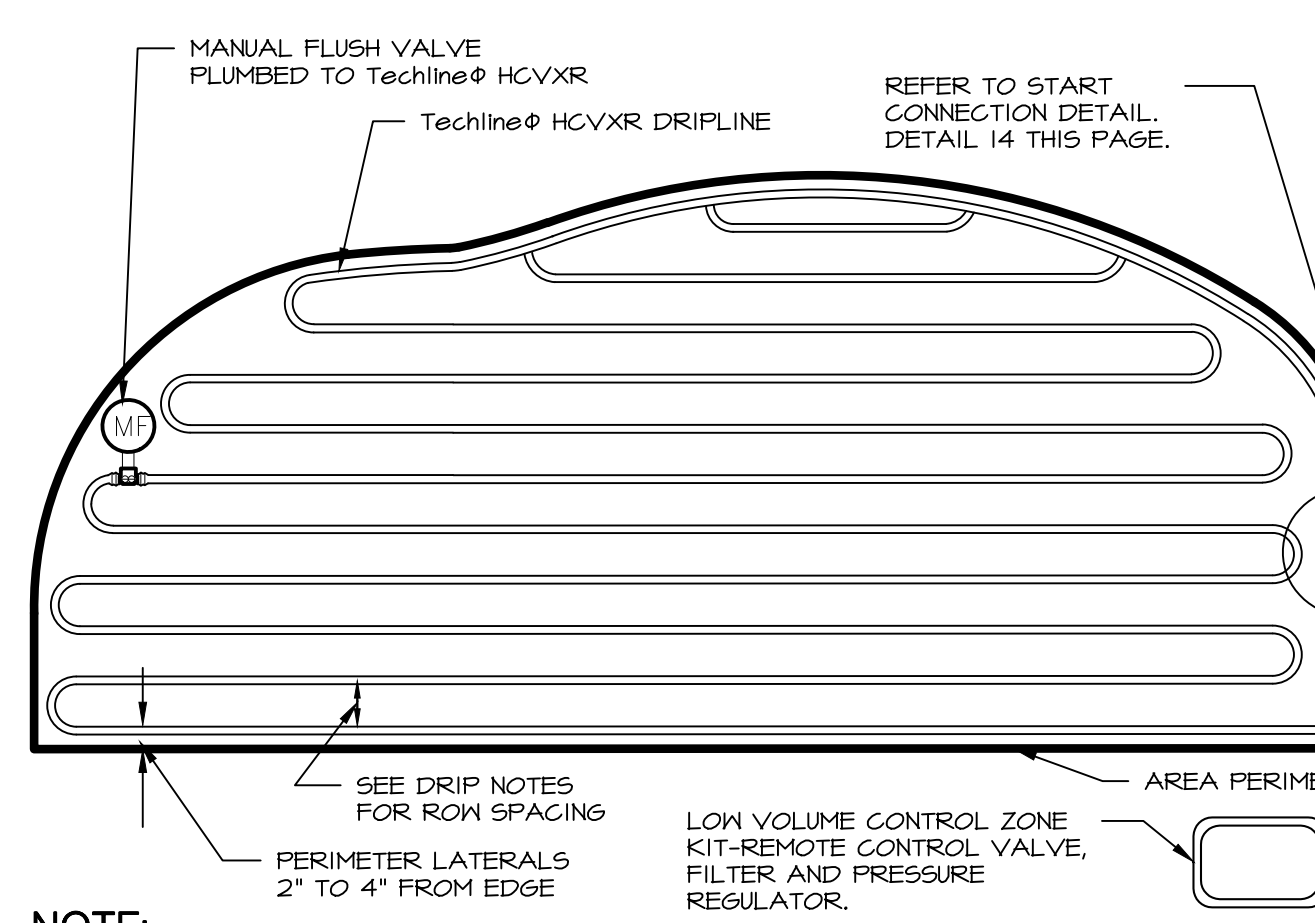
**13 DRIPLINE LAYOUT AT TREES** NOT TO SCALE



**14 MASTER VALVE** NOT TO SCALE



**15 SPRAY HEAD POP-UP SPRINKLER** NOT TO SCALE



**16 TECHLINE LAYOUT** NOT TO SCALE

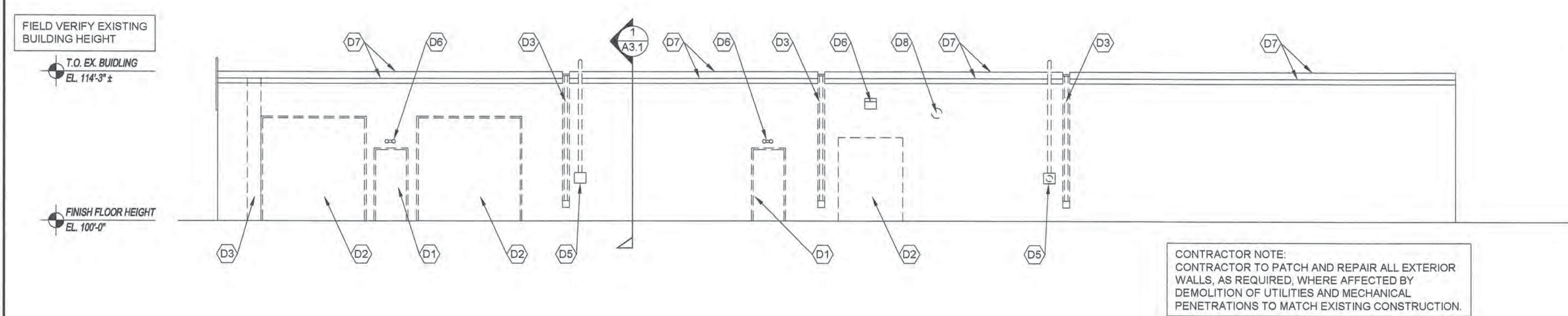
**CRAIG A. SCHNEIDER, AIA**  
ARCHITECT  
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**PROJECT:**  
O'REILLY AUTO PARTS STORE ADDITION  
WEST CENTRAL ENTRANCE  
DULUTH, MN #1  
IRRIGATION DETAILS

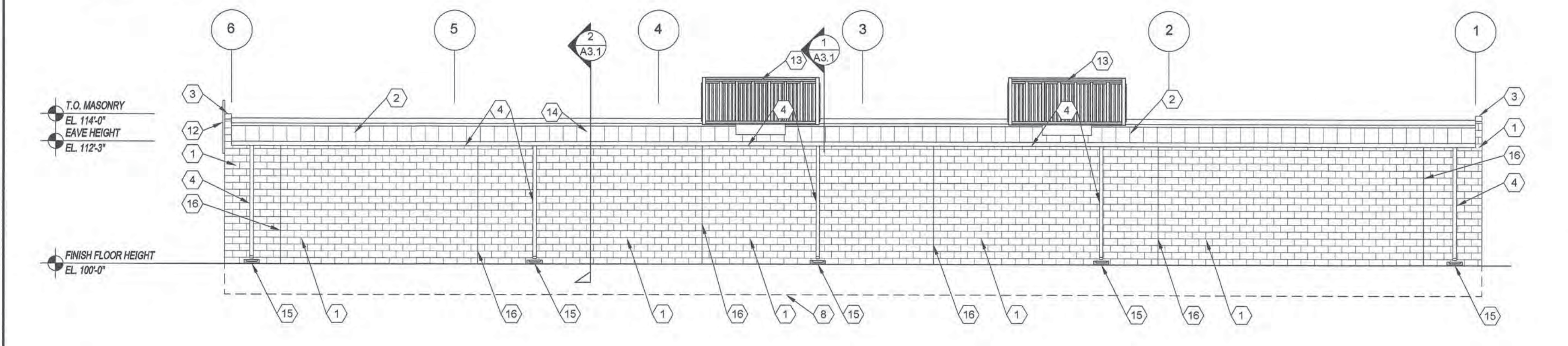
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REVISION	
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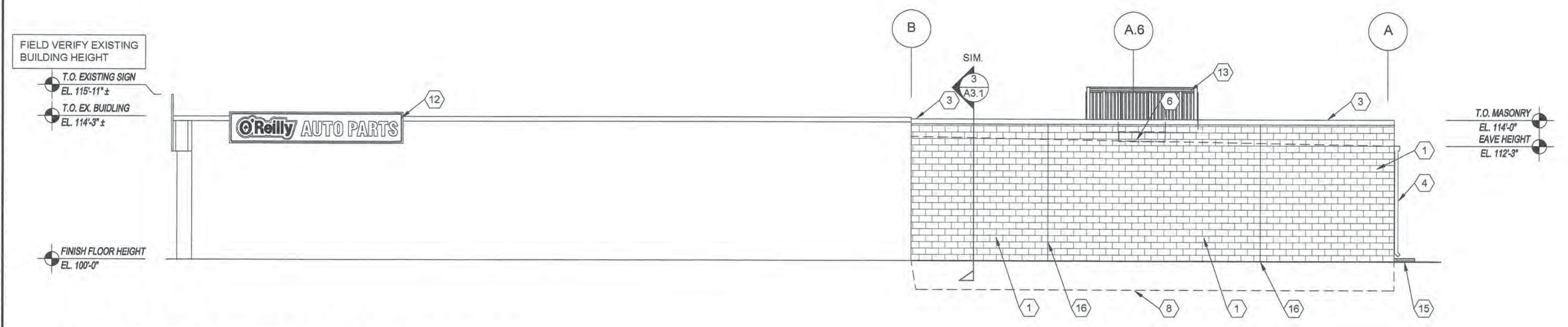




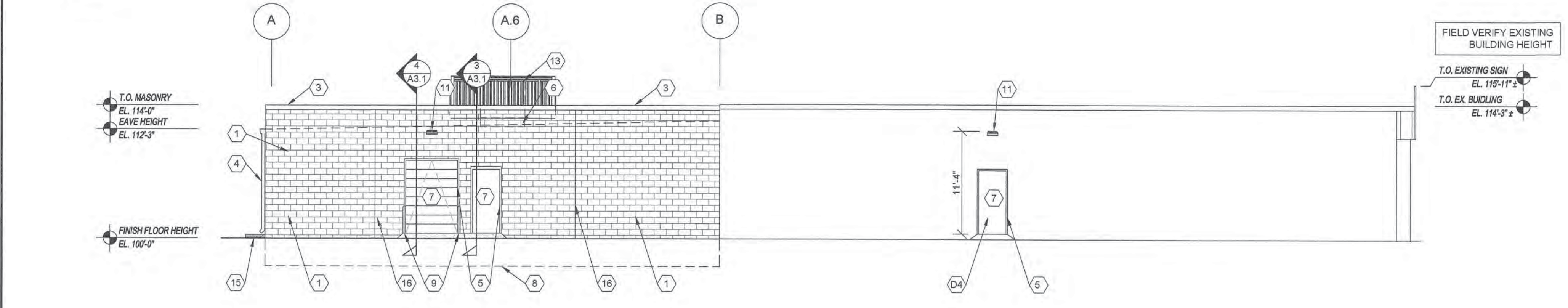
**1 EXISTING NORTH EXTERIOR ELEVATION**  
 A2.1 SCALE: 1/8" = 1'-0"



**2 NORTH EXTERIOR ELEVATION**  
 A2.1 SCALE: 1/8" = 1'-0"



**3 EAST EXTERIOR ELEVATION**  
 A2.1 SCALE: 1/8" = 1'-0"



**4 WEST EXTERIOR ELEVATION**  
 A2.1 SCALE: 1/8" = 1'-0"

**EXTERIOR FINISH SCHEDULE**

**UNIT MASONRY**  
 KEY NOTE NO. 1:  
 TYPE: CONCRETE MASONRY UNIT (CMU)  
 MFG: (REFER TO PROJECT MANUAL)  
 SIZE: 8"x8"x16" (NOM.)  
 TEXTURE: SPLIT FACE  
 COURSING: RUNNING BOND  
 FINISH: FIELD PAINT  
 COLOR: TO MATCH EXISTING BUILDING COLOR  
 COATS:  
 (1) COAT SW "PREPRITE" BLOCK FILLER B25W25 (NO LESS THAN 8 MILS) AND (2) COATS SW "CONFLEX XL" SMOOTH ELASTOMERIC A5-400 (NO LESS THAN 5.7 MILS EACH COAT)

**FLASHING AND SHEET METAL**  
 KEY NOTE NO. 2:  
 TYPE: STANDING SEAM ROOFING SYSTEM  
 MFG: (REFER TO PRE-ENGINEERED METAL BUILDING SHOP DRAWINGS)  
 COLOR: GALVALUME

**KEY NOTE NO. 3:**  
 TYPE: CAP FLASHING AT MASONRY  
 MFG: (REFER TO PRE-ENGINEERED METAL BUILDING SHOP DRAWINGS)  
 FINISH: PREFINISHED  
 COLOR: SHERWIN WILLIAMS "HUNT CLUB" SW6468 (SEMI-GLOSS)

**KEY NOTE NO. 4:**  
 TYPE: GUTTER AND DOWNSPOUTS  
 MFG: (REFER TO PRE-ENGINEERED METAL BUILDING SHOP DRAWINGS)  
 FINISH: PREFINISHED  
 COLOR: EQUAL TO CHIEF BUILDING "PARCHMENT"

**DOORS AND WINDOWS**  
 KEY NOTE NO. 7:  
 TYPE: STEEL DOORS AND FRAMES (DOORS NO. 2 AND 5)  
 MFG: (OWNER FURNISHED / CONTRACTOR INSTALLED)  
 FINISH: FACTORY PRIMED AND FIELD PAINTED  
 COLOR: SHERWIN WILLIAMS (MATCH ADJACENT MASONRY COLOR) (SEMI-GLOSS)

**KEY NOTE NO. 7:**  
 TYPE: STEEL DOORS AND FRAMES (DOORS NO. 3)  
 MFG: (REFER PROJECT MANUAL)  
 FINISH: FACTORY PRIMED AND FIELD PAINTED  
 COLOR: SHERWIN WILLIAMS (MATCH ADJACENT MASONRY COLOR) (SEMI-GLOSS)

**PAINTING**  
 KEY NOTE NO. 9:  
 TYPE: STEEL BOLLARDS (REFER TO CIVIL DRAWINGS)  
 FINISH: FIELD PRIME AND PAINT  
 COLOR: SHERWIN WILLIAMS "HUNT CLUB" SW6468 (SEMI-GLOSS)

**GENERAL NOTES**

- (A) REFER TO PROJECT MANUAL FOR ADDITIONAL REQUIREMENTS.
- (B) REFER TO CIVIL DRAWINGS FOR ADDITIONAL REQUIREMENTS.
- (C) REFER TO PLUMBING, MECHANICAL, AND ELECTRICAL DRAWINGS FOR SYSTEM TYPES AND ADDITIONAL REQUIREMENTS.
- (D) REFER TO EXTERIOR FINISH SCHEDULE FOR MATERIAL TYPES.
- (E) REFER TO PRE-ENGINEERED METAL BUILDING SHOP DRAWINGS FOR ADDITIONAL REQUIREMENTS.
- (F) REFER TO SCOPE OF WORK SCHEDULE FOR ADDITIONAL REQUIREMENTS.

**KEY NOTES**

- (1) CONCRETE MASONRY UNIT (CMU) EXTERIOR WALL CONSTRUCTION (FIELD COLOR). REFER TO PLANS, SECTIONS, AND DETAILS FOR ADDITIONAL REQUIREMENTS.
- (2) PRE-ENGINEERED METAL BUILDING SHEET METAL ROOFING SYSTEM.
- (3) PRE-ENGINEERED METAL BUILDING SHEET METAL FLASHING (AT MASONRY)
- (4) PRE-ENGINEERED METAL BUILDING SHEET METAL GUTTER AND DOWNSPOUT SYSTEM.
- (5) CONCRETE MASONRY UNIT (CMU) CORNER FINISHED JAMB UNIT.
- (6) LINE OF ROOF BEYOND WITH 1/4":12" SLOPE MINIMUM.
- (7) EXTERIOR DOOR AND FRAME SYSTEM. REFER TO FLOOR PLAN AND DOOR SCHEDULE FOR TYPES.
- (8) APPROXIMATE LINE OF FOUNDATION. REFER TO STRUCTURAL DRAWINGS.
- (9) STEEL BOLLARDS. REFER TO CIVIL AND STRUCTURAL DRAWINGS.
- (10) NOT USED.
- (11) LIGHT FIXTURE CENTERED ABOVE DOOR. REFER TO ELECTRICAL DRAWINGS.
- (12) EXISTING SIGN TO REMAIN - PROTECT AS REQUIRED.
- (13) NEW MECHANICAL ROOF TOP UNIT WITH MECHANICAL SCREEN (BEYOND); APPROXIMATE LOCATION. PROVIDE HVAC SCREEN EQUAL TO ENVISOR 35 VERTICAL STYLE BY CITYSCAPES, INC. SCREENS AND CONNECTIONS TO BE DESIGNED TO MEET STRUCTURAL CRITERIA (INCLUDING WIND LOADS) AS INDICATED ON SHEET G1.1. INSTALL PER MANUFACTURER'S INSTALLATION INSTRUCTIONS.
- (14) NOT USED.
- (15) CONCRETE SPLASH BLOCK INSTALL AT EACH DOWNSPOUT.
- (16) MASONRY CONTROL JOINT. REFER TO STRUCTURAL DRAWINGS. PROVIDE SEALANT OVER 1/2" DIAMETER FOAM BACKER ROD.

**DEMOLITION KEY NOTES**

- (D1) EXISTING DOOR, FRAME AND HARDWARE TO BE REMOVED. REFER TO SHEET A1.1 FOR MORE INFORMATION.
- (D2) EXISTING OVERHEAD DOOR FRAME AND HARDWARE TO BE REMOVED. REFER TO SHEET A1.1 FOR MORE INFORMATION.
- (D3) EXISTING DOWNSPOUTS TO BE REMOVED.
- (D4) PORTION OF EXISTING MASONRY CONSTRUCTION TO BE REMOVED TO ALLOW FOR NEW EXTERIOR DOOR TO BE INSTALLED. REFER TO STRUCTURAL FOR MORE INFORMATION.
- (D5) EXISTING UTILITY TO BE REMOVED. REFER TO MEP PLANS FOR MORE INFORMATION.
- (D6) EXISTING LIGHT FIXTURE TO BE REMOVED.
- (D7) EXISTING FLASHING TO BE REMOVED. TO ALLOW FOR NEW ADDITION.
- (D8) EXISTING EXHAUST TO BE REMOVED.

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 Architect under the laws of the State of Missouri.  
 Craig A. Schneider  
 License # 44045

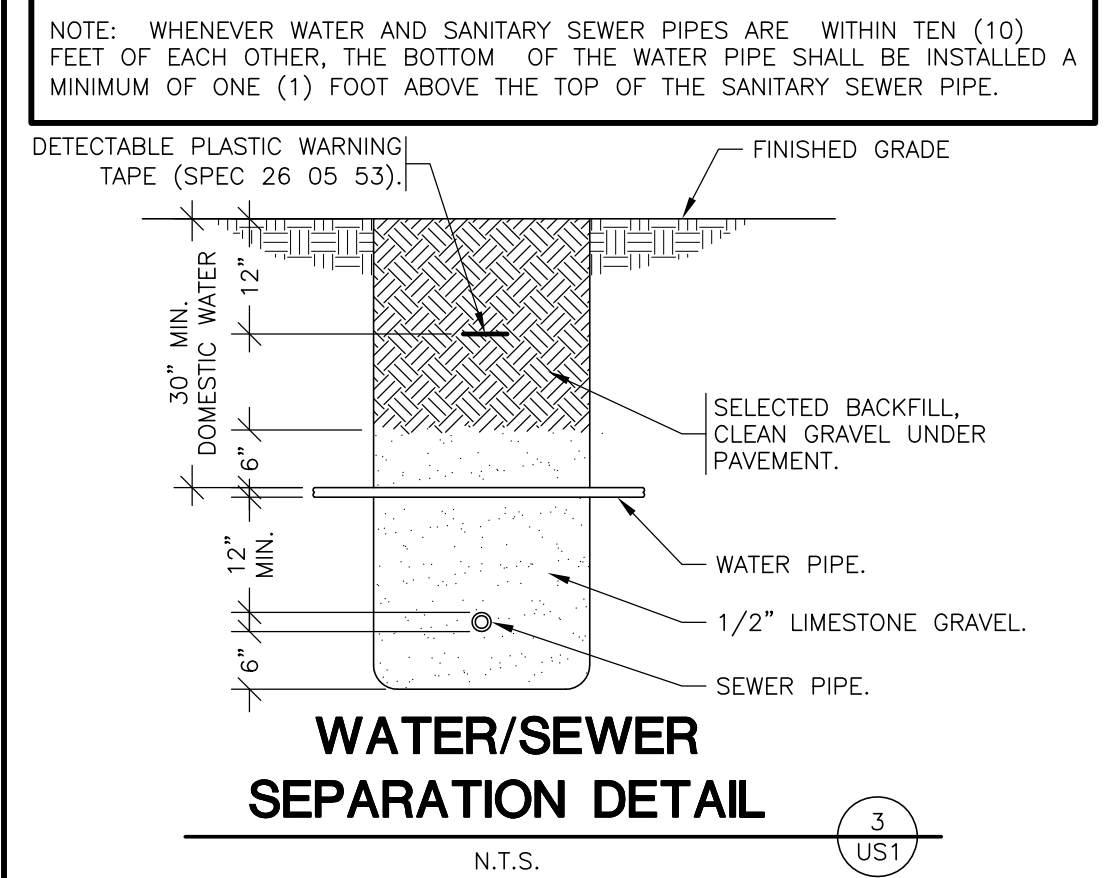
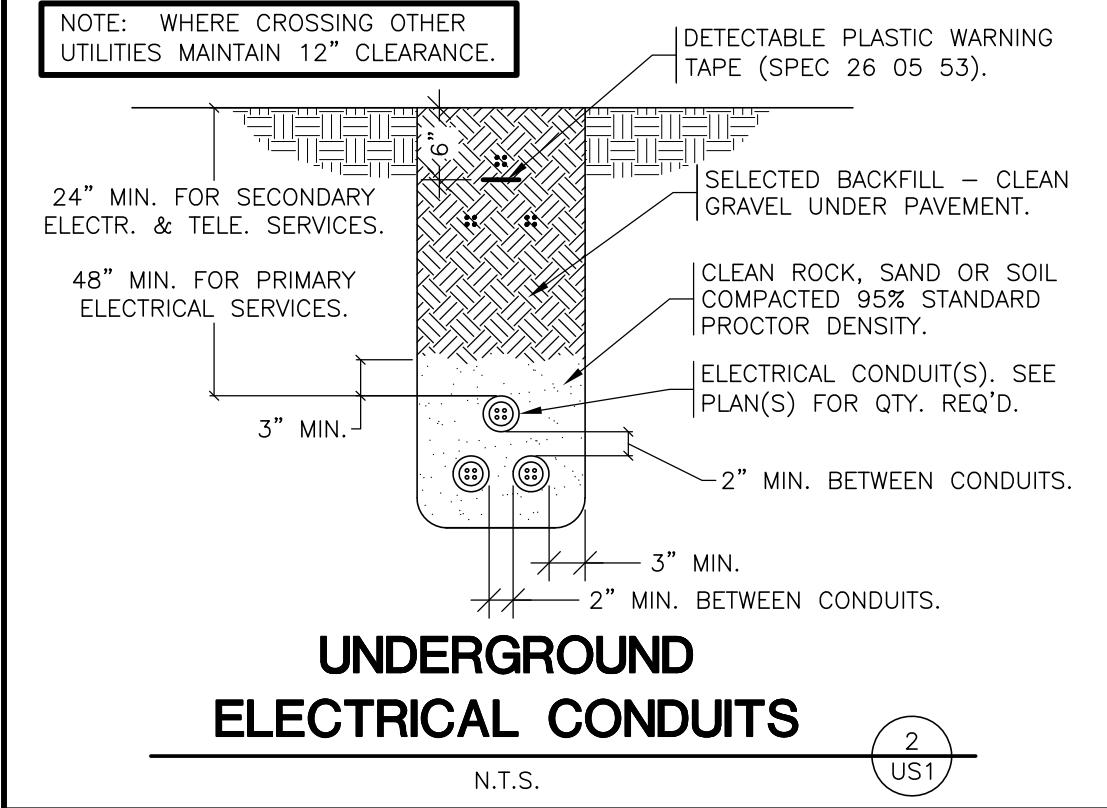
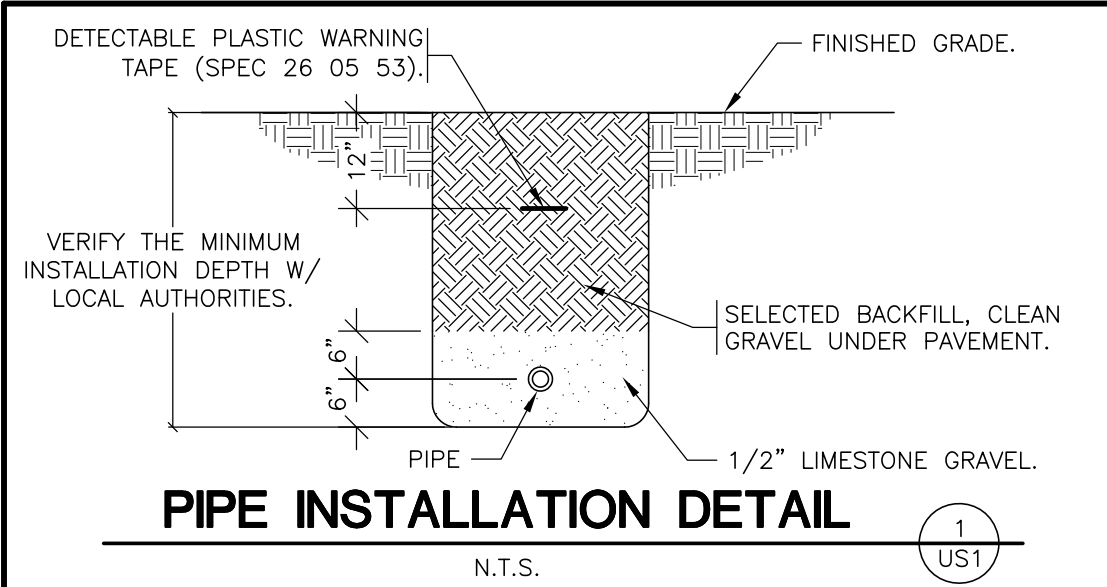
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 Fax: 417.862.3265  
 1736 East Sunshine, Suite 417  
 Springfield, Missouri 65804  
 e-mail: architect@esterlyschneider.com

**PROJECT:**  
**O'REILLY AUTO PARTS STORE ADDITION**  
**WEST CENTRAL ENTRANCE**  
**DULUTH, MN #1**  
**EXTERIOR ELEVATIONS**

**O'Reilly AUTO PARTS**  
 CORPORATE OFFICES  
 233 SOUTH BATTISON  
 SPRINGFIELD, MISSOURI 65802  
 (417) 862-2674 TELEPHONE

COMM # 4498  
 DATE: 10-16-2020  
 REVISION  
 DATE:





- EXISTING CONDITIONS NOTES**
1. THE CONTRACTOR IS OBLIGATED TO INSPECT FOR EXISTING CONDITIONS/INSTALLATIONS AND AVAILABLE INFORMATION PRIOR TO SUBMITTING A BID, REFER TO SPECIFICATIONS ALSO.
  2. EXISTING INSTALLATIONS (SUCH AS WATER MAINS/LINES, GAS MAINS/LINES, SEWER MAINS/LINES, TELEPHONE LINES, POWER LINES, AND UTILITY STRUCTURES IN THE VICINITY OF THE WORK TO BE DONE) ARE INDICATED ON THE DRAWINGS ONLY TO THE EXTENT THAT SUCH INFORMATION HAS BEEN MADE AVAILABLE TO OR DISCOVERED BY THE ENGINEER IN PREPARING THE DRAWINGS. THERE IS NO GUARANTEE AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION, AND ALL RESPONSIBILITY FOR THE ACCURACY AND COMPLETENESS THEREOF IS EXPRESSLY DISCLAIMED.
  3. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR LOCATING ALL EXISTING INSTALLATIONS.
  4. ANY DELAY, ADDITIONAL WORK, FEES OR EXTRA COST TO THE CONTRACTOR CAUSED BY OR RESULTING FROM DAMAGE TO OR MODIFICATION OF EXISTING INSTALLATIONS BY THE CONTRACTOR OR AFFECTED UTILITY COMPANY SHALL NOT CONSTITUTE A CLAIM FOR EXTRA WORK, ADDITIONAL PAYMENT OR DAMAGES.
  5. THE CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONSTRUCTION PRIOR TO SUBMITTING HIS BID. NO EXTRAS WILL BE PAID DUE TO UNANTICIPATED EXISTING CONDITIONS/INSTALLATIONS.

**CONTRACTOR CAUTION!!!  
VERIFY SEWER LINE ELEVATION**

BEFORE STARTING ANY BUILDING PAD GRADING AND PLUMBING WORK, THE CONTRACTOR SHALL FIELD VERIFY LOCATION, MATERIAL, CONDITION, ACCESSIBILITY (INCLUDING STATE HIGHWAY OR OTHER RIGHTS-OF-WAY) AND WORKABLE FLOW LINE ELEVATION OF THE EXISTING SANITARY SEWER SERVICE LINE OR MAIN.

IF A WORKABLE FLOW LINE HAS NOT BEEN ESTABLISHED AT THE TIME OF FINAL SANITARY SEWER SERVICE CONNECTION, THEN THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL EXPENSES ASSOCIATED WITH THE INSTALLATION OF A NEW GRINDER PUMP SYSTEM (LIBERTY PUMPS #D4896LSG203-36-S-FRPHD).  
PHONE: (518) 346-6161 TO MEET OWNER AND LOCAL REQUIREMENTS.

**TELEPHONE SERVICE REQUIREMENTS**

SPECIAL NOTE: NEW PHONE SERVICE TO BUILDING SHALL BE AN UNDERGROUND SERVICE. CONTRACTORS TO SCHEDULE INSTALLATION OF U/G TELEPHONE SERVICE CONDUIT WITH OWNER. CONTACT (417) 874-7288.

CONTRACTOR SHALL CONTACT PHONE COMPANY AND VERIFY REQUIRED SIZE OF CONDUIT (2", 3" OR 4") PVC SCHEDULE 40 CONDUIT WITH RIGID GALVANIZED STEEL LONG SWEEP BENDS @ 18"-24" DEPTH FOR PHONE SERVICE. PROVIDE MINIMUM 1/4" POLYPROPYLENE PULL LINE. PLACE CONDUIT A MINIMUM OF 12" FROM U/G ELECTRIC CONDUIT IN SAME TRENCH.

CAP END OF CONDUIT AT PROPERTY LINE BELOW FINISHED GRADE AND INSTALL CABLE MARKER FOR PHONE COMPANY, IF NECESSARY. OTHERWISE, CONTINUE PHONE SERVICE CONDUIT TO A POLE AND INSTALL RIGID GALVANIZED STEEL CONDUIT A MINIMUM 10' (ft.) ABOVE FINISHED GRADE ATTACHED TO POLE.

CONTRACTOR SHALL COORDINATE INSTALLATION AND VERIFY REQUIREMENTS WITH PHONE COMPANY, PLUS INCLUDE ALL FEES (IF ANY) BY PHONE COMPANY FOR INSTALLATION OF NO LESS THAN 10 PAIR CABLE, IN MENTIONED CONDUIT, TO CONTRACTOR INSTALLED 4" X 6" X 3/4" FIRE RETARDING BACKBOARD (IF PLYWOOD, PAINT BOARD W/FIRE RETARDING PAINT) WITHIN BUILDING. CONTRACTOR TO PROVIDE #6 AWG CU. GROUND TO TELEPHONE EQUIPMENT LOCATION FROM ELECTRICAL GROUNDING ELECTRODE SYSTEM. FINAL CONNECTIONS AND INSIDE PHONE WIRING BY OWNER.

ONLY IF UNDERGROUND PHONE SERVICE IS NOT AVAILABLE-THEN MAY CONTRACTOR INSTALL APPROPRIATE OVERHEAD PHONE SERVICE RISER, WEATHER HEAD, ETC. COORDINATE WITH OWNER & PHONE CO.

**SAWCUT NOTE**

WHERE NEW UTILITY SERVICES ARE ROUTED UNDER EXISTING PAVED AREAS, ALL EXISTING PAVING SHALL BE REMOVED IN THE FOLLOWING STEPS:

- 1) SAWCUTTING PAVING, CONCRETE CURB & GUTTER.
- 2) REMOVAL & TRENCHING.
- 3) INSTALLATION OF UTILITY.
- 4) BACKFILL & COMPACTION.
- 5) INSTALLATION OF NEW PAVING, CONCRETE CURB & GUTTER THAT MATCHES THE EXISTING SURROUNDING PAVING, CURB & GUTTER IN BOTH MATERIAL & ELEVATION.

CONTRACTOR SHALL COORDINATE, OBTAIN & PAY FOR ALL REQUIRED PERMITS & LICENSES TO PERFORM THIS WORK & SHALL BE RESPONSIBLE FOR ALL TRAFFIC CONTROL WHILE PERFORMING SAWCUTTING OPERATIONS AS NECESSARY.

**DEMOLITION NOTE**

- 1) CLEAN & CLEAR SITE OF INDICATED UTILITIES.
- 2) EXISTING UTILITIES TO BE REMOVED & RELOCATED AS INDICATED.

**GENERAL NOTE:**

PRIOR TO INSTALLATION, GENERAL CONTRACTOR SHALL CONFIRM THAT LIGHT POLES, LANDSCAPING AND UTILITIES DO NOT CONFLICT WITH SIGN LOCATION SHOWN. IF ANY POTENTIAL CONFLICT IS DISCOVERED, GENERAL CONTRACTOR SHALL CONTACT THE O'REILLY PROJECT ADMINISTRATOR BEFORE PROCEEDING.

**EMS KEYNOTE**

1 EMS / LIGHTING CONTROL PANEL. SEE EM SHEETS FOR MORE INFORMATION.

**STOP-CALL BEFORE YOU DIG!**

**811**

**UTILITIES CONTACTS:**

ELECTRIC: MINNESOTA POWER: 800-228-4966  
TELEPHONE: CHARTER COMMUNICATIONS: 833-493-4939  
WATER: CITY OF DULUTH UTILITY DEPARTMENT: 218-730-5200  
SEWER: CITY OF DULUTH UTILITY DEPARTMENT: 218-730-5200  
GAS: CITY OF DULUTH UTILITY DEPARTMENT: 218-730-5200

CONTRACTOR TO CONTACT UTILITY COMPANIES FOR TAPPING AND FINAL CONNECTION RESPONSIBILITIES.

**NEW UTILITIES**

W	WATER SERVICE	P.O.C. = POINT OF CONNECTION BETWEEN SITE PIPING (SPEC 02700) AND BUILDING PIPING (SPEC 21 13 13, 22 00 00) LOCATED 5'-0" OUTSIDE BUILDING. AS NECESSARY - SPEC 21 13 13 DENOTES LANDSCAPE IRRIGATION.
IR	IRRIGATION SERVICE	
FS	FIRE SERVICE	
UG	UNDERGROUND ELECTRIC	
UGT	UNDERGROUND TELEPHONE	
S	SANITARY SEWER	
OHE	OVERHEAD ELECTRIC	
OHT	OVERHEAD TELEPHONE	
G	GAS SERVICE (BY GAS CO.)	
SAW CUT	SAW CUT	
BORE	BORE	
GRAVEL	GRAVEL	

**STATE OF MINNESOTA LIMITATION**

I HEREBY CERTIFY THAT THESE ENGINEERING DOCUMENTS WERE PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

PRINT NAME: Abby L. Thurman  
SIGNATURE: *Abby L. Thurman*  
DATE: 10/16/2020 LICENSE: 56953

LICENSE RENEWAL DATE IS JUNE 30, 2022

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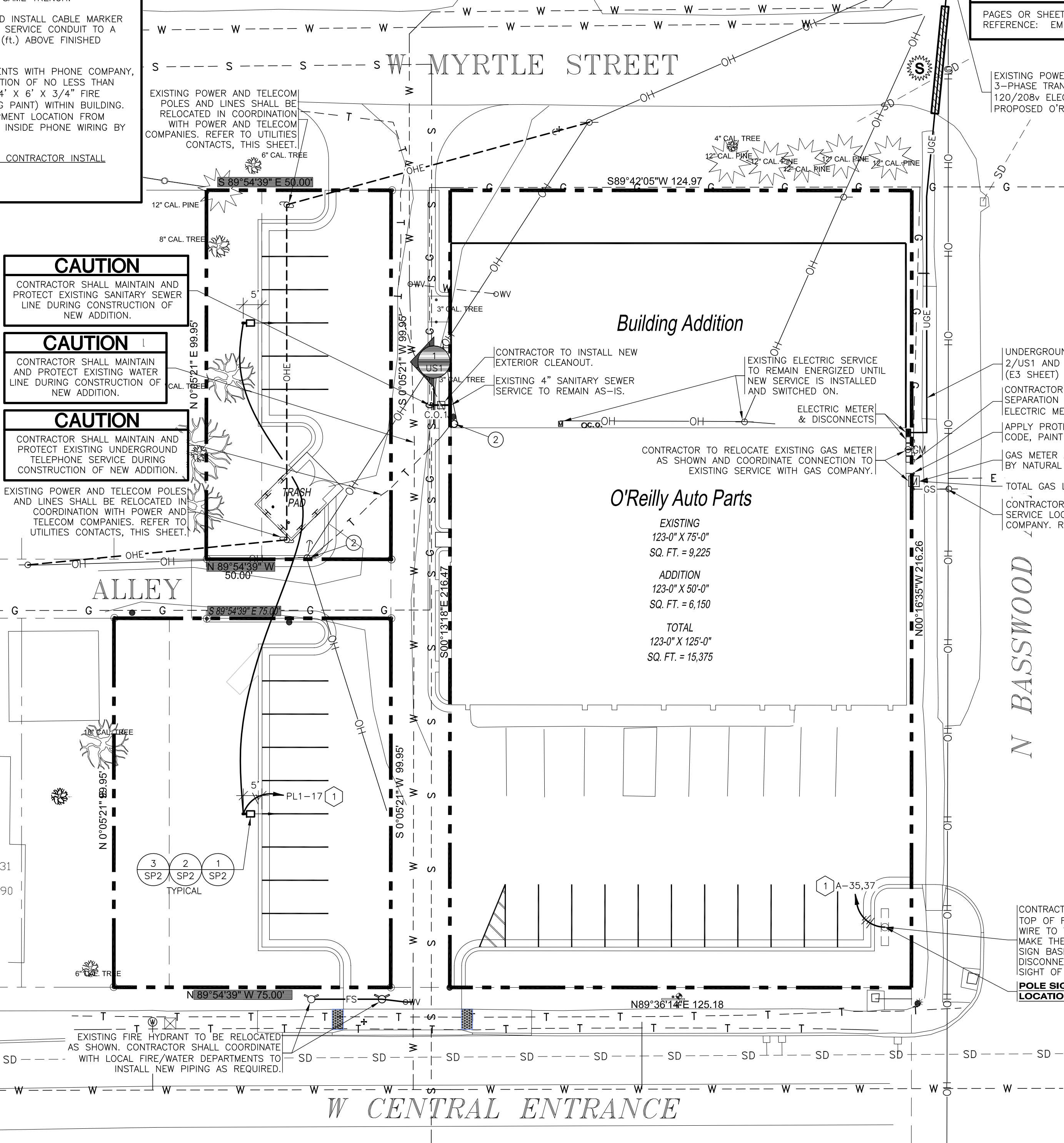
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LICENSE RENEWAL DATE IS JUNE 30, 2022

DRAWN BY: CEV



**UTILITIES SITE PLAN**

SCALE: 1" = 20'-0"

CONST. N

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**ARCHITECT**  
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e-mail: architect@estrytschneider.com

**PROJECT:**  
**O'REILLY AUTO PARTS STORE ADDITION**  
**WEST CENTRAL ENTRANCE**  
**DULUTH, MN #1**  
**UTILITIES SITE PLAN**

**O'Reilly AUTO PARTS**  
CORPORATE OFFICES  
535 S. GILBERT ST.  
DULUTH, MN 55812  
(417) 862-2674 TELEPHONE

COMM # 4498  
DATE: 10-16-2020  
REVISION  
DATE:

**SGE**  
SMITH-GOTH ENGINEERS, INC.  
3855 S. JEFFERSON AVE. P. 417-882-2200  
SPRINGFIELD, MO 65807 F: 417-882-1188  
WWW.SMITHGOTH.COM



EXTERIOR LIGHT FIXTURE SCHEDULE											
ALL ITEMS LISTED ON THE "LIGHT FIXTURE SCHEDULE" WILL BE SUPPLIED BY THE OWNER (O'REILLY). ITEMS SHALL BE DIRECT ORDERED AND/OR RELEASED FROM THE LISTED ELECTRICAL EQUIPMENT DISTRIBUTOR:											
GRAYBAR ELECTRIC CO. INC. 11885 LACKLAND ROAD ST. LOUIS, MO 63146						GRAYBAR O'REILLY TEAM EMAIL: oreilly@graybar.com TOLL FREE: (314) 573-2080					
MARK	MFR.	CATALOG NUMBER	SUPPLY VOLTAGE	FINISH	MOUNTING		LAMPS		WATTAGE	NOTES	FIXTURE QUANTITY
					SURFACE WALL	SURF. CEILING	FLUORESCENT	LED			
<b>LED EXTERIOR LIGHTS</b>											
WS1	LSI	XWM-FT-LED-06L-50-UE-BRZ	120	DARK BRONZE	X		X		59	FULL CUT-OFF, BUG RATING B1-U0-G1. ARCHITECTURAL ELEVATIONS SHOW DIMENSIONED LOCATIONS.	2
<b>LED POLE LIGHTS</b>											
P1	LSI	MRM-LED-9L-SIL-FT-UNW-DIM-50-80CRI-BRZ-IL	120	DARK BRONZE		X	X		69	25' POLE LENGTH, ADVANCE BALLASTS, FULL CUT-OFF, NO SUBSTITUTIONS, ANCHOR BOLTS W/HARDWARE & TEMPLATE, WITH INTERNAL LOUVER HOUSE SIDE SHIELD. BUG RATING B2-U0-G3	1
	LSI	55QB3-S11G-25-S-BRZ-LAB-5BC									
P2	LSI	MRM-LED-7L-SIL-3-UNW-DIM-50-80CRI-BRZ-IL	120	DARK BRONZE		X	X		53	25' POLE LENGTH, ADVANCE BALLASTS, FULL CUT-OFF, NO SUBSTITUTIONS, ANCHOR BOLTS W/HARDWARE & TEMPLATE, WITH INTERNAL LOUVER HOUSE SIDE SHIELD. BUG RATING B1-U0-G3	1
	LSI	55QB3-S11G-25-S-BRZ-LAB-5BC									
<b>FIXTURE QUANTITY TO BE VERIFIED WITH SITE PLAN QUANTITY</b>											

**BACKLIGHT-UGLIGHT-GLARE (BUG) RATING / FULL CUTOFF**

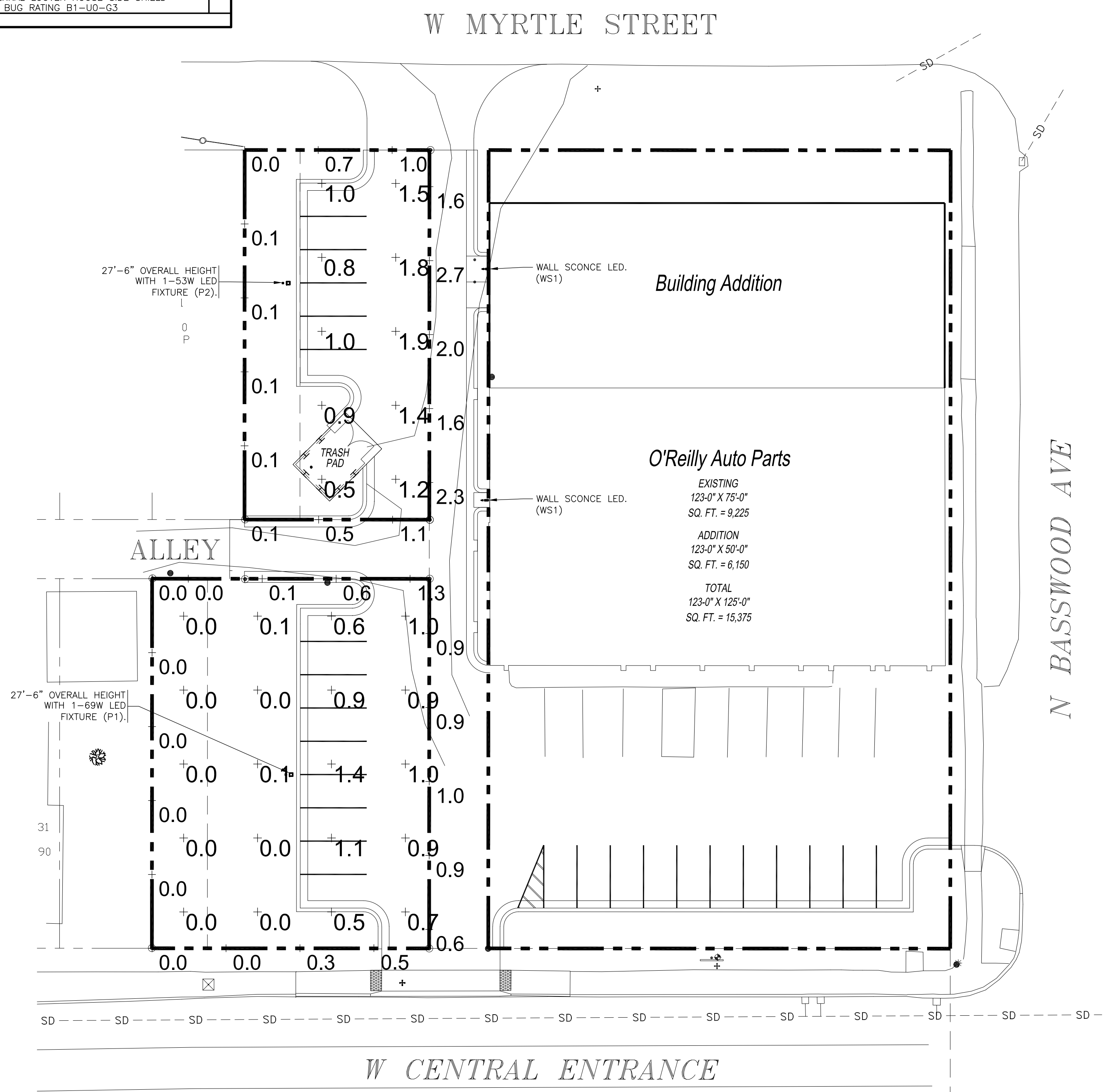
ALL "LSI MRM" & "XWM" LED FIXTURES HAVE ZERO UPLIGHT AND ARE CONSIDERED FULL CUT OFF AND DARKSKY COMPLIANT. THE DELIVERED LUMEN CHART BELOW APPLIES TO "LSI XWM" FIXTURES AND CONFIRMS THAT IN EVERY CONFIGURATION THE FIXTURE PRODUCES ZERO UPLIGHT (U = 0). BUG RATING CHART FOR "LSI MRM" FIXTURES IS FOUND ON CORRESPONDING "SP" SHEETS.

DELIVERED LUMENS*												
Lumen Package	Distribution	CRI	2700K		3000K		4000K		5000K		Wattage	
			Delivered Lumens	BUG Rating	Delivered Lumens	BUG Rating	Delivered Lumens	BUG Rating	Delivered Lumens	BUG Rating		
04L	2	70	2703	120	B1-U0-G1	2822	125	B1-U0-G1	3088	137	B1-U0-G1	22.6
	3	70	2752	122	B1-U0-G1	2873	127	B1-U0-G1	3144	139	B1-U0-G1	
	FT	70	2718	120	B1-U0-G1	2838	126	B1-U0-G1	3105	137	B1-U0-G1	
04L	2	70	3546	120	B1-U0-G1	3702	125	B1-U0-G1	4051	137	B1-U0-G1	29.5
	3	70	3610	122	B1-U0-G1	3789	128	B1-U0-G1	4124	140	B1-U0-G1	
	FT	70	3565	121	B1-U0-G1	3722	126	B1-U0-G1	4073	138	B1-U0-G1	
06L	2	70	5274	118	B2-U0-G1	5506	123	B2-U0-G2	6025	135	B2-U0-G2	44.7
	3	70	5369	120	B1-U0-G1	5606	125	B1-U0-G1	6134	137	B1-U0-G2	
	FT	70	5303	119	B1-U0-G2	5536	124	B1-U0-G2	6058	136	B1-U0-G2	
08L	2	70	6996	113	B2-U0-G2	7304	118	B2-U0-G2	7993	129	B2-U0-G2	62.0
	3	70	7123	115	B1-U0-G2	7437	120	B1-U0-G2	8138	131	B2-U0-G2	
	FT	70	7035	113	B1-U0-G2	7345	118	B2-U0-G2	8037	130	B2-U0-G2	
12L	2	70	10516	103	B2-U0-G2	10979	107	B3-U0-G3	12014	118	B3-U0-G3	102.2
	3	70	10707	105	B2-U0-G2	11178	109	B2-U0-G2	12232	120	B2-U0-G2	
	FT	70	10574	103	B2-U0-G3	11040	108	B2-U0-G3	12080	118	B2-U0-G3	

**AUTOMATIC LIGHTING CONTROL**

COMPLIANCE WITH ENERGY CODE IS ACHIEVED BY:

- ONCE THE EMS HAS BEEN PROGRAMMED, THE INTERIOR AND EXTERIOR LIGHTS WILL TURN ON AND OFF USING THE FOLLOWING LOGIC: SEE EM SHEETS.  
 INTERIOR WORK LIGHTS WILL TURN ON WITH FIRST MOTION IN THE STORE AND WILL TURN OFF 15 MINUTES AFTER LAST MOTION ONCE THE STORE IS CLOSED.  
 INTERIOR SALES LIGHTS WILL TURN ON AT STORE OPENING AND TURN OFF 15 MINUTES AFTER STORE CLOSING.  
 EXTERIOR SIGN LIGHTS WILL TURN ON WHEN ITS DARK ENOUGH OUTSIDE ANYTIME DURING STORE HOURS, AND WILL TURN OFF AT STORE CLOSING.  
 EXTERIOR SITE LIGHTS WILL TURN ON WHEN IT IS DARK ENOUGH OUTSIDE AND IT IS WITHIN STORE HOURS OR THERE IS MOTION IN THE STORE. THEY WILL TURN OFF 30 MINUTES AFTER LAST MOTION ONCE THE STORE IS CLOSED.  
 FOR NEW CONSTRUCTION LOCATIONS ONLY, THERE IS A TEMPORARY PROGRAM TO KEEP SIGN AND SITE LIGHTS ON UNTIL MIDNIGHT RATHER THAN THE TIMES INDICATED ABOVE. O'REILLY WILL DISABLE THIS PROGRAM ONE YEAR AFTER STORE OPENING.
- RESTROOMS AND OFFICES: ALL LIGHTING IN THESE AREAS ARE CONTROLLED BY OCCUPANT-SENSING DEVICES.



**SITE LIGHTING PHOTOMETRICS**

SCALE: 1" = 20'-0"

CONST.

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CONST.

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

Abby L. Thurman  
 PRINT NAME  
  
 SIGNATURE  
 10/16/2020  
 DATE  
 LICENSE RENEWAL DATE IS JUNE 30, 2022

DRAWN BY: CEV

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 Fax: 417.862.3265

**PROJECT:**  
 O'REILLY AUTO PARTS STORE ADDITION  
 WEST CENTRAL ENTRANCE  
 DULUTH, MN #1  
**SITE LIGHTING PHOTOMETRICS**

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**O'Reilly AUTO PARTS**  
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 SPRINGFIELD, MO 65807 F. 417-882-1188  
 535 N. GILBERT ST. P. 417-862-2874  
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**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
411 West First Street  
Duluth, Minnesota 55802



218-730-5580



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

Date: February 9, 2021  
To: Planning Commission  
From: Steven Robertson, Senior Planner  
RE: Work Session on Proposed UDC Text Amendments for Consideration

At the January 12, 2021, Planning Commission meeting, time was set aside following regular business for a work session to allow for discussion between Planning Commissioners on future text changes regarding several current issues. The majority of that conversation focused on vacation dwelling unit rules, with only a small portion of the conversation revolving around sober houses, storage facilities, and DTA shelter signage. Based on recommendations from the previous meeting, staff continue to work on vacation dwelling units and storage facility text changes, to be presented at the March Planning Commission meeting. For the February 9, 2021, meeting, staff would request that the Planning Commission discuss and recommend, or discuss and table for more discussion or changes, language related to sober houses and bus shelter signage. Attached to this memo are two draft ordinances related to sober houses and mass transit bus shelter signage related to commercial off-site advertising.

Included at the end of the two draft ordinances is additional general reference information from the League of Minnesota Cities on ideas to reduce housing costs, and a handout on Minnesota Building Code requirements for short term rentals. These items will be referenced at the March Planning Commission meeting, in relationship to vacation dwellings and housing.



..Title

AN ORDINANCE CREATING SECTION 50-27.11; AND AMMENDING SECTIONS 50-37.7 AND 50-37.12, RELATED TO MASSTRANSIT SHELTER SIGNAGE

..Body

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 50-27.11 of the Duluth City Code, 1959, as amended, be amended as follows:

**50-27.11 Master mass transit shelter sign plan.**

- A. Following the effective date of this Section, a master mass transit shelter sign plan for any signage, other than route information, to be placed in or on any mass transit shelter;
- B. The planning commission shall review the application, conduct a public hearing pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H, and make a decision to adopt, adopt with modifications, or deny the application. The review and approval process for a master mass transit shelter sign plan does not allow for variations to the requirements of this Section with the exception of off-site commercial messaging;
- C. The master sign plan must provide a coordinated design for all signage to be located at or on transit shelters, including, at a minimum, criteria and specifications for sign locations, size of signage, single or double sided signage, lighting, and a maintenance plan for signage;
- D. The master mass transit shelter sign plan shall only apply to transit shelters that are approved by a concurrent use permit;
- E. Signage on a shelter must not exceed one-third of the vertical surface of the shelter, and must not impede the sight triangle as established in 50-25.2;
- F. Once approved, signs erected must be maintained and operated only as provided for in the master mass transit shelter sign plan.

Section 2. That Section 50-37.7 of the Duluth City Code, 1959, as amended, be amended as follows:

**50-37.7 Concurrent use of streets permit.**

This Section applies to all applications for construction of a skywalk and to any other application requesting that the city approve the concurrent use of the street surface, right-of-way or the air rights above the street or the land beneath the street, but shall not apply to the following:

- 1. Use of a portion of a public sidewalk for a café, eating area, ~~transit shelter or bench~~, or bicycle parking area, or
- 2. An awning, canopy, marquee or wall sign, including building mounted exterior lights that conform to the limits of 50-31 and that provide illumination to an awning, canopy, marquee, or wall sign, extending not more than 18 inches into the public street right-of-way, or an awning or canopy of

canvas, canvas-like material, nylon or vinyl-coated fabric extending into the public street right-of-way, up to the limits established by Section 50-27, and

3. HVAC air ducts, vents, and related vent covers/hoods painted to match the color of the building where they are mounted, but not including mechanical units (ie. condensers) and motors, extending not more than 18 inches into a public alley right-of-way and having a vertical clearance of at least twelve feet six inches (12'6") over the surface of the alley;

**A. Application.**

An application for concurrent use of streets shall be filed pursuant to Section 50-37.1.B;

**B. Procedure.**

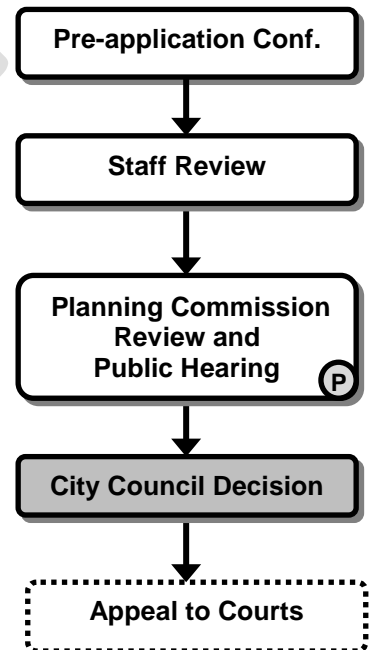
1. Review and recommendation.  
The planning commission shall review the petition, conduct a public hearing on the application pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H and make a recommendation to council based on whether the application meets the criteria in subsection C below;
2. Council decision.  
Upon receipt of the planning commission recommendation, the council shall make a decision to approve, approve with modifications or deny the application, in whole or part, based on the criteria in subsection C below. The council action shall be by ordinance;

**C. Criteria.**

The planning commission shall review the application, and council shall approve the application or approve it with modifications, if it determines that:

1. The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city;
2. Any proposed skywalk will significantly improve the circulation of pedestrians in the city without exposure to weather conditions;
3. No portion of a public easement proposed for use is being physically used or occupied by the public.
4. For requests for off-street parking in a public street right of way, a concurrent use permit may be granted in the following circumstances:
  - (a) Where overnight on-street parking is prohibited within that portion of the street frontage abutting the property; and
  - (b) Where the distance between the principle structure and the public street right of way is 18 feet or less; and
  - (c) Where access to the side or rear yard is not possible due to the presence of the principle structure and the lack of an improved alley; and
  - (d) Where a site plan has been submitted showing the arrangement of parking, landscaping, and pedestrian access to the property meeting the following standards:
    - (i) The parking area must be at least 9 feet wide by 17 feet deep, including any extension of the parking space from the public right of way into the abutting private property, and must not block existing or proposed public improvements such as sidewalks or streets;
    - (ii) The parking area width must not exceed 55% of the lot width;
    - (iii) The parking area must be improved with bituminous, concrete, or similar materials or pervious paving system;
    - (iv) A paved walkway at least 3 feet wide must be provided that links the front entrance of the dwelling and the street;

**Concurrent Use of Street Permit**



**(P)** Indicates Public Hearing Required



- (v) A wall, fence or dense vegetative screen at least 3 feet tall and at least 75% opaque must be provided to screen parked vehicles from view of abutting properties;
- (vi) Barriers must be installed to prevent vehicles from overrunning the parking and driveway areas, such barrier may be a fence, wall or raised curbing (or concrete parking bumpers when secured to the underlying pavement);
- (e) A placard with a diagram no less than 5 inches by 7 inches showing the location and arrangement of parking spaces shall be visible at all times from the exterior of the dwelling; such placard shall be on all-weather media and installed on the front exterior door at an elevation of between 2 feet and 6 feet above the threshold;
- (f) The applicant must sign a document acknowledging that private improvements installed in the public right of way may be removed by the City if needed for installation or repair of public improvements or if the applicant violates the terms of the permit.

Section 3. That Section 50-37.12 of the Duluth City Code, 1959, as amended, be amended as follows:

**50-37.12 Sidewalk use permit.**

This Section applies to uses or proposals to use a portion of a public sidewalk for a café, eating area, transit shelter or bench, bicycle rack, temporary display or other purpose that does not involve the permanent vacation of any part of the street.

**D. Application.**

An application for a sidewalk use permit shall be filed pursuant to Section 50-37.1.B;

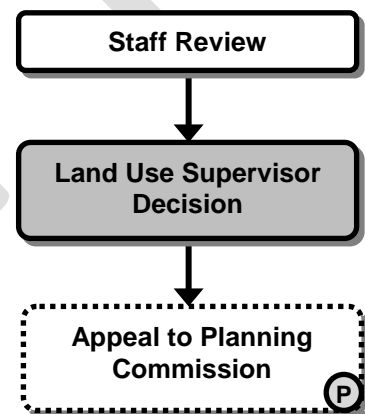
**E. Procedure.**

The land use supervisor shall refer the application to the city engineer for a recommendation as to whether the proposed design and location of the sidewalk use will provide for and not hinder the safety of pedestrians, bicyclists and motor vehicle drivers near the proposed use or structure. The land use supervisor shall then review and make a decision on an application based on the criteria in subsection 50-37.12.C. The land use supervisor may refer the application to any city, county or other public or quasi-public agency deemed necessary to confirm whether the criteria in subsection C have been met;

**F. Criteria.**

The land use supervisor shall approve the application, or approve it with modifications, if the supervisor determines that the following criteria have been met:

**Sidewalk Use Permit**



**(P)** Indicates Public Hearing Required

1. The city engineer has confirmed that the proposed use or structure will not hinder the safety of pedestrians, bicyclists and motor vehicle drivers near the proposed use or structure;
2. The proposed use or structure will not encroach into drive aisles, loading zones, fire lanes or parking lots;
3. The proposed use or structure will not encroach into any area located directly between any operating building entrance and the street curb (other than a building entrance intended only to serve patrons of an outside eating area);
4. The proposed use or structure will be set back at least seven feet from the curb and at least six feet from all parking meters, street trees, and street furniture in order to allow for the free passage of pedestrians;
5. The applicant has signed an agreement with the city (a) to keep the sidewalk and street within 20 feet of the proposed use or structure free from any litter generated by the use or activity, (b) accepting all liability resulting from the proposed use or structure and holding the city harmless for any and all such liability, (c) providing liability insurance meeting city standards, and (d) determining the period of use. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 54; Ord. No. 10413, 10-12-2015 § 1.)

STATEMENT OF PURPOSE:

DRAFT



..Title

AN ORDINANCE AMENDING SECTIONS 50-20.1, 50-24.2, AND 50-41 RELATED TO SOBER HOUSES AND RESIDENTIAL CARE FACILITIES

..Body

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 50-20.1 of the Duluth City Code, 1959, as amended, be amended as follows:

**D Residential care facility/assisted living.**

1. A state licensed residential facility/assisted living serving six or fewer persons shall be considered a permitted single-family residential use of property, as allowed in 50-19.8, Permitted Use Table;

2. This use shall provide landscaping as required 50-25.5.A, multi-family residential abutting single-family residential;

3. As of July 31, 2021, unless exempted under 245A11, subdivision 4, of Minnesota State Statute, new residential care facilities/assisted living may not be located within 1,320 feet of an existing residential care facility/assisted living unless one of the following conditions apply: (1) the existing residential facility/assisted living is located in a hospital licensed by the commissioner of health; (2) the city has granted the existing residential facility/assisted living a special use permit; or (3) the new residential care facility/assisted living is a foster care or a community residential setting as defined under section 245D.02, subdivision 4a.of Minnesota State Statute;

**H Sober House.**

1. A sober house serving six or fewer persons shall be considered a permitted single-family residential use of property as allowed in 50-19.8, Permitted Use Table;

2. This use shall provide landscaping as required 50-25.5.A, multi-family residential abutting single-family residential;

Section 2. That Section 50-24.2 of the Duluth City Code, 1959, as amended, be amended as follows:

**50-24.2 Required 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, unless an exemption from or variation of this requirement is provided in another section of this Chapter.

Table 50-24-1: Off-Street parking Spaces Required	
Use	Requirement* (May Be Adjusted to 30% Less or 50% More)
<b>RESIDENTIAL USES</b>	
Dwelling, one-family	1 space per dwelling unit
Dwelling, two-family	
Dwelling, townhouse	
Dwelling, live-work	
Co-housing facility	
Manufactured home park	
Dwelling, multi-family	1.25 space per dwelling unit
Assisted living facility (elderly)	1 space per 3 habitable units
Residential care facility	1 space per 3 residential care beds, but not less than 2 spaces
Rooming house	1 space per habitable unit
Sober house	1 space per 3 single occupancy beds, but not less than 2 spaces
<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)	2.5 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.
Medical or dental clinic	4 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 space per 6 beds
Park, playground or forest reserve	No requirement
Religious assembly	1 space per 4 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 spaces per 1,000 sq. ft. of gross floor area
Adult entertainment establishment	5 spaces per 1,000 sq. ft. of gross floor area
Agriculture	No requirement
Automobile and light vehicle repair and service	2 spaces per 1,000 sq. ft. of gross floor area
Automobile and light vehicle sales, rental or storage	2 spaces per 1,000 sq. ft. of gross floor area
Bank	3.5 spaces per 1,000 sq. ft. of gross floor area



Table 50-24-1: Off-Street parking Spaces Required	
Use	Requirement* (May Be Adjusted to 30% Less or 50% More)
Bed and breakfast	1 space for manager plus 1 space per habitable unit
Building material sales	1 space per 1,000 sq. ft. of gross floor area
Business park support activities	2 spaces per 1,000 sq. ft. of gross floor area
Convention and event center	1 space per 4 seats or per 100 sq. ft. in main auditorium, whichever is greater
Daycare facility	1 space per 5 persons care capacity
Data center	1 space per 1,000 sq. ft. of gross floor area
Filling station	4 spaces per 1,000 sq. ft. gross floor area plus 1 per service stall
Funeral home or crematorium	1 space per 50 square feet of floor space in slumber rooms, parlors or individual funeral service rooms
Garden material sales	1 space per 1,000 sq. ft. of gross floor area
Grocery store	3 spaces per 1,000 sq. ft. of gross floor area
Golf course	2.5 spaces per 1,000 square feet of clubhouse area
Hotel or motel	2 spaces per 3 guest rooms plus 1 per 200 sq. ft. of gross floor area in all accessory uses including restaurants and meeting rooms
Indoor entertainment facility	2.5 spaces per 1,000 sq. ft. of gross floor area.
Kennel	1 space per 1,000 sq. ft. of gross floor area
Marina or yacht club	2.5 spaces per 1,000 sq. ft. of clubhouse area, plus 1 per 10 boat slips
Mini-storage facility	1 space per 20 storage units
Office	2.5 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 spaces per 1,000 sq. ft. of gross floor area
Preschool	1 space per 5 persons care capacity
Restaurant	6.5 spaces per 1,000 sq. ft. of gross floor area
Retail store	3 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 for each cabin or sleeping unit, whichever is greater
Theater	1 space per 6 seats or per 100 sq. ft. in main auditorium, whichever is greater
Tourist or trailer camp	2 spaces per 3 sleeping rooms, suites, or trailer spaces
Truck or heavy vehicle sales, rental, repair or storage	1 space 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
Veterinarian or animal hospital	2.5 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> <li>• Radio or television broadcasting tower</li> <li>• Railroad or shipyard and related facilities</li> <li>• Solar or geothermal power facility (primary use)</li> <li>• Truck freight or transfer terminal</li> <li>• Water or sewer works</li> <li>• Wind power facility (primary use)</li> <li>• Bulk storage not listed</li> </ul>	No requirement
<ul style="list-style-type: none"> <li>• Contractor's shop and storage yard</li> <li>• Dry cleaning or laundry plant</li> <li>• Recycling collection point (primary use)</li> <li>• Solid waste disposal or processing facility</li> </ul>	1 per 1,000 sq. ft. of gross floor area
<ul style="list-style-type: none"> <li>• Manufacturing, light manufacturing, heavy manufacturing, hazardous or special</li> </ul>	1 per 1,000 sq. ft. of gross floor area

Table 50-24-1: Off-Street parking Spaces Required	
Use	Requirement* (May Be Adjusted to 30% Less or 50% More)
<ul style="list-style-type: none"> <li>Storage warehouse</li> <li>Water-dependent manufacturing, light or heavy</li> <li>Wholesaling</li> </ul>	
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 space per habitable unit
Accessory caretaker quarters	1 space
All other accessory uses	No requirement
<b>TEMPORARY USES</b>	
Temporary real estate sales office	2 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), Section 50-24.4 (Maximum parking spaces), and Section 50-37.1.L (Administrative Adjustments).

Section 4. That Section 50-41 of the Duluth City Code, 1959, as amended, be amended as follows:

Residential care facility/assisted living facility. A state licensed building that houses persons, on a 24 hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This classification shall include, but not be limited to, the following; residential board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug abuse centers, and convalescent facilities.

Sober house. A dwelling unit occupied by persons that are in recovery from chemical dependency and considered handicapped under the Federal Fair Housing Act Amendments of 1988. It provides a non-institutional residential environment in which the residents willingly subject themselves to written rules and conditions, including prohibition of alcohol and drug use (except for prescription medications obtained and used under medical supervision), intended to encourage and sustain their recovery. The residents of a sober house share kitchen and bathroom facilities and other common areas of the unit. Sober houses do not provide on-site supportive services to residents, such as mental health services; clinical rehabilitation services; social services; medical, dental, nutritional and other health care services; financial management services; legal services; vocational services; and other similar supportive services.

**STATEMENT OF PURPOSE:**

This ordinance provides for clarification to residential care facilities (needing to be state licensed), and provides for a new land use, sober house. The sober house would be



permissible in the same zone districts as residential care facilities/assisted living facility, with the exception of RR1 and RR-2, and R-1 (up to 6 individuals only).

DRAFT

**TABLE 50-19.8: USE TABLE, REVISED JAN 2020**

	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>RESIDENTIAL USES</b>																												
<b>Household Living</b>																												
Dwelling, one-family	P	P	P	P	P	P <sup>3</sup>	P					P <sup>3</sup>	P	P	P	P	P	P	U	U	U							
Dwelling, two-family				P	P	P <sup>3</sup>	P					P <sup>3</sup>	P	P	P	P	P	P	U	U	U						50-20.1A	
Dwelling, townhouse				S	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>				P <sup>1</sup>	P <sup>3</sup>															50-20.1B	
Dwelling, multi-family					P <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	U	P	P						50-20.1.C	
Dwelling, live-work							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							
Manufactured home park				S	S <sup>2</sup>	P <sup>3</sup>	S <sup>2</sup>																				50-20.1.F	
Cottage home park		S	S	S	S	P <sup>3</sup>	S <sup>2</sup>																				50-20.1.G	
<b>Group Living</b>																												
Co-housing facility				S	S <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>					P <sup>3</sup>																
Residential care facility/assisted living (6 or fewer )		P	P	P	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>					P <sup>3</sup>	U	P	U	P	P	U	U	P	P						50-20.1.D	
Residential care facility/assisted living (7 or more)				S	S <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P <sup>4</sup>	P <sup>1</sup>		P <sup>4</sup>	P <sup>3</sup>	U	P	U	P	P	U	U	P	P						50-20.1.D	
Rooming house					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>	U	P	U	P	P	U	U	P	P						50-20.1.E	
<b>Sober House (6 or fewer)</b>				P	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>		P <sup>1</sup>			P <sup>3</sup>	U	P	U	P	P	U	U	P	P						50-20.1.H	
<b>Sober House (7 or more)</b>					S <sup>2</sup>	P <sup>3</sup>	S <sup>2</sup>		P <sup>1</sup>			P <sup>3</sup>	U	P	U	P	P	U	U	P	P							





## Short Term Rentals - Minnesota Building Code

Accessory Home Shares and Vacation Dwelling Units - Summary of Requirements

Type of STR	Duluth UDC (Zoning) Defined As	MSBC Defined As	Sprinklers Required	MSBC Occupancy Classification		Construction Per	Accessibility	Fire & Smoke Alarms	Architect Required
Permit Req	DLC 50-41	MR 1305.202	MR 1305.903.2.8	MR 1305.310		MR 1300.0040 & 1305.310.4.2	MR Ch 1341	MR 907.2.8 & 907.2.10	MR 1800.5000
<b>Owner Occupied Short Term Rental</b> Change of Use building permit required for new owner occupied short term rentals and for any construction, plumbing, electrical, or mechanical work associated with the change	Accessory Home Share - see separate requirements and limitations in UDC, DLC Ch 50	Lodging House - Transient	Required if building area exceeds 4500 SF including basement and all floors/levels	1 to 5 guest rooms AND 10 or fewer occupants total	R-3	MN Residential Code (MSBC Ch 1309) or MN Building Code (MSBC Ch 1305)	<ul style="list-style-type: none"> <li>If parking provided, accessible parking required</li> <li>Accessible route and accessible entry</li> <li>Type B unit on accessible level</li> </ul>	Smoke alarms required per 907.2.10	No. Applications must include plans and information showing compliance with applicable requirements and for any construction required to achieve compliance
				6 or more guest rooms OR more than 10 occupants total	R-1	MN Building Code (MSBC Ch 1305)	<ul style="list-style-type: none"> <li>If parking provided, accessible parking required</li> <li>Accessible route and accessible entry</li> <li>Accessible unit on accessible level</li> <li>Accessible communication features</li> <li>Common areas accessible</li> <li>Accessible toilet and bathing room</li> </ul>	Fire alarms per 907.2.8 Smoke alarms per 907.2.10	Yes. Architect required to prepare plans and information showing compliance with applicable requirements and for any construction required to achieve compliance

MSBC - Minnesota State Building Code

MR - Minnesota Rules

UDC - Unified Development Chapter (Duluth Legislative Code Chapter 50)

Type B Unit - Door and passageway clearance requirement, some other accessible features, some modified accessible features

Accessible Unit - Fully accessible unit

	Duluth UDC (Zoning) Defined As	MSBC Defined As	Sprinklers Required	MSBC Occupancy Classification		Construction Per	Accessibility	Fire & Smoke Alarms	Architect Required
	DLC 50-41	MR 1305.202	MR 1305.903.2.8	MR 1305.310		MR 1300.0040 & 1305.310.4.2	MR Ch 1341	MR 907.2.8 & 907.2.10	MR 1800.5000
<b>NOT Owner Occupied Short Term Rental</b> Change of Use building permit required for new NOT owner occupied short term rentals and for any construction, plumbing, electrical, or mechanical work associated with the change	Vacation Dwelling Unit - <i>see separate requirements and limitations in UDC, DLC Ch 50</i>	Congregate Living Facility - Transient	Required if building area exceeds 4500 SF including basement and all floors/levels	10 or fewer occupants	R-3	MN Residential Code (MSBC Ch 1309) or MN Building Code (MSBC Ch 1305)	<ul style="list-style-type: none"> <li>• If parking provided, accessible parking required</li> <li>• Accessible route and accessible entry</li> <li>• Type B unit on accessible level</li> </ul>	Smoke alarms required per 907.2.10	No. Applications must include plans and information showing compliance with applicable requirements and for any construction required to achieve compliance
				More than 10 occupants	R-1	MN Building Code (MSBC Ch 1305)	<ul style="list-style-type: none"> <li>• If parking provided, accessible parking required</li> <li>• Accessible route and accessible entry</li> <li>• Accessible unit on accessible level</li> <li>• Accessible communication features</li> <li>• Common areas accessible</li> <li>• Accessible toilet and bathing room</li> </ul>	Fire alarms per 907.2.8 Smoke alarms per 907.2.10	Yes. Architect required to prepare plans and information showing compliance with applicable requirements and for any construction required to achieve compliance

MSBC - Minnesota State Building Code

MR - Minnesota Rules

UDC - Unified Development Chapter (Duluth Legislative Code Chapter 50)

Type B Unit - Door and passageway clearance requirements, some other accessible components, some modified accessible components

Accessible Unit - Fully accessible unit





## 25 City Tools for Housing Affordability and Developer Assistance

Minnesota cities regularly assist with the construction, preservation, and rehabilitation of affordable housing that meet unique, local housing needs and is affordable, safe, and high quality. While not a complete list, below are 25 tools cities use to address housing affordability for residents and help builders and developers construct affordable housing stock.

### Assistance for Developers and Builders

<b>Financial Assistance</b>	
1. Tax Increment Financing (TIF)	TIF takes the increases in tax capacity and property taxes from development or redevelopment to pay upfront public costs.
2. Local Tax Abatement	Property tax abatement reduces the amount of taxes owed for a specific period, which often translates to lower-cost units.
3. Planning and Development-Related Fee Waivers	Cities incur costs to build development-related infrastructure. Some cities reduce fees, such as water/sewer fees, for affordable housing.
4. City Fee Reductions	Cities often reduce other fees, including park dedication, for housing projects that meet locally identified housing needs.

<b>Land Use and Zoning</b>	
5. Low or No Cost City-Supplied Land	Cities have sold city-owned land at low/no cost for the construction of mixed-income and affordable homes.
6. Higher Density Zoning	Higher density zoning allows for more units to be built on a lot, which reduces land costs per unit.
7. Lot Size Reduction	Many cities allow for smaller lot sizes in a residential development to encourage building of more affordable homes.
8. Elimination of Minimum Building Size Requirements	Elimination of minimum building size requirements allows for the construction of smaller, more affordable homes.
9. Elimination of Single-Family Zoning	Eliminating single-family zoning can increase housing capacity by allowing construction of multi-family units in all residential zones.
10. Parking Minimum Modifications	Cities ensure newly built residential developments provide off-street parking for the additional vehicles of new residents. Some cities reduce minimum parking requirements for certain developments.
11. Density Bonuses	Density bonuses allow builders to increase the allowed dwelling units per acre in exchange for affordable housing in the development.
12. Adjustment of Setbacks	Setbacks are the space between the house and the front, rear, and side property lines, and can be adjusted to meet unique project needs.

13. Floor Area Ratio (FAR) Bonus	A FAR bonus allows increased density by increasing the buildable space relative to the area of the land upon which the building is sited.
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<b>Permitting and Review Process</b>	
14. Streamlined Review Process	Many cities have increased coordination between departments for permit review and employed “one-stop permit systems.”
15. Same or Similar Plan Review	Cities reduce the plan review fee and expedite the review process when there are multiple homes with the same/similar building plan.
16. Online Permitting Review	Some cities have funded online permitting systems with real-time inspection progress updates and online submission of building plans.

### **Assistance for Residents with Housing Affordability**

<b>Land Use and Zoning</b>	
17. Accessory Dwelling Units (ADUs)	ADUs are smaller residential units on the same lot as a primary home. ADUs provide additional affordable housing options.
18. Inclusionary Zoning	City-required minimum percentage of affordable units in new developments that are often paired with city incentives.

<b>Financial Assistance</b>	
19. Local Housing Trust Funds	City-dedicated revenue to spur affordable housing, including construction of affordable housing and down payment assistance.
20. Low Income Rental Classification Program (LIRC)	LIRC or 4d allows a reduction in property taxes if the property owner keeps at least 20% of the units affordable. Some cities offer added incentives, like payment of the state application, free energy assessments, and grants for energy efficiency upgrades.
21. First-Time Homebuyer Assistance	Some cities provide grants or deferred loans to help first-time home buyers with closing costs and other costs in the homebuying process.
22. Down Payment Assistance	City funding to help qualified homebuyers with grants and loans to assist with the cost of a down payment.

<b>Preservation</b>	
23. Home Rehabilitation and Preservation Programs	City-provided deferred loans to help qualifying homeowners for certain maintenance and repairs.
24. Housing Improvement Areas (HIAs)	HIAs are defined areas where housing improvements in condominium or townhome complexes can be financed with city assistance.
25. Naturally Occurring Affordable Housing Preservation (NOAH)	Cities provide financial assistance for NOAH preservation and/or have policies to protect low-income tenants from rent increases when affordable rental properties are sold.



# Cities and Housing

House Housing Committee  
January 21, 2021

Daniel Lightfoot & Irene Kao

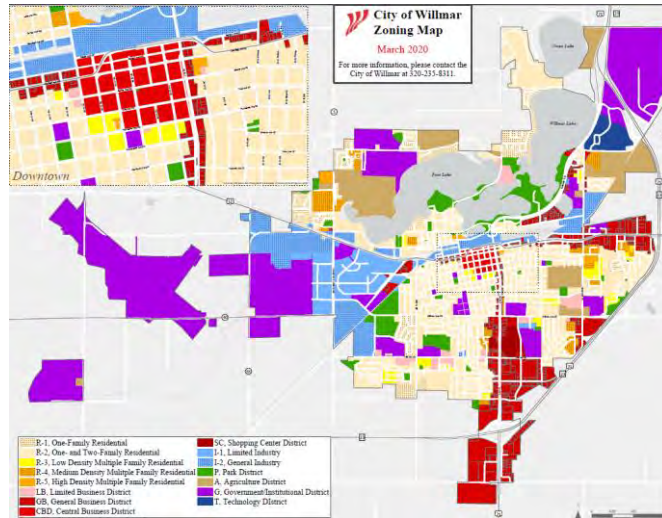


**Zoning** allows a city to control development of land within the community (residential, commercial, and industrial)

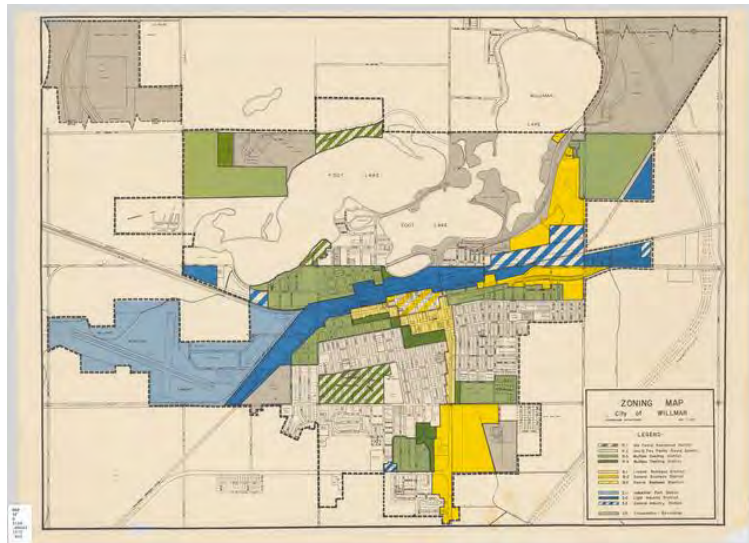
Cities use zoning to ensure land gets used in a way that promotes both the best use of the land and the **health, safety, and welfare** of residents



# Willmar Zoning Map - 2020



# Willmar Zoning Map - 1972



## Renaissance Zone (RZ)

*An economic development initiative to spur creativity, construct new housing, enhance diversity, and improve the quality of urban life in the heart of Willmar.*

### What monetary incentives are available in the RZ?

- Free City Permits
- Free Sewer Access Charges & Water Access Charges
- Forgivable Matching Loans for Façade Renovations
- Free City-Owned Land
- TIF or Tax Abatement
- 50% Reduction in WMU New Service Fees

### Free City Permits:

Includes all Building Permits, Land-Use, and Sign Permits (nominal State fees still apply).

### Free Sewer Access Charges & Water Access Charges:

Significant savings, as SAC and WAC is charged on a per plumbing fixture unit basis.

### Forgivable Loans for Façade Renovations\*:

Commercial property owners may apply for \$5,000 or \$10,000 matching forgivable loans that are payment free and forgiven 20% each year over their five-year term.

### Free City-Owned Land\*:

Awarded based on project satisfaction of RZ goals: Meets significant demand, Creativity, Provides Mixed-Income Housing, Feasibility, and Enhancement of pedestrian experience.

### TIF or Tax Abatement\*:

Projects must meet minimum thresholds:

- At least 10,000 square feet (gross)
- At least 3 stories
- At least 4 dwelling-units (mixed-use with housing component) or 10 dwelling-units (residential only)
- Projects with housing components must designate at least 5% or 1-unit (whichever is greater - 25% max.) for households earning up to 80% Area Median Income. These affordable housing units must have rents set at Fair Market Rent for Kandiyohi County as defined by HUD.
- Renovation project costs must be at least 50% of current assessed value.

2020 Minimum Investment Thresholds			
Term	Renovation	New Construction	Abatement Percentage
5 Years	\$30 SF	\$50 SF	100%, Years 1-5
10 Years	\$45 SF	\$75 SF	100%, Years 1-5 75%, Years 6-10
15 Years	\$60+ SF	\$100 + SF	100%, Years 1-5 75%, Years 6-10 50%, Years 11-15

### Every project is unique!

Likewise, this handout cannot cover every detail of the Renaissance Zone program. Please meet with City staff to discuss your project and explore the possibilities.

### Contact Us:

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Director, Planning & Development  
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320-214-5184  
[dramstad@willmarmn.gov](mailto:dramstad@willmarmn.gov)

Aaron Backman  
Executive Director  
Kandiyohi County & City of Willmar EDC  
320-235-7370  
[aaron@kandiyohi.com](mailto:aaron@kandiyohi.com)

# Development Application Process



PLANNING AND  
ZONING



ENGINEERING



BUILDING  
INSPECTION



FIRE  
DEPARTMENT



CITY  
ADMINISTRATION





# Office of the Revisor of Statutes

Retrieve by number Rules GO Statutes Laws Rules Court Rules Constitution Revisor's Office Search Law by Keyword



Applicant (developer) provides estimated permit value

Based on total construction work – labor and materials

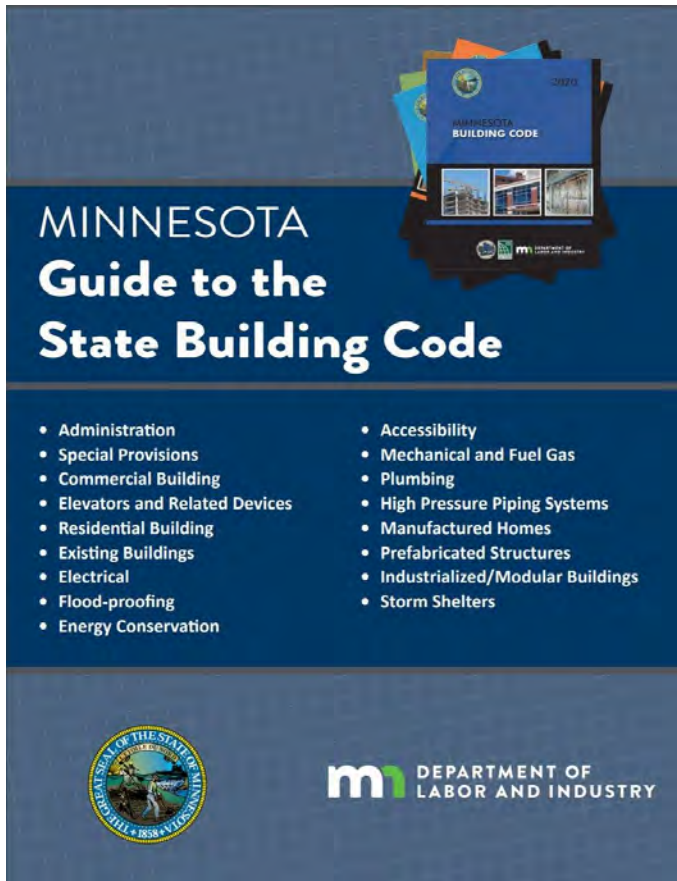


Building official verifies estimate



Based on city-adopted fee schedule, building permit fee is set

# Minnesota State Building Code



MN Department of Labor & Industry adopts/updates the State Building Code

- Standard that applies for construction, reconstruction, alteration, and repair of buildings and other structures governed by the Code

Some cities have adopted ordinances to administer and enforce the State Building Code

- Given work it takes administer the Code, some cities do not enforce the State Building Code
- Some cities have internal city staff, others hire out for enforcement

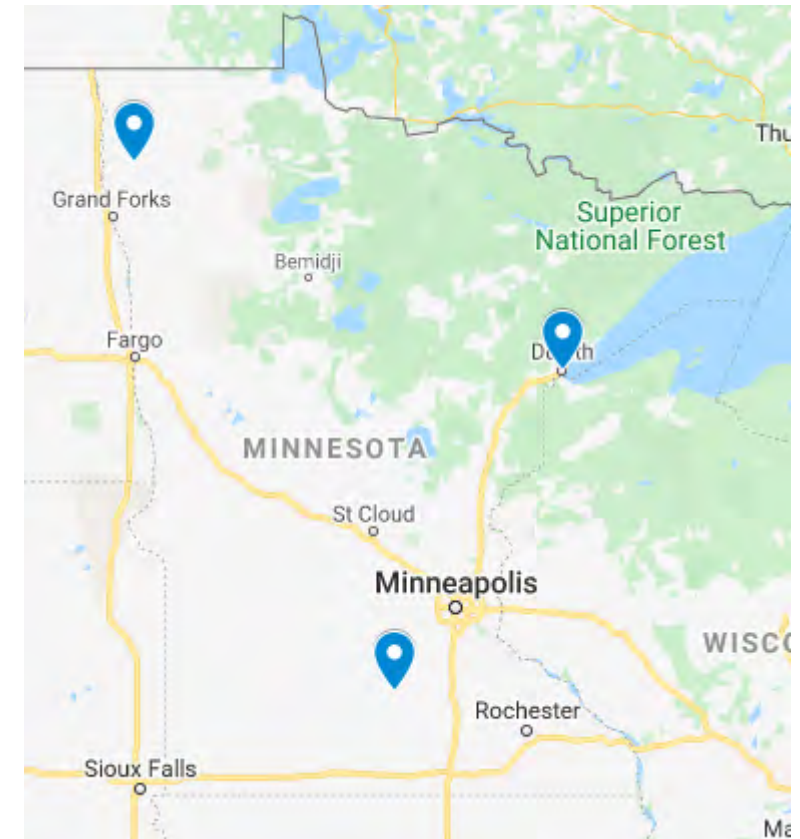


# Low or No Cost City-Supplied Land

**St. Peter** supplied land for a 40-unit affordable housing project

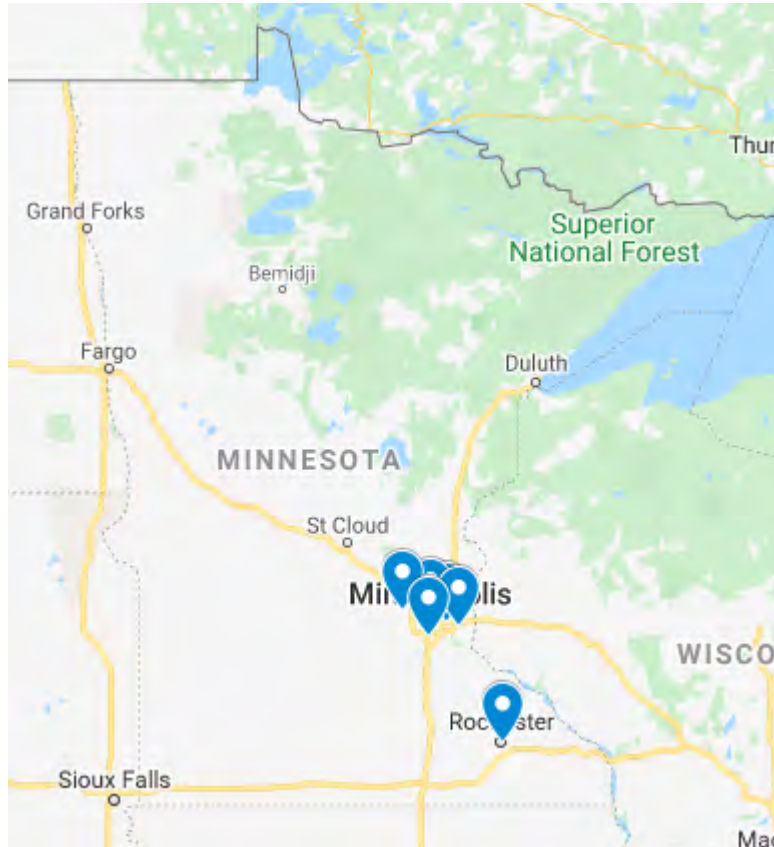
**Duluth** has given away free land at 13 sites in exchange for affordable housing projects

**Argyle** offers city-owned residential lots to prospective buyers for \$1 and pays any legal fees associated with the transaction





# Density Bonuses



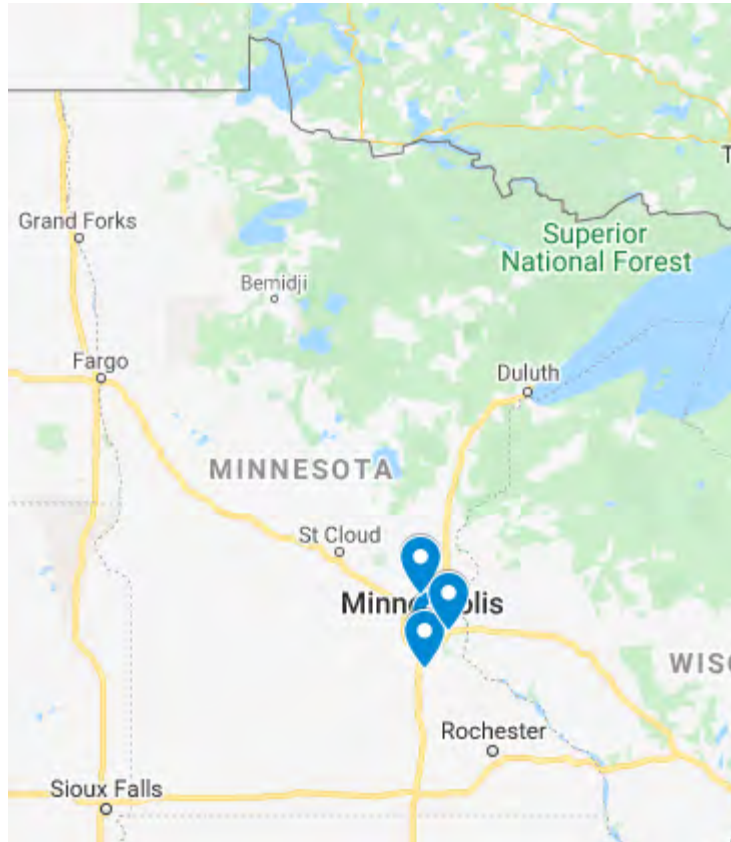
**St. Paul** and **Minneapolis** have density bonuses in their zoning code

**Medina** offers density bonuses for developments with certain design and construction features as does many other cities including **Woodbury**, **Rochester**, and **Bloomington**





# Online Permitting Review



**Eagan, Andover, Lakeville, and Maplewood** have online building permit applications where applicants can apply, schedule inspections, and monitor progress via an online portal

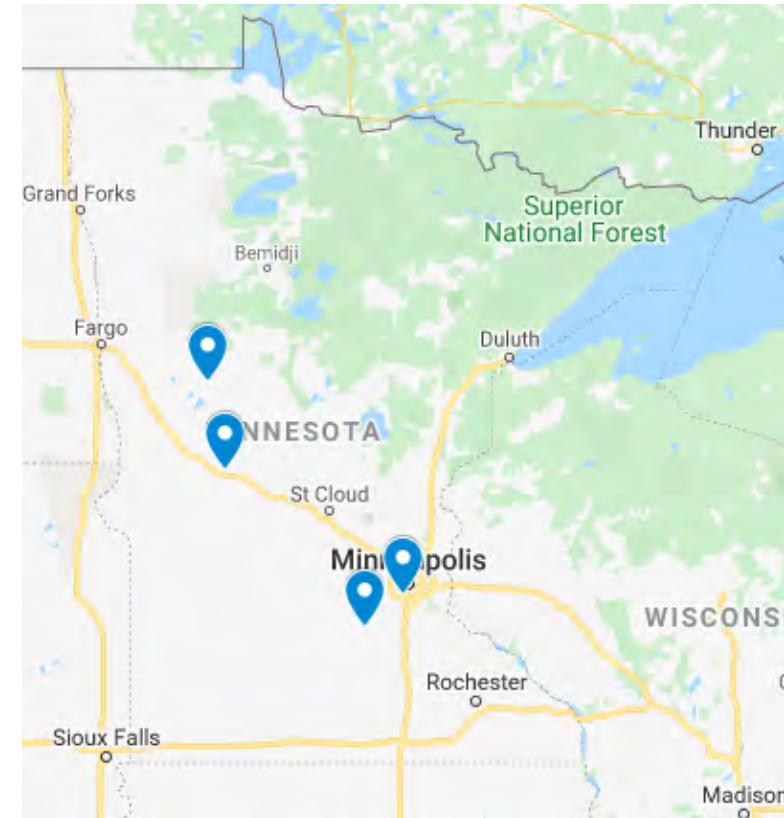


# Tax Increment Financing (TIF)

**Perham** has housing TIF districts that include owner-occupied and rental housing options

- Used TIF to benefit developers and reduce costs of special assessments for sewer, water, and street improvements for qualified homebuyers

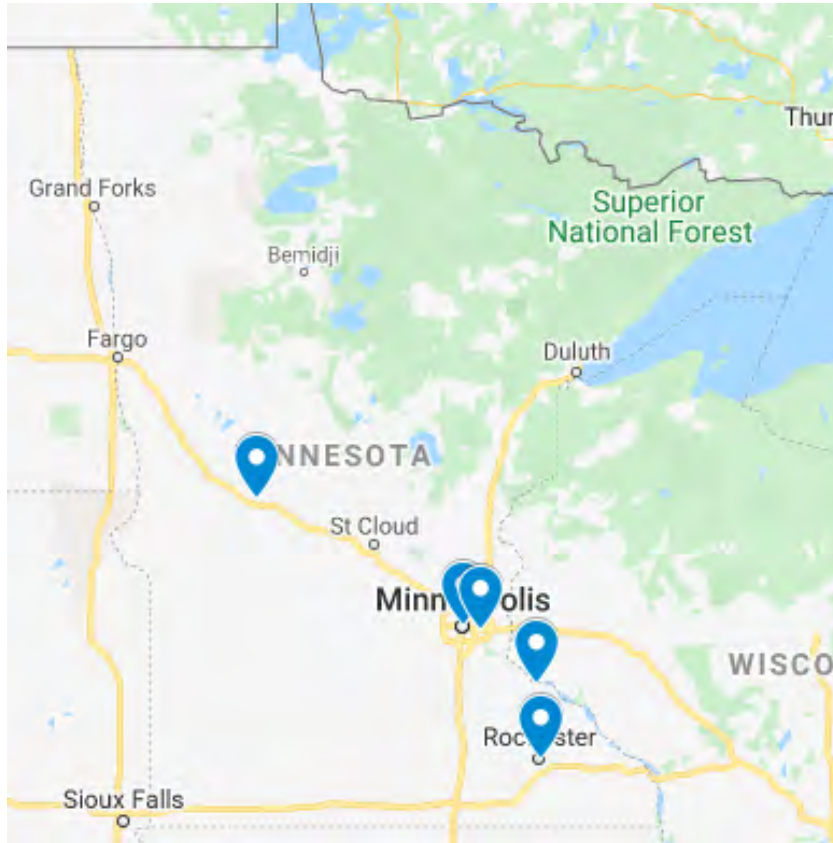
Other recent examples include **Belle Plaine**, **Alexandria**, and **Edina**







# Local Housing Trust Funds



**Red Wing** established a Local Housing Trust Fund in 2015 and has provided homebuyer assistance loans to numerous families

Others include **Alexandria**, **Minneapolis**, **St. Paul**, and **Rochester**



LEAGUE OF MINNESOTA CITIES

# 2021 LEGISLATIVE PRIORITIES

[www.lmc.org/policies](http://www.lmc.org/policies)



Allow cities to adequately navigate and respond to economic challenges.



Ensure cities have tools to effectively respond to COVID-19 and manage city operations.



Partner to create safe and inclusive communities and address racial inequities.



# State and Local Partnership

- Local Housing Trust Fund State Match
- TIF flexibility
- NOAH preservation tools and resources
- Economic Development & Challenge Fund Grant Program
- Workforce Housing Development Program
- Rental Rehabilitation Loan Program
- Capital Investment resources

# Questions?

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*Counsel*

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- Building code
- Civil liability
- Data practices & Open Meeting Law
- Employment law
- Land use & zoning

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*Representative*

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- Broadband
- Cable/franchising
- Housing
- Telecommunications & information technology
- Wireless infrastructure







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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

**DATE:** February 1, 2021  
**TO:** President Nelson and Planning Commissioners  
**FROM:** Adam Fulton, Deputy Director and Land Use Supervisor  
**RE:** Land Use Supervisor – February Update to Planning Commission

### Planning Processes & Meetings

1. Vacation dwelling units. The City Council's Planning & Economic Development Committee is holding two upcoming Committee of the Whole meetings to consider policy issues related to vacation dwelling units. The Planning Commission is invited to attend these meetings, currently scheduled for:
  - Monday, February 22, 2021 – 5:45 PM
  - Monday, March 8, 2021 – 5:45 PM

These meetings of the Council's PED Committee will be held virtually, via WebEx. Planning staff will work with the City Clerk's office to ensure that all Planning Commissioners receive an invitation directly, or by going to: <https://duluthmn.gov/live-meeting/city-council/>.

2. Transportation projects. Thanks to those of you who have had the opportunity to participate in recent public meetings about East Superior Street Reconditioning, or the 2021 Street Preservation Projects. If you weren't able to attend these meetings, but would like more information, please reach out to Kris Liljeblad, Senior Transportation Planner.
3. Enger Driving Range Site. PED staff, led by Jenn Moses, have been participating in public meetings by a developer who is considering the redevelopment of this location based on an approved agreement with the City. The meetings have honed in on community priorities, goals, and potential issues.

### Other Updates

4. UDC: Mini-storage / self-storage. The City Attorney's office is currently reviewing language for a potential ordinance that would allow for mini-storage and self-storage uses in the Mixed-Use Commercial District. Under evaluation are standards related to impacts to surrounding properties, impacts to surrounding retail or commercial areas, and impacts to availability of public services. It is anticipated that this ordinance will come before the Planning Commission at its March meeting.

5. Annual Comprehensive Plan Status Report

The Annual Comprehensive Plan Status Report is anticipated to be prepared for Planning Commission review at its March meeting. If available, it will be emailed in advance to Commissioners.