



City of Duluth

Meeting Agenda

Planning Commission.

Tuesday, March 9, 2021

5:00 PM

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

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

Call to Order and Roll Call

Approval of Planning Commission Minutes

1. [PL 21-0209](#) Planning Commission Minutes 2/9/21

Attachments: [02-09-21 PC Minutes \(not approved yet\)](#)

Public Comment on Items Not on Agenda

Presentations

Imagine Duluth 2035 Annual Report

Highway 61 Revisited Presentation

Consent Agenda

2. [PL 21-009](#) Vacation of Utility Easement at 9239 Idaho Street by Lutheran Social Services of Minnesota

Attachments: [PL 21-009 Staff Report & Attachments](#)

3. [PL 21-011](#) Minor Subdivision at 231 E Arrowhead Road by Amnicon LLC

Attachments: [PL 21-011 Staff Report & Attachments](#)

4. [PL 21-014](#) Minor Subdivision at 54xx Tioga Street by Jay Isenberg

Attachments: [PL21-014 Staff Report with exhibits](#)

5. [PL 21-015](#) Vacation of One Foot of a Utility Easement at 2102 W Superior Street for a Building Foundation by Duluth Lincoln Park1 LLC

Attachments: [PL 21-015 Staff Report & Attachments](#)

Public Hearings

6. [PL 21-008](#) Environmental Assessment Worksheet 319-323 East Superior Street
Redevelopment
Attachments: [PL 21-008 March PC Memo](#)
7. [PL 21-004](#) Proposed UDC Text Changes Related to Self-Storage Facilities, Sober
Houses, Use Table, and Signage Including Signage at Bus Shelters
Attachments: [Mar 2021 Staff Memo PL 21-004](#)

Communications

Land Use Supervisor Report

Historic Preservation Commission Report

Joint Airport Zoning Board Report

Duluth Midway Joint Powers Zoning Board Report

NOTICE: The Duluth Planning Commission will be holding its March 9, 2021 Regular 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 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

February 9, 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 prior to and during the meeting, and via verbal comment through public attendance in the WebEx video conference during the meeting.

Call to Order

President Margie Nelson called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, February 9th, 2021.

Roll Call

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

Members Present: Jason Crawford*, Gary Eckenberg* (entered meeting after the approval of the minutes), Tim Meyer* (left before annual meeting), Margie Nelson*, Michael Schraepfer*, Sarah Wisdorf*, and Zandra Zwiebel*

Members Absent: Eddie Ratnam, and Andrea Wedul

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

Public Comment on Items Not on Agenda - No speakers.

Approval of Planning Commission Minutes

Planning Commission Meeting – January 12, 2021

MOTION/Second: Zwiebel/Meyer approved

VOTE: (6-0)

Consent Agenda

PL 21-008 Review of 319-323 East Superior Street Redevelopment Draft EAW

PL 20-188 Variance of Swenson Avenue at 330 S 88th Avenue W by Jason Lindelof

PL 21-003 Variance from Flood Fringe Requirements at 827 S Lake Avenue by Lorien and Gregg Mueller

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

Public: No speakers.

Commissioners: Zandra Zwiebel referred to item PL 21-008 and wanted to verify that dust issues related to lead have been addressed for during demolition activities. She also noted in the past, projects took into account the flight path of migratory birds. Deputy Director Adam Fulton noted at this time the EAW is focusing on the demo of the structure and not the impact of a new structure, so glass is not part of the evaluation. Zwiebel affirmed.

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

VOTE: (7-0)

Public Hearings

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

Staff: Steven Robertson introduced the applicant's proposal to redevelop the former Sears store at Miller Hill Mall into an outpatient surgery center. He stated that the project will result in renovation of approximately 40 percent of the former department store, including a laboratory and plans for a pharmacy. The intent is to be in operation in the spring of 2022. The applicant provided examples of signage, which emphasizes the main entrance. They are providing screening for the oxygen tanks. Landscaping will include an island and tree canopy coverage. The applicant's plan must be revised to meet the standards of the landscape section related to tree canopy coverage. No new exterior lighting in the parking lot will be installed. The light fixtures on the building will comply with the city's lighting standards. Staff is recommending that the applicant works with Simon Properties to provide a sidewalk or trail be provided to allow citizens safe access from Trinity Road to the front door of this development. Staff recommends approval with the conditions listed in the staff report. Commissioner Zwiebel asked if the exterior road around the mall will remain the same. Robertson affirmed.

Applicant: Dan Cebelinski of Essentia and Kurt Smith of HGA, Inc. are in attendance and welcomed questions. The applicant's agent Brad Beard thanks the commissioners and feels this is an exciting opportunity for redevelopment. He feels this will be a convenient location for medical services for the community, and can be developed in a less costly way than another type of site.

Public: No speakers.

Commissioners: Zwiebel noted the additional green space required. Is the applicant amenable? Cebelinski stated yes, they are taking it under advisement. Zwiebel noted the condition in the staff report stating prior to receiving a building permit, the applicant shall deposit an escrow. Will the escrow be returned once the trees have been planted? In other situations, staff has waited a year. Is a year required? Robertson stated they will wait a year to verify tree health, and then will return the full escrow. Zwiebel thanks the applicants for their reinvestment in the community.

MOTION/Second: Wisdorf/Meyer approved as per staff recommendations

VOTE: (7-0)

PL 21-002 Planning Review for a Building Addition at 103 W Central Entrance by O'Reilly Auto Enterprises, Inc.

Staff: Kyle Deming introduced the applicant's proposal to construct a 6,150 square foot 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. The existing store was built in 1972. There were homes to the northwest and southwest of the store that were torn down in 2007 and 2013. Regarding landscaping, staff suggests additional shrubs be added to offset the lack of trees along Basswood Ave. due to lack of space. 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 be obtained. The existing parking lot flood lights are noncompliant, and will need to be replaced with additional pole-mounted luminaries for the parking lot in front of the building. No comments were received from the public. Staff recommends approval with the conditions listed in the staff report.

Applicant: The consultant for the applicant, Thom Lundberg, addressed the commission. The building addition located at the back of the store will primarily be a storage area, so windows are not needed. They agree to add landscaping, and are working on the utilities in the alleyway.

Public: No speakers.

Commissioners: Chair Nelson thanks the applicants and appreciates the added landscaping.

MOTION/Second: Zwiebel/Eckenberg approved as per staff recommendations

VOTE: (7-0)

PL 21-004 Proposed UDC Text Changes Related to Sober Houses and Signage including Signage at Bus Shelters

Staff: Deputy Director Adam Fulton noted councilor Zack Filipovich is in attendance, and also thanked city attorney Robert Asleson for his valued feedback. Steven Robertson gave an overview. He noted their January 12, 2021 work session, where most of the conversation focused on vacation dwelling unit rules. Staff continues to work on vacation dwelling units and storage facility text changes, to be presented at the March planning commission meeting. He suggests the planning commission discuss and recommend, or discuss and table, for more discussion or changes, regarding the language related to sober houses and bus shelter signage.

Applicant: N/A

Public: No speakers.

Commissioners: Chair Nelson asked if they need to take action on these items separately, or can they be combined. Robertson noted there is more coming forward in March, so the commission may choose to wait and combine it all in March. Zwiebel noted she reviewed and suggested maybe moving it forward in the agenda for more focus. Deputy Director Fulton noted other items are discussed first due to more public involvement. Zwiebel appreciates the additional information provided, and asked about ADA requirements for temporary boarding homes. She looks forward to more dialog. Chair Nelson noted the term sober houses. Some facilities don't label themselves as such. How do they fit it? Perhaps call it a community house? Robertson stated in 2014 the planning commission approved the term grooming house. Planners have received many phone calls, and sober house is the term most understood. Gary Eckenberg is hesitant to move forward on sober house changes because of interested parties not being able to attend. He feels it is okay for the planning commission to delay their decision. Robertson noted two parties (one from Rochester) who were interested in attending, but couldn't. Robertson states staff is okay with delaying. Chair

Nelson asked if there was an urgency to make a decision based on the DTA bus shelter signage item. Per Robertson, Phil Pumphries of the DTA took a new position, and there is in interim DTA Director now in place, so no rush is necessary.

MOTION/Second: Eckenberg/Zwiebel for the UDC changes to be continued until the next meeting, to take place next month for more discussion

VOTE: (7-0)

Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton gave an overview. On February 22, 2021, the city council committee of the whole will meet at 5:45 p.m. to discuss vacation rentals. The planning commission is invited to attend. They will have a 2nd meeting on March 8, 2021. Deputy Director Fulton noted they have received complaints regarding vacation rentals. Planner Chris Lee has been working diligently on handling complaints and enforcement. The city is working on the cross city trail, and the Enger Park Golf Development. Robertson is working on project to re-use big box stores as storage facilities, and if done correctly storage can be a viable choice. There will be a comp plan update in March. The airport is working on their master plan with the communities surrounding Duluth; including, Hermantown, Canosia and Rice Lake Township. Deputy Director Fulton noted the planning commission agenda for March is short. Would the commissioners like to listen to a presentation? Fulton will check on the availability of speakers. Eckenberg asked for an update on the Coty street property. Fulton noted nothing yet. They are still working on the personal delivery of the ticket. Chris Lee has received an influx of vacation rental complaints. They are hoping to deliver the citation in person with a police escort within the next ten days. Eckenberg noted the 45 vacation rental complaints. Michael Schraepfer asked if the planning commission will hear the details. Fulton stated, no, and that city staff is working to address the complaints.

Heritage Preservation Commission – Commissioner Sarah Wisdorf gave an overview. The HPC met yesterday and a presentation was made by the developers of a new development at the old Central High School who are proposing an apartment housing complex. The HPC will vote on a certificate of appropriateness for their Historic Construction Permit next month. Zwiebel asked if there will be input from the community. Robertson stated the HPC will have a public meeting at their next scheduled HPC meeting. The building sale is more in the realm of the Duluth school board.

Joint Airport Zoning Board – No report.

Duluth Midway Joint Powers Zoning Board – No report.

(Commissioner Meyer left after the regular meeting.)

Recess to Annual Meeting (No recess needed. Continued on.)

Deputy Director Fulton noted the purpose of the annual meeting is to elect officers, and the commissioners can also make changes to their by-laws. Normally the vote is counted by a secret ballot method, and now that is not possible during Covid. Zwiebel asked if they need to change their bylaws to reflect a virtual situation. Fulton noted page two of the agenda which refers to Minnesota Statutes Section 13D.021. No change to the bylaws is necessary.

Election of Officers

Deputy Director Fulton opens the floor for nominations. Commissioner Zwiebel nominated vice-president Sarah Wisdorf for president. Commissioner Wisdorf stated she is happy to remain vice and politely rejects the nomination. Commissioner Margie Nelson would like to continue to serve as president and nominates herself.

MOTION/Second: Margie Nelson for Planning Commission President

VOTE: (6-0)

MOTION/Second: Sarah Wisdorf for Planning Commission Vice-President

VOTE: (6-0)

Deputy Director Fulton noted next meeting will be Commissioner Meyer's last meeting. They are working on filling the opening. Staff is working on the annual report, which ties back to the comp plan. They continue to make progress by going over sections. He would like commissioners' input. Schraepfer asked how they would implement the work plan. Fulton noted they can provide feedback to staff. Wisdorf asked if the next comp plan will be in 2027. Per Fulton, cities don't have to update an existing plan. They will check-in on different policies and strategies. Zwiebel asked when their first assignment will be. Deputy Director Fulton asked the commissioners to give it more thought and come back to it. Zwiebel asked if commissioners can focus on areas they are comfortable with. Fulton affirmed and noted they can have further discussion at a future brown bag meeting.

Adjournment

Meeting adjourned at 6:37 p.m.

Respectfully,

Adam Fulton – Deputy Director
Planning and Economic Development



Planning & Development Division
 Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 21-009		Contact	John Kelley, jkelly@duluthmn.gov	
Type	Vacation of utility easement		Planning Commission Date	March 9, 2021	
Deadline for Action	Application Date	February 2, 2021	60 Days	April 3, 2021	
	Date Extension Letter Mailed	February 18, 2021	120 Days	June 2, 2021	
Location of Subject	9239 Idaho Street				
Applicant	Lutheran Social Services of Minnesota		Contact	Dean Minardi	
Agent			Contact		
Legal Description	See Attached				
Site Visit Date	February 26, 2021		Sign Notice Date	February 23, 2021	
Neighbor Letter Date	February 24, 2021		Number of Letters Sent	23	

Proposal

Vacate a utility easement platted in the Morgan Park of Duluth Plat, located on the property at 9239 Idaho Street in preparation for constructing a new Bethany Crisis Center facility.

Staff recommends approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2	Bethany Crisis Care Facility	Traditional Neighborhood
North	R-1	Single Family	Traditional Neighborhood
South	MU-B	Vacant/Undeveloped	General Mixed Use
East	R-2	Vacant/Undeveloped	General Mixed Use
West	R-2	Vacant/Undeveloped	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. Is not otherwise needed to promote the public health, safety, or welfare of the citizens of Duluth.

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

Governing Principle #5 – Promote reinvestment in neighborhoods.

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

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

Zoning – Residential-Urban (R-2): The R-2 district is established to accommodate multi-family apartments and townhouses, in an urban setting. This district also allows for single-family detached dwellings, duplexes and group living accommodations. The district is intended primarily for locations closer to commercial and mixed use activity centers, and may serve as a transition between lower-density residential areas and more intense commercial and mixed use neighborhoods.

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

History: The existing structure was built in 1965 and is a one-story 4,307 square foot single family dwelling converted into the Bethany Crisis Center. According to the applicant the crisis center has been located in the Morgan Park Neighborhood for 105 years.

Review and Discussion Items:

Staff finds that:

1. The applicant is requesting to vacate a portion of a platted utility easement on the northeast corner of the property at 9239 Idaho Street. The utility easement was platted in the Morgan Park of Duluth Plat but never utilized for its intended purpose.
2. The purpose is to remove the easement in preparation for the construction of a new Bethany Crisis Center facility.
3. The City installed a sewage lift station in 2006. However, a utility easement was not recorded for the lift station. As part of this application process, the owner is dedicating an easement to the City for the lift station.
4. There are no utilities installed in the easement and no utilities are expected to be needed in this corridor according to the City Engineering office.
5. City staff has stated that a vacation exhibit is not necessary for review by the Planning Commission as the applicant’s surveyor only references a document number and does not provide the dimensions of the easement to be vacated on the submitted exhibit. The attached location map depicts the easement location to be vacated.
6. The utility easement will not be needed by the City for the efficient supply of utilities or public services in the City, nor for the promotion of public health, safety, or welfare of the citizens of Duluth.
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 vacation must be recorded within 90 days of final approval by City Council or such approval will lapse.
2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



PL 21-009 Vacation
9239 Idaho Street

PC Packet 03-09-2021

Legend

- Gas Main
- Water Main
- Hydrant

Sanitary Sewer Mains

- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- PS Pump Station

Storm Sewer Mains

- Storm Sewer Pipe
- Storm Sewer Catch Basin

Road or Alley ROW

- Road or Alley ROW

Easement Type

- Utility Easement
- Other Easement
- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)



Easement area to be vacated

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

Aerial photography flown 2016

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



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 21-011	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Minor Subdivision	Planning Commission Date	March 9, 2021	
Deadline for Action	Application Date	February 3, 2021	60 Days	April 4, 2021
	Date Extension Letter Mailed	February 16, 2021	120 Days	June 3, 2021
Location of Subject	231 East Arrowhead Road			
Applicant	Amnicon LLC	Contact	Josh Jipson	
Agent		Contact		
Legal Description	See Attached			
Site Visit Date	February 26, 2021	Sign Notice Date	N/A	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal

Applicant is requesting a Minor Subdivision to divide one platted lot into two lots. The current parcel is approximately 27,000 square feet and the division will create two lots. Both Parcel A and Parcel B will be approximately 14,000+ square feet.

Recommended Action: Approval with conditions.

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

Summary of Code Requirements

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

50-37.5, D 1. The planning commission shall approve the application if it determines that the application:

- The lot or lots to be subdivided or combined have frontage on an improved public street;
- Each proposed lot meets the minimum zoning requirements of the district that it is in.
- If an existing structure on a lot complies with the requirements of this Chapter, then after the minor subdivision structures on each of the resulting lots will still comply with the requirements of this Chapter; and
- If one or more of the existing lots, or a structure on one or more of those lots, does not comply with the requirements of this Chapter, the proposed relocation will not create any new nonconformity or increase any

50-14.5.A. R-1 minimum lot area: 4,000 square feet; minimum lot frontage: 40 feet.

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

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

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

History: The current parcel contains a 2,400 square foot single-family residence built in 1916. The underlying plat is "Waverly Park"; the existing tax parcel consists of four platted lots with frontage on the platted Victoria Street.

Review and Discussion Items

1. Applicant is requesting a Minor Subdivision to divide a single lot into two lots. Both parcels will have frontage on East Victoria Street.
2. The single family home will remain on parcel A and this subdivision will not create a non-conforming structure. No other structures exist on the parcels.
3. Both parcels are zoned R-1, which has a minimum lot size of 4,000 square feet and have the required street frontage along East Victoria Street. The proposed subdivision, if approved, would not make the parcels non-conforming due to lot frontage, lot area, or similar bulk standard.
4. The Engineering Department stated there is a utility issue with this proposal. There are no water and sewer mains in front of the property, so main extensions would be required to build on the proposed new lot. Records show rock in the street in front of the property, which can significantly increase the cost of the main extension. Staff did contact the applicant regarding these issues and they are aware of the utility extension and would like to proceed with the minor subdivision.
5. No public, agency, or other City comments were received.
6. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
7. Approval of this Minor Subdivision signifies that City of Duluth UDC standards are met. St. Louis County may have additional requirements. This subdivision approval lapses if deeds are not recorded with St. Louis County within 180 days. Applicant must provide the City with proof of recording.

Staff Recommendation

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

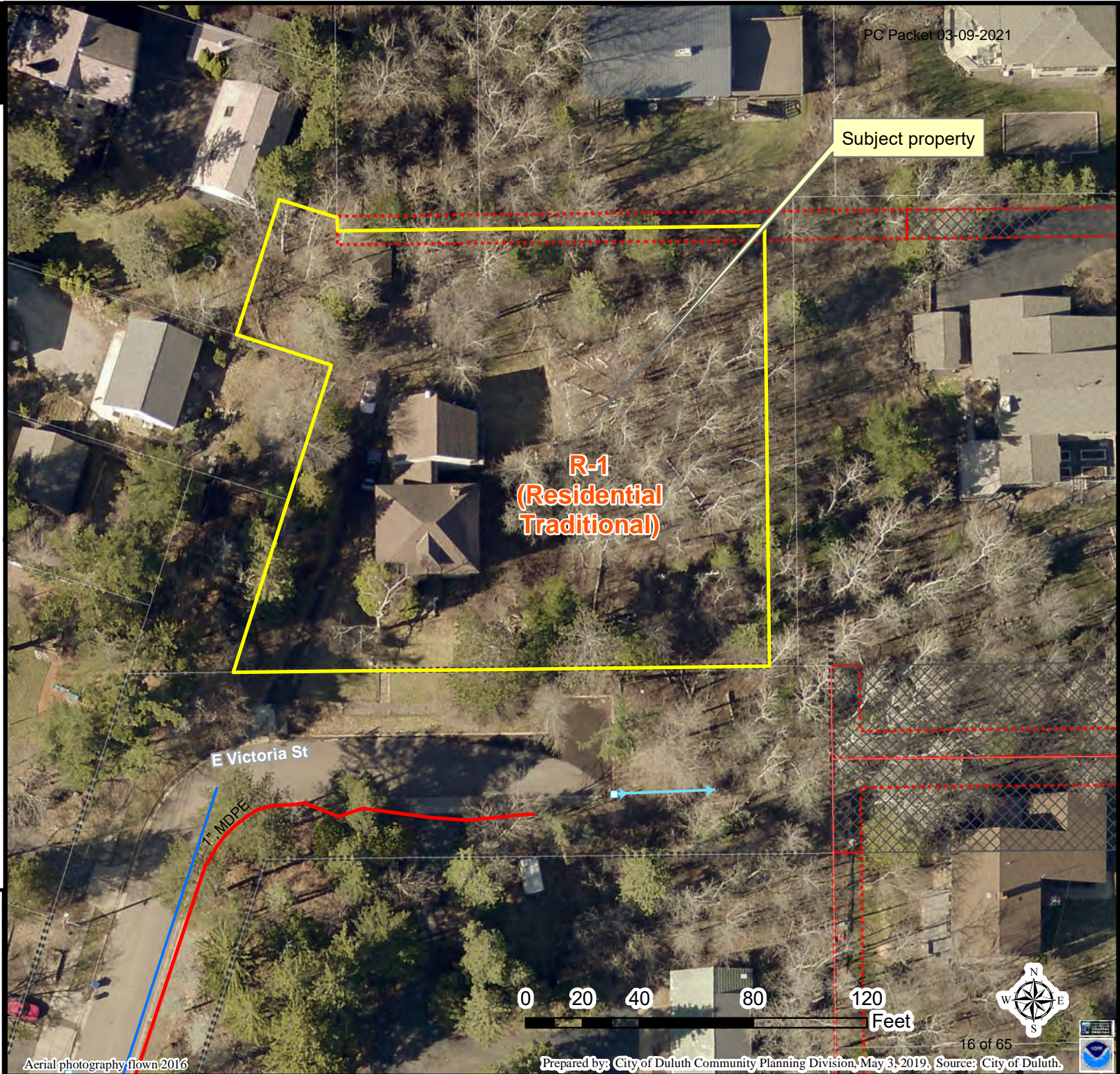
- 1) Appropriate deeds be filed with St. Louis County within 180 days. Prior to recording the deed that results from this adjustment, the Planning Division will need to stamp the deed, indicating compliance with the local zoning code.
- 2) Any alterations to the approved plans that do not alter major 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
- Road or Alley ROW
- Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement
- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

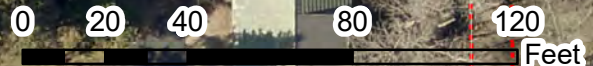


Subject property

**R-1
 (Residential
 Traditional)**

E Victoria St

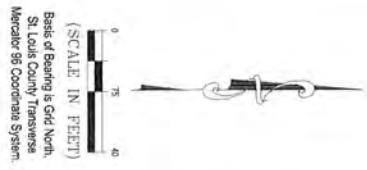
1" MDPE



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Certificate of Survey

JOSHUA JIPSON
 part of Block 6, WAVERLY PARK
 Section 12, T50N, R14W of the 4th P.M.
 City of Duluth, St. Louis County, Minnesota



LEGEND

- BOUNDARY LINE, THIS SURVEY
- ▨ BUILDING
- ▨ BLOCK LINE
- LOT LINE
- FENCE LINE
- OVERHEAD ELECTRIC
- FOUND REBAR
- ⊙ SET PW NAIL
- SET REBAR WITH ALUMINUM CAP
- INSCRIBED "MINNESOTA PLS 44075"
- SET PW NAIL WITH ALUMINUM DISC
- INSCRIBED "MINNESOTA PLS 44075"

ZONING: R-1

LEGAL DESCRIPTION:

Lot 19, 20 and 21 Block 6 WAVERLY PARK.
 Lot 21 is SUBJECT to restrictions contained in Deed bearing Doc. No. 21660 filed in the office of the Registrar of Titles and fully set out in Certificate of Title No. 25665 in said office.
 AND
 Lot 22 Block 6 WAVERLY PARK, EXCEPT:
 1. All that part of Lot 22 Block 6 WAVERLY PARK lying Wly of a line drawn parallel with and distant 35 feet Ely of the Wly line of said Lot 22 and lying between the Wly and Sly side lines of Lot 6 in said Block 6 extended Ely.
 2. All that part of Lot 22 Block 6 WAVERLY PARK lying Wly of a line drawn parallel with and distant 35 feet Ely of the Wly line of said Lot 22 and lying Sly of the dividing line between Lots 5 and 6 extended Ely.
 EXCEPT minerals.
 SUBJECT to the conditions and restrictions as set forth in Certificate of Title No. 21661 on file and of record in the office of the Registrar of Titles.

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

Print Name: Paul A. Vogel License # 44075
 Signature: *[Signature]* Date: 10/27/2020

DATE PREPARED: 10/27/20
PROJ. NO.: 200248
FILE: 200248/SURV
SHEET 1 of 1 SHEETS

13 W. Sawyer St., Ste. 500 Duluth, MN 55802, 218.727.8448
 LRP PERFORMANCE DRIVEN DESIGN, Ltd. corp. com

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MINOR SUBDIVISION EXHIBIT

part of Block 6, WAVERLY PARK
 Section 12, T30N, R14W of the 4th P.M.
 City of Duluth, St. Louis County, Minnesota

CERTIFICATE OF TITLE 331608

PROPOSED PARCELS

PARCEL A
 Lot 20, Block 6 WAVERLY PARK, St. Louis County, Minnesota EXCEPT the Ely
 43.00 feet thereof.

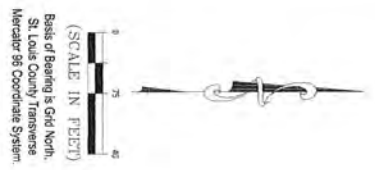
AND
 Lot 21, Block 6 WAVERLY PARK, St. Louis County, Minnesota subject to
 restrictions contained in Deed bearing Date No. 21620 filed in the Office of the
 Register of Titles and fully set out in Certificate of Title No. 29665 in said office
AND
 Lot 22 Block 6 WAVERLY PARK, EXCEPT:

- All that part of Lot 22 Block 6 WAVERLY PARK lying Wly of a line drawn parallel with and distant 35 feet Ely of the Wly line of said Lot 22 and lying between the Nly and Sly side lines of Lot 6 in said Block 6 extended Ely.
- All that part of Lot 22 Block 6 WAVERLY PARK lying Wly of a line drawn parallel with and distant 35 feet Ely of the Wly line of said Lot 22 and lying Sly of the sliding line between Lots 5 and 6, extended Ely.

EXCEPT minors.
 SUBJECT to the conditions and restrictions as set forth in Certificate of Title No. 20611 on file and of record in the office of the Register of Titles.

PARCEL B
 Lot 19, Block 6 WAVERLY PARK, St. Louis County, Minnesota
AND
 The Ely 43.00 feet of Lot 20, Block 6 WAVERLY PARK, St. Louis County, Minnesota.

EXCEPT minors.
 SUBJECT to the conditions and restrictions as set forth in Certificate of Title No. 20611 on file and of record in the office of the Register of Titles.



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

Print Name: Paul A. Vogel License # 44075

Signature: *[Handwritten Signature]* Date: 10/27/2020

DATE PREPARED: 10/27/20	<p>PERFORMANCE DRIVEN DESIGN, Ltdorp.com</p>
PROJ. NO. 200248	
FILE 202026(SLRV)	


21 W. Sawyer St., Ste. 507 Duluth, MN 55801 218 872 9448
 FILE: 202026(SLRV) Drawing\dwg\202026(SLRV).dwg


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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

File Number	PL 21-014	Contact	Theresa Bajda, 218-730-5303	
Type	Minor Subdivision – R1	Planning Commission Date	March 9, 2021	
Deadline for Action	Application Date	February 12, 2021	60 Days	April 13, 2021
	Date Extension Letter Mailed	May 20, 2020	120 Days	June 12, 2021
Location of Subject	54xx Tioga Street			
Applicant	Jay Isenberg	Contact		
Agent	N/A	Contact		
Legal Description	Parcel ID Number 010-2840-01060			
Site Visit Date	May 20, 2020	Sign Notice Date	N/A	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal: The applicant is requesting a Minor Subdivision to divide one platted lot into two lots. The current parcel is 13,844 square feet and the division will create two lots: Proposed lot A to equal 7,262 square feet, and proposed lot B to equal 6,582 square feet. The Planning Commission unanimously approved this minor subdivision at their June 9, 2020 regular meeting, but the applicant did not record the proper documentation with St. Louis County within 180 days of approval, resulting in the need for re-approval from the Planning Commission.

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

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

Summary of Code Requirements:

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

1. The lot or lots to be subdivided or combined have frontage on an improved public street.
2. Each proposed lot meets the minimum zoning requirements of the district it is in.
3. If an existing structure on a lot complies with the requirements of this Chapter, then after the minor subdivision structures on each of the resulting lots will still comply with the requirements of this Chapter
4. If one or more of the existing lots, or a structure on one or more of those lots, does not comply with the requirements of this Chapter, the proposed relocation will not create any new nonconformity or increase any existing nonconformity between the requirements of this Chapter.

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

Governing Principle #1 – Reuse previously developed lands. The proposed minor subdivision directs future investment to a site that has potential to perform at a higher level than its current state. The subdivision would allow construction of two single-family structures on a currently vacant lot.

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

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

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

Recent History – This site was selected by the City of Duluth and DEDA for use in the Rebuild Duluth Program Round 1. The lot was conveyed to the applicant at no cost per their land sale agreement with the Duluth Economic Development Authority (DEDA). No record of a previous structure on this site found. On February 20, 2020, Duluth City Council approved releasing designation of this property as a Duluth heritage preservation landmark via ordinance 20-005-O. The former Lester Park library to the west of this lot remains under said designation. The southern portion of the lot has an existing utility easement that will not interfere with proposed home construction. The Planning Commission unanimously approved this minor subdivision at their June 9, 2020 meeting. The applicant did not record the deed reflecting this subdivision with St. Louis County within the 180 day requirement, thus the need for re-approval from the Planning Commission.

Review and Discussion Items

Staff finds that:

- 1.) The applicant is requesting a Minor Subdivision to divide a single lot into two lots. The applicant intends to construct one single family home with attached garage on each subdivided lot. The proposed subdivision, if approved, would not make the parcels non-conforming due to lot frontage and lot area. Lot area on proposed parcel A to equal 7,262 square feet with 40 feet of street frontage on Otsego Street. Lot area on proposed parcel B to equal 6,582 square feet with 40 feet of street frontage on Otsego Street.
- 2.) The attached survey exhibit demonstrates compliance with lot frontage and lot area. The proposed design for single-family homes meets required setbacks of R-1 zoned districts; no nonconformity is created.
- 3.) Both parcels have right of way on a developed street. No existing platted right of way is being proposed to be vacated with this proposal.
- 4.) No public, agency, or City Comments were received.
- 5.) Approval of this Minor Subdivision signifies that the City of Duluth UDC standards are met. St. Louis County may have additional requirements. This subdivision approval lapses if a legal survey and description are not recorded with St. Louis County within 180 days. Applicant must provide the City with proof of recording. .

Staff Recommendation

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

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



PL21-014 Minor Subdivision
Map Exhibit

Legend

- Easement Type
 - Utility Easement
 - Other Easement
- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

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



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

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

LEGAL DESCRIPTION FOR PARCEL A

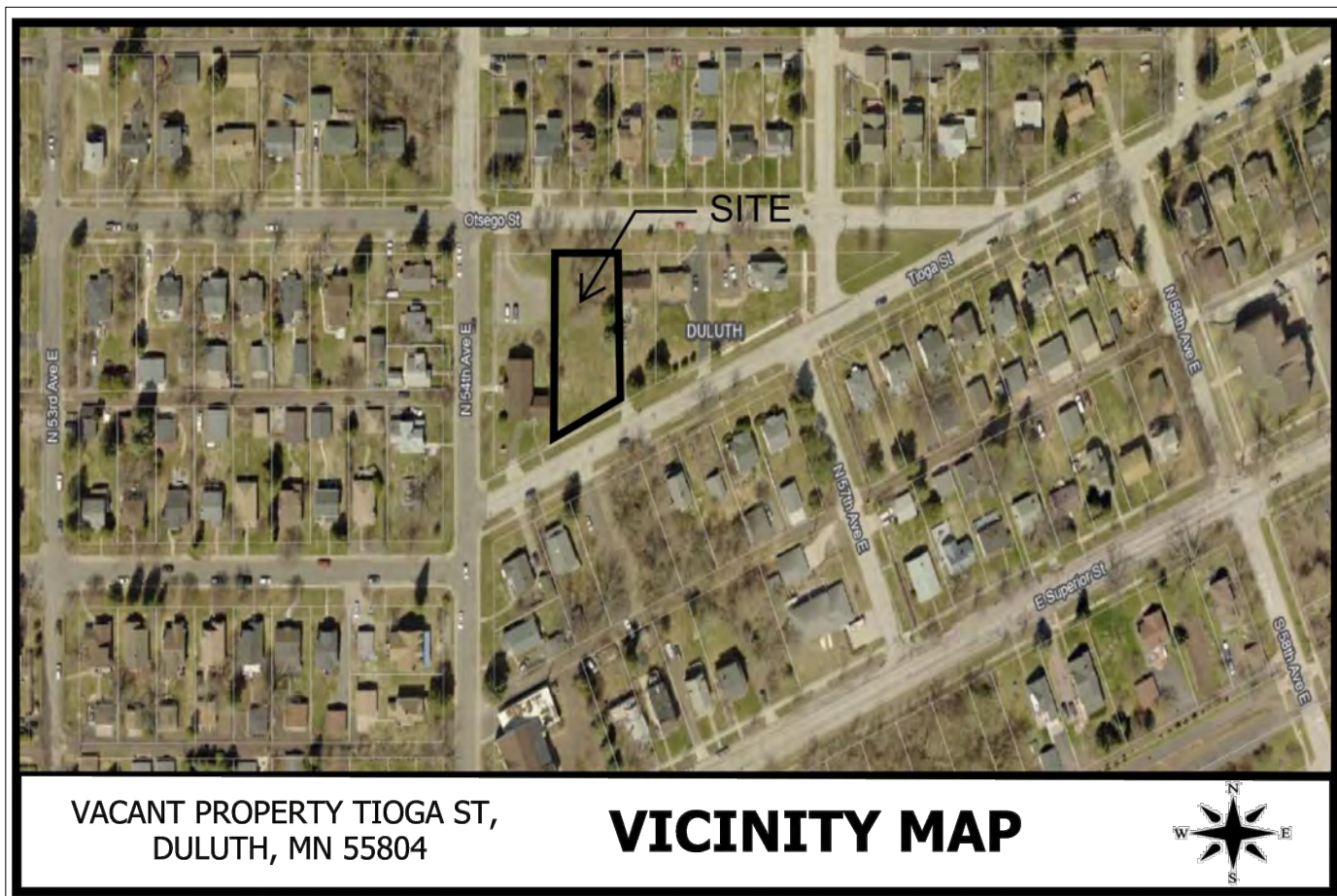
The West Half of Lot 2, Block 14, LESTER PARK 2ND DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota.

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

LEGAL DESCRIPTION FOR PARCEL B

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

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



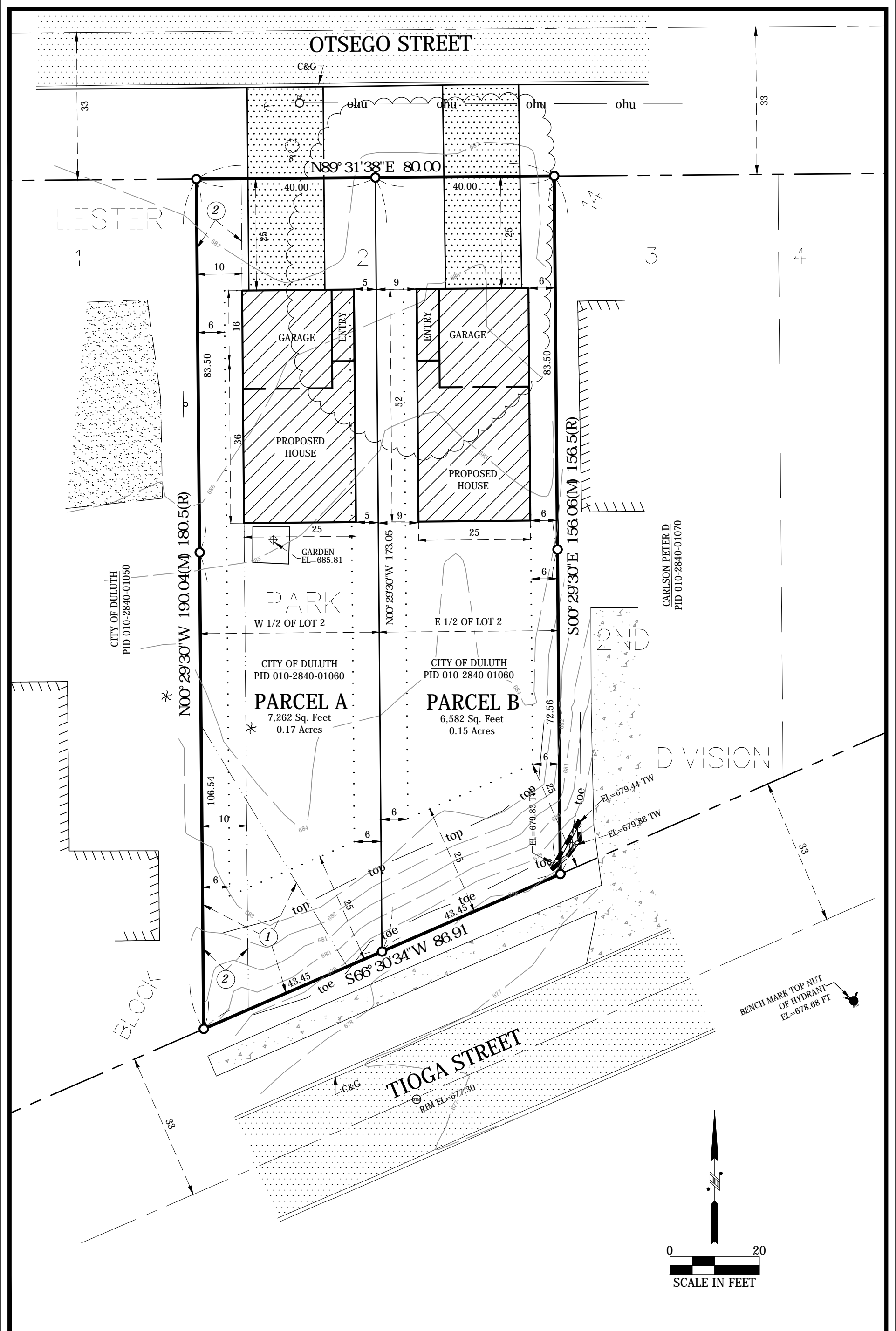
LEGEND

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

SURVEYOR'S NOTES

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

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



CERTIFICATE OF SURVEY		
CLIENT: PEYSER LLC	REVISIONS: 5-09-20 NEW LAYOUT & LEGALS, 5-15-20 REVISE HOUSE LAYOUT	
ADDRESS: TIOGA ST, DULUTH, MN 55804		
DATE: 04-13-2020	JOB NO: 20-062	SHEET 2 OF 2

ALTA
LAND SURVEY COMPANY

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

PL21-014

PC Packet 03-09-2021

Site Visit: 5/20/20



Site Visit: 5/20/20





Planning & Development Division
 Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 21-015	Contact	John Kelley, jkelly@duluthmn.gov	
Type	Vacation of utility easement	Planning Commission Date	March 9, 2021	
Deadline for Action	Application Date	February 16, 2021	60 Days	April 17, 2021
	Date Extension Letter Mailed	February 16, 2021	120 Days	June 16, 2021
Location of Subject	Adjacent to the 2100 block of West Superior Street specifically 2102 and 2104 West Superior Street			
Applicant	Duluth Lincoln Park 1 LLC	Contact	Dante Tomassoni	
Agent		Contact		
Legal Description	See Attached			
Site Visit Date	February 26, 2021	Sign Notice Date	February 23, 2021	
Neighbor Letter Date	February 23, 2021	Number of Letters Sent	27	

Proposal

The purpose of this application is to vacate a 12 inch (1 foot) portion of a utility easement lying within the vacated portion of West Michigan Street to provide footing placement for the proposed 74-unit apartment building.

Staff recommends approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-5, MU-C	Vacant building	Central Business Secondary
North	F-5	Office/Commercial	Central Business Secondary
South	MU-C	Street	Central Business Secondary
East	MU-C	Office/Commercial	Central Business Secondary
West	F5	Office/Commercial	Central Business Secondary

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. 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 #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 vacation of the utility easement for the placement of 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.

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

PL 20-118 - Vacation of a portion of West Michigan Street.

PL 21-006 – Planning Commission recommend approval to City Council for a Concurrent Use Permit.

Review and Discussion Items:

Staff finds that:

1. The applicant is requesting to vacate a 1' x 63' portion of the utility easement in the vacated section of West Michigan Street. This section of West Michigan Street was vacated in 2020 in preparation for the proposed apartment complex, and a utility easement was retained over the entire vacated area of the street.
2. The purpose is to remove the easement and allow structural footings to be placed 6 feet below the surface extending 1 foot into the utility easement.
3. There are existing utilities installed in the easement. The City Utility Engineer stated the utilities will not be impacted by the proposed vacation.
4. The proposed vacated area of the utility easement will not be needed by the City for the efficient supply of utilities or public services in the City, nor for the promotion of public health, safety, or welfare of the citizens of Duluth.
5. No other public or City comments have been received at the time of drafting this report.
6. Vacations of rights of way and easements lapse unless the vacation is recorded with the county recorder within 90 days after final approval. The vacation recording is facilitated by the City of Duluth.

Staff Recommendation:

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

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



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.

LEGAL DESCRIPTION FOR VACATION OF RETAINED UTILITY EASEMENT OVER VACATED W. MICHIGAN STREET

All that part of the utility easement retained in the street vacation filed with the St. Louis County Registrar of Titles on September 16, 2020 as Document No. 1029045 lying over, under and across vacated West Michigan Street adjacent to and abutting Block 38, DULUTH PROPER SECOND DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota described as follows:

Beginning at the East most corner of said Block 38; thence on an assumed bearing of South 41 degrees 39 minutes 38 seconds West, along the Southeasterly line of said Block 38 for a distance of 63.00 feet; thence South 48 degrees 19 minutes 27 seconds East 1.00 feet to a line parallel with and distant 1.00 foot Southeasterly of the Southeasterly line of said Block 38; thence North 41 degrees 39 minutes 38 seconds East, along said parallel line 63.00 feet to the Southeasterly extension of the Northeasterly line of said Block 38; thence North 48 degrees 19 minutes 27 seconds West, along said Southeasterly extension 1.00 foot to the point of beginning.

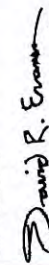
Said parcel contains 63 square feet.

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

Approved by the City Engineer of the
 City of Duluth, MN this 22 day
 of FEB 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. Evanson
 MN Lic. No. 49505
 DATE: 01-27-2021

VACATION EXHIBIT

CLIENT: P&R PROPERTIES
 ADDRESS: 2102, 2104 & 2112 W SUPERIOR STREET, DULUTH, MN 55806
 DATE: 01-27-2021
 REVISIONS:
 JOB NO: 20-380 SHEET 1 OF 2





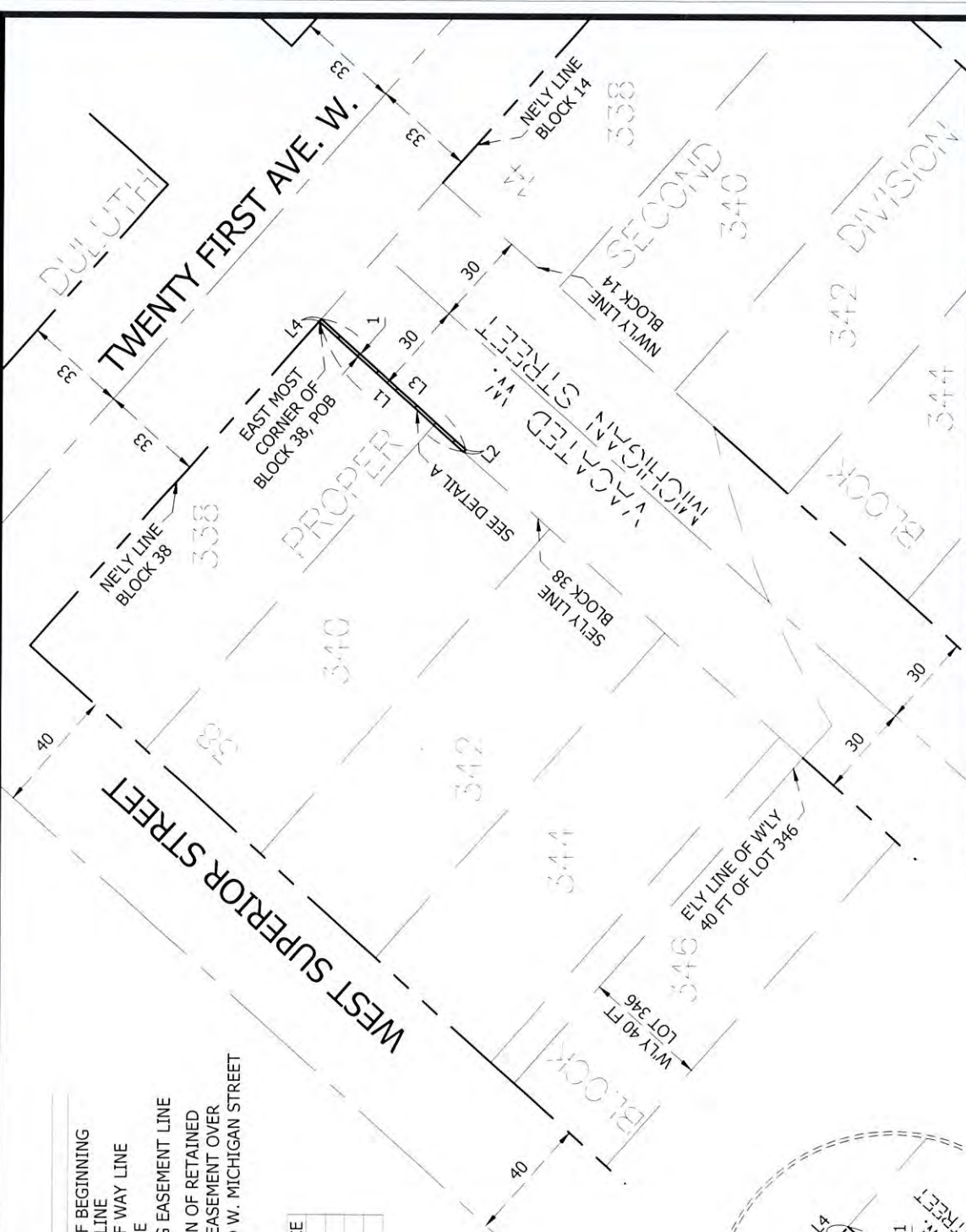
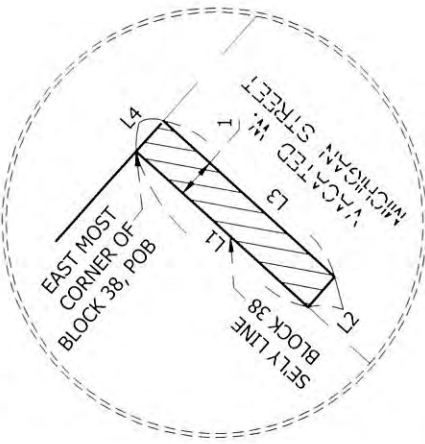
VACATION EXHIBIT

CLIENT: P&R PROPERTIES
 ADDRESS: 2102, 2104 & 2112 W SUPERIOR STREET, DULUTH, MN 55806
 DATE: 01-27-2021
 JOB NO: 20-380 SHEET 2 OF 2

LEGEND

- POB
- POINT OF BEGINNING
- CENTER LINE
- RIGHT OF WAY LINE
- PLAT LINE
- EXISTING EASEMENT LINE
- VACATION OF RETAINED UTILITY EASEMENT OVER VACATED W. MICHIGAN STREET

LINE	BEARING	DISTANCE
L1	S41°39'38"W	63.00
L2	S48°19'27"E	1.00
L3	N41°39'38"E	63.00
L4	N48°19'27"W	1.00





Planning & Development Division
 Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580
 planning@duluthmn.gov

MEMORANDUM

DATE: March 2, 2021
TO: Planning Commission
FROM: Steven Robertson, Senior Planner
RE: Optional Public Hearing for 319-333 East Superior Street (PL 21-008)

At your regular Planning Commission meeting on March 9, 2021, there will be an optional public hearing to gather oral comments from the public on the Environmental Assessment Worksheet (EAW) for the 319-333 East Superior Street Project.

There will be a brief 3 to 5 minute presentation as a prologue to the optional public hearing. You need not respond to any of the comments from the public at the March 9 meeting except to ask for clarification, if needed. Responses to all substantive comments will be drafted after the end of the comment period (March 25, 2021). Responses to the comments received will be provided to you, and those who have submitted questions or comments, prior to the Planning Commission making a final determination on the EAW.

Included with this memo is a copy of the press release that was issued and the notice in the EQB Monitor. A copy of the EAW can be found here:
<https://duluthmn.gov/planning-development/environmental/environmental-assessment-worksheets/>

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,¹ 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 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 March 9, 2021 Planning Commission meeting?

The commission does not need to take any formal action; this is simply an opportunity to citizens to share their comments verbally with the Planning Commission during the 30 day comment period.

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

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.

FOR IMMEDIATE RELEASE



City of Duluth Communications Office

Mayor Emily Larson
411 West First Street • Duluth, Minnesota 55802 • www.duluthmn.gov

*For more information contact Kate Van Daele,
Public Information Officer at 218-730-5309*

DATE: 2/22/2021

SUBJECT: City asks for public comment for the 319 to 333 East Superior Street Project EAW

BY: Kate Van Daele, Public Information Officer

City asks for public comments for the 319 to 333 East Superior Street Project EAW

[Duluth, MN] - The City of Duluth is asking the public to submit written comments during a 30-day public review period on an Environmental Assessment Worksheet (EAW) prepared for the 319 to 333 East Superior Street project. The public comment period will be open from Tuesday, February 23 to Thursday, March 25, at 4:30 p.m.

The project involves the demolition of three buildings in downtown Duluth at the southwest corner of Superior Street East and North 4th Avenue East 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.

The EAW provides information on the environmental impacts of this project. The EAW is available online at <https://duluthmn.gov/planning-development/environmental/environmental-assessment-worksheets/>.

Written comments must be submitted no later than 4:30 p.m. on Thursday, March 25, 2021, to the attention of Adam Fulton, Deputy Director of Planning and Economic Development, 411 West First Street, Room 160, Duluth, MN 55802. Electronic comments may be sent to planning@duluthmn.gov with "319 - 333 East Superior Street" in the subject line. If submitting comments electronically, please include your full name and postal mailing address.

The Planning Commission will hold a Public Hearing to receive comments on the EAW on Tuesday, March 9, 2021, 5:00 p.m. via WebEx; a link can be found at <https://duluthmn.gov/live-meeting/>.

The Planning Commission will review all written comments and determine if the EAW is sufficient or if an Environmental Impact Statement is needed at the end of the comment period.

###

Steven Robertson

From: Minnesota Environmental Quality Board <MNEQB@public.govdelivery.com>
Sent: Tuesday, February 23, 2021 12:01 PM
To: Steven Robertson
Subject: EQB Monitor, February 23, 2021



The *EQB Monitor*

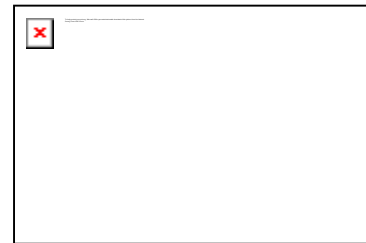
520 Lafayette Road North, Saint Paul, MN 55155 - www.eqb.state.mn.us
EQB.Monitor@state.mn.us - (651)-757-2873



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Publication Schedule: Tuesdays at 12:00 PM
Submission Deadline: [View 2021 Schedule](#)
Use the [EQB Monitor Submission Form](#)

The *EQB Monitor* is a weekly publication announcing environmental review documents, public comment periods and other actions of the Environmental Quality Board. For more information on environmental review, please visit the [EQB website](#). You can find active projects in your community on the [Environmental Review Projects Interactive Map](#).



Check the [EQB Monitor Schedule](#) and [EQB calendar](#) for more details on *Monitor* deadlines and Board Meetings. Meeting minutes, agendas and additional notices are also posted on the [EQB Website](#).

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EQB Announcements

Notice of Request for Public Feedback on Draft Recommendations



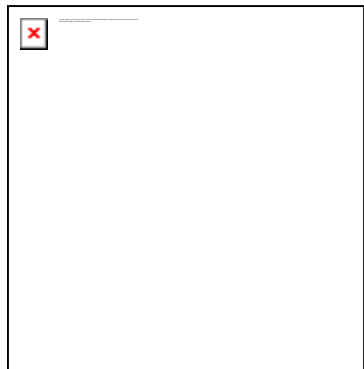
Integrating climate change information into environmental review

The EQB is considering changes to the Environmental Review Program to address climate change. The EQB Environmental Review Implementation Subcommittee seeks your feedback on draft recommendations through **Wednesday, March 31, 2021**. Please let us know if you support the draft recommendations as proposed or suggest changes that would result in your support.

Please submit your input:

- Send an email to Env.Review@state.mn.us with subject line CLIMATE
- Mail your feedback to EQB, 520 Lafayette Rd N, St. Paul, MN 55155

EQB will be holding listening sessions this spring to hear from the public. To stay up-to-date on this project, visit the EQB website: [Climate Change and Environmental Review Engagement](#).



Emerging Environmental Leaders program seeking applicants for 2021 cohort

The program elevates young people's voices in protecting Minnesota's environment

Apply now for the spring 2021 cohort of the Emerging Environmental Leaders program, a partnership between the Minnesota Environmental Quality Board and the University of

Minnesota Institute on the Environment. Applications will be accepted on or before Sunday, March 7, 2021.

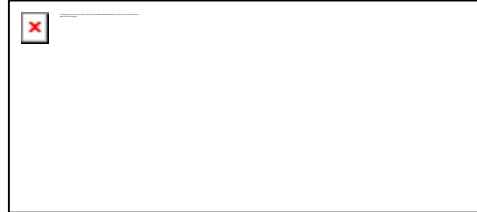
The program engages diverse young Minnesotans ages 18-24 to learn about environmental issues in Minnesota, help grow a broader network of young people interested in the environment, and share their ideas, perspectives, and solutions with Minnesota's state

government leadership. The spring 2021 cohort will plan and facilitate a joint meeting of the governor's Climate Change Subcabinet and the Environmental Quality Board to bring youth voices forward on climate change and other environmental issues.

Learn more and apply at bit.ly/EEL21.

To stay up to date on this project, please [sign up](#) for the Emerging Environmental Leaders email list.

Public Survey on Pollinator Protection in Minnesota



We are extending the deadline to answer the [Pollinator Survey](#). **Now you can answer and share the survey by March 12th!**

The Interagency Pollinator Protection Team will use your feedback to shape future pollinator reports, to identify new opportunities for action and to engage with Minnesotans to advance pollinator protection in our state.

If you have any questions, please contact the State Pollinator Coordinator, Rebeca Gutierrez-Moreno by email at rebeca.gutierrez-moreno@state.mn.us, or by phone: 651-757-2268.

We appreciate your participation!

Photo by Erik Runquist

Responsible Governmental Unit Redesignation

Rochester International Airport

Responsible Governmental Unit (RGU) Redesignation: On February 16, 2021, the Environmental Quality Board (EQB, Board) received a data submittal for an Environmental Assessment Worksheet (EAW) for the proposed project at Rochester International Airport. According to [Minn. R. 4410.4300 Subp. 7 Pipelines](#), the EQB is the designated RGU assigned to prepare the EAW for the proposed project.

Project Description: Rochester International Airport (RST) is proposing to reconstruct and extend Runway 2/20 by 1,647 feet to the south, while shortening it by 595 feet on the north end, to allow RST to maintain uninterrupted operational capability. An existing petroleum pipeline, owned by BP, traverses airport property. Because of this, the runway does not comply with current FAA design standards. Thus, the pipeline will be relocated outside of existing and future airport property prior to the runway extension.

What is the process for redesignation?

- A notice of RGU redesignation is published for one week in the *EQB Monitor*.
- Any Board member may request a full Board review of the redesignation within one week of being published in the *EQB Monitor*.
 - A Board member may be contacted by a member of the public to make the request for full Board review on their behalf.
- If no requests are received at the end of the notice period, the EQB chair will make the redesignation of RGU for the proposed project.
- If a request for review by the full Board is received, the RGU redesignation will be placed on the next Board meeting agenda.

Deadline for request of full Environmental Quality Board review: March 2, 2021

The redesignation of the RGU for the Rochester International Airport will be made by the EQB chair on March 3, 2021, unless any Board member on behalf of the public requests a full review by the Board. To request a review by the full Board, contact EQB members. Visit [EQB's website](#) for contact information.

Environmental Assessment Worksheet

319 - 333 E Superior St, Duluth MN

Comment Deadline: March 25, 2021

Project Description: 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. Additional parking spaces have been secured in a parking ramp on an adjoining property.

Link to Document: <https://duluthmn.gov/planning-development/environmental/environmental-assessment-worksheets/>

Public Meeting Date: March 9, 2021

Public Meeting Time: 5:00 p.m.

Public Meeting Location Name and Address: WebEx virtual meeting, <https://duluthmn.gov>

RGU: City of Duluth

RGU Contact: Adam Fulton, 218-730-5580, planning@duluthmn.gov

Alternative Urban Areawide Review Update Adoption

Opus Study Area

Adoption Date: February 8, 2021

Project Description: The Opus Study Area is approximately 580 acres located in the southeastern corner of the City of Minnetonka that is general bounded by TH 62 and the City of Eden Prairie to the south, TH 169 and the City of Edina to the east, Smetana Road and the City of Hopkins to the north, and Shady Oak Road (Hennepin County Road 61) and the western edge of Section 36 to the west. The Opus AUAR includes the review of two development scenarios. Scenario 1 is generally consistent with the City's 2040 Comprehensive Plan and Scenario 2 reflects land use development that is more intense than Scenario 1 and that would be supported by the construction of the Opus Station of the Green Line Light Rail Transit (LRT). The draft AUAR was published in the October 26, 2020 EQB Monitor and the final AUAR was published in the December 28, 2020 EQB Monitor. See the full AUAR for a description of each scenario's type and intensity of development.

Link to Document: <https://www.minnetonkamn.gov/services/projects/development-studies/opus-auar-study>

RGU: City of Minnetonka

RGU Contact: Rob Hanson, 952-939-8234, rhanson@minnetonkamn.gov

General Notice

Minnesota Department of Agriculture - Notification of Release of Genetically Engineered Organisms

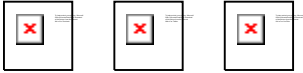
KWS Seeds, LLC filed a Notification for Release of a Genetically Engineered Organism with the Minnesota Department of Agriculture, MDA notification # **21-NO-05**. Notification is for genetically modified **SUGARBEET**, pending USDA-APHIS Biotechnology Regulatory Services (BRS) approval for release in Application **AUTH - 0000100216**. The counties identified for release include the following: **Chippewa-1 location with 35 acres; Clay-2 locations with 160 and 15 acres, respectively; Kandiyohi-1 location with 10 acres, Norman-1 location with 210 acres; Polk-2 locations with 70 and 300 acres, respectively; Renville-1 location with 5 acres.** Project categories include **HR (Herbicide Resistance)**.

For additional information contact Denise Thiede, Minnesota Department of Agriculture, 625 Robert St N., St. Paul, MN 55155, 651-402-3149, denise.thiede@state.mn.us.

Links to environmental review documents were provided by the RGU. In the event that the link does not work, you may contact the RGU directly to request either a paper or electronic copy of the documents. If you are not able to connect with the RGU, please email EQB staff at Env.Review@state.mn.us, call 651.757.2873, or visit our [website](#).

Minnesota Environmental Quality Board | [Contact us](#)

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This email was sent to srobertson@duluthmn.gov using GovDelivery Communications Cloud on behalf of: Minnesota Environmental Quality Board · 520 Lafayette Road North, Saint Paul, MN 55155





Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

Date: March 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 meetings, staff continued to work on facility text changes, to be presented at the March Planning Commission meeting.

Attached to this memo are three draft ordinances related to sober houses (creating a new land use with use specific standards, including amendments to residential care facilities), mini storage and self service storage (expanding use specific standards), and allowing for mass transit bus shelter signage related to commercial off-site advertising. Also included is the Permitted Use Table (50-19), which is being amended to provide for the uses listed above, and allowing craft manufacturing in the MU-N zone district.

..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.

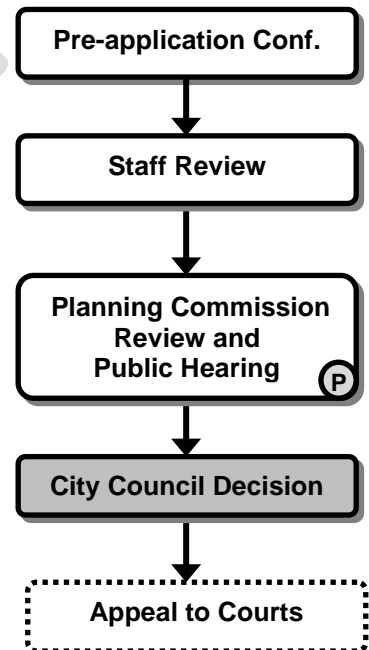
1. Review and recommendation.
The planning commission shall review the petition, conduct a public hearing on the application pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H and make a recommendation to council based on whether the application meets the criteria in subsection 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;

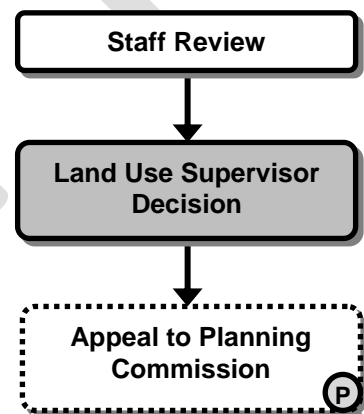
E. Procedure.

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;

3. As of July 31, 2021, new sober houses shall be a minimum distance of 350 feet from existing sober houses.

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)
RESIDENTIAL USES	
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 9 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
PUBLIC, INSTITUTIONAL AND CIVIC USES	
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
COMMERCIAL USES	
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
INDUSTRIAL USES	
Airport and related facilities	As determined by airport management
<ul style="list-style-type: none"> • Electric power or heat generation plant • Electric power transmission line • Junk and salvage services • Major utility or wireless communication tower • Radio or television broadcasting tower • Railroad or shipyard and related facilities • Solar or geothermal power facility (primary use) • Truck freight or transfer terminal • Water or sewer works • Wind power facility (primary use) • Bulk storage not listed 	No requirement
<ul style="list-style-type: none"> • Contractor's shop and storage yard • Dry cleaning or laundry plant • Recycling collection point (primary use) • Solid waste disposal or processing facility 	1 per 1,000 sq. ft. of gross floor area
<ul style="list-style-type: none"> • Manufacturing, light manufacturing, heavy manufacturing, hazardous or special 	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"> Storage warehouse Water-dependent manufacturing, light or heavy Wholesaling 	
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
ACCESSORY USES	
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
TEMPORARY USES	
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.

..Title

AN ORDINANCE AMENDING SECTIONS 50-20.3 AND 50-41 RELATED TO MINI STORAGE AND SELF-SERVICE STORAGE FACILITIES

..Body

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 50-20.3 of the Duluth City Code, 1959, as amended, be amended as follows:

L Mini-storage and self-service storage facility

1. Mini-storage facilities ~~shall comply with the following standards when located in~~ are allowed in the RR-1, MU-B, I-G and I-W districts, and shall comply with the following standards:

- a) The use shall be contained within an enclosed building or buildings;
- b) If the use abuts a residential zone district on any property line, building architecture shall employ sloped roofs and shall display wall relief features and colors commonly found in residential construction;
- c) The use shall be designed so that doors to individual storage units do not face any abutting street frontage;
- d) At least 50 percent of the wall surface area of any wall facing an abutting public street shall be faced with brick or split-block materials. Exposed concrete masonry unit (CMU) construction is not permitted on those facades;
- e) Hours of public access to storage units abutting one or more residential zone districts shall be ~~restricted~~ limited to the period from 6:00 a.m. to 10:00 p.m.;
- f) Signage shall be limited to one 40 square foot free standing sign and 20 square feet of non-illuminated wall signage. Signs shall not be located closer than ten feet to the front property line.
- g) Mini-storage facilities in the RR-1 district are only allowed on properties that are also within the Airport Overlay District Safety Zone B. There shall be a landscaped or naturally vegetated buffer a minimum of 50 feet along all property lines in addition to a dense urban screen along all side and rear property lines;

~~Self-service storage facilities shall comply with the following standards when located in the F-5, F-7 and F-8 districts:~~

- ~~a) This use must be completely contained with an enclosed principal building.~~
- ~~b) This use is permitted only on the lowest floor or basement of the building. This use is not allowed on any floor that is above grade with the primary street, except for office or lobby areas associated with the storage facility;~~
- ~~c) Access to the storage units may not be provided from the primary street. Where the access is on a secondary street, parking must be available within 30 feet of the doorway and the doorway may not be a roll up door;~~
- ~~d) Signage for this use is permitted as a commercial use in Sec. 50-27;~~

2. Self-service storage facilities are allowed in the F-5, F-7, F-8, MU-C and MU-B districts, and shall comply with the following standards:

- a) The use must be completely contained with an enclosed principal building;
- b) Signage for this use is permitted as a commercial use in Sec. 50-27;
- c) In F-5, F-7, and F-8 districts:
 - i. The use is permitted only on the lowest floor or basement of the building. This use is not allowed on any floor that is above grade with the primary street, except for office or lobby areas associated with the storage facility;
 - ii. Vehicular access to the storage units may not be provided from the primary street. Where the access is on a secondary street, parking must be available within 30 feet of the doorway and the doorway may not be a roll up door;
- d) In the MU-C and MU-B districts:
 - i. The building shall be at least 350 feet from any single-family, two-family, or townhome, excluding any residential use or structure on the same property or within the same development;
 - ii. Access to storage units through a garage door, roll up door, or loading dock may only be provided from the rear or side of the structure;
 - iii. In addition to design standards that may be required in Sec 50-30, these facilities shall provide:
 - 1. For any building frontage facing and located within 60 feet a public street or public right of way, or facing a parking area of greater than 25 parking spaces, the frontage shall consist of a minimum of 60' of building depth of occupied space over no less than 66% of the frontage. The occupied space shall be used by businesses for active, customer-facing commercial activities permitted in the zone district per table 50-19.8, and shall not be used for warehouse or self-storage uses;
 - 2. A minimum of 65 percent of the front and 25 percent of the side façade, between two and eight feet above the sidewalk or ground surface, must be comprised of transparent, non-reflective windows, and a minimum of 25 percent of the windows shall have views directly into and out of the ground floor occupied space;
 - 3. Excluding window surfaces, at least 50 percent of the wall surface area of any front or side façade shall be faced with brick or split-block materials. Exposed concrete masonry unit (CMU) construction is not permitted on those facades;
 - 4. Where compliance with the specific requirements of Section 50-20.3.L D.III are not possible as a result of unique site or building conditions, an owner may propose alternatives. The land use supervisor may approve an alternative proposal where an applicant can demonstrate that the alternative proposal achieves substantially the same degree of building design aesthetics than the provisions of this section.

Section 2. That Section 50-41 of the Duluth City Code, 1959, as amended, be amended as follows:

Mini-storage or self-service storage facility. A facility with controlled access that contains varying sizes of individual, compartmentalized and controlled access units or lockers leased or rented on individual leases for varying periods of time where individuals can store and remove their own personal property. This use can be located in an individual building or within multiple buildings. This use is not intended for auction, commercial, wholesale or retail sales or miscellaneous or garage sales, except if specifically approved as an integral part of mixed use self-service storage facility;

STATEMENT OF PURPOSE:

DRAFT

ARTICLE THREE. PERMITTED USES.

50-19 PERMITTED USE TABLE.

50-19.1 General.

Table 50-19.8, use table, lists land uses and indicates whether they are allowed by right or with a special use permit, or prohibited in each base zone district. The use table also includes references to any additional regulations applicable to that use.

The following legend in Table 50-19.1 shall be referenced when using the Permitted Use Table in 50-19.8.

TABLE 50-19.1: Use Table Legend for 50-19.8*	
Abbreviation	Reference
P	Permitted Use
S	Special Use, refer to 50-37.10
I	Interim Use, refer to 50-37.10
A	Accessory Use
U	Use Permitted in the Upper Stories of the Form District Building
1	May Require Planning Commission Review Hearing (MU-C, MU-I, and MU-W Only), refer to 50-37.11
2	May Require Additional Development Standards and Planning Commission Review if in the Higher Education Overlay District (HE-O), refer to 50-18.5
3	If allowed by an approved regulating plan, refer to 50-14-.7 and 50-15.7
Notes:	
*Additional standards shall apply on uses within the natural resources, airport, historic resources, or skyline parkway overlay districts (NR-O, A-O, HR-O, SP-O)	
All permitted uses in the MU-N Zone District shall be considered as eligible for an interim use permit in R-1 or R-2 District for structures identified as a city of Duluth Local historic landmark, per Section 50-20.7.	

(Ord. No. 10044, 8-16-2010, § 6; Ord No. 10286, 3-10-2014, § 6; Ord. No. 10366, 4-13-2015, § 3; Ord. No. 10446, 4-11-2016, § 1; Ord. No. 10659, 10-28-2019 §3)

50-19.2 Permitted uses.

A “P” in a cell of the use table indicates that the land use is allowed by right in that base zone district, subject to compliance with the use-specific standards referenced in the final column of the use table. A “U” in a cell of the use table indicates that the land use is allowed by right in that base district on any floor of the structure other than the ground floor, subject to compliance with the use-specific standards referenced in the final column of the table. A “P” in the R-P and M-P zone district column indicates that the use is permitted only if its included in a plan or plan amendment for the R-P and MU-P district. Permitted uses are subject to all other applicable requirements of this UDC, including those set forth in Article IV, *Development Standards*. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 15; Ord. No. 10286, 3-10-2014, § 6.)

50-19.3 Special uses and interim uses.

An “S” or an “I” in a cell of the use table indicates that the land use is allowed in that base zone district only upon approval of a special use or interim use permit as described in Section 50-37.10 and compliance with any use-specific standards referenced in the final column of the use table. Uses subject to a special use or interim use permit are subject to all other applicable requirements of this UDC, including those set forth in Article IV, *Development Standards*. In addition, council may approve interim uses through the procedure described in Section 50-37.10. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10286, 3-10-2014, § 6.)

50-19.4 Prohibited uses.

A blank cell in the use table indicates that the land use is prohibited in that base zone district. (Ord. No. 10044, 8-16-2010, § 6; cited only by Ord. No. 10286, 3-10-2014, § 6.)

50-19.5 Overlay districts provisions govern.

When a property is located within the boundaries of an overlay district, the provisions for that overlay district prevail over those in the base zone district. For example, if a use is prohibited in the base zone district where the property is located, but is a permitted use in an overlay district applicable to the same property, then the use is allowed on that property. On the other hand, if a use is listed as a permitted use in the base zone district but is listed as a special use in an overlay zone district applicable to the same property, then the use is a special use for that property. Where a property is located in more than one overlay district, then the most restrictive use provision in those overlay zone districts shall apply to the property. (Ord. No. 10044, 8-16-2010, § 6; cited only by Ord. No. 10286, 3-10-2014, § 6.)

50-19.6 Use-specific standards.

When a land use is a permitted or a special use in a zone district, there may be additional standards that apply to that specific use. Those additional standards are cross-referenced in the last column of the use table (use-specific standards). The cross-referenced standards appear in Section 50-20 immediately following the use table. (Ord. No. 10044, 8-16-2010, § 6; cited only by Ord. No. 10286, 3-10-2014, § 6.)

50-19.7 Unlisted uses.

When a proposed land use is not explicitly listed in the use table, the land use supervisor shall determine whether or not it is included in the definition of a listed use or is so consistent with the size, scale, operating characteristics and external impacts of a listed use that it should be treated as the same use. Any such interpretation shall be made available to the public and shall be binding on future decisions of the city until the land use supervisor makes a different interpretation. (Ord. No. 10044, 8-16-2010, § 6; cited only by Ord. No. 10286, 3-10-2014, § 6.)

50-19.8 Permitted use table.

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

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	
PUBLIC, INSTITUTIONAL AND CIVIC USES																										
Community and Cultural Facilities																										
Bus or rail transit station							P2	P1	P1	P	P1	P3	P	P	P	P	P	P	P	P	P					
Cemetery or mausoleum	S	S	S	S	S2	P3	S2	S	S	S															S	
Club or lodge (private)					S2	P3	P2	P1	P1		P1	P3	P	P	P	P	P	P	P	P	P			S		50-20.2A
Government building or public safety facility		P	P	S	P2	P3	P2	P1	P	P	P1	P3	P	P	P	P	P	P	P	P	P	S	S	S	P	
Museum, library or art gallery				S	S2	P3	P2	P1		S	P1	P3	P	P	P	P	P	P	P	P	P			S		
Park, playground or forest reserve	P	P	P	P	P2	P3	P2	P1	P1		P1	P3	P	P	P	P	P	P	P	P	P			P		
Religious assembly, small (less than 50,000 sq. ft.)		P	P	S	P2	P3	P2	P1	P1	S	P1	P3	P	P	P	P	P	P	P	P					50-20.2.F	
Religious assembly, large (50,000 sq. ft. or more)		S	S	S	S2	P3	P2	P1	P1	S	P1	P3	P	P	P	P	P	P	P	P					50-20.2.F	
Educational Facilities																										
Business, art or vocational school							P2	P1	P1	P	P1	P3	P	P	P	P	P	P	P	P						
School, elementary		P	P	P	P2	P3	P2	P1	P1			P3	UP	P	UP	P	P	UP	UP	UP					50-20.2.G	
School, middle or high		S	S	S	S2	P3	S2	S1	S1			P3	UP	P	UP	P	P	UP	UP	UP					50-20.2.G	
University or college									P1			P3			UP	P	P	UP	UP	UP						
Health Care Facilities																										
Hospital									P1																	
Medical cannabis distribution facility										I												I			50-20.2.B	
Medical cannabis laboratory										I												I			50-20.2.C	
Medical cannabis manufacturer																						I			50-20.2.D	
Medical or dental clinic					S2	P3	P2	P1	P1	P	P1	P3	P	P	P	P	P	P	P	P					50-20.2.E	
Nursing home					P2	P3	P2	P1	P1		P1	P3		P		P										
Other institutional support uses not listed in this table									P1																	

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	
COMMERCIAL USES																											
Agriculture and Animal-Related																											
Agriculture, community garden	P	P	P	P	P		P ²	P	P																		50-20.3.B
Agriculture, farmers market			S		S ²		S ²	S	S		S	P ³															50-20.3.B
Agriculture, general	P	P																									50-20.3.B
Agriculture, urban			P	S	S ²	P ³	S ²	S	S																		50-20.3.B
Kennel	S	S						S	S	P		P ³	S	S	S	S	S	S	S	S						50-20.3.T	
Riding stable	S	S	S			P ³					S													S			
Veterinarian or animal hospital	S	S			P ²	P ³	P ²	P ¹	P ¹	P	P ¹	P ³	P	P	P	P	P	P								50-20.3.T	
Food, Beverage and Indoor Entertainment																											
Adult entertainment establishment																							P				50-20.3.A
Convention or event center								P ¹		P	P ¹	P ³				P	P		P	P	P					50-20.3.H	
Indoor entertainment facility								P ¹		P	P ¹	P ³		P		P	P		P	P	P						
Restaurant (less than 5,000 sq. ft.)					S ²	S ³	S ²	P ¹	P ¹	P	P ¹	S ³	P	P	P	P	P	P	P	P	P					50-20.3.Q	
Restaurant (5,000 sq. ft. or more)						S ³		P ¹	P ¹	P	P ¹	S ³	P	P	P	P	P	P	P	P	P					50-20.3.Q	
Theater							S ²	P ¹			P ¹	P ³		P	P	P	P		P	P	P						
Lodging																											
Hotel or motel							S ²	P ¹	P ¹	P	P ¹	P ³		P		P	P		P	P	P						
Bed and breakfast				S	P ²	P ³	P ²	P ¹	P ¹	P	P ¹	P ³		P		P		P								50-20.3.F	
Seasonal camp or cabin	S	S	S			P ³					P ¹												S			50.20.3.S	
Vacation dwelling unit		I	I	I	I ²	I ³	I ²						I	I	I	I	I	I	I	I	I					50-20.3.U	

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
Offices																										
Bank							S ²	P ¹	P ¹	P	S	P ³	P	P	P	P	P	P	P	P	P					50-20.3.E
Office					S ²		P ²	P ¹	P ¹	P	P ¹	P ³	P	P	P	P	P	P	P	P	P					50-20.3.M
Data center							S ²	P ¹	P ¹	P	S	P ³	P	P	P	P	P	P	P	P	P	P				
Outdoor Recreation & Entertainment																										
Golf course		S	S			P ³																		P		
Marina or yacht club											P ¹											S	S			
Recreational vehicle park	S	S	S			P ³					S												S			50.20.3.P
Other outdoor entertainment or recreation use not listed		S						S		S	S															50.20.3.N
Personal Services																										
Business park support activities										P	P ³															
Preschool		S	S	S	P ²	P ³	P ²	P ¹	P ¹	S	P ¹	P ³	P	P	P	P	P	P	S	P	S					50-20.3.I
Daycare facility, small (14 or fewer)	P	P	P	P	P ²	P ³	P ²	P ¹	P ¹	S	P ¹	P ³	P	P	P	P	P	P	P	P	P					50-20.3.I
Daycare facility, large (15 or more)		S	S	S	S ²	P ³	P ²	P ¹	P ¹	S	P ¹	P ³	P	P	P	P	P	S	P	S						50-20.3.I
Funeral home or crematorium					S ²		S ²	P ¹	P ¹	P		P ³		P		P	P					P				
Mini-storage facility or self-service storage facility		S						S ¹		P						P		P	P			P	P			50-20.3.L
Personal service and repair, small (less than 10,000 sq. ft.)						P ³	P ²	P ¹	P ¹	P	P ¹	P ³	P	P	P	P	P	P	P	P	P					
Personal service and repair, large (10,000 sq. ft. or more)							S ²	P ¹	P ¹	P	P ¹	P ³		P		P	P		P			P				

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
Retail Sales																										
Adult bookstore																						P				Chapter 5
Building materials sales								S ¹		P		P ³														50-20.3.G
Garden material sales		S						P ¹				P ³			P											
Grocery store, small (less than 15,000 sq. ft.)						P ³	P ²	P ¹			P ¹	P ³		P		P	P	P	P	P						50-20.3.K
Grocery store, large (15,000 sq. ft. or more)								P ¹				P ³														50-20.3.K
Retail store not listed, small (less than 15,000 sq. ft.)					S ²	P ³	P ²	P ¹	P ¹		P ¹	P ³	P	P	P	P	P	P	P	P	P					50-20.3.R
Retail store not listed, large (15,000 sq. ft. or more)								P ¹			P ¹	P ³		P		P	P		P	P						50-20.3.R
Vehicle Related																										
Automobile and light vehicle, service							S ²	P ¹		P		P ³		P		P	P	P				P				50-20.3.C
Automobile and light vehicle, repair								P ¹		P ¹		P ³										P				50-20.3.C
Automobile and light vehicle sales, rental, or storage								P ¹		P												P				50-20.3.D
Filling station (small)					S ²	P ³	S ²	P ¹		P	P ¹	P ³		P		P	P	P			P	P				50-20.3.J
Filling station (large)								P ¹		P	P ¹	P ³		P		P	P	P			P	P				50-20.3.J
Parking lot (primary use)					S		S ²	P ¹	P ¹	P	P ¹	P ³	S	S	S	S	S	S		S	S	P	P			50.20.3.O
Parking structure								P ¹	P ¹	P	P ¹	P ³					S		S			P	P			50.20.3.O
Truck or heavy vehicle sales, rental, repair or storage										P												P				

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	
INDUSTRIAL USES																											
Industrial Service																											
Contractor's shop and storage yard										P		P ³						P					P	P			50-20.4.B
Dry cleaning or laundry plant										P													P				
Research laboratories									P ¹	P		P ³											P	P			
Industrial services										P													P	P			
Manufacturing and Mining																											
Manufacturing, craft, artisan production shop or artisan studio							P ²	P		P			P	P	P	P	P	P	P	P	P						50-20.4.F
Manufacturing, craft, brewery or distillery								P		P					P	P	P	P	P	P			P				50-20.4.F
Manufacturing, light									P ¹	P		P ³						P					P				50-20.4.G
Manufacturing, heavy																							P				
Manufacturing, hazardous or special																							S				50-20.4.H
Mining, extraction and storage		S																					S	S			50-20.4.I
Water-dependent manufacturing, light or heavy																								P			
Transportation-Related																											
Airport and related facilities	S																						P			P	50-20.4.A
Railroad yard or shipyard and related facilities																							P	P			
Truck freight or transfer terminal										P													P	P			
Utilities																											
Electric power or heat generation plant																							P	P			
Electric power transmission line or substation	S	S	S	S	S ²	P ³	S ²	S	S	S	S	P ³	S	S	S	S	S	S	S	S	S	S	S	S	S	S	50-20.4.C
Major utility or wireless telecommunication facility	S	S	S	S	S ²	P ³	S ²	S	S	S	S	P ³	S	S	S	S	S	S	S	S	S	S	S	S	S	S	50-20.4.E
Radio or television broadcasting tower		S								S													S	S			50.20.4.J
Solar, geothermal or biomass power facility (primary use)	S	S	S			P ³	S	S	P		P ³											P	S	S	S		

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	
Water or sewer pumping stations/reservoirs	S	S	S	S	S ²	P ³	S ²	S	S	S	S	P ³	S	S	S	S	S	S	S	S	S	S	S	S	S	
Water or sewer treatment facilities																							P	P		
Wind power facility (primary use)		S							S	S													P	S		50-20.4.N
Waste and Salvage																										
Junk and salvage services																							S	S		50.20.4.D
Recycling collection point (primary use)								S	S	S													P	P		
Solid waste disposal or processing facility		S								S													S	S		50-20.4.K
Wholesale Distribution and Storage																										
Storage warehouse											P						P						P			50.20.4.L
Wholesaling										P							P						P			50-20.4.M
Bulk storage not listed elsewhere																							P			
Water-dependent bulk storage or wholesaling not listed elsewhere																								P		

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	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	
ACCESSORY USES																											
Accessory agriculture roadside stand	A	A																								A	50.20.5.A
Accessory bed and breakfast	A	A	A	A	A	A	A		A		A																50-20.5.B
Accessory boat dock, residential	A	A	A	A	A	A	A	A	A		A																50-20.5.C
Accessory caretaker quarters										A												A	A	A			
Accessory communications tower for private use	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
Accessory day care facility	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A						
Accessory dwelling unit	A	A	A	A	A	A	A																				50-20.5.D
Accessory heliport	A								A		A											A					50-25.5.E
Accessory home occupation	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A						50-20.5.F
Accessory home share	A	A	A	A	A	A	A				A	A	A	A	A	A	A	A	A	A	A						50-20.5.G
Accessory recycling collection point					A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A				
Accessory sidewalk dining area					A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A						50-20.5.H
Accessory solar or geothermal power equipment	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	50-20.5.I
Accessory uses and structures not listed elsewhere	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	50-20.5.J
Accessory vacation dwelling unit		I	I	I	I	I ³	I					I	I	I	I	I	I	I	I	I	I						50-20.5.M
Accessory wind power equipment	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	50-20.5.K
Minor utilities and accessory wireless antennas attached to existing structures	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	50-20.5.L

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	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					
TEMPORARY USES																															
Temporary construction office or yard	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		50-20.6.A
Temporary event or sales	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		50-20.6.B
Temporary farm stand	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A									
Temporary moveable storage container	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			50-20.6.C	
Temporary real estate sales office				A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A									50-20.6.D
Temporary use not listed in this table	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
FORM DISTRICT BUILDING TYPES																															
Main Street Building I													P	P																	
Main Street Building II															P	P	P	P													
Main Street Building III																			P	P											
Corridor Building I														P																	
Corridor Building II																P	P	P													
Lakefront Corridor Building																						P									
Corridor Building III																					P										
Cottage Commercial I														P				P													
Cottage Commercial II																P															
Iconic Building														P		P	P	P			P										

(Ord. No. 10041, 8-16-2010, § 3; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 15; Ord. No. 10153, 5-14-2012, § 1; Ord. No. 10192, 12-17-2012, § 9; Ord. No. 10225, 5-28-2013, § 4; Ord. No. 10286, 3-10-2014, § 6; Ord. No. 10296, 5-27-2014, § 1; Ord. No. 10329, 10-13-2014, § 1; Ord. No. 10366, 4-13-2015, § 4; Ord. No. 10367, 4-27-2015, § 1; Ord. No. 10414, 10-12-2015, § 1; Ord. No. 10415, 10-12-2015, § 1; Ord. No. 10446, 4-11-2016, § 1; Ord. No. 10461, 7-11-2016, § 1; Ord. No. 10513, 6-12-2017, § 1; Ord. No. 10563, 4-9-2018, § 1; Ord. No. 10615, 3-25-2019, § 1; Ord. No. 10659, 10-28-2019 § 1; Ord. No. 10723, 12-14-2020, § 5)