



# City of Duluth

## Meeting Agenda

### Planning Commission.

*Council Chambers*

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Tuesday, July 12, 2022

5:00 PM

Council Chambers

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#### CALL TO ORDER AND ROLL CALL

#### APPROVAL OF PLANNING COMMISSION MINUTES

[PL 22-0614](#) Minutes 6/14/22

**Attachments:** [06-14-2022 PC Minutes \(not approved yet\)](#)

#### PUBLIC COMMENT ON ITEMS NOT ON AGENDA

#### CONSENT AGENDA

[PL 22-087](#) Minor Subdivision at Cody St and Petre St by Timothy Carter

**Attachments:** [PL 22-087 Staff report and attachments](#)

[PL 22-093](#) Interim Use Permit at 1820 E 9th St by ALN Properties

**Attachments:** [PL 22-093 Staff report and attachments](#)

[PL 22-094](#) Minor Subdivision at Buffalo St by Bulldog Development

**Attachments:** [PL 22-094 Staff Report and Attachment](#)

[PL 22-103](#) Preliminary Plat for 12 Acres on Arrowhead Road, West of Rice Lake Road, by Force 1 LLC

**Attachments:** [PL 22-103 Staff Report and Attachments](#)

#### PUBLIC HEARINGS

[PL 22-108](#) UDC Text Amendments Related to Outdoor Living Sites, Two Family Dwellings, Accessory Heliports, Landscaping and Tree Preservation, Building Design, Lighting, and Appeals by the City of Duluth

**Attachments:** [PL 22-108 Cover Memo and Attachments](#)

[PL 22-086](#) Final Plat of 14 Acres into Kara-Mia Addition at the Southwest Corner of Palm Street and Blackman Avenue by KAMI Holdings LLC

**Attachments:** [PL21-086 Staff Report final with attachments](#)

## OLD BUSINESS

[PL 22-077](#) Interim Use Permit for Vacation Dwelling Unit at 2835 Minnesota Avenue by Tri-Waters Property LLC

**Attachments:** [PL 22-077 Memo to Planning Commission - 7-5-2022 - with attachments](#)

## COMMUNICATIONS

Land Use Supervisor Report

Historic Preservation Commission Report

Joint Airport Zoning Board Report

Duluth Midway Joint Powers Zoning Board Report

# City of Duluth Planning Commission

June 14, 2022 – City Hall Council Chambers  
Meeting Minutes

## Call to Order

President Sarah Wisdorf called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, June 14th, 2022 in the Duluth city hall council chambers.

## Roll Call

### **Attendance:**

Members Present: Jason Crawford, Jason Hollinday, Margie Nelson, Michael Schraepfer, Andrea Wedul, and Sarah Wisdorf

Member Absent: Gary Eckenberg

Staff Present: Steven Robertson, Robert Asleson, John Kelley, Chris Lee, and Kyle Deming

## Approval of Planning Commission Minutes -

Planning Commission Meeting – May 10, 2022

**MOTION/Second:** Nelson/Hollinday approved

**VOTE: (6-0)**

## Public Comment on Items Not on Agenda

None

## Consent Agenda

PL 22-095 Vacation of an Easement Dedicated for Park Purposes, to be Replaced by an Easement with Correct Legal Description at 515 W 1<sup>st</sup> Street by the City of Duluth

PL 22-079 Vacation of a Portion of Ebony Avenue near 155 W Central Entrance by the Lakeview Christian Academy

PL 22-073 Vacation of an Alley near 420 W 9<sup>th</sup> Street by Ben Gasner

PL 22-083 Interim Use Permit for a Vacation Dwelling Unit at 940 S Lake Avenue by Carl Sherman

PL 22-082 Interim Use Permit for a Vacation Dwelling Unit at 2226 W 6<sup>th</sup> Street by Caleb Korzenowski

PL 22-074 Interim Use Permit for a Vacation Dwelling Unit at 232 S 59<sup>th</sup> Avenue West by ALN Properties, LLC

PL 22-088 Variance to Maximum Building Height for Dwellings at 3731, 3819, 3829, and 3867 London Road by Stocke Construction

**Commissioners:** Michael Schraepfer asked staff to elaborate on PL 22-088. Kyle Deming gave an overview. The variance is for an extra 10 feet of building height. Andrea Wedul asked if this is as high as they will be allowed. Per Deming these are single-family dwellings. They should be the same height as the two-family dwellings already constructed on site. Wedul asked what the hardship is. Per Deming the unique lot constraints are caused by the linear nature of the land between the railroad and the highway with limited access allowed. The need for a frontage road along with the stormwater treatment constrains the site.

**Public:** No speakers.

**MOTION/Second:** Crawford/Hollinday approved consent agenda items as per staff recommendations

**VOTE: (6-0)**

### Public Hearings

~~PL 22-036 Interim Use Permit for a Vacation Dwelling Unit at 619 W Skyline Parkway by Dawn M. Holmberg~~

#### **Item removed from the agenda**

(Commissioner Schraepfer recused himself from the following item.)

PL 22-077 Interim Use Permit for a Vacation Dwelling Unit at 2835 Minnesota Avenue by Tri-Waters Property, LLC

**Staff:** Kyle Deming introduced the applicant's proposal to use an 1,871 square foot, 3-bedroom detached home as a vacation dwelling unit with 2 off-street parking spaces, for a maximum of seven occupants. The proposed vacation dwelling is located in an R-1 district and was on the vacation dwelling unit eligibility list. The property will be managed by Heirloom Properties. Two email comments were received, which were shared with the commissioners. Staff recommends approval with the conditions listed in the staff report.

**Applicant:** Heather Grazzini-Sims addressed the commission. She appreciates staff recommendation of approval, but finds it unfortunate that untrue statements were provided by the property's neighbor. She said there are future bookings, and it was rented.

**Public:** No speakers.

**Commissioners:** Margie Nelson noted the City Council has set the rules for the amount of vacation rentals allowed, and this application is based on that.

**MOTION/Second:** Nelson/Hollinday motion to approve (not voted on)

**Staff:** Interim Manager Steven Robertson noted it is concerning if the home was in fact being rented out before it had a permit, and suggests the commission table the item for more research.

**MOTION/Second:** Wedul/Nelson tabled for more research

**VOTE: (5-0, Schraepfer abstained)**

PL 22-068 Special Use Permit for a Preschool in Trinity Lutheran Church at 1108 E 8<sup>th</sup> Street by Mandy Stanius

**Staff:** John Kelley introduced the applicant's proposal for a special use permit for a Daycare Facility for 20 students ages 3-5 years old. There is plenty of parking available and no additional

landscaping or lighting requirements needed. The daycare hours of operation shall be 7 a.m. to 5 p.m. Monday through Friday. Staff recommends approval with the conditions listed in the staff report.

**Applicant:** Mandy Stanius addressed the commission. She thanked the commissioners and welcomed questions. There were none.

**Public:** No speakers

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

**VOTE: (6-0)**

PL 22-081 Special Use Permit for a Daycare at 2344 Nanticoke Street by Three Trees, LLC

**Staff:** John Kelley introduced the applicant's proposal for a special use permit for a daycare facility for 52 children for daytime, and 20 children for evening care. The daycare hours of operation shall be 7 a.m. to 11 p.m. Monday through Friday. The daycare uses the existing church parking lot located on the west side of the building. The parking lot has ample space available to accommodate parking, drop off and pick up. Staff received 2 emails from citizens who were concerned. Staff is recommending that a dense urban screening be installed around all outdoor play areas to mitigate impacts on the adjacent residential properties. The applicant will also need to provide sufficient screening to eliminate glare from nighttime pick ups. Staff recommends approval with the conditions listed in the staff report.

**Commissioners:** Wedul asked if a lighting plan is required. Per Kelley, due to the existing church already in operation, an additional lighting plan is not required.

**Applicant:** Anna Buchanon addressed the commission. She noted the need for daycare.

**Public:** No speakers

**Commissioners:** Chair Wisdorf noted condition #3 in the staff report that listed other proposed uses must meet UDC criteria, and asked about the church. Kelley stated the church still has a small congregation. Chair Wisdorf asked if the daycare wanted to expand their hours of operation – how would they go about it? Per Robertson, a minor change could be approved by the land use supervisor. A major change would need to be brought back to the planning commission.

**MOTION/Second:** Nelson/Hollinday approved as per staff recommendations

**VOTE: (6-0)**

PL 22-089 Variance to Maximum Parking Requirements for a Planet Fitness at 1320 Mountain Shadow Drive by Planet Fitness

**Staff:** Chris Lee introduced the applicant's proposal for a variance to maximum parking requirements to allow 178 parking spaces for a 22,000 sq. ft. fitness center. Maximum parking without a variance is 134 spaces. According to the developer, Planet Fitness needs the ability to park 180 clients and staff during peak hours and days. The maximum variance the planning commission can approve is 200% of the minimum parking, or 178 parking spaces. The developer has demonstrated that there is space on their site to located the requested parking while meeting landscaping and basic storm water requirements. No comments from citizens, city staff, or any other entity were received regarding this application. Staff recommends approval with the conditions listed in the staff report.

**Commissioners:** Wedul commented that the landscaping plan looked sparse. Per Lee, the applicant is working on filling in the sparse areas in the parking lot. Wedul commented that the tree species listed are better suited for warmer climates. She also noted a fence for screening. Per Lee, this is a high traffic route and other than screening around trash bins, screening is not required.

**Applicant:** Todd Reyling addressed the commission. The applicant is putting eight million dollars into this project, and they need the additional parking spaces, since they are heavy parkers. He welcomed questions. There were none.

**Public:** No speakers

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

**VOTE: (6-0)**

### Old Business

#### PL 22-045 Planning Review for the Higher Education Overlay District at 1303 W. Arrowhead Road by 1303, LLC

**Staff:** John Kelley introduced the applicant's proposal to construct a 3,500 square foot office/restaurant building and outdoor dining area in the Higher Education Overlay (HE-O) with associated parking, landscaping, lighting, and connectivity located adjacent to Arrowhead Road and Dodge Avenue. There was a previous proposal for a special use permit, which the planning commission denied, and the city council overturned. The revised plan is 1,500 square feet and just for a restaurant. Parking and connectivity will be provided. Shrubs need to be placed between the fence and the neighboring properties. A revised landscaping site plan is required. Comments were received and shared with commissioners. Staff recommends approval with the conditions listed in the staff report.

**Commissioners:** Wedul asked about the trees. Per Kelley the land use supervisor deemed the trees would need to be removed to allow for development. He defers to the applicant on what is now being proposed. Interim Manager Robertson reiterates that Wedul would like to see the 5-6 existing trees be preserved, but if they can't due to construction, that they be replaced. Wedul affirmed and noted the importance of buffering. Kelley noted the city forester has approved the plan, but it could certainly be revisited.

**Applicant:** Mike Schoonover addressed the commission. He operates Jersey Mike restaurants here and in Brainerd. He said 1303, LLC is no longer the owner. He is the owner and developer of the site, and submitted a revised site plan. His intention is to keep the mature trees which will create a buffer for the neighbors. They are meeting the UDC requirements, but he will make sure the plan is top notch, because, it is the right thing to do. They eliminated a curb-cut off of Arrowhead Road. He welcomed questions. Wedul verified if the trees need to be removed, that they will be replaced. The applicant affirmed.

**Public:** Emily Johnson of 1625 Dodge Avenue addressed the commission. They purchased house three weeks ago. She is concerned about the impact it will have on Dodge Avenue. She has safety concerns regarding access to Arrowhead Road, which the elimination of a curb cut will not alleviate. She doesn't think it meets the standards of the HE-O, because it will impact their neighborhood road. Safety is still a concern. She and her neighbors are opposed.

**Staff:** Interim Manager Robertson noted this proposal meets the standards of the HE-O. Planning commission can add conditions as they see fit, including landscaping escrow. He stated additional curb cuts are hazardous to pedestrians on Arrowhead Road. The traffic for this restaurant will be minimal compared to the thousands of cars using Arrowhead Road.

**Commissioners:** Wedul questioned the access on Dodge versus Arrowhead. Robertson noted the HE-O language is geared more in the context of moderating impacts of large student housing. City Engineering will not allow any more curb cuts onto Arrowhead Road. Wedul understands the neighbors' concerns about their narrow street now seeing more traffic. Per Robertson, planning review is focused on landscaping, lighting, and connectivity. Engineering trumps their decision for access onto Arrowhead Road. Jason Crawford likes the new plan and thinks adding more options to this area is good. Nelson stated the city council tied their hands a little here. She will be changing her vote from last month. Wedul appreciates the applicant

working with the neighbors to increase the buffering, and urges the applicant to continue to work with the neighbors as they are the support system, and hopefully will be customers at some point. Jason Holliday reiterates Wedul's point and would like to see the applicant continue to work with the restaurant's neighbors.

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

**VOTE: (6-0)**

**Other Business**

PL 22-102 Citizen Petition for Environmental Assessment Worksheet (EAW) for Lester Park Golf Course Development

**Staff:** Steven Roberston gave an overview. The entire petition is included in the commissioners' staff report packet. Per Robertson, there is no official project yet, and no requests for proposal. When an RFP is issued by the city and a detailed proposal is accepted, an EAW may be warranted based on the size of the proposed development, but right now an EAW is premature.

**Commissioners:** Nelson is in support of an EAW when an official project is proposed, but at this time, it would be a waste of time. Wedul concurs.

**MOTION/Second:** Nelson/Holliday denied since no project is proposed

**VOTE: (6-0)**

**Communications**

Land Use Supervisor (LUS) Report – Interim Manage Robertson noted there is a special DEDA meeting coming up. Planning Commissioners are encouraged to attend.

Heritage Preservation Commission – They met yesterday and decided to table the item of the demo of the Old Astoria Hotel.

Joint Airport Zoning Board – No update.

Duluth Midway Joint Powers Zoning Board – No update.

**Adjournment**

Meeting adjourned at 6:20 p.m.

Respectfully,

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Adam Fulton – Deputy Director  
 Planning & Economic Development



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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

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<b>File Number</b>	PL 22-087	<b>Contact</b>	John Kelley, jkelley@duluthmn.gov	
<b>Type</b>	Minor Subdivision	<b>Planning Commission Date</b>	July 12, 2022	
<b>Deadline for Action</b>	<b>Application Date</b>	May 16, 2022	<b>60 Days</b>	July 15, 2022
	<b>Date Extension Letter Mailed</b>	June 16, 2022	<b>120 Days</b>	September 13, 2022
<b>Location of Subject</b>	PID #'s 010-0850-01325 & 010-0850-00530			
<b>Applicant</b>	Timothy Carter and Karen Carter - Attia	<b>Contact</b>		
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	See Attached			
<b>Site Visit Date</b>	June 30, 2002	<b>Sign Notice Date</b>	N/A	
<b>Neighbor Letter Date</b>	N/A	<b>Number of Letters Sent</b>	N/A	

### Proposal

Applicant is requesting a Minor Subdivision to divide two lots into four lots. The current parcels are undeveloped land and the division will create four lots in the Cody neighborhood. Tract A and B will be 10,800 square feet and Tract C will be 6,225 square feet with all three parcels having frontage on Cody Street. Tract D will be 10,375 square feet with frontage on North 64<sup>th</sup> Avenue West. Both Cody Street and North 64<sup>th</sup> Avenue West are existing paved streets.

**Recommended Action:** Approval with conditions.

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

### Summary of Code Requirements

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

50-37.5, D 1. The planning commission shall approve the application if it determines that: (a) The lot or lots to be subdivided or combined have frontage on an improved public street; (b) Each proposed lot meets the minimum zoning requirements of the district that it is in; (c) If an existing structure on a lot complies with the requirements of this Chapter, then after the minor subdivision structures on each of the resulting lots will still comply with the



requirements of this Chapter; and (d) If one or more of the existing lots, or a structure on one or more of those lots, does not comply with the requirements of this Chapter, the proposed relocation will not create any new nonconformity or increase any existing nonconformity between the requirements of this Chapter.

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 #5 Promote reinvestment in neighborhoods. Duluth is strongly defined by its neighborhoods. This system should be supported through land use and transportation that foster neighborhood reinvestment. This proposal will allow new housing to be build in a traditional neighborhood of Duluth.

Future Land Use: Traditional Neighborhood -Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. ...Includes many of Duluth 's older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas.

History: The site is made up of two parcels of undeveloped land in the Cody neighborhood. The underlying plat is "Dodge's Addition To Duluth." The existing tax parcels consist of 17 previously platted lots with on frontage Cody Street, Petre Street and North 64<sup>th</sup> Avenue West.

**Review and Discussion Items**

1. Applicant is requesting a Minor Subdivision to divide two lots into four lots. Three parcels will have frontage on Cody Street and one parcel with frontage on North 64<sup>th</sup> Avenue West. Both Cody Street and North 64<sup>th</sup> Avenue West are existing paved streets.
2. The proposed minor subdivision parcels are currently undeveloped land. The applicant proposes to create four buildable lots to accommodate two-family dwelling units.
3. All parcels are zoned R-1, which has a minimum lot size of 4,000 square feet. Three parcels have the required street frontage along Cody Street and one parcel has frontage along North 64<sup>th</sup> Avenue West. The proposed subdivision, if approved, would not make the parcels non-conforming due to lot frontage, lot area, or similar bulk standard.
4. The City Engineering Department had comments regarding the exhibit but those items are inclusive of the attached exhibit. No other public, agency, or other City comments were received.
5. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
6. Approval of this Minor Subdivision signifies that City of Duluth UDC standards are met. St. Louis County may have additional requirements. This subdivision approval lapses if deeds are not recorded with St. Louis County within 180 days. Applicant must provide the City with proof of recording.

**Staff Recommendation**

Based on the above findings, Staff recommends that Planning Commission 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**

**Lots**  
Parcels

**ROW**  
-all other values->  
SUBTYPE, ROW\_STATUS  
Utility, Active  
Railroad, Active  
Access, Active - currently in use  
Access, Vacated - vacated via recorded document  
Road, Active - currently in use  
Utility, Vacated - vacated via recorded document  
Road, Vacated - vacated via recorded document  
Conservation, Vacated - vacated via recorded document  
Conservation, Active - currently in use  
Railroad, Inactive - Dedicated, but not built

**Subdivision Boundaries**

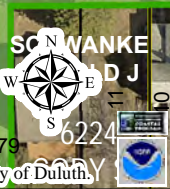
**Boundary Lines**  
-all other values->  
Subtype, ROW\_TYPE  
Lot Line  
Parcel Line  
ROW (Road)  
ROW (Not Road)  
Subdivision Line  
Water Line  
Survey Line  
Municipal Boundary  
Zoning Boundaries

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

CITY OF DULUTH 30 60 120 180 Feet

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



SURVEY FOR: ISAAC SULLIVAN  
13635 HARWELL PATH  
APPLE VALLEY, MN 55124

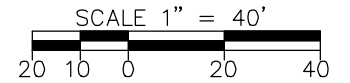
SURVEY OF: FOUR PROPOSED TRACTS LOCATED IN LOTS 1-4,  
BLOCK 6 AND THE NORTH 75 FEET OF LOTS  
1-12, BLOCK 11, "DODGE'S ADDITION TO  
DULUTH" ST. LOUIS COUNTY, MINNESOTA.

**STRAIGHTLINE SURVEYING, INC.**

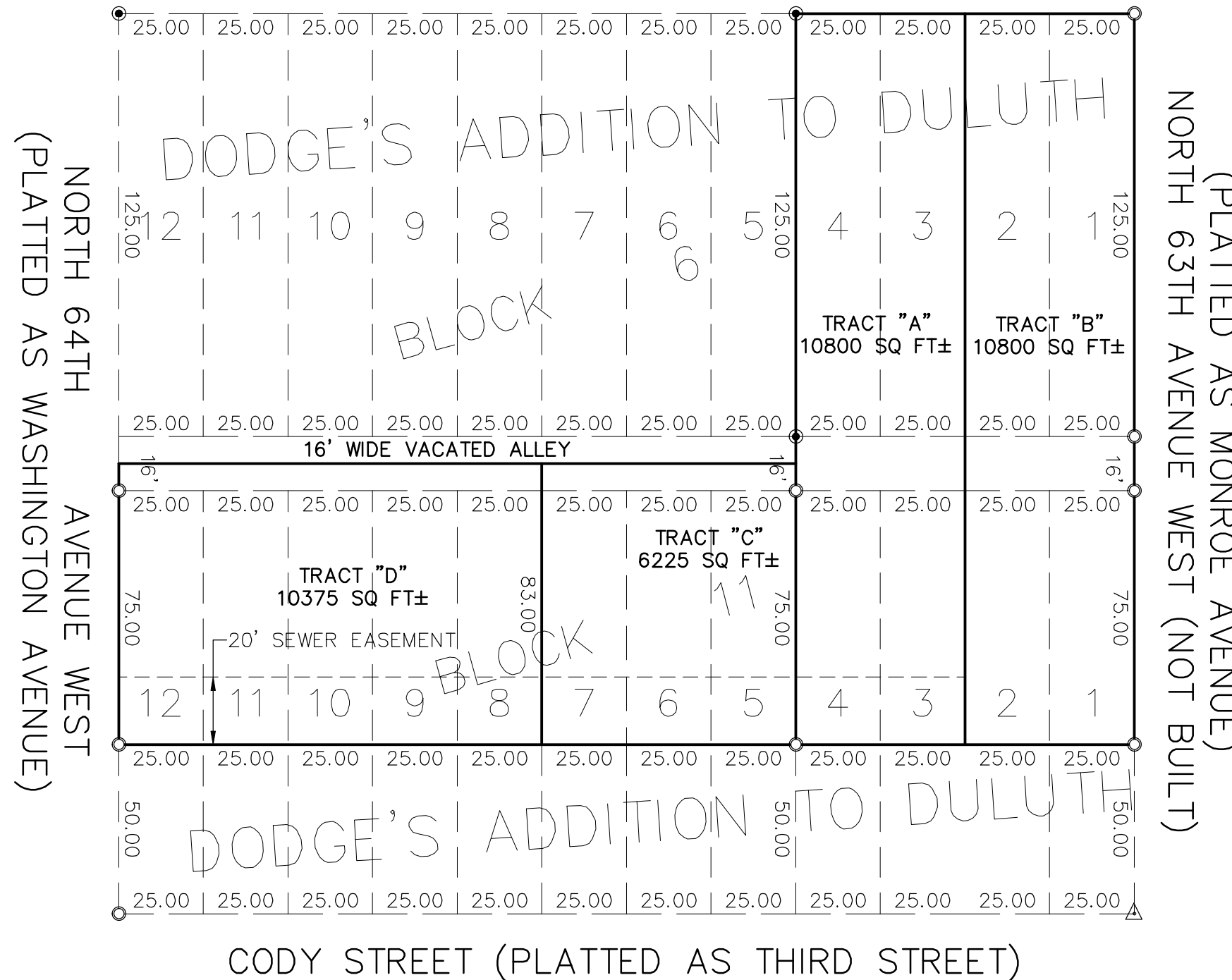
P.O. Box 510, 500 Folz Blvd  
Moose Lake, MN 55767  
E-MAIL: banderson@straightlinesurveying.com

Telephone: (218)-485-4811  
Fax: (218)-485-4811

(PLATTED AS FOURTH STREET)  
PETRE STREET



- DENOTES FOUND IRON MONUMENT
- DENOTES 1/2" IRON REBAR MONUMENT SET AND CAPPED "ANDERSON 45498"
- △ DENOTES "MAG" NAIL SET



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.

*Benjamin H. Anderson*  
Benjamin H. Anderson

45498  
License No.

07-01-2022  
Date

2022-023  
Job No.

NONE  
Book No.

**Tract "A" Legal Description**

Lots 3 and 4, Block 6, the North 75.00 feet of Lots 3 and 4, Block 11 and the adjacent vacated 16.00 foot wide alley lying between said Block 6 and said Block 11 of the recorded plat of "DODGE'S ADDITION TO DULUTH" on file and of record in the office of the St. Louis County Recorder, St. Louis County, Minnesota.

**Tract "B" Legal Description**

Lots 1 and 2, Block 6, the North 75.00 feet of Lots 1 and 2, Block 11 and the adjacent vacated 16.00 foot wide alley lying between said Block 6 and said Block 11 of the recorded plat of "DODGE'S ADDITION TO DULUTH" on file and of record in the office of the St. Louis County Recorder, St. Louis County, Minnesota.



**Tract "C" Legal Description**

The North 75.00 feet of Lots 5, 6, and 7, Block 11 and the south half of the adjacent vacated 16.00 foot wide alley lying between said Block 11 and Block 6 of the recorded plat of "DODGE'S ADDITION TO DULUTH" on file and of record in the office of the St. Louis County Recorder, St. Louis County, Minnesota.

**Tract "D" Legal Description**

The North 75.00 feet of Lots 8, 9, 10, 11, and 12, Block 11 and the south half of the adjacent vacated 16.00 foot wide alley lying between said Block 11 and Block 6 of the recorded plat of "DODGE'S ADDITION TO DULUTH" on file and of record in the office of the St. Louis County Recorder, St. Louis County, Minnesota.



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

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<b>File Number</b>	PL 22-093	<b>Contact</b>	John Kelley, jkelley@duluthmn.gov	
<b>Type</b>	Interim Use Permit – Vacation Dwelling Unit	<b>Planning Commission Date</b>	July 12, 2022	
<b>Deadline for Action</b>	<b>Application Date</b>	May 24, 2022	<b>60 Days</b>	July 23, 2022
	<b>Date Extension Letter Mailed</b>	June 14, 2022	<b>120 Days</b>	September 21, 2022
<b>Location of Subject</b>	1820 East 9 <sup>th</sup> Street			
<b>Applicant</b>	ALN Properties	<b>Contact</b>	Rachel Fagerstrom	
<b>Agent</b>	North Shore Host Co.	<b>Contact</b>		
<b>Legal Description</b>	PID # 010-3720-00360			
<b>Site Visit Date</b>	June 30, 2022	<b>Sign Notice Date</b>	June 28, 2022	
<b>Neighbor Letter Date</b>	June 28, 2022	<b>Number of Letters Sent</b>	66	

**Proposal**

Applicant proposes to use a four-bedroom home as a vacation dwelling unit. Up to 9 people will be allowed to stay in the home.

The applicant was on the vacation dwelling unit eligibility list.

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

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

**Summary of Code Requirements:**

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

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

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





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

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

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

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

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

**History:** This 1,400 sq. ft. home was built in 1940 and contains 4 bedrooms.

**Review and Discussion Items:**

- 1) Applicant's property is located at 1820 East 9th Street. The proposed vacation dwelling unit contains 4 bedrooms, which would allow for a maximum of 9 guests.
- 2) The applicant is proposing 3 off street parking spaces on a gravel driveway/parking area located in the rear yard area with access from East 9<sup>th</sup> Street Alley.
- 3) The applicant has indicated there will not be a space for camper or trailer storage by VDU guests.
- 4) The applicant has noted on their site plan there will be outdoor amenities including an existing deck, new patio, grill, fire pit (smokeless), outdoor sofa for seating, table and chairs, and pergola. The site plan depicts a 6 foot tall privacy fence running along the side property lines from the rear of the house to the alley. This meets the criteria for dense urban screening for the outdoor amenities.
- 5) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed Rose Hale to serve as the managing agent.
- 7) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 8) Applicant must comply with Vacation Dwelling Unit Regulations, including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").



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Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

9) Two comments from residents were received via email and are attached. No comments from City staff, or any other entity were received regarding the application.

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

**Staff Recommendation:**

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

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





1820 East 9th Street

**Legend**  
 Zoning Boundaries

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

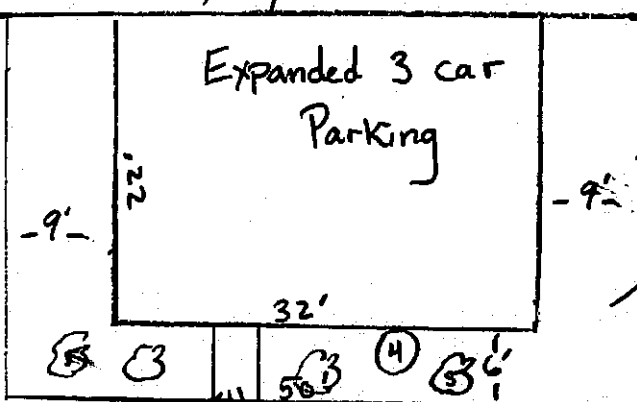


Alley

- 1- New Grill
- 2- Firepit (smokeless)
- 3- Shrubs
- 4- existing trees
- 5- new boulders

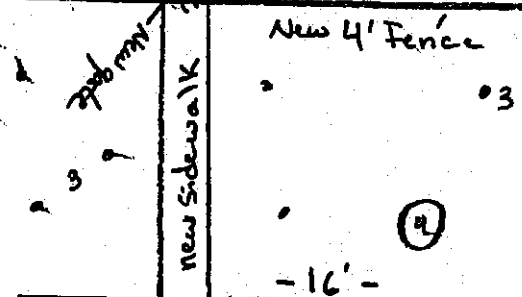
Expanded 3 car Parking

Maint Free



Property line 140'

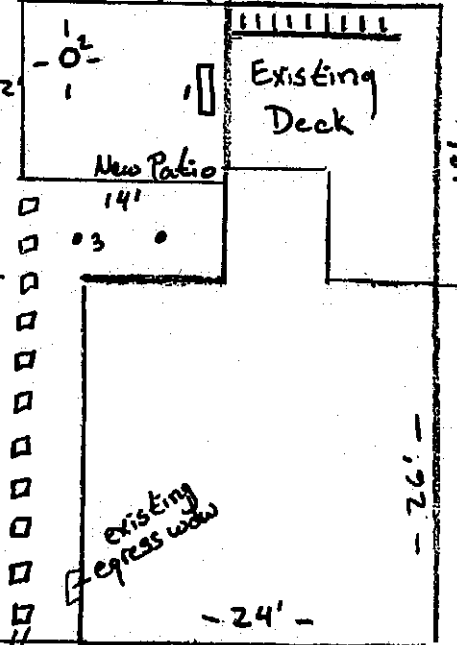
New 6' privacy fence 60'



23' to neighbor house

New 6' Privacy Fence 86'

20' to neighbor house



Grass

40'

Property line 140'

E 9th St

Sidewalk 50'

From: Lawrence McGahey

Sent: Friday, July 1, 2022 3:36 PM

To: planning <planning@DuluthMN.gov>

Subject: Permit Hearing PL 22-093

Hello,

I am writing in response to a letter from the Planning & Development Division concerning the upcoming hearing for an Interim Use Permit (PL 22-093) for a Vacation Dwelling Unit at 1820 East 9th ST, 55812. I had previously seen the zoning notice posted on the property, as it is directly across the street from my home.

I have owned the property at 1825 E 9th ST for the past 30 years. In that time the number of rental properties has increased significantly on the block, most of them concentrated near the end closest to 19th Avenue E.

This block already has limited parking spaces. A number of rental properties have 4-5 residents, each with a vehicle, without a corresponding provision for off-street parking on the landlord's property. Even though this is also a Resident Parking Permit zone due to its proximity to UMD, the parking enforcement division has been less vigilant in recent years about enforcing the requirement for permits and even-odd parking switches on Sundays.

With the increased number of residents in the affected homes, the (often loud) noise from people coming and going at all hours of the night has increased. In warmer weather, larger gatherings of people now gather on lawns/decks at late hours.

There appears to be off-street parking for at least two cars behind 1820, though I believe the house was remodeled to have 3 or 4 bedrooms. Residents in the house do often park on the street.

My preference would be to deny the requested permit. I am concerned that this type of property would lead to increase traffic through this block (with poorly maintained roadbed), more demand for on-street parking, and depending on the time of year, more noise. A more transient population is expected to be less concerned with the sensitivities of the neighbors, and I fear the house being rented this way favors a more party-friendly mindset.

I also realize that my concerns may not be relevant to the decision to award the permit. If the permit is granted, I would ask that the number of residents be limited to reflect the available parking on the property; that any off-street parking is required to comply with permit regulations; and that violations of parking or noise ordinances be tracked.

Thank you for the opportunity to share my concerns.

Lawrence McGahey

1825 E 9th ST

Duluth 55812

From: Bob and Jane Barnes

Sent: Monday, July 4, 2022 9:55 PM

To: planning <planning@DuluthMN.gov>

Subject: Comment on IUP PL 22-093

Our only concern regarding the use of the property at 1820 E 9th St for a Vacation Dwelling is the availability of parking. Unless there is offstreet parking in the back, this will create havoc for those of us who live on 9th St. There are many times, especially during the school year, when all available spots on the street are taken up with current residents. This block does not have capacity for additional vacationers to park on the street.

Bob and Jane Barnes

1829 E 9th St





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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

<b>File Number</b>	PL 22-094	<b>Contact</b>	Jenn Moses, jmoses@duluthmn.gov	
<b>Type</b>	Minor Subdivision	<b>Planning Commission Date</b>	July 12, 2022	
<b>Deadline for Action</b>	<b>Application Date</b>	June 30, 2022	<b>60 Days</b>	August 29, 2022
	<b>Date Extension Letter Mailed</b>	July 5, 2022	<b>120 Days</b>	October 28, 2022
<b>Location of Subject</b>	PID #'s 010-3410-04310 & 010-3410-04190			
<b>Applicant</b>	Bulldog Development LLC	<b>Contact</b>		
<b>Agent</b>	Billman Construction	<b>Contact</b>		
<b>Legal Description</b>	See Attached			
<b>Site Visit Date</b>	July 5, 2002	<b>Sign Notice Date</b>	N/A	
<b>Neighbor Letter Date</b>	N/A	<b>Number of Letters Sent</b>	N/A	

#### Proposal

Applicant is requesting a Minor Subdivision to divide two parcels into 3 parcels each, for a total of 6 parcels, in the Kenwood neighborhood. The current parcels are undeveloped land that was previously platted; neighboring lots were previously removed from these parcels as development occurred, with only these lots remaining. Five parcels will be 75' x 125' with one parcel being 82' x 125'; all parcels will have frontage on Buffalo Street.

**Recommended Action:** Approval with conditions.

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

#### Summary of Code Requirements

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

50-37.5, D 1. The planning commission shall approve the application if it determines that: (a) The lot or lots to be subdivided or combined have frontage on an improved public street; (b) Each proposed lot meets the minimum zoning requirements of the district that it is in; (c) If an existing structure on a lot complies with the requirements of this Chapter, then after the minor subdivision structures on each of the resulting lots will still comply with the requirements of this Chapter; and (d) If one or more of the existing lots, or a structure on one or more of those

lots, does not comply with the requirements of this Chapter, the proposed relocation will not create any new nonconformity or increase any existing nonconformity between the requirements of this Chapter.

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 #12 – Create efficiencies in delivery of public services. Existing utility and transportation infrastructure in this area supports additional development on these previously platted lots.

Future Land Use: Traditional Neighborhood -Characterized by grid or connected street pattern... Limited commercial, schools, churches, and home businesses... Includes many of Duluth’s older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas.

History: The site is made up of two parcels of undeveloped land in the Kenwood neighborhood. The underlying plat is “Myers And Whipples Addition to Duluth.” The existing tax parcels consist of 17 previously platted lots plus a portion of vacated right of way, all with frontage on Buffalo Street. The current parcels are non-contiguous.

**Review and Discussion Items**

Staff finds that:

1. Applicant is requesting a Minor Subdivision to divide two parcels into 3 separate parcels each, for a total of 6 parcels.
2. The proposed minor subdivision parcels are currently undeveloped land. The proposed subdivision combines 17 previously platted lots plus a portion of vacated right of way into 6 buildable parcels that meet the zoning requirements of the R-1 district.
3. The parcels have the required street frontage along Buffalo Street. The proposed subdivision, if approved, would not make the parcels non-conforming due to lot frontage, lot area, or similar bulk standard.
4. City Engineering submitted comments on the exhibit indicating utility easements on the existing lots. Final deeds reflecting this subdivision must include the correct legal descriptions as noted by Engineering (see attached).
5. No other 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:

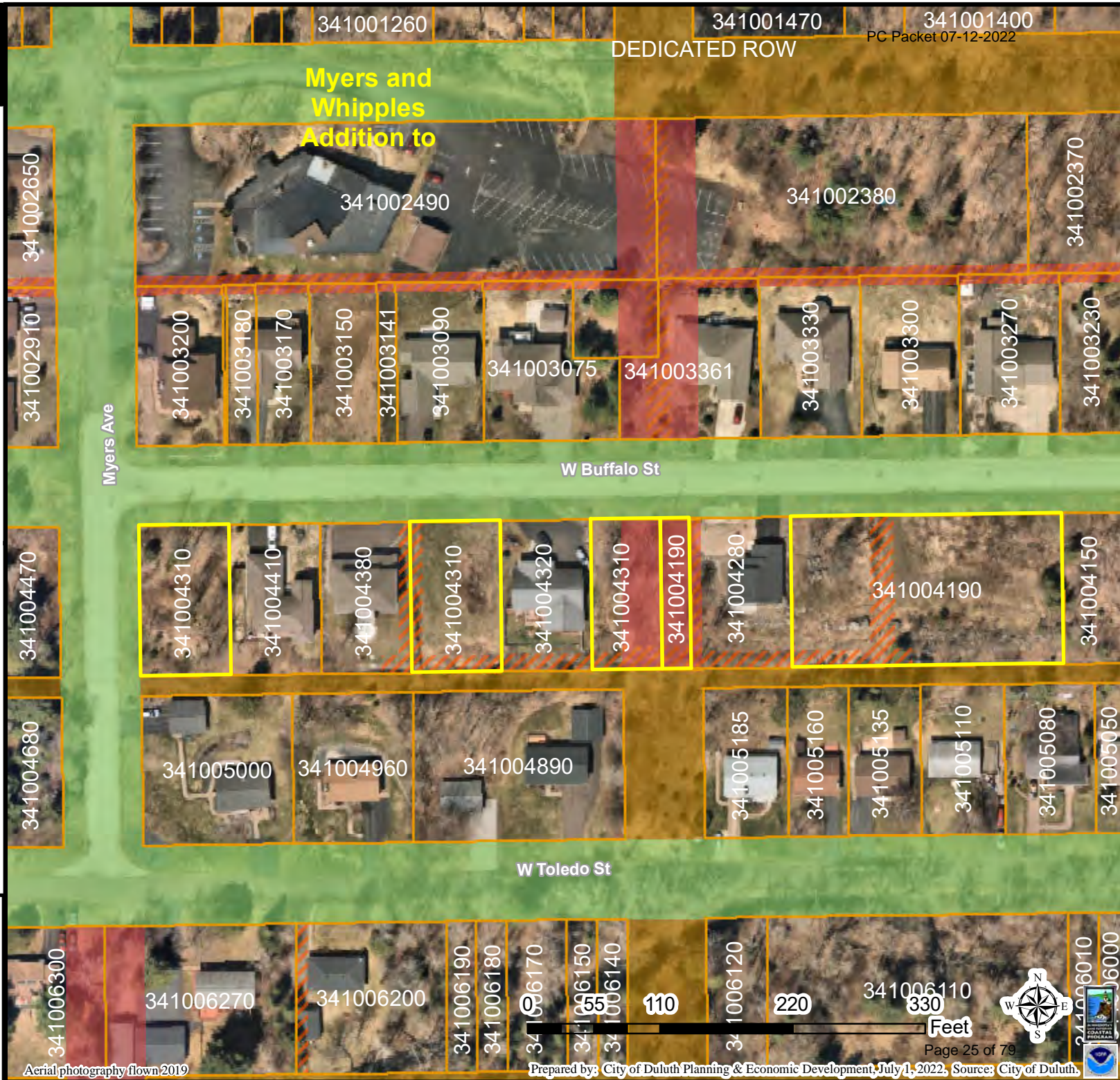
1. Appropriate deeds be filed with St. Louis County within 180 days. Prior to recording the deed that results from this adjustment, the Planning Division will need to stamp the deed, indicating compliance with the local zoning code.
2. Deeds shall reflect correct legal descriptions as noted in the attached comments from Engineering.p
3. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.





**Legend**

- Parcels
- ROW**
- <all other values>
- SUBTYPE, ROW\_STATUS**
- Utility, Active
- Railroad, Active
- Access, Active - currently in use
- Access, Vacated - vacated via recorded document
- Road, Active - currently in use
- Utility, Vacated - vacated via recorded document
- Road, Vacated - vacated via recorded document
- Conservation, Vacated - vacated via recorded document
- Conservation, Active - currently in use
- Railroad, Inactive - Dedicated, but not built
- Subdivision Boundaries



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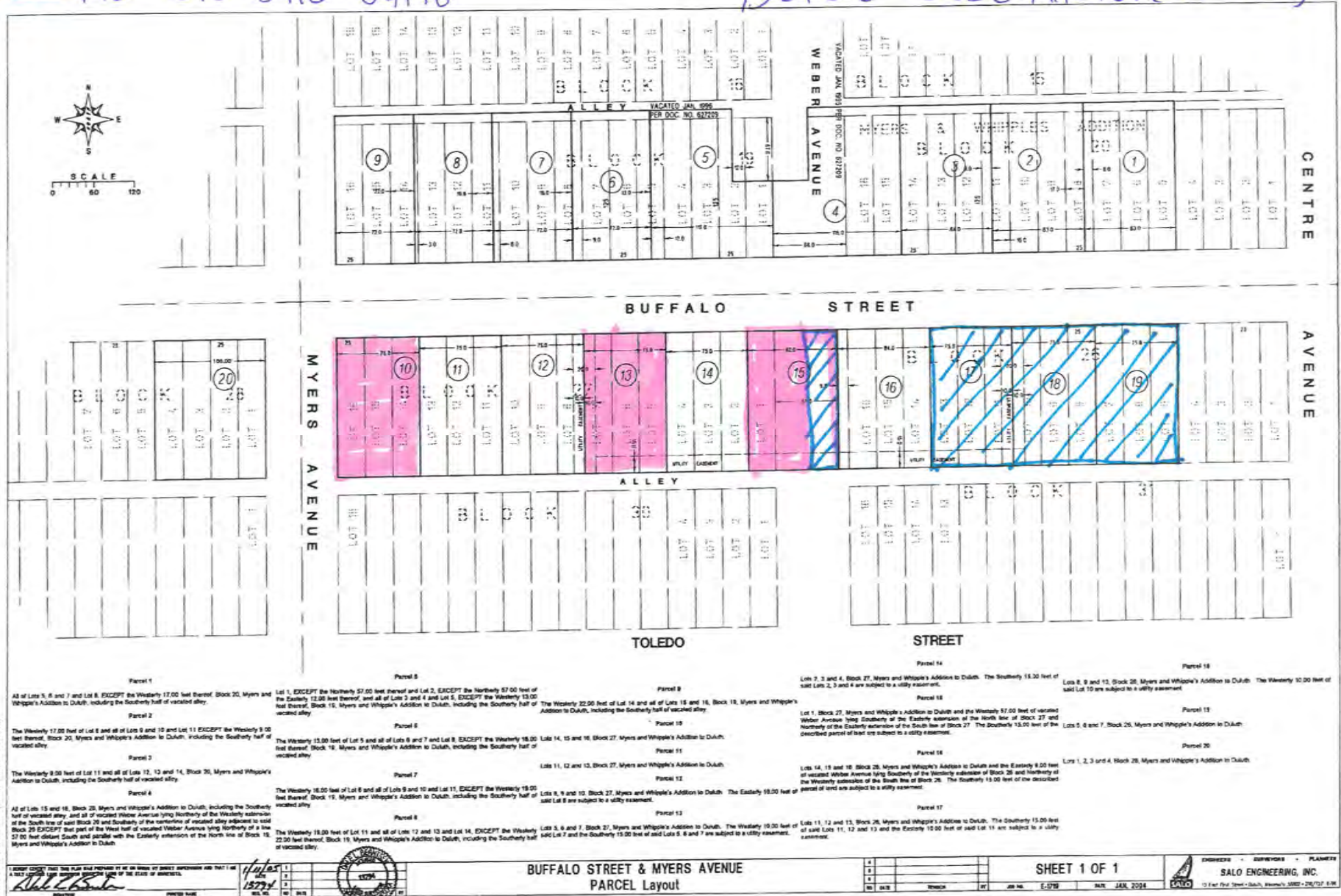
Aerial photography flown 2019



PID # 010-3410-04310

PID # 010-3410-04190

Before Subdivision (2 PIDs)



BUFFALO STREET & MYERS AVENUE PARCEL Layout

SHEET 1 OF 1

ENGINEERS - SUPERVISORS - PLANNERS  
SALO ENGINEERING, INC.  
13 East First Street - South, Duval County, FL 32202-2507  
Tel: 904.251.1111

10 PID# 010-3410-04310

Parcel 17

13

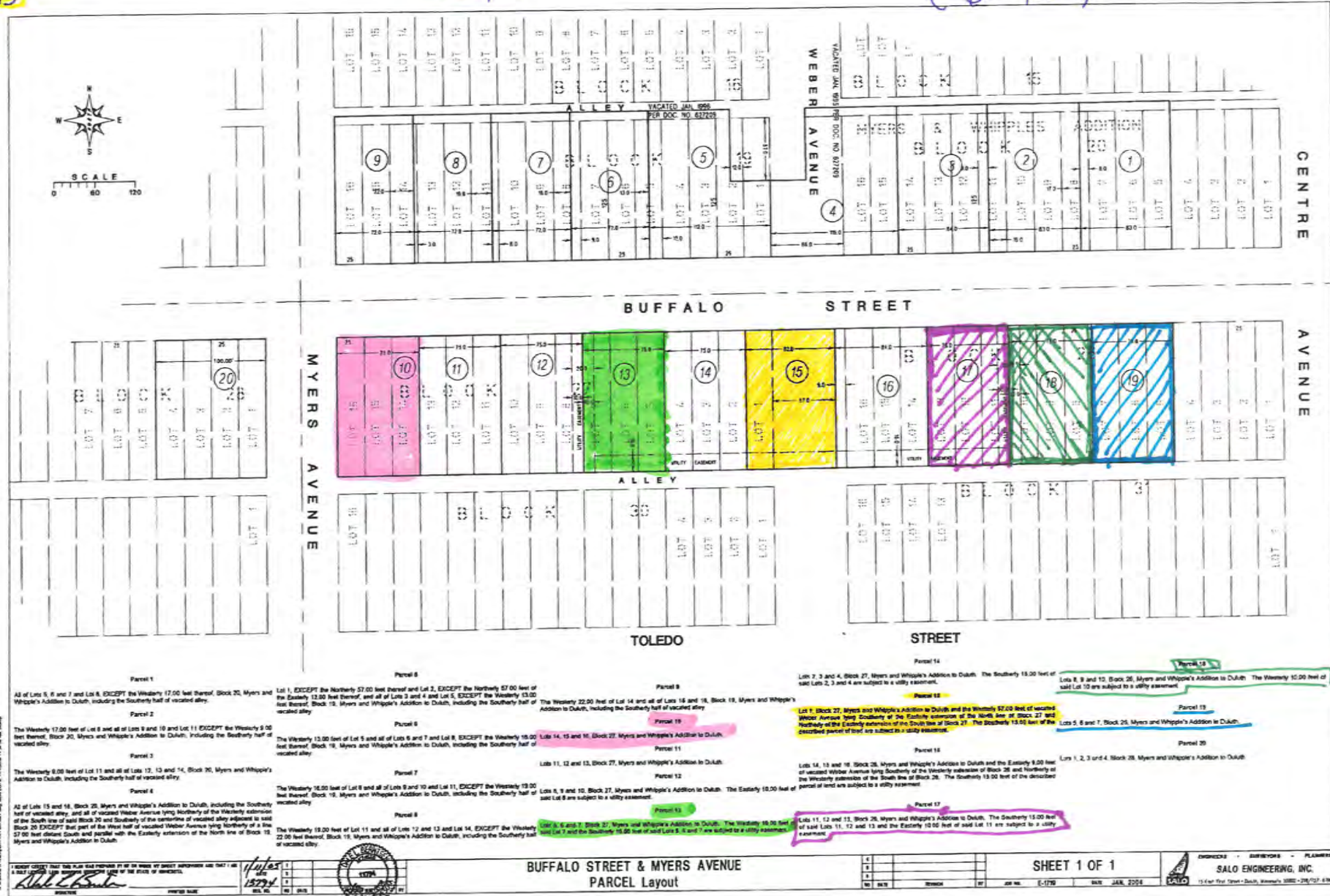
Parcel 18

15

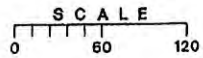
Parcel 19

After subdivision (6 PID)

PC Packet 07-12-2022







**Parcel 1**  
All of Lots 5, 6 and 7 and Lot 8, EXCEPT the Westerly 17.00 feet thereof, Block 20, Myers and Whipple's Addition to Duluth, including the Southerly half of vacated alley.

**Parcel 2**  
The Westerly 17.00 feet of Lot 8 and all of Lots 9 and 10 and Lot 11 EXCEPT the Westerly 9.00 feet thereof, Block 20, Myers and Whipple's Addition to Duluth, including the Southerly half of vacated alley.

**Parcel 3**  
The Westerly 9.00 feet of Lot 11 and all of Lots 12, 13 and 14, Block 20, Myers and Whipple's Addition to Duluth, including the Southerly half of vacated alley.

**Parcel 4**  
All of Lots 15 and 16, Block 20, Myers and Whipple's Addition to Duluth, including the Southerly half of vacated alley, and all of vacated Weber Avenue lying Northerly of the Westerly extension of the South line of said Block 20 and Southerly of the centerline of vacated alley adjacent to said Block 20 EXCEPT that part of the West half of vacated Weber Avenue lying Northerly of a line 57.00 feet distant South and parallel with the Easterly extension of the North line of Block 19, Myers and Whipple's Addition to Duluth.

**Parcel 5**  
Lot 1, EXCEPT the Northerly 57.00 feet thereof and Lot 2, EXCEPT the Northerly 57.00 feet of the Easterly 12.00 feet thereof, and all of Lots 3 and 4 and Lot 5, EXCEPT the Westerly 13.00 feet thereof, Block 19, Myers and Whipple's Addition to Duluth, including the Southerly half of vacated alley.

**Parcel 6**  
The Westerly 13.00 feet of Lot 5 and all of Lots 6 and 7 and Lot 8, EXCEPT the Westerly 16.00 feet thereof, Block 19, Myers and Whipple's Addition to Duluth, including the Southerly half of vacated alley.

**Parcel 7**  
The Westerly 16.00 feet of Lot 8 and all of Lots 9 and 10 and Lot 11, EXCEPT the Westerly 19.00 feet thereof, Block 19, Myers and Whipple's Addition to Duluth, including the Southerly half of vacated alley.

**Parcel 8**  
The Westerly 19.00 feet of Lot 11 and all of Lots 12 and 13 and Lot 14, EXCEPT the Westerly 22.00 feet thereof, Block 19, Myers and Whipple's Addition to Duluth, including the Southerly half of vacated alley.

**Parcel 9**  
The Westerly 22.00 feet of Lot 14 and all of Lots 15 and 16, Block 19, Myers and Whipple's Addition to Duluth, including the Southerly half of vacated alley.

**Parcel 10** OK  
Lots 14, 15 and 16, Block 27, Myers and Whipple's Addition to Duluth.

**Parcel 11**  
Lots 11, 12 and 13, Block 27, Myers and Whipple's Addition to Duluth.

**Parcel 12**  
Lots 8, 9 and 10, Block 27, Myers and Whipple's Addition to Duluth. The Easterly 10.00 feet of said Lot 8 are subject to a utility easement.

**Parcel 13** OK  
Lots 5, 6 and 7, Block 27, Myers and Whipple's Addition to Duluth. The Westerly 10.00 feet of said Lot 7 and the Southerly 15.00 feet of said Lots 5, 6 and 7 are subject to a utility easement.

**Parcel 14**  
Lots 2, 3 and 4, Block 27, Myers and Whipple's Addition to Duluth. The Southerly 15.00 feet of said Lots 2, 3 and 4 are subject to a utility easement.

**Parcel 15**  
Lot 1, Block 27, Myers and Whipple's Addition to Duluth and the Westerly 57.00 feet of vacated Weber Avenue lying Southerly of the Easterly extension of the North line of Block 27 and Northerly of the Easterly extension of the South line of Block 27. The Southerly 15.00 feet of the described parcel of land are subject to a utility easement.

**Parcel 16**  
Lots 14, 15 and 16, Block 26, Myers and Whipple's Addition to Duluth and the Easterly 9.00 feet of vacated Weber Avenue lying Southerly of the Westerly extension of Block 26 and Northerly of the Westerly extension of the South line of Block 26. The Southerly 15.00 feet of the described parcel of land are subject to a utility easement.

**Parcel 17** OK  
Lots 11, 12 and 13, Block 26, Myers and Whipple's Addition to Duluth. The Southerly 15.00 feet of said Lots 11, 12 and 13 and the Easterly 10.00 feet of said Lot 11 are subject to a utility easement.

**Parcel 18**  
Lots 8, 9 and 10, Block 26, Myers and Whipple's Addition to Duluth. The Westerly 10.00 feet of said Lot 10 are subject to a utility easement.

**Parcel 19** OK  
Lots 5, 6 and 7, Block 26, Myers and Whipple's Addition to Duluth.

**Parcel 20**  
Lots 1, 2, 3 and 4, Block 28, Myers and Whipple's Addition to Duluth.

*The Easterly 1 Foot and 20 Feet (Vac/Ease. Doc 932776)*

*The Southerly 15' and (Easement Doc #844621)*

D:\Projects\1794\1794\1794.dwg

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DAILY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

*[Signature]*  
DATE: 1/27/04  
REG. NO. 13794

NO	DATE
1	
2	
3	
4	



**BUFFALO STREET & MYERS AVENUE  
PARCEL Layout**

NO	DATE	REVISION	BY	JOB NO.	E-1719	DATE	JAN. 2004
4							
5							
6							

SHEET 1 OF 1

ENGINEERS • SURVEYORS • PLANNERS  
**SALO ENGINEERING, INC.**  
15 East First Street • Duluth, Minnesota 55802 • 218/727-6795





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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580  
 planning@duluthmn.gov

<b>File Number</b>	PL 22-103	<b>Contact</b>	John Kelley	
<b>Type</b>	Preliminary Plat	<b>Planning Commission Date</b>	July 12, 2022	
<b>Deadline for Action</b>	<b>Application Date</b>	June 7, 2022	<b>60 Days</b>	August 8, 2022
	<b>Date Extension Letter Mailed</b>	June 23, 2022	<b>120 Days</b>	October 5, 2022
<b>Location of Subject</b>	SLY 433 FT OF S1/2 OF SE1/4 LYING W OF A LINE COMM ON S LINE 1308.11 FT WLY OF SE COR THENCE RUNNING N 0 DEG 9' 52"W 433 FT EX WLY 66 FT (Duluth Heights)			
<b>Applicant</b>	Force 1, LLC	<b>Contact</b>		
<b>Agent</b>	Robert R. Kanuit	<b>Contact</b>		
<b>Legal Description</b>	See attached			
<b>Site Visit Date</b>	June 30, 2022	<b>Sign Notice Date</b>	June 28, 2022	
<b>Neighbor Letter Date</b>	June 28, 2022	<b>Number of Letters Sent</b>	13	

**Proposal**

Applicant is proposing to subdivide 12 acres of unplatted land into the Force 1 Commercial Development plat consisting of 3 building lots.

Staff recommends approval, with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-2 and MU-C	Vacant/Undeveloped	Neighborhood Mixed Use
<b>North</b>	RR-1	Vacant/Undeveloped	Open Space
<b>South</b>	MU-P	Mixed Use Planned Development	Urban Residential
<b>East</b>	MU-N	Commercial	Neighborhood Commercial
<b>West</b>	R-2	Church	Urban Residential

**Summary of Code Requirements**

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

- (a) Is consistent with the comprehensive land use plan;
- (b) Is consistent with all applicable requirements of MSA 462.358 and Chapter 505;
- (c) Is consistent with all applicable provisions of this Chapter;
- (d) Is consistent with any approved district plan covering all or part of the area of the preliminary plat;
- (e) Is located in an area with adequate police, fire and emergency facilities available to serve the projected population of the subdivision within the City's established response times, or the applicant has committed to constructing or financing public facilities that will allow police, fire or emergency service providers to meet those response times;
- (f) Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible;

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

Governing Principle #5 – Promote reinvestment in neighborhoods. New development should strengthen commercial centers or diversify residential opportunities. This project creates commercial development along a main traffic corridor in the Duluth Heights neighborhood. The development is located across the road from a mixed use planned development that will include commercial and multi-family residential development. The project is sited adjacent to existing transportation and utility infrastructure.

Governing Principle #8 – Encourage a mix of activities, uses, and densities. This project provides commercial uses in proximity to multi-family and single-family housing along a main transportation corridor.

Governing Principle #12- Create efficiencies in delivery of public services. This project will require minimal extension of utility infrastructure while utilizing existing transportation, public safety, and other City services. This allows the City to serve more residents on existing infrastructure which reduces the overall cost to all of the City's landowners.

**Zoning:**

Residential-Urban (R-2): Multi-family apartments and townhouses, in an urban setting as well as single-family detached dwellings, duplexes and group living accommodations. 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.

Mixed-Use Commercial (MU-C): The MU-C district is established to provide for community and regional commercial development along commercial corridors and nodal centers. Intended non-residential uses include retail, lodging, service, and recreational facilities needed to support the community and region

**Future Land Use:**

Neighborhood Mixed Use: A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live-work spaces. May include limited commercial-only space oriented to neighborhood or specialty retail markets.

**Related files:**

PL 22-096 Concept Plan. Approved by Land Use Supervisor on 6/16/22.

**Review and Discussion Items**

## Staff finds:

- 1) The proposal is to subdivide 12 acres of unplatted land into the Force 1 Commercial Development plat consisting of 3 building lots. The site is currently vacant land. The lots as shown in the preliminary plat can accommodate reasonably-scaled commercial development.
- 2) Lot 1 (6.4 acres), zoned R-2 (Residential-Urban), is proposed to be developed in a later phase. Lots 2 and 3 are intended for commercial uses and will require a MU-C Planning Review per the UDC.
- 3) The developer has applied for approval of their wetland delineation. The developer will need to apply for a wetland replacement plan for impacts on the site, including the driveway to Stanford/Arrowhead.
- 4) The City Forester met with the applicant's consultant on site regarding the potential need for a tree survey for the property and the subdivision. Based on the site visit and review of the proposed site plan for Lot 2 and 3, the City Forester has determined that a tree inventory will not be required at this time for those parcels. The City Forester stated that based on future plans for Lot 1 a tree inventory and replacement plan may be necessary prior to development of the site.
- 5) All lots have frontage along West Arrowhead Road, which is a County Road. Lot 2 and 3 will be accessed via a driveway located on the southeast corner of Lot 3 and aligned with Stanford Avenue on the south side of West Arrowhead Road. Lot 2 and 3 will have shared access. The applicant has provided a copy of the shared access agreement. Lot 1 will need to have an access drive via the proposed driveway for Lot 2 and 3 and/or a second driveway on West Arrowhead Road. The applicant is coordinating with the City and County on the alignment of the driveway with Sanford Avenue, which will have a traffic signal light installed to accommodate traffic flow for developments on both sides of West Arrowhead Road.
- 6) Adequate utility capacity exists to serve the proposed development along West Arrowhead Road. The developer will extend public water service, sewer and gas from existing service lines along West Arrowhead Road. Each structure will have its own connection to utilities. Developer will need to obtain the necessary utility easements for sanitary sewer and water lines. All utility easements will need to be shown on the final plat.
- 7) City storm water engineer Tom Johnson has reviewed the preliminary design and stated the storm basin shows that there is sufficient space on the parcel to achieve the stormwater management requirements. The "Pond" shown on the preliminary stormwater management plan and located on the north end of Lot 3 should be a biofiltration basin that is better at providing temperature controls for runoff in a trout stream watershed. It is assumed that 95% of the new impervious surfaces will be conveyed and treated in the storm basin. A full drainage report/study will need to be submitted for review and approval prior to issuance of any building permits.
- 8) Staff finds there are no adverse material impacts to surrounding properties that cannot be adequately mitigated by permits required by this development and appropriate site design. Storm water permits will require appropriate treatment and attenuation of storm water before discharge, loss of tree cover will be mitigated through approval of tree preservation plan for Lot 1 when development is proposed, significant traffic impacts are not expected as the site will be accessed via a controlled intersection with Stanford Avenue.
- 9) The preliminary plat is consistent with the comprehensive land use plan designation of this property as "neighborhood mixed use," as the project is expected to result in the construction of commercial buildings to serve the adjacent neighborhoods and surrounding area.
- 10) The preliminary plat is located in an area with adequate police, fire and emergency facilities available to serve the proposed development. Fire Marshall Lisa Consie has noted that the proposed development of the lots maintains an adequate width of the access road for fire apparatus to access the structures. After 150' in length, a required turnaround must be provided (unless the buildings are sprinkled). The Fire Marshall would also require hydrants nearby.
- 11) Staff finds that, other than the items addressed above, the preliminary plat conforms to the requirements of Sec 50-37.5. and is consistent with all applicable requirements of MSA 462.358 and Chapter 505.
- 12) No citizen comments have been received to date.


**Staff Recommendation**

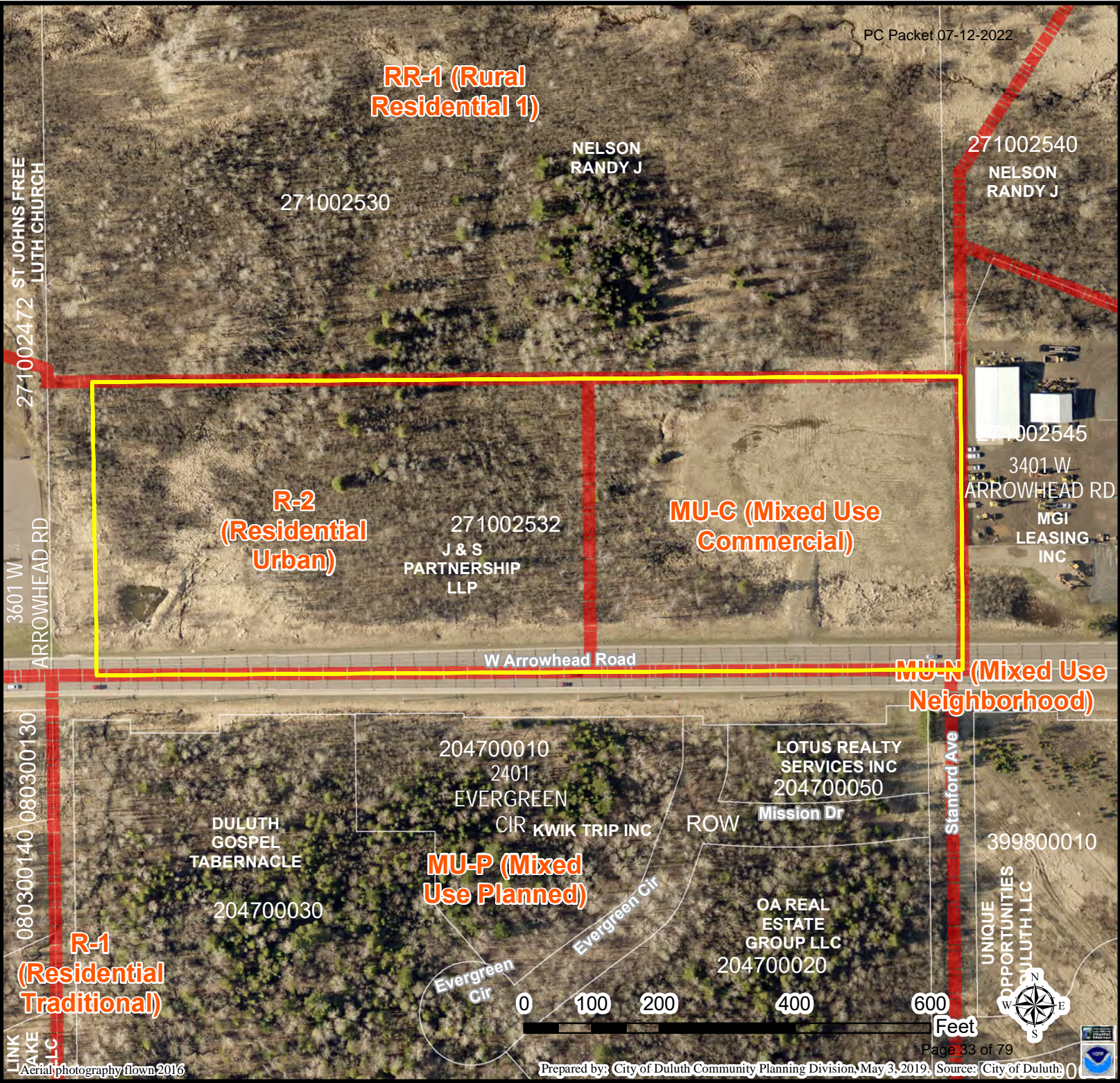
Based on the above findings, staff recommends that Planning Commission approve the application with the following conditions:

1. Applicant shall submit a financial security in the form of a cash escrow or Letter of Credit in the amount of 33% of the installed value of the traffic signal at Stanford Avenue and West Arrowhead Road.
2. A tree inventory and tree replacement plan be approved for Lot 1 prior to any site development activity including the issuance of a grading and soil erosion permit.
3. That a wetland delineation and mitigation plan be approved prior to final plat approval.
4. That public utility easements be shown on the final plat for all public water and sewer mains for all lots.





**Legend**  
 Zoning Boundaries



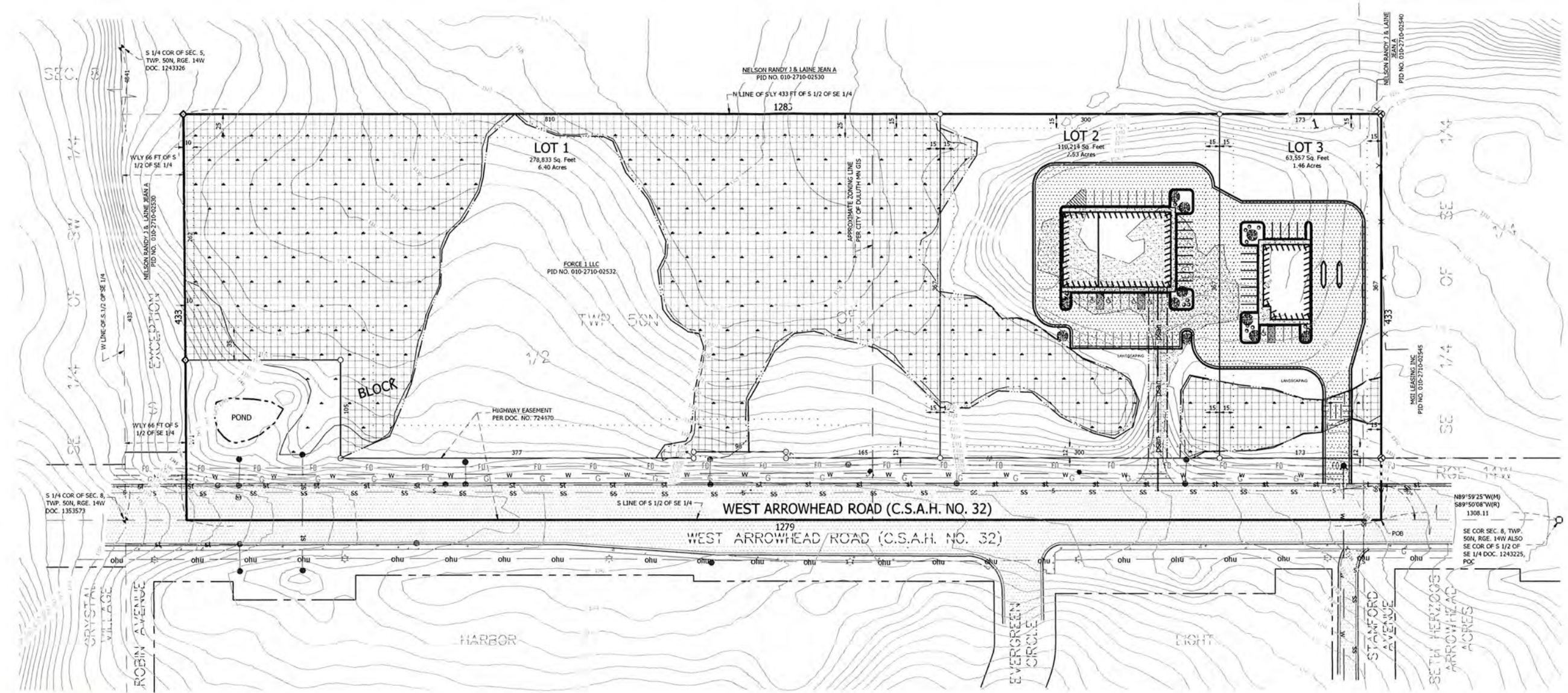
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# PRELIMINARY PLAT OF FORCE 1 COMMERCIAL DEVELOPMENT

LOCATED IN PART OF SEC. 8, TWP. 50 NORTH, RGE. 14 WEST OF THE FOURTH PRINCIPAL MERIDIAN

ST. COUNTY MINNESOTA



VACANT PROPERTY ARROWHEAD ROAD, DULUTH, MN 55811 VICINITY MAP

**OWNER/DEVELOPER**  
 FORCE 1 LLC  
 1330 E SUPERIOR ST STE 202 DULUTH MN  
 55805  
**CIVIL ENGINEER**  
 NORTHLAND CONSULTING ENGINEERS L.L.P.  
 102 S 21<sup>ST</sup> AVENUE WEST, SUITE 1  
 DULUTH, MN 55806  
 PHONE: (218) 727-5995  
 EMAIL: info@nce-engineers.com

**SURVEYOR**  
 ALTA LAND SURVEY COMPANY  
 DAVID R. EVANSON, MN STATE REG. NO. 49505  
 P.O. BOX 381138  
 102 S 21<sup>ST</sup> AVENUE WEST, SUITE 4  
 DULUTH, MN 55816-1138  
 PHONE: (218) 727-5211  
 EMAIL: info@altaland.com  
 PRELIMINARY PLAT COMPLETED AUGUST 2,  
 2021

**FLOOD ZONE INFORMATION**  
 PROPOSED BUILDINGS LOCATED WITHIN ZONE C (AREAS  
 MINIMAL FLOODING). PER FIRM FLOOD INSURANCE RATE  
 MAP COMMUNITY-PANEL NUMBER 270421 0025 C, EFFECTIVE  
 DATE: APRIL 2, 1992.

**SITE ZONED MC-U & R-2 PER THE CITY OF DULUTH  
 PLANNING AND ZONING**

AREA SUMMARY	
TOTAL AREA	12.73 AC
TOTAL LOT AREA	10.39 AC
TOTAL RIGHT OF WAY AREA	2.34 AC
NUMBER OF LOTS	3
NUMBER OF BLOCKS	1
LARGEST LOT IN SQ. FEET	278,833 SQ. FEET
SMALLEST LOT IN SQ. FEET	163,557 SQ. FEET
WETLAND FILL AREA IN SQ. FEET	871 SQ. FEET
WETLAND AREA IN ACRES	4.50 AC

TABLE 50.14.1 RR-2 DISTRICT DIMENSIONAL STANDARDS	
Minimum lot area per family	2 acres
Minimum lot frontage	100 ft.
Minimum depth front yard	25 ft.
Minimum width of side yard	10 ft.
Corner Lot width of front side yard	25 ft.
Minimum depth of rear yard	25 ft.
Minimum height of building	10 ft.

TABLE 50.14.1 RR-2 DISTRICT DIMENSIONAL STANDARDS	
Minimum lot area per family	2 acres
Minimum lot frontage	100 ft.
Minimum depth front yard	25 ft.
Minimum width of side yard	10 ft.
Corner Lot width of front side yard	25 ft.
Minimum depth of rear yard	25 ft.
Minimum height of building	10 ft.

**LEGAL DESCRIPTION FOR PRELIMINARY PLAT PURPOSES ONLY**

The Land referred to herein below is situated in the County of St. Louis, State of MN, and is described as follows:

The Southerly 433.00 feet of the South Half of the Southeast Quarter of Section 8, Township 50 North, Range 14 West of the Fourth Principal Meridian, St. Louis County, Minnesota, lying Westerly of the line described as follows: Commencing at the Southeast corner of said South Half of the Southeast Quarter, thence South 89 degrees 50 minutes 08 seconds West, assumed bearing, along the South line of said South Half of the Southeast Quarter, a distance of 1308.11 feet to the beginning of the line to be described; thence North 00 degrees 09 minutes 52 seconds West a distance of 433.00 feet and said line there terminating.

EXCEPT THE Westerly 66.00 feet of the Southerly 433.00 feet of the South Half of the Southeast Quarter of said Section 8, Township 50, Range 14.

NOTE: This property is Abstract

**SURVEYOR'S NOTES**

- THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
- BEARING AND AREA BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (DMD 83 2011)
- 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.
- CONTOUR DATA SHOWN HEREON WAS DERIVED FROM LIDAR DATA PROVIDED BY OTHERS. IT IS RECOMMENDED ON THE GROUND MEASUREMENTS BE INCORPORATED INTO ANY AREA OF PROPOSED DESIGN AND CONSTRUCTION.
- EXISTING UTILITIES SHOWN HEREON ARE APPROXIMATE ONLY. LOCATIONS WERE TAKEN FROM OBSERVATIONS IN FIELD AND A SKETCH PROVIDED BY THE CITY OF DULUTH GIS. IT IS RECOMMENDED THAT PROPER LOCATION OF UTILITIES BE DONE BEFORE ANY CONSTRUCTION.

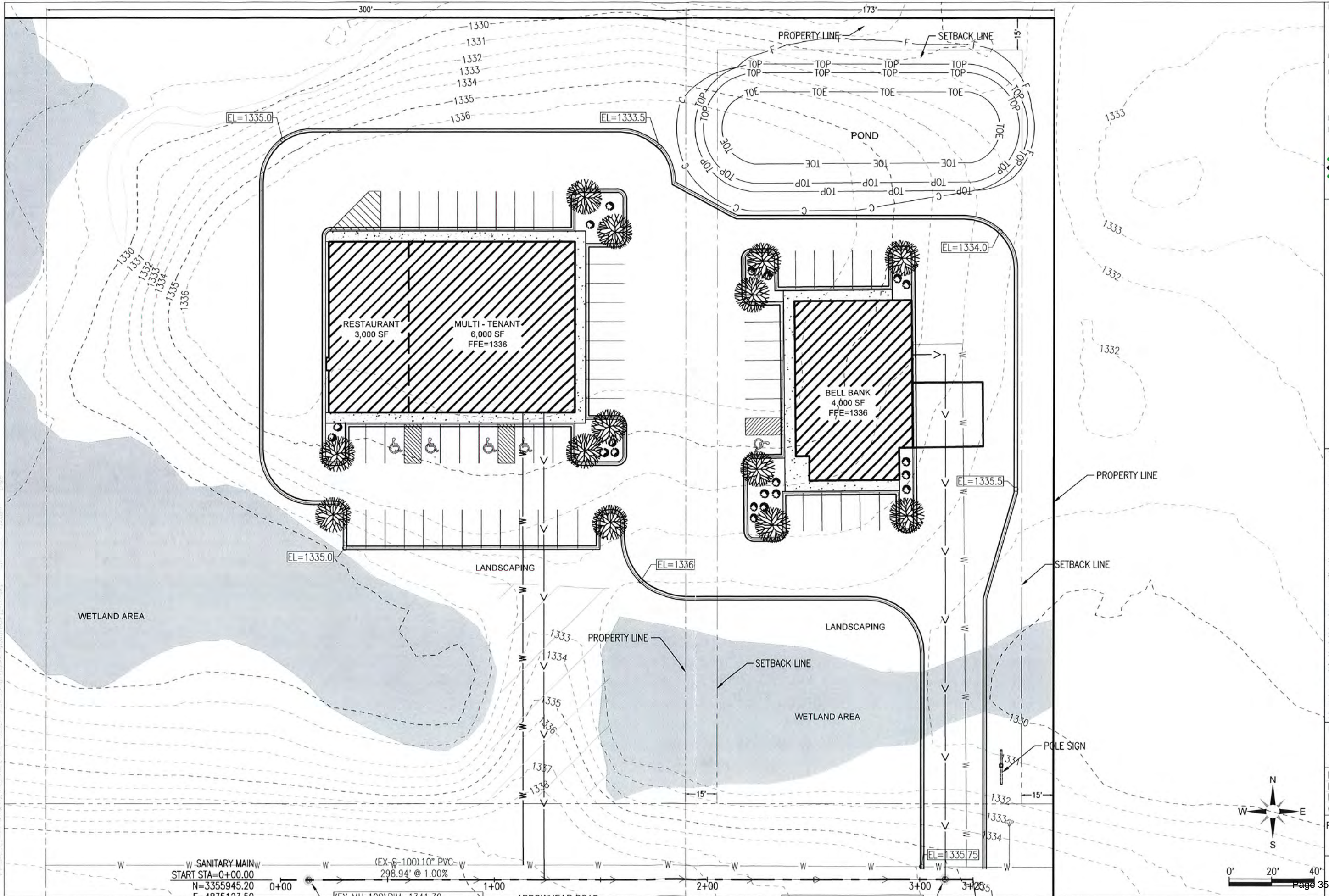


**LEGEND**

- (M)-FIELD MEASURED DIMENSION
- (R)-RECORD DIMENSION
- POB-POINT OF COMMENCEMENT
- POB-POINT OF BEGINNING
- SECTION SUBDIVISION LINE
- CENTER LINE
- RIGHT OF WAY LINE
- BOUNDARY LINE AS SURVEYED
- EXISTING PLAT LINE
- PROPOSED PARCEL LINE
- CONCRETE CURB & GUTTER
- SHORELINE
- UNDERGROUND GAS
- SS - SANITARY SEWER
- ST - STORM SEWER
- W - WATER MAIN
- psan - PROPOSED SANITARY SEWER
- SETBACK LINE
- FENCE LINE
- UNDERGROUND FIBER OPTIC
- PROPOSED EASEMENT LINE
- CONCRETE SURFACE
- BITUMINOUS SURFACE
- PROPOSED BIT SURFACE
- PROPOSED DRAINAGE & UTILITY EASEMENT
- PROPOSED WET LAND FILL AREA
- WET LAND PER OTHERS
- PROPOSED BUILDING
- HYDRANT
- WATER VALVE
- TELECOM PEDESTAL
- ALUM CAPPED MONUMENT
- FOUND T-STAKE MONUMENT RLS. NO. 13794
- FOUND CAPPED REBAR RLS. NO. 49505
- SET CAPPED REBAR RLS. NO. 49505
- MISC MANHOLE
- SANITARY MANHOLE
- CATCH BASIN
- CULVERT
- PROPOSED SHRUB
- PROPOSED TREE
- HANDI CAPPED PARKING SPOT







# ARROWHEAD DEVELOPMENT

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

**PRELIMINARY**  
**NOT FOR CONSTRUCTION**

Engineer: David G. Bolf  
Lic. No: 40926  
XX/XX/XXXX

revision	
Proj: 22-169	Date: 6/7/22
Drawn: CAE	Checked: DGB
<b>PRELIMINARY LAYOUT</b>	
Sheet Title	Sheet Number





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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

Date: July 5, 2022  
 To: Planning Commission  
 From: Jenn Moses, Interim Manager  
 RE: PL 22-108 UDC Text Changes

Staff are proposing ordinance changes to several sections of the City's Unified Development Chapter (UDC).

These changes codify existing Land Use Supervisor Interpretations, amend wording relating to accessory heliports and appeals, and adds a new use, Interim Outdoor Living Site.

Specific changes include:

- **Interim outdoor living site:** This type of facility would provide short-term, temporary living, while requiring operators of sites to provide sanitation, potable water, refuse collection, and other necessities. This new use requires amendments to Section 50-19, the Use Table; Section 50-20, Use-Specific Standards; and Section 50-41.9, Definitions.
- **Accessory heliport:** When originally created, the UDC allowed accessory heliports in districts such as R-C and I-G, as the existing airports at that time were located in those zone districts. Since that time, a new zone district (AP) was created for airports. Language specifying that heliports could only be allowed as part of an airport is no longer needed. In addition, staff finds that allowing heliports as accessory to industrial uses could be an important component of industrial uses, with little likelihood of negative impacts.
- **Landscaping and tree preservation:** This change clarifies confusion about applicability of standards, stating that they apply to new development as well as redevelopment.
- **Building design standards:** This section changes the length of an allowed building façade from 200' to 300', with the intent of reflecting more appropriately the type of suburban context many new multi-family buildings are being located in.
- **Lighting:** After receiving significant public comments about the color and brightness of new LED lighting, staff recommends a "color temperature" of 3000K as a maximum for exterior lighting, ensuring a calmer "yellow" tint to lighting instead of the brighter whites and blues seen at higher color temperatures.
- **Appeals:** This section contains changes recommended by the City Attorneys office, based on recent case law.

**Recommendation:**

Staff recommends that the Planning Commission hold a public hearing, discuss the changes, and recommend approval of the UDC updates to the City Council.

**TABLE 50-19.8: USE TABLE, REVISED DEC 2021**

P: Permitted Use I: Interim Use U: Permitted Only in Upper Stories (Form Dist.) 1, 2, 3, as per table 50-19.1	Residential						Mixed Use					Form									Special				Use Specific Standards	
	R-C	RR-1	RR-2	R-1	R-2	R-P	MU-N	MU-C	MU-I	MU-B	MU-W	MU-P	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9	I-G	I-W	P-1		AP
<b>RESIDENTIAL USES</b>																										
<b>Household Living</b>																										
Dwelling, one-family	P	P	P	P	P	P <sup>3</sup>	P					P <sup>3</sup>	P	P	P	P	P	P	P	P	P					
Dwelling, two-family				P	P	P <sup>3</sup>	P					P <sup>3</sup>	P	P	P	P	P	P	P	P	P					50-20.1.A
Dwelling, townhouse				S	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>				P <sup>1</sup>	P <sup>3</sup>													50-20.1.B	
Dwelling, multi-family					P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P <sup>1</sup>	P <sup>1</sup>		P <sup>1</sup>	P <sup>3</sup>	P	P	P	P	P	P	P	P	P				50-20.1.C	
Dwelling, live-work							P <sup>2</sup>	P <sup>1</sup>	P <sup>1</sup>		P <sup>1</sup>	P <sup>3</sup>	P	P	P	P	P	P		P	P					
Manufactured home park				S	S <sup>2</sup>	P <sup>3</sup>	S <sup>2</sup>																		50-20.1.F	
Cottage home park		S	S	S	S	P <sup>3</sup>	S <sup>2</sup>																		50-20.1.G	
<b>Group Living</b>																										
Co-housing facility				S	S <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>					P <sup>3</sup>														
Interim outdoor living site	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I		
Residential care facility/assisted living (6 or fewer )		P	P	P	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>					P <sup>3</sup>	P	P	P	P	P	P	P	P	P				50-20.1.D	
Residential care facility/assisted living (7 or more)				S	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P <sup>1</sup>	P <sup>1</sup>		P <sup>1</sup>	P <sup>3</sup>	P	P	P	P	P	P	P	P	P				50-20.1.D	
Rooming house					S <sup>2</sup>		P <sup>2</sup>	P <sup>1</sup>	P <sup>1</sup>		P <sup>1</sup>	P <sup>3</sup>	P	P	P	P	P	P	P	P	P				50-20.1.E	
Sober house (6 or fewer)				P	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>					P <sup>3</sup>	P	P	P	P	P	P	P	P	P				50-20.1.H	
Sober house (7 or more)					S <sup>2</sup>	P <sup>3</sup>	S <sup>2</sup>	P <sup>1</sup>	P <sup>1</sup>			P <sup>3</sup>	P	P	P	P	P	P	P	P	P				50-20.1.H	

**50-19.1 Residential uses.**

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**A. Dwelling, two-family.**

In the R-1, R-2 and R-P districts, two-family dwellings shall be designed to protect and reflect the character of one-family residences as set forth below:

1. Exterior stairways. No exterior stairways with a total vertical rise greater than five feet shall be permitted;
2. In the R-1 and R-2 districts, each unit in a two family dwelling must have a separate exterior entrance on the facade facing the front property line;

**B. Dwelling, townhouse.**

In the R-1 and R-2 districts, each dwelling shall exhibit the characteristics of a series of one-family dwellings that are arranged in an attached side by side fashion and shall be designed to protect the character of one-family residences as set forth below:

1. Dwelling fronting street. Townhouse dwellings shall be located on lots in such a way that each individual dwelling unit has a minimum of 20 feet of street frontage in the R-1 district, and a minimum of 15 feet of street frontage in the R-2 district;
2. Variation of exterior walls. No more than two adjacent townhouse units may have front facades in the same vertical plane. Where a variation in front façade plane is required, the variation shall be a minimum of three feet;
3. Landscaping. Prior to the occupancy and use of a townhouse dwelling, coniferous or evergreen trees meeting the minimum size requirements of Section 50-25.2 shall be planted in required front and back yard areas on an average spacing of 20 feet;
4. Screening of refuse areas. Where refuse storage areas are directly viewable from any exterior lot line at a height of six feet above grade, they shall be screened by wood, brick, or stone fences, or by vegetative materials, with a minimum height of six feet, designed so that at least 75 percent of the refuse area is obscured by opaque materials when viewed at an angle perpendicular to the screening materials;
5. Maximum number of units. In the R-1 district, townhomes constructed on the corners of blocks or adjacent to the intersections of two or more public or private road may have up to eight dwelling units, but townhomes constructed in the middle of a subdivision block may have no more than six dwelling units. In all other zone districts, townhomes may not exceed eight dwelling units;
6. Separate entrances. Each unit in a townhome must have a separate exterior entrance on the facade facing the front yard property line, or front side yard property line;
7. Design features. At least three of the following design features shall be provided for visual relief along all facades of each townhome structure:
  - (a) Roof dormers;
  - (b) Gables;
  - (c) Recessed entries;
  - (d) Covered porches;
  - (e) Cupolas;
  - (f) Pillars, pilasters or posts;
  - (g) Bay windows;
  - (h) Eaves of at least 12 inches beyond the building wall or a parapet wall with an articulated design (decorative cornice, etc.);
  - (i) Multiple windows with minimum four inches trim;
  - (j) Recesses/shadow lines;

**C. Dwelling, multi-family.**

Every multi-family dwelling unit on or above the ground floor of a new multifamily structure constructed after January 1, 2021 shall have at least one exterior window that allows for the exchange of air and the admittance of daylight;

(Ord. No. 10722, 12-14-2020, § 1)

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

1. A residential care 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. Unless exempted under Minnesota Statutes Section 245A11, subdivision 4, of Minnesota State Statute, a new residential care facility/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;

(Ord. No. 10722, 12-14-2020, § 2; Ord. No. 10746, 5-10-2021, § 2)

**E. Rooming house.**

No use specific standards at this time;

(Ord. No. 10722, 12-14-2020, § 3)

**F. Manufactured home park.**

1. New manufactured home parks, expansions to existing manufactured home parks, and new or replacement of manufactured home units on lots of record are prohibited in the floodway district. If allowed in the flood fringe district, these uses shall be subject to the requirements of Section 50-18.1 of this Chapter and the following standards;
2. Existing, new and replacement manufactured homes in the flood fringe district must comply with the following standards:
  - (a) All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state anchoring requirements for resisting wind forces;
  - (b) New or replacement manufactured homes in existing manufactured home parks must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, unless the property owner has a flood warning and emergency evacuation plan acceptable to the city council as specified in Section 50-18.1.

#### G. Cottage home park.

In the RR-1, RR-2, R-1, R-2, and MU-N districts, this use is subject to the use-specific standards as set forth below:

1. Development standards. All dwelling units within a cottage home park shall be subject to setback, height, off-street parking, and other regulations appropriate for one-family dwellings in the applicable zone district that the cottage home park is located, except as provided within this section;
2. Minimum lot area and lot frontage. Dwelling units shall meet the minimum lot area and lot frontage requirement for multi-family, townhome, or two family developments of the applicable zone district that the home park is located, whichever is smaller or least;
3. Principal entrance. Each dwelling unit shall have a principal entrance facing the front lot line. Exceptions to the requirement of a dwelling unit having a principal entrance facing the front property line may be made by the Land Use Supervisor, but only if the unit has a porch or deck on the front façade and the primary entrance is within 10 feet of the front façade;
4. Common open space or amenity area. Cottage housing developments shall provide common open space or an amenity area which is centrally located, equally accessible from, and at the disposition of all dwelling units;
5. Connectivity and access. Sidewalks or multi-use paths must be provided to ensure pedestrian access from each individual dwelling unit to the front property line or public street;
6. Subdivision. Approval of a cottage home park does not negate to the need for subdivision review and approval, where applicable.
7. Utility Connections. Cottage home parks must provide separate sewer and water services for each dwelling unit as required by the city engineer.

#### H. Interim outdoor living site.

1. The site must not be located within any shoreland, wetland, or floodplain. Removal of trees that meet the definition of significant tree per UDC Section 50-25 is not permitted.
2. If located in a parking lot of an existing use, the primary use of the property must maintain its minimum required off-street parking after placement of the temporary shelter facility. If the proposed site is wooded, consultation with the City Forester is required to determine any necessary protections for existing trees.
3. If the site contains slopes, a consultation with the City Stormwater Engineer is required to determine any erosion control necessary.
4. Tents, sleeping areas, and other temporary structures must be set back a minimum of 5 feet from all lot lines and 10 feet from all other temporary structures
5. If located adjacent to residential uses, a dense urban screen must be provided along the shared lot line with the residential use.
6. An operator must be onsite when occupants are present and during normal operating hours. The operator's name, telephone number, and e-mail address must be posted and easily visible to the public.
7. Operator shall provide evidence of liability insurance, in a format deemed acceptable by the City Attorney's Office.
8. Minimum provisions provided shall include potable water, toilets, and appropriate refuse containers for all occupants.
9. Operator shall ensure a gravel path or foot path is provided from the nearest public street to all sleeping areas as a public safety access route; the Fire Marshall shall review plans for the path location as part of the interim use permit.
10. The temporary shelter facility must always be open for registered occupants. The operator shall enforce quiet hours between 10:00 p.m. and 6:00 a.m.



11. Any illumination must not produce glare or reflection for occupants of neighboring buildings or on public streets.
12. The site must be maintained in a safe and sanitary condition and free from vermin and waste. All garbage and food waste must be deposited in covered receptacles that are emptied when filled and the contents disposed of in a sanitary manner.
13. No children under 18 are allowed, unless accompanied by a parent or guardian.

#### I. 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. A new sober house shall be a minimum distance of 350 feet from existing sober houses. (Ord. No. 10746, 5-10-2021, § 3)

## 50-20.5 Accessory uses

### E. Accessory heliport.

1. All accessory heliports shall have and maintain in effect at all times all required permits and approvals, if any, for the facility and operation required by the FAA, and shall design and maintain the facility and conduct operations in compliance with those permits and approvals;
2. In the R-C and I-G districts, this use shall be permitted only when it is accessory to an airport as a primary use;

## **50-25 LANDSCAPING AND TREE PRESERVATION.**

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### **50-25.1 Applicability.**

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- A. The landscaping provisions of secs. 50-25.2 through 25.4 and 25.7 shall apply to lots and parcels in any zone district that contain (i) more than 10,000 square feet of lot area, and (ii) **an existing or proposed** primary structure with a multi-family, mixed use, commercial, institutional, industrial, or parking principal use, when any of the following conditions occur:
1. A new primary structure is constructed;
  2. The floor area in an existing primary structure(s), taken collectively, is increased by more than 25 percent;
  3. An existing primary structure is relocated on the lot or parcel;
  4. The primary structure is renovated or redeveloped (including but not limited to reconstruction after fire, flood or other damage), and the value of that renovation or redevelopment, as indicated by building permits, is 75 percent or more of the pre-application assessor's market value of the primary structure, as shown in the records of the city assessor;
  5. A new parking lot containing 25 or more spaces is constructed or an existing parking lot containing 25 or more spaces is reconstructed. Parking lots with less than 25 spaces must only provide the minimum tree canopy coverage as indicated in Section 50-25.4.B.6;
- B. In any form district, landscaping shall not be required on the portion of a lot occupied by a principle structure;
- C. The tree preservation provisions of Section 50-25.9 apply to all development or redevelopment on lots and parcels in any zone district that contain (i) more than 10,000 square feet of lot area, and (ii) a primary structure with a multi-family, mixed use, commercial, institutional, industrial, or parking principal use, as well as to any new lot of record created after November 19, 2010, regardless of the primary use of the property, in any zone district;
- D. The landscaping between differing land uses provisions of Section 50-25.5 apply to all development or redevelopment on lots and parcels when there is a change of use.

### **50-30.1 Multi-family residential design standards.**

Each principal structure or development in which a majority of the gross floor area is occupied by multi-family dwellings must comply with the standards set out in this Section, unless the provisions of Section 50-30.3, Mixed Use Development, apply:

#### **A. Accessibility.**

Multi-family dwelling developments containing more than one principal structure on a single lot or parcel must include an unobstructed walkway or pathway providing access between the principal structures for persons with disabilities. The walkway or pathway must be at least five feet wide, and, if curb ramps are necessary to provide such access, the curb ramps must comply with the slope and design requirements of the city;

#### **B. Façade length and articulation.**

Total length of any multi-family structure façade shall not exceed ~~200~~ 300 feet and no façade wall shall extend more than 80 horizontal feet without projections or recesses. Each facade greater than 100 horizontal feet in length shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade and extending at least 20 percent of the length of the façade;

#### **C. Roof design.**

Rooflines longer than 100 horizontal feet shall include at least one vertical elevation change of at least two feet. All sloped roofs shall have overhanging eaves of at least one foot, and roofs with a pitch of less than 2:12 shall be screened by a parapet wall;

#### **D. Four-sided design.**

All sides of a structure open to view by the public, whether viewed from public or private property, shall display a similar level of quality and architectural interest;

#### **E. Parking structures and carports.**

To the maximum extent feasible, parking structures and carports shall not be located between the front or primary façade of a multi-family building and the street frontage adjacent to the front lot line, but shall instead be internalized within building groups so as not to be directly visible from the street frontage;

#### **F. Design features.**

At least three of the following design features shall be provided for visual relief along all facades of each primary multi-family building:

1. Roof dormers;
2. Gables;
3. Recessed entries;
4. Covered porches;
5. Cupolas;
6. Pillars, pilasters or posts;
7. Bay windows;
8. Eaves of at least 12 inches beyond the building wall or a parapet wall with an articulated design (decorative cornice, etc.);
9. Multiple windows with minimum four inches trim;
10. Recesses/shadow lines;
11. Building foundation areas that face streets or public areas shall be landscaped to a minimum width of five feet with a minimum of three shrubs per 20 lineal feet of foundation;

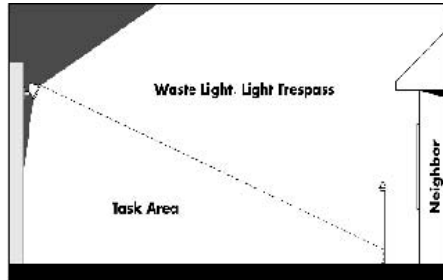
#### **G. Visibility of common areas.**

To promote public safety, primary multi-family dwelling structures and landscaping must be located and designed so that clear sight lines are provided to and between common open spaces, circulation paths and access points into the development, where applicable.

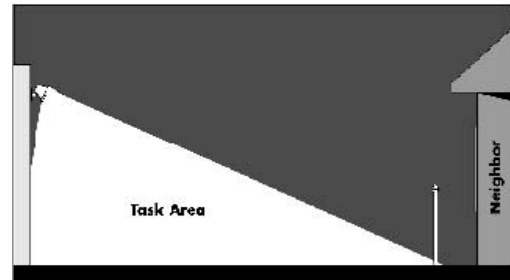
**50-27.3 Design and illumination standards.**

All exterior lighting regulated by this Section shall not be altered or replaced except where the alteration or replacement would comply with the provisions of this Section. All exterior lighting shall meet the following design standards:

- A. Any light source or lamp that emits more than 900 lumens (13 watt compact fluorescent or 60 watt incandescent) shall be concealed or shielded with an Illuminations Engineering Society of North America (IESNA) full cut-off style fixture with an angle not exceeding 90 degrees, with 90 percent of the light below 80 degrees. Exterior lighting shall be designed, constructed, and maintained in a manner that minimizes off-site glare, light trespass on adjacent property, and traffic hazards for pedestrian and motorists;



**Figure 50-39.1-A: Does not comply -- Light trespass**



**Figure 50-39.1-B: Complies -- No light trespass**

- B. All lighting shall have the intensities and uniformity ratio consistent with the IESNA lighting handbook, and shall be designed and located so that the illumination measured in footcandles at the finished grade shall comply with the standards in Table 50-31-1, *Minimum and Maximum Illumination Values*. All exterior lighting shall meet the requirements of the Minnesota State Energy Code, except for temporary decorative seasonal lighting;

Table 50-31-1: Minimum and Maximum Illumination Values (in Footcandles)				
Use	Maximum Illumination on Property	Maximum Illumination at Property Line (Excluding Rights-of-Way)	Maximum Illumination at Right-of-Way	Maximum/Minimum Ratio in an Illuminated Area
Residential Uses and Agricultural and Animal Related Uses	5	.5	1.0	10:1
All Other Uses	10	1.0	2.0	15:1

- C. The maximum height of any lighting pole serving a residential use is 20 feet. The maximum height serving any other type of use is 25 feet, except that (1) in parking lots larger than five acres, the maximum height of any pole located at least 100 feet from any residential use is 35 feet, and (2) in the I-G and I-W zone districts, the maximum pole height is 50 feet; The calculation for the height of lighting poles excludes the pole's base (up to 30 inches);
- D. Sign illumination shall conform to the provisions of Section 50-27.
- E. Lighting of free standing canopies for automobile service stations, convenience stores, and other similar uses shall have a maximum light level of 15 footcandles. Lighting shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy. Maximum lighting level uniformity (maximum to minimum) on the site shall be 15:1;

- F. The use or operation of searchlights for advertising purposes is prohibited. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizon, is prohibited;
- G. All outdoor light not necessary for security purposes shall be reduced to 30 percent of design levels or less, activated by motion sensor detectors, or turned off during non-operating hours;
- H. Light fixtures used to illuminate statues, monuments, or any other objects mounted on a pole, pedestal or platform shall use a narrow cone beam of light that will only illuminate the object;
- I. For upward-directed architectural, landscape and decorative lighting, and flood lights, direct light emissions shall be contained by the buildings and not be visible above the building roof line, and shall not be utilized to light any portion of a building façade between 10:00 p.m. and 6:00 a.m.;
- J. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting;
- K. LED lighting may not exceed a correlated color temperature (CCT) of 3000 Kelvin (K) nor have a minimum color rendering index (CRI) of less than 80. This provision does not apply to lighting serving a public or quasi-public institution for public safety or security purposes, or street lighting provided by the city, county, or the state of Minnesota.



**50-37.1.O Appeals.**

5. Appeal of planning commission or city council decisions to the courts.
  - (a) In the case of an appeal regarding the zoning of an airport or an Airport Overlay district, the appeal shall proceed pursuant to applicable state law and shall be perfected within 60 days after the decision appealed from is filed in the office of the planning commission;
  - (b) In case of decisions of the planning commission or the city council appealable to the district court pursuant to MSA 462.361, the appeal shall be perfected within 60 days after the decision ~~being~~ appealed from ~~was made~~ is filed in the office of the planning commission;
  - (c) All other appeals not otherwise provided for above shall be pursuant to MSA 606.01;
6. Appeals of heritage preservation commission decisions to council.  
Where applicable, subsection 50-37.1.O.4 shall apply of heritage commissions decisions, when appealable to city council;

(Ord. No. 10723, 12-14-2020, § 8)

**50-41.9 Definitions: I**

**Impaired waters.** Those streams, rivers and lakes that currently do not meet their designated use classification and associated water quality standards under the federal Clean Water Act.

**Impervious surface.** A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities or at an increased rate than prior to development. Examples include but are not limited to: conventional roofs, concrete/bituminous surfaces, stone pavers and gravel surfaces.

**Indirect illumination.** Illumination that is derived from light sources that are not visible to intended viewers of the sign but which illuminate the sign by being directed at the sign's reflective face.

**Indoor entertainment facility.** A facility providing entertainment or recreation activities where all activities take place within enclosed structures, but not including a theater or a convention or event center. Examples include but are not limited to: bowling alleys, trampoline centers, video arcades, climbing wall centers, paintball or laser tag centers.

**Industrial services.** A facility or area where industrial services such as heating, ventilation, cooking and refrigeration supplies, motion picture production, plumbing supplies, printing and photocopying, publishing, engraving, exposition building or center, and other uses designed to support industrial or heavy commercial activities in the vicinity, provided that such services are not listed separately as a permitted of special use in this Chapter.

**Industrial stormwater permit.** A national pollutant discharge elimination system (NPDES) permit issued to a commercial industry or group of industries that regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

**Industrial use.** The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities or other wholesale items.

**Infill development.** Land development that occurs within designated areas based on local land use, watershed, or utility plans where the surrounding area is generally developed, and where the site or area is either vacant or has previously been used for another purpose.

**Infiltration.** The process of percolating stormwater into the subsoil.

**Infiltration facility.** Any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above grade or below grade.

**Institution.** An established organization or foundation, especially one dedicated to education, medicine, public service, or culture, or an organization founded for a specific purpose, such as a hospital, synagogue, college, service club, or charitable entity.

**Institutional support use.** An establishment primarily engaged in rendering services to institutions on a fee or contract basis, such as advertising and mailing, consulting services, protective services, equipment rental, leasing and financial services. Uses must be incidental to and supportive of institutional uses and shall not include activities that are primarily retail in nature and devoted to the sale of consumer goods. (Ord. No. 10044, 8-16-2010, § 6; renumbered by Ord. No. 10096, 7-18-2011, § 58; Ord. No. 10204, 3-11-2013, § 4.)

**Interim outdoor living site.** **An interim outdoor living site is a facility that provides short-term, temporary shelter, such as an outdoor encampment, temporary small houses, or safe parking lot, and which does not require payment of any fee, rent, or other monetary charge.**



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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580  
 planning@duluthmn.gov

<b>File Number</b>	PL 22-086	<b>Contact</b>	Kyle Deming	
<b>Type</b>	Final Plat	<b>Planning Commission Date</b>	July 12, 2022	
<b>Deadline for Action</b>	<b>Application Date</b>	May 17, 2022	<b>60 Days</b>	July 16, 2022
	<b>Date Extension Letter Mailed</b>	June 29, 2022	<b>120 Days</b>	September 14, 2022
<b>Location of Subject</b>	Southwest corner of Palm St. and Blackman Ave. extended to Orange St. (Duluth Heights)			
<b>Applicant</b>	KAMI Holdings, LLC	<b>Contact</b>		
<b>Agent</b>	AMCON Construction	<b>Contact</b>	Dennis Cornelius	
<b>Legal Description</b>	See attached			
<b>Site Visit Date</b>	April 27, 2022	<b>Sign Notice Date</b>	N.A.	
<b>Neighbor Letter Date</b>	N.A.	<b>Number of Letters Sent</b>	N.A.	

**Proposal**

Combine parts of 14 lots in two existing plats and 2 acres of unplatted land into the proposed 14-acre Kara-Mia Addition consisting of 2 building lots and associated utility easements.

Staff recommends approval, with conditions

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-2 and R-1	Vacant/Undeveloped	Urban Residential
<b>North</b>	R-2 and MU-C	Storm water basin & Commercial	Open Space and Central Business Secondary
<b>South</b>	R-1	Vacant/Undeveloped	Urban Residential
<b>East</b>	R-1	Dwellings	Urban Residential
<b>West</b>	R-1	Vacant/Dwellings	Urban Residential/Traditional Neighborhood

**Summary of Code Requirements**

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

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

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

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

Governing Principle #5 – Promote reinvestment in neighborhoods. New development should strengthen commercial centers or diversify residential opportunities. This project creates apartment housing adjacent to and in support of an existing commercial district, strengthening that district’s character. The project is sited adjacent to existing transportation and utility infrastructure.

Governing Principle #7 – Create and maintain connectivity. This project is located adjacent to existing vehicle, bus, bike, and pedestrian infrastructure and will include dedication of pedestrian and bicycle connections through the development of both lots.

Governing Principle #8 – Encourage a mix of activities, uses, and densities. This project provides apartment housing on Lot 1 nearest infrastructure and “steps down” housing density on the R-1 zoned lot with a possible townhouse development on Lot 2.

Governing Principle #12- Create efficiencies in delivery of public services. This project will require minimal extension of utility infrastructure while utilizing existing transportation, public safety, and other City services. This allows the City to serve more residents on existing infrastructure which reduces the overall cost to all of the City’s landowners.

Housing Policy #2 - Provide affordable, attainable housing opportunities. This project will provide space for additional market-rate apartment dwellings.

Housing Policy #4 – Improve the quality of the city’s housing stock and neighborhoods. This project adds new housing to the community to replace units lost elsewhere in the community due to age or condition.

Zoning:

-- Residential-Urban (R-2): Multi-family apartments and townhouses, in an urban setting as well as single-family detached dwellings, duplexes and group living accommodations. 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.

-- Residential-Traditional (R-1): Traditional neighborhoods of single-family, duplexes and townhouses on moderately sized lots. Intended to be used primarily in established neighborhoods.

Future Land Use:

-- Urban Residential: Greatest variety of residential building types, medium to high densities. Applicable to infill areas close to activity centers. Connected or adjacent to parks and open space. Overall residential density of 8 units/acre and up. Design standards ensure pedestrian orientation and mix of housing.

Related files:

PL 21-178 Wetland Delineation, PL 22-046 Concept Plan, PL 22-053 Wetland Replacement Plan, PL 22-059 Street and Easement Vacations, PL 22-060 UDC Map Amendment, PL 22-061 Preliminary Plat

History:

In 2001 a 115-unit multi-story retirement community was proposed on 7 acres where the current developer’s apartment building is proposed. The building was never constructed. The City Council rezoned (FN 01135) the site from C-5 (Planned Commercial) to R-3 (Apartment Residential) for that project. The Council also vacated the streets in the area (FN 01137). The Planning Commission approved a wetland permit (FN 01136) to allow 1.8 acres of wetland impact. The wetland delineation and previous wetland permit have expired.

Land Use Supervisor approved the Wetland Replacement Plan (PL 22-053) 5/19/2022 after receiving from the Wetland Technical Evaluation Panel a recommendation of approval, with conditions.

City Council approved the Street and Easement Vacations (PL 22-059) at their 6/13/2022 meeting.

City Council approved the UDC Map Amendment (PL 22-060) at their 6/27/2022 meeting.

**Review and Discussion Items**

## Staff finds:

- 1) The proposal will combine 14 lots in 2 existing plats with 2 acres of unplatted land to form the new Kara-Mia Addition plat consisting of Lot 1 for an apartment building and Lot 2 planned to be townhomes.
- 2) The Planning Commission's approval of the Preliminary Plat was conditioned on these items:
  - a. The applicant enter into a development agreement addressing terms as identified by City staff that is approved by City Council before the Final Plat is recorded.
  - b. Vacation of underlying streets and utility easements be approved by Council concurrent with final plat approval and recording.
  - c. Extend the utility easement containing the water main to the west property boundary.
  - d. The need for future utility easements in Lot 2 be provided for in the development agreement.
  - e. Management of storm water facilities by the owners of Lot 2 that are located on Lot 1 be required by the development agreement.
  - f. A paved privately-owned and maintained shared use path extend from Lot 2 to the City's shared use path south of Palm St.
  - g. Prior to tree removal activities, the Land Use Supervisor approve the tree replacement plan and that trees to be preserved be fenced, including the area of the tree's dripline.
- 3) Below is staff's response on the satisfaction of the preliminary plat conditions listed above:
  - a. The development agreement is under development and will be brought to the City Council when completed. Staff has included a condition below that the plat not be signed until the development agreement has been approved by City Council and recorded.
  - b. The street and easement vacation was approved by City Council 6/13/2022 and will be recorded by the City before the plat is recorded. The vacation resolution includes a condition that the vacation will be null and void if the Kara-Mia Addition plat is not recorded before June 13, 2023.
  - c. The final plat includes the extended utility easement requested.
  - d. The development agreement includes provisions for future utility easements in Lot 2.
  - e. The development agreement includes provisions addressing storm water basin management relative to Lot 1 and 2.
  - f. The development agreement includes provisions requiring the installation and maintenance of a paved shared use path by the developer from Lot 2 to the existing City shared use path along Palm St.
  - g. Staff has included a condition, below, that tree removal shall not commence until the Land Use Supervisor approves the tree replacement plan and fencing is installed to protect trees during construction.
- 4) Staff finds that, other than the items addressed above, the final plat conforms to the requirements of Sec 50-37.5. and is consistent with all applicable requirements of MSA 462.358 and Chapter 505.
- 5) No citizen or City comments have been received to date.

**Staff Recommendation**

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

1. Staff shall not sign the plat until the development agreement has been approved by Council and recorded.
2. Prior to tree removal activities, the Land Use Supervisor approve the tree replacement plan and that trees to be preserved be fenced, including the area of the tree's dripline.
3. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

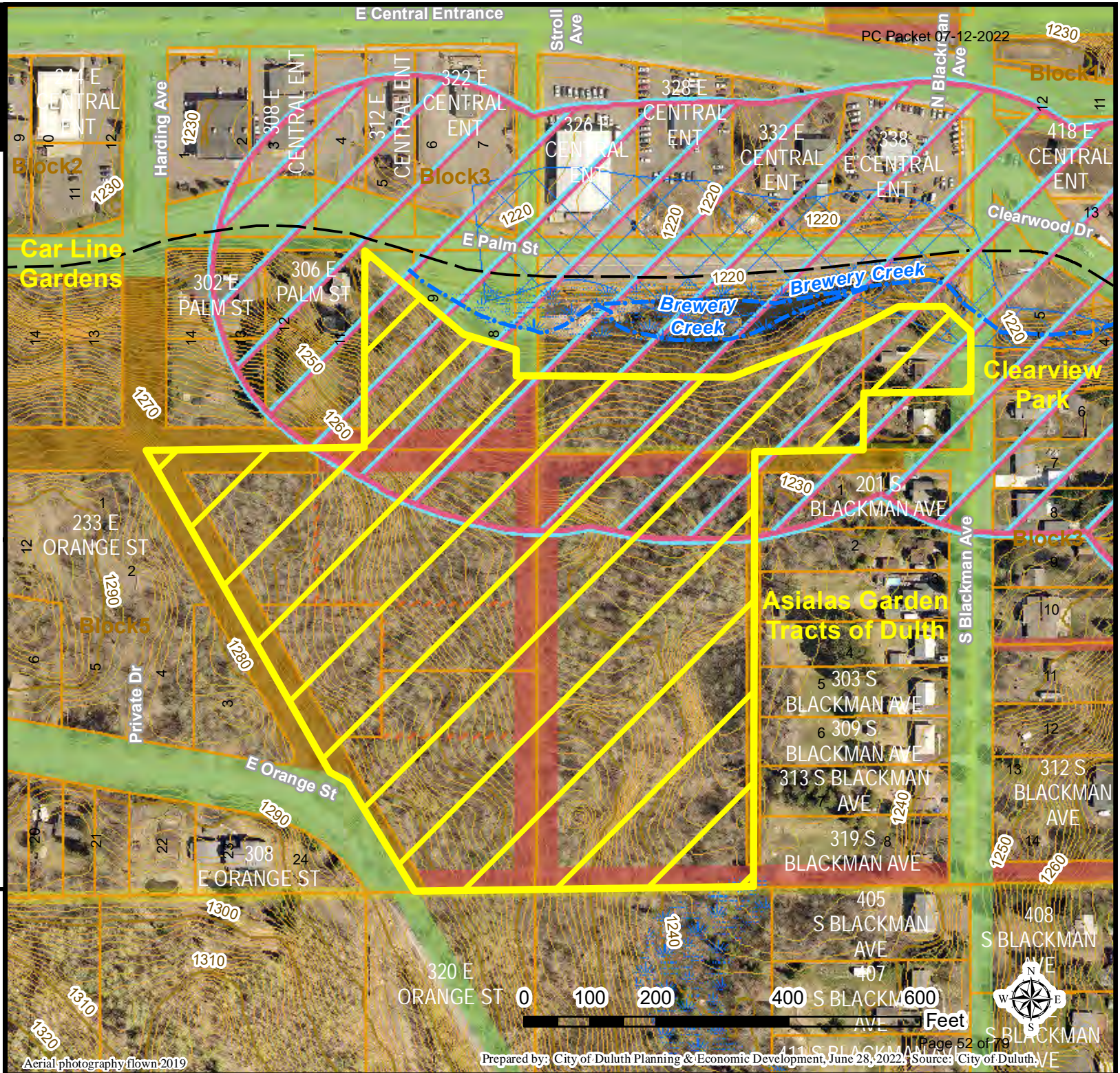




PL 22-086  
Final Plat  
Kara-Mia Addition  
Kami Holdings LLC

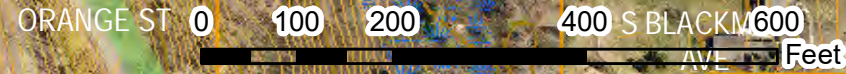
**Legend**

- Blocks
- Multi-Use - Paved
- Lots
- Parcels
- 1 Ft contour
- 10 Ft contour
- ROW
- <all other values>
- SUBTYPE, ROW, STATUS
- Utility, Active
- Road, Active - currently in use
- Utility, Vacated - vacated via recorded document
- Road, Vacated - vacated via recorded document
- Subdivision Boundaries
- Floodplain (UDC)
  - Flood Way
- Shoreland (UDC)
  - General Development
  - Other Stream (GPS)
  - Wetlands (NRR1)



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

Aerial photography flown 2019

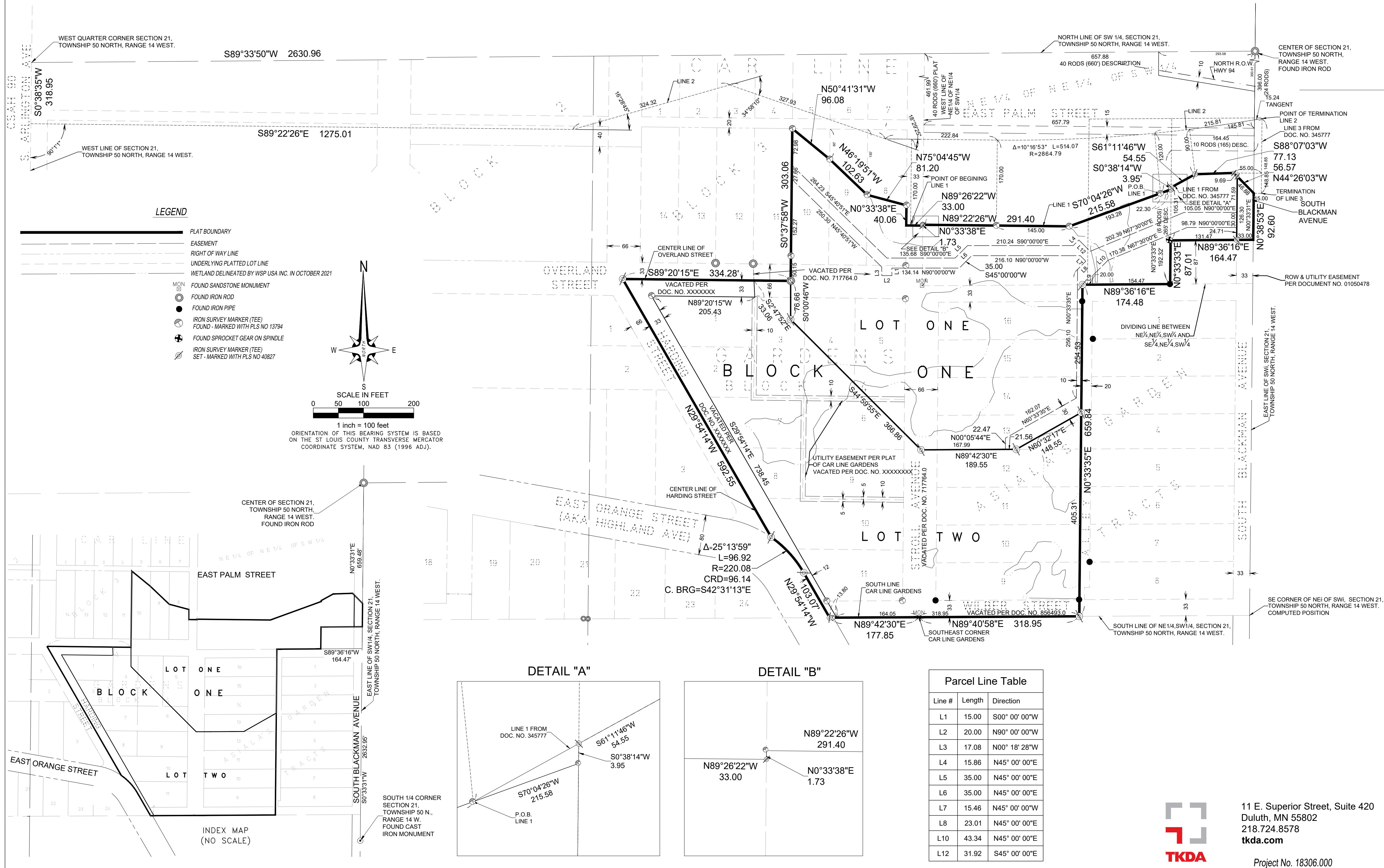




OFFICIAL PLAT

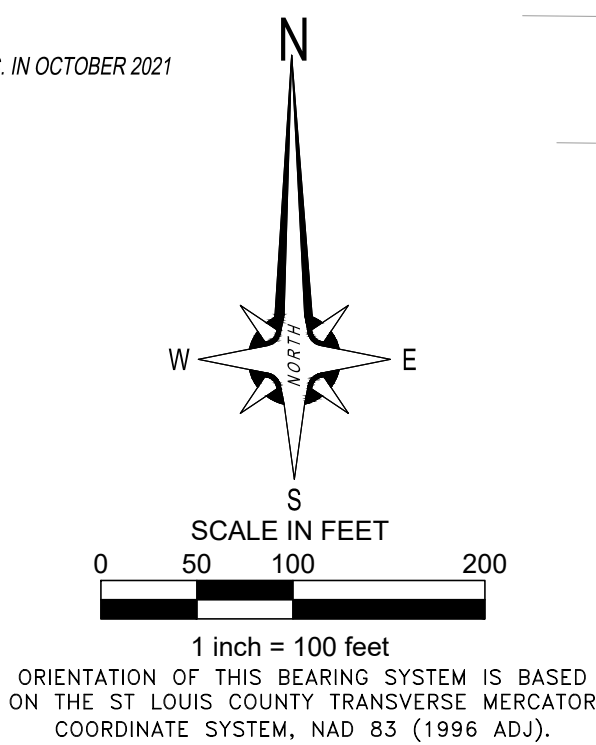
KARA-MIA ADDITION

Located in The Northeast Quarter of Southwest Quarter of Section 21, Township 55 North, Range 14 West of the 4th Principal Meridian, St. Louis County, Minnesota

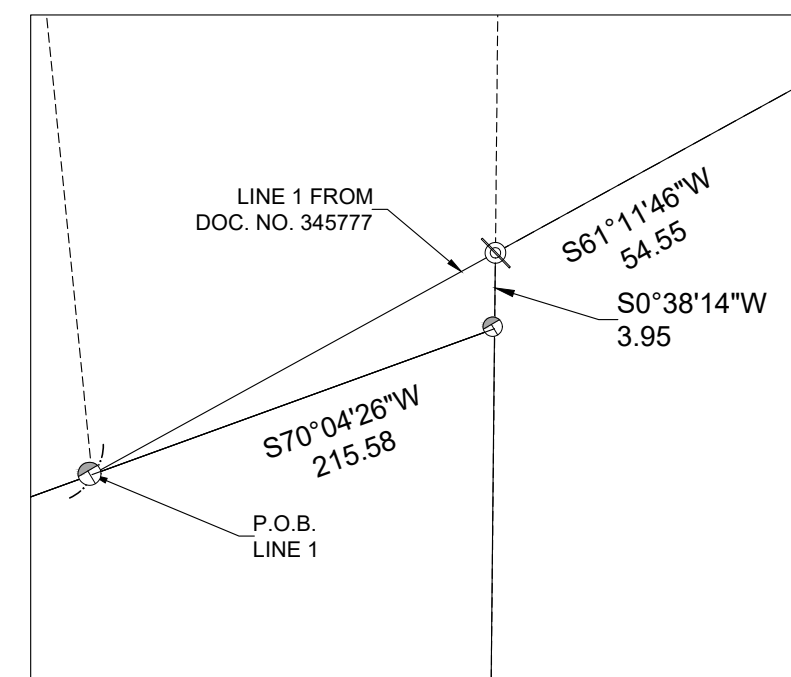


LEGEND

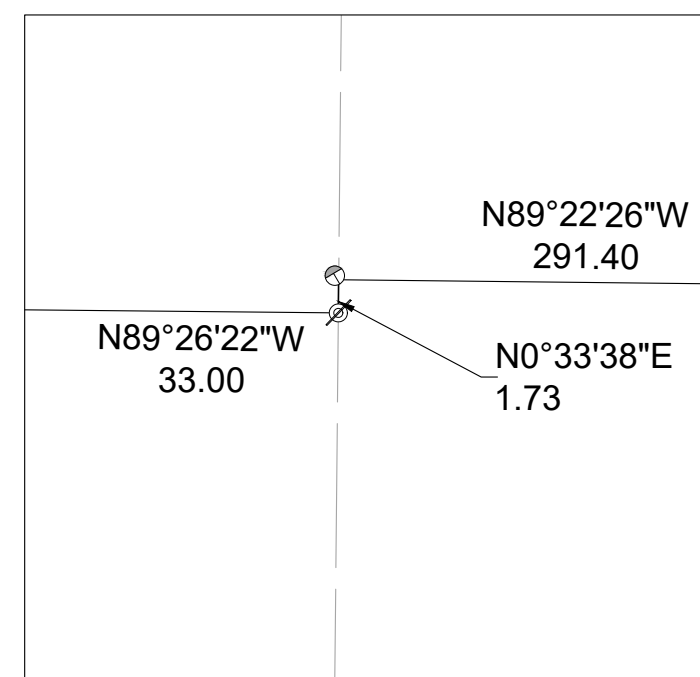
- PLAT BOUNDARY
- EASEMENT
- RIGHT OF WAY LINE
- UNDERLYING PLATTED LOT LINE
- WETLAND DELINEATED BY WSP USA INC. IN OCTOBER 2021
- FOUND SANDSTONE MONUMENT
- FOUND IRON ROD
- FOUND IRON PIPE
- IRON SURVEY MARKER (TEE)
- FOUND - MARKED WITH PLS NO 13794
- FOUND SPROCKET GEAR ON SPINDLE
- IRON SURVEY MARKER (TEE)
- SET - MARKED WITH PLS NO 40827



DETAIL "A"



DETAIL "B"



Parcel Line Table

Line #	Length	Direction
L1	15.00	S00°00'00"W
L2	20.00	N90°00'00"W
L3	17.08	N00°18'28"W
L4	15.86	N45°00'00"E
L5	35.00	N45°00'00"E
L6	35.00	N45°00'00"E
L7	15.46	N45°00'00"W
L8	23.01	N45°00'00"E
L10	43.34	N45°00'00"E
L12	31.92	S45°00'00"E



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

Project No. 18306.000



OFFICIAL PLAT

KARA-MIA ADDITION

Located in The Northeast Quarter of Southwest Quarter of Section 21, Township 55 North, Range 14 West of the 4th Principal Meridian, St. Louis County, Minnesota

KNOW BY ALL MEN BY THESE PRESENTS: THAT KAMI HOLDINGS, LLC, IS THE OWNER OF THE FOLLOWING DESCRIBED PROPERTY SITUATED IN SECTION 21, TOWNSHIP 55 NORTH, RANGE 14 WEST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE COUNTY OF ST. LOUIS, STATE OF MINNESOTA TO WIT:

PARCEL I:

LOT 10, BLOCK 3, CAR LINE GARDENS, EXCEPT THAT PART OF WHICH LIES NORTHEASTERLY OF A LINE DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 10, THENCE RUN SOUTHEASTERLY TO A POINT ON THE EAST LINE OF SAID LOT 10, DISTANT 60 FEET SOUTHERLY OF THE NORTHEAST CORNER THEREOF AND THERE TERMINATING TOGETHER WITH THAT PORTION OF VACATED OVERLAND STREET ADJACENT THERETO.

PARCEL II:

LOTS 8 AND 9, BLOCK 3, CAR LINE GARDENS, EXCEPT THAT PART WHICH LIES NORTHERLY OF A LINE DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF LOT 9, SAID BLOCK 3, DISTANT 60 FEET SOUTHERLY OF THE NORTHWEST CORNER THEREOF; THENCE RUN SOUTHEASTERLY TO A POINT ON THE EAST LINE OF LOT 9, SAID BLOCK 3, DISTANT 130 FEET SOUTHERLY OF THE NORTHEAST CORNER THEREOF; THENCE RUN SOUTHEASTERLY TO A POINT ON THE EAST LINE OF LOT 8, SAID BLOCK 3, DISTANT 150 FEET SOUTHERLY OF THE NORTHEAST CORNER THEREOF AND THERE TERMINATING TOGETHER WITH THAT PORTION OF VACATED OVERLAND STREET ADJACENT THERETO AND THAT PORTION OF VACATED STROLL AVENUE ADJACENT TO LOT 8, BLOCK 3, CAR LINE GARDENS.

EXCEPT ALL MINERALS AND MINERAL RIGHTS.

PARCEL III:

LOTS 1 THROUGH 7, INCLUSIVE AND LOTS 9, 10, AND 11, BLOCK 4, CAR LINE GARDENS TOGETHER WITH THAT PORTION OF VACATED OVERLAND STREET ADJACENT TO LOTS 3, 4 AND 5, BLOCK 4, CAR LINE GARDENS AND THAT PORTION OF VACATED STROLL AVENUE ADJACENT TO LOTS 5, 6, 9, 10 AND 11, BLOCK 4, CAR LINE GARDENS.

EXCEPT ALL MINERALS AND MINERAL RIGHTS.

PARCEL IV:

NORTH 1/2 OF LOT 8, BLOCK 4, CAR LINE GARDENS.

EXCEPT ALL MINERALS AND MINERAL RIGHTS.

PARCEL V:

SOUTH 1/2 OF LOT 8, BLOCK 4, CAR LINE GARDENS.

EXCEPT ALL MINERALS AND MINERAL RIGHTS.

PARCEL VI:

LOTS 9, 10, 11, 13, 14, 15, 16, ASIALA'S GARDEN TRACTS OF DULUTH, TOGETHER WITH THAT PORTION OF VACATED STROLL AVENUE ADJACENT THERETO AND THAT PORTION OF VACATED OVERLAND STREET ADJACENT TO LOT 16, ASIALA'S GARDEN TRACTS OF DULUTH.

EXCEPT ALL MINERALS.

PARCEL VII:

LOT 12, ASIALA'S GARDEN TRACTS OF DULUTH TOGETHER WITH THAT PORTION OF VACATED STROLL AVENUE ADJACENT THERETO.

EXCEPT ALL MINERALS.

THIS PROPERTY IS TORRENS. CERTIFICATE OF TITLE NO. 291112.0

AND

THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 21, TOWNSHIP 50 NORTH, RANGE 14 WEST OF THE FOURTH PRINCIPAL MERIDIAN, ST. LOUIS COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS: COMMENCING ON THE CENTER LINE OF SAID SECTION 21, 396 FEET SOUTH OF THE CENTER OF SAID SECTION; THENCE DUE WEST AT RIGHT ANGLES TO LAST LINE 165 FEET; THENCE DUE SOUTH AT RIGHT ANGLES TO LAST LINE 264 FEET TO THE DIVIDING LINE BETWEEN NE 1/4 OF NE 1/4 OF SW 1/4 AND SE 1/4 OF NE 1/4 OF SW 1/4 OF SAID SECTION; THENCE DUE EAST ON SAID DIVIDING LINE 165 FEET TO THE CENTER LINE OF SAID SECTION; THENCE DUE NORTH ON THE CENTER LINE OF SAID SECTION, 264 FEET TO THE PLACE OF BEGINNING.

EXCEPT SOUTHERLY 87 FEET.

AND EXCEPT THAT PART DESCRIBED IN A DEED TO THE STATE OF MINNESOTA DATED MAY 17, 1982, AND FILED JUNE 4, 1982 AS DOCUMENT NO. 345777, LEGALLY DESCRIBED AS FOLLOWS:

TRACT A: THAT PART OF THE NE 1/4 OF NE 1/4 OF SW 1/4 OF SECTION 21, TOWNSHIP 50, RANGE 14, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 21, DISTANT 24 RODS SOUTH OF THE CENTER OF SAID SECTION 21; THENCE DUE WEST AT RIGHT ANGLES 10 RODS; THENCE DUE SOUTH AT RIGHT ANGLES 16 RODS; THENCE DUE EAST AT RIGHT ANGLES 10 RODS; THENCE DUE NORTH 16 RODS TO THE PLACE OF BEGINNING, EXCEPTING THEREFROM THE SOUTHERLY 87 FEET THEREOF WHICH LIES NORTHERLY OF LINE 1 DESCRIBED BELOW:

LINE 1: FROM A POINT ON LINE 2 DESCRIBED BELOW, DISTANT 215.81 FEET WESTERLY OF ITS POINT OF TERMINATION, RUN SOUTHERLY AT RIGHT ANGLES TO SAID LINE 2 FOR 120 FEET TO THE POINT OF BEGINNING OF LINE 1 TO BE DESCRIBED; THENCE RUN NORTHEASTERLY TO A POINT DISTANT 90 FEET SOUTHERLY (MEASURED AT RIGHT ANGLES) OF A POINT ON SAID LINE 2, DISTANT 145.81 FEET WESTERLY OF ITS POINT OF TERMINATION; THENCE RUN EASTERLY TO A POINT DISTANT 55 FEET WESTERLY (MEASURED AT RIGHT ANGLES) OF A POINT ON LINE 3 DESCRIBED BELOW, DISTANT 1-08.85 FEET SOUTHERLY OF ITS POINT OF BEGINNING; THENCE RUN SOUTHEASTERLY TO A POINT DISTANT 15 FEET WESTERLY (MEASURED AT RIGHT ANGLES) OF AT THE POINT OF TERMINATION OF SAID LINE 3 AND THERE TERMINATING.

LINE 2: BEGINNING AT A POINT ON THE WEST LINE OF SAID SECTION 21, DISTANT 318.95 FEET SOUTH OF THE WEST QUARTER CORNER THEREOF; THENCE RUN EASTERLY AT AN ANGLE OF 90 DEGREES 01 MINUTES 01 SECONDS FROM SAID WEST SECTION LINE (MEASURED FROM SOUTH TO EAST) FOR 1275.01 FEET; THENCE DEFLECT TO THE LEFT AT ANGLE OF 16 DEGREES 28 MINUTES 45 SECONDS FOR 324.32 FEET; THENCE DEFLECT TO THE RIGHT AT AN ANGLE OF 34 DEGREES 58 MINUTES 10 SECONDS FOR 327.93 FEET; THENCE DEFLECT TO THE LEFT AT AN ANGLE OF 18 DEGREES 29 MINUTES 25 SECONDS FOR 222.84 FEET; THENCE DEFLECT TO THE LEFT ON A TANGENTIAL CURVE HAVING A RADIUS OF 2864.79 FEET AND A DELTA ANGLE OF 10 DEGREES 16 MINUTES 53 SECONDS FOR 514.07 FEET; THENCE ON A TANGENT TO SAID CURVE FOR 15.24 FEET AND THERE TERMINATING.

LINE 3: BEGINNING AT THE POINT OF TERMINATION OF LINE 2 DESCRIBED ABOVE, THENCE RUN SOUTHERLY AT AN ANGLE OF 79 DEGREES 46 MINUTES 44 SECONDS FROM SAID LINE 2 (MEASURED FROM WEST TO SOUTH) FOR 148.85 FEET AND THERE TERMINATING.

NOTE: THIS PROPERTY IS ABSTRACT. DOCUMENT NO 01370374

SUBJECT TO EASEMENTS AND SERVITUDES OF USE OR RECORD, IF ANY.

AND

THOSE PORTIONS OF OVERLAND STREET AND HARDING AVENUE, AS DEDICATED ON THE PLAT OF CAR LINE GARDENS, ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY RECORDER, AND NOW VACATED PER DOCUMENT NUMBER XXXXXXXX, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PLAT OF CAR LINE GARDENS; THENCE ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 42 MINUTES 30 SECONDS WEST ALONG THE SOUTH LINE OF SAID PLAT A DISTANCE OF 177.85 FEET TO ITS INTERSECTION WITH A LINE DRAWN PARALLEL TO AND 12.00 FEET WESTERLY FROM THE EASTERLY RIGHT-OF-WAY LINE OF HARDING AVENUE TO THE POINT OF BEGINNING; THENCE NORTH 29 DEGREES 54 MINUTES 14 SECONDS WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 103.07 FEET; THENCE WESTERLY 96.92 FEET ON A TANGENTIAL CURVE, CONCAVE TO THE SOUTH, HAVING A RADIUS OF 220.08 FEET AND A CENTRAL ANGLE OF 25 DEGREES 13 MINUTES 59 SECONDS

TO THE CENTERLINE OF SAID HARDING STREET; THENCE NORTH 29 DEGREES 54 MINUTES 14 SECONDS WEST ALONG SAID CENTERLINE, A DISTANCE OF 592.55 FEET TO THE CENTERLINE OF SAID OVERLAND STREET; THENCE SOUTH 89 DEGREES 20 MINUTES 15 SECONDS EAST ALONG SAID CENTERLINE, A DISTANCE OF 334.28 FEET; THENCE SOUTH 02 DEGREES 47 MINUTES 52 SECONDS EAST A DISTANCE OF 33.06 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID OVERLAND STREET; THENCE NORTH 89 DEGREES 20 MINUTES 15 SECONDS WEST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 205.43 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID HARDING STREET; THENCE SOUTH 29 DEGREES 54 MINUTES 14 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 738.45 FEET TO THE SOUTH LINE OF SAID PLAT; THENCE SOUTH 89 DEGREES 42 MINUTES 30 SECONDS WEST ALONG THE SOUTH LINE OF SAID PLAT A DISTANCE OF 13.80 FEET TO THE POINT OF BEGINNING.

AND UNDER THE AUTHORITY OF MINNESOTA SESSION LAWS 2012, CHAPTER 238, SECTION 28; MINNESOTA STATUTES CHAPTER 505; AND MINNESOTA STATUTES 282.01, SUBD. 1(E) HAS CAUSED THE SAME TO BE SURVEYED AND PLATTED AS NAME AND DOES HEREBY DONATE AND DEDICATE TO THE PUBLIC USE FOREVER ALL ROADS AS SHOWN ON THIS PLAT.

IN WITNESS WHEREOF KAMI HOLDINGS, LLC, HAS HEREUNTO SET THEIR HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

\_\_\_\_\_  
GONZALO MEDINA CHIEF MANAGER  
TITLE

STATE OF MINNESOTA  
COUNTY OF ST. LOUIS

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, BY \_\_\_\_\_, CHIEF MANAGER OF KAMI HOLDINGS, LLC, OWNER

\_\_\_\_\_  
NOTARY PUBLIC, \_\_\_\_\_, MN  
MY COMMISSION EXPIRES \_\_\_\_\_.

I DANIEL SKINNER DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM A DULY LICENSED LAND SURVEYOR IN THE STATE OF MINNESOTA; THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE BOUNDARY SURVEY; THAT ALL MATHEMATICAL LABELS ARE CORRECTLY DESIGNATED ON THIS PLAT; THAT ALL MONUMENTS DEPICTED ON THIS PLAT HAVE BEEN CORRECTLY PLACED IN THE GROUND AS SHOWN; THAT ALL WATER BOUNDARIES AND WET LANDS, AS DEFINED IN MINNESOTA STATUTES, SECTION 505.021, AS OF THE DATE OF THIS CERTIFICATE ARE SHOWN AND LABELED ON THIS PLAT; AND ALL PUBLIC WAYS ARE SHOWN AND LABELED ON THIS PLAT.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

\_\_\_\_\_  
DANIEL SKINNER, LICENSED LAND SURVEYOR  
MINNESOTA LICENSE NO. 40827

STATE OF MINNESOTA  
COUNTY OF ST. LOUIS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, BY DANIEL SKINNER, MINNESOTA LICENSE NUMBER 40827.

\_\_\_\_\_  
NOTARY PUBLIC, ST. LOUIS COUNTY, MN  
MY COMMISSION EXPIRES \_\_\_\_\_

ST. LOUIS COUNTY SURVEYOR

PURSUANT TO MINNESOTA STATUTES, CHAPTER 505.021, SUBD 11, THIS PLAT HAS BEEN CHECKED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

\_\_\_\_\_  
NICK C. STEWART COUNTY SURVEYOR  
DEPUTY

ST. LOUIS COUNTY BOARD OF COMMISSIONERS

APPROVED BY THE ST. LOUIS COUNTY BOARD OF COMMISSIONERS AT THEIR REGULAR MEETING HELD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

CHAIR: \_\_\_\_\_ ATTEST: \_\_\_\_\_

ST. LOUIS COUNTY AUDITOR

PURSUANT TO MINNESOTA STATUTES, SECTION 505.021, SUBD. 9, AND TO MINNESOTA STATUTES, SECTION 272.12, TAXES PAYABLE IN THE YEAR 2022 ON THE LAND HEREINBEFORE DESCRIBED HAVE BEEN PAID; THERE ARE NO DELINQUENT TAXES AND TRANSFER ENTERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

\_\_\_\_\_  
NANCY NILSEN COUNTY AUDITOR  
DEPUTY

ST. LOUIS COUNTY RECORDER

I HEREBY CERTIFY THAT THE WITHIN PLAT OF KARA-MIA ADDITION WAS FILED FOR RECORD IN THIS OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, AT \_\_\_\_\_ O'CLOCK \_\_\_\_M. FILED AS DOCUMENT NO. \_\_\_\_\_.

\_\_\_\_\_  
THOMAS W. REED, ST. LOUIS COUNTY RECORDER



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

Project No. 18306.000



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


218-730-5580  
 planning@duluthmn.gov

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

## MEMORANDUM

**DATE:** July 5, 2022

**TO:** Planning Commission

**FROM:** Kyle Deming, Planner II 

**SUBJECT:** Tabled agenda item – PL 22-077 – IUP at 2835 Minnesota Ave.

At the June 14, 2022 Planning Commission meeting you voted to table the proposed vacation dwelling unit interim use permit due to comments from a resident that the property had been rented to guests before obtaining the required permits.

Attached you will find a response from the applicants indicating the rental of the unit was for a period of 30 days which is permitted by the existing long-term rental license held by the applicants (copy of license attached). Additionally, they pledged to not operate the property as a short-term rental until all required permits are obtained.

Also attached are emails from Frank Berdan and Mary Jo Sodd with comments and news articles they asked be forwarded to the Commission.

Staff recommends the Planning Commission approve the interim use permit with the findings in the staff report (attached).

June 29<sup>th</sup>, 2022

Planning & Development Division

411 West First Street

Duluth, MN 55802

Re: Planning Commission 6.14.2022 Agenda item PL-22-007

Dear Planning Commission,

This message is in response to the question and /or concern about the rental of our property at 2835 Minnesota Avenue, prior to receiving the VUD permit. We are new to being an owner of a rental home and new to the City of Duluth VUD permit process. With that inexperience, when the commissioner asked me at the planning commissioning meeting if the home had been rented before the approval of the VUD permit, I said yes. I did not think to mention that the rental length of the current, and only renter was in compliance with the City of Duluth long-term rental licensing for a long-term rental, (see attached). I wish I had attempted to clarify this during the planning commissioning meeting, but I did not know if I had the opportunity to talk again after I was asked to be seated.

We will not short-term rent, 2835 Minnesota Ave until all required VUD permits are issued. We will only use the home for our own personal use or for long-term rental which is in compliance with our current long-term rental license.

Since the last planning commission meeting held on June 14, 2022, we have met with the two neighbors that sent emails prior to the June 14, 2022 planning commission meeting. We attempted to set the record straight that we were in fact in compliance with our long-term rental license as they did not know that we have a long-term license in place for the property. They unfortunately jumped to the conclusion that we were not in compliance and decided to send emails to the City of Duluth that were not truthful. They should have done their due diligence to collect facts, instead of voicing their opinions. We asked them to not be angry with us, we are only applying for a program provided by the City of Duluth for a VUD permit.

Should you have further questions, I will be at the July 12, 2022 Planning Commission meeting.

Sincerely,

Patrick Sims & Heather Grazzini-Sims

Tri Waters Property, LLC



**City of Duluth  
Fire Department - Life Safety Division**

615 West First Street • Duluth, Minnesota • 55802-1194  
218-730-4380 • Fax: 218-730-5902 • www.duluthmn.gov

An Equal Opportunity Employer

PC Packet 07-12-2022



**RENTAL LICENSE**

**Date Issued: 09/13/2019**

LOCATION OF LICENSED PREMISE:

**2835 MINNESOTA AVE  
DULUTH, MN 55802**

LICENSE #:LS-1-4039

PLAT/PARCEL #:010-3110-01030:

LICENSED UNITS: **1**

# BEDROOMS: **2**

LICENSE TYPE: **1 FAMILY**

# PARKING: **2**

**LICENSE EXPIRES: 09/01/2022**

PROPERTY OWNER: HEATHER GRAZZINI-SIMS  
PO BOX 860  
DULUTH, MN 55801

PROPERTY MANAGER: SCOTT TORVINEN  
5310 IDLEWOOD ST  
DULUTH, MN 55804

**THIS LICENSE AUTHORIZES RENTAL FOR PERIODS OF 30 DAYS OR MORE. FOR RENTAL PERIODS OF LESS THAN 30 DAYS A VACATION DWELLING UNIT INTERIM USE PERMIT IS REQUIRED, WHERE CODES ALLOW.**

It is recommended that you maintain a copy of this license for your file as there is a charge of \$ 11.00 for each additional copy.

**HEATHER GRAZZINI-SIMS  
PO BOX 860  
DULUTH, MN 55801**

Fire Prevention / Life Safety Division  
Fire Marshal

---

**From:** Frank Berdan <>  
**Sent:** Sunday, July 3, 2022 6:49 PM  
**To:** Kyle Deming <[kdeming@DuluthMN.gov](mailto:kdeming@DuluthMN.gov)>  
**Subject:** Re: PL 22-077

Kyle, yes, please forward to the Commission with my email comments. Thank you,

Frank Berdan

On Mon, Jun 27, 2022, 10:51 AM Kyle Deming <[kdeming@duluthmn.gov](mailto:kdeming@duluthmn.gov)> wrote:

Hello,

Thank you for your comment and the news story. Please let me know if your request of me is to forward the news story to the Planning Commission and include any comments you would like to accompany it.

The Planning Commission can consider your comments and the tabled matter at their next regular meeting Tues., July 12, 5 p.m.

Thanks,

--Kyle

Kyle Deming, Planner II

**From:** Frank Berdan <>  
**Sent:** Monday, June 20, 2022 3:47 PM  
**To:** Kyle Deming <[kdeming@DuluthMN.gov](mailto:kdeming@DuluthMN.gov)>  
**Subject:** PL 22-077

Kyle,

Just a double check to assure that the Planning Commission is aware of best practice approaches around the nation, and beyond. Appropriate constraints should be applied in Duluth, on Park Point, Skyline Drive, and other locations. We don't want to become like west London UK.

Thank you,

Frank & Kathi Berdan

2818 MN Av

[https://www.cbc.ca/news/canada/london/cottage-ontario-airbnb-vbro-1.6407851?\\_vfz=medium%3Dsharebar](https://www.cbc.ca/news/canada/london/cottage-ontario-airbnb-vbro-1.6407851?_vfz=medium%3Dsharebar)



London

## Ontario lakeside towns push to regulate short-term rentals to preserve their way of life

Communities are fed up with beach towns bought up by investors and overrun by 'partiers'

[Colin Butler](#) · CBC News · Posted: Apr 10, 2022 4:00 AM ET | Last Updated: April 10



Port Stanley, Ont., sees an influx of tourists each summer to its beaches. The lakeside town is considering a licensing scheme for short-term rentals for next summer, part of a growing movement of lakeside communities looking to keep investors from eroding local neighbourhoods. (Colin Butler/CBC)



There's a growing movement among Ontario lakeside communities to push back against short-term rental services, such as Airbnb and VRBO, that some say are disrupting the social fabric of their close-knit rural communities to the point where it could upend their way of life.

The Municipality of Lambton Shores is the latest to look at more stringent regulations for the beach communities of Port Franks, Ipperwash and Grand Bend, when council reviewed [a draft bylaw on Tuesday](#) to license short-term rentals, put a cap on occupancy at 10 people per dwelling and create a 24/7 hotline for locals to report nuisance parties.

Port Stanley, a beach town on Lake Erie's shore that's part of Central Elgin municipality, is also considering a bylaw and recently voted 4-3 to study the issue to hopefully have a licensing scheme in place next year.

"To me we needed to regulate it," said Mayor Sally Martyn, noting most homes sold in town often get scooped up by out-of-town investors looking to turn them into short-term rentals. "It's a real problem in Port Stanley."

## Preventive medicine

Others, such as the Town of Goderich, are weighing their options. "Canada's prettiest town" only has about 30 short-term rentals, but as they grow in number, it's becoming clear to some that they can influence more than just property prices.





While it may have all-year industry, such as the town's salt mine as shown here, with a slogan like 'Canada's prettiest town,' Goderich gets plenty of tourists. So council is looking at regulating short-term rentals before they become a problem. (Colin Butler/CBC)

"We have to be careful that we don't erode that rural fabric and rural neighbourhoods that we've had for centuries," said Goderich Mayor John Grace.

With factories, a courthouse and the largest salt mine on Earth, Goderich is far more than just a tourist town.

Goderich's 7,600 residents live there year round and they worry that if enough of the community's homes get bought up by absentee landlords who operate short-term rentals, it would alter the centuries-long tradition of neighbours helping neighbours that keeps the community bonded together.

**“We need to make sure it doesn't take over our neighbourhoods.”**

*- Goderich Mayor John Grace*

"We need to get a handle on it, we need to manage it and we need to make sure it doesn't take over our neighbourhoods."

The Municipality of South Bruce Peninsula, a collection of beach towns about an hour and a half northeast on the coast of Georgian Bay learned that lesson the hard way.

## **'Every cottage country town is facing this'**

The community — which includes the lakeside towns of Red Bay, Mallory Beach and Sauble — cracked down on short-term rentals in January 2021, creating a licensing scheme, a round-the-clock hotline to report party houses, and a "three strikes and you're out" system to keep absentee landlords in line with neighbours' expectations.





A little girl plays on a beach in Sauble Beach, Ont., where municipal officials estimate up to 15 per cent of private dwellings are short-term rentals. (Colin Butler/CBC News)

If they don't, they're liable to lose their licence and could face fines of up to \$500 a day, according to Mayor Janice Jackson, who said the tradition of cottaging in the community took on new intensity with the financialization of housing in Ontario.

"We're not messing around. Partiers and people who don't care about our community are not welcome here.

"We're fielding increasing complaints from the community where their neighbour sold their place and now it's party house next door, and it's just been heartbreaking to hear some of the stories.

"We're getting people who are buying houses sight unseen."

Jackson said it's estimated short-term rentals now account for up to 15 per cent of all private dwellings in her community, which has had serious impact on the community, turning otherwise residential neighbourhoods into tourist zones.

"Every cottage country town is facing this and COVID has really exacerbated this issue. So we had to do something.

"If this continues, we're going to get to a point, maybe five years from now, where we have equal amount of rental properties to our permanent residents," Jackson said.

"That is going to erode the fabric of the community, there's no question."

Jackson said the pandemic and the rise of the staycation brought so many visitors and outside investors to town that something had to be done to balance things out.

"We want people to come up here and enjoy South Bruce Peninsula because it's absolutely gorgeous here, but you've got to respect your neighbours. We have too many people who are coming up that simply have no respect for our neighbours."

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**From:** Mary Sodd <>  
**Sent:** Tuesday, July 5, 2022 12:39 PM  
**To:** Kyle Deming <kdeming@DuluthMN.gov>; planning <planning@DuluthMN.gov>  
**Subject:** Fwd: Request denial of VDU permit for 2835 Minnesota

Begin forwarded message:

**From:** Mary Sodd < >  
**Date:** July 5, 2022 at 12:21:34 PM CDT  
**To:** Mary Sodd < >  
**Subject:** Request denial of VDU permit for 2835 Minnesota

To the Duluth Planning and Development Commission:

The VDU permit for 2835 Minnesota Avenue, should be denied. Please consider the negative aspects of these permit requests.

On June 30, 2022, the NPR special broadcast titled Wealth Gap in Housing, included Duluth's experience within the story. There was great focus about the needs for POLICY prohibiting or limiting investors due to a need for stability, healthcare, and schools within any community. Healthy growth and community planning, and reorganization of problematic policy, was emphasized in this program. The visibility of the homeless and trials of first time buyers in Duluth was revealed within the broadcast.

On June 19, 2020, CBS news reported the problems with garbage on Park Point beaches. What happens when there are fewer residents to secure the beauty and/or safety of the area? Who will pay for needed services? Last week, I saw 4 fires on the beach in five days. Hotels and motels often have security available to their businesses. Are VRBO and VDU's going to be held accountable for public safety or fires? Will the city be legally responsible should harm happen to individuals or property?

On May 20, 2022, the Star Tribune had an article by Jana Hollingsworth about the neighborhood concerns over VRBO and VDU rentals in Duluth. Without concern and attention, Hollingsworth journalism could continue or expand coverage of this issue. According to NPR, the Minnesota rate of home ownership is declining due to corporate investors and equity builders.



Ironically to Park Point residents, an article below is about vacation permits and concerns in Two Harbors; the town looked to Duluth for more structural policy concerning VDU permits:

Duluth Monitor, April 15, 2022:

The City of Duluth (pop. 85,000) currently has a cap of 80 VDUs in residential districts. This equates to one VDU for every 1,063 people.

Commercial saturation of these permits in Park Point area is heavy. The demographics of Park Point reveal 1,548 housing units, 2,492 residents. As of now, there are 74 units advertised by VRBO and 11 by Heirloom Vacations (not sure of any overlaps). If the VDU formula quoted above by the Duluth Monitor was applied in Park Point, there would be a cap of three permits total.

Multiple policy issues need to be considered in the community for healthy growth. You have the power to consider any and all misuse of permits in Park Point. Please do so and move these vacation permit requests to other sections of Duluth.

Links to follow this message; please include with comments.

Respectfully,  
Mary Jo Sodd  
2824 Minnesota Avenue

---

**From:** Mary Sodd <>  
**Sent:** Tuesday, July 5, 2022 5:45 PM  
**To:** Kyle Deming <kdeming@DuluthMN.gov>  
**Subject:** Fwd: VRBO story

Kyle,

I contacted Jana Hollingsworth and she directly sent the text of at least this article that appeared in the Star Tribune. Hopefully it transmits cleanly. If it does, please include with my comments to the commission. Thank you!  
Mary Jo Sodd

Sent from my iPhone

Begin forwarded message:

**From:** "Hollingsworth, Jana" <Jana.Hollingsworth@startribune.com>  
**Date:** July 5, 2022 at 5:32:14 PM CDT  
**To:** Mary Sodd <>  
**Subject:** VRBO story

## DULUTH

### Tension brews over vacation rentals in Duluth

By [JANA HOLLINGSWORTH](#), STAR TRIBUNE  
May 20, 2022 - 6:23 PM

DULUTH — Sarah Lawrence and her husband were sitting one afternoon on the deck of their Duluth hillside bungalow with expansive views when some strangers walked by and offered to buy their house for twice what it was worth.

"We said, 'would you live here?' They said 'no,'" she said.

To her, it was the latest example of a shifting tide in Duluth, where full-time vacation rentals are spreading across the scenic city, and some residents are nervous.

Last fall, the city made [sweeping](#) changes to its rental rules and allowed up to 10 new full-time permits in residential neighborhoods each year, as long as 10 new residential housing units were added, capped at 120. Fifty-five Duluth homes in residential zones are now full-time vacation rentals; about half are on Park Point, a mileslong residential sandbar with houses, beaches and a small airport.

Duluth is among a number of in-demand tourism communities under strain across the country as residential vacation rentals grow in popularity, particularly in places like the Carolinas, Arizona and California.

The proliferation in Duluth has some residents worried about the repercussions, despite restrictions put in place by city officials. Neighbors attended city government hearings to express their concerns about the lack of on-site owners, the impact of outside investors on an already tight housing market and boisterous visitors who they say threaten the appeal of quiet neighborhoods. The issue is expected to resurface Monday when a group of neighbors plans to attend the City Council meeting to appeal a vacation rental permit that the city granted.

Beth Storaasli filed the \$407 appeal against a house in her eastern Duluth neighborhood. She said her daughter is one recent example of the many potential Duluth homebuyers who can't find homes in their price range.

"The City Council came up with what appears to be a grand compromise, and they put their heads down and will not look at what it's doing to the community," Storaasli said.

Council Member Roz Randorf said residents' concerns were discussed in-depth before the council approved new rules last fall, including concerns over the city's housing crisis and density issues.

"We peeled the onion deep," she said.

As part of the agreement, Randorf said, they made many concessions to appease neighborhood concerns. The city requires screens or fencing and a maximum number of bedrooms. The city imposed parking requirements and requires a property manager living within 25 miles. The permits last six years, and then require reapplication.

"We put a lot of thought into the ordinance and made some thoughtful changes that everyone is complying with," she said. "I hope we don't unpack this thing and do it again."

### **'Not a NIMBY response'**

Andrea Kuzel said her family has lived on Park Point for about a decade, relishing the coveted beach community with longtime residents who borrow sugar from each other and share baked goods. But the sheer number of vacation rentals on the Point is "destroying" its fabric, she said, adding that property taxes are "skyrocketing."

"It's the neighbors who live in houses who give it value," Kuzel said, and many rentals don't have onsite owners or are owned by businesses. "We are some of the younger people on Park Point — there aren't many kids now. It's slowly fading."

Limiting the number of vacation rentals in any one neighborhood isn't likely, said Adam Fulton, deputy director of planning and development for Duluth.

"It is complex to administer and is essentially a market modification that sometimes has unintended consequences," he said.

The city of roughly 36,000 households has about 100 vacation rentals in total. Some areas, such as downtown and other business districts, do not have a cap on permits. Complaints about renters are few, Fulton said, and because of the time limit on the permits, officials say they do not believe these types of properties will become permanent features.

"This is an emerging business," he said, and cities are approaching it in a variety of ways — from no restrictions to capping numbers or banning them outright.

"The policy imperative here is to ensure we are providing an adequate level of housing and making sure we are not suffering a loss of available housing of all types in our community," Fulton said.

Hundreds of apartment units in Duluth are expected to be built and opened in the next few years. [There's a dearth](#), however, of available single-family homes.

The city is experiencing "the biggest growth in the number of housing units created in our city in a generation or longer," said Council Member Gary Anderson.

Lise Lunge-Larsen sees it differently. She lives across from the house at the heart of the appeal the City Council will consider Monday.

"Every house that gets turned into a VRBO (vacation rental by owner) is a home that's off the market," Lunge-Larsen said. "It feels like the left hand doesn't know what the right hand is doing."

As for Lawrence, she said she worries about the growing number of vacation rentals dotting Observation Hill that sit empty in-between visitors, giving a lonely vibe to a place that once bustled with children.

"This is not a NIMBY response," she said, using the acronym for the phrase "not in my backyard." "It's the absence of what might be there that bothers me."

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**Jana Hollingsworth** writes about the Duluth/Superior region. She joined the Star Tribune in 2021. [Sign up to receive the new North Report newsletter.](#)

[jana.hollingsworth@startribune.com](mailto:jana.hollingsworth@startribune.com) [218-508-2450](tel:218-508-2450) [jhollingsworths](#)


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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

 218-730-5580

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

<b>File Number</b>	PL 22-077		<b>Contact</b>	Kyle Deming, <a href="mailto:kdeming@duluthmn.gov">kdeming@duluthmn.gov</a>	
<b>Type</b>	Interim Use Permit – Vacation Dwelling Unit		<b>Planning Commission Date</b>	June 14, 2022	
<b>Deadline for Action</b>	<b>Application Date</b>	May 9, 2022	<b>60 Days</b>	July 8, 2022	
	<b>Date Extension Letter Mailed</b>	May 16, 2022	<b>120 Days</b>	September 6, 2022	
<b>Location of Subject</b>	2835 Minnesota Avenue (Park Point)				
<b>Applicant</b>	Tri-Water's Property, LLC		<b>Contact</b>	Heather Grazzini-Sims	
<b>Agent</b>	Heirloom Property Management		<b>Contact</b>		
<b>Legal Description</b>	Lot 197, Lower Duluth, Minnesota Avenue, and Lot 198, Lower Duluth, St. Louis Avenue (PID 010-3110-01030)				
<b>Site Visit Date</b>	June 4, 2022		<b>Sign Notice Date</b>	May 31, 2022	
<b>Neighbor Letter Date</b>	May 26, 2022		<b>Number of Letters Sent</b>	28	

**Proposal**

To use an 1,871 sq. ft., 3-bedroom detached home as a vacation dwelling unit with 2 off-street parking spaces, for a maximum of 7 occupants. The proposed vacation dwelling is located in an R-1 district and was on the vacation dwelling unit eligibility list.

**Recommended Action:** Approval, with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	Residential-Traditional (R-1)	Residential – Detached dwelling	Traditional Neighborhood
<b>North</b>	Residential-Traditional (R-1)	Residential – Detached dwelling	Traditional Neighborhood
<b>South</b>	Residential-Traditional (R-1)	Residential – Detached dwelling	Traditional Neighborhood
<b>East</b>	Residential-Traditional (R-1)	Residential – Detached dwelling	Traditional Neighborhood
<b>West</b>	Residential-Traditional (R-1)	St. Louis Bay	Traditional Neighborhood

**Summary of Code Requirements:**

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

UDC Sec. 50-37.10.E . . . the Council shall only approve an interim use permit, or approve it with conditions, if it determines that: 1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location . . . ; 2. The applicant agrees to sign a development agreement with the city. 3. No more than 60 permits may be issued for either vacation dwelling units or accessory vacation dwelling units. Permits issued for vacation dwelling units or accessory vacation dwelling units in any form district shall not be counted against the maximum number of permits that may be issued, 4. Except for properties within the Higher Education Overlay District as identified in 50-18.5, the minimum rental period and off-street parking requirements of 50-20.3.U and 50-20.5.M shall not apply for vacation dwelling units or accessory vacation dwelling units in form districts.

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

- Governing Principle #8 - Encourage mix of activities, uses, and densities. Project is a reuse of a dwelling.
- Econ. Dev. Policy #3 - Build on Existing Economic Strengths & Competitive Advantages  
S9: Encourage expansion of the city's tourism economy through efforts to expand in areas of current activity, such as in Canal Park, but also through marketing and investment in destination neighborhoods and iconic tourism experiences unique to Duluth. The proposed vacation dwelling unit expands beyond Canal Park some of the Duluth's tourism economy, possibly providing new tourism experiences.

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:**

2021 – Home was demolished down to the foundation and new home constructed on remaining foundation with additions.

PL 20-147 – Planning Commission approval of a side-yard setback variance to allow a combined width of 9.7 feet.

PL 20-161 – Planning Commission approval of a shoreland setback variance to allow the dwelling to be constructed at 27 feet to the shoreline.

**Review and Discussion Items:**

1. Applicant's property is 40 feet wide by approximately 120 feet deep with frontage on St. Louis Bay.
2. The home was reconstructed on an existing foundation, with additions, in 2021 and consists of 1,871 sq. ft., with an attached one-car garage.
3. Proposal is a 3-bedroom vacation dwelling unit for up to 7 guests. Minimum stay duration will be 2 nights.
4. The applicant is providing one parking stall in the garage and a second parking stall in the driveway to meet the required two off-street parking stalls.
5. Applicant has indicated guests will not bring campers or trailers to the property.
6. The site plan shows outdoor areas that consist of a sitting area on the front porch, an 8-foot-wide deck on the rear of the building with tables, chairs, and a grill, a gas fire pit with seating in the rear yard, and a dock with seating in St. Louis Bay.
7. For screening, there is an existing fence to the north side of the property, and the abutting property owner (2839 Minnesota Ave.) has waived, in writing, the requirement for a screening fence.
8. Applicant has indicated that Heirloom Property Management will manage the property and that they will contact the owners of all properties within 100 feet of the subject property to provide the manager's contact information.
9. A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
10. Applicant must comply with items listed in the Vacation Dwelling Unit Worksheet and provide to guests information about City rules found on the handout provided to the applicant titled "Selected City Ordinances on Parking, Parks, Pets, and Noise."
11. Two email comments from a residents (attached). No other comments from City staff, or any other entity.

**Staff Recommendation:**

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

1. The Interim Use Permit shall not be effective until the applicant has obtained all required licenses and permits for operation and provided notice to landowners within 100 feet of the property with required contact information.
2. Applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
3. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



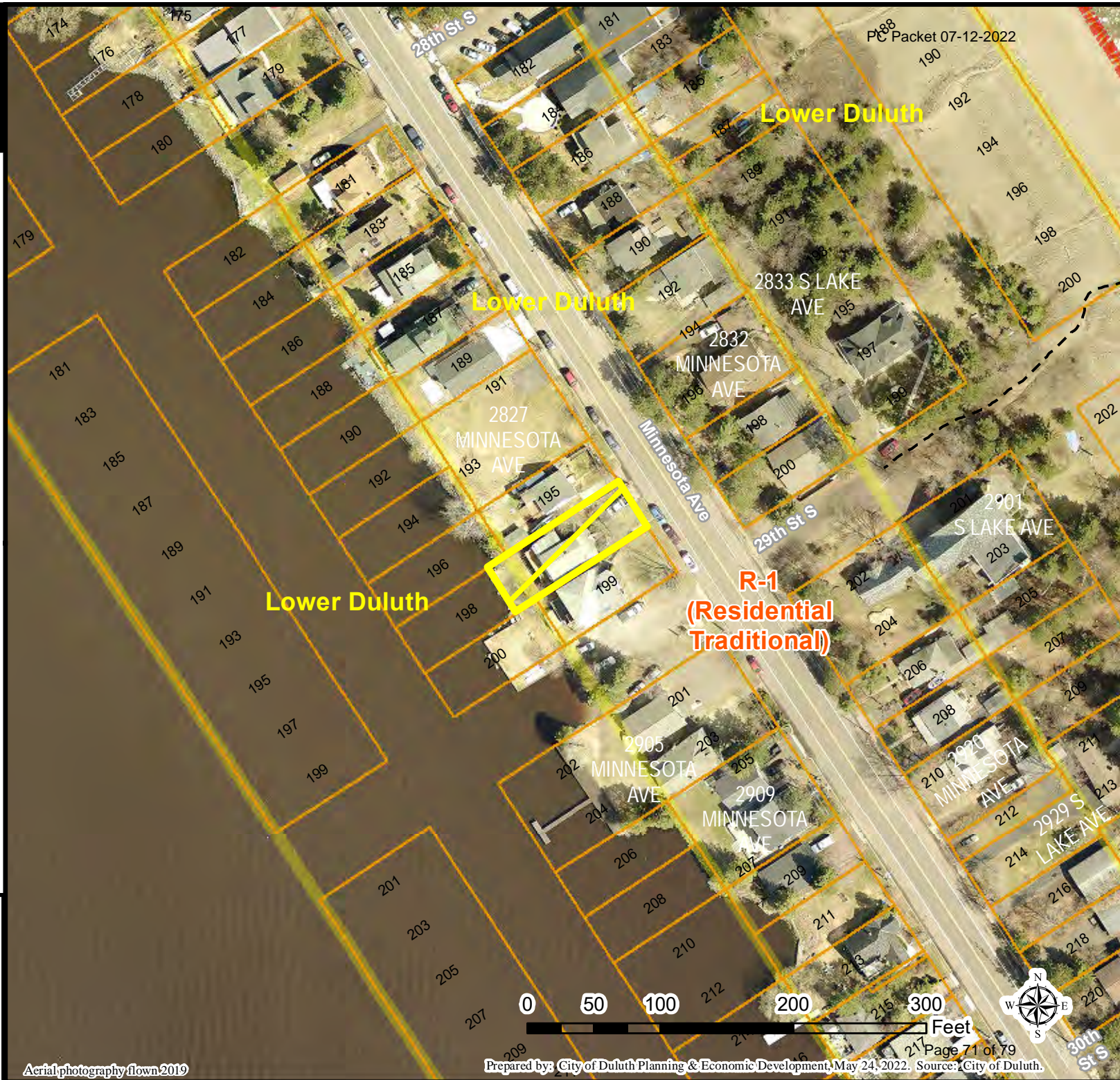


PL22-077  
 Vacation Dwelling Unit  
 Interim Use Permit  
 2835 Minnesota Avenue  
 Tri-Water's Property, LLC

PC Packet 07-12-2022

**Legend**

- Hiking
- Lots
- Parcels
- Subdivision Boundaries
- Zoning Boundaries



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Aerial photography flown 2019

0 50 100 200 300 Feet

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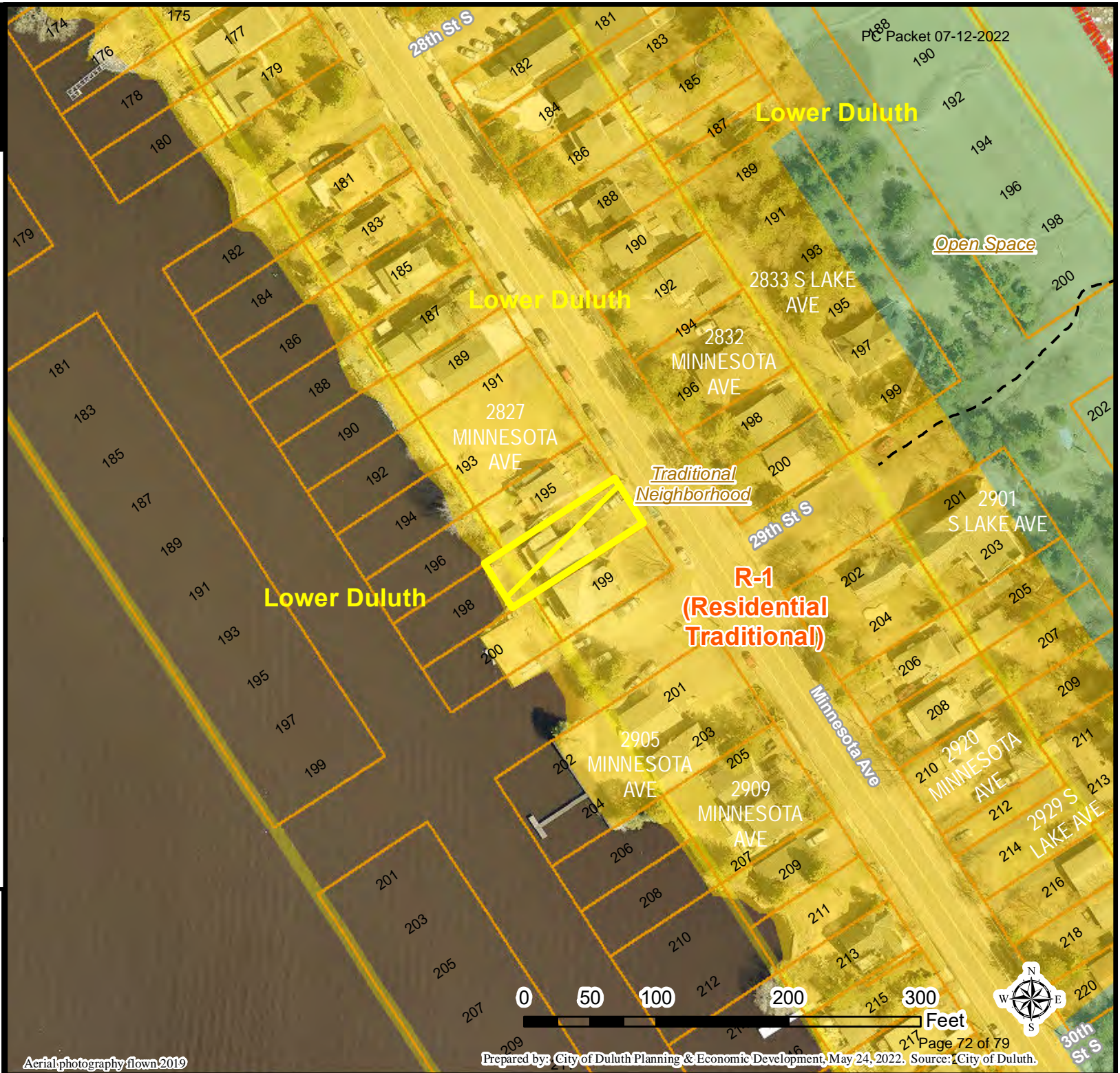


PL22-077  
 Vacation Dwelling Unit  
 Interim Use Permit  
 2835 Minnesota Avenue  
 Tri-Water's Property, LLC

PC Packet 07-12-2022

**Legend**

- Hiking
- Lots
- Parcels
- Subdivision Boundaries
- Zoning Boundaries
- Open Space
- Traditional Neighborhood



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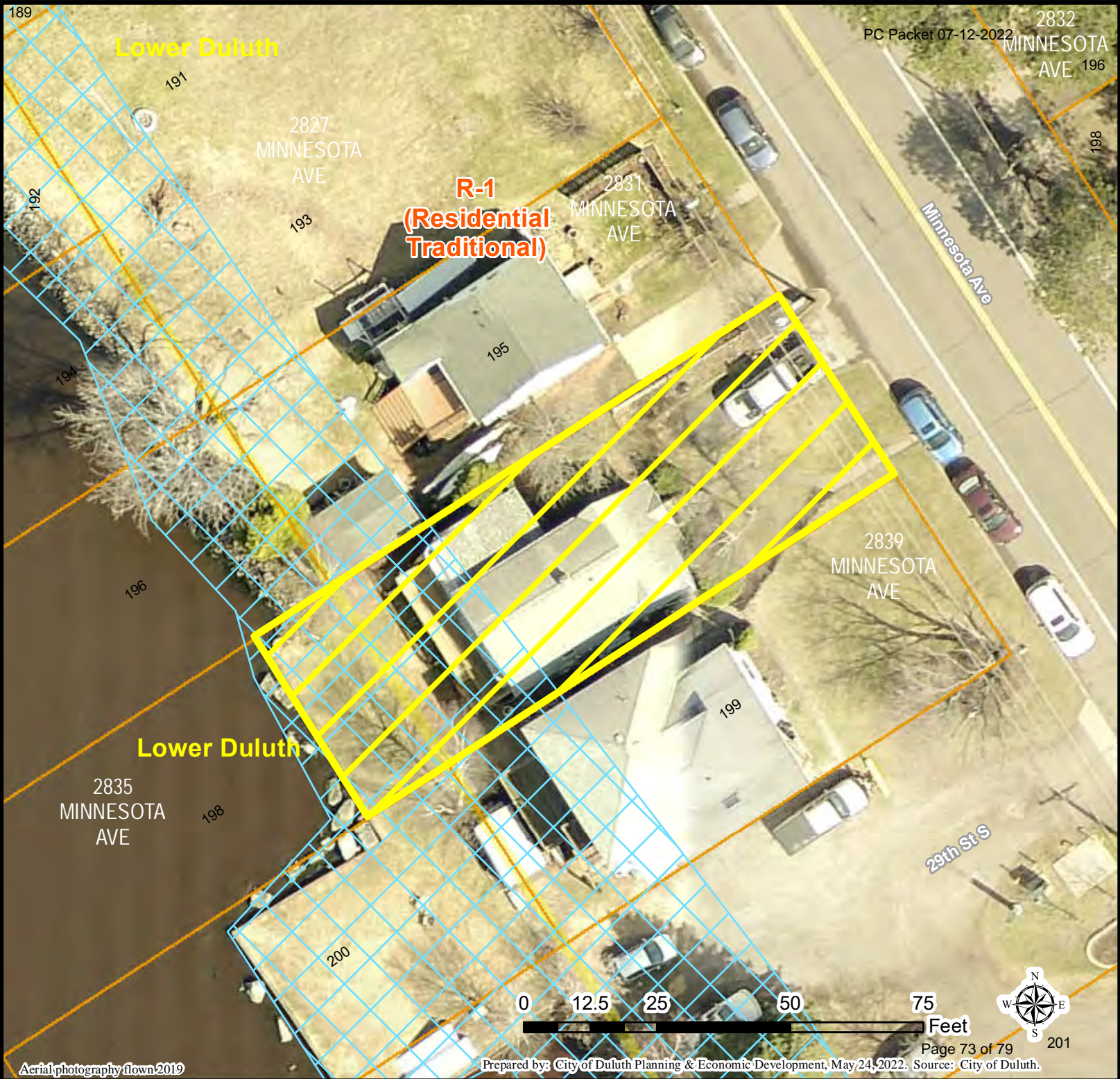


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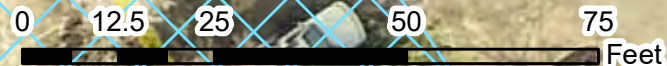
PC Packet 07-12-2022  
 2832 MINNESOTA AVE 196

**Legend**

- Lots
- Parcels
- Subdivision Boundaries
- Zoning Boundaries
- Floodplain (UDC)**
- Flood Fringe



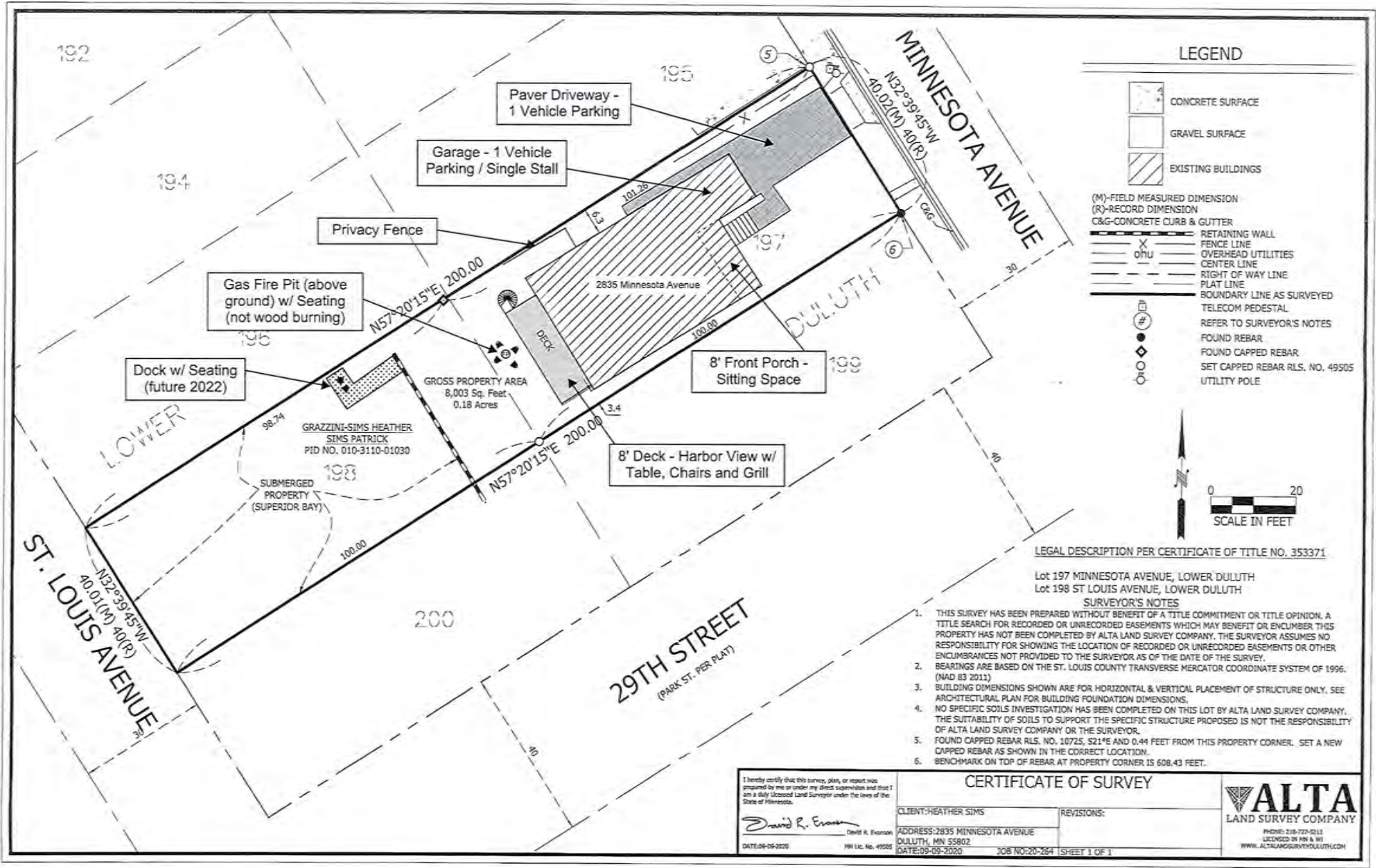
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## Vacation Dwelling Unit Worksheet

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

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

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

3

**What will be your maximum occupancy?**

8

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

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

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

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

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

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

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

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

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

Heirloom Property Management is my agent, I can obtain this information from them if needed

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

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

Heirloom Property Management 218-390-4317

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

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

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

This information will be provided to guest within the contract they are required to sign in order to rent the property

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

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



**From:** [planning](#)  
**To:** [Kyle Deming](#)  
**Subject:** FW: PL 22-077  
**Date:** Wednesday, June 1, 2022 7:30:13 AM

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**From:** Frank Berdan <>  
**Sent:** Tuesday, May 31, 2022 9:50 PM  
**To:** planning <planning@DuluthMN.gov>  
**Subject:** PL 22-077

To whom it may concern,

We are concerned that two transient vacation dwelling units in an otherwise residential block diminishes the quality of life in our neighborhood. There is already a VRBO unit at 2832 Minnesota Avenue (licensed?), directly across the street from the property at issue.

Frank & Kathi Berdan  
2818 MN Av

**From:** [Mary Sodd](#)  
**To:** [Kyle Deming](#); [planning](#)  
**Cc:** [Mary Jo Sodd](#)  
**Subject:** PL 22-077  
**Date:** Tuesday, June 7, 2022 8:52:41 AM

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To: Mr. Deming and Duluth Planning Commission  
In re: PL 22-077

From: Mary Jo Sodd  
Homeowner, 2824 Minnesota Avenue, Duluth, MN 55802

This is a response to a letter sent recently to residents within 350 feet of 2835 Minnesota Avenue about a vacation dwelling unit (“VDU”) interim-use permit. It is my understanding from neighbors that if the permit is awarded, this would be a third VDU within 1-1/2 blocks of my home.

A group of neighbors discussed this new VDU permit notification a week ago as we read the posted public notice. It was not a happy discussion. One neighbor told us that Heirloom, the VDU agency, had told the owner to go ahead with renting as the VDU permit would go through as they have clout.

That day a renter from New York (per their license plates) had already moved into the house. Afterwards I checked google for VRBO websites and saw bookings on offer for future dates at \$912 a night. Isn’t an interim-use permit required before interim use?

In apparent violation of the Duluth building code, the front porch did not and does not have safety railings, and the current renters have a young child. Did the house pass its final inspection? Has it been issued an occupancy permit?

I am fully against this VDU permit for this property. If the owners wish to rent the property long term, that would be fine. Then our environment would not be transient.

Myself and others worry about the long-term implication that this area could become a commercial zone. Our property taxes are being hiked up by commercial (“non-residential”?) usage; when does this end?

I thought I was moving into a safe neighborhood with my adult daughter who has autism and epilepsy, however these new zoning practices might destroy our dream. A “neighborhood” could become a more transient hotel row and more dangerous, etc. Can you help us?

Furthermore, the Duluth Planning Commission might not be aware of all of the nearby VDUs. I also never received notification that a VDU would be or was operating next door to my house, at 2832 Minnesota Avenue (a VRBO according to the decals on the side of the cleaner’s van). But that fact

has become all too clear. A driveway is shared between my home and the VRBO. Last February and March, VRBO plowed snow from the 2832 side of the driveway 6-8 feet high in front of my garage at 2824 (I was not there during that time) without my permission. It took weeks to negotiate a plow out with Heirloom so Comfort Systems could make a furnace maintenance appointment.

Heirloom may have a similar problem for 2835. Where will they deposit their driveway's snow?

What kind of neighbors are VDUs? Our experience concludes that VDUs operate for their profit and at the expense of others' tax rates, collateral damage and inconvenience.

Please turn this permit down and others on Park Point. There are too many VDUs here.

Respectfully,  
Mary Jo Sodd