

# COUNCIL COPY

## PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

10-0587R

RESOLUTION GRANTING MARK LAMBERT, SUMMIT MANAGEMENT, LLC, THE THIRD AMENDMENT TO A SECTION 50-38 SPECIAL USE PERMIT, ORIGINALLY APPROVED FEBRUARY 14, 2005. FOR PHASE III OF BOULDER RIDGE APARTMENTS, ON THE SOUTHWEST SIDE OF RICE LAKE ROAD BETWEEN PECAN AVENUE AND HICKORY STREET.

### CITY PROPOSAL:

RESOLVED, that:

(a) The city council adopted Resolution 05-0094 on February 14, 2005, granting a Section 50-38 special use permit to Mark Lambert of Summit Management, LLC, for Campus Park II, a common interest community development on 31 acres near Rice Lake Road and Blackman Avenue; and

(b) The city council adopted Resolution 05-0481 on July 11, 2005, granting an amendment to the previously approved Section 50-38 special use permit; and

(c) The city council adopted Resolution 07-0626 on September 14, 2007, granting an amendment to the previously approved Section 50-38 special use permit; and

(d) Mark Lambert of Summit Management, LLC, has submitted to the city council a request for a third amendment to the Section 50-38 special use permit for a common interest community development on 31 acres of property legally described as follows:

(1) In Clague and Prindle's Addition to Duluth: all of Blocks 2, 3, 4 and those parts of Blocks 5 and 6 lying southwest of Rice Lake Road, including those parts of dedicated unbuilt streets and alleys lying adjacent thereto;

(2) In Triggs and Kennedy's Addition to Duluth: those parts of Blocks 38, 39, 42, 43, 44 and 45 lying southwest of Rice Lake Road, and that part of Lots 10, 12, 14 and 16, Block 41, lying southeast of the northeasterly extension of Hickory Street to intersect with Rice Lake Road at Chinook Drive, including those parts of dedicated unbuilt streets and alleys lying adjacent

thereto; and

(3) In Benson Heights Addition to Duluth, Lots 5, 6 and Outlot; and

(e) Said permit application was duly referred to the city planning commission for a study, report and public hearing held during their regular meeting on November 8, 2010, and the commission has subsequently reported its recommendation of conditional approval to the city council; and

(f) The applicant's compliance with conditions set out in this permitting resolution will remedy any shortcomings identified by the city planning commission's findings of inadequacies in the submitted documents, and that compliance with the conditions contained herein, will adequately protect the comprehensive plan and conserve and protect property values in the neighborhood and comply with City Code Section 50-32 (reference Planning Commission File No. 10106); and

(g) That an amendment to the previously approved amended special use permit is hereby granted to Mark Lambert and Summit Management, LLC, for a common interest community development of apartments and townhouses, a recreation building, and a maintenance building on 31 acres of property located on the southwest side of Rice Lake Road between Pecan Avenue and Hickory Street, with the following terms and conditions:

(1) That the project be developed and maintained according to the following plans and identified as Public Document No. \_\_\_\_\_:

- (A) Grading Plan (Sheet C2-3);  
Landscape Plan (Sheet C3-3);  
Structure G-1 (Sheet A8 and A8A);  
Trash Enclosure (Sheet A11);  
Structure H-1 (Sheet A9);  
Lighting Plan (created November 1, 2010); and

(B) Applicant must take steps to ensure that lighting is shielded and downcast in a way as to prevent glare and light pollution from impacting the surrounding neighborhood, including (but not limited to), shielding on the lights

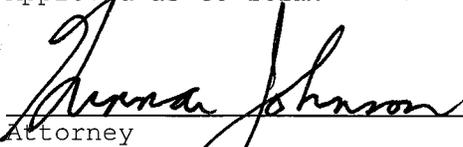
near proposed structure H-1 and associated garage building; and

(C) The temporary parking lot will be discontinued when structures G-1 and H-1 are constructed, or October 18, 2015, whichever occurs first, and that the within 30 days, the applicant shall remove gravel, apply a layer of topsoil at least four inches thick, and seed it to grass; and

(D) Prior to construction of Building E-1, the applicant gain written approval for the Secretary of the Planning Commission for the color and materials to be used on the building exterior, per 2007 conditions; and

(E) That the project secure necessary building, grading, wetland erosion control, and storm water management permits from the city and MPCA.

Approved as to form:

  
\_\_\_\_\_  
Attorney

PC/plng SB.eu 11/12/2010

STATEMENT OF PURPOSE: This resolution grants an amendment to a previously granted Section 50-38 special use permit for Campus Park II, now called Boulder Ridge Apartments. The applicant, Mark Lambert, Summit Management, LLC, has constructed most of the site improvements on the west half of the site and is proposing several changes to the site plan for the east half of the site. These changes include modified residential buildings and parking areas, relocated storm water ponds, and maintenance building.

The planning commission unanimously approved the special use permit amendment at the regular meeting held Tuesday, November 8, 2010.

Petition received: August 31, 2010

Action date for special use permit: December 29, 2010

Applicant:

Mark Lambert, President  
Summit Management, LLC.  
122 South Water Street  
Stillwater, Minnesota 55082  
Ph: 651-689-2202  
Fax: 651-689-2205  
Email: [mlambert@summitre.net](mailto:mlambert@summitre.net)



**CITY OF DULUTH**

Community Resources Department  
 Planning Division  
 411 W 1<sup>st</sup> St, Rm 402 \* Duluth, Minnesota 55802-1197  
 Phone: 218/730.5580 Fax: 218/730.5904

**STAFF REPORT**

<b>File Number</b>	10106	<b>Contact</b>	Steven Robertson, 218-730-5295	
<b>Application Type</b>	Speical Use Permit	<b>Planning Commission Date</b>	Nov 9, 2010, 5:00 pm	
<b>Deadline for Action</b>	<b>Application Date</b>	Sep 27, 2010	<b>60 Days</b>	November 26, 2010
	<b>Date Extension Letter Mailed</b>	Oct 27, 2010	<b>120 Days</b>	January 25, 2011
<b>Location of Subject</b>	North of Davis Street, East of Connecticut and Blackman Avenues, southwest of Rice Lake Road.			
<b>Applicant</b>	Summit Management, LLC	<b>Contact</b>	Mark Lambert, mlambert@summitre.net	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	Portions of Clauge and Prindles Addition to Duluth and Triggs and Kennedy's Addition to Duluth.			
<b>Neighbor Letter Date</b>	Oct 27, 2010	<b>Number of Neighbor Letters Sent</b>	35	

**Proposal**

From the application: "Amendment to Special Use Permit to substitute a 24 unit apartment building at the G-1 location and adding additional parking". The plans are to: construct a new rain garden (#1 on attached proposal map), remove existing constructed wetland replacement (that has not performed as anticipated) and replace it with parking (#2), increase the unit size of an approved residential structure from 18 to 24 units (#3), move location of refuse container (#4), construct a new parking lot instead of two 6-unit structures (#5), and increase the footprint, but not the unit count, of an approved structure (#6). During the pre-application meeting, there was discussion on the status of an approved temporary parking lot and approved maintenance structure (also known as the bus garage).

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-3 Apartment Residential	Residential	Urban Residential
<b>North</b>	R-1-C	Residential	Low Density Neighborhood, Preservation, Inst.
<b>South</b>	R-1-B	Residential	Traditional Neighborhood, Preservation
<b>East</b>	R-1-B and R-1-C	Residential	Urban Residential
<b>West</b>	R-1-B	Residential	Traditional Neighbrohood

**Summary of Code Requirements (reference section with a brief description):**

-Section 50-32 on Special Use Permits states that the City Council:  
 1) . . . may, by resolution, grant a special permit . . . and may impose appropriate conditions and safeguards, including performance bonds and a specified period of time for the permit, to protect the comprehensive plan and to conserve and protect property and property values in the neighborhood. . . .  
 2) . . . may deny a permit should it find that the proposed special use would result in a random pattern of development with little contiguity to existing or programmed development, causing anticipated negative fiscal or environmental impacts upon the community.

-Section 50-32.1 states: All applicants for special use permits shall submit: (d) Building floor plans and elevations . . . ; (e) Detailed site plan . . . including building locations, parking areas, drives, landscaping, signage and other physical features on the site; (f) Other information . . . as deemed necessary by the planning commission secretary.

-Section 50-32.2 states that: All applications for special use permits shall be referred by the City Clerk to the Planning Commission for study and report concerning the effect of the proposed use on the comprehensive plan and on the character and development of the neighborhood.

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

The 2006 Comprehensive Plan Future Land Use Map shows the Phase III part of the site as Urban Residential, which is consistent with the land use proposed by the applicant. The Comprehensive Plan also contains language that encourages the creation of apartment housing to relieve pressure on traditional neighborhoods around UMD for rental housing to accommodate students.

**Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):**

Findings of Fact

- Whereas this application is a minor modification of a previously approved Special Use Permit,
- and that it is substantially consistent with the previously approved Special Use Permit,
- and that it is substantially consistent with the Comprehensive Plan and the character of the neighborhood,
- and as evidenced by the submitted information that the project is being slightly reduced in density, contains appropriate lighting, and the proposed design and appearance of the proposed residential structures is in accord and consistent with the current zoning (R-3, Apartment Residential),
- and the applicant wishes to resolve any outstanding concerns with the temporary gravel parking lot and the Structure E-1, and will comply with conditions initially established in the 2007 Special Use Permit amendment,
- therefore, staff are of the consensus that this application, with pending conditions, meets the minimum planning and zoning standards established by the City.

Staff Comments

- It should be noted that this proposal will reduce the number of approved residential units in the property by six units.
- While it may not be immediately obvious in the revised lighting plan, there will be some light spilling on to adjacent properties (near the southeast entrance on Rice Lake Road and to the south of H-1). Applicant has agreed to take measures to eliminate this.

Other Comments

- No neighbor comments received to date (11/2/10).

**Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):**

Recommendation to the City Council that the Special Use Permit be approved subject the following:

- That the existing approved Special Use Permit, as approved and previously amended, be further amended to reflect the proposed changes. The property is to be developed and maintained according to the following documents: Grading Plan (5 of 13, C2-3), Landscape Plan (6 of 13, C3-3), Structure G-1 (8 and 9 of 13, A8 and A8A), Trash Enclosure (10 of 13, A11), Structure H-1 (11 of 13, A9), and Lighting Plan (13 of 13, Created November 1, 2010), and
- Applicant must take steps to ensure that lighting is shielded and downcast in a way as to prevent glare and light pollution for impacting the surrounding neighborhood, including (but not limited to), shielding on the lights near proposed structure H-1, and
- The temporary parking lot (shown on 12 of 13) will be discontinued when the first of either one of these conditions is met: 1) structures G-1 and H-1 are constructed, or 2) October 18, 2015 (five years from date of drawing). When either one of these conditions are met, applicant must, within 30 days, remove gravel, apply a layer of topsoil at least four inches thick, and seed it to grass. This condition does not prevent the applicant from submitting further proposals for the property in the future, and
- Prior to construction of Building E-1 (shown on 7 of 13), the applicant will gain written approval for the Secretary of the Planning Commission for the color and materials to be used on the building exterior, per 2007 conditions.

**Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)**

**Boulder Ridge**  
LUXURY APARTMENT HOMES  
502 BOULDER DRIVE

RICE LAKE ROAD

RICE LAKE ROAD

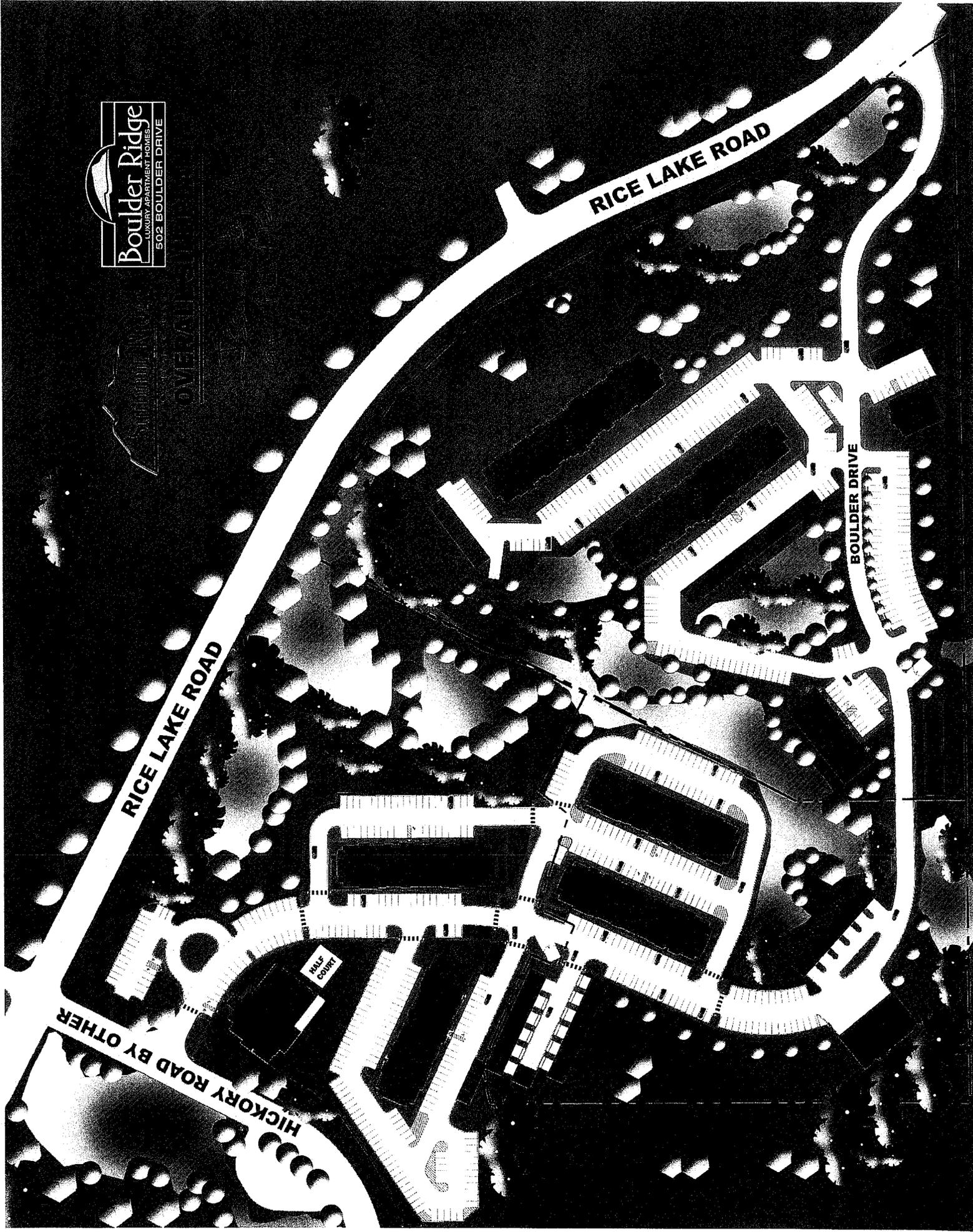
BOULDER DRIVE

HICKORY ROAD BY OTHER

HALF COURT



OVERVIEW



**FN 10106**  
**Summit Management**  
**Special Use Permit Amend**  
 Subject Site



**Legend**

- Trout Stream (GPS)
- Other Stream (GPS)
- Floodplain (FEMA)
- Wetlands (NRR1)
- 10' Contour (elev. change)
- Zoning (Final)

**Shorland Management Zones**

- Natural Environment
- Recreational Development
- General Development- Class 1
- General Development- Class 2

**Public Owned Land**

- Tax Forfeited
- City
- School
- County
- State
- Federal



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 damages in connection with the use of this information contained within.





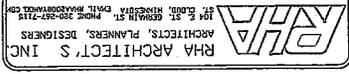


1910  
2/1/10

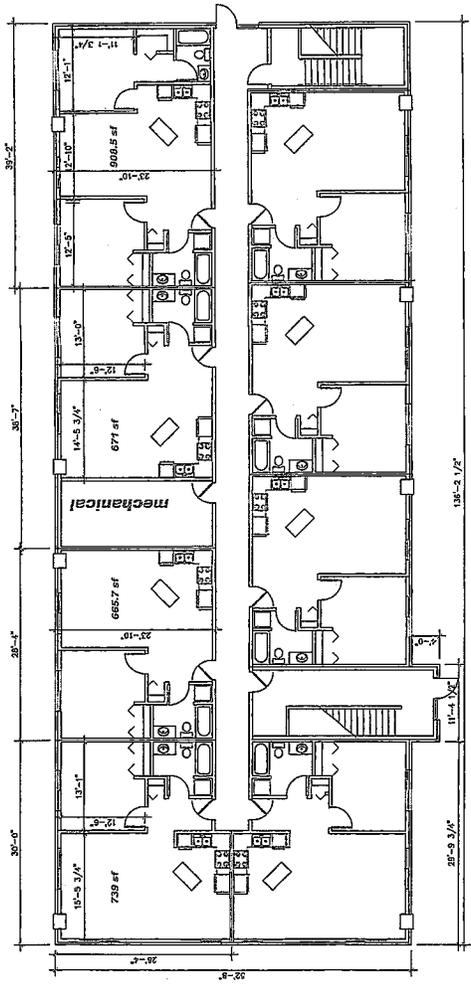
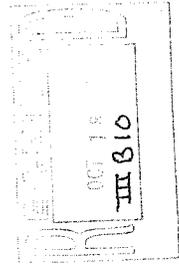
1740Z

BOULDER RIDGE  
24 UNIT APARTMENT G-1  
DULUTH, MINNESOTA

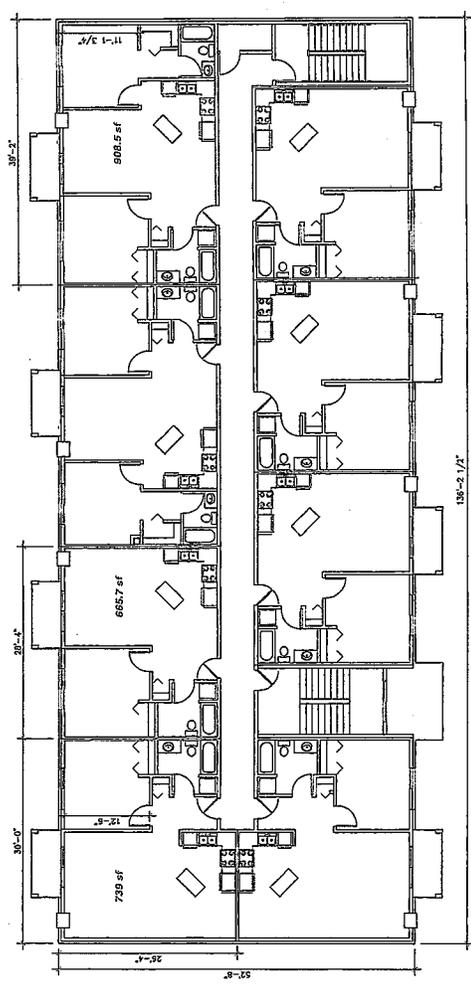
RHA ARCHITECT'S, INC.  
ARCHITECTS, PLANNERS, DESIGNERS  
107 S. GREEN ST. SUITE 200-2115  
DULUTH, MINNESOTA 55812



AB



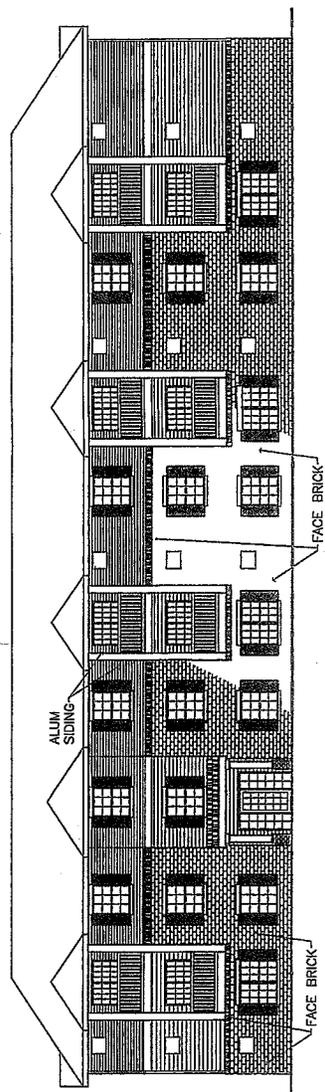
FIRST FLOOR PLAN  
7,171.3 SF



SECOND THIRD FLOOR PLAN  
7,113.1 SF

PROJECT NO. 24-110 SHEET NO. 110	DATE 11/11/10	SCALE 1/8" = 1'-0"	BOULDER RIDGE 24 UNIT APARTMENT G-1 DULUTH, MINNESOTA	RHA ARCHITECT'S INC. ARCHITECTS, PLANNERS, DESIGNERS 100 EAST WASHINGTON ST. SUITE 200 DULUTH, MN 55812		ABA
-------------------------------------	---------------	--------------------	---	--	---	-----

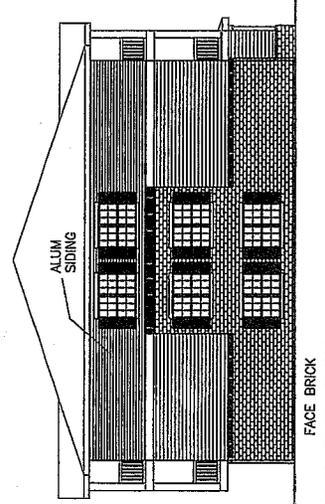


FACE BRICK

ALUM SIDING

FACE BRICK

FRONT ELEVATION



ALUM SIDING

FACE BRICK

END ELEVATION



THE B11

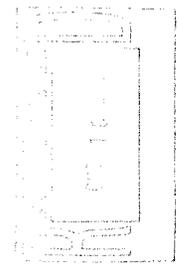
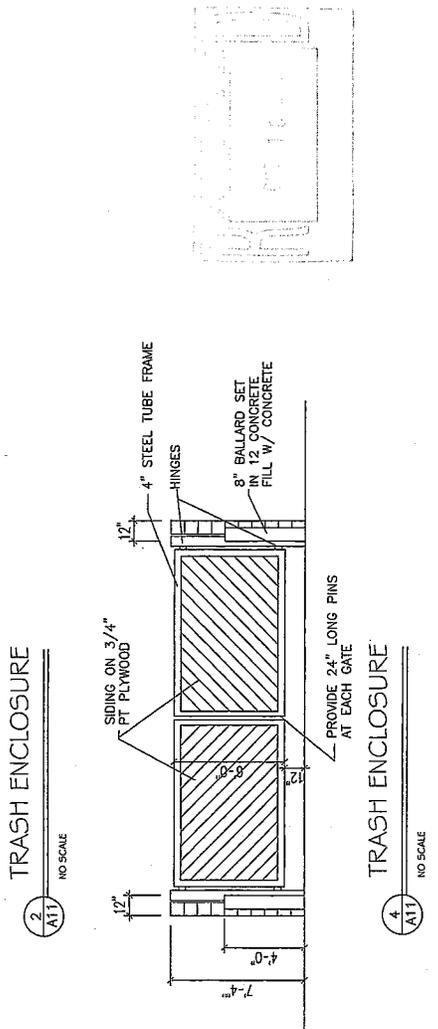
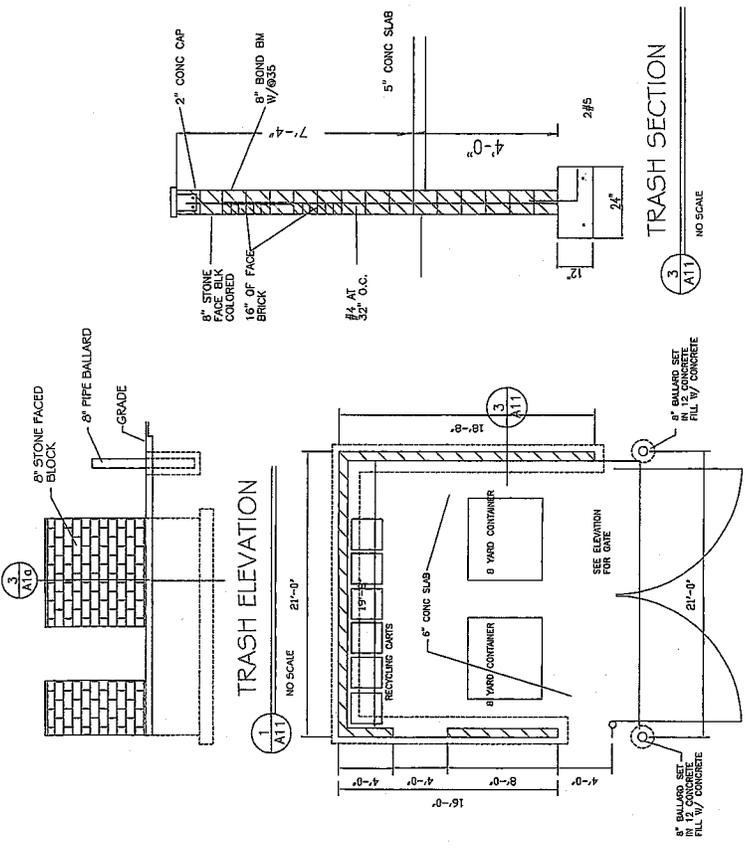
10 of 13

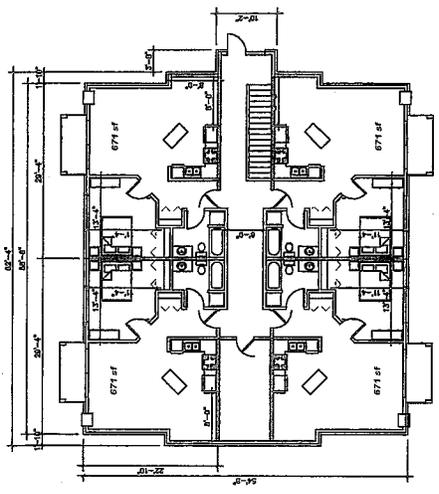
DATE: 07/21/02  
 PROJECT: SUMMIT RIDGE APARTMENT BUILDING  
 75 UNIT APARTMENT BUILDING  
 801 BOLLEE DRIVE  
 DULUTH, MINNESOTA

RHA ARCHITECT'S INC.  
 ARCHITECTS, PLANNERS, DESIGNERS  
 301 E. CLAY, MINNEAPOLIS, MN 55401-3200  
 TEL: 612-338-0700 FAX: 612-338-0709

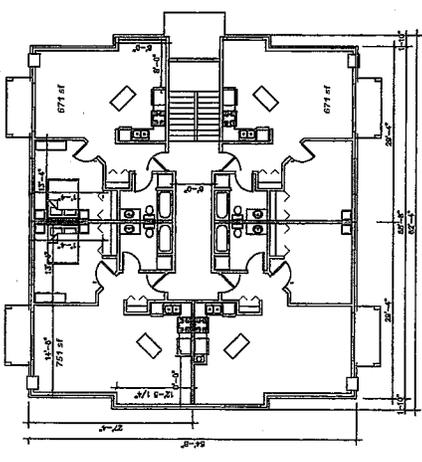
ALL

III B12

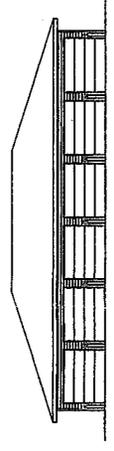




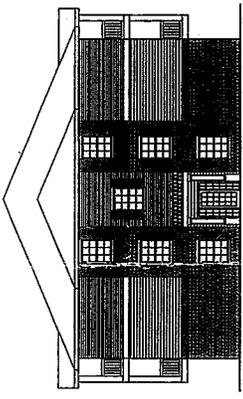
FIRST FLOOR PLAN  
3,334 SF



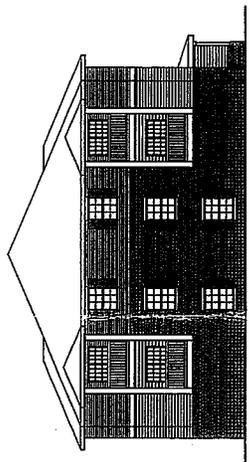
SECOND FLOOR PLAN  
3,356.5 SF



GARAGE ELEVATION



END ELEVATION

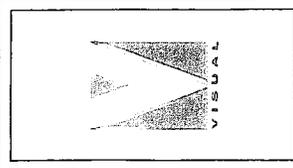


FRONT ELEVATION

III B 13

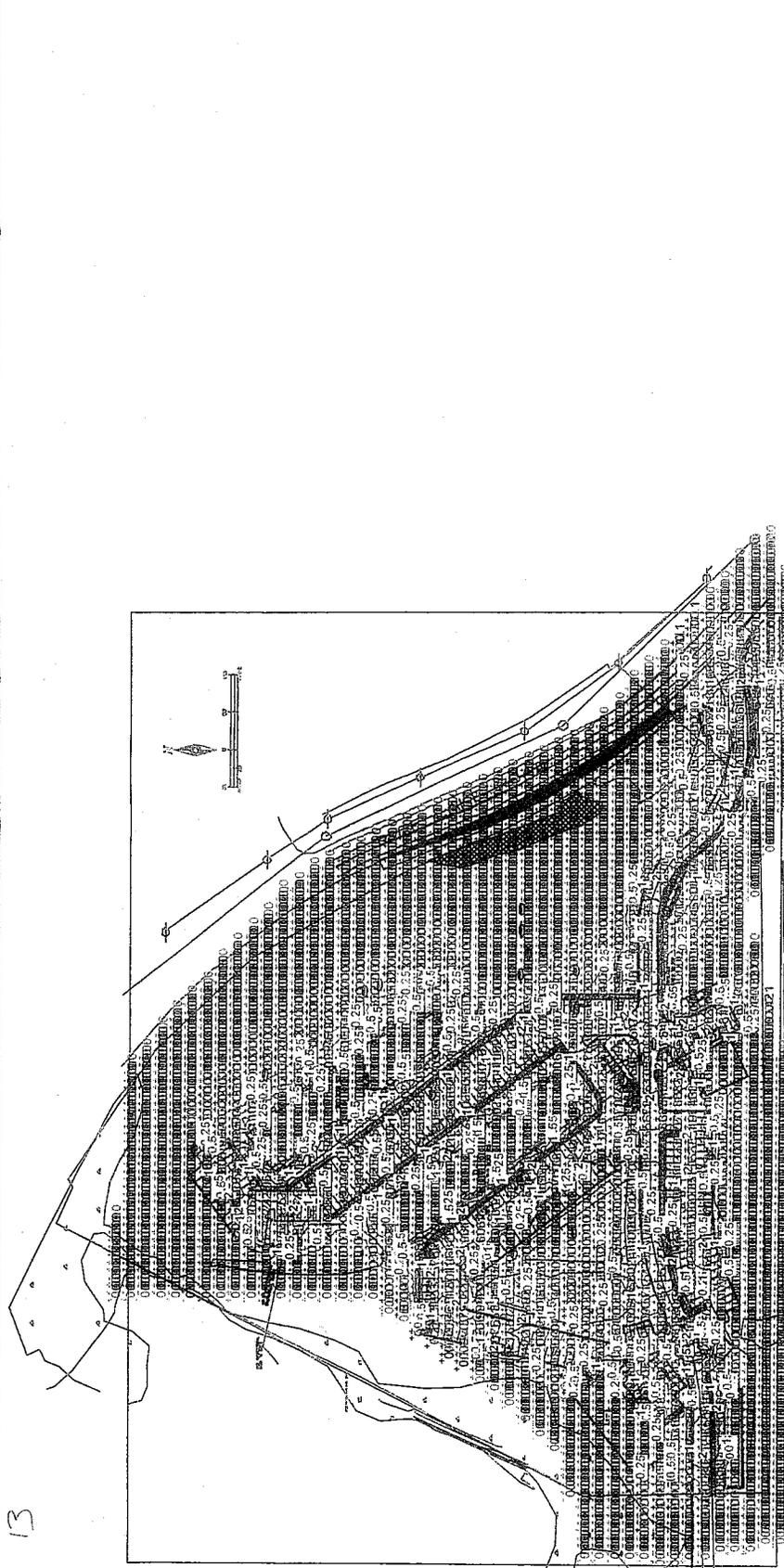
Original

13 of 13



Summit Ridge Phase II

Designer  
DLP  
Date  
Sep 27 2010  
Scale  
As Noted  
Drawing No.  
1 of 1



### LUMINAIRE SCHEDULE

Symbol	Label	Qty	Catalog Number	Description	Lamp	File	Lumens	LLF	Watts
	A	11	KSF2 400M R4SC	AREA LIGHT WITH TYPE 4, CUTOFF REFLECTOR, FLAT GLASS LENS.	ONE 400-WATT CLEAR ED-28 METAL HALIDE, HORIZONTAL POSITION.	93041301.IES	32000	1.00	462
	B	1	KSF2 400M R4SC	AREA LIGHT WITH TYPE 4, CUTOFF REFLECTOR, FLAT GLASS LENS.	ONE 400-WATT CLEAR ED-28 METAL HALIDE, HORIZONTAL POSITION.	93041301.IES	32000	1.00	924
	C	57	TWA 70S	GENERAL PURPOSE BUILDING MOUNTED LUMINAIRE, 70W HPS, W/ CLEAR LAMP.	ONE 70-WATT CLEAR ED-17 HIGH PRESSURE SODIUM, TILTED 22-DEG.	98050410.IES	6300	1.00	94
	D	3	KSF2 250M R4SC (PULSE START)	Specification Area Luminaire, 250W Metal Halide, R4SC Sharp Cutoff Reflector, Full Cutoff MEETS THE NIGHTTIME FRIENDLY CRITERIA	ONE (1) 250 WATT CLEAR BT28 PULSE START METAL HALIDE LAMP IN HORIZONTAL POSITION	KSF2_250M_R 4SC (PULSE START).ies	22500	1.00	288

Plan View  
Scale 1" = 150'

