

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

12-0436R

RESOLUTION GRANTING AN INTERIM USE PERMIT FOR UNIVERSITY OR COLLEGE USE AND PARKING STRUCTURE FOR THE BLUESTONE COMMONS DEVELOPMENT AT 201 CLOVER STREET (VILLAGE CENTER DEVELOPMENT LLC).

CITY PROPOSAL:

RESOLVED, that:

(a) The city council grants Village Center Development LLC an interim use permit to operate a University or College Use and Parking Structure located at 201 Clover Street and as described by the following:

010-0590-01280	010-0590-01210	010-0590-00840
010-0590-00730	010-0590-00451	010-0590-00430
010-0590-00570		

(b) Pursuant to Section 50-20.4.D and Section 50-37.10 of the Duluth City Code, 1959, as amended, the applicant applied for an interim use permit and the application was duly referred to the city planning commission. The commission gave due notice of public hearing and considered the application during a public hearing occurring on August 14, 2012; and

(c) Minnesota Statutes Section 462.3597 authorizes the city to issue an interim use permit that authorizes a use to exist until a specified date or until an amendment to this Chapter authorizes or prohibits that use.

(d) The city planning commission, at their regular meeting on August 14, 2012, considered the application's consistency with the comprehensive land use plan and voted to recommend approval of an interim use permit for an College or University Use and Parking Structure Use; and

(e) The city council finds that a time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use location.

FURTHER RESOLVED, that an interim use permit for the subject property, is approved subject to the following conditions:

(a) The Interim Use Permit for University or College use will be valid a maximum of 35 years (December 2047) and Parking Structure use will be valid a maximum of 50 years (December 2062); and

(b) The University or College Use is limited to within the existing structure of the Woodland Middle School. The Parking Structure Use is limited to the area adjacent to the school and East 8th Street; and

(c) The University or College Use and Parking Structure must comply with the requirements of the approved Regulating Plan and other UDC design standards, as appropriate.

Approved as to form:



Attorney

PLANNING/PC SR:eu 08/15/2012

STATEMENT OF PURPOSE: This resolution grants an interim use permit for a University or College Use and a Parking Structure to Village Center Development LLC for BlueStone Commons at 201 Clover Street.

The site at 201 Clover Street contains Woodland Middle School, which will be closing under the school district's long range facilities plan. Village Center Development LLC has purchased the undeveloped portion of the site, and will acquire the remainder of the site after the school has closed. The property was

rezoned to Residential-Planned (R-P) by the City Council at their regular meeting on April 23, 2012. The Regulating Plan, which establishes uses and development standards for the site, was approved by the Acting Land Use Supervisor on May 24, 2012. The approved Regulating Plan for BlueStone Commons allows a University or College use and a Parking Structure use as interim use permits. The applicant is now seeking an interim use permits for those two uses at this site.

On August 14, 2012, the City Planning Commission held a public hearing on the proposal, heard testimony from citizens, and voted 7 yeas, 0 nays, and 0 abstentions, with 2 commissioners absent, to recommend that the city council approve the interim use permit with conditions.

Request filed: June 18, 2012
Action deadline: October 16, 2012

Petitioner:

Village Center Development LLC
ATTN: Mark Lambert
122 South Water Street
Stillwater, MN 55413

PL 12-103



CITY OF DULUTH

Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

File Number	PL 12-103	Contact	Steven Robertson, 218-730-5295	
Application Type	Interim Use (College and Parking Structure)	Planning Commission Date	August 14, 2012	
Deadline for Action	Application Date	June 18, 2012	60 Days	August 17, 2012
	Date Extension Letter Mailed	August 1, 2012	120 Days	October 16, 2012
Location of Subject	Site of Woodland School			
Applicant	Village Center Development, LLC	Contact		
Agent	Mark Lambert	Contact	mlambert@summitre.net	
Legal Description				
Site Visit Date	August 3, 2012	Sign Notice Date	July 30, 2012	
Neighbor Letter Date	July 25, 2012	Number of Letters Sent	77	

Proposal

Applicant requests an Interim Use Permit for a University or College Use and Parking Structure Use.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-P	School	Neighborhood Mixed Use. Preservation
North	MU-N	Clinic, Apartments	Urban Residential
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-2	College, Residential	Institutional, Neighborhood Mixed Use

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

-UDC Section 50-37.10.D. Interim Use Permits. As an alternative to a special use permit, MSA 462.3597 authorizes the city to issue an interim use permit that authorizes a special use to exist until a specified date or until an amendment to this Chapter authorizes or prohibits that use. An applicant may apply for an interim use permit, and the commission may decide to recommend an interim use permit even if the application is for a special use permit.

-UDC Section 50-37.10.E. Criteria For Interim Use Permits. 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 or to allow the city time to develop a regulation addressing the potential longer term impacts of the requested use in that location.

JIT.F.1

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

- 1) Governing Principles: Principle #1 - Reuse previously developed land; Principle #4 - Support emerging economic growth sectors, and Principle #8 - Encourage mix of activities, uses and densities
- 2) Current History: This site contains Woodland Middle School, which will be closing under the school district's long range facilities plan. Village Center Development has purchased the undeveloped portion of the site and plans to start construction later this summer, and will acquire the remainder of the site after the school has closed.
- 3) Recent Zoning Action: The rezoning petition (to rezone to R-P) of the property was heard at the Planning Commission on Tuesday, March 27, 2012, and approved by the City Council at their regular meeting on April 23, 2012. The Regulating Plan Was approved by the Interim Planning Manager on May 24, 2012.

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

- 1) The property is zoned R-P (Residential-Planned), and the approved regulating plan includes several uses that require the property owner to seek an Interim Use Permit. Two of those are University or College and Parking Structure.
- 2) The proposed University or College use has been a central point of the site's redevelopment, and will occur within the existing Middle School Building. The remaining lifespan of this building is estimated to be around 35 years.
- 3) Reuse of the Woodland Middle School building is consistent with the comprehensive plan designation of Neighborhood Mixed Use and with the Regulating Plan. Traffic and other impacts from this specific use is not anticipated to be greater than its current use as a middle school.
- 4) The proposed parking structure would be located immediately NE of the existing school. Eventual size and scope will be determined by the parking demand created at the site by future housing and commercial structures. Direct access to the Parking Structure from East 8th Street would be limited to emergency vehicles.
- 5) The applicant is asking that the Interim Use Permit be approved up to 35 years for the University or College Use and up to 50 years for the Parking Structure Use. The Planning Commission may recommend to issue an interim use permit for a different time (such as 3, 5, or 10 years), and then require the applicant to reapply for a new Interim Use Permit in the future.
- 6) No agency, city, or citizen comments or correspondence was received for this project.
- 7) UDC 50-37.1.N states than an approved Interim Use Permit will expire if the project or activity authorized by the permit is not begun within 1 year.

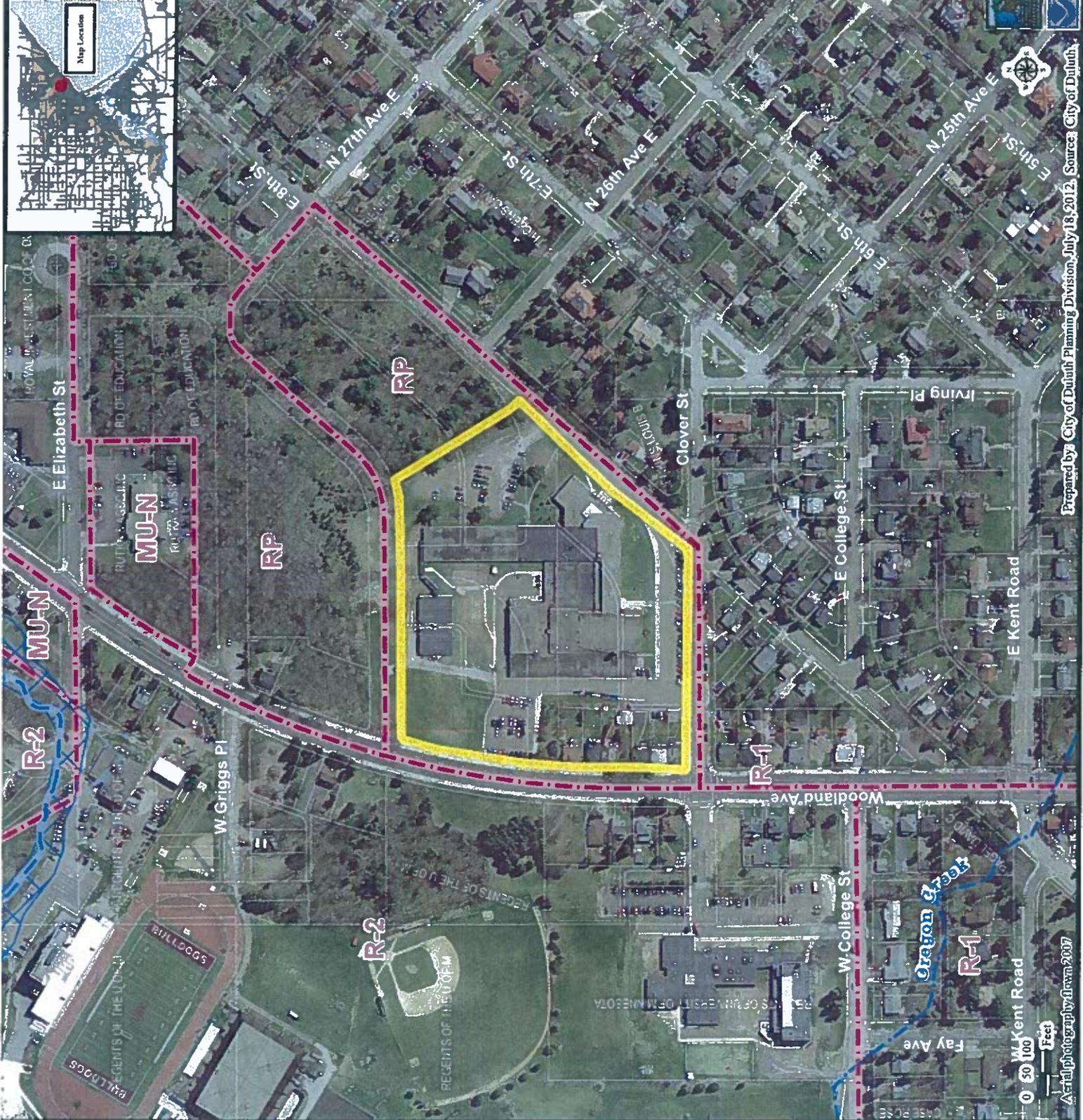
Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Staff recommend that the Planning Commission recommend approval to the City Council of an Interim Use Permit for University or College and Parking Structure, with the following conditions:

- 1) The Interim Use Permit for University or College use will be valid a maximum of 35 years (December 2047) and Parking Structure use will be valid a maximum of 50 years (December 2062).
- 2) The University or College Use is limited to within the existing structure of the Woodland Middle School. The Parking Structure Use is limited to the area adjacent to the school and East 8th Street.
- 3) The University or College Use and Parking Structure must comply with the requirements of the approved Regulating Plan and other UDC design standards, as appropriate.

III.F.2

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



Legend

- Zoning
- Streams
- Trout Stream (GPS)
- Other Stream (GPS)
- Floodplain Type
- General Flood Plain
- Flood Way
- Flood Fringe

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.

III.F.3



City Planning

PL 12-103

201 E Clover Street
Future Land Use

Legend

Streams

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

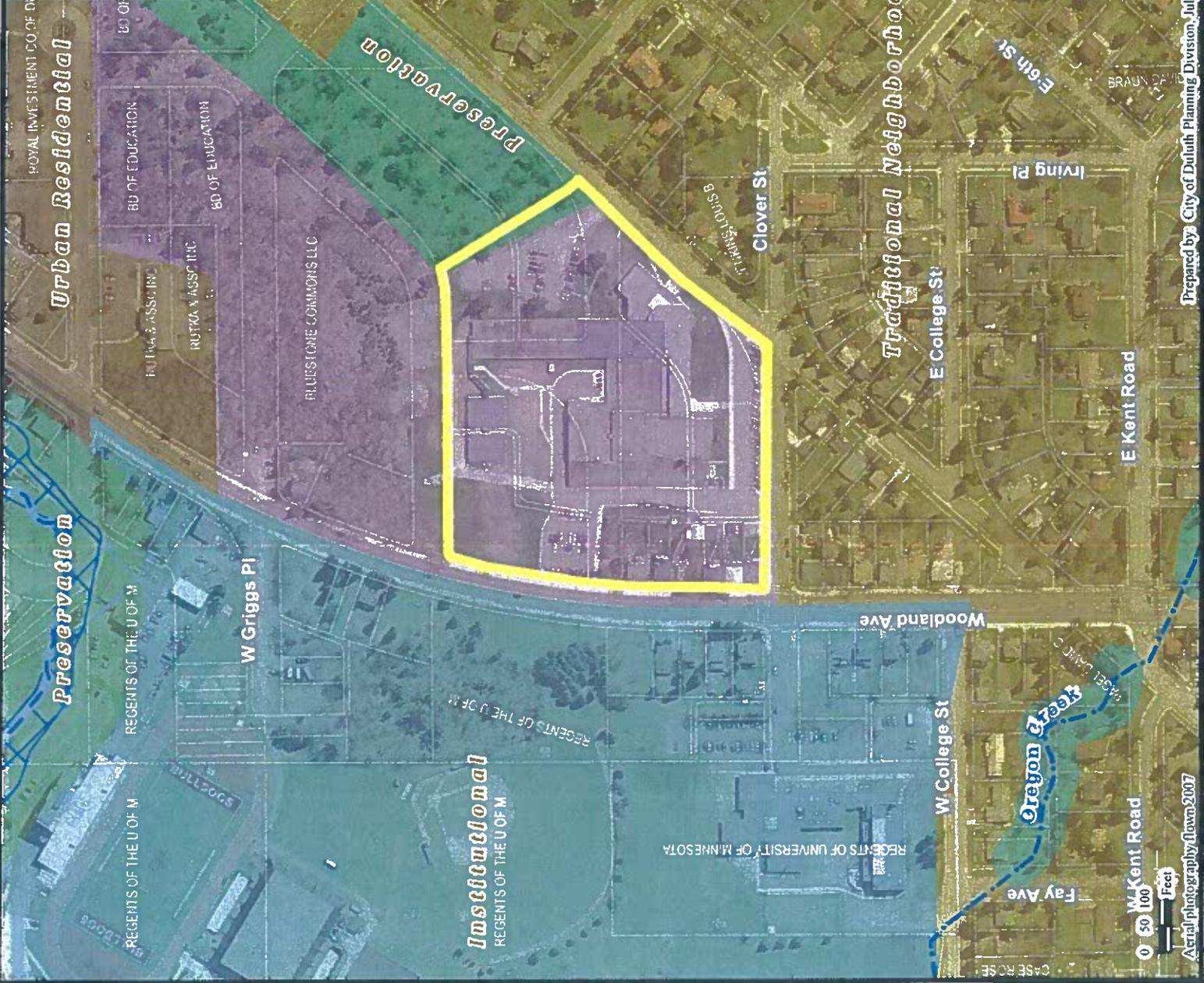
Floodplain Type

- General Flood Plain
- Flood Way
- Flood Fringe

Future Land Use

- Preservation
- Recreation
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Neighborhood Mixed Use
- General Mixed Use
- Central Business Secondary
- Central Business Primary
- Auto Oriented Commercial
- Large-scale Commercial
- Business Park
- Tourism/Entertainment District
- Medical District
- Institutional
- Commercial Waterfront
- Industrial Waterfront
- Light Industrial
- General Industrial
- Transportation and Utilities

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Aerial photography by flownv.com 2007

Prepared by: City of Duluth Planning Division, July 18, 2012. Source: City of Duluth.



**BlueStone Commons, LLC, Village Center Development, LLC, Woodland Commons, LLC
Special Use/ Interim Use Permit Requests
Woodland Middle School Site
6-1-2012**

BlueStone Commons, LLC, Village Center Development, LLC, and Woodland Commons, LLC (the "Applicants") are requesting a Special Use Permit and an Interim Use Permit for the area depicted on the attached site plan (the "Use Site") within the broader Woodland Middle School Site.

This Applicants request to operate the following uses as defined in the Duluth UDC at the Use Site: 1) a "Bank", 2) a facility containing a "Personal service or repair, large" 3) a "Parking lot or parking structure (primary use)"; 4) utilize the Woodland Middle school as a "Higher Education/ College" facility for thirty-five years.

"No Negative Impact on Community" Statement

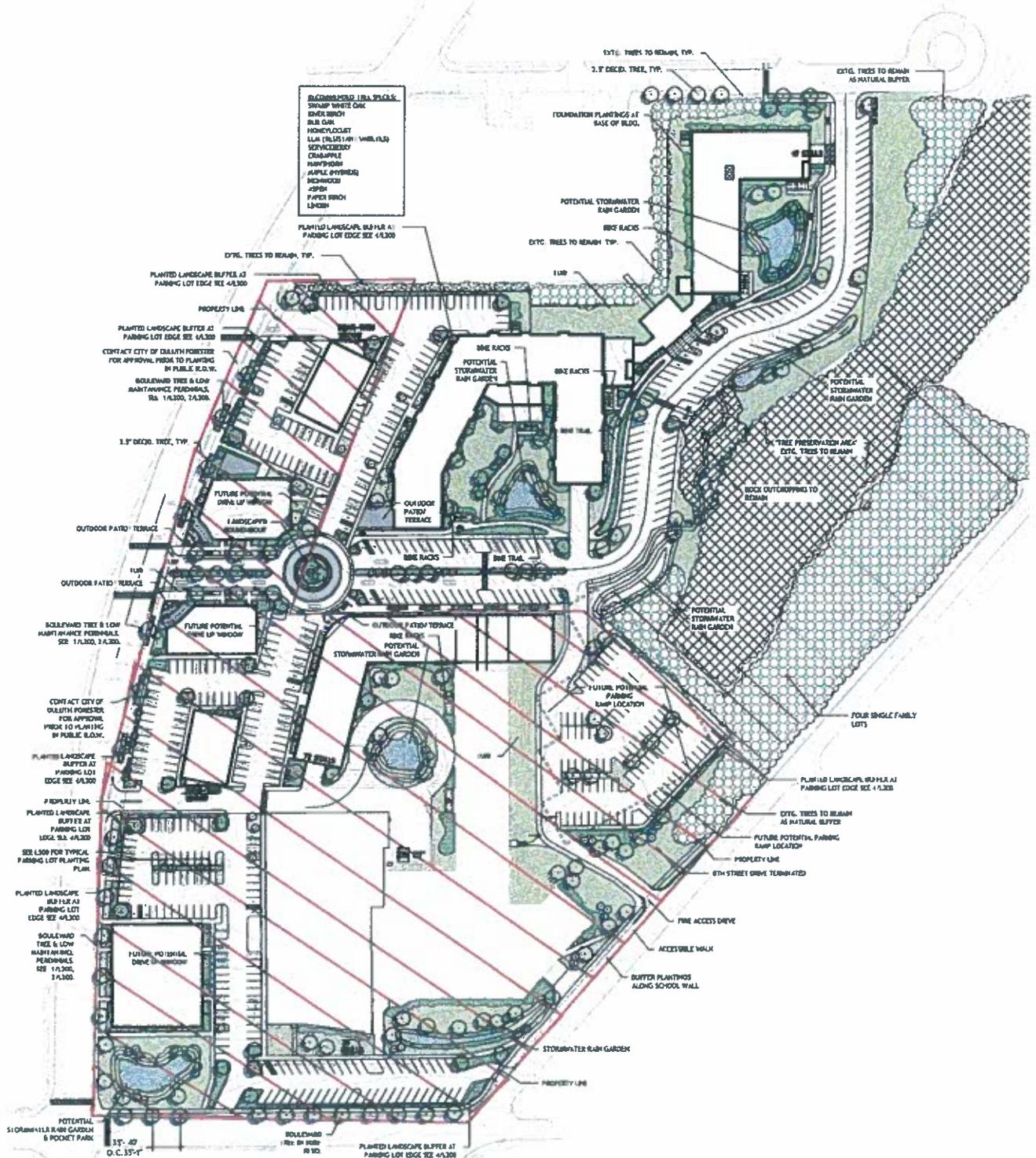
The Applicants make this request in conjunction with the broader "Woodland Middle School Site Regulating Plan", vetted by the Planning Commission and City Council, and approved by the City Planning Manager. The Regulating Plan was also thoroughly reviewed by neighbors in six community meetings. Feedback on the Applicants' proposed uses has been received and utilized in refinement of the "use plan".

The proposed commercial uses (bank, personal service and parking lot) will serve the new student housing constructed by the Applicants as well as the larger community. By co-locating these uses with multi-tenant housing, the development will remain more walkable and reduce traffic flow to future commercial development.

Re-use of the Woodland Middle School is critical to the larger redevelopment of the 20 acre site. Because of the similar leasehold requirements of University/ College tenants, the Applicants believe there is an opportunity to convert the school building from middle school use to a Higher-Ed facility. This will benefit Duluth's Higher-Ed institutions, and will lead to a more vibrant development of the Woodland Middle School Site.

The eventual size and scope of the proposed parking ramp will be determined by the parking demand created at the site. By instituting a "proof of parking" approach, the Applicants will ensure that the correct amount of parking is constructed based upon demand; which will prevent overdevelopment. Feedback has been received and utilized in the design of both the facility and the landscaping surrounding the proposed ramp. There will be no access to 8th Street from the parking garage; with the exception of "emergency only" access in accordance with Duluth Fire Code.

III.F.7



RECOMMENDED TREE SPECIES
 SHARP WHITE OAK
 BIRCH
 BLUE OAK
 HONEYLOCUST
 SIA (1815149) - VARIETAL
 SERVICEBERRY
 CHINA PEAR
 HAWTHORN
 AMALG (HYBRID)
 HORNBEAM
 ASPEN
 PAPER BIRCH
 LINDBERGH

1 LANDSCAPE PLAN (ALL TREE LOCATIONS SUBJECT TO CHANGE BASED ON SITE CONDITIONS)
 1" = 60'-0"

Summary Table: Tree "Submittal" Required & Preservation

Tree Category	Required	Preserved	Other	Height	DBH
Special Tree (T-1)	0	0	0	20'	2"
Special Tree (T-2)	300	100	0	12'	2"
Other Significant	0	0	0	0	0

Landscape quantities shown on plan: see 3A.200 for species

Quantity	Description	Size
300	Orchard Tree	21" (DBH) (150 inch Credits) + 152 inch Ryd
2000	Shrub	48 inch
8000	Perennial Plant	61 inch



Summary Table: Trees Matched for Landmark Check

Tree ID	Tree Name	Quantity	Value	Total Value
T-1	...	30	5	150
T-2	...	27	2	54
T-3	...	21	1	21

2 TREE PRESERVATION & PROPOSED LANDSCAPING
 NTS

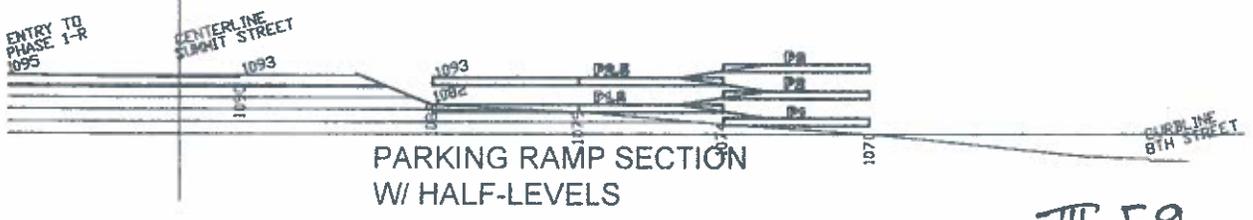
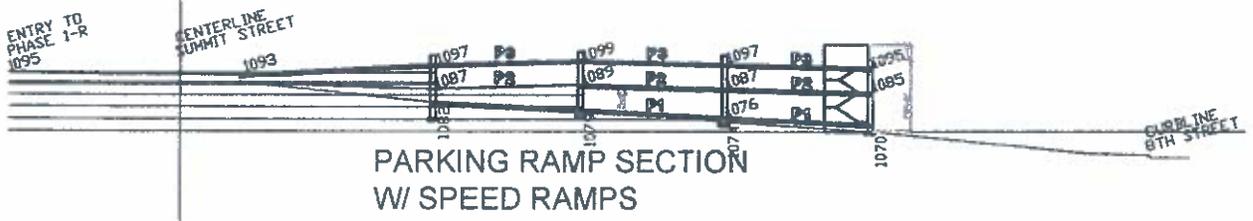
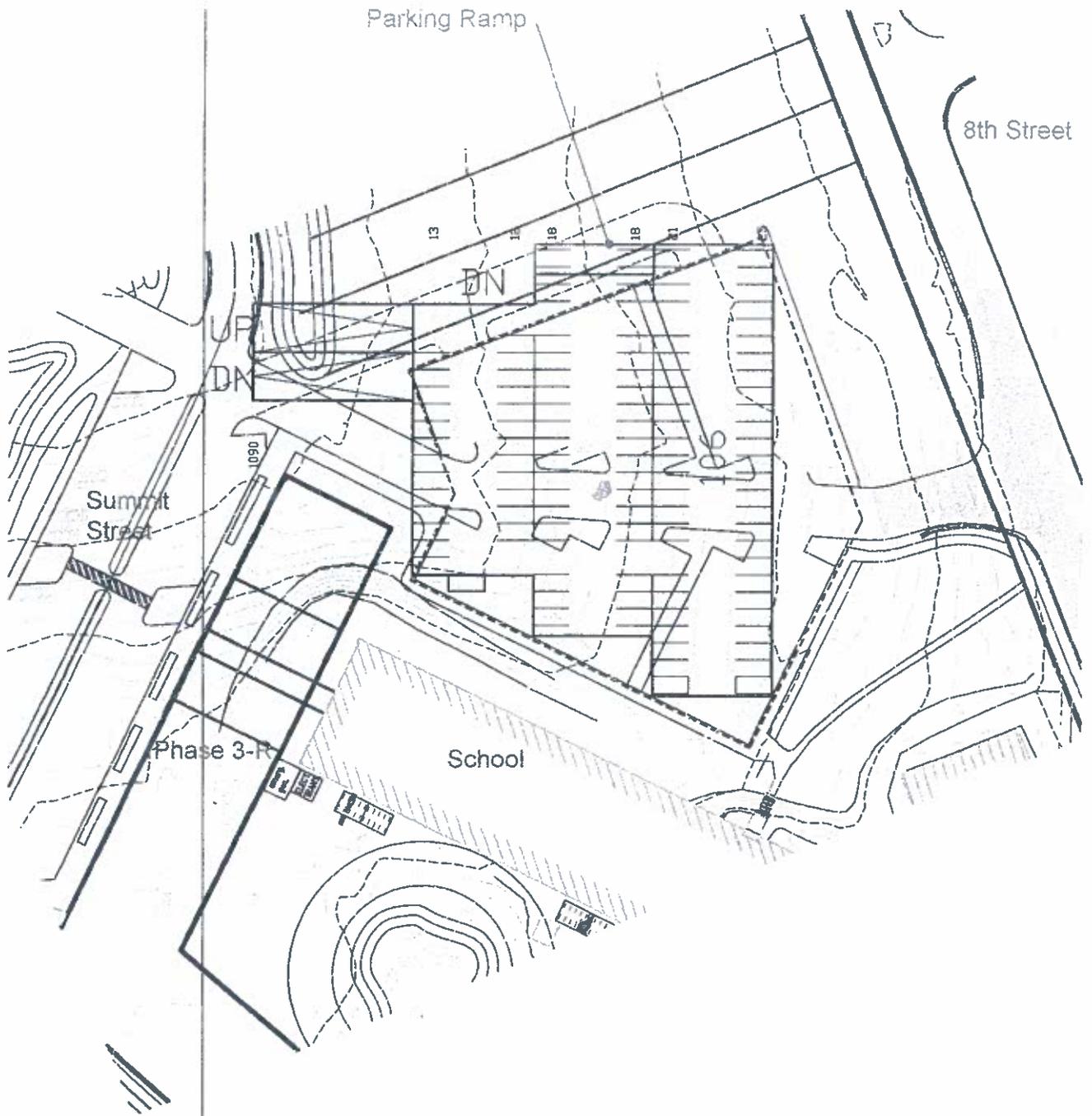
esg
 unless swenson graham architects inc
 500 washington avenue south
 minneapolis minnesota 55415
 tel. 612.339.5504
 fax. 612.339.5382
 www.esgarch.com

210410 BC
 Project Number
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 Date
 Checked by

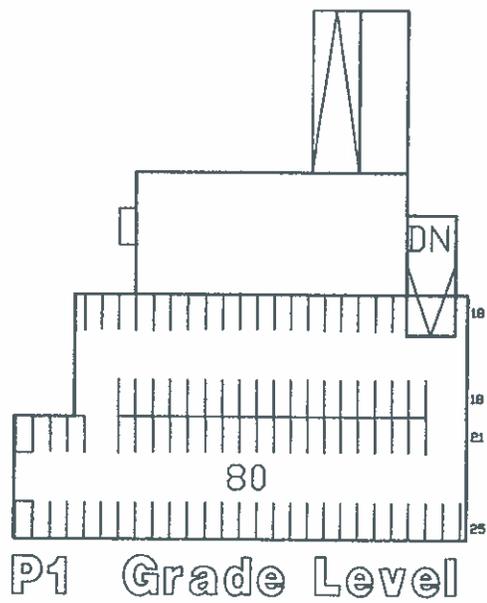
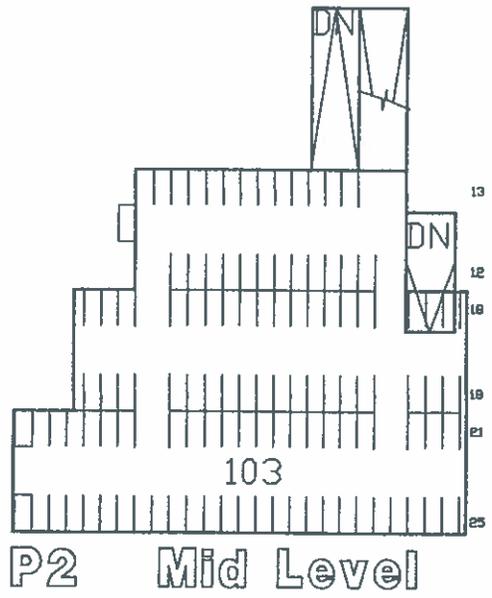
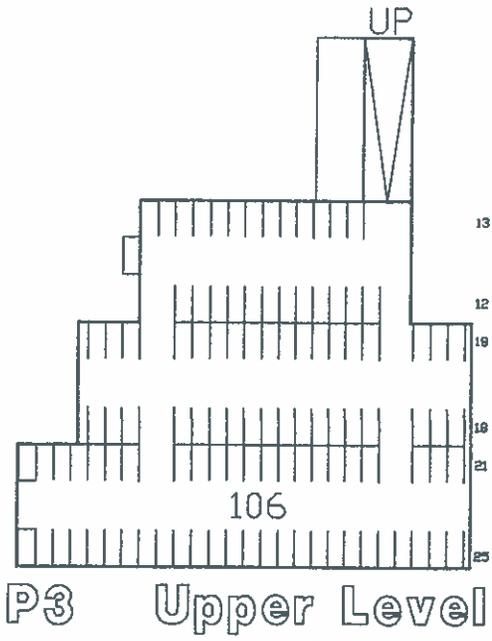
Bluestone Commons
 RP Zoning & Regulating Plans
 Duluth, MN

W.F.8

LANDSCAPE PLAN
L100



III.F.9





**City of Duluth
Planning Division**

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ACTION OF THE CITY OF DULUTH PLANNING COMMISSION

Date: May 24, 2012

Applicant:
Mark Lambert
Village Center Development LLC & Bluestone
Commons LLC

Location:
Woodland School Site (201 Clover Street)

Planning Commission File Number:
PL 12-013 (R-P Plan). Related to PL 12-012
(Rezoning to R-P)

Proposal Requested:

Applicant has submitted a Residential-Planned Regulating Plan for the property to be rezoned to the R-P Zone District.

The rezoning for the above matter came for hearing before the City of Duluth Planning Commission ("Commission") on Tuesday, March 27, 2012, notice of said hearing having been given to all interested parties in accordance with Section 50-37.10 of the Duluth Legislative Code. The applicants appeared and presented their request to the Commission. The Commission also received a report from Planning Division Staff. All other parties interested in the matter were given an opportunity to be heard.

The above matter then went before the City Council on April 9, 2012 and April 23, 2012; the City Council approved the rezoning as recommended by the Planning Commission

Upon review of the Residential-Planned Regulating Plan, the findings and conclusions:

Conclusions:

- A. The request is in harmony with the purposes and intent of the UDC.
- B. The request is consistent with the comprehensive plan.
- C. The request will allow reasonable use of the land.

Resolved: The request for a R-P Regulating Plan is approved with the following conditions;

- 1) The project be limited to, constructed, and maintained according to documents as to the Revised Regulating Plan Documentation Submitted on March 9, 2012, except as modified by: R-P Zoning and Regulating Plan Map L100 created January 24, 2012 and Received May 8, 2012; Phase 1R (West), 3R (West) and 3R (North) Elevations created May 7, 2012 and Received May 8, 2012; R-P Zoning and Regulating Plan Map L400 Snow Storage created January 24, 2012, and Supplemental Information Sections 50-14.7 (g 3, 4, and 10) Received March 19, 2012.
- 2) The applicant obtain all required City, State, and Federal permits and approvals for the project.
- 3) Applicant submit revised information that is approved by the Land Use Supervisor that shows:

-schematics indicating typical detail for trails and sidewalks in this development,
-fence or similar method to visually separate the four single family lots from the area setaside for tree preservation
-tree canopy coverage and internal landscaping percentage for each parking lot. Unless otherwise approved, all parking surfaces must meet the standards for landscaping in the UDC.

4) The applicant must apply for and receive an Interim Use Permit/Special Use Permit from the Duluth City Council before using the property in a way as identified as a special use and/or interim use in the Regulating Plan

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

Decided at Duluth, Minnesota, on May 24th, 2012.

BY ORDER OF THE CITY PLANNING LAND USE SUPERVISOR



Keith Hamre, Interim Planning Manager

c: City Engineering Division
Building Safety Division
Todd Carlson, Utility Operations, Garfield

Attachments (note, complete file found on record)

- Landscape Plan L100, May 8, 2012
- Proposed RP Rezoning Map, March 7, 2012
- RP Text for 50-14.7(G)(2)-Setbacks
- RP Text for 50-14.7(G)(6)-Uses
- Phase 1R (West), 3R (West) and 3R (North) Elevations created May 7, 2012