



**CITY OF DULUTH**

Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

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

**STAFF REPORT**

<b>File Number</b>	PL 13-042	<b>Contact</b>	Jenn Reed Moses, jmoses@duluthmn.gov	
<b>Application Type</b>	Planning Review	<b>Planning Commission Date</b>	April 9, 2013	
<b>Deadline for Action</b>	<b>Application Date</b>	March 5, 2013	<b>60 Days</b>	May 4, 2013
	<b>Date Extension Letter Mailed</b>	April 1, 2013	<b>120 Days</b>	July 3, 2013
<b>Location of Subject</b>	1831 E 8th Street			
<b>Applicant</b>	Carla Blumberg	<b>Contact</b>	carla.blumberg@astccc.net	
<b>Agent</b>	Bill Scalzo	<b>Contact</b>	wscalzo@scalzoarchitects.com	
<b>Legal Description</b>	Parcel ID 010-2220-02800, -2820, -03840, -02870			
<b>Site Visit Date</b>	April 1, 2013	<b>Sign Notice Date</b>	March 26, 2013	
<b>Neighbor Letter Date</b>	March 25, 2013	<b>Number of Letters Sent</b>	78	

**Proposal**

Planning review for a mixed-use building within the Higher Education Overlay (HE-O). Three-story building would contain approximately 3,500 sq. ft. of commercial space and 8 residential units, as well as a roof deck.

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

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

- UDC 50-18.5: Higher Education Overlay. A planning review by the planning commission shall be required for land within the HE-O. Includes HE-O development standards.
- UDC 50-24: Parking and Loading. Minimum parking requirements and parking lot design standards.
- UDC 50-25: Landscaping. Street frontage and parking lot landscaping, requires buffers between differing land uses.
- UDC 50-26: Screening, Walls and Fences. Screening of mechanical equipment.
- UDC 50-28: Storm Water Drainage and Erosion Control.
- UDC 50-29: Sustainability Standards. Residential development with 3+ units and over 10,000 square feet.
- UDC 50-30: Design Standards. In a mixed-use building, applicant shall comply with the multi-family design standards in Section 50-30.1 and the ground floor transparency standards in Section 50-30.2.B.1.
- UDC 50-31: Exterior Lighting. Minimum and maximum illumination values and lighting fixtures for a site.

H-1

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

Comprehensive Plan Governing Principles: 1. Reuse previously developed lands. 5. Strengthen neighborhoods. 6. Reinforce the place-specific. 8. Encourage mix of activities, uses and densities. 10. Take sustainable actions.

Future Land Use - Urban Residential: Medium to high density, mix of housing, commercial uses that serve neighborhood market.

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.

History: Former uses on the site include a gas station, office building, and house. Site currently has a small greenhouse at the northeast corner.

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

Staff finds that:

- 1) This proposal is for a mixed-use building and gardens at a commercial node in a residential neighborhood. The proposal supports several of the comprehensive plan governing principles as well as future land uses for the site, as referenced above.
- 2) Proposal meets the HE-O standards relating to vehicle ingress and egress, build-to zone, and location of commercial development.
- 3) Parking meets UDC requirements. The site plan shows 13 parking spaces in a surface lot and 3 parking spaces in garages, for a total of 16 provided. Minimum residential parking requirements in the HE-O specify 10 spaces for the residential component and 9 spaces for the office component. The HE-O allows a reduction when located adjacent to a transit line, which brings the total site requirements to 13. Bicycle parking for 3 bikes will be located on the north side of the building.
- 4) Applicant is proposing an alternative landscaping plan per Section 50-25.8. The project's goal of providing an urban agriculture site requires sun exposure and limits locations for trees. In addition, the build-to zone required by the HE-O makes street frontage landscaping along E 8th Street problematic. Gardens in the southeast corner contribute to landscaping goals. Two existing trees will be retained along the south side of the parking lot, which will shade parking lot in addition to new parking lot trees. Fences along west and north sides will provide buffers along adjacent residential properties.
- 5) Mechanical equipment will be on the roof, screened by parapets. Waste bins will be in a screened enclosure adjacent to the garage.
- 6) The project is required to provide 3 sustainability points per Section 50-29. The building uses a previously contaminated site, meets three energy efficiency standards, utilizes passive solar orientation, and provides urban agriculture and composting, for a total of 6.75 sustainability points. Sustainability components will be verified at the time of building permit application.
- 7) Building elevations show that the project meets the mixed-use building design standards in Section 50-30.3.
- 8) No exterior lighting is planned at this time. If exterior lighting is added in the future, applicant will comply with all UDC standards in place at the time of installation.
- 9) No public, agency, or City comments were received.

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

Based on the above findings, staff recommends approval of the Planning Review subject to the following conditions:

- 1) The project be limited to, constructed, and maintained according to the site plan and landscaping plan, both dated March 27, 2013, and the floor plans and building elevations dated March 5, 2013.
- 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.

H-2

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



# City Planning

PL 13-042

Plan Review

1831 E 8th Street

## Legend

### DuluthStream\_cl

TROUT\_FLAG

Trout Stream (GPS)

Other Stream (GPS)

### Water Distribution System

30 - 60" Water Pipe

16 - 24" Water Pipe

4 - 6" Water Pipe

### Sanitary Sewer Collection System

Sanitary Sewer Collector

Sanitary Sewer Interceptor

Sanitary Sewer Forced Main

Storage Basin

Pump Station

### Gas Distribution Main

8" - 16" Gas Pipes

4" - 6" Gas Pipes

0" - 4" Gas Pipes

### Storm Sewer Collection System

Storm Sewer Pipe

Storm Sewer Catch Basin

Discharge\_Points

### Right-of-Way Type

Road or Alley ROW

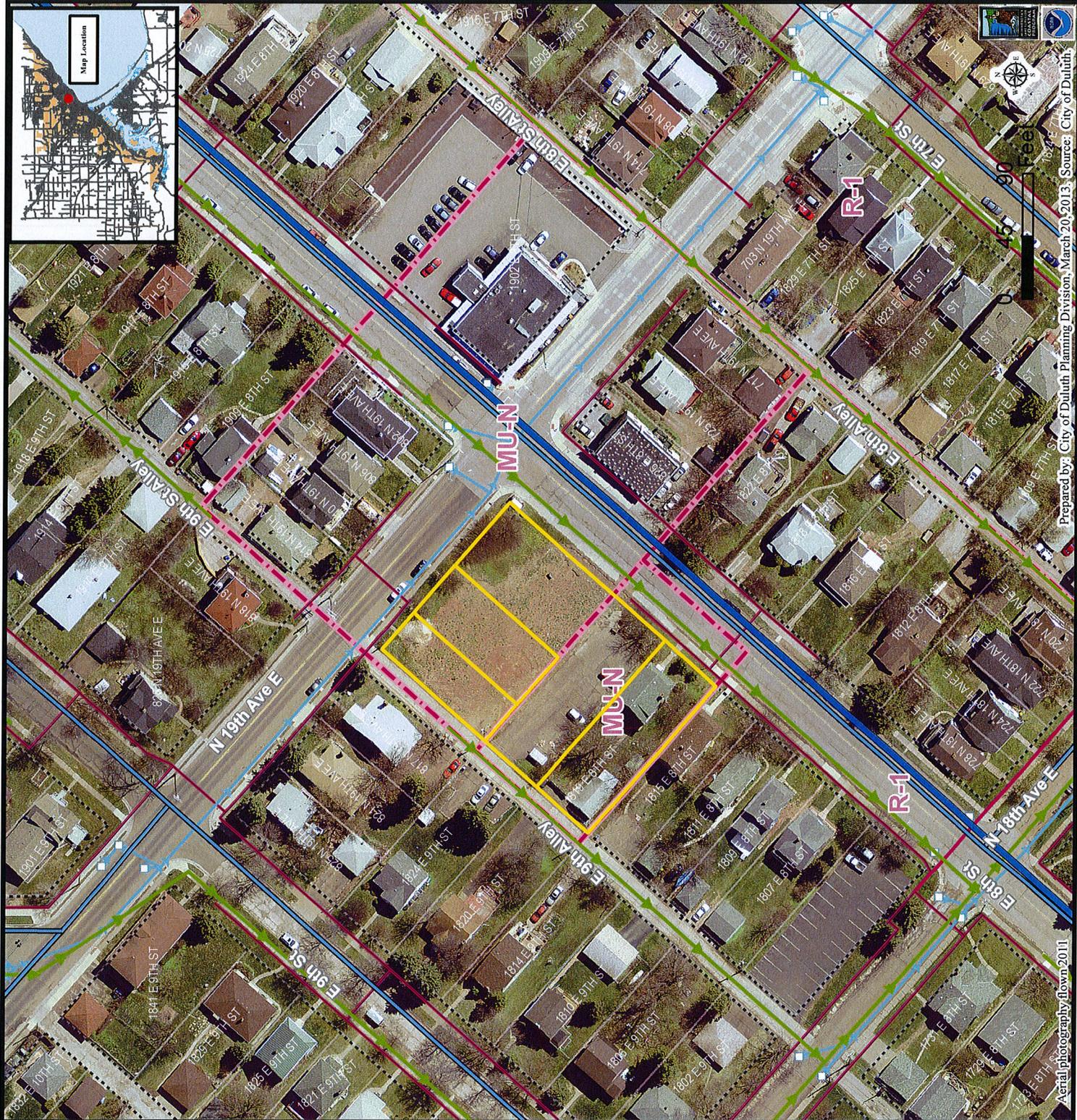
### Easement Type

Utility Easement

Other Easement

Zoning (Final)

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.

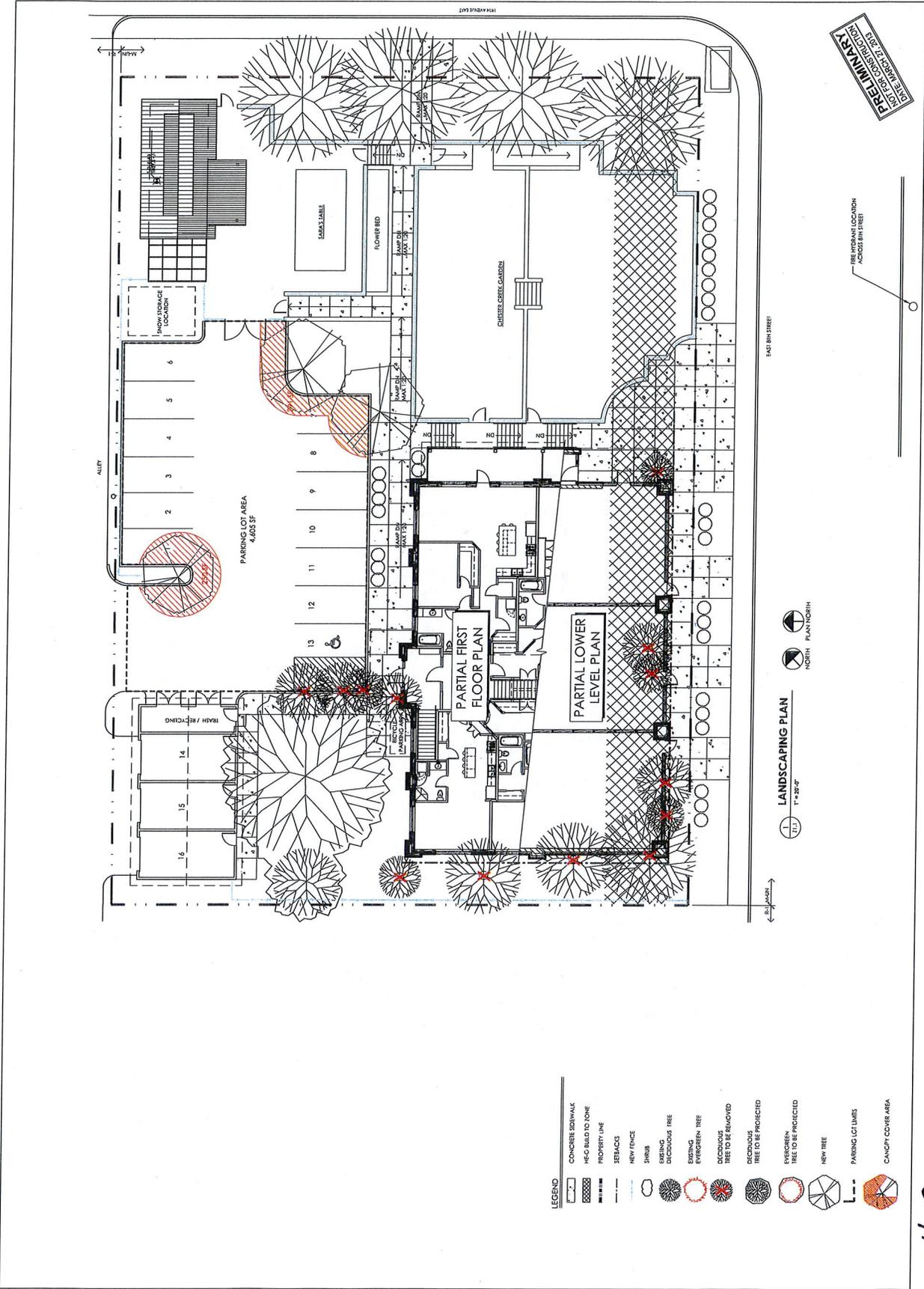


Aerial photography from 2011

Prepared by: City of Duluth Planning Division, March 20, 2013. Source: City of Duluth.

A-3





H-5

## Charles Froseth

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**From:** Ryan Arola <rarola@scalzoarchitects.com>  
**Sent:** Thursday, March 28, 2013 8:16 AM  
**To:** Jennifer Moses  
**Cc:** Steven Robertson; Charles Froseth  
**Subject:** Chester Creek Gardens

Site narrative for Alternate Landscaping:

The development on the corner of 19<sup>th</sup> Avenue East and 8<sup>th</sup> Street is a multi-use building with commercial space on the lower level (8<sup>th</sup> Street storefront) and 2 floors of residential apartments, 8 units total. The building is pushed to the western portion of the site, leaving approximately 1/3 of the site for vegetable gardens and green space. The newly constructed greenhouse that was built on the northeast corner of the site is a critical piece of the garden.

The site is zoned MU-N with R-1 to the West and North separated by a city alley. Proper separation will be constructed to separate the different uses as outlined in the UDC. The purposed development follows the UDC with a couple exceptions and therefore we are requesting an Alternate Landscaping approval by the Land Use Supervisor, which we are currently working thru with the Planning Department. The following are the UDC criteria in which we are unable to reach with this development:

1. 30% canopy coverage for parking lot area
2. Street frontage landscaping
3. Parking lot screening

### **30% canopy coverage for the parking lot area:**

With the current landscaping we have a coverage area, in plan view, that covers roughly 12% of the parking lot area. The greenhouse on the east side creates a situation in which we cannot put trees that will shade the greenhouse. The UDC does not allow existing trees to be included in the calculation. It also does not take into consideration is the location of the trees in relation the parking lot and the path of the sun. The existing tree on the west side of the parking lot will provide shade for a good portion of the parking lot area, even though no part of the canopy is over the parking lot in plan view. Geography is huge oversight in the UDC with regards to the canopy coverage requirements. A tree on the north edge will provide little shade to a parking lot even when a portion of the canopy is over the parking lot in plan view. Adjacent buildings will also provide shade for the parking lot. The purposed building is approximately 28 feet high at the parking lot and being south of the parking lot the building will provide shade for the parking lot.

The intent of the canopy coverage is to prevent a heat island effect of parking lots, especially the larger parking areas like Target, Super One etc. This development can achieve the intent of the UDC without meeting the 30% canopy coverage by using the location of existing mature trees and new building in relation to the path of the sun to provide shade for the parking lot area.

### **Street frontage landscaping**

The UDC requires street frontage landscaping, being a corner lot that would require landscaping on 19<sup>th</sup> Avenue East and 8<sup>th</sup> Street. There is an existing row of trees on the 19<sup>th</sup> Avenue frontage that satisfy the intent of the UDC. However, the UDC only allows for saved trees to account for no more than 50% of the total required by the UDC. The UDC would require more trees and shrubs for an area that is meant to be gardens in which shade is not desirable.

The 8<sup>th</sup> Street Frontage has the same requirements. The new building, built to the Build-to Zone in the Higher Education Overlay take up most of the frontage and the rest of the frontage is retaining walls and gardens.

The amount of gardens included in this development is in line with the requirement for frontage landscaping outlined in the UDC.

**Parking lot screening**

The site plan includes a built fence that would screen the parking lot from the alley, but no room for the small shrubs as required by the UDC. We are seeking approval for not including the shrubs that are a part of screening requirement.

Alternate Landscaping Approval by the Land Use Supervisor is request because the overall site plan and development of green space and garden is consistent with the intent of the UDC. Pedestrian, bicycle, and public transportation friend development that provide green space and community gardens for this neighborhood. When you include this proposed development with the small business at the intersection of 19<sup>th</sup> Avenue and 8<sup>th</sup> Street, a small pocket of retail and mixed-used is what the UDC encourages for new developments.

Thanks,

-Ryan



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Tele: 218.722.4319 | Fax: 218.722.3535

[rarola@scalzoarchitects.com](mailto:rarola@scalzoarchitects.com)  
Ryan Arola | Project Manager

**SCALZO ARCHITECTS**  
 SCALZO ARCHITECTS, LTD.  
 1700 South Street  
 Duluth, Minnesota 55812  
 Tel: 218.727.3535  
 Fax: 218.727.3535

PROJECT:  
**THE GARDENS  
 MIXED USE BUILDING**  
 1819 EAST 8TH STREET  
 DULUTH, MINNESOTA

OWNER:  
 GARDENS, LLC  
 870 LINCOLN AVENUE  
 ST. PAUL, MINNESOTA 55105

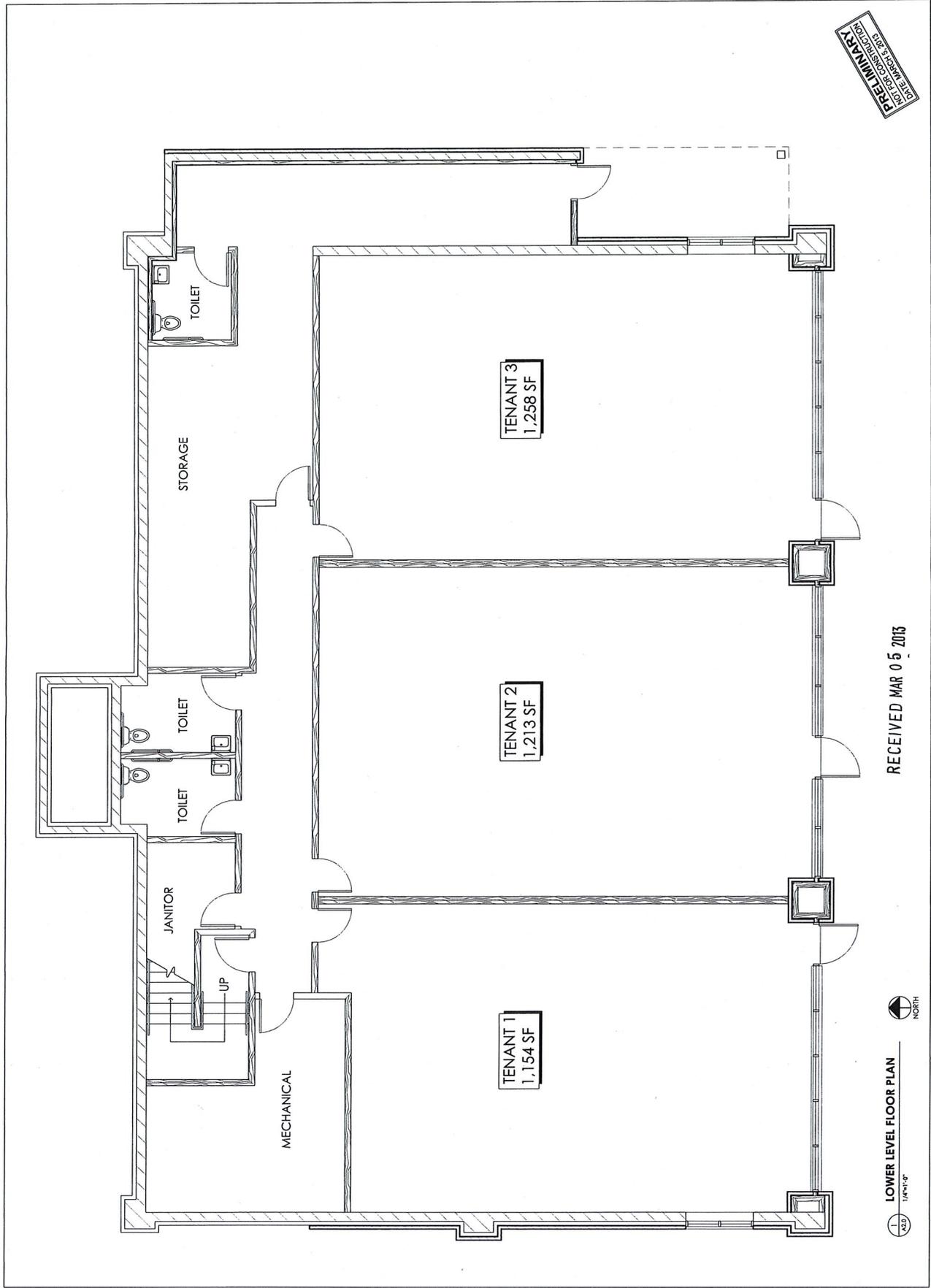
LOWER LEVEL FLOOR PLAN

REVISIONS:

DATE:  
 DRAWN: TJB  
 CHECKED: WBS  
 PROJECT: 1208

0 1 2  
 FULL SCALE

SHEET NO.  
**A2.0**



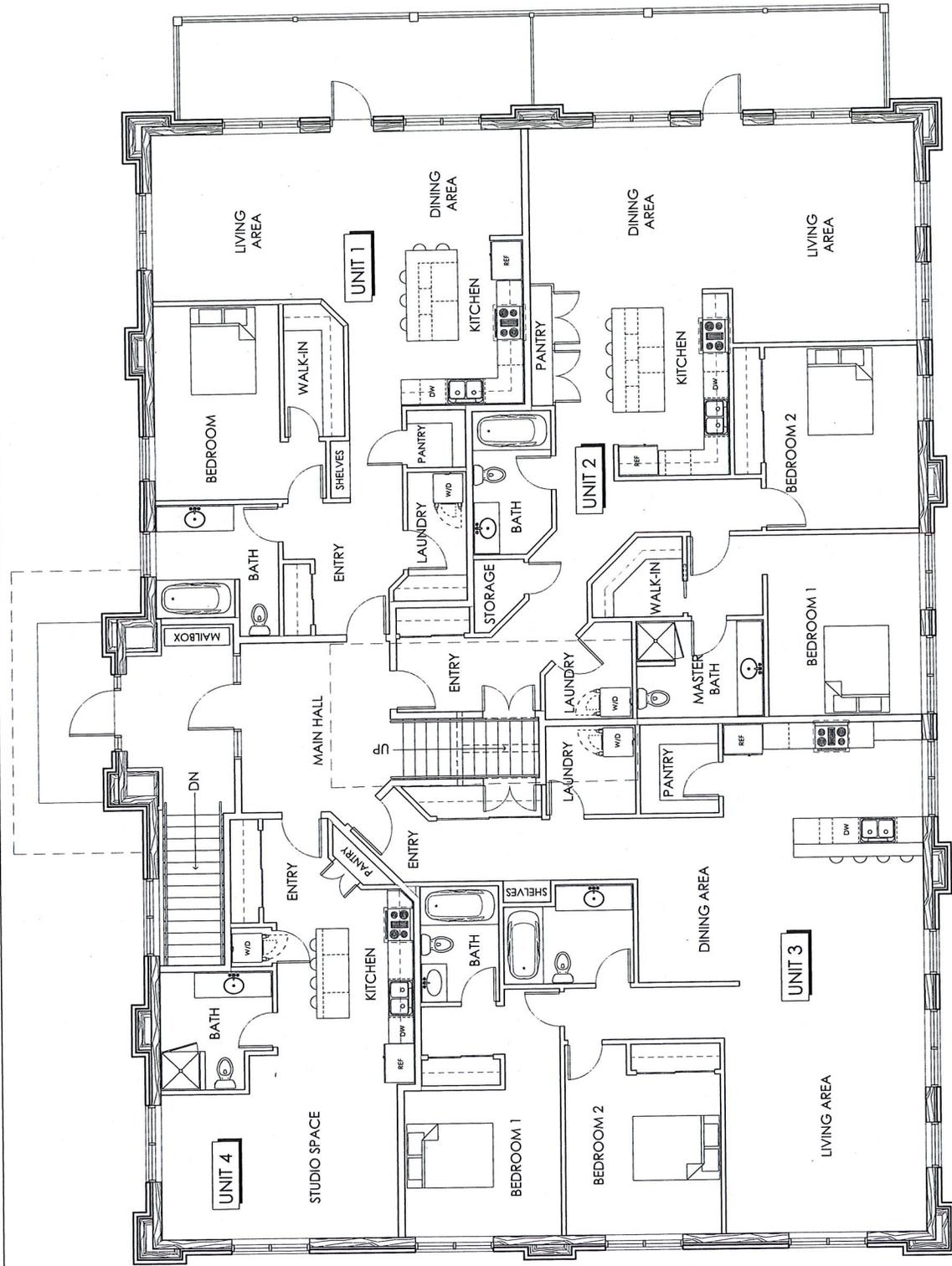
LOWER LEVEL FLOOR PLAN



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H-8

**PRELIMINARY**  
 NOT FOR CONSTRUCTION  
 DATE: MARCH 2, 2013



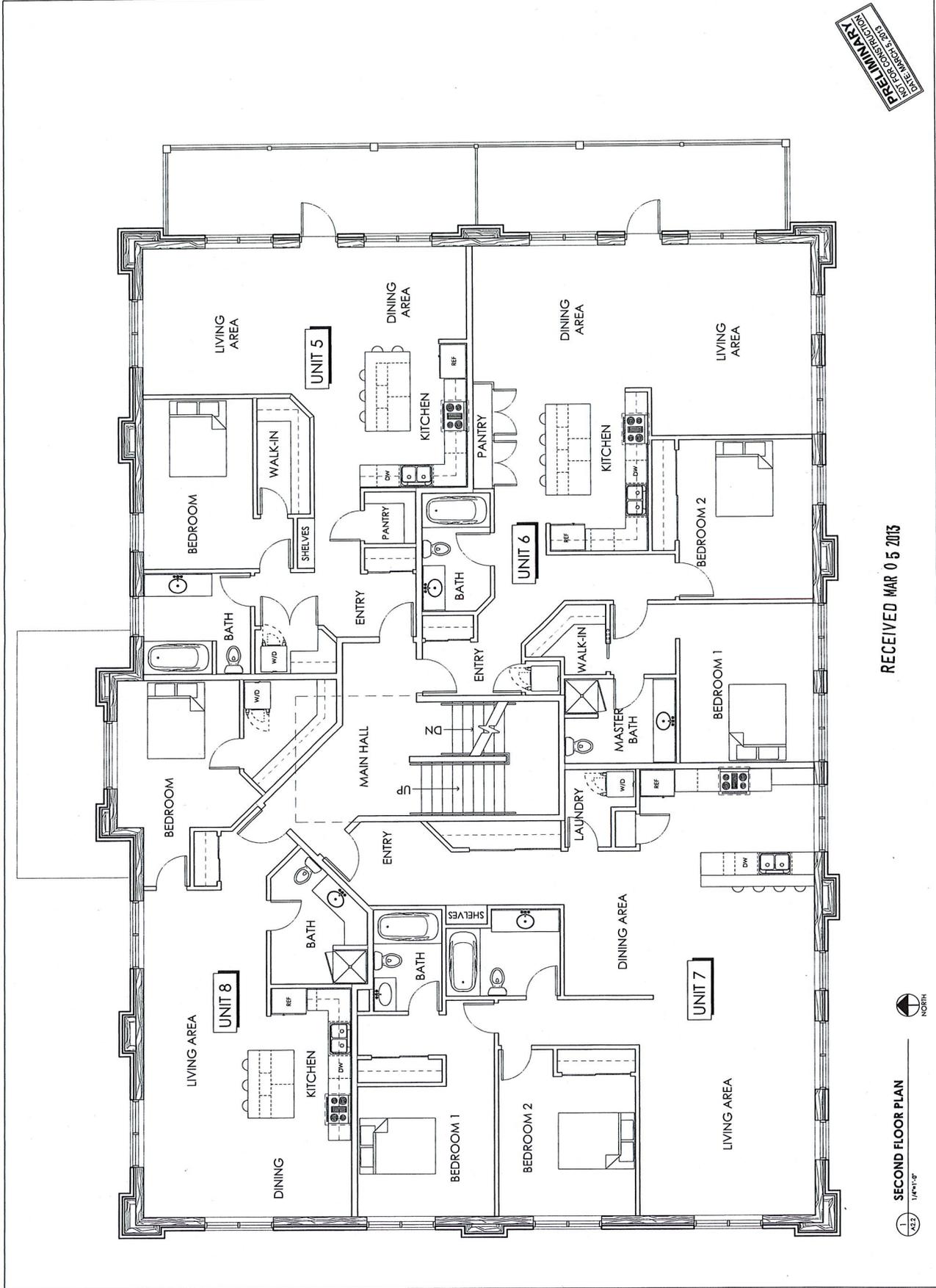
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FIRST FLOOR PLAN  
 1/4" = 1'-0"

H-9

**PRELIMINARY**  
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DATE: 03.05.2013



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1 SECOND FLOOR PLAN  
A2.2 1/4"=1'-0"

H-10

**SCALLO ARCHITECTS**  
 SCALLO ARCHITECTS, LTD.  
 1901 South Street  
 Duluth, Minnesota 55812  
 Fax: 218-722-5319  
 Tel: 218-722-5335



PROJECT:  
**THE GARDENS  
 MIXED USE BUILDING**  
 1819 EAST 8TH STREET  
 DULUTH, MINNESOTA

OWNER:  
 MORGAN EAST LLC  
 100 WILMINGTON AVENUE  
 ST. PAUL, MINNESOTA 55105

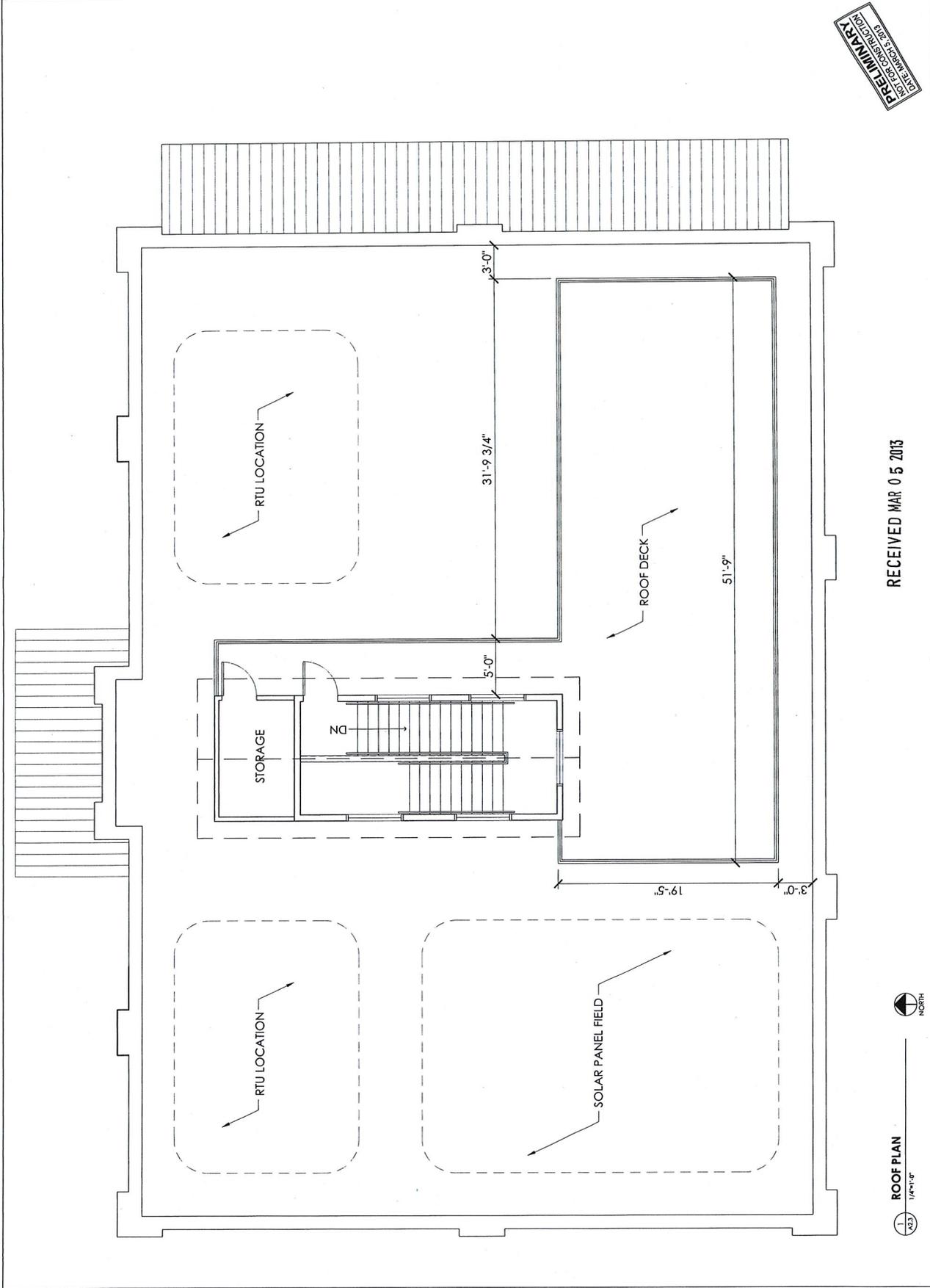
ROOF PLAN

REVISIONS:

DATE:  
 DRAWN: TJB  
 CHECKED: WBS  
 PROJECT: 1208



SHEET NO. **A2.3**



**PRELIMINARY**  
 NOT FOR CONSTRUCTION  
 DATE: MAR 1, 2013

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ROOF PLAN  
 1/4"=1'-0"

H-11

**SCALLO ARCHITECTS LTD.**  
 DULUTH, MINNESOTA 55812  
 Fax: 218.722.4319  
 Fax: 218.722.5335



**PROJECT:**  
**THE GARDENS**  
**MIXED USE BUILDING**  
 1819 EAST 8TH STREET  
 DULUTH, MINNESOTA

**OWNER:**  
 BLUMBERG - 1831 LLC  
 879 LINCOLN AVENUE  
 ST. PAUL, MINNESOTA 55105

**ELEVATIONS**

**REVISIONS:**

**DATE:**  
**DRAWN:** TJB  
**CHECKED:** WBS  
**PROJECT:** 1208



**SHEET NO.**  
**A3.2**



**PRELIMINARY**  
 NOT FOR CONSTRUCTION  
 DATE: MAR 05 2013

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**1 SOUTH ELEVATION**  
 A3.2 1/8"=1'-0"

H-12

**SCALLO ARCHITECTS**  
 SCALLO ARCHITECTS, LTD.  
 1900 South Street  
 Duluth, Minnesota 55812  
 Tel: 218.722.2333  
 Fax: 218.722.2333

**PROJECT:**  
**THE GARDENS**  
**MIXED USE BUILDING**  
 1819 EAST 8TH STREET  
 DULUTH, MINNESOTA

**OWNER:**  
 THE GARDENS, 1819 LLC  
 870 LINCOLN AVENUE  
 ST. PAUL, MINNESOTA 55105

ELEVATIONS

REVISIONS:

DATE:  
 DRAWN: TJB  
 CHECKED: WBS  
 PROJECT: 1208

0 1 2  
 FULL SCALE

SHEET NO.  
**A3.0**



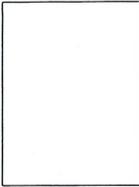
**PRELIMINARY**  
 DATE: MARCH 5, 2013  
 DRAWN BY: TJB  
 CHECKED BY: WBS

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**NORTH ELEVATION**  
 1/8"=1'-0"

H-13

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1901 South Street  
Duluth, Minnesota 55812  
Tel: 218.727.4719  
Fax: 218.727.3335



PROJECT:  
**THE GARDENS  
WINDY LOSE BUILDING**  
1831 LINCOLN AVENUE  
SUITE 200  
DULUTH, MINNESOTA

OWNER:  
BLUMBERG - 1831 LLC  
670 LINCOLN AVENUE  
ST. PAUL, MINNESOTA 55105

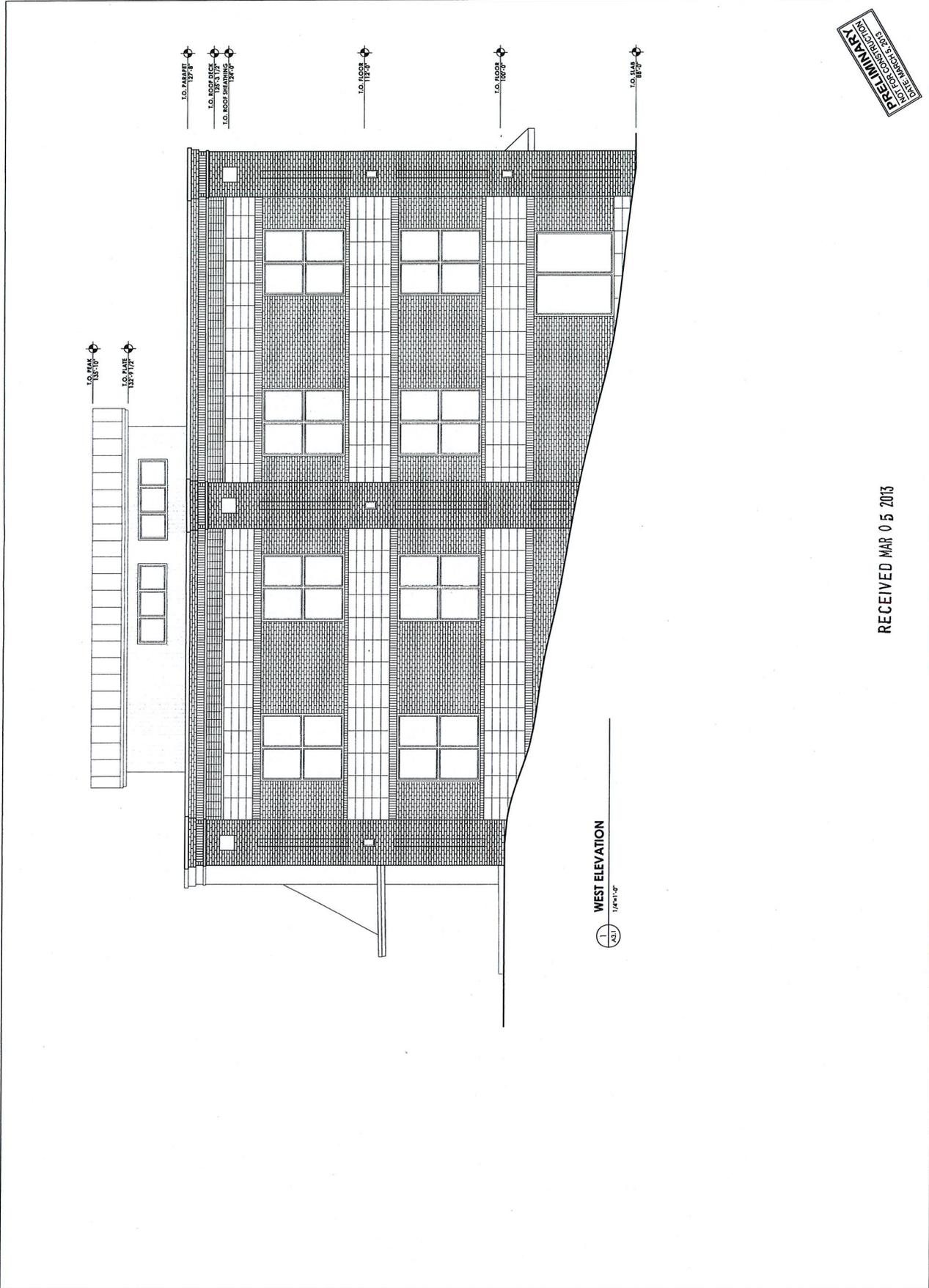
ELEVATIONS

REVISIONS:

DATE: TJB  
DRAWN: WBS  
CHECKED: WBS  
PROJECT: 1208

SHEET NO.  
**A3.1**

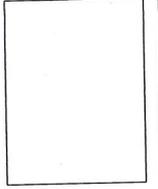
PRELIMINARY  
NOT FOR CONSTRUCTION  
DATE: MARCH 5, 2013



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H-14

**SCALLO ARCHITECTS, LTD.**  
 DULUTH, MINNESOTA 55812  
 Tel: 218.722.4319  
 Fax: 218.722.3335



**PROJECT:**  
**THE GARDENS**  
**MIXED USE BUILDING**  
 1819 EAST 8TH STREET  
 DULUTH, MINNESOTA

**OWNER:**  
 BLUMBERG - 1831 LLC  
 670 LINCOLN AVENUE  
 ST. PAUL, MINNESOTA 55105

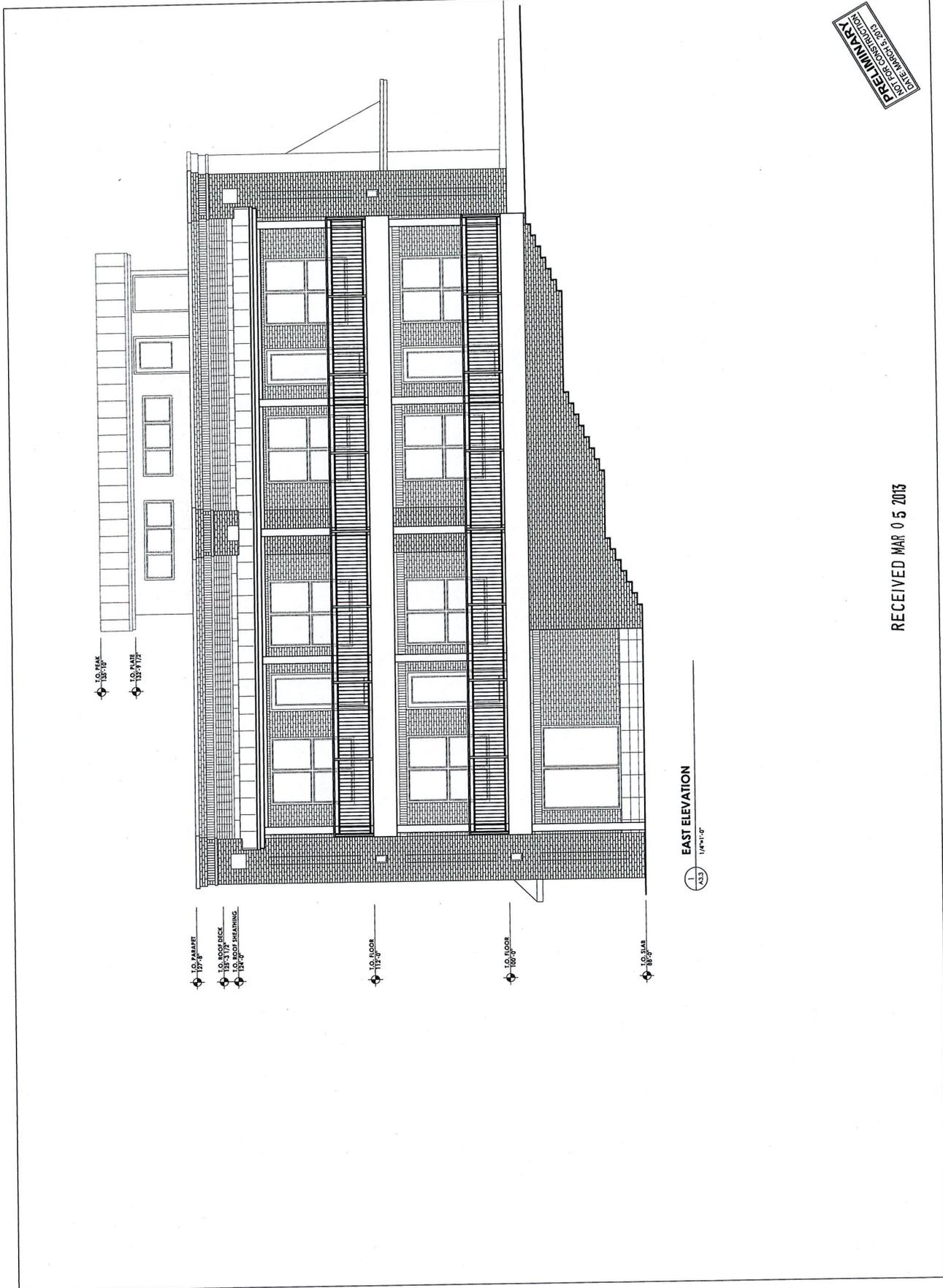
**ELEVATIONS**

**REVISIONS:**

**DATE:**  
**DRAWN:** TJB  
**CHECKED:** WBS  
**PROJECT:** 1208

**SHEET NO.**  
**A3.3**

**PRELIMINARY**  
 NOT FOR CONSTRUCTION  
 DATE: MARCH 5, 2013



TO PARAPET  
138'-10"

TO FINISH  
132'-7 1/2"

TO PARAPET  
139'-0"

TO ROOF DECK  
132'-3 1/2"

TO ROOF DRAINAGE  
128'-0"

TO CORNER  
113'-0"

TO FLOOR  
100'-0"

TO GAB  
88'-0"

**1 A3.3**  
**EAST ELEVATION**  
 1/8"=1'-0"

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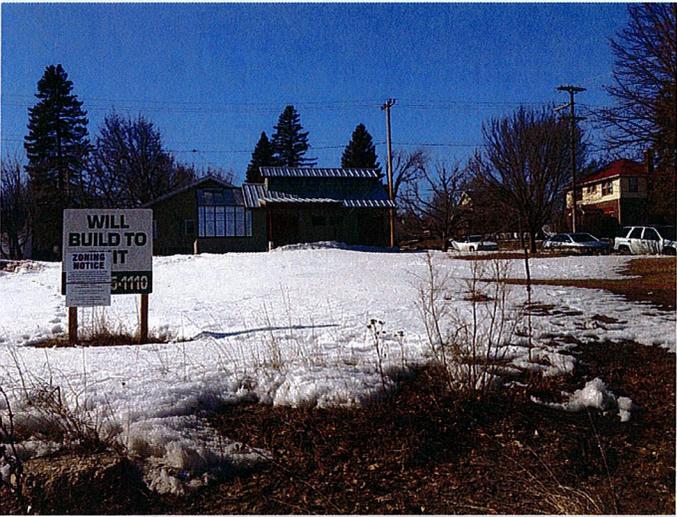
H-15

1831 E 8<sup>th</sup> Street

Site Photos



View from 8<sup>th</sup> Street, facing northwest



View from 8<sup>th</sup> Street, facing north



Existing trees along 19<sup>th</sup> Ave

H-16