



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 14-099	Contact	John Kelley , (218) 730-5326	
Application Type	Special Use Permit, Townhouse Dwelling	Planning Commission Date	August 12, 2014	
Deadline for Action	Application Date	July 24, 2014	60 Days	September 22, 2014
	Date Extension Letter Mailed	July 31, 2014	120 Days	November 21, 2014
Location of Subject	Northeast corner of Mississippi Avenue and Lyons Street			
Applicant	Green Capital, LLC.	Contact	Jason Ross, jasonrossduluth@gmail.com	
Agent	Architecture Advantage, LLC.	Contact	Melisa Graftaas, melissa@architectureadvantage.com	
Legal Description	See attached			
Site Visit Date	August 1, 2014	Sign Notice Date	July 30, 2014	
Neighbor Letter Date	July 31, 2014	Number of Letters Sent	42	

Proposal

The applicant is proposing to construct a new 2 story (9,100 square feet) structure for a 6-unit townhouse. Access to the site will be gained from Lyons Street via a private driveway adjacent to the Brainerd Avenue Alley. Townhouse dwellings are a special use in the R-1 zone district.

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

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

UDC Section 50-37.10. Special Use Permits. The Planning Commission shall approve the application or approve it with modifications if the commission determines that the application meets the following criteria: 1. The application is consistent with the Comprehensive Land Use Plan; 2. The application complies with all applicable provisions of this Chapter, including without limitation any use-specific standards applicable to the proposed use, development or redevelopment, and is consistent with any approved district plan for the area; 3. Without limiting the previous criteria, the commission may deny any application that would result in a random pattern of development with little contiguity to existing or programmed development or would cause anticipated negative fiscal or environmental impacts on the community.

1-1

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

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 and neighborhood extensions, and new traditional neighborhood areas.

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

- 1) The applicant is requesting a Special Use Permit for a 6-unit townhouse dwelling. The proposal includes the construction of a new two story structure; 28 feet tall to highest peak of roof, with the longest dimension of the building being 105 feet along Mississippi Avenue and 84 feet of building along Lyons Street, for a total of 9,100 square feet.
- 2) 50-20.1.B (Use Specific Standards) The proposed townhouse dwelling is located on the lot in such a way that each individual dwelling unit has a minimum 15 feet street frontage. The front facade of the townhouse dwelling along Lyons Street (Front Yard) meets the required variation in vertical plane of three feet between the first two and third units. Landscaping requirements for coniferous or evergreen trees in the front yard have been met.
- 3) 50-24 (Parking and Loading). Parking is required at 1 space per dwelling unit; the applicant is required to provide 6 spaces to meet the parking requirements. The applicant is proposing 16 parking spaces. Maximum parking limits do not apply to townhomes.
- 4) 50-25 (Landscaping and Tree Preservation). Due to the small size of the parking lot, the applicant only needs to provide a minimum of 30% tree canopy coverage at maturity. Street frontage landscaping is required along Lyons Street, and the applicant is showing compliance with 6 trees and 5 large shrubs. Due to site restrictions, the 6 trees required in the rear yard cannot be planted. Two Norway Spruce trees will be planted in the rear yard. Landscape buffering between land uses is not required. However, the applicant is proposing an alternate landscape plan, in lieu of the additional 4 trees in the rear yard and buffering between land uses, to the neighbors along the east property line and will include a decorative screen fence.
- 5) 50-26 (Screening, Walls and Fences). The applicant's preliminary plans are not showing exterior equipment or a dumpster, but if those are provided, they must be screened.
- 6) 50-29 (Sustainability Standards) and 50-30 (Building Design Standards). The townhouse dwelling meets the required number of three (3) sustainability points for a residential development. Applicable design standards for Section 50-30, Building Design Standards, have been met.
- 7) 50-31 (Exterior Lighting). The applicant's preliminary plans are not showing lighting, however if installed new exterior lighting must comply with the zoning code (max illumination, limits on light trespassing, down cast lights, etc).
- 8) This property is in the Higher Education Overlay district. However applicable standards for the overlay only apply to land within the R-2 or MU-N zone districts. The property is located in the R-1 zone district.
- 9) A citizen comment was received regarding notification of the project. City Engineering has noted concerns with stormwater drainage and access to the site.



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

Based on the above findings, Staff recommends the Planning Commission approve the Special Use Permit, subject to the following conditions:

- 1) The project be limited to, constructed, and maintained according to plans submitted (included revised plans submitted July 30, 2014).
- 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.
- 3) Applicant to submit an alternative landscaping plan for review and approval of the Land Use Supervisor.

An approved Special Use Permit will expire if the project or activity authorized by the permit is not begun within 1 year.

T-2

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



City Planning
 PL 14-099
 Special Use Permit
 6-Unit Townhouse

Legend

Zoning Boundaries
 Zoning Boundaries



Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, July 15, 2014. Source: City of Duluth.

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.



City Planning
 PL 14-099
 Special Use Permit
 FLU Map

Legend

- 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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RELEASE DATE:	06.24.14
REVISIONS:	07.08.14 07.31.14 07.24.14 07.30.14
SHEET NO.	

TREE PRESERVATION

TREE SCHEDULE NO.	SPECIES	REMOVED	REPLACEMENT DBH	COMMENTS
1	10.5 DBH BOXELDER	YES	-	LOCATED IN R.O.W.
2	10.8 DBH POPLAR	YES	-	LOCATED IN R.O.W.
3	3.3 DBH OAK	NO	-	PROVIDE 10' DIA PROTECTED ROOT ZONE
4	12.6 POPLAR	YES	-	LOCATED IN R.O.W.
5	11.5 DBH BOXELDER	YES	1.2 DBH	
6	10 DBH BOXELDER	YES	1 DBH	
7	4.4 DBH SUGAR MAPLE	YES	-	
8	13.6 DBH BOXELDER	YES	1.3 DBH	
9	11.1 DBH BOXELDER	YES	-	LOCATED IN ALLEY

TOTAL DBH TO BE REPLACED: 3.5 DBH (2 TREES)
 TREES REQUIRED: (2)
 TREES PROVIDED: (12)

ALL EXISTING TREE LOCATIONS ESTIMATED. CONTRACTOR TO VERIFY ARCHITECT IF TREE LOCATIONS AND/OR TREE PRESERVATIONS PLAN DIFFERS.

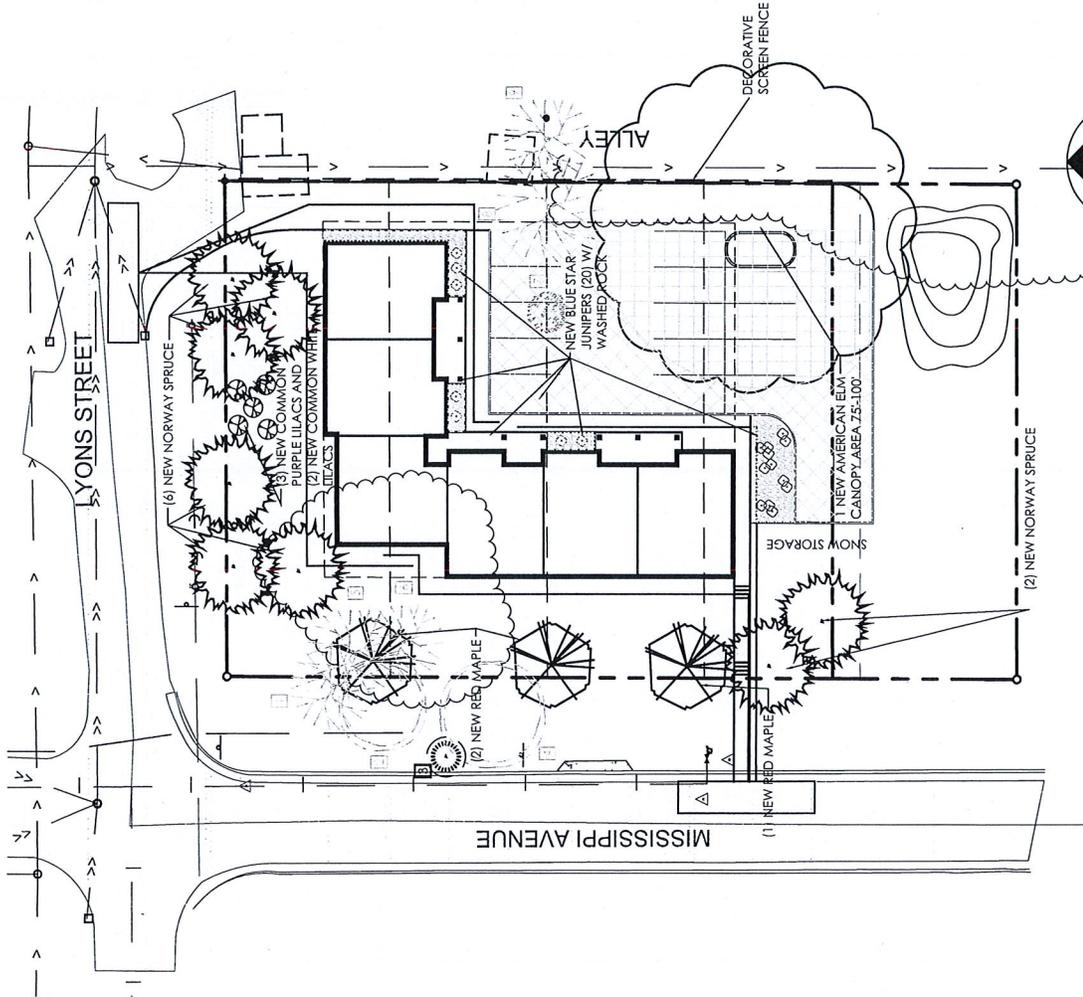
STREET FRONTAGE LANDSCAPING
 (LYONS STREET)

- TREES REQUIRED: (4)
- SMALL SHRUBS REQUIRED: (5)
- LARGE SHRUBS REQUIRED: (5)
- LARGE PROVIDED: (5)

ALTERNATE LANDSCAPING PROVIDED IN LIEU OF REQUIRED TREES IN REAR YARD. ALTERNATE LANDSCAPING INCLUDES NEW DECORATIVE FENCING. FENCE IS NOT REQUIRED BY UDC.

PARKING LOT CANOPY COVERAGE REQUIREMENTS

TOTAL PARKING LOT AREA: 5,066 S.F.
 CANOPY COVERAGE: 3,229 S.F. (GRID PATTERN AREA) 64%
 NON CANOPY COVERAGE AREA: 2,734 S.F. (GROSS MATCH AREA) 54%



PROPOSED LANDSCAPE PLAN
 1" = 30'-0"

S-1

ZONING SUMMARY

ZONING: R-1 DISTRICT
 DUPLICATION PERMITTED
 TOWNHOUSE REQUIRES SPECIAL USE PERMIT

PARKING SPACES REQUIRED: 1 PER UNIT

SETBACKS: FRONT YARD 25'-0"
 REAR YARD 25'-0"
 SIDE YARD 10'-0"

BASIC CODE SUMMARY
 (6 UNIT TOWNHOUSE)

2006 IBC, 2007 MIN STATE BUILDING CODE

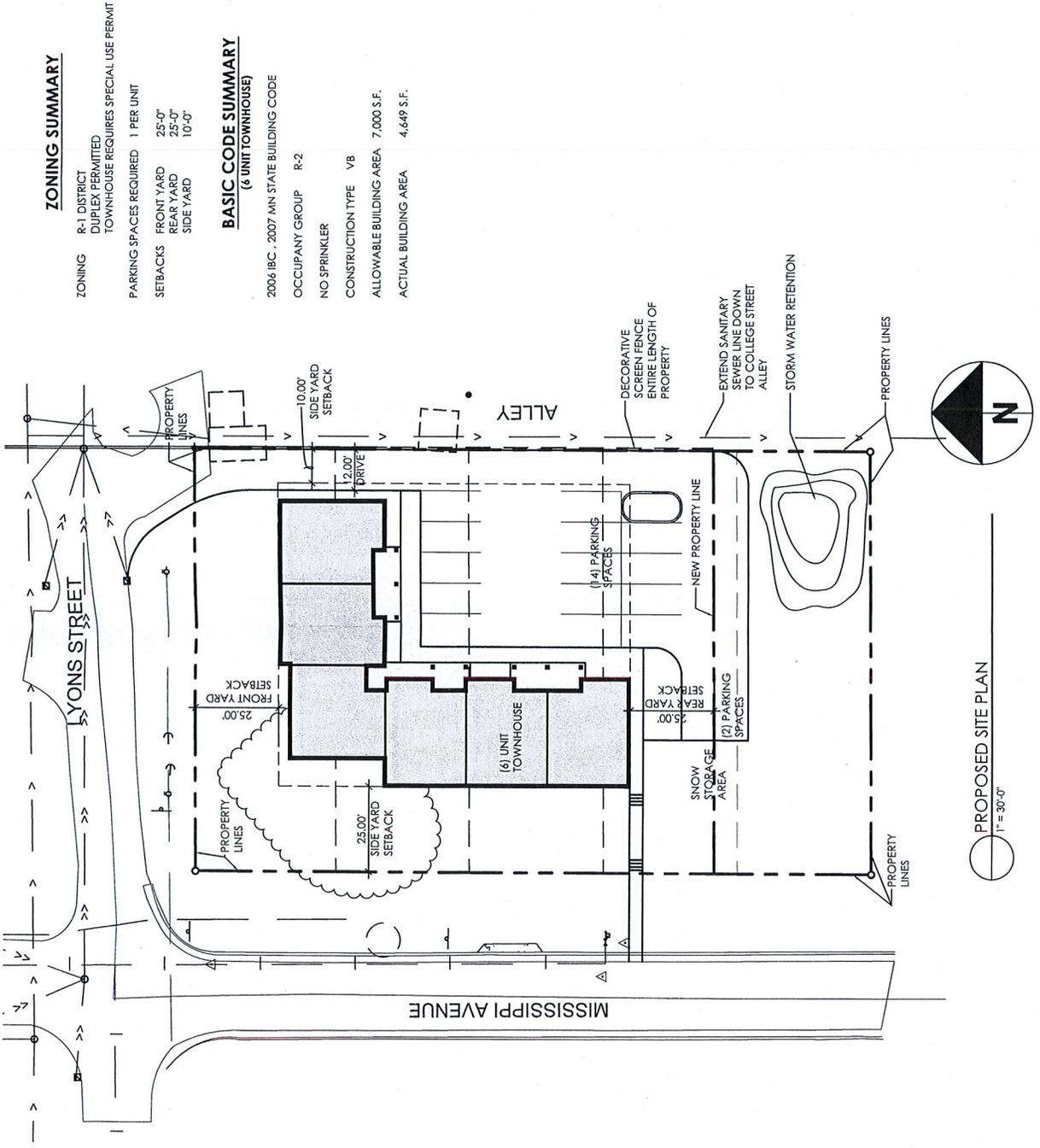
OCCUPANCY GROUP: R-2

NO SPRINKLER

CONSTRUCTION TYPE: VB

ALLOWABLE BUILDING AREA: 7,000 S.F.

ACTUAL BUILDING AREA: 4,649 S.F.



PROPOSED SITE PLAN
 1" = 30'-0"

7-6

Charles Froseth

From: William Krossner <exigente2@gmail.com>
Sent: Wednesday, July 09, 2014 9:54 AM
To: Charles Froseth
Subject: thank you for talking to me on the telephone earlier this morning

As I said in that conversation, I, with my wife, are the property owners at 1045 Brainerd Ave., which abuts land parcels on the lower part (even-address side) of Mississippi Ave, where townhouses possibly would be built.

You said to check back in two weeks or so, to see if an actual proposal had been made to the Duluth Planning Commission, and therefore might possibly appear as an agenda item to be considered at the August meeting.

Further, as I mentioned in the conversation, I would vastly prefer that you contact me at my email address given in this message to you, rather than trying to reach me via telephone. You said that you would be kind enough to let me know if and when this townhouse proposal was submitted to the Commission.

Once again, thanks,

William Krossner