



CITY OF DULUTH

Planning Division

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

STAFF REPORT

File Number	PL 15-050	Contact	Steven Roberson, 218 730 5295	
Application Type	Special Use Permit, 8 Unit Townhome	Planning Commission Date	May 12, 2015	
Deadline for Action	Application Date	April 16, 2015	60 Days	June 15, 2015
	Date Extension Letter Mailed	April 22, 2015	120 Days	August 14, 2015
Location of Subject	Northeast corner of Mississippi Avenue and Lyons Street			
Applicant	Green Capital, LLC.	Contact	Jason Ross	
Agent	Greg Strom, Architect	Contact	gps.foundations@gmail.com	
Legal Description	See attached			
Site Visit Date	April 18, 2015	Sign Notice Date	April 28, 2015	
Neighbor Letter Date	April 24, 2015	Number of Letters Sent	38	

Proposal

The applicant is proposing to construct an 8 unit townhome development in a R-1 zone district. There will be 2 two-bedroom units, 5 three-unit bedroom units, and 1 four-unit bedroom units, for a total of 23 bedrooms.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Vacant	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1/R-2	Residential/Higher Education	Traditional Neighborhood/Instiutional
West	R-1	Residential	Traditional Neighborhood

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

The construction of a townhome (3 to 8 units) requires a Special Use Permit in the R-1 zone district.

Lyons street is considered to be the front yard for the purposes of determining setbacks. Definition of Lot, Front: "...For corner lots, the shortest side fronting upon a street shall be considered the front of the lot unless structures exist on the lot...."

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.

Note: Special Use Permits are approved, approved with recommendations, or denied by the Planning Commission. Special Use Permits expire if the project or activity authorized by the permit is not begun within 1 year.

III. N-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.

-According to the Comprehensive Plan, the future land use for traditional neighborhood suggests a typical density of 4-8 units/acre, and a mix of housing types (i.e. town homes and 4-plexes) at corners. The neighborhood character (based on the surrounding 4 blocks) consists of many single family homes with a few other uses and some open space, averaging about 45 structures over 15 acres, excluding right of way.

-Application initially submitted on March 24, but was rejected as incomplete; it was resubmitted on April 16.

A 1/2 half block portion of Lyons Street was vacated in 1983 (83-0764), effectively dead-ending this street near the development site. Further east, on the UMD campus, Lyons Street was vacated in 1976. This development will be on 5 platted lots, each 40 feet by 125 feet (25,000 square feet), in the Superior View Addition to Duluth, platted in 1888.

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

- 1) The applicant is proposing to construct an 8 unit townhome development in a R-1 zone district.
- 2) 50-18 (Overlay Districts). This property is within the Higher Education Overlay. It requires a build-to-zone (similar to form districts) of 5 to 20 feet along "primary streets". However, neither Mississippi nor Lyons are defined as primary streets in this overlay. It also requires 0.7 parking spaces per bedroom, and visitor parking at the rate of 15 percent of required resident parking spaces. Also at least one bicycle or motorized scooter parking space per five parking spaces shall be provided.
- 3) 50-20.1 (Use Specific Standards). In the R-1 district, 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. No more than two adjacent townhouse units may have front facades in the same vertical plane. Prior to the occupancy of the townhouse dwellings, coniferous or evergreen trees shall be planted in required front and back yard areas on an average spacing of 20 feet.
- 4) 50-24 (Parking and Loading). Per Higher Ed Overlay Requirements, 23 bedrooms require 16 parking spaces, plus 2.4 (2) parking spaces for visitors, plus 3 bicycle/scooter parking spaces. UDC requires 18 total vehicle parking spaces; applicant is providing 12 parking spaces in garages and 9 parking spaces in the parking lot (1 for handicap use only). Note that signs are posted indicating no on-street parking on Mississippi or Lyons; Mississippi is about 24 feet wide, curb to curb, and Lyons is 22 feet wide, no curb.
- 5) 50-25 (Landscaping and Tree Preservation). Street Frontage Landscaping is required (over 20,000 sq ft, also includes 15 foot front yard buffer and 10 foot side yard buffer). 1 tree per 35 ft, and 1 bush per 25 ft of frontage. Parking lot landscaping islands not required (less than 25 parking spaces), but 30% tree canopy coverage required. Landscaping between differing land uses not required, as a townhome is not considered a multifamily dwelling in the zoning code.
- 6) 50-26 (Screening, Walls and Fences). Project will not have a dumpster, but each unit will have individual trash cans that they will rollout at garage day. No exterior equipment is being proposed for this development, but the requirement is that this type of equipment be screened from view.
- 7) 50-29 (Sustainability Standards). Residential development between 3 and 29 units need to meet 3 points on the sustainability checklist. This information needs to be provided at the time of the building permit submission.
- 8) 50-30 (Building Design Standards). Required for multi-family dwellings, not townhomes.
- 8) 50-31 (Exterior Lighting). A lighting/photometric plan needs to be provided at the time of the building permit submission.
- 9) Several comments from the engineering department were received (incorporated into recommendation #2).

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

Staff recommends that the Planning Commission table the decision on the SUP for one month to allow the applicant to address engineering concerns. If Planning Commission wishes to approve the Special Use Permit, staff recommend following conditions:

- 1) The project area be amended to the limit shown in plans labeled April 15, 2015 Special Use Permit Application Site Plan,
- 2) Applicant address engineering concerns: 1) no snow storage in public right of way (alley), 2) city not responsible for private berm containment system in public right of way, 3) alley needs to be partially improved to allow city staff to take vac truck to maintain the storm and sanitary sewer manholes/structures (separate approved engineering plan set to city standards) 4) retaining wall above the sanitary sewer pipe installed deep enough to allow future repair or replacement of the prior without compromising the wall, 5) the retaining wall cannot be in the right of way, and must be owned by the developer, 6) stormwater requirements met.
- 3) As an additional condition of the SUP, staff recommend number of parking spaces on the property equal the number of bedrooms, not including parking spaces required for visitors, or bikes/scooters. Visitor parking to be signed for visitors only.
- 4) Lighting plan and sustainability checklist required with building permit application.
- 5) Landscaping plan be revised to show compliance with UDC, including one tree per 20 feet on rear property line per 50-20.1.

E-N

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

Comments on SUP 15-050

We need to make sure the retaining wall is NOT in the right of way. It will be owned by the Developer.

All improvements in the alley will become public, and will require a separate approved engineering plan set to city standards. The proposed retaining wall above the sanitary sewer pipe will need to be installed deep enough to allow future repair or replacement of the pipe without compromising the wall. We have required the same of other structure being built above utilities in close proximity.

The concept shown on the grading and drainage plan would work well, BUT, the snow storage is located on the public alley ROW. Private property owners are not allowed to store snow in the alley ROW. Any improvements to the alley become public improvements and therefore the City's responsibility, and the plan shows a berm containment system to keep the snow from melting and heading down gradient to the property owner below and being directed to a storm inlet structure. There is a potential for the snow melt to flow to the property owner below due to the City storm inlet freezing or plugging with debris.

Additionally, the alley needs to be "improved" to provide access to the storm and sanitary sewer manholes/structures with a vac-truck (a large bus size vehicle). Snow storage would block our access to the storm sewer manhole.

Two issues: No storage of snow in the alley and the alley needs to be improved for O&M access of the storm and sanitary.

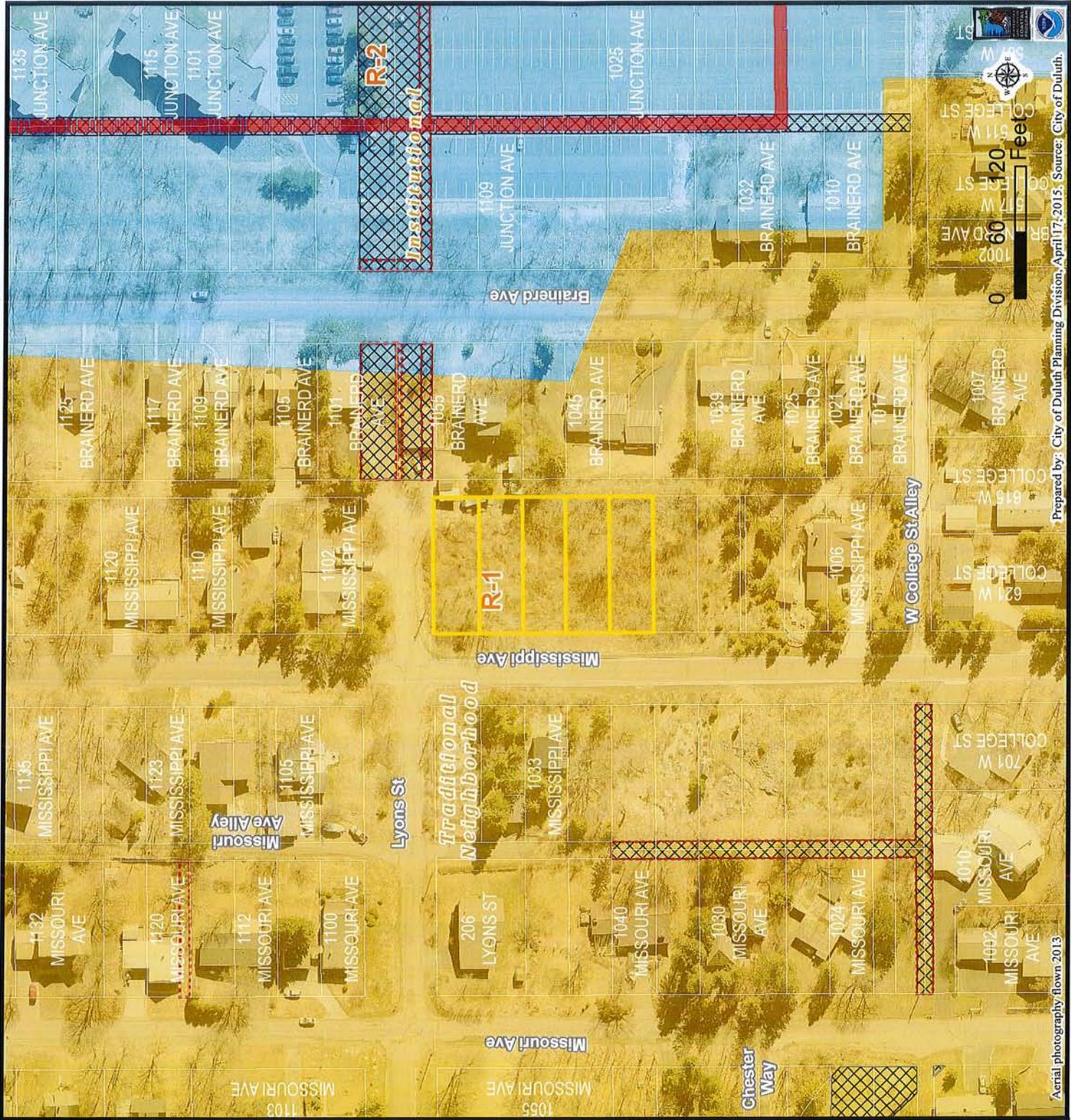
N-3

Legend

- Trout Stream (GPS)
- Other Stream (GPS)
- Zoning Boundaries**
- Zoning Boundaries
- Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement
- 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

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.

N-4



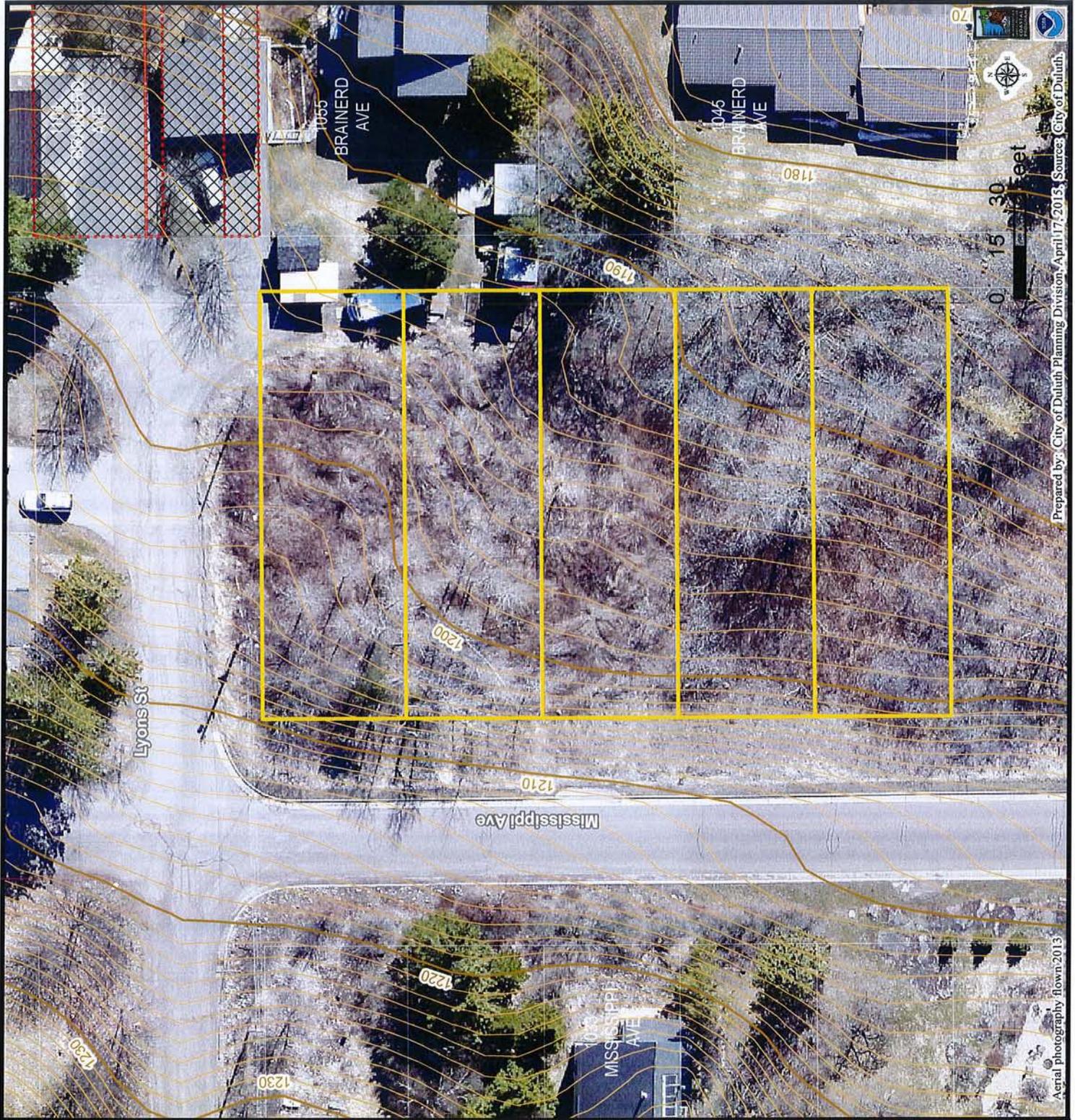
Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, April 17, 2015. Source: City of Duluth.



City Planning

PL15-050, SE Corner of
Lyons and Mississippi



Legend

Contours 1 Ft

- Index
- Intermediate
- Index
- Trout Stream (GPS)
- Other Stream (GPS)
- Vacated ROW

Easement Type

- Utility Easement
- Other Easement

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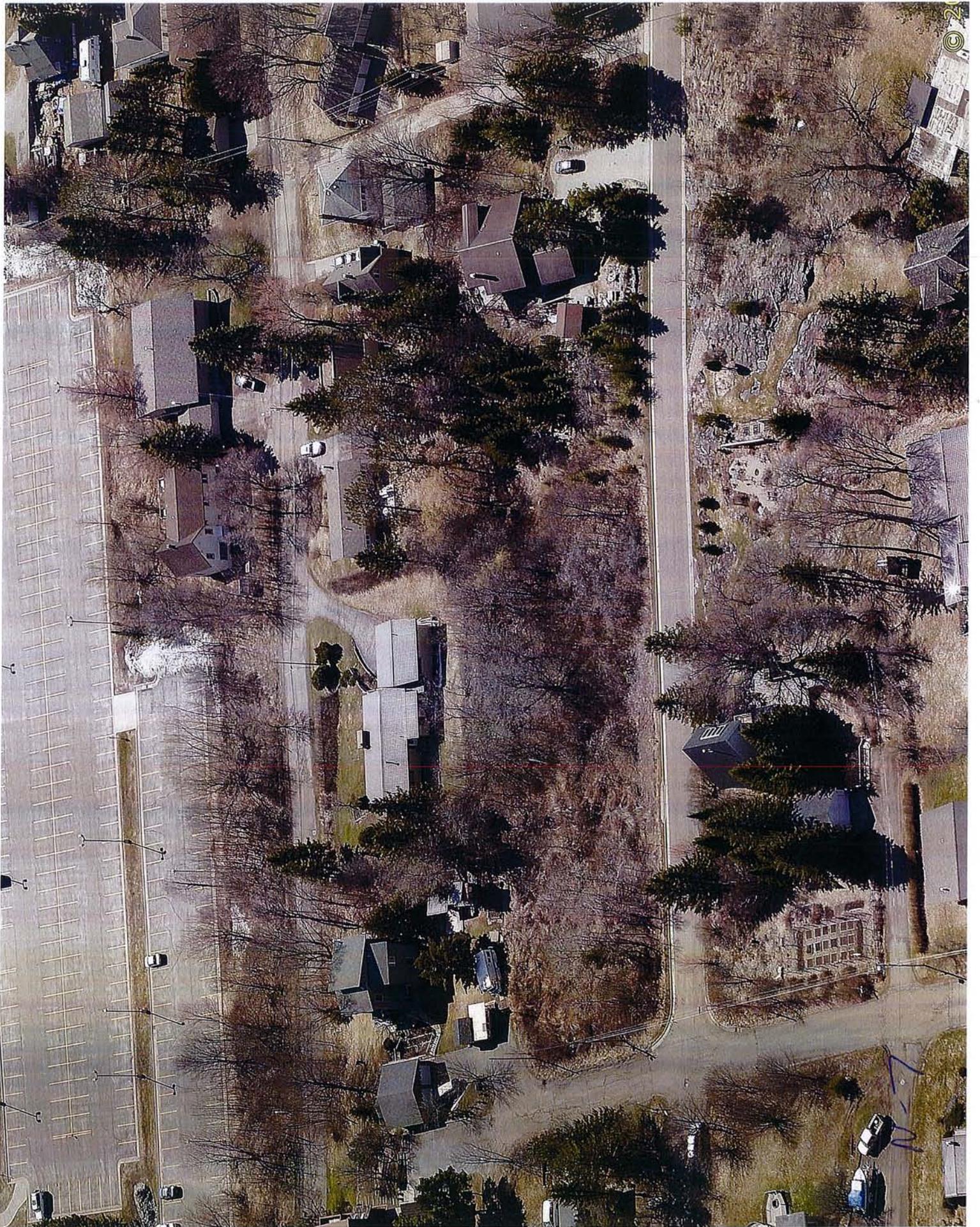
A-5

Aerial photography, flown 2013

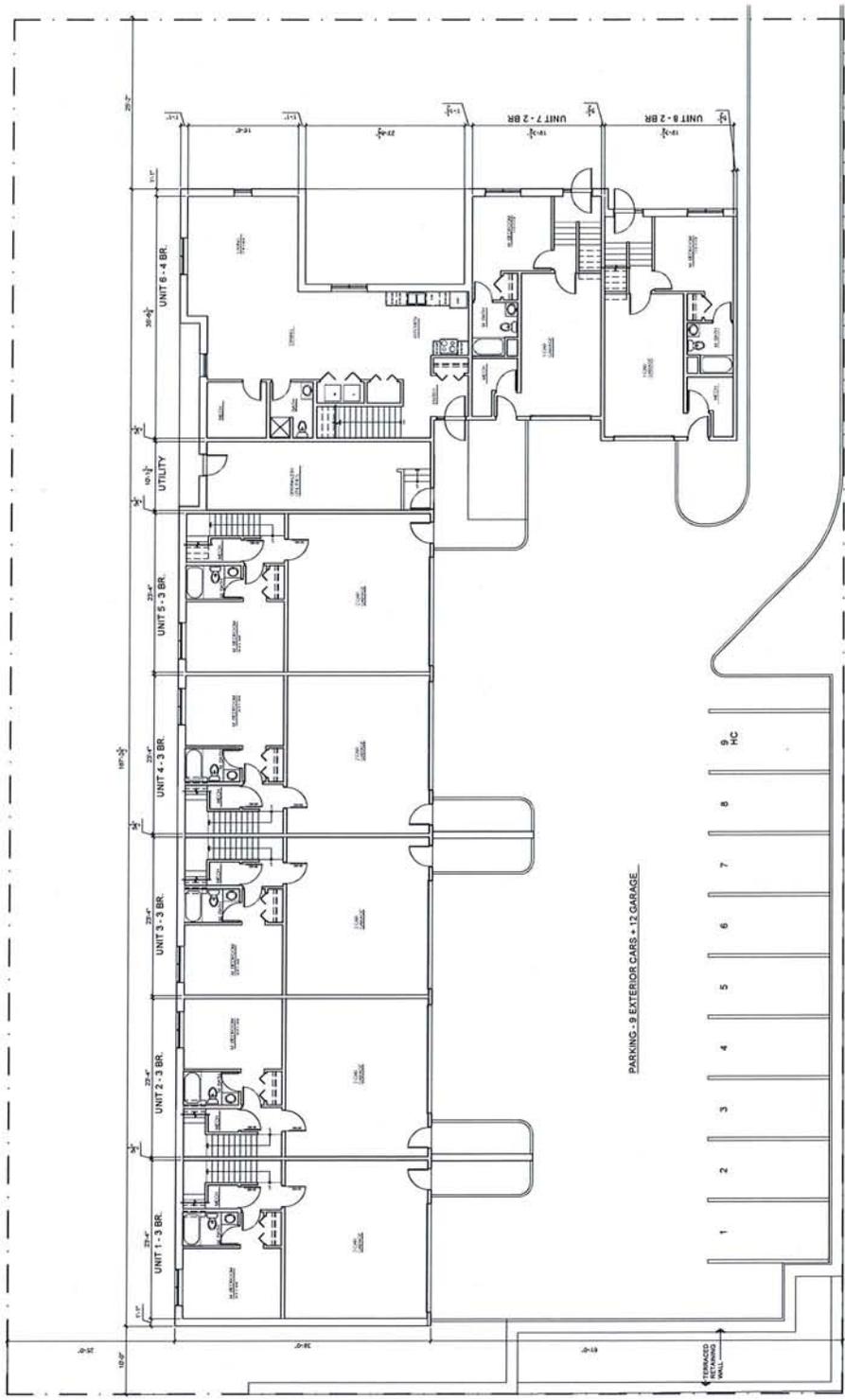
Prepared by: City of Duluth Planning Division, April 17, 2013, Source: City of Duluth.



45 Primary Structures (Single Family Home, Etc)
Over 15 Acres (Excluding Right of Way).
Note Area Includes Some Undeveloped Parcels.







FIRST FLOOR PLAN
 SCALE: 1/8" = 1'-0"

B-N



BLACKHOOP

EROSION CONTROL AND PLANTING KEY



5-6" WHITE SPRUCE TO BE ADDED

2" CALIPER BECCOIOUS TREE
SEE LANDSCAPE PLAN FOR SPECIES SELECTION



2-6" CLEAN RIP-RAP
APPLY ENOUGH RIP-RAP TO COVER
THE SEPARATOR FABRIC



SPECIALTY TURF AND AG "WATER WAY" MIX
SEED AT 50 LBS PER ACRE. OVERSEED WITH
SEED OATS AT 100 LBS PER ACRE. FERTILIZE WITH
10-10-10 AT 100 LBS PER ACRE. SOIL TESTING
BE IMPORTED AND APPLIED. 4" THICK LAYING
MANDOT 3877-3 SANDY CLAY LOAM TOPSOIL BORROW
COVER WITH GRASS-MAT WITH NET ANCHORED WITH
6" STAPLES AT 1 PER SY



BWSR 36-311 WOODLAND EDGE NORTHEAST
7 LBS/ACRE ON GRASS MIX PORTION
10 LBS/ACRE ON FORBS
CUTTED OATS (SPRING) OR
WINTER WHEAT (FALL) ALL AREAS TO BE
SEEDED MUST BE SPRAYED WITH ROUNDUP TWO
WEEKS PRIOR TO SEEDING. USE EXISTING SOL. COVER
WITH DOUBLE NET STRAW BLANKET. SECURE WITH 6"
STAPLE AT 1 PER SY



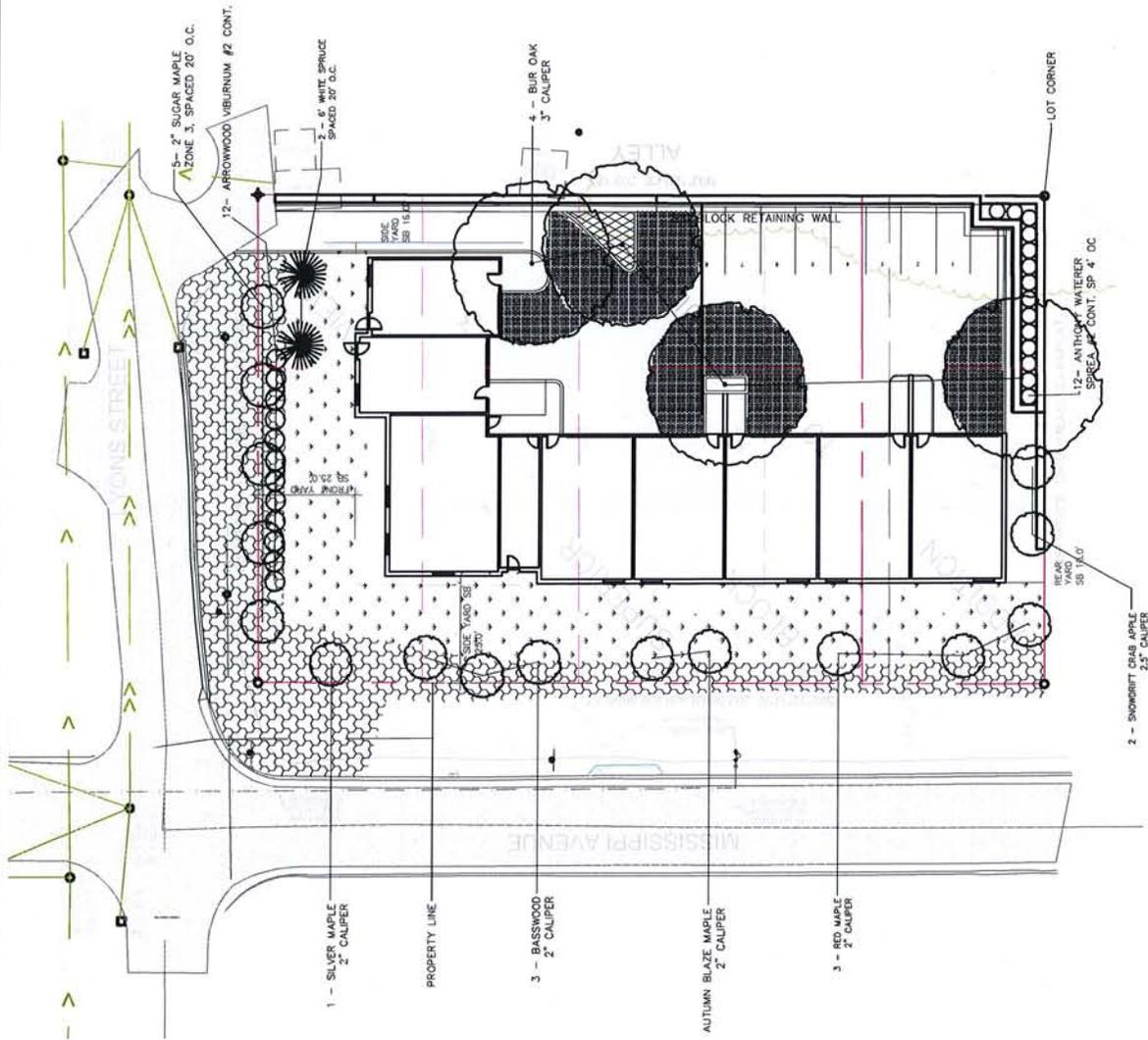
RESIDENTIAL PARKING LOT COVERAGES
TOTAL TREE CANOPY AREA COVERING LOT 25335P
TOTAL PERCENTAGE OF LOT COVERED BY CANOPY 37%

TREE PRESERVATION	6-20" DBH	1.5" x 1"	REPLACE	COMMENTS
1	10.5	BOVELDER	NO	ROW
2	10.6	QUAKING ASPEN	N/A	ROW
3	3.3	RED OAK	N/A	ROW
4	12.6	QUAKING ASPEN	N/A	ROW
5	11.5	BOXELDER	1.92"	
6	10	BOXELDER	1.67"	
6	13.6	BOXELDER	2.27"	ALLEY
6	11.1	BOXELDER	NO	

DBH REQUIRED TO BE REPLACED 4.86 DBH"
DBH SPECIFIED 40" CAL. (40*75) = 30 DBH" EQUIVALENT NIC EVERGREENS

STREET FRONTAGE PLANTING - LYONS

TREES REQ	TREES SPEC	SHRUBS REQ	SHRUBS SPEC
7	1/25LF=5	12	



CLIENT: JASON ROSS

- DATE: REVISED
- BY: JLR
- DATE: 05-23-15
- BY: JLR
- DATE: 06-18-15
- BY: JLR
- DATE: 07-29-15
- BY: JLR

1. 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 Landscape Architect under the laws of the State of Minnesota.

Signature: *J. Ross*

License or Registration Number: 123456789

Date: 02/23/23, Day in 2023

PROJECT NAME: MISS AND LYONS

DRAWING TITLE: LANDSCAPE PLAN

FILE: DRAWN BY: DMC, CHECKED BY: DMC, PROJ. NO.: , DRAWING NO.: LS.1

N-11

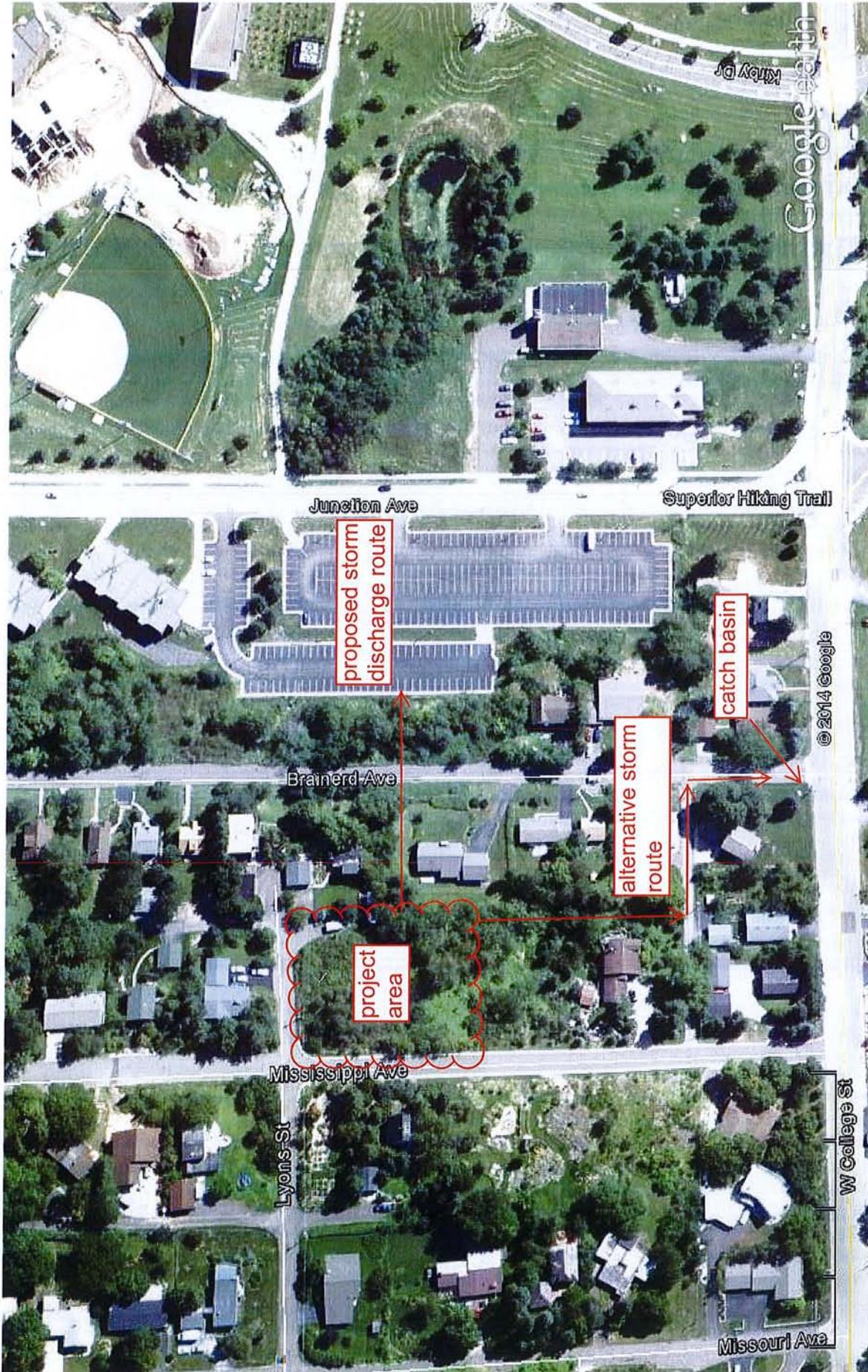


MISSISSIPPI ELEVATION
SCALE: 1/8" = 1'-0"



LYONS ELEVATION
SCALE: 1/8" = 1'-0"

N-14



Google earth

feet 1000
meters 300

N-15

03-23-15

ADDITIONAL INFORMATION SECTION

JASON ROSS – MISSISSIPPI AND LYONS TOWNHOMES

SECTION 3.13 CHECKLIST

Site Plan

A site plan has been included that includes information about sidewalks, driveways, parking lots, existing pedestrian and storm water considerations.

Parking

It appears that the minimum parking area requirements have been met and exceeded for the proposed uses on the site. For a residentially zoned district, less than 25 spaces, parking lot islands are not required, but at least 1/3 of the parking lot must be shaded by tree canopy. This requirement has been exceeded.

Snow Storage

We proposed dumping snow over the east retaining wall into the alley easement. From there, it will be contained between the wall and a containment berm. When the snow melts, it will go directly into the storm sewer that is located inside of the containment area.

Architectural Plans

Floor plans and elevations are included for townhome development.

Sidewalks

The site is restrictive on the east, south and west sides for pedestrian access. Currently, Lyons provides access to the site from the west. From the east, pedestrians must come across the alley between Brainerd and Mississippi, then north on Mississippi (which has no sidewalk), then east again on Lyons into the entrance of the site. There will be very little traffic on the driveway coming into the site from the north, off of Lyons, so it may be used as pedestrian access also.

Current Pedestrian Access

The site can really only be accessed from the north off of Lyons, and at that, only within a 50' width of land where the grades are reasonable. The alley easement on the east side of the property has been blocked by structures erected on City property by the neighbor(s) further to the east. Accessing the property from the south via alley easement is not practical due to heavy vegetation and steep grades. Access from the west is not practical due to very steep grades. Access directly from the south is not possible by the public, as it is private vacant land.

N-16

Landscape Plan

A landscape plan has been included. Native shrubs, as well as hardwoods and evergreen trees are proposed along Lyons, outside the ROW. Vegetation has been proposed on the west side along Mississippi, at the top of the slope, where there is enough soil to plant a 2" caliper tree. Max shrub height is 8'. The unmowable slopes on the west side, that must be disturbed by grading, will be vegetated with native forbs and grasses. Slopes that do not need to be graded or excavated will be left in their current condition. The remainder of the site will be stabilized with conventional turf and native rip rap (round rock or glacial stone).

On the south side, compact ornamental trees have been specified, and on the east side, Bur Oak has been specified in and around the parking lot.

Arrowwood Viburnum

Sugar Maple

Silver Maple

Red Maple

Autumn Blaze Maple (Red/Silver Cross)

Snowdrift Crab Apple

White Spruce

Bur Oak

All minimum 2 gallon size at planting for Arrowwood Viburnum and 2" Caliper or larger tree planting for deciduous, 6' minimum height for White Spruce

Large Tree species will be:

Bur Oak (*Quercus macrocarpa*) Minimum 3" caliper at planting

Small Tree species will be:

Dolgo Crab (*Malus Dolgo*) or equivalent

Minimum 2.5" caliper at planting

Screening

For residential abutting a residential district, a retaining wall has been proposed. The height of this wall as it abuts the residential use is up to 10' in height at the SE corner

A dumpster enclosure has not been specified. Rather, each unit will have a rolling 60 gallon plastic trash container. When garbage day comes, the garbage container will be placed just outside the garage door for pickup. The same activity will occur for recycling.

Tree preservation

There are some 8" DBH Aspen in the NW corner of the property. Most of these trees are within the grading limits and cannot be saved. Whatever vegetation exists outside the grading limits will remain. This is mostly smaller Aspen and some Sumac.

N-17

Loading Zones

N/A

Signage

N/A

Lighting

LED wall packs will be used to illuminate the building entrances and parking lot off of the parking lot side. These wall packs will cast light downward, toward the eastern edge of the parking. Lighting on the west and north sides of the building will cast light down the wall, alongside the patio doors.

81-N

Mississippi & Lyons Townhome Development – Green Capital, LLC

Storm Water Management Summary

The current City of Duluth storm water MS4 standards require the developer to match pre-development flow rates, up to a 100 year storm event.

This means that during modeling, the pre-development flow is modeled and then the proposed development flows are modeled. The new development, with all of its paved surfaces, must not put off storm water runoff at a faster rate, than what the site puts off today. Using the NOAA rainfall event tables, a 100 year event will produce 5.2" of rainfall in a 24 hour period.

The storm water must also treat runoff for suspended solids (dirt) and other contaminants.

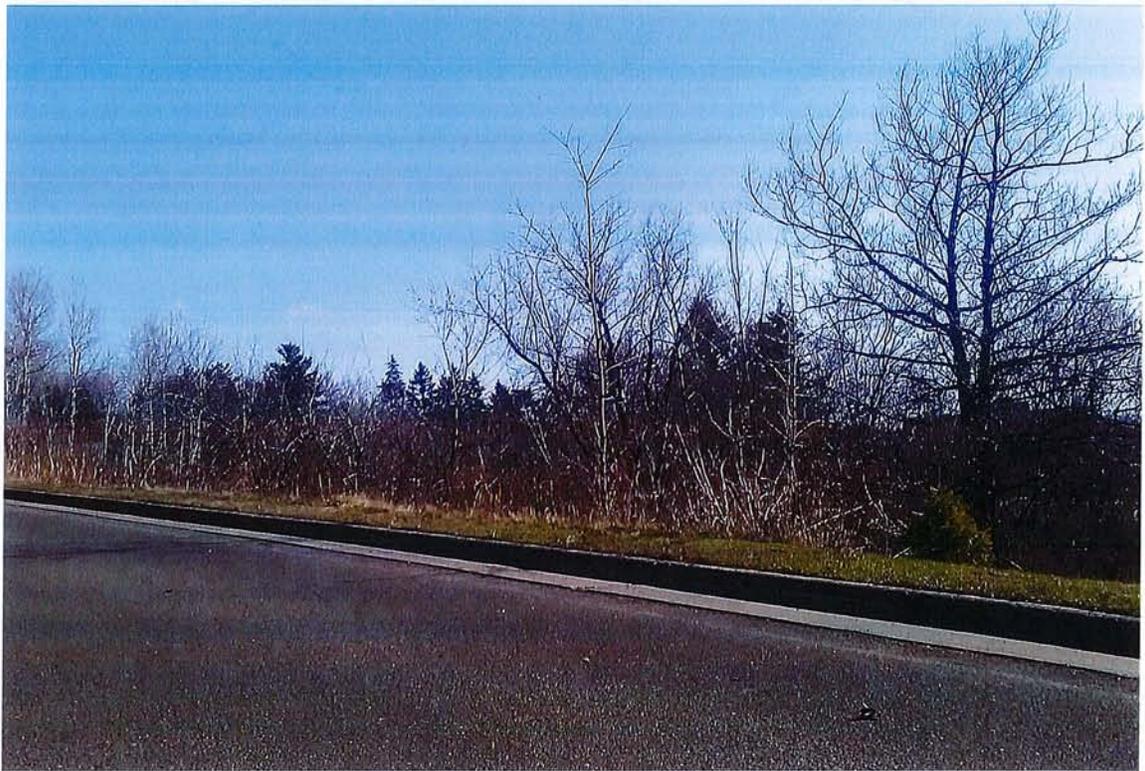
The runoff from the proposed site will enter a concrete chamber at the SE corner of the site, where the larger particles will be removed. From there, it enters a distribution manifold where it is stored in an underground chamber that is situated over a 1' thick bed of washed sand. The water soaks into the washed sand, where it is further cleaned, then it enters another collection system of drain tile that will discharge it into closed storm sewer system that is connected to the City storm sewer system.

Why is this better than the existing condition? Currently, a large amount of water from Lyons enters the site. In addition, the site itself is steep, rocky and covered with clay, so the water runs off quickly into neighbor's yards downhill. The new system will direct overflows into the City storm sewer system, versus across neighbor's yards, short circuiting much of the runoff neighbors are now receiving from the property.

The result should actually be neighbors' yards downhill that are drier than they are now.

-David M. Chmielewski
Blackhoof Development

N-19



N-20