

Attachments

Revised Exhibit PL 15-037 - Vacation
Citizen Petition PL 15-037

Summary of Nordic Center Project

Citizen Comments PL 15-060 Rezoning

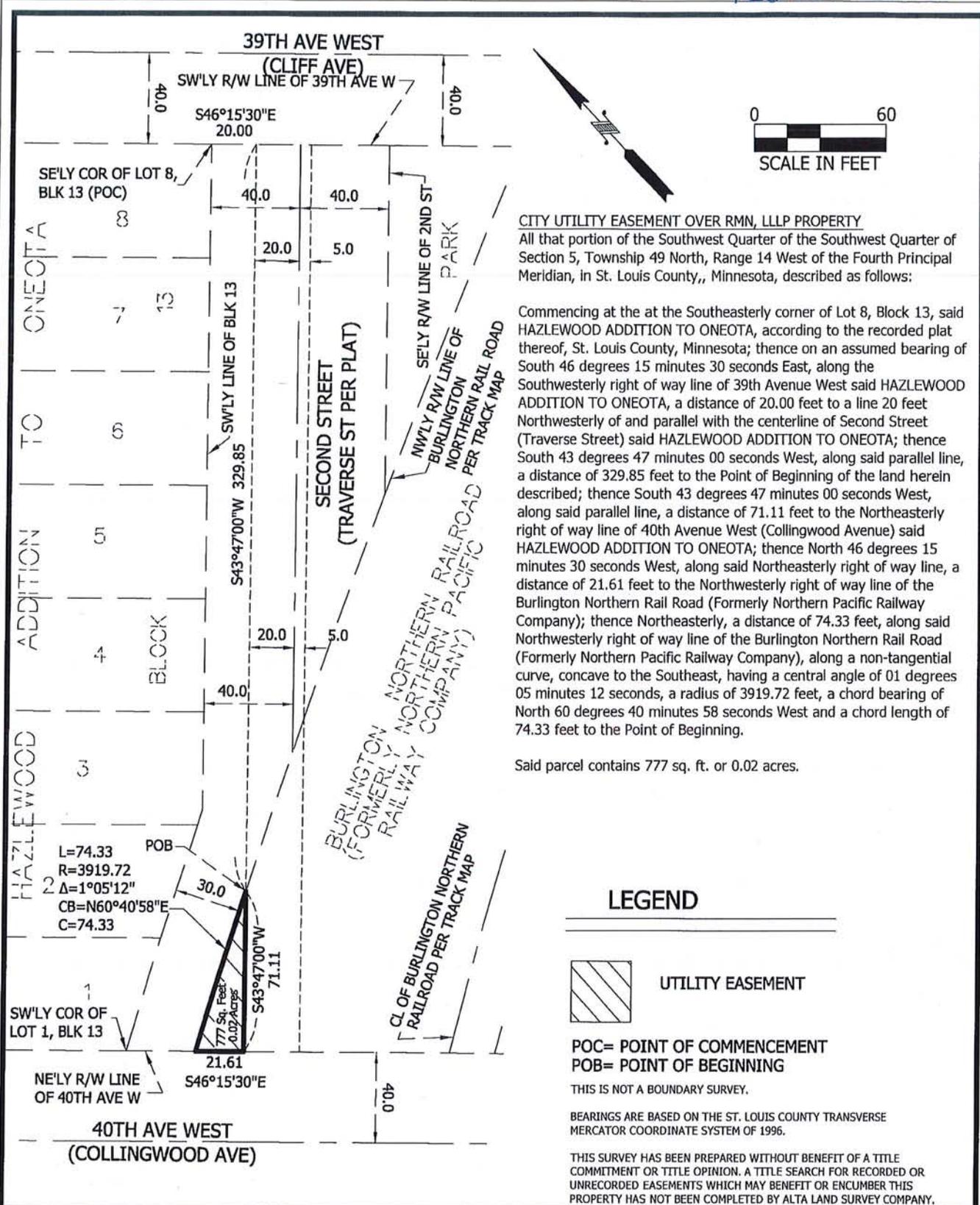
Info letter PL 15-064 Rezoning

Citizen Comments PL 15-050 SUP
Revised Plans 15-050

Citizen Comments PL 15-066 VRBO

Applicant Letter PL 15-067 Variance

PL 15-037
Revised Exhibit



CITY UTILITY EASEMENT OVER RMN, LLLP PROPERTY
All that portion of the Southwest Quarter of the Southwest Quarter of Section 5, Township 49 North, Range 14 West of the Fourth Principal Meridian, in St. Louis County,, Minnesota, described as follows:

Commencing at the at the Southeasterly corner of Lot 8, Block 13, said HAZLEWOOD ADDITION TO ONEOTA, according to the recorded plat thereof, St. Louis County, Minnesota; thence on an assumed bearing of South 46 degrees 15 minutes 30 seconds East, along the Southwesterly right of way line of 39th Avenue West said HAZLEWOOD ADDITION TO ONEOTA, a distance of 20.00 feet to a line 20 feet Northwesterly of and parallel with the centerline of Second Street (Traverse Street) said HAZLEWOOD ADDITION TO ONEOTA; thence South 43 degrees 47 minutes 00 seconds West, along said parallel line, a distance of 329.85 feet to the Point of Beginning of the land herein described; thence South 43 degrees 47 minutes 00 seconds West, along said parallel line, a distance of 71.11 feet to the Northeasterly right of way line of 40th Avenue West (Collingwood Avenue) said HAZLEWOOD ADDITION TO ONEOTA; thence North 46 degrees 15 minutes 30 seconds West, along said Northeasterly right of way line, a distance of 21.61 feet to the Northwesterly right of way line of the Burlington Northern Rail Road (Formerly Northern Pacific Railway Company); thence Northeasterly, a distance of 74.33 feet, along said Northwesterly right of way line of the Burlington Northern Rail Road (Formerly Northern Pacific Railway Company), along a non-tangential curve, concave to the Southeast, having a central angle of 01 degrees 05 minutes 12 seconds, a radius of 3919.72 feet, a chord bearing of North 60 degrees 40 minutes 58 seconds West and a chord length of 74.33 feet to the Point of Beginning.

Said parcel contains 777 sq. ft. or 0.02 acres.

LEGEND



POC= POINT OF COMMENCEMENT
POB= POINT OF BEGINNING

THIS IS NOT A BOUNDARY SURVEY.
BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996.

THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY.

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 Land Surveyor under the laws of the State of Minnesota.

Date: MAY 11, 2015
David R. Evanson
David R. Evanson MN License No. 49505

CITY UTILITY EASEMENT OVER RMN, LLLP PROPERTY	
CLIENT: ST. GERMAIN'S GLASS	REVISIONS: XXX
DATE: 4-30-2015	
ADDRESS: XXX	
JOB NUMBER: 15-094	

ALTA
LAND SURVEY COMPANY

- * LAND SURVEYING PHONE: 218-727-5211
- * LAND DEVELOPMENT FAX: 218-727-3798
- * PLATTING LICENSED IN MN & WI
- * LEGAL DESCRIPTIONS CERTIFIED FEDERAL SURVEYOR
- * CONSTRUCTION STAKING WWW.ALTLANDSURVEYDULUTH.COM

Petition to [action]

Petition summary and background
 To Stop Vacation of W. 2nd St. between 40th Ave W and 39th Ave W. RMN Properties Requests for Employee Parking and Customers. They Have a 100' x 125' Lot East of There.

Action petitioned for
 We, the undersigned, are concerned citizens who urge our leaders to act now to stop the vacation of W. 2nd St from 40th Ave W to 39th Ave W. AS WE USE THIS STREET DAILY TO ACCESS OUR NEIGHBORHOOD.

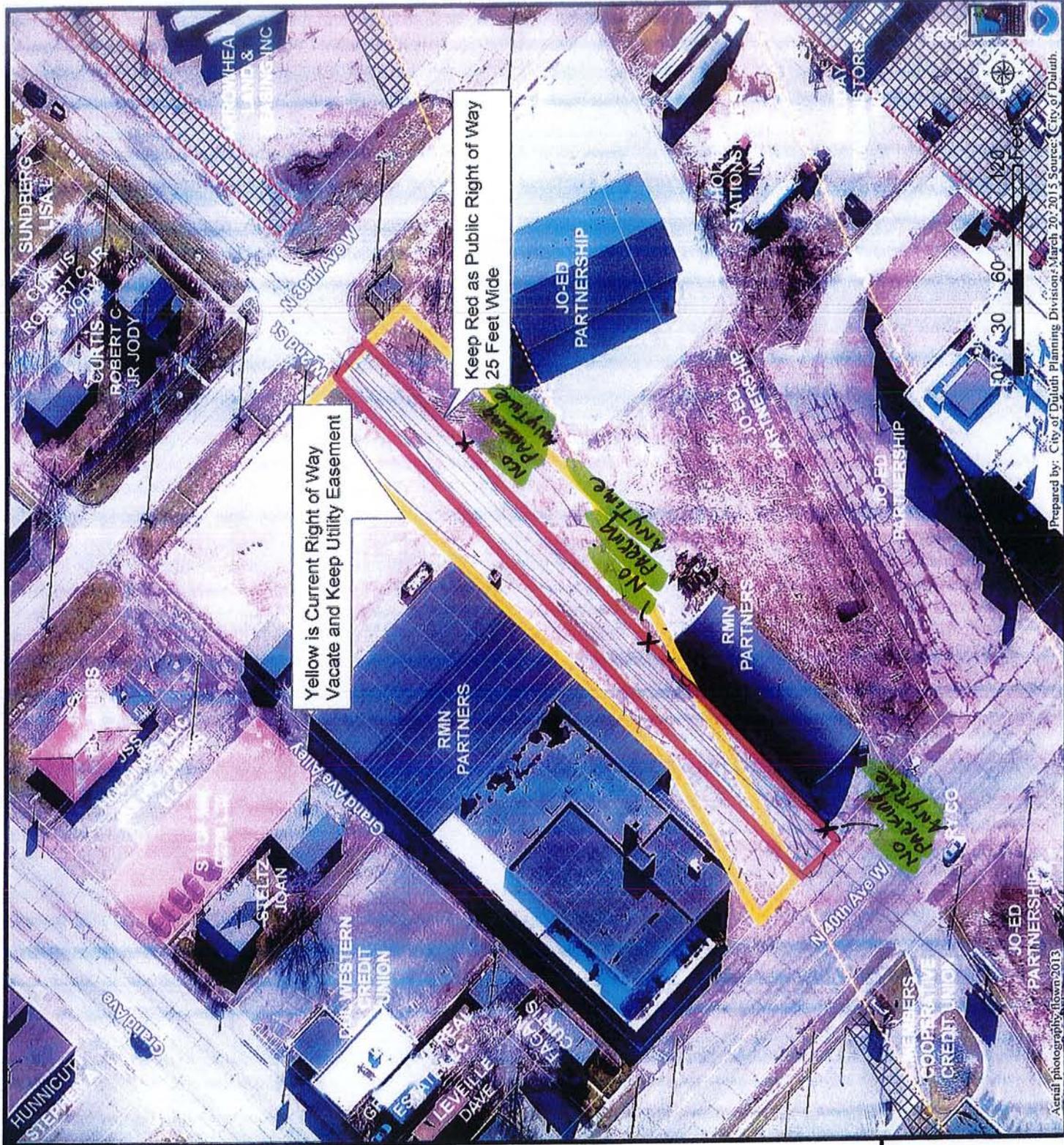
Printed Name	Signature	Address	Comment	Date
KEN CONITO	<i>[Signature]</i>	216 N. 38th AVE W	Road is used Daily by Residents in Neighborhood	4/24/15
MARK BRICKLEY	<i>[Signature]</i>	3717 WEST 2ND ST.	RESIDENT	4-24-15.
SHERI BRICKLEY	<i>[Signature]</i>	3717 West 2nd St	Resident	4/24/15
FRANK HAATAJA	<i>[Signature]</i>	3925 W. 2nd St. APT 1	Resident road user	4/24/15
NIKKI HAATAJA	<i>[Signature]</i>	3925 W. 2nd St APT 2	Resident Road user	4/25/15
Josh White	<i>[Signature]</i>	3813 W. 2nd St.	Resident	4/24/15
Elaine Kovach	<i>[Signature]</i>	3806 Grand Ave.	Resident/ use 2nd St because Grand Ave very busy	4/24/15
Darlene Rubesh	<i>[Signature]</i>	3804 Grand Ave.	Resident + use this road Grand Ave to bank	4/24/15
Bob Curtis	<i>[Signature]</i>	202 N. 39th Ave West	Resident	4/24/15
Barb Randolph	<i>[Signature]</i>	205 North 38th Ave West	Resident	4/24/15
Shayne Wheeler	<i>[Signature]</i>	202 No. 38th Ave. W.	Resident use often	4-24-15
BOB WHEELER	<i>[Signature]</i>	" " " "	"	"

P 15037
 Petition

ed Name	Signature	Address	Comment	Date
Ramona Conito		216 N. 38 Ave W	use Road Daily	4-24-15
ROBERT SZUCH		3716 GRAND AVE	USE ROAD FREQUENTLY	4-24-15
Richie Upton		3728 Grand Ave	USE Road Frequently	4-24-15
Keely Upton		3727 Grand Ave	use road frequently	4/24/15
ROBERT KOVACH		3806 GRAND AVE.	USE ROAD DAILY	4/24/15
Charlie Baker		3810 Grand	need it daily	4/24/15
Theresa Williams		3732 Grand AVE	use daily	4/25/15
Kim Budisalovich		3732 Grand Ave	USE daily	4/25/15
Krystal Kinney		524 N 38th Ave W	Use frequently	4/25/15
David DOWES		205 N 38th are west	use Daily.	4-26-15
Milton ENGEL		207 N. 38th AVE W.	use frequently	4/26/15
Linda ENGEL		207 N. 38th AVE W.	use frequently	4-27-15
David Loring		3810 Grand ave	USE DAILY	4-27-15
Justin Niemann		207 N 38th Ave W	use Daily - tough to turn left on Grand From 38th Ave	4-27-15
MARIE KRUEFF		3721 W. 2nd St.	USE IT.	4-27-15
STEVE KRUEFF		"	use it	"

R 15037
Petition

April 24, 2015
http://www.foxnews.com/Download



Yellow is Current Right of Way
Vacate and Keep Utility Easement

Keep Red as Public Right of Way
25 Feet Wide

NO PARKING ANYTIME

NO PARKING ANYTIME

CITY OF DULUTH
City Planning
PL 15-037
W 2nd St Between 39th & 40th

- 1) NO PARKING ON LAKE SIDE OF NEW RIGHT OF WAY
- 2) NO ANGLE PARKING ON ST GERMANES SIDE OF STREET (LARGER VEHICLES COULD BE IN RIGHT OF WAY?)
- 3) HOW IS THE 25' RIGHT OF WAY MARKED ON ST. GERMANE SIDE OF RIGHT OF WAY?

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.

B-3

Spirit Mountain Plan Grand Avenue Nordic Center

The Grand Avenue Nordic Center will be a 3.3KM cross country ski trail with state-of-the-art snowmaking and lighting providing a dependable season-long venue for recreational skiing, youth activities and regional high school events. The location is adjacent to the Spirit Mountain alpine ski area, in West Duluth and next to their Grand Avenue Chalet. The project will become a regional center of activity for cross country skiing by extending the season early and late and provide skiing when there is inadequate natural snow. The lighting will provide the opportunity for early morning and night skiing. Phase II of the project will provide for a total of 5km of trail and connect the Grand Avenue Nordic Center to the Spirit Mountain Nordic Center by way of a two-way trail to the top of the mountain.

Jim Shoberb

Project Coordinator, Parks & Recreation

May 11, 2015

To Whom it May Concern,

My name is Norman Breimon and I live with my wife, Barbara Breimon at 28 West Cleveland St. in Duluth Mn.

We were recently informed of a proposed zoning change for our neighborhood which will involve chipping and/or blasting of underlying rock to flatten a parcel of land that is needed for development.

I am writing this letter to you to request an inspection of our home before any work is started. Our house is a slab home with in slab heating elements. We feel that our home is extremely susceptible to damage due to ground shaking. We would like to show you that our home is in good shape and has no damage. This way in case something was to happen during construction you will know it was because of the recent construction near our home.

We expect that all involved parties will have the appropriate insurance to cover any damage to our home that may occur because of the said above actions.

If you have any questions or concerns please feel free to contact us at home (218) 724-1455.

Thank you for your time.

Sincerely, *Norman Breimon*
Barbara Breimon

Norman and Barbara Breimon

May 11, 2015

Re: United Properties Kendwood Village and Parking Garage
Duluth Planning Commission,

My name is Jessica Chenevert and I, along with my husband Nolan and 9 month old son Barrett, purchased our first home on Cleveland Street late October 2014. Our house hunt began spring of 2014 but when our son was born at the end of July our house hunt was put on hold abruptly. Our son Barrett was born with a congenital heart defect which hospitalized him for a month at Children's Hospital of Minneapolis to undergo several open heart surgeries. When we were able to resume our house hunt it was extremely challenging. We wanted to find our first family home that would enrich Barrett's childhood and meet all our needs. Finally, we found a solid little starter home on a quiet, dead end street near Nolan's job at Duluth Edison Charter Schools, in a low crime area, and not too far from the hospital.

Just as things had settled down we received a notice of rezoning for the entire block at the corner of Arrowhead Road and Kenwood west of our home. This letter from United Properties gave notice of a neighborhood meeting. My husband attended and it was discovered that there were intentions of building a Commercial Parking lot/Mall and Apartment Complex. This notice, dated February 10th, 2015 was received nearly two months after the date on the notice.

I cannot express how upsetting this is to us as a family. We would NOT have purchased a home in this area knowing that they were to build a housing/retail complex roughly 20 feet from my doorstep. Although we were aware something potential could be built on the corner of Arrowhead and Kenwood nothing was disclosed to us that the nearby residential homes may be taken over and turned into a parking garage. United Properties proposal adds two entrances to their property on either side of our front lawn as well as adds a parking garage directly across from it. Why would we welcome that? It is already near impossible to cross or take a left out of our street onto Kenwood at any given time and with the great increase to traffic on our street it becomes incredibly unsafe. United Properties shared at their schmooze the neighborhood meeting that it has no intention of widening our road unless adding a sidewalk is warranted. Two cars can hardly pass each other on Cleveland Street without tires off of the pavement, which is fine for us as it is now because it is rare two cars are moving on the street at the same time. United Properties can in no way claim traffic will not be increased nor can they claim that our property value will increase (which they guaranteed at the neighborhood meeting). They cannot promise that and what does it matter if my property value goes up when the "marketability" of my home will UNDOUBTEDLY decrease greatly while my property taxes sky rocket. No future buyer is going to desire the house with the multi-level parking garage view directly out your living room window let alone the other negatives this development brings to our home specifically.

I would like to address some of the concerns that directly impact my family specifically:

1. When they break ground on this monstrosity this summer/fall are they planning on compensating my family for all of the lost sleep my infant with a Congenital Heart Defect will not be getting due to the construction noises outside his bedroom window for the duration of project?
2. Are they planning on reimbursing us for the structural damage our home may incur from blasting?

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3. Are they planning on buying my home a security system? Since I have never heard of a "crime free" parking garage and its location will be steps from my front door the safety of my family will be greatly affected.
4. What kind, if any, of crime studies have been done – and can we get a copy?
5. What would be the approximate start and end dates on this project?
6. Why do they not offer to buy out every house directly linked to their properties?

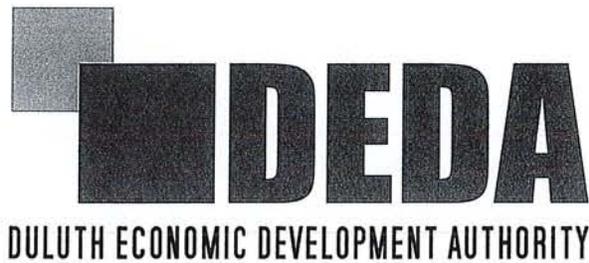
Concerns from the neighborhood:

1. What types of upgrades to public utilities? Sewer and water lines, power, natural gas (if any).
2. What part of that will the city pay? Development company pay? Or will the residents incur any of that cost (in our property taxes? Or an assessment?)?
3. What kind of traffic considerations are being put into place?
4. Will the bus stop be moved?
5. Do they have and MOU (Memorandum of Understanding) in place from any of the commercial tenants?

As a new home owner and a new mother, I am incredibly disappointed with this project, the process and lack of notification to the homeowners. I had dreams of walking with my little heart warrior up our very slow dead end road while he learns to ride his bike alongside me. It will now be far too dangerous to even allow him in our front yard without holding his hand. I had visions of updating our home to become a beautiful little charmer and when the size of our family one day outgrew the home we would sell. Now, will I be able to get rid of it without incurring a great loss? I feel taken advantage of, greatly saddened, and robbed of the happiness of settling into our first home.

Thank you for taking my concerns and considerations seriously and to heart.

Jessica Chenevert
20 W Cleveland St.
Duluth, MN 55811
(218) 370-1143



May 12, 2015

City of Duluth Planning Commission
411 West First Street
Duluth, MN 55802

Dear Chair Zwiebel and Planning Commission Members:

It is difficult to find available industrial buildings in the City of Duluth at the present time. The buildings in the Airpark are currently 100% occupied. I do believe that the opportunity to create additional sites (in the right locations) that are suitable for light industrial and mixed use business is good for the long term health and viability of the city. The opportunity to generate additional commercial and industrial tax base and promote new high wage paying jobs is an important priority for the City of Duluth.

On behalf of the Duluth Economic Development Authority, I support rezoning the 160 acres on Rice Lake Road to MUB and would encourage the Planning Commission to view this request favorably.

Thank you for your consideration.

Sincerely,

Christopher T. Eng
Executive Director

LYONS STREET DEVELOPMENT
PL 15-050 SPECIAL USE PERMIT APPLICATION
KENWOOD NEIGHBORHOOD OBJECTION
May 5, 2015

Citizen
Comment
PL 15-050

The Kenwood Neighborhood have concerns about the proposed high density development. Jason Ross, Green Capital LLC, proposes to construct eight townhomes representing a total of 24 bedrooms. Based upon conversation with, and the past practice of Mr. Ross, the developer, contractor, and building manager, individual leases by bedroom will be made available.

The proposed classification of units as townhomes is misleading. With individual leases for 24 bedrooms this project represents a multi-unit rental property which functions essentially as an apartment complex. From a conversation with Jason Ross, the townhomes will not be sold as individual units but rather managed as a group by Jason Ross.

This project is a high density multiple unit apartment complex proposed for a rustic, single family home neighborhood. To issue a special use permit for the construction of this project in this location would allow a random pattern of development. An example of spot zoning. Further the damage done to this rustic single family neighborhood represents an adverse impact on the City of Duluth.

IMPACT:

The density of the project is inconsistent with the rustic single family home fabric of the neighborhood. As a result of the project, the nature of the neighborhood will be lost. Those who are seeking a rustic single family neighborhood will be forced to seek it elsewhere. Elsewhere could include undeveloped areas near the outer reaches of Duluth. This type of development would require expanded infrastructure. Or, the alternative of relocating outside the city limits of Duluth, which is inconsistent with the City's stated goal of reaching a population of 90,000. Allowing a special use permit for a high density project will destroy this existing rustic, single family neighborhood and have an adverse impact on the Community. Specific observations include:

Density and Public Safety

The project density is too great with 24 bedrooms. This project makes less safe the existing roadways, traffic control and access to the neighborhood, and pedestrian access.

Lyons Street Traffic

Lyons is a steep, narrow and dangerous street (even by Duluth Standards). The Avenue is a dead end. There have been multiple cases of city snow plows, garbage trucks, UDAC buses, and cars, getting stuck on Lyons Street below Mississippi Avenue (Where the entrance to the project is proposed). Due to the roadway blockage, other residents are unable to leave their homes, sometimes for hours. In addition steep conditions getting up Lyons, stopping at the intersection from two other directions is difficult due to steep conditions. The additional traffic from this high density project in this location will create a public safety issue.

Storm Water Run Off

This site with its topography and size is challenged to properly contain runoff onto adjoining properties. The increase in impervious surfaces due to the high density development from roof and parking surfaces will generate excess runoff. The current proposal provides for an underground containment system. This will require ongoing maintenance to remove sediment. The concern is that the outlet, even if piped to UMD Property or to the South will surcharge the existing City storm water system. Our understanding is the discharge volume is to be controlled. This development may be within one mile of a designated Trout Stream and under MPCA rules would require water temperature remediation.

Sewer System Design and Operation:

Information available indicates the sanitary sewer serving the site would progress southward towards College Avenue and tie into a line that progresses downhill at 19th Avenue East. This is a historically problematic system to homeowners in the areas (issues with changes in sanitary sewer pipe sizes). What is the cost of a correction to the sanitary system and who is the responsible party to pay for correction.

Access by Emergency Vehicles

The density of the proposed project is inappropriate, unsafe, and with additional cars limits access by service, emergency, and street maintenance vehicles. For this development to proceed with its entrance off of Lyons Street, the street should be developed to a standard width with curb and gutters installed.

Parking Spaces

21 regular and one handicapped off street parking spots are provided. 12 of these are in garages. With the project being advertised as rental with 24 bedrooms (each potentially with a separate tenant) there is not one parking lot per tenant. In addition with no parking on Mississippi and Lyons there is a challenge for both resident and guest parking, especially in winter with snow encroachment. Mississippi Avenue, in that block, is two driving lanes only, no parking is allowed on either side. Lyons Street is a dead end and currently cannot accommodate any parking, up or down from the location.

Retaining Wall, System for Light Control

It appears there will be a retaining wall above and along the platted alley. Not clear how high this retaining wall will be. What is the setback requirement for this structure and what provisions are proposed to block the lights from cars parking on this elevated parking lot?

PUBLIC POLICY:

The Planning Commission is required under prescribed guidelines to examine each project proposed for development to verify the project meets various dimensional and design requirements under the UDC. Further the Planning Commission when issuing a Special Use Permit, must examine the Project in terms of public policy regarding community needs and any adverse impacts. This high density project is inconsistent with the existing rustic single family home neighborhood. Because of its density at 24 units, allowing the project to proceed would represent a random pattern of development and have an adverse impact on the community. The Special Use Permit should be denied.

Pedestrian Access

There are no sidewalks in this neighborhood. This is a high density project that will put additional pedestrians on streets with limited sight line stopping distance. Due to Lyons being a dead end and the Brainerd Street alley being dead end or not developed will increase the pressure for pedestrians to trespass on private property

Additional High Density Projects (Planned)

With the recent construction and planned developments in and around the neighborhood, the argument that this type of high density project is needed to meet the City of Duluth population goals is no longer a factor to consider when reviewing this application.

Adverse Impact on the Community

This is a rustic neighborhood comprised of single family houses. In its deliberations to consider a Special Use Permit the Planning Commission is empowered to evaluate a project to determine if there are adverse effects on the community. When adverse impacts are shown to exist the Special Use Permit should be denied. The residents of the neighborhood have identified and documented multiple adverse effects. These adverse impacts are due to density and topography which cannot be effectively mitigated.

Technical Compliance to Codes, Regulations and Guidelines (Not Sufficient)

All of the parameters to be reviewed by City Staff on an application for a Special Use Permit are set at the minimum. Being "legal" or in compliance with each of the various regulations does not in the aggregate make the project "right". With some of the guidelines there is room for discretion. Because of density, project location, and adverse impacts, even with compliance with all codes regulations and guideless, some of which are subject to discretion by the Planning Staff, this project is not correct for this location and a Special Use Permit should not be issued.

Investment by a Developer vs Economic and Adverse Impact on Community

Investment within the city limits of Duluth is welcomed. However, the amount of investment by the Developer is a private financial consideration which should not influence the type of development allowed. It is possible that for this project to succeed, the plan requires the construction of high density rental type housing. A Special Use Permit should not be issued when the density in effect allows for a random pattern of development and creates adverse impact.

KENWOOD NEIGHBORHOOD REQUEST OF THE PLANNING COMMISSION

This high density multi-unit rental 24 bedroom project in this location is NOT APPROPRIATE.

In our opinion the highest and best use of this property is for the construction of single family homes or other projects of much lower density than the proposed multi-unit property.

The residents welcome reasonable development. We have seen the recent successful construction of homes in the neighborhood as infill projects so the City of Duluth can reach our goal of 90,000 residents. It makes sense to build on lots served by existing infrastructure. This neighborhood, including most of the rental units, are single family homes. That is what works best for access, parking, storm water management, and public safety.

The residents of the neighborhood request the Planning Commission NOT to issue a Special Use Permit.

This document is being submitted to the Planning Commission by the Concerned Citizens of the Kenwood Neighborhood.

Please see a separate document for the signatures, with printed names, addresses and phone numbers, of citizens in support of the positions described in this document.

Due to physical and time restraints, other concerned citizens who did not get a chance to place their names to this document, plan to attend the Planning Commission Meeting and request a Special Use Permit not be issued for this project.

Thank you for your consideration on this important matter.

LYONS STREET DEVELOPMENT
 PL 15-050 SPECIAL USE PERMIT APPLICATION
 KENWOOD NEIGHBORHOOD OBJECTION
 May 5, 2015

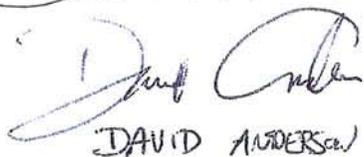
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See below the signatures, with printed names, addresses and phone numbers, of citizens who are requesting the Planning Commission not issue a Special Use Permit for this project.

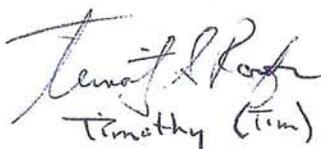


JAMES STATTER 1145 MISSISSIPPI



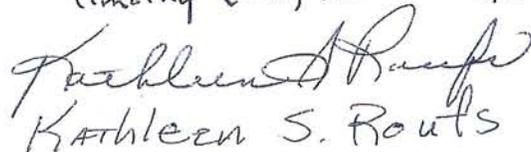
DAVID ANDERSEN

1055 BRAINERD AVE
 (218) 343-5601



Timothy (Tim) Routs

1006 Mississippi Ave.
 218-260-3032



Kathleen S. Routs

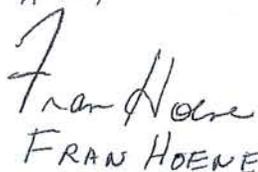
1006 MISSISSIPPI AVE.
 218-310-5117

Joseph Martin 1146 Mississippi Ave 724-1826

Joseph Martin

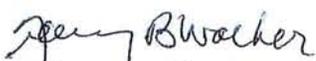
Holly L. Brown

Holly L. Brown 1206 Mississippi Ave (218) 590-9310



FRAN HOENE

1110 Mississippi Ave, (218) 728-435



Janny B Walker

1123 Mississippi Av

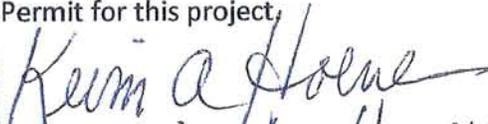
218 724 1488

Therese Campbell

1111 Mississippi Ave

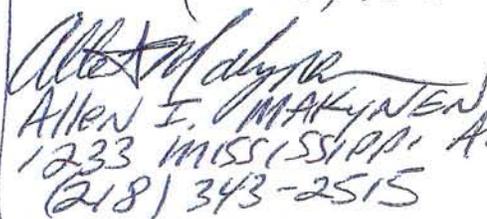
218-727-1966

Therese Campbell



Kevin A. Hoene

1110 Mississippi Ave
 (218) 728-4535



Allen E. MAKYNEN
 1233 MISSISSIPPI AVE
 (218) 343-2515

Steven Robertson

From: Jennifer Moses
Sent: Friday, May 08, 2015 9:43 AM
To: Steven Robertson
Subject: FW: Kenwood Area special use permit request PL 15-050

FYI

From: Joe Martin [<mailto:jeaumartin@hotmail.com>]
Sent: Wednesday, May 06, 2015 9:22 AM
To: Jennifer Moses
Subject: Kenwood Area special use permit request PL 15-050

Jen, I want to be on record opposing granting the Special Use permit #PL 15-050 as requested by a developer. Out of the thirty neighbors on Mississippi Avenue I have polled, not one is in favor of the development on the site at the corner of Lyons and Mississippi Avenue.

Sincerely,

Joseph and Lisa Martin
1146 Mississippi Ave

PL 15-050

Steven Robertson

From: David Chmielewski <dave@blackhoof.com>
Sent: Monday, May 11, 2015 4:51 PM
To: Steven Robertson
Cc: Jason Ross (Jasonrossduluth@gmail.com); Greg Strom
Subject: 051115 MISS AND LYONS RESPONSE TO STAFF COMMENTS
Attachments: 051115 MISS LYONS UTILITY PLANNING.pdf; 051115 MISS LYONS DRAINAGE AND GRADING.pdf; 051115 MISS LYONS LANDSCAPE.pdf

Steven,

I believe we have addressed the staff site comments with the attached. I did not see the landscape section about rear townhome evergreens under 50-20.1, as that was not the landscape portion of the UDC, so that you for pointing that out. That has been addressed. Everygreens on the rear (opposite to front or Lyons) every 20'.

I incorporated a 3 yard dumpster with enclosure in the rear parking area. Rear or front loading trucks will work at that location. No parking lost. Even a little space for a couple of recycling cans.

The retaining wall is not depicted on City property, FYI. A note about a utility sleeve being added below the retaining wall has been added. This would have been done in any event, just didn't think it was necessary for the planning review. Sorry about that.

A durable, gravel access drive has been added in the City alley ROW for Vactor/maintenance truck access.

See you tommorrow night.

Sincerely,

David M. Chmielewski
Blackhoof Development
2020 14th Street
Cloquet, MN 55720
O: 218-384-9727
C: 218-310-9229
F: 218-499-8067



BLACKHOOP

EROSION CONTROL AND PLANTING KEY



5-6' WHITE SPRUCE TO BE ADDED



2" CALIPER DECIDUOUS TREE

SEE LANDSCAPE PLAN FOR SPECIES SELECTION



2x4" CLEAN RIP-RAP
GEOTEXTILE SEPARATOR FABRIC
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 AT 50 LBS PER ACRE. TOPSOIL MUST
BE IMPORTED AND APPLIED AT 4" THICK MEETING
MANDOT 3877-3 SANDY CLAY LOAM TOPSOIL BORROW
COVER WITH GRASS-MAT WITH NET ANCHORED WITH
6" STAPLES AT 1 PER 3Y'



RINSED 36-311 WOODLAND EDGE NORTHEAST
7 LBS/ACRE ON TOP MIX PORTION
1.5 LBS/ACRE ON FORBS
50 LBS/ACRE ON SEED OATS (SPRING) OR
WINTER WHEAT (FALL). ALL AREAS TO BE
SEED MUST BE SPRAYED WITH ROUNDUP TWO
WEEKS PRIOR TO SEEDING. USE EXISTING SOIL.
NET 10' X 10' STRAW BLANKET. SECURE WITH 6"
STAPLE AT 1 PER 3Y'



3/4" CRUSHED ROCK OR RECYCLED ASPHALT/CONCRETE
PRODUCT. COMPACTED FOR CITY ACCESS



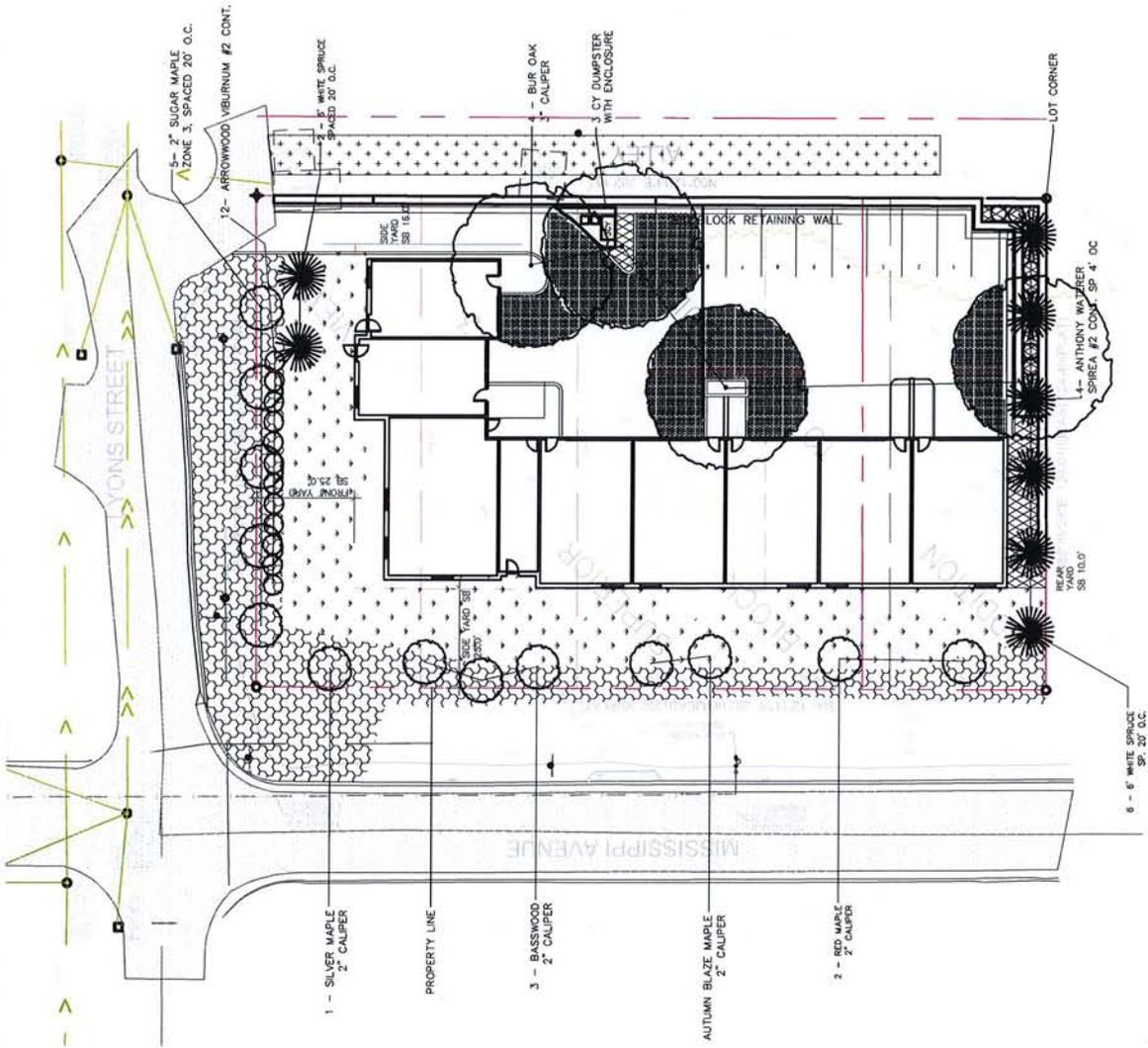
RESIDENTIAL PARKING LOT COVERAGES
TOTAL PARKING LOT AREA 6860SF
TOTAL TREE CANOPY AREA COVERING LOT 25335SF
TOTAL PERCENTAGE OF LOT COVERED BY CANOPY 37%

TREE PRESERVATION	6-20" DBH	25K DBH / 1.5" x 1"	REPLACE	COMMENTS
#	SIZE DBH SPECIES	PRESERVE	N/A	ROW
2	10.6 QUAKING ASPEN	NO	N/A	ROW
3	3.3 RED OAK	NO	N/A	ROW
4	12.6 QUAKING ASPEN	NO	1.92'	ROW
5	11.5 BOXELDER	NO	1.67'	ALLEY
6	10 BOXELDER	NO	2.27'	ALLEY
8	13.6 BOXELDER	NO		
	11.1 BOXELDER	NO		

DBH REQUIRED TO BE REPLACED 5.86 DBH"
DBH SPECIFIED 40" CAL. (40*75) = 30 DBH" EQUIVALENT NIC EVERGREENS

STREET FRONTAGE PLANTING - LYONS

TREES RECD	TREES SPEC	SHRUBS RECD	SHRUBS SPEC
1/25LF=4	7	1/25LF=5	12



DESIGN: JASON ROSS

DATE: 02-23-15 DMT
04-16-15 DMT
04-28-15 DMT
05-11-15 DMT

NO DATE REVISION

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 Missouri.
Signature: *Jason Ross*
Title: Landscape Architect
Date: 05/23/15 Reg. No. 0228

PROJECT NAME: MISS AND LYONS

DRAWING TITLE: LANDSCAPE PLAN

FILE: LS.1
DRAWN BY: DAC
CHECKED BY: DAC
PROJECT NO.:
DRAWING NO.:

15-050



BLACKHOOF



CLIENT:
**JASON
ROSS**

- ▲ 20-24-15 CITY SUBMITAL
- ▲ 20-24-13 CITY SUBMITAL
- ▲ 20-24-12 CITY COMMENT
- ▲ 20-24-11 CITY COMMENT

NO DATE REVISION

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 Professional Engineer in the State of Missouri.

Signature: *W. A. [unclear]*

Title: Professional Engineer, License No. 00000000000000000000

Date: 02/23/23, Page No. 000000

PROJECT NAME:
MISS AND LYONS

DRAWING TITLE:
**GRADING AND
DRAINAGE
PLAN**

FILE:
DRAWN BY: DMC
CHECKED BY: DMC
DATE: 02/23/23
DRAWING NO:
DG.1

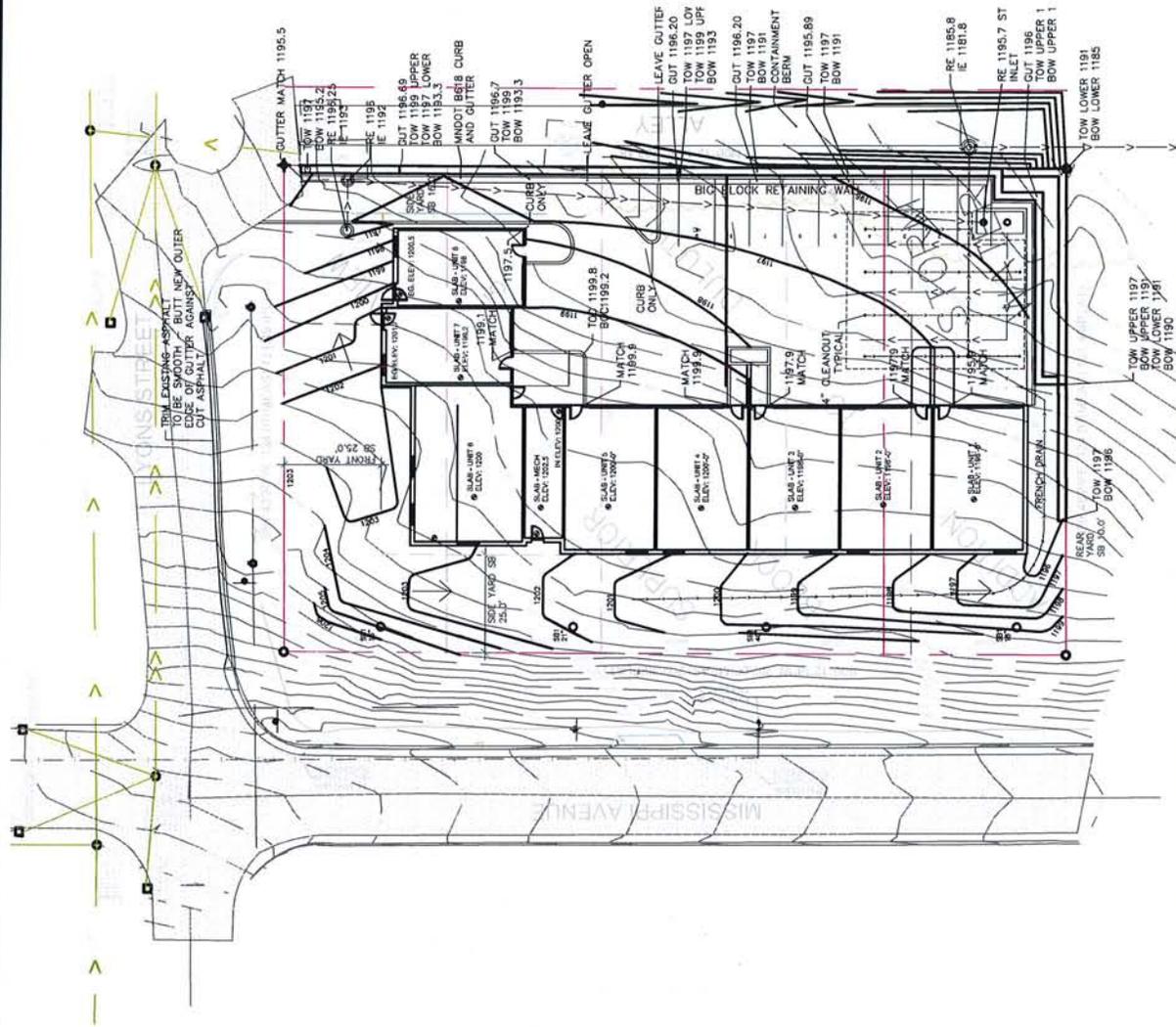
15-050

GRADING AND DRAINAGE PLAN KEY

- PROPOSED SPOT ELEVATION 1283.0
- EXISTING SPOT ELEVATION 1193.4
- EXISTING CULVERT ↔
- PROPOSED STORM SEWER —
- PROPOSED 1' CONTOUR —
- EXISTING 1' CONTOUR - - -
- EXISTING WOODY VEGETATION ~ ~ ~
- PROPOSED DIRECTION OF FLOW →

NOTES:

- 1. ALL PROPOSED GRADING AND PAVING LOT
- 2. 0.5% RAINFALL EVENT
- 3. 10' MIN. FREEBOARD
- 4. 10' MIN. FREEBOARD
- 5. 10' MIN. FREEBOARD
- 6. 10' MIN. FREEBOARD
- 7. 10' MIN. FREEBOARD
- 8. 10' MIN. FREEBOARD
- 9. 10' MIN. FREEBOARD
- 10. 10' MIN. FREEBOARD



Citizen comment
PL 15-066

Steven Robertson

From: Steven Robertson
Sent: Friday, May 08, 2015 6:57 AM
To: 'fryer22@charter.net'
Cc: Nicole Bakken; Randell.Hanson@yahoo.com; merbzimm@gmail.com; dhfield@charter.net; katiespreitzer@gmail.com; tomgriffinone@gmail.com; mprenaud1@gmail.com; Aaron.kelly@ihbcorp.com; John.Streitz@EssentiaHealth.org
Subject: RE: Interim Use Permit 2525 E 1st ST

Good morning,

Some information that I can share with you:

1) Interim Use Permits are approved, approved with conditions, or denied by the City Council (via resolution, at one council meeting). Unless this item is tabled or otherwise delayed, I would suspect it would be heard at the Tuesday May 26th City Council (Monday the 25th is a holiday). The Planning Commission typically either 1) makes a motion to recommend approval with conditions, or (more rarely) 2) makes a motion of denial. City Council still makes the final decision with this type of zoning approval.

2) The code allows guests to park up to one motorhome. It is not supposed to be used to sleep additional guests. If 7 guests is the limit for a 3 bedroom vacation dwelling, folks can not bring additional guests to sleep in the driveway.

3) The total number of guests includes adults and children; it is a maximum of 7 persons, regardless of age.

4) Staff are recommending that the Planning Commission limit the driveway expansion. But if it is not stated as a condition of the approval (either by the Planning Commission in their recommendation, or the City Councils final action), the property owner would be allowed to pave the driveway in any way that any other property owner would be allowed by the zoning code (for example, there are some existing limits on parking in the front yard).

5) I don't recall a curfew being attached as an additional condition. But I will ask one of my colleagues. Please note that regardless of this zoning action, all property owners must allow nuisances to occur on their property (per city code noise rules, etc.).

I hope this information helps. Have a good day.

Steven Robertson, Senior Planner (218-730-5295)
City of Duluth, Planning Division
411 W 1st Street, Room 208
Duluth, MN 55802

From: fryer22@charter.net [<mailto:fryer22@charter.net>]
Sent: Thursday, May 07, 2015 8:55 AM
To: Steven Robertson
Cc: Nicole Bakken; Randell.Hanson@yahoo.com; merbzimm@gmail.com; dhfield@charter.net; katiespreitzer@gmail.com; tomgriffinone@gmail.com; mprenaud1@gmail.com; Aaron.kelly@ihbcorp.com; John.Streitz@EssentiaHealth.org
Subject: Interim Use Permit 2525 E 1st ST

Mr. Robertson:

We continue to visit with neighbors regarding the proposed interim use permit and have additional questions. We would like you and the staff to know that the entire neighborhood is opposed to this application for the reasons stated in the emails as well as others. The questions we have are as follows:

1. Will the commission make their decision on Tuesday night and if it goes against the wishes of the families currently living in the area, will any possible conditions be decided on at that time?
2. Does the code allow a renter to bring in a travel trailer, truck camper or motorhome and park in the driveway to allow for larger parties? Can renters pitch a tent in the back yard for more guests?
3. The maximum number of "guests" was stated as seven. Does this mean 7 adults or are children included in that number?
4. A "future drive" is shown on a couple of the aerial photos. In the staff's recommendation #4 it is stated that the Planning Commission MAY DEEM NECESSARY to restrict any additional paved surface. Will the new owner be allowed to pave over more of the property?
5. As this is a quiet family neighborhood what expectations can we assume for late night revelry. Do we have to put up with late night (past 10pm) parties or can the commission add a "curfew condition"?

Finally we would ask you and your staff to revisit section C of the UDC's Review and Approval Procedure where it states "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 negative fiscal or environmental impacts on the community"

Sent from Windows Mail

Citizen Comment
PL 15-066

Steven Robertson

From: Kyle Deming
Sent: Thursday, May 07, 2015 11:11 AM
To: Steven Robertson
Subject: FW: Pending Vacation Rental

From: COTTON MANSION [<mailto:cottonmansion@msn.com>]
Sent: Wednesday, May 06, 2015 5:04 PM
To: Kyle Deming
Subject: Pending Vacation Rental

Kyle,

I am writing in regards to the pending Vacation Rental proposed for 2525 E. First Street that is scheduled for a public hearing on Tuesday, May 12th.

First, I wanted to mention that as a neighbor only 2 blocks away, I was surprised that I did not receive any mailed notice of this proposed Zoning issue, which would indicate that none of the neighboring homes have been informed by mail either. If this is the case, unless you drive by the property, most neighbors will not know that they would have an opportunity to weigh in.

Second, having reviewed the Staff Report which suggests approval of this application, I want to speak to what appears to be the lack of some stipulations for this permit which were required for our Special Use Permit to be issued in order to operate a bed and breakfast. They are:

A. It does not appear that the owner of the property is required to also be the resident of the property, which is a requirement that the City of Duluth has placed on us in order to operate a Bed and Breakfast in this R-1 neighborhood. Additionally, we are required to have our property meet "Homestead" status. The language of the Staff Report would indicate that this owner intends to operate this hospitality unit as nothing more than an investment property.

If this is the case, then the City of Duluth is in the process of entering a position of discrimination by allowing one short term rental to operate without the above restrictions while requiring others to follow these City ordinances.

B. Although the Staff Report indicates that this owner has applied for all the supporting permits (Hotel/Motel license, Fire and Health inspections), will this property now be relegated to "Commercial" use? If so, then how does that fit within the guidelines of an R-1 neighborhood zoning? If it is not be categorized as Commercial, then we respectfully request that the "Commercial" tag which was added to Bed and Breakfasts 5 years ago be dropped immediately.

C. The indication on the Staff Report was that this owner provide two off street parking spaces for 3 bedrooms. In our Special Use permit we are required to have a parking space for each room.

In essence, depending on how this Zoning request plays out, I believe it is incumbent on the City of Duluth to maintain equal restrictions for all home based, short term rentals and not cause one type of rental to incur added requirements while allowing another competing type of rental to operate without those same requirements. This would include Bed and Breakfasts, Air BnB's and Vacation Rentals By Owner. The lack of consistency is unfair and appears to violate common laws regarding "Restraint of Trade".

Thank you for your time reading through my concerns and please pass this along to any city officials that should have this for the upcoming hearing.

Ken Aparicio
2309 E. First Street
218 343-2807

Steven Robertson

From: fryer22@charter.net
Sent: Friday, May 08, 2015 4:01 PM
To: Steven Robertson
Subject: IUP information

Steve: We forwarded this attached to Jenn who said she would pass it along to the staff and commissioners who are the decision makers. If you could follow up on Monday to make sure everyone has it we would appreciate it. Thanks Cameron & Mignon Fryer

Sent from Windows Mail

From: merbzimm@gmail.com
Sent: Friday, May 8, 2015 8:07 AM
To: [Mignon Fryer](#)
Cc: katiespreitzer@gmail.com, dhfield@charter.net, mprenaud1@gmail.com, tomgriffinone@gmail.com, [Cameron Fryer](#), [Nicole Bakken](#)

Some interesting research and good points to include in our list of concerns:

1) In 2008, Duluth unanimously votes to deny permit with concerns about "maintaining the residential character of the neighborhood."

http://www.duluthtownship.org/minutes/planning/2008/minutes_7_24_08.pdf

Commission members agreed that the property use as short-term rental was not compatible with existing neighborhood, that there is a conflict with the Comprehensive Plan, and they were concerned about short-term rentals and maintaining the residential character of the neighborhood. Seth Levanon moved to deny the CUP based on information currently available. [The motion and it carried unanimously.]

2) Study in Denver says vacation properties destroy "the integrity of the neighborhood..."

http://denverinc.org/wp-content/uploads/2014/11/8th_Analyzing_the_Impact_to_Denvers_Neighborhoods_.pdf

BOTTOM LINE: Turning neighborhoods into areas for motels and hotels destroys the integrity of the neighborhood and, more importantly, the expectations of the property owners who purchased the property with the intention of a neighborhood remaining a residential neighborhood. This is a city we call home. Is City Council propounding legislation that benefits a few residents and "shared economy" entrepreneurs/opportunists at the expense, both monetary and in terms of quality of life, of most Denver residents? We hope not

3) Neighbors reactions:

<http://bayhovacationrentals.com/community-comments/>

4) Looks like there is the potential of only one VBRO in Congdon; not sure where the golf course house is. Others listed in the Congdon section are actually on the North Shore.

<http://www.vrbo.com/vacation-rentals/usa/minnesota/northeast-mn/duluth/congdon-park>

Mary Zimmermann
 218/269-4892
[LinkedIn](#)

On Thu, May 7, 2015 at 7:17 AM, Mignon Fryer <mignonf@charter.net> wrote:
Good morning everyone. Thanks again for coming last night.

Katie and Jim Spreitzer
2420 E. First Street
katiespreitzer@gmail.com

Douglas Fifield
2602 E. First Street
dhfifield@charter.net

Mary and Randy Zimmermann
2531 E. First Street
merbzimm@gmail.com

Tom Griffin and Mary Pat Renaud
2432 E. First Street
tomgriffinone@gmail.com

Cameron and Mignon Fryer
2508 E. First Street
fryer22@charter.net
mignonf@charter.net

Nicole and Johan Bakken
2505 E. First Street
mrsnicolebakken@gmail.com

Applicant Email
PL 15-067

Dear Duluth Planning Commissioners,

My name is Jim Olson. I have applied for a setback variance for a new garage at 506 W 5th street. I have been working with Steven on my variance. He informed me that while my request had merit, he didn't believe that I had proven a practical difficulty that would be necessary for a variance. He shared with me an option for building a garage that is similar to the one needing a variance which could house our vehicles, but it has an altered layout.

I feel that seeing the options on the property are necessary for a fair judgment to be made. I have them marked for your viewing and I would greatly appreciate if you could take the time to meet with me so I can help you visualize what the options would look like. I implore you to contact me so we can meet and discuss the options for the garage.

Thank you for your time and service,

Jim Olson

218-576-7502

James Olson <james.olson@isd709.org>

Duluth Planning Commissioners,

This narrative is to address the email I received from Steven Robertson on May 5, 2015 and our follow-up phone conversation on the 6th. In his email Mr. Robertson stated, "This buildable area indicates there are options for a 1, 2, or even 3 stall garage that could be constructed without a variance." In our follow-up conversation he detailed that structure that is being requested to be built could be turned and accessed from 5th street rather than fifth avenue west. He added that it would take "a lot of fill". Prior to my application for a variance I had dismissed this option because it seemed impractical, but after talking with Mr. Robertson I thought I should further investigate this option. The following are my findings and comparison to the structure I am requesting a variance on.

Plot overview provided the City of Duluth:



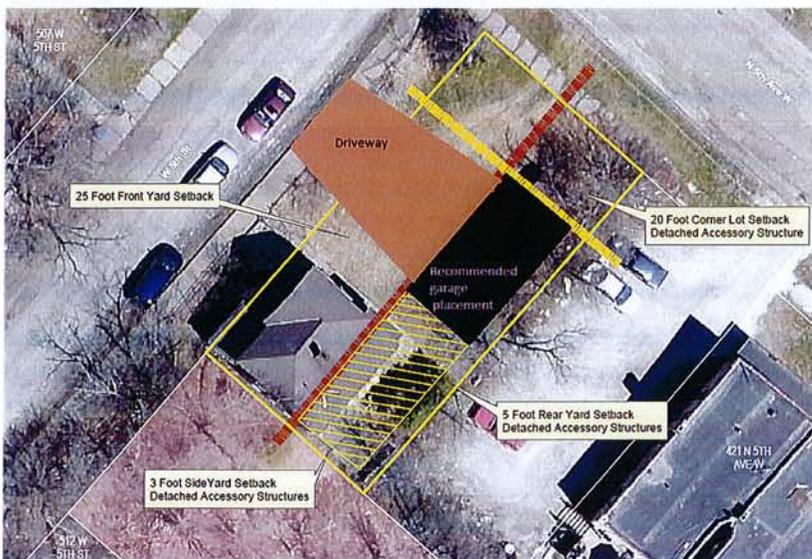
Items of note:

1. The yellow striped area is the allowable building area.
2. The two cars parked on the street are more than five feet away from the curb because the parking conditions are very poor.
3. The original house was built on the property line. A variance was approved in the fall of 2013 to remodel the house and change the roofline.
4. An approved variance would allow both structures to have a uniform face across West 5th Street and would be aligned from 5th avenue west as well.
5. Building in the approved zone would have the buildings jogged creating an ununiformed appearance.



Proposed garage items of note:

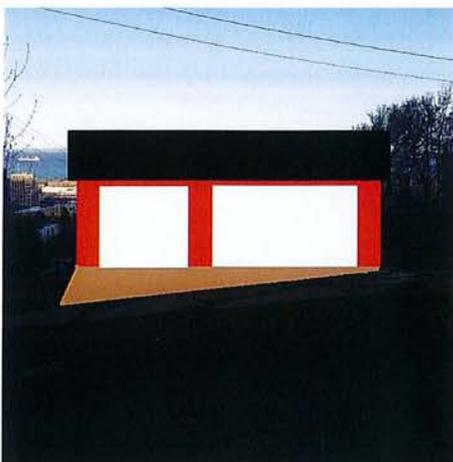
1. Utilizes existing driveway
2. Aligns with existing structures



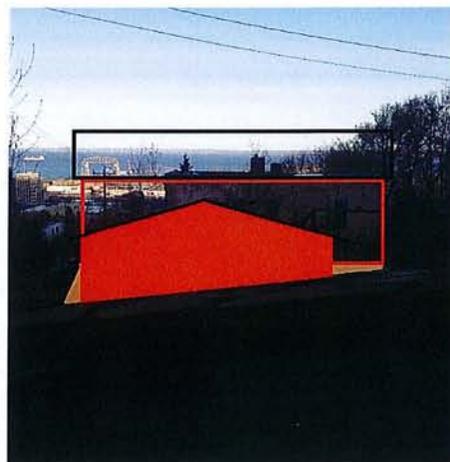
City recommended garage items of note:

1. Fits within setbacks
2. Driveway reduces on street parking availability on 5th street
3. Garage depth is not large enough to fit truck with plow

Views of both garages from 5th street
City recommended garage



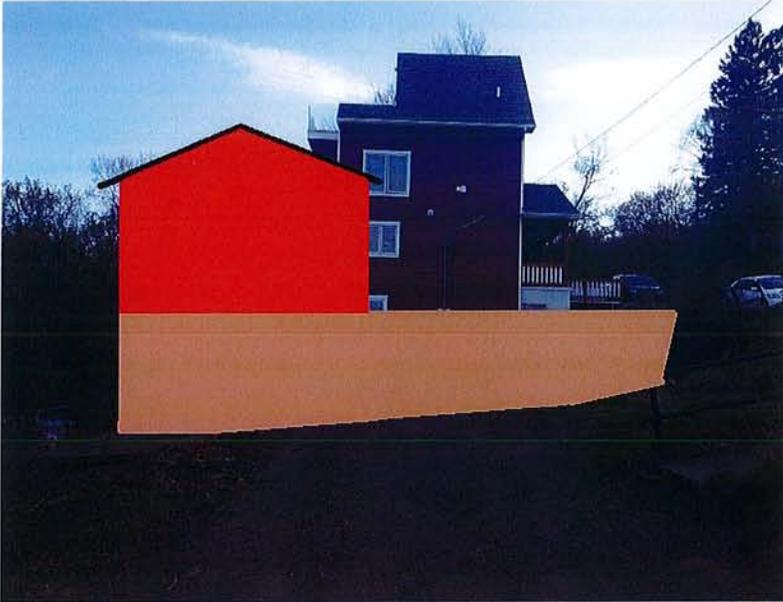
Variance proposal garage (w/ outline of recommended garage for reference)



Items of note:

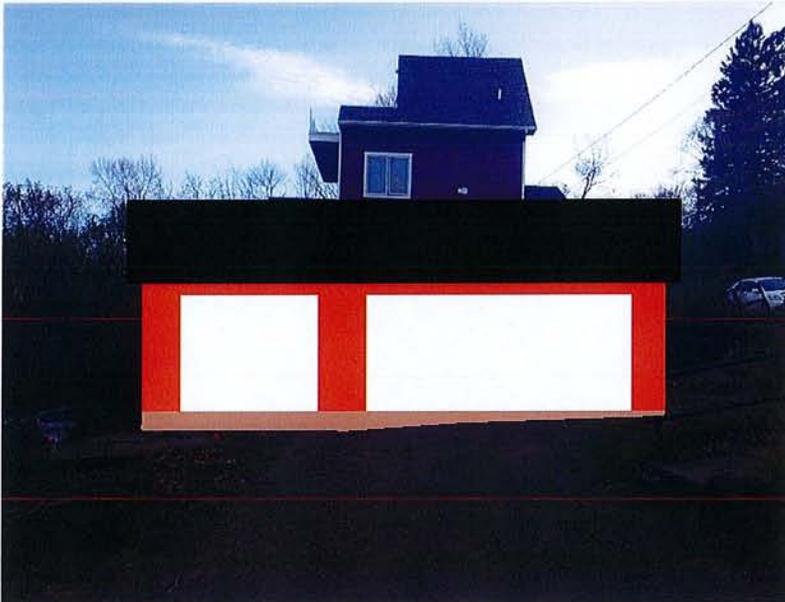
1. Recommended garage blocks the view of the Ariel Lift Bridge for two on my neighbors
2. Recommended garage would require power lines to be rerun because they are lower than required
3. Requested garage less than 7' above the sidewalk

Views of both garages from 5th Avenue West



City recommended garage items of note:

1. A minimum of 641 cubic yards of sand will be needed to bring the yard level up to grade. The cost of this is more than \$7,000. I have been unable to get an estimate of the retaining wall needed to hold the sand.
2. Not visually appealing
3. 39' long driveway needed with guard rails because of the height.



Requested garage items of note:

1. Aligns with current driveway
2. Less intrusive to neighborhood
- 3.