

To: Drew Digby, City of Duluth Planning Commission  
From: C. S. Rowley & S. K. Morgan, 1100 Missouri Avenue  
Date: June 2, 2015  
Re: Agenda Item, June 9 2015, PL50-050, Special Use Permit to Construct in an R-1 District at the Southeast Corner of Mississippi Avenue and Lyons Street

We oppose the granting of this special use permit. This development will: (1) substantially increase density in an R-1 zone district thereby changing the character of the neighborhood, and (2) create serious traffic and parking problems. Our concerns are supported by the information in the Staff Report to the Commission for it's meeting on May 12, 2015.

(1) Increased Density. This development will be an eight-unit complex with 23 bedrooms on slightly more than one-half acre of land. The Staff Report notes that the City of Duluth Comprehensive Plan calls for a "typical density of 4 to 8 units/acre" in a traditional neighborhood. This project is equivalent to 16 units per acre. The Staff Report also notes that this neighborhood averages "about 45 structures over 15 acres" or about three units per acre.

The Report also notes "This property is within the Higher Education Overlay." This Small Area Plan recommends building along primary streets and notes that, within the Kenwood neighborhood, rental housing is concentrated "along Kenwood Avenue near St. Scholastica, and in the Mt. Royal/St. Marie Triangle area." (p. 17). The Staff Report acknowledges, "Neither Mississippi nor Lyons are defined as primary streets in this overlay."

(2) Parking Problems: Our reasons for this concern may be found in the Discussion section of the Staff Report, 4) 50-24. According to the Staff Report, this development, with 21 parking spaces, satisfies the criterion of both the Overlay and UDC of 18 spaces (plus visitors and bicycles). The Overlay/UDC requirement may be based on the assumption that each unit of a traditional townhouse will have two vehicles (16 spaces for eight units) plus several spaces for visitors. These are not traditional townhouses, however, in that each occupant will have a separate lease. It is more likely that there will be at least one vehicle per bedroom, or a total of at least 23 vehicles competing for 21 spaces. As noted in the Staff Report, both Mississippi and Lyons have no on-street parking, are comparatively narrow and have no curbs. Not noted in the Report is the steepness of the upward grade on Lyons from the development parking exit, below the intersection of Mississippi and Lyons, up Lyons to Mississippi and on to Missouri. Even city snow-removal equipment has difficulty ascending this grade, as we have personally observed from our home on the northeast corner of Missouri Avenue and Lyons Street.

There are other reasons we think this Special Use Permit request should be denied but we assume others have addressed those reasons in their communications with the Commission. We hope you will give serious consideration to our reasons for denying this request when you vote on this Special Use Permit.



David & Kathleen Anderson

1055 Brainerd Ave

Duluth, Minn. 55811

Re: Townhouse proposal at Mississippi & Lyons

To the members of the Planning Commission,

We are a joining property owners to the proposed townhouse development. The entrance to the project is off our backyard at the bottom of Lyons St.

I would like to first state that we are not anti development, but rather pro responsible development. We would love to see Duluth grow and have improved economic opportunity. Our 19 year old daughter just finished her first year at UMD. She is a computer science major, a music major ( Cello ) and a Spanish minor ( she is currently in Spain In a study abroad program ). She loves Duluth, but will only stay after graduation if there are career opportunities for her.

There are appropriate sites for certain types of development, but this is not one of them. There are already plans in the works for hundreds of new units in this area around the 2 universities. Those plans make sense as they are along commercial corridors - Woodland Ave for the Blue Stone developments, Arrowhead Rd and Kenwood Ave for the recently approved re zoning for the retail and apartments, the project on 21<sup>st</sup> Ave East and London Road, etc. The density of this project does not fit in with the existing housing density. As I understand it, there are guidelines on the books for recommended densities. Up to 8 units per acre. This proposal is 8 units in a little over ½ acre, double the density guideline. It has been brought to my attention that the current density of the existing Neighborhood is 3 units per acre.

The plan calls for the entrance (driveway ) at the bottom of Lyons St. This is sure to cause problems with safety. The increase of car and pedestrian traffic is problematic with no sidewalks on Mississippi and no sidewalks or curbs on Lyons. We recently petitioned the City Parking Operations Department to get the stretch of Lyons from Mississippi to the dead end posted as no parking. Mark Bauer, CPP agreed with our safety concerns for this area. Lyons St has the right of way and

the trees and brush in summer and the snow banks in winter, its very hard to see traffic at that intersection. People traveling along Mississippi rarely slow down when approaching that intersection. We've had numerous close calls. Adding a large increase of traffic in this area is a tragedy waiting to happen.

One question we have, that might be a concern for a different city department, but I will raise it anyway, is regarding a snow removal plan for the site. Some years it's no big deal and other years it's a nightmare. Green Capital LLC had a plan submitted that called for putting snow into the undeveloped alley. The city is now requiring the development of the alley making that plan illegal. The townhouse property is surrounded by Mississippi & Lyons and private property at the other end. Looking at the site plan with the layout of building, driveway and parking lot, it doesn't look like there is any area to store snow . There appears to be no legal place to dispose of snow removed from the driveway and parking lot. The picture enclosed shows what can and has happened after heavy snow fall. The plow comes down Lyons pushing all the snow with it and leaves it at the bottom of the hill. The picture was taken at the end of our driveway which will become the entrance to the townhouse project. After this snow event the plow left a 4' high pile 5' across. It can take an hour or more with a good snow thrower to clear this out. On top of that it can, sometimes, be a few days before the plow can even get to this neighborhood. On paper it might look like Lyons is the best way to access the property, but it has some serious problems. It's a bad idea to use Lyons as a main entry point for the project, especially with so many units proposed.

We know the planning commission has a hard job trying to balance development with neighbors concerns in mind. We respect Mr. Ross's right to develop his property. We always expected something to get built on those lots, but because we knew this was an R1 Residential neighborhood we believed some nice homes would be built. We would welcome houses or even some duplexes with lower density and green space between the structures instead of retaining walls, parking lots, and one huge building in the middle of single family homes.

One of the goals of the UDC residential zone districts ©(50-14.1 ) "Protect the scale and character of existing neighborhoods and the community. "

Sincerely

David, Kathleen & Jenna Anderson

A handwritten signature in cursive script, appearing to read "David Anderson". The signature is written in black ink and is positioned below the typed name.



Mr. Keith Hamre  
Drew Digby  
Marc Beeman  
Timothy Meyer  
Garner Moffat  
Terry Guggenbuehl  
Zandra Zwiebel  
Janey Kennedy  
Michael Schraepfer  
Luke Sydow

City of Duluth  
411 West First Street  
Duluth, Minnesota 55802

I also understand 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 single-family home neighborhood. I am asking respectfully that you honor the R1 zoning on the Southeast corner of Mississippi Avenue and Lyons Street. I request that you deny Mr. Jason Ross, of Green Capital, LLC, the special use permit to build his townhouses/apartment complex on the lots for the following reasons:

1. The proposed development violates the code the City has developed by allowing random development in an area zoned for single-family homes, as designated in the Comprehensive Plan. To issue a special use permit for the construction of this project in this location allows a random pattern of development, an example of spot zoning.
2. The proposed classification of units as townhomes is misleading. Mr. Ross' past practice and current stated intent is to rent each bedroom individually. With individual leases for 24 bedrooms, this project represents a multi-unit rental property that functions essentially as an apartment complex. Under allowable individual room occupancy, this could further multiply an already unacceptable density. This project, as you know, is a high density multiple unit apartment complex proposed for a rustic, single-family home neighborhood. Further, the erosion to this rustic single-family neighborhood will have an adverse impact on the City of Duluth and current residents of the area.
3. This project will have adverse impacts on the existing roadways, traffic control, access to the neighborhood, and pedestrian access. There are no sidewalks in the area, and no parking or restricted parking zones on the streets surrounding the developments.

4. Lyons Street is a steep, narrow, and dangerous street (even by Duluth Standards); it is a dead end. There have been multiple cases of city snowplows, garbage trucks, UDAC buses, and cars, 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, getting up Lyons, and 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 – it will affect 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. Lyons Street will not support an adequate and safe entrance and exit to the parking area to any type of vehicle, especially emergency vehicles.
5. There are several engineering, water, and other logistical issues which have not been addressed, including, but not limited to:
  - The topography and size of this site delivers a challenge to 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 stress 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 requires water temperature remediation; there is no information about the application of the MPCA rules in the proposal.
  - Information available indicates the sanitary sewer serving the site will progress southward towards College Avenue and tie into a line that progresses downhill at 19<sup>th</sup> Avenue East. This is a historically problematic system to area homeowners; there are issues with changes in sanitary sewer pipe sizes. The neighborhood should not incur the cost of a correction to the sanitary system; this should be the responsibility of the developer.
  - The proposal suggests twenty-one regular and one handicapped off street parking spots. Twelve of these are in garages. With the project planned as rental with 24 bedrooms (each potentially with multiple tenants), 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, with no parking allowed on either side. Lyons Street is a dead end and currently cannot accommodate any parking, up or down from the location. The plans suggest there will be a retaining wall above and along the platted alley. There is not information presented on the specifics of this wall or the required setback for the structure. Nor are there provisions

proposed to block lights from cars and the parking lots from adjacent residences.

- There are no sidewalks in this neighborhood. This high-density project will put additional pedestrians on streets with limited sight line stopping distances.

Transient populations cannot sustain a stable economic neighborhood model. In conclusion, in my opinion, and that of many neighbors, the best use of this property is for the construction of single-family homes or other projects of much lower density consistent with the current neighborhood norms developed by the Planning Department.

We 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 its goal of 90,000 residents. The neighborhood residences, including most of the rental units, are single-family homes owned by people interested in the long-term vitality of the neighborhood. That is what works best for access, parking, storm water management, and public safety in this area. Thank you for your time and attention to this matter.

Respectfully,

June 4, 2015

Mr. Zandra Zwiebel  
Duluth Planning Commission  
City of Duluth, City Hall

Dear Zandra,

We are writing In opposition of the above listed proposal, and we respectfully request that you cast a "no" vote during the Planning Commission meeting on Tuesday, June 9.

Our request is based on the following compelling reasons:

1. As described in the Comprehensive Plan, the proposed development violates the code the City of Duluth has approved by allowing random development in an area zoned for single-family homes, and is inconsistent with the single-family neighborhood. To issue a special use permit for the construction of this project in this location allows a random pattern of development, an example of spot zoning. If this proposal is approved, it will set a precedence that will allow random zoning in all City of Duluth traditional R1 neighborhoods. A development of this magnitude doesn't fit the character of this neighborhood, nor any traditional R1 neighborhood within the City of Duluth. In addition, a development of this nature works against the existing infrastructure, access, parking and public safety that has been established.

2. The proposed development is far too dense for the parcel of land. The proposed three "townhomes" with a total of 24 bedrooms are to be built on a lot only slightly over one-half acre of land. Comprehensive Plan guidelines suggest that a structure of this size should be placed on one full acre. In addition, with individual leases for the 24 bedrooms, this project represents a multi-unit rental property that functions essentially as an apartment complex. Under allowable individual room occupancy (more than 24 individuals), this could further multiply an already unacceptable density by allowing even more people to access the leases. This proposal is a commercial enterprise - in other words, an apartment building - and should not be placed right in the midst of a traditional R1 neighborhood.

3. On this corner, Lyons Street is steep, narrow, and a dead end. The density of the proposed project poses a safety concern. Lyons Street will not support an adequate and safe entrance to any type of vehicle, especially emergency vehicles. During the winter months vehicles (cars, garbage trucks, emergency, postal, etc.) consistently have difficulty navigating up and down Lyons. In addition, the Proposal describes an eight foot retaining wall with an additional four foot fence atop that to provide parking and an entrance / exit on Lyons. A wall of this magnitude is out of character within a neighborhood setting, and poses a safety hazard. The freezing and thawing of soil and snow will erode the wall and force it to buckle and crumble in a short span of time. One does not need to look very far, the McDonalds on 21st Avenue East and London Road, to see a retaining wall struggling under the pressure of land and erosion.

In conclusion, it is our opinion that the best use of this property is for the construction of single-family homes or other projects of much lower density consistent with the current neighborhood norms developed by the Planning Department. As long-term residents of this neighborhood, we are not opposed to development. In the last few years, three single-family homes have been built on Mississippi Avenue. All three homes are appropriate for the neighborhood and were welcomed by all residents. In contrast, the proposed development is inconsistent with all Comprehensive Plan rules and guidelines and doesn't belong in a traditional R1 neighborhood.

Thank you for your time and attention to this matter.

Respectfully,

A handwritten signature in blue ink that reads "Joseph Martin". The signature is written in a cursive style with a large, prominent "J" and "M".

Joseph and Lisa Martin  
1146 Mississippi Avenue  
Duluth, MN 55811

June 4<sup>th</sup>, 2015

Jodi and Bruce Libey  
131 Lyons Street  
Duluth, MN 55811

Duluth Planning Commission  
City of Duluth  
411 West 1<sup>st</sup> Street  
Duluth, MN 55802

Dear *Keith Hamre*

I request that you deny Mr. Jason Ross of Green Capital, LLC a special use permit to build his townhouses/apartment complex on the southeast corner of Mississippi Avenue and Lyons Street of our Kenwood neighborhood.

**This high density project is inconsistent with the R1 zoning of the single-family home neighborhood.** He plans for 8 units (23 households) on 6/10 of an acre. The comprehensive plan calls for 4 to 8 units per acre. Our neighborhood density is 3 units/acre.

The increased traffic from these 23 households and their guests would create increased traffic on existing roadways, traffic control, access to the neighborhood and create a public safety concern. There are no sidewalks on Lyons Street or Mississippi Avenue. The high density project will put more pedestrians on streets with limited sight line stopping distances. Lyons Street is a steep, narrow and dangerous street. There have been multiple cases of cars and school buses being stuck on this street. The density of the project is inappropriate at this location.

The proposed 8 foot, large block retaining wall proposed on the site abutting the adjoining properties, does not coincide with the fabric of the neighborhood.

Thank you for your time,

*Jodi Libey Bruce Libey*

Jodi and Bruce Libey

June 4, 2015

Planning Commission – City of Duluth  
c/o Keith Hamre  
411 West First Street  
Room 208  
Duluth, MN 55802

Dear Commissioners:

We are 30 year residents of the Kenwood neighborhood and writing to state our vehement opposition to the proposed eight unit townhome development on Mississippi Avenue and Lyons Street.

We certainly are not opposed to the development of this half acre site with single family dwellings, consistent with the neighborhood. This proposed high density project is considered by us, and the majority of neighbors, as a “random act of zoning inconsistent with the surrounding area.”

In addition, there are several public safety issues: The proposed entry/parking access is off the dead end portion of Lyons street which is a short steep grade and is especially challenging in the winter; there is no parking on Lyons Street and Mississippi Avenue to accommodate visitor parking as well as overflow resident parking; and finally because of steep conditions we are concerned that potential road blockage will affect the ability of emergency vehicles and other residents to effectively navigate the street.

In closing, we would like to say we are in full agreement of the Position Paper previously delivered to you dated May 5, 2015 which better and further details our concerns.

We will be at the meeting on Tuesday, June 9<sup>th</sup> and hope we have a chance to state our positions in person.

Thank you for your service to the City.

Sincerely,

Frances J. Hoene and Kevin A. Hoene  
1110 Mississippi Avenue  
Duluth, MN 55811  
(218) 728-4535

## Steven Robertson

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**From:** Keith Hamre  
**Sent:** Wednesday, June 03, 2015 3:30 PM  
**To:** 'Steve Rowley'  
**Cc:** Steven Robertson  
**Subject:** RE: PL 50-050, Agenda Item, June 9, 2015 Meeting

Steve,  
Your email will be forwarded to the Planning Commission for the June 9th meeting.  
Thanks,  
Keith Hamre  
Director of Planning & Construction Services Room 208 City Hall  
218.730.5297

-----Original Message-----

**From:** Steve Rowley [<mailto:csrowleyjr@gmail.com>]  
**Sent:** Tuesday, June 02, 2015 11:45 AM  
**To:** Keith Hamre  
**Subject:** PL 50-050, Agenda Item, June 9, 2015 Meeting

**To:** Keith Hamre, City of Duluth Planning and Planning Commissioners  
**From:** C. S. Rowley & S. K. Morgan, 1100 Missouri Avenue  
**Date:** June 2, 2015  
**Re:** Agenda Item, June 9 2015, PL50-050, Special Use Permit to Construct in an R-1 District at the Southeast Corner of Mississippi Avenue and Lyons Street

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(2) Parking Problems: Our reasons for this concern may be found in the Discussion section of the Staff Report, 4) 50-24. According to the Staff Report, this development, with 21 parking spaces, satisfies the criterion of both the Overlay and UDC of 18 spaces (plus visitors and bicycles). The Overlay/UDC requirement may be based on the assumption that each unit of a traditional townhouse will have two vehicles (16 spaces for eight units) plus several spaces for visitors. These are not traditional townhouses, however, in that each occupant will have a separate lease. It is more likely that there will be at least one vehicle per bedroom, or a total of at least 23 vehicles competing for 21 spaces. As noted in the Staff Report, both Mississippi and Lyons have no on-street parking, are comparatively narrow and have no curbs. Not noted in the Report is the steepness of the upward grade on Lyons from the development parking exit, below the intersection of Mississippi and Lyons, up Lyons to Mississippi and on to Missouri. Even city snow-removal equipment has difficulty

ascending this grade, as we have personally observed from our home on the northeast corner of Missouri Avenue and Lyons Street.

There are other reasons we think this Special Use Permit request should be denied but we assume others have addressed those reasons in their communications with the Commission. We hope you will give serious consideration to our reasons for denying this request when you vote on this Special Use Permit.

## Steven Robertson

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**From:** Keith Hamre  
**Sent:** Wednesday, June 03, 2015 3:27 PM  
**To:** 'rpkphd@yahoo.com'  
**Cc:** Steven Robertson  
**Subject:** Reply

Contact - Planning Commission was submitted

**First Name:**

Rhonda

**Last Name:**

Krossner

**Email:**

[rpkphd@yahoo.com](mailto:rpkphd@yahoo.com)

**Message:**

Regarding the request before you to re-zone PL15-050 to accommodate several townhouse, my husband (William) and I request that you deny this proposal. We live directly below the property in question, so we are aware of the challenges to our community that such re-zoning would impose. We are a neighborhood of family houses, Mississippi Ave and Lyons are narrow streets, Lyons is steep, and the increased traffic density that the townhouses would bring will cause safety concerns, congestion and a change to the character of our quiet and settled residential neighborhood. Such spot-zoning is not needed and we hope that you will deny this proposal. Thank you.

**Enter Text Below:**

Rhonda,  
Your email will be forwarded to the Planning Commission.  
Thanks,

Keith Hamre  
Director of Planning & Construction Services  
Room 208 City Hall  
218.730.5297