CITY OF DULUTH
Planning Division
411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

File Number	PL 15-147		**Contact**	Steven Robertson	
Application Type	UDC Map Amendment		**Planning Commission Date**		October 13, 2015
Deadline for Action	**Application Date**		September 8, 2015	**60 Days**	November 7, 2015
	Date Extension Letter Mailed		September 22, 2015	**120 Days**	January 6, 2016
Location of Subject	1215 Rice Lake Road				
Applicant	Marshall School		**Contact**	Elizabeth Tessier, CFO	
Agent	Michele Miller, Johnson, Killen, & Seiler, P.A.		**Contact**	218-722-6331	
Legal Description	See attached				
Site Visit Date	September 29, 2015		**Sign Notice Date**		September 29, 2015
Neighbor Letter Date	October 2, 2015*		**Number of Letters Sent**		82

Proposal

The applicant would like to rezone their property from Residential-Traditional (R-1) to Mixed Use-Institutional (MU-I).

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Priave School	Institutional
North	R-1/RR-1	Residential	Low Density Neighborhood
South	MU-N/MU-P	Commercial	General Mixed Use
East	R-1	Residential	Traditional Neighborhood
West	R-2/MU-C	Residential	Urban Residential

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

UDC Sec. 50-37.3.A: Any property owner may petition the planning commission to amend the district boundaries in which the property is located.

UDC Sec. 50-37.3.B: Planning commission shall review the application, conduct a public hearing ... with public notice ... and make a written recommendation to council.

UDC Sec. 50-37.3.C: The planning commission shall review the application, and council shall approve the application or approve it with modifications, if it determines that the application:
1. Is consistent with the Comprehensive Land Use Plan;
2. Is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use;
3. Is required by public necessity, convenience, or general welfare, or good zoning practice;
4. Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible.

II. B-1

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

Future Land Use - Applicable to university and college and public school campuses, large religious facilities or governmental campuses, cemeteries, etc. Applies primarily to existing facilities

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

-Proposal: The applicant would like to provide living quarters for up to 32 international students that attend Marshall School; this use is not allowed in R-1, but is allowed in MU-I. The applicant has applied to rezone the property from R-1 to MU-I.
-Issue/Item for Review: Rezoning of property can only be approved by City Council (via ordinance), after a public hearing is conducted, and a recommendation is made, by the Planning Commission.

1) The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or else be considered arbitrary and capricious.
2) Good zoning practice requires that zone districts be consistent with the future land use category identified for the area. The land use designation of Institutional most closely aligns with the zone district of Mixed Use-Institutional (MU-I).
3) The purpose state of the MU-I district that that it is "established to provide for the unique development needs and impacts of major medical, educational and research institutional development. The intent is to give institutional landowners the flexibility to plan and develop their facilities while ensuring that surrounding neighborhoods are protected from adverse impacts, such as traffic, overshadowing buildings, noise and unexpected expansion of institutional uses into residential areas". The MU-I district allows for many different land uses, but unless there is an approved "District Plan" for the property, a Planning Review (in front of the Planning Commission), is required for all development and redevelopment at the site.
4) Any future development or redevelopment on the property, including but not limited to a new primary building, parking lot, or exterior lighting, will have to comply with all UDC standards. These standards including landscaping and buffering to minimize impacts on surrounding residential properties.
5) Because the application does not contain a petition with 2/3 of surrounding property owners, this will require a super majority vote of the city council to approve it (as opposed to the standard requirement of a simple majority vote).
6) No agency or City comments have been received, as of the date that this staff report was printed.

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

Based on the above findings, Staff recommends that Planning Commission recommend approval of the UDC Map Amendment, for the following reasons:

1) This proposal is consistent with the Comprehensive Land Use Plan.

2) The proposed MU-I is consistent with the future land use category of Institutional.

3) Material adverse impacts on nearby properties are not anticipated.

B-2

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

City Planning

PL 15-147

1215 Rice Lake Road

Legend

- Trout Stream (GPS)
- Other Stream (GPS)

Zoning Boundaries

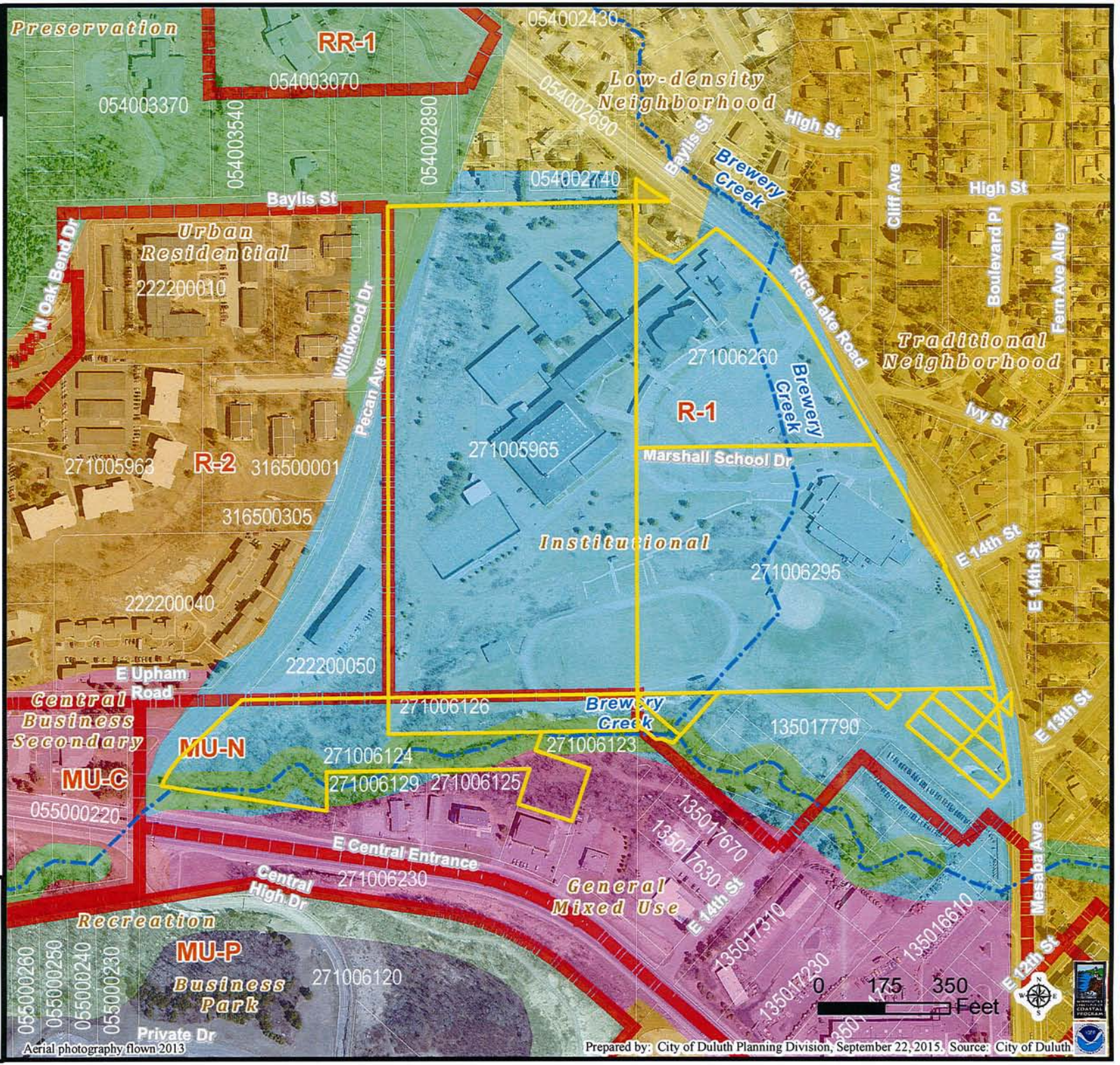
- Zoning Boundaries

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.

B-3



Brewery Creek
Brewery Creek
Brewery Creek

B-5
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Uses Allowed in Residential-Traditional (R-1) Zone District
Revised January 5, 2015 (Current Zone District)

Permitted Uses

- Dwelling, one-family
- Dwelling, two-family
- Residential care facility/assisted Living (6 or fewer)
- Park, playground or forest reserve
- School, elementary
- Agriculture, urban
- Day care facility, small (14 or fewer)

Special or Interim Uses

- Dwelling, townhouse
- Manufactured Home Park
- Co-housing facility
- Residential care facility/assisted living (7 or more)
- Cemetery or mausoleum
- Government building or public safety facility
- Museum, library, or art gallery
- Religious assembly, small (less than 50,000 sq. ft. or more)
- Religious assembly, large (50,000 sq. ft. or more)
- School, middle or high
- Bed and breakfast
- Preschool
- Day care facility, large (15 or more)
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs

Interim Uses

- Vacation dwelling unit
- Accessory vacation dwelling unit

B-6

Uses Allowed in Mixed Use-Institutional (MU-I) Zone District
Revised January 5, 2015 (Proposed Zone District)

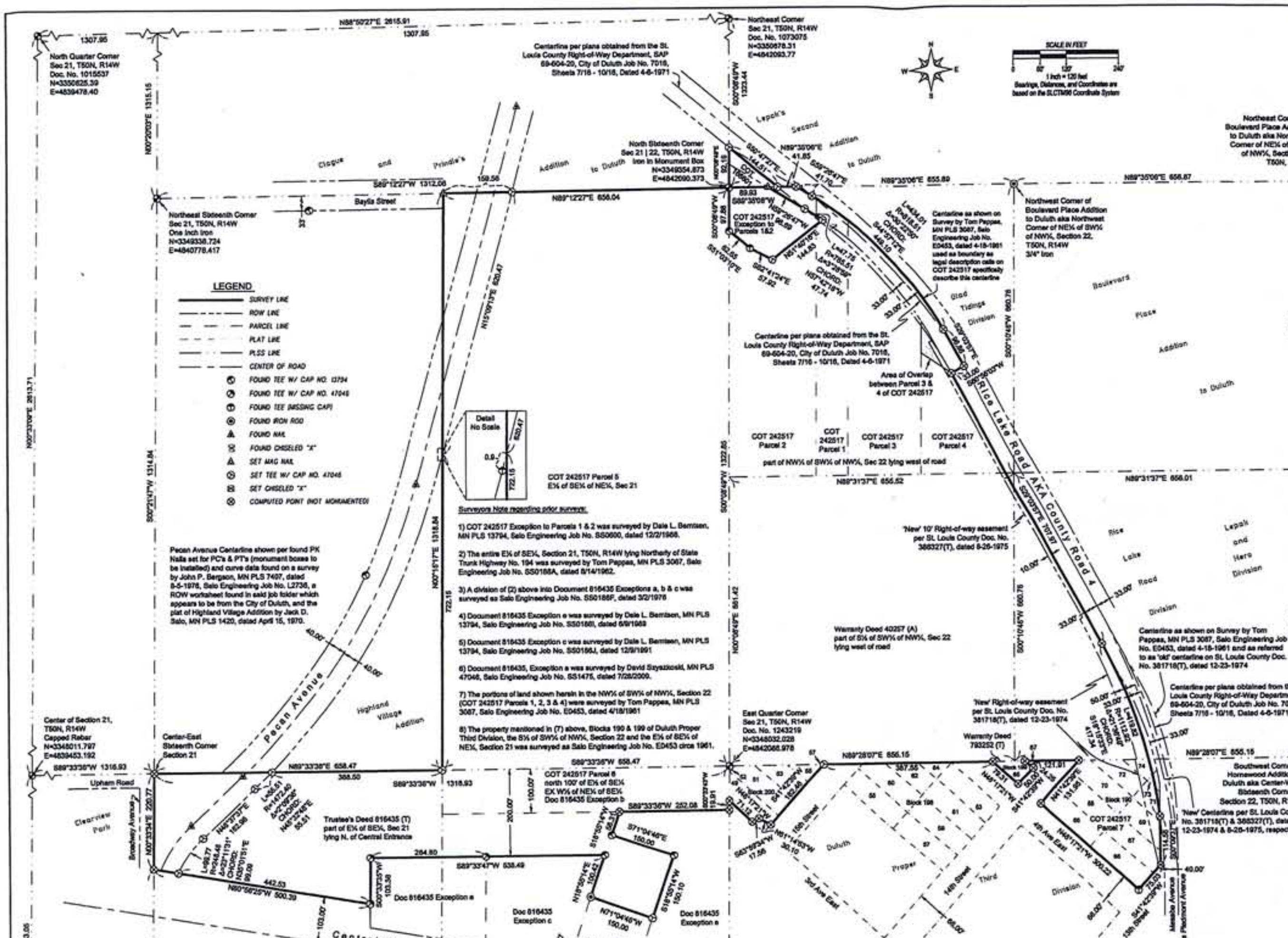
Permitted Uses

- Dwelling, multi-family
- Dwelling, live-work
- Residential care facility/assisted living (7 or more)
- Rooming house
- Bus or rail transit station
- Club or lodge (private)
- Government building or public safety facility
- Park, playground, or forest reserve
- Religious assembly, small (less than 50,000 sq. ft.)
- Religious assembly, large (50,000 sq. ft. or more)
- Business, art, or vocational school
- School, elementary
- University or college
- Hospital
- Medical or dental clinic
- Nursing home
- Other institutional support uses not listed in this table
- Veterinarian or animal hospital
- Personal service and repair, small (less than 10,000 sq. ft.)
- Personal service and repair, large (10,000 sq. ft. or more)
- Retail store not listed, small (less than 15,000 sq. ft.)
- Parking lot or parking structure (primary use)
- Research laboratories
- Restaurant (less than 5,000 sq. ft.)
- Restaurant (5,000 sq. ft. or more)
- Hotel or motel
- Bed and breakfast
- Bank
- Office
- Data center
- Preschool
- Day care facility, small (14 or fewer)
- Day care facility, large (15 or more)
- Funeral home or crematorium
- Personal service and repair, small (less than 10,000 sq. ft.)
- Personal service and repair, large (10,000 sq. ft. or more)
- Retail store not listed, small (less than 15,000 sq ft)
- Parking lot or parking structure (primary use)
- Research laboratories
- Manufacturing, light

Special Uses

- Cemetery or mausoleum
- School, middle or high
- Kennel
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Solar, geothermal, or biomass power facility (primary use)
- Water or sewer treatment facilities
- Wind power facility (primary use)
- Recycling collection point (primary use)

B-7



Surveyors Note regarding prior surveys:

1) COT 242517 Exception to Parcels 1 & 2 was surveyed by Dale L. Berntsen, MN PLS 13794, Salo Engineering Job No. SS0600, dated 12/2/1988.

2) The entire E½ of SE¼, Section 21, T50N, R14W lying Northerly of State Trunk Highway No. 194 was surveyed by Tom Pappas, MN PLS 3087, Salo Engineering Job No. SS0188A, dated 8/14/1962.

3) A division of (2) above into Document 816435 Exceptions a, b & c was surveyed as Salo Engineering Job No. SS0188F, dated 3/2/1976

4) Document 816435 Exception e was surveyed by Dale L. Berntsen, MN PLS 13794, Salo Engineering Job No. SS0188I, dated 6/9/1989

5) Document 816435 Exception c was surveyed by Dale L. Berntsen, MN PLS 13794, Salo Engineering Job No. SS0188J, dated 12/9/1991

6) Document 816435, Exception a was surveyed by David Szyszkoski, MN PLS 47048, Salo Engineering Job No. SS1475, dated 7/28/2009.

7) The portions of land shown herein in the NW¼ of SW¼ of NW¼, Section 22 (COT 242517 Parcels 1, 2, 3 & 4) were surveyed by Tom Pappas, MN PLS 3087, Salo Engineering Job No. E0453, dated 4/18/1961

8) The property mentioned in (7) above, Blocks 199 & 199 of Duluth Proper Third Division, the S½ of SW¼ of NW¼, Section 22 and the E½ of SE¼ of NE¼, Section 21 was surveyed as Salo Engineering Job No. E0453 circa 1961.

Pecan Avenue Centerline shown per found PK Nails set for PC's & PT's (monument boxes to be installed) and curve data found on a survey by John P. Bergson, MN PLS 7497, dated 8-5-1976, Salo Engineering Job No. L2736, a ROW worksheet found in said job folder which appears to be from the City of Duluth, and the plat of Highland Village Addition by Jack D. Salo, MN PLS 1420, dated April 15, 1970.

Surveyors Note regarding the various centerline alignments along Rice Lake Road, starting from north and working south:

1) COT 166601 calls "lying south and west of the southwest line of Rice Lake Road" This was drawn to the 'current' Right-of-Way line per plans obtained from the St. Louis County Right-of-Way Department, SAP 69-604-20, City of Duluth Job No. 7016, Sheets 7/16 - 10/16, Dated 4-6-1971, not to the southwest plat line of Lepak's Second Addition.

2) COT 242517 Parcel 1, 2 and 3 describe the parcels going to the centerline alignment as shown on a survey by Tom Pappas, MN PLS 3087, Salo Engineering Job No. E0453, dated 4-18-1961. These parcels were drawn to this line. The exception to Parcels 1 & 2 (Salo Engineering Job No. SS0600) is described to the right-of-way of said alignment and was surveyed as such.

3) COT 242517 Parcel 4 calls "the southerly line of the Rice Lake Road as constructed" and was surveyed as a 33 foot offset from the centerline alignment (there is only one alignment on this tangent as the various alignments merge together in this location)

4) Warranty Deed 40257 calls "west of an extended east line of Piedmont Avenue as originally platted in DULUTH PROPER, THIRD DIVISION, said Piedmont Avenue now being known as Mesaba Avenue, according to the recorded plat thereof". Due to the fact that there are other legal descriptions in this document found in other places, it is suspected that this may not be the most 'current' location of this legal description. On Salo Engineering Job No. E0453 (1961), this property is drawn in as being west of the westerly line of Rice Lake Road. Additionally, all properties included in this description lying east of Rice Lake Road were platted as RICE LAKE ROAD DIVISION by Greg Stoewer, MN PLS 21774, in 1996. Based on this evidence, the survey line was drawn as the west line of Rice Lake Road, using the alignment obtained from the St. Louis County Right-of-Way Department, SAP 69-604-20, City of Duluth Job No. 7016, Sheets 7/16 - 10/16, Dated 4-6-1971.

5) COT 242517 Parcel 7 calls the lots in Block 190. The survey line is a combination of the 1961 E0453 line (40 feet west of Mesaba Avenue) and the alignment obtained from the St. Louis County Right-of-Way Department, SAP 69-604-20, City of Duluth Job No. 7016, Sheets 7/16 - 10/16, Dated 4-6-1971.

Legal Descriptions:

Certificate of Title 242517

PARCEL 1
Beginning at a point which is situated on the south line of the NW1/4 of SW1/4 of NW1/4 Section 22 Township 50 North of Range 14 West of the Fourth Principal Meridian at the distance of 199.91 feet easterly from the southwest corner of said NW1/4 of SW1/4 of NW1/4 of Section 22 Township 50 North of Range 14, thence extending northerly on a line parallel with and 199.91 feet distant from the westerly line of the said NW1/4 of SW1/4 of NW1/4 of Section 22 Township 50 North of Range 14, 622.92 feet more or less to the center line of the Rice Lake Road as now opened and traveled; thence extending southeasterly along the center line of said Rice Lake Road by the various courses and distances thereof to a point which is situated 271.77 feet easterly from the westerly line of the NW1/4 of SW1/4 of NW1/4 of Section 22 Township 50 North of Range 14, thence extending southerly along a line parallel with and 271.77 feet distant from the westerly line of the said NW1/4 of SW1/4 of NW1/4 of Section 22 Township 50 North of Range 14, 588.39 feet more or less to the southerly line of the said NW1/4 of SW1/4 of NW1/4 of Section 22 Township 50 North of Range 14; thence extending westerly along the said southerly line of NW1/4 of SW1/4 of NW1/4 of Section 22 Township 50 North of Range 14, 71.86 feet to the place of beginning.

PARCEL 2
Beginning at the southwest corner of the NW1/4 of SW1/4 of NW1/4 of Section 22 Township 50 North of Range 14 West of the Fourth Principal Meridian, thence running northerly along the Westerly line of said tract 661.92 feet more or less to the Northwesterly corner of said NW1/4 of SW1/4 of NW1/4 of Section 22, thence running easterly 116.86 feet more or less along the northerly line of said tract to its intersection with the center line of the Rice Lake Road as is now opened and traveled across said tract; thence running southeasterly along the center line of Rice Lake Road 91.52 feet, more or less, to the point of intersection with a line drawn parallel with and distant 199.91 feet, measured at right angles from the westerly line of the said NW1/4 of SW1/4 of NW1/4 of Section 22; thence extending southerly along the said line, parallel with the westerly line of the NW1/4 of SW1/4 of NW1/4 Section 22 aforesaid, 622.92 feet more or less to the southerly line of the said NW1/4 of SW1/4 of NW1/4 of Section 22, thence extending westerly 199.91 feet more or less, along the southerly line of the NW1/4 of SW1/4 of NW1/4 of Section 22 aforesaid to the place of beginning.

EXCEPTING FROM THE ABOVE DESCRIBED PARCELS 1 AND 2
That part of the NW1/4 of SW1/4 of NW1/4 Section 22 Township 50 North Range 14 West of the Fourth Principal Meridian, described as follows: Beginning at the Northwest corner of said NW1/4 of SW1/4 of NW1/4, thence Easterly along the North line of said NW1/4 of SW1/4 of NW1/4 a distance of 89.50 feet to the Westerly right of way line of Rice Lake Road; thence deflect 30 degrees 59 minutes 00 seconds to the right in a Southeasterly direction, along said right of way line, a distance of 96.32 feet; thence Easterly and Southerly a distance of 48.08 feet along a tangential curve concave to the Southwest having a radius of 785.51 feet and a central angle of 3 degrees 30 minutes 26 seconds; thence deflect 109 degrees 20 minutes 57 seconds to the right, in a Southwesterly direction, from the chord of said curve a distance of 144.79 feet; thence deflect 65 degrees 38 minutes 20 seconds to the right in a Northwesterly direction a distance of 57.92 feet; thence deflect 11 degrees 38 minutes 14 seconds to the right in a Northwesterly direction a distance of 62.70 feet to the West line of said NW1/4 of SW1/4 of NW1/4; thence deflect 51 degrees 13 minutes 36 seconds to the right in a Northerly direction a distance of 97.86 feet to the point of beginning, containing 0.518 acres more or less.

PARCEL 3
All that part of the NW1/4 of SW1/4 of NW1/4 Section 22 Township 50 North Range 14 West of the 4th Principal Meridian, commencing at the SW corner of said NW1/4 of SW1/4 of NW1/4, thence Easterly along the South line a distance of 271.77 feet to the point of beginning; thence Northerly along a line parallel to the West line a distance of 584.21 feet to a point on the center line of the Rice Lake Road, thence Southeasterly along the center line of the Rice Lake Road a distance of 335.18 feet-said center line being on a curve to the right and having a radius of 818.51 feet-thence continuing Southeasterly in a straight line along the center line of the Rice Lake Road, a distance of 97.23 feet, thence Southwesterly at right angles a distance of 33.00 feet to a point on the right of way line of the Rice Lake Road, thence Northwesterly along a line having a deflection angle of 63 degrees 27 minutes 51 seconds to the right a distance of 82.87 feet, thence southerly along a line having a deflection angle of 124 degrees 14 minutes 21 seconds to the left and being parallel to the West line of NW1/4 of SW1/4 of NW1/4 of said Section 22 a distance of 278.68 feet to a point on the South line of said subdivision, thence Westerly along said South line a distance of 188.34 feet to the point of beginning containing 1.942 acres, above property being in the City of Duluth, St Louis County, Minnesota.
EXCEPT minerals and mineral rights.

PARCEL 4
Beginning at the Southeast corner of the NW1/4 of SW1/4 of NW1/4 of Section 22 Township 50 North of Range 14 West of the Fourth Principal Meridian, thence running westerly along the Southerly boundary line aforesaid of the NW1/4 of SW1/4 of NW1/4 of Section 22 218.70 feet to a point; thence northerly on a line parallel to and distant 443.11 feet from the West line of aforesaid NW1/4 of SW1/4 of NW1/4 of Section 22 to a point on the southerly line of the Rice Lake Road as constructed; thence Southeasterly along the Southerly line of said Rice Lake road to a point on the easterly line of the aforesaid NW1/4 of SW1/4 of NW1/4 of Section 22; thence Southerly along the last mentioned line to place of beginning.
EXCEPT minerals and mineral rights.

PARCEL 5
E1/2 of SE1/4 of NE1/4 Section 21 Township 50 North of Range 14 West of the Fourth Principal Meridian.
EXCEPT minerals and mineral rights.
SUBJECT to the following:
1. An easement in favor of the public for highway purposes, as created by deed executed by Merrill B. Mills, unmarried, as grantor, to City of Duluth, a Municipal Corporation, as grantee, recorded in the office of said Register of Deeds in Book 393 of Deeds, on page 90 thereof.
2. An easement in favor of the public for highway purposes as created by deed executed by said Wildey H. Mitchell, as successor Trustee, aforesaid, as grantor, to City of Duluth, a Municipal Corporation, as grantee, recorded in the office of said Register of Deeds in Book 62 of Miscellaneous on page 542 thereof.

PARCEL 6
Northerly 100 feet of the E1/2 of SE1/4 of Section 21 Township 50 North of Range 14 West of the Fourth Principal Meridian EXCEPT that part described as follows: That part of the SE1/4 of SE1/4 of Section 21 Township 50 North Range 14 described as follows: Commencing at a Granite Monument at the southeast corner of said Section 21, thence North 5 degrees 00 minutes West (Magnetic Bearing) along the common Section line of said Section 21 and Section 22 a distance of 410.24 feet to a concrete monument, said monument being the point of beginning, thence North 89 degrees 57 minutes West a distance of 451.75 feet to a concrete monument, thence North 5 degrees 00 minutes West a distance of 275.00 feet to a concrete monument, thence North 19 degrees 24 minutes East a distance of 649.90 feet to a concrete monument on the north line of said SE1/4 of SE1/4, thence North 83 degrees 59 minutes East along said north line a distance of 60.00 feet to a concrete monument, thence South 53 degrees 55 minutes East a distance of 134.61 feet to a point on the common section line of Section 21 and Section 22, thence South 5 degrees 00 minutes East along said Section line a distance of 818.50 feet to the point of beginning.
FURTHER EXCEPTING the Northerly 100 feet of the W1/2 of NE1/4 of SE1/4 of Section 21 Township 50 North of Range 14 West.
SUBJECT to the rights acquired by City of Duluth under condemnation proceedings shown by instrument recorded in the office of the Register of Deeds of said St. Louis County, Minnesota, in Book 279 of Deeds on page 484 in that portion of same bounded as follows: On the Northwest by the Southeasterly line of Fourteenth Street produced Southwesterly in the same straight line until it intersects the Northeasterly line of First Avenue East produced Northwesterly in the same straight line; on the Southwest by the Northeasterly line of First Avenue East produced Northwesterly in the same straight line until it intersects the Southeasterly line of Fourteenth Street produced Southwesterly in the same straight line; and on the East by the Westerly line of Block 193, Duluth Proper Third Division, according to the recorded plat thereof, on file and of record in the office of the Register of Deeds.
SUBJECT also to an easement for roadway over and across said land as appears by the Award of Condemnation dated September 17, 1909, and filed in the office of the Register of Deeds in and for said County on October 13th, 1909, in Book 292 of Deeds on page 120, as appears by No. 52 of Abstract.

PARCEL 7
Lots 65, 66, 67, 68, 69, 70, 71, 72, 73, 74 and 75 Block 190 DULUTH PROPER THIRD DIVISION on file and of record in the office of the Register of Deeds.
INCLUDING all that portion of Upham Road vacated by Resolution of the City Council of the City of Duluth, Minnesota, and abutting upon the described real estate as set forth in Document No. 284544.
SUBJECT, however, to an easement in favor of the public for slopes on Piedmont Avenue East (now Mesaba Avenue) from Superior Street to the North limits of Third Division, which affects Lots 67, 69, 71, 73 and 74 in Block 190, as appears by the condemnation plat filed on Dec. 4, 1890 in the office of the Register of Deeds bearing Register's File No. 5973.
SUBJECT, also, to an easement in favor of the public for Park and Parkway purposes affecting portions of said Lots as appears by the condemnation proceedings filed on Jan. 18, 1892 in the office of the Register of Deeds in Book 1 of Miscellaneous on page 1.
SUBJECT, also, to an easement in favor of the public for right-of-way for sewers through Blocks in Second and Third Division and also for right-of-way for electric light and telephone wires and poles, which affects the rear 10 feet of Lots in Block 190 as shown by the condemnation plat filed on Nov. 20, 1890 in the office of the Register of Deeds and bearing Register's File No. 5722.

Trustee's Deed 816435 (T)

All that part of the East Half of Southeast Quarter (E1/2 of SE1/4) of Section Twenty-one (21), Township Fifty (50) North of Range Fourteen (14) West of the Fourth Principal Meridian, St. Louis County, Minnesota, lying Northerly of Central Entrance, State Highway No. 194, a public highway as the same is laid out and constructed over and across said Southeast Quarter, EXCEPT the following described parcels:

a. All that part of the Easterly 264.76 feet of the Westerly 759.65 feet of the E1/2 of SE1/4, Section 21, Township 50 North, Range 14 West of the Fourth Principal Meridian, lying Northerly of Central Entrance, State Highway 194; EXCEPT the Northerly 200 feet thereof.

b. The Northerly 100.0 feet of the E1/2 of NE1/4 of SE1/4 of Section 21, Township 50 North, Range 14, West of the Fourth Principal Meridian.

c. Commencing at the Northwest corner of said NE1/4 of SE1/4, thence Southerly, along the West line of said NE1/4 of SE1/4, a distance of 200.00 feet, thence deflect 91 degrees 15 minutes to the left in an Easterly direction, along a line 200.0 feet Southerly measured at a right angle to and parallel with the North line of said NE1/4 of SE1/4, a distance of 759.83 feet to the point of beginning; thence deflect 91 degrees 15 minutes to the right in a Southerly direction, along a line 759.65 feet Easterly measured at a right angle to and parallel with the West line of said NE1/4 of SE1/4, a distance of 218.26 feet; thence deflect 81 degrees 45 minutes 20 seconds to the left in an Easterly direction, along the Northerly right of way line of said Central Entrance, a distance of 47.82 feet; thence Easterly and Southerly along a tangent curve concave to the Southwest having a radius of 651.51 feet, a central angle of 9 degrees 41 minutes 38 seconds, a distance of 144.07 feet; thence Northerly, along the prolongation of the radial line of said curve, a distance of 277.10 [illegible]

d. Commencing at the Northwest corner of said NE1/4 of SE1/4; thence Southerly along the West line of said NE1/4 of SE1/4, a distance of 200.00 feet; [illegible]

e. All that part of the NE1/4 of SE1/4, Section 21, Township 50 North, Range 14 West of the Fourth Principal Meridian, lying Northerly of Central Entrance, State Highway No. 194, [illegible]

Certificate of Title 166601

All that part of the NW1/4 of NW1/4 Section 22 Township 50 Range 14 West of the Fourth Principal Meridian lying south and west of the southwest line of Rice Lake Road.

Warranty Deed 793252 (T)

Lot Sixty-five (65), Block One Hundred Ninety-nine (199), DULUTH PROPER, THIRD DIVISION, according to the plat thereof, on file and of record in the office of the Register of Deeds, St. Louis County, Minnesota.

A Portion of Warranty Deed 40257 (A)

All that part of the South Half of Southwest Quarter of Northwest Quarter (S½ of SW¼ of NW¼) of Section Twenty-two (22) in Township Fifty (50) North, of Range Fourteen (14) West of the Fourth Principal Meridian lying west of an extended east line of Piedmont Avenue as originally platted in DULUTH PROPER, THIRD DIVISION, said Piedmont Avenue now being known as Mesaba Avenue, according to the recorded plat thereof, INCLUDING all that portion of Upham Road vacated by Resolution of the City Council of the City of Duluth, Minnesota, and abutting upon the above described real estate.

Quit Claim Deed 40256 (A) (& State of MN Conveyance of Forfeited Lands 23256)

Lot Forty-nine (49) except six hundred thirty (630) square feet for Sundby Road, and all of Lots Fifty-one (51), Fifty-three (53), Fifty-five (55), Fifty-seven (57), Fifty-two (52) and Fifty-four (54), Block Two Hundred (200), DULUTH PROPER, THIRD DIVISION, according to the recorded plat thereof, EXCEPT minerals and mineral rights.

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 6/27/2015

DAVID SZYSZKOSKI — MINNESOTA LICENSE NUMBER 47048

NO	DATE	REVISION
1	8/27/2015	Removed all of Block 198 & Lot 61, Block 199 from survey [illegible]
2		
3		

Boundary Survey in Section 21 & 22, T50N, R14W, St. Louis County, Minnesota

For: Marshall School c/o Beth Tessier

SHEET 1 OF 1		
JOB NO. 15513.154	FILE NO. L4798	DATE OF FIELD WORK: 8/10-19/2015

TKDA — 4380 Norway Pines Place, Duluth, MN 55811, 218-727-8796, tkda.com

B-8

Marshall School

Preparation. For college. For life. Grades 4–12

Mission

The mission of Marshall School is to educate students to become global citizens who demonstrate strong academic habits, respect, compassion, integrity, self-discipline, and intellectual curiosity.

Becoming global citizens

Global citizens think critically, creatively, and compassionately about complex local and global issues. They understand what it means to be a member of an interconnected and rapidly-changing global community. They lead when necessary, adapt when appropriate, and employ a broad range of technological and communication skills to seek understanding and find solutions to real problems.

Marshall students emerge as global citizens with an ethic of service nurtured by their academic study of history, literature, arts, religion, languages, science, and the environment; meaningful relationships with peers and faculty from around the world; and rich extracurricular experiences, which foster humility, teamwork, and leadership.

Marshall students leave with the knowledge, skills, experiences, and independence to meet the challenges of the 21st century, wherever life takes them.

Core Values

Strong academic habits
Marshall is dedicated to teaching academic habits which will sustain lifelong learning in students. Learning how to learn -- whether it be taking notes, studying, or writing -- prepares students for success in college and in life. Our teachers nurture confident and critical thinkers who have mastered academic skills and competencies across a variety of disciplines.

Respect
Marshall offers a safe and inclusive school community where individuals are expected to respect themselves, each other, and their environment. Through personal relationships with diverse groups and individuals, students learn to understand themselves and others and work effectively as part of a team.

Compassion
Marshall believes that the development of compassion -- and the desire to make a positive

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difference in the lives of others -- is essential to being a productive member of a community. Through the study of multiple viewpoints and the act of service, students develop empathy for those around them.

Integrity
Marshall encourages all members of its community to hold themselves to the highest code of conduct. Led by a commitment to the common good, we strive to do what is right -- even when nobody is looking.

Self-discipline
Hard work and self-discipline are essential components for success. Marshall challenges students to develop a strong work ethic and the internal motivation to persevere through times of challenge.

Intellectual curiosity
Marshall encourages students' natural inquisitiveness and wonder about the world. Asking questions and taking risks is as important as searching for the right answer. With the desire and courage to move confidently into the future, students can adapt to an ever-changing future in pursuit of their dreams.

History

Marshall School was founded in 1972 by a group of civic and religious leaders who believed that a high-quality, college-preparatory education was essential to the future of northern Minnesota.

The first board assumed governance of Cathedral Senior High School (founded in 1904) under an agreement with the Catholic diocese of Duluth that could no longer afford to sustain the school.

In 1987, the school's name was changed to The Marshall School to highlight its independent status and to honor the Albert Morley Marshall family, whose vision and resources over three generations enhanced the quality of education and life in Duluth.

Marshall is the only independent school in northern Minnesota and northwestern Wisconsin. Students from 20 school districts and a wide geographic area attend Marshall. In recent years, an increasing number of out-of-state and international students have attended Marshall and lived with local families.

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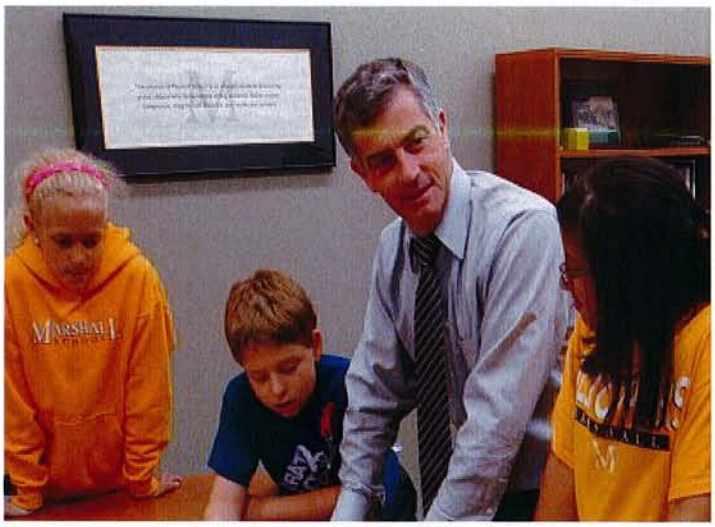
Head of School



The sun shines through the chapel windows, a few of our youngest students raise hands to shield the light from their eyes, the chamber choir ensemble greets us all by singing "You are the New Day." With that, a chapel service opens the new school year and provides us with a quintessential Marshall moment. As the older students encourage the younger students to add their stories to Marshall's wonderful history, I know this is the type of magic that makes us all proud to be a part of the Hilltopper family.

The ensemble, itself, is Marshall magic. Two members are from our international community and, although we are just weeks into the school year, this global group has already come together in harmony. Two members are wearing football jerseys and a third wears a t-shirt, celebrating the leadership of our football coach, who embodies the characteristics of the other great coaches who have helped shape our athletic program and its participants. A community is no more than a collection of its stories, and I am certain the young children at chapel will add a beautiful chapter to the compendium that is Marshall's history and legacy.

For more than 100 years Marshall has been providing the Northland students with exceptional mission-driven academics. Like other independent schools we hold true to our core values and we believe in education for a purpose. Our students thrive in a close-knit school culture that encourages them to become confident, creative, and independent thinkers. We strive to keep students active and provide them with a variety of formal and informal learning experiences to foster their interests and help them discover new passions. Small class sizes and challenging, caring teachers support a positive atmosphere of learning. Is is a safe, transformational, and stimulating educational environment for students who thirst for more academic challenge and for students who benefit from individual support.

Choosing the right school is a crucial decision for families. Marshall is a difference maker. Whether you have been a part of our tradition for many years, or are just learning about the magic for the first time, welcome!

Kevin Breen
Head of School

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portrait of a Hilltopper

Marshall graduates will be …

effective communicators

- Students develop effective writing strategies, focused speaking techniques and active listening through curricular and extra-curricular activities.
- Multiple opportunities to interact with people representing ideologies other than their own make graduates open to and appreciative of other points of view.
- The comprehensive program of academic and social opportunities at Marshall places a strong emphasis on developing strong interpersonal skills.
- Experience with and instruction in a variety of technologies make students proficient in communicating via current and emerging technologies.

critical thinkers and problem solvers

- Students recognize and adapt to different thinking styles.
- Students learn to systematically analyze problems.
- Students are able to present ideas clearly and concisely.
- Students transform personal creativity into practical solutions.

engaged and ethical citizens

- International classmates, opportunities for study abroad, and a curriculum which emphasizes global awareness all make graduates uniquely equipped to live in and understand today's world.
- The Marshall community has well-articulated expectations regarding personal integrity and self-discipline.
- Students understand their responsibilities as caretakers on individual, community, and global levels.
- Personal and global events are noted and discussed - in good and bad times- instilling in students an understanding of the situations of others.
- Opportunities to take initiative and expectations to meet obligations help students internalize a sense of personal responsibility.

curious and creative

- Students are encouraged through a philosophy of participation. They learn to set goals as a team and to maximize the special skills of each team member.
- Students are free to develop their own personal interests within a community which places value on self-expression and participation.

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- Students are encouraged to step outside their personal comfort zones - to try a new class, club, or activity.
- The Marshall School community - students and their families - strongly support and promote a culture and appreciation of study and learning.

balanced and resilient

- One-to-one and small-group encounters within the community offer students a variety of opportunities to practice and establish self-advocacy skills.
- Through a comprehensive program offering significant investigation, support, and opportunity, students enjoy a well-balanced experience at Marshall.
- Marshall students develop sound judgment skills by making choices, experimenting with new ideas or activities, discussing complex life topics, and experiencing success and failure – always within a safe and caring environment.
- Students are intentionally offered opportunities to learn about different religions and to reflect on their own beliefs.

Marshall Residence Hall Business Plan

March, 2015

Marshall School

Preparation. For college. For life. Est. 1904

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EXECUTIVE SUMMARY - MARSHALL SCHOOL RESIDENCE HALL OBJECTIVES

Marshall School has been enrolling international students into its academic program for decades. For many years, the international students were 1 year exchange students, coming from familiar programs such as AFS, EF, YFA, and IE. Students came from diverse countries around the world, including Europe, South America, and occasionally, Asia. Students came with the intention to spend a year experiencing American culture and High School life, as well as practicing their English language skills in an immersion environment. Many years ago, the Marshall Board of Trustees created two tuition-free spots for such international students per year, endorsing and protecting the importance of an international presence within the school.

Over the past 10 years, the composition of international students at Marshall has changed. Long-term degree seeking students have begun applying at the secondary level, mirroring a worldwide trend in international student mobility. These students are also intent on improving their English language skills in an immersion environment – but differ in their long-term goals. The students intend to apply to a U.S. college or university, and possibly beyond, staying in the United States for the duration of their educational path.

In response, Marshall has added a full-time director of the program, and a part-time ESL instructor. The director maintains the school's homestay program, where students live with families in the Duluth community.

The program now numbers 20 students, with the potential to grow and diversify. At this key point, Marshall proposes the building of an on-campus residence hall to house the students, which will accomplish several key goals:

- Increased safety of the students
- Improve the student's potential for academic success
- Create an atmosphere for the physical/social/emotional health and growth of the students
- The creation of an intentional community, where there is support, camaraderie, opportunity, and supportive adult time available to students 24/7
- Eligibility for international students to participate at the JV and Varsity level of MSHSL activities for the duration of their time at Marshall School
- A Marshall School space dedicated to integrating the international population with domestic students and faculty through common spaces and planned activities
- The opportunity to grow the program in numbers, and expand marketing efforts into countries where boarding is strongly preferred over homestay

The international program at Marshall is a resource that exemplifies Marshall's mission to educate students to become global citizens. A residence hall would allow Marshall to fully realize the potential of the program, and provide a space where students will be better protected, and have more opportunity to access school resources. In addition, their presence on campus will allow the domestic Marshall community to interact with them in a way that is not currently possible – bringing the mission to life across a broader constituency.

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EDUCATIONAL AND HOUSING SERVICES

Services provided by Marshall

College preparatory educational services
Housing for 10 (ten) months
Meal service for 10 (ten) months
24-hour per day, 7-day per week, supervision for 10 (ten) months
Admissions and registration processing
Student and Exchange Visitor Information Systems (SEVIS) processing
English as a Second Language classes
Test of English as a Foreign Language services
Scholastic Aptitude Test Verbal preparation
Ongoing student support
Periodic written reports to parents on student progress
College Counseling services
Extra-curricular activities, such as academic, club and athletic activities

Students' Responsibilities

Travel expenses to and from their home countries
Medical care, emergency or routine
Student laptop
Optional field trips, including foreign trips
International student health insurance
Non-essential personal expenses including clothing, technology and entertainment

Residential Student Agreement

A Residential Student Agreement (RSA) will be agreed to by Marshall and the student and his or her family. The RSA will define required civil and responsible behavior on the part of the student as a condition of their attendance at Marshall.

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RESIDENCE LIFE

Beyond any other role a residence hall at Marshall School will play, a safe and inviting place to call home is chief among them for the thirty or so international students that will be occupying its rooms. Just like the school itself, the residence hall needs to strike the right balance of academic focus, community build ing and fun.

Weekday Operations:
A typical weekday will begin at around 6 am for the students. They will have an opportunity to have breakfast in the dining room and get ready for class, which will begin at 8am. During the school day, the residence hall will be off-limits to students unless they receive permission from staff due to illness or must return to their room to retrieve a piece of homework that was forgotten. This policy will be necessary to keep residence hall students engaged in the academic day along with the rest of the school population.

Weeknight Operations:
Students will end their school days at 3:05 PM during the week and the residence hall will be open to students starting at that time. Many students will then participate with sports and after school clubs, etc. Students will be free to work on homework and enjoy quiet time in the residence hall. Dinner will be available each evening and students who plan on not being in the residence hall for dinner will need to make arrangements ahead of time with the supervising staff so that the correct amount of food can be prepared and so the student can receive his/her dinner at a later time due to an athletic practice, etc.

Weekend Operations:
On weekends all three meals will be prepared and available for students in the residence halls. Students are responsible for notifying staff if they will not be requiring a certain meal because they have plans off-campus. The Director of Residential Life and the Supervisors will work together to plan a weekend activity schedule that students can sign-up for so that there is always an opportunity to participate in engaging activities during the weekend. Students will be free to leave campus as long as there is a record of where they will be going and when they will be returning. All students will be required to be checked into the residence hall by 9 PM on Friday, Saturday and Sunday evenings unless express permission is granted by the residence hall staff.

Special Residence Life Programming:
One aim of the residence hall will be to serve as a bridge for the international students and the rest of the student body. The hall itself can be used as a place for clubs, sports teams, etc. to meet and have celebrations. This will allow each part of the student population to spend time together outside of the school itself.

Host Families:
Marshall School International Program has fostered a thriving and important relationship with local families that has allowed the students to become acquainted with life for families living in northern Minnesota. Although the residence hall will replace the need to have host families for boarding students, the program will introduce "friend families" by providing students with opportunities to join local families for short periods of time to experience family life and special outings/events.

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FUNCTIONAL SPACES DEFINED

The residence hall being proposed will include space for thirty-two single occupant dorm rooms, three separate shower rooms segregated by gender, an on-site residence for the Director of Residential Life, two apartments for the supervising staff, a guest apartment for relief staff as well as visiting parents from abroad, dining room and kitchen, a study gathering space and a lower-level game room and laundry facilities.

Dorm rooms: Each room will be the personal space of a single student. The room will accommodate a bed, a bureau and a desk.

Director of Residential Life's Residence: This will be a fully functional apartment space for either a single person or a couple. It will have a kitchen and a separate bathroom. The apartment will also have a separate entrance to ensure privacy.

Supervising Staff Apartments: These two spaces will be functional apartments for a single person and come equipped with kitchenettes and a separate bathroom.

Guest Apartment Space: This will be a space that will stand ready for visiting families or guest supervisors who will be brought in when live-in staff need to be relieved.

Laundry Room: The laundry room will allow students to clean their clothing as well as their bedding. Personal hygiene will be an important part of life for the residence hall. The supervising staff will be responsible for making sure that the students are washing their bedding at least once a month.

Study Gathering Space: This space will be set-aside specifically for students to work on their homework or school projects. There will be computers available for homework purposes.

Game Room: This space will allow students to come together for the simple but important purpose of fun and enjoying each other's company. This room may include T.V. sets with gaming systems, an air hockey table, board games and potentially even a small library.

Security of the building: The residence hall will have a security and alarm system that will be set at a certain time every night and will also be activated during the school day. This will be akin to locking one's door when leaving the house. This measure will be in place to protect the belongings of all residence and to protect the structural integrity of the building itself. The Director of Residential Life and the Supervisors will be the keepers of the code for the building as well as key members of the Marshall Staff.

Residence Hall Cleaning Protocol:
Students and staff will be responsible for cleaning their own personal spaces. The supervisors will have the task of monitoring the students' rooms on a regular basis to ensure that they are maintaining hygienic practices. The Marshall School janitorial staff will perform routine cleanings of the bathrooms and common areas.

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STAFFING & RESPONSIBILITIES

International Programs Director:

- Manage the recruitment and enrollment of students in Marshall's international program
- Manage the school's international financial aid process and budget
- Engage in marketing and strategic planning to ensure the long-term sustainability of the program
- Create and manage student immigration records in SEVIS

International Programs Coordinator:

- Sharing and communicating student information across departments as necessary in order to integrate the academic, health, and personal well-being of the international students
- Program management as assigned for short-term exchanges, visits, and special events
- Monitoring and keeping records of students tuition payments, lunch account balances, invoices and contracts with the appropriate offices
- Managing international alumni relations and outreach

Director of Residential Life:

- Responsible for scheduling residence hall staff
- Approves residence hall programming
- Liaison to Marshall School staff
- Assists in budgeting for the residence hall
- Point of contact for all auxiliary services

Residence Hall Supervisors:

- Prepare meals for students for each required meal time
- Oversee the set-up and clean-up of meals
- Liaison with the Food Service Director to transport food and dishes
- Monitor public spaces for behavioral issues
- Monitor the whereabouts and time schedules of students
- Administer morning and evening medications when necessary
- Assist with daily routines and life skills

Substitute Supervisors:

- Perform all the duties of the Supervisors when the usual staff are on vacation or taking the monthly weekend off.

Marshall School Food Service Director/Staff:

- Make and deliver meals that will be warmed and served by the Supervisors
- Create a meal calendar to post for the students

Marshall School Health Center Staff:

- Administer daytime medication to students at school
- Remain up-to-date on all student health records

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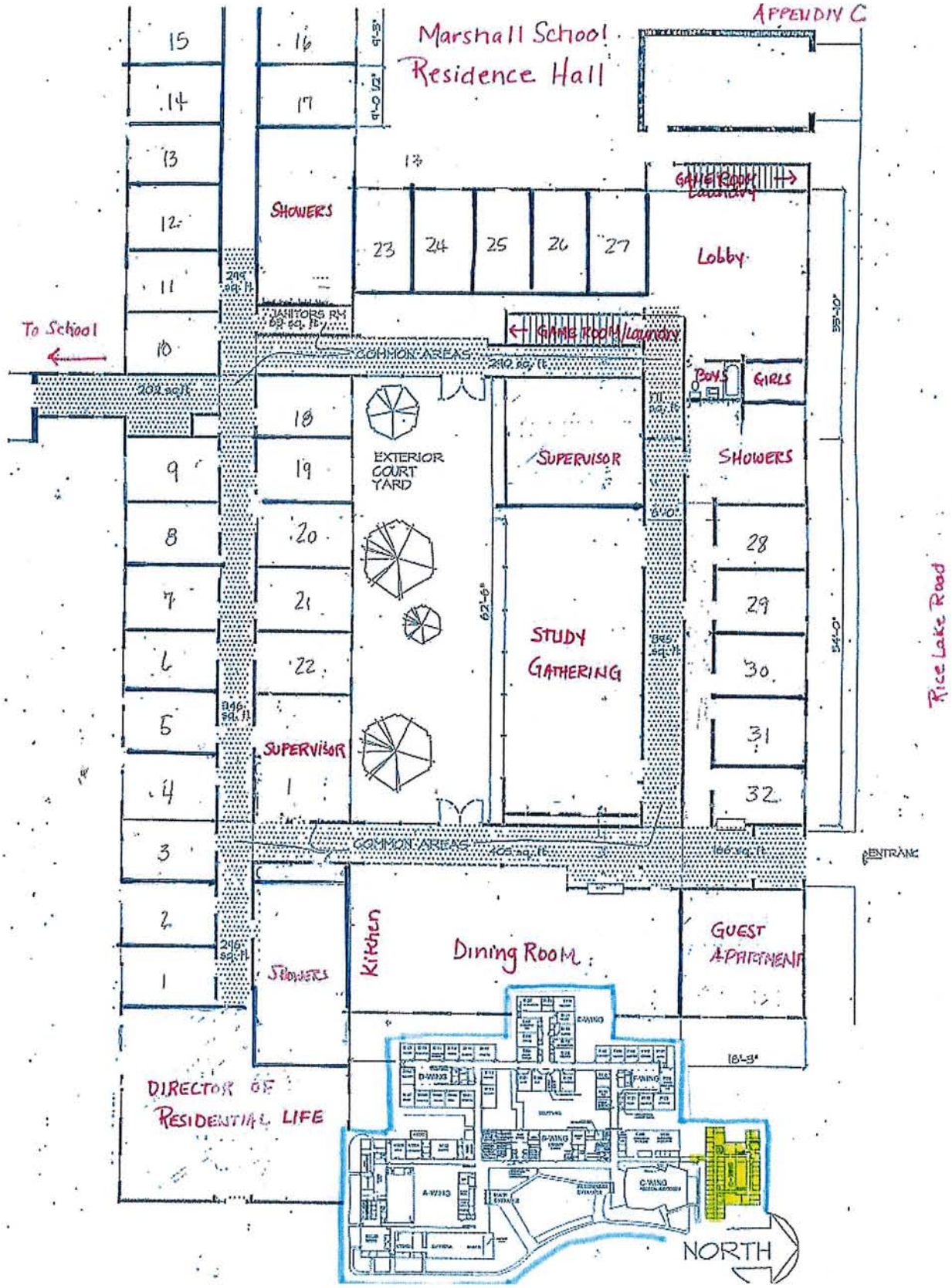
APPENDIX C
Marshall School
Residence Hall
SHOWERS
Lobby
GAME ROOM/Laundry
To School
COMMON AREAS
JANITORS RM
EXTERIOR COURT YARD
SUPERVISOR
STUDY GATHERING
BOYS
GIRLS
SHOWERS
Rice Lake Road
SUPERVISOR
COMMON AREAS
ENTRANCE
Kitchen
Dining Room
GUEST APARTMENT
SHOWERS
DIRECTOR OF RESIDENTIAL LIFE
NORTH

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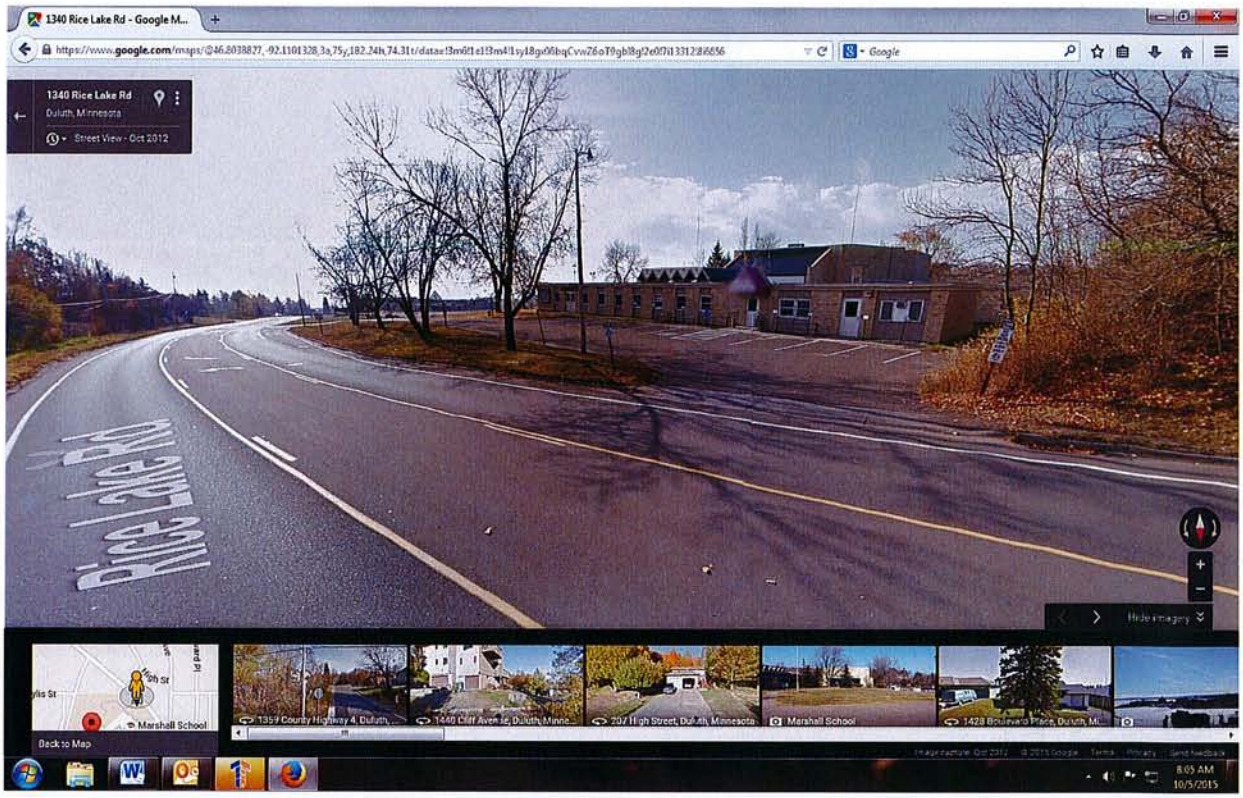
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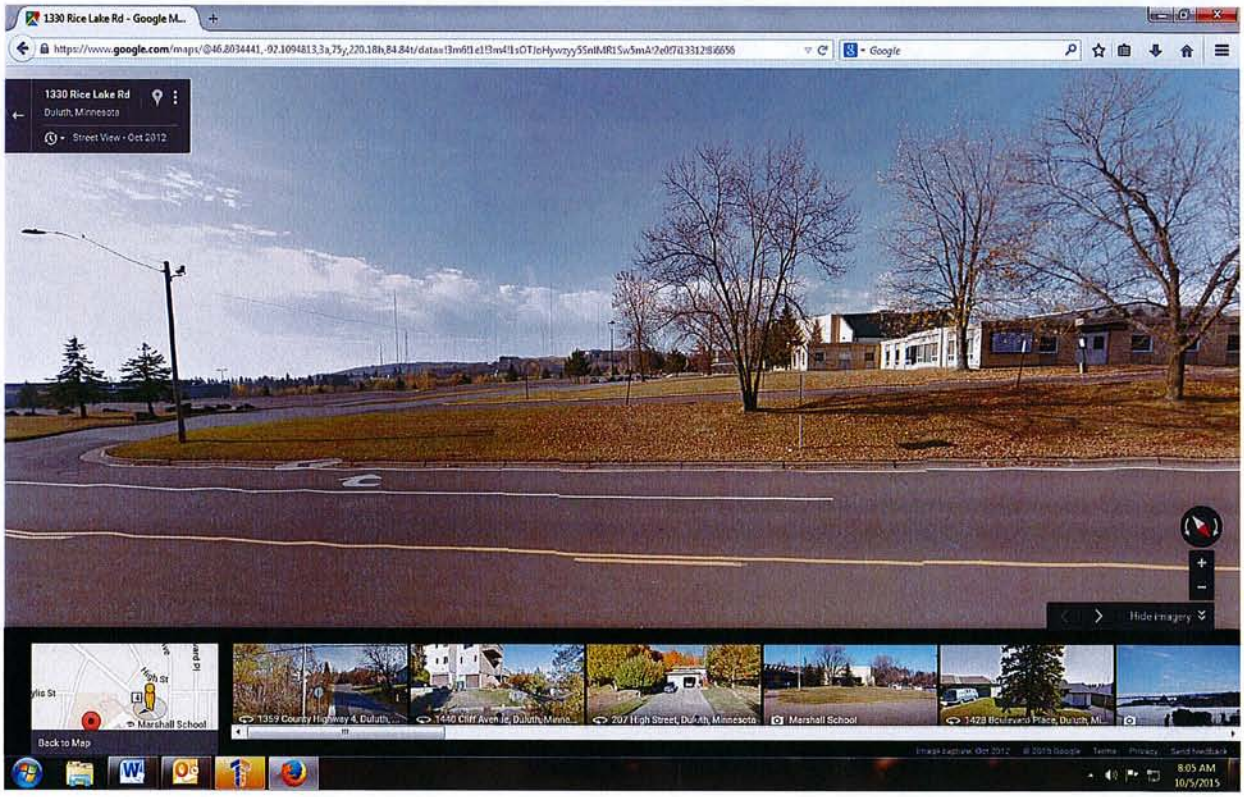
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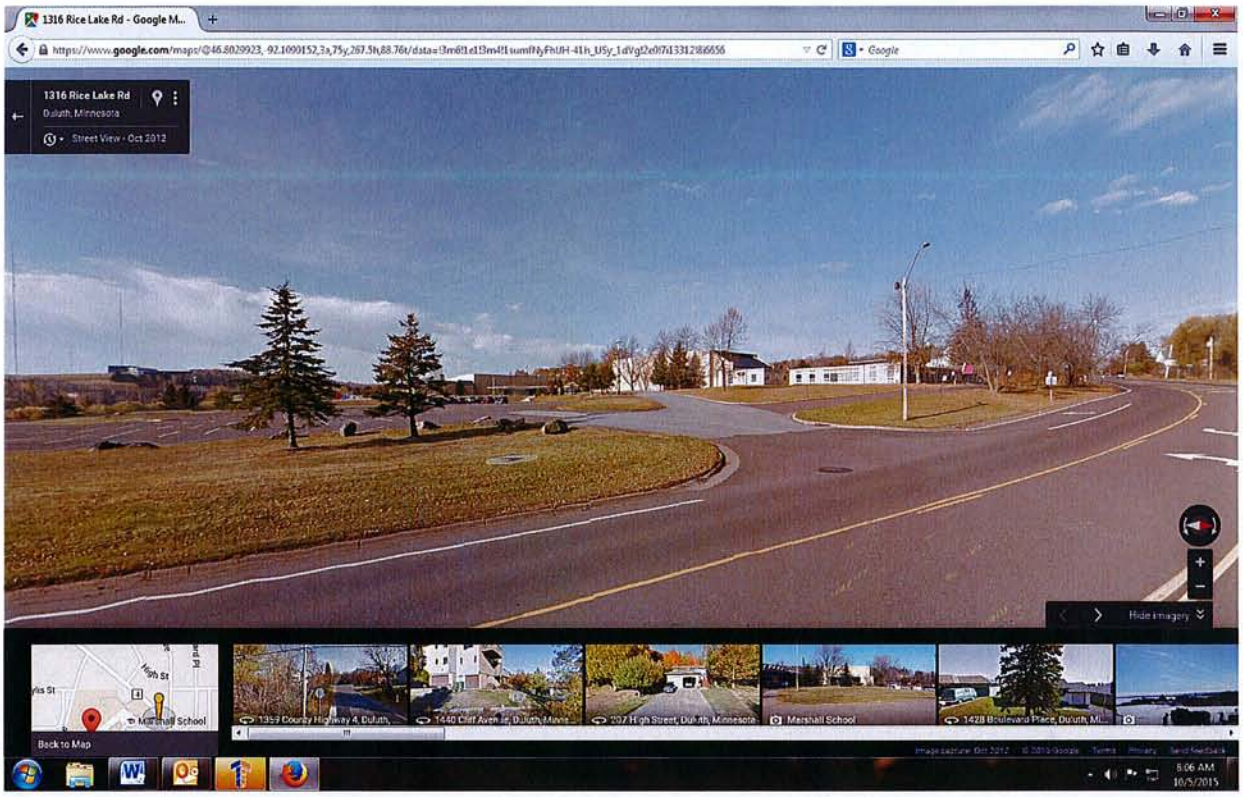
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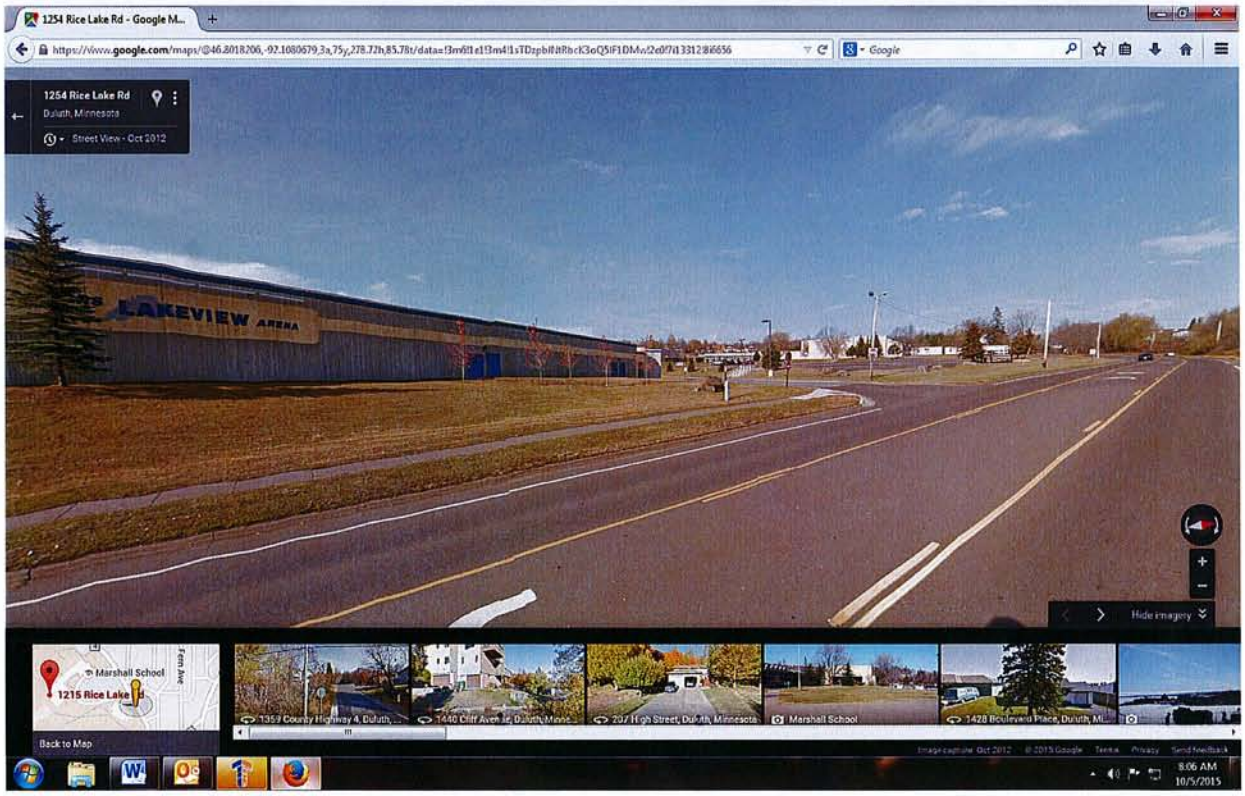
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Duluth, Minnesota
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LAKEVIEW ARENA
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