



**CITY OF DULUTH**

Planning Division

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

**STAFF REPORT**

<b>File Number</b>	PL 15-153	<b>Contact</b>	Jenn Reed Moses, jmoses@duluthmn.gov	
<b>Application Type</b>	Special Use Permit	<b>Planning Commission Date</b>	October 13, 2015	
<b>Deadline for Action</b>	<b>Application Date</b>	October 1, 2015	<b>60 Days</b>	November 30, 2015
	<b>Date Extension Letter Mailed</b>	October 1, 2015	<b>120 Days</b>	January 29, 2016
<b>Location of Subject</b>	3911 Minnesota Avenue			
<b>Applicant</b>	Duluth Rowing Club, Inc.	<b>Contact</b>	218-260-6056, thomg0313@gmail.com	
<b>Agent</b>	AMI Consulting Engineers	<b>Contact</b>	Ted Smith, Ted.Smith@amiengineers.com	
<b>Legal Description</b>	PID 010-3580-0009			
<b>Site Visit Date</b>	October 2, 2015	<b>Sign Notice Date</b>	September 29, 2015	
<b>Neighbor Letter Date</b>	September 25, 2015	<b>Number of Letters Sent</b>	18	

**Proposal**

The Duluth Rowing Club (DRC) proposes to replace its existing boathouse and also add a Clubhouse that will be approximately 3,000 sq. ft. This use would be a club or lodge per the UDC and requires a Special Use Permit.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	P-1	Rowing club	Traditional Neighborhood, Preservation
<b>North</b>	R-1	Undeveloped shoreland	Traditional Neighborhood
<b>South</b>	P-1	Undeveloped shoreland	Preservation
<b>East</b>	R-2, R-1	Assisted living, Residential	Traditional Neighborhood
<b>West</b>	N/A	N/A	N/A

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

Section 50-19.8. A club or lodge in the P-1 district requires a Special Use Permit.

UDC Section 50-37.10. Special Use Permits. The Planning Commission shall approve the application or approve it with modifications if the commission determines that the application meets the following criteria:

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

II.6-1

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

Future Land Use - Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood.

Future Land Use - Preservation: Lands with substantial restrictions. High natural resource or scenic value, or severe development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls.

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

Staff finds that:

- 1.) DRC proposes to continue its use, with a replacement boathouse and new clubhouse. Use is consistent with the Comprehensive Plan.
- 2.) UDC Sec. 50-18.1 (Natural Resources Overlay) - Clubhouse will be elevated 3 feet over RFPE, as required in the flood fringe. Pervious pavers will be used to treat stormwater; City Engineering notes that applicant will need to do a MS4 Statement of Compliance prior to permitting. As the clubhouse will be located within the shoreland setback, applicant has requested a variance (PL 15-152). Replacement boathouse will be located over the water and will be regulated by the U.S. Army Corps of Engineers and the Minnesota Department of Natural Resources (DNR).
- 3.) UDC Sec. 50-23 (Connectivity) - No sidewalk exists along the adjacent side of Minnesota Avenue, so this project is not required to provide pedestrian connections to the street.
- 4.) UDC Sec. 50-24 (Parking) - The UDC requires 2.5 parking spaces per 1,000 sq. ft. of clubhouse space, which results in a minimum 8 spaces and maximum 12 spaces. Project provides the maximum 12 parking spaces.
- 5.) UDC Sec. 50-25 (Landscaping) - Project is planning for street frontage landscaping and 30% tree canopy coverage in the parking lot. Prior to receiving a building permit, applicant will need to: confirm trees will be planted on private property and not within the right of way; provide calculations for tree canopy coverage and parking lot area to show canopy meets 30% coverage; and provide details on species of shrubs.
- 6.) UDC Sec. 50-26 (Screening) - No loading areas, retaining walls, fences, or exterior mechanicals are proposed. Current recycling dumpster will be placed behind the Clubhouse building and will not be visible from the street.
- 7.) UDC Sec. 50-27 (Signs) - Applicant will need to comply with sign requirements, including applying for sign permits as applicable.
- 8.) UDC Sec. 50-29 (Sustainability) and 50-30 (Building Design Standards) - Building is less than 10,000 sq. ft. so these standards are not applicable.
- 9.) UDC Sec. 50-31 (Exterior Lighting) - Applicant is planning lighting attached to the buildings. Lighting specs and photometrics will be needed prior to issuing a building permit to confirm it meets UDC requirements.
- 10.) One neighbor comment was received. No other public, agency, or City comments were received.
- 11.) UDC 50-37.1.N states than an approved Special Use Permit will expire if the project or activity authorized by the permit is not begun within 1 year.

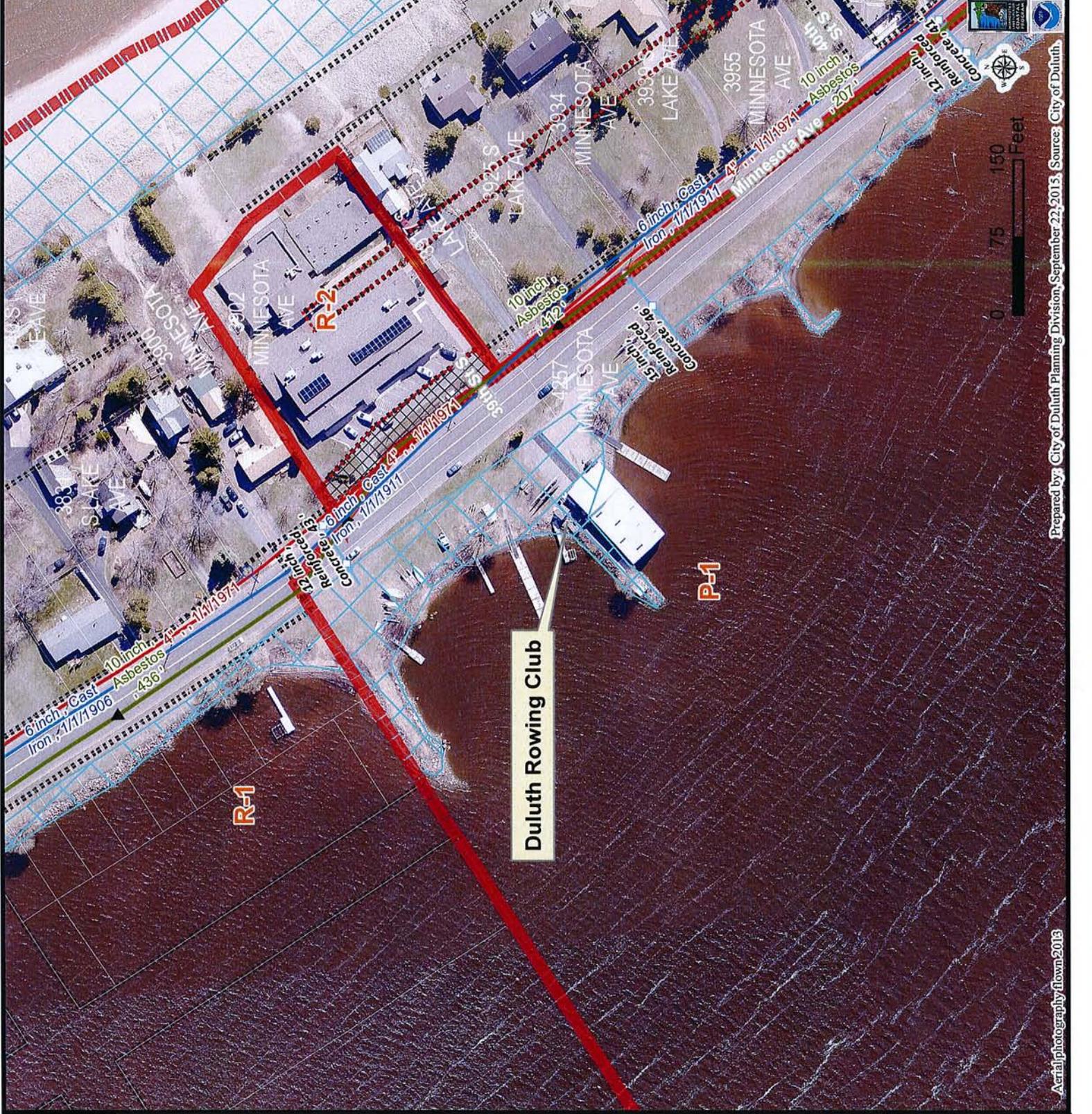
**Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):**

Based on the above findings, staff recommends approval of the Special Use Permit subject to the following conditions:

- 1.) The project be limited to, constructed, and maintained according to Proposed Site Plan dated 10/01/15 and Landscape Plan dated 09/22/15.
- 2.) The project receive a shoreland variance to build the clubhouse.
- 3.) Applicant meet all permitting requirements from the Corps of Engineers and DNR.
- 4.) Applicant provide a landscape plan to confirm trees will be planted on private property and not within the right of way; provide calculations for tree canopy coverage and parking lot area to show canopy meets 30% coverage; and provide details on species of shrubs.
- 5.) Applicant prepare a lighting plan with photometrics to confirm compliance with UDC requirements prior to receiving a building permit.
- 6.) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

6-2

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



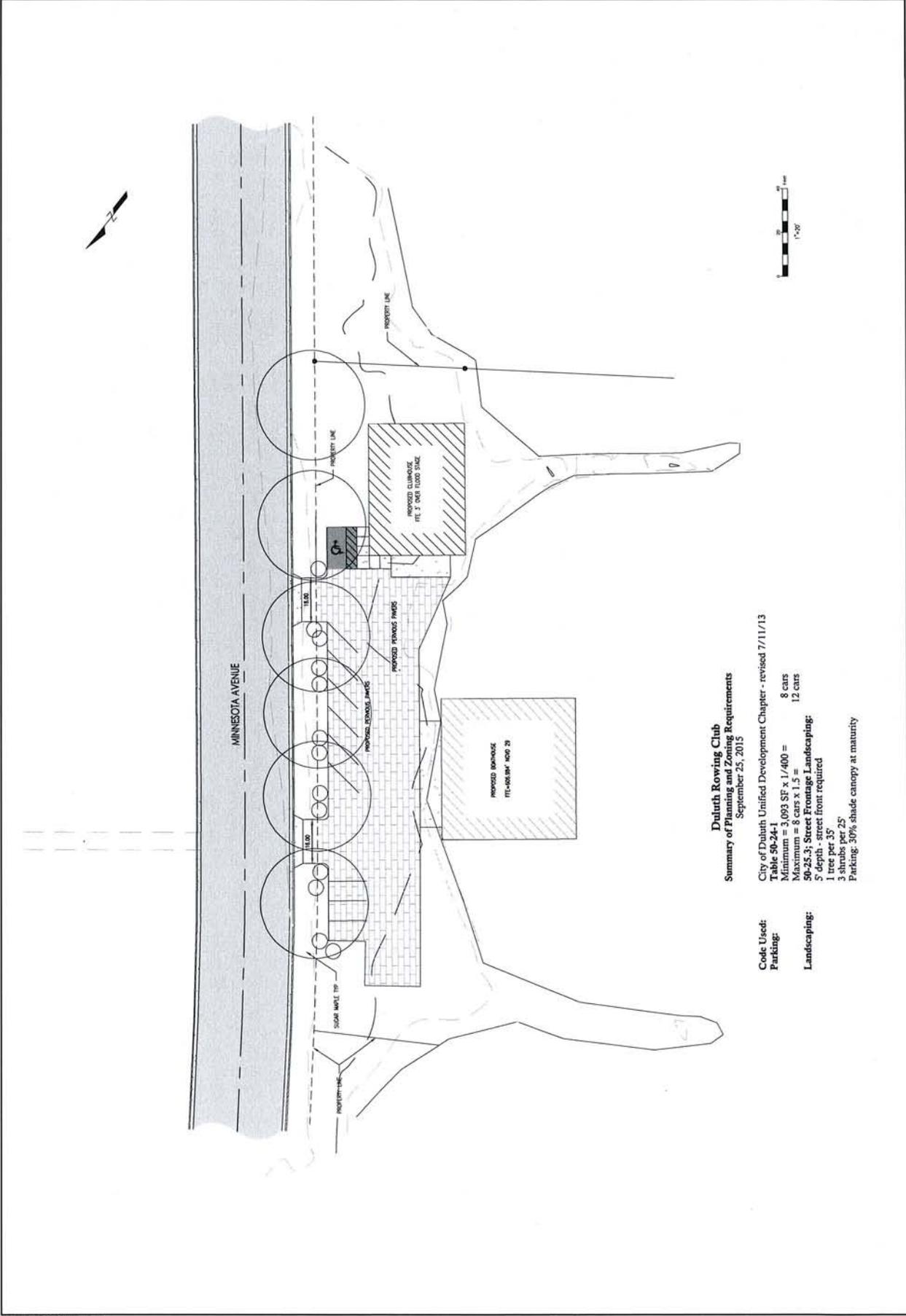
**City Planning**  
 PL 15-152/15-153  
 3911 Minnesota Ave

Legend	
	Trout Stream (GPS)
	Other Stream (GPS)
	Hydrant
	Water Main
Network Structure	
	Storage Basin
	Pump Station
Sanitary Gravity Mains	
	CITY OF DULUTH
	WLSSD; PRIVATE; RICE LAKE TWP
	Sanitary Sewer Forced Main
	Storm Sewer Catch Basin
Subtype	
	Storm Sewer Pipe
Gas Distribution Main	
	Coated Steel
	Plastic
Zoning Boundaries	
	Zoning Boundaries
Right-of-Way Type	
	Road or Alley ROW
	Vacated ROW
Easement Type	
	Utility Easement
	Other Easement
Floodplain Type	
	General Flood Plain
	Flood Way
	Flood Fringe

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.



REV. NO.	DATE	DESCRIPTION
1		ISSUED FOR CONSTRUCTION
2		
3		
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10		



**Duluth Rowing Club**  
Summary of Planning and Zoning Requirements  
September 25, 2015

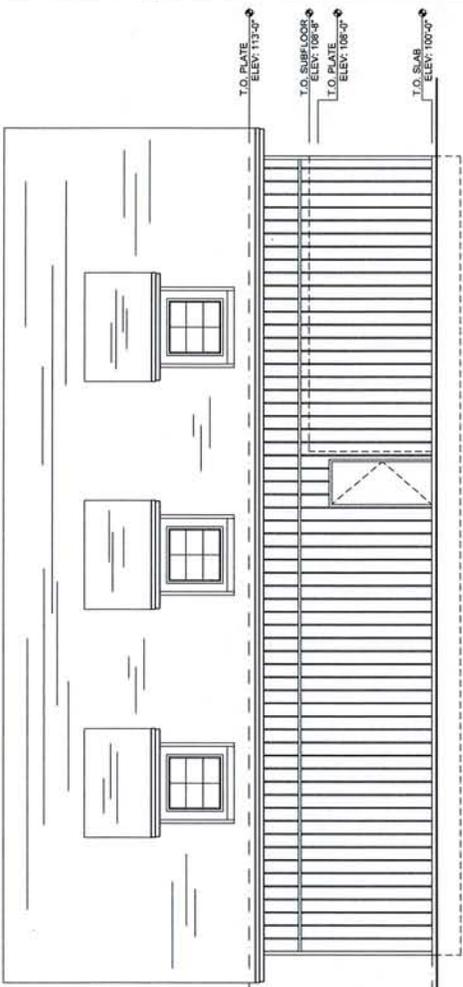
City of Duluth Unified Development Chapter - revised 7/11/13

- Table 50-24-1  
Minimum = 3,093 SF x 1/400 = 8 cars
- Maximum = 8 cars x 1.5 = 12 cars
- 50-25.3; Street Frontage Landscaping:  
5' depth - street front required  
1 tree per 35'  
3 shrubs per 25'  
Parking: 30% shade canopy at maturity

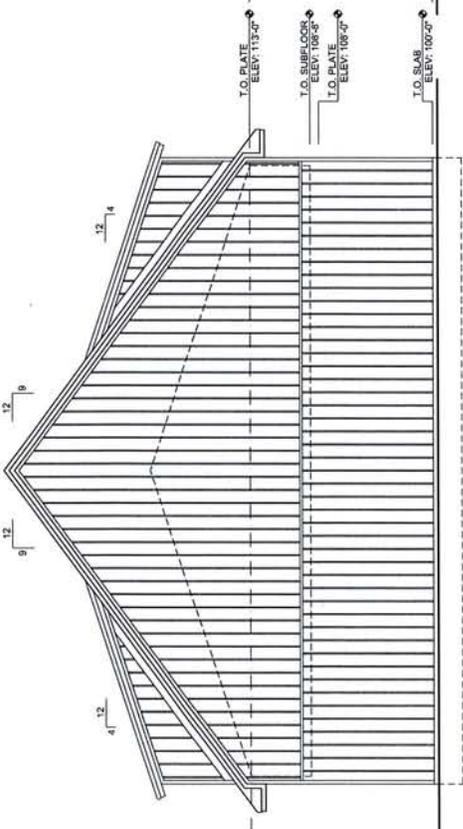
Code Used:  
Parking:

Landscaping:

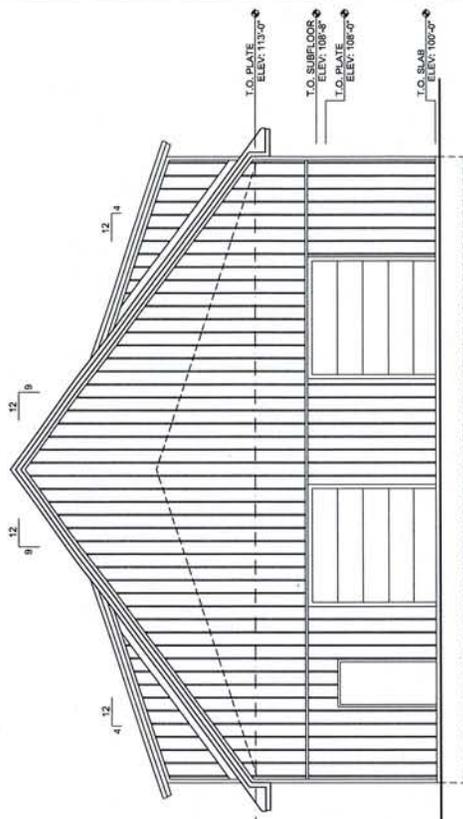
6-5



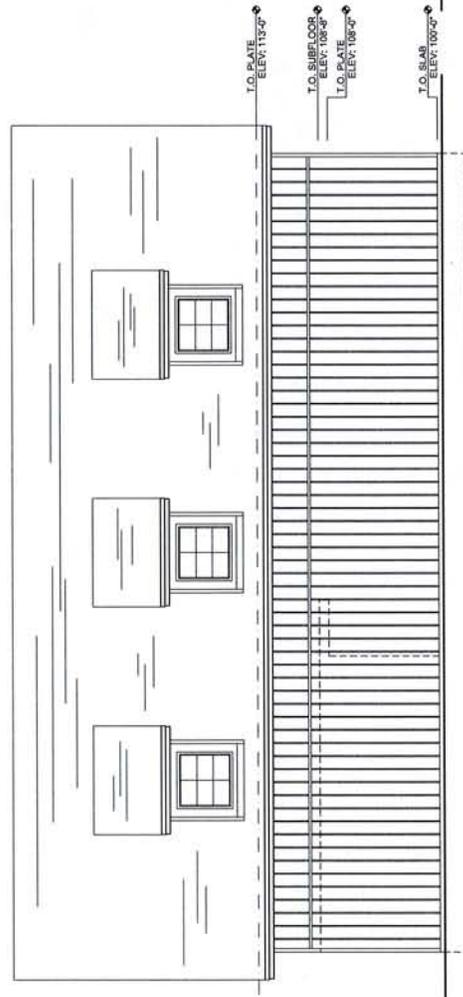
**WEST ELEVATION**  
 SCALE: 1/4" = 1'-0"



**SOUTH ELEVATION**  
 SCALE: 1/4" = 1'-0"



**NORTH ELEVATION**  
 SCALE: 1/4" = 1'-0"



**EAST ELEVATION**  
 SCALE: 1/4" = 1'-0"

**PRELIMINARY**  
 NOT FOR CONSTRUCTION

G-6



# DRC Applications for Shoreline Setback Variance and Special Use Permit

## History

The Duluth Rowing Club (DRC) is a 130 year-old organization that has evolved from a large organization, which supported the most popular summer spectator sport in the early 1900's, to what is now primarily a program for 13 to 18 year-old youth.

The DRC boathouse was built in 1906 and closed in the late 1930's. It was brought to life again in 1955 and has operated as the Duluth Rowing Club Boathouse ever since. Granting this variance request will allow the operation of the DRC rowing program to continue as it has been conducted over the past 60 years.

The DRC is a 501(c)3 not-for-profit organization run by a volunteer board, and maintained by volunteers consisting of parents and other adults who enjoy rowing for sport and exercise. The only paid staff are the coaches for the juniors.

The club enrolls 100 juniors per year in the program which runs from early June to late August, depending on the schedule for the school year. In cooperation with the schools, juniors who meet the annual requirements can earn an athletic letter from their school. However, no school funding is provided for the program. We provide a scholarship fund for anyone who would like to participate but cannot afford \$210 for the summer program.

## Use of the Property

Daily (Mon-Fri) use of the club property during the summer begins at 6:00am for adults who are generally gone by 8:00am. Juniors start at 8:00am and leave at 10:00am at which time the Boathouse is closed. It opens again at 5:00pm until 8:00pm for recreational rowing. Except for maintenance activity on the boats and equipment, the facility is closed from approximately November to the end of April. Smoking and alcohol are not permitted on DRC property.

The DRC hosts one regional regatta each year at our Park Point site. No camping is allowed on our site, nor is there room for it. All available space is used for boat storage and access for the visiting clubs. This past year we had over 250 participants for the one day event.

Because of revised State rules, this requested variance is necessary if we are going to be allowed to continue the rowing program described above.

## DRC Applications for Shoreline Setback Variance and Special Use Permit

### **Proposed Project**

The pilings underpinning the current boathouse are over 100 years old and are failing at a rapid pace. This past winter the entire SW corner of the building was knocked off the supports and was literally hanging from the roof. If left unattended, the boathouse could have collapsed. A replacement Boathouse has been designed and will be constructed near the existing boathouse, which will then be removed.

The replacement over-water Boathouse will be regulated by the U.S. Army Corps of Engineers and the Minnesota Department of Natural Resources (DNR). The DNR permit has been issued based on State rules that restrict the size and height of the replacement Boathouse to that of the existing structure, even though the DRC public service programs and storage space needs have increased in recent years. The replacement Boathouse will be 63' x 63' x 21'-2.25" high. State rules also prevent functions other than boat storage in the new structure, therefore an additional building is required to provide restrooms, showers, a classroom / meeting room, boat maintenance and repair capability, and additional boat storage functions that are required for continued DRC functions.

The Club functions displaced by State rules will be provided by construction of a new Clubhouse. The Clubhouse will be 44'x 56' x 21.5' high. The Clubhouse will be constructed in compliance with front and side setback requirements. However, compliance with shoreline setback provisions can't be achieved because of the shape of the DRC lot. The distance between Minnesota Avenue and Superior Bay will not allow compliance with the shoreline setback. Given the nature of DRC programs, it will also be advantageous to locate the Clubhouse close to the shoreline and close to the replacement Boathouse. Without the requested variance, The DRC will not be able to continue programs that provide for the health and safety of youth in the community.

### **Reasons for Requested Variance**

The Duluth Rowing Club (DRC) will be replacing their existing and failing boathouse. The replacement Boathouse will be entirely water-ward of the Ordinary High Water Mark (OHWM) and will be authorized by the U.S. Army Corps of Engineers. The replacement Boathouse has been permitted by DNR under State rules that prohibit uses other than boat storage in the Boathouse.

A Clubhouse will be constructed entirely landward of the OHWM (ordinary high water mark) to provide functions that are no longer allowed in the Boathouse under State rules, including restrooms, shower facilities, a class-room / meeting-room, and boat maintenance & repair facilities. The DRC property is a non-conforming lot of record. The Clubhouse will comply with front and side setback requirements but setback from the shoreline can't be achieved because of the proximity of Minnesota Avenue to

## DRC Applications for Shoreline Setback Variance and Special Use Permit

Superior Bay. Because of the unique situation, DNR has indicated they will not object to a reduced water-line setback for the DRC Clubhouse.

A variance from shoreline setback requirements is requested for the DRC Clubhouse and parking area.

### **Mitigation of Shoreland Impacts**

Construction of the Clubhouse, parking area, approach to the replacement Boathouse, and removal of the existing boathouse will provide opportunities to configure the lot to best manage stormwater and improve the appearance and function of the lot. The shoreline will be stabilized and vegetated. The parking area will consist of permeable pavers and the drainage from the roof of the Clubhouse will be controlled and directed to prevent erosion. Appropriate and attractive vegetation and foliage will be established and maintained on the lot. Plans for the lot have been reviewed and approved by City Stormwater Program staff.

### **Reasons for Requested Special Use Permit – Club in P-1 Zone**

The Duluth Rowing Club is a not-for-profit organization that provides educational and recreational opportunities and services to the community. Approval to construct a Clubhouse on the lot is needed because club functions are prohibited in the Boathouse under revised State rules.

The Duluth Rowing Club plans to construct a new Clubhouse on property they have occupied for many years. This same property has a history of use for rowing club functions going back to the late 1800s.

A Clubhouse will be constructed entirely landward of the shoreline to provide functions that are no longer allowed in the Boathouse under State rules, including restrooms, shower facilities, a class-room / meeting-room, and boat maintenance & repair facilities. The DRC property is a non-conforming lot of record. The Clubhouse will comply with front and side setback requirements but setback from the shoreline can't be achieved because of the proximity of Minnesota Avenue to Superior Bay. Because of the unique situation, DNR has indicated they will not object to a reduced shore-line setback for the DRC Clubhouse.

This is an application for a Special Use Permit that is required for a clubhouse structure in a P-1 zone.

## DRC Applications for Shoreline Setback Variance and Special Use Permit

### Lighting and Dumpster

There will be down lighting on the gable ends of the buildings and near the clubhouse entry door. Area lighting of the lot is not needed. The DRC plans to retain the existing dumpster, which is used for fundraising collection of glossy paper which is sold for recycling. The dumpster will be located behind the building and will not be visible from the street.

### Application Index

1. This Cover Letter
2. Variance Application Cover Sheet
3. Variance Application Supplemental Form
4. Special Use Permit Application Cover Sheet
5. Site plan
6. Plans for the Clubhouse
7. Plans for the replacement Boathouse, that is regulated by DNR and the Army Corps of Engineers
8. A 3-dimensional drawing showing the appearance of the lot after construction of both buildings and removal of the existing boathouse

## Jennifer Moses

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**From:** Judith Trolander <jtroland@d.umn.edu>  
**Sent:** Thursday, October 01, 2015 5:15 PM  
**To:** Jennifer Moses  
**Subject:** Re: Duluth Rowing Club

Thank you for sending me the site plan and drawing of what the Rowing Club is referring to as a "clubhouse" or "lodge."

I live at 3934 Minnesota Avenue, which is close to the proposed project for which the Rowing Club is requesting a special use permit and variance. I object to the project for the following reasons:

1. The site plan shows the project extremely close to the shore in violation of the shoreland setback in that area. The request should be denied for environmental reasons.
2. The site plan shows off street parking for twelve vehicles, which is inadequate given the congested parking situation that already exists on the street in front of my house. This morning around 11:00 and with no special event going on at the Rowing Club, I counted 23 cars parked on the street. They stretched from the middle of the 3800 block past my house. When parking is on my side of Minnesota Avenue, it's fairly common for parked cars to flank both sides of my driveway, making a view of oncoming traffic a challenge. The nursing home across from the Rowing Club has only a small parking lot that it uses for short term visitors. At around 11:00 this morning, that lot had empty spaces for only four cars. I doubt if all 23 parked cars belonged to nursing home employees. I noticed no bicycles this morning and don't remember seeing many there in the past. The lines of cars are definitely longer during Rowing Club events. While the Rowing Club may be meeting some sort of parking formula, that ignores the parking congestion that already exists plus the type of use of their facility.
3. Their clubhouse, which I think looks more like a glorified garage or warehouse, is a view blocker detracting from the esthetics of the neighborhood and of people driving down Minnesota Avenue. The stretch of Minnesota Avenue opposite my house is the longest view of the bay that motorists have until they get up to the park by the airport and is worth preserving.
4. The Rowing Club does not seem to have explored alternative locations. When I talked to Tom Rauschenfels of the Rowing Club about that, he said that they didn't have any money. However, they do have a valuable asset in their 300 feet of frontage on Minnesota Avenue and their shore. One possibility might be to explore a partial or complete land swap with the county for the parcel the county is trying to sell around 18th street for \$750,000, but has no buyers at that price. That parcel does have considerable shore and more land surface, so it wouldn't be necessary to violate the shoreland setback. The Rowing Club would have more parking in a less congested area and might be able to do a more functional building without the narrow site constraints of its current plans plus another location would be the right thing environmentally.

Please forward my comments to the Duluth Planning Commission. Thank you. Judith Ann Trolander

On Thu, Oct 1, 2015 at 10:25 AM, Jennifer Moses <jmoses@duluthmn.gov> wrote:

Hi Judy,

6-12

Per your request, here is the site plan and a sketch of what is being proposed by the Duluth Rowing Club.

Jenn

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Jenn Reed Moses, AICP

Planner II

City of Duluth

Planning Division

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Home telephone: (218) 727-4828

6-13