

MEMORANDUM

To: Members of the Planning Commission

From: The Development Team for the Duluth Public Schools Academy High School Project

Re: Pending Applications for SUP and Variances

Upon review of the Staff Reports and in preparation for the hearings scheduled for May 10, 2016, the following information is respectfully submitted for consideration by the Commissioners. We discuss the Special Use Permit ("SUP") application first, and then the three variance requests.

I SPECIAL USE PERMIT APPLICATION

As a preface, we note that the Staff report relating to the SUP expresses a sole recommendation: that the matter be tabled to the June meeting, with this hearing seemingly to be used to absorb the Staff Report, allow for traffic and wetlands issues to be worked through and to consider what staff seemingly anticipates to be a considerable amount of public comment.

With all due respect, we believe that the four pending applications are ripe for decision at this meeting, and that the record taken as a whole supports issuance of the requested permit and variances. Experience throughout Duluth Public Schools Academy's ("DPSA's") existence teaches that its dealings before public bodies in Duluth- seemingly no matter the body or its charge- reliably devolve into debates over the broader question of charter schools themselves. Recent experience is that some within in the community certainly view this project through the lens of their own opinions regarding whether a new charter high school should be created in Duluth. With due respect, the State Legislature has long settled the question of whether, or how, charter schools should operate in Minnesota. The only questions before this body are the land use questions under the UDC regarding the appending of a high school to the current DPSA Northstar Academy campus on Rice Lake Rd.

With that introduction, our goal in this communication is to address the discussion of substantive planning questions within the SUP staff report on an issue-by-issue basis.

It should be noted at the outset that this very use of this very property figured prominently in the Comprehensive Plan amendments recommended by this Commission and adopted by the City Council just weeks ago. Planning's staff report to the Council in support of those amendments included the following: "While Edison can develop a high school with the existing RR-1 zoning, the Comprehensive Plan can better recognize the school use with a land designation of Institutional. " A copy of the resolution and staff report supporting it are attached.

Against that backdrop, the seeming reluctance to move forward with this SUP application is puzzling. As the Staff Report regarding the SUP acknowledges, the specifics of this project do not call for an EAW, and there was no citizen petition for one.

Staff's bases for its recommendation to table include:

Allowing time for the Council to consider UDC changes relative to parking. Parking is one of the pending variance requests. Acknowledgment that zoning will likely change in our favor in a manner parallel to the recent Comprehensive Plan is a reason to grant the requested variance, not to deny or table that requests and the SUP application.

Allowing for completion of the TEP review process with respect to wetlands. The current state of the TEP reporting and review process is provided with this submission, and does not require or support delaying the consideration of the pending SUP application.

Allowing time for completion of an agreement with the County relative to access for the back of the subject property. Discussions are ongoing regarding backage road access for the project and how it fits in with the County's considerations regarding this area (which includes the current school and the substantial UHC and Minnesota Power campuses). However, full and final completion of that process should not be a condition of the SUP approval by this body. That discussion can and will occur with the County, with the ultimate approval of City engineering and building safety staff as those discussions are completed such that an SUP requirement of backage access will be met.

The narrative portion of the Staff report then discusses the lack of an EAW requirement (discussed above); the status of stormwater planning review (which is identified as a building permit issue, and so not one that should delay consideration of the SUP or variances), the wetlands replacement plan (discussed above); the traffic study (discussed above); and the future land use and rezoning (discussed above) before getting into the additional analysis that is to guide an SUP issuance decisions.

As Staff notes and Commission is aware, an SUP is to be granted where:

1) The application is consistent with the Comprehensive Plan. As noted above, this very use was one of the bases for the very recent amendment of the Comprehensive Plan. That goes beyond mere consistency, and is clearly a basis to grant this SUP.

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. The "Discussion" section of the Staff Report enumerates a number of applicable code provisions, without noting any areas of noncompliance other than parking (discussed above as in line with a pending Code amendment, and for which there is a variance request pending).

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.

Staff addresses this point by reference to the UDC's guiding principles noting Principles 2, 7 and 11 as favoring this application, and Principles 1, 5 and 12 as mitigating against it.

Principle 1: Reuse Previously Developed Land: The applicants have made extensive efforts to find a site that would result in the adaptive reuse of an existing facility. On two occasions, ISD 709 was approached about selling the Duluth Central School site to be used as the DPSA 8-12 high school site. In both cases, the ISD 709 school board rejected the motion to discuss the sale of the Duluth Central School site to Tischer Creek Duluth Building Company, which is DPSA's affiliated building company. All other sites, including the armory, were not suitable for adaptive re-use, due to size, lack of adjacent parking and programmable green space and/or cost prohibitive environmental remediation concerns. Our first choice was not to construct the facility on a green field site, but there were no other viable options available.

Principle 5: Strengthen Neighborhoods. The proposed high school is not physically in a traditional residential neighborhood, but it supports existing children and their families across the City. The construction of the high school constitutes a unique opportunity to create a K-12 campus, with large amounts of green space and a close relationship with a heritage site, which is Snowflake Nordic. There are many opportunities for enhanced outdoor recreation, education and synergy with more families if housing is realized on the site. The proximity to Arrowhead Tennis presents another opportunity for sharing athletic experiences and facilities. We believe this project strengthens and reinforces what its proximate area already is.

Principle 12: Creates Efficiencies in Delivery of Public Services. The proposed development utilizes existing infrastructure and consolidates elementary, middle and high schools on one campus. We do not see how this factor argues against this application.

While we agree that Principles 2 (Valuing Undeveloped Areas), 7 (Connectivity) and 11 (Consideration of Education Systems in Planning Actions) argue in favor of this application, we also believe that the following bear in our favor:

Principal 3: Support the Traditional Economic Base. The proposed development will create hundreds of construction jobs and permanent positions at the high school. It will also ensure the long term viability of Snowflake Nordic.

Principal 4: Support Emerging Economic Growth Sectors. DPSA 8-12 supports a broad and diverse student population. Their system currently serves over 1200 K-8 students. The construction of the high school will provide another quality education choice for these students.

Principal 6: Reinforce the Place Specific The proposed high school will be located next to an existing elementary school in the DPSA system and its use will integrate the Snowflake property.

Principal 8: Encourage a Mix of Uses and Densities. The addition of the high school would truly present a mixed use opportunity to the area, with existing education at North Star Academy, athletics at Arrowhead Tennis and Snowflake Nordic, business with United Health Care, Minnesota Power and Involta. The addition of multifamily housing would further diversity the mix of uses.

Principal 9: Support Private Actions that Contribute to the Public Realm. Once again, the construction of the high school ensures the long term viability of Snowflake Nordic, and will enrich the array of choices in public school education.

Principal 10: Encourage Sustainability. Preservation of 100 acres of land inherently reduces impacts to existing environmental resources.

In summary, application of the UDC to this application, especially in light of the recent Comprehensive Plan amendment that specifically envisioned this development, requires issuance now of the requested SUP.

II. VARIANCE REQUESTS

A. VARIANCE TO NUMBER OF PARKING STALLS

We discussed this topic at the April planning commission meeting. At that time, the presentation was for 6 cars per classroom. We contend that the formula for parking at the school should be 6 per classroom x 38 classrooms x 1.5 = 342 stalls. As noted in the staff report, the parking at North Star Academy is grossly inadequate. The current proposed parking has been deemed to be satisfactory, yet is still less than most comparable facilities in the State of Minnesota. The seeming recognition of the current Code's inadequacy with respect to school parking inherent in the Code amendment that's in process argues in favor of granting the variance, not making us wait until you fix the Code.

B. VARIANCE TO POSITION OF PARKING IN THE FRONT SETBACK

It is extremely important to have temporary pick up and drop off parking in the "front" of the building, that is, within the principal front setback between the front façade and Rice Lake Road. The front façade of the building is our main entrance. It is where new visitors, vendors, law enforcement, guests, etc. first enter the building. To not have any parking in the principal front setback may be an appropriate use for an enterprise in a high density urban setting where there is access to public transportation. The proposed project does not share those characteristics, and therefore, providing parking in the manner requested, for the type of facility being proposed, is a demonstrable hardship and a safety concern under the current zoning. The school use is clearly contemplated by the Comprehensive Plan as it now exists. This variance is sensible and consistent with that use.

C. VARIANCE TO BUILDING HEIGHT

A school typically has what is referred to a “tall wall”. That generally includes gymnasiums, cafeterias, auditoriums, etc. This school has a cafeteria and gymnasium. These rooms are large and have high ceilings. They are constructed in this manner across the United States and Canada. The request to extend the building height 3’ past the 30’ maximum for this zone district considering the proposed Special Use is absolutely necessary. Again, the clarity with which the school use is contemplated in the Comprehensive Plan mitigates in favor of a variance of this scope and nature that’s so inherent in that use.

III. CONCLUSION

City Staff, the Planning Commission and our development team have dedicated much time and effort during the past few months – separately as well as in collaboration with each other – to ensure that all aspects of this project have been carefully studied. The information contained in this memo reinforces the thoroughness of everyone’s work and confirms that everything the Planning Commission is considering is ready for approval on May 10.

Should you have questions prior to Tuesday’s meeting, please feel free to contact us ahead of time. Members of our team who are well versed in all aspects of this project will also be in attendance at your Commission meeting, in case you have questions at that time.

Thank you.

To: David Bolf, PE
Northland Consulting Engineers

From: Matt Pacyna, PE, Senior Associate
Tom Sachi, EIT, Engineer

Date: May 6, 2016

Subject: Addendum to the Duluth Edison High School Traffic Study

Introduction

Since completion of the *Duluth Edison High School Traffic Study* dated April 6, 2016, discussions with the project team indicate a desire to reduce the number of proposed apartment units. This stems from a combination of factors, including financial considerations, preserving ski trails, and other environmental considerations within the project area. Therefore, this addendum was developed to determine how the change in land use impacts the previous traffic study recommendations. The following sections provide the assumptions, analysis, and addendum conclusions.

Proposed Development Changes

The number of proposed apartment units is expected to decrease from 400 (previously assumed) to 100 apartment units. The high school enrollment, construction timeframe, and site access assumptions continue to be consistent with the previous traffic study. Other study changes include:

Trip Generation

To account for traffic impacts associated with the proposed development change, a trip generation estimate was developed for the a.m. and p.m. peak hours, as well as a daily basis. These estimates, shown in Table 1, were developed using the *ITE Trip Generation Manual, Ninth Edition*.

Table 1. Trip Generation Estimates

Land Use Type (ITE Code)	Size	A.M. Peak Hour Trips		P.M. Peak Hour Trips		Daily Trips
		In	Out	In	Out	
Proposed Land Use						
Apartments (220)	100 Dwelling Units	10	41	40	22	665
High School (530)	800 Students	234	110	77	155	1,368
New System Trips		244	151	117	177	2,033

The change from 400 to 100 apartment units represents a decrease of 153 a.m. peak hour, 186 p.m. peak hour, and 1,995 daily trips from the previously proposed development. The total site (high school and 100 apartments) is expected to generate 395 a.m. peak hour, 294 p.m. peak hour, and 2,033 daily trips once fully occupied.

Intersection Capacity Analysis

Given the expected decrease in the proposed development trip generation from the previous traffic study, the study area intersections are expected to operate at the same level of service or better under year 2020 peak hour conditions when compared to the previous traffic study. However, the reduction in the proposed development trip generation does not change the previously identified geometric and traffic control recommendations.

Signal Warrant Analysis

A review of the previous traffic signal warrant analysis indicates that even with the reduction in the number of apartment units (400 to 100), a traffic signal would still be warranted at the CSAH 4 and Krueger Road/High School Access intersection between year 2019 and year 2020. This timeframe assumes 100 apartment units are occupied and high school enrollment between 600 and 800 students.

Conclusions

Although the change from 400 to 100 apartment units is expected to reduce the overall trip generation for the proposed development, the previously recommended geometric and traffic control improvements remain valid.

Preliminary Drainage Report Summary – Duluth Public Schools Academy (DPSA) 8-12

Amended (5/5/16)

DPSA is in the process of completing a design for a new high school on newly acquired property along Rice Lake Road. The existing property was home to Snowflake Nordic Ski Center with an extensive trail system, a chalet and a few storage buildings. Almost the entire site is wooded minus the areas used for skiing. The proposed location of the high school will be in the south west corner of the property east of the Arrowhead Tennis Center.

Existing Site Drainage Conditions

The proposed site layout sits on multiple lots. The future property line to accommodate the new school will be approximately 16.92 acres. This will act as our project area when comparing existing to proposed. On the existing site there is only 26,455 SF of impervious or 0.61 acres. As stated above, a vast majority of the site is wooded aside from the areas that have been cleared of trees for the cross country ski activities. All runoff from the site flows south towards Rice Lake Road. Topography across the site varies from steep hillsides to flat areas including wetlands. On the site there are multiple wetlands that collect runoff and allow storage. All flow from the wetlands continues south to the ditch along Rice Lake Road. Once it crosses Rice Lake road through various culverts, it reaches a tributary of Chester Creek and is carried to Lake Superior.

Post-Construction Site Drainage Conditions

The post-construction site will consist of new school building, various parking lots, track/field surface and (2) smaller structures to service the field venue. The topography of the site will change leaving the parking and building on a level area constructed into the hillside. The post construction site will have approximately 8.19 acres of impervious, which adds 7.58 acres of impervious area. It should be noted that the runoff from the county road surrounding the site has not been accounted for in this design. It is the responsibility of the county to design the storm water collection and treatment system.

Site Area Breakdown

	Pre-Development		Post-Development	
	Area (SF)	% of Total Site	Area (SF)	% of Total Site
<u>Total Site Area</u>	736,941	100%	736,941	100%
Impervious Area	26,445	4%	356,769	48%
-Bit./Conc.	5,000	1%	222,143	30%
-Gravel	17,515	2%	0	0%
-Roof	3,930	1%	69,260	9%
-Track Surface	0	0%	65,366	9%

Pervious Area	710,496	96%	380,172	52%
-Grass	0	0%	293,309	40%
-Athletic Turf	0	0%	86,863	12%
-Woods	710,496	96%	0	0%
Disturbed Area	0	0%	736,941	100%

The site and storm water design has been designed to meet the requirements of the City of Duluth UDC and Engineering Guidelines. Prior to the issuance of building permits, an MS4 Statement of Compliance will be issued when the storm water management plan is approved. The system will include discharge, sediment reduction, temperature and volume controls. The storm water conveyance and treatment system will be owned and operated privately. The Certificate of Occupancy will be issued after the record drawings for the storm water management BMPs has been delivered to the City. The owner will be required to inspect and maintain the system to ensure it is functioning properly and correct all deficiencies should there be any. A storm water BMP operations and maintenance manual will be included in the final storm water report. This will direct the owner of the property on how and when to inspect and clean the systems on site.

The site runoff will need to be attenuated and treated extensively, because of the nature of the existing site. With much of the existing site being wooded and wetlands, the addition of 7.5+ impervious acres will produce a significant increase on the amount of site runoff. The UDC states that for sites above the “Bluff Line” that post-construction flows are reduced to 90% of the existing flow for the 2 year storm and 75% of the existing flows for the 10 and 100 year storms. Substantial reductions in the time of concentrations are anticipated and will be accounted for in the design. The site runoff, especially from the parking lots and buildings, will be collected by various inlets across the site and piped to underground storage systems. Any runoff that flows toward the track will be collected in a perimeter drain. Rainfall directly on the track and field surface will be collected and attenuated in a sand/underdrain section beneath the turf surface. All the underdrains will then flow to a header pipe and be discharged into the hillside.

Preliminary Site Discharge Peak Flow Rates

Storm Event	Existing Runoff Rate (cfs)	Proposed Runoff Rate (cfs)	Reduction in Runoff Rate (cfs)	Reduction in Runoff Rate (%)
WQ Storm	0.02	0.98	+0.96	-
2-yr	5.63	5.07	0.56	10%
10-yr	15.12	10.75	4.37	29%
100-yr	42.70	27.58	15.12	35%

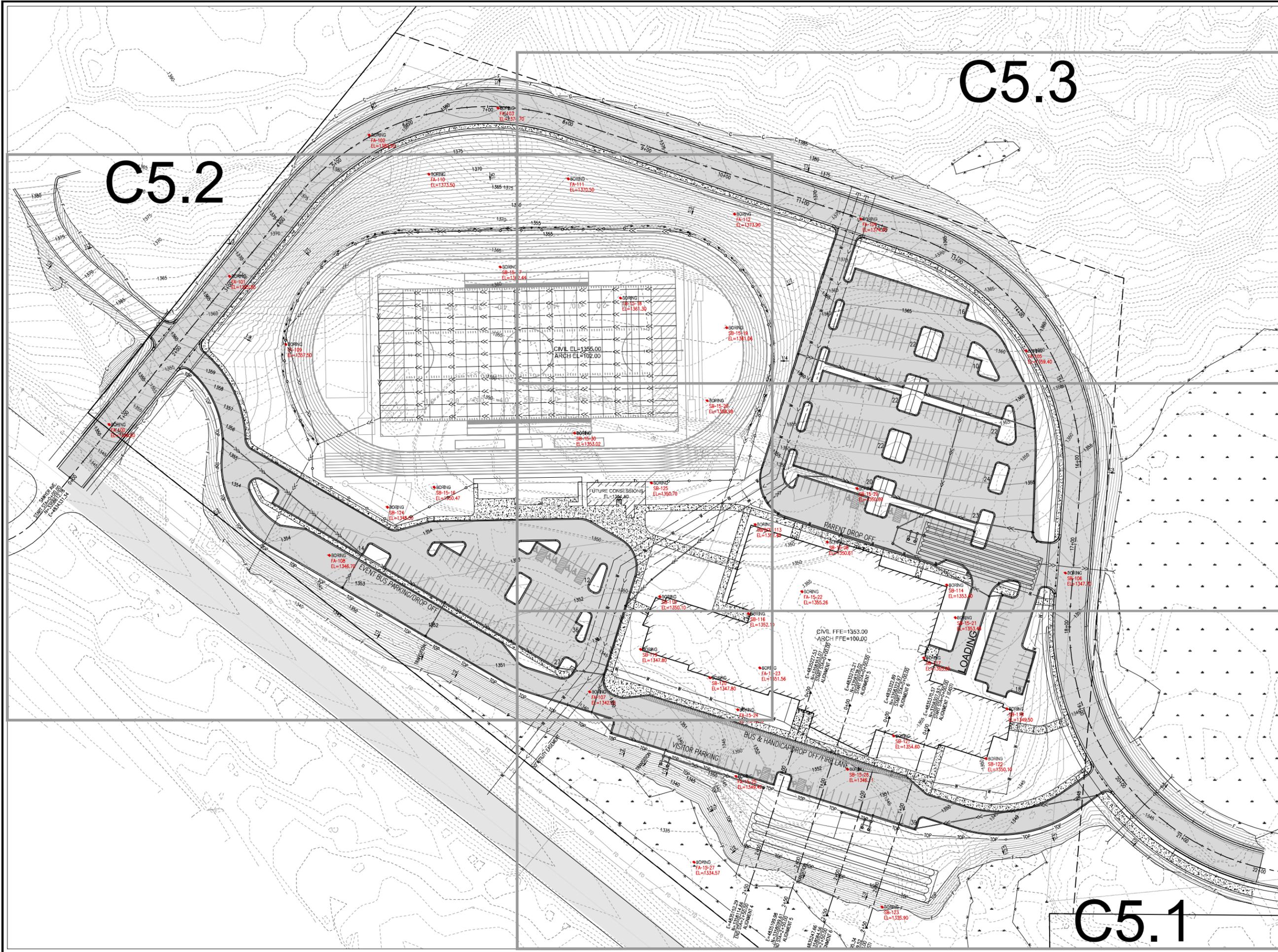
As shown on the attached exhibits, there will be two main treatment areas based on the grading of the site. The systems will be comprised of large diameter perforated CMP pipes with storage capacity on the porous bedding. The preliminary design has the south storage system designed with 96” diameter pipe

and the north system designed with 48" diameter pipe. All of the bituminous runoff will be conveyed through sediment treatment chambers to remove Total Suspended Solids (TSS) before entering the underground storage. The underground storage will allow the storm water to be attenuated and released at the reduced rates required by the City of Duluth's UDC.

The developer reserves the right to explore other possible treatment and storage solutions that meet the requirements of the City of Duluth, MPCA, and the MNDNR.

Discharging to wetlands and sensitive trout stream environments, such as tributaries of Chester Creek, require additional consideration for temperature controls. By treating and attenuating the site runoff underground, it will have a chance to cool before being released downstream.

All runoff from the post construction site will continue to flow into the same Chester Creek tributary on the south side of Rice Lake Rd. The runoff rates will be reduced and the sediment will be removed to the levels required within the UDC. Once in Chester Creek it will flow downstream and discharge into Lake Superior.



C5.2

C5.3

C5.1

I HEREBY CERTIFY THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE DAVID BOLF, PE
DATE XX/XX/XX LICENSE NO. 40926

PROPOSED BUILDING FOR:
DECS 8-12 SCHOOL
43XX RICE LAKE ROAD
DULUTH, MINNESOTA 55811

REVISIONS

ISSUED DATE
05/06/2016

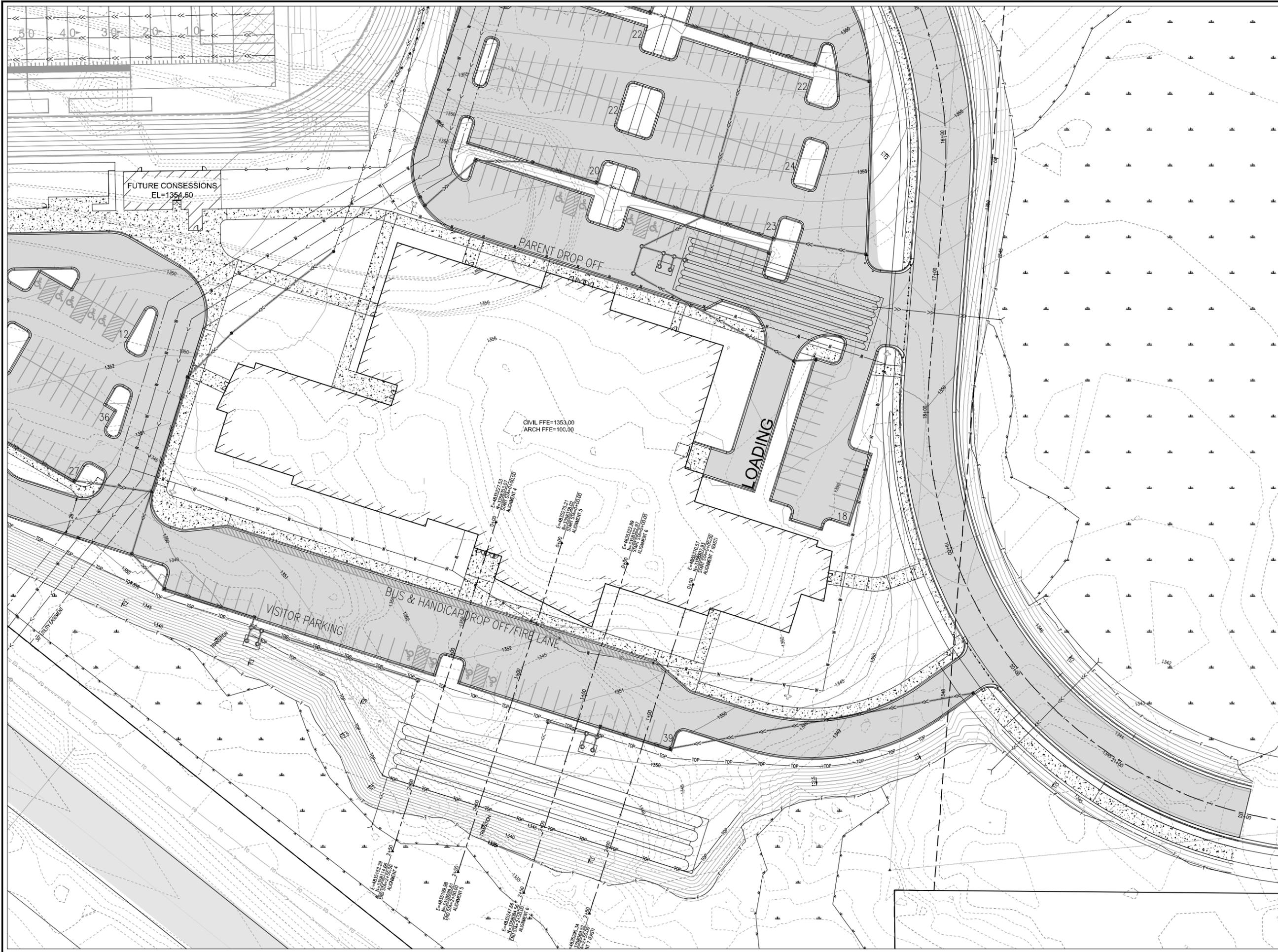
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DRAWN BY JDO
APPROVED BY ARZ

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OVERALL GRADING PLAN

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C5.0



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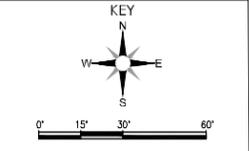
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OWNER: PROJECT OWNER

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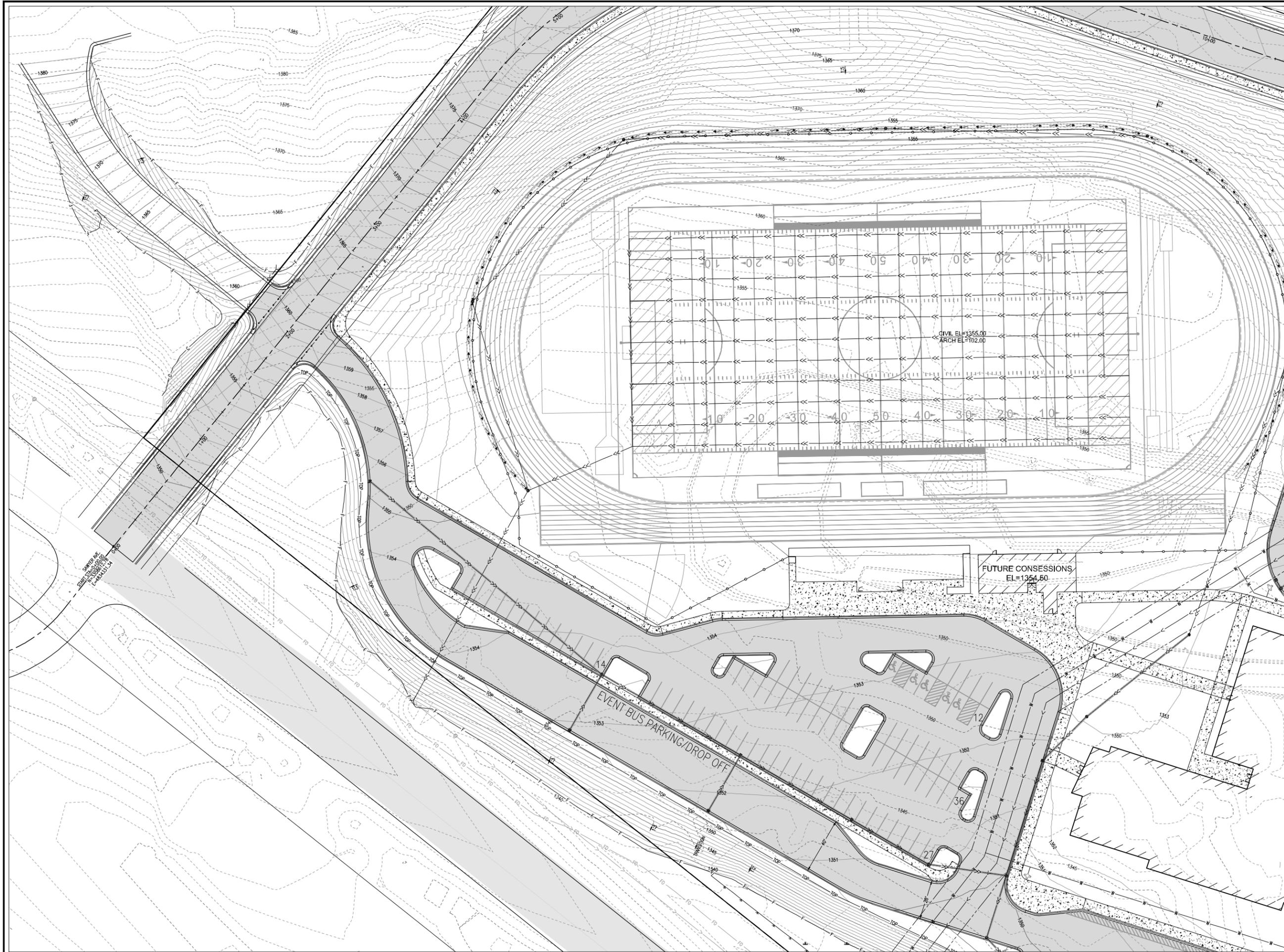
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APPROVED BY ARZ

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GRADING PLAN

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C5.1



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I HEREBY CERTIFY THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

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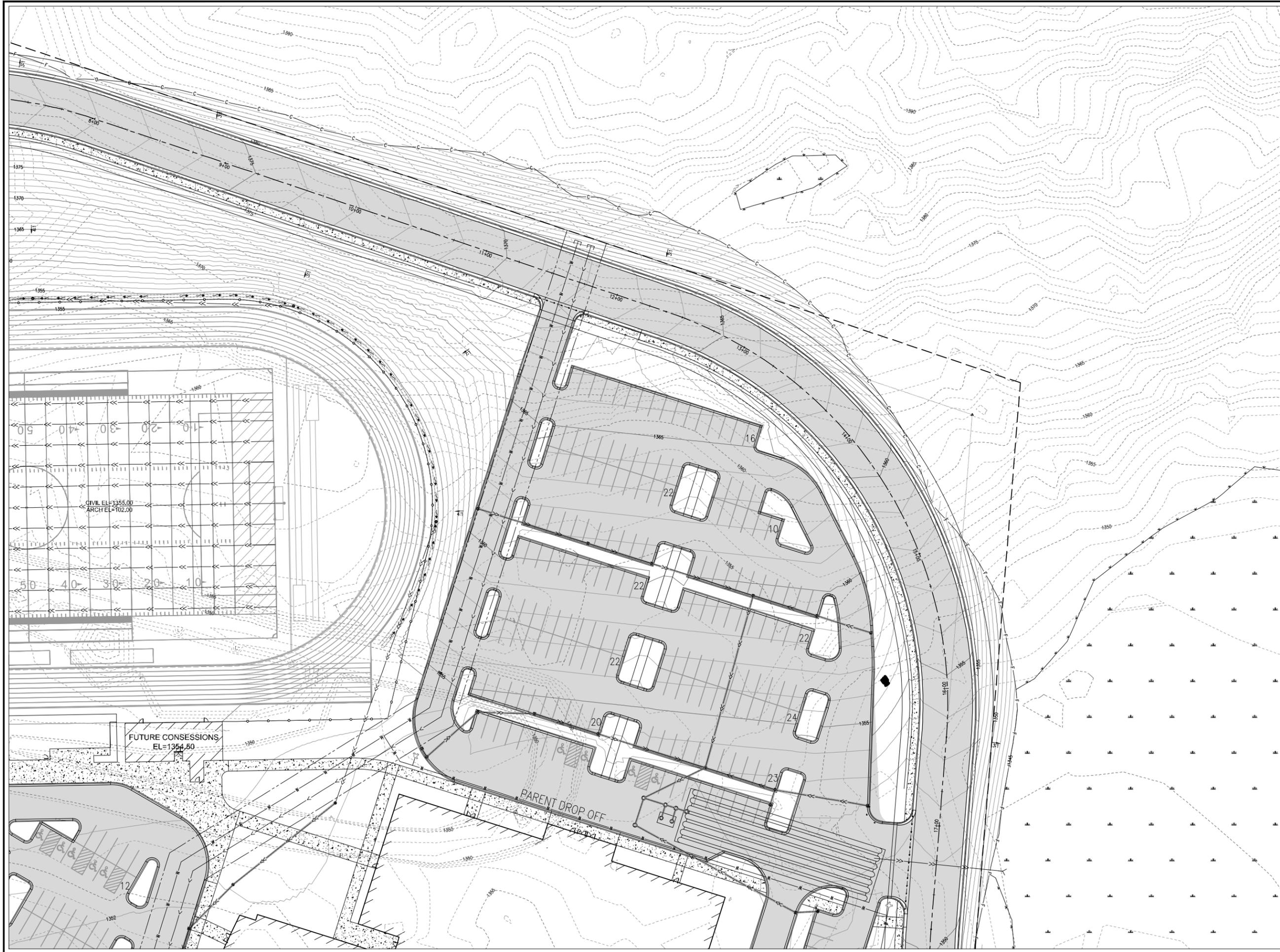
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GRADING PLAN

SHEET NO.
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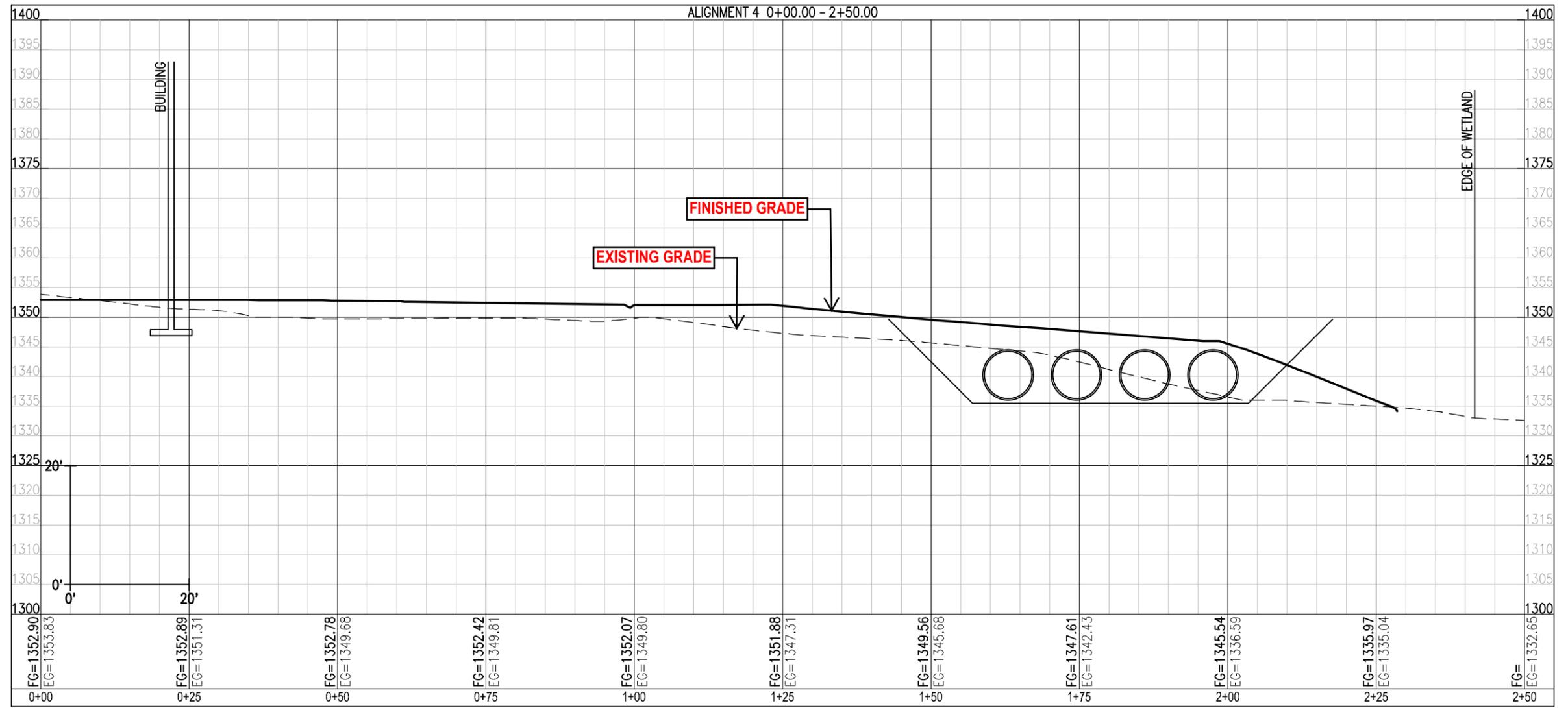
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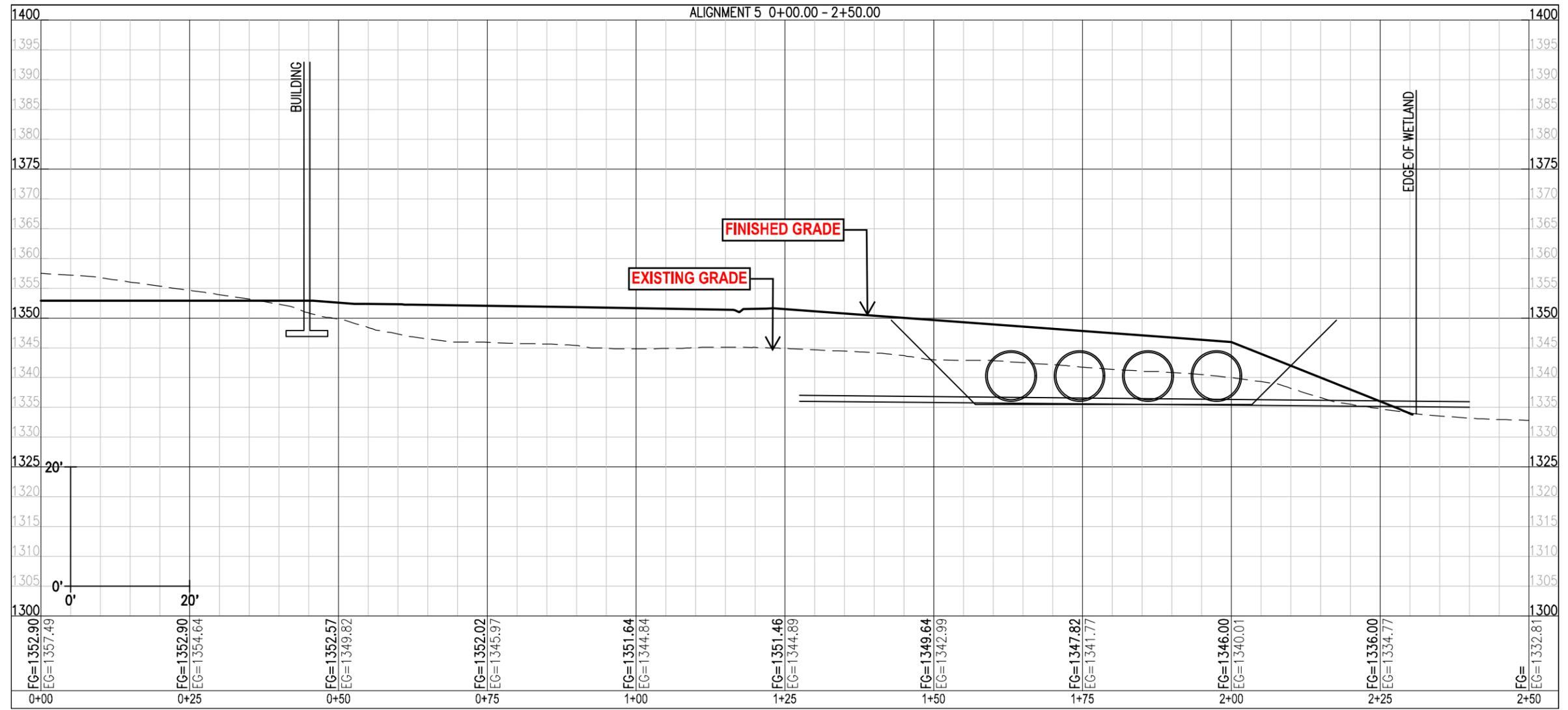
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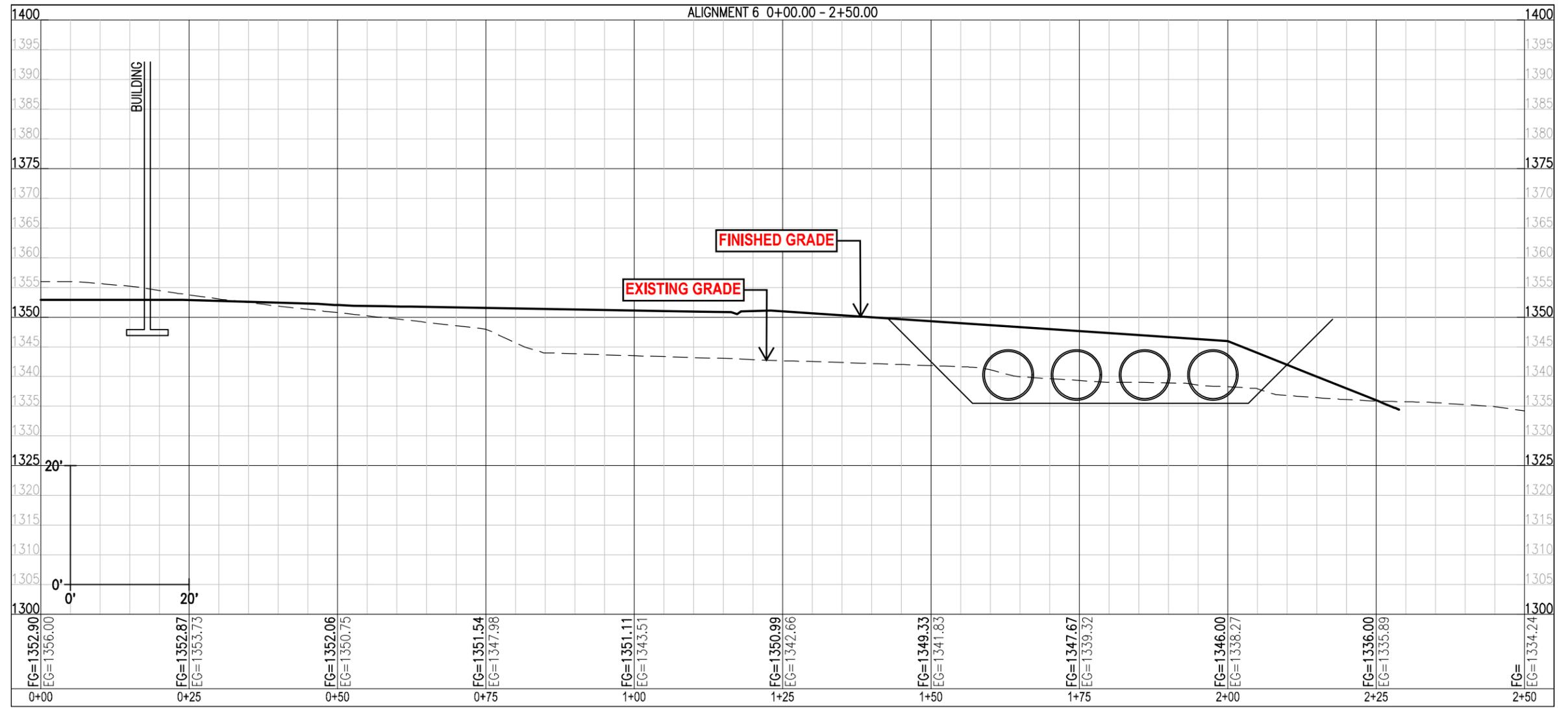
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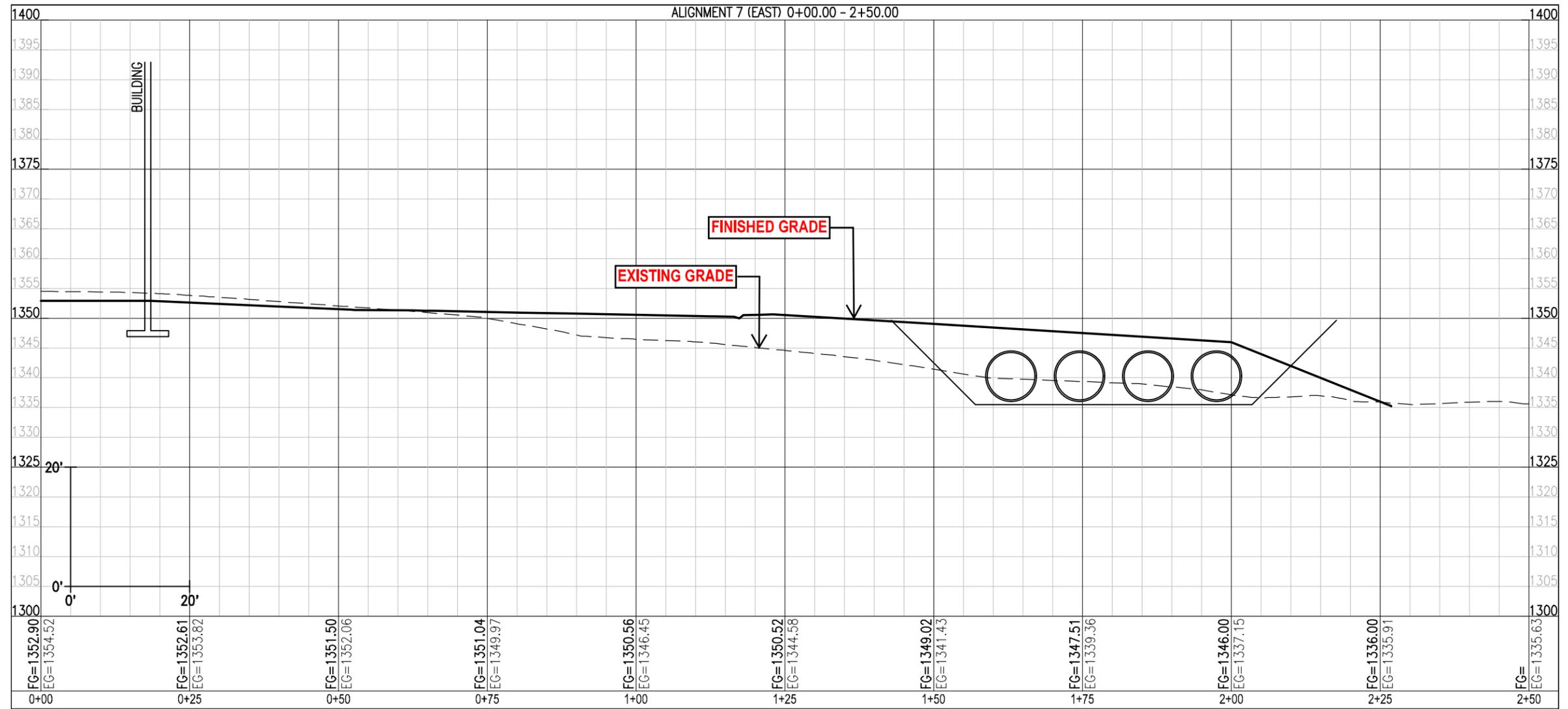
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Prepared 3/14/16

Variance Request for Additional Required Parking Spaces:

In reference to UDC Section 50-24.2, Required Parking Spaces, it is requested that the City of Duluth consider allowing a variance to increase the required amount of off-street parking. Based on Table 50-24-1, Off-Street Parking Spaces Required, the maximum allowable amount of off street parking is 167 spaces. Number of classrooms and auditorium seating were both considered, see below:

- UDC Off Street Parking Language: School, Middle or High: 1 parking space for each 8 seats in the main auditorium or 3 spaces for each classroom whichever is greater.

Allowable Parking Based on UDC	
Number of Classrooms:	37
3 Stalls Per Classroom:	111
Maximum Allowable Stalls (150%):	167
Number of Auditorium Seats:	518
1 Stall Per 8 Auditorium Seats:	65
Maximum Allowable Stalls (150%):	97

NCE has researched the parking conditions at other local high schools to compare the ratio of parking stalls per student. A traffic study was also conducted by SRF Consulting to study the impacts on the surrounding area. SRF based their estimates on the Institute of Traffic Engineer's formula, for a school of this size, found the peak parking demand of 285 spaces. One thing to note, this estimate has many factors used to estimate peak parking demand. Two of which this site does not have, having access to public transportation and the ability to walk to school. The lack of these transportation types increases the peak parking demand. The new high school will have about 85 staff and 825 students across 5 grades (165 students per grade). NCE has estimates the parking demand as follows, 1 stall for each staff (85), 75% of seniors drive $0.75 * 165 = (123)$, 50% of juniors drive $0.50 * 165 = (82)$ and 25% of sophomores drive $0.25 * 165 = (40)$ for a total of 330 parking spots.

See tables below showing the findings:

School Name	Parking Stall Count	Student Population	Stalls/Student
East High School	382	1345	0.28
Denfeld High School	373	1071	0.35
Proctor High School	289	500	0.58
Hermantown High School	630	626	1.01
Marshall High School	330	450	0.73
Central High School (closed)	506	853	0.59
Averages:	418.3	808	0.59

DPSA Parking Characteristics	Parking Stall Count	Student Population	Stalls/Student
UDC Maximum Allowable:	167	825	0.20
SRF Peak Demand (Traffic Study):	285	825	0.35
NCE Site Plan (dated 2/4/16):	330	825	0.40

The results show a major discrepancy on the amount of allowable parking. Today the area is a safety hazard for students and staff of the adjacent Northstar Academy. The adjacent North Star Academy has 117 striped parking stalls. There is an additional 114 cars that park on the lawn, on Technology Drive and leased spaces from Arrowhead Tennis Center and Involta. The staff parking in leased spaces, are shuttled to the school. Parents also wait along Rice Lake Road to pick up the students, again crating a major safety concern due to the lack of parking near on the Northstar site. It also should be noted that year 1 will have 8th and 9th graders and year 4 the school will be full 8-12. The first 3 years the new lot can be used for overflow parking by Northstar Academy.

Planning staff asked the question about on-street parking. At this time the new Sawyer Avenue, is planned to be 36' wide with (2) 12' driving lanes and (2) 6' shoulders with curb and gutter. This section currently does not support on-street parking. As the Sawyer Avenue project progresses, St. Louis County and the City will need to come to an agreement if on-street parking will be permitted. Therefore, we have proceeded as if on-street parking is not available at this time.

In summary, the UDC maximum allowable parking is only half the amount of parking that this project demands. Duluth East and Denfeld parking ratios of stalls/students are 0.28 and 0.35 respectively, which are both above the UDC allowable ratio of 0.20. Both of these schools have inadequate off-street parking, with overflow parking into the neighborhoods. We not only have an opportunity but an obligation to accommodate the traffic and parking demands of this new facility. Most importantly this project needs to create a safe traffic and pedestrian environment. Therefore we are requesting a variance to accommodate 330 new parking spaces.

Prepared 3/14/16

Variance Request for Front Yard Parking:

In reference to UDC Section 50-24.6B, Parking Location within the site, it is requested that the City of Duluth consider allowing a variance to allow parking in the front yard. The parking in the front yard will consist of visitor parking. This will separate the student parking and the visitor parking keeping the midday traffic mainly in the front of the building. Safe and controlled accesses to schools are a top priority on this nation. Edison will be providing a secure check point during school hours at the front of the building. It is for this reason the visitor parking needs to be located as shown, adjacent to the secure entrance point in the front of the building.

In discussions with planning staff, they stated it would be helpful to show previous parking configurations. Attached are snapshots of earlier site plans, in all there have been about 15 options to where we are today. As can be seen in the earlier versions, front yard parking has been reduced and internal circulation has been improved. Early discussions with planning staff determined that shifting all student/staff parking to side and rear yards would be a more desirable alternative, which we have achieved.

Prepared 5/5/16

County Road Alignment and Site Layout Coordination:

The question was asked why not move the road to the south side of the school, one of the design/user requirements was to create a free flowing roadway from Arrowhead to Rice Lake Road. If the roadway moves to the south side, this would create a “three-way” stop condition causing an additional spot for congestion to occur. It also directs traffic flow near the front door of the school. Both conditions are undesirable citing future safety and congestion concerns.

The road surrounding the high school campus will be designed to Municipal State Aid Standards (MSA). The horizontal curve and vertical curve geometry is designed to meet a 30 mile per hour roadway design. At 36 feet wide, the road will include (2) 12 foot driving lanes and (2) 6 foot shoulders. The configuration shown on the plans is minimized to satisfy the MSA design requirements while maintaining a logical and efficient design for the school campus. The road alignment also minimizes additional wetland impacts by crossing at shortest routes across the wetlands.

When considering the site layout, Edison officials indicated a protected campus was a requirement. Moving either the track or parking areas to the north side of the roadway breaks up the campus and poses a safety risk. Everyday a high amount of students and pedestrians will have to cross Sawyer Avenue. The high amount of traffic in the area will be partially distributed through this corridor. The whole reason for the road is to alleviate the safety concerns and congestion along Rice Lake Road. By requiring school users to cross Sawyer Avenue, the risk only becomes higher.



TO: Planning Commission
FROM: Jenn Reed Moses, Planner II
DATE: April 4, 2016
RE: Arrowhead Road Land Use Study, PL 16-030

Background

After several recent development inquiries and applications drew attention to the Arrowhead Road area, the Community Planning Division initiated a land use study to determine whether any recommendations to change the Comprehensive Plan were warranted. The development activities seen by staff included:

- Edison school purchasing the Snowflake property, and subsequent applications to build a new high school on the property.
- Eastridge Church plans to expand, and Duluth Gospel Tabernacle plans to build a new church in the area.
- A wildlife rehabilitation clinic ("veterinary clinic or animal hospital" per the UDC) relocating to the area.

The area was previously studied in the Duluth Northwest Corner Area Study (2000), with future land uses further amended in the Comprehensive Plan (2006). These plans had envisioned much of the area as Low-Density Neighborhood, Rural Residential, and Preservation, with commercial/light industrial concentrated mainly at the intersection of Rice Lake Road and Arrowhead Road. These land use designations, however, do not necessarily reflect the character of existing development on the corridor. The existing land uses are a mixture of residential and undeveloped properties, with church campuses and businesses such as the oral surgery clinic interspersed, and at least one commercial site ready for development that would not be supported by the existing comprehensive plan. In addition, the type of suburban single-family development suggested for the northern side of Arrowhead Road may not be supported given the relatively narrow space available between the busy roadway corridor and Chester Creek. All of these questions and considerations led staff to initiate this land use study.

Process

Staff began doing research on the study area in December. A public meeting was held on February 23, 2016, with over 100 attendees. This was an open house where staff shared information and asked for input from attendees; 46 comments were received at the meeting, with additional comments received via email in the weeks that followed. A second public meeting was held on March 29, 2016, with 53 people who signed in. After a presentation with three land use scenarios, attendees were asked to submit feedback on potential land uses for the area. A summary of comments from these meetings is including in the Findings below.

J. A

Findings

Existing Land Use

As noted above, the existing land uses are a mixture of residential, church campuses, commercial, industrial, and undeveloped properties (see attached *Existing Land Use* map). Developed properties are located on large lots creating an overall low-density, sprawling development pattern. The exception to this is the Crystal Village and Ponderosa Groves neighborhoods, which were platted on smaller lots with a greenway system to connect to potential future development.

Many of the existing uses do not correlate with the future land use designations in the Comprehensive Plan. This can be seen in the attached *Comprehensive Plan* map. Some of these are long-standing uses (such as Cummings greenhouse) and others are newer (such as Wildwoods Rehabilitation). If in the future the existing zone districts changed to align with the Comprehensive Plan, these uses would become nonconforming uses. They would be allowed to legally continue with grandfathering rights, although they wouldn't be allowed to expand.

Transportation

The two main thoroughfares in the area are Arrowhead Road and Rice Lake Road; both are County roads. Rice Lake Road is a managed access road; the County's policy limits access to this road, and the County is actively seeking solutions such as frontage and backage roads for existing and new development. Arrowhead Road is characterized by frequent, often wide access points, resulting in heavy turning movements and potential conflict points. To manage this, the County is willing to investigate adding a center turn lane on Arrowhead in part of the study area if any future development is proposed prior to final designs for reconstruction of the roadway (approximately 2018). Drivers on both of these roads experience congestion at peak traffic times.

Other roads in the area are local city streets, mainly residential in nature. Duluth Transit does not provide service in the area, but has a route just east of the study area.

Natural Resources

The streams and wetlands in the study area are the defining natural feature, and are critically important to the hydrology in the city (see *Natural Resources* map). A tributary of Miller Creek and its associated floodplain run north-south along the western boundary of the study area. Miller Creek is a coldwater (trout) stream that is impaired, and which caused severe flood damage in the 2012 flood, particularly in the mall area. The headwaters of Chester Creek begin just north of the study area, and then flow east-west through the study area. Chester Creek is also a coldwater (trout) stream that caused severe flood damage in the 2012 flood, particularly in the East Hillside. Large wetland complexes exist in conjunction with the two streams, and other wetlands lie throughout the remainder of the study area.

Research has shown that wetlands and stream headwaters are crucial areas of water retention and infiltration. As annual precipitation continues to increase, and periods of extreme rainfall become more frequent, communities will need to identify ways to minimize future flood damage. One way to do this is by preserving areas such as mature forests, intermittent stream channels, and depressions to promote infiltration in upstream areas.

Utilities

Existing water, gas, and sanitary sewer (including sanitary sewer basins) were mapped and are shown on the *Utilities* map. City Engineering has indicated that most of the area is served by utilities, and that those utilities could be expanded or upgraded as needed for any future development. The notable exception is the area from the western boundary of the study area to just east of Swan Lake Road, which has no sewer. The City has no plans to upgrade sewer in this area.

Community Input

Comments received at the two public meetings and via email demonstrate support for commercial development along the eastern portion of Arrowhead Road. Recognizing the high traffic volumes of the road, people feel that uses such as gas stations, apartments, coffee shops, small restaurants, churches, daycare, hair salons, and community centers are appropriate for the area immediately adjacent to the road – but in many instances, comments also indicated this development should not extend all the way to surrounding single-family neighborhoods. Some commenters indicated that apartments would “ruin the neighborhood feel.” Many of the attendees at both meetings were members of Eastridge Church and Duluth Gospel Tabernacle, so a large number of comments supported those churches’ developments; Eastridge would like to incorporate a fitness center, and Duluth Gospel Tabernacle would like to build a new church and potentially sell parts of the property for other development. Other entities that have indicated an interest to expand/build are McCarthy Manor, Northern Oral and Maxillofacial Surgeons, and Wildwoods Rehabilitation. There were no comments focusing exclusively on the area along Rice Lake Road.

A few comments recognized that the high traffic volumes on Arrowhead support additional development, but also cautioned that any new development should not worsen congestion. Instead, new development should “serve existing travelers.”

On the western portion of Arrowhead Road, the comments received supported maintenance of the large-lot residential character. Additional comments focused on the protection of natural resources and need for green space, desire for bike routes and sidewalks, and a desire to avoid big box retail, car dealerships, and any more industrial uses.

Land Use Scenarios

Based on the findings and comments, Staff developed three land use scenarios to share at the second public meeting (all three are attached). All three scenarios included a recommendation of Institutional land use in the area around Edison, with the remainder of that property being Rural Residential. All three scenarios also supported Urban Residential as a land use for McCarthy Manor.

- **Scenario 1:** This scenario focused on the area as being the headwaters of Chester Creek and home to numerous natural resources. The recommendations in this scenario reinforced the existing development pattern of large-lot residential along the western portion, north of Arrowhead Road, while maintaining the current Future Land Use of Low-Density neighborhood south of Arrowhead Road. It recommended “Urban Residential” over the area with existing churches and clinic, reflecting the mix of uses already in that area.
- **Scenario 2:** This provided a very different land use pattern than Scenario 1, focusing instead on the nature of heavily traveled Arrowhead Road being capable of supporting further development. It supports a larger area for potential suburban-style neighborhood development, as well as commercial and mixed use development along larger parcels along the east side of Arrowhead Road.
- **Scenario 3:** This “hybrid” recommends higher intensity commercial and mixed use development than Scenario 1, but focused mainly on areas immediately adjacent to Arrowhead Road. It also recommends large-lot residential on the north side of Arrowhead Road to maintain the existing character and provide increased infiltration areas near the streams and wetlands in the area.

Recommendations

After researching the area, looking at existing land uses, and taking into account the comments received throughout the study, Staff has developed several Land Use Recommendations. Recommendations for the area:

- Recognize and support existing businesses and institutions and, where possible, look at a Future Land Use category that allows them to continue and to expand when necessary.
- Protect the character of existing single-family neighborhoods by placing close attention to buffers and transitions between land uses.
- Support land uses that protect natural resources while still allowing reasonable development on privately owned property.

All of the below are recommendations to change the Comprehensive Plan – Future Land Use Map as shown in the attached map, *Recommendations*.

- A. Increase areas of Preservation as a Future Land Use along Chester Creek.** The current Future Land Use Map reflects Preservation over a smaller area. It should be noted that the entire shoreland (300' on either side of the stream) has regulatory protection via the Natural Resources Overlay district; this recommendation adds the goal of shoreland protection into the guiding land uses of the Comprehensive Plan.
- B. Change the Future Land Use from Low-Density Neighborhood to Rural Residential along Arrowhead Road in the western portion of the study area.** This area is currently characterized by large-lot residential uses. Many of these residents attending the public meetings expressed a desire for this area to remain residential. As this area is bordered by major roads to the west and south, and Chester Creek on the north, and given the large wetlands and individual property ownership, it is unlikely that this area would develop into a suburban-style single-family neighborhood. The change to Rural Residential suggests a lower density for this area than what is currently shown in the Comprehensive Plan. *This change matches the current RR-1 zoning of this area.*
- C. Change the Future Land Use to Institutional around Edison schools.** This includes a change from Urban Residential to Institutional for the existing North Star Academy, and a change from Business Park to Institutional in the location of Edison's proposed high school. While Edison can develop a high school with the existing RR-1 zoning, the Comprehensive Plan can better recognize the school use with a land use designation of Institutional.
- D. Change the Future Land Use to Rural Residential for the remainder of the Edison property.** Edison purchased the entire Snowflake property, which currently is developed with ski trails. Since the remainder of this property is not needed for a school use, it is appropriate to change the land use to Rural Residential to match the adjacent land use category to the north and east.
- E. Change the Future Land Use From Neighborhood Mixed Use to Urban Residential for McCarthy Manor.** Urban Residential is still supportive of assisted living in this area, but is a lower intensity than Neighborhood Mixed Use, which is more appropriate for this parcel as it is adjacent to Low-Density Neighborhood on the west and south sides.
- F. Change the Future Land Use from Low-Density Neighborhood to Urban Residential.** This area currently contains Eastridge Church, St. John's Church, and the oral surgery clinic. Since the land use category of Urban Residential supports not only residential but also institutions and businesses that serve the surrounding area, this is an appropriate land use. It also provides a transition between the Rural Residential to the west and the Neighborhood Mixed Use to the east. The City of Duluth encourages potential developments in area F to pursue Mixed Use-Planned zoning (Planned Unit Development) for flexible development options that also provides a greater level of public benefit than would be required under the existing zone district.
- G. Change the Future Land Use from Low-Density Neighborhood to Neighborhood Mixed Use.** This parcel contains a graded and ready-to-build commercial site. Adjacent to Nortrax on the east and Arrowhead Road on the south, this is not an appropriate location for a single-family house. It is separated from St. John's Church to

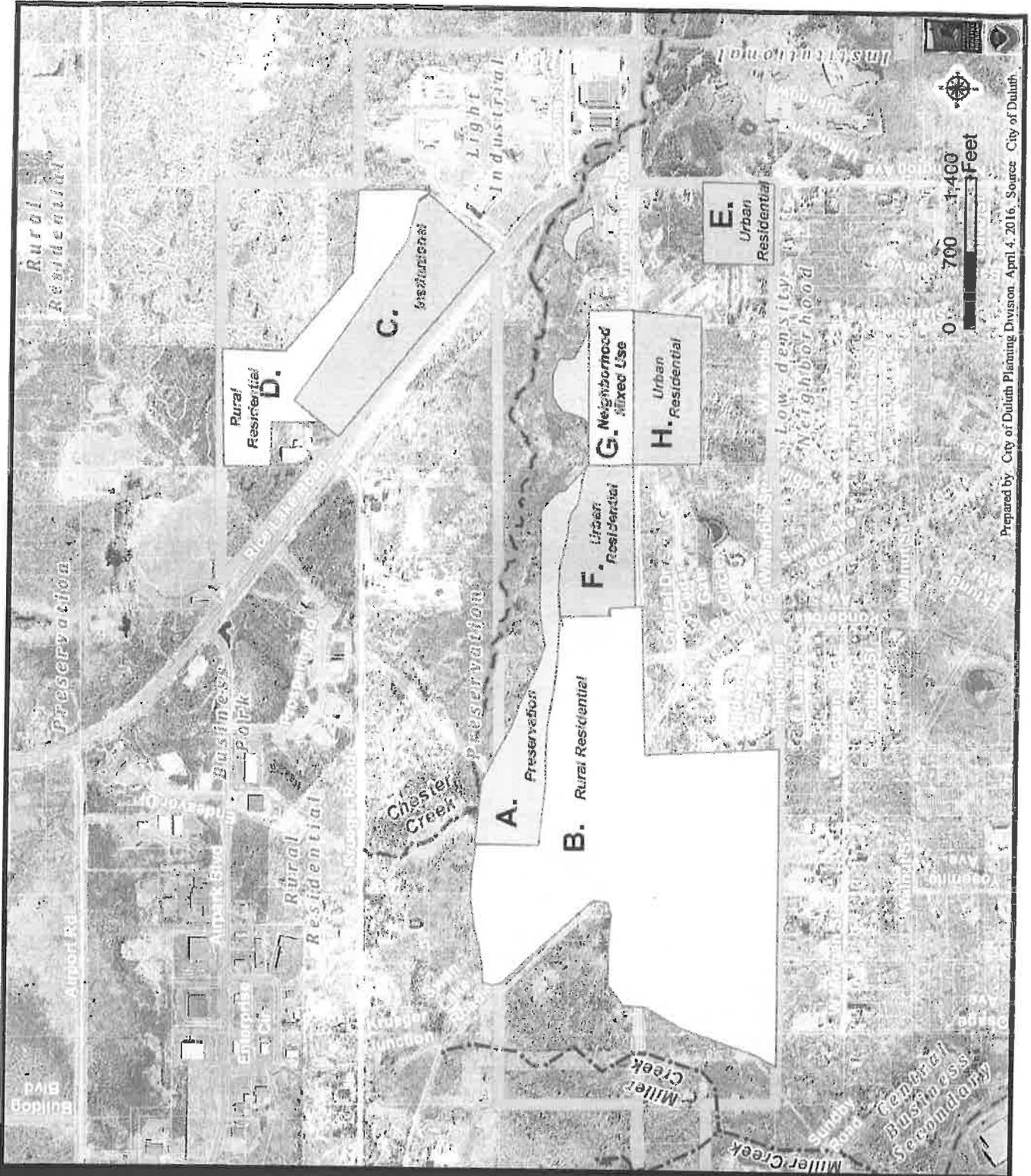
the west by a wetland area, which will provide a likely buffer between the more commercial uses to the east and the church/clinic campuses to the west.

- H. Change the Future Land Use from Low-Density Neighborhood to Urban Residential.** This reflects the general public support for increased development immediately adjacent to Arrowhead Road, and provides a transition between the Low-Density Neighborhood to the west and the Neighborhood Mixed Use to the East. The City of Duluth encourages potential developments in area H to pursue Mixed Use-Planned zoning (Planned Unit Development) for flexible development options that also provides a greater level of public benefit than would be required under the existing zone district. In addition, future development should pay attention to how it interacts with surrounding neighborhoods, including site design that supports the single-family neighborhood feel along Marble Street and continues the greenway and pedestrian trail system located to the west.

Next Steps

Planning staff is asking Planning Commission to recommend approval of these Comprehensive Plan Future Land Use Changes to City Council. It is anticipated that a resolution would appear on the City Council agenda for its regular meeting on April 25, 2016. Council must adopt Comprehensive Plan amendments with a two-thirds vote. Future steps prior to development in the area would be rezoning of these areas to implement the Comprehensive Plan.

Recommendations



Legend

- Study Area
- 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

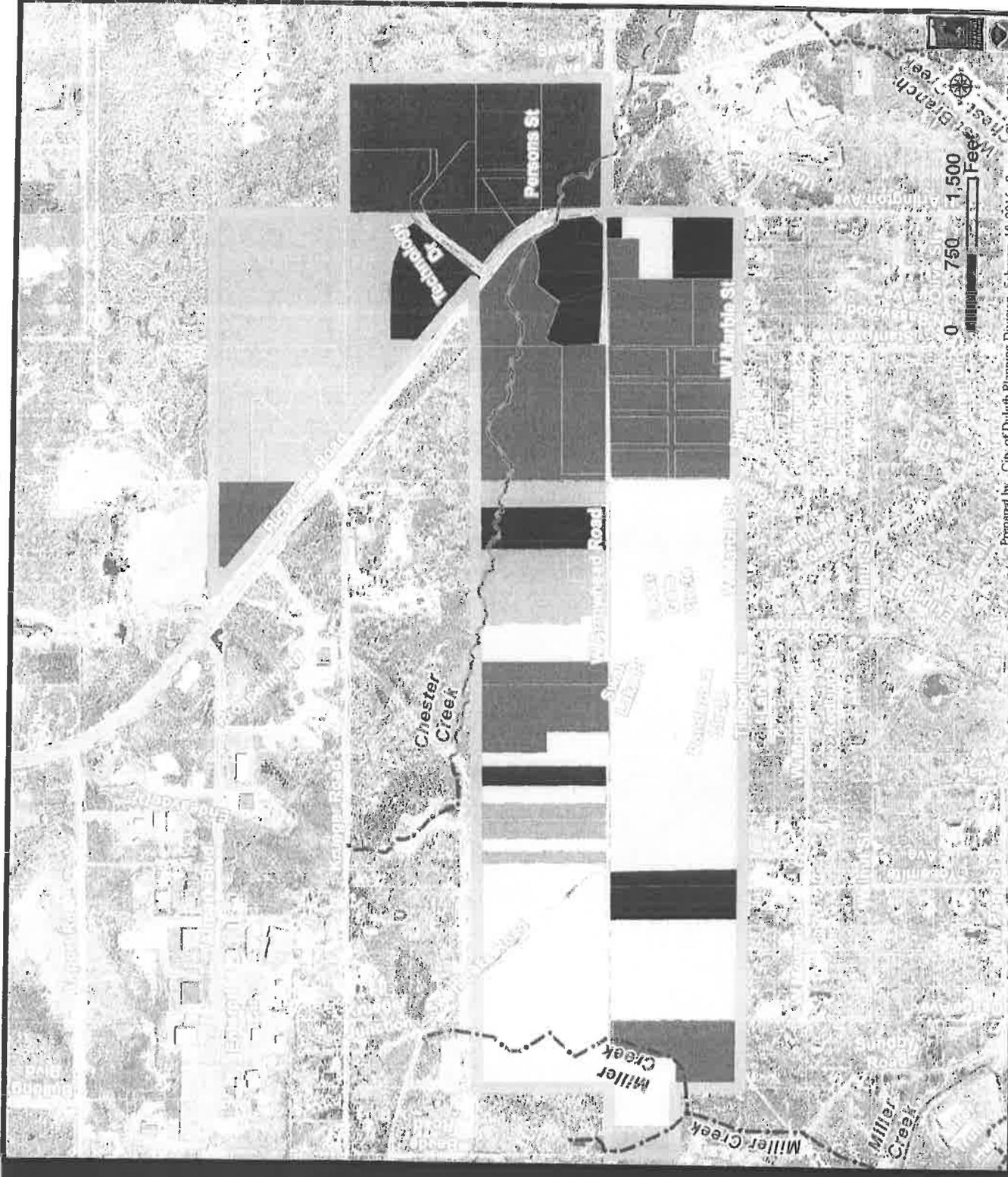
Arrowhead Road Area - Existing Land Use

Legend

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

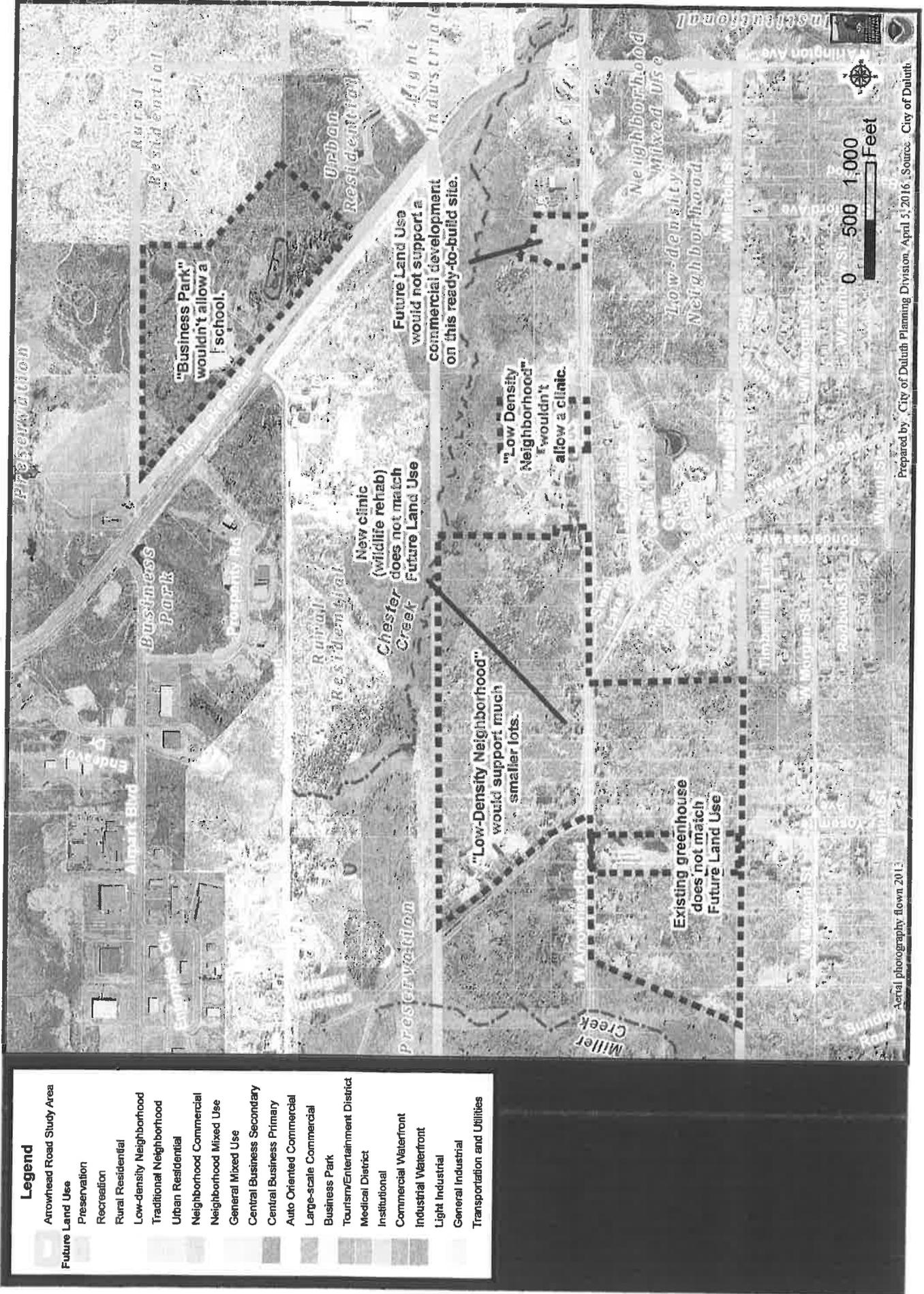
Land Use

- Assisted Living
- Commercial
- Institutional
- Light Industrial
- Recreation
- Religious Assembly
- Residential
- Tax Forfeit
- Vacant
- Study Area

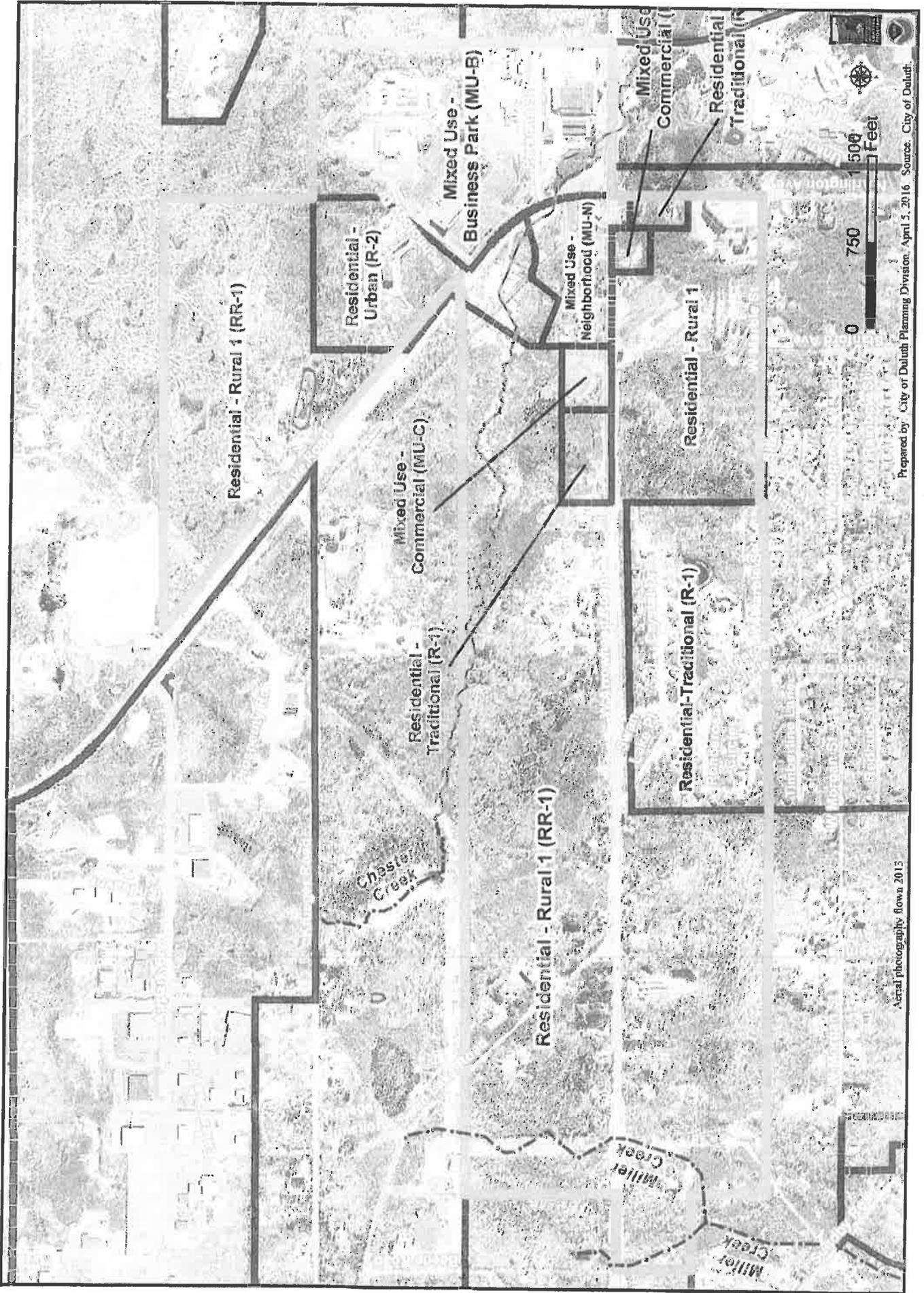


This map shows the existing land uses in the study area, as estimated by evaluating aerial photography and property ownership.

Arrowhead Road Area - Comprehensive Plan



Arrowhead Road Area - Zoning



Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, April 5, 2016. Source: City of Duluth.

Arrowhead Road Area - Natural Resources



Legend

- Arrowhead Road Study Area
- Wetlands (NRRI)
- Shoreland Overlay Zone
- Cold Water
- Natural Environment
- General Development
- Floodplain Type
- General Flood Plain
- Flood Way
- Flood Fringe

This map shows Natural Resources in the area, including streams (and shoreland areas along streams), wetlands, and floodplains.

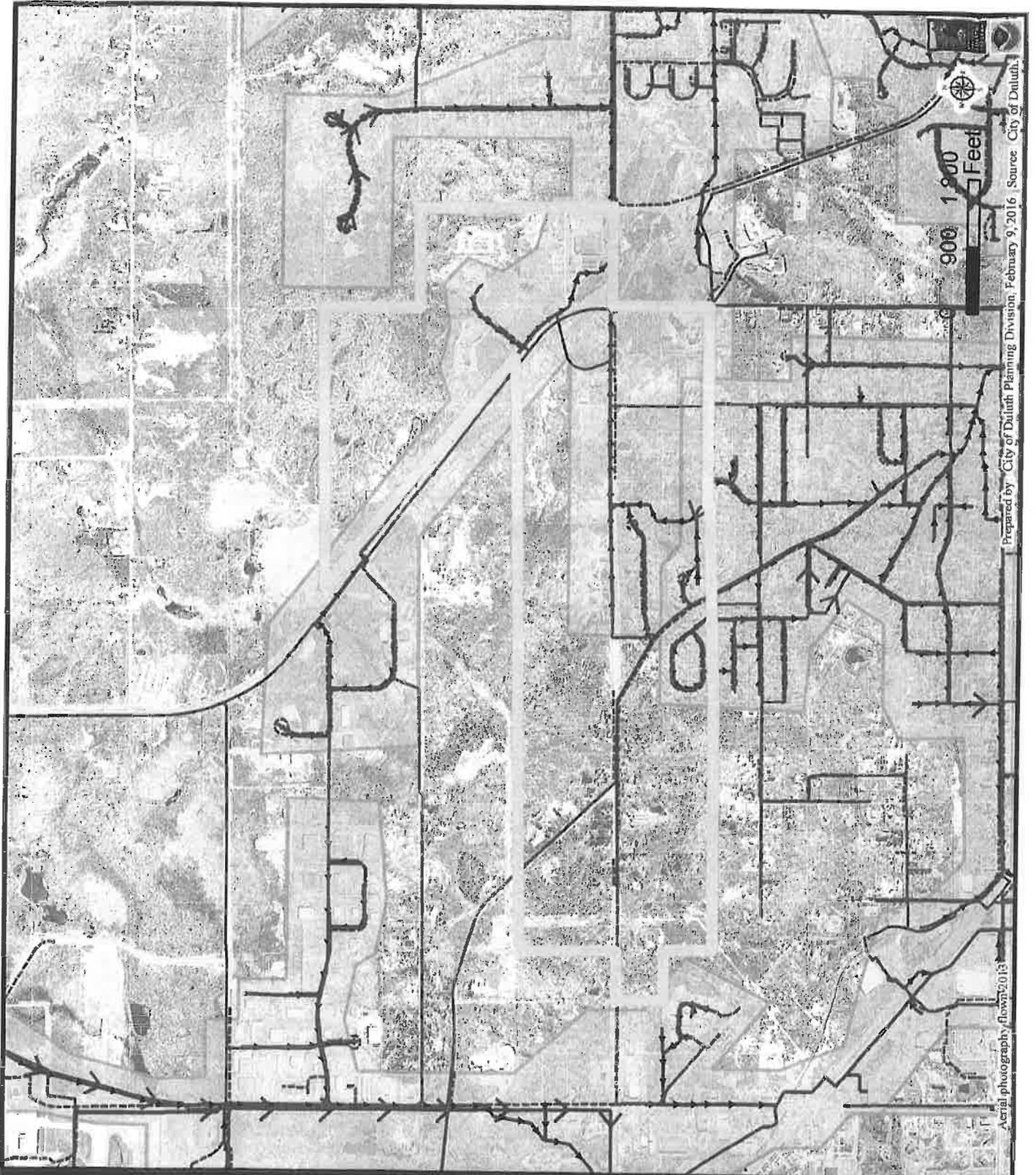
Arrowhead Road Area - Utilities

Legend

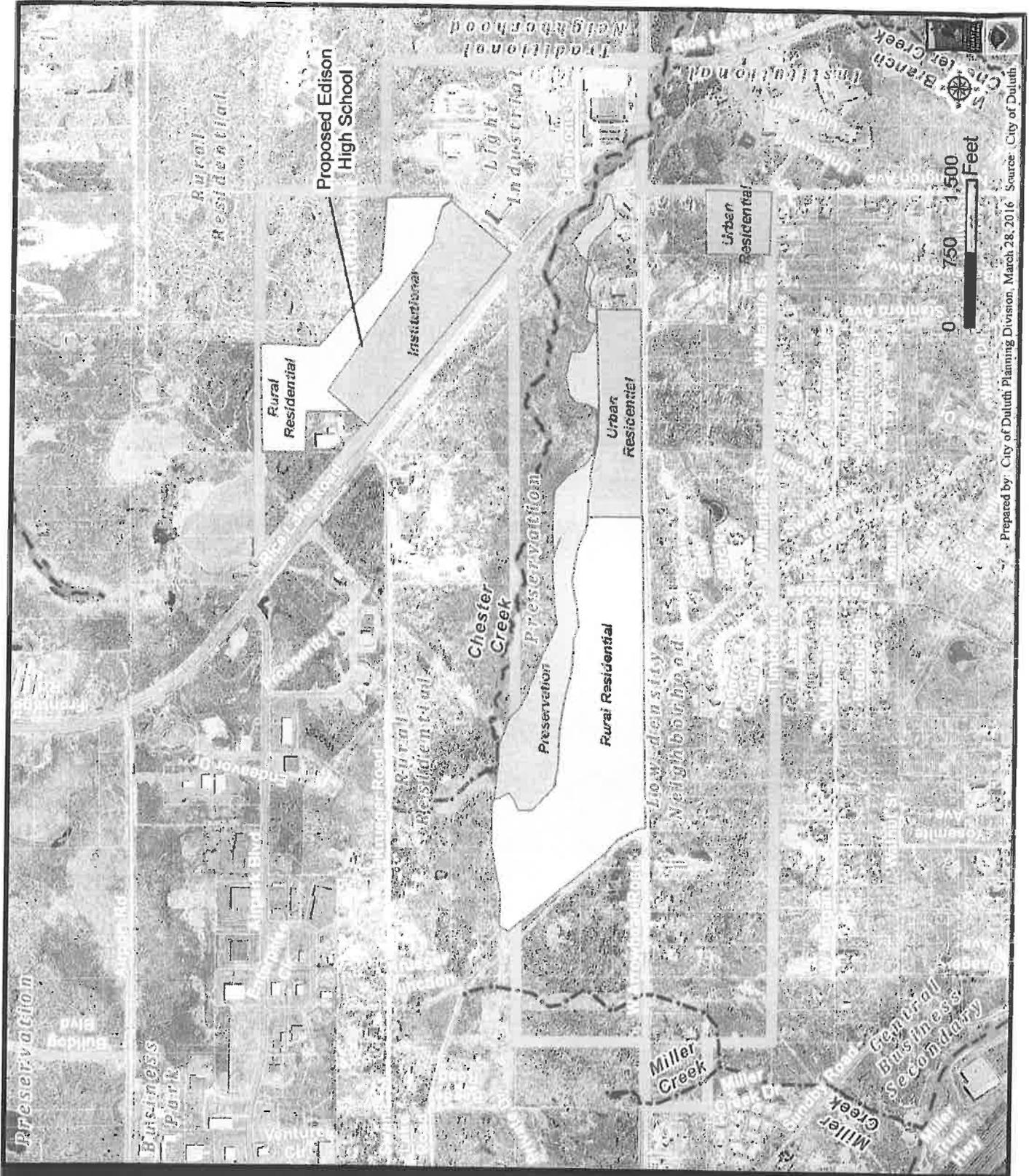
-  Arrowhead Road Study Area
-  Water Main
-  Sanitary Sewer
-  City of Duluth
-  Other
-  Sanitary Sewer Forced Main
-  Sanitary Sewer Basins
-  Gas Distribution
-  Coated Steel
-  Plastic

This map shows areas that are serviced by water, sewer, and gas.

Areas with existing utilities are more feasible for additional development than other areas. Areas without utilities would need to be evaluated for the feasibility of utility extensions, and any costs of those extensions would need to be paid for by the developer.



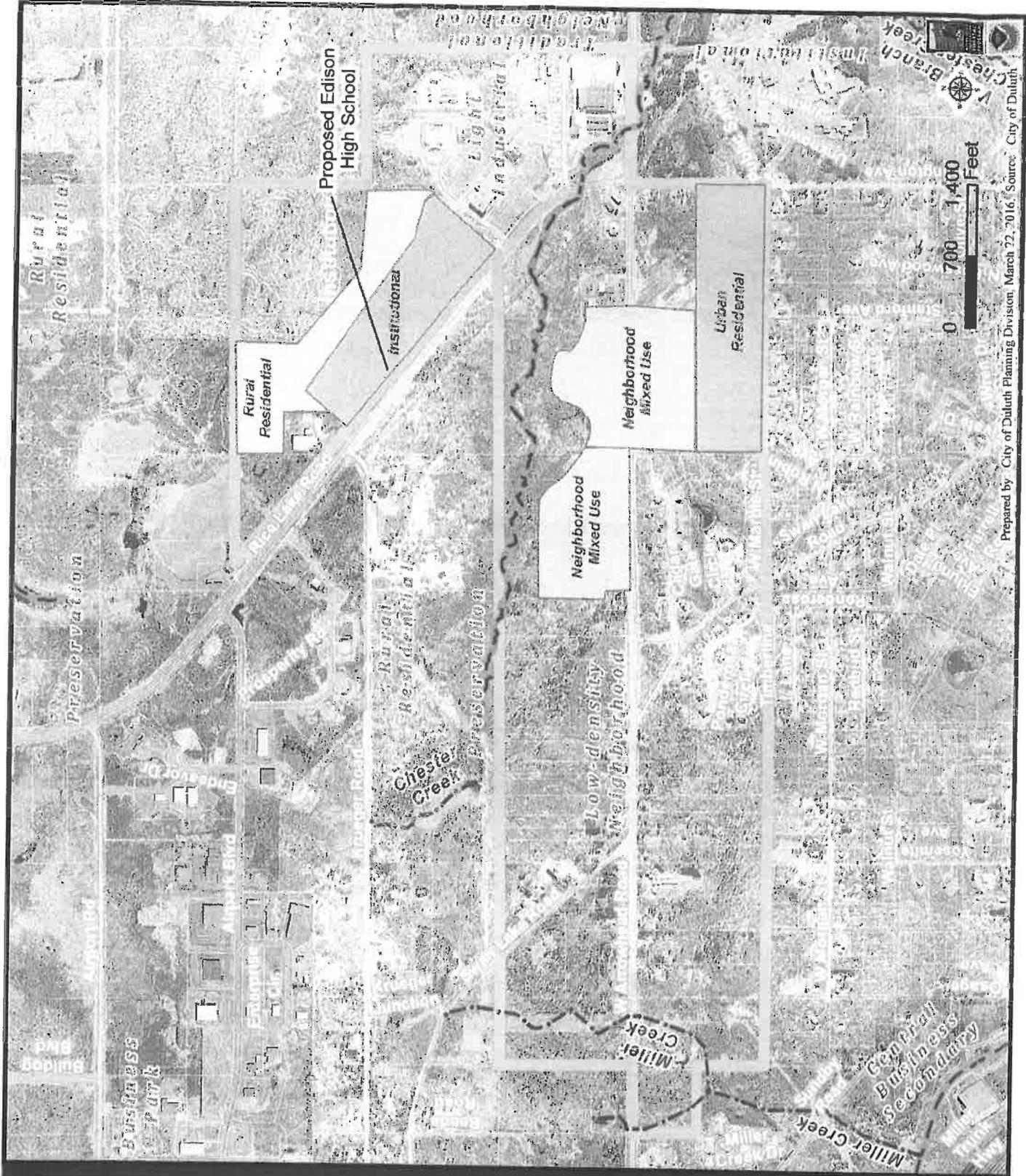
Option 1 - Low Intensity



Legend

- Study Area
- 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

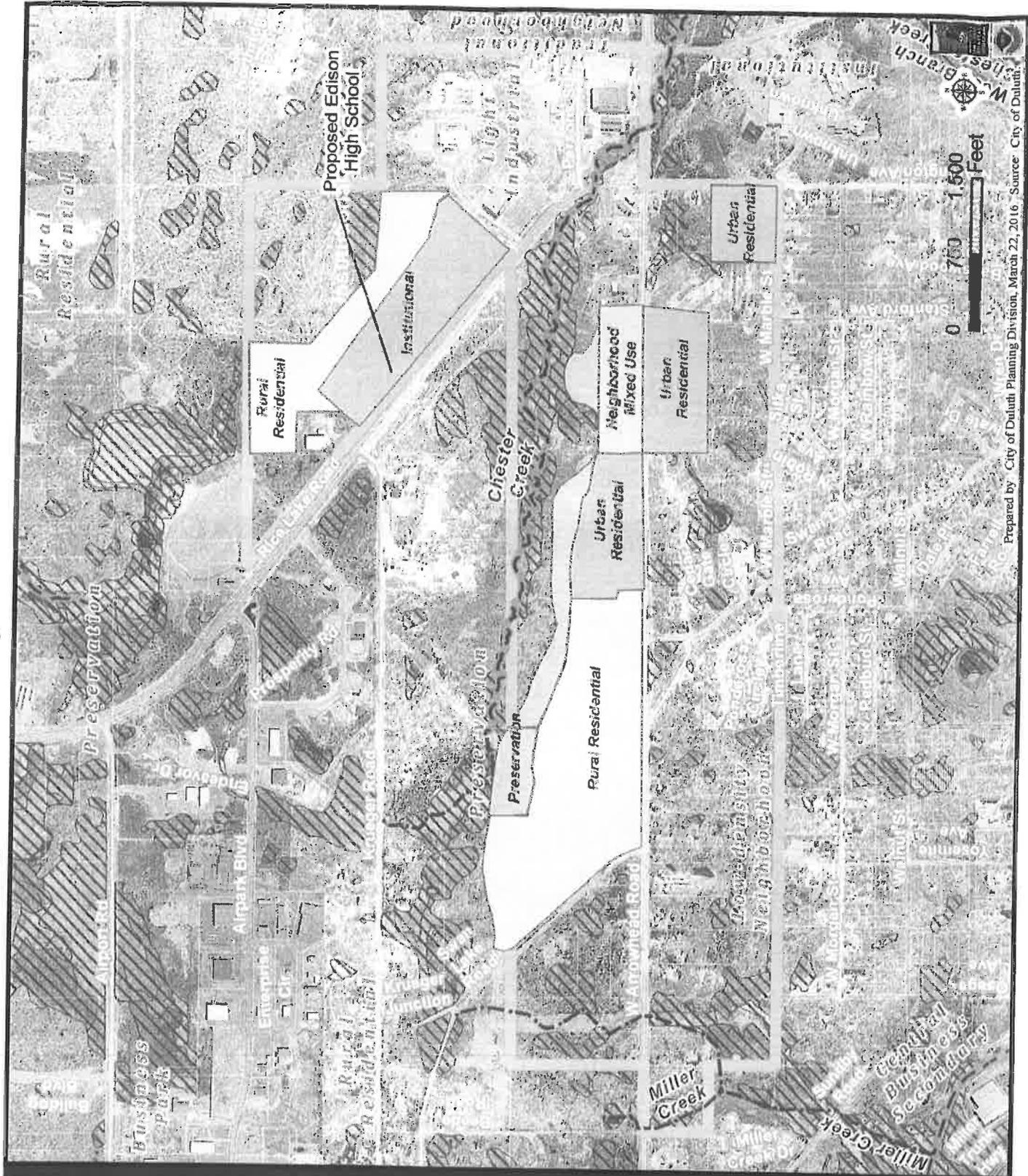
Option 2 - High Intensity



Legend

- Study Area
- 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

Option 3 - Hybrid



Legend

- Study Area
- Wetlands (NRII)
- 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



City of Duluth

Unofficial Actions

City Council

MISSION STATEMENT: *The mission of the Duluth City Council is to develop effective public policy rooted in citizen involvement that results in excellent municipal services and creates a thriving community prepared for the challenges of the future.*

TOOLS OF CIVILITY: *The Duluth City Council promotes the use and adherence of the tools of civility in conducting the business of the council. The tools of civility will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, April 25, 2016

7:00 PM

Council Chamber

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

PUBLIC HEARING

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

1. [16-047](#) DECC October, November and December 2015 Meeting Minutes

Attachments: [December 15 2015 DECC Board Meeting Minutes](#)
[November 24 2015 DECC Board Meeting Minutes](#)
[October 27 2015 DECC Board Meeting Minutes](#)

This Board or Commission Report was received.

2. [16-048](#) Duluth parking commission meeting minutes.

- Attachments:** [Duluth Parking Commission 1-29-16 minutes](#)
[Duluth Parking Commission 8-28-15 minutes](#)
[Duluth Parking Commission 11-6-15 minutes](#)
[Duluth Parking Commission 12-4-15 minutes](#)
[Duluth Parking Commission 3-4-16 minutes](#)

This Board or Commission Report was received.

3. [16-049](#) DEDA February 2016 meeting minutes

Attachments: [DEDA 2-24-16 Minutes](#)

This Board or Commission Report was received.

4. [16-051](#) Duluth Parking Commission Resolutions

Attachments: [Duluth Parking Commission 3-4-16 resolutions](#)
[Duluth Parking Commission 4-8-16 resolutions](#)
[Duluth Parking Commission 1-29-16 resolutions](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

5. [16-0248R](#) RESOLUTION OF INTENT TO CONVEY CERTAIN REAL PROPERTY WITHIN THE CITY OF DULUTH ABUTTING RIDGEVIEW ROAD TO THE STATE OF MINNESOTA FOR AN ENTRANCE TO THE AIR NATIONAL GUARD FACILITY.

Attachments: [Exhibit A-Legal Description](#)

This Resolution was adopted unanimously.

MOTIONS AND RESOLUTIONS

CONSENT AGENDA**BY COUNCILOR HANSEN (FINANCE)**

6. [16-0245R](#) RESOLUTION AMENDING RESOLUTION NO. 16-0152, WHICH AMENDED RESOLUTION NO. 16-0055, CONFIRMING DEMOLITION ASSESSMENT ROLL TO DELETE A SECOND PROPERTY AND REDUCING THE AMOUNT ASSESSED.

This Resolution was adopted unanimously.

7. [16-0311R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT ON BEHALF OF THE HISTORIC UNION DEPOT FROM THE DULUTH LEGACY ENDOWMENT FUND IN THE AMOUNT OF \$2500 FOR DEPOT BEAUTIFICATION PROJECT.

Attachments: [Exhibit A - Depot Grant Agreement](#)

This Resolution was adopted unanimously.

8. [16-0314R](#) RESOLUTION APPROVING THE BUDGET FOR THE FISCAL YEAR MAY 1, 2016 TO APRIL 30, 2017 IN THE AMOUNT OF \$5,546,836 FOR THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

9. [16-0320R](#) RESOLUTION APPROVING THE ADOPTION OF A TWO YEAR GRACE PERIOD FOR IMPLEMENTING NEW PROCUREMENT REQUIREMENTS IN COMPLIANCE WITH THE UNIFORM ADMINISTRATIVE REQUIREMENTS FOR FEDERAL AWARDS.

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

10. [16-0292R](#) RESOLUTION AUTHORIZING A CONTRACT WITH TRAIL SOURCE, LLC., FOR PHASE IV CONSTRUCTION OF THE DULUTH TRAVERSE TRAIL IN THE AMOUNT OF \$361,447.56.

Attachments: [Phase IV Map](#)

This Resolution was adopted unanimously.

11. [16-0293R](#) RESOLUTION AUTHORIZING A CONTRACT WITH ROCK SOLID TRAIL CONTRACTING, LLC., FOR THE PHASE V CONSTRUCTION OF THE DULUTH TRAVERSE TRAIL IN THE AMOUNT OF \$472,843.25.

Attachments: [Phase V Map](#)

This Resolution was adopted unanimously.

12. [16-0297R](#) RESOLUTION APPROVING THE ISSUANCE OF OFF SALE 3.2 PERCENT MALT LIQUOR LICENSE RENEWALS FOR THE PERIOD BEGINNING MAY,1 2016, AND ENDING APRIL 30, 2017

Attachments: [OFF SALE BEER ATTACHMENT A-04142016085624](#)

This Resolution was adopted unanimously.

13. [16-0298R](#) RESOLUTION APPROVING THE ISSUANCE OF ON SALE 3.2 PERCENT MALT LIQUOR LICENSE RENEWALS FOR THE PERIOD BEGINNING MAY,1 2016, AND ENDING APRIL 30, 2017

Attachments: [ON SALE BEER RENEWALS-Attachment A](#)

This Resolution was adopted unanimously.

14. [16-0299R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT 22579 WITH HOISINGTON KOEGLER GROUP, INC., FOR ADDITIONAL PROFESSIONAL SERVICES TO COMPLETE A MINI MASTER PLAN FOR VARIOUS ST. LOUIS RIVER CORRIDOR NEIGHBORHOOD PARKS, AN INCREASE OF \$4,070, AND AN AMENDED TOTAL NOT TO EXCEED \$79,070.

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

15. [16-0312R](#) RESOLUTION AUTHORIZING A CONTRACT WITH STACK BROS MECHANICAL CONTRACTORS, INC. FOR THE CONSTRUCTION OF CHAMBERS GROVE PARK IMPROVEMENTS FOR AN AMOUNT NOT TO EXCEED \$769,650.80.

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

16. [16-0287R](#) RESOLUTION AMENDING RESOLUTION 15-0831, ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2016, TO ADD AN ACCESSORY HOME SHARE PERMIT AND SETTING THE FEE FOR \$100 PER YEAR.

This Resolution was adopted unanimously.

17. [16-0294R](#) RESOLUTION DISCHARGING \$112,018.70 IN DEBT OWED BY THE FOLLOWING BUSINESSES TO THE REVOLVING LOAN FUND FORMERLY OPERATED BY NORTH STAR COMMUNITY DEVELOPMENT CORPORATION.

This Resolution was adopted unanimously.

18. [16-0296R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO THE LICENSE AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR DEDA LOT B.

Attachments: [Exhibit A - 16-0296R](#)

This Resolution was adopted unanimously.

19. [16-0304R](#) RESOLUTION AUTHORIZING A CONTAMINATION INVESTIGATION AND RESPONSE ACTION PLAN DEVELOPMENT GRANT APPLICATION IN THE AMOUNT OF \$28,834 TO THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT RELATING TO PROPERTY LOCATED AT 42nd AVENUE WEST AND GRAND AVENUE AND COMMITTING A DEVELOPER MATCH OF \$9,611

This Resolution was adopted unanimously.

20. [16-0305R](#) RESOLUTION AMENDING THE COMPREHENSIVE LAND USE PLAN - FUTURE LAND USE MAP FOR THE ARROWHEAD ROAD LANE USE STUDY AREA, FROM EAST OF HAINES ROAD TO ARLINGTON ROAD, AND NORTH ALONG RICE LAKE ROAD.

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted

21. [16-0308R](#) RESOLUTION VACATING A PORTION OF A UTILITY EASEMENT SOUTHEAST OF GRAND AVENUE BETWEEN 75TH AVENUE WEST AND 78TH AVENUE WEST.

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

22. [16-0309R](#) RESOLUTION VACATING A PORTION OF THE PLATTED RIGHT OF WAY OF EAST SUPERIOR STREET, NORTH SECOND AVENUE EAST, AND THE FIRST STREET ALLEY, ADJACENT TO THE NORSHOR THEATER AT TWO NORTH SECOND AVENUE EAST (DULUTH ECONOMIC DEVELOPMENT AUTHORITY).

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

[Attachment 4](#)

This Resolution was adopted unanimously.

BY COUNCILOR HANSON (INTERGOVERNMENTAL RELATIONS)

23. [16-0316R](#) RESOLUTION AUTHORIZING A TEMPORARY FIVE (5) YEAR EASEMENT TO THE STATE OF MINNESOTA FOR HIGHWAY PURPOSES FOR ITS GRAND AVENUE IMPROVEMENT PROJECT.

Attachments: [Exhibit 1 \(Parcel 49\)](#)

[Exhibit 2 \(Parcel 49\)](#)

[Exhibit 3 \(Parcel 49\)](#)

This Resolution was adopted unanimously.

24. [16-0317R](#) RESOLUTION AUTHORIZING A TEMPORARY FIVE (5) YEAR EASEMENT TO THE STATE OF MINNESOTA FOR HIGHWAY PURPOSES FOR ITS GRAND AVENUE IMPROVEMENT PROJECT.

Attachments: [Exhibit 1 \(Parcel 61\)](#)

[Exhibit 2 \(Parcel 61\)](#)

[Exhibit 3 \(Parcel 61\)](#)

This Resolution was adopted unanimously.

25. [16-0318R](#) RESOLUTION AUTHORIZING A TEMPORARY FIVE (5) YEAR EASEMENT TO THE STATE OF MINNESOTA FOR HIGHWAY PURPOSES FOR ITS GRAND AVENUE IMPROVEMENT PROJECT.

Attachments: [Exhibit 1 \(Parcel 60\)](#)
[Exhibit 2 \(Parcel 60\)](#)
[Exhibit 3 \(Parcel 60\)](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

26. [16-0288R](#) RESOLUTION AWARDED A CONTRACT TO PARSONS ELECTRIC LLC FOR THE REMOVAL AND REPLACEMENT OF GENERATORS AT DULUTH STEAM IN THE AMOUNT OF \$156,828.

This Resolution was adopted unanimously.

27. [16-0289R](#) RESOLUTION AWARDED A CONTRACT TO VEIT & COMPANY, INC. FOR STREAM BANK STABILIZATION AT CHESTER CREEK IN THE AMOUNT OF \$518,187.35.

Attachments: [16-0289R Map](#)

This Resolution was adopted unanimously.

28. [16-0290R](#) RESOLUTION AUTHORIZING THE 2012 ROAD AND BRIDGE DISASTER RELIEF BOND GRANT AND ACCEPTING A GRANT FROM THE MINNESOTA STATE TRANSPORTATION FUND FOR THE OVERLAY OF 63rd AVENUE WEST FROM GRAND AVENUE TO CODY STREET IN THE AMOUNT OF \$62,085.48.

Attachments: [16-0290R Map](#)
[Flood Bond Agreement 118-103-006](#)

This Resolution was adopted unanimously.

29. [16-0291R](#) RESOLUTION AUTHORIZING THE 2012 ROAD AND BRIDGE DISASTER RELIEF BOND GRANT AND ACCEPTING A GRANT FROM THE MINNESOTA STATE TRANSPORTATION FUND FOR THE RECLAMATION OF SKYLINE PARKWAY FROM KENWOOD AVENUE TO BRIDGE NO. L6115 IN THE AMOUNT OF \$190,578.60.

Attachments: [16-0291R Map](#)
[Flood Bond Agreement 118-179-006](#)

This Resolution was adopted unanimously.

30. [16-0302R](#) RESOLUTION AWARDING A CONTRACT TO GEORGE BOUGALIS & SONS CO., INC. FOR THE CONGDON BOULEVARD CULVERT LINING AND REPLACEMENT IN THE AMOUNT OF \$956,358.30.

Attachments: [16-0302R Map](#)

This Resolution was adopted unanimously.

31. [16-0306R](#) RESOLUTION REQUESTING A VARIANCE FROM THE MINNESOTA DEPARTMENT OF TRANSPORTATION AND INDEMNIFYING THE STATE OF MINNESOTA IN CONNECTION WITH THE GRANTING OF A MINNESOTA STATE AID VARIANCE IN THE RECONSTRUCTION OF SUPERIOR STREET.

Attachments: [16-0306R Map](#)
[Parking Layout Variance](#)

This Resolution was adopted unanimously.

32. [16-0315R](#) RESOLUTION APPROVING SETTLEMENT IN THE AMOUNT OF \$35,000 IN THE MATTER OF MARK R. CARLSON AND LYNNE E. CARLSON VS. CITY OF DULUTH.

This Resolution was adopted unanimously.

33. [16-0319R](#) RESOLUTION AWARDING A CONTRACT TO SHANNON'S INC. FOR THE LAKEWOOD WATER TREATMENT PLANT HEATING, VENTILATION AND COOLING SYSTEM IMPROVEMENTS IN THE AMOUNT OF \$940,850.

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

34. [16-0303R](#) RESOLUTION AUTHORIZING LICENSE AGREEMENT WITH THE CITY OF HERMANTOWN TO ALLOW THE HERMANTOWN POLICE DEPARTMENT LIMITED ACCESS TO THE CITY'S FILE SERVER TO

ACCESS THE BCA MINNESOTA LICENSE PLATE DATA FILE.

Attachments: [Exhibit A - Hermantown license agreement](#)
[Exhibit B - BCA agreement](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

35. [16-0300R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE DULUTH LEGACY FUND IN THE AMOUNT OF \$2,500 FOR TODDLER BOOK BINS AND BOOKS FOR THE MT. ROYAL BRANCH LIBRARY.

Attachments: [Exhibit A - 16-0300R](#)

This Resolution was adopted unanimously.

36. [16-0301R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$2,500 GRANT FROM THE DULUTH LEGACY ENDOWMENT FUND FOR THE GARY NEW DULUTH COMMUNITY CENTER AND RECREATION AREA MINI-MASTER PLAN PROJECT.

Attachments: [EXHIBIT A - 16-0301R](#)

This Resolution was adopted unanimously.

37. [16-0307R](#) RESOLUTION AUTHORIZING ACCEPTANCE AND EXECUTION OF A HOST SITE AGREEMENT WITH THE MINNESOTA POLLUTION CONTROL AGENCY FOR THE 2016-2017 PROGRAM YEAR GREENCORPS MEMBERS.

Attachments: [EXHIBIT A - 16-0307R](#)

This Resolution was adopted unanimously.

38. [16-0313R](#) RESOLUTION AUTHORIZING A FIVE (5) YEAR LEASE AGREEMENT WITH RPK BASEBALL, LLC AND NORTHWOODS LEAGUE, INC. FOR THE USE OF WADE STADIUM THROUGH 2020.

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA**BY COUNCILOR ANDERSON (PERSONNEL)**

39. [16-0295R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JOHN STRONGITHARM TO THE CIVIL SERVICE BOARD

Attachments: [Lon Hanson CSB Application](#)
[LonHansonResume-CityofDuluth](#)
[Strongitharm CSB Application](#)
[John Strongitharm Resume](#)
[NEWQUIST APP](#)

This Resolution was adopted as amended.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

The following entitled ordinances are to be read for the first time:

BY COUNCILOR FOSLE (PUBLIC SAFETY)

40. [16-024-O](#) AN ORDINANCE AMENDING CHAPTER 29A OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO CLARIFY APPLICATION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE FOR THE HOUSING AND MAINTENANCE CODE FOR THE CITY, PROVIDE A MECHANISM FOR RESOLVING CONFLICTS BETWEEN THE PROVISIONS OF CHAPTER 29A AND THE HOUSING AND PROPERTY MAINTENANCE CODE, AND STRIKE OBSOLETE CODE LANGUAGE.

This Ordinance was read for the first time.

The following entitled ordinances are to be read for the second time:

BY COUNCILOR HANSEN (FINANCE)

41. [16-023-O](#) AN ORDINANCE TO AMEND THE BUDGET OF THE CITY OF DULUTH FOR YEAR 2016 BY INCREASING THE BUDGET BY \$500,000 FOR FUNDING AN ENERGY PLAN.

This Ordinance was adopted.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

42. [16-022-O](#) AN ORDINANCE AMENDING SECTIONS 50-20.3 COMMERCIAL USES

AND 50-20.5 ACCESSORY USES, TO AMEND EXISTING STANDARDS FOR VACATION DWELLING UNITS AND ACCESSORY VACATION DWELLING UNITS. (AS AMENDED)

- Attachments:** [Motion to Amend 16-022-O Sipress](#)
[Motion to Amend 16-022-O Hobbs.Filipovich - Passed](#)
[Motion to Amend \(2\) 16-022-O Sipress](#)

A motion was made that this ordinance be tabled. Motion passed:

8: Yay

1: Nay

This Ordinance was tabled.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

43. [16-021-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY ABUTTING RIDGEVIEW ROAD TO THE STATE OF MINNESOTA FOR AN ENTRANCE TO THE AIR NATIONAL GUARD FACILITY.

- Attachments:** [Exhibit A](#)
[Exhibit B](#)
[Exhibit C](#)

This Ordinance was adopted.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

Why don't on-site concepts show more development deeper into the site? You have 140 acres to work with.

There are several reasons for this:

1. Currently, the purchaser of land, dba Pacific Education Partners, is obligated to preserve as much of the current Snowflake Nordic operations as possible for a period of up to five years. Pushing the development into the core of the 140 acres and away from Rice Lake Road will impact more important ski trails than if the development is constructed closer to Rice Lake Road, as currently proposed. I initially had the perception that a ski trail was a ski trail. I was later informed by the leadership at Snowflake Nordic that each trail has a specific purpose and there are topographic and distance characteristics that make each trail unique. Without these unique characteristics, they will be less attractive as a ski center and they fear losing the funding that comes from different schools to use their site. In other words, if too many trails at Snowflake are destroyed, members and other schools will no longer use the facility.
2. The topography steepens dramatically as you move into the site. There is more exposed bedrock and more scattered high quality wetlands. While we have not determined exactly how many wetlands would be impacted if we moved the development deeper into the site, we know it would possible meet or exceed the current proposed impacts. In addition, the wetlands deeper into the site are the wetlands of higher quality compared to the wetlands proposed to be impacted as part of the existing proposal.
3. Habitat fragmentation would be exacerbated if we pushed the development further into the site. Roads would have to be lengthened to reach the development site, and there would be a forested edge on four sides of the development versus just three sides (Rice Lake Road is not a forested edge in terms of habitat). The more exposed forest edge, the more chance of non-native plant and animal intrusion. Such is the case with nest raiding cowbirds, which interfere with neotropical migrant hatchlings on disturbed forest edges.

Why not construct a parking ramp?

1. Charter schools receive per pupil financing from the Minnesota Department of Education. That funding amounts to about \$0.35 on the dollar to what levied schools receive. The projected number of students frames the amount of income, and therefore the bond amount that can be attained. The bond amount dictates the construction budget. Parking ramps are extremely expensive. Where a surface parking lot might cost \$700 per stall, a parking ramp can cost \$3000 per stall.
2. Even with a parking ramp, the space currently proposed for surface parking would have to be occupied by the ramp. After the first level of parking and part of the second level, the relative loss of the surface parking proposal would be equalized, then additional levels would be required to accommodate the remainder of the parking. The current zoning has a height

limitation of only 30', so the benefit to a parking ramp by attaining efficiency with greater height, cannot be realized.

Why not construct the school next to the jail?

1. The attached letter from the DPSA Head of Schools Bonnie Jorgenson notes the reason for not selecting a school site next to a jail.
2. None of the consulting team was willing to advocate for a school site next to a jail. Even though the chance of an issue between inmates and students is probably small, if there was an issue, it would be a monumental disaster. As a matter of self preservation and/or common sense, nobody with DPSA or the design team was willing to take any unnecessary chance with a child's well being, no matter how small the chance.

How is storm water going to be treated?

Attached is the most recent storm water plan with associated grading. All of the storm water will be treated below ground. An underground corrugated metal pipe storage system is proposed; although a tire derived aggregate system is being evaluated pursuant to MPCA input. In either case, the systems work in similar ways, storing volumes of storm water underground and releasing that water slowly.

How are you dealing with freshwater seeps from the hillside?

All subsurface and surface water that runs down the hill toward the track and field will be collected with subdrains that bi-pass storm water treatment and go directly back into the wetlands along Rice Lake Road. The rate of this discharge will be controlled by a bed of rock beneath the track and careful sizing of the subdrain outlet.

Storm water that runs into the proposed County backage road will be treated in much the same way, whether the County constructs the road or it remains a private enterprise. That has yet to be determined

Why is the County backage road located where it is and not closer to Rice Lake Road?

1. The County has directed the position of the road. The curve speeds and stacking distance against Rice Lake Road are two major considerations in the alignment of the road. If the road were located on the south side of the school, there would not be enough vehicle stacking ahead of Rice Lake Road. The current design runs that stacking up gradient to the north and perpendicular to Rice Lake Road.
2. A 30 mph curve, which is the County minimum for this application, is too large of a radius of curvature to come off of Rice Lake Road and arc east toward the school. There is also the complication of the existing driveway that leads to Arrowhead tennis.
3. Having a 30mph 36' wide public road run past the front of a new high school is not an ideal situation when busses are pulled of to the side loading children.

Where is the traffic study?

It is attached.

Why did you show the old Duluth Armory as a potential off site candidate if it is not a viable option?

We feel that it is important to frame the conversation about wetland impact. The subject of adaptive reuse comes from not only City planning but from citizens concerned about the impacts to wetlands and forest. The Duluth Armory is one of the first available sites re-evaluated as part of this process, even though it was quickly dismissed due to a lack of available programmable green space, lack of parking and potential for environmental remediation issues.



NORTH STAR ACADEMY: K-8

RALEIGH ACADEMY: K-5

3301 Technology Drive
Duluth, MN 55811
Ph: (218) 728-9556
Fax: (218) 728-2075

5905 Raleigh Street
Duluth, MN 55807
Ph: (218) 628-0697
Fax: (218) 628-2264

May 5, 2016

To Whom It May Concern:

It is the practice of the Duluth Public Schools Academy, Tischer Creek Duluth Building Company and school administration to put safety of students at the forefront of our decision making. We strive for academic excellence and the safety of our students.

Part of creating a safe learning environment is to seek out sites for our facilities that will have adjacent land uses that are compatible with school operations. Our administration has informed our site selection contractors, and also our participating design team, that locating a school next to a County Jail or other penal / correctional facilities is not a compatible land use with a high school or any of our educational facilities.

It is for this reason that we were not able to utilize the land that was available on the northeast corner of Haines Road and Arrowhead road in Duluth, MN. This land was shown as an off-site option on the wetland permit application because it was one of the sites we evaluated and members of the public must be informed of this process."

Sincerely,

Bonnie Jorgenson, Head of School
Crystal Palmer, School Board President
Paul Goossens, President, Tischer Creek Duluth Building Company