



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 21-187	Contact	John Kelley	
Type	HE-O Planning Review	Planning Commission Date		December 14, 2021
Deadline for Action	Application Date	November 9, 2021	60 Days	January 8, 2022
	Date Extension Letter Mailed	November 29, 2021	120 Days	March 9, 2022
Location of Subject		West Arrowhead Road east of Kenwood Shopping Center		
Applicant	Shamrock Management LLC	Contact		
Agent	Scalzo Architects Ltd.	Contact		
Legal Description		010-2640-03650, 010-0145-00020, part of 010-2640-01780, part of 010-2640-03295		
Site Visit Date		November, 2021	Sign Notice Date	November 30, 2021
Neighbor Letter Date		December 3, 2021	Number of Letters Sent	63

Proposal

Applicant proposes to construct a 12,000 sq. ft. commercial/office structure in the Higher Education Overlay (HE-O) with associated parking, landscaping, lighting, and connectivity located to the north and east of the Kenwood Shopping Center, adjacent to Arrowhead Road.

Recommendation

Staff recommends approval, subject to conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Vacant Lot/Gravel storage	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	MU-N	Commercial	Neighborhood Mixed Use
East	MU-N	Residential	Traditional Neighborhood
West	MU-N	Commercial	Traditional Neighborhood

Summary of Code Requirements

50-18.5 Higher Education Overlay – Planning review by the Planning Commission is required for most development or redevelopment in areas zoned R-2 or MU-N.

50-18.1 Shoreland, Flood Plains, Wetlands, Stormwater.

50-23 Connectivity and Circulation – Focuses on pedestrian and bicycle accommodations.

50-24 Parking and Loading – Addresses required parking spaces, loading docks, and snow storage.

50-25 Landscaping and Tree Preservation – Landscaping requirements and tree preservation

50-26 Screening, Walls, and Fences – Screening of equipment, loading areas, etc., plus fences & retaining walls.

50-29 Sustainability Standards – Sustainability point system for new development.

50-30 Design Standards – Building standards for multi-family, commercial, institutional, and industrial buildings.

50-31 Exterior Lighting – Directs the minimum and maximum illumination values and lighting fixtures for a site.

50-37.11 Planning Review – Planning Commission shall approve the Planning Review or approve it with modifications, if it is determined that the application complies with all applicable provisions of this Chapter.

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

Governing Principle #1 – Reuse previously developed lands.

Economic Development Policy #3: Priority will be given to investment that reuses previously developed lands and limits increase in utility operation or maintenance costs.

Zoning – MU-N District: Established to provide for community and regional commercial development along commercial corridors and nodal centers. Intended non-residential uses include retail, lodging, service, and recreational facilities needed to support the community and region. Development should facilitate pedestrian connections between residential and non-residential uses.

HE-O: The purpose of the overlay is to minimize the impacts of potential student use on adjacent residential neighborhoods and to encourage the development of pedestrian friendly neighborhood destinations near the UMD (University of Minnesota-Duluth) and St. Scholastica campuses

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. Includes many of Duluth's older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas.

Site history: The site is the location of former single family homes that were removed in preparation for a future development, and a portion of the existing Kenwood Shopping Center parking lot.

PL 21-153 – Temporary Use Permit – Rock crushing - permit was effective from August 30, 2021 through September 17, 2021

Review and Discussion Items:

Staff finds that:

- 1) 50-18.5 (Higher Education Overlay Planning Review) – The applicant is proposing to construct a 12,000 square foot commercial/office building along West Arrowhead Road adjacent to the Kenwood Shopping Center. The property is zoned Mixed Use Neighborhood (MU-N) but is within the Higher Education Overlay (HE-O) district, which requires a planning review by the planning commission. This overlay district has additional development standards to the underlying zoning requirements.
- 2) 50-18.5.C (HE-O Development Standards) – Access to the site will be gained via two curb cuts along West Arrowhead Road. The site plan depicts a drive-through window and lane located on the east side

of the building. The HE-O requires primary buildings be constructed to a build-to zone of five feet to 20 feet along a primary street such as West Arrowhead Road. However, if the Land Use Supervisor (LUS) determines that site conditions such as topography or physical features on the property make the build-to zone requirement unfeasible (see UDC Section 50-18.5.C.1.b), an alternative building location may be considered if certain site design features are incorporated into the development. The LUS has determined that site conditions including lot configuration, exposed rock, and building layout are not conducive to the build-to zone requirement. The applicant has submitted a site plan incorporating the required alternative design elements, as follows:

- Eight foot wide concrete walkway connecting to existing sidewalks along West Arrowhead Road.
 - Painted crosswalk between main entries to building and parking area – The applicant has noted that the crosswalk within the parking area is designed for drainage to the curb along the north side of the parking lot. There is a catch basin located directly adjacent to the east of the pedestrian walkway and a catch basin located approximately 45' to the west of the pedestrian walkway to remove water from the parking lot. The potential for ponding water is eliminated for the striped crosswalk.
 - Pedestrian-scaled lighting – The site plan shows pedestrian-scale light along the west side of the walkway between the sidewalks on Kenwood Avenue and the parking/front of the building.
- 3) 50-18.1.B (Wetlands) – There are no wetlands present on the site.
- 4) 50-18.1.E (Stormwater Management) – The applicant has provided a storm water narrative to the City Engineering Department. Stormwater plans will need to be approved before building permits can be issued.
- 5) 50-20.2.Q (Use Specific Standards) – The site plan depicts a drive through window and lane on the east side of the building adjacent to a lot with a residential structure. In the MU-N Zone district drive-through lanes and windows have specific performance standards that apply to for that use, due to its potential for noise, lighting, or other visual impacts to adjacent properties. The proposed drive-through window hours of operation may be affected by the proximity to the adjacent residential structure to the east. The landscape plan proposes screening of the adjacent residential structure to the east with trees and shrubs. If appropriate, the Planning Commission may further evaluate whether installation of a fence along the east property line is necessary to mitigate glare and noise from cars in the drive-through lane and stacking spaces.
- 6) 50-23 (Connectivity) – West Arrowhead Road is considered a primary street in the HE-O district. Public sidewalks exist along West Arrowhead Road. The site plan shows a pedestrian walkway connecting from the building main entries to the sidewalks. The site plan also depicts a one-way drive lane connecting to the adjacent parking area on the south side of the development. These connections will improve the development's pedestrian connectivity and allow for a vehicular connection to the Kenwood Shopping Center.
- 7) 50-24 (Parking) – The applicant is proposing 9,000 square feet of retail space which requires 27 parking spaces and 3,000 square feet of restaurant space which requires 20 parking spaces. The minimum number of required parking spaces is 47, and the maximum number of parking spaces is 70. The site plan shows 59 parking spaces along the north, west and south side of the building. Section 50-24.6.C allows for up to 60% of off-street accessory parking within the front yard if a pedestrian walkway is provided. Plans show a pedestrian walkway meeting the requirements for the front yard parking allowance.
- 8) 50-25 (Landscaping) – The landscape plan indicates compliance with street frontage landscaping requirements. The applicant has calculated 31% canopy coverage at maturity for trees around parking areas and a vegetated buffer along the east property line is shown consisting of trees and shrubs to screen the development from the adjacent residential structure. Additional tree plantings are shown on the site plan to satisfy the tree preservation/replacement component of the site. Tree removal for the proposed development area of the lot occurred prior to the submittal of the planning review application. The City is working with the property owner to satisfy additional tree replacement requirements for the south and east portions of the lot. Conditions are recommended related to this

Planning Review to ensure timely compliance with all tree planting requirements.

- 9) 50-26 (Screening) – Plans show screening to meet UDC requirements for the dumpster enclosure. The applicant will need to show plan details for exterior/roof mounted mechanical equipment prior to issuance of any building permits.
- 10) 50-27 (Signs) – The site plan shows a proposed pole sign along the frontage on West Arrowhead Road. The landscape plan shows the shrubs at the base of pole sign as required. The proposed pole sign will require a separate sign permit.
- 11) 50-29 (Sustainability) – Non-residential development with 10,000 to 25,000 square feet requires 3 points. The plans notes 4 points with 3 of them being for energy efficiency. Applicant will need to submit information on energy efficiency. The other points consist of reuse of a previously developed site and vegetation (turf grass).
- 12) 50-30 (Design Standards) – The building elevation drawings submitted meet the required design standards.
- 13) 50-31 (Exterior Lighting) – The site plan shows a number of LED light poles around the edges of the parking areas. The applicant will need to submit a lighting plan for review and approval.
- 14) The proposed development is shown to be located on a separate parcel than the existing Shopping Center. The property configuration, including any necessary approvals for a Registered Land Survey, Plat, or other mechanism, must be approved in advance of issuance of any building permits for the site. A condition is recommended related to this aspect of the proposal.
- 15) No comments from citizens, City staff, or any other entity were received regarding the application.
- 16) Per UDC 50-37.1.N, an approved Planning Review will expire if the project or activity authorized is not begun within one year, which may be extended for one additional year at the discretion of the Land Use Supervisor.

Staff Recommendation

Based on the above findings, staff recommends that Planning Commission approve the Planning Review, subject to the following conditions:

- 1) The project be limited to, constructed, and maintained according to the construction and building plans submitted with this application titled “Arrowhead Center.”
- 2) Prior to issuance of building permit, Applicant shall submit a financial security in the form of a cash escrow or Letter of Credit in the amount of 100% of the installed value of the landscaping to insure survivability of all required landscaping for at least one year after installation.
- 3) Applicant shall comply with all tree replacement requirements as established in the May 17, 2021 letter from the City of Duluth (attached).
- 4) Applicant shall submit stormwater management plans prior to issuance of building permit.
- 5) Applicant shall submit appropriate documentation regarding the property configuration and location of property boundaries prior to issuance of building permit. Any division or modification to the property or properties shall be completed in a UDC-compliant manner.
- 6) The final lighting plan shall be submitted and reviewed for approval in advance of building permit submittal, and shall be approved by the LUS.
- 7) 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; however, no such administrative approval shall constitute a variance from the provisions of UDC Chapter 50.



Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
 - CITY OF DULUTH
 - WLSSD; PRIVATE
 - Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains**
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin
- Easement Type**
 - Utility Easement
 - Other Easement
 - Zoning Boundaries
- Shoreland (UDC)**
 - Cold Water
 - Natural Environment
 - General Development
 - Trout Stream (GPS)
 - Other Stream (GPS)

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.



PRELIMINARY
NOT FOR CONSTRUCTION
DATE: 11/09/2021

PROJECT:

**ARROWHEAD
CENTER**

1218 WEST ARROWHEAD RD
DULUTH, MINNESOTA 55811

OWNER:
SHAMROCK MANAGEMENT
P.O. BOX 270995
VADNAIS HEIGHTS,
MINNESOTA 55110

SITE PLAN

REVISIONS:

△ DECEMBER 2, 2021

DATE:

DRAWN: JPW, TFE

CHECKED: WBS

PROJECT: 2108

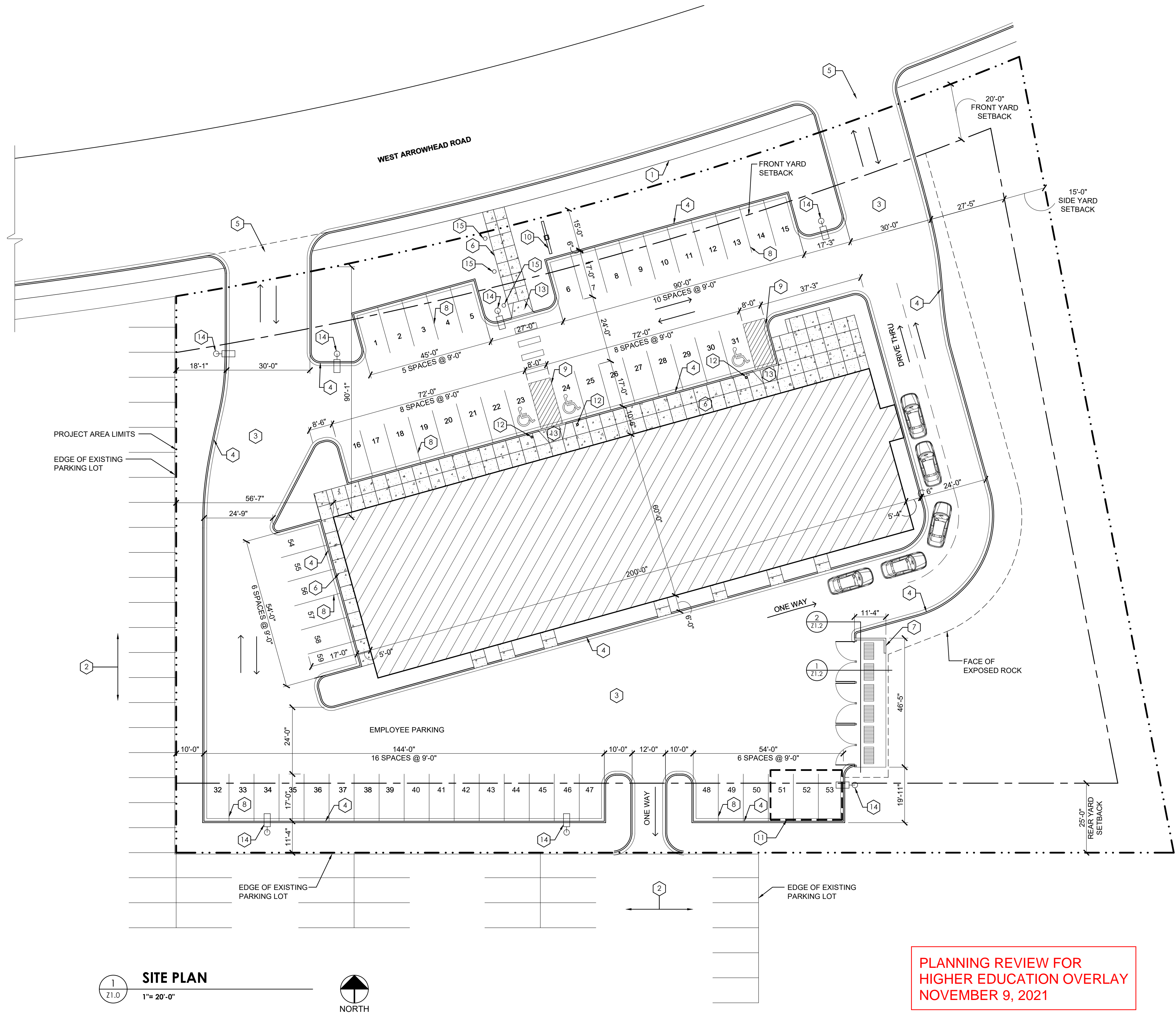
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FULL SCALE

SHEET NO.

Z1.0

KEYED NOTES - SITE PLAN

- 1 EXISTING CONCRETE WALK
- 2 EXISTING ASPHALT SURFACE
- 3 BITUMINOUS SURFACE
- 4 CONCRETE CURB AND GUTTER
- 5 CURB CUT - NEW ENTRANCE
- 6 CONCRETE WALK
- 7 CONTAINER ENCLOSURE
- 8 PAINTED PARKING STRIPE
- 9 PAINTED STRIPING FOR NO PARKING
- 10 NEW POLE SIGN - PROVIDE UNDERGROUND POWER
- 11 SNOW STORAGE
- 12 ACCESSIBLE PARKING SIGN
- 13 DETECTABLE WARNING SURFACE
- 14 LED LIGHT POLE
- 15 PEDESTRIAN SCALE LED LIGHTING





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ARROWHEAD CENTER
1218 WEST ARROWHEAD RD
DULUTH, MINNESOTA 55811

OWNER:

SHAMROCK MANAGEMENT
P.O. BOX 270995
VADNAIS HEIGHTS,
MINNESOTA 55110

LANDSCAPING PLAN


REVISIONS:

DATE:

DRAWN: JPW, TFE

CHECKED: WBS

PROJECT: 2108

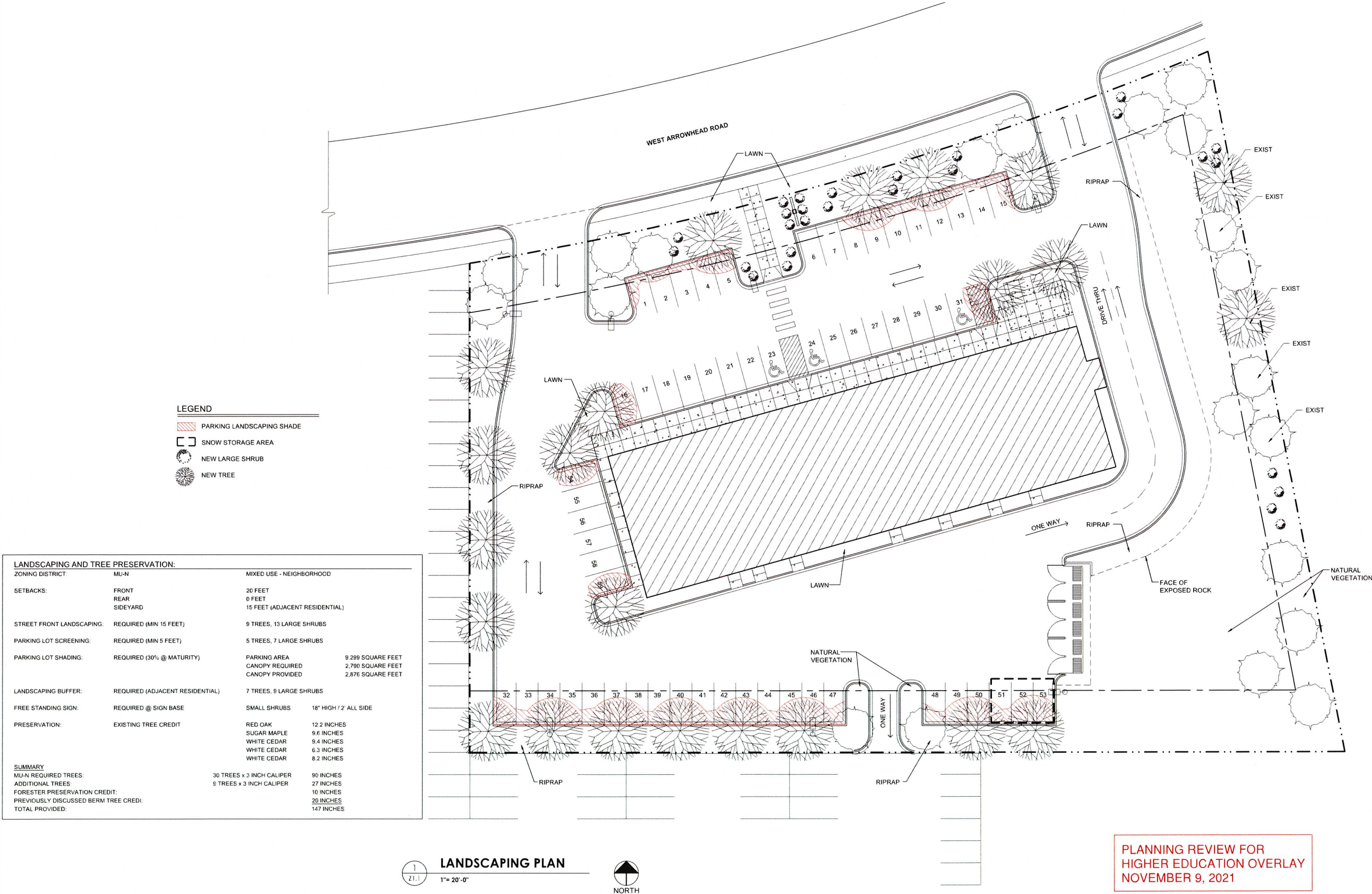


0 2'

FULL SCALE

SHEET NO.

Z1.1



1
Z1.1

LANDSCAPING PLAN

1"= 20'-0"



ZONING SUMMARY:

CODES USED:	UNIFIED DEVELOPMENT CODE CHAPTER 50	EFFECTIVE FEBRUARY 2021
ZONE DISTRICT:	MU-N	MIXED USE-NEIGHBORHOOD
NATURAL RESOURCE OVERLAY (NR-O):	50-18.1 FLOODWAY FLOOD FRINGE SHORLAND MANAGEMENT STORM WATER MANAGEMENT/ EROSION CONTROL	NO NO NO ZONE A
MINIMUM SHORELAND AREA STANDARDS:	TABLE 50-18.1. D-1	NA
TEMPORARY EROSION AND SEDIMENT CONTROLS:	TABLE 50-18.1.E-1 TEMPORARY EROSION & SEDIMENT CONTROLS ESCP PLAN AND PERMIT SWPPP MPCA NPDES PERMIT MS4 STATEMENT OF COMPLIANCE	LAND AREA DISTURBED ≥ 1 ACRE NOT REQUIRED REQUIRED REQUIRED REQUIRED REQUIRED
PERMANENT WATER QUALITY AND DISCHARGE:	TABLE 50-18.1.E-2 WATER QUALITY TREATMENT RUN OFF RATE CONTROLS VOLUME CONTROLS TEMPERATURE CONTROLS DRAINAGE REPORT SITE SPECIFIC SWPPP BMP OPERATION AND MAINTENANCE MANUEL MS4 STATEMENT OF COMPLIANCE FROM CITY ENGINEER	NEW / REDEVELOPED IMPERVIOUS AREA > 3,000 SF REQUIRED REQUIRED REQUIRED REQUIRED REQUIRED REQUIRED REQUIRED REQUIRED
TREATMENT REQUIREMENTS:	TABLE 50-18.1.E-3	REDEVELOPMENT ≥ 1 ACRE 50% TSS REMOVAL
DISCHARGE RATE LIMITS:	TABLE 50-18.1.E-4	REDEVELOPMENT ZONE A PREDEVELOPMENT PEAK FLOW RATE
HIGHER EDUCATION OVERLAY (HE-O):	50-18.5	APPLICABLE
DEVELOPMENT STANDARDS	50-18.5 C	VEHICLE INGRESS AND EGRESS LOCATED TO MINIMIZE IMPACT ON RESIDENTS BUILD-TO-ZONE UNFEASIBLE BASED ON THE EXISTING DEVELOPMENT AT KENWOOD CENTER RECOGNIZABLE PEDESTRIAN WALKWAY PROVIDED FROM PUBLIC SIDEWALK COMMERCIAL DEVELOPMENT CONCENTRATE ON PRIMARY STREET - ARROWHEAD ROAD

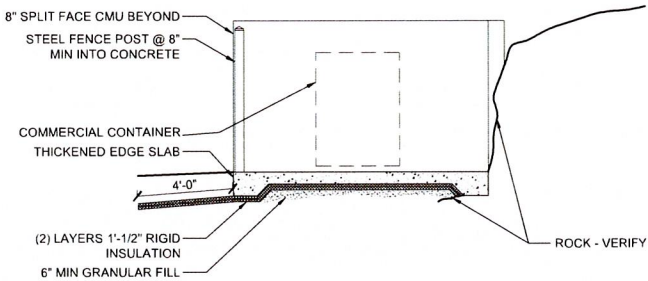
PERMITTED USE	TABLE 50-19.8	RESTAURANT < 5,000 SF BANK OFFICE RETAIL SALES - SMALL < 15,000 SF	S2 S2 P2 P2
USE SPECIFIC STANDARDS	50-20.3 COMMERCIAL USES	Q. RESTAURANT E. BANK M. OFFICE R. RETAIL SALES - SMALL	
DIMENSIONAL STANDARDS:	SECTION 50.21 MINIMUM LOT AREA MINIMUM LOT FRONTAGE MINIMUM DEPTH FRONT YARD MINIMUM WIDTH SIDE YARD MINIMUM WIDTH REAR YARD MAXIMUM HEIGHT OF STRUCTURE	TABLE 50-15.2-1 NA NA 20 FT 15 FT (NON-RESIDENTIAL ADJACENT TO RESIDENTIAL) 0 FT (NON-RESIDENTIAL ADJACENT TO NON-RESIDENTIAL) 25 FT 45 FT	
BUILDING FORM STANDARDS:	SECTION 50-22	NA	
OFF-STREET PARKING:	TABLE 50-24-1 RESTAURANT BANK OFFICE RETAIL STORE MINIMUM PARKING LIMIT MAXIMUM PARKING LIMIT	6.5 SPACES PER 1,000 SF GROSS FLOOR AREA 3.5 SPACES PER 1,000 SF GROSS FLOOR AREA 2.5 SPACES PER 1,000 SF GROSS FLOOR AREA 3 SPACES PER 1,000 SF GROSS FLOOR AREA 30% 150%	
OFF-STREET LOADING:	TABLE 50-24-5	NOT APPLICABLE	
LANDSCAPING AND TREE PRESERVATION:	50-25	REQUIRED 10,000 SF TO 20,000 SF	
STREET FRONTAGE LANDSCAPING:	TABLE 50-25-1 AVERAGE DEPTH REQUIRED TREES REQUIRED SHRUBS	LOT OVER 20,000 SF 15 FEET FRONT; 10 FEET SIDE; 5 FEET REAR 1 PER 35 FEET OF LINEAR FRONTAGE 1 PER 25 FEET OF LINEAR FRONTAGE	
PARKING LOT LANDSCAPING:	50-25.4 PERIMETER SCREENING REQUIRED TREES REQUIRED SHRUBS INTERIOR LANDSCAPING TREE CANOPY	PUBLIC STREET - 5 FT 1 PER 35 FEET OF LINEAR FRONTAGE 3 PER 25 FEET OF LINEAR FRONTAGE 1 PER 300 SF INTERNAL LANDSCAPE AREA 30% AT MATURITY	
LANDSCAPING CREDIT:	TABLE 50-25-2		
SCREENING OF MECHANICAL EQUIPMENT:	50-26.1 ROOF-MOUNTED EQUIPMENT GROUND-MOUNTED EQUIPMENT	REQUIRED FROM OPPOSITE SIDE OF PUBLIC RIGHT-OF-WAY ADJOINING PROPERTY AND PUBLIC RIGHT-OF-WAY	
SCREENING OF SERVICE/ LOADING AREAS:	50-26.2	NOT APPLICABLE	
SCREENING / LOCATION COMMERCIAL CONTAINERS:	50-26.3	REQUIRED	
SIGNS:	50-27 SIGN TYPES TABLE 50-27	REQUIRED - SEPARATE APPLICATION WALL SIGN 50-27.7L FREESTANDING SIGN-POLE 0-27.7H	
SUSTAINABILITY STANDARDS:	50-29	REQUIRED - 3 POINTS	
BUILDING DESIGN STANDARDS:	50-30.3	NOT APPLICABLE	
EXTERIOR LIGHTING STANDARDS:	50-31 MAXIMUM ILLUMINATION ON PROPERTY MAXIMUM ILLUMINATION AT PROPERTY LINE MAXIMUM ILLUMINATION AT RIGHT-OF-WAY MAXIMUM/ MINIMUM RATIO	REQUIRED - NEW PRIMARY STRUCTURE 10 FOOT CANDLES 1 FOOT CANDLES 2 FOOT CANDLES 15:1	

PROJECT SPECIFIC:

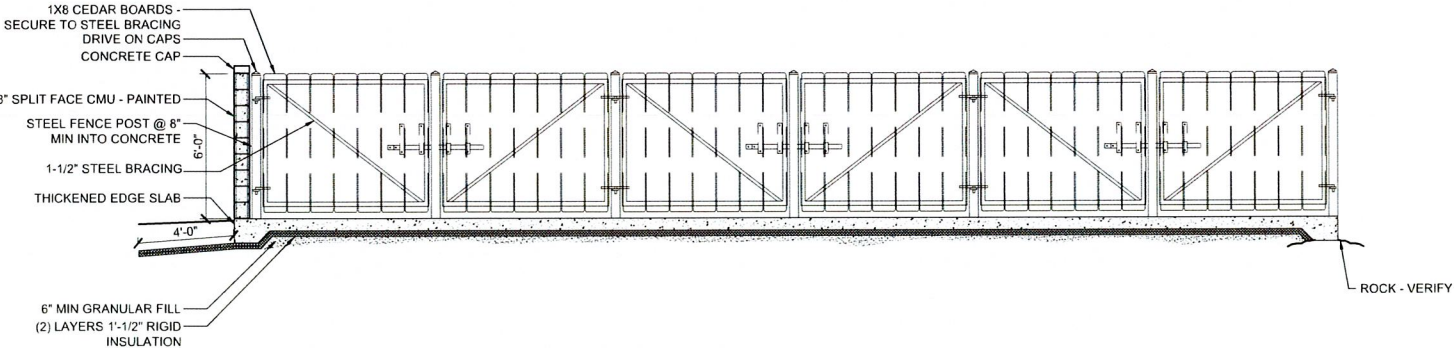
STORM WATER / EROSION CONTROL:	REFER TO CIVIL DRAWINGS	
OFF-STREET PARKING (BASIS):	RESTAURANT 3,000 SF RETAIL 9,000 SF TOTAL	20 SPACES 27 SPACES 57 SPACES
	MINIMUM MAXIMUM PROVIDED FRONT YARD 53%	40 SPACES 86 SPACES 59 SPACES 31 SPACES
LANDSCAPING / TREE PRESERVATION:	REFER TO LANDSCAPING PLAN Z1.1	
SCREENING OF MECHANICAL EQUIPMENT:	ROOFTOP EQUIPMENT TO BE DETERMINED	
SCREENING OF COMMERCIAL CONTAINER:	REFER TO SITE PLAN Z1.0	
SIGNS:	POLE SIGN WALL SIGN	MAXIMUM AREA 60 SF / MAXIMUM HEIGHT 20 FT BY TENANT - SEPARATE APPLICATION
SUSTAINABILITY STANDARDS:	LOCATION ENERGY EFFICIENCY VEGETATION TOTAL	.75 3 .25 4 POINTS
EXTERIOR LIGHTING:	PHOTOMETRIC LIGHTING STUDY PROVIDED AS SHOP DRAWING SUBMITTAL	

COMMENTS:

1. CONSTRUCT BUILDING SHELL ONLY - NO TENANTS IDENTIFIED.
2. PLANT MATERIALS / TREE SPECIES TO BE SELECTED BY THE OWNER BASED ON THE CITY'S APPROVED LANDSCAPING PLANT LIST. OWNERS LANDSCAPE CONTRACTOR TO PROVIDE SHOP DRAWINGS FOR APPROVAL.



1
Z1.2
1/4"= 1'-0"



2
Z1.2
1/4"= 1'-0"

PLANNING REVIEW FOR
HIGHER EDUCATION OVERLAY
NOVEMBER 9, 2021



SCALZO ARCHITECTS, LTD.
1901 South Street
Duluth, Minnesota 55812
Tele: 218.722.4319
Fax: 218.722.3535



PROJECT:
**ARROWHEAD
CENTER**
1218 WEST ARROWHEAD RD
DULUTH, MINNESOTA 55811

OWNER:
SHAMROCK MANAGEMENT
P.O. BOX 270995
VADNAIS HEIGHTS,
MINNESOTA 55110

ZONING SUMMARY
SITE DETAILS

REVISIONS:

DATE:
DRAWN: JPW, TFE
CHECKED: WBS
PROJECT: 2108



SHEET NO.

Z1.2

PRELIMINARY
NOT FOR CONSTRUCTION
DATE: 11/09/2021

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NORTH ELEVATION
WEST ELEVATION

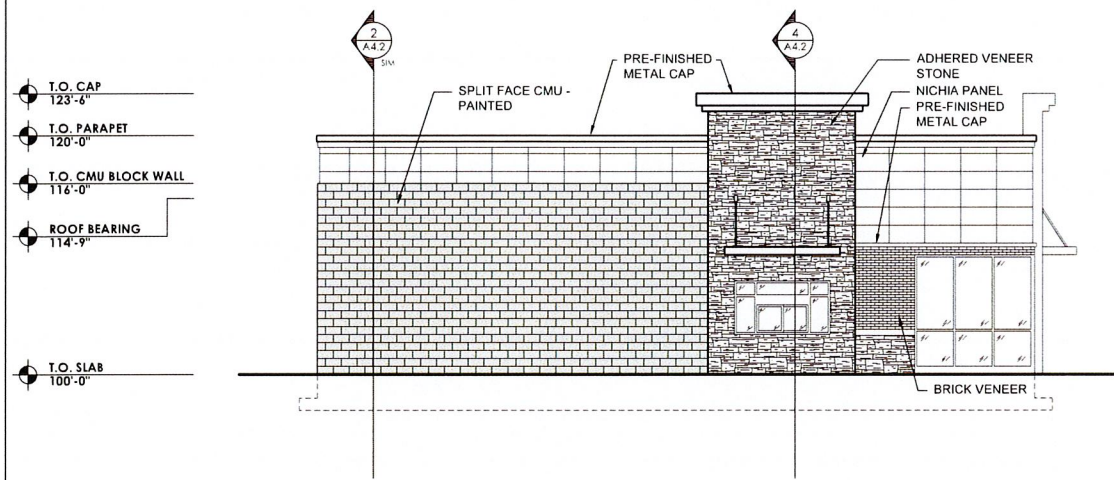
REVISIONS:

DATE:
DRAWN: JPW, TFE
CHECKED: WBS
PROJECT: 2108

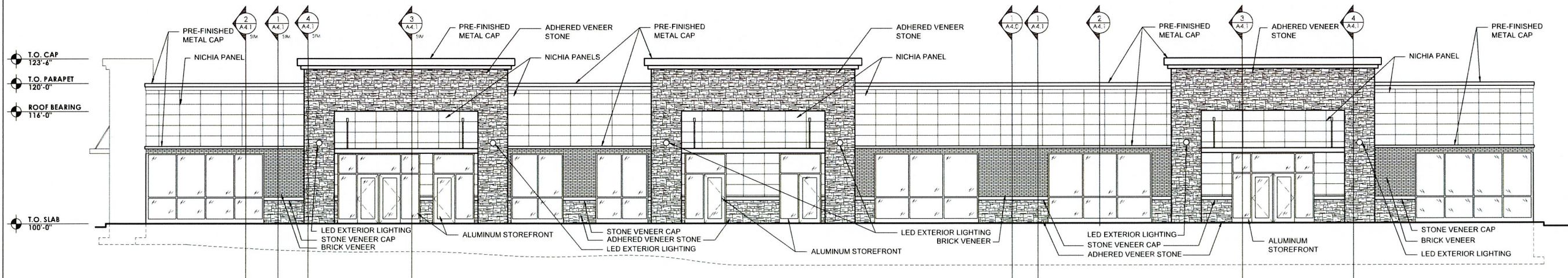
0 2'
FULL SCALE

SHEET NO.

A3.0



2
A3.0
EAST ELEVATION
1/8"=1'-0"



1
A3.0
NORTH ELEVATION
1/8"=1'-0"

PLANNING REVIEW FOR
HIGHER EDUCATION OVERLAY
NOVEMBER 9, 2021



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

May 17, 2021

Thomas J. O'Brien
Kenwood Shopping Center
Barrington Waldorf LLC
PO BOX 270995
Vadnais Heights, MN 55128

VIA EMAIL AND USPS

RE: Kenwood Shopping Center, Redevelopment and tree replacement
St. Louis County parcels 010-2640-01780 and 010-2640-03295

Dear Mr. O'Brien,

Thank you for the continued dialogue regarding tree replacement at the Kenwood Shopping Center in Duluth. Since the tree removal that took place last year (in early 2020), we have appreciated your willingness to evaluate appropriate options for restoring vegetation and the tree canopy in the areas to the east of the shopping center.

I have appreciated learning more about your plans for the further development of the site, including the future expansion of the shopping center or related development to parcels 010-2640-03650, 010-0145-00010, and 010-0145-00020. As part of the grading for these three parcels in coordination with the remainder of the site, the grading and fill permit issued (our permit file #BFILL2104-001) provides for modifications to finalize the grading and to allow for revegetation of the rest of the site. This letter is supplemental to any conditions of other permits or approvals issued by the City for the site, and is not intended to replace any aspects of those permits or approvals.

There has been significant discussion between parties about the total number of 'tree replacement caliper inches' required resulting from the tree removal that took place in early 2020. City Code Section 50-25.9, Tree Preservation (from the city's Unified Development Code, or "UDC") requires certain actions by property owners prior to tree removal. The tree removal on the site was completed without the advance completion of a tree survey for the site. As such, following the tree removal, estimates were immediately created for two areas of the site: "Zone 1," and "Zone 2" by Clark Christenson, City Forester. The two zones are more fully depicted in the Scalzo "Site Phasing" document dated July 29, 2020. Following this assessment, there was correspondence between the City and your office or representatives, which is attached for reference.

I understand that some of the tree removal and maintenance has been described as removal of "scrub trees" or "dead trees." However, the City was unable to verify that these trees were no longer living or part of the site's required vegetation or landscaping. As such, they must be taken into account when establishing the tree replacement requirement. The tree removal that took place in early 2020 was not subject to any of the provisions of UDC Section 50-25.9.B.1, "Exemptions."

www.duluthmn.gov

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It is my understanding that the proposed tree replacement calculations by the parties are as follows:

Christenson, July 27, 2020:

- Zone 1: 117.5 replacement inches required
- Zone 2: 73.25 replacement inches required

Scalzo, September 18, 2020:

- Zone 1 + Zone 2: proposal for 95.375 replacement inches required (50% of the assessment)

O'Brien, February 26, 2021:

- Zone 1: 98.75 replacement inches required
- Zone 2: 47.75 replacement inches required
- Total for zones 1 & 2: 146.5 replacement inches
- 1218 W. Arrowhead Road: 67.75 replacement inches required

The data has been additive with each sequential letter, and I want to thank you for taking the time to continue exploring the complexity around establishing a final tree replacement calculation. I also want to highlight, as is referenced in your February 26, 2021 letter, the installation of a landscape berm at the top of the hill on the east side of your property. The berm will improve the buffer between the shopping center and adjacent properties, and should be included in future landscape plans as a site improvement for buffer purposes.

Based on the correspondence to-date, and the information provided, we accept the proposed replacement inch requirement that you describe in the O'Brien February 26, 2021 letter. We have previously discussed phasing of installation of these replacement inches of new trees. It is acceptable to phase portions of this tree replacement based on anticipated future development that will provide for installation of all required plantings, subject to the following:

- Completion of site grading and complete vegetation of all exposed soils;
- Maintenance of the new berm at the top of the eastern hill, and the survival of all of the red pine saplings that were installed there;
- Installation of 50% of the total required replacement inches no later than August 30, 2021 in Zones 1 & 2, in the amount not less than 73.25 caliper inches as defined by the UDC, as follows:
 - In locations on the south and east property lines along disturbed areas, along adjacent property lines in the rear yards of sites that have frontage along E. Buffalo Street and Missouri Avenue;
 - Using species as specified by the City Forester:
 - White pine
 - Northern red oak
 - Butternut
 - Paper birch
 - Basswood;



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planning@duluthmn.gov

- The previously installed 20 living red pine saplings may each count toward one (1) caliper inch, but all further plantings (no less than 53.25 caliper inches) shall follow the UDC requirement for landscaping:
 - **UDC Section 50-25.2.I, Minimum Plant Sizes.** *Where included as part of the required landscaping, deciduous trees shall have a minimum caliper of 2.5 inches, coniferous trees shall be a minimum of six feet in height, large shrubs shall be of a minimum five gallon container size and have a height of at least six feet at maturity, small shrubs shall be of a minimum five gallon container size and have a height of less than six feet at maturity, and ground cover shall be of a minimum one gallon container size. The above dimensions apply to sizes at time of planting. Deciduous trees planted using air pot containers instead of balled and burlap stock may have a minimum of 2.0 inches;*

As work continues on the site, I encourage you to contact the Planning & Development office, or the City Forester, as plans evolve and next steps are contemplated. Importantly, the City Forester should be engaged in advance of any tree removal or maintenance.

We look forward to working with you in regard to the next steps for the site. Please feel free to contact me any time to discuss these or other matters in further detail, either at afulton@duluthmn.gov, or by phone or text on my mobile phone at 612-414-6506.

Sincerely,

Adam Fulton, Deputy Director
City of Duluth Planning & Economic Development Department

Attachments:

- Replacement inches calculation by Clark Christenson, City Forester (July 27, 2020)
- Scalzo "Site Phasing" document (July 29, 2020)
- Letter from Bill Scalzo to Adam Fulton (September 18, 2020)
- Letter from Tom O'Brien to Clark Christenson (February 26, 2021)

CC: William Burns, Hanft Fride
Bill Scalzo, Scalzo Architects
Chris Fleege, Director
John Kelley, Planning & Development
Tom Johnson, Public Works & Utilities
Planning & Zoning File

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