



# CITY OF DULUTH

Community Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

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

<b>File Number</b>	PL 17-064		<b>Contact</b>	Chris Lee, cleee@duluthmn.gov	
<b>Type</b>	Interim Use Permit – Private Club in R-2		<b>Planning Commission Date</b>		May 9, 2017
<b>Deadline for Action</b>	<b>Application Date</b>		April 4, 2017	<b>60 Days</b>	June 3, 2017
	<b>Date Extension Letter Mailed</b>		February 24, 2017	<b>120 Days</b>	August 2, 2017
<b>Location of Subject</b>		2623 West 2 <sup>nd</sup> Street			
<b>Applicant</b>	Joseph Durbin		<b>Contact</b>	5467 Dunaiski Rd	
<b>Agent</b>			<b>Contact</b>		
<b>Legal Description</b>		LOTS 425 427 E 1/2 429 OF BLOCK 085 OF DULUTH PROPER SECOND DIVISION, PID: 010-1140-03900			
<b>Site Visit Date</b>		April 24, 2017	<b>Sign Notice Date</b>		April 25, 2017
<b>Neighbor Letter Date</b>		April 25, 2017	<b>Number of Letters Sent</b>		81

## Proposal

Applicant proposes to operate a private club, Duluth MakerSpace, in a structure located in a residential zone district.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-2	Residential Urban	Neighborhood Mixed Use
<b>North</b>	MU-N	Mixed Use Neighborhood	Neighborhood Mixed Use
<b>South</b>	R-2	Residential Urban	Neighborhood Mixed Use
<b>East</b>	R-2	Residential Urban	Neighborhood Mixed Use
<b>West</b>	R-2	Residential Urban	Neighborhood Mixed Use

## Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Private Club is an Interim or Special Use in an R-2 District.

UDC Sec. 50-37.10.B . . . Council shall make, a decision to adopt, adopt with modifications or deny the application based on the criteria in subsection C below. The . . . Council may impose appropriate conditions and safeguards, including but not limited to financial security pursuant to Section 50-37.1.P, a development agreement regarding the design, construction, and operation of the special use, to protect the Comprehensive Land Use Plan, to conserve and protect property and property values in the neighborhood and to ensure that all conditions of the special use permit will continue to meet.

UDC Sec. 50-37.10.E . . . the Council shall only approve an interim use permit, or approve it with conditions, if it determines that:

1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location or to allow the city time to develop a regulation addressing the potential longer term impacts of the requested use in that location;
2. The applicant agrees to sign a development agreement with the city confirming that (a) approval of the permit will not result in increased costs to the city if the property is later

acquired by the city through eminent domain; (b) the use will be terminated at the applicant's expense on the date(s) stated in the permit, (c) the termination of the interim use as stated in the permit will create no rights to a nonconforming use and no rights to compensation for termination of the use or for the value of any structures of improvements related to the use, and (d) the applicant agrees to all conditions imposed by the city. No interim use permit shall be issued until a development agreement confirming these points is executed.

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

Governing Principle #8 - Encourage mix of activities, uses, and densities

Future Land Use – Neighborhood Mixed Use:

A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live-work spaces. May include limited commercial-only space oriented to neighborhood or specialty retail markets.

The site is developed consistent with the future land use as described and the applicant is not proposing alterations to the use. This building has been traditionally used as a church and is the former site of the Boys and Girls Club.

### **Review and Discussion Items:**

- 1) Applicant's property is located on 2623 West 2nd Street. The building was constructed in 1935. It has 11,509 square feet of floor space. There are two stories to the building and it is constructed from brick. The Duluth MakerSpace is currently undergoing the process to become a non-profit club.
- 2) Parking for the club will be on the south west side of the building providing 13 stalls. There will also be a bike rack on the south east side. There will be screening between the parking and West 2<sup>nd</sup> Street. The applicant is also proposing a curb cut onto West 2<sup>nd</sup> Street to improve traffic flow through the site and reduce traffic in the alley.
- 3) The applicant is proposing to add 3 trees along West 2<sup>nd</sup> Street along with shrubs as part of the parking screening.
- 4) The applicant is proposing to add a 130-foot long privacy fence along the west side of the property to screen the neighboring residential properties from the parking. The finished side of the fence should be facing the neighboring property.
- 5) The fence and the vegetation will meet the requirements for dense urban screen.
- 5) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 6) No comments from citizens, City staff, or any other entity were received regarding the application.

### **Staff Recommendation:**

Based on the above findings, Staff recommends that Planning Commission recommend approval subject to the following:

- 1) The Interim Use Permit shall not be effective until the applicant has received all required permits for occupancy, construction and building repairs.
- 2) No Certificate of Occupancy shall be granted until all required screening has been installed.
- 3) Other conditions typical to Interim Use Permits shall be included in the Council resolution.





## City Planning

PL 17-064: IUP for Private Club in R-2  
2623 West 2nd Street



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.

Aerial photography flown 2016

Prepared by: City of Duluth Planning Division, April 5, 2017, Source: City of Duluth.





## City Planning

PL 17-064: IUP for Private Club in R-2  
2623 West 2nd Street

### Legend

#### Zoning Boundaries

Zoning Boundaries

#### Water Distribution System

30 - 60" Water Pipe

16 - 24" Water Pipe

4 - 6" Water Pipe

#### Sanitary Sewer Collection System

Sanitary Sewer Collector

Sanitary Sewer Interceptor

Sanitary Sewer Forced Main

Storage Basin

Pump Station

#### Gas Distribution Main

8" - 16" Gas Pipes

4" - 6" Gas Pipes

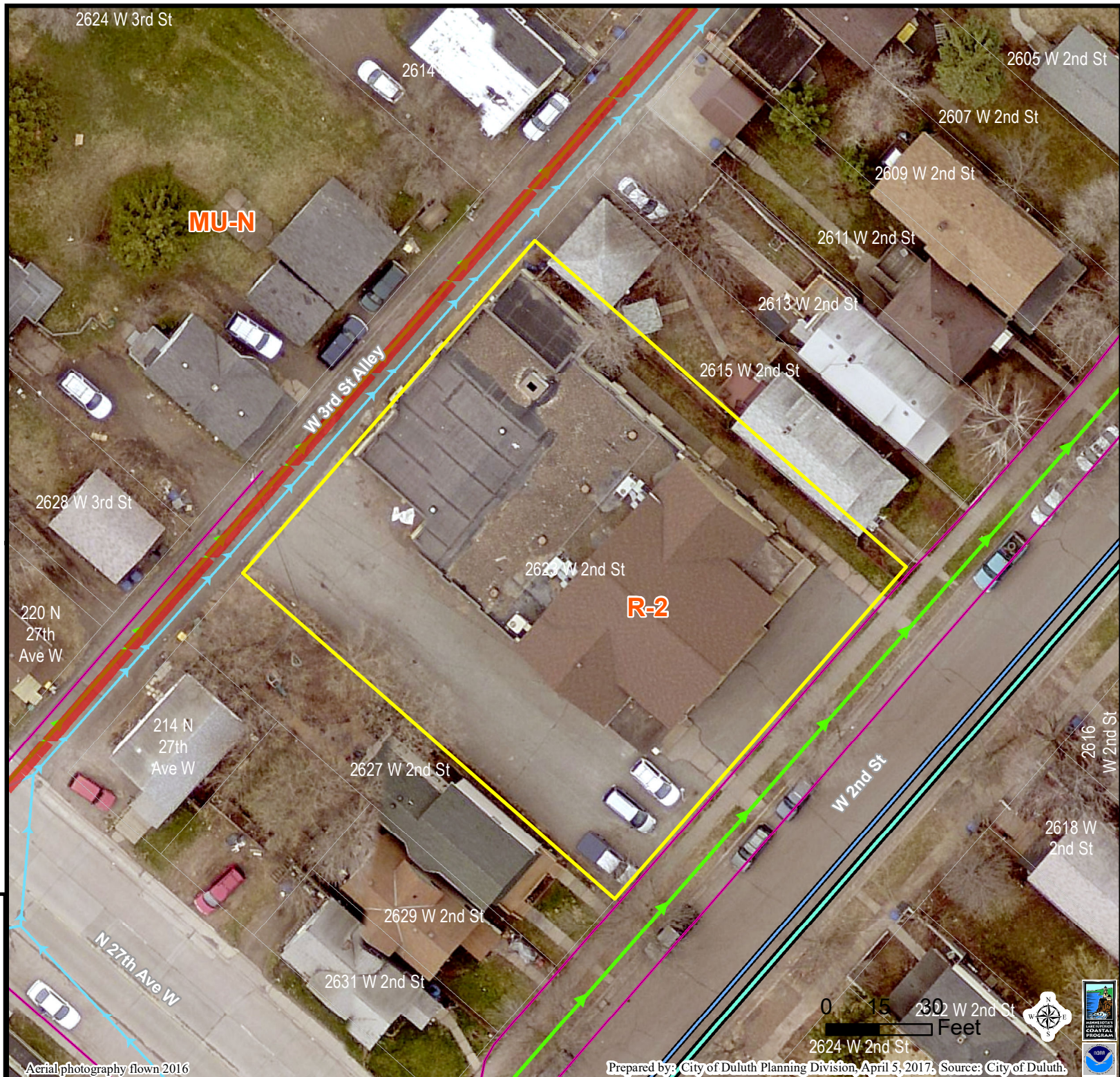
0" - 4" Gas Pipes

#### Storm Sewer Collection System

Storm Sewer Pipe

Storm Sewer Catch Basin

Vacated ROW





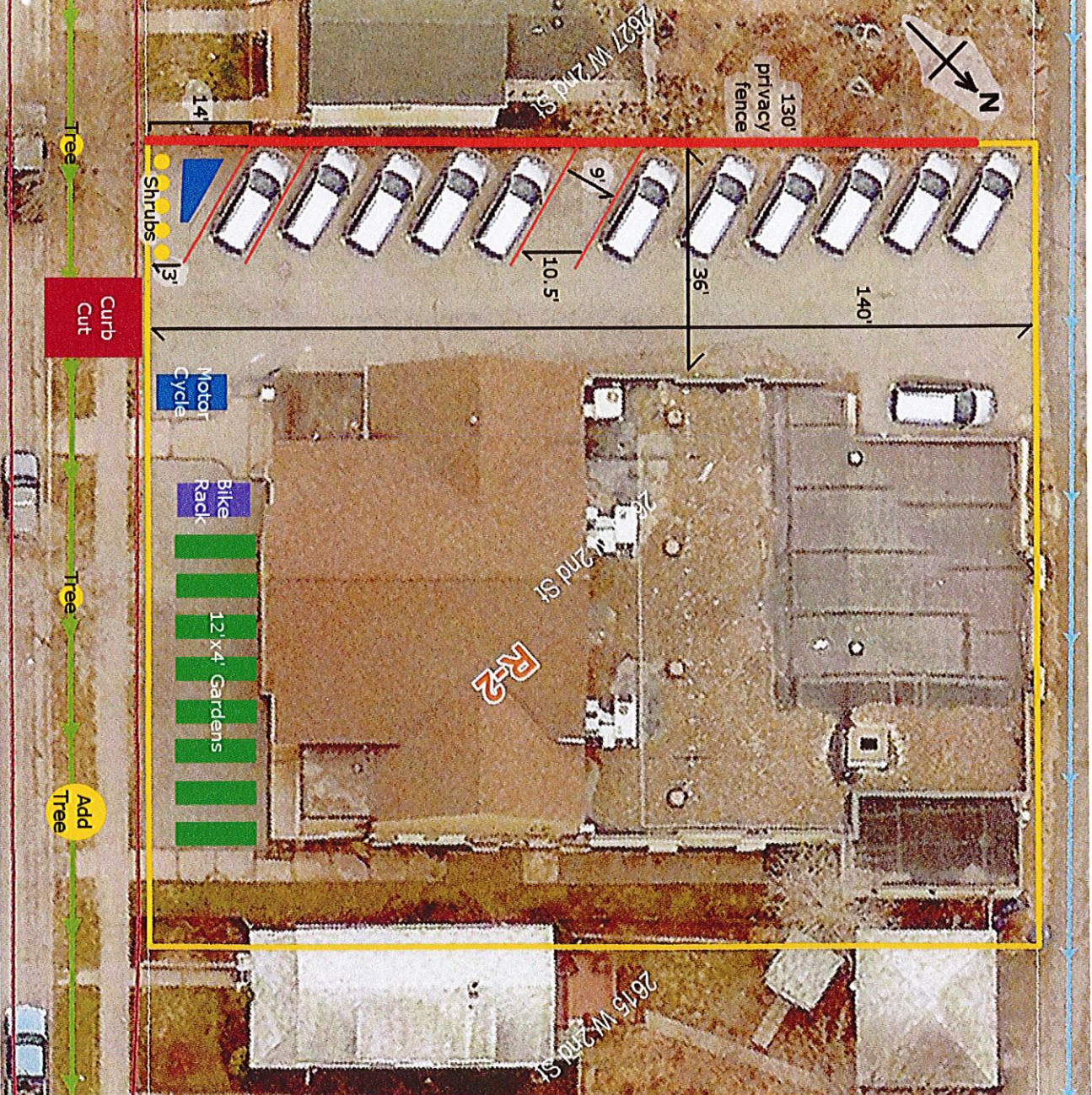


### Legend

 Vacated ROW

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## Site Plan for 2623 W 2nd St

Minimal changes to be made to existing property. Was recently a Boys and Girls Club prior to being used as a church. Our private club usage should be less intense.

**Curb Cut:** Standard minimum width curb cut to take away minimum street parking.

**Gardens:** Raised community/cooperative garden beds with pavement cut out below for drainage. Room for 8 large 12'x4' plots.

**Bike Rack:** Lockable bike rack to encourage our many bike riders, and commuters from DMS 4 blocks away.

**Parking:** 13 standard cars fit in lot, plus room for motorcycles of which several of our members use. Shrubbery screen to be added.

**Tree:** (yellow) Can add another shade tree, but it would be a detriment to gardens.

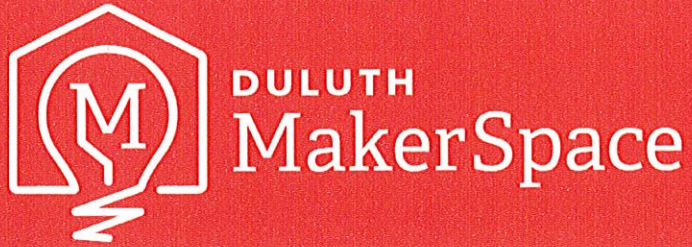
**Fence:** (red) Fence next to western neighbor to be replaced to privacy fence standards(6ft+ 75%+ opaque). Stopping short from alley for driving safety.

### Additional site concerns:

Outside of building will have some windows repaired and fresh paint and other maintenance to improve the look.

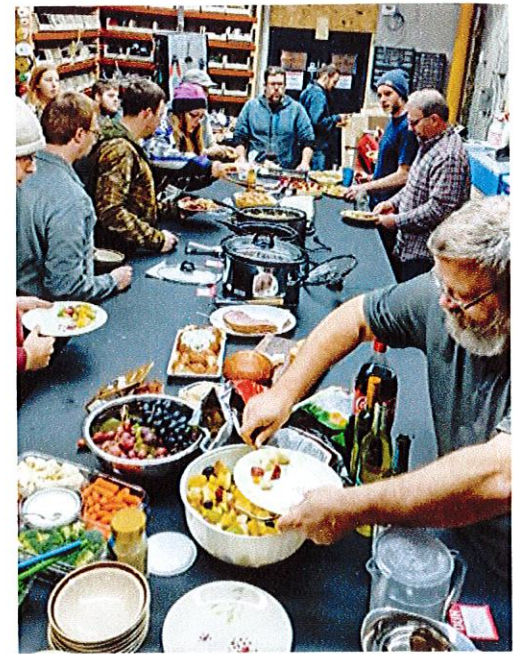
If tree cover on western property comes down, we would try to replace or add additional shade cover.





## Duluth MakerSpace Private Club Expansion

<http://www.DuluthMakerSpace.com/>



**About Us:** Over two years ago, a group of volunteers organized to privately fund a cooperative workshop. At our main location at 3001 W Superior St (four blocks away from property) we have a full woodshop, metalshop, tech areas, craft areas, etc. The Duluth MakerSpace is self-sustaining through membership at no cost to the city or taxpayers, and is an educational, creative and business incubating asset. We run classes of all kinds for all ages, and empower people to learn and create all types of things. The gathering of a wide range of creative individuals creates a positive feedback loop. We have always been a not-for-profit cooperative, and our plans include transitioning to a proper 501c3 once we have the volunteers to do so.

**Our Needs:** We have used up most of our existing space and still have crafts and additional interests we would like to support and empower. We searched the city looking for viable options, and determined that this nearby property would cost effectively provide a great space for more residential style crafts and pursuits.

**The Building:** Though primarily a church, this building has also been used for the Boys and Girls club. Since that time two different churches tried to find enough congregation but were unable to financially support themselves. There are 3+ other churches within 2 blocks. We believe we would make a perfect fit and that the building and neighborhood would benefit from our investment of effort and funds.

**Our Plans:** For our private member access we would like to add a member's commercial kitchen, photography room, possibly additional craft rooms, a few private spaces, as well as a nice gathering space for occasional community events. During Halloween we like to freely give out LED lights that kids can wear to improve their visibility and safety. We also have interest in offering a bicycle shop and would do local kid's bike repair days. The space will lend itself to quite a few garden plots of which we will give management of several to local neighbors that want a plot. The building will be private access only to existing members outside of occasional events. Average daily use of the building is expected to require less than half of the parking lot. We understand members are limited to the parking provided by our lot.







## West Neighbor Fence Details



### Special vs Interim Permit

If the City wanted to help support us, they could grant us a special permit instead of interim, thereby saving us the expensive (for our funding) \$805 duplicate permitting process in a few years. \$805 is equivalent to a full month's usable revenues for our cooperative. Alternatively, if there was another method to reduce this second permitting fee, we would greatly appreciate any support.

**Thanks! - Duluth MakerSpace Volunteers**















