



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 20-069	Contact	Steven Robertson	
Type	Amend Existing MU-P Concept Plan	Planning Commission Date	June 8, 2021	
Deadline for Action	Application Date	May 5, 2021	60 Days	July 4, 2021
	Date Extension Letter Mailed	May 25, 2021	120 Days	September 2, 2021
Location of Subject	800 East Central Entrance			
Applicant	ISD 709	Contact	Available, on file	
Agent	John Erickson, LHB	Contact	Available, on file	
Legal Description	See Attached Map			
Site Visit Date	May 25, 2021	Sign Notice Date	May 25, 2021	
Neighbor Letter Date	May 25, 2021	Number of Letters Sent	58	

Proposal

The applicant is requesting to amend an approved MU-P concept map and plan. Any amendment to the concept map and plan that involves changes to land use, density, or height are required to follow the rezoning process, including a public hearing by the Planning Commission and final ordinance approval from City Council. If approved, the amendment will allow for development of a bus garage and expansion of administrative office spaces on property to be retained by ISD 709, the applicant. It also provides for minimum requirements to be met prior to approval of a Regulating Plan by the Land Use Supervisor.

Staff Recommendation

Staff recommends approval of the proposed amendment.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-P	Former school (vacant)	Business Park, Urban Residential, Recreation
North	MU-C, MU-N	Commercial	Central Business Secondary, General Mixed Use
South	R-1	Residential, Antenna Farm	Traditional Neighborhood
East	R-P	Residential	Urban Residential
West	R-1	Residential	Urban Residential

Summary of Code Requirements

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

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

Governing Principles

The following Imagine Duluth 2035 Governing Principles should be considered when reviewing the request:

Governing Principle 1, Reuse previously developed lands.

Reuse of previously developed lands, including adaptive reuse of existing building stock and historic resources, directs new investment to sites which have the potential to perform at a higher level than their current state. This strengthens neighborhoods and is preferred to a dispersed development pattern with associated alteration of natural landscapes and extensions of public services. Site preparation or building modification costs are offset by savings in existing public infrastructure such as streets and utilities, and transit, fire, and police services.

Governing Principle 2, Declare the necessity and secure the future of undeveloped places.

Undeveloped areas are an essential part of Duluth's municipal fabric, including urban plazas, neighborhood parks, large tracts of public ownership, and private lands zoned for minimal development. These minimally developed or undeveloped areas collectively create an open space system. These areas contribute to Duluth's cultural, health, recreational, and economic value and community identity. This open space system provides vistas, encourages active recreation, supplies natural infrastructure such as storm water retention, plant and animal habitat, and water quality, and is the strongest visual element defining Duluth's sense of place.

Governing Principle 5, Promote reinvestment in neighborhoods.

Duluth is strongly defined by its neighborhoods. This system should be supported through land use and transportation that foster neighborhood reinvestment. New development or redevelopment should maximize public investment that strengthens neighborhood commercial centers or diversifies residential opportunities that fit the neighborhood's character.

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

Cities have evolved as a mix of land uses, building types, housing types, and activities. Accommodating choice while protecting investment is a balance to strike in land use regulation. Mixed uses provide opportunity for a diversity of activity that segregated, uniform uses do not provide.

Future Land Use

Business Park: Primarily office and light industrial areas developed in a unified manner, with standards for site design and circulation patterns, signage, landscaping and building design.

Site History or Previous Studies

Central High School was built in 1971 as a replacement to the Historic Old Central High School (HOCHS), and was closed in 2011.

In late 2011 the City hosted two public meetings to gather input on future reuse of the site, with approximately 100 total attendees. Several scenarios were suggested to encourage public comment (Big Box Retail, Light Manufacturing, Casino, Nursing Home/Medical Care, Warehousing, Corporate Headquarters, Higher Education, and Heavy Industry).

In 2012 (PL 11-141) the future land use designation was changed. The site rezoned twice in 2013 (PL 13-037 and PL 13-117), in accordance with the previous future land use change. In 2014 it was rezoned again (PL 14-063) to a planned development, MU-P (Mixed Use Planned). As part of a planned development, a concept plan was required showing the proposed land uses to be allowed on the site, maximum density, and maximum height of structures. At the June 2014 Planning Commission meeting, the school district's representative offered to provide a buffer setback from residential properties on Blackman, to shield them from possible noise and light conflicts that may arise from future development.

An earlier version of the amended regulating plan proposed to remove existing open space at the far western edge of the site, near Blackman, to provide for storm water ponds. That proposal has been withdrawn and stormwater will be contained elsewhere at the site.

Review and Discussion Items:

- 1) The applicant is requesting to amend an approved MU-P concept map and plan. Specifically, the request is to change the previously approved concept plan to allow for the construction of a “district services center, transportation and bus storage and maintenance, and facilities and central storage” on the western ½ of the property, in place of previously approved uses of open space, mixed use, and residential. Any amendment to the concept map and plan that involves changes to land use, density, or height are required to follow the rezoning process and receive approval from City Council.

- 2) A planned development (either R-P or MU-P) is a zoning designation that provides more flexibility than a traditional zone district. Rezoning to a planned development is a two-step process. The first step involves a Concept Plan, which identifies proposed land uses (such as residential, commercial, industrial, etc.), densities (such as 10 housing units per acre, etc.), and heights for structures in these areas. Following the approval of a rezoning ordinance and concept plan by the City Council, the second step is for the applicant to submit a detailed Regulating Plan for approval by the Land Use Supervisor. Requirements of the Regulating Plan are listed in UDC Section 50-15.7.E and 50-15.7.F, and are shown in the attachment included with this staff report. The Regulating Plan must be consistent with the concept plan and must be approved before any building permits can be issued for the property. A plat is also required for the subdivision and development of the property; an approved concept or regulating plan does not preempt the subdivision review process. To amend an approved concept plan requires a new rezoning process, a new ordinance, and a new public hearing process.

- 3) The future land use designation of this area is Business Park. Areas with this future land use designation are typically zoned either MU-B (Mixed Use Business Park). A zone designation of a MU-P (Mixed Use Planned) is appropriate, although it is less common.

- 4) The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan, and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or be considered arbitrary and capricious. Good zoning practice requires that zone districts be consistent with the future land use category identified for the area and the generally applicable provisions of the adopted comprehensive plan. A planned development is an appropriate zone district for a Business Park future land use, and conditions have been proposed to address conformity to the comprehensive plan.

- 5) This area is zoned MU-P. The purpose of the MU-P district is intended to “provide a flexible development option for mixed use projects that integrate creative site design, provide a variety of building types, provide unique on-site amenities, conserve natural features, increase pedestrian connectivity, or otherwise result in a final product that provides a greater level of public benefit than would be required under the existing zone district. Each MU-P district requires approval of a MU P regulating plan that includes the location, type, and intensity of proposed development and a description of public amenities or benefits included. A variety of residential and commercial uses are permitted, as shown in Table 50-19.8 Permitted Uses, provided projects are compatible in scale and character with the surrounding neighborhood and are included in the approved MU-P plan.”

- 6) Concept Plans in the MU-P district must show that the development would provide a greater level of public benefit than would be required under the existing zone district. Under the approved 2014 plan, 28% of the area was to remain undeveloped and an additional 11% would be used for parks or active recreation. The 2021 amendment reduces the amount set-aside for open space, to 22.9% of common space (active and passive open space/recreation space). The applicant intends to finalize provision of public access to the site following adoption of the MU-P plan amendment, and has indicated that it concurs with proposed conditions associated with establishment of permanent trail easements and other associated public benefits identified during site review.

- 7) The proposed plan amendment is to reconfigure the 2014 concept plan map so as to result in a new Parcel 1, on the western ½ of the site, including portions of parcels A, B, C, F, and G, and a new Parcel 2, on the eastern ½ of the site, including portions of Parcels C, D, E, H, I, J, K, L, M, N, O, P, and Q. The existing approved uses, heights, and densities for Parcel 2 would remain as they were approved in the 2014 plan, with the understanding that when there is a new party interested in developing the eastern ½ of the site; this party will need to seek a further plan amendment to define and

approve their new proposed uses, heights, and densities. The existing approved uses, heights, and densities in Parcel 1 would also remain, with the exception of allowing a new land use, "Public School Bus Storage and Related Activities", and reducing the amount of land that was initially established for open space and buffer.

8) Following rezoning, MU-P districts must submit a detailed Regulating Plan for approval by the Land Use Supervisor. Requirements of the Regulating Plan are listed in UDC Section 50-15.7.E and 50-15.7.F. The Regulating Plan must be consistent with the Concept Plan and must be approved before any building permits can be issued for the property. Conditions related to clarifying property boundaries and addressing other unmet pre-development and development activities to establish a sound basis for site redevelopment are included as precursors to approval of a Regulating Plan in the recommendation. The proposed conditions were evaluated to ensure redevelopment of the site proceeds in accordance with the adopted comprehensive plan, and will function to ensure blight conditions do not develop over time on the site based on the site's existing condition and the continued existence of sizable vacant structures on the site.

9) The existing land uses in the adopted concept plan are not anticipated to result in material adverse impacts to surrounding properties. Open space buffers around the periphery of the development, while reduced from the original 2014 plan, will continue to provide a buffer to adjacent properties. However, the proposed "Public School Bus Storage and Related Activities" used for the bus storage and maintenance proposed on Parcel 1 (former Parcel A, Open Space) may create noise and light disturbances that were not anticipated in the original 2014 Plan. The approved regulating plan must include standards to reduce noise, light, and other land use conflicts between this area and the adjacent R-1 residential uses along south Blackman Avenue. An EAW may be required in the future if the development in Parcel 2 applicable regulatory thresholds.

10) At the time of this report, one written response was submitted opposing elements of the amendment to the concept plan.

Staff Recommendation:

Based on the findings identified above, and in consideration of the entirety of Planning File PL 21-069, staff recommends that the Planning Commission recommend approval of the amendment to the approved Concept Plan, with the following additional findings and conditions:

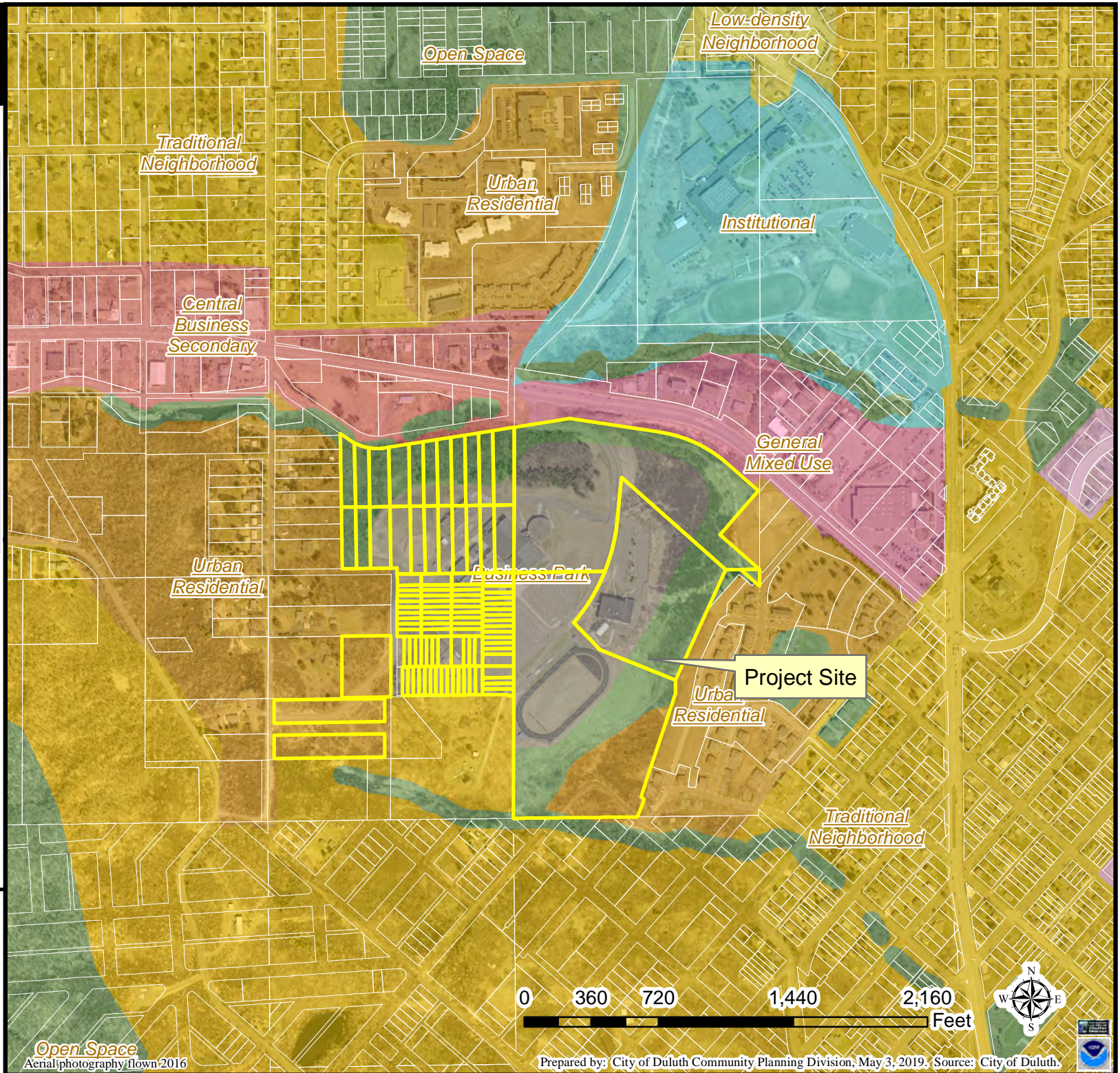
- 1) The proposed concept plan amendment is consistent with the Comprehensive Plan Future Land Use Map.
- 2) Material adverse impacts on nearby properties are not anticipated or will be mitigated through the required provisions of the Regulating Plan.
- 3) Prior to approving the regulating plan, the Land Use Supervisor must ensure that the following elements have been completed in order to minimize land use conflicts between this planned development and adjacent residential land uses, to ensure the Regulating Plan proceeds in a manner that is consistent with the adopted comprehensive plan, and to ensure conformity with the provisions of the UDC:
 - a. Applicant shall apply for and be granted approval for a final plat of the entire development by the Planning Commission, and it must be submitted for recording to St. Louis County; and
 - b. The plat of the development site must include dedication of public streets as required by the City Engineer; and
 - c. A development agreement for the improvement of public streets, sidewalks, or trails on the site, meeting applicable city standards, shall be reviewed by the City Engineer, approved by the City Council, and recorded with St. Louis County; and
 - d. Unless the entirety of the former Central High School building is demolished before completion of the Regulating Plan, the development agreement must require submittal of a financial security in the form of an automatically renewing, irrevocable Letter of Credit or cash escrow, which shall be provided to the City of Duluth and held without interest to ensure the demolition of the former Central High School within two years of the date of approval of the Regulating Plan. The financial security shall be in the amount of 125% of the estimate cost of demolition. If demolition is not undertaken by the Applicant or its assigns within a two year period, the development agreement shall provide for the City of Duluth to access the financial security, enter the site, demolish the school building, and conduct grading and seeding activities. The required demolition shall not include the Secondary Technical Center Building; and
 - e. Permanent easements shall be dedicated for existing and proposed city trail infrastructure on the site, if not already established.
 - f. Open Space established in the concept plan shall be accessible to the public and preserved with an easement or similar protection.



PL 21-069 Rezoning
MUP, Concept Plan
Rezone Map

Legend

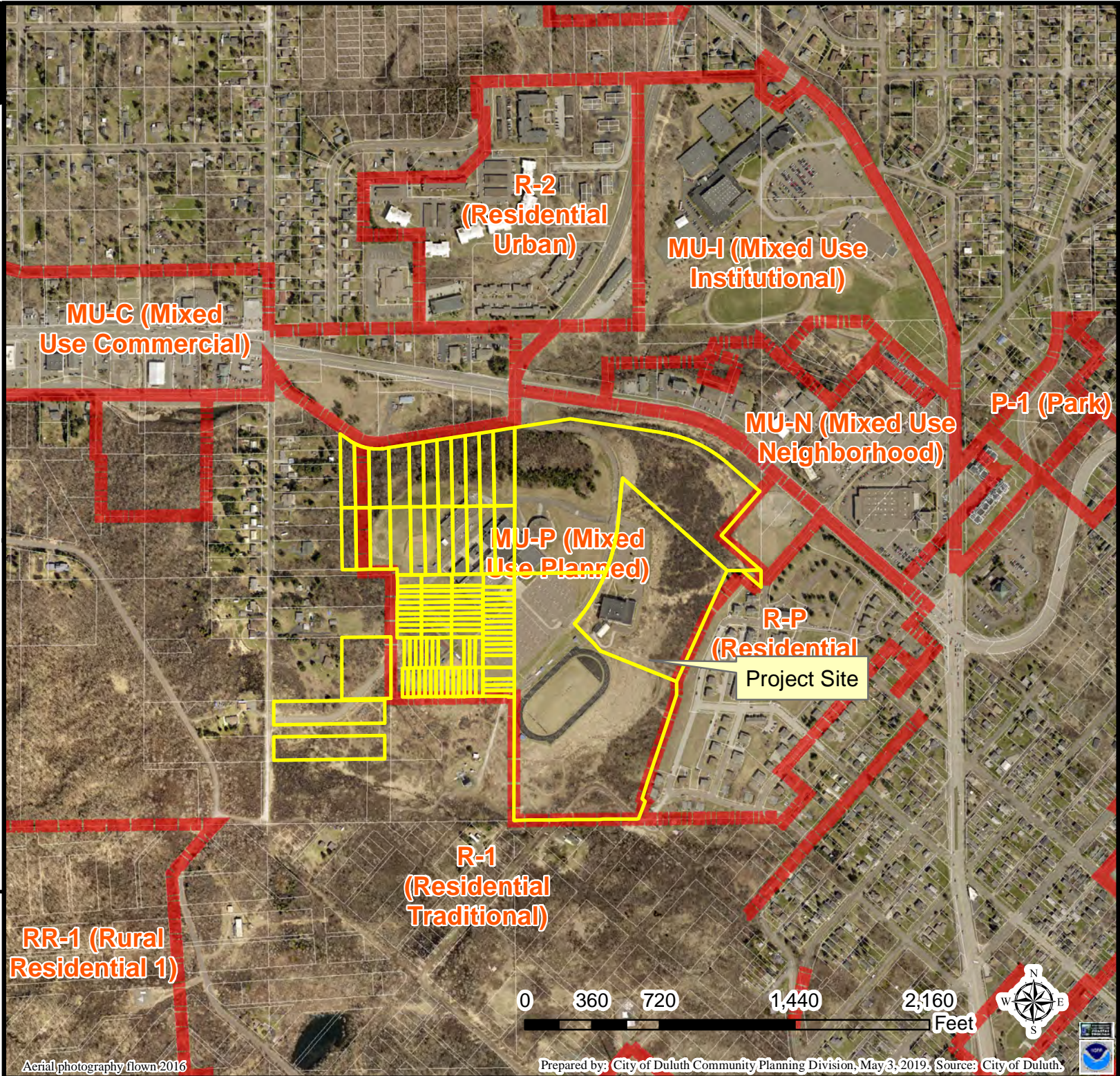
- Open Space
- Open Space/Outside Duluth
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Central Business Secondary
- Central Business Primary
- Large-scale commercial
- Tourism/Entertainment District
- Commercial Waterfront
- General Mixed Use
- Neighborhood Mixed Use
- Light Industrial
- General Industrial
- Industrial Waterfront
- Business Park
- Transportation and Utilities
- Transportation and Utilities/Outside Duluth
- Medical District
- Institutional



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.

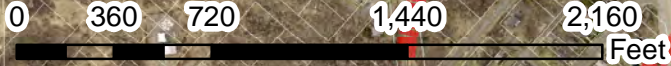
Open Space
Aerial photography flown 2016





Legend
 Zoning Boundaries

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.



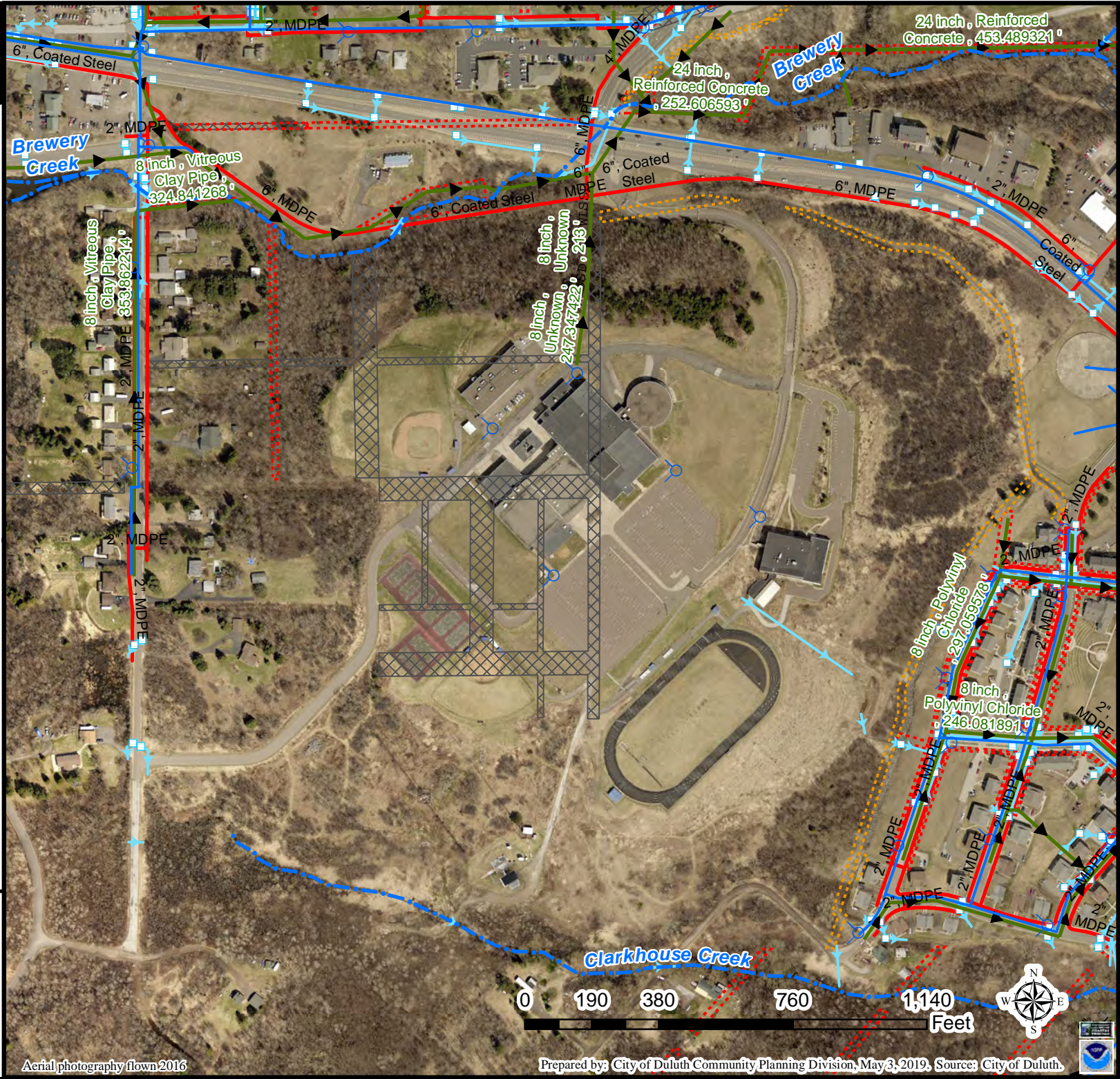


PL 21-069 Rezoning
MUP, Concept Plan
Rezone Map

Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
- CITY OF DULUTH
- WLSRD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains**
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement
- 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.



Aerial photography flown 2016

Prepared by: City of Duluth Community Planning Division, May 3, 2019, Source: City of Duluth.



800 East Central Entrance



800 East Central Entrance



CLEARVIEW

CENTRAL ENTRANCE

DUL

Common Open Space
7.27 Acres

Public R.O.W. Street
and Utility Easement

Utility Easement

Utility Easement

8" UTILITY EASEMENT
PER PLAT
UTILITY EASEMENT
PER PLAT
8" UTILITY
EASEMENT
RESERVATION PER
VAC.
DOC No. 374776

BLOCK 3

Parcel 1

27.87 Acres

Developable 11.88 Acres

Public Trail Easement

BLOCK

PRO

Utility Easement

Public R.O.W. Street and Utility Easement

Parcel 2

52.72 Acres

Common Open Space
11.23 Acres

Existing STC
Building

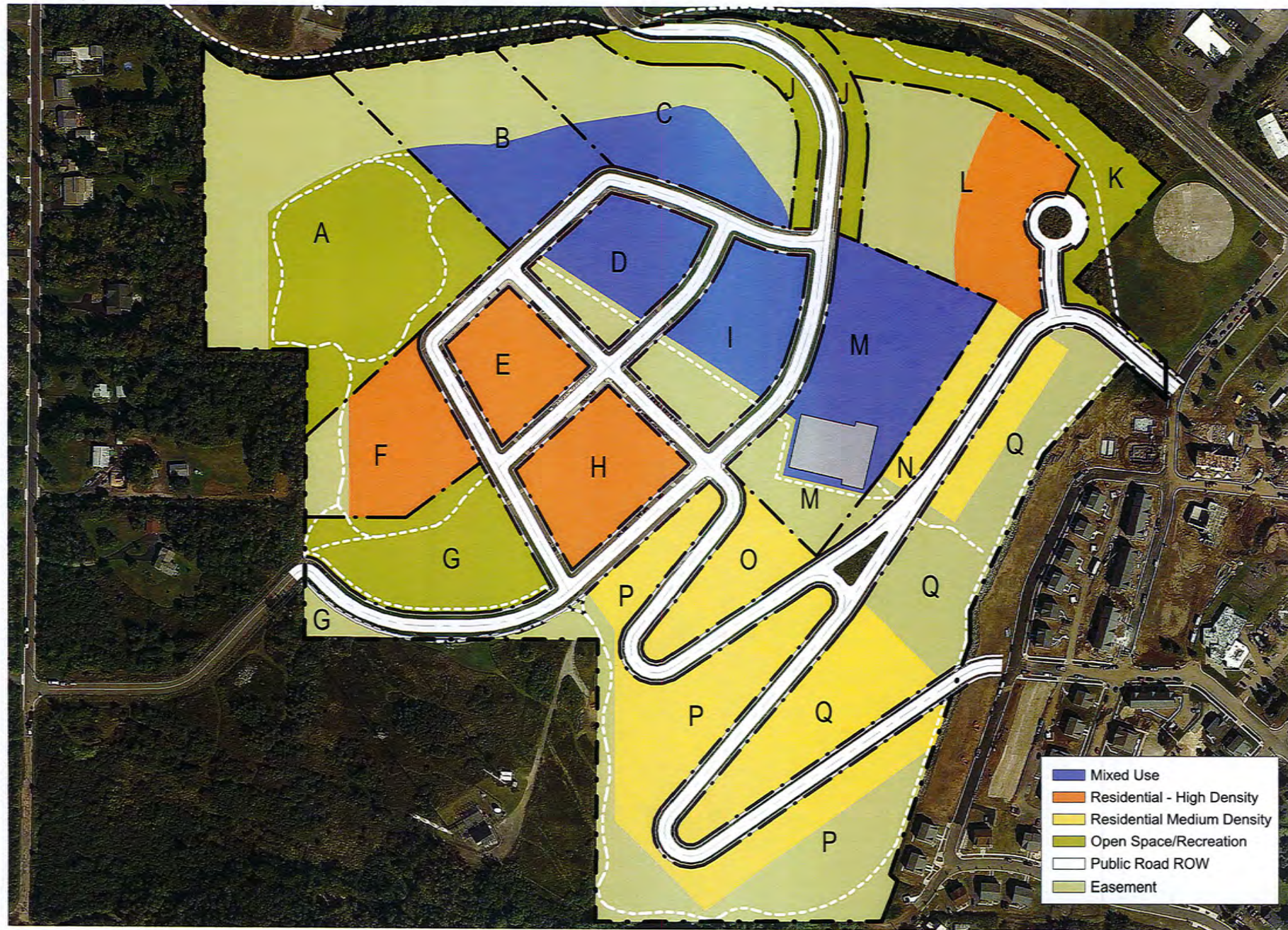
THIR

BLACKMAN AVE

Portia Johnson Drive

DIVIS

- Mixed Use Development
- Mixed Use Development and Medium and High Density Residential
- Common Open Space (undevelopable due to steep slope, tree stand, rock outcropping, wetlands)
- Bikeway Easement
- Public R.O.W. and Utility Easements



CUNNINGHAM GROUP

Cunningham Group
Architecture, Inc.
St. Anthony Main
201 Main St. SE
Suite 325
Minneapolis, MN
55414
Tel: 612 379 3400
Fax: 612 379 4400
www.cunningham.com

2014 Approved Plan

Revisions		
No.	Date	Descriptive

Date: _____
 Comm. No.: _____
 Drawn By: _____ Au
 Checked By: _____ Cha

Project Title
**DULUTH
 CENTRAL HIGH
 SCHOOL MASTER
 PLAN**

Sheet Number
L001

Copyright © 2013 by Cunningham Group Architecture, Inc. All Rights Reserved.

B-4

Parcel Allocation

Parcel 1 (to be retained and developed by ISD 709)

Includes portions of Parcels A, B, C, F and G that were identified as part of a 2014 MU-P conceptual submittal. See attached for reference.

Gross Acres	27.87 Acres
Developable Acres	11.88 Acres
R.O.W. or Easement	4.76 Acres
Common Open (Passive) Space (undevelopable due to steep slope, tree stand, rock outcropping, wetlands)	11.23 Acres

Parcel 2 (to be sold by ISD 709 for future development)

Gross Acres	52.72 Acres
Developable Acres	43.40 Acres
R.O.W. or Easement	2.05 Acres
Common Open (Active) Space (Bikeway)	7.27 Acres

Includes portions of Parcels C, D, E, H, I, J, K, L, M, N, O, P, Q that were identified as part of a 2014 MU-P conceptual submittal. See attached for reference.

TOTAL Site		80.59 Acres
Common Space	(22.9%)	18.50 Acres

Allocation Based on 2014 Submittal

5-25-21
Update

Parcel 1 (ISD 709)
(includes portions of
Parcels originally identified
as A,B,C,F and G)

Parcel 2 (Future
Development)
(includes portions of
remaining Parcels)

Parcel	Gross Acres	Easement Acres	Developable Acres	Park Acres	Permitted Uses	Maximum Density	Max Height	notes
A	8.6	3.7		4.9	Mixed Use (see following pages for detail)	160 units or 140,000 sf office 15,000 sf retail	72'	See note below
B	3.5	1.9	1.6		Mixed Use (see following pages for detail)	160 units or 140,000 sf office 15,000 sf retail	72'	See note below
C	3.9	2.4	1.5		Mixed Use (see following pages for detail)	158 units or 135,000 sf office	72'	See note below
D	2.0	.5	1.5		Mixed Use (see following pages for detail)	225 units or 135,000 sf office 15,000 sf retail	72'	
E	1.5	0	1.5		multi-family residential	220 units 5000 sf retail	72'	
F	2.4	.5	1.9		multi-family residential	240 units 5000 sf retail	48'	See note below
G	3.0	.2		2.8	Mixed Use (see following pages for detail)	160 units or 140,000 sf office 15,000 sf retail	72'	See note below
H	2.0	0	2.0		multi-family residential	250 units	72'	
I	2.5	.9	1.6		Mixed Use (see following pages for detail)	200 units or 125,000 sf office 15,000 sf retail	72'	
J	1.6	0	0		Open	n/a	n/a	
K	2.5	0	0		Open	n/a	n/a	
L	4.3	2.4	1.9		multi-family residential	52 units	60'	
M	4.7	.9	3.8		Mixed Use (see following pages for detail)	125 units 130,000 sf office 15,000 sf retail	60'	
N	1.0	.2	.8		Residential	12 units	48'	
O	1.3	0	1.3		Townhouses and small multi-family residential (,24 units/ bldg)	20 units	48'	
P	8.5	3.6	4.9		Residential	72 units	48'	
Q	6.3	3.0	3.3		Residential	48 units	48'	
TOTAL	59.6	20.2	31.7	7.7				

note: any buildings within 200' of an R1 will be restricted to 35' in height.

Permitted Uses in Mixed Use Parcels

Mixed Use

Household Living

- Multi Family
- Live work

Community and Cultural Facilities

- Bus or rail transit station
- University or College
- Government or Public Safety Building
- Museum, library or art gallery
- Park, playground or forest reserve
- Religious assembly (less than 50,000)

Educational Facilities

- Business, art or vocational school

Health Care Facilities

- Medical or dental clinic

Agriculture and Animal related

- Agriculture, urban
- Veterinary or animal hospital

Food Beverage and Indoor Entertainment

- Convention or event center
- Indoor entertainment facility
- Restaurant (no drive-in/drive-through, up to 5,000)
- Theater

Lodging

- Hotel or Motel
- Bed and Breakfast

Offices

- Bank
- Offices

Personal Services

- Preschool
- Daycare Facility small (14 or fewer)
- Day care facility large) 15 or more)
- Personal service and repair, small (less than 10,000 sf)

Retail

- Grocery Store, small less than 15,000 sf)
- Retail store not listed, small (less than 15,000 sf)

Vehicle Related (Parcel 1 ONLY related to ISD 709 bus maintenance and storage facility)

- **Truck or Heavy vehicle sales rental, repair or storage**

Accessory Uses

- Accessory Day Care facility
- Accessory sidewalk dining area
- Minor utilities and accessory wireless antennae attached to existing structures
- Accessory home occupation, solar or geothermal equipment, vacation dwellings, agriculture roadside stand

Temporary Uses

- Temporary construction office or yard
- Temporary event or sales
- Temporary real estate sales office

Narrative of Public Benefits

The next step in the development of the Central High School Site is intended to preserve many of the existing public benefits of the site while also creating new public benefits.

The site is owned by ISD 709. In recent negotiations with a potential buyer / developer of the most desirable portion of the site (Parcel 2), the potential buyer / developer is in agreement with ISD 709 that Parcel 1, which will be retained and developed by ISD 709, is the least marketable value of the property and the proposed development by ISD 709 represents a stimulus to future development potential of Parcel 2. This includes the potential reuse of the STC Building at the front portion of the site. The existing high school building is not intended for reuse and will be razed prior to completion and occupancy of Parcel 1 by ISD 709.

By retaining land currently already owned, ISD 709 is now able to develop Parcel 1 for a District Services Center, A Transportation, bus maintenance, and bus storage center and a Facilities center for Facilities Management, I.T. support, District Print shop and District Central Receiving and Storage. This move will allow ISD 709 to sell and vacate the existing Historic Old Central High School (HOCHS) for private redevelopment that will further benefit the tax base of Duluth.

Common Open Space

The location of Parcel 1 for ISD 709 development retains the majority of the site (Parcel 2) to capture the significant views and marketability.

Parcel 1 is separated by a natural barrier / separation from the adjacent residential areas that includes steep slope, tree stand, rock outcroppings, and wetlands and is considered undevelopable and considered Common Open Space. While not intended to be a recreational space for active use it will serve as a buffer between the existing neighborhood and the new development.

A Bikeway Easement granted in 2014 remains on the front edge of Parcel B and potentially connects the Harbor Highlands neighborhood around the site to the north. This location involved consultation of the COGGS group.

Stormwater

Development of Parcel 1 will include collecting and treatment of storm water within the Parcel 1 footprint before release to acceptable waterways.

Retail and Community Use

While yet to be determined by a potential developer, Parcel 2 will be sold with the understanding that future development will require submittal by the developer to the city as part of the overall MU-P guidelines.

Historic Old Central High School (HOCHS) Relocation Project



800 E. Central Entrance

As a nearby owner of the property located at 800 East Central Entrance, please be advised that ISD709 has submitted an application to modify the zoning of the parcel(s) of land located at 800 East Central Entrance as part of the HOCHS Relocation Project.

ISD709 is requesting the City of Duluth identify truck and/or heavy vehicle storage as an allowable use for the property as such use is not currently specified.

Project Highlights:

- ✓ **28 acres to be developed to the rear of current site**
 - Bus Maintenance & Storage Facility
 - District Services Center
 - Continued use of current Facilities building on site
- ✓ **Wooded area at the rear of the project site**
 - No development is planned: removal of a few trees required for soil testing
- ✓ **Main Construction Traffic**
 - The primary entrance during and after construction will be Pecan Avenue versus Blackman Avenue.
- ✓ **Old Central High School Demolition**
 - The original Special legislation established adequate funding to account for demolition of Old Central High School.
 - ISD #709 is currently in negotiations with developers for the purchase of several sites on the hill including the parcel containing Old Central
 - The intent is for ISD #709 and/or the future Developer to have Old Central High School demolished within three years of project approval from the City of Duluth
 - Future developer(s) would follow the same process in the planning of their development once the remaining acreage is sold (53 acres)
- ✓ **Timeline**
 - The tentative project start date is Fall 2021, pending City approval(s)
- ✓ **Continued community engagement is a priority as the project progresses**
 - Further information will be shared once the District progresses further in the process
 - The District will host a Citizen Information Open House in the coming months to provide detailed updates on the project
 - The District appreciates the community's input to-date and looks forward to additional dialogue as the process moves forward
 - Project information can be found on the District website

*City of Duluth Planning Commission
Zoning Amendment Request
Duluth Public Schools | ISD #709
Tuesday, June 8, 2021 | 5:00pm*

Standard Information Required for an Approved Regulating Plan

The regulating plan (approved by the Land Use Supervisor) shall cover all of the land in the proposed MU-P district and shall regulate all future development in the MU-P district. An approved MU-P plan is required before any building permits may be issued within the MU-P district. The MU-P plan shall include maps and text describing the following information:

- (a) General layout of development areas and building parcels in relation to the natural features to be protected and the proposed road, trail and bicycle circulation systems;
- (b) Lot sizes and widths, building setbacks, and maximum building heights for all proposed development parcels;
- (c) Previous base zone districts;
- (d) A traffic impact analysis;
- (e) A road, trail and bicycle circulation plan (including how the circulation may intersect with transit use) and a description of proposed road, trail and bike route widths, trail surfaces, a proposal for maintenance of each road and trail (which may include dedication to and maintenance by the city), and a statement as to whether public access will be permitted on each road, trail, and bicycle route;
- (f) A natural resources inventory and natural site features to be protected;
- (g) Common open space to be provided, the location of that open space, a calculation of proposed open space as a percentage of the total land area in the MU-P zone, a proposal for protection and maintenance of the open space over time and a statement as to whether public access to the open space shall be provided;
- (h) Permitted and special uses for the site, which shall be consistent with those shown in Table 50-19.8; special uses listed in the MU-P plan will need to apply for and receive a special use permit prior to building;
- (i) Maximum residential densities and maximum square footage for nonresidential land uses;
- (j) A plan describing the demand for and location of water, sewer, and utility service to the property, including any additional right-of-way needed to accommodate those utilities. In addition, the plan shall indicate all utilities that will be owned or maintained by the public, and if any of those services are to be provided by the city or a public or quasi-public district, and provide a statement as to whether the proposed facilities will meet the engineering and maintenance standards of that entity;
- (k) Details on buffering or transitioning between uses of different intensities both on- and off-site;
- (l) A plan for stormwater collection and treatment that includes a summary of land use and technical methods used to minimize storm water run-off from the site;
- (m) Off-street parking to be provided in driveways, surface lots and garages;
- (n) Any public amenities, other than common open space, to be provided by the applicant, together with a statement as to whether those amenities shall be available for public use;
- (o) Any required building types, form-based regulation or architectural design requirements, as well as a description of how those standards will be maintained and enforced over time;
- (p) If a project involves construction over a period of time in two or more phases, a phasing plan demonstrating that each phase meets density requirements, open space requirements, and provision of public amenities. Phasing plan shall include an approximate time frame for each phase of development. The applicant shall provide agreements, contracts, covenants, deed restrictions, and sureties acceptable to the city attorney for the completion of the development according to the approved MU-P plan;
- (q) Cross sections demonstrating the proportions of buildings and the relationship between those buildings, pedestrian spaces and the streetscape;

Steven Robertson

From:
Sent: Friday, May 28, 2021 8:42 AM
To: planning
Subject: Re: UDC Map Amend. {PL 21-069}

To the Zoning Board:

I have a number of concerns to voice with respect to proposed changes surrounding my property.

Regarding the boundary line change of PL21-069 vs. PL14-063:

1. In PL14-063, the school district promised to keep a spacing of 1.5 lots, as shown by the yellow line. We oppose this boundary line change, as it affords no protection between the residential properties of South Blackman Ave and the school district.
2. While the school district claims they are providing spacing, they are also proposing to add retaining ponds in the space reserved for our residential protection.

Regarding the new rezoning and impact on South Blackman Ave:

1. South Blackman Ave is a very narrow residential street, which has no sidewalks. The proposed changes signal a significantly increased risk to our personal safety, as well as an increase in the destructive pressures placed upon the street itself from large commercial busses and other service vehicles.
2. A decrease in our residential property values is inevitable.
3. The proposed transportation building presents an imminent threat to the backs of our homes in the form of light and sound pollution, as well as a decrease in privacy.
4. We also anticipate a significant increase in the physical pollution of Brewery Creek originated from the large transportation structure and blacktopped areas, which have nowhere to drain but as runoff into Brewery Creek.

Regarding the use of the street during the proposed construction:

1. How can a simple promise of non-use be avoided? And, if they fail to uphold such a promise, how will they be held accountable?

Unfortunately, we already know from past experience that many promises made by the school district, contractors, city planners, etc.. have been broken. Based on that, and as we are facing the greatest negative impact from this project, we request that the school district purchase our property at current market values.

We challenge the promises of the school district as to the use of South Blackman Ave., as their word has held no merit in the past.

I invoke the right to speak at the virtual meeting scheduled for [June 8th, 2021](#).

Thank you.

Sincerely,

Gary Kolojeski
[218 South Blackman Ave](#)



City of Duluth
Planning Division

411 West First Street • Room 208 • Duluth, Minnesota 55802-1197
218-730-5580 • Fax: 218-730-5904 • www.duluthmn.gov

An Equal Opportunity Employer

City of Duluth
Planning Commission
June 10, 2014 Meeting Minutes
City Council Chambers - Duluth City Hall

I. Call to Order

President David Sarvela called to order the meeting of the City Planning Commission at 5:00 pm on Tuesday, June 10, 2014, in City Hall Council Chambers.

Roll Call

Attending: Marc Beeman, Drew Digby (exited meeting at 7:52 p.m. after vote for PL14-053), Terry Guggenbuehl, Garner Moffat, Patricia Mullins, David Sarvela, and Luke Sydow (exited meeting at 6:37 p.m. after item D)

Absent: Tim Meyer (Excused) and Zandra Zwiebel (Excused)

Staff Present: Jenn Reed Moses, Steven Robertson, Nate LaCoursiere, Chuck Froseth and Cindy Stafford

Motion is made to move item B of "IV. Other Business" forward in the agenda.

MOTION/Second: Digby/Moffat move item forward in the agenda.

VOTE: (7-0)

B. Update on Rear Façade for Multi Modal Center

Staff: Jenn Moses introduces the applicant to the commissioners.

Applicant: Aaron Kelley of LHB addresses the commission. He shares the design and notes the newly added LED lights with concealed fixtures which will wash down over the metal meshing. The mesh will illuminate during the day and create a visual block of the inside traffic. At night the light will wash down and also hide the view. A white sunshade has been added to top of the building. He accepts questions and comments from the commissioners.

Public: N/A

Commissioners: Luke Sydow feels the new design is a huge improvement. He confirms metal mesh does not mean chain link. He asks Kelley if the lights are recessed. Per Kelley, they hope to hide the fixture, so it's just the light washing down. Garner Moffat feels it is a tremendous improvement. Drew Digby feels it is an improvement, but notes it's a heavily subsidized, glorified parking lot. He doesn't feel the building is a true multi-modal center. He is offended by the bicyclist depicted on the picture. Digby asks staff if the design standards meet the UDC and when the final design vote will be. Per Moses, yes, it does meet the UDC standards and the design is an improvement. She notes the commissioners can vote on the design tonight, so the project can move forward. Moffat agrees it is not a true multi-modal center, but feels it is an improvement.

MOTION/Second: Guggenbuehl/Sydow approved design of rear façade of multi-modal center.

VOTE: (6-1, Digby opposed)

II. Unfinished Business

- A. PL 14-035 Variance from Front Yard and Side Yard Setback Requirements at 3635 Lake Ave South by Robert and Carole Lent (Public Hearing was Held at the May 13, 2014 Meeting)

Staff: Jenn Moses introduces the applicants' request for a 500 square foot addition to their home. The applicants have supplied more information documenting the structural characteristics of their house. City Legal Counsel, Nate LaCoursiere states he did not find any pertaining case law on the topic as it pertains to aging in place. He notes it does not come into play as far as being a practical difficulty in accordance with Minnesota state law. Patricia Mullins asks staff if they have changed their decision based on the newly supplied information from the applicants. Per Moses, according to the UDC criteria and Minnesota state statute the two reasons why they are still recommending denial are 1) the applicant cannot create their own difficulty and 2) a variance should be lot-related and not structure-related. Staff recommends denial. Mullins asks if it could meet the intent of the law as it pertains to snow removal, safety and aesthetics. Per Moses, the intent of zoning requirement at the base level is: air, light to neighboring properties, visibility to the street and aesthetics. She welcomes comments from legal counsel or the land use supervisor in regards to the intent of setbacks. Charles Froseth, land use supervisor, affirms the intent at the base level and notes the lack of practical difficulty because there are ways to expand the home without violating the setback requirements. Mullins notes it would be more aesthetically pleasing. It would help with air, light and visibility. Froseth states the challenge of proving aesthetic appeal can be a personal preference, and the commissioners' decision must be based on hardship of the site. Moffat notes the applicant can move a little bit towards the side. He thinks they can continue the roofline.

Applicant: Robert Lent addresses the commission. They feel based on the structural system as confirmed by their architect no other option is feasible.

Public: N/A

Commissioners: Digby is sympathetic to the request, but doesn't feel it meets the variance setback requirements. Mullins notes variances are granted on a case by case basis, and feels the intent of law in regards to aesthetic appeal is valid. She notes the aerial view of the property and feels the expansion shouldn't have to cram into the garage area.

MOTION/Second: Moffat/Guggenbuehl denied as per staff's recommendation.

VOTE: (6-1, Mullins opposed)

III. Public Hearings

- A. PL 14-055 Interim Use Permit for Vacation Dwelling Unit at 1026 North 10th Avenue East by Eve Graves

Staff: Moses introduces the applicant's request to use her single-family house as a vacation dwelling unit. A vacation dwelling unit allows rentals for 3 to 21 days. They will have a managing agent near the site. Staff recommends approval subject to the conditions listed in the staff report.

Applicant: Eve Graves addresses the commission. She has lived in the house for ten years and would like to rent it out. She has done a lot of work on the house and respects her neighbors. She will screen the renters and is hoping to rent it out to sports enthusiasts: bikers, hikers, etc.

Public: Nellie Morris – 1014 N. 10th Avenue East - addresses the commission. She doesn't feel the home has been kept up and she is concerned with the parking situation. Marilyn House – 1030 N. 10th Ave. E. – concerned if it will affect her taxes and she

doesn't like the idea of strangers visiting the neighborhood. She would prefer they sell the home. Gerrie LaPlante - 1013 N. 10th Ave. E. – concerned about the short term of the rentals. She states parking is limited and is concerned about the noise level. She notes the managing agent would not be on site. She feels screening online is difficult and may not be effective. Nancy Nelson – 1001 N. 10th Ave. E. – she is not opposed as long as the regulations are followed. She stated the six year term is too long and would like to see a trial period of about a year. Sam Black – 1017 10th Ave. E. – lives across the street from site. They watch each other's house when they are out town. He is in support of the vacation dwelling. Keith Morris – 1014 N. 10th Ave. E. – addresses the commission and asks if the zoning needs to be changed. President Sarvela, responded no.

Commissioners: President Sarvela asks staff about enforcement. Moses states the police would need to be called. Zoning enforcement issues would need to be addressed by Kyle Deming – city zoning coordinator. Mullins notes she lives next to a vacation rental and it's a positive experience.

MOTION/Second: Digby/Moffat recommend approval as per staff's recommendation.

VOTE: (7-0)

- B. PL 14-063 Rezoning from MU-B to MU-P for Former Central High School Site by ISD 709
- Staff:** Moses introduces applicant's request to rezone the former Central High School site from Residential-Urban (R-2) and Mixed-Use Business (MU-B) to Mixed-Use Planned (MU-P). A neighborhood meeting was held on May 7th. Comments included traffic and access concerns. Moses notes traffic concerns will be looked at as part of their regulatory plan, which will be completed after the rezoning. In terms of a concept plan, staff confirms they have options and flexibility in designing. Staff is looking at their ability to move traffic on and off the site. Staff recommends approval based on the three reasons listed in the staff report. Digby asks staff if the concept plan will be brought before them at a future meeting or will they be approving it in accordance with the rezoning. Per Moses, the concept plan goes in conjunction with the zoning. Their vote tonight would be whether or not to move forward with the rezoning which includes the concept plan. Assuming city council approves it, anything proposed in the future regulatory plan has to match what is in the concept plan. Digby notes the concerns at Bluestone and wants to make clear for the record the page noting "parcel allocation" in the staff report is the concept plan. Moses notes the concept plan is comprised of the parcel allocation, the table, the list of mixed uses, and the statement of public benefits, as well as the map, which are all listed in the staff report. President Sarvela asks staff if the commissioners will see and vote on the regulatory plan. Per Moses, according to the UDC, the passage of the regulatory plan does not require approval by the planning commission; but according to policy, it is the planning division's intent to communicate with the neighbors and the public, and the regulatory plan will be brought before the commissioners for their comments.
- Applicant:** Kerry Leider, property manager for Duluth Public Schools, addresses the commission. He also has architects with him from Cunningham Group who can answer specific questions. The intent is to sell the property as individual parcels. The rezoning will provide an invitation to developers. President Sarvela asks how the parcels will be split up. Leider notes it will be based on street development location, so no specific details yet. Moffat questions the new road and if there are other street options/configuration options to lessen the roadway and notes plowing concerns. Leider notes the elevation challenges and defers to his design team. The design is based on the view shed as well as adding interesting neighborhood effects. The design team architect addresses the commission. He notes the road slope is 10% so their calculations

for switchbacks are 5% or less which is important in regards to accessibility issues. It creates a hill scape where the roofs are visible from down below. Moffat is concerned about the windy portion of the road in regards to maintenance and emergency vehicle access noting the grid system on top of the design is more efficient. Leider states the curvy road allows for access to residents and not necessarily a shortcut for traffic to Central Entrance. The architect notes extending the grid design would result in the same amount of linear footage.

Public: Gary Kolojeski – 218 S. Blackman Avenue - addresses the commission. He was originally impressed, but feels the plan is deceptive and notes the added traffic on South Blackman Avenue. He is concerned about the density of the property and future building heights up to 72 feet. He notes a rezoning shouldn't occur without having a set plan in place. He opposes the rezoning.

Commissioners: Sydow is in favor of the land use change, but is taken back by not having the regulating plan in place. Moffat is in support of some density on the site, but will be voting against it because he is not comfortable with the street layout. Digby feels this is a great plan, but agrees with Sydow's comments and would like to see a change in the UDC to require a regulatory plan process be brought before the commission. He puts staff on notice for a UDC amendment change. President Sarvela also finds it frustrating not to require the planning commission to review and approve the regulatory plan. He also would like to see a UDC amendment. Mullins agrees with a future UDC amendment. She is upset the building couldn't be reused.

MOTION/Second: Guggenbuehl/Digby recommend approval as per staff's recommendation.

VOTE: (5-2, Beeman and Moffat opposed)

- C. PL 14-029 Rezoning from Form District 3 (Mid-Rise Community Shopping) and Form District 4 (Mid-Rise Community Mix) to MU-C (Mixed Use-Commercial) for Spirit Valley Mall by Kent Oliver

Staff: Robertson introduces the applicant's request for a rezoning of 215 North Central Avenue (Spirit Valley Mall) from F-3 and F-4 to MU-C. According to the applicant "retail uses across the country are now subject to dynamic change following the recession and with the growth of online shopping. The Center needs absolute flexibility in gaining tenants and therefore, believes it is appropriate that it be classified as MU-C". Staff recommends approval. The planning division will change the future land use designation of areas along Grand Avenue from Central Business Secondary to a new designation specifically for form districts.

Applicant: Attorney Bill Burns, and Kent Oliver (general partner of the owning entity), address the commission. They feel the rezoning will revive the community. Burns appreciates the openness and efforts of staff. Oliver notes the difficulties of financing with different zoning designations. He also appreciates staff's support. President Sarvela asks when the Mall was built. Per Oliver, it was built in two pieces; the mall was built in 1984 and Kmart was built in 1991.

Public: Tom Radio, attorney who represents Kmart addresses the commission. Kmart is in full support of the rezoning.

Commissioners: President Sarvela is familiar with the site and does feel the rezoning is appropriate.

MOTION/Second: Moffat/Mullins recommend approval as per staff's recommendation.

VOTE: (7-0)