



CITY OF DULUTH
Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
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STAFF REPORT

| | | | | |
|-----------------------------|--|---|-------------------------------|-----------------|
| File Number | PL 15-050, Revised for June 9th PC Mtg | Contact | Steven Roberson, 218 730 5295 | |
| Application Type | Special Use Permit, 8 Unit Townhome | Planning Commission Date | | June 9 2015 |
| Deadline for Action | Application Date | April 16, 2015 | 60 Days | June 15, 2015 |
| | Date Extension Letter Mailed | April 22, 2015 | 120 Days | August 14, 2015 |
| Location of Subject | | Northeast corner of Mississippi Avenue and Lyons Street | | |
| Applicant | Green Capital, LLC. | Contact | Jason Ross | |
| Agent | Greg Strom, Architect | Contact | gps.foundations@gmail.com | |
| Legal Description | | See attached | | |
| Site Visit Date | | April 18, 2015 | Sign Notice Date | April 28, 2015 |
| Neighbor Letter Date | | April 24, 2015 | Number of Letters Sent | 38 |

Proposal

The applicant is proposing to construct an 8 unit townhome development in a R-1 zone district. There will be 2 two-bedroom units, 5 three-unit bedroom units, and 1 four-unit bedroom units, for a total of 23 bedrooms.

This item was tabled and the public hearing continued from the May 12, 2015, Planning Commission.

| | Current Zoning | Existing Land Use | Future Land Use Map Designation |
|----------------|-----------------------|------------------------------|--|
| Subject | R-1 | Vacant | Traditional Neighborhood |
| North | R-1 | Residential | Traditional Neighborhood |
| South | R-1 | Residential | Traditional Neighborhood |
| East | R-1/R-2 | Residential/Higher Education | Traditional Neighborhood/Institutional |
| West | R-1 | Residential | Traditional Neighborhood |

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

The construction of a townhome (3 to 8 units) requires a Special Use Permit in the R-1 zone district.

Lyons street is considered to be the front yard for the purposes of determining setbacks. Definition of Lot, Front: "...For corner lots, the shortest side fronting upon a street shall be considered the front of the lot unless structures exist on the lot..."

UDC Section 50-37.10. Special Use Permits. The Planning Commission shall approve the application or approve it with modifications if the commission determines that the application meets the following criteria: 1. The application is consistent with the Comprehensive Land Use Plan; 2. The application complies with all applicable provisions of this Chapter, including without limitation any use-specific standards applicable to the proposed use, development or redevelopment, and is consistent with any approved district plan for the area; 3. Without limiting the previous criteria, the commission may deny any application that would result in a random pattern of development with little contiguity to existing or programmed development or would cause anticipated negative fiscal or environmental impacts on the community.

Note: Special Use Permits are approved, approved with recommendations, or denied by the Planning Commission. Special Use Permits expire if the project or activity authorized by the permit is not begun within 1 year.

III-B-1

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

- Future Land Use Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home-businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.
- According to the Comprehensive Plan, the future land use for traditional neighborhood suggests a typical density of 4-8 units/acre, and a mix of housing types (i.e. town homes and 4-plexes) at corners. The neighborhood character (based on the surrounding 4 blocks) consists of many single family homes with a few other uses and some large tracts of open space (undeveloped property), averaging about 45 structures over 15 acres, excluding right of way. There are larger non-residential uses to the south and east (Northwoods Children's Home and UMD, within 500 and 250 feet of the project site, respectively).
- Application initially submitted on March 24, but was rejected as incomplete; it was resubmitted on April 16. The applicant had submitted for a SUP application for similar project on this site last year (6 unit townhome, 3 to 4 bedrooms each with a 2 unit duplex, 3 to 4 bedrooms each), but withdraw it from consideration.
- A 1/2 half block portion of Lyons Street was vacated in 1983 (83-0764), effectively dead-ending this street near the development.

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

- 1) The applicant is proposing to construct an 8 unit townhome development in a R-1 zone district. These item was tabled and the public hearing continued from the May 12, 2015, Planning Commission. The applicant has submitted slightly revised site plans (changes include small screening fence on top of the retaining wall, interior sidewalks leading up to Mississippi Avenue, and a 3 cubic yard dumpster with enclosure).
- 2) 50-18 (Overlay Districts). This property is within the Higher Education Overlay. It requires a build-to-zone (similar to form districts) of 5 to 20 feet along "primary streets", where appropriate. Neither Mississippi nor Lyons are defined as primary streets in this overlay, so this specific requirement is not relevant. The overlay requires 0.7 parking spaces per bedroom, and visitor parking at the rate of 15 percent of required resident parking spaces, and at least one bicycle or motorized scooter parking space per five parking spaces shall be provided.
- 3) 50-20.1 (Use Specific Standards). In the R-1 district, each dwelling shall exhibit the characteristics of a series of one-family dwellings that are arranged in an attached side by side fashion and shall be designed to protect the character of one family residences. No more than two adjacent townhouse units may have front facades in the same vertical plane. Prior to the occupancy, coniferous or evergreen trees shall be planted in required front and back yard areas on an average spacing of 20 feet.
- 4) 50-24 (Parking and Loading). Per Higher Ed Overlay requirements, 23 bedrooms require 16 parking spaces, plus 2.4 (2) parking spaces for visitors, plus 3 bicycle/scooter parking spaces. UDC requires 18 total vehicle parking spaces; applicant is providing 12 parking spaces in garages and 9 parking spaces in the parking lot (1 for handicap use only). Note that signs are posted indicating no on-street parking on Mississippi or Lyons; Mississippi is about 24 feet wide, curb to curb, and Lyons is 22 feet wide, no curb.
- 5) 50-25 (Landscaping and Tree Preservation). Street Frontage Landscaping is required (over 20,000 sq ft, also includes 15 foot front yard buffer and 10 foot side yard buffer). 1 tree per 35 ft, and 1 bush per 25 ft of frontage; required trees must be at least 2 1/2 inch caliper. Landscaping islands not required, but 30% tree canopy coverage required. Landscaping between differing land uses not required, as a townhome is not considered a multifamily dwelling in the zoning code.
- 6) 50-26 (Screening, Walls and Fences). Project will a dumpster, with screening. No exterior equipment is being proposed for this development, but the requirement is that this type of equipment be screened from view.
- 7) 50-29 (Sustainability Standards). Residential development between 3 and 29 units need to meet 3 points on the sustainability checklist. This information needs to be provided at the time of the building permit submission.
- 8) 50-30 (Building Design Standards). Required for multi-family dwellings, not townhomes .
- 9) 50-31 (Exterior Lighting). A lighting/photometric plan needs to be provided at the time of the building permit submission.

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

- Staff recommends that the Planning Commission votes to approve the Special Use Permit, staff recommend following conditions:
- 1) The project area be amended to the limit shown in plans labeled May 27, 2015 Special Use Permit Application Site Plan,
 - 2) Screening on top of the retaining wall be wood, or have the appearance of a wooden fence.
 - 3) Two visitor parking to be signed for visitors only. Site plan revised to show bike/scooter parking.
 - 4) Lighting plan and sustainability checklist required with building permit application.
 - 5) Landscaping plan be revised to show compliance with UDC, including one tree per 20 feet on rear property line per 50-20.1, and required trees must be at least 2 1/2 inch caliper.
 - 6) As an additional optional condition of the SUP, staff recommend number of parking spaces on the property equal the number of bedrooms, not including parking spaces required for visitors, or bikes/scooters.
- B-2

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

Additional Staff Comments for June 9th PC Meeting

Zoning

This project needs to meet the general setback standards in R-1, as well as the additional development standards in the Higher Education Overlay District and the use-specific standards required for all new townhomes.

-As far as R-1 zone district requirements, this project complies with minimum lot area (2,500 square feet per family), lot frontage (40 feet), sideyard (25 feet if adjacent to plated street), and rear yard (25 feet).

-As far as the Higher Education Overlay, the application is meeting the additional parking requirements of .7 space per bedroom and additional 15% visitor parking. Staff are recommending additional parking spaces (enough to equal one space per bedroom), but other than not showing a space for bikes/scooters and needing additional variation in the front façade (the front porches are not sufficient to meet this requirement), the application is complying with these standards.

-As far as the use specific standards for townhomes, each townhome unit has the minimum 15 feet of street frontage, variation of exterior walls, the site has the additional required landscaping, and there will be screening of the dumpster. The application is complying with these standards.

Comprehensive Plan

The guiding principles set the foundation for the entire framework for the comprehensive plan by providing the fundamental concepts by which physical planning needs to take place. The principles can provide direction when the details of the plan are insufficient to clearly resolve issues or make decisions. Staff believe that guiding principle #8, encourage mix of activities, uses, and densities, is relevant to this issue. "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". In addition to the guiding principle, the future land use designation of this site is "Traditional Neighborhood", which is typically translated into zoning with a designation of R-1, Residential-Traditional. The comp plan suggests a typical density of around 4-8 units an acre, and suggests a mix of housing types (townhomes and 4-plexes) at corners.

The density on this specific block, excluding the applicant's property, is currently a little over 3 single family homes per acre (10 homes on 3 acres); if this structure was built, it would increase the density to about 5 single family homes per acre (18 homes on about 3 ½ acres). Staff believe that this project generally complies with the comprehensive plan future land use designation and guiding principles.

Special Use Permit Criteria

Per the UDC Section 50-37, The planning commission shall approve the application or approve it with modifications if the commission determines that the application meets the following criteria:

1. The application is consistent with the comprehensive land use plan;

2. The application complies with all applicable provisions of this Chapter, including without limitation any use-specific standards applicable to the proposed use, development or redevelopment, and is consistent with any approved district plan for the area;

Without limiting the previous criteria, the commission may deny any application that would result in a random pattern of development with little contiguity to existing or programmed development or would cause anticipated negative fiscal or environmental impacts on the community.

Staff do not believe that this project will cause negative fiscal or environmental impacts to the community, or result in a random pattern of development with little contiguity (the state of being contiguous; contact or proximity; a continuous mass or extent). This project does is not "sprawl" development nor is it spot rezoning.

Traffic and Road Condition

As far as traffic studies, the city's standard is to require a traffic study if the development is believed to create 100 trips per hour, or 1,000 per day. Based on engineering standards for traffic generation, the City will not require a traffic study for the 8 unit townhome project.

According to Cari Pederson, Chief Engineer of Transportation, Engineering currently has no plans to reconstruct any residential streets; they are focusing their funds on reconditioning the driving surface of the Cities higher volume roads. The developer could, however, pay to bring the portion of Lyons up to a curb and gutter street with sidewalks on one or both sides. Or, the abutting properties could petition to have the street brought up to curb and gutter, and pay the cost (in order to assess, they need to have greater than 50% of the properties agreeing to the assessment).

Infrastructure

According to Tom Johnson, Project Engineer, the preliminary plan for the proposed development at Mississippi and Lyons demonstrates that the project can be built meeting the UDC/Engineering Guidelines for the City of Duluth in regard to permanent stormwater management. The utility extensions required for the project must meet the Engineering Guidelines for the City.

A final drainage report will be prepared by a professional engineer showing that the site will reduce the peak discharge rate from the site by 75% from the existing condition for the 10 and 100 year storm events and 90% reduction for the 2 year event. The proposed grade stormwater detention system will provide temperature controls to reduce temperature prior to discharge to the Chester Creek. All stormwater BMPs require annual maintenance to clean out sediment and debris that they are designed to collect.

Plans the utility extensions within the public ROW will be submitted for review and approval by City engineering. These plans will require full time inspection to make sure they are built per City specification.

Engineering is not aware of any issues with the sanitary sewer lines or capacity for the sanitary sewer trunk line at College and 19th Ave East.

B-4

City of Duluth Comprehensive Land Use Plan 2006 Governing Principles

The Plan is the foundation upon which Duluth's regulatory tools (zoning, subdivision, shoreland, floodplain and other ordinances) and Duluth's capital improvement programs rest. The Plan's content, including the principles, policies, future land use map, and strategies, define how development, redevelopment, and preservation decisions are made.

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 attendant 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, utilities, and transit, fire and police services.

Principle #2 - Declare the necessity and secure the future of undeveloped places

Undeveloped areas are an essential part of Duluth's municipal fabric - urban plazas, neighborhood parks, large tracts of public ownership and private lands zoned for minimal development. These minimally 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, provides natural infrastructure as storm water retention, plant and animal habitat and water quality, and is the strongest visual element defining Duluth's sense of place.

Principle #3 - Support traditional economic base

Supporting Duluth's traditional economic foundation maintains jobs, tax base, and opportunity. Economic activity with specific location requirements may be subject to displacement or site competition with changes in real estate values. This traditional economic activity faces change as result of global economic patterns, changing markets, new regulation and aging of extensive infrastructure. Nevertheless, fundamentals remain and the economic contribution, sometimes taken for granted, is significant.

Principle #4 - Support emerging economic growth sectors

Emerging economic sectors add economic, cultural and social diversity. These include higher education, medical, value-added manufacturing, commercial outdoor recreation, historic resources interpretation, arts and music, information technology and visitor services.

Principle #5 - Strengthen neighborhoods

The present city is an historical amalgam of villages and other independent units of government, contributing to the present condition of Duluth being strongly defined by its neighborhoods. This condition should be reinforced through land use, transportation and public service delivery patterns which strengthen neighborhood identity. New institutional expansions, major public infrastructure or large commercial or industrial uses should not divide historic neighborhood patterns.

Principle #6 - Reinforce the place-specific

Public and private actions should reinforce cultural, physical and economic features which have traditionally defined Duluth, its open space and its neighborhoods. This includes commercial areas providing neighborhood goods and services, ravine parks and other natural features that define neighborhood edges and view corridors to the Lake or River which serve to provide location and context.

Principle #7 - Create and maintain connectivity

Connectivity is established through our streets and highways, transit system, sidewalks, bikeways and trails, (local and regional). The non-vehicular modes should be considered more than recreation. They are important components of an overall transportation system. Winter maintenance of sidewalks and other public ways is critical to creation of usable pedestrian systems.

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.

Examples of mixed development include integration of housing, commercial, entertainment and recreational uses. Business and light industrial can blend with residential in larger complexes. Mix also refers to residential building types and income ranges, which can provide housing choices for persons who may wish to stay within a neighborhood throughout their lifetime. Neighborhood-oriented commercial uses reinforce local identity in ways that regional commercial or auto-oriented commercial centers do not.

Principle #9 - Support private actions that contribute to the public realm

Private building construction and site design influences activity in adjacent public areas. Building form, height, setbacks and detailing effect the adjacent areas. The uses and activity contained in the buildings directly impacts the surroundings. Public areas should benefit from adjacent private investment.

Principle #10 - Take sustainable actions

Initiate land use, site design, transportation, building design and materials policies which reduce consumption of finite resources, generation of solid waste and introduction of toxic materials to land, air or waters.

Principle #11 - Include consideration for education systems in land use actions

For K-12 and higher education both, there is a connection between land use patterns and educational facilities. School locations in neighborhoods and housing opportunities for higher education students require consideration of impacts on transportation systems, housing densities, parking and non-student uses.

Principle #12 - Create efficiencies in delivery of public services

The costs of public service must be considered in land use decisions. Street construction and maintenance, utilities, libraries, fire, police, snowplowing and recreation facilities are services directly related to the physical location of development. Infrastructure should help prescribe development location rather than react to it.

B-6



Legend

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

Zoning Boundaries

- Zoning Boundaries
- Vacated ROW

Easement Type

- Utility Easement
- Other Easement

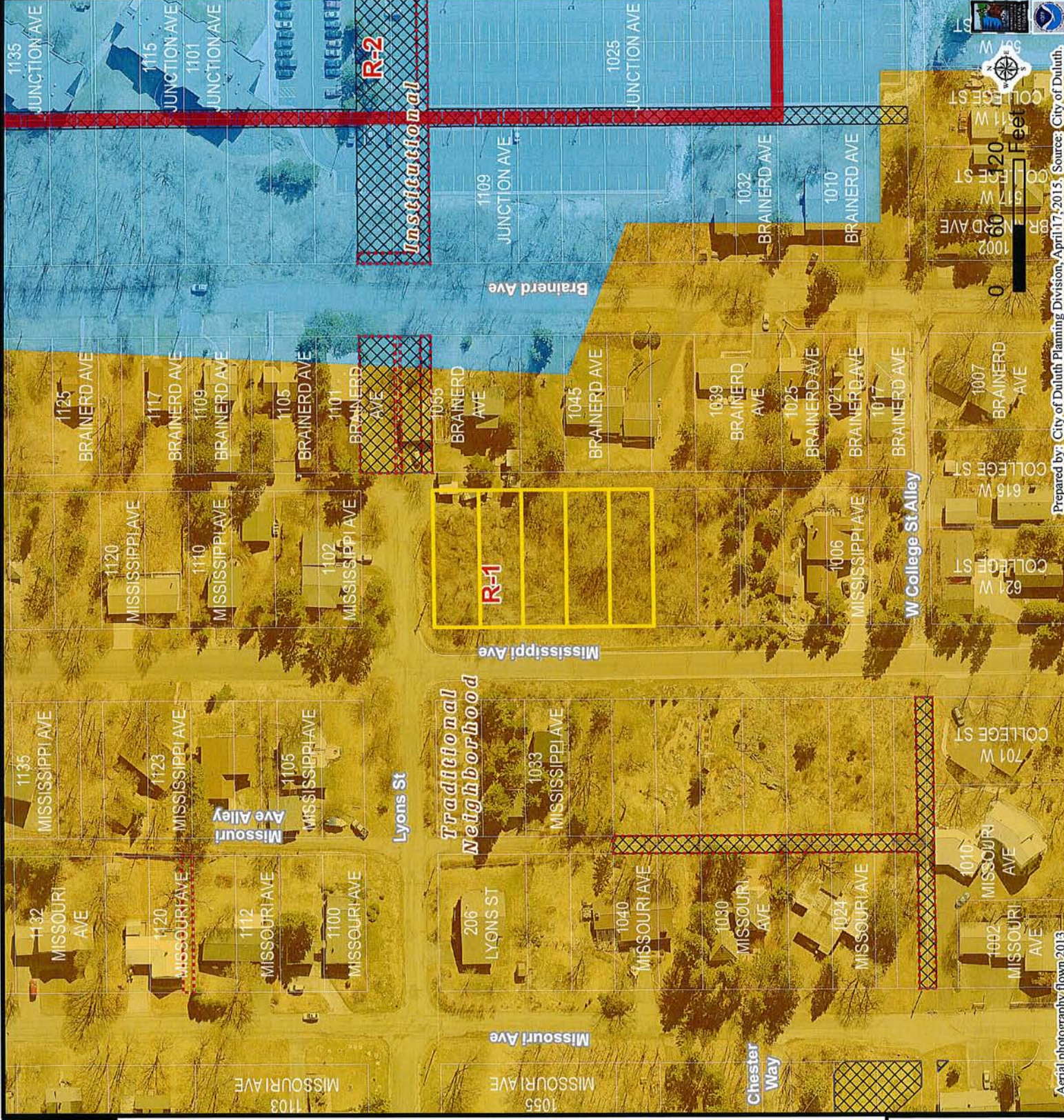
Floodplain Type

- General Flood Plain
- Flood Way
- Flood Fringe

Future Land Use

- Preservation
- Recreation
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Neighborhood Mixed Use
- General Mixed Use
- Central Business Secondary
- Central Business Primary
- Auto Oriented Commercial
- Large-scale Commercial
- Business Park
- Tourism/Entertainment District
- Medical District
- Institutional
- Commercial Waterfront
- Industrial Waterfront
- Light Industrial
- General Industrial
- Transportation and Utilities

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.





City Planning

PL15-050, SE Corner of
Lyons and Mississippi



Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, April 17, 2013. Source: City of Duluth

Legend

Contours 1 Ft

Index

Intermediate

Index

Trout Stream (GPS)

Other Stream (GPS)

Vacated ROW

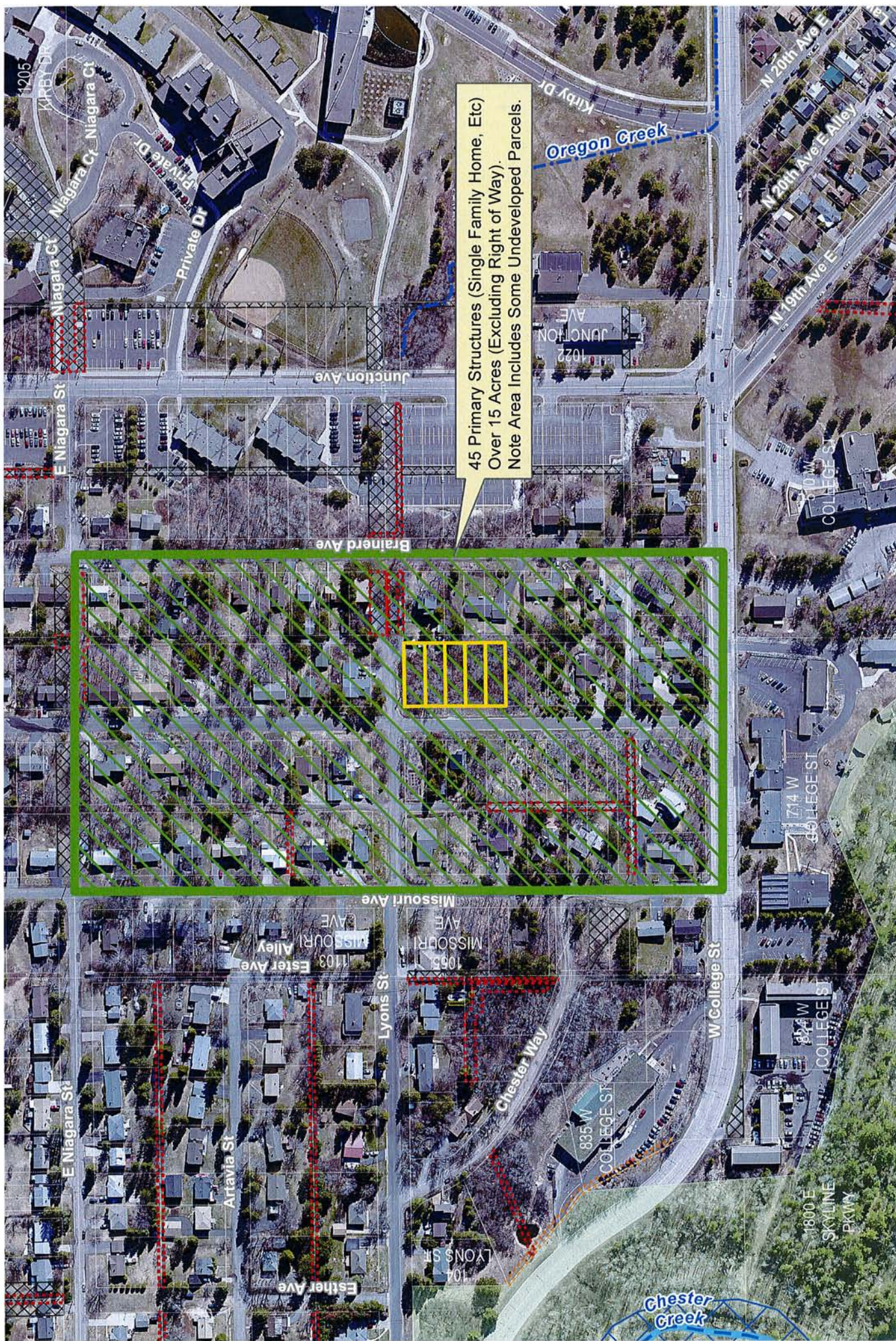
Easement Type

Utility Easement

Other Easement

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B-8



B-9







EROSION CONTROL
AND PLANTING KEY

- 5-6' WHITE SPRUCE TO BE ADDED
- 2" CALIPER DECIDUOUS TREE
SEE LANDSCAPE PLAN FOR SPECIES SELECTION
- 2-6" CLEAN RIP-RAP
APPLY ENOUGH RIP-RAP TO COVER
THE SEPARATOR FABRIC



SPECIALTY TURF AND AG "WATER WAY" MIX
SEED AT 50 LBS PER ACRE. OVERSEED WITH
SEED OATS AT 100 LBS PER ACRE. FERTILIZE WITH
10-10-10 FERTILIZER AT 10 LBS PER ACRE. TOPSOIL MUST
BE IMPORTED AND APPLIED 4" THICK. MOWING
MAY BE REQUIRED TO MAINTAIN TOPSOIL BORROW
COVER WITH GRASS-MAT WITH NET ANCHORED WITH
6" STAPLES AT 1 PER SY



BWSR 30-311 WOODLAND EDGE NORTHEAST
7 LBS/ACRE ON GRASS MIX PORTION
15 LBS/ACRE ON FOREST MIX PORTION
50 LBS/ACRE ON SEED OATS (SPRING) OR
WINTER WHEAT (FALL). ALL AREAS TO BE
SEEDED MUST BE SPRAYED WITH ROUNDUP TWO
WEEKS PRIOR TO SEEDING. USE EXISTING SOIL.
COVER WITH DOUBLE NET STRAW BLANKET. SECURE WITH 6"
STAPLE AT 1 PER SY



6" 3/4" CRUSHED ROCK OR RECYCLED ASPHALT/CONCRETE
PRODUCT. COMPACTED FOR CITY ACCESS

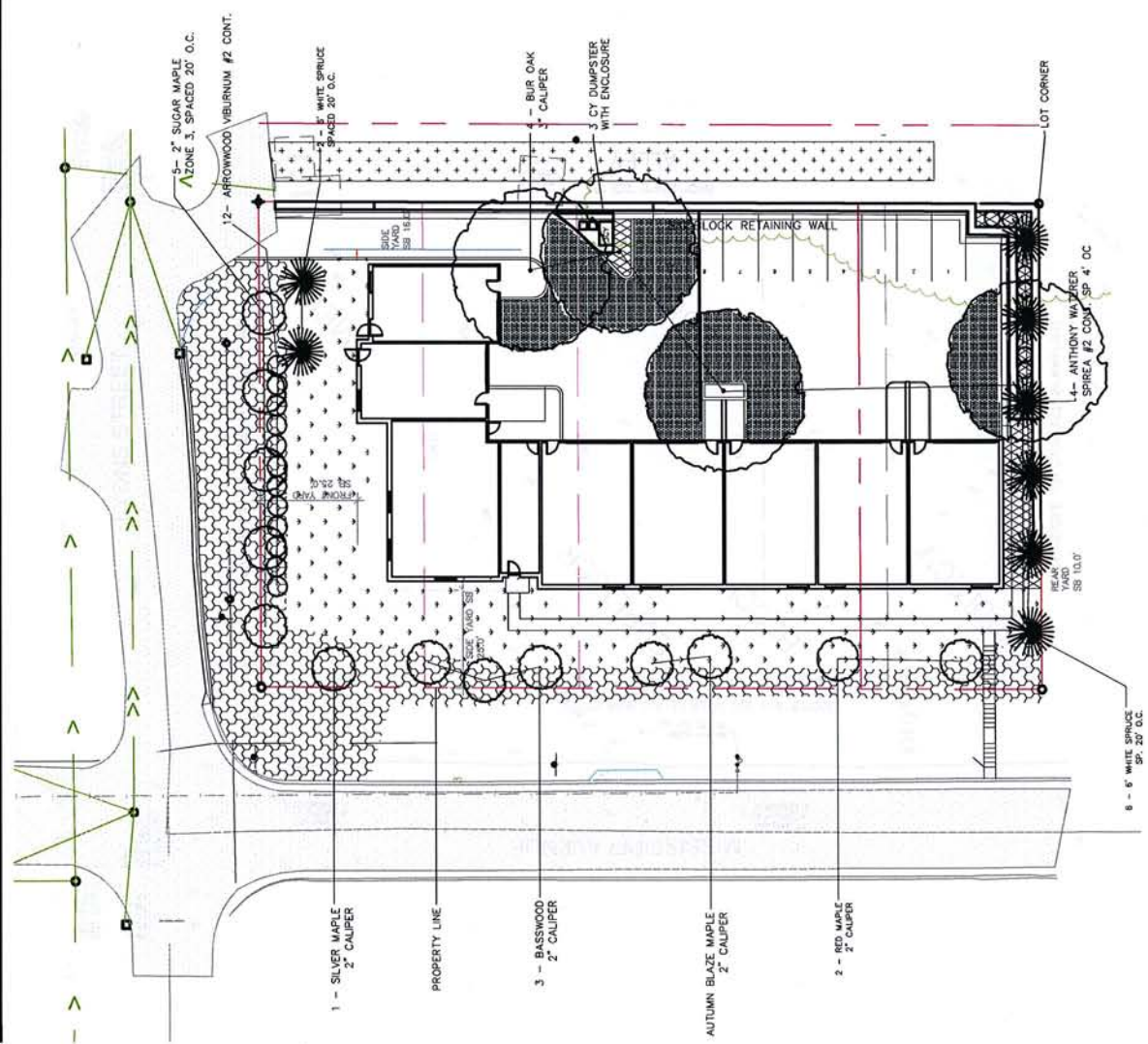


RESIDENTIAL PARKING LOT COVERAGES
TOTAL PARKING LOT AREA 896CSF
TOTAL TREE CANOPY AREA COVERING LOT 25433SF
TOTAL PERCENTAGE OF LOT COVERED BY CANOPY 37%

| TREE PRESERVATION 6'-20' 25% DBH / 1.5" x 1" | | PRESERVE | | REPLACE | | COMMENTS |
|--|----------|---------------|----|---------|-------|----------|
| # | SIZE DBH | SPECIES | NO | NO | NO | |
| 1 | 10.5 | BOXELDER | NO | NO | N/A | ROW |
| 2 | 10.6 | QUAKING ASPEN | NO | NO | N/A | ROW |
| 3 | 10.8 | RED OAK | NO | NO | N/A | ROW |
| 4 | 11.1 | BOXELDER | NO | NO | N/A | ROW |
| 5 | 11.5 | BOXELDER | NO | NO | 1.92' | ROW |
| 6 | 10 | BOXELDER | NO | NO | 1.67' | ROW |
| 7 | 13.6 | BOXELDER | NO | NO | 2.27' | ALLEY |
| 8 | 11.1 | BOXELDER | NO | NO | 2.27' | ALLEY |

DBH REQUIRED TO BE REPLACED 5.86 DBH
DBH SPECIFIED 40' CAL (40'-75') = 30 DBH EQUIVALENT NIC EVERGREENS
STREET FRONTAGE PLANTING - LYONS
124.1 LF

| TREES REQ | TREES SPEC | SHRUBS REQ | SHRUBS SPEC |
|-----------|------------|------------|-------------|
| 7 | 1/25LF=4 | 1/25LF=5 | 12 |



1 - SILVER MAPLE
2" CALIPER

3 - BASSWOOD
2" CALIPER

AUTUMN BLAZE MAPLE
2" CALIPER

2 - RED MAPLE
2" CALIPER

6 - 6' WHITE SPRUCE
SP: 20' O.C.

B-12



JASON
ROSS

- 25-31-15 DBMT
- 24-14-15 DBMT
- 24-29-15 DBMT
- 25-1-15 DBMT
- 25-27-15 DBMT

NO DATE REVISION

1. I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of Minnesota.
Signature: *Jason Ross*
Title: Engineer
Date: 10/23/23, Proj No. 0026

MISS AND LYONS

LANDSCAPE
PLAN

LS.1



| PROPOSED SPOT ELEVATION | EXISTING SPOT ELEVATION |
|-------------------------|-------------------------|
| 1283.0 | 1193.4 |

EXISTING CULVERT
PROPOSED STORM SEWER
PROPOSED 1' CONTOUR
EXISTING 1' CONTOUR
EXISTING WOODY VEGETATION
PROPOSED DIRECTION OF FLOW

NOTES:
16,770 SF OF ROOFTOP AND PARKING LOT
0.55" RAINFALL EVENT
0.55" X 16,770 = 9,223 CF
TDA 50% VOID SPACE AT COMPRESSION
MINIMUM COVER 1.5'
TOTAL TDA AREA REQUIRED 184470'
TDA DIMENSIONS 40X45X3'
NON-MOVING COVER SEPARATOR

A 42" VERTICAL/PEDESTRIAN BARRIER WILL BE AFFIXED ATOP THE BIG BLOCK RETAINING WALL WHERE THE HEIGHT FROM THE BOTTOM OF WALL TO THE TOP OF WALL EXCEEDS 42"

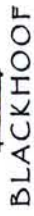
PROJECT NAME:
MISS AND LYONS

DRAWING TITLE:
**GRADING AND
DRAINAGE
PLAN**

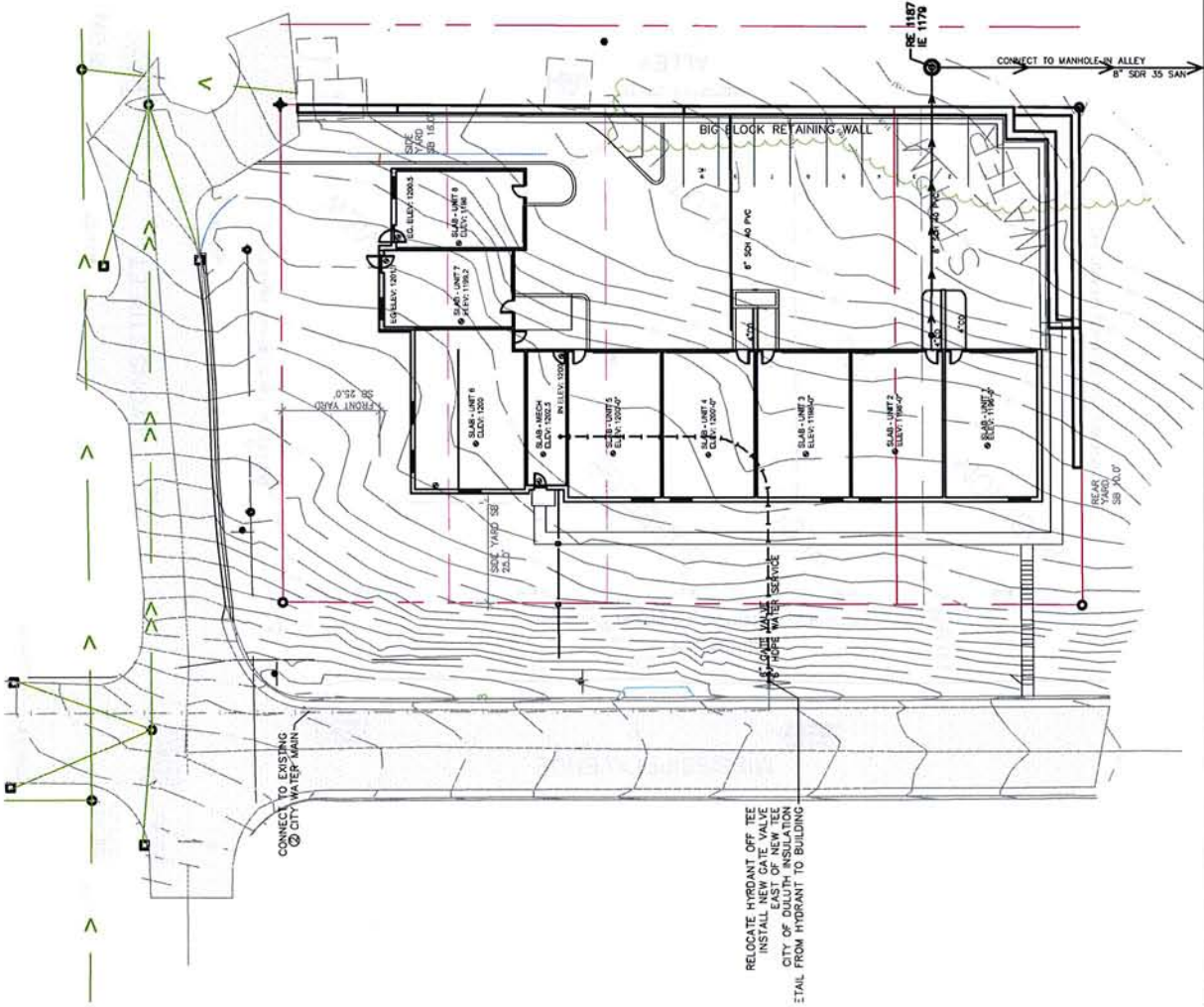
FULL: _____
 DRAWN BY: DMC
 CHECKED BY: DMC
 PROJ. NO: -

DG.1

B-13



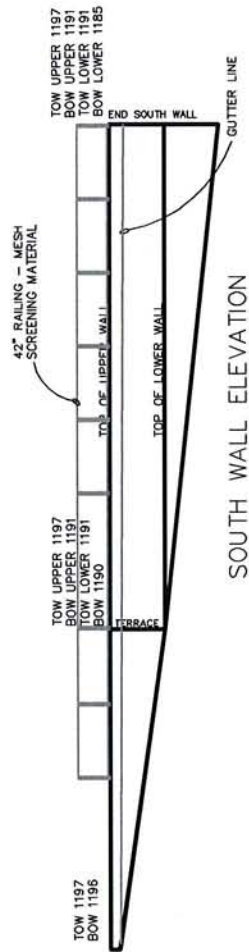
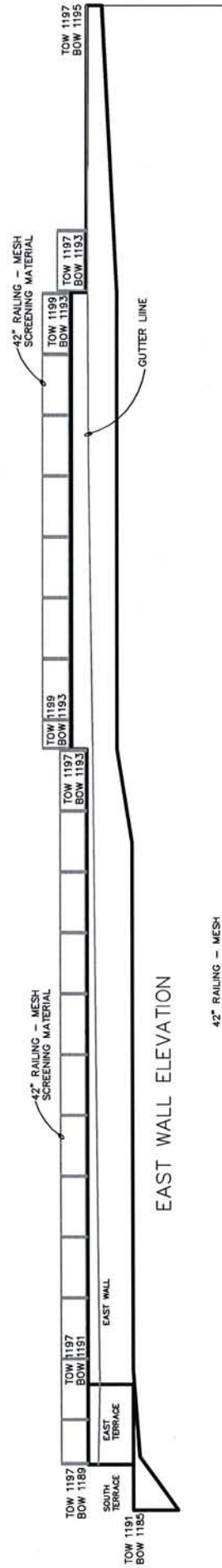
- ① CONNECT PROPOSED SEWER SERVICE TO CITY MANHOLE LOCATED IN THE ALLEY BETWEEN MISSISSIPPI AND BRAINERD.
- ② CONNECT TO CITY WATER MAIN IN MISSISSIPPI AVENUE. INSTALL GATE VALVE WITHIN CITY ROW.



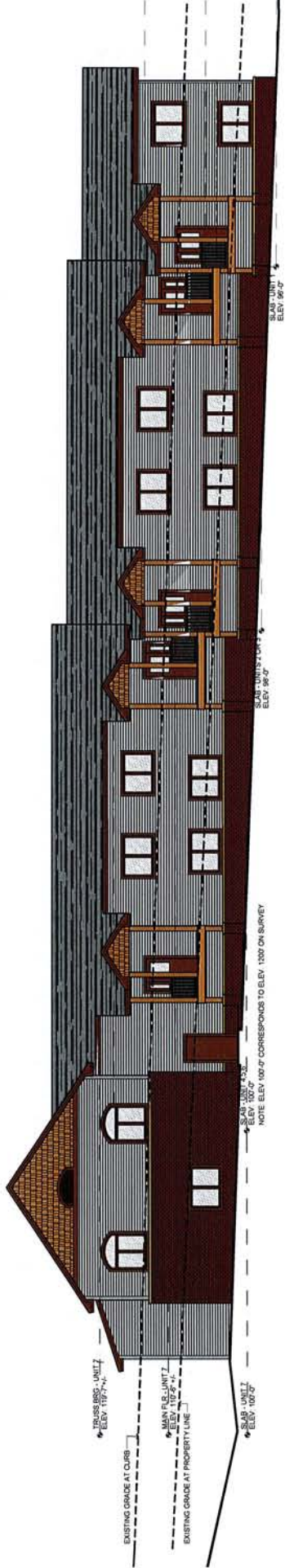
B-14

UP.1

FILE: DRAWING BY: DMC
CHECKED BY: DMC
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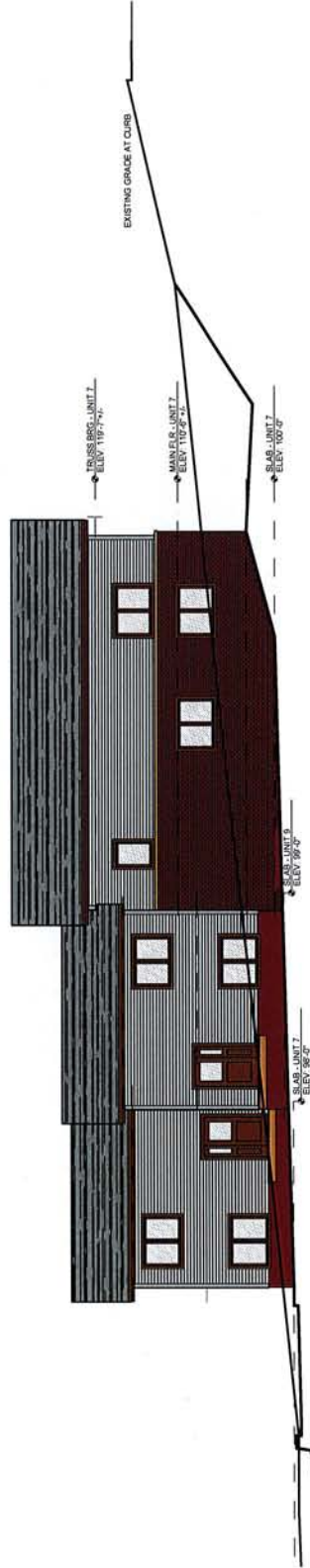


B-15



MISSISSIPPI ELEVATION

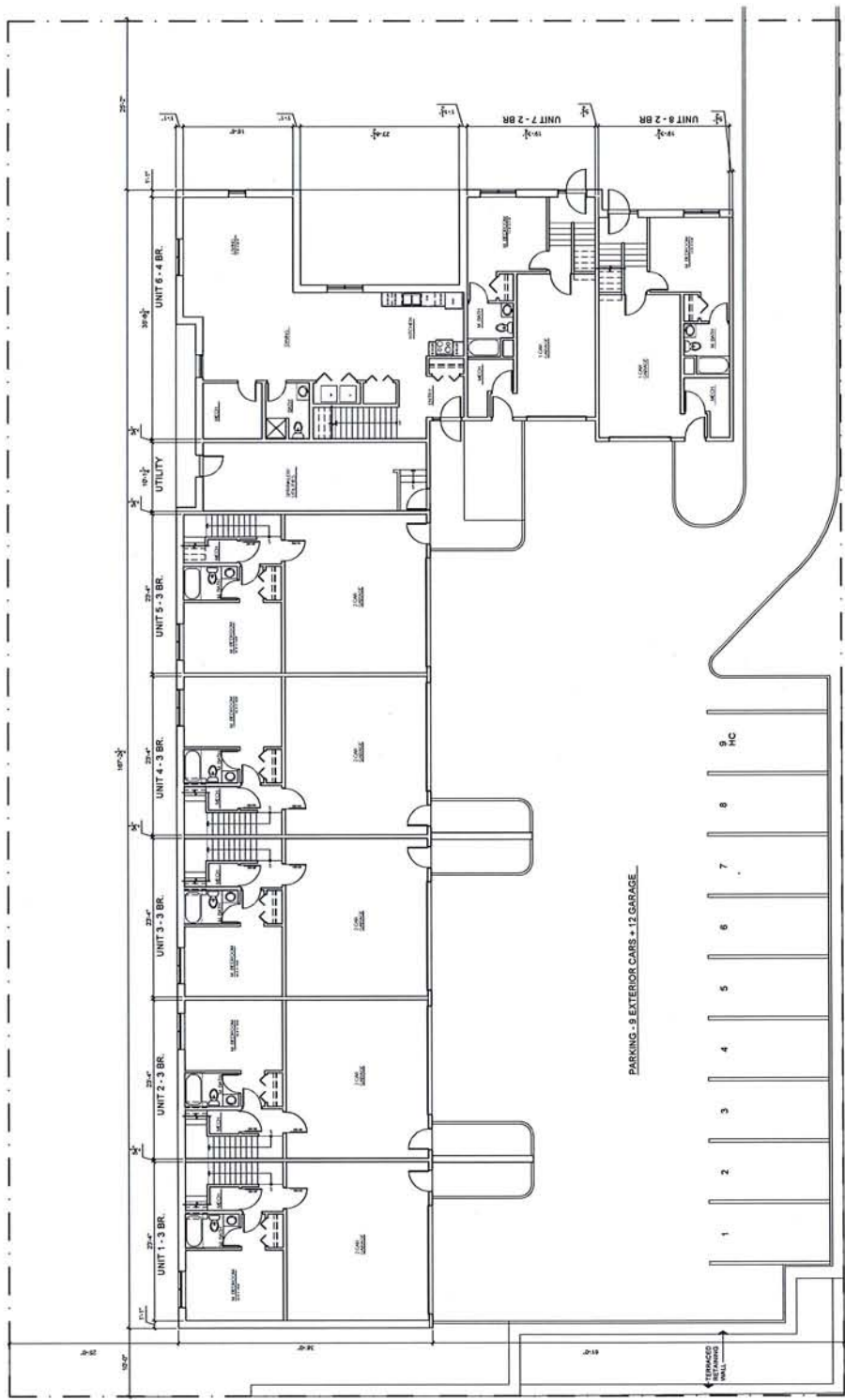
SCALE: 1/8" = 1'-0"



LYONS ELEVATION

SCALE: 1/8" = 1'-0"

B-16



FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

B-17

Mississippi & Lyons Townhome Development – Green Capital, LLC

Storm Water Management Summary

The current City of Duluth storm water MS4 standards require the developer to match pre-development flow rates, up to a 100 year storm event.

This means that during modeling, the pre-development flow is modeled and then the proposed development flows are modeled. The new development, with all of its paved surfaces, must not put off storm water runoff at a faster rate, than what the site puts off today. Using the NOAA rainfall event tables, a 100 year event will produce 5.2" of rainfall in a 24 hour period.

The storm water must also treat runoff for suspended solids (dirt) and other contaminants.

The runoff from the proposed site will enter a concrete chamber at the SE corner of the site, where the larger particles will be removed. From there, it enters a distribution manifold where it is stored in an underground chamber that is situated over a 1' thick bed of washed sand. The water soaks into the washed sand, where it is further cleaned, then it enters another collection system of drain tile that will discharge it into closed storm sewer system that is connected to the City storm sewer system.

Why is this better than the existing condition? Currently, a large amount of water from Lyons enters the site. In addition, the site itself is steep, rocky and covered with clay, so the water runs off quickly into neighbor's yards downhill. The new system will direct overflows into the City storm sewer system, versus across neighbor's yards, short circuiting much of the runoff neighbors are now receiving from the property.

The result should actually be neighbors' yards downhill that are drier than they are now.

-David M. Chmielewski
Blackhoof Development

B-18

Recommended Contents of Traffic Impact Studies

The purpose of this document is to provide guidance to developers and transportation consultants regarding the contents of traffic impact studies submitted in conjunction with development applications in Duluth.

In general, a traffic impact study is required for any development generating approximately 1,000 or more vehicle trips per day, or 100 or more vehicle trips in any one hour period. The trip rates in the most current edition of the Institute of Transportation Engineers (ITE) Trip Generation should be used in determining the amount of traffic a particular development will generate. If no ITE rates exist for a particular type of development or there is some uncertainty regarding the need to conduct a study, the city traffic engineer will determine if a traffic impact study is required.

The transportation consultant or project manager shall meet with the city traffic engineer to establish the study area, to discuss critical issues, and to determine the complexity of the report to be submitted. The traffic impact study report will usually include the following:

- Report Letter
 - Identify the persons to whom the report is addressed
 - Summarize the findings and recommendations
- Proposed Development and Study Area
 - Describe proposed development
 - Map of site and street network
 - Identify intersections/highway links to be analyzed
- Existing Traffic Conditions
 - Figures showing ADTs, peak hour turning movements and levels of service (for PM peak hour and peak hour of development unless otherwise directed by the city traffic engineer)
 - Indicate roadway/intersection geometrics, street right-of-way, type of traffic control at intersections, traffic regulations (i.e. no parking zones posted speed limit), and bus stops
 - Determine queue lengths at controlled intersections that may affect project
- Future Projected Traffic Conditions Without Development (city staff may provide base data)
 - Figures showing future projected ADTs, peak hour turning movements and level of service
 - Identify changes in road network and land use expected under full development conditions
 - Determine queue lengths at controlled intersections that may affect project
- Proposed Site Traffic
 - Site-generated traffic – ADT and peak hours (If development is to be completed in phases, show cumulative traffic for each phase added.)
 - Figure showing distribution by direction of approach
 - Figure showing assignment (volumes and turning movements) to each link in the network analyzed
 - "Pass-by" trip assumptions, distribution and assignment
- Traffic Impact of Proposed Development
 - Figures showing ADTs, peak hour turning movements and level of service for present conditions with proposed development
 - Figures showing ADTs, peak hour turning movements and level of service for future projected conditions with proposed development
 - Determine queue lengths at controlled intersections that may affect the project

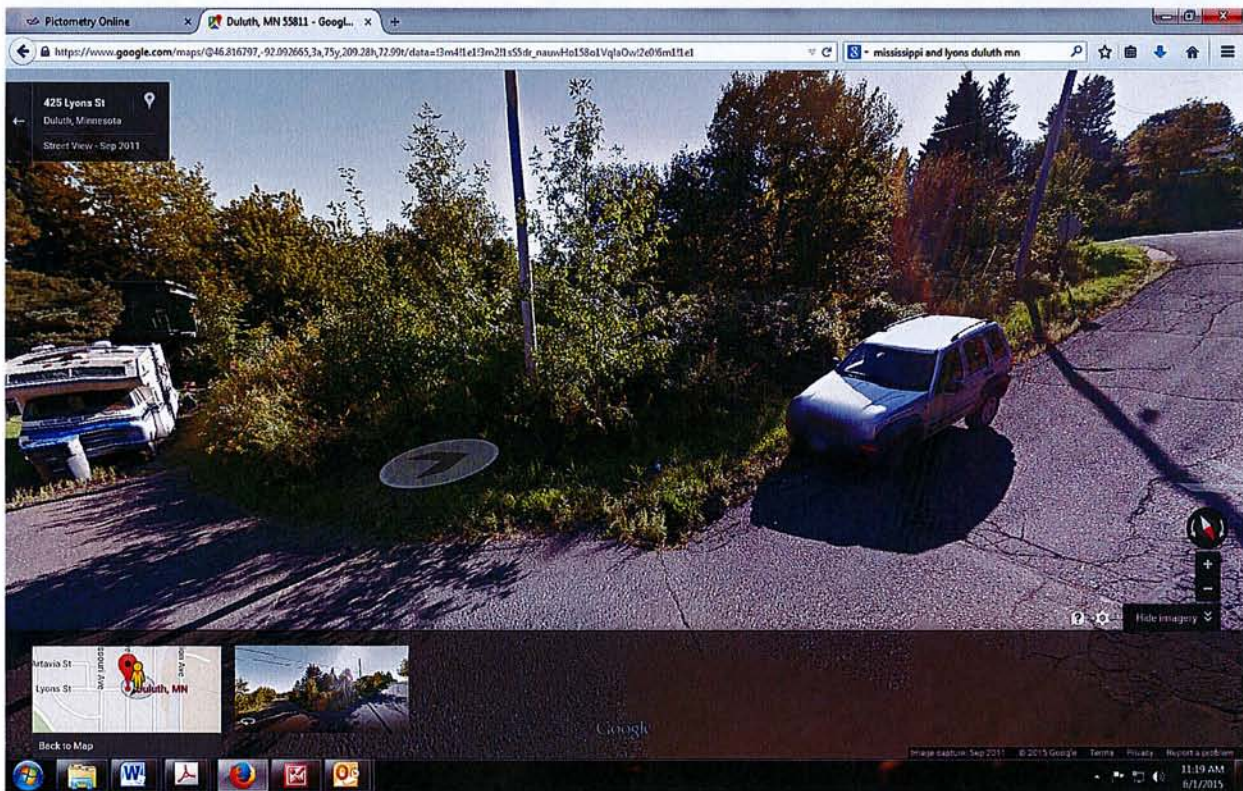
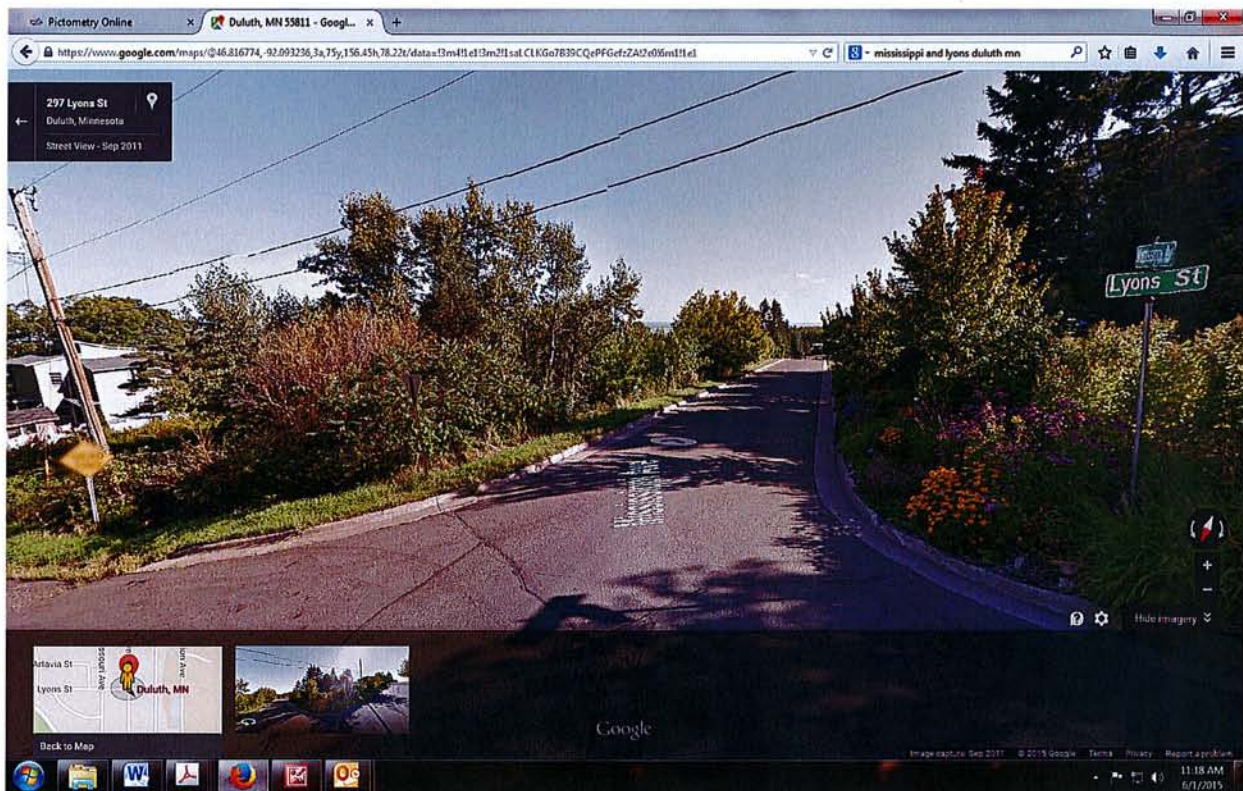
B-19

- Review ingress/egress sight distance, capacity and safety
 - Review on-site circulation for vehicles and pedestrians
 - Review driveway and parking lot design for compliance with city standards and codes
- Problem Areas
 - Identify congestion or safety problems for present conditions with proposed development
 - Identify congestion or safety problems under full development conditions with proposed development
- Recommended Improvements and Solutions
 - Identify possible short-term improvements and solutions
 - Identify possible long-term improvements and solutions
 - Recommended improvements and solutions
- Appendices
 - Capacity analysis calculations, data and assumptions (Provide sufficient information for reviewer to follow analysis and to be able to spot check results.)
 - Queue length analysis calculations, data and assumptions
 - Provide other pertinent information that may be needed to explain or justify data used in the report (i.e., if data from an actual field study of sites in the metro area is used in place of ITE trip generation rates, then a report of the field study results should be included in the appendix.)

The traffic impact study should be submitted with the development application. However, the developer may find it advantageous to have the traffic impact study completed several weeks prior to the submittal of the development application in order to incorporate recommendations from the traffic report on the development plan.

Three copies of the traffic impact study should be submitted with the development application. The report should be produced on standard 8 ½ inch x 11 inch letter size paper.

B-20

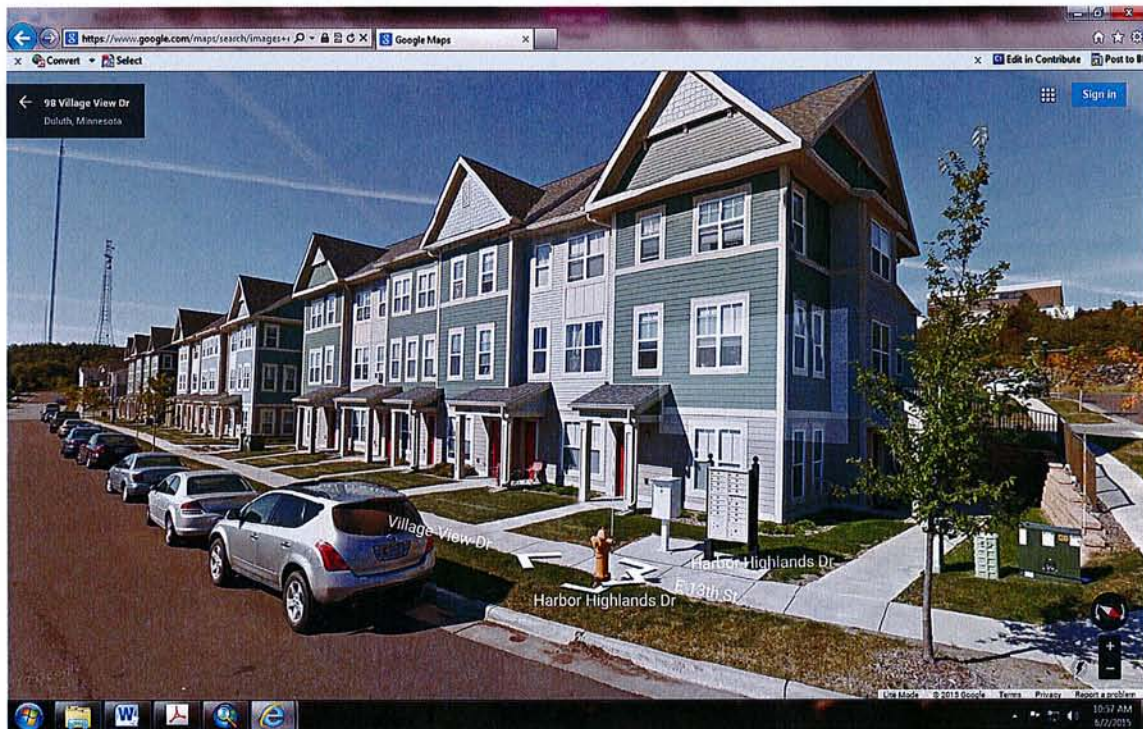


B-21

6 Unit Townhome on Kelly Circle

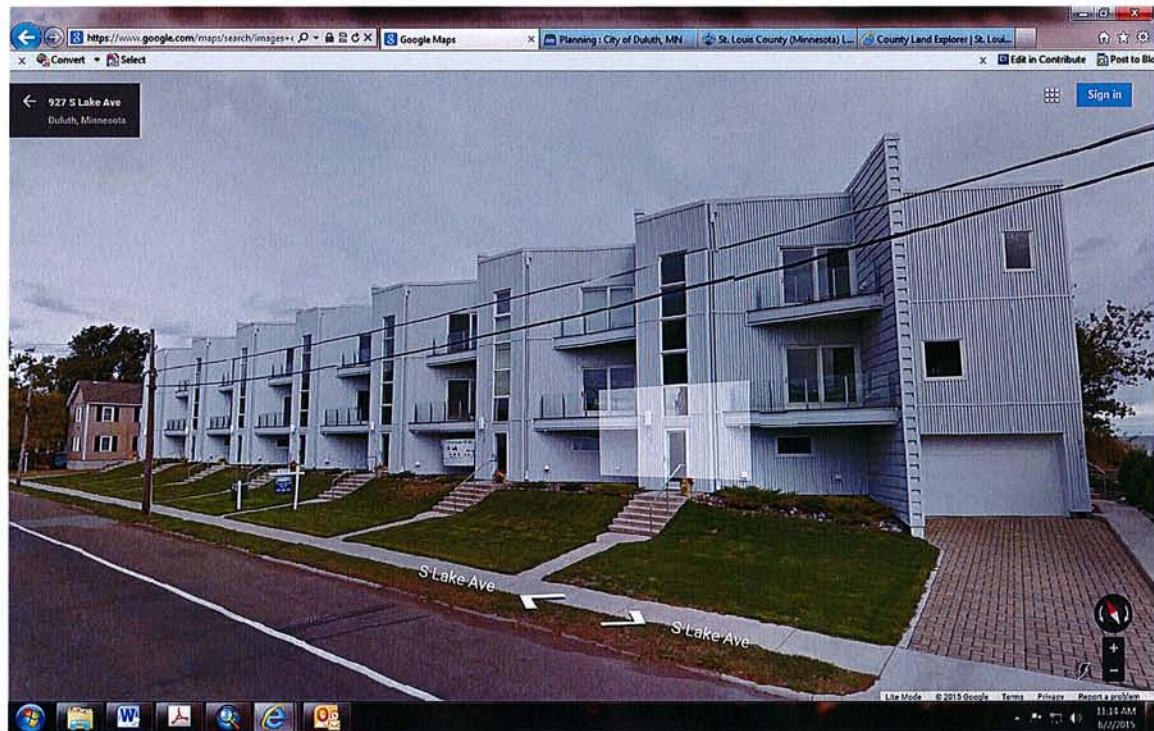


7 Unit Townhome on Village View Drive

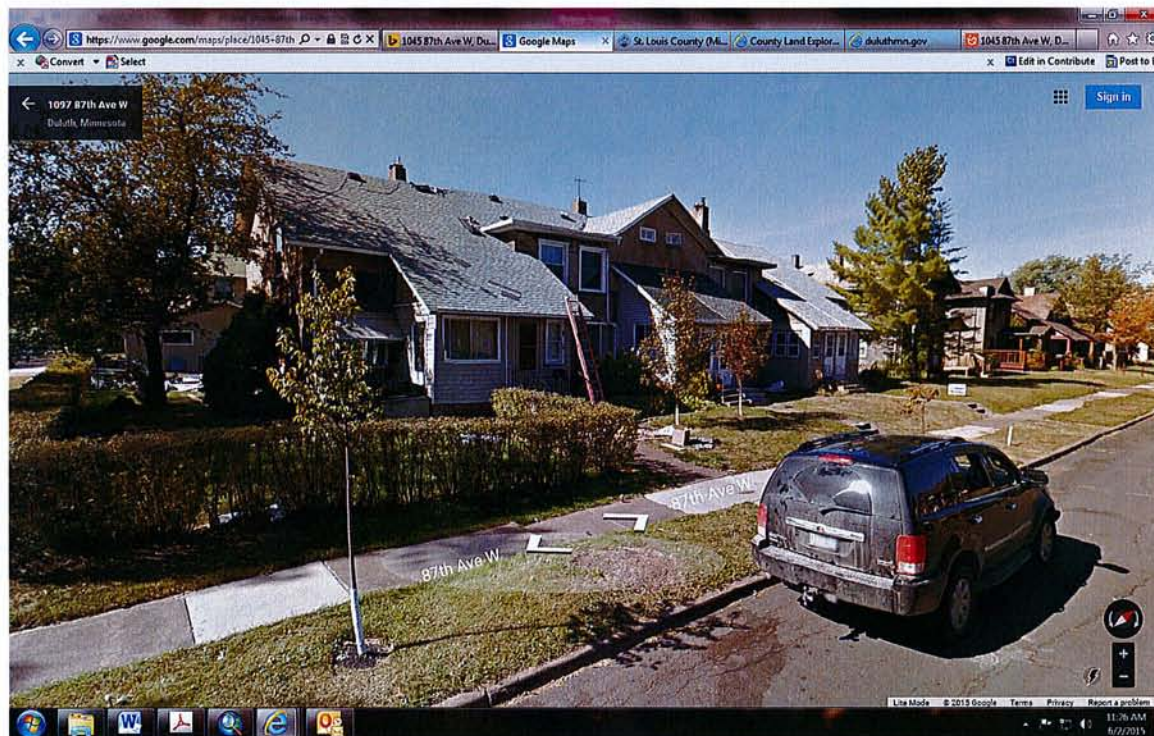


B-23

7 Unit Towhome (Condon) on South Lake Avenue



4 Unit Townhome 87th Ave W (Morgan Park)



HE-9

LYONS STREET DEVELOPMENT
PL 15-050 SPECIAL USE PERMIT APPLICATION
KENWOOD NEIGHBORHOOD OBJECTION
May 5, 2015

Citizen
Comment
PL 15-050

The Kenwood Neighborhood have concerns about the proposed high density development. Jason Ross, Green Capital LLC, proposes to construct eight townhomes representing a total of 24 bedrooms. Based upon conversation with, and the past practice of Mr. Ross, the developer, contractor, and building manager, individual leases by bedroom will be made available.

The proposed classification of units as townhomes is misleading. With individual leases for 24 bedrooms this project represents a multi-unit rental property which functions essentially as an apartment complex. From a conversation with Jason Ross, the townhomes will not be sold as individual units but rather managed as a group by Jason Ross.

This project is a high density multiple unit apartment complex proposed for a rustic, single family home neighborhood. To issue a special use permit for the construction of this project in this location would allow a random pattern of development. An example of spot zoning. Further the damage done to this rustic single family neighborhood represents an adverse impact on the City of Duluth.

IMPACT:

The density of the project is inconsistent with the rustic single family home fabric of the neighborhood. As a result of the project, the nature of the neighborhood will be lost. Those who are seeking a rustic single family neighborhood will be forced to seek it elsewhere. Elsewhere could include undeveloped areas near the outer reaches of Duluth. This type of development would require expanded infrastructure. Or, the alternative of relocating outside the city limits of Duluth, which is inconsistent with the City's stated goal of reaching a population of 90,000. Allowing a special use permit for a high density project will destroy this existing rustic, single family neighborhood and have an adverse impact on the Community. Specific observations include:

Density and Public Safety

The project density is too great with 24 bedrooms. This project makes less safe the existing roadways, traffic control and access to the neighborhood, and pedestrian access.

Lyons Street Traffic

Lyons is a steep, narrow and dangerous street (even by Duluth Standards). The Avenue is a dead end. There have been multiple cases of city snow plows, garbage trucks, UDAC buses, and cars, getting stuck on Lyons Street below Mississippi Avenue (Where the entrance to the project is proposed). Due to the roadway blockage, other residents are unable to leave their homes, sometimes for hours. In addition steep conditions getting up Lyons, stopping at the intersection from two other directions is difficult due to steep conditions. The additional traffic from this high density project in this location will create a public safety issue.

B-25

Storm Water Run Off

This site with its topography and size is challenged to properly contain runoff onto adjoining properties. The increase in impervious surfaces due to the high density development from roof and parking surfaces will generate excess runoff. The current proposal provides for an underground containment system. This will require ongoing maintenance to remove sediment. The concern is that the outlet, even if piped to UMD Property or to the South will surcharge the existing City storm water system. Our understanding is the discharge volume is to be controlled. This development may be within one mile of a designated Trout Stream and under MPCA rules would require water temperature remediation.

Sewer System Design and Operation:

Information available indicates the sanitary sewer serving the site would progress southward towards College Avenue and tie into a line that progresses downhill at 19th Avenue East. This is a historically problematic system to homeowners in the areas (issues with changes in sanitary sewer pipe sizes). What is the cost of a correction to the sanitary system and who is the responsible party to pay for correction.

Access by Emergency Vehicles

The density of the proposed project is inappropriate, unsafe, and with additional cars limits access by service, emergency, and street maintenance vehicles. For this development to proceed with its entrance off of Lyons Street, the street should be developed to a standard width with curb and gutters installed.

Parking Spaces

21 regular and one handicapped off street parking spots are provided. 12 of these are in garages. With the project being advertised as rental with 24 bedrooms (each potentially with a separate tenant) there is not one parking lot per tenant. In addition with no parking on Mississippi and Lyons there is a challenge for both resident and guest parking, especially in winter with snow encroachment. Mississippi Avenue, in that block, is two driving lanes only, no parking is allowed on either side. Lyons Street is a dead end and currently cannot accommodate any parking, up or down from the location.

Retaining Wall, System for Light Control

It appears there will be a retaining wall above and along the platted alley. Not clear how high this retaining wall will be. What is the setback requirement for this structure and what provisions are proposed to block the lights from cars parking on this elevated parking lot?

B-26

15-030

PUBLIC POLICY:

The Planning Commission is required under prescribed guidelines to examine each project proposed for development to verify the project meets various dimensional and design requirements under the UDC. Further the Planning Commission when issuing a Special Use Permit, must examine the Project in terms of public policy regarding community needs and any adverse impacts. This high density project is inconsistent with the existing rustic single family home neighborhood. Because of its density at 24 units, allowing the project to proceed would represent a random pattern of development and have an adverse impact on the community. The Special Use Permit should be denied.

Pedestrian Access

There are no sidewalks in this neighborhood. This is a high density project that will put additional pedestrians on streets with limited sight line stopping distance. Due to Lyons being a dead end and the Brainerd Street alley being dead end or not developed will increase the pressure for pedestrians to trespass on private property

Additional High Density Projects (Planned)

With the recent construction and planned developments in and around the neighborhood, the argument that this type of high density project is needed to meet the City of Duluth population goals is no longer a factor to consider when reviewing this application.

Adverse Impact on the Community

This is a rustic neighborhood comprised of single family houses. In its deliberations to consider a Special Use Permit the Planning Commission is empowered to evaluate a project to determine if there are adverse effects on the community. When adverse impacts are shown to exist the Special Use Permit should be denied. The residents of the neighborhood have identified and documented multiple adverse effects. These adverse impacts are due to density and topography which cannot be effectively mitigated.

Technical Compliance to Codes, Regulations and Guidelines (Not Sufficient)

All of the parameters to be reviewed by City Staff on an application for a Special Use Permit are set at the minimum. Being "legal" or in compliance with each of the various regulations does not in the aggregate make the project "right". With some of the guidelines there is room for discretion. Because of density, project location, and adverse impacts, even with compliance with all codes regulations and guideless, some of which are subject to discretion by the Planning Staff, this project is not correct for this location and a Special Use Permit should not be issued.

Investment by a Developer vs Economic and Adverse Impact on Community

Investment within the city limits of Duluth is welcomed. However, the amount of investment by the Developer is a private financial consideration which should not influence the type of development allowed. It is possible that for this project to succeed, the plan requires the construction of high density rental type housing. A Special Use Permit should not be issued when the density in effect allows for a random pattern of development and creates adverse impact.

B-27

KENWOOD NEIGHBORHOOD REQUEST OF THE PLANNING COMMISSION

This high density multi-unit rental 24 bedroom project in this location is NOT APPROPRIATE.

In our opinion the highest and best use of this property is for the construction of single family homes or other projects of much lower density than the proposed multi-unit property.

The residents welcome reasonable development. We have seen the recent successful construction of homes in the neighborhood as infill projects so the City of Duluth can reach our goal of 90,000 residents. It makes sense to build on lots served by existing infrastructure. This neighborhood, including most of the rental units, are single family homes. That is what works best for access, parking, storm water management, and public safety.

The residents of the neighborhood request the Planning Commission NOT to issue a Special Use Permit.

This document is being submitted to the Planning Commission by the Concerned Citizens of the Kenwood Neighborhood.

Please see a separate document for the signatures, with printed names, addresses and phone numbers, of citizens in support of the positions described in this document.

Due to physical and time restraints, other concerned citizens who did not get a chance to place their names to this document, plan to attend the Planning Commission Meeting and request a Special Use Permit not be issued for this project.

Thank you for your consideration on this important matter.


LYONS STREET DEVELOPMENT
PL 15-050 SPECIAL USE PERMIT APPLICATION
KENWOOD NEIGHBORHOOD OBJECTION


May 5, 2015

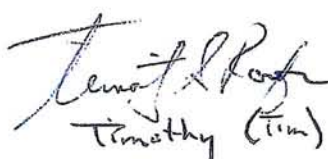
This high density multi-unit rental 24 bedroom project in this location is NOT APPROPRIATE.

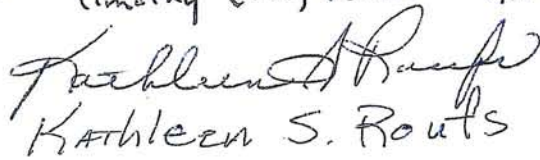
The residents of the neighborhood request the Planning Commission NOT to issue a Special Use Permit.

See below the signatures, with printed names, addresses and phone numbers, of citizens who are requesting the Planning Commission not issue a Special Use Permit for this project.


JAMES STAPP 1145 MISSISSIPPI

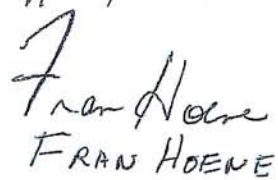

DAVID ANDERSON 1055 BRAINERD AVE
(218) 343-5601


TIMOTHY (TIM) ROUTS 1006 MISSISSIPPI AVE.
218-260-3032


KATHLEEN S. ROUTS 1006 MISSISSIPPI AVE.
218-310-5117

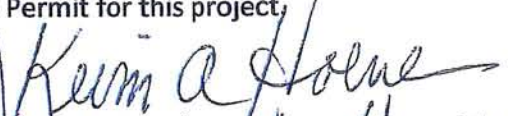
Joseph Martin 1146 Mississippi Ave 724-1826
Joseph Martin


Holly L. Brown
HOLLY L. BROWN 1206 MISSISSIPPI AVE (218) 590-9310


FRAN HOENE 1110 MISSISSIPPI AVE. (218) 728-435

Jenny Bwacher 1123 MISSISSIPPI AV 218 724 1488
Jenny B Walker

Therese Campbell 1111 Mississippi Ave 218-727-1966
Therese Campbell


KEVIN A. HOENE
1110 MISSISSIPPI AVE
(218) 728-4535


ALLEN I. MAKYNEN
1233 MISSISSIPPI AVE
(218) 343-2515





B-29

LYONS STREET DEVELOPMENT
PL 15-050 SPECIAL USE PERMIT APPLICATION
KENWOOD NEIGHBORHOOD OBJECTION
May 5, 2015

This high density multi-unit rental 24 bedroom project in this location is NOT APPROPRIATE.

The residents of the neighborhood request the Planning Commission NOT to issue a Special Use Permit.

See below the signatures, with printed names, addresses and phone numbers, of citizens who are requesting the Planning Commission not issue a Special Use Permit for this project.

| | | |
|---|-----------------|---|
|  | BILLY M. WATERS | 136 NORTHFIELD ST. DULUTH, MN |
|  | LINDA L. WATERS | 136 Northfield St. DULUTH, MN 218 390-0341 |
|  | Lisa Starr | 1145 Mississippi Ave DULUTH, MN 218 728 5877 |
|  | KATIE KRIBOBIAN | 1313 Missouri. Duluth. MN 55811 |

B-30

Lyons Street Development
PL 15-050 Special Use Permit Application
Kenwood Neighborhood Objection
May 12, 2015

This high density multi-unit rental 24 bedroom project in this location is **NOT APPROPRIATE**.

The residents of the neighborhood request the Planning Commission Not to issue a Special Use Permit.

| Printed Name | Signature | Address |
|------------------------|---------------------------|--|
| S. JEROME ELNESS | <i>S. Jerome Elness</i> | 1237 Mississippi Ave Duluth, MN 55811 |
| <i>Elaine Elness</i> | ELAINE ELNESS | 1237 Mississippi Ave Duluth MN 55811 |
| STEVEN A. LENT P.E. | <i>Steven A. Lent</i> | 1234 MISSISSIPPI AVE Duluth, MN 55811 |
| Joyce D. Lent | <i>Joyce D. Lent</i> | 1234 Mississippi Ave Duluth, MN 55811 |
| Robert E. Williams | <i>Robert E. Williams</i> | 615 W. College St Duluth, MN 55811 |
| Hiroko M. Williams | <i>Hiroko M. Williams</i> | 615 W. College St Duluth, MN 55811 |
| | | |
| | | |
| | | |

B-31

LYONS STREET DEVELOPMENT
PL 15-050 SPECIAL USE PERMIT APPLICATION
KENWOOD NEIGHBORHOOD OBJECTION


May 5, 2015

This high density multi-unit rental 24 bedroom project in this location is NOT APPROPRIATE.

The residents of the neighborhood request the Planning Commission NOT to issue a Special Use Permit.

See below the signatures, with printed names, addresses and phone numbers, of citizens who are requesting the Planning Commission not issue a Special Use Permit for this project.

Madeline Brown
Madeline Brown
1206 Mississippi Ave
218-355-1618


Daniel M. Sargent
1206 Mississippi Ave
Duluth mn. 55811
218-464-1444

Ajit K. Das
Ajit K. Das
Kathleen Das
Kathleen Das
1120 Mississippi Ave
Duluth, MN 55811

JOEL COOPER
1207 MISSISSIPPI AVE
DULUTH MN 55811

Deborah Cooper
1207 Mississippi Ave
Duluth 55811

GLENN KOTLAREK
Glenn Kotlarek

1219 Mississippi Ave
Duluth, MN. 55811
218-724-5959

Jackie Kotlarek
Jackie Kotlarek
1219 Mississippi Ave
Duluth Minnesota 55811
218-724-5959

B-32


LYONS STREET DEVELOPMENT
PL 15-050 SPECIAL USE PERMIT APPLICATION
KENWOOD NEIGHBORHOOD OBJECTION

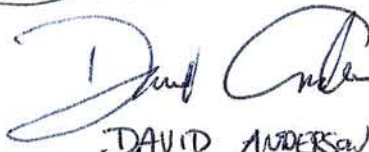
May 5, 2015

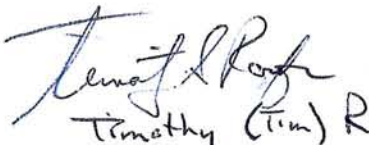
This high density multi-unit rental 24 bedroom project in this location is NOT APPROPRIATE.

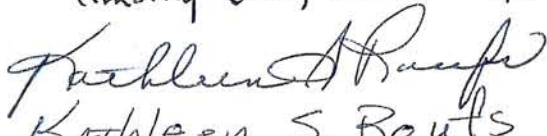
The residents of the neighborhood request the Planning Commission NOT to issue a Special Use Permit.

See below the signatures, with printed names, addresses and phone numbers, of citizens who are requesting the Planning Commission not issue a Special Use Permit for this project.


JAMES STATTER 1145 MISSISSIPPI

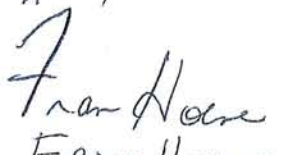

DAVID ANDERSEN 1055 BRAINERD AVE
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Timothy (Tim) Routs 1006 Mississippi Ave.
218-260-3032


Kathleen S. Routs 1006 MISSISSIPPI AVE.
218-310-5117

Joseph Martin 1146 Mississippi Ave 724-1826
Joseph Martin

Holly L. Brown
Holly L. Brown 1206 Mississippi Ave (218) 590-9310

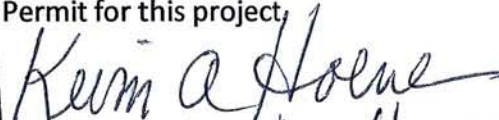

FRAN HOENE 1110 Mississippi Ave. (218) 728-435


Jenny Bwacher 1123 Mississippi Av 218 724 1488

Janny B Walker

Therese Campbell 1111 Mississippi Ave 218-727-1966

Therese Campbell


Kevin A. Hoene
1110 Mississippi Ave
(218) 728-4535


Allen I. MAKYNEN
1233 MISSISSIPPI AVE
(218) 343-2515

B-33

11

LYONS STREET DEVELOPMENT
PL 15-050 SPECIAL USE PERMIT APPLICATION
KENWOOD NEIGHBORHOOD OBJECTION
May 5, 2015

This high density multi-unit rental 24 bedroom project in this location is NOT APPROPRIATE.

The residents of the neighborhood request the Planning Commission NOT to issue a Special Use Permit.

See below the signatures, with printed names, addresses and phone numbers, of citizens who are requesting the Planning Commission not issue a Special Use Permit for this project.

Caree Gordon 1201 Mississippi Ave
" " " "

Randall A. Goh

Robert J. Jokek Robert J Jokek
1208 Mississippi Ave

Gordon R. Fox 1230 Mississippi
" " " "

Joyce Fox

Joyce Fox

Hebe Jackson

Hebe Jackson

1136 Mississippi Ave

Douglas Dunham

Douglas Dunham

" " 1010 Missouri Ave.

Lizette A. Lawien

John P. Lawien

1010 Missouri Ave

Jay Stoffel

Jay Stoffel

1101 Brainerd Ave

Lily Stoffel

Lily Stoffel

1101 Brainerd Ave

Ann Myers

Ann Myers

1109 Brainerd Ave

Maggie Myers

Maggie Myers

1109 Brainerd Ave

John Myers

John Myers

1109 Brainerd Ave

HC-9
B-34

May 26, 2015

City of Duluth - Planning Commission
411 West First Street
Duluth, Minnesota 55802

OBJECTION TO LYONS STREET DEVELOPMENT: PL 15-050 SPECIAL USE PERMIT APPLICATION

We object to the proposed 8-unit, 24-bedroom apartment building and elevated parking structure for several reasons:

Density

- The total available land for the project is .57 acre. The Comprehensive Land Use Plan suggests a density of 4 to 8 units per acre. This project exceeds that density not by a small, marginal factor, but nearly doubles the density amount suggested in the comprehensive plan.
- The project is in the Higher Education Overlay. That plan calls for these type of structures to be constructed on primary streets. Lyons is a dead-end. Mississippi Ave is not a primary street.

Public Safety

- Lyons Street is narrow, steep, and tilted. Every winter vehicles become stuck on Lyons below Mississippi Ave. Most times, the result is that Lyons becomes completely blocked and unpassable for hours. In the last two years, the following vehicles caused complete or partial blockage on Lyons: city road grader plowing snow, school bus, UDAC bus, garbage truck, private vehicles. For five residences, Lyons provides the only ingress and egress. The project will dramatically increase the number of vehicles (20-30 additional) in this small area and all will use that same portion of Lyons Street below Mississippi for access. The risk that, in an emergency, something bad will happen greatly increases with this project.
- There are no sidewalks in this neighborhood. Pedestrian traffic will increase dramatically in an area that is not pedestrian friendly with very poor sight lines. What is the pedestrian traffic plan with this new project? Without a thoughtful and effective plan, the risk of harm to pedestrians will greatly increase. Trespass on private property will likely increase significantly.

Unfit for the Special Character of the Neighborhood

- The neighborhood is comprised of unique, customized single-family homes. An eight-unit, 24-bedroom apartment complex with an elevated parking structure amounts to a random pattern of development and clearly does not fit the character of the neighborhood.
- There is no street parking on either Lyons or Mississippi. As a result, this high density development is required to construct a large elevated parking lot, with a combined wall and fence some 10-12 feet high. Allowing this type of structure is inconsistent with the goal of minimizing impacts on single family neighborhoods from noise, light pollution, and visual impacts.

We welcome reasonable development in our neighborhood. However, because of the grave concerns expressed above regarding the intense density, public safety, and community adverse impacts, the application for a special use permit should be denied.


Jay Stoffel


Loly Stoffel

1101 Brainerd Avenue
Duluth, Minnesota 55811
218/724-5596 • 218/349-7131
jaymicst@yahoo.com

B-35

rcvd after may's planning commission mtg.

Keith Hamre

Drew Digby

Marc Beeman

Timothy Meyer

Garner Moffat

Terry Guggenbuehl

Zandra Zwiebel

Michael Schraepfer

Luke Sydow



City of Duluth

411 West First Street

Duluth Mn. 55802

My name is Frank Wanner. My wife, Renee, and I live at 1135 Mississippi Avenue. We write to express our opposition to the issuing of a special use permit modifying the R1 zoning to allow Mr. Jason Ross to build a high density townhouse\apartment project within the existing single family neighborhood. We feel that this development would have a detrimental impact on the character of the neighborhood. The character of a neighborhood is recognized as having value and worth. The "Duluth News Tribune" quotes Mr. Garner Moffat stating in regard to a proposed development in Lakeside, "I hope that they can build any new houses in a way that reflects the existing character of the neighborhood". We would assume that his feelings are similar in regard to our neighborhood.

It is obvious that the character of the neighborhood is not the only consideration for residents. I am sure that you have received numerous comments and letters from our friends and neighbors stating concerns regarding increased traffic, access difficulties, negative impacts on water runoff, lack of parking, sewer questions and many others. I will only remind you of these concerns as others have addressed them at some length. We too, have these concerns.

It would seem that the weight of the argument for abandoning the existing code should rest with Mr. Ross. It is he who should demonstrate how the change will be of benefit to the city and existing neighborhood. Duluth does need infill housing for families and for individuals. We need new homes within our city. We do not need to alter existing code and plan to allow a high density project for transient renters. Mr. Ross stated at a neighborhood meeting that his intent is to have multiple tenants in each apartment. There is no intent to build "high end" townhouses to be sold to individuals. It is obvious that the only benefit in this development is to Mr. Ross.

Please deny the proposed change.

B-36

**John and Lizette Lawien
1010 Missouri Avenue
Duluth, Minnesota 55811**

May 27, 2015

Planning Commission
City of Duluth
411 West First Street
Duluth, Minnesota 55802

**Regarding: Objection to Lyons Street Development (PL 15-050 Special
Use Permit Application)**

Dear Commissioners:

We constructed our home in 1985 on wooded raw land bordering College Street between Mississippi and Missouri Avenues. We were in our twenties at the time and have enjoyed every minute of our time spent in this neighborhood. We have raised our children, they were educated at the neighboring universities and we desire to continue living in this vibrant Kenwood neighborhood.

While living here, single family homes were built on both sides of us. This is exactly the type of structure needing to be built on the proposed parcel for development on the corner of Mississippi Avenue and Lyons Street. We strongly object to a 23 bedroom "townhome apartment building" being proposed for this site. The developer has no plans to rent these townhomes to single families so it is only fair to call it an apartment building in practical terms.

B-37

This type of structure in its proposed location can only be described as random development and will create an adverse impact to the homes within a six – eight block radius or more. As a couple, we endorse development and have supported proper development projects in the past in our area. Some were approved and some were denied. We have seen the Planning Commission deny two single family homes attempting to be built on Missouri Avenue and Chester Way in the past twenty years. Both of these were unfortunate when we see what has been developed since.

While this area continues to change and develop, we trust the Planning Commission will respect the residents who have lived here for many years and desire to continue living in a neighborhood of single family homes. **Allowing this proposed development to be built will create a hazard as it will only be a matter of time before car accidents occur and pedestrians are seriously injured. This would likely be a result of the extreme density, lack of sidewalks, and difficult streets to traverse in the winter months while schools are the busiest. This must be taken seriously by the Commission members.**

Based on the proposed project's obvious extreme density, safety concerns due to the site conditions, and the adverse community impact due to its random development in an area surrounded by single family homes, the application should be denied. Please do what is proper for this neighborhood and the residents who enjoy living and raising their families in Kenwood.

With best regards,

A handwritten signature in cursive script, appearing to read "John and Lizette A. Lawien".

John and Lizette Lawien
218-341-7878

B-38

rcvd after May's pc meeting

May 26, 2015

Planning Commission
City of Duluth
411 West First Street
Duluth, Minnesota 55802

OBJECTION TO LYONS STREET DEVELOPMENT (PL 15-050 SPECIAL USE PERMIT APPLICATION)


The proposed 23 unit apartment building, (proposed on technical terms as townhomes) on a .57 acre parcel, is inconsistent with the Comprehensive Land Use Plan, the Higher Education Small Area Plan, and the existing traditional neighborhood.

The intense use of this parcel by a high density development within a diverse traditional neighborhood amounts to a random pattern of development. According to the Staff Report prepared for the May 12 Meeting, the Comprehensive plan would call for a density of from 4 to 8 units per acre. In that same report the surrounding neighborhood is 3 units per acre. This project represents a density more than five (5) times the surrounding neighborhood.

Lyons Street is a steep, narrow, and dangerous street (even by Duluth standards). The Street is a dead end. We have a public safety issue. Neither Lyons nor Mississippi is a primary street. There is no pedestrian access to this project. There are no sidewalks in this neighborhood. There is no available street parking on either Lyons or Mississippi. As a result, this high density development is required to construct a large elevated parking lot, with a combined wall and fence some eleven feet high. Allowing this type of structure is inconsistent with the goal of minimizing impacts on single family neighborhoods from noise, light pollution, and visual impacts.

The residents welcome reasonable development. We have seen recent construction of homes, as infill projects, so that our City can reach the goal of 90,000 residents. There are also multiple projects being developed in proximity located on larger sites on primary streets which provide for additional affordable housing.

Due to the intense density (a random pattern of development), extreme site conditions, public safety, and community adverse impacts, the application for a Special Use Permit should be denied.



John Foucault
145 Artavia Street
Duluth MN 55811
218-393-0631
jfoucault@points-north.com

b-39

rcvd after May's pc meeting

May 26, 2015

Planning Commission
City of Duluth
411 West First Street
Duluth, Minnesota 55802

OBJECTION TO LYONS STREET DEVELOPMENT (PL 15-050 SPECIAL USE PERMIT APPLICATION)

The proposed 23 unit apartment building, (proposed on technical terms as townhomes) on a .57 acre parcel, is inconsistent with the Comprehensive Land Use Plan, the Higher Education Small Area Plan, and the existing traditional neighborhood.

The intense use of this parcel by a high density development within a diverse traditional neighborhood amounts to a random pattern of development. According to the Staff Report prepared for the May 12 Meeting, the Comprehensive plan would call for a density of from 4 to 8 units per acre. In that same report the surrounding neighborhood is 3 units per acre. This project represents a density more than five (5) times the surrounding neighborhood.

Lyons Street is a steep, narrow, and dangerous street (even by Duluth standards). The Street is a dead end. We have a public safety issue. Neither Lyons nor Mississippi is a primary street. There is no pedestrian access to this project. There are no sidewalks in this neighborhood. There is no available street parking on either Lyons or Mississippi. As a result, this high density development is required to construct a large elevated parking lot, with a combined wall and fence some eleven feet high. Allowing this type of structure is inconsistent with the goal of minimizing impacts on single family neighborhoods from noise, light pollution, and visual impacts.

The residents welcome reasonable development. We have seen recent construction of homes, as infill projects, so that our City can reach the goal of 90,000 residents. There are also multiple projects being developed in proximity located on larger sites on primary streets which provide for additional affordable housing.

Due to the intense density (a random pattern of development), extreme site conditions, public safety, and community adverse impacts, the application for a Special Use Permit should be denied.



Julie Foucault
145 Artavia Street
Duluth MN 55811
218-393-0632
doublejf@@charter.net

B-40

✧ **Memorandum** ✧

Date: May 27, 2015

To; Mr. Keith Hamre
City of Duluth
411 West First Street
Duluth, MN 55802

From: Therese Campbell
1111 Mississippi Ave
Duluth, MN 55811

Therese Campbell

Re: Special Use Permit to Construct an Eight Unit Townhome in an R-1 district at the southeast corner of Mississippi Avenue and Lyons Street by Green Capital LLC

Dear Mr. Hamre:

This memo serves as a neighborhood petition regarding the impact of the proposed high density development of Green Capital LLC. You have been aware of the Kenwood neighborhood's objections to the special use permit since August 12 of 2014. The project was put on hold but subsequently, was resubmitted. Some of the objections were from the engineers who saw several problems with the plan for the property. Thus, the request was again put on hold at the May 12th 2015 meeting.

A document was provided to the Commission from the neighborhood and Councilman Joel Sipress spoke to the Commissioners at the May 12th meeting in our behalf. We will be meeting with the Planning Commission on June 9th, 2015 to again raise concerns.

I believe you have received updated information and know of the situation and the concerns of the neighborhood. I will not repeat the major issues, but will give examples of personal experience living in this neighborhood since 2010. Our driveway is the alley off Lyons Street. Lyons has a steep slope and intersects with Mississippi, also a steep slope. This makes the intersection somewhat perilous, as there are only yield signs on Mississippi. In the winter snow removal becomes a challenge. The winter poses more difficulties for cars on Lyons. Several times while exiting our alley drive we slid into a bank of snow on Lyons. If we were able to exit, we ended up sliding through the intersection and on to the dead end of Lyons. Other cars and a school bus as well as a snowplow were also in this predicament. My suggestion to the Commissioners is to physically view the proposed location and experience the impact of increased density in this area.

The project also does not FIT into the single-family neighborhood. A drive through the area will also highlight how a change in this zoning would deface the neighborhood personality. Mr. Garner Moffat expressed it well in a recent article. Mr. Moffat, Commission member, went on record in the

B-41

September 10, 2014 DNT as favoring projects consistent with the neighborhood. The article is at <http://www.duluthnewstribune.com/content/city-owned-lakeside-block-may-be-developed> "I hope they (developers) can build new houses in a way that reflects the existing character of the neighborhood."

In my memo to the Commissioners, via Keith Hamre, August 20, 2014 I recorded some initial major concerns. It is incumbent on you, in your important positions, to research the consequences of your vote regarding the neighborhoods of Duluth. Thanks for your time and commitment to our city.

B-42

Rcvd after May's PC meeting

1006 Mississippi Ave
Duluth, MN 55811

Mr. Keith Hamre
Drew Digby
Marc Beeman
Timothy Meyer
Garner Moffat
Terry Guggenbuehl
Zandra Zwiebel
Janey Kennedy
Michael Schraepfer
Luke Sydow
City of Duluth
411 West First Street
Duluth, Minnesota 55802

Mr. Hamre:

I understand that you will share this letter with each member of the Planning Commission. I also understand the Planning Commission is required, under prescribed guidelines, to examine each project proposed for development to verify the project meets various dimensional and design requirements under the UDC. Further, the Planning Commission, when issuing a Special Use Permit, must examine the Project in terms of public policy regarding community needs and any adverse impacts. This high-density project is inconsistent with the existing single-family home neighborhood. I am asking respectfully that you honor the R1 zoning on the Southeast corner of Mississippi Avenue and Lyons Street. I request that you deny Mr. Jason Ross, of Green Capital, LLC, the special use permit to build his townhouses/apartment complex on the lots for the following reasons:

1. The proposed development violates the code the City has developed by allowing random development in an area zoned for single-family homes, as designated in the Comprehensive Plan. To issue a special use permit for the construction of this project in this location allows a random pattern of development, an example of spot zoning.
2. The proposed classification of units as townhomes is misleading. Mr. Ross' past practice and current stated intent is to rent each bedroom individually. With individual leases for 24 bedrooms, this project represents a multi-unit rental property that functions essentially as an apartment complex. Under allowable individual room occupancy, this could further multiply an already unacceptable density. This project, as you know, is a high density multiple unit apartment complex proposed for a rustic, single-family home neighborhood. Further, the erosion to this rustic single-family neighborhood will have an adverse impact on the City of Duluth and current residents of the area.

B-43

3. This project will have adverse impacts on the existing roadways, traffic control, access to the neighborhood, and pedestrian access. There are no sidewalks in the area, and no parking or restricted parking zones on the streets surrounding the developments.
4. Lyons Street is a steep, narrow, and dangerous street (even by Duluth Standards); it is a dead end. There have been multiple cases of city snowplows, garbage trucks, UDAC buses, and cars, stuck on Lyons Street below Mississippi Avenue (where the entrance to the project is proposed). Due to the roadway blockage, other residents are unable to leave their homes, sometimes for hours. In addition, getting up Lyons, and stopping at the intersection from two other directions is difficult due to steep conditions. The additional traffic from this high-density project in this location will create a public safety issue – it will affect access by emergency vehicles. The density of the proposed project is inappropriate, unsafe, and with additional cars, limits access by service, emergency, and street maintenance vehicles. Lyons Street will not support an adequate and safe entrance and exit to the parking area to any type of vehicle, especially emergency vehicles.
5. There are several engineering, water, and other logistical issues which have not been addressed, including, but not limited to:
 - The topography and size of this site delivers a challenge to contain runoff onto adjoining properties. The increase in impervious surfaces due to the high-density development from roof and parking surfaces will generate excess runoff. The current proposal provides for an underground containment system. This will require ongoing maintenance to remove sediment. The concern is that the outlet, even if piped to UMD property or to the South will stress the existing city storm water system. Our understanding is the discharge volume is to be controlled. This development may be within one mile of a designated Trout Stream and under MPCA rules requires water temperature remediation; there is no information about the application of the MPCA rules in the proposal.
 - Information available indicates the sanitary sewer serving the site will progress southward towards College Avenue and tie into a line that progresses downhill at 19th Avenue East. This is a historically problematic system to area homeowners; there are issues with changes in sanitary sewer pipe sizes. The neighborhood should not incur the cost of a correction to the sanitary system; this should be the responsibility of the developer.
 - The proposal suggests twenty-one regular and one handicapped off street parking spots. Twelve of these are in garages. With the project planned as rental with 24 bedrooms (each potentially with multiple tenants), there is not one parking lot per tenant. In addition with no parking on Mississippi and Lyons there is a challenge for both resident and guest parking, especially in winter with snow encroachment. Mississippi Avenue, in that block, is two driving lanes only, with no parking allowed on either side. Lyons Street is a dead end and currently cannot accommodate any parking, up or down from the location. The plans suggest there will be a retaining wall above and along the platted alley. There is not information presented on the specifics of this wall or the required setback for the structure. Nor are there provisions proposed to block lights from cars and the parking lots from adjacent residences.

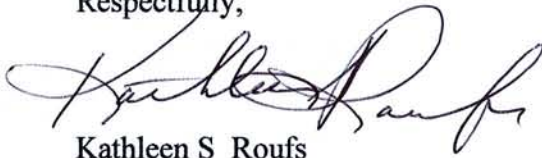
B-44

- There are no sidewalks in this neighborhood. This high-density project will put additional pedestrians on streets with limited sight line stopping distances.

Transient populations cannot sustain a stable economic neighborhood model. In conclusion, in my opinion, and that of many neighbors, the best use of this property is for the construction of single-family homes or other projects of much lower density consistent with the current neighborhood norms developed by the Planning Department.

We welcome reasonable development. We have seen the recent successful construction of homes in the neighborhood as infill projects, so the City of Duluth can reach its goal of 90,000 residents. The neighborhood residences, including most of the rental units, are single-family homes owned by people interested in the long-term vitality of the neighborhood. That is what works best for access, parking, storm water management, and public safety in this area. Thank you for your time and attention to this matter.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Kathleen Roufs', written in a cursive style.

Kathleen S Roufs

B-45

1006 Mississippi Ave
Duluth, MN 55811
May 27, 2015

Mr. Keith Hamre
Drew Digby
Marc Beeman
Timothy Meyer
Garner Moffat
Terry Guggenbuehl
Zandra Zwiebel
Janey Kennedy
Michael Schraepfer
Luke Sydow

City of Duluth
411 West First Street
Duluth, Minnesota 55802

Mr. Hamre:

I understand that you will share this letter with each member of the Planning Commission. I also understand the Planning Commission is required, under prescribed guidelines, to examine each project proposed for development to verify the project meets various dimensional and design requirements under the UDC. Further, the Planning Commission, when issuing a Special Use Permit, must examine the Project in terms of public policy regarding community needs and any adverse impacts. This high-density project is inconsistent with the existing single-family home neighborhood. I am asking respectfully that you honor the R1 zoning on the Southeast corner of Mississippi Avenue and Lyons Street. I request that you deny Mr. Jason Ross, of Green Capital, LLC, the special use permit to build his townhouses/apartment complex on the lots for the following reasons:

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2. The proposed classification of units as townhomes is misleading. Mr. Ross' past practice and current stated intent is to rent each bedroom individually. With individual leases for 24 bedrooms, this project represents a multi-unit rental property that functions essentially as an apartment complex. Under allowable individual room occupancy, this could further multiply an already unacceptable density. This project, as you know, is a high density multiple unit apartment

B-46

complex proposed for a rustic, single-family home neighborhood. Further, the erosion to this rustic single-family neighborhood will have an adverse impact on the City of Duluth and current residents of the area.

3. This project will have adverse impacts on the existing roadways, traffic control, access to the neighborhood, and pedestrian access. There are no sidewalks in the area, and no parking or restricted parking zones on the streets surrounding the developments.
4. Lyons Street is a steep, narrow, and dangerous street (even by Duluth Standards); it is a dead end. There have been multiple cases of city snowplows, garbage trucks, UDAC buses, and cars, stuck on Lyons Street below Mississippi Avenue (where the entrance to the project is proposed). Due to the roadway blockage, other residents are unable to leave their homes, sometimes for hours. In addition, getting up Lyons, and stopping at the intersection from two other directions is difficult due to steep conditions. The additional traffic from this high-density project in this location will create a public safety issue – it will affect access by emergency vehicles. The density of the proposed project is inappropriate, unsafe, and with additional cars, limits access by service, emergency, and street maintenance vehicles. Lyons Street will not support an adequate and safe entrance and exit to the parking area to any type of vehicle, especially emergency vehicles.
5. There are several engineering, water, and other logistical issues which have not been addressed, including, but not limited to:
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 - The proposal suggests twenty-one regular and one handicapped off street parking spots. Twelve of these are in garages. With the project planned as rental with 24 bedrooms (each potentially with multiple tenants), there is not one parking lot per tenant. In addition with no parking on Mississippi

B-47

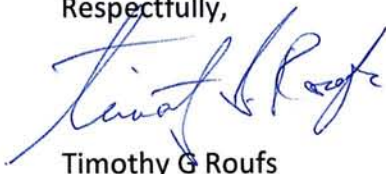
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- There are no sidewalks in this neighborhood. This high-density project will put additional pedestrians on streets with limited sight line stopping distances.

Transient populations cannot sustain a stable economic neighborhood model. In conclusion, in my opinion, and that of many neighbors, the best use of this property is for the construction of single-family homes or other projects of much lower density consistent with the current neighborhood norms developed by the Planning Department.

We welcome reasonable development. We have seen the recent successful construction of homes in the neighborhood as infill projects, so the City of Duluth can reach its goal of 90,000 residents. The neighborhood residences, including most of the rental units, are single-family homes owned by people interested in the long-term vitality of the neighborhood. That is what works best for access, parking, storm water management, and public safety in this area. Thank you for your time and attention to this matter.

Respectfully,



Timothy G Roufs

1006 Mississippi Ave

B-48

rcvd after May's PC meeting

Mr. Keith Hamre
~~Drew Digby~~
Marc Beeman
Timothy Meyer
Garner Moffat
Terry Guggenbuehl
Zandra Zwiebel
Janey Kennedy
Michael Schraepfer
Luke Sydow

City of Duluth
411 West First Street
Duluth, Minnesota 55802

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3. This project will have adverse impacts on the existing roadways, traffic control, access to the neighborhood, and pedestrian access. There are no sidewalks in the area, and no parking or restricted parking zones on the streets surrounding the developments.

B-49

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B-50

proposed to block lights from cars and the parking lots from adjacent residences.

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Respectfully,

Quotah McKeever
218-390-3051

B-51

Mr. Keith Hamre
Drew Digby
Marc Beeman
Timothy Meyer
Garner Moffat
Terry Guggenbuehl
Zandra Zwiebel
Janey Kennedy
Michael Schraepfer
Luke Sydow

5/27/15

City of Duluth
411 West First Street
Duluth, Minnesota 55802

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B-52

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B-53


proposed to block lights from cars and the parking lots from adjacent residences.

- There are no sidewalks in this neighborhood. This high-density project will put additional pedestrians on streets with limited sight line stopping distances.

Transient populations cannot sustain a stable economic neighborhood model. In conclusion, in my opinion, and that of many neighbors, the best use of this property is for the construction of single-family homes or other projects of much lower density consistent with the current neighborhood norms developed by the Planning Department.

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Respectfully,


Veronica M. Olsen
152 E. NINER ST
Duluth, MN 55811

B-54

Mr. Keith Hamre
Drew Digby
Marc Beeman
Timothy Meyer
Garner Moffat
Terry Guggenbuehl
Zandra Zwiebel
Janey Kennedy
Michael Schraepfer
Luke Sydow

City of Duluth
411 West First Street
Duluth, Minnesota 55802

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B-55

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B-56

proposed to block lights from cars and the parking lots from adjacent residences.

- There are no sidewalks in this neighborhood. This high-density project will put additional pedestrians on streets with limited sight line stopping distances.

Transient populations cannot sustain a stable economic neighborhood model. In conclusion, in my opinion, and that of many neighbors, the best use of this property is for the construction of single-family homes or other projects of much lower density consistent with the current neighborhood norms developed by the Planning Department.

We welcome reasonable development. We have seen the recent successful construction of homes in the neighborhood as infill projects, so the City of Duluth can reach its goal of 90,000 residents. The neighborhood residences, including most of the rental units, are single-family homes owned by people interested in the long-term vitality of the neighborhood. That is what works best for access, parking, storm water management, and public safety in this area. Thank you for your time and attention to this matter.

Respectfully,

Mrs Mrs Glenn Kottarak
1219 Miss Duppi Ave

B-57

7 Citizen Comments
PL 15-050

To: Drew Digby, City of Duluth Planning Commission
From: C. S. Rowley & S. K. Morgan, 1100 Missouri Avenue
Date: June 2, 2015
Re: Agenda Item, June 9 2015, PL50-050, Special Use Permit to Construct in an R-1 District at the Southeast Corner of Mississippi Avenue and Lyons Street

We oppose the granting of this special use permit. This development will: (1) substantially increase density in an R-1 zone district thereby changing the character of the neighborhood, and (2) create serious traffic and parking problems. Our concerns are supported by the information in the Staff Report to the Commission for its meeting on May 12, 2015.

(1) Increased Density. This development will be an eight-unit complex with 23 bedrooms on slightly more than one-half acre of land. The Staff Report notes that the City of Duluth Comprehensive Plan calls for a "typical density of 4 to 8 units/acre" in a traditional neighborhood. This project is equivalent to 16 units per acre. The Staff Report also notes that this neighborhood averages "about 45 structures over 15 acres" or about three units per acre.

The Report also notes "This property is within the Higher Education Overlay." This Small Area Plan recommends building along primary streets and notes that, within the Kenwood neighborhood, rental housing is concentrated "along Kenwood Avenue near St. Scholastica, and in the Mt. Royal/St. Marie Triangle area." (p. 17). The Staff Report acknowledges, "Neither Mississippi nor Lyons are defined as primary streets in this overlay."

(2) Parking Problems: Our reasons for this concern may be found in the Discussion section of the Staff Report, 4) 50-24. According to the Staff Report, this development, with 21 parking spaces, satisfies the criterion of both the Overlay and UDC of 18 spaces (plus visitors and bicycles). The Overlay/UDC requirement may be based on the assumption that each unit of a traditional townhouse will have two vehicles (16 spaces for eight units) plus several spaces for visitors. These are not traditional townhouses, however, in that each occupant will have a separate lease. It is more likely that there will be at least one vehicle per bedroom, or a total of at least 23 vehicles competing for 21 spaces. As noted in the Staff Report, both Mississippi and Lyons have no on-street parking, are comparatively narrow and have no curbs. Not noted in the Report is the steepness of the upward grade on Lyons from the development parking exit, below the intersection of Mississippi and Lyons, up Lyons to Mississippi and on to Missouri. Even city snow-removal equipment has difficulty ascending this grade, as we have personally observed from our home on the northeast corner of Missouri Avenue and Lyons Street.

There are other reasons we think this Special Use Permit request should be denied but we assume others have addressed those reasons in their communications with the Commission. We hope you will give serious consideration to our reasons for denying this request when you vote on this Special Use Permit.

VAZ B C 2017

David & Kathleen Anderson

1055 Brainerd Ave

Duluth, Minn. 55811

Re: Townhouse proposal at Mississippi & Lyons

To the members of the Planning Commission,

We are a joining property owners to the proposed townhouse development. The entrance to the project is off our backyard at the bottom of Lyons St.

I would like to first state that we are not anti development, but rather pro responsible development. We would love to see Duluth grow and have improved economic opportunity. Our 19 year old daughter just finished her first year at UMD. She is a computer science major, a music major (Cello) and a Spanish minor (she is currently in Spain In a study abroad program). She loves Duluth, but will only stay after graduation if there are career opportunities for her.

There are appropriate sites for certain types of development, but this is not one of them. There are already plans in the works for hundreds of new units in this area around the 2 universities. Those plans make sense as they are along commercial corridors - Woodland Ave for the Blue Stone developments, Arrowhead Rd and Kenwood Ave for the recently approved re zoning for the retail and apartments, the project on 21st Ave East and London Road, etc. The density of this project does not fit in with the existing housing density. As I understand it, there are guidelines on the books for recommended densities. Up to 8 units per acre. This proposal is 8 units in a little over ½ acre, double the density guideline. It has been brought to my attention that the current density of the existing Neighborhood is 3 units per acre.

The plan calls for the entrance (driveway) at the bottom of Lyons St. This is sure to cause problems with safety. The increase of car and pedestrian traffic is problematic with no sidewalks on Mississippi and no sidewalks or curbs on Lyons. We recently petitioned the City Parking Operations Department to get the stretch of Lyons from Mississippi to the dead end posted as no parking. Mark Bauer, CPP agreed with our safety concerns for this area. Lyons St has the right of way and

the trees and brush in summer and the snow banks in winter, its very hard to see traffic at that intersection. People traveling along Mississippi rarely slow down when approaching that intersection. We've had numerous close calls. Adding a large increase of traffic in this area is a tragedy waiting to happen.

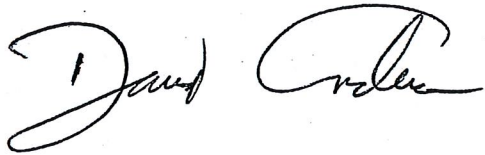
One question we have, that might be a concern for a different city department, but I will raise it anyway, is regarding a snow removal plan for the site. Some years it's no big deal and other years it's a nightmare. Green Capital LLC had a plan submitted that called for putting snow into the undeveloped alley. The city is now requiring the development of the alley making that plan illegal. The townhouse property is surrounded by Mississippi & Lyons and private property at the other end. Looking at the site plan with the layout of building, driveway and parking lot, it doesn't look like there is any area to store snow . There appears to be no legal place to dispose of snow removed from the driveway and parking lot. The picture enclosed shows what can and has happened after heavy snow fall. The plow comes down Lyons pushing all the snow with it and leaves it at the bottom of the hill. The picture was taken at the end of our driveway which will become the entrance to the townhouse project. After this snow event the plow left a 4' high pile 5' across. It can take an hour or more with a good snow thrower to clear this out. On top of that it can, sometimes, be a few days before the plow can even get to this neighborhood. On paper it might look like Lyons is the best way to access the property, but it has some serious problems. It's a bad idea to use Lyons as a main entry point for the project, especially with so many units proposed.

We know the planning commission has a hard job trying to balance development with neighbors concerns in mind. We respect Mr. Ross's right to develop his property. We always expected something to get built on those lots, but because we knew this was an R1 Residential neighborhood we believed some nice homes would be built. We would welcome houses or even some duplexes with lower density and green space between the structures instead of retaining walls, parking lots, and one huge building in the middle of single family homes.

One of the goals of the UDC residential zone districts ©(50-14.1) "Protect the scale and character of existing neighborhoods and the community. "

Sincerely

David, Kathleen & Jenna Anderson

A handwritten signature in black ink, appearing to read "David Anderson". The signature is written in a cursive, flowing style. The first name "David" is written with a large, looped 'D' and a trailing 'v'. The last name "Anderson" is written in a more compact, cursive script.



Mr. Keith Hamre
Drew Digby
Marc Beeman
Timothy Meyer
Garner Moffat
Terry Guggenbuehl
Zandra Zwiebel
Janey Kennedy
Michael Schraepfer
Luke Sydow

City of Duluth
411 West First Street
Duluth, Minnesota 55802

I also understand the Planning Commission is required, under prescribed guidelines, to examine each project proposed for development to verify the project meets various dimensional and design requirements under the UDC. Further, the Planning Commission, when issuing a Special Use Permit, must examine the Project in terms of public policy regarding community needs and any adverse impacts. This high-density project is inconsistent with the existing single-family home neighborhood. I am asking respectfully that you honor the R1 zoning on the Southeast corner of Mississippi Avenue and Lyons Street. I request that you deny Mr. Jason Ross, of Green Capital, LLC, the special use permit to build his townhouses/apartment complex on the lots for the following reasons:

1. The proposed development violates the code the City has developed by allowing random development in an area zoned for single-family homes, as designated in the Comprehensive Plan. To issue a special use permit for the construction of this project in this location allows a random pattern of development, an example of spot zoning.
2. The proposed classification of units as townhomes is misleading. Mr. Ross' past practice and current stated intent is to rent each bedroom individually. With individual leases for 24 bedrooms, this project represents a multi-unit rental property that functions essentially as an apartment complex. Under allowable individual room occupancy, this could further multiply an already unacceptable density. This project, as you know, is a high density multiple unit apartment complex proposed for a rustic, single-family home neighborhood. Further, the erosion to this rustic single-family neighborhood will have an adverse impact on the City of Duluth and current residents of the area.
3. This project will have adverse impacts on the existing roadways, traffic control, access to the neighborhood, and pedestrian access. There are no sidewalks in the area, and no parking or restricted parking zones on the streets surrounding the developments.

June 4, 2015

Mr. Zandra Zwiebel
Duluth Planning Commission
City of Duluth, City Hall

Dear Zandra,

We are writing in opposition of the above listed proposal, and we respectfully request that you cast a "no" vote during the Planning Commission meeting on Tuesday, June 9.

Our request is based on the following compelling reasons:

1. As described in the Comprehensive Plan, the proposed development violates the code the City of Duluth has approved by allowing random development in an area zoned for single-family homes, and is inconsistent with the single-family neighborhood. To issue a special use permit for the construction of this project in this location allows a random pattern of development, an example of spot zoning. If this proposal is approved, it will set a precedence that will allow random zoning in all City of Duluth traditional R1 neighborhoods. A development of this magnitude doesn't fit the character of this neighborhood, nor any traditional R1 neighborhood within the City of Duluth. In addition, a development of this nature works against the existing infrastructure, access, parking and public safety that has been established.

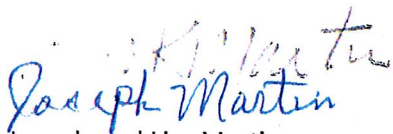
2. The proposed development is far too dense for the parcel of land. The proposed three "townhomes" with a total of 24 bedrooms are to be built on a lot only slightly over one-half acre of land. Comprehensive Plan guidelines suggest that a structure of this size should be placed on one full acre. In addition, with individual leases for the 24 bedrooms, this project represents a multi-unit rental property that functions essentially as an apartment complex. Under allowable individual room occupancy (more than 24 individuals), this could further multiply an already unacceptable density by allowing even more people to access the leases. This proposal is a commercial enterprise - in other words, an apartment building - and should not be placed right in the midst of a traditional R1 neighborhood.

3. On this corner, Lyons Street is steep, narrow, and a dead end. The density of the proposed project poses a safety concern. Lyons Street will not support an adequate and safe entrance to any type of vehicle, especially emergency vehicles. During the winter months vehicles (cars, garbage trucks, emergency, postal, etc.) consistently have difficulty navigating up and down Lyons. In addition, the Proposal describes an eight foot retaining wall with an additional four foot fence atop that to provide parking and an entrance / exit on Lyons. A wall of this magnitude is out of character within a neighborhood setting, and poses a safety hazard. The freezing and thawing of soil and snow will erode the wall and force it to buckle and crumble in a short span of time. One does not need to look very far, the McDonalds on 21st Avenue East and London Road, to see a retaining wall struggling under the pressure of land and erosion.

In conclusion, it is our opinion that the best use of this property is for the construction of single-family homes or other projects of much lower density consistent with the current neighborhood norms developed by the Planning Department. As long-term residents of this neighborhood, we are not opposed to development. In the last few years, three single-family homes have been built on Mississippi Avenue. All three homes are appropriate for the neighborhood and were welcomed by all residents. In contrast, the proposed development is inconsistent with all Comprehensive Plan rules and guidelines and doesn't belong in a traditional R1 neighborhood.

Thank you for your time and attention to this matter.

Respectfully,



Joseph and Lisa Martin
1146 Mississippi Avenue
Duluth, MN 55811

June 4th, 2015

Jodi and Bruce Libey
131 Lyons Street
Duluth, MN 55811

Duluth Planning Commission
City of Duluth
411 West 1st Street
Duluth, MN 55802

Dear *Keith Hamre*

I request that you deny Mr. Jason Ross of Green Capital, LLC a special use permit to build his townhouses/apartment complex on the southeast corner of Mississippi Avenue and Lyons Street of our Kenwood neighborhood.

This high density project is inconsistent with the R1 zoning of the single-family home neighborhood. He plans for 8 units (23 households) on 6/10 of an acre. The comprehensive plan calls for 4 to 8 units per acre. Our neighborhood density is 3 units/acre.

The increased traffic from these 23 households and their guests would create increased traffic on existing roadways, traffic control, access to the neighborhood and create a public safety concern. There are no sidewalks on Lyons Street or Mississippi Avenue. The high density project will put more pedestrians on streets with limited sight line stopping distances. Lyons Street is a steep, narrow and dangerous street. There have been multiple cases of cars and school buses being stuck on this street. The density of the project is inappropriate at this location.

The proposed 8 foot, large block retaining wall proposed on the site abutting the adjoining properties, does not coincide with the fabric of the neighborhood.

Thank you for your time,

Jodi Libey Bruce Libey

Jodi and Bruce Libey

June 4, 2015

Planning Commission – City of Duluth
c/o Keith Hamre
411 West First Street
Room 208
Duluth, MN 55802

Dear Commissioners:

We are 30 year residents of the Kenwood neighborhood and writing to state our vehement opposition to the proposed eight unit townhome development on Mississippi Avenue and Lyons Street.

We certainly are not opposed to the development of this half acre site with single family dwellings, consistent with the neighborhood. This proposed high density project is considered by us, and the majority of neighbors, as a “random act of zoning inconsistent with the surrounding area.”

In addition, there are several public safety issues: The proposed entry/parking access is off the dead end portion of Lyons street which is a short steep grade and is especially challenging in the winter; there is no parking on Lyons Street and Mississippi Avenue to accommodate visitor parking as well as overflow resident parking; and finally because of steep conditions we are concerned that potential road blockage will affect the ability of emergency vehicles and other residents to effectively navigate the street.

In closing, we would like to say we are in full agreement of the Position Paper previously delivered to you dated May 5, 2015 which better and further details our concerns.

We will be at the meeting on Tuesday, June 9th and hope we have a chance to state our positions in person.

Thank you for your service to the City.

Sincerely,

Frances J. Hoene and Kevin A. Hoene
1110 Mississippi Avenue
Duluth, MN 55811
(218) 728-4535

Steven Robertson

From: Keith Hamre
Sent: Wednesday, June 03, 2015 3:27 PM
To: 'rpkphd@yahoo.com'
Cc: Steven Robertson
Subject: Reply

Contact - Planning Commission was submitted

First Name:

Rhonda

Last Name:

Krossner

Email:

rpkphd@yahoo.com

Message:

Regarding the request before you to re-zone PL15-050 to accommodate several townhouse, my husband (William) and I request that you deny this proposal. We live directly below the property in question, so we are aware of the challenges to our community that such re-zoning would impose. We are a neighborhood of family houses, Mississippi Ave and Lyons are narrow streets, Lyons is steep, and the increased traffic density that the townhouses would bring will cause safety concerns, congestion and a change to the character of our quiet and settled residential neighborhood. Such spot-zoning is not needed and we hope that you will deny this proposal. Thank you.

Enter Text Below:

Rhonda,

Your email will be forwarded to the Planning Commission.

Thanks,

Keith Hamre

Director of Planning & Construction Services

Room 208 City Hall

218.730.5297