



**City of Duluth
Planning Division**

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

An Equal Opportunity Employer

ACTION OF THE CITY OF DULUTH PLANNING COMMISSION

Date: March 21, 2018

Applicant:

City of Duluth
Engineering Division
Attn: Tim Sanders

Location: 2945 Morris Thomas Rd.

SENT VIA MAIL, COURTESY COPY VIA EMAIL TO:

tsanders@duluthmn.gov

Planning Commission File Number: PL 17-190

Proposal Requested: Applicant requests a Special Use Permit to allow for construction of a 24-foot x 40-foot building similar to a residential garage, which will house a natural gas regulator.

The above matter came for hearing before the City of Duluth Planning Commission ("Commission") on Tuesday, February 13, 2018, notice of said hearing having been given to all interested parties in accordance with Section 50-37.10 of the Duluth Legislative Code. The applicant's proposal was presented to the Commission. The Commission also received a report from Planning Division Staff. All other parties interested in the matter were given an opportunity to be heard. The Commission tabled the matter and requested additional information. The Commission now makes the findings and conclusions:

Findings of Fact:

- 1) Relocation of the proposed natural gas regulator is consistent with the Comprehensive Plan goals and policies encouraging efficiencies in delivery of public services and investment in systems to support reuse of developed lands.
- 2) The building in which the regulator will be located will have the appearance of a residential garage being constructed with a gable roof with asphalt shingles, engineered wood siding, residential scale windows, and a garage door and service door in the end facing a compacted gravel driveway. Its appearance will be comparable to residential garages in this neighborhood. Turf grass will be established along the street side of the building along with shrubs to further improve the appearance.
- 3) This project would not result in a random pattern of development with little contiguity to existing or programmed development or cause anticipated negative fiscal or environmental impacts on the community because it is replacing an existing facility in order to maintain natural gas services to the community. The new facility will improve property values in the area because it will remove an existing facility that is the source of noise complaints and replace it with one located in a residentially-scaled building that further reduces the potential for unwanted noise.

Conclusions:

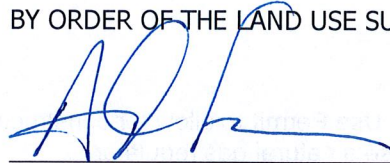
- A. The request is in harmony with the purposes and intent of the UDC.
- B. The request is consistent with the comprehensive plan.
- C. The request will allow reasonable use of the land.
- D. The request does not impact the health, safety, or welfare of the general public.

Decision:

Resolved that application PL 17-190 for a special use permit is approved (Planning Commission vote 9-0) with the following conditions:

- 1) The project must be limited to, constructed, and maintained according to the Site Plan titled "Riveness Reg Station" drawn by the City of Duluth and building elevations titled "Riveness Regulator Station Building, Sheet No. A-3, Elevations and Section" drawn by MSA.
- 2) Landscaping elements be native plantings and not turf;
- 3) The building will have a layer of insulation to reduce sound transmission;
- 4) Venting of the building is to be directed to the north;
- 5) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

BY ORDER OF THE LAND USE SUPERVISOR



Adam W. Fulton, Community Planning Manager

Please note:

Special Use Permits approved by the Planning Commission shall lapse if the project or activity authorized by the review is not begun within 1 year of the permit date. The building official may extend this period one time for a period of up to 1 year if the property owner presents a written request showing the reasons for the delay was outside the owner's control (UDC Sec. 50-37.1.N).

NOTICE OF RIGHT TO APPEAL

Any person aggrieved by, or any department of the city affected by, any decision of the Commission may appeal the decision of the Commission to the Duluth City Council pursuant to Section 50-37.10(4) of the Duluth Legislative Code. The appeal must be filed with the city clerk within 10 days of the decision. The appeal should be addressed to the council and specify the grounds for the appeal. The fee for an appeal is \$350.00. The appeal fee must be tendered when the appeal is filed.