



**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
411 West First Street  
Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

## **ACTION OF THE CITY OF DULUTH PLANNING COMMISSION**

**Date:** October 13, 2022

**Subject Location:** XXX Sundby Road, PIN: 010-2710-04594

**Applicant:**

Aaron Mailey  
Kinseth Hotel Corporation  
25 Main Place, Suite 400  
Council Bluffs, IA 51503

David Bolf  
Northland Consulting Engineers  
102 S 21<sup>st</sup> Ave W  
Duluth, MN 55806

**Not Sent by U.S. Mail; sent via email to:** [amailey@kinseth.com](mailto:amailey@kinseth.com); [david@nce-duluth.com](mailto:david@nce-duluth.com);

**Planning Commission File Number:** PL 22-143

**Proposal:** A Plan Review (MU-C) for a 4-story extended stay hotel and 112-stall parking lot on a 5.17 ac. site.

The above matter came for hearing before the City of Duluth Planning Commission ("Commission") on Tuesday, September 13, 2022, and again on October 11, 2022, notice of said hearing having been given to all interested parties in accordance with Section 50-37 of the Duluth Legislative Code. The Commission received a report from Planning and Development Division Staff and all other parties interested in the matter were given an opportunity to be heard. The Commission now makes the findings and conclusions:

**Findings of Fact:**

1. 50-15.3 (MU-C District) – Applicant has provided required plan documents.
2. 50-15.3.E (Development Standards) – The project will add a single driveway access to Sundby Road. The hotel is not expected to generate more than 100 trips per hour/1,000 trips per day, an amount of traffic to warrant a traffic study. No additional public easements are needed.
3. 50-18.1.B (Wetlands) – Site development has been positioned to avoid wetlands on the property, but some wetlands impacts are expected. The applicant will conduct a wetland delineation
4. 50-18.1.E (Stormwater Management) – The applicant's plans show storm water detention in two basins that discharge to adjacent wetlands. City storm water engineer Tom Johnson has discussed the storm water treatment concepts with the developer's engineer. The site is in a trout stream watershed so storm water management will need to address the temperature of water leaving the site.
5. 50-23 (Connectivity) – Not applicable as Sundby Road does not have sidewalks nor is it shown on any bikeways, trail, or pedestrian plan.
6. 50-24 (Parking) – The plan shows 112 parking stalls, which is the maximum parking allowed (2 spaces per 3 guest rooms). 53 parking stalls are located in the front with the remaining 58 located in the rear and side yards.
7. 50-25 (Landscaping) – The landscape plan shows 21 trees, exceeding the required 19 for parking lot coverage. The required frontage landscaping is met with 33 trees and 149 shrubs. The applicant will must provide details of interior

parking lot landscaping that meets the UDC requirements in 50-25.4.B. A tree inventory has been conducted by a licensed landscape architect, but the tree replacement plan needs to be reviewed and approved by the City.

8. 50-26 (Screening) – Trash screening details provided and comply. Details of mechanical screening can be evaluated at time of building permit.
9. 50-27 (Signs) – None shown, but can be obtained via a separate permit.
10. 50-29 (Sustainability) – This development will be required to obtain a minimum of 4 sustainability points
11. 50-30 (Design Standards) – The proposed plans meet requirements. The structure will be 51' in height to screen the roof top mechanicals.
12. 50-31 (Exterior Lighting) – The applicant has submitted a photometric plan that indicates UDC complaint lighting.
13. City Engineering has requested that a 33' easement be dedicated on the east side of the property to create buffer and create a 66' wide easement for Osage Road.
14. No other comments from City or other agencies or the general public.
15. Approved Planning Reviews shall lapse if the project or activity authorized by the permit or variance is not begun within one year of the permit date. The building official may extend this period one time for a period of up to one year if the property owner presents a written request showing the reasons for the delay was outside the owner's control.

**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.

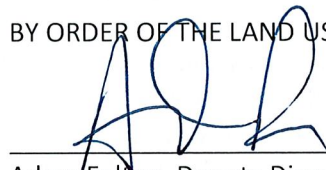
**Decision:**

Resolved that based on the findings above, application PL22-143, is approved (Planning Commission vote 7-1, 0 abstention), subject to the following conditions:

- 1) The project be limited to, constructed, and maintained according to plans submitted with this application subject to modifications to be approved by the Land Use Supervisor listed below.
- 2) Obtain approval on mechanical screening before building permit approval.
- 3) Obtain approval on the landscape plan before building permit approval.
- 4) 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 administration approval shall constitute a variance from the provisions of Chapter 50.

Decided at Duluth, Minnesota, on Tuesday, October 11, 2022.

BY ORDER OF THE LAND USE SUPERVISOR



Adam Fulton, Deputy Director, Planning and Economic Development

**NOTICE OF PERMIT LAPSE**

Planning Reviews 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 \$400.00. The appeal fee must be tendered when the appeal is filed.

