



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802



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MEMORANDUM

DATE: May 29, 2025

TO: City Council

FROM: Ben VanTassel, Director, Planning and Economic Development
Jenn Moses, Manager, Planning and Community Development
Jason Mozol, Senior Planner

SUBJECT: Appeal of Planning Commission approval of Interim Use Permit for Outdoor Living Site at 1533 W Arrowhead Rd (PLIUP-2503-0016)

This memo serves to provide additional information regarding PLIUP-2503-0016, an Interim Use Permit for an Interim Outdoor Living Site at 1533 W Arrowhead Road. Specifically, staff would like to address certain points brought up in the appeal that might benefit from additional context in relation to the zoning regulations found in Chapter 50 of the City of Duluth Legislative Code:

Item 1, Dense Urban Screen

A “dense urban screen” is defined in Article 6 of Chapter 50 as: “Continuous screening wall, berm, fence, or row of planting at least six feet tall, with screening material designed to provide 75 percent opacity one year after planting along the full required height and length of the screening buffer.” It is intended to reduce visual impacts of certain uses adjacent to residential uses, such as vacation dwelling units and interim outdoor living sites. As it relates to this application:

- Following the pre-application meeting, staff recommended that the wooded area adjacent to the site would satisfy screening needs. During further review, staff recognized that the screening must be on the applicant’s site and recommended that amendments be made to the site plan.
- Snow fencing has never been proposed as part of the screening. The applicant originally placed snow fencing only as a way to demarcate property lines, which was not a requirement of the planning application. Staff inspecting the site found no snow fencing over 7’ tall.
- The applicant proposed a combination of an existing rock berm that is over 6’ tall, and a screening system with an opaque mesh/fabric barrier, to meet the dense urban screen requirement. The Land



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Use Supervisor found that this meets the requirements for opacity in Chapter 50. This screening was in place when staff inspected the site after its May 13, 2025 approval.

The screening does not constitute a fence, as it does not have the permanent nature of a fence. It will be in place on a temporary basis during the time frame of this interim use permit. It also does not require structural review per a building permit nor any digging in the ground. While it appropriately satisfies the screening requirement of Chapter 50, it does not need a fence permit.

During the May 13, 2025 Planning Commission meeting, there was some confusion over a remnant line found in Section 50-20.1.I, Use-Specific Standards for Interim Outdoor Living Site, see attached. This line of text referred to Section 50-25, landscaping, which some commissioners thought might require additional buffering as part of the screening requirement. However, after a brief discussion it was found that this line was a typographical error and was not included in the ordinance for Interim Outdoor Living Sites, so does not apply to the site in question. Planning Commission agreed with the staff finding that the proposed screening met the requirements for dense urban screen.

3. Applicant and CHUM Officials

A fence is not a requirement for an Interim Outdoor Living Site. City staff understand that CHUM would be willing to provide further screening if funds become available.

A business servicing automobiles is not allowed as a primary use at this site. However, normal and ancillary emergency repairs, such as a resident fixing something that is broken, a car service providing a jump start with a battery, or a tow truck replacing a tire, are normal activities in residential districts and are not prohibited at this location.

CHUM has indicated that tents attached to vehicles are allowed at Safe Bay. Per Chapter 50, both tents and vehicles can be eligible for an Interim Outdoor Living Site.

The limiting factor in the UDC for the occupancy of an outdoor living site is the number of toilets available on the site. The UDC allows eight occupants per toilet available. The applicant shared that there are 16 toilets available on the site allowing for a maximum of 128 occupants. City staff did not find that the site could adequately to host 128 occupants. Through discussions with the applicant, staff determined that 50 occupants is a reasonable maximum for the site.

City Planning staff reached out to the Police Department to request data for their enforcement records during the times Safe Bay has operated at both the Damiano Center and the Vineyard Church. That request is still outstanding. Should that information become available it will be provided to Councilors separately.



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4. Compliance with the City of Duluth Legislative Code

City staff has found that the application meets all requirements of the legislative code.

5. Open Meeting Law

While the application was originally scheduled for the April Planning Commission meeting, a snowstorm and subsequent plowing knocked over the sign notice on the property, which is required by Chapter 50. Because of this, the item was delayed until the May 13 meeting, when appropriate sign notice was provided. All other notice requirements have been met.

I. Interim outdoor living site.

- 1 The site may not be located within any shoreland, wetland, or floodplain. Removal of trees that meet the definition of significant tree per UDC Section 50-25 is not permitted. If the proposed site is wooded, consultation with the City Forester is required to determine any necessary protection for existing trees.
2. If the site is located in a parking lot of an existing use, the primary use of the property shall maintain its minimum required off-street parking after placement of the temporary shelter facility. Shared parking is allowed if the proposed interim use is to provide safe overnight parking.
3. If the site is sloped, consultation with the City Stormwater Engineer is required to determine erosion control requirements.
4. Tents, sleeping areas, and other temporary structures shall be set back a minimum of 5 feet from all lot lines and 10 feet from all other temporary structures.
5. If the site is located directly adjacent to residential uses, a dense urban screen must be provided along the shared lot line with the residential use.
6. An operator shall be onsite when occupants are present. Hours of operation shall be indicated in the application. The operator's name, telephone number, and e-mail address must be posted on the site and easily visible to the public.
7. Operator shall provide evidence of liability insurance in a format deemed acceptable by the City Attorney's Office.
8. The site shall at a minimum include the following requirements, which shall at all times be continuously maintained:
 - a. Potable water sufficient to serve all occupants in one or more locations on the site;
 - b. A minimum of one toilet per four occupied sites, or per eight occupants;
 - c. A minimum of one sharps container in a prominent location on the site;
 - d. Recycling and waste receptacles shall be provided on site for all occupants, and shall be sized or managed in such a manner as to provide for the complete disposal needs for the site. Refuse or recycling that is not placed in the recycling and waste receptacles shall be immediately removed from the site by the Operator.
9. Operator shall establish an improved path from the nearest public street to all sleeping areas as a public safety access route. The Fire Marshall shall review plans for the path location as part of the interim use permit.
10. The operator shall enforce quiet hours between 10:00 p.m. and 6:00 a.m.
11. Any illumination from the site must not produce glare or reflection for occupants of neighboring buildings or onto public streets.
12. The site must be maintained in a safe and sanitary condition and free from vermin and waste. All garbage and food waste must be deposited in covered receptacles that are emptied when filled and the contents disposed of in a sanitary manner.
13. No children under 18 are allowed, unless accompanied by a parent or guardian.
14. The interim use period shall terminate one year from date of issuance
 use shall provide landscaping as required 50-25.5.A, multi-family residential abutting single-family residential.

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 16; Ord. No. 10286, 3-10-2014, § 7, Ord. No. 10421, 11-9-2015, § 2; Ord. No. 10659, 10-28-2019 §5; Ord. No. 10746, 5-10-2021, § 3, Ord. No. 10816, 8-22-2022, § 2)