



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 22-203	Contact	Kyle Deming	
Type	Special Use Permit for Seasonal Camp or Cabin	Planning Commission Date	January 10, 2023	
Deadline for Action	Application Date	October 28, 2022	60 Days	December 27, 2022
	Date Extension Letter Mailed	November 17, 2022	120 Days	February 25, 2023
Location of Subject	9439 Congdon Blvd. (North Shore)			
Applicant	Outbound Lodges, LLC	Contact	Joan Little	
Agent		Contact		
Legal Description	Bristol Beach First Division, Block 6, Lots 8-10 and 11-13, Block 9, Lots 1-3 and 15-17, including part of vacated Seafield St. and including part of vacated Shaftsbury Ave. (010-0300-00670, -00700, -00710, -00900, -01000, -01130, -01150)			
Site Visit Date	December 1, 2022	Sign Notice Date	December 15, 2022	
Neighbor Letter Date	November 22, 2022	Number of Letters Sent	20	

Proposal

A special use permit for a seasonal camp or cabin with 6 cabins, a pavilion, driveways and storm water management areas and open space on a 3.4-acre site.

Staff Recommendation: Approve with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	RR-2	Vacant	Rural Residential/Open Space
North	RR-2	Undeveloped	Rural Residential/Open Space
South	RR-2	Dwellings	Rural Residential/Open Space
East	RR-2	Creek and Dwellings	Open Space
West	RR-2	Dwellings	Open Space

Summary of Code Requirements

UDC Section 50-37.10. Special Use Permits: Planning Commission shall approve the planning review or approve it with modifications, if it is determined that the application is consistent with the comprehensive plan and complies with all applicable provisions of the UDC. 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.

UDC Section 50-20.3.S, Seasonal Camp or Cabin Use Specific Standards - applicable only to R-C and RR-1 districts.

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

Comprehensive Plan Governing Principles:

- #1 – Reuse previously developed lands. The project is located on a site that previously had 5 dilapidated cabins on it.
- #2 – Declare the necessity and secure the future of undeveloped places. The project does not expand much beyond the previously developed portion of the site, preserving much of the open space on the site.
- #4 – Support economic growth sectors. The project provides 6 rental cabins to support the commercial outdoor recreation industry, listed as one of the growing sectors in the comprehensive plan.
- #6 – Reinforce the place-specific. The project preserves the open space, wetland and stream flowing through the site and the low-intensity cabin development is similar to other tourist cabins found along the North Shore.
- #10 – Take actions that enhance the environment, economic, and social well-being of the community. This project is a low-intensity cabin development sited with sensitivity to the environmental limitations of the site (wetlands and stream)

Comprehensive Plan Policies and Strategies:

- Economic Development Policy #3 – Build on existing economic strengths and competitive advantages.
- Strategy 9 – Encourage expansion of the city’s tourism economy through efforts to expand areas of current activity, but also through marketing and investment in destination neighborhoods and iconic tourism experiences unique to Duluth. The project is creating a type of tourist lodging that is unique to the North Shore.
- Economic Development Policy #4 – Embrace the outdoors as an economic engine and source of community wealth. The project provides lodging that is sited sensitive to the environment and for guests that will likely utilize the outdoors.

Comprehensive Plan Future Land Use:

- Rural Residential – Includes existing rural density areas with lots as small as an acre now served by municipal utilities but not planned for further subdivision. Conservation development encouraged. Undeveloped areas of large lots are used to complement open space patterns (viewsheds, buffers).
- Open Space – High natural resource or scenic value, with substantial restrictions and development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. Examples include: city parks and recreation areas, primary viewsheds, shorelands of the lake and streams, wetlands and floodplains, and high-value habitat.

UDC Purpose (Sec. 50-2):

- (c) To protect and enhance the city’s attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry;
 - (k) To promote, preserve, and enhance the water resources and environment within the city and protect them from adverse effects caused by poorly sited or incompatible development in wetlands, shorelands and floodplains.
- The project provides lodging facilities for tourists in a low-intensity format with ample open space areas for retaining natural buffers for wetland and stream preservation.

History:

- 1947 – A one-story dwelling was constructed at 9439 Congdon Blvd.
- 1950 – A one story dwelling was constructed at 9501 Congdon Blvd. (part of the subject property)
- At some point three additional cabins and other accessory structures were constructed on the property.
- 2022 – Current owner purchased the property and removed all structures.

Review and Discussion Items

Staff finds:

- 1) Applicant is requesting a special use permit for a seasonal camp or cabin with 6 cabins (275 to 425 sq. ft. each), a pavilion, driveways and storm water management areas on a 3.4-acre site. The balance of the site not being developed will remain natural open space.
- 2) The applicant will manage all of the property including the cabins, driveways, and storm water treatment. Private water and sewer pipes will connect the cabins to the municipal water and Duluth-North Shore Sanitary District (DNSSD) sewer pipes in Congdon Blvd. Conversations between the applicant and the DNSSD Board have

indicated that connecting to the sewer will be considered. Staff recommends a condition of approval be the project not proceed unless granted connection permits for the DNSSD sewer.

- 3) Sec. 50-14.4 (RR-2 Dimensional Standards). The applicant's 3.4-acre parcel exceeds the minimum 2-acre lot requirement. The lot has 426 feet of frontage exceeding the required 100 feet. All proposed structures on the site comply with RR-2 setbacks.
- 4) Sec. 50-18.1.B (Wetlands). A wetland delineation has been prepared for the site, but could not be approved due to the end of the growing season. The delineated wetlands appear to be accurate and Staff is comfortable allowing the planning work to continue on the site since it appears proposed site development is avoiding the wetlands. The applicant will seek approval of the wetland delineation in the spring.
- 5) Sec. 50-18.1.D (Shoreland). The entire site is within the Shoreland for Lake Superior and the easterly 2/3 of the site is within the Shoreland for 95th Ave. E. Creek. The structure setback is 75 feet from the Creek and 50 feet from the Lake. The proposed cabins are more than 100 feet from the Creek and 300 feet from Lake.
- 6) Sec. 50-18.1.E (Storm Water Management and Erosion Control). The applicant's site plan shows locations for construction of privately-owned storm water treatment facilities pending permitting with the City's Engineering office. City Engineering will also review permit applications for erosion control and grading of the site.
- 7) 50-20.1.G (Use Specific Standards) Seasonal Camp or Cabin (see Summary of Code Requirements above). No use specific standards apply to this site because it is zoned RR-2 and the standards are for R-C and RR-1 zones.
- 8) Sec. 50-23 (Connectivity and Circulation). Not applicable to this site.
- 9) 50-24 (Parking and Loading). The conceptual site plan shows the required one parking space for each cabin and a few additional parking spaces near the pavilion. The applicant has indicated they will comply with fire code requirements for an access road at least 20 feet wide that is improved with at least compacted gravel surfacing.
- 10) Sec. 50-25 (Tree Preservation). The applicant is proposing to minimize tree removal as part of the project. Before land disturbing permits are issued the applicant and staff will need to assess the extent of tree removal necessary to determine if a tree replacement plan is necessary.
- 11) Sec. 50-25 (Landscaping) The conceptual site plan shows buffer landscape screening around cabins and parking, but final landscape buffering will need to be provided before building permit application.
- 12) 50-26 (Screening, Walls and Fences). The conceptual site plan does not show areas for trash/recycling storage. Details of their location, size and screening materials will need to be provided at time of the building permit.
- 13) Sec. 50-29 (Sustainability Standards). Not applicable.
- 14) Sec. 50-30 (Building Design Standards). Not applicable.
- 15) UDC Sec. 50-31 (Exterior Lighting). Details about exterior lights have not been provided. The applicant has indicated they intend for light levels to remain as low as safety rules will allow. Staff can evaluate exterior lighting details at time of building permit application.
- 16) Two letters/emails from residents and Duluth-North Shore Sanitary District's attorney – Matt Hanka (attached).
- 17) Approved special use permits shall lapse if the project or activity authorized by the permit is not begun within one year of the permit date. The building official may extend this period 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.

Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission approve the special use permit subject to the following conditions:

- 1) The proposal is limited to "Outbound Lodges General Layout and Rough Estimation" and "Preliminary Site Layout, Congdon Blvd Cabins" by MSA.
- 2) Before any land-disturbing activities, the applicant shall provide an approved wetland delineation.
- 3) Before any land-disturbing activities, the applicant shall obtain from the Land Use Supervisor approval of a tree replacement plan (if applicable).
- 4) Before approval of the building permit, the applicant shall provide construction details for trash and recycling screening, landscaping, and site lighting.
- 5) The special use permit shall not be valid unless the project is granted connection permits from the Duluth-North Shore Sanitary District.
- 6) 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 review; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



PL22-203 Special Use
Permit - Seasonal
Camp or Cabin
9439 Congdon Blvd.
by Outbound Lodges LLC

Site Location



Legend

Bike_Facil
 Signed Bikeable Shoulder

Blocks

Lots

Parcels

Municipal Boundary

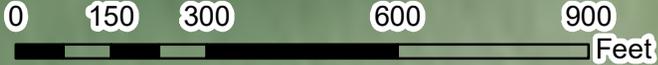
Zoning Boundaries

Other Stream (GPS)

RR-2 (Rural Residential 2)

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Aerial photography flown 2019





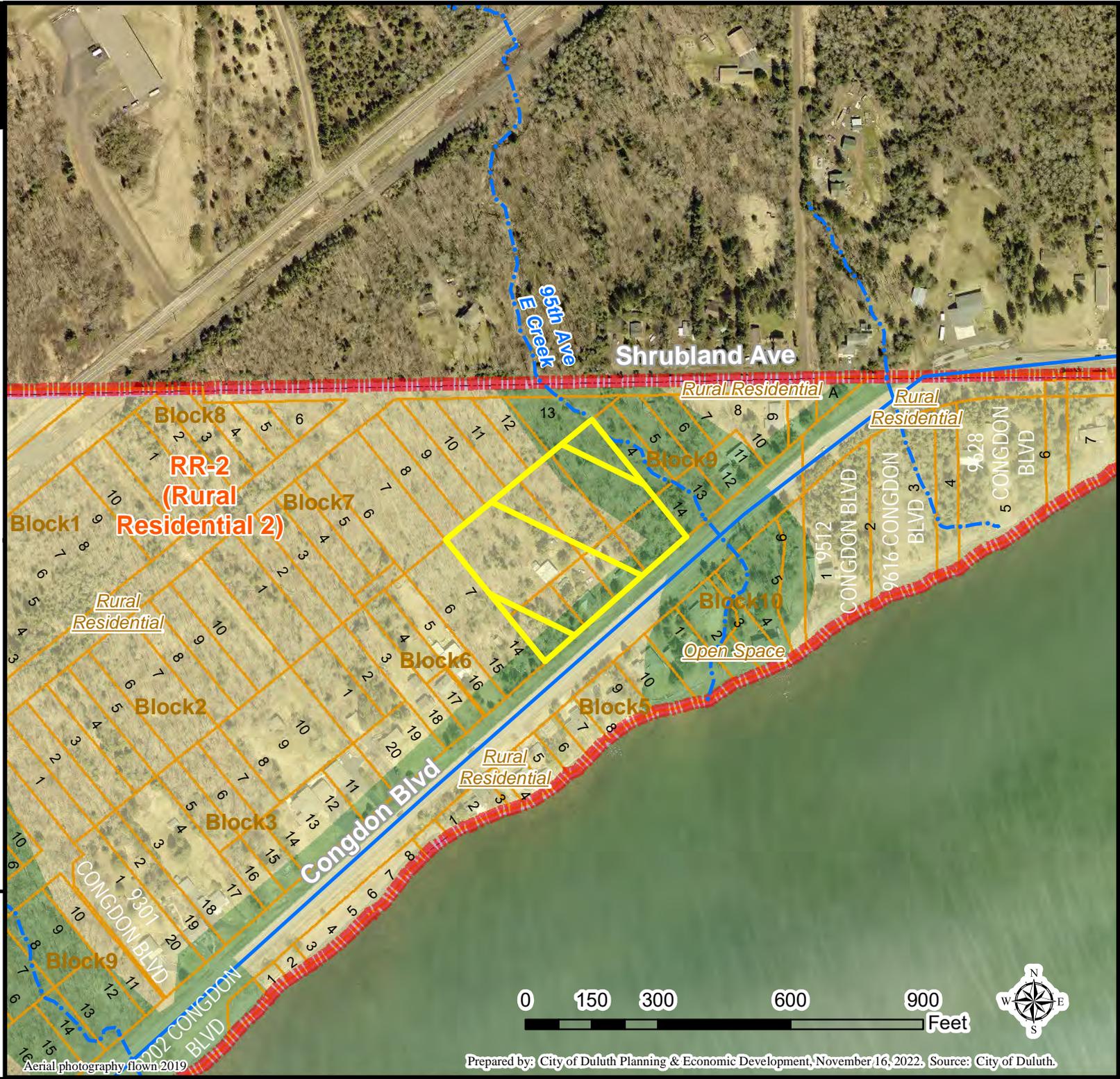
PL22-203 Special Use
Permit - Seasonal
Camp or Cabin
9439 Congdon Blvd.
by Outbound Lodges LLC

Future Land Use

Legend

Bike_Facil

- Signed Bikeable Shoulder
- Blocks
- Lots
- Parcels
- Municipal Boundary
- Zoning Boundaries
- Other Stream (GPS)
- Open Space
- Rural Residential



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PL22-203 Special Use
Permit - Seasonal
Camp or Cabin
9439 Congdon Blvd.
by Outbound Lodges LLC

UDC Zoning / Shoreland

Legend

Bike_Facil
Signed Bikeable Shoulder

Blocks
Lots
Parcels

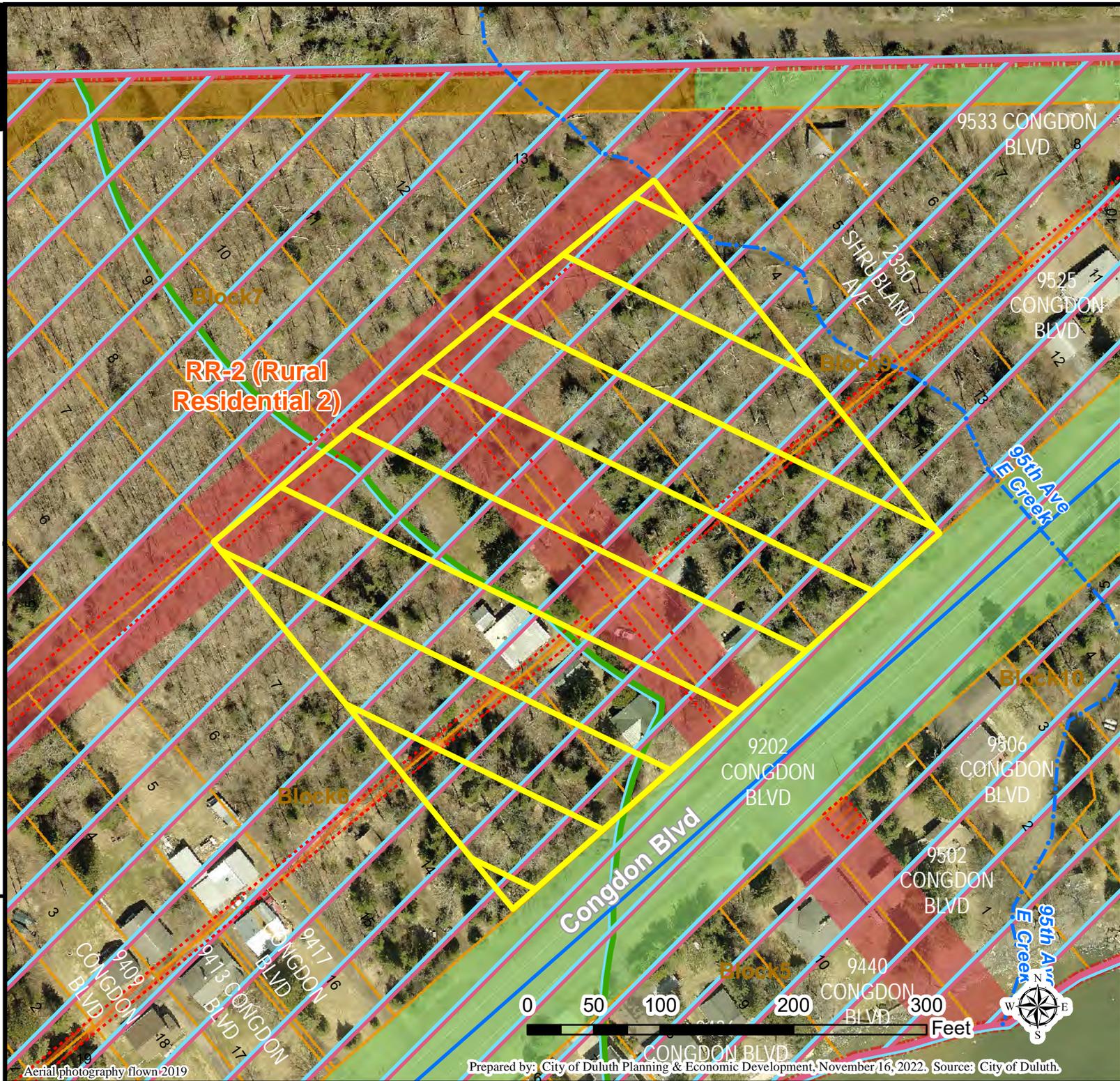
ROW
<all other values>

SUBTYPE, ROW, STATUS
Utility, Active
Access, Active - currently in use
Road, Active - currently in use
Road, Vacated - vacated via recorded document

Municipal Boundary

Easement Type
Utility Easement
Other Easement
Zoning Boundaries

Shoreland (UDC)
Natural Environment
General Development
Other Stream (GPS)



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Aerial photography flown 2019

Prepared by: City of Duluth Planning & Economic Development, November 16, 2022. Source: City of Duluth.



PL22-203 Special Use
Permit - Seasonal
Camp or Cabin
9439 Congdon Blvd.
by Outbound Lodges LLC

Site Map

Legend

Bike_Facil

- Signed Bikeable Shoulder
- Water Main
- Hydrant

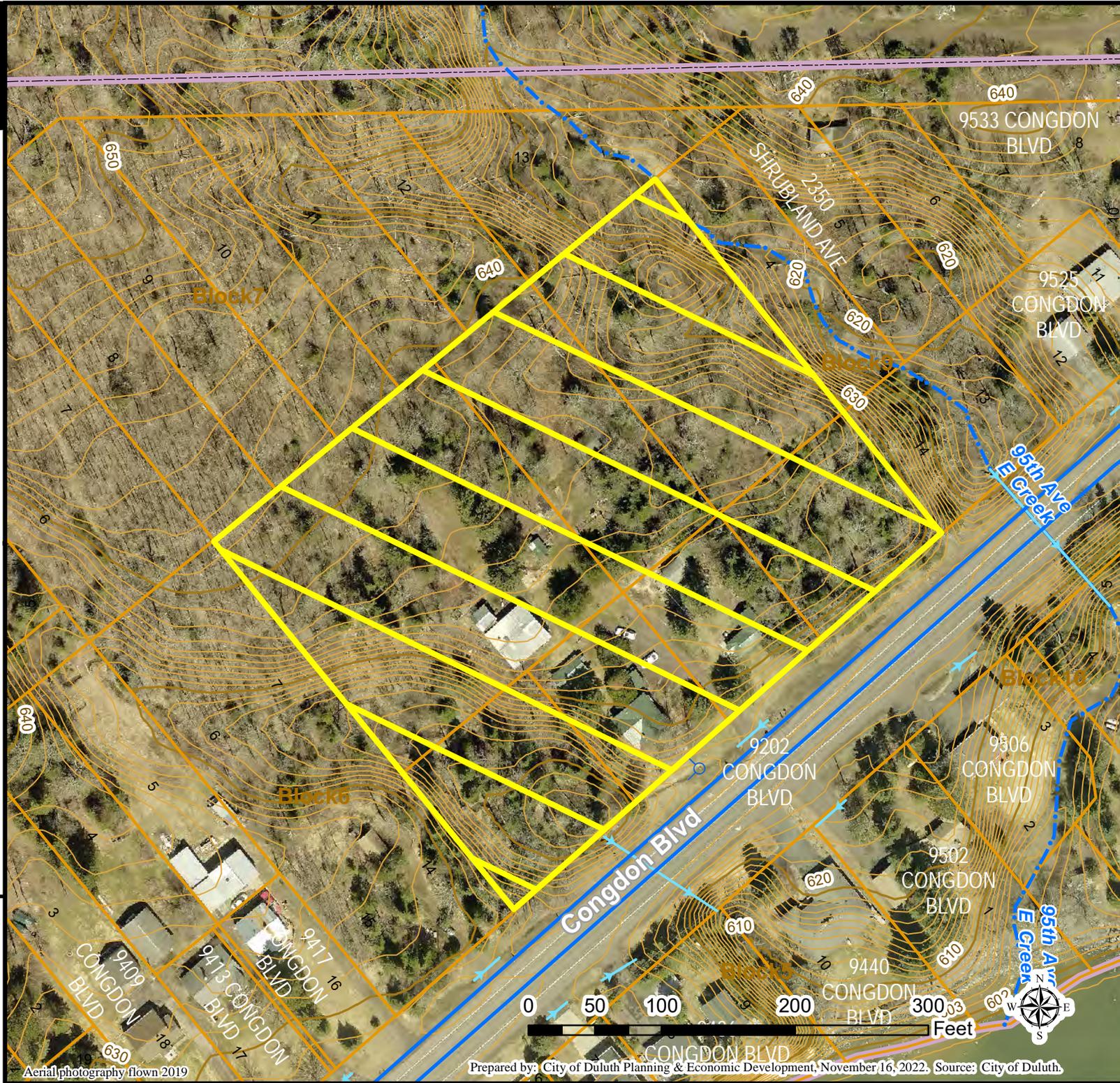
Storm Sewer Mains

- Storm Sewer Pipe

Blocks

- Lots
- Parcels
- 1 Ft contour
- 10 Ft contour
- Municipal Boundary
- Other Stream (GPS)

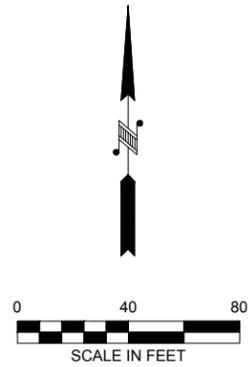
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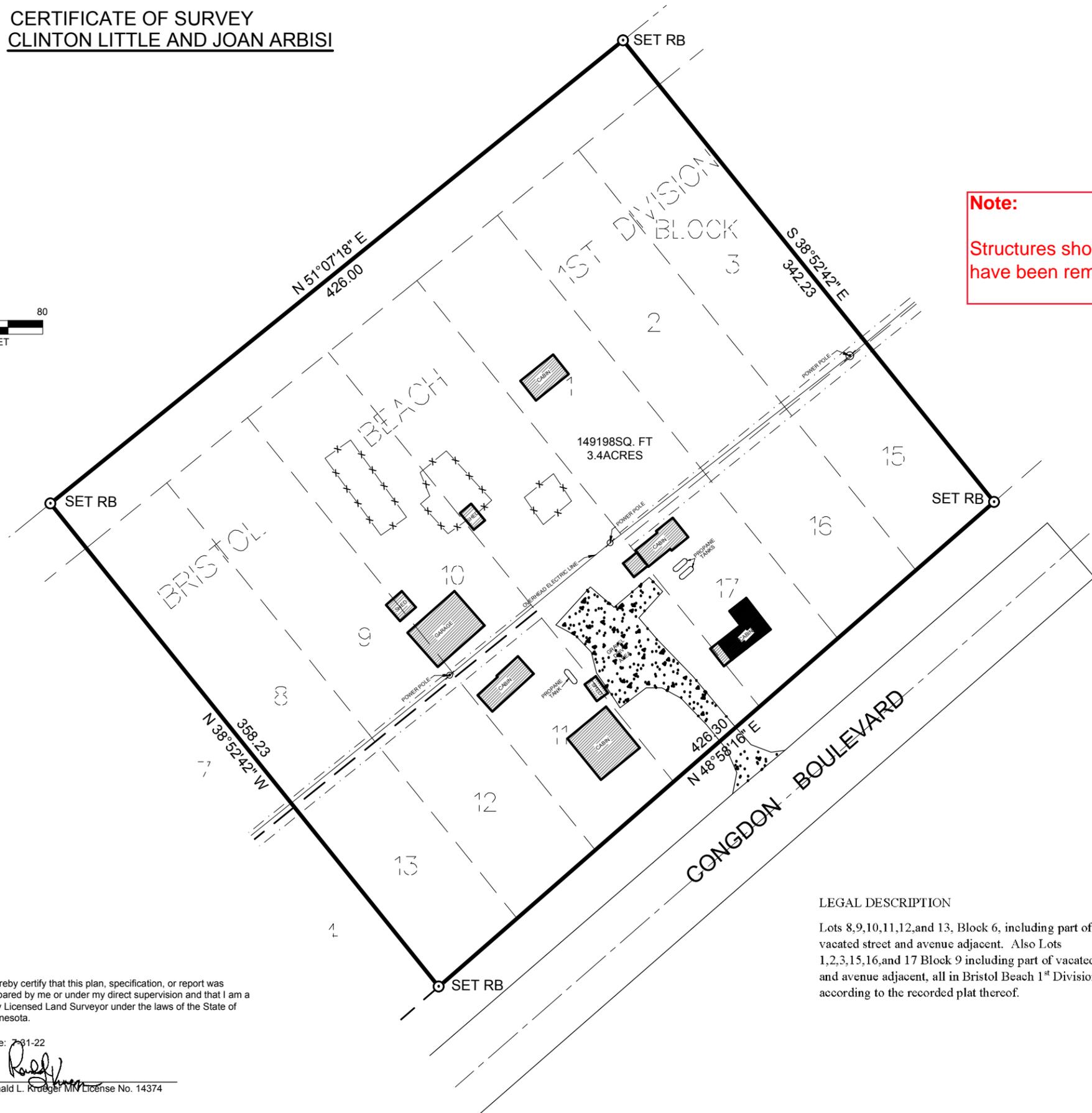
Aerial photography flown 2019

Prepared by: City of Duluth Planning & Economic Development, November 16, 2022. Source: City of Duluth.

CERTIFICATE OF SURVEY
FOR: CLINTON LITTLE AND JOAN ARBISI



Note:
Structures shown on survey
have been removed.



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 Land Surveyor under the laws of the State of Minnesota.

Date: 7-31-22

Ronald L. Krueger
Ronald L. Krueger, MN License No. 14374

DATE: 7/31/22
SCALE: 1 IN = 40 FEET
PROP ADD: 9439 CONGDON BLVD.
PROJECT NO: 22-032

LEGAL DESCRIPTION

Lots 8,9,10,11,12,and 13, Block 6, including part of vacated street and avenue adjacent. Also Lots 1,2,3,15,16,and 17 Block 9 including part of vacated street and avenue adjacent, all in Bristol Beach 1st Division according to the recorded plat thereof.

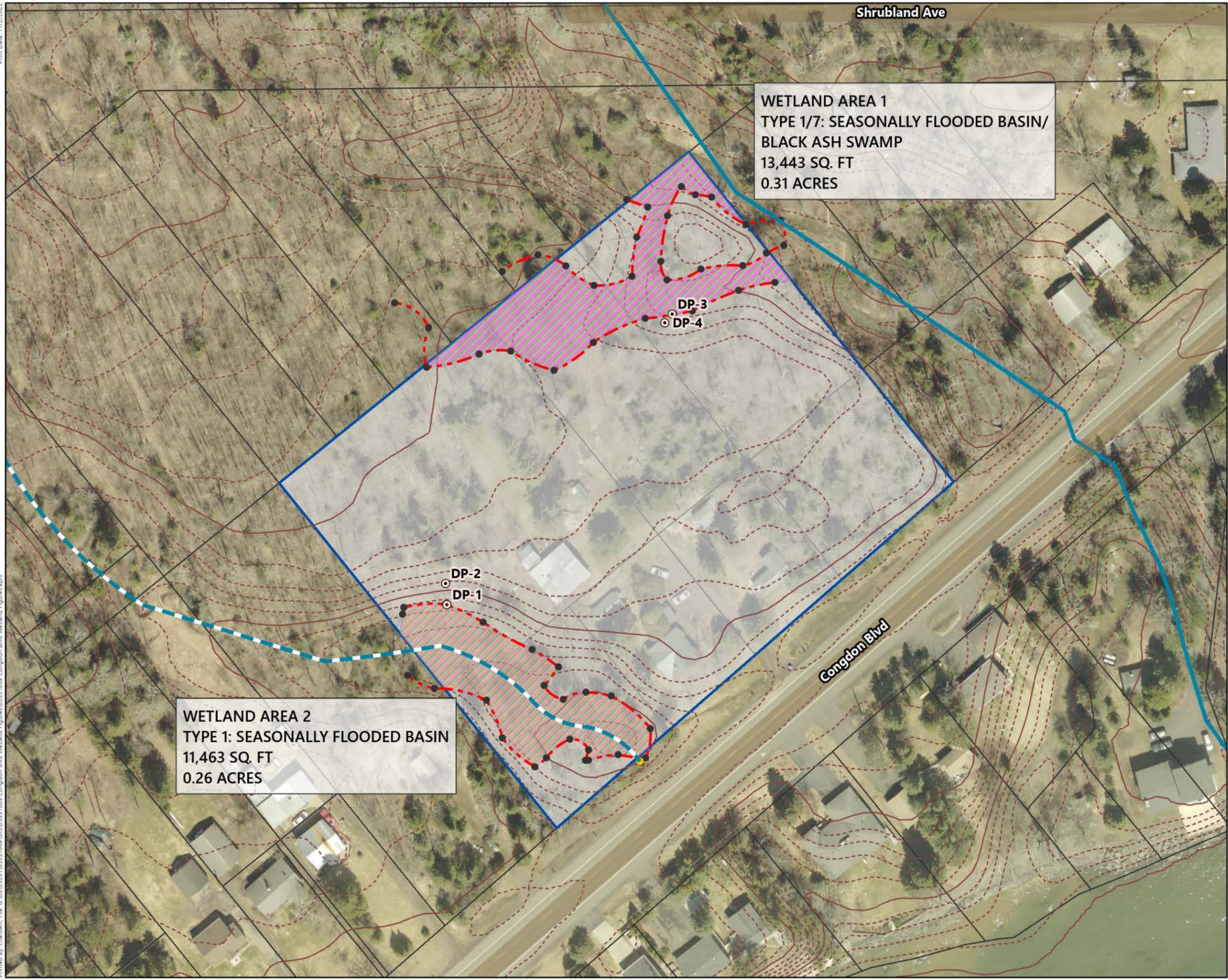
RON KRUEGER
Land Surveyor
7066 HIGHWAY 8
SAGINAW, MN 55779
Phone: 218-390-4030

Print Date: 11/2/2023
Printed By: chafidahi, File: G:\05\05331\05331009\Congdon Blvd Wetland Figures.aprx

FIGURE 4

WETLAND DELINEATION

**CONGDON BOULEVARD PROPERTY
DULUTH, ST. LOUIS COUNTY,
MINNESOTA**



WETLAND AREA 1
TYPE 1/7: SEASONALLY FLOODED BASIN/
BLACK ASH SWAMP
13,443 SQ. FT
0.31 ACRES

WETLAND AREA 2
TYPE 1: SEASONALLY FLOODED BASIN
11,463 SQ. FT
0.26 ACRES

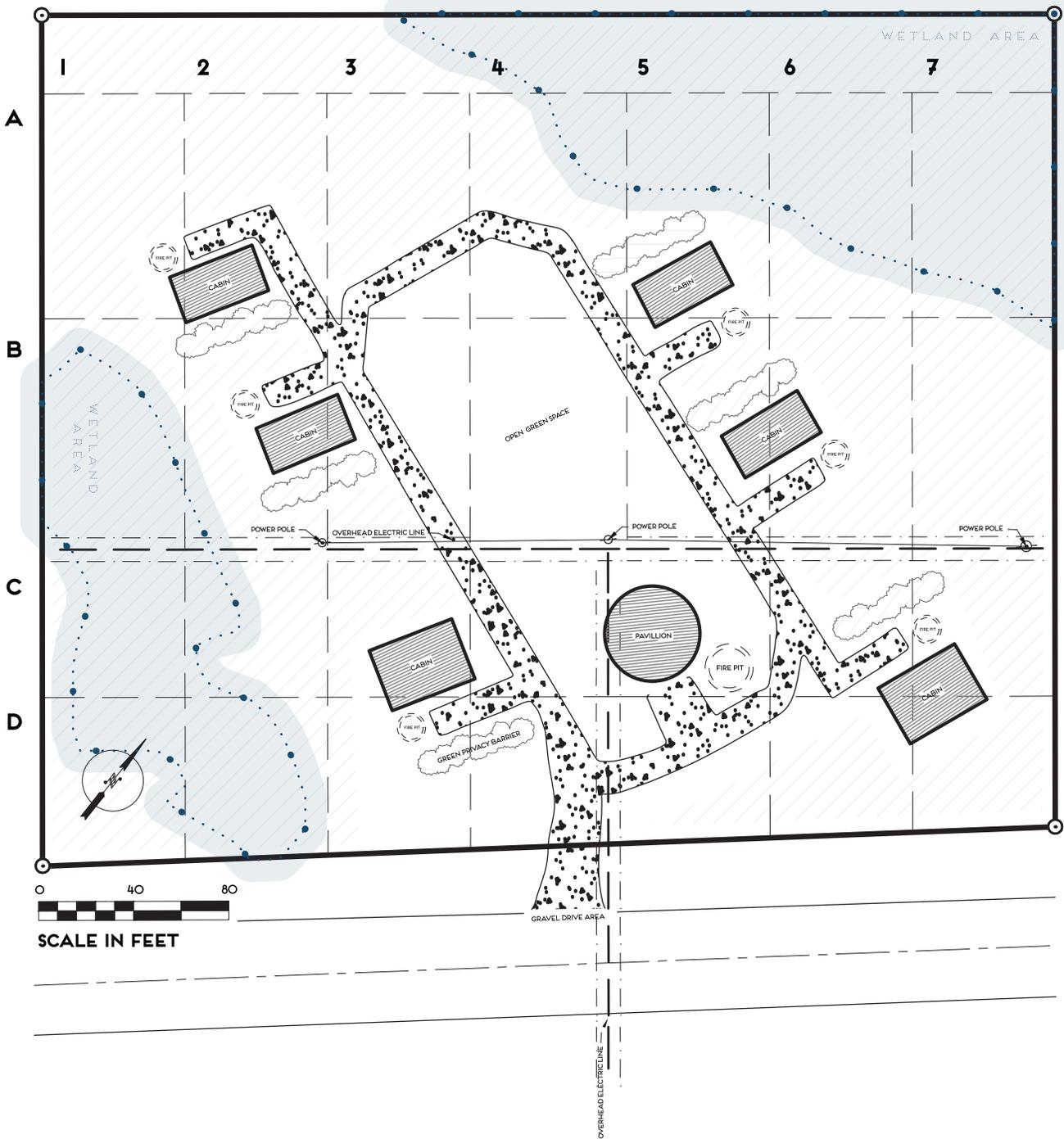
- Investigation Limits
- Parcel Boundary
- Wetland Boundary
- Intermittent Stream
- Culvert
- Wetland Data Point
- Flag Location
- MNTopo Elevation Data**
 - 10 Foot Contour Interval
 - 2 Foot Contour Interval
- Wetland Type**
 - Seasonally Flooded Basin/Black Ash Swamp
 - Seasonally Flooded Basin
- National Hydrography Dataset Flowline**
 - Stream/River

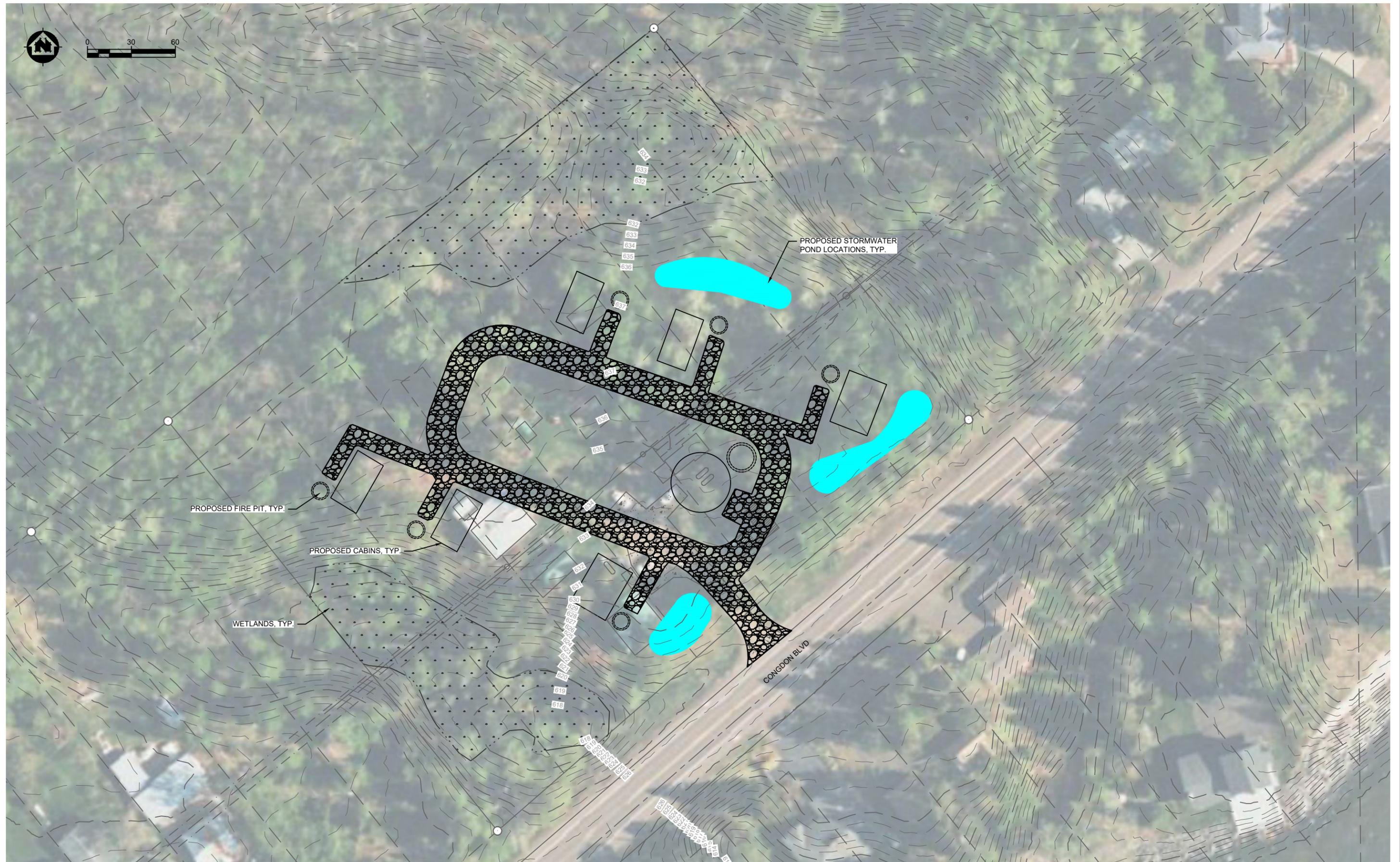
Note:
No streams identified as public waters by the Department of Natural Resources are located within the map view.

Data Sources:
St. Louis County, National Hydrography Dataset

OUTBOUND LODGES

GENERAL LAYOUT & ROUGH ESTIMATION





PROJECT DATE:	DRAWN BY:	NO.	DATE	REVISION	BY
	Init	-	-		
	Init	-	-		
	Init	-	-		

PRELIMINARY

I HEREBY CERTIFY THAT THIS PLAN, REPORT, OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: _____
REGNO: _____
License No. _____

NAME: _____



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CONGDON BLVD CABINS
TED STOCKE
DULUTH, MN

PRELIMINARY SITE LAYOUT

PROJECT NO.
05331011
SHEET
1

Statement about how the requested use will not have a negative impact on the community with photos

Response:

The proposed use of this property aligns with other existing lodging businesses in the immediate Congdon Blvd. area. Our proposed cabin rentals will be in character with existing land use patterns in the vicinity.

The property has been neglected for many years. As buildings became uninhabitable people left. Recent residents consisted of family and friends living in 3 of the 7 small buildings.

The 5 sleeping cabins had been worked on over the years without city permits or inspections. Plumbing and electrical were minimal, unsafe, and not up to code. Gray water drained from at least one cabin into the woods through a hose. Another cabin was wired with extension cords hanging off the outside of the building. Plumbing, electrical, and LP services have now been disconnected and as of 10/27/2022, the buildings have been demolished and removed.

There were many dead trees dangerously near the power lines that we reported to the power company. The power company recently took them down and we had the debris removed.

A bright yard light at the top of a telephone pole in the middle of the property did not have a shade and was an eyesore. It has now been disconnected and removed.

Future plans for new buildings will all meet city code. Lighting will be unobtrusive, minimal, meet code, and be aesthetically pleasing.

The driveway entrance from Congdon Blvd will stay where it is and will be enhanced into a permeable one way circle that will meet fire code (20' wide) and preserve wetland areas.

Nearby shops and restaurants will benefit from this requested use.

We will follow the City of Duluth guiding principles.

Photos included below.

Materials needed to confirm compliance with Use-Specific Standards in Section 50-20 or any Developmental Standards in Article 4

Response:

We will be compliant with all "Use Specific Standards" referenced in the UDC 50-23.3 under S. Seasonal Camp or Cabin.

We will be compliant with all recommendations given at our pre construction meeting that was held on September 26th, 2022 in accordance with Article 4 (50-21 to 50-34).

Recommendations included attention to: landscaping, cabin spacing that provides privacy, lighting, 20' wide fire department access on gravel/pervious paving, stormwater mitigation, wetland delineation, trash service, and utility access.

We plan to meet with Tom Johnson at Public Works and Utilities - City of Duluth to discuss and plan for stormwater management. We will adhere to his recommendations for planning stormwater management.

Jon Loye at MSA Professional Services is preparing an engineered site plan that will include water management. The engineered site plan will be sent separately, ideally before 11/14/2022.

Property after demolition (Note - special attention was given to the preservation of trees, wild flowers and perennials. In addition, salvageable materials were donated to individuals who could reuse them.)



Kyle Deming

From: planning
Sent: Monday, November 28, 2022 7:30 AM
To: Kyle Deming
Subject: FW: Special use permit (PL 22-203) for 9439 Congdon Blvd.

-----Original Message-----

From: Timothy Sheriff <>
Sent: Wednesday, November 23, 2022 4:32 PM
To: planning <planning@DuluthMN.gov>
Subject: Special use permit (PL 22-203) for 9439 Congdon Blvd.

To whom it may concern:

We received the notice concerning Outbound Lodges, LLC plan for seasonal camp/cabins at 9439 Congdon Blvd. We welcome our new neighbors and urge you to grant them the permit required to redevelop this piece of property. They have done a great job removing all the old, dilapidated buildings from the property, which has already enhanced the neighborhood. The site plan is indicative of property owners who have thought through this project quite well. The new seasonal cabins will not negatively affect any other properties nearby. The site plan demonstrates that the property is not being crammed with buildings and there will be plenty of green space to diminish visibility of the cabins.

Tim & Judy Sheriff
9533 Congdon Blvd.

Sent from my iPad

Response to Statement about how the requested use will not have a negative impact on the Community and Guiding principles.

Zoning: This parcel is zoned RR by the City of Duluth and as a single-family lot by the Duluth North Shore Sanitary District (DNSSD) with a minimum of 2 acres for each dwelling. The only exception to this rule is the North Shore Townhouses which allowed 10 dwellings in 5 buildings instead of the seven separate dwellings that would have been allowed on the 7-acre parcel. This zoning was instituted as part of the Comp Plan and as a result of community input. I request that the RR zoning be respected

Comment: The property has been neglected for many years. As buildings became uninhabitable people left. Recent residents consisted of family and friends living in 3 of the 7 small buildings. The 5 sleeping cabins had been worked on over the years without city permits or inspections.

Comment: The land was previously used as a small cabin compound. Maintenance was ignored for a long time and no city permits have been recorded. This project will return the use to short term cabin rental with new modern efficient buildings and will follow all city guidelines.

Response: The property has not been used as a cabin style resort for decades. It was grandfathered into the City's zoning (RR) and by the Sewer District as a single-family lot. Carl, Cindy, Maria, and Susan were a family and lived there for the last 25 years and were excellent friends and neighbors.

To suggest that the property was some kind of trailer trash situation is offensive and that changing the property to a resort is some kind of community service is ridiculous. There were no transient residents abandoning uninhabitable buildings. The house was recently resided and reroofed with metal. The cabins that were inhabited (2) were maintained on the exterior and very cute. The yard was always maintained and there were many lovely flower gardens. The cabins in the back of the property were used as a chicken coop and storage. They hadn't been inhabited for decades.

Comment: This area of Duluth currently has a mix of single-family housing, condominiums, rentals, cottages and resorts along with McQuade Harbor, Brighton Beach, and small retail. This project will add to that mix.

The area from 90th Ave East to MacQuade Rd and from the Lake to East Superior St. is all single family residential and largely private property. There are no resorts or condos and only one small duplex that is no longer a vacation rental. Lake Breeze is ¼ mile west and has considerable land for access, recreation and a buffer for neighbors. The Gardenwood is ¼ mile east and next to McQuade Harbor. Again this resort has plenty of space for recreation and property to buffer the impacts of visitors.

The land surrounding the Little's property is all private land, as is much of the property in this section. There is some tax forfeit property between Congdon and Superior but none is accessible from this property. Residents are justifiably concerned about "guest's" illegal trespass and the liability and loss of privacy that this presents. There is nothing in this application that addresses how the Little's will keep their guests off the private trails behind this resort, or be responsible for damage from trespass.

Christine Penney
9305 Congdon Blvd

Kyle Deming

From: NR Mittlefehldt <>
Sent: Wednesday, January 4, 2023 2:07 PM
To: Kyle Deming
Subject: Outbound Lodges LLC

Hello Mr. Deming-

We are writing to express a couple of our concerns with the proposed "Seasonal Camp/ Cabins" located at 9439 Congdon Blvd. We have lived in the neighborhood for the past 20 years during which time 9439 Congdon had been used as an owner's residence along with additional long-term housing in the accessory structures. In our view, this had been a consistent use of the property within the neighborhood.

The proposal for 6 short-term rental units on the parcel would be a considerable change of use for the property which may have negative neighborhood impacts. According to St. Louis County, the property is currently owned by an LLC based in St. Paul, MN. Typically, a resort/motel would have a property manager on site to assist clients during their stay. The project information documents mailed to us in November do not specify any details regarding property management.

The location of the property near the eastern boundary of the City also raises a concern. While there are single family dwellings accessed via Congdon Blvd in the project area, there is also considerable privately owned green space to the north and west of the project site. With the proposed project density, we are concerned that visitor impacts may not be confined to the property itself.

Thank you for the opportunity to comment on this proposal.

Regards-

Noah and Rhonda Mittlefehldt
2396 Old North Shore Road
Duluth, MN 55804

Kyle Deming

From: Matthew H. Hanka <mhanka@fryberger.com>
Sent: Tuesday, January 3, 2023 2:24 PM
To: Kyle Deming
Cc: 'Kevin Bovee'; 'Jon Loye'; 'Jack Dougherty'; 'Joan Arbisi Little'
Subject: RE: Joan Little

This message was sent securely using Zix®

Kyle:

Just a follow up on the below – Ms. Little corrected me with the address. This pertains to 9439 Congdon Blvd. They live at the other address.

As I mentioned before, DNSSD will review any new sewer connection application and site plan when it is received. The review typically involves engineering and legal review.

I've added both Ms. Little and Chris Schmidt (from People's Service) to this email chain.

Please let us know if you need anything further from us. Thanks.

Matt

Matthew H. Hanka

Fryberger, Buchanan, Smith & Frederick, P.A.
302 West Superior Street, Suite 700 - Duluth, MN 55802
ph: 218-725-6815 - fx: 218-725-6800
mhanka@fryberger.com - www.fryberger.com

From: Matthew H. Hanka
Sent: Tuesday, January 3, 2023 11:28 AM
To: 'kdeming@DuluthMN.gov' <kdeming@DuluthMN.gov>
Cc: Kevin Bovee; 'Jon Loye' <jloye@msa-ps.com>; Jack Dougherty <jdougherty@msa-ps.com>
Subject: Joan Little

Hi Kyle – As I mentioned in my phone message, we work with the Duluth North Shore Sanitary District. Ms. Joan Little appeared at a board meeting a few weeks ago. It is my understanding that her and her husband are exploring options for vacation cabins at 9436 Congdon Blvd. It's my understanding that this property falls within the DNSSD. Therefore, DNSSD would ultimately need to review their proposal for sanitary sewer. I don't believe that the DNSSD has seen their

sewer plans yet. But, she asked that I contact you. I've cc'd the DNSSD's Engineers at MSA and the Board Chair. Let me know if you need anything else from me.

Thanks.

Matt

Matthew H. Hanka

Fryberger, Buchanan, Smith & Frederick, P.A.

302 West Superior Street, Suite 700 - Duluth, MN 55802

ph: 218-725-6815 - fx: 218-725-6800

mhanka@fryberger.com - www.fryberger.com