



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PLVAR-2408-0005	Contact	Jason Mozol, jmozol@duluthmn.gov	
Type	Variance from Shoreland Setbacks	Planning Commission Date	September 10, 2024	
Deadline for Action	Application Date	August 6, 2024	60 Days	October 5, 2024
	Date Extension Letter Mailed	August 19, 2024	120 Days	December 4, 2024
Location of Subject	100 N Central Avenue	Legal Description	PIN 010-2806-00030 and 00020	
Applicant	Sofidel America Corp	Contact	Simone Giacomelli	
Agent	LHB	Contact	Bob Lisi	
Site Visit Date	September 4, 2024	Sign Notice Date	August 26, 2024	
Neighbor Letter Date	August 19, 2024	Number of Letters Sent	43	

Proposal

The applicant is requesting a variance to build a fence within the structure setback of Keene Creek. Fence would be 54' from the Ordinary High Water Level of Keene Cr instead of the required 150'.

Staff Recommendation

Staff recommends that the Planning Commission approve the variance with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	I-G	Industrial paper mill	Industrial
North	MU-C, R-P	Freeway	Central Business Secondary/Urban Res.
South	I-G, MU-B	Industrial	General Mixed use
East	I-W, Lake	Lake	Transportation & Utilities/Lake
West	R-1, R-2	Park, Residential Neighborhood	Traditional Neighborhood/Open Space

Summary of Code Requirements

Sec. 50-37.9.C – General Variance Criteria (paraphrased): Granting of variances of any kind is limited to situations where, due to characteristics of the applicant’s property, enforcement of the ordinance would cause the landowner exceptional practical difficulties. The Planning Commission must find the following for a variance to be granted: a) That the landowner is proposing to use the property in a reasonable manner, b) that the need for relief from the normal regulations is due to circumstances unique to the property and not caused by the landowner, c) that granting the variance will not alter the essential character of the area, d) that granting the variance is consistent with the intent of the UDC and the Comprehensive Plan.

Sec. 50-37.9.L – Standards for variances in shorelands: No variance shall be granted that compromises the general purposes or intent of Section 50-18.1.D or results in adverse consequences to the environment. Variances shall include a requirement for the applicant to mitigate the impacts of the variance on shoreland areas

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

#3: Support existing economic base – maintains jobs, tax base, and manufacturing. The traditional economic base in Duluth includes manufacturing.

Future Land Use – Industrial: Areas for manufacturing, processing, and other activities that may have off-site impacts and are generally isolated or buffered from other uses. Sites should have direct access to major regional transportation facilities and other infrastructure.

History

A paper mill has been at this location since 1987.

Review and Discussion Items:

Staff finds that:

1. The applicant proposes to expand the existing paper mill to include space to convert bulk products into consumer level products. To provide safe and secure site operations, the applicant proposes to construct a perimeter fence. Fences are considered structures in the UDC and must meet shoreland setbacks. The applicant has designed the site in a manner that the buildings and roadways meet the applicable shoreland setbacks but found it impractical to locate the fence in a compliant location.
2. *Variance Criteria #1 (exceptional narrowness, shallowness, or shape):* Numerous site constraints exist on the property that minimize the buildable area available for the proposed project. The main building, originally built in 1987, is long and narrow and lies roughly in the middle of the property, requiring any additions or expansions to fit in the margins of the existing building; both the shape and size of the remaining buildable areas are constrained. In addition, a large area of contaminated soil lies between the parking lot and the frontage on Central Avenue; this area is not allowed to be disturbed so no construction can occur. Roads, rail lines, and utility lines limit where buildings can be built or expanded, as does the need the vehicle circulation in and around the site. The proposed fence must be located externally to all roadways and buildings to provide adequate site security and safety.
3. *Variance Criteria #2 (circumstances unique to the property, not created by the property owner):* This paper mill has a unique history with an existing building in a location that creates challenges for any building additions or changes.
4. *Variance Criteria #3 (circumstances are peculiar to this property and do not apply generally to other land or buildings):* This is the only paper mill in Duluth, and it has had several changes over time. The site constraints including location of freeways, rail lines, roadways, infrastructure, and contaminated area are peculiar to this property.
5. *Variance Criteria #4 (proposes to use in a reasonable manner not permitted by code):* Manufacturing is a permitted use in the I-G district, and the applicant proposes to use the site in the same way it has been used. The site provides the best location for a paper mill that requires proximity to utility and transportation infrastructure. The site has an existing perimeter fence that is located where the proposed buildings will be located. The new fence will tie into the existing fence in the south of the property. The applicant has minimized the variance request by locating the fence close to the proposed roadway. It is common practice for large, industrial sites to be fenced to minimize conflicts between their operations and adjacent land uses.
6. *Variance Criteria #5 (not impair light/air, increase congestion, or impair public safety or property values).* The fence will be at least 50' from Keene Creek. It will not impair adjacent properties' access to light or air and will not impact access to the Cross City Trail.
7. *Variance Criteria #6 (will not impair intent of this Chapter or alter the essential character of the locality).* The fence will be consistent with how other commercial sites in the area are developed and must meet fencing standards in Sec 50-26.4.
8. *Standards for variances in shorelands (does not compromise intent of shoreland regulations and mitigates impacts).* The fence does not add significant impervious surface and will have minimal impacts to water quality. Note that the required 50' vegetative buffer will remain intact. For additional mitigation, the applicant proposes additional planting along the fence line as shown in the attached exhibit.
9. The applicant must receive an approved fence permit prior to construction to verify compliance with Sec. 50-26.4
10. An Environmental Assessment Worksheet and related documents for the proposed project are being prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minnesota Rules, Parts 4410.1000 to 4410.1700. The determination of the potential for significant environmental effects and identification of mitigation

measures is pending. To the extent mitigations measures are identified that reasonably relate to the requested variance, the applicant will minimize adverse environmental effects.

11. No other City, public, or agency comments have been received.

12. Per UDC Section 50-37.1.N, approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year.

Staff Recommendation

Based on the above findings, Staff recommends that the Planning Commission approve the variance with the following conditions:

- 1) The project be constructed and limited to the plans submitted with the application, allowing a fence no less than 54 feet from the Ordinary High Water Level of Keene Creek.
- 2) The applicant must receive and approved fence permit prior to constructing the fence.
- 3) The applicant must plant the additional vegetation shown in the exhibit to mitigate shoreland impacts.
- 4) The variance shall not be effective until a) completion of the Environmental Assessment Worksheet; and b) adoption of a Negative Declaration that preparation of an Environmental Impact Statement is not required.
- 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 administration approval shall constitute a variance from the provisions of Chapter 50.



PLVAR-2408-0005
 Shoreland Variance for fence
 100 N Central Ave



Approximate fence location in shoreland

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.



CLIENT:
**SOFIDEL AMERICA
 CORP.**
 100 N CENTRAL AVE
 DULUTH, MN 55807

THIS SQUARE APPEARS 1/2" x 1/2"
 ON FULL SIZE SHEETS

NO DATE ISSUED FOR

NO DATE REVISION

PRELIMINARY
NOT FOR CONSTRUCTION
 08/05/2024

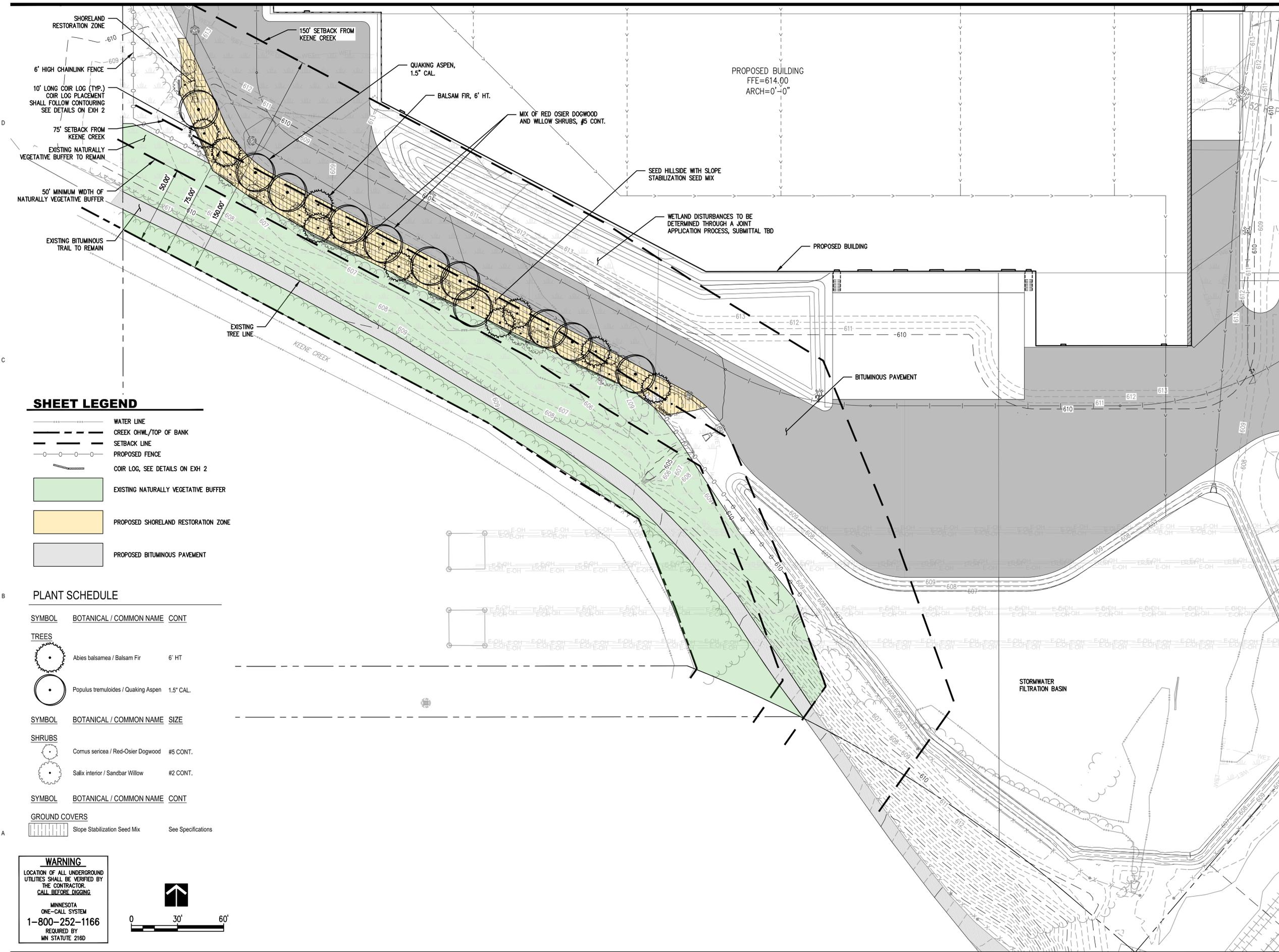
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PROJECT NAME:
**PROJECT NORTH
 CIVIL SITEWORK**
 100 N CENTRAL AVE
 DULUTH, MN 55807

DRAWING TITLE:
**SHORELAND
 RESTORATION
 EXHIBIT**

DRAWN BY: JPH
 CHECKED BY: AFB
 PROJ. NO: 240080
 DRAWING NO:

EXH 1



SHEET LEGEND

- WATER LINE
- CREEK OHWL/TOP OF BANK
- SETBACK LINE
- PROPOSED FENCE
- COIR LOG, SEE DETAILS ON EXH 2
- EXISTING NATURALLY VEGETATIVE BUFFER
- PROPOSED SHORELAND RESTORATION ZONE
- PROPOSED BITUMINOUS PAVEMENT

PLANT SCHEDULE

SYMBOL BOTANICAL / COMMON NAME CONT

- TREES**
- Abies balsamea / Balsam Fir 6' HT
 - Populus tremuloides / Quaking Aspen 1.5" CAL.

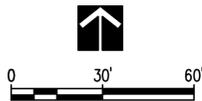
SYMBOL BOTANICAL / COMMON NAME SIZE

- SHRUBS**
- Cornus sericea / Red-Osier Dogwood #5 CONT.
 - Salix interior / Sandbar Willow #2 CONT.

SYMBOL BOTANICAL / COMMON NAME CONT

- GROUND COVERS**
- Slope Stabilization Seed Mix See Specifications

WARNING
 LOCATION OF ALL UNDERGROUND UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR. CALL BEFORE DIGGING.
 MINNESOTA ONE-CALL SYSTEM
 1-800-252-1166
 REQUIRED BY MN STATUTE 216D



EXISTING BUILDINGS

A1.1 EXISTING DENKING + FIBER PLANT		
B2.2 FUTURE BALE HANDLING (REBUILD)		
C1.1 PM AREA AND ROLL HANDLING AREA		
C1.2 WORK SHOP		
C1.3 ELECTRICAL ROOMS		
C1.4 BOILER HOUSE		
C1.5 CHEMICAL STORAGE		
D1.1 JUMBO REEL STORAGE		
H1.1 WWTP		
J1.1 POWER SUBSTATION AREA		
K1.1 JUMBO REEL STORAGE / LOCKERS / OFFICES PM / ADMINISTRATION / MEETING R.		
L1.1 SPRINKLER		
REMAINING BUILDINGS		
TOTAL	476,089.0 ft²	

EXTERIOR AREAS

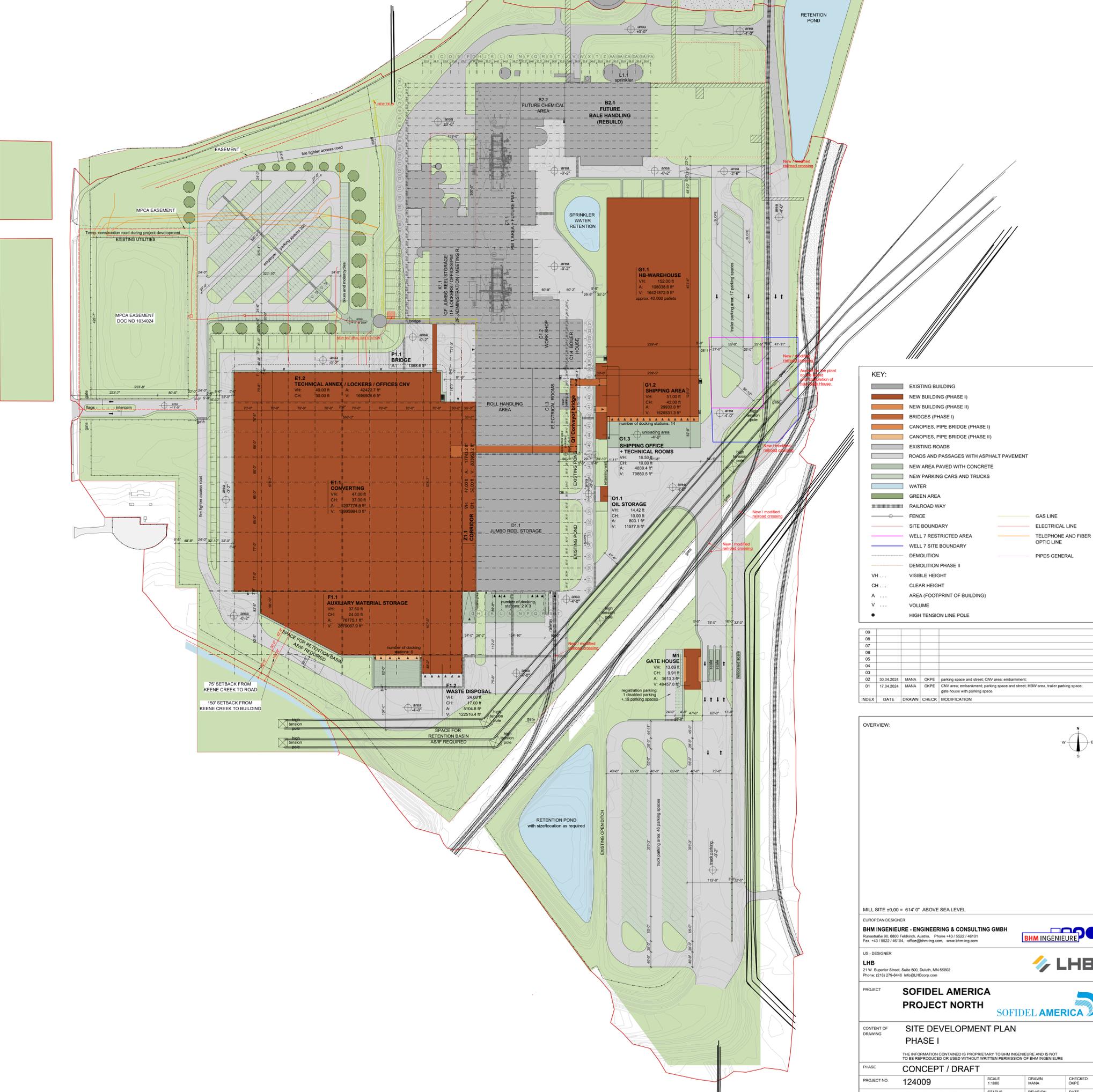
EXISTING BUILDINGS	476,089.0 ft²
NEW BUILDINGS	656,791.8 ft²
RETENTION PONDS AND CREEK	151,000.0 ft²
PAVED AREAS	1,364,020.0 ft²
GREEN AREAS	1,643,701.0 ft²
SIZE OF PLOT	4,258,321.0 ft²
G1 CONVEYOR BRIDGE	20,461.0 ft²
CANOPYS	7,415.0 ft²

DEMOLITION WORKS

BARK BIN	1609.0 ft²
OVERHEAD CONVEYOR CONSTR.	2392.3 ft²
SLUDGE FILTER BLDG.	12940.0 ft²
WOODROOM	11900.0 ft²
OVERHEAD CONVEYOR CONSTR.	4317.1 ft²
OIL STORAGE (RELOCATED)	696.5 ft²
GATE HOUSE	581.0 ft²
TOTAL	34,435.9 ft²

NEW BUILDINGS PHASE I

E1.1 CONVERTING	13995984.0 ft²	297778.6 ft²
E1.2 TECHNICAL ANNEX / LOCKERS / OFFICES CNV	1696906.6 ft²	42422.7 ft²
F1.1 AUXILIARY MATERIAL STORAGE	2879067.9 ft²	76775.1 ft²
F1.2 WASTE DISPOSAL	122516.4 ft²	5104.8 ft²
G1.1 HB-WAREHOUSE	16421872.9 ft²	108038.6 ft²
G1.2 SHIPPING AREA	1526531.3 ft²	29932.0 ft²
G1.3 SHIPPING OFFICE	79850.5 ft²	4839.4 ft²
M1 GATE HOUSE	49457.0 ft²	3613.3 ft²
O1.1 OIL STORAGE (RELOCATED)	11577.9 ft²	803.1 ft²
P1.1 BRIDGE	19440.4 ft²	1388.6 ft²
Z1.1 CORRIDOR	833953.2 ft²	17743.2 ft²
TOTAL	37,637,158.1 ft²	588,439.4 ft²



KEY:

- EXISTING BUILDING
- NEW BUILDING (PHASE I)
- NEW BUILDING (PHASE II)
- BRIDGES (PHASE I)
- CANOPYS, PIPE BRIDGE (PHASE I)
- CANOPYS, PIPE BRIDGE (PHASE II)
- EXISTING ROADS
- ROADS AND PASSAGES WITH ASPHALT PAVEMENT
- NEW AREA PAVED WITH CONCRETE
- NEW PARKING CARS AND TRUCKS
- WATER
- GREEN AREA
- RAILROAD WAY
- FENCE
- SITE BOUNDARY
- WELL 7 RESTRICTED AREA
- WELL 7 SITE BOUNDARY
- DEMOLITION
- DEMOLITION PHASE II
- VH ... VISIBLE HEIGHT
- CH ... CLEAR HEIGHT
- A ... AREA (FOOTPRINT OF BUILDING)
- V ... VOLUME
- HIGH TENSION LINE POLE
- GAS LINE
- ELECTRICAL LINE
- TELEPHONE AND FIBER OPTIC LINE
- PIPES GENERAL

08				
09				
07				
06				
05				
04				
03				
02	30.04.2024	MANA	OKPE	parking space and street, CNV area, embankment.
01	17.04.2024	MANA	OKPE	CNV area, embankment, parking space and street, HBW area, trailer parking space, gate house with parking space
INDEX	DATE	DRAWN	CHECK	MODIFICATION

OVERVIEW:

MILL SITE ±0,00 = 614' 0" ABOVE SEA LEVEL

EUROPEAN DESIGNER
BHM INGENIEURE - ENGINEERING & CONSULTING GMBH
 Runstraße 50, 6900 Feldkirch, Austria, Phone +43 / 5522 / 48101
 Fax +43 / 5522 / 48104, office@bhmingenieur.com, www.bhmingenieur.com

US - DESIGNER
LHB
 21 W. Superior Street, Suite 500, Duluth, MN 55802
 Phone: (218) 278-9446, info@lhbcorp.com

PROJECT
SOFIDEL AMERICA PROJECT NORTH

CONTENT OF DRAWING
SITE DEVELOPMENT PLAN PHASE I

THE INFORMATION CONTAINED IS PROPRIETARY TO BHM INGENIEURE AND IS NOT TO BE REPRODUCED OR USED WITHOUT WRITTEN PERMISSION OF BHM INGENIEURE

PHASE
CONCEPT / DRAFT

PROJECT NO.	124009	SCALE	1:1000	DRAWN	MANA	CHECKED	OKPE
DRAWING NO.	51160_00002	STATUS	PR	REVISION	02	DATE	28.11.2023
DRAWING NAME	S1160: ALL_OVE_SDP_SDP Phase 1_00002_PR_02						