



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 21-137	Contact	Kyle Deming
Type	Special Use Permit for Self-Service Storage Facility	Planning Commission Date	January 11, 2022
Deadline for Action	Application Date	November 9, 2021	60 Days January 8, 2022
	Date Extension Letter Mailed	November 24, 2021	120 Days March 9, 2022
Location of Subject	Former K-Mart store at 5710 Grand Ave. (Spirit Valley)		
Applicant	Chadco of Duluth, LLC	Contact	Brittany Oliver
Agent	CMRA, LLC	Contact	Beth Wentzlaff
Legal Description	See attached Land Title Survey		
Site Visit Date	December 16, 2021	Sign Notice Date	December 28, 2021
Neighbor Letter Date	December 22, 2021	Number of Letters Sent	68

Proposal

A special use permit for a combination self-service storage facility, and retail showroom, installation facility, outdoor display and storage for U-Haul.

Recommendation

Staff recommends that the Planning Commission deny the application for a Special Use Permit based on the findings described fully in the Review and Discussion section and the Staff Recommendation section.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	Mixed Use Commercial (MU-C)	Vacant former retail	Central Business - Secondary
North	Mid-Rise Community Shopping (F-3)	Commercial	Central Business - Secondary
South	Mixed Use Commercial (MU-C)	Retail center	Central Business - Secondary
East	F-3 and F-4 (Mid-Rise Community Mix)	Commercial	Central Business - Secondary
West	Mid-Rise Community Mix (F-4)	Commercial	Central Business - Secondary

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 50-9.3. Other Ordinances or Regulations: In the case of a conflict between any part of this Chapter and any other public law, ordinance, or regulation, the provisions that are more restrictive or that impose higher standards or requirements shall govern, unless state or federal law requires a different outcome.

UDC Section 50-20.3.L.2. Self-Service Storage Facilities use specific standards:

- (a) The use must be completely contained within an enclosed principal building;
- (b) Signage for this use is permitted as a commercial use in Sec. 50-27;
- (c) *(Not Applicable in MU-C)*
- (d) In the MU-C and MU-B districts:
 - i. The building shall be at least 350 feet from any single-family, two-family, or townhome, excluding any residential use or structure on the same property or within the same development;
 - ii. Access to storage units through a garage door, roll up door, or loading dock may only be provide from the rear or side of the structure;
 - iii. In addition to design standards that may be required in Sec 50-30, these facilities shall provide:
 - 1. For any building frontage facing and located within 60 feet of a public street or public right of way, or facing a parking area of greater than 25 parking spaces, the building frontage shall consist of a minimum of 60' of building depth of occupied space over no less than 66% of the building frontage. The frontage of such buildings shall be used for active, customer-facing commercial activities permitted in the zone district per table 50-19.8, and shall not be used for warehouse or self-storage uses;
 - 2. A minimum of 65 percent of the front and 25 percent of the side façade, between two and eight feet above the sidewalk or ground surface, must consist of transparent, non-reflective windows, and a minimum of 25 percent of the windows shall have views directly into and out of the ground floor occupied space;
 - 3. At least 50 percent of the wall surface area of any front or side façade, excluding window surfaces, shall be faced with brick or split-block materials. Exposed concrete masonry unit (CMU) construction is not permitted on those facades;
 - 4. Where compliance with the specific requirements of Section 50-20.3.L.2(d)iii is infeasible due to unique site or building conditions, an applicant may propose alternatives. The land use supervisor may approve, or may refer to the Planning Commission for consideration, any alternative proposal where an applicant demonstrates that compliance is not possible and the alternative proposal achieves substantially the same degree of building design and functional aesthetics as required in the provisions for this use.

UDC Sec. 50-8. Relationship to the Comprehensive Land Use Plan: A primary intent of this Chapter is to implement the goals and objectives of the comprehensive land use plan, as that plan may be amended by the council from time to time. The provisions of this Chapter will be interpreted liberally to achieve the goals and objectives of the comprehensive land use plan while remaining consistent with all applicable requirements of federal and state law.

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

Governing Principle #4 – Support economic growth sectors. This principle encourages growth in emerging and growing economic sectors to add economic, culture, and social diversity in small neighborhood hubs such as Spirit Valley. The proposed mini-storage warehouse facility will not support new economic activity in the neighborhood, but rather will result in a new location (to the many existing locations) for people from throughout the city or region to store goods and household items in small rental lockers. It will not support economic growth and will not add to economic activity, with the exception of new vehicle trips to and from the site for drop-off and pick-up of goods, which may result in increased sales of motor vehicle fuels.

Governing Principle #5 – Promote reinvestment in neighborhoods. This principle encourages investments that strengthens neighborhood commercial centers in a way that fits the neighborhood’s character and avoids large-scale, non-neighborhood-based activity within the core of a neighborhood. The proposed changes to the existing big box structure are not the type of reinvestment in real property that will result in the type of business activity needed to support the core of the business district. Rather, it will likely attract trips and customers from outside the area who intend to store goods, and will not generate new economic activity in this area of the city. Business and community leaders’ comments share this conclusion.

Governing Principle #9 – Support private actions that contribute to the public realm. This principle identifies the value of

site design in supporting or detracting from the surrounding public areas and private property. Specifically listed are factors such as building form and detailing, blank walls and the interface between parking and public sidewalks. This project does not provide the types of building and parking lot investments that contribute to the public realm.

Economic Development Policy #2, Strategy #1 – Prioritize redevelopment efforts in the Core Investment Areas (vibrant, walkable neighborhood centers). Encourage collaboration between existing businesses in individual Core Investment Areas to support increased business activity overall and to improve their aesthetic and social environments. This proposal in a Core Investment Area does not provide the level of increased business activity needed for a site of this size in the center of the business district. It does not adequately improve the aesthetics of the site to otherwise strengthen the pedestrian-oriented business district the community desires nor does it reflect the city's and the neighborhood's priorities, which have been long planned. Business and community leader comments share this conclusion.

Housing Policy #1 – Increase density in and around Core Investment Areas, Strategy #3 – Explore opportunities to increase amenities to create livable and walkable neighborhoods. This project results in a vehicle-oriented business in the center of the Core Investment Area and does not increase opportunities for people seeking to access walkable sites or seeking to support other business activities in and near the neighborhood.

Urban Design Strategy #9 – Building and other structural elements along major streets or corridors should be designed in such a way as to emphasize streets as identifiable gateways and neighborhood centers. This project does not improve the connection between the street and private interior space due to the lack of business activity in areas abutting public sidewalks.

Future Land Use – Central Business – Secondary – An area adjacent to and supporting the central business primary area or a stand-alone area providing a similar mix of destination land uses but at a lower intensity than the primary central business area. Includes mixed regional and neighborhood retail, employment centers, public spaces, medium density residential, and public parking facilities. Medium densities; multi-story and mixed-use buildings are encouraged. Form-based guidelines, pedestrian-oriented design with limited off-street parking required, but with loading facilities required.

History: Site was originally developed in the late 1800s with traditional commercial buildings facing Grand Ave., similar to what is found on the north side of the street today, with the difference being that the traditional commercial buildings had connectivity to the street versus today's design which is a tall, blank concrete block wall facing Grand Avenue. A railroad with sidings was located approximately 180 feet south of Grand Ave. behind those businesses. The railroad was subsequently removed and underlying streets and alleys were vacated in preparation for the K-Mart store and parking lot, which were constructed in 1991. The store closed in 2018.

Review and Discussion Items and Recommended Staff Findings

- 1) Applicant is requesting a special use permit for an 86,332 sq. ft. combination self-storage facility and retail commercial facility for U-Haul company operations which includes approximately 82,000 sq. ft. of self-storage, a 2,900 sq. ft. showroom, a 1,460 sq. ft. drive-in load/unload area, and an area for installation of vehicle towing accessories. The 1.9-acre exterior area consists of 120 parking stalls, some of which will be used for rental vehicle and trailer storage, equipment shunting, and a loading dock at the rear of the building.
- 2) The applicant is proposing to install windows and doors on the north and east walls of the building, to replace building and parking lot lights, to add trees to the parking lot and loading dock area, and to screen the trash/recycling area.
- 3) The proposed development is situated on a 3.92-acre parcel located along Grand Ave. between 57th Ave. W. and Spirit Dr. The Spirit Valley shopping center is attached to the south wall of the building and the parking lots of the two properties are linked.
- 4) The proposed redevelopment is an eligible special use in an MU-C zone pursuant to Section 50-19.8 if it complies with the standards of Section 50-20.3.L.2.
- 5) Pursuant to Section 50-9.3 the entire development must comply with the requirements of Section 50-20.3.L.2.
- 6) Section 50-20.3.L.2. (Use Specific Standards) Self-Service Storage Facility (see Summary of Code Requirements above).
 - a) requires that the "use must be completely contained within an enclosed principal building." While the self-storage spaces for rental are within the existing building as are related showroom, elements of the use including vehicle accessory installation, and loading/unloading spaces as well as vehicles and trailers for rental are to be stored outside near the Grand Ave. sidewalk. This use violates the requirements of Section 50-20.3 L.2(a). This type of outdoor storage is violative of the directives of the adopted comprehensive plan, which calls for master planned sites within Core

Investment Areas, architectural guidelines to ensure adherence to neighborhood design standards, and a reduction in 'strip development' such as would be increased through approval of this proposal (Imagine Duluth Comprehensive Plan, Page TO-8).

b) Signs. Applicant's detail drawings and calculations of sign area for each wall are within the limits of Section 50-27 for wall signs for a commercial use in a MU-C zone. However, other features shown on the facades may fall under the UDC definition of "sign," such as any images of storage unit doors, which would count toward the maximum sign area allowed. The proposed signage would not be consistent with the comprehensive plan directive to enhance the gateway characteristics of Core Investment Areas, and this prominent site, including the proposed building colors which appear designed to allow the entire building to serve as a "sign," does not adhere to the intent for neighborhood-focused improvements within the city (Imagine Duluth Comprehensive Plan, page TO-8).

c) Section 50-20.3.L.2(d).i. requires a 350-foot setback from residential uses. The self-storage facility is located 170 feet from many adjacent residential structures (the closest being 317 N. 58th Ave. W.). The proposed project is violative of the requirements of Section 50-20.3.L.2(d).i. Furthermore, the application would not be eligible for a variance from this requirement of the Code in that any such variance would constitute a use variance under Minnesota Statute 462.357 Subdivision 6, which states in part: *"The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located."* The proposed use is not allowed under the zoning ordinance for this location because of its adjacency to residential properties, and no such use variance could be statutorily permissible under existing law.

d) Section 50-20.3.L.2(d).ii. requires that access to storage units through garage doors, roll-up doors or loading docks may only be provided from the rear or side of the structure. The facility is proposed to be constructed so that storage units are accessed via two roll-up doors on the front (east) side of the building, which is prohibited under the use-specific standards for this use. Therefore, the proposal is violative of Section 50-20.3.L.2.(d)ii.

e) Section 50-20.3.L.2(d).iii.1. requires that, for any building fronting on a parking area of greater than 25 parking spaces, 66% of the building frontage to a depth of at least 60 feet shall be active, occupied customer-facing commercial space. Approximately 60 feet of the front (east) side of the building facing the parking area consists of active space with windows, which is far less than the 235 feet required. Therefore, the special use permit application is violative of the requirements of Section 50-20.3.L.2(d).iii.

f) Section 50-20.3.L.2(d).iii.2. requires that a minimum of 65% of front and 25% of side walls between two and eight feet above the sidewalk or ground surface must consist of transparent, non-reflective windows and a minimum of 25% of the windows have views directly into and out of the ground floor occupied space. The front (east) side of the building does not provide the required transparency. Therefore, the proposal is violative of Section 50-20.3.L.2(d).iii.2.

g) Section 50-20.3.L.2(d).iii.3. requires that that front and side façade shall be more than 50% (excluding windows) brick or split-block materials. The front (east) and side (Grand Ave.) facades of the existing building are currently more than 50% split-block material. Plans submitted show replacing some of the split-block material with windows and doors for both customer and vehicle entrance. A final calculation has not been done to determine if the modified building complies with this requirement.

h) Alternative design proposal (Section 50-20.3.L.2(d).iii.4.) The applicant has not formally requested consideration of an alternative design, nor have they identified how the proposed design "achieves substantially the same degree of building design and functional aesthetics" as UDC requirements.

7) Section 50-23 (Connectivity and Circulation). The project shows a sidewalk that connects the front of the building to the Grand Ave. sidewalk and sidewalks that continue along the front of the Spirit Valley shopping center. The proposed use does not enhance connectivity through the site, and introduces new auto-oriented activities to the site and the neighborhood, which will negatively impact connectivity and circulation within the site and around the site, including on Grand Avenue and on other adjacent areas.

8) Section 50-24 (Parking and Loading). The showroom (retail) requires 9 stalls, the self-service storage requires 25 stalls, and the warehouse requires 21 stalls for a total of 55 stalls required. The site plan shows 115 parking stalls some of which will be occupied by U-Haul rental vehicles and trailers. There is no reduction in impervious surfaces proposed, and the applicant instead proposes to use the property for outdoor storage and display of rental vehicles and other for-rent items associated with the use.

9) Section 50-25 (Landscaping and Tree Preservation). A redevelopment project of this scope on a site of this size exceeding 75% of the value of the existing building requires compliance with landscaping provisions of the UDC. The applicant has provided a site plan showing the addition of trees in the Grand Ave. and Spirit Dr. street rights of way and new trees in the parking lot interior. The applicant would require City Engineer and City Forester permission to install trees in the street right of way and the City Engineer has commented that there may be limited space in which to locate them given existing trees, street lights, and a 3 inch gas main. The applicant has not proposed acceptable adjustments to

the design of the rights-of-way to accommodate the use, nor to ensure the survival of the trees or other landscaping items that would be needed to support the UDC requirements for the site. It is anticipated that the trees, based on current design, may have high mortality rates and would not thrive. Additional landscaping required by the project would need to be evaluated at time of building permit application. It appears that there would be adequate space for this landscaping as the site currently has 115 parking stalls and only 55 stalls are required; however, the design for the site has not considered alternative plans for use of the site that could support compliance with the UDC and intent of the comprehensive plan for improved landscaping in this neighborhood area.

- 10) Section 50-26 (Screening, Walls and Fences). The site plan shows a new refuse container enclosure to meet UDC requirements is planned as well as landscaping at the loading dock. The refuse container is shown in the Spirit Dr. street right of way. The City Engineer has commented that the refuse container must be located out of the street right of way as the proposed location conflicts with utilities and sight lines for driveway access. The application therefore does not comply with the requirements of Section 50-26. No containers may be placed in rights-of-way without obtaining a Concurrent Use Permit from the city.
- 11) Section 50-29 (Sustainability Standards). Typically inapplicable to reuse of an existing building. The provisions state:
50-29.1 Applicability. In order to promote sustainable development, all new residential development proposals containing three or more units, and all non-residential development with a gross floor area of 10,000 square feet or more, shall be required to comply with the provisions of this Section 50-29. (Ord. No. 10044, 8-16-2010)
50-29.2 Points required. Each new development shall be required to achieve at least a minimum number of points from the menu of options shown in Table 50-29-1: B. Non-residential development minimum requirements. 1. Non-residential development with 10,000 to 25,000 square feet: 3 points. 2. Non-residential development with a total square footage of more than 25,000 square feet: 4 points;
- 10) Section 50-30 (Building Design Standards). Not applicable.
- 11) Section 50-31 (Exterior Lighting). A redevelopment project of this scope on a site of this size exceeding 25% of the value of the existing building requires compliance with exterior lighting provisions of the UDC. The photometric plan provided shows a maximum light level at the property line that exceeds the UDC limit as well as a maximum/minimum light ratio that exceeds the UDC limit. The application does not comply with the requirement of Section 50-31.
- 12) Several comments were received from the West Duluth Business Club (WDBC), Irving Rec and Events Assoc., Inc., and a local business.
 - a) Per their Sept. 9, 2021 letter (attached), the WDBC met with U-Haul and their real estate representatives to learn about the project, but ultimately voted unanimously to not support the zoning request after an informal survey of local businesses and community members. The WDBC is working to develop an image for the area as a mixed-use or retail area supportive of entrepreneurs and feel there are better locations for U-Haul in the West Duluth area.
 - b) Per their Nov. 1, 2021 letter (attached), Irving Rec and Events Assoc. is opposed to U-Haul to locating at this site because plans for the business district include retail, office space, and mixed use development. They would support U-Haul locating in one of the western industrial parks.
 - c) Letter (attached) from the owner and operator of North Port Tattoo stating that U-Haul locating at the site would do more harm than good because of the scale of the operation. They believe the area has the potential to become a very boutique, foot-traffic center for small business commerce.
 - d) Per their Dec. 30, 2021 email the WDBC (attached) affirming that their board does not support the U-Haul project and that they “strongly believe that most local residents and businesses do not support it either.”
 - e) Per a Dec. 30, 2021 email (attached), Tom Bergum (Solutions Insurance Agencies) does not have an issue with U-Haul moving in.
 - f) Per a Dec. 31, 2021 email (attached), Kathleen Panger is “not for a U-Haul at all, and sees no benefit to western Duluth at all.”
 - g) Jan. 2, 2022 email (attached) from RaeAnn Hamlin (Hamlin Music) stating “The initial designed use of this property was to provide a shopping area for the citizens of West Duluth . . . and beyond. Over the years it attracted people for that very reason. Although times have changed the need for viable, attractive businesses in this area of Duluth has not. We need to prioritize to encourage people to be in the West Duluth area. Truck and Storage are not appropriate for this space.”
- 13) While the project as proposed does reuse an existing building, consistent with Comprehensive Plan Governing Principle #1, the project is inconsistent with multiple other Comprehensive Plan Principles, Policies, and Strategies as evaluated in the previous section of this report.

Staff Recommendation

Based on the above findings, Staff recommends that Planning Commission act to adopt the findings below and the Recommended Staff findings identified in the Review and Discussion section of this report, and to deny the special use permit for the following reasons:

- 1) The proposed project does not meet the following Use Specific Standards for Self-Service Storage Facilities in Sec. 50-20.3.L.2:
 - a) The proposed facility cannot comply with the required 350 foot setback to residential property, and the use is therefore not a permitted use, even if a special use permit were granted, in this location.
 - b) The proposed facility does not meet the UDC requirement related to location of roll-up doors. The facility is designed so that storage units are accessed via two roll-up doors on the front (east) side of the building, which is not a permissible location.
 - c) The proposed facility does not provide the required active and occupied interior spaces along the east and north sides of the building.
 - d) The proposed facility does not provide the required level of transparency along the east side of the building.
- 2) The proposed project is inconsistent with multiple Comprehensive Plan Principles, Policies, and Strategies more fully identified in the Review and Discussion and Comprehensive Plan sections of this report.

NOTES CORRESPONDING TO SCHEDULE B

AS PER COMMITMENT NO. 01040-23411, DATED JUNE 15, 2020.

10. The following appears as recital on Certificate of Title No. 330992.0 to Parcel 1 pursuant to Order and Decree of Registration filed November 21, 2013 as Document No. 938854 (Torrens):
SUBJECT to an easement in favor of the public for slopes, as such easement was condemned by City of Duluth in certain condemnation proceedings, the award in which proceedings bearing date October 25, 1920, was recorded in the office of said Register of Deeds, on December 1, 1920, in Book 19 of Miscellaneous, on page 553. (NOT PLOTTED BOOK AND PAGE HYPERLINK NOT AVAILABLE)

11. The following appears as recital on Certificate of Title No. 330992.0 to Parcel 1 pursuant to Order and Decree of Registration filed November 21, 2013 as Document No. 938854 (Torrens):
(a) Quit Claim of Lot 2 formerly described as Lots 15 and 16, Block 23, West Duluth First Division is SUBJECT to the rights of Chadoo of Duluth, a Minnesota limited partnership, and Walgreen Co., an Illinois corporation, arising from that certain memorandum of lease dated December 3, 1982, filed in the office of the County Recorder as Document No. 356163. (NO PLOTTABLE INFORMATION)

12. The following appears as recital on Certificate of Title No. 330992.0 to Parcel 1 pursuant to Order and Decree of Registration filed November 21, 2013 as Document No. 938854 (Torrens):
That part of Lot 2 formerly described as Lot 10, Block 23, West Duluth First Division is SUBJECT to easements and servitudes as are incident to the reservation of the mineral estate by the State of Minnesota effected by deed recorded in the office of the Register of Deeds, in Book 765 of Deeds, page 456. (Mineral title is not shown further) (NOT PLOTTED, BOOK AND PAGE HYPERLINK NOT AVAILABLE)

13. The following appears as recital on Certificate of Title No. 330992.0 to Parcel 1 pursuant to Order and Decree of Registration filed November 21, 2013 as Document No. 938854 (Torrens):
Lot 2 is SUBJECT to a ratification agreement recorded in the office of the County Recorder, as Document No. 374575 which ratifies a lease agreement not identified by a document number and runs in favor of Walgreen Co., an Illinois corporation. (NO PLOTTABLE INFORMATION)

14. The following appears as recital on Certificate of Title No. 330992.0 to Parcel 1 pursuant to Order and Decree of Registration filed November 21, 2013 as Document No. 938854 (Torrens):
SUBJECT to a subordination agreement recorded in the office of the County Recorder, as Document No. 402271 which subordinates rights of the City of Duluth in Document 372753. (NO PLOTTABLE INFORMATION)

15. The following appears as recital on Certificate of Title No. 330992.0 to Parcel 1 pursuant to Order and Decree of Registration filed November 21, 2013 as Document No. 938854 (Torrens):
SUBJECT to a memorandum of lease recorded in the office of the County Recorder, as Document No. 479804. (NO PLOTTABLE INFORMATION)

16. The following appears as recital on Certificate of Title No. 330992.0 to Parcel 1 pursuant to Order and Decree of Registration filed November 21, 2013 as Document No. 938854 (Torrens):
Lots 2 and 3 are SUBJECT to resolution of the Duluth City Council recorded in the office of the County Recorder, as Document No. 518079 vacating utility, alley and street easements. (PLOTTED AND SHOWN HEREON)

17. The following appears as recital on Certificate of Title No. 330992.0 to Parcel 1 pursuant to Order and Decree of Registration filed November 21, 2013 as Document No. 938854 (Torrens):
SUBJECT to resolution of the Duluth City Council recorded in the office of the County Recorder, as Document No. 518080 vacating a portion of Bristol Street subject to retention of a 66 foot utility easement over and across the portion of Bristol Street vacated. (PLOTTED AND SHOWN HEREON)

18. The following appears as recital on Certificate of Title No. 330992.0 to Parcel 1 pursuant to Order and Decree of Registration filed November 21, 2013 as Document No. 938854 (Torrens):
SUBJECT to amendment to special assessment agreement recorded in the office of the County Recorder, as Document No. 518085 which amends a special assessment agreement not identified by document number dated February 10, 1984 between the City of Duluth and itself. (NO PLOTTABLE INFORMATION)

19. The following appears as recital on Certificate of Title No. 330992.0 to Parcel 1 pursuant to Order and Decree of Registration filed November 21, 2013 as Document No. 938854 (Torrens):
SUBJECT to subordination, nondisturbance and attornment agreement recorded in the office of the County Recorder, as Document No. 518086 which subordinates a lease to KMART Corporation, a Michigan Corporation, formerly known as S S Kresge Company, tenant, with Valley Center Limited Partnership (as assigned to Chadoo of Duluth Limited Partnership), landlord, dated July 19, 1989, not identified by document number to a mortgage between Chadoo of Duluth Limited Partnership, mortgagee, and First Bank North, National Association, mortgagor not identified by document number. (NO PLOTTABLE INFORMATION)

20. The following appears as recital on Certificate of Title No. 330992.0 to Parcel 1 pursuant to Order and Decree of Registration filed November 21, 2013 as Document No. 938854 (Torrens):
SUBJECT to resolution of the Duluth City Council recorded in the office of the County Recorder, as Document No. 533535 vacating part of Bristol Street and retaining a 66 foot easement over, under and across the vacated area and which resolution of the Duluth City Council is dated September 30, 1991. (NOT PLOTTED, VACATED STREET AND RETAINED EASEMENT FALL NORTHEAST OF SUBJECT PROPERTY)

21. The following appears as recital on Certificate of Title No. 330992.0 to Parcel 1 pursuant to Order and Decree of Registration filed November 21, 2013 as Document No. 938854 (Torrens):
Lot 2 is TOGETHER WITH a restrictive covenant recorded in the office of the County Recorder, as Document No. 533729 encumbering other land in favor of Chadoo of Duluth Limited Partnership, a Minnesota limited partnership. (BLANKET IN NATURE, SEE DOCUMENT FOR DETAILS)

22. The following appears as recital on Certificate of Title No. 330992.0 to Parcel 1 pursuant to Order and Decree of Registration filed November 21, 2013 as Document No. 938854 (Torrens):
SUBJECT to a mortgage, assignment of leases and security agreement recorded in the office of the County Recorder, as Document No. 967630 and assignment of said mortgage recorded as Document No. 1000562, which mortgage, etc., by reason of said assignment now runs in favor of LaSalle Bank National Association, in its capacity as trustee for the registered holder of LB-US Commercial Mortgage Trust 2005-C2, Commercial Mortgage Pass-Through Certificates, Series 2005-C2 and secures the principal sum of \$6,755,000.00.
Note: A Satisfaction of Mortgage is recorded in the office of the County Recorder (Abstract records) as on May 21, 2005 as Document No. 1260911. (NO PLOTTABLE INFORMATION)

23. Memorandum of Lease in favor of ZRC Plaza, a Wisconsin general partnership, dated March 4, 1983, filed March 7, 1983 as Document No. 449946.0.
Assignment of Lease to Marine Bank National Association dated March 3, 1983, filed March 7, 1983 as Document No. 449946.0.
Note: The above document appears to have expired by its own terms, however, the Company shall not be responsible for bringing or for paying the cost of, any proceeding subsequent or other action that may be required in order to cause the memorial to be deleted from any future Certificate(s) of Title for the Land. (NO PLOTTABLE INFORMATION)

24. Resolution 83-0940 recorded January 20, 1984 in the office of the County Recorder as Document No. 371587 (Abstract) and filed in the office of the Registrar of Titles as Document No. 456785 (Torrens) (as to Parcels 1 and 2) (NOT PLOTTED, VACATED STREETS ARE UNDERLYING OF THE PLAT OF SPIRIT VALLEY DIVISION)

25. Memorandum of Lease in favor of Walgreen Co., an Illinois corporation dated December 3, 1982, filed February 7, 1984 as Document No. 457089 (Torrens)
Ratification Agreement dated February 14, 1984, filed March 30, 1984 as Document No. 458142.0 (Torrens)

The above Documents appear to be shown as Recitals on Certificate of Title No. 330992 as County Recorder Document Nos. 356163 and 374575.
Note: The above documents appear to have expired by their terms, however, the Company shall not be responsible for bringing or for paying the cost of, any proceeding subsequent or other action that may be required in order to cause the memorial/recital to be deleted from any future Certificate(s) of Title for the Land. (NO PLOTTABLE INFORMATION)

26. Access and Utility Easement as reserved by the City of Duluth in deed dated February 9, 1984, filed February 17, 1984 in the office of the County Recorder as Document No. 372745 (Abstract), and in the office of the Registrar of Titles as Document No. 457274 (Torrens). (PLOTTED AND SHOWN HEREON)

27. Special Assessment Agreement dated February 10, 1984, recorded February 17, 1984 in the office of the County Recorder as Document No. 372747 (Abstract) and in the office of the Registrar of Titles as Document No. 457276.0 (Torrens).
Amendment to Special Assessment Agreement dated August 29, 1990, recorded April 4, 1991 in the office of the County Recorder as Document No. 518085 (Abstract) and filed in the office of the Registrar of Titles as Document No. 533067.0 (Torrens). (as to Parcels 1, 2 and 3) (NO PLOTTABLE INFORMATION)

28. Memorandum of Lease between Valley Center Limited Partnership, a Minnesota limited partnership, and Kmart Corporation, a Michigan corporation dated July 19, 1989, recorded July 26, 1989 in the office of the County Recorder as Document No. 479804, and filed April 4, 1991 in the office of the Registrar of Titles as Document No. 533049 (Torrens).
Note: Lease term appears to be for 25 years plus ten options for 5 year extensions. (as to Parcels 1, 2 and 3) (NO PLOTTABLE INFORMATION)

29. Resolution 90-0943 filed April 4, 1991 in the office of the County Recorder as Document No. 518079 (Abstract)—Shown as a Recital on Certificate No. 330992.0 and in the office of the Registrar of Titles as Document No. 533061 (Torrens). (as to Parcels 1, 2 and 3) (PLOTTED AND SHOWN HEREON)

30. Resolution 90-0824 filed April 4, 1991 in the office of the County Recorder as Document No. 518080 (Abstract)—Shown as a Recital on Certificate No. 330992.0 and in the office of the Registrar of Titles as Document No. 533062 reserving the following:
a. 66 foot utility easement over Bristol Street. (FALLS NORTHEAST OF SUBJECT PROPERTY)
b. Utility easement over the Eastern 14 feet of Lots 1 through 16, Block 10, West Duluth First Division.
c. 20 foot utility easement over, under, and across Lot 3, Block 4, Spirit Valley Division described as follows: Commencing at the most northerly corner of said Lot 3, thence southeasterly along the northeasterly line of said Lot 3, a distance of 25.88 feet to the beginning of the center line to be described; thence deflect 45 degrees 56 minutes 54 seconds to the right in a southerly direction a distance of 104.92 feet to the southwesterly line of said Lot 3, and said line there terminating. The side lines of said easement are prolonged or shortened to terminate on the northeasterly and southwesterly lines of said Lot 3.
d. 20 foot utility easement over, under and across those parts of Lots 2 and 3, Block 3, and that part of Lot 4, Block 4, Spirit Valley Division included in the center line to be described; thence continue westerly, along the last described line, a distance of 158.03 feet; thence deflect 30 degrees 36 minutes 36 seconds to the right in a northwesterly direction a distance of 36.49 feet; thence deflect 59 degrees 20 minutes 46 seconds to the right in the northerly direction a distance of 238.74 feet to the southeasterly right of way line of Grand Avenue and said line there terminating. Except that part lying in Lot 3, Block 4, Spirit Valley Division. (as to Parcels 1, 2 and 3) (PLOTTED AND SHOWN HEREON)

31. Resolution 91-0267 filed April 4, 1991 in the office of the County Recorder as Document No. 518081 (Abstract) and in the office of the Registrar of Titles as Document No. 533063 (Torrens) reserving the following:
Easement for underground placement of utilities within all of Lot 2, Block 4; the Northeasterly 20 feet of the Southeasterly 20 feet of Lot 3, Block 4; and that portion of alley between Blocks 3 and 4 and utility easement in Lot 1, Block 3, described as the 20 feet thereof lying Southwesterly of the Southwest line of Lot 2, Block 4, as extended 3 feet Southeasterly from the South corner of said Lot 2, Block 4, Spirit Valley Division. (as to Parcels 1, 2 and 3) (VACATED ALLEY PLOTTED AND SHOWN HEREON)

32. Amendment to Mortgage dated February 20, 1991, filed April 4, 1991 as Document No. 533075 appears as a memorial on Certificate of Title No. 330992.

Note: The above document appears to no longer affect the property, however, the Company shall not be responsible for bringing or for paying the cost of, any proceeding subsequent or other action that may be required in order to cause the memorial to be deleted from any future Certificate(s) of Title for the Land. (NO PLOTTABLE INFORMATION)

33. Matters resulting from Certificate of Title No. 330992.0 showing Chadoo of Duluth Limited Partnership, a Minnesota limited partnership, as the registered owner.
Note: Quit Claim Deed and Assignment of Leases from Chadoo of Duluth Limited Partnership, a Minnesota limited partnership, to Chadoo of Duluth, LLC, a Minnesota limited liability company, dated December 16, 2004, filed December 20, 2004 as Document No. 967629 is shown as a memorial on said Certificate of Title. (NO PLOTTABLE INFORMATION)

34. Mortgage and Security Agreement and Fixture Financing Statement and Assignment of Rents by Chadoo of Duluth, LLC, a Minnesota limited liability company, in favor of Members Cooperative Credit Union dated April 10, 2015, recorded in the office of the County Recorder on April 22, 2015 as Document No. 125896. (Abstract) and filed in the office of the Registrar of Titles as Document No. 956331 (Torrens) in the original amount of \$5,500,000.00.
Partially released by Partial Release of Mortgage and Assignment of Rents and Leases dated July 10, 2019, recorded July 17, 2019 as Document No. 1358762 (Abstract). (as to Parcels 1, 2 and 3) (NO PLOTTABLE INFORMATION)

35. Collateral Assignment of Rents and Leases by Chadoo of Duluth, LLC, a Minnesota limited liability company, in favor of Members Cooperative Credit Union dated April 10, 2015, recorded in the office of the County Recorder on April 22, 2015 as Document No. 1258962 (Abstract) and filed in the office of the Registrar of Titles as Document No. 956332 (Torrens).
Partially released by Partial Release of Mortgage and Assignment of Rents and Leases dated July 10, 2019, recorded July 17, 2019 as Document No. 1358762 (Abstract). (NO PLOTTABLE INFORMATION)

36. Subordination, Attornment and Non-Disturbance Agreement among Members Cooperative Credit Union, as lender, Kmart Corporation, a Michigan corporation, as tenant, and Chadoo of Duluth, LLC, a Minnesota limited liability company, as landlord, dated April 10, 2015, recorded June 11, 2015 in the office of the County Recorder as Document No. 1262314 (Abstract) and filed in the office of the Registrar of Titles as Document No. 958288.0 (Torrens). (as to Parcels 1, 2, 3—includes additional land) (NO PLOTTABLE INFORMATION)

37. Mortgage and Security Agreement and Fixture Financing Statement and Assignment of Rents by Chadoo of Duluth, LLC, a Minnesota limited liability company, in favor of Members Cooperative Credit Union dated April 30, 2015, recorded in the office of the County Recorder on May 10, 2018 as Document No. 1332619 (Abstract) and filed in the office of the Registrar of Titles as Document No. 997874 (Torrens) in the original amount of \$405,600.00.
Partially released by Partial Release of Mortgage and Assignment of Rents and Leases dated July 10, 2019, recorded July 17, 2019 as Document No. 1358763 (Abstract). (as to Parcels 1, 2, 3—includes additional land) (NO PLOTTABLE INFORMATION)

38. Collateral Assignment of Rents and Leases by Chadoo of Duluth, LLC, a Minnesota limited liability company, in favor of Members Cooperative Credit Union dated April 30, 2015, recorded in the office of the County Recorder on May 10, 2018 as Document No. 1332620 (Abstract) and filed in the office of the Registrar of Titles as Document No. 997875 (Torrens).
Partially released by Partial Release of Mortgage and Assignment of Rents and Leases dated July 10, 2019, recorded July 17, 2019 as Document No. 1358763 (Abstract). (as to Parcels 1, 2, 3—includes additional land) (NO PLOTTABLE INFORMATION)

39. Easements shown and dedicated on the plat of Spirit Valley Division recorded November 30, 1987 in the office of the County Recorder (Abstract records) as Document No. 445648, and filed March 14, 2013 in the office of the Registrar of Titles (Torrens records) as Document No. 928092.0.

Resolution 83-940 recorded January 20, 1984 in the office of the County Recorder as Document No. 371587 (Abstract) and filed in the office of the Registrar of Titles as Document No. 456785 (Torrens).

Resolution 90-943 recorded April 4, 1991 in the office of the County Recorder as Document No. 518079 (Abstract) and filed in the office of the Registrar of Titles as Document No. 533061 (Torrens). (PLOTTED AND SHOWN HEREON)

Resolution 91-0824 recorded April 4, 1991 in the office of the County Recorder as Document No. 518080 (Abstract) and filed in the office of the Registrar of Titles as Document No. 533062 (Torrens). (PLOTTED AND SHOWN HEREON)

Resolution 91-0267 recorded April 4, 1991 in the office of the County Recorder as Document No. 518081 (Abstract) and filed in the office of the Registrar of Titles as Document No. 533063 (Torrens). (PLOTTED AND SHOWN HEREON)

Resolution 91-0793 recorded November 8, 1991 in the office of the County Recorder as Document No. 533535 (Abstract). (FALLS NORTHEAST OF SUBJECT PROPERTY)

40. Easement as contained in Certificate in favor of the City of Duluth dated September 6, 1927, filed October 3, 1927 as Document No. 91344. (as to Parcels 2 and 3) (BLANKET IN NATURE)

41. Subject to the terms and conditions of an Easement Agreement dated May 16, 1990 between Thomas J. Olsch and Mary F. Olsch, husband and wife, individually as assigns and successors in interest to Kom-On-Inn, Inc., Kimberly Elder, single person and Curt Johnson Properties, Inc., as shown in Deed dated

NOTE:

THIS SURVEY SHALL NOT BE USED WITH AN AFFIDAVIT OR LETTER OF ANY KIND FOR REUSE INCLUDING, BUT NOT LIMITED TO, FUTURE CLOSINGS, MORTGAGES, PLAT PLANS, CONSTRUCTION, LANDSCAPING, PAVING, ETC. THE SURVEYOR'S OF THE FEDERAL COPYRIGHT ACT, DIGITAL MILLENNIUM COPYRIGHT ACT TO COPY OR MODIFY OR REUSE ANY PART OF THE DATA AND SCOPE OF THE SURVEYOR'S WORK. THE USER AND/OR AGENTS SHALL NOT BE LIABLE FOR USE OF THIS SURVEY BY ANY OTHER PERSONS OR PERSONS FOR ANY PURPOSES BEYOND THE ORIGINAL DATE, SCOPE, AND PERMISSION OF U.S. SURVEYOR.

FLOOD DATA This property is in Zone X of the Flood Insurance Rate Map, Community Panel No. 27003030319E & 27003030328E which has an effective date of 12/16/2015 and IS NOT in a Special Flood Hazard Area. Field surveying was not performed to determine this zone. An elevation certificate may be needed to verify this determination or apply for an amendment from the Federal Emergency Management Agency.

IT IS THE CONTRACTORS RESPONSIBILITY TO LOCATE ALL UTILITIES, WHETHER OR NOT SHOWN ON THIS SURVEY OR NOT PRIOR TO COMMENCEMENT OF WORK. THIS SURVEY HAS BEEN PREPARED USING AVAILABLE UTILITY DATA. THIS SURVEYOR DOES NOT MAKE STATEMENTS OF ACCURACY BASED UPON MAPS AND UTILITY LOCATES OF OTHERS.

ALTA/NSPS LAND TITLE SURVEY

May 16, 1990, filed December 31, 1990 in the office of the County Recorder as Document No. 513123 (Abstract).
(as to Parcel 2) (PLOTTED AND SHOWN HEREON)

42. Matters resulting from Certificate of Title No. 67311.0 appearing to describe an underlying portion of Lot 8, Block 4, Spirit Valley Division, the City of Duluth as the registered owner.
Note: The following (a) and (b) appear to have been filed in error on another Certificate of Title: See item 49 (a) and 49 (c).
(a) Quit Claim Deed from the City of Duluth to Spirit Valley Landromat, a Minnesota partnership, dated March 26, 1991, recorded April 4, 1991 in the office of the County Recorder as Document No. 518066 (Abstract) and filed in the office of the Registrar of Titles as Document No. 533052 (Torrens). The legal description on the above deed is Lot 8, Block 4, Spirit Valley Division. (apparent torrens filing error); and
(b) Quit Claim Deed from Valoree B. Hammond, as successor in interest to Spirit Valley Landromat, to Chadoo of Duluth Limited Partnership, a Minnesota partnership, dated March 27, 1991, recorded April 4, 1991 in the office of the County Recorder as Document No. 518067 (Abstract) and filed in the office of the Registrar of Titles as Document No. 533053 (Torrens). The legal description on the above deed is Lot 8, Block 4, Spirit Valley Division. (apparent torrens filing error) (NOT PLOTTED)

Additional Note: Quit Claim Deed and Assignment of Leases from Chadoo of Duluth Limited Partnership, a Minnesota limited partnership, to Chadoo of Duluth, LLC, a Minnesota limited liability company, dated December 16, 2004, filed December 20, 2004 as Document No. 967629 is shown as a memorial on said Certificate of Title.

43. The following appears as recital on Certificate of Title No. 335933.0 to part of Parcel 3 pursuant to Order and Decree of Registration filed July 7, 2015 as Document No. 859212 (Torrens):
The aforescribed property is SUBJECT to mineral rights reserved by the State of Minnesota as more particularly appears in that certain deed recorded in Book 776 of Deeds page 265 in the office of the Registrar of Deeds.
(as to part of Parcel 3, Mineral title not shown further) (BLANKET IN NATURE)

44. The following appears as recital on Certificate of Title No. 213821.0 to part of Parcel 3: Lot 13 is SUBJECT TO THE FOLLOWING:
(a) An easement in favor of the public for sewers as such easement was condemned by City of Duluth, a Municipal Corporation, in certain condemnation proceedings the plat in which bears date January 21, 1918 and was filed of record in the office of the Registrar of Deeds on February 4, 1918, in Book 18 of Miscellaneous on page 423 thereof.
(b) an easement in favor of the public for highway purposes as such easement was condemned by City of Duluth in certain condemnation proceedings, the plat in which proceedings bears date March 15, 1926 and was filed of record in the office of the Registrar of Deeds on October 29, 1926, in Book 2 of Plats on page 179 thereof.
(c) An easement in favor of the public for slopes and fills on Bristol Street as such easement was condemned by City of Duluth, a Municipal Corporation, in certain condemnation proceedings, the plat in which proceedings bears date August 22, 1927 and was filed of record in the office of the Registrar of Deeds in Book 18 of Miscellaneous on page 423 thereof. (NO PLOTTABLE INFORMATION)

45. Order, Judgment and Decree in favor of the City of Duluth dated August 13, 1934, filed September 4, 1934 as Document No. 124972 (Torrens).
(as to Parcel 3) (NOT PLOTTED, EASEMENT DESCRIPTION IS NOW WITHIN LOT 8 BLOCK 4 SPIRIT VALLEY AND IS NOT SHOWN AS BEING ROADWAY ON SAID PLAT)

46. Petition For Condemnation by the Duluth Economic Development Authority dated December 5, 1989, recorded October 25, 1990 in the office of the County Recorder as Document No. 508986 (Abstract) and in the office of the Registrar of Titles as Document No. 528488 (Torrens). (As to part of Parcel 3) (NO PLOTTABLE INFORMATION)

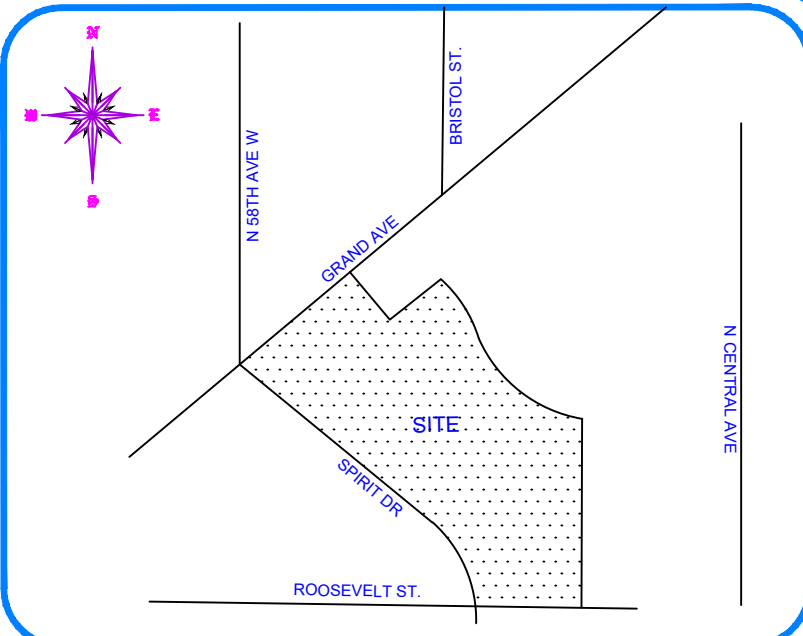
47. Petition For Condemnation by the Duluth Economic Development Authority dated December 5, 1989, recorded October 25, 1990 in the office of the County Recorder as Document No. 508986 (Abstract) and in the office of the Registrar of Titles as Document No. 528488 (Torrens), and Order Granting Condemnation Petition dated March 26, 1990, recorded October 25, 1990 in the office of the County Recorder as Document No. 508987 (Abstract) and in the office of the Registrar of Titles as Document No. 528489 (Torrens). (as to Parcel 3) (NO PLOTTABLE INFORMATION)

48. Matters resulting from Certificate of Title Nos. 253831 and 253830 showing Chadoo of Duluth Limited Partnership, a Minnesota limited partnership, as the registered owner.
Note: Quit Claim Deed and Assignment of Leases from Chadoo of Duluth Limited Partnership, a Minnesota limited partnership, to Chadoo of Duluth, LLC, a Minnesota limited liability company, dated December 16, 2004, filed December 20, 2004 as Document No. 967629 is shown as a memorial on the above said Certificates of Title. (NO PLOTTABLE INFORMATION)

49. Matters resulting from Certificate of Title No. 213821 showing Robert C. Jones and Anna M. Jones as the registered owners.
Note: The following appear as memorials on the above Certificate of Title:
(a) Contract for Deed by Robert C. Jones and Anna M. Jones, as vendor, and Bruce E. Doyle and Valoree B. Hammond, as vendee, dated June 6, 1978, filed September 8, 1978 as Document No. 415109 (Torrens).
(b) Quit Claim Deed from Bruce E. Doyle and Valoree B. Hammond to Spirit Valley Landromat, a partnership, dated May 9, 1980, filed July 14, 1980 as Document No. 431572 (Torrens).
(c) Quit Claim Deed from Spirit Valley Landromat, a partnership, to Valoree B. Hammond d/b/a Spirit Valley Landromat, dated February 3, 1989, filed February 7, 1989 as Document No. 508187 (Torrens).

(d) Quit Claim Deed from the City of Duluth to Spirit Valley Landromat, a Minnesota partnership, dated March 26, 1991, recorded April 4, 1991 in the office of the County Recorder as Document No. 518066 (Abstract) and filed in the office of the Registrar of Titles as Document No. 533052 (Torrens). The legal description is Lot 8, Block 4, Spirit Valley Division. (apparent filing error)
(e) Quit Claim Deed from Valoree B. Hammond, as successor in interest to Spirit Valley Landromat, to Chadoo of Duluth Limited Partnership, a Minnesota partnership, dated March 27, 1991, recorded April 4, 1991 in the office of the County Recorder as Document No. 518067 (Abstract) and filed in the office of the Registrar of Titles as Document No. 533053 (Torrens). The legal description on the above deed is Lot 8, Block 4, Spirit Valley Division. (apparent torrens filing error)
(f) Warranty Deed from Robert C. Jones and Anna M. Jones to Valoree B. Hammond, individually and as successor in interest to Bruce E. Doyle, dated December 18, 1990, filed April 4, 1991 as Document No. 533054 (Torrens).
(g) Warranty Deed from Valoree B. Hammond to Chadoo of Duluth Limited Partnership dated February 2, 1991, filed April 4, 1991 as Document No. 533055 (Torrens). (Includes Lot 8, Block 4, Spirit Valley Division)
(h) Quit Claim Deed and Assignment of Leases from Chadoo of Duluth Limited Partnership, a Minnesota limited partnership, to Chadoo of Duluth, LLC, a Minnesota limited liability company, dated December 16, 2004, filed December 20, 2004 as Document No. 967629. (NO PLOTTABLE INFORMATION)

50. Resolution 91-0793 filed November 8, 1991 in the office of the County Recorder as Document No. 533535 (Abstract) vacating a portion of Bristol Street. The City of Duluth retains an easement for utilities. (as to Parcel 1) (NOT PLOTTED, FALLS NORTHEAST OF SUBJECT PROPERTY)



VICINITY MAP

NOT TO SCALE

LEGAL DESCRIPTION

Real property in the City of Duluth, County of St. Louis, State of Minnesota, described as follows:

Parcel 1:

Lots 1, 2 and 3, Block 3, Spirit Valley Division, and that part formerly described as that part of Lots 15 and 16, Block 10, WEST DULUTH FIRST DIVISION, which falls within the following described line: Beginning at the Southeastern corner of said Lot 16, thence Wly along the S line of said Lot 16 for a distance of 125 ft to the SWly corner of said Lot 16, thence Nly along the Wly line of said Block 10 for a distance of 50 ft to the NWly corner of said Lot 15, thence deflect 111 degrees 48 minutes 05 seconds to the right and go 134.63 ft to the point of beginning and there terminating.

(Torrens property)—Certificate of Title No. 330992.0

Parcel 2:

That part of Lot 2, Block 4, Spirit Valley Division, St. Louis County, Minnesota, lying SWly of the following described line: Beginning at the most Nly corner of Lot 3, Block 4, Spirit Valley Division; thence S 54° 58' 57" E along the NEly line of said Lot 3 and the SEly extension of said line, 170 feet and there ending, and all of Lots 3 through 8, inclusive, Block 4, Spirit Valley Division, St. Louis County, Minnesota.

(Abstract property and Torrens property) Certificate of Title No. 67311.0 (as to a part of Lot 8)

Parcel 3:

Lots 1 through 13, Block 135, West Duluth Fifth Division, St. Louis County, Minnesota, except those parts platted as Spirit Valley Division, St. Louis County, Minnesota.

(Abstract and Torrens property)— Certificates of Title Nos. 253831.0 (Lot 5), 253830.0 (Lots 6 & 7), 335933

(Lot 8), 213821.0 (Lot 11, part of Lot 12, and Lot 13) and 67311.0 (part of Lot 12).

SITE DATA

ZONING AND RESTRICTIONS SHOWN HEREON WERE OBTAINED BY A GENERAL REQUEST AT THE PUBLIC COUNTER OF THE LOCAL ZONING AUTHORITY. NO REPRESENTATION IS MADE FOR THE ACCURACY OR COMPLETENESS OF SAID THIRD PARTY INFORMATION. THIS FIRM IS NOT AN EXPERT IN THE INTERPRETATION OF COMPLEX ZONING ORDINANCES. COMPLIANCE IS BEYOND THE SCOPE OF THIS SURVEY. ANY USER OF SAID INFORMATION IS URGED TO CONTACT THE LOCAL AGENCY DIRECTLY.

1. ZONING— MU—C — MIXED USED COMMERCIAL DISTRICT
SETBACKS—
—FRONT= 0 FEET MINIMUM
—SIDE= 0 FEET MINIMUM FOR BUILDING LESS THAN 25' IN HEIGHT
—REAR= 0 FEET MINIMUM

HEIGHT RESTRICTIONS— 45 FEET

PARKING PROVIDED—

—REGULAR= 352 SPACES
—HANDICAP= 23 SPACES
TOTAL SPACES PROVIDED= 375

2. NOTES REGARDING ALTA STANDARD ITEMS 16, 17, 18 & 19—
NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS IN RECENT MONTHS.
NO OBSERVABLE CHANGES IN STREET RIGHT-OF-WAY LINES, RECENT STREET OR SIDEWALK REPAIRS.
NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
NO WETLAND AREAS DELINEATED BY APPROPRIATE AUTHORITIES AT TIME OF SURVEY.

3. PROPERTY CONTAINS 8.69 ACRES, MORE OR LESS (378,721 SQ. FT.) OF GROSS LAND AREA.

SURVEYOR NOTES

1. PER TABLE A ITEM 16, NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.

2. PER TABLE A ITEM 17, WE ARE NOT AWARE OF ANY CHANGES IN STREET RIGHT-OF-WAY PRESENTLY OR PROPOSED.

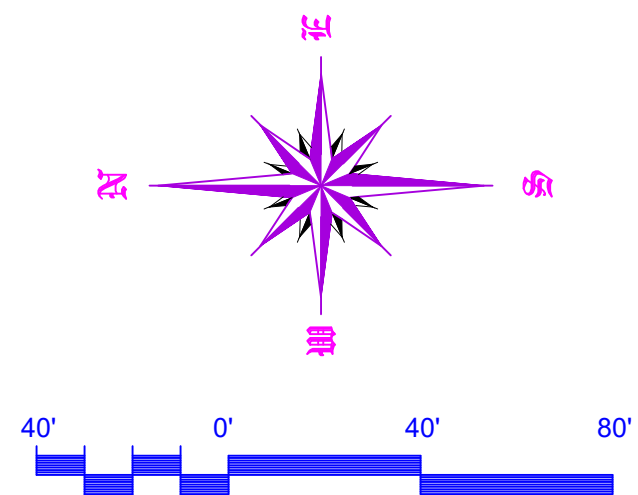
3. PER TABLE A ITEM 18, THERE WERE NO WETLAND MARKERS OBSERVED.

4. PROPERTY HAS PHYSICAL ACCESS TO AND FROM GRAND AVE, SPIRIT DR., AND ROOSEVELT ST., ALL BEING DULY DEDICATED PUBLIC RIGHT-OF-WAYS.

5. BASED ON OBSERVED EVIDENCE ONLY, THE SITE DOES NOT CONTAIN ANY CEMETERIES OR BURIAL GROUNDS.

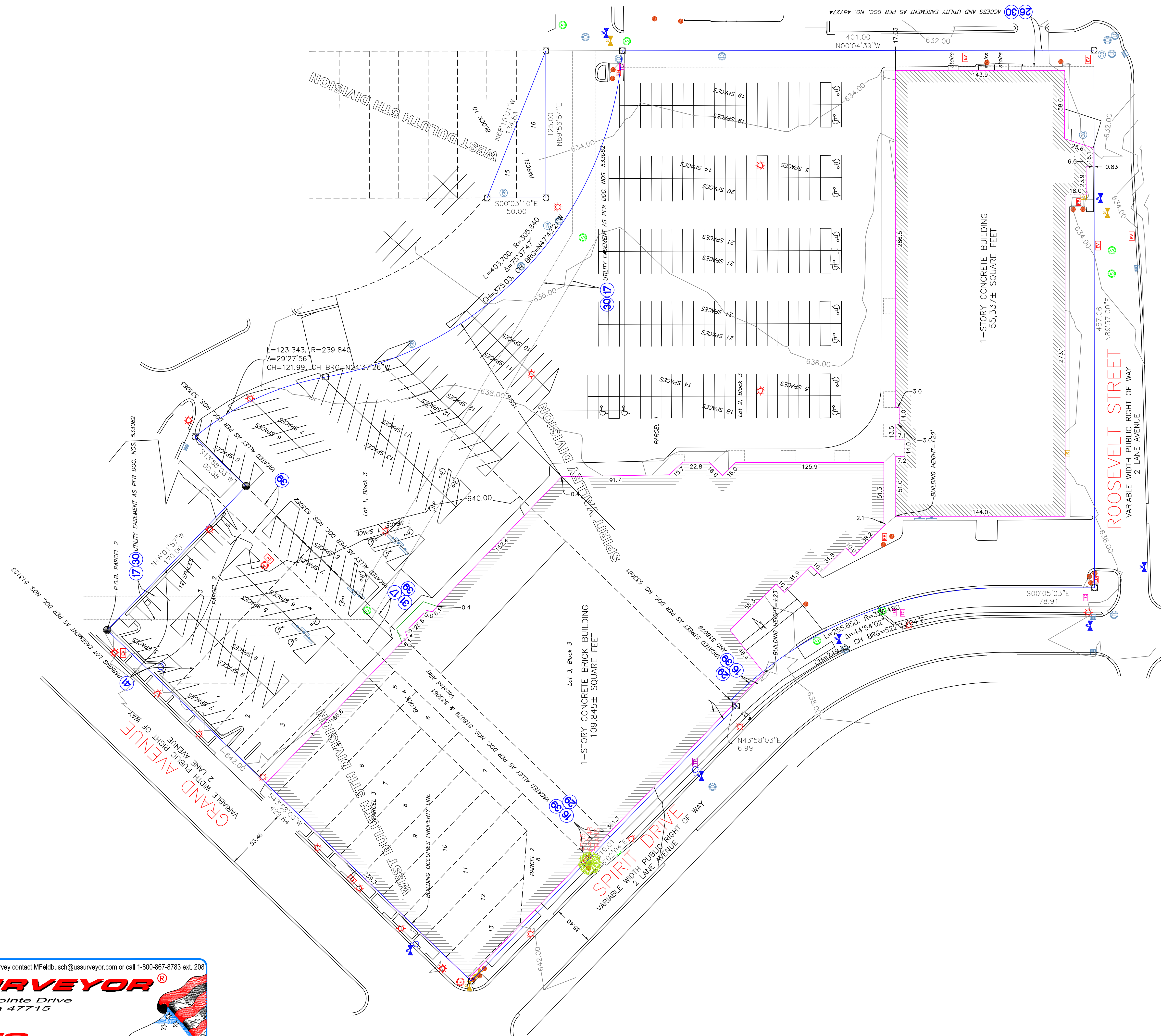
6. ADJOINING OWNERSHIP INFORMATION SHOWN HEREON WAS OBTAINED FROM THE CITY OF ST. LOUIS COUNTY WEBSITE. OWNERSHIP INFORMATION IS SUBJECT TO REVISION UPON RECEIPT OF A TITLE SEARCH BY A TITLE INSURANCE COMPANY.

8. ALL STATEMENTS WITHIN THE CERTIFICATION, AND OTHER REFERENCES LOCATED ELSEWHERE HEREON, RELATED TO: UTILITIES, IMPROVEMENTS, STRUCTURES, BUILDINGS



SCALE: 1" = 40'

THIS DRAWING WAS CREATED TO BE VIEWED IN THIS FORMAT. IF IT IS REPRODUCED OR VIEWED IN PDF OR ANY OTHER ELECTRONIC FORMAT, IT MAY NOT BE TO SCALE.
BEARINGS BASED ON SLCTM96
COUNTY COORDINATE SYSTEM





SITE AERIAL

SCALE: N.T.S.

Zoning Information		
Project Name:	Project # 729077 U-Haul Moving & Storage of West Duluth	
Municipality:	City of Duluth	
Project Address:	5710 Grand Ave., Duluth, MN 55807	
APN /Acre / Area:	St. Louis County APN(s) 010-4097-00090, 010-4097-00070, 010-4097-00170, 010-4097-00160, 010-4097-00150, 010-4097-00140, 010-4097-00130, 010-4097-00120, 010-4097-00111, 010-4510-02600, 010-4510-02570, 010-4510-02560, 010-4510-02540 and 010-4510-02510 / 3.92± Acres / 170,755± s.f.	
Zone:	MU-C - Mixed Use Commercial	
Adjacent Zoning:	N- F-3 - Mid-rise Community Shopping/ F-4 - Mid-rise Community Mix E- F-3 - Mid-rise Community Shopping/ F-4 - Mid-rise Community Mix S- F-4 - Mid-rise Community Mix W- F-3 - Mid-rise Community Shopping/ F-4 - Mid-rise Community Mix	
Uses:	Auto/Light Vehicle Rental (1), Mini-warehouse/Self-service Storage (SUP(58-20.3L))	
Bulk Requirements		
Setbacks:	Required	Provided
Front yard:	None, for structures 35-ft. or less	+/-162'-2"
Side yard:	None, 15-ft. adjacent to residential	None
Rear yard:	None, 15-ft. adjacent to residential	None
Height Limit:	90-ft. max. for mixed use 45 ft. within 500 ft of R-1 or R-2	
Existing Height	+/-25'-2"	
Parking:	Required	Provided
General Retail 3 sp/1000 sf 2908/1000=3 sp Self-service Storage (1 sp/ 20 storage units) 492 units/20=25 sp	3 sp 25 sp	5 sp 126 sp
Total Required:	27 sp	115 sp
LANDSCAPING		
Parking Area 15% (min) of interior parking area 1 tree/300 sf internal ls area, 8 ft (min) (72,162sf x15%=10,824 sf/300 sf=36 trees)	Required 36 trees	Provided 26 trees
Street Frontage	Required	Provided
Grand Avenue 1 tree/35 lf (430.5 ft/35 = 13)	13 trees	13 trees (including 5 existing)

- Existing Landscaping to Remain
- Proposed Landscaping
- Existing Sidewalk to Remain
- Existing Loading Dock and Refuse to Remain
- Existing Lighting to Remain

PRELIMINARY SITE PLAN

SCALE: 1" = 50' - 0"

SITE DATA

SHEET NOTES:

REVISIONS:

NO.	DATE	INITIALS	NOTES
1	10-01-21	zi	SUP resubmittal
2			
3			
4			
5			
6			
7			
8			

PROFESSIONAL SEAL:

PRELIMINARY DOCUMENTS;
NOT FOR CONSTRUCTION;
FOR INFORMATION ONLY

ARCHITECT LOGO:

AMERCO
REAL ESTATE COMPANY

CONSTRUCTION DEPARTMENT
2727 NORTH CENTRAL AVENUE
PHOENIX, ARIZONA 85004
P: (602) 263-6502

SITE ADDRESS:
U-Haul of West Duluth
5710 Grand Ave.
Duluth, MN 55807

SHEET CONTENTS:

Preliminary
Site Plan

729077

DRAWN:	KMB	SP1
CHECKED:	NH	
DATE:	08/25/21	

729077A1A.dwg

**5710 GRAND AVENUE
DULUTH, MN 55807**

CONNECTIVITY -EXISTING SIDWALKS

(SHOWN IN RED)





U-HAUL

MOVING & STORAGE AT WEST DULUTH
5710 Grand Ave., Duluth, MN 55807



U-HAUL

MOVING & STORAGE AT WEST DULUTH

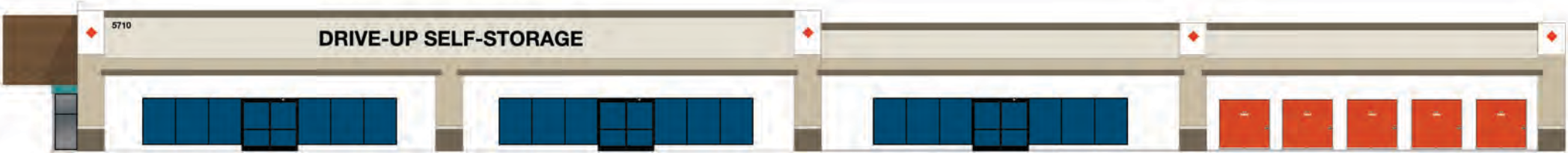
5710 Grand Ave., Duluth, MN 55807



MOVING & STORAGE AT WEST DULUTH
5710 Grand Ave., Duluth, MN 55807



NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION



ADVERTISING & MARKETING ASSOCIATES, INC.

ARCHITECTURAL DESIGN & FACILITY IMAGING



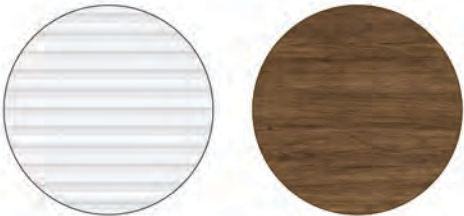
ATAS Architectural Panel
Woodland Series - Walnut

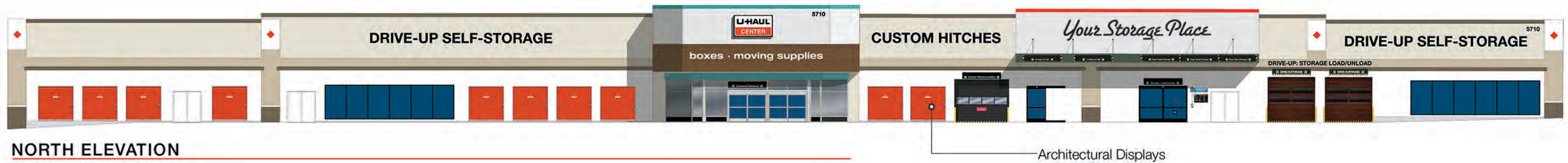


ATAS Architectural Panel
Rigid Wall Clear Satin Anodized



NORTH ELEVATION





42'- 3"
2'- 6"
DRIVE-UP SELF-STORAGE

Poly Carbonate plastic letters
2'- 6"W X 42'- 3"H - X2
105.625 SQFT

31'
1'- 6"
boxes · moving supplies

Poly Carbonate plastic letters
1'- 6"W X 31'H
46.5 SQFT

30'
2'- 6"
CUSTOM HITCHES

Poly Carbonate plastic letters
2'- 6"W X 30'H
75 SQFT



Poly Carbonate plastic letters
5'W X 9'H
45 SQFT

34'- 3"
5'
Your Storage Place

Poly Carbonate plastic letters
5'W X 34.25'H
171.25 SQFT

TOTAL = 549ft²

42'-3"
2'-6"
DRIVE-UP SELF-STORAGE

Poly Carbonate plastic letters
2'-6"W X 42'-3"H
105.625 SQFT



EAST ELEVATION

Architectural Displays



18'-9"W X 6'H
112.5 SQFT



Architectural Displays

WEST ELEVATION

TOTAL = 218.125ft²

5710 Grand Avenue,
Duluth MN 55807

BUILDING AND AREA LIGHTING:

THERE ARE FOUR (4) EXISTING POLE LIGHT FIXTURES





SITE AERIAL SCALE: N.T.S.

Zoning Information
Project Name: Project # 729077
 U-Haul Moving & Storage of West Duluth

Municipality: City of Duluth







Project Address: 5710 Grand Ave., Duluth, MN 55807

APN /Acre / Area: St. Louis County APN(s) 010-4097-00090, 010-4097-00070, 010-4097-00160, 010-4097-00150, 010-4097-00140, 010-4097-00130, 010-4097-00120, 010-4097-00111, 010-4510-02600, 010-4510-02570, 010-4510-02560, 010-4510-02540 and 010-4510-02510
 / 3.92± Acres
 / 170,755± s.f.

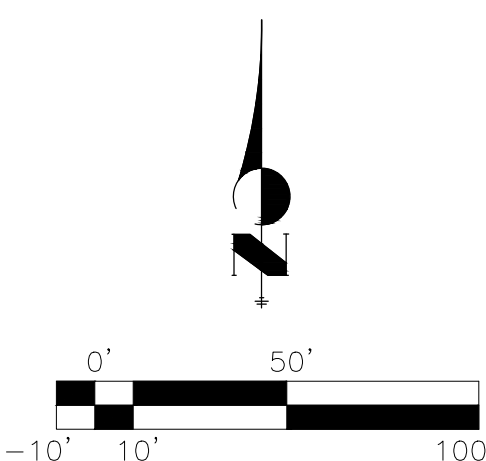
Zoning: MU-C - Mixed Use Commercial

Adjacent Zoning:
 N- F-3 - Mid-rise Community Shopping/ F-4 - Mid-rise Community Mix
 E- F-3 - Mid-rise Community Shopping/ F-4 - Mid-rise Community Mix
 S- F-4 - Mid-rise Community Mix
 W- F-3 - Mid-rise Community Shopping/ F-4 - Mid-rise Community Mix


Uses: Auto/Light Vehicle Rental (1), Mini-warehouse/Self-service Storage (SUP(58-20.3L))

Schedule										
Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Filename	Lumens Per Lamp	Light Loss Factor	Wattage
	F1E	4	Lithonia Lighting	WST LED P1 40K VF MVOLT DBBX	WST LED, Performance packag 4000 K, visual comfort forw throw, MVOLT	LED - 4000K COLD TEMP	WST_LED_P1_40K_VF _M_VOLT.ties	1639	0.95	12
	F2E	1	Lithonia Lighting	WST LED P3 40K VF MVOLT DBBX	WST LED, Performance packag 4000 K, visual comfort forw throw, MVOLT	LED - 4000K COLD TEMP	WST_LED_P3_40K_VF _M_VOLT.ties	6609	0.95	50
	K2	3	Lithonia Lighting	WRT 2 32 AL2125 MVOLT GE810IS	WRT LOCATION TROFFER 1' X	2 TWD 32-WATT T8 LINEAR FLUORESCENTS.	WRT_2_32_A19_TUBU es	2850	0.75	59
	K2E	1	Lithonia Lighting	WRT 2 32 AL2125 MVOLT GE810IS	WRT LOCATION TROFFER 1' X	2 TWD 32-WATT T8 LINEAR FLUORESCENTS.	WRT_2_32_A19_TUBU es	2850	0.75	59
	SA	2	Lithonia Lighting	DSX2 LED P4 40K T4M MVOLT HS DBBX / SSS 27' POLE WITH 3'	DSX2 LED P4 40K T4M MVOLT HS SUSSESSIDE SHIELD	LED - 4000K COLD TEMP	DSX2_LED_P4_40K_T4 _M_VOLT_HS.ties	25364	0.95	270
	SD2	2	Lithonia Lighting	(2) DSX2 LED P4 40K T5W MVOLT DBBX / SSS 27' POLE WITH 3'	TWIN-HEAD DSX2 LED P4 40K MVOLT	LED - 4000K COLD TEMP	DSX2_LED_P4_40K_T5 _W_M_VOLT.ties	34437	0.95	540

Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
PROPERTY LINE - FC @ GRADE	X	0.8 Fc	6.0 Fc	0.0 Fc	N/A	N/A
SITE - FC @ GRADE	+	2.1 Fc	12.3 Fc	0.1 Fc	123.0	21.0



PRELIMINARY SITE PHOTOMETRIC PLAN SCALE: 1" = 50' - 0" SITE DATA

SHEET NOTES:			
REVISIONS:			
NO.	DATE	INITIALS	NOTES
1			
2			
3			
4			
5			
6			
7			
8			
PROFESSIONAL SEAL:			
<div style="border: 1px solid black; padding: 10px; transform: rotate(-30deg); color: red; font-weight: bold;"> PRELIMINARY DOCUMENT, NOT FOR CONSTRUCTION, FOR INFORMATION ONLY </div>			
ARCHITECT LOGO:			
			
CONSTRUCTION DEPARTMENT 2727 NORTH CENTRAL AVENUE PHOENIX, ARIZONA 85004 P: (602) 263-6502			
SITE ADDRESS:			
U-Haul of West Duluth 5710 Grand Ave. Duluth, MN 55807			
SHEET CONTENTS:			
Preliminary Site Photometric Plan			
729077			
DRAWN:	KMB	CHECKED:	NH
DATE:	08/25/21	SP1	
729077A1A.dwg			

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P.O. BOX 7064
Duluth, MN 55807

September 2, 2021

City of Duluth – Planning & Development Commission
411 W 1st St, Room 160
Duluth, MN 55802
VIA EMAIL ONLY: planning@duluthmn.gov

Adam Fulton
Emily Nygren

RE: VACANT KMART BUILDING

Dear Planning and Development Office:

Hello. I am writing this letter on behalf of the West Duluth Business and Civic Club, located in the Western area of the city. We are a community membership-based organization, consisting of area businesses, local residents, and civic/public interest groups. Since 1902 we have been active in monitoring the progress and development of our community and sharing information with our members/area residents about issues that may impact their lives.

Specifically, on July 27, 2021 our board met with U-Haul representative Kellin Sybrant, Oliver Management representative Britney Oliver, and their chosen real estate representative, Bev Wentzlaff with CMRA. Our board members posed several questions about the intent for U-Haul to purchase the long-time vacant Kmart building, and we are to understand that in order to do so, a zoning variance would be needed.

After our meeting, some board members conducted an informal survey of local businesses in the area, those closest to the Kmart building, as well as community members for their feedback on the proposal. Based on the feedback we received and after discussing our individual thoughts as board members, at our most recent board meeting on August 31, 2021, our board made the unanimous decision **not** to support

the zoning variance request, which we now understand is scheduled to be heard at the public hearing on September 14, 2021.

Essentially, and as you may already be aware, the West Duluth Business Club board has long been searching to develop the Grand Avenue/Central Avenue corridor area as a strong retail district or craft district. We have been fortunate to welcome several new businesses in recent years and we would like to continue developing an image for the area consistent with a mixed-use or retail area, supportive of business entrepreneurs.

We wholeheartedly support the idea of U-Haul developing its services in this area, but also feel the nature and service of its business model would be best suited to the lower Waseca Avenue industrial area, or the Eastern Grand Avenue area, near such places and Acme Tools or Duluth Lawn and Sport, or similar.

Should you have questions or feedback, please free to contact our current club president, Ms. Susan Coen.

Thank you for your attention to this matter.

/es/ Brenda S. Denton

Brenda S. Denton
WDBC Board Member

Cc: WDBC Board

Irving Rec and Events Assoc., Inc.
116 S 58th Ave W
Duluth, MN 55807

November 1, 2021

City of Duluth- Planning and Development
411 W 1st St., Room 160
Duluth, MN 55802
Sent via email to:

Adam Fulton,

Emily Nygren

Re: Former KMart Building- Spirit Valley Mall

Dear Mr. Fulton:

Irving Rec and Events Assoc., Inc. would like to send this letter to you stating our opposition to the current proposed rezoning of the former KMart Building.

The plans which had been developed for the business district included retail, office space and mixed use developments. The needs of the neighborhood have not changed.

Currently the former KMart building is considered to be a blight in the neighborhood with both the building and parking lots not being maintained by the former KMart and now the current owner.

We would support a Uhaul Company moving into one of the Western Industrial Parks of which there currently is room and zoning is not an issue.

Since the notice was posted for the rezoning Social Media has been very active by the Western Duluth Residents. They overwhelmingly are not in support of the UHaul project being located in the former KMart Building.

Sincerely,


Jeffrey Urbaniak
President

To who it may concern, the perspective from North Port Tattoo is that a U-haul store in our neighborhood would do more to harm to local commerce than benefits. We would appreciate if this is taken into consideration as it would likely impact the livelihood of more business owners, and their employees alike, more than it would ever benefit. I for one believe this area has the potential to become a very boutique, foot traffic center for small business commerce not only in west Duluth, but in the entire twin ports area.

Most of these business owners have no ties to large sums of corporate money and the influence that comes with that level of wealth. But in our totality I truly believe we have the capacity to to bring the kind of culture, and community to in a sense gentrify the economically depressed west Duluth area enabling new entrepreneurs the ability to better themselves, and their community.

If there was any serious consideration into a large corporate business occupying that property we would respectfully ask that the property owner reconsider their options and seek something that employs more people, and brings a considerably larger amount of retail shoppers to the neighborhood. We have so much to offer those people, and I do not see a future where U-haul brings any degree of charm to the mix of small business in this neighborhood. Thank you for considering my position.

Sincerely, Carlton Rohne owner and operator of North Port Tattoo

A handwritten signature in black ink, appearing to be 'CR', with a long horizontal line extending to the right.

From: [West Duluth Business Club](#)
To: [Adam Fulton](#)
Cc: [Emily Nygren](#); [Bill McGiffert](#); [Charlie at Spirit Lake](#); [Dawn Thums](#); [Scott Youngdahl](#); [Spirit Valley Youth Center](#); [susan.coen](#); [Kyle Deming](#); [Jennifer Moses](#); [Janet Kennedy](#); [Paige Larson](#)
Subject: Re: Kmart Building zoning variance request - U-Haul
Date: Thursday, December 30, 2021 12:52:11 PM

Hello Mr. Fulton and Planning Commission. This email is being re-sent in order to remind the commission that the West Duluth Business and Civic Club board does NOT support UHaul's zoning variance request, and we strongly believe that most local residents and businesses do NOT support it either, based on our conversations with citizens and business owners/investors in our community. Please review the letter from us previously sent to you on September 7, 2021.

Thank you for your time and attention to this matter.

B. Denton, WDBC board member

On Tue, Sep 7, 2021 at 2:17 PM Adam Fulton wrote:

Ms. Denton,

Thank you. This correspondence is received, will be retained with the case file, and provided to the Planning Commission when the application proceeds for consideration.

However, please be advised that the applicant's application was deemed incomplete, and is not proceeding for Planning Commission consideration at the 9/14 meeting. The applicant has subsequently submitted additional materials, but the review of those materials is not yet complete. It has not yet been determined whether the application could proceed for the 10/12 meeting.

Thank you,

Adam

Adam Fulton | Deputy Director, Planning & Economic Development | he/him/his | **City of Duluth** | 411 West First Street, Duluth, MN 55802

From: West Duluth Business Club

Sent: Tuesday, September 07, 2021 1:37 PM

To: Adam Fulton; Emily Nygren **Cc:** Bill McGiffert; [Charlie at Spirit Lake](#); Dawn Thums; Scott Youngdahl; [Spirit Valley Youth Center](#); susan.coen

Subject: [Kmart Building zoning variance request - U-Haul](#)

Please see attached correspondence from the West Duluth Business and Civic Club.

B. Denton

--

West Duluth Business and Community Club

Board Member, Brenda S. Denton

--

West Duluth Business and Community Club
Board Member, Brenda S. Denton

From: [planning](#)
To: [Adam Fulton](#)
Cc: [Kyle Deming](#)
Subject: FW: Kmart/Uhaul rezoning issue
Date: Thursday, December 30, 2021 2:38:33 PM

FYI

From: Tom Bergum
Sent: Thursday, December 30, 2021 2:16 PM
To: planning <planning@DuluthMN.gov>
Subject: Kmart/Uhaul rezoning issue

Hello and Happy New Year!

I rec'd the West Duluth Business Club email regarding this variance. Our business is in the Spirit Valley Mall around the corner from Kmart. I've chatted with my employees and personally none of us have an issue with Uhaul moving in. I'm curious what the negative reaction is about? I read the Boreal letter and while I feel for her struggles from Covid closing, she elected to purchase that building without securing a parking area next to it. That was a poor decision on her part.

I'd like to hear from the Planning Dept what type of business would be acceptable in a now vacant building that certainly isn't a favorable situation for the owners or the city.

I look forward to learning about your long term strategy for West Duluth. Duluth needs more businesses in the city limits in my view.

Thank you,
Tom

Tom Bergum CPCU, ARM
Partner
Solutions Insurance Agencies
215 N Central Ave-Ste 6
Duluth, Mn 55807

From: [planning](#)
To: [Kyle Deming](#)
Subject: FW: West Duluth Kmart bldg
Date: Monday, January 03, 2022 7:24:56 AM

From: Kathleen Panger
Sent: Friday, December 31, 2021 8:51 AM
To: planning <planning@DuluthMN.gov>
Subject: West Duluth Kmart bldg

I am Not in favor of rezoning the west Duluth Kmart property for U haul.
We already have a U haul dealer in West Duluth on Cody street. Also a large U haul dealer in Superior. The people who live near the Superior one regret allowing them to purchase their Kmart bldg! What we actually need desperately in West Duluth is a place to shop, like a Ross Store, Target, Walmart. Where we can buy things necessary for human survival! I am not for a U haul at all, and see no benefit to western Duluth at all!
Sincerely Kathleen Panger

From: [planning](#)
To: [Kyle Deming](#)
Subject: FW: West Duluth / Chadco rezoning variance
Date: Monday, January 03, 2022 7:35:35 AM

From: RaeAnn Hamlin
Sent: Sunday, January 2, 2022 6:33 PM
To: planning <planning@DuluthMN.gov>
Subject: West Duluth / Chadco rezoning variance

Dear Planning Commissioners:

This letter is a response regarding plans for a possible variance to Spirit Valley Mall-Grand Ave entrance at the old K-Mart building and parking lot site. The area being considered for U-Haul trucking and service center.

*My name is RaeAnn Hamlin, **business owner and property owner** at 5615 Grand Avenue for over 25 years. As the owner of Hamlin Music, I have a vested interest in this community. Currently I am witnessing a renewal of local energy from business owners and residents alike. My concern is safety of the parking lot and appropriate business in that location. My students and parents want a place to shop. They often express parking lot issues whether walking or driving. Adding a U-HAUL facility with vehicles, equipment, etc will only add to the already unsafe situation at the Grand Ave entrance.*

The initial designed use of this property was to provide a shopping area for the citizens of West Duluth, Riverside, Morgan Park, Gary and beyond. Over the years it attracted people for that very reason. Although times have changed the need for viable, attractive businesses in this area of Duluth has not.

Seeking appropriate usage of this area of the mall must be given higher priority. I believe community and business leaders need to develop an appropriate plan for this area and this situation. Spirit Mountain and St Louis River are new tourist areas for year-round visitors. Our new Visit Duluth replacement needs to give our area a "top-priority challenge." Mickey Mouse can do the advertising for Canal Park and come up with winning numbers.

Concerning the present request for variance:

Large U-Haul vehicles in a parking area in front of the building would be unsightly and detract from its designed purpose.

Elements of danger entering and departing Grand Avenue is obvious.

The proposed usage does not serve the local resident customer.

This may encourage other businesses to leave the area.

Grand Avenue traffic is not conducive to this kind of growth.

Some Options to Consider:

A general store for western Duluth shoppers would fill the need and be welcomed.

Provide a monetary incentive as was done with COSCO. It's high time this area of Duluth receive its share of recognition for funding of new development.

Consider government usage for offices, etc. An alternative to multi-million dollar palaces.

Adequate parking would be a plus!

More people will enhance economics of the area

Childrens' activity and/or educational center

High Tech Center for the Duluth/Superior area

Outdoor business that provides skiing, biking, hiking, fishing, etc that would augment the activities promoted in this area of Duluth. ex: Northwest Outlet, small scale Cabellas

We need to prioritize to encourage people to be in the West Duluth area. Truck and Storage are not appropriate for this space.

Thank you for recognizing the seriousness of this issue as we revitalize our western corridor.

Sincerely,

RaeAnn Hamlin

Hamlin Music Academy --- Hamlin Entertainment
5615 Grand Ave ~ Duluth MN 55807

WWW.HAMLINMUSIC.COM

From: Carole Newkumet
Sent: Wednesday, January 5, 2022 2:59 PM
To: planning <planning@DuluthMN.gov>
Subject: opposition to request for variance

Dear Commissioners.

I am writing in opposition to the variance being sought by UHaul on the site of the former West Duluth KMart property.

I have nothing against Uhaul personally but this type of business will not enhance or improve the neighborhood in any way.

Time & again in assorted community building gatherings residents have expressed their desire for more amenities in the area. Things like retail, recreational businesses/activities & affordable housing. This could be the perfect opportunity to address some of those issues & revitalize the entire area.

A UHaul Truck & storage center will do none of these things.

I understand the seller's desire to sell the property & I would hope that they will seek a buyer that is more in line with the community's needs.

I urge you to hear the voices of those that live in western Duluth. Please vote "No" on this variance request.

Respectfully,
Carole Newkumet
President Riverside Community Club

From: Charlie Stauduhar
Sent: Thursday, January 06, 2022 5:01 PM
To: Adam Fulton
Subject: proposed K Mart sale

Adam Fulton
Duluth Planning Commission

Zandra Zwiebel, Gary Eckenberg, Jason Crawford, Andrea Wedul, Michael Schraepfer, Eddie Ranum, Sarah Wisdorf, Jason Hollinday, Margie Nelson

Dear Commissioners,

I am a West Duluth business owner, in the recreational tourism sector, and a person who grew up in West Duluth in the 1960's. That was a time when this neighborhood hosted JC Penny, Montgomery Ward, Sears, Ben Franklin, a couple large grocery stores, Shoppers City, and many independent retailers, restaurants, bakeries, pharmacies and flower shops.

I am writing to address the proposed sale and use of the West Duluth K Mart property to U-Haul. I understand the need for Oliver Management to unload their property. The proposed sale to U-Haul is not the right fit for this neighborhood. Some say, "Its better than nothing". I disagree. If no variance were needed, I understand the right of the buyer and seller to move forward. But, zoning regulations are in place for a reason.

The city of Duluth would not allow such a business in the center of Downtown Duluth, or in the middle of the Lincoln Park craft district.

The Grand Ave-Central Ave. business district is the downtown of the western neighborhoods of West Duluth.

The City of Duluth has invested millions into the recreation corridor along the St. Louis River. One of the results of such investment is the continued revitalization of the Lincoln Park business district. We are starting to see new investment here in West Duluth. New retail stores, the newly refurbished West Theater, Zenith Book and the River West Project, Whole Foods Co Op, just to name a few.

There is a reason why the West Duluth Super One, Menards, Super One Liquor are the top performing stores in their respective chains. Even the former K-mart, I have been told, did better than many others around the country before the chain closed down. Reasons are: ease of access, proximity to the outlying areas of Proctor, Superior, Cloquet by the interstate. I used to own the form Liberty Liquor which is now Super One Liquor on Central Ave. We used to get so many Lakeside customers because, for them, it was much easier to come to West Duluth versus going up on top of the hill for a lot of their shopping.

Allowing a business like U-Haul in that space would kill any chance for more investment in West Duluth for generations to come.

Like businesses prefer to set up shop near complimentary businesses.

If I were starting or moving a new retail or craft business, I certainly wouldn't want to be near a self-storage facility.

West Duluth is the first neighborhood visitor's encounter as they enter our great city. Let's make decisions that encourage future growth, the kind of growth that will make a great first impression.

I encourage you to vote no on the variance request put forth.

Charles Stauduhar

Spirit Lake Development
121 Spring Street Duluth, Mn 55808

From: Soul Sisters
Sent: Friday, January 7, 2022 3:32 PM
To: planning <planning@DuluthMN.gov>
Subject: UHAUL

Hi, my name is Treasa, I am co owner to Soul Sisters Discount Store located in the same strip mall. I for one am happy that something is going in the old kmart. It will be beneficial with lighting, curb appeal and I personally could use a storage unit. I would like to be the first to welcome U-haul to the neighborhood.

Thank you

To Whom It May Concern,

I have been employed with Anytime Fitness West Duluth since 2017 and have been a West Duluth resident all my life. As a child I frequently shopped at K Mart and the surrounding businesses that Oliver Management operates. Now, I am the District Manager to several Anytime Fitness locations with my homebase being West Duluth. Anytime Fitness became a part of the Oliver Management clientele in the early 2000s. We service over 1200 members with our 24/7 facility.

Being a 24/7 facility means that safety must be our priority. During the initial closing of K Mart, myself and our members experienced unwanted disturbances of our neighborhood. This included several burglaries of the Dollar Tree and the abundance of homeless outside our building. When I heard that U-Haul wanted to occupy the K Mart I was pleased. U-Haul will have several indoor and outdoor camera systems which will provide safety and security to their business and mine.

As a consumer, I initially loved the idea of a big box retail replacing K Mart. However, I understand that these types of retail are failing. Also, although the notion of boutique/ mom and pop stores seem fun, they would not provide enough profit to accommodate that big of space. I appreciate how U-Haul would be able to profit while occupying this large of an area. They also bring along the added benefit of additional security.

I am in favor of U-Haul joining our family in the Oliver Management strip.

Thank you,

Ringo Kienitz

District Manager/Assistant to the Regional Manager

Anytime Fitness West Duluth

Anytime Fitness Virginia

Anytime Fitness Superior

[REDACTED]

[REDACTED]

We are working with UHaul to revitalize the KMart Building in the Spirit Valley Mall. This is the perfect use of an 87,000 sq ft building! Would you help us tell the City that this is good for West Duluth?



VS



U-Haul Security Features

- “State-of-the-Art” Burglar/Max Alarm System, includes 24 Hour monitoring and interior motion detectors on all storage floors, stairwells and main showroom
- Hands Free Intercom System, able to communicate to all Max Stations throughout all floors of storage, specifically designed for customer use
- 24 Hour Digital, HD Video Surveillance, with remote & web base viewing
- Individually Alarmed Rooms, armed & disarmed by a Keypad/Card swipe
- Programmable, automatic security gates which only allow paying customers to access exterior storage.
- 16+ Color/ HD, Day and Night Cameras, will display facilities interior, exterior and elevator.
- Multiple, Audible Sirens for Storage and Burglar Alarms



USE COMPARISON					
Use	Square Feet	Traffic		Typical Hours	Days
		Weekday	Weekend		
Fast Food Restaurant	3,000 sq ft	3,161 trips	3,430 trips	18 hours - 24 hours	7
Gas Station w/ Convenience Store	2,200 sq ft	1,200 trips	2,200 trips	18 hours - 24 hours	7
Hotel	50,000 sq ft	905 trips	901 trips	24 hours	7
Casual Dining	5,000 sq ft	1,075 trips	1,258 trips	11 am - 11 pm 12 hours	7
U-Haul Center	80,000 sq ft	31 trips	53 trips	7 am - 7 pm 12 hours	7


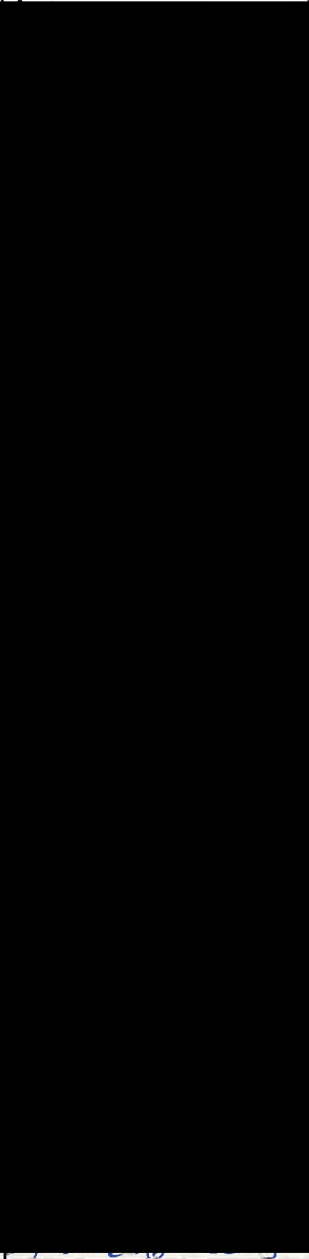

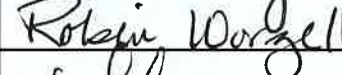


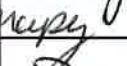




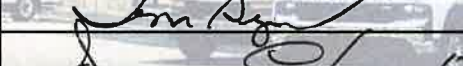


U-Haul’s Sustainability Programs

- Box Exchange Program
- Facilitating Multiple Reuses
- Fuel Economy Gages
- U-Car Share
- 100% Biodegradable Packing Peanuts made of starch mixture, replacing styrofoam and reducing landfill waste
- Moving Blankets Manufactured from Denim and cotton/ polyester Re-Use Centers at Storage Locations
- Telecommute program
- The Conservation Fund- Go Zero

CMRA, LLC: 1405 Miller Trunk Hwy. Suite 600
Duluth, MN 55811 (218) 727-0064

UHaul wants to purchase and renovate the KMart building in the Spirit Valley Mall. Duluth City Zoning says this will negatively impact the neighborhood. We think it would be a great facility for residents and businesses alike! Would you join us is asking for a variance to allow UHaul to bring long awaited new life to a 87,000 sq ft empty shell?

We, the undersigned urge Duluth's Leadership to approve the variances required for UHaul's revitalization of the KMart in West Duluth!

BUSINESS NAME	SIGNATURE	TITLE	ADDRESS	PHONE
Fit + Clean		Tailoring/ ^{DRY} cleaning	5808 Grand Ave	
Box Drop Duluth		owner furniture	215 N Skokholm Ave	
Box drop Duluth	Robyn Wozzella	employee furniture	215 N. Central Ave.	
China King Buffet		Owner	215 N Central Ave	
GREYSTAR ELECTRONICS	Mary Moldenhauer	President	215 N. CENTRAL AVE	
Lake Superior Physical Therapy	Terri Wallen	owner	215 N Central Ave	
Anytime Fitness		District manager	215 N Central Ave	
From Topknots to Tails	Lelecia Whelan	President	215 N Central Ave	
Soul Sisters		owner	" "	
Soul Sisters		owner	" "	
Solutions Ins Agencies	Tom Agn	owner	215 N Central Ave	
Cost Cost Cutters		Managers	" "	
WELCH CENTER INC. ^{Valley Youth Center}		CEO	720 N. Central Ave.	
Shake It		owner	5801 Grand Ave	
Garth Detering ^{West Duluth Savings}		owner	5711 Grand Ave	
Oliver management		Director	5713 Grand Ave Duluth	
Paul T. Paczynski, C.P.A.		President	5709 Grand Avenue	
Allison Kaldahl ^{Mr. D's}	Allison Kaldahl	Manager	5611 Grand Ave	
Michelle Hooley ^{DRCC}	Michelle Hooley	Executive Director	5629 Grand Ave	
Holden Duluth Agency		V/president	5713 Grand Avenue	

UHaul wants to purchase and renovate the KMart building in the Spirit Valley Mall. Duluth City Zoning says this will negatively impact the neighborhood. We think it would be a great facility for residents and businesses alike! Would you join us is asking for a variance to allow UHaul to bring long awaited new life to a 87,000 sq ft empty shell?

We, the undersigned urge Duluth's Leadership to approve the variances required for UHaul's revitalization of the KMart in West Duluth!

[illegible]

From: David McGovern
Sent: Saturday, January 8, 2022 11:07 AM
To: planning <planning@DuluthMN.gov>
Subject: Old Kmart building in West Duluth

Hi, I wanted to email the city of Duluth in regards to the potential purchase of the old Kmart building in West Duluth by UHaul. As a business that has been located in the Spirit Valley Shopping Center for over 35 years, we have seen numerous changes to the shopping center and the west Duluth area. Since Kmart has closed, our business not only has seen a decline in customer traffic but the deterioration of the surrounding area. Our business has shortened hours due to the sketchy nature of the activity near the closed Kmart building and adjacent parking lot. Having a reputable national branded business like Uhaul, would be a wonderful and needed addition to the shopping center and the businesses that operate there. The city of Duluth should not be purchasing this building to hold out for the perfect tenant and to waste taxpayers money when UHaul can make an immediate impact on the local economy in numerous ways. Plus, the refreshed look of a successful business in UHaul occupying the space will only drive more traffic to the shopping center and help all the businesses in the surrounding area. Our small business, among many others, implores the city of Duluth to use common sense and approve this transaction without hesitation.

--

David McGovern
Cost Cutters Salons

January 8, 2022

Dear members of Duluth Planning commission,

My husband and I are owners of Boxdrop Duluth located in the Spirit Valley Mall in West Duluth. We have rented space there since the summer of 2019. It's been a good move for our business. We are grateful for our customers and glad that we can provide needed service for our community, city and beyond. We are happy to be an asset in our neighborhood and to the city of Duluth.

Our landlord has told us there is an opportunity to have a U-Haul move into the nearby vacant Kmart building. We think this would be a great move and we are fully onboard.

We're not sure why there would be any sort of limitation of this business coming in. It is sad to see such a huge building sitting vacant and having both the building and parking/road area fall into disrepair or be used as a non-authorized truck stop or camping area. It's hard to imagine the expense associated with the upkeep of this property as well.

We believe U-Haul would do well in this space, provide a needed service for our local community (and even outside of it) and would benefit the city by providing additional tax revenue to the city as well as creation of jobs. Additionally, many of our clientele are people moving to a new location (new home purchase or apartment move, students coming to our area, assisted living and more). We believe U-Haul is needed and would do very well in this space/area of our city.

We often have customers who need to rent a truck or trailer to haul furniture and mattresses purchased from us. They either have to drive to Superior or to the Miller Hill Mall area. It would be wonderful to have the convenience of having this service so close. Our local Menards and other businesses would likely benefit as well.

We're told there would be greater security as well with the installation of cameras and better lighting. That would be wonderful as well. We've seen our local Dollar Tree vandalized several times since moving in and it has been a concern for that happening to us and other businesses in the mall.

Our business purchased a used cube van from the U-Haul located in the former Kmart building in Superior about 2 years ago. We found the space to be beautiful, clean and updated. The employees and management there were great to work with and we'd expect no less from new owners and employees in our area.

Finally, based on our personal experience, storage space seems sorely missing in our city,. Our community would definitely benefit from having more of that as well.

Thank you for considering bringing U-Haul to the old West Duluth Kmart building. We are in favor and hope you will please vote to approve it!

Sincerely,
Robin Worzella
Boxdrop Duluth

From: **Barbara LeGarde**
Date: Tue, Jan 11, 2022 at 7:47 PM
Subject: The future of the 57th & Grand

To Whom It May Concern,

As a West Duluth born & raised gal, I can't express how wonderful it has been to see the corner of 57th & Grand build and improve.

With the addition of the Antique Marketplace and the Boreal House on that corner, it was starting to feel like a "Neighborhood" again after many years of going in the opposite direction.

I have recently been told that they are considering allowing a storage unit and U-Haul type business to move into the old KMart building. I cannot tell you how disappointed I was to hear the city may be once again taking away any type of Neighborhood growth to this section of town.

The Boreal House is EXACTLY what was needed in this end of town. Somewhere to meet friends & neighbors while feeling SAFE, and having a parking lot full of trailers would 100% ruin that space.

PLEASE reconsider this option. We have all had high hopes for something to go into this empty space that would continue to improve & grow this area. A storage unit business is NOT the answer.

Thank you,
Barbara Bester-LeGarde
West Duluth Proud.

--

Katie Tintor

From: Jenean Nelson

Sent: Tuesday, January 11, 2022 1:20 AM

To: planning <planning@DuluthMN.gov>

Subject: U-Haul's Request for Variance on the Former West Duluth Kmart Property

The property needs to move away from manufacturing/industry to more retail, recreational & housing. The proposed UHaul Truck & storage center does not meet any of these neighborhood needs. It would negatively impact The Boreal House & other Grand Ave. businesses. Please do not approve this variance.

Another long-sought-after need for the area is proper lighting & the ability to walk safely from Grand Avenue to Central Avenue.

Jenean Nelson

From: maureen yahoo mahle [REDACTED]
Subject: U-Haul?
Date: Aug 25, 2021 at 7:34:52 AM
To: maureen yahoo mahle [REDACTED]

Dear Adam and members of the Planning Commission,
My husband and I recently became aware that U-Haul wants to move into the building and parking lot vacated by K-Mart in our neighborhood. We have been residents of West Duluth for almost 50 years!

I understand the importance of securing a tenant in that vacant building, but after viewing the U-Haul site on Tower Avenue in Superior, I feel strongly that it's not the right fit for Grand Avenue...the HEART of the business district in West Duluth.

Driving through the Superior U-Haul site was interesting...row after row of large trucks and trailers, storage containers, and equipment; a huge tank with vertical letters that screamed PROPANE; garish signage on the building in different fonts and colors. (It actually made my head spin.)

People who go to U-Haul will not bring any business to the area's shops, bars, or businesses owned or run by small local retailers trying to stay afloat in these Covid uncertain times.

Allow me to mention two of these businesses: The Boreal House, a small, but vibrant and bursting-with-personality cocktail bar and just across the street is Duluth Antique Marketplace where I along with 45+ other people rent booths as vendors to locals and tourists.

I hope you and members of the planning commission visit Grand Avenue and meet the people who will be affected by the decision you will making regarding a zoning change.

As ever,

As always,

Maureen "Mo" Mahle

Sent from my iPhone

From: Duluth Indian Point Campground
Sent: Friday, January 21, 2022 8:16 PM
To: planning <planning@DuluthMN.gov>
Subject: Special Use Permit for Self-Service Storage Facility at 5710 Grand Avenue

City of Duluth – Planning Commission
C/O Deputy Director Fulton
411 W 1st St, Room 160
Duluth, MN 55802

RE: Special Use Permit for Self-Service Storage Facility at 5710 Grand Avenue

Dear President Nelson and Commissioners:

When I imagine Duluth in 2035, I am filled with the excitement of our potential. We as a community have seen such significant progress in the last five years with tremendous investments in our neighborhoods through housing, local small business, and Duluthians are encouraged by the sense of place only Duluth can inspire. As Planning Commissioners, you see this first hand.

This investment is happening along Central Ave and Grand in Spirit Valley organically with Wussow's Music Café, Zenith BookStore, Bailey Builds, RW Fern Architects, Naturalite Candles; the list goes on. These are examples of investments that strongly support the Comprehensive Plan. Consider this list as you read through the below excerpts from the principals and policies of Duluth's Comprehensive Plan.

- Governing Principal #4 calls for supporting economic growth sectors, encouraging economic diversity, engagement with commercial industry, and cultural growth.
- Governing Principal #5 calls for reinvestment in neighborhoods. This principal speaks to creating and enhancing the character of a neighborhood.
- Economic Development Policy #2, Strategy #1 seeks the redevelopment of vibrant walkable neighborhood centers called Core Investment Areas and encourages business activity and engagement with our commercial sector.

When I imagine Duluth in 2035, I do not envision a storage complex with numerous moving vans peppering the sightlines at the heart of Spirit Valley's commercial district. Not only does this land use not encourage engagement with our commercial sector, it erodes the core and character of this commercial/retail district.

While I can understand the desire to activate this prominent void, I can empathize with the need to mitigate the safety concerns associated with a long vacant building, and I fully appreciate the financial burden this property has on the current owner; however, this use would result in a non-conformity to the development of this commercial district.

The Planning Commission's greatest charge is ensuring alignment with the UDC and the Comprehensive Plan. This proposed project doesn't align with either.

Thank you for your service on the Commission and to your community. Your time and expertise are appreciated and valued.

Respectfully submitted,

Inge Maskun

Manager

Duluth Indian Point Campground