



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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

<b>File Number</b>	PL 22-045	<b>Contact</b>	John Kelley, <a href="mailto:jkelley@duluthmn.gov">jkelley@duluthmn.gov</a>	
<b>Type</b>	HE-O Planning Review	<b>Planning Commission Date</b>		April 12, 2022
<b>Deadline for Action</b>	<b>Application Date</b>	March 14, 2022	<b>60 Days</b>	June 13, 2022
	<b>Date Extension Letter Mailed</b>	March 16, 2022	<b>120 Days</b>	July 12, 2022
<b>Location of Subject</b>		1303 West Arrowhead Road		
<b>Applicant</b>	1303, LLC	<b>Contact</b>	Alex Bushey	
<b>Agent</b>	Arola Architecture	<b>Contact</b>	Ryan Arola	
<b>Legal Description</b>		010-1560-02210		
<b>Site Visit Date</b>		April 1, 2022	<b>Sign Notice Date</b>	March 29, 2022
<b>Neighbor Letter Date</b>		March 21, 2022	<b>Number of Letters Sent</b>	29

**Proposal**

Applicant proposes to construct a 3,500 sq. ft. office/restaurant building and outdoor dining area in the Higher Education Overlay (HE-O) with associated parking, landscaping, lighting, and connectivity located to adjacent to Arrowhead Road and Dodge Avenue.

**Recommendation**

Staff recommends approval, subject to conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-N	Residential	Urban Residential
<b>North</b>	R-1	Residential	Urban Residential
<b>South</b>	MU-N	Commercial	Neighborhood Mixed Use
<b>East</b>	R-1	Residential	Traditional Neighborhood
<b>West</b>	MU-N	Commercial/Office	Urban Residential

### **Summary of Code Requirements**

50-18.5 Higher Education Overlay – Planning review by the Planning Commission is required for most development or redevelopment in areas zoned R-2 or MU-N.

50-18.1 Shoreland, Flood Plains, Wetlands, Stormwater.

50-23 Connectivity and Circulation – Focuses on pedestrian and bicycle accommodations.

50-24 Parking and Loading – Addresses required parking spaces, loading docks, and snow storage.

50-25 Landscaping and Tree Preservation – Landscaping requirements and tree preservation

50-26 Screening, Walls, and Fences – Screening of equipment, loading areas, etc., plus fences & retaining walls.

50-29 Sustainability Standards – Sustainability point system for new development.

50-30 Design Standards – Building standards for multi-family, commercial, institutional, and industrial buildings.

50-31 Exterior Lighting – Directs the minimum and maximum illumination values and lighting fixtures for a site.

50-37.11 Planning Review – Planning Commission shall approve the Planning Review or approve it with modifications, if it is determined that the application complies with all applicable provisions of this Chapter.

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

Governing Principle #1 – Reuse previously developed lands.

Economic Development Policy #3: Priority will be given to investment that reuses previously developed lands and limits increase in utility operation or maintenance costs.

Zoning – MU-N District: Established to provide for community and regional commercial development along commercial corridors and nodal centers. Intended non-residential uses include retail, lodging, service, and recreational facilities needed to support the community and region. Development should facilitate pedestrian connections between residential and non-residential uses.

HE-O: The purpose of the overlay is to minimize the impacts of potential student use on adjacent residential neighborhoods and to encourage the development of pedestrian friendly neighborhood destinations near the UMD (University of Minnesota-Duluth) and St. Scholastica campuses.

Future Land Use – Urban Residential: Greatest variety of residential building types, medium to high densities. Applicable to larger infill areas close to downtown, entertainment or activity centers, and waterfront residential areas. May include student housing areas, live/work units, and limited neighborhood retail. Connected or adjacent to parks and open space.

**History:** Site was zoned R-2 prior to 2018 (PL 18-068) when it was rezoned to MU-N.

### **Review and Discussion Items:**

Staff finds that:

- 1) 50-18.5 (Higher Education Overlay Planning Review) – The applicant is proposing to construct an approximate 3,500 square foot commercial/office building along West Arrowhead Road and Dodge Avenue. The property is zoned Mixed Use Neighborhood (MU-N) but is within the Higher Education Overlay (HE-O) district, which requires a planning review by the planning commission. This overlay district has additional development standards to the underlying zoning requirements.
- 2) 50-18.5.C (HE-O Development Standards) – This is a commercial development, which according to the HE-O is required to be concentrated on a major road. The building is located adjacent to Arrowhead Road, which is a major road; while Dodge Street is used for ingress and egress, this is necessary for traffic safety, and traffic for this development will not significantly impact neighborhood streets. The HE-O requires primary buildings be constructed to a build-to zone of five feet to 20 feet along a primary street such as West Arrowhead Road. The proposed building meets the 20 foot required build-to-zone.

The site plan shows a sidewalk connection along the south end of building to the existing sidewalks along West Arrowhead Road. The Engineering Department is requiring sidewalk along the east property line along Dodge Avenue. The site plan depicts the required sidewalk.

- 3) The City Engineering Department had the following comments: Applicant to provide engineering with documentation regarding sight distances at Dodge and Arrowhead with their proposed landscaping; Add sidewalk on Dodge; There's a Mill & Overlay project planned for 2022 summer that may impact construction at this location; Be sure to get a driveway permit from Engineering.
- 4) The City Forester stated that the street trees (sugar maple) aren't the hardiest tree around Duluth so normal construction work without adequate protection around them will cause a significant decline in those trees. The Forester would like to see a more detailed replacement plan; the estimation of a tree with a mature canopy of 60-75' growing from a space the size of a single parking space seems a bit optimistic around here. The storm water engineer has not received a storm water plan to review.
- 5) Staff received one email (see attached) regarding the proposed development. Additional comments received will be forwarded to the Planning Commission.
- 6) Per UDC 50-37.1.N, an approved Planning Review will expire if the project or activity authorized is not begun within one year, which may be extended for one additional year at the discretion of the Land Use Supervisor.

#### **Staff Recommendation**

Based on the above findings, staff recommends that Planning Commission approve the Planning Review, subject to the following conditions:

- 1) The project be limited to, constructed, and maintained according to the construction and building plans submitted with this application titled "Commercial Building" by Arola Architecture Studios, LLC.
- 2) Prior to issuance of building permit, Applicant shall submit a financial security in the form of a cash escrow or Letter of Credit in the amount of 100% of the installed value of the landscaping to insure survivability of all required landscaping for at least one year after installation.
- 3) Applicant shall submit a tree inventory/replacement plan prior to the issuance of a building permit.
- 4) Applicant shall submit storm water management plans prior to issuance of building permit.
- 5) The final lighting plan shall be submitted and reviewed for approval in advance of building permit submittal, and shall be approved by the LUS.
- 6) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of UDC Chapter 50.
- 7) Per UDC 50-37.1.N, an approved Planning Review will expire if the project or activity authorized is not begun within one year, which may be extended for one additional year at the discretion of the Land Use Supervisor.





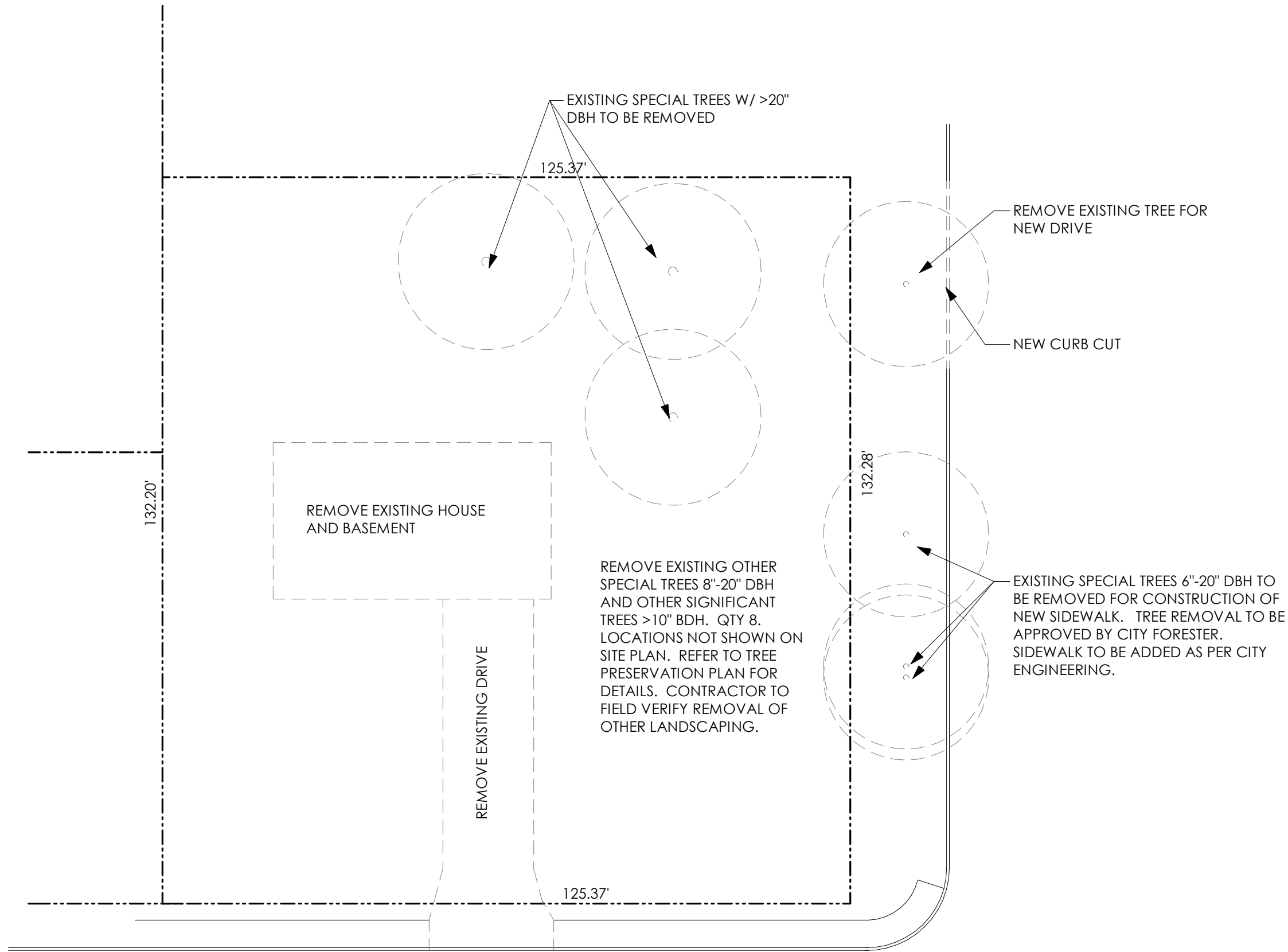
1303 West Arrowhead Road



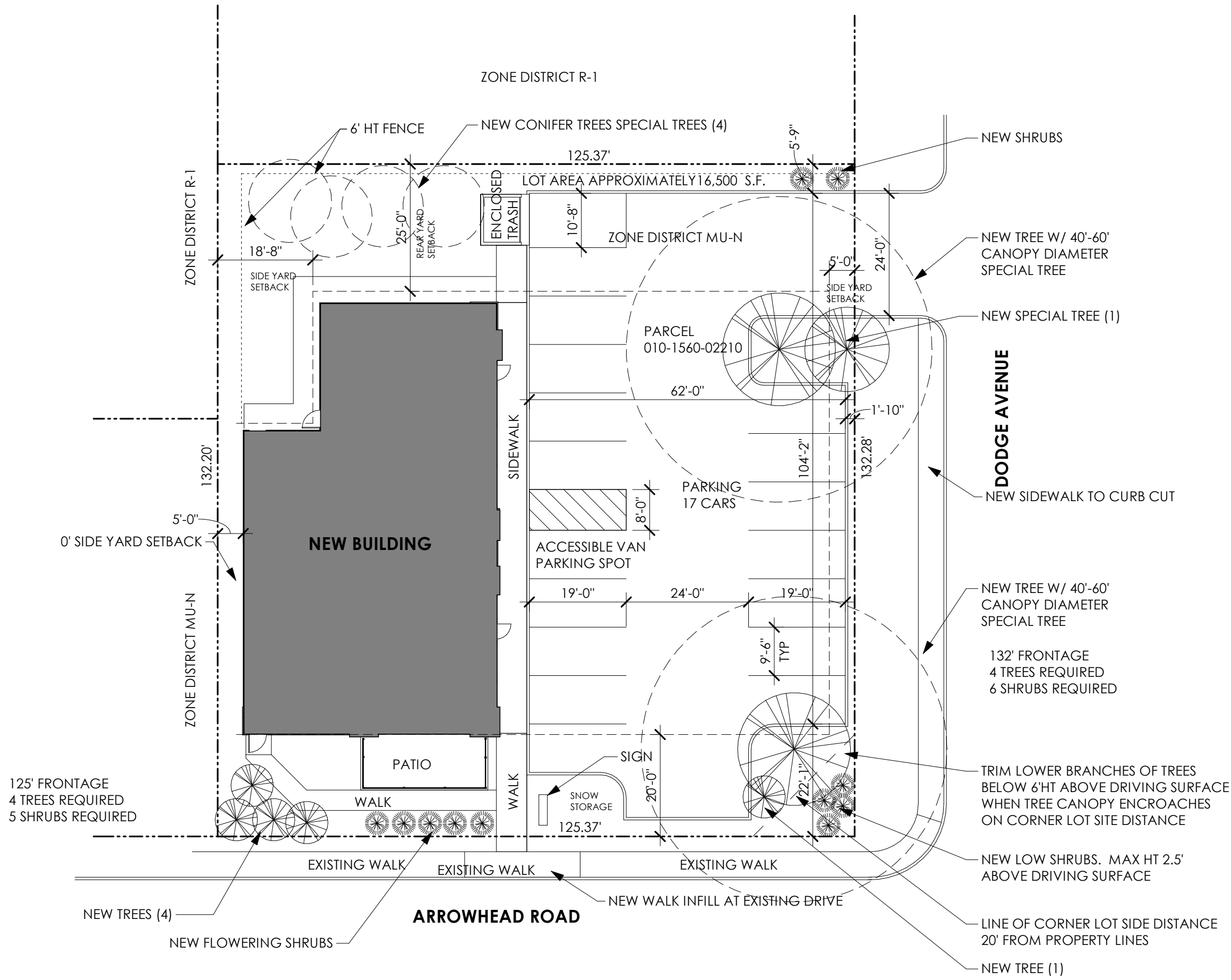
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.







① SITE DEMOLITION PLAN  
1" = 20'-0"



② SITE PLAN/ LANDSCAPE PLAN  
1" = 20'-0"

**ZONING SUMMARY**

- ZONE DISTRICT: MU-N (MIXED USE - NEIGHBORHOOD)
- HIGHER EDUCATION OVERLAY
- PROPOSED USES
  - TENANT 1 - RESTAURANT < 5,000 S.F.  
SPECIAL USE PERMIT REQUIRED
  - TENANT 2 - UNDETERMINED
- PARKING REQUIRED
  - TENANT 1 - RESTAURANT (1,520 GROSS S.F.)  
6.5 SPACES PER 1,000 SF GROSS FLOOR AREA  
- 10 SPACES + 30% PUBLIC TRANSIT REDUCTION=
  - 7 SPACES REQUIRED
  - TENANT 2 - UNDETERMINED
  - ESTIMATED 10 SPACES REQUIRED

TABLE 50.15.2.1 MU-N DISTRICT DIMENSIONAL STANDARDS		
LOT STANDARDS		
Minimum lot area per family	One-family	4,000 sq. ft.
	Two-family	2,500 sq. ft.
	Multi-family	500 sq. ft.
	Efficiency unit	380 sq. ft.
	Townhouse or live-work dwelling	2,200 sq. ft.
No lot of record containing 5,000 sq. ft. or less shall be used except for a one-family dwelling or a permitted non-dwelling use		
Minimum lot frontage	One-family, two-family, or townhouse dwelling	30 ft.
	Multi-family or non-residential	50 ft.
STRUCTURE SETBACKS		
Minimum depth of front yard	For all structures 35 feet in height or less	The smaller of 20 ft. or overage of adjacent developed lots facing the same street
	For portions of all structures higher than 35 feet	An additional 20 feet beyond the required front yard setback above
Minimum width of side yard	General, unless listed below	5 ft.
	Non-residential use adjacent to residential district or use	15 ft.
	Non-residential use adjacent to non-residential district or use	0 ft.
	Multi-family adjacent to single-family district or use	10 ft.
	Multi-family adjacent to multi-family district or use	0 ft.
Minimum depth of rear yard		25 ft.
STRUCTURE HEIGHT		
Maximum height of building	Non-residential use	45 ft.
	Residential or mixed use (general)	75 ft.
	Residential or mixed use (within 500 ft. of R-1 or R-2 district)	45 ft.
Section 50.21 Dimensional standards contains additional regulations applicable to this district.		

**PRELIMINARY**  
NOT FOR CONSTRUCTION:  
DATE: 03.29.22

**COMMERCIAL BUILDING**  
1303 W ARROWHEAD ROAD  
DULUTH, MINNESOTA

ISSUE DATE

PROJECT NO.  
2161

REVISIONS

SHEET NO.

**SITE**

[REDACTED]

Sent: Friday, March 25, 2022 6:05 PM

To: planning <[planning@DuluthMN.gov](mailto:planning@DuluthMN.gov)>

Subject: Re: special use permit 22-040

To Whom it May Concern at the Planning Comission:

Please reconsider placing a commercial building/restaurant at 1303 Arrowhead Road.

There is already a lack of safety making a left turn onto Dodge Ave from W Arrowhead Rd as well as making a turn from Dodge Ave onto Arrowhead Road in either direction. Traffic and pedestrian safety as well as the traffic back up from the Arrowhead and Kenwood intersection makes the intersection dangerous now. Especially as the sidewalk in front of the proposed restaurant is bus access sidewalk. It will make getting to public transit less safe if cars are turning left trying to beat oncoming traffic into the commercial building. Part of the draw of living on Woodrich Circle for my aging parents was the walk ability of the neighborhood which is already significantly impacted.

Mixed use neighborhoods should have more of a buffer between restaurant traffic and lights than the small area between the houses on Dodge and the proposed spot on Arrowhead.

There are noise, traffic, light pollution and safety issues with adding more and more non-residential businesses to this area before the expansion of the Kenwood shopping center is even complete.

Woodrich Circle was a quiet residential neighborhood with shopping close by. The mixed use of tearing down multiple homes and continuing to tear down more makes this area more commercial than residential.

As my parents are residents on Woodrich Circle I have taken their input as well as added my own concerns to this email.

Lorene Schwab

Donna and Tom Frisk