



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

Room 160  
411 West First Street  
Duluth, Minnesota 55802

218-730-5580  
planning@duluthmn.gov

## MEMORANDUM

**DATE:** October 4, 2022

**TO:** Planning Commission

**FROM:** Chris Lee, Planner II

**SUBJECT:** Tabled agenda item – PL 22-143 – MU-C Planning Review.

At the September 13, 2022 Planning Commission meeting you voted to table the proposed MU-C Planning Review for a new extended stay hotel on Sundby Road. It was understood that the Commission wished to speak to the applicant and have the applicant address the concerns brought up by the neighbors including: screening to residential neighbors, lighting, and other impacts.

As a Planning Review in the MU-C district, the criteria for approval is stated in Section 50-37.11 of the UDC: “The land use supervisor or 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.” That is, the proposal shall meet all zoning regulations.

Since this meeting, staff has reviewed the plans again, and would like to note the following:

### Buffering Between Land Uses

- For buffering between commercial and residential uses, the UDC requires either
  - Option A: A landscape buffer at least 15 feet wide shall be provided by the commercial or institutional project on the shared border. The buffer area shall consist of natural landscape materials such as lawn, ground cover, shrubs, and trees, and shall not contain impervious materials. One tree shall be provided for every 35 feet of boundary lot line and three large shrubs per 25 feet of shared lot line, with spacing designed to minimize sound, light, and noise impacts on the residential use; or
  - Option B: An opaque wall, berm, fence or dense (at least 75 percent opacity) vegetative screen at least six feet shall be provided. If a fence or wall is provided, the side facing away from the commercial or institutional use shall be at least as finished in appearance as the side facing the commercial or institutional use, and



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three small shrubs per 25 feet of boundary lot line shall be provided. If a vegetative screen is proposed, it shall be at least six feet in height at the time of planting.

- This project uses Option A. Under zoning regulation, a total of 15 trees and 22 shrubs are required. This application provides 15 trees and no shrubs in the 40 foot buffer.

#### Lighting

- The UDC requires that any lighting be a full cut-off fixture so that light does not trespass into the sky; specifies maximum illuminations on the site; and maximum pole heights at 25 feet.
- The photometric plan submitted with the plan shows that proposed lighting will not exceed any maximum illumination values at the property line or right-of way. All fixtures are full cut-off as shown in Drawing SE1 (page 9) and the pole height is 25 feet. The lighting will meet UDC requirements.

#### Traffic Impacts

- A traffic impact study is required whenever a proposed will exceed 100 vehicles per hour at peak hour or 1,000 vehicles per day. A 100-room extended stay hotel is expected to generate no more than 250 trips per day; a traffic impact study is not required.

Staff has confirmed that the applicant will be present at the Planning Commission meeting on October 11, 2022, for any further questions.

Staff recommends the Planning Commission approve the MU-C Planning Review with the findings in the staff report (attached) including adding 22 shrubs to the buffer.

Becca & Terry Mulenburg  
1649 W Page St.  
Duluth, MN 55811

September 29, 2022

Planning Commission  
C/O Adam Fulton  
411 West First Street, Room 160  
Duluth, MN 55802

Dear Adam Fulton,

My name is Becca Mulenburg. My husband and I live at 1649 W Page St., Duluth, MN 55811. My husband works for Cirrus Aircraft and I am an artist. We both care deeply about our neighborhood, the environment, and the natural areas within the city of Duluth, our home.

As you may know, Kinseth Hospitality Companies wants to build a 4-story, 51-foot high hotel east of Sundby Road at the corner of Sundby Road and Osage Ave. within 31 acres alongside a rural residential area (my neighborhood). This area comprises of a wooded, natural area that also contains wetlands. Just feet away lies Miller Creek. Going forward with this development puts this decision on the wrong side of history. Let me explain.

First off, I would strongly encourage you to look at a satellite map of this proposed area of development before reading much further. By looking at the attached satellite view, you'll be able to see the forested, natural area that's being proposed for development. You'll see how the development diverts off of the main commercial roads (Burning Tree Rd/Maple Grove Rd) and settles *against* a rural residential neighborhood. By examining this exact placement on the map, you'll have a more thorough understanding. Secondly, if you've never driven down this road or through this area, please do so. You may be enlightened as to why our neighborhood strongly opposes this development. Okay, assuming you've peeked at the satellite view, please continue on.

I understand the city gravitating towards a development such as this. It would undoubtedly add to the city's tax revenue. But as a tax revenue *win* for the city of Duluth, would it be a *win* for the residents impacted by this? Is it a *win* for our environment when 31 acres of natural area that parallels Miller Creek could eventually be destroyed? I think the city of Duluth could do better.

This hotel would sit directly across the street from families living on Osage - zoned rural residential. No doubt, they would be affected the most. Noise pollution, light pollution, traffic and privacy concerns all are major issues.... and not only for those living on Osage but to families further east and north of this project as well. Our neighborhood will lose more dark skies, have more traffic down our residential streets, experience more noise pollution, and will lose beloved natural areas that hundreds, if not thousands, of species call home. Sadly, this natural buffer that has kept our neighborhood separated from the businesses west of Sundby Road will be gone. Many of us are desperately reaching out to you to act.

I'm aware that this area was slated for commercial use many years ago, but since then, times have changed. A lot! ImagineDuluth2035, which is the City of Duluth's current comprehensive land use plan adopted by our City Council says "We need to understand the nature and value of our existing resources in order to achieve a balance between development and open space preservation." Those words have great meaning today more than ever before. To help understand that, simply look at the headlines from the Star Tribune 9/22/22 and 9/27/22. (attached)



TownePlace Suites by Marriott is the projected hotel slated to be built. It has seven other locations in our state: Bloomington, St. Louis Park, Eagan, Eden Prairie, Minneapolis, and two in Rochester. Did you know that not one of these hotels is located adjacent to a rural residential neighborhood such as ours? Not one. Why is Duluth any different? No other city leaders in our state allowed it to happen in *their* cities? What's going on here in Duluth?

This property has been for sale a long time, and a lot has happened in the last 10-20 years. From 9/11 to the housing bubble/crash, the pandemic and more, but there is one thing that will outlast singular, memorable events and affect us all the rest of our lives and beyond..... and that is climate change. We are living in a different era now, one in which the planet is warming, sea levels are rising, and fossil fuels are being phased out. We all need to pay attention *to* and make decisions *based* on how land is developed, or remains undeveloped. It really matters. It shouldn't go without saying that climate change has become humankind's biggest existential threat.

Commercial buildings in this area will, on their *face*, contribute to climate change. Adding this hotel will contribute towards hotter summers in this area, no doubt. Urban areas are simply hotter than their outlying areas. The natural area will be gone, replaced with concrete and asphalt. Are these the decisions we're willing to accept from our city leaders? And for what? Another hotel, and quite possibly *even more hotels* in this area? Any development within our city **must** include methods to **combat climate change**, not to support it. I'm asking our city leaders take bold action and embrace the future.

Tree planting initiatives have begun worldwide to help reverse some of the damage that's already been done and if this area is destroyed, with all of its wetlands, birds, insects, and wildlife, there's no going back. It's gone forever.

How many more natural areas of Duluth are going to be plowed under? Just in my neck of the woods, looking at Arrowhead/Arlington, the Kenwood shopping center, Costco, where does it end? And now, the city wants to encroach into our residential neighborhood? Far, far more should be demanded from developers who want to build in our city. They should be required to only build on previously developed land. Period. We have got to save our green spaces, for they add to the quality of life here in Duluth.

An example of a development success story I'd like to commend the city for is the conversion of the old Shopko into Ashley Furniture on Central Avenue. I was thrilled the building was repurposed. Congratulations! That was a win-win scenario for everyone in my view; but the hotel development proposed to go up in my neighborhood just isn't right.

I'm asking the City of Duluth back out of this deal and buy this land back from the developer. Why? Because it's the right thing to do. This is America where deals are made every day. Some go forward and some fall through. Let this one fall through. Find another location in a commercial district that doesn't impact family homes or an existing natural area.

Secondly, I would support and encourage a thorough review by the EPA to take a look at this land. What impacts would a development of this magnitude have on its ecosystem should it go through? Again, I hope it does not.

I'd also ask the City of Duluth to consider that the University of Minnesota Duluth might be interested in this land for ecological research and preservation. In addition to their Environmental and Outdoor Education major, they've just added a Childhood Nature Studies program, paving the way for future conservationists. As a nation, we simply have to keep these natural areas wild, and tackle every hurdle that threatens green spaces with creativity and ingenuity. There *has* to be another way, a better location.

I'm a nature lover and care deeply about our environment and the role each of us can play to preserve it. I've documented 111 species of birds in my yard since 2014, and this year, for the first time ever, on May 20th and June 9th, my husband and I received visits from a very special animal, one that is considered an indicator species. An indicator species is an animal or plant species that can be used to infer conditions in a particular habitat. Seeing this animal was a positive sign, a sign of hope, and in *our* case, improved watershed conditions. And that species was a river otter. I thought to myself, wow. Something is going so right here in this neighborhood's ecosystem. If this development goes through, will watershed conditions decline? No doubt there will be less biodiversity in our neighborhood, fewer areas for wildlife to call home, including coyotes, bears, fox, deer, raccoons, skunks, ermines, woodchucks, gray, red, and flying squirrels, rabbits, and birds galore. This development already has so many strikes against it from the start. Please take another look at this.

If the City of Duluth and its residents *really* wants, and sees the need for, another hotel, and Marriott *really* wants to have their hotel in our city, all things are possible. But this natural area is not the right fit for this, or any commercial development. This is **our** city. **Our** neighborhood. Not the tourists' city, or anybody else's. We live in this neighborhood, I live and speak for the wildlife, and our voices matter. Please keep this area wild, for it's already a fantastic commercial buffer for our neighborhood, providing much needed distance from Kohl's and La Quinta.

On a side note, the wooded area behind La Quinta should be left alone as well, another great buffer – but it's another wooded space that's sadly also for sale. Before La Quinta was built, it was home to a family of Green Herons.

For nature's sake and our planet's sake, we all have to do more to fight development that wants to plow down more and more green spaces within our city, including those next to rural residential neighborhoods.

Please do the right thing. Keep the area east of Sundby Road commercial-free.

Sincerely,

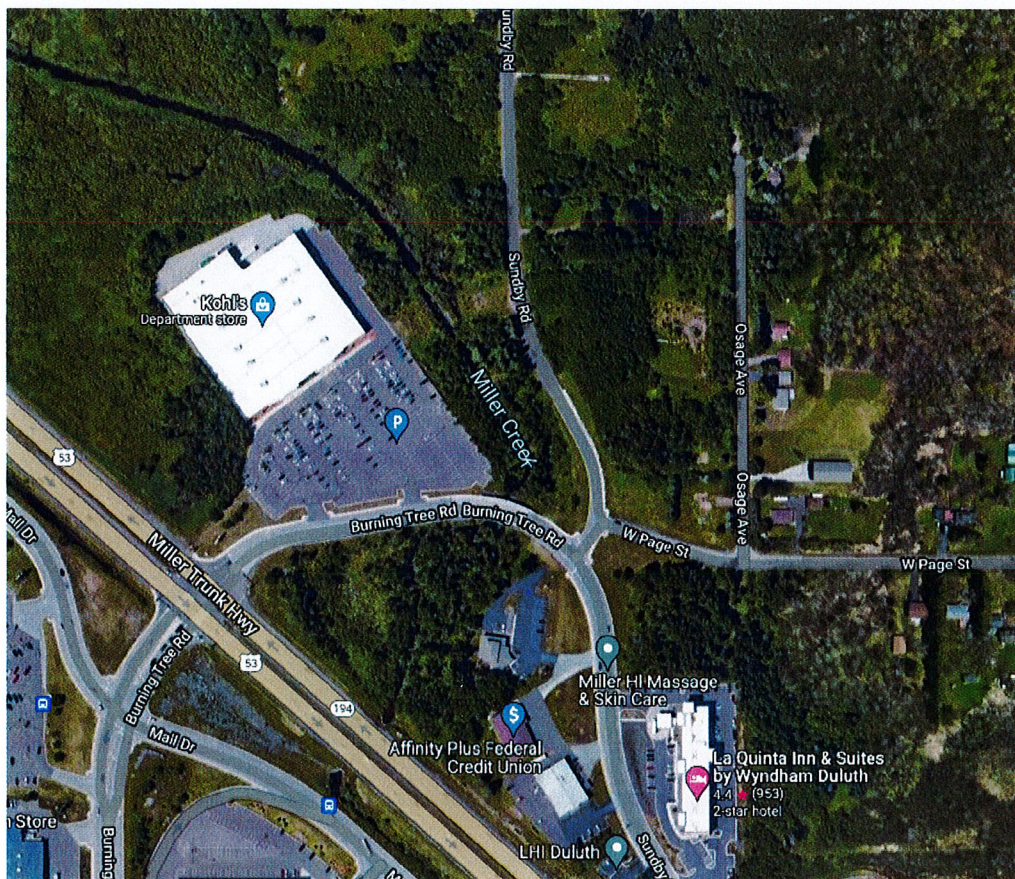
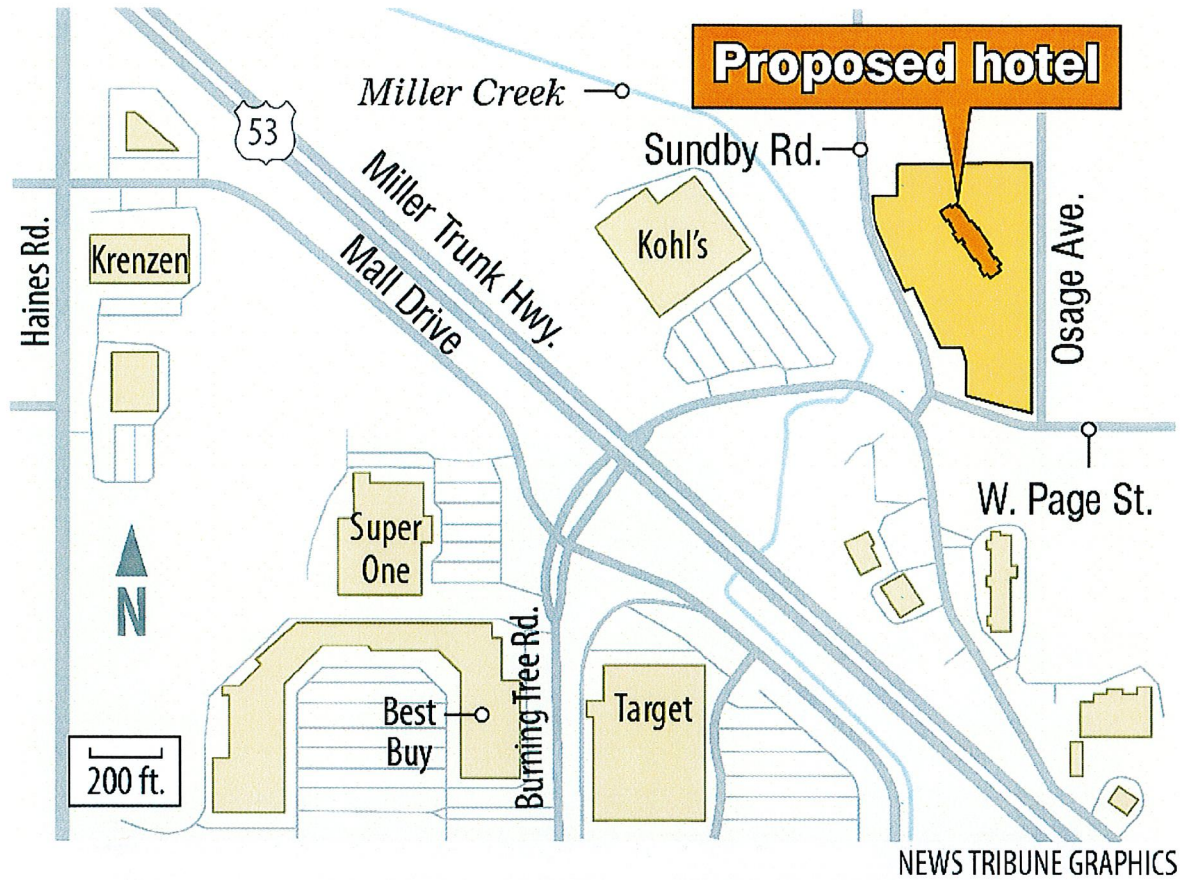
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Becca Mulenburg

Cc: Emily Larson, Mayor  
Hannah Alstead  
Gary Anderson  
Azrin Awal  
Arik Forsman  
Noah Hobbs  
Janet Kennedy  
Mike Mayou  
Roz Randorf  
Terese Tomanek  
Andrea M Wedul  
Michael Schraepfer  
Jason R Hollinday  
Margie Nelson  
Danielle C Rhodes  
Samuel Y Lobby  
Gary Eckenberg  
Jason E Crawford



## Rural neighbors voice new hotel reservations





THURSDAY  
September 22, 2022

# StarTribune

2021 PULITZER PRIZE

FOR BREAKING NEWS

**Restoring our tree canopy:** Neighborhoods with less natural shade face hotter summers, higher utility bills and more health troubles. Work is underway to repair this gap.



TUESDAY  
September 27, 2022

# StarTribune

2021 PULITZER PRIZE

FOR BREAKING NEWS

## Cities' hot streak sets record

It was 70 degrees or hotter for 118 days in a row in metro; this summer could be the 4th driest on record.

By CHLOE JOHNSON  
chloe.johnson@startribune.com

The Twin Cities area saw its longest recorded streak of days that reached 70 degrees or hotter this summer.

The 118-day stretch, from May 27 to Sept. 21, beat out the previous length of 107

days set in 2018, according to the National Weather Service office in Chanhassen.

The heat, along with dry conditions through the summer, could also dull autumn colors. The temperature streak may be less noticeable than scorching days in the summer, but it's part of a

larger pattern.

"We're extending the summer into September longer than we used to," said Pete Boulay, a climatologist with the Minnesota Department of Natural Resources.

Climate change is pushing temperatures higher across the globe. So far, that has shown up in Minnesota in warmer, shorter winters.

That won't always be the

case. According to the Fourth National Climate Assessment, "Warm-season temperatures are projected to increase more in the Midwest than any other region of the United States."

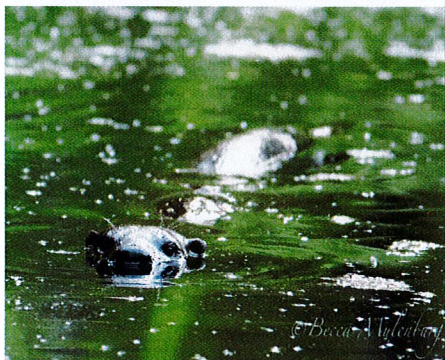
In the Twin Cities, most of these long stretches of highs above 70 have happened in the past 20 years, said Weather Service meteorologist Jacob Beitlich.

Along with the unusually

persistent warmth, this year also stands out for drought conditions that have lingered around the Twin Cities. The area is still in the severe drought category, according to the U.S. Drought Monitor.

This year is on track to be the fourth-driest summer, based on rainfall between June 1 and Sept. 30. It's unlikely that any significant rain will come

See **HEAT** on A3 ▶



An indicator species of improved watershed conditions, a River Otter at my home. What will happen to the watershed if this natural area is destroyed?

Photo ©Becca Mulenburg, June 9, 2022

There is a blanket solution: Actively support conservation efforts for grasslands, forests, wetlands, jungles — for any and all natural land and efforts to restore natural to our animal vocabulary. Forever.

Lifelong birder Jim Williams can be reached at woodduck38@gmail.com.

-by Jim Williams, "Habitat shift favors some birds", *Special to the Star Tribune*, E3, Wednesday, September 28, 2022.