



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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

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[planning@duluthmn.gov](mailto:planning@duluthmn.gov)

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

**Proposal**

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

**Staff Recommendation**

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

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

**Summary of Code Requirements**

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

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

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

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

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

History

A paper mill has been at this location since 1987.

**Review and Discussion Items:**

Staff finds that:

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

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

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

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

#### **Staff Recommendation**

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

- 1) The project be constructed and limited to the plans submitted with the application, allowing a fence no less than 54 feet from the Ordinary High Water Level of Keene Creek.
- 2) The applicant must receive and approved fence permit prior to constructing the fence.
- 3) The applicant must plant the additional vegetation shown in the exhibit to mitigate shoreland impacts.
- 4) The variance shall not be effective until a) completion of the Environmental Assessment Worksheet; and b) adoption of a Negative Declaration that preparation of an Environmental Impact Statement is not required.
- 5) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



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



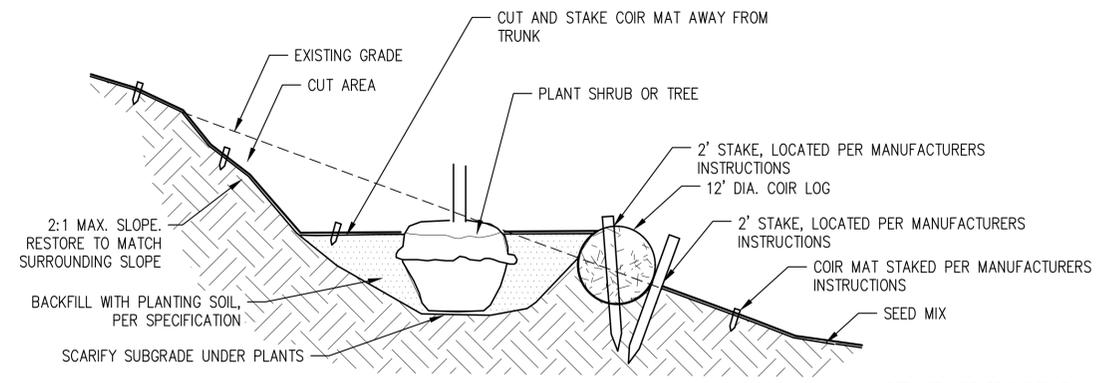
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used 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.





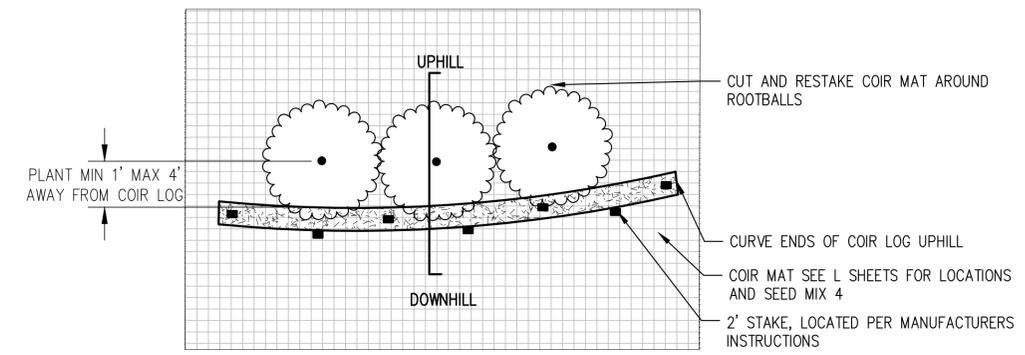
NOTES:

1. ON 2:1 SLOPES OR GREATER, DO NOT CONSTRUCT THE UPHILL HALF OF THE WATERING BASIN.
2. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING ADEQUATE DRAINAGE IN HEAVY, POORLY DRAINED, OR IMPERVIOUS SOILS.
3. INSTALL PLANTS IN A PLUMB POSITION.
4. MULCH DEPTH SHALL BE 4".



NOTE: STAKES PROVIDED BY MANUFACTURER

**1** PLANTING ON A SLOPE WITH A COIR LOG  
NOT TO SCALE



**2** PLANTING ON A SLOPE WITH A COIR LOG-PLAN VIEW  
NOT TO SCALE

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

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

NO	DATE	ISSUED FOR

NO	DATE	REVISION

**PRELIMINARY**  
**NOT FOR CONSTRUCTION**  
08/05/2024

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

DRAWING TITLE:  
**SHORELAND  
RESTORATION  
DETAILS**

DRAWN BY: JPH  
CHECKED BY: AFB  
PROJ. NO: 24080  
DRAWING NO:

**EXH 2**

**EXISTING BUILDINGS**

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

**EXTERIOR AREAS**

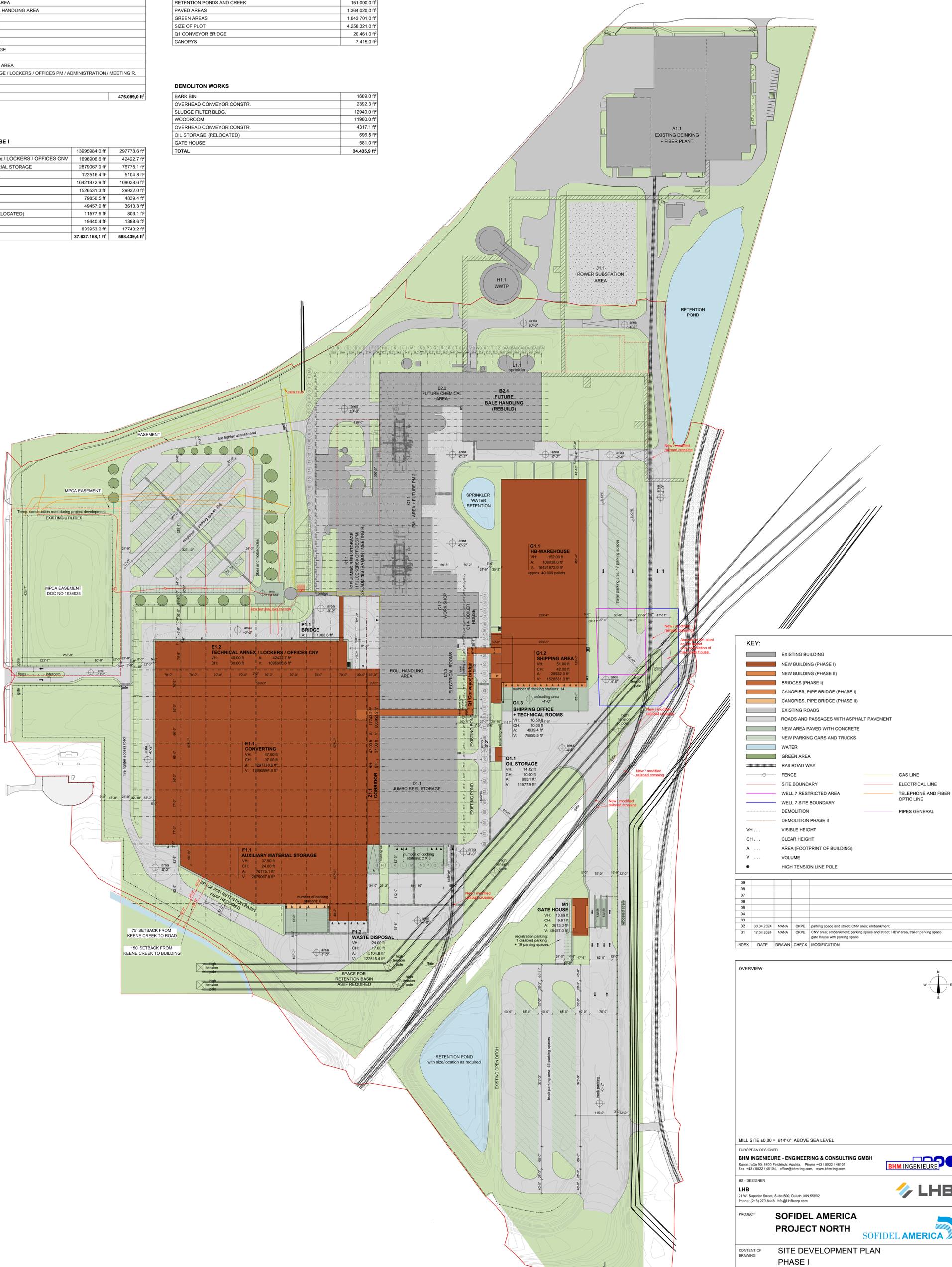
EXISTING BUILDINGS	<b>476,089.0 ft²</b>
NEW BUILDINGS	<b>656,791.8 ft²</b>
RETENTION PONDS AND CREEK	151,000.0 ft²
PAVED AREAS	1,364,020.0 ft²
GREEN AREAS	1,643,701.0 ft²
SIZE OF PLOT	4,258,321.0 ft²
G1 CONVEYOR BRIDGE	20,461.0 ft²
CANOPYS	7,415.0 ft²

**DEMOLITION WORKS**

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

**NEW BUILDINGS PHASE I**

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



**KEY:**

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

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

**OVERVIEW:**

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

**LHB**

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

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

US - DESIGNER  
**LHB**

**PROJECT**  
**SOFIDEL AMERICA PROJECT NORTH**

**CONTENT OF DRAWING**  
**SITE DEVELOPMENT PLAN PHASE I**

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

**PHASE**  
**CONCEPT / DRAFT**

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