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 20-090	**Contact**	John Kelley	
Type	Special Use Permit for a School expansion for outdoor accessible space with structures	**Planning Commission Date**		July 14, 2020
Deadline for Action	**Application Date**	June 9, 2020	**60 Days**	August 8, 2020
	Date Extension Letter Mailed	June 29, 2020	**120 Days**	October 7, 2020
Location of Subject	3301 Technology Drive			
Applicant	Tischer Creek Duluth Building Company	**Contact**	Paul Goossens	
Agent	LHB, Inc	**Contact**	Heidi Bringman	
Legal Description	See attached			
Site Visit Date	July 7, 2020	**Sign Notice Date**	June 30, 2020	
Neighbor Letter Date	July 1, 2020	**Number of Letters Sent**	17	

Proposal
Applicant is requesting a special use permit to expand its existing school campus to provide outdoor accessible space with structures located in an R-2, Residential Urban zone district.

Recommendation
Staff recommend approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2, RR-1	School, Open Space	Rural Residential/Institutional
North	RR-1	Undeveloped	Rural Residential/Open Space
South	RR-1, MU-B	Commercial	Traditional Neighborhood
East	RR-1	Undeveloped/Residential	Rural Residential
West	R-1	Tennis Center/Undeveloped	Rural Residential

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 complies with all applicable provisions of this Chapter.

1) The application is consistent with the Comprehensive Land Use;
2) The application complies with all applicable provisions of this Chapter; including without limitations to any use-specific standards applicable to the proposed use, development or redevelopment, and is consistent with any approved district plan for the area.
3) Without limiting the previous criteria, 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 50-20.2.G School, elementary, middle or high

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):
Governing Principle #5 – Promote reinvestment in neighborhoods ….through land use and transportation. New development or redevelopment should maximize public investment that strengthens neighborhood commercial centers or diversifies residential opportunities that fit the neighborhood's character.

The applicant will be utilizing the existing North Star School campus to expand accessible outdoor space for activities, recreation and school functions.

Governing Principle #11 - Consider education systems in land use actions. There is a connection between land use patterns and all level of educational facilities. School locations and housing opportunities for students and families require consideration of impacts on transportation and infrastructure systems, housing densities, parking, and non-student uses.

North Star Academy is expanding their campus to provide more educational and well-being opportunities for the school and surrounding area.

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.

Institutional: Applicable to medical, university/college, public school, religious, or governmental campuses. Can include adjacent areas that support them, with related commercial and/or office uses, and residential uses in the fringe areas of the district.

History:
The 99,000 square foot North Star Academy School building and campus was constructed in 2010.
FN 1087 WRMO – wetland variance – variance was for impacts due to construction of Edison/North Star School

Review and Discussion Items

1) The applicant has stated that the North Star Academy site is currently lacking sufficient accessible outdoor space for students to safely use. The site is zoned R-2 and a Special Use Permit is requested to expand the K-8 school campus on its current lot. The proposed project will take place over the next five years and includes new recreational fields, ADA pathways, an outdoor shelter/yurt, equipment storage sheds for programming items, outdoor classrooms, agility areas and a ceremonial gathering space. This request to expand the campus development north will provide better access to greenspace and will provide safe places to hold outdoor activities. This project will not expand the existing classroom instructional space.
2) Sec. 50-18.1 (Wetlands), There are no wetlands in the project limits and therefore no wetland delineation is required. The site is essentially on top of a hill (with bedrock) and is considered upland.
3) Sec. 50-20.2.G (Use Specific Standards) School, elementary, middle or high. The applicable standards do not apply to this proposed project at the school. The project does propose accessible access from the adjacent parking lots and building for student drop off and pickup from the outdoor area.

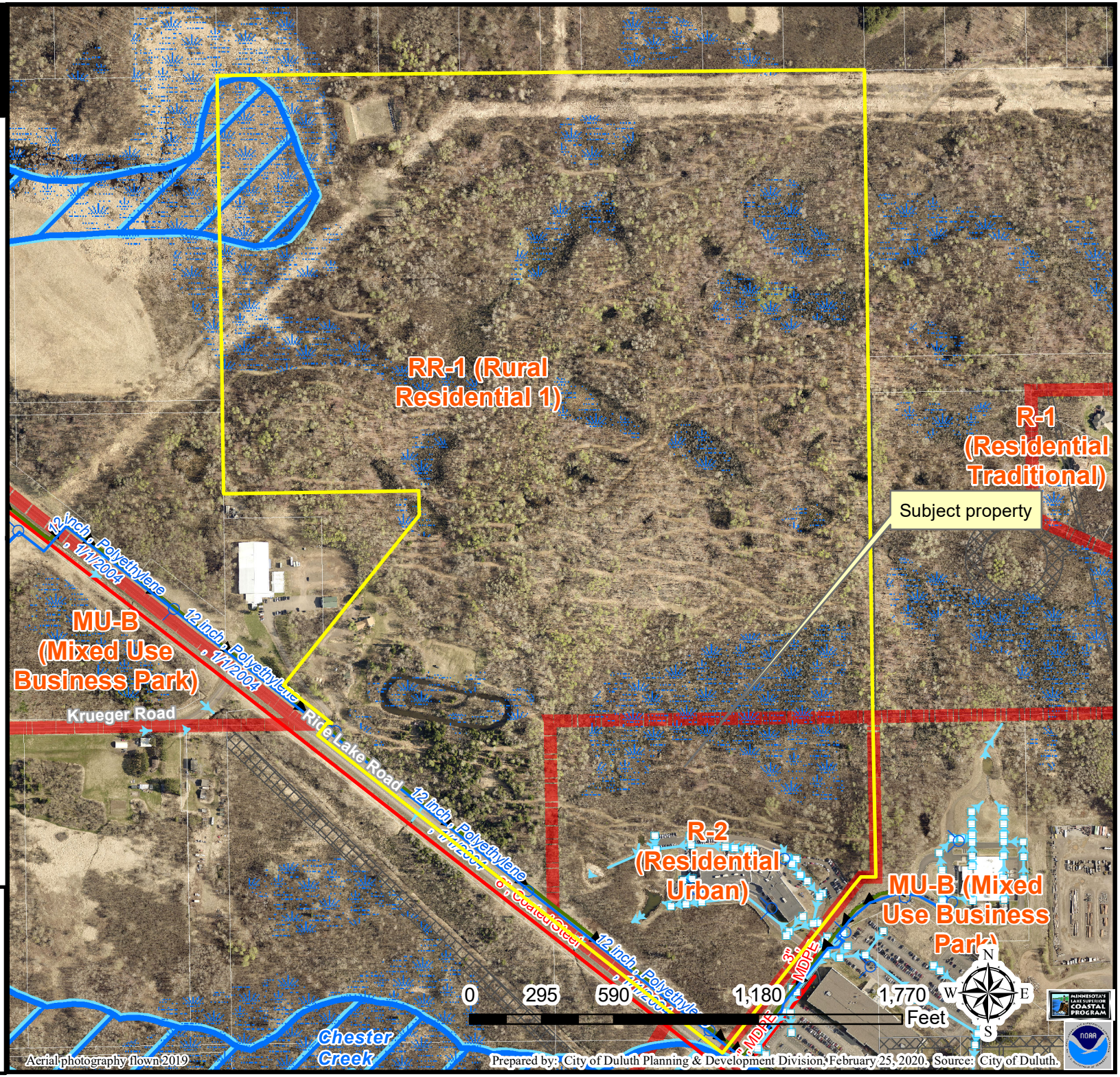
4) Sec. 50-24 (Parking and Loading). The proposed outdoor space and amenities will be utilized by the school. Parking will be provided via the existing adjacent school parking lot.
5) Sec. 50-25 (Landscaping). Landscaping between differing land uses: Commercial or institutional abutting residential. Landscape buffer options do not apply. The campus expansion is centrally located within the property and is screened from the surrounding uses by the existing landscape.
6) 50-25.9 (Tree Preservation) – The applicant has submitted a tree inventory and replacement plan for review and approval by the City Forester (draft attached). The landscape plan submitted is inclusive of the tree replacement plan. Staff has reviewed impacts to trees due to their location relative to the project; the proposed replacement will address loss of these trees on the site; final approval by the Land Use Supervisor is required prior to issuance of the building permit.
1) Sec. 50-26 (Screening, Walls and Fences). Not applicable to this project.
2) Sec. 50-28 (Stormwater Drainage and Erosion Control). The stormwater management plan is in process and the applicant is working closely with the City stormwater engineer to finalize a plan that will be compliant.
3) Sec. 50-29 (Sustainability Standards). Not applicable to this project.
4) Sec. 50-30 (Building Design Standards). These requirements do not apply for this project.
5) Sec. 50-31 (Exterior Lighting). No lighting is planned for the project area.
6) No citizen or city departments comments were received at the time that this report was written (July 7, 2020).
7) UDC 50-37.1.N. states that an approved Special Use Permit will expire if the project or activity authorized by the permit has not begun within one-year.

Staff Recommendation

Based on the above findings, Staff recommends that Planning Commission approve the special use permit subject to the following conditions:

1) The proposal is limited to the site plan and documents submitted with this application; and
2) Approval of the tree inventory and replacement plan by the City Forester and Land Use Supervisor; and
3) 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 review; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

PL 20-090
Zoning Map



Legend

- Gas Main
- Water Main
- Hydrant

Sanitary Sewer Mains
- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station

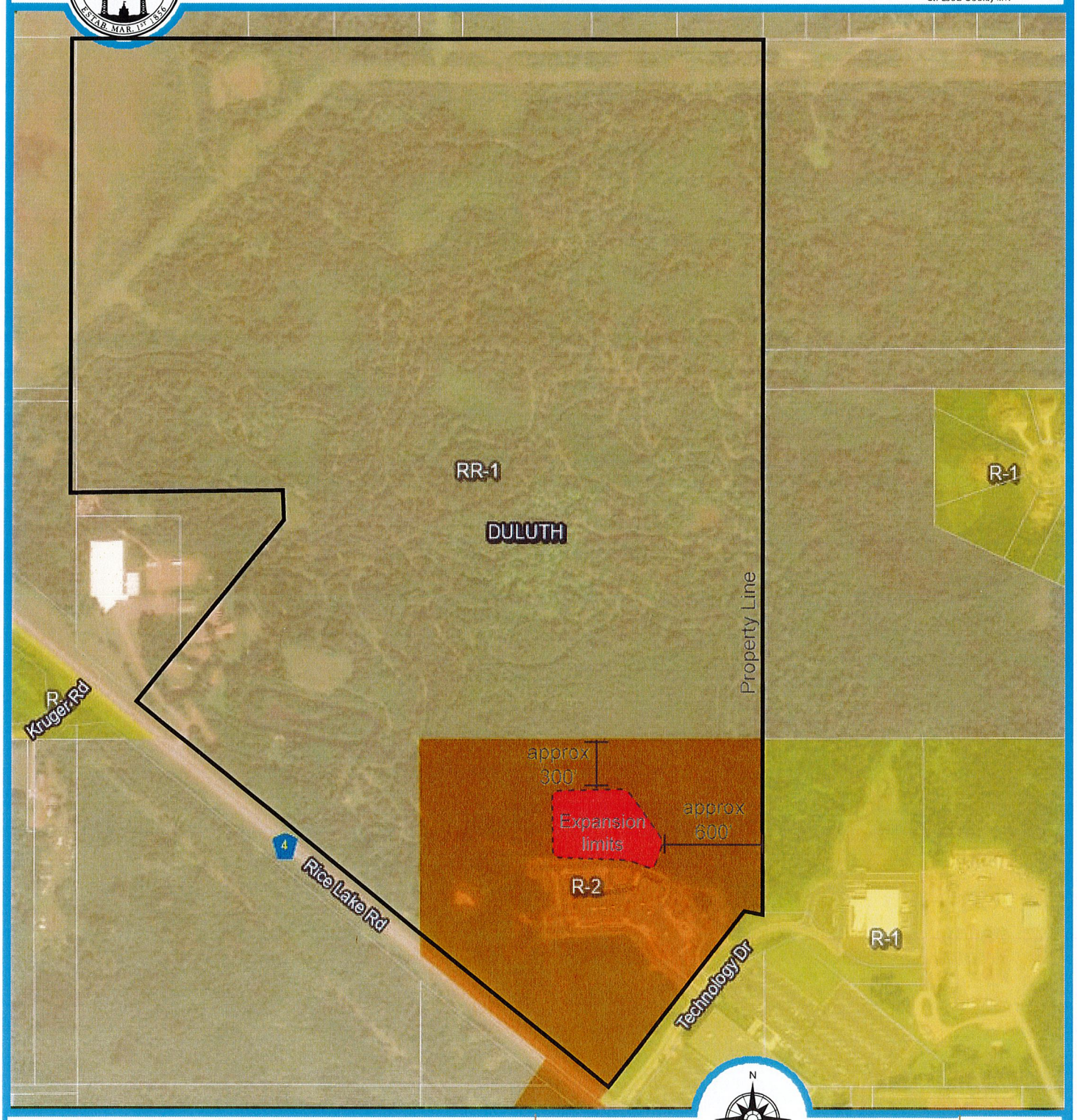
Storm Sewer Mains
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Vacated ROW
- Zoning Boundaries

Shoreland (UDC)
- Cold Water
- Natural Environment
- General Development
- Trout Stream (GPS)
- Other Stream (GPS)
- Wetlands (NRRI)

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.

County Land Explorer

St. Louis County, Minnesota



Project Location Limits Exhibit
The proposed campus greenspace expansion highlighted on a County Land Explorer map that shows adjacent zoning and property line

Map created using County Land Explorer
www.stlouiscountymn.gov/explorer

N

0 310 620 1,240 1,860
ft

County Land Explorer

St. Louis County www.stlouiscountymn.gov/explorer Minnesota

Disclaimer

This is a compilation of records as they appear in the Saint Louis County Offices affecting the area shown. This drawing is to be used only for reference purposes and the County is not responsible for any inaccuracies herein

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REVISED CONCEPT

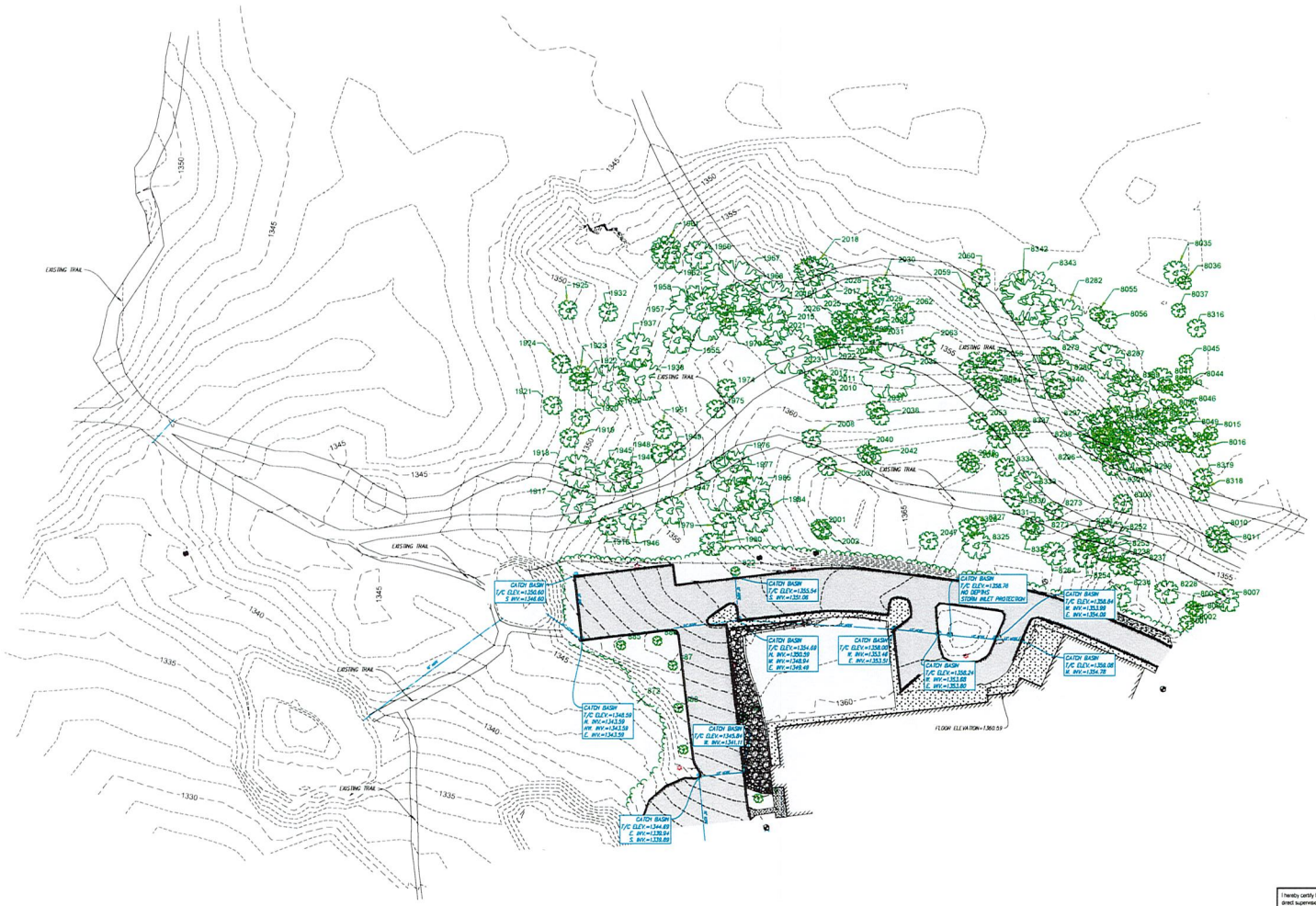
200095 | North Star Academy Recreational Greenspace

March 26, 2020

Topographic Survey

(Northstar Academy)

part of the NE 1/4 of the SE 1/4
Section 8, T50N, R14W of the 4th P.M.
St. Louis County, Minnesota



NOTES

1. Property address: 3301 Technology Drive, Duluth MN
2. Date of Survey: October 26, 2018.
3. Basis of bearing is GRID NORTH, St. Louis County Transverse Mercator 96 Coordinate System.
4. Vertical Datum = North American Datum of 1988 (NAVD 88).

LEGEND

- BITUMINOUS SURFACE
- BUILDING
- CONCRETE SURFACE
- 5 FOOT CONTOUR
- 1 FOOT CONTOUR
- CURB & GUTTER
- GRAVEL SURFACE
- RIP-RAP SURFACE
- FENCE LINE
- BURIED STORM
- BURIED STORM CULVERT
- TREE LINE / EDGE
- STOP SIGN
- SPEED LIMIT SIGN
- SIGN
- FENCE POST
- BENCHMARK
- FOUND REBAR
- HORIZONTAL CONTROL POINT
- EVERGREEN TREE
- EXISTING CATCH BASIN (SQUARE)
- DECIDUOUS TREE
- EXISTING CATCH BASIN (ROUND)
- LIGHT POLE
- WATER VALVE
- HYDRANT

(SCALE IN FEET)

Basis of Bearing is Grid North
St. Louis County Transverse
Mercator 96 Coordinate System.

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I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

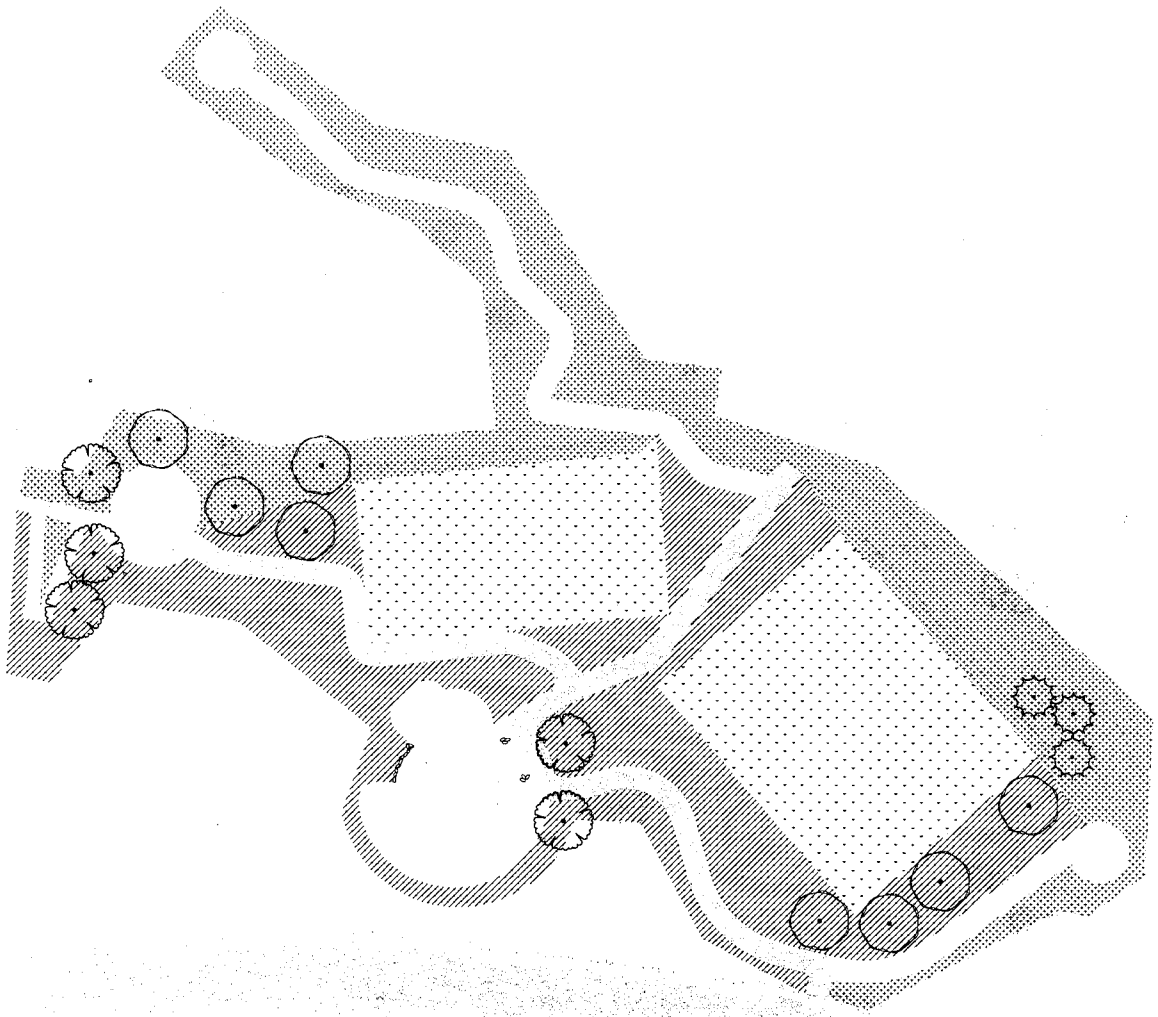
Print Name: Paul A. Vogel License # 44075

Signature _____ Date 11/5/2018

DATE PREPARED	11/05/18
PROJ NO.	180541
FILE	180541_Visuv
SHEET	1 of 2 SHEETS

PERFORMANCE DRIVEN DESIGN.
LHBengineers
21 W. Superior St., Ste. 500 | Duluth, MN 55802 | 218.727.8446

FILE J:\180541\00 Drawings\Survey\180541_Visuv.dwg



PLANT SCHEDULE

TREES	CODE	QTY	BOTANICAL / COMMON NAME	CONT	CAL
	AS	8	Acer saccharum / Sugar Maple	B&B	2"Cal
	BA	5	Betula alleghaniensis / Yellow Birch	B&B	2"Cal
	PS	3	Pinus strobus / White Pine	B&B	2"Cal

SEED	CODE	QTY	BOTANICAL / COMMON NAME	CONT	NOTES
	TS	13,525 sf	Turf Seed	Seed Mix	
	TS3	14,749 sf	Turf Seed	Seed Mix	
	TS2	13,661 sf	Turf Seed Low Grow Mix	Seed Mix	

0 10' 20' 40'

LHB
PERFORMANCE DRIVEN DESIGN.
LHBinc.com
21 W. Superior St., Ste. 500 | Duluth, MN 55802 | 218.727.6446

CLIENT
TISCHER CREEK DULUTH BUILDING COMPANY

3301 Technology Drive
Duluth, MN 55811

THIS SQUARE APPEARS 10" x 10" ON FULL SIZE SHEETS.

NO	DATE	ISSUED FOR

NO	DATE	REVISION

PRELIMINARY
NOT FOR CONSTRUCTION
05/10/19

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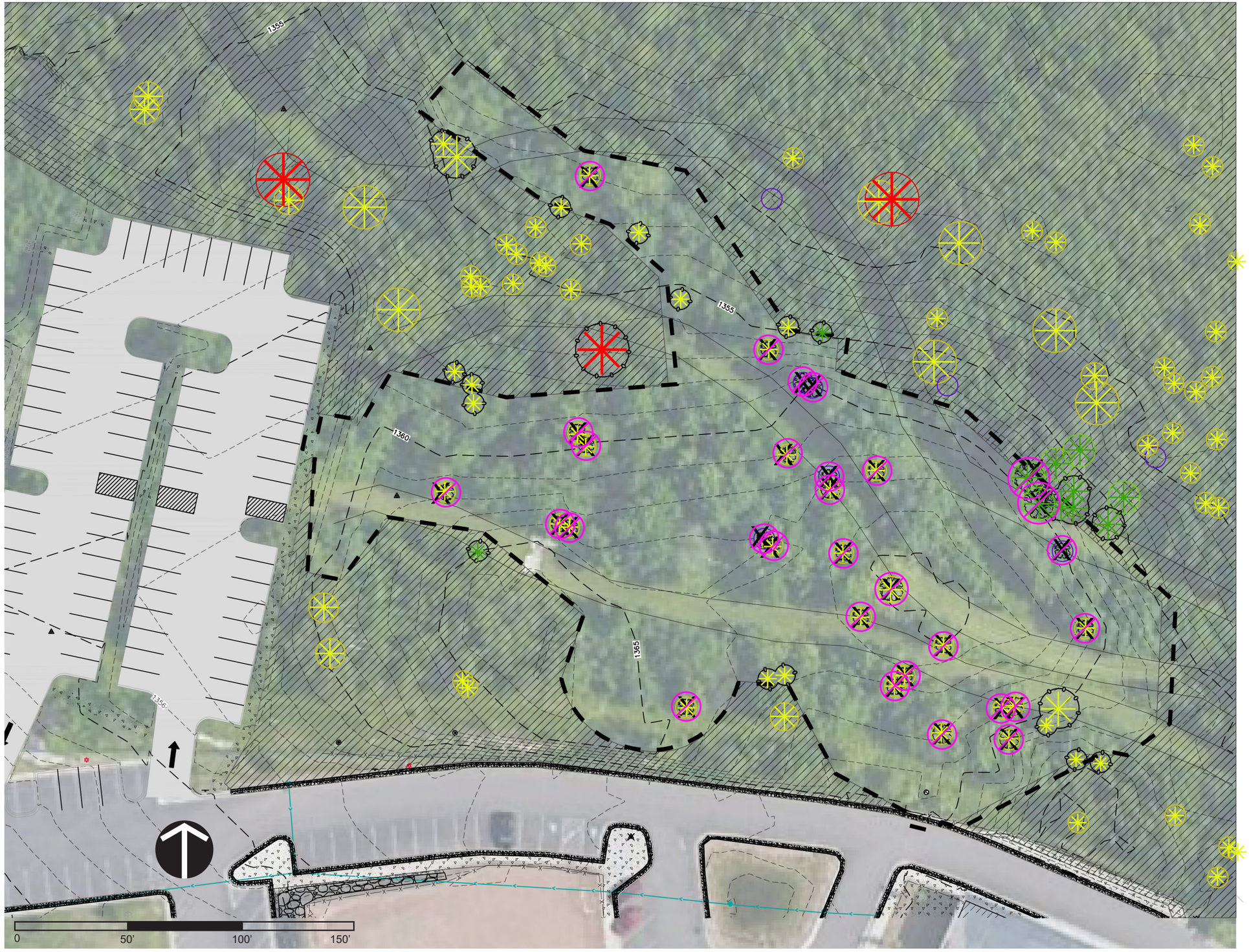
PROJECT NAME
NORTHSTAR ACADEMY GREENSPACE

DULUTH, MN

DRAWING TITLE
LANDSCAPE PLAN

FILE J:\200059\200 Drawings\Landscape Architecture\200059 L100 Landscape Pla
DRAWN BY RMJ
CHECKED BY NSB
PROJ NO 200059
DRAWING NO

L101



Legend

- Other Significant Trees
- Special Trees 6”-20” DBH
- Special Trees >20” DBH
- Surveyed Tree, not in tree preservation category
- Protected Trees
- Construction Limits
- Removed Tree
- Area Protected During Construction

NORTHSTAR ACADEMY | TREE PRESERVATION REPORT MAP JUNE 2020

City of Duluth
Planning Division

411 West First Street • Room 208 • Duluth, Minnesota 55802-1197
218-730-5580 • Fax: 218-730-5904 • www.duluthmn.gov

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TREE PRESERVATION REPORT (REVISED MARCH 29, 2013)

A tree preservation report is required for any development or redevelopment activities that impacts trees and is on a lot of more than 10,000 square feet with a multi-family, mixed use, commercial, institutional, industrial, or parking principal use or a lot of record created after 11/19/10. See sections 50-25.6 and 50-25.9 of the UDC. **Note:** before preparation of the tree preservation report, contact the City Forester to discuss the proposed scope and size of the project, and to get any additional information or instructions prior to commencing the tree inventory.

Property address/location: 3301 Technology Drive, Duluth MN 55811

Name of applicant/agent: Tischer Creek Duluth Building Company

Phone: _____ **Email:** _____

Date of expected tree removal: June 2021

Type of Trees	Removal Threshold	Number Impacted by Project
Special Trees 6"–20" DBH	10 or more	22
Special Trees >20" DBH	Prohibited unless approved per Section 50-25.9	0
Other Significant Trees	20 or more	2

- **DBH: Diameter at Breast Height.** Diameter is measured in inches 54" above the ground. If the tree splits into multiple trunks at a height below 54 inches, but above the ground, the diameter is measured at the highest point beneath the split.
- **Special Trees:** White pines, red (Norway) pines, white cedars, white spruces, eastern hemlocks, sugar maples, American basswoods, American elms, yellow birches, and all oak species (for identification help, see http://www.arborday.org/trees/treeGuide/index.cfm*).*
- **Significant tree:** All trees of more than 10 inches DBH, and all special tree species of more than 6 inches DBH. Any replacement tree planted as part of a tree replacement plan shall also be considered significant.

Map
Attach a map of the property, including locations of structures and trees. Indicate which trees will be preserved and which will be removed (or attach your own map). Preserved trees must be protected during construction through use of a fence around the critical root radius. Attach photos of areas to be impacted by construction.

Signature
I testify that this report is true and accurate to the best of my knowledge.

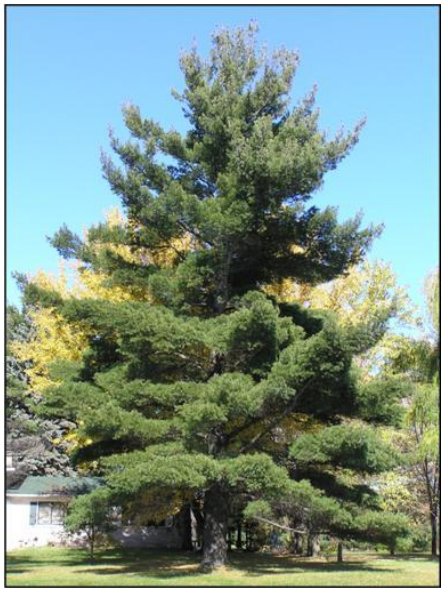
Applicant Signature: _____ Date: _____

City Approval
Upon review of all applicable information, I approve the Tree Preservation Report (if with conditions, make note).

City Forester Signature: _____ Date: _____

White pine *(*Pinus strobes*)*

- only five-needle pine native to eastern North America
- distinguished by its commonly "windblown" or asymmetrical look; its large, long cones; and its five needles per cluster



Norway Pine (Pinus resinosa)

- also called the red pine because of its pale red wood and reddish bark
- branches on mature trees don't begin until about two-thirds of the way up the tree trunk
- crown of the Norway pine is cone-shaped and the glossy/dark green needles are soft and flexible

Fun Fact: The name Norway comes from early explorers who thought the tree was a pine they had seen back home in Norway. Perhaps because so many Norwegians live here, Minnesota is the only state that still uses the term Norway.

White Cedar (*Thuja occidentalis)*

- small evergreen tree (average height 40’) with fan-like branches
- leaves are flat and scale like; 3-5cm in length

Fun Facts: This species is threatened where white-tail dear populations are high, since deer commonly use cedars as a winter food source. Oils from this tree are found in organic medications used to eliminate warts.

White Spruce (*Picea glauca)*

- large evergreen tree (average height: 40' to 60', occasionally 100')
- leaves are needlelike and sharply pointed, four-sided, crowded along branchlets; length 1/3" to 3/4"

Eastern Hemlock *(Tsuga Canadensis)*

- typically have a dense pyramidal crown whose lower branches often sweep the ground
- leaves are flat and green above with white, shallow, bands on the underside
- cones are among the smallest of the pine family; 1/2” to 3/4” long

Sugar Maple *(Acer saccharum)*

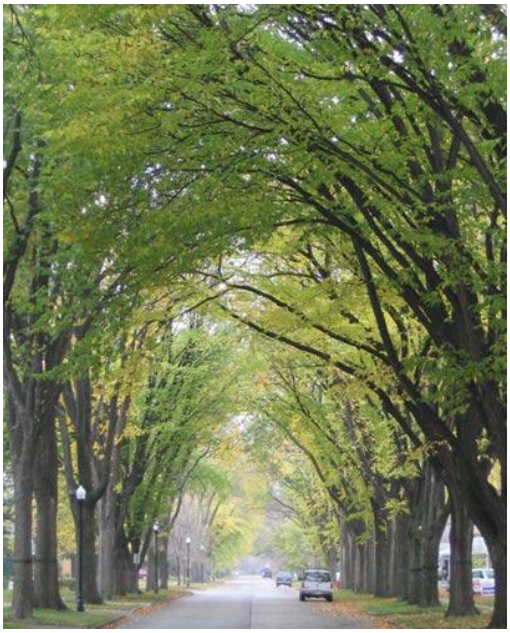
- deciduous tree normally reaching 82’–115’ tall
- leaves are simple, opposite on stem, length 3" to 5"; three- to five-pointed, smooth-edged lobes; dark green on upper surface, lighter green below; in autumn turns to brilliant shades of dark red, scarlet, orange, or yellow
- seeds consists of two slightly connected wings (samaras), each containing one seed; length about 1"; easily carried by the wind
- principal source of maple syrup

American Basswood *(Tilia americana)*

- medium-sized to large deciduous tree reaching a height of 60’ to 120’
- leaves are simple, alternate on stem, length 3" to 6", nearly as wide, heart-shaped, saw-toothed, sharp-pointed at tip; at maturity thick, shiny, green above, paler underneath, turns yellow to orange in autumn
- seeds are rounded, nutlike drupe covered with short, thick, brownish wool, attached in clusters to a leafy bract that later acts as a wing to carry seeds away on the wind; fruit often hangs on tree long into winter

American Elm *(Ulmus Americana)*

- a deciduous tree reaching heights of 100’ tall
- crown forms a high, spreading canopy with open air space beneath
- leaves are alternate, 7–20 cm long, with double-serrate margins and an oblique base
- tree is hermaphroditic, having perfect flowers, (i.e. with both male and female parts) and is therefore capable of self-pollination
- wholly insensitive to daylight length (photoperiod), and will continue to grow well into autumn until injured by frost



Yellow Birch *(Betula alleghaniensis)*

- easily recognized by the yellowish-bronze exfoliating bark for which it is named; the bark is smooth, yellow-bronze, flaking in fine horizontal strips, and often with small black marks and scars
- medium-sized deciduous tree reaching 65’ tall
- flowers are wind-pollinated catkins 1”to 2 1/2”long

Oak Species (genus *Quercus)*

- spirally arranged leaves, with a lobed margin in many species; some have serrated leaves or entire leaves with a smooth margin
- flowers are catkins, produced in spring
- fruit is a nut called an acorn, borne in a cup-like structure known as a cupule; each acorn contains one seed (rarely two or three) and takes 6–18 months to mature, depending on species