



Staff Report for PLVAR-2602-0002

Application Information:

Application Type: Variance

Location of Subject: 2029 Trinity Rd.

Legal Description: 010-2890-00170

Applicant: LSC Flats LLC

Applicant Contact: n/a

Agent: Titanium Partners

Agent Contact: Daniel Fanning

Staff Contact: Reina Owecke, rowecke@duluthmn.gov

Deadline for Action:

Application Date: March 9, 2026

Date Extension Letter Mailed: April 17, 2026

60 Days: May 8, 2026

120 Days: July 7, 2026

Site Visit Date: April 29, 2026

Sign Notice Date: April 28, 2026

Neighbor Letter Date: April 22, 2026

Number of Letters Sent: 5 Letters

Proposal:

The applicant is seeking a variance from the height standard in the MU-I district. Specifically, the applicant is seeking to increase the building height from the required 46' to 59'.

Recommended Action:

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

Zoning and Land Use:

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-I	Institutional	Institutional
North	MU-I	Institutional	Institutional
South	R-1	Undeveloped	Open Space
East	MU-I	Undeveloped	Institutional
West	MU-I	Undeveloped	Institutional, Open Space

Summary of Code Requirements:

UDC Section 50-15.5 – Mixed Use-Institutional (MU-I), Dimensional Standards

UDC Section 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 or undue hardship. The Planning Commission must find the following for a variance to be granted:

- 1) That the landowner is proposing to use the property in a reasonable manner;
- 2) That the need for relief from the normal regulations is due to circumstances unique to the property and not caused by the landowner;
- 3) That granting the variance will not alter the essential character of the area;
- 4) That granting the variance is consistent with the intent of the UDC and the Comprehensive Plan.

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

Principle #8 – Encourage Mix of Activities, Uses, and Densities – This project will provide opportunities for a diversity of activity with the integration of multi-family housing.

Principle #11 – Consider Education Systems in Land Use Actions – This project supports and provides housing for students attending a local college.

Future Land Use:

- 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 existing parcel has never been developed upon and has remained vacant. An unmaintained parking lot currently exists on the parcel.

Review and Discussion Items:

Staff finds:

1. The applicant is seeking a variance from the building height standard in the MU-I district to build a 5-story multi-unit residential building. The MU-I district has a general height limit of 150', apart from parcels within 200' of a R-1 district. Those parcels then have a maximum building height of 46'.
2. The applicant is specifically seeking to increase the building height from the required 46' to 59'. The flat-roofed building is proposed to be 59' in height. Other proposed elements will further increase the height of the building but are exempt from building height limits. These include: (1) a 3' tall parapet, (2) an elevator/mechanical penthouse which will be 65' at the tallest point, and (3) roof-top mechanical equipment with screening.
3. This variance request applies to the newly created Lot 2 of the final plat per PLSUB-2603-0002.
4. Variance Criteria #1 (exceptional narrowness, shallowness, or shape): The subject property and proposed development location exhibits unique constraints due to the narrowness of the developable area with the height restriction and with Miller Creek running along the southern portion of the site. These features reduce the functional building envelope which restricts the applicant's ability to design a broader structure that would otherwise comply with the 49' height standard.
5. Variance Criteria #2 (circumstances unique to the property, not created by the property owner): Although the MU-I district typically allows for taller structures, the parcel being directly adjacent to an undeveloped R-1 district triggers a reduced height standard. The combination of an irregularly shaped lot, development limitations due to a required shoreland buffer from Miller Creek, and the reduced height standard all create a unique set of constraints not shared by most MU-I parcels. These conditions are inherent to the property and not created by the applicant.
6. Variance Criteria #3 (circumstances are peculiar to this property and do not apply generally to other land or buildings): The circumstances driving the height variance request are unique to the parcel and are not shared by most surrounding MU-I properties. The parcel's irregular shape, topography, and the presence of Miller Creek significantly restrict the buildable area in ways that do not affect nearby parcels. Additionally, this property is one of the few MU-I parcels that is directly adjacent to an undeveloped property in an R-1 district.
7. Variance Criteria #4 (proposes to use in a reasonable manner not permitted by code): The proposed multi-family housing development represents a reasonable and appropriate use of land within the MU-I district, which is intended to accommodate institutional, educational, and higher-density residential uses. The project aligns with

the district's purpose by providing housing that supports a nearby institutional center. The requested building height of 59' allows the applicant to achieve the proposed unit layout while maintaining compliance with all other district and development standards.

8. *Variance Criteria #5 (not impair light/air, increase congestion, or impair public safety or property values):* The proposed height increase from 46' to 59' will not impair access to light or air for surrounding properties. The parcel is bordered by Miller Creek and substantial wooded open space which creates a natural separation between the proposed building and nearby residential areas. The nearest developed R-1 district is located at a significant distance and elevation difference, reducing the potential for shadowing or visual obstruction. Traffic associated with the multi-family housing will access the site from Trinity Road, and the project is not anticipated to create congestion beyond what is already being accommodated. Additionally, because the project introduces new investment, modern construction, and improved site conditions, it is not expected to negatively affect property values in the surrounding area.
9. *Variance Criteria #6 (will not impair the intent of this Chapter or alter the essential character of the locality):* The requested height variance is consistent with the overall intent of the MU-I district, which is to accommodate institutional, educational, and higher-density residential uses. The proposed multi-family housing development aligns with these objectives by providing residential density in a location appropriate for campus-oriented housing and near existing infrastructure. Although the parcel is adjacent to an R-1 district, that particular parcel is undeveloped, and the site's natural buffer helps maintain the visual and spatial separation. The requested height variance does not introduce a building form or intensity that is incompatible with the mixed-use and institutional character of the surrounding area. Without the variance, the portion of the building 200' away from the adjacent R-1 district would need to be 120' in order to accommodate the needed unit count. The building at this height will be even more visible from nearby residential districts and surrounding areas. Allowing the variance means the building in its entirety will be 59'. Schematics representing this height difference can be found in the associated exhibit.
10. Variance criteria #7-9 do not apply to this application.
11. No City, agency, or public comments were received.
12. Staff find that the applicant has demonstrated practical difficulty due to the necessity of student and multi-family housing which is a reasonable and expected use within the MU-I district. Strict enforcement of the 49' building height standard - which is imposed solely because of the adjacent undeveloped R-1 district - would prevent the applicant from achieving a functional building form that meets zoning standards.
13. Per UDC Section 50-37.1.N, approved variances lapse 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 variance request with the following conditions:

1. The project be constructed according to the building plans that were submitted with this application, allowing a multi-family housing development no more than 59' in height.
2. Variance approval shall be conditional upon approval of the final plat per PLSUB-2603-0002 and shall not be effective until the final plat has been recorded.
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 action; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.

Staff Report Map for PLVAR-2602-0002:

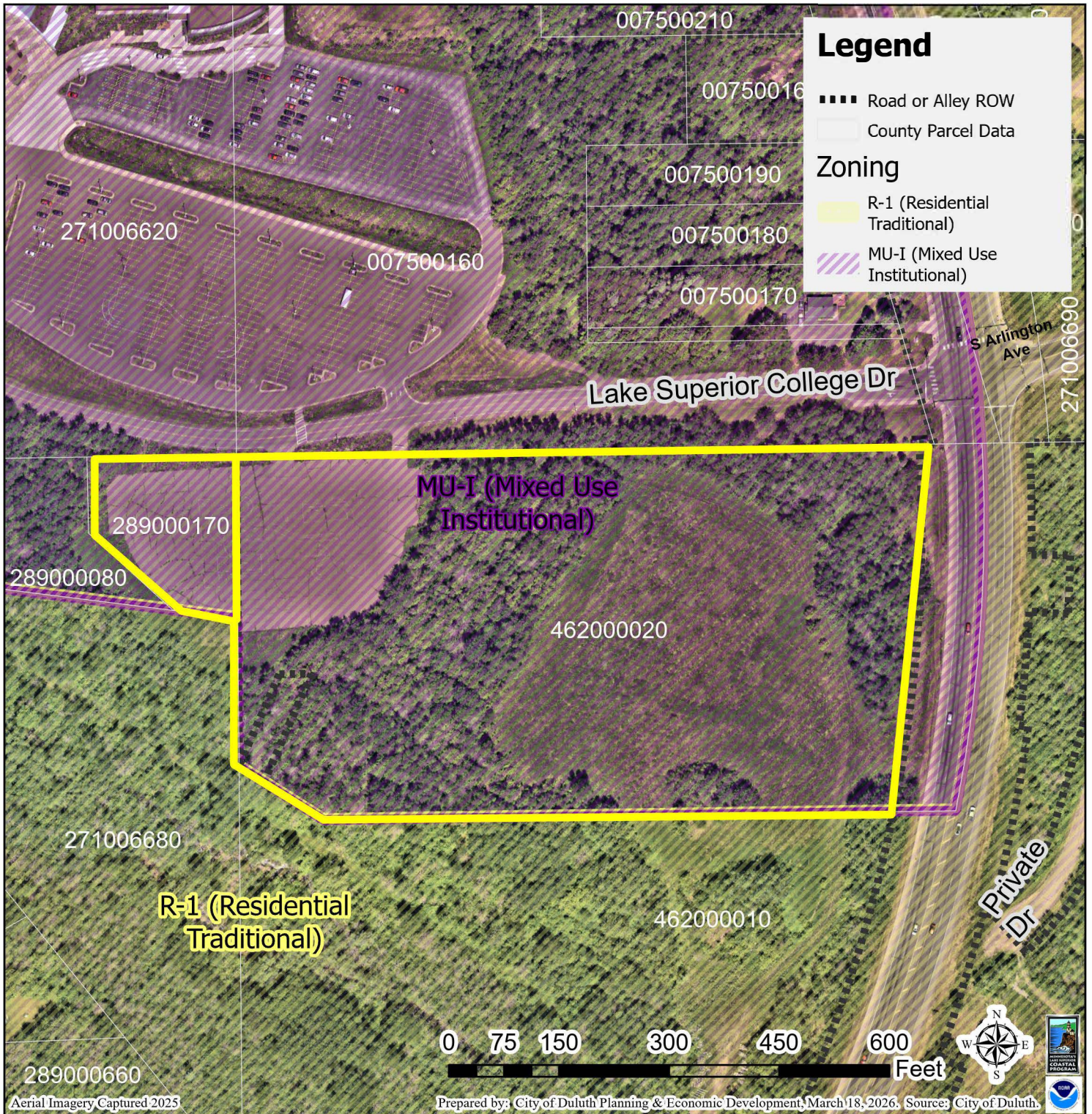



Figure 1.

Aerial imagery captured in 2025, showing Parcels #010-2890-00170 & 010-4620-00020 along the southern side of Lake Superior College Drive.

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.



We strive to ensure digital accessibility for all users and comply with the Americans with Disabilities Act (ADA) and Web Content Accessibility Guidelines (WCAG) standards. This document is provided in the original format in which it was submitted. If you require an accessible version or alternative format, please contact us at info@duluthmn.gov.



The Legacy Variance Request

Revised & Issued to City of Duluth
04-30-26

UJpa

Project Team

Developer: Titanium Partners | T2 Inc.

Design Architect: TJPA

Architect of Record: DSGW

Civil Engineer: NCE

Landscape: SAS

Submittal Index

4. Site Location and Context
5. Existing Site Views
6. Zoning Map & District Requirements Summary
7. Local Zoning Map & Building Data
8. Site Survey / Final Plat (Sheet 1)
9. Site Survey / Final Plat (Sheet 2)
10. Overall Site Plan
11. General Layout Plan
12. Zoning Overlay - Building Height Requirements
13. Zoning Overlay - Area of Height Variance
14. Section Diagram
15. Massing In Context - Under Variance Request
16. Massing In Context - As of Right

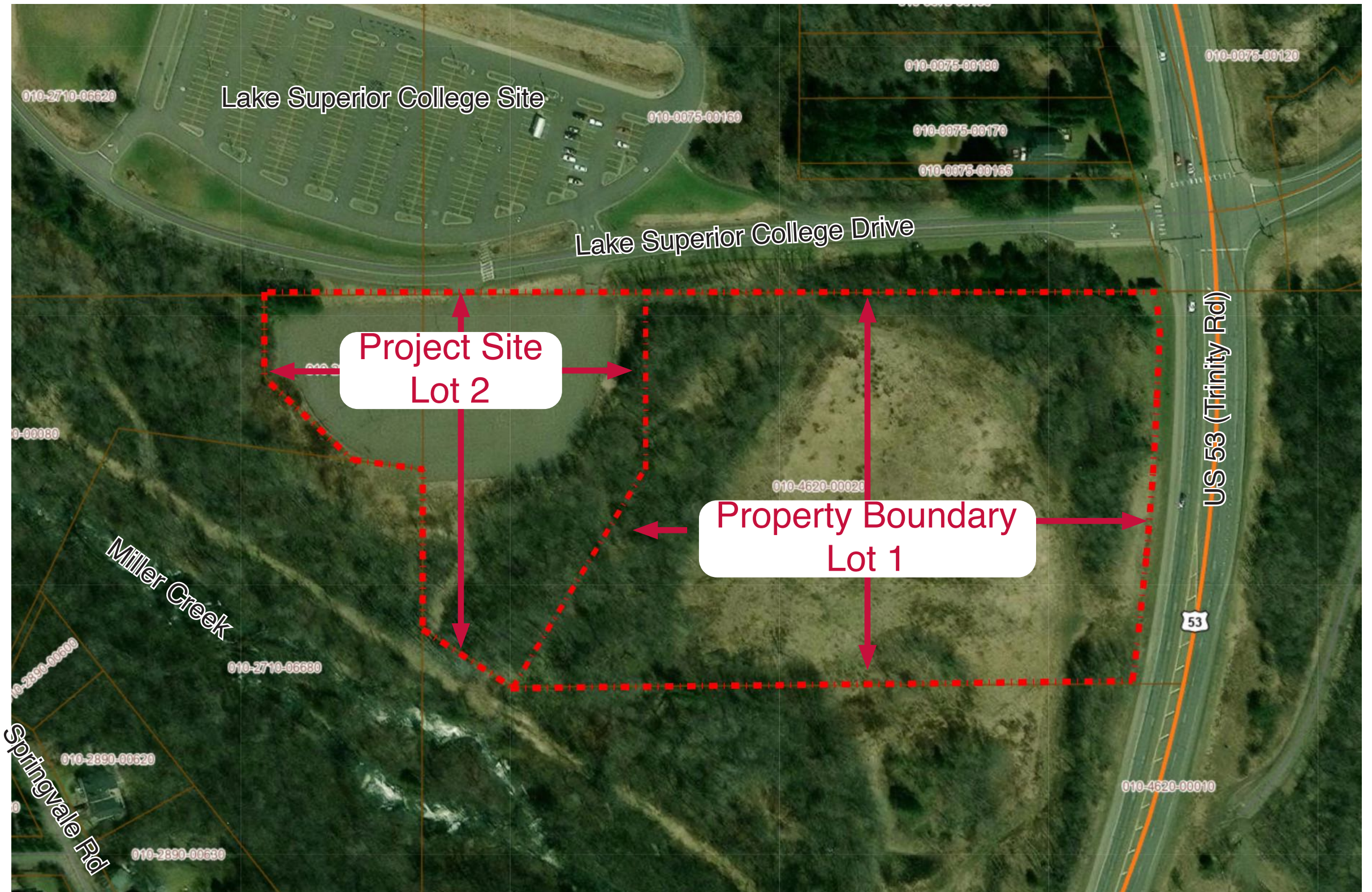
Site Location & Context

The site contains an existing surface parking lot, currently vacant, along with adjacent unimproved land to the east and south of the proposed project boundary. The existing property is a combination of 2 lots. Lot 2 is our proposed project site. Lot 1 will be left unimproved for purposes of this Planning Submission.

The property lies within the MU-I zoning district. The developer is not asking for any change to the zoning designation.

Development team intends to bring the new construction of a 5-story Multifamily Residential building in compliance with UDC requirements as shown within this submittal.

The developer is requesting a variance towards the height requirement to allow a building above the 46FT maximum per the MU-I district dimensional standards. Variance request will be submitted separate from this planning submittal.





Looking West on Lake Superior College Drive



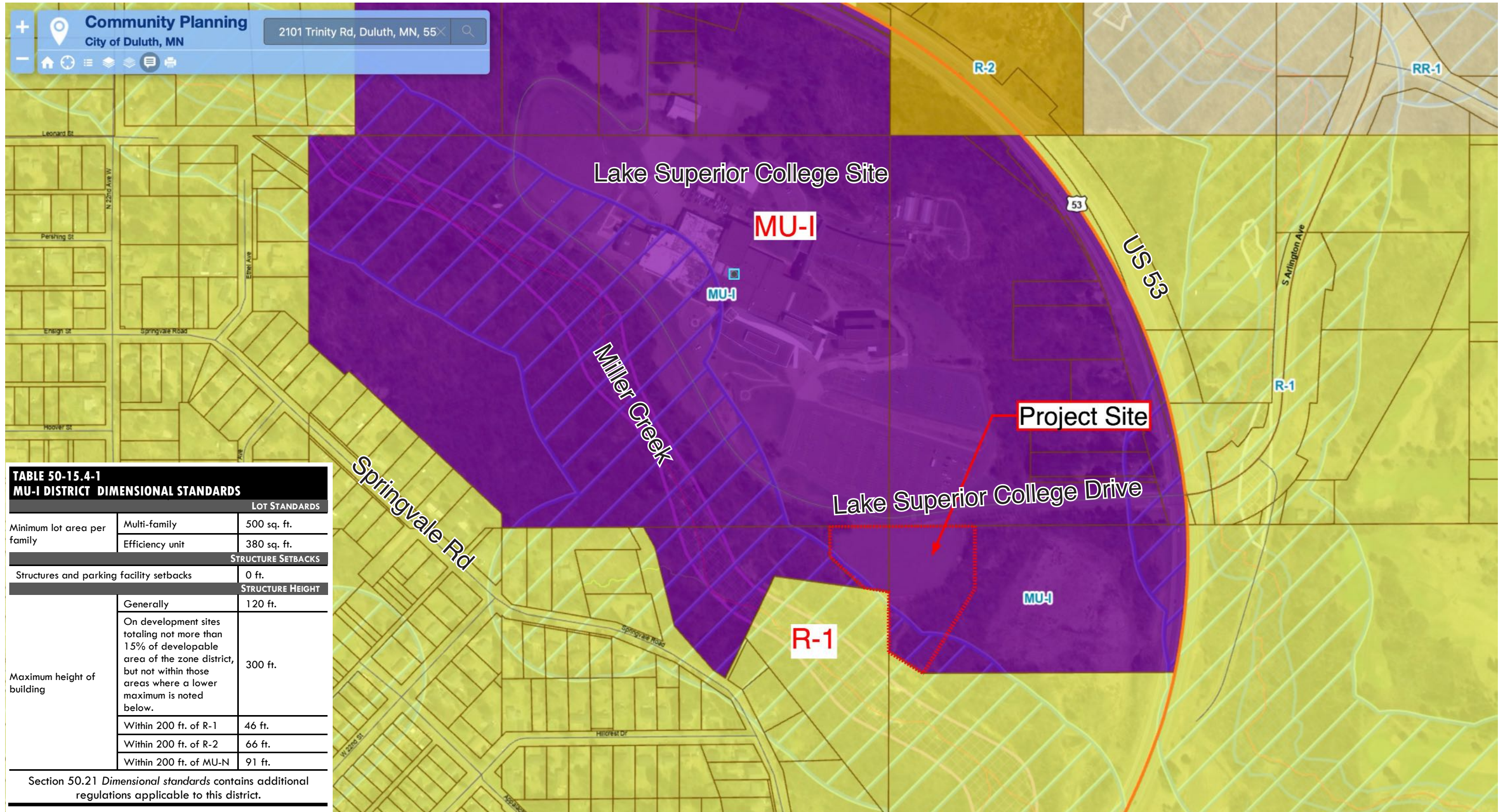
Looking East on Lake Superior College Drive



South View East End Project Site



South View West End Project Site



Zoning & Site Data

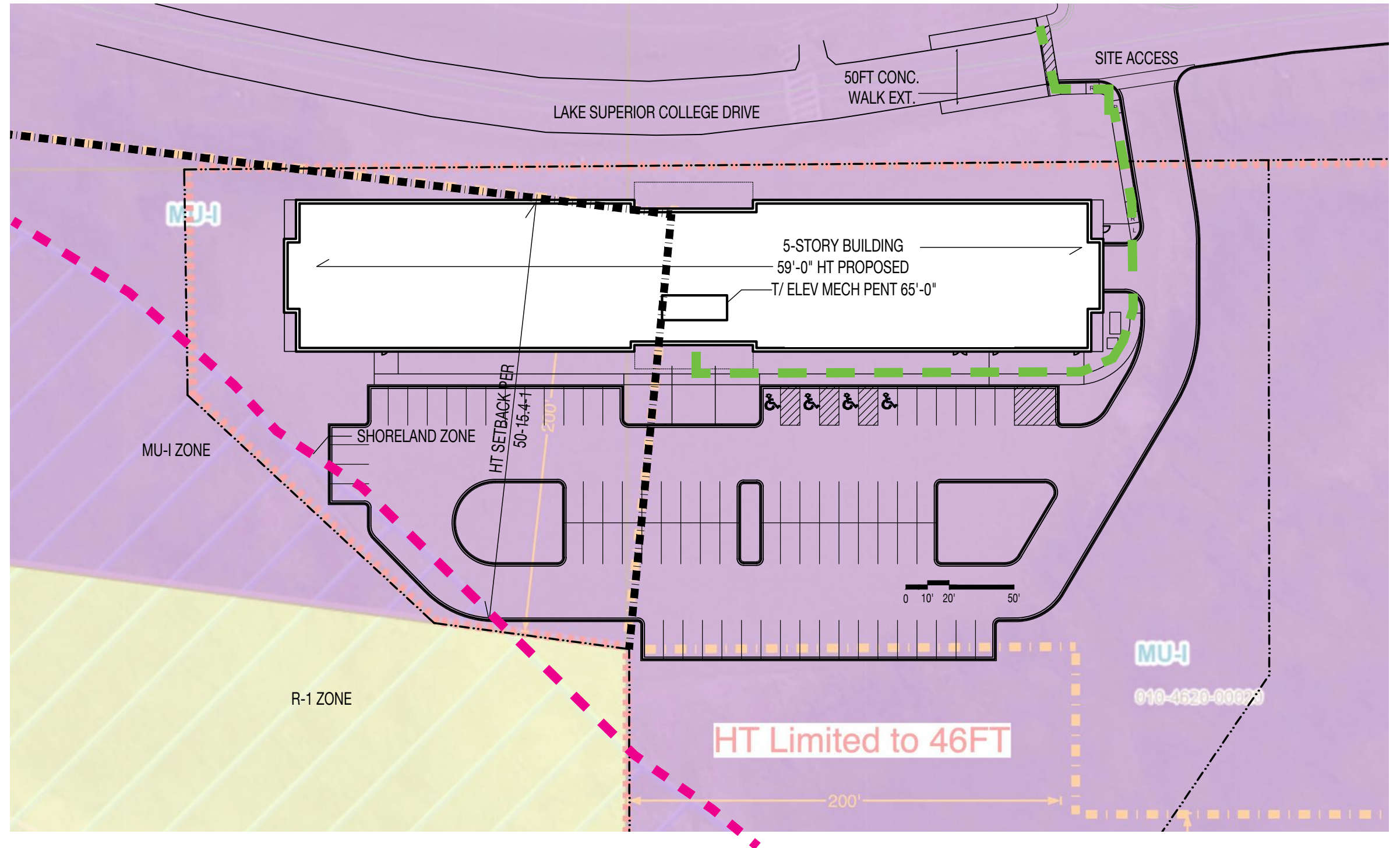
The property is located within the MU-I district. Below is a summary of zoning and building metrics.

Total Site Area:	157,116 SF
MLA Required:	500 SF/DU 380 SF/EFF
Units Proposed: (112 EFF + 36 DU)	148
Min Lot Area per MLA:	60,560 SF
Residential Use Permitted (UDC 50-15.4-1)	

Plan Key

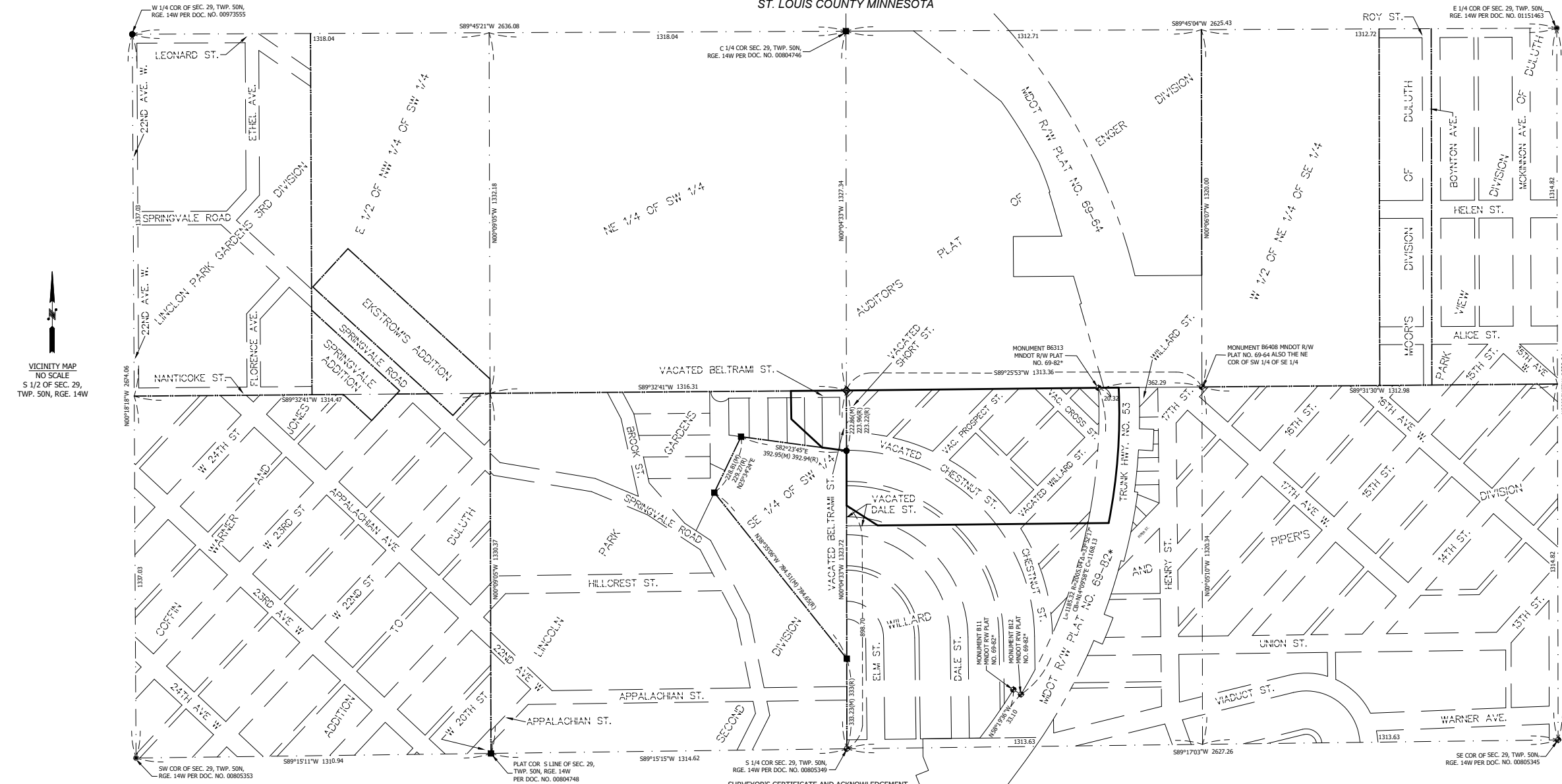
- Shoreland Setback** - - - -

- Pedestrian Connection** - - - -
(Linkage to Surrounding Sidewalks)



OFFICIAL PLAT

LOCATED IN PART OF BLOCK 2, LINCOLN PARK GARDENS, SECOND DIVISION, PART OF BLOCK 3 AND 8, ALL OF BLOCKS 5, 6 AND 7, WILLARD AND PIPER'S DIVISION IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 50 NORTH, RANGE 14 WEST OF THE FOURTH PRINCIPAL MERIDIAN
ST. LOUIS COUNTY MINNESOTA



VICINITY MAP
NO SCALE
S 1/2 OF SEC. 29,
TWP. 50N, RGE. 14W

KNOW ALL PERSONS BY THESE PRESENTS: That LSC Flats, LLC, a Minnesota limited liability company, owners of the following property:
CERTIFICATE OF TITLE NO. 362114
All that part of WILLARD AND PIPER'S DIVISION, in the SW1/4 of SE1/4 Section 29 Township 50 North of Range 14 West, which lies West of the Trinity Road and North of a line 500.00 feet distant from and parallel to the North line of said plat (Line B), and NE of a line drawn between a point on the West line of said SW1/4 of SE1/4, 75.00 feet North of Line B, and a point on Line B 115.00 feet East of the West line of said SW1/4 of SE1/4 (Line A).

CERTIFICATE OF TITLE NO. 362115
That part of Lots 10, 11 and 12, Block 2 and Vacated Beltrami Street Adjacent to said Lots all in the Plat of LINCOLN PARK GARDENS SECOND DIVISION, described as follows: Beginning at the Northeast corner of said Plat; thence on an assumed bearing of South 89 degrees 34 minutes 40 seconds West, along the North line of said Plat, 204.86 feet; thence South 00 degrees 55 minutes 32 seconds East, 104.37 feet; thence South 47 degrees 15 minutes 24 seconds East, 154.86 feet to the South line of said Block 2; thence South 82 degrees 23 minutes 34 seconds East, along last said line and its Easterly extension thereof, 90.53 feet to the East line of said Plat; thence North 00 degrees 04 minutes 33 seconds West, along last said line 222.96 feet to the point of beginning. Said Lots 10, 11 and 12, Block 2 Lincoln Park Gardens Second Division are SUBJECT to such 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 as Microfilm Document No. 56840.
EXCEPT all minerals and mineral rights in all of the above described lands.

Have caused the same to be surveyed and platted as TRINITY ROAD APARTMENTS and does hereby dedicate to the public for public use the public way(s) and/or the drainage and utility easement(s) as created by this plat.

In witness whereof LSC Flats, LLC, a Minnesota limited liability company has caused these presents to be signed by its proper officers this _____ day of _____, 2026.

LSC Flats, LLC, a Minnesota limited liability company

Brian Forcier, the Manager of LSC Flats, LLC, a Minnesota limited liability company
STATE OF MINNESOTA
COUNTY OF ST. LOUIS
This instrument was acknowledged before me on this _____ day of _____, 2026 by
Brian Forcier, the Manager of LSC Flats, LLC, a Minnesota limited liability company.

Notary Public, _____ County, Minnesota.
My Commission Expires _____

Notary Printed _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT
I, David R. Evanson, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data, dimensions, labels and symbols are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.021, as of the date of this certificate are shown and labeled on this plat; and that all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 2025

David R. Evanson, Licensed Land Surveyor
Minnesota License Number 49505

STATE OF MINNESOTA
COUNTY OF ST. LOUIS
The foregoing Surveyor's Certificate was acknowledged before me this _____ day of _____, 2025 by David R. Evanson, Minnesota License Number 49505.

Notary Public, _____ County, Minnesota.
My Commission Expires _____

CITY OF DULUTH PLANNING COMMISSION
Approved by the Planning Commission of the City of Duluth, St. Louis County, Minnesota, at a regular meeting thereof, on the _____ day of _____, 2026.

President, Duluth City Planning Commission _____ Executive Secretary, Duluth _____

ST. LOUIS COUNTY SURVEYOR
I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this _____ day of _____, 2026.

Nick C. Stewart
Surveyor _____ Deputy _____

ST. LOUIS COUNTY AUDITOR
Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, and to Minnesota Statutes, Section 272.12, taxes payable in the year 2026 on the land hereinbefore described have been paid; there are no delinquent taxes and transfer entered this _____ day of _____, 2026.

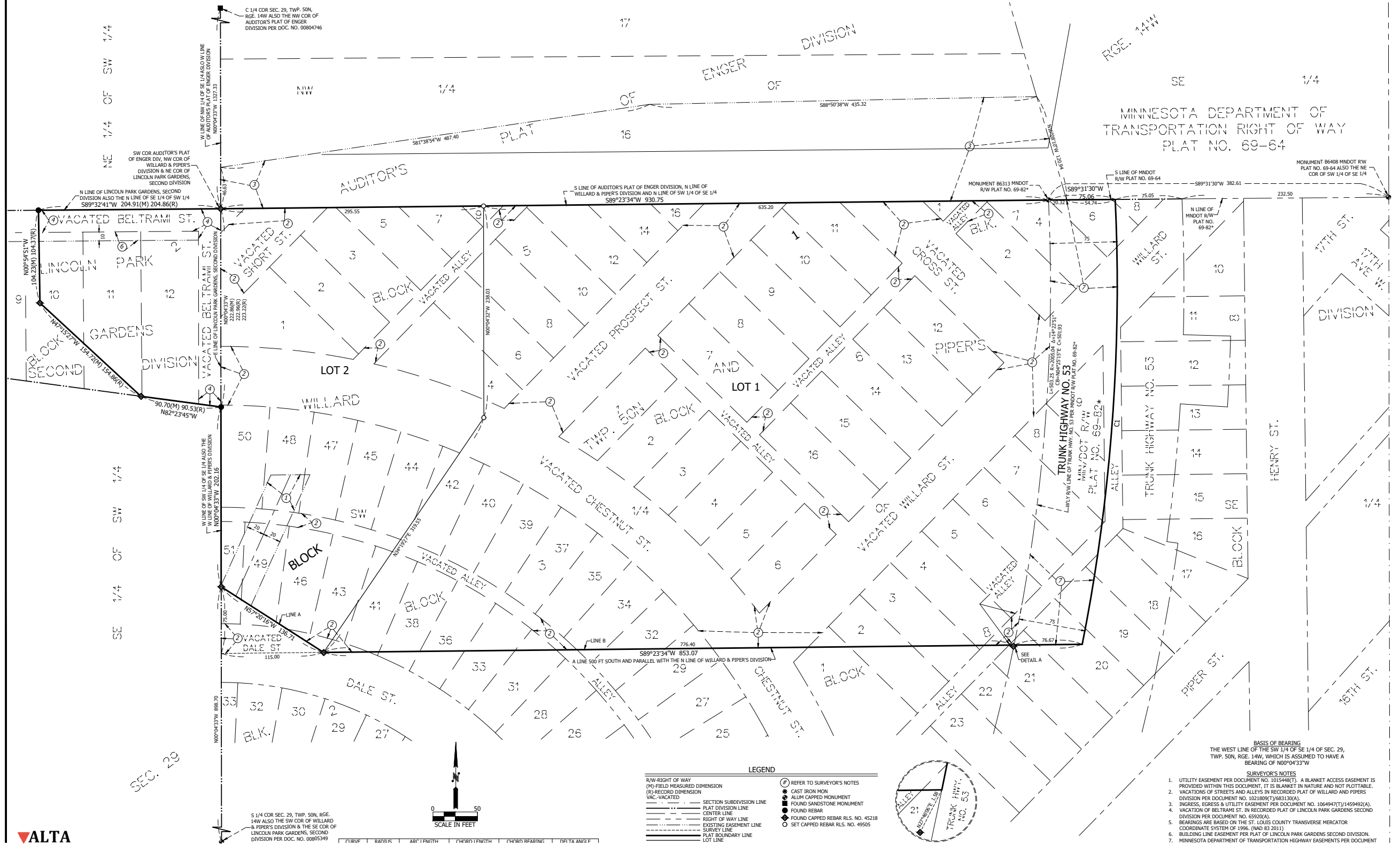
Nancy Nilsen
County Auditor _____ Deputy _____

ST. LOUIS COUNTY REGISTRAR OF TITLES
I hereby certify that this plat of TRINITY ROAD APARTMENTS was filed in this office of the Registrar of Titles for public record on this _____ day of _____, 2026 at _____ o'clock _____ M., as Document No. _____ affecting Certificate(s) of Title No. 362114 & 362115.

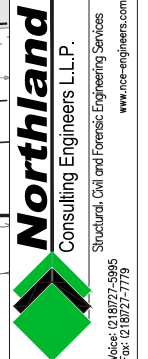
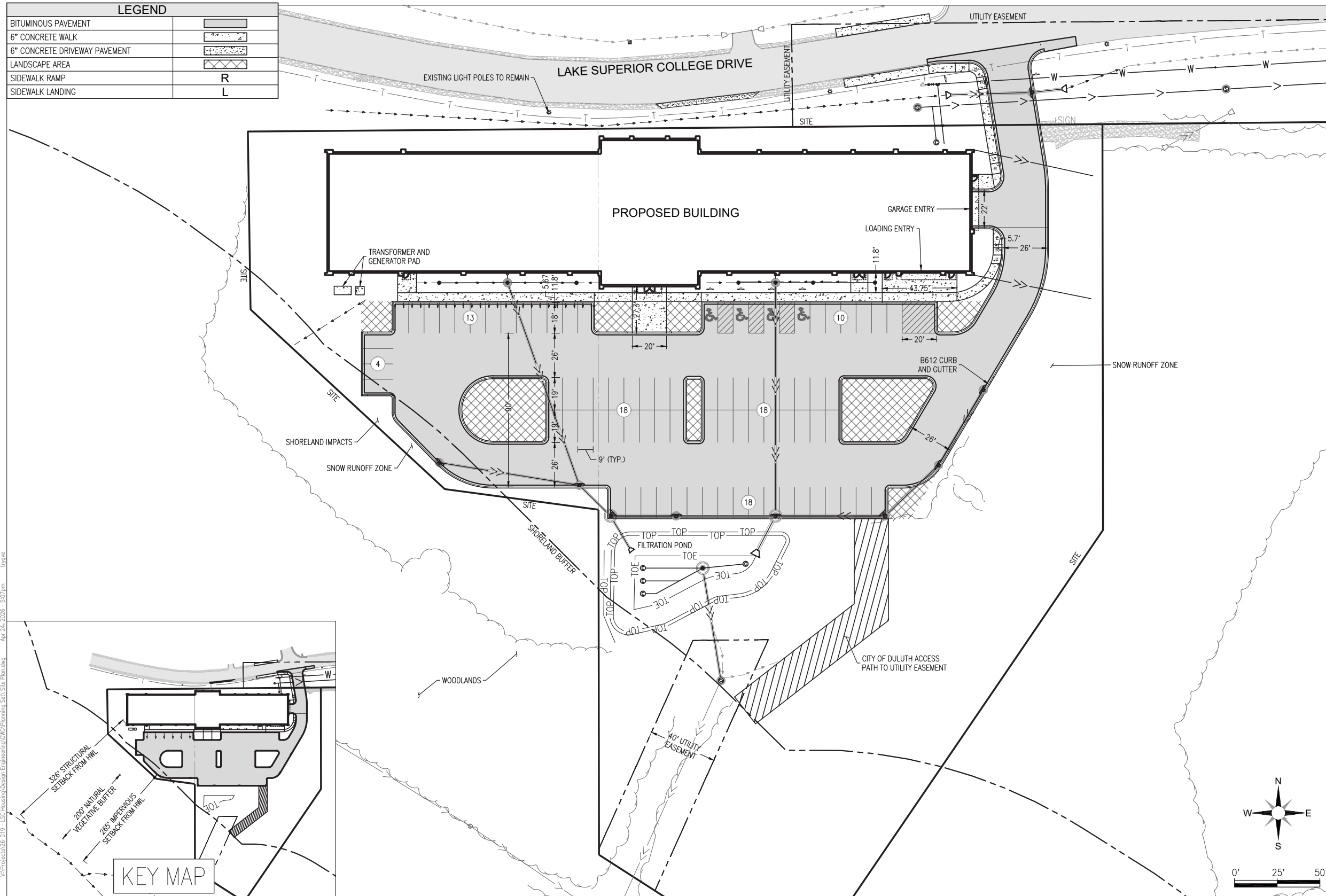
Wendy Levitt
Registrar of Titles _____ Deputy _____

OFFICIAL PLAT

LOCATED IN PART OF BLOCK 2, LINCOLN PARK GARDENS, SECOND DIVISION, PART OF BLOCK 3 AND 8, ALL OF BLOCKS 5, 6 AND 7, WILLARD AND PIPER'S DIVISION IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 50 NORTH, RANGE 14 WEST OF THE FOURTH PRINCIPAL MERIDIAN
ST. LOUIS COUNTY MINNESOTA



LEGEND	
BITUMINOUS PAVEMENT	
6" CONCRETE WALK	
6" CONCRETE DRIVEWAY PAVEMENT	
LANDSCAPE AREA	
SIDEWALK RAMP	R
SIDEWALK LANDING	L



NEW APARTMENT BUILDING
2029 TRINITY ROAD, DULUTH, MN 55811

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 Professional Engineer under the laws of the State of Minnesota.
PRELIMINARY
NOT FOR CONSTRUCTION
Engineer: DAVID G. BOLF
Lic. No.: 40926
04/24/26

revision	
Proj: 26-019	
Date: 4/24/26	
Drawn: JFM	
Checked: TLL	
SITE PLAN	
Sheet Title	
Sheet Number	1

General Layout Plan

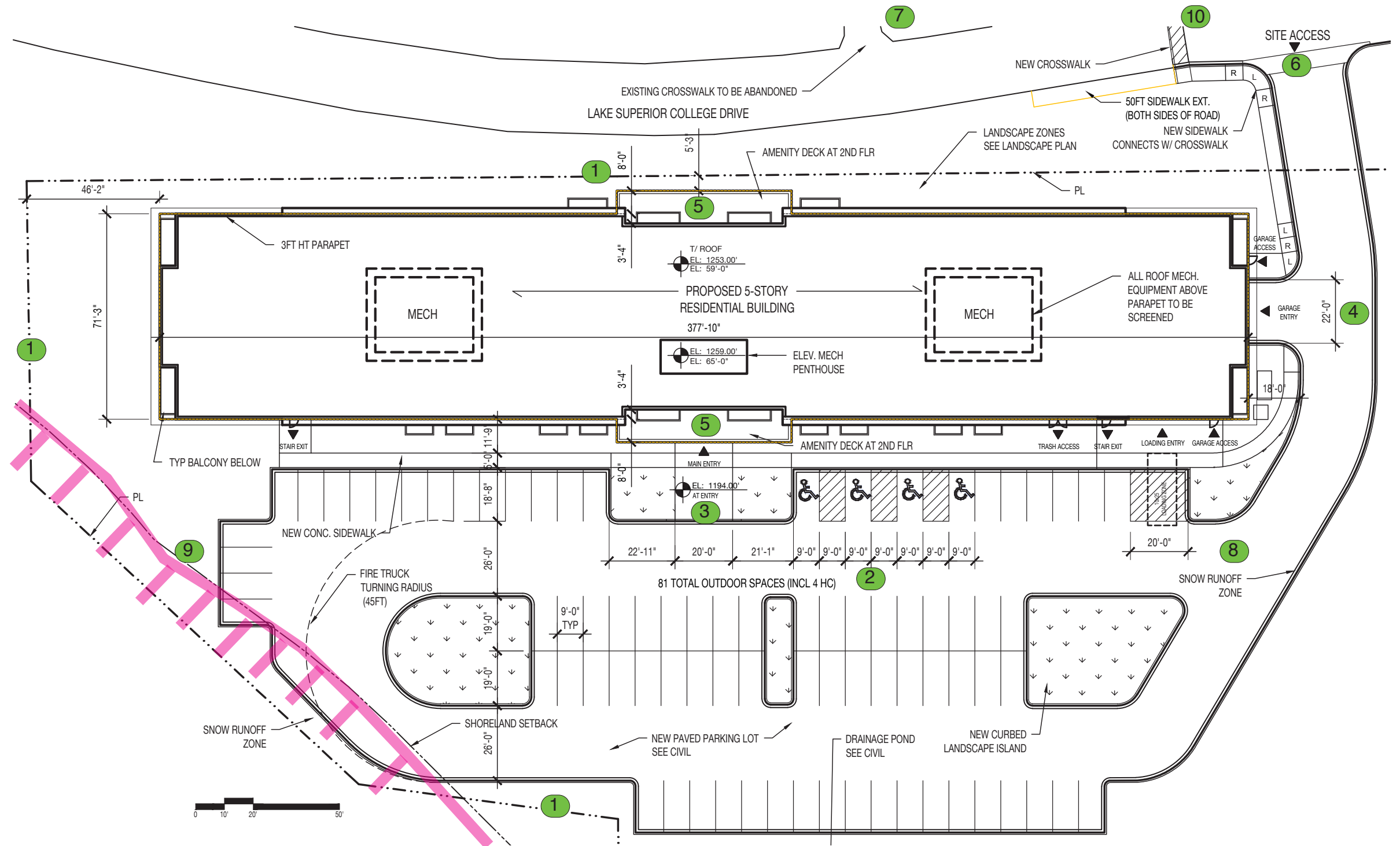
Below is a general layout of the development's roadways, parking, a multifamily building and landscape. Regulation and code related items are included in the following pages.

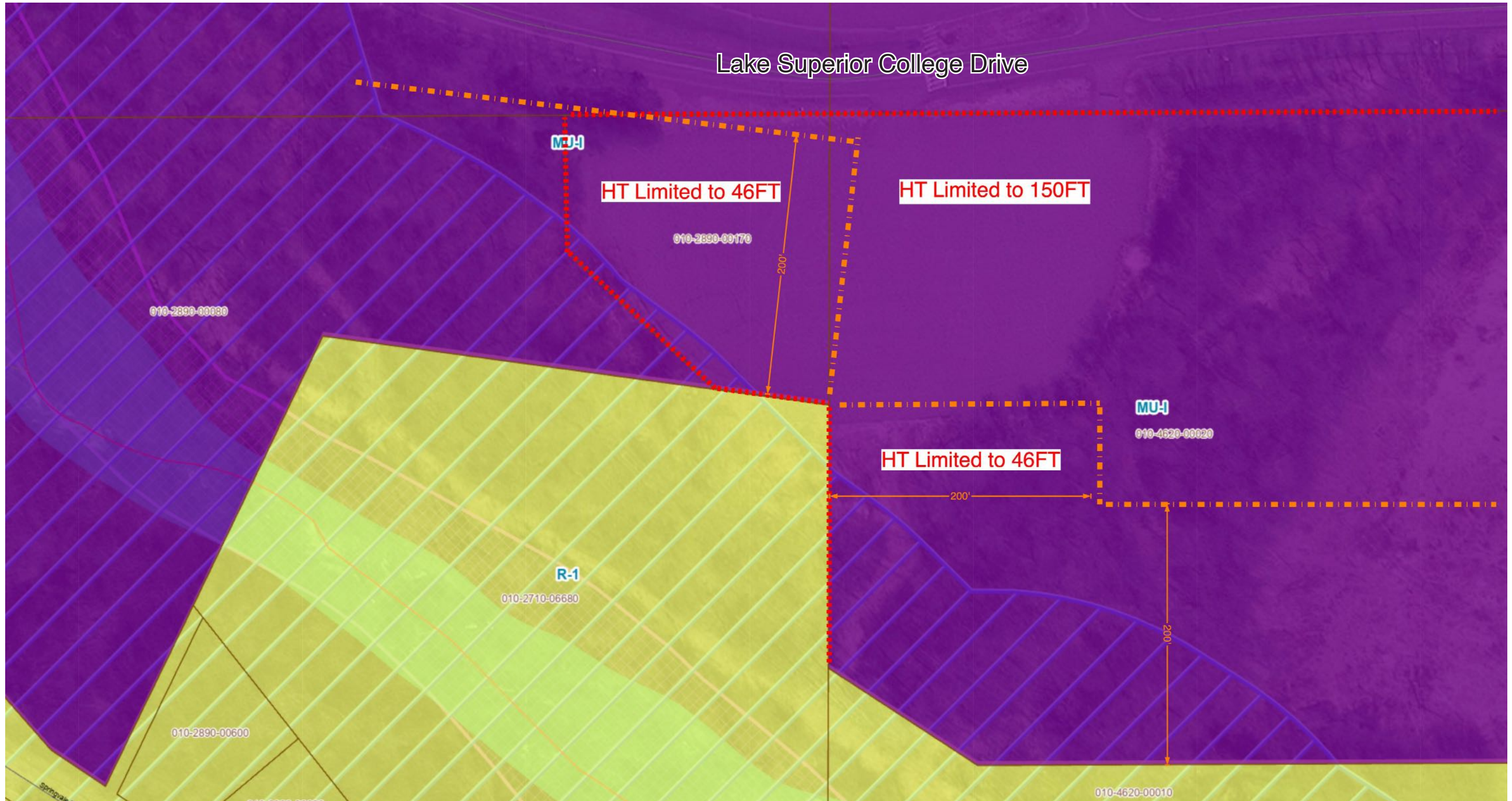
All building dimensional standards will comply with the UDC requirements. All signage and site lighting will comply with the UDC standards. All landscaping, including parking lot landscaping, will also be in accordance with UDC standards.

Refer to the variance request for any deviations from UDC standards.

Plan Key

1. Zero (0") Setback
2. New Parking Surface Lot
3. Main Building Entry
4. Indoor Garage Entry
5. 2nd Floor Amenity Deck
6. Proposed Curb Cut
7. Existing Crosswalk
8. New Internal Drive
9. Shoreland Setback
10. New Crosswalk





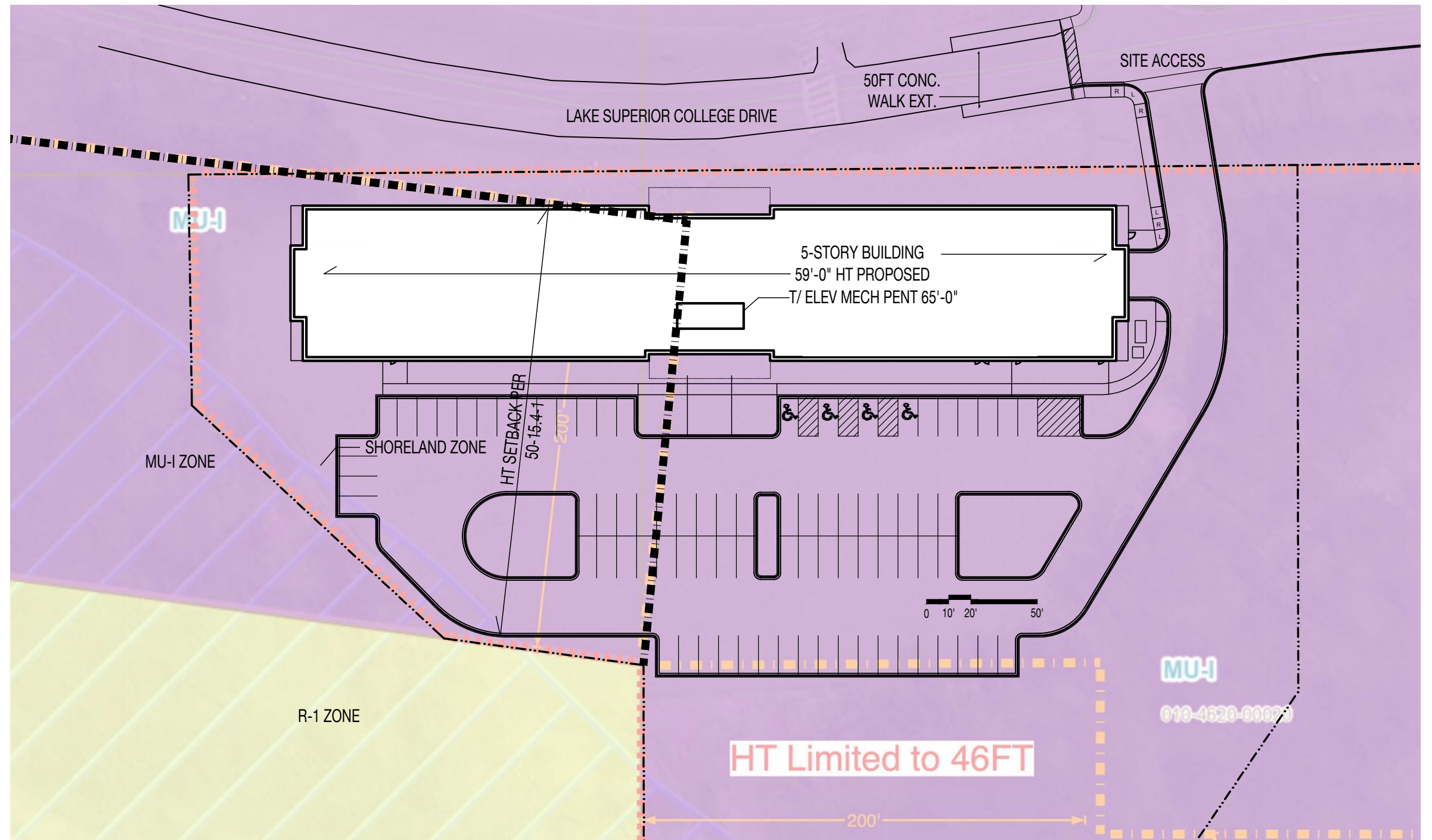
Building Height Variance

Per UDC 50-15.4-1 MU-I Zones have a General Height limit of 150 FT with the exception of areas within 200 FT adjacent to R-1 zones. Those areas have a maximum height of 46 FT.

Per the diagram to the right, a portion of height restriction overlay, impacts the west side of the project site.

As part of this submittal, we are requesting a variance to allow a proposed building height as indicated per plan.

A Variance Request and supporting documents will be submitted separate from this planning submittal.





Section Through N/S - Looking West

Civil Grade Elevation (Feet) = **Grade**



Looking North From Springvale EL: 50FT



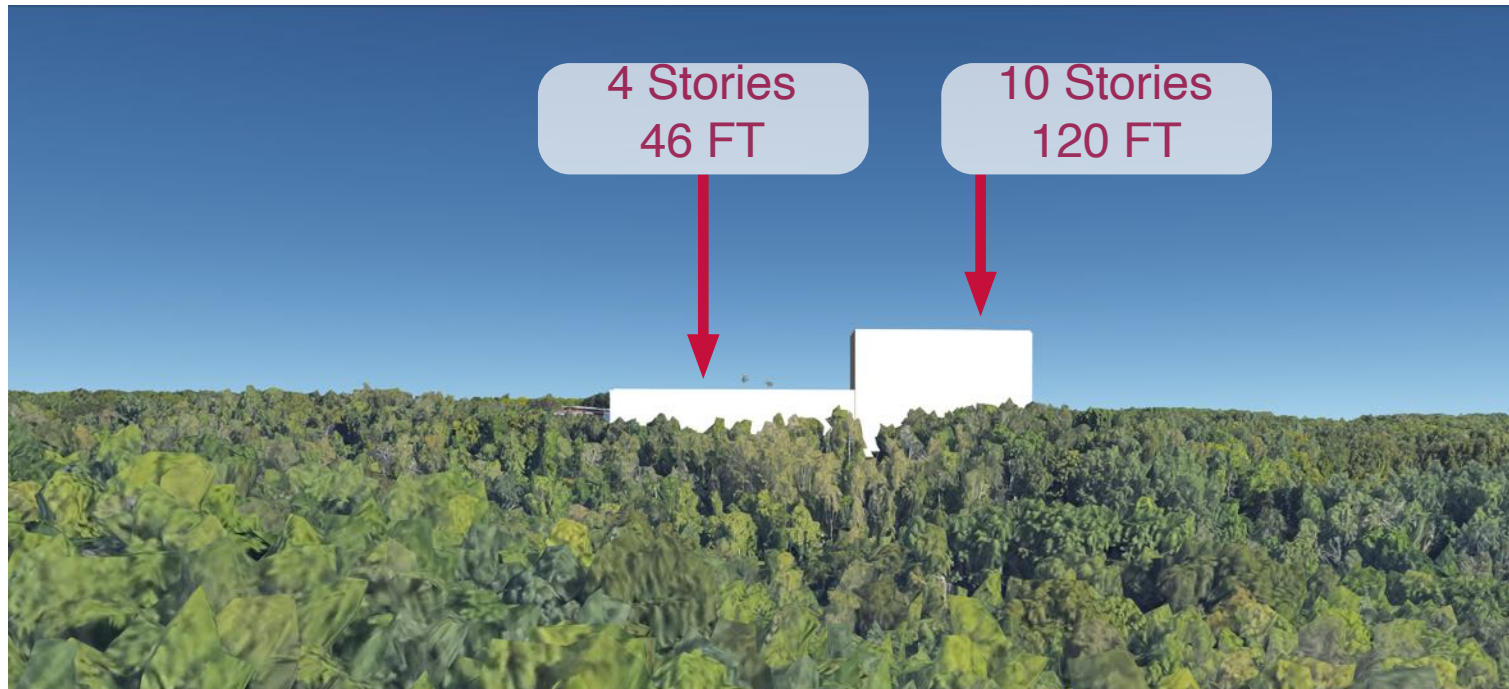
Looking North From Springvale EL: 25FT



Looking West on LSC Drive from 53



Looking East on LSC Drive



Looking North From Springvale EL: 50FT



Looking North From Springvale EL: 25FT



Looking West on LSC Drive from 53



Looking East on LSC Drive

تجربا

Thank you.