



Planning & Development Division
Planning & Economic Development Department

Room 160
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Duluth, Minnesota 55802



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File Number	PLSUP-2511-0065		Contact	Jason Mozol, jmozol@duluthmn.gov	
Type	Special Use Permit for Major Utility Facility		Planning Commission Date		December 9, 2025
Deadline for Action	Application Date		November 13, 2025	60 Days	January 12, 2026
	Date Extension Letter Mailed		November 26, 2025	120 Days	March 13, 2026
Location of Subject		Corner of E Palm St and Blackman Ave			
Applicant	City of Duluth, Engineering		Contact	Nathan Bruno and Ryan Granlund	
Agent	LHB		Contact	Heidi Bringman	
Legal Description		010-2710-05980, 010-0360-00571, 010-2710-06001			
Site Visit Date		June 16, 2025	Sign Notice Date		November 25, 2025
Neighbor Letter Date		November 13, 2025	Number of Letters Sent		29

Proposal

The applicant proposes to reconstruct and expand the capacity of an existing stormwater basin within the channel of Brewery Creek.

Recommended Action: Staff recommends that Planning Commission approve with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2/R-1	Stormwater Pond/Creek	Open Space
North	MU-C	Commercial Uses	Central Business Secondary
South	R-2	Multi-Family Residential	Urban Residential
East	R-1	Creek	Open Space
West	R-1	Single Family Residential	Urban Residential

Summary of Code Requirements:

Sec. 50-37.10 – Special Use Permits: Planning Commission shall approve the application or approve it with modifications, if it is determined that the application meets the following criteria:

1. The application is consistent with the Comprehensive Land Use Plan;
2. The application complies with all applicable provisions ... including any use-specific standards ..., and is consistent with any approved district plan for the area.
3. 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.

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

Governing Principle #1- Reuse previously developed land- The project is proposed in a location that is currently used for stormwater retention.

Governing Principle #10- Take actions that enhance the environment, economic, and social well-being of the community- This project will mitigate downstream effects from flooding and increase the resilience of the City's stormwater infrastructure.

Future Land Use – Open Space: High natural resource or scenic value, with substantial restrictions and development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. Examples include: city parks and recreation areas, primary viewsheds, shorelands of the lake and streams, wetlands and floodplains, and high-value habitat.

History: Early development of Central Entrance corridor moved Brewery Creek from its original course to roughly its current location. MNDOT developed Palm St in the 1980's. During that project, Brewery Creek was further channelized, and the current stormwater basin was constructed. The basin has gone largely unmaintained since and has filled with sediment and vegetation. In 2022, the City assumed ownership of the basin.

Review and Discussion Items:

Staff finds that:

- 1) The applicant proposes to reconstruct and expand the stormwater basin to increase its retention capacity and to install "smart" controls that allow for the efficient dewatering of the storage volume of the pond, enabling increased storage capacity during storms, by dynamically managing the basin's water levels based on real-time data and weather forecasts. Downstream sections of Brewery Creek in the Hillside neighborhood have repeatedly been damaged by flooding events, and this project will contribute to mitigating those impacts.
- 2) The applicant requests to reduce the required structure setback from 50' to 0' to allow for the installation of pile walls around the perimeter of the basin, a fence above the walls for fall protection and other necessary utility infrastructure.
- 3) *Special Use Permit Criteria #1 (the application is consistent with the Comprehensive Land Use Plan):* "Improve Duluth's resiliency to flooding and natural disasters" is Policy #1 of the Open Space section of the Comprehensive Plan. A strategy to accomplishing that policy is to, "Promote retention of stormwater above the bluff line to reduce flooding risks through land development controls and establishment of watershed-based storm water detention measures". This project accomplishes this strategy and is consistent with the comprehensive plan.
- 4) *Special Use Permit Criteria #2 (the application complies with all applicable provisions):* The project must meet the standards in the below code sections.
 - *Wetlands (Sec 50-18.1.B)-* Applications delineating wetlands on the site and permitting any impacts to wetlands must be approved prior to any soil disturbing activity.
 - *Floodplains (Sec 50-18.1.C)-* Areas of both Floodway and Flood Fringe designations exist on the site. Public utilities that must be in or adjacent to watercourses are permitted in both the Floodway and Flood Fringe. The infrastructure will be flood resistant and will not increase the water surface elevation of the base flood.
 - *Shorelands (Sec 50-18.1.D)-* A companion application, PLVAR-2511-0014, has been submitted related to shoreland impacts.
 - *Landscaping and Tree Preservation (Sec 50-25)-* This project must meet the below landscaping standards,
 - *Street frontage landscaping (Sec 50-25.3)-* 28 trees and 37 large shrubs must be provided along Palm St and Blackman Ave. The applicant is proposing 28 trees and 143 shrubs.
 - *Buffer for industrial uses abutting residential uses (Sec 50-25.5.C)-* A vegetated buffer with trees is proposed along the southern edge of the site. The buffer is not the full 15' required width on the western end and does not have the minimum trees or shrubs required. To offset these shortfalls, the applicant is proposing to exceed the minimum required shrubs along the street frontages. This project does not produce any noise or light impacts often associated with industrial uses. Given these facts, the land use supervisor has approved this alternative landscaping plan as satisfactory with the flexibility allowed in Sec 50-25.8.

- *Tree preservation (Sec 50-25.9)*- 24 trees are proposed to be removed. To mitigate these impacts, 72.4 caliper inches of replacement trees must be planted. The applicant proposes to plant 127.5 caliper inches of new trees.
- *Screening, Walls, and Fences (Sec 50-26)*- A fence permit must be applied for and issued prior to installation of the perimeter fence.

- 5) *Special Use Permit Criteria #3 (the application will not result in a random pattern of development or have negative fiscal or environmental impacts)*: This project continues the existing land use as a stormwater basin, and stormwater infrastructure is a common aspect of development in this area. This project will result in positive environmental impacts by mitigating the risk of flooding, erosion, and water quality degradation. The project will result in both direct and indirect positive fiscal impacts. Directly, the new design will be easier for the City to maintain, saving operation cost. Indirectly, reduced flooding will mitigate downstream damage and save repair costs.
- 6) The City's Engineering staff held a public meeting with the neighborhood on September 25, 2025. They reported that all feedback received was supportive of this project. No comments from the public, agencies or other City departments were received.
- 7) Per UDC Section 50-37.1.N, approved special use permits lapse if the project or activity authorized by the permit has not begun within one-year.

Staff Recommendation:

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

- 1) The project must be constructed and limited to the plans submitted with the application.
- 2) Permitting for wetlands must be completed prior to any soil disturbing activity.
- 3) A fence permit must be applied for and issued prior to installation of the perimeter fence.
- 4) 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 administration approval shall constitute a variance from the provisions of Chapter 50.



PLVAR-2511-0014

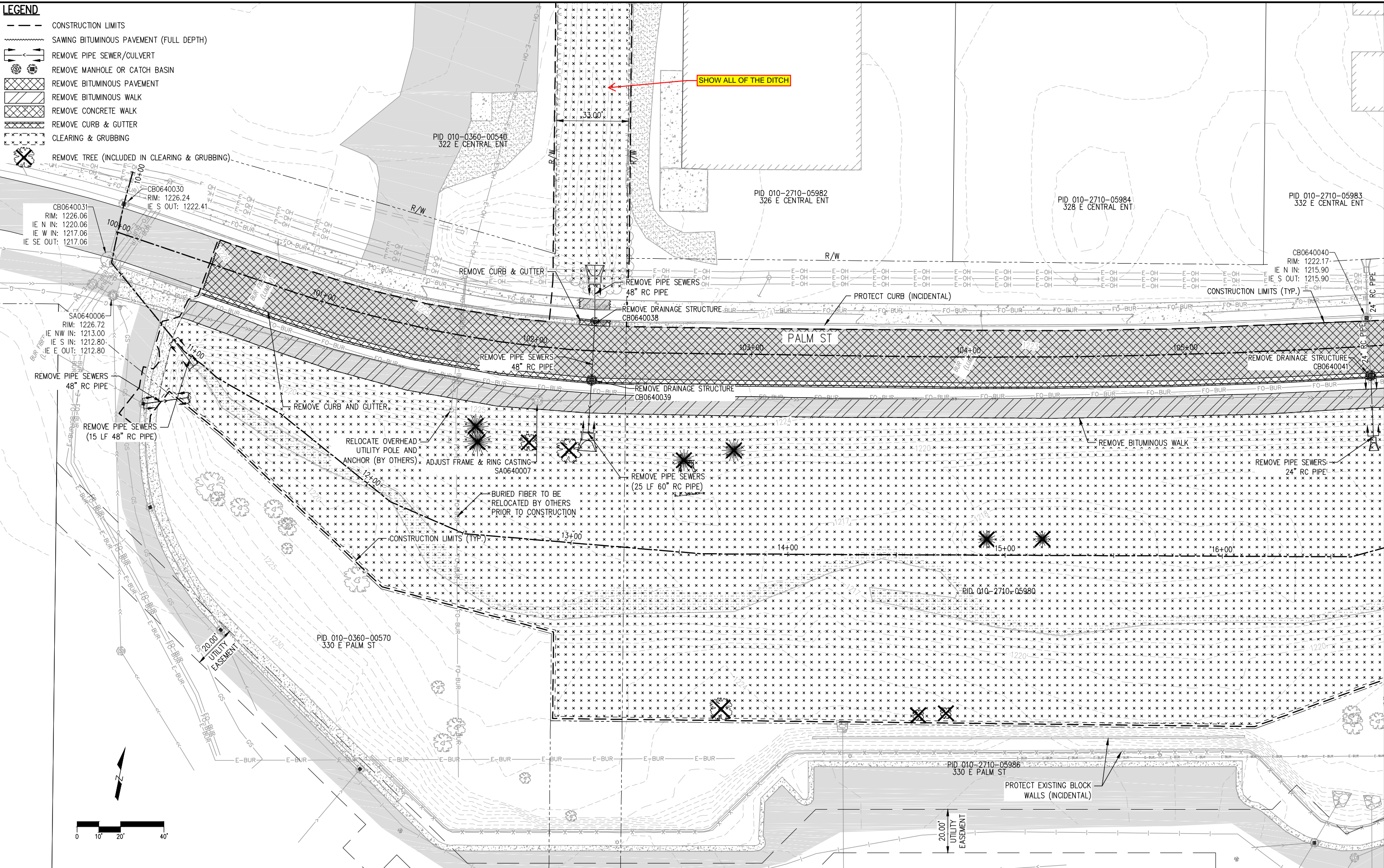
PLSUP-2511-0065

Variance to Shoreland Setbacks
Special Use Permit
Palm Street Pond



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.

- LEGEND**
- CONSTRUCTION LIMITS
 - ~~~~~ SAWING BITUMINOUS PAVEMENT (FULL DEPTH)
 - ==> REMOVE PIPE SEWER/CULVERT
 - ⊗ REMOVE MANHOLE OR CATCH BASIN
 - ▨ REMOVE BITUMINOUS PAVEMENT
 - ▧ REMOVE BITUMINOUS WALK
 - ▩ REMOVE CONCRETE WALK
 - ▤ REMOVE CURB & GUTTER
 - ⊠ CLEARING & GRUBBING
 - ⊗ REMOVE TREE (INCLUDED IN CLEARING & GRUBBING)



PRELIMINARY
NOT FOR CONSTRUCTION

CITY PROJECT NO. 2208

PALM STREET PERMANENT STORMWATER MANAGEMENT SYSTEM IMPROVEMENTS

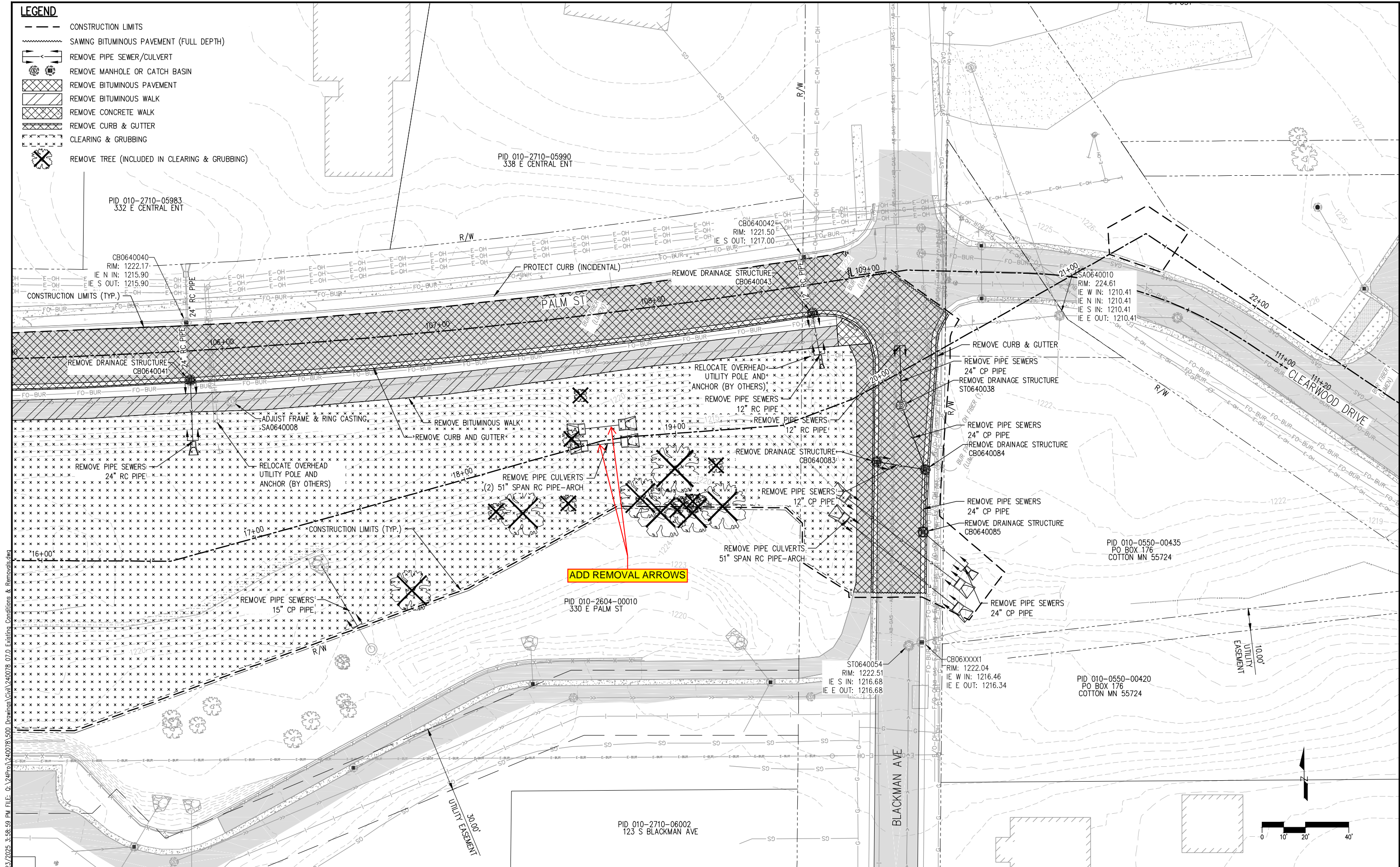
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SHEET NO. 16 OF 43 SHEETS

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LHB PROJECT NO. 240078

- LEGEND**
- CONSTRUCTION LIMITS
 - ~~~~ SAWING BITUMINOUS PAVEMENT (FULL DEPTH)
 - REMOVE PIPE SEWER/CULVERT
 - REMOVE MANHOLE OR CATCH BASIN
 - REMOVE BITUMINOUS PAVEMENT
 - REMOVE BITUMINOUS WALK
 - REMOVE CONCRETE WALK
 - REMOVE CURB & GUTTER
 - CLEARING & GRUBBING
 - REMOVE TREE (INCLUDED IN CLEARING & GRUBBING)



PRELIMINARY
NOT FOR CONSTRUCTION

CITY PROJECT NO. 2208

PALM STREET PERMANENT STORMWATER MANAGEMENT SYSTEM IMPROVEMENTS

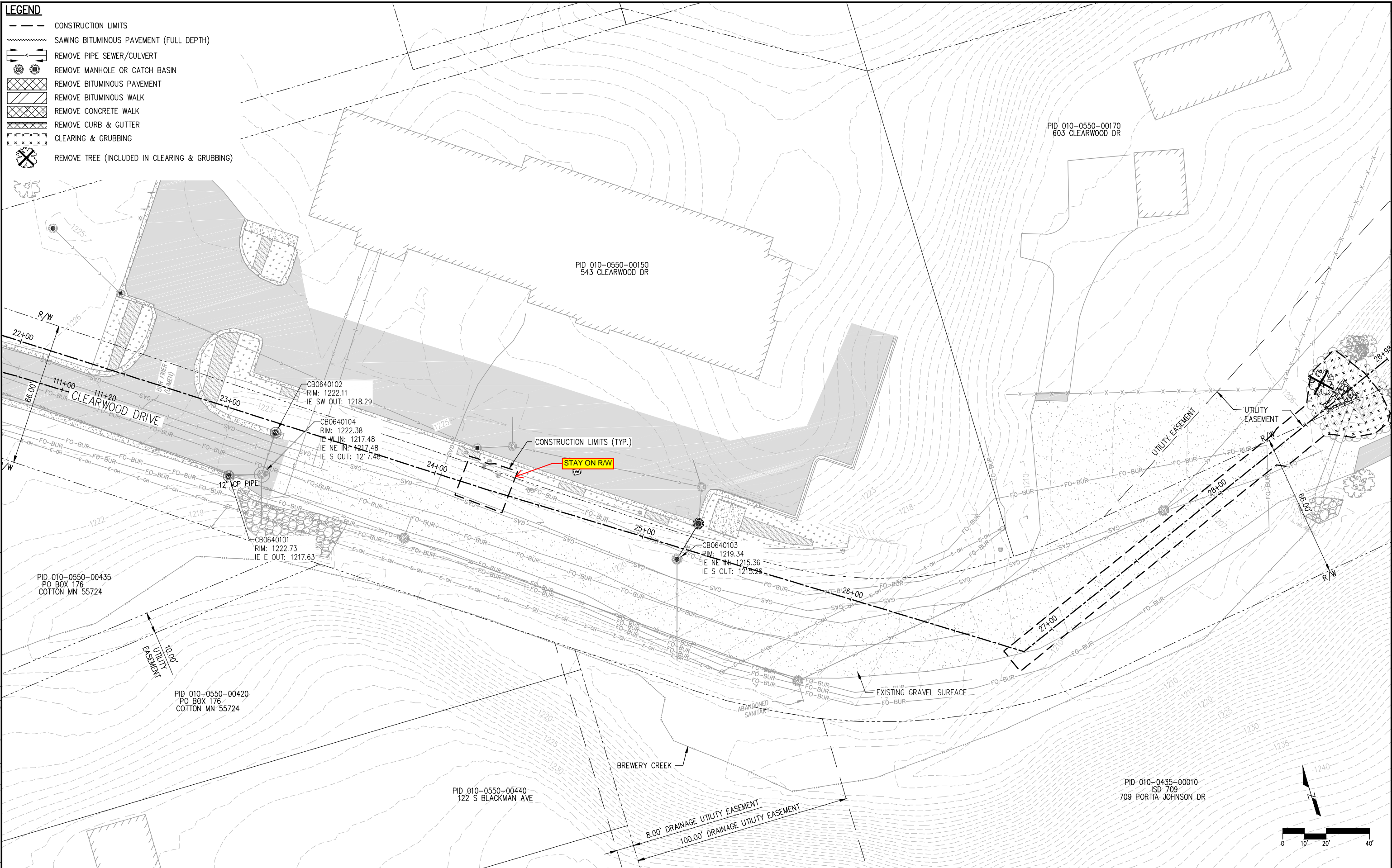
EXISTING CONDITIONS & REMOVALS

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LHB PROJECT NO. 240078

- LEGEND**
- CONSTRUCTION LIMITS
 - ~~~~~ SAWING BITUMINOUS PAVEMENT (FULL DEPTH)
 - ==> REMOVE PIPE SEWER/CULVERT
 - ⊗ REMOVE MANHOLE OR CATCH BASIN
 - ▨ REMOVE BITUMINOUS PAVEMENT
 - ▧ REMOVE BITUMINOUS WALK
 - ▩ REMOVE CONCRETE WALK
 - ▦ REMOVE CURB & GUTTER
 - XXXXX CLEARING & GRUBBING
 - ⊗ REMOVE TREE (INCLUDED IN CLEARING & GRUBBING)



PRELIMINARY
NOT FOR CONSTRUCTION

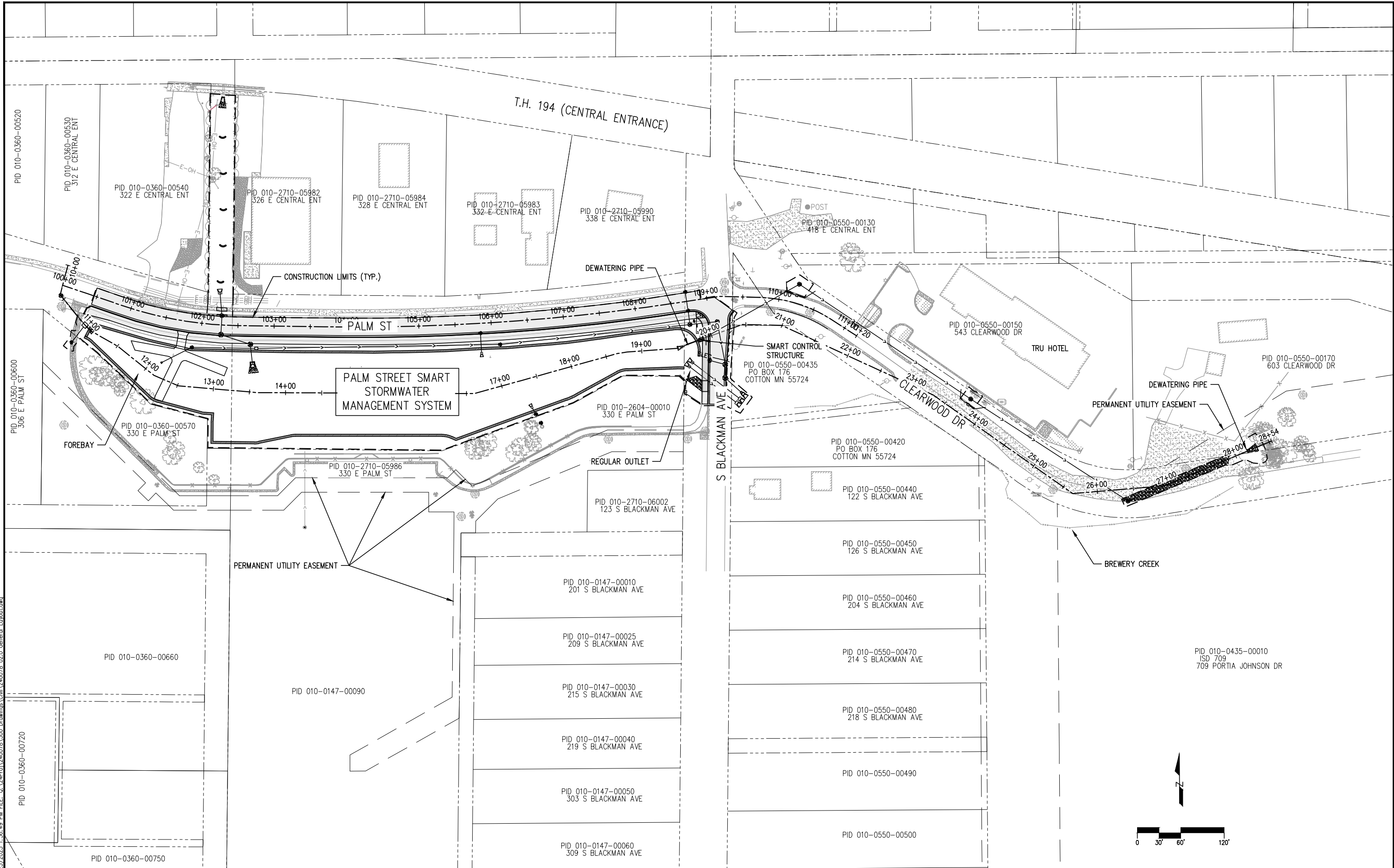
CITY PROJECT NO. 2208

PALM STREET PERMANENT STORMWATER MANAGEMENT SYSTEM IMPROVEMENTS

EXISTING CONDITIONS & REMOVALS
SHEET NO. 18 OF 43 SHEETS

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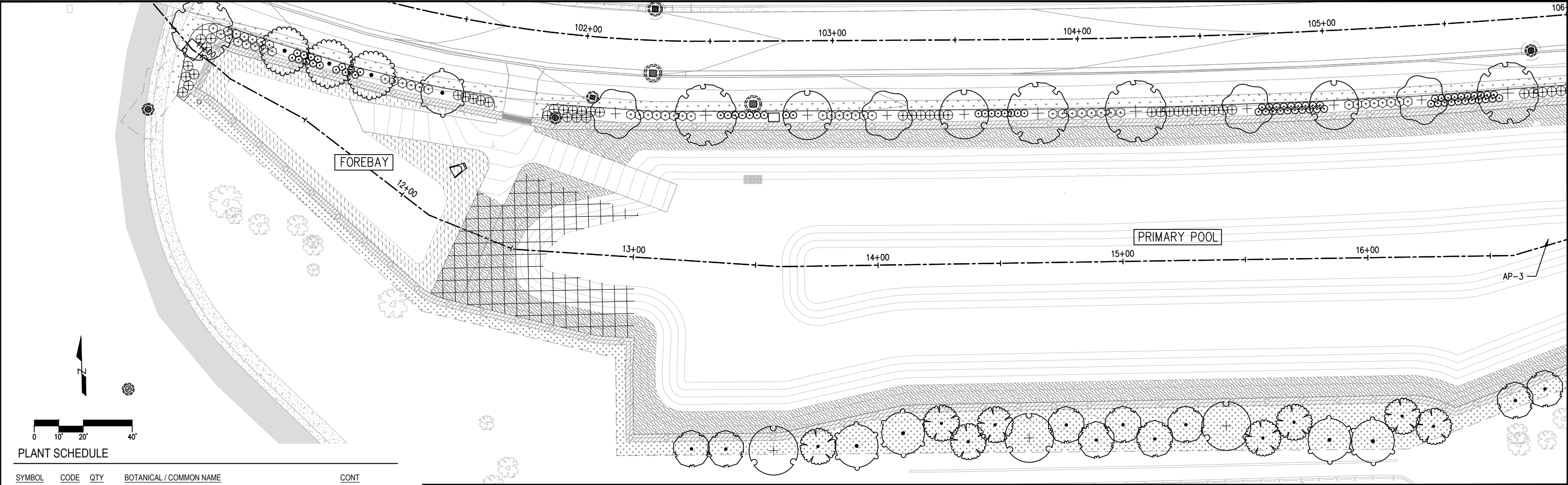
CITY PROJECT NO. 2208

PALM STREET PERMANENT STORMWATER MANAGEMENT SYSTEM IMPROVEMENTS

GENERAL LAYOUT

SHEET NO. 2 OF 39 SHEETS

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 LHB PROJECT NO. 240078



PLANT SCHEDULE

SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	CONT
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TREES

	AX	6	Aesculus x 'Bergeson' / Prairie Torch® Buckeye	2" CAL.
	AH	5	Alnus hirsuta 'Harbin' / Prairie Horizon® Manchurian Alder	2" CAL.
	AG	13	Amelanchier x grandiflora 'Autumn Brilliance' / Autumn Brilliance Apple Serviceberry	1.5" CAL.
	BR	16	Betula nigra / River Birch	2" CAL.
	CM	8	Crataegus x mordenensis 'Toba' / Toba Hawthorn	1.5" CAL.
	QB	7	Quercus bicolor / Swamp White Oak	2" CAL.
	UA	7	Ulmus x 'Accolade' / Accolade Elm	2" CAL.

SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	SIZE
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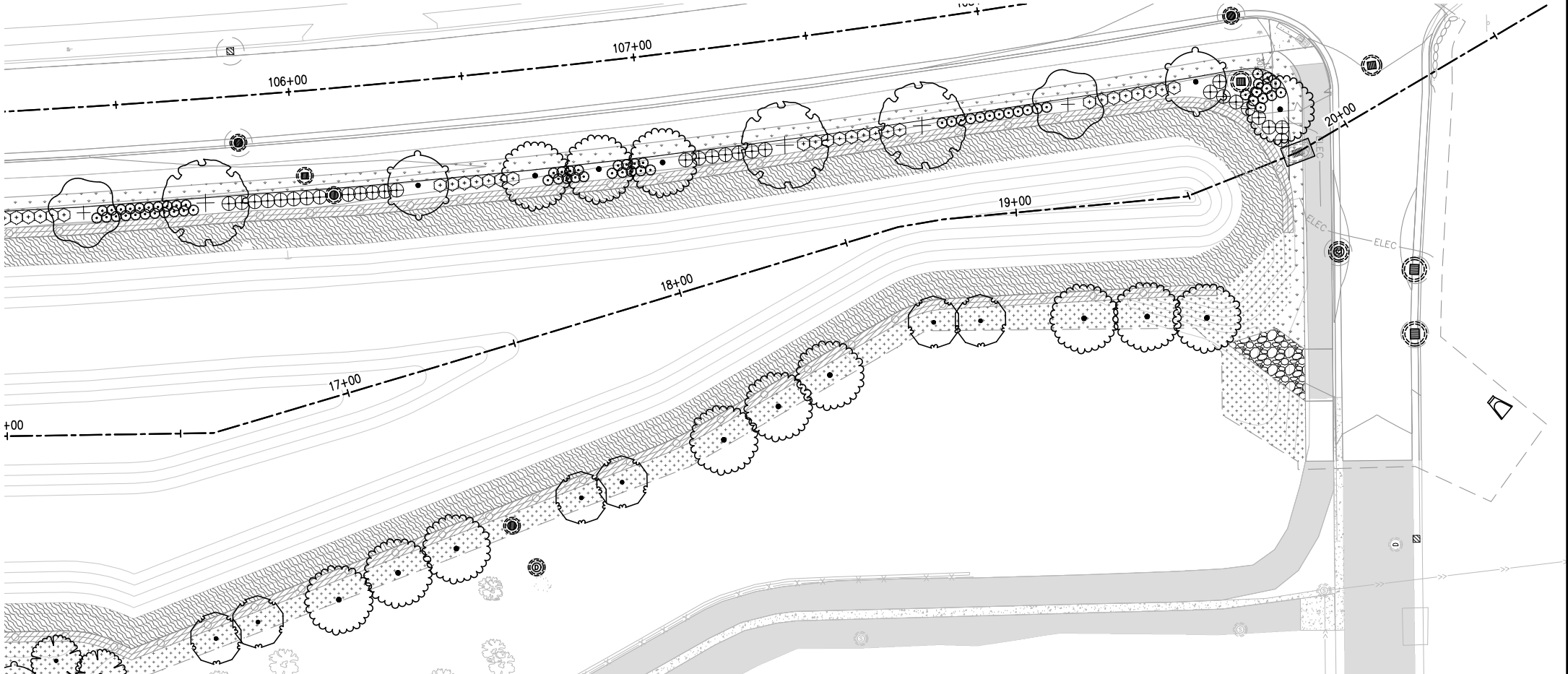
SHRUBS

	CK	114	Cornus sericea 'Kelsey' / Kelsey's Dwarf Red Twig Dogwood	#5 CONT.
	SP3	68	Salix purpurea 'Nana' / Dwarf Purple Osier Willow	#5 CONT.
	SW	75	Symphoricarpos x doorenbosii 'White Hedge' / White Hedge Snowberry	#5 CONT.

SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	CONT
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GROUND COVERS

	AT	14,151 sf	Aquatic/Transitional Ledge / Seed and Plugs	See Details
	SB	4,434 sf	Shrub Bed w/ Living Mulch	See Specifications
	TS	4,295 sf	Turf Sod	See Specifications
	SS2	13,734 sf	Upland / Seed and Plugs	See Details
	SS	7,340 sf	Wet Ditch Seed Mix / 2575.608 Seed Wet Ditch	See Specifications
	WS	3,164 sf	Willow Stake/Bundle Zone	See Details



PRELIMINARY
NOT FOR CONSTRUCTION

CITY PROJECT NO. 2208

PALM STREET PERMANENT STORMWATER MANAGEMENT SYSTEM IMPROVEMENTS

LANDSCAPE PLANS
SHEET NO. LA02 OF 3 SHEETS