



Planning & Development Division
Planning & Economic Development Department

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 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

| | | | | |
|-----------------------------|---|---------------------------------|---|-------------------|
| File Number | PL 20-050 | Contact | Chris Lee, clee@duluthmn.gov | |
| Type | Concurrent Use Permit | Planning Commission Date | June 9, 2020 | |
| Deadline for Action | Application Date | May 7, 2020 | 60 Days | July 4, 2020 |
| | Date Extension Letter Mailed | May 20, 2020 | 120 Days | September 4, 2020 |
| Location of Subject | 725 Helberg Drive | | | |
| Applicant | Duluth Seaway Port Authority | Contact | Deb DeLuca | |
| Agent | TKDA | Contact | Will DeRocher | |
| Legal Description | Adjacent to parcels: 010-3930-00310, 010-3940-00030, 010-3910-06940 | | | |
| Site Visit Date | May 29, 2020 | Sign Notice Date | May 26, 2020 | |
| Neighbor Letter Date | N/A | Number of Letters Sent | N/A | |

Proposal: Concurrent Use Permit for right of way improvements to accommodate stormwater run-off from a material laydown yard on the adjoining parcels. The area proposed to be used is roughly 1,240 feet long and occupies 23,874 sf.

Staff Recommendation: Staff is recommending that Planning Commission recommend approval to City Council with conditions.

| | Current Zoning | Existing Land Use | Future Land Use Map Designation |
|----------------|-----------------------|--------------------------|--|
| Subject | I-W | Undeveloped | Industrial Waterfront |
| North | I-W | Azcon/Industrial | Industrial Waterfront |
| South | I-W | Rail yard | Industrial Waterfront |
| East | I-W | Pier/Material Storage | Industrial Waterfront |
| West | I-W | Rail yard | Industrial Waterfront |

Summary of Code Requirements:

UDC Section 50-37.7.C. The Planning Commission shall review the application, and council shall approve the application or approve it with modifications, if it determines that:

1. The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city.
2. Not applicable (skywalks)
3. No portion of a public easement proposed for use is being physically used or occupied by the public.
4. Not applicable (parking)

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

Governing Principle #1 – Reuse previously developed lands: includes adaptive reuse of existing building stock and historic resources, as this strengthens neighborhoods. This property is currently a vacant lot within an industrial area.

Future Land Use – Industrial Waterfront: Waterfront- or port dependent industrial uses. May co-exist in proximity to other waterfront related uses. Should have access to regional roads or rail.

Review and Discussion Items

Staff finds that:

- 1.) The applicant is seeking a concurrent use permit to make stormwater improvements in the right of way. The adjacent parcels (010-3930-00310, 010-3940-00030, 010-3910-06940) will be utilized as a material laydown and short term storage yard. These improvements are necessary to treat the stormwater from the lots.
- 2.) The site is currently a drainage ditch located between Helberg Drive and the rail yard. There is currently an active easement on the parcels that are owned by the Duluth Seaway Port Authority making this concurrent use permit necessary for improvements.
- 3.) The improvements will include excavating the existing ditch, installation of a filter media, and installation of a check dam to decrease and slow run-off and improve the quality of stormwater infiltration.
- 4.) The City of Duluth requires concurrent use permits to include liability insurance to indemnify the City against occurrences in the right of way. Other protections for the City and the public are typically included in the ordinance that is submitted to City Council. The ordinance will indicate the City is not responsible for removal/replacement of the applicant's infrastructure should the City need to access the right-of-way in the permitted area.
- 5.) The improvement to the ditch will not take away from the public's ability to use the right of way, nor will it harm or inconvenience the health, safety, and general welfare of the city.
- 6.) No other public, agency, or other comments have been received.

Staff Recommendation

Based on the above findings, Staff recommends that Planning Commission recommend approval of the concurrent use permit with the following conditions:

- 1.) Applicant shall construct within the limits as identified in the attached exhibit and in coordination with the City Engineer and City Building Official and with all required permits.
- 2.) Applicant shall provide annual proof of liability insurance to indemnify the City against any occurrences in the right of way that are due to items covered under this permit.
- 3.) Applicant shall remove the system at the applicant's expense if directed to by the City with appropriate notice.
- 4.) The City shall not be responsible for any damage to the system caused by snow removal or work in the right-of-way.
- 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 approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

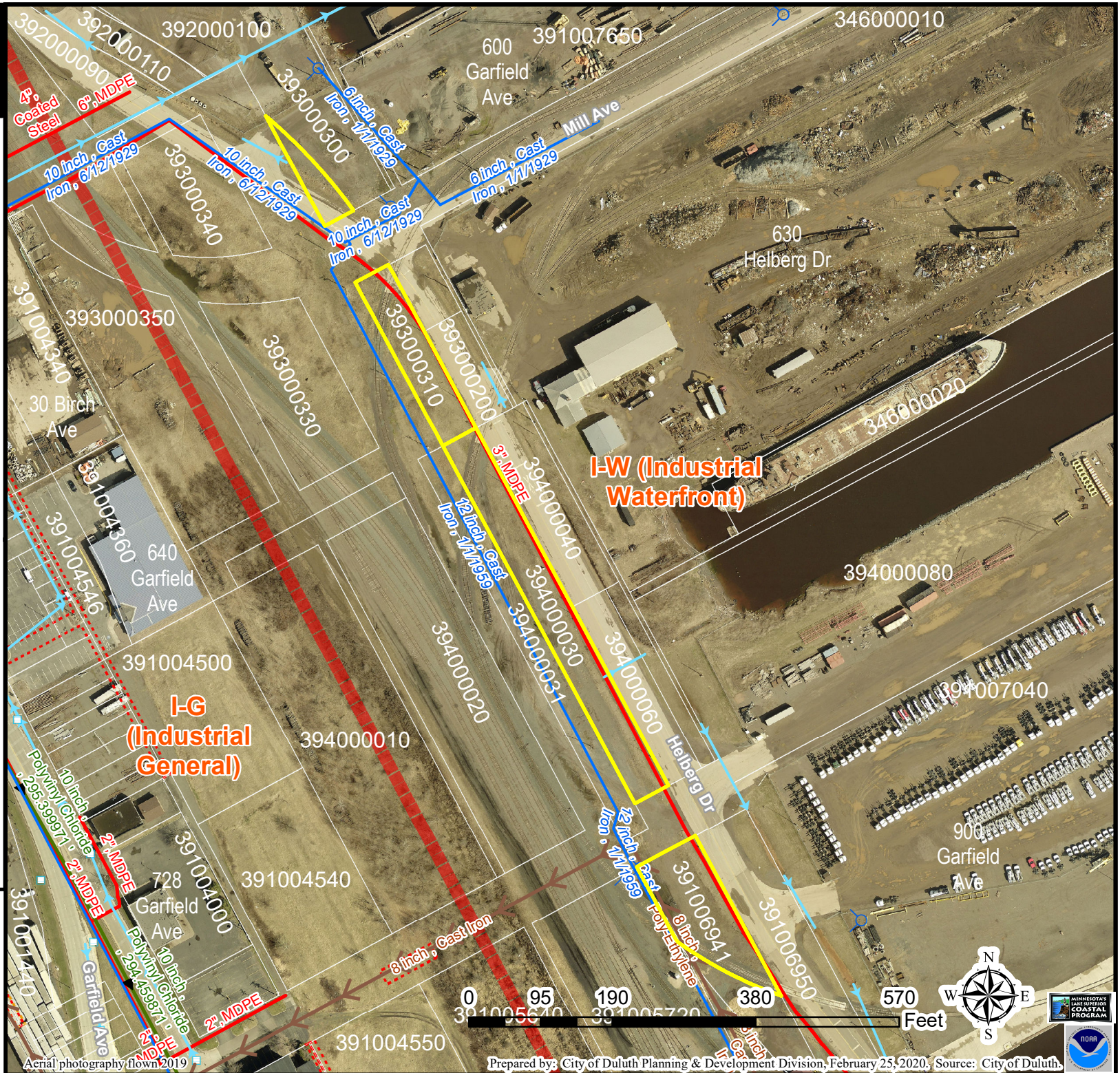


20-050
CUP Laydown

Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains
 - CITY OF DULUTH
 - WLSDD; PRIVATE
 - Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin
- Easement Type**
 - Utility Easement
 - Other Easement
 - Zoning Boundaries

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.



Aerial photography flown 2019

Prepared by: City of Duluth Planning & Development Division, February 25, 2020, Source: City of Duluth.





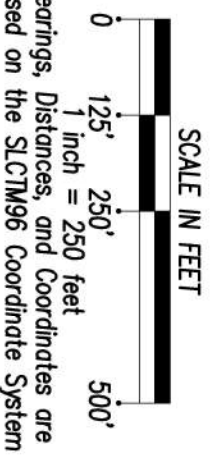
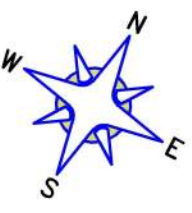
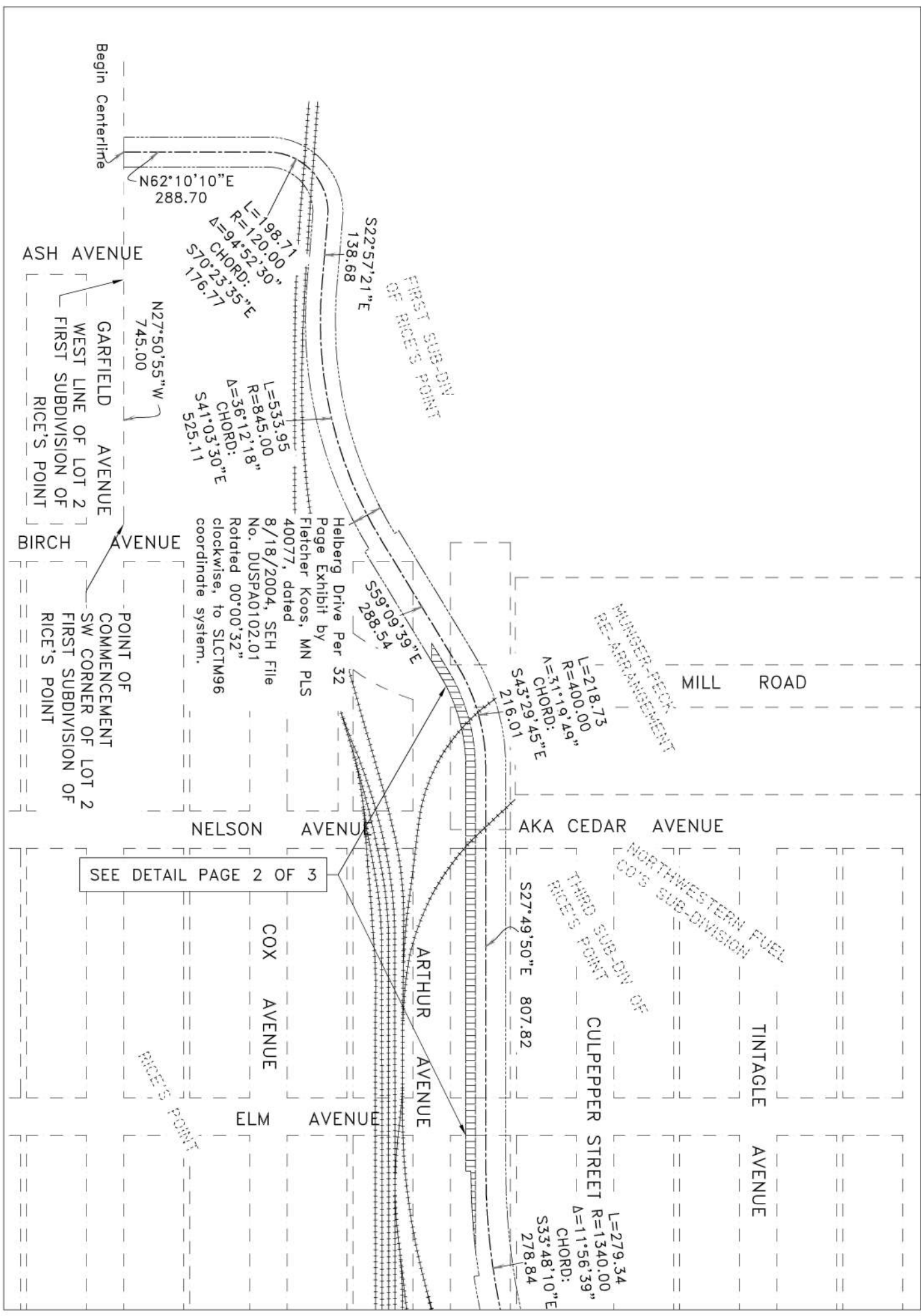
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Greg Stover
 GREG STOVER

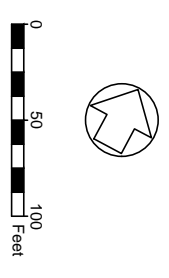
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DSPA ALTEC LAYDOWN - HELBERG CONCURRENT USE PERMIT
 for : Duluth Seaway Port Authority
 PAGE 1 OF 3
 JOB NO. 15518.015 FILE NO. L4743D DATE OF MAP: 5/29/2020 1 OF 3



TINTAGLE AVENUE

103

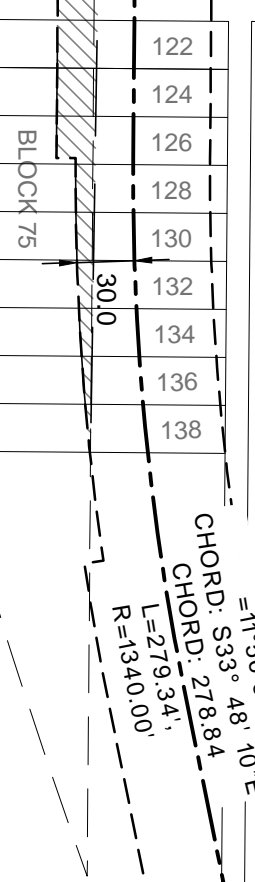


Bearings, Distances, and Coordinates are based on the SLCTM96 Coordinate System

95

SIXTH STREET

84



PARCEL 010-3910-06941
DULUTH SEAWAY PORT AUTHORITY

64

ELM AVENUE

55

102

96

THIRD SUBDIVISION OF RICES POINT
AKA CULPEPPER STREET

83

S27° 49' 50"E
807.82'

AREA OF CONCURRENT USE
AREA: 23200 SF

BLOCK 76

HELBERG DRIVE CENTERLINE

S27° 49' 50"E
953' ±

PARCEL 010-3940-00030
DULUTH SEAWAY PORT AUTHORITY

AKA ARTHUR AVENUE FIFTH STREET

40' - HELBERG DRIVE EASEMENT
PARCEL 010-3930-00310
DULUTH SEAWAY PORT AUTHORITY

63

56

AKA CEDAR AVENUE

Munger Peck
3

CURVE A
L=218.73',
R=400.00'
=31°19'49"
CHORD: S43° 29' 45"E
CHORD: 216.01

POINT OF TANGENCY

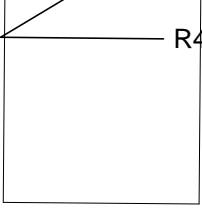
BLOCK 5

Munger Peck

L=208.34',
R=381.00'
Δ=31°19'49"
CHORD: S43° 29' 45"E
CHORD: 205.75

Munger Peck
7

NELSON AVENUE



MILL AVE.

MUNGER-PECK LOT 1 -
REARRANGEMENT OF
1st SUBDIVISION OF RICE'S POINT

Munger Peck
4

POINT OF CURVATURE

Munger Peck
6

LINE A
S59° 09' 39"E
288.54'

Munger Peck
8

CENTERLINE OF FIFTH STREET
ALSO KNOWN AS ARTHUR AVENUE

Helberg Drive Per 32 Page Exhibit by Fletcher Koos, MN PLS
40077, dated 8/18/2004, SEH File No. DUSPA0102.01
Rotated 00°00'32" clockwise to SLCTM96 coordinate system.

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GREG STOEWER

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DSPA ALTEC LAYDOWN - HELBERG CONCURRENT USE PERMIT
PAGE 2 OF 3
for : Duluth Seaway Port Authority
JOB NO. 15518.015 FILE NO. L4743D DATE OF MAP: 5/29/2020 2 OF 3

DESCRIPTION OF CONCURRENT USE AREA

That part of Block 5, Mill Avenue and Fifth Street also known as Arthur Avenue, Munger-Peck Rearrangement of Lot 1 - 1st Subdivision of Rice's Point, and Block 76, and even numbered Lots 122 through 138 of Block 75, Nelson Avenue also known as Cedar Avenue and Elm Avenue, Third Subdivision of Rices Point, accorded to the recorded plats thereof, described as follows:

Said Concurrent Use Area is bounded on the southwest by the southwesterly line of the easement for Helberg Drive, described as follows:

Commencing at the southwest corner of Lot 2, First Subdivision of RICE'S POINT, according to recorded plat thereof; thence on a bearing North 27 degrees 50 minutes 55 seconds West, basis of bearing St. Louis County Transverse Mercator 1996 coordinate system, along the westerly line of said Lot 2 and its extension 745.00 feet to the point of beginning of the centerline of said easement, being a 60.00 foot wide easement; thence North 62 degrees 10 minutes 10 seconds East 288.70 feet; thence 198.71 feet along a tangential curve, concave southwest, having a radius of 120.00 feet and a central angle of 94 degrees 52 minutes 30 seconds; thence South 22 degrees 57 minutes 21 seconds East 138.68 feet; thence 533.95 feet along a tangential curve, concave northeast, having a radius of 845.00 feet and a central angle of 36 degrees 12 minutes 18 seconds and said center line there terminating.

Together with an 80.00-foot wide easement for roadway purposes, the centerline of said easement is described as follows:

Beginning at the terminus of the previously described centerline; thence South 59 degrees 09 minutes 39 seconds East 288.54 feet; thence 218.73 feet along a tangential curve, concave southwest, having a radius of 400.00 feet and a central angle of 31 degrees 19 minutes 49 seconds; thence South 27 degrees 49 minutes 50 seconds East 807.82 feet and said centerline there terminating.

Together with a 70.00-foot wide easement for roadway purposes over, under, and across the above-described property. Said easement being 40.00 feet to the left and 30.00 feet to the right of the following described line:

Beginning at the terminus of the above-described line; thence 205.76 feet along tangential curve, concave northeast, having a radius of 1340.00 feet and said line there terminating.

Together with an 80.00-foot wide easement for roadway purposes over, under, and across the above-described property. The centerline of said easement is described as follows:

Beginning at the terminus of the above-described line, thence 73.58 feet along a continuation of the above-described curve; thence South 39 degrees 46 minutes 29 seconds East 678.41 feet; and said centerline there terminating.

Together with a 60.00-foot wide easement for roadway purposes over, under, and across the above-described property. The centerline of said easement is described as follows:

Beginning at the terminus of the above-described line; thence continuing South 39 degrees 46 minutes 29 seconds East 71.43 feet; thence 137.75 feet along a tangential curve, concave northeast, having a radius of 300.00 feet and a central angle of 26 degrees 18 minutes 30 seconds; thence South 66 degrees 04 minutes 59 seconds East 83.38 feet; thence 199.53 feet along a tangential curve, concave southwest, having a radius of 300.00 feet and a central angle of 38 degrees 06 minutes 26 seconds; thence South 27 degrees 58 minutes 33 seconds East 60.00 feet and said centerline there terminating.

Said Concurrent Use Area is bounded on the northeast by a line described as follows:

Beginning at the intersection of a line that is parallel with and 19.00 feet southwest of said Helberg Drive centerline segment described as 288.54 feet South 59 degrees 09 minutes East (labeled Line A) with the centerline of said Arthur Avenue; Thence South 59 degrees 09 minutes East to a point that is perpendicular southwesterly of the end of Line A (labeled Point of Curvature); Thence southeasterly along a curve that is concentric to and southwesterly 19.00 feet of Helberg Drive centerline, concave to the southwest, radius 381.00 feet, delta 31 degrees 19 minutes 49 seconds; Thence along a tangential line South 27 degrees 49 minutes 50 seconds East 953 feet more or less to the southwest line of said Helberg Drive easement.

Said Concurrent Use Area is bounded on the northwest by said centerline of Arthur Avenue.

Area of said Concurrent Use Area is 23,301 square feet, more or less.



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Greg Stoeber
GREG STOEBER

JUNE 1, 2020

MINNESOTA LICENSE NUMBER 21724

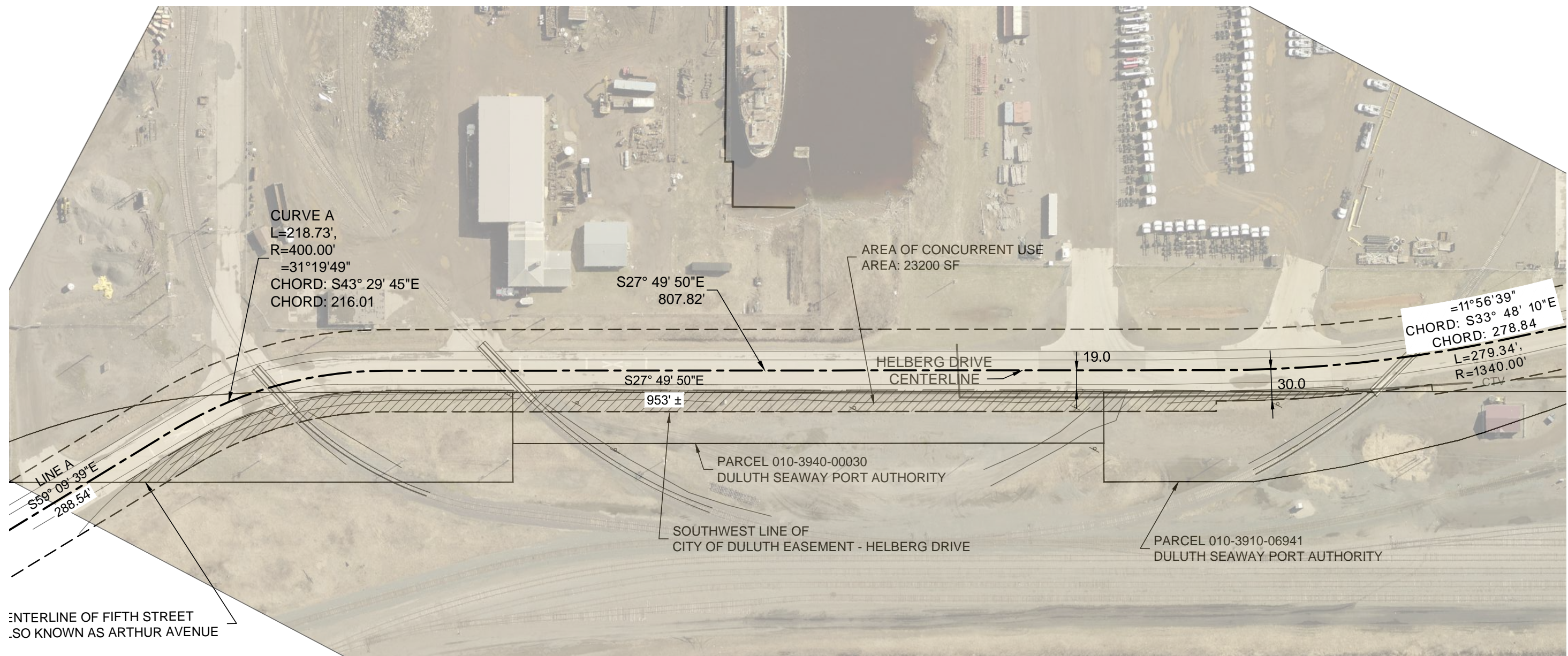
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REVISION

DSPA ALTEC LAYDOWN - HELBERG CONCURRENT USE PERMIT
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for : Duluth Seaway Port Authority
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0 50 100 Feet



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DSPA ALTEC LAYDOWN – HELBERG CONCURRENT USE PERMIT
LOCATION MAP
for : Duluth Seaway Port Authority

JOB NO. 15518.015 | FILE NO. L4743D | DATE OF MAP: 5/29/2020 | Page 1 of 1

