



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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802



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planning@duluthmn.gov

<b>File Number</b>	PL 22-006	<b>Contact</b>	Jenn Reed Moses	
<b>Type</b>	Concurrent Use Permit	<b>Planning Commission Date</b>	March 8, 2022	
<b>Deadline for Action</b>	<b>Application Date</b>	January 14, 2022	<b>60 Days</b>	March 15, 2022
	<b>Date Extension Letter Mailed</b>	January 31, 2022	<b>120 Days</b>	May 14, 2022
<b>Location of Subject</b>	309 W Superior Street			
<b>Applicant</b>	Superior Street Property LLC	<b>Contact</b>	Scott Wallschlaeger	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	See Attached	<b>Sign Notice Date</b>	February 24, 2022	
<b>Site Visit Date</b>	March 1, 2022	<b>Number of Letters Sent</b>	N/A	

**Proposal**

The applicant is seeking a concurrent use permit to place a wall within an existing skywalk.

**Staff Recommendation**

Staff recommend that the Planning Commission recommend approval of the concurrent use permit to the City Council (via ordinance).

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	F-8	Commercial	Central Business Primary
<b>North</b>	F-8	Commercial	Central Business Primary
<b>South</b>	F-8	Commercial	Central Business Primary
<b>East</b>	F-8	Commercial	Central Business Primary
<b>West</b>	F-8	Commercial	Central Business Primary

**Summary of Code Requirements**

UDC Section 50-37.7C. 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. Any proposed skywalk will significantly improve the circulation of pedestrians in the city without exposure to weather conditions (does not apply in this instance);
3. No portion of a public easement proposed for use is being physically used or occupied by the public.

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

**Governing Principle #7 – Create and maintain connectivity.** This connectivity includes the downtown skywalks.

**Governing Principle #9 – Support private actions that contribute to the public realm.** This applicant is proposing to improve a public skywalk.

Future Land Use

Central Business Primary: Use encompassing a broad range of uses and intensities including retail, entertainment & lodging, and public spaces.

**Review and Discussion Items:**

- 1) The applicant is seeking a concurrent use permit to construct a wall in a second-floor skywalk located within their building at 309 W Superior Street. This wall would enclose a triangular space while leaving a clear space of 12' for pedestrians. This area will remain open to the public as usable space as required by the concurrent use permit ordinance.
- 2) The area proposed to be enclosed has a bench which is being removed due to safety and nuisance concerns. Because of the type of bench anchors, the area will also need remodeling and restoration. By adding a wall and doorway during this remodeling, applicant will be able to utilize the area for storage space while still maintaining the character and connectivity of the existing skywalk.
- 3) The area proposed for the concurrent use permit will not take away from the public's ability to use the skywalk, nor will it harm or inconvenience the health, safety and general welfare of the city.
- 4) Concurrent use permits are approved by the City Council via an ordinance. Unlike street right-of-way vacations, concurrent use permits are not recorded with St. Louis County as they are voidable agreements between the City and property owners.
- 5) The City of Duluth requires concurrent use permits to include liability insurance to indemnify the City against all occurrences in the right-of-way. Other protections for the city and the public are typically included in the ordinance that is submitted for the City Council's review.
- 6) No comments were received from the public or other government agencies at the time this staff report was written.
- 7) Per UDC Sec. 50-37.1.N, approved concurrent 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 recommends that the Planning Commission recommend to the City Council approval of the concurrent use permit with the following conditions:

- 1) Applicant construct and maintain the project as identified in the attached exhibit.
- 2) Applicant 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) The structure shall comply with any applicable engineering standards, or building or fire code requirements.
- 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 approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



PL 22-006  
CUP for wall  
309 W Superior St

**Legend**

■■■■ Road or Alley ROW

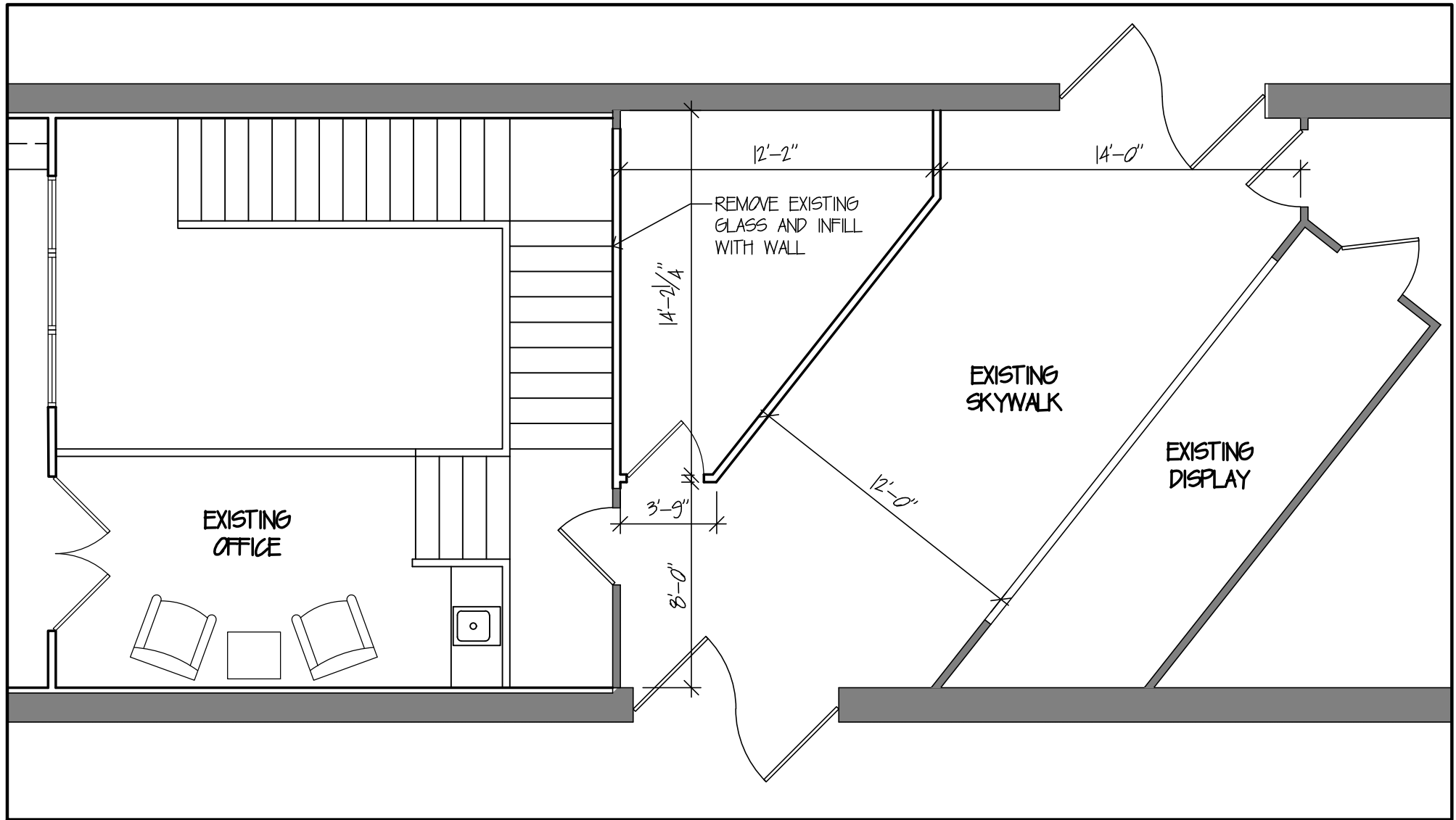
**Easement Type**

■ Utility Easement

■ Other Easement

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.





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**MPPL Financial**  
**309 W Superior Street**  
**Duluth, MN**

January 13, 2022



## Site Photos



Area to be enclosed will be in location of existing bench and gray flooring



Looking east through skywalk



Looking west through skywalk