



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

Room 160  
411 West First Street  
Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PLCUP-2505-0002		Contact	Jason Mozol, jmozol@duluthmn.gov	
Type	Concurrent Use Permit		Planning Commission Date	August 12, 2025	
Deadline for Action	Application Date		June 18, 2025	60 Days	August 17, 2025
	Date Extension Letter Mailed		June 18, 2025	120 Days	October 16, 2025
Location of Subject		Right of way near the intersection of E 11 <sup>th</sup> St and 8 <sup>th</sup> Ave E			
Applicant	ISD 709		Contact	Bryan Brown, Facilities Manager	
Agent			Contact		
Legal Description		See attachment			
Site Visit Date		July 25, 2025	Sign Notice Date		July 24, 2025
Neighbor Letter Date		N/A	Number of Letters Sent		N/A

**Proposal:** The applicant is seeking a concurrent use permit to construct a guardrail in the right of way near the intersection of E. 11th St and N 8th Ave East.

**Recommended Action:** Staff recommends that Planning Commission recommend approval to the City Council.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	School	Institutional
<b>North</b>	R-1	Residential	Traditional Neighborhood
<b>South</b>	R-1	Residential	Traditional Neighborhood
<b>East</b>	R-1	Open Space	Open Space
<b>West</b>	R-1	Residential	Traditional Neighborhood

**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. Any proposed skywalk will significantly improve the circulation of pedestrians in the city without exposure to weather conditions;
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 #11: Education Systems in Land Use Actions:** This project supports safety and walkability to a neighborhood-based school.

**Future Land Use – Institutional:** Encompasses a broad range of uses and intensities: medical, university/college, public schools, religious, or governmental campuses.

**History:** Myers-Wilkins Elementary School was built in 1918 with several additions. There is an existing sidewalk between E 11<sup>th</sup> St and the North side of the school building connecting students to the school's open space, playground, and pick-up area.

**Review and Discussion Items:**

Staff finds that:

- 1) The applicant is seeking a concurrent use permit to construct a 106 ft long guardrail in the right of way near the intersection of E 11<sup>th</sup> St and 8<sup>th</sup> Ave E. This guardrail will provide pedestrians protection from vehicles in the roadway.
- 2) The area proposed for the concurrent use permit will not take away from the public's ability to use the public right-of-way, nor will it harm or inconvenience the health, safety and general welfare of the city.
- 3) Concurrent use permits are approved by the City Council via an ordinance. Unlike street right-of-way vacations, concurrent use permits are not recorded at with St. Louis County as they are voidable agreements between the City and property owners.
- 4) 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 may be included in any ordinance approving a concurrent use permit adopted by the City Council.
- 5) City Engineering supports the proposed location of the guardrail.
- 6) No other City, agency, or public comments were received.
- 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 Planning Commission approve the concurrent use permit with the following conditions:

- 1) Applicant construct and maintain the project as identified in the attached exhibits.
- 2) Applicant provide annual proof of liability insurance and agree to indemnify the City against any occurrences in the right of way that are due to items covered under this permit.
- 3) Applicant will remove the obstructions at the applicant's expense if directed to by the City with appropriate notice.
- 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.





## Legend

- Road or Alley ROW
- County Parcel Data
- Concurrent Use Area

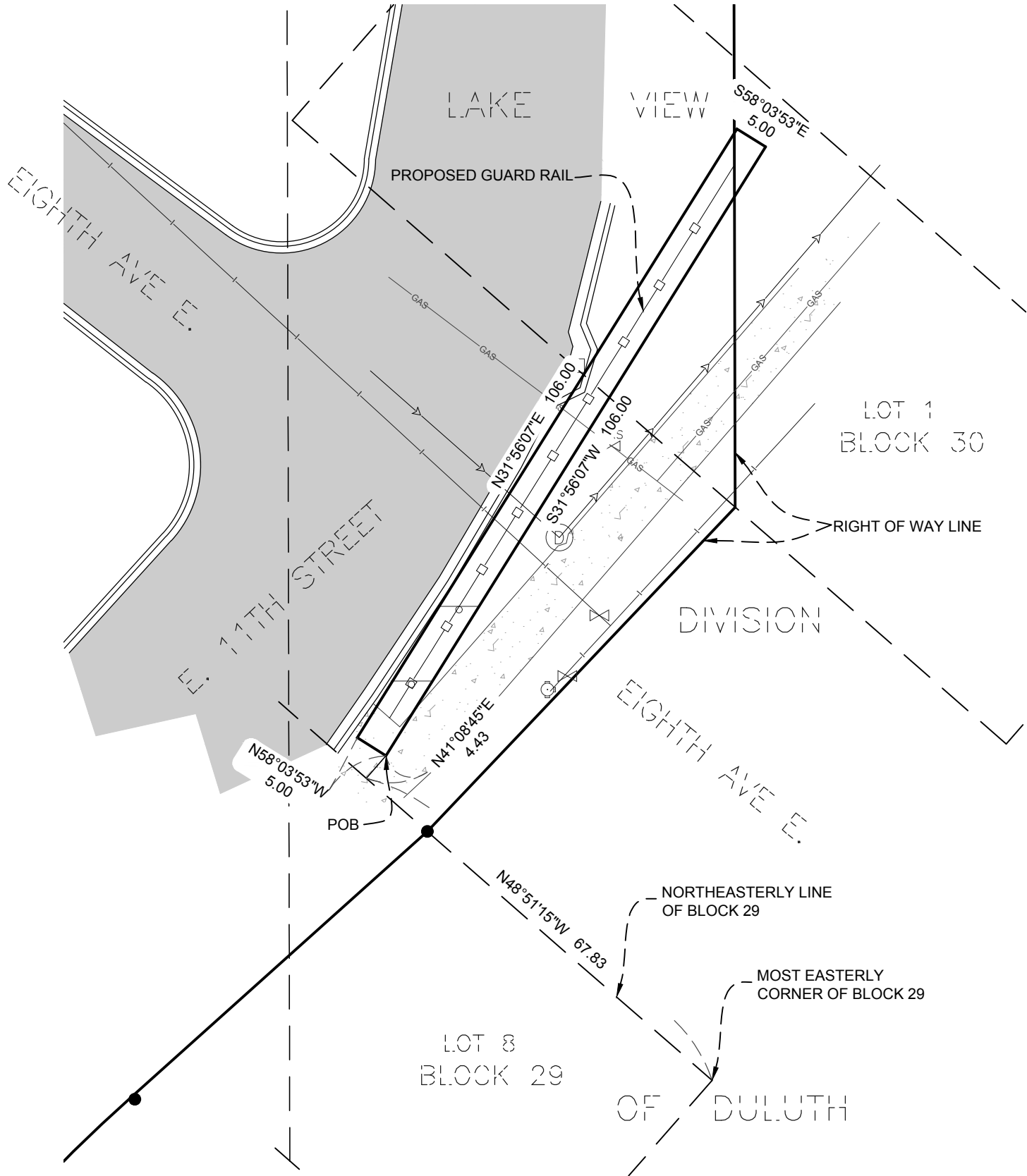
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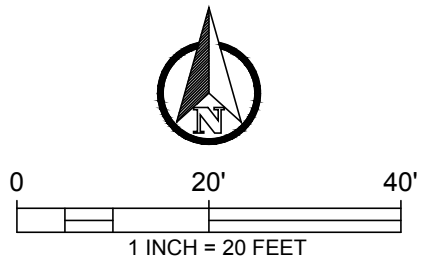
P:\125-DULUTH PUBLIC SCHOOLS\12525002-MYERS WILKINS GUARD RAIL\SURVEY\CAD\12525002 CONCURRENT USE EXHIBIT.DWG ### 6/23/2025



EXHIBIT  
CONCURRENT USE



LEGEND

- BOUNDARY LINE
- PROPOSED GUARD RAIL
- STORM SEWER LINE
- WATERMAIN
- UNDERGROUND GAS LINE
- HYDRANT
- GATE VALVE
- STORM MANHOLE
- SIGN
- GAS VALVE
- FOUND IRON MONUMENT
- CONCRETE PAVEMENT
- BITUMINOUS PAVEMENT



NO.	DATE	DESCRIPTION	DATE:	06/18/25	I HEREBY CERTIFY THAT THIS SURVEY, PLAN, 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.	PREPARED FOR:	 Corporate Office 120 17th Ave W Alexandria, MN 56308 888-216-1916
			SCALE:	AS SHOWN		ISD 709	
			DRAWN BY:	JDS		MYERS WILKINS	
			CHECKED BY:	JDS		ELEMENTARY	
COPYRIGHT © 2025 BY DESIGN TREE ENGINEERING INCORPORATED			PROJECT NO.	12525002	Jonathan D. Schuette 45352 DATE:06/18/25		

Job No. 12525002

Project: Myers Wilkins Elementary School

**CONCURRENT USE LEGAL DESCRIPTION:**

That part of Lot 1, Block 30 and Eighth Avenue East, LAKE VIEW DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota described as follows:

Commencing at the most easterly most corner of Block 29, said LAKE VIEW DIVISION OF DULUTH; thence North 48 degrees 51 minutes 15 seconds West along the northeasterly line of said Block 29, 67.83 feet; thence North 41 degrees 08 minutes 45 seconds East, 4.43 feet to the point of beginning; thence North 58 degrees 03 minutes 53 seconds West, 5.00 feet; thence North 31 degrees 56 minutes 07 seconds East, 106.00 feet; thence South 58 degrees 03 minutes 53 seconds East, 5.00 feet; thence South 31 degrees 56 minutes 07 seconds West, 106.00 feet to the point of beginning.