CITY OF DULUTH
Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580   Fax: 218/723-3559

File Number	PL 17-173		Contact	Chris Lee, 218-730-5304	
Type	Concurrent Use Permit		**Planning Commission Date**		November 14, 2017
Deadline for Action	**Application Date**		October 10, 2017	**60 Days**	December 9, 2017
	Date Extension Letter Mailed		October 22, 2017	**120 Days**	February 7, 2018
Location of Subject	4801 Cooke Street				
Applicant	April Witzke, Aunty's Daycare		Contact		
Agent	Greg Strom		Contact	Foundations Architecture	
Legal Description	010-3030-00360				
Site Visit Date	October 30, 2017		Sign Notice Date		November 1, 2017
Neighbor Letter Date	October 27, 2017		Number of Letters Sent		53

Proposal
The applicant requests a concurrent use permit to allow the construction of a fence. Approximately ¾ of the fence structure would be built in the public right of way. The fenced area will be used for outdoor play by the associated daycare.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	School	Urban Residential
North	R-1	Residential - Traditional	Urban Residential
South	F-2	Form District	Neighborhood Commercial
East	R-1	Residential - Traditional	Urban Residential
West	R-1	Residential - Traditional	Urban Residential

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;

3. No portion of a public easement proposed for use is being physically used or occupied by the public.

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

Governing Principle #1 - Reuse previously developed lands
Governing Principle #8 - Encourage mix of activities, uses, and densities.
Governing Principle #11 - Include consideration for education systems in land use actions

Future Land Use- Urban Residential: Greatest variety of building types, medium to high densities. Applicable to larger infill areas close to downtown, entertainment or activity centers, and waterfront residential areas. May include student housing areas, live/work units, and limited neighborhood retail. Connected or adjacent to parks and open space.

The property was previously used as a church that was constructed in 1922.

Review and Discussion Items

Staff finds that:

1. The applicant is seeking a concurrent use permit to allow a private obstruction (fenced in area) to be constructed in the public right of way. Currently a chain link fence is within the right-of-way.

2. The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city.

3. The area proposed for concurrent use is not currently being used by the public.

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 at the County as they are voidable agreements between the city and property owners. Citizens with obstructions in the public right of way must either remove the obstructions or seek city council approval with a concurrent use permit. The City of Duluth requires Concurrent Use Permits to include liability insurance to indemnify the city against occurrences in the right of way.

5. No other public, agency, or other city comments were received.

6. Per UDC Sec. 50-37.1.N, approved concurrent use permits lapse if the project or activity authorized by the permit or variance is not begun within 1 year

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Staff Recommendation

Based on the above findings, Staff recommends that the planning commission recommend approval of the concurrent use permit subject to the following conditions:
   1) Applicant shall construct and maintain the project as identified in exhibit dated October 10, 2017.
   2) Applicant shall provide 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 proposed obstructions at Applicant's expense if directed to do so 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.

THE CITY OF DULUTH MINNESOTA

Legend

Zoning Boundaries

Future Land Use

- Preservation
- Recreation
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Neighborhood Mixed Use
- General Mixed Use
- Central Business Secondary
- Central Business Primary
- Auto Oriented Commercial
- Large-scale Commercial
- Business Park
- Tourism/Entertainment District
- Medical District
- Institutional
- Commercial Waterfront
- Industrial Waterfront
- Light Industrial
- General Industrial
- Transportation and Utilities

4726 Pitt St

4732 Pitt St

4804 Pitt St

4808 Pitt St

4812 Pitt St

Pitt St Alley

R-1

Urban Residential

4727 Cooke St

4731 Cooke St

N 48th Ave E

4801 Cooke St

4807 Cooke St

4811 Cooke St

4815 Cooke St

Cooke St

F-2

4726 Cooke St

4732 Cooke St

Aerial photography flown 2016

0   15   30   60   90
Feet

Prepared by: City of Duluth Community Planning Division, October 27, 2017. Source: City of Duluth.

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Legend

Water Distribution Main
Active
Hydrant

Sanitary Sewer Mains
CITY OF DULUTH
WLSSD; PRIVATE; RICE LAKE TWP
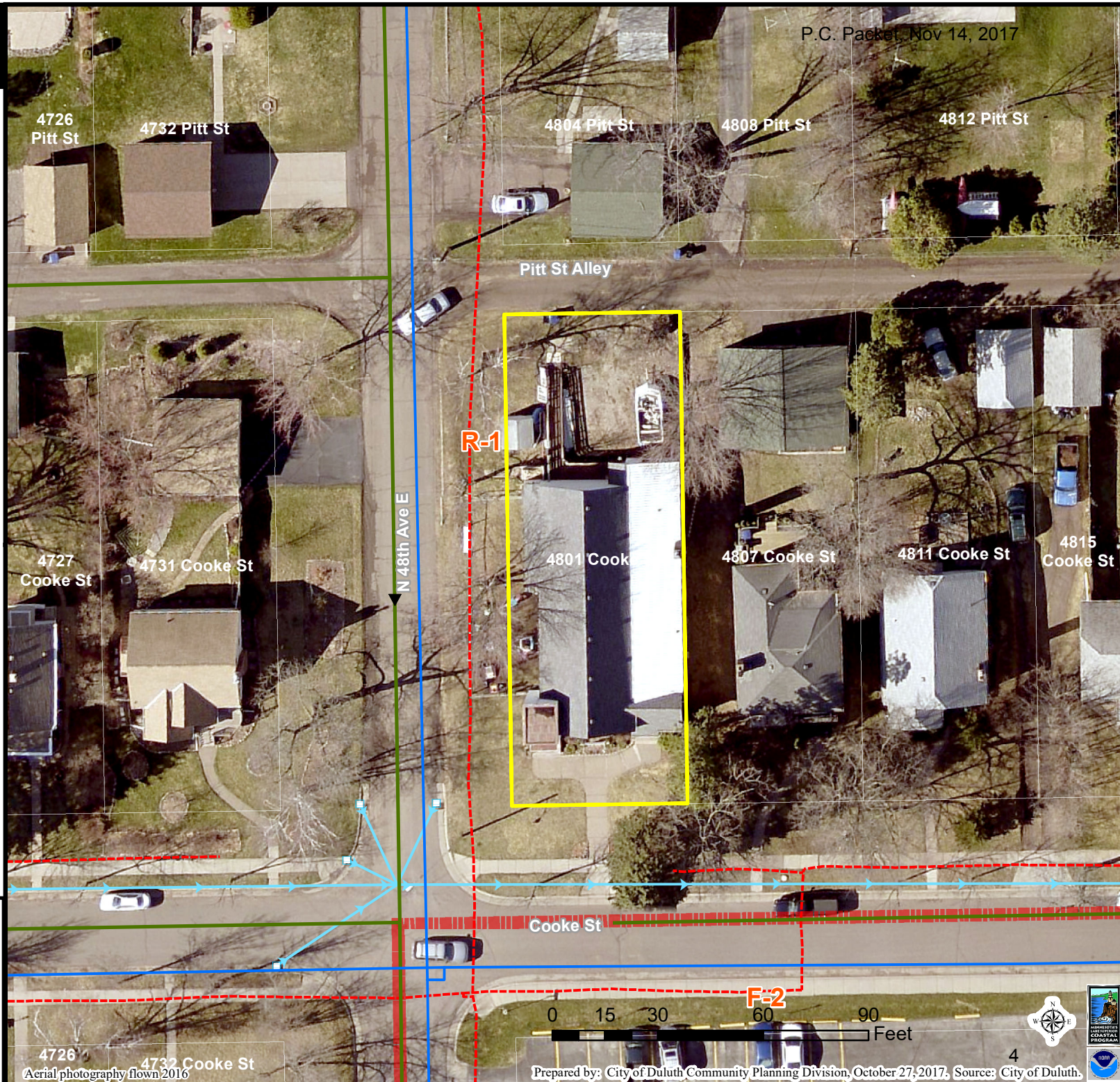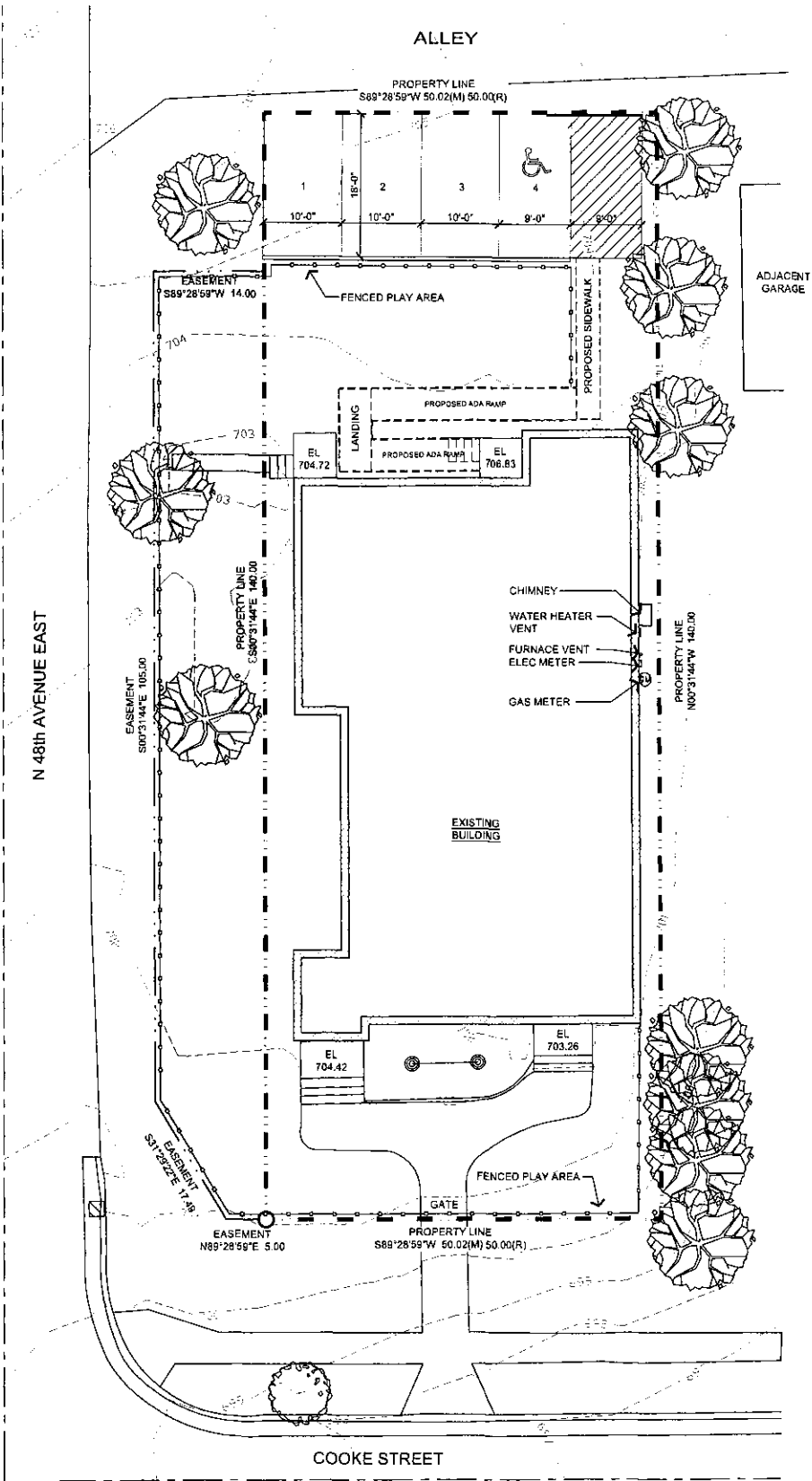Sanitary Sewer Forced Main
Storage Basin
PS Pump Station

Storm Sewer Mains
Storm Sewer Pipe
Storm Sewer Catch Basin

Gas Distribution Main
Coated Steel
Plastic
Zoning Boundaries

4726 Pitt St
4732 Pitt St
4804 Pitt St
4808 Pitt St
4812 Pitt St

Pitt St Alley

R-1

4727 Cooke St
4731 Cooke St
4801 Cook
4807 Cooke St
4811 Cooke St
4815 Cooke St

N 48th Ave E

Cooke St

F-2

4726
4732 Cooke St

0 15 30 60 90
Feet

4

SITE PLAN - EASEMENT (SHADED)
2 / SI-100   1"=10'
NORTH   PLAN NORTH
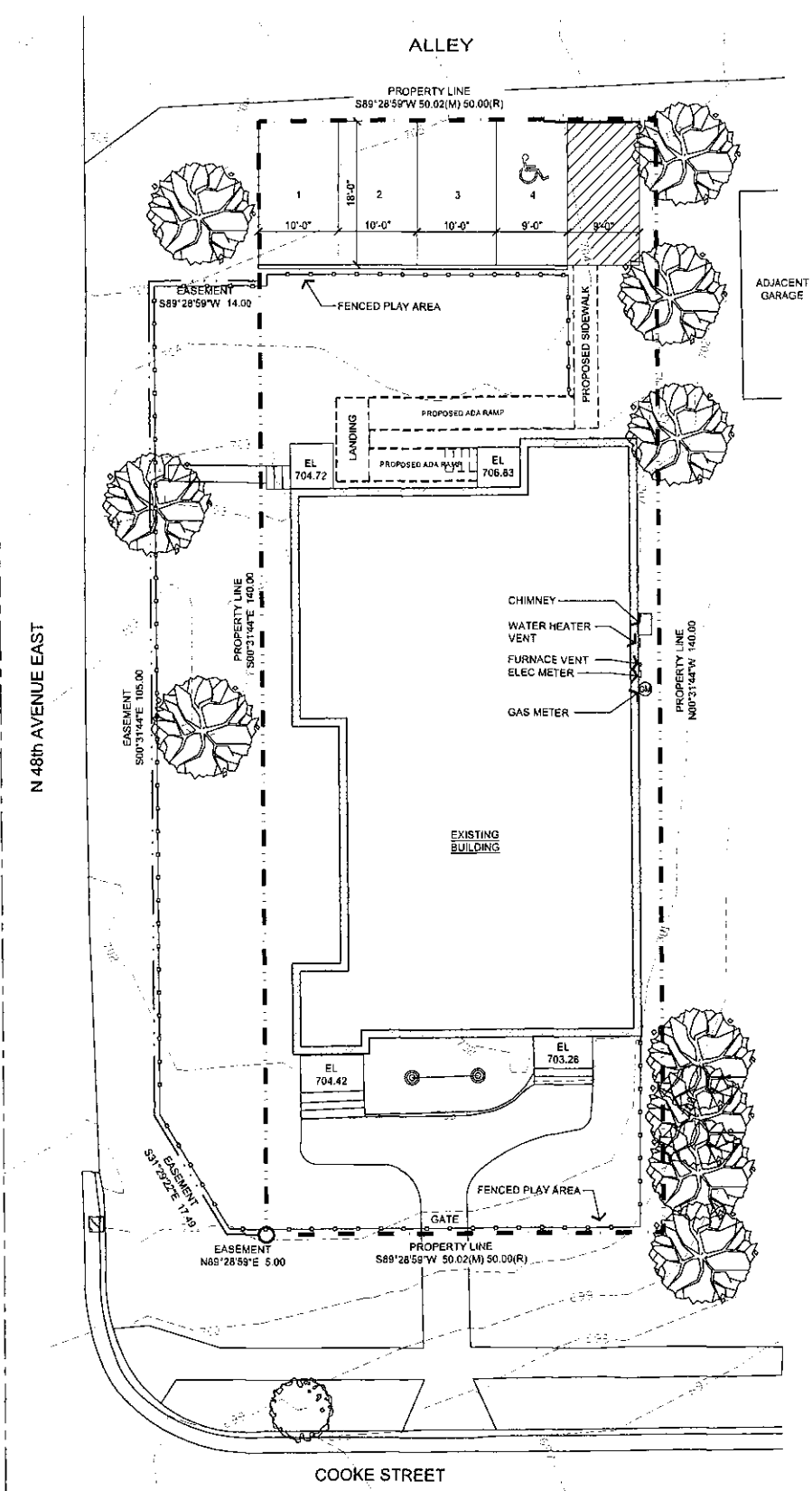
SITE PLAN
1 / SI-100   1"=10'
NORTH   PLAN NORTH

FOUNDATIONS ARCHITECTURE
GREGORY P. STROM, ARCHITECT
2150 CLEAS ROAD
DULUTH, MN 55804
PH: 218-525-0286
CELL: 218-391-7134
gps.foundations@gmail.com

PROPOSED REMODELING FOR:
AUNTY'S DAYCARE
4801 COOKE ST
DULUTH, MINNESOTA 55804

SHEET TITLE:
SITE PLAN

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 ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE:
DATE:
GREGORY P. STROM   REG. NO. 26167

DATE:
JOB NO.: 1723
DRAWN BY: TJB
APPROVED BY: GPS

REVISIONS:

SI-100

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