



Planning & Development Division
Planning & Economic Development Department

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 Duluth, Minnesota 55802

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planning@duluthmn.gov

File Number	PL 23-126	Contact	Jenn Moses, jmoses@duluthmn.gov	
Type	Concurrent Use Permit	Planning Commission Date	August 8, 2023	
Deadline for Action	Application Date	July 25, 2023	60 Days	N/A
	Date Extension Letter Mailed	N/A	120 Days	N/A
Location of Subject	2250 E Water Street			
Applicant	F.I. Salter/The Breakers	Contact		
Agent	SAS Associates	Contact	Luke Sydow	
Legal Description		Sign Notice Date	July 25, 2023	
Site Visit Date	July 25, 2023	Number of Letters Sent	N/A	

Proposal

The applicant is seeking a concurrent use permit to allow six parking spaces within the right of way of E Water Street.

Staff Recommendation

Staff is recommending Planning Commission recommend approval to the City Council.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2	Vacant	Urban Residential
North	MU-B	Transportation	Transportation & Utils
South	Lake	Lake	N/A
East	R-2	Residential	Urban Residential
West	R-2	Office	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 (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 #5 – Promote reinvestment in neighborhoods. Land use should foster neighborhood reinvestment, maximize public investment in infrastructure, and diversify residential opportunities. The proposed project will provide residential units on vacant infill site on an existing street. The proposed parking fits the neighborhood’s character as several other developments along Water Street provide perpendicular parking along the street.

Future Land Use – Urban Residential. Greatest variety of residential building types, medium to high densities. Applicable to larger infill areas close to downtown, entertainment or activity centers, and waterfront residential areas.

Review and Discussion Items:

- 1) The applicant is seeking a concurrent use permit to construct six parking spaces within the right of way of Water Street. This is a similar parking pattern to nearby properties along Water Street.
- 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. The parking areas will be constructed within a part of the right of way that is currently vegetated, and will not move or alter the drive lanes of Water Street. Due to the low traffic volume and speed, no traffic congestion is anticipated.
- 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. City engineering has indicated that they have no concerns with this proposal.
- 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 are typically included in the ordinance that is submitted for the City Council’s review.
- 5) No comments were received from the public or other government agencies at the time this staff report was written.
- 6) 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. A complete legal description must be provided prior to this item going to City Council for approval.
- 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) 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.



PL23-126
 Concurrent Use of Streets
 2250 E Water St

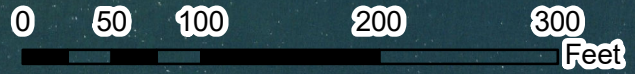
Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- PS Pump Station
- Storm Sewer Mains**
- Storm Sewer Pipe
- Storm Sewer Catch Basin

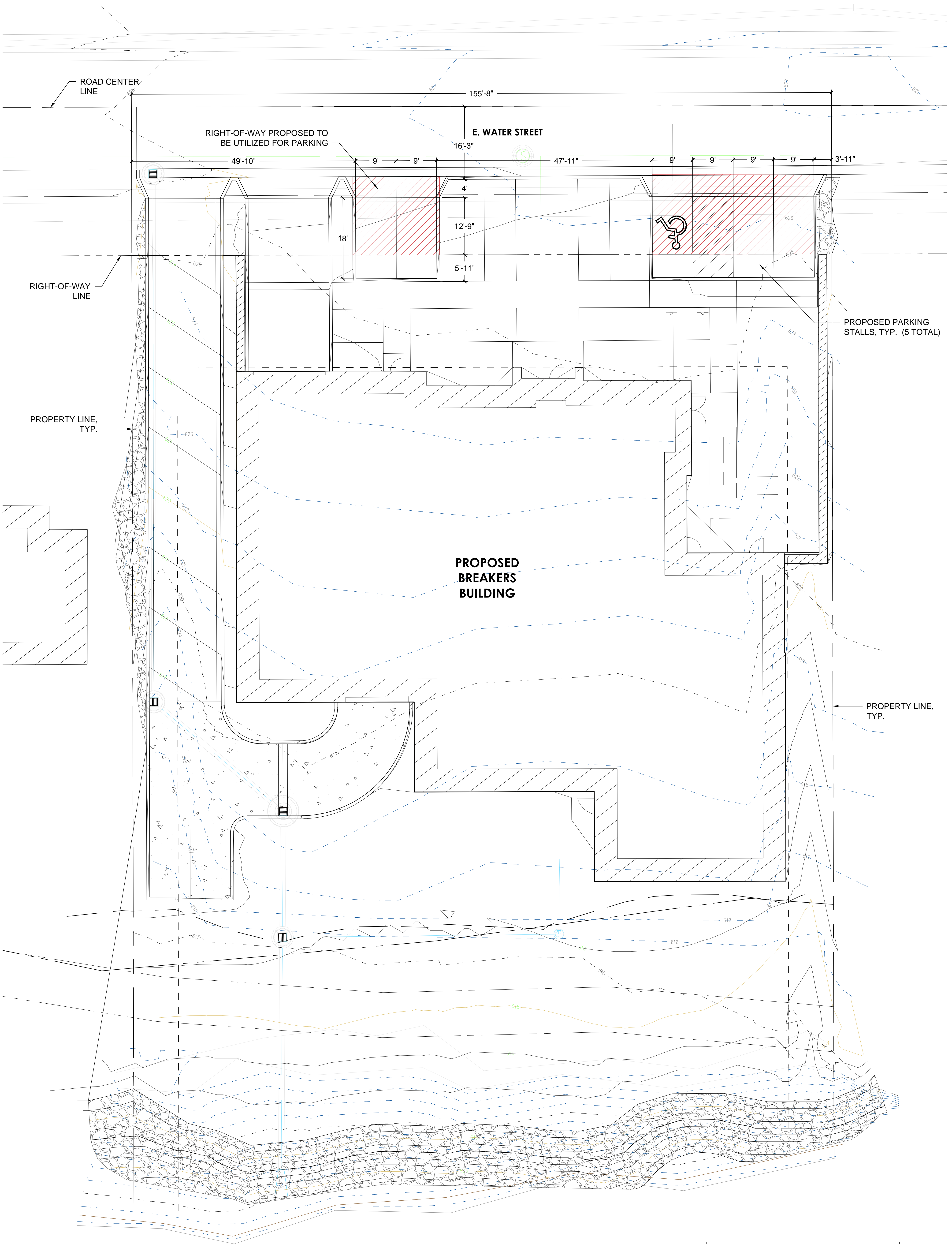


The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used 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



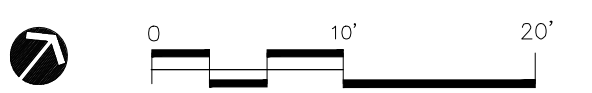
Prepared by: City of Duluth Planning & Economic Development, June 22, 2023, Source: City of Duluth.



LEGAL DESCRIPTION:
 ENDION DIVISION OF DULUTH
 LOTS 3, 4 AND 5; BLOCK C

JULY 2023

THE BREAKERS - CONCURRENT USE EXHIBIT



+ ASSOCIATES

LANDSCAPE ARCHITECTURE

• SITE DESIGN

• MASTER PLANNING

• URBAN DESIGN

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View of proposed building site from Water Street:



Adjacent sites on Water Street with similar style of pull-in parking:

