

**CITY OF DULUTH**

Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

**STAFF REPORT**

<b>File Number</b>	PL 16-138	<b>Contact</b>	Steven Robertson, 218 730 5295	
<b>Application Type</b>	Concurrent Use Permit	<b>Planning Commission Date</b>		December 13, 2016
<b>Deadline for Action</b>	<b>Application Date</b>	November 14, 2016	<b>60 Days</b>	January 13, 2017
	<b>Date Extension Letter Mailed</b>	December 1, 2016	<b>120 Days</b>	March 14, 2017
<b>Location of Subject</b>	See attached			
<b>Applicant</b>	Cirrus Aircraft Corporation	<b>Contact</b>	Alan Juszczak, Director	
<b>Agent</b>	Utility Partners, Inc	<b>Contact</b>	Boyd Kneen	
<b>Legal Description</b>	See attached			
<b>Site Visit Date</b>	December 2, 2016	<b>Sign Notice Date</b>		November 27, 2016
<b>Neighbor Letter Date</b>	N/A	<b>Number of Letters Sent</b>		N/A

**Proposal**

The applicant is seeking a concurrent use permit for a private gas and electric service underneath the public right of way of Ralston Drive/Stebner Road.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-B	Light Industrial	General Industrial
<b>North</b>	MU-B	Light Industrial	General Industrial
<b>South</b>	N/A	Prison (City of Hermantown)	N/A (City of Hermantown)
<b>East</b>	MU-B	Light Industrial	General Industrial
<b>West</b>	MU-B	Light Industrial	General Industrial

**Summary of Code Requirements (reference section with a brief description):**

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.

PL 16-138

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

Future Land Use - General Industrial: Areas for manufacturing, processing and other activities that may have off-site impacts and are generally isolated from other uses or buffered from them. Sites should have direct access to major regional transportation facilities and other infrastructure.

Governing Principle #1: Reuse previously developed lands.

This area was previously rezoned from MU-N to MU-B (Ordinance 10355, Effective April 10, 2015).

**Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):**

- 1) The applicant is seeing a concurrent use permit for a private gas and electric service underneath the public right of way of Ralston Drive/Stebner Road.
- 2) The applicant installed a large L.P. gas tank to serve as back-up power for the Cirrus Completion Center, and used directional drilling to place the lines under the R.O.W. to connect it to the building. The applicant needs a concurrent use permit for this; private parties are not allowed install a private utility in the public right of way without City approval.
- 3) The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city.
- 4) The area proposed for concurrent use permit will not take away from the public's ability to use the public right of way.
- 5) The City of Duluth requires Concurrent Use Permits to include liability insurance to indemnify the City against occurrences in the right of way.
- 6) 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.
- 7) No comments were received from the public or government agencies at the time that this memo was written. City engineering has reviewed the application materials and has no concerns as long as the applicant abides by all the standards of the concurrent use permit approval.
- 8) Per UDC Sec. 50-37.1.N, approved concurrent use permits lapse if the project or activity authorized by the permit is not begun within 1 year.

**Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):**

Based on the above findings, Staff recommends that Planning Commission recommend approval of the Concurrent Use Permit with the following conditions:

- 1) Applicant construct and maintain the project as identified in exhibit dated October 20, 2016
- 2) Applicant 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 will remove the obstructions at the applicant's expense if directed to by the City with appropriate notice.
- 4) The structure will need to comply with any applicable building code requirements.
- 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.

**PL 16-138 Concurrent Use Permit, Location Map**







PL 16-138

### 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

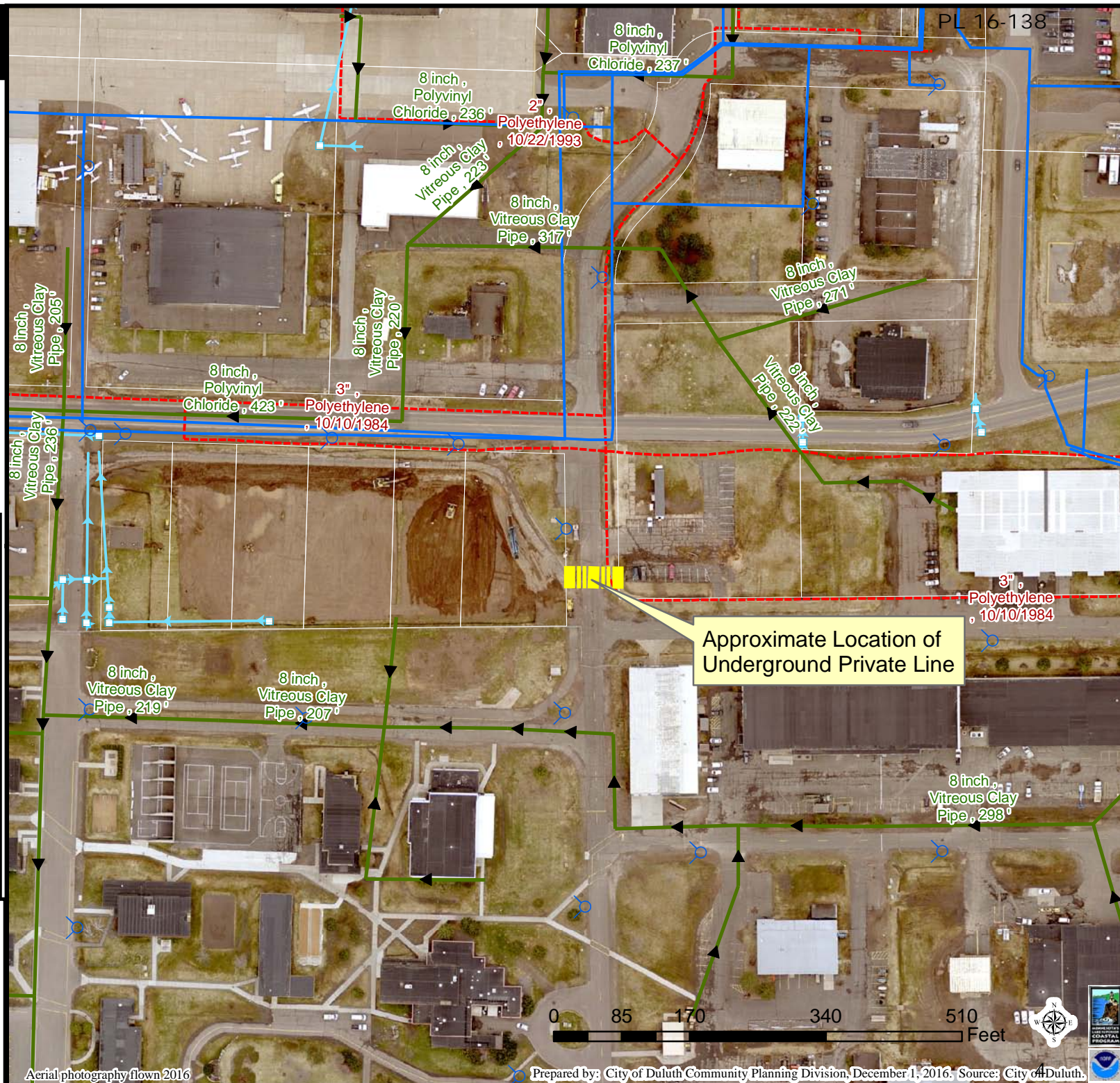
#### Storm Sewer Mains

- Storm Sewer Pipe
- Storm Sewer Catch Basin

#### Gas Distribution Main

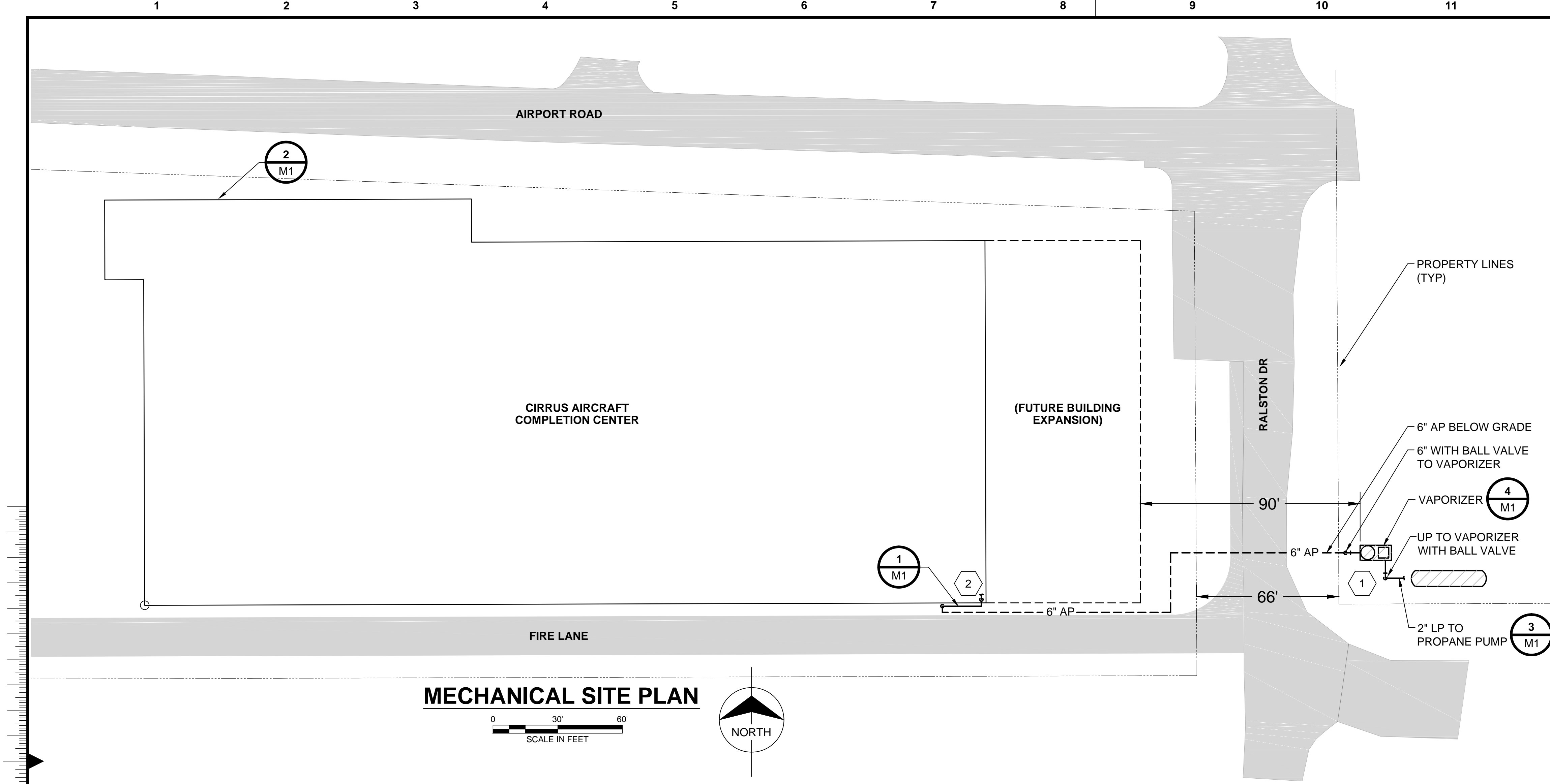
- Coated Steel
- Plastic

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.

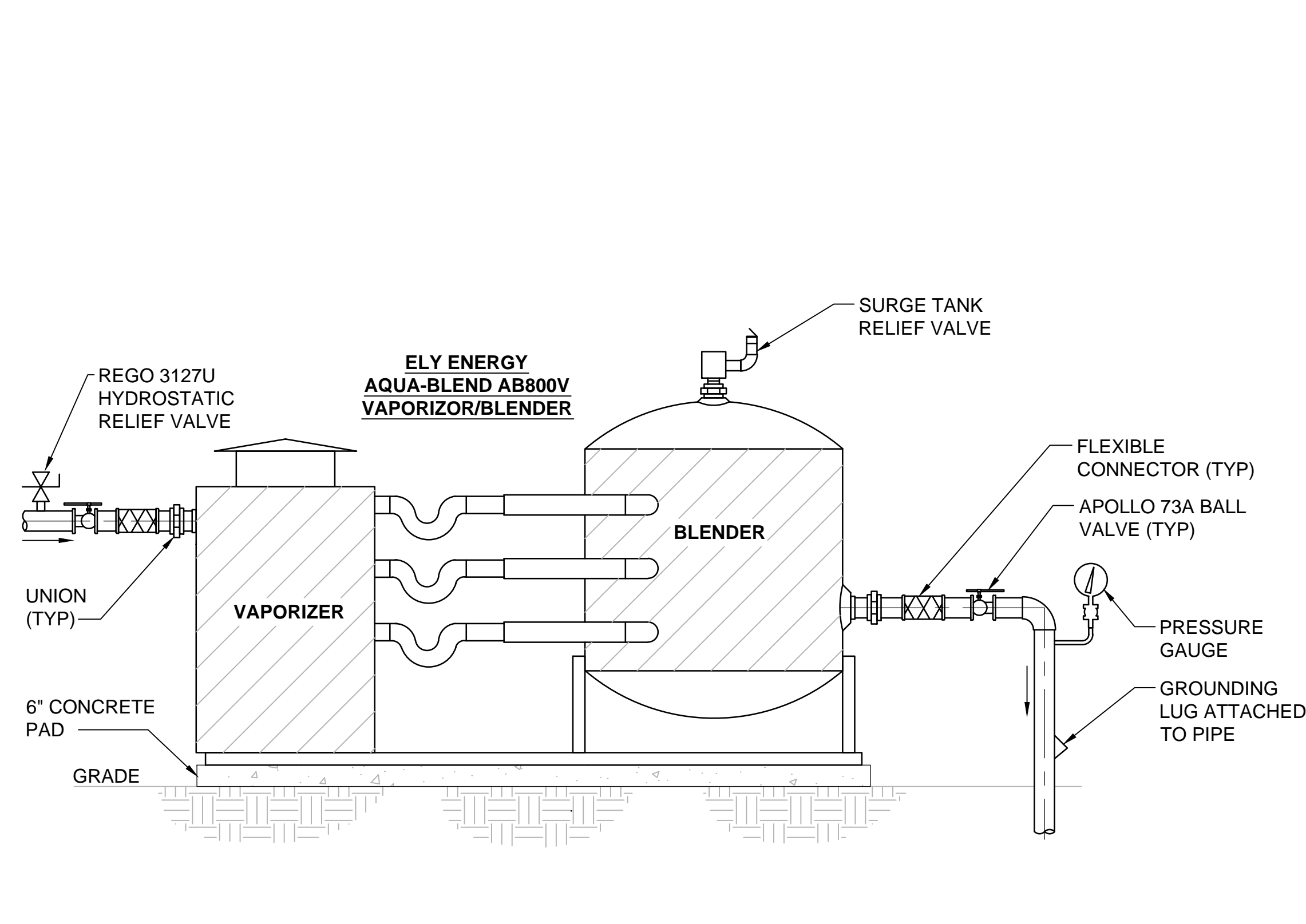




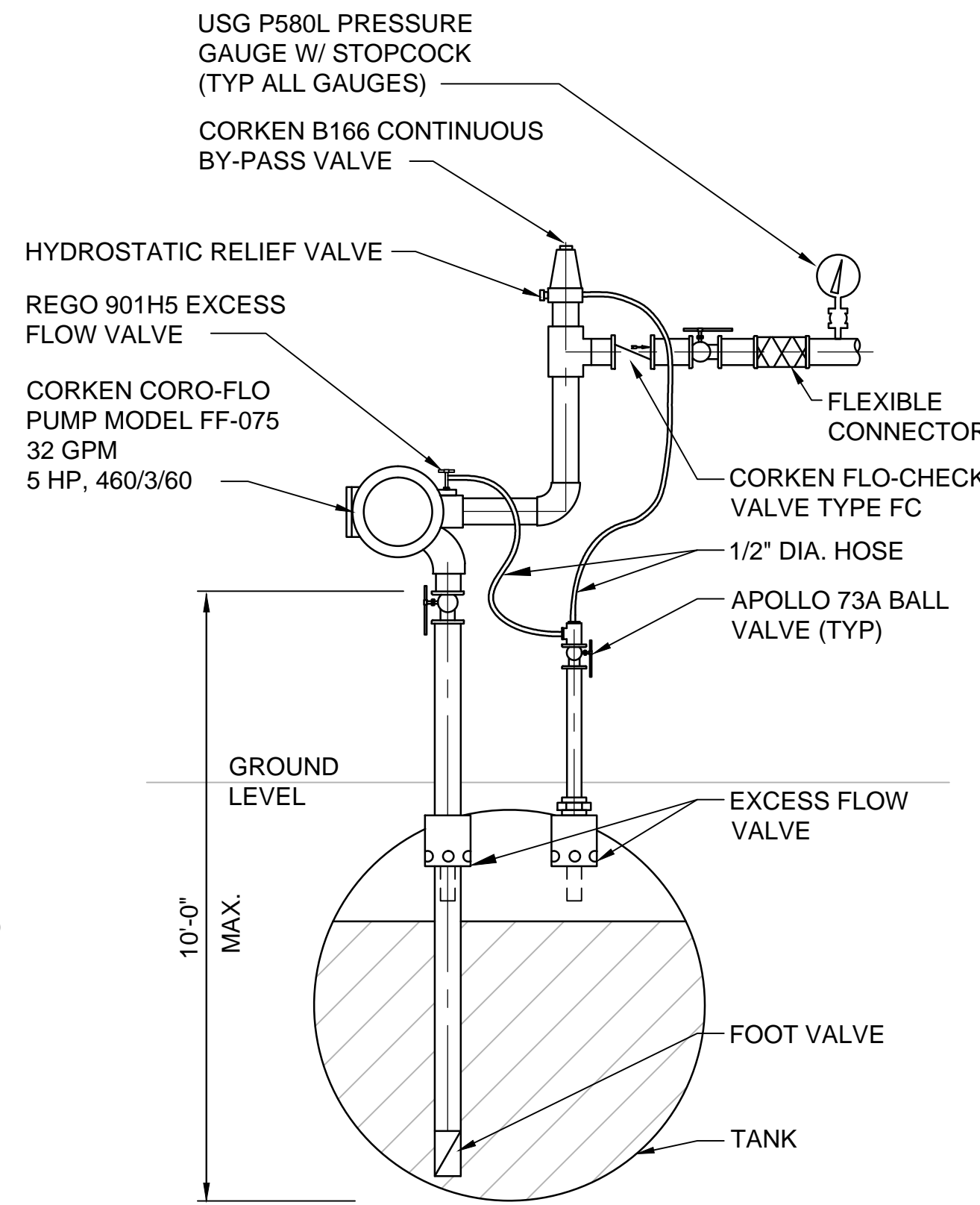
Scale For Microfitting  
Inches  
Millimeters



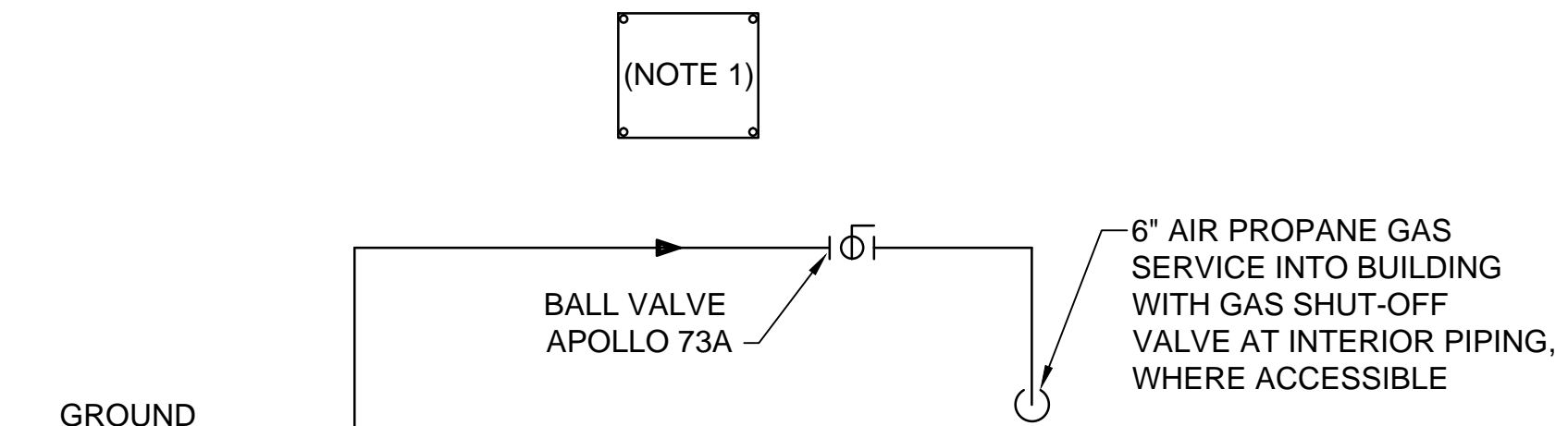
QUICKTOP P/L, 2016 BURNS & MCDONNELL ENGINEERING COMPANY, INC.



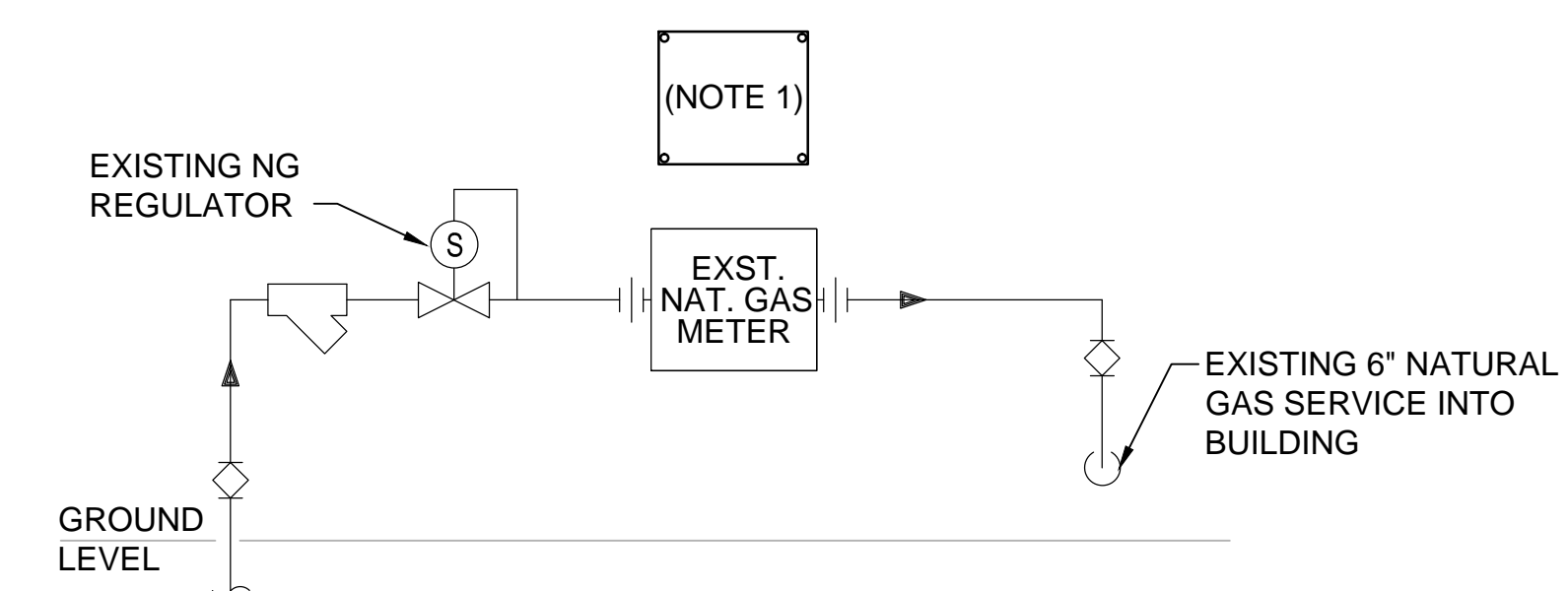
VAPORIZER PIPING DETAIL  
NOT TO SCALE



TRANSFER PUMP DETAIL  
NOT TO SCALE



AIR PROPANE PIPING & SIGNAGE DETAIL  
NOT TO SCALE



SIGNAGE AT EXISTING  
NATURAL GAS ASSEMBLY DETAIL  
NOT TO SCALE

**GENERAL NOTES:**  
1. SYSTEM AND INSTALLATION SHALL COMPLY WITH NFPA 58. EQUIPMENT LOCATIONS SHALL BE IN COMPLIANCE WITH ALL REQUIRED DISTANCES AND CLEARANCES PER NFPA 58.

**PIPING SYSTEMS:**  
1. ABOVE GROUND:  
A.) PROPANE PIPING SHALL BE SCHEDULE 40 BLACK STEEL, A53, A106, OR API 5L, GRADE A OR B, OF WELDED CONSTRUCTION.  
B.) WELDED FITTINGS AND FLANGES SHALL BE IN ACCORDANCE WITH ASTM STANDARDS A-105 OR A-181.  
C.) THREADED PIPE AND FITTINGS SHALL BE SCHEDULE 80 BLACK STEEL, A53, A106, OR API 5L, 2000 LB. FORGED STEEL FITTINGS.

2. BELOW GRADE:  
A.) PROPANE PIPING SHALL BE POLYETHYLENE PIPE (UAC 2000), PER ASTM D1248, CLASS B, CATEGORY 5.  
B.) FITTINGS SHALL BE SOCKET FUSION TYPE.

**CHARGING STATION:**  
SYSTEM SHALL INCLUDE A NITROGEN CYLINDER RACK, NITROGEN REGULATOR CHARGING VALVE, LATCHING VALVE, AND A LIMITING FEED ORIFICE. THE ASSEMBLY SHALL BE PRE-PIPED AND MOUNTED ON THE CYLINDER RACK. THE EMERGENCY SHUTDOWN STATION SHALL INCLUDE A SIGN POST, SIGN, AND PNEUMATIC SHUTDOWN VALVE. LOCATION OF STATION SHALL BE NO LESS THAN 25 FT. FROM THE LIQUID TRANSFER POINT.

**KEYED NOTES:**  
1. TANK VALVE SHALL BE LOCATED A MINIMUM 15' CLEAR FROM VAPORIZER.  
2. 6" AP THROUGH EXTERIOR WALL INTO BUILDING. CONNECT TO EXISTING 6" NG PIPING. INSTALL PLUG-TYPE SHUTOFF VALVE ON INTERIOR, WHERE ACCESSIBLE.

no.	date	by	ckd	description
0	09/21/16	RLP	GMS	ISSUED FOR CONSTRUCTION
1	10/20/16	RLP	GMS	ADDENDUM NO. 01

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 PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

NAME: GENE M. SIEVE  
REGISTRATION #: 26032  
SIGNATURE: *Gene M. Sieve* OCTOBER 20, 2016 DATE

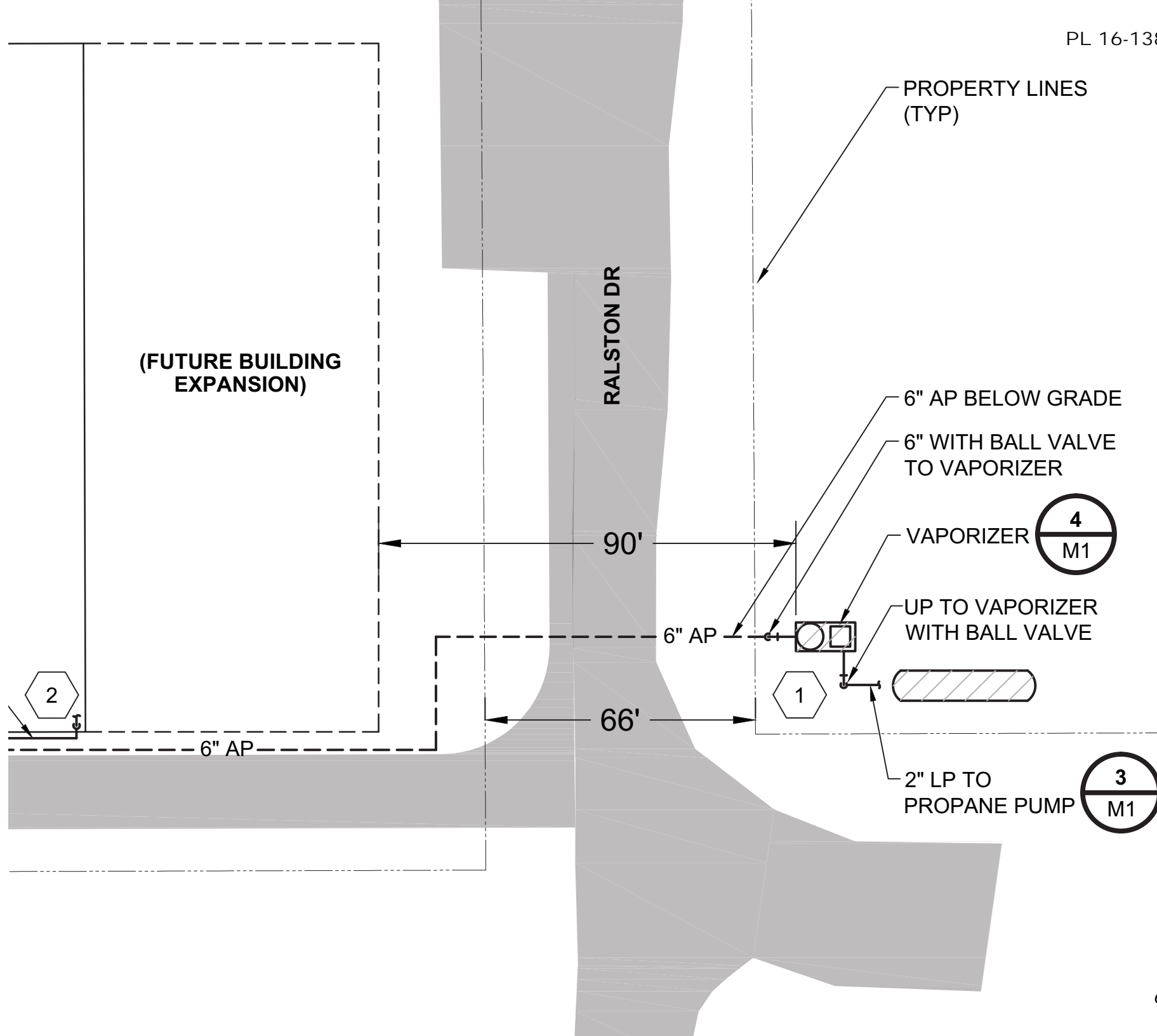
**BURNS & MCDONNELL**  
8201 NORMAN CTR. DR. #300  
BLOOMINGTON, MN 55437  
952-656-6003

date	09/21/2016	detailed	R. PEARSON
designed	R. PEARSON	checked	G. SIEVE

CIRRUS AIRCRAFT  
4970 AIRPORT ROAD  
DULUTH, MN 55811

**AIR-PROPANE SYSTEM**

project	94613	contract	
drawing	M-1	rev.	1
sheet	1	of	1
file	M1.dwg		





November 9, 2016

Mr. Steve Robertson, Senior Planner  
City of Duluth, Community Planning  
411 W 1st Street, Room 208  
Duluth, MN 55802

**SUBJECT: Request for Concurrent use of street permit**

Dear Mr. Robertson:

Please consider our request to run an electric and gas service between two lots under Stebner/Ralston Road.

We have been given the opportunity as Cirrus Aircraft Corporation to use Lot 2, Block 1 as well as Lot 1, Block 2 of the Airport Division of the City of Duluth. In order to effectively support the utilities at our facility, we would like the opportunity to run and maintain a gas and electric service between the two lots to place a back-up system on the "empty" parking lot to serve the new building.

We would run the two services within a 10' wide strip centered 12' N of the southern property line of Lot 2, Block 1 of the Airport Division of the City of Duluth. We understand it will be our responsibility to locate and maintain the services in the future until abandonment. Any change in status we will notify the City of Duluth of. The materials will be a 6" MDPE gas service line with locate wire and a 1.5" electrical conduit with locate wire.

Thank you for your consideration of our request.

Sincerely,

A handwritten signature in black ink that reads "Alan Juszczak". The signature is fluid and cursive, with the first name "Alan" and last name "Juszczak" clearly legible.

Alan Juszczak, Director

Cirrus Aircraft Corporation - 4515 Taylor Circle - Duluth MN 55811