



CITY OF DULUTH
Community Planning Division

411 West First Street, Room 2010 * Duluth, Minnesota 55802-1194
Phone: 218/730-5240 Fax: 218/730-5901

File Number	PL 18-059	Contact	John Kelley, jkelley@duluthmn.gov
Type	Concurrent Use Permit	Planning Commission Date	June 12, 2018
Deadline for Action	Application Date	May 8, 2018	60 Days
	Date Extension Letter Mailed	May 16, 2018	120 Days
Location of Subject	310 East Superior Street		
Applicant	First Northern Development, LLC	Contact	shendrickson@atwatercommercial.com
Agent	Todd Koneczny	Contact	toddk@building-rescue.com
Legal Description	See attached		
Site Visit Date	June 1, 2018	Sign Notice Date	May 29, 2018
Neighbor Letter Date	N/A	Number of Letters Sent	N/A

Proposal

The applicant is requesting a concurrent use permit to accommodate the wall of an existing structure that is located in the public right of way. The southern side of the structure crosses the parcel boundary into the East Michigan Street right-of-way (ROW). The applicant is also proposing to add new exterior cladding on the East Michigan Street side from the roof to approximately the bottom of 2nd floor window sills, then clean and tuck point below the new cladding to the street level. The cladding and a new eyebrow over the existing brick corbeling would be within the concurrent use area.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-7	Commercial	Central Business Primary
North	F-8	Commercial	Central Business Primary
South	I-G	Street/Freeway	Central Business Primary
East	F-8	Commercial	Central Business Primary
West	F-7	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) 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: Rights of way are an important component of vehicular, pedestrian, and infrastructure connectivity, and those needs must be considered when granting a concurrent use permit.

Future Land Use – Central Business Primary: Encompasses a broad range of uses and intensities: Governmental campus, Significant retail, Entertainment and lodging, Opportunities for high-density housing, Central plaza, public/open space, Public parking facilities

Review and Discussion Items

Staff finds that:

- 1) The building was constructed in 1900. The applicant discovered the encroachment of the building into the public right of way during a detailed review of a previous survey completed in 2012 while preparing to apply for permits to add cladding on the building.
- 2) The entire length of the southern portion of the building is located within the East Michigan Street ROW approximately 0.03" to 0.10" from west to east. The city engineer advised that issuance of a concurrent use permit was preferable to any vacation of right-of-way in this location.
- 3) The applicant is proposing to add new exterior cladding on the East Michigan Street side from the roof to approximately the bottom of 2nd floor window sills then clean and tuck point below the new cladding to the street level. The cladding and a new eyebrow over the existing brick corbeling would be within the concurrent use area as indicated in cross section on sheet C1.03.
- 4) The proposed concurrent use will not harm or inconvenience the health, safety, and general welfare of the city.
- 5) No public, agency, or City comments have been received.
- 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. As this is an existing building, the use will begin immediately.

Staff Recommendation

Based on the above findings, Staff recommends that Planning Commission recommend approval of the concurrent use permit with one conditions:

- 1) Applicant shall construct and maintain the project as identified in exhibit dated May 30, 2018.
- 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.

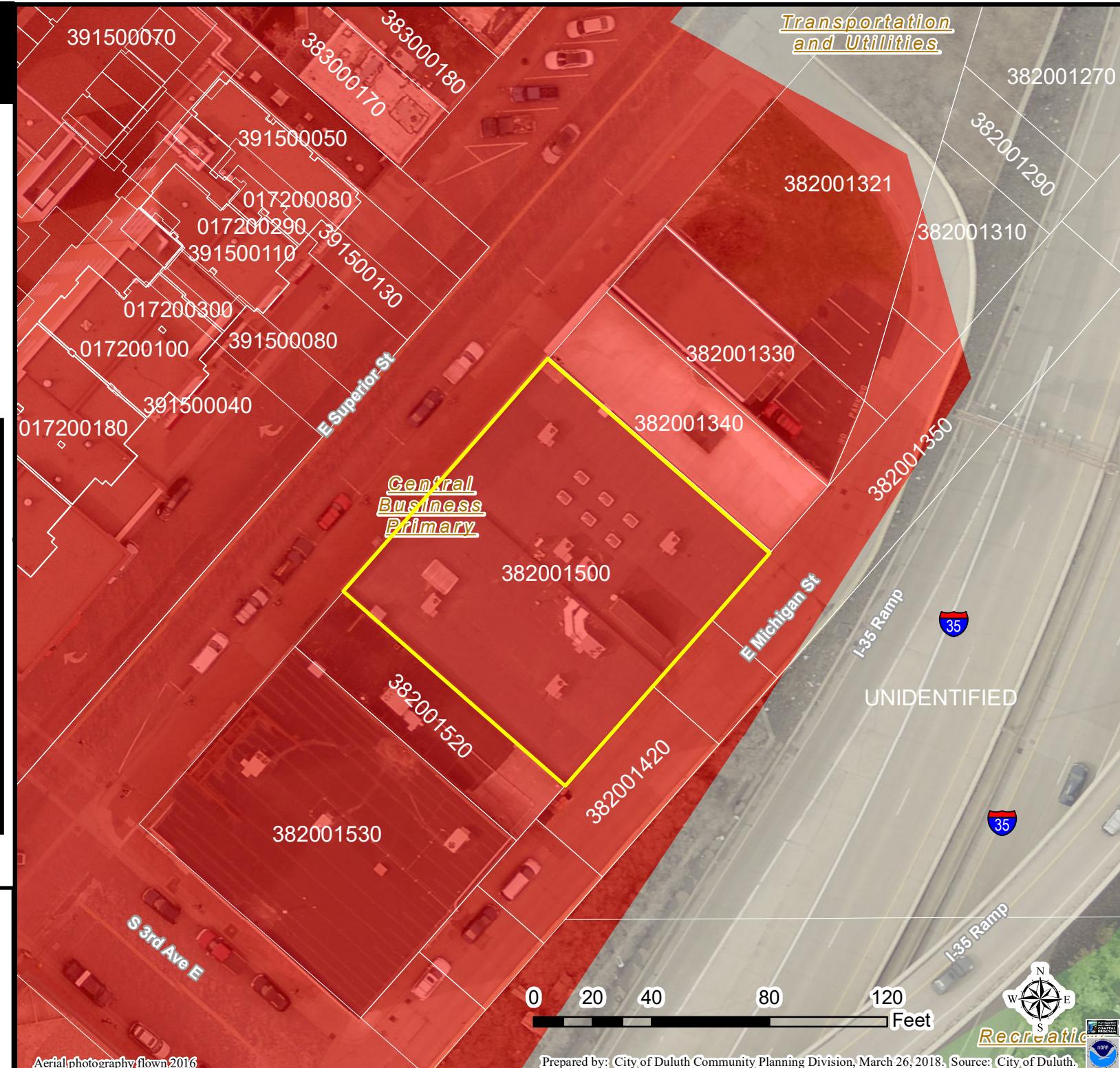


PL 18-059
CUP
FLU Map

Transportation
and Utilities



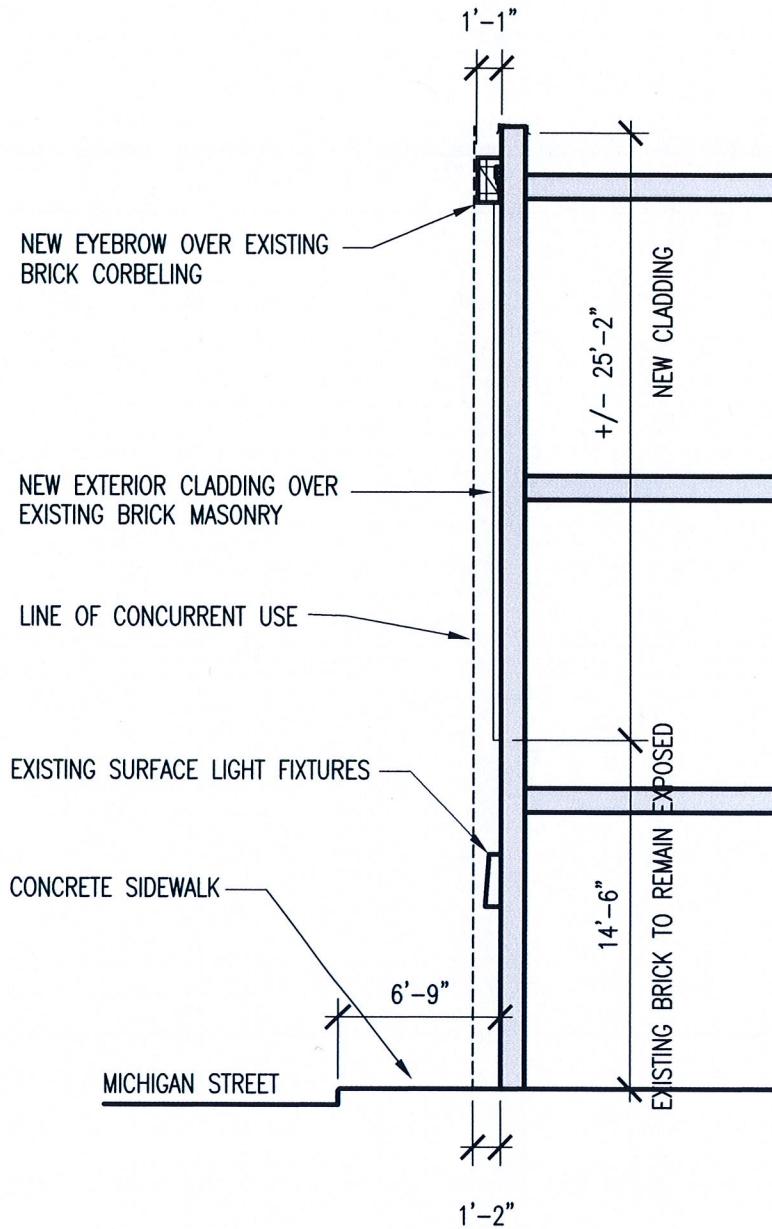
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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





PL 18-059
CUP
Zoning Map



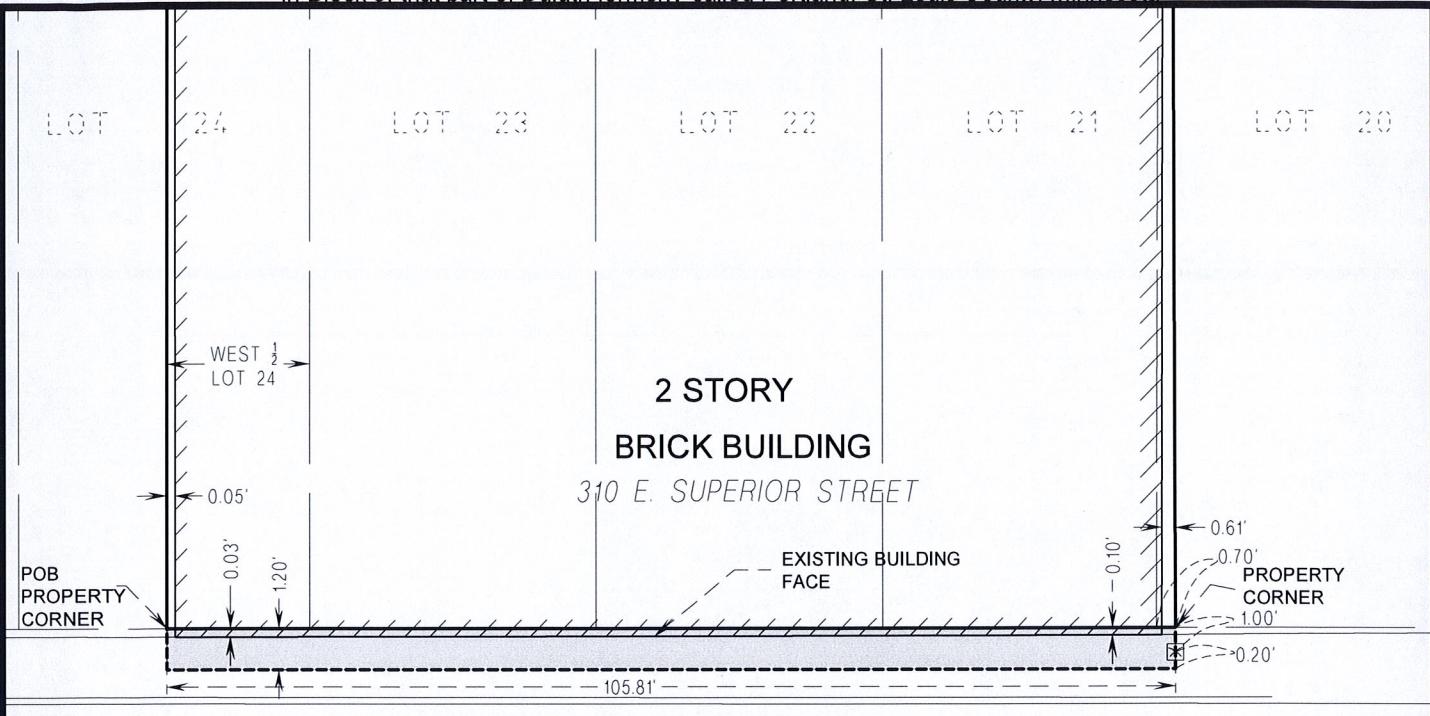


SECTION AT MICHIGAN STREET

1/8 " = 1'-0"

BUILDING RESCUE, LLC 4031 WEST 4TH STREET DULUTH, MN 55807 218-348-3782	DATE	PROJ#	CONCURRENT USE PERMIT	SHEET
	5/8/18	2018-204	310 EAST SUPERIOR STREET PROJECT ADDRESS DULUTH, MN 55802	C1.03
	REV. NO.	Date		
	XX	XX		

Concurrent Use Permit Exhibit
in Block 5, that part of Duluth formerly called Portland, St. Louis County, Minnesota



Legend

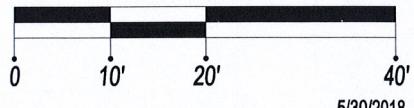
-  Existing Building
-  105.81' x 1.20' concurrent use area
- Chiseled "x" from 2012 survey by James Fowlds

That part of Block Five (5), that part of Duluth formerly called Portland, according to the recorded plat thereof, on file and of record in the office of the St. Louis County Recorder;

Beginning at the point that is the intersection of the southwest line of the East Half of Lot 24 of said Block 5 and a line that is the southeast line of the North 100 feet of Block 5; thence southeast along the southwest line of the East Half of Lot 24 a distance of 1.20 feet; thence deflecting to the left 90 degrees 0 minutes 0 seconds, a distance of 105.81 feet; thence deflecting to the left 90 degrees 0 minutes 0 seconds, a distance of 1.20 feet to said southeast line of the North 100 feet of Block 5; thence deflecting to the left 90 degrees 0 minutes 0 seconds, a distance of 105.81 feet along said southeast line of the North 100 feet of Block 5 to the point of beginning.



SCALE IN FEET



Approved by the City Engineer of Duluth, MN

Date: 5-30-18 by: G. StoeWer

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 LAND SURVEYOR
UNDER THE LAWS OF THE STATE OF MINNESOTA.

Greg StoeWer
GREG STOEWER
MINNESOTA LICENSE NO. 21774



11 East Superior Street
Suite 420
Duluth, MN. 55802
218.724.8578
tkda.com

Concurrent Use Exhibit over part of
Michigan St in Block 5, that part of
Duluth formerly called Portland
For : AtWater Group