



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	N/A	
	Date Extension Letter Mailed	May 16, 2018	120 Days	N/A	
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

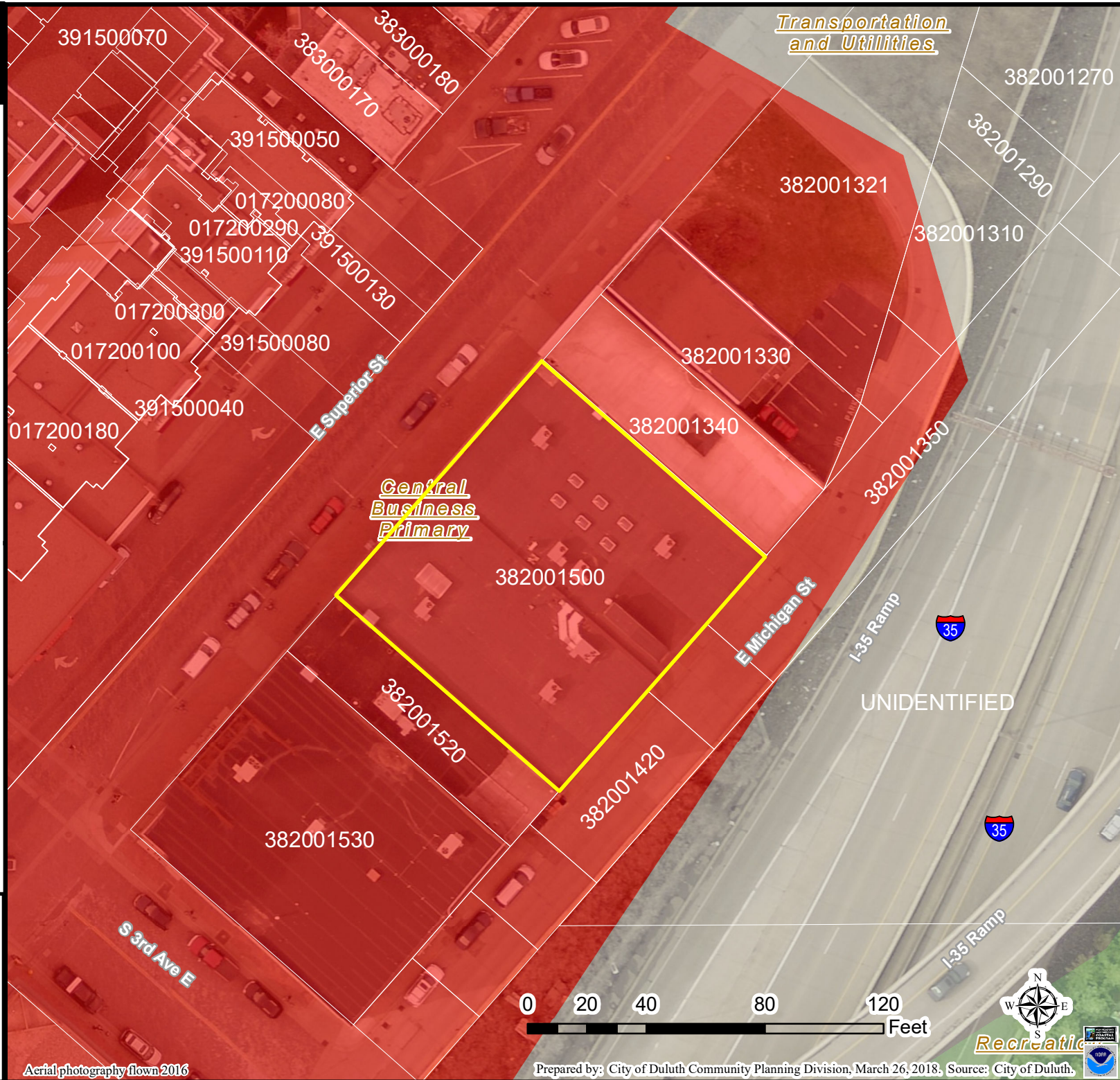
Staff finds that:

- 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.



Legend


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

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 2016

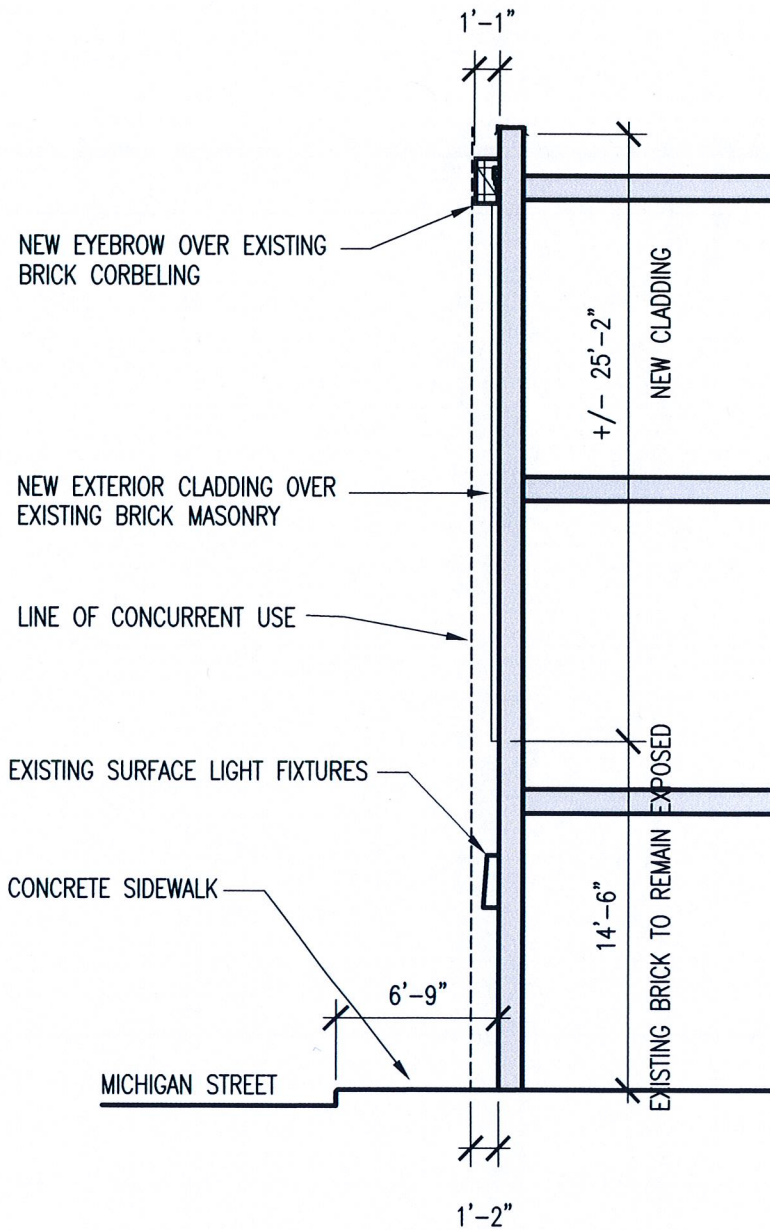




Legend
 Zoning Boundaries

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SECTION AT MICHIGAN STREET

1/8" = 1'-0"

**BUILDING
RESCUE, LLC**

4031 WEST 4TH STREET
DULUTH, MN 55807

218-348-3782

DATE
5/8/18

REV. NO.

XX

PROJ#
2018-204

Date

XX

CONCURRENT USE PERMIT

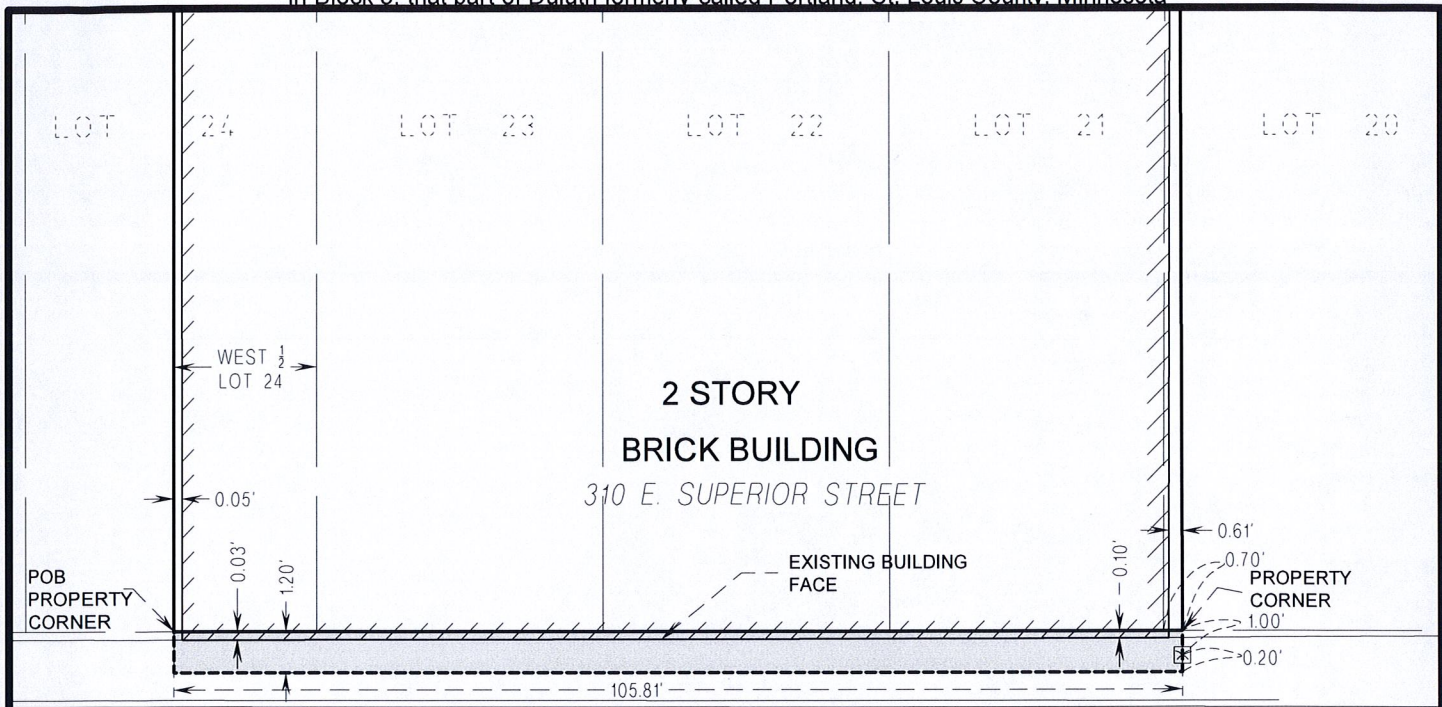
310 EAST SUPERIOR STREET
PROJECT ADDRESS
DULUTH, MN 55802

SHEET

C1.03

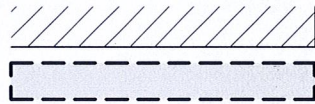
Concurrent Use Permit Exhibit

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



MICHIGAN STREET

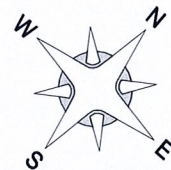
Legend



- 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: [Signature]

5/30/2018

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.

[Signature]
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