



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 22-022	Contact	Kyle Deming		
Type	Concurrent Use Permit	Planning Commission Date		March 8, 2022	
Deadline for Action	Application Date	February 8, 2022	60 Days	April 9, 2022	
	Date Extension Letter Mailed	February 17, 2022	120 Days	June 8, 2022	
Location of Subject		2001-09 W. Superior St. (Lincoln Park)			
Applicant	Urbane 218, LLC	Contact	Brent Dahlstrom – Merge Urban Development		
Agent	Bolten-Menk	Contact	Rose Schroder		
Legal Description		Lots 321, 323, 325, Block 53, Duluth Proper Second Division (PID 010-01120-05090, 05110)			
Site Visit Date		February 25, 2022	Sign Notice Date		February 21, 2022
Neighbor Letter Date		N/A	Number of Letters Sent		N/A

Proposal: A Concurrent Use Permit to allow balconies above the 20th Ave. W. sidewalk extending from a proposed apartment building.

Staff Recommendation: Staff recommends that Planning Commission recommend approval to City Council.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-5 (Mid-Rise Community Shopping)	Vacant commercial	Central Business Secondary
North	MU-B (Mixed Use-Business Park)	Vacant manufacturing	Central Business Secondary
South	F-5 (Mid-Rise Community Shopping)	Commercial	Central Business Secondary
East	F-5 (Mid-Rise Community Shopping)	Commercial	Central Business Secondary
West	F-5 (Mid-Rise Community Shopping)	Commercial	Central Business Secondary

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. ... Not Applicable (Skywalks)
3. No portion of a public easement proposed for use is being physically used or occupied by the public.
4. ...Not Applicable (Parking)

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

Governing Principle #1 – Reuse previously developed lands. This project will redevelop a site with a dilapidated building.
Governing Principle #5 – Promote reinvestment in neighborhoods. Redevelopment of this site will continue the trend of reinvestments being made in the Lincoln Park neighborhood.

Governing Principle #6 – Reinforce the place-specific. Allowing the balconies via concurrent use permit will add to the street life in this area, providing a space for residents to interact with activities occurring on the sidewalk and street below.

Governing Principle #8 – Encourage mix of activities, uses, and densities. The balconies are a part of the apartment residential use added to this block, which is increasing the mixture of uses in the area from what was previously mostly commercial uses.

Future Land Use – Central Business Secondary. An area adjacent to and supporting the central business primary area or a stand-alone area providing a similar mix of destination land uses but at a lower intensity than the primary CB area. Includes mixed regional and neighborhood retail, employment centers, public spaces, medium density residential, and public parking facilities.

History:

Site was previously the Seaway Hotel, which was torn down in 2021 due to its dilapidated condition.

Review and Discussion Items

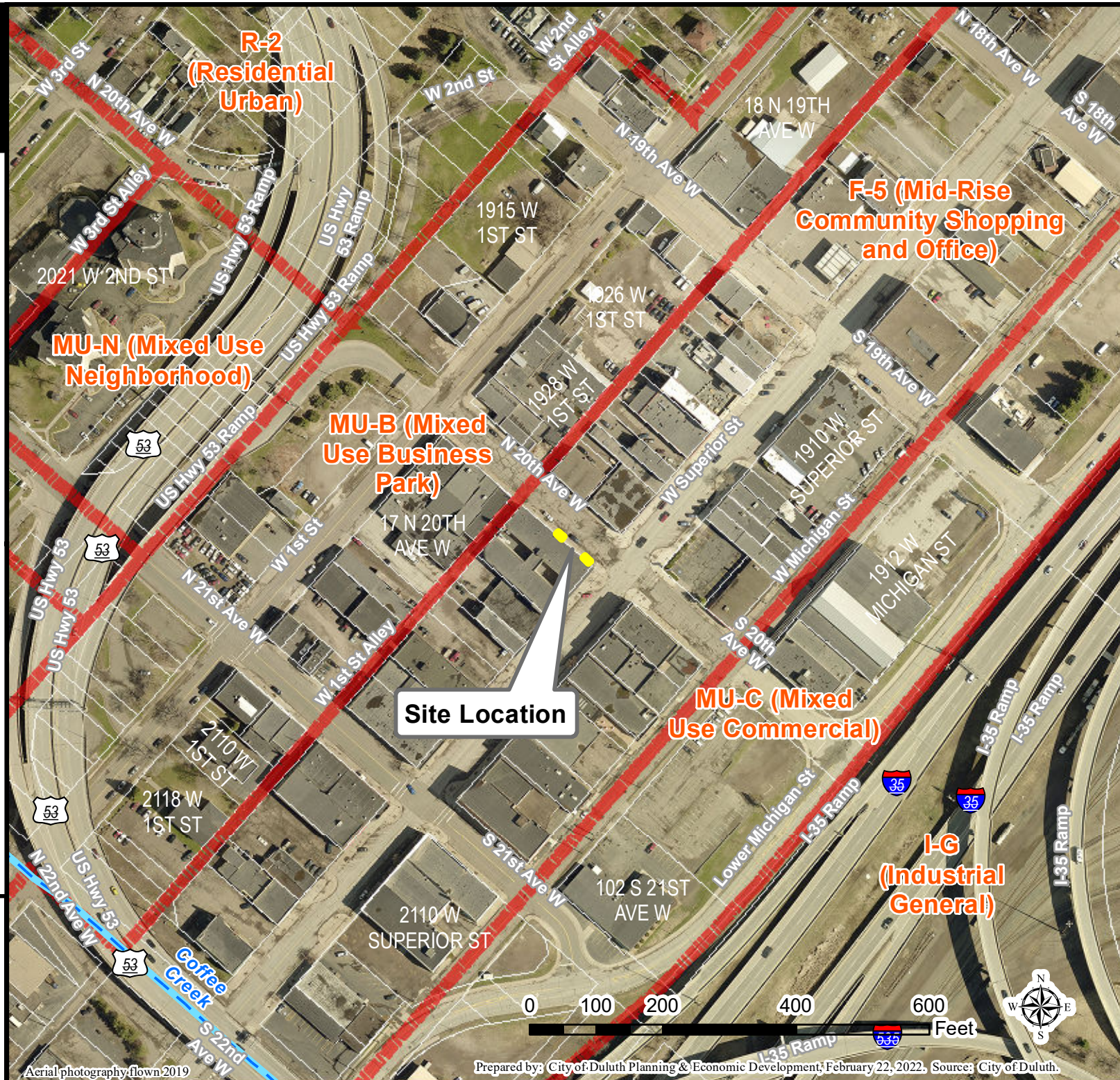
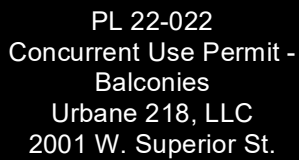
Staff finds that:

- 1.) The concurrent use permit will allow for the construction of 6-foot by 10-foot balconies connected to four apartments located on the third and fourth floors. The balconies would extend into the platted area of 20th Avenue West 3 feet – 10 inches at an elevation above the sidewalk between 25 foot – 11 inches and 51 feet – 8 inches.
- 2.) If approved, the applicant will need to obtain liability insurance and indemnify the City against liability for occurrences due to their encroachment into the platted street.
- 3.) The area proposed for the concurrent use permit will not diminish the public's ability to use the improved parts of the public right of way, nor will it harm or inconvenience the health, safety, and general welfare of the city.
- 4.) The City Engineering office has provided comments related to the wording of the legal description on the exhibit. These proposed amendments will be incorporated prior to forwarding the exhibit to the City Council for final approval.
- 5.) No other public, agency, or other comments have been received as of the time of publishing this report.
- 6.) Approved concurrent use of street permits shall lapse if the project or activity authorized by the permit or variance is not begun within one year of the permit date. The building official may extend this period one time for a period of up to one year if the property owner presents a written request showing the reasons for the delay was outside the owner's control.

Staff Recommendation

Based on the above findings, Staff recommends that Planning Commission adopt the findings of the staff report and recommend approval of the concurrent use permit with the following conditions:

- 1.) Applicant shall provide evidence to the City of Duluth that required insurance and indemnification are in place at all times.
- 2.) 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.



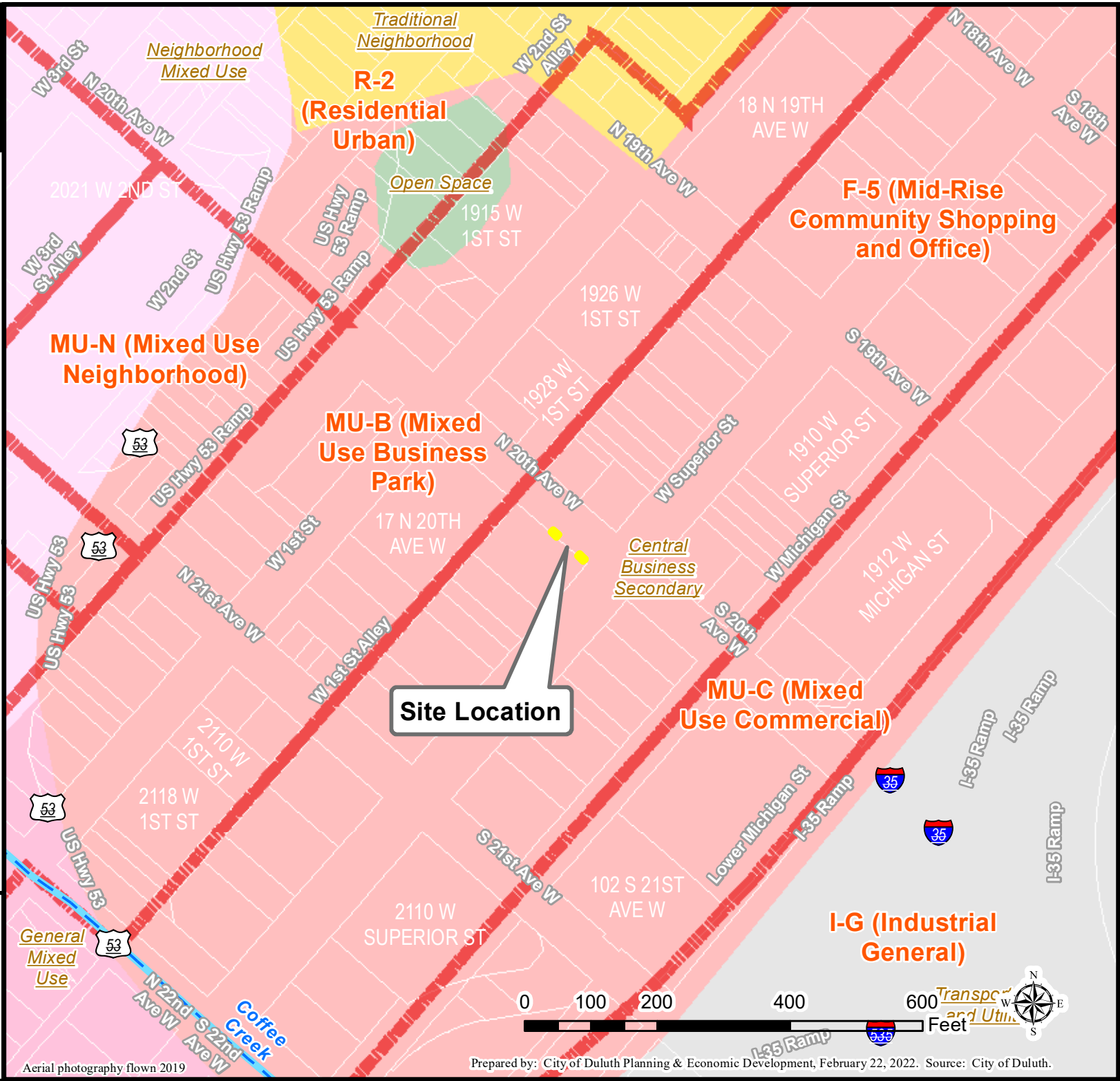


PL 22-022
Concurrent Use Permit -
Balconies
Urbane 218, LLC
2001 W. Superior St.

Legend

- Zoning Boundaries
- Trout Stream (GPS)
- Open Space
- Traditional Neighborhood
- Central Business Secondary
- General Mixed Use
- Neighborhood Mixed Use
- Transportation and Utilities

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PL 22-022
Concurrent Use Permit -
Balconies
Urbane 218, LLC
2001 W. Superior St.

Legend

Bike_Facil

- Future Bike Facility
- Gas Main
- Water Main

Sanitary Sewer Mains

- CITY OF DULUTH

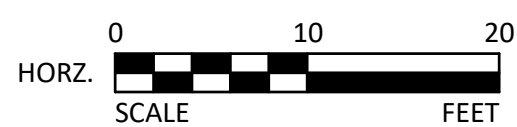
Storm Sewer Mains

- Storm Sewer Pipe
- Storm Sewer Catch Basin

Zoning Boundaries

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SITE PLAN LAYOUT - ENCROACHMENT AREAS

Encroachment #1:

The encroachment begins at a point 5'-7" north of the southeast corner of Lot 321, Block 53, Duluth Proper Second Division extending north 10' along the east property line and east 3'-10" into the right of way of North 20th Avenue (West) and extending vertically from the ground plane 51'-8" comprising a volume of space 10' in length by 3'-10" in width and 51'-8" vertically for the purpose accommodating third and fourth floor residential balconies.

Encroachment #2:

The encroachment begins at a point 70'-2" south of the northeast corner of Lot 321, Block 53, Duluth Proper Second Division extending north 10' along the east property line and east 3'-10" into the right of way of North 20th Avenue (West) and extending vertically from the ground plane 51'-8" comprising a volume of space 10' in length by 3'-10" in width and 51'-8" vertically for the purpose accommodating third and fourth floor residential balconies.

ARCHITECTURE ELEVATION - ENCROACHMENT AREA

ELEVATION DRAWING NOT TO SCALE

DULUTH MIXED USE

2001 AND 2009 W
SUPERIOR STREET
DULUTH, MN 55812

PRELIMINARY - NOT FOR CONSTRUCTION

2020.29
2022.01.18

NO.	REVISION SCHEDULE	DATE
	DESCRIPTION	

ENCROACHMENT
FIGURE

1.00

430 E. GRAND AVENUE, SUITE 101
DES MOINES, IOWA 50309
Email: boltonmenk@boltonmenk.com
www.boltonmenk.com



BOLTON & MENK
ARCHITECTURE
305 EAST COURT AVENUE, DES MOINES, IA 50309
T 515.243.4074