



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 21-017		Contact	John Kelley, jkelly@duluthmn.gov	
Type	Concurrent Use Permit		Planning Commission Date	April 13, 2021	
Deadline for Action	Application Date	February 16, 2021	60 Days	April 17, 2021	
	Date Extension Letter Mailed	March 16, 2021	120 Days	June 16, 2021	
Location of Subject	7 North 19th Avenue West				
Applicant	Newcastle 8 LLC		Contact	Eric Gunderson & Mike Sevcik	
Agent			Contact		
Legal Description	See attached				
Site Visit Date	April 2, 2021		Sign Notice Date	March 30, 2021	
Neighbor Letter Date	N/A		Number of Letters Sent	N/A	

Proposal: The purpose of this application is to obtain a Concurrent Use Permit (CUP) for the existing building that encroaches into the West 1st Street alley.

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

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-5	Apartment Building	Central Business Secondary
North	MU-B	Commercial	Central Business Secondary
South	F-5	Commercial	Central Business Secondary
East	F-5	Commercial	Central Business Secondary
West	MU-B	Parking	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
3. No portion of a public easement proposed for use is being physically used or occupied by the public.
4. ...Not Applicable

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

Governing Principle #1 – Reuse previously developed lands: includes adaptive reuse of existing building stock and historic resources, as this strengthens neighborhoods. The applicant is proposing to use the existing building for vacation dwelling units and requires a concurrent use permit to renovate the building due to the encroachment into the alley.

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:

1891 – Building was constructed.

PL 20-189, 190, 191, 192 – Planning Commission approved 4 interim use permits for Vacation Dwelling Units within the building.

Review and Discussion Items

Staff finds that:

- 1.) The existing building located at 7 North 19th Avenue West was constructed 1891 and encroached into the West 1st Street alley.
- 2.) The concurrent use area consists of a 1.0 (one) foot wide by approximately 40 foot long area on the rear side of the building. The applicant will not be expanding the structure but will be renovating the interior of the building for vacation dwelling units.
- 3.) The building has been in this location since being constructed in 1891 and will not impact pedestrian or vehicular movement in the street right of way, nor will it impact the visual characteristics of the streets.
- 4.) The City of Duluth requires concurrent use permits to include liability insurance to indemnify the City against occurrences in the right of way. Other protections for the city and the public are typically included in the ordinance that is submitted to City Council. The ordinance will state that the City is not responsible for removal/replacement of the applicant's infrastructure should the City need to access the right-of-way in the permitted area.
- 5.) The area proposed for the concurrent use permit will not diminish 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.
- 6.) No other public, agency, or other comments have been received as of March 31, 2021.

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 maintain the project as identified in the attached exhibits.
- 2.) Applicant shall 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.) 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 21-017
CUP Location Map

CUP Area

Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains
 - CITY OF DULUTH
 - WLSSD; PRIVATE
 - Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin
- Road or Alley ROW
- Vacated ROW
- Easement Type**
 - Utility Easement
 - Other Easement
 - Zoning Boundaries
- Shoreland (UDC)**
 - Cold Water
 - Natural Environment
 - General Development
 - Trout Stream (GPS)
 - Other Stream (GPS)

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.

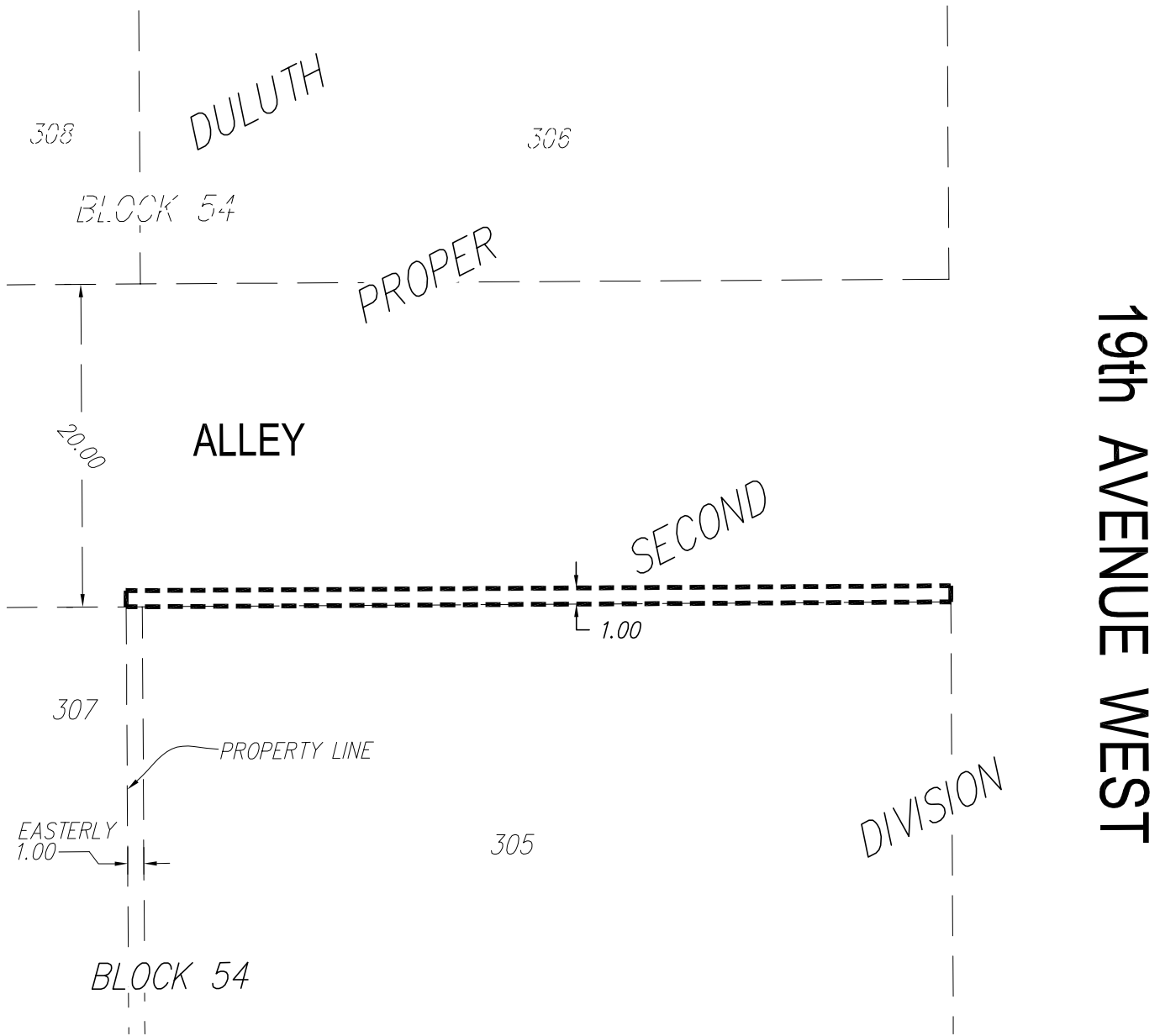


Aerial photography flown 2019

Prepared by: City of Duluth Planning & Development Division, February 25, 2020. Source: City of Duluth.



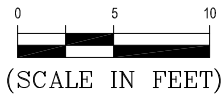
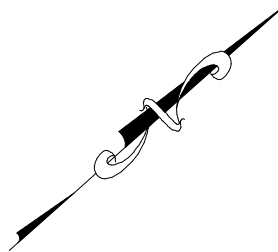
EXHIBIT B



19th AVENUE WEST

 = CONCURRENT USE PERMIT AREA

APPROVED BY: _____
CITY ENGINEER



(SCALE IN FEET)
Basis of Bearing is Grid North,
St. Louis County Transverse
Mercator 96 Coordinate System.

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.

Print Name: Paul A. Vogel License # 44075

Signature:  Date: 02/05/2021

DATE PREPARED: 2/05/21

PROJ NO: 210041

FILE: 210041.dwg

SHEET 1 of 1 SHEETS



PERFORMANCE
DRIVEN DESIGN.
LHBcorp.com

21 W. Superior St., Ste. 500 | Duluth, MN 55802 | 218.727.8446