



# CITY OF DULUTH

Community Planning Division

411 West First Street, Room 2010 \* Duluth, Minnesota 55802-1194

Phone: 218/730-5240 Fax: 218/730-5901

<b>File Number</b>	PL17-108	<b>Contact</b>	Jenn Reed Moses, jmoses@duluthmn.gov	
<b>Type</b>	Concurrent Use Permit	<b>Planning Commission Date</b>	August 8, 2017	
<b>Deadline for Action</b>	<b>Application Date</b>	July 5, 2017	<b>60 Days</b>	September 3, 2017
	<b>Date Extension Letter Mailed</b>	August 1, 2017	<b>120 Days</b>	November 2, 2017
<b>Location of Subject</b>	1912 W. Michigan Street. Duluth, Minnesota 55806			
<b>Applicant</b>	Bent Paddle Brewing Co.	<b>Contact</b>		
<b>Agent</b>	Doug Zaub	<b>Contact</b>		
<b>Legal Description</b>	See attached			
<b>Site Visit Date</b>	July 19, 2017	<b>Sign Notice Date</b>	July 21, 2017	
<b>Neighbor Letter Date</b>	N/A	<b>Number of Letters Sent</b>	N/A	

## Proposal

Applicant seeks to construct a deck of approximately 10' x 110' at the location of an existing loading dock, which is located within the right of way. The property is located in the Lincoln Park neighborhood.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-C	Commercial	Central Business Secondary
<b>North</b>	F-5	Commercial	Central Business Secondary
<b>South</b>	I-G	Freeway	Transportation and Utilities
<b>East</b>	MU-C	Undeveloped/Parking Lot	Central Business Secondary
<b>West</b>	MU-C	Parking Lot	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) 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.

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

Governing Principle #1: Reuse previously developed lands – This is the Enger & Olson Building, originally used as a furniture store. This project promotes reuse of an existing building. The loading dock was also part of its former use as a furniture store.

Governing Principle #4: Support emerging economic growth sectors – Craft brewing has been a steadily growing part of Duluth's economy.

Governing Principle #6: Reinforce the place-specific - This building has had a longtime presence in the Lincoln Park neighborhood, and using the loading dock location as an outdoor seating area will continue the tie to the neighborhood's history.

Future Land Use – Central Business Secondary: An area adjacent to and supporting the primary central business 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. The Lincoln Park neighborhood is a destination area for shopping and dining.

### **Review and Discussion Items**

Staff finds that:

- 1) The applicant is seeking a concurrent use permit to allow a private obstruction generally in the same location as an existing obstruction. The loading dock will be removed, then reconstructed and expanded as a deck for outdoor seating for a brewery taproom.
- 2) As a similar obstruction has existed in this location for decades, the proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city. A 6' wide sidewalk will remain allowing pedestrian movement to continue. No utilities are located in this portion of the right of way.
- 3) The area proposed for the concurrent use permit will not take away from the public's ability to use the public right-of-way. Existing sidewalk will remain.
- 4) The City of Duluth requires concurrent use permits to include liability insurance to indemnify the City against all occurrences in the right-of-way.
- 5) 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.
- 6) City Engineering has reviewed the application materials and noted property owner is responsible for snow clearing along sidewalks, and the remaining 6' sidewalk width will receive snow being cleared from streets potentially making snow clearing more challenging. Under a Concurrent Use Permit, the City is not liable for damage to items within the right of way, including damage from snow loads placed in the sidewalk while plowing. No other public, agency, or City comments were received.
- 7) 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.

### **Staff Recommendation**

Based on the above findings, Staff recommends that Planning Commission approve the concurrent use permit with the following conditions:

- 1) Applicant provide proof of liability insurance to indemnify the City against any occurrences in the right-of-way that are due to items covered in this permit,
- 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 17-108: SUP  
1832 W. Michigan St.




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











PL 17-108: SUP  
 1832 W. Michigan St.



**Legend**



**Zoning Boundaries**  
 Zoning Boundaries



**Water Distribution System**  
 30 - 60" Water Pipe  
 16 - 24" Water Pipe  
 4 - 6" Water Pipe

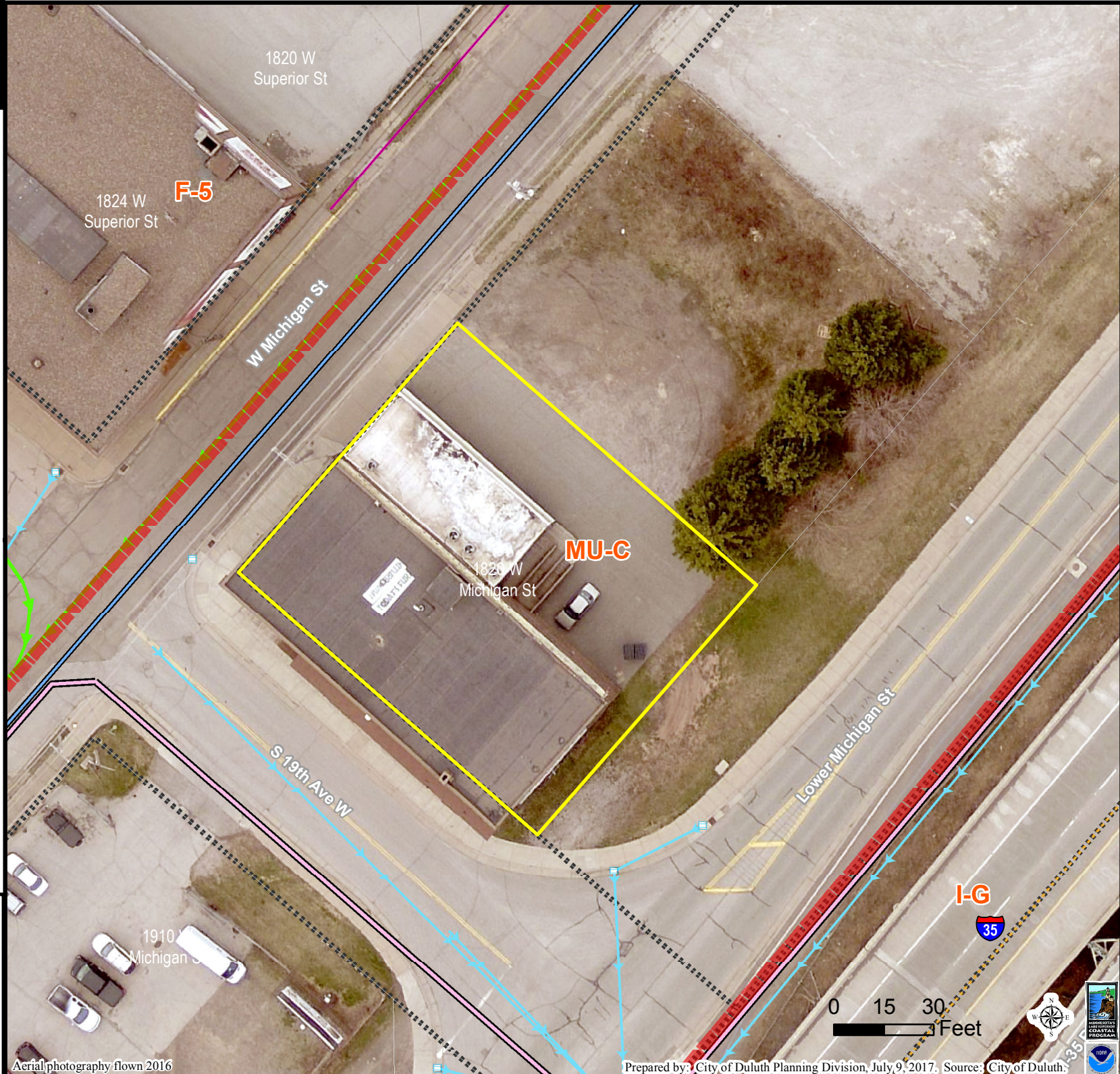
**Sanitary Sewer Collection System**  
 Sanitary Sewer Collector  
 Sanitary Sewer Interceptor  
 Sanitary Sewer Forced Main  
 Storage Basin  
 Pump Station

**Gas Distribution Main**  
 8" - 16" Gas Pipes  
 4" - 6" Gas Pipes  
 0" - 4" Gas Pipes

**Storm Sewer Collection System**  
 Storm Sewer Pipe  
 Storm Sewer Catch Basin

**Right-of-Way Type**  
 Road or Alley ROW  
 Vacated ROW

**Easement Type**  
 Utility Easement  
 Other Easement

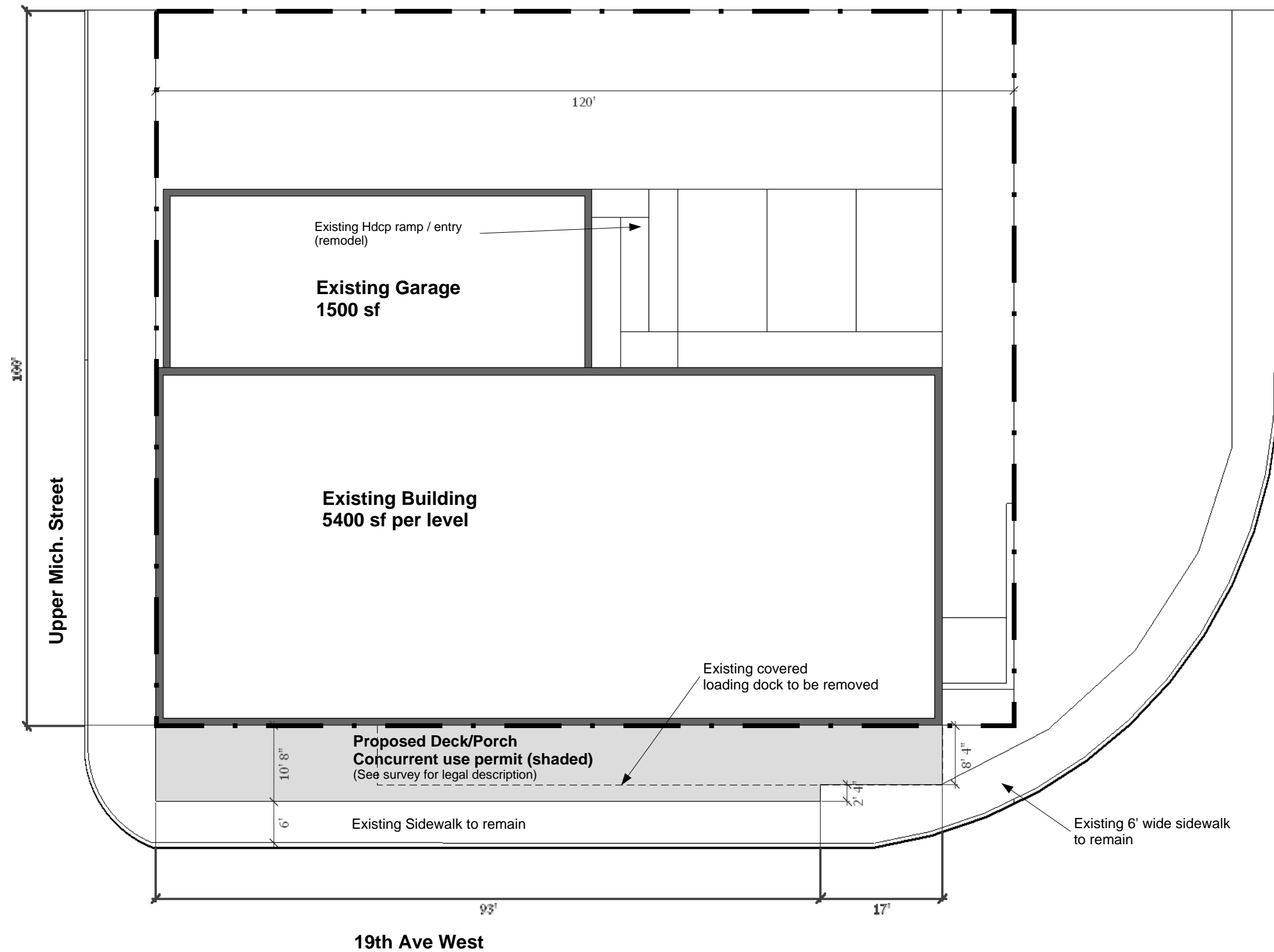


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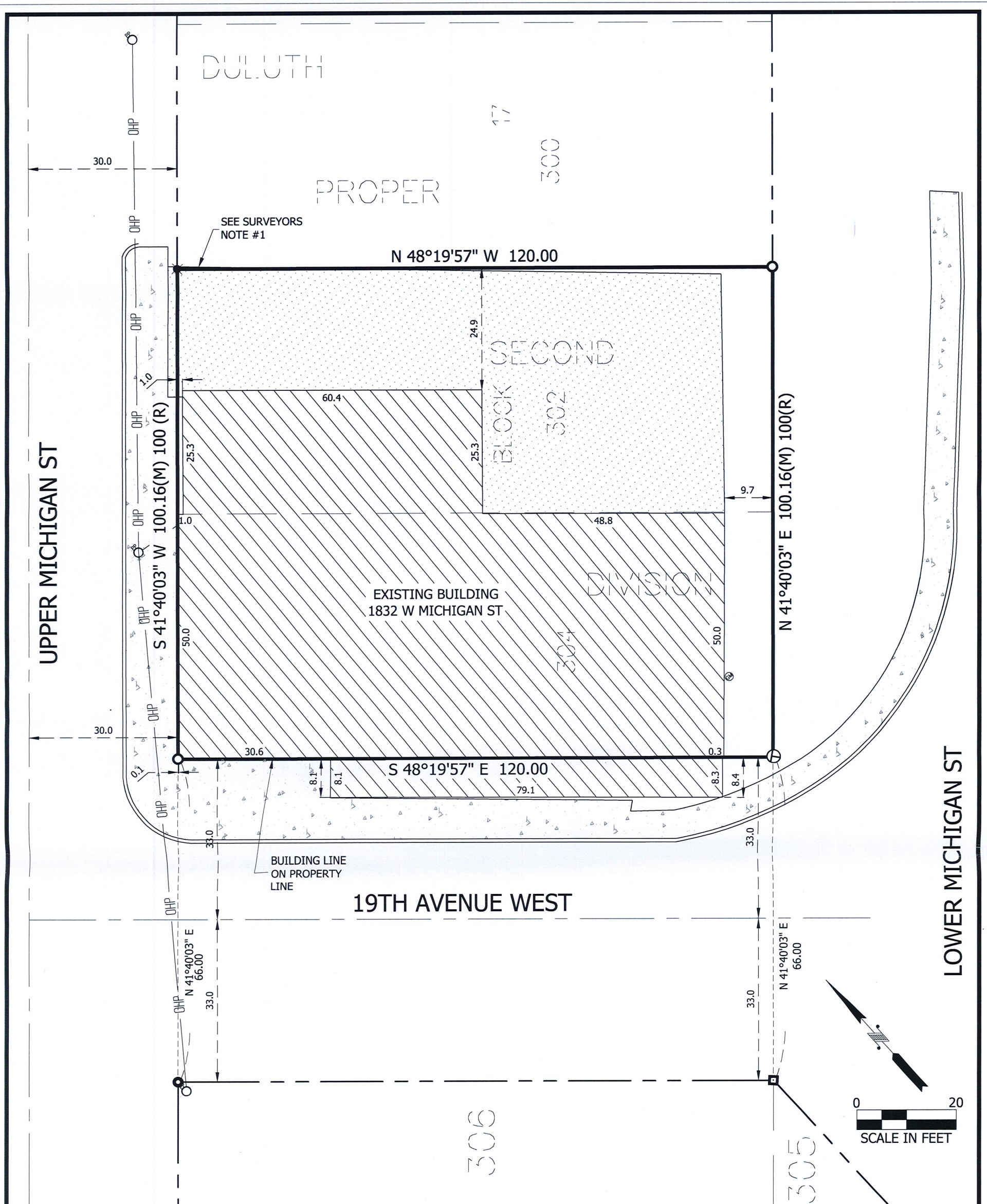
**BENT  
PADDLE**  
Duluth MN

**SCHEMATIC  
DESIGN**



**Site Plan**  
1" = 16' @ 11x17

Aug 1 2017



**SURVEYORS NOTES**

1. EDGE OF BITUMINOUS PARKING LOT OVER PROPERTY LINE TO NORTHEAST 0.4 FT.
2. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996.
3. BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY.
4. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY.

**LEGAL DESCRIPTION PER CERTIFICATE OF TITLE 342168**

Lot 302 and 304, Block 17, DULUTH PROPER SECOND DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota.

**LEGEND**

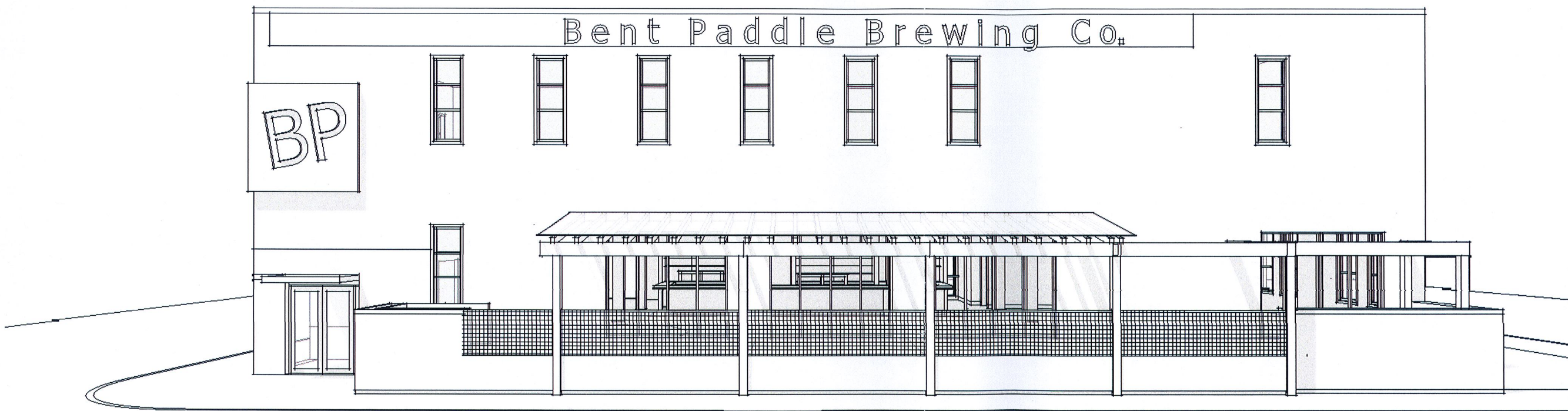
	OVERHEAD UTILITIES		GAS METER
	CONCRETE SURFACE		SET MAG NAIL
	BITUMINOUS SURFACE		FOUND T-STAKE MONUMENT
	EXISTING BUILDINGS		FOUND CAPPED REBAR RLS. NO. 49505
			SET CAPPED REBAR RLS. NO. 49505
			FOUND IRON PIPE
			UTILITY POLE

I hereby certify that this survey, plan, 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.  
  
 David R. Evans  
 MN Lic. No. 49505

CERTIFICATE OF SURVEY	
CLIENT: BENT PADDLE BREWERY	REVISIONS: XXX
DATE: 4-11-2017	
ADDRESS: 1832 W MICHIGAN ST	
JOB NUMBER: 17-088	

**ALTA**  
 LAND SURVEY COMPANY  
 \* LAND SURVEYING  
 \* LAND DEVELOPMENT  
 \* PLATTING  
 \* LEGAL DESCRIPTIONS  
 \* CONSTRUCTION STAKING  
 PHONE: 218-727-5211  
 LICENSED IN MN & WI  
 CERTIFIED FEDERAL SURVEYOR  
 WWW.ALTLANDSURVEYDULUTH.COM

*Existing Conditions*



17 N. Lake Ave.  
Duluth, MN 55802

218 733-0690  
wagnerzaun.com



**BENT  
PADDLE**  
Duluth MN



**SCHEMATIC  
DESIGN**

June 16 2017

LEGAL DESCRIPTION PROPOSED CONCURRENT USE PERMIT

That part of 19th Avenue West lying adjacent to Block 17, DULUTH PROPER SECOND DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota, said parcel is described as follows:

Beginning at the Northwest most corner of said Block 17; thence on an assumed bearing of South 48 degrees 19 minutes 57 seconds East, along the Southwesterly line of said Block 17 for a distance of 109.00 feet to the intersection with a line which is parallel with and distant 109.00 feet Southeasterly of the Northwesterly line of said Block 17; thence South 41 degrees 40 minutes 03 seconds West, along said parallel line 8.35 feet to the intersection with a line which is parallel with and distant 8.35 feet Southwesterly of the Southwesterly line of said Block 17; thence North 48 degrees 19 minutes 57 seconds West, along said parallel line 17.00 feet to the intersection with a line which is parallel with and distant 92.00 feet Southeasterly of the Northwesterly line of said Block 17; thence South 41 degrees 40 minutes 30 seconds West, along said parallel line 2.40 feet to the intersection with a line which is parallel with and distant 10.75 feet Southwesterly of the Southwesterly line of said Block 17; thence North 48 degrees 19 minutes 57 seconds West, along said parallel line 92.00 feet to the intersection with the Southwesterly extension of the Northwesterly line of said Block 17; thence North 41 degrees 40 minutes 03 seconds East, along said Southwesterly extension of the Northwesterly line of Block 17 for a distance of 10.75 feet to the Point of Beginning.

Said parcel contains 1,131 square feet.



