



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	PL17-167	Contact	Jenn Moses, jmoses@duluthmn.gov	
Type	Concurrent Use Permit	Planning Commission Date	November 14, 2017	
Deadline for Action	Application Date	October 5, 2017	60 Days	December 4, 2017
	Date Extension Letter Mailed	October 24, 2017	120 Days	February 2, 2017
Location of Subject	1001 E 9 th Street			
Applicant	DIV Ventures, LLC	Contact		
Agent	John Westlund	Contact		
Legal Description	See attached			
Site Visit Date	October 29, 2017	Sign Notice Date	October 30, 2017	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal

Applicant is requesting 6 parking spaces located in the right of way of N 10th Avenue E. Area is currently paved and used for parking.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2	Office	Urban Residential
North	R-2	Residential	Urban Residential
South	R-2	Residential	Urban Residential
East	R-1	Residential	Urban Residential
West	R-2	Office	Urban Residential

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 #5 – Strengthen Neighborhoods: This building was built in 1919 and been a part of the neighborhood fabric for decades. Request should consider how to strengthen this site's role within the neighborhood.

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 – Urban Residential: Greatest variety of building types, medium to high densities. Applicable to larger infill areas close to downtown, entertainment or activity centers, and waterfront residential areas.

History: Records indicate that the building was converted to office use in 1999.

Review and Discussion Items

Staff finds that:

- 1) Area proposed for parking is currently paved with asphalt. A concrete driveway apron was installed at some point in the past, at a width that would accommodate approximately three cars. The adjacent curb areas have deteriorated to a point where it appears additional vehicles are driving over the curb to park in the area.
- 2) According to City Engineering, aerial photos indicate this area has been used as parking at least as early as 1979.
- 3) Applicant is requesting a total of 6 parking spaces, which would encroach to a depth of 17' into the right of way. According to the property survey, this distance encroaches into the existing sidewalk approximately 1 foot. In addition, due to the curve radius, the spot closest to E 9th Street would leave only 2.4 feet of sidewalk clearance, which is not sufficient to provide pedestrian egress (sidewalk depth in this area ranges from 4 to 5 feet). Staff recommends that the space closest to E 9th Street be eliminated.
- 4) Applicant states he uses a few feet on the northwest side of the paved area for snow storage, and when snow gets high, it is removed from the site. Vegetation along the northwest boundary could be damaged if snow is plowed into it, and excess snow could spill into adjacent sidewalk. Depending on height and proximity of stored snow to the right of way of N 10th Avenue E, it could provide an obstruction from sight lines, obscuring vehicles backing out of the parking spaces. Given the narrow space, snow should be hauled off site to prevent problems.
- 5) No crashes or other safety issues have been documented with existing parking lot.
- 6) The City stormwater engineer noted that impervious surfaces within the right of way contribute to stormwater costs, and that parking lots on private property are normally required to pay a stormwater fee to cover City expenses. City Engineering also notes that the deteriorated curb could cause problems for stormwater flow, and that improvements to the site could ensure water is routed appropriately.
- 7) Since parking lots on private property are required to provide landscaping, staff finds it is appropriate to include landscaping as part of this parking request. A parking lot of this size would require trees be planted so that at maturity 30% of the parking area is shaded. As tree planting might be difficult in this area, alternative landscaping could include shrubs and/or perennials, likely in the area closest to E 9th Street in lieu of one parking space.
- 8) Other than City Engineering, no other public or agency comments have been received.
- 9) 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 recommend approval of the concurrent use permit with the following conditions:

- 1) Parking space closest to E 9th Street be eliminated, for a total of 5 parking spaces.
- 2) The curb cut and driveway apron be reconstructed, in accordance with City Engineering, to direct stormwater flow and clearly communicate to drivers where parking spaces are located.
- 3) Parking area be painted to delineate parking spaces, with parking dimensions per UDC Section 50-24.
- 4) All snow shall be hauled off-site when cleared.
- 5) Applicant either provide 30% tree canopy coverage, or submit an Alternative Landscaping Plan for the concurrent use permit area, which must be approved by the Land Use Supervisor.
- 6) All above improvements shall be completed prior to October 31, 2018.
- 7) Property owner shall pay an additional stormwater fee to cover this area of impervious surface.
- 8) Applicant provide proof of liability insurance, prior to issuance of this permit, to indemnify the City against any occurrences in the right-of-way that are due to items covered in this permit.
- 9) 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 17-167
 Concurrent Use Permit
 1001 E 9th St

P.C. Packet, Nov 14, 2017

Legend

Water Distribution Main

- Active
- Hydrant

Sanitary Sewer Mains

- CITY OF DULUTH
- WLSSD; PRIVATE; RICE LAKE TWP
- Sanitary Sewer Forced Main

Storm Sewer Mains

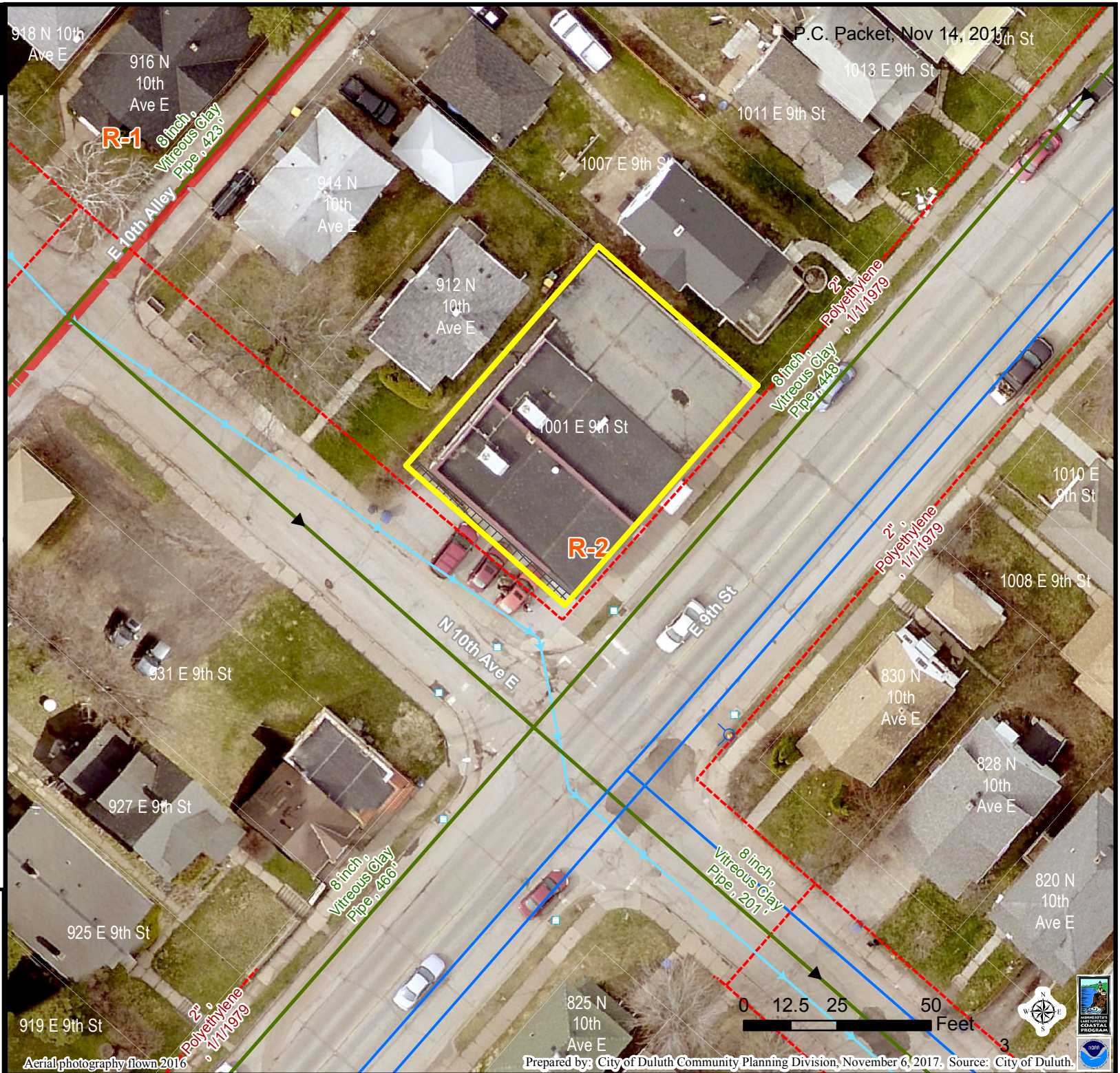
- Storm Sewer Pipe
- Storm Sewer Catch Basin

Gas Distribution Main

- Coated Steel
- Plastic

Other

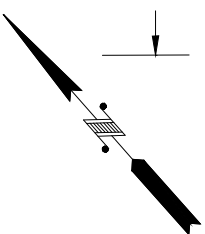
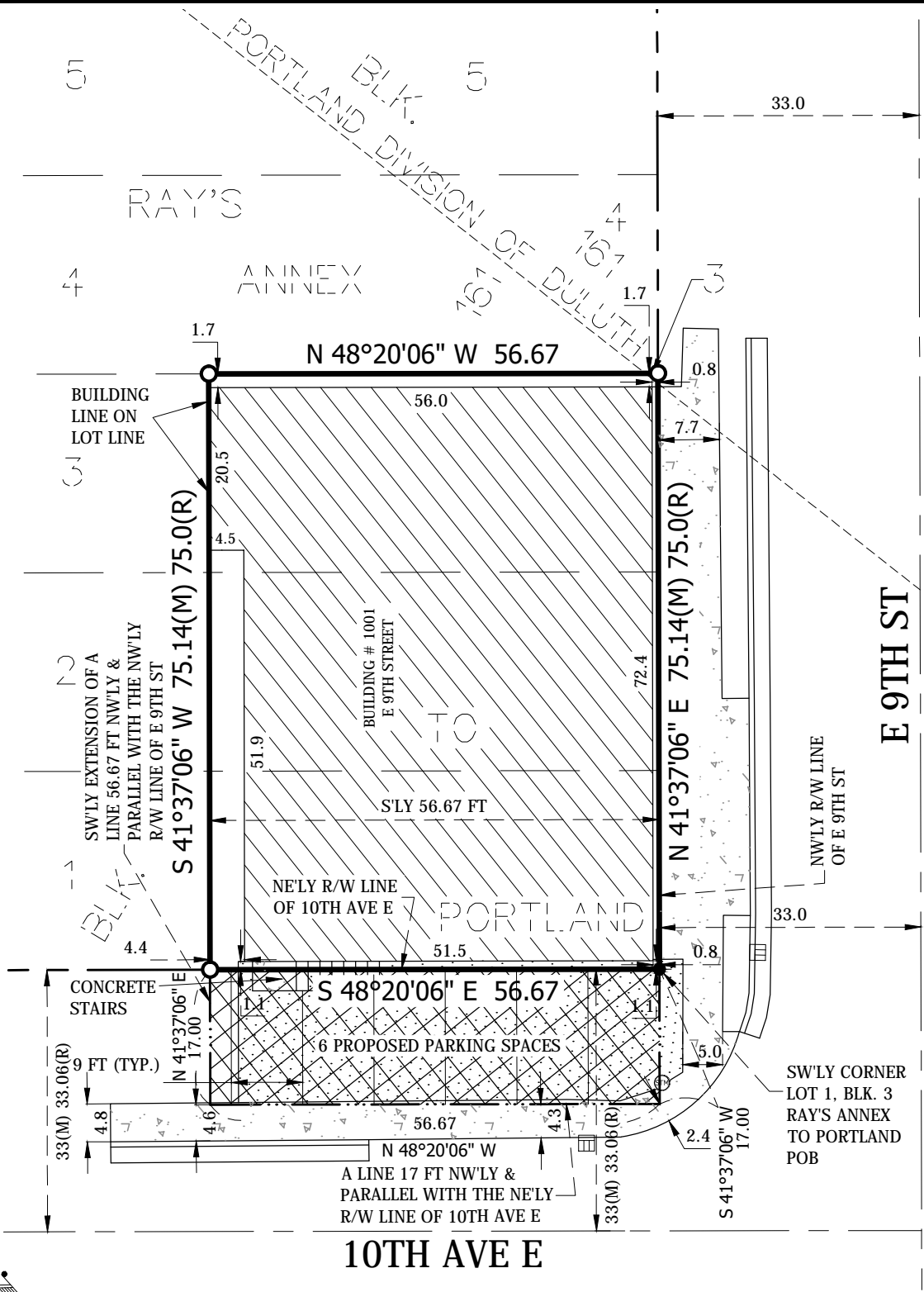
- Vacated ROW
- Utility Easement
- Other Easement
- Zoning Boundaries



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

Prepared by: City of Duluth Community Planning Division, November 6, 2017. Source: City of Duluth.



CERTIFICATE OF SURVEY

CLIENT: JOHN WESTLUND	REVISIONS: 10-24-17 ADD WALK DIMENSIONS
DATE: 9-15-2017	
ADDRESS: 1001 E 9TH ST	
JOB NUMBER: 17-293	SHEET 2 OF 2 SHEETS

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.ALTA LANDSURVEYDULUTH.COM

Site Photos

