

**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 <sup>th</sup> 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 10<sup>th</sup> Avenue E. Area is currently paved and used for parking.

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

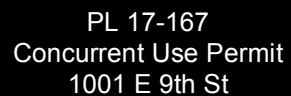
- 1) Area proposed for parking is currently paved with asphalt. A concrete driveway apron was installed at some point in the past, at a width that would accommodate approximately three cars. The adjacent curb areas have deteriorated to a point where it appears additional vehicles are driving over the 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 9<sup>th</sup> 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 9<sup>th</sup> 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 10<sup>th</sup> 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 9<sup>th</sup> 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 9<sup>th</sup> 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.





### Water Distribution Main

— Active

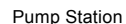


## Sanitary Sewer Mains

 CITY OF DULUTH

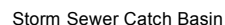
WLSSD: PRIVATE: RICE LAKE TWP

→ Sanitary Sewer Forced Main



### Storm Sewer Mains

 Storm Sewer Pipe



### Gas Distribution Main

— Coated Steel

----- Plastic

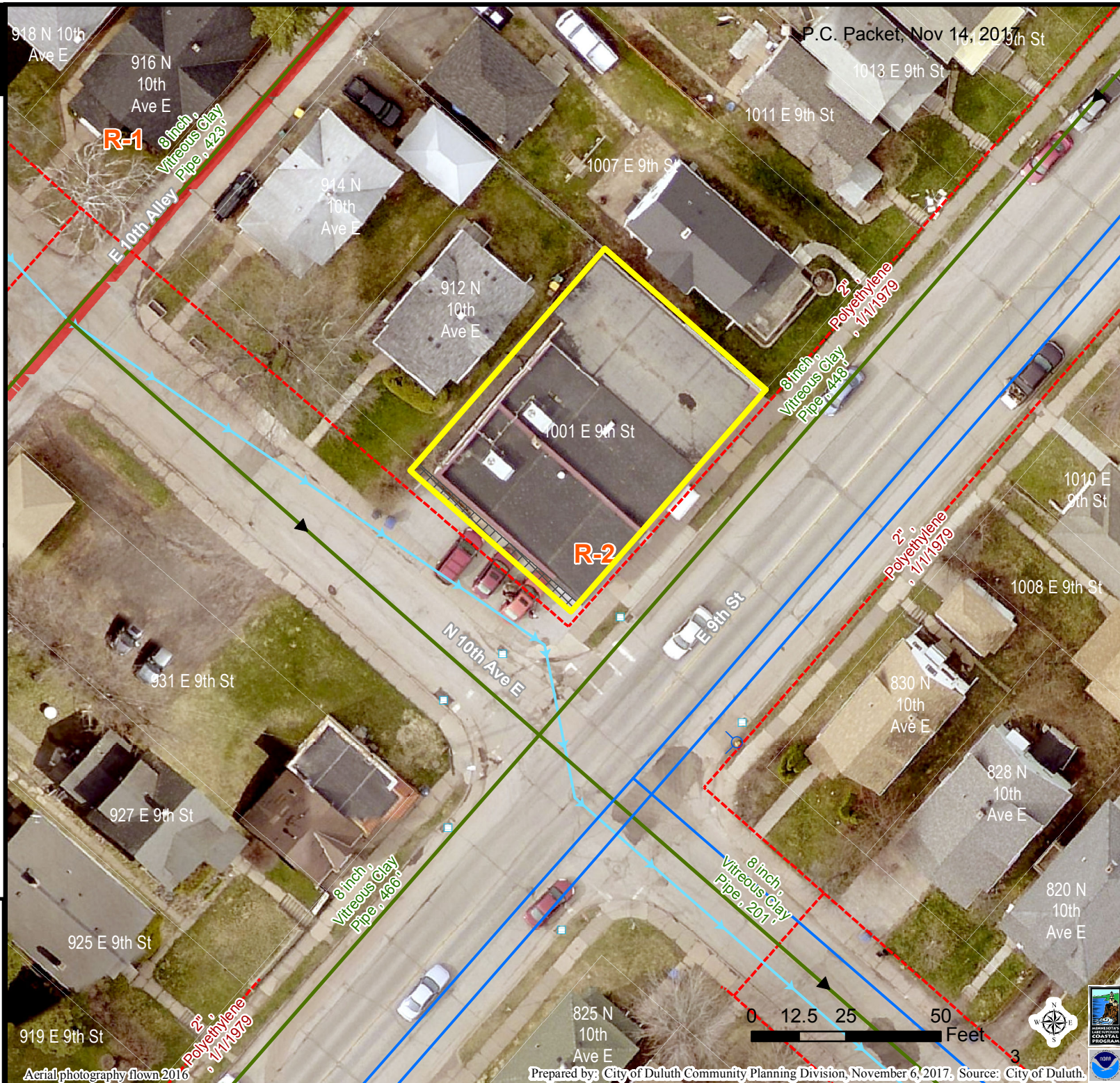


Utility Easement

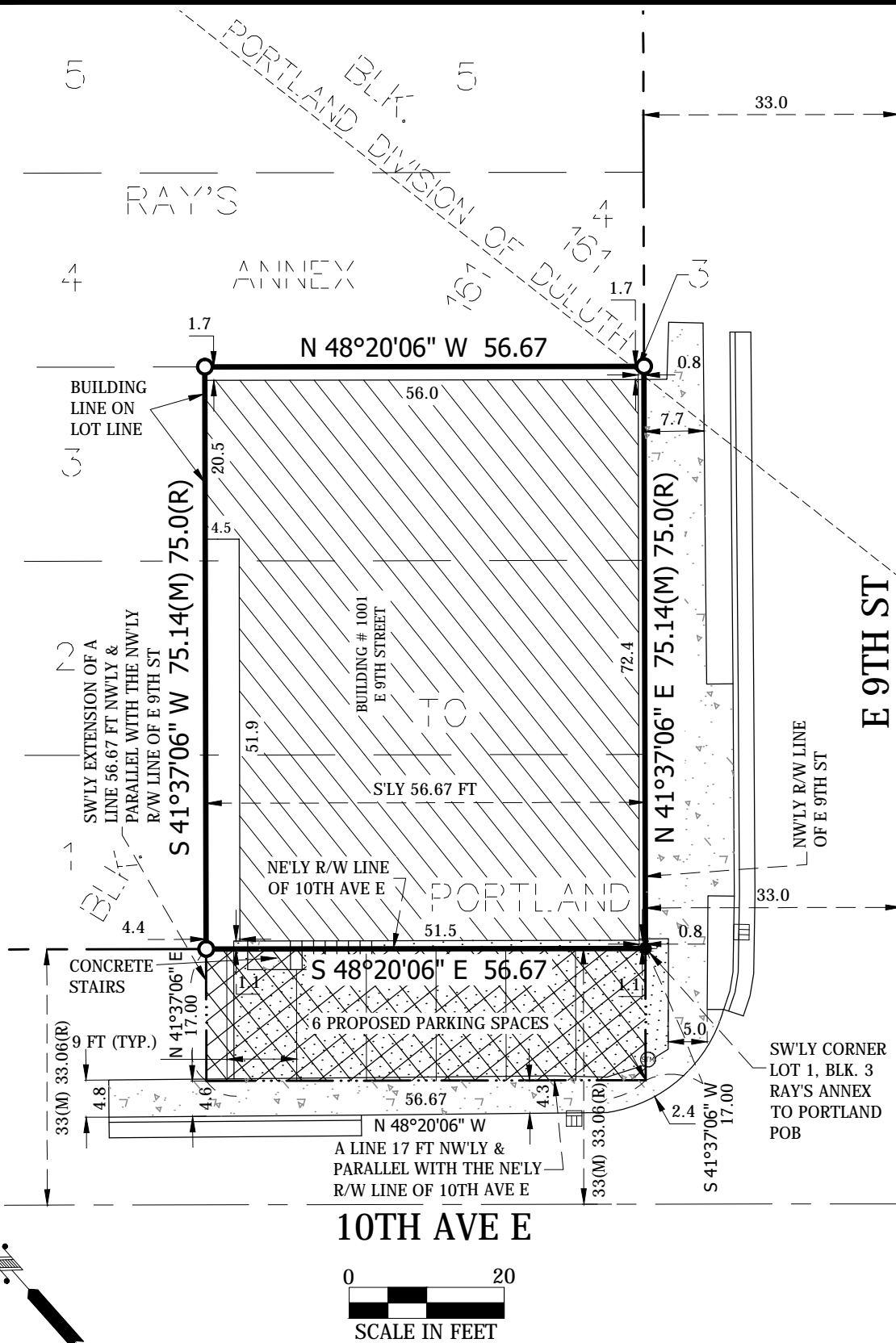
 Other Easement

 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.







# 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



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

**Site Photos**

