



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PLCUP-2409-0002		Contact	Chris Lee, clee@duluthmn.gov	
Type	Concurrent Use Permit		Planning Commission Date	October 8, 2024	
Deadline for Action	Application Date	September 24, 2024	60 Days	November 23, 2024	
	Date Extension Letter Mailed	September 24, 2024	120 Days	January 22, 2025	
Location of Subject	30 W Superior St				
Applicant	Allette Inc / Minnesota Power		Contact		
Agent	Gardener Builders		Contact	Moe Ludwig	
Legal Description	PIN: 010-0410-00530				
Site Visit Date	September 25, 2024	Sign Notice Date	September 24, 2024		
Neighbor Letter Date	N/A	Number of Letters Sent	N/A		

Proposal: The applicant is seeking a concurrent use permit to reconstruct existing concrete ramp and realign sidewalk/curb.

Recommended Action: Staff recommends that Planning Commission recommend approval to the City Council.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-8	Office Space	Central Business Primary
North	F-7	Mixed Use	Central Business Primary
South	MU-C	Transportation	Central Business Primary
East	F-7	Mixed Use	Central Business Primary & Open Space
West	F-8	Mixed Use	Central Business Primary

Summary of Code Requirements:

UDC Section 50-37.7.C. 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 (does not apply in this instance);
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 – Support Existing Economic Base: Supporting Duluth’s existing economic foundation maintains jobs, tax base, and opportunity.

Future Land Use – Central Business Primary: Encompasses a broad range of uses and intensities: governmental campus, significant retail, entertainment and lodging, opportunities for high - density housing, central plaza, public/ open space, public parking facilities.

History: The property currently has an existing Concurrent Use Permit for a loading dock 96-092-O

Review and Discussion Items:

Staff finds that:

- 1) The applicant is seeking a concurrent use permit to construct a loading dock and ramp in the right of way for Michigan Street.
- 2) The property currently has a loading dock with a concurrent use permit. The applicant is requesting a new dock for improved access. The current loading dock will be removed, and the concurrent use permit will be extinguished.
- 3) The applicant is proposing to use 240 square feet of the Michigan Street right of way, as described in the attached legal description.
- 4) The area proposed for the concurrent use permit will not take away from 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. A 5-foot-wide sidewalk is being replaced at the base of the new loading dock.
- 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 with St. Louis County as they are voidable agreements between the City and property owners. City engineering has indicated that they have no concerns with this proposal.
- 6) The City of Duluth requires concurrent use permits to include liability insurance to indemnify the City against all occurrences in the right-of-way. Other protections for the city and the public may be included in any ordinance approving a concurrent use permit adopted by the City Council.
- 7) Staff have coordinated with City Engineering in the review of the application. No other comments were received from the public or other government agencies at the time this staff report was written.
- 8) 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 construct and maintain the project as identified in the attached exhibits.
- 2) Applicant 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) Applicant will remove the obstructions at the applicant's expense if directed to by the City with appropriate notice.
- 4) 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.



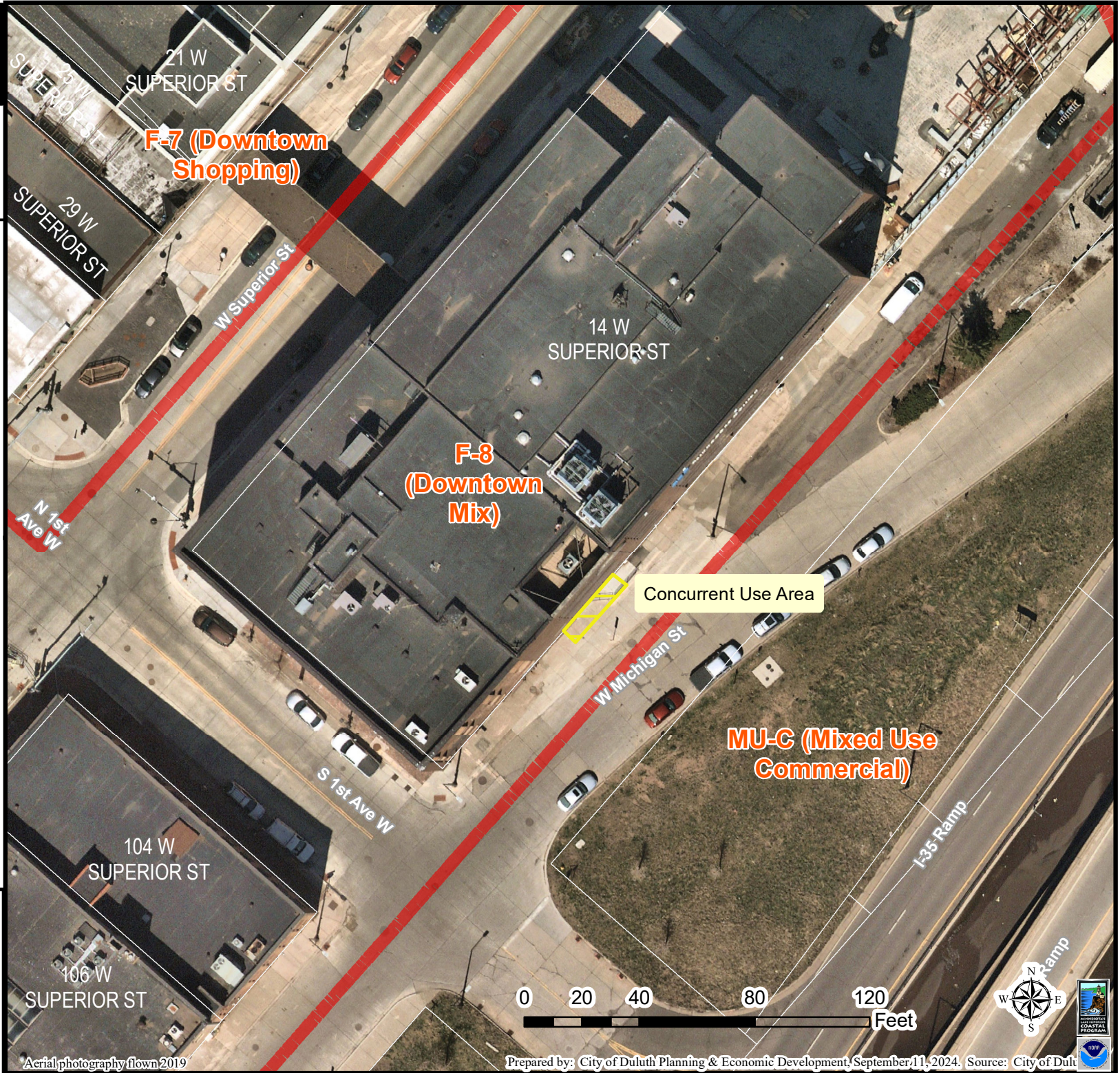
PLCUP-2409-0002
 Concurrent Use Permit
 30 W Superior St

Legend



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.

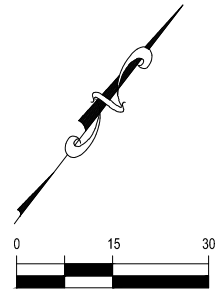


Aerial photography flown 2019


Prepared by: City of Duluth Planning & Economic Development, September 11, 2024. Source: City of Duluth

EXHIBIT CONCURRENT USE

PRIVATE BUILDING EGRESS
part of MICHIGAN STREET
CENTRAL DIVISION OF DULUTH

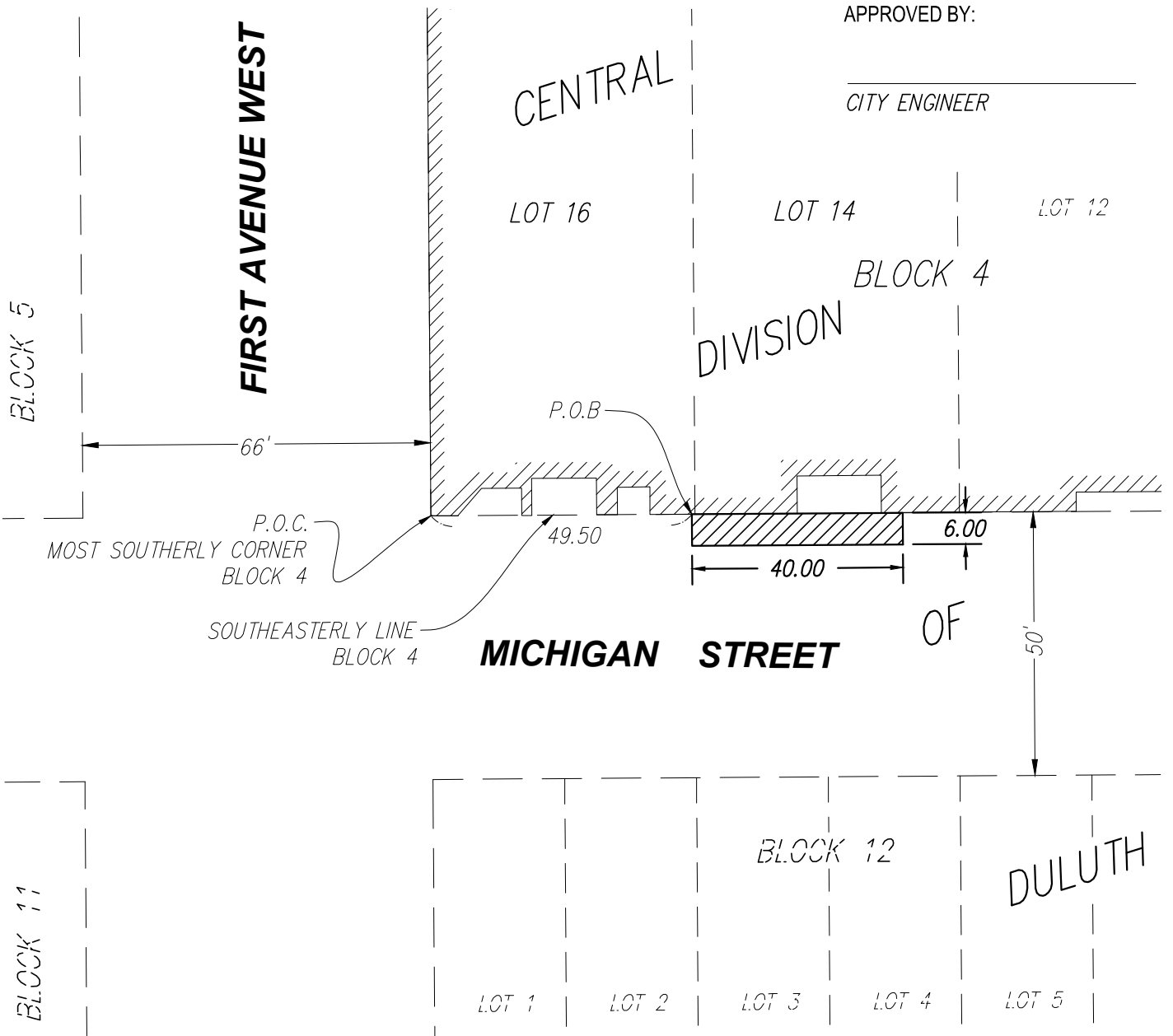


LEGEND

 = CONCURRENT USE AREA

APPROVED BY:

CITY ENGINEER



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: 09/24/2024

DATE PREPARED: 09/24/24

PROJ NO: 240676

FILE: 240676_Concu

SHEET 1 of 1 SHEETS



**PERFORMANCE
DRIVEN DESIGN.**
LHBcorp.com

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

LEGAL DESCRIPTION:

All that part of Michigan Street, CENTRAL DIVISION OF DULUTH, City of Duluth, St. Louis County, Minnesota described as follows:

Commencing at the most southerly corner of Block Four (4), said CENTRAL DIVISION OF DULUTH; thence northeasterly along the southeasterly line of said Block 4, a distance of 49.50 feet to the Point of Beginning; thence continuing along said southeasterly line of said Block 4, a distance of 40.00 feet; thence deflect to the right 90 degrees 00 minutes 00 seconds, a distance of 6.00 feet; thence deflect to the right 90 degrees 00 minutes 00 seconds, a distance of 40.00 feet; thence deflect to the right 90 degrees 00 minutes 00 seconds, a distance of 6.00 feet to the Point of Beginning.

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.

Paul A. Vogel

Signed _____



Date 09/24/2024

License No. 44075