



**Planning & Development Division**  
 Planning & Economic Development Department

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

☎ 218-730-5580

✉ [planning@duluthmn.gov](mailto:planning@duluthmn.gov)

<b>File Number</b>	PL 19-183	<b>Contact</b>	John Kelley, 730-5326	
<b>Type</b>	Concurrent Use Permit	<b>Planning Commission Date</b>	January 14, 2020	
<b>Deadline for Action</b>	<b>Application Date</b>	December 10, 2019	<b>60 Days</b>	February 8, 2020
	<b>Date Extension Letter Mailed</b>	December 17, 2019	<b>120 Days</b>	April 4, 2020
<b>Location of Subject</b>	1832 West Superior Street			
<b>Applicant</b>	Josh Macinnes – Store & Flats/1 LLC	<b>Contact</b>		
<b>Agent</b>	Doug Zaun	<b>Contact</b>		
<b>Legal Description</b>	Parcel ID Number 010-1120-02480			
<b>Site Visit Date</b>	January 6, 2020	<b>Sign Notice Date</b>	December 31, 2019	
<b>Neighbor Letter Date</b>	N/A	<b>Number of Letters Sent</b>	N/A	

**Proposal**

The applicant is proposing to construct a deck and accessible ramp within the right of way along the Michigan Street frontage of the building at 1832 West Superior Street. The purpose of the deck and ramp is to provide access into the main level of the building for proposed reuse of the structure for apartments and retail.

**Staff Recommendation**

Staff is recommending that planning commission recommend approval to City Council.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	F-5	Vacant building	Central Business Secondary
<b>North</b>	F-5	Commercial/Retail	Central Business Secondary
<b>South</b>	MU-C	Parking lot	Central Business Secondary
<b>East</b>	MU-C	Commercial/Retail	Central Business Secondary
<b>West</b>	F-5	Commercial/Retail	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: includes adaptive reuse of existing building stock and historic resources, as this strengthens neighborhoods. This property is a former furniture store that is vacant, and will now be used for residential and retail purposes.

Governing Principle #5 - Promote reinvestment in neighborhoods. Duluth is strongly defined by its neighborhoods. The Lincoln Park neighborhood is experiencing a revitalization of the commercial core area. The proposed concurrent use of the public right-of-way will allow accessible access to a building for residential and commercial use.

Governing Principle #8 - Encourage mix of activities, uses, and densities. As noted above the existing building will now have accessible access from both building entrances along West Superior Street and West Michigan Street. The building will be used for mixed commercial and residential use.

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.

### **Review and Discussion Items**

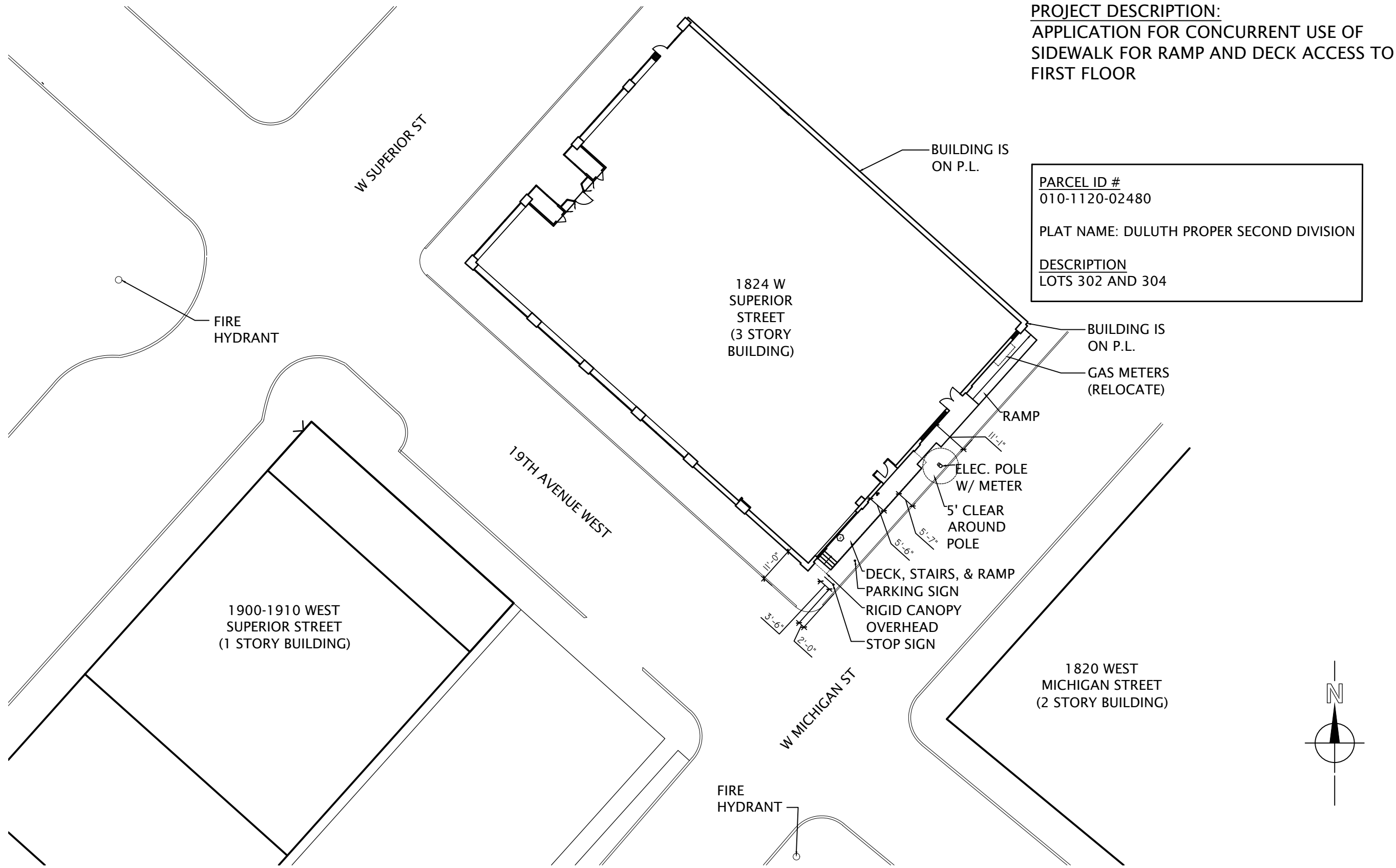
Staff finds that:

- 1.) The applicant is seeking a concurrent use permit to construct a frost protected deck and accessible ramp along the West Michigan Street frontage of the building at 1832 West Superior Street. The building abuts the right-of-way of Michigan Street. The existing sidewalk is approximately 11 feet deep from building to curb in the area for the proposed deck. The building entry/floor level from the West Michigan Street frontage is 28 inches above the existing sidewalk grade.
- 2.) The concurrent use area contains 550 square feet. The proposed deck and ramp would be 5' – 6" wide and approximately 100 feet in length. The applicant has stated that the purpose of the deck is to provide a better street presence/engagement along West Michigan Street and accessibility to the main level of the building. This will establish primary accessible entries at both the West Superior Street and West Michigan Street sides of the building.
- 3.) The gas meter is located on the southeast corner of the building along West Michigan Street. The applicant must relocate the gas meter/line to accommodate the deck and ramp use for the concurrent use of streets area. The applicant will need to coordinate with the City Utility Engineer for relocation of the gas meter.
- 4.) The City Engineering Department has requested the applicant enter into an agreement with the City outlining their snow removal responsibilities and holding the city harmless for any damage from City snow removal crews. The agreement will also state that the applicant is responsible to remove/replace the private improvements should the City need to complete work within the concurrent use of the right-of-way adjacent to the building.
- 5.) 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 require the applicant be responsible for snow removal responsibilities within the concurrent use area, including snow from City plowing operations that lands within the area, and the City is not responsible for remove/replacement of the applicants infrastructure should the City need to access the right-of-way in the permitted area.
- 6.) 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.
- 7.) No public, agency, or other comments have been received as of January 6, 2020.

### **Staff Recommendation**

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

- 1.) Applicant shall construct and maintain the project as identified in the attached exhibits.
- 2.) Applicant shall relocate the gas meter/line prior to the issuance of a building permit.
- 3.) Applicant to enter into an agreement acceptable to the City for their snow removal responsibilities and holding the City harmless for damage to the structure by City crews prior to the issuance of a building permit.
- 4.) The structure will need to comply with any applicable engineering standards, or building or fire code requirements.
- 5.) 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.
- 6.) Applicant will remove the obstructions at the applicant's expense if directed to by the City with appropriate notice.
- 7.) 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.



**PROJECT DESCRIPTION:**  
 APPLICATION FOR CONCURRENT USE OF  
 SIDEWALK FOR RAMP AND DECK ACCESS TO  
 FIRST FLOOR

PARCEL ID #  
 010-1120-02480

PLAT NAME: DULUTH PROPER SECOND DIVISION

DESCRIPTION  
 LOTS 302 AND 304



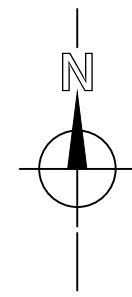
3 W. Superior Street  
 Duluth, MN 55802

(218) 733-0690

www.wagnerzaun.com

dzaun@wagnerzaun.com  
 rwagner@wagnerzaun.com

IF PRINTED TO SCALE  
 THIS LINE WILL BE 1" LONG



PROJECT #: 1913

STORE + FLATS  
 MIXED USE  
 DEVELOPMENT

1824 W. SUPERIOR STREET  
 DULUTH, MN

REVISION/ISSUE	DATE
CUP APPLICATION	09 DECEMBER 2019
REVISED CUP APP. PLAN	20 DECEMBER 2019

1 SITE PLAN  
 CUP1.1 1" = 30'-0"

SHEET NAME:  
 SITE PLAN

SHEET #:  
 C.U.P 1.1



Design  
Nov 20 2019



# Store + Flats

1832 W Superior St, Duluth MN

Wagner Zaun  
ARCHITECTURE





Design Phase  
Nov 20 2019

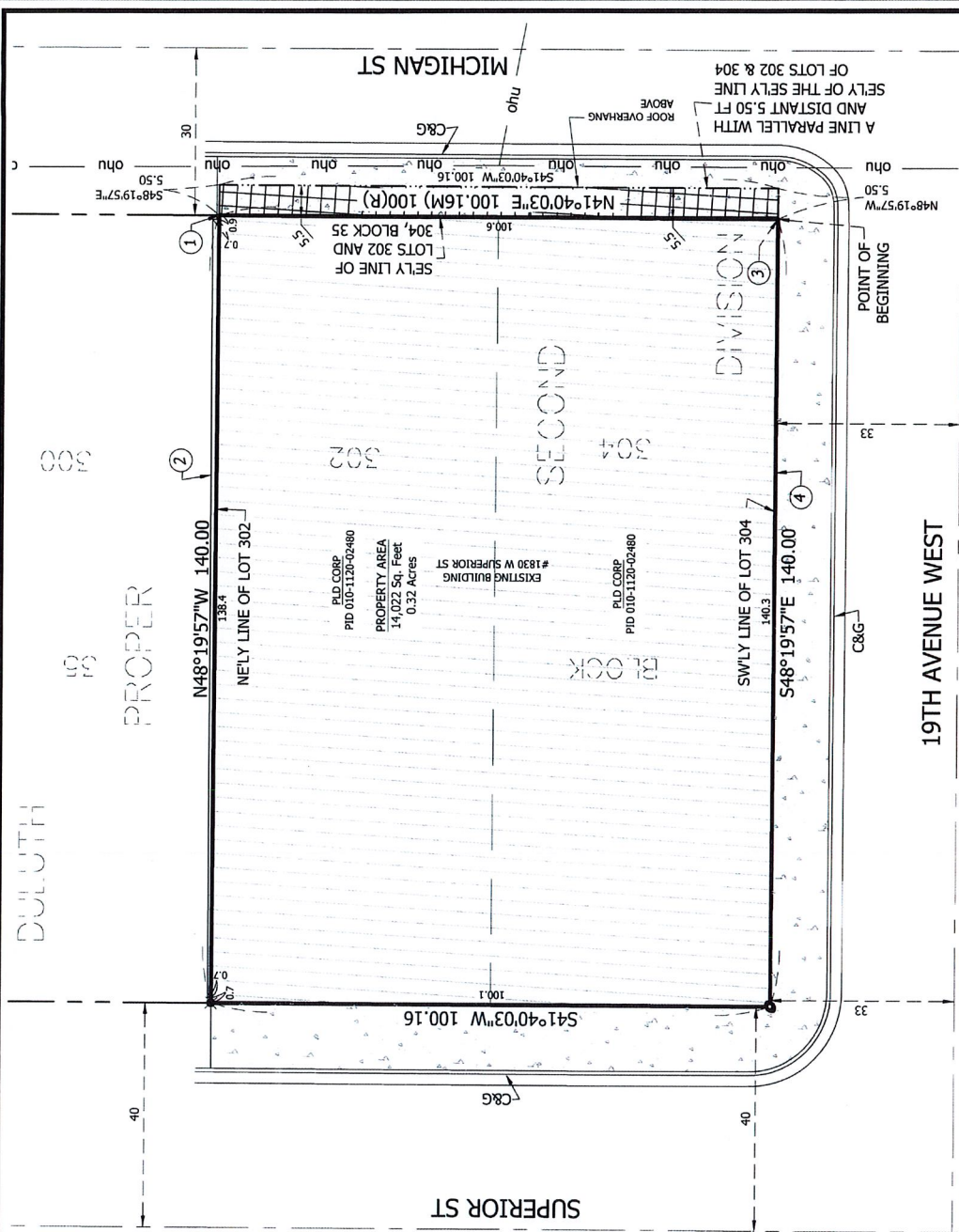


## Store + Flats

1832 W Superior St, Duluth MN

Wagner Zaun  
ARCHITECTURE





**LEGEND**

- (M)-FIELD MEASURED DIMENSION
- (R)-RECORD DIMENSION
- C&G-CONCRETE CURB & GUTTER
- OHU-OVERHEAD UTILITIES
- CENTER LINE
- RIGHT OF WAY LINE
- EDGE OF CONCURRENT USE LINE
- BOUNDARY LINE AS SURVEYED
- REFER TO SURVEYOR'S NOTES
- SET SPIKE
- ⊙ SET MAG NAIL
- ⊕ UTILITY POLE
- CONCRETE SURFACE
- ▨ BITUMINOUS SURFACE
- ▩ PROPOSED CONCURRENT USE AREA
- ▧ EXISTING BUILDING

**LEGAL DESCRIPTION PER CERTIFICATE OF TITLE NO. 25-4893**  
 Lot 302 Block 35 DULUTH PROPER SECOND DIVISION  
 Lot 304 Block 35 DULUTH PROPER SECOND DIVISION

**LEGAL DESCRIPTION OF PROPOSED CONCURRENT USE AREA**  
 The Northeastly 5.50 feet of Michigan Street as dedicated and lying adjacent to Lots 302 and 304, Block 35, DULUTH PROPER, SECOND DIVISION, according to the recorded plat thereof, St. Louis County Minnesota described as follows:  
 Beginning at the South most corner of said Lot 304; thence on an assumed bearing of North 41 degrees 40 minutes 03 seconds East, along the Southeastly lines of Lots 302 and 304, said Block 35 for a distance of 100.16 feet to the East most corner of said Lot 302; thence South 48 degrees 19 minutes 57 seconds East, along the Southeastly extension of the Northeastly line of said Lot 302 for a distance of 5.50 feet to the intersection with a line parallel with and distant 5.50 feet Southeastly of the Southeastly line of said Lots 302 and 304; thence South 41 degrees 40 minutes 03 seconds West, along said parallel line 100.16 feet to the intersection with the Southeastly extension of the Southwestly line of said Lot 304; thence North 48 degrees 19 minutes 57 seconds West, along said Southeastly extension 5.50 feet to the point of Beginning.  
 Said concurrent use area contains 550 Sq. Feet or 0.01 Acres.

**SURVEYOR'S NOTES**

1. THE EAST MOST CORNER OF LOT 302, BLOCK 35 LIES INSIDE THE BUILDING WALL COULD NOT SET MONUMENT AT THIS CORNER.
2. THE NORTHEASTERLY WALL OF THE BUILDING LOCATED AT 1830 W SUPERIOR ST LIES 0.9± FT NORTHEASTERLY OF THE NORTHEASTERLY LINE OF LOT 302, BLOCK 35.
3. THE SOUTH MOST CORNER OF LOT 304, BLOCK 35 LIES INSIDE THE BUILDING WALL. COULD NOT SET MONUMENT AT THIS CORNER.
4. THE SOUTH WESTERLY CORNER OF THE BUILDING LOCATED AT 1830 W SUPERIOR ST LIES 0.7± FEET WESTERLY OF THE CORNER OF LOT 304.
5. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCLUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
6. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
7. BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL PLAN FOR BUILDING FOUNDATION DIMENSIONS.

PHONE: 218-227-2111  
 WWW.ALTAANDSURVEY.COM

---

**CERTIFICATE OF SURVEY**

CLIENT: WAGNER ZAUN  
 ADDRESS: 1830 W SUPERIOR ST,  
 DULUTH, MN 55806  
 DATE: 12-25-2013

DATE: 12-5-2013  
 MN LIC. NO. 45525  
 David R. Erwin  
 David R. Erwin

REVISIONS:

JOB NO: 13-372 SHEET 1 OF 1