



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 | PL 18-060 | Contact | Chris Lee, clee@duluthmn.gov | |
| Type | Concurrent Use Permit | Planning Commission Date | | June 12, 2018 |
| Deadline for Action | Application Date | May 8, 2018 | 60 Days | July 7, 2018 |
| | Date Extension Letter Mailed | May 8, 2018 | 120 Days | September 5, 2018 |
| Location of Subject | | 6001 East Superior Street | | |
| Applicant | Scalzo Architects | Contact | wscalzo@scalzoarchitects.com | |
| Agent | | Contact | | |
| Legal Description | | See attached | | |
| Site Visit Date | | June 1, 2018 | Sign Notice Date | May 29, 2018 |
| Neighbor Letter Date | | N/A | Number of Letters Sent | N/A |

Proposal

The applicant is requesting a concurrent use permit to accommodate the wall of an existing structure that is located in the public right of way. Two corners on the south side of the structure cross the parcel boundary and into the public right of way.

| | Current Zoning | Existing Land Use | Future Land Use Map Designation |
|----------------|-----------------------|--------------------------|--|
| Subject | F-2 | Veterinary Clinic | Neighborhood Mixed Use |
| North | R-1 | Residential | Neighborhood Mixed Use |
| South | F-2 | Residential | Neighborhood Mixed Use |
| East | F-2 | Residential | Neighborhood Mixed Use |
| West | F-2 | Residential | Neighborhood Mixed Use |

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: The present city is an historical amalgam of villages and other independent units of government, contributing to the present condition of Duluth being strongly defined by its neighborhoods. This condition should be reinforced through land use, transportation and public service delivery patterns which strengthen neighborhood identity. New institutional expansions, major public infrastructure or large commercial or industrial uses should not divide historic neighborhood patterns.

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 – Neighborhood Mixed Use: Characterized by grid or connected street pattern ... Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood.

Review and Discussion Items

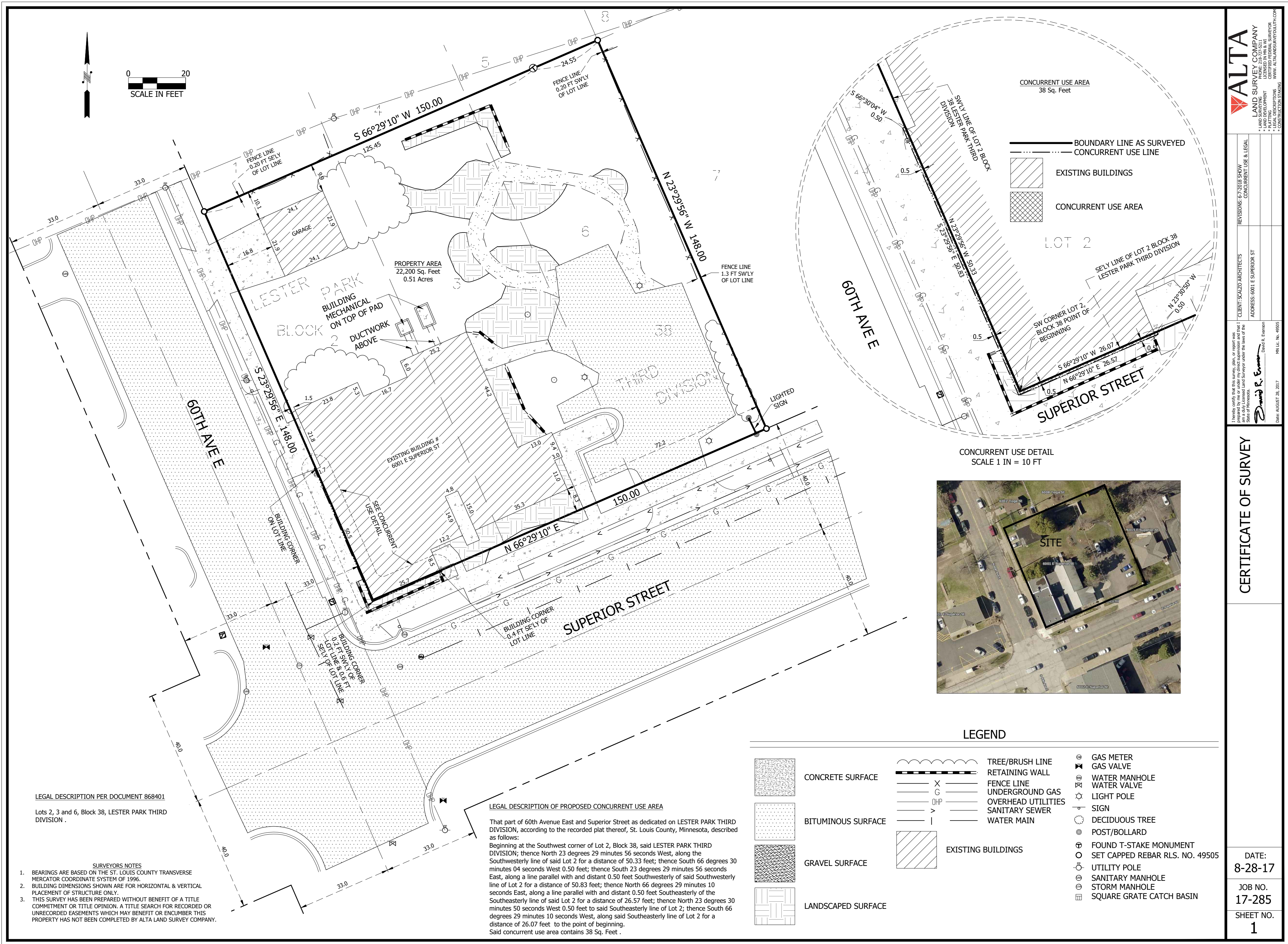
Staff finds that:

- 1) The area that is proposing to be concurrently used is approximately 25.7 feet along Superior Street starting at the corner of 60th Ave E and Superior Street.
- 2) The property was granted a variance (PL 17-131) from form district standards to construct a new addition closer to the lot line (.5') then required (5'-10').
- 3) The proposed concurrent use will not harm or inconvenience the health, safety, and general welfare of the city.
- 4) 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. The City of Duluth requires holders of Concurrent Use Permits to obtain liability insurance to indemnify the City against occurrences in the right of way.
- 5) No public, agency, or City comments have been received.
- 6) 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

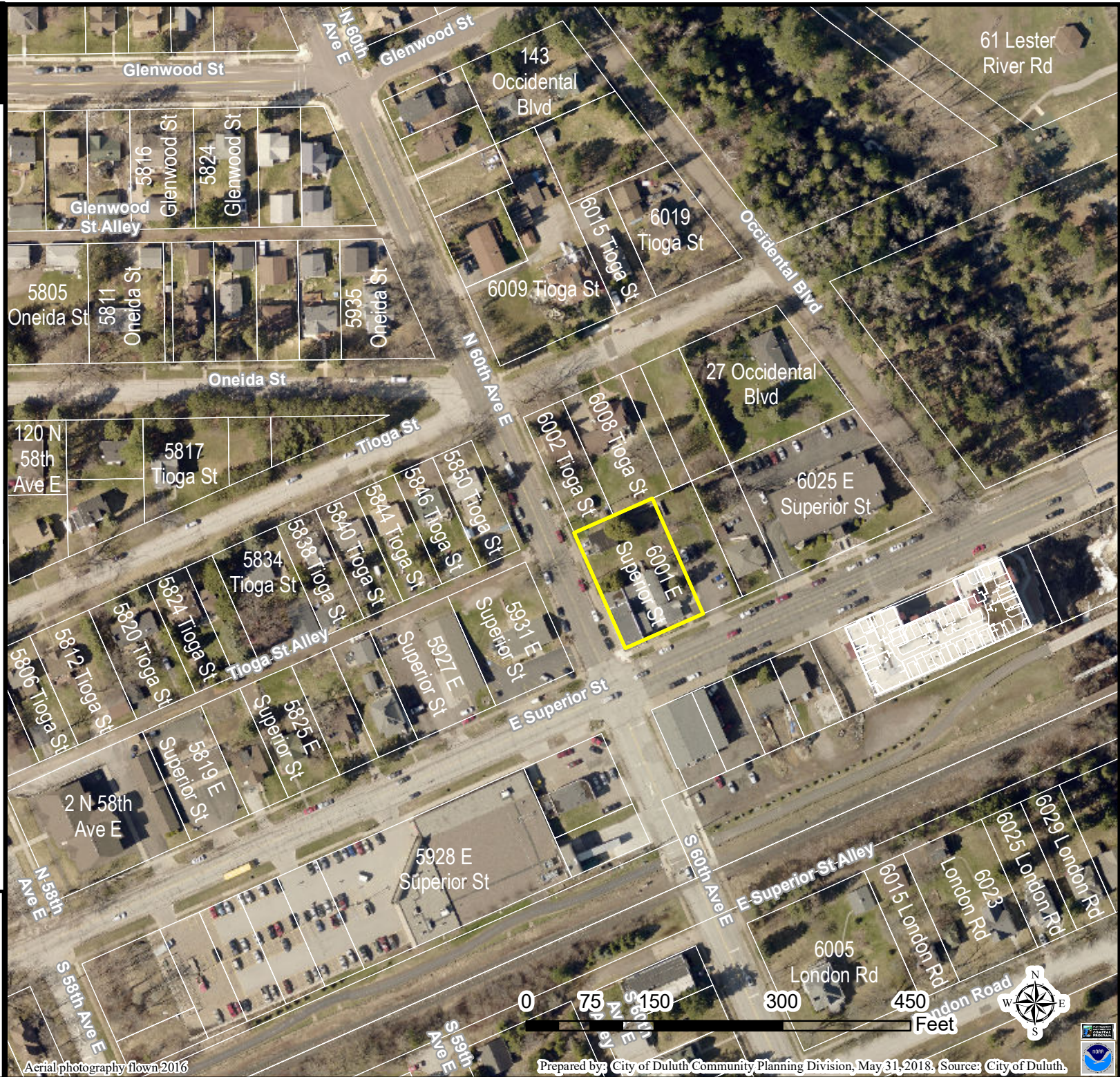
Based on the above findings, Staff recommends that Planning Commission recommend approval of the concurrent use permit with one conditions:

- 1) 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 18-060: CUP
6001 E Superior St



Legend

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Gas Main

Water Main

Hydrant

Sanitary Sewer Mains

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WLSSD; PRIVATE

Sanitary Sewer Forced Main

Storage Basin

Pump Station

Storm Sewer Mains

Storm Sewer Pipe

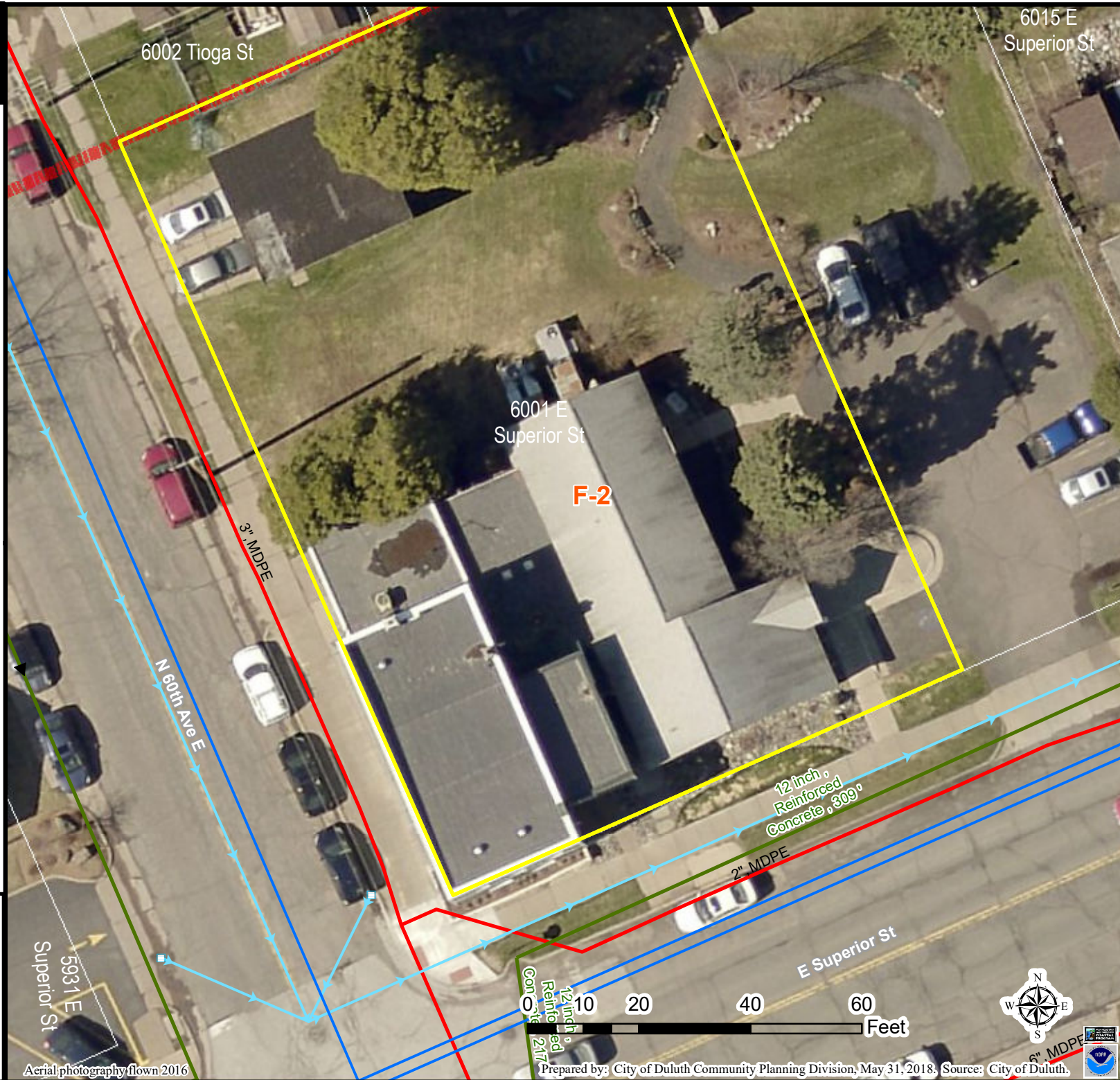
Storm Sewer Catch Basin

Zoning Boundaries

Trout Stream (GPS)

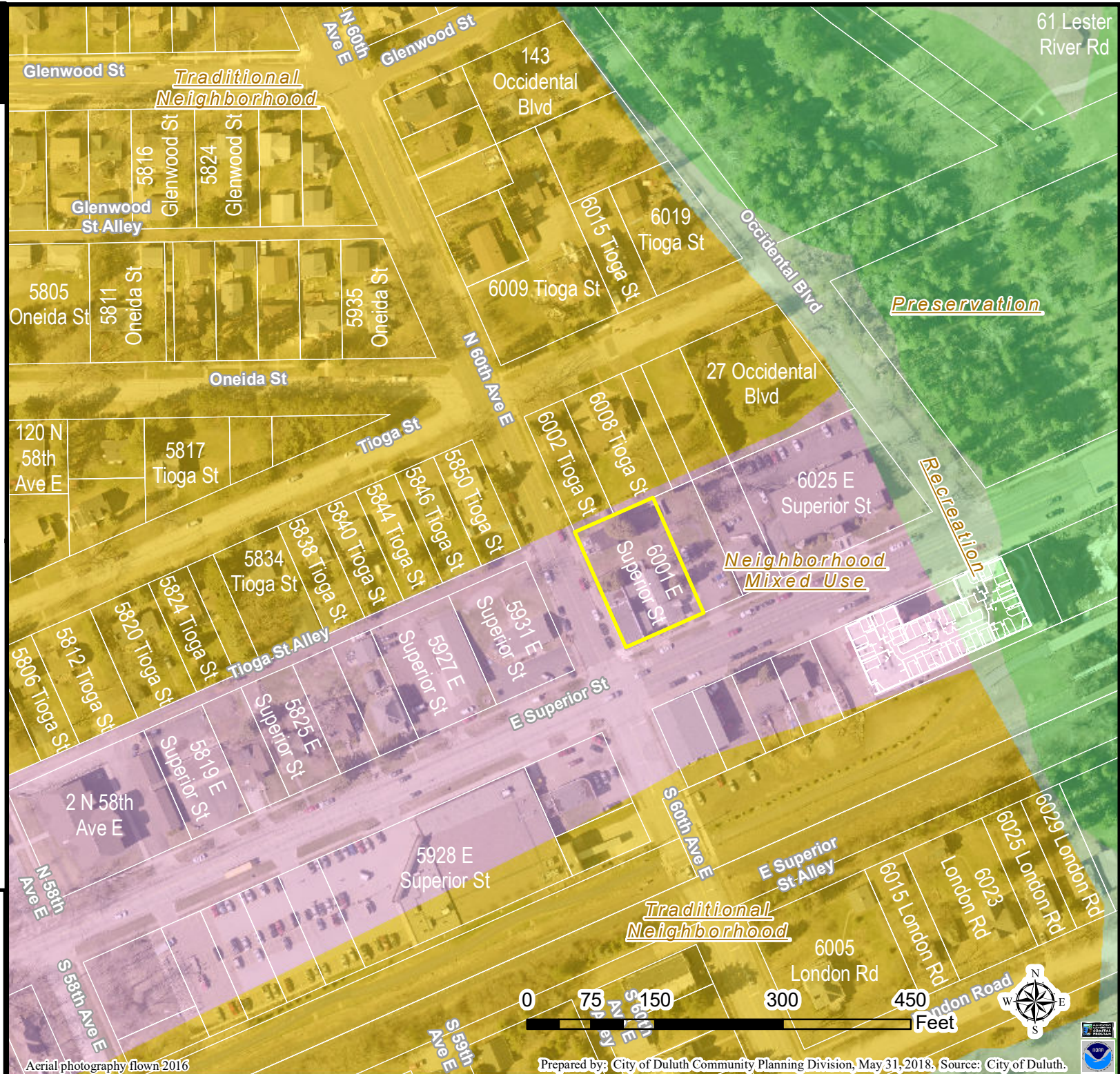
Other Stream (GPS)

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