



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, cleee@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

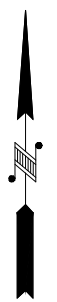
Staff finds that:

- 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.

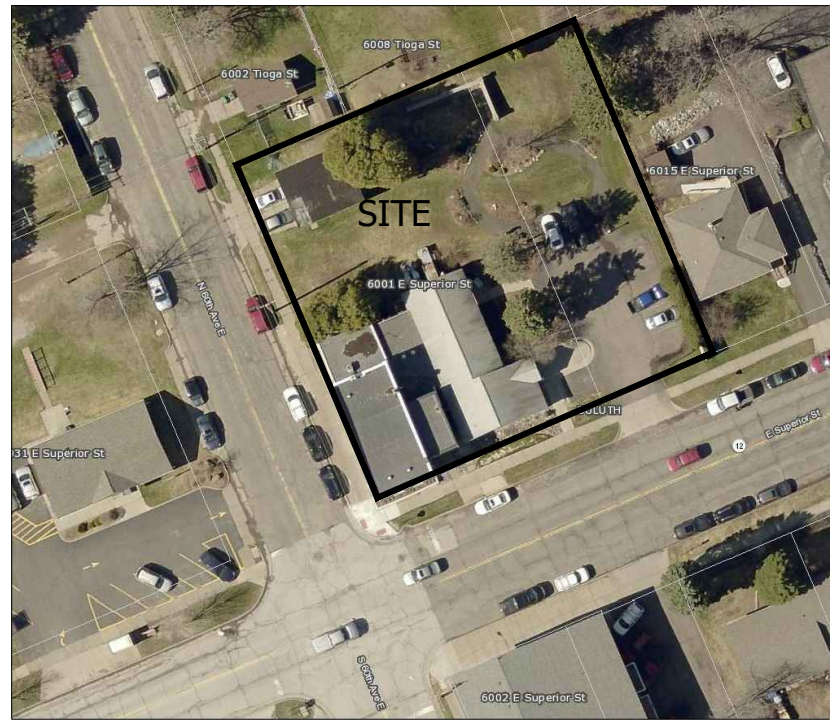
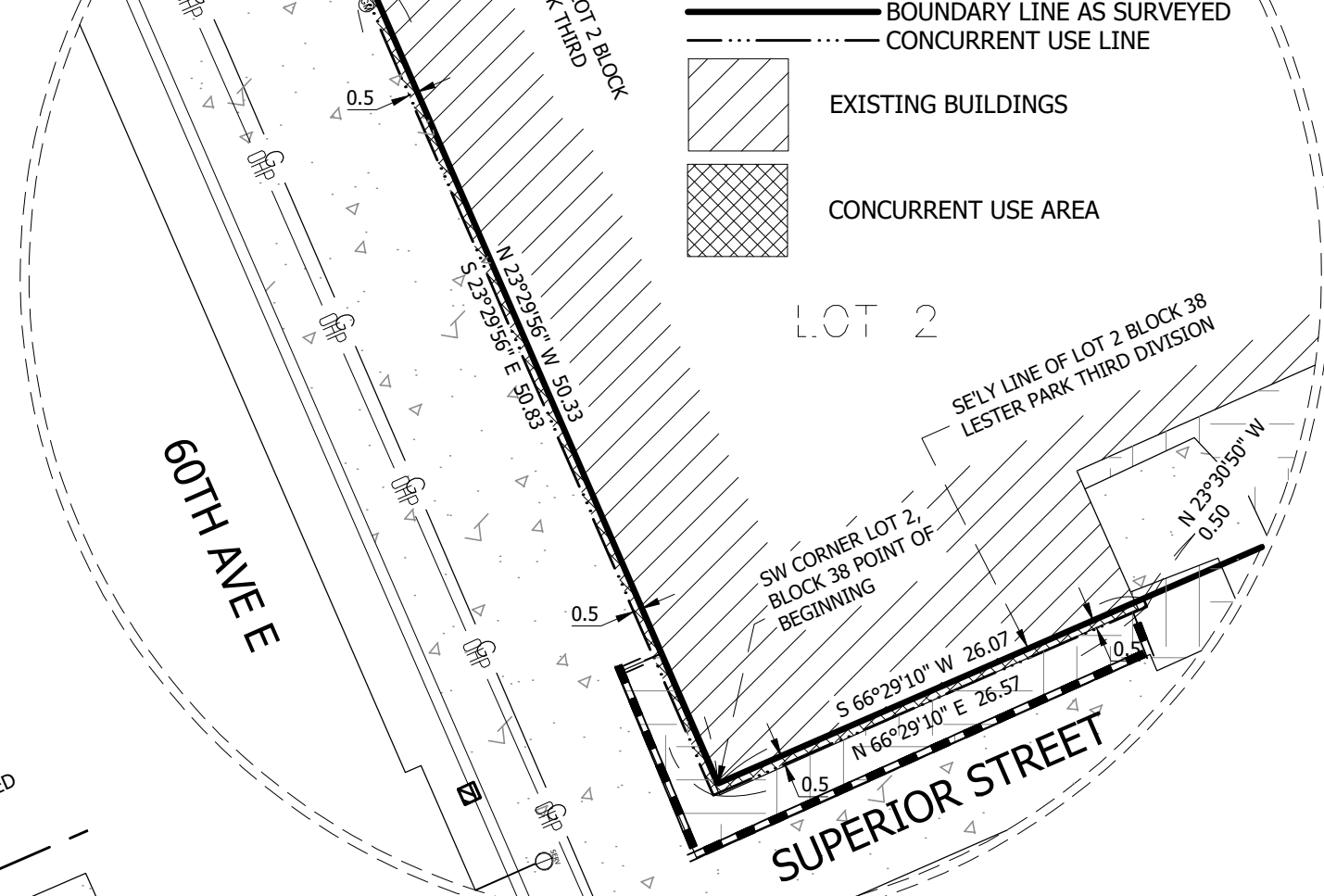
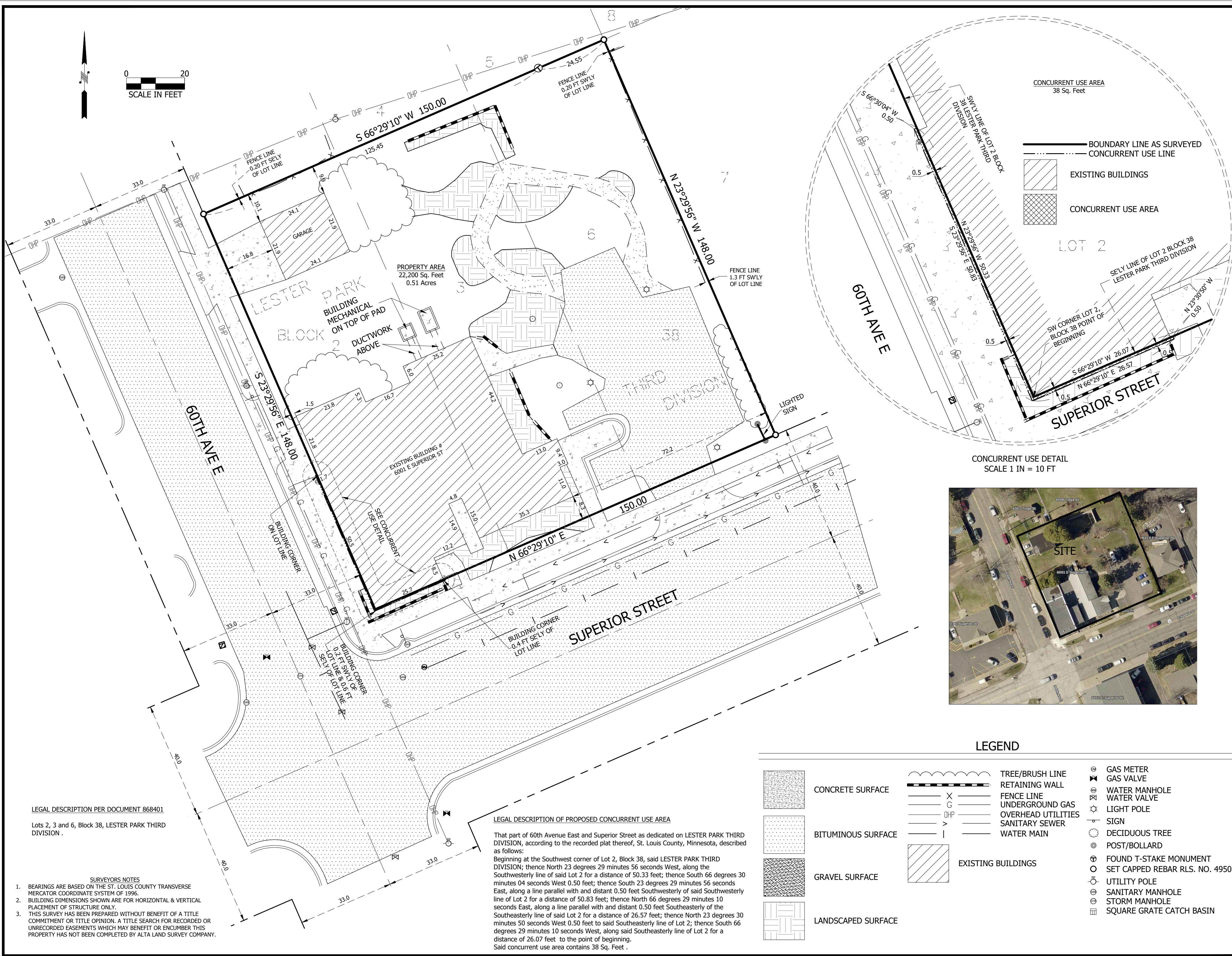
Staff Recommendation

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.



0 20
SCALE IN FEET



LEGEND

	CONCRETE SURFACE		TREE/BRUSH LINE		GAS METER
	BITUMINOUS SURFACE		RETAINING WALL		GAS VALVE
	GRAVEL SURFACE		FENCE LINE		WATER MANHOLE
	LANDSCAPED SURFACE		UNDERGROUND GAS		WATER VALVE
	EXISTING BUILDINGS		OVERHEAD UTILITIES		LIGHT POLE
			SANITARY SEWER		SIGN
			WATER MAIN		DECIDUOUS TREE
					POST/BOLLARD
					FOUND T-STAKE MONUMENT
					SET CAPPED REBAR RLS. NO. 49505
					UTILITY POLE
					SANITARY MANHOLE
					STORM MANHOLE
					SQUARE GRATE CATCH BASIN

LEGAL DESCRIPTION PER DOCUMENT 868401

Lots 2, 3 and 6, Block 38, LESTER PARK THIRD DIVISION.

SURVEYORS NOTES

- BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996.
- BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY.
- THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY.

ALTA
LAND SURVEY COMPANY
LAND SURVEYING
PHONE: 214-272-5211
FAX: 214-272-5212
CERTIFIED PROFESSIONAL SURVEYOR
LEGAL DESCRIPTIONS
CONSTRUCTION STAKING
WWW.ALTA-LANDSURVEYING.COM

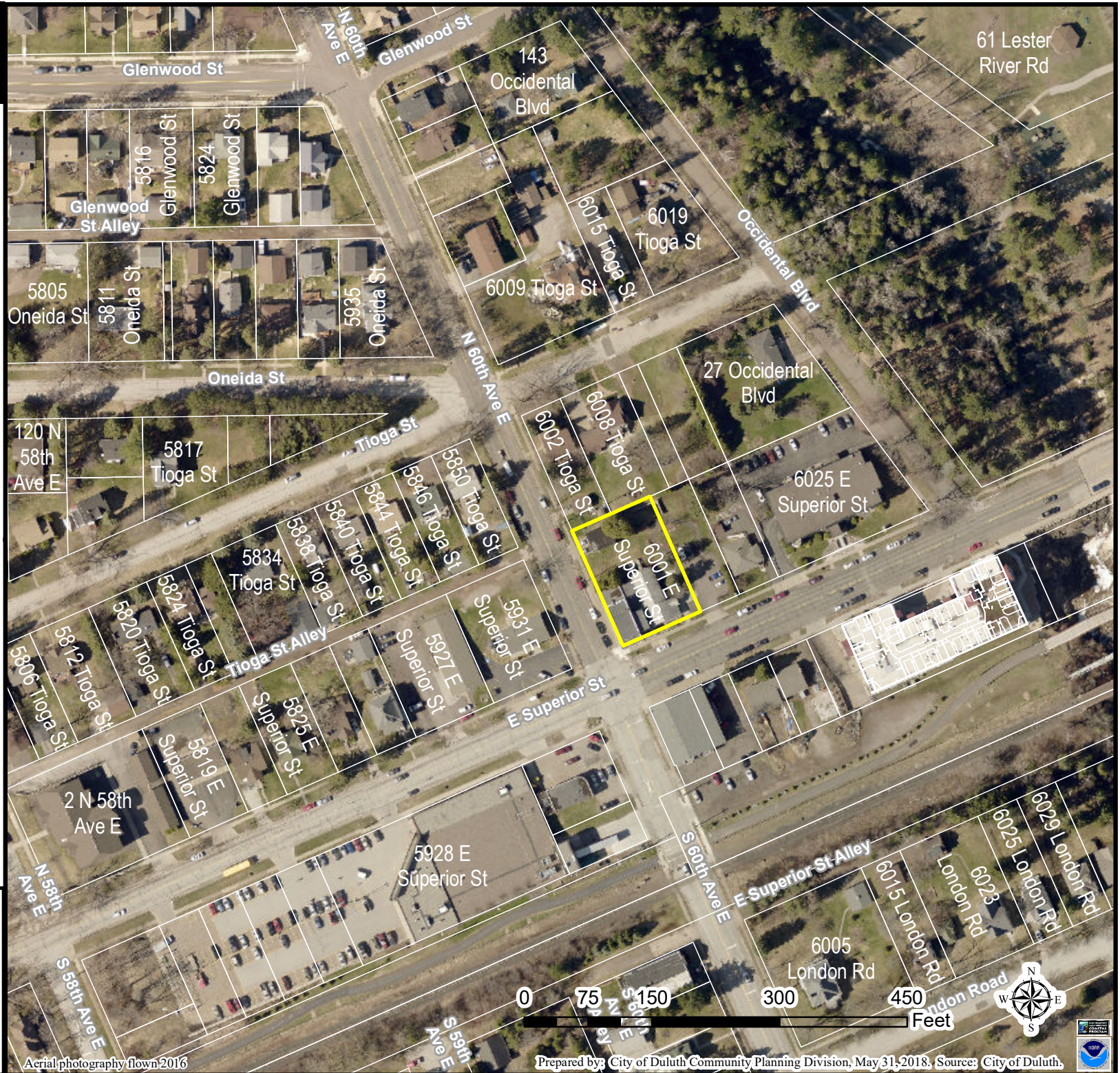
REVISIONS: 6-7-2018 SHOW CONCURRENT USE & LEGAL
CLIENT: SCALZO ARCHITECTS
ADDRESS: 6001 E SUPERIOR ST
DATE: AUGUST 28, 2017
MVA LIC. NO. 49505
Darius R. Evers
Darius R. Evers

CERTIFICATE OF SURVEY

DATE:
8-28-17
JOB NO.
17-285
SHEET NO.
1



PL 18-060: CUP
6001 E Superior St



Legend

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Aerial photography flown 2016



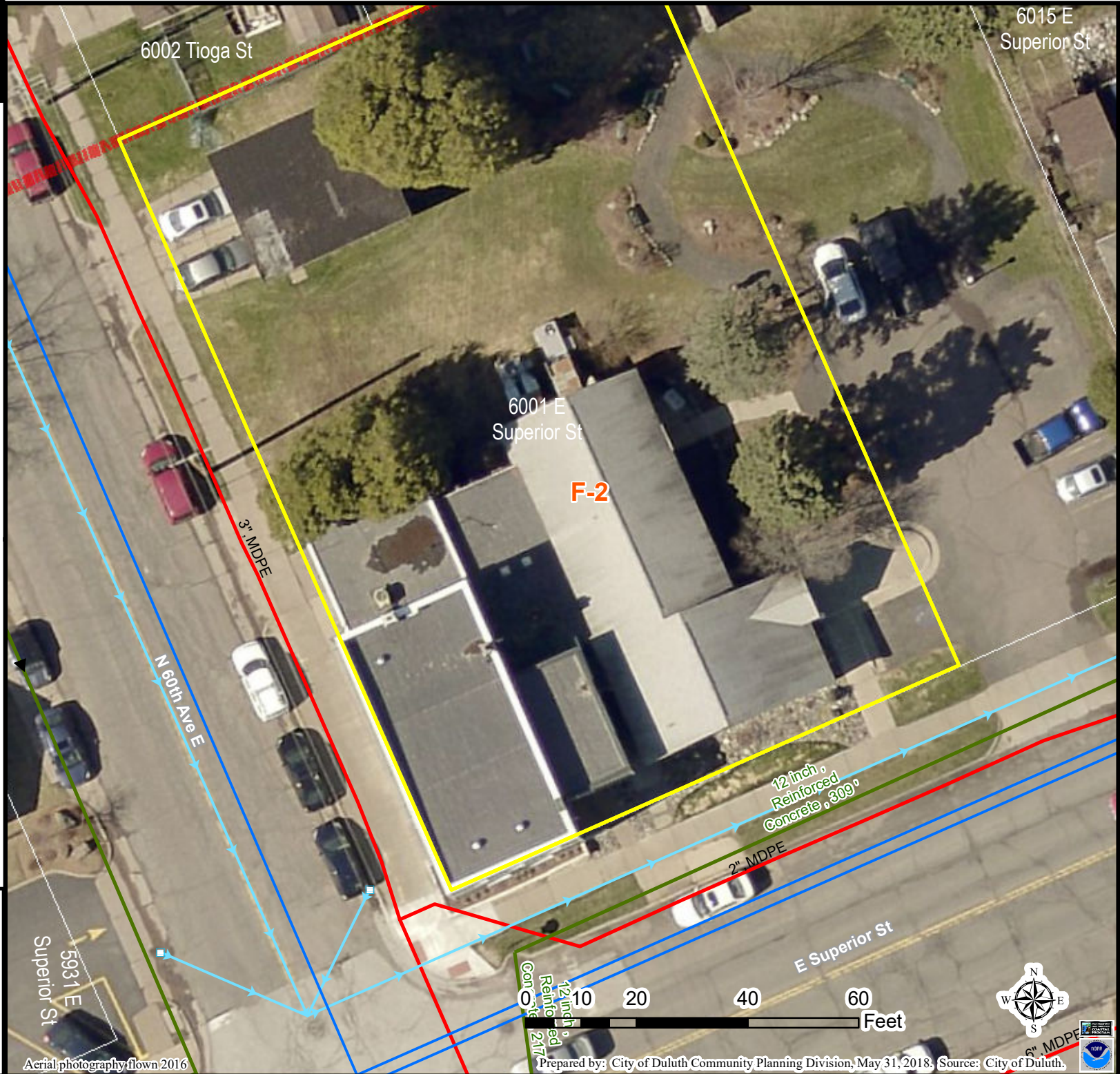


PL 18-060: CUP
6001 E Superior St

Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
- CITY OF DULUTH
- WLSDD; 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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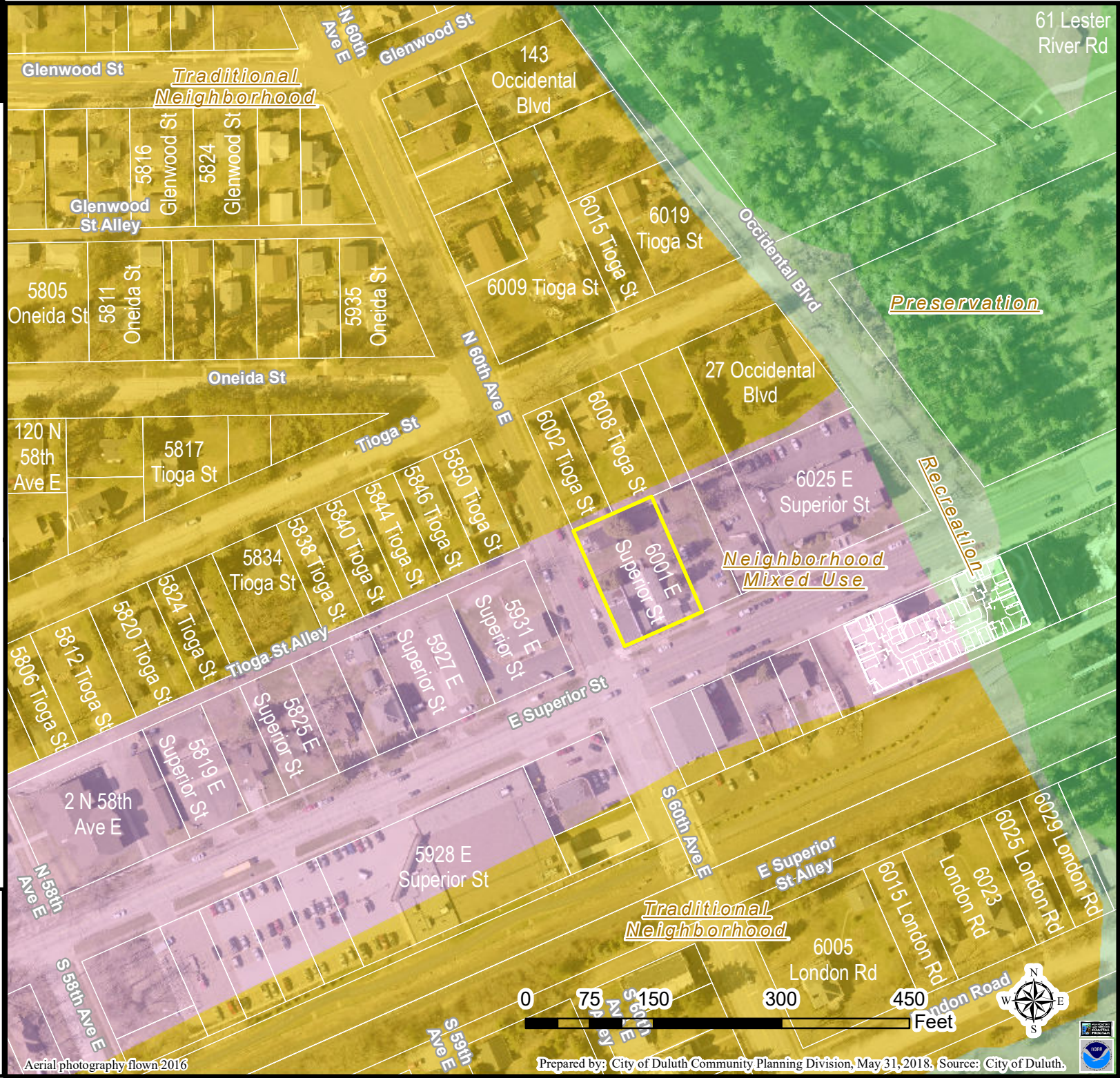
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