



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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

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

<b>File Number</b>	PL 21-039	<b>Contact</b>	Chris Lee, <a href="mailto:clee@duluthmn.gov">clee@duluthmn.gov</a>	
<b>Type</b>	Concurrent Use Permit	<b>Planning Commission Date</b>	May 11, 2021	
<b>Deadline for Action</b>	<b>Application Date</b>	March 22, 2021	<b>60 Days</b>	May 21, 2021
	<b>Date Extension Letter Mailed</b>	April 8, 2021	<b>120 Days</b>	July 20, 2021
<b>Location of Subject</b>	Near Bayview Ave and Gold Street			
<b>Applicant</b>	Regents of the University of Minnesota	<b>Contact</b>	Leslie Krueger	
<b>Agent</b>	UMD, Facilities Management	<b>Contact</b>	Erik Larson	
<b>Legal Description</b>	See attached			
<b>Site Visit Date</b>	April 29, 2021	<b>Sign Notice Date</b>	April 27, 2021	
<b>Neighbor Letter Date</b>	N/A	<b>Number of Letters Sent</b>	N/A	

**Proposal:** A Concurrent Use Permit for to install electrical and storm sewer lines under Gold Street and its alley and Bayview Avenue. These improvements are necessary for future improvements to University of Minnesota's parking lots.

**Staff Recommendation:** Staff recommends 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>	R-1 & R-2	UMD Parking Lots	Traditional Neighborhood/Urban Residential
<b>North</b>	R-2	UMD	Traditional Neighborhood
<b>South</b>	MU-1	UMD	Institutional
<b>East</b>	R-2	Residential	Traditional Neighborhood
<b>West</b>	R-2	Residential	Traditional Neighborhood

**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. ... Not Applicable (Skywalks)
3. No portion of a public easement proposed for use is being physically used or occupied by the public.
4. ...Not Applicable (Parking)

**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.

Future Land Use – Traditional Neighborhood: – Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Includes many of Duluth’s older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas.

Urban Residential - Greatest variety of residential building types, medium to high densities. Applicable to larger infill areas close to downtown, entertainment or activity centers, and waterfront residential areas. May include student housing areas, live/work units, and limited neighborhood retail. Connected or adjacent to parks and open space.

**History:**

1887 – Oakland Park Addition to Duluth plat filed.

2015 – Roads in the area vacated per University of Minnesota Request.

**Review and Discussion Items**

Staff finds that:

- 1.) The applicant is proposing to occupy 3 parts of right of way in Gold Street and Gold Street Alley. The total occupied space will be 1,650 square feet. These areas are located near parcels 010-3570-03080, 010-3570-03340, 010-3570-02480, and 010-3570-02960.
- 2.) This proposal is to allow the installation of electrical and storm water utilities. The proposed utilities are necessary for future improvements to the University of Minnesota’s parking lots. The planned improvements are for lighting and pavement. The pavement will be for the parking lot and not the proposed right of way occupation.
- 3.) 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 state that the City is not responsible for removal/replacement of the applicant’s infrastructure should the City need to access the right-of-way in the permitted area. The applicant has provided insurance to add the City of Duluth as an additionally insured party.
- 4.) The area proposed for the concurrent use permit will not diminish 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.
- 5.) No other public, agency, or other comments have been received as of April 27, 2021.

**Staff Recommendation**

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

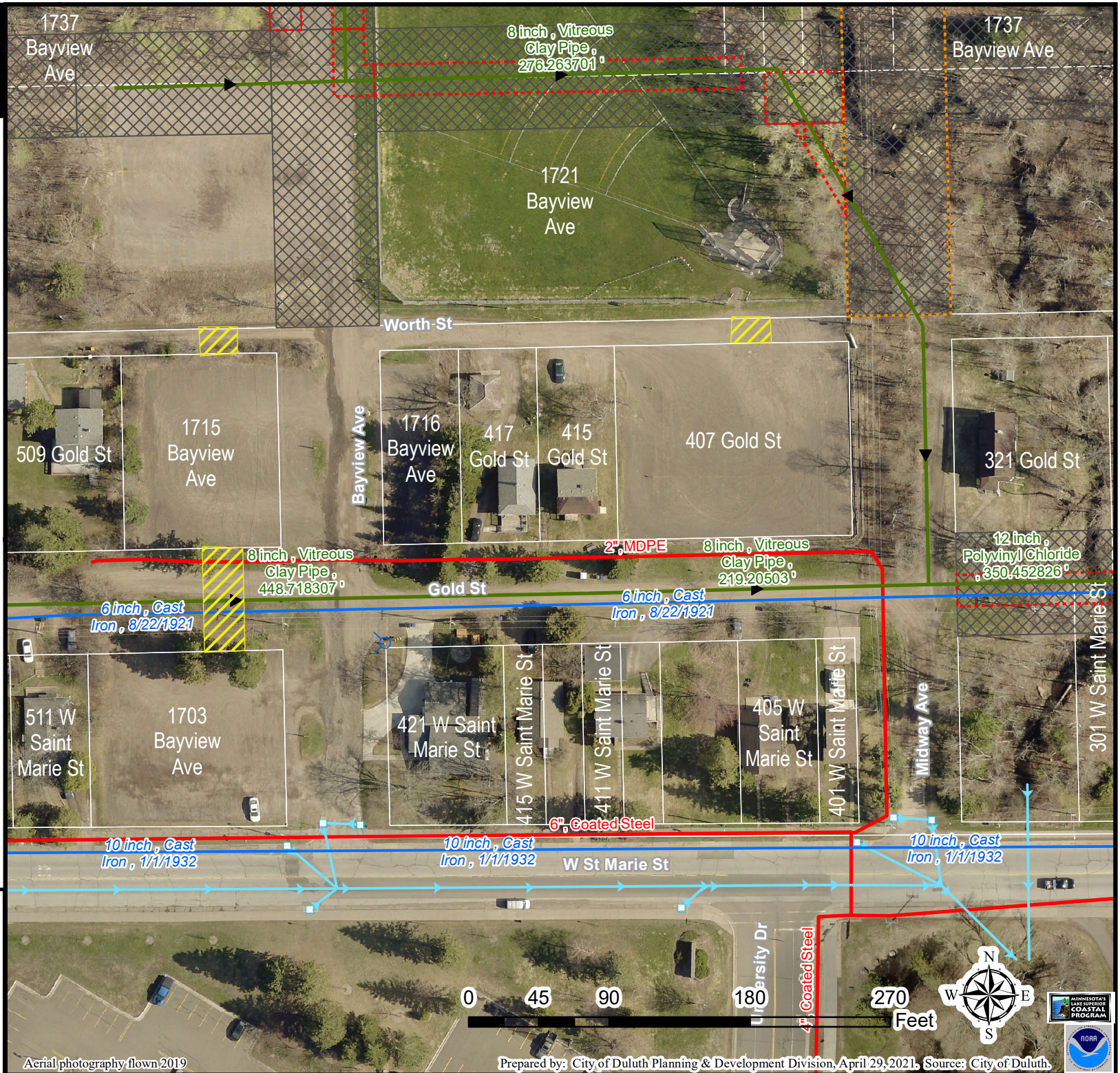
- 1.) Applicant shall maintain the project as identified in the attached exhibits.
- 2.) Applicant shall provide annual proof of liability insurance to indemnify the City against any occurrences in the right of way that are due to items covered under this permit.
- 3.) Any alterations to the approved 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 21-039  
Concurrent Use Permit  
Gold Street and Alley

**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
- Vacated ROW
- Easement Type**
  - Utility Easement
  - Other Easement



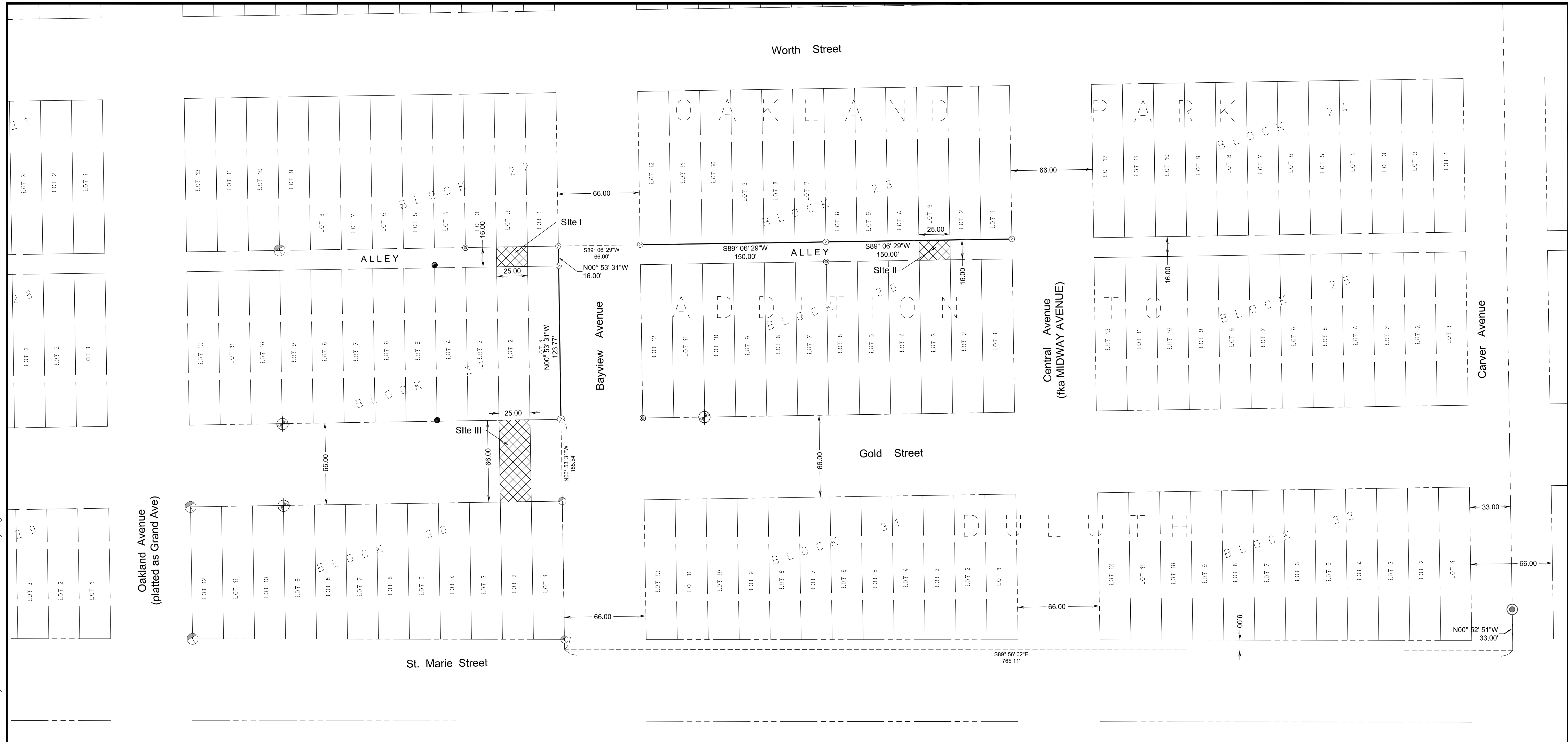
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used 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 & Development Division, April 29, 2021, Source: City of Duluth.



PLOT DATE: Apr 30, 2021 - 8:09am  
 FILENAME: P:\Herntown-Office\Projects\TKDA\15513 Land Surveys\15513.402 UMD Gold Street Alley\CONCURRENT USE PERMIT Gold Street Alley.dwg



NOTE: THE PLATTED LOTS ADJOINING THE CONCURRENT USE SITES ARE ALL OWNED BY THE REGENTS OF THE UNIVERSITY OF MINNESOTA

**Site I**

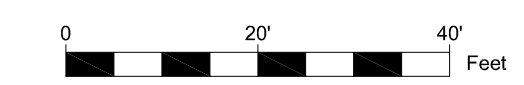
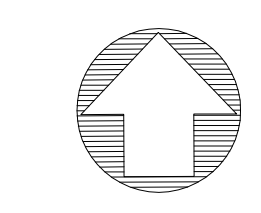
A Concurrent Use for underground utilities across and under public right of way described as follows:  
 That part of a 16 foot wide alley between Block 22 and Block 27, Oakland Park Addition to Duluth, according to the recorded plat thereof, St. Louis County, Minnesota; bounded on the east by the southerly extension of the east line of Lot 2 of said Block 22; and bounded on the west by the southerly extension of the west line of said Lot 2.  
 The area of said concurrent use area is 400 square feet more or less

**Site II**

A Concurrent Use for underground utilities across and under public right of way described as follows:  
 That part of a 16 foot wide alley between Block 23 and Block 26, Oakland Park Addition to Duluth, according to the recorded plat thereof, St. Louis County, Minnesota; bounded on the east by the southerly extension of the east line of Lot 3 of said Block 23; and bounded on the west by the southerly extension of the west line of said Lot 3.  
 The area of said concurrent use area is 400 square feet more or less

**Site III**

A Concurrent Use for underground utilities across and under public right of way described as follows:  
 That part of a Gold Street between Block 27 and Block 30, Oakland Park Addition to Duluth, according to the recorded plat thereof, St. Louis County, Minnesota; bounded on the east by the southerly extension of the east line of Lot 2 of said Block 27; and bounded on the west by the southerly extension of the west line of said Lot 2.  
 The area of said concurrent use area is 1650 square feet more or less

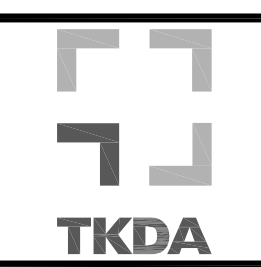


**LEGEND**

- ⊙ FOUND TEE
- ⊕ FOUND ALUMINUM CAPPED PIPE
- ⊙ FOUND IRON ROD
- ⊙ SET IRON SURVEY MARKER (TEE) - MN. LIC. NO. 21774
- ⊙ FOUND CITY MONUMENT
- FOUND IRON PIPE
- ▨ CONCURRENT USE AREA
- LOT LINE
- RIGHT OF WAY

NO.	DATE	BY	DESCRIPTION OF REVISIONS

DESIGNED	JK	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 PROFESSIONAL SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
DRAWN	JK	
CHECKED	GS	
SIGNATURE: <i>Greg Stoewer</i>		DATE: 3/11/2021
NAME: Greg Stoewer		MN LIC. NO.: 21774



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**CONCURRENT USE EXHIBIT**

**GOLD STREET & GOLD STREET ALLEY, OAKLAND PARK ADDITION TO DULUTH**

PROJ. NO.	15513.402
DRAWING NO.	1