



**CITY OF DULUTH**  
Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197  
Phone: 218/730.5580 Fax: 218/723-3559

## STAFF REPORT

|                             |                                                               |                                 |                                 |                    |
|-----------------------------|---------------------------------------------------------------|---------------------------------|---------------------------------|--------------------|
| <b>File Number</b>          | PL 16-053                                                     | <b>Contact</b>                  | Chris Lee, cleee@duluthmn.gov   |                    |
| <b>Application Type</b>     | Concurrent Use Permit                                         | <b>Planning Commission Date</b> | June 14, 2016                   |                    |
| <b>Deadline for Action</b>  | <b>Application Date</b>                                       | May 16, 2016                    | <b>60 Days</b>                  | July 15, 2016      |
|                             | <b>Date Extension Letter Mailed</b>                           | June 1, 2016                    | <b>120 Days</b>                 | September 13, 2016 |
| <b>Location of Subject</b>  | 9030 Beaudry Street, between S 91st Ave West and S 90th Ave W |                                 |                                 |                    |
| <b>Applicant</b>            | Westminster Presbyterian Church                               | <b>Contact</b>                  | Paul Rigstad, pnbrigs@gmail.com |                    |
| <b>Agent</b>                |                                                               | <b>Contact</b>                  |                                 |                    |
| <b>Legal Description</b>    | See attached                                                  |                                 |                                 |                    |
| <b>Site Visit Date</b>      | May 26, 2016                                                  | <b>Sign Notice Date</b>         | May 25, 2016                    |                    |
| <b>Neighbor Letter Date</b> | N/A                                                           | <b>Number of Letters Sent</b>   | N/A                             |                    |

### Proposal

Applicant would like to use the right of way of Beaudry Street to place a paved parking lot with 23 stalls on the the south side of the road.

|                | Current Zoning | Existing Land Use       | Future Land Use Map Designation |
|----------------|----------------|-------------------------|---------------------------------|
| <b>Subject</b> | R-1            | Right of way            | Traditional Neighborhood        |
| <b>North</b>   | R-1            | Residential Traditional | Traditional Neighborhood        |
| <b>South</b>   | R-1            | Residential Traditional | Traditional Neighborhood        |
| <b>East</b>    | R-1            | Residential Traditional | Traditional Neighborhood        |
| <b>West</b>    | R-1            | Residential Traditional | Traditional Neighborhood        |

### Summary of Code Requirements (reference section with a brief description):

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.

II.B-1

## Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Governing Principle #12 - Create efficiencies in delivery of public services

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. Limited commercial, schools, churches, and home-businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

Recent History: Westminster Presbyterian Church has recently completed a small paved parking lot on the west side of the buildings entrance to include handicap stalls. The Church is currently implementing a landscape plan on the west side of the property, and has plans for landscaping following the construction of the parking lot to the east of the entrance.

## Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

Staff finds that:

- 1.) Applicant is requesting a Concurrent Use Permit to improve the south side of Beaudry Street with paved parking. Currently parking is done on the gravel that is on the side of the road.
- 2.) The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city.
- 3.) The area proposed for concurrent use permit will not take away from the public's (pedestrians) ability to use the public right of way.
- 4.) City Engineering staff approve the placement of a paved parking lot with the condition that a curb runs the length of the proposed new parking lot to prevent water from running into adjacent properties and to keep parking controlled to the lot.
- 5.) No other City, agency, or public comments were received.

## Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff recommends that Planning Commission recommend approval of the Concurrent Use Permit with the following conditions:

- 1.) The project be limited to, constructed, and maintained according to the Site Plan and Sections, both dated 05/05/16.
- 2.) 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.

B-2

**Attachments** (aerial photo with zoning; future land use map; site plan; copies of correspondence)









# City Planning

PZ 16-053

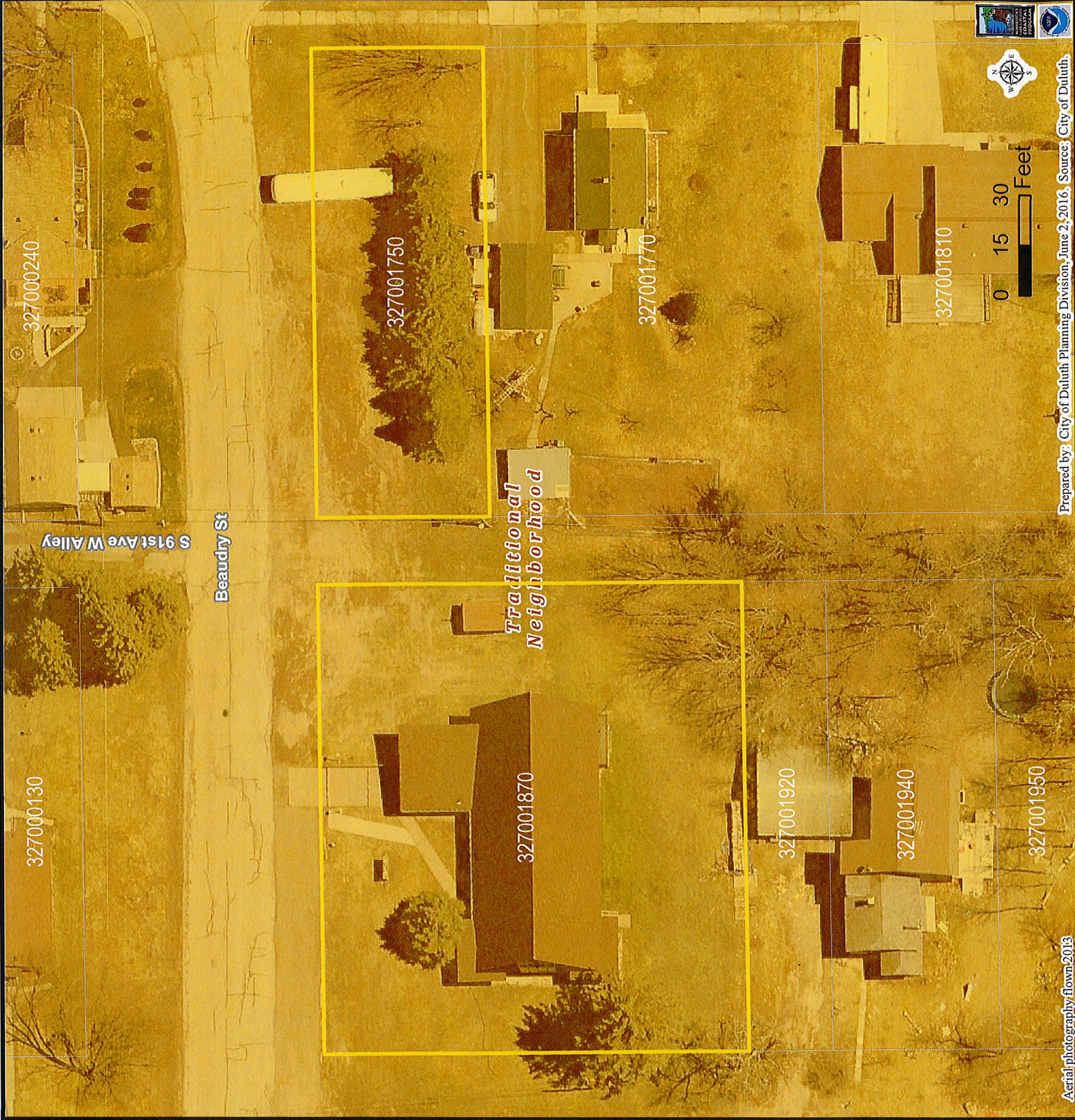
9030 Beaudry Street

## Legend

### Future Land Use

- |                                                                                       |                                |
|---------------------------------------------------------------------------------------|--------------------------------|
|    | Preservation                   |
|    | Recreation                     |
|    | Rural Residential              |
|    | Low-density Neighborhood       |
|    | Traditional Neighborhood       |
|    | Urban Residential              |
|    | Neighborhood Commercial        |
|    | Neighborhood Mixed Use         |
|    | General Mixed Use              |
|    | Central Business Secondary     |
|    | Central Business Primary       |
|    | Auto Oriented Commercial       |
|    | Large-scale Commercial         |
|    | Business Park                  |
|    | Tourism/Entertainment District |
|    | Medical District               |
|    | Institutional                  |
|   | Commercial Waterfront          |
|  | Industrial Waterfront          |
|  | Light Industrial               |
|  | General Industrial             |
|  | Transportation and Utilities   |

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 2013

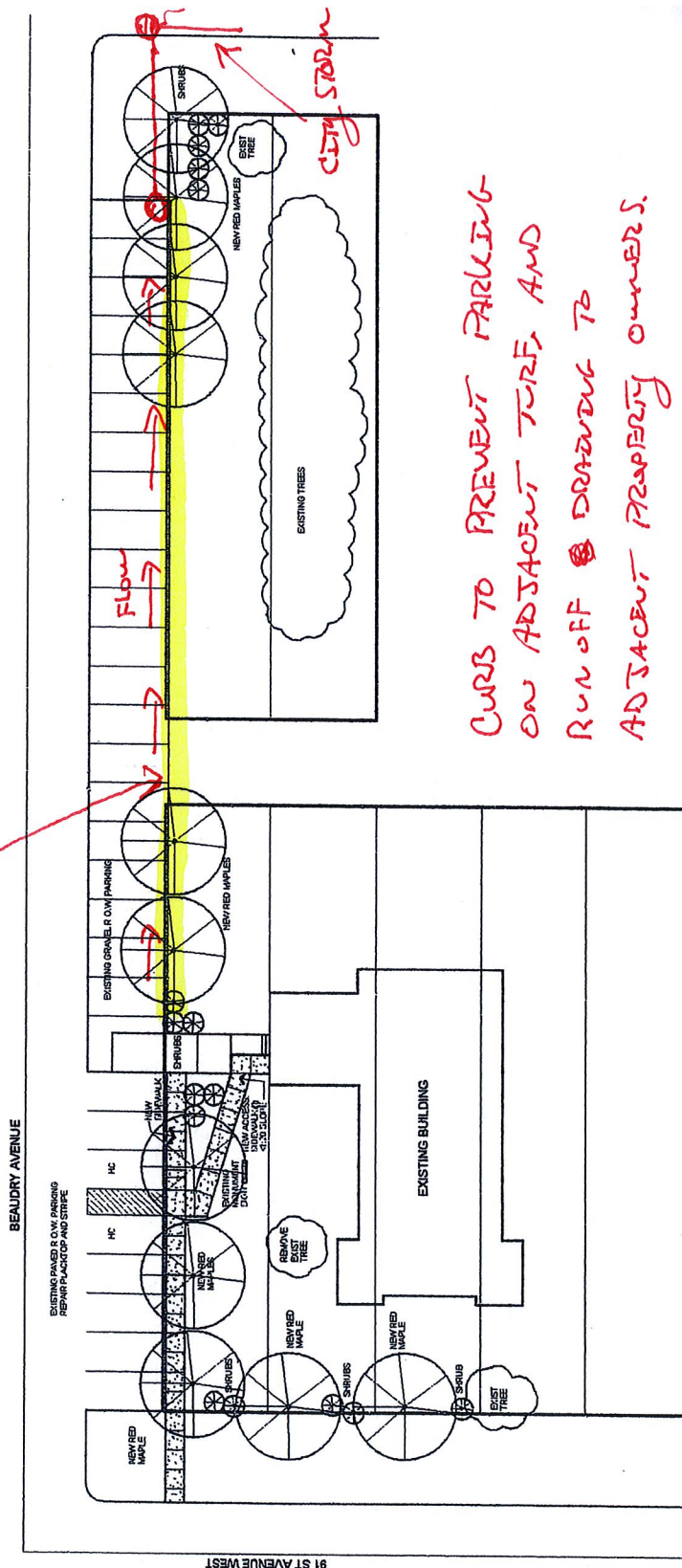
Prepared by: City of Duluth Planning Division, June 2, 2016, Source: City of Duluth.

B-4



NEEDS CURB ALONG PARKING  
TO DIRECT RUNOFF TO EAST  
TO NEW PRIVATE CATCHBASIN / PDE --  
CONNECT TO CITY STORM.

CURB A-  
PARWIND- EDBF-



CURBS TO PREVENT PARKING ON ADJACENT TURF, AND RUNOFF DRAINAGE TO ADJACENT PROPERTY OWNERS.

**SITE PLAN**  
SCALE: 1/16" = 1'



Comments  
From  
TS  
x5/03

B-5



Lots One (1), Two (2), Three (3) and Four (4), Block Twenty-two (22), MINNE WAKAN ADDITION TO DULUTH, according to the plat thereof on file and of record in the Office of the Registrar of Titles for St. Louis County, Minnesota,

EXCEPT all minerals and mineral rights,

AND

Lots One (1) AND Two (2), Block Twenty-one (21), and Lot Five (5), Block Twenty-two (22),

MINNE WAKAN ADDITION TO DULUTH, according to the plat thereof on file and of record in the Office of the County Recorder for St. Louis County, Minnesota,

EXCEPT all minerals and mineral rights as to Lot 1, Block 21 and Lot 5, Block 22, MINNE WAKAN ADDITION TO DULUTH

*Check here if all or part of the described real property is Registered (Torrens) ☒*

B-6



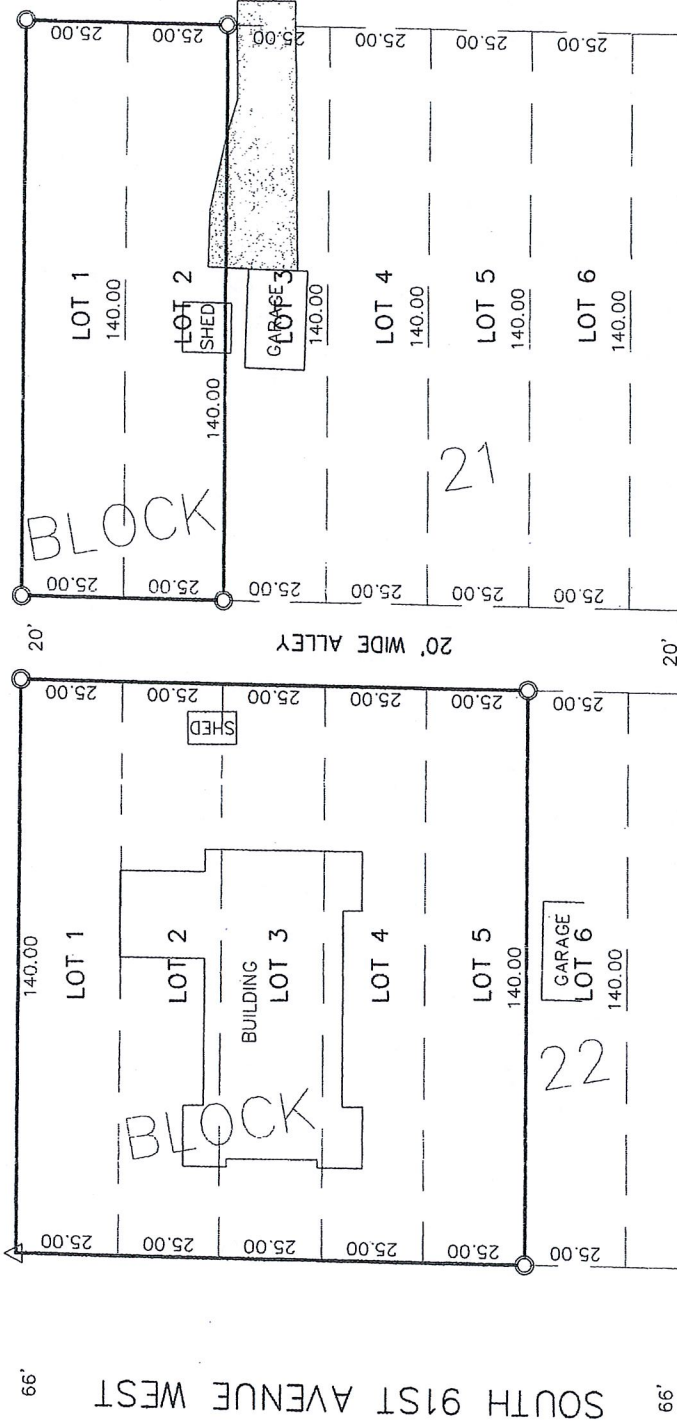
91 MAIN STREET  
SUPERIOR, WI 54880

1-2. BLOCK 21, "MINNIEWAKAN  
ADDITION TO DULUTH" ST LOUIS  
COUNTY, MINNESOTA.

SCALE 1" = 30'  
15 7.5 0 15 30

- ⊙ DENOTES FOUND IRON MONUMENT
- DENOTES 1/2" IRON REBAR MONUMENT  
SET AND CAPPED "ANDERSON 45498"
- △ DENOTES "MAG" NAIL SET
- ⊠ DENOTES CATCH BASIN
- ⊞ DENOTES HYDRANT
- ▢ DENOTES BITUMINOUS SURFACE

BEAUDRY STREET

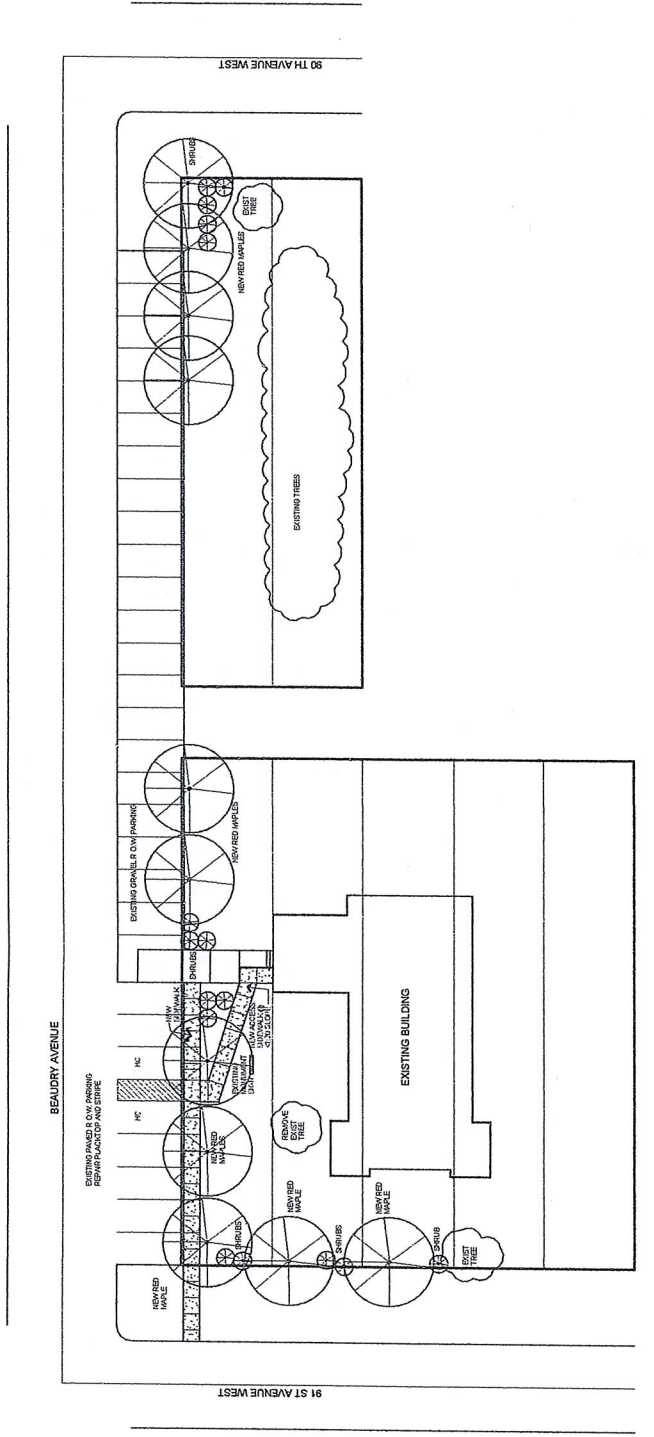


I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Benjamin H. Anderson 45498 05-13-2016 2016-105 ST LOUIS 4 P.69  
Benjamin H. Anderson License No. Job No. Date Book No.

B-7





SITE PLAN  
 SCALE: 1/16" = 1'-0"

B-8



