



# CITY OF DULUTH

Community Planning Division

411 West First Street, Room 2010 \* Duluth, Minnesota 55802-1194

Phone: 218/730-5240 Fax: 218/730-5901

<b>File Number</b>	PL17-136	<b>Contact</b>	Jenn Reed Moses, jmoses@duluthmn.gov	
<b>Type</b>	Concurrent Use Permit	<b>Planning Commission Date</b>	September 12, 2017	
<b>Deadline for Action</b>	<b>Application Date</b>	August 14, 2017	<b>60 Days</b>	October 13, 2017
	<b>Date Extension Letter Mailed</b>	August 25, 2017	<b>120 Days</b>	December 12, 2017
<b>Location of Subject</b>	110 <sup>th</sup> Avenue W			
<b>Applicant</b>	Vonco V Duluth, LLC	<b>Contact</b>		
<b>Agent</b>	N/A	<b>Contact</b>		
<b>Legal Description</b>	See attached			
<b>Site Visit Date</b>	August 31, 2017	<b>Sign Notice Date</b>	August 29, 2017	
<b>Neighbor Letter Date</b>	N/A	<b>Number of Letters Sent</b>	N/A	

## Proposal

Vonco V, a demolition landfill in Gary New Duluth, requests a Concurrent Use Permit to install a private sewer line within the undeveloped right of way of 110<sup>th</sup> Avenue W. This sewer line will transfer landfill leachate to the WLSSD line to the north.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Undeveloped right of way	Low-density Neighborhood
<b>North</b>	RR-1	Undeveloped (WLSSD line)	Preservation
<b>South</b>	R-1	Undeveloped	Low-density Neighborhood
<b>East</b>	R-1	Undeveloped, Residential	Low-density Neighborhood, Preservation
<b>West</b>	RR-1, I-G	Undeveloped, Industrial	Low-density Neighborhood, Preservation

## 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):**

**Future Land Use – Low-density Neighborhood:** Single-family housing with urban services. Typified by curvilinear streets, houses with longer side parallel to street, and attached garages. Includes a range of house sizes and lot sizes. Non-residential uses are mainly uses such as schools and churches. Parks and open space are located within or adjacent to the neighborhood.

The surrounding area's existing character is consistent with the future land use, and permits and development in the area should continue this pattern.

**History:** Recently, odors emanating from the sewer lines have caused problems in the surrounding residential neighborhood. The applicant has been working with City Engineering to identify solutions. Note that Vonco V has an MPCA permit governing its operations, including leachate.

### **Review and Discussion Items**

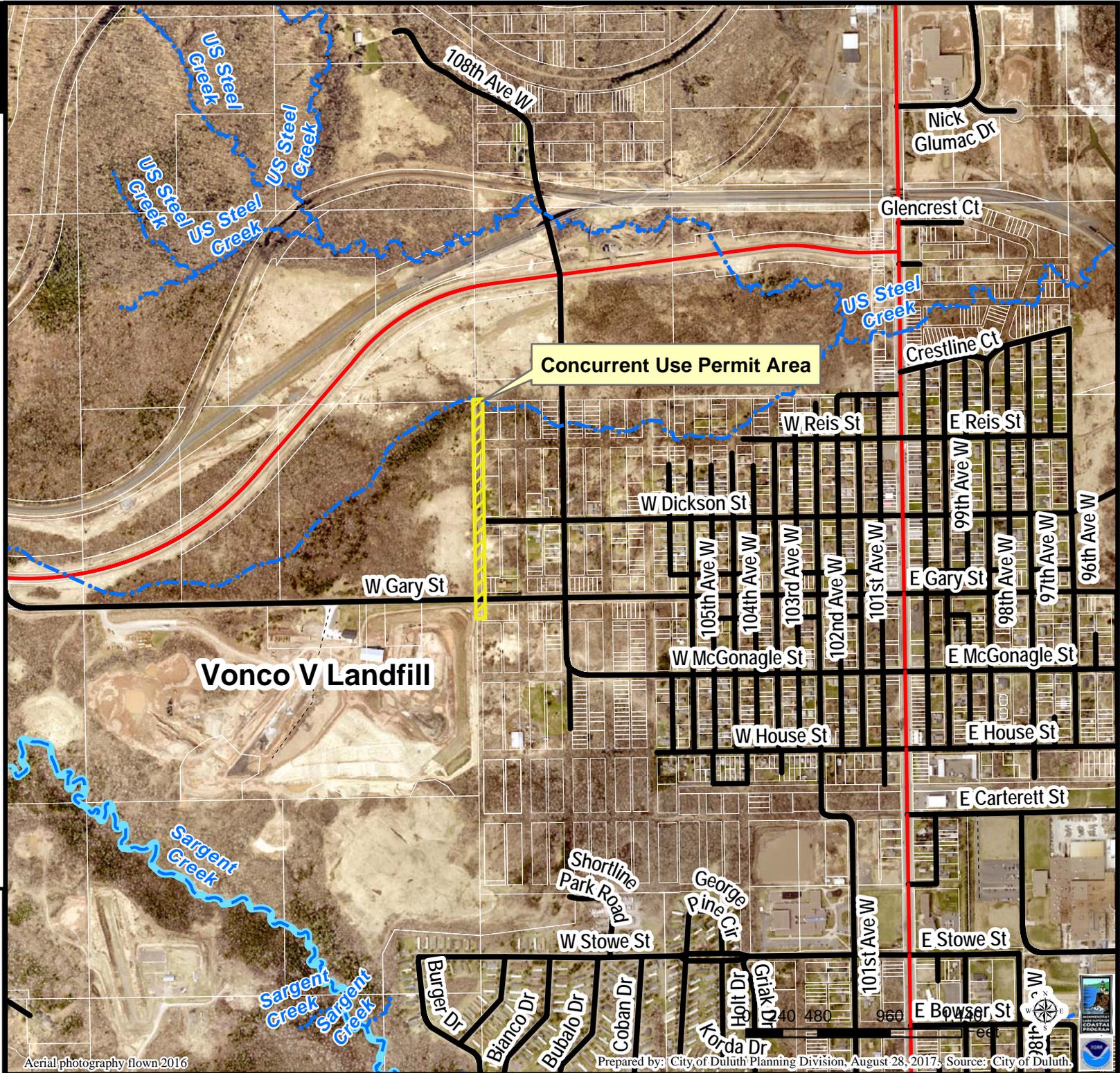
Staff finds that:

- 1) The applicant is seeking a concurrent use permit to allow a private sewer line in an existing, undeveloped, right of way. The right of way is wooded and mostly adjacent to undeveloped land, much of which is tax-forfeit property managed by St. Louis County. To the north, this sewer line would cross tax-forfeit property to connect to the WLSSD line, and will need permits and approvals from St. Louis County.
- 2) This sewer line would be directionally bored underground; minimal impact and minimal ground disturbance is expected. As the sewer crosses tax-forfeit property, it will also be bored under US Steel Creek. No impacts to the creek are expected. Note that as US Steel Creek is not a public water, no DNR approvals are required.
- 3) At the northern terminus of the concurrent use permit, the sewer line would cross tax-forfeit property (after getting necessary approvals from St. Louis County) to connect to WLSSD's line. This would allow Vonco's leachate to dispense directly into the trunk line instead of using the residential sewer line to the east. The intent of the leachate re-route is to reduce or potentially eliminate odor issues in the residential sewer line.
- 4) The area proposed for the concurrent use permit will be underground and not take away from the public's ability to use the public right-of-way in the future.
- 5) The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city; with the elimination of odors, it will benefit nearby residents.
- 6) The City of Duluth requires concurrent use permits to include liability insurance to indemnify the City against all occurrences in the right-of-way.
- 7) 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. Under a Concurrent Use Permit, the City is not liable for damage to items within the right of way.
- 8) In addition to public notice requirements, the City Engineer and a Vonco representative visited nearby residences to inform them of the proposed project. No public, agency, or City comments were received.
- 9) 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 the following conditions:

- 1) Applicant provide proof of liability insurance, prior to issuance of this permit, to indemnify the City against any occurrences in the right-of-way that are due to items covered in this permit,
- 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.



**Concurrent Use Permit Area**

**Vonco V Landfill**

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.

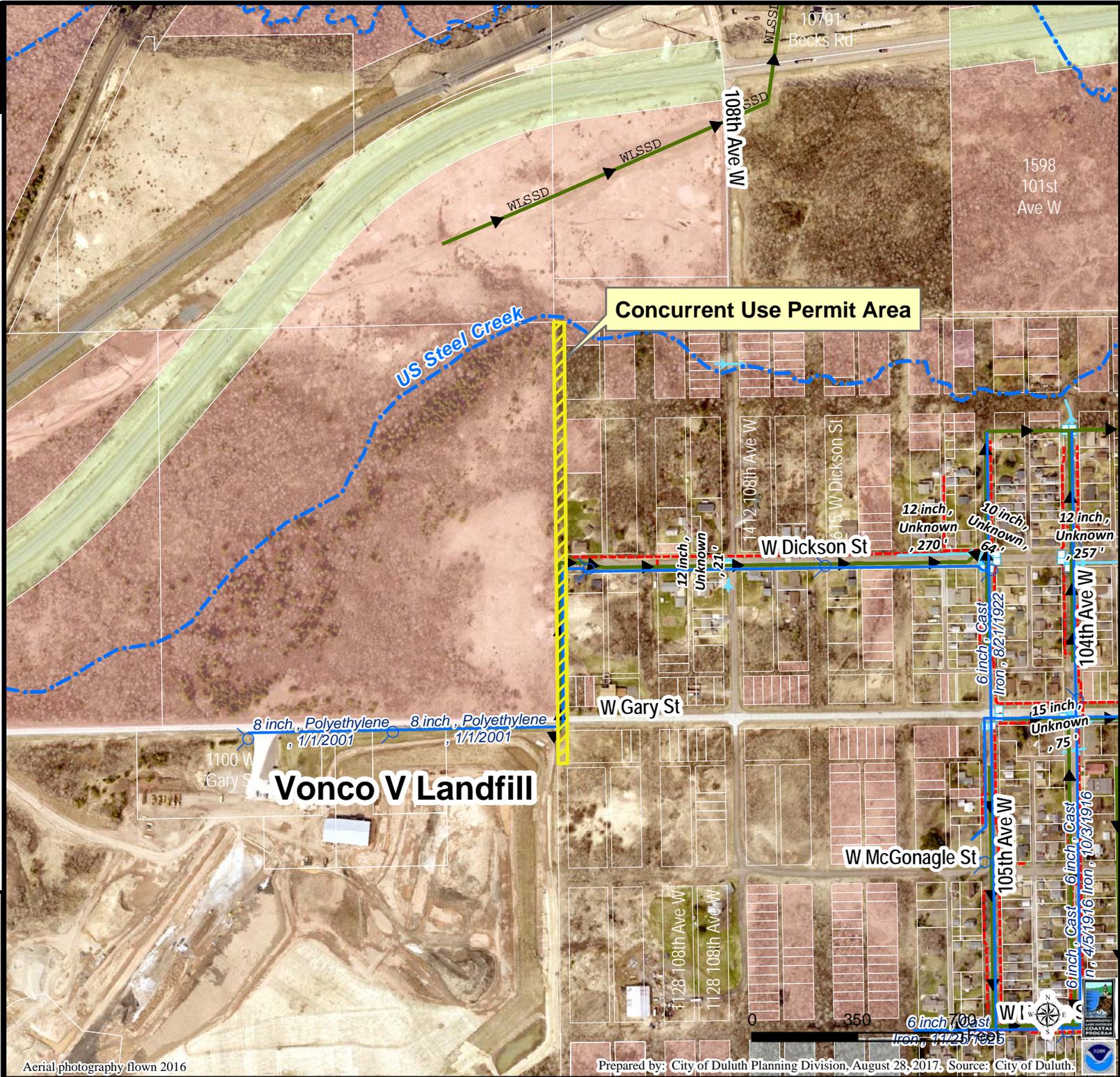




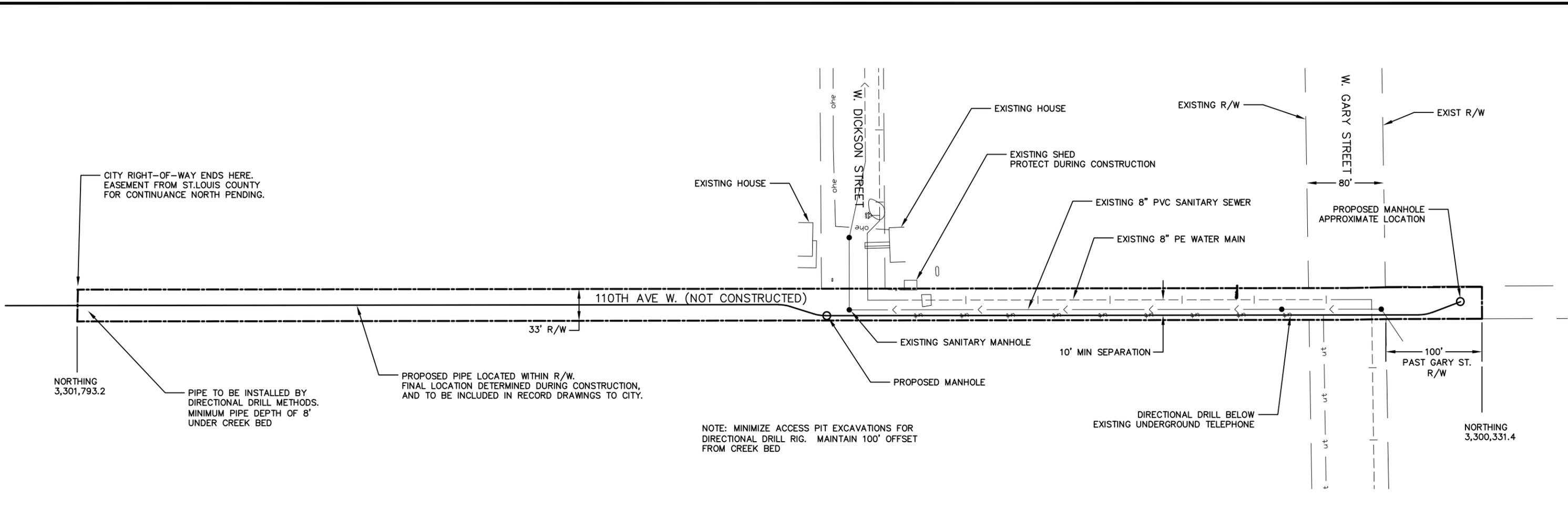
**Legend**

- Trout Stream (GPS)
- - - Other Stream (GPS)
- Public Owned Land**
- Tax Forfeited
- City
- School
- County
- State
- Federal
- Hydrant
- Water Main
- Storage Basin
- PS Pump Station
- ▶ City of Duluth Sewer
- ▶ WLSSD; Other Sewer
- ▶ Sanitary Sewer Forced Main
- Storm Sewer Catch Basin
- ▶ Storm Sewer Pipe
- Gas Main - Coated Steel
- - - Gas Main - Plastic

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REV	DATE	BY	DESCRIPTION
0	8/10/2017	IJF	ISSUED FOR PERMIT APPLICATION



VONCO V Duluth, LLC  
1100 West Gary Street  
Duluth, MN 55808

VONCOUSA.com  
Office: 218.626.3830  
Fax: 218.626.4874

August 10, 2017

City of Duluth - Community Planning  
Attention: Jenn Moses  
411 West First Street  
Duluth, Minnesota 55802

Re: Concurrent Use Permit Request for Vonco Sewer

Dear Ms. Moses,

Vonco V Duluth, LLC (Vonco) operates a solid waste landfill located at 1100 West Gary Street that accepts construction and demolition waste as well as non-hazardous industrial wastes. Landfill leachate (i.e. precipitation that contacts wastes) is collected on an engineered liner beneath the waste and pumped into the City sanitary sewer system. Recent odor issues in the residential neighborhood downstream of the Vonco sewer connection have resulted in Vonco deciding to extend the sewer connection to the main WLSSD line located approximately 1,200 feet north of the existing connection, which will eliminate landfill leachate in the neighborhood sewer system.

Approximately 1,460 feet of the new sewer line would be constructed in City right-of-way starting with the crossing beneath Gary Street and through a 33 foot wide City owned easement. Currently this easement north of Gary Street does not have a road constructed in it and is located between the Gary New Duluth neighborhood and undeveloped tax forfeited land on the western perimeter of Gary New Duluth. Because the sewer line will be owned by Vonco, we are requesting a Concurrent Use Permit.

The sewer line will be directionally bored within the City easement and will be maintained by Vonco. Vonco may need to construct a new manhole adjacent to the existing City owned manhole at the west end of Dickson Street to allow access to the sewer line, but other than that and the new pipe no sewer structures will be needed within the City easement.

Vonco is prepared to initiate this project once the necessary permits are obtained. Included in this submittal is the City of Duluth Planning and Construction Services Application Cover Sheet, a check to cover the application fee, a map illustrating details of the project and the legal description of the easement. If you have any questions regarding this project please feel free to call (651-260-6107) or email (aolsen@voncousa.com). Thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to read "Aric Olsen", written over a horizontal line.

Aric Olsen, P.G.  
Environmental Manager



August 11, 2017

### CONCURRENT USE PERMIT LEGAL DESCRIPTION

All that part of 110<sup>th</sup> Avenue West, as created and dedicated in the plat of GARY CENTRAL DIVISION, according to the recorded plat thereof, lying northerly of the westerly extension of a line drawn parallel with and 100.00 feet south of the south right of way line of Gary Street, now known as West Gary Street, as created and dedicated in said plat, and also lying southerly of the North line of the Southwest Quarter of the Northwest Quarter of Section 3, Township 48 North, Range 15 West of the 4<sup>th</sup> Principal Meridian, all in St. Louis County, Minnesota.