



**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 15-084	<b>Contact</b>	Jenn Reed Moses, jmoses@duluthmn.gov	
<b>Application Type</b>	Concurrent Use Permit	<b>Planning Commission Date</b>	September 8, 2015	
<b>Deadline for Action</b>	<b>Application Date</b>	August 21, 2015	<b>60 Days</b>	October 20, 2015
	<b>Date Extension Letter Mailed</b>	August 21, 2015	<b>120 Days</b>	December 19, 2015
<b>Location of Subject</b>	Elizabeth Street east of Woodland Avenue, adjacent to Bluestone			
<b>Applicant</b>	Mark Lambert	<b>Contact</b>	mlambert@summitre.net	
<b>Agent</b>	Patrick Sheahan	<b>Contact</b>	psheahan@summitre.net	
<b>Legal Description</b>	See attached			
<b>Site Visit Date</b>	August 24, 2015	<b>Sign Notice Date</b>	August 14, 2015	
<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 Elizabeth Street for a private drive aisle and sidewalk servicing the adjacent Bluestone Flats building (under construction).

	Current Zoning	Existing Land Use	Future Land Use Map Designation
<b>Subject</b>	MU-P	Right of Way	Neighborhood Mixed Use
<b>North</b>	R-2	Multi-family Residential	Urban Residential
<b>South</b>	MU-P	Mixed Use	Neighborhood Mixed Use
<b>East</b>	MU-P	Undeveloped/Residential	Preservation
<b>West</b>	R-2	Right of Way/Mixed Use	Urban Residential

### 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.

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

Future Land Use - Neighborhood Mixed Use: A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live-work spaces. May include limited commercial-only space oriented to neighborhood or specialty retail markets.

**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 for a drive aisle to access private parking for Bluestone Flats, as well as a sidewalk along Elizabeth Street.
- 2.) Drive aisle will be constructed in a portion of Elizabeth Street that is currently undeveloped, and will not impact pedestrian or vehicular traffic.
- 3.) The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city.
- 4.) The City of Duluth requires Concurrent Use Permits to include liability insurance to indemnify the City against any occurrences in the right of way. Requirements are included in the final ordinance for the Permit.
- 5.) City Engineering has indicated support for the Permit. 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 exhibit titled "Bluestone Flats Concurrent Use Permit," dated 08/26/15.
- 2.) Applicant will provide 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.

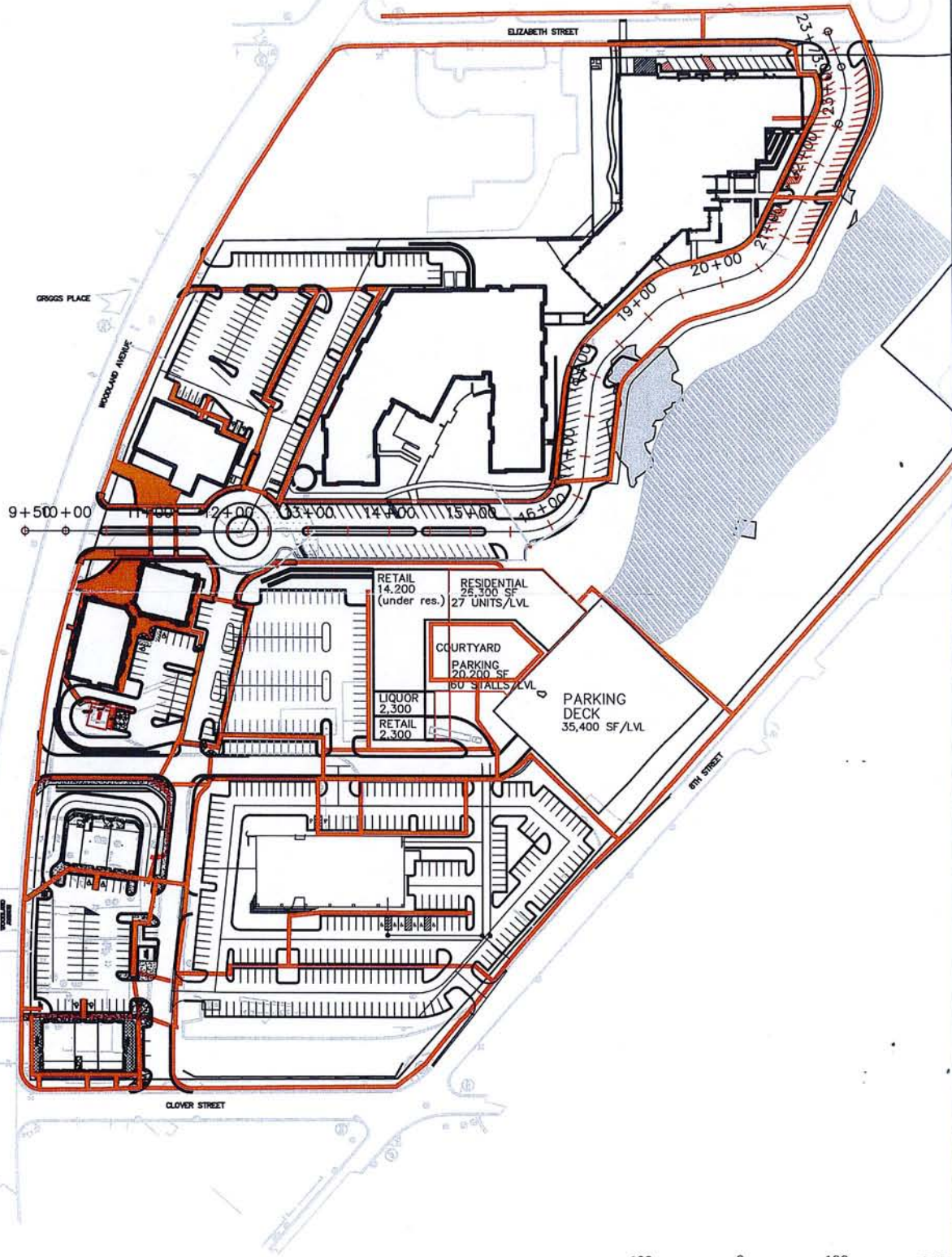
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**Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)**










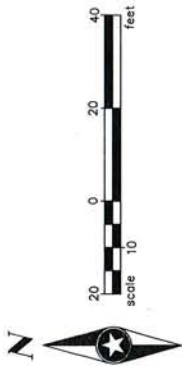
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 <p>PHONE: 218.279.3000 418 W SUPERIOR ST STE 200 DULUTH, MN 55802-1512 www.sehinc.com</p>	<p>FILE NO. BLUST-120765</p> <p>DATE: 8/14/13</p>	<p>SIDEWALK CONNECTIVITY EXHIBIT</p>	<p>EXHIBIT NO. 1</p>
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PLATTED & OF  
ELIZABETH STREET

ELIZABETH STREET

13.00'

226.00'

262.35'

13.00'

22.90'

36.35'

20'

INSTALL SIGNS

PROTECT UTILITY POLE  
IN PLACE

INSTALL CONCRETE  
BOLLARD

SOUTH RIGHT OF WAY  
LINE ELIZABETH STREET



CONCURRENT USE AREA DESCRIPTION:

All that part of Tract A of the recorded Registered Land Survey No. 114, St. Louis County, Minnesota, described as follows:  
The southerly 20 feet of the westerly 262.35 feet of that portion of said Tract A lying northerly of the platted southerly line of Elizabeth Street, as depicted on said Registered Land Survey, except the westerly 36.35 feet thereof.  
Subject to easements, reservations, and restrictions of record.

WEST LINE OF TRACT A  
REGISTERED LAND  
SURVEY 114

SUMMIT STREET



CONCURRENT USE PERMIT AREA

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PHONE: 218.279.3000  
418 W SUPERIOR ST STE 200  
DULUTH, MN 55802-1512  
www.sehinc.com

FILE NO.

BLUST 120765

DATE:

08/26/2015

BLUESTONE FLATS  
CONCURRENT USE PERMIT

EXHIBIT  
NO. 1



# Elizabeth Street

## Site Photos



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