



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802



218-730-5580

planning@duluthmn.gov

File Number	PL 19-065	Contact	Chris Lee	
Type	Concurrent Use Permit	Planning Commission Date		July 9, 2019
Deadline for Action	Application Date	May 7, 2019*	60 Days	July 8, 2019
	Date Extension Letter Mailed	May 21, 2019	120 Days	September 6, 2019
Location of Subject	Approx. 2215 London Road (east of 22 nd Ave E., uphill of South Street)			
Applicant	Launch Properties	Contact	Scott Moe	
Agent	Kimley-Horn; DSGW	Contact	Brian Wurdeaman, Scott Erickson	
Legal Description	See Attached			
Site Visit Date	June 25, 2019	Sign Notice Date	June 25, 2019	
Neighbor Letter Date	June 25, 2019	Number of Letters Sent	14	

Proposal

The applicant is seeking a concurrent use permit to construct 19 parking stalls for a multifamily development over the public right of way for South Street.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-C	Single Family homes	Central Business Secondary
North	MU-C	Commercial	Neighborhood Mixed Use
South	MU-B	Highway	Transportation and Utilities
East	MU-C	Commercial	Central Business Secondary
West	MU-C	Multi-family	Central Business Secondary

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):

Principle #5 -Promote reinvestment in neighborhoods.

Duluth is strongly defined by its neighborhoods. This system should be supported through land use and transportation that foster neighborhood reinvestment. New development or redevelopment should maximize public investment that strengthens neighborhood commercial centers or diversifies residential opportunities that fit the neighborhood's character.

Governing Principle #8 - Encourage mix of activities, uses and densities

Cities have evolved as a mix of land uses, building types, housing types, and activities. Accommodating choice while protecting investment is a balance to strike in land use regulation. Mixed uses provide opportunity for a diversity of activity that segregated, uniform uses do not provide.

Future Land Use

Future Land Use Central Business Secondary - An area adjacent to and supporting the central business primary area or a stand-alone area providing a similar mix of destination land uses but at a lower intensity than the primary CB area. Includes mixed regional and neighborhood retail, employment centers, public spaces, medium density residential, and public parking facilities.

Review and Discussion Items

The applicant is seeking a concurrent use permit to construct 19 parking stalls on 3,744 square feet of the public right of way for South Street. This is related to the construction of a new multifamily development. This paring will be used for visitors of the building.

The applicant is proposing to dedicate a public sidewalk easement, 8' x 197', at the front of the parking to allow pedestrian movement through the parking area.

- 1) The area proposed for the concurrent use permit will not take away from 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.
- 2) 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 with St. Louis County as they are voidable agreements between the City and property owners. At the time that this staff report was written, City engineering is still reviewing the legal exhibits for accuracy; concurrent use permits are not sent to the City Council for their consideration until the review has been completed.
- 3) The City of Duluth requires concurrent use permits to include liability insurance to indemnify the City against all occurrences in the right-of-way. Other protections for the city and the public are typically included in the ordinance that is submitted for the City Council's review.
- 4) No comments were received from the public or other government agencies at the time this staff report was written (May 22, 2019).
- 5) 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 shall construct and 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) Applicant must remove the obstructions at the applicant's expense if directed to by the City with appropriate notice.
- 4) The structure will need to comply with any applicable engineering standards, or building or fire code requirements.
- 5) 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.

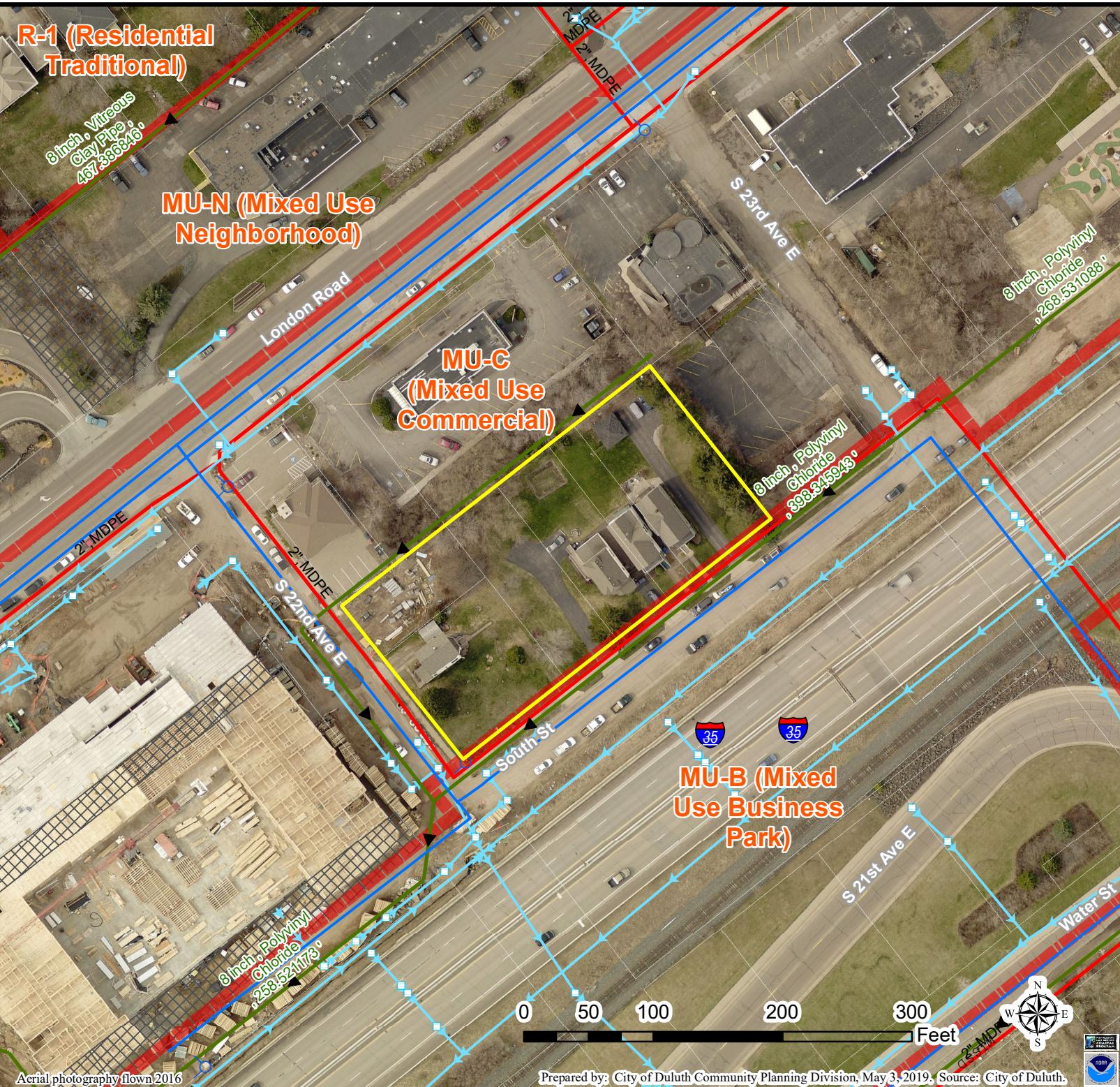


Launch Properties:
CUP, Plan Review, Variance



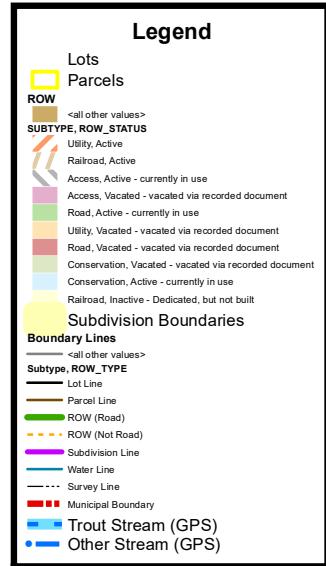
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used 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 2016





Launch Properties: CUP, Plan Review, Variance



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 2016



LEGAL DESCRIPTION OF PROPOSED CONCURRENT USE AREA

A 20.65 foot wide area for concurrent use purposes lying over, under and across that part of the Northwesterly 33.00 feet of South Street formerly Park Street, lying adjacent to the Southeasterly line of Block 26, ENDION DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, described as follows:

Commencing at the Southwesterly corner of Lot 16, Block 26, said ENDION DIVISION OF DULUTH; thence North 52 degrees 17 minutes 30 seconds East, along said Southeasterly line of said Block 26 for a distance of 54.40 feet to the point of beginning of the parcel herein described; thence continue North 52 degrees 17 minutes 30 seconds East, along said Southwesterly line of Block 26 for a distance of 181.34 feet; thence South 37 degrees 42 minutes 30 seconds East 20.65 feet to the intersection with a line parallel with and distant 20.65 feet Southeasterly of said Southeasterly line of Block 26; thence South 52 degrees 17 minutes 30 seconds West, along said parallel line 181.34 feet; thence North 37 degrees 42 minutes 30 seconds West 20.65 feet to the point of beginning.

Said concurrent use area contains 3,745 Sq. Feet or 0.09 Acres.

Approved by the City Engineer of the City of Duluth, MN this _____ day of _____ 20____

By _____

LEGEND

	CONCRETE SURFACE	POC-POINT OF COMMENCEMENT POB-POINT OF BEGINNING
		PROPOSED BUILDING LINE
		PROPOSED IMPROVEMENT LINE CENTER LINE
		RIGHT OF WAY LINE
		PROPOSED CONCURRENT USE LINE
		FOUND CAPPED REBAR
	PROPOSED CONCURRENT USE AREA	

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.

David R. Evanson

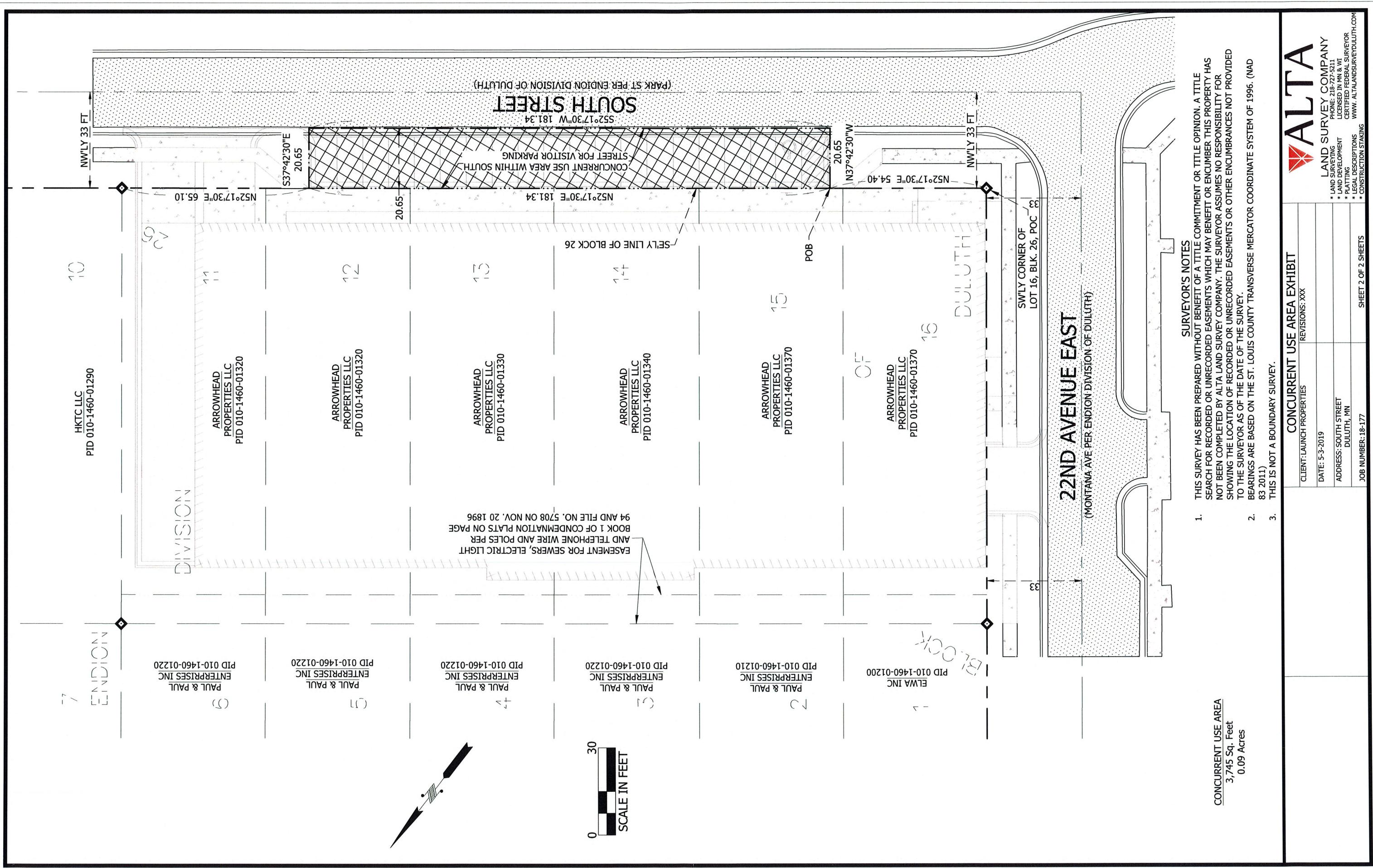
MN Lic. No. 49505

Date: 5-3-2019

DEVELOPMENT PARCEL EXHIBIT	
CLIENT: LAUNCH PROPERTIES	REVISIONS: XXX
DATE: 5-3-2019	
ADDRESS: SOUTH STREET DULUTH, MN	
JOB NUMBER: 18-177	SHEET 1 OF 2 SHEETS

ALTA
LAND SURVEY COMPANY
PHONE: 218-722-5211
LICENSED IN MN & WI
CERTIFIED FEDERAL SURVEYOR
WWW.ALTAANDSURVEYDULUTH.COM

Date: 5-3-2019





ENDION
HKTC LLC
PID 010-1460-01290

ARROWHEAD
PROPERTIES LLC
PID 010-1460-01320

ARROWHEAD
PROPERTIES LLC
PID 010-1460-01320

ARROWHEAD
PROPERTIES LLC
PID 010-1460-01330

ARROWHEAD
PROPERTIES LLC
PID 010-1460-01340

ARROWHEAD
PROPERTIES LLC
PID 010-1460-01370

ARROWHEAD
PROPERTIES LLC
PID 010-1460-01370

SW'LY CORNER OF
LOT 16, BLK. 26, POC

22ND AVENUE EAST
(MONTANA AVE PER ENDION DIVISION OF DULUTH)

LEGEND



PROPOSED PUBLIC
SIDEWALK EASEMENT

◆ FOUND CAPPED REBAR RLS.
NO. 49505

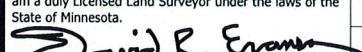
POC-POINT OF COMMENCEMENT
POB-POINT OF BEGINNING

— CENTER LINE
— RIGHT OF WAY LINE
- - - PROPOSED EASEMENT LINE

SURVEYOR'S NOTES

1. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
2. THIS IS NOT A BOUNDARY SURVEY.

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.


David R. Evanson

Date: 5-3-2019

MN Lic. No. 49505

PUBLIC SIDEWALK EASEMENT EXHIBIT

CLIENT: LAUNCH PROPERTIES REVISIONS: XXX

DATE: 5-3-2019

ADDRESS: SOUTH STREET
DULUTH, MN

JOB NUMBER: 18-177

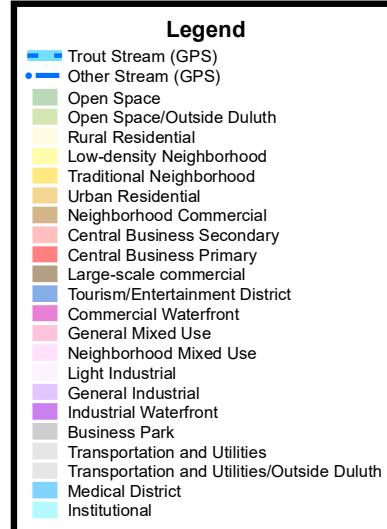

ALTA

LAND SURVEY COMPANY

* LAND SURVEYING
* LAND DEVELOPMENT
* PLATTING
* LEGAL DESCRIPTIONS
* CONSTRUCTION STAKING
PHONE: 218-727-5211
LICENSED IN MN & WI
CERTIFIED FEDERAL SURVEYOR
WWW.ALTA LANDSURVEYDULUTH.COM



Launch Properties: CUP, Plan Review, Variance



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 2016









