



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 24-012	Contact	Jason Mozol, jmozol@duluthmn.gov	
Type	Concurrent Use Permit	Planning Commission Date	March 12, 2024	
Deadline for Action	Application Date	January 31, 2024	60 Days	N/A
	Date Extension Letter Mailed	N/A	120 Days	N/A
Location of Subject	1301 London Rd			
Applicant	Armory Arts and Music Center	Contact	Mark Poirier	
Agent	LHB Inc	Contact	Dan Shaw	
Legal Description	See attached	Sign Notice Date	February 26, 2024	
Site Visit Date	February 24, 2023	Number of Letters Sent	N/A	

Proposal

The applicant is seeking a concurrent use permit to reconstruct and expand a stoop for building access along 13th Ave E.

Staff Recommendation

Staff is recommending Planning Commission recommend approval to the City Council.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-4	Mixed Use	Central Business Secondary
North	F-4	Bank and Commercial Space	Central Business Secondary
South	MU-N	Park	Open Space
East	F-2	Residential	Central Business Secondary
West	F-4	Parking Lot	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 (does not apply in this instance);
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):

Governing Principle #6 – Reinforce the place specific. The Armory has been a part of historic events in Duluth for over a century. Support of its preservation and reuse maintains a defining feature of the community.

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.

History: The building was built in 1915 and initially hosted National Guard operations and public events. The building has been vacant for a number of years and is being redeveloped. It was added to the National Register of Historic Places in 2011. This building entrance has existed since initial construction of the structure.

Review and Discussion Items:

Staff finds that:

- 1) The applicant is seeking a concurrent use permit to construct and expand a stoop along 13th Ave E. The stoop will occupy a 14' x 6.5' area of street right-of-way.
- 2) The existing stoop is not compliant with building code. An expanded stoop is necessary to provide compliant access to the structure.
- 3) 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. 6' of sidewalk width will remain for pedestrian access, exceeding the MnDOT ADA compliance minimum of 5'.
- 4) 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.
- 5) 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.
- 6) No comments were received from the public or other government agencies at the time this staff report was written.
- 7) 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 approve the concurrent use permit with the following conditions:

- 1) Applicant construct and maintain the project as identified in the attached exhibits.
- 2) Applicant 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 will remove the obstructions at the applicant's expense if directed to by the City with appropriate notice.
- 4) 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.



PL24-012
 Concurrent Use Permit
 1301 London Rd



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 & Economic Development, October 23, 2023; Source: City of Duluth

LEGAL DESCRIPTION:

All that part of Thirteenth Avenue East, BANNING & RAY'S SUBDIVISION IN DULUTH, City of Duluth, St. Louis County, Minnesota described as follows:

Commencing at the most southerly corner of Block Four (4), said BANNING & RAY'S SUBDIVISION IN DULUTH; thence northwesterly along the southwesterly line of said Block 4, a distance of 38.70 feet to the Point of Beginning; thence deflect to the left 90 degrees 00 minutes 00 seconds, a distance of 6.50 feet; thence deflect to the right 90 degrees 00 minutes 00 seconds, a distance of 14.00 feet; thence deflect to the right 90 degrees 00 minutes 00 seconds, a distance of 6.50 feet to said southwesterly line of said Block 4; thence deflect to the right 90 degrees 00 minutes 00 seconds along said southwesterly line of said Block 4, a distance of 14.00 feet to the Point of Beginning.

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.

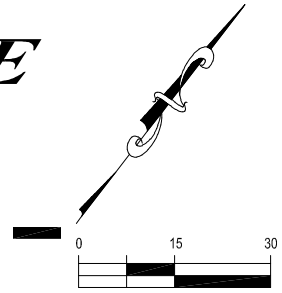
Paul A. Vogel

Signed _____ 


Date 01/03/2024 License No. 44075

EXHIBIT CONCURRENT USE

PRIVATE BUILDING EGRESS
part of 13TH AVENUE EAST
BANNING AND RAY'S SUBDIVISION

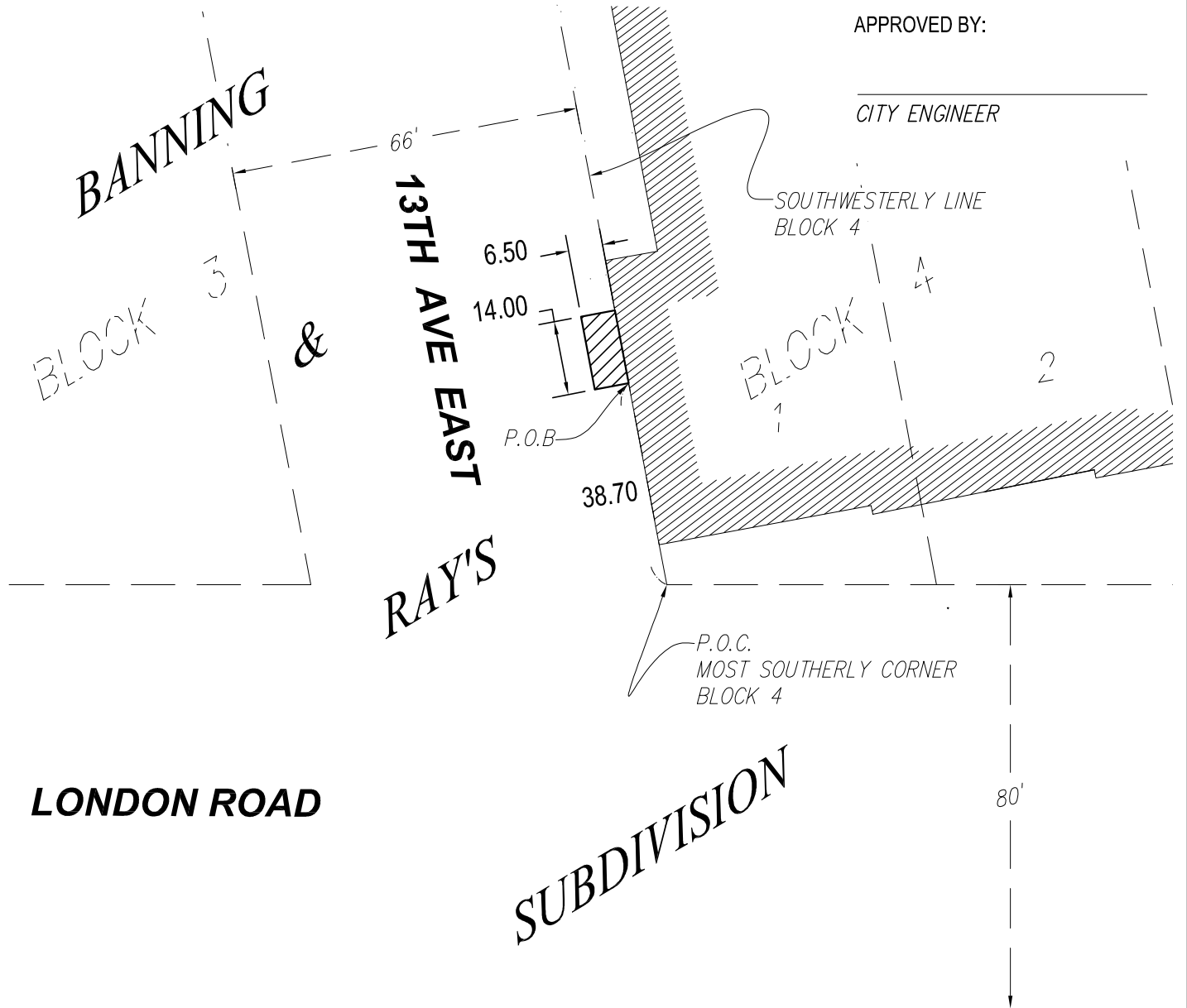


LEGEND

 = CONCURRENT USE AREA

APPROVED BY:

CITY ENGINEER



LONDON ROAD

SUBDIVISION

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 Land Surveyor under the laws of the State of Minnesota.

Print Name: Paul A. Vogel License # 44075

Signature:  Date: 01/03/2024

DATE PREPARED: 01/03/24

PROJ NO: 230593

FILE: 230593vEXHIB

SHEET 1 of 1 SHEETS



21 W. Superior St., Ste. 500 | Duluth, MN 55802 | 218.727.8446