



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 21-114	Contact	Steven Robertson	
Type	Concurrent Use Permit	Planning Commission Date	August 24, 2021	
Deadline for Action	Application Date	July 7, 2021	60 Days	September 4, 2021
	Date Extension Letter Mailed	July 29, 2021	120 Days	October 3, 2021
Location of Subject				
Applicant	Essentia Health	Contact		
Agent	LHB	Contact	Evan Aljoe, Healthcare Studio Lead	
Legal Description	See Attached	Sign Notice Date	July 22, 2021	
Site Visit Date	July 27, 2021	Number of Letters Sent	96 (PL 21-115)	

Proposal

The applicant is seeking a concurrent use permit to construct private structure over public right of way, as part of the proposed parking ramp (PL 21-115). The parking ramp will ultimately be owned and operated by the City of Duluth. This item was initially on the August 10, 2021, Planning Commission agenda.

Staff Recommendation

Staff recommend that the Planning Commission recommend approval of the concurrent use permit to the City Council (via ordinance).

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-I	Medical	Medical District
North	MU-I	Medical	Medical District
South	MU-I	Medical	Medical District
East	F-7	Residential/Commercial	Central Business Primary
West	F-5/F-7	Residential/Commercial	Central Business Secondary/Primary

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 #4-Support economic growth sectors.

Emerging and growing economic sectors, including medical, add economic, cultural, and social diversity.

Governing 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.

Economic Development Policy #2— Foster growth of existing employers and strategically recruit new employers to

Duluth. Strategy #1- Prioritize redevelopment efforts in the Core Investment Areas. Encourage collaboration between existing businesses in individual Core Investment Areas to support increased business activity overall and to improve their aesthetic and social environments. Recognize Core Investment Areas as hubs of the sharing and remote-work economy (Hillside CIA/Downtown Duluth)

Future Land Use

Institutional: applicable to medical, university/college, public school, religious, or governmental campuses. Can include adjacent areas that support them, with related commercial and/or office uses, and residential uses in the fringe areas of the district.

Recent History

See PL 21-115.

Review and Discussion Items:

- 1) The applicant is seeking a concurrent use permit to construct private structure over public right of way, as part of the proposed parking ramp (PL 21-115). This request is to allow levels 5 and 6 of the proposed parking ramp to permanently cross over the alley.
- 2) 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. The lowest level of the parking ramp over the alley will be 22 feet, 3 inches, over the alley surface.
- 3) 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.
- 4) 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. The ordinance will require that the project proposer will locate any underground items in accordance with Gopher State One Call rules, and that the city will bear no responsibility for locating any facility related to the concurrent use permit except as it is legally responsible under the Gopher State One Call rules. A condition of earlier zoning applications was that Essentia Health locate any private improvements in accordance with Gopher State Once Call rules and that they or subsequent owner of the private improvements shall relocate any improvements found to be in conflict with existing or future city utility or street projects. On August 14, 2019, Essentia Health was enrolled in Gopher One as a provider (MN01741).

- 5) No comments were received from the public or other government agencies at the time this staff report was written, except for minor comments from engineering on the exhibits (scale bars have the wrong dimensions), also as noted with PL 21-113.
- 6) 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 the Planning Commission recommend to the City Council approval of 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) 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.



PL 21-113, 114, 115

Legend

- Gas Main
- Water Main
- Hydrant

Sanitary Sewer Mains

- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station

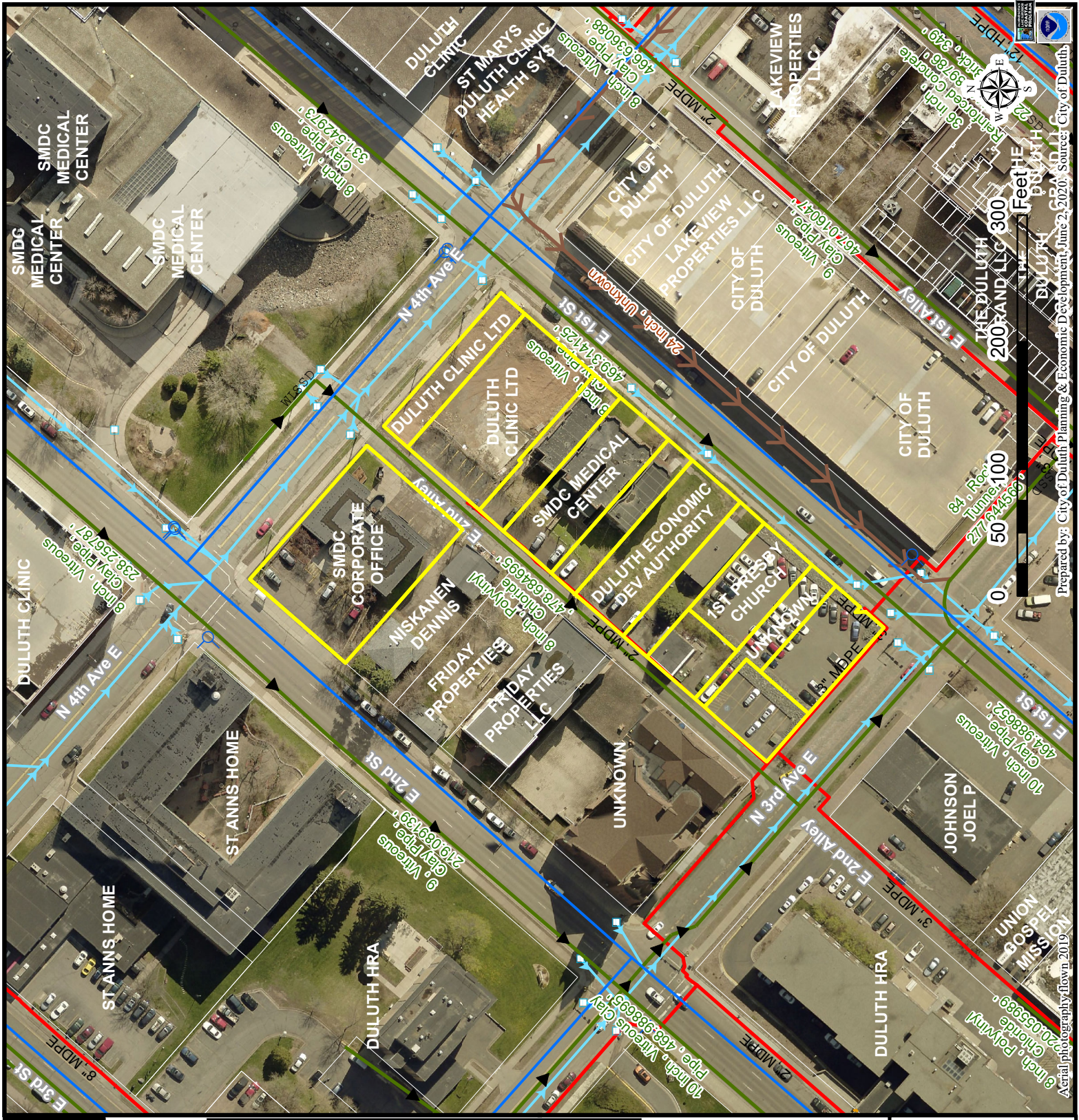
Storm Sewer Mains

- Storm Sewer Pipe
- Storm Sewer Catch Basin

Easement Type

- Utility Easement
- Other Easement

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.





PERFORMANCE
DRIVEN DESIGN.
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July 6, 2021

Community Planning Division – City Hall
c/o Adam Fulton
411 West 1st Street
Duluth, Minnesota 55802

RE: Concurrent Use Permit Application

Dr. Mr. Fulton,

On behalf of Essentia Health, attached please find our application for a Concurrent Use Permit to construct a new 800 stall parking structure that spans over the alley between 1st Street and 2nd Street near 4th Avenue East. If there is any additional information or clarifications that we may provide, please do not hesitate to contact me directly. Thank you for your consideration of our request.

LHB, INC.

A handwritten signature in blue ink that reads "Evan Aljoe".

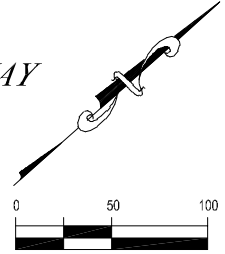
Evan Aljoe, Healthcare Studio Leader

LHB Project No. 180712

Q:\18Proj\180712\400 Design\403 Regulatory\Planning and Zoning\Alley concurrent use\180203 Alley CUP Application - City of Duluth Cover Letter.docx

EXHIBIT CONCURRENT USE

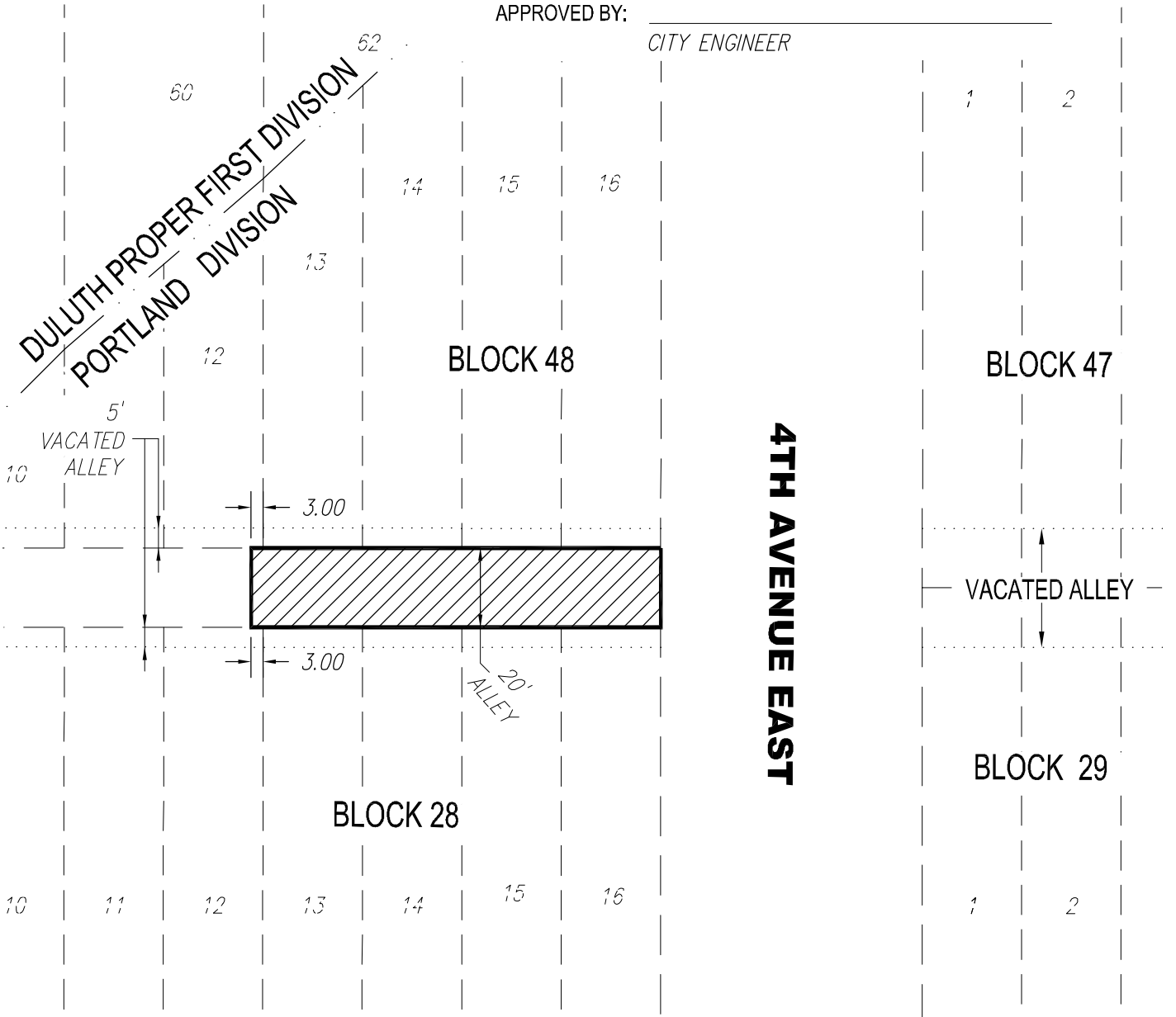
PARKING STRUCTURE OVERBUILD IN CITY RIGHT-OF-WAY
Part of Alley
PORTLAND DIVISION OF DULUTH



LEGEND

= CONCURRENT USE AREA

APPROVED BY: _____
CITY ENGINEER



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: 04/20/2021

DATE PREPARED: 04/20/21
PROJ NO: 180712
FILE: 180712 Concu
SHEET 1 of 1 SHEETS

**PERFORMANCE
DRIVEN DESIGN.**

LHBcorp.com

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

LEGAL DESCRIPTION:

Second Street Alley adjacent to the northeasterly 3.00 feet of Lot 12 and all of Lots 13 thru 16, Block 48 together with the northeasterly 3.00 feet of Lot 12 and all of Lots 13 thru 16, Block 28; all in PORTLAND DIVISION OF DULUTH, City of Duluth, St. Louis County, Minnesota.

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.

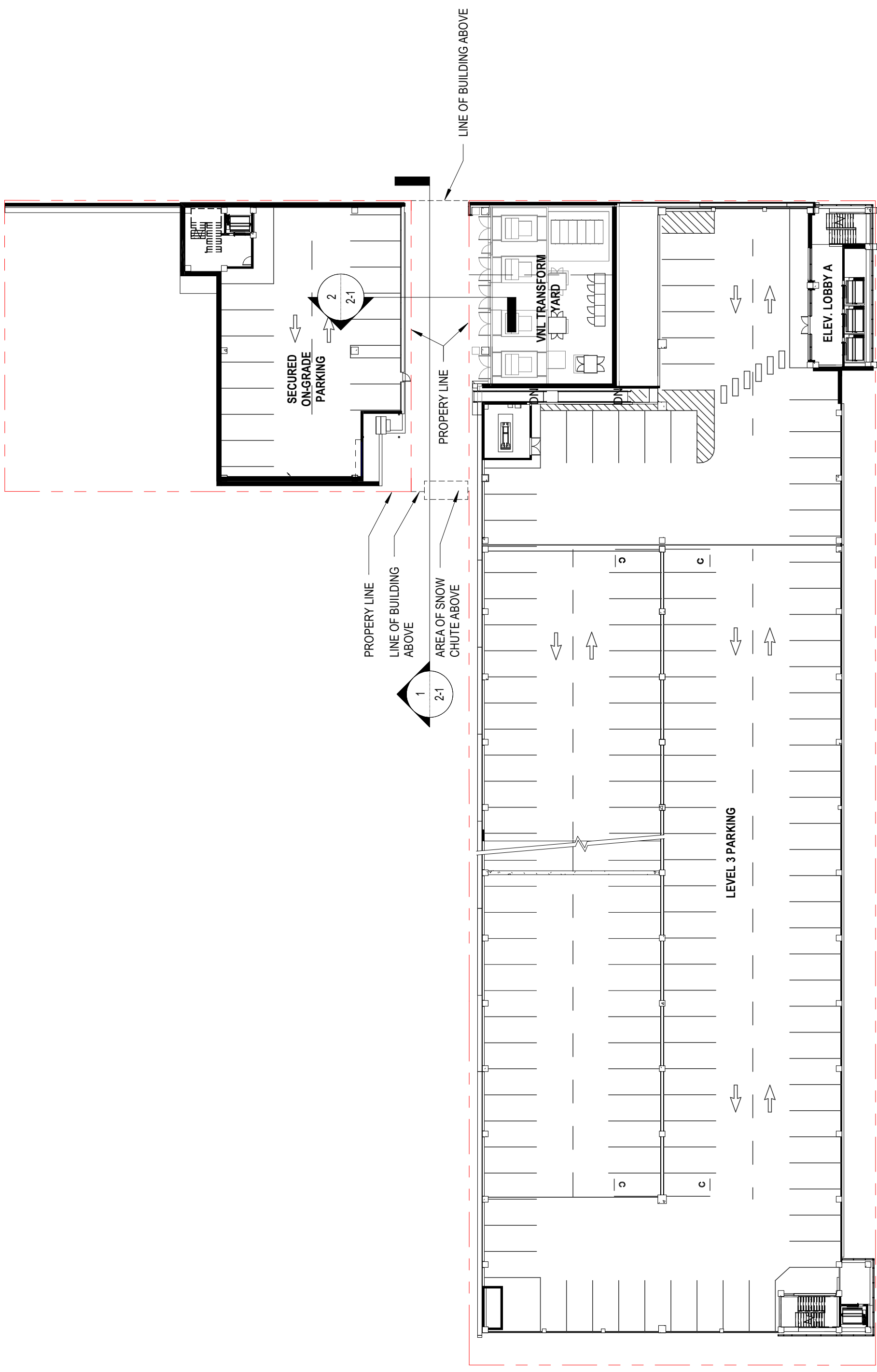
Paul A. Vogel

Signed _____



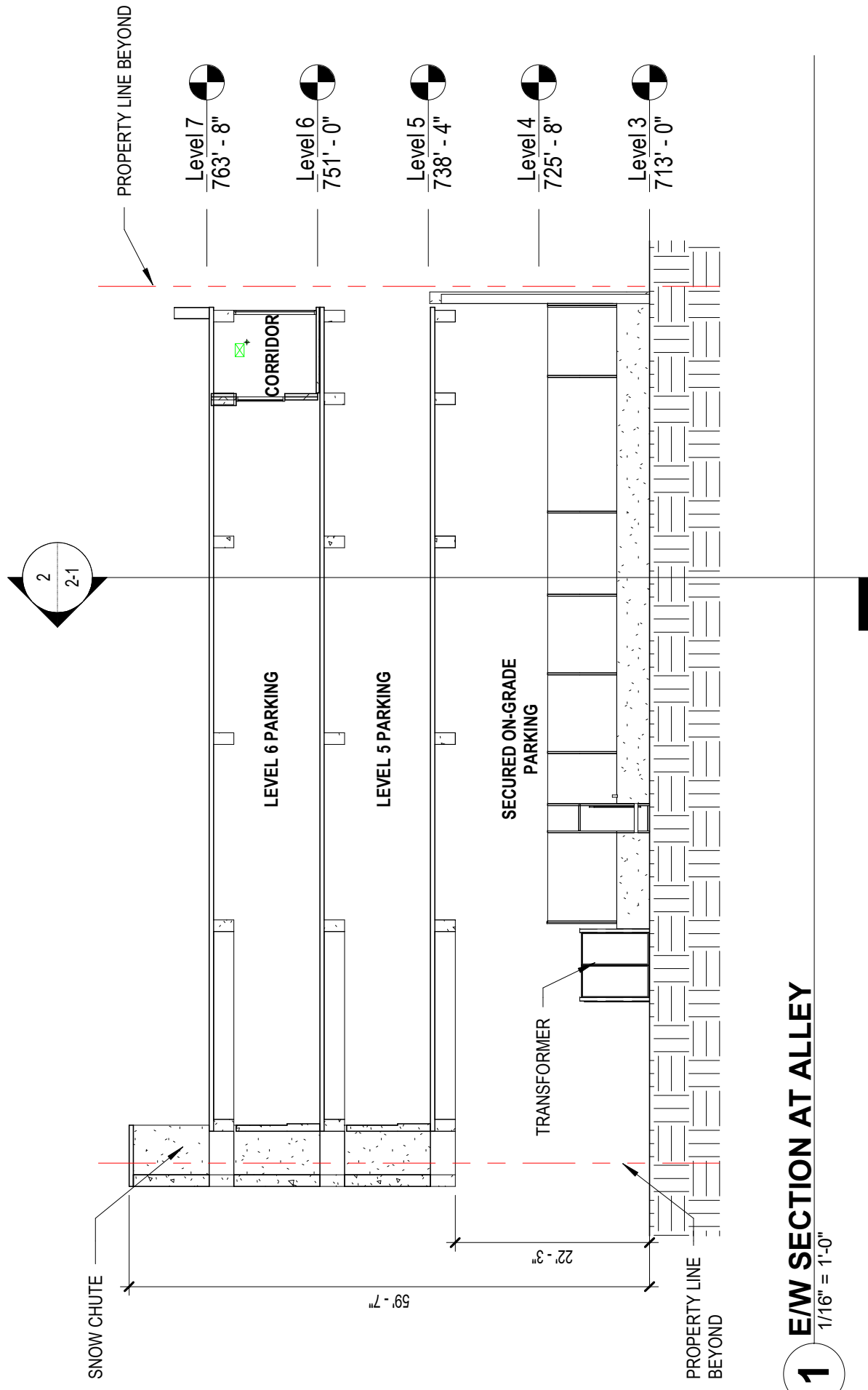
Date 4/20/2021

License No. 44075

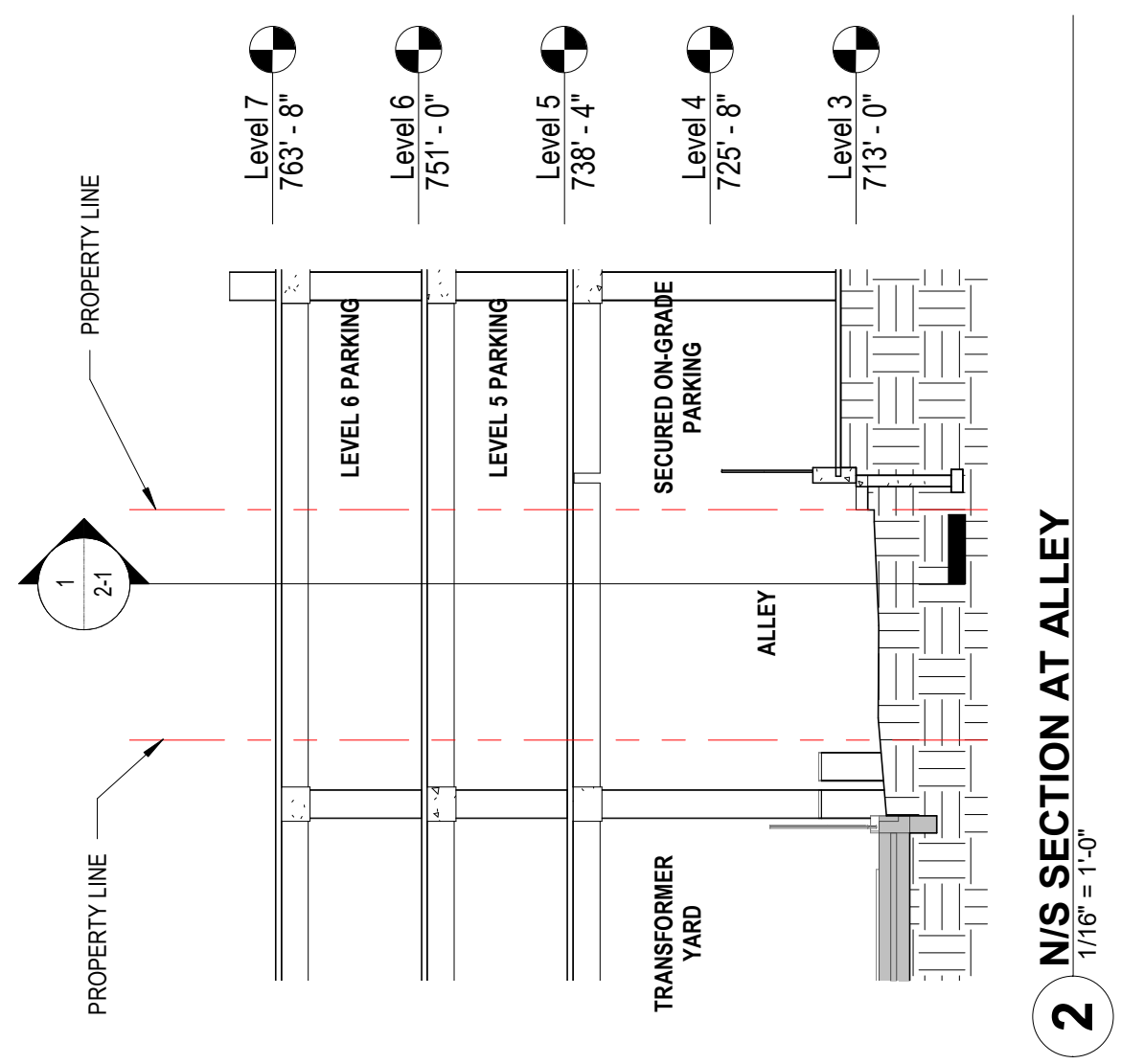


1 LEVEL 3 - ALLEY CONCURRENT USE PLAN
 1/32" = 1'-0"





1 E/W SECTION AT ALLEY
1/16" = 1'-0"



2 N/S SECTION AT ALLEY
1/16" = 1'-0"