



## CITY OF DULUTH

Community Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL 19-021	Contact	Steven Robertson	
Type	Concurrent Use Permit	Planning Commission Date		May 29, 2019
Deadline for Action	Application Date	May 8, 2019*	60 Days	July 7, 2019
	Date Extension Letter Mailed	May 21, 2019	120 Days	September 5, 2019
Location of Subject				
Applicant	Essentia Health	Contact	Scot Ramsey, Vice President Facilities	
Agent	LHB	Contact	Evan Aljoe, Healthcare Studio Lead	
Legal Description		See Attached		
Site Visit Date		May 11, 2019	Sign Notice Date	May 15, 2019
Neighbor Letter Date		May 14, 2019	Number of Letters Sent	243

### Proposal

The applicant is seeking a concurrent use permit to construct a private structure (inpatient tower and replacement of a portion of an existing clinic) over the public right of way of First Street, and placement of new structural supports within right-of-way of First Street.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-N/MU-C/F-8	Medical	Medical District
<b>North</b>	MU-I	Medical	Neighborhood Mixed Use/Urban Res.
<b>South</b>	F-8/I-G	Highway/Commercial	Tourism/Open Space
<b>East</b>	MU-N/MU-I	Residential	Urban Residential
<b>West</b>	MU-N/F-5/F-8	Commercial	Central Business Primary/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 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.

## **Review and Discussion Items**

- 1) The applicant is seeking a concurrent use permit to construct a private structure (inpatient tower and replacement of a portion of existing clinic) over the public right of way of First Street, and placement of new structural supports within right-of-way of First Street. It is one of three concurrent use permits being submitted as part of the MU-I Planning Review (PL 19-018) for the new 940,000 square foot medical facility proposed by Essentia Health.
- 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.
- 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. 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.
- 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. Record drawings of the foundations and piers, prepared by a licensed surveyor, will be one of the additional requirements of this concurrent use permit.
- 5) No comments were received from the public or other government agencies at the time this staff report was written (May 22, 2019)
- 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 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) 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 19-022 CUP North Fifth Avenue East

PL 19-021 CUP East First Street

PL 19-019 CUP East First Street Alley





## Legend

- Gas Main
- Water Main
- Hydrant

## Sanitary Sewer Mains

- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main

- Storage Basin
- Pump Station

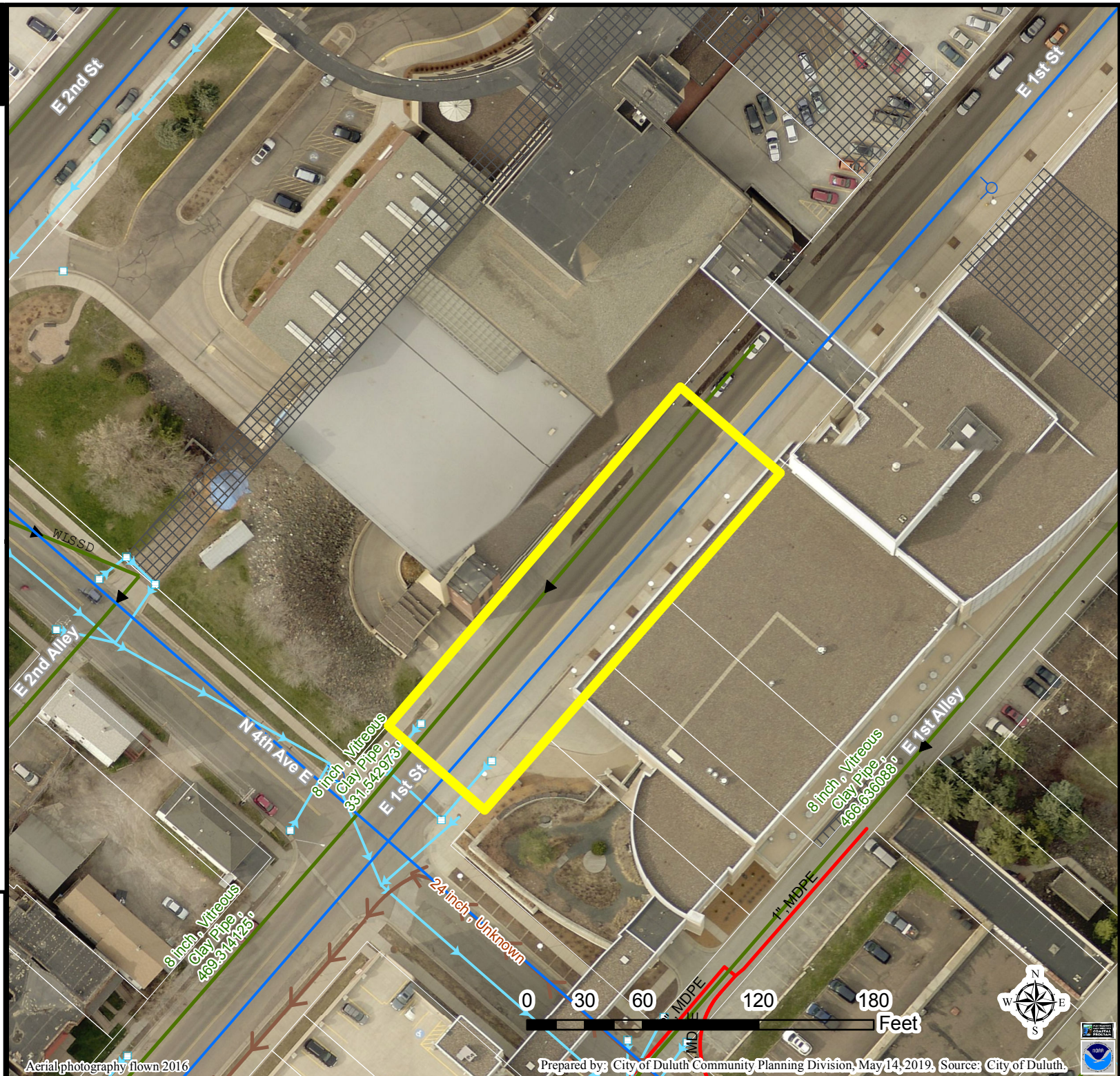
## Storm Sewer Mains

- Storm Sewer Pipe
- Storm Sewer Catch Basin

- Vacated ROW

## 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.



LEGAL DESCRIPTION:

That part of East First Street adjacent to Lots 2 thru 10 and the southeasterly 8.00 feet of Lot 11, all in Block 29, PORTLAND DIVISION OF DULUTH, City of Duluth, St. Louis County, Minnesota.

AND

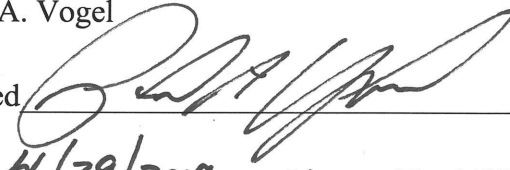
That part of East First Street adjacent to Lots 2 thru 10 and the northwesterly 8.00 feet of Lot 11, all in Block 25, PORTLAND DIVISION OF DULUTH, City of Duluth, St. Louis County, Minnesota.

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

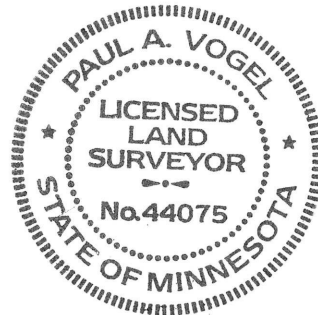
Signed

Date



4/29/2019

License No. 44075




# EXHIBIT CONDITIONAL USE

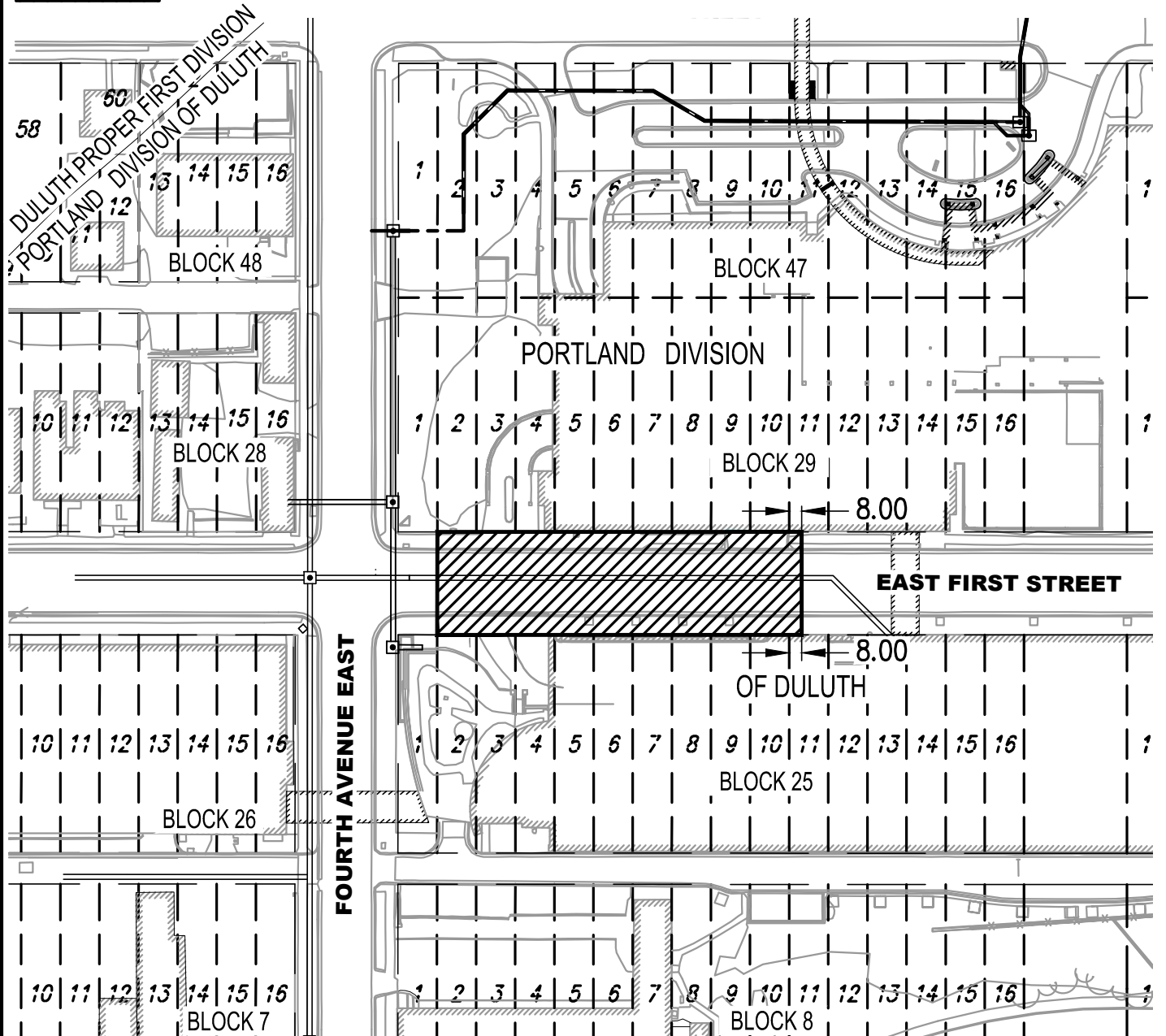
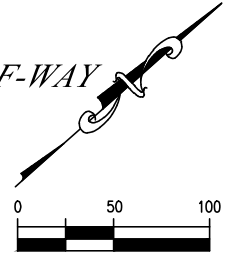
BUILDING FOUNDATION AND OVERBUILD IN CITY RIGHT-OF-WAY

Part of Streets and Avenues

PORTLAND DIVISION OF DULUTH

## LEGEND

 = CONDITIONAL USE AREA



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: 04/29/2019

REVISED: 04/29/19

DATE PREPARED: 03/05/19

PROJ NO: 180203

FILE: 180203 Concu

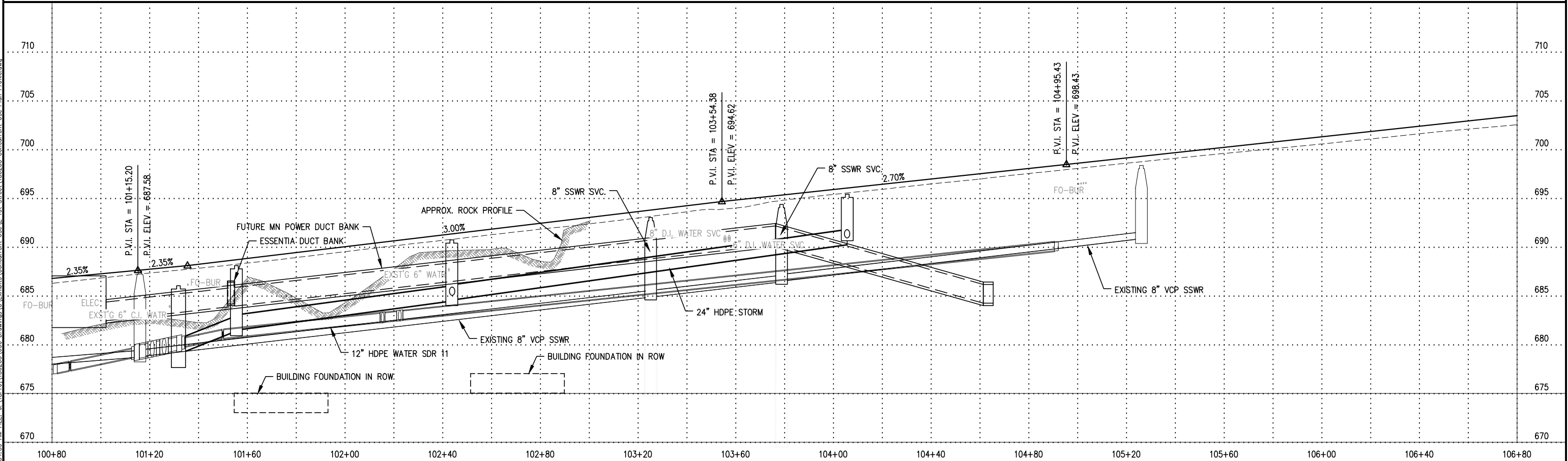
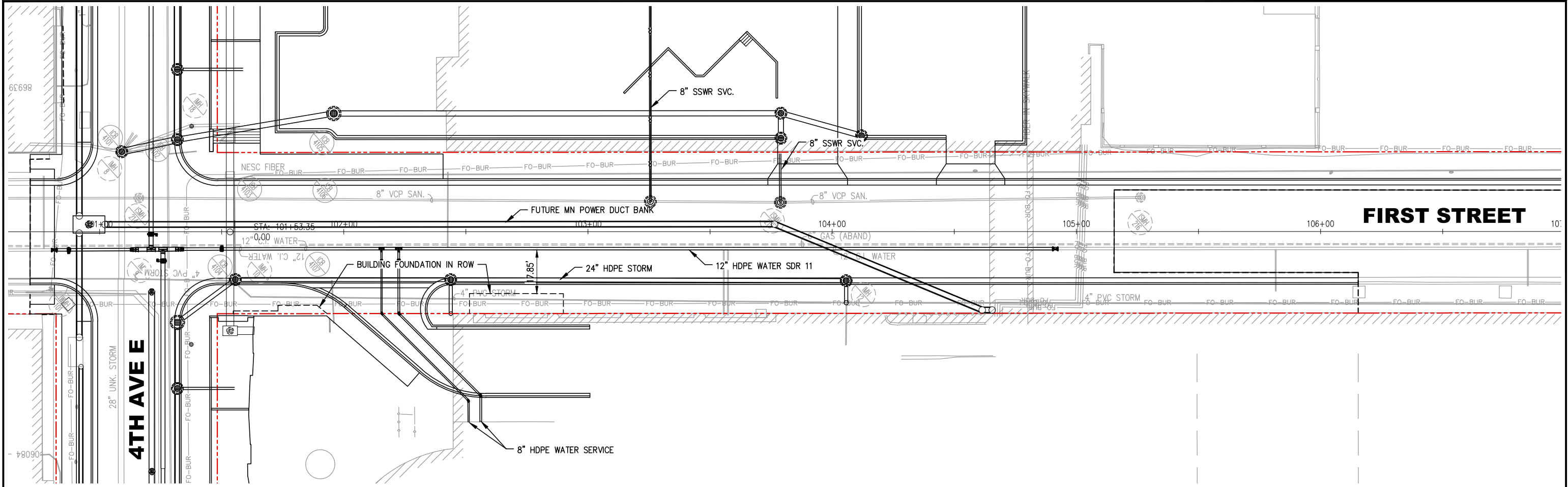
SHEET 1 of 1 SHEETS



**PERFORMANCE  
DRIVEN DESIGN.**

LHBcorp.com

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



LHB PROJECT NO. 180203

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 Professional Engineer under the laws of the State of Minnesota.

DANIEL G. SHAW  
PRINTED NAME

SIGNATURE

04/30/19  
DATE  
41423  
LIC. NO.

PUBLIC STREET AND UTILITY IMPROVEMENTS

CITY PROJECT NO. xxxx

FIRST STREET PLAN & PROFILE

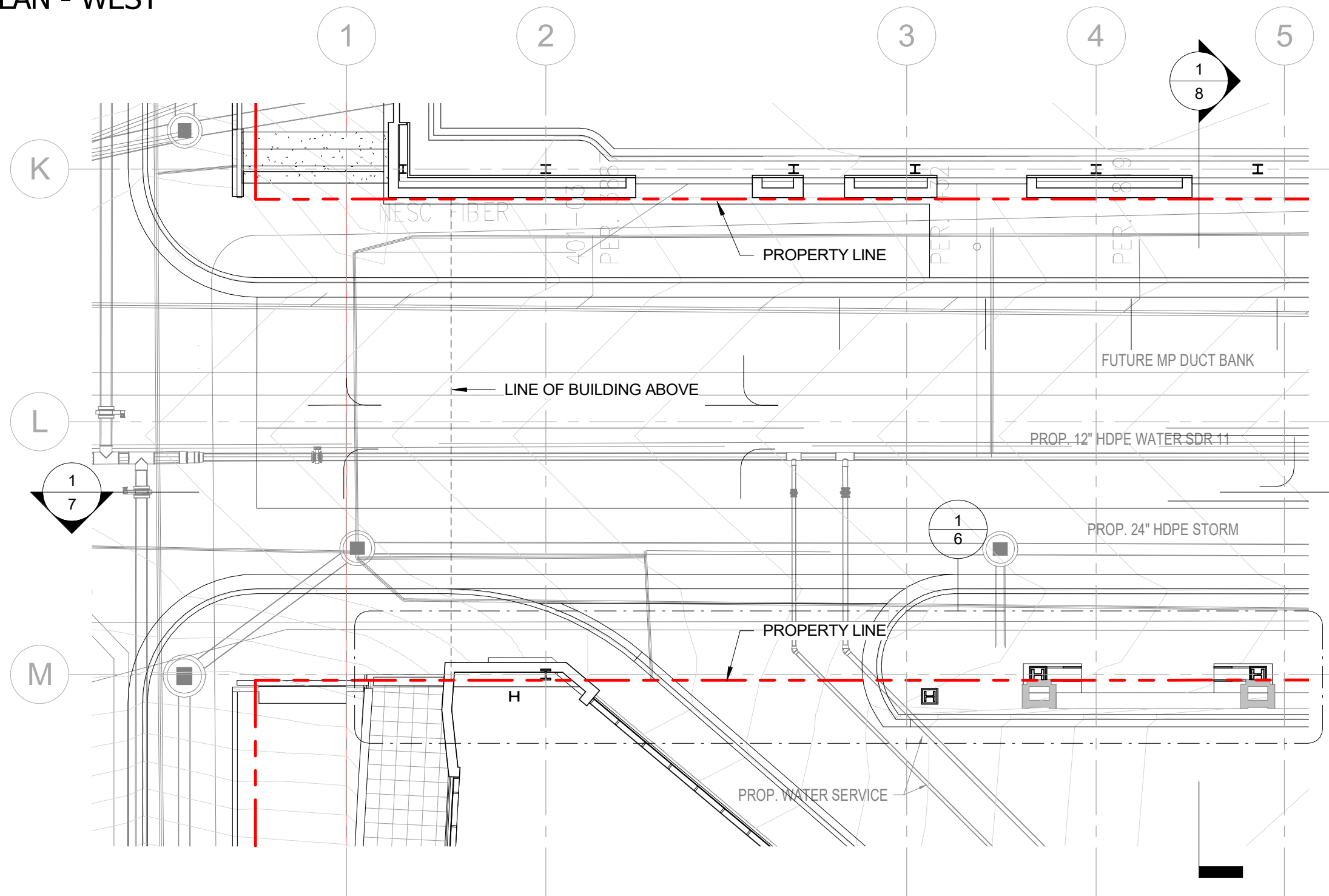
SHEET NO. 1 OF 1 SHEETS

PLOT DATE: 5/8/2019 9:34:39 AM FILE: J:\180203\180203 600 Drawings\180203 600 Exhibits\Concurrent Use\1st Street\180203 Concurrent Use Plan Profile.dwg



# PRELIMINARY RIGHT OF WAY DRAWINGS

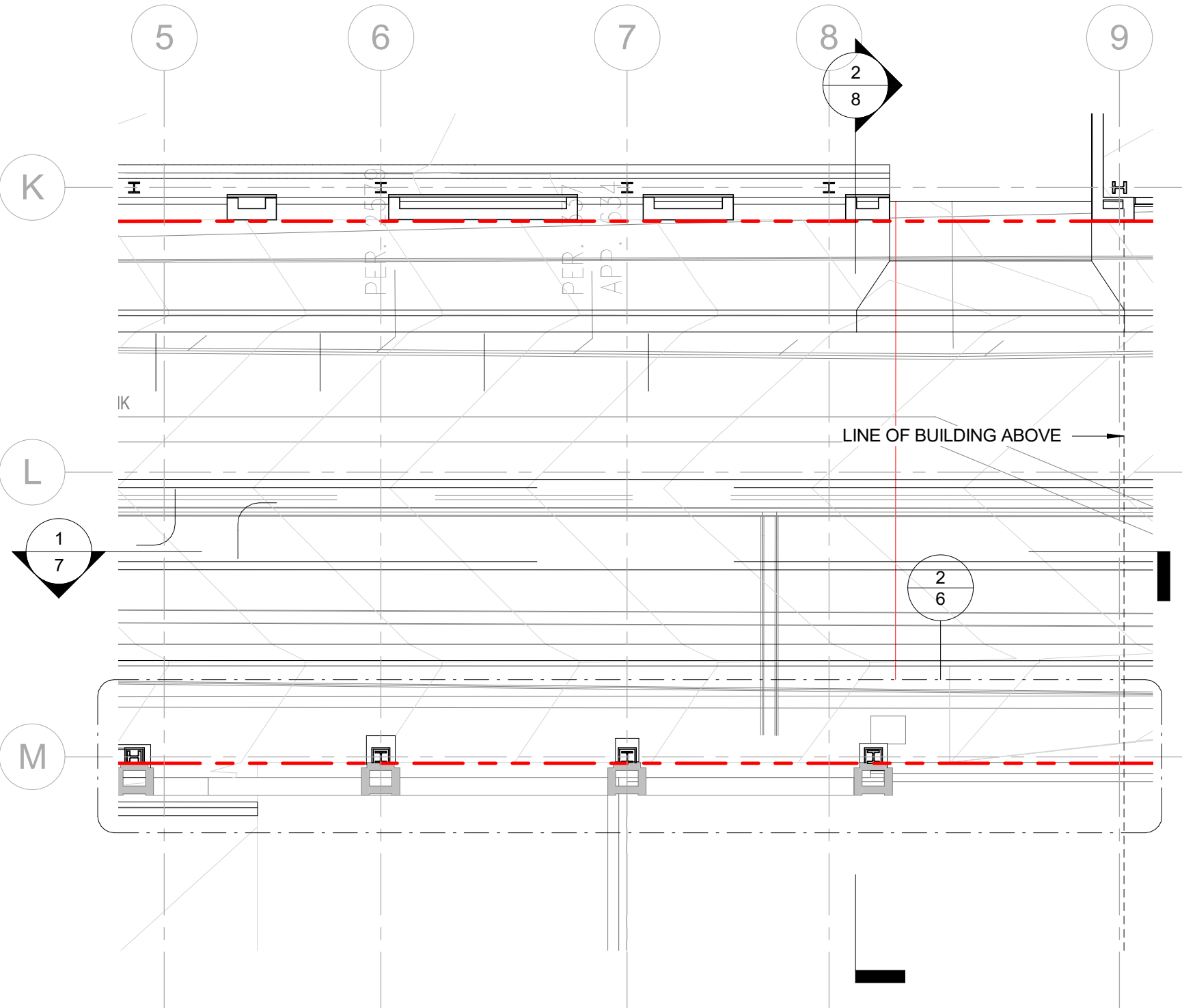
## 1ST STREET PLAN - WEST



1 1ST STREET PLAN - WEST  
SCALE: 1/16" = 1'-0"

PRELIMINARY  
RIGHT OF WAY DRAWINGS

1ST STREET PLAN - EAST

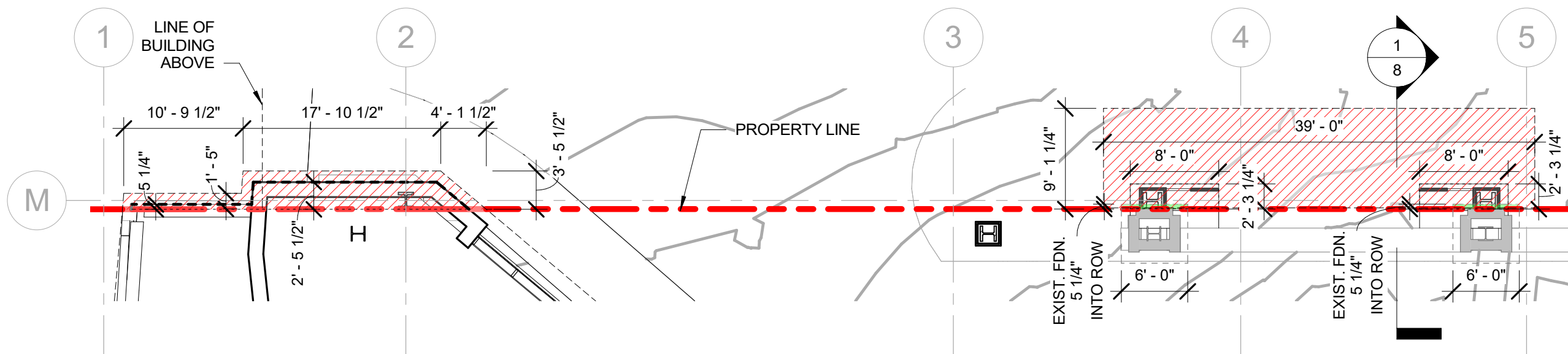


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SCALE: 1/16" = 1'-0"

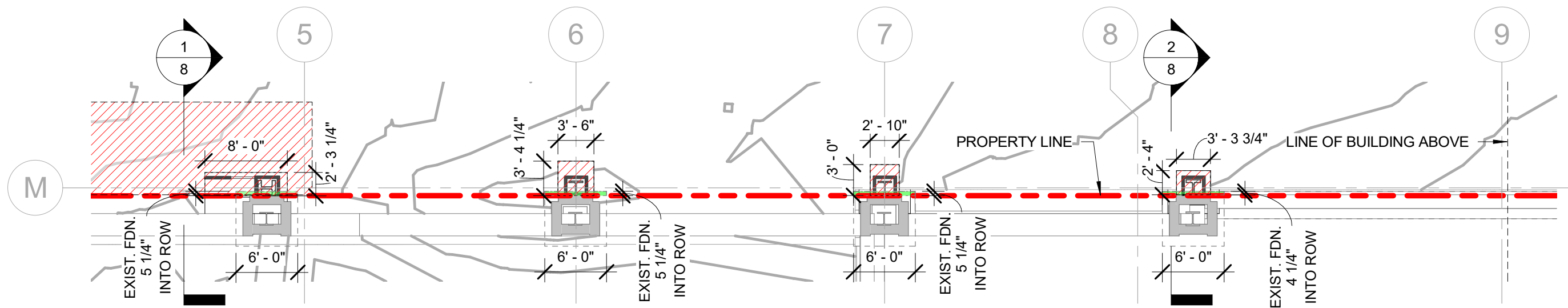


PRELIMINARY  
RIGHT OF WAY DRAWINGS

1ST STREET ENLARGED PLAN



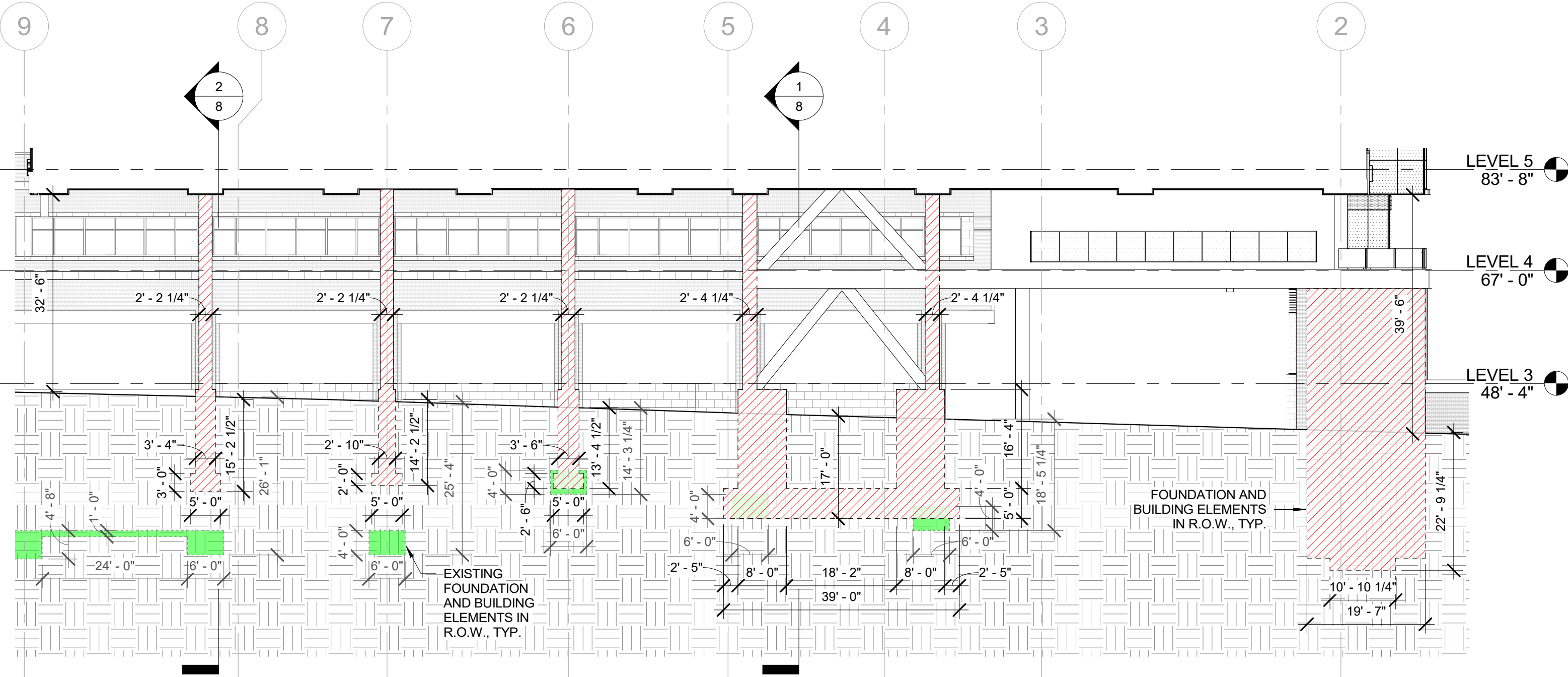
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SCALE: 3/32" = 1'-0"



2 1ST STREET ENLARGED PLAN - EAST  
SCALE: 3/32" = 1'-0"

PRELIMINARY  
RIGHT OF WAY DRAWINGS

1ST STREET E/W SECTION



1 1ST STREET E/W SECTION  
SCALE: 1/16" = 1'-0"



PRELIMINARY  
RIGHT OF WAY DRAWINGS

1ST STREET N/S SECTIONS

