



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 20-011		Contact	Chris Lee, 218-730-5304	
Type	Concurrent Use Permit		Planning Commission Date		March 10, 2020
Deadline for Action	Application Date		February 3, 2020	60 Days	April 3, 2020
	Date Extension Letter Mailed		February 15, 2020	120 Days	June 1, 2020
Location of Subject		394 Lake Avenue South			
Applicant	Oneida Commercial Real Estate Services		Contact	Bill Kubiski	
Agent	LHB		Contact	Mark S. Anderson	
Legal Description		Parcel ID Number 010-0741-00010			
Site Visit Date		February 27, 2020	Sign Notice Date		February 25, 2020
Neighbor Letter Date		N/A	Number of Letters Sent		N/A

Proposal: The applicant is proposing to replace the stairs and deck entrance into the Dewitt Seitz building to improve accessibility for all user groups. This entrance is in the right of way for Buchanan Street and would contain roughly 1,100 square feet.

Staff Recommendation: Staff is recommending that Planning Commission recommend approval to City Council.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-5	Dewitt Seitz Building	Tourism/Entertainment District
North	F-5	Parking Lot	Tourism/Entertainment District
South	F-5	Street/Parking Lot	Tourism/Entertainment District
East	F-5	Restaurant	Tourism/Entertainment District
West	F-5	Retail	Tourism/Entertainment District

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. ... Not Applicable
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 #1 – Reuse previously developed lands: includes adaptive reuse of existing building stock and historic resources, as this strengthens neighborhoods. This property currently operates as mixed use retail space.

Governing Principle #6 – Reinforce cultural, physical, and economic features which have traditionally defined Duluth and its neighborhoods. The proposed concurrent use of the public right-of-way will allow accessible access to the building.

Future Land Use - Tourism/Entertainment District: Retail, entertainment, and lodging facilities, meeting facilities, waterfront related uses, open space uses.

Recent History – The Dewitt Seitz has a long history and was built in 1908 to manufacture furniture and mattresses. It is one of the few standing buildings in town that represent Duluth’s history in manufacturing.

Review and Discussion Items

Staff finds that:

- 1.) The applicant is seeking a concurrent use permit to replace the existing 329 sq ft. deck in the right of way for Buchanan Street. The new deck will be larger to accommodate easier entry into the building for all user groups.
- 2.) The proposed concurrent use area contains 1,100 square feet; the majority of this is dedicated to an accessible ramp and stairs.
- 3.) A remaining width of approximately 93 feet would exist between the proposed stairs and the curb, which still meets pedestrian needs in the area.
- 4.) According to City Engineering, the building’s gas service is projected to be near the very east edge of the proposed deck; applicant may face the possibility of relocating this service depending on exact location which will be determined prior to receiving a building permit. Engineering also requests that any bricks removed for construction be returned to the City.
- 5.) The City of Duluth requires concurrent use permits to include liability insurance to indemnify the City against occurrences in the right of way. Other protections for the city and the public are typically included in the ordinance that is submitted to City Council. The ordinance will require the applicant be responsible for snow removal responsibilities within the concurrent use area, including snow from City plowing operations that lands within the area, and the City is not responsible for removal/replacement of the applicant’s infrastructure should the City need to access the right-of-way in the permitted area.
- 6.) Because a similar staircase has existed in this area, 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.
- 7.) No other other public, agency, or other comments have been received as of February 25, 2020.

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.) The structure will need to comply with any applicable engineering standards, and building or fire code requirements.
- 3.) 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.
- 4.) Applicant will remove the obstructions at the applicant’s expense if directed to by the City with appropriate notice.
- 5.) The City shall not be responsible for any damage to the structure caused by snow removal or work in the right-of-way.
- 6.) Applicant will work with City Engineering to identify the location of the gas service to the building and determine if this service will need to be relocated.
- 7.) Applicant will notify the City if any bricks will be removed for this project and will return any removed bricks to City Engineering.

8.) 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 20-011
 Concurrent Use Permit
 Dewitt Seitz

390 S
 Lake Ave

394 S
 Lake Ave

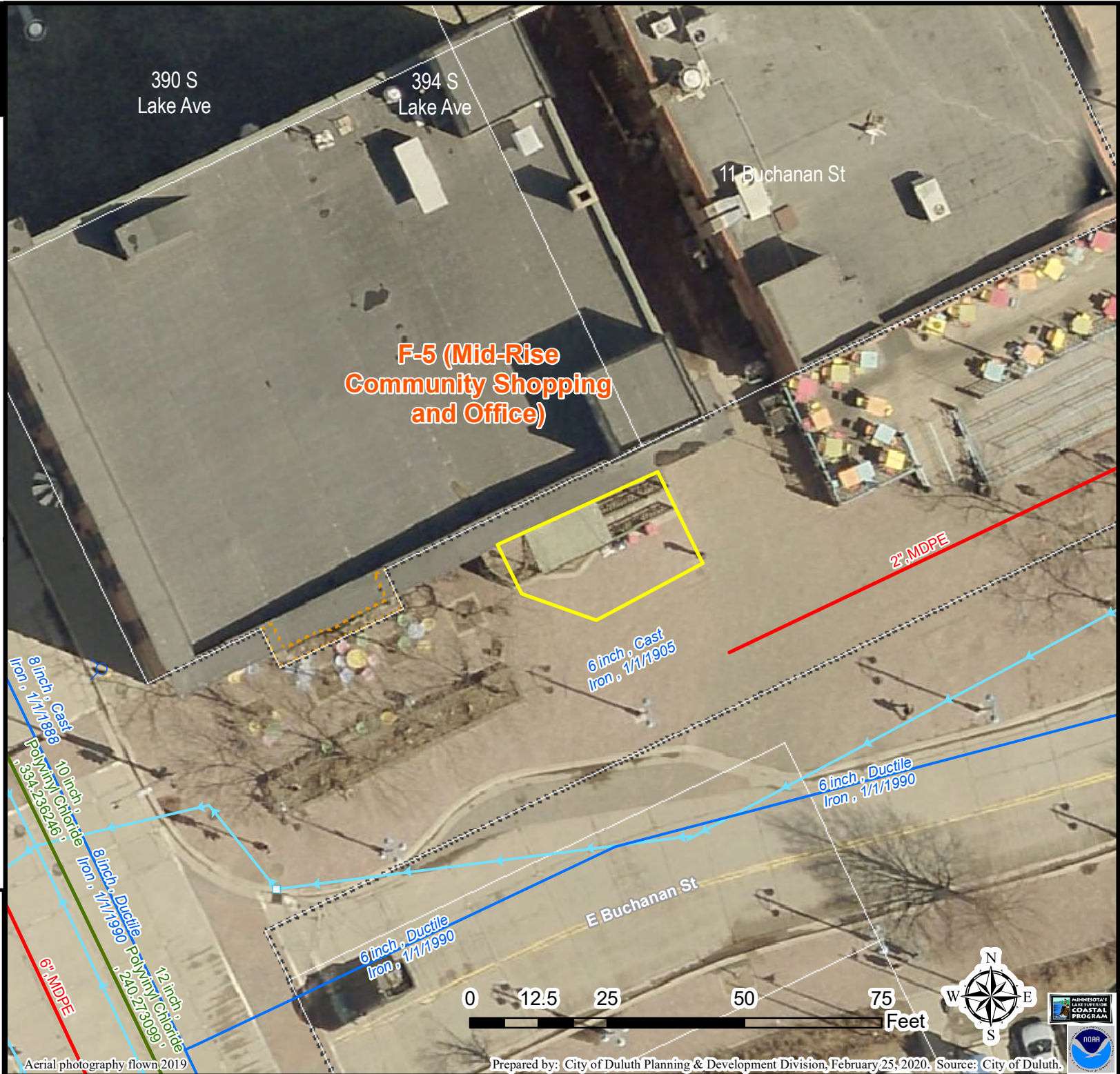
11 Buchanan St

**F-5 (Mid-Rise
 Community Shopping
 and Office)**

Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains
 - CITY OF DULUTH
 - WLSDD; PRIVATE
 - Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin
- Road or Alley ROW
- Easement Type**
 - Utility Easement
 - Other Easement
 - Zoning Boundaries

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.



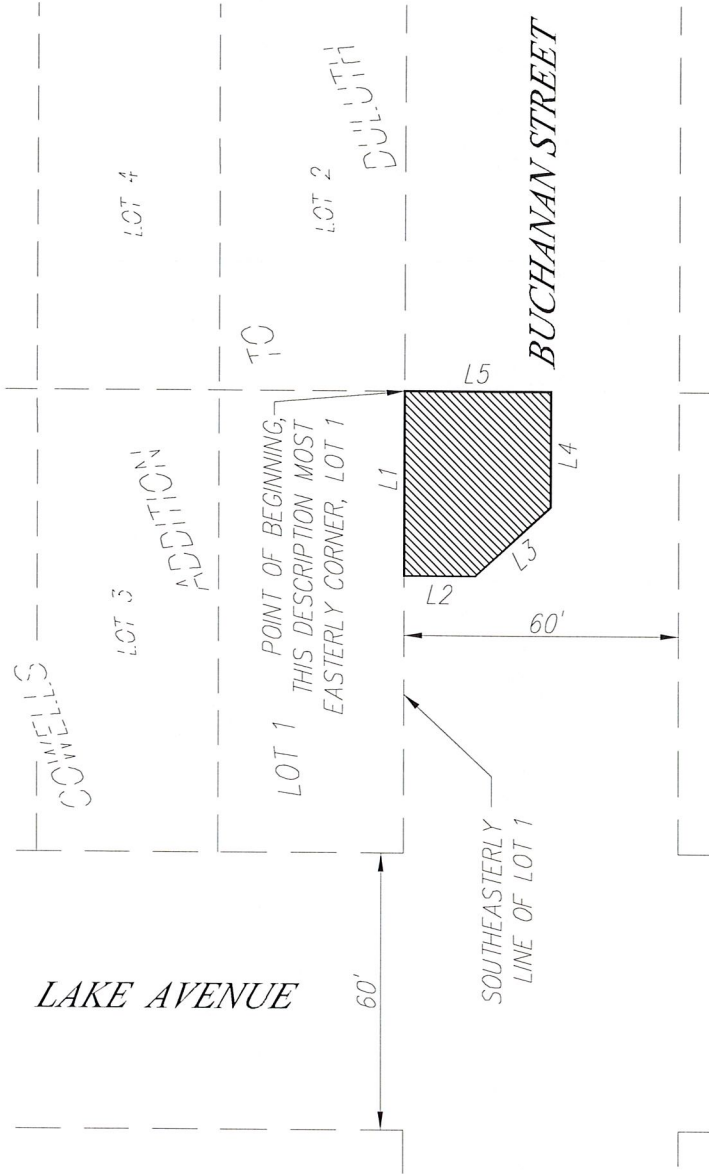
Aerial photography flown 2019

Prepared by: City of Duluth Planning & Development Division, February 25, 2020. Source: City of Duluth.



EXHIBIT B

part of Buchanan Street
 COWELLS ADDITION TO DULUTH
 CITY OF DULUTH, ST. LOUIS COUNTY, MN.

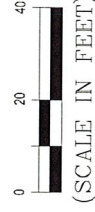


LINE TABLE		
LINE	BEARING	LENGTH
L1	S64°49'54"W	40.00
L2	S25°10'06"E	15.60
L3	S66°21'16"E	22.23
L4	N64°49'54"E	25.00
L5	N25°10'06"W	32.00

LEGEND



= CONCURRENT USE AREA



Basis of Bearing is Grid North,
 St. Louis County Transverse
 Mercator 96 Coordinate System.



**PERFORMANCE
 DRIVEN DESIGN.**
 LHBcorp.com

21 W. Superior St., Ste. 500 | Duluth, MN 55802 | 216.727.8446

FILE: \\190165\600 Drawings\Survey\190165\Exhibit.dwg

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: 02/03/2020

DATE PREPARED: 02/03/20

PROJ. NO.: 190165

FILE: 190165\Exhib

SHEET 1 of 1 SHEETS

EXHIBIT A

LEGAL DESCRIPTION:

That part of Buchanan Street adjacent to Lot One (1), Lake Avenue, COWELLS ADDITION TO DULUTH, City of Duluth, St. Louis County, Minnesota described as follows:

Beginning at the most easterly corner of said Lot 1; thence South 64 degrees 49 minutes 54 seconds West along the southeasterly lot line of said Lot 1, a distance of 40.00 feet; thence South 25 degrees 10 seconds 06 minutes East, a distance of 15.60 feet; thence South 67 degrees 36 minutes 56 seconds East, a distance of 22.23 feet; thence North 64 degrees 49 minutes 54 seconds East, a distance of 25.00 feet; thence North 25 degrees 10 seconds 06 minutes, a distance of 32.00 feet to the Point of Beginning.

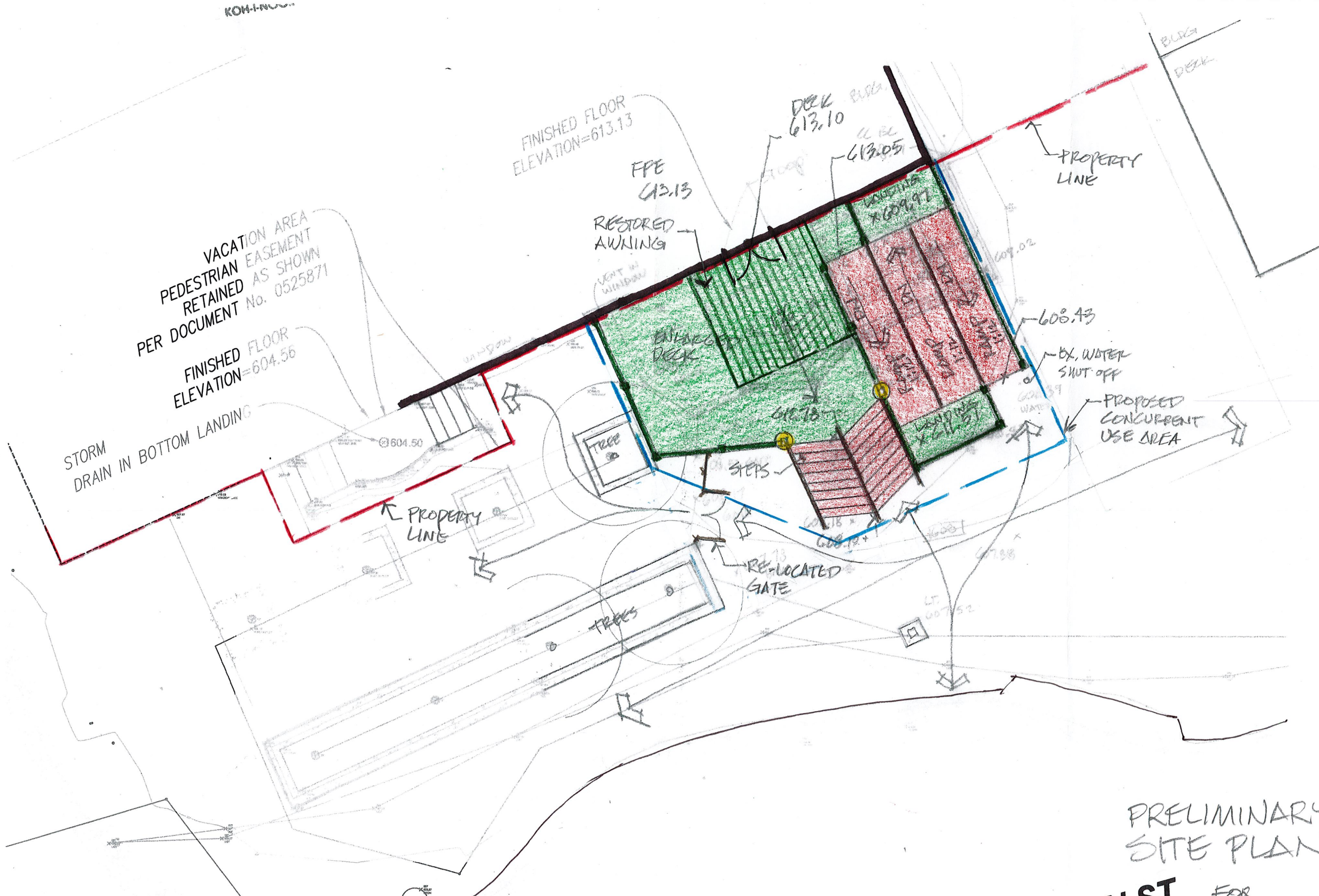
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Paul A. Vogel

Signed

Date 02/03/2020 License No. 44075





**PRELIMINARY
SITE PLAN**
BUCHANAN ST FOR
 DEWITT SEITZ PROPOSED
 ACCESSIBILITY & DECK
 IMPROVEMENTS

1/21/2020 #190165 1:10



MARKETPLACE

FOOD

Saigon

RESTORED
AWNING

DECK

STEPS

ACCESSIBLE
ENTRY

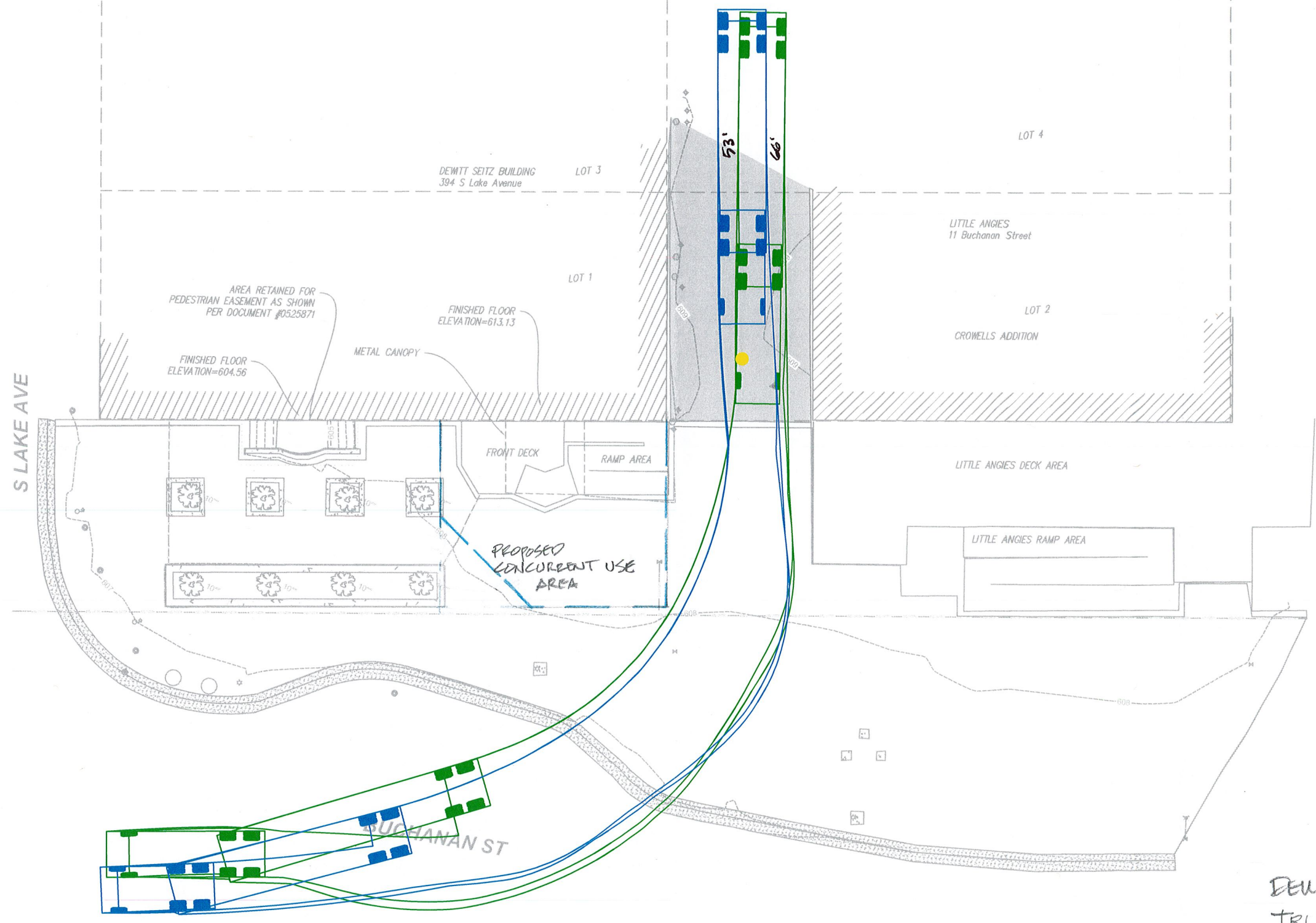
613.10

608.43

ELEVATION

1/27/2020

DEWITT SEITZ PROPOSED
ACCESSIBILITY & DECK IMPROVEMENTS #190165



DEWITT SEITZ
TRUCK MANUEVERING

(SCALE IN FEET)
Basis of Bearing is Grid North
St. Louis County Transverse
Mercator 96 Coordinate System

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DATE PREPARED: 10/21/19	
PROJ. NO: 190169	
FILE: 190169/SURV.	
SHEET 1 of 1 SHEETS	

214 W. Skunk St. Ste. 102 St. Louis, MO 63103 314.727.3444
FILE: 190169/02_Drawing/02a/190169_SURV_T00A.dwg



