



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 21-195	Contact	Chris Lee, clee@duluthmn.gov	
Type	Concurrent Use Permit for Structure in Right of Way	Planning Commission Date		January 11, 2022
Deadline for Action	Application Date	November 30, 2021	60 Days	January 16, 2022
	Date Extension Letter Mailed	November 30, 2021	120 Days	March 30, 2022
Location of Subject	506 W Michigan St			
Applicant	St Louis County Property Management	Contact	Joe Goldshlack and Marissa Miller	
Agent	Architecture Advantage	Contact	Shane Nies	
Legal Description		See Attached Map		
Site Visit Date		December 1, 2021	Sign Notice Date	November 30, 2021
Neighbor Letter Date		N/A	Number of Letters Sent	N/A

Proposal: The applicant is seeking a concurrent use permit to allow a private obstruction (footings and overhead canopy) in the public right of way.

Recommended Action: Recommend to the city council to approve with conditions (Ordinance).

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-8	Museum/Mixed Use	Central Business Primary
North	F-8	Civic Building	Central Business Primary
South	F-8	Interstate	Transportation and Utilities
East	MU-C	Parking Lot	Central Business Primary
West	F-8	Parking Lot	General Mixed Use

Summary of Code Requirements

UDC Section 50-37.7.C. The planning commission shall review the application, and council shall approve the application or approve it with modifications, if it determines that the proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city, and no portion of a public easement proposed of use is being physically occupied by the public.

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Principle #4 - Support emerging economic growth sectors. Emerging economic sectors add economic, cultural and social diversity. These include higher education, medical, value-added manufacturing, commercial outdoor recreation, historic resources interpretation, arts and music, information technology and visitor services.

The installation falls with the provisions of Minnesota Statute 237.162 and 247.1643, as amended in 2017.

Future Land Use:

This is a companion zoning application to PL21-202 for a historic construction or demolition permit to improvements as depicted on the attached exhibits to a building that is designated as locally historic.

Review and Discussion Items:

- 1) The applicant is seeking a concurrent use permit to allow for the private use of a portion of the public right of way. The applicant is proposing to reconstruct the existing canopy and footing that extend 8 feet into the right of way. The proposed concurrent use area will occupy a 25' x 140' section of the right of way for West Michigan Street, in the same manner in which it has for many decades. The applicant also proposes as part of this application to reconfigure the drop-off area for vehicles.
- 2) Granting a concurrent use permit would give the applicant the ability to use dedicated public rights-of-way, with conditions, while preserving other existing public uses in the same right-of-way corridors. Concurrent use permits require a public hearing and recommendation by the Planning Commission, and is approved by the City Council via ordinance. Unlike street right-of-way vacations, concurrent use permits are not recorded at the County as they are voidable permits issued by the City to applicants who are private users of public rights-of-way.
- 3) Ownership of the canopy will remain with St. Louis County. Liability, maintenance, and operation of the canopy will remain the responsibility of the applicant. In the event of an accident, such as a vehicle hitting the canopy footing, the city is not responsible for restoring or replacing any of the applicant's equipment.
- 4) If approved, the applicant will need to obtain liability insurance and indemnify the City against liability for occurrences due to their encroachment into the right of way.
- 5) Granting the proposed concurrent use permits will not harm or inconvenience the health, safety and general welfare of the city. The area proposed for the concurrent use permit will not take away from the public's ability to use the public right-of-way.
- 6) At the time that this report was written, no written comments from the City, outside agency or public have been received.

Staff Recommendation:

Based on the above findings, Staff recommends that the Planning Commission recommend approval of the concurrent use permit subject to the following conditions:

- 1) The project be limited to the construction drawings submitted and included with this staff report. These drawings do not constitute final engineering approval.
- 2) Applicant, and/or successors, shall remove the proposed obstructions at applicant's expense if directed to do so by the City with appropriate notice, and shall adhere to other standards and obligations established in the approving document (ordinance).
- 3) 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, all other changes must be approved by amending the City Council's approved ordinance.



PL 21-195
CUP
508 W Michigan St

Legend

- Gas Main
- Water Main
- Hydrant

Sanitary Sewer Mains

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

Storm Sewer Mains

- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Road or Alley ROW

Easement Type

- Utility Easement
- Other Easement

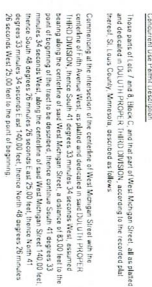
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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



Aerial photography flown 2019

Prepared by: City of Duluth Planning & Economic Development, October 5, 2021. Source: City of Duluth

12



⑤



Vancouver, WA

Duluth + Minneapolis, MN

www.windsorengineers.com

Project No: 21171

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PRELIMINARY

DULUTH, MN

Issue Date: 2021-11-29

Checked by TMS

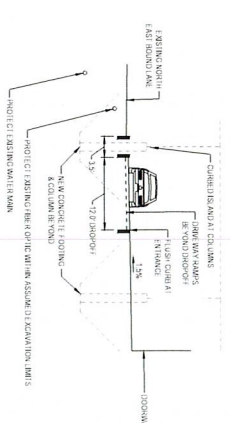
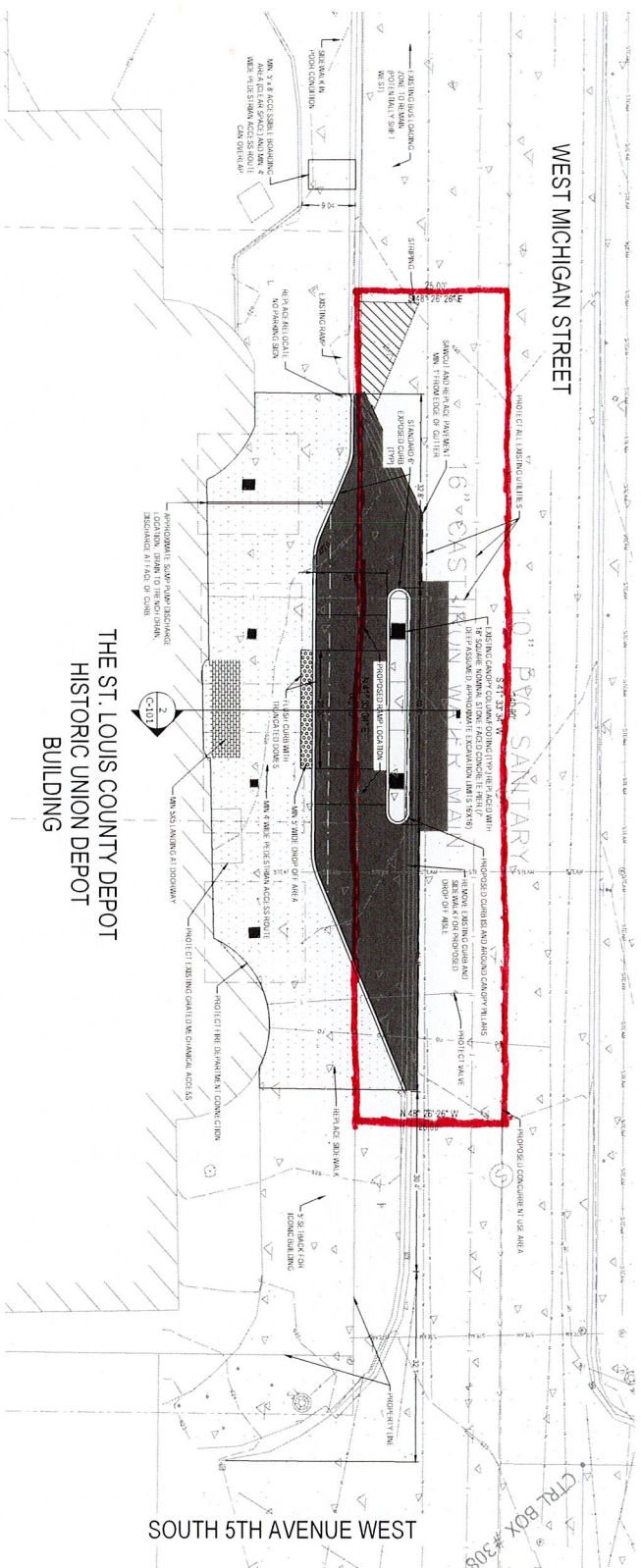
C-100

C-100

EXISTING CONDITIONS



SLC DEPOT CANOPY IMPROVEMENTS PRELIMINARY SITEPLAN CONCURRENT USE PERMIT EXHIBIT



CONCEPTUAL SECTION FACING NORTH EAST
N/E

Know what's below.
Call before you dig.

Revisions:

NO.	DATE	DESCRIPTION
1	11/15/2021	4 08 PM

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PRELIMINARY

SLC DEPOT - CANOPY IMPROVEMENTS

DULUTH, MN

CONCURRENT USE PERMIT EXHIBIT

Issue Date: 2021-11-29

Project Manager
Drawn by
Checked by

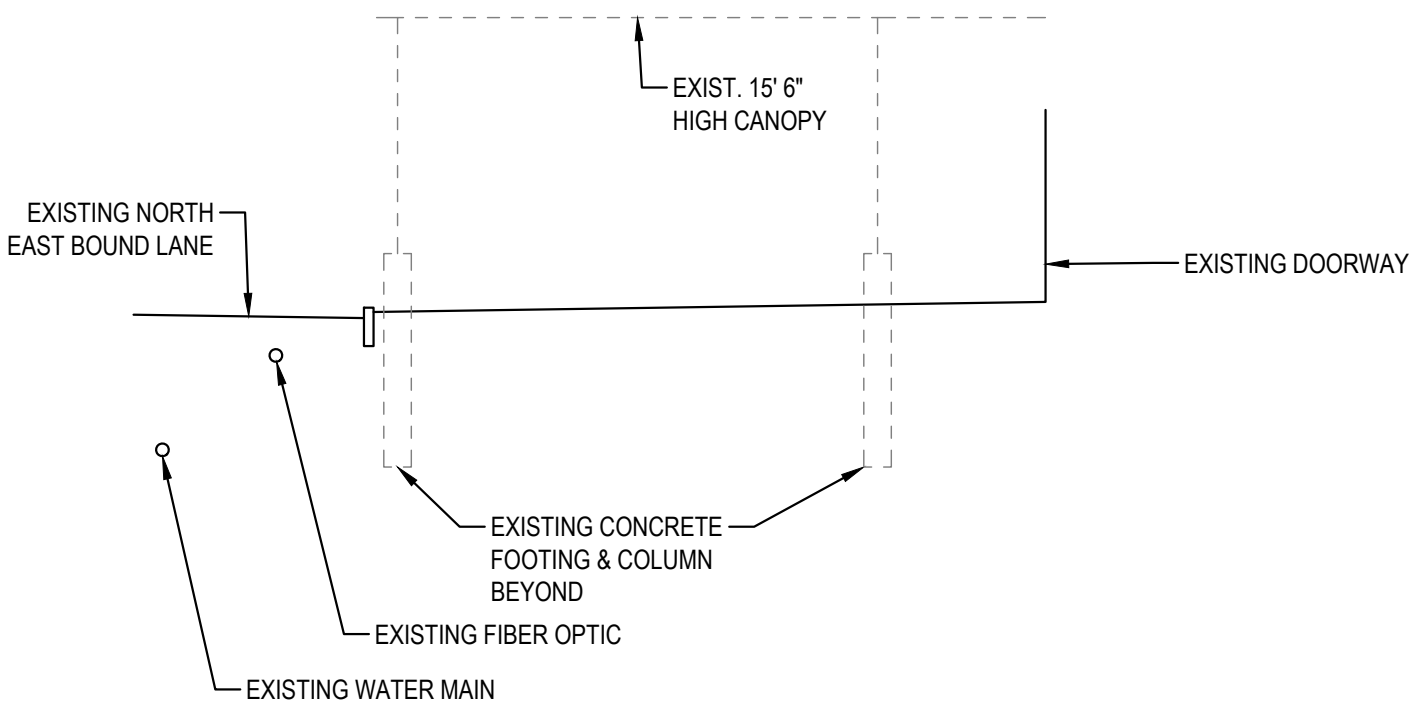
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C-101

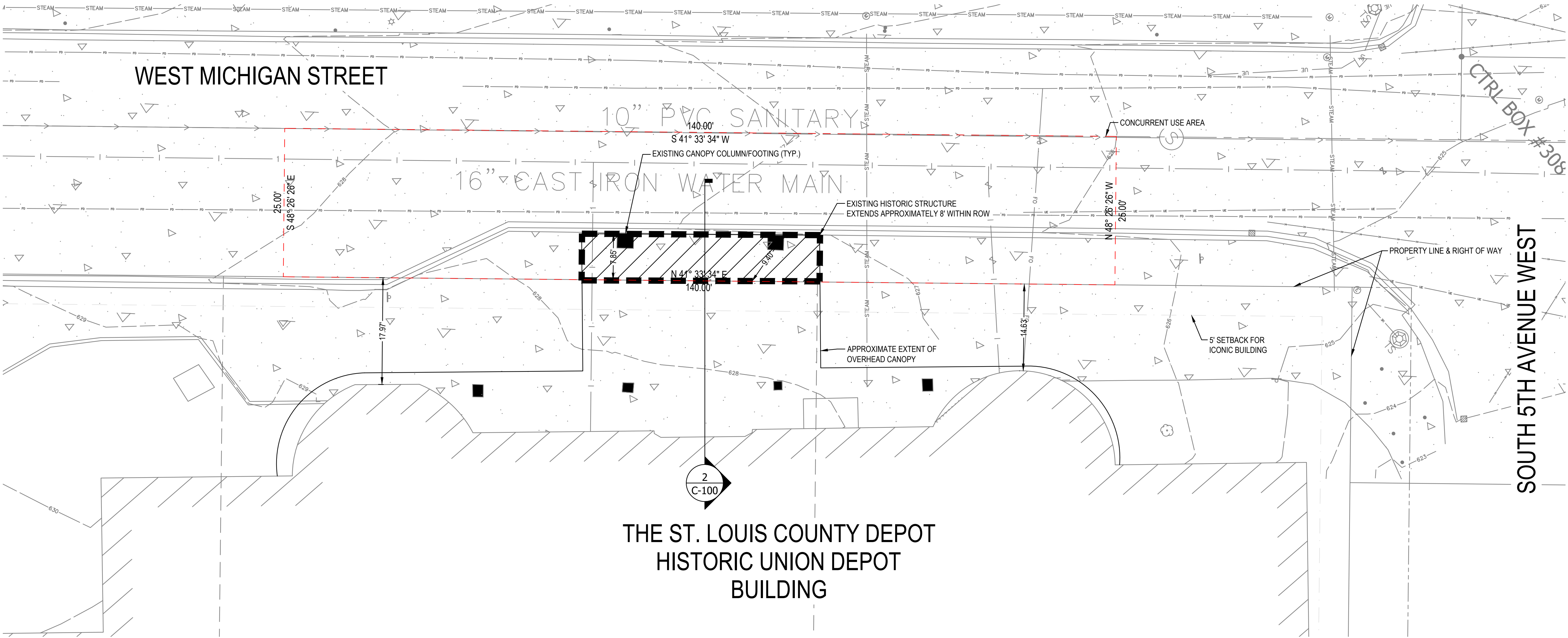
SLC DEPOT CANOPY IMPROVEMENTS

EXISTING CONDITIONS

CONCURRENT USE PERMIT EXHIBIT



2 CONCEPTUAL SECTION FACING NORTH EAST
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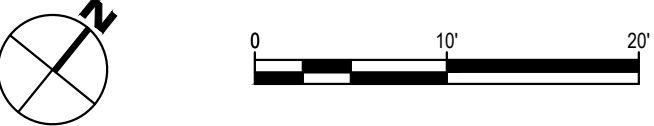


Concurrent Use Permit Description:

Those parts of Lots 7 and 8, Block C, and that part of West Michigan Street, all as platted and dedicated in DULUTH PROPER THIRD DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota, described as follows:

Commencing at the intersection of the centerline of West Michigan Street with the centerline of Fifth Avenue West, as platted and dedicated in said DULUTH PROPER THIRD DIVISION; thence South 41 degrees 33 minutes 34 seconds West, assumed bearing along the centerline of said West Michigan Street, a distance of 83.00 feet to the point of beginning of the tract to be described; thence continue South 41 degrees 33 minutes 34 seconds West, along the centerline of said West Michigan Street 140.00 feet; thence South 48 degrees 26 minutes 26 seconds East 25.00 feet; thence North 41 degrees 33 minutes 34 seconds East 140.00 feet; thence North 48 degrees 26 minutes 26 seconds West 25.00 feet to the point of beginning.

1 SITEPLAN



811
Know what's below.
Call before you dig.
CALL 2 BUSINESS DAYS BEFORE YOU DIG.
CAUTION: UTILITY INFORMATION IS APPROXIMATE.
VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.

Revisions:

△	

LINE IS 1" ON FULL SCALE DRAWING

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PRELIMINARY

SLC DEPOT - CANOPY IMPROVEMENTS
DULUTH, MN

CONCURRENT USE PERMIT EXHIBIT
Issue Date: 2021-11-29

Project Manager TMS
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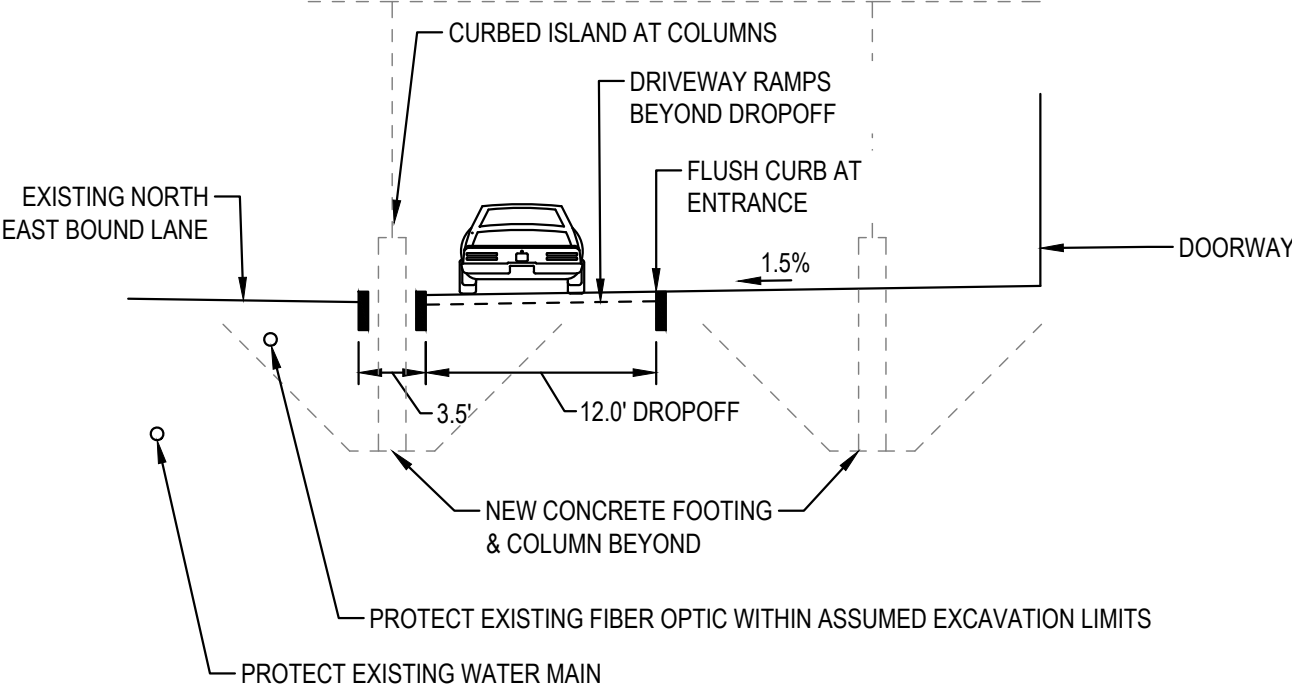
EXISTING CONDITIONS

C-100

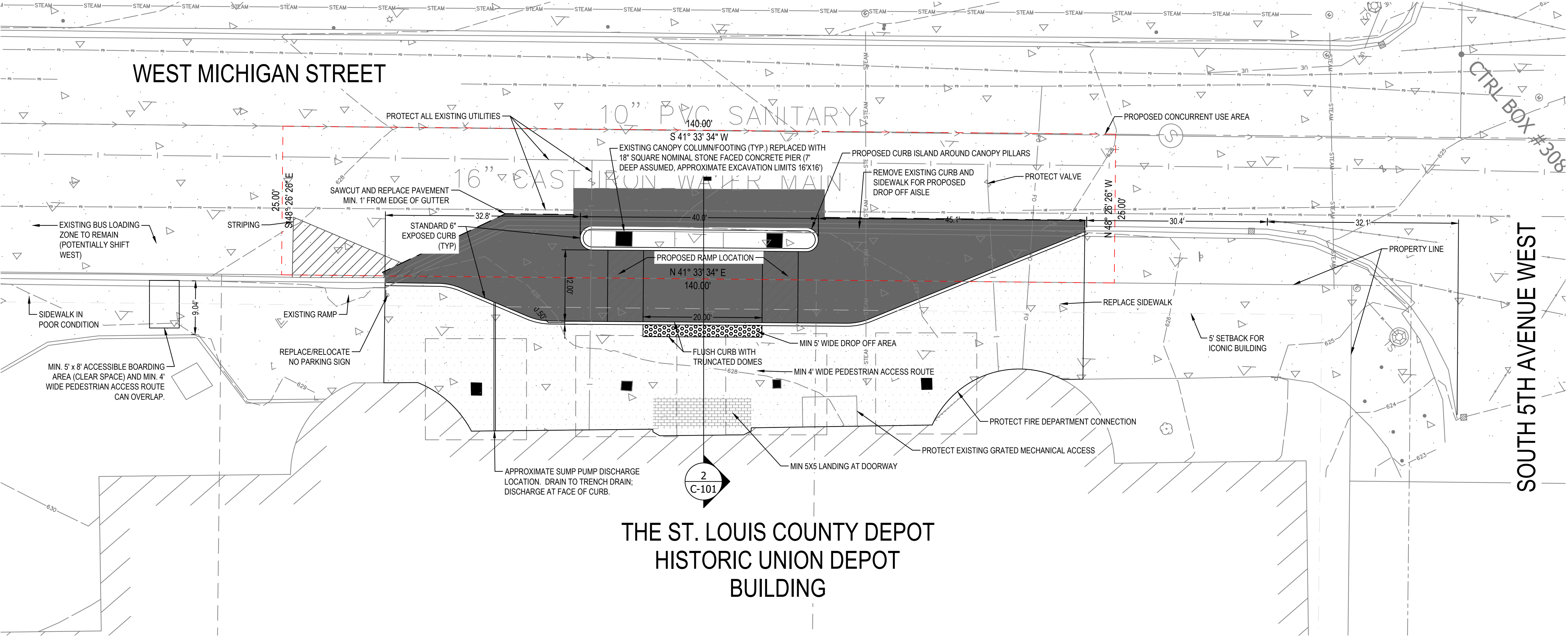
SLC DEPOT CANOPY IMPROVEMENTS

PRELIMINARY SITEPLAN

CONCURRENT USE PERMIT EXHIBIT



2 CONCEPTUAL SECTION FACING NORTH EAST
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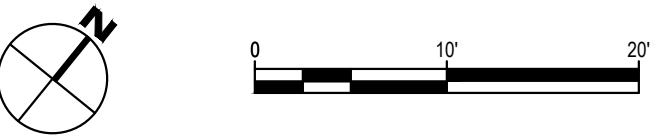


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Revisions:

△	

LINE IS 1" ON FULL
SCALE DRAWING

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PRELIMINARY

SLC DEPOT - CANOPY IMPROVEMENTS
DULUTH, MN

CONCURRENT USE PERMIT EXHIBIT
Issue Date: 2021-11-29

Project Manager TMS
Drawn by TMS
Checked by TMS

SITEPLAN

C-101



ARCHITECTURE ADVANTAGE



PICTURE #1
Column 1



PICTURE #3
Column 2



PICTURE #3
Column 3



PICTURE #4
Column 4



PICTURE #5
Column 5



PICTURE #6
Column 6



ARCHITECTURE
ADVANTAGE



PICTURE #7
Sidewalk/Entry



PICTURE #8
Sidewalk/Entry



PICTURE #9
Roof Standing Seam



PICTURE #10
Roof Standing Seam



ARCHITECTURE
ADVANTAGE



PICTURE #11
Roof/Sill Flashing



PICTURE #12
Roof/Sill Flashing



PICTURE #13
Roof/Wall Flashing



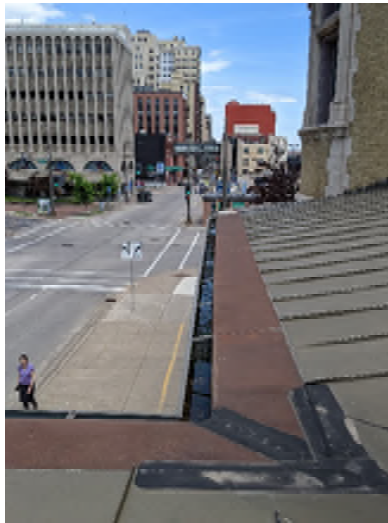
PICTURE #14
Roof/Wall Flashing



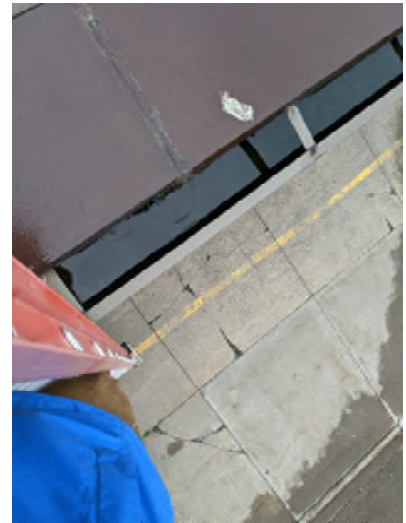
ARCHITECTURE ADVANTAGE



PICTURE #15
Roof Edge/Gutter



PICTURE #16
Roof Edge/Gutter



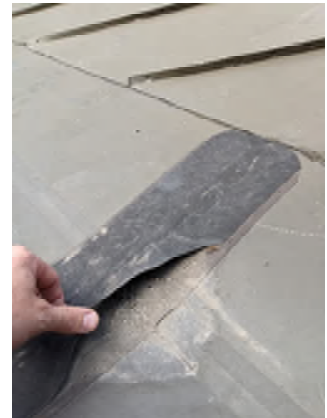
PICTURE #17
Roof Edge/Gutter



PICTURE #18
Roof Ridge



PICTURE #19
Roof Valley



PICTURE #20
Roof Valley



ARCHITECTURE ADVANTAGE



PICTURE #21
Roof/Wall Flashing



PICTURE #22
Roof/Wall Flashing



PICTURE #23
Roof/Wall Flashing



PICTURE #24
Roof/Wall Flashing



















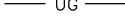

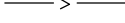

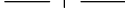
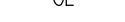





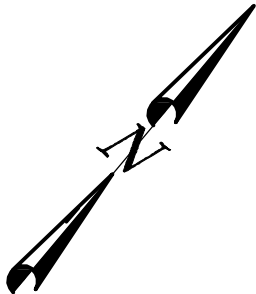
SLC Depot



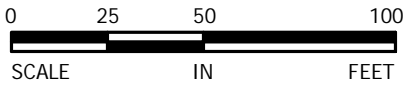
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LEGEND:

	iron monument found
	1/2 inch iron monument set, marked "JPJ ENG 21401"
	electric meter
	power pole
	electric meter
	gas meter
	telephone box
	electric box
	electric manhole
	manhole type unknown
	sanitary manhole
	water valve
	catch basin
	guard post
	sign
	traffic signal
	deciduous tree
	underground electric line
	underground gas line
	steam line
	sanitary sewer line
	storm sewer line
	water main line
	overhead power line
	concrete surface
	bituminous surface
	gravel surface



SCALE: 1 INCH = 50 FEET



PROPERTY DESCRIPTION:

Those parts of Lots 7, 8, 9 and 10, Block C, DULUTH PROPER THIRD DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota, lying northerly of the northerly right of way line of the railroad and lying southwesterly of the northeasterly 10.00 feet of said Lot 7, including the east half of vacated 6th Avenue West adjacent to said Lot 10.

SURVEYOR NOTES:

Orientation of the bearing system is based on the northwesterly line of Lots 7 through 10, Block C, DULUTH PROPER THIRD DIVISION to have a bearing of N 41°33'34"E.

JPJ Engineering has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.

Area of this property is 96,038 square feet or 2.2047 acres ±.

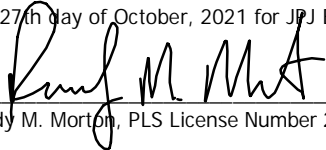
Address of the property is 506 West Michigan Street, Duluth, MN 55802.

Parcel Identification Number is 010-1230-00140.

CERTIFICATION:

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.

Signed this 27th day of October, 2021 for JPJ Engineering, Inc.


Randy M. Morton, PLS License Number 21401



Engineering
Land Surveying
Site Development

JPJ ENGINEERING, INC

425 Grant Street
Hibbing, MN 55746
(218) 262-5528

•
5670 Miller Trunk Hwy
Duluth, MN 55811
(218) 720-6219

www.jpjeng.com

CERTIFICATE & TOPOGRAPHIC SURVEY

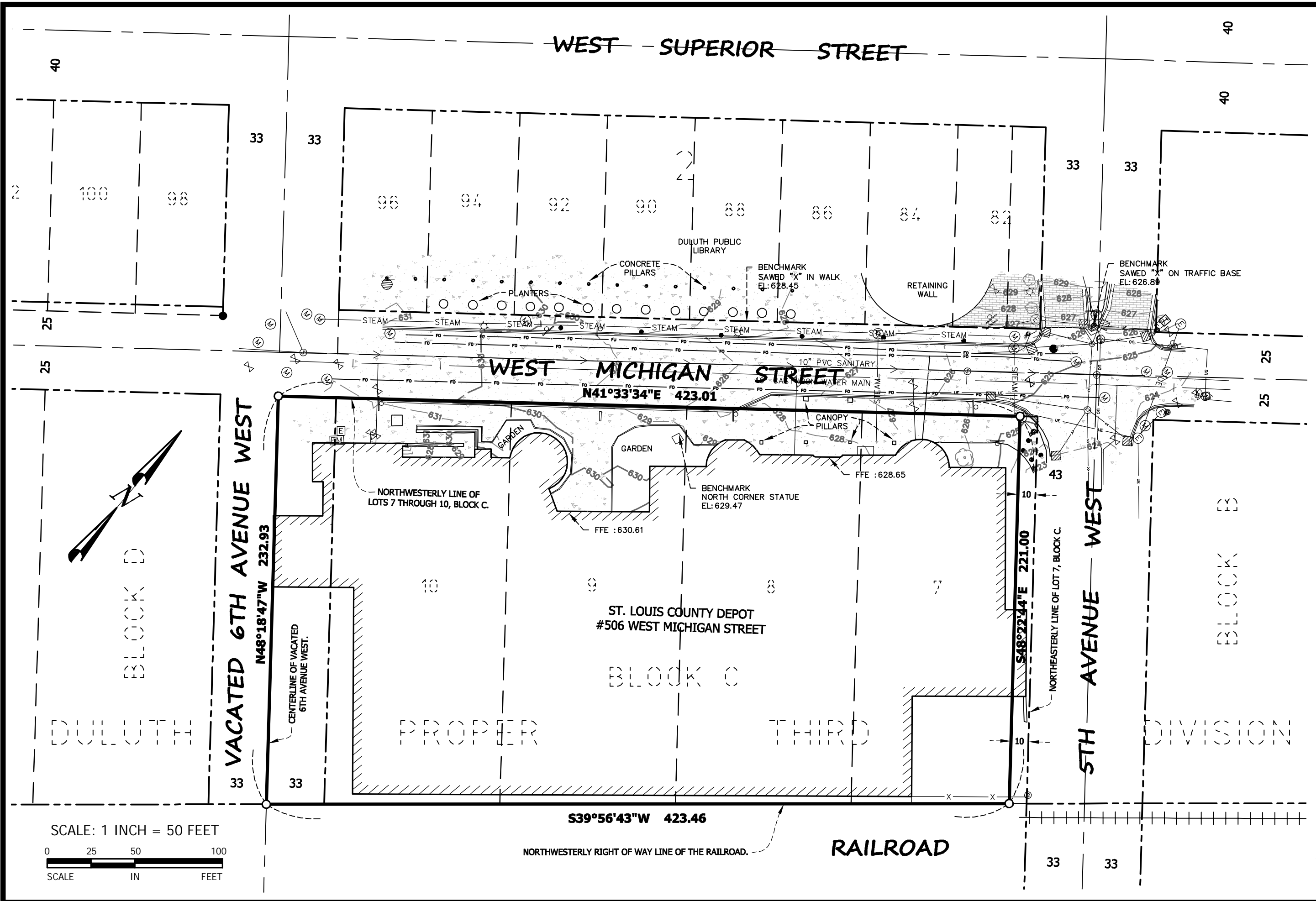
For: St. Louis County Property Management

506 West Michigan Street, Duluth, Minnesota 55802.

Part of Lots 7, 8, 9 & 10, Block C, DULUTH PROPER THIRD ADDITION, St. Louis Co., MN.

SURVEY BY :	AJG
DRAWN BY :	AJG
DESIGNED BY :	
APPROVED BY :	RMM
DATE:	10/27/2021
PROJECT NUMBER	
21-947	
SHEET NUMBER	
1 OF 2	

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Engineering
Land Surveying
Site Development

JPJ ENGINEERING, INC

425 Grant Street
Hibbing, MN 55746
(218) 262-5528

5670 Miller Trunk Hwy
Duluth, MN 55811
(218) 720-6219

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CERTIFICATE & TOPOGRAPHIC SURVEY

For: St. Louis County Property Management

506 West Michigan Street, Duluth, Minnesota 55802.

Part of Lots 7, 8, 9 & 10, Block C, DULUTH PROPER THIRD ADDITION, St. Louis Co., MN.

SURVEY BY : AJG

DRAWN BY : AJG

DESIGNED BY :

APPROVED BY : RMM

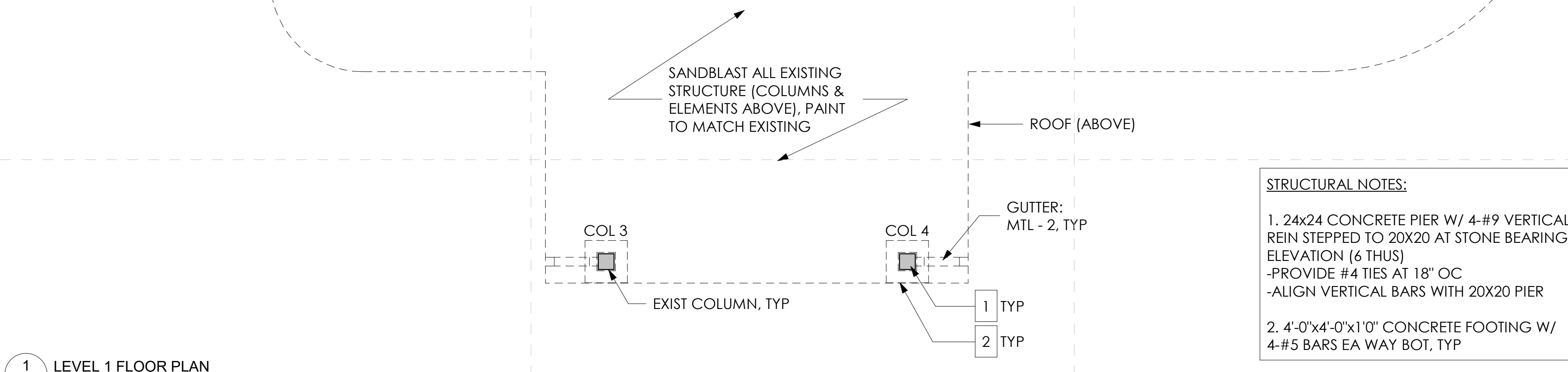
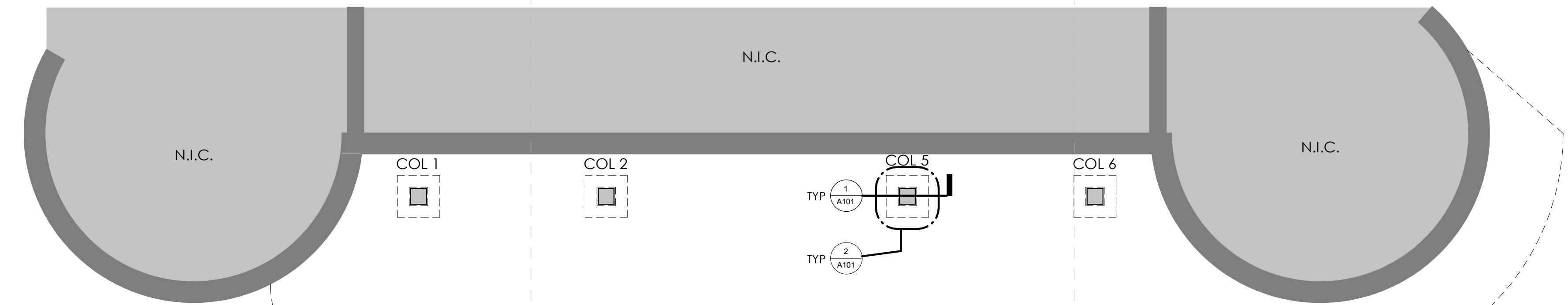
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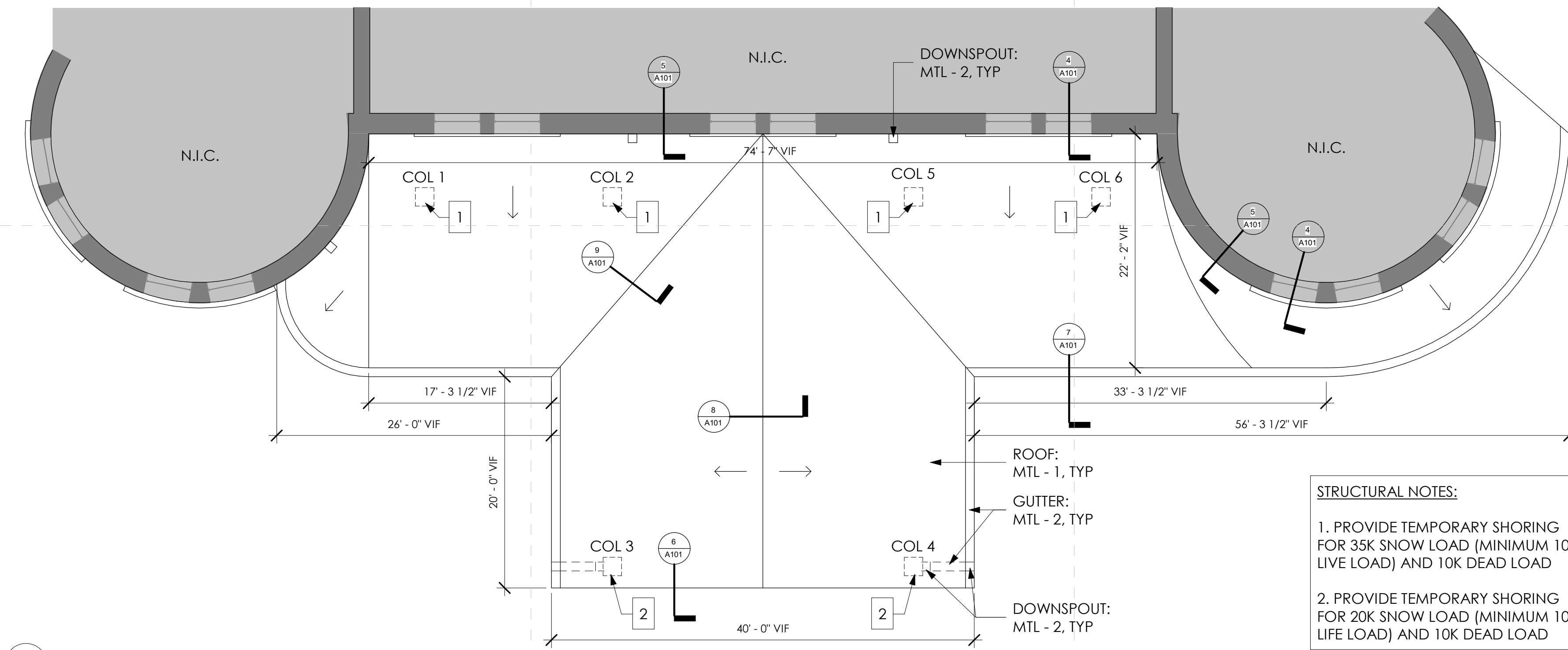
21-947

SHEET NUMBER

2 OF 2



1 LEVEL 1 FLOOR PLAN
A100 1/8" = 1'-0"



2 ROOF PLAN
A100 1/8" = 1'-0"

NOT FOR CONSTRUCTION
11.29.2021

SHEET TITLE:
**DEMO, SITE &
FLOOR PLANS**

This sheet is for informational use only. The bar above is 1" long on a full size sheet. Drawing scales apply to full scale sheets.

SLC DEPOT CANOPY REPAIRS

506 W MICHIGAN ST, DULUTH, MN 55802

PROJECT NO: 2117
DRAWN BY: SN
CHECKED BY: KT

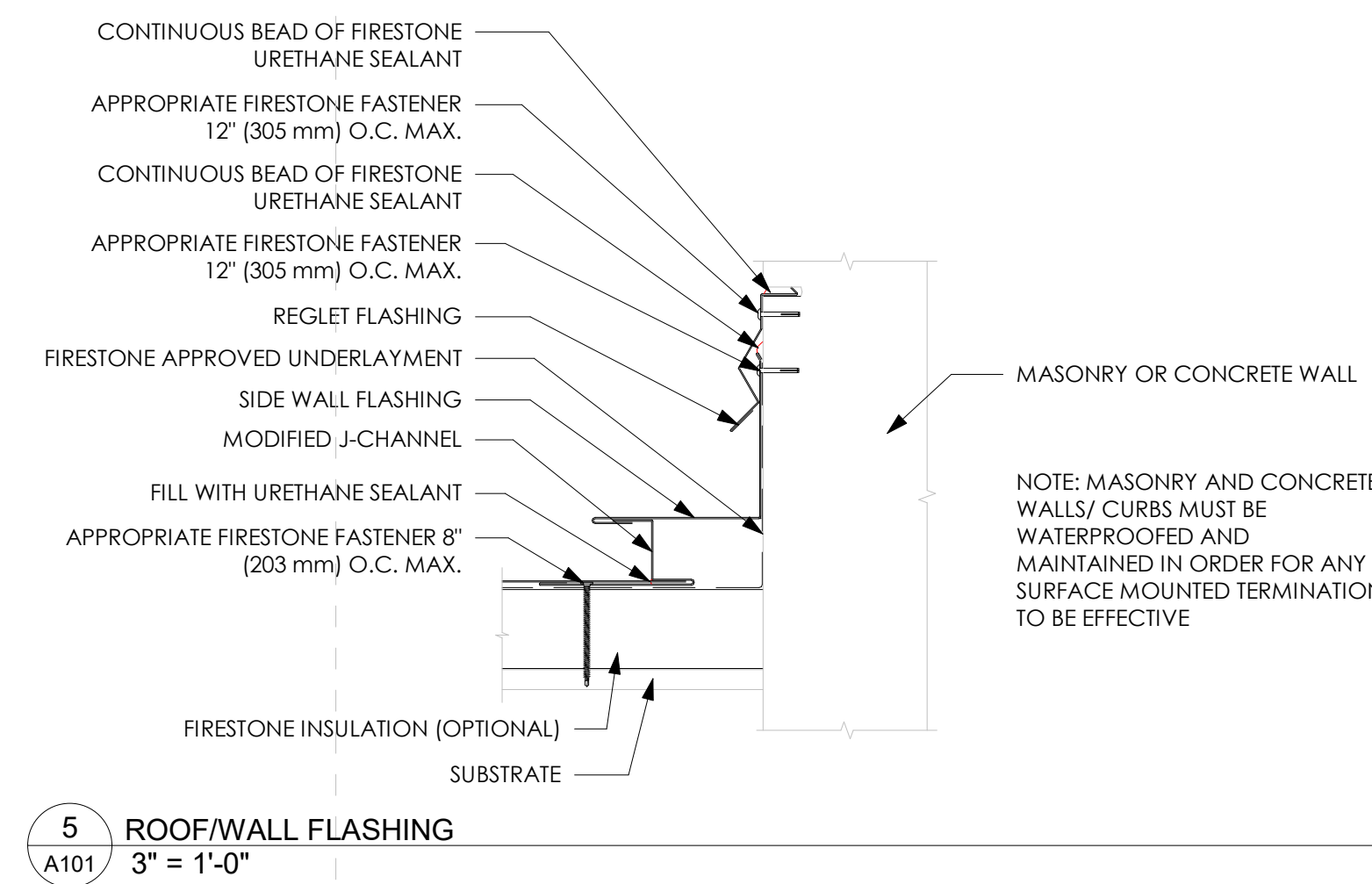
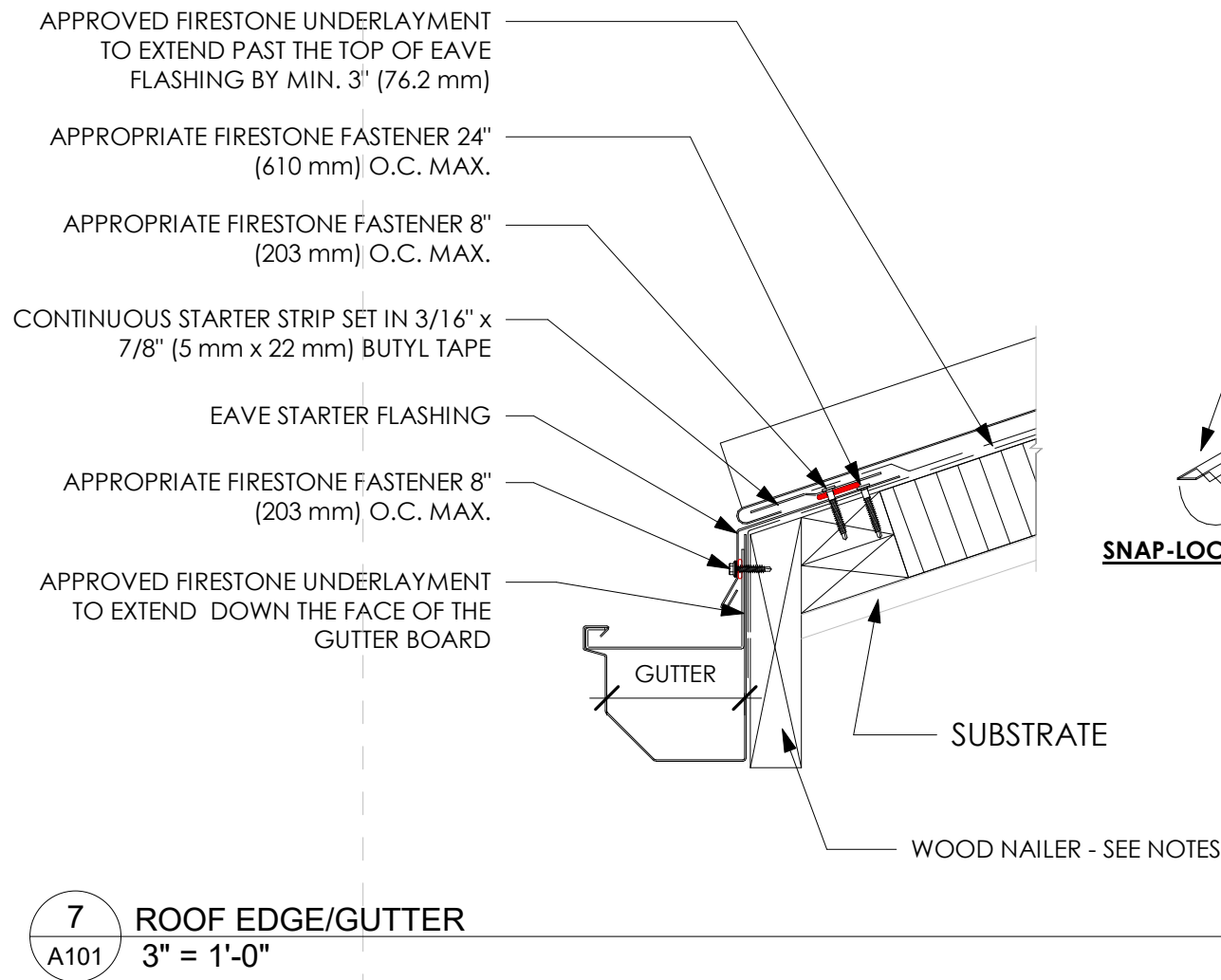
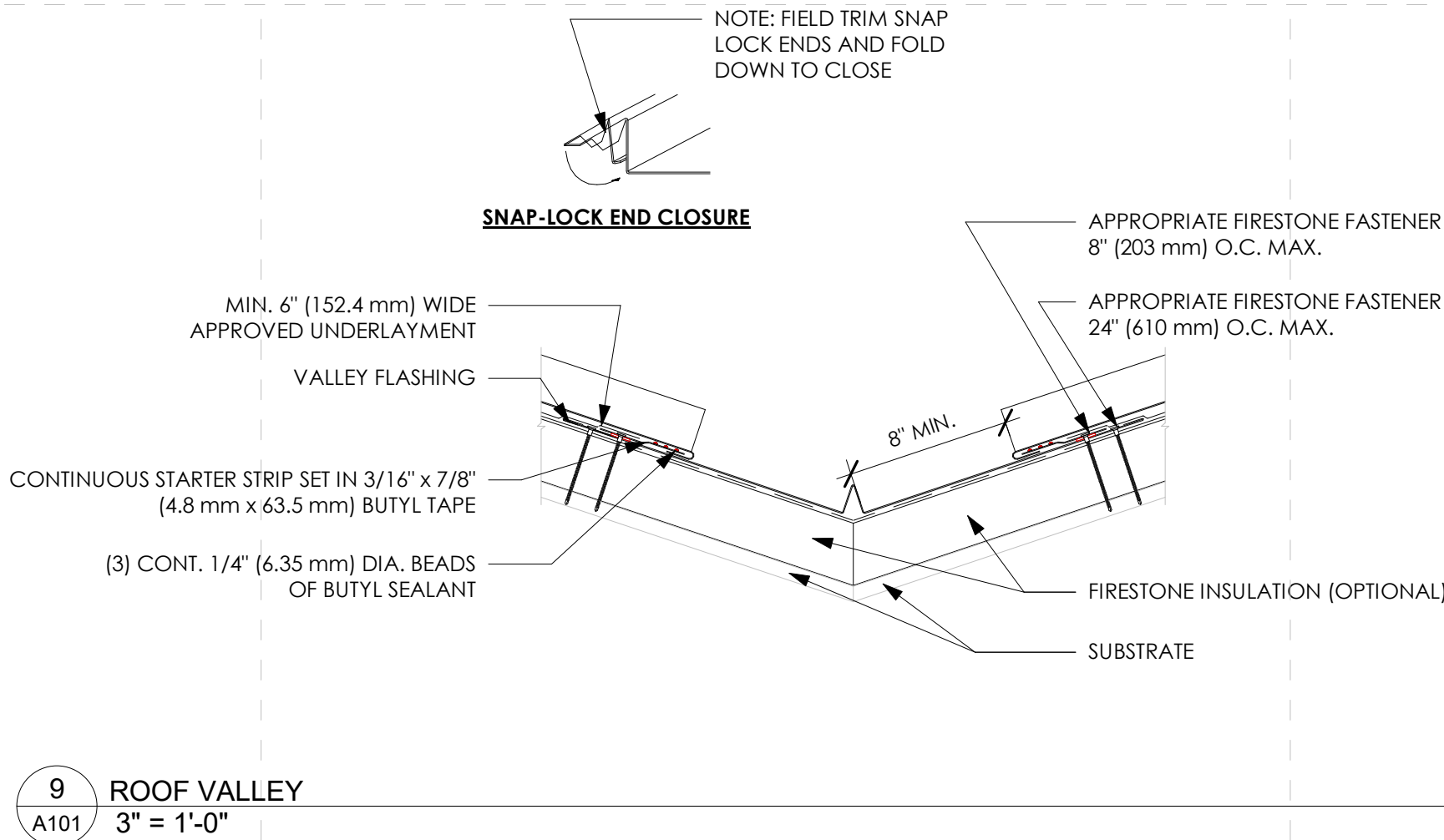
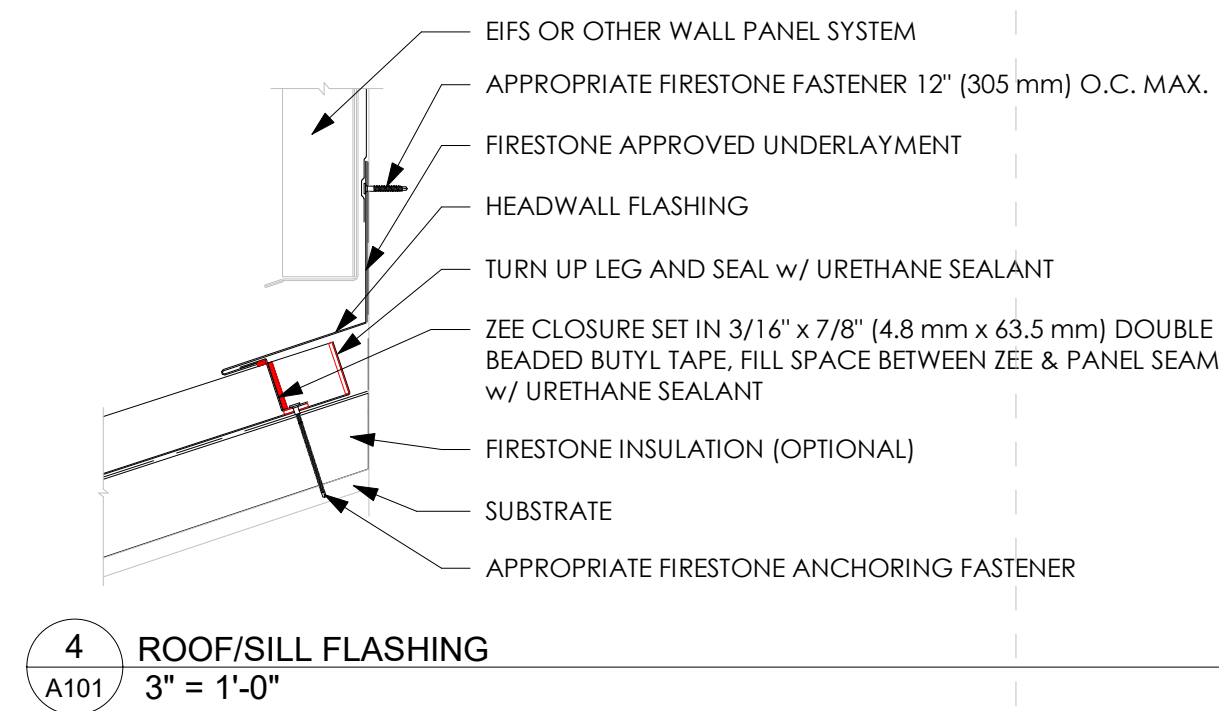
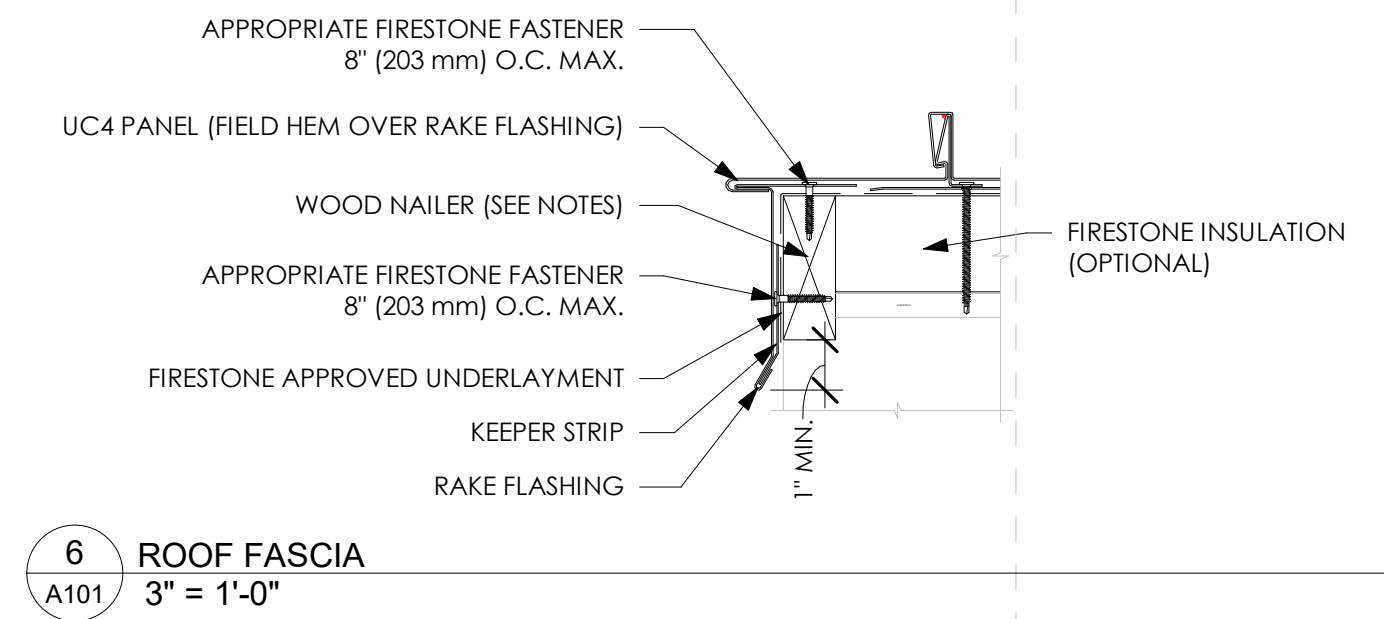
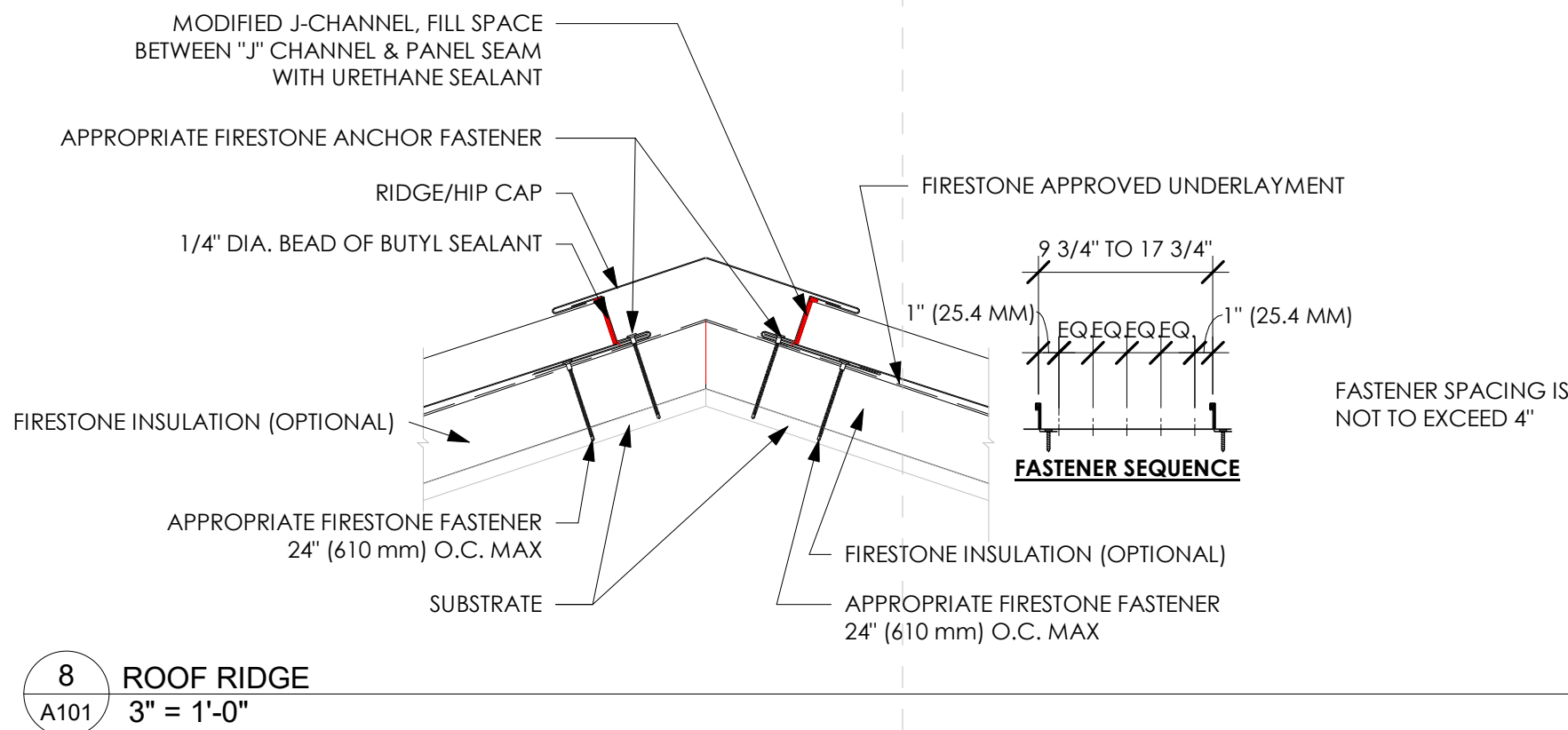
RELEASE DATE:
11.29.2021

REVISIONS:
REV. DATE DESCRIPTION

SET NO.

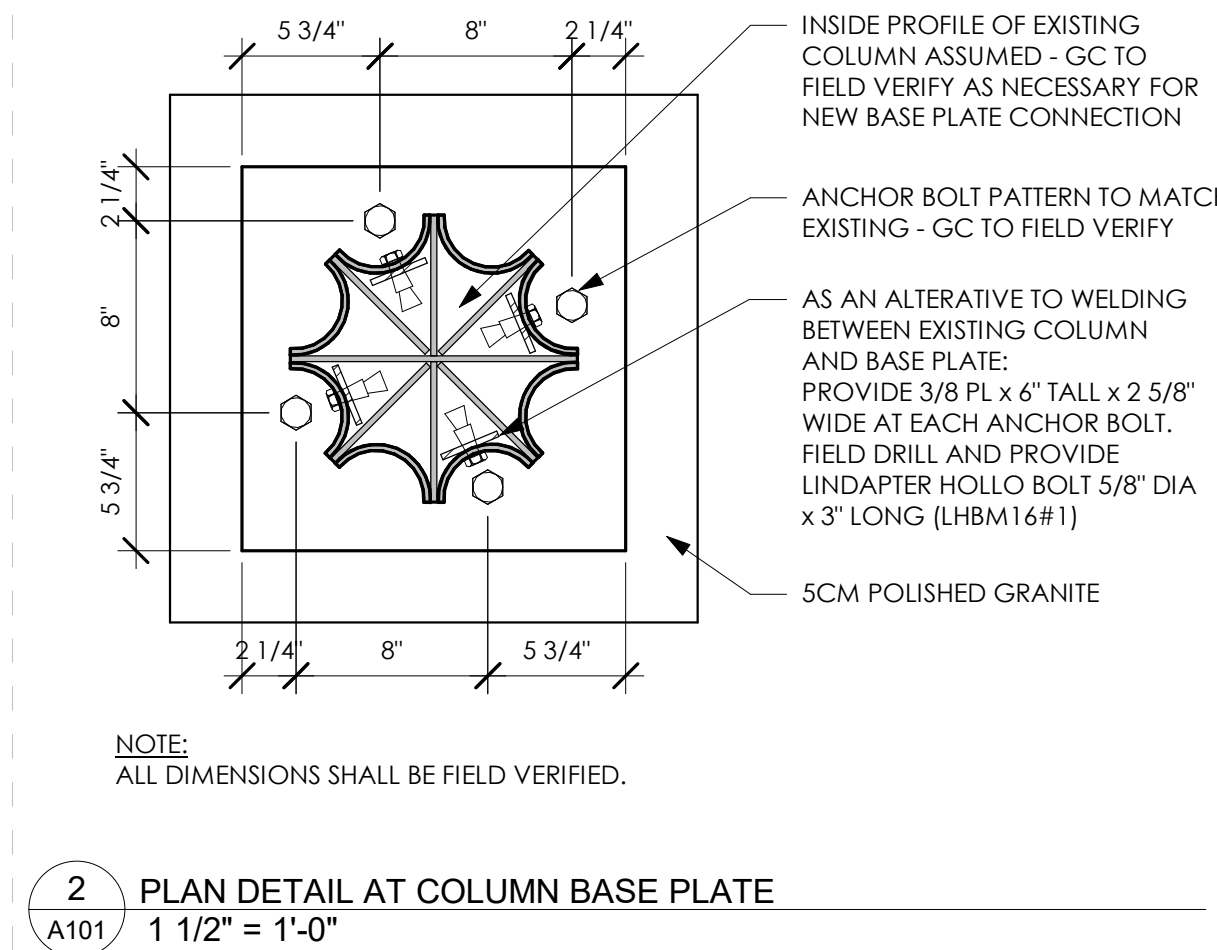
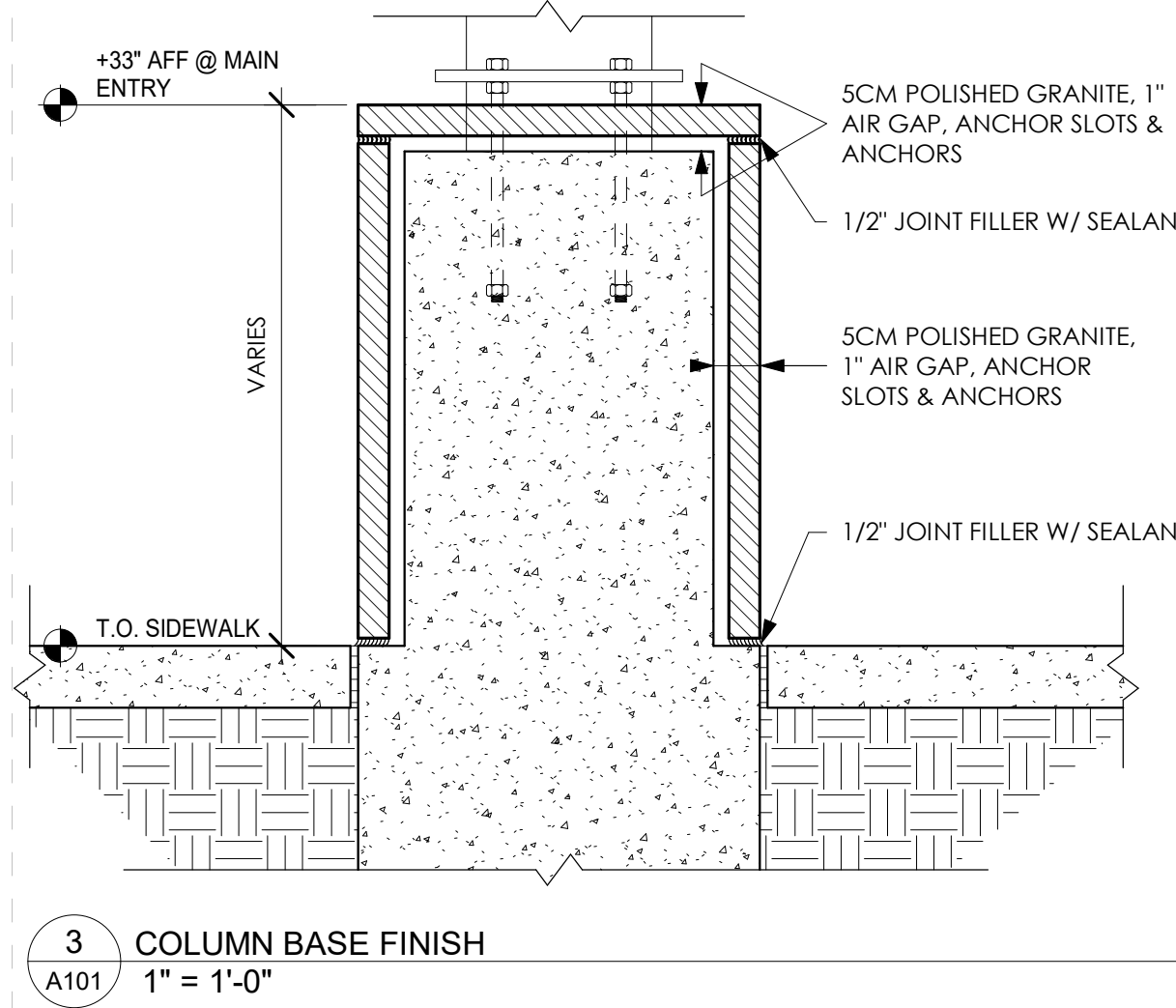
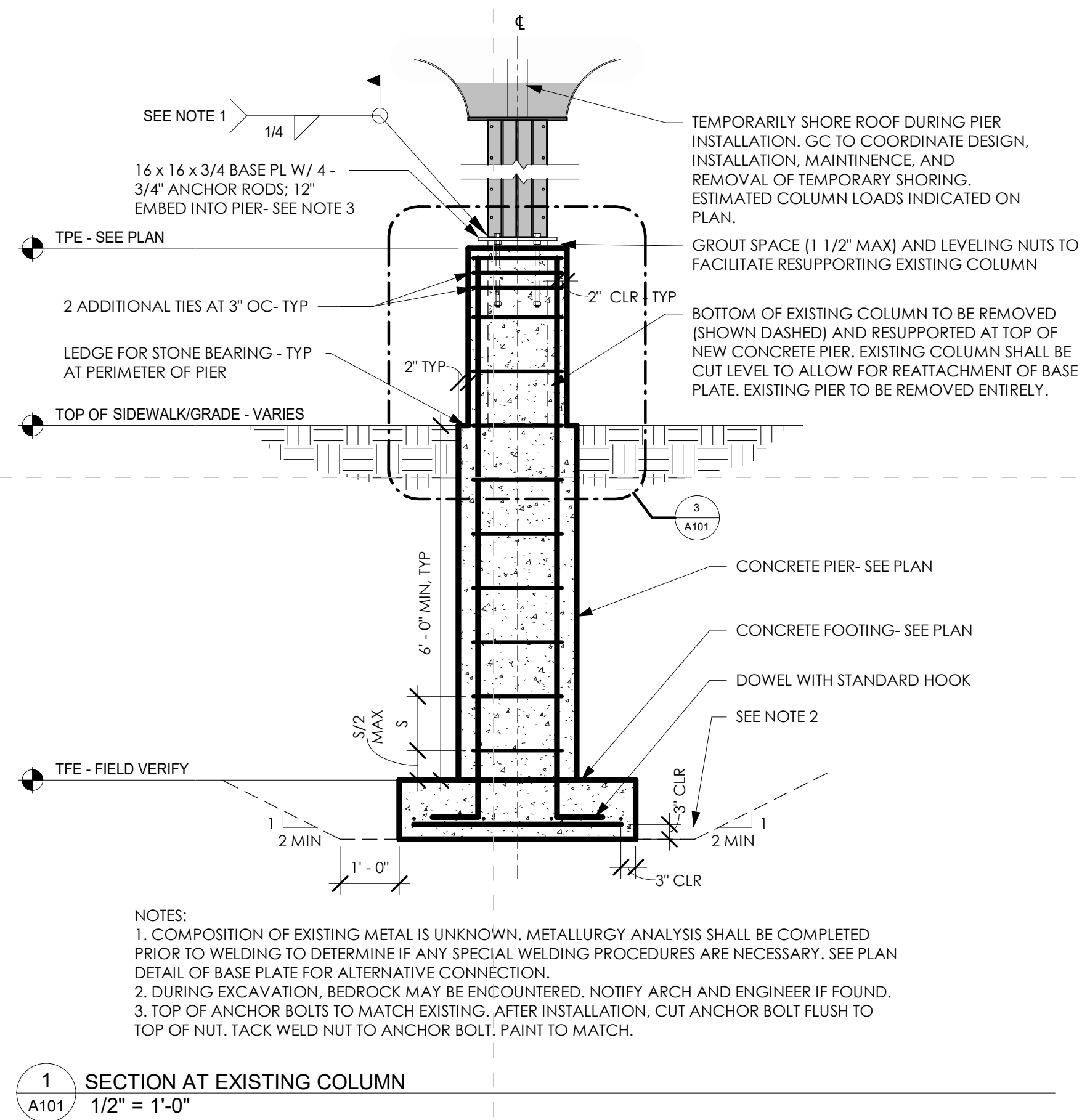
SHEET NO.

A100
OF XX



GENERAL ROOFING/FLASHING NOTES

1. REFER TO FIRESTONE WEBSITE FOR MOST CURRENT INFORMATION.
2. REFER TO TECHINCAL INFORMATION SHEETS FOR FASCIA SIZES, ACCESSORIES AND FINISHES AVAILABLE.
3. WOOD NAILER MUST BE INSTALLED TO MEET APPLICABLE BUILDING CODES OR 200LB PER LINEAR FOOT MINIMUM IN ANY GIVEN DIRECTION.
4. REFER TO FIRESTONE TECHINCAL DATABASE FOR FASTENER COMPATIBILITY WITH METAL.
5. REFER TO TEH FIRESTONE TECHINCAL DATABASE FOR HEM LENGTH AND REQUIRED DISTANCE BETWEEN THE PANEL AND CLEAT.
6. APPLICATION DETAILS ARE FOR ILLUSTRATION PURPOSES ONLY AND MAY NOT BE APPROPRIATE FOR ALL BUILDING DESIGNS AND CONDITIONS.
7. FIELD NOTCH ZEE CLOSURES. SET ZEE CLOSURE IN BUTYL TAPE AND SEAL AROUND REMAINING EDGES OF ZEE WITH URETHANE SEALANT.
8. FOR WARRANTY PERIODS GREATER THAN 20YEARS, REFER TO METAL QUICK SPECS FOR MINIMUM REQUIREMENTS.



ARCHITECTURE
ADVANTAGE



2716 Piedmont Avenue - Duluth, MN 55811
Phone: 218.724.5568 - Email: info@architecturedadvantage.com
(Suite 420) 375 Jackson Street - Saint Paul, MN 55101
Phone: 651.224.4831 - Email: info@architecturedadvantage.com

Certified MN-Woman Owned Business

NOT FOR CONSTRUCTION
11.29.2021

SHEET TITLE:
SECTIONS &
DETAILS

SLC DEPOT CANOPY REPAIRS

506 W MICHIGAN ST, DULUTH, MN 55802

PROJECT NO: 2117

DRAWN BY: SN

CHECKED BY: KT

RELEASE DATE:
11.29.2021

REVISIONS:
REV. DATE DESCRIPTION

SET NO.

SHEET NO.

A101
OF XX