Planning & Economic Development Division
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Staff Report for PLCUP-2604-0009

Application Information:

Application Type: Concurrent Use Permit
Location of Subject: 530 W Michigan St
Legal Description: 010-1230-00140

Applicant: MN Power
Applicant Contact: George Radosevich
Agent: Windsor Engineers
Agent Contact: Jack Dougherty

Staff Contact: Reina Owecke, rowecke@duluthmn.gov

Deadline for Action:
Application Date: April 7, 2026
Date Extension Letter Mailed: April 15, 2026
60 Days: June 6, 2026
120 Days: August 5, 2026

Site Visit Date: April 29, 2026
Sign Notice Date: April 28, 2026

Neighbor Letter Date: n/a
Number of Letters Sent: n/a

Proposal:

Applicant is seeking a concurrent use permit to install a new transformer and transition cabinet within the right-of-way between the existing parking structure at 602 W Michigan St and 530 W Michigan St.

Recommended Action:

Staff recommends that Planning Commission recommend approval to the City Council.

Zoning and Land Use:

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-8	Commercial	Central Business Primary
North	MU-C	Parking Lot	Central Business Primary
South	F-8	Parking Lot	Central Business Secondary
East	MU-C	Highway	Transportation/Utilities
West	F-8	Library	Central Business Primary

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:

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):

Future Land Use:

- Central Business Primary – Encompasses a broad range of uses and intensities: (1) Governmental campus, (2) Significant retail, (3) Entertainment and lodging, (4) Opportunities for high-density housing, (5) Central Plaza, public/open space, (6) Public parking facilities.

History: Not applicable.

Review and Discussion Items:

Staff finds:

1. The applicant is seeking a concurrent use permit to install a new transformer and transition cabinet within the loading bay between the existing parking structure at 602 W Michigan St and the St. Louis County Depot at 530 W Michigan St. The proposed location of the new utilities will be within a new landscape island.
2. The Depot building is undergoing significant internal renovations which will improve the building's mechanical and electrical systems. Because of these renovations, a new transformer and transition cabinet are required to provide additional secondary service conduits.
3. New primary services from an existing transformer located along the Depot's western corner will be routed through the right-of-way to the proposed transformer. The existing transformer will remain.
4. 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 applicant will coordinate with the County and create new access to the parking structure at 602 W Michigan St during construction. Following construction, access to the parking structure will not be impacted.
5. Ownership of the new transformer will be with Minnesota Power. Liability, maintenance, and operation of the new utilities will be the responsibility of the applicant and Minnesota Power. In the event of an accident, the City will not be responsible for restoring or replacing any of the equipment.
6. Concurrent use permits are approved by the City Council via an ordinance. Unlike street right-of-way vacations, concurrent use permits are not recorded with St. Louis County as they are voidable agreements between the City and property owners.
7. The ordinance will require that the applicant 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.
8. 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 public may be included in any ordinance approving a concurrent use permit adopted by the City Council.
9. No City, agency, or public comments were received.
10. Per UDC Section 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 recommend approval of the Concurrent Use Permit request to the City Council 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 and agree 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.