



**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

[planning@duluthmn.gov](mailto:planning@duluthmn.gov)

<b>File Number</b>	PL 20-003	<b>Contact</b>	Theresa Bajda, 218-730-5303	
<b>Type</b>	Concurrent Use Permit	<b>Planning Commission Date</b>	February 11, 2020	
<b>Deadline for Action</b>	<b>Application Date</b>	January 7, 2020	<b>60 Days</b>	March 7, 2020
	<b>Date Extension Letter Mailed</b>	January 16, 2020	<b>120 Days</b>	May 6, 2020
<b>Location of Subject</b>	831 East Superior Street			
<b>Applicant</b>	Mark Melhus – Kitchi Gammi Club	<b>Contact</b>		
<b>Agent</b>	Mark S. Anderson – LHB	<b>Contact</b>		
<b>Legal Description</b>	Parcel ID Number 010-3830-01090			
<b>Site Visit Date</b>	January 30, 2020	<b>Sign Notice Date</b>	January 28, 2020	
<b>Neighbor Letter Date</b>	N/A	<b>Number of Letters Sent</b>	N/A	

**Proposal:** The applicant is proposing to replace existing brick columns and canopy supports within the right of way along the N 9<sup>th</sup> Avenue East frontage of the Kitchi Gammi Club. The purpose of the columns and canopy is to provide a prominent avenue entry to the building. Replacement will attempt to maintain the original character as the building is listed on the national list of historic properties. The entrance off N 9<sup>th</sup> Avenue East is the accessible building entrance.

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

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	F-8	Kitchi Gammi Club Building	Urban Residential
<b>North</b>	MU-I	United Baptist Church	Institutional
<b>South</b>	F-8	Park	Open Space
<b>East</b>	MU-I	Private Parking Lot	Institutional
<b>West</b>	F-8	Restaurant	Urban Residential

**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 an incorporated membership based club and event/banquet center.

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 for club members and guests while preserving the historical character of building columns.

Future Land Use – Institutional: Applicable to medical, university, public school, religious, or governmental campuses and can include adjacent areas that support them with related commercial and residential uses.

Recent History – The Kitchi Gammi Club has existed in this current location since 1914. The building was listed on the National Register of Historic Places in 1975.

### **Review and Discussion Items**

Staff finds that:

- 1.) The applicant is seeking a concurrent use permit to replace existing brick columns and canopy supports along the N 9<sup>th</sup> Avenue East frontage of the building at 831 E Superior Street. This entrance will provide accessible access to the building. The building abuts the public right-of-way on N 9<sup>th</sup> Avenue East. The existing sidewalk is approximately 12 feet deep from building to curb in the area of the existing columns and canopy supports.
- 2.) The concurrent use area contains 120 square feet; however, most of this area is under the canopy which will be placed to maintain a minimum vertical clearance of seven feet six inches. Placement of the columns and canopy supports will allow a width of at least 6 feet along the sidewalk for pedestrian traffic to pass. Canopies and awnings also contribute to a pedestrian environment by providing refuge from sun and precipitation.
- 3.) According to City Engineering, utilities within the right of way are located in the middle of the street; this use will not interfere with utilities.
- 4.) 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 remove/replacement of the applicant's infrastructure should the City need to access the right-of-way in the permitted area.
- 5.) 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.
- 6.) No other public, agency, or other comments have been received as of February 4, 2020.

### **Staff Recommendation**

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

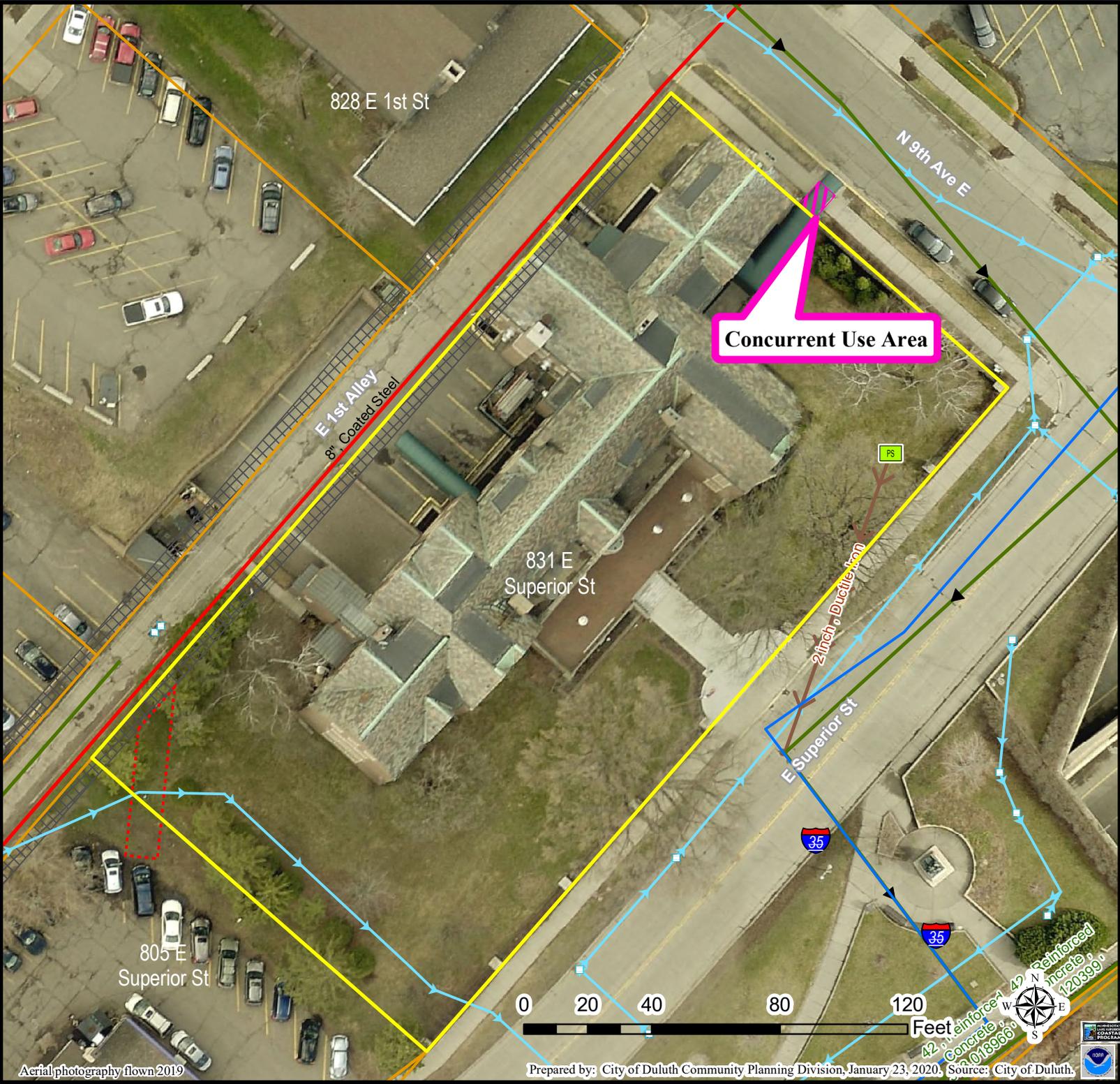
- 1.) Applicant shall construct and maintain the project as identified in the attached exhibits.
- 2.) The structure will need to comply with any applicable engineering standards, or building or fire code requirements.
- 3.) Applicant shall provide annual proof of liability insurance to indemnify the 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 canopy or support structures caused by snow removal or work in the right-of-way.
- 6.) 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.



Concurrent Use Permit PL20-003  
831 E Superior St

**Legend**

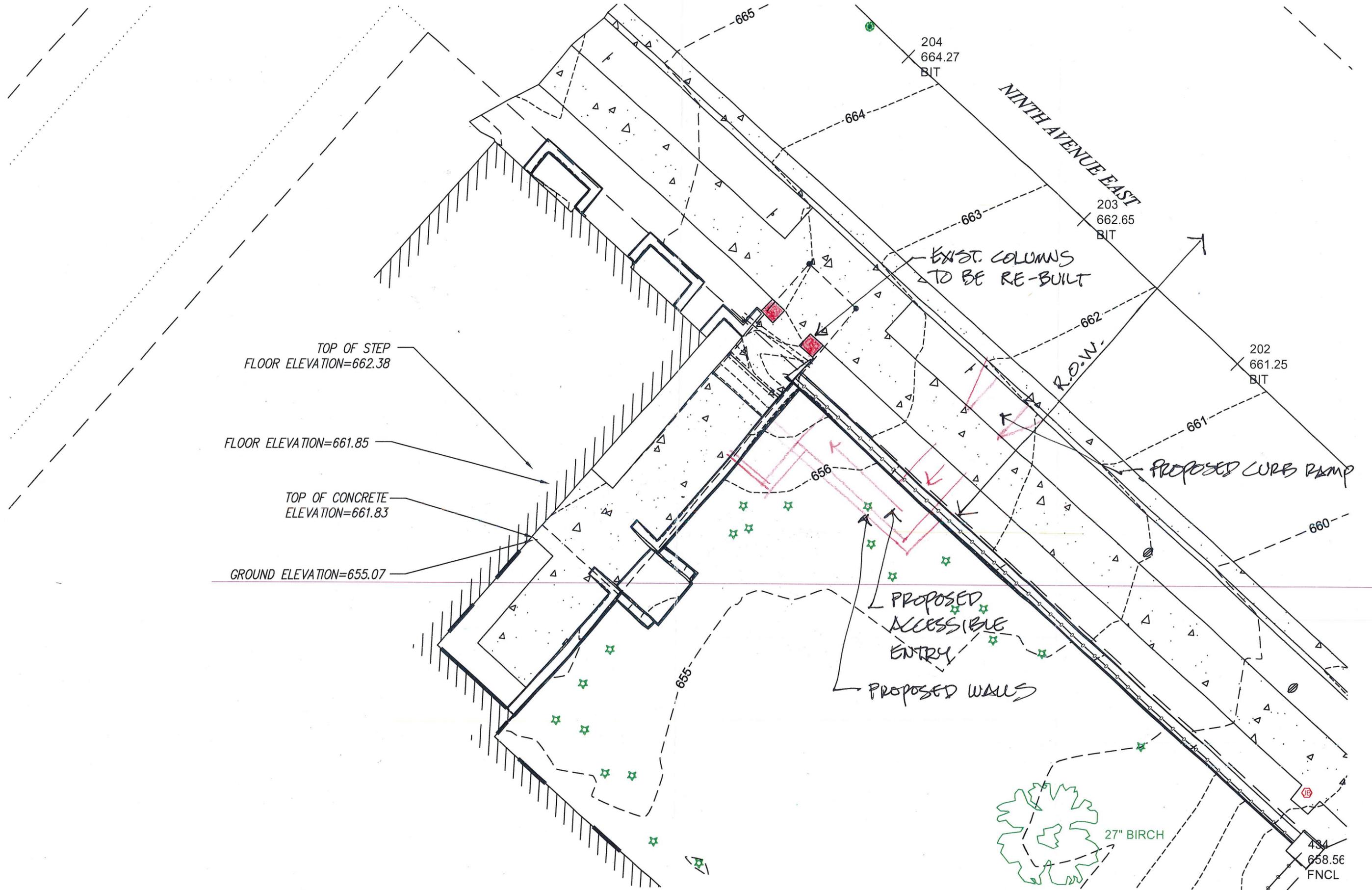
- Concurrent Use Permits
- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains**
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Parcels
- Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement



Aerial photography flown 2019

Prepared by: City of Duluth Community Planning Division, January 23, 2020, Source: City of Duluth.

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.



TOP OF STEP  
FLOOR ELEVATION=662.38

FLOOR ELEVATION=661.85

TOP OF CONCRETE  
ELEVATION=661.83

GROUND ELEVATION=655.07

204  
664.27  
BIT

203  
662.65  
BIT

202  
661.25  
BIT

434  
658.56  
FNCL

EXIST. COLUMNS  
TO BE RE-BUILT

R.O.W.

PROPOSED CURB RAMP

PROPOSED  
ACCESSIBLE  
ENTRY

PROPOSED WALLS

27" BIRCH



1/30/20: N 9th Ave E. view of columns and canopy/supports



1/30/20: N 9th Ave E. looking south at CUP area



1/30/20: Columns to be replaced



1/30/20: CUP area looking south towards lake



1/30/20: CUP area view from N 9th Ave E,

**PL20-003 Concurrent Use of Streets**

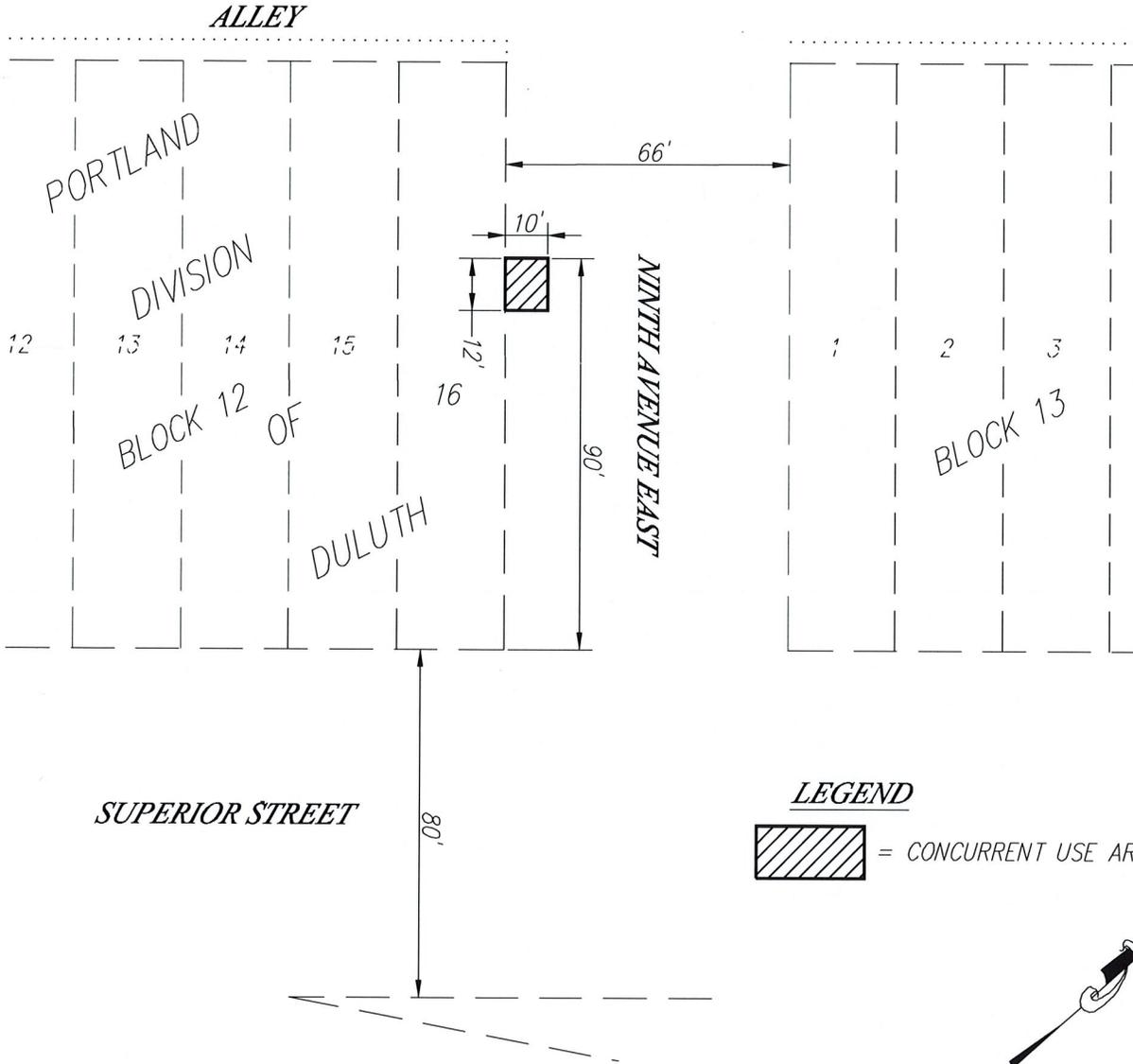
**831 E. Superior Street**

**Kitchi Gammi Club**

**Site Visit: 1/30/20**

# EXHIBIT CONCURRENT USE

*Part of Ninth Avenue East  
PORTLAND DIVISION OF DULUTH*



**LEGAL DESCRIPTION :**

ALL THAT PART OF THE SOUTHEASTERLY TEN (10) FEET OF NINTH AVENUE EAST ADJACENT TO THE NORTHWESTERLY TWELVE (12) FEET OF THE SOUTHEASTERLY NINETY (90) FEET OF LOT SIXTEEN (16), BLOCK TWELVE (12), PORTLAND DIVISION OF DULUTH, CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA.

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

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: *Paul A. Vogel*

Date: 01/02/2020

DATE PREPARED: 01/02/20

PROJ NO: 180901

FILE: 180901vExhib

SHEET 1 of 1 SHEETS



**PERFORMANCE  
DRIVEN DESIGN.**  
LHBcorp.com

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

# EXHIBIT

## LEGAL DESCRIPTION:

All that part of the southeasterly ten (10) feet of Ninth Avenue East adjacent to the northwesterly twelve (12) feet of the southeasterly ninety (90) feet of Lot Sixteen (16), Block Twelve (12), 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

  
1/02/2020

License No. 44075

