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 20-129	**Contact**	Jenn Moses, 218-730-5328	
Type	Concurrent Use Permit	**Planning Commission Date**		September 8, 2018
Deadline for Action	**Application Date**	August 21, 2020	**60 Days**	October 20, 2020
	Date Extension Letter Mailed	September 1, 2020	**120 Days**	December 19, 2020
Location of Subject	2 W 1st Street			
Applicant	Station Two LLC	**Contact**	John Gerzina	
Agent				
Legal Description	PID 010-0940-00610			
Site Visit Date	September 1, 2020	**Sign Notice Date**	8/25/20	
Neighbor Letter Date	N/A	**Number of Letters Sent**	N/A	

Proposal: Applicant seeks a Concurrent Use Permit for a barrier between the sidewalk and the street adjacent to the Spina building at 2 West 1st Street, as well as an existing underground sewer line located in the right of way of N Lake Avenue.

Staff Recommendation: That Planning Commission recommend approval to City Council.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-8	Office	Central Business Primary
North	F-8	Office	Central Business Primary
South	F-8	Office	Central Business Primary
East	F-8	Parking Ramp	Central Business Primary
West	F-8	Office	Central Business Primary

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 – Skywalk related
3. No portion of a public easement proposed for use is being physically used or occupied by the public.
4. Not Applicable – Parking related

Comprehensive Plan Governing Principles and/or Policies:

Principle #7 – Create and maintain connectivity: This proposal supports safe connectivity for vehicles and pedestrians.

Principle #9 – Support private actions that contribute to the public realm: This private investment will contribute to safety and aesthetics within the right of way, and help preserve the Spina Building from future vehicle crashes.

Transportation Policy 1, Strategy 9: Adopt measures to reduce vehicular travel speed and improve intersection safety, especially in busy areas, to improve overall safety conditions, reduce injuries, and eliminate deaths.

History: This building has a history of vehicle crashes, with the applicant reporting 5 vehicles crashes in 20 years. In 2019, City Engineering constructed an extended concrete curb structure in a bump-out area for additional protection. The proposed barrier would extend from the curb structure.

Review and Discussion Items

Staff finds that:

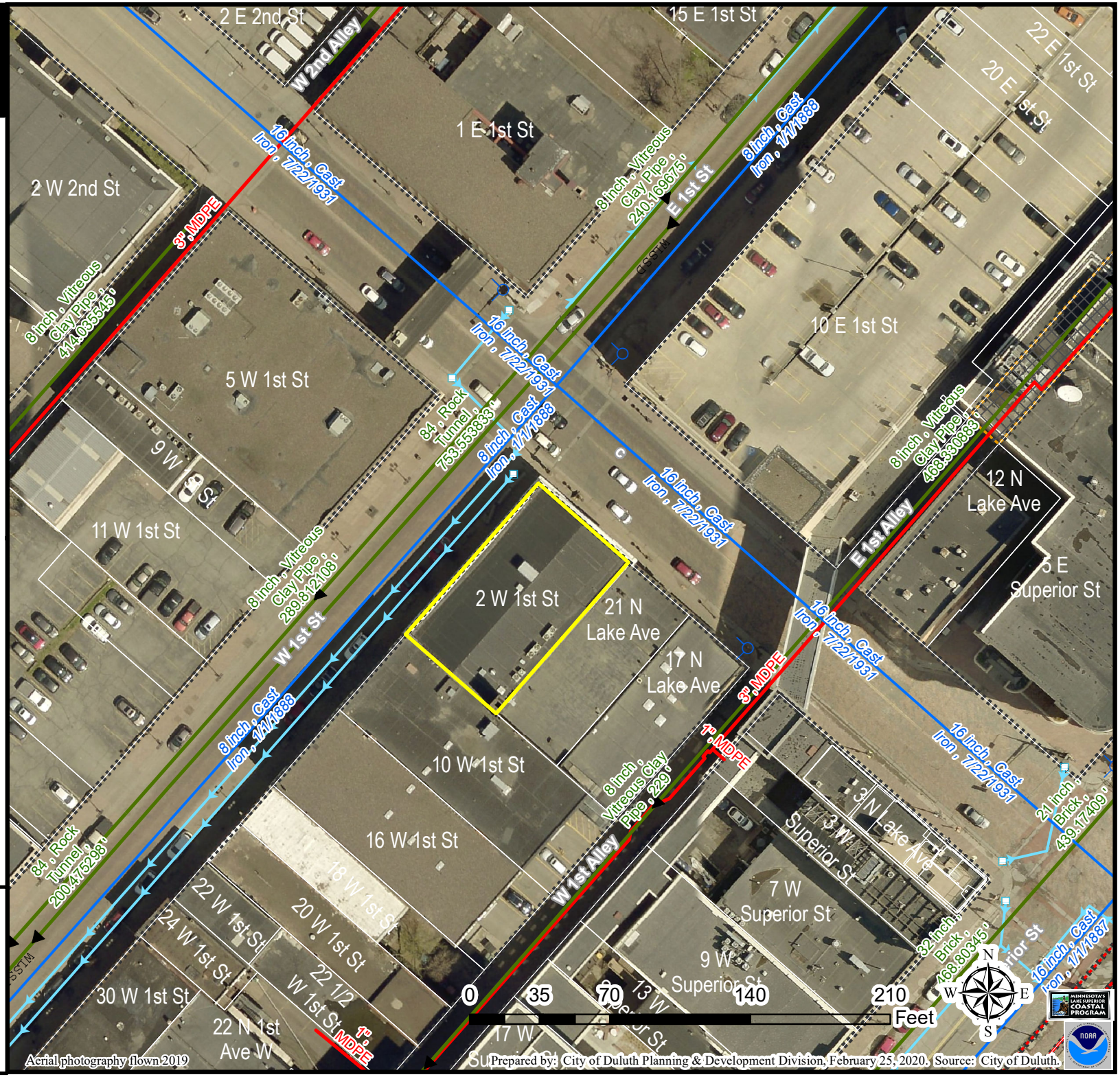
1.) Applicant is proposing two items within the right of way of W 1st Street. The first is a reinforced concrete barrier, with integrated landscape planter, placed on top of an existing concrete curb structure. The second is an existing sanitary sewer line that is original to the building and is scheduled to be lined this fall; because it is a private service within the right of way, a concurrent use permit is needed.
2.) The reinforced concrete barrier will be placed on top of a concrete structure that is approximately 1.5 feet tall in a bump-out area of the sidewalk. This area is not currently used for vehicles or pedestrians; the barrier is designed to maintain existing conditions for all street users. The sewer line is underground and is also not being used by the public. Thus, no portion of a public easement is being physically used or occupied by the public.
3.) The reinforced concrete barrier will serve to provide additional protection for the building and sidewalk, including pedestrians along the sidewalk, from potential collisions with out of control or speeding vehicles traveling downhill on the four-lane Lake Avenue. The sewer line will be lined for additional protections. With this concurrent use permit, applicant will maintain these items, provide liability insurance over them, and do any utility locates needed for the sewer line. Thus, not only will the proposed concurrent use not harm the healthy, safety, or general welfare of the city, but will improve conditions for the public.
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 also state that 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.
5.) The area proposed for the concurrent use permit (sign structures) 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. It will improve health and safety by reducing or eliminating vehicle collisions with the fixed object, NSSR Bridge 4A.
6.) The proposed designs for the reinforced concrete barrier and the conditions for the subterrianian sanitary sewer line were reviewed by and are being proposed with the support of the City Engineering division.
7.) No other public, agency, or other comments have been received.

Staff Recommendation

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

1.) Applicant shall construct any items within the limits identified in the attached exhibit.
2.) The barrier and sewer line shall comply with any applicable engineering standards, and building or fire code requirements, including additional permits as required under City Code.
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 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.

CUP
2 West 1st Street



Legend

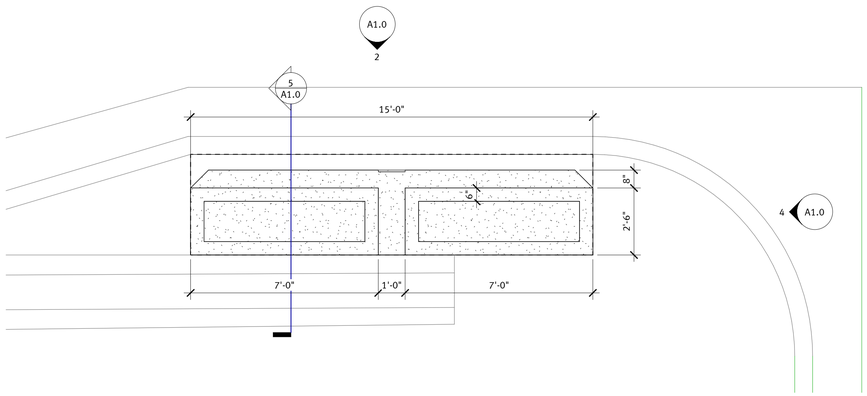
- Gas Main
- Water Main
- Hydrant

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

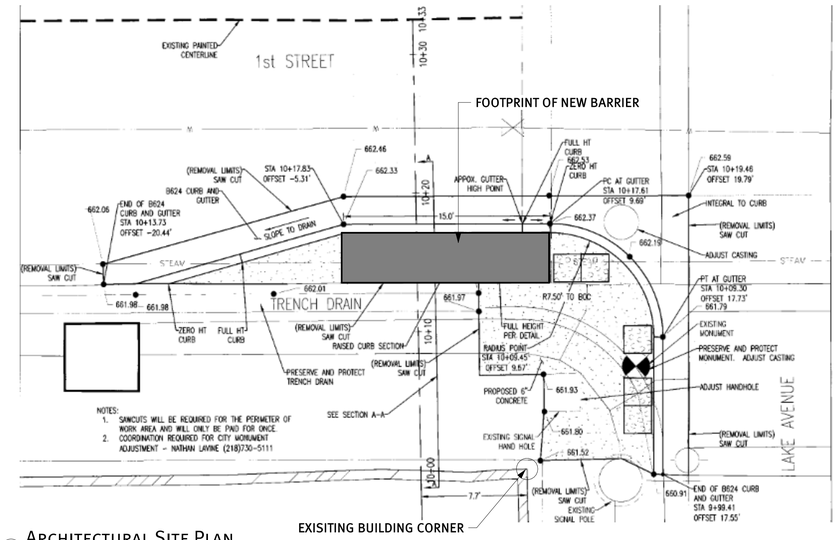
Storm Sewer Mains
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Road or Alley ROW
- Vacated ROW

Easement Type
- Utility Easement
- Other Easement
- Trout Stream (GPS)
- Other Stream (GPS)

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.

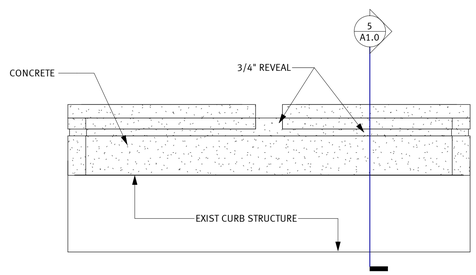


1 LEVEL 1 FLOOR PLAN
3/8" = 1'-0"

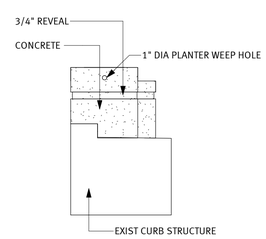


7 ARCHITECTURAL SITE PLAN
1" = 10'-0"

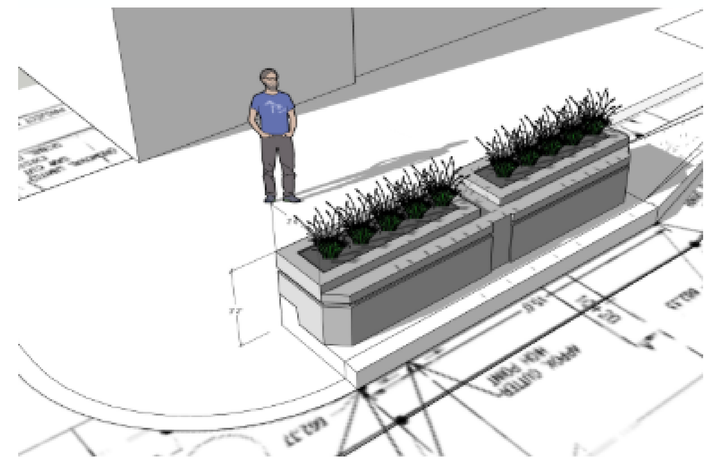
NOTES:
1. ALL CONCRETE FORMS TO BE SMOOTH ARCHITECTURAL GRADE.
2. ALL FORM JOINTS ARE TO BE RUBBED SMOOTH TO MATCH ADJACENT SURFACES
3. CONCRETE TO BE 4,000 PSI MIX, AIR ENTRAINED
4. ALL OUTSIDE CORNERS TO HAVE 1" 45 DEGREE CHAMPHER

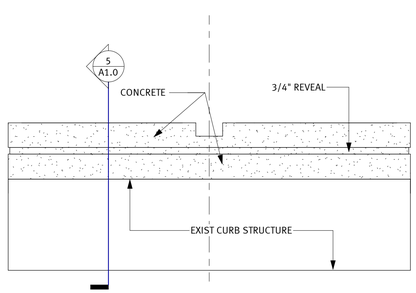


2 NORTH ELEVATION
3/8" = 1'-0"

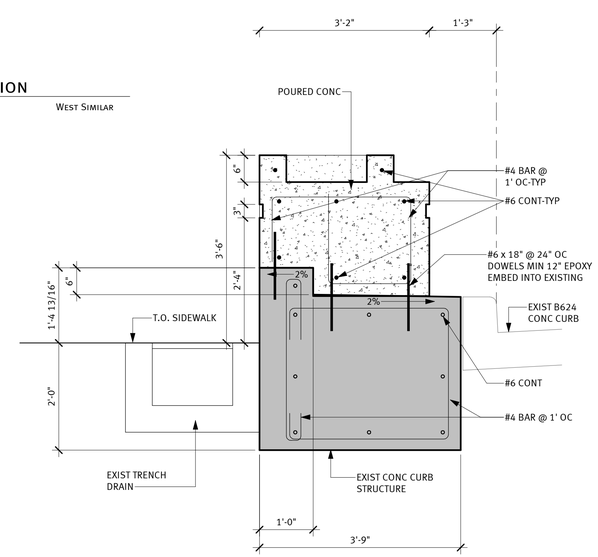


4 EAST ELEVATION
3/8" = 1'-0"
WEST SIMILAR

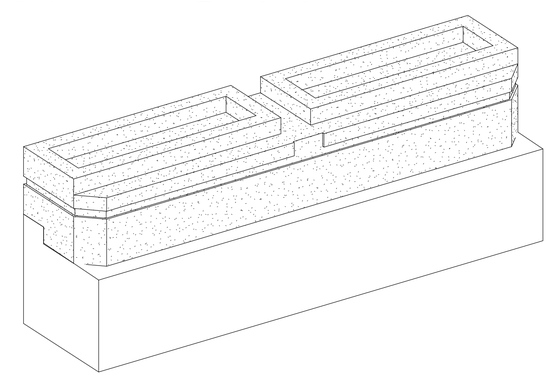




3 SOUTH ELEVATION
3/8" = 1'-0"



5 WALL SECTION 1
3/4" = 1'-0"



6 EXTERIOR 3D

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SPINA BUILDING BARRIER

2 WEST FIRST ST
DULUTH, MN 55802

project #: 020000.00
date: 8/19/2020 3:02:10 PM
drawn by: AUTHOR
checked by: CHECKER

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 Architect under the laws of the state of Minnesota.

signature:
printed name: JOHN GERZINA, AIA
reg. #: 17139
sign date: ISSUE DATE

revision / issue	no.	date

sheet title: DRAWINGS
sheet number: A1.0

ATTATCHMENT

Concurrent Use Permit
Spina Building
2 West First St

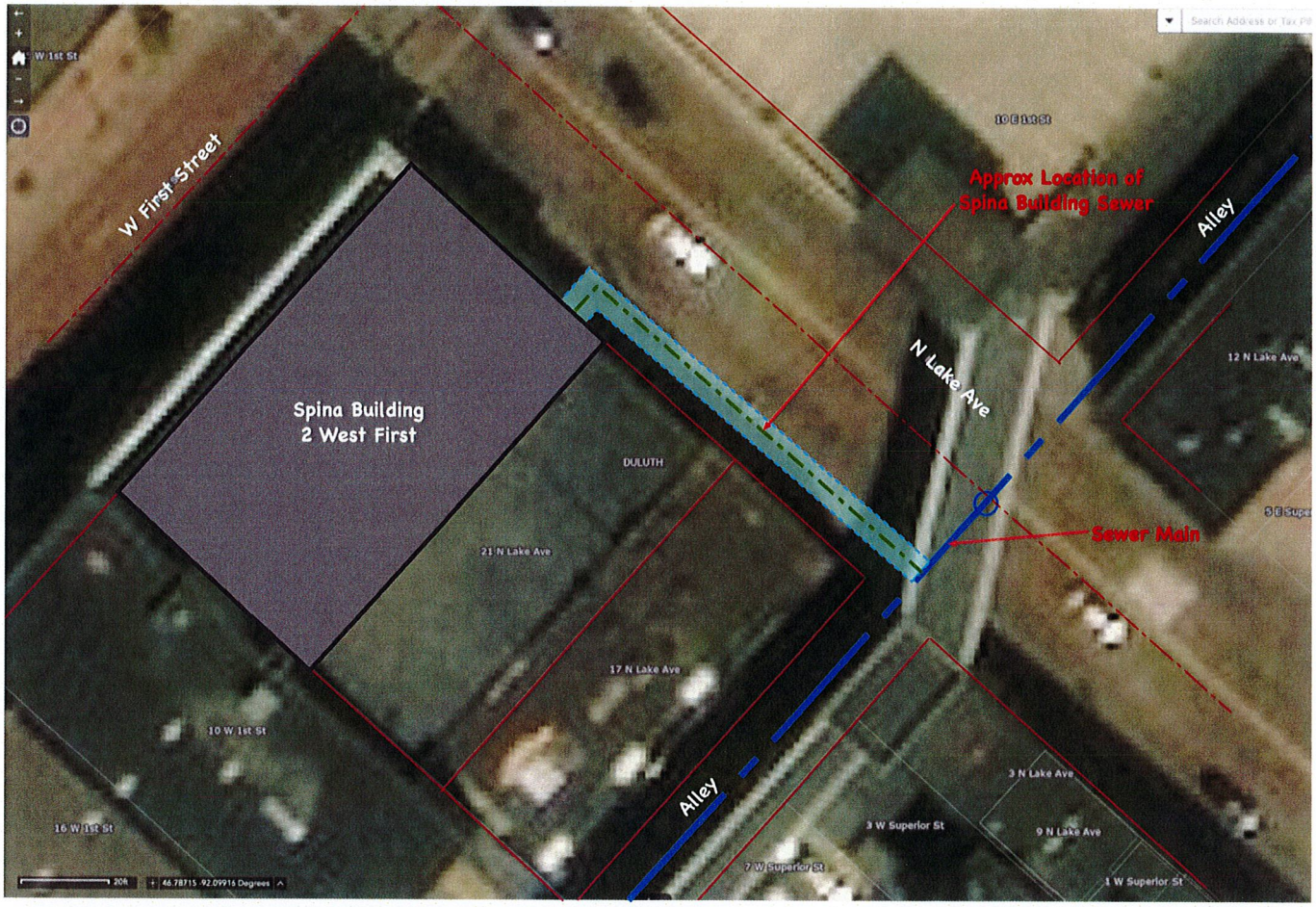
August 20, 2020

We are requesting a Concurrent Use Permit for two items pertaining to our property:

Item #1
We are submitting a permit to construct a protective barrier in front of the Spina Building. The corner of Lake Avenue and First Street is a very high traffic area and our building has been hit 5 times over the last 20 years. The last accident just occurred in July 2020 and caused severe damage to the building. Our building cannot withstand any more of these impacts. Furthermore, there needs to be ample protection at this corner to protect building occupants and sidewalk pedestrians. Luckily there have never been any injuries — however, there have been a number of near misses. We request approval of this permit for the safety and well being of the Spina Building and its occupants.

Item #2

We are submitting a permit at the request of City Engineering to acknowledge the location of our building sanitary sewer connection to the city sewer main. The sewer is original to the construction of the building and is scheduled to be lined this year in an effort to make it an approved sewage system.



Site Plan of Approximate Sewer Location

Street View with Protective Curb - 2019

Street View Prior to Curb - 2018