



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 20-175	Contact	John Kelley, 218-730-5326	
Type	Concurrent Use Permit	Planning Commission Date		December 8, 2020
Deadline for Action	Application Date	November 2, 2020	60 Days	January 1, 2021
	Date Extension Letter Mailed	November 19, 2020	120 Days	March 2, 2020
Location of Subject		301 West 1 st Street		
Applicant	Three D 1 LLC – David Dubin	Contact		
Agent	Ryan Arola	Contact		
Legal Description		See attached		
Site Visit Date		November 24, 2020	Sign Notice Date	November 24, 2020
Neighbor Letter Date		N/A	Number of Letters Sent	N/A

Proposal: The purpose of this application is to obtain a concurrent use permit to attach HVAC duct equipment to the rear building wall of the Board of Trade building and within the right of way for the West 2nd Street Alley.

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

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-8	Multifamily/office/commercial	Central Business Primary
North	F-5	Parking	Central Business Secondary
South	F-8	Office/Commercial	Central Business Primary
East	F-8	Office/Commercial	Central Business Primary
West	F-5	Office/Commercial	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
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.

Future Land Use – Central Business Primary: Encompasses a broad range of uses and intensities: Governmental campus, Significant retail, Entertainment and lodging, Opportunities for high density housing, Central plaza, public/open space and Public parking facilities.

Review and Discussion Items

Staff finds that:

- 1.) The Board of Trade building located at 301 West 1st Street was recently renovated to allow multifamily use on the upper floors of the building. These renovations included a change order that necessitated installation of HVAC duct equipment on the rear of the building which will extend into the West 2nd Street Alley. The applicant is seeking a concurrent use permit to encroach into the alley right of way.
- 2.) The concurrent use area consists of two locations on the rear of the building and described as 3 parcels on the exhibits submitted with the application. Parcel one consists of a 16"x10" duct and louver shutter located on the center portion of the rear of building. Parcels 2 and 3 have HVAC duct equipment extending into the alley right of way by 1 foot beginning approximately 9 feet above the alley grade level and extending outward to 2.4' at a height of 15 feet. The applicant has stated that the ductwork is for the 2nd floor apartment amenities spaces, mail room, leasing office, lounge, exercise rooms and similar uses. The duct work is attached to the building with minimal intrusion into the alley and will not impact pedestrian or vehicular movement in the alley, nor will it impact the visual characteristics of the alley.
- 3.) 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 state that 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.
- 4.) The area proposed for the concurrent use permit will not diminish 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.
- 5.) No other public, agency, or other comments have been received as of November 25, 2020.

Staff Recommendation

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

- 1.) Applicant shall maintain the project as identified in the attached exhibits.
- 2.) 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.
- 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.



PL 20-175
Concurrent Use Permit

Legend

<all other values>

Bike_Facil

- Bikelane
- Future Bike Facility
- Multi-Use Path
- Seasonal Multi-Use
- Signed Bikeable Shoulder
- Signed Shared Lane
- Study Route
- Gas Main
- Water Main
- Hydrant

Sanitary Sewer Mains

- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main

Storage Basin

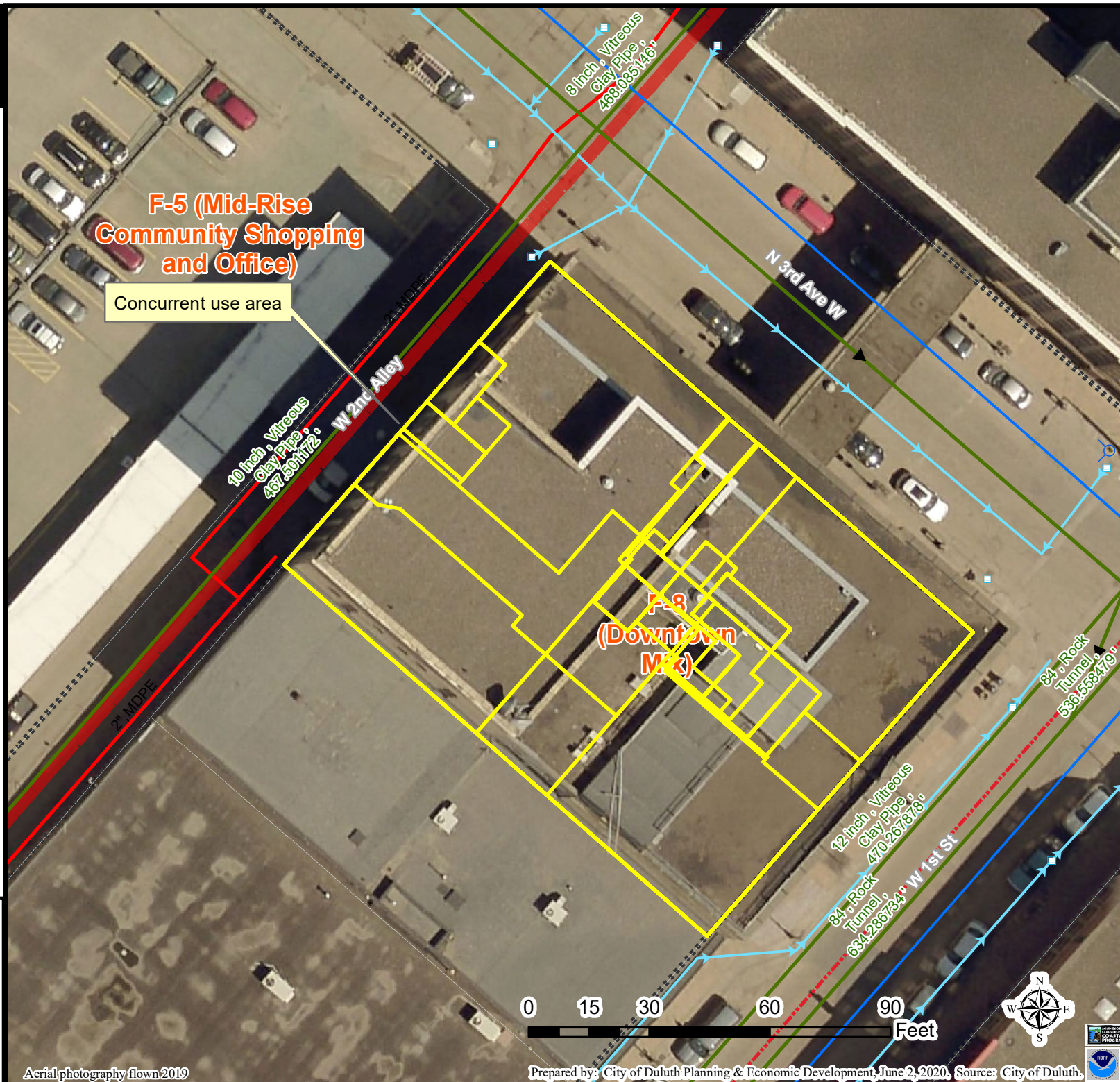
Pump Station

Storm Sewer Mains

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

Easement Type

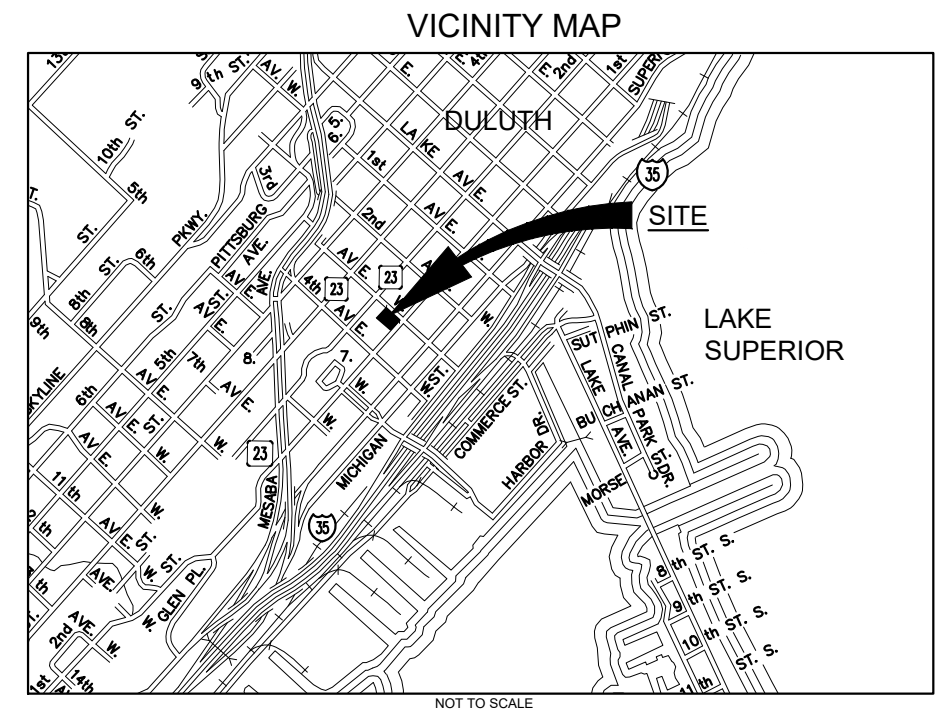
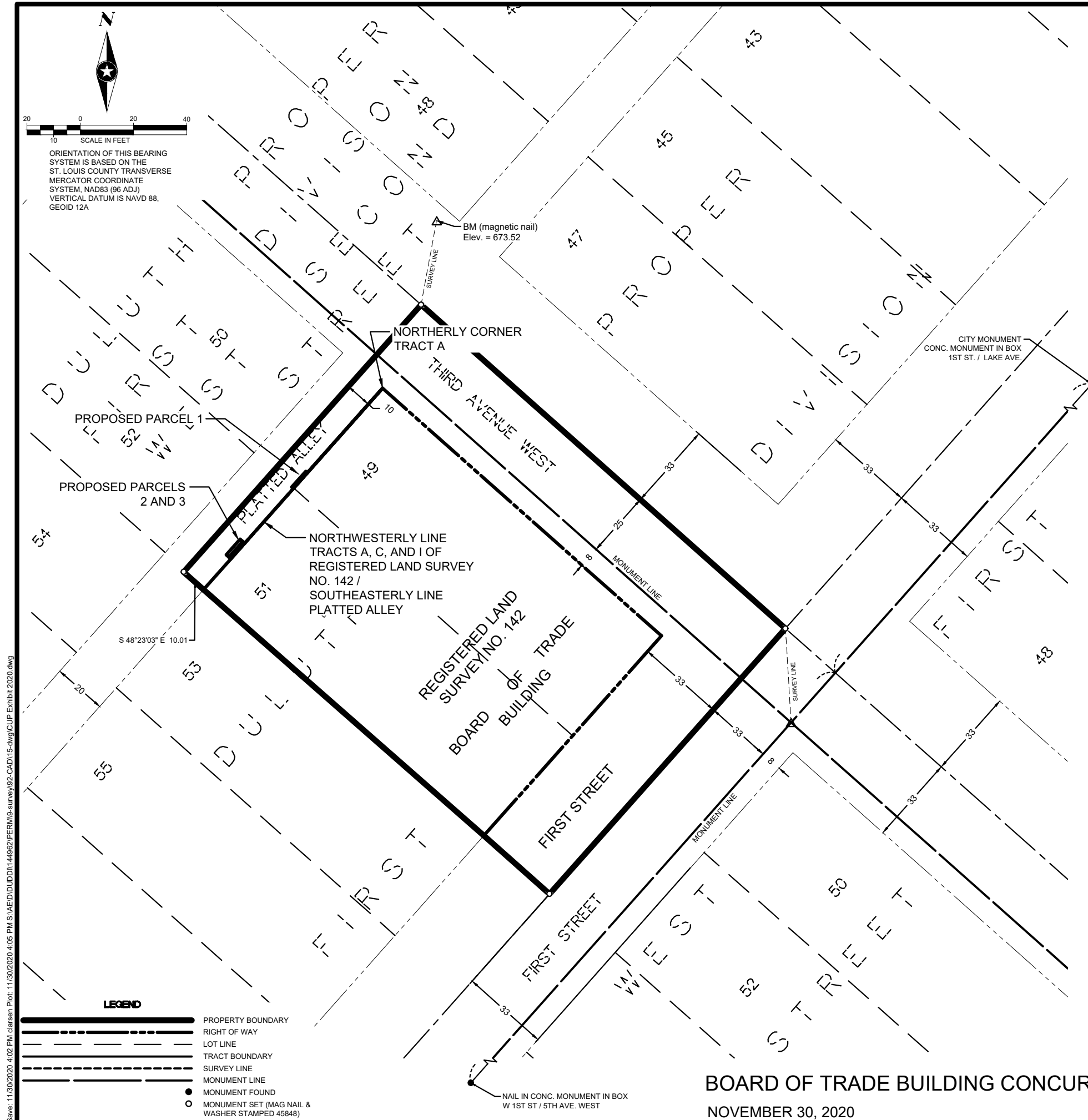
- Utility Easement
- Other Easement
- Zoning Boundaries



Aerial photography flown 2019

Prepared by: City of Duluth Planning & Economic Development, June 2, 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.



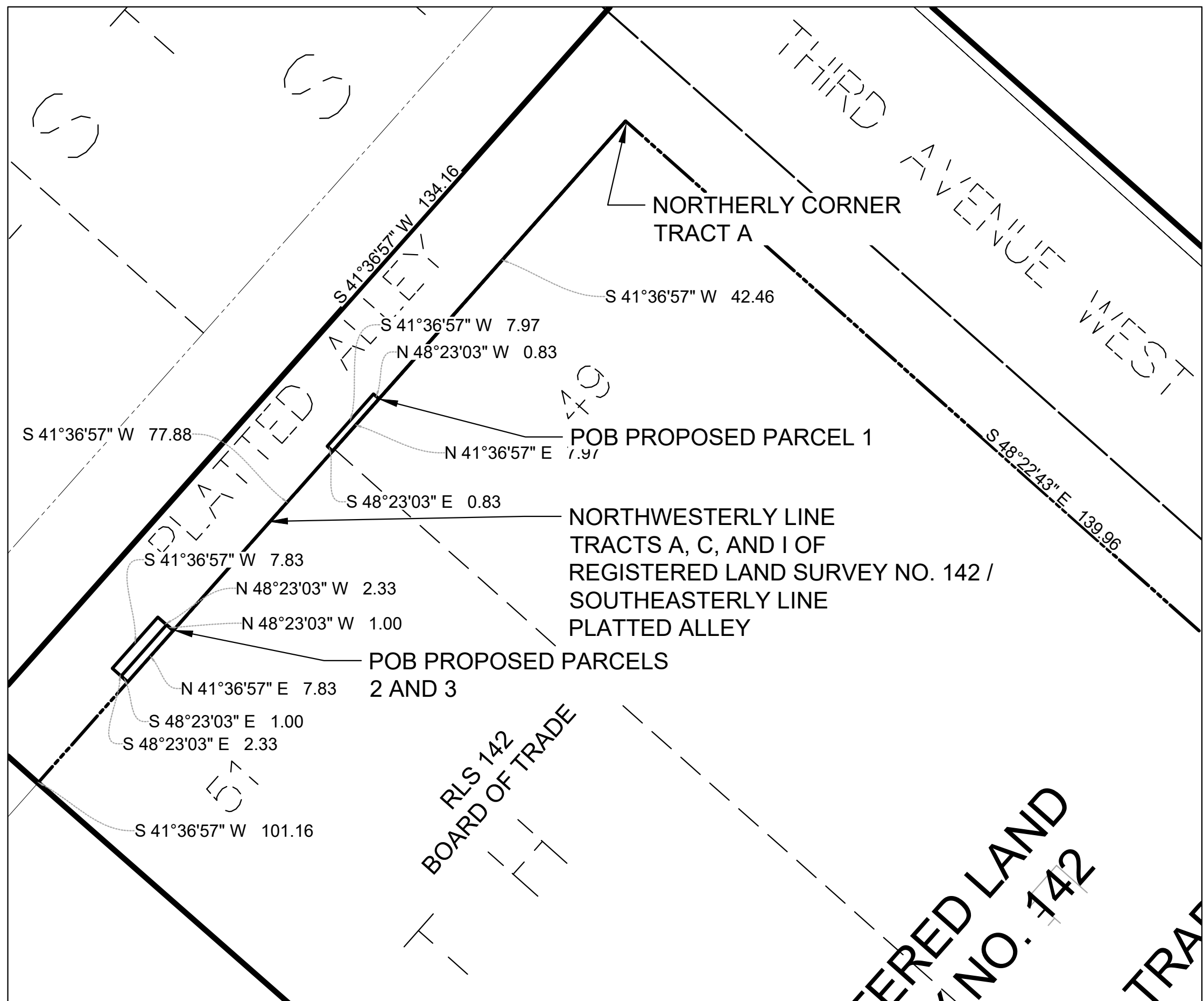
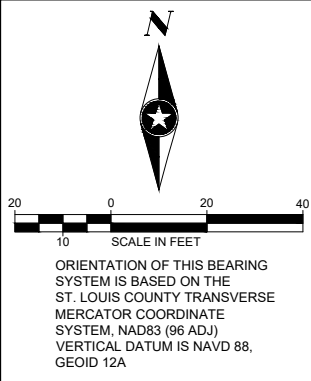
Save: 11/30/2020 4:02 PM clarsen Plot: 11/30/2020 4:05 PM S:\AE\DUDD\1144962\PERM\9-survey\92-CAD\15-dwg\CUP Exhibit 2020.dwg

LEGEND

- PROPERTY BOUNDARY
- RIGHT OF WAY
- LOT LINE
- TRACT BOUNDARY
- SURVEY LINE
- MONUMENT LINE
- MONUMENT FOUND
- MONUMENT SET (MAG NAIL & WASHER STAMPED 45848)

BOARD OF TRADE BUILDING CONCURRENT USE PERMIT EXHIBIT
NOVEMBER 30, 2020
SHEET 1 OF 2

Save: 11/30/2020 4:02 PM clarsen Plot: 11/30/2020 4:04 PM S:\AE\DUDD\144862\PERM\9-survey\92-CAD\15-dwg\CUP Exhibit 2020.dwg



LEGEND	
	PROPERTY BOUNDARY
	RIGHT OF WAY
	LOT LINE
	TRACT BOUNDARY
	SURVEY LINE
	MONUMENT LINE
	MONUMENT FOUND
	MONUMENT SET (MAG NAIL & WASHER STAMPED 45848)



Building a Better World
for All of Us®

Board of Trade Building
Concurrent Use Permit
Proposed Legal Land Description
SEH No. DUDDI 144962

Benefitted Property Description (Torrens - COT No. 347895):

Tract A, Tract C, and Tract I, Registered Land Survey No. 142, according to the recorded plat thereof, St. Louis County, Minnesota.

Proposed Land Description:

All those parts of the Platted Alley northwesterly of and adjacent to Tract A, Tract C, and Tract I, Registered Land Survey No. 142, according to the recorded plat thereof, St. Louis County, Minnesota, being within the following described Parcel 1, Parcel 2, and Parcel 3:

Parcel 1 being located above NAVD 88 (Geoid Model 12A) elevation 683.74 and below NAVD 88 (Geoid Model 12A) elevation 685.07: Commencing at the Northerly Corner of said Tract A, thence South 41 degrees 36 minutes 57 seconds West along the northwesterly line of said Tract A, Tract I, and Tract C, said line also being the southeasterly line of said Platted Alley, a distance of 42.46 feet to the POINT OF BEGINNING; thence North 48 degrees 23 minutes 03 seconds West a distance of 0.83 feet; thence South 41 degrees 36 minutes 57 seconds West a distance of 7.97 feet; thence South 48 degrees 23 minutes 03 seconds East a distance of 0.83 feet to the said southeasterly line of said Platted Alley; thence North 41 degrees 36 minutes 57 seconds East along said line a distance of 7.97 feet to the Point of Beginning and there terminating;

Parcel 2 being located above NAVD 88 (Geoid Model 12A) elevation 681.84 and below NAVD 88 (Geoid Model 12A) elevation 688.42: Commencing at the Northerly Corner of said Tract A, thence South 41 degrees 36 minutes 57 seconds West along the northwesterly line of said Tract A, Tract I, and Tract C, said line also being the southeasterly line of said Platted Alley, a distance of 77.88 feet to the POINT OF BEGINNING; thence North 48 degrees 23 minutes 03 seconds West a distance of 1.00 foot; thence South 41 degrees 36 minutes 57 seconds West a distance of 7.83 feet; thence South 48 degrees 23 minutes 03 seconds East a distance of 1.00 foot to the said southeasterly line of said Platted Alley; thence North 41 degrees 36 minutes 57 seconds East along said line a distance of 7.83 feet to the Point of Beginning and there terminating;

Parcel 3 being located above NAVD 88 (Geoid Model 12A) elevation 688.42 and below NAVD 88 (Geoid Model 12A) elevation 697.65: Commencing at the Northerly Corner of said Tract A, thence South 41 degrees 36 minutes 57 seconds West along the northwesterly line of said Tract A, Tract I, and Tract C, said line also being the southeasterly line of said Platted Alley, a distance of 77.88 feet to the POINT OF BEGINNING; thence North 48 degrees 23 minutes 03 seconds West a distance of 2.33 feet; thence South 41 degrees 36 minutes 57 seconds West a distance of 7.83 feet; thence South 48 degrees 23 minutes 03 seconds East a distance of 2.33 feet to the said southeasterly line of said Platted Alley; thence North 41 degrees 36 minutes 57 seconds East along said line a distance of 7.83 feet to the Point of Beginning and there terminating;

All reported distances are horizontal. Subject to easements, restrictions, and reservations of record.

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 418 West Superior Street, Suite 200, Duluth, MN 55802-1512

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CERTIFICATION

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.



Chris A. Larsen, PLS
Minnesota License No. 45848

November 30, 2020
Date



1 REAR BUILDING VIEW ABUTTING PLATTED ALLEY - FACING SOUTHEASTERLY
M102A 1/4" = 1'-0"



(218) 628-1027
(218) 628-1174 FAX

BOARD OF
TRADE

301 WEST 1ST STREET
DULUTH, MN

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 Engineer under the laws of the State of Minnesota.

Signature: _____

[illegible]

LEVEL 2 HVAC PLAN

DRAWING NUMBER

M102

PROJECT NO:	18355
DATE	9/13/19
DRAWN BY:	DER
CHECKED BY:	BAT

