

Council Agenda Item 26-027-O



MEETING DATE: July 27, 2026

SUBJECT/TITLE: AN ORDINANCE GRANTING DULUTH COFFEE COMPANY INC. A CONCURRENT USE PERMIT FOR A PERGOLA AND BARRICADE TO PROVIDE CODE COMPLIANT, PERMANENT, OUTDOOR SEATING WITHIN THE RIGHT-OF-WAY AT 107 EAST SUPERIOR ST.

SUBMITTED BY: Jenn Moses, Land Use Supervisor

RECOMMENDATION: Approve

BOARD/COMMISSION/COMMITTEE RECOMMENDATION: Planning Commission

PREVIOUS COUNCIL ACTION: N/A

BACKGROUND:

This concurrent use permit allows for the construction of a pergola and barricade to provide code compliant, permanent, outdoor customer seating within the right-of-way of East Superior Street. The barricade extends across 107 East Superior Street and 25 feet of the City-owned HART Parking Ramp property at 125 East Superior Street. The pergola measures 42 ft along the sidewalk by a depth of 11.65 ft. The total proposed concurrent use area is 100.29 ft by 11.65 ft. (Note: The pergola extends eastward in front of City-owned land. The applicant has been working with City of Duluth Property Services on activation of this space.)

At its regular meeting on July 14, 2026, the planning commission held a public hearing (meeting minutes included as Attachment 3) on the proposed concurrent use, where the commission heard a public hearing, reviewed staff report findings and conclusions associated with the concurrent use request (Attachment 1), Staff Report (File No. PLCUP-2606-0012), and discussed and deliberated the matter as a commission. The planning commission considered a motion to recommend to city council to approve the concurrent use permit with the motion passing on a vote of 8 yeas, 0 nays and 0 abstentions.

Having reviewed and considered the application and conducted a public hearing, the planning commission recommends that the city council approve the concurrent use permit with the conditions stated for the following reasons:

- 1) This proposal is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use;
- 2) This proposal is required by public necessity, convenience, or general welfare, or good zoning practice; and.
- 3) Material adverse impacts on nearby properties are not anticipated or will be mitigated.

BUDGET/FISCAL IMPACT: Development has the potential to increase the tax revenue produced by a property.

OPTIONS: Approve or deny the concurrent use permit application.

NECESSARY ACTION: Not Applicable

ATTACHMENTS:

- Attachment 1- Staff Report and Attachments
- Attachment 2- Exhibit
- Attachment 3- Planning Commission Meeting Minutes