



## Staff Report for PLCUP-2603-0006

### Application Information:

**Application Type:** Concurrent Use Permit

**Location of Subject:** 715 101<sup>st</sup> Ave W.

**Legal Description:** 010-3430-13830 & 010-3430-14140

**Applicant:** ISD 709

**Applicant Contact:** Bryan Brown, Facilities Manager

**Agent:** n/a

**Agent Contact:** n/a

**Staff Contact:** Reina Owecke, [rowecke@duluthmn.gov](mailto:rowecke@duluthmn.gov)

### Deadline for Action:

**Application Date:** March 9<sup>th</sup>, 2026

**Date Extension Letter Mailed:** March 17<sup>th</sup>, 2026

**60 Days:** May 8<sup>th</sup>, 2026

**120 Days:** July 7<sup>th</sup>, 2026

**Site Visit Date:** March 23<sup>rd</sup>, 2026

**Sign Notice Date:** March 20<sup>th</sup>, 2026

**Neighbor Letter Date:** n/a

**Number of Letters Sent:** n/a

### Proposal:

Applicant is proposing to pave and stripe the easterly section of the 101<sup>st</sup> Ave W right-of-way to formalize a parking area for Stowe Elementary.

### 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 |
|----------------|----------------|-------------------|---------------------------------|
| <b>Subject</b> | R-1            | School            | Institutional                   |
| <b>North</b>   | R-1            | Residential       | Open Space                      |
| <b>South</b>   | R-1            | Residential       | Traditional Neighborhood        |
| <b>East</b>    | R-1            | Residential       | Open Space                      |
| <b>West</b>    | R-2            | Residential       | Traditional Neighborhood        |

### 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):

Principle #11 – Consider Education Systems in Land Use Actions – This project supports and provides safety and walkability to a neighborhood-based school.

## Future Land Use:

- Institutional – Applicable to medical, university/college, public school, religious, or governmental campuses. Can include adjacent areas that support them, with related commercial and/or office uses, and residential uses in the fringe areas of the district.
- Open Space – High natural resource or scenic value, with substantial restrictions and development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. Examples include; city parks and recreation areas, primary viewsheds, shorelands of the lake and streams, wetlands and floodplains, and high-value habitat.

**History:** Stowe Elementary was built in 1915 at 101<sup>st</sup> Ave W and Stowe St, serving as the primary school building for the Gary-New Duluth neighborhood. The school was reconstructed in 1994, continuing the school's presence in the neighborhood. The gravel corridor in the 101<sup>st</sup> Ave W right-of-way has likely been used for parking since the school's reconstruction in the late 90s.

## Review and Discussion Items:

### Staff finds:

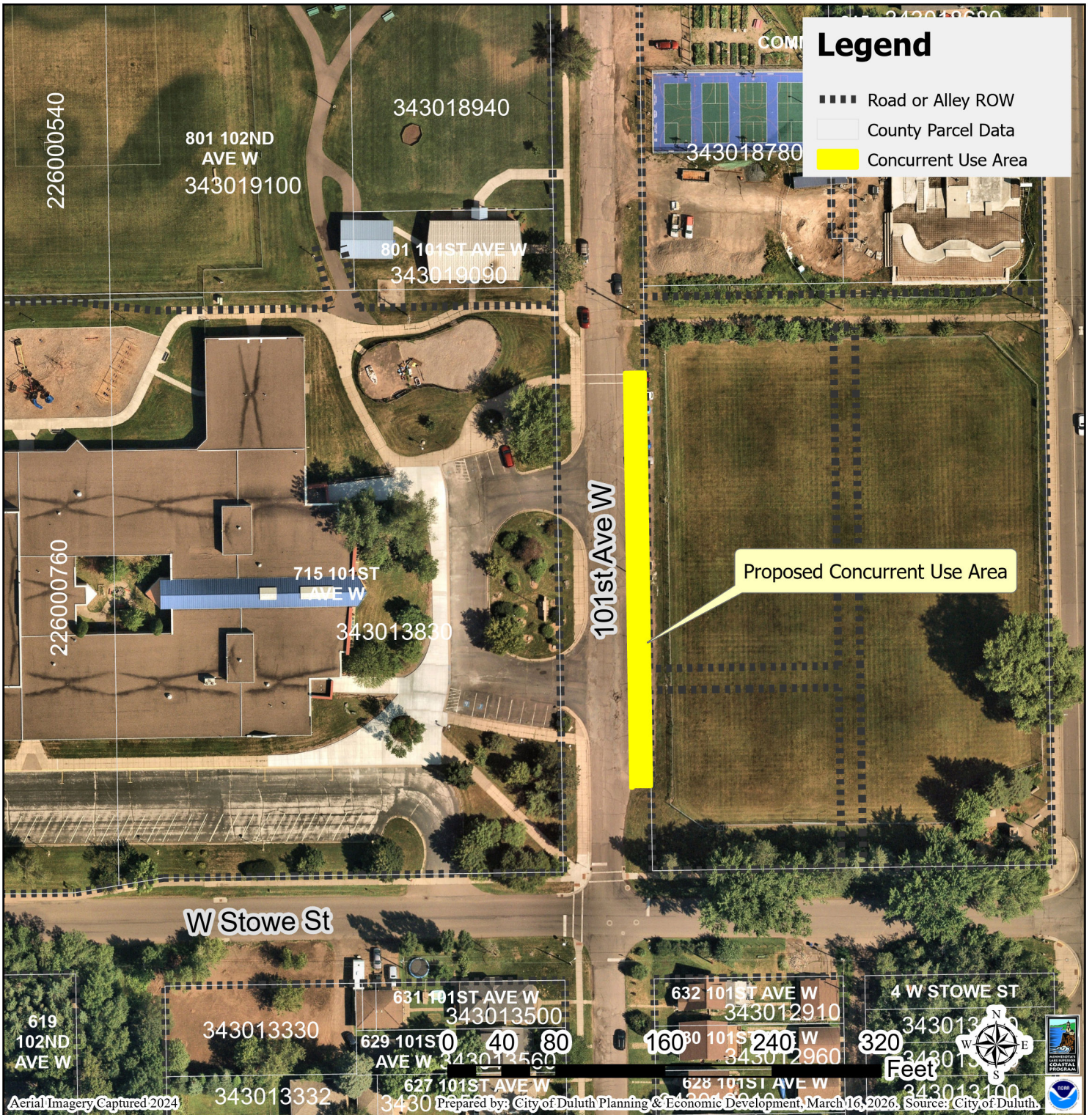
1. The applicant is seeking a concurrent use permit to pave and stripe the existing gravel pad within the eastern portion of the 101<sup>st</sup> Ave W right-of-way, creating additional, and more formal, parking for Stowe Elementary. Although the area is currently being used for parking, no concurrent use permit was previously received for the area.
2. 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. Conversely, paving and striping the area will make it safer for the public.
3. The paved area will not impede upon the improved right-of-way. 26 ft of right-of-way will remain available for public use – 13 ft for each drive lane.
4. The parking area will have a total of 32 on-street parking stalls. These stalls will be 9 ft wide and 20 ft long.
5. There is an existing on-site parking area that will be re-paved and re-striped. This on-site area has 9 parking stalls and 4 accessible stalls which will remain.
6. The northern most parking stall within the on-street parking area will be striped and identified as a "no-parking" stall to further extend and protect the existing crosswalk to access the school.
7. The proposed parking area will not trigger landscaping requirements as the concurrent use permit is being used to formalize the existing parking area, not create a new one.
8. Concurrent use permits are approved by the City Council via an ordinance. Unlike street right-of-way vacations, concurrent use permits are not recorded at with St. Louis County as they are voidable agreements between the City and property owners.
9. 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.
10. City Engineering supports the proposed location for additional parking.
11. No other City, agency, or public comments were received.
12. 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.


# Staff Report Map for PLCUP-2603-0006:



**Figure 1.**

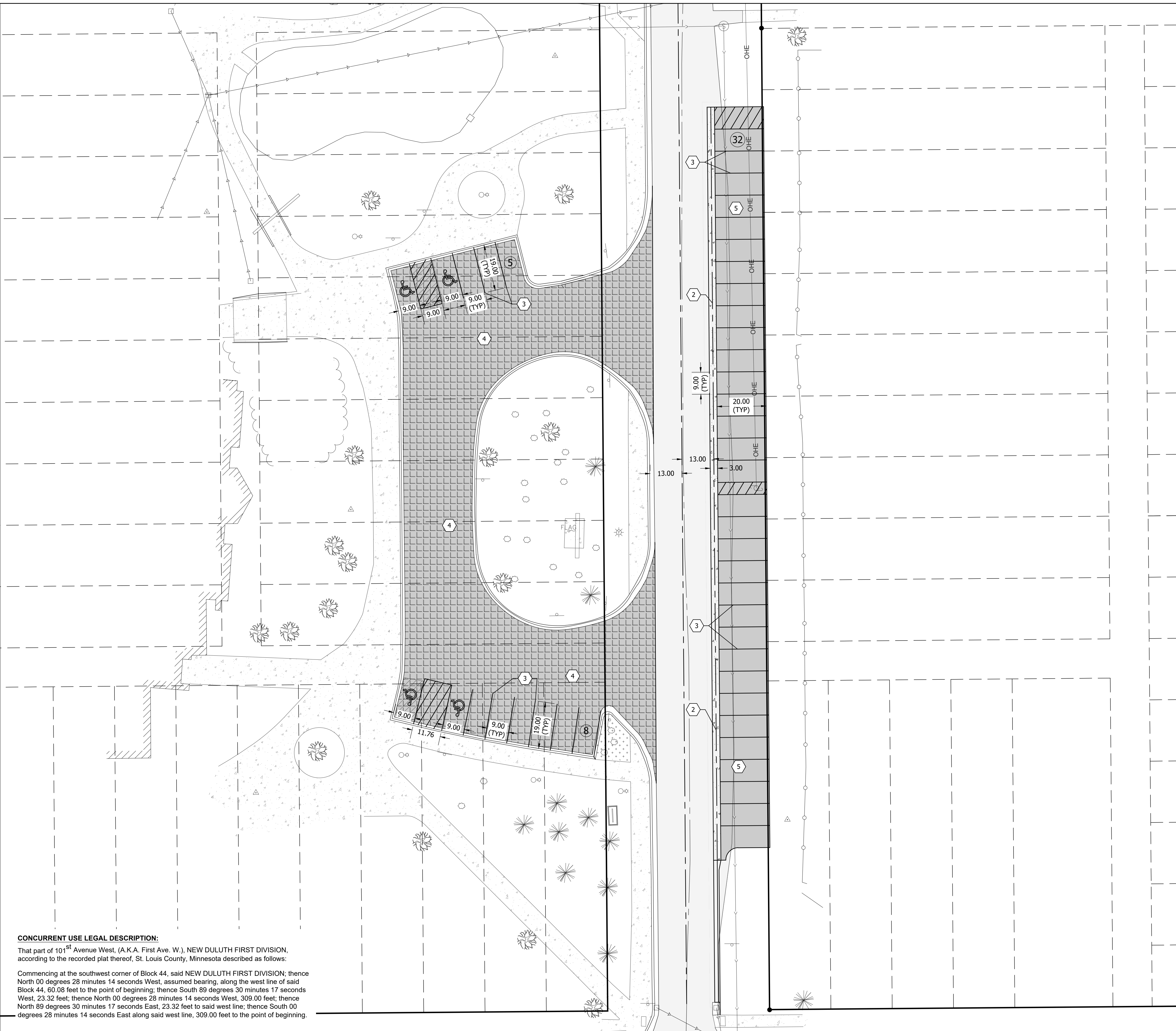
Aerial imagery captured in 2024, showing a proposed Concurrent Use area near 715 101st Ave W, located within the right-of-way west of 715 101st Ave W.

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.



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P:\12-DULUTH PUBLIC SCHOOLS\1225003-STOWE ELEMENTARY PARKING LOT\CIVIL\CAD\1225003-C-BASE-PROPOSED.DWG ## 4/7/2025



**CONCURRENT USE LEGAL DESCRIPTION:**  
 That part of 101<sup>st</sup> Avenue West, (A.K.A. First Ave. W.), NEW DULUTH FIRST DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota described as follows:  
 Commencing at the southwest corner of Block 44, said NEW DULUTH FIRST DIVISION; thence North 00 degrees 28 minutes 14 seconds West, assumed bearing, along the west line of said Block 44, 60.08 feet to the point of beginning; thence South 89 degrees 30 minutes 17 seconds West, 23.32 feet; thence North 00 degrees 28 minutes 14 seconds West, 309.00 feet; thence North 89 degrees 30 minutes 17 seconds East, 23.32 feet to said west line; thence South 00 degrees 28 minutes 14 seconds East along said west line, 309.00 feet to the point of beginning.

- NOTES:**
1. ALL DIMENSIONS SHOWN ARE TO FLOW LINE, CENTERLINE OF FENCE, EDGE OF PAVEMENT, OR EXTERIOR FACE OF BUILDING, UNLESS OTHERWISE NOTED.
  2. CONTRACTOR SHALL VERIFY ALL PLAN AND DETAIL DIMENSIONS PRIOR TO CONSTRUCTION.
  3. ALL INTERIOR PARKING STALL STRIPING SHALL BE 4" AND YELLOW IN COLOR.
  4. ACCESSIBLE PARKING STALL STRIPING, ACCESS AISLE, SYMBOL, AND SIGNAGE SHALL BE IN ACCORDANCE WITH LOCAL AUTHORITY REQUIREMENTS.
  5. CONTRACTOR SHALL MAINTAIN FULL ACCESS TO ADJACENT PROPERTIES DURING CONSTRUCTION AND TAKE ALL PRECAUTIONS NECESSARY TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES.
  6. ALL SITE WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GEOTECHNICAL ENGINEER.
  7. CONTRACTOR SHALL PROVIDE A TEMPORARY PEDESTRIAN ACCESS ROUTE PLAN FOR ANY WORK PERFORMED WITHIN THE PUBLIC RIGHT-OF-WAY.
  8. CONTRACTOR SHALL PROVIDE A TEMPORARY TRAFFIC CONTROL PLAN FOR ANY WORK PERFORMED WITHIN THE PUBLIC RIGHT-OF-WAY.
  9. GOPHER STATE ONE CALL DAMAGE PREVENTION SYSTEM FOR BURIED UTILITIES. 1-800-252-1166. CONTRACTOR SHALL HIRE A PRIVATE UTILITY LOCATOR TO ASSIST WITH PRIVATE UTILITY LOCATES.

**SITE LEGEND**

- LIGHT DUTY BITUMINOUS PAVEMENT
- MILL AND OVERLAY BITUMINOUS PAVEMENT
- CONCRETE PAVEMENT
- CONCRETE SIDEWALK
- TRAFFIC CONTROL SIGNAGE
- PAINTED ACCESSIBLE PARKING SYMBOL

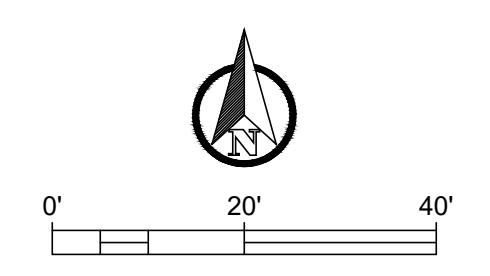
**PROPERTY INFORMATION**

|                          |      |
|--------------------------|------|
| TOTAL PROPERTY AREA      | X AC |
| DISTURBED AREA           | X AC |
| EXISTING IMPERVIOUS AREA | X AC |
| PROPOSED IMPERVIOUS AREA | X AC |

**PARKING INFORMATION**

|                           |           |
|---------------------------|-----------|
| ON-SITE PARKING STALLS    | 9 STALLS  |
| ON-SITE ACCESSIBLE STALLS | 4 STALLS  |
| ON-STREET STALLS          | 32 STALLS |
| TOTAL STALLS              | 45 STALLS |

- KEY NOTES:**
- 1 B612 CURB AND GUTTER CURB TRANSITION
  - 2 VALLEY GUTTER
  - 3 PARKING STRIPING
  - 4 1.5" MILL & OVERLAY
  - 5 BITUMINOUS PAVEMENT



**DESIGN TREE**  
 engineering + land surveying  
 Corporate Office:  
 120 17th Ave W Alexandria, MN 56308  
 888-216-1916

**Stowe Elementary**

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 PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

PRINTED NAME: MICHAEL J. GERBER  
 DATE: XX-XX-25 LICENSE #: 56653

**STOWE ELEMENTARY**

PRELIMINARY:  
NOT FOR CONSTRUCTION

DULUTH MN, 55808

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DRAWN BY: JEN  
 CHECKED BY: MJG

PROJECT NO.: 10925004

| NO. | DATE | DESCRIPTION |
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|     |      |             |
|     |      |             |
|     |      |             |
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**SITE PLAN**

DRAWING NO.  
C201