



CITY OF DULUTH

Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
 Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

File Number	PL 13-143	Contact	Steven Robertson, 218-730-5295	
Application Type	Special Use Permit	Planning Commission Date	November 12, 2013	
Deadline for Action	Application Date	October 18, 2013	60 Days	December 17, 2013
	Date Extension Letter Mailed	October 18, 2013	120 Days	February 15, 2014
Location of Subject	502 East McCuen Street			
Applicant	City of Duluth	Contact	hsmith@duluthmn.gov	
Agent		Contact		
Legal Description	010-0020-00043			
Site Visit Date	November 2, 2013	Sign Notice Date	October 29, 2013	
Neighbor Letter Date	October 8, 2013	Number of Letters Sent	12	

Proposal

The applicant wishes to build a 24x24 structure over existing natural gas utility equipment to protect it from the elements and reduce noise impacts on neighboring properties. The expansion of this use requires a Special Use Permit in the MU-B zone.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-B	Utility	Traditional Neighborhood/ Preservation
North	MU-B	Undeveloped	Traditional Neighborhood
South	MU-B	Undeveloped	Traditional Neighborhood
East	MU-B/I-G	Undeveloped	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements (reference section with a brief description):

UDC Section 50-37.10. Special Use Permits. The Planning Commission shall approve the application or approve it with modifications if the commission determines that the application meets the following criteria: 1. The application is consistent with the Comprehensive Land Use Plan; 2. The application complies with all applicable provisions of this Chapter, including without limitation any use-specific standards applicable to the proposed use, development or redevelopment, and is consistent with any approved district plan for the area; 3. Without limiting the previous criteria, the commission may deny any application that would result in a random pattern of development with little contiguity to existing or programmed development or would cause anticipated negative fiscal or environmental impacts on the community.

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Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Traditional Neighborhood Future Land Use. Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home-businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

Principle #12 - Create efficiencies in delivery of public services

The costs of public service must be considered in land use decisions. Street construction and maintenance, utilities, libraries, fire, police, snowplowing and recreation facilities are services directly related to the physical location of development. Infrastructure should help prescribe development location rather than react to it.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

- 1) The applicant proposes to construct a 24x24 pole barn to cover existing natural gas utility equipment. Exposure to the natural elements reduces the condition of the equipment, and as this provides a critical services to the citizens of Duluth, the applicant is seeking to enclose the items in a permanent structure (currently there is a tent like structure on site). The permanent structure will have the additional benefit of reducing noise impacts to adjacent property owners and residents.
- 2) The property is zoned MU-B. According to the UDC, the MU-B district is intended to accommodate modern light industrial and technology-based developments of attractive integrated design and function. The development standards for this district are intended to ensure that projects minimize adverse impacts on surrounding uses and neighborhoods, reduce impacts on the natural environment, enhance the visual quality of development and ensure the provision of adequate and cost-efficient public facilities. Intended uses include wholesaling, industrial services, research laboratories, and light manufacturing needed to support the community and region at large
- 3) The Applicant is not proposing any new mechanical equipment, lighting, or other exterior changes to the property, only the addition of a small structure to enclose natural gas equipment.
- 4) No additional adverse impacts to surrounding property are anticipated. The proposal will likely lessen existing impacts (noise) on surrounding properties.
- 5) UDC 50-37.1.N states that an approved Special Use Permit will expire if the project or activity authorized by the permit is not begun within 1 year.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff recommends the Planning Commission approve the Special Use Permit, subject to the following conditions:

- 1) The project be limited to, constructed, and maintained according to the site plan dated 10-18-2013.
- 2) 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.

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Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)



City Planning

PL 13-142 & 143

Variance & Special Use Permit
502 E McCuen St.

Legend

Zoning (Final)

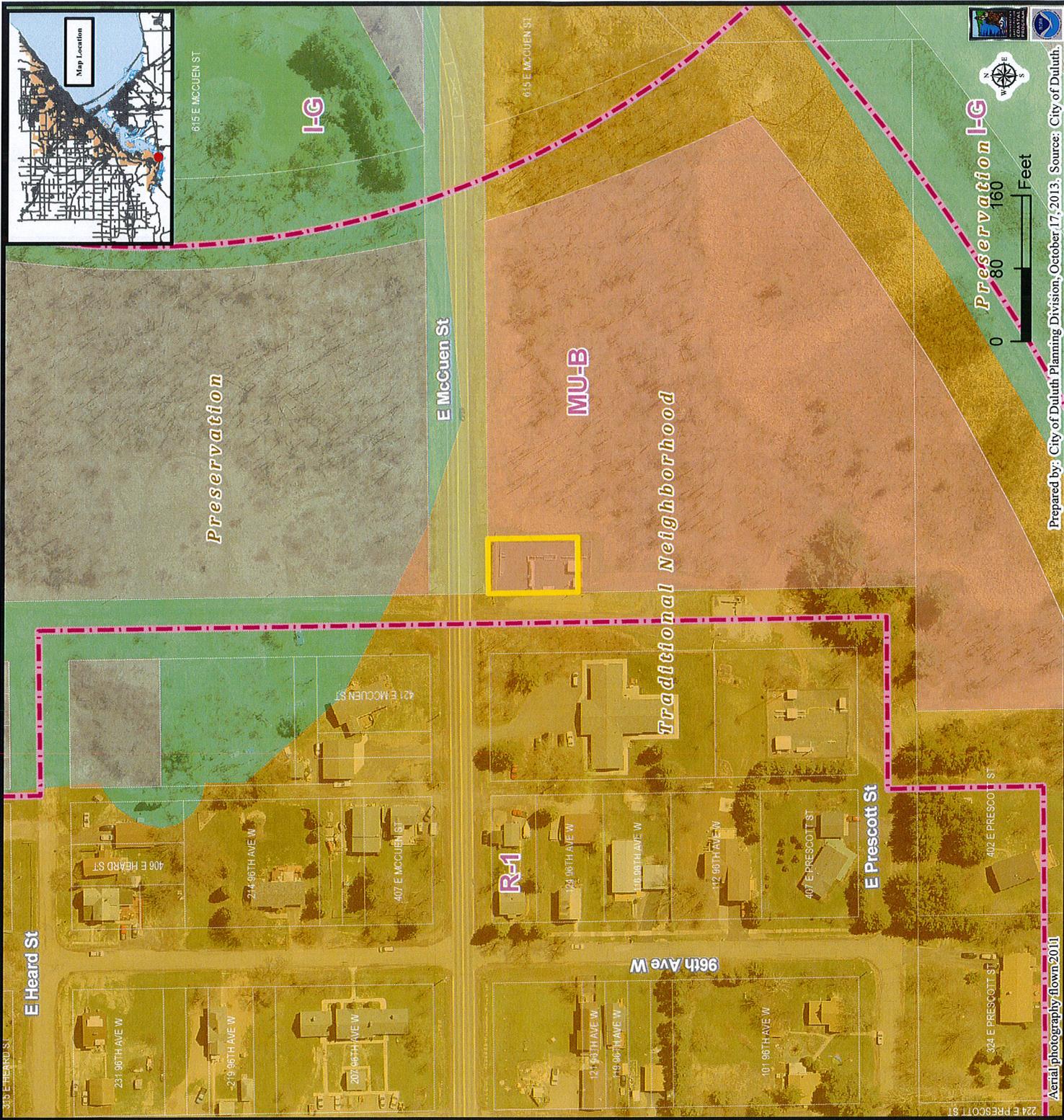
- Preservation
- Recreation
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Neighborhood Mixed Use
- General Mixed Use
- Central Business Secondary
- Central Business Primary
- Auto Oriented Commercial
- Large-scale Commercial
- Business Park
- Tourism/Entertainment District
- Medical District
- Institutional
- Commercial Waterfront
- Industrial Waterfront
- Light Industrial
- General Industrial
- Transportation and Utilities

Future Land Use

- Preservation
- Recreation
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Neighborhood Mixed Use
- General Mixed Use
- Central Business Secondary
- Central Business Primary
- Auto Oriented Commercial
- Large-scale Commercial
- Business Park
- Tourism/Entertainment District
- Medical District
- Institutional
- Commercial Waterfront
- Industrial Waterfront
- Light Industrial
- General Industrial
- Transportation and Utilities

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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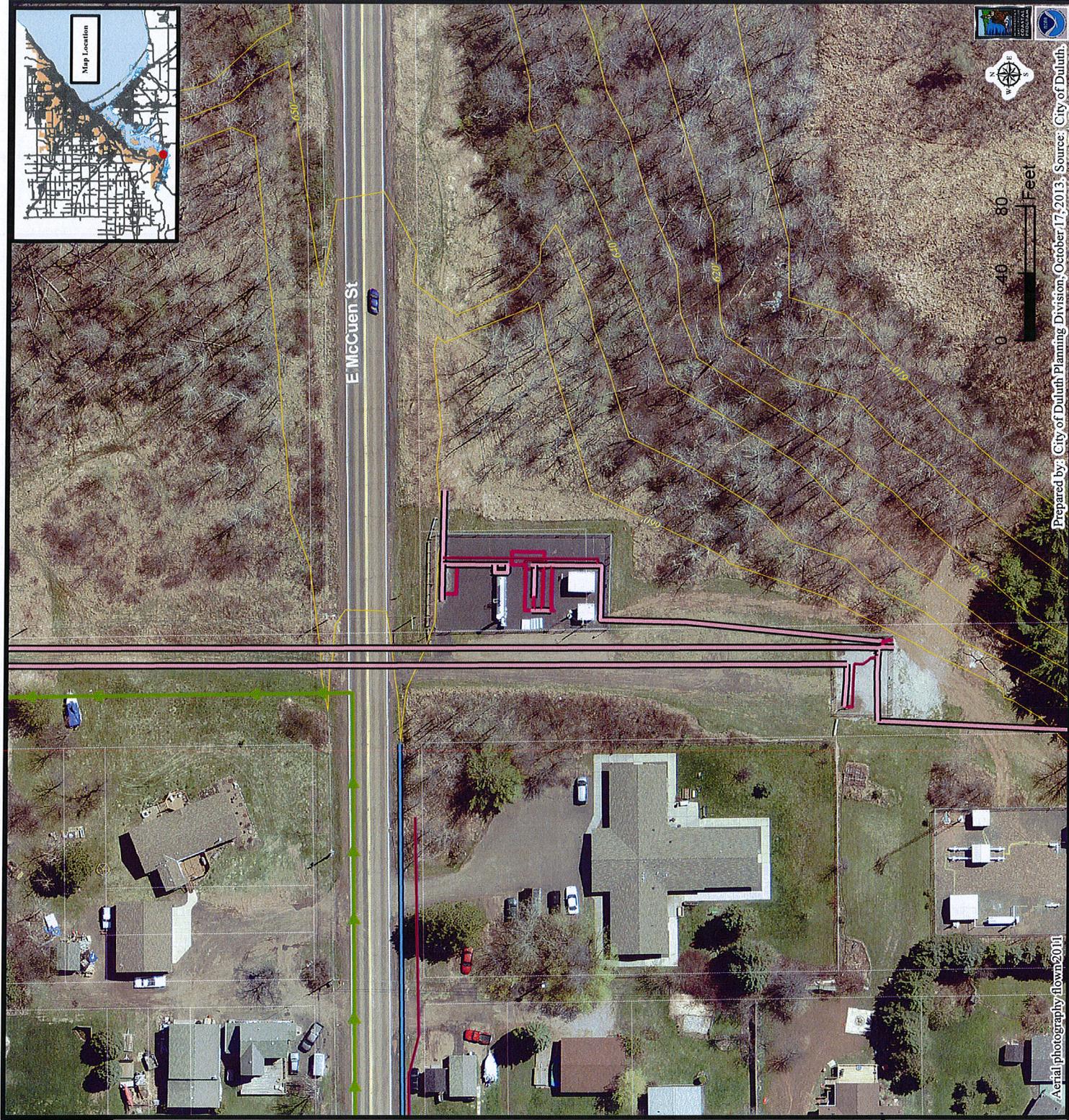


City Planning

PL 13-142 & 143

Variance & Special Use Permit

502 E McCuen St.



Legend

Water Distribution System

- 30 - 60" Water Pipe
- 16 - 24" Water Pipe
- 4 - 6" Water Pipe

Sanitary Sewer Collection System

- Sanitary Sewer Collector
- Sanitary Sewer Interceptor
- Sanitary Sewer Forced Main

Storage Basin

Pump Station

Gas Distribution Main

- 8" - 16" Gas Pipes
- 4" - 6" Gas Pipes
- 0" - 4" Gas Pipes

Storm Sewer Collection System

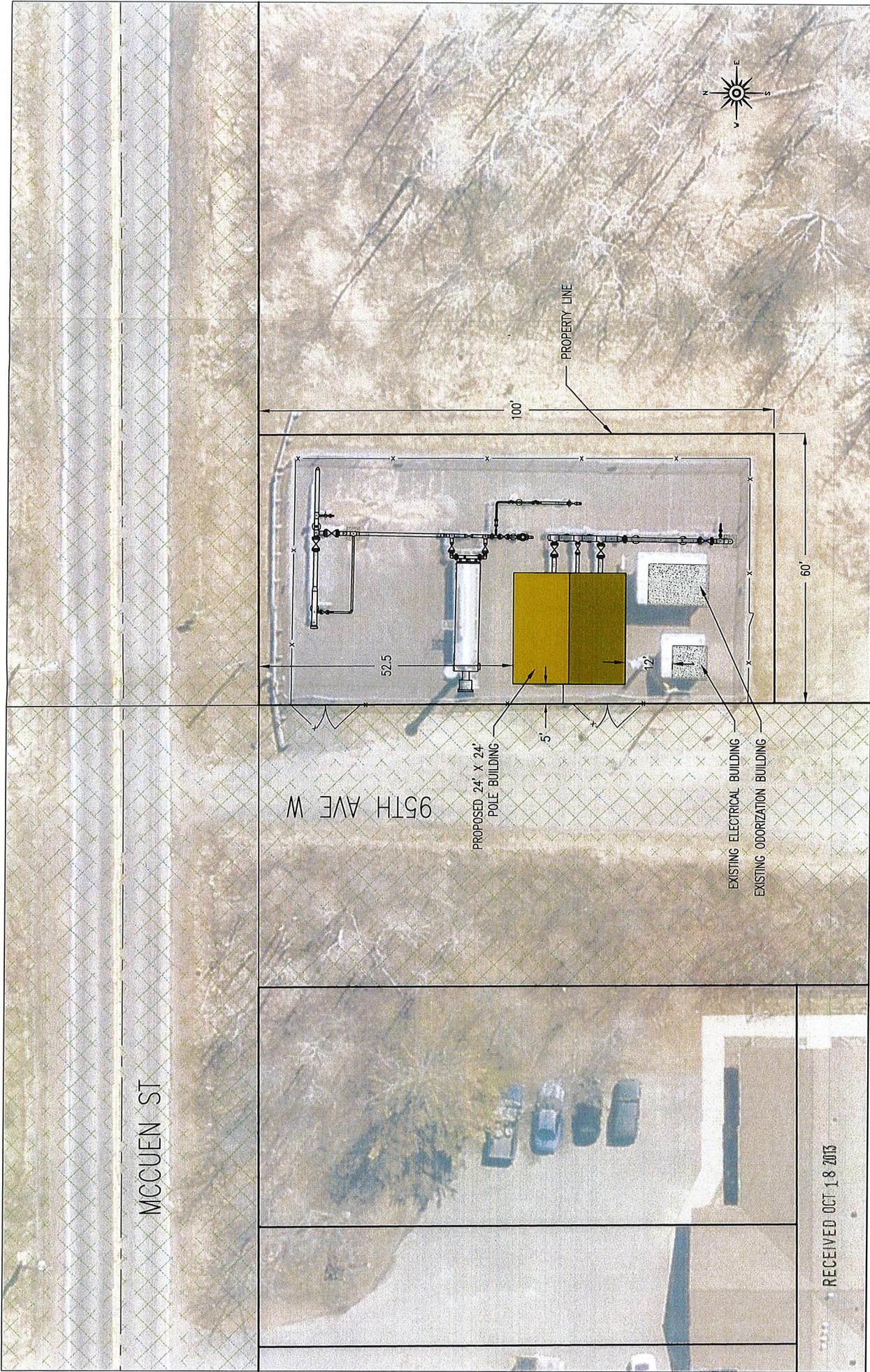
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Discharge_Points
- 10' Contour (elev. change)

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Aerial photography (flown 2011)

Prepared by: City of Duluth Planning Division, October 17, 2013. Source: City of Duluth.

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CITY PROJECT NO.: 1299	STATE AID PROJECT NO.: N/A	PERMITTING SITE PLAN EXHIBIT	CITY OF DULUTH	DRAWN BY: KLB
CITY PROJECT NO.: 1299	STATE AID PROJECT NO.: N/A	PERMITTING SITE PLAN EXHIBIT	CITY OF DULUTH	PLAN & PROFILE
CITY PROJECT NO.: 1299	STATE AID PROJECT NO.: N/A	PERMITTING SITE PLAN EXHIBIT	CITY OF DULUTH	SHEET NO. 1 OF 1

CERTIFIED BY: HOWARD D. SMITH
 REG. NO.: 48875
 DATE: 10-18-2013

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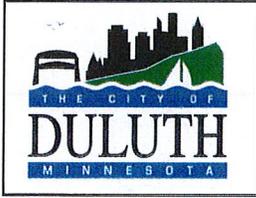
ZONING NOTICE

CAUTION
GAS PIPE LINE
CITY OF DUBLIN
OH NO SMOKING MATCHES
OR OPEN FLAME
218-730-4150



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DEPARTMENT OF PUBLIC WORKS AND UTILITIES
Engineering Division

MEMORANDUM

TO: Concerned Reviewers of the Variance and Special Use Permit Requests
FROM: Howard Smith, Project Engineer
DATE: October 18, 2013
SUBJECT: Community Impact Statement of the Proposed Great Lakes Regulator Station Equipment Building

The City of Duluth Public Works and Utilities Department, owner and operator of a natural gas distribution utility for the City of Duluth and surrounding communities, is requesting approval of a variance and special use permit to construct a 24'x24' utility building. The Engineering Department is promoting that this building will have a positive impact upon the community. This memo will explain why with a brief explanation of the situation.

The Great Lakes Regulator Station, pictured in Figure 1.1, is one of many regulator stations that the City of Duluth operates within the City. This facility is operated continuously, and its reliability is a critical component in delivering natural gas to our customers. Due to freezing and icing problems of mechanical equipment, the City has been forced to take many temporary measures including placement of a tent enclosure (shown in picture) and routinely provide heat to unthaw the equipment. The proposed building will provide a permanent solution to these issues.



Figure 1.1: Great Lakes Regulator Station

The Great Lakes Regulator Station is located on a City owned parcel of property bearing the physical address of 502 East McCuen Street in the New Duluth neighborhood. The fence line shown in Figure 1.1 along the left side of the photo is located on the 95th Avenue West right-of-way. The right-of-way is five feet from the front of the proposed building, which is the primary

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reason for the variance request. Due to the existing location of piping infrastructure and equipment there are no other alternatives for the building location.

Due to the zoning classification, the Special Use Permit is required to construct a utility building in this area. The building will not be more intrusive than the present facility because it will remain inside an existing security fence in a generally un-noticed area. The building will be designed to match existing utility buildings and replace a visually un-appealing tent that has been covering the equipment. The new building will be insulated, primarily to reduce the whistling noise of gas as it moves through the equipment on high flow days. Occasionally neighboring residents comment on noise levels, and with this building the hope is most operational noise will be concealed. The building insulation will also benefit maintenance crews if they wish to provide temporary heat during ongoing projects.

The Public Works Department is currently accepting quotes from contractors and hoping to award the project once the permitting requirements are satisfied. The Department is expecting to have a contractor hired and hopefully be installing footings and poles by mid-December. If the project is delayed, the intent is to still construct the building during the winter as it will be immediately beneficial once the building is completed.

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DEPARTMENT OF PUBLIC WORKS AND UTILITIES
Engineering Division

MEMORANDUM

TO: Concerned Reviewers of the Variance
FROM: Howard Smith, Project Engineer
DATE: October 18, 2013
SUBJECT: Statement of Need

The City of Duluth Public Works and Utilities Department, owner and operator of a natural gas distribution utility for the City of Duluth and surrounding communities, has identified the need for a variance to construct a 24'x24' utility building. As described in the Statement of Purpose, the need for this building is critical to maintain reliable service of the City's natural gas distribution utility.

Without the building, a temporary tent structure is necessary for the protection of regulator equipment from accumulation of ice and malfunction. The tent is not a reliable means of protection as it could easily be compromised during a winter storm or vandalized at any time. Self-heated equipment inside the tent is unable to maintain adequate operational temperatures because of the inherent draftiness of this structure. This often requires excess maintenance that a reasonably air tight building could prevent.

The location of the proposed building is strictly related to the location of above ground and below ground natural gas piping. Another location is not feasible as piping would need to be moved, likely additional property acquired, all at an expense possibly tens if not hundreds of times more expensive than the construction of the proposed building. The building size is being kept to a bare minimum to maintain required internal egress dimensions and avoid conflicts with buried piping.

The Engineering Department has determined the direction of the project to be the most cost effective and least impacting for both the utility and the community.

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