



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	PL13-032	Contact	Steven Robertson, 218-730-5295	
Application Type	Concurrent Use of Streets Permit	Planning Commission Date	March 12, 2013	
Deadline for Action	Application Date	February 11, 2013	60 Days	N/A
	Date Extension Letter Mailed	N/A	120 Days	N/A
Location of Subject	1732 London Road			
Applicant	Coldwell Banker/Greg Kamp	Contact		
Agent	Greg Strom	Contact	gps.foundations@gmail.com	
Legal Description				
Site Visit Date	February 23, 2013	Sign Notice Date	February 25, 2013	
Neighbor Letter Date	February 19, 2013	Number of Letters Sent	38	

Proposal

Applicant requesting a Concurrent Use of Streets Permit to allow the construction of a protected entry (canopy) in the public right of way of London Road.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-2	Commercial	Neighborhood Mixed Use
North	F-2	Commercial	Neighborhood Mixed Use
South	F-2	Residential	Neighborhood Mixed Use
East	F-2	Commercial	Neighborhood Mixed Use
West	F-2	Commercial/Residential	Neighborhood Mixed Use

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

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

Future Land Use, Neighborhood Mixed Use:

A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live-work spaces. May include limited commercial-only space oriented to neighborhood or specialty retail markets.

Principle #3 - Support traditional economic base

Supporting Duluth's traditional economic foundation maintains jobs, tax base, and opportunity. Economic activity with specific location requirements may be subject to displacement or site competition with changes in real estate values. This traditional economic activity faces change as result of global economic patterns, changing markets, new regulation and aging of extensive infrastructure. Nevertheless, fundamentals remain and the economic contribution, sometimes taken for granted, is significant.

Note, this item is related to PL 12-033, request for a partial vacation of right of way (1 foot).

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

- 1) The applicant is proposing to build a protected entry (canopy) over the right of way of London Road.
- 2) The proposal will not harm or inconvenience the health, safety and general welfare of the city. While the right of way is currently being physically used by the public, the proposal project will not interfere with the public's ability to use the right of way (sidewalk or street).
- 3) The proposal is a reasonable use of public right of way and can be terminated if the City of Duluth desires to use the area for any public purpose.
- 4) Only one comment was received from the public or city or government agencies on this proposal. There was some confusion between MnDOT and the City of who had jurisdiction of this section of the London Road. It was resolved that this section was formally turned back to the City in 1995.

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

Staff recommends that the Planning Commission recommend approval of the requested Concurrent Use Permit to the City Council with the following condition:

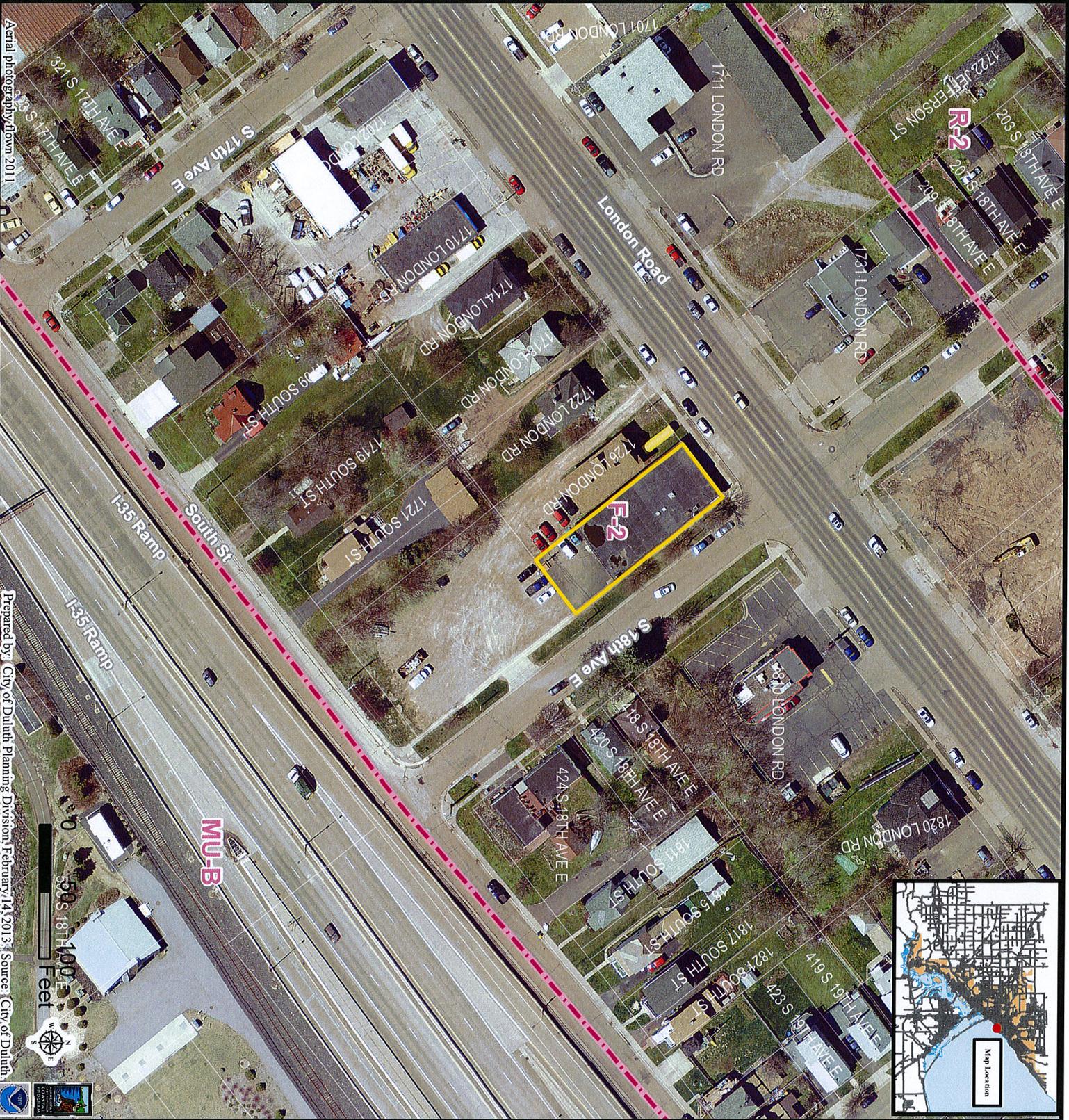
- 1) The applicant construct the canopy as indicated on the plan titled "Storefront Renovation for Coldwell Banker" stamped February 21, 2013.

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

Legend

Zoning (Final)

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.



Aerial photography: down 2011

Prepared by: City of Duluth Planning Division, February 14, 2013. Source: City of Duluth.



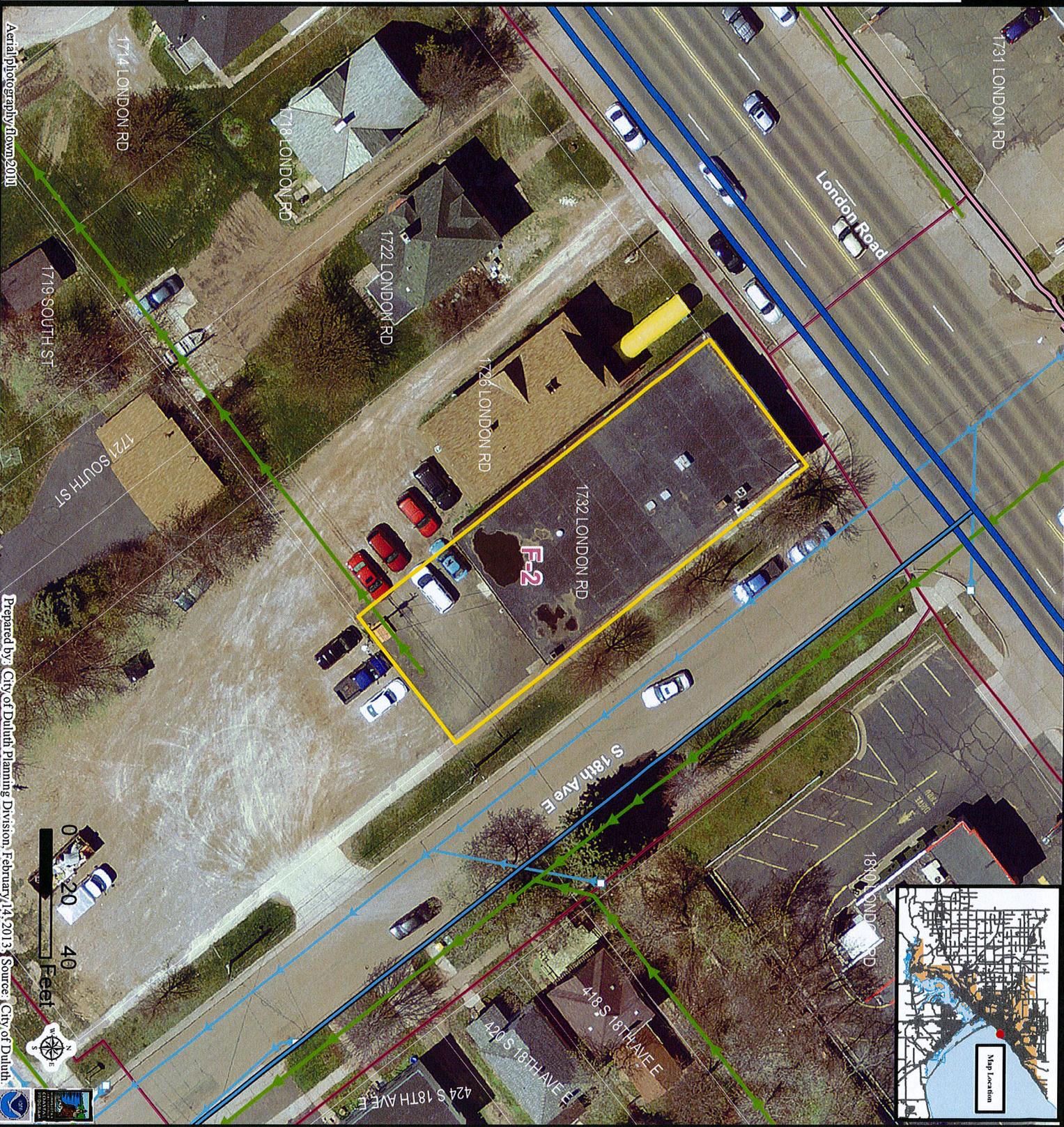
City Planning

13-032 and 33
Vacation and Concurrent Use
Coldwell Banker

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
- 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**
- Zoning (Final)**

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.



Prepared by: City of Duluth Planning Division, February 14, 2013. Source: City of Duluth.

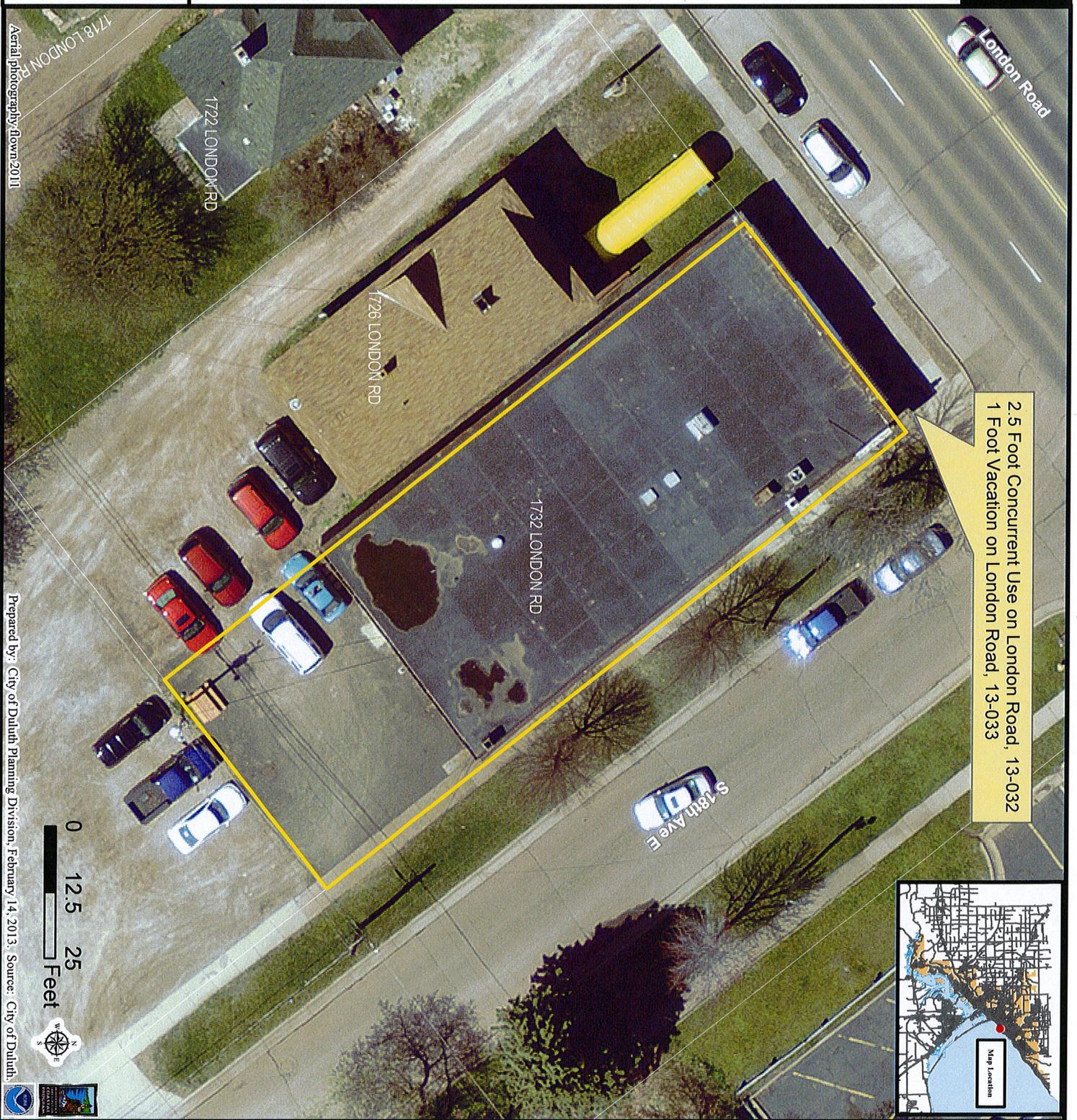
Aerial photography from 2011



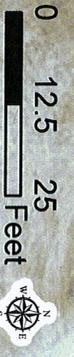
City Planning

13-032 and 33
Vacation and Concurrent Use
Coldwell Banker

2.5 Foot Concurrent Use on London Road, 13-032
1 Foot Vacation on London Road, 13-033



Aerial photography: flown 2011



Prepared by: City of Duluth Planning Division, February 14, 2013. Source: City of Duluth.

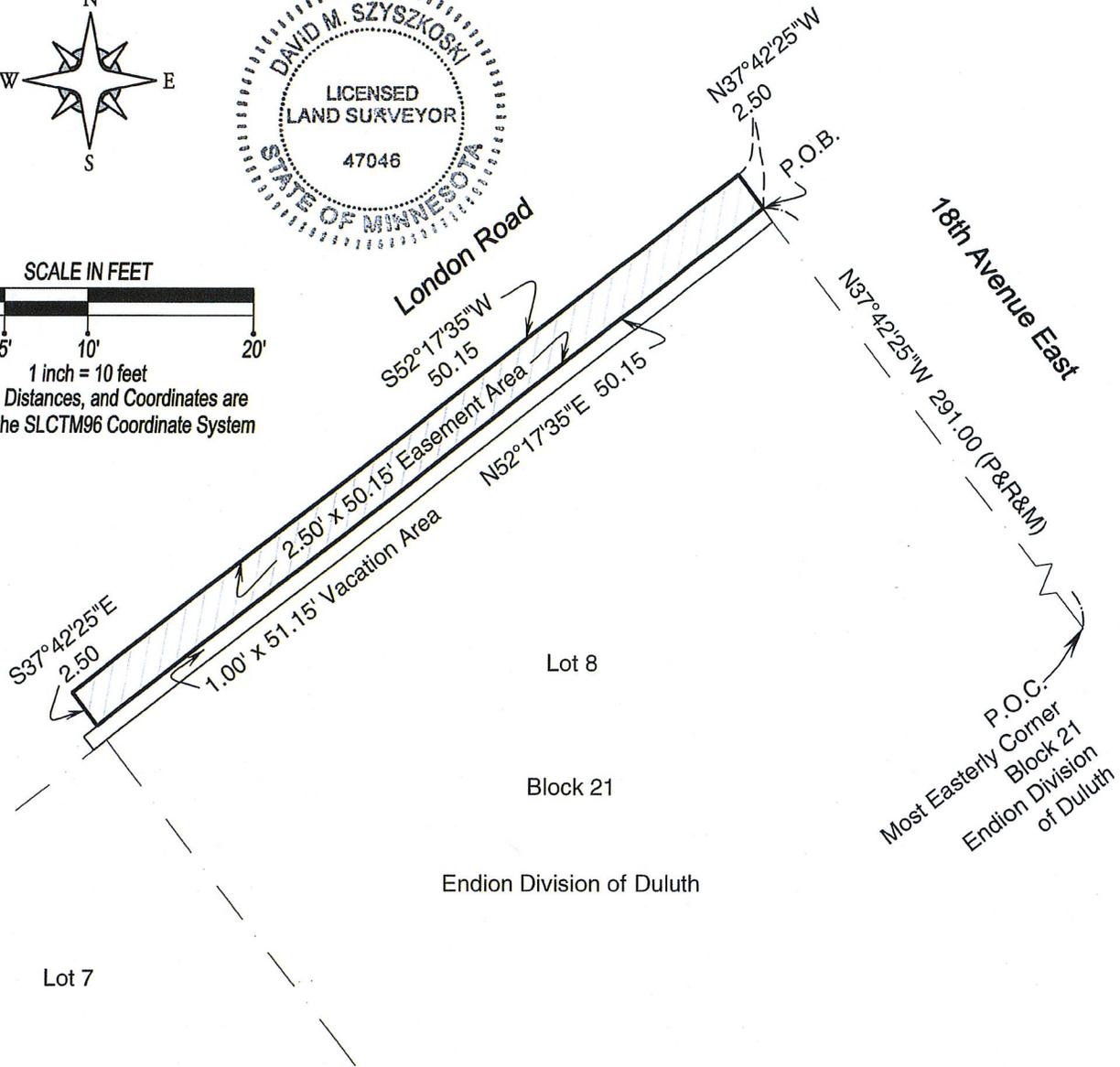
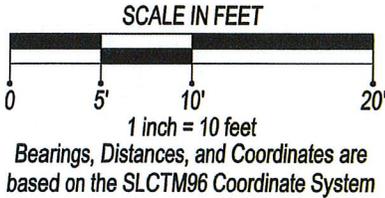
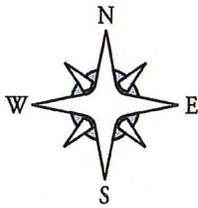
Legend

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.



Easement Exhibit

in Section 23, Township 50 North, Range 14 West, St. Louis County, Minnesota



Proposed Easement Legal Description
(for Concurrent Use Permit):

Commencing at the most easterly corner of Block 21, Endion Division of Duluth; thence North 37°42'25" West on the northeasterly line of Block 21 for a distance of 291.00 feet to the point of beginning; thence continuing North 37°42'25" West for a distance of 2.50 feet; thence South 52°17'35" West on a line parallel with the northwesterly line of Block 21 for a distance of 50.15 feet to the southwesterly line of Lot 8, Block 21; thence South 37°42'25" East for a distance of 2.50 feet; thence North 52°17'35" East on a line parallel with the northwesterly line of Block 21 for a distance of 50.15 feet to the point of beginning.

Approved by the City Engineer of Duluth, MN

Date: _____ by: _____

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 LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

2/15/2013

 DAVID SZYSZKOSKI
 MINNESOTA LICENSE NO. 47046



ENGINEERS • SURVEYORS • PLANNERS
SALO ENGINEERING, INC.
 4560 Norway Pines Place • Duluth, MN 55802
 SALO JOB NUMBER: L4676 ph 218/727-8796

Easement Exhibit over part of London Road near Block 21, Endion Division For : Gregory Kamp

**Coldwell Banker – East West Realty
1732 London Road**

Property and proposed concurrent use easement descriptions:

Existing Property:

Lots 7-10, Block 21, Endion Division of Duluth. Section 23, T50N, R14W, St. Louis County, MN.

Vacation Legal Description being processed simultaneously w/ concurrent use:

Commencing at the most easterly corner of Block 21, Endion Division of Duluth; thence North 37°42'25" West on the northeasterly line of Block 21 for a distance of 290.00 feet to a point at the intersection of the northeasterly line of Block 21 and the Right-of-Way of London Road, said point being the point of beginning; thence continuing North 37°42'25" West for a distance of 1.00 foot; thence South 52°17'35" West on a line parallel with the northwesterly line of Block 21 for a distance of 51.15 feet; thence South 37°42'25" East for a distance of 1.00 foot to the Right-of-Way of London Road; thence North 52°17'35" East on a line parallel with the northwesterly line of Block 21 for a distance of 51.15 feet to the point of beginning.

Proposed Easement Legal Description (for Concurrent Use Permit):

Commencing at the most easterly corner of Block 21, Endion Division of Duluth; thence North 37°42'25" West on the northeasterly line of Block 21 for a distance of 291.00 feet to the point of beginning; thence continuing North 37°42'25" West for a distance of 2.50 feet; thence South 52°17'35" West on a line parallel with the northwesterly line of Block 21 for a distance of 50.15 feet to the southwesterly line of Lot 8, Block 21; thence South 37°42'25" East for a distance of 2.50 feet; thence North 52°17'35" East on a line parallel with the northwesterly line of Block 21 for a distance of 50.15 feet to the point of beginning.

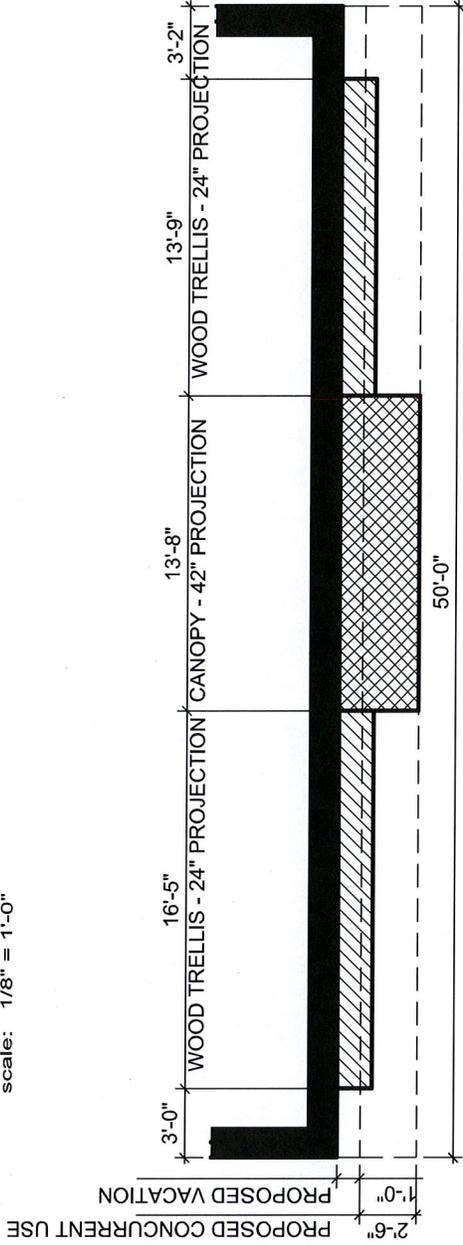
RECEIVED
 FEB 21 2013

- CORRUGATED METAL (UC 601) CANOPY PROJECTS 36"
- METAL WALL CAP
- BACKLIT ACRYLIC FACED CABINET SIGN
- CORRUGATED METAL INSET PANEL W/ WOOD OR METAL TRIM
- WOOD TRELLIS - PROJECTS 16"
- FLUSH VERTICAL METAL PANEL (UC-500) AT UPPER WALL
- ALUMINUM ENTRANCE
- WINDOWS WITH MATCHING METAL TRIM
- MIDLINE FLASHING & ACCENT BAND
- HORIZONTAL METAL PANEL AT BASE OF WALL - UNACLAD UR-PRO OMEGA.
- GLULAM TIMBERS SUPPORTING PROJECTING ELEMENTS



Proposed Front Elevation

scale: 1/8" = 1'-0"



Proposed Plan at Building Front

scale: 1/8" = 1'-0"

STOREFRONT RENOVATION FOR:

COLDWELL BANKER
 1732 LONDON ROAD
 DULUTH, MINNESOTA

FOUNDATIONS
 ARCHITECTURE

GREGORY P. STRON, ARCHITECT
 2150 CULAS ROAD
 DULUTH, MN 55804
 PH: 218 525-4326
 CELL: 218 391-7334
 gps_foundations@gmail.com



Minnesota Department of Transportation

Transportation Building
395 John Ireland Boulevard
Saint Paul, Minnesota 55155-1899

December 12, 1995

296-6967

Mr. Jeffrey Cox
City Clerk of Duluth
C. Hall: 411 West 1st Street
Duluth, MN 55802-1101

In reply refer to: 7300
State Project No. 6925
County of St. Louis
Notice of Release of a portion
of Trunk Highway No. 61
Release No. 1086

Dear Mr. Cox:

Attached is a Notice of Release of a portion of Trunk Highway No. 61. This will be effective December 15, 1995, and the description reads as follows:

Beginning in the City of Duluth at the junction of Old Trunk Highway No. 23 (2nd Street) and Old Trunk Highway No. 61 (12th Avenue East); thence easterly and northeasterly along the centerline of said Old Trunk Highway No. 61 (12th Avenue East and London Road) to its intersection with 26th Avenue East and there terminating. Also including all that portion of Old Trunk Highway No. 61 (14th Avenue East) between 3rd Street and London Road.

The subject portion of road reverts to the jurisdiction of the City of Duluth in accordance with Minnesota Statutes, Section 161.16 and 161.24 (and Acts amendatory thereto).

If you require additional information, call Mr. Neal Bartelt, Office of Right of Way and Surveys, at the above number, or write this office.

Sincerely,

A handwritten signature in black ink that reads 'Karl F. Rasmussen'.

K. F. Rasmussen, Director
Office of Right of Way and Surveys

Enclosure:
Release No. 1086
R29977G.RIW