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 15-076	**Contact**	Jenn Reed Moses, jmoses@duluthmn.gov		
Application Type	Concurrent Use Permit	**Planning Commission Date**	June 9, 2015		
Deadline for Action	**Application Date**	May 1, 2015	**60 Days**	June 30, 2015	
	Date Extension Letter Mailed	May 26, 2015	**120 Days**	August 29, 2015	
Location of Subject	5th Avenue E between 2nd Street and 4th Street				
Applicant	Essentia Health	**Contact**	John Rice, john.rice@essentiahealth.org		
Agent	Evan Aljoe	**Contact**	218-727-8446, evan.aljoe@lhbcorp.com		
Legal Description	See attached				
Site Visit Date	May 31, 2015	**Sign Notice Date**	May 21, 2015		
Neighbor Letter Date	N/A	**Number of Letters Sent**	N/A		

Proposal

Applicant would like to use the right of way of 5th Avenue East and E 4th Street for private underground utilities to provide emergency power generation and communications wiring for the Essentia campus.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-I	Right of way	Medical District, Neighborhood Mixed Use
North	MU-I	Essentia campus	Medical District, Neighborhood Mixed Use
South	MU-I	Essentia campus	Medical District
East	MU-I	Essentia campus, mixed use	Medical District, Neighborhood Mixed Use
West	MU-I	Essentia campus	Medical District

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.

III. C-1

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

Governing Principle #4: Support emerging economic growth sectors

Future Land Use - Medical District: An area encompassing the medical campuses and adjacent areas that support them, with related commercial, office uses and residential uses in the fringe areas of the district.

Recent History: Essentia has been working for the past year on updating its emergency generator and communications capacity. On November 10, 2014, Planning Commission approved the plan for a utility duct bank and electrical penthouse. On April 14, 2015, Planning Commission approved a plan for Essentia's proposed generator building, which will be adjacent to this project.

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

Staff finds that:

1.) Applicant is requesting a Concurrent Use Permit for two underground concrete duct banks, and a 4" PVC sump drain in the right of way of 5th Avenue E and 4th Street. Duct banks will serve existing Essentia properties, located on both sides of 5th Avenue E.

2.) Utilities will be located entirely underground and will not impact pedestrian or vehicular traffic.

3.) Duct banks will be owned and operated by Essentia. Maintenance of the lines (including locating) will be the responsibility of Essentia. These conditions will also be included as part of the City Council ordinance for this concurrent use permit.

4.) Essentia will provide the City with as-built information once the lines are installed.

5.) City Engineering staff approve location of conduits as long as Essentia maintains and locates.

6.) No other City, agency, or public comments were received.

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

Based on the above findings, Staff recommends that Planning Commission recommend approval of the Concurrent Use Permit with the following conditions:

1.) The project be limited to, constructed, and maintained according to the Site Plan and Sections, both dated 04/21/15.
2.) Maintenance of the lines (including locating) will be the responsibility of Essentia.
3.) Essentia will provide the City with as-built information once the lines are installed.
4.) Essentia will provide 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.
5.) 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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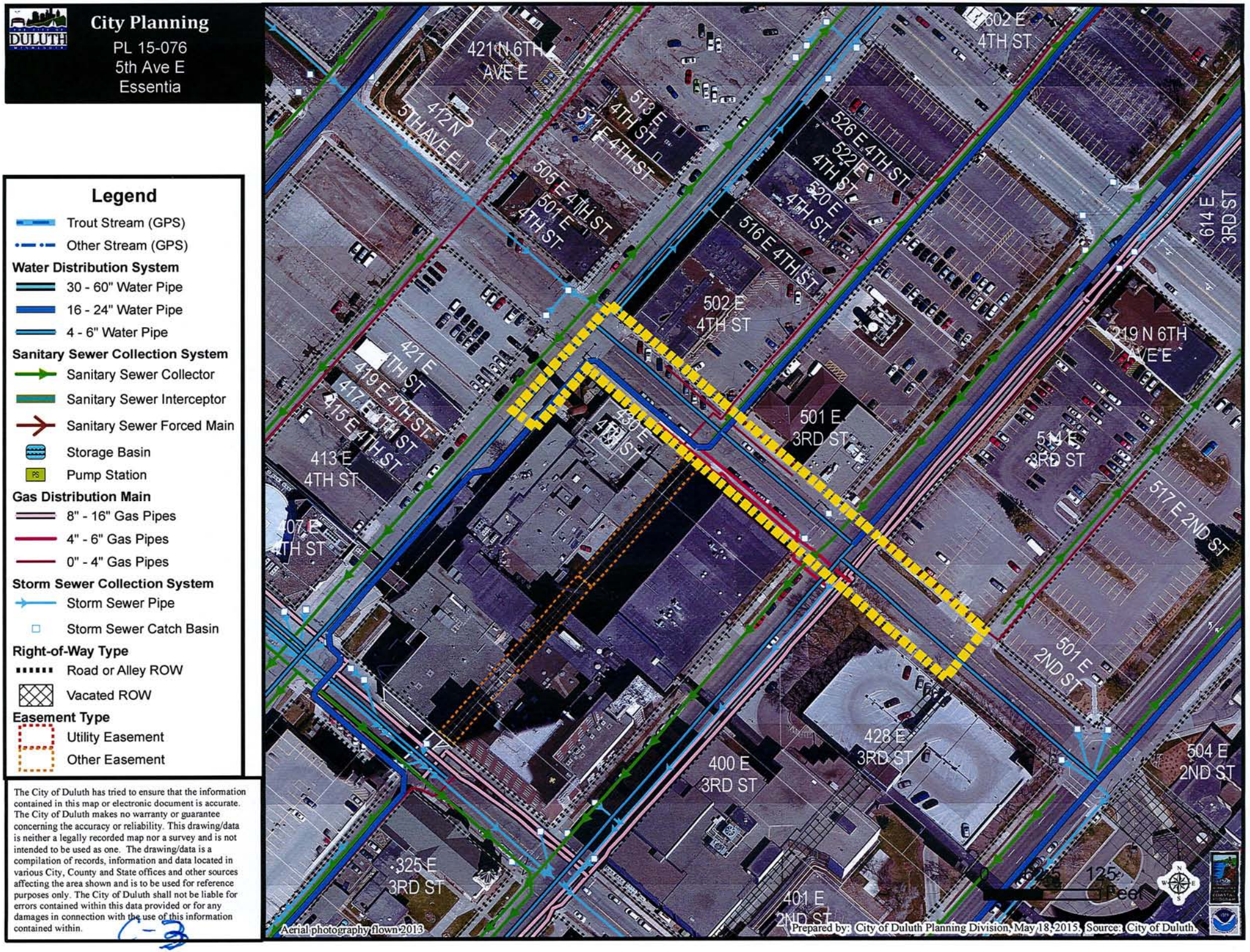
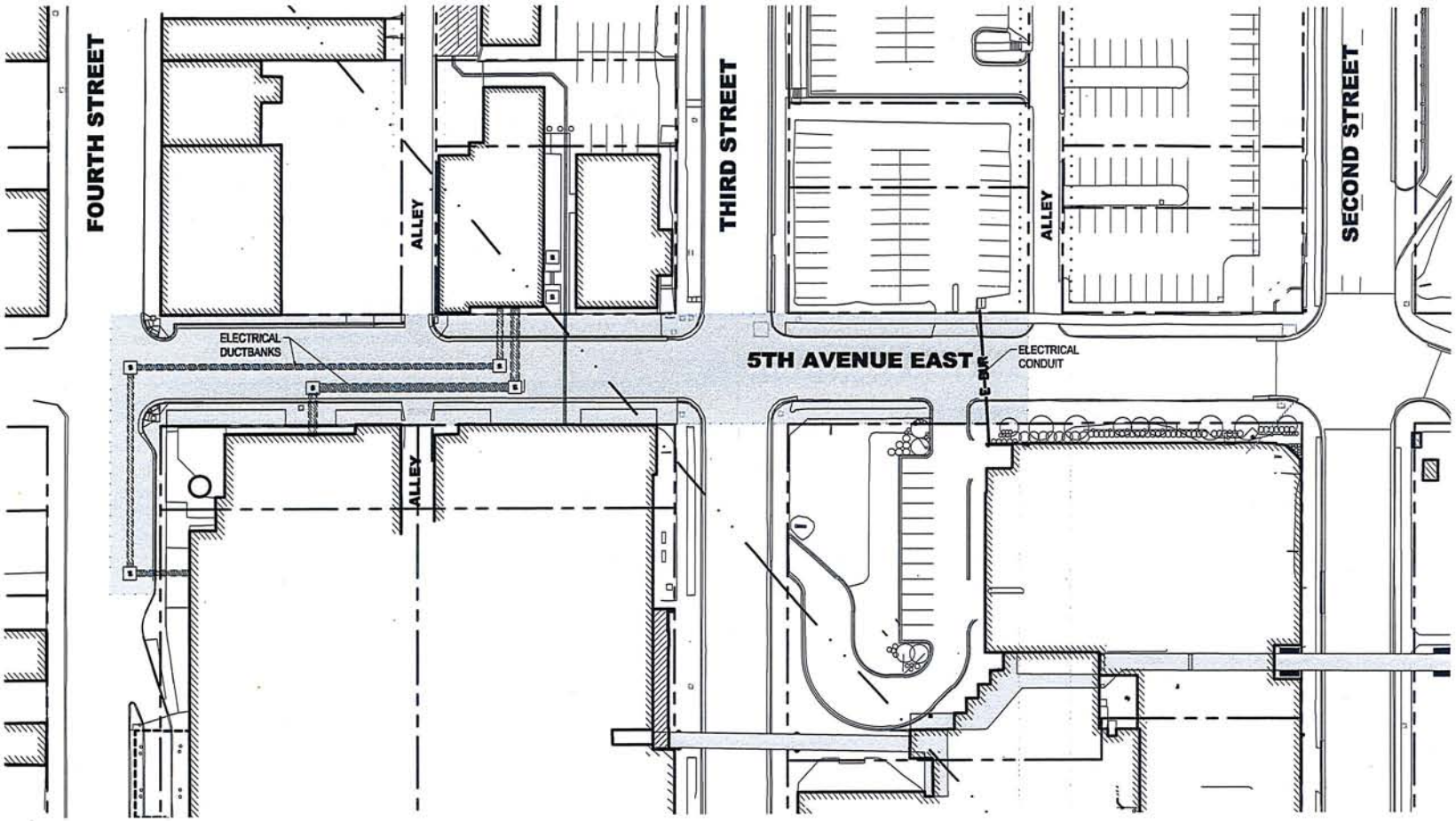
Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)


City Planning
PL 15-076
5th Ave E
Essentia
Legend
Trout Stream (GPS)
Other Stream (GPS)
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
Right-of-Way Type
Road or Alley ROW
Vacated ROW
Easement Type
Utility Easement
Other Easement
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.
421 N 6TH AVE E
412 N 5TH AVE E
513 E 4TH ST
511 E 4TH ST
505 E 4TH ST
501 E 4TH ST
526 E 4TH ST
522 E 4TH ST
520 E 4TH ST
516 E 4TH ST
502 E 4TH ST
614 E 3RD ST
219 N 6TH AVE E
421 E 4TH ST
419 E 4TH ST
417 E 4TH ST
415 E 4TH ST
413 E 4TH ST
407 E 4TH ST
439 E 4TH ST
501 E 3RD ST
511 E 3RD ST
517 E 2ND ST
501 E 2ND ST
428 E 3RD ST
400 E 3RD ST
325 E 3RD ST
401 E 2ND ST
504 E 2ND ST
125 0 125 Feet
Aerial photography flown 2013
Prepared by: City of Duluth Planning Division, May 18, 2015, Source: City of Duluth.



0 50' 100' 200'

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HALLBERG ENGINEERING
Mechanical/Electrical Consulting Engineers
1750 Commerce Court
White Bear Lake, MN 55110
Phone (651) 748-1100 Fax (651) 748-9370

CLIENT NAME:
Essentia Health

502 EAST SECOND STREET
DULUTH, MINNESOTA 55805

DWG. TITLE: SITE PLAN
PROJECT NAME: CONCURRENT USE
DRAWN BY: KKM / NRP
PROJ. NO: 130512 / R13-1765.000
DATE: 04/21/2015
DRAWING NO: C1

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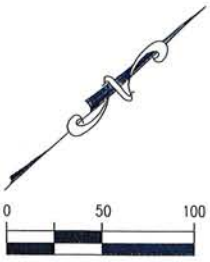
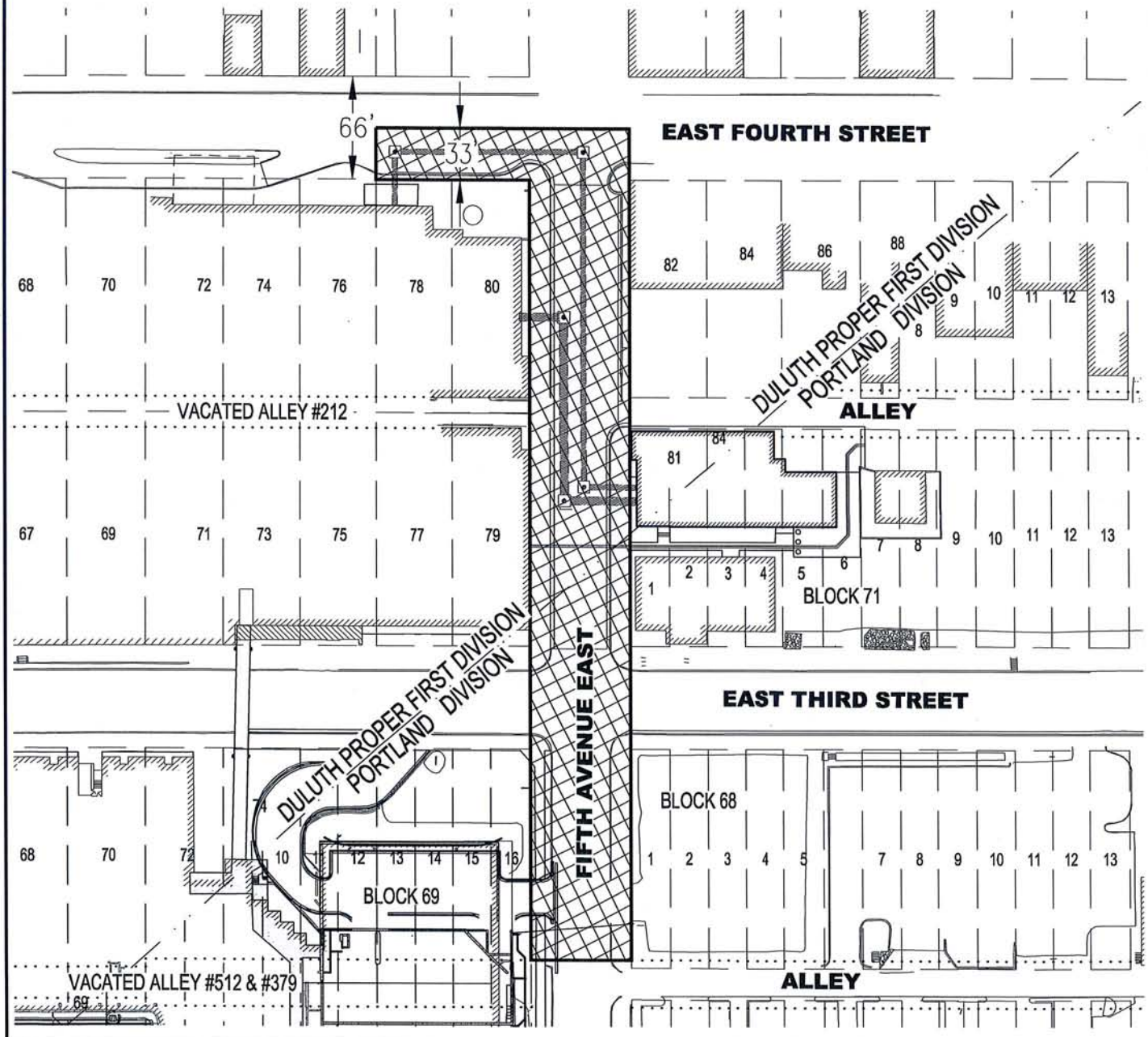
EXHIBIT
CONDITIONAL USE

Part of Streets and Avenues
PORTLAND DIVISION OF DULUTH
AND
DULUTH PROPER FIRST DIVISION



LEGEND

= CONDITIONAL USE AREA



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.

Print Name: Paul A. Vogel License # 44075

Signature: Date: 05/01/2015

DATE PREPARED: 5/01/15
PROJ NO: 130512
FILE: 130512vEXHIB
SHEET 1 of 1 SHEETS

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FILE: ..\130512\600 Drawings\Survey\130512vEXHIBIT-Concurrent Use.dwg

LEGAL DESCRIPTION:

All that part of East Fourth Street appurtenant to Lots 78 & 80, East Fourth Street, DULUTH PROPER FIRST DIVISION, City of Duluth, St. Louis County, Minnesota.

AND

All that part of Fifth Avenue East appurtenant to Lots 80 & 82, East Fourth Street, DULUTH PROPER FIRST DIVISION, City of Duluth, St. Louis County, Minnesota.

AND

All that part of Fifth Avenue East appurtenant to Lots 79 & 81, East Third Street, DULUTH PROPER FIRST DIVISION, City of Duluth, St. Louis County, Minnesota.

AND

All that part of Fifth Avenue East appurtenant to Lot 1, Block 68, PORTLAND DIVISION OF DULUTH, City of Duluth, St. Louis County, Minnesota lying north of the north line of the Alley extended as originally laid out.

AND

All that part of Fifth Avenue East appurtenant to Lot 16, Block 69, PORTLAND DIVISION OF DULUTH, City of Duluth, St. Louis County, Minnesota lying north of the north line of the vacated Alley extended.

AND

All that part of Fifth Avenue East appurtenant to Lot 16, Block 70, PORTLAND DIVISION OF DULUTH, City of Duluth, St. Louis County, Minnesota.

AND

All that part of Fifth Avenue East appurtenant to Lot 1, Block 71, PORTLAND DIVISION OF DULUTH, City of Duluth, St. Louis County, Minnesota.

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.

PAUL A. VOGEL
LICENSED
LAND
SURVEYOR
No. 44075
STATE OF MINNESOTA

Paul A. Vogel

Signed

Date 5/01/2015 License No. 44075

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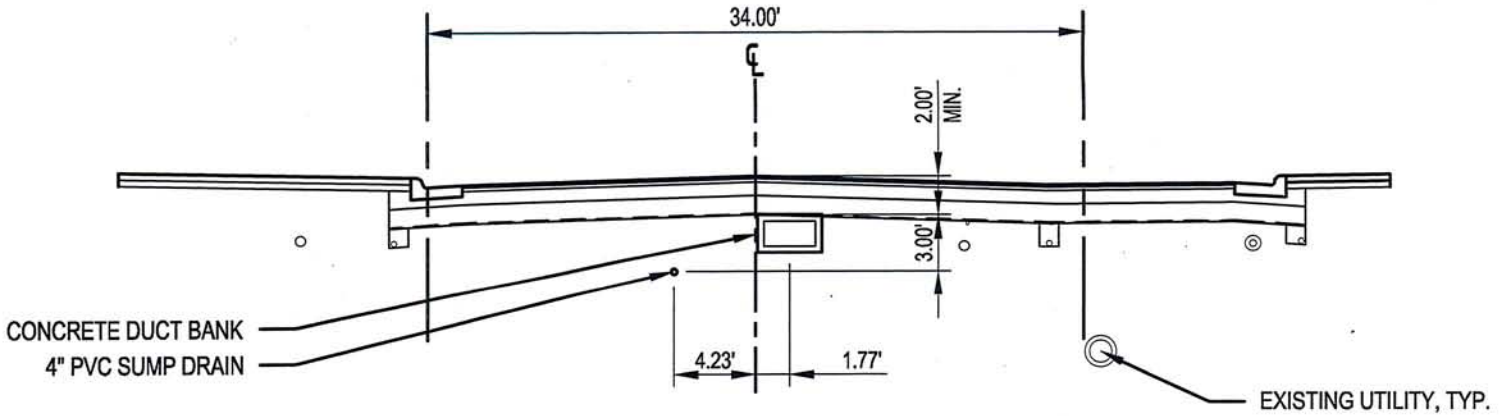
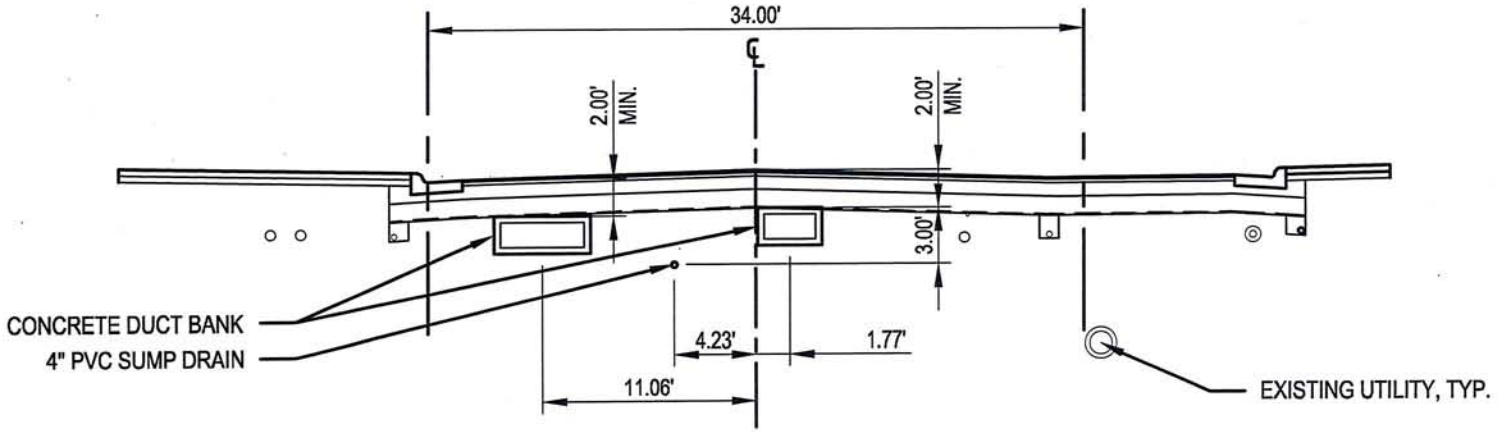


SECTION - 5TH AVE EAST



TYPICAL SECTION - 5TH AVE EAST

0 5' 10' 20'

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Phone (651) 748-1100 Fax (651) 748-8370

CLIENT NAME: Essentia Health

502 EAST SECOND STREET
DULUTH, MINNESOTA 55805

DWG. TITLE:	SECTIONS
PROJECT NAME:	CONCURRENT USE
DRAWN BY:	KKM / NRP
PROJ. NO:	130512 / R13-1765.000
DATE:	04/21/2015
DRAWING NO:	C2

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