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 15-084		**Contact**	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	Concurrent Use Permit		**Planning Commission Date**	September 8, 2015	
Deadline for Action	**Application Date**	August 21, 2015		**60 Days**	October 20, 2015
	Date Extension Letter Mailed	August 21, 2015		**120 Days**	December 19, 2015
Location of Subject	Elizabeth Street east of Woodland Avenue, adjacent to Bluestone				
Applicant	Mark Lambert		**Contact**	mlambert@summitre.net	
Agent	Patrick Sheahan		**Contact**	psheahan@summitre.net	
Legal Description	See attached				
Site Visit Date	August 24, 2015		**Sign Notice Date**	August 14, 2015	
Neighbor Letter Date	N/A		**Number of Letters Sent**	N/A	

Proposal

Applicant would like to use the right of way of Elizabeth Street for a private drive aisle and sidewalk servicing the adjacent Bluestone Flats building (under construction).

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-P	Right of Way	Neighborhood Mixed Use
North	R-2	Multi-family Residential	Urban Residential
South	MU-P	Mixed Use	Neighborhood Mixed Use
East	MU-P	Undeveloped/Residential	Preservation
West	R-2	Right of Way/Mixed Use	Urban Residential

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.

II. H-1

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.

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 a drive aisle to access private parking for Bluestone Flats, as well as a sidewalk along Elizabeth Street.

2.) Drive aisle will be constructed in a portion of Elizabeth Street that is currently undeveloped, and will not impact pedestrian or vehicular traffic.

3.) The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city.

4.) The City of Duluth requires Concurrent Use Permits to include liability insurance to indemnify the City against any occurrences in the right of way. Requirements are included in the final ordinance for the Permit.

5.) City Engineering has indicated support for the Permit. 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 exhibit titled "Bluestone Flats Concurrent Use Permit," dated 08/26/15.
2.) Applicant 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.
3.) 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 15-084
Elizabeth Street

Legend

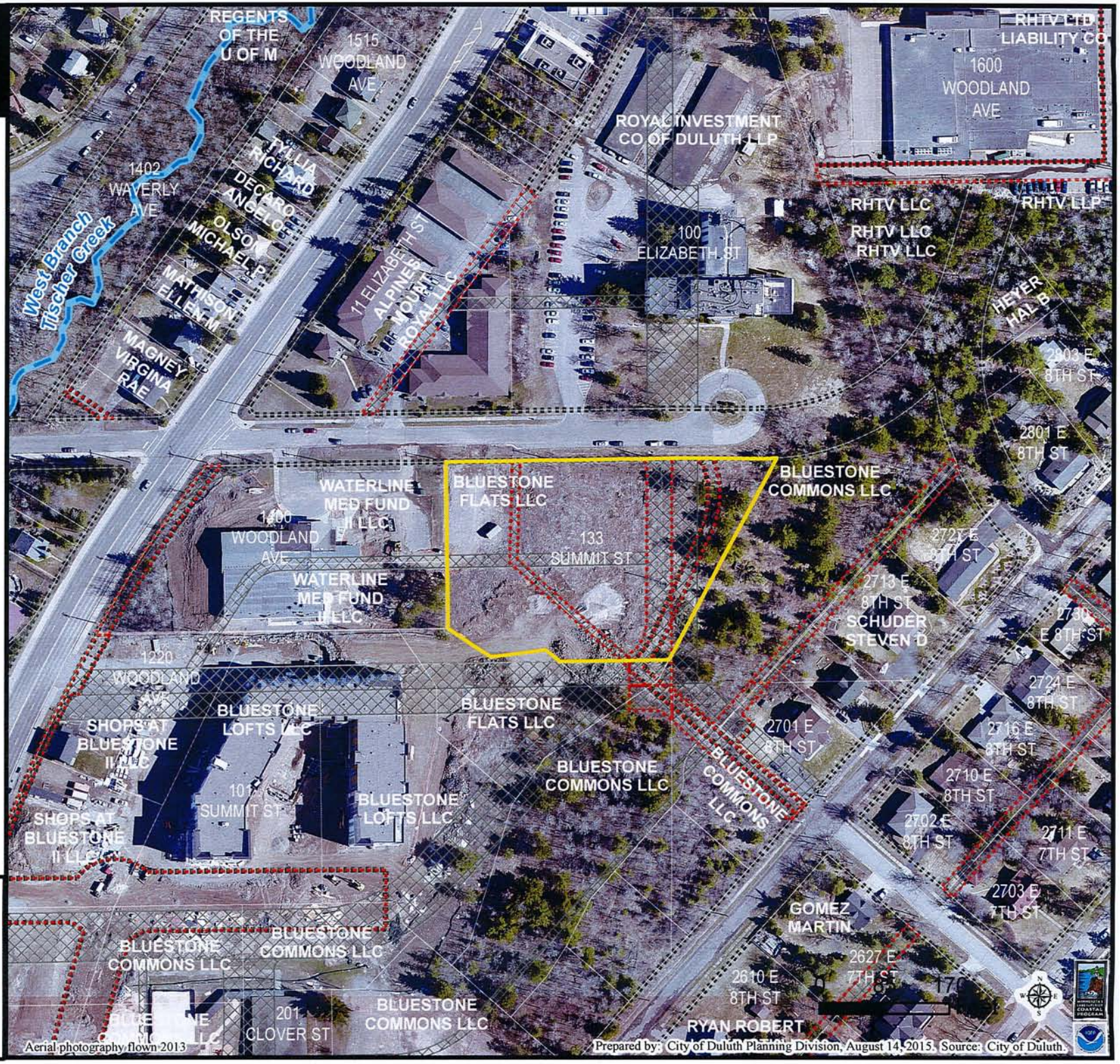
- Trout Stream (GPS)
- Other Stream (GPS)

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.

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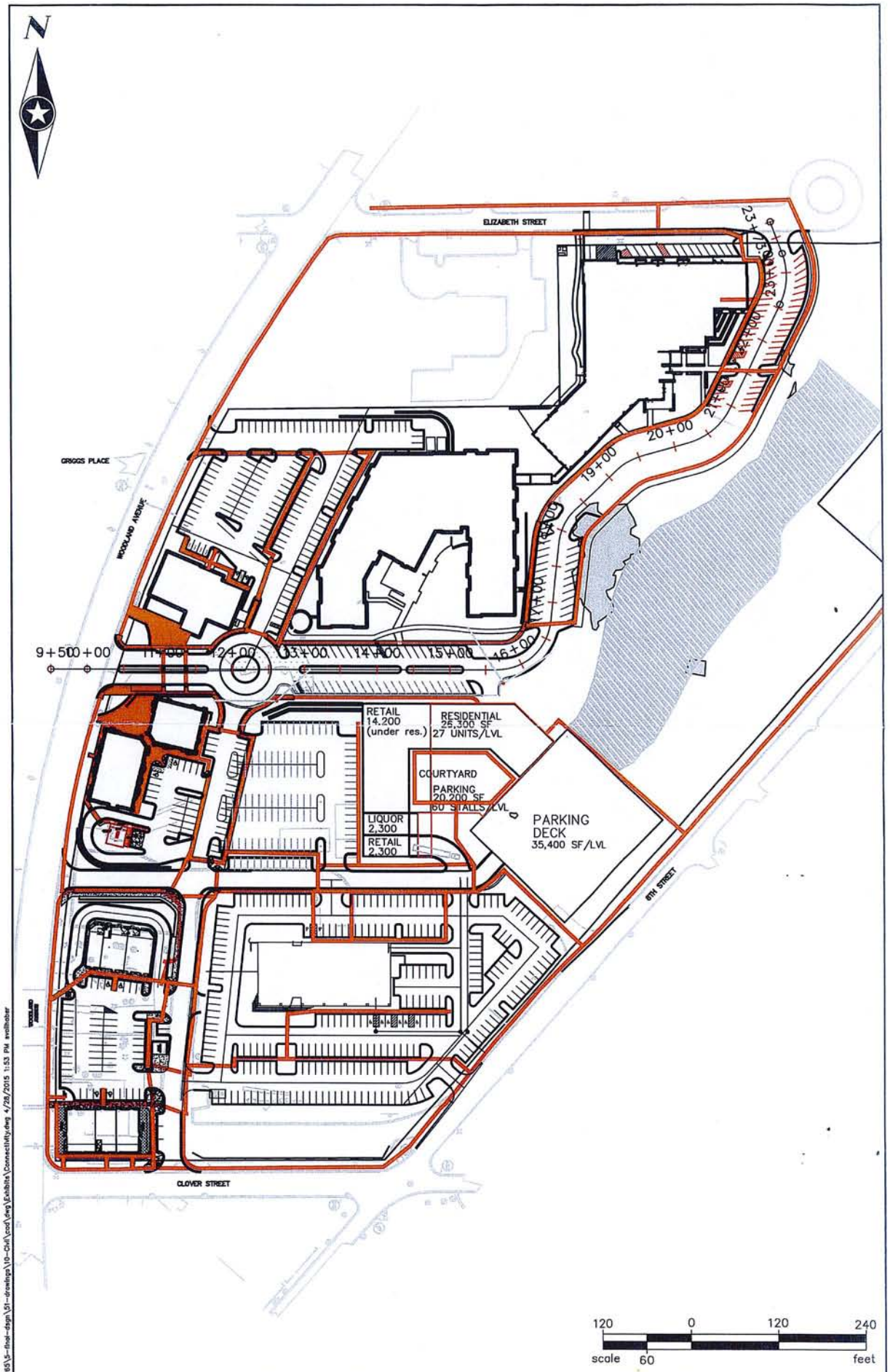

SEH PHONE: 218.279.3000 418 W SUPERIOR ST STE 200 DULUTH, MN 55802-1512 www.sehinc.com	FILE NO. BLUST-120765 DATE: 8/14/13	SIDEWALK CONNECTIVITY EXHIBIT	EXHIBIT NO. 1

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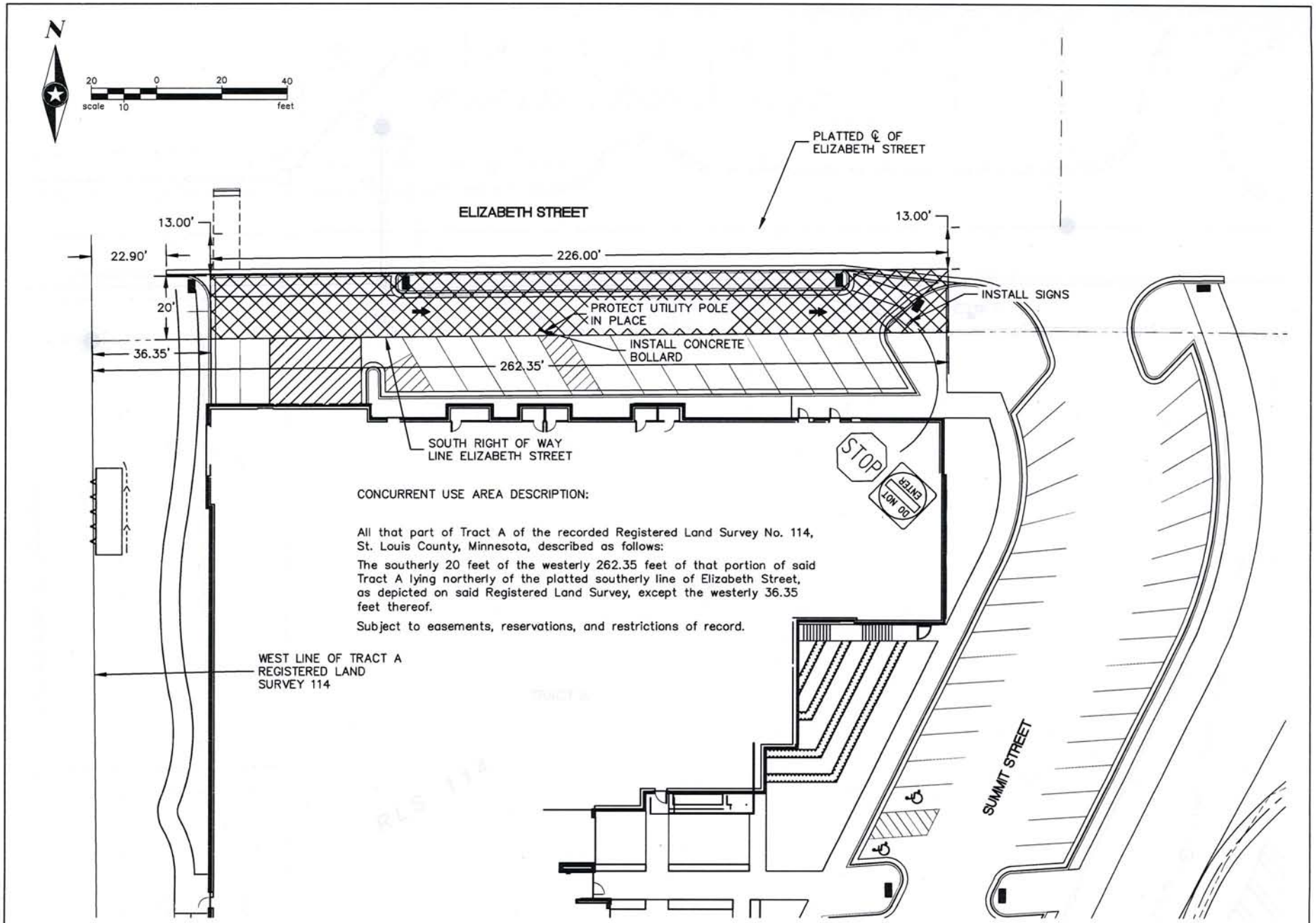

CONCURRENT USE PERMIT AREA

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SEH

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FILE NO.
BLUST 120765

DATE:
08/26/2015

BLUESTONE FLATS CONCURRENT USE PERMIT

EXHIBIT NO. 1

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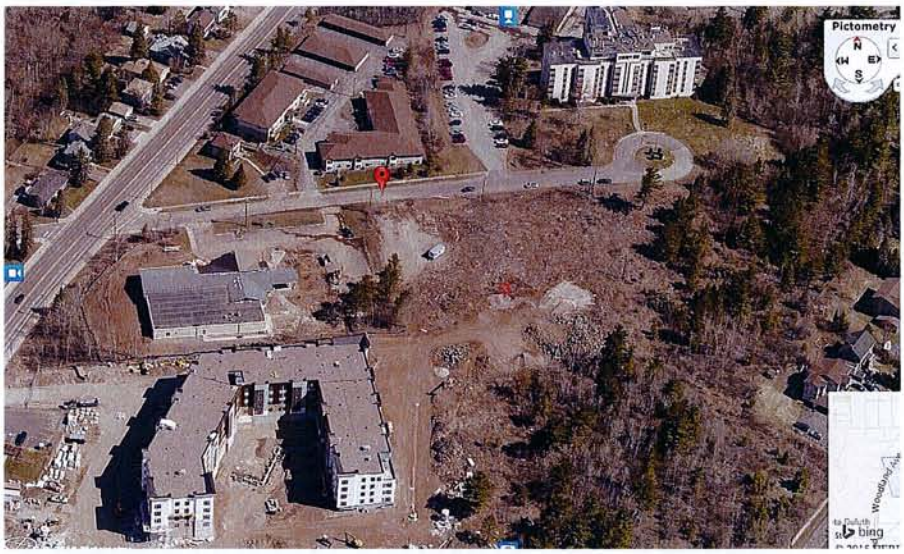
Elizabeth Street

Site Photos



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