



**CITY OF DULUTH**

Community Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

<b>File Number</b>	PL 16-071		<b>Contact</b>	Chris Lee, clee@duluthmn.gov	
<b>Type</b>	Concurrent Use of Streets		<b>Planning Commission Date</b>	July 12, 2016	
<b>Deadline for Action</b>	<b>Application Date</b>	June 14, 2016	<b>60 Days</b>	August 13, 2016	
	<b>Date Extension Letter Mailed</b>	June 22, 2016	<b>120 Days</b>	October 12, 2016	
<b>Location of Subject</b>	3101 W. Superior Street				
<b>Applicant</b>	Waste Management		<b>Contact</b>	Jim Borash, <a href="mailto:jborash@wm.com">jborash@wm.com</a>	
<b>Agent</b>	ET Environmental Corp.		<b>Contact</b>	Amy Dill, adill@etenv.com	
<b>Legal Description</b>	010-4338-00070				
<b>Site Visit Date</b>	June 28, 2016		<b>Sign Notice Date</b>	June 28, 2016	
<b>Neighbor Letter Date</b>	N/A		<b>Number of Letters Sent</b>	N/A	

**Proposal**

Applicant is requesting a concurrent use permit to construct an overhead truss in the airspace above the utility easement. This truss will be used to transport compressed natural gas to fuel system that will fuel fleet vehicles. The truss is to span 53 feet between supports and will be 18 feet above the ground.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-B	Mixed Use – Business	General Mixed Use
<b>North</b>	MU-B	Mixed Use – Business	General Mixed Use
<b>South</b>	MU-B	Mixed Use – Business	General Mixed Use
<b>East</b>	MU-B	Mixed Use – Business	General Mixed Use
<b>West</b>	MU-B	Mixed Use – Business	General Mixed Use

**Summary of Code Requirements**

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. 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 #10: Take sustainable actions – Use of CNG in fleet vehicles contributes to lower CO2 emissions.

Future Land Use Map Designation – General Mixed Use (GMU):

The broadest mix of uses, including light industrial, office, commercial, and residential use, with performance standards to ensure compatibility. Includes areas that are in transition from industrial uses and large redevelopments that require master plans and phased development. General or heavy industrial can be included when a large site is master planned to allow appropriate separation of uses.

The proposed use supports the existing improvements to the site and will improve the operational conditions for vehicles entering and exiting the site.

**Review and Discussion Items**

The current use of the right of way is platted as an undeveloped street. The truss system is being utilized because it more efficiently allows delivery of CNG to fleet vehicles.

Staff finds that:

- 1.) Applicant is requesting a Concurrent Use Permit for an overhead truss system that will deliver fuel to fleet vehicles.
- 2.) City Engineering has reviewed the request and is supportive of the truss system. It will still allow access to the utilities underground should engineering need to access to them
- 3.) All portions of the truss will be located over the undeveloped utility right of way; it will not impact pedestrian or vehicular traffic.
- 4.) The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city.
- 5.) 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.
- 6.) No other City, agency, or public comments were received.

**Staff Recommendation**

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 dated 06/14/16 and consistent with the documentation of Planning File PL16-071.
- 2.) Applicant shall annually provide proof of liability insurance to the Land Use Supervisor indemnifying the City against any occurrences in the right of way arising due to items covered under this permit.
- 3.) Applicant shall obtain any required building permits or other reviews required by the City's Construction Services division, and comply with all structural requirements.
- 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.





# City Planning

PL 16-071  
CUP: 3101 W. Superior St

## Legend

### Zoning Boundaries

Zoning Boundaries

### 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

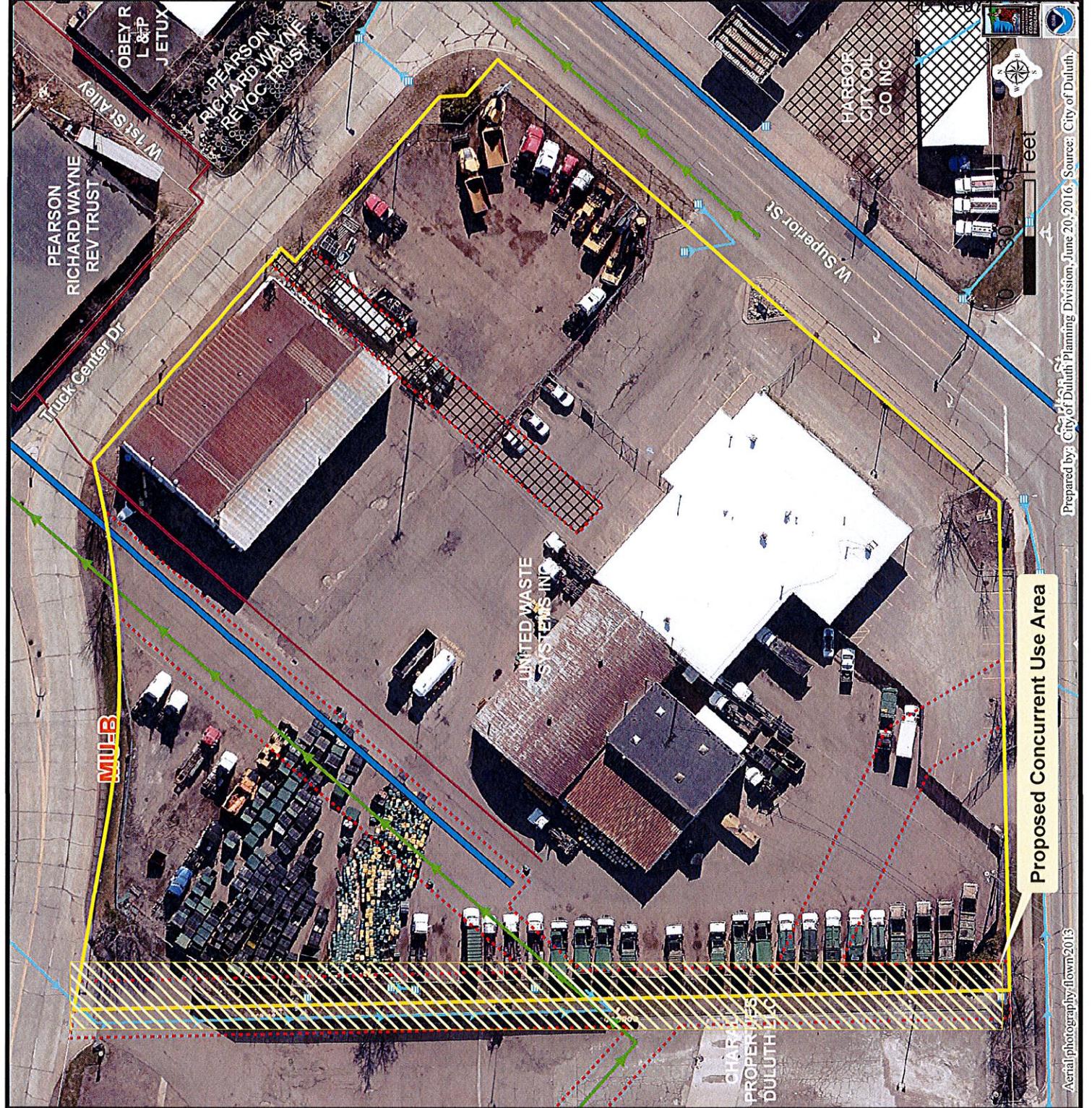
Vacated ROW

### 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.



Proposed Concurrent Use Area

Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, June 20, 2016. Source: City of Duluth.



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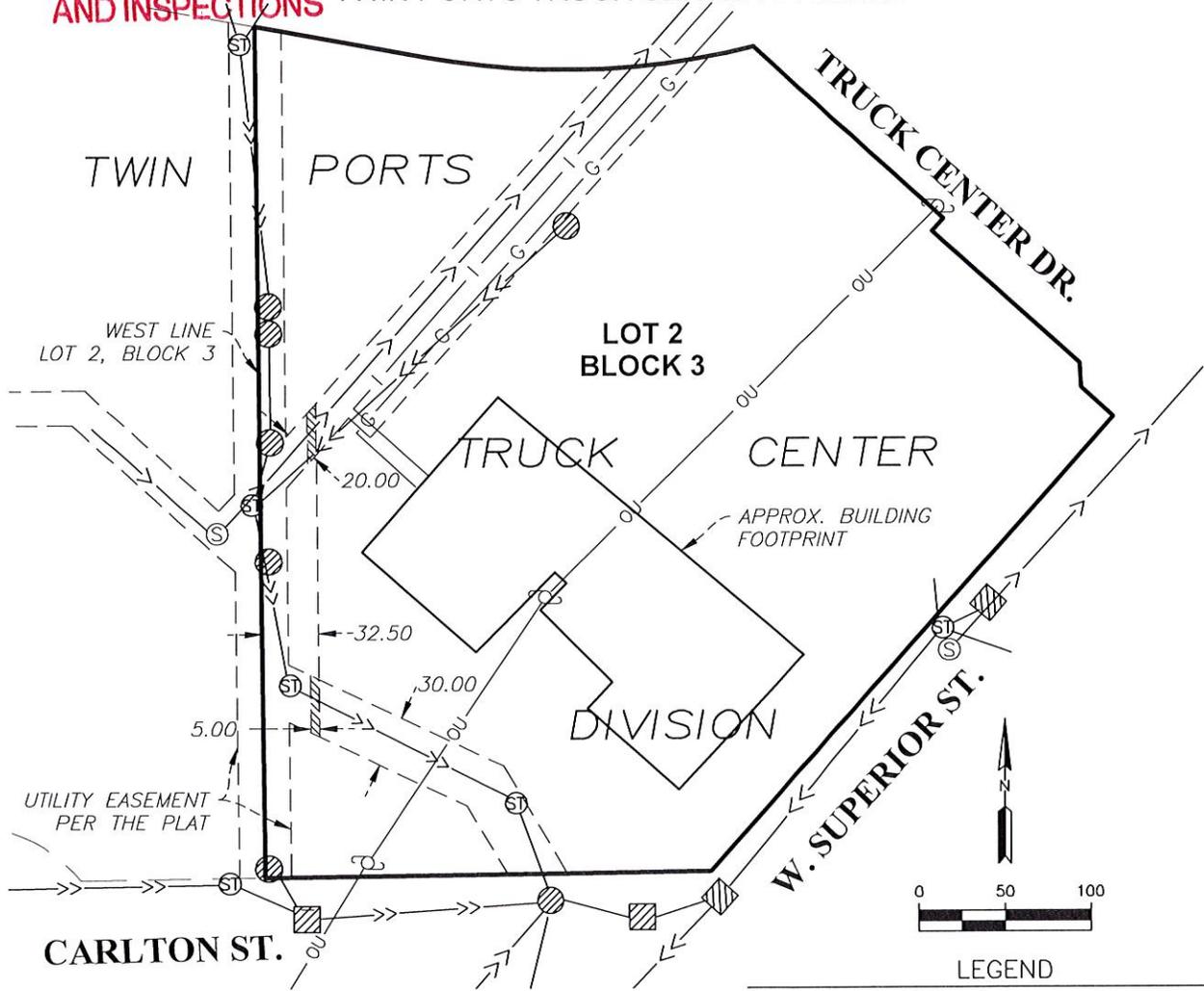
PL 16-071

JUN 14 2016

# EXHIBIT CONCURRENT USE

CONSTRUCTION SERVICES  
AND INSPECTIONS

PART OF LOT 2, BLOCK 3  
TWIN PORTS TRUCK CENTER DIVISION



### TWIN PORTS CONCURRENT USE DESCRIPTION

#### NORTHERLY DESCRIPTION

THE EAST 5.00 FEET OF THE WEST 32.50 FEET OF LOT 2, BLOCK 3, TWIN PORTS TRUCK CENTER DIVISION, CITY OF DULUTH, ACCORDING TO THE RECORDED PLAT THEREOF ST. LOUIS COUNTY, MINNESOTA, LYING WITHIN THE 20 FOOT WIDE DEDICATED PUBLIC UTILITY EASEMENT, SAID LOT 2.

#### SOUTHERLY DESCRIPTION

THE EAST 5.00 FEET OF THE WEST 32.50 FEET OF LOT 2, BLOCK 3, TWIN PORTS TRUCK CENTER DIVISION, CITY OF DULUTH, ACCORDING TO THE RECORDED PLAT THEREOF ST. LOUIS COUNTY, MINNESOTA, LYING WITHIN THE 30 FOOT WIDE DEDICATED PUBLIC UTILITY EASEMENT, SAID LOT 2.

LEGEND	
	CONCURRENT USE AREA
	SANITARY SEWER MANHOLE
	STORM SEWER MANHOLE
	STORM SEWER INLET
	STORM SEWER INLET
	UTILITY POLE
	STORM SEWER
	SANITARY SEWER
	WATERMAIN
	UNDERGROUND GAS LINE
	OVERHEAD UTILITY LINE

I hereby certify 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: David S. Landecker License # 17008

Signature: *David S. Landecker* Date: 06/13/2016

**WENCK ASSOCIATES**  
1802 WOODDALE DRIVE  
WOODBURY, MN 55125  
Ph: 651-395-5212

Responsive partner. Exceptional outcomes.

CLIENT NAME: **ET ENVIRONMENTAL**

PROJECT TITLE			
<b>EASEMENT/UTILITY EXHIBIT</b>			
OWN BY	CHK'D	APP'D	DWG DATE
JME	DSL	DSL	6-13-16
PROJECT NO.			SCALE
6036-0001			1" = 100'
SHEET NO.			
1 OF 1			

M:\6036\0001\Survey\CAD\CONCURRENT\_USE\6036-0001\_EASEMENT.dwg Plot Date & Time: 13 June 2016 11:07 AM

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CONSTRUCTION SERVICES  
AND INSPECTIONS



PL 16-071

05/24/2016 13:58

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JUN 14 2016

**CONSTRUCTION SERVICES  
AND INSPECTIONS**

PL 16-071

05/24/2016 13:58

