

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

09-0408R

REPLACEMENT

RESOLUTION ISSUING A C-5 PLAN APPROVAL TO KOHLS DEPARTMENT STORES, INC., FOR RELOCATION OF DRIVEWAYS AND PEDESTRIAN ACCESS, TO RECONFIGURE THE EXISTING PARKING LOT, ADD A DELIVERY TRUCK ACCESS DRIVE, CONSTRUCT A NEW ELEVATED PARKING STRUCTURE AND PROVIDE LANDSCAPING/SCREENING AT 2115 MILLER TRUNK HIGHWAY.

CITY PROPOSAL:

RESOLVED, that the city council finds the following:

(a) Kohl's Department Stores, Inc., has submitted to the city council a request for C-5 Plan approval, in accordance with Section 50-140(a) of the City Code, for relocation of driveways and pedestrian access, to reconfigure the existing parking lot, add a delivery truck access drive, construct a new elevated parking structure, and provide landscaping/screening on property located at 2115 Miller Trunk Highway (Lot 1, Block 1, Miller Creek Division); and

(b) Said permit application was duly referred to the city planning commission at their June 9, 2009, regular meeting, and the city planning commission has subsequently reported its conditional approval to the city council; and

(c) The approval was made because of the city planning commission's findings that compliance with the appropriate standards of the ordinance will be met through the conditions of approval; and

(d) Approval is granted to Kohl's Department Stores, Inc., for amendment of a C-5 Plan for 2115 Miller Trunk Highway, including relocation of driveways and pedestrian access, reduction in the number of parking stalls, and reconfiguration of the parking lot, new landscaping/screening, and relocation of signs on property located at 5115 Burning Tree Road, subject to the following conditions:

(1) The project be constructed and maintained in accordance with documents submitted by SAS+Associates titled "Kohl's Department Stores, Inc. - Hwy 53/Sundby Rd Parking Replacement Project" and as identified as Public Document No. _____:

- (A) T1.1 Title Sheet, dated 4-28-09;
- (B) C1.1 Parcel Sketch, dated 4-22-09;
- (C) C1.2 Conservation Easement, dated 4-22-09;
- (D) C1.3 Existing Site & Removals Plan, dated 4-22-09;
- (E) C2.1 Site Plan, dated 6-3-09;
- (F) C2.2 Site Utility Plan, dated 4-22-09;
- (G) C2.3 Site Utility Profiles, dated 4-22-09;
- (H) C2.4 Site Utility Profile & Schedule, dated 4-22-09;
- (I) C3.1 Grading Plan (At Grade), dated 4-22-09;
- (J) C3.2 Grading Plan (Below Grade), dated 4-22-09;
- (K) C3.3 Spot Elevation Plan, dated 4-22-09;
- (L) C4.1 SWPPP Existing Site Layout, dated 4-22-09;
- (M) C4.2 SWPPP Proposed Site Plan & General Info, 4-22-09;
- (N) C4.3 SWPPP Details & Notes, dated 4-22-09;
- (O) C5.1 Site Details, dated 4-22-09;
- (P) C5.2 Site Details, dated 4-22-09;
- (Q) C5.3 Site Details, dated 4-22-09;
- (R) C6.1 Existing Site Photometrics Plan, dated 4-22-09;
- (S) C6.2 Site Photometrics Plan, dated 4-22-09;
- (T) L1.1 Wetland Mitigation Summary, dated 4-22-09;
- (U) L1.2 Wetland Mitigation Planting Plan, dated 4-22-09;
- (V) L1.3 Wetland Mitigation Areas & Details, dated 4-22-09;
- (W) L1.4 Landscape Planting Plan, dated 4-22-09;
- (X) L1.5 Landscape Details, dated 4-22-09;
- (Y) L1.6 Landscape Details, dated 4-22-09;
- (Z) T1.11 Title Sheet, dated 4-22-09;
- (AA) A1.21 Parking Surface Plan, dated 3-30-09;
- (BB) A2.11 Southwest Elevations;
- (CC) A3.11 Parking Surface Cross Sections, dated 3-30-09;

(DD) S1.11 Pile and Pile Cap/Grade Beam Plan, dated 3-30-09;

(EE) S1.51 Parking Surface Framing Plan, dated 3-30-09; and

(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 or city council action; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50, Article XXIII; and

(3) Kohl's Department Stores, Inc., provide the city of Duluth engineering department with a copy of a maintenance plan for the sediment trap structure A-5 (Sheet C2.4, Site Utility Profile & Schedule, A-5 Profile); and

(4) Kohl's Department Stores, Inc., provide all post construction record drawings to the city of Duluth engineering division.

Approved as to form:

Attorney

PC CP:tmf 6/10/2009

STATEMENT OF PURPOSE: This resolution conditionally approves the C-5 Plan for Kohl's Department Stores, Inc., located at 2115 Miller Trunk Highway. Conditions of approval include: 1) Kohl's provide the city of Duluth engineering division with a copy of a maintenance plan for the sediment trap structure A-5 (Sheet C2.4, Site Utility Profile & Schedule, A-5 Profile); and 2) Kohl's provide all post construction record drawings to the city of Duluth engineering division.

This resolution also grants to the land use supervisor the authority to approve minor modifications to the approved plans that do not alter major design elements. On June 9, 2009, the Duluth city planning commission held a public hearing on the proposal and voted 12-0 to recommend that the city council approve the C-5 Plan.

Petition received: April 23, 2009

Action deadline: August 21, 2009