

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

10-0215R

RESOLUTION ISSUING TO MINER'S, INC., APPROVAL OF A C-5 PLAN AMENDMENT FOR A 10,211 SQUARE FOOT BUILDING ADDITION, PARKING LOT EXPANSION, DRIVEWAY RELOCATION, AND RELOCATION OF A GROUND SIGN AT 5401 BURNING TREE ROAD.

CITY PROPOSAL:

RESOLVED, that the city council finds the following:

(a) Miner's, Inc., has submitted to the city council a request for C-5 plan approval, in accordance with Section 50-140 of the City Code, for a 10,211 square foot building addition and associated parking lot expansion, as well as relocation of a driveway and ground sign as a result of the realignment of Mall Drive by the Minnesota department of transportation all on property located at 5401 Burning Tree Road (Burning Tree Division, Block 1, Lot 1); and

(b) Said permit application was duly referred to the city planning commission for a study, report and public hearing at their April 13, 2010, 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 Miner's, Inc., for amendment of a C-5 plan for 5401 Burning Tree Road, including a 10,211 square foot building addition and associated parking lot expansion, as well as relocation of a driveway and ground sign as a result of the realignment of Mall Drive by the Minnesota department of transportation, subject to the following conditions:

(1) The project be limited to, constructed and maintained according to the following documents drafted by DSGW and referred to as "Miller Hill Super One Store #576 Addition" and as identified as Public Document No. _____:

(A) Site plan (Sheet A1.1) dated February 25, 2010, revised 4-12-2010;

(B) Landscape plan (Sheet A1.2) dated February 25, 2010, revised 4-12-2010;

(C) Exterior elevations (Sheet A5.1) dated February 25, 2010;

(D) Erosion control and grading (Sheet C1.0) dated February 25, 2010, revised 4-7-2010;

(E) Stormwater pollution prevention plan (prepared by Bocht Engineering) dated February 25, 2010, revised April 7, 2010; 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

(e) Approval is also granted for the following variances, which are authorized by Section 50-143:

(1) To construct 32 additional parking stalls for the building expansion rather than the required 39 stalls, bring the total number of stalls on the site to 305; and

(2) To reduce the parking lot landscape setbacks for Mall Drive as shown on the plans listed in Section (d) of this resolution.

Approved as to form:

Attorney

PC/PLNG KD:eu 4/19/2010

STATEMENT OF PURPOSE: This resolution conditionally approves the C-5 plan for Miner's, Inc., located at Burning Tree Road and Mall Drive. Proposed amendments to the site include a 10,211 square foot building addition and associated parking lot expansion, as well as relocation of a driveway and ground sign as a result of the realignment of Mall Drive by MN/DOT.

This resolution grants a variance to construct 20 percent fewer parking stalls as is allowed in a C-5 district where the proposal involves a multi-use site over five acres. The resolution also grants a reduced parking lot setback adjacent to the realigned Mall Drive because the reduction was caused by MN/DOT's taking the applicant's property for the road realignment.

This resolution grants to the land use supervisor the authority to approve minor modifications to the approved plans that do not alter major design elements.

On April 13, 2010, the Duluth planning commission held a public hearing on the proposal and voted 7-1 to recommend that the city council approve the C-5 plan.

Petition received: 3/1/2010

Action deadline: 6/29/2010