



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 13-164	Contact	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	Variance	Planning Commission Date	January 14, 2014	
Deadline for Action	Application Date	December 13, 2013	60 Days	February 11, 2014
	Date Extension Letter Mailed	December 20, 2013	120 Days	April 12, 2014
Location of Subject	609 W Central Entrance			
Applicant	Members Cooperative Credit Union	Contact	218-625-8511, heikt@membersccu.org	
Agent	George Janssen	Contact	gjanssen@marketpointecre.com	
Legal Description	010-3182-00010			
Site Visit Date	N/A	Sign Notice Date	January 6, 2014	
Neighbor Letter Date	December 31, 2013	Number of Letters Sent	11	

Proposal

The applicant is requesting a variance from the maximum parking requirements to allow 19 spaces instead of the maximum 17 allowed by the UDC.

Applicant has also applied for Planning Review for the property (PL 13-165).

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-C	Vacant (former commercial)	Large-scale commercial
North	MU-C	Commercial (Cub Foods)	Large-scale commercial
South	MU-N	Residential/Undeveloped	Neighborhood mixed use
East	MU-C	Commercial (Hotel)	Neighborhood mixed use
West	MU-C	Commercial (Tires Plus)	Large-scale commercial

Summary of Code Requirements (reference section with a brief description):

50-24 Parking and Loading - Addresses required minimum and maximum parking spaces.

50-37.9.C. - General Variance Criteria (paraphrased here): Granting of variances of any kind is limited to situations where, due to characteristics of the applicant's property, enforcement of the ordinance would cause the landowner exceptional practical difficulties or undue hardship. The Planning Commission must find the following for a variance to be granted: a) That they are proposing to use the property in a reasonable manner, b) that the need for relief from the normal regulations is due to circumstances unique to the property and not caused by the landowner, c) that granting the variance will not alter the essential character of the area, d) that granting the variance is consistent with the intent of the UDC and the Comprehensive Plan.

50-37.9.G - Variances from the maximum parking limits shall not exceed 175% of the minimum.

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

Principle #1- Reuse previously developed lands. Site was formerly used as a Midas muffler shop.

Future Land Use - Large-scale commercial: Mall, shopping center, and big box retail development, with associated surrounding retail and service uses, but only ancillary office uses and no residential uses. Oriented primarily to the motorist, with planned internal circulation patterns while still accommodating pedestrian movement. Requires access to regional transportation routes. May include regional green infrastructure for watershed protection.

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

Staff finds that:

- 1.) Applicant is requesting a variance to provide more than allowed parking maximum of 150%. The UDC requires 2.5 parking spaces per 1,000 sq. ft., resulting in a minimum requirement of 11 spaces and a maximum allowed of 17 spaces. Applicant is requesting a total of 19 parking spaces for their site, 2 more than allowed by zoning regulations.
- 2.) Sec. 50-37.9.G. states that maximum parking variances may not exceed 175% of the required minimum. For this project, 175% of the minimum is 19 spaces, which is what the applicant is requesting.
- 3.) Applicant is proposing to use the property in a reasonable manner. Requested variance will not alter the essential character of the area, as it is a busy commercial area with surface parking lots.
- 4.) The state statutes regarding variances require applicant to demonstrate practical difficulty. The presence of neighboring areas with large parking lots does not contribute to practical difficulty for this site. Need for relief is not due to circumstances unique to this property. The lot does not have wetland, slope, bedrock, or other topographical conditions that present a practical difficulty.
- 5.) If the variance was denied, it would not deprive the property owner of a substantial property right. Applicant is able to use it as a bank with two fewer parking spaces.
- 6.) Research from the American Planning Association resulted in a survey of parking standards across the country. A sampling shows minimum parking standards for banks ranging from 1-4 spaces per 1,000 sq. ft., with maximums ranging from 3.3-8 spaces per 1,000 sq. ft. In general, Duluth's minimum parking requirement of 2.5 spaces per 1,000 sq. ft. is lower than many cities. If Planning Commission determines the need for additional parking for banks, it could decide to change the parking requirement in the UDC. Another option the Commission may decide is to review the Administrative Adjustments in Section 50-37.1.L., and allow the Land Use Supervisor to provide an adjustment for one additional parking space.
- 7.) No public, agency, or City comments were received.
- 8.) Per UDC Sec. 50-37.1.N, approved variances lapse if the project or activity authorized by the permit or variance is not begun.

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

Staff recommends Planning Commission deny the requested variance, for the following reasons:

- 1.) Applicant has not demonstrated practical difficulty that is due to exceptional narrowness, shallowness, or shape of the applicant's property, or because of exceptional topographic or other conditions related to the property.
- 2.) The special circumstances or conditions are not peculiar to such property or immediately adjoining property.
- 3.) The relief is not necessary for the preservation and enjoyment of a substantial property right.

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)



City Planning

PL 13-164 and 13-165
Variance & Plan Review
609 W Central Entrance

Legend

Stream Type

- 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

- Discharge_Points

Right-of-Way Type

- Road or Alley ROW
- Vacated ROW

Easement Type

- Utility Easement
- Other Easement

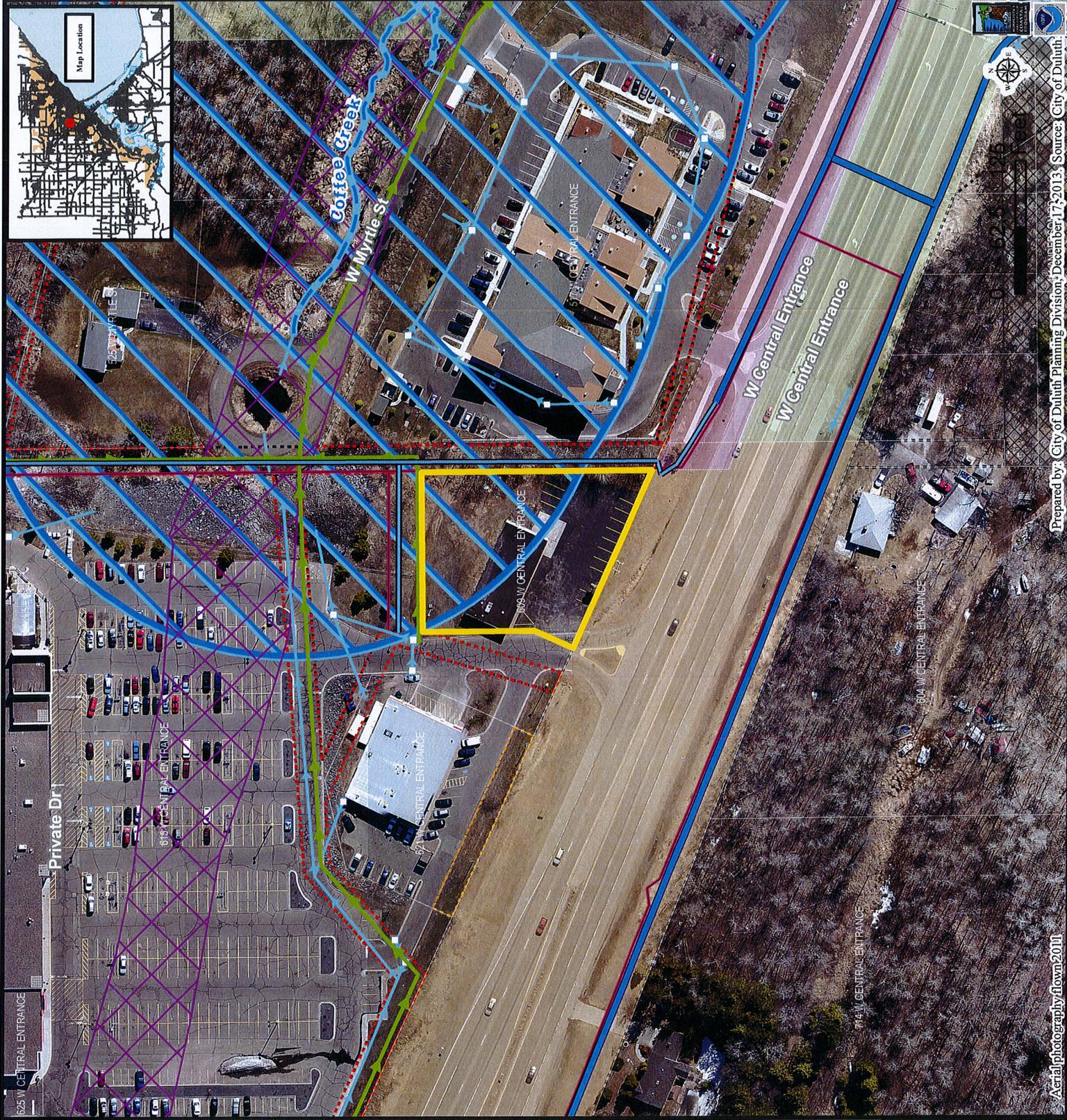
Shoreland Overlay Zone

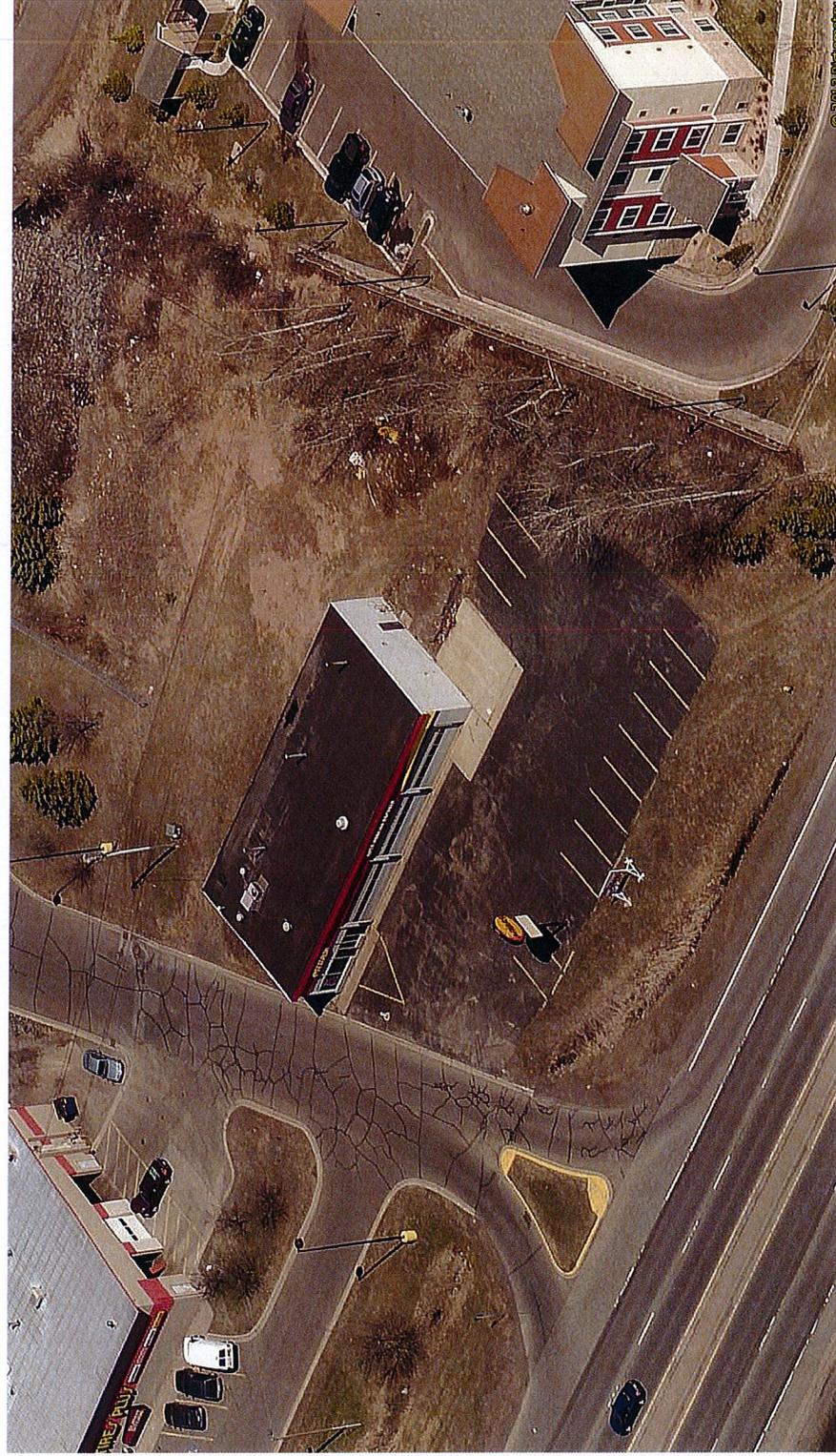
- Cold Water
- Natural Environment
- General Development

Floodplain Type

- General Flood Plain
- Flood Way
- Flood Fringe

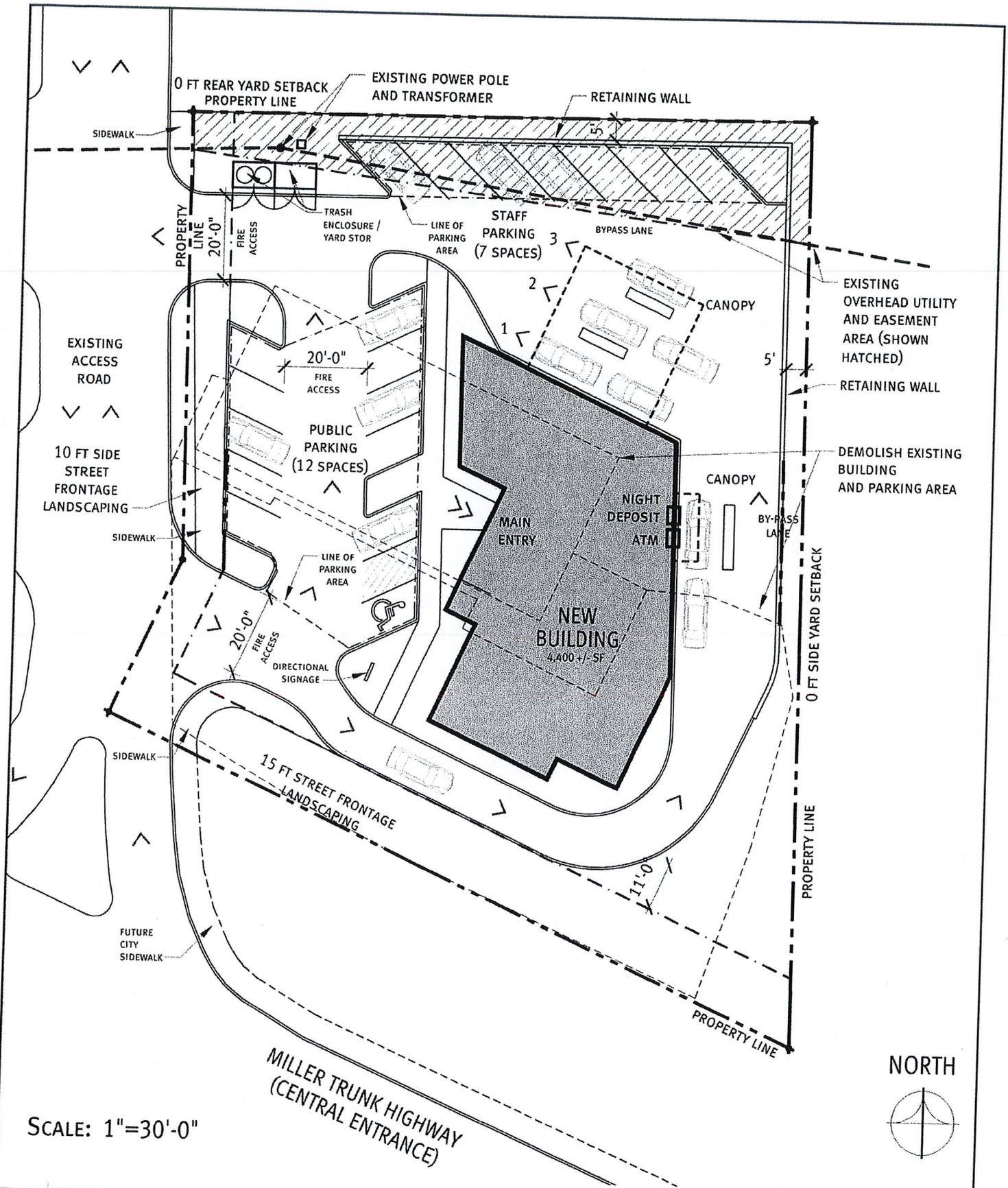
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used 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.





609 W Central Entrance

Print Date: 01/08/2014
Image Date: 05/12/2013
Level: Neighborhood



dsgw
 enriching communities through architecture
 duluth • virginia • grand rapids • twin cities
 www.dsgw.com

MEMBERS COOPERATIVE CREDIT UNION
 609 W. CENTRAL ENTRANCE
 DULUTH, MINNESOTA

project # 13003.10
 date DECEMBER 12, 2013
 dwg file 13003.10-V-SITE PLAN

revision/issue
SITE PLAN
 sheet number
1 of 3

RECEIVED DEC 13 2013



MEMO

- 3. The special circumstances or conditions applying to the building or land in question are peculiar to such property or immediately adjoining property, and do not apply generally to other land or buildings in the vicinity.*

The adjacent properties surrounding this property include high capacity parking areas for Tires Plus (west); Cub Foods (north) and the Marriott Residence Inn (east.)

The maximum parking limitation allowed by the UDC of 150% would be a significant regulation that does not match the adjacent adjoining properties.

- 4. The relief is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant.*

The relief is necessary to allow the property owner to conduct business with the ability to provide both patron and staff parking adjacent to the building.

The on-site staff parking will provide the necessary security and personal safety for staff arriving and departing the building due to the financial nature of the credit union business and potential crime. Staff parking off-site would pose a major risk to employees and would prohibit the property owner a necessary right to the use of the available property.

- 5. The relief will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety or public welfare of the inhabitants of the city.*

The relief will allow both patrons and staff to park on-site; thereby preventing illegal parking along access roads and adjacent private parking lots.

On-site parking for staff will prevent potential crime in this business area; as well as protect the safety of patrons and staff.



MEMO

6. *The relief may be granted without substantially impairing the intent of the Chapter and the official zoning map.*

With the exception of the requested variances, the project will be designed to meet current codes and zoning regulations for the Zoning District MU-C area.

7. *The relief does not allow any type of sign that is not allowed in the zone district where the property is located, pursuant to Section 50-27.*

New signage will meet the requirements of UDC Section 50-27.

8. *The relief complies with any additional limitations or criteria applicable to that variance I subsections D through M.*

Not applicable to the project.

END OF MEMO