



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 13-149	Contact	Steven Robertson, (218) 730-5295	
Application Type	Variance, Front Yard Parking Requirements	Planning Commission Date	December 10, 2013	
Deadline for Action	Application Date	October 31, 2013	60 Days	December 30, 2013
	Date Extension Letter Mailed	November 19, 2013	120 Days	February 28, 2014
Location of Subject	4201 Grand Ave			
Applicant	Kwik Trip, Inc.	Contact		
Agent	Brad Fry	Contact	bfry@kwiktrip.com	
Legal Description	010-3610-0947,09520,09530,09550			
Site Visit Date	November 16, 2013	Sign Notice Date	November 26, 2013	
Neighbor Letter Date	November 20, 2013	Number of Letters Sent	69	

Proposal

Applicant is seeking a variance to allow greater than 50% of parking within front yard of site. The applicant is providing 19 off street parking spaces (not including 12 parking spaces under the gas station canopy). Of the 19 parking spaces, 14 are in the front yard.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Commercial/Religious	Neighborhood Commercial
North	R-1	Residential	Traditional Neighborhood
South	MU-B	Institutional	Neighborhood Commercial
East	MU-N/MU-B	Commercial	Neighborhood Commercial
West	R-1	Commercial/Residential	Neighborhood Commercial/Trad. Neighborhood

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

Sec. 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.

Table 50-24.3- Buildings or projects constructed after November 19, 2010, shall located no more than 50% of off-street accessory parking within the front yard.

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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):

- 1) Applicant is seeking a variance to allow greater than 50% of parking within front yard of site. The applicant is providing 19 off street parking spaces (not including 12 parking spaces under the gas station canopy). Of the 19 parking spaces, 14 are in the front yard. Grand Avenue is the front of the lot.
- 2) The applicant plans on demolishing all the current structures on the site and building a new filling station with one canopy for fueling. The lots that make the development site are approximately 140 feet x 400 feet (1.25 acres). There are public streets on 3 sides, with an improved 20 foot alley to the rear of the property. There currently is a gas station (closed) and church on the redevelopment site.
- 3) The proposed development (filling station) will likely not have a negative impact on the neighborhood. Limitations on front yard parking were established, in part, to promote pedestrian safety and improve the general appearance and urban design of the City.
- 4) If the variance was denied, it would not deprive the property owner of a substantial property right. The site is large enough to accommodate multiple configurations of the filling station and canopy.
- 5) The lot does not have wetland, slope, bedrock, or other topographical conditions that present a practical difficulty; other than normal setback requirements, the lot is completely buildable. The applicant has stated that parking in front of the building will improve pedestrian safety.
- 6) No citizen, City Department or Public Agency comments were received on this application.
- 7) The requested variance is not necessary for the preservation and enjoyment of a substantial property right. The requested variance is for the convenience of the applicant. The applicant does not have a practical difficulty that would require a variance to enjoy the use of the property.
- 8) Variances lapse if the project or activity authorized by the permit or variance is not begun within one year of approval.

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

Based on the above findings, Staff finds that the requested variance does not meet the criteria established in 50-37.9. The application does not meet the standards for a variance and therefore staff recommends denial.

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

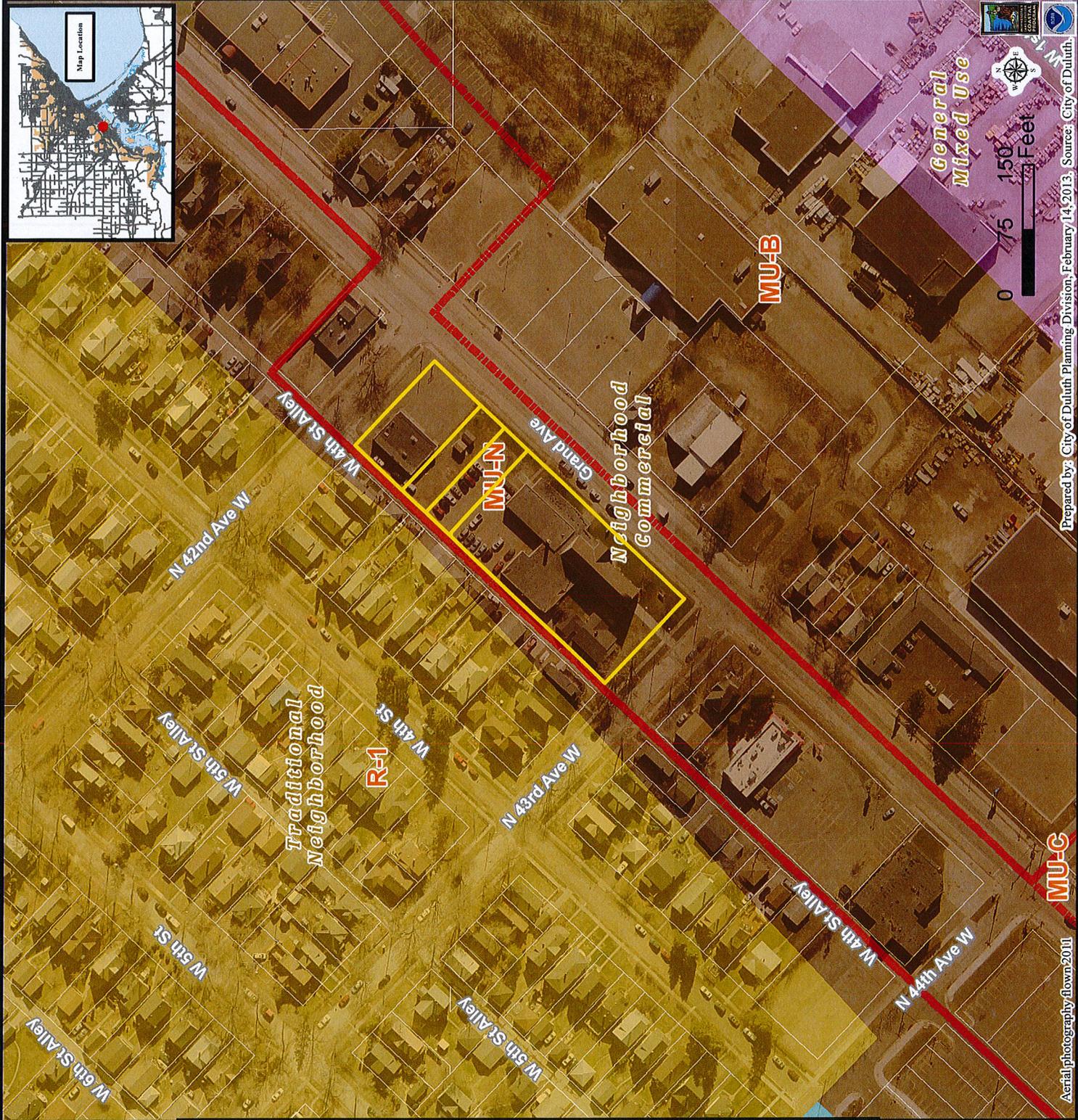


City Planning

PL 13-149/150

Legend

- Zoning Boundaries**
- Future Land Use**
- Preservation
- Recreation
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Neighborhood Mixed Use
- General Mixed Use
- Central Business Secondary
- Central Business Primary
- Auto Oriented Commercial
- Large-scale Commercial
- Business Park
- Tourism/Entertainment District
- Medical District
- Institutional
- Commercial Waterfront
- Industrial Waterfront
- Light Industrial
- General Industrial
- Transportation and Utilities

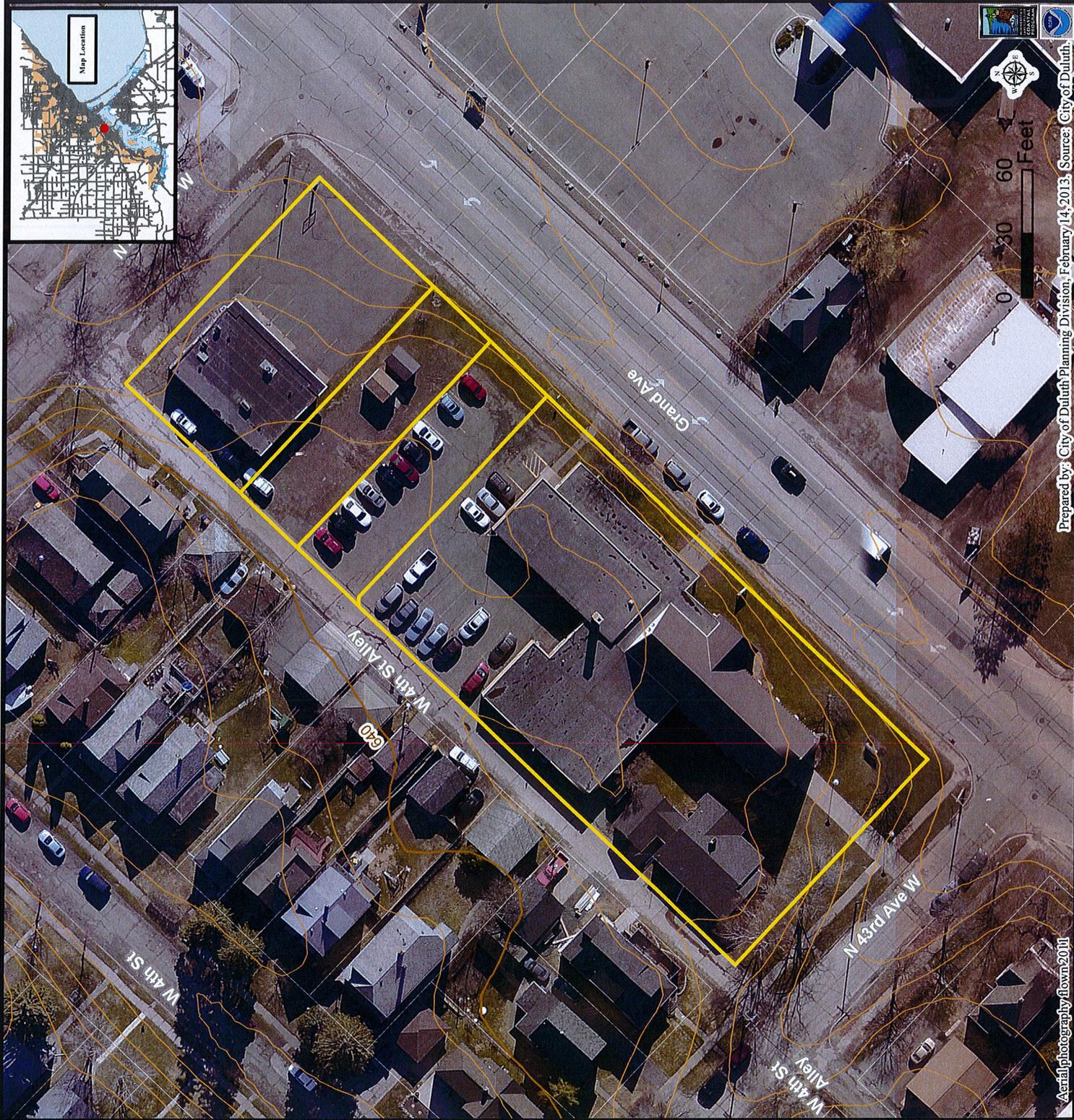


Aerial photography from 2011

Prepared by: City of Duluth Planning Division, February 14, 2013. Source: City of Duluth.

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Aerial photography from 2011

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Legend

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Duluth City Hall
One Stop Shop
Room 210
411 West 1st Street
Duluth, MN 55802

October 31, 2013

City of Duluth

Attached is our application for a Variance and a Special Use Permit for our proposed development at the intersection of Grand Avenue and 42nd Avenue West. The variance request we are seeking is listed in the UDC under Section 50-24.6 in Table 50-24-3 (attached). The request is to be able to have more than 50% of the off street accessory parking within the front yard. The Special Use Permit we are requesting is to allow for a convenience store with fueling in a MU-N zoning district.

The requested variance and special use permit will not have a negative impact on the site nor the neighborhood. The parking along the building frontage will increase the pedestrian safety as to minimalize the foot traffic within the vehicular traveled way. The site is restricted in width so as to not allow more parking along the external perimeter of the site. Thus, the only parking can be along the perimeter of the building. The attached site plan displays most of the customer parking connected to the building entrance by means of a side walk adjacent to the parking stalls. The convenience store with fueling will provide a family owner convenience store to the community.

The proposed method of operation for this development will be consistent with that for our existing convenience stores throughout Minnesota, Wisconsin, and Iowa. The requested hours of operation will be 24 hours for the c store. The type of products that will be sold will be similar to that of our existing stores: gasoline, in line diesel, E-85, groceries, bakery and dairy, hot and cold food and beverages, tobacco products, lotto, convenience store merchandise, ice, and propane. The outside merchandising of products is being requested next to the store (ice and propane). The proposed store is projected to have between 10-20 full and part time employees, with 2-8 on staff at any given time.

The proposed architectural plan will consist of a brick facade with standing seam metal roof. The building and canopy fascia will tie in with franchise colors. Brick columns to a height of 9' will be added to the canopy. The project will be constructed to the specifications set forth by the USGBC in order to be registered as a LEED "Green Build" project.

Thank you for considering our request for a variance and the special use permit to be able to develop this site and provide a safer means of travel and service for our customers. Please place us on the agenda for the December 10th Planning Commission at 5pm in Room 303 at City Hall.

Please call Scott Teigen (715 235 5566) or myself regarding any questions.

Thank you

Bradford Fry
Store Engineering
608 793 6414



Our Mission: "To serve our customers and community more effectively than anyone else by treating our customers, co-workers and suppliers as we, personally, would like to be treated, and to make a difference in someone's life."

Kwik Trip & Kwik Star Stores • Tobacco Outlet Plus • Convenience Transportation, LLC • Hearty Platter Restaurants & Cafés

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11/16/2013



11/16/2013

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