



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 13-151	Contact	Steven Robertson, (218) 730-5295	
Application Type	Variance from Front Yard Parking Req	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	2716 W. Superior St			
Applicant	Kwik Trip, Inc.	Contact		
Agent	Brad Fry	Contact	BFry@kwiktrip.com	
Legal Description	010-3190-02540,02600			
Site Visit Date	November 16, 2013	Sign Notice Date	November 26, 2013	
Neighbor Letter Date	November 20, 2013	Number of Letters Sent	26	

Proposal

Applicant is seeking a variance to allow greater than 50% of parking within front yard of site. The applicant is providing 33 off street parking spaces (not including 14 parking spaces under the gas station canopy). Of the 33 parking spaces, 28 are in the front yard.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	I-G	Commercial	General Mixed Use
North	MU-N/MU-B	Commercial	General Mixed Use
South	I-G	Commercial	General Mixed Use
East	I-G	Commercial	General Mixed Use
West	MU-N	Commercial	General Mixed Use

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, General Mixed Use. 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.

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 33 off street parking spaces (not including 14 parking spaces under the gas station canopy). Of the 33 parking spaces, 28 are in the front yard. For setback and other zoning purposes, West Michigan Street has been determined to be the front.
- 2) The applicant plans on demolishing all the current structures on the site and building a new filling station with two canopies for fueling. The lots that make the development site are approximately 140 feet x 400 feet (1.25 acres). There is improved right of way on 3 of the 4 sides (W Superior, S 27th Ave W, and W Michigan St); N 28th Ave West is a platted, but unimproved, right of way.
- 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. A filling station is a permitted use in the I-G zone.
- 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 canopies. The zone district I-G also allows for a wide variety of other permitted and special uses.
- 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)



Legend

Zoning Boundaries

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

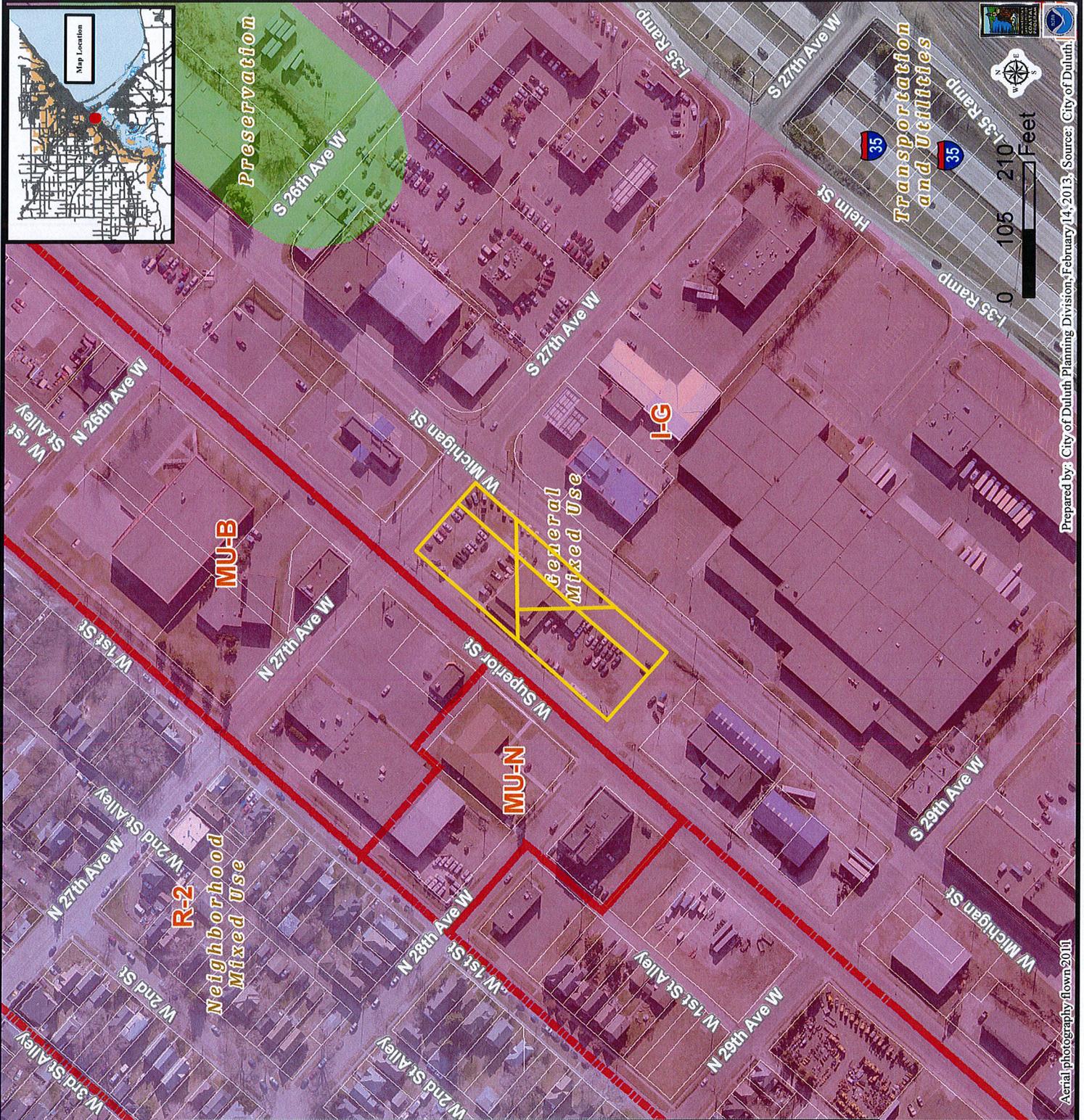
Light Industrial

General Industrial

Transportation and Utilities

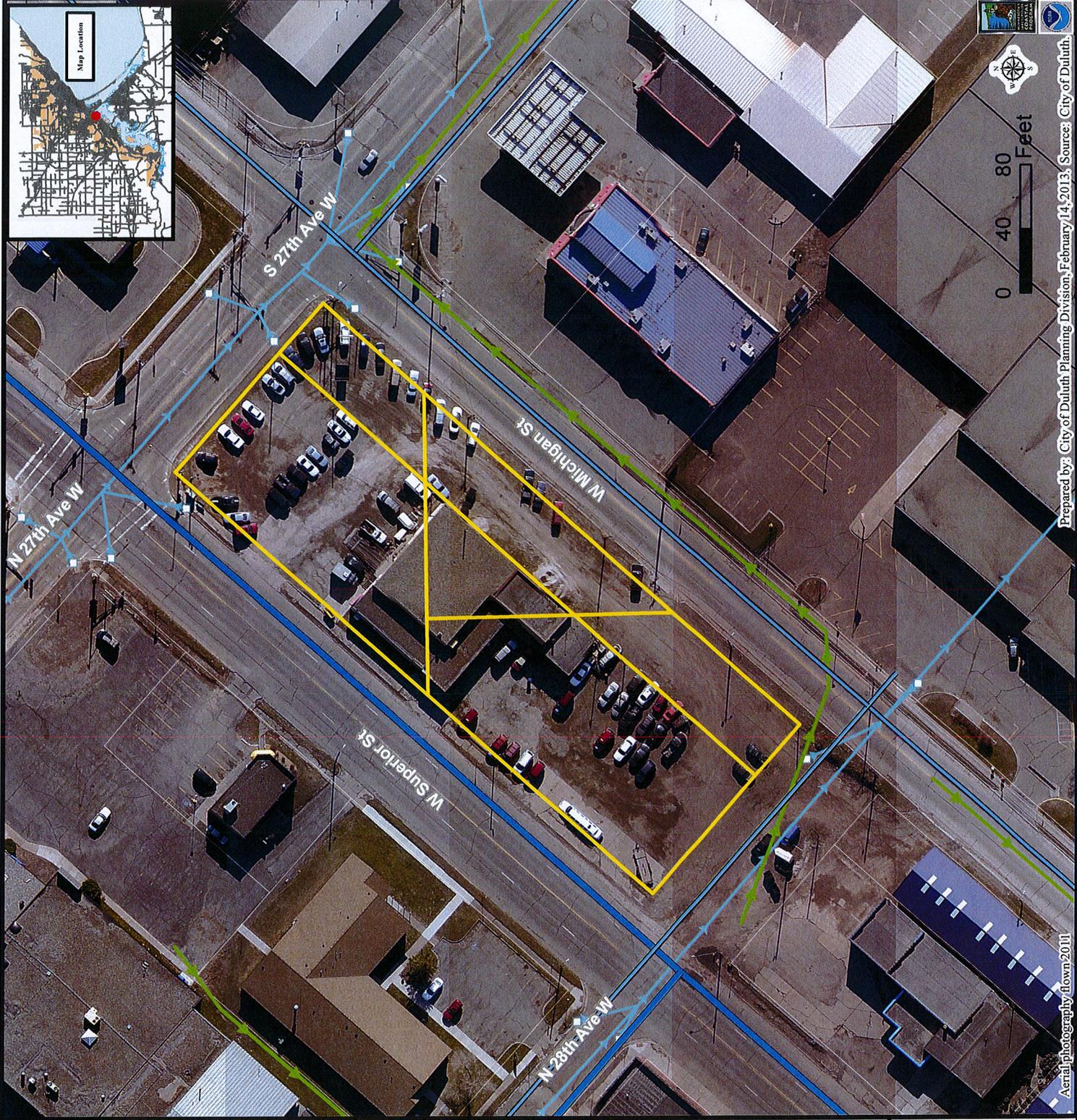
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Aerial photography (down 2011)

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



Legend	
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
Storm Sewer Collection System	
	Storm Sewer Pipe
	Storm Sewer Catch Basin
	Discharge Points

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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 for our proposed development at the intersection of West Michigan Street and 27th 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 requested variance 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 minimize the foot traffic within the vehicular traveled way. 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.

Thank you for considering our request for a variance to be able to develop this site and provide a safer means of travel 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

A handwritten signature in blue ink, appearing to read "BFry".

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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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 minimize 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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AWIK TRIP STORES

AWIK STAR STORES

KWIK TRIP, Inc.
 P.O. BOX 2107
 1826 OAK STREET
 LACROSSE, WI 54601-2107
 TEL: (608) 781-8950
 FAX: (608) 781-8950

Carlson McCain
 ENVIRONMENTAL ENGINEERING SURVEYING
 1200 UNIVERSITY AVENUE
 SUITE 200
 MADISON, WI 53706
 PHONE: 763-480-7900 FAX: 763-480-7955

SITE PLAN (LAYOUT)
 CONVENIENCE STORE 224
 WITH DIESEL

W. MICHIGAN ST. & S. 27TH AVE. W.
 DULUTH, MINNESOTA

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		

DRAWN BY: KUM
 SCALE: GRAPHIC
 PROJ. NO.: 4760-00
 DATE: 2013.10.28
 SHEET: SP2

— SITE PLAN LEGEND —

EXISTING

CURB
 BITUMINOUS
 CONCRETE WALK
 GRAVEL
 PROPERTY LINE
 EASEMENT LINE
 STORM SEWER
 WATER MAIN
 UNDERGROUND GAS
 OVERHEAD ELECTRIC
 UNDERGROUND ELECTRIC MANHOLE

PROPOSED

CONCRETE WALK
 GRAVEL
 GATE VALVE
 ELECTRIC METER
 ELECTRIC BOX
 TELEPHONE BOX
 POWER POLE
 TRAFFIC SIGNAL
 HYDRANT
 GATE VALVE
 ELECTRIC METER
 ELECTRIC BOX
 TELEPHONE BOX
 POWER POLE
 TRAFFIC SIGNAL

— SITE DATA —

ZONING: L-C INDUSTRIAL
 PANEL AREA: 54,028 SF
 HARD SURFACE AREA: 4,034 SF 7%
 PAVEMENT: 45,994 SF 8%
 TOTAL: 50,028 SF
 PERIODIC SURFACE AREA: 10,438 SF 19%
 BIOMASS: 24.0 FT
 BIOMASS WIDTH: 13.5 FT
 BIOMASS LENGTH: 13.5 FT
 BIOMASS AREA: 182.25 SF

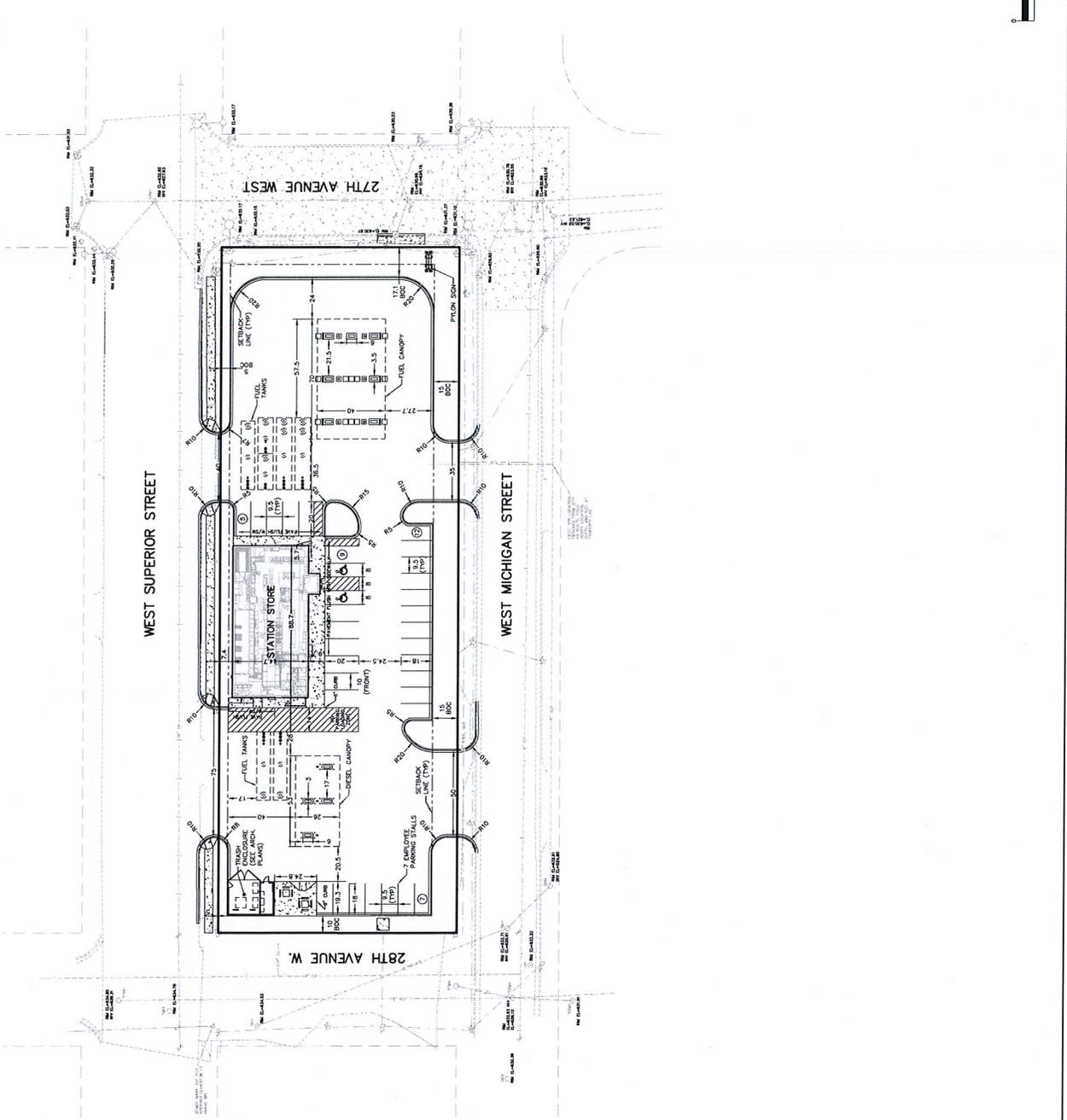
— SITE PLAN NOTES —

- ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
- CONCRETE CURB AND GUTTER SHALL BE B112 UNLESS OTHERWISE NOTED.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE FIELD SURVEY. THE LOCATIONS AND ELEVATIONS OF EXISTING UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR IMMEDIATELY UPON COMMENCEMENT OF WORK. THE CONTRACTOR SHALL NOTIFY THE OWNER IMMEDIATELY OF ANY DISCREPANCIES OR VARIATIONS FROM THE PLAN.
- ALL UTILITIES SHALL BE PROTECTED BY CONSTRUCTION JOINTS AND SHALL PROVIDE CONTROL JOINTS, CONSTRUCTION JOINT AND CONTROL JOINTS SHALL BE LOCATED AT THE FOLLOWING SPACING: CONTROL JOINT MAX. SPACING: WALKS-8' O.C. ALL OTHERS-10' O.C. SAW CUT CONTROL JOINTS MINIMUM 1' CONCRETE THICKNESS. EXPANSION JOINT MAX. SPACING: WALKS-24' O.C. ALL OTHERS-30' O.C. CONTROL JOINTS SHALL BE LOCATED AT THE FOLLOWING LOCATIONS: *ALL POINTS WHERE A CHANGE IN PAVEMENT THICKNESS OCCURS SHALL MAKE AN EXPANSION JOINT. DOWELL ALL EXPANSION JOINTS: 24' O.C. MAX.

— PARKING SUMMARY —

STANDARD STALLS: 11
 CANOPY STALLS: 2
 HANDICAP STALLS: 2
 TOTAL STALLS: 15

BENCHMARK
 TOP NUT OF HYDRANT IN THE SOUTHWEST CORNER OF THE BUILDING AT THE INTERSECTION OF SUPERIOR STREET AND WEST MICHIGAN WEST. ELEVATION: 637.36 (MAD 88)



811
 Know what's below.
 Call before you dig.

CALL BEFORE YOU DIG

BENCHMARK
 TOP NUT OF HYDRANT IN THE SOUTHWEST CORNER OF THE BUILDING AT THE INTERSECTION OF SUPERIOR STREET AND WEST MICHIGAN WEST. ELEVATION: 637.36 (MAD 88)



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60-9



G-10



G-11



11/16/2013



11/16/2013

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