



**CITY OF DULUTH**  
Planning Division

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Phone: 218/730.5580 Fax: 218/723-3559

**STAFF REPORT**

<b>File Number</b>	PL 13-050	<b>Contact</b>	Jenn Reed Moses, jmoses@duluthmn.gov	
<b>Application Type</b>	Variance	<b>Planning Commission Date</b>	May 14, 2013	
<b>Deadline for Action</b>	<b>Application Date</b>	March 15, 2013	<b>60 Days</b>	May 14, 2013
	<b>Date Extension Letter Mailed</b>	April 18, 2013	<b>120 Days</b>	July 13, 2013
<b>Location of Subject</b>	1600 Miller Trunk Highway (Miller Hill Mall)			
<b>Applicant</b>	Imageone Industries	<b>Contact</b>	Lisa Sawchyn, lsawchyn@imageoneind.com	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	PID 010-3927-00030			
<b>Site Visit Date</b>	May 7, 2013	<b>Sign Notice Date</b>	April 30, 2013	
<b>Neighbor Letter Date</b>	April 26, 2013	<b>Number of Letters Sent</b>	13	

**Proposal**

Dick's Sporting Goods proposes to increase the square footage of the legal nonconforming pole sign by 43 sq. ft., to a total size of 425 sq. ft.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-C	Commercial	Large-scale commercial
<b>North</b>	MU-C	Commercial	Large-scale commercial
<b>South</b>	MU-C	Commercial	Large-scale commercial
<b>East</b>	MU-C	Commercial	Large-scale commercial
<b>West</b>	MU-C	Commercial	Large-scale commercial

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

Sec. 50-27.7 - Signs. Maximum size of a pole sign in an MU-C district is 64 sq. ft.

Sec. 50-37.9. B - Variances. Procedures. "The Planning Commission shall . . . make a decision on the application based on the criteria in subsections 50-37.9.C through M . . . .

Sec. 50-37.9.C. - General Variance Criteria. See UDC pages 5-29 through 5-33 (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.

1-7

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

Future land use - Large scale commercial: Mall, shopping center, and big box retail development.

On September 11, 2012, Planning Commission approved the Plan Review for the Dick's Sporting Goods addition.

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

Staff finds that:

- 1) Existing pole sign already exceeds maximum sign area. Maximum pole sign size in an MU-C is 64 sq. ft. and the existing sign is 382 square feet. Applicant proposes a 14' 1.25" x 37" addition which increases the nonconformity of the sign by 43 sq. ft.
- 2) The relief is not necessary for the preservation and enjoyment of a substantial property right. Applicants have many options for signage adjacent to the business. As the sign is nonconforming, options for the pole sign include: A) Replace the existing sign face (currently displays the Verizon logo) with one of the same size; or B) add a sign of a different size but that lessens the overall nonconformity.
- 3) Applicant states hardship is due to the existing sign box being a 1 to 3.25 proportion. However, a different proportion could be created within the existing sign while maintaining the allowed square footage. The UDC only specifies overall square footage and does not require applicant to maintain a 1 to 2 proportion.
- 4) Approving a variance requires a showing of practical difficulty due to unique conditions of the property. The fact that a previous sign contained different logo proportions does not constitute practical difficulty. In addition, approving a variance based on a company's logo proportions could be deemed arbitrary and capricious unless other businesses' logos are also measured based on the proportions of their logos.
- 5) The need for a variance can not have been created by the landowner; however, in this instance the existing pole sign was installed by the landowner.
- 6) The need for a variance is not peculiar to this property. Many businesses replace sign faces on existing pole signs.
- 7) No public, City, or agency 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 within 1 year of the permit date.

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

Based on the above findings, Staff recommends denial of the variance request for the following reasons:

- 1) It is not necessary for the preservation and enjoyment of a substantial property right.
- 2) The need for a variance is not due to unique conditions of the property.
- 3) The need for a variance is not peculiar to this property.
- 4) The need for a variance was created by the landowner.

C-7

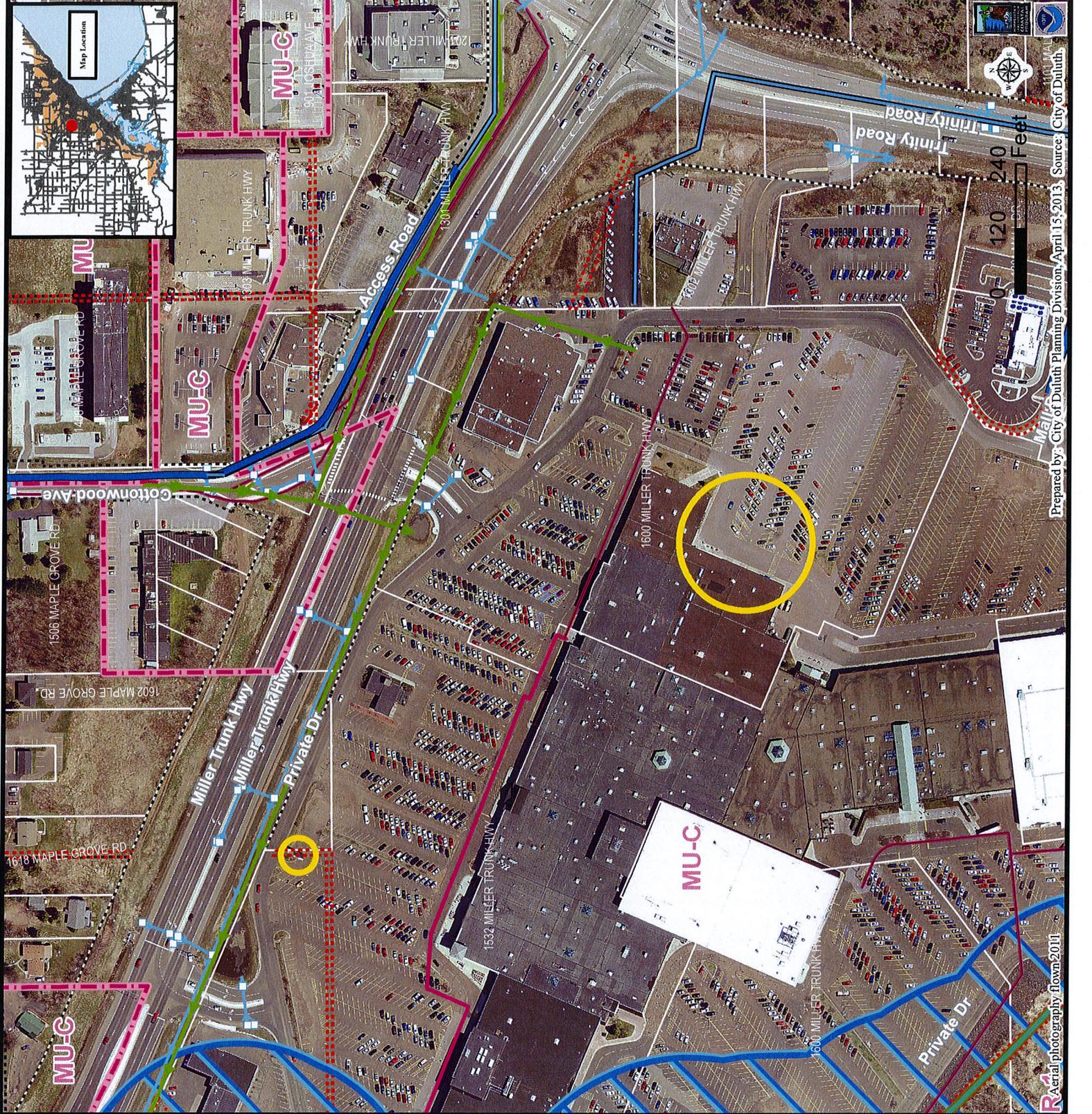
**Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)**



**City Planning**  
PL 13-050 and 13-051  
Variance  
1600 Miller Trunk Highway

**Legend**

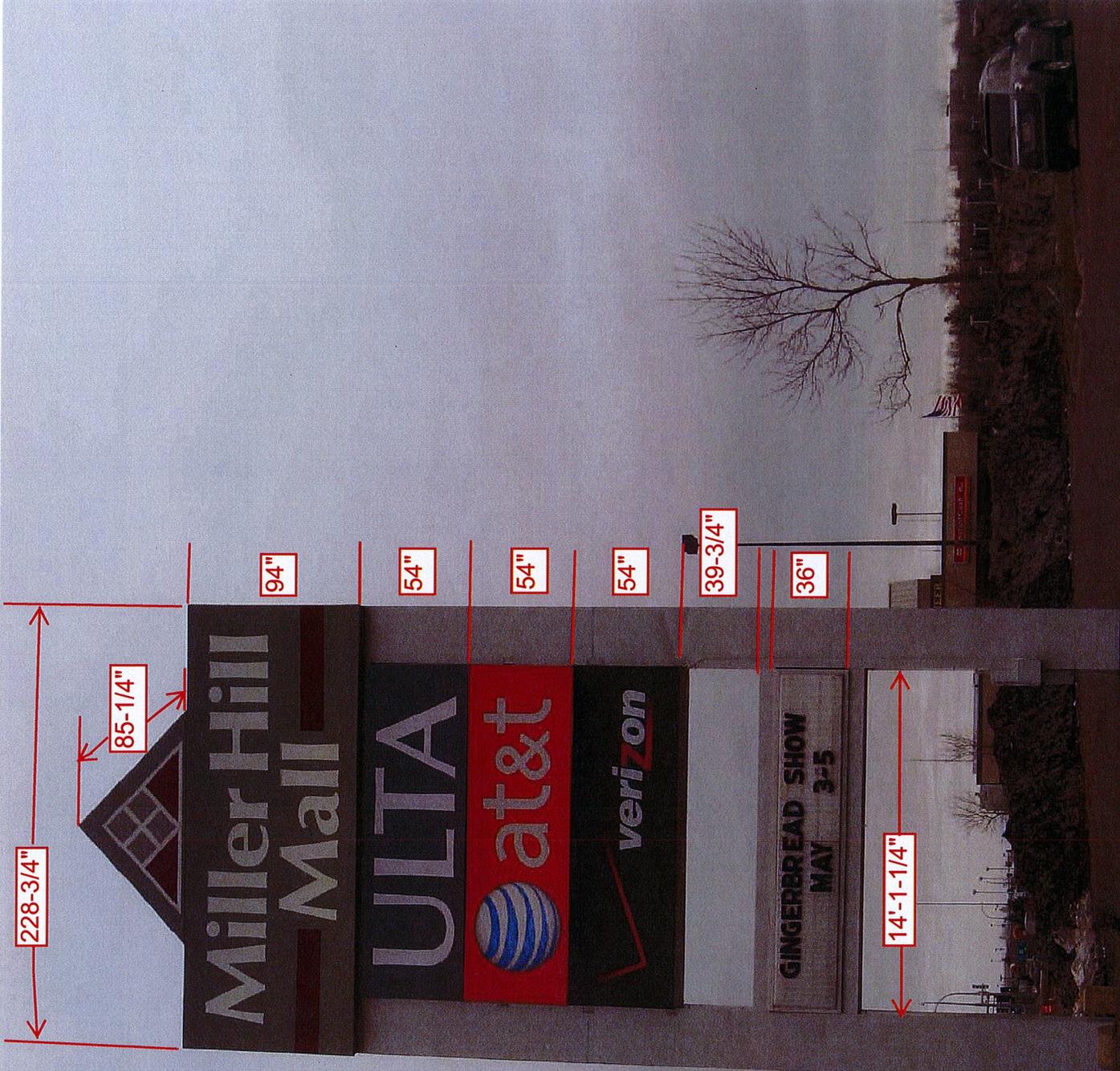
- DuluthStream\_cl**  
TROUT\_FLAG
- Trout Stream (GPS)
  - Other Stream (GPS)
- Water Distribution System**
- 30 - 60" Water Pipe
  - 16 - 24" Water Pipe
  - 4 - 6" Water Pipe
- Sanitary Sewer Collection System**
- Sanitary Sewer Collector
  - Sanitary Sewer Interceptor
  - Sanitary Sewer Forced Main
- Storage Basin**
- 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
- Easement Type**
- Utility Easement
  - Other Easement
  - Zoning (Final)
- Shoreland Overlay Zone**
- Cold Water
  - Natural Environment
  - General Development



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.

R4 Aerial photography flown 2011

Prepared by: City of Duluth Planning Division, April 15, 2013. Source: City of Duluth.



L-4





March 11, 2013

City of Duluth  
Planning Commission

RE: Dick's Sporting Goods  
Miller Hill Mall  
Pylon

Dick's Sporting Goods is asking for relief from the board to increase the size of the sign on an existing community pylon from 51" x 14' 1-1/4" to 91" x 14' 1-1/4"; an increase in Square Footage of Less than 47 Square Feet. Granting of the variance will create no negative impact in that the existing sign structure will not be altered or raised. The overall look of the sign will remain as is. The existing lower sign cabinet will be altered to accommodate the new Dick's Sporting Goods identification.

The practical hardship is created by the fact that the existing sign box on the pylon will not allow the display of the Dick's Sporting Goods registered name in proper proportions. The existing sign box is in a 1 to 3.25 configuration where the Dick's Sporting Goods registered name is in approx. 1 to 2 configuration. To maintain the current dimensions would be a disservice to Dick's and their potential customers in that the distortion of the logo to fit in the available space would render the signage unreadable and cause an undue hardship on Dick's Sporting Goods and their potential customers.

1. The relief sought will allow for the proper identification of the Dick' Sporting Goods store where the existing sign cabinet, due to its configuration, will not
2. The original cabinet design was used by Verizon, a very linear logo. The logo design of Dick's Sporting Goods is much more rectangular and granting relief, in this case, will allow for the proper display and proportions of the Dick's Sporting Goods national logo.
3. The relief sought is peculiar to this request only and will not be applicable to any other land or buildings in the vicinity.
4. The relief sought is for the preservation of the Dick's Sporting Goods registered logo.
5. The relief sought is only to add to the bottom box of the existing pylon and will not have any foreseeable impact on the surrounding buildings, or the general public.
6. Our request is in keeping with the intent of the code and will not cause an alteration in the zoning map
7. The relief sought is only to a small portion of an existing sign
8. The requested relief complies with all additional limitations and criteria in subsection D thru M

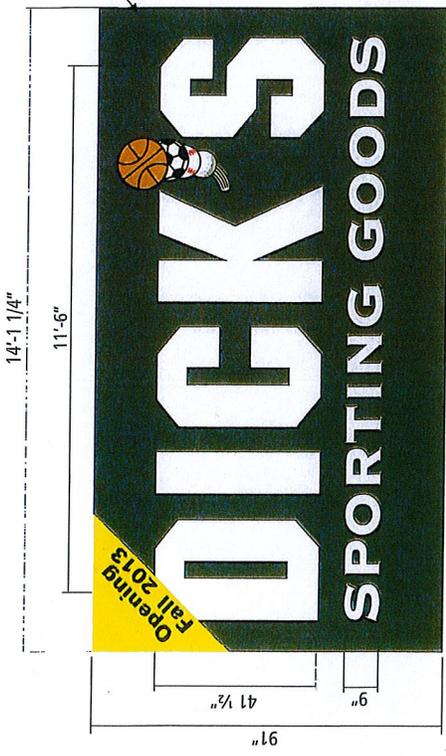
In closing, the relief sought is de minimus in nature and the granting of the variance, in this case, will relieve a hardship, not created by Dick's Sporting Goods. The alterations to the existing pylon will not change the look of the existing sign, but merely grant Dicks Sporting Goods the ability to properly display their logo.

Thank you in advance for your consideration of our request

RECEIVED MAR 15 2013

5-7

Imageone Industries



**Colors & Finishes**

- Background, Vinyl = Forest Green Opaque #7725-066
- Basketball, Vinyl = Tangerine #3630-84
- Soccer ball / Corner Tag Copy, Vinyl = Black #7725-22)
- Baseball, Vinyl = Red #3630-33
- Golf ball, Vinyl = Silver Grey #3630-51
- Corner Tags = Opaque Yellow

**Construction Specifications**

- A White Flex Faces w/ applied vinyl as shown above
- B Low Tac Removable Vinyl

**Square Footage Info**

MAX Sign Sq Ft Allowed: NA  
 Sq Ft Shown: 108.1

**Notes**

**\*\*Verify Dimensions Prior to Fabrication**

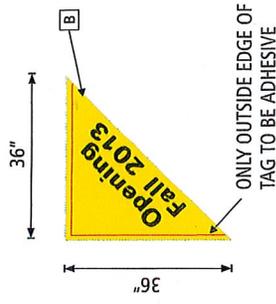
**1 New D/F Pylon Sign Cabinet**

SCALE: 1 1/2" = 1'-0"



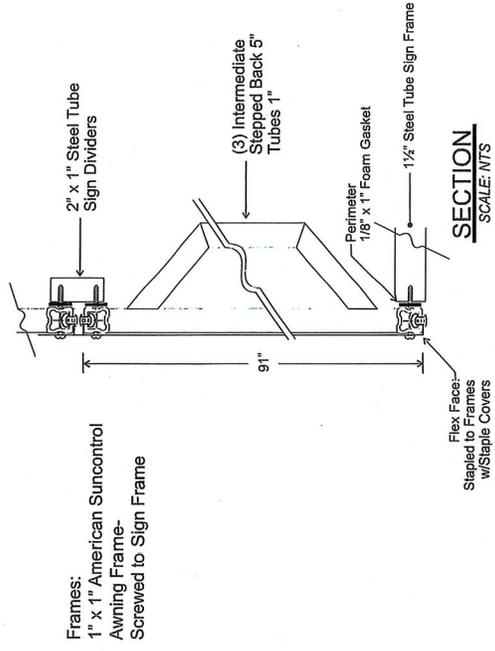
Proposed Pylon Sign

L-6



**2 Opening Corner Tags**  
 NOT TO SCALE

(2 Corner Tags Required)



Sign is 36" thick with vertical Metal Halide "Messenger" fixture illumination.



87 Columbia Road, St. Louis, MO 63102  
 215-826-0880  
 www.imageoneind.com

Design and construction documents are prepared in accordance with the International Building Code. The use of this design and construction information is limited to the specific project, named herein, and any other project for which the design professional is not licensed to practice.

Client:



Location Name & Address  
 #1017 Duluth, MN

Designer  
 KS

Scale  
 As Noted

Date  
 1/13/2013

Revision #  
 1

1. Revise Face Size

For Approval  
 Approved

Specifications