



CITY OF DULUTH
Planning Division

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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.

111, D-1

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. Note that proposed UDC changes to the Administrative Adjustments (Section 50-37.1.L) would 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)

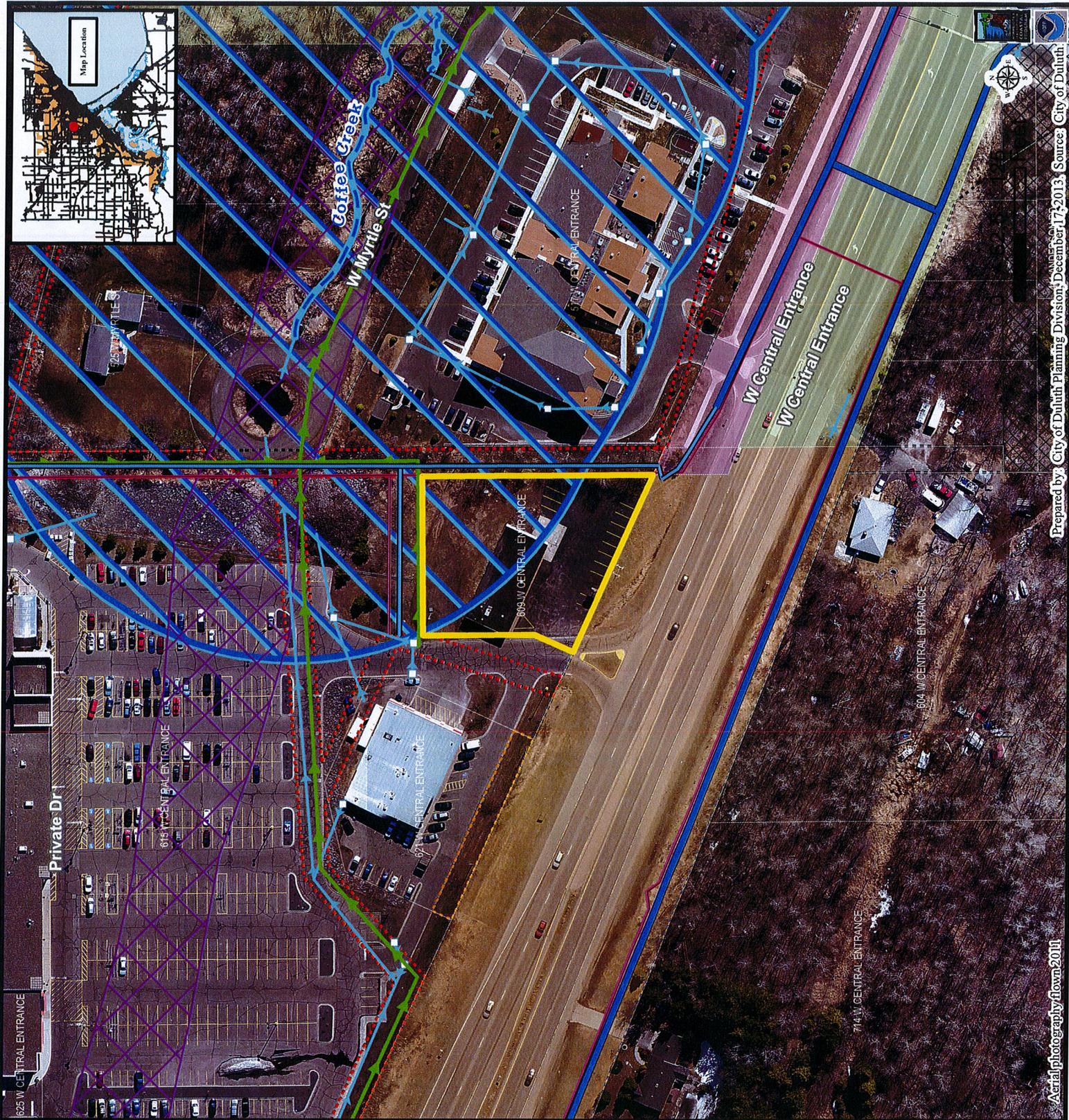
111-D-2



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.

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Aerial photography/floam2011

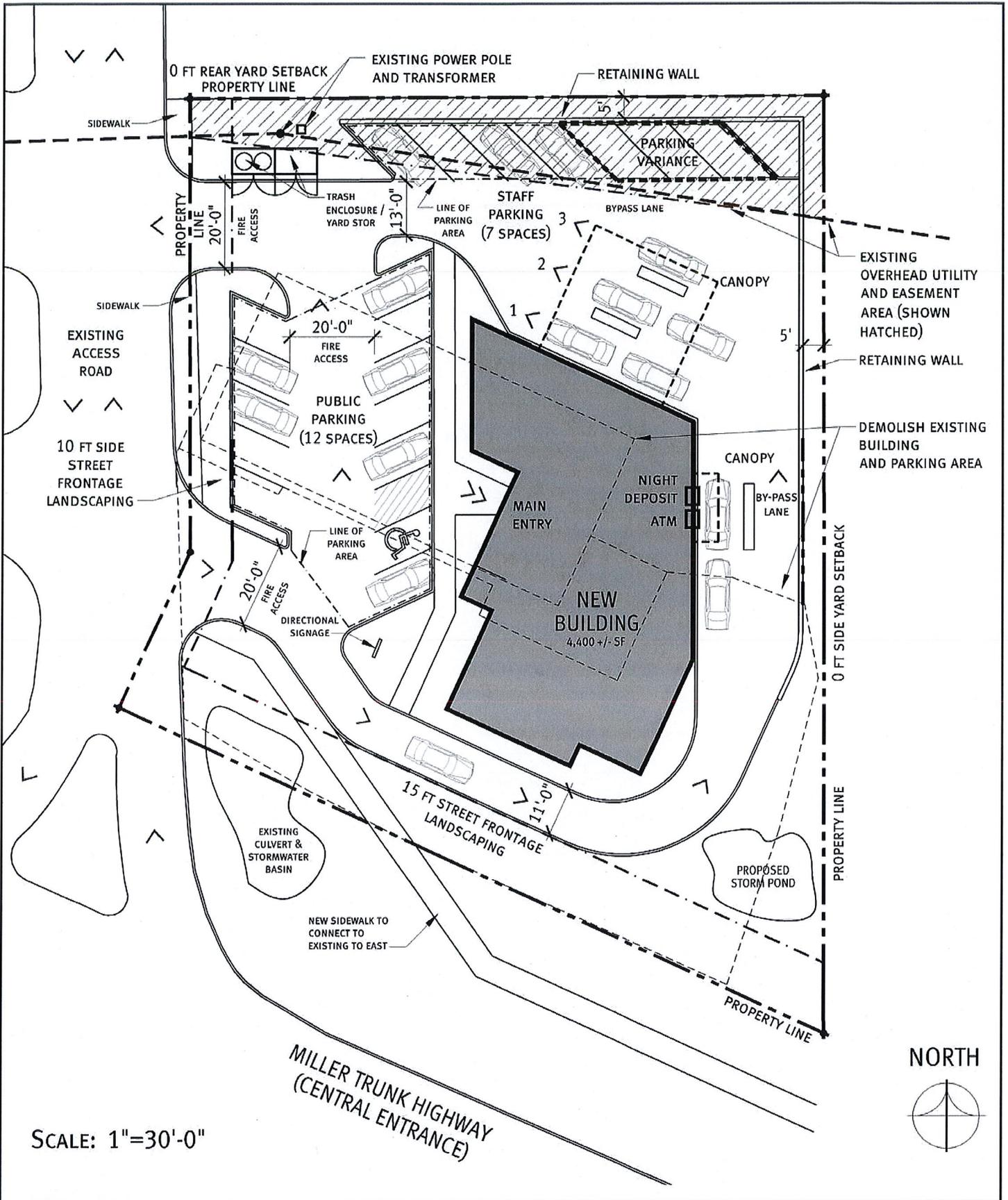
Prepared by: City of Duluth, Planning Division, December 17, 2013. Source: City of Duluth.



609 W Central Entrance

Print Date: 02/03/2014
Image Date: 05/12/2013
Level: Neighborhood

11-D-4



SCALE: 1"=30'-0"

MILLER TRUNK HIGHWAY
(CENTRAL ENTRANCE)

NORTH

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609 W. CENTRAL ENTRANCE
DULUTH, MINNESOTA

project # 13003.10
date JANUARY 30, 2014
dwg file 13003.10-V-SITE PLAN

revision/issue
SITE PLAN
sheet number
1 of 3

111.0-5

SUBMITTALS:

PROPERTY ACQUISITION TO BE FINALIZED UPON PLANNING COMMISSION APPROVAL.
 DEVELOPMENT OF DESIGN SHALL MEET ALL APPLICABLE ZONING CODES WILL COMMENCE UPON FINALIZATION OF LAND ACQUISITION. DESIGN INTENT SHALL MAINTAIN THE CHARACTER AND INTEGRITY OF THE EXISTING MIXED USE COMMERCIAL DISTRICT AND ENHANCE THE EXISTING SITE FROM THE CURRENT NON-COMPLIANT CODE STATUS.

ARTICLE 2: NOT REQUIRED

ARTICLE 3: NOTE REQUIRED

ARTICLE 4: SITE PLAN, LANDSCAPING PLAN

TREE PRESERVATION REPORT NOT REQUIRED: NO TREES TO BE REMOVED.

EXTERIOR MECHANICAL FEATURES: TO BE DETERMINED

ROOF MOUNTED EQUIPMENT TO BE SCREENED FROM VIEW PER SECTION 50.26-1-B(1).

GROUND MOUNTED EQUIPMENT TO BE SCREENED WITH LANDSCAPING

COMMERCIAL TRASH CONTAINERS TO BE SHIELDED FROM VIEW WITH FENCE ENCLOSURE WITH LOCKABLE GATE PER SECTION 50-26.3.

EXTERIOR LIGHTING PER FUTURE DESIGN-BUILD CONTRACTOR AND WILL MEET THE REQUIREMENTS OF SECTION 50-31.

LEGEND	
LARGE DECIDUOUS SHADE TREE	
SMALL ORNAMENTAL TREE	
LARGE CONIFEROUS SHRUB	
SMALL DECIDUOUS SHRUB	
SMALL DECIDUOUS SHRUB	
ALL SHRUB PLANTING AREAS TO INCLUDE 3"-4" HARDWOOD MULCH OVER ENTIRE PLANTING BED	
ALL DISTURBED AREAS NOT PLANTED WITH SHRUBS TO BE SEEDED WITH NATIVE SEED MIX	

CALCULATIONS	
LOT SIZE:	28,000 +/- SF
LINEAR FRONTAGE:	180 FEET
PARKING:	<u>SECTION 50-24.2</u> PROTOCOL: BANK = 2.5 SPACES PER 1000 GSF REQ'D: 11 SPACES <u>SECTION 50-24.4</u> MAXIMUM PARKING LIMIT = 150% MAXIMUM: 16 SPACES <u>SECTION 50-37 : PARKING VARIANCE</u> MAXIMUM PARKING LIMIT = 175% MAXIMUM: 19 SPACES
STREET FRONTAGE LANDSCAPING:	<u>SECTION 50-25.3</u> PROTOCOL: 1 TREE / 35 FT LINEAR FRONTAGE REQ'D: 5 TREES PROV'D: 5 TREES PROTOCOL: 1 LARGE SHRUB / 25 FT LINEAR FRONTAGE REQ'D: 7 SHRUBS PROV'D: 7 SHRUBS
PARKING LOT LANDSCAPING:	<u>SECTION 50-25.4</u> A. PERIMETER SCREENING FROM PUBLIC STREETS PRIVATE STREET: EXEMPT LINEAR FRONTAGE: 150 FT PROTOCOL: 1 TREE / 35 FT LINEAR FRONTAGE REQ'D: EXEMPT PROV'D: 3 TREES PROTOCOL: 3 LARGE SHRUBS / 25 FT LINEAR FRONTAGE REQ'D: EXEMPT PROV'D: 4 SHRUBS <u>SECTION 50-25.4</u> B. INTERIOR LANDSCAPING REQUIREMENTS EXEMPT: ITEM 6 (19 SPACES) TREE CANOPY: PUBLIC PARKING AREA = 3,160 SF REQ'D: 30% TREE CANOPY = 948 SF PROV'D: 31% TREE CANOPY = 984 SF STAFF PARKING AREA = 1200 SF REQ'D: 30% TREE CANOPY = 360 SF PROV'D: 0% TREE CANOPY = 290 SF (UNABLE TO PROVIDE TREES DUE TO OVERHEAD UTILITY EASEMENT AT STAFF PARKING - 290 SF CANOPY PROVIDED AT EAST DRIVE THRU LANE)



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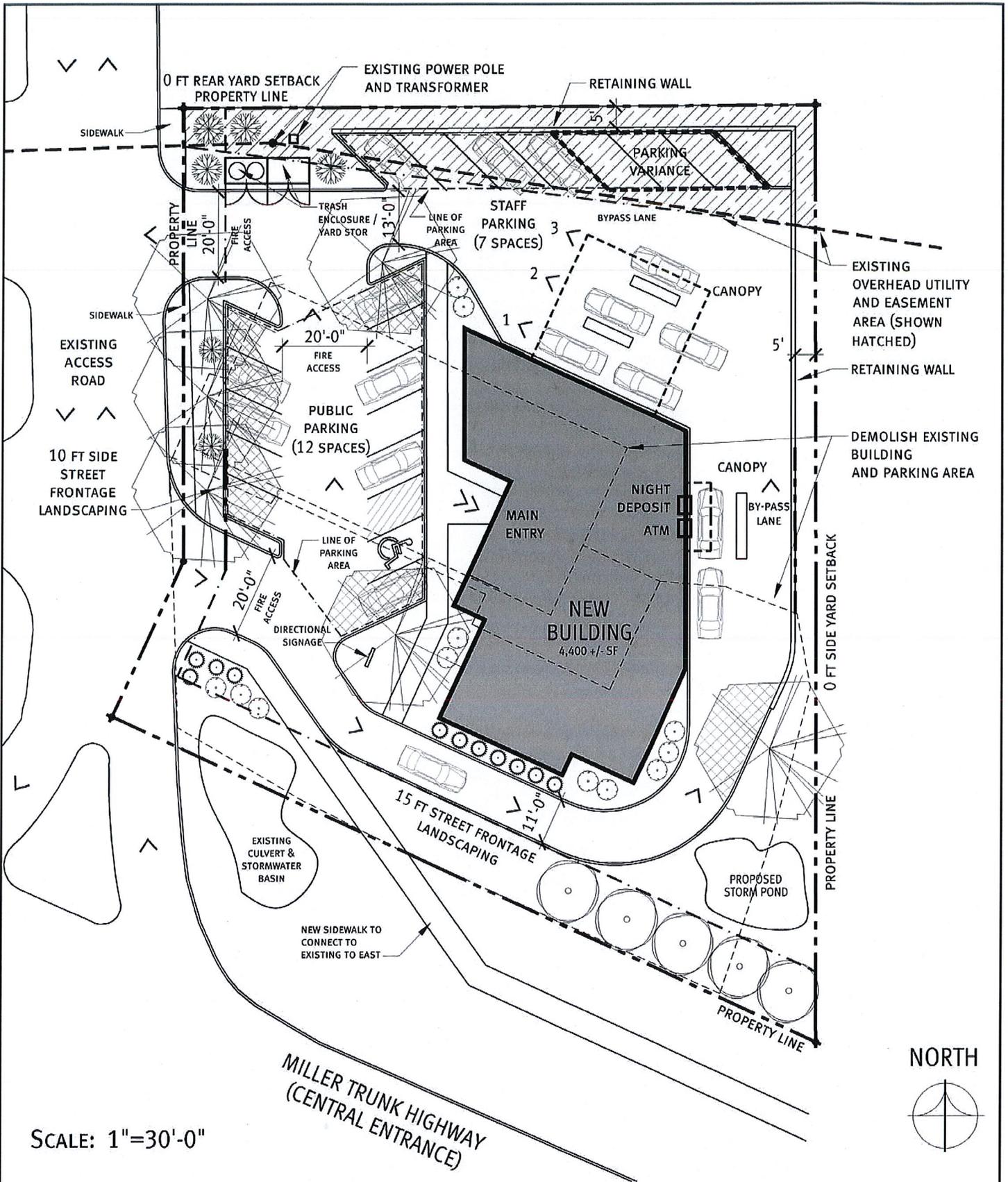
revision/issue

PLAN NOTES

sheet number

3 of 3

111-D-6



SCALE: 1"=30'-0"



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project # 13003.10
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revision/issue
LANDSCAPE PLAN
 sheet number
2 of 3

111-D-7