



CITY OF DULUTH

Planning Division

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STAFF REPORT

File Number	PL 14-065	Contact	Steven Robertson	
Application Type	Variance	Planning Commission Date	June 10, 2014	
Deadline for Action	Application Date	May 19, 2014	60 Days	July 18, 2014
	Date Extension Letter Mailed	May 22, 2014	120 Days	September 16, 2014
Location of Subject	Corner of Arlington and Central			
Applicant	Kwik Trip, Inc.	Contact		
Agent	Brad Fry	Contact	bfry@kwiktrip.com	
Legal Description	Lots 17 - 24, Block 1, Duluth Heights			
Site Visit Date	May 26, 2014	Sign Notice Date	May 27, 2014	
Neighbor Letter Date	May 22, 2014	Number of Letters Sent	35	

Proposal

The applicant is requesting a variance from the requirement that no more than 50% of the parking be located in the front yard. This is a companion to PL 14-064, MU-C Planning Review for a filling station.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-C/R-1	Residential/Commercial	Central Business Secondary
North	MU-C	Commercial	Central Business Secondary
South	R-1	Residential	Traditional Neighborhood
East	MU-C	Commercial	Central Business Secondary
West	R-1/MU-C	Residential/Commercial	Central Business Secondary

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

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

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.

III. M-1

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

Central Business Secondary- An area adjacent to and supporting the primary central business area or a stand-alone area providing a similar mix of destination land uses but at a lower intensity than the primary CB area. Includes mixed regional and neighborhood retail, employment centers, public spaces, medium density residential, and public parking facilities.

The 2009, Central Entrance-Miller Hill Mall Small Area Plan recommended that the future land use designation of the subject site be changed to Central Business Secondary.

This application is being submitted along with PL 14-064, a MU-C Planning Review for

Note that on March 10, 2014, the City Council approved a change to the UDC (effective April 20, 2014). If the property owner provides "optional pedestrian walkways within parking areas", the requirement change be reduced to allow for up to 60% of the parking to be located in the front yard, instead of the normal 50%.

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 10 off street parking spaces (and 16 parking spaces under the gas station canopy); 100% of the parking spaces are in the front yard.
- 2) The applicant plans on demolishing all the current structures on the site and building a new 5,800 square feet filling station with one canopy for fueling. The development dimensions of the site approximately 170 feet (West Central), 275 feet (South Arlington), and 200 feet (West Palm Street). The site is a little over an acre in size.
- 3) The proposed development (filling station) will likely not have a negative impact on the neighborhood in general, or change the essential character. Commercial properties are common along the stretch of Central Entrance. However, along this portion of Palm Street, commercial properties are not as common, and there may be an impact on nearby residential properties, especially considering the 24 hour nature of the business. However, the applicant is proposing screening with vegetation and a fence.
- 4) Limitations on front yard parking were established, in part, to promote pedestrian safety and improve the general appearance and urban design of the City. Some public testimony was heard at the last Planning Commission meeting relating to the potential impact of traffic, noise, and light from the redevelopment of this site. By locating the structure at the rear of the property and parking and fueling in front of the structure, the applicant is helping to reduce noise and glare that would otherwise be direct to nearby property owners along West Palm. In addition, staff from MnDOT and St. Louis County attended a meeting with City Staff to discuss the options of extra turn lanes on Central Entrance and/or Arlington. It was noted that a proposed right-turn lane would provide storage for about 4 passenger vehicles, but it was also stated that "eastbound right-turn movement (which would be served by this new turn lane) is the smallest volume right-turn movement for all four legs" and that the "queue for through-traffic may more often than not occlude access to the right turn lane due to its short length". At this point, neither agency is going to acquire extra land for right of way, but it was asked that Kwik Trip not place structures in front yard close to either West Central or Arlington, with the general idea that there likely will be right of way acquisition in the future. Staff believe that reducing the number of curb cuts on West Central Entrance will improve pedestrian safety.
- 5) 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. However, alternative configurations would likely result in more light and noise disturbances to nearby residential properties.
- 6) The lot does not have wetland, slope, bedrock, or other topographical conditions that present a practical difficulty. However, the request to keep buildings from Central and Arlington creates a difficulty redeveloping this site. The applicant has stated that parking configuration building will improve pedestrian safety.

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

No citizen, City Department or other Public Agency comments were received on this application.

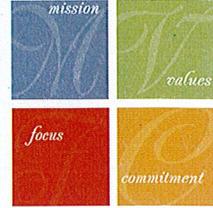
Staff believe that the applicant has a practical difficulty with the development of the site that was not caused by the applicant and is peculiar to the site, the variance will not change the essential character of the neighborhood, and granting the variance is consistent with the intent of the UDC and Comprehensive Plan

Staff recommends Planning Commission approve the variance, subject to the following conditions:

- 1) The project be limited to, constructed, and maintained according to site plan submitted.
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

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



City of Duluth
Steven Robertson
411 W. 1st Street
Room 208
Duluth, MN 55802

May 15, 2014

Mr. Robertson:

Attached is our application for a Variance for our proposed redevelopment at the southeast quadrant of West Central Avenue and South Arlington Avenue. 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 to allow more than 50% of the parking of the off street accessory parking within the front yard will not have a negative impact on the site nor the neighborhood by allowing for a safe redevelopment of a primary corner lot. The benefit of having the parking along the building frontage will increase the pedestrian safety, minimize the foot traffic within the vehicular traveled way, and increase accessibility (ADA access) to the building. The business is set up to allow for a convenient experience and allow for customers to come in and have the ability to get out in an efficient, safe manner. The site is restricted in width and depth so as to not allow more parking along the external perimeter of the site (front, sides, rear) as would be required in order to decrease the 50% requirement. The variance approval will allow for the existing convenience store to be removed and a highly visible corner to be redeveloped. By pushing the building and parking to the rear of the site, the building will screen the residents to the south and allow for an open site to the north. With the open site to the north, the lot safety will be increased with increased sight lines for vehicular movements. As vehicles enter the site from the north, the only option is for them to proceed south and either enter the canopy fueling area or proceed to the parking area in front of the store. As vehicles leave the site, they would typically be facing south, and thus exit onto South Arlington Avenue and proceed back north to West Central Avenue. Vehicular movement through the site will then be counter clockwise and use the existing intersection for the full movement turns. The attached site plan displays the customer parking connected to the building entrance by means of a side walk adjacent to the parking stalls. By having the parking stalls near the building and sidewalk, access to the store and picnic table area will be safer by not mixing pedestrian traffic with vehicle traffic.

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

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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