



CITY OF DULUTH

Planning Division

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STAFF REPORT

File Number	PL 14-067	Contact	Steven Robertson, 218 730 5295	
Application Type	Variance	Planning Commission Date	June 10, 2014	
Deadline for Action	Application Date	May 28, 2014	60 Days	July 27, 2014
	Date Extension Letter Mailed	May 30, 2014	120 Days	September 25, 2014
Location of Subject	800 West Railroad Street			
Applicant	Pier B Holdings	Contact		
Agent	AMI Consulting Engineers	Contact	chad.scott@amiengineers.com	
Legal Description	010-3610-08075			
Site Visit Date	May 26, 2014	Sign Notice Date	May 27, 2014	
Neighbor Letter Date	May 30, 2014	Number of Letters Sent	2	

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 14-061, MU-W Planning Review for a hotel.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-W	Brownfield/Industrial/Water	Commercial Waterfront
North	MU-W/F-8	Transportation	Commercial Waterfront/Transportation
South	MU-W	Industrial	Commercial Waterfront
East	MU-W/MU-N	Recreation	Commercial Waterfront/Recreation
West	MU-W	Industrial/Transportation	Commercial Waterfront/Transportation

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

Purpose Statement of the MU-W zone district: The MU-W district is intended to provide for waterfront-dependent commercial uses and medium to high density residential development. Intended non-residential uses include visitor-related retail and services, lodging, recreational facilities and maritime uses, as well retail and service uses that take advantage of the waterfront setting, as shown in Table 50-19.8. Development may include horizontal or vertical mixed use, and should facilitate transit and pedestrian connections between developments and the surrounding areas.

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):

Commercial Waterfront: Waterfront-dependent commercial uses, sometimes mixed with residential or adjacent to higher density residential. Includes tourist- or recreation-oriented uses. Commercial areas can be adjacent to industrial waterfront. Abuts other commercial uses and recreation areas, preservation areas. Access to regional arterial traffic and water access.

This application is being submitted along with PL 14-061, a MU-W Planning Review.

There will likely be a subsequent zoning application, for vacation of unimproved right of way, that will be brought before the Planning Commission at the July 2014 meeting.

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 proposing to provide 259 parking spaces, of which 210 are located in front of the structures, and 49 outside the front yard. That would be approximately 81% of the required parking in the front yard.
- 2) The applicant intends on constructing a "140 room hotel with event center, restaurant, and pool. Development also includes new boardwalk and bridge across Slip 2, decks, special event areas, parking, utility upgrades and improvements, boat launch, transient marina, storm water, and site demolition of excess foundations and structures."
- 3) The site is a brownfield which represents challenges to the general redevelopment. In addition, the existing grain silos that occupy the rear 1/4 of the property line along easterly property line facing the water, will remain in place but may be redeveloped in the future. This reduces the redevelopment options for the rear portion of the lot.
- 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. The proposed redevelopment will likely not have a negative impact on the general area, and will most likely improve the general appearance and value of nearby properties. The development will likely improve pedestrian access by providing an extension of the baywalk for citizens to use (also note the potential location of the Cross City Trail).
- 5) While the site is large enough to accommodate alternative configurations of the new structure as proposed by the applicant, the Planning Division understands the desire to maximize the view adjacent to the waterfront. Placing more parking behind the building and adjacent to the water does not make practical sense; the parked cars do not benefit from having a better view of the bay.
- 6) The lot does not have wetland, slope, bedrock, or other similar topographical conditions that present a practical difficulty. However, the redevelopment of a former brownfield site does represent extra challenges not faced by most property owners.
- 7) The Planning Division does believe the requested variance is necessary for the preservation and enjoyment of a substantial property right. The requested variance is not solely for the convenience of the applicant. The applicant does have a practical difficulty that would require a variance to enjoy the use of the property.
- 8) No citizen, City Department or Public Agency comments were received on this application.
- 9) UDC 50-37.1.N, an approved variance will expire if the project or activity authorized is not begun within 1 year.

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

Staff recommends that the Planning Commission approve the variance from the front yard parking requirements, with the following conditions:

- 1) The project be limited to, constructed, and maintained according to the Site Plan revised May 29, 2014.
- 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)



Consulting Engineers P.A.

May 28, 2014

Mr. Steven Robertson, Senior Planner
City of Duluth
Planning Division Room 208
411 West First Street
Duluth, MN 55802

Re: Pier B Development Variance Request for Parking

AMI Project # 111140

Mr. Robertson,

The following letter is a request to acquire a variance to exceed the maximum limit of "no more than 50% of off-street parking in the front yard" per page 4-52 of the Development Standards. Attached we provided the coversheet, checklist, and fee.

The request for the variance is to support the proper layout and function for the mixed use waterfront development known as Pier B. To maximize the useable waterfront views, boardwalks with the cross city trail, marina and the outdoor viewing areas, the hotel was orientated on the site between the existing cement silos and warehouse as shown on the previously submitted site plans. This placement provides proper set back from the water while still allowing for short term, handicap and select parking near the entrance. The layout supports the proper turning radius for the approach to the hotel for check in, drop off, delivery, fire safety and emergency access. This design also supports proper storm water collection containment and treatment from the site to prevent direct runoff into the harbor from parking and drive areas.

The current parking layout should not have a negative impact on surrounding properties or view sheds. Previous site usage was heavy industrial with varying height building, loading structures, railroad tracks, large truck traffic and other loading and transfer operations. By placing the majority of the parking towards the inner half of the Pier, this provides less impact on view shed and improves the view above the current freeway system, as it will shield part of the planned parking areas. View sheds from Bayfront Park, Lot D and from the Harbor will be improved by keeping the parking towards the inner half of the site. With the cross City trail flowing through the site, keeping the majority of the parking concentrated towards one area will also allow for better trail and boardwalk appearance and only require one crossing point with site traffic.

If you have any questions or comments please contact AMI at (715) 718-2193.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Chad W. Scott".

Chad W. Scott, P.E.

c/c: Mr. Sandy Hoff, Pier B

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Table 50-24-3: Permitted Parking Areas

<p>Non-corner lot with dwelling unit and no garage</p>	<p>The <u>rear yard</u>, and the area between one side lot line and the nearest side wall of the dwelling unit and its extension to the improved street abutting the front yard. (See diagram to the right)</p>	
<p>Non-corner lot with dwelling unit and detached garage</p>	<p>The <u>rear yard</u>, and the area between the closest side lot line to the side wall of the dwelling unit nearest to the garage, and its extension to the improved street abutting the front yard. (See diagram to the right)</p>	
<p>Non-corner lot with dwelling unit and attached garage</p>	<p>The <u>rear yard</u>, and the area between the closest side lot line to the common wall separating the dwelling unit and garage, and its extension to the improved street abutting the front yard. (See diagram to the right)</p>	
<p>Corner lot (<u>dwelling or non-dwelling</u>)</p>	<p>The rear yard and one side yard</p>	

Mixed Use and Special Purpose Districts

<p>All Mixed Use and Special Purpose Districts</p>	<p>Buildings or projects constructed after November 19, 2010, shall locate no more than 50% of off-street accessory parking within the front yard, <u>except as provided in 50-24.5.C.</u></p>
<p>Form Districts</p>	<p>Parking only permitted on those portions of the lot permitted for the building type being constructed pursuant to Sections 50-16 and 50-22.</p>

C. Optional pedestrian walkways within parking areas.

For parking areas within mixed use and special purpose districts identified in Table 50-24.3, buildings or projects may locate up to 60 percent of off-street accessory parking within the front yard if a pedestrian walkway is provided. The pedestrian walkway shall:

- Include pedestrian-scaled lighting;
- Be raised or otherwise designed to encourage run-off and limit ponding during wet weather;
- Be visually recognizable to both pedestrians and motorists;
- Include trees and other landscaping along the length of the walkway, this landscaping can also be used to meet parking lot landscaping requirements in Section 50-25.4;
- Be at least 8 feet wide; and
- Include well-marked crossings where the walkway intersects with private vehicle drives.

Section 12. That Section 50-24.7 of Chapter 50 be amended as follows:

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