



CITY OF DULUTH

Planning Division

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

STAFF REPORT

File Number	PL 14-096	Contact	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	Planning Review	Planning Commission Date	August 12, 2014	
Deadline for Action	Application Date	July 16, 2014	60 Days	September 14, 2014
	Date Extension Letter Mailed	July 21, 2014	120 Days	November 13, 2014
Location of Subject	2120 London Road			
Applicant	London Acquisitions	Contact	Abbot Apter, aapter@mercuryinv.com	
Agent	Dave Chmielewski	Contact	dave@blackhoof.com, 218-384-9727	
Legal Description	PID 010-1460-00960			
Site Visit Date	N/A	Sign Notice Date	July 29, 2014	
Neighbor Letter Date	July 22, 2014	Number of Letters Sent	30	

Proposal

Applicant is proposing a 2,558 sq ft Caribou Coffee and a 2,860 sq ft Burger King with 47 parking spaces.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-C	Commercial	Central Business Secondary
North	MU-N	Commercial	Neighborhood Mixed Use
South	MU-C	Residential, Vacant	Central Business Secondary
East	MU-N	Commercial	Central Business Secondary
West	F-2	Commercial	Neighborhood Mixed Use

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

50-15.3 MU-C District - Planning review by the Planning Commission is required for new development, redevelopment, and expansions in the MU-C district.
 50-18.1E Storm Water Management - Addresses water runoff quality and quantity pre- and post-construction.
 50-23 Connectivity and Circulation - Focuses on pedestrian and bicycle accommodations.
 50-24 Parking and Loading - Addresses required minimum and maximum parking spaces and loading docks, dimensional standards, snow storage and pedestrian circulation.
 50-25 Landscaping and Tree Preservation - Landscaping standards such as materials, plant size, location, tree preservation and replacement.
 50-26 Screening, Walls, and Fences - Screening of mechanical equipment, loading areas, and commercial containers, plus regulations regarding fences and retaining walls.
 50-30 Design Standards - Building standards for multi-family, commercial, institutional, and industrial buildings.
 50-31 Exterior Lighting - Directs the minimum and maximum illumination values and lighting fixtures for a site.
 50-37.11 Planning Review - Planning Commission shall approve the Planning Review or approve it with modifications, if it is determined that the application complies with all applicable provisions of this Chapter.

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

Future Land Use - 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 central business area. Includes mixed regional and neighborhood retail, employment centers, public spaces, medium density residential, and public parking facilities.

Governing Principle #1 - Reuse previously developed lands

UDC 50-15.3 - MU-C Purpose: Established to provide for community and regional commercial development along commercial corridors and nodal centers. Intended non-residential uses include retail, lodging, service, and recreational facilities needed to support the community and region.

History: This property was rezoned from MU-B/MU-N to MU-C in April 2013.

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

Staff finds that:

- 1.) 50-15.3 (MU-C District) - Restaurants with drive-throughs are a permitted use in the MU-C district.
- 2.) 50-18.1 (Natural Resources Overlay) - Site is not within any flood plain. It is within the 1,000 foot shoreland area of Lake Superior, but is outside the structure setback. City Engineering advises that the site needs to address stormwater management requirements for a redevelopment.
- 3.) 50-23 (Connectivity) - London Road is shown in City plans as being an on-street bike route. As such, this development is required to provide connections to the bike route. Proposed development will have fewer curb cuts on to London Road than the existing development.
- 4.) 50-24 (Parking) - This site is required to have a minimum of 27 parking spaces, with a maximum of 41. Current site plan shows 47 parking spaces. At least 50% of the parking is behind the front facade on London Road.
- 5.) 50-25 (Landscaping) - Site is required to provide street frontage landscaping of 15' along London Road and 10' along 21st and 22nd Avenues E. It will also need to provide 15% of the interior parking lot area. Landscaping plan shows that it will meet minimum tree canopy coverage.
- 6.) 50-26 (Screening) - Applicant has not provided details on location of mechanical equipment; any ground-mounted and roof-mounted mechanical equipment will need to be screened. Preliminary details on dumpsters indicate they would meet screening requirements, but this should be confirmed with more detailed plans prior to construction. No loading docks are proposed.
- 7.) 50-27 (Signs) - Any signs will need to apply for and receive a sign permit prior to installation.
- 8.) 50-29 (Sustainability) - Size of this development does not trigger sustainability standards.
- 9.) 50-30 (Building Design Standards) - Size of this development does not trigger building design standards.
- 10.) 50-31 (Exterior Lighting) - Applicant submitted two potential photometric plans for the site. Both exceed allowable light levels.
- 11.) No public, City or agency comments were received.
- 12.) Per UDC 50-37.1.N, an approved Planning Review 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):

Based on the above findings, Staff recommends that Planning Commission approve the application to build a Caribou Coffee and Burger King, with the following conditions:

- 1.) Project shall address stormwater requirements and meet all current stormwater regulations.
- 2.) A sidewalk and any necessary crosswalks will be installed to connect each building to London Road, which is planned as a designated on-street bike route, with bike lanes.
- 3.) Project shall remove 6 parking spaces to comply with maximum parking requirements, or received a variance.
- 4.) Landscaping plan shall be revised to provide 15% interior parking lot landscaping and all required street frontage landscaping.
- 5.) Screening of mechanical equipment and dumpsters shall be confirmed prior to receiving a building permit.
- 6.) All lighting shall comply with UDC requirements.
- 7.) 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 approval; 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 Planning

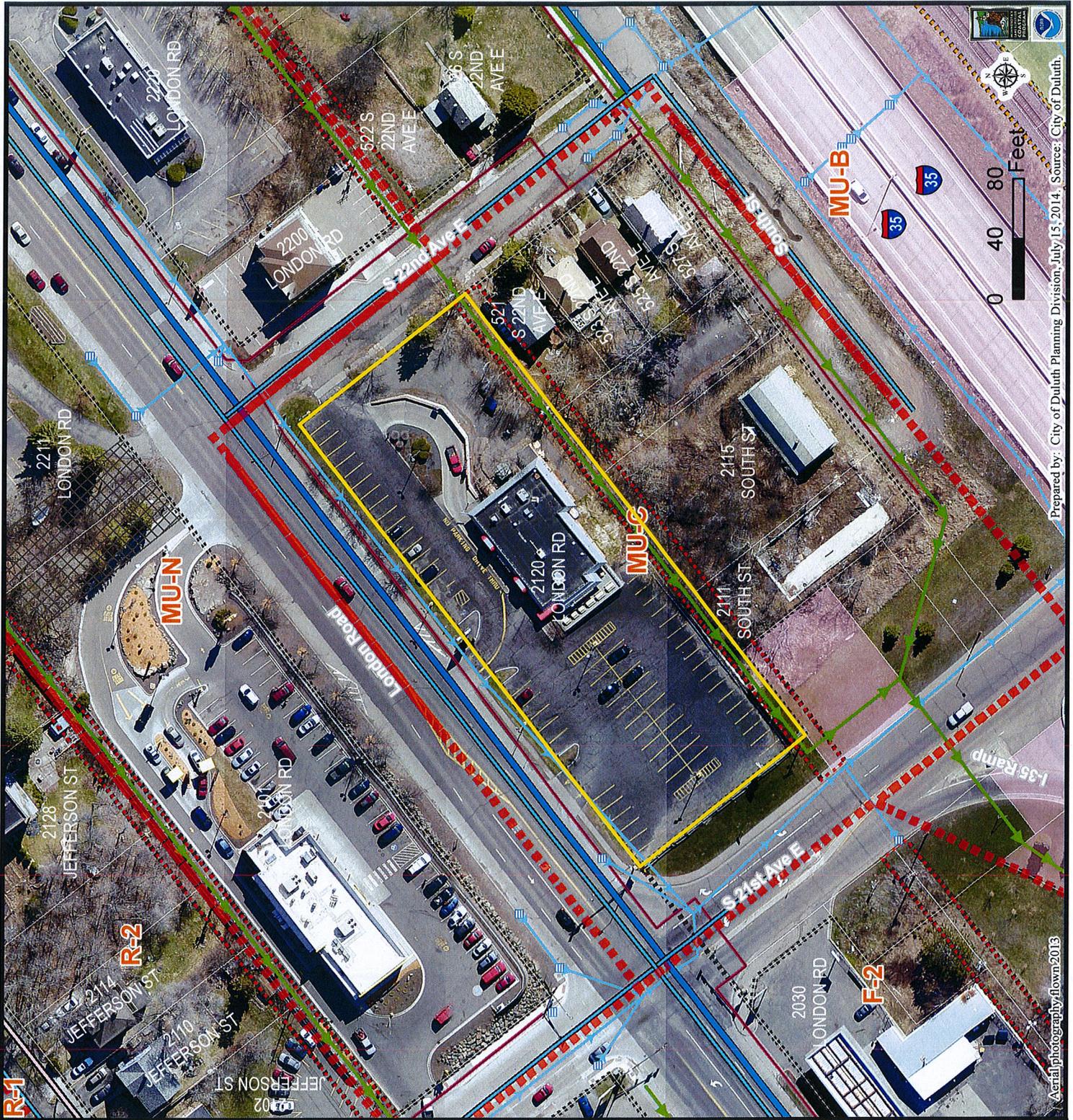
21st Avenue & London Road

Legend

- Trout Stream (GPS)
- Other Stream (GPS)
- Zoning Boundaries**
- Zoning Boundaries
- 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
- Right-of-Way Type**
- Road or Alley ROW
- Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement
- 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.

K-3



Aerial photography: flowm 2013

Prepared by: City of Duluth Planning Division, July 15, 2014. Source: City of Duluth.



BLACKHOOF



CEDR:

LONDON ACQ.

07-08-14 DEC 2011/14

NO DATE REVISION

DESIGNED BY: [Signature]
CHECKED BY: [Signature]
DATE: 08/14/14

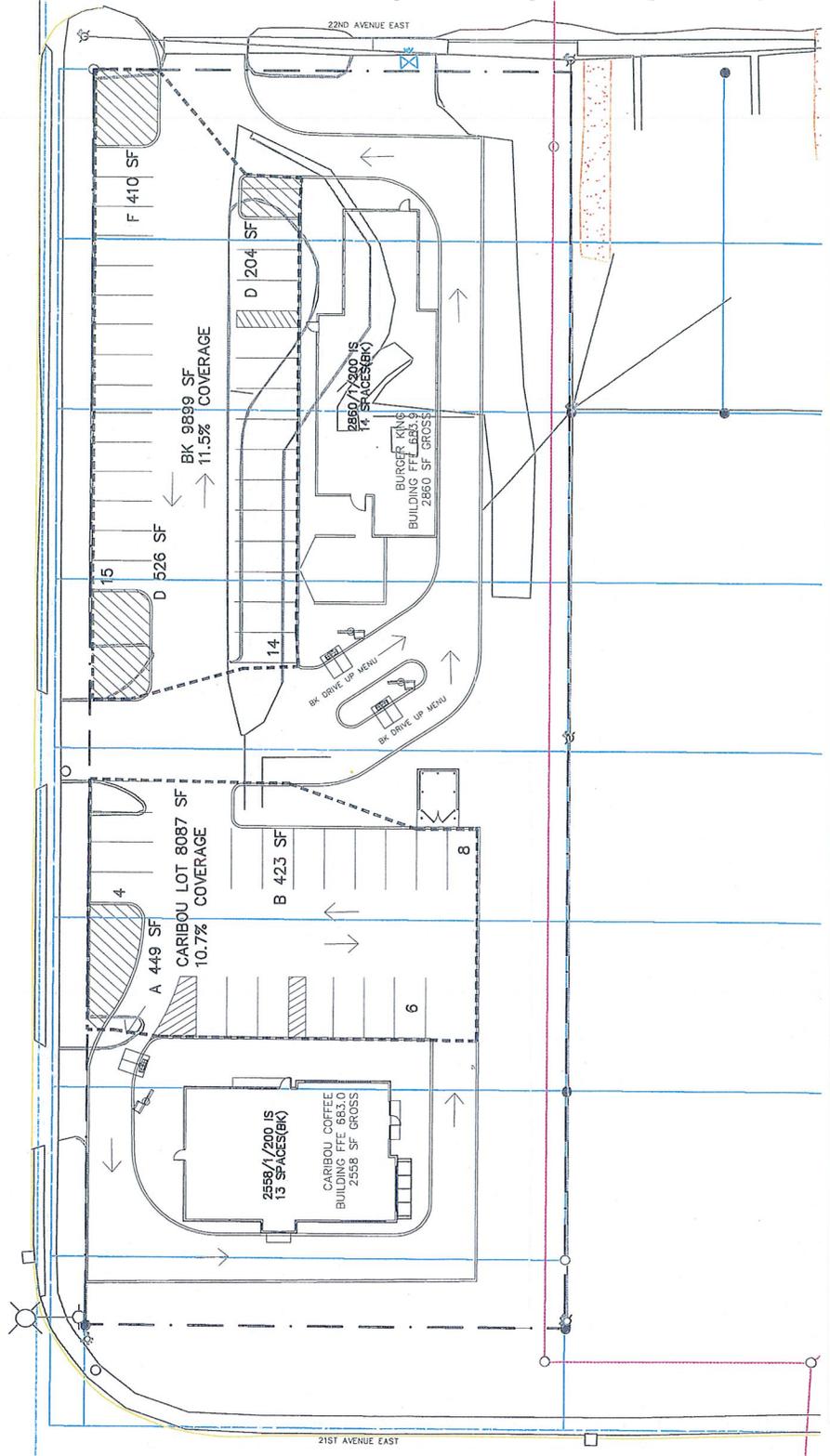
PROJECT NAME: LONDON ROAD COMMERCIAL

DRAWING TITLE: PARKING STALLS & ISLANDS

PK1

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LONDON ROAD

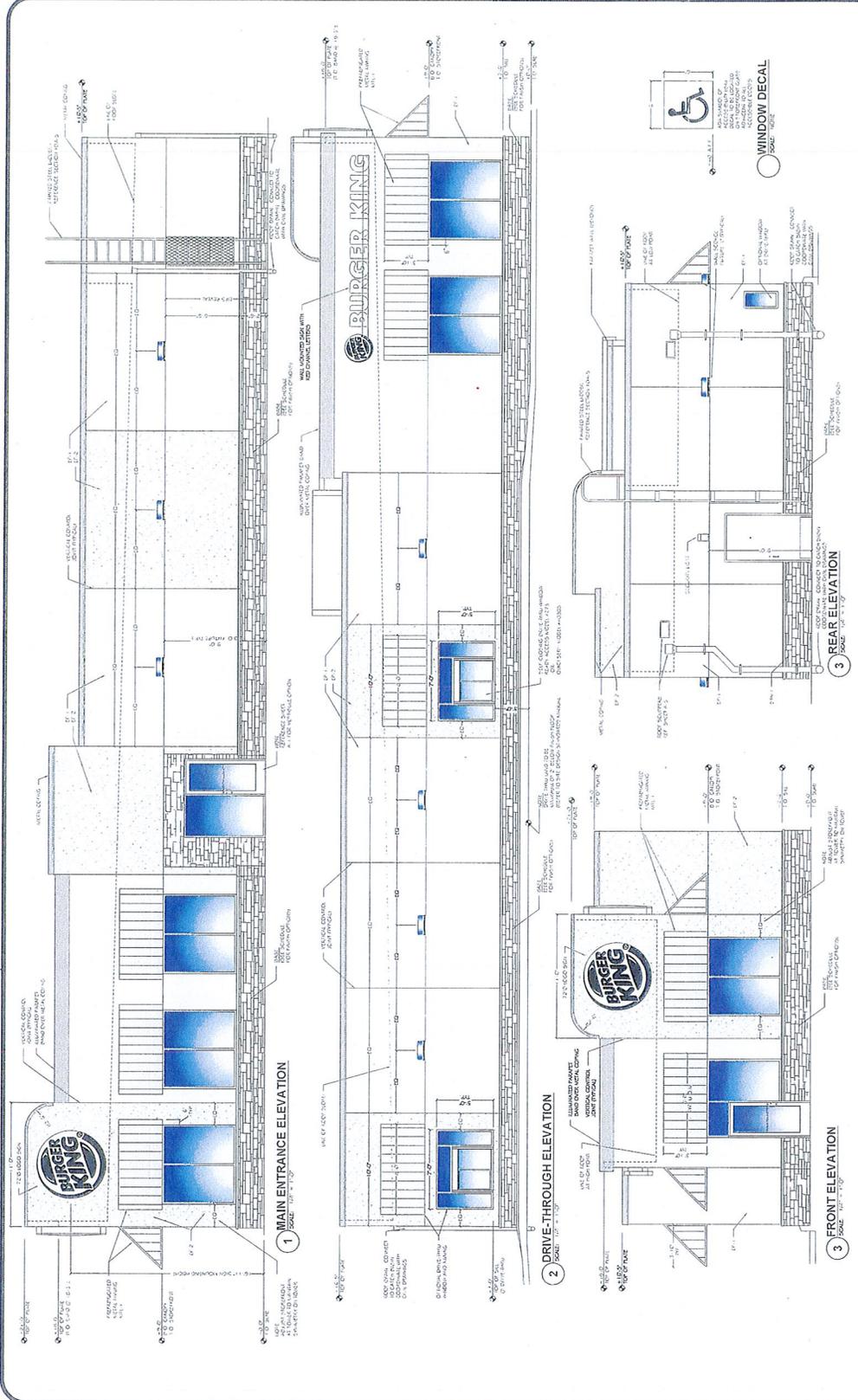


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RESTAURANT FOR:



BASE FINISH OPTIONS

ITEM	DESCRIPTION	FINISH
EP1	EXTERIOR WALLS	WHITE GROUT
EP2	EXTERIOR WALLS	WHITE GROUT
EP3	EXTERIOR WALLS	WHITE GROUT
EP4	EXTERIOR WALLS	WHITE GROUT
EP5	EXTERIOR WALLS	WHITE GROUT
EP6	EXTERIOR WALLS	WHITE GROUT
EP7	EXTERIOR WALLS	WHITE GROUT
EP8	EXTERIOR WALLS	WHITE GROUT
EP9	EXTERIOR WALLS	WHITE GROUT
EP10	EXTERIOR WALLS	WHITE GROUT
EP11	EXTERIOR WALLS	WHITE GROUT
EP12	EXTERIOR WALLS	WHITE GROUT
EP13	EXTERIOR WALLS	WHITE GROUT
EP14	EXTERIOR WALLS	WHITE GROUT
EP15	EXTERIOR WALLS	WHITE GROUT
EP16	EXTERIOR WALLS	WHITE GROUT
EP17	EXTERIOR WALLS	WHITE GROUT
EP18	EXTERIOR WALLS	WHITE GROUT
EP19	EXTERIOR WALLS	WHITE GROUT
EP20	EXTERIOR WALLS	WHITE GROUT

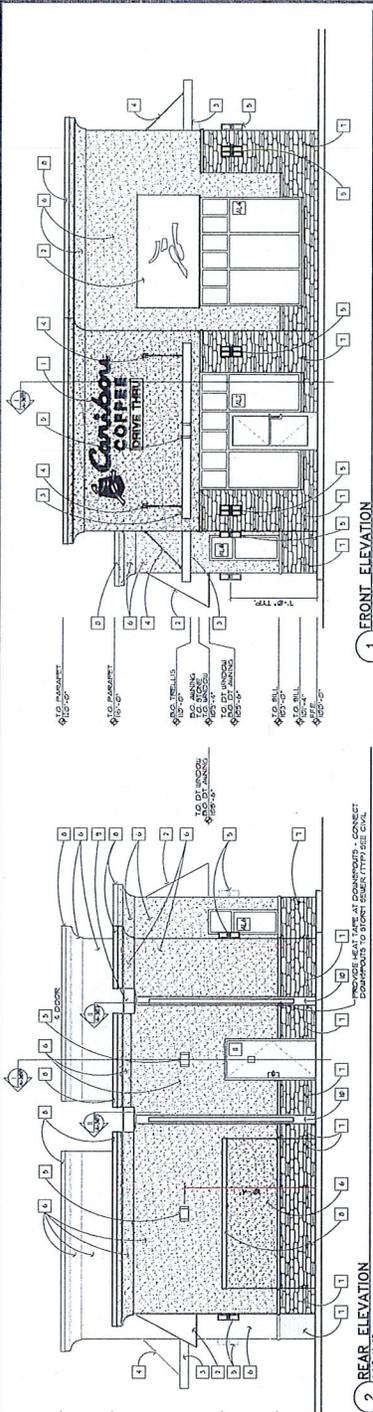
OPTION B' (ALTERNATE)

ITEM	DESCRIPTION	FINISH
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EP2	EXTERIOR WALLS	WHITE GROUT
EP3	EXTERIOR WALLS	WHITE GROUT
EP4	EXTERIOR WALLS	WHITE GROUT
EP5	EXTERIOR WALLS	WHITE GROUT
EP6	EXTERIOR WALLS	WHITE GROUT
EP7	EXTERIOR WALLS	WHITE GROUT
EP8	EXTERIOR WALLS	WHITE GROUT
EP9	EXTERIOR WALLS	WHITE GROUT
EP10	EXTERIOR WALLS	WHITE GROUT
EP11	EXTERIOR WALLS	WHITE GROUT
EP12	EXTERIOR WALLS	WHITE GROUT
EP13	EXTERIOR WALLS	WHITE GROUT
EP14	EXTERIOR WALLS	WHITE GROUT
EP15	EXTERIOR WALLS	WHITE GROUT
EP16	EXTERIOR WALLS	WHITE GROUT
EP17	EXTERIOR WALLS	WHITE GROUT
EP18	EXTERIOR WALLS	WHITE GROUT
EP19	EXTERIOR WALLS	WHITE GROUT
EP20	EXTERIOR WALLS	WHITE GROUT

OPTION A' (PREFERRED)

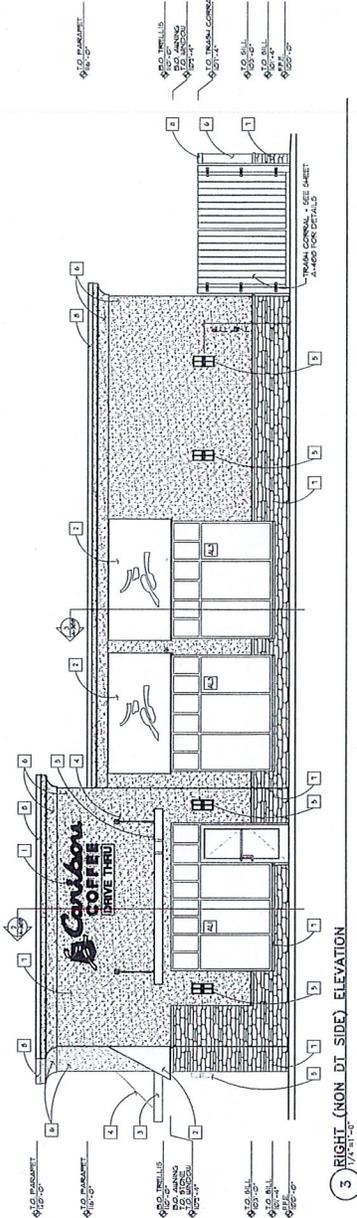
ITEM	DESCRIPTION	FINISH
EP1	EXTERIOR WALLS	WHITE GROUT
EP2	EXTERIOR WALLS	WHITE GROUT
EP3	EXTERIOR WALLS	WHITE GROUT
EP4	EXTERIOR WALLS	WHITE GROUT
EP5	EXTERIOR WALLS	WHITE GROUT
EP6	EXTERIOR WALLS	WHITE GROUT
EP7	EXTERIOR WALLS	WHITE GROUT
EP8	EXTERIOR WALLS	WHITE GROUT
EP9	EXTERIOR WALLS	WHITE GROUT
EP10	EXTERIOR WALLS	WHITE GROUT
EP11	EXTERIOR WALLS	WHITE GROUT
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EP14	EXTERIOR WALLS	WHITE GROUT
EP15	EXTERIOR WALLS	WHITE GROUT
EP16	EXTERIOR WALLS	WHITE GROUT
EP17	EXTERIOR WALLS	WHITE GROUT
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EP19	EXTERIOR WALLS	WHITE GROUT
EP20	EXTERIOR WALLS	WHITE GROUT

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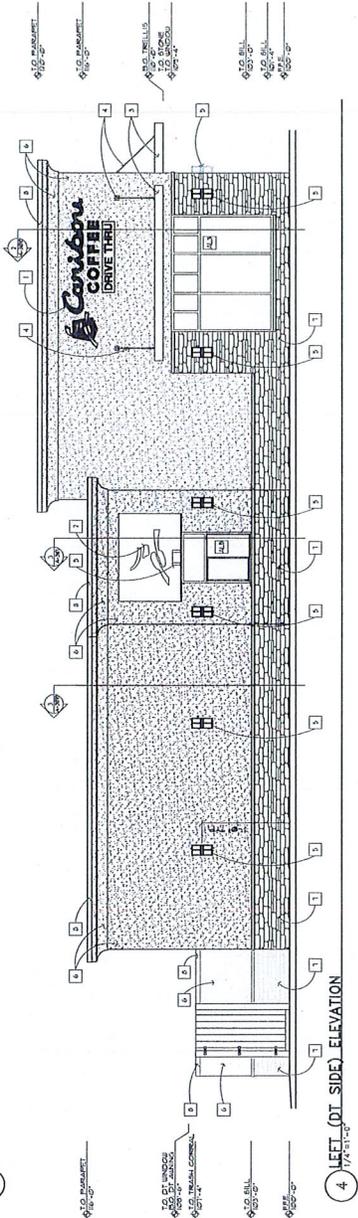


2 REAR ELEVATION
1/4"=1'-0"

1 FRONT ELEVATION
1/4"=1'-0"



3 RIGHT (NON-DRIVE THRU) ELEVATION
1/4"=1'-0"



4 LEFT (DRIVE THRU) ELEVATION
1/4"=1'-0"

KEY NOTES

- ILLUMINATED CANOPIES SUPPLIED AND INSTALLED BY CONTRACTOR
- CANOPY SUPPLIED AND INSTALLED BY USA VENDOR
- MESH SYSTEMS UP TO 16'-0" HIGH - PROVIDE MESH PANELS BY CONTRACTOR. MESH TO BE INSTALLED BY CONTRACTOR. MESH TO BE INSTALLED BY CONTRACTOR.
- MESH TO BE INSTALLED BY CONTRACTOR
- TRIM TO BE INSTALLED BY CONTRACTOR
- EPS - DRIVE THRU VENTILATION SYSTEM - UNFINISHED FINISH COLOR TO MATCH TRIM
- TRIM TO BE INSTALLED BY CONTRACTOR
- MESH TO BE INSTALLED BY CONTRACTOR
- INSULATION - SEE ETL 1/4"=1'-0" - COLOR: THERMATEX
- INSULATED IN DOOR - FRAME TO MATCH EPS

K-8

07-08-14

ADDITIONAL INFORMATION SECTION FOR 21XX LONDON ROAD SUBMITTAL

DAKOTA KING (BURGER KING) AND LONDON ACQUISITIONS (CARIBOU COFFEE)

SECTION 3.13 CHECKLIST

Site Plan

A site plan has been included that includes information about sidewalks, driveways, parking lots and existing pedestrian features along 21st avenue east, London road, and 22nd avenue east. Dimensions have been added. Note that the existing western driveway is proposed to be abandoned. The northern and eastern driveways will be utilized.

Parking

It appears that the minimum parking area requirements have been met and exceeded for the proposed uses on the site. At least 50% of the parking for the Burger King and Caribou Coffee is contained behind the front façade off of London Road. At least 10% of the actual parking areas, not including access to those parking areas, have been reserved for vegetated landscape islands. Where shrub plantings are limited, and vegetation occurs, those islands/vegetated strips will be planted with turf grass.

Snow Storage

Some of the parking lot islands could be used as limited snow storage. For this reason, shrub plantings on these islands has been limited. Most snow must be hauled off of the site.

Architectural Plans

Floor plans and elevations are included for both the Burger King and Caribou Coffee.

Sidewalks

At this time, the Caribou is suggesting sidewalks on the south and east sides of the building. Burger King is suggesting sidewalks on the north, and east sides of the building.

Current Pedestrian Access

The site can be accessed by existing sidewalks on 21st Avenue East, London road and 22nd Avenue East. Cross walks are in place at 21st avenue east and London road.

Landscape Plan

A landscape plan has been included. Shrubs are proposed along the avenues and London Road in densities indicated in the UDC. Max shrub height is 36" except in clear zones at intersections where the max height will be 30". Shrub species will be all or any of the following:

- Little Princess Spirea
- Magic Carpet Spirea

15-10

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Juniper - Blue Chip
Crisp leaf Spirea
Japanese White Spirea
Tor Birchleaf Spirea
Little Princess Spirea
All minimum 2 gallon size at planting

Large Tree species will be:

Bur Oak (*Quercus macrocarpa*) Minimum 3" caliper at planting

Small Tree species will be:

Dolgo Crab (*Malus Dolgo*) or equivalent
Minimum 2.5" caliper at planting

Screening

For perimeter planting and parking lot screening along public streets, a 5' wide landscape strip will be constructed and maintained in the City boulevard along London Road and 22nd Avenue East. This was discussed with Tom Johnson, PE in the Engineering department at the City of Duluth. City mapping did not indicate that there would be conflicts with existing or proposed utilities. This landscaping will be maintained by development. Planting in the Mn/Dot ROW on 21st Avenue East is not permitted.

For commercial abutting a residential district, this does not occur (see section 50-25b). A current residential use exists in the MU-C zoned district to the south. In this case, an engineered slope is proposed. The height of this slope as it abuts the residential use is at least 8' in height from toe to crest.

Vegetative screening can be added to this slope, if required.

A dumpster enclosure is planned between the two proposed businesses. This enclosure will serve Caribou Coffee. It will be enclosed on three sides by a masonry wall or metal fabric screen. A gate will be installed facing east toward the west. Burger King has proposed a dumpster enclosure next to its building with a steel frame gate with wooden slats and a masonry walls on three sides.

Tree preservation

There are five mature *Malus* sp. Along London road in the NE corner of the property. These trees appear to be in relatively good health, and will remain and be protected during construction. Where possible, a 4' tall orange fence will be installed around the drip line of the trees. Materials will not be allowed to be stored within the drip line of the trees.

Loading Zones

Loading for the BK will occur through a man-door located on the west side of the building. The delivery truck will back up to the NW corner of the building during off-peak hours. Supplies are carted into the building across the sidewalk.

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K-11

Loading for the BK will occur through a man-door located on the south side of the building. The delivery truck will back up to the Southeast of the building during off-peak hours. Supplies are carted into the building across the sidewalk or along the drive lane.

Signage

There are existing pole signs on the west side of the property along 21st avenue East and the north side along London Road.

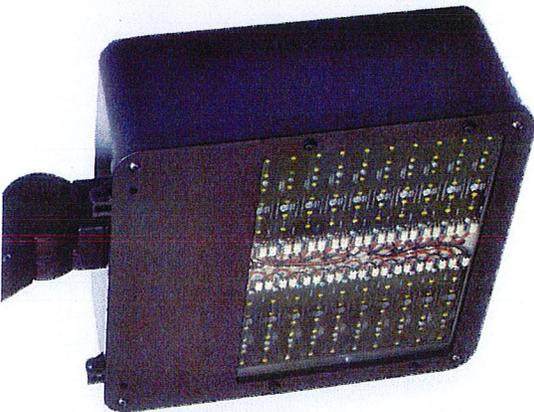
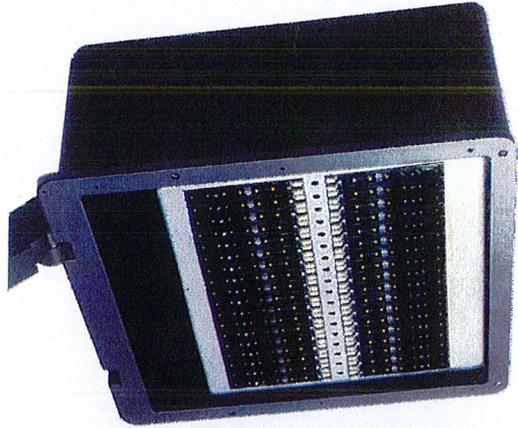
These signs will remain, but will have replacement sign information within the existing frames. The sign masts will also be repainted. See attached images of existing pole signs.

Section 50-27 appears to indicate that a third sign on this property is permissible. If that is the case, then a monument sign 6.9' tall and 8' long will be added to the NE corner of the property to accommodate the eastern property line.

Lighting

LED parking lot lighting has been selected with a maximum of 1FC coverage. The attached analysis is for a sign shoebox light on a pole. Intersections at 21st Avenue East and London Road, as well as 22nd Avenue East and London Road are currently illuminated by City lighting.

K-12



Precision engineered for performance + energy savings.

100-1300w HID replacement options.

LPP's modular LED area lights dramatically reduce energy consumption and virtually eliminate ongoing maintenance expenses for site, area and street lighting applications. These commercial grade, USA engineered and manufactured products utilize superior optical and thermal management systems to deliver whiter, brighter lighting that improves safety and visibility.

Advanced light engine technology.
5,000+ projects and counting.

The light engine technology engineered into our area lights is both powerful and efficient. It has proven itself on 5,000+ completed projects across the United States and is independently tested by Intertek, fully certified and crafted from premium components that incorporate the highest quality LED lamps, light boards, drivers and heat sinks.

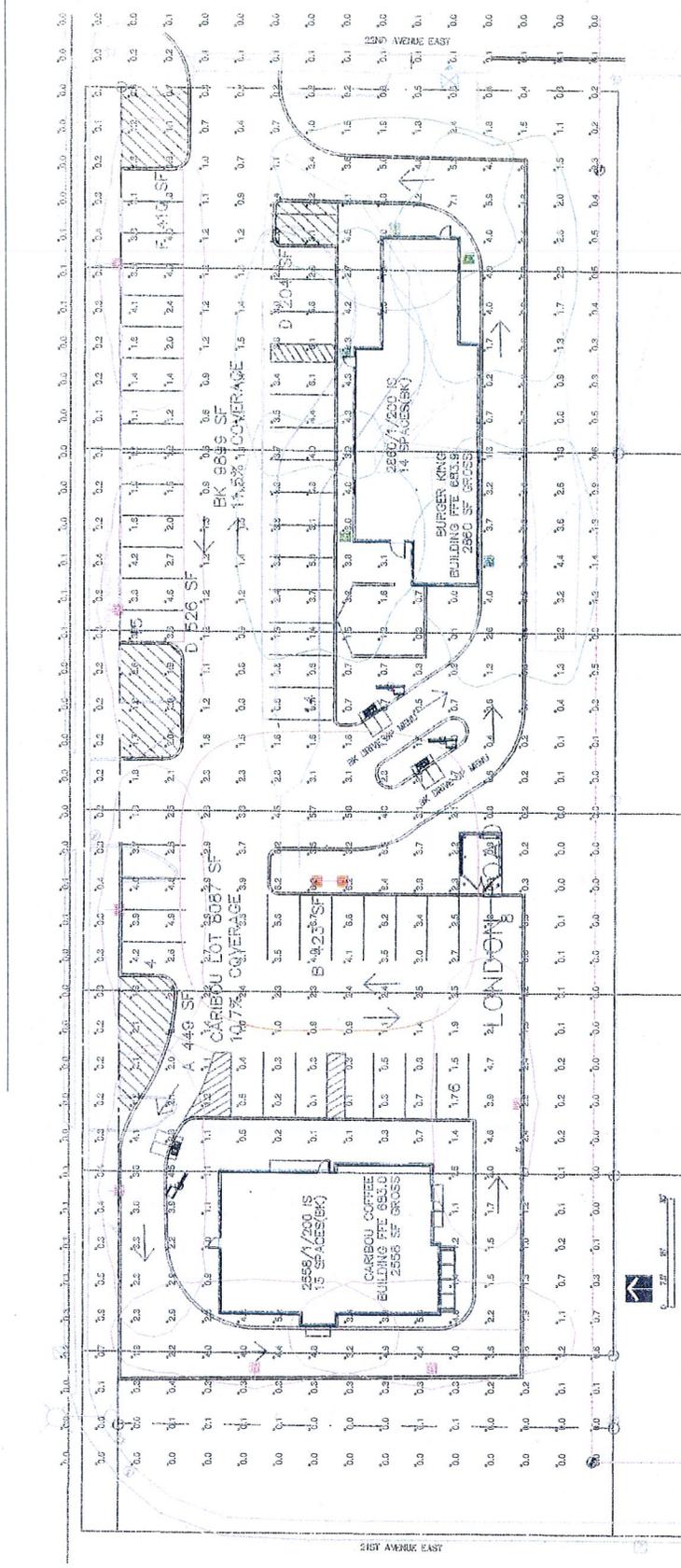
- 50-90% Energy Reduction
- 100,000 Hour Rated LED Life
- 5-Year Light Engine Warranty
- 5,000+ Projects & Counting

K-13

VISIONAIRE LIGHTING
PHOTOMETRIC STUDY #
P820044181E100 LONDON-04
TSR Lighting
08/01/14

Label	CalcType	Units	AVC	Min	Max	AVC/Min	Max/Min
CHFB	ILLUMINANCE	Fc	1.68	0.4	6.0	N/A	N/A
DATA/TREND/CHK	ILLUMINANCE	Fc	3.17	0.5	11	2.25	22.0
LONDON ROAD PRUNEFESTER	ILLUMINANCE	Fc	2.64	0.4	11	2.65	4.3

Symbol	Qty	Arrangement	Total Lamp Lumens/UF	Description
7	7	SPACLES	0.885	Visonaire Parking Star II 80W-70vnl-Ce-25°-SPACLES @ 24.5 WTC. FT.
1	1	BACKWASH	1.000	Visonaire Parking Star II 80W-70vnl-Ce-25°-SPACLES @ 24.5 WTC. FT.
5	5	SPACLES	0.885	Visonaire Parking Star II 80W-70vnl-Ce-25°-SPACLES @ 24.5 WTC. FT.



K-14

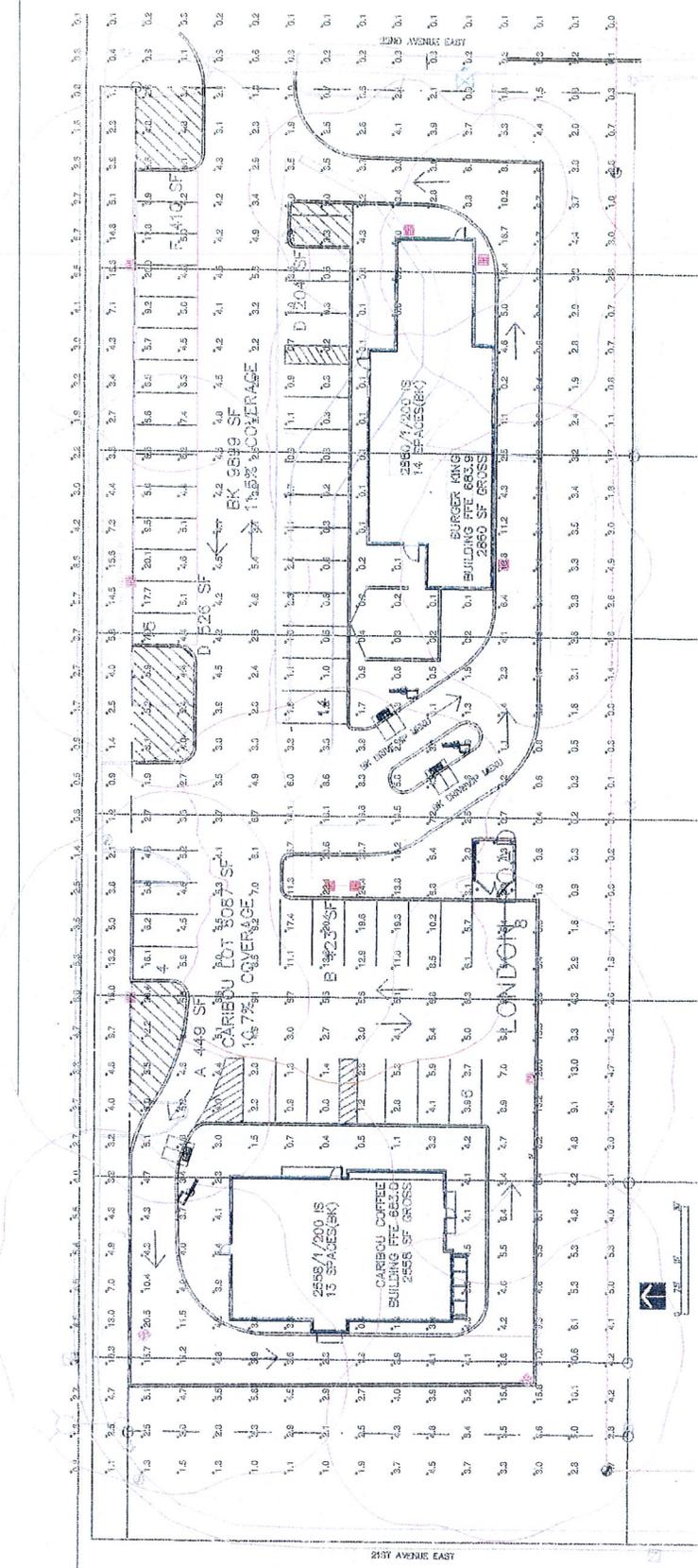
VISIONAIRE LIGHTING
 PHOTOMETRIC STUDY #
 P2020417SF2106 LONDON-03
 TSR Lighting
 05/10/14

Calculation Summary

Label	CalcType	Units	Min	Avg	Max	Min	Avg	Max
Output	Illuminance	fc	0.4	4.4	94.4	c.c	N.A.	N.A.
INPUT THROUGH	Illuminance	fc	6.0	30.5	1.6	fc	3.97	107%
LONDON ROAD PERIMETER	Illuminance	fc	7.62	33.1	4.2	fc	1.39	47%

Luminaire Schedule

Symbol	Qty	Label	Arrangement	Total Lamp Lumens/LFP	Description
6	1	C	SINGLE	4300	Vibrantia Parking Sur II ESTE-W-4052-SINGLE @ 14' MTC INT.
7	1	D	BACKPACK	4700	Vibrantia Parking Sur II ESTE-W-4052-Backpack @ 14' MTC INT.
3	1	W	SINGLE	2650	Vibrantia Parking Sur II ESTE-W-4052-WALL @ 14' MTC INT.



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