



CITY OF DULUTH
Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

File Number	PL 14-111	Contact	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	Variance	Planning Commission Date	September 9, 2014	
Deadline for Action	Application Date	August 8, 2014	60 Days	October 7, 2014
	Date Extension Letter Mailed	August 26, 2014	120 Days	December 4, 2014
Location of Subject	104 W Central Entrance			
Applicant	Land and Lease Development LLC	Contact	brianw@lldllc.com	
Agent	N/A	Contact	N/A	
Legal Description	See attached			
Site Visit Date	August 29, 2014	Sign Notice Date	August 25, 2014	
Neighbor Letter Date	August 26, 2014	Number of Letters Sent	40	

Proposal

Applicant is proposing a new Dunkin Donuts (Application for a MU-C Planning Review to come soon), and are requesting a variance for the maximum parking requirement. Currently the UDC would allow a maximum of 17 parking spaces and applicant is requesting a maximum of 22 parking spaces.

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

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

50-24.4 - Maximum Parking Limit: No more than 150% of the minimum required number of 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 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 Parking and Loading Regulations: Variances shall not exceed 175% of the minimum requirement.

III. E-1

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.

Governing Principle #1: Reuse previously developed lands.

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

Staff finds that:

- 1.) Applicant is proposing a 2,450 sq ft Dunkin Donuts with a drive-through (MU-C Planning Review to be reviewed under future application). This is a permitted use in the MU-C zone district, and a reasonable use for this commercial area along Central Entrance.
- 2.) Applicant states a need for 22 spaces, but as the development has not occurred, it is unclear what actual usage will be.
- 3.) Staff finds that the variance is not necessary for the preservation and enjoyment of a substantial property right, as the lot can be developed for commercial use without the variance. Note that planning staff have been conducting a review of parking usage among similar restaurants in Duluth and, pending findings of this report, may propose changes to parking standards to ensure the requirements reflect business needs.
- 4.) The need for relief is not due to circumstances unique to this property. Site does not exhibit exceptional narrowness or shallowness or exceptional topographic or other conditions.
- 5.) Granting the variance will not alter the essential character of the area. Surrounding businesses have large surface parking lots.
- 6.) Request for 22 spaces is slightly over 175% of the required minimum and therefore would not be allowed per 50-37.9.G. The maximum that would be allowed with a variance is 21 spaces.
- 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 within 1 year.

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

Staff recommends that the Planning Commission deny the variance to add 22 parking spaces for a Dunkin Donuts, for the following reasons:

- 1.) The variance is not necessary for the preservation and enjoyment of a substantial property right and therefore does not demonstrate practical difficulty or undue hardship.
- 2.) The need for relief is not due to circumstances unique to the property.

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



City Planning

PL 14-111 and 14-114
104 W Central Entrance

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

Shoreland Overlay Zone

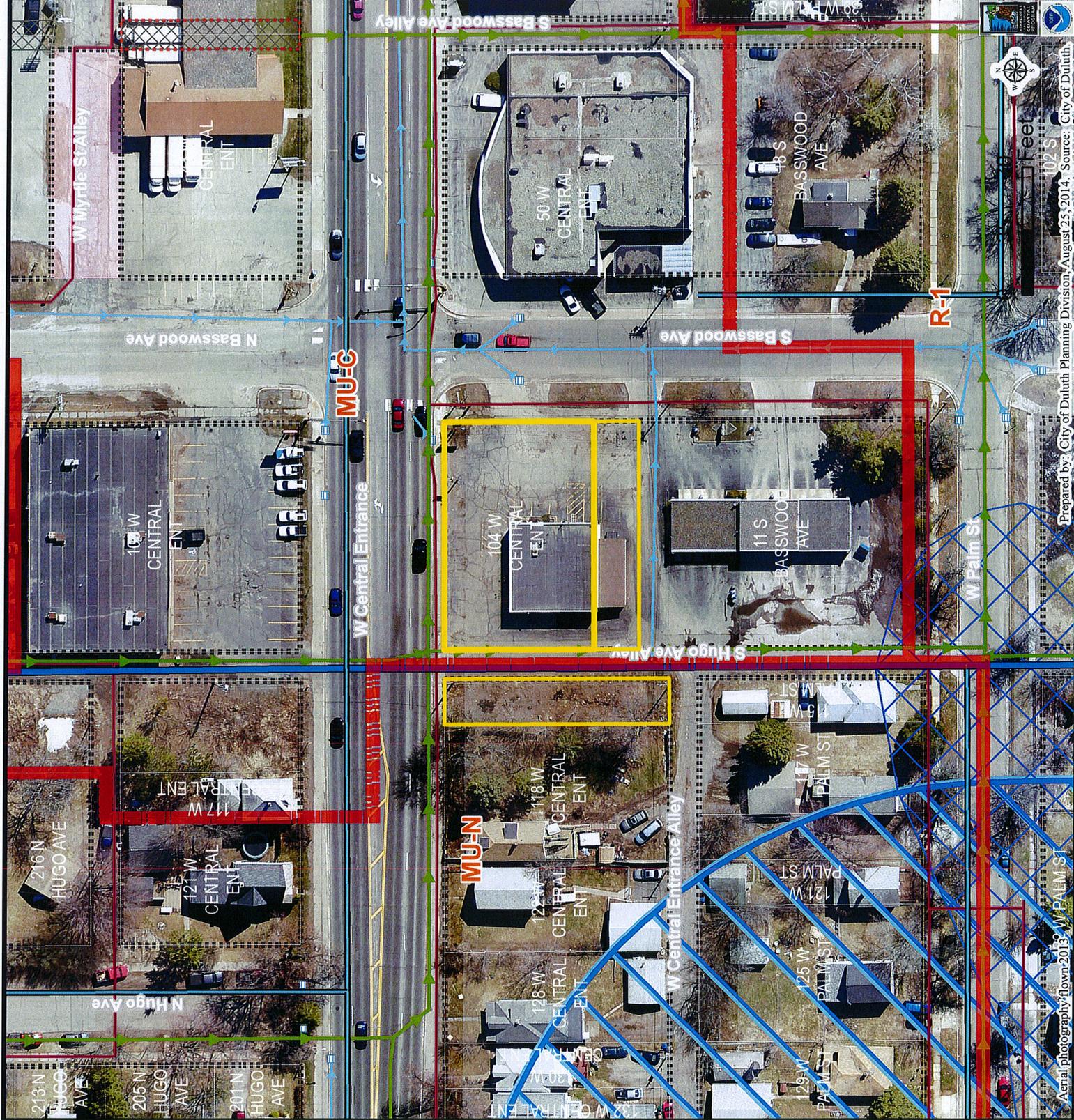
- Cold Water
- Natural Environment
- General Development

Floodplain Type

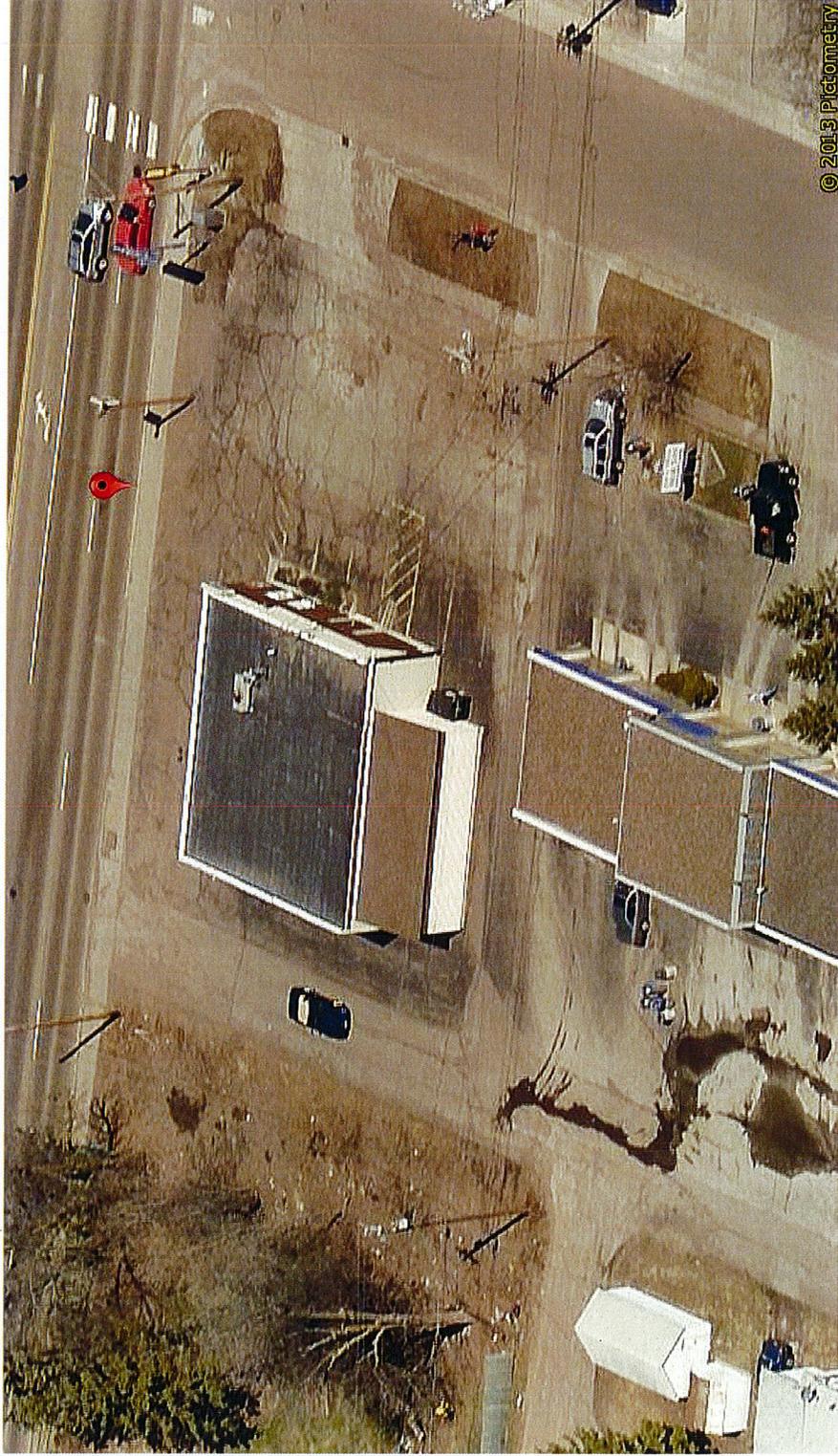
- General Flood Plain
- Flood Way
- Flood Fringe

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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Prepared by: City of Duluth Planning Division, August 25, 2014. Source: City of Duluth. Aerial photography flown 2013. W PALM ST



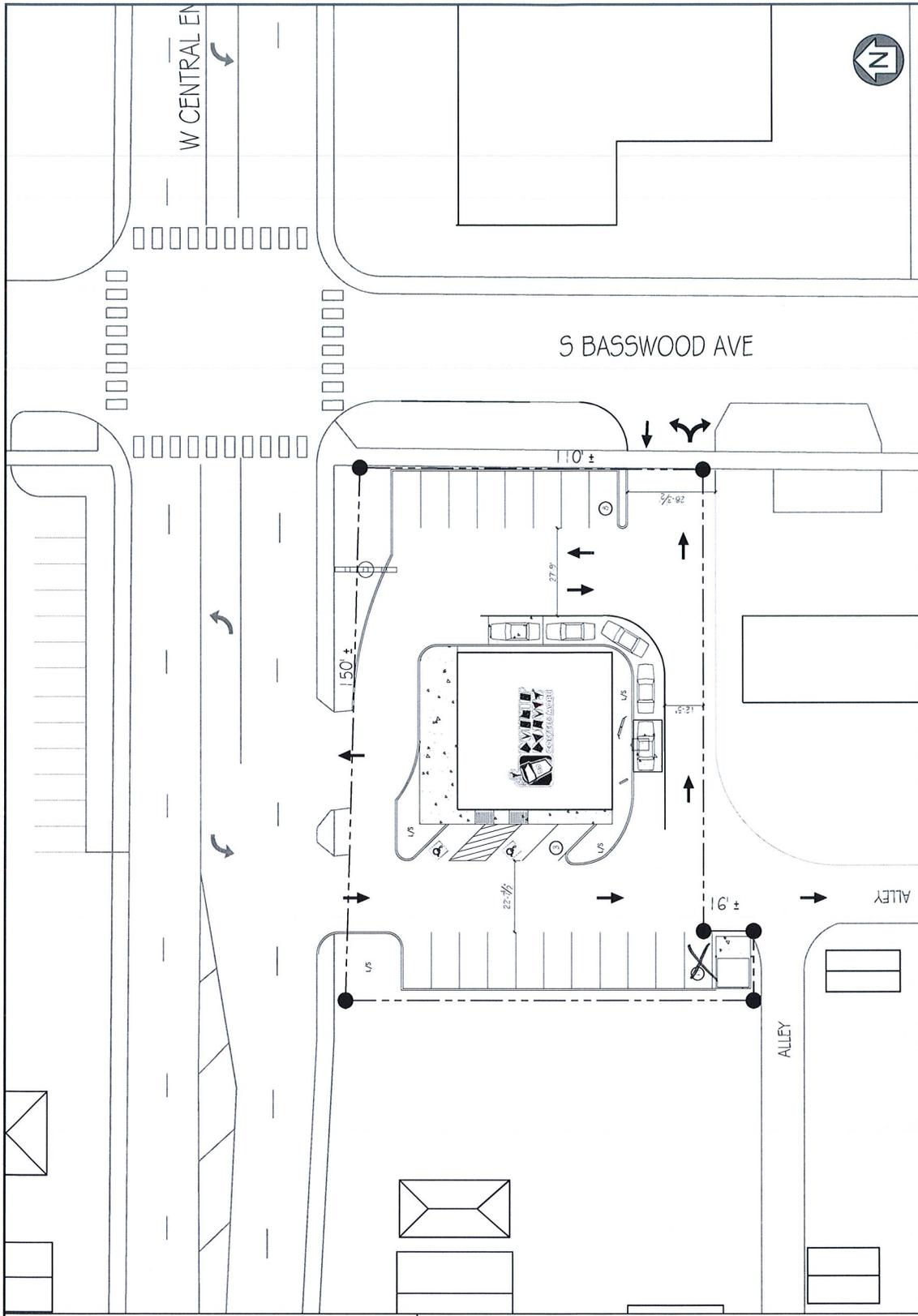
104 W Central Entrance

Print Date: 08/28/2014

Image Date: 05/12/2013

Level: Neighborhood

E-4



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THIS SCHEMATIC WAS PRODUCED FROM A GRAPHIC REPRESENTATION OF THE SITE. AN ENGINEER SURVEY SHOULD BE COMPLETED TO VERIFY ALL EXISTING CONDITIONS



OWNER/TENANT:

CENTRAL ENTRANCE & BASSWOOD AVE
DULUTH, MN

SCALE:
N.T.S.

PROJECT NO.: 14-271
DATE: 08/24/14
SHEET #

004

SHEMATIC
SITE PLAN

DATE: 08/24/14

SHEET #

004

SHEMATIC
SITE PLAN

DATE: 08/24/14

SHEET #

004

SHEMATIC
SITE PLAN

DATE: 08/24/14

SHEET #

004

LEGEND

---	PROPERTY LINE
---	EXISTING SITE
---	SETBACK/MEASUREMENT
---	PROPOSED SITE

PARKING LEGEND

PARKING:	19 20
HC SPACES:	2
TOTAL PARKING:	21 22
TOTAL REQUIRED PARKING:	XX
MAX PARKING ALLOWED:	XX

PARKING REQUIREMENTS

FOOD & RESTAURANTS - 1 SPACE PER 200 SQ FT OF GROSS FLOOR AREA

XXXX SQ FT / 200 = XXX = XXX TOTAL SPACES

MAX SPACES ALLOWED = 50% MORE THAN REQUIRED = XX + XX = XX = XX MAX PARKING SPACES ALLOWED

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City of Duluth
Planning and Construction Services

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Variance Application Supplemental Form

In order to submit a complete variance application, please explain how your request meets all of the below variance criteria. This is information that is required by the zoning code and that is necessary for Planning Commission review.

List the UDC Section you are seeking relief from (example: "50-14.5 – front yard setback in an R-1"):

50-24.4

Is the applicant proposing to use the property in a reasonable manner? Yes No

Please explain the applicant's use of the property, and how the relief requested is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant:

The site will be used for Dunkin' Donuts Franchise. Fast Food Restaurant with drive thru is allowed under MU-C zoning. Allowing providing sufficient parking for an allowed use will minimize congestion and preserve the adequate use of this and adjoining properties.

Is the need for relief due to circumstances unique to this property? Yes No

Please explain how these circumstances are due to exceptional narrowness, shallowness or shape of the applicant's property, or because of exceptional topographic or other conditions related to the property:

Will granting this variance alter the essential character of the area? Yes No

Explain how this property fits the character of the neighboring area, and how the special circumstances or conditions applying to the building or land in question are peculiar to such property or immediately adjoining property, and do not apply generally to other land or buildings in the vicinity:

this property is located in a MU-C district. there are several fast food businesses with drive thru in the area on the same side of the streets. allowing adequate parking would help elevate "spill over" and better protect the access of all businesses.

Revised July 14, 2014

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E-6

Is this request consistent with the intent of the UDC and Comprehensive Plan? Yes No

Explain how the UDC and Comprehensive Plan support this request: although we understand there have been studies in the work to better understand how much parking is needed for certain types of business, those studies have not been conducted in the city.

Explain how the special circumstances or conditions that create the need for relief were NOT directly or indirectly created by the action or inaction of the property owner or applicant:

the property is zoned for fast food with drive thru. the ordinance does not allow for adequate parking of this type of business.

Will the variance impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety or public welfare of the inhabitants of the city? Yes No

Please explain: the variance for parking would help to insure ~~some~~ that at least some of the above wouldn't happen. this is the essence of this request. mainly safeguarding impairment of the adjoining business.

Does the relief allow any type of sign that is not allowed in the zone district where the property is located? Yes No

Does your variance request need to meet any of the specific criteria in UDC Section 50-37.9, subsections D through M? Yes No B-3 over 150 but not 175%

Discuss what subsections are applicable and how this request meets those: _____

Minimum allowed (12) 21 spaces meets the requirements of B-3 above not exceeding 175%

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E-7

Reasons for Request
104 W Central Entrance Duluth, MN

Current parking maximum ordinance by the City of Duluth allows parking as defined as total SF of building divided by 200 SF for calculation of parking spaces permitted in MU-C with 50% over that amount being allowed.

That equation applied to our site would be 2,450 (rough building SF) divided by 200 SF equals 12 with maximum of up to 50% over that figure bringing the total number up to 17. This as it stands will create parking conflicts with adjoining businesses, particularly the Car Wash to the South as it is a relatively "self-serve" business.

To avoid this probable conflict we are requesting a variance to the ordinance allowing us to develop up to 22 parking spaces as shown on our site plan.

The hardship is created by the parking standard for this zoning district itself. MU-C zoning allows for a restaurant with drive-thru yet does not allow for enough parking spaces that this type of business will generate. For example, neighboring McDonalds's 5,000 SF building would allow for 25 parking spaces, they have 72. Burger King's 3,000 SF building would allow for 15, they have 42. Taco Johns 1,400 SF building would allow for 7, they have 23. Finally, Subway's 2,100 SF building would allow for 10 and they have 35.

Allowing a variance to the property's maximum will help alleviate congestion on city streets by folks simply parking on-site instead of curb-side keeping city streets less congested for fire access and public safety. Allowing this variance will not impair the health, safety or public welfare of the inhabitants of the city.

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(6 copies)