



**CITY OF DULUTH**  
Planning Division

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**STAFF REPORT**

<b>File Number</b>	PL 16-015	<b>Contact</b>	Steven Robertson
<b>Application Type</b>	Variance from Front Yard Parking Limit	<b>Planning Commission Date</b>	May 10, 2016
<b>Deadline for Action</b>	<b>Application Date</b>	April 11, 2016*	<b>60 Days</b> June 10, 2016
	<b>Date Extension Letter Mailed</b>	April 28, 2016	<b>120 Days</b> August 9, 2016
<b>Location of Subject</b>	NE Side of Rice Lake Road, Between Technology Drive and Krueger Road		
<b>Applicant</b>	Duluth Public Schools Academy	<b>Contact</b>	Pacific Education Partners
<b>Agent</b>	David Chmielewski, Blackhoof Development	<b>Contact</b>	dave@blackhoof.com
<b>Legal Description</b>	PIN 010-2710-0515		
<b>Site Visit Date</b>	April 30, 2016	<b>Sign Notice Date</b>	April 26, 2016
<b>Neighbor Letter Date</b>	April 28, 2016	<b>Number of Letters Sent</b>	9

**Proposal**

The applicant is seeking a variance from the front yard parking limitations in residential districts. In residential districts, per table 50-24.3, non-corner lots with non-dwelling units in residential districts may only locate off-street parking in the rear yard, and one side yard. The applicant is seeking a variance to place 39 parking spaces in the front yard.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	RR-1*	Recreation/Green Space	Business Park*
<b>North</b>	RR-1	Recreation/Green Space	Business Park/Rural Residential
<b>South</b>	RR-1	Undeveloped	Rural Residential
<b>East</b>	R-2	Elementary School/Office	Urban Residential/Light Industrial
<b>West</b>	MU-B	Recreation/Light Industrial	Business Park

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

Sec. 50-37.9.G.1. Residential districts. (a) A variance may be granted to allow parking on a portion of a lot in an R zone where parking is not permitted by Section 50-24.6.B in the following two cases: (i) On any non-corner lot in an R district where the permitted parking area as shown in Table 50-24-3 is of insufficient size or configuration to allow for compliance with the off street parking requirements of this Chapter, and the applicant demonstrates hardship; (ii) On any corner lot in an R district where the R district parking area is of insufficient size or configuration to allow for compliance with the off street parking requirements of this Chapter, without a showing of hardship;

(b) The variance shall be subject to the following conditions, and any other conditions determined by the commission to be reasonable and necessary to protect the interests of the abutting property owners and the residential character of the surrounding neighborhood: (i) On a non-corner lot with frontage of less than 50 feet, only one parking area may be located outside the R district parking area; (ii) On a corner lot with frontage of less than 50 feet, the variance may allow for compliance with the off street parking requirements of this Chapter; (iii) On a corner or non-corner lot with frontage of 50 feet or greater, no variance may allow a parking area, including any driveway area leading to it, to exceed an additional 30 percent of the front yard; (iv) The proposed parking area shall be entirely located on the applicant's lot and shall not encroach across any abutting lot line unless such abutting lot and the subject lot are under the same ownership and the abutting lot is not occupied by a dwelling unit; (v) Where the proposed parking area will encroach into any unimproved area of a street, the variance shall expire upon improvement of the street;(vi) Economic considerations. in whole or part. shall not constitute a hardship

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

Business Park-Primarily office and light industrial areas developed in a unified manner, with standards for site design and circulation patterns, signage, landscaping and building design.

Institutional-Applicable to university and college and public school campuses, large religious facilities or governmental campuses, cemeteries, etc. Applies primarily to existing facilities.

This project is related to 3 variance applications, PL 16-014 (to allow more off-street parking spaces than allowed by the zoning code), PL 16-015 (to allow front yard parking in a residential district), and PL 16-029 (to exceed the maximum height allowed for structures in the RR-1 district). See PL 16-013 for additional background information (traffic study, wetland replacement plan, etc).

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

1) In the Variance Application Supplemental Form (attached with staff report) the applicant states that "the use of the property, high school in an RR-1 district, is permitted by Special Use Permit. Among the great needs of modern schools are the need to safely control the interaction of vehicle and pedestrian traffic and the need to monitor building entry during the school day. It is therefore necessary to allow a small portion of the building's parking to happen in the front yard where visitors may enter directly into the security check point. The need for the relief is due the uniqueness of the school and use on any property. Such a need may not exist in a traditional neighborhood where on street parking is available. Parking on Rice Lake Road is not safe for this site nor is it desirable for neighboring properties or the City of Duluth, and that maybe considered a difficult specific to this site."

2) General Variance Standards:

2A) Lot Characteristics. The property does contain topographic conditions, such as significant wetlands, that may constitute a practical difficulty to use the property. The site is very large, however, and other conditions typically associated with practical difficulty related to the lot (small lot area, narrow lot width, unusual shape of the lot, significant shoreland setbacks, floodplains, etc.) are not present on this property.

2B) Special Circumstances. The special circumstances or conditions that exist on this property (wetlands) were not created by the applicant. Significant wetlands are not unusual in this area nor specific to this property, but the presence of wetlands on the site does present a challenge when trying to locate a campus or its parking areas.

2C) Property Right. The relief requested by the applicant is not necessary for the preservation and enjoyment of the continuing property right. This property has a current reasonable use (recreation/athletic). The application has communicated why it is relevant for this specific type of use to have visitor and teacher/student parking segregated, and that alternative parking arrangement options are limited due to the presence of wetlands near the preferred school site.

2D) Light and Air. The relief, if granted, would not impair an adequate supply of light and air to adjacent property owners.

2E) Intent. This variance can be granted without substantially impairing the intent of the chapter. This area is not a traditional neighborhood, and is directly adjacent to a busy road. The front yard parking will not significantly detract from the appearance or visual harmony of the area.

3) In the event that this property is rezoned to MU-I, there will be less stringent limitation on front yard parking (in mixed use districts, up to 50% of the off-street parking may be located in the front yard).

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

Based on the above findings, Staff recommends that Planning Commission deny the variance for the following reasons:

1) The application has not demonstrated that the requirements of the city's zoning code would result in practical difficulties to the property owner.

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

**Variance Request for Front Yard Parking:**

In reference to UDC Section 50-24.6B, Parking Location within the site, it is requested that the City of Duluth consider allowing a variance to allow parking in the front yard. The parking in the front yard will consist of visitor parking. This will separate the student parking and the visitor parking keeping the midday traffic mainly in the front of the building. Safe and controlled accesses to schools are a top priority on this nation. Edison will be providing a secure check point during school hours at the front of the building. It is for this reason the visitor parking needs to be located as shown, adjacent to the secure entrance point in the front of the building. In earlier site layouts, a higher amount of parking was shown in the front yard. Early discussions with planning staff determined that shifting all student/staff parking to side and rear yards would be a more desirable alternative.

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COMMERCIAL

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email: gps.foundations@gmail.com

RESIDENTIAL

## DSPA 8-12 SCHOOL

### FRONT YARD PARKING VARIANCE VARIANCE APPLICATION - SUPPLEMENTAL FORM

List UDC Section you are seeking relief from:

Table 50-24-3: Permitted Parking Areas in residential district.

Is the applicant proposing to use the lot in a reasonable manner? YES

The use of the property - High School in and RR-1 District - is permitted by Special Use Permit. Among the greatest needs of modern schools are the need to safely control the interaction of vehicle and pedestrian traffic and the need to monitor building entry during the school day. It is therefore necessary to allow a small portion of the building's parking to happen in the front yard where visitors may enter directly into the security check point.

Is the need for relief due to circumstances unique to this property? NO\*

The need for the relief is due to the uniqueness of the school land-use on any property.

\*Such a need may not exist in a traditional neighborhood where on street parking is available. Parking on Rice Lake Road is not safe for this site nor is it desirable for neighboring properties or the City of Duluth, and that may be considered a difficulty specific to this site.

Will granting this variance alter the essential character of this area? NO

This area features a school next door with parking on all sides as well as other commercial businesses, one of which has a very large front yard parking lot.

Is this request consistent with the intent of the UDC and Comprehensive Plan? YES

As stated above, the current UDC allows a school to be developed in the current RR-1 District, and we maintain that some front yard parking is necessary for this land use. Further, the Comprehensive Plan does acknowledge that the future use of this area will be

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some sort of commercial or mixed-use. Those things said, we have greatly reduced the proposed amount of front yard parking from our preliminary submittal in keeping with Planning Staff's recommendations.

Explain how the special circumstances or conditions that create the need for relief are NOT directly or indirectly created by the action or inaction of the property owner or applicant: The UDC restrictions in residential districts do not align with the safe and functional use of a school. Because no on street parking is available, the only reasonable alternative is a small parking lot in front of the building.

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 the established property values within the surrounding areas or in any other respect impair the health, safety, and welfare of the inhabitants of the city? NO

While we believe most of these are self explanatory, the traffic congestion may not be due to the issues that have been experienced in this area up until now. The designers and developers of this property have worked extensively with traffic engineers at the City and County levels as well as neighboring property owners to make sure new roadways are put in place that will not only handle the new traffic but also will have a positive effect in relieving the existing traffic congestion issues.

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

Does your variance request need to meet any of the specific criteria in UDC Section 50-37.9, subsections D - M? YES

The G provision does apply. Our need is in keeping with that described in Section G.1.a item i, and we do meet all of the applicable criteria, Section G.1.b, items i-vi.

Attachments: "Variance Request for Front Yard Parking" - Northland Consulting Engineers  
Site Plan - Northland Consulting Engineers

Respectfully Submitted:  
Greg Strom, Architect

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**City Planning**  
**DULUTH Edison High School**  
**SUP and 3 Variances**



Approximate Project Location

**Legend**

- Trout Stream (GPS)
- Other Stream (GPS)
- Wetlands (NRRI)
- 10' Contour (elev. change)

**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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**City Planning**  
**Duluth Edison High School**  
**SUP and 3 Variances**



Approximate Project Location

**Legend**

-  Trout Stream (GPS)
-  Other Stream (GPS)

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Aerial photography flown 2013

Prepared by: City of Duluth Planning Division; April 18, 2016; Source: City of Duluth.

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DATE: 04/15/2016  
 PROJECT NO.: 15-004-C  
 DRAWN BY: JDO  
 APPROVED BY: ARZ

PROPOSED BUILDING FOR:  
 DECS 8-12 SCHOOL  
 43XX RICE LAKE ROAD  
 DULUTH, MINNESOTA 55811

OWNER:  
 DULUTH, MINNESOTA 55811

REVISIONS

ISSUED DATE  
 04/15/2016

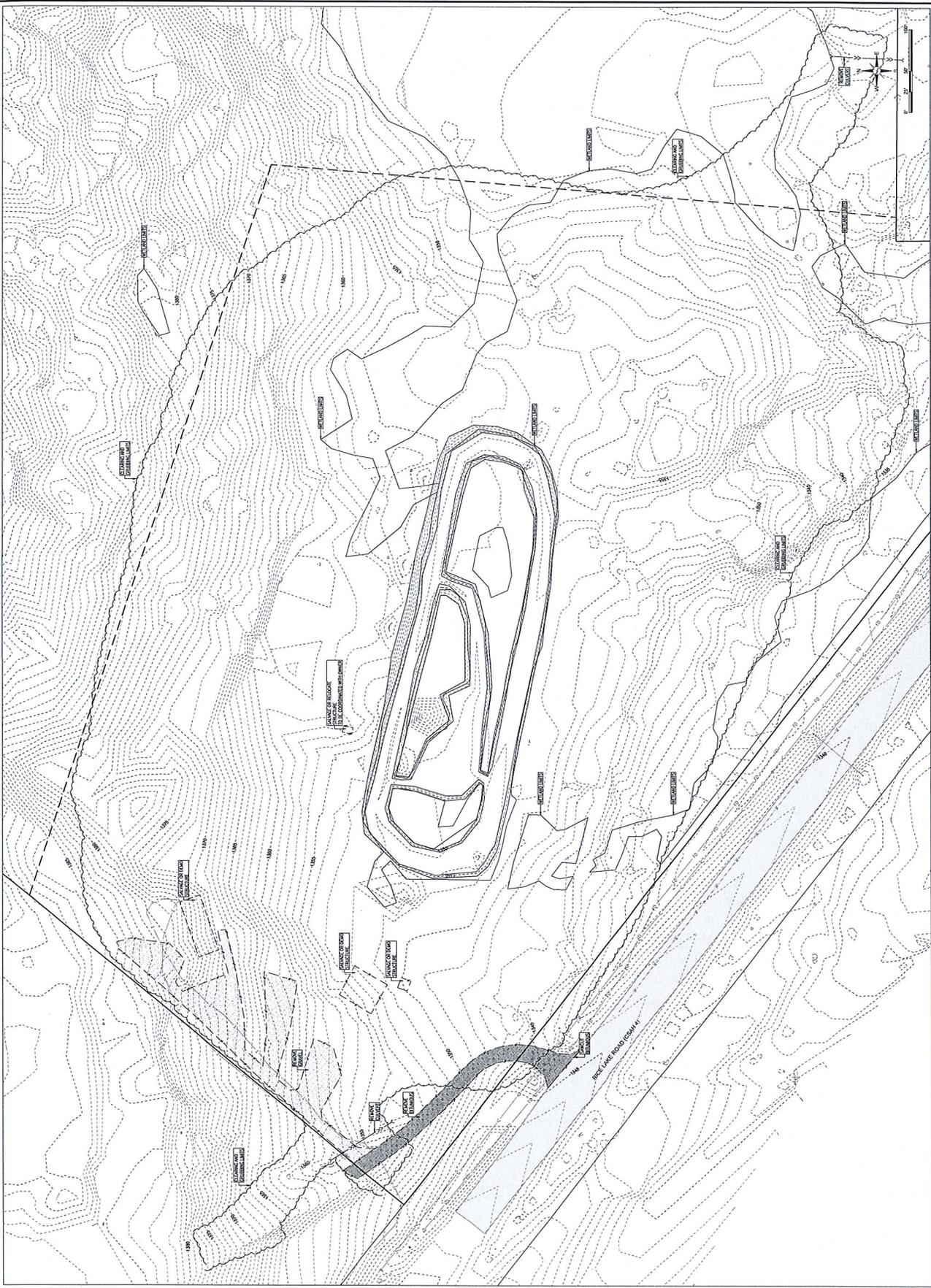
PROJECT NO.  
 15-004-C

DRAWN BY  
 JDO

APPROVED BY  
 ARZ

SCALE = 2" = 1' FULL SCALE  
 KEY

SHEET NO.  
 C3.0



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DATE: 04/15/2016  
 PROJECT OWNER: DULUTH, MINNESOTA 55811

PROPOSED BUILDING FOR:  
**DECS 8-12 SCHOOL**  
 43XX RICE LAKE ROAD  
 DULUTH, MINNESOTA 55811

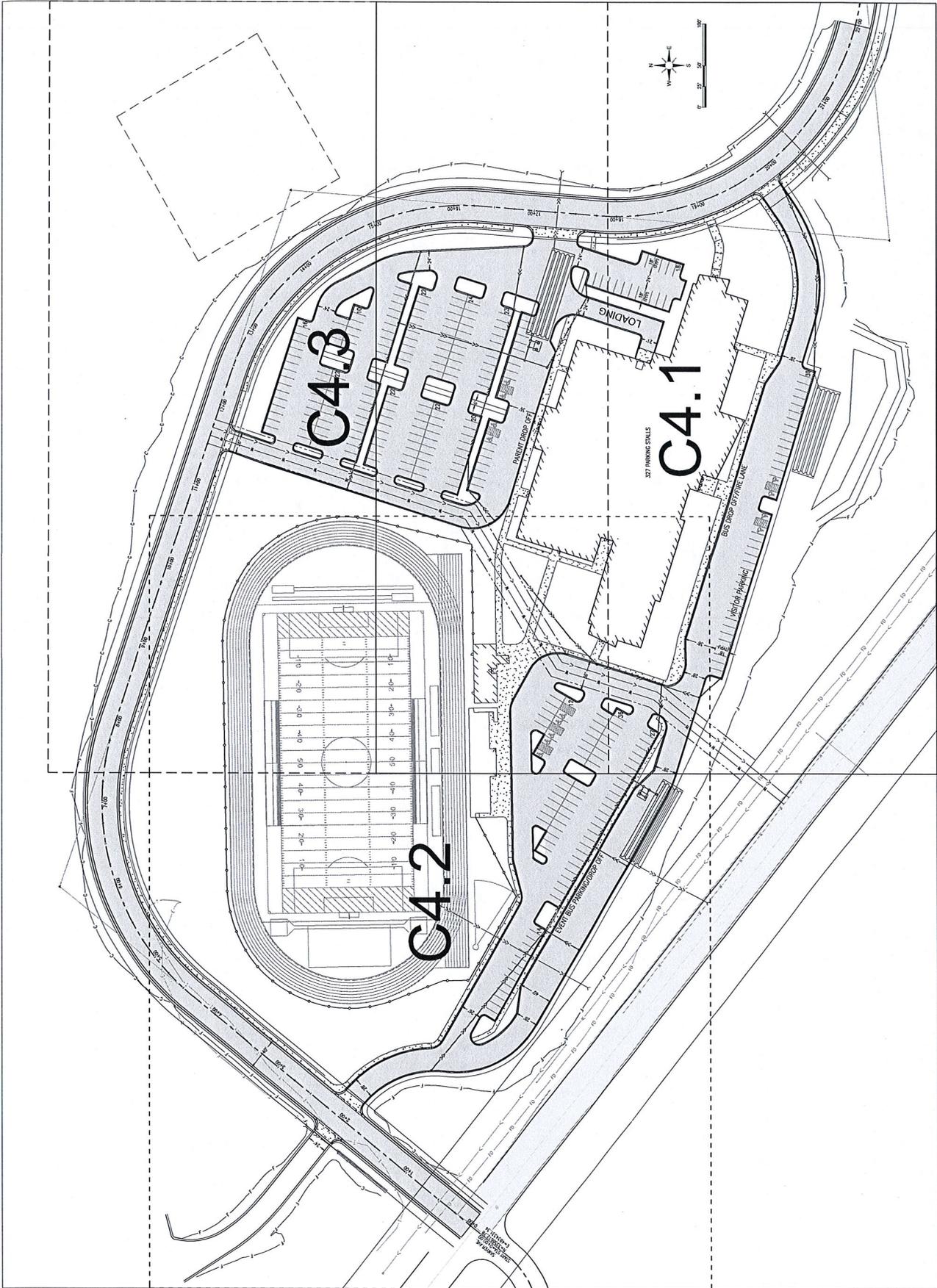
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 APPROVED BY: ARE

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SCALE: 2" = 1' AT FULL SCALE

KEY

SHEET NO. **C4.0**



H-10

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**NOT FOR CONSTRUCTION**  
SIGNATURE: DAVID BATELLE  
DATE: 02/02/2016 LICENSE NO. 46776

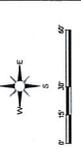
PROPOSED BUILDING FOR:  
**DECS 8-12 SCHOOL**  
43xx RICE LAKE ROAD  
DULUTH, MINNESOTA 55811  
OWNER:  
PROJECT OWNER

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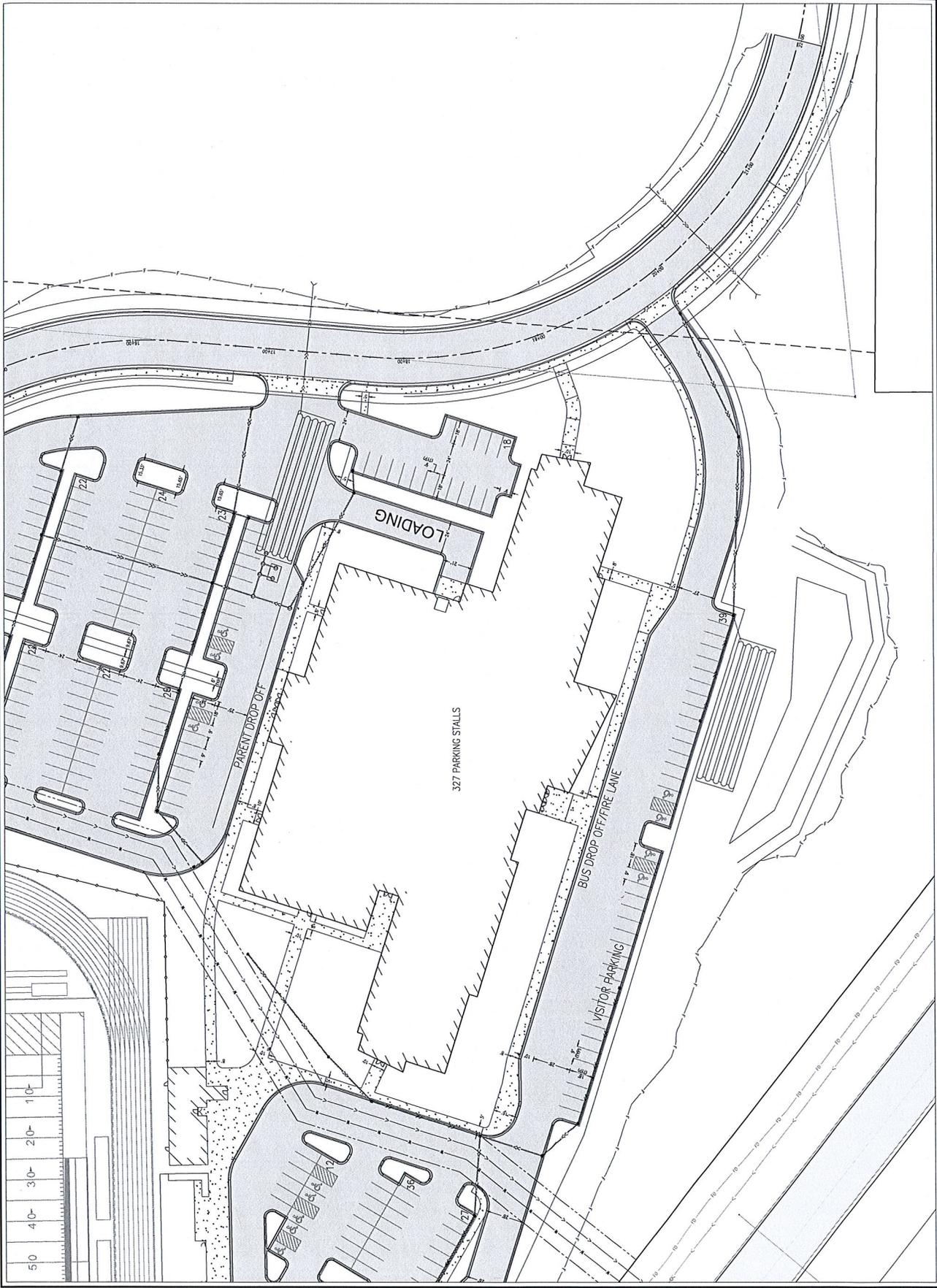
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						SCALE: 1/8" = 1'-0" AT FULL SCALE KEY:	SHEET NO. <b>C4.2</b>					

