



CITY OF DULUTH

Planning Division

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STAFF REPORT

File Number	PL 16-029	Contact	Steven Robertson	
Application Type	Variance from RR-1 Height Limit	Planning Commission Date	May 10, 2016	
Deadline for Action	Application Date	April 11, 2016*	60 Days	June 10, 2016
	Date Extension Letter Mailed	April 28, 2016	120 Days	August 9, 2016
Location of Subject	NE Side of Rice Lake Road, Between Technology Drive and Krueger Road			
Applicant	Duluth Public Schools Academy	Contact	Pacific Education Partners	
Agent	David Chmielewski, Blackhoof Development	Contact	dave@blackhoof.com	
Legal Description	PIN 010-2710-0515			
Site Visit Date	April 30, 2016	Sign Notice Date	April 26, 2016	
Neighbor Letter Date	April 28, 2016	Number of Letters Sent	9	

Proposal

The applicant is seeking a variance from the height limit in the RR-1 zone district. The maximum height of a building allowed is 30 feet; applicant is asking for a variance to allow the proposed new high school to go up to 33 feet.

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

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

Sec. 50-37.9.C. - General Variance Criteria. See attachment setting forth standards related to General Variance Criteria.

50-20.2.D. School, elementary, middle or high.

1. In the RR-1, RR-2 and R-1 districts, the school shall have a curriculum similar to that ordinarily given in public schools and having no rooms regularly used for housing or sleeping purposes, except staff quarters, when located on the premises for the school;
2. In the RR-1, RR-2, R-1, R-2, MU-N and MU-C districts, any such building shall be located not less than 40 feet from any side or rear lot line;
3. Notwithstanding any lower maximum height stated in Article II, in all zone districts except the form districts, the maximum height for this use shall be 45 feet.

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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. Most notably, the Gymnasium needs a minimum height to comply with current competitive standard as is shown in our supporting documentations".

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 the property are not directly related to the need for a relaxation to the height standards.

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 not provided information as to why a high school could not be built within the 30 feet height limit. The fact that other existing schools may be taller than 30 feet is not sufficient reason to grant a variance. Applicant has also addressed the desire to have a tall enough gymnasium to support competitive volleyball play, and to avoid having the athletic floor being the lowest point of the building in the event of a flood on the site, but staff do not believe that the application has met this variance standard.

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

2E) Intent. The relief, if granted, may impair the intent of this Chapter. While a high school is an allowed use in the RR-1 district, the purpose of the RR-1 zone district is "to accommodate large-lot, single family detached residential uses, typically surrounded by significant open spaces on lots of at least 5 acres each. The district encourages distinctive neighborhoods with a semi-rural character. Complimentary uses such as limited agriculture, small-scale institution uses, parks, minor utilities and certain temporary use are allowed".

3) In the event that this property is rezoned to MU-I, there will be different (higher) maximum building height allowed.

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.

2) The application has not demonstrated that special circumstances or conditions exist on the property that related to the need for a relaxation of the height standards in the RR-1 district.

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



ARCHITECTURE

COMMERCIAL

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RESIDENTIAL

DSPA 8-12 SCHOOL

BUILDING HEIGHT VARIANCE

VARIANCE APPLICATION - SUPPLEMENTAL FORM

List UDC Section you are seeking relief from:

Table 50-14.3-1 - Dimensional Standards for RR-1 Zoning District. (Building Height) 33' instead of 30'.

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. There is a need for a slightly higher height than allowable due to the nature of a school building. Most notably, the Gymnasium needs a minimum height to comply with current competitive standards as is shown below and in our supporting documentations.

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

The need for the relief is due to the uniqueness of a school as described above. It should be noted that both of Duluth's existing public high schools, East and Denfeld, are located in R-1 districts with the same current height restrictions (30'). Both exceed that current allowable height.

To our specific issue, a section of our gymnasium is included showing the minimum 25' clear gymnasium height underneath the lighting with the other normal building elements above. This clearance height is the current standard for competitive volleyball play.

The question may be asked: "Why not depress the building floor or a portion thereof to meet the requirements?" First, it should be noted that the site does have shallow bedrock, and that presents a concern both for blasting and removal and for foundation drainage. Also, the building is set as low as possible from a standpoint of the maximum slope on the rear parking lot (5%) and the proposed elevation of the new public road behind. Finally, depressing a portion of the building presents an issue with accessibility, but it is even a greater concern to have the athletic floor be the lowest point of the building in case of a flood.

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

The neighboring school is actually taller at 3 stories and does sit at a higher elevation. The amount of increase requested is so small, that the difference would be virtually un-noticed.

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. The future land use plan has called for higher density uses in this area.

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:

As stated previously, certain spaces - particularly the gym - need a bit more height than the 30' allowed. These taller spaces have been set to the back to minimize their visual impact.

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

Neighboring properties are not close enough to be affected by the height of this building. If the lots behind the building were ever developed, its higher elevation would allow sightlines that view over the top of the proposed school.

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? NO

Attachments: Building Elevations
Building Section at Gymnasium

Respectfully Submitted:
Greg Strom, Architect

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Approximate Project Location

Legend

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

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.



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



Approximate Project Location

Legend

- Trout Stream (GPS)
- Other Stream (GPS)
- Wetlands (NRR1)
- 10' Contour (elev. change)
- Floodplain Type**
- General Flood Plain
- Flood Way
- Flood Fringe

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Aerial photography: flown 2013

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

F.C.



L-1

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THESE PLANS AND SPECIFICATIONS
OR REPORT WAS PREPARED BY AN ARCHITECT
OR ENGINEER REGISTERED UNDER THE LAWS
OF THE STATE OF NORTH DAKOTA.

DATE: 03/20/2016 LICENSE NO. 40794
SIGNATURE: DAVID RICH, PE

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

REVISIONS

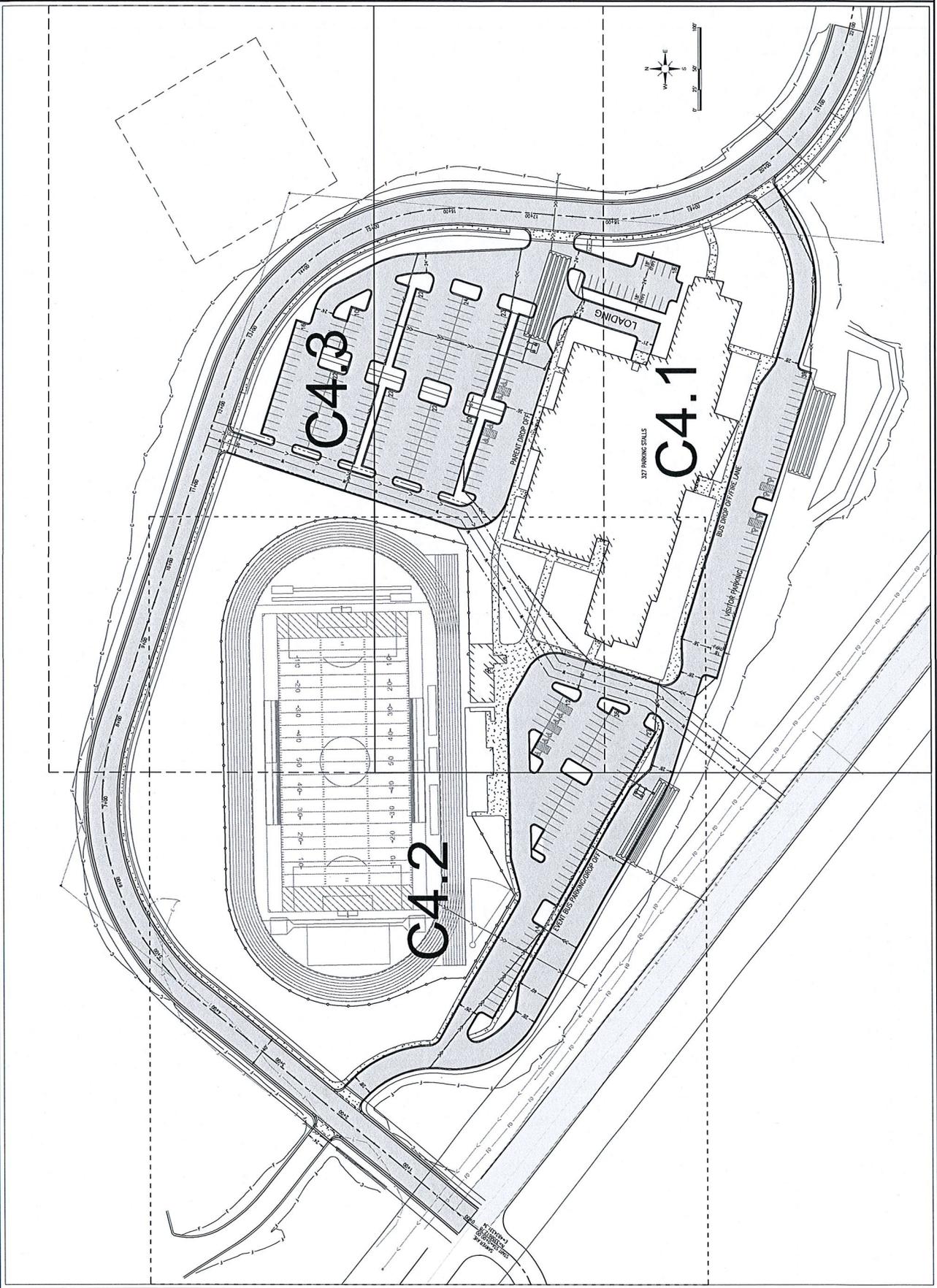
ISSUED DATE
04/15/2016

PROJECT NO. 15-504-C
DRAWN BY JDO
APPROVED BY ARZ

SCALE = 1/4" = 1'-0" AT FULL SCALE

KEY

SHEET NO.
C4.0



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NOT FOR CONSTRUCTION

SIGNATURE: DAVID HESTER
DATE: 04/15/2016 LICENSE NO. 46796

PROJECT OWNER
DULUTH, MINNESOTA 55811

ISSUED DATE
04/15/2016

PROJECT NO.
15-504-C

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JDO

APPROVED BY
ARZ

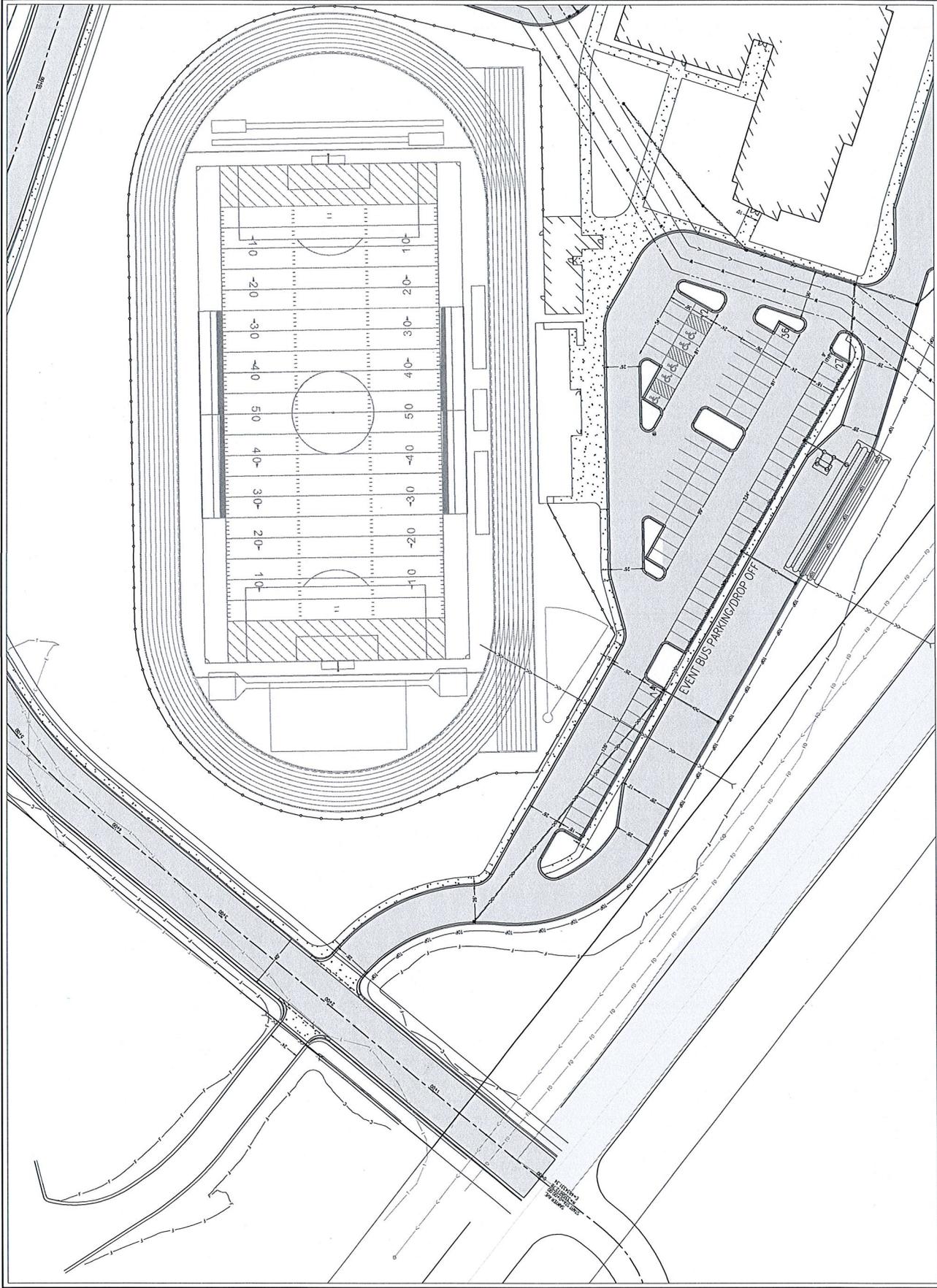
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REVISIONS

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