



CITY OF DULUTH

Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197

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

File Number	PL 16-126		Contact	Jenn Moses, jmoses@duluthmn.gov	
Type	Variance		Planning Commission Date	November 15, 2016	
Deadline for Action	Application Date	October 10, 2016	60 Days	December 17, 2016	
	Date Extension Letter Mailed	October 25, 2016	120 Days	February 15, 2016	
Location of Subject	1740 Mall Drive				
Applicant	Andrew Mack		Contact		
Agent	N/A				
Legal Description	PIN: 010-4427-00012				
Site Visit Date	October 31, 2016		Sign Notice Date	November 1, 2016	
Neighbor Letter Date	November 3, 2016		Number of Letters Sent	13	

Proposal

Applicant requests a variance to allow 79% of proposed Aldi parking in the front yard, which is more than the 50% allowed by the UDC (front yard is determined by the narrowest lot dimension that abuts a public street, which in this case is along Mall Drive). This request is in association with construction of a new 19,000 square foot Aldi grocery store, located near the Village Mall area in the Miller Hill neighborhood.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-C	Commercial	Large-scale commercial
North	MU-C	Commercial	Large-scale commercial, preservation
South	MU-C	Commercial	Large-scale commercial, preservation
East	MU-C	Commercial	Large-scale commercial, preservation
West	MU-C	Commercial	Large-scale commercial

Summary of Code Requirements

50-24.6 – Location of parking spaces: In mixed use districts, buildings shall locate no more than 50 percent of off-street accessory parking within the front yard.

50-37.9. C.- General Variance Criteria (paraphrased): 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 hardship. The Planning Commission must find the following for a variance to be granted: a) Because of the exceptional narrowness, shallowness, shape, or exceptional topographic or other conditions related to the property, the strict application of the UDC requirements would result in practical difficulties to the property owner, b) The plight of the property owner is due to circumstances unique to the property, and not created by the property owner, c) The property owner proposes to use the property in a reasonable manner not permitted by this code; D) The relief may be granted without substantially impairing the intent of this Chapter, the official zoning map, and will not alter the essential character of the locality;

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

Governing Principle #1 - Reuse previously developed lands. Directs investment to sites which have the potential to perform at a higher level than their current state.

Future Land Use - Large-Scale Commercial: Mall, shopping center and big box retail development, with associated surrounding retail and service uses, but only ancillary office uses and no residential uses. Oriented primarily to the motorist, with planned internal circulation patterns while still accommodating pedestrian movement. Requires access to regional transportation routes. May include regional green infrastructure for watershed protection. Site design includes generous landscaping of parking areas.

Review and Discussion Items

Staff finds that:

- 1.) The subject parcel is currently an underutilized parking lot, with minimal landscaping and stormwater treatment.
- 2.) Per the UDC, the “front” of this parcel is along Mall Drive. The flood way of Miller Creek lies along the front of the property, covering approximately 35% of the lot area. No permanent structures are allowed within a flood way. This necessitates placing a building on the rear half of the lot. The need for a variance is due to conditions related to the property, as the location of the floodway results in practical difficulties in siting the building.
- 3.) The need for relief is not created by the property owner; although Miller Creek has long existed in this location, the area was developed before floodplain regulations went into effect. The current property owner subdivided the property in 2016; however, given that most of the surrounding area is also in the floodway, there was no practical way the lot could have been subdivided in a way that avoids the floodplain.
- 4.) Use of this property for a small-scale retail grocery store is reasonable in the MU-C district, and is permitted by the UDC.
- 5.) Allowing more than 50% of the parking in the front yard will not alter the essential character of the locality, as most of the surrounding properties are developed with almost all parking in the front yard.
- 6.) It does not substantially impair the intent of the UDC; the project will, in fact, bring the site into closer compliance with the intent of the UDC regulations:
 - a. The building is located directly adjacent to Mountain Shadow Drive.
 - b. The addition of sidewalks and crosswalks contribute to a much more pedestrian-friendly atmosphere than currently exists.
 - c. Landscaping will greatly improve the aesthetics of the area and assist with stormwater treatment, benefitting Miller Creek over existing conditions.
- 7.) No public, agency, or City comments were received.
- 8.) Per UDC Section 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

Based on the above findings, Staff recommends that Planning Commission approve the variance for front yard parking, with the following conditions:

1. The project be limited to, constructed, and maintained according to the Site Plan (Sheet C2.11), dated 10/07/2016.
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.



City Planning

PL 16-125 and 16-126
1740 Mall Dr

Legend

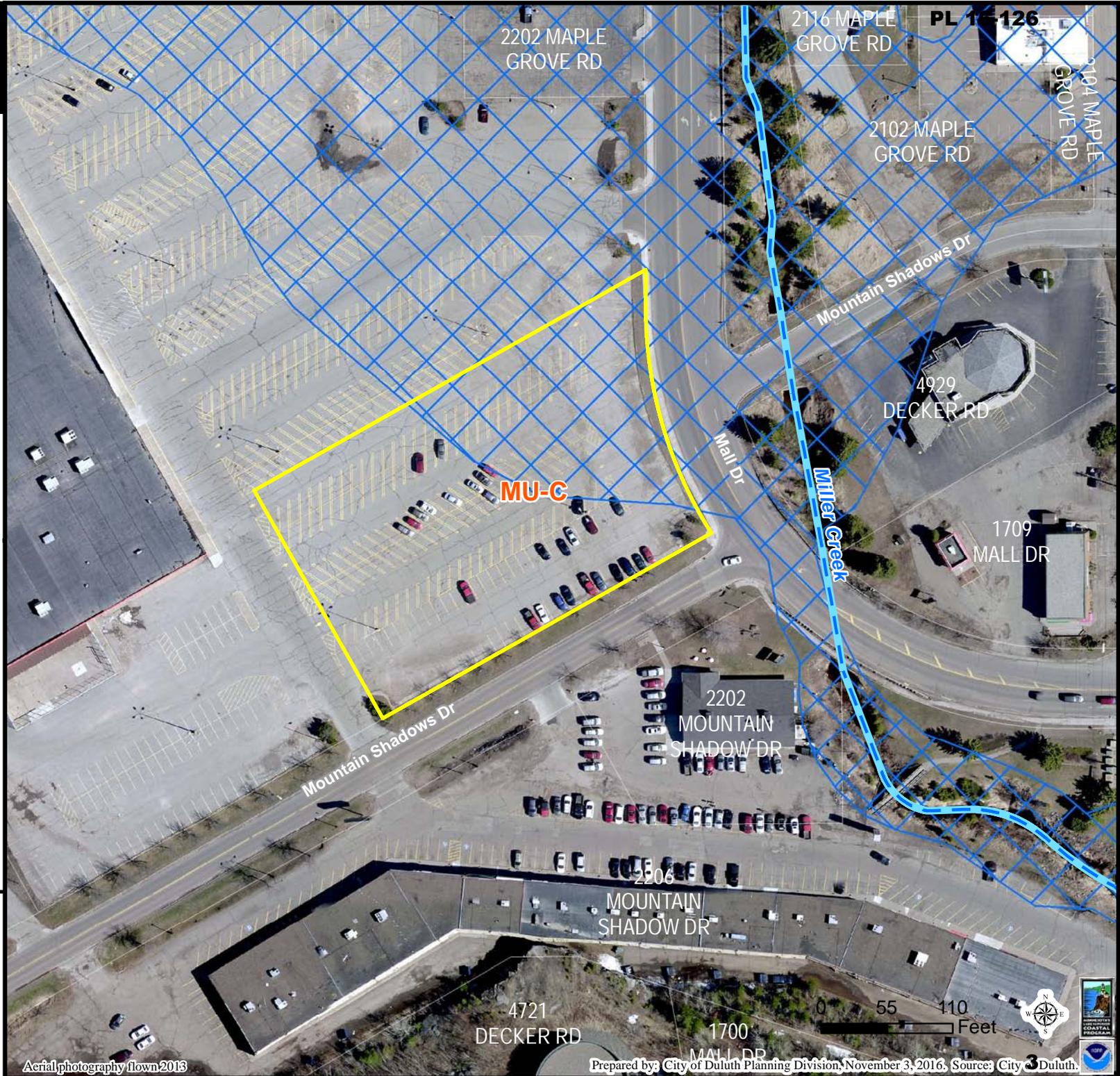
- Trout Stream (GPS)
- Other Stream (GPS)

Zoning Boundaries

- Zoning Boundaries

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.



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"):

50-24.3 - parking within the front yard in a MU-C

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 applicant is proposing construction of a new 19,054 square foot ALDI grocery store and parking lot

as well as the associated site improvements including drive isles, stormwater facilities, landscaping, and utilities.

Because building construction is not permitted in the flood plain, more than 50% of the parking is proposed to be in the front yard to ensure compliance with parking requirements, and allow for suitable use of the property.

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: Due to site constraints resulting from close proximity to the flood plain boundary, more than 50% of the parking is

proposed to take place within the front yard. Since building construction is not permitted within a flood plain, the placement of the parking is the most feasible option.

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:

Design and construction of the proposed new grocery store fits the intent of the ordinance, and the building use and proposed design are complementary to the adjacent and surrounding commercial/retail properties. The site conditions are unique to this property due to the location of the flood plain boundary in relation to the property.

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: Design and construction of the proposed project fits the intent of both the UDC and Comprehensive Plan since commercial/retail and grocery stores are a permitted use within the MU-C zoning district.

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 need for relief is based on site constraints due to close proximity to the flood plain which does not allow for building construction in the front yard.

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 proposed project will not create any negative impacts to the health, safety, or welfare of the neighboring properties or the general public, and no pollution or negative impacts to the environment are anticipated within the scope of the proposed project. Due to traffic already generated by neighboring businesses and commercial properties, traffic volume is not anticipated to increase dramatically as a result of the proposed project.

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

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



4201 Bagley Ave. N
Faribault, MN 55021
Tel: 507/333-9460
Fax: 507/333-9485

B.M. ELEVATION=1323.53
T.N.F.H. LOCATED BEHIND THE SOUTH CURB OF MOUNTAIN SHADOW DRIVE.

KEY PLAN
I HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
Andrew T. Brandel

DATE _____ LIC NO. 47078
I HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

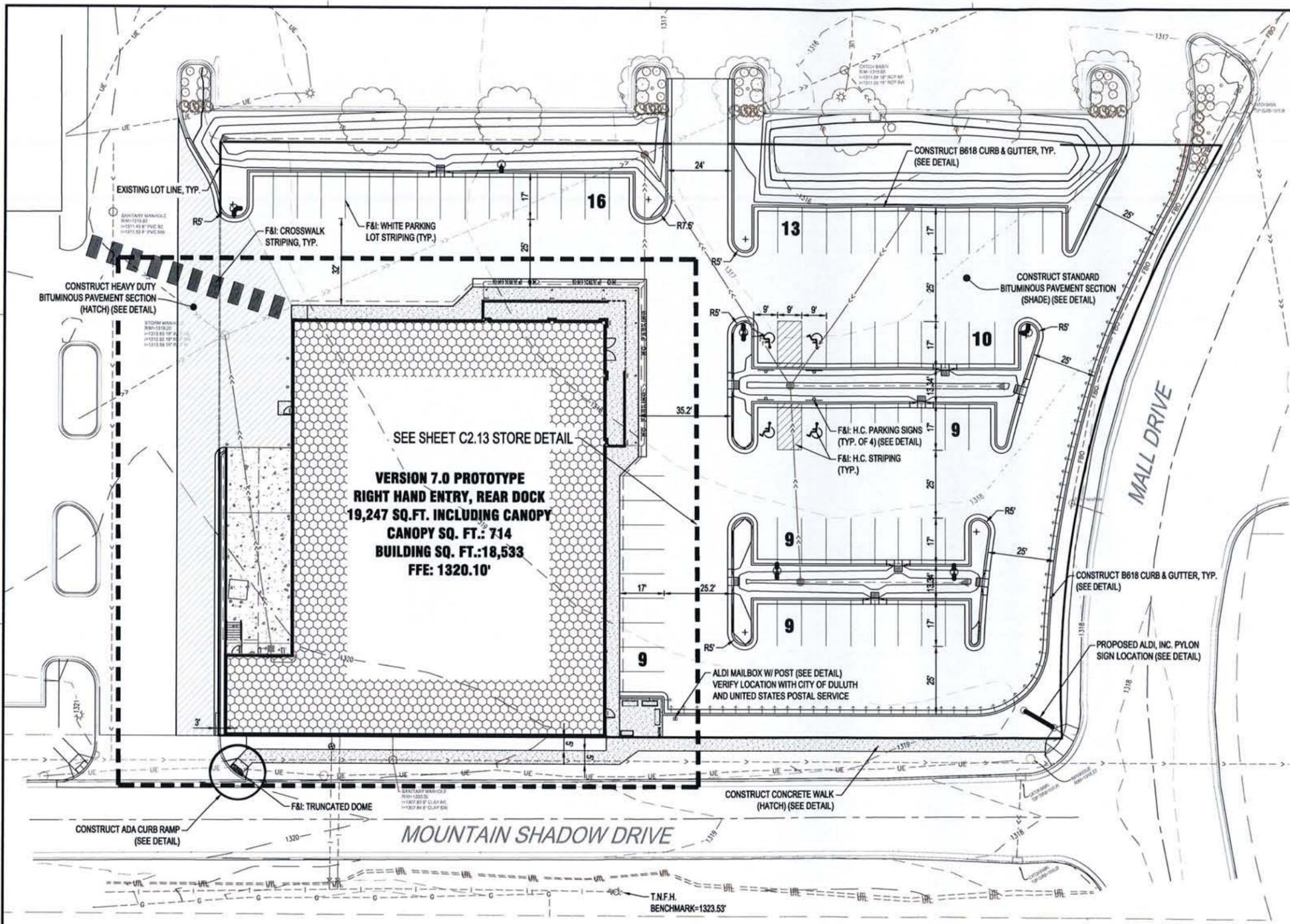
DATE _____ LIC NO. _____
THIS DOCUMENT IS THE PROPERTY OF I & S GROUP, INC. AND MAY NOT BE USED, COPIED OR DUPLICATED WITHOUT PRIOR WRITTEN CONSENT.

PROJECT
ALDI, INC.
RETAIL FACILITY #97
DULUTH MINNESOTA

REVISION SCHEDULE		
DATE	DESCRIPTION	BY

PROJECT NO.	16-13672
FILE NAME	13672 C2-SITE
DRAWN BY	JMF
DESIGNED BY	RJA
REVIEWED BY	ATB
ORIGINAL ISSUE DATE	10/07/16
CLIENT PROJECT NO.	-

TITLE
SITE PLAN
SHEET
C2.11



SETBACK DATA:

PROPOSED ZONING AREA:
MU-C: MIXED USE COMMERCIAL

*SHORELAND MANAGEMENT DISTRICT - COLDWATER OVERLAY

BUILDING SETBACK:	PARKING SETBACK:
FRONT 0'	0'
SIDE 0'	0'
REAR 0'	0'
STREET 0'	5'

ALDI PARKING DATA:

TOTAL BUILDING AREA = 18,533 S.F.

PARKING STALLS REQUIRED = 57
PARKING STALLS PROVIDED = 75
(3 STALLS PER 1,000 BUILDING G.F.A.)

H.C. STALLS REQUIRED = 4
H.C. STALLS PROVIDED = 4

ALDI SITE DATA:

PROPOSED ALDI LOT SIZE = 72,765 SF (1.67 ACRES)

INTERIOR PARKING AREA = 38,435 SF
PARKING AREA LANDSCAPE REQUIRED = 5,765 SF (15%)
PARKING AREA LANDSCAPE PROPOSED = 8,560 SF (22.27%)

SIGNAGE DATA:

PYLON SIGNAGE:

MAXIMUM SIGN AREA = 60 SF
MAXIMUM HEIGHT = 25 FT

WALL SIGNAGE:

MAXIMUM SIGN AREA = 520 SF
(BASED ON 2X LF OF BUILDING FACADE)

FLOOD INFORMATION:

SITE LOCATED WITHIN MILLER CREEK FLOODWAY FRINGE

MINIMUM BUILDING F.F.E. = 1320.1'
FLOOD ELEVATION = 1317.1'

NOTE: F&I: ALL PARKING LOT STRIPING AND MARKINGS AS SHOWN
NOTE: INDICATES REVERSE PITCH CURB

