



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802

218-730-5580
planning@duluthmn.gov

File Number	PL 22-100	Contact	clee@duluthmn.gov	
Type	Variance – Maximum Parking	Planning Commission Date	August 9, 2022	
Deadline for Action	Application Date	May 18, 2022	60 Days	August 5, 2022
	Date Extension Letter Mailed	June 22, 2022	120 Days	October 4, 2022
Location of Subject		3815 Prosperity Road		
Applicant	American Precision Avionics	Contact	Lynn Andrews	
Agent		Contact		
Legal Description	PIN: 010-0164-00160			
Site Visit Date	June 30, 2022	Sign Notice Date	June 28, 2022	
Neighbor Letter Date	June 25, 2022	Number of Letters Sent	3	

Proposal

A variance to maximum parking requirements to allow 60 parking spaces instead of the allowed 40 for a 15,600 sq. ft. manufacturing facility.

Recommended Action: Approve with conditions or modifications.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-B	Manufacturing	Business Park
North	MU-B	Undeveloped	Business Park
South	MU-B	Manufacturing	Business Park
East	MU-B	Undeveloped	Business Park
West	MU-B	Contractor	Business Park

Summary of Code Requirements

Sec. 50-24.4 – Maximum Parking Limits – No more than 150 percent of the minimum required number off-street parking spaces, excluding the adjustments allowed in 50-24.3, shall be provided.

Sec. 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 exceptional practical difficulties or undue hardship. The Planning Commission must find the following for a variance to be granted: a) That the landowner is 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 Comprehensive Plan.

Section 50-37.9.G.3 – Variances from the maximum parking limits provided in 50-24.4 shall not exceed 200 percent of the minimum requirement provided in Table 50-24.1. In addition to meeting the general variance criteria in 50-37.9C, a parking study that provides justification for the number of off-street parking spaces proposed is required. It must include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the City Engineer and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study must document the source of data used to develop the recommendations.

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

Governing Principle #3 – Support existing economic base: Supporting Duluth's existing economic foundation maintains jobs, tax base, and opportunity. APA is a growing business that directly supports the aerospace industry in Duluth.

Governing Principle #4 – Support economic growth sectors: Emerging and growing economic sectors add economic, cultural, and social diversity.

Zoning – MU-B District: The MU-B district is intended to accommodate modern light industrial and technology-based developments of attractive integrated design and function. The development standards for this district are intended to ensure that projects minimize adverse impacts on surrounding uses and neighborhoods, reduce impacts on the natural environment, enhance the visual quality of development and ensure the provision of adequate and cost-efficient public facilities. Intended uses include wholesaling, industrial services, research laboratories, and light manufacturing needed to support the community and region at large.

Future Land Use – 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.

History: Property is currently home to American Precision Avionics (APA). APA manufactures custom electronic solutions for the aerospace industry. APA has been located at this property since 2008 and in that time, they have expanded from 24 employees to 70.

Review and Discussion Items

Staff finds that:

1. The applicant is proposing to reconstruct and expand the existing parking at the site. Currently there are 40 parking stalls for staff and customers. The applicant is proposing to increase the on-site parking to 60 stalls.
2. The applicant is proposing stormwater improvements for the increased parking area. This follows the intent of the MU-B district by making improvements to the existing parking to reduce impacts to the surrounding natural areas.
3. Minimum parking for manufacturing is 1 space per 1,000 square feet of floor area and office uses require 2.5 per 1,000 square feet. This 15,600 square foot structure requires a minimum of 27 parking stalls. Maximum parking without a variance is 40 spaces.
4. According to the applicant, the growth of the business is causing an increase in parking demand. The applicant has stated that there is no on-street parking allowed on Prosperity Road per covenants on the property when developed.
5. The parking variance criteria in Sec. 50-37.9.G.3 limits the maximum variance the Planning Commission can approve to 200% of the minimum parking, or 60 parking spaces.
6. In evaluation of the Variance General Criteria, staff finds the applicant is proposing a reasonable use of the site with an appropriately-scaled manufacturing building for an MU-B zone, and the proposal variance is reasonable at 60 parking spaces.
7. This level of parking would not be out of character for other similar uses in the area.
8. the UDC requires the following landscaping:
 - Street frontage landscaping: One tree per 35 feet of linear frontage (13 trees) and one large shrub per 25 feet of linear frontage (19 shrubs);
 - 15 % of the interior parking lot area (excluding any perimeter areas required to be landscaped by the UDC) shall be landscaped.
 - 1 tree per 300 square feet of internal landscaping area with the required 30% canopy coverage.
9. The applicant proposes impacting and removing wetlands as shown on the plans. The applicant will need to submit a

wetland delineation, and if necessary provide documentation for a wetland mitigation plan or wetland impact and purchase the appropriate amount of wetland credits prior to any permit approval.

10. The applicant will need to submit a stormwater plan that is approved by City Engineering.
11. Comments of support from a neighboring businesses are attached. No additional comments from citizens, City staff, or any other entity were received regarding the application.
12. 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 one-year.

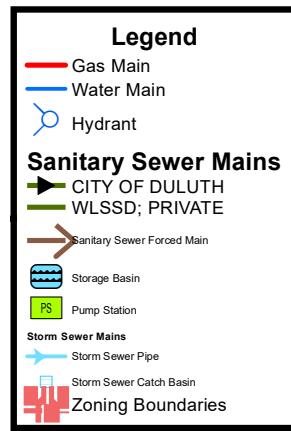
Staff Recommendation:

Based on the above findings, staff recommends that Planning Commission approve a variance to allow 60 parking spaces with the following conditions:

- 1) The parking lot shall be limited to, constructed, and maintained as shown in the site plan dated March 31, 2022, with modifications as described below.
- 2) The applicant will submit a wetland delineation, and if necessary provide documentation for a wetland mitigation plan or wetland impact and purchase the appropriate amount of wetland credits prior to building permit approval.
- 3) The applicant will need to submit a landscaping plan that meets the requirements of the UDC which are to include:
 - Street frontage landscaping: One tree per 35 feet of linear frontage (13 trees) and one large shrub per 25 feet of linear frontage (19 shrubs);
 - 15 percent of the interior parking lot area (excluding any perimeter areas) required to be landscaped by the UDC;
 - 1 tree per 300 square feet of internal landscaping area with the required 30% canopy coverage.
- 4) 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 administration approval shall constitute a variance from the provisions of Chapter 50.



PL22-100
Variance to Pakring
3815 Prosperity Rd





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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 will be shared with the Planning Commission during their review. You may fill out this form, or attach your information in a separate letter. This information will be shared with the Planning Commission in order to help them determine the appropriateness of the variance application and request.

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

50-14.5 - Allows up to 41 parking stalls. The property owner requires 60 stalls to provide offstreet parking for all employees.

1. Please explain how the exceptional narrowness, shallowness or shape of the property, or exceptional topographic or other conditions related to the property, would result in practical difficulties under strict application of the requirements of the UDC:

Wetlands are prevalent throughout the property. The LGU specifically states that the first procedure in wetland impacts is avoidance.

2. Please explain how the special circumstances or conditions that create the need for relief is due to circumstances unique to the property, and were NOT created by the property owner or the property owners' predecessors-in-interest:

The Port Authority built the development and as such has multiple covenants restricting it's use. One specific covenant addresses on street parking. The covenant specifically notes that NO on street parking is allowed on Prosperity Road.

3. Please explain the special circumstances or conditions applying to the building or land in question are peculiar to this property or immediately adjoining properties, and do not apply generally to other land or buildings in the vicinity:

American Precision Avionics is expanding it's production within the existing building. Since the existing building is not being expanded and the UDC parking requirements are based on square footage, the UDC will not allow additional parking for new employees at the business.

4. Please explain how the application proposes to use the property in a reasonable manner, which would not be permitted by this code except for a variance:

American Precision Avionics is expanding parking to provide off-street parking for new employees that will be required to expand their production. The site plan is designed to provide this parking while minimally impacting wetlands and adding storm water BMP's to the site which otherwise does not have any.

5. Please explain how that if the variance is granted it will not 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:

Attached to this application are letters of support from neighboring properties. The roadway has a low traffic volume and will continue to be low volume. The parking expansion will not disturb lighting or air adjacent to the property.

6 Please explain how, if the variance is granted, it will not substantially impair the intent of zoning code and the official zoning map, and will not alter the essential character of the neighborhood:

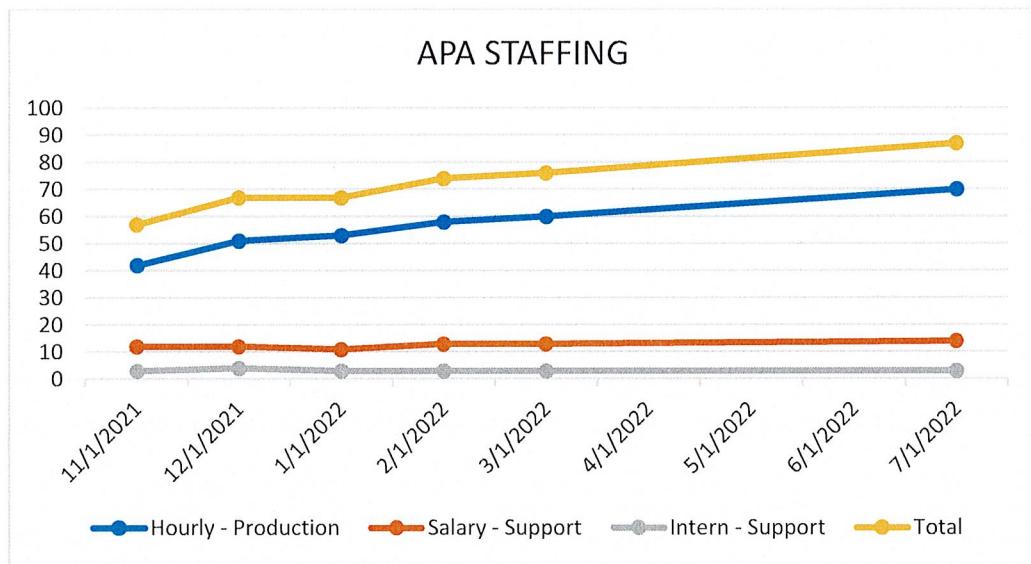
American Precision Avionics is within an MU-B district and adjacent properties are similar to their own. Adding off-street parking will improve the character of the neighborhood by eliminating the need for on-street parking.

Does your variance request need to meet any of the specific criteria in UDC Section 50-37.9, subsections D through M (E. Unsewered Areas, F. Two Family Dwellings in R-1, G. Parking Regulations, H. Reduce Setbacks, I. MU-C District, J. Airport Overlay, K. Flood Plain Regulations, L. Shorelands, or M. Non-Conforming Buildings)?

Yes No

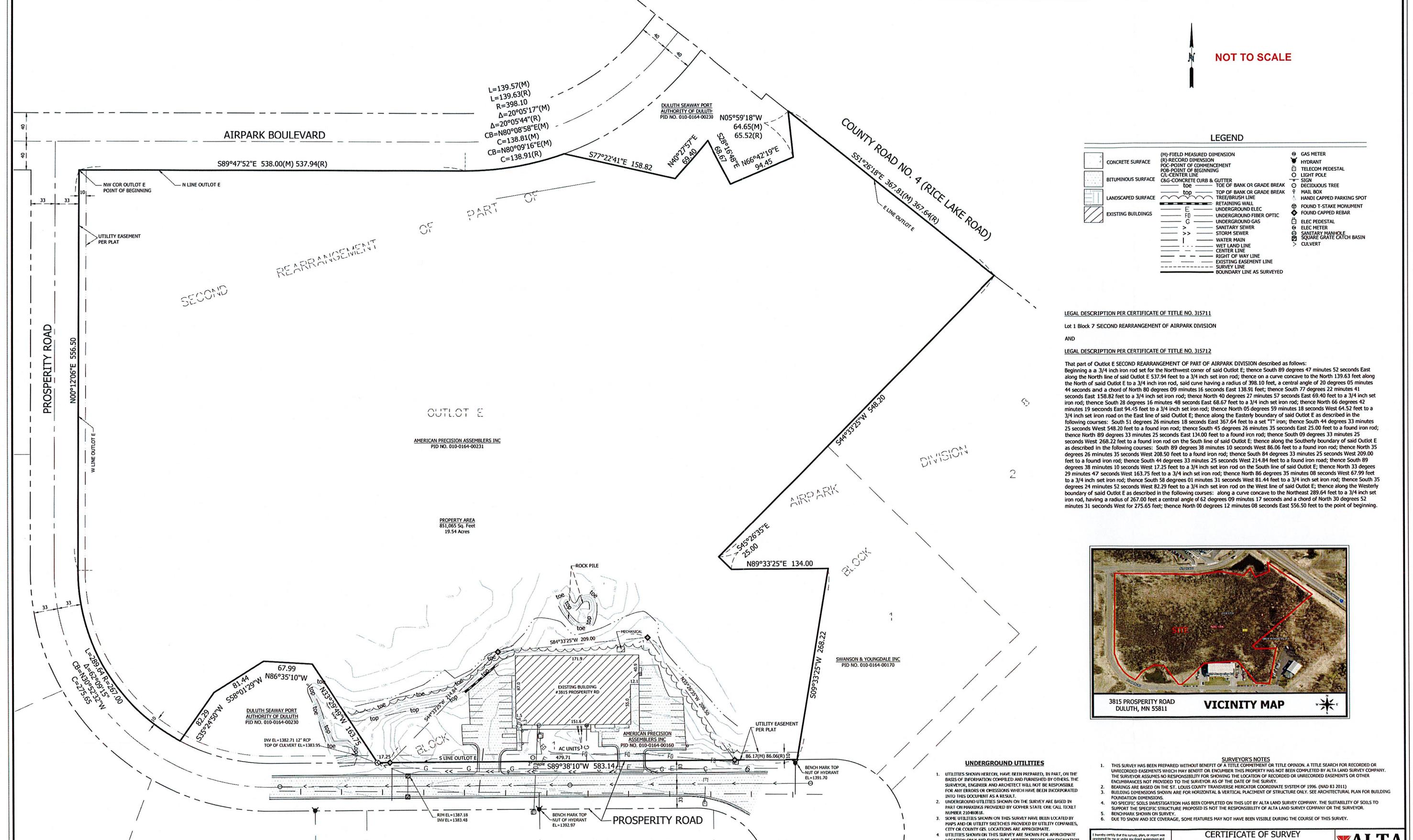
Discuss what subsections are applicable and how this request meets those: _____

Staff Key	7/30/2022	3/31/2022	2/28/2022	1/31/2022	12/31/2021	11/30/2021
Hourly - Production	70	60	58	53	51	42
Salary - Support	14	13	13	11	12	12
Intern - Support	3	3	3	3	4	3
Total	87	76	74	67	67	57

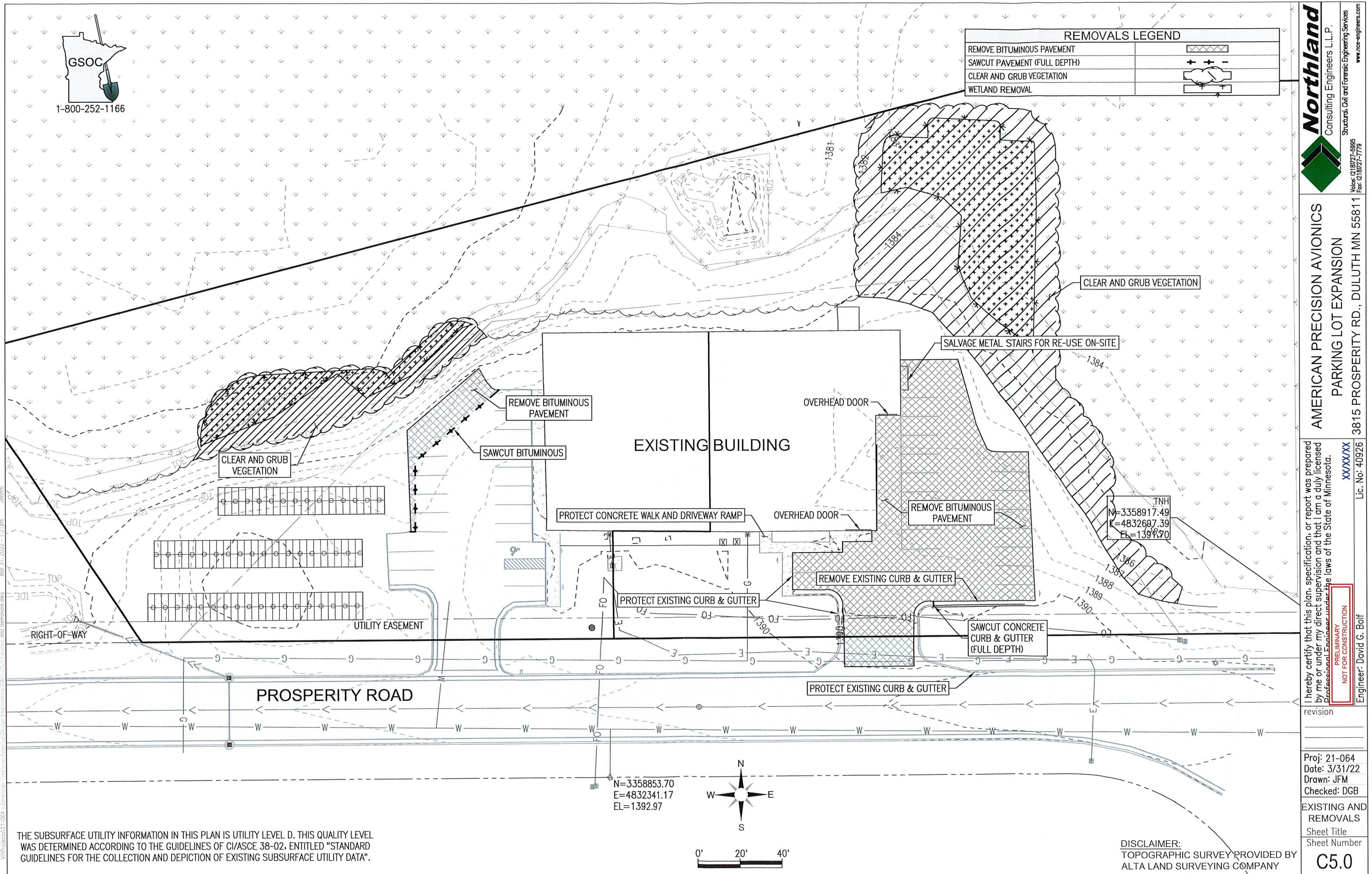


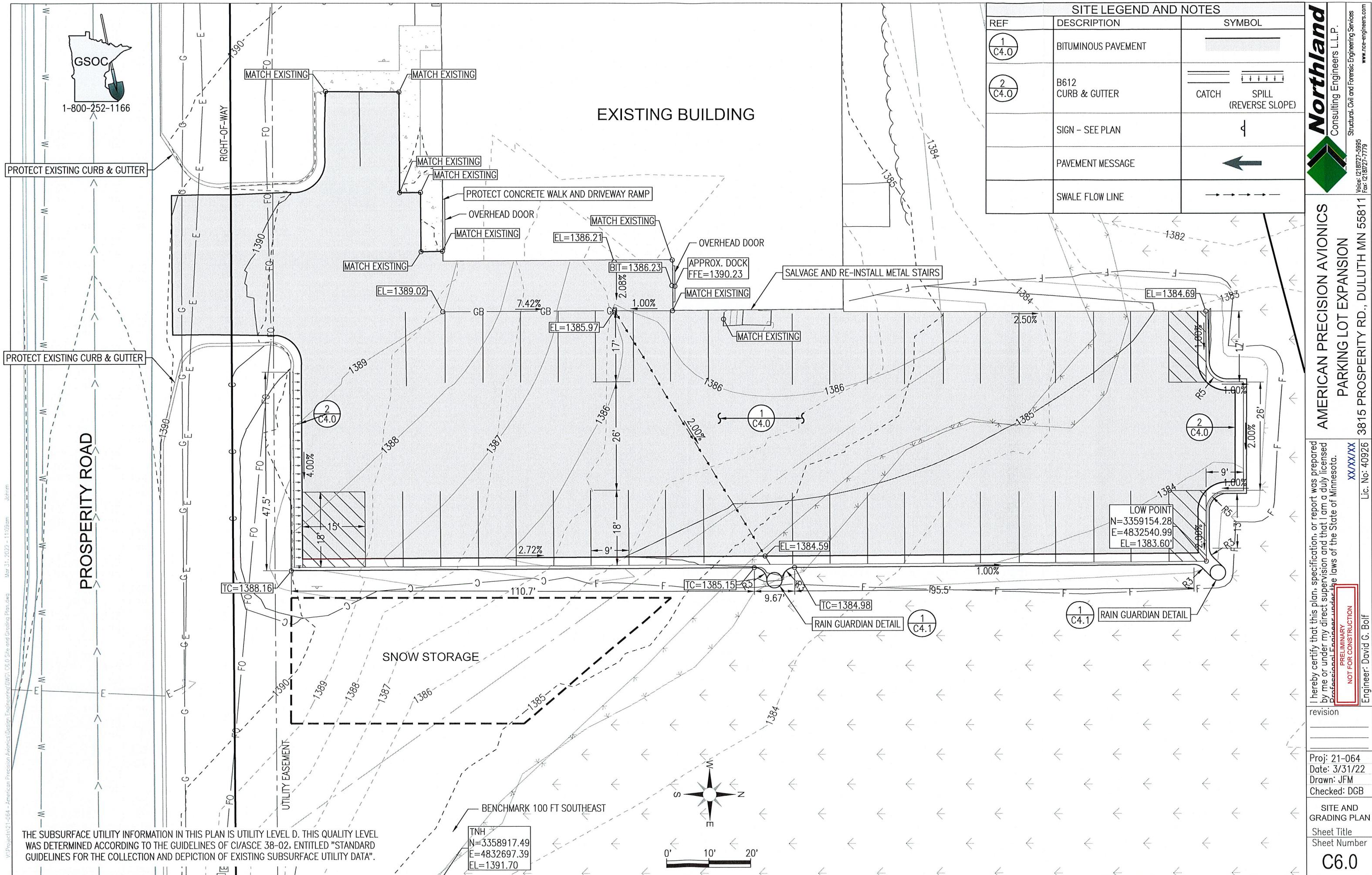
Total Projected Increase

34%



DISCLAIMER:
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September 3, 2021

City of Duluth
Planning Commission
Attn: Adam Fulton
411 West First Street, Room 160
Duluth, MN 55802

Subject: Letter of Support – American Precision Avionics' Request for Variance - 3815 Prosperity Road

Dear Duluth Planning Commission Members:

The Duluth Seaway Port Authority (DSP) is providing this letter in support of American Precision Avionics' request for a variance for their 3815 Prosperity Road property. American Precision Avionics specializes in the manufacturing of custom wiring harnesses, custom cable assemblies, box builds, kitting VAVE, and other wire services for the aerospace industry. They serve a critical link in Duluth's economy by supplying wiring harnesses to one of Duluth's largest employers, Cirrus Aircraft.

In 2008, American Precision Avionics purchased the land at 3815 Prosperity Road as well as Outlot E of the Airpark Second Rearrangement, followed in 2009 by the completion of their nearly 16,000 sq. ft. manufacturing facility. Since that time, the company has expanded their workforce from 24 to nearly 70 employees. Due to their continued growth, American Precision Avionics is now looking to further expand their off-street parking facilities so as to comply with Airpark Covenants, Paragraph III, requiring all vehicular parking, whether customer, visitor or employee, be off-street. As you are aware, American Precision Avionics is asking for a variance for parking requirements (50-24.4) under UDC MU-B because, due to their building configuration and employment, the maximum parking allotment allowed under the UDC is not sufficient. The variance will allow roads to be clear from obstruction for freight deliveries and snow removal, and improve the visibility and maneuverability for all vehicles.

The DSPA is an economic development agency with a mission of bringing business to the port, bringing economic development to the region, and advocating for maritime and transportation industries. The DSPA has been involved in Airpark since the late 1970s, when the City of Duluth requested that the DSPA aid in development of an industrial park near the Duluth International Airport. Today, Airpark is a 300-acre modern light manufacturing industrial park, housing nearly 40 private companies with over 900 employees; businesses are diverse and include printing companies, a parcel cross-docking facility, construction supply firms, aerospace machining operations, and a variety of engineering and professional offices. The City of Duluth needs the type of industrial jobs represented by American Precision Avionics – these are living-wage jobs with benefits that allow workers to save for college, save for retirement, and put money back into the community. We all want to encourage this type of job growth in our City.

Thank you for your consideration of the requested variance; we strongly encourage you to approve the request.

Sincerely,

A handwritten signature in blue ink that reads "Deborah B. DeLuca".

Deborah B. DeLuca
Executive Director

DBD/bmc



3814 Prosperity Rd
Duluth, MN 55811
218-728-1614
info@scs-interiors.com
Style | Comfort | Security

8/31/2021

To whom it may concern,

I am writing to express my support that an additional parking lot be constructed containing 20 new spaces for American Precision Avionics located at 3815 Prosperity Rd Duluth, MN 55811.

The current system of parking on the street is dangerous for the employees. During the winter, the risks of slips and falls greatly increases, as well as the danger of being in the road when the city or private individuals are plowing. Year round, both of our businesses rely on regular pick ups and deliveries from large freight trucks as well. Removing the requirement for employees of APA to park on the street would improve the overall visibility and maneuverability for other vehicles, plows, and the like.

Thank you for your time and consideration of this project.

Sincerely,

Mike Hudyma
President / Owner
SCS Interiors