



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802

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File Number	PL 22-225	Contact	Jenn Moses, jmoses@duluthmn.gov
Type	Variance – Shoreland structure setback	Planning Commission Date	January 10, 2023
Deadline for Action	Application Date	December 22, 2022	60 Days
	Date Extension Letter Mailed	December 22, 2022	120 Days
Location of Subject	2101 Trinity Road		
Applicant	Lake Superior College	Contact	Patricia Rogers
Agent	Architecture Advantage	Contact	Shane Nies
Legal Description	Parcel 010-2710-06620		
Site Visit Date	January 3, 2023	Sign Notice Date	December 27, 2022
Neighbor Letter Date	December 20, 2022	Number of Letters Sent	50

Proposal:

The applicant is seeking to construct a 9,000 sq ft addition to an existing campus building, which would be located 120' from Miller Creek instead of the required 150' (approximately 2,000 sq ft would be within the shoreland area).

Recommended Action:

Staff recommends approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-I	College campus	Institutional, Preservation
North	MU-I	Campus, undeveloped	Institutional
South	MU-I	Undeveloped	Institutional, Preservation
East	MU-I	Campus	Institutional
West	MU-I	Undeveloped	Institutional

Summary of Code Requirements

Sec. 50-37.9. B – Variance Procedures. “The Planning Commission shall...make a decision on the application based on the criteria in subsections 50-37.9. C – M...”

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 the Comprehensive Plan.

Sec. 50-37.9.L – Standards for variances in Shorelands: No variance shall be granted that compromises the general purposes or intent of Section 50-18.1.D or results in adverse consequences to the environment. Variances shall include a requirement

for the applicant to mitigate the impacts of the variance on shoreland areas.

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

Governing Principle #4: Support economic growth sectors. This includes higher education. LSC is relocating their downtown campus programs back to their main campus.

Future Land Use – Institutional: Applicable to medical, university/college, public school ... campuses. Relationship to institutional master plans... should guide expansions.

History: Building records indicate Lake Superior College was built in 1966.

Review and Discussion Items

Staff finds that:

- 1) The property is located within the shoreland of Miller Creek, a coldwater stream. Within this shoreland area, the regulations state that structures shall have a 150' setback.
- 2) Applicant proposes a 9,000 sq ft addition to an existing campus building. Approximately 22% of this (2,000 sq ft) would be located within the 150' setback from Miller Creek. The building would be 120' from the stream instead of the required 150'.
- 3) Applicant states this location for a building expansion was the only reasonable location due to ADA accessibility for building entries, grading of the existing parking lot, locations of existing utilities and mechanical equipment, and locations of existing loading docks. This addition will connect to the campus's "T-Building," so this location was chosen based on the building's floor plan, as well as land availability. Staff finds that the applicant is proposing a reasonable use and has shown practical difficulty with the existing site constraints.
- 4) Applicant states that a different location for this addition would cause more disturbance due to additional earthwork and grading, relocation of utilities and mechanical equipment, and the need for ADA accessibility.
- 5) The proposal will not alter the essential character of the neighborhood as the proposed addition is in the middle of campus, and the campus is surrounded by wooded areas buffering it from adjacent residential areas; it will not impact air and light to surrounding properties. All new lighting will be downcast with color temperature of 2700K or lower to protect the natural setting surrounding the campus.
- 6) The proposal amounts to an addition of less than 5% of the square footage of the existing campus building. The college is well connected to transportation infrastructure via TH 53, with a stoplight at its main entrance that aligns with Arlington Avenue. The proposal is not expected to increase congestion or impair public safety.
- 7) The need for a variance is due to the unique nature of a college campus and does not apply to other properties in the vicinity.
- 8) Section 50-37.9.L of the UDC requires mitigation for shoreland variances. The applicant has described goals for stormwater mitigation, which will be further determined during final design of the building.
- 9) As this property is zoned MU-I, the proposed addition will also need an MU-I Planning Review. The applicant intends to apply for this Planning Review in the first quarter of 2023.
- 10) No other public, private or City comments were received.
- 11) 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

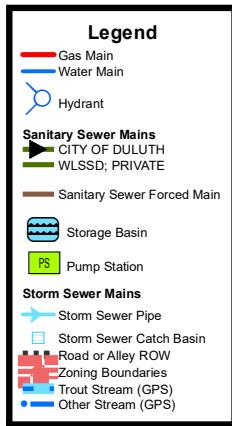
Staff Recommendation

Based on the above findings, Staff recommends that Planning Commission grant the Variance with the following conditions:

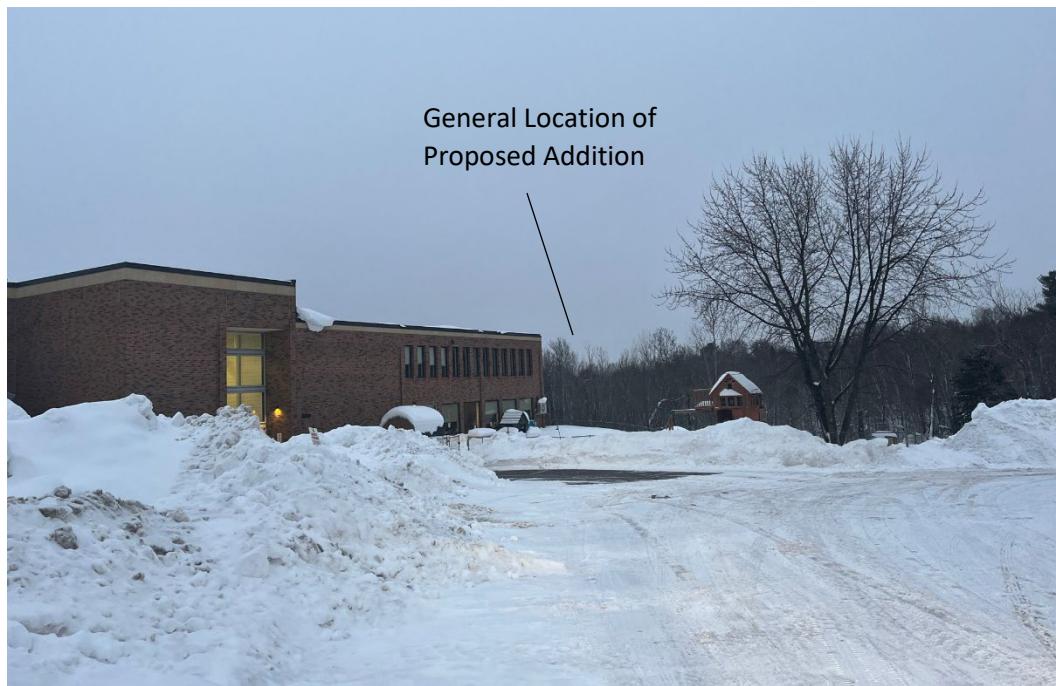
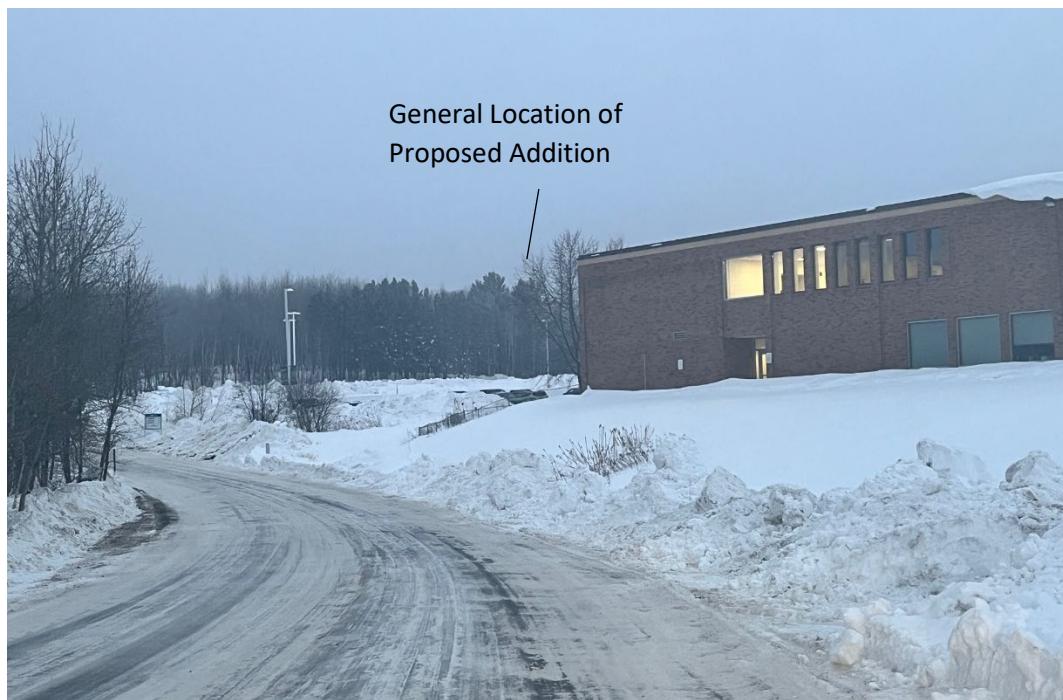
- 1) The project be limited to, constructed, and maintained based on the "Preliminary Site Plan" dated 11/04/22 and "Approved Pre-Design Scheme" dated 12/7/22.
- 2) Applicant shall apply for and receive approval from Planning Commission for an MU-I Planning Review for the proposed addition.
- 3) Prior to receiving a building permit, applicant shall submit for Land Use Supervisor approval a final Mitigation Plan,
- 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.



PL22-225
Variance
2101 Trinity Rd



Site Photos









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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"):

50-181.D-1 Minimum Shoreland Area Standards - Coldwater River Setback (150')

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:

A portion of the proposed addition is within the 150' setback. 2,000sf of the 9,000sf addition (22%) is within the setback. Shifting this addition further north would cause issues with ADA accessibility to the building entries, impact significant regrading of the existing parking lot, existing utilities/mechanical equipment (chiller and transformers) access would be blocked and the programming requirements would be disconnected. Connecting to other areas of the T-Building are also not viable due to existing grading, loading dock, land availability and future expansion of other departments.

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 majority of the existing T Building on campus and portions of the M Building are already within the shoreland management zone. We are adding a small 9,000sf 1-story addition to this back area of the campus. 2,000sf of the 9,000sf addition (22%) is within the setback. We are restricted to this area of the site due to many reasons: existing grading, ADA accessibility, existing utility/mechanical equipment access, existing loading dock access, existing buildings in other areas that would require significant amount of underpinning and retaining/foundation wall due to proximity, and the program adjacency needs to the existing main campus departments.

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:

The proposed building addition is in the best location for how it integrates into the main campus due to ADA accessibility and programming of the spaces. The majority of the existing T Building and portions of the M building on campus is already within the shoreland management zone.

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:

The location of this small addition allows us to renovate more square footage on the interior of the existing building allowing the addition to be less square footage, thus less impacting the overall site. Also due to the proposed location, ADA accessibility and impact on regrading is very minimal resulting in less earthwork and existing utility/mechanical equipment access impact. During design we will provide the formal plan to mitigate the impacts of the variance on the shoreland areas impacted.

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:

The T-Building on the Lake Superior Campus is not located on a main public street, it is located near a low traffic internal campus access road. Any new lighting would be LED down-lighting and 2700K or lower. There is a strong buffer of vegetation surrounding both sides of Miller Creek to assist with visual buffering and noise control from any nearby properties. The health, safety and welfare of the public is always at the forefront of concerns for Lake Superior College. They are a supportive member of the community and the building addition will have no impacts on all of the topics listed in this question.

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:

The majority of the existing T Building on campus and portions of the M Building are already within the shoreland management zone. We are adding a small 9,000sf 1-story addition to this back area of the campus and it will not alter the essential character of the neighborhood. This use is permitted in the MU-I district and will not substantially impair the intent of the zoning code or the official zoning map.

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: _____

50-18.1.D Does not meet the required 150' Coldwater River setback - see responses above for details of why the proposed addition needs to be located within the setback and will provide a narrative plan to mitigate the impacts of the variance on shoreland areas.



VARIANCE TO SHORELAND REGULATIONS APPLICATION

LAKE SUPERIOR COLLEGE MANUFACTURING RELOCATION PROJECT
2101 TRINITY ROAD

NARRATIVE PLAN TO MITIGATE THE IMPACTS OF THE VARIANCE ON SHORELAND AREAS

SITE PLANNING AND STORMWATER MANAGEMENT

The primary goal of the site plan is to provide functionality to the existing building and the proposed construction. The parking lot reconstruction will need to accommodate the building as it exists today. The reconstructed parking lot will provide a large drop off area similar to existing. The new parking area will also provide 4 more parking stalls (3 accessible) to the western parking lot. Various sidewalks will be reconstructed to provide access to the existing building and the addition. None of the mechanical units north of the addition will be impacted by the construction or grading for the new building.

Since LSC operates its own MS4, the new building construction will be required to meet the goals of their SWPPP, SWMP, and their landscaping standards. Adjacent to the proposed building are excellent opportunities to expand existing stormwater treatment BMP's. A rain garden with a below grade filtration media is directly next to the new building. This filtration basin will be investigated to determine its effectiveness and if additional surface runoff can be directed to it. The rain garden will be expanded to handle all runoff directed to it. Roof drains from the new building will be directly connected to the rain garden. There are also two swales directly west of the rain garden that capture runoff from the parking lot and Trinity Court. These two swales can be improved as necessary to comply with the goals of LSC's MS4. With the proximity to Miller Creek, a trout stream, temperature controls such as plantings around the rain garden and infiltration will be required.

EROSION CONTROL AND PERMANENT SITE STABILIZATION

The erosion control plan will be designed to meet the stormwater pollution prevention plan as required by the state of Minnesota. All temporary and permanent erosion control measures and final stabilization will use native seed mixes that closely relate to the adjacent shoreland. Native plantings such as trees and shrubs will be installed to screen the building and provide more natural buffer to the stream. The site will be designed to ensure no sediment is eroded and transported toward the stream. This level of landscaping is above and beyond what is required by any MPCA regulations and LSC's own landscaping plans.