



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 20-055	Contact	John Kelley
Type	Special Use Permit for an Automobile and Light Vehicle, Service/Auto Glass Repair	Planning Commission Date	June 9, 2020
Deadline for Action	Application Date	May 5, 2020	60 Days July 4, 2020
	Date Extension Letter Mailed	May 22, 2020	120 Days September 2, 2020
Location of Subject	3802 Trinity Road		
Applicant	George Weller	Contact	
Agent		Contact	
Legal Description	See attached		
Site Visit Date	May 29, 2020	Sign Notice Date	May 27, 2020
Neighbor Letter Date	May 28, 2020	Number of Letters Sent	22

Proposal

Applicant is requesting a special use permit for an automobile and light vehicle, service/auto glass repair located in an MU-N, Mixed Use Neighborhood zone district.

Recommendation

Staff recommend approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Vacant commercial building	Urban Residential
North	R-1	Single Family Homes	Urban Residential
South	R-1	Single Family Homes	Traditional Neighborhood
East	R-1	Single Family Homes	Urban Residential
West	R-1	Single Family Homes	Open Space

Summary of Code Requirements

UDC Section 50-37.10. Special Use Permits: Planning Commission shall approve the planning review or approve it with modifications, if it is determined that the application complies with all applicable provisions of this Chapter.

- 1) The application is consistent with the Comprehensive Land Use;
- 2) The application complies with all applicable provisions of this Chapter; including without limitations to any use-specific standards applicable to the proposed use, development or redevelopment, and is consistent with any approved district plan for the area.
- 3) Without limiting the previous criteria, the Commission may deny any application that would result in a random pattern of development with little contiguity to existing or programmed development or would cause anticipated negative fiscal or environmental impacts on the community.

UDC Section 50-20.3.C Automobile and light vehicle, service

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

Governing Principle #1 - Reuse of previously developed lands....directs new investment to sites that have the potential to perform at a higher level than their current state. Site preparation or building modification costs are offset by savings in existing public infrastructure such as streets and utilities, and transit, fire, and police services.

The applicant will be utilizing an existing building formerly occupied by Hanson's Auto Repair for use as an auto glass repair shop and a small retail space for a floral shop. Existing utilities will be utilized for the development.

Governing Principle 5 – Promote reinvestment in neighborhoodsthrough land use and transportation. New development or redevelopment should maximize public investment that strengthens neighborhood commercial centers or diversifies residential opportunities that fit the neighborhood's character.

The proposed site improvements will improve the aesthetics of the vacant building and site through additional landscaping and improvements to the existing structure, which will create more desirable built environment for the neighborhood.

Governing Principle #8- Encourage mix of activities, uses, and densities - Cities have evolved as a mix of land uses, building types, housing types, and activities. Accommodating choice while protecting investment is a balance to strike in land use regulation. Mixed uses provide opportunities for a diversity of activity that segregated, uniform uses do not provide.

The proposed uses will provide services to the surrounding neighborhoods and to city residents.

Future Land Use, Urban Residential: Greatest variety of residential building types, medium to high densities. Applicable to larger infill areas close to downtown, entertainment or activity centers, and waterfront residential areas. May include student housing areas, live/work units, and limited neighborhood retail. Connected or adjacent to parks and open space.

History:

Building constructed in 2007 consisting of 7,000 square feet for an auto repair shop, convenience store and gas station. PL 19-012 Rezoning MU-N to MU-B denied by Planning Commission and City Council.

Review and Discussion Items

- 1) The applicant is requesting a special use permit for an automobile and light vehicle, service/auto glass repair shop located in an MU-N zone district. The applicant is also proposing utilize space within the building for a retail floral shop, which is a permitted use in the MU-N zone district. Site improvements include the removal of the gas pump canopy, restriping of the parking area, trash enclosure and installation of a light pole. The applicant is also proposing some landscaping. Hours of operation will be 7:30am to 5:00pm Monday through Friday.
- 2) The applicant will be utilizing an existing 7,000 square foot building formerly occupied by Hansons Auto Repair for use as an auto glass repair shop and a small retail space for a floral shop. The applicant will be using approximately 4,500 square feet of the total finished footage which includes those areas of the former convenience store space that supported the previous auto service as well as the repair shop area. The space that intended for the floral shop is approximately 2,500 square feet. A portion of the parking lot that was used for gas pumps is currently unpaved and the tanks were removed when the gas station ceased operation. The applicant is proposing to pave the gravel area [how big is this gravel area? Can they do any landscaping/stormwater treatment within this area?] within one year of opening the new business.
- 3) 50-20.3.C (Use Specific Standards) Automobile and light vehicle repair and service. As noted above the site was previously occupied by an auto repair shop, gas station and convenience store. The auto glass repair shop will consist of approximately 4,500 square feet and will be operated entirely within the existing building. The applicant is not proposing any outdoor displays or storage of merchandise, parts of refuse. The will be no outdoor storage of automobiles on site.

- 4) 50-24 (Parking and Loading). The site currently has 27 parking spaces from its previous use as an auto repair shop, gas station and convenience store. No new additional parking will be added to the site. The use as an automobile and light vehicle repair service requires 2 space per 1,000 square feet of gross floor area. The applicant is required to provide 7 spaces to meet the parking requirements. The retail/floral shop use requires 3 space per 1,000 square feet of floor area. The applicant is required to provide 9 spaces. The UDC does allow for a maximum number of spaces not to exceed 150% of the minimum number of off street parking space. The combined uses at 150% would be 24 spaces. As noted above the site has 27 existing parking stalls; although this is over the maximum, the existing parking lot is allowed to continue until the parking lot is reconstructed, at which time it must come into compliance with the UDC.
- 5) Sec. 50-25 (Landscaping and Tree Preservation). The reuse of the existing structure and minimal site improvements will not meet the threshold to require UDC landscaping requirements. The site does about residential use to the east and there is an existing privacy fence and trees along the property line from the previous business for screening purposes. The applicant is proposing some shrubs on the southwest corner of the site around the existing sign.
- 6) Sec. 50-26 (Screening, Walls and Fences). The site plan depicts a trash enclosure located on the northwest corner of the building. There is an existing concrete slab that the dumpsters were located on for the previous use of the property. The trash enclosure will meet the UDC requirements for screening of commercial containers.
- 7) Sec. 50-28 (Stormwater Drainage and Erosion Control). The applicant is not proposing to add any impervious surface to the site. The City stormwater engineer has looked at the site plan and has stated that it is a good re-use of the property.
- 8) Sec. 50-29 (Sustainability Standards). Not applicable to this project.
- 9) Sec. 50-30 (Building Design Standards). These requirements do not apply for this project.
- 10) Sec. 50-31 (Exterior Lighting). One pole mounted light not to exceed 20 feet in height with compliant fixture is proposed in the northwest corner of the property.
- 11) No citizen or city departments comments were received at the time that this report was written (May 29, 2020).
- 12) Special Use Permits expire within 1 year ... [look up standard language used here]

Staff Recommendation

Based on the above findings, Staff recommends that Planning Commission approve the special use permit subject to the following conditions:

- 1) The proposal is limited to the site plan and documents submitted with this application; and
- 2) Applicant to install pavement over the gravel area in the parking lot within one year of the issuance of the special use permit. Prior to receiving a building permit, applicant shall deposit an escrow (performance bond, cash, or other financial security to ensure the gravel area is paved. This amount shall be held, without interest, until the applicant has installed the pavement, provide documentation that the gravel area was installed within one year of the issuance of the special use permit. This escrow shall not be released until the improvement is completed; and
- 3) 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 review; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

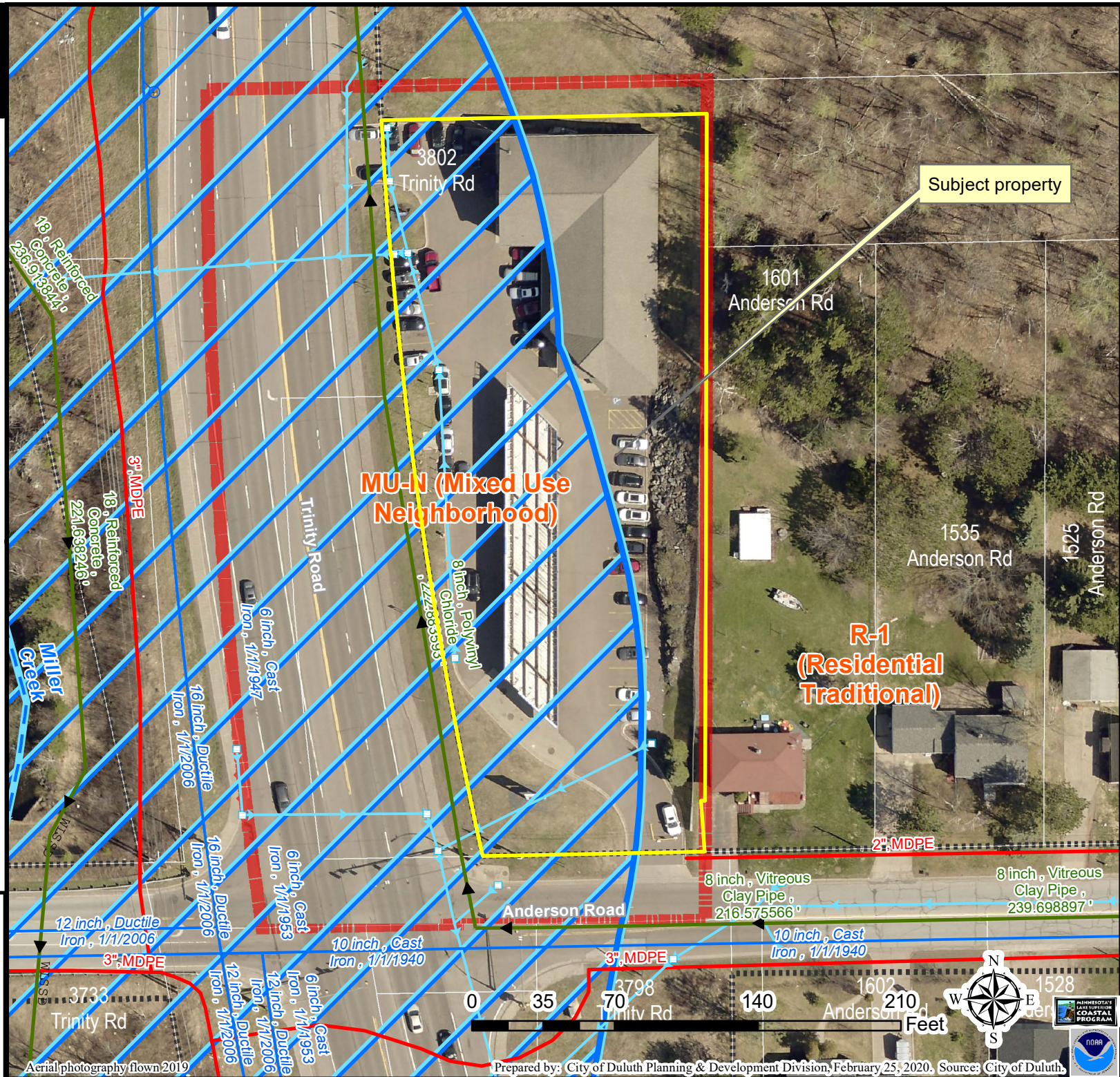


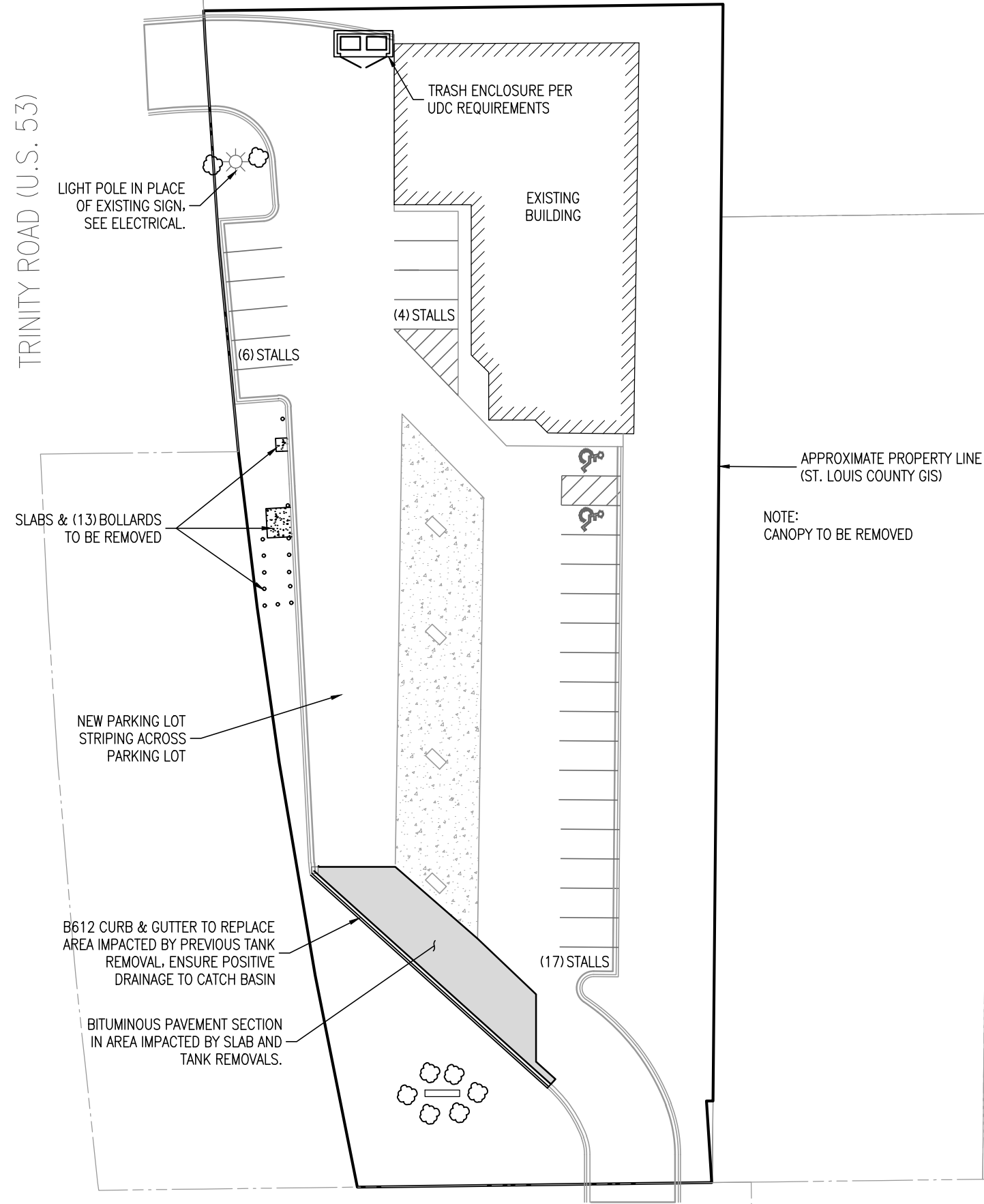
PL 20-055 SUP
3802 Trinity Road

Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains
 - CITY OF DULUTH
 - WLSSD; PRIVATE
 - Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin
- Road or Alley ROW
- Vacated ROW
- Easement Type
 - Utility Easement
 - Other Easement
- Zoning Boundaries
- Shoreland (UDC)
 - Cold Water
 - Natural Environment
 - General Development
 - Trout Stream (GPS)
 - Other Stream (GPS)

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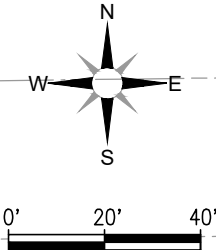


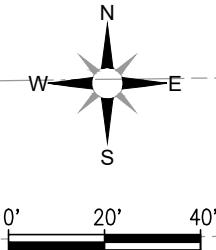
PARKING SUMMARY:
LIGHT AUTO REPAIR - (2) STALLS / 1,000 SF
~3,700 SF X (2)/1,000 SF = 7.2 STALLS REQ.
150% MAX = 7.2 X 1.5 = 11 STALLS

GARDEN MATERIAL SALES - (1) STALLS / 1,000 SF
~3,300 SF X (1) / 1,000 SF = 3.3 STALLS REQ.
150% MAX = 3.3 X 1.5 = 5 STALLS

UDC MAXIMUM ALLOWED STALLS PER NEW USE = (16) STALLS

CURRENT SITE HAS (27) STALLS. NO ADDITIONAL PARKING TO BE ADDED.





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LANDSCAPE	
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Northland
Consulting Engineers L.L.P.
Structural, Civil and Forensic Engineering Services
Voice: (218)777-5905
Fax: (218)727-7775
www.nce-engineers.com