



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 20-052	Contact	Kyle Deming, kdeming@duluthmn.gov	
Type	Variance – minimum parking	Planning Commission Date		June 9, 2020
Deadline for Action	Application Date	May 26, 2020	60 Days	July 25, 2020
	Date Extension Letter Mailed	June 1, 2020	120 Days	September 23, 2020
Location of Subject		End of extended Burning Tree Road south of Mountain Shadows Drive and Village Mall		
Applicant	Center City Housing Corp.	Contact	Nancy Cashman	
Agent	Hanft Fride P.A.	Contact	William M. Burns/Terri E. Crossmon	
Legal Description		See attached		
Site Visit Date		May 29, 2020	Sign Notice Date	May 27, 2020
Neighbor Letter Date		May 29, 2020	Number of Letters Sent	10

Proposal

A variance to reduce the minimum number of required parking stalls from 37 to 15 at a proposed 30 unit multi-family residential building for very low income residents who also receive services.

Recommended Action: Approve variance with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Vacant/Undeveloped	Neighborhood Mixed Use
North	MU-N	Institutional	Neighborhood Mixed Use
South	R-1	Vacant/Undeveloped	Urban Residential
East	MU-N	Vacant/Undeveloped	Neighborhood Mixed Use
West	MU-N	Townhomes	Neighborhood Mixed Use

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 for 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.G.2 – Reducing required parking spaces: Except as provided in 50-37.9.G, variances from the minimum amount

of off-street parking required may be approved if a smaller amount of off-site parking will be adequate to meet the needs of the facility because the facility is restricted to occupancy or use by populations with documented lower vehicle uses, such as the elderly or disabled.

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

Governing Principle #5 – Promote reinvestment in neighborhoods. New development or redevelopment should maximize public investment that strengthens diversifies residential opportunities that fit the neighborhood’s character.

Governing Principle #7 – Create and maintain connectivity. Connectivity is established through our network of streets and highways, transit system, sidewalks, greenways, bikeways, and trails (local and regional). Non-vehicular transportation should be considered an important component of the overall transportation network.

Governing Principle #13 – Develop a healthy community. The City will actively promote access for all to health resources, quality food, recreation, social and economic opportunities, and a clean and secure environment.

Governing Principle #14 – Integrate fairness into the fabric of the community. All people will have equitable access to resources and opportunities that stabilize and enhance their lives.

Housing Policy #2 - Provide affordable, attainable housing opportunities;

Strategy 5 – Foster opportunities for creative housing types and concepts.

Housing Policy #3 – Prioritize inclusive housing policies to reflect the city’s social, cultural, economic, and historic diversity;

Strategy #1 – Plan for a mix of housing types in all neighborhoods, available to a variety of income levels.

Map: Shown as a “new investment area” on the Imagine Duluth 2035 Housing Action Framework map.

Zoning – Mixed Use- Neighborhood (MU-N): Accommodate a mix of neighborhood-scale, neighborhood serving non-residential uses and a range of residential uses located in close proximity. Non-residential uses may include small-scale retail, service and professional offices that provide goods and services to the residents of the surrounding neighborhood.

Future Land Use – Neighborhood Mixed Use: - A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live-work spaces. May include limited commercial-only space oriented to neighborhood or specialty retail markets. Site design should maintain a largely residential building character. Commercial-only uses should be adjacent to non-residential or other mixed-use areas.

History: Feb. 2015 – Birch Tree Center opened by Center City Housing Corp. – a 12 bed single-room-occupancy mental health treatment center serving people 18 and older.

Aug. 2014 – A 56 foot wide street and utility easement granted to the public for extension of Burning Tree Road across Birch Tree property and a public street was constructed to a point 50 feet south of the north property line of Birch Tree property.

Review and Discussion Items

Staff finds that:

- 1) The applicant is proposing a 30-unit building providing “permanent supportive housing for behavioral health” and “people of very low income levels,” which is 60% of Multifamily Tax Subsidy Project limits in Section 42 of the Internal Revenue Code. This income limit translates to \$32,280 for one-person households and \$36,900 for two-person households.
- 2) The three-story building consists of 18 one-bedroom and 12 efficiency apartments with offices and a community room to provide services in support of residents. The developer expects units will be occupied by one or two residents each. Five of the units will be for persons who are permanently disabled. The site plan includes 15 parking stalls, a patio/ yard area for residents and a storm water treatment area.
- 3) Required off-street parking for this project is 37 stalls (1.25 parking stalls per dwelling unit) and the applicant is asking for a reduction of 22 stalls (59% of required) to 15 stalls. Because the project is less than ¼ mile of a transit stop (at the corner of Burning Tree Rd. and Mountain Shadows Dr.) it qualifies for a 30% reduction in required parking from 37 to 26 stalls. So the variance request could be thought of as a reduction of 11 stalls or 42% of the modified parking requirement.
- 4) The applicant is proposing to use the property in a reasonable manner as an apartment building is a permitted use in MU-N zone districts and that the proposed project utilizes only 11 % of the maximum number of dwelling units the UDC allows on this site.

- 5) The application indicates that “due to the character of the site, including elevation changes and wetlands, it would be prohibitively expensive to create significantly more parking. It would also create, due to the special nature of this facility, excessive impervious surface and cost. This variance request is premised on the limited need for parking and the inappropriateness of the code requirements when applied to the specifics of the facility.” The attached site plan shows the proposed building, parking, storm water treatment facilities, and outdoor gathering/green space with site topography indicating there are challenges to developing additional parking on this site.
- 6) The application continues “the uniqueness here is in the facility, which will serve very low income persons with mental health issues. Center City Housing, the developer here, owns and operates 10 low income facilities for persons with mental health or other issues limiting their ability or right to operate motor vehicles. Further, most residents cannot afford motor vehicles. Center City Housing’s experience would indicate that the actual parking needs here, including staff, should be no more than 10; thus, the variance to 15 allows for a 50% buffer.”
- 7) Center City Housing’s staffing plan is “there will be one 24-hour staff person working the front desk . . . three additional staff people . . . for an anticipated 8-hour shift with no overlap . . . and three additional part-time employees coming and going various times throughout an average workday.” This would result in a maximum staff parking utilization (assuming each drives alone) of seven stalls (plus a potential 5-10 minute overlap for front desk staff).
- 8) Center City Housing operates similar facilities in Duluth and provided four examples and their resident and parking numbers:
 - San Marco Apartments – 70 dwelling units, 12 off-street parking spaces (230 W. Third St.)
 - The Frances Skinner Apartments – 33 dwelling units, 0 off-street parking spaces (102 E. First St.)
 - Steve O’Neil Apartments – 44 dwelling units, 20 off-street parking spaces (101 W. Fourth St.)
 - Garfield Square Apartments – 50 dwelling units with services, 21 off-street parking spaces (10 Piedmont Ave.)Center City Housing’s experience has been that, “while we do not document vehicle ownership, each of these facilities contain a similar demographic and, to our knowledge, none of them experience parking difficulty for its residents.” Resident parking demand for “projects of this type indicate that only 20% of households own cars,” which would translate to six resident cars at the Birchwood site. When combined with the maximum staff parking demand of seven, total parking demand would be 13 resulting in two extra spaces for visitors. Burning Tree Rd. is proposed to be constructed at 25 feet wide due to slope issues and available right of way, which is not sufficient to allow on-street parking.
- 9) The applicant intends to have a van and staff on site to provide transportation to tenants to meet their basic needs and go to appointments. Bus passes will also be available to tenants who can utilize transit services from the nearest bus stop at Burning Tree Rd. and Mountain Shadows Dr. There is no dedicated pedestrian walkway leading to this transit stop, however Burning Tree Rd. is a dead end in this area and traffic levels should be minimal serving this site and the neighboring Birch Tree Center, also operated by Center City Housing.
- 10) The Birchwood project’s funding sources (including MN Housing Finance Agency [MHFA] Housing Investment Bonds, federal Housing and Urban Development [HUD] HOME, and St. Louis County Housing and Redevelopment Authority [HRA]) will require the project’s residents be people whom Center City Housing has experience with having lower vehicle usage and, therefore they meet the standards of Sec. 50-37.9.G.2, the variance standard specific to reductions in parking (see ‘Summary of Code Requirements’ box above for the text).
- 11) Granting the variance will not alter the essential character of the area since it will permit construction of an apartment building that is similar in size to surrounding apartments and townhomes.
- 12) The variance, if granted, would not impair adequate light and air to surrounding properties as the three-story apartment building is proposed to be sited about 75 feet from the nearest building.
- 13) The variance, if granted, is not anticipated to create congestion on Burning Tree Rd. due to low demand for parking at this site.
- 14) The variance, if granted, is not anticipated to impair fire or emergency services provision since the building is located at a fire truck turn around that will be signed as such to prohibit illegal parking. Due to the 24-hour/day on-site staffing of the facility the applicant has the ability to reduce the likelihood that emergency vehicles would be obstructed from site access by illegally parked vehicles.
- 15) The variance, if granted, would not impair established property values in the surrounding area as reducing required parking allows for more green space, which provides more of an amenity adding to surrounding properties’ values than more pavement would.
- 16) The variance, if granted, would not impair the intent of the UDC expressed in Sec. 50-2. The variance is consistent with the Comprehensive Plan intentions to limit impacts to the natural environment due to site development as well as encouraging transportation via means other than single occupant vehicles.

- 17) No comments from citizens, City staff, or any other entity were received regarding the application.
- 18) 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 as a 30-unit residential building providing “permanent supportive housing for behavioral health” and persons with incomes less than 60% of Multifamily Tax Subsidy Project limits authorized by Section 42 of the Internal Revenue Code; and
- 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 administration approval shall constitute a variance from the provisions of Chapter 50.

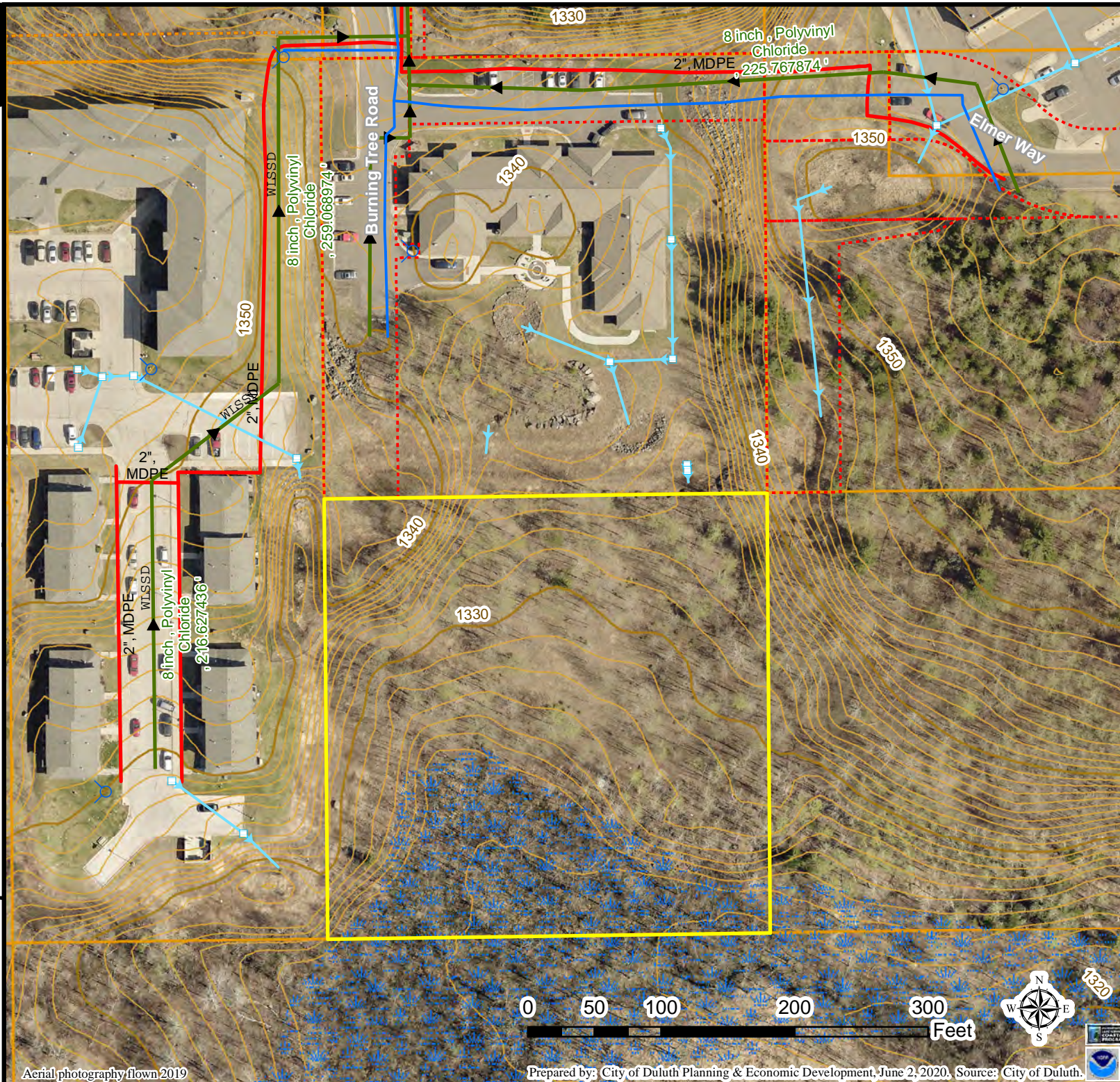


PL 20-052
Variance - Minimum Parking

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
- Parcels
- 1 Ft contour
- 10 Ft contour
- Easement Type**
 - Utility Easement
 - Other Easement
 - Trout Stream (GPS)
 - Other Stream (GPS)
 - Wetlands (NRR1)

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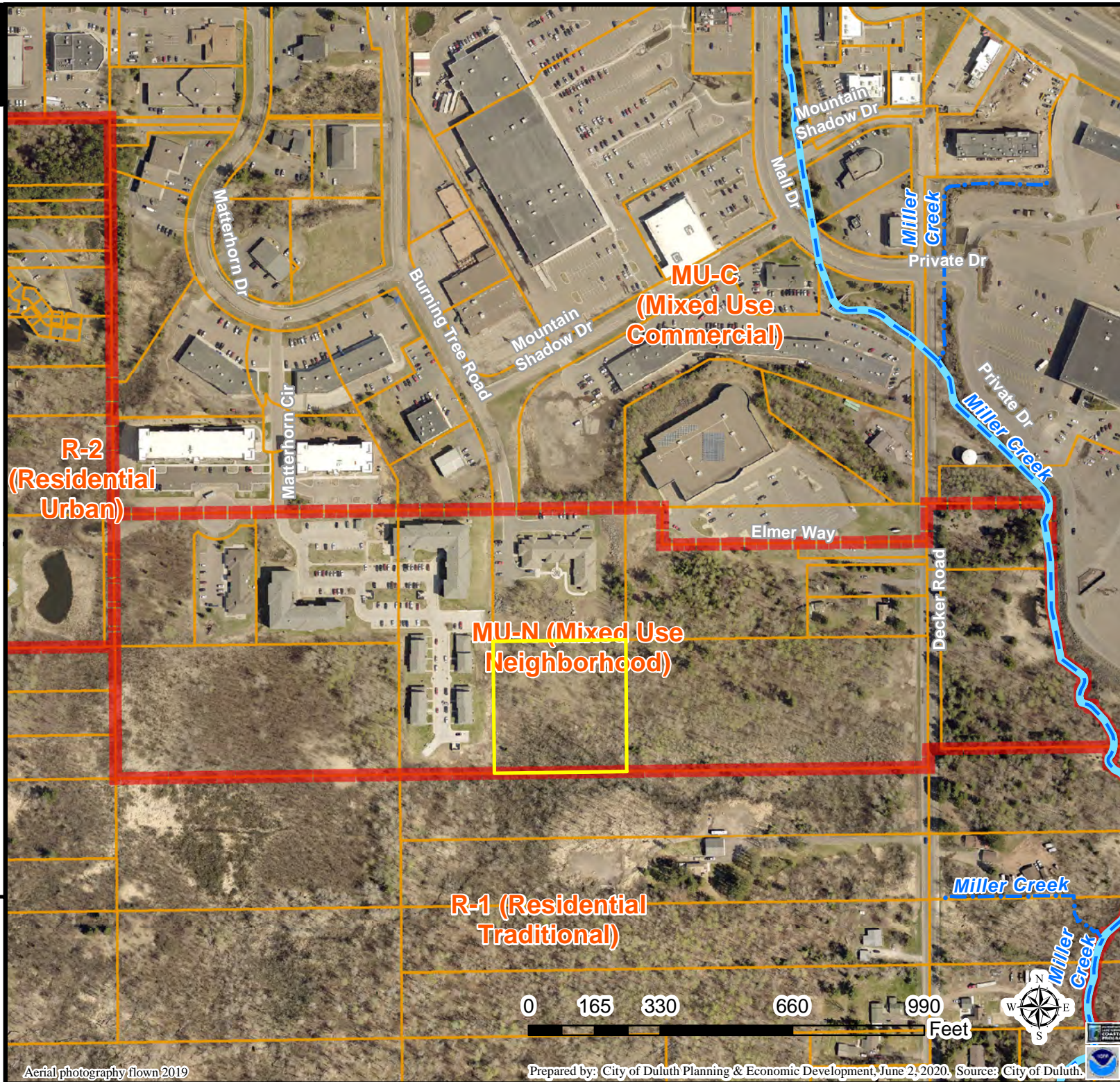


PL 20-052
Variance - Minimum Parking

Legend

- Parcels
- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

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Aerial photography flown 2019

Prepared by: City of Duluth Planning & Economic Development, June 2, 2020. Source: City of Duluth.



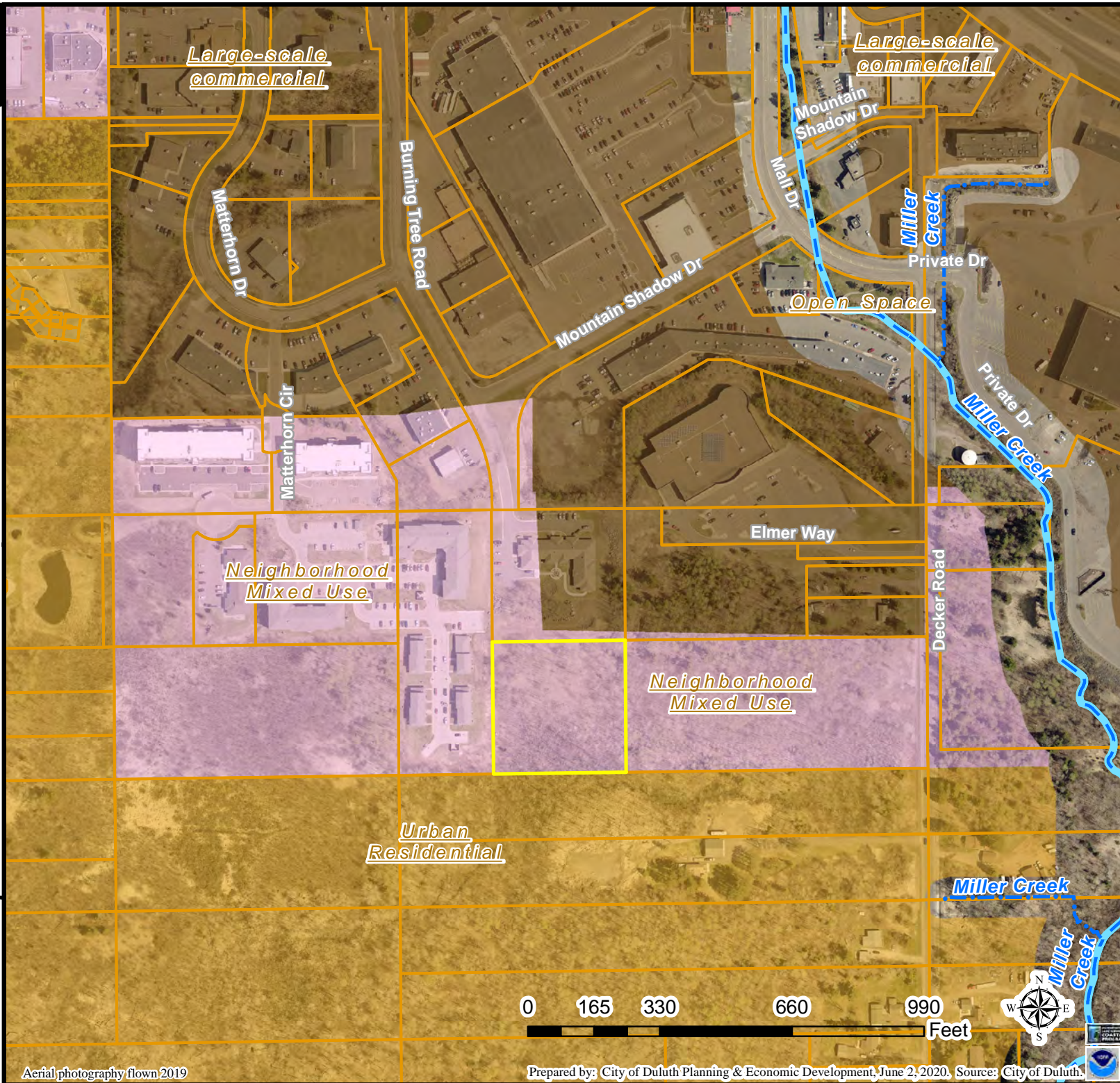
PL 20-052
Variance - Minimum Parking

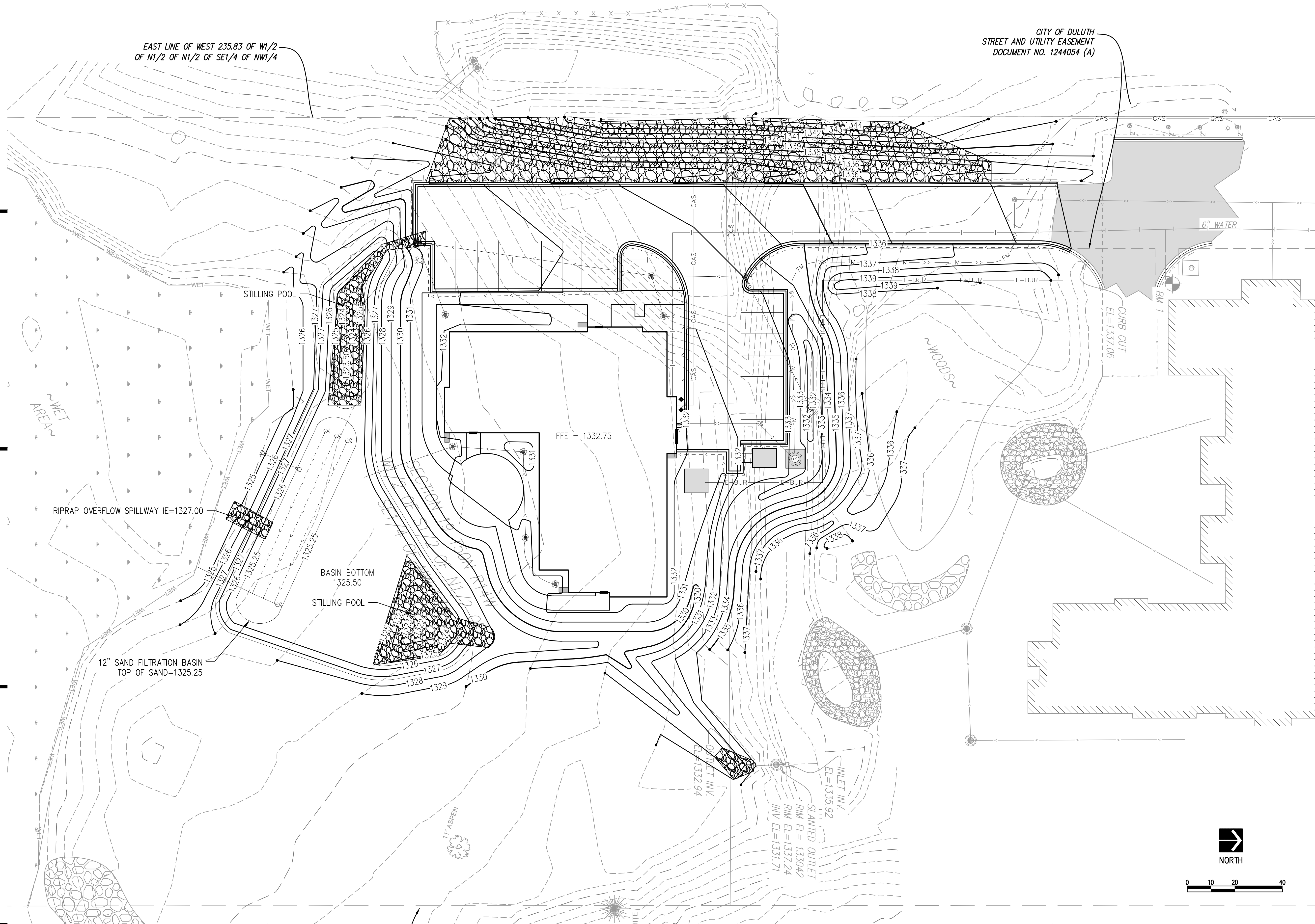
Legend

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

Future Land Use - Plus

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DRIVEN DESIGN.
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21 W. Superior St., Ste. 500 | Duluth, MN 55802 | 218.727.8446

CLIENT:
Center City Housing Group

105 1/2 West 1st Street
Duluth, MN 55802

THIS SQUARE APPEARS 1/2" x 1/2" ON
FULL SIZE SHEETS.

01	05-22-2020	50% CD PRICING SET
NO	DATE	ISSUED FOR

NO	DATE	REVISION
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PRELIMINARY
NOT FOR CONSTRUCTION
05/22/20

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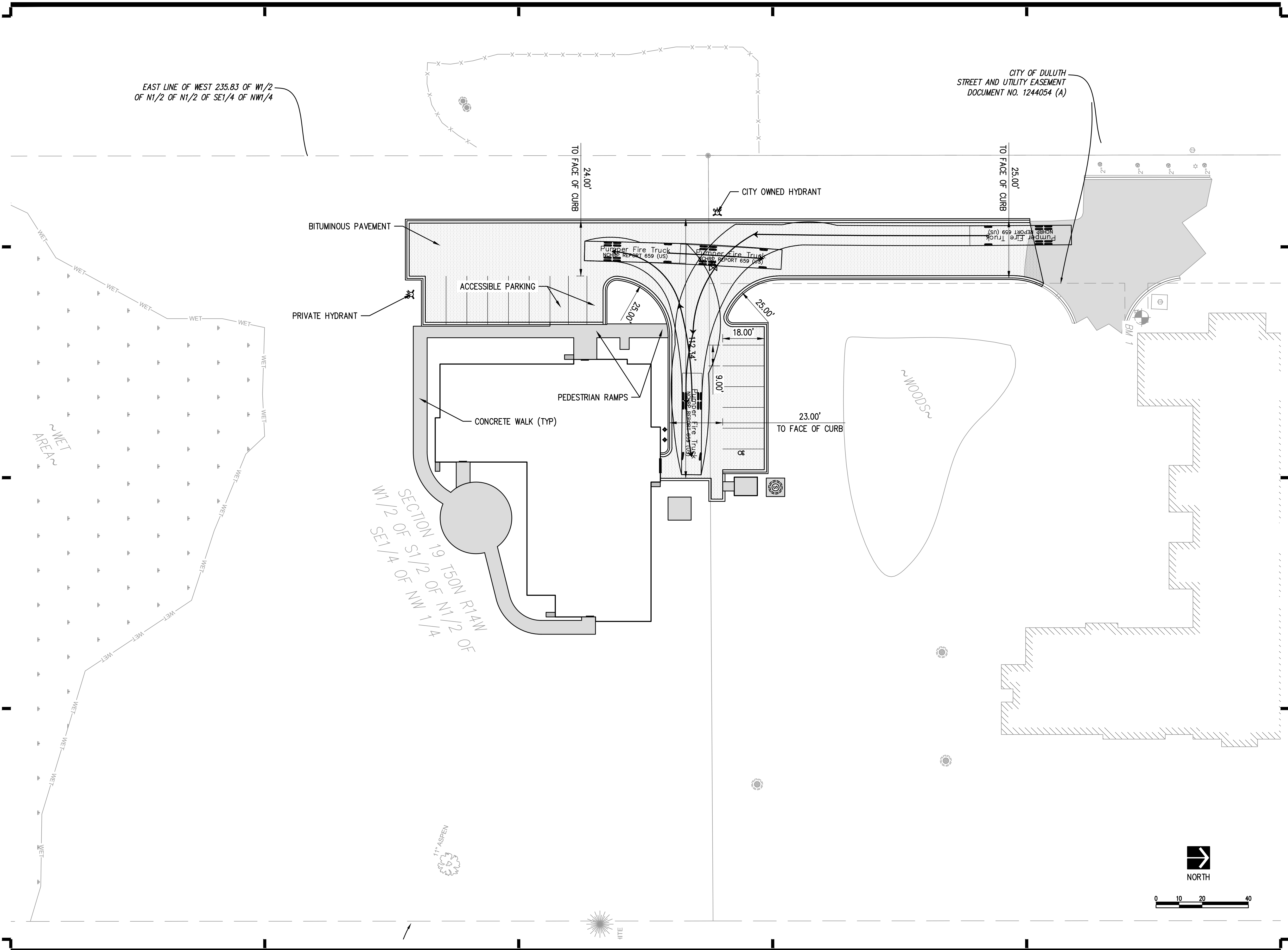
PROJECT NAME:
Birchwood Apartments

4xxx Burning Tree Rd
Duluth, MN 55811

DRAWING TITLE:
SITE GRADING PLAN

FILE: ..\190026\600 Drawings\CI\190026 C200.dwg
DRAWN BY:
CHECKED BY:
PROJ. NO: 190026
DRAWING NO:

C200



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PROJECT NAME:
Birchwood Apartments

4xxx Burning Tree Rd
Duluth, MN 55811

DRAWING TITLE:
**PARKING AND
EMERGENCY VEHICLE
ACCESS EXHIBIT**

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CHECKED BY:
PROJ. NO: 190026
DRAWING NO:

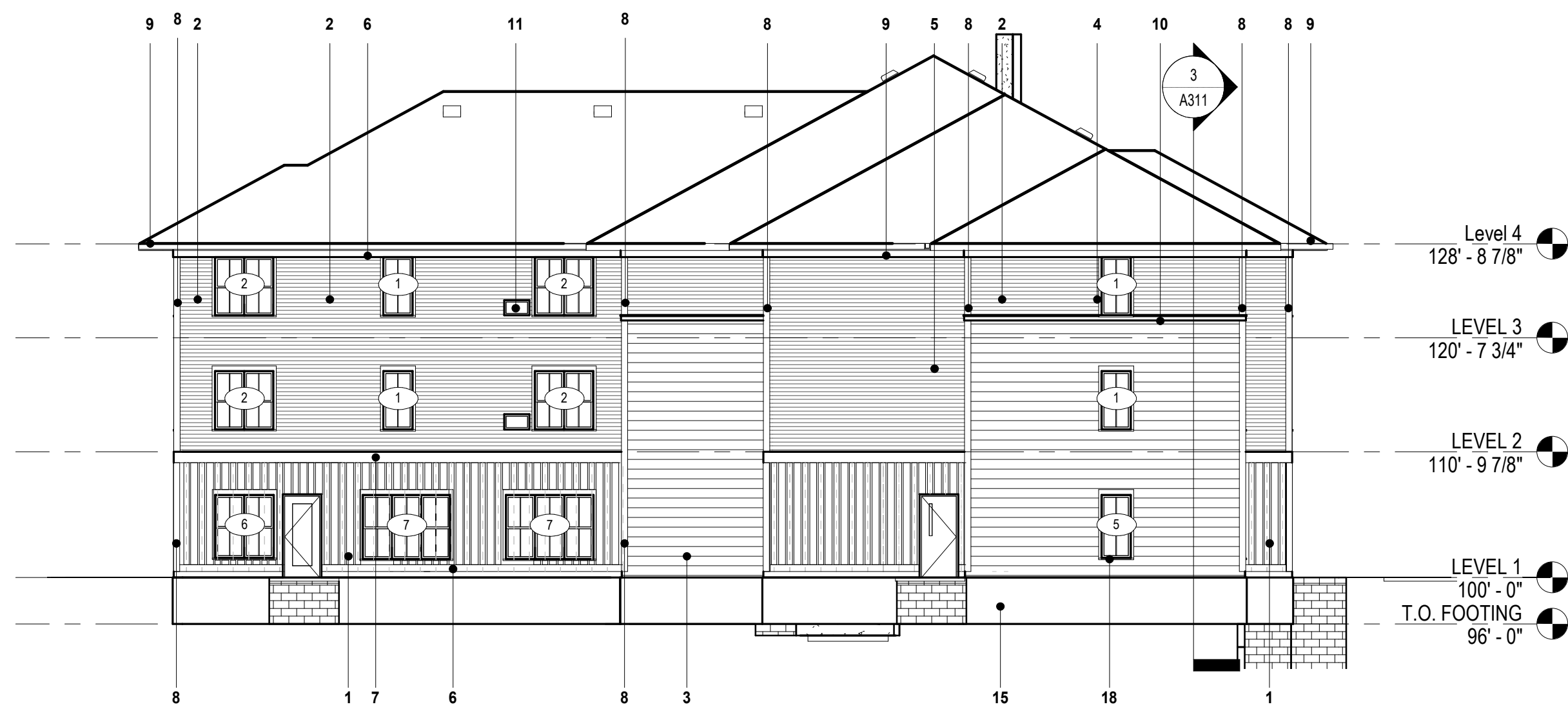
EX1

BIM 360://190026 Birchwood/190026 Birchwood A20.rvt
5/27/2020 8:15:56 AM

A

B

C



1 EAST ELEVATION
3/32" = 1'-0"



4 WEST ELEVATION
3/32" = 1'-0"



3 SOUTH ELEVATION
3/32" = 1'-0"



2 NORTH ELEVATION
3/32" = 1'-0"

EXTERIOR ELEVATION KEY

- SMARTSIDE, SMOOTH BOARD AND BATTEN: SMART VERTICAL SIDING (BOARD) WITH 440 SERIES, ALTERNATING 6.5" AND 7.21" TRIM (BATTEN)
- SMARTSIDE LAP SIDING, SMOOTH, EXPERT FINISH - 4" EXPOSURE
- SMARTSIDE LAP SIDING, SMOOTH, EXPERT FINISH - 10" EXPOSURE
- SMARTSIDE, SMOOTH TRIM, 440 SERIES - 3.5"
- SMARTSIDE, SMOOTH TRIM, 440 SERIES - 5.5"
- SMARTSIDE, SMOOTH TRIM, 440 SERIES - 7.21"
- SMARTSIDE, SMOOTH TRIM, 540 SERIES - 11.21"
- SMARTSIDE, SMOOTH, EXPERT FINISH, 540 SERIES, CORNER BOARD - 6"
- GUTTER, 6" x 6"
- SMARTSIDE, SMOOTH TRIM, 540 SERIES - 5.5"
- THROUGH WALL A/C UNIT
- MECHANICAL LOUVER, SEE MECH. FOR SIZES
- PREFINISHED METAL CAP FLASHING
- DOWNSPOUT
- CMU FOUNDATION
- BUILDING ADDRESS
- WOOD FRAMED ENTRY CANOPY
- SMARTSIDE, SMOOTH TRIM, 540 SERIES - 1.5"



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ON FULL SIZE SHEETS

1	5/22/20	50% CD PRICING SET
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5/22/20

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PROJECT NAME:

Birchwood Apartments

4xxx Burning Tree Rd
Duluth, MN 55811

DRAWING TITLE:

EXTERIOR ELEVATIONS

DRAWN BY: Author
CHECKED BY: Checker
PROJ. NO: 190026
DRAWING NO:

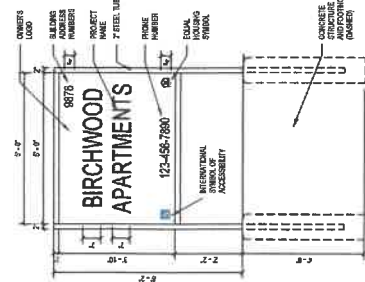
A201

GENERAL SHEET NOTES

1. SEE G001 AND G002 FOR CODE PLANS & INFORMATION
2. SEE G010 FOR PROJECT NOTES INCLUDING:
- GENERAL BUILDING PLAN NOTES
- GENERAL UNIT PLAN NOTES
- GENERAL KITCHEN NOTES
- GENERAL BATHROOM NOTES
- GENERAL ELEVATOR NOTES
- INTERIOR DETAIL NOTES
- GENERAL PUBLIC STAIR NOTES
- GENERAL SHAWT DETAIL NOTES
3. SEE SHEET A01 FOR TYPICAL MOUNTING HEIGHTS.



SOURCE #1 863-725-0792
PORT IMPORTS LUGO LIMITED SAN 702
8 INCH DEEP ALUMINUM CLAMNET FLARED DURANCO (BRONZE COLOUR # T80)
181 SURFACE APP SET GLOSS WHITE VINYL COM
TOP CAP TO DIGITAL PRINT ON ITS WITH 3LITE LAMINATE
TOP CAP TO HAVE LEAD FOR DOWN LIGHTING
DOUBLE GROUND GRID FOR - SAME INFORMATION BOTH SIDES



EVALUATION

CONCLUSION

1 Level 1

1

1

2

BLM 3507160025 Brimwood AZ 141
4/28/2025 4:07:39 PM

4/28/2020 4:07:39 PM

Parcel 010-2710-05181

The South 100.00 feet of that part the West Half of the North Half of the North Half of the Southeast Quarter of the Northwest Quarter of Section 19, Township 50 North, Range 14 West of the Fourth Principal Meridian, St. Louis County, Minnesota, lying Westerly of the Southerly extension of the West line of Outlot A, Village Mall, Rearrangement of Block 5, Except the West 235.83 feet thereof.

-AND-

That part of the South Half of the North Half of the Southeast Quarter of the Northwest Quarter of Section 19, Township 50 North, Range 14 West of the Fourth Principal Meridian, lying Westerly of the Southerly extension of the West line of Outlot A, Village Mall, Rearrangement of Block 5, Except the West 235.83 feet thereof.