



**CITY OF DULUTH**

Community Planning Division

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<b>File Number</b>	PL 16-055		<b>Contact</b>	Chris Lee, clee@duluthmn.gov	
<b>Type</b>	Special Use Permit		<b>Planning Commission Date</b>	September 13, 2016	
<b>Deadline for Action</b>	<b>Application Date</b>	May 17, 2016	<b>60 Days</b>	September 10, 2016	
	<b>Date Extension Letter Mailed</b>	September, 2016	<b>120 Days</b>	November 9, 2016	
<b>Location of Subject</b>	5718 Cody St				
<b>Applicant</b>	Jesse Witt, J&E Motorsports and Repair		<b>Contact</b>	218-213-4570	
<b>Agent</b>			<b>Contact</b>	jandemotorsports@gmail.com	
<b>Legal Description</b>	010-4510-04800 and 010-4510-04815				
<b>Site Visit Date</b>	August 28, 2016		<b>Sign Notice Date</b>	August 30, 2016	
<b>Neighbor Letter Date</b>	August 30, 2016		<b>Number of Letters Sent</b>	80	

**Proposal**

The applicant is requesting a Special Use Permit for an automobile and light vehicle repair and service business in a MU-N district.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-N	Neighborhood Mixed Use	Traditional Neighborhood
<b>North</b>	MU-N	Neighborhood Mixed Use	Traditional Neighborhood
<b>South</b>	R-1	Residential Traditional	Traditional Neighborhood
<b>East</b>	MU-N	Neighborhood Mixed Use	Traditional Neighborhood
<b>West</b>	MU-N	Neighborhood Mixed Use	Traditional Neighborhood

**Summary of Code Requirements**

50-18.1E Storm Water Management - Addresses water runoff quality and quantity pre- and post-construction.

50-20.3C Automobile and light vehicle repair and service

1. No displays or storage of merchandise, parts or refuse may be located closer than 20 feet from any public right-of-way;
2. A dense urban screen must be installed and maintained along all side and rear property lines abutting a residential or mixed use district;
3. All areas for outdoor storage of automobiles or light vehicles shall be screened from adjacent properties by a dense urban screen regardless of the use on the adjacent property;

50-24 Parking and Loading - Addresses required minimum and maximum parking spaces and loading docks, dimensional standards, snow storage and pedestrian circulation.

50-25 Landscaping and Tree Preservation - Speaks to landscaping standards such as materials, plant size, location, tree preservation and replacement.

50-26 Screening, Walls, and Fences - Screening of mechanical equipment, loading areas, and commercial containers, plus regulations regarding fences and retaining walls.

50-30 Design Standards - Building standards for multi-family, commercial, institutional, and industrial buildings.

50-31 Exterior Lighting - Directs the minimum and maximum illumination values and lighting fixtures for a site.

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

Governing Principle #8 - Encourage mix of activities, uses, and densities

Future Land Use – Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home-businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth’s older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas

**Review and Discussion Items**

- 1) The applicant is requesting a Special Use Permit to operate an automobile and light vehicle repair and service business in a MU-N district.
- 2) 50-18.1 - Property is not within a shoreland or floodplain. The applicant does not trigger any stormwater requirements for a parking lot this size.
- 3) Use Specific Standards in Sec. 50-20.3C:
  1. Site will have no displays, merchandise, parts or refuse will be located within 20’ from a ROW.
  2. Screening will be installed at current fence line rather than at the rear property line. The site has a large grass buffer area between the screening fence and adjacent residential property.
  3. Site has screening on current chain-link fence that does not comply with requirements. Applicant has committed in their application to installing the required dense urban screen with a wooden fence within 1 year. All repairs will take place within the garage and vehicles that are being repaired will be located behind the fence on the property.
- 4) 50-24 – Vehicle parking areas are required to be paved. The site plan shows parking areas on the north, west and east side of the building that is either currently paved or will be paved within 2 years according to the application. No off-street parking is required.
- 5) 50-25 – Not applicable
- 6) 50-26 - No screening required since there are no mechanicals being added
- 7) 50-27 - Any signs will need to apply for and receive a sign permit prior to installation.
- 8) 50-29 and 50-30- Not applicable
- 9) 50-31 - Lighting will meet UDC requirements for cut-off fixtures when current fixtures on the building are adjusted to be down cast as the applicant has committed to.
- 10) The City Parking Department expressed concern that there might not be enough off-street parking for staff and customers. No other public, agency, or City comments were received.
- 11) Per UDC 50-37.1.N, an approved Special Use Permit will expire if the project or activity authorized is not begun within 1 year.

**Staff Recommendation**

Based on the above findings, Staff recommends that Planning Commission recommend approval subject to the following:

- 1) The project be limited to, constructed, and maintained according to the Site Plan dated 8/13/2016, subject to the following conditions:
  - a. A dense urban screen shall be installed around the existing chain link fence by September 13, 2017, and
  - b. Unpaved areas east of the building and west of the fenced areas shall be paved by September 13, 2018, and
  - c. Existing building-mounted exterior lights shall be adjusted to be downcast by September 30, 2017.
- 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.



**Legend**

**Zoning Boundaries**

-  Zoning Boundaries
-  Vacated ROW

**Easement Type**

-  Utility Easement
-  Other Easement

**Future Land Use**

-  Preservation
-  Recreation
-  Rural Residential
-  Low-density Neighborhood
-  Traditional Neighborhood
-  Urban Residential
-  Neighborhood Commercial
-  Neighborhood Mixed Use
-  General Mixed Use
-  Central Business Secondary
-  Central Business Primary
-  Auto Oriented Commercial
-  Large-scale Commercial
-  Business Park
-  Tourism/Entertainment District
-  Medical District
-  Institutional
-  Commercial Waterfront
-  Industrial Waterfront
-  Light Industrial
-  General Industrial
-  Transportation and Utilities



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**J & E Motorsports**

**5718 Cody St Duluth Mn 55807**

**218-213-4570**

**Site Plan-**

**1. Indication for Uses on Site, Site is and will continue as a Used Auto dealership. The site is currently set up for sales and has a 2 stall repair/ Wash Bay. Vehicles sales will be held in the front of the building and on the side of lot on the outside of the fence. Customer parking is in the front of the building and on the side of the building. Customers Vehicles to be repaired will be on the held inside the gated area.**

**2. Proposed Ground surfaces will be as follows. within the next 24 month the surface will be paved from the fence line out to the side walk which would be At least the 66ft x 36ft along the side where cars are stored for sales on the 58th Ave side of the property. And will be paved. along the back side of the building in front of the shop doors to the Alley way in front of the Gate. Which would be 35ft too the Alleyway and come out 40 ft to the sidewalk and both sides will butt up to the currently paved section in front of the building. the remaining 66ft along the alley way will be Gravel and the inside of the Fence will also remain gravel. The back 2 lots will remain residential and kept grass and will not be used for parking.**

**3. Within the next 12 months, Fence screening will remain Full privacy. Wood fencing will be added to the current fencing and dimensions will remain the same. Which are 66ft x 80ft.**

**4. Lighting Is going to Remain untouched for the moment using the Current City Street Lights That are in Place By the City Of Duluth.**

**Sincerely,  
Jesse Witt (owner)**







