

# **MEMORANDUM**

522 First Avenue Two Harbos, Minnes ata Phone 2 18-834-563 1 FAX 2 18-834-2674

То:	Two Harbors Planning Commission
CC:	Patty Nordean, City Administrator, Tim Costley, City Attorney
From:	Justin Otsea, ARDC
Date:	May 30 <sup>th</sup> , 2023
Subject:	1329 Highway 61 Variance Request-Staff Report

# Background

The owner of 1329 Highway 61 in Two Harbors has requested a variance from the building height standards of the B-1 Highway Business District of the City of Two Harbors Zoning Ordinance (**City Code Sec. 11.40**) to build a hotel above the allowable height of the B-1 Highway Business Zone and the Shoreland Overlay Zone (**City Code Sec 11.61 Subd 2 E**). The ordinance states in section: **Section 11.40 Dimension Table as well as Section 11.61 Subd 2 E** of the City Zoning Code, that: any use shall not exceed three (3) stories or thirty-five (35) feet. The request by the applicant is for four (4) story building with a roof line at 41' 4" and a 50; 9 <sup>3</sup>/<sub>4</sub>" which represents 6' 4" and 15' 9 3/4" respectively. Images of the request have been included below :

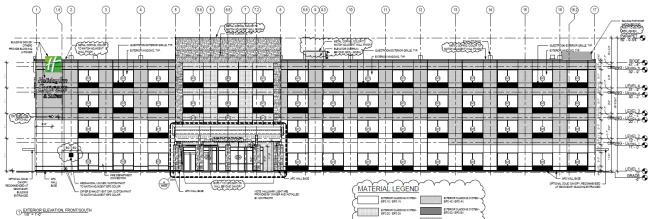


Figure 1: Front Height profile



Figure 3: Side Profile 2

The proposed project if the variance to be granted, would create a hotel, a permitted use by the B-1 Highway Business district as described in the in section 11.30.

# **Other Zoning Requirements Satisfied**

The proposed structure is an allowed use that satisfies other zoning requirements not needing variance relief. The applicant has been informed that the project will be required to receive an approved zoning permit as identified in section **11.73 Subd 2. Zoning Permits.** Relevant text from **Subd 3.** outlines the requirements of the site plan which would need to be approved by the zoning administrator for a building permit could be issued has been included below for reference:

# Subd. 3. Site Plans Required.

A. In order to provide an orderly process for the development of land in the City and to provide for the City's review of development proposals, a site plan must accompany all applications for permits required under this Chapter. No permit or building permit can be issued until such site plan is submitted, reviewed and approved.

*C.* The Site Plan for commercial and industrial development and residential development of more than two units shall include the following: 1. Information including lot boundaries, outlines of existing and proposed buildings, dimensions and sufficient other information to determine conformance with setback, side yard and rear yard requirements.

2. Information regarding the present conditions on the site including dimensions, topography, existing vegetation, wetlands, significant natural and manmade features, adjoining or intersecting streets, highways, trails or rights-of-way and such other information needed to review the proposal.

3. Information regarding the proposed project, including clearing, grading, access, parking, all structures and utilities information as needed to review the proposal.

4. A stormwater runoff plan.

5. Wetlands delineation and mitigation plan if required by Lake County.

6. An erosion and sediment control plan.

7. Site development information required under Sec. 11.61 Shoreland Overlay District, if in an erosion hazard area.

8. A traffic and parking plan per Section 11.51

9. A landscaping design plan per the conditions set for in Section 11.50.

**D.** Upon request of the applicant, the Zoning Administrator shall convene all relevant City Departments and Officials and other units of government to meet with the applicant to review the proposal and assist the applicant in determining what permits and other applications may be required and the process for completing all reviews. Appeals to decisions of the Zoning Administrator will be heard by the Planning Commission

Some of these requirements have already been met, but additional materials as outlined above need to be submitted and approved prior to a building permit being issued, even with a granted variance.

# **Shoreland Overlay Zone Analysis**

The lot is located within a highway business district on a lot that has been developed for many years. It is anticipated that the applicable requirements of the Shoreland Overlay Zone will still be required to be met, even if the variance were to be granted. Relevant requirements from section 11.61 have been included below (others may also be required as part of the zoning permit process):

*G.* Lot Coverage by Impervious Surfaces. Lot coverage by impervious surfaces shall not exceed 25 percent unless a surface water runoff plan certified by a registered professional engineer is submitted and approved by the Zoning Administrator. The surface water runoff plan shall contain, at a minimum, provisions for sediment entrapment and erosion control in order to minimize impacts on the receiving waters.

Requirements of Subd 3 would also need to be met, including A: Vegetation Management, B. Wetlands, and C. Grading and Filling, Erosion Control (page 31 and 32 for reference).

# Variance Standards

The City of Two Harbors requires that the Board of Zoning Appeals make factual findings that support the conclusions:

- A. The variance is in harmony with the general purposes and intent of this Chapter.
- B. The variance is consistent with the Comprehensive Plan of the City.
- C. The applicant establishes that there are practical difficulties in complying with the terms of this chapter and the Board makes factual findings that support conclusions that:

- 1. The applicant proposes to use the property in a reasonable manner not permitted by the code; and
- 2. The plight of the applicant is due to circumstances unique to the property not created by the landowner; and
- 3. The variance, if granted will not alter the essential character of the locality, neighborhood, or district in which it is located.

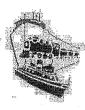
# Variance Request Findings

Will be made available in advance of the meeting.

# **Staff Recommendation**

Will be made available in advance of the meeting.

# **CITY OF TWO HARBORS**



522 First Avenue, Two Harbors, MN 55616 (218) 834-5631 : FAX (218) 834-2674

**Variance Application** 

**1.** Applicant Information Name: Burlington Hosp, talita LLC Express Address: 808 E 2nd St mN nickinduluth @ gmail.com Telephone #: 218-591-9987 Email Address: Application # (to be assigned by City): 5-1-2023 Signature of Applicant Date: Owner (if different from above): Address: Telephone #: **Email Address:** 2. Property Information Street Address: 1329 Hwy 61, Two Harbors 1 Legal Description (attach additional sheets if necessary): Bay view Subdivision, Part of SW 4 of SW MN: 55616 293 Parcel#: 23-7652-00020 Zoning District Shoreland Overlay Zone: Yes No 1.8 acres Property Size (square feet or acres): \*\*\*Applicant to attach plat plan (drawn to scale)\*\*\* **3. Requested Variance** 11,40 Dimension (c)r Zoning Ordinance section Variance is requested from: State exactly what is intended to be done on or with the property described above that does not conform with the Zoning Ordinance: 4 story hotel. Currently building code ries of 35. We are seeking a to build a he agent Only Stories Roof line at 41'4" Parapet at 50'934 Roof 4 Stories. variance for

Variance Application Effective

2016

Page | 1

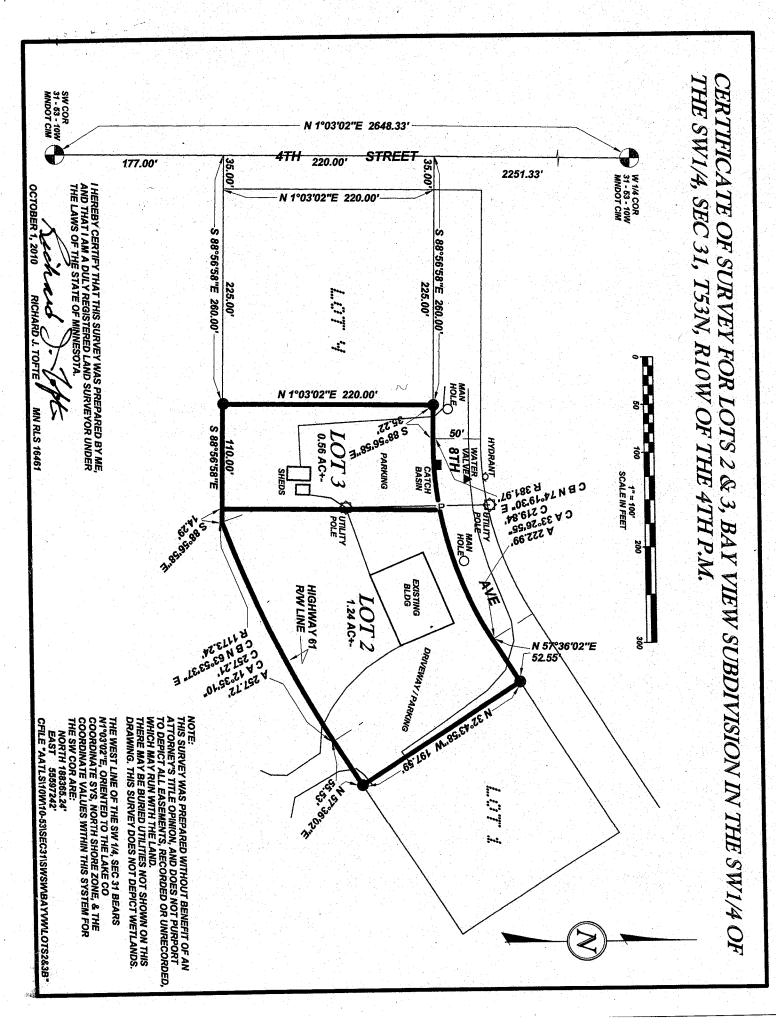
# **CITY OF TWO HARBORS**

# 522 First Avenue, Two Harbors, MN 55616 (218) 834-5631 · FAX (218) 834-2674

4. Explain in detail how your request conforms to the following requirements (attach additional sheets if necessary): 4.1 That the landowner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance. Currently we would be able to build a 35' structure, we would be adding 6'4" to most of that. We do not belence this would extra height would hinder any residut? Enjoyment. 4.2 That the plight of the landowner is due to circumstances unique to the property not created by the landowner. We need to go up with the hotel a not out. The lot is not big enach methods are too expensive to limit the space to Construction 4.3 That the variance, if granted, will not alter the essential character of the locating neighborhood or district in which it is located. partion meety in their already busy forist LISTIA tow **CITY USE ONLY** The Variance Application is complete: The Variance Application requires the modifications listed below: Further information needed: The variance is not permitted: Justin Otsea 5/18/23 **Signature of Zoning Administrator** Date Variance Application

2016 Effective

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# **PROTOTYPE DRAWINGS v2.1**









THREE RAVINIA DRIVE SUITE 100 ATLANTA, GEORGIA 30346

# NOT FOR CONSTRUCTION

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		LOBBY/GREAT ROOM BUSINESS CENTER	1 1	1,955 125		1,955 125					ELEC ELEV. LOBBY
$\left\langle \right\rangle$		MEETING BREAKFAST	1	346 319		346 319					ELEV. SHAFT HSKG
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	100.10	ENG/MAINT	1 1 1	86			86 163			ST2.3	STAIR 2 VTAC CLOSET
	100.12	MECH MARKET	1	163 75		75				VC1.3/2.3	KING STANDARD
2	100.14	SALES WORK AREA	1 1	109 141			109 141				KING SUITE KING X-WIDE AT STR 2
		GENERAL MANAGER SERVER	1 1	104 47			104 47				KING X-WIDE ACCESS QQ STANDARD
>		EMPLOYEE BREAK	1	69 328			69 328				QQ SUITE QQ ACCESSIBLE
$\mathbf{x}$		GUEST LAUNDRY FITNESS	1	93 510		93 510					QQ CONNECTING
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$\prec$	100.23	ELECTRICAL	1	157			157				LEVEL 3 GROSS AREA
	100.25	LAUNDRY EQUIPMENT LUGGAGE STORAGE	1 1	60 34			60 34			LEVEL 4 C401	CORRIDOR
$\left\langle \right\rangle$		POOL-VEST. CORRBOH	1 1	156 354		156	354				CHUTE CLOSET ELEC
7		CORRIDOR CORRFIT.	1 1	810 285		810 285				EL4	ELEV. LOBBY ELEV. SHAFT
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	R2	TOILET WOMENS TOILET MENS	1 1	60 60		60 60					KING SUITE KING X-WIDE AT STR 1
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FOR MORE INFORMATION SEE ACCESSIBILITY SYMBOLOGY LEGEND ON SHEET A011.

PURPOSE OF THESE DRAWINGS

THESE DRAWINGS ARE PREPARED FOR THE USE OF THE OWNER/FRANCHISEE AND THEIR ARCHITECT/ENGINEER AS A REPRESENTATION OF THE DESIGN CRITERIA FOR THE DEVELOPMENT OF A THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION, BUT ONLY AS A GUIDE FOR THE DESIGN PROFESSIONALS AS THEY PREPARE THE DOCUMENTS.

IN THE EVENT OF A DISCREPANCY BETWEEN THESE DRAWINGS AND CURRENT HOLIDAY INN EXPRESS BRAND STANDARDS, THE BRAND STANDARDS SHALL TAKE PRECEDENCE.

THE FRANCHISEE'S CONSULTING ARCHITECT AND ENGINEERS SHALL BE RESPONSIBLE FOR VERIFYING AND COMPLYING WITH ALL APPLICABLE LAWS, COVENANTS, CODES, REQUIREMENTS OF ACCESSIBILITY REGULATIONS.

ADDITIONALLY, IHG BRAND SAFETY STANDARDS SHALL TAKE PRECEDENCE OVER LESS RESTRICTIVE CODES.

# ROOM COUNT

PROPORTIONS OF KING TO DOUBLE QUEEN GUESTROOMS AND SUITES MAY VARY BASED ON FRANCHISEE REQUIREMENTS.

ACCESSIBLE GUESTROOM DISTRIBUTION MUST COMPLY WITH CURRENT APPLICABLE ACCESSIBILITY CODES.

FOR HOLIDAY INN EXPRESS HOTEL & SUITES PROPOERTIES, THERE ARE A NUMBER OF ADDITIONAL STANDARDS CREATED TO ENHANCE THE SUITE STAY EXPERIENCE.

GUESTS MAY CHOOSE FROM TYPICAL HOTEL ROOM ACCOMMODATION (SIMILAR TO HOLIDAY INN EXPRESS GUESTROOMS) OR SUITES THAT SERVE EXTENDED STAY GUESTS.

REFER TO THE BRAND STANDARDS MANUAL FOR THE SPECIFIC REQUIREMENTS THAT ARE UNIQUE TO HOTEL AND SUITE PROPERTIES.

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1	257 118		257	118		A011 A012	GENERAL NOTES, SYMBOLS AND MATERIALS	131-A     HVAC PLAN - HIGH CAPACITY PANTRY OPTION       132     HVAC PLAN - LEVEL 2	in South Sou
1	147 82			147 82		A012 A030 A031		133 HVAC PLAN - LEVEL 3	
1         161         161           1         160         160         160						A031 A032 A033		134     HVAC PLAN - LEVEL 4       135     HVAC PLAN - ROOF	iday Ir DreS Suites
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1	1,475 21		1,475	21		A200 A201	EXTERIOR ELEVATIONS EXTERIOR ELEVATIONS	802 ENLARGED PARTIAL POWER & SIGNAL PLANS	
1	11 257		257	11		A210 A310	WINDOWS AND STOREFRONTS     PL       BUILDING SECTIONS     PC	LUMBING 101 PLUMBING TITLE SHEET	
1	118 147			118 147		A311 A312	BUILDING SECTIONS     P1       BUILDING SECTIONS     P1	10 PLUMBING PLAN - UNDERGROUND	
1	161 160			161 160		A400 A405		11-A PLUMBING PLAN - PANTRY OPTION	
2	8	3,454		16	SEE A410	A405 A406 A408	CANOPY PLANS, SECTION, AND ELEVATIONS       P1         CANOPY CONSTRUCTION DETAILS       P1         DUMPSTER PLANS, SECTION AND ELEVATIONS       P1	13 PLUMBING PLAN - LEVEL 3	ISSUE DATE DESCRIPTION
3 R 1 1	370 374	1,110 374			SEE A411	A408 A410 A411	GUESTROOM - KING STANDARD       P1         GUESTROOM - KING SUITE       P1		20/12/18Prototype Drawings v2.021/06/30Prototype Drawings v2.1
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T ROOM-TO-HIGH NOISE AREA STC 60 R/ CEILING ASSEMBLY GUESTROOM-TO-GUESTROOM STC 55 R/ CEILING ASSEMBLY GUESTROOM-TO-BOH/LAUNDRY STC 60					~	A733 A734	MARKET & BUSINESS CENTER MILLWORK DRAWINGS CHECK-IN LIFESTYLE LOUNGE & MISC MILLWORK DETAILS		CONSTRUCTION DOCUMENTS PREPARED FOR EACH HOTEL DERIVED FROM THIS PROTOTYPE DOCUMENTATION.
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						ID211	FURNITURE & EQUIPMENT PLAN - LEVEL 1		
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									Prototype
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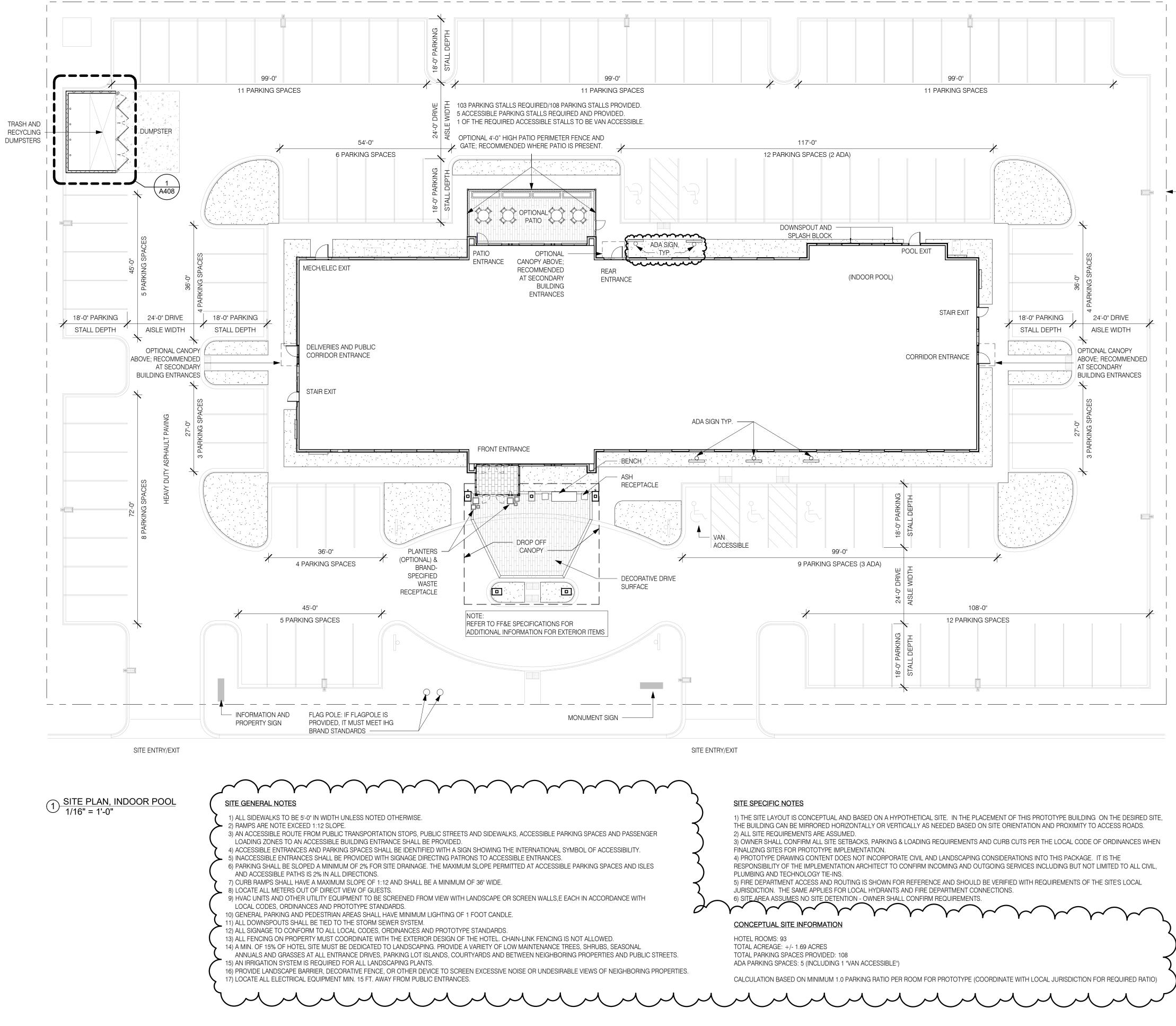
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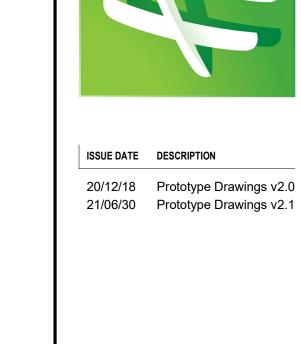








— PROPERTY LINE



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# CONSTRUCTION

DRAWING PACKAGE

Prototype

DRAWING DESCRIPTION

DRAWING SCALE

As indicated

A100

SITE PLAN,

**INDOOR POOL** 

Drawings v2.1

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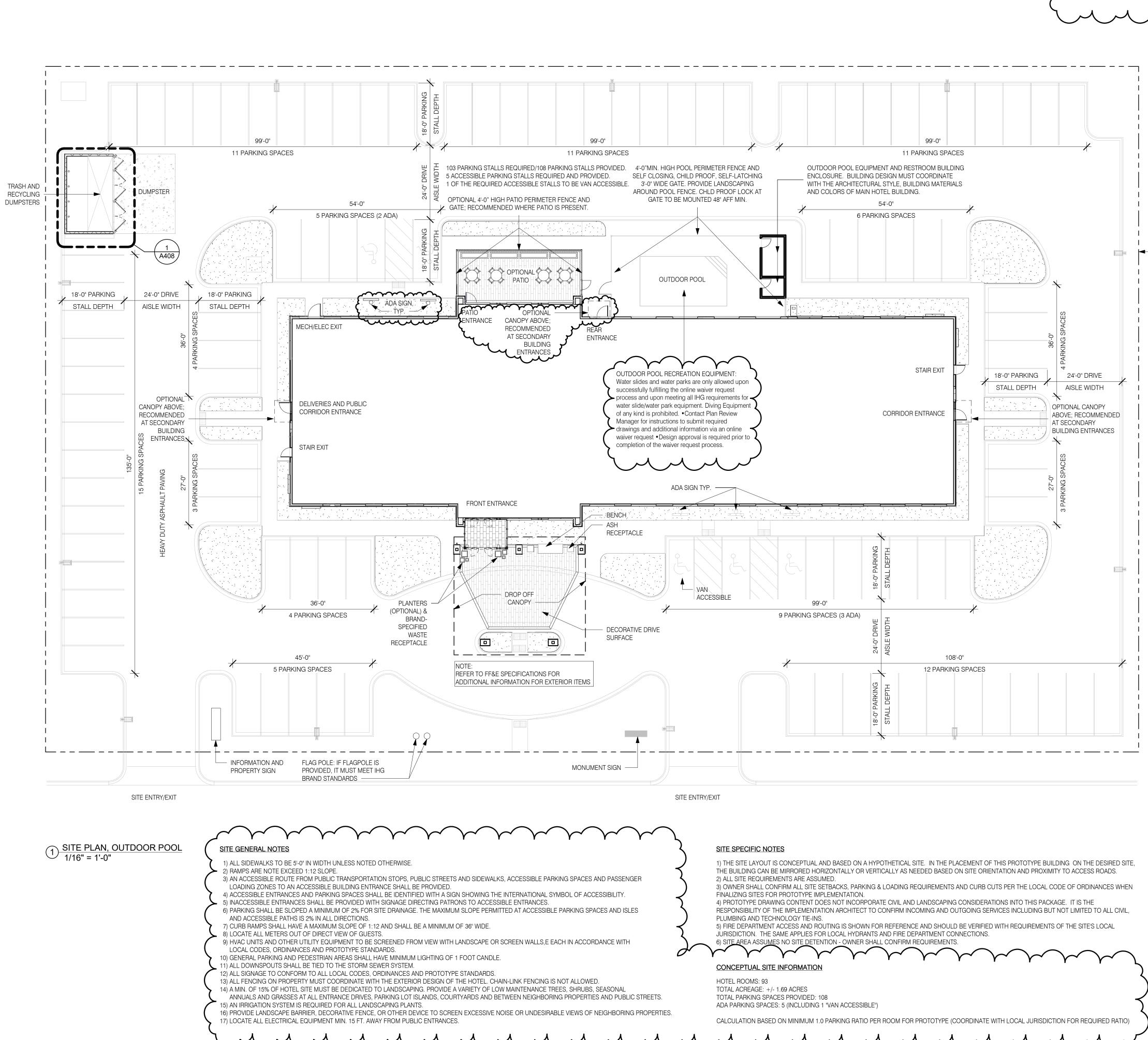
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SITE PLAN, **OUTDOOR POOL** 

DRAWING DESCRIPTION

Prototype Drawings v2.1

DRAWING SCALE

As indicated

A100A

DRAWING PACKAGE

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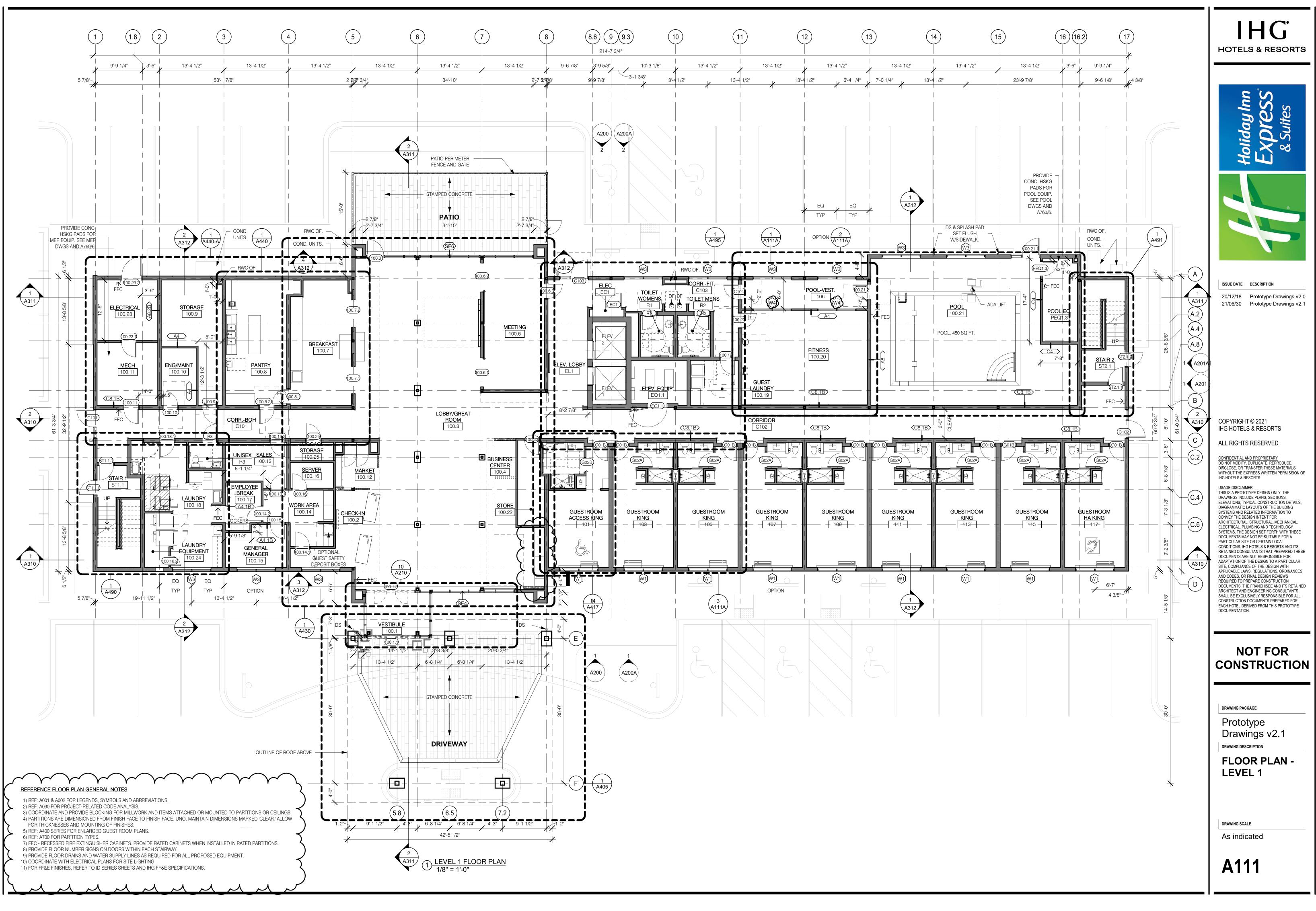
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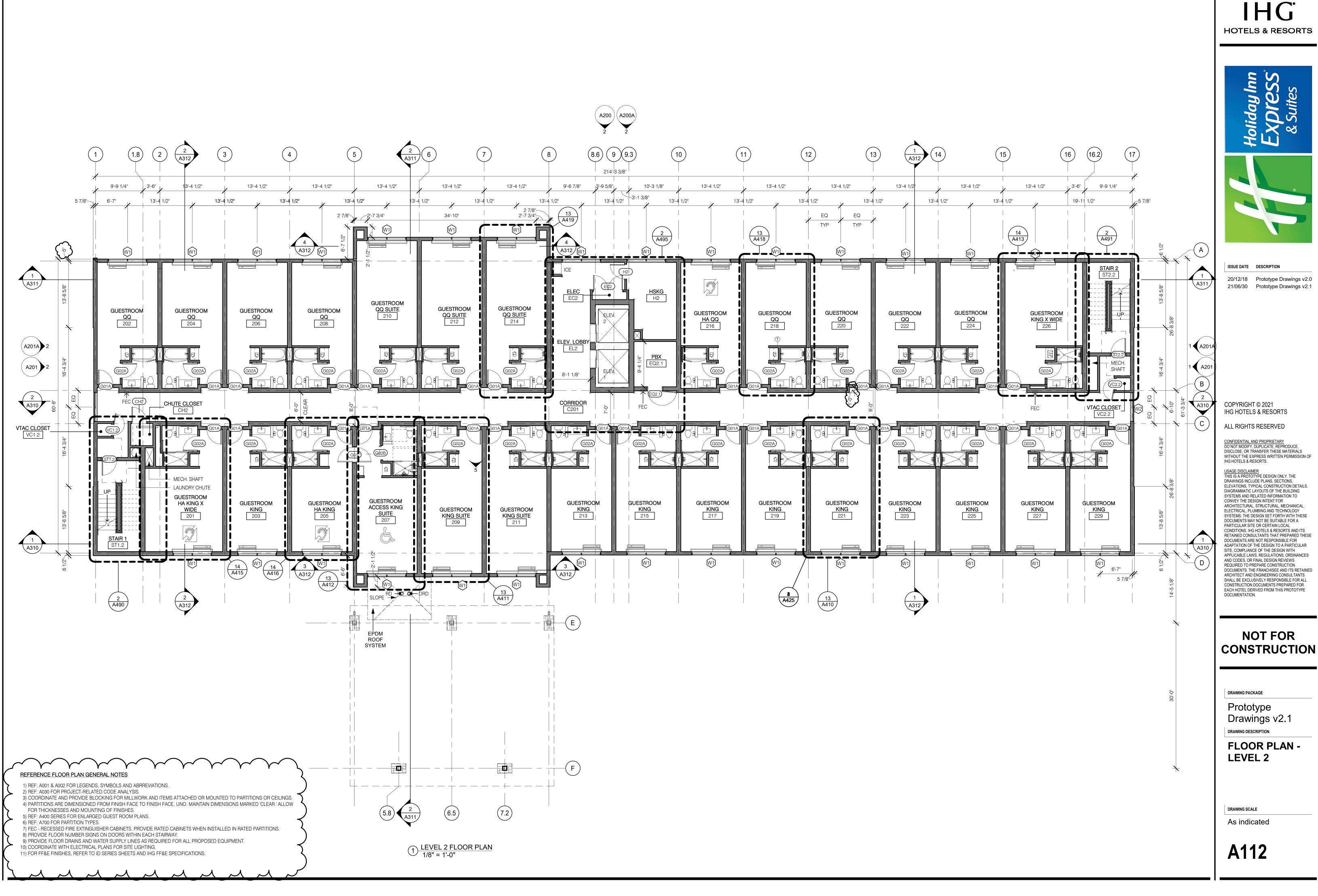
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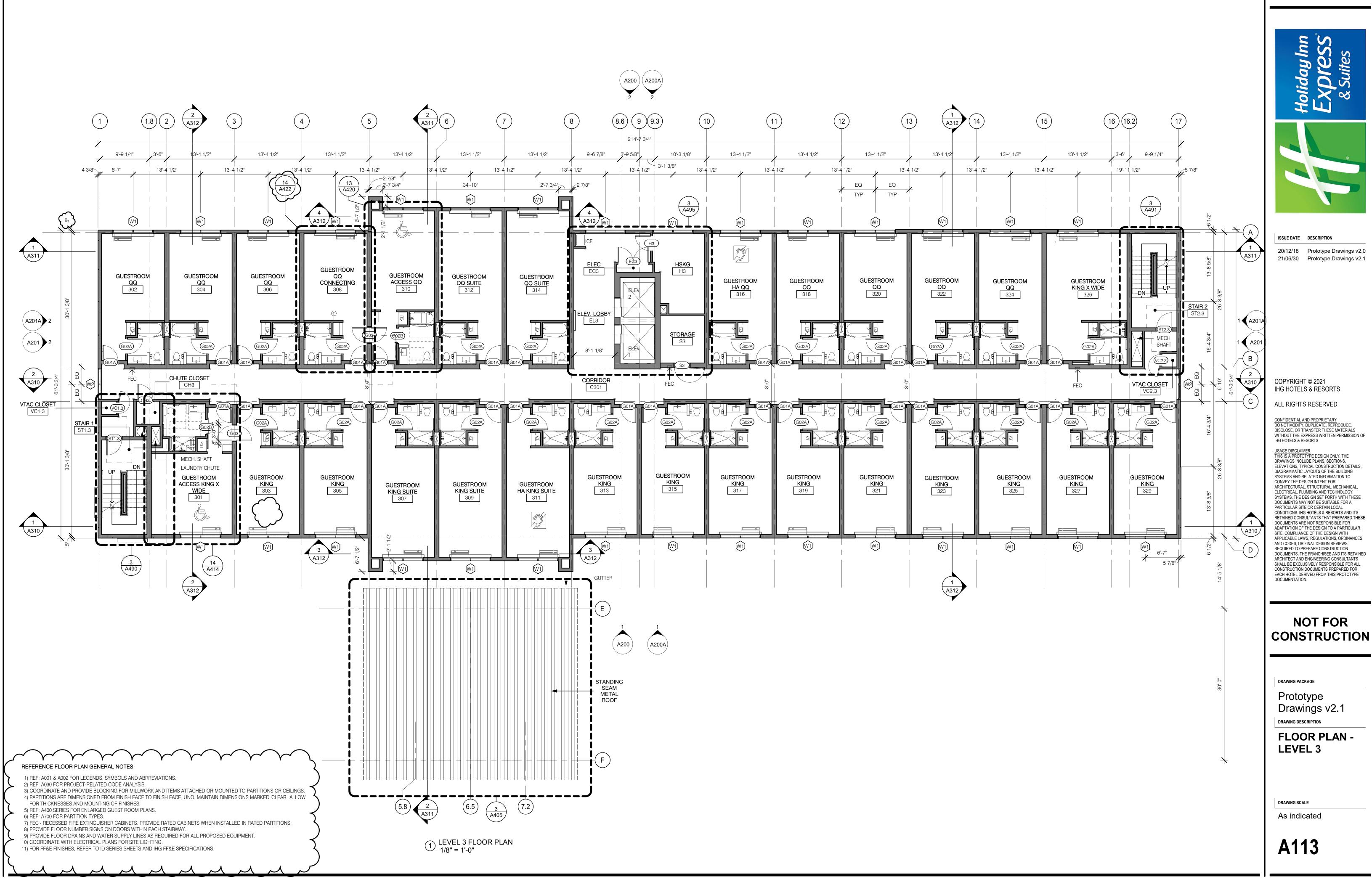
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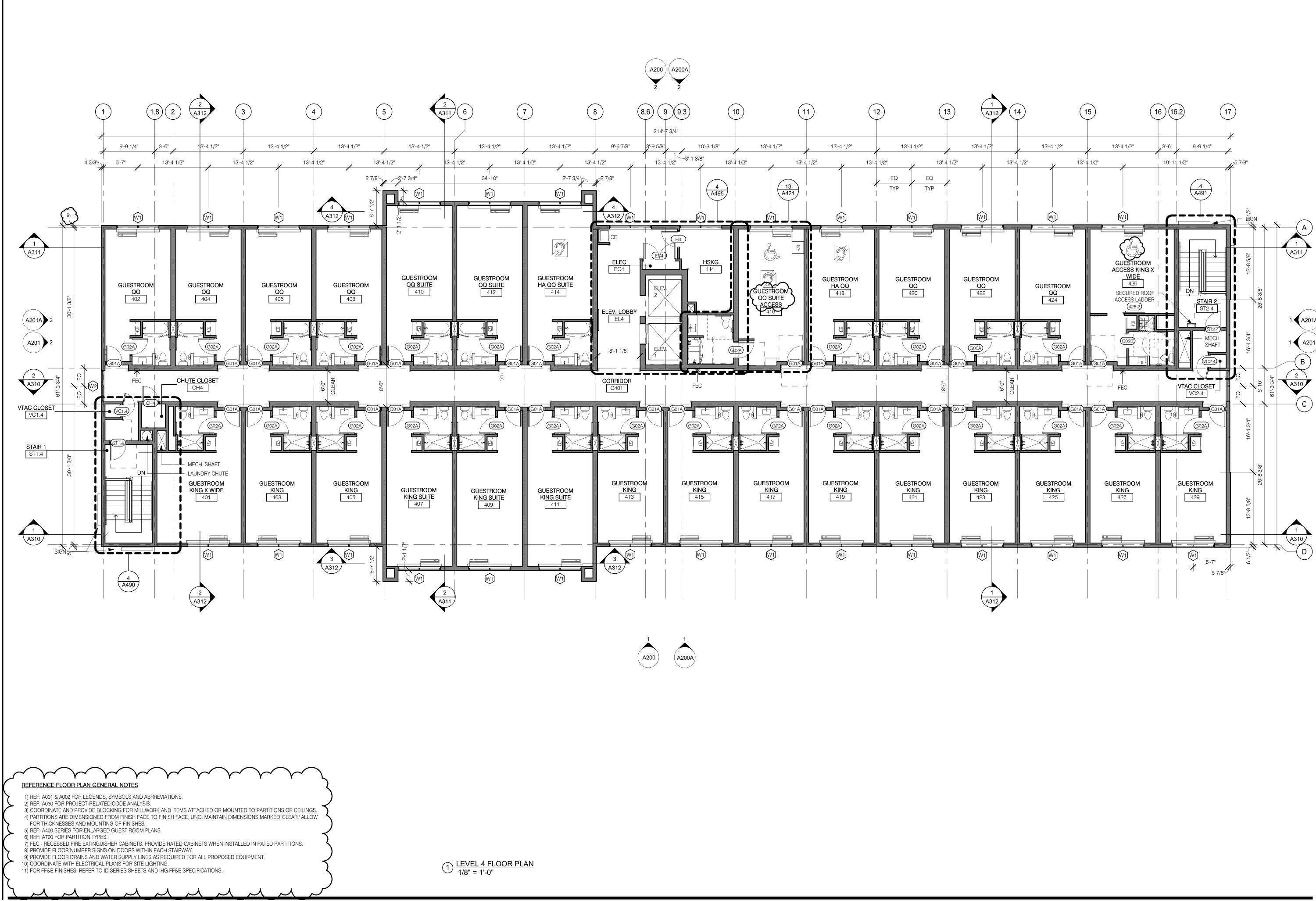
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# CONSTRUCTION

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DRAWING PACKAGE

Prototype

DRAWING DESCRIPTION

LEVEL 4

DRAWING SCALE

As indicated

A114

Drawings v2.1

FLOOR PLAN -

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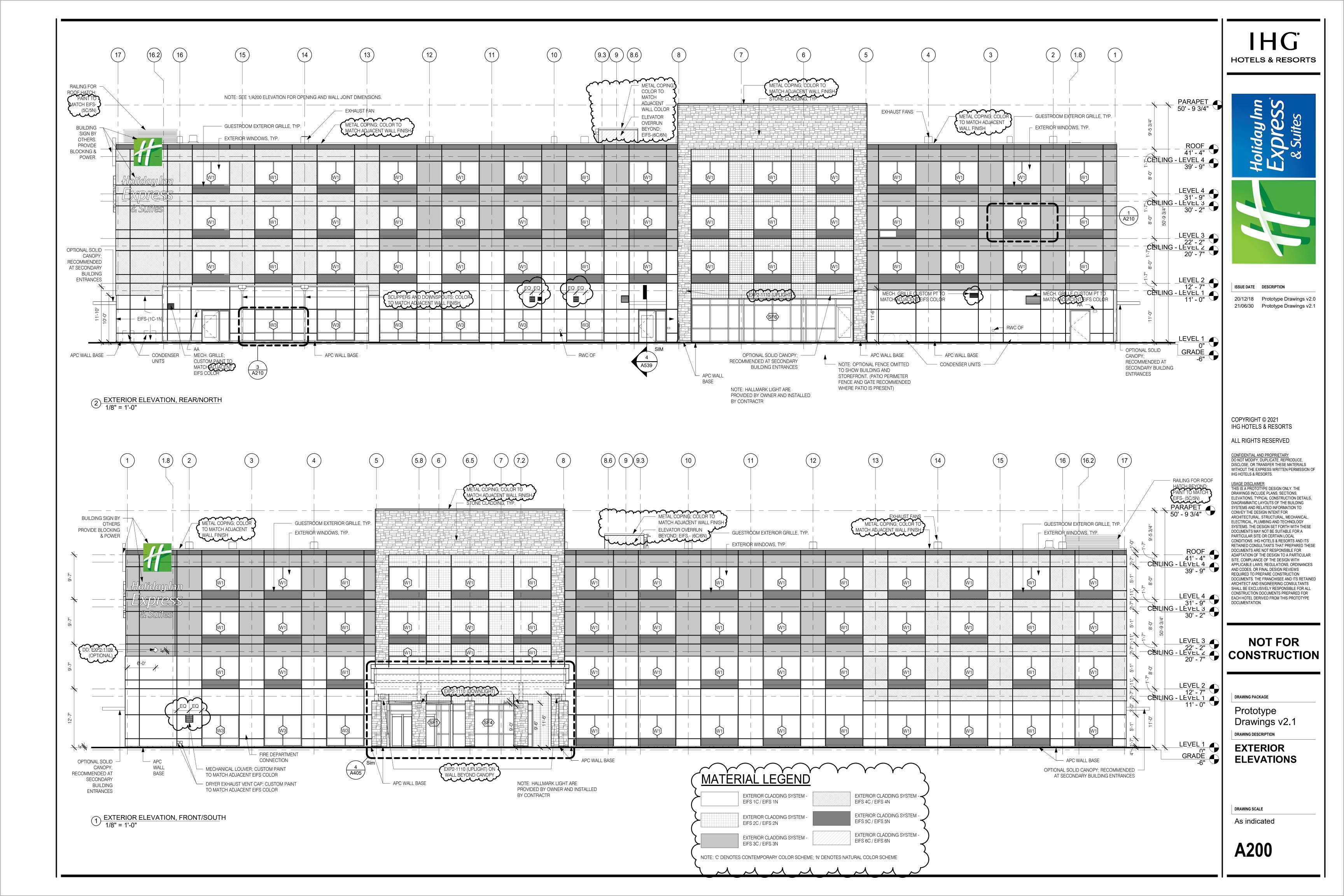
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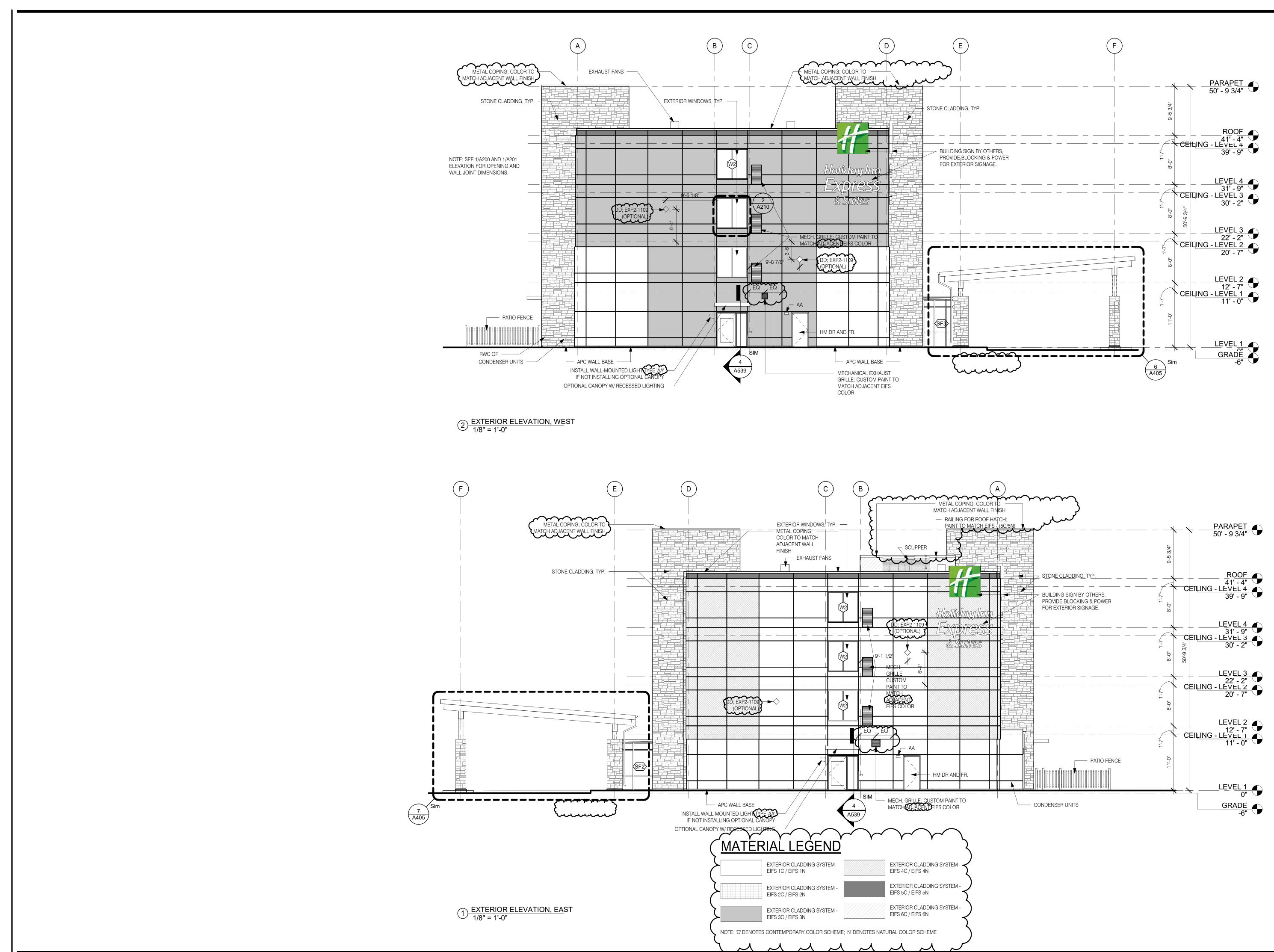
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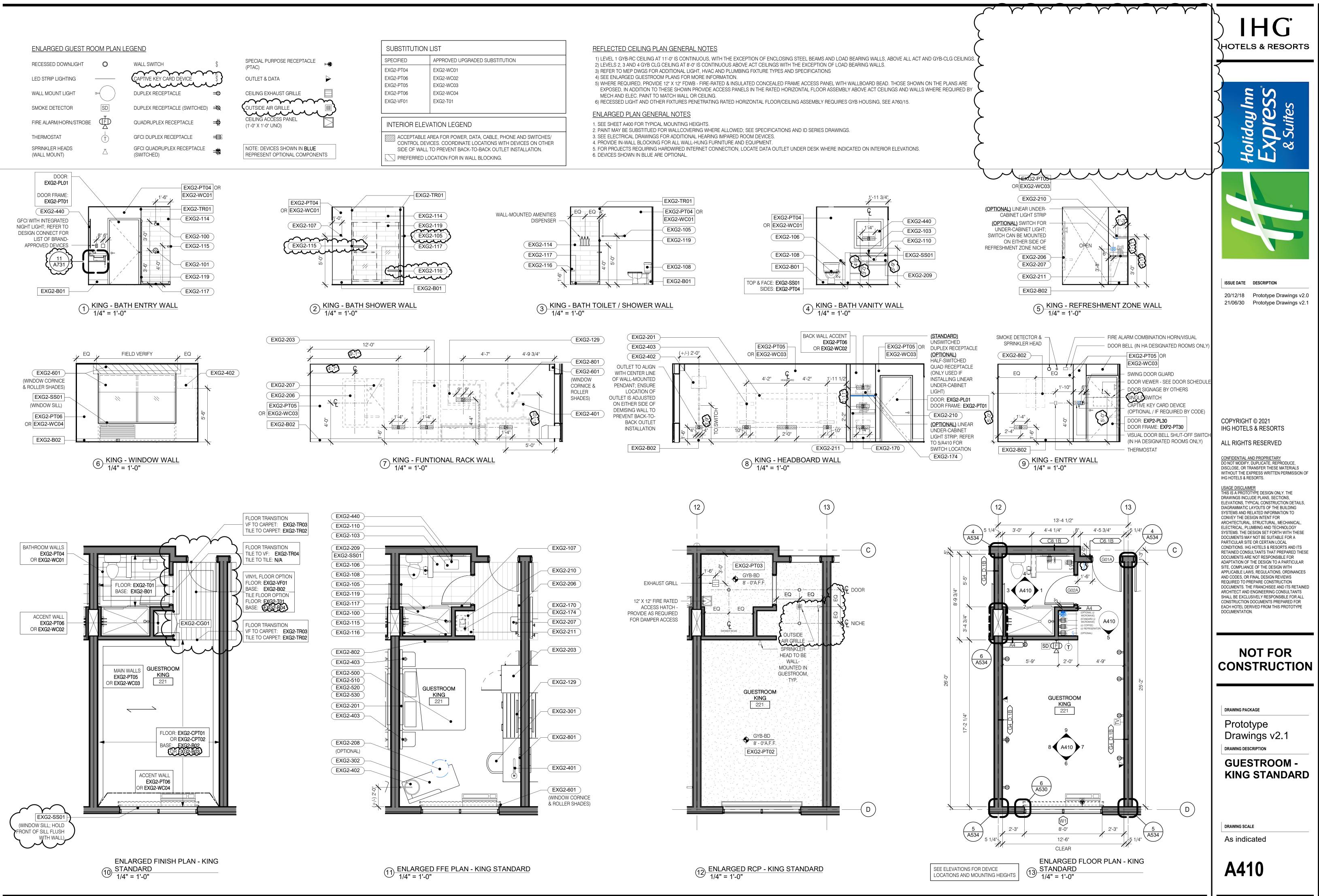
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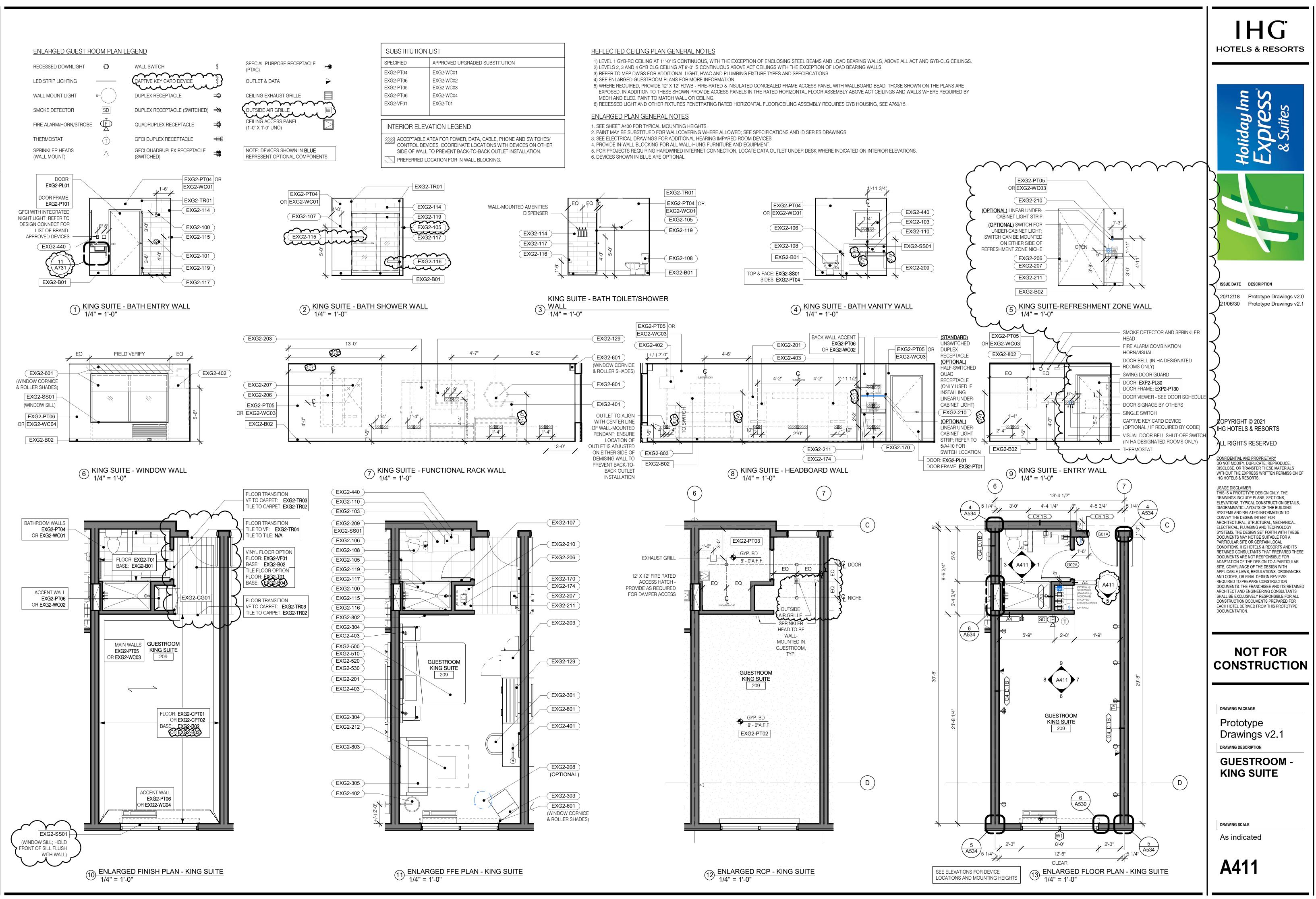


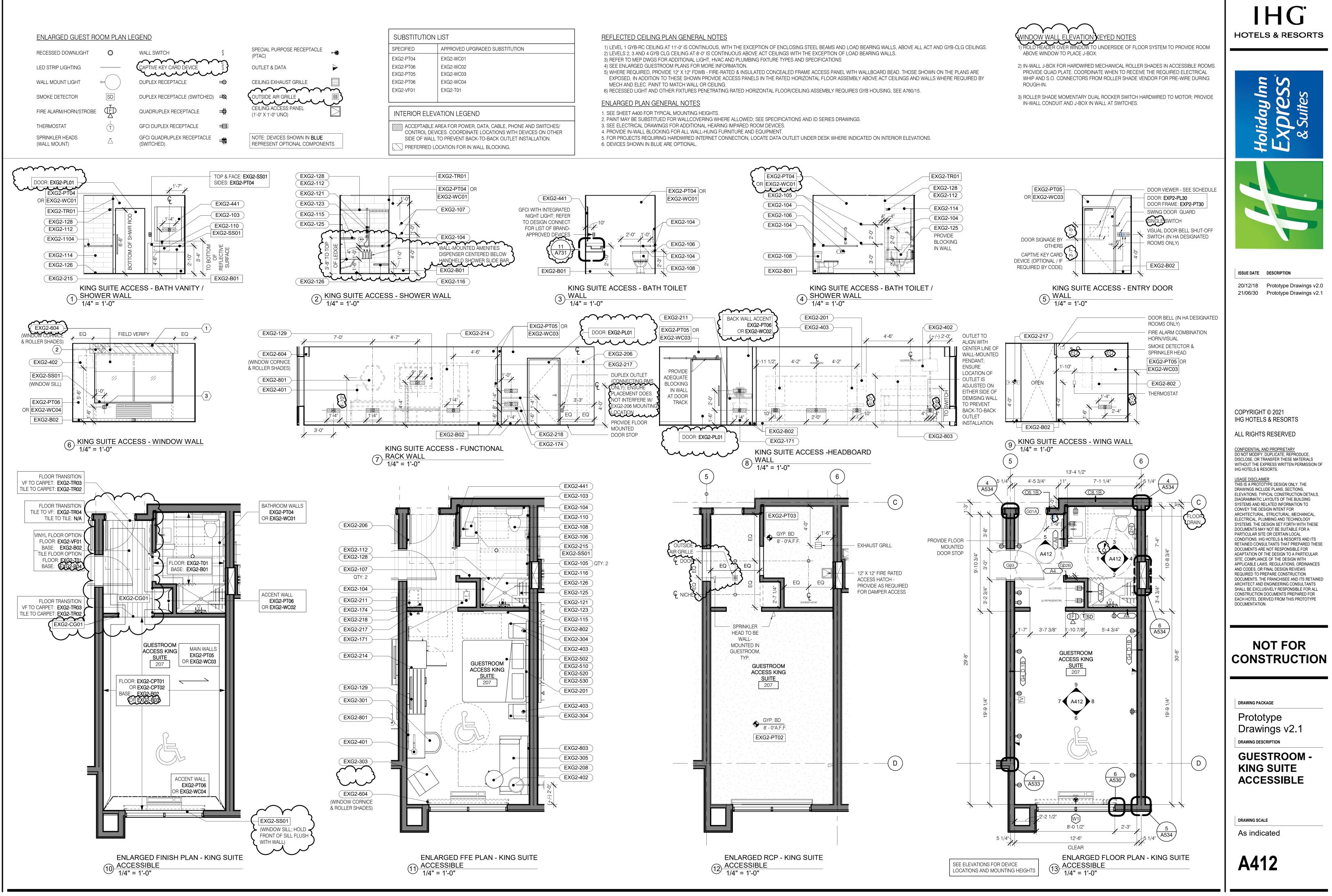


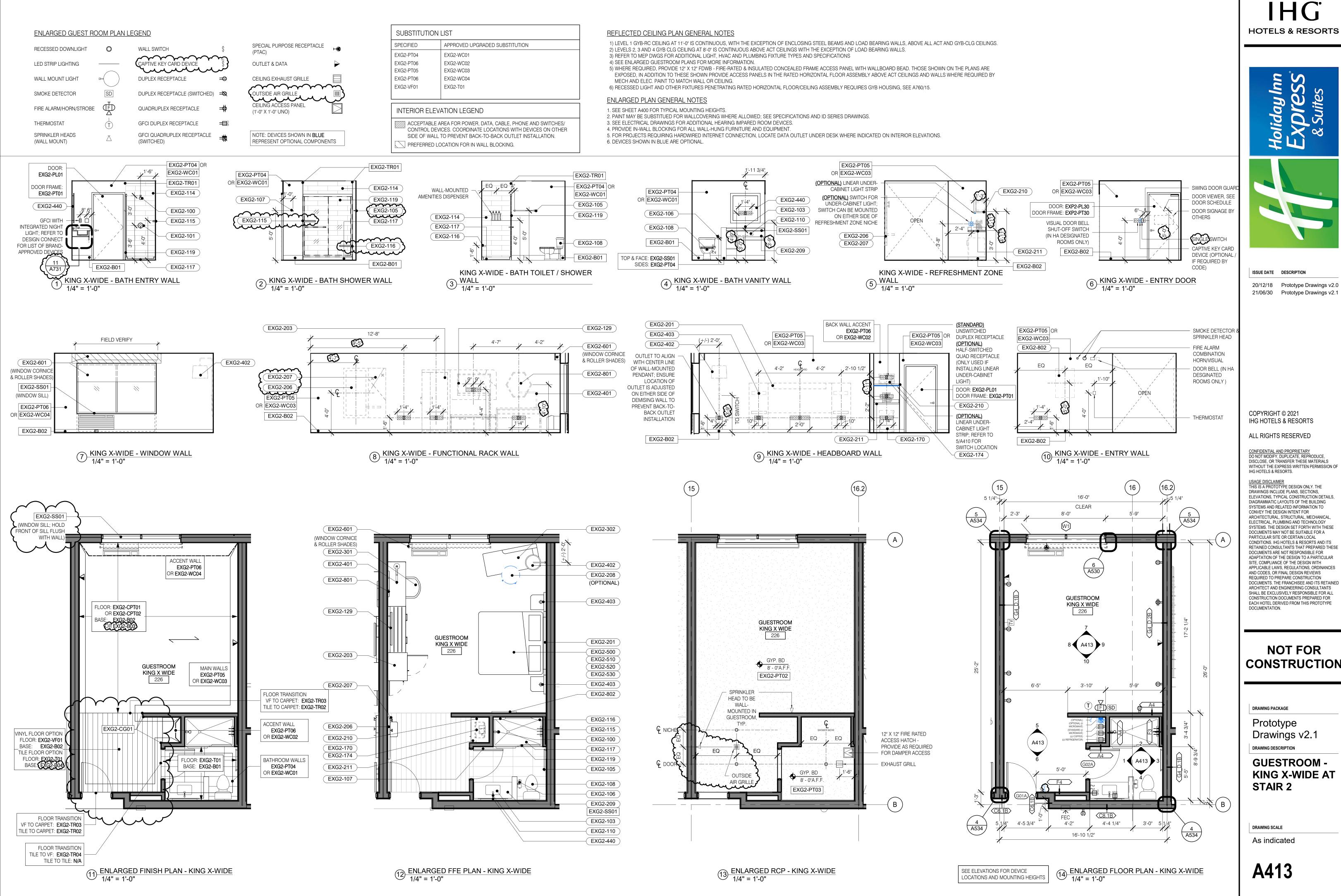


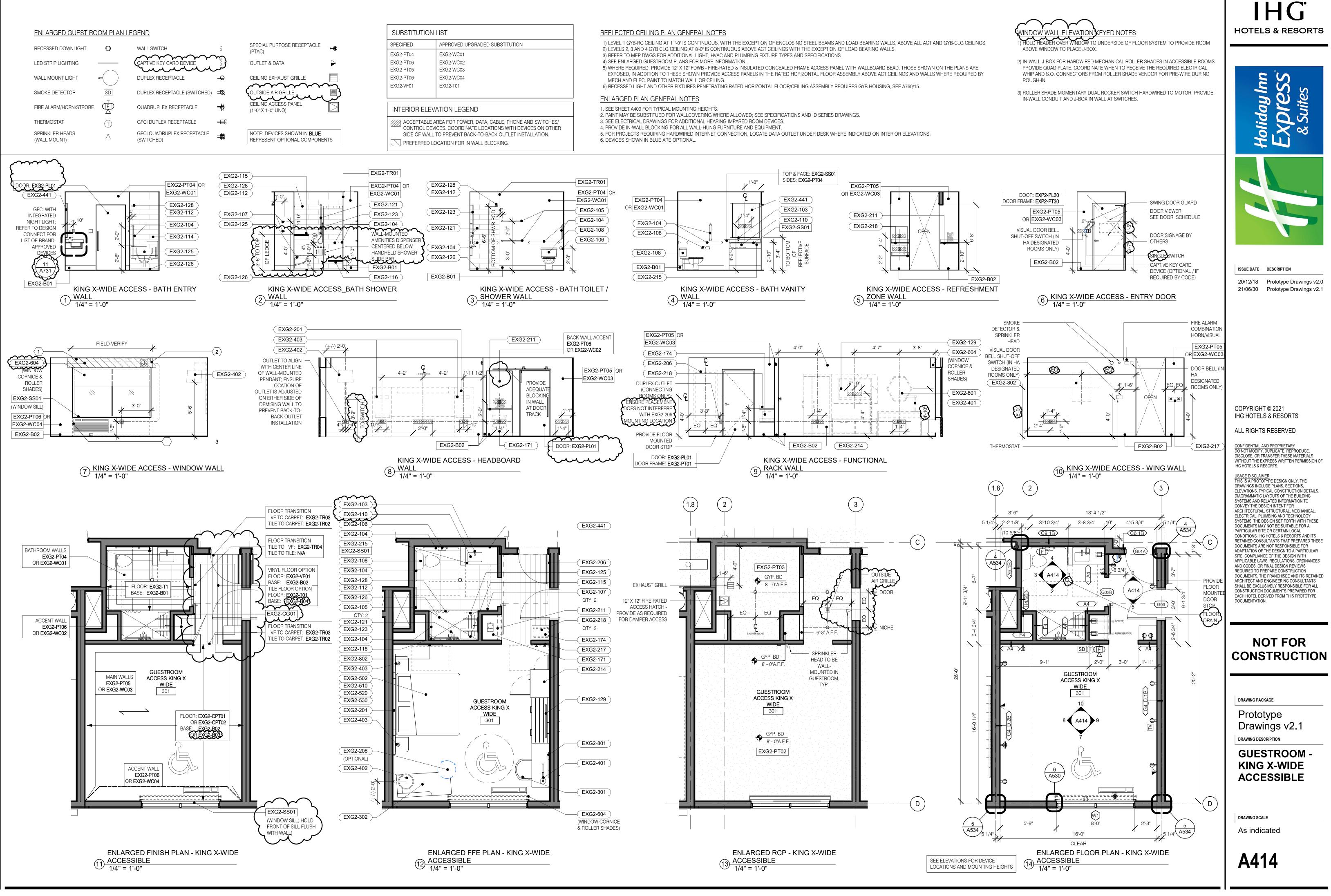
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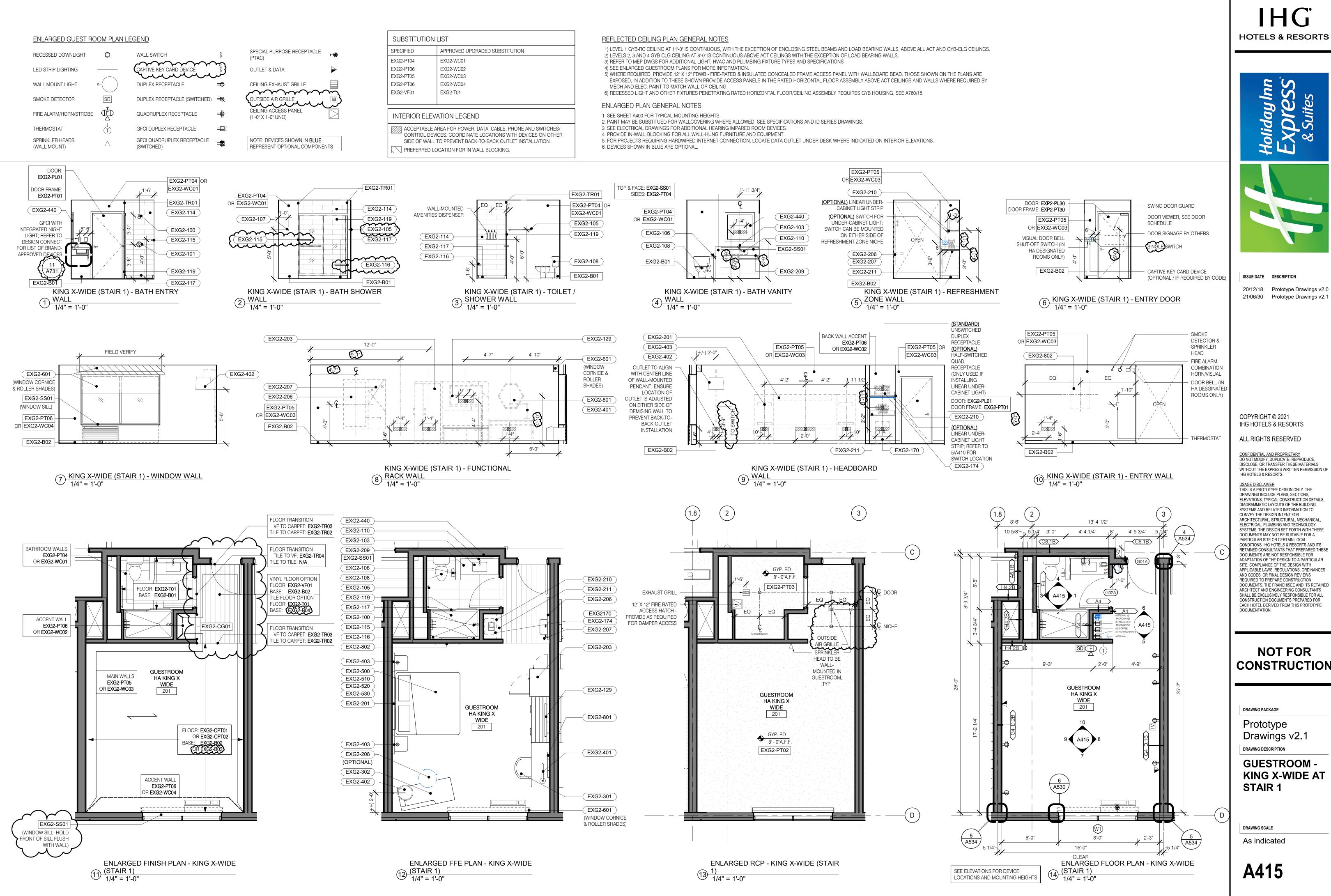


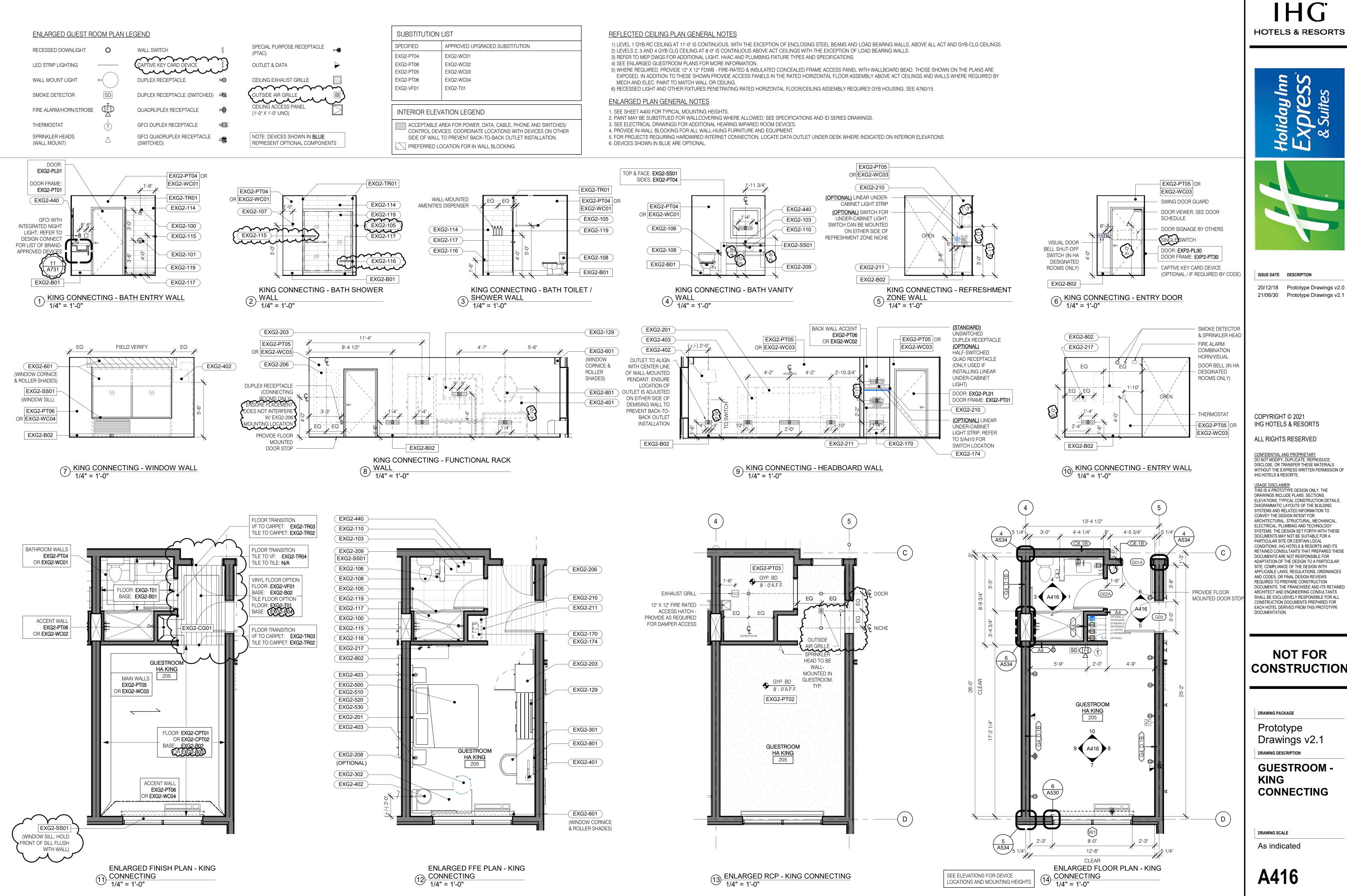


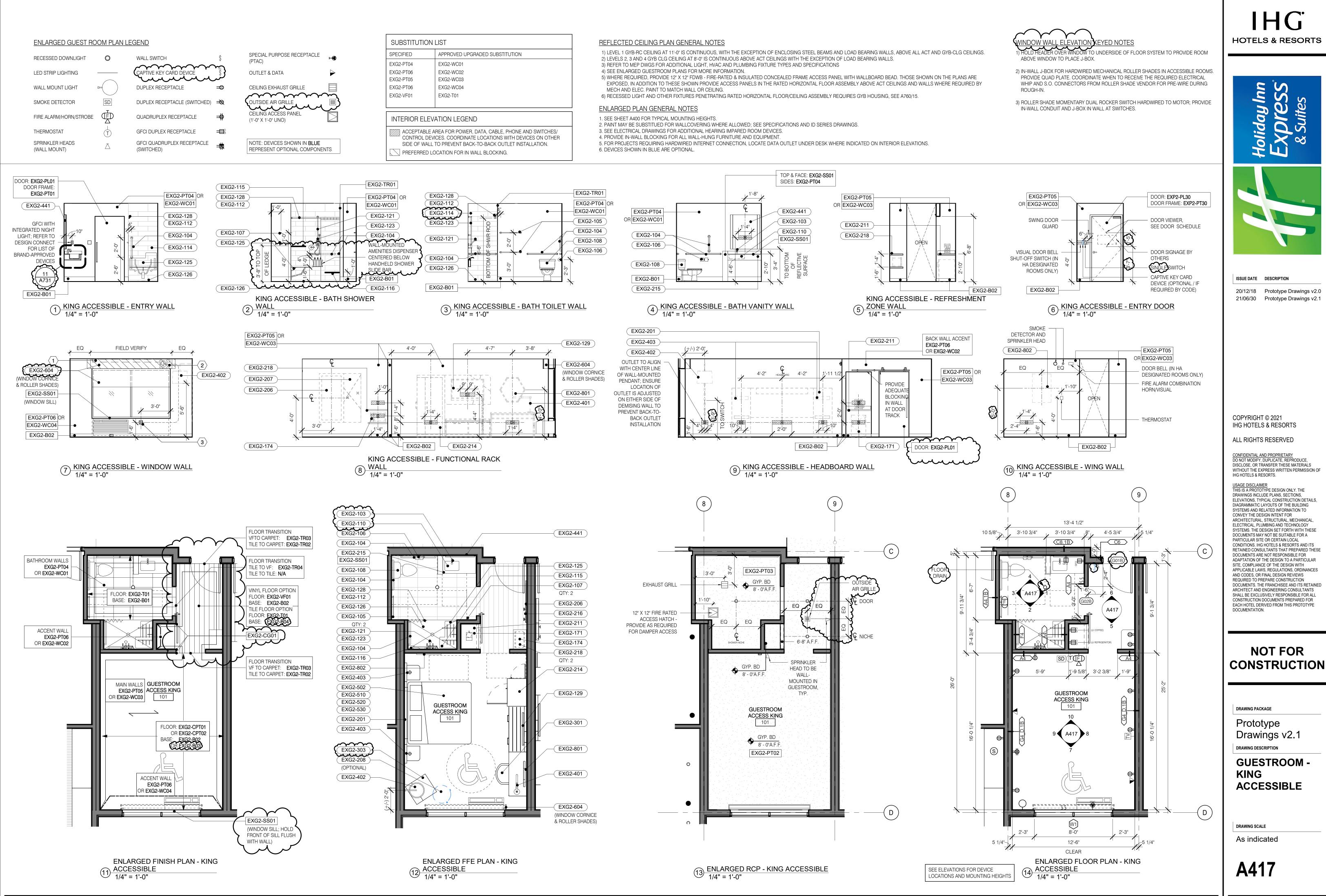


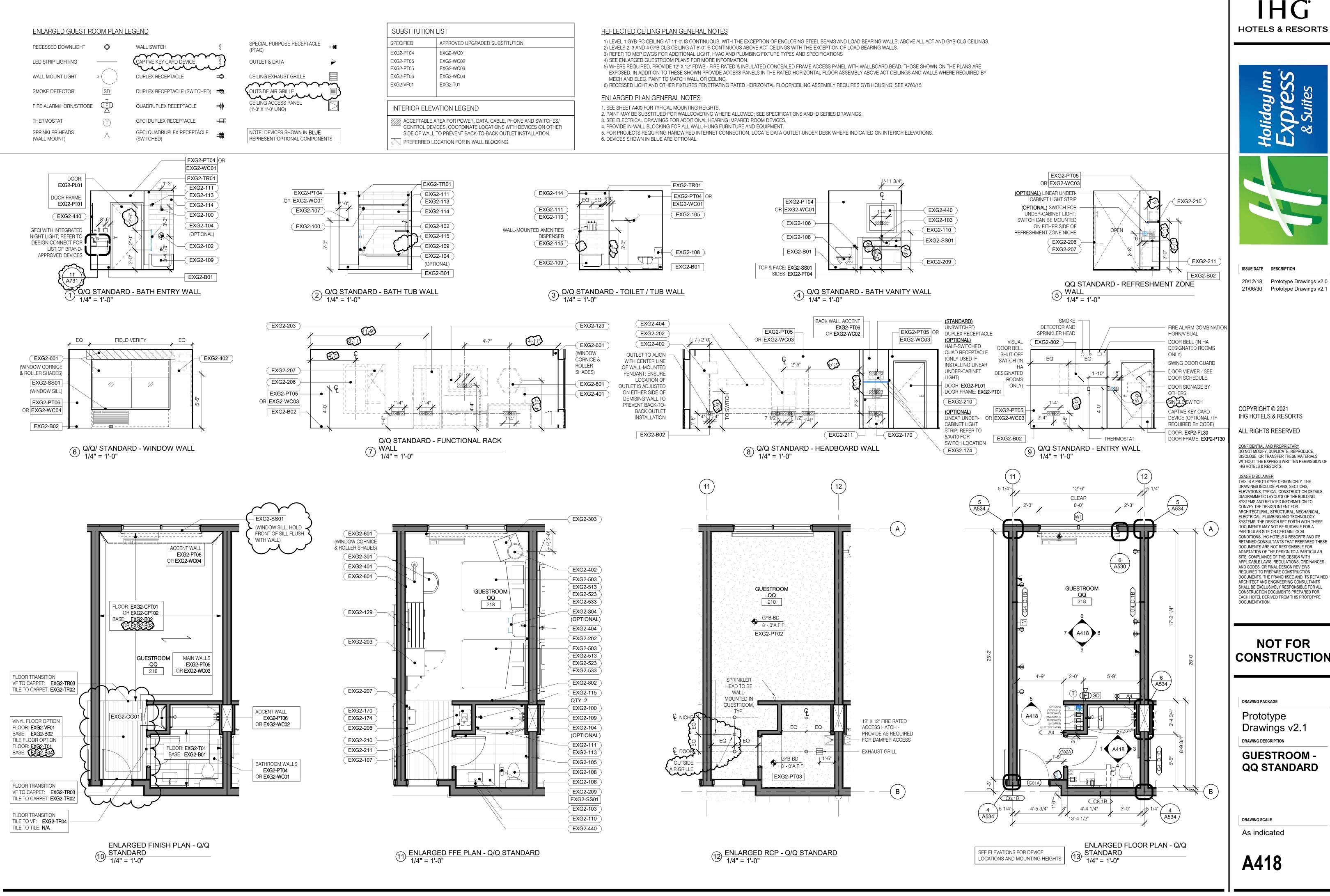




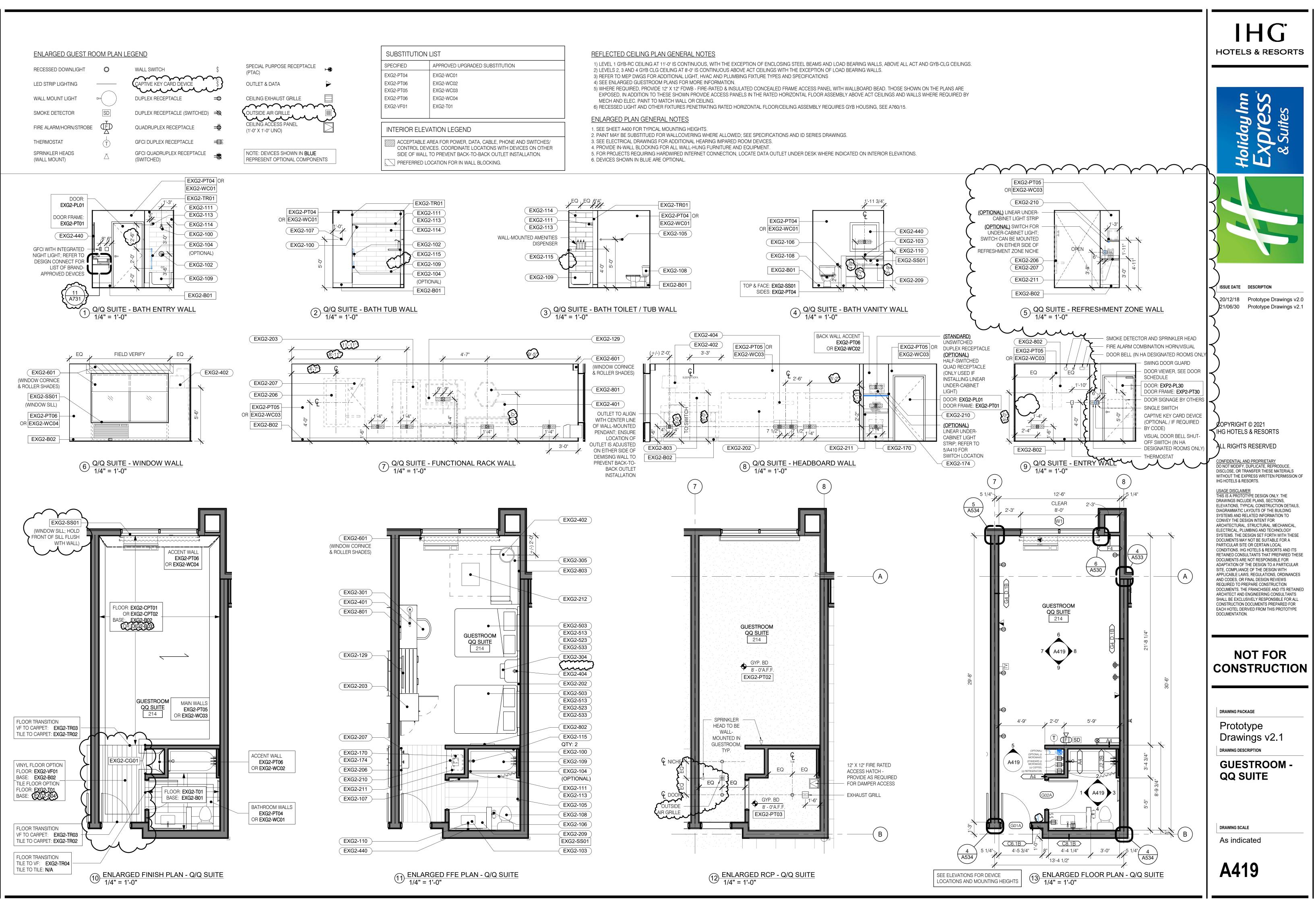


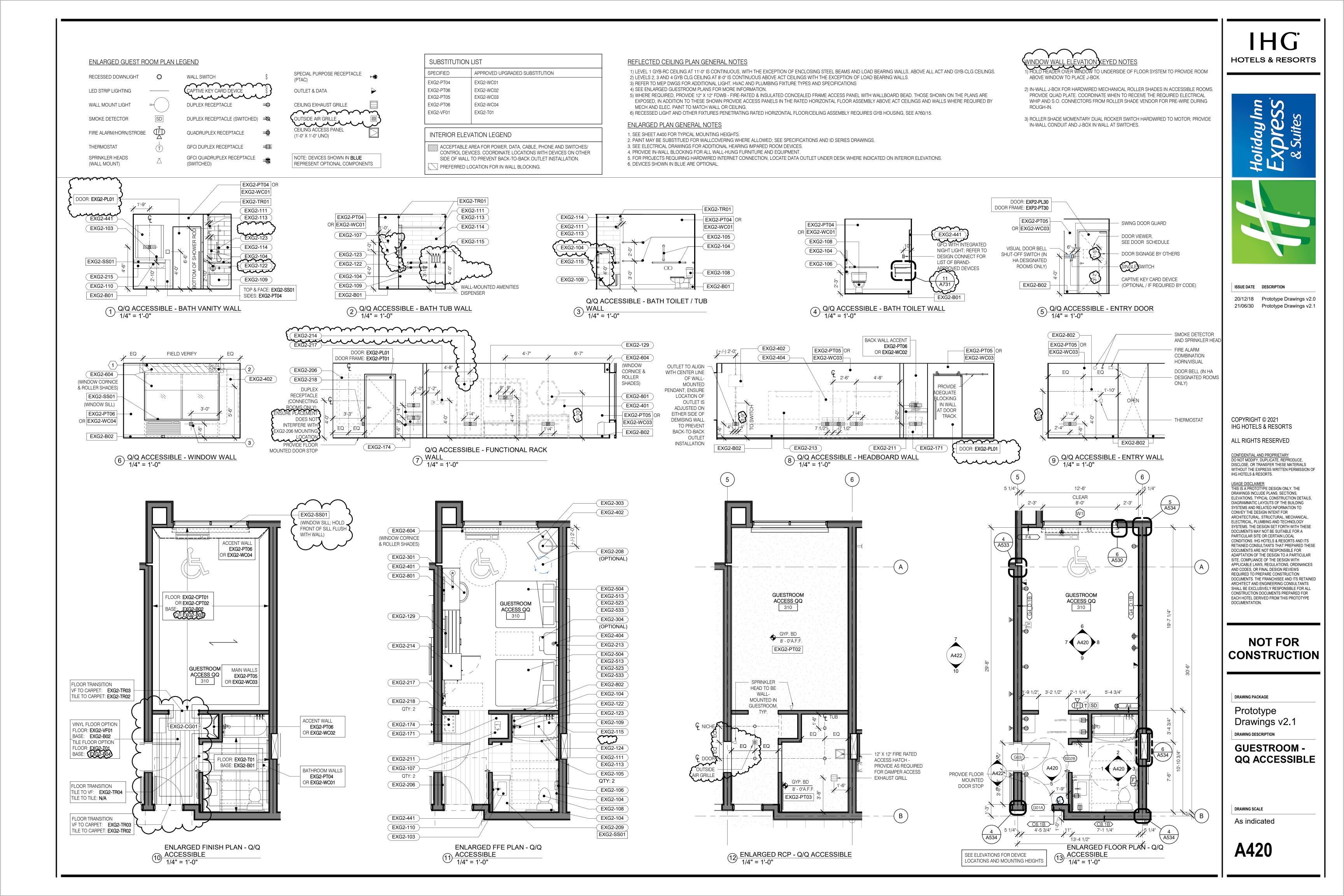


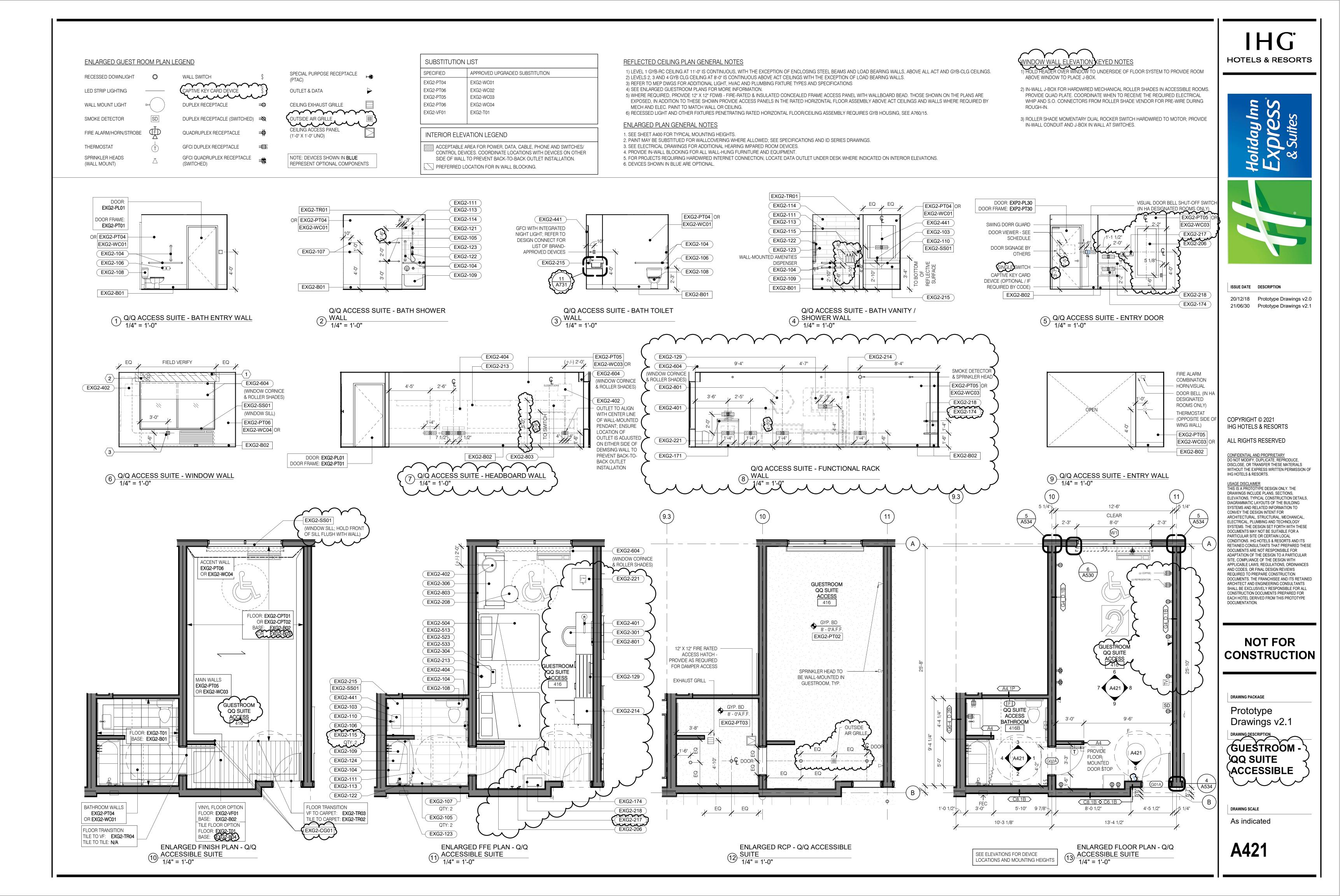


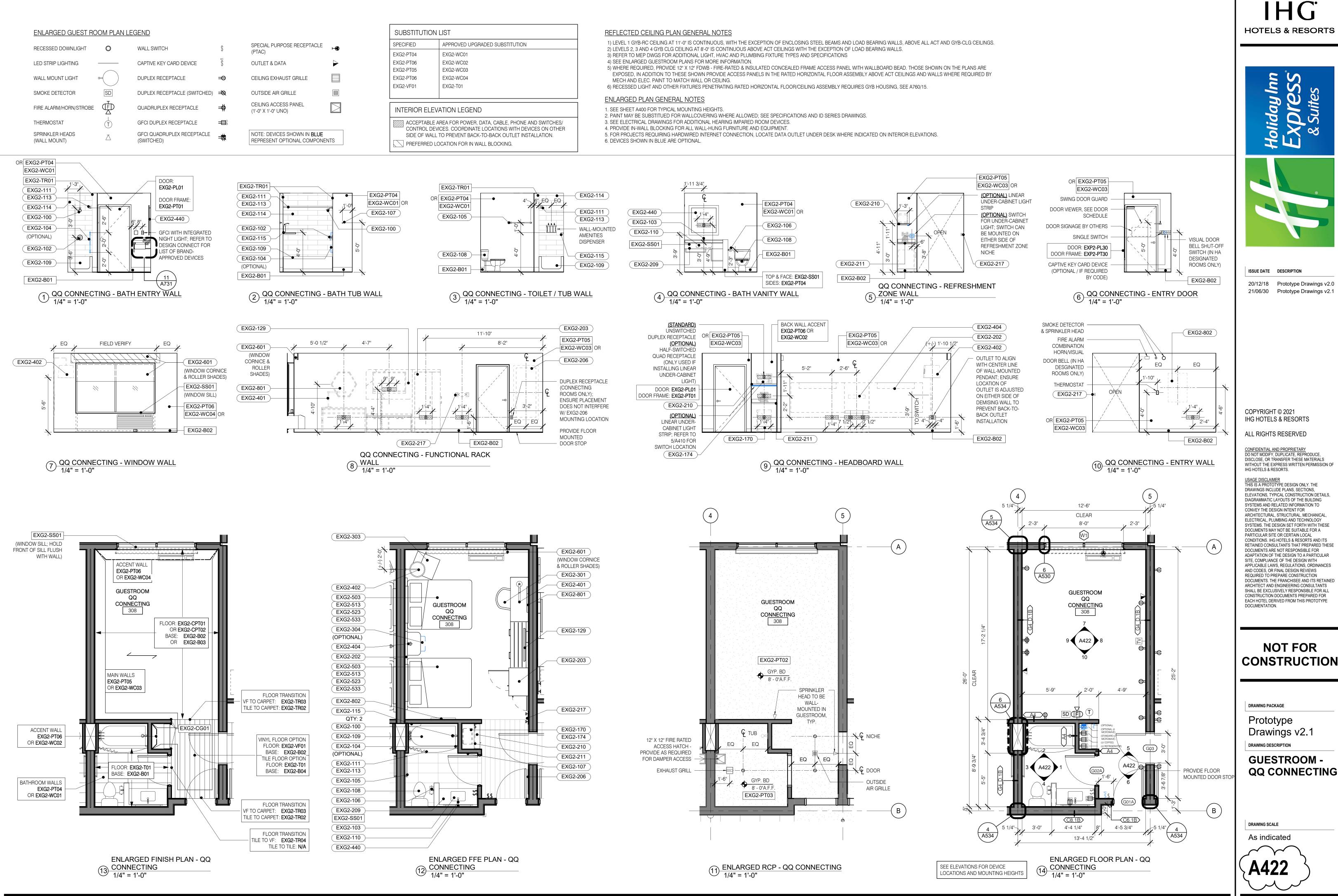


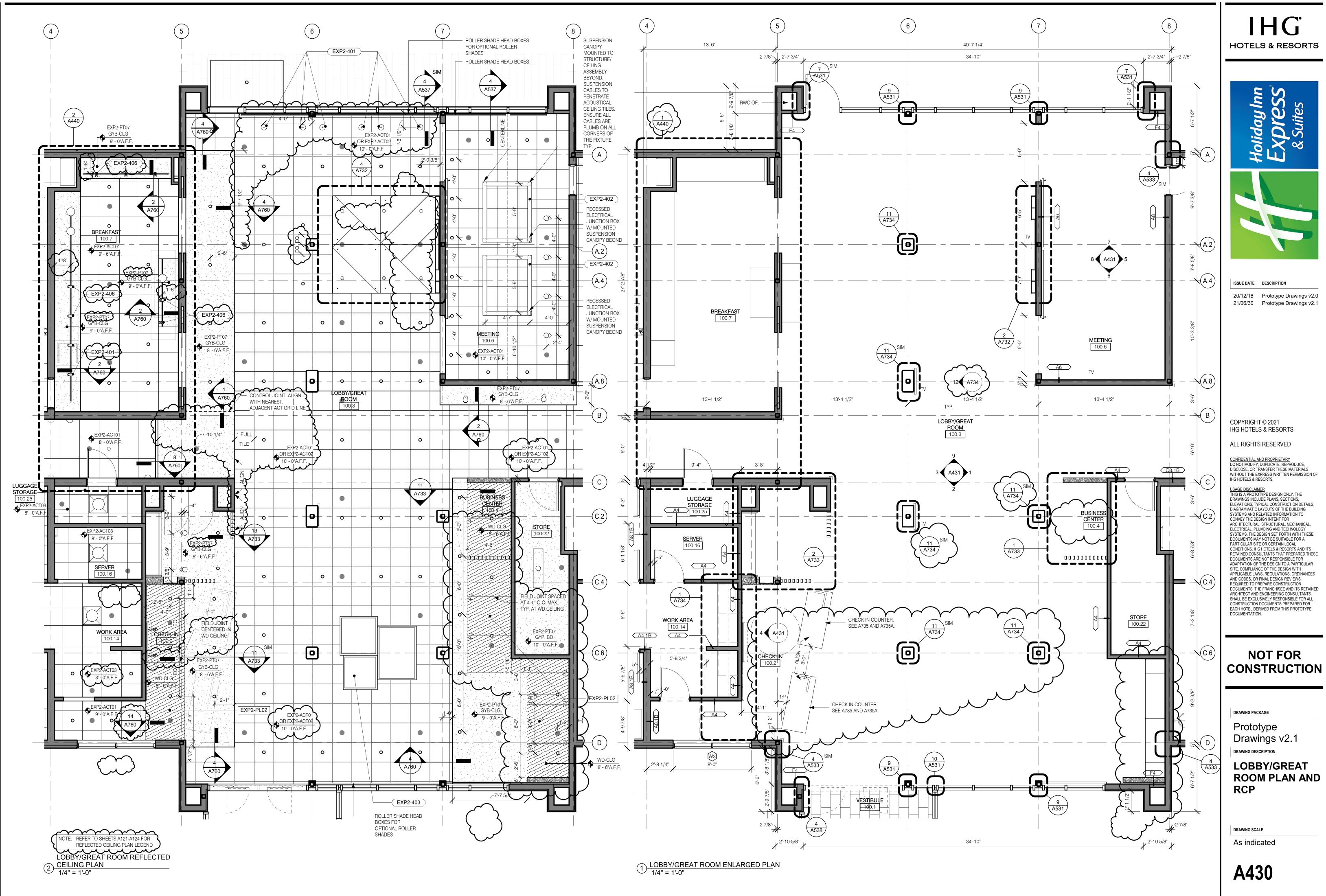
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DATE:2023.02.06PROJECT NAME:HT-HIEX-Two Harbors, MNPROJECT NUMBER:B4-xxx-xxxxBASE4 Project Manager Name:Paola TejadaBASE4 Project Manager Email:paolat@base-4.com

# SECTION 1 - INFORMATION SUBMITTED BY BASE4 – CIVIL ENGINEER TO CONFIRM

Information contained in this document was obtained from information available on the AHJ website or from information provided by the client and may not be the most current information available. Base4 does not guarantee the accuracy of information included in this document

Location map:



Zoning map:





- 1. Is this Property City or County jurisdiction?

  - b. Link to the Zoning map: https://cms5.revize.com/revize/twoharbors/THZoning\_2021\_11x17\_04022021.pdf
  - c. Link to the Zoning Code: https://cms5.revize.com/revize/twoharbors/zoning%20code%20update%20Final.pdf

# 2. Zoning

# a. Zoning for the site:

 B-1 – Highway Business District The purpose of the Highway Business District is to provide for and regulate commercial uses along major streets and highways. As the gateway to the community the Highway Business District will provide for adequate off-street parking and safe road access. As the gateway to the community site planning will consider the interaction between the development and the public space.

# b. Is given program allowed?

o Hotel and Motels- Permitted

c. Maximum building height:

o 3 Stories + 35'

d. Maximum FAR & ISR:

 $\circ$  No requirements found.

e. Lot coverage:

 $\circ$  No requirements found.

f. Lot information:

o Area / Width- None

- 3. What are the setbacks?
  - a. Building Front:

 $\circ \text{ None }$ 

b. Building Back:

o 10'

- c. Building Side:
  - $\,\circ\,$  None, 3 ft. if provided.



# d. Parking:

 Screening for parking areas when possible either by placement or by use of vegetation, berms, fencing, or other means. At least 10 feet of screening area of at least six feet in height must be provided for parking areas adjacent to residential property.

# 4. Parking

# a. Parking spaces required by city for the given program:

- Off-street parking requirements shall be related to the number of employees, floor space, seats or other measure or combination of measures appropriate to the particular use.
- When computing the SF of building for parking space requirements only the areas normally open to public shall be considered.
- o All residential uses will be required to provide one space per dwelling unit in any district.
- All other commercial/industrial/institutional properties will be required to provide one (1) space of parking for every 500 square feet of gross floor space.
- Any use not specifically mentioned in the schedule, the number of spaces required shall be that required for that use named in the schedule which is determined by the zoning administrator to be most similar.

## b. What size parking stalls are required:

 Parking space shall be not less than 8 ½ feet wide and 19 feet in length exclusive of an adequately designed system of access drives.

## c. Parking overhang:

 Curbing and Landscaping. All open off-street parking designed to have head-in parking along the property line shall provide a wheel curb not less than three (3) feet from the property line or a guard of normal bumper height not less than one foot from the property line. The yard setback areas shall have grass or planting to the sidewalk.

## d. Maximum stalls in a row without an island:

o No requirements found.

## e. Minimum Drive aisle widths:

 Parking areas shall be designed so as to provided adequate means of access to a public alley or street. Such driveway access shall not exceed 22 feet in width at the property line. Access drives, when designed parallel to the front property line or to a side street lot line shall be six (6) feet or more from the property line.

# f. Requirements for a loading zone:

 loading spaces shall be provided in accordance with the schedule prescribed by rule of the Planning Commission and adopted and confirmed by resolution of the Council. Such schedule shall be based on accepted standards, shall take into account the anticipated



demand for parking or loading space by employees and patrons of the use and shall be related to the number of employees, floor space, seats or other measure or combination of measures appropriate to the particular use. Parking and loading spaces shall be adequate in size to accommodate the vehicles expected to use them and shall be properly drained and maintained.

# g. ADA:

• No requirements found.

# 5. Dumpster/Trash area & Mechanical Units

a. No requirements found.

# 6. Photometrics

**a.** Lighting. Any lighting used to illuminate off-street parking area shall be so arranged to reflect the light away from the adjoining property.

# 7. Signage

- a. Please refer to the code for details- Sec 4.40-Sign Regulations
- 8. Landscape
  - **a.** Curbing and Landscaping. All open off-street parking designed to have head-in parking along the property line shall provide a wheel curb not less than three (3) feet from the property line or a guard of normal bumper height not less than one foot from the property line. The yard setback areas shall have grass or planting to the sidewalk.
  - b. Screening for parking areas when possible either by placement or by use of vegetation, berms, fencing, or other means. At least 10 feet of screening area of at least six feet in height must be provided for parking areas adjacent to residential property.
  - c. Landscaping shall be a combination of canopy trees, ornamental trees, evergreen trees, shrubs, flowers, sod, ground cover, and other site design features and shall use of new plant material that blends with existing vegetation and is hardy and indigenous in this area. Tree replacement levels and species shall be consistent with the City Tree Preservation Ordinance.
  - d. Protection of existing watercourses or of water retention areas that may be required for water runoff. Screening of service and storage areas, exterior work areas, refuse storage and removal facilities, and other similar activities incidental to the principal use of the site

# 9. Sidewalk regulations

- a. No requirements found.
- 10. Architectural Façade Requirements, if any (Colors, Finishes, Articulations, etc.)
  - a. Design Standards



- B-1 Highway Commercial District Design Standards The intent of the B-1 Highway Commercial design guidelines is to project the image and character of a and attractive and distinctive gateway into Two Harbors, support long term quality development, and mitigate negative impacts that may result from new development.
  - 1. Buildings must have a clearly defined base, middle, and top.
  - 2. Facades should be oriented vertically.
  - **3.** Buildings of more than 50 feet in width shall be divided into smaller increments through articulation of the façade. This can be achieved through combinations of the following techniques:
    - a. Stepping back or extending forward a portion of the façade.
    - **b.** Vertical divisions using different textures or materials (although materials should be drawn from a common palette).
    - c. Division into storefronts, with separate display windows and entrances.
    - **d.** Variation in roof lines by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval.
    - e. Arcades, awnings, window bays, arched windows and balconies at intervals equal to the articulation interval.
    - f. Providing a lighting fixture, trellis, tree, or other landscape feature with each interval.
  - 4. All light fixtures shall be to be shielded or directed to ensure that light is not directed onto adjacent properties. Consider fixtures that will not contribute to dark sky lighting.
  - 5. Buildings are encouraged to be oriented to the street with doors and windows facing the street.
  - 6. Ground floor windows are encouraged.
  - 7. Building Materials: Facades visible from the street or public right of way shall finished with face brick, stucco, glass, wood, natural stone, specifically designed pre-cast concrete units whose surfaces have been integrally treated with an applied decorative material or texture, or other material as may be approved by the Zoning Administrator. Combinations of such materials shall be permitted.