



**CITY OF DULUTH**

Community Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

<b>File Number</b>	PL 16-110		<b>Contact</b>	Steven Robertson, 730-5295	
<b>Type</b>	Special Use Permit-Daycare in R-2		<b>Planning Commission Date</b>	September 13, 2016	
<b>Deadline for Action</b>	<b>Application Date</b>	August 31, 2016	<b>60 Days</b>	October 30, 2016	
	<b>Date Extension Letter Mailed</b>	September 6, 2016	<b>120 Days</b>	December 29, 2016	
<b>Location of Subject</b>	1533 West Arrowhead Road				
<b>Applicant</b>	YMCA		<b>Contact</b>		
<b>Agent</b>	Chris Francis/Trisha Shaw		<b>Contact</b>	cfrancis / tshaw @duluthymca.org	
<b>Legal Description</b>					
<b>Site Visit Date</b>	September 4, 2016		<b>Sign Notice Date</b>	August 30, 2016	
<b>Neighbor Letter Date</b>	September 1, 2016		<b>Number of Letters Sent</b>	56	

**Proposal**

A request to operate a day care within the Vineyard Church; large daycare facilities (15 or more children) require a Special Use Permit in an R-2 zone. The Vineyard Church is located on Arrowhead Road just west of its intersection with Kenwood Avenue. The proposed daycare to be located at the church is moving from another location in the City.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-2	Religious Use	Urban Residential
<b>North</b>	R-1	Residential	Low Density Neighborhood
<b>South</b>	R-1	Residential	Traditional Neighborhood
<b>East</b>	R-2/MU-N	Residential/Undeveloped	Neighborhood Mixed Use/Urban Res
<b>West</b>	R-2	Residential	Traditional Neighborhood

**Summary of Code Requirements**

UDC Section 50-37.10. Special Use Permits. The Planning Commission shall approve the application or approve it with modifications if the commission determines that the application meets the following criteria: 1. The application is consistent with the Comprehensive Land Use Plan; 2. The application complies with all applicable provisions of this Chapter, including without limitation 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.

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

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 opportunity for a diversity of activity that segregated, uniform uses do not provide.

Principle T17 (Parking). Within existing business or mixed use areas, the City will encourage the use of vacant lots, rear yard area, institutional lots, and other creative solutions for providing public or shared off-street parking.

Future Land Use – Urban Residential. Greatest variety of 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.

**Review and Discussion Items**

- 1) The applicant is proposing to relocate the daycare facility from the current location to existing basement classrooms of the Vineyard Church.
- 2) The day care facility will operate Monday through Friday, 6:30 am to 5:30 pm, and have up to 51 children with between 17 to 21 staff present at any given day. Parents can enter the facility through the main level, south facing doors, or lower level, west, facing doors.
- 3) According to the County Assessor, the church was constructed in 2009 with a gross floor area of 25,120 square feet. The parking lots and the number of off-street parking spaces do not conform to UDC standards; future expansions of the parking lot or structure will likely require that the non-conformities be addressed. The proposed daycare is a good shared use of an existing parking lot during non-peak parking needs for the church.
- 4) The use-specific development standards in section 50-20 only apply to these type of uses in RR-1 or RR-2 zone districts.
- 5) The property is within the Higher Education Overlay (HE-O) District, but none of the development standards are applicable. There are wetlands present on the property, but would not be impacted by activities occurring within the existing structure.
- 6) 50-24 (Parking) – Current parking exceeds the UDC limits on off-street parking spaces. There is sufficient room for any extra demand for parking that this new use creates, especially considering that the new use will generate traffic during the week day and not conflict with most scheduled religious uses of the structure/need for parking.
- 7) 50-25 (Landscaping and Tree Preservation) and 50-26 (Screening, Walls and Fences) – This regulation does not apply because the applicant is simply moving into the existing building as a tenant. Due to the large size of this lot and vegetation present along the perimeter of the property, additional noise or other nuisance issues are not anticipated to impact adjacent property owners.
- 8) 50-27 (Signage) – No signage is being requested at this time; sign permits are required prior to installation.
- 9) 50-29 (Sustainability Standards) and 50-30 (Building Design Standards) - The new use does not trigger any additional design standard requirements or the need for sustainability points.
- 10) 50-31 (Exterior Lighting) - Applicant is not proposing any additional lighting.
- 11) Vehicular access to the property is only available from West Arrowhead Road, which has a high ADT (Average Daily Traffic). The road network is sufficient to handle additional traffic generated by this daycare facility.
- 12) No public, agency, or City comments were received at the time that this staff report was written.

**Staff Recommendation**

Based on the above findings, Staff recommends that the Planning Commission recommend approve the SUP with the following conditions:

- 1) The project be limited to, constructed, and maintained according to plans and narrative submitted.
- 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.



### Low-density Neighborhood

WUTZ PAMELA & MALM DIANE **PL 16-110**

DANIELSEN DAVID B & SEITZ-

DANIELSEN DAVID B & SEITZ-

DANIELSEN DAVID B & SEITZ-

PELTON GREGORY & RITA

MAKI KIMBERLY B

BUSSA CORRINE

MARSEN JOHN T

MARSEN DAVID

**RR-2**

UNKNOWN

PASS ROGER D

JOLLYMORE JOYCE A

JOLLYMORE JOYCE A

SLOTNESS NEIL M

SAHLI CURTIS D

CHARNLEY CLIFFORD E ETUX

NELSON PATRICIA

DONOVAN MARGARET ANN

PIANFETTI JOSEPH M

### Legend

-  Zoning Boundaries
- 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

### Traditional Neighborhood

BUTLER BRADLEY S & RONNA

CAVANAUGH ROBERT

ST OF MN C278 L35

**R-1**

WITZMAN ROBERT

LILJEDAHL PATRICIA R

VOGT ANDREW R

VINEYARD CHRISTIAN FELLOWSHIP DUL

VINEYARD CHURCH

VINEYARD CHURCH

**R-2**

VINEYARD CHRISTIAN FELLOWSHIP

VINEYARD CHURCH

### Neighborhood Mixed Use

RICHARDS EARL L

RICHARDS EARL L

ST BENEICTS CATHOLIC CHURCH

### Urban Residential

RICHARDS EARL L

**MU-N**

WALGREEN CO

ST JOHNS FREE LUTHERAN CHURCH

PATRICIA A



The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

1628 LINZIE RD  
 1622 LINZIE RD  
 1614 LINZIE RD  
 1606 LINZIE RD

25 HOWARD  
 GNESEN RD

PL 16-110



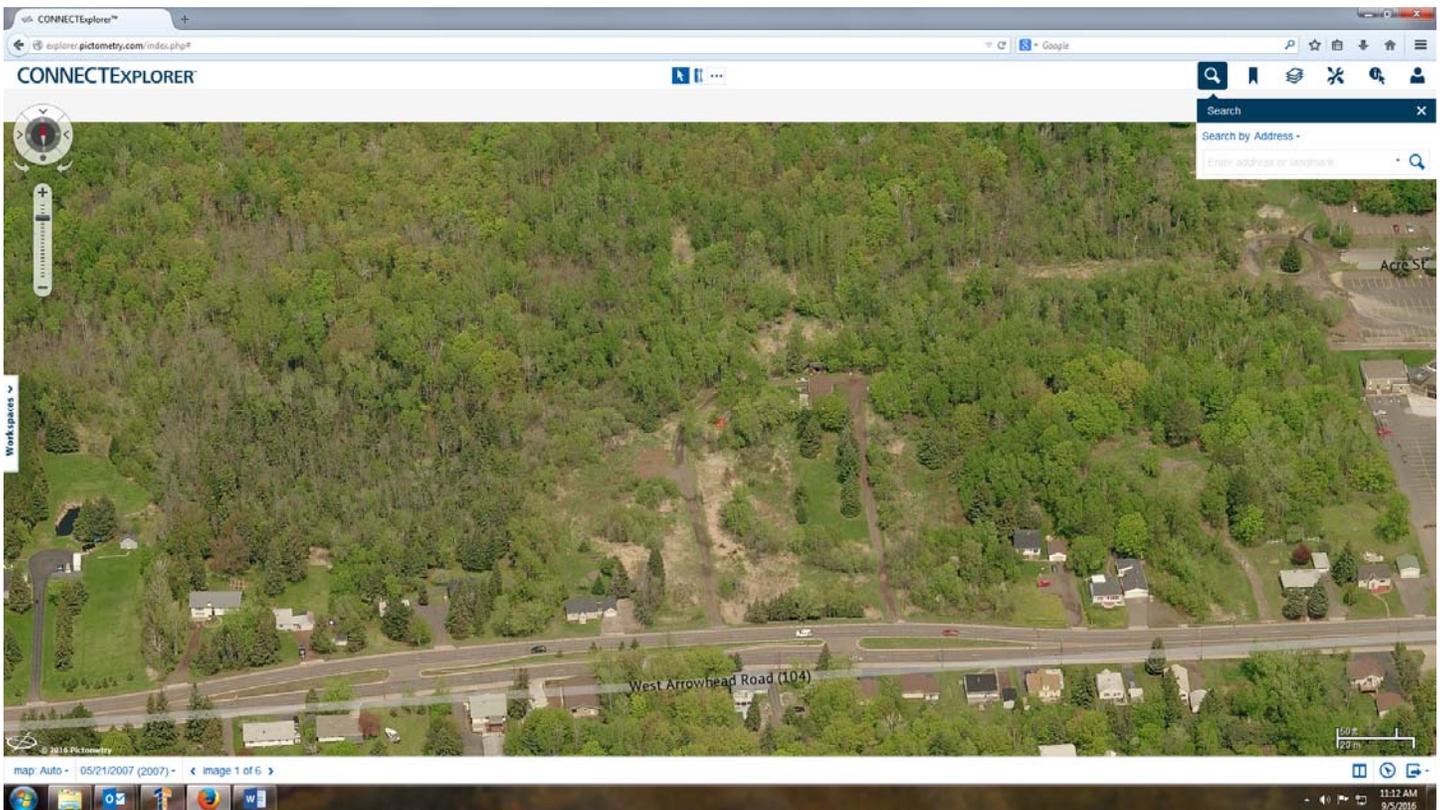
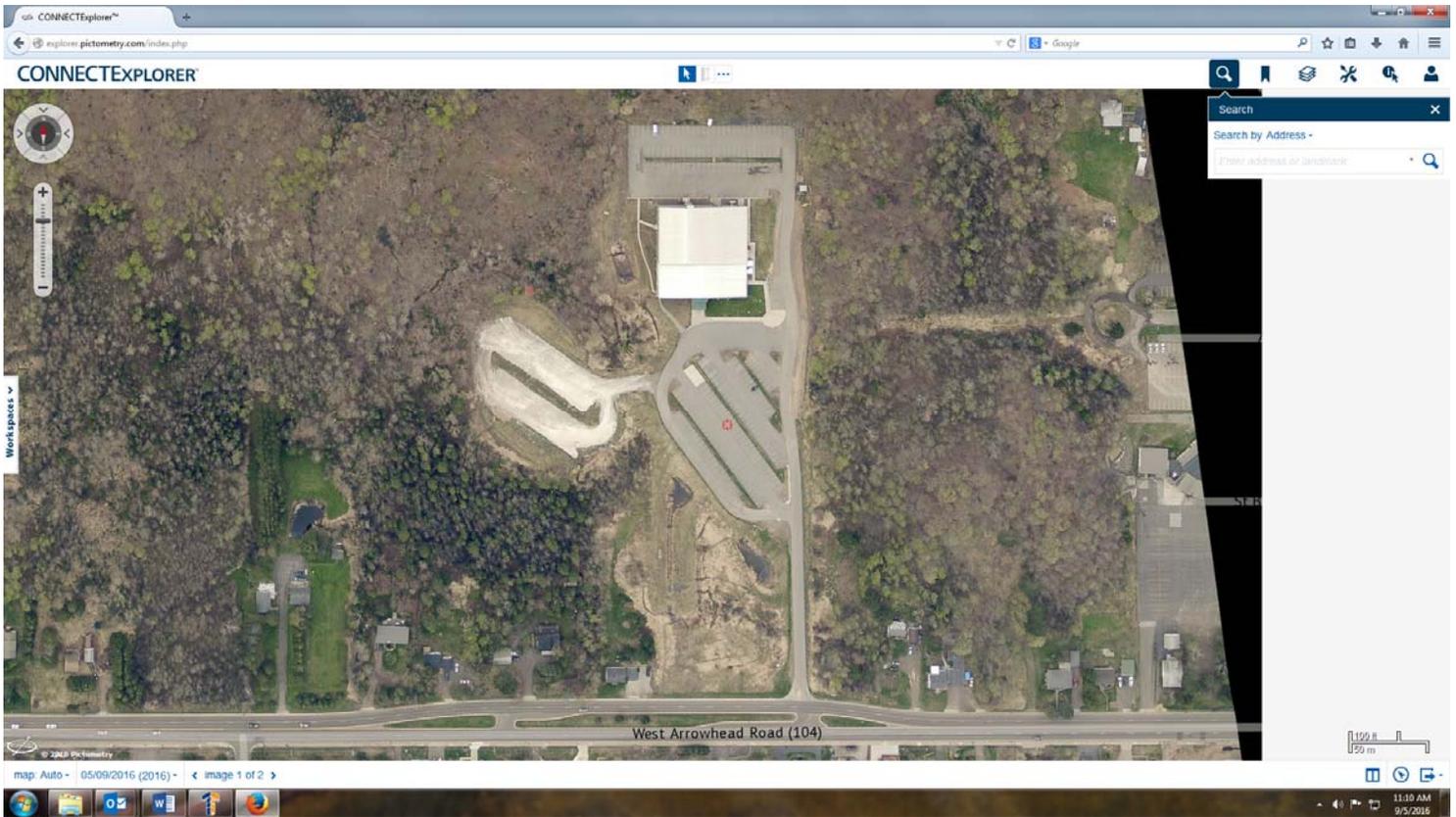
**Legend**

- 10' Contour (elev. change)
- Trout Stream (GPS)
- Other Stream (GPS)
- Wetlands (NRR1)

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2016 and 2007 Aerial





PERFORMANCE  
DRIVEN DESIGN.  
LHBcorp.com

August 29, 2016

City of Duluth  
Construction Services and Inspections  
Dan Nelson – Building Safety  
411 West 1<sup>st</sup> St.  
Duluth, MN 55811

RE: YMCA Little Treasures Daycare @ Vineyard Church

Dan,

Regarding the code compliance of the lower level of The Vineyard Church located at 1533 West Arrowhead Road in Duluth, MN for use as a Daycare by the YMCA, the following conclusions have been made to determine that the building meets the intent of the code for this use. This summary is intended to support a temporary permit to operate the Little Treasures Day Care program until zoning changes and final permit are obtained.

- **Existing Building**
  - Vineyard Church was constructed in 2009 under the 2007 MN State Building Code as a Type 2B construction, fully sprinklered, and equipped with an automatic fire alarm system.
- **Occupancy:** based on Table 302.2
  - The church facility is a type 2-B with A-3 primary occupancy and non-separated E occupancy in the classroom areas throughout the building.
  - Proposed Day Care Facility Use - Group E (more than 5 children over 2-1/2 years old)
  - Proposed Day Care Facility Use - Group I-4 (more than 5 children under 2-1/2 years old)
    - This group does not qualify for the exception that would allow it to be counted as an E Occupancy because there are not direct exits to the exterior from each of the classrooms occupied by the children under 2-1/2)
- **Non-separated Uses**
  - Section 305.2.1 (E occupancies)
    - Within places of worship may be classified as primary occupancy (A-3).

- Section 308.6.2 (I-4 occupancies)
  - Rooms and spaces within places of religious worship providing such care during religious functions shall be classified as part of the primary occupancy (A-3).
    - The daycare will operate daily during the week when there may not necessarily be a religious function (i.e. a worship service) occurring at the same time.
- Section 508.3.3 – Exception 3
  - An occupancy separation need not be provided between a child or adult day care use and a Group A-3 church building.
- **Occupant Load/Egress**
  - Table 1004 – Daycare 35 net square feet per occupant.
    - See attached plan diagram with occupant loads for each classroom to be utilized for Day Care.
    - All rooms have 1 exit and are limited to 50 occupants for E occupancies and 10 occupants for I-4 occupancies (existing facility).
    - All travel distances for E and I-4 occupancies are within 250 feet of exit access (existing facility).

Given these conditions, along with the August 18, 2016 inspection by Marnie Grondahl, Duluth Fire Chief, and the assumed compliance of other code requirements for items like equipment, premises identification signage, storage practices, door locking, door hardware, fire/smoke assemblies, interior finish and decoration, fire sprinkler, fire alarm, HVAC, I believe the Vineyard Church facility is compliant for use as a Day Care as planned and identified in the attached floor plan by the YMCA Little Treasures program.

Sincerely,



Aaron D. Kelly, AIA

MN Architect Registration No. 50685

LHB

City of Duluth, Building Department

08/29/2016

The YMCA Little Treasures Daycare is composing this letter to inform the Building Department of the use of Duluth Vineyard Church.

#### Beginning and Ending Dates

- 08/29/2016 – 10/12/2016

#### Exits

The building has emergency exits on the East and West sides of the building, with a main wide stair well in the center of the building leading to other exits at the front and back of the building.

The driveway exits onto West Arrowhead Road.

#### Use of the Facility

- The Duluth Vineyard church has their main use of the building during the days of Saturday and Sunday. They have a mission to serve the people. Due to this, they would like to help serve the community with housing the YMCA Little Treasures childcare center, in the lower level classroom space Monday through Friday.
- Due to the low use during the days of Monday through Friday, The Duluth Vineyard Church has offered the use of their classrooms to serve 51 students. During the hours of 6:30 A.M. and 5:30 P.M.

#### Missions

- YMCA Little Treasures has a mission and vision to serve families in crisis and transition. We work with the St. Louis Country social workers, and homeless shelters for placement of children and families. We also offer a Family Crisis Scholarship Fund to help support families during any difficult times. In addition, to helping families on country assistance by covering the difference between what the county covers and the private fees charged.

#### Our Families

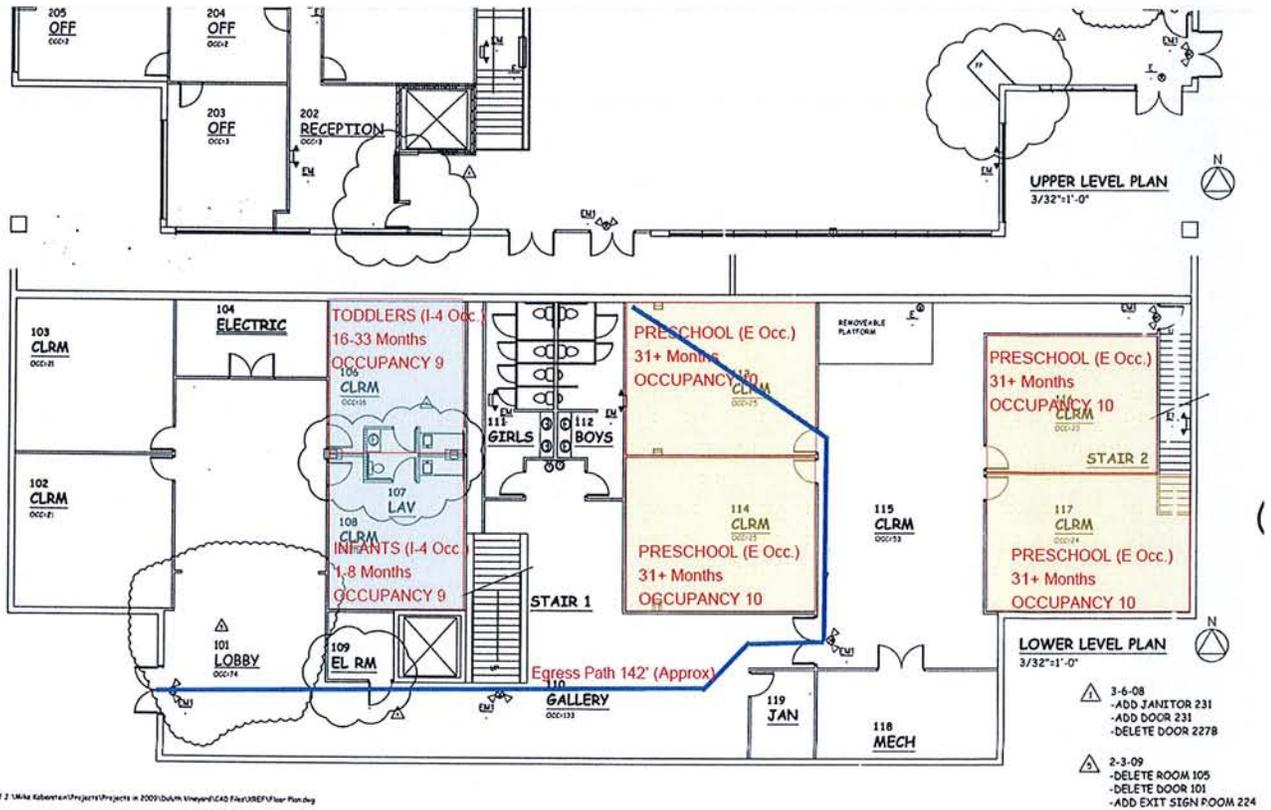
YMCA Little Treasures is improving the lives of at risk families, children, youth, and young adults. Little Treasures is a unique childcare program that prioritizes serving families at-risk, such as teen parents, single parents, families living in poverty, adults experiencing mental health or chemical dependency issues, child protection intervention, homelessness, and unemployment.

#### Negatives effects on the community

Due to the large expanse of parking on site and wooded land between any of the neighbors, there will be no negative effects on the local community.

Duluth YMCA Little Treasures Daycare – Vineyard Church Code Compliance memo

Date: 8-29-2016



Xref 2 Mike Robertson\Projects\2009\06\04 Vineyard\CAD Files\USEF\Floor Plan.dwg