



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PLSUP-2504-0049		Contact	Natalie Lavenstein, nlavenstein@duluthmn.gov	
Type	Special Use Permit – Daycare Facility		Planning Commission Date		May 13, 2025
Deadline for Action	Application Date		April 2, 2025	60 Days	June 1, 2025
	Date Extension Letter Mailed		April 18, 2025	120 Days	July 31, 2025
Location of Subject		404 E 5 th St			
Applicant	One Roof Community Housing		Contact	Debbie Freedman	
Agent	St Mary’s Medical Center		Contact	Dan Cebelinski	
Agent	Benedictine Sisters Benevolent ASSN		Contact	Sister Beverly Raway	
Legal Description		010-1010-01710, 010-1010-01800, 010-1010-01815, 010-1010-01700, 010-1010-01760			
Site Visit Date		April 29, 2025	Sign Notice Date		April 29, 2025
Neighbor Letter Date		April 18, 2025	Number of Letters Sent		56

Proposal

The applicant proposes a daycare facility serving a maximum of 124 students on the first level of a proposed multi-family dwelling in Central Hillside. Daycare facilities with more than 15 students in an R-2 District require a special use permit.

Recommended Action: Staff recommends that Planning Commission approve the special use permit.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2	Parking Lot	Traditional Neighborhood
North	R-2	Residential	Traditional Neighborhood
South	F-6	Mixed Use Commercial	Institutional
East	MU-N	Institutional	Neighborhood Mixed Use
West	R-2	Residential	Traditional Neighborhood

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A daycare facility, large is a Special Use in the R-2 zone district.

UDC Section 50-20.3.V Use-Specific Standards. Lists all standards specific to daycare facilities.

UDC Sec. 50-37.10 Special Use Permits: Planning Commission shall approve the application or approve it with modifications, if it is determined 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 ... including any use-specific standards ..., 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 #1 – Reusing of previously developed lands: this proposal is utilizing existing developed lands for daycare and dense residential purposes.

Government Principle #3 – Support existing economic base: this proposal is providing childcare options and dense residential units near many of Duluth’s workforce centers.

Governing Principle #8 – Encourage mix of activities, uses, and densities: this proposal includes childcare and residential dwellings units in one building.

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, neighborhood extensions, and new traditional neighborhood areas.

History: The subject property has been primarily used as a parking lot for several years and services medical staff. There is an existing mechanical building which was built in 1990.

Review and Discussion Items:

Staff finds that:

- 1) The applicant is proposing to construct a new multi-family building which will contain a daycare center on the first level and multi-family dwellings in the upper levels. The daycare will have a maximum licensure capacity of 124, with hours of operation between 6:45 am – 5:30 pm.
- 2) The existing parking lot and structure will be demolished and a new building with parking spaces will be constructed.
- 3) UDC Sec. 50-20.3.I. (Use Specific Standards - Daycare facility, small and large, and preschools). The site plan includes 7 on-site parking spaces dedicated to family pick-up and drop-off, as well as 2 designated parking spaces along 4th Avenue. The 2 parking spaces are proposed as flexible-use spaces – reserved for child drop-off and pick-up during peak traffic period, and available for general or alternate use during other times of the day. A parking narrative is attached with a detailed analysis of the number of families arriving at a time. Staff finds the applicant has prepared a reasonable plan for pick-up and drop-off, and recommends that a condition of approval be placed regarding ensuring no traffic flow is impeded with this parking.
- 4) UDC Sec. 50-25 (Landscaping and Tree Preservation). The daycare is proposed to be located in the Brae View apartment building, and will have shared parking and site use. Preliminary plans for Brae View show all landscape requirements will be met. Landscaping will be confirmed prior to Brae View receiving the building permit for the site.
- 5) UDC Sec. 50-26 (Screening, Walls, and Fences). The day care will provide an exterior play area; any fence installed for the play area will need to meet all fence criteria, including regulations related to materials and height. No additional outdoor dumpsters will be placed on site for the daycare.
- 6) UDC Sec. 50-30 (Design Standards) and 50-31 (Exterior Lighting). The day care proposes no building features or exterior lighting other than what is being constructed as part of the Brae View project. Brae View must meet all building design standards and exterior lighting requirements.
- 7) No public or agency comments were received. A city comment was received stating the loading zone requires Parking Commission approval prior to construction.
- 8) The permit will lapse if no activity takes place within 1 year of approval.

Staff Recommendation:

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

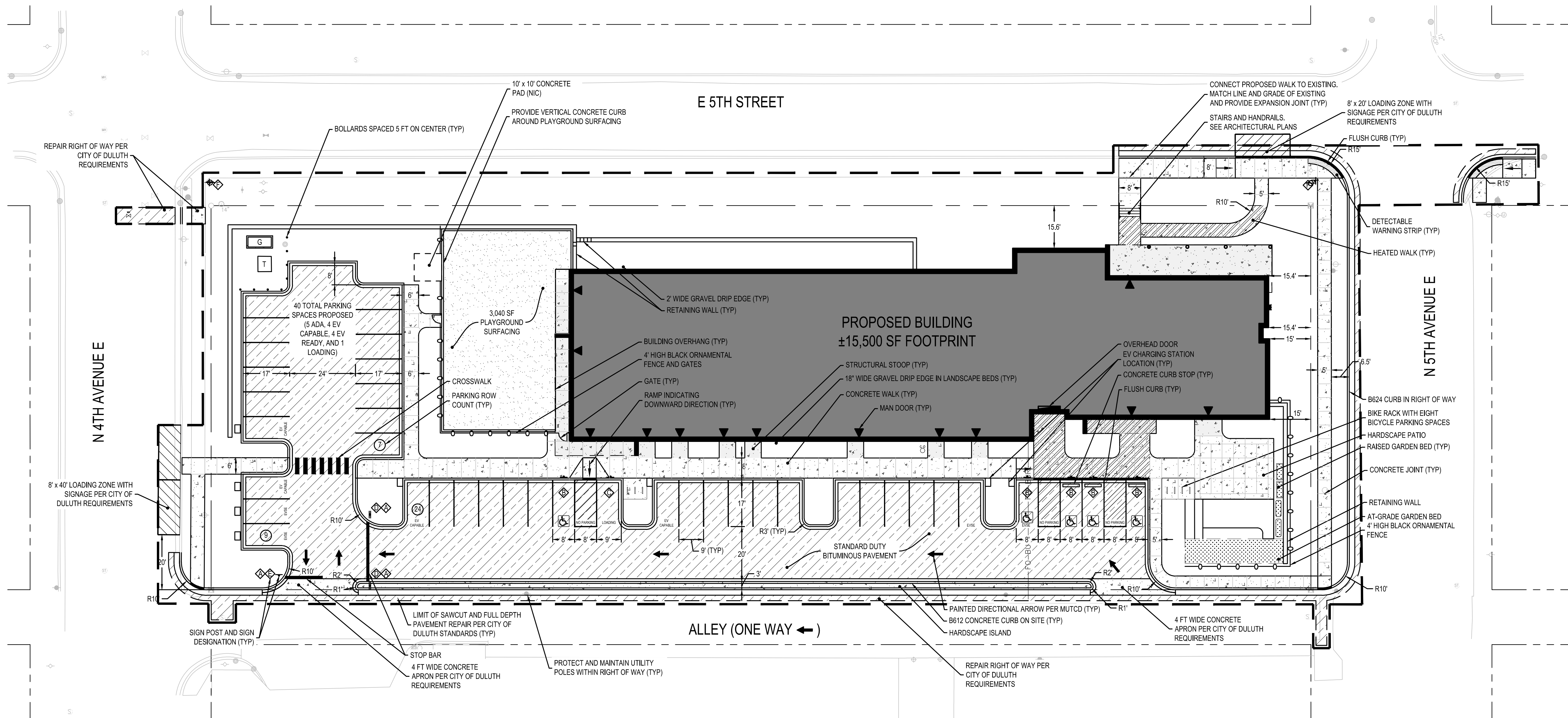
- 1) The daycare will be constructed and maintained consistent with the site plan and narrative submitted with the application.
- 2) The applicant shall provide clear communication and signage regarding spaces available for pick-up and drop-off and will instruct families on overflow parking so that there is no queueing of cars and no impediment to traffic flow.
- 3) The proposed loading zone must be approved by the City of Duluth Parking Commission prior to construction.
- 4) 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 administration approval shall constitute a variance from the provisions of Chapter 50.



PLSUP-2504-0049
Special Use Permit
404 E 5th St



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.



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NO	DATE	ISSUED FOR

NO	DATE	REVISION
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11/15/2024

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PROJECT NAME:
BRAE VIEW APARTMENTS

DRAWING TITLE:
**LAYOUT AND
SURFACING PLAN**

DRAWN BY: JPH
CHECKED BY: KMS
PROJ. NO: 210808
DRAWING NO:

C401

WARNING
LOCATION OF ALL UNDERGROUND
UTILITIES SHALL BE VERIFIED BY
THE CONTRACTOR.
CALL BEFORE DIGGING

MINNESOTA
ONE-CALL SYSTEM
1-800-252-1166
REQUIRED BY
MN STATUTE 216D

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

CLIENT:
One Roof Community Housing

CLIENT ADDRESS:
12 E 4th St
Duluth, MN 55805

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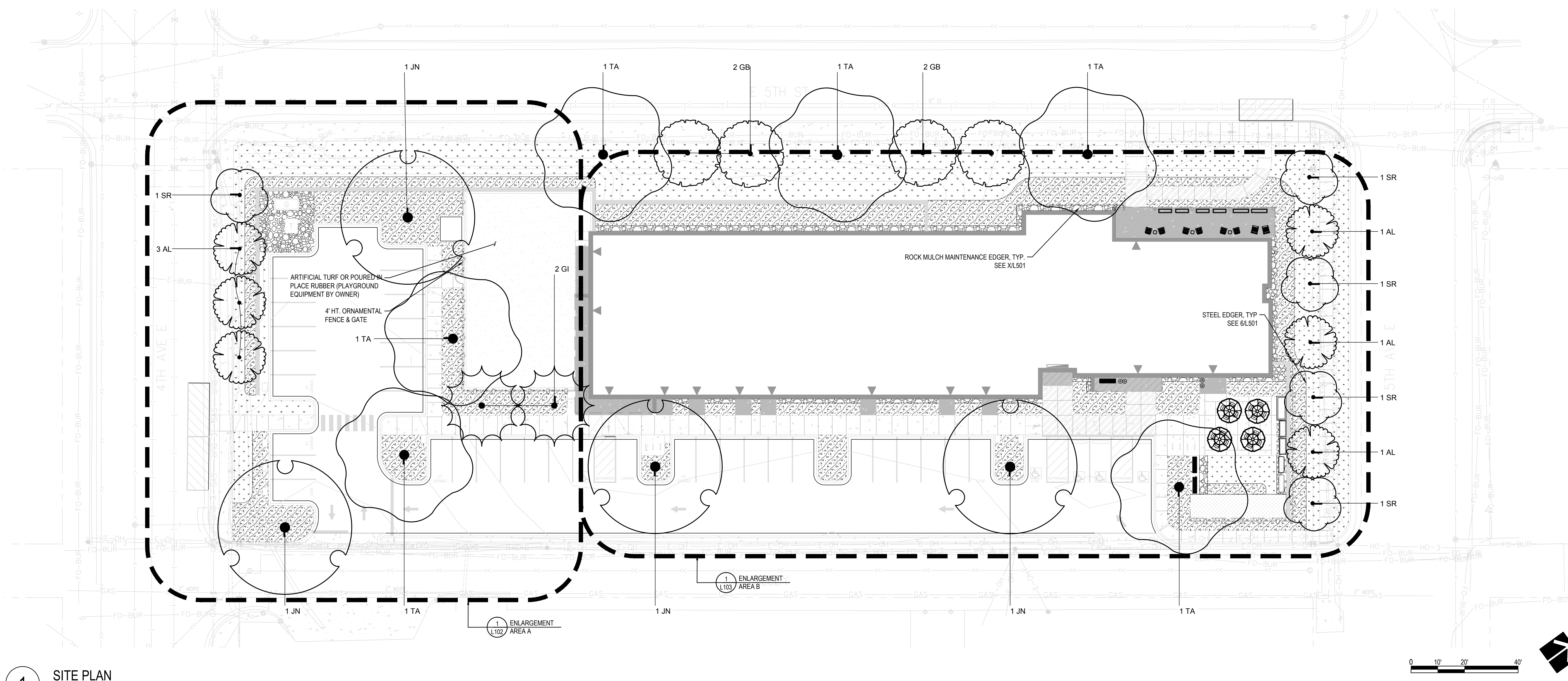
PROJECT NAME:
BRAE VIEW APARTMENTS

DRAWING TITLE

LANDSCAPE AND
TREE PLAN

DRAWN BY: DRJ & KAT
CHECKED BY: HSB
PROJ. NO: 210808
DRAWING NO:

L101



LANDSCAPE NOTES

GENERAL LANDSCAPE NOTES

1. THIS DRAWING DOES NOT CONSTITUTE AN OFFICIAL SURVEY OF THE SITE. CONFIRM ALL LOCATIONS OF SURFACE AND SUB-SURFACE FEATURES BEFORE BEGINNING INSTALLATION. ADVISE LANDSCAPE ARCHITECT OF ANY DISCREPANCIES.
2. CONFIRM ALL QUANTITIES, SHAPES, AND LOCATIONS OF LANDSCAPE AREAS, AND ADJUST TO CONFORM TO THE SITE CONDITIONS. CONFIRM ANY ADJUSTMENTS WITH THE LANDSCAPE ARCHITECT.
3. VERIFY LOCATIONS OF ALL UNDERGROUND UTILITIES PRIOR TO DIGGING. NOTIFY THE LANDSCAPE ARCHITECT OF ANY CONFLICTS WITH PLANT INSTALLATION.
4. THE CONTRACTOR IS RESPONSIBLE FOR ALL MULCHES AND SOIL. QUANTITIES TO COMPLETE THE WORK SHOWN IN THE DRAWINGS. VERIFY ALL QUANTITIES SHOWN ON THE PLANT SCHEDULE.
5. REFER TO SECTION 31 2333 PLF FOR SOIL REQUIREMENTS. DO NOT BEGIN PLANTING OPERATIONS IF SOIL CONDITIONS ARE NOT AS SPECIFIED.
6. REMOVE FROM THE SITE ALL TURF WHICH HAS BEEN REMOVED FOR NEW PLANT BEDS. LONG-TERM STORAGE OF MATERIALS OR SUPPLIES ON-SITE IS NOT ALLOWED. THE PLAN TAKES PRECEDENCE OVER THE PLANT SCHEDULE IF DISCREPANCIES EXIST. ADVISE LANDSCAPE ARCHITECT OF ANY DISCREPANCIES.
7. STAKE TREE AND PLANTING BED LAYOUT IN-FIELD FOR LANDSCAPE ARCHITECT APPROVAL PRIOR TO PLANTING OPERATIONS.

PROTECTIONS

8. AVOID DAMAGING EXISTING TREES. DO NOT STORE OR DRIVE HEAVY MATERIALS OVER TREE ROOTS. DO NOT DAMAGE TREE BARK OR BRANCHES.
9. KEEP PAVEMENTS, FIXTURES AND BUILDINGS CLEAN AND UNSTAINED. ANY DAMAGE TO EXISTING FACILITIES WILL BE REPAIRED AT THE CONTRACTOR'S EXPENSE. KEEP THE PROJECT SITE CLEAR OF CONSTRUCTION WASTES AND DEBRIS.
10. PROVIDE AND MAINTAIN INLET AND PERIMETER EROSION CONTROL BMPs AS SPECIFIED ON CIVIL SHEETS.
11. ALL AREAS OF THE SITE DISTURBED BY CONSTRUCTION WILL BE RESTORED WITH SEED OR SOD UNLESS OTHERWISE NOTED. SEE SPECIFICATIONS FOR TURF RESTORATION REQUIREMENTS.

ZONING NOTES

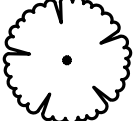
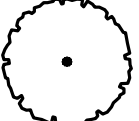
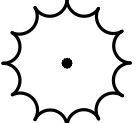
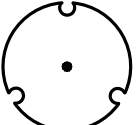
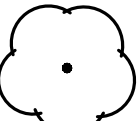

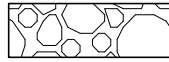


CHAPTER 50-25: LANDSCAPING AND TREE PRESERVATION

1. 50-25.3 (B) REQUIRED STREET FRONTAGE TREES = 1 PER 35 FT OF LINEAR FRONTAGE
- | | | |
|----|--|--|
| a. | N. 4TH AVE. E. = 140 LF | |
| b. | E. 5TH ST. = 401 LF | |
| c. | N. 5TH AVE. E. = 140 LF | |
| d. | 681 FT LINEAR FRONTAGE TOTAL = 19.4 OR 20 TREES REQUIRED | |




LANDSCAPE PLAN ILLUSTRATES 20 STREET FRONTAGE TREES TOTAL

2. 50-25.3 (C) REQUIRED STREET FRONTAGE LARGE SHRUBS 1 PER 25 FT OF LINEAR FRONTAGE

PLANT SCHEDULE

<u>SYMBOL</u>	<u>CODE</u>	<u>QTY</u>	<u>BOTANICAL / COMMON NAME</u>	<u>CONT</u>
TREES				
	AL	6	AMELANCHIER LAEVIS 'JFS-ARB' / SPRING FLURRY SERVICEBERRY	1 1/2" CAL
	GB	4	GINKGO BILOBA 'PRINCETON SENTRY' / PRINCETON SENTRY GINKGO	2 1/2" CAL
	GI	2	GLEDTISIA TRIACANTHOS INERMIS / THORNLESS HONEY LOCUST	2 1/2" CAL
	JN	4	JUGLANS NIGRA / BLACK WALNUT	2 1/2" CAL
	SR	5	SYRINGA RETICULATA / JAPANESE TREE LILAC	1 1/2" CAL
	TA	6	TILIA AMERICANA / AMERICAN LINDEN	2 1/2" CAL
GROUND COVERS				
	RM	1,234 SF	ROCK MULCH MAINTENANCE EDGER / SEE 8/L501	MULCH
	LB	8,072 SF	SHRUB/PERENNIAL AREA W/HARDWOOD MULCH / SEE SPEC 32 9300 AND 4/L501	NONE
	TG	9,639 SF	TURF GRASS	NONE

GROUND COVERS

	RM	1,234 SF	ROCK MULCH MAINTENANCE EDGER / SEE 8/L501	MULCH
	LB	8,072 SF	SHRUB/PERENNIAL AREA W/HARDWOOD MULCH / SEE SPEC 32 9300 AND 4/L501	NONE
	TG	9,639 SF	TURF GRASS	NONE

PLANT MATERIAL

12. PLANT TREE ROOT BALLS FLUSH WITH FINAL GRADE AND THE TOP OF ROOT FLARE
EXPRESSED, PER PLANTING DETAILS.
13. NO SUBSTITUTIONS OF PLANT MATERIAL WILL BE ACCEPTED UNLESS APPROVED IN WRITING
BY THE LANDSCAPE ARCHITECT.
14. THE LANDSCAPE ARCHITECT RESERVES THE RIGHT TO REJECT ANY PLANTS WHICH ARE
DEEMED UNSATISFACTORY.
15. ALL PLANTING STOCK SHALL CONFORM TO THE "AMERICAN STANDARD FOR NURSERY
STOCK", ANSI-Z60. LATEST EDITION, OF THE AMERICAN ASSOCIATION OF NURSERYMEN, INC.
16. HELL IN AND WATER ANY PLANT STOCK NOT PLANTED WITHIN 24 HOURS OF DELIVERY UNTIL
THE PLANTS ARE NOT MAINTAINED IN THIS MANNER WILL BE REJECTED.
17. REFER TO SPECIFICATIONS FOR WARRANTY REQUIREMENTS AND OTHER PLANTING
ACCESSORIES.

MAINTENANCE AND CARE

18. BEGIN PLANT MAINTENANCE IMMEDIATELY AFTER EACH PORTION OF THE WORK IS IN PLACE.
19. MAINTENANCE INCLUDES WATERING, WEEDING, MULCHING, REMOVAL OF DEAD MATERIAL PRIOR TO GROWING SEASON, RE-SETTING PLANTS AND PROPER GRADE, AND KEEPING PLANTS IN A PLUMB POSITION.
20. REFER TO SPECIFICATIONS FOR FULL INSPECTION, MAINTENANCE, AND WARRANTY REQUIREMENTS.

BID ALTERNATES

21. SEE SPECIFICATION SECTION 01 2300. PROVIDE SEPARATE, PER UNIT COSTS FOR THE FOLLOWING BID ADD ALTERNATES:
- 21.1.

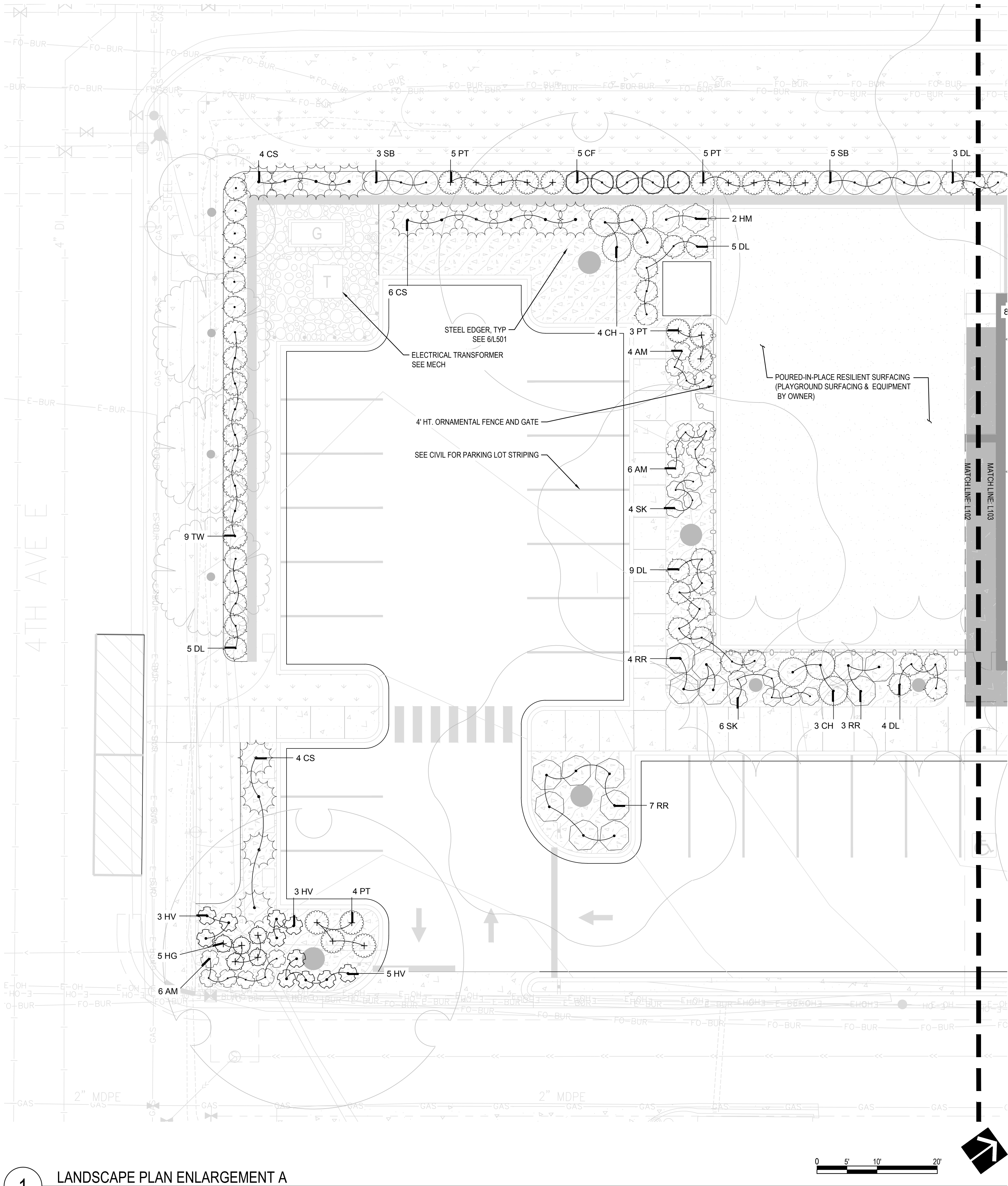
LANDSCAPE PLAN ILLUSTRATES 32 LARGE SHRUBS TOTAL

3. 50-25.4 (B.1) INTERIOR LANDSCAPE SPACE, 10% REQUIRED FOR PARKING LOTS BETWEEN 25-50 SPACES

LANDSCAPE PLAN ILLUSTRATES 1,734 SF INTERIOR LANDSCAPE SPACE (10.3%)

4. 50-25.4 (B.3) TREE CANOPY COVERAGE AT MATURITY, 30% MINIMUM REQUIRED
a. 15,060 SF PARKING LOT SIZE = 4,518 SF SHADE CANOPY (30%)

LANDSCAPE PLAN ILLUSTRATES 5,589 SF SHADE CANOPY (37%)



PLANT SCHEDULE

SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	SIZE
SHRUBS				
	AM	16	ARONIA MELANOCARPA 'UCONNAM012' TM / GROUND HUG BLACK CHOKEBERRY	#5 CONT.
	CH	7	CORNUS HESSEI 'UMN970507' / GARDEN GLOW™ DOGWOOD	#5 CONT.
	CS	14	CORNUS SERICEA 'CARDINAL' / CARDINAL RED TWIG DOGWOOD	#5 CONT.
	CF	5	CORNUS SERICEA 'FARROW' / ARCTIC FIRE® RED TWIG DOGWOOD	#5 CONT.
	DL	31	DIERVILLA LONICERA / BUSH HONEYSUCKLE	#5 CONT.
	HM	2	HYDRANGEA MACROPHYLLA / LARGELEAF HYDRANGEA	#5 CONT.
	PT	17	PHYSOCARPUS OPULIFOLIUS 'SMPOTW' / TINY WINE® NINEBARK	#5 CONT.
	RR	14	RHUS AROMATICA 'GRO LOW' / GRO-LOW FRAGRANT SUMAC	#5 CONT.
	SB	8	SPIRAEA BETULIFOLIA 'TOR' / 'TOR' SPIREA	#2 CONT.
	SK	10	SPIRAEA MEDIA 'SMSMBK' TM / BLUE KAZOO DOUBLE PLAY SPIRAEA	#5 CONT.
	TW	9	TAXUS X MEDIA 'TAUNTON' / TAUNTON YEW	#5 CONT.
PERENNIALS				
	HG	5	HOSTA X 'GUACAMOLE' / GUACAMOLE HOSTA	#1 CONT
	HV	11	HOSTA X 'VULCAN' / VULCAN HOSTA	#1 CONT



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One Roof Community Housing

CLIENT ADDRESS:
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PROJECT NAME:
BRAE VIEW APARTMENTS

DRAWING TITLE:
LANDSCAPE
ENLARGEMENT PLAN

DRAWN BY: DRJ & KAT
CHECKED BY: HSB
PROJ. NO: 210808
DRAWING NO:

L102

1

LANDSCAPE PLAN ENLARGEMENT A
Scale: 1"=10'

0 5' 10' 20'



WARNING

LOCATION OF ALL UNDERGROUND
UTILITIES SHALL BE VERIFIED BY
THE CONTRACTOR.
CALL BEFORE DIGGING

MINNESOTA
ONE-CALL SYSTEM
1-800-252-1166
REQUIRED BY
MN STATUTE 216D



**FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY**

Emily Marshall
Vice President of Early Childhood Education
Duluth Area Family YMCA
Email: emarshall@duluthymca.org
4/21/2025

LHB
Matt Huntress
Email: Matt.Huntress@LHBcorp.com

Dear Matt Huntress

To support the Special Use Permit application for the child care facility currently in development, we are submitting the following information. This letter outlines anticipated pick-up and drop-off logistics and related site usage, as requested.

The current site plan includes seven on-site spaces dedicated to family pick-up and drop-off, as well as two designated stalls along 4th Avenue. These two stalls are proposed as flexible-use spaces—reserved for child drop-off and pick-up during peak traffic periods, and available for general or alternate use during other times of the day.

Based on our experience operating similar centers, we anticipate the following daily traffic patterns:

- **Drop-Off Window:** 6:45 AM – 8:45 AM
 - **Peak Period:** 7:00 AM – 7:45 AM
- **Pick-Up Window:** 4:00 PM – 5:30 PM
 - **Peak Period:** 4:15 PM – 5:30 PM

During these high-traffic windows, approximately 20 families are expected to arrive every 15 minutes, with each vehicle using a drop-off space for an estimated 6-8 minutes. Cars tend to rotate smoothly, and while the on-site spaces may occasionally all be in use, it is uncommon for a queue to form. However, during these busy periods, the two off-site stalls on 4th Avenue will provide helpful overflow capacity to ease congestion and ensure continued safe and efficient circulation.

For safety and licensing reasons, parents are required to park and accompany their children into the facility, where they will sign them into their classroom. Staff will not be available to escort children from vehicles. This process supports a smooth and consistent transition for children and maintains high standards of care and communication.



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FOR SOCIAL RESPONSIBILITY**

Thank you for your consideration of this application. We are excited about the opportunity to serve more families in our community and are committed to ensuring the center operates safely and efficiently for all.

Please feel free to contact me if further information is needed.

Emily Marshall
Vice President of Early Childhood Education