




Planning & Development Division
Planning & Economic Development Department

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ACTION OF THE CITY OF DULUTH PLANNING COMMISSION

Date: May 14, 2025

Subject Location: 1533 W Arrowhead Rd

Applicant:

Vineyard Christian Fellowship, Duluth
 1533 W Arrowhead Rd
 Duluth, MN 55811

Not Sent by U.S. Mail; sent via email to: jkilgour@steppingonupduluth.org

Planning Commission File Number: PLIUP-2503-0016

Staff Contact: Jason Mozol

Proposal Requested:

This one-year Interim Use Permit would allow for 2025 operation of Safe Bay, an overnight parking lot, at the Vineyard Church. This parking lot would operate seasonally. This program previously operated at the Damiano Center in 2023 and 2024.

The above matter came for a public hearing before the City of Duluth Planning Commission on Tuesday, May 13, 2025, notice of said hearing having been given to all interested parties in accordance with Section 50-37.1 of the Duluth Legislative Code. The applicant's proposal was presented to the Commission with a report from Planning and Development staff including any comments received on the proposal. After all parties interested in the matter were given an opportunity to be heard, the Commission made the following findings and conclusions:

Findings of Fact:

- 1) The Vineyard Church will provide an overnight parking lot. This is only for people sleeping in vehicles (not tents or other sleeping facilities). It will operate seasonally during the warmer months, May through October, and only at night (6:00 pm – 8:00 am). Vehicles will park in the existing, paved rear lot. Other parking lots in the front of the property will provide parking for other uses.
- 2) Safe Bay provides bathroom facilities, garbage and recycling dumpsters, and a sharps container, all meeting the requirements of UDC Section 50-20.1.I.
- 3) The maximum occupancy for this site is 50 people.
- 4) All minors present on the site will be accompanied by a parent or guardian.
- 5) Staff from CHUM and overnight hosts provide oversight at all hours the facility is open. The staff and hosts document vehicles and guests, ensure quiet hours starting at 10:00 pm, and monitor all activities on site.
- 6) In case of an emergency, such as an extreme weather event, the Vineyard Church facility is available for shelter.
- 7) The rear property line will be buffered by temporary screening. The rear property line adjacent to the parking lot will be delineated by temporary fencing and signage. Trees and vegetation provide additional buffering between the proposed project site and the neighboring residential structures.
- 8) No additional exterior lighting will be provided.

- 9) A time limit on this Interim Use Permit is required because this is an interim living site. The time period for this use shall be one year from the date of approval.
- 10) Plans have been reviewed by the Fire Marshall without any comments.
- 11) Numerous public comments have been received in support and opposition to this project and are attached.
- 12) No other agency or City comments have been received.

Conclusions:

- A. The request is in harmony with the purposes and intent of the UDC.
- B. The request is consistent with the comprehensive plan.
- C. The request will allow reasonable use of the land.
- D. The request does not impact the health, safety, or welfare of the general public.

Decision:

Resolved that based on the findings and conclusions above, application PLIUP-2503-0016 is approved (Planning Commission vote 8-0), subject to the following conditions:

- 1) The project be limited to, constructed, and maintained according to the information submitted with the application and all criteria in UDC Section 50-20.1.I.
- 2) This Interim Use Permit has a duration of one year and shall expire one year from the date of approval; however, the site will only be open from May - October.
- 3) Before operation commences, the applicant will ensure that the operator's name, telephone number, and e-mail address are posted on the site and easily visible to the public and will provide a photo of this signage on the site to the Land Use Supervisor.
- 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; however, no such administrative approval shall constitute a variance from the provisions of UDC Chapter 50.

Decided at Duluth, Minnesota, on Tuesday, May 13, 2025.

Subsequent to this Planning Commission approval, the applicant submitted a request for amendment to this Interim Use Permit to use temporary fencing on the property. This fencing is not a permanent fence nor structure, but will be mesh material placed each night and removed each morning, only during the portion of the year Safe Bay is in operation. This minor alteration to the Interim Use Permit was approved by the Land Use Supervisor.

BY ORDER OF THE LAND USE SUPERVISOR

Signed by:

Ben Van Tassel

5/14/2025 | 12:53:20 CDT

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Ben Van Tassel, Director, Planning and Economic Development

Please note:

Interim use permits approved by the Planning Commission shall lapse if the project or activity authorized by the review is not begun within 1 year of the permit date. The building official may extend this period one time for a period of up to 1 year if the property owner presents a written request showing the reasons for the delay was outside the owner's control (UDC Sec. 50-37.1.N).

NOTICE OF RIGHT TO APPEAL

Any person aggrieved by, or any department of the city affected by, any decision of the Commission may appeal the decision of the Commission to the Duluth City Council pursuant to Section 50-37.1.O.4 of the Duluth Legislative Code. The appeal must be filed with

the City Clerk within 10 days of the decision. The appeal should be addressed to the Council and specify the grounds for the appeal. The fee for an appeal is \$400.00. The appeal fee must be tendered when the appeal is filed.