



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 23-073	Contact	John Kelley	
Type	Special Use Permit – Pre-School	Planning Commission Date	May 9, 2023	
Deadline for Action	Application Date	April 5, 2023	60 Days	June 4, 2023
	Date Extension Letter Mailed	April 11, 2023	120 Days	August 3, 2023
Location of Subject	Parcel 010-3030-00540 located at 4628 Pitt Street			
Applicant	Lakeside Early Learning	Contact		
Agent	Nichole Reed	Contact		
Legal Description	See Attached	Sign Notice Date	April 25, 2023	
Site Visit Date	April 28, 2023	Number of Letters Sent	85	

Proposal

Applicant proposes to increase the pre-school enrollment from 110 children to 131 children. The applicant will utilize the existing school building for the additional 21 students. Preschools in an R-1 District require a special use permit.

Staff Recommendation

Staff recommends that the Planning Commission approve the special use permit with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Preschool/day care	Urban Residential
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Urban Residential
East	R-1	Residential	Urban Residential
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements

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. 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.

Sec. 50-20.3.I. Use Specific Standards - Daycare facility, small and large, and preschools.

1. For all new uses after May 1, 2019, as part of the requirement to provide off-street parking in 50-24.2, the use must provide off-street parking spaces for pick-up and drop-off determined by the Land Use Supervisor to be sufficient to provide for the pick-up and drop-off of users of the facility based on the maximum licensed capacity of the facility, the configuration of the facility, the types and intensity of other uses adjacent to the facility, the intensity of traffic adjacent to the facility and

other factors determined to be relevant to the safe pick-up and drop off of users of the facility. The determination of the Land Use Supervisor may be appealed to the Commission. Pick-up and drop-off areas must be clearly signed as pick-up and drop-off only, and shall not conflict with safe on-site pedestrian and vehicular movements. The specific standard does not apply to uses with Downtown and Canal Park Special Parking Areas in 50-24.

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

Governing Principle #1 - Reuse previously developed lands. Reuse of previously developed lands, including adaptive reuse of existing building stock and historic resources, directs new investment to sites which have the potential to perform at a higher level than their current state. This strengthens neighborhoods and is preferred to a dispersed development pattern with associated alteration of natural landscapes and extensions of public services. Site preparation or building modification costs are offset by savings in existing public infrastructure such as streets and utilities, and transit, fire, and police services.

Governing Principle #11- Consider education systems in land use actions. There is a connection between land use patterns and all level of educational facilities. School locations and housing opportunities for students and families require consideration of impacts on transportation and infrastructure systems, housing densities, parking, and non-student uses.

Future Land Use

Urban Residential: Greatest variety of residential 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.

History

The building and site have functioned as an educational facility; first for elementary aged children, and now for younger children in early childhood programs. A special use permit was approved for the site in 2018 (PL18-119) to increase the student capacity for the pre-from 60-70 students.

Review and Discussion Items:

- 1) The applicant is seeking to amend the current Special Use Permit under UDC Section 50-37.10. The current Special Use Permit was issued in 2018 and allows for 70 children. There is no new or planned construction at the site. The request for the update of the Special Use Permit is solely to support the recent increase from being licensed by the State of Minnesota from 110 children to 131 children.
- 2) A preschool is a reasonable use in the R-1 district. A preschool requires a special use permit to operate in an R-1 district. The site has been operated as a preschool for a number of years, even prior to Lakeside Early Learning (LEL) purchasing the building in 2020. Historically, the site has been used as an elementary school since 1893.
- 3) The school building is open year-round for pre-school and other educational programs. Hours of operation would be from 6:30 a.m. to 5:45 p.m. The pre-school will use other current facilities at the school including the playground, gym and lunch room. There are no plans for expansion of any of the facility for the pre-school use.
- 4) UDC Sec. 50-20.3.I. (Use Specific Standards - Daycare facility, small and large, and preschools). The proposed use as a pre-school and configuration of the facility demonstrate that the site provides for the safe pick-up and drop-off of users of the facility based on the maximum licensed capacity of the facility.
- 5) UDC Sec. 50-24 (Parking and loading). Parking is required at 1 space per five persons care capacity. The LEL program will serve 131 children effective in 2023, for a total parking requirement of 26 parking spaces. The school has an existing parking lot in the southwest corner of the property. The school is also utilizing the drop-off and pick-up area along Pitt Street as short-term parking as well. There is a companion variance application (PL 23-073) to this site for a reduction in the number of required parking spaces from 26 to 20 spaces.
- 6) UDC Sec. 50-25 (Landscaping and Tree Preservation). No additional landscaping is required as this project is not increasing the floor space by 25%, nor is the building expanding to accommodate the increase in the number of preschoolers.
- 7) UDC Sec. 50-26 (Screening, Walls and Fences). Not applicable.
- 8) UDC Sec. 50-29 (Sustainability Standards) and 50-30 (Building Design Standards). These requirements do not apply to this project.

- 9) UDC Sec. 50-31 (Exterior Lighting). No additional lighting is being planned for the use.
- 10) No public, agency, or other City comments were received.

Staff Recommendation

Based on the above findings, Staff recommends that the Planning Commission approve the special use permit with the following conditions:

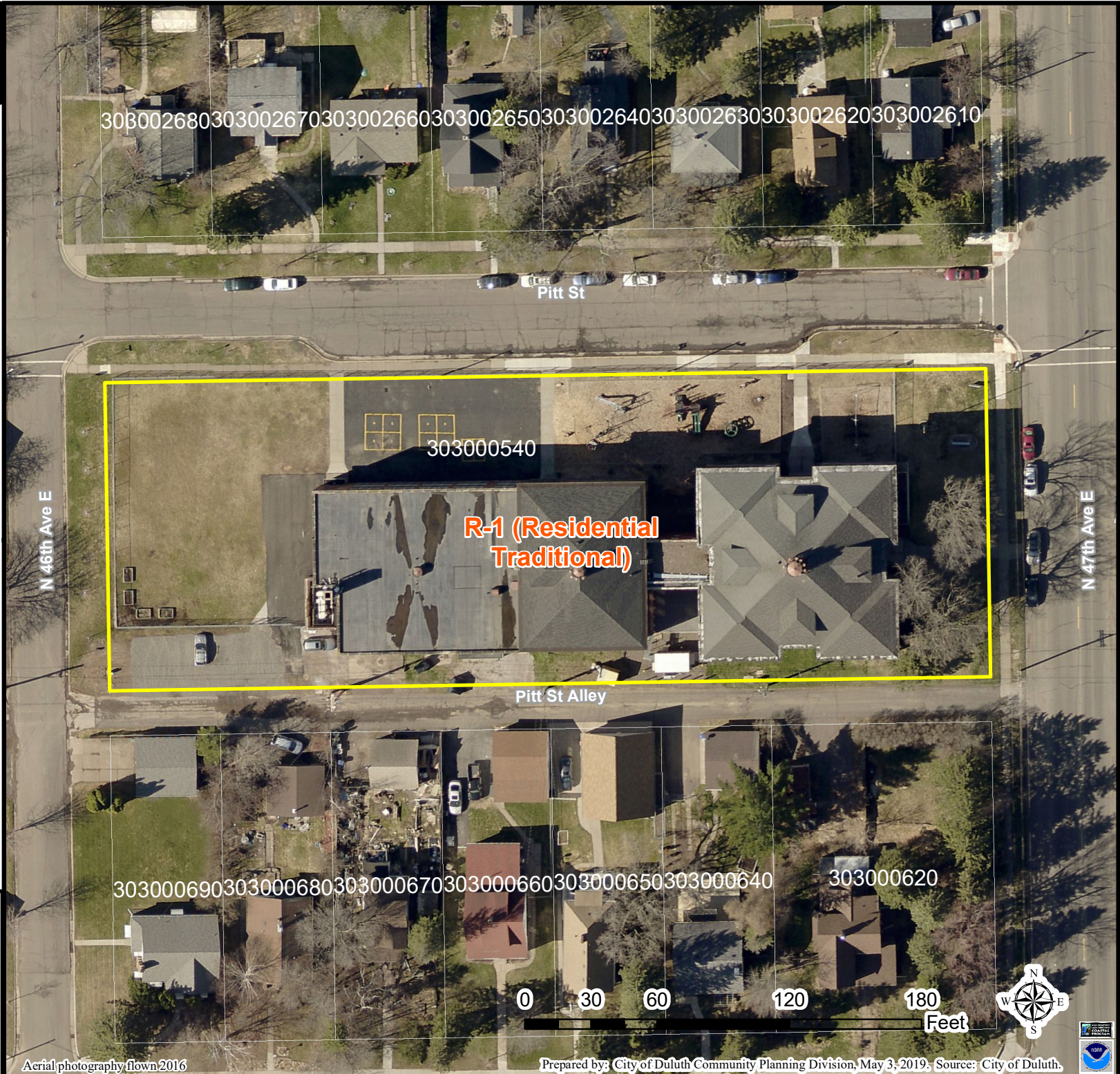
- 1) The project be limited, constructed, and maintained consistent with plans titled "Survey drawing from 2018 SUP"
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PL 23-073 & PL 23-074
Variance
Special Use Permit
Site Map



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.



St. Michael's School 010-3620-00540 PIN
N. 46th Ave East.

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