



Planning & Development Division
Planning & Economic Development Department

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File Number	PL 23-073	Contact	John Kelley	
Type	Variance from minimum parking requirements – 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

The applicant is seeking a variance to the minimum parking requirements for a day care facility from 26 parking spaces to 10 spaces.

Staff Recommendation

Staff recommends that the Planning Commission approve the variance 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. 50-37.9.C – General Variance Criteria (paraphrased): Granting of variances of any kind is limited to situations where, due to characteristics of the applicant’s property, enforcement of the ordinance would cause the landowner exceptional practical difficulties or undue hardship. The Planning Commission must find the following for a variance to be granted: a) That the landowner is proposing to use the property in a reasonable manner, b) that the need for relief from the normal regulations is due to circumstances unique to the property and not caused by the landowner, c) that granting the variance will not alter the essential character of the area, d) that granting the variance is consistent with the intent of the UDC and the Comprehensive Plan.

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.

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 preschool from 60-70 students.

Review and Discussion Items:

- 1) The applicant is seeking a variance to the minimum parking requirements for a pre-school. The UDC does not have parking standards for pre-schools but does for day care facilities. Parking is required at 1 space per five persons care capacity.
- 2) The Lakeside Early Learning (LEL) program will serve 131 children effective in 2023, for a total parking requirement of 26 spaces. The variance is for a reduction in the number of required parking spaces from 26 to 10 spaces. The site is served by ten (10) parking spaces to the rear of the building in an existing parking lot along the Pitt Street alley. In addition to the 10 on-site spaces, a 10-car loading zone is located along Pitt Street. .
- 3) The applicant states that the variance is requested due to the site having been previously designed for use as a school and providing busing for students, which did not require additional parking. LEL is required to maintain green space on site. The green space is state-mandated; state licensing rules dictate the minimum outdoor spaces serving the LEL programs, and cannot be reduced.
- 4) A preschool is a reasonable use in the R-1 district. The applicant has stated that the use of the property for the LEL program provides continuity for the neighborhood and maintains greatly needed childcare educational spaces in the community. The proposed use of the building for the LEL program maintains the reasonable use of the site that is consistent with adopted planning documents and community priorities. The program cannot viably construct more parking spaces on the site without negative impacts to the building's operational function and without creating risk to maintaining the required outdoor space ratios required to comply with state licensing
- 5) The applicant's practical difficulty was not created by the landowner but rather is due to the existing lot configuration and site conditions for the previous use as a school facility. The variance will not alter the essential character of the neighborhood as the school and site have been utilized as an educational facility for 50 years.
- 6) The proposed variance will continue the existing parking condition on the site, which was established to provide parking and space for a far more busy and intensive use of a several-hundred space elementary school with a greater number of staff and daily visitors. It will not change the supply of light or air to surrounding properties, and it will not impact the health, safety, or public welfare of the inhabitants of the city.
- 7) No public, agency, or other City comments were received.
- 8) Per UDC Section 50-37.1.N, approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year.

Staff Recommendation

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

- 1) 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.

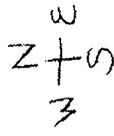
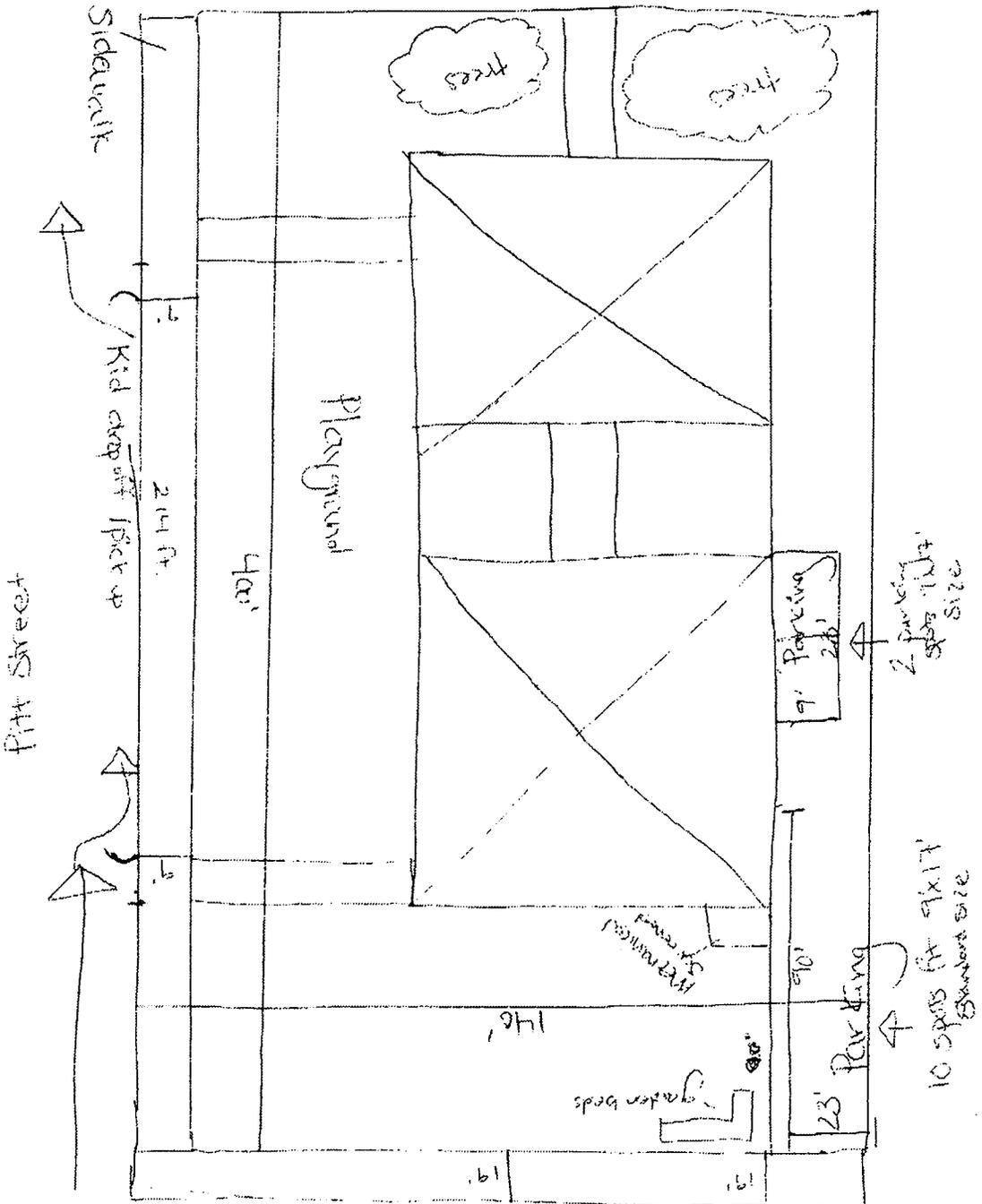


PL 23-073 & PL 23-074
 Variance
 Special Use Permit
 Site Map

Legend
 Zoning Boundaries

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.





Pitt Street

Pitt Street Alley

N 47th Ave East

140' x 400'

R-1

N 46th Ave East

St. Michael's School 010-333-0540 PIN

2 parking spots
4x11, 2x5
standard size

10 spots 4x11
standard size

Garden beds

Removal
of concrete

400'

214 ft

9'

9'

10'

23'

19'

19'

146'

9' Parking

23' Parking

Playground

Trees

Trees

Sidewalk

Kid drop off / pick up