



**Planning & Development Division**  
*Planning & Economic Development Department*  
 Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580  
[planning@duluthmn.gov](mailto:planning@duluthmn.gov)

File Number	PL 22-068	Contact	John Kelley, <a href="mailto:jkelly@duluthmn.com">jkelly@duluthmn.com</a>	
Type	Special Use Permit – Day Care Facility	Planning Commission Date		June 14, 2022
Deadline for Action	Application Date	April 8, 2022	60 Days	June 7, 2022
	Date Extension Letter Mailed	April 14, 2022	120 Days	August 6, 2022
Location of Subject		1108 East 8 <sup>th</sup> Street		
Applicant	Mandy Stanius	Contact		
Agent		Contact		
Legal Description		LOTS 1 THRU 4 BLOCK 150 PORTLAND DIVISION OF THE TOWN OF DULUTH		
Site Visit Date	April 29, 2022	Sign Notice Date		April 26, 2022
Neighbor Letter Date	April 27, 2022	Number of Letters Sent		77

#### Proposal

Applicant is requesting a special use permit for a Daycare Facility for 20 students ages 3-5 years old.

#### Recommendation

Staff are recommending approval with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Church/Daycare Facility	Traditional Neighborhood
<b>North</b>	R-1	Residential	Traditional Neighborhood
<b>South</b>	R-1	Residential	Traditional Neighborhood
<b>East</b>	P-1	Park	Open Space
<b>West</b>	R-1	Residential	Traditional Neighborhood

#### Summary of Code Requirements

UDC Section 50-37.10. Special Use Permits: Planning Commission shall approve the planning review or approve it with modifications, if it is determined that the application complies with all applicable provisions of this Chapter.

- 1) The application is consistent with the Comprehensive Land Use;
- 2) The application complies with all applicable provisions of this Chapter; including without limitations to 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.

UDC Section 50-20.3.I. Daycare facility, small and large, and preschools.

1. Must provide off-street parking spaces for pick-up and drop-off .... Pick-up and drop-off areas must be clearly signed as for

pick-up and drop-off only, and shall not conflict with safe on-site pedestrian and vehicular movements.

2. N/A

3. N/A

4. N/A

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

Governing Principle #8- Encourage mix of activities, uses, and densities. The daycare facility is located in a traditional residential neighborhood.

Governing Principle #11 - Include consideration for education systems in land use actions. The daycare facility enrolls preschool aged students.

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.

### **Review and Discussion Items**

- 1) The applicant proposes to operate a daycare facility that serves students 3-5 years of age within the existing Trinity Lutheran Church at 1108 East 8<sup>th</sup> Street. The daycare facility proposes to have an enrollment of up to 20 children. The daycare hours of operation will be 7 am to 5 pm Monday through Friday.
- 2) The proposed daycare facility will not alter the essential character of the neighborhood, which includes a variety of uses including single-family homes, multifamily and religious assembly uses. An existing daycare facility has been operating in this location without a special use permit.
- 3) Sec 50-20.3.I (Daycare facility, small and large, and preschools). Parking spaces for pick-up and drop-off: Parents use the existing church parking lot for drop off and pick up. Parents park and walk their children across East 8<sup>th</sup> Street and then southeast along North 11<sup>th</sup> Avenue East to door #5 as depicted on the site plan and map.
- 4) Sec 50-24 (Parking and Loading). Daycare facility use requires 1 space per 5 persons care. The daycare uses the existing church parking lot located on the north side of East 8<sup>th</sup> Street. The parking lot has ample space available to accommodate parking, drop off and pick up. All staff utilize the church parking lot to park their vehicles during operating hours.
- 5) Sec. 50-25.5 (Landscaping between differing land uses). No additional landscaping is required as this project is not increasing the floor space by 25%, nor is the building expanding to accommodate this program being housed in the lower level of the existing church building.
- 6) Sec. 50-26 (Screening, Walls and Fences). Not applicable to project.
- 7) Sec. 50-27 (Signs). Sign permits are required and will be reviewed and permitted in a separate process.
- 8) Sec. 50-28 (Stormwater Drainage and Erosion Control). The applicant is not proposing to add any impervious surface to the site.
- 9) Sec. 50-29 (Sustainability Standards). Not applicable to this project.
- 10) Sec. 50-30 (Building Design Standards). These requirements do not apply for this project.
- 11) No citizen or City Departments comments were received at the time that this report was compiled.

### **Staff Recommendation**

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

- 1) The daycare hours of operation shall be 7 am to 5 pm Monday through Friday.
- 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 review; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.





PL 22-068  
Special Use Permit  
Day Care



**MU-N (Mixed Use  
Neighborhood)**

**R-1  
(Residential  
Traditional)**

**P-1 (Park)**

Site

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.

Aerial photography flown 2016

0 20 40 80 120 Feet

Prepared by: City of Duluth Community Planning Division, May 3, 2019, Source: City of Duluth.





Munger PARK

OUT door  
field  
space

Playground

Sand

Sand

Picnic  
Table

E 8th St.

SIDEWALK

Gym

Men's  
room

Stairway  
to  
upstairs

Preschool  
Bathroom

Church  
Safe

Janitor  
Closet

Imagination  
Room

HALLWAY

Kitchen

Parish  
Hall

Lounge

Lockers

Classroom  
Door

ENTRANCE  
DOOR #5





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.





[REDACTED]  
[REDACTED]  
Sent: Tuesday, May 31, 2022 10:52 AM

To: planning <planning@DuluthMN.gov>

Subject: PL22-068

Hello,

I'm writing today to express my full support of the Special Use Permit submitted by Mandy Stanius. The Preschool of Fine Arts is a wonderful part of our community and it is such a joy to see/hear the children who are in attendance there, out exploring and playing in our neighborhood. We've had the wonderful experience of having one of our children attend PFA and another starting this summer; the location and great reputation of the facility was an added bonus we found out about after moving into our home in 2016. We are thrilled to see that Mandy will be carrying on the legacy of this space and strongly suggest that the Planning Commission approve this project.

Thank you,

Sarah

Sarah Herrick-Smisek

1123 E 7th St