



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 22-081	Contact	John Kelley, jkelley@duluthmn.com	
Type	Special Use Permit – Day Care Facility	Planning Commission Date		June 14, 2022
Deadline for Action	Application Date	May 9, 2022	60 Days	July 8, 2022
	Date Extension Letter Mailed	May 13, 2022	120 Days	September 6, 2022
Location of Subject		2344 Nanticoke Street		
Applicant	Three Trees Community Centre	Contact		
Agent	Anna Buchanon	Contact		
Legal Description		REARRANGEMENT OF BLOCK 1 HARBOR VIEW DIVISION LOTS 8, 9 AND 10		
Site Visit Date	May 27, 2022	Sign Notice Date		May 31, 2022
Neighbor Letter Date	May 19, 2022	Number of Letters Sent		38

Proposal

Applicant is requesting a special use permit for a Daycare Facility for 52 children for daytime and 20 children for evening care.

Recommendation

Staff are recommending approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Former Church building	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	MU-N	Commercial	Neighborhood Commercial

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. Must provide off-street parking spaces for pick-up

and drop-off, which must be clearly signed for pick-up and drop-off only, and shall not conflict with safe on-site pedestrian and vehicular movements.

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

The applicant proposes to operate a daycare facility within a 3,684 square foot church building at 2344 Nanticoke Street. The day care facility will use the entire building with the exception of the sanctuary for the small church congregation that will hold church services on Sunday. The daycare facility proposes to have an enrollment of up to 52 children during the daytime and 20 children during evening hours with hours of operation from 7:00am to 11:00pm, with 10 employees.

- 1) A daycare facility requires a special use permit to operate in an R-1 district. This use will not alter the essential character of the neighborhood, which includes a variety of uses including single-family homes, religious assembly and office uses.
- 2) Sec 50-20.3.I (Daycare facility, small and large, and preschools). Parents use the existing church parking lot for drop off and pick up. The building has two drop off points with vehicle traffic using a one-way route to enter and exit the site. Parents can walk their children into the building.
- 3) 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 west side of the building. 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.
- 4) 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 this program being housed in the existing church building.
- 5) Sec. 50-25.5 (Landscaping between differing land uses). Due to the potential for nighttime drops offs and pickups to increase glare from vehicle lights on neighboring properties to the north and south, applicant will provide sufficient screening and/or direct families with procedures to eliminate glare on these adjacent properties. Applicant will submit a plan in writing prior to receiving a building permit and will ensure glare mitigation is in place on an ongoing basis" – or something like that. The properties to the south and east are single family dwellings. Staff is recommending that a dense urban screening consisting of a privacy fence and/or planting of trees and shrubs be installed around all outdoor play areas to mitigate impacts on the adjacent residential properties.
- 6) Sec. 50-26 (Screening, Walls and Fences). The site plan does not show a dumpster on site. If the applicant does place a dumpster on site it shall meet the screening requirements for an dumpster enclosure of Section 50-26.3.C of the UDC.
- 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) Staff received one email (see attached). No City Departments comments were received at the time that this report was compiled.

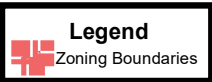
Staff Recommendation

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

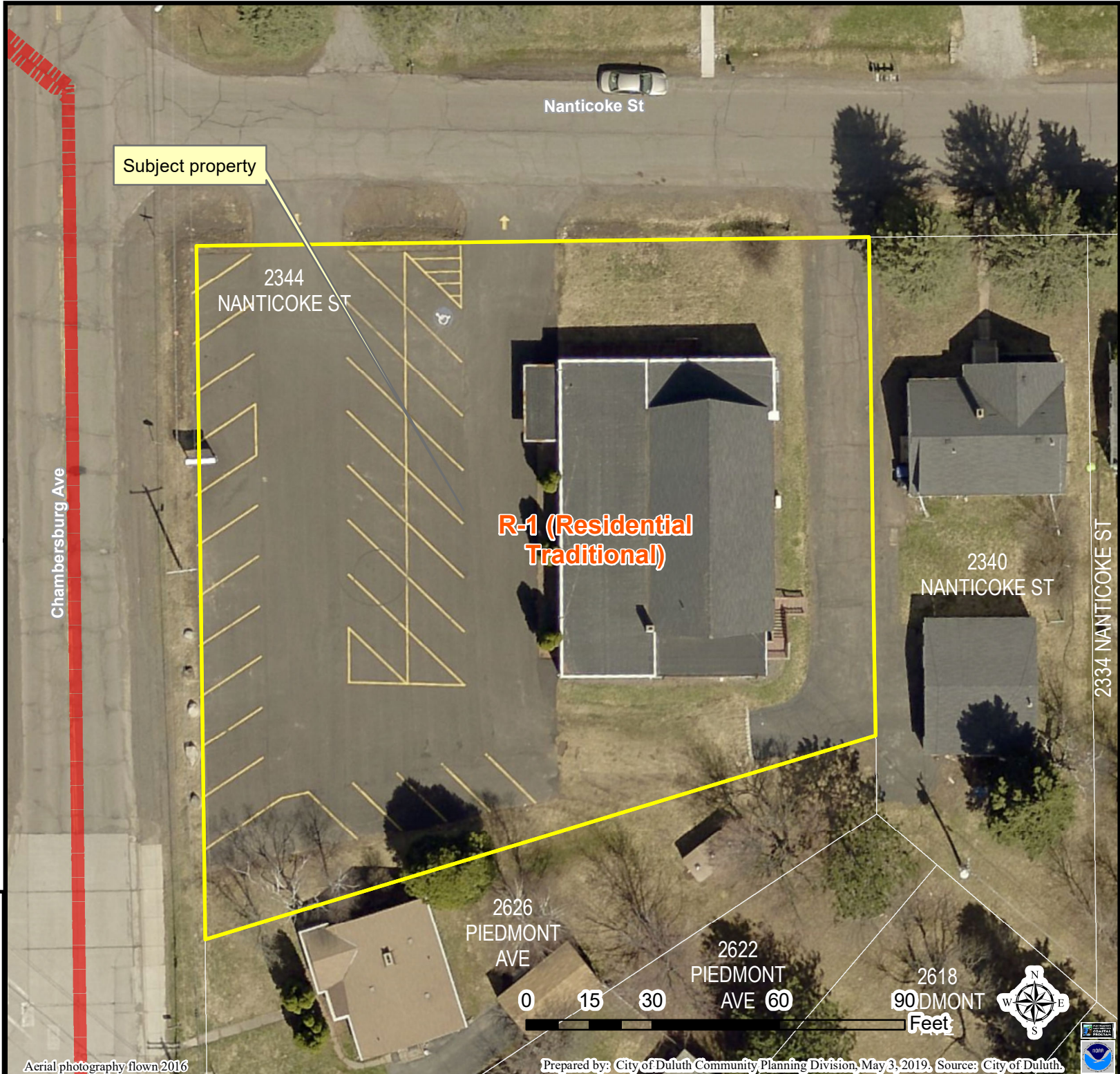
- 1) The daycare hours of operation shall be 7:00am to 11:00pm Monday through Friday.
- 2) Limited to 72 of children as stated above.
- 3) Approval of this SUP constitutes approval only for the proposed day care use for children; any other proposed uses for the building must meet all UDC criteria and receive any approvals necessary.
- 4) The applicant shall install a dense urban screen consisting of a privacy fence and/or planting of trees and shrubs around all outdoor play areas be installed to mitigate impacts on the adjacent residential properties.
- 5) 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 22-081
Special Use Permit
Day Care Facility



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

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



County Land Explorer

St. Louis County, Minnesota



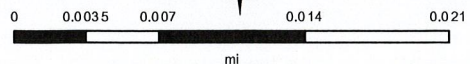
St. Louis County MN



Title...2344 Nanticoke

default author

Map created using County Land Explorer
www.stlouiscountymn.gov/explorer



County Land Explorer

St. Louis County

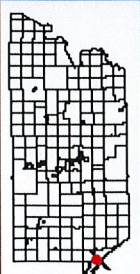
www.stlouiscountymn.gov/explorer

Minnesota

Disclaimer

This is a compilation of records as they appear in the Saint Louis County Offices affecting the area shown. This drawing is to be used only for reference purposes and the County is not responsible for any inaccuracies herein

© Copyright St. Louis County Minnesota | All Rights Reserved Printed: 5/2/2022



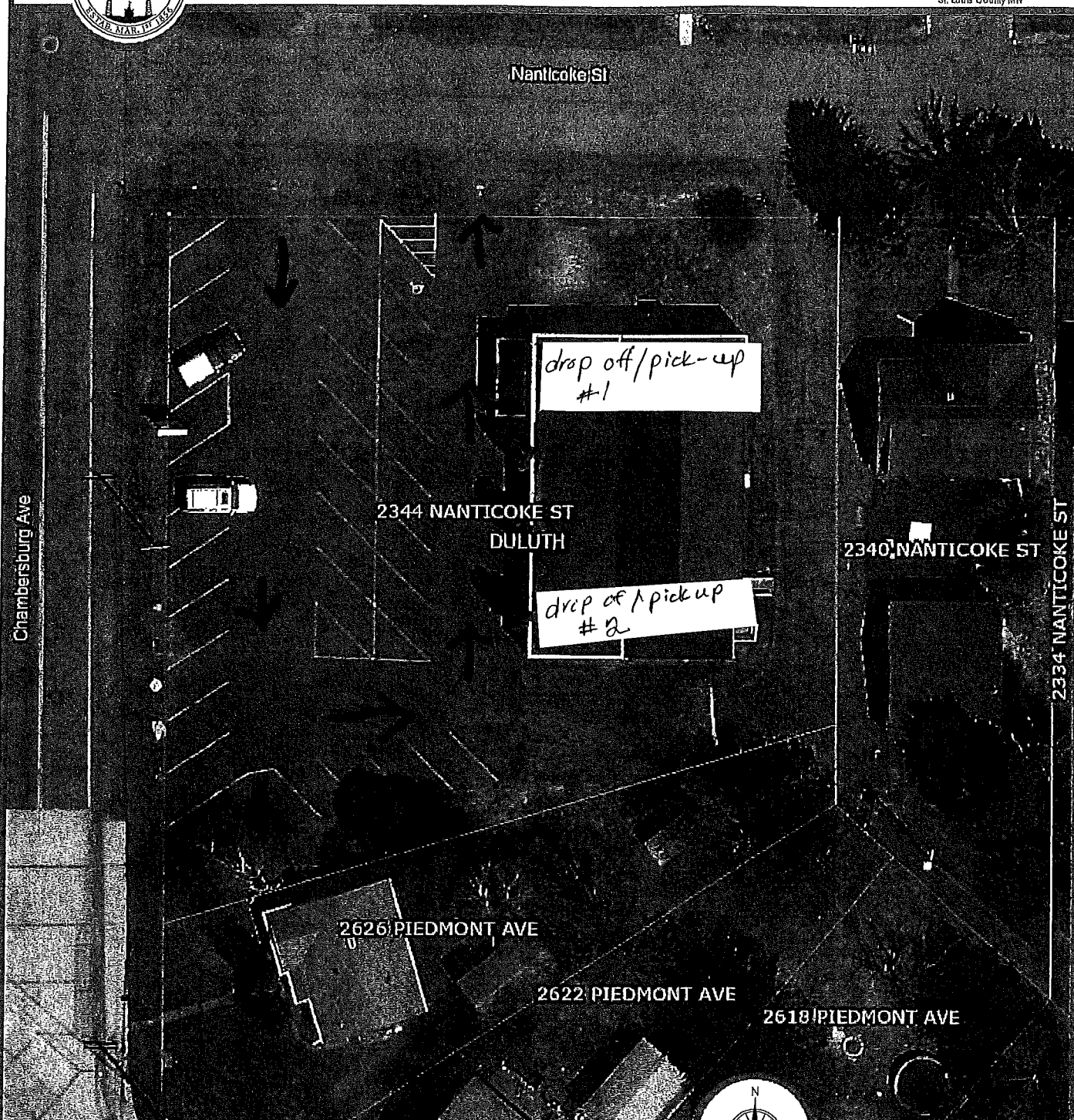


County Land Explorer

St. Louis County, Minnesota



St. Louis County MN



Title...2344 Nanticoke

default author

0 0.0035 0.007 0.014 0.021
mi

County Land Explorer

St. Louis County

www.stlouiscountymn.gov/explorer

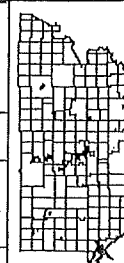
Minnesota

Disclaimer

This is a compilation of records as they appear in the Saint Louis County
Officers affecting the area shown. This drawing is to be used only for reference
purposes and the County is not responsible for any inaccuracies herein.

Map created using County Land Explorer
www.stlouiscountymn.gov/explorer

© Copyright St. Louis County Minnesota | All Rights Reserved Printed: 6/2/2022



Sent: Tuesday, May 31, 2022 12:21 PM

To: planning <planning@DuluthMN.gov>

Subject: 2344 Nanticoke Street

To whom it may concern:

My name is Caitlyn, and I own a house that is directly behind this building. I believe such a business at this address would cause a major noise disturbance on top of the cars going by on Piedmont. The traffic and amount of parking would also be an issue. There is also the possibility of kids running around in my backyard and my fellow neighbors' yards and backyards. I do NOT want any of these things to occur. Please reconsider the impact this will have on the already busy residential areas. We do not need yet another business like this in this area. Piedmont Elementary has already made traffic around this area busier. No more. At least when this property was a church, it was just usually Sundays when there was a disturbance (and not much of one, I might add).

Please do not put a daycare at this address.

Thank you,

Caitlyn M.