Planning & Development Division
Planning & Economic Development Department

Room 160
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Duluth, Minnesota 55802

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File Number	PL 20-013	**Contact**	John Kelley	
Type	Special Use Permit for Church and Accessory Parking Lot	**Planning Commission Date**		May 10, 2020
Deadline for Action	**Application Date**	February 4, 2020	**60 Days**	April 5, 2020
	Date Extension Letter Mailed	December 16, 2019	**120 Days**	June 4, 2020
Location of Subject	721 North 57th Avenue West			
Applicant	Richard Kunst	**Contact**		
Agent	David Bolf	**Contact**		
Legal Description	See attached			
Site Visit Date	March 6, 2020	**Sign Notice Date**	February 25, 2020	
Neighbor Letter Date	February 27, 2020	**Number of Letters Sent**	118	

Proposal
Applicant is requesting a special use permit for a church and 88 stall accessory parking lot in an R-1, Residential Traditional zone district.

Recommendation
Staff are recommending approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Church/parking lot	Traditional Neighborhood
North	R-1	Single Family Homes	Traditional Neighborhood
South	R-1	Single Family Homes	Traditional Neighborhood
East	R-1	Single Family Homes	Traditional Neighborhood
West	R-1	Single Family Homes	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.

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):
Governing Principle 5 – Promote reinvestment in neighborhoods …. through land use and transportation that foster neighborhood reinvestment. New development or redevelopment should maximize public investment that strengthens neighborhood commercial centers or diversifies residential opportunities that fit the neighborhood's character. The proposed site improvements will improve the aesthetics of the neighborhood through additional landscaping and modifications to the existing parking lot, which will create a safer and more desirable situation for the neighborhood.

Governing Principle #11 - Consider education systems in land use actions. The project will enhance the current school environment on site through improved safety, expanded parking, and enlarged green space and play area for the 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.

The subject property is occupied by the St. James Catholic Church campus, which includes a school, play area and parking lot. The church and school were constructed in 1914 and the gym constructed in 2004.

Review and Discussion Items

1) The church and school were constructed prior to the adoption of the UDC. A church and accessory parking lot requires a special use permit to operate in an R-1 zone district.
2) The applicant proposes site improvements to the church property with an expansion of the existing parking area with landscaping, adding additional green space for the school, and proposed location for dumpster enclosure and future storage building. St. James Church will be demolishing two existing buildings and vacating an alley (PL 20-012) to expand their existing 53 stall parking lot to include an additional 39 spaces for a total of 92.
3) UDC Sec. 50-23 (Connectivity). The parking lot can be accessed via existing sidewalks along the adjacent streets and will have two concrete sidewalk crossings over the proposed landscaped/stormwater treatment island within the parking lot.
4) UDC Sec. 50-24 (Parking and loading). The existing parking lot contains 53 stalls and is accessed from North 58th Avenue West and via the alley between the church and parking lot. The UDC parking requirement for a church is 1 space per 4 seats in assembly area which would equate to 100 stalls required. The maximum allowed parking could be 150 stalls. The UDC allows for a 30% reduction in parking spaces if the site is located along a bus route. The minimum required parking spaces applying the 30% would be 70 stalls. The applicant is proposing 88 spaces. Standard parking space size is 9' x 17'. The site plan depicts 9' x 17' parking stalls. The drive aisle meets the required 24 feet in width to accommodate two-way traffic. Access to the parking lot has been rearranged with curb cuts along North 58th Avenue West, Kinnear Place and Elinor Street via a private drive once the alley is vacated.

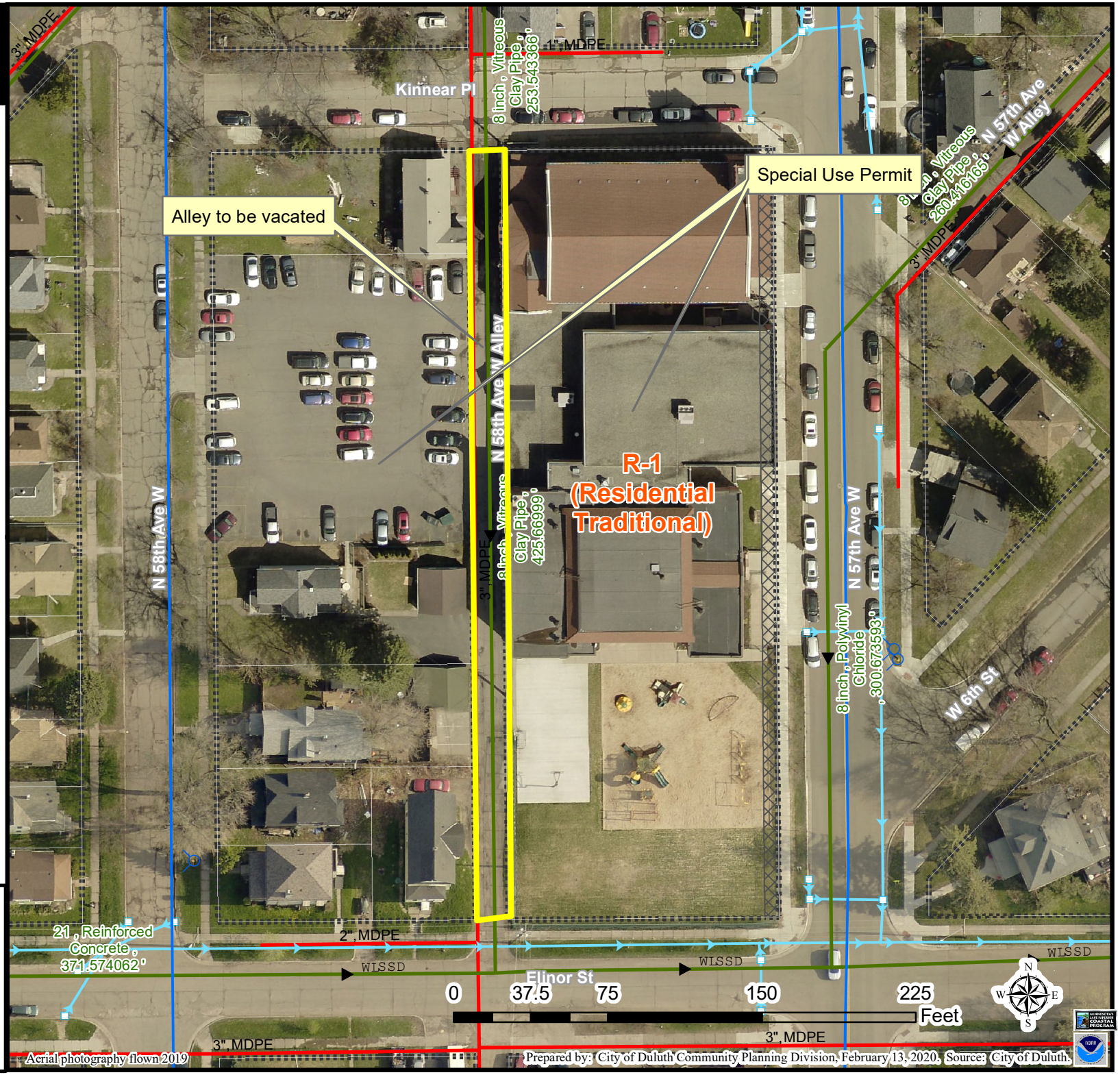
5) UDC Sec. 50-25 (Landscaping and Tree Preservation). The site plan exceeds the requirement for 30% tree canopy coverage. Street frontage landscaping for both North 58th Avenue West and Kinnear Place has met the UDC requirements. The UDC requires 15% of the interior parking area to have landscaped islands. The site plan denotes 12.3% of the interior parking lot with landscaped islands. Although the internal island requirement is not met, the large center island is of higher quality than typical parking lot islands since it is contiguous, allowing for better plant survivability and stormwater absorption than multiple smaller islands. To justify this alternative percentage of required island/landscaped area, the applicant will provide additional plantings along the street frontage of Kinnear Place and will have additional plantings between the proposed dumpster enclosure and future storage building, and the parish home on the south end of the parking lot. The required number of trees and shrubs meet and/or exceed the requirements of the UDC through a combination of existing and new plantings.
6) UDC Sec. 50-26 (Screening, Walls and Fences). The applicant is proposing to install a 3' to 5' tall modular block retaining wall in the northwest corner of the parking lot for screening purposes from adjacent residential homes. The site plan depicts a 18 x 18 concrete trash enclosure pad located on the south end of the parking lot (see attached rendering of dumpster enclosure).
7) UDC Sec. 50-28 (Stormwater Drainage and Erosion Control). The center island within the parking lot will be utilized as a stormwater treatment swale in conjunction with providing interior parking islands and providing connectivity between the east and west sides of the parking lot. The applicant's project Engineer is coordinating with the City Stormwater Engineer for required drainage controls.
8) UDC Sec. 50-29 (Sustainability Standards) and 50-30 (Building Design Standards). These requirements do not apply for this project.
9) UDC Sec. 50-31 (Exterior Lighting). Three 20-foot tall pole mounted lights are proposed in the parking lot. The photometric plan shows light levels along the property lines and at the right of way to be compliant with UDC requirements. Twelve wall pack mounted lights are proposed along the west side of the church building adjacent to the parking lot and are compliant with UDC requirements.
10) No citizen or city departments comments were received at the time that this report was written (February 26, 2020).

Staff Recommendation

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

1) The proposal is limited to the site plan and documents submitted with this application; and
2) Prior to receiving a building permit, applicant shall deposit an escrow (performance bond, cash, or other financial security equal to the amount of landscaping improvements) to ensure implementation of the landscape plan. This amount shall be held, without interest, until the applicant has installed the required landscaping, hired a certified professional to inspect landscaping and confirm that all landscaping was installed correctly and according to approved plans, and forwarded the inspection results to the city along with a request for reimbursement of escrow. This escrow shall not be released until all public improvements, including proposed trail, are completed. Applicant is to maintain required landscaping and replace any vegetation that expires for a period of one year following the installation of trees and shrubs.
3) Recording of the vacation of the alley (PL 20-012) prior to issuance of a prior to the issuance of a grading/construction permit for the parking lot improvements.
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 review; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

PL 20-012 & PL 20-013
Area Map



Legend

- Gas Main
- Water Main
- Hydrant

Sanitary Sewer Mains

- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station

Storm Sewer Mains

- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Road or Alley ROW
- Vacated ROW

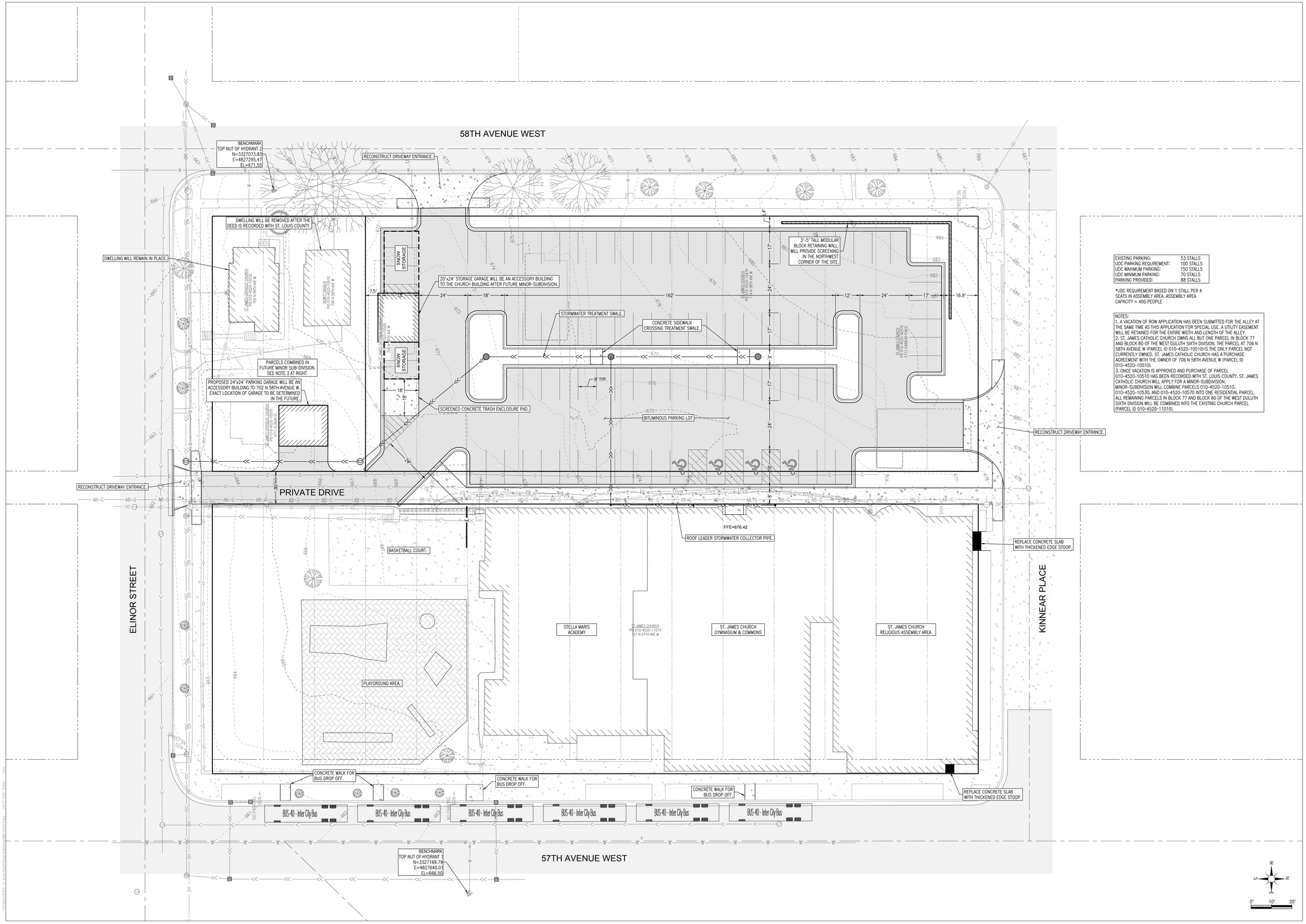
Easement Type

- Utility Easement
- Other Easement
- 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.

Aerial photography flown 2019

Prepared by: City of Duluth Community Planning Division, February 13, 2020, Source: City of Duluth.



EXISTING PARKING:	53 STALLS
UDC PARKING REQUIREMENT:	100 STALLS
UDC MAXIMUM PARKING:	150 STALLS
UDC MINIMUM PARKING:	70 STALLS
PARKING PROVIDED:	88 STALLS

*UDC REQUIREMENT BASED ON 1 STALL PER 4 SEATS IN ASSEMBLY AREA. ASSEMBLY AREA CAPACITY = 400 PEOPLE

NOTES:
1. A VACATION OF ROW APPLICATION HAS BEEN SUBMITTED FOR THE ALLEY AT THE SAME TIME AS THIS APPLICATION FOR SPECIAL USE. A UTILITY EASEMENT WILL BE RETAINED FOR THE ENTIRE WIDTH AND LENGTH OF THE ALLEY.
2. ST. JAMES CATHOLIC CHURCH OWNS ALL BUT ONE PARCEL IN BLOCK 77 AND BLOCK 80 OF THE WEST DULUTH SIXTH DIVISION. THE PARCEL AT 706 N 58TH AVENUE W (PARCEL ID 010-4520-10510) IS THE ONLY PARCEL NOT CURRENTLY OWNED. ST. JAMES CATHOLIC CHURCH HAS A PURCHASE AGREEMENT WITH THE OWNER OF 706 N 58TH AVENUE W (PARCEL ID 010-4520-10510).
3. ONCE VACATION IS APPROVED AND PURCHASE OF PARCEL 010-4520-10510 HAS BEEN RECORDED WITH ST. LOUIS COUNTY, ST. JAMES CATHOLIC CHURCH WILL APPLY FOR A MINOR-SUBDIVISION. MINOR-SUBDIVISION WILL COMBINE PARCELS 010-4520-10510, 010-4520-10530, AND 010-4520-10570 INTO ONE RESIDENTIAL PARCEL. ALL REMAINING PARCELS IN BLOCK 77 AND BLOCK 80 OF THE WEST DULUTH SIXTH DIVISION WILL BE COMBINED INTO THE EXISTING CHURCH PARCEL (PARCEL ID 010-4520-11010).

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ST. JAMES CHURCH
MASTER PLAN

721 N 57TH AVE W DULUTH, MN 55807

Sheet Title
EXHIBIT A

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.

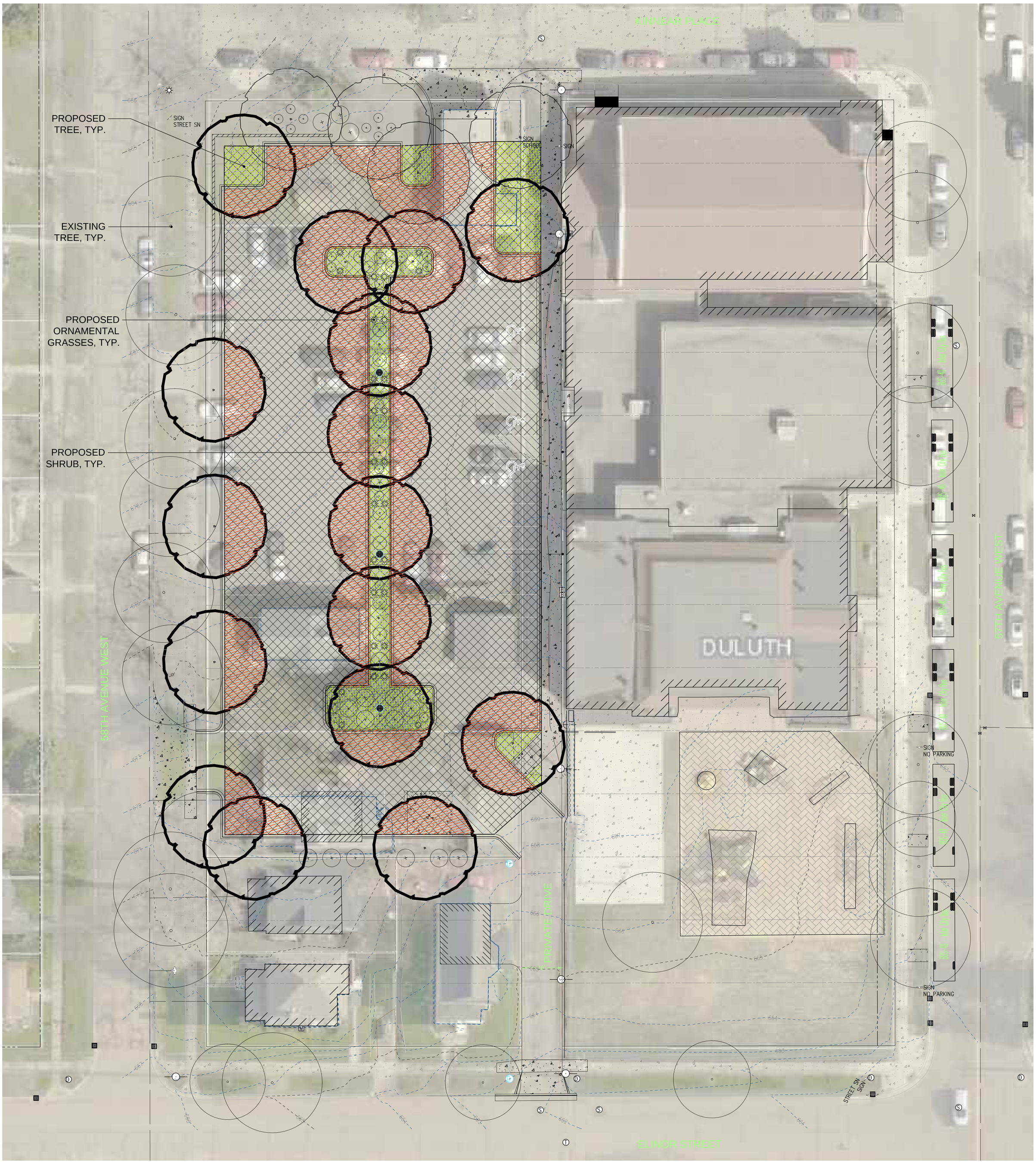
XX/XX/XX
PRELIMINARY
NOT FOR CONSTRUCTION
Engineer David G. Boif Lic No: 40926

REVISIONS:

PROJECT: 19-675
CHECKED: TTP
DRAWN: JDO
DATE: 02/04/2020

Sheet Title
EXHIBIT A

Sheet Number
1



CALCULATIONS	
PARKING LOT SIZE:	**34,182 SF (88 SPACES); 16,831 SF EXISTING**
INTERIOR LANDSCAPING:	34,182 SF PARKING AREA REQUIRED: 15% AREA = 5,127 SF PROVIDED: 4,200 SF (12.3%) **
	1 TREE/300 SF INTERNAL LANDSCAPE AREA REQUIRED: 17 PROVIDED: 16
	MINIMUM 30% TREE CANOPY REQUIRED REQUIRED: 10,254 SF PROVIDED: 11,045 SF (32.3%)
STREET FRONTAGE #1	**58th AVENUE WEST**
LINEAR STREET FOOTAGE: (DOES NOT INCLUDE BUILDING FRONTAGE)	300 LF
TREES:	1 TREE/35 FT. LINEAR FRONTAGE REQUIRED: 8 TREES PROVIDED: 6 TREES (6 EXISTING- TO REMAIN)
SHRUBS:	3 LARGE SHRUBS/25 FT. LINEAR FRONTAGE REQUIRED: 36 LARGE SHRUBS/GRASSES PROVIDED: 53 LARGE SHRUBS/GRASSES

STREET FRONTAGE #2	**KINNEAR PLACE**
LINEAR STREET FOOTAGE: (DOES NOT INCLUDE BUILDING FRONTAGE)	130 LF
TREES:	1 TREE/35 FT. LINEAR FRONTAGE REQUIRED: 4 TREES PROVIDED: 4 TREES
SHRUBS:	3 LARGE SHRUBS/25 FT. LINEAR FRONTAGE REQUIRED: 16 LARGE SHRUBS/GRASSES PROVIDED: 24 LARGE SHRUBS/GRASSES
	ALL PLANT SELECTIONS WILL MEET UDC REQUIREMENTS
	** Although the internal islands requirement is not met, the large center island is of higher quality than typical parking lot islands since it is contiguous, allowing for better plant survivability and stormwater absorption than multiple smaller islands.
	ALL DISTURBED AREAS NOT PLANTED WITH SHRUBS/ TREES ARE TO BE SODDED OR PLANTED WITH NATIVE GRASSES; SEE PLANS FOR DETAIL.

LEGEND

PARKING LOT INTERIOR ISLANDS

PARKING LOT AREA

PARKING LOT TREE CANOPY COVERAGE

** TREES WITH BOLD OUTLINE INDICATE THOSE REQUIRED FOR INTERIOR PARKING LOT LANDSCAPING*

ST. JAMES CHURCH CAMPUS - UDC LANDSCAPING

0 20' 40'

SAS + ASSOCIATES

LANDSCAPE ARCHITECTURE • SITE DESIGN • MASTER PLANNING • URBAN DESIGN

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