



**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 21-046	Contact	Adam Fulton, <a href="mailto:afulton@duluthmn.gov">afulton@duluthmn.gov</a>	
Type	Special Use Permit – Residential Care Facility	Planning Commission Date		May 11, 2021
Deadline for Action	Application Date	April 7, 2021	60 Days	June 6, 2021
	Date Extension Letter Mailed	April 15, 2021	120 Days	August 5, 2021
Location of Subject		2010 E 7 <sup>th</sup> Street		
Applicant	Brittany Robb, Executive Director	Contact	2010 E. 7 <sup>th</sup> Street, Duluth, MN	
Agent	Hanft Fride, Attorney for applicant	Contact		
Legal Description		PID 010-2220-01380 and 010-1380-03940		
Site Visit Date		April 27, 2021	Sign Notice Date	April 27, 2021
Neighbor Letter Date		April 30, 2021	Number of Letters Sent	59

**Proposal**

Applicant would like to update and amend a Special Use Permit originally granted in 1996 for a residential care facility, to expand the facility by approximately 6,000 sq. ft. (3,000 sq. ft. footprint) for a total of 19 bedrooms.

**Recommended Action:** Approve with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Residential care	Traditional Neighborhood
<b>North</b>	R-1	Recreation	Traditional Neighborhood
<b>South</b>	R-1	Residential	Traditional Neighborhood
<b>East</b>	R-1	Residential	Traditional Neighborhood
<b>West</b>	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 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 Principles and/or Policies and Current History (if applicable):**

Governing Principle #1 – Reuse previously developed lands. Supporting expansion in an existing location is preferable to choosing greenfield sites.

Governing Principle #8 – Encourage a mix of activities, uses, and densities. Cities have evolved as a mix of land use, building types, and housing types. Supporting this existing residential care facilities contributes to this mix in

Zoning – Residential-Traditional (R-1): Established to accommodate traditional neighborhoods of single-family residences, duplexes and townhouses on moderately sized lots. Intended to be used primarily in established neighborhoods.

Future Land Use – Traditional Neighborhood: Characterized by grid or connected street pattern. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood.

History: The facility received a Special Use Permit in 1996 and was built in 1999-2000. The existing building is 12,040 sq. ft.

**Review and Discussion Items**

Staff finds that:

1. This proposal would add six new bedrooms to the existing facility, with three two-story additions totaling approximately 6,000 sq. ft. Despite this addition of bedrooms, the capacity of the facility is changing only marginally, as the average family size now is smaller than when the facility opened. The facility will be changing from approximately 39 persons to approximately 45 persons.
2. The proposed additions would be added in areas currently occupied by landscaping and yard space, or within the existing structure footprint, and would not require extensive grading nor disturb surrounding trees or other vegetation.
3. 50-18.1 Natural Resources Overlay: If greater than 3,000 sq. ft is disturbed, additional stormwater management will be required. As this project is currently estimated to add about 3,000 sq. ft. to the footprint of the building, Staff recommends that applicant consult with the City's Stormwater Engineer as early as possible to determine requirements for the site.
4. 50-24 Parking and Loading: The UDC requires 1 parking space for every 9 residential care beds. For this site, the minimum is 5 parking spaces, and the applicant is providing 22 parking spaces. The UDC maximum would be 14 for a new facility, but because this is an amendment, the applicant is not required to remove any existing parking.
5. 50-25 Landscaping and Tree Preservation: As this proposal would increase the building square footage by more than 25%, landscaping requirements apply. However, staff finds that existing tree cover and natural vegetation along 20<sup>th</sup> Avenue E, and between this use and neighboring structures, meets the intent of the landscaping provisions and no additional landscaping is required.
6. 50-26 Screening, Walls, and Fences: Dumpsters in this location are currently placed at the end of a paper street, as E 7<sup>th</sup> Street does not extend east of 20<sup>th</sup> Ave. E. in this location. Should applicant seek to continue placing dumpsters in this location, a Concurrent Use Permit is required; additionally, screening for dumpster areas is required under current UDC standards, and will be required if applicant seeks a Concurrent Use Permit
7. Staff received commentps from City Engineering, but as of the writing of this report have not received any agency or public comments.

**Staff Recommendation**

Based on the above findings, staff recommends that Planning Commission adopt the findings of fact in the staff report and approve the special use permit with the following conditions:

- 1) The project be limited, constructed, and maintained consistent with the sketch plan submitted with this application.
- 2) Existing vegetation along 20<sup>th</sup> Avenue W and abutting neighboring properties shall remain in place for buffering and landscaping purposes.
- 3) Exhibits indicating dumpster placement conforming to the UDC shall be provided, and a Concurrent Use Permit sought if the applicant continues to seek to place dumpsters in public right-of-way.
- 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; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.

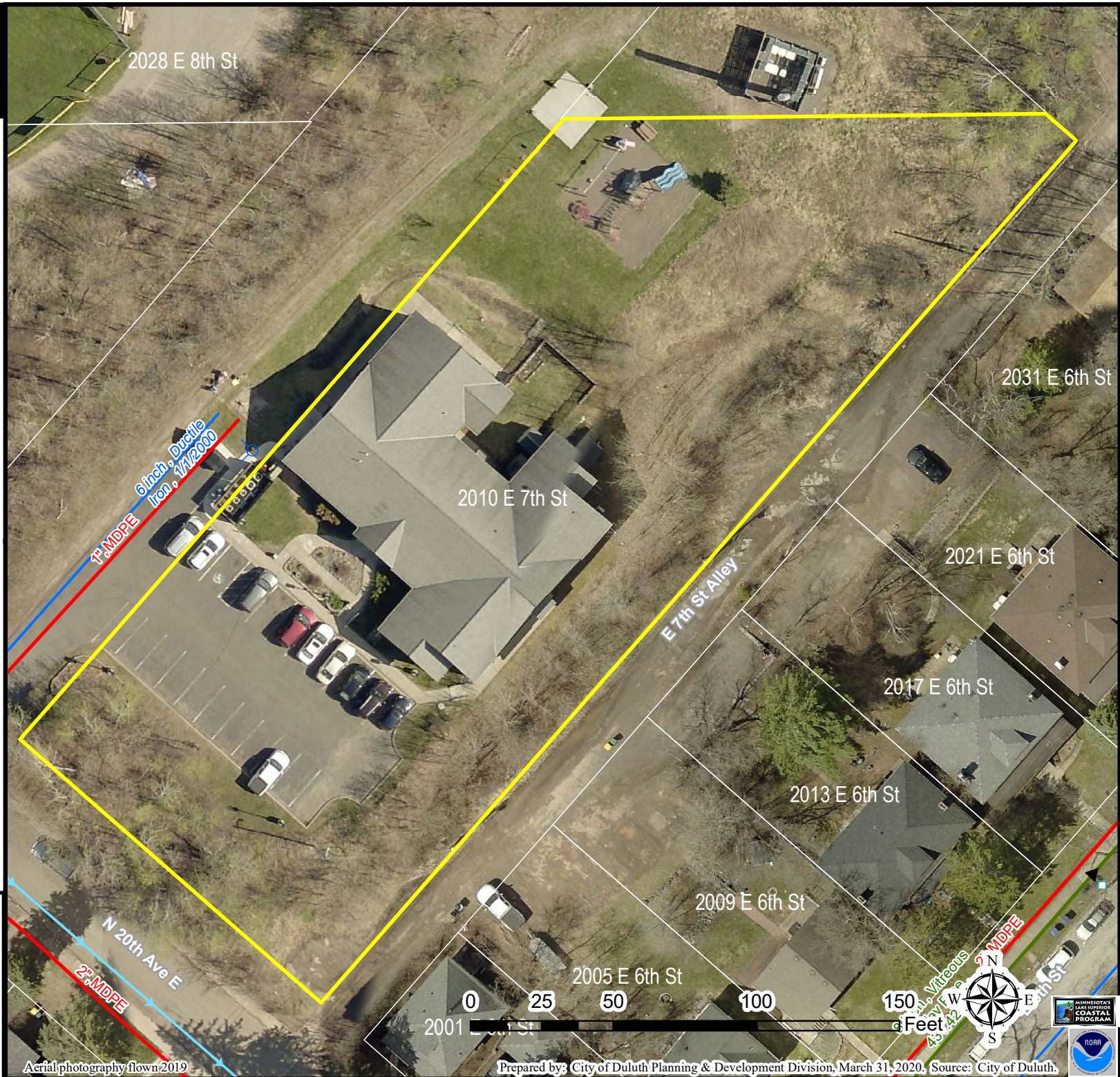




PL 21-046  
Special Use Permit  
2010 E 7th St

**Legend**

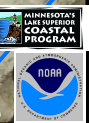
- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains
  - CITY OF DULUTH
  - WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- PS Pump Station
- Storm Sewer Mains
  - Storm Sewer Pipe
  - Storm Sewer Catch Basin
- Vacated ROW
- Easement Type
  - Utility Easement
  - Other Easement



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.

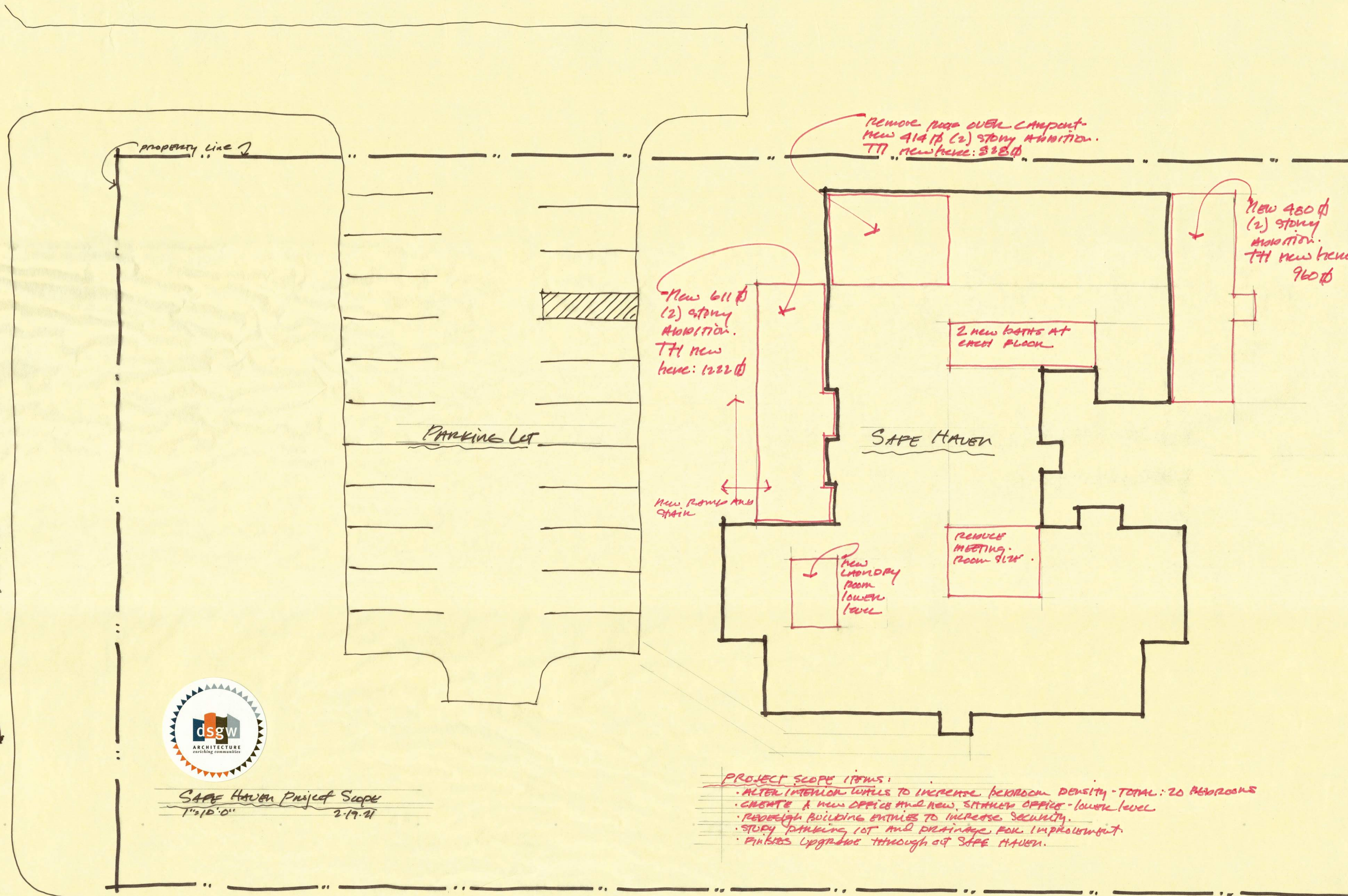
Aerial photography flown 2019

Prepared by: City of Duluth Planning & Development Division, March 31, 2020. Source: City of Duluth.





Sheet



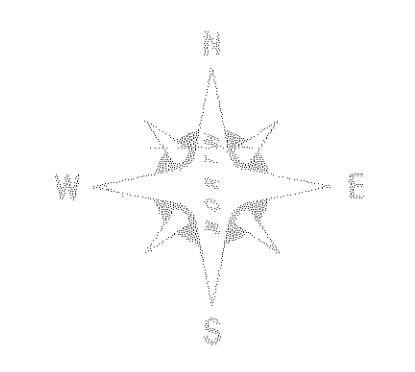
SAFE Haven Project Scope  
1"=10'0" 2-19-21

- PROJECT SCOPE ITEMS:
- ALTER INTERIOR WALLS TO INCREASE BEDROOM DENSITY - TOTAL: 20 BEDROOMS
  - CREATE A NEW OFFICE AND NEW STAFFED OFFICE - LOWER LEVEL
  - REDESIGN BUILDING ENTRIES TO INCREASE SECURITY.
  - STUDY PARKING LOT AND DRAINAGE FOR IMPROVEMENT.
  - FINISHES UPGRADE THROUGH OUT SAFE HAVEN.



7th Street (Unimproved)

GOPHER STATE  
ONE CALL  
TWIN CITY AREA 454-0002  
MIL TOLL FREE 1-800-252-1166



GRAPHIC SCALE  
0 10 20  
FEET

Virginia  
Duluth  
Grand Rapids

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

(Principal Architect)  
Registration #  
*Ryan Burt*  
(Project Architect)  
Registration #  
25124

Computer File Name:  
98050 A1.0 SITE PLAN  
Project No.: 98050  
Date: 8/25/99  
Revised: ---

WOMEN'S  
SHELTER  
DULUTH, MINNESOTA

GRADING  
PLAN

Sheet:  
C1.0  
Of:

20th Avenue East

CONCRETE CURB

BITUMINOUS SURFACE

CONCRETE SIDEWALK

140' PLAT

ALLEY

GRAVEL ALLEY

EXPOSED LEDGE ROCK

EXPOSED LEDGE ROCK

400' PLAT  
401.04' MEAS.

DRAINAGE SWALE

PLAYGROUND  
EQUIPMENT

BUILDING  
S.F.E. 40100'  
F.F.E. 390.50'

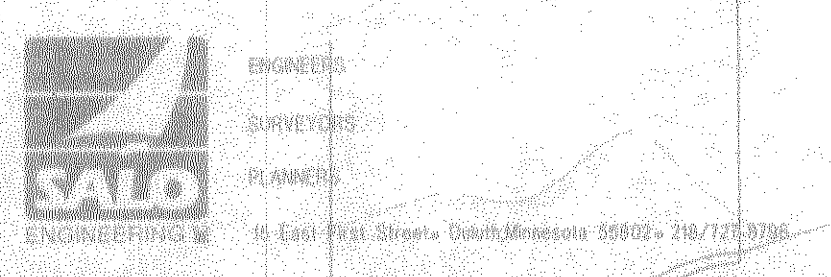
PARKING LOT

DEPRESS 25' CURB

B612 CURB & GUTTER

TAPER 5' CURB & GUTTER

136' BY 16' WIDE BIT DRIVE @ 3.55% (SEE TYP.)





**HANFT FRIDE**  
A PROFESSIONAL ASSOCIATION

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CLOQUET, MN 55720  
TELEPHONE: 218/879-3333  
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☐ REPLY TO CLOQUET OFFICE

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April 7, 2021

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**Via Email and Hand Delivery**

Planning Commission  
c/o Adam Fulton, Director  
City of Duluth Planning Department  
City Hall, Room 110  
411 W. First Street  
Duluth, MN 55802

Re: Safe Haven Shelter / Amendment to Special Use Permit  
Our File No. 18611.012

Ladies and Gentlemen:

Hanft Fride, a Professional Association, is legal counsel for the Safe Haven Women's Shelter. This letter is an attachment to the Application we are requesting an Amendment to the existing Special Use Permit. It is submitted together with a check in the amount of \$1,580 to Room 100 City Hall, one stop shop, but with a copy to the Commission, c/o Adam Fulton.

This matter is for consideration at the Planning Commission meeting of May 11, 2021.

The record shows that the Shelter was constructed in 1999 and 2000. It has served the community well and is an international model. Duluth's record in dealing with abused partners has a worldwide reputation based on the collaborative Duluth model which was developed over 25 years ago by Ellen Pence.

The Shelter has lived compatibly with the Chester Park neighborhood it is located in. When the Shelter was first proposed for its current location, there were objections from some persons in the community. These were resolved through hard work by the Shelter founders in relating to the neighborhood and by a favorable judicial decision. Since then, there is no record of negative interaction with the neighborhood over the last 20 years.

Attached to the Application are a preliminary application and a site drawing. That plan shows:

1. The 6,000 square foot total addition, footprint 3,000 square feet, which will accommodate six new bedrooms.
2. The plan is consistent with the principles of the renovation and based on an Amended Special Use Permit will include appropriate security features and continue the Safe Haven Shelter's service to the citizens of Duluth and surrounding areas.

This is a rather unique situation in the sense that we are requesting an amendment to a Special Use Permit issued under a prior zoning ordinance, however, since that Special Use Permit creates property rights, it is appropriate that this be addressed via amendment.

The Shelter is appropriately into an R-1 District and a group residential living facility for over seven persons. We're in agreement with the Planning Department that an Amendment to the Special Use Permit is required. The eligibility for that Amendment to the Special Use Permit is clear here based on the facts herein, the history and the problem which is being addressed.

While one could argue that the current Comprehensive Plan is not applicable to an Amendment of this nature, it is appropriate to address issues relating to the basic principles as now set forth in the Comprehensive Plan.

We note the following:

- We are re-using and through this permit expanding upon previously developed property.
- There is a necessity for these kinds of services in the community. The development does not impact the vacant land around the Shelter, and the Shelter's total building to land ratio remains low.
- The Shelter supports the community's existing economic base through its services, employment and expenditures in the community.
- In a similarly fashion, the expansion of the Shelter on a limited basis will support economic growth.
- The Shelter represents a further investment/re-investment in the neighborhood.
- By expanding and renovating in place, the goal of reinforcing the place specific is met.
- Connectivity is not modified or impacted negatively in any way.
- Appropriately locating the Shelter in a residential neighborhood encourages the mix of activities, uses and densities sought by the Comprehensive Plan.

- The Shelter is privately and publicly supported and contributes to the public realm.
- Modernizing and expanding the Shelter is an action that enhances the environment, economic and social well-being of the community.
- Education systems are not impacted in any way by this Amendment.
- Efficiencies in delivery of the services, public in nature, delivered by the Shelter, is encouraged by this process.

Funding is being provided from a variety of sources.

We are pleased to have Rebecca Lewis of DSGW as our architect. Rebecca is an architectural leader in the community, is very familiar with various types of care facilities and was the architect for the Shelter's original construction. As a consequence, she has great familiarity with the building.

We are asking only that the total square footage and footprint be amended and that the total of 19 bedrooms be approved. Do recognize that while the number of bedrooms is being increased, the capacity of the Shelter is changing only marginally. The capacity, while it varies from time to time, is now, based on family size, increasing from roughly 39 persons to approximately 45 persons. Occupancies vary from day to day but, overall, the Shelter is dealing with smaller family units than historically, and therefore the significant increase in number of bedrooms is not significantly increasing use because of smaller family units.

Please let us know if additional information is needed. Thank you for your consideration.

Very truly yours,



William M. Burns

WMB:dar