



CITY OF DULUTH

Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

File Number	PL 13-135	Contact	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	Special Use Permit	Planning Commission Date	November 12, 2013	
Deadline for Action	Application Date	November 4, 2013	60 Days	January 3, 2014
	Date Extension Letter Mailed	November 5, 2013	120 Days	March 4, 2014
Location of Subject	Trinity Road			
Applicant	Northern Health Care Properties, LLC	Contact	fastworkout@yahoo.com	
Agent	Architecture Advantage, LLC	Contact	melissa@architectureadvantage.com	
Legal Description	010-0125-00030, 0040, 0050			
Site Visit Date	October 30, 2013	Sign Notice Date	October 29, 2013	
Neighbor Letter Date	October 29, 2013	Number of Letters Sent	11	

Proposal

Applicant proposes a 16-unit residential assisted living facility.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Vacant	Urban Residential
North	R-1	Single-family	Urban Residential
South	R-1	Single-family	Urban Residential
East	R-1	Twin homes/row homes	Urban Residential
West	R-1	Vacant	Low-Density Neighborhood

Summary of Code Requirements (reference section with a brief description):

UDC Section 50-19.8. Special Use Permit required for assisted living/residential care facility (7 or more) in an R-1 district.

UDC Section 50-37.10. Special Use Permits. The Planning Commission shall approve the application or approve it with modifications if the commission determines 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 limitation 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.

G-1

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

Future land use - Urban Residential: Greatest variety of 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.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

Staff finds that:

- 1) Applicant proposes a 16-bed residential care facility. A residential care facility is consistent with the Comprehensive Land Use Plan designation of "Urban Residential."
- 2) Existing site is undeveloped with tree cover and wetlands. A separate wetland delineation has been filed with the City; project will not disturb wetlands. Applicant has prepared a tree preservation report and landscaping plan showing they meet replacement tree requirements.
- 3) Site plan shows 9 parking spaces, which is the maximum allowed. The UDC doesn't allow front yard parking; applicant has been asked to submit a revised site plan with parking in the side or rear.
- 4) Property fronts on Highway 53. MnDOT has given approval for a 32' wide driveway onto Highway 53.
- 5) Site meets tree frontage and parking lot landscaping. Applicant has been asked to submit a revised site plan showing buffer landscaping between this property and the single-family home to the south.
- 6) Any sign on the property will need to apply for and receive a sign permit prior to installation.
- 7) As a new development, this project will need to meet stormwater requirements for rate control, quality, and temperature. Applicant is working with City Engineering on all stormwater requirements.
- 8) Project will need to demonstrate compliance with sustainability and building design standards at the time of building permit application.
- 9) Property exterior will be lit via recessed lighting under the porte cochere and shielded/concealed wall packs. Site will need to meet all UDC lighting criteria prior to receiving a building permit.
- 10) No City, agency, or public comments have been received.
- 11) UDC 50-37.1.N states that an approved Special Use Permit will expire if the project or activity authorized by the permit is not begun within 1 year.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff recommends Planning Commission approve the Special Use Permit, subject to the following conditions:

- 1) Applicant move parking to the side and/or rear of the building; or, applicant apply for and receive a variance to allow for front yard parking.
- 2) Buffering landscaping shall be provided on the south edge of the property, as required by the UDC.
- 3) A tree replacement plan shall be prepared as directed in the UDC, and approved by the city forester.
- 4) Applicant meet all requirements for lighting, stormwater, sustainability, and building design.
- 5) Materials used for dumpster screening be consistent with UDC requirements.

G-2

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)



City Planning

PL 13-135

Special Use Permit
Trinity Road

Legend

DuluthStream_cl
TROUT_FLAG

- Trout Stream (GPS)
- Other Stream (GPS)
- Water Distribution System
- 30 - 60" Water Pipe
- 16 - 24" Water Pipe
- 4 - 6" Water Pipe

- Sanitary Sewer Collector
- Sanitary Sewer Interceptor
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station

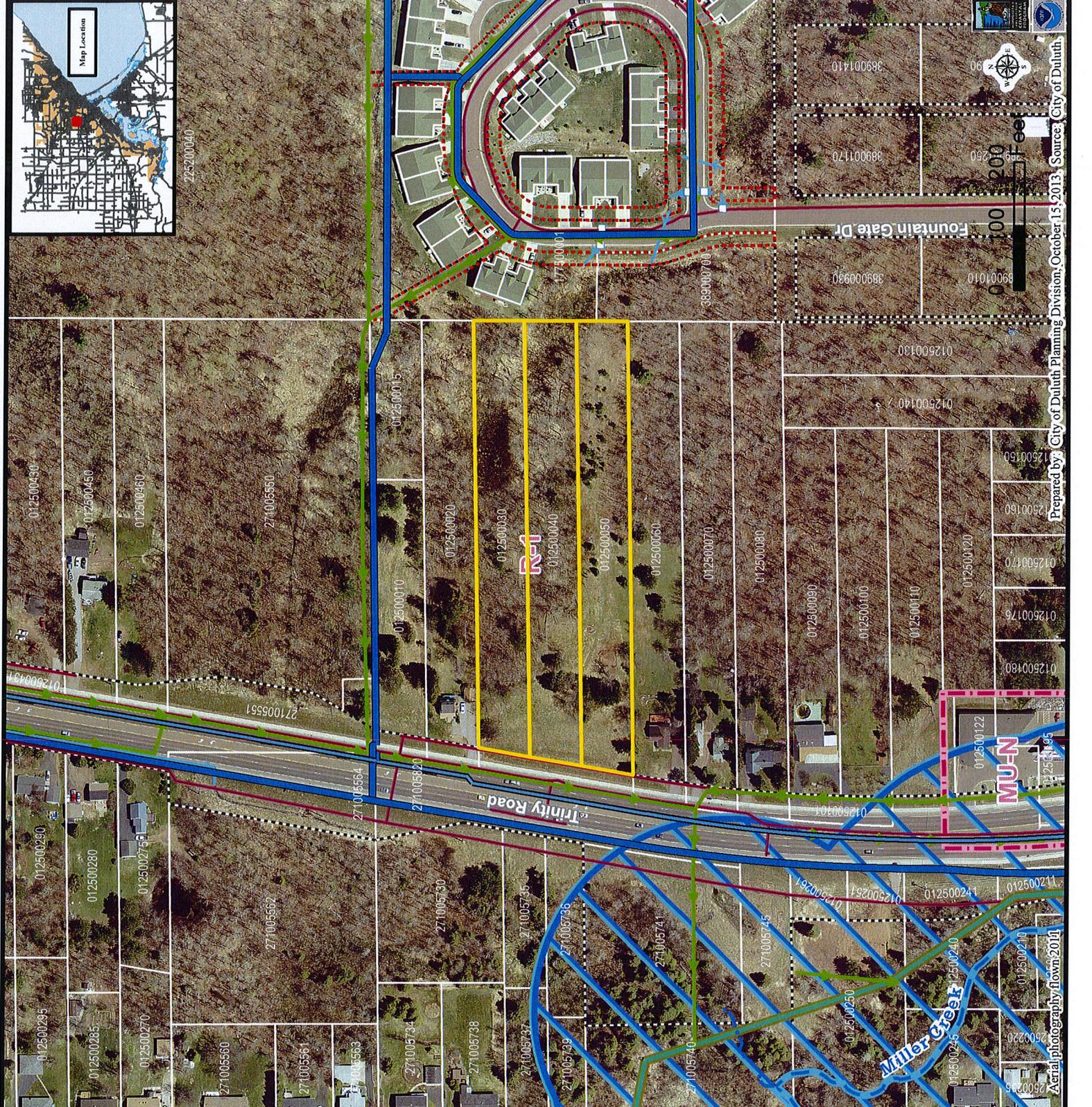
- Gas Distribution Main
- 8" - 16" Gas Pipes
- 4" - 6" Gas Pipes
- 0" - 4" Gas Pipes

- Storm Sewer Collection System
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Discharge_Points

- Right-of-Way Type
- Road or Alley ROW
- Vacated ROW

- Easement Type
- Utility Easement
- Other Easement
- Zoning (Final)

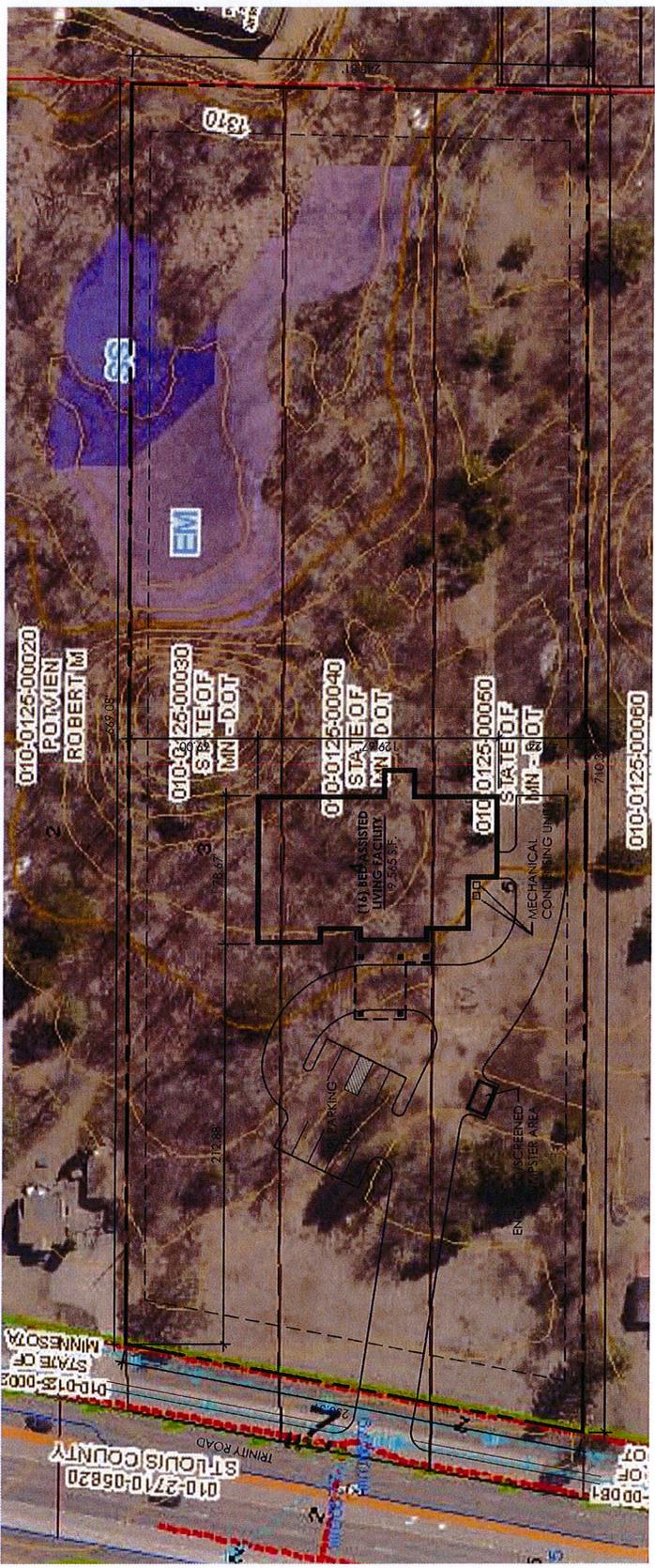
- Shoreland Overlay Zone
- Cold Water
- Natural Environment
- General Development



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.

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RELEASE DATE:
REVISIONS:
SHEET NO.:

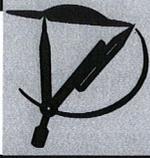


○ SITE PLAN
 1" = 40'-0"

PARKING CALCULATION
 (1) PARKING STALL REQUIRED FOR EVERY (3) BEDS
 16/3 = 6 PARKING STALLS REQUIRED
 150% OF REQUIRED STALLS MAXIMUM = 9

PRELIMINARY
 Not For Construction 11.01.2013

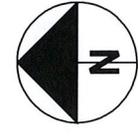
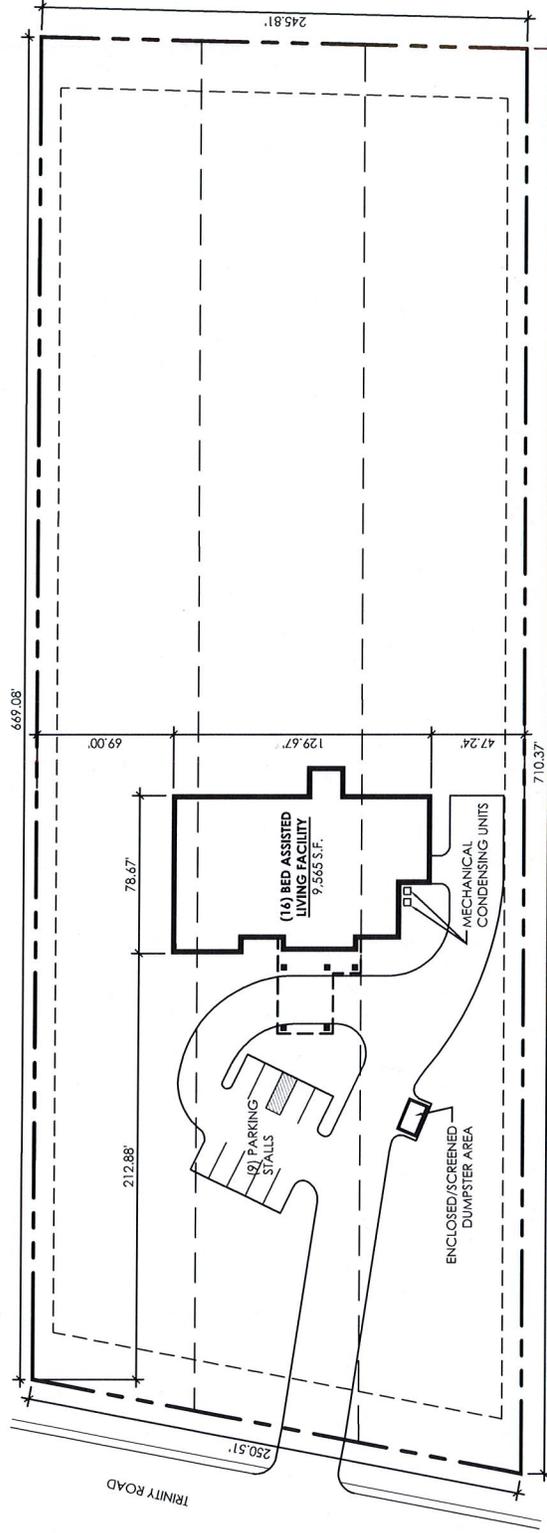
G-4



RELEASE DATE:

REVISIONS:

SHEET NO.



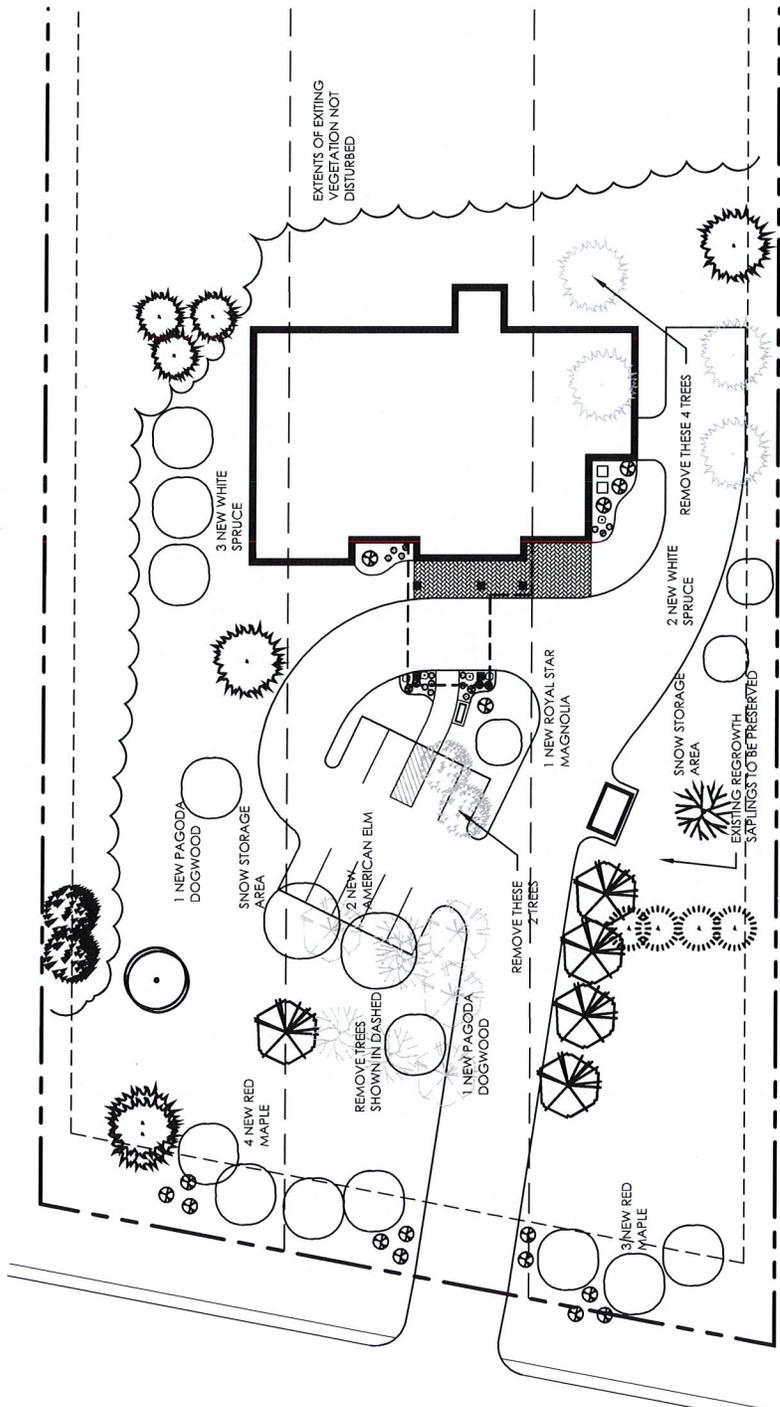
○ SITE PLAN
1" = 80'-0"

PARKING CALCULATION
 (1) PARKING STALL REQUIRED FOR EVERY (3) BEDS
 16/3 = 6 PARKING STALLS REQUIRED
 150% OF REQUIRED STALLS MAXIMUM = 9

PRELIMINARY
 Not For Construction 11.01.2013

G-5

- SYMBOL LEGEND**
- Existing red pine
 - Existing Paper Birch
 - Existing Norway Spruce
 - Existing Ash
 - Existing White Cedar
 - Existing Poplar
 - New Tree (species TBD)
 - New Large Shrub
 - New Small Shrub
 - New Perennial
 - New Perennial
 - New Perennial



SITE PLAN
 1" = 40'-0"

LANDSCAPE PLAN NOTES

- TREE PRESERVATION
- 4 SPECIAL TREES REMOVED:
- 21 SIGNIFICANT TREES REMOVED:
 (POPLAR TREES > 10" DBH NOT SHOWN ON PLAN)
- 7 SPECIAL TREES
- OR 10 OTHER TREES
- 17 TREES
- REPLACEMENT TREES PROVIDED:
- 8
- STREET FRONTAGE LANDSCAPING
- REQUIRED TREES:
- 9 (2 EXISTING)
- 11 TREES PROVIDED:
- 11 REQUIRED LARGE SHRUBS:
- 11 LARGE SHRUBS PROVIDED:

PRELIMINARY
 Not For Construction 11.04.2013

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City of Duluth
Planning Division

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TREE PRESERVATION REPORT (REVISED MARCH 29, 2013)

A tree preservation report is required for any development or redevelopment activities that impacts trees and is on a lot of more than 10,000 square feet with a multi-family, mixed use, commercial, institutional, industrial, or parking principal use or a lot of record created after 11/19/10. See sections 50-25.6 and 50-25.9 of the UDC. **Note:** before preparation of the tree preservation report, contact the City Forester to discuss the proposed scope and size of the project, and to get any additional information or instructions prior to commencing the tree inventory.

Property address/location: 010-0125-00030, 00040 & 00050

Name of applicant/agent: Northern Health Care Properties, LLC/Architecture Advantage, LLC
218.721.4740/ fastworkout@yahoo.com/

Phone: 218.724.5568 **Email:** melissa@architectureadvantage.com

Date of expected tree removal: 12.01.13

Type of Trees	Removal Threshold	Number Impacted by Project
Special Trees 6"-20" DBH	10 or more	4
Special Trees >20" DBH	Prohibited unless approved per Section 50-25.9	0
Other Significant Trees	20 or more	21

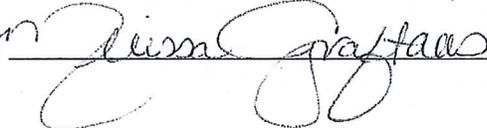
- **DBH: Diameter at Breast Height.** Diameter is measured in inches 54" above the ground. If the tree splits into multiple trunks at a height below 54 inches, but above the ground, the diameter is measured at the highest point beneath the split.
- **Special Trees:** White pines, red (Norway) pines, white cedars, white spruces, eastern hemlocks, sugar maples, American basswoods, American elms, yellow birches, and all oak species (for identification help, see <http://www.arborday.org/trees/treeGuide/index.cfm>).
- **Significant tree:** All trees of more than 10 inches DBH, and all special tree species of more than 6 inches DBH. Any replacement tree planted as part of a tree replacement plan shall also be considered significant.

Map

Attach a map of the property, including locations of structures and trees. Indicate which trees will be preserved and which will be removed (or attach your own map). Preserved trees must be protected during construction through use of a fence around the critical root radius. Attach photos of areas to be impacted by construction.

Signature

I testify that this report is true and accurate to the best of my knowledge.

Applicant Signature: 

Date: 11.01.13

City Approval

Upon review of all applicable information, I approve the Tree Preservation Report (if with conditions, make note).

City Forester Signature: _____

Date: _____

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Trinity Road

Site Photos



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