



**CITY OF DULUTH**

Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

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

**STAFF REPORT**

<b>File Number</b>	PL 13-053	<b>Contact</b>	Jenn Reed Moses, jmoses@duluthmn.gov	
<b>Application Type</b>	Special Use Permit	<b>Planning Commission Date</b>	May 14, 2013	
<b>Deadline for Action</b>	<b>Application Date</b>	March 22, 2013	<b>60 Days</b>	May 21, 2013
	<b>Date Extension Letter Mailed</b>	April 18, 2013	<b>120 Days</b>	July 20, 2013
<b>Location of Subject</b>	1730 E Superior Street			
<b>Applicant</b>	MDF Holdings, LLC	<b>Contact</b>	Michael Feigal, mdfeigal@hotmail.com	
<b>Agent</b>	Paula Feigal	<b>Contact</b>	715-556-2822	
<b>Legal Description</b>	PIDs 010-1480-01140, 010-1480-01150			
<b>Site Visit Date</b>	May 7, 2013	<b>Sign Notice Date</b>	April 29, 2013	
<b>Neighbor Letter Date</b>	April 26, 2013	<b>Number of Letters Sent</b>	47	

**Proposal**

Applicants are requesting a Special Use Permit for a birthing center, maternity clinic and offices in an R-2 district.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-2	Offices	Urban Residential
<b>North</b>	R-2	Residential	Urban Residential
<b>South</b>	R-2	Residential	Urban Residential
<b>East</b>	R-2	Residential	Urban Residential
<b>West</b>	R-2	Church	Urban Residential

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

UDC Section 50-19.8. Permitted Use Table. A clinic is a Special Use in an R-2 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.

1-7

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

Future Land Use - Urban Residential: Variety of building types, medium to high densities. Applicable to larger infill areas close to downtown, entertainment or activity centers, and waterfront residential areas. Commercial uses that serve neighborhood market.

History: Building has most recently been used as offices for Human Development Center (HDC).

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

Staff finds that:

- 1) Property is located on a major transportation corridor surrounded by a mixture of single-family, multi-family, and church uses.
- 2) Applicant proposes to use 3186 sq. ft. as a maternity clinic/birthing center and 2849 sq. ft. as office space. Based on their clinics in other cities, applicants expect the birth center would see 6-12 patients per day with approximately 5 staff.
- 3) Sufficient parking is provided on-site. Site is eligible for a 30% reduction in parking requirements due to its location on a transit line, and has a shared parking lot with the neighboring church (9 spaces). Applicant is required to provide 9 on-site spaces which are accommodated in the rear parking lot. Adjacent street parking includes 10 angled spaces on Greysolon Road behind the building.
- 4) Site contains many large, mature trees which provide aesthetic benefits. The parking lot provides screening for properties to the south with existing landscaping and its topography. This change of use does not trigger any UDC applicability thresholds for additional landscaping.
- 5) Applicant is not proposing any new mechanical equipment, lighting, or other exterior changes to the property.
- 6) Small-scale clinics and offices are consistent with the comprehensive plan and no adverse impacts to surrounding property are anticipated.
- 7) 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.

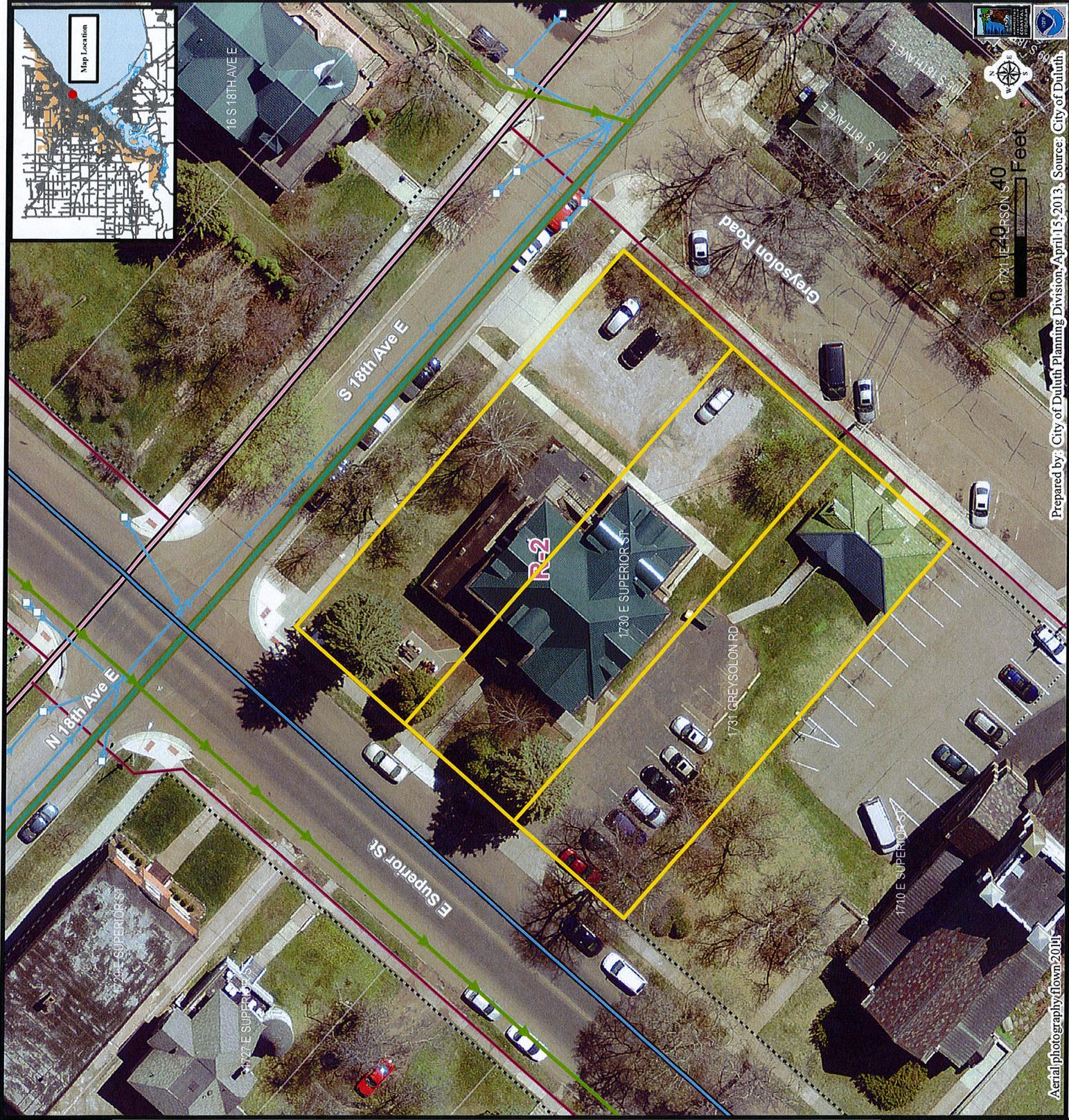
**Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):**

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

- 1) The project be limited to, constructed, and maintained according to the site plan received May 3, 2013.
- 2) Applicant apply for and receive sign permits if any signage is needed.
- 3) 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 approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

2-7

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



Map Location

0 120 240 Feet

Prepared by: City of Duluth Planning Division, April 15, 2013. Source: City of Duluth.

**City Planning**  
 PL 13-053  
 Special Use Permit  
 1730 E Superior St

**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 Collection System**
  - 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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Aerial photography from 2011

**RECEIVED**  
MAY 3 2013

ARROWHEAD  
PROPERTIES, LLC

VACANT LOT

GREYSOLON ROAD

10 PUBLIC PARKING

BUILDING PARKING  
7-9 CARS (CLASS 5)  
GRAVEL LOT

1730 E SUPERIOR

ST. PAUL'S  
PARKING LOT  
(SEE AGREEMENT)

8 Spaces +  
1 Handicap  
Reserved Spot

ST. PAUL'S PARKING LOT

ST. PAUL'S CHURCH

S 18TH AVENUE

E. SUPERIOR STREET

100'  
(2 Lots Wide)

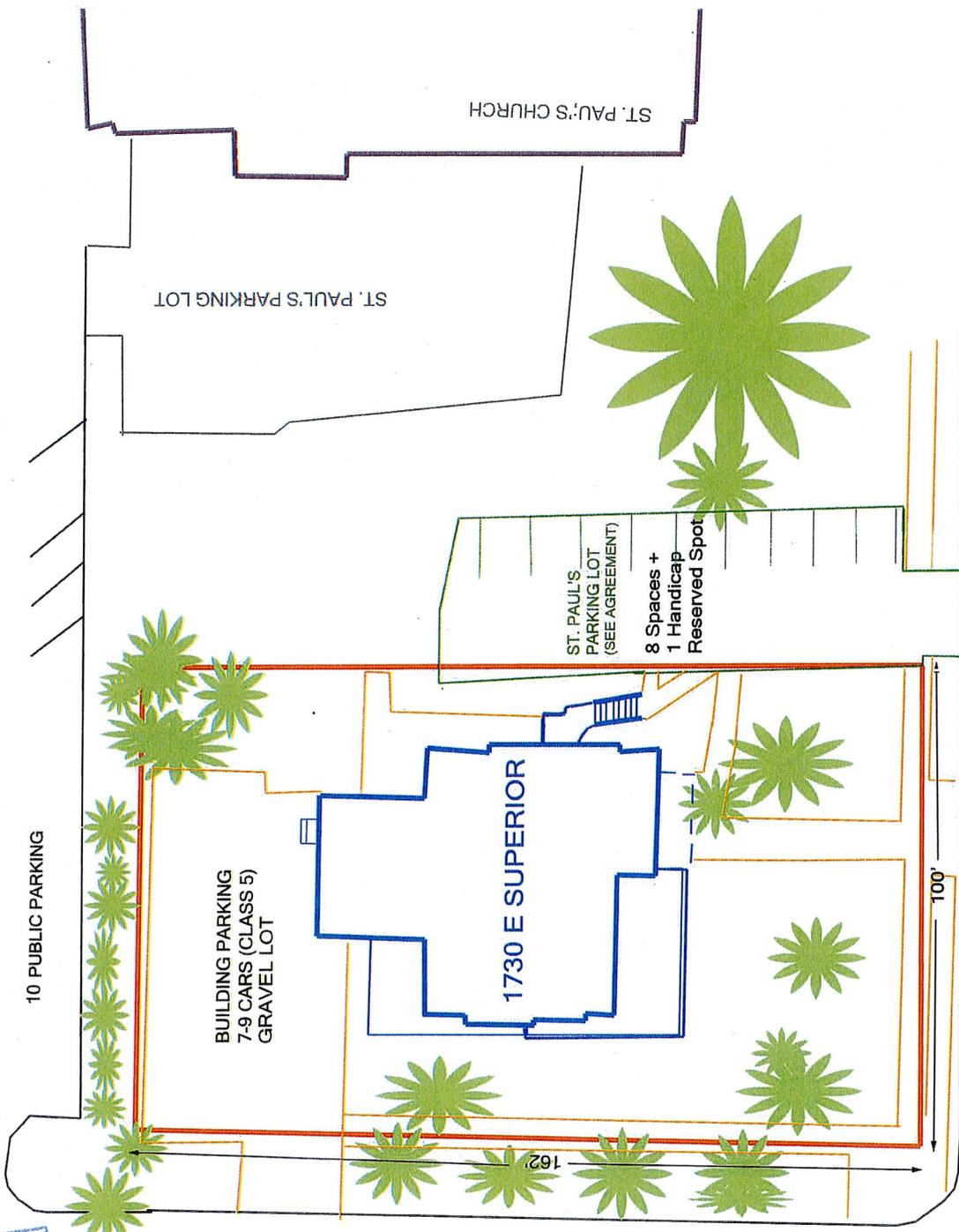
Main Floor = 2,756 sq. ft.  
2nd Floor = 2,186 sq. ft.  
3rd Floor = 1,093 sq. ft.  
TOTAL 6,035 sq. ft.

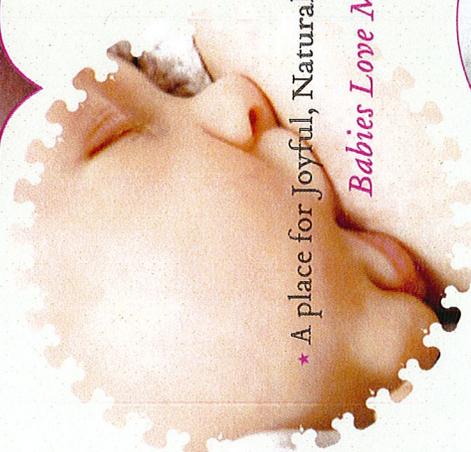
Lots 2 at 50 ft. x 162 ft. 7-4

BLUE= BUILDING  
ORANGE= LOT LINE  
LT BROWN = SIDEWALKS  
GREEN = ST. PAULS LOT  
PURPLE = CHURCH & LOT

RENTAL

RENTAL





★ A place for Joyful, Natural Birth ★

*Babies Love Morning Star!*

I-5

RECEIVED MAR 22 2013



· MORNING STAR ·

Women's Health and Birth Center

321 13th Street S.E., Menomonie, WI 54751  
P 715 231 3100  
6111 Excelsior Boulevard, St. Louis Park, MN 55416  
P 612 92 BIRTH



Read Birth Stories  
and Learn More at

· [morningsstarbirth.com](http://morningsstarbirth.com) ·



~ Est 1993 ~



· MORNING STAR ·

Women's Health and Birth Center

Birthing Options and Midwives' Services

Wisdom of Ages,  
Science of Today™



• MORNING STAR •

### PROVEN BIRTH EXPERIENCE SINCE 1993

Morning Star Birth Services, LLC is able to provide a wide range of services to women and their families, including:

#### ★ Health Screening and Risk Assessment

Your midwives' expertise and adherence to National Standards of care ensure that only low-risk women are receiving care.

#### ★ Prenatal Care and Services

Complete maternity care for low-risk pregnant women including complete prenatal labs.

#### ★ Childbirth Preparation Classes

Educational classes for expectant families, including those who have chosen hospital births.

#### ★ Personal and Nutritional Counseling

Unrushed open question and answer sessions, including personal diet reviews.

#### ★ Birthing Options

- ~ Birth Center Care
- ~ Home Birth Services
- ~ Water Birth (*portable labor and birth spa available for homebirth rental*)

Read Birth Stories and Learn More at

• [morningstarbirth.com](http://morningstarbirth.com) •

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Care by professional midwives results in

FEWER c-sections, inductions, injuries, vacuum or forceps births, postpartum hemorrhages, infants needing resuscitation, infant birth trauma as well as less need for epidurals and lower incidence of fetal distress.

#### ★ Labor Support

Constant support during out of hospital birth, or if hospitalization is chosen or becomes necessary. The support of a familiar caregiver can help ensure the best possible birth experience.

#### ★ Post Partum Care

Nurturing care smooths the transition to motherhood. Newborn screening and five post partum visits through six weeks after birth.

#### ★ Newborn Services

Complete well-baby care through six weeks, including labs and birth certificate registration. Physician referral for ongoing pediatric care.

#### ★ Breast Feeding Counseling

We are committed to helping moms nurse successfully!

#### ★ Women's Health

Comprehensive well-woman and gynecologic visits including annual exams and paps, contraceptives, fertility guidance and assistance and physician referral.

#### ★ Resources and Referrals

We refer clients to collaborating medical providers when a client develops risk factors or requires services outside our scope of practice.

Women cared for by professional midwives report greater satisfaction with their care provider, access to information and counseling and quality of birth experience.

### Why Choose Morning Star?

Because we know Birth Centers!

- ★ More than a decade of successful birth center operation
- ★ A strong commitment to quality improvement
- ★ Midwife owned and operated
- ★ Exemplary outcomes

#### Natural & Safe

The application of the Midwives' Model of Care® has been proven to reduce the incidence of birth injury, trauma and cesarean section.

#### Intimate & Comfortable

You will receive continual support during labor and only persons familiar to you will be giving care. The homelike environment provides a relaxed and safe place to give birth.

#### Minimal Intervention

Fetal monitoring done by intermittent portable, external doppler. No routine IV's, induction, "preps" or episiotomies.

#### Joyful Birth

Drug-free pain relief is accomplished by changes of position, massage, hydrotherapy, loving support and a comfortable, relaxed environment.

SOURCE: *The Journal of Perinatal Education - Supplement* Winter 2007, Volume 16, Number 4 - found on the website for the Coalition for Improving Maternity Services, [www.motherfriendly.org](http://www.motherfriendly.org)

Hi Jennifer,

Morning Star, as the tenant who will use our portion of the space as a clinic, will see patients on the following schedule:

Monday 9:00 am - 5:00 pm

Tuesday 12:00 pm - 8:00 pm

Every other Wednesday 10:00 am - 3:00 pm

Thursday NO CLINIC

Friday NO CLINIC

Every other Saturday 9:00 am - 3:00 pm

Sunday NO CLINIC

On clinic days, we expect to see 6-12 patients per day, and appointment times generally do not overlap. Our clinic and office staff is small, consisting of two primary providers, a clinic assistant and an office manager and receptionist. If our volume grows to a point where we need additional clinic hours, we would add another day with typical 8-5 hours, although we have managed with this same clinic schedule at our busy St. Louis Park location with no problems. Our executive branch and administrators, including coding and billing, are located at our home office in Menomonie, so our practice in Duluth does not need to accommodate that level of staffing.

Birth Centers are not staffed 24/7 like a hospital. With approximately 6-8 deliveries happening per month, there will be times (usually at night!) that a patient/family will receive care outside of scheduled clinic hours. The patient lets the midwife know that labor has started, and they meet at the birth center. Using St. Louis Park as a reference, with 12 births per month, there are very few times that two families are at the Center at the same time. Still, with the amount of space that we've allocated for birthing suites, we would be able to accommodate up to 3 birthing women/families at the same time. Women do not spend days at the birth center, they go home on the same day they deliver. Morning Star intends to offer classes, but they will generally be scheduled on our days already committed to being in clinic. The other classes and groups that want to use the classroom space, such as prenatal yoga, La Leche League and the Northland Birth Network, can use the space during routine times.

I know that this concept is new to many people, and I welcome the opportunity to share our philosophy, resourceful working model and staffing model and operational procedures. Basically, what we are is a small volume clinic practice, catering to healthy, low risk women, who choose maternity care and birth care in an accredited and licensed home-like environment that is not her own home, nor the large, institutional setting of a hospital.

I anticipate the opportunity to share more specifics on national and state guidelines in the near future, such as building and life safety codes for birth centers to other City officials, particularly building and construction services and city fire authorities. There is a wealth of national and state codes and regulations that can assist City officials in understanding how a Birth Center is defined and regulated in those regards.

Please feel free to keep asking questions!

Warmly,

Paula

**Paula Bernini Feigal, CPM**

**Morning Star Women's Health and Birth Center**

**CEO/Executive Director**

**[www.MorningStarBirth.com](http://www.MorningStarBirth.com)**

**Menomonie, WI Tel: 715-231-3100 ☎ St. Louis Park, MN Tel: 612-922-4784**

**Admin Offices: 321 13<sup>th</sup> St. SE, Menomonie, WI 54751 Fax: 715-231-3101**

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# 1730 E 8<sup>th</sup> Street

## Site Photos



Front of building as seen from Superior Street



Rear parking lot



Side parking lot

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