



**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 15-010	<b>Contact</b>	Steven Robertson (218) 730-5295	
<b>Application Type</b>	Special Use Permit, Residential Care Fac.	<b>Planning Commission Date</b>	February 10, 2015	
<b>Deadline for Action</b>	<b>Application Date</b>	January 16, 2015	<b>60 Days</b>	March 16, 2015
	<b>Date Extension Letter Mailed</b>	January 22, 2015	<b>120 Days</b>	May 16, 2015
<b>Location of Subject</b>	2405 West 5th Street			
<b>Applicant</b>	One Roof Community Housing	<b>Contact</b>		
<b>Agent</b>	Julie Hillman	<b>Contact</b>	jhillman@1roofhousing.org	
<b>Legal Description</b>	010-1220-01395			
<b>Site Visit Date</b>	January 31, 2015	<b>Sign Notice Date</b>	January 27, 2015	
<b>Neighbor Letter Date</b>	January 22, 2015	<b>Number of Letters Sent</b>	65	

**Proposal**

The applicant is seeking a Special Use Permit in order to convert an existing single family home into a residential care facility (6 or fewer residents).

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-2	Residential	Traditional Neighborhood
<b>North</b>	R-2/R-1	Residential	Traditional Neighborhood
<b>South</b>	R-2/MU-N	Multi-Family/Institutional	Traditional Neighborhood/Preservation
<b>East</b>	R-2	Residential	Traditional Neighborhood/Neighborhood Mixed
<b>West</b>	R-2/R-1	Residential	Traditional Neighborhood

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

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.

III. E-1

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

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 and neighborhood extensions, and new traditional neighborhood areas.

**Recent Planning Activities:**

- At the January 13, 2015, Planning Commission meeting, the Commission approved a special use permit for a religious assembly at 518 North 24th Avenue West (PL 14-174) in an existing single family home.
- In mid 2012, the City approved a vacation of right of way (PL 12-070) and rezoning to MU-N (PL 12-085) for the former Lincoln Park School across the street.

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

- 1) The applicant is seeking a Special Use Permit in order to convert an existing single family home into a residential care facility (6 or fewer residents). The home is a two story with a basement, was constructed in 1902, and has a total of 2,345 square feet. The lot is 25 by 140 (3,500 sq. ft.), but it is similar in size and shape to other lots on the block and neighborhood. There are two existing parking spaces that access off the improved public alley in the rear of the property. No exterior changes to the home are being planned at this time.
- 2) The proposed residential care facility will have up to 6 residents, with on-site staff support and supervision (18 hours a day M-F during the regular school year, 24 hours a day during weekends and M-F summer vacation).
- 3) 50-20.2 (Use Specific Standards) only applies to residential care facilities in form districts.
- 4) 50-24 (Parking and Loading) requires 1 parking space per 9 residential care beds, but not less than 2 spaces. The clients will not have vehicles, but the two parking spaces that are currently on the site are available for staff use.
- 5) 50-25 (Landscaping and Tree Preservation). There is an existing small fence between this structure and the single family home. Buffer landscaping between incompatible land uses is required when a multi-family residential structures of more than 8 units is abutting a single family home. This requirement does not apply to group living facilities, so no buffering landscaping is required. However, staff would recommend that a condition be attached to this special use permit that the applicant plant additional shrubs (6 small shrubs per 25 feet) along the shared lot line with the single family home, from the rear property line to the home (approximately 50 feet).
- 6) 50-26 (Screening, Walls and Fences). No dumpster or ground mounted utility mechanical equipment are planned.
- 7) 50-29 (Sustainability Standards) and 50-30 (Building Design Standards). Due to the small size of the structure, it is exempt.
- 8) 50-31 (Exterior Lighting). No additional exterior lighting is being proposed. All new lighting must conform to the standards (downcast, light not trespassing over property lines, etc.).
- 9) No City Department or Agency comments were received on this application at the time this report was written. One citizen had general questions on the application.
- 10) The UDC allows residential care facilities (large and small) as permitted uses in the R-2 district. However, state statute 254A.11 requires new facilities to receive a conditional or special use permit from cities of the first class regardless of local zoning if the new facility is within 1,320 feet of an existing facility. This facility is approximately 1,100 feet from an existing facility, thus the applicant is required to receive a Special Use Permit from the City.  
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:

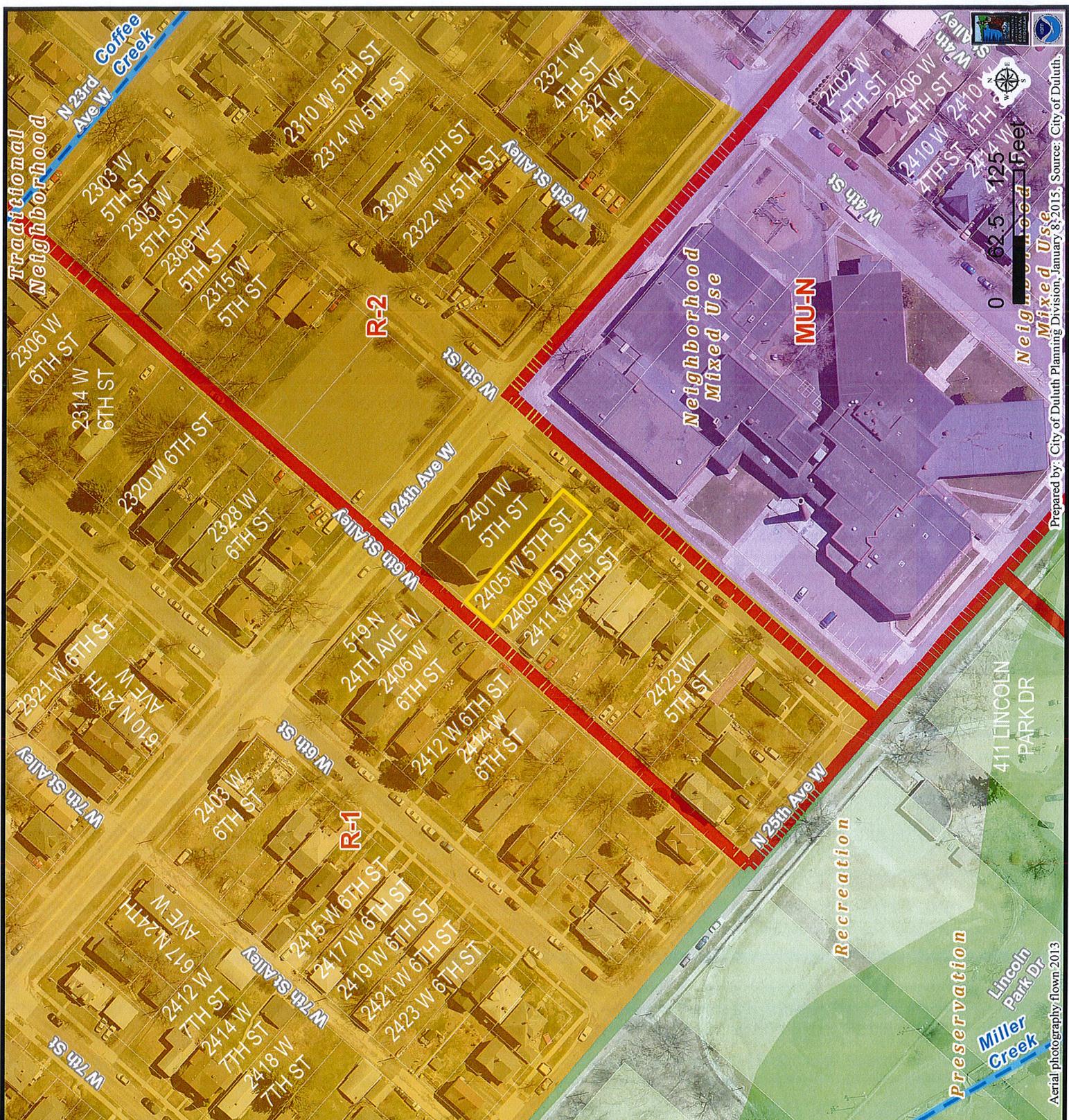
- 1) The project be limited to, constructed, and maintained according to plans submitted (cover letter and plat drawing),
- 2) The applicant plant additional shrubs (6 small shrubs per 25 feet) along the shared lot line with the single family home, from the rear property line to the home (approximately 50 feet),
- 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.

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

E-2



**City Planning**  
 PL 15-010  
 Special Use Permit  
 2405 W 5th St



**Legend**

- Trout Stream (GPS)
- Other Stream (GPS)
- Zoning Boundaries
- Titleholder (6 class)**
  - Tax Forfeited
  - City
  - School
  - County
  - State
  - Federal

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.



**City Planning**  
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**Legend**

- Trout Stream (GPS)
- Other Stream (GPS)
- Zoning Boundaries

**ROW\_STATUS**

- Vacated ROW

**Right-of-Way Type**

- Road or Alley ROW

**Easement Type**

- Utility Easement
- Other Easement

**Floodplain (UDC)**

- General Flood Plain
- Flood Way
- Flood Fringe

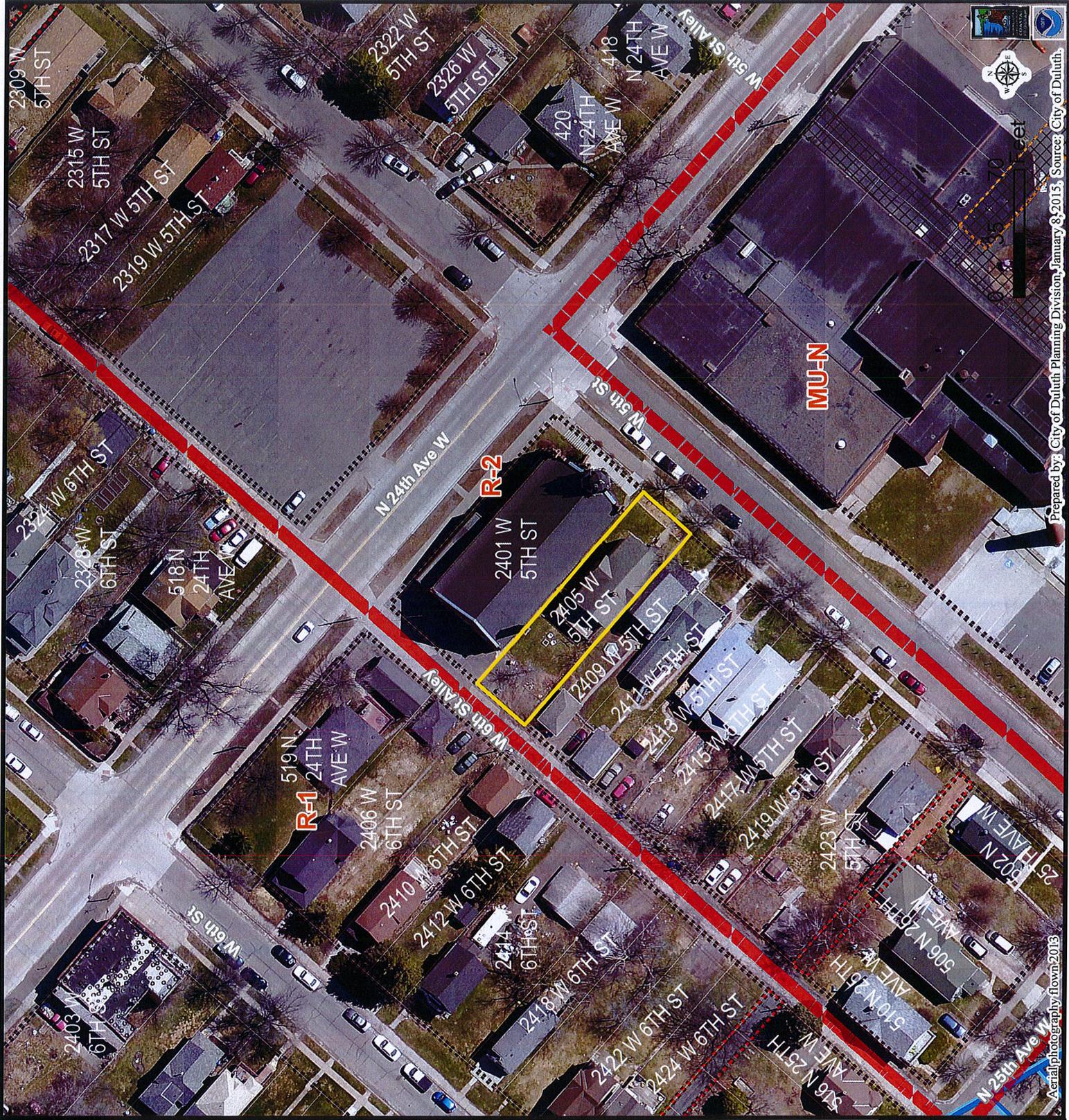
**Shoreland (UDC)**

- Cold Water
- Natural Environment
- General Development

**Titleholder (6 class)**

- Tax Forfeited
- City
- School
- County
- State
- Federal

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Aerial photography flown 2015

Prepared by: City of Duluth Planning Division, January 8, 2015 | Source: City of Duluth.



Exhibit A – Special Use Permit Application  
One Roof – Life House Youth Transitional Housing

1. Reason for Request: This special use permit is being requested, not because the local code requires it, but because the Commissioner of DHS will require a SUP in order to approve a new license for a CRF license – transitional youth housing, which will be required at this property.
  
2. Intended Use of Property: This property will be owned by One Roof Community Housing and leased long-term by Life House who will manage and operate transitional housing and provide supportive services for youth. A DHS Children’s Residential Facility license will guide the operations through a Transitional Certification which applies to youth, both male and female. The priority will be to assist youth ages 16-17. Negotiations have begun to acquire this foreclosed Wells Fargo property as evidenced in the attached email correspondence. Both non-profit boards have approved this project, with a resolution brought forward by One Roof Board Member Gary Eckenberg, a long-time Lincoln Park leader. No structural changes are planned for the property.
  
3. Program Specifics: The Life House Program Director and Youth Supportive Housing Program staff will be responsible for day-to-day operations. Extensive education, training and expertise in working with homeless and at-risk youth is required by all staff. This 24 month program will also provide access to Life House’s Youth Center with daily meals and activities, a Wellness Program staffed by 2 therapists, plus Education and Employment programs. The 5 young residents will be required to work regularly with the Life House team of therapists and case managers to increase their life skills, their education and income potential as well as address their overall health and well-being that will continue into adulthood. It is anticipated that youth will be supervised on-site 18 hours/day M-F during the school year, 24 hours a day on weekends and M-F during summer vacation. The home will be well secured and monitored at all times.
  
4. Policies & Procedures of Program: Life House will have secured a DHS license prior to opening of the home. The license requires that Life House has written policies that identify program outcomes and promote the development of the resident’s independent living skills. Providing rules, expectations, opportunities, supervision and supports that are reasonable for 16 and 17 year olds is part of what Life House must do in order to secure and maintain the DHS license. Life House will also meet annually with community members representing the area to provide information and seek feedback from the community.
  
4. Parking: There are currently two off-street parking spaces in rear of the property off the alley. The youth will not have their own vehicles, so parking will only be required for the on-site staff.

### PLAT DRAWING (THIS IS NOT A SURVEY)

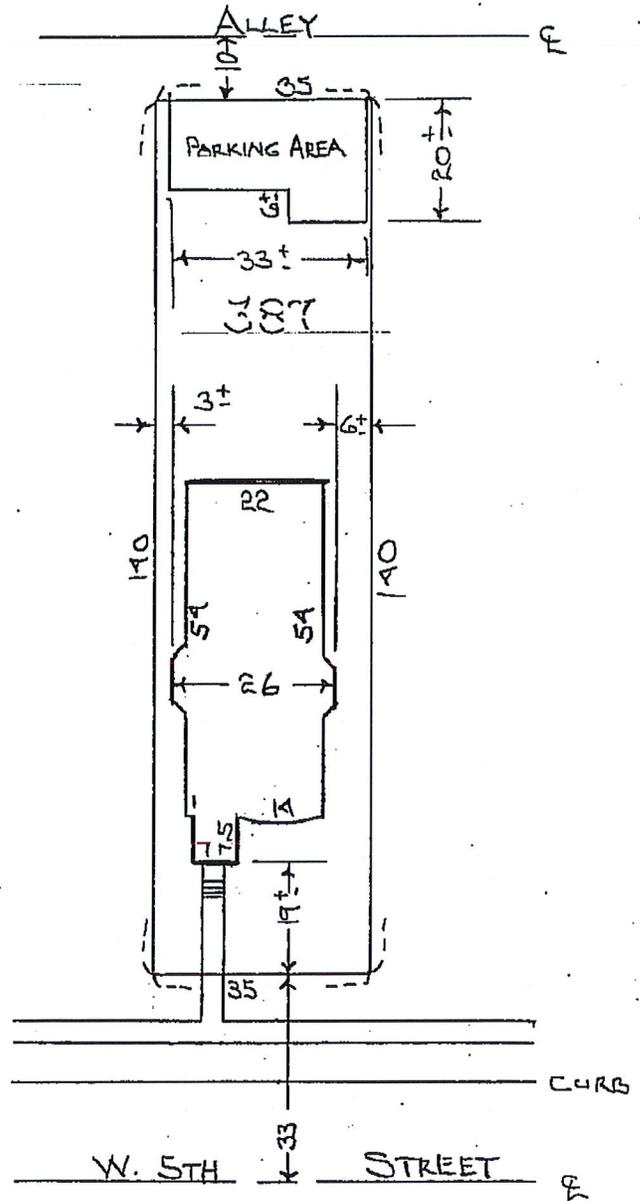
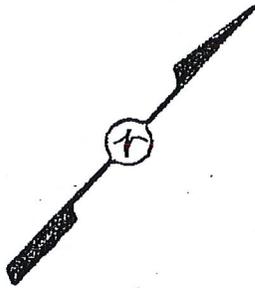
2405 W. 5TH ST.

THE WAY 35' LOT 387, BL. 14B, D.P. 2ND DIV.

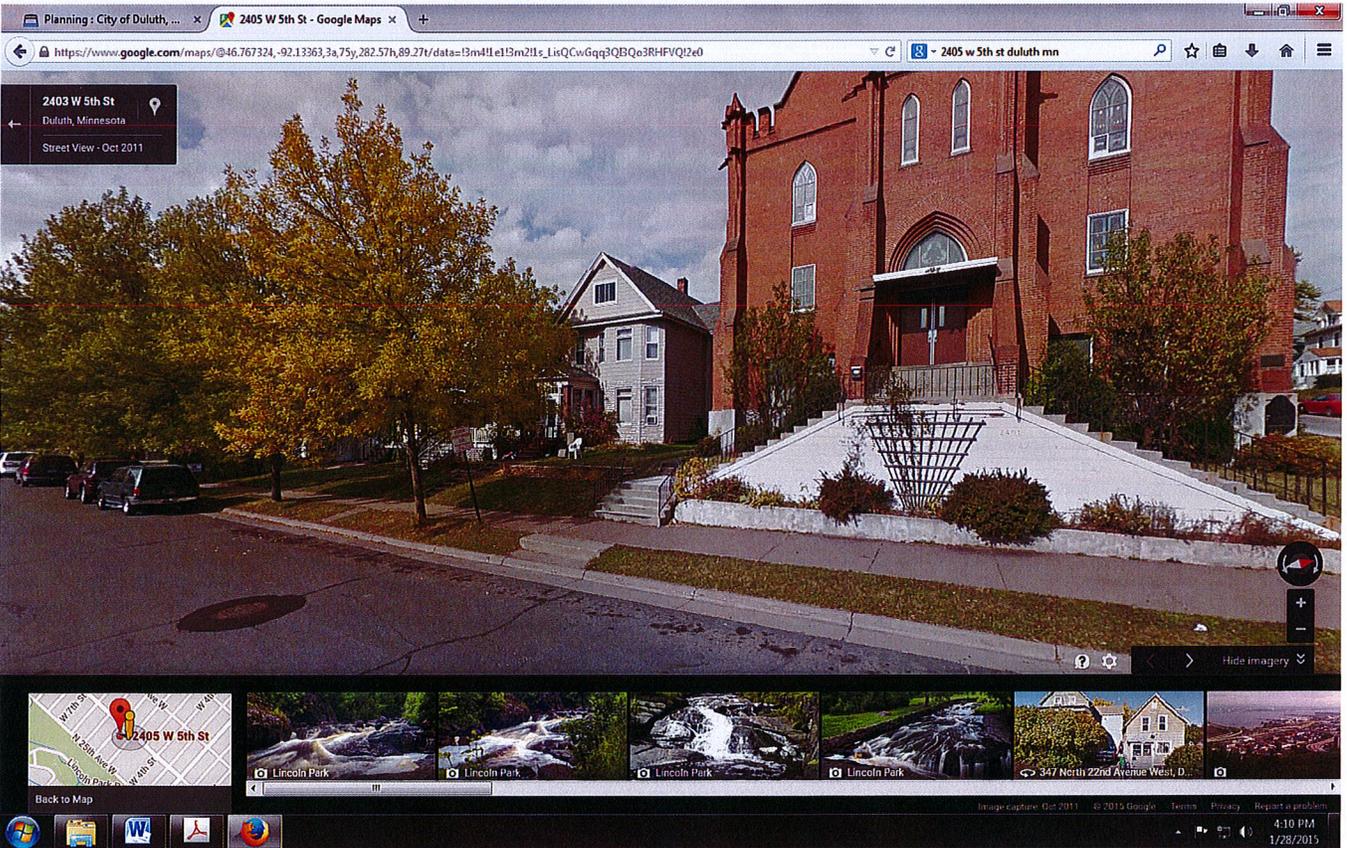
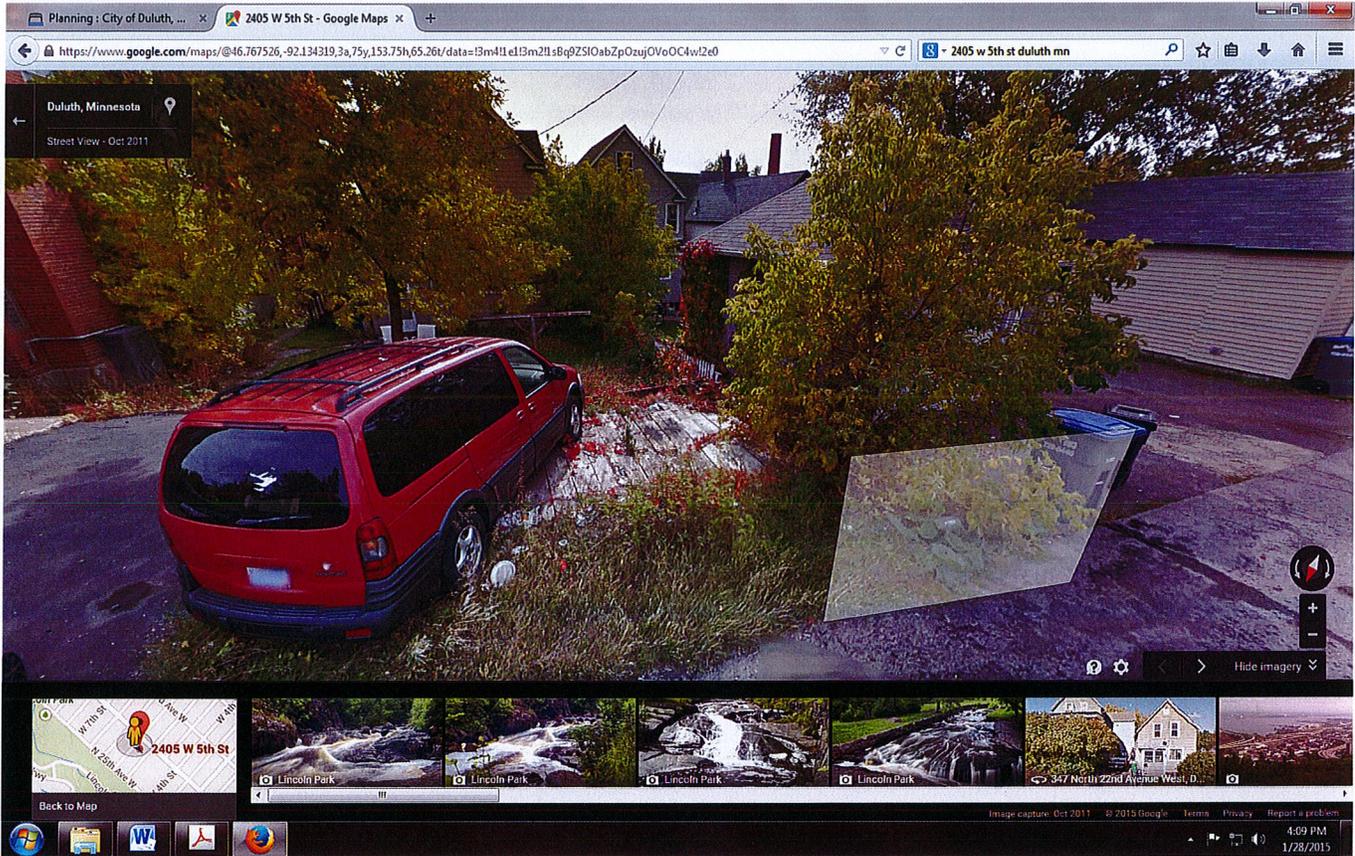
Drawn 14 JAN 15 BY JON UDOVICH  
NOT A SURVEY  
MEASUREMENT ARE APPROXIMATE  
LOT DIMENSIONS FROM PLAT  
SCALE: 1" = 30'

ONE ROOF

REVISED 16 JAN 15 - J.U.



"The location of the improvements shown on this drawing are approximate and are based on a visual inspection of the premises. The lot dimensions are taken from the recorded plat or county records. This drawing is for informational purposes and should not be used as a survey. It does not constitute a liability of the company and is intended for mortgage purposes only."



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residential program must not be more restrictive than those imposed on other conditional uses or special uses of residential property in the same zones, unless the additional conditions are necessary to protect the health and safety of the persons being served by the program. Nothing in this chapter shall be construed to exclude or prohibit residential programs from single-family zones if otherwise permitted by local zoning regulations.

**Subd. 4. Location of residential programs.** In determining whether to grant a license, the commissioner shall specifically consider the population, size, land use plan, availability of community services, and the number and size of existing licensed residential programs in the town, municipality, or county in which the applicant seeks to operate a residential program. The commissioner shall not grant an initial license to any residential program if the residential program will be within 1,320 feet of an existing residential program unless one of the following conditions apply: (1) the existing residential program is located in a hospital licensed by the commissioner of health; (2) the town, municipality, or county zoning authority grants the residential program a conditional use or special use permit; (3) the program serves six or fewer persons and is not located in a city of the first class; or (4) the program is foster care.

Subd. 5. [Repealed, 2014 c 262 art 5 s 7]

**Subd. 5a. Integration of residential programs.** The commissioner of human services shall seek input from counties and municipalities on methods for integrating all residential programs into the community.

**Subd. 6. Hospitals; exemption.** Residential programs located in hospitals shall be exempt from the provisions of this section.

**Subd. 7. Adult foster care; variance for alternate overnight supervision.** (a) The commissioner may grant a variance under section 245A.04, subdivision 9, to rule parts requiring a caregiver to be present in an adult foster care home during normal sleeping hours to allow for alternative methods of overnight supervision. The commissioner may grant the variance if the local county licensing agency recommends the variance and the county recommendation includes documentation verifying that:

(1) the county has approved the license holder's plan for alternative methods of providing overnight supervision and determined the plan protects the residents' health, safety, and rights;

(2) the license holder has obtained written and signed informed consent from each resident or each resident's legal representative documenting the resident's or legal representative's agreement with the alternative method of overnight supervision; and

(3) the alternative method of providing overnight supervision, which may include the use of technology, is specified for each resident in the resident's: (i) individualized plan of care; (ii) individual service plan under section 256B.092, subdivision 1b, if required; or (iii) individual resident placement agreement under Minnesota Rules, part 9555.5105, subpart 19, if required.

(b) To be eligible for a variance under paragraph (a), the adult foster care license holder must not have had a conditional license issued under section 245A.06, or any other licensing sanction issued under section 245A.07 during the prior 24 months based on failure to provide adequate supervision, health care services, or resident safety in the adult foster care home.

(c) A license holder requesting a variance under this subdivision to utilize technology as a component of a plan for alternative overnight supervision may request the commissioner's review in the absence of a county recommendation. Upon receipt of such a request from a license holder, the commissioner shall review the variance request with the county.