



**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 15-070	<b>Contact</b>	Steven Roberson, 218 730 5295	
<b>Application Type</b>	Special Use Permit, Religious Use	<b>Planning Commission Date</b>	May 12, 2015	
<b>Deadline for Action</b>	<b>Application Date</b>	April 16, 2015	<b>60 Days</b>	June 15, 2015
	<b>Date Extension Letter Mailed</b>	April 22, 2015	<b>120 Days</b>	August 14, 2015
<b>Location of Subject</b>	13104 West 6th Street			
<b>Applicant</b>	Fond du Lac Community Church	<b>Contact</b>	Warren Korkala	
<b>Agent</b>	Jody Keppers	<b>Contact</b>	jkeppers@keppersdesign.com	
<b>Legal Description</b>				
<b>Site Visit Date</b>	April 18, 2015	<b>Sign Notice Date</b>	April 27, 2015	
<b>Neighbor Letter Date</b>	April 24, 2015	<b>Number of Letters Sent</b>	14	

**Proposal**

The applicant is proposing to construct a minor addition to the existing church. According to the applicant, "the low-key informal character of the exiting church blends easily with the surrounding residential uses. The proposed addition is in keeping with the style of the existing church and in conformance with current UDC building setback requirements".

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Religious Assembly	Institutional
<b>North</b>	R-1	Residential	Traditional Neighborhood
<b>South</b>	R-1	Residential	Recreation
<b>East</b>	R-1	Residential	Traditional Neighborhood
<b>West</b>	R-1	Residential/Undeveloped	Preservation

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

The expansion of a religious assembly requires a Special Use Permit in the R-1 zone 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.

Note: Special Use Permits are approved, approved with recommendations, or denied by the Planning Commission. Special Use Permits expire if the project or activity authorized by the permit is not begun within 1 year.

IV.0-1

**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.

Religious Assembly, Small (less than 50,000 sq ft) are a permitted uses in most zone districts, with a few exceptions (they are allowed as a special uses in R-1 and MU-B zone districts, but not allowed in R-C, F-9, I-G, I-W, or P-1 zones). Prior to the Unified Development Chapter in late 2010, this type of use was a permitted use in the R1-A, R1-B, and R1-C zone districts (this property was zoned R1-A prior to the UDC).

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

- 1) The applicant is proposing to construct a minor addition to the existing church. The addition will be 128 square feet, with a canopy projecting another 5 feet into the setback. There is also planned to be a future expansion of the detached accessory structure.
- 2) 50-18 (Overlay Districts). This property is within the shoreland zone of Mission Creek, which is designated as a Coldwater River. The applicant's structures are outside of the 150 feet structure setback and the 75 foot impervious surface setback.
- 3) 50-20.2 (Use Specific Standards). In the R-1 and R-2 zone districts, each property boundary with a lot occupied by a residential use shall be buffered with a dense urban screen. The property to the west of the church is residential, but the property owner has 3 undeveloped lots between the home and the church. Staff would not recommend requiring a dense urban screen.
- 4) 50-24 (Parking and Loading). Parking is required at 1 space per 4 seats or per 100 sq. ft. in main auditorium, whichever is greater. The applicant has 22 parking spots on two existing parking lots to the west and north of the church. Additional parking is located in the public right of way of 131st Avenue West and West 6th Street. At this time, it is not clear if the private parking on the street was allowed with a concurrent use permit.
- 5) 50-25 (Landscaping and Tree Preservation). No additional landscaping is required as the project is not increasing the floor space by 25%, nor is the expansion exceeding 75% of the current County Assessor's assessed market value of the property.
- 6) 50-26 (Screening, Walls and Fences). Not applicable.
- 7) 50-29 (Sustainability Standards) and 50-30 (Building Design Standards). Due to the small size of the addition, this requirements do not apply to this project.
- 8) 50-31 (Exterior Lighting). No additional lighting is being planned for this project.
- 9) No citizen or City Department comments were received on this zoning application.

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

Staff recommends that the Planning Commission approve the Special Use Permit, subject to the following conditions:

- 1) The project area be amended to the limit shown in plans labeled April 15, 2015 Special Use Permit Application Site Plan.
- 2) Applicant produce evidence of City Council approval allowing private parking in the public right of way, or submit a complete concurrent use permit application within 2 years of approval of the Special Use Permit. Or applicant remove any private obstructions or items from the public right of way and relocate them entirely onto the applicant's parking lot. Future parking lot expansions need to conform to the UDC, including having a concrete or asphalt surface and parking lot landscaping.
- 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; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

8-0

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











5,957 Sq Ft Existing  
 6,102 Sq Ft Total  
 1 Stories, 15'-6" height  
 (Blag allowed 6,000 sf/flr, 1 stories per Tot  
 Equation 5-1 allows increase to 7,493 sq f  
 $A_a = 6000 + [6000 \times 0.249] + [6000 \times 0] = 7493$   
 $I_f = [F/P - .25] \times W/30 = [(226/453) - 0.25] \times$

**Use Type:**  
 A-3 & B in existing building; addition woul

**Occupancy Separated/Nonseparated**  
 Nonseparated

**Occupant Load (Overall Building):**  
 589 Existing  
 0 Addition (Addition is circulation space  
**589 Total**

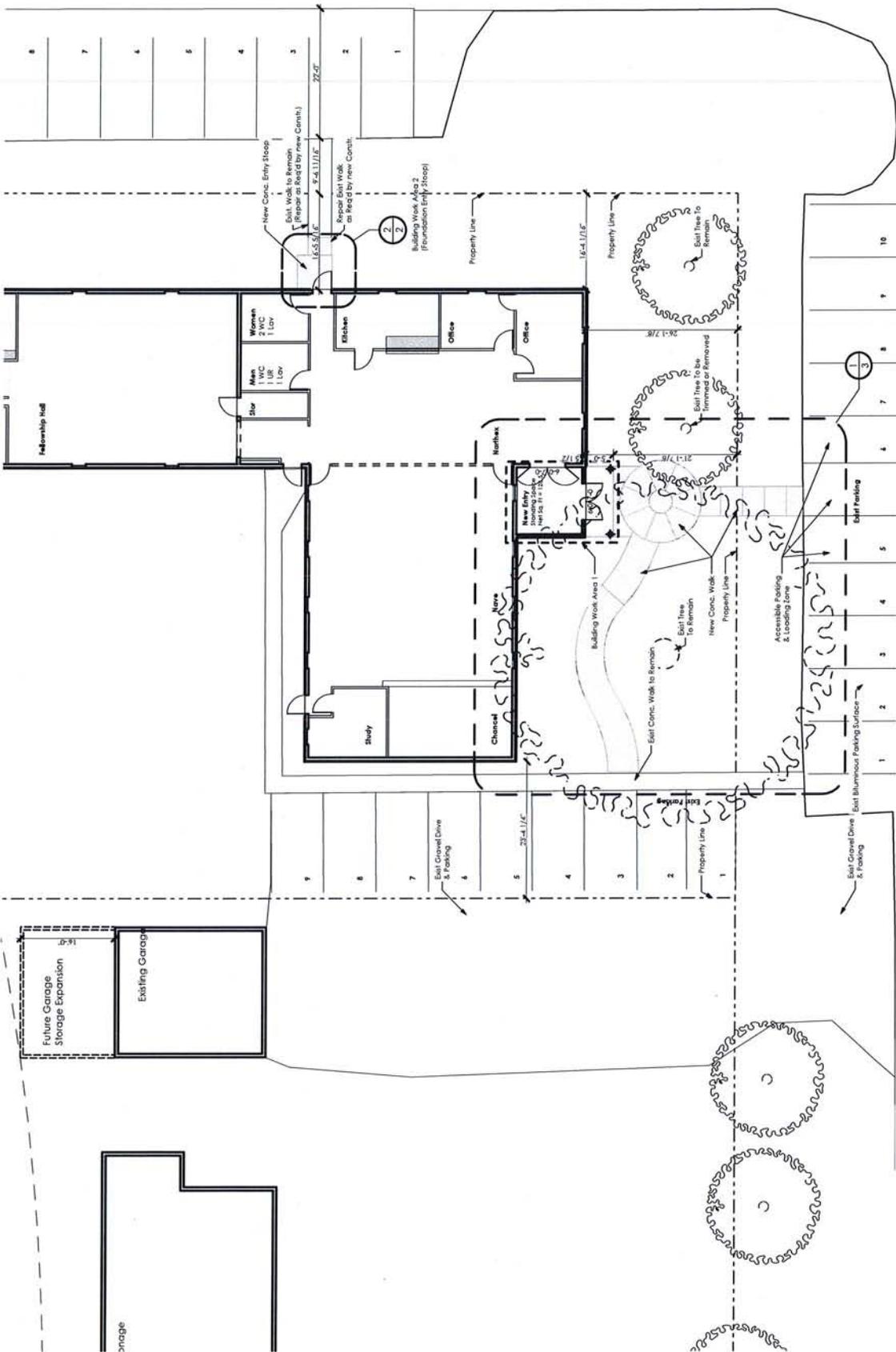
**Construction Type**

**Sprinkler System Throughout (IBC 903.2.5)**

0-7



SI 419 W



0-9



Member USGBC  
April 15, 2015

620 Ridgewood Rd  
Duluth, Minnesota 55804  
jkeppers@keppersdesign.com  
Phone 218-409-6409

Fond du Lac Community Church  
13104 W 6th St, Duluth, MN 55808  
Property ID 010-1640-00350

**Re: Special Use Application Narrative**

The Fond du Lac Community Church would like to add an entry addition to the east side of their existing building. The existing building was built in 1979 and enlarged in 1989 under previous zoning rules which did not require a special use permit for a religious assembly use in an R-1 zoning district. Table 50-19.8 of the UDC currently requires a special use permit for religious assembly uses in an R-1 zoning district.

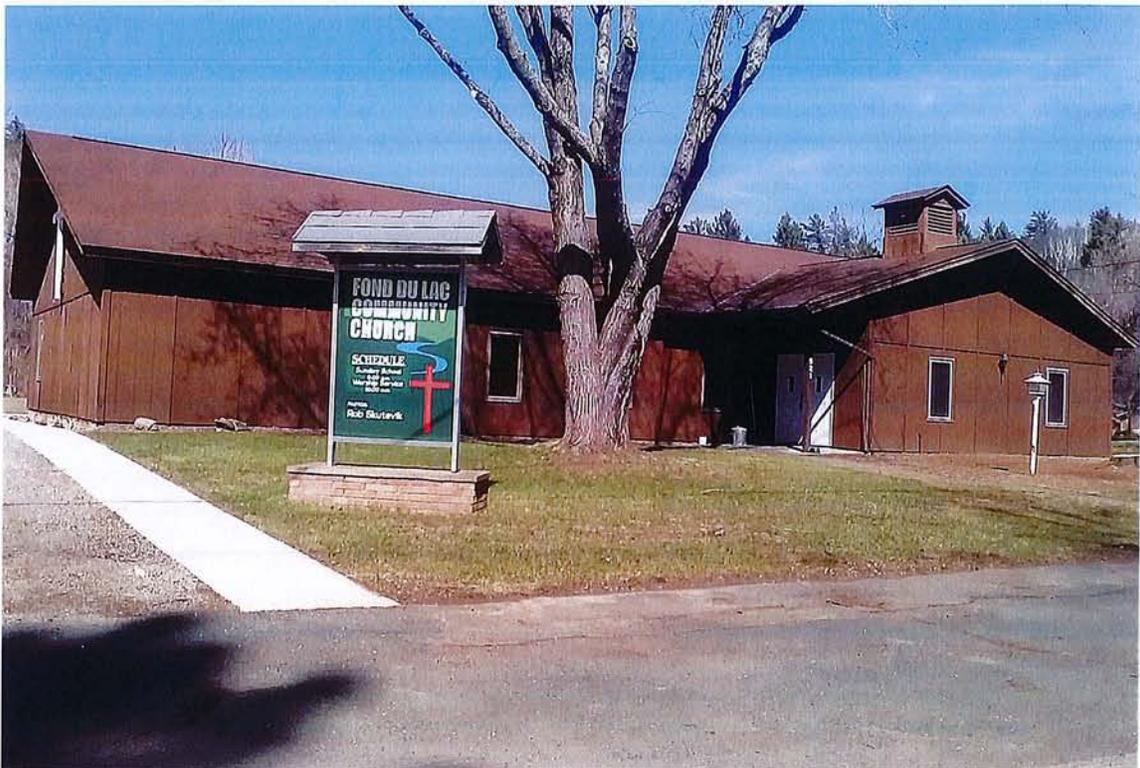
The Fond du Lac Community Church is a longstanding asset to the Fond du Lac neighborhood. In addition to its religious function, it has served as an informal community center for the neighborhood for several decades. Public meetings are regularly held there, and it served as a kind of command center during the 2012 floods.

The low-key, informal character of the existing church blends easily with the surrounding residential uses. The proposed addition is in keeping with the style of the existing church and in conformance with current UDC building setback requirements.

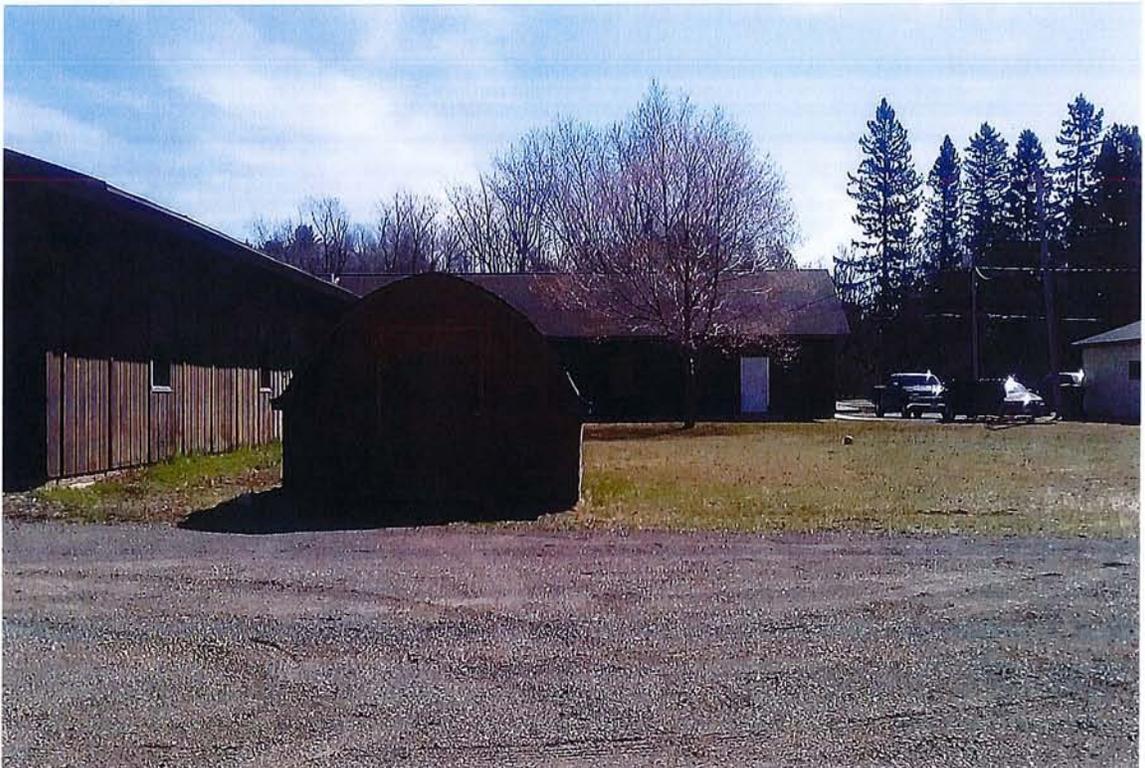
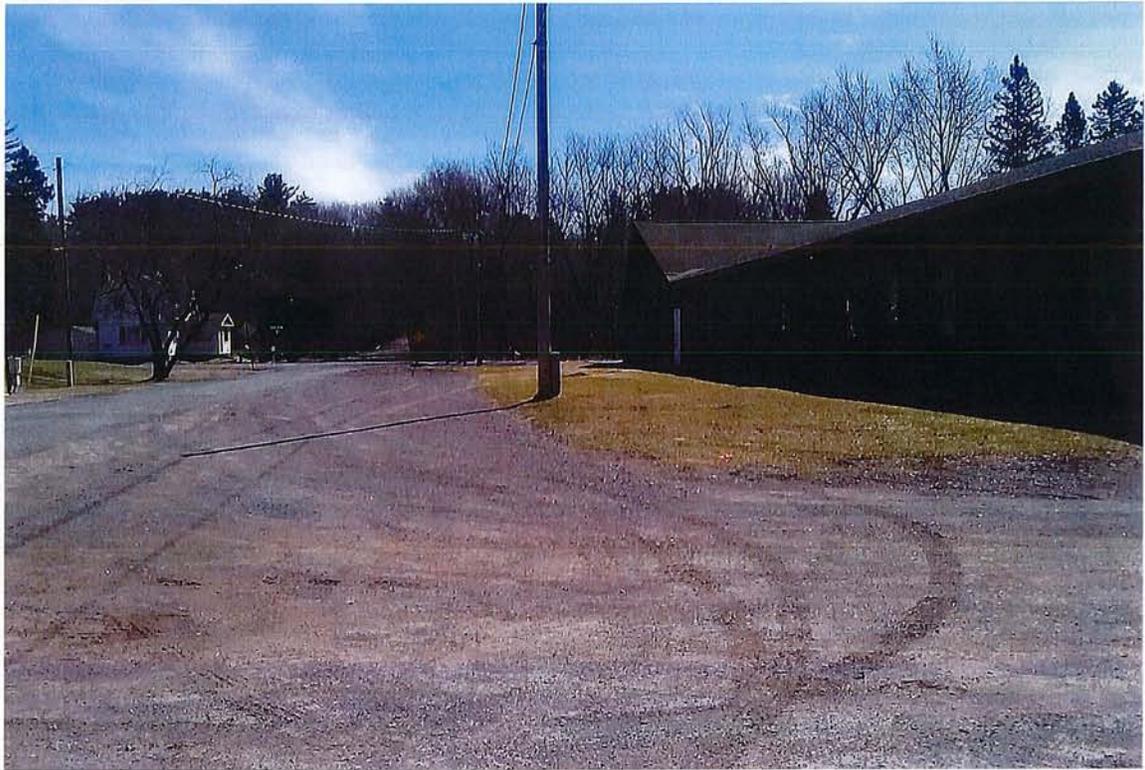
Thanks much,

Jody Keppers, AIA, LEED AP, NCARB  
(Owner's Agent)

0-10



0-11



0-12



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(Owner's Agent)

0-13