

City of Duluth  
Planning Commission  
August 14, 2018 Meeting Minutes  
Council Chambers - Duluth City Hall

Call to Order

President Mike Schraepfer called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, August 14, 2018, in city hall council chambers.

Roll Call

Attending: Gary Eckenberg, Janet Kennedy, Tim Meyer, Margie Nelson, Mike Schraepfer, Luke Sydow, Sarah Wisdorf (arrived during consent agenda items), and Zandra Zwiebel (arrived during consent agenda items)

Absent: Jason Crawford

Staff Present: Adam Fulton, Robert Asleson, Steven Robertson, Emilie Voight, and Cindy Stafford

Approval of Planning Commission Minutes – July 10, 2018

**MOTION/Second:** Nelson/Meyer approve the minutes

**VOTE: (6-0)**

Consent Agenda and hearing

**Items that are perceived to be non-controversial or routine will be placed on the consent agenda. There will be no staff presentations on these items; the Planning Commission will be acting upon the staff recommendation and conditions written in the staff reports. There will not be an individual public hearing on each of these items unless the applicant or a member of the public wishes to speak to the matter. Instead there will be one public hearing for all the items on the consent agenda, and they will be addressed by the Planning Commission with one vote.**

1. PL 18-076 Variance from Use Specific Standards for an Elementary School at 5401 East Superior Street by Spirit of the Lake Community School
2. ~~PL 18-089 Variance from Coldwater Stream Setback at 114 South Central Avenue by Scott Stempihar of Krech Ojard and Moline Machine LLC.~~ Pulled from consent agenda and will be discussed further in the agenda under public hearings.
3. PL 18-092 Variance from Corner Side Setback in Residential-Urban (R-2) District at 3111 Church Place by St. Francis Health Services
4. PL 18-097 Minor Subdivision to Split One Existing Tax Parcel into Two Parcels at 1801 MacFarlane Road by St. Louis County
5. PL 18-105 Vacation of Utility Easement on Outlot D at the Corner of Idaho Street and 93<sup>rd</sup> Avenue West by City of Duluth

**Staff:** N/A

**Public:** No speakers.

**MOTION/Second:** Sydow/Kennedy approve staff's recommendations for consent agenda items.

**VOTE: (8-0)**

## Public Hearings

2. PL 18-089 Variance from Coldwater Stream Setback at 114 South Central Avenue by Scott Stempihar of Krech Ojard and Moline Machine LLC

**Staff:** Kyle Deming asks if there are specific questions. Janet Kennedy is concerned about the location from the creek. She would like him to give an overview, so the community is aware of what is happening. The applicant is seeking a variance to shoreland structure and impervious surface setbacks to construct a building addition with a 17,000 sq. ft. footprint and make improvements to existing parking lot and driveways. Mitigation measures include site landscaping and storm water controls. Manager Fulton states it's currently a brownfield. It will be a substantial improvement over current conditions. He notes the practical difficulty is the power lines overhead. Zandra Zwiebel is interested in a financial retainer be held to ensure tree health. Deming states the commission can impose this as a condition. Kennedy notes the importance of keeping the water clean. She asks about the removal of pavement. Most of the pavement removed will be returned to grass. Stormwater management will either meet or exceed guidelines. Kennedy notes the structural limitations on the site and the setbacks are quite extensive. Manager Adam Fulton notes it is a brown field site, so it's more challenging than developing a suburban area. Chair Schraepfer states it is an improvement from what exists now.

**Applicant:** Gary Moline and Scott Stempihar address the commission. Moline notes this is a major expansion. They build quality buildings and the expansion is needed. They will do it right. Stempihar states they won't encroach any closer to the stream than current currently exists, and will mitigate by removing asphalt surfaces. He notes stormwater measures will exceed the minimum requirements. Tim Meyer questions what the practical difficulty is. Stempihar states it's a restrictive site which was not created/caused by the applicant (including the power lines). The site is 3.2 acres. Development is limited to 6,000 square feet due to powerlines and setbacks. Moline explained they have looked at other sites, and this is the last chance to develop in Duluth. They will create the type of jobs this community wants. Kennedy knows they have always been a good neighbor. She asks why option four isn't being considered. Moline states there isn't enough land on that site that they own or could buy, and it doesn't give them a campus setting. Kennedy asks about future expansion down the road. Moline said this expansion will allow them to double their shifts. Zwiebel asks about the commission adding a condition for to make sure trees stay alive. Moline is open to it, but is concerned that the power lines are a challenge. Manager Fulton states staff can work with the applicant to pinpoint details. Zwiebel notes the importance of a commitment to make sure the trees stay alive. Moline is in agreement and refers to his other buildings. Sarah Wisdorf thinks it's a great project. Chair Schraepfer concurs. Meyer is in support and feels the stormwater management will be an improvement.

**Public:** No Speakers

**MOTION/Second:** Meyer/Zwiebel approve staff's recommendations with the additional condition that financial retainer be established for landscaping to be determined by staff and the applicant.

**VOTE: (7-0, Sydow Abstained)**

6. 10 Minute Presentation and Optional Public Hearing for the Environmental Assessment Worksheet (EAW PL 18-104) for the Pastoret Terrace. Public Comment Period Monday July 9 to Tuesday August 15, 2018, Decision at Special Meeting on Tuesday, August 28 at 5:00 PM

**Staff:** Steven Robertson gives an overview and shares the flow chart of the process. Heather Rand, Executive Director of DEDA, addresses the commission. The proposal is to demolish the Pastoret Terrace building (formerly known as the Kozy) located at 109 N 2<sup>nd</sup> Avenue East. In 2016 DEDA acquired the property from the county. In 2017 DEDA looked for developers. The three proposals they received did not meet the requirements. After 2-years of marketing, it is time to consider demolition due to its current dilapidated state. They hired Wenck Consulting. Amy Denz of Wenck and Associates addresses the commission. They prepared a due diligence EAW, which essentially means it was voluntary. The environmental review assesses potential impacts from the project and allows for public input and agency comments. As the Responsible Government Unit (RGU) the city chose to hold a voluntary public hearing to get further input and have an open public comment period. The building has gone through numerous fires. A building assessment report was performed by LHB. The building's current state is in poor condition, which has led to some health and safety concerns. As a brief summary of findings, the project is compatible with adjacent land uses and existing plans and ordinances. Construction BMPs would be used to minimize potential impacts due to stormwater. Project would not impact water resources. Waste generated from demolition would be handled and disposed of by a licensed contractor. State and federal laws would be followed. Demolition of the Pastoret Terrace building would remove a contributing resource from the Duluth Commercial Historic District (DCHD). However, the current structural condition and design integrity of the property warrants reevaluation of the current resource's contributing designation. The project has potential to affect the adjacent and nearby contributing resources. Protective measures would be implemented to provide adequate protection to adjacent historic buildings, including coordination with other building owners and regular monitoring during project demo. Potential odors, dust, and noise would be generated during demo which would be temporary and minimized using BMPs. Temporary impacts to traffic may occur during demo due to street closure. No potential cumulative effects were identified. Pastoret Terrace is not the only representative structure by Architect Traphagen in the city, nor does it maintain the original integrity as a representative structure of Traphagen's. The public comment period ends tomorrow. There will be continuing coordination with regulatory agencies and public representatives. The agency will compile, review and respond to substantive comments. The planning commission will decide if there is need for an Environmental Impact Statement (EIS) at a special meeting time: August 28, 2018. A record of decision will be made which will include findings of fact and responses to all substantive comments. Zwiebel this could be reclassified as a contributing building. Denz certain buildings within the district were nominated as historic in 2006. Since that time (due to fires and lack of care) the building is in different condition that it was in 2006, so therefore, SHPO might not consider it to be a contributing resource. Zwiebel refers to page 10 in the EAW. She asks for explanation of the statement, "Although the project site is identified in the Comprehensive Plan as HISTO, at this time, the city's heritage preservation commission has not designated it as one of the city's two historic preservation districts that are zoned Historic Resources Overlay (HR-O)." Zwiebel understand the two districts to be University of Minnesota – main campus and where we are right now. She asks if those are the two designated parts of the city. Denz believes so, but will get more information from their cultural licensed staff. She is interested in knowing what constitutes the other designation. Her concern about the project is once the building is gone it's gone. Zwiebel is the planning commission's representative on the heritage preservation commission, so she is stating concerns related to this. She asks about Phase I which indicated there was potential for asbestos contamination.

Throughout the EAW document it states BMP's will be used. She is concerned is concerned because in her neighborhood silt fences are knocked over and stormwater skirts are just left behind. She would like to see it spelled out more specifically. Denz explains the EAW is meant to be an informational document. Zwiebel would like to see the codes noted whether it's the Department of Health, or the EPA. These are the codes that need to be followed. Denz refer to section 12d which explain the Minnesota Rules they will follow including 7035.0805. She also refers to page 8 which lists the type of permits that will be needed from which agency. Those permits, including an asbestos inspection, will go into more detail. The permitting process will help address the further details. Per Denz, the EAW is not meant to make the decision, it's meant to inform the decision. The EAW will identify the impacts. Zwiebel understands, but still feels the permitting checklists could be more detailed. Manager Fulton states some documents Zwiebel is referring to will be further scrutinized in the permitting process as a demo permit. Zwiebel asks if the planning commission will see the demo permit. Manager Fulton states it will not come back to the planning commission. Zwiebel asks for explanation on the SHPO application for deconstruction and salvaging of Historic artifacts. What will that entail? Denz states she is not the cultural expert, but it will be addressed in the permitting application process further down the road. They will be addressing SHPO's concerns. Zwiebel asks if the community is informed about the salvaging of historic artifacts. Denz is unsure and it would be a state agency decision. Zwiebel notes the old age of the facility. In 2013, the ruling from the EPA and the MPCA was that lead was not an issue, but she is concerned about water run-off and dust issues. She wants to make sure these things are addressed. Chair Schraepfer notes this will be enforced by the construction services office. Manager Fulton notes this property has not been locally designated by the HPC. Rand thanks the commission for their responses and will get back to them in two weeks. Kennedy notes the voluntary EAW is appreciated. She asks what role does their cultural staff person play in the EAW process. Denz states their cultural person on staff is a licensed archaeologist who is working with SHPO on what potential impacts could occur. She refers to section 14 of the EAW which goes into further detail about the historic properties and what project impacts may be from a historical standpoint. Gary Eckenberg notes the press release from DEDA which states the building condition has deteriorated beyond feasible rehabilitation. Due to the potential demolition of a contributing building to the DCHD, a mandatory EAW is required. They have done the EAW, so the comment about something being appealed or brought back to SPHO specific to its designation. What is the purpose of that since the key piece was the EAW. Why would they want to bring it back to SHPO? Denz states it's framed in such a way that it's a contributing resource; however, since it was nominated the integrity of that resource has deteriorated. Based on its current condition its not known if it would be a contributing resource anymore. Eckenberg confirms there is no further requirement to get SHPO's blessing. Denz states there will be continuing coordination, because of the Duluth Historic Commercial District. But there is an argument it's no longer contributing given its current condition. They don't have SHPO's comments yet. Eckenberg asks about the 2006 nomination. Can anybody on staff with a historical background explain how and who nominated this? Per Denz, on the nomination form it listed 2 members of SHPO and the National Historic Preservation nominated the district and listed the building as a contributing resource. She doesn't know if the city was part of the nomination. Her staff can research and will provide more information. Manager Fulton concurs. Kennedy wants to receive information ahead of time, so they have time to review. Fulton notes the answers to the commissioner questions will be mailed one week of ahead of time. Zwiebel would also like a response

on NESHAP (National Emission Standards for Hazardous Air Pollutants) issues as it pertains to dust and asbestos issues.

**Public:** Mike Poupore, president of the Duluth Heritage Preservation (HPC) addresses the commission. The historic significance is key to the district and is important. The building is structurally and viably sound. He disagrees that it has deteriorated past its significance. The interior of the building has changed, but he can go on and on about the significance of the structure itself. He noted that SHPO will be responding. The county has money set aside for the demo. The county can use this money to make the building marketable. Manager Fulton explains more information will be provided to the commissioners for their next meeting. Kennedy asks if the public can speak at the 8/28/18 meeting. Manager Fulton notes it will be at the discretion of the pc president, but is not required.

**Commissioners:** N/A

**MOTION/Second:** Decision at Special Meeting on Tuesday, August 28 at 5:00 PM

7. PL 18-090 Special Use Permit for 18 Stall Surface Parking Lot at 17 North 2<sup>nd</sup> Avenue East (Carter Hotel) by Lake Superior Consulting LLC and Fond du Lac Band of Lake Superior Chippewa

**Staff:** Steven Robertson introduces the applicant's proposal for a special use permit to construct a parking lot as a primary use at the former Carter Hotel property. The applicant will be demolishing the existing building located at 17 North 2<sup>nd</sup> Ave. East and constructing a parking lot. As a primary use parking lot, site features such as drive aisles and accesses must function independently of other neighboring sites and businesses. A Special Use Permit is required to construct a primary use parking lot in an F-8 Form District. Staff recommends approval with the conditions listed in the staff report. Zwiebel affirms the project will not affect the Clayton-Jackson-McGhie memorial. The band shall ensure the memorial will be protected during demolition. Zwiebel is concerned. What if something does happen to the memorial? Will compensation be distributed? Robertson notes it's a civil issue, which the city isn't involved in. Manager Fulton notes this is construction of a parking lot, and does not relate to the demo itself. Luke Sydow notes the lack of a landscaping plan. Also, what will the back of the memorial look like? Manager Fulton states the project is limited to the scope of the parking lot. Sydow is concerned about the aesthetics. Manager Fulton states it's a valid concern, but the neighboring property isn't relevant. Sydow states a retaining wall on the applicant's property might be visually pleasing. Kennedy questions exterior lighting. Robertson site plan doesn't include lighting, but it would need to meet the guidelines.

**Applicant:** Michael Murray addresses the commission. The protection of neighboring properties will be ensured. The contractors are professionals. A bond will be taken out by the contractor as standard procedure to protect the band from damages. A pre-demolition survey will be conducted of the memorial. Sydow asks about the back of the memorial. Murray states there will be a sidewalk with an aluminum fence. Les Mattefy notes the design will be aesthetically pleasing. Zwiebel asks the applicant if they had any discussion with the Clayton-Jackson-McGhie Memorial owners of what they might be looking for. Murray is concerned about blight in the neighborhood. He was met with support, and notes the smell of mold would be a good idea to clean it up. Zwiebel asks again if discussion has made with owners of the memorial. Murray wasn't aware the adjacent owner was not the city. They would consider open discussion.

**Public:** Susan Ault, Co-Chair of the Memorial, addresses the commission. It is city property. They have a memo of understanding with the city. As stewards they are responsible for being present and aware of property. The memorial is nominated as a

local historic landmark. They are working on finalizing their plan. They support demo of hotel and support parking and the addition of trees. They support the existing north wall and have requests. They would like a structural engineer to assess the north wall. They would like to see a depiction of the view shed to make sure it enhances the memorial. She notes the easement between the back wall and the carter hotel which collects debris. They are seeking a solution. They also request a plan on how to protect memorial during demolition. They would like to see the planning commission to add these issues as conditions or table until they have time for further discussion. Heidi Hansen addresses the commission. She would like to see structural studies underneath the wall as well.

**Commissioners:** Margie Nelson would like to ensure the protection of the memorial. She is in support of the parking lot. Wisdorf concurs. Eckenberg asks staff if the commission has the ability to add conditions. Manager Fulton affirms as long as it addresses impacts to the surrounding properties in relation to the parking lot, and not to demolition. He notes the demolition project is subject to a very different set of rules. Kennedy states it is an option to put this on hold to have more communication. Murray agrees to work with the memorial board. The band wants to be good neighbors, and they want to clean up the neighborhood. They intend to make all the necessary steps to ensure the safety of the memorial. They want to leave the existing wall. The Band would like to move forward to mitigate parking issues due to superior street reconstruction forthcoming. Sydow confirms the applicant is in agreement with the added condition for discussion with the memorial reps. Murray affirms.

**MOTION/Second:** Zwiebel/Meyer approved as per staff's recommendations with the added condition that discussion ensue between the band, the Clayton-Jackson-McGhie representatives, and the city about how the project will eventually look.

**VOTE: (8-0)**

The next two items will be discussed together.

8. PL 18-100 Amend the Future Land Use Map from Neighborhood Mixed Use and Urban Residential to Urban Residential and Traditional Neighborhood Near the Intersection of Kenwood and Arrowhead Road

**Staff:** Steven Robertson introduces the city's proposal to amend the Comprehensive Land Use Map from Neighborhood Mixed Use to Urban Residential and Urban Residential to Traditional Neighborhood. Staff recommends approval based on the findings listed in the staff report. President Schraepfer notes they are seeking a more protected neighborhood for this approval and more density in the second item Robertson affirms. Wisdorf comments on 2<sup>nd</sup> item. Not to Robertson's knowledge. Current uses will be allowed.

**Applicant:** N/A

**Public:** Dave Hollapa, 1303 W. Arrowhead Rd., addresses the commission. He owns property on the SE corner of what is currently R-2. The comp plan in 2006. 3-6 months come back and rezone others. In 2006 they had the same discussion. He bought the property as a rental unit for kids, but also with the notion that the rezoning process was going to happen. It was his conscious decision to acquire due to future rezoning. Developers can assemble properties. Jim Palumbo addresses the commission. He lives in zoning A, which he sees as a healthy functioning neighborhood with young families and retired folks. He doesn't want to see the character of his neighborhood change. There is a lack of affordable single-family dwellings in Duluth. Why take an achieved goal and change it to reach another goal? Just because you can, doesn't mean you should. He is

strongly opposed. He asks for the neighbors who are in attendance at tonight's meeting and agree with him to stand. (A large group stood up in agreement.) Tom Boman, 1231 Maryland, addresses the commission. There have been already four apartment buildings including Kenwood Village. Diverse neighborhood and appeal to the commission on the subject of good neighbors. He wants to ensure the solidity of the neighborhood. He is opposed, and asks the planning commission to reject the proposal. Chad Ronchetti, 40 W. Cleveland St., addresses the commission. In 2009, Walgreens was denied by the planning commission. The city council also denied. Six years later enter Kenwood Village. During the six-year span, 100 signatures were gathered who opposed Walgreens. Concerns included a parking shortage, cars parking in yards and increased turn-around traffic. There has been no resolution with Duluth police. They need to figure out past developments before they take on new ones. He is opposed. Katie Krikorian, 1313 Missouri Ave., addresses the commission. She supports the neighbors in A, but also wants to discuss area C. She has lived in her home since 1985. Received letter stating the empty field would stay a field to protect the neighbors. She is concerned the city is setting the table for a developer to come in. They don't need more apartment buildings or strip malls. Further development is not needed. She is opposed and asks the planning commission to deny. Luke Goosens addresses the commission. He agrees with previous speakers and talks about Arrowhead Road between Kenwood and Woodland is already at capacity. He notes waiting to pull out of his driveway can take ten minutes. There are more options to move up versus moving out. Have proposals come first. He doesn't want to pre-emptively rezone. Becky Heinrich of Woodrich Circle lives in area A, and is opposed to the rezonings.

**Commissioners:** Wisdorf asks about area C. What are the buffer zones? Manager Fulton discusses John Kelley's memo about buffering. The buffer has not been finalized. When the area is completed, it will be walkable. Meyer asks if there are any specific development proposals being considered. Robertson states he is not aware of anything. Nelson asks if there will be a future small area plan for Kenwood. Manager Fulton notes it is tentatively scheduled for three years out. Nelson asks if they should wait, and do the small area plan together. Manager Fulton states this is a core investment area, and is a different process which doesn't include the need for a small area plan.

**MOTION/Second:** Zwiebel/Wisdorf tabled both items.

**VOTE: (7-1, Eckenberg opposed)**

9. PL 18-068 UDC Map Amendment to Rezone Portions of Arrowhead Road and Kenwood Avenue from Residential-Traditional (R-1) and Residential-Urban (R-2) to Mixed Use-Neighborhood (MU-N) by the City of Duluth by the City of Duluth

**Staff:** Steven Robertson introduces the city's proposal to rezone properties in the general area of West Arrowhead Road, Kenwood Avenue and Warren Avenue from Residential-Traditional (R-1) and Urban Residential (R-2) to Mixed Use-Neighborhood (MU-N), in conformance with the Comprehensive Plan's Future Land Use Map. Staff recommends approval based on the findings listed in the staff report.

**Applicant:** N/A

**Public: (See above – items combined.)**

**Commissioners: (See above – items combined.)**

**MOTION/Second: (See above – items combined.)**

(10-minute recess taken. Meeting resumed at 7:45 p.m.)

10. PL 18-095 UDC Map Amendment to Rezoning Portions of 4610 West Arrowhead Road to Mixed Use-Business (MU-B) by Lisa and Matt Mahoney  
**Staff:** Kaitlyn Scheibelhut introduces the applicants' proposal to rezone the remaining portion of 4610 W. Arrowhead Road in the Duluth Heights neighborhood from RR-1 to MU-B so the parcel has one zoning designation and is consistent with adjacent properties. Staff recommends approval with conditions listed in the staff report.  
**Applicant:** N/A  
**Public:** No speakers.  
**Commissioners:** N/A  
**MOTION/Second:** Eckenberg/Zwiebel recommend approval as per staff's recommendations.

**VOTE: (8-0)**

11. PL 18-007 Nomination by the Heritage Preservation Commission for Designation of the Lake Superior and Mississippi Rail Road as a Local Historic Resource  
**Staff:** Steven Robertson introduces the HPC's application for local landmark status of the Lake Superior and Mississippi Railroad. If the planning commission makes a positive recommendation, it is anticipated that the HPC will hold a public hearing on the nomination at their September meeting. The nomination would then be forwarded to city council shortly thereafter.  
**Applicant:** William Roche, the city manager of the Parks and Recreation Division addresses the commission. He wants to wait until the city adopts a mini-master plan. Final causeway Completion expected in 2019. Wisdorf affirms the city council will ultimately make the final decision. The project is largely dependent on external factors, including the EPA and US Steel. Roche is hopeful for a timeline for early 2019. Robertson notes the state statute of a 120-day timeline. The HPC would like feedback. Eckenberg notes a perceived conflict between city and the railroad. Chair Schraepfer notes the Western water front plan and the waterfront trail crossing. Zwiebel states a reason for the hold-up was for feedback on clean-up of US Steel site. The city has not reached terms with US Steel. It is unsure how the city would fund on its own. Kennedy feels adding the nomination will make the project significant. Manager Fulton discusses the level of complexity, including, congress, US Steel, and how it ties into many different aspects of the city. The Seaway Port Authority and DEDA are also involved. This has impacts both at state and federal levels. Designate or non-designation has an effect on all parties. It's tied into many moving pieces. Western waterfront trail is a piece, but not the whole picture. More time can be given for consideration. Eckenberg asks if a timeline is in play. Zoning applications which are complete have 120 days to reach a decision, but the timeline doesn't apply when it's a city proposal. Robertson suggests focusing on the application on hand.  
**Public:** Mike Casey, addresses the commission. Community thinks of the railroad as historic. US Steel clean-up going on for 30 years. May or may not fund. What does the community want to see happen? The railroad and the trail are important to the community. He would like to see the this move forward both rail and trail system that feeds off each other. Dick Winkler, addresses the commission. He spent 49 years as a conductor, and is a train historian. In 1850 Minnesota was a territory not a state. Everything coming into Duluth came through the rail line. The first people came by boat. There are 4 ½ miles left of railroad trail. This is one area of history worth preserving. Consider the application and what the corridor brought in. Mike Poupore, of HPC addresses the commission. They would like to move it forward to recognize the historical nature of the rail road. He would like to save its history and teach children what created



the city. Both the track and the corridor are special. He urges the planning commission to support it. Local designation doesn't protect the track from being destroyed. It's more of an honor to the railroad itself to recognize it. Lynn Hall addresses the commission. In October and again in November they gave a presentation to HPC. Now they are waiting for planning commission to weigh in. Historic reasoning is separate from the city's agenda. She is in support. Vicki Surges, narrator for railroad, addresses the commission. In 1870 the rail road had its first run. Currently tourists from all over the world come here to ride the train. Pete Cranka addresses the commission. He bought a train ticket three years ago, and was amazed the train car was well over 100 years old. He noted the wooden windows and beautiful views. He is a volunteer, and adds tourists come to Duluth specifically for the railroad. He encourages all to take a ride on the railroad. It's amazing.

**Commissioners:** Nelson asks if they need to keep the rail or just the corridor. Manager Fulton states it's subject to further dialog.

**MOTION/Second:** Zwiebel/Meyer support nomination

**VOTE: (8-0)**

12. PL 18-081 Preliminary Plat at 3800 West Superior Street by Superior Industrial LLC  
**Staff:** Kyle Deming introduces the applicant's proposal for approval of the preliminary plat of 2.1 acres of Mixed Use-Business Park land in Oneota into one building lot, one outlot, and land for a street in a new plat called "Interstate West Addition." This is to facilitate the redevelopment of the site for a warehouse/showroom business. Based on the findings listed in the staff report, staff recommends approval.

**Applicant:** Eric Roeser represents the owner and asks if there are any questions. There are none.

**Public:** No speakers

**Commissioners:** N/A

**MOTION/Second:** Sydow/Wisdorf approved as per staff's recommendations.

**VOTE: (8-0)**

13. PL 18-094 Special Use Permit for Office Use in a Residential-Urban (R-2) District at 1830 East First Street by Zenith City Investments

**Staff:** Steven Robertson introduces the applicant's proposal for a special use permit for office use in an R-2 zone district. The applicant is proposing office use of approximately 4,500 square feet within the lower level of an existing building, formerly used as a church, and continue residential use in an existing single-family dwelling located west of the office on the same parcel. Staff recommends approval with the conditions listed in the staff report. Sydow questions the follow up on gravel versus asphalt. How do they assure it's done? Robertson states larger projects require an escrow. The trust is in staff to verify it is done. Sydow asks how the follow-up is enforced. Robertson states construction services will issue a Certificate of Occupancy on new developments. Sydow likes the re-use of the property, but is concerned with the timeline. Wisdorf asks if remodeling would require planning commission input. Robertson states minor improvements can be made by land use supervisor.

**Applicant:** Ryan Arola, architect for the applicant (Zenith City Investments), addresses the commission. Parking is populated for the entire building, not just the first floor. The special use permit is for the entire building.

**Public:** Jason Forsell addresses the commission. He lives kitty corner to the church. He verifies it will be used for office purposes, and the house will remain residential.

Robertson explains the zoning will not change. Office Use requires a special use in an R-2 zone district. Will landscaping be provided? Robertson notes additional new vegetation will be added.

**Commissioners:** N/A

**MOTION/Second:** Wisdorf/Meyer approved as per staff's recommendations.

**VOTE: (8-0)**

14. PL 18-093 Mixed Use-Commercial (MU-C) Planning Review for Hotel Expansion at 909 Cottonwood Avenue

**Staff:** Emilie Voight introduces the applicant's proposal for renovations to the existing hotel building which will include exterior cladding and insulation, window replacements, landscaping, and roofing parapets, interior finishes and ADA upgrades, and a pool addition of approximately 2,600 square feet. Staff recommends approval with the conditions listed in the staff report.

**Applicant:** Melissa Graftus of Architecture Advantage addresses the commission and asks for questions. Zwiebel asks about the trees. Graftus notes the planting of American Elms. Along the power lines they will be adding planters. Sydow suggests giving thought on the north/south line instead of planters to use full shrubs. Manager Fulton suggests include a condition related to landscaping on east side in conjunction with finalizing the parking lot.

**Public:** No speakers.

**Commissioners:** N/A

**MOTION/Second:** Eckenberg/Nelson approved as per staff's recommendations with additional condition that when parking lot is rebuilt, the landscaping requirement will comply.

**VOTE: (8-0)**

15. PL 18-087 Variance from Corner Side Setback in Residential-Traditional (R-1) Setback at 3801 Lake Avenue South by Patricia and Shelley Kuszler

**Staff:** Kyle Deming introduces the applicants' proposal for a variance from the front yard setbacks to construct a 24' x 28' by 16' tall two-stall garage located 9 feet from 38<sup>th</sup> Street rather than the required 25 feet. Staff recommends approval with the conditions listed in the staff report. Zwiebel asks about Tier 2 access points from the Park Point Plan. Per Deming, the city may need the right of way in the future for improved access to the Lake Superior shoreline such as parking or trailhead, so staff is requesting the setback be granted at no less than 15 feet to allow a vehicle to be parked in front of the garage without overhanging into the public street easement and blocking a future sidewalk or street.

**Applicant:** Patricia Kuszler and sister Shelley Kuszler address the commission. Their goal was to build, so they can be directly behind their neighbor's garage and not block their view and so they can fit in with the other houses in the neighborhood. Their neighbors are in support. Having a 15 foot driveway would create more impervious surface. They feel 9 feet is reasonable. The street is dirt with a small amount of gravel. Shoveling extra 15 feet in the driveway in the winter is unreasonable. It's not fair to hold them to a standard that their neighbors aren't meeting. Zwiebel asks what the item is, which is shown in the aerial view. Per Patricia, it's a shed that will be removed.

**Public:** No speakers.

**Commissioners:** Wisdorf likes the 9 feet better due to the neighbors' buildings and it will eliminate the extra impervious surface.

**MOTION/Second:** Zwiebel/Eckenberg approved as per staff's recommendations.

**VOTE: (6-2, Schraepfer and Wisdorf opposed)**

16. PL 18-091 Variance from General Development Stream Setback at 1701 N 43<sup>rd</sup> Avenue East by Gayle Koop Foster Care LLC  
**Staff:** Kyle Deming introduces the applicant's proposal for a variance from the UDC requirements which require a 50' structure setback for construction of a deck near 50<sup>th</sup> Ave E Creek. The applicant proposes to reconstruct a 24' by 12' deck with stairs on the back side of the home. The overall reduction to the setback would be 17' placing the deck 33' from the creek. Staff recommends approval with the conditions listed in the staff report. Zwiebel asks what the practical difficulty is in this situation. Deming states it's the position of the home.  
**Applicant:** Mike Poupore who is representing the owner addresses the commission. He explains when the house was built the setback for the stream wasn't in effect at the time. They are mitigating around the stream to allow for natural vegetation.  
**Public:** No speakers.  
**Commissioners:** Zwiebel affirms the deck is pervious.  
**MOTION/Second:** Zwiebel/Meyer approved as per staff's recommendations.

**VOTE: (8-0)**

17. PL 18-067 UDC Text Amendment by the City of Duluth  
**Staff:** Steven Robertson introduces the city's four changes to the UDC: Enforcement (Section 50-39), Mixed Use Waterfront (Section 15.6 and 50-21), Structures in Common Open Space (Section 50-21) and Safe Routes to School (Section 50-23, 50-20 and 50-41). Staff recommends tabling.  
**Applicant:** N/A  
**Public:** No speakers.  
**Commissioners:** N/A  
**MOTION/Second:** Nelson/Zwiebel tabled recommend approval as per staff's recommendations.

**VOTE: (8-0)**

Communications

- A. Manager's Report – Fulton gives an overview. 9/12 tentative neighborhood meeting for The Essentia project.
- B. Reports of Officers and Committees  
-Heritage Preservation Commission Representative – Zwiebel states there was no meeting this month.
- C. Meeting adjourned at 9:37 p.m.

Respectfully,



Keith Hamre - Director  
Community Planning and Construction Services