

City of Duluth Planning Commission

May 9, 2023 – City Hall Council Chambers
Meeting Minutes

Call to Order

Vice-President Jason Holliday called to order the meeting of the city of Duluth planning commission at 5:03 p.m. on Tuesday, May 9th, 2023 in the Duluth city hall council chambers.

Roll Call

Attendance:

Members Present: Jason Crawford, Gary Eckenberg, Jason Holliday, Danielle Rhodes, and Michael Schraepfer

Members Absent: Samuel Lobby, Margie Nelson, and Andrea Wedul

Staff Present: Adam Fulton, Jenn Moses, Chris Lee, Kyle Deming, John Kelley, and Cindy Stafford

Approval of Planning Commission Minutes -

Planning Commission Meeting – April 11, 2023

MOTION/Second: Eckenberg/Rhodes approved

VOTE: (5-0)

Public Comment on Items Not on Agenda

No speakers.

(Item PL 23-073 was removed from the consent agenda and placed under public hearings.)

Consent Agenda

(Michael Schraepfer recused himself from the consent agenda items due to a conflict of interest.)

PL 23-083 Special Use Permit for the Cross City Trail in the Floodway near Keene Creek west of 57th Avenue West by the City of Duluth

PL 23-075 Vacation of 3' of the Alley Adjacent to 1002 E 1st Street for Construction of Parking Ramp Footings by St. Luke's Hospital

PL 23-074 Special Use Permit to Increase Child Care Capacity at 4628 Pitt Street by Lakeside Early Learning

PL 23-068 Interim Use Permit for a Vacation Dwelling Unit in a Form District at 4428 Regent Street Unit 3, by Joe Golcz

PL 23-067 Interim Use Permit for a Vacation Dwelling Unit in a Form District at 4428 Regent Street Unit 2, by Joe Golcz

PL 23-066 Interim Use Permit for a new Vacation Dwelling Unit at 1730 E 2nd Street by

Predictable 2 LLC

- PL 23-055 Interim Use Permit for renewal of a Vacation Dwelling Unit at 139 Howard Gnesen Road by Douglas McCorison
- PL 23-064 Interim Use Permit for a Vacation Dwelling Unit in a Form District at 20 N 12th Ave E, Unit 4, by New London Land Co., LLC
- PL 23-065 Interim Use Permit for a Vacation Dwelling Unit in a Form District at 20 N 12th Ave E, Unit 5, by New London Land Co., LLC
- PL 23-063 Interim Use Permit for a Vacation Dwelling Unit in a Form District at 20 N 12th Ave E, Unit 3, by New London Land Co., LLC
- PL 23-062 Interim Use Permit for a Vacation Dwelling Unit in a Form District at 20 N 12th Ave E, Unit 2, by New London Land Co., LLC
- PL 23-061 Interim Use Permit for a Vacation Dwelling Unit in a Form District at 20 N 12th Ave E, Unit 1, by New London Land Co., LLC
- PL 23-059 Interim Use Permit for Vacation Dwelling Unit in a Form District at 9 E 4th Street by BJS Land Co DLH, LLC
- PL 23-058 Interim Use Permit for Vacation Dwelling Unit in a Form District at 320 E Superior Street, Unit 2, by Demoiselles LLC
- PL 23-057 Interim Use Permit for Vacation Dwelling Unit in a Form District at 320 E Superior Street, Unit 1, by Demoiselles LLC
- PL 23-044 Interim Use Permit for Renewal of a Vacation Dwelling Unit at 1505 S Lake Avenue by Valerie A. Kennedy
- PL 23-023 Interim Use Permit for a Renewal Vacation Dwelling at 420 W 9th Street by Ben Gasner

Commissioners: PL 23-074 – Commissioner Gary Eckenberg asked if this was the old Lakeside Elementary School. Deputy Director Adam Fulton noted it was the former St. Michael’s School. Eckenberg asked about the Special Use Permit approved in 2018. When did the number of students allowed go from 70 to 110? John Kelley stated in 2018 they were specifically looking at the count. There was a license renewal from the State issued in 2020 that approved the increase of the total to 110.

PL 23-067 and PL 23-068 - Eckenberg asked about the discrepancy in the Unit numbers from the agenda – compared to the staff reports. Chris Lee noted it will be corrected for the interim use permits.

PL 23-068 – Eckenberg verified the number of occupants for a one-unit vacation rental is three. Lee affirmed.

PL 23-023 Eckenberg asked about the condition of licensing included a road must have been built. John Kelley noted they are in the process of installing the road. The road will also be a condition prior to the issuance of a certificate of occupancy.

Public: PL 23-073 – Andrea Hanek – lives in Lakeside across from the child care facility. She supports the daycare, but wants to remove the item from the consent agenda for more discussion.

MOTION/Second: Eckenberg/Rhodes remove PL 23-073 from the consent agenda items and place under public hearings

VOTE: (4-0, Schraepfer Abstained)

MOTION/Second: Rhodes/Crawford approved the consent agenda items as per staff recommendations

VOTE: (4-0, Schraepfer Abstained)

Public Hearings

PL 23-073 Variance from Parking Requirements for Child Care at 4628 Pitt Street by Lakeside Early Morning

Staff: There was no presentation on this item, but staff was available to answer any questions. There were none

Public: Andrea Hanek – lives in Lakeside across from the child care facility. She noted the day care employees not parking in their allocated space. She has kids with special needs. Their bus and their care providers have a difficult time accessing their house. She also has safety concerns and notes that a fire truck would not be able to fit with cars parked on both sides of the road. She noted the basketball court that is not in use and wonders if staff could park there.

Applicant: Danielle Erjavec addressed the commission and gave an overview. The state has requirements for recreational areas and green space areas. There is parking on 46th & 47th Avenues and ten spots located in back. There is signage that states 10-15 minute parking.

Commissioners: Danielle Rhodes asked about access to the disabled children. Can signs or curb-cuts be added? Deputy Director Fulton noted that staff can follow-up with the parking division. Eckenberg asked about the basketball court. Erjavec noted the kids use it to ride their bikes in the summer and they play on it and build forts in the winter. Eckenberg stated the State refers to green space. Deputy Director Fulton noted the terminology is not related directly to hard scape or soft scape. The intent is for motor skill activity for the kids.

Public: Hanek would like to have a stipulation that parking for employees should be in the prescribed designated lot behind their facility.

MOTION/Second: Rhodes/Eckenberg approved with condition that the applicant notifies their staff and day care children's parents to park in their designated spots and to work with city staff to engage the parking department for assistance

VOTE: (5-0)

PL 23-072 Variance to Building Height at 3801-3811 London Road by London East, LLC

Staff: Kyle Deming introduce the applicant's proposal for a variance to allow three twin homes (a form of two-family dwelling) to be constructed at 39.5 feet tall instead of the 30 feet maximum building height per UDC Section 50-14.5. The project is within the London East development which includes both single-family detached homes and twin homes. Staff recommends approval with the two conditions listed in the staff report.

Commissioners: Eckenberg asked why the variance only applies to the middle units. Deming noted the planning commission already approved the variance for the single-family units. Rhodes clarified the actual variance is for 39.5 feet. Deming affirmed.

Applicant: Ted Stocke, present and welcomed questions. Commissioner Rhodes asked if the variance was denied, what would happen. The applicant stated they would have to redesign and change the look and flow of the buildings.

Public: No speakers.

MOTION/Second: Crawford/Eckenberg approved as per staff recommendations

VOTE: (4-1, Rhodes Opposed)

PL 23-060 Variance to MU-W Side Yard Setbacks at 13th Street S and St Louis Avenue by Maria Fierek

Staff: John Kelley introduced the applicant's proposal for a side yard variance to reduce the setback from the required 25' setback to zero feet to construct a two-story building for residential and retail use, and a garage on a 40' x 240' lot in the MU-W, Mixed Use Waterfront zone district. The proposed variance is consistent with other properties in the nearby vicinity and with other properties in the Park Point neighborhood. A planning review by the planning commission is required for the proposed development of the site for a live-work building. Staff recommends approval with the condition listed in the staff report.

Commissioners: Rhodes asked about short-term rental concerns. Kelly noted they would have to go through proper channels and enter the waiting list for the lottery when available.

Applicant: Ryan Arola and applicant present. Their first step is to receive a variance for setbacks. They will come back with a full plan for a planning review in the future.

Public: No speakers.

MOTION/Second: Eckenberg/Crawford approved as per staff recommendations

VOTE: (5-0)

PL 23-070 Preliminary Plat for Amity Bluffs Subdivision East of Woodland Avenue by Kevin Christianson

Staff: John Kelley introduced the applicant's proposal for a preliminary plat of 25 acres of land into 15 lots ranging from .26 acres to 1.96 acres into "Amity Bluffs". To comply with site connectivity requirements, the applicant is proposing a 15-foot wide pedestrian easement extending south from the terminus of the road on the east end of the site to an existing water line easement and trail that is used by adjacent residents to access Amity Creek to the west. The tree inventory identified one special tree over 20" in diameter in the northwest corner of the site, intended to be preserved during development. Kelley noted before application for the final plat is made, the tree replacement plan needs to be approved by the city forester. Staff recommends approval with the conditions listed in the staff report.

Applicant: David Bohlf is representing the applicant, and addressed the commission. He thanks staff and noted items 2 and 3 of the staff report. He thinks putting markers in, is a step that is not needed. He noted item 7 regarding the city forester approving the tree replacement plan. There is a gray area as to what the tree inventory includes. He would like to work with city staff to resolve prior to the final plat.

Public: No speakers.

MOTION/Second: Rhodes/Schraepfer approved as per staff recommendations

VOTE: (5-0)

PL 23-076 MU-I Planning Review for New Parking Ramp at 1002 E 1st Street by St Lukes Hospital

Staff: Jenn Moses introduced the applicant's proposal for a 3-level, 323-stall parking ramp to replace the existing parking ramp. The height of the proposed building is 43'-10" from the average grade surrounding the structure to the top of the highest roof point. This ramp will provide an additional 60 spaces, or 20% capacity increase over the existing ramp. Design of the structure including structural columns and size of the elevator and stairs, will support an

additional 3 levels if needed in the future. Staff recommends approval with the conditions listed in the staff report.

Applicant: Michael Boeselager addressed the commission, and welcomed questions. There were none.

Public: No speakers.

MOTION/Second: Crawford/Schraepfer approved as per staff recommendations

VOTE: (5-0)

PL 23-069 Final Plat of "Rearrangement of Part of Western Woods Division" Southeast of Decker Road and Anderson Road by Lon Hovland

Staff: Kyle Deming introduce the applicants' proposal for the approval of the final plat of Rearrangement of Part of Western Woods Division to provide for re-platting of 17 lots, and a 3 acre unplatted parcel totaling 11.3 acres into 15 lots on a shortened street. The proposal includes construction of a new public street with sidewalk and utilities. The applicant has stated in writing that the wetland signage will be installed. This requirement is also listed in the development agreement. Some of the plat amendments have been made, but additional amendments will be made per guidance from city staff before the plat is recorded. The pedestrian easement through lot 8 will be required as a condition of approval of the final plat. Staff recommends approval with the conditions listed in the staff report.

Commissioners: Rhodes noted a satellite image that shows a road going through the wetland. Deming stated she is seeing a utility corridor where a sanitary sewer has been installed. Eckenberg asked if the pedestrian easement goes over the platted road. Deming explained the condition that the applicant must have recorded a pedestrian easement a minimum of 20 feet wide connecting Westwood Circle with the 33-foot-wide platted road in the adjacent Weiler Addition.

Applicant: Adam Zwak addressed the commission and thanked staff for highlighting the key points.

Public: No speakers.

MOTION/Second: Rhodes/Crawford approved as per staff recommendations

VOTE: (5-0)

PL 23-033 UDC Map Amendment to Rezone the Former DWP site in the Fairmont Neighborhood, from Roosevelt Street to Raleigh Street, from R-1 and R-2 to R-P

Staff: Jenn Moses introduced the applicant's proposal for a UDC Map Amendment (rezoning) for the former DWP site in the Fairmount neighborhood, from R-1 and R-2 to Residential-Planned (R-P) to support redevelopment of the property. The proposed R-P District incorporates 26.2 acres. Area A would have an overall density of 7 units/acre for a maximum of 77 units. This is less than allowed with the current zoning and less than what would be allowed under the Future Land Use designation. Area B would be kept entirely in open space. As adopted with the comprehensive plan (Imagine Duluth 2035), the Future Land Use for the area is a mix of Open Space and Urban Residential. Staff recommends approval noting the application is for rezoning. Comments received mostly referred to the change in future land use. There was a neighborhood meeting on 3/14/2023. DEDA staff proposed three areas, but the neighbors were not in favor of the height proposed. DEDA came back with 2 areas and a limited 40' maximum height. Multi-family units were taken out of the proposal. The proposal meets the comprehensive plan and development standards in the UDC still apply to the site.

Commissioners: Rhodes reviewed the proposal based on R-P guidelines. Can the height go as high as 65'? Per Moses, the applicant is proposing 40'. Rhodes asked if there will be proposed screening. Deputy Director Fulton noted this proposal is just for the rezoning. The regulating plan goes to the city council and does not come back to the planning commission. Rhodes asked if they can assure there will be an appropriate setback for the neighbors. Deputy Director Fulton noted they can't add a condition to a rezoning item.

Applicant: Tom Church of DEDA noted this is application is standard procedure and will help give straight answers to developers.

Public: Allan Kehr – 12 S 66th Ave W – addressed the commission. He wants to see the area remain as Urban Wilderness. He distributed a handout listing the Irving and Fairmount Revitalization plan which he said is in conflict with the current comp plan. He thinks the 2006 comp plan should be considered. It makes sense to locate housing where there has been housing in the past. He is not against development, but not here. Jim Stukel – 27 N 66th Ave W – addressed the commission. He thinks the proposed height is too high and will devalue their 2-story height limit of 25'. He sees drawbacks, which include traffic and pollution. He does not support the proposed plan, and supports in-fill housing. Kristen Schmitt – 6512 Raleigh St – addressed the commission. She notes there is great recreational value in the area. She hopes the inclusion of trailing leading from housing to rec areas will be included. She thinks the plan is a good compromise between housing and recreational area/green space. She thinks future input from the neighbors is important. City staff will work with the applicant to have an appropriate plan for the neighbors.

MOTION/Second: Crawford/Schraepfer recommended approval as per staff recommendations

VOTE: (5-0)

Tabled Item

PL 23-003 UDC Text Amendments to Off-Street Parking Requirements by the City of Duluth
Deputy Director Adam Fulton noted this item may come off the table at the commissioners' next meeting.

Other Business

PL 21-165 Extension of the Variance to Building Height at The Breakers, 22xx Water Street

Staff: Deputy Director Adam Fulton gave an overview. The increase is from 45' to 55'. The period can be extended for one year for the developer.

MOTION/Second: Rhodes/Schraepfer approved as per staff recommendations

VOTE: (5-0)

Communications

Land Use Supervisor (LUS) Report – Deputy Director Adam Fulton gave an overview. He noted the Duluth Area I-35 Corridor Plan and distributed a handout. Transportation planner James Gittemeier is involved in the project. Fulton also noted the city council overturned the planning commission's decision requiring an EAW for the Kinseth hotel project.

Heritage Preservation Commission – Gary Eckenberg noted there was no meeting or report.

Joint Airport Zoning Board – Gary Eckenberg noted no update.

Duluth Midway Joint Powers Zoning Board – Deputy Director Fulton noted they met a couple of weeks ago. He asked for a planning commission volunteer to attend their next meeting on 5/16. They are considering a new comp plan and rezoning action. They need a 4 out of 6 vote to move forward. Commissioner Schraepfer volunteered. Vice President Hollinday stated he could attend too, if it doesn't work out for Schraepfer.

Adjournment

Meeting adjourned at 7:27 p.m.

Respectfully,

DocuSigned by:
Adam Fulton
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Adam Fulton – Deputy Director
Planning & Economic Development