

City of Duluth Planning Commission

September 08, 2020
Meeting Minutes

Due to the COVID-19 emergency, many planning commission members participated through video conference from home. The meeting was held as a Special Meeting pursuant to Minnesota Statute 13D.021 in response to the Covid-19 emergency. Public comment was taken at planning@duluthmn.gov prior to and during the meeting, and via verbal comment through public attendance in the WebEx video conference during the meeting.

Call to Order

President Margie Nelson called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, September 8th, 2020.

Roll Call

Attendance: (* Via WebEx video conferencing – all votes conducted via roll call)

Members Present: Jason Crawford*, Gary Eckenberg*, Tim Meyer*, Margie Nelson*, Eddie Ratnam*, Michael Schraepfer*, Andrea Wedul*, Sarah Wisdorf*, and Zandra Zweibel* (entered meeting during agenda item PL 20-120)

Members Absent: N/A

Staff Present: Adam Fulton*, Robert Asleson*, Chris Lee*, and Theresa Bajda*

Public Comment on Items Not on Agenda

No comments

Approval of Planning Commission Minutes

Planning Commission Meeting - August 11, 2020

MOTION/Second: Wisdorf/Crawford approved the minutes

VOTE: (8-0)

Tax Forfeit Subcommittee Meeting – August 10, 2020

MOTION/Second: Nelson/Wisdorf approved the minutes

VOTE: (8-0)

Consent Agenda

PL 20-124: Concurrent Use Permit for a Railroad Crossing at S 59th Avenue West by IPS Cranes

PL 20-125: Concurrent Use Permit for a Railroad Crossing at Waseca Industrial Road by Hallett Rail and Storage Services

Staff: N/A

Applicant: Scott Stempihar noted the applicant for PL 20-124 is IPS Cranes. Staff will make the correction.

Public: No speakers.

MOTION/Second: Wisdorf/Eckenberg approved the consent agenda items as per staff recommendations.

VOTE: (8-0)

Public Hearings

(The next two items are related, and were discussed together.)

PL 20-120: Variance to Lot Size Requirements for a Six-Unit Residential Building at 106 S 15th Avenue E by James Talago

Staff: Chris Lee introduced the applicant's proposal for a variance to reduce the minimum lot area (5,000 square feet) to construct a multi-family dwelling unit. The proposal is to allow for a reduction of 223 square feet, with a total lot size of 4,773 square feet. The applicant expressed that the practical difficulty of the lot size is restrictive based on the current code standards and that similar density exists on other lots. Staff recommended approval with the conditions listed in the staff report. Citizen comments were included in the staff report. One late comment was received, which stated they didn't feel the applicant determined a hardship. Lee noted parking is included underneath and the roof will have a deck space. Commissioner Andrea Wedul noted the number of towers. They are proposing two, but are only allowed one. Deputy Director Adam Fulton noted it will be addressed in the next phase and clarified this isn't a planning review. Wedul noted the height of the building and stated it may need a variance in the next planning review phase. Gary Eckenberg referred to a citizen comment they received, which stated the project size could be reduced without the need for a variance. Lee noted that anything over a two-family dwelling would require 5,000 square feet, so a variance would still be required. Eckenberg questioned how many garages are proposed. Lee stated four, but parking isn't addressed for this variance. Eckenberg noted the comments they received were related to parking concerns. He referred to items four and five in the staff report, which stated there will be no added congestion. Lee explained the items were referring to traffic hazards. Deputy Director Fulton noted public parking is not a right and can be taken away at any time. Chair Nelson asked what the hardship is. Lee noted the practical difficulty is the existing lot size. He noted the setback difficulty and that moving the structure to the back lessens the impact in front. Wedul asked about landscaping and the shared wall. Questioned whether landscaping would need to be extended to cover the entire width of the building? Lee deferred to the applicant and noted they can add more during the permitting phase. The Commission can add landscaping as a condition.

Applicant: Justin Talago present, but experienced audio difficulty when connected to Webex. Deputy Director Fulton asked City Attorney Robert Asleson if they could proceed to taking public comments while staff and the applicant work through technical difficulties. Asleson affirmed.

Public: Martin Dewitt, 1516 Jefferson St., addressed the commission and commended the applicant for the work he has done at a different address. Stated he doesn't feel this proposal is a good fit for the site. He has lived there for 17 years and noted the areas current traffic congestion. Expressed opposition to request for variance. Andrew Webster, 1512 Jefferson St., addressed the commission. He has lived there for 24 years. He also has congestion concerns. He stated light and air issues will be affected. He noted it is an odd design to have a new addition added on to an existing home. He doesn't think a hardship has been determined, and is opposed.

Applicant: Still unavailable due to technical difficulties. Deputy Director noted November 21, 2020 would be 120 days, and the commissioners could table application PL20-120 until their October meeting.

Commissioners: Eckenberg would like to speak to the owner, and will make a motion.

MOTION/Second: Eckenberg/Wedul motion to table until next month.

VOTE: (9-0)

PL 20-121: Variance to Rear Yard Setback for a Six-Unit Residential Building at 106 S 15th Avenue E by James Talago

Staff: Chris Lee introduced the applicant's proposal for a variance to reduce the rear yard setback from 25 feet to 10 feet to allow for an addition to the current residential structure. The addition will blend in with what is currently there, and landscaping will be added for buffering. Staff can work with the applicant during the permit phase process. This will increase the density, but not to the extreme. Staff recommended approval with the conditions listed in the staff report.

Applicant: (See above.)

Public: (See above.)

Commissioners: (See above.)

MOTION/Second: Eckenberg/Wedul motion to table until next month.

VOTE: (9-0)

PL 20-129: Concurrent Use Permit for Concrete Barrier and Underground Sewer at 2 W 1st Street by Station Two, LLC

Staff: Deputy Director Fulton introduced the applicant's proposal for a concurrent use permit for a barrier between the sidewalk and the street adjacent to the Spina building at 2 W 1st Street, as well as an existing underground sewer line located in the right of way of North Lake Avenue. In the past, the applicant has had vehicle hits to the building and wanted to modify the design. The applicant is proposing an attractive barrier with plantings. Staff recommend approval with the conditions listed in the staff report. Wedul asked about maintenance. Deputy Director Fulton noted the applicant will be in charge of maintenance. Wedul appreciates the addition of plantings to a practical use.

Applicant: John Gerzina noted this is a long-term solution, and looks forward to a favorable response.

Public: No speakers.

Commissioners: N/A

MOTION/Second: Wisdorf/Wedul recommend approval as per staff recommendations.

VOTE: (9-0)

Public Comment for Special Use Permit for Automobile and Light Vehicle Repair at 5718 Cody St. (PL 16-055)

Staff: Deputy Director Fulton and Chris Lee introduced the agenda item. In 2016, the applicant was granted a special use permit for auto repair at 58th Avenue West and Cody Street. Not all of the requirements were met. Staff now wish to obtain additional public comment. Automobile sales is not an allowed use. Lee noted the applicant was given two years to pave, screen, and remove the existing chain-link fence. In the last two years there have been periodic site inspections. Cars continue to accumulate, and the area is still not paved. It has gone from repair to salvage yard. Lee noted a wood fence has gone up, and has progressed somewhat. Cars missing parts are stored there. Deputy Director Fulton noted this deviates from the typical enforcement process. The special use permit was granted by the Planning Commission, and this is why they are bringing it back. Wedul asked what their options are if the applicant is not in compliance. Deputy Director Fulton noted they are working the City Attorneys' office. No action is needed by the Planning Commission at this time. Zandra Zwiebel affirmed they are not asking to revoke the special use permit, but are seeking additional information. Eckenberg noted they don't have the current letter. It is now two years past expiration date. Questioned why the noncompliance wasn't addressed sooner. Deputy Director Fulton noted their main goal is to seek compliance. Eckenberg asked when there will be enough information to make a determination. Deputy Director Fulton noted this will be discussed with the City Attorneys' office. Staff intent is for the applicant to carry out the requirements of their special use permit. Eddie Ratnam asked if this is an actively running business in good standing. Lee noted the certificate of occupancy was issued by building safety.

Public: Jay Duncan, 5815 Wadena St., addressed the commission. This has been going on for an extended period of time and gets progressively worse. There are semi-trucks parked on the city street for weeks on end. This property is an eye sore for the entire neighborhood. Joyce and Ed Anstett, 516 N 59th Ave W., addressed the commission. They have a garage in the alley, so they have to drive by the property to access their garage. The property is nothing but a junk yard. They are frustrated that they pay their taxes in order to live by a junk yard. The building needs to be painted. There is no activity until noon, and then activity goes on until early morning hours. There is garbage dumped into the fenced area. Neighbors should not have to live with this. Joyce would like the owner's special use permit to be revoked. Ed is concerned their property value has decreased due to the junk yard. Jay Duncan stated there are cars with "for sale" signs on them.

Applicant: Jessie Witt, owner of 5718 Cody Street, addressed the commission. He feels the neighbors are difficult. He has experienced financial hardship, including a balloon payment. He stated the dead cars will be removed. It has taken him 20 years to build this business. The semi-trucks and dump trucks are gone. He purchased equipment to blacktop the area himself.

Staff: Chris Lee summarized the citizen comments they received. The neighbors are concerned about junk and the property being an eye sore. Staff received two phone calls which mentioned junk and blight.

Commissioners: Tim Meyer asked the owner about improvements and questioned the timeframe for completion of said improvements. Witt stated 6 months for auto clean-up and 12 months for paving due to cold winter months approaching. Eckenberg asked the owner if he is selling vehicles. Witt stated he originally purchased this property as a car sales outfit and believes he is grand-fathered in. Eckenberg asked staff if car sales is against the law. Deputy Director Fulton noted he didn't know whether the site would be eligible for a grandfathered use. Staff will follow up. Wedul noted the active salvage yard. She asked the owner to define what his site operation is. Witt stated he buys cars to fix and sell.

Staff: Deputy Director Fulton noted the comments/input they received from citizens, the owner and the commissioners is appreciated. They will use the information to determine the appropriate next step.

New Business

PL 20-123: Lincoln Park Flats Conformance with Comprehensive Plan

Staff: Deputy Director Fulton gave an overview and indicated the location is the current Robert's Furniture building. They will be razing three buildings to build a 74-unit apartment building. The Planning Commission is tasked to determine if it is in conformity with the Comprehensive Plan. Staff noted the reinvestment in Lincoln Park along with much needed affordable housing. Staff recommends approval. The TIF Plan is in draft form and not finalized yet, but the resolution is provided in the staff packet.

Commissioners: Eckenberg noted this project came before the Planning Commission last year and he didn't remember a TIF discussion at that time. Deputy Director Fulton was not involved in the financing dialogue. He noted as with any development, financing needs can change. City Planner, Theresa Bajda noted they filled out a financial application with DEDA to help close the financial gap and make the project move forward. Eckenberg asked if this is the same Developer. Bajda affirmed and noted it is Rachel Development. Meyer asked about the financial gap. Bajda stated without TIF, the project would not move forward.

MOTION/Second: Wisdorf/Crawford approved resolution – Lincoln Park Flats TIF is in conformance with the Comprehensive Plan.

VOTE: (9-0)

PL 20-133: Planning Commission Review of Tax Forfeiture Parcels Proposed for Reclassification (8 in total), Recommendation from Tax Forfeit Subcommittee

Staff: Deputy Director Fulton gave an overview. The subcommittee met and agreed on the reclassification.

MOTION/Second: Zwiebel/Schraepfer recommend approval of parcel reclassification.

VOTE: (9-0)

Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton gave an overview. Upcoming training is available to the commissioners on the essentials of planning and zoning. There is an upcoming public meeting to discuss the concurrent use permits 32nd and 36th avenues east. He thanked the commissioners for their service, and noted there are lots of items on the agenda for their October meeting.

Heritage Preservation Commission – Commissioner Sarah Wisdorf gave an overview. The HPC approved signage for Bell Bank at the Temple Opera building. They are working on guidelines for the historic district.

Joint Airport Zoning Board – No report.

Duluth Midway Joint Powers Zoning Board – No report.

Adjournment

Meeting adjourned at 6:44 p.m.

Respectfully,

Adam Fulton – Deputy Director
Planning and Economic Development