

## **City of Duluth Planning Commission**

**May 10, 2022 – City Hall Council Chambers  
Meeting Minutes**

### **Call to Order**

Vice-President Gary Eckenberg called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, May 10th, 2022 in the Duluth city hall council chambers.

### **Roll Call**

#### **Attendance:**

Members Present: Jason Crawford, Gary Eckenberg, Jason Hollinday, Margie Nelson, and Michael Schraepfer

Members Absent: Andrea Wedul, and Sarah Wisdorf

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

### **Approval of Planning Commission Minutes -**

Planning Commission Meeting – April 12, 2022

**MOTION/Second:** Nelson/Hollinday approved

**VOTE: (5-0)**

### **Public Comment on Items Not on Agenda**

None

### **Consent Agenda**

(Item PL 22-065 was removed from the consent agenda items and placed under the public hearings.)

PL 22-048 Vacation of Alley between Cody Street and Petre Street by Timothy Carter

PL 22-054 Vacation of Unimproved Lexington Street Between 61<sup>st</sup> Avenue W and 62<sup>nd</sup> Avenue W by Stephen and Carol Grams

PL 22-066 Interim Use Permit for a Vacation Dwelling Unit at 5814 London Road by 5808 London Rd, LLC

PL 22-067 Minor Subdivision at 1803 Middle Road by Matthew Martin and Miranda Stenstrop

**Public:** No speakers.

**MOTION/Second:** Hollinday/Crawford approved consent agenda items as per staff

recommendations

**VOTE: (5-0)**

**Public Hearings**

(Commissioner Michael Schraepfer recused himself from the next agenda item.)

PL 22-065 Interim Use Permit for a Vacation Dwelling Unit at 1320 Minnesota Avenue by Lakeview Land Co.

**Public:** No speakers

**MOTION/Second:** Nelson/Holliday approved as per staff recommendations

**VOTE: (4-0, Schraepfer Abstained)**

PL 22-049 Special Use Permit for Auto Service at 4032 Grand Avenue by Apex Automotive

**Staff:** John Kelley introduced the applicant's proposal to operate an automobile and light vehicle service in an existing 2,500 square foot building in a MU-N district. An auto service in an MU-N district requires a special use permit. The property and building have been previously used for automobile service, but that use has not been active for a few years and a special use permit is now required. The site requires a dense urban screen to be installed along all side and rear property lines abutting a residential or mixed-use district. The applicant cannot use the land within 20 feet from the public right of way, which includes Grand Avenue, North 41<sup>st</sup> Avenue West and Grand Avenue Alley. The site plan shows six parking spaces, which exceeds the minimum requirement of 5. All vehicles on site for servicing must be stored within the building. Staff recommends approval with the conditions listed in the staff report.

**Commissioners:**

**Applicant:** Michael Lykins addressed the commission. He thanked staff for their assistance. He plans to beautify the building and provide a needed auto service to the neighborhood. He plans to convert an eyesore and make it better. The dumpsters will be removed. There are multiple bus stops nearby for convenience.

**Public:** David Stromgren – 4216 W 6<sup>th</sup> St – addressed the commission. He is not in favor, or opposed to this proposal. He owns the apartment building to the East. He is concerned about parking. Gloria Walter – 4115 Grand Ave – addressed the commission. She is not in favor, or opposed, but wants the applicant to be considerate of the noise level and hot-rodding. She asked the applicant to try to keep unnecessary noise to a minimum.

**MOTION/Second:** Crawford/Holliday approved as per staff recommendations

**VOTE: (5-0)**

PL 22-047 Variance to Exceed Maximum Parking at the Southwest Corner of Central Entrance and Anderson Road by Launch Properties/The Jigsaw LLC

**Staff:** Kyle Deming introduced the applicant's proposal for a variance to the maximum parking requirements to allow 28 parking spaces for a 3,500 square foot Chapter Aesthetics Studio. A parking study by consulting firm Kimley-Horn suggested that the Chapter Aesthetic Studio be classified as a medical clinic use with a UDC required 14 parking spaces. This would allow the planning commission to grant a variance to allow 28 parking spaces (200% of the minimum.) The need for a variance is related to site constraints and limited off-street parking. The developer has demonstrated that there is space on their site to locate the requested parking while meeting landscaping and basic storm water requirements. This level of parking would not

be out of character with the large parking lots in the mall area. The developer has proposed to mitigate the environmental impact through incorporating pervious pavement. Staff recommends denial of the applicant's requested 28 parking spaces and approval, instead, of up to 18 parking spaces with the conditions listed in the staff report.

**Applicant:** Bruce Carlson of Launch Properties addressed the commission. He thanked staff, and explained more about their possible future tenant, Chapter Aesthetics. Chapter means chapter in your life. It is helping customers be and look the best that they can be. Aspen Dental is their parent company and they are located in a Launch Properties development at the NE corner of Central Entrance and Anderson Rd. The tenant proposes 11 exam and procedure rooms with 11 or 12 staff members working with clients. There will be people in the waiting room, office, and people finishing up for a total of approximately 23-25 people on site at one time. They provide a living wage for full and part-time jobs. They need 28 parking spaces. The parking spaces will be pervious.

**Commissioners:** Chair Gary Eckenberg noted the crux is identifying the function of the business. What kind of medical procedures will they perform? Carlson stated hair replacement and Botox treatments to name a few. Chair Eckenberg asked if their parent company Aspen Dental has enough parking spaces across the street. Carlson stated it is tight. Carlson stated the tenant will walk away if they aren't allotted the 28 parking spaces. Jason Crawford asked the applicant if there will be screening. Carlson stated yes. There will be screening to the south.

**Public:** Rob Merritt of Hanft Fride Law Firm addressed the commission. He represents the Tuominen family who reside at 411 Anderson Road. They are opposed to the variance. Their house is residential and they will be adversely affected by being surrounded by commercial developments. They have many concerns including: snow removal, noise, dust and dirt generated, litter and lights (cars and overhead). This variance is not due to uniqueness of the property, but is due to a return on investment, which is not a reason to grant a variance. The proposal is inconsistent with the Unified Development Code (UDC). A new bus service will be added, and they should not be allowed more parking. The tenant will not be serving the neighborhood, but will pull in clients from around town. This is a personal service use, and not a medical use. He urges the commission to deny the variance.

**Commissioners:** Margie Nelson noted the Kimley Horn memo in their packets, which gives a nice breakdown of the parking scenarios. Chair Eckenberg asked about the difference between personal services and medical clinic. Is it licensure? Deming stated this business matches personal services most closely and that this use has been classified as such in other locations in Duluth.

**MOTION/Second:** Nelson/Schraepfer approved as per staff recommendations of denial of the requested 28 parking spaces, but approval of 18 parking spaces.

**VOTE: (5-0)**

PL 22-060 UDC Map Amendment From R-1 to R-2 (for 1.1 Acres) and R-2 to R-1 (0.7 Acres) near the Southwest Corner of Palm Street and Blackman Avenue by KAMI Holdings, LLC

**Staff:** Kyle Deming introduced the applicant's proposal for a UDC Map Amendment/Rezoning to change the zoning of 1.1 acres from Residential-Traditional (R-1) to Residential-Urban (R-2) and to change the zoning of 0.7 acres from Residential-Urban (R-2) to Residential-Traditional (R-1) in order to coincide with proposed development parcel boundaries in the proposed Kara-Mia Addition plat. Staff recommends approval for the reasons listed in the staff report.

**Applicant:** Dennis Cornelius of Amcon Construction addressed the commission. The applicant's name is pronounced "Cam-ee." A MN-DOT study looked at pedestrian traffic, mass transit and shopping. All components favor a higher-density project. Their proposal includes two phases. The first phase is the construction of the apartment building, and the second phase in

the future will be construction of townhomes. Chair Eckenberg asked who their target market will be. Cornelius stated mid-range at market rate. The apartment complex will include a pool and a rec room. There will be a shared use path to connect the lot near Orange St. to the existing path along Palm St. Parking will be below grade in the apartment building. There will be a pond in front and at the SE corner of the building for stormwater management. There will be aesthetically pleasing features. Nelson asked about access on to Central Entrance from Blackman Avenue. The applicant stated their access won't have a major impact according to the traffic study.

**Public:** Kathy McAuliffe of 215 S. Blackman Ave. addressed the commission. She also owns another lot off of Blackman Ave. She is opposed to the plan. The applicant's graphic shows no buffer between their development and her lot. She noted traffic will increase dramatically. Currently there is traffic to and from ISD 709's bus barn going up their road every day. She is also concerned about water run-off. In spring their back yard tends to flood. The building height is concerning, and four floors will tower over their home. They have built a back-yard sanctuary. They hear road traffic from Central Entrance, but removing the trees will significantly impact them by allowing more noise through. She also has lighting concerns. She stated the building and developer are not local, and these apartments will not be affordable, and will be market rate. Peggy Radosevich of 303 S. Blackman Ave. addressed the commission. She is opposed to the proposed project. They do not want increased traffic. They bought their home because of the trees, and now they will be removed. Greg Bethke of 218 S. Blackman Ave. addressed the commission. He noted the radical changes to their neighborhood in a short time period. There will be heavy construction and increased traffic flow going up and down Blackman Avenue. He has concerns about the wear and tear on the street. He is concerned about water run-off and forest destruction. He asked about snow removal, and if the snow will be trucked out. Sally Bethke of 218 S. Blackman Ave. addressed the commission. She stated Palm Street is already in bad shape. She is concerned about water run-off. The last storm had rivers of water running down Blackman Avenue. She is concerned about parking, and is opposed to the plan.

**Commissioners:** Jason Crawford asked the project engineer, Andrew Barnebey, to discuss the stormwater plan. Barnebey addressed the commission, and stated they will reduce the run-off from the site by 25% and direct it to the creek. There will be a reduction of stormwater leaving the site. There will be a storm water pipe to direct water from the site to the creek, and requirements will be met. Chair Eckenberg noted the public's question on snow removal. How will it be addressed? Barnebey stated they will push some snow into the ponds, and will haul it away if they need to. Nelson asked about buffering between the development and the nearby houses. Barnebey stated the plan is to have a buffer all along the east side of the development. The landscape plan will provide buffering. Crawford understands the neighbors concerns and also noted the need for housing. Nelson noted the previous plans to develop the site goes back to 2001. Chair Eckenberg drove by the site and observed that Palm Street goes directly to Arlington, which is in proximity to a controlled intersection with Central Entrance.

**MOTION/Second:** Crawford/Nelson recommended approval as per staff recommendations.

**VOTE: (5-0)**

PL 22-059 Vacation of Portions of Overland Street and Harding Avenue, and Utility Easements, Near Palm Street and Blackman Avenue by KAMI Holdings, LLC

**Staff:** Kyle Deming introduced the applicant's proposal for a vacation of streets and utility easements for the re-platting of the area into the Kara-Mia Addition. Approval of the vacation are contingent upon the planning commission's approval of the final plat of Kara-Mia Addition in PL22-061 and its timely recording. With the re-platting of the area, the existing streets will be useless for providing the public access to the land. Additionally, the utility easements are

useless since, with the other vacations, there are no longer public easements to which these would connect. Staff recommends approval with the conditions listed in the staff report.

**Public:** No speakers.

**MOTION/Second:** Schraepfer/Nelson recommend approval as per staff recommendations

**VOTE: (5-0)**

PL 22-061 Preliminary Plat of 14 Acres into Kara-Mia Addition at the Southwest Corner of Palm Street and Blackman Avenue by KAMI Holdings, LLC

**Staff:** Kyle Deming introduced the applicant's proposal to combine parts of 14 lots in two existing plats and 2 acres of unplatted land into the proposed 14-acre Kara-Mia Addition consisting of two building lots and associated utility easements. The site is vacant with the exception of a dwelling that will be removed as part of the lot development. Lot 1 is proposed to be developed with a 198-unit apartment building, which is a permitted use in R-2. Lot 2 (zoned R-1) is proposed to be developed in a later phase into townhomes on a private road accessing Orange Street. The developer will apply for a special use permit for the townhomes at a later time. Immediately north of the plat is 2.2 acres of City-owned land that consists of wetlands and a storm water detention pond. This pond is the headwaters to Brewery Creek. The general development shoreland requires buildings to be setback 50 feet from the Ordinary High-Water Level of the creek; Lot 1 allows adequate space for a building that complies with the setback. Natural grade of Lot 1 is much higher than the Base Flood Elevation and, therefore, buildings should be able to comply with the floodplain elevation requirements. A tree inventory has been submitted and a tree replacement plan will need to be provided at the time of site development. A traffic study was completed for the project. There is available capacity for the proposed traffic. The DTA will have stop a block away and will be providing improved service frequency starting this summer. A final stormwater management report will be submitted to the City prior to the building permit, but preliminary design shows compliance. The preliminary plat is located in an area with adequate police, fire and emergency services available to the projected population. Staff recommends approval with the conditions listed in the staff report. Chair Eckenberg noted the plans approved in 2001 for a multi-story retirement community. Deming noted that the 2001 application resulted in more wetland impacts of 1.8 acres than the current proposal.

**Public:** Kathy McAuliffe, 215 S. Blackman Ave., addressed the commission. She noted they just paid off their road assessments, and doesn't want the road to be torn up. This plan will have an adverse effect on their neighborhood. There will be noise and lights, and no buffer.

**Applicant:** Cornelius noted there will be a buffer along the east side and to the north by the parking area. They will add fencing and/or evergreens. Fencing upkeep can be challenging, and they prefer trees. Their master plan is to minimize slopes and keep vegetation. They are trying to be sensitive to the neighborhood. He also noted their tenants' view. He would like them to look outside to vegetation.

**MOTION/Second:** Schraepfer/Hollinday approved as per staff recommendations

**VOTE: (5-0)**

PL 22-064 MU-C Planning Review for a Fitness Center at 1320 Mountain Shadow Drive by Planet Fitness

**Staff:** Chris Lee introduced the applicant's proposal to construct a 22,300 square foot single story fitness center with an associated parking lot on a 2.5-acre lot. The project will remove an existing driveway on Mountain Shadow Drive and the Burning Tree Road will remain. The use is not expected to generate more than 100 trips per hour/1,000 trips per day. City engineering

has indicated that the surrounding streets are controlled via signals and can support 2,000 vehicles per day. The site plan includes a pedestrian connection from the sidewalk on Mountain Shadow Drive to the front entrance. The site plan indicates 70 trees and 93 shrubs. The lighting plan meets UDC standards. Staff recommends approval with the conditions listed in the staff report.

**Applicant:** Todd Riley (civil engineer) addressed the commission, and welcomed questions. Chair Eckenberg asked him in the applicant approves of the conditions. Riley affirmed.

**Public:** No speakers.

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

**VOTE: (5-0)**

### **Old Business**

PL 22-045 Planning Review for the Higher Education Overlay District at 1303 W. Arrowhead Road by 1303, LLC

Item to Remain on the Table. The city council will meet on this item on 6/13/2022. The planning commission will revisit it on 6/14/2022.

### **Communications**

Land Use Supervisor (LUS) Report – Deputy Director Fulton gave an overview. He thanked Vice-President Eckenberg for filling in as Chair this week. He also thanked newly appointed interim managers, Jenn Moses and Steven Robertson. Deputy Director Fulton noted it will be a busy summer for the planning commission.

Heritage Preservation Commission – No update.

Joint Airport Zoning Board – No update.

Duluth Midway Joint Powers Zoning Board – No update.

### **Adjournment**

Meeting adjourned at 7:00 p.m.

Respectfully,

DocuSigned by:  
  
6F120D73DC4F4F5...

Adam Fulton – Deputy Director  
Planning & Economic Development