

City of Duluth Planning Commission

November 9, 2021
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, November 9th, 2021.

Roll Call

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

Members Present: Jason Crawford* (entered meeting after consent agenda vote), Gary Eckenberg*, Jason Hollinday*, Margie Nelson*, Michael Schraepfer*, Andrea Wedul*, and Sarah Wisdorf* (entered meeting after approval of the minutes)

Members Absent: Eddie Ranum and Zandra Zwiebel

Staff Present: Adam Fulton*, Robert Asleson*, John Kelley*, Steven Robertson*, and Cindy Stafford*

Approval of Planning Commission Minutes -

Planning Commission Meeting – October 12, 2021

MOTION/Second: Eckenberg/Hollinday approved

VOTE: (5-0)

Public Comment on Items Not on Agenda

No speakers.

Consent Agenda

PL 21-166 Vacation of Utility Easement at 2825 Exhibition Drive by Benjamin Setterlund and Jennifer Hovland

PL 21-175 Interim Use Permit for a Vacation Dwelling Unit at 11 E 4th Street, Unit B (Form District) by BJS Land Co. DLH LLC

PL 21-154 Concurrent Use Permit for Outdoor Seating at 109 W Superior Street by Dubh Linn Brew Pub

Commissioners: Andrea Wedul noted PL21-154 and asked if the outdoor seating is blocking the sidewalk. Deputy Director Adam Fulton stated it is a wide walkway, and the sidewalk will be maintained. Wedul appreciates the design.

Public: No speakers.

MOTION/Second: Wedul/Wisdorf approved consent agenda items as per staff recommendations

VOTE: (6-0)

Public Hearings

PL 21-118 Special Use Permit for a Middle School and High School at 4321 Allendale Drive by Stella Maris Academy

Staff: John Kelley introduced the applicant's proposal to operate a middle/high school, grades 5 through 12, at the former Woodland Hills Academy located in the Woodland neighborhood. The special use permit is needed to operate the school in the RR-1 and R-1 Zoning Districts. No building expansions or additions are necessary for the proposed middle/high school. The use is not out of character with the surrounding neighborhood. There are sufficient drop-off and pick-up areas that do not pose a safety or traffic hazard to pedestrians or vehicles. No exterior work is proposed. Interior work involves the creation of 14 classrooms. There are 96 parking spaces which staff believes is sufficient for the intended uses, including student parking. A dense tree buffer exists between the school and the surrounding residential homes. Staff received one public comment and one comment from engineering recommending a pedestrian/people powered plan be completed by the applicant in coordination with staff to ensure the safety of students and other's commuting to the school by walking or biking. Staff recommends approval with the conditions listed in the staff report.

Applicant: Andrew Hilliker and Bob Lisi are present and welcomed questions.

Commissioners: Gary Eckenberg noted the St. John's campus nearby. With the addition of the Hills, would St. John's be more of a middle school, and the Hills would be for high school? The applicants affirmed. Commissioner Wedul asked if additional parking would be needed for student parking on site. Hilliker stated based on current enrollment, the parking allotted is sufficient. Wedul noted the reuse of schools is important, and this project is great to see.

Public: No Speakers.

MOTION/Second: Wisdorf/Wedul approved as per staff recommendations

VOTE: (7-0)

PL 21-176 Vacation of Right of Way at 730 E Central Entrance by ISD 709

Staff: Steven Robertson introduced the applicant's proposal to vacate three public right of ways, and one building easement, with retention of one utility easement. These vacations are required as part of a process to review and approval of a final plat. A good portion of the land was already vacated in the early 1970's. The right of ways are not being used by the public. If approved, it will go to the city council as a resolution. Staff recommends approval with the conditions listed in the staff report.

Applicant: Trent Prigge of Northland Consulting Engineers addressed the commission and welcomed questions. There were none.

Public: No speakers

MOTION/Second: Wisdorf/Eckenberg recommended approval as per staff recommendations

VOTE: (7-0)

PL 21-174 Final Plat at 730 E Central Entrance by ISD 709

Staff: Steven Robertson introduced the applicant's proposal for approval of a final plat in support of construction of new facilities in ISD 709 operations and administration, and in support of development of the remainder of the property. The revised exhibit for the final plat still needs minor corrections. The planning commission saw this item a few months back and approved the preliminary plat. Staff recommends approval with the conditions listed in the staff report including a development agreement is approved by the Duluth city council. The development agreement must reflect language ensuring provision of a trail easement for the Superior Hiking Trail.

Applicant: Present, but had nothing more to add.

Public: No speakers.

MOTION/Second: Crawford/Wedul approved as per staff recommendations.

VOTE: (7-0)

PL 21-074 UDC Text Amendment Related to Shipping/Temporary Storage Containers, Creating New Land Uses for Tobacco Shops and Pawn Shops and Amendments Related to the Residential Planned and Mixed Use Zone Districts by the City of Duluth

Staff: Steven Robertson introduced the city's proposal for a change to the UDC related to shipping containers and retail stores. In 2019 staff used the term "temporary storage containers". Now staff would like to address the exact term "shipping containers". There are specific standards listed in item 3. Staff recommends approval.

Applicant: N/A

Public: No speakers.

Commissioners: Wedul asked about item 3(d) – no stacking. She has seen nice examples of two stacked containers for an office building/structure. Robertson noted stacking is appropriate in Industrial Areas, but staff wanted to limit stacking in other areas for safety reasons. Wedul asked if screening is needed. Robertson stated no. HVAC equipment would need screening, but not shipping containers. Wedul asked why 15 days in any calendar year was chosen. Per Robertson, they felt this was a good compromise and reasonable time frame. Wedul suggested it may be worth discussing at a future brown bag meeting. Eckenberg noted buffering in Mixed Use Districts. 11A – permanent fixtures and bonified working areas – Industrial. 2c – residential districts – no screening. How does 15 days relate to 45 days in commercial districts? Robertson noted commercial districts have more leniency. Wisdorf asked if there could be an extension of time (or variance) allowed if someone needs more time. Robertson affirmed and noted "due to construction" situations can have the length extended without a variance.

MOTION/Second: Wisdorf/Eckenberg recommended approval as per staff recommendations

VOTE: (7-0)

Old Business

PL 21-096 Minor Subdivision at Glen Place and W Michigan Street by Aaron Schweiger

Item to Remain on the Table through the end of November for more Plat Research

Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton gave an overview. Essentia is rolling out their new project. DEDA is interviewing developers for Lot D – west of Pier B. The city is

close to filling the senior transportation planner position. City is now accepting letters of intent for interested applicants for vacation rentals. He thanked the commissioners and staff for their work on this issue.

Heritage Preservation Commission – Vice-President Wisdorf gave an overview. The HPC met on 11/08/2021 and they are awaiting SPHO's review of their proposed downtown design guidelines. Duluth will be hosting the State Preservation Conference in 2022.

Joint Airport Zoning Board – Commissioner Eckenberg noted they approved the custom ordinance, and it will be included in the UDC language relatively soon.

Duluth Midway Joint Powers Zoning Board – No updates.

Adjournment

Meeting adjourned at 6:04 p.m.

Respectfully,

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