

City of Duluth Planning Commission

**March 08, 2022
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 Sarah Wisdorf called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, March 8th, 2022.

Roll Call

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

Members Present: Jason Crawford*, Gary Eckenberg*, Margie Nelson*, Michael Schraepfer*, Andrea Wedul*, Sarah Wisdorf*, and Zandra Zwiebel*

Member Absent: Jason Hollinday

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

Presentation of 2022 Zenith Award

The 2022 Zenith Award was presented to Alan Nelson of One, LLC for the Enger Lofts Development, which provides 33 apartments in the Lincoln Park Craft District.

Approval of Planning Commission Minutes -

Planning Commission Meeting – February 08, 2022

MOTION/Second: Eckenberg/Schraepfer approved

VOTE: (7-0)

Public Comment on Items Not on Agenda

None

(Item PL 21-204 was withdrawn by the applicant until next month.)

(Item PL 22-013 was removed from the consent agenda and placed under public hearings by Commissioner Andrea Wedul.)

Consent Agenda

PL 22-006 Concurrent Use Permit for a Wall in the Skywalk at 309 W Superior Street by Superior Street Property, LLC

PL 22-009 Interim Use Permit for a Vacation Dwelling Unit at 4123 W 7th Street by Mike and Laurie Casey

PL 22-011 Interim Use Permit for a Vacation Dwelling Unit at 207 Pittsburg Street by Linda Nervick

PL 22-012 Interim Use Permit for a Vacation Dwelling Unit at 5808 London Road by Dean Jablonsky

PL 22-014 Interim Use Permit for a Vacation Dwelling Unit at 1916 W Superior Street – Unit 2 by DKM Ventures

PL 22-015 Interim Use Permit for a Vacation Dwelling Unit at 1916 W Superior Street – Unit 1 by DKM Ventures

PL 22-016 Minor Subdivision at Joshua Avenue by Van Staagen Design LLC

Commissioners: Gary Eckenberg noted the parking requirements in item PL22-011. Per Chris Lee, the permit will not be issued until parking is in compliance.

Public: Mike Casey pointed out the mistake in the staff report for Item PL22-009. Staff recommends approval, not denial. Deputy Director Adam Fulton noted the commissioners received the updated version, and it will also be posted online.

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

VOTE: (7-0)

Public Hearings

PL 22-013 Variance from Corner Side Yard Setback at 2533 Minnesota Avenue by Kimberly Anderson

Staff: Chris Lee introduced the applicant's proposal for a variance from the corner side yard setback to 5' in order to build an entry stoop and deck. This is a reduction of 10' from the standard 15'. The other proposed addition (attached garage) is exempt from the variance due to the reduced setbacks of other houses on the block face. Staff is recommending approval with the conditions listed in the staff report.

Commissioners: Andrea Wedul noted the existing garage in the right of way. Now they will have two garages. Can the non-conforming garage be removed? Lee noted the existing garage is a permitted garage with a concurrent use permit. He does not think they could force the applicant to remove it. There is no maximum number of garages adopted in the code. Park Point looks like this. The proposal is not inconsistent with other properties. Wedul asked about the side yard setback. What if 26th Street South is improved? Per Lee – it isn't crossing into the R.O.W. Wedul asked about the shoreline management area. Does this proposal trigger additional analysis? Per Lee they are not adding a structure towards the lake.

Applicant: Did not speak.

Public: Mark Baker – 1721 E 3rd St – addressed the commission. He asked what is the uniqueness of the lot to merit a practical difficulty. Lee noted it is on an average lot which is 40' wide, but the exceptional narrowness of the lot, and its location as a corner constitutes a practical difficulty.

MOTION/Second: Eckenberg/Nelson approved as per staff recommendations.

VOTE: (7-0)

PL 22-018 Special Use Permit for a Car Wash at 604 W Central Entrance by CWP West Corp.

Staff: Kyle Deming introduced the applicant's proposal for a single-bay automatic car wash with 3 drive-up pay stations, 14 stalls for vehicle vacuuming, and three parking spaces located in the Jigsaw Division. The nearest residential structure is 300' away. The landscape plan will include a double-row of evergreen trees along the south property line and a single-row of evergreen trees along the west property line and the south property line of Lot 2. Staff recommends approval with the conditions listed in the staff report.

Commissioners: Gary Eckenberg asked if the original plan included a car wash. Deming didn't think so, but it is not uncommon. Zandra Zwiebel noted this is not the first time they have heard of a car wash being proposed. It has been six months, since it was being considered. Deming noted the previous plan may have included a car wash. Wedul stated this is a tight location. What is their plan for snow removal? Per Deming, staff did not ask specifically, but they are not allowed to pile snow on the landscaping. Wedul noted the prohibition of rock mulch around the vegetation. She hasn't heard about this being harmful.

Applicant: Sam Glennen addressed the commissioners and thanked them. The applicant is excited to be part of the Duluth community. They use a system which will reclaim the water they use and be more environmentally friendly. He introduced Erik Lokensgard (engineer from Kimley-Horn) to add comments about snow removal. Lokensgard noted there is a large triangular piece on the property where the snow will go, just north of vehicle entry and the NE corner. Excess snow will be hauled off of site.

Public: Deming noted staff received a late comment from Jake and Jullien Bratek of 501 Anderson Rd. They think the neighborhood would benefit more from amenities other than a car wash. They have foliage concerns and noted there are no sidewalks in the neighborhood, and would like to see a privacy fence installed. Mike Casey addressed the commission. He asked how this development fits into MNDOT's future plans. He is an advocate for pedestrians and bikes. He appreciates that there is a snow removal plan. It is important to have access to businesses without using a car.

Commissioners: Eckenberg asked if there was access to Central Entrance. Per Deming, there is a right in/right out off of Central Entrance. Deming noted the connection to Anderson Road is necessary for traffic. The sidewalk would go along the entrance road until the NE to the intersection at Central Entrance. Eckenberg asked about the condition of the city council passing the UDC amendment to allow a car wash as a special Use in an MU-N zone. Per Deming if the city council doesn't approve, it will stop this proposal from going forward. The city council has two readings on this issue. The first one passed, and they will have their second reading soon. Wedul asked if it would be prudent to table before it is officially approved by the city council. There was no more discussion.

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

VOTE: (7-0)

PL 22-024 MU-I Planning Review Amendment for Parking Ramp at 502 E 2nd Street by Essentia Health

Staff: Steven Robertson gave an overview. The applicant is seeking an amendment to a previously approved MU-I Planning Review (PL21-115), related to the exterior façade elements. The most significant of the changes include: changing the width of the parking ramp above the alley to ten feet from the west property line, eliminating the extra parking stalls located above the alley on level 3, replacing perforated metal panels above the first floor to a mill finish aluminum panel, reducing the amount of street trees near the entrance/exits of 1st Street, and shifting the parking lanes on 1st Street and adding turn lanes. Staff recommends approval with the conditions listed in the staff report.

Commissioners: Zwiebel noted the email/comments the commissioners received from Friday Properties. They are concerned with their tenants' parking situation. Zwiebel also noted the aluminum building covering, and the importance of it not appearing like a mirror which would be detrimental to migratory birds. She asked what the aluminum will look like over time. Will salt effect it? Robertson deferred to the applicant. Commissioner Wedul stated the landscaping looks light. Do they meet the UDC requirements? Robertson noted there are two curb cuts in to busy structure. Normally they wouldn't support, but in this case, staff feel the amount of landscaping is appropriate.

Applicant: Evan Aljoe of LHB addressed the commission. The aluminum finished is milled and won't be shiny. It is not reflective and won't look like the sky or a tree to a bird. The finish is a raw material, so it is durable and won't degrade with salt. Their lighting is in compliance. There will be no lighting extending past the property line. There will be interior lighting and possibly some on the roof, but not on the building perimeter.

Public: No speakers.

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

VOTE: (7-0)

(Commissioner Jason Crawford recused himself from the next agenda item.)

PL 22-019 Special Use Permit for Commercial Support Services at 500 E 10th Street by JS Print Group

Staff: Kyle Deming introduced the applicant's proposal to renovate 14,579 sq. ft. of the former UDAC building into space for the JS Print Group, a commercial printing, design, mailing, and advertising/promotion business. Staff recommends approval with the conditions listed in the staff report.

Commissioners: Wedul noted the MNDOT changes to Central Entrance, but this is outside the area since the new plan stops at Mesaba Avenue. This proposal is essentially just an interior remodel.

Public: Mike Casey addressed the commission. He noted the importance of safe routes to schools and noted there is no sidewalk on 9th Street. He thought the UDC may want to see a sidewalk added. This is a mixed-use neighborhood, and the proposal is a great asset to the community. Per Deming the renovation is not triggering changes to the physical site. He acknowledged where sidewalks can be added. Bernice Pepper who lives in central hillside addressed the commission. She asked what will happen to the community garden. The garden is an opportunity for low income families to have fresh vegetables.

Applicant: Jose Stager addressed the commission and welcomed questions. He is excited for their new location. Stager noted he is working with the Freedom Center regarding the logistics (including insurance), which will allow them to take over the community garden.

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

VOTE: (6-0, Crawford Abstained)

PL 22-022 Concurrent Use Permit for Balconies above 20th Avenue W at 2001 W Superior Street by Urbane 218, LLC

Staff: Kyle Deming introduced the applicant's proposal for a concurrent use permit to allow balconies above the 20th Avenue West sidewalk extending from a proposed apartment building. Staff recommends approval with the conditions listed in the staff report.

Applicant: Rose Schroder of Bolten-Menk addressed the commission and welcomed questions. Eckenberg stated he had a question off topic, and asked about details of the apartment building itself. The architect Steve Miller stated there are 45 total units, comprising of 2-bedroom, 1-bedroom and studio units. They strive for a mix of renters and want to appeal to a wide range of renters.

Public: Jose Stager commented about other apartments in the area and he would like to make sure these new apartments are affordable, so the people who work in the community can live in the community. Rentals are getting very expensive, and he doesn't want to see the locals priced-out.

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

VOTE: (7-0)

PL 21-135 UDC Text Amendments for Mixed Use Institutional (MU-I), Residential-Planned (R-P), and Mixed Use Planned Districts

Staff: Steven Robertson gave an overview. They are streamlining the language and the minimum lot size for R-P districts would be reduced to match MU-P at a minimum size of one acre. Staff recommends approval.

Commissioners: Michael Schraepfer asked when are MU-P and the R-P districts used. Robertson noted these are planning developments, and are generally used with a large plot of land and private roads. Commissioner Zwiebel noted the allowance for alternative or off-site landscaping. Robertson noted the Endion development on London Road. The site was super tight. They still wanted landscaping, but there was no room on site, so they opted for landscaping on a near or adjacent site on city land. The distance isn't specified. Wedul noted there would need to be a transfer of development rights if it is on a non-related parcel. She asked if a covenant is needed, in order to track it with the property. Robertson affirmed if it is on a separate parcel, a covenant would be needed.

Public: No speakers.

MOTION/Second: Zwiebel/Nelson 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 for more Plat Research. Per Kyle Deming, there may be an update next month.

Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton gave an overview. The Planning and Development office now has two interim managers: Jenn Moses, and Jason Hale. The American Recovery Plan has 19 million dollars for projects. More to come soon. Cirrus is looking to expand, which will complement the Airport master plan. In the Woodland neighborhood looking to remove tanks from tax forfeited property in order to turn it over more quickly. Saturday Properties has withdrawn their proposal for the Old Central High School Site. Fulton thanked the commissioners, and noted their work has been valuable. The School District now has a clearer path going forward. Work still going on in Kenwood with tree replacement.

Heritage Preservation Commission – Steven Robertson commented there will be an upcoming brown bag with the planning commission to discuss downtown design guidelines.

Joint Airport Zoning Board – No meeting or updates.

Duluth Midway Joint Powers Zoning Board – No update.

Deputy Director Fulton noted commissioner Zandy Zwiebel’s term on the commission is coming to an end. He thanked her for her years of service.

Adjournment

Meeting adjourned at 7:32 p.m.

Respectfully,

DocuSigned by:
Adam Fulton
6E120D73DC4F4E5

Adam Fulton – Deputy Director
Planning & Economic Development