

## **City of Duluth Planning Commission**

**September 13, 2022 – City Hall Council Chambers  
Meeting Minutes**

### **Call to Order**

President Margie Nelson called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, September 13th, 2022 in the Duluth city hall council chambers.

### **Roll Call**

#### **Attendance:**

Members Present: Jason Crawford, Gary Eckenberg, Samuel Lobby, Margie Nelson, Danielle Rhodes, and Michael Schraepfer

Members Absent: Jason Holliday, and Andrea Wedul

Staff Present: Adam Fulton, Robert Asleson, Kyle Deming, Chris Lee, and Cindy Stafford

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

Planning Commission Meeting – August 9, 2022

**MOTION/Second:** Eckenberg/Crawford approved

**VOTE: (6-0)**

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

None

### **Consent Agenda**

PL 22-139 Interim Use Permit for a Vacation Dwelling Unit at 130 Charlotte Place by Daniel Frank

PL 22-142 Concurrent Use Permit for an Underground Private Sanitary Sewer in the Right of Way of Sundby Road and Page Street by Kinseth Hotel Group

PL 22-140 Final Plat for Force 1 Commercial Development on Arrowhead Road, west of Rice Lake Road, by Force 1, LLC

PL 22-145 Variance to the Corner Side Setback for an Entry Deck at 431 E Skyline Parkway by Ed Oman Construction

**Public:** Item PL 22-142 - Jill Crawford-Nichols, 1505 W. Morgan Street, asked for clarification and noted her area doesn't have public sewer access. Chris Lee stated the applicant is paying to hook up to the public main.

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

**VOTE: (6-0)**

## **Public Hearings**

### PL 22-141 Preliminary Plat for Rearranement of Part of Western Woods on the east side of Decker Road south of Anderson Road by Lon Hovland

**Staff:** Kyle Deming introduced the applicants' proposal for the approval of the preliminary plat of Rearrangement of Part of Western Woods Division to provide for replatting of 17 lots and a 3 acre unplatted parcel totaling 11.3 acres into 19 lots on a shortened street. The proposal includes construction of a new public street with sidewalks and utilities. Staff recommended approval with the conditions listed in the staff report.

**Applicant:** Adam Zwak, the civil engineer for the project welcomed questions. Commissioner Gary Eckenberg asked if the proposed new street was previously called Westwood Drive (now Westwood Circle). Zwak affirmed and noted they will sort through options and come up with a name.

**Public:** Jacob Ulvi, 3502 Decker Rd., addressed the commission. He lives south of the development. He is concerned about the stormwater drainage. Per Deming, the stormwater will be collected in two ponds and then will let water out to the wetlands in the south. He believes storm water design rules require that run-off not exceed what it is at the present time. Zwak affirmed. They are not increasing the run-off, and it will actually be reduced. Sherri Dunbar, 1911 Denim St., addressed the commission. She bought her home seven years ago, and was told by her realtor that nobody could build on that land due to the wetlands. She questions the development. Phillip Hooper, 1912 Anderson Rd., addressed the commission. He noted the easement had been vacated, but that part of an easement still existing next to his property. Will there be pedestrian access? He also asked about the row of trees on the property and would like to keep them. Deming stated there is a 30 foot wide half a street next to Hooper's property that still exists and the developer is being required to give a pedestrian easement to connect to it. UDC platting requirements call for a pedestrian easement to exit any cul du sac. He also noted no buildings will be allowed in the wetland areas.

**Commissioners:** Danielle Rhodes asked if screening is planned. Deming noted screening is not part of the preliminary plat. The lots are largely left uncleared. The final plat will require a tree replacement plan. Deputy Direct Fulton added this area is fairly rural. Jason Crawford would like to make a motion, but asked if they could add a condition to verify any alteration to the wetlands will not affect the neighbor's property who spoke and had concerns. Commissioner Samuel Lobby agreed. Deputy Director Fulton noted that the technical evaluation panel approved the wetland delineation, but the commission can add a condition if they so choose. Commissioner Gary Eckenberg noted the updated wetland delineation in 2022. Was the delineation City sponsored, or owner requested? Per Fulton, wetland delineation is a private request. The delineation is good for five years. The technical document is reviewed for accuracy and is not subject to debate. The commissioners decided a condition was not needed.

**MOTION/Second:** Crawford/Lobby approved as per staff recommendation

**VOTE: (6-0)**

### PL 22-143 MU-C Planning Review for a Hotel on Sundby Road north of Maple Grove Road by Kinseth Hotel Group

**Staff:** Chris Lee introduced the applicant's proposal to construct a 4-story hotel with 112 parking stalls. The hotel will be 51' tall, and the applicant will be required to verify the maximum height of the structure at the time of the building permit application. The landscape plan shows 21 trees, exceeding the required 19 for parking lot coverage. The required frontage

landscaping is met with 33 trees and 149 shrubs. Staff recommends approval with the conditions listed in the staff report.

**Applicant:** Chase Ernste of Northland Consulting Engineers welcomed questions.

**Public:** Troy Fralich, 1745 W Page St, addressed the commission. He is concerned about the removal of trees and the added lighting. He would like to see their privacy maintained. Per Lee, there is a significant amount of trees in the landscaping plan. The lighting on the site will be downcast. Pedestrian movement will be up to hotel management. Ben Frye, 1504 Osage Ave, addressed the commission. He is concerned about privacy. This hotel is commercial, and yet they are rural. What prevents the hotel windows from looking directly down at them? Per Lee, he can't speak for the developer, and it is up to the applicant to determine. Frye asked why the applicant isn't here tonight. Per Lee, the applicant is out of town, and unable to attend. Jill Crawford-Nichols, 1505 W Morgan St, addressed the commission. She noted the adjacent properties to the proposed hotel are zoned rural RR-1, which are five acre lots. These are very different uses, and will directly affect them. Has an impact study been done? Has a need study been done? How will it effect Miller Creek? She also asked if a minimum tree size is required. She added that four guiding principles (2, 5, 7 & 10) are in conflict with the development. Joan Haubrich, 1513 W Morgan St, addressed the commission. She is opposed to the proposal. She is retired from a career of building hotels. There will be an impact to the area. Traffic will increase. She asked at what cost to we allow development. There are four hotels in a small radius. She also noted the need for an impact study. Lee added an impact study is not typically performed. The tree, landscaping plan, meets UDC requirements. President Nelson asked if it is common to have MU-C zoning next to RR-1 zoning. Per Lee, there are restrictions added including building height. Deputy Director Fulton noted this area was subject to significant study in the 1990's. The RR-1 areas by the mall are rural for preservation. Areas along Sundby Road are slated for development. He noted the need for another hotel is not up to staff. They are tasked to make sure plans are consistent with the UDC. Engineering is closely scrutinizing conditions for stormwater treatment in proximity to Miller Creek. Crawford-Nichols noted the hotel **can** be built here, but **should** it? This contradicts the purpose of the home she bought. The 1990's study is almost older than she is. She asked commissioners to take into consideration the impact it will have. Joyce Alworth, 1818 Yosemite Ave, addressed the commission. She has been a resident here since 1984. She is concerned there will be more traffic, noise (including construction noise). This project will change the feeling of her rural home. She feels less safe, and it will be a negative impact to their neighborhood. She noted little trees take a long time to grow. She noted the pond on the end of Osage, which will also be impacted. This proposal makes her sad, and she feels the hotel can be built further away from this rural neighborhood. She is opposed.

**Commissioners:** Rhodes asked if the developer considered other sites. Per Lee, their task today is to focus on this particular site. Eckenberg stated he has concerns. He questioned why the applicant wasn't present to address neighbors' concerns. Deputy Director Fulton noted this zoning has been in place for many years. The MU-C zone wraps around the RR-1 neighborhoods. Eckenberg would like to table until the applicant can address the neighbors' concerns. Commissioner Michael Schraepfer asked if a hotel is a permitted use in an MU-C zone, then why is this item before them. Deputy Director Fulton noted a planning review is needed for a permitted use to look at the plan, and evaluate it.

**MOTION/Second:** Eckenberg/Rhodes tabled

**VOTE: (6-0)**

(Commissioner Schraepfer recused himself from the next agenda item, due to a conflict of interest. His company is the applicant's managing agent.)

PL 22-146 Variance to the Form District Driveway Location Requirement at 915 E 4<sup>th</sup> Street by Lunar Legacy, LLC

**Staff:** Chris Lee introduced the applicant's proposal for a variance to allow a multi-family dwelling to be constructed that has two driveways in alternate locations from the requirements per UDC Section 50-22. The applicant is proposing to construct a 6-story multi-family structure with 121 residential units and 97 covered parking stalls. The applicant is proposing to have one driveway on East 4<sup>th</sup> Street and one on 10<sup>th</sup> Avenue East. The extreme topography makes it difficult to have a single driveway from the alley that can access two floors of parking. The need for a variance is caused by site constraints unique to this site and not caused by the applicant. Staff recommends approval with the conditions listed in the staff report.

**Applicant:** Nick Adams of Heirloom Properties addressed the commission. He noted the variance will allow for 97 indoor covered parking stalls. He welcomed questions. Commissioner Eckenberg asked about the rental cost of the units. Adams noted of the 121 units – there will only be 20 2-bedroom units. The market demand is for smaller units at a more affordable price point.

**Public:** No speakers.

**MOTION/Second:** Crawford/Eckenberg approved as per staff recommendation

**VOTE: (5-0, Schraepfer Abstained)**

**Other Business**

PL 22-134 Conformance to the Comprehensive Plan for a TIF District at Grand Avenue, Carlton Street, and 34<sup>th</sup> Avenue West

**Staff:** Deputy Director Fulton introduced the city's proposal for a TIF District. Tax Increment Financing (TIF) is a financing tool that uses the increase in property taxes generated from site improvements to pay for a portion of those improvements. The proposed development of the 80-unit residence apartments meets the intent of future land use. The role of the planning commission is to make sure the proposed development and its uses are consistent with the Comprehensive plan.

**MOTION/Second:** Rhodes/Lobby TIF is in Conformance with the Comprehensive Plan

**VOTE: (6-0)**

Correspondence – Commissioner Eckenberg noted that it was brought to his attention that a special use permit that the planning commission passed in 2017 for a restaurant has received a complaint. The letter addressed to the Duluth, MN Alcohol, Gambling and Tobacco Commission from a resident – James Matheson was shared with the planning commission on page 80 of their packet. He noted the last paragraph on page 81 which states, "The lack of a kitchen is perplexing, since on August 8, 2017, the planning commission..... voted to approve ... the special use permit for a restaurant...." Eckenberg would like staff to do some research on PL 17-079 which was a special use permit granted for the Golden Bulldog on 318 N 18<sup>th</sup> Ave East.

**MOTION/Second:** Eckenberg/Lobby – staff to research the Special Use Permit conditions to determine if there is a need to revisit it.

**VOTE: (6-0)**

Appointment of HPC Representative – Deputy Director Fulton noted the HPC needs a representative from the planning commission and asked for volunteers. Commissioner Rhodes volunteered, but noted she may have to miss a few meetings. Commissioner Eckenberg stated he is willing to take on the task. Rhodes thankfully withdrew her offer.

### **Communications**

Land Use Supervisor (LUS) Report – Deputy Director Fulton gave an overview. He introduced city councilor Noah Hobbs who discussed parking policies and the need for more discussion. A brown bag will be offered for planning commission input. Fulton noted there will be an HPC conference and an APA conference in Duluth in the next weeks. Staff is in the process of hiring a manager for the planning and development division.

Heritage Preservation Commission – Deputy Director Fulton noted the city council overturned the HPC decision to deny the certificate of appropriateness for the demo of 102 E. Superior St.

Joint Airport Zoning Board – No update.

Duluth Midway Joint Powers Zoning Board – No update.

### **Adjournment**

Meeting adjourned at 6:44 p.m.

Respectfully,

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