

## **City of Duluth Planning Commission**

**October 8<sup>th</sup>, 2024 – City Hall Council Chambers  
Meeting Minutes**

### **Call to Order**

President Gary Eckenberg called to order the meeting of the city of Duluth Planning Commission at 5:05 p.m. on Tuesday, October 8<sup>th</sup>, 2024, in the Duluth city hall council chambers.

### **Roll Call**

#### **Attendance:**

Members Present: Chris Adatte, Jason Crawford, Gary Eckenberg, Brian Hammond, and Danielle Rhodes

Members Absent: Jason Holliday, Margie Nelson, Dave Sarvela, and Andrea Wedul

Staff Present: Nick Anderson, Chris Lee, Jason Mozol, Jenn Moses, Ariana Dahlen, Natalie Lavenstein, and Sam Smith

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

Planning Commission Meeting – September 10<sup>th</sup>, 2024 –

**MOTION/Second:** Crawford/Hammond approved

**VOTE: (5-0)**

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

No comments.

### **Consent Agenda**

PLCUP-2409-0001 Concurrent Use Permit for Stair and Retaining Wall in Right of Way at 711 Martha St by Festies Inc

PLCUP-2409-0002 Concurrent Use Permit to Reconstruct Existing Concrete Ramp and Realign Sidewalk/Curb at 30 W Superior St by Minnesota Power

PLIUP-2409-0006 Interim Use Permit for a New Vacation Dwelling Unit in a Form District at 822 E 4th St by Shel House

PLVAC-2408-0005 Easement Vacation Near 9436 Congdon Blvd by Outbound Lodges LLC

PLVAC-2409-0006 Vacation of Utility Easement at 2836 London Rd by Scott Skorupa

PLVAR-2409-0006 Variance from Shoreline Setback to Add a Deck to Existing House at 3439 Minnesota Ave by Carlton and Yamini Kimmerle

**Commissioners:** Commissioner Rhodes asked a question regarding item PLCUP-2409-0001. She felt the design for this project was not clear and requested clarification as to whether the stairs would connect to the sidewalk. Rhodes also wanted to know if the city ever needed to make a change to the sidewalk in the future, such as adding a boulevard, would the city destroy whatever improvements the homeowner makes or would they work around it.

**Staff:** Chris Lee addressed the commission and explained that if the city ever chooses to construct something like a boulevard there in the future, the property owner would be notified to make those appropriate changes. If that happens, it is correct that the city could potentially destroy the improvements made by the owner. There will be a connection to the sidewalk, and the final details for that will be included in the building permits.

**Public:** No speakers.

**MOTION/Second:** Crawford/Adatte approve the consent agenda items as per staff recommendation.

**VOTE: (5-0)**

## **Public Hearings**

PLPR-2408-0001 Planning Review for Dental Clinic on West Arrowhead Rd by Force 1 LLC

**Staff:** Jason Mozol addressed the commission. This project is a 4200 sq ft proposed dental clinic located in the Mixed-Use Commercial (MU-C) zone, and any project over 500 sq ft must be reviewed by the Planning Commission before it moves forward. One of the highlighted aspects for this proposal is that there are wetlands present on the property, which wrap around on the adjacent parcel and then come through to the front of the parcel. The wetlands create a challenge for the creation of street frontage landscaping in the front of the property. There is also an existing driveway that goes through a wetland basin. The applicant has stated they intend to use this driveway access during the construction process but will remove it afterwards. Staff recommends that the area is returned to natural grade after the project is complete and seeded with a wetland seed mix.

For the parking requirements of this project, the applicant is proposing 24 spaces, which is below the maximum of 25. Four bike parking spaces are being provided as required.

The applicant has proposed an alternative landscape plan for the required parking lot and street frontage landscaping due to challenges caused by the wetland that occupies the front of the parcel. Similarly to the Bell Bank property, the applicant is proposing to place landscaping further back around the parking lot area. The alternative landscaping plan also provides the same quantity of trees and shrubs required by the code but disperses them throughout the development. The alternative plan depicts rock or mulch for ground cover that doesn't comply with a section Sec 50-25.2.C. in the zoning code, which requires 50% of the landscaped surface to be living materials. Staff recommends that an amended, compliant landscape plan be submitted prior to building permit approval. Mozol explained that there are also screening, and exterior requirements tied to this project, which are noted in the staff report.

**Commissioners:** Commissioner Rhodes commented that it looks like Lot 2 is not yet planned, and she asked staff if the gravel driveway was intended serve as access to Lot 2 at some point or is the plan to access that lot through the new parking lot. To her, it seems like they are creating access to Lot 2 and then removing it.

President Eckenberg requested clarification pertaining to the precise location of this project on West Arrowhead Road.

**Staff:** Mozol answered that there is an easement for the dental clinic to have access to the bank's parking lot. This project is located across from where the new Kwik Trip is on West Arrowhead Road.

**Applicant:** Applicant was present and had no additional comments, but stated he was happy to answer any questions from commissioners.

**Public:** No speakers.

**Motion/second:** Hammond/Adatte approve as per staff recommendation with the following conditions:

- 1. Applicant shall construct and maintain the project as identified in the attached exhibits in the staff report.**
- 2. Site grading and landscape plans must be submitted and approved by the Land Use Supervisor prior to building permit approval to include removal of the existing driveway to natural grade and seeding the area with an approved wetland seed mix.**
- 3. The undeveloped area to the west of the proposed dental clinic must be seeded with a native plant mix prior to project completion.**
- 4. An amended, compliant landscape plan be submitted and approved by the Land Use Supervisor prior to building permit approval.**
- 5. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.**

**Vote: (5-0)**

PLPR-2409-0002 Planning Review for New Tunnel Car Wash Development at 4250 Haines Rd Duluth by Arola Architecture Studio

**Staff:** Chris Lee addressed the commission and presented an image of the project site plan. The applicant is seeking a MU-C Planning Review to construct an 8,100 sq ft tunnel style carwash on a previously developed property, is located in between West Arrowhead Road and Miller Trunk Highway, roughly close to Costco. A planning review is required for all development or redevelopment in a MU-C zone district, and certain requirements must be satisfied for this project to move forward.

A car wash use does not have a parking max, does not have a maximum parking limit, but the applicant is proposing 4 parking stalls for customers and employees not using the washing or vacuuming facilities. As proposed, the facility will have space to allow stacking for 15 cars to prevent vehicles from backing up onto Haines Road.

The applicant must also submit landscaping plan that includes tree canopy coverage of parking areas and impervious areas and replace trees removed from the site. The landscaping plan must meet the standards in Sec. 50-25 of the City Code, and this must be approved by the Land Use Supervisor prior to receiving a building permit.

Car washes do not have many use-specific standards, but the standards they do have include screening. The applicant will need to submit plans showing that screening is installed on the north property line prior to receiving the building permit. The applicant will also need to submit documentation of techniques used to meet the sustainability requirements in Sec. 50-25 of the City Code prior to receiving the building permit. There are certain design standards that must be satisfied as well, which include wall articulations, vertical articulations, and transparency.

Lee noted that although this was not addressed in the staff report, all signs are subject to separate permits outside of this plan review. Any signs shown in the site plan are simply place holders. Additionally, all exterior lighting must meet standards for downcast lighting, output, and color temperature. The applicant must submit a photometric plan and drawings for exterior mounted fixtures that demonstrate compliance with Sec. 50-31 of the City Code, and this must be approved by the Land Use Supervisor prior to receiving a building permit. There was one comment received from the City Storm Water Engineer, as noted in the report. Staff recommends approval of the planning review with the 6 conditions listed in report.

**Applicant:** Applicant was present and had no additional comments but was happy to answer commissioners' questions.

**Commissioners:** Commissioner Rhodes asked staff what the acceptable amount of wetland impact is, and how is that determined.

**Staff:** Jason Mozol answered that for projects that have wetland impacts, there are a couple different processes the applicant would have to go through to help minimize those impacts. The Minnesota Pollution Control Agency has regulations that would come into play regarding wetland impacts as well.

**Public:** No speakers

**Motion/second:** Crawford/Rhodes approve as per staff recommendation with conditions

**Vote: (5-0)**

### **Other Business**

PLEAW-2408-0001 Final EAW (Environmental Assessment Worksheet) for Sofidel America-Duluth Facility Expansion Project (consider responses to comments and Final EAW document)

**Staff:** Jason Mozol addressed the commission and introduced Erin Sejkora, a consultant from Stantec. She provided a slideshow presentation and gave a brief overview of the EAW process that has previously been discussed during the past several planning commission meetings. Staff has reached the end of the EAW process, and the planning commission is being asked to adopt the final EAW document.

There were comments received during the 30-day comment period, which included comments from two agencies: The Minnesota Pollution Control Agency (MPCA) and the Minnesota Department of Natural Resources (DNR). One public comment was received.

The MPCA comment consisted of considerations for additional noise information, and the DNR had a couple comments about the water appropriation permitting process and Keene creek, which is a trout stream. The DNR requested additional information and clarification regarding the need for an individual water appropriation permit associated with construction dewatering activities. The DNR also made a comment encouraging the use of native plant species in the area related to their potential plan for restoration in the area. Public comments included concerns regarding traffic, and clarification corrections related to greenhouse gas calculations and floodplains.

Sejkora gave a summary of the responses to the comments. Regarding noise concerns, staff provided some additional information and context on the historic use of the property. The site has been used as industrial for several years, and there has been reduced activity over the past few years. Given the site's history and industrial-use zoning, it is not anticipated that it would substantially change from the existing historic noise conditions at the site.

Regarding the DNR's dewatering concerns, it was acknowledged that an individual water appropriation permit would likely be needed. The details for that permit would have to be

sorted out during the permitting phase of the project, and in coordination with the DNR. The DNR also expressed concern about where that water would go during the dewatering. It was clarified that the water will be directly discharged into the sewer system, and not into Keene Creek or other surface waters. Clarification was also provided regarding Keene Creek and the potential conservation measures that would be considered. The city encourages native vegetation, and the applicant is proposing to plant a number of tree plantings at the site. Additional information was provided in response to the traffic concerns for this project as well. Based on review of the annual average daily traffic volumes of the local network, there has been a decline of traffic volumes between the years of 2018 – 2022. It was determined that there is adequate traffic capacity, and the projected trips generated by the project are not anticipated to exceed the triggers for a traffic study. Based on these findings, it was determined that it was not necessary to do any additional traffic analysis.

In response to the comments received regarding greenhouse gas emission calculations, the proposers' consultant, Braun Intertec, provided some clarification and corrections, which is included in the document. The 2022 FEMA maps were used for floodplain data, and structures below the regulatory floodplain elevation would be floodproofed.

The recommended motion for the planning commission is to adopt the record of decision regarding the EAW for the project.

**Commissioners:** Commissioner Rhodes asked if there are more recent FEMA maps available instead of the one from 2022.

**Staff:** Jason Mozol responded that the 2022 maps are the most recent maps available, and the next version of the draft maps will likely be available early 2025.

**Public:** No speakers.

**Motion/second:** Crawford/Adatte approve as per staff recommendation

**Vote: (5-0)**

### **Communications**

Land Use Supervisor (LUS) Report – Jenn Moses addressed the commission. There is an upcoming Brown Bag meeting on October 21<sup>st</sup> to discuss an ordinance to amend the UDC, and it is related to the State's recent legislation for adult-use cannabis. The city of Duluth is required to incorporate some of those changes into ordinances by the end of 2025. This is expected to be on the November planning commission meeting agenda. The November planning commission meeting has been moved to Wednesday, November 6<sup>th</sup> due a holiday and re-scheduling of the Council meeting.

Heritage Preservation Commission Report – No report

Duluth Midway Joint Powers Zoning Board – No report

## **Adjournment**

Meeting adjourned at 5:46 p.m.

Respectfully,

Signed by:

*Jennifer L R Moses*

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Jenn Moses, Manager  
Planning & Economic Development