

City of Duluth  
Planning Commission  
May 8, 2018 Meeting Minutes  
Council Chambers - Duluth City Hall

Call to Order

President Michael Schraepfer called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, May 8, 2018, in city hall council chambers.

Roll Call

Attending: Jason Crawford, Margie Nelson, Michael Schraepfer, Luke Sydow, Sarah Wisdorf, and Zandra Zwiebel

Absent: Janet Kennedy and Tim Meyer

Staff Present: Keith Hamre, Robert Asleson, Steven Robertson, John Kelley, Chris Lee, and Cindy Stafford

Approval of Planning Commission Minutes – April 10, 2018

**MOTION/Second:** Zwiebel/Wisdorf approve the minutes.

**VOTE: (6-0)**

Consent Agenda and hearing

**Items that are perceived to be non-controversial or routine will be placed on the consent agenda. There will be no staff presentations on these items; the Planning Commission will be acting upon the staff recommendation and conditions written in the staff reports. There will not be an individual public hearing on each of these items unless the applicant or a member of the public wishes to speak to the matter. Instead there will be one public hearing for all the items on the consent agenda, and they will be addressed by the Planning Commission with one vote.**

1. PL 18-029 Interim Use Permit for One Vacation Dwelling Unit at 1615 E Superior by ACW Duluth, LLC, and Gina Bortnem
2. PL 18-030 Interim Use Permit (Renewal) for One Vacation Dwelling Unit at 728 Lake Avenue South by Douglas and Kathleen Baker
3. PL 18-033 Interim Use Permit (Renewal) for One Vacation Dwelling Unit at 416 88<sup>th</sup> Avenue West by Lawrence Telega
4. PL 18-040 Final Plat for Hallett Industrial Park by Hallett Dock Co
5. PL 18-046 Minor Subdivision on the Western Side of 88<sup>th</sup> Avenue West, between Falcon and Edward Street by the Duluth Housing and Redevelopment Agency

**Public:** No speakers.

**MOTION/Second:** Zwiebel/Wisdorf approve staff's recommendations for consent agenda items.

**VOTE: (6-0)**

Public Hearings

6. PL 18-044 UDC Map Amendment to Rezone Southwest Corner of the Intersection of Wadena Street and North 53<sup>rd</sup> Avenue West in the Ramsey Village Traditional Neighborhood Design (TND) to allow for Building Type VII Building (Eight Unit Residential) by Talle and Associates Inc.

**Staff:** Steven Robertson introduces the applicant's proposal to amend an approved regulating plan to change building types for two parcels. Any amendment to the Regulating Plan that involves changes to land use, density, or height is required to follow the rezoning process and receive approval from city council. Staff recommends approval based on the reasons listed in the staff report.

**Applicant:** Paul Strother addresses the commission. They anticipate a total of 112 units. He asks if there are any questions. There are none.

**Public:** Kate Lissenger, N. 54<sup>th</sup> Ave W and Wadena Street addresses the commission. She doesn't feel there is enough parking and feels there will be overflow on off-street parking. She appreciates new housing, but is concerned about the parking. Strother (applicant) states parking is a concern to them as well. The three four-plexes have 14 garages, and there are areas set aside for tenant parking. Zandra Zwiebel asks for clarification on parking quotas. Strother states there is one garage per unit. The garages are required to be used for cars, not storage. They are seeking other off-street parking. Mike Slosson, 412 N 54<sup>th</sup> Ave W. addresses the commission. He is a 17-year resident. It's a busy area and he thinks off-street parking is very challenging. The development that is currently there has destroyed the road. He feels new development will make the condition worse. There are blighted houses in the neighborhood that need to come down.

**Commissioners:** Zwiebel asks if there is an assessment for road conditions. Per Director Keith Hamre, developers have to repair road damage they create. The county has slated some of the blighted houses for demo. Sarah Wisdorf questions parking. Per Robertson, current zoning code multi-family is usually 1.25, but because they are close to a bus route the ratio is reduced.

**MOTION/Second:** Nelson/Sydow recommend approval as per staff's recommendations.

**VOTE: (6-0)**

7. PL 18-047 UDC Map Amendment to Rezone Property Between Grand Avenue, Wadena Street, and Mike Colalillo Drive from Industrial-General (I-G), Residential-Planned (R-P), and Residential-Traditional (R-1), to Mixed Use Business (MU-B) for Menards, and Park and Open Space (P-1) for Mike Colalillo Medal of Honor Park, by the City of Duluth

**Staff:** Steven Robertson introduces the city's proposal to rezone properties in the general area of Menards and Mike Colalillo Medal of Honor Park, from Industrial-General (I-G), Residential Planned (R-P), and Residential-Traditional (R-1) to Mixed Use-Business (MU-B) and Park and Open Space (P-1) in conformance with the Comprehensive Plan's Future Land Use Map. Staff recommends approval.

**Applicant:** N/A

**Public:** Mike Casey of West Duluth and a cross-city trail advocate addresses the commission. He is concerned the Menards expansion will adversely affect the cross city trail. He hopes they would be able to get an easement if they need one. Per Robertson they are expanding within their own footprint.

**Commissioners:** Zwiebel notes the purpose for MU-B. Menards is retail. Industrial – General would mostly be for industrial uses such as a foundry.

**MOTION/Second:** Wisdorf/Sydow recommend approval as per staff's recommendations.

**VOTE: (6-0)**

8. PL 18-048 UDC Map Amendment to Rezone Portions of Morgan Park, West of the Intersections of 93<sup>rd</sup> Avenue West and Falcon Street and Hilton Streets to Commonwealth Avenue, from Mixed Use Business (MU-B) to Urban-Residential (R-2) by the City of Duluth

**Staff:** Steven Robertson introduces the city's proposal to rezone properties west of the intersection of 93<sup>rd</sup> Avenue West and Falcon Street and Hilton Streets to Commonwealth Avenue, from Mixed Use Business (MU-B) to Urban-Residential (R-2), in conformance with the Comprehensive Plan's Future Land Use Map. He goes over the staff's amended version. Staff recommends approval.

**Applicant:** N/A

**Public:** Steve Veit, 520 101<sup>st</sup> Ave. W. addresses the commission. He said August Stoffel (who submitted a letter opposing the rezoning) couldn't attend because he is ill. Veit said Stoffel is glad their property's zoning will not change. The Duluth community's area is long and there has to be different zoning within proximity to allow for different things to happen. Bob Massich, 1304 92<sup>nd</sup> Ave. W. addresses the commission. He asks what is allowed in R-2. Per Robertson, single-family, duplexes and apartments. This is a residential area and he is concerned. Kate of 90<sup>th</sup> Ave. W. addresses the commission. Their area has lots of potential. She is nervous about losing future opportunities for recreational purposes. Joseph Makowski, 93<sup>rd</sup> Ave. W. just bought a house. They are concerned about a half-way house going in there.

**Commissioners:** Zwiebel asks staff if there is a half-way house going in. Director Hamre notes there will be a group home which will house people recovering from chemical dependency issues. There will be full monitoring. The new development will have a vegetative buffer setback from other neighbors. This is adjacent to a residential neighborhood. They hope to achieve a commercial and housing balance, and promote renewed growth. Zwiebel asks if a grocery store could go into an MU-B zone. Per Robertson, it's not allowed. He mentions it would be allowed at 88<sup>th</sup> Ave. W. Per Margie Nelson they have to look at the overall picture. Chair Schraepfer asks if the group home is a permitted use. Director Hamre affirms. Zwiebel states she is tempted to table this item until the landowner (Stoffel) is aware of the changes. Robertson explains they need to be consistent with the neighboring properties and it makes sense.

**MOTION/Second:** Nelson/Crawford recommend approval as per staff's recommendations.

**VOTE: (5-1, Zwiebel Opposed)**

9. PL 18-049 UDC Map Amendment to Rezone Portions of Lower Spirit Mountain on Grand Avenue, Located Approximately Between North 85<sup>th</sup> Avenue West and Spring Street, from Residential-Traditional (R-1) and Mixed Use-Neighborhood (MU-N), to Park and Open Space (P-1) and Rural-Residential 1 (RR-1) by the City of Duluth

**Staff:** Steven Robertson introduces the city's proposal to rezone properties of Lower Spirit Mountain along Grand Avenue, approximately between North 85<sup>th</sup> Avenue West and Spring Street, from Mixed Use-Neighborhood (MU-N), Rural Residential (RR-1), and Residential-Traditional (R-1), to Park and Open Space (P-1) and Rural-Residential (RR-1), in conformance with the Comprehensive Plan's Future Land Use Map. Staff recommends approval.

**Applicant:** N/A

**Public:** Janet Nilsen, 511 N. 85<sup>th</sup> Ave. W., addresses the commission. She wants to clarify the reason for the rezoning is to maintain an undeveloped buffer between any potential development and the adjacent residential properties to the northeast. Mike Casey addresses the commission. He would also appreciate a buffer. He noted the trail is a cross country ski trail and not a multi-use trail. Shanna Thompson, 8421 Bessmer St., addresses the commission. She would like to have the buffer zone and not have it be zoned as parks. Ski machinery is noisy. She doesn't want to see it developed and infringe on their homes.

**Commissioners:** Zwiebel confirms if it's zoned R-1, couldn't they add additional housing? Isn't Park zoning designation appropriate? Robertson affirms and notes spirit mountain may

have different rules as per the state. Planning's intent is to not have it developed. Chair Schraepfer understands the need for a buffer, but doesn't understand the need to expand the park zone. Zwiebel expanding the park is stating what the city's wishes are. Staff feels this is the best way to preserve the buffer.

**MOTION/Second:** Zwiebel/Nelson recommend approval as per staff's recommendations.

**VOTE: (5-1, Schraepfer Opposed)**

10. PL 18-042 Special Use Permit to Place Fill in a Floodplain for the Kingsbury Bay-Grassy Point Habitat Restoration Project by the Minnesota Department of Natural Resources

**Staff:** Steven Robertson introduces the applicant's proposal to restore approximately 245 acres of degraded fish and wildlife habitat by the removal of wood waste and impacted sediment for reuse in enhancing the degraded shallow, sheltered bay, and create more open-water habitat and increase recreational opportunities. Shallow sheltered bay habitat will be reestablished in this sector by the removal of approximately 174,000 cubic yards (CY) of sediment. Placement of this amount of fill in a floodplain requires a Special Use Permit. Staff recommends approval with the conditions listed in the staff report.

**Applicant:** Melissa Sjolund of the MN Dept of Natural Resources addresses the commission. They hope to restore habitat and remove wood waste and sediment. Zwiebel asks about the gradient. Sjolund currently working with the city to prevent erosion into the water shed. Luke Sydow asks if the creek work come first. Sjolund states it will happen shortly after.

**Public:** Mike Casey addresses he commission. He is in support of the project. He is concerned about the process and going under the city's master plan. He wants thought being put into developing green space. He wishes the city had an overall comprehensive plan when it comes to parks.

**Commissioners:** N/A

**MOTION/Second:** Wisdorf/Zwiebel approve as per staff's recommendations.

**VOTE: (6-0)**

11. PL 18-037 Special Use Permit for a 20 Stall Surface Parking Lot in an F-5 Form District at 2302 West 1<sup>st</sup> Street by John Goldfine

**Staff:** John Kelley introduces the applicant's request for a special use permit to construct a parking lot as a primary use at the southwest corner of West 1<sup>st</sup> Street and 23<sup>rd</sup> Avenue West. As a primary use parking lot, site features such as drive aisles and accesses must function independently of other neighboring sites and businesses. A special use permit is required to construct a primary use parking lot in an F-5 Form District. Staff recommends approval with the conditions listed in the staff report. Zwiebel asks about the shrubs. Kelley states it will need to be in addition to the privacy fence. Zwiebel asks about the landscape retainer. Kelley states it's mostly imposed on larger developments.

**Applicant:** John Goldfine addresses the commission and invites questions. This was the site of his grandfather's horse barn. They are excited for the two new tenants in the neighborhood. Zwiebel asks if they are okay adding the shrubbery. Goldfine affirms.

**Public:** No speakers.

**Commissioners:** N/A

**MOTION/Second:** Zwiebel/Crawford approve as per staff's recommendations with the additional condition that three shrubs per 25 Feet of boundary lot line be added along the privacy fence.

**VOTE: (6-0)**

12. ~~PL 18-039 Variance from Off-Street Parking and Vehicle Access Standards in an F-5 Form District at the 2900 Block of West Michigan Street by Adam Rhuland~~ (Removed from the agenda).

#### Other Business

13. Tax Forfeit Parcel Subcommittee (Held Over From 4-10-18 PC Meeting). Director Hamre gives an overview. Robertson discusses his memo. The county is acting as steward for the state. The tax-forfeit subcommittee and city staff recommend that the planning commission adopt a motion to recommend that the city council concur with the recommendations of the county for the 50 tax-forfeited locations. Nelson questions the parcels listed on page 12. Hamre states due to setback requirements, both are non-buildable. He asks the planning commission for a motion to not contest, or if they do contest, to state the reasons why.  
**MOTION/Second:** Tax-forfeit subcommittee/Zwiebel the planning commission does not contest the classification of the tax forfeit parcels.

**VOTE: (6-0)**

14. PL 18-055 Work Permit for Spirit Mountain Nordic Center; Sydow notes the width of the cut is excessive and is about the size of this room. He feels a 30-foot wide corridor is excessive for a one-way trail. He would like to see a timeline for the sidewalk to be built. Zwiebel agrees with Sydow about the trail. Director Hamre notes the Nordic Center may also host races, so more than one skier at a time. There would be snow-making equipment and lighting. But the commissioners point is well taken and they can question why they need this width. It is in conformance with the spirit mountain master plan. Wisdorf clarifies this item is in accordance to the rezoning they approved earlier. Director Hamre affirms.

**MOTION/Second:** Sydow/Zwiebel approve it is in conformance with the spirit mountain master plan (motion amended)

**MOTION/Second:** Zwiebel/Nelson approve with amendment to include consideration of the width of the corridor being proposed.

**VOTE: (6-0)**

#### Communications

##### A. Manager's Report

-Update on Site Plan Change for 53 Business Center (PL 18-012 MU-C Planning Review from 3-13-18 PC Meeting) – still under discussion.

-Brown Bag Meeting On Tuesday, May 15, 2018 in Room 303. Topic will include Walk through tax forfeit process.

##### B. Reports of Officers and Committees

-Heritage Preservation Commission Representative – Zwiebel gives an overview. ZMC hotels is interested in the Temple Opera Building (next to the Norshor Theater). They want to make it a viable property. They proposed an old to new architecture style. The HPC wasn't thrilled with the design of brown stone on the bottom and glass on top.

##### C. Meeting adjourned at 6:50 p.m.

Respectfully,



Keith Hamre - Director  
Community Planning and Construction Services