

City of Duluth Planning Commission

February 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, February 9th, 2021.

Roll Call

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

Members Present: Jason Crawford*, Gary Eckenberg* (entered meeting after the approval of the minutes), Tim Meyer* (left before annual meeting), Margie Nelson*, Michael Schraepfer*, Sarah Wisdorf*, and Zandra Zwiebel*

Members Absent: Eddie Ratnam, and Andrea Wedul

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

Public Comment on Items Not on Agenda - No speakers.

Approval of Planning Commission Minutes

Planning Commission Meeting – January 12, 2021

MOTION/Second: Zwiebel/Meyer approved

VOTE: (6-0)

Consent Agenda

PL 21-008 Review of 319-323 East Superior Street Redevelopment Draft EAW

PL 20-188 Variance of Swenson Avenue at 330 S 88th Avenue W by Jason Lindelof

PL 21-003 Variance from Flood Fringe Requirements at 827 S Lake Avenue by Lorien and Gregg Mueller

PL 21-006 Concurrent Use of Streets for Foundation, Canopies, and Balconies of Lincoln Flats at

2102 W Superior Street by Duluth Lincoln Park1, LLC

Public: No speakers.

Commissioners: Zandra Zwiebel referred to item PL 21-008 and wanted to verify that dust issues related to lead have been addressed for during demolition activities. She also noted in the past, projects took into account the flight path of migratory birds. Deputy Director Adam Fulton noted at this time the EAW is focusing on the demo of the structure and not the impact of a new structure, so glass is not part of the evaluation.

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

VOTE: (7-0)

Public Hearings

PL 21-001 Planning Review for a Medical Clinic (Ambulatory Surgical Center) at Miller Hill Mall, 1600 Miller Trunk Highway, by Essential Health

Staff: Steven Robertson introduced the applicant's proposal to redevelop the former Sears store at Miller Hill Mall into an outpatient surgery center. He stated that the project will result in renovation of approximately 40 percent of the former department store, including a laboratory and plans for a pharmacy. The intent is to be in operation in the spring of 2022. The applicant provided examples of signage, which emphasizes the main entrance. They are providing screening for the oxygen tanks. Landscaping will include an island and tree canopy coverage. The applicant's plan must be revised to meet the standards of the landscape section related to tree canopy coverage. No new exterior lighting in the parking lot will be installed. The light fixtures on the building will comply with the city's lighting standards. Staff is recommending that the applicant works with Simon Properties to provide a sidewalk or trail be provided to allow citizens safe access from Trinity Road to the front door of this development. Staff recommends approval with the conditions listed in the staff report. Commissioner Zwiebel asked if the exterior road around the mall will remain the same. Robertson affirmed.

Applicant: Dan Cebelinski of Essentia and Kurt Smith of HGA, Inc. are in attendance and welcomed questions. The applicant's agent Brad Beard thanks the commissioners and feels this is an exciting opportunity for redevelopment. He feels this will be a convenient location for medical services for the community, and can be developed in a less costly way than another type of site.

Public: No speakers.

Commissioners: Zwiebel noted the additional green space required. Is the applicant amenable? Cebelinski stated yes, they are taking it under advisement. Zwiebel noted the condition in the staff report stating prior to receiving a building permit, the applicant shall deposit an escrow. Will the escrow be returned once the trees have been planted? In other situations, staff has waited a year. Is a year required? Robertson stated they will wait a year to verify tree health, and then will return the full escrow. Zwiebel thanks the applicants for their reinvestment in the community.

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

VOTE: (7-0)

PL 21-002 Planning Review for a Building Addition at 103 W Central Entrance by O'Reilly Auto Enterprises, Inc.

Staff: Kyle Deming introduced the applicant's proposal to construct a 6,150 square foot expansion to the rear of the existing store and construction of 15 additional parking spaces to the west of the store, along with landscaping and screening. The existing store was built in 1972. There were homes to the northwest and southwest of the store that were torn down in 2007 and 2013. Regarding landscaping, staff suggests additional shrubs be added to offset the lack of trees along Basswood Ave. due to lack of space. Internal parking lot and shade requirements need to be recalculated based on the entire parking lot and not just the area of the parking spaces. Additionally, the irrigation plan shows irrigation pipes running through the alley that will need to be relocated or a concurrent use permit be obtained. The existing parking lot flood lights are noncompliant, and will need to be replaced with additional pole-mounted luminaries for the parking lot in front of the building. No comments were received from the public. Staff recommends approval with the conditions listed in the staff report.

Applicant: The consultant for the applicant, Thom Lundberg, addressed the commission. The building addition located at the back of the store will primarily be a storage area, so windows are not needed. They agree to add landscaping, and are working on the utilities in the alleyway.

Public: No speakers.

Commissioners: Chair Nelson thanks the applicants and appreciates the added landscaping.

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

VOTE: (7-0)

PL 21-004 Proposed UDC Text Changes Related to Sober Houses and Signage including Signage at Bus Shelters

Staff: Deputy Director Adam Fulton noted councilor Zack Filipovich is in attendance, and also thanked city attorney Robert Asleson for his valued feedback. Steven Robertson gave an overview. He noted their January 12, 2021 work session, where most of the conversation focused on vacation dwelling unit rules. Staff continues to work on vacation dwelling units and storage facility text changes, to be presented at the March planning commission meeting. He suggests the planning commission discuss and recommend, or discuss and table, for more discussion or changes, regarding the language related to sober houses and bus shelter signage.

Applicant: N/A

Public: No speakers.

Commissioners: Chair Nelson asked if they need to take action on these items separately, or can they be combined. Robertson noted there is more coming forward in March, so the commission may choose to wait and combine it all in March. Zwiebel noted she reviewed and suggested maybe moving it forward in the agenda for more focus. Deputy Director Fulton noted other items are discussed first due to more public involvement. Zwiebel appreciates the additional information provided, and asked about ADA requirements for temporary boarding homes. She looks forward to more dialog. Chair Nelson noted the term sober houses. Some facilities don't label themselves as such. How do they fit it? Perhaps call it a community house? Robertson stated in 2014 the planning commission approved the term grooming house. Planners have received many phone calls, and sober house is the term most understood. Gary Eckenberg is hesitant to move forward on sober house changes because of interested parties not being able to attend. He feels it is okay for the planning commission to delay their decision. Robertson noted two parties (one from Rochester) who were interested in attending, but couldn't. Robertson states staff is okay with delaying. Chair

Nelson asked if there was an urgency to make a decision based on the DTA bus shelter signage item. Per Robertson, Phil Pumphries of the DTA took a new position, and there is in interim DTA Director now in place, so no rush is necessary.

MOTION/Second: Eckenberg/Zwiebel for the UDC changes to be continued until the next meeting, to take place next month for more discussion

VOTE: (7-0)

Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton gave an overview. On February 22, 2021, the city council committee of the whole will meet at 5:45 p.m. to discuss vacation rentals. The planning commission is invited to attend. They will have a 2nd meeting on March 8, 2021. Deputy Director Fulton noted they have received a large number of complaints from a single party regarding vacation rentals throughout the community. Planner Chris Lee has been working diligently on handling this situation. The city is working on the cross city trail, and the Enger Park Golf Development. Robertson is working on project to re-use big box stores as storage facilities, and if done correctly storage can be a viable choice. There will be a comp plan update in March. The airport is working on their master plan with the communities surrounding Duluth; including, Hermantown, Canosia and Rice Lake Township. Deputy Director Fulton noted the planning commission agenda for March is short. Would the commissioners like to listen to a presentation? Fulton will check on the availability of speakers. Eckenberg asked for an update on the Coty street property. Fulton noted nothing yet. They are still working on the personal delivery of the ticket. They are hoping to deliver the citation in person with a police escort within the next ten days. Eckenberg wanted to clarify that there is a single party (from one address) which has made 45 vacation rental complaints about alleged unlicensed or otherwise illegal vacation rentals around the city. Michael Schraepfer asked if the planning commission will hear the details. Fulton stated, no, and that city staff is working to address the complaints.

Heritage Preservation Commission – Commissioner Sarah Wisdorf gave an overview. The HPC met yesterday and a presentation was made by the developers of a new development at the old Central High School who are proposing an apartment housing complex. The HPC will vote on a certificate of appropriateness for their Historic Construction Permit next month. Zwiebel asked if there will be input from the community. Robertson stated the HPC will have a public meeting at their next scheduled HPC meeting. The building sale is more in the realm of the Duluth school board.

Joint Airport Zoning Board – No report.

Duluth Midway Joint Powers Zoning Board – No report.

(Commissioner Meyer left after the regular meeting.)

Recess to Annual Meeting (No recess needed. Continued on.)

Deputy Director Fulton noted the purpose of the annual meeting is to elect officers, and the commissioners can also make changes to their by-laws. Normally the vote is counted by a secret ballot method, and now that is not possible during Covid. Zwiebel asked if they need to

change their bylaws to reflect a virtual situation. Fulton noted page two of the agenda which refers to Minnesota Statutes Section 13D.021. No change to the bylaws is necessary.

Election of Officers

Deputy Director Fulton opens the floor for nominations. Commissioner Zwiebel nominated vice-president Sarah Wisdorf for president. Commissioner Wisdorf stated she is happy to remain vice and politely rejects the nomination. Commissioner Margie Nelson would like to continue to serve as president and nominates herself.

MOTION/Second: Margie Nelson for Planning Commission President

VOTE: (6-0)

MOTION/Second: Sarah Wisdorf for Planning Commission Vice-President


VOTE: (6-0)

Deputy Director Fulton noted next meeting will be Commissioner Meyer's last meeting. They are working on filling the opening. Staff is working on the annual report, which ties back to the comp plan. They continue to make progress by going over sections. He would like commissioners' input. Schraepfer asked how they would implement the work plan. Fulton noted they can provide feedback to staff. Wisdorf asked if the next comp plan will be in 2027. Per Fulton, cities don't have to update an existing plan. They will check-in on different policies and strategies. Zwiebel asked when their first assignment will be. Deputy Director Fulton asked the commissioners to give it more thought and come back to it. Zwiebel asked if commissioners can focus on areas they are comfortable with. Fulton affirmed and noted they can have further discussion at a future brown bag meeting.

Adjournment

Meeting adjourned at 6:37 p.m.

Respectfully,

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Adam Fulton – Deputy Director
Planning and Economic Development