

City of Duluth Planning Commission

**August 10, 2021 - Meeting Minutes
Council Chambers – Duluth City Hall**

Call to Order

President Margie Nelson called to order the meeting of the city planning commission at 5:01 p.m. on Tuesday, August 10th, 2021, in city hall council chambers.

Roll Call

Attendance:

Members Present: Jason Crawford, Jason Holliday, Margie Nelson, Michael Schraepfer, Sarah Wisdorf, and Andrea Wedul

Members Absent: Gary Eckenberg, Eddie Ranum, and Zandra Zwiebel

Staff Present: Adam Fulton, Robert Asleson, Steven Robertson, Jenn Moses, Chris Lee, and Cindy Stafford

Public Comment on Items Not on Agenda

No speakers.

Approval of Planning Commission Minutes -

Planning Commission Meeting – July 13, 2021

MOTION/Second: Wisdorf/Holliday approved

VOTE: (6-0)

Presentation from the Duluth Transit Authority on Better Bus Blueprint

Chris Belden gave an overview. The Twin Ports region has been changing in recent years, with shifting development patterns, additions of housing and employment areas, and changing travel behavior. As part of the Better DTA Movement, the Better Bus Blueprint study is a full review of the DTA's fixed-route bus operations that aims to create a better experience for current and future bus riders. For more information or to provide feedback visit:
www.duluthtransit.com/home/better-dta/better-bus-blueprint.

Consent Agenda

PL 21-109 Minor Subdivision at 316 Garfield Avenue by Evergreen of Duluth

PL 21-110 Planning Review for Parking Lot and Site Improvements at 339 E Central Entrance by Brad Rixmann, RFP LLC

PL 21-111 Vacation of a Portion of Upham Road at 339 E Central Entrance by Brad Rixmann, RFP LLC

~~PL 21-113 Concurrent Use of Streets Permit for a New Skywalk over 4th Avenue East at 502 East 2nd Street by Essentia Health East*~~

~~PL 21-114 Concurrent Use of Streets Permit for a New Parking Structure over the East 1st Street~~

~~Alley at 502 E 2nd Street by Essentia Health East*~~

PL 21-117 Interim Use Permit for a Vacation Dwelling Unit in the F-3 District at 5723 Grand Avenue Unit 1 by Steve Becks

PL 21-118 Interim Use Permit for a Vacation Dwelling Unit in the F-3 District at 5723 Grand Avenue Unit 2 by Steve Becks

PL 21-120 Minor Subdivision at the Southwest corner of Central Entrance and Anderson Road by The Jigsaw LLC

PL 21-128 Vacation of Stebner Road at 4926 Airport Road by City of Duluth and Duluth Airport Authority

Commissioners – Andrea Wedul noted comments of opposition for items PL 21-110 & PL 21-111 and asked what their choices are. Deputy Director Fulton stated they have options, and can open it up to the public to hear comments.

Public: PL 21-110 & 21-111 - Brandon Agenter of 335 E Central Entrance addressed the commission and stated he has some concerns about utilities and property liability. Chris Lee noted this is a private easement, and will not impact the neighbors' properties. Lee shows an overview of the screen. There is access to the neighboring property. Agenter stated he isn't necessarily opposed, but just wants more information.

MOTION/Second: Schraepfer/Crawford - Table items PL 21-110 & PL 21-111 for more information to be provided to the neighboring property owner.

VOTE: (6-0)

Public: PL 21-120 Mike Wenzholz of 221 W 1st Street, the Metropolitan Interstate Council, addressed the commission. They do not want new access points to Central Entrance granted before MNDOT completes their full study and reconstruction. He is opposed. Wedul noted MNDOT is currently involved in the planning process, but won't finish anytime soon. Wedul noted the city can't wait until the end of 2021 to take action. Deputy Director Fulton noted this is a previously approved development. The entrance will be served through access roads to the rear of the property.

MOTION/Second: Crawford/Wedul approved the remaining consent agenda items per staff recommendations

VOTE: (6-0)

Public Hearings

PL21-112 UDC Map Amendment of the R-P District (Ramsey Village Plan) to Allow Type VIII (Mixed Use Commercial and Residential) at 5019 Ramsey Street and Type IV (Townhome) at 411 North 50th Avenue West by the City of Duluth

Staff: Steven Robertson introduced the city's proposal to amend an approved R-P concept map and plan. Any amendment to the concept map and plan that involves changes to land use, density, or height are required to follow the rezoning process, including a public hearing by the planning commission and final ordinance approval from the city council. If approved, the amendment would allow Type VIII (Mixed Use Commercial and Residential) at 5019 Ramsey Street and Type IV (Townhome) at 411 North 50th Avenue West. Staff recommends approval due to the reasons listed in the staff report.

Applicant: N/A

Public: Karen Guerndt of 1018 E 4th St addressed the commission. She is the realtor who is listing 5019 Ramsey Street. Currently it is an electrician's office. They are trying to sell the building to another business owner. She is in support.

Commissioners: Sarah Wisdorf confirmed this is a legal non-conforming structure. Rezoning would allow for a future owner to make changes.

MOTION/Second: Wisdorf/Wedul recommend approval per staff recommendations

VOTE: (6-0)

~~PL 21-115 Planning Review for an 800 Stall Parking Structure at 502 E 2nd Street by Essentia Health East*~~

(Jason Crawford recused himself from the following agenda item)

PL 21-116 UDC Map Amendment from F-2 to MU-I along the South Side of London Road from 14th Avenue E to 16th Avenue E by Duluth Lakewalk Offices LLC

Staff: Jenn Moses introduced the applicant's proposal to rezone property from the current zoning of Form District 2 (F-2) to Mixed Use-Institutional (MU-I). The MU-I district is established to provide for the unique development needs and impacts of major medical, educational and research institutional development. The intent is to give institutional landowners the flexibility to plan and develop their facilities while ensuring that surrounding neighborhoods are protected from adverse impacts, such as traffic, overshadowing buildings, noise and unexpected expansion of institutional uses into residential areas. Although medical and dental clinics are allowed in the F-2 district, staff finds that the MU-I district better meets the existing land use, anticipated future development and the needs of the Lakewalk medical campus. Height of new buildings will remain consistent with the current buildings. Staff recommends approval due to the reasons listed in the staff report.

Applicant: Mark Pilon of Hanft Fride Law addressed the commission. He noted continuity in the area will be served. He noted building heights will remain consistent with the current buildings.

Public: Dan Jaeckel of 1600 London Road addressed the commission. He and his wife Lois are opposed. They aren't opposed to the sale of the property, but would like it to remain F-2. He is concerned about losing his view, impervious surface, noise and financial concerns. He does not want the MU-I given the chance to snowball along London Road.

Commissioners: Wisdorf asked what is current allowable height under F-2. Deputy Director Fulton stated the current buildings' height is quite low, 37'. Commissioner Wedul asked what the advantage is to rezone. Per Moses, with the new zoning they could create a more uniform campus. F-2 would require new buildings off of London Road, but wouldn't match the existing building. It would create a choppy building pattern. Wedul restated the reason is to have flexibility to move away from London Road. It is not a height issue, but design issue. Wedul noted the area is next door to the rose garden and asked if the applicant intends to connect to the networks the city has in place. Jaeckel stated it will be a consistent and unified campus. He sees the neighboring rose garden as a bonus.

MOTION/Second: Wedul/Schraepfer recommend approval per staff recommendations.

VOTE: (5-0, Crawford Abstained)

(Commissioners Schraepfer and Wisdorf recused themselves from the next agenda item).

PL 21-119 Special Use Permit for a Hotel at 723 S Lake Avenue by Blumberg-Park Point LLC

Staff: Chris Lee introduced the applicant's proposal to use the property as a 5-unit hotel. The applicant is not proposing any significant exterior changes to the current structure, but they are proposing to create a new 3-unit structure on an adjacent parcel. Hotels are required to have a front desk that is accessible at all times the hotel is operational. The site plan shows eight parking spaces. Staff recommends approval with the conditions listed in the staff report. Wedul

asked what the setbacks are. Lee stated MU-N setbacks varies between uses. The minimum side yard setback is 10' at the SW corner, and NW corner has a 0' setback. Wedul asked about parking. Lee reiterated there will be eight spaces. Wedul asked about the hotel layout. Lee confirmed the new 3-unit structure is a separate structure.

Applicant: Nick Adams of Heirloom properties (the applicant's representative) addressed the commission and welcomed questions. Their office is located at 202 E 1st Street.

Public: Gale Kerns of 714 S Lake Avenue addressed the commission. He lives across street. He isn't necessarily opposed, but has questions. There are two homes by him that are already vacation rentals. He was concerned this property would become a VRBO, but was told as a hotel, it has to be staffed 24 hours. He is concerned about traffic on entering and exiting off Lake Avenue. Blumberg has done a good job on another property, and hopes this will be the same. Marilyn Mayry addressed the commission. She lives across the street at 726 Lake Avenue South. Park point is a community. They pick up debris and work together as neighbors to keep their area safe. She doesn't want short term rentals or hotels in this neighborhood. It feels like their family. She noted a daily routine of debris pick-up and has had to put out fires made by visitors to their area. Duluth has enough hotels and B&Bs, especially Park Point. She is concerned about parking, traffic congestion, and noise and wants to keep their neighborhood as the treasure it is. Aimee Brown addressed the commission. She lives at 726 South Lake Avenue and is opposed to any new hotels or vacation rentals to this area until parking and traffic is addressed. The hotel may have visitors come to people staying there, and will use up street parking. She thinks it is a pedestrian safety issue. People try to cross the road when the bridge is up. Canal Park workers also park there, so they don't have pay for parking in Canal Park. Issues need to be addressed before more hotels and vacation rentals are added.

Commissioners: Wedul noted accessibility concerns. Will one accessible parking space be provided? Deputy Director Fulton noted accessibility issues will be addressed when the building permit is issued. Crawford noted the applicant is taking parking into consideration.

MOTION/Second: Crawford/Wedul approved a per staff recommendations

VOTE: (4-0, Schraepfer and Wisdorf Abstained)

Old Business

PL 21-096 Minor Subdivision at Glen Place and W Michigan Street by Aaron Schweiger

Staff: Deputy Director Fulton noted this item will remain on the table for more research on plat issues.

New Business

PL 21-132 City/County Strategic Land Realignment Project

Staff: Steven Robertson gave an overview. He referenced the staff packet and reviewed the tax forfeit parcel list up for consideration. There were two public information meetings. Comments were received. Pink are areas to add to public open space; including Hartley and Piedmont areas. And Mission project Area. 1 large scale of 100 acres has more intrinsic value than 10 – 10 acres areas.

MOTION/Second: Wedul/Wisdorf recommended that the city council approve the list of tax forfeit parcels in the St Louis River, Mission, Piedmont, Hartley/Downer, and Lester/Amity Public Land Project Areas and specifically indicated other parcels that the city administration and Natural Resources Commission have proposed for city ownership and permanent protection

VOTE: (6-0)

PL 21-127 Proposed UDC Text Amendments Related to Enforcement and Zoning Permit

Revocation*

Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton thanked commissioners and staff for their in-person attendance at this meeting. Their next special meeting on August 24th will be virtual. Regarding the previous month's Vassar Street item, more supplemental research revealed there is only a one-year period enacted if an EAW is requested and not five years as previously thought. There is an EAW for Munger Landing coming up. Other projects include Clyde Avenue and Grand in Smithville. The MPCA is the RGU for a remediation project that includes significant dredging. Point of Rocks issues – still in research phase. Wedul asked about the Cubis development trees. Fulton noted landscaping may be added to the swales, but it is hard to maintain. There will be tree replacement. Wedul asked about Kenwood Village. Deputy Director Fulton stated they are not proceeding with any projects. Crushing activity is not approved. Deputy Director Fulton has not heard anything from the neighbors. Site will be re-vegetated and will remain vacant. He noted Costco will be opening in the fall. He stated city councilor Zack Filipovich is currently in attendance if there are questions on the vacation dwelling units proposal. Wisdorf asked if the planning commission will need to recommend the proposal to the city council. Councilor Filipovich addressed the commission. The council came up with ideas, which were drafted into a resolution, and will be presented to the planning commission for approval, which will then go back to the city council. Wedul noted the proposed maximum of four bedrooms. Houses in her neighborhood may have 5, etc. How did they come up with that number? Filipovich stated their rationale was hashed out between council committees and councilors. The state building code was considered, and four was decided on. Wisdorf asked when current permits expire, will they be grandfathered in? Or reduced to 4 when renewing? Deputy Director Fulton stated IUP permits are not grandfathered in.

Heritage Preservation Commission – Vice-President Wisdorf stated the HPC is working on Downtown Design Guidelines. More public meetings ahead. (They did not meet yesterday due to lack of a quorum.)

Joint Airport Zoning Board – No update.

Duluth Midway Joint Powers Zoning Board – No update.

Adjournment

Meeting adjourned at 6:49 p.m.

Respectfully,

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

* Items moved to the 8-24-2021 special meeting of the planning commission