

## City of Duluth Planning Commission

January 10, 2023 – 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, January 10th, 2023 in the Duluth city hall council chambers.

### **Roll Call**

#### **Attendance:**

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

Members Absent: Michael Schraepfer, and Andrea Wedul

Staff Present: Adam Fulton, Steven Robertson, Jenn Moses, Kyle Deming, and Cindy Stafford

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

Planning Commission Meeting – December 13<sup>th</sup>, 2022

**MOTION/Second:** Rhodes/Hollinday approved

**VOTE: (6-0)**

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

#### **Other Item**

PL 23-D1 – Draft UDC Text Amendment: Changes to Parking Regulations –

**Staff:** Jenn Moses gave an overview. Tonight there will be an optional public comment period to gather more information. There will also be a formal public hearing at the next planning commission meeting. Changes include overflow parking area, parking minimums and maximums. Vacation Dwelling unit parking will not be changing.

**Public:** Joe Kleiman – 1934 London Rd – addressed the commission. He is a commercial developer. He is against rules for mandating public charging stations for electric vehicles. He stated the market will determine necessity.

Shawna Mullen – 1527 E 6<sup>th</sup> St – addressed the commission. She is pleased to see parking changes and applauds staff efforts. She is against allowing variances for parking maximums. She would like to see more specific rules for E.V. (electric vehicle) charging stations to include level two requirements. She is in favor of bike parking. She thinks parking maximums should be given to all categories.

Steven Sola – 3033 Minnesota Ave – addressed the commission. He is the owner of the South Pier Hotel, and a VRBO rental. He noted their hotel parking lot is full the majority of the time. He noted the proposed 40-unit housing development in a different area would need zero parking. He said it might work in other areas, but not on Park Point.

Mike Casey – 415 S 88<sup>th</sup> Ave W – addressed the commission. He is in favor of shedding parking requirements. He is excited to see bike parking standards. He stated variances bother him, and in some cases are substantiated.

**Consent Agenda**

- PL 22-221 Vacation of Right of Way at 5910 Fremont Street by FAM Enterprises
- PL 22-222 Interim Use Permit for a Vacation Dwelling Unit at 325 S Lake Avenue #1316 by SCOBAR, LLC
- PL 22-223 Interim Use Permit for a Vacation Dwelling Unit at 9 E 4<sup>th</sup> Street – Unit A by BJ’s Land Co
- PL 22-228 Minor Subdivision at 920 Swan Lake Road by Alvin Berg
- PL 22-230 Variance from Front Yard Setback at 110 W Redwing Street by Many Rivers Montessori
- PL 22-229 Minor Subdivision to Divide One Existing Lot into Four Lots at 2011 W 2<sup>nd</sup> Street and 2015 W 3<sup>rd</sup> Street (Midtown Manor) by Duluth HRA
- PL 22-225 Variance from Shoreland Setbacks at 2101 Trinity Road by Lake Superior College

**Public:** No speakers.

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

**VOTE: (6-0)**

**Public Hearings**

PL 22-203 Special Use Permit for Seasonal Camp or Cabin in the RR-2 District at Congdon Boulevard by Outbound Lodges, LLC

**Staff:** Kyle Deming introduced the applicant’s proposal for a special use permit for a seasonal camp with six cabins, a pavilion, driveways and storm water management areas and open space on a 3.4-acre site. He also advised the commission of comments forwarded after the staff report was posted. The applicant will seek approval of the wetland delineation in Spring. The applicant will comply with fire code requirements for an access road at least 20 feet wide that is improved with at least compacted gravel surfacing. The applicant is proposing to minimize tree removal as part of the project. Staff recommends approval with the conditions listed in the staff report.

**Applicant:** Joan and Clinton Little addressed the commission. They live across the street, and their goal is to retire and manage the cabins. They welcomed questions. There were none.

**Public:** Nelson Thomas – 9426 Congdon Blvd. – addressed the commission. He owns the property across the road. He has no objections, and feels the proposed use could possibly enhance the area. He is in favor of the special use permit.

**MOTION/Second:** Lobby/Eckenberg approved as per staff recommendations

**VOTE: (6-0)**

PL 22-215 UDC Map Amendment to Rezone Property Adjacent to Elizabeth Street from R-1 to R-2 by Anthony Smith

**Staff:** Jenn Moses introduced the applicant’s proposal to rezone approximately .7 acres from Residential-Traditional (R-1) to Residential-Urban (R-2). Property owned by the applicant

includes three parcels adjacent to the Mt. Royal commercial area they are proposing for future development. One parcel, separated from the other two by platted Elizabeth Street, is currently zoned R-2. The applicant proposes to rezone a small triangular parcel and a portion of a second parcel to R-2 to allow for future development of a dermatology clinic. The applicant intends to submit a future application to vacate Elizabeth Street to create one developable parcel. In addition to the street vacation, the applicant intends to apply for a Special Use Permit in the future. Although not a required part of the map amendment process, the applicant held a neighborhood meeting, in which 9 neighbors attended. The applicant made changes to the concept plan based on this meeting. Staff recommends approval with the conditions listed in the staff report.

**Commissioners:** Danielle Rhodes asked if there was rezoning that would not require a special use permit. Moses noted, commercial zoning, but feels that R-2 is a good transition. A special use permit provides a greater level of scrutiny on how the property will be used. A commercial zoned parcel would not be as restrictive.

**Applicant:** Ryan Arola and Wes Stabs addressed the commission and welcomed questions.

**Public:** Mark Kaufman – 1515 Wallace Ave – addressed the commission. He asked the commissioners to either deny the item, or postpone their decision. He is concerned about increased vehicle noise and water run-off. He stated tax revenues are important, but there are other areas in Duluth that would be a better fit. He feels more research is needed. Colin Reichhoff – 2803 E 8<sup>th</sup> St – addressed the commission. His property abuts the proposed development. He feels betrayed by the Bluestone development and the city. He is opposed to the rezoning. Karen Schuder – 2713 E 8<sup>th</sup> St – addressed the commission. She is a 20-year resident and feels the proposal contradicts the Duluth Comprehensive Plans #1, and #2. Trees are important to her. She noted the Bluestone Development was supposed to replant trees and have not. She urges the commissioners not to change the zoning. Cynthia and Mark Poirier – 2818 E 8<sup>th</sup> St – addressed the commission. They thanked they applicant for making revisions, but are against the rezoning at this time. They noted adverse impacts including losing their tree buffer. Julie Reichhoff – 2803 E 8<sup>th</sup> St – addressed the commission. She noted the scale of the future dermatology clinic. 27,000 square feet and 3-stories. This is not a necessity in their neighborhood.

**Applicant:** Arola noted the applicant is a lifelong resident and wants to raise his family here. Smith wants to be a good neighbor and wants to repair the trust that a different development (Bluestone) may have tarnished.

**Commissioners:** Gary Eckenberg asked about the proposed property ownership. Arola stated Smith's family owns the land, and Smith will be securing it for himself. Jason Crawford asked if the applicant could address stormwater issues. Arola stated they are in the initial stages, but their goal is to keep the neighborhood informed. Sam Lobby asked about potential bedrock blasting. Arola stated they will hopefully find a path to avoid it. They are taking the process step by step. Rhodes feels the R-2 zoning fits the area, and noted the applicant will still need to apply for a vacation and a special use permit. Eckenberg noted the neighbors' not trusting of the previous Bluestone development. How does the city feel? Deputy Director Adam Fulton stated the Bluestone development went through different iterations and included lots of blasting. This proposal is significantly different. This is a private owner who has land entitlement. Eckenberg noted the current Twin Ports Dermatology office and the difficult parking there. Does this development fall under the newly proposed parking rules? Per Fulton, parking is not under consideration on this item. Fulton noted the willingness of the applicant to listen to the neighbors, and will want to get parking right. He noted financing will require parking. The planning commission can more closely scrutinize during the special use permit

application phase. Commissioner Crawford noted he is a commercial banker, and thinks the banking role for required parking spaces is minimal. Rhodes want to clarify to the commission attendees that tonight they are just looking at the rezoning. Eckenberg struggles with the rezoning. He understands that the rezoning starts the overall process, and he expresses his compassion to the neighbors, but feels locked in his role as a commissioner to approve the rezoning.

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

**VOTE: (6-0)**

### **Communications**

Deputy Director Fulton noted there is a proposed local landmark up for historic designation. Steven Robertson gave an overview. The address is 230 East 4<sup>th</sup> Street. The HPC recommended approval of the designation at their meeting yesterday, due to the building's unique history and characteristics. The planning commission needs to weigh-in with their decision on the historic designation. By making it a landmark, it helps preserve the building. Once designated, a preservation plan is required within one year.

**MOTION/Second:** Holliday/Lobby approved PL 22-224 historic designation of 230 East 4<sup>th</sup> Street

**VOTE: (6-0)**

Land Use Supervisor (LUS) Report – Deputy Director Fulton gave an overview. There is progress on Lot D, and they are dealing with contamination issues. Another item is the evaluation of interstate 35 and the downtown area to modify the freeway and road system. FEMA's new flood plain maps will be released soon. He noted the upcoming annual meeting and welcomed dialog.

Heritage Preservation Commission – Gary Eckenberg gave an update. He thanked the planning commission for fast-tracking the historic designation. The applicant wants to work closely with the city to guide them in future restoration.

Joint Airport Zoning Board – No update.

Duluth Midway Joint Powers Zoning Board – No update.

### **Adjournment**

Meeting adjourned at 6:34 p.m.

Respectfully,

DocuSigned by:  
  
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Ryan Pervenanze – Manager  
Planning & Community Development