

City of Duluth Planning Commission

**December 12, 2023 – City Hall Council Chambers
Meeting Minutes**

Call to Order

Vice-President Jason Holliday called to order the meeting of the city of Duluth planning commission at 5:00 p.m. on Tuesday, December 12th, 2023 in the Duluth city hall council chambers.

Roll Call

Attendance:

Members Present: Jason Crawford, Gary Eckenberg, Brian Hammond, Jason Holliday, Danielle Rhodes (arrived after the approval of Minutes), Michael Schraepfer, and Andrea Wedul
Member Absent: Margie Nelson

Staff Present: Adam Fulton, Jean Coleman, Jenn Moses, Kyle Deming, John Kelley, Chris Lee, and Cindy Stafford

Approval of Planning Commission Minutes -

Planning Commission Meeting – November 14, 2023 and Special Planning Commission Meeting – November 27, 2023

MOTION/Second: Hammond/Schraepfer approved

VOTE: (6-0)

Public Comment on Items Not on Agenda

No Comments.

(Items PL 23-187 and PL 23-202 were removed from the consent agenda and placed under public hearings.)

Consent Agenda

PL 23-199 Vacation an alley at 525 N 80th Avenue W by Darcy and Julie Sundin

PL 23-200 Interim Use Permit for a vacation dwelling unit in a form district at 413 S 20th Avenue E by 1934 1/2 London Road LLC

PL 23-201 Interim Use Permit for a vacation dwelling unit in a form district at 120 E Superior Street, floor 3, by Lillecorps Two LLC

Public: PL 23-199 – Jim Perkins, 515 N 80th Ave W, addressed the commission. He is in support of the vacation.

MOTION/Second: Crawford/Hammond approved the consent agenda items as per staff recommendation

VOTE: (7-0)

Public Hearings

PL 23-187 Vacation of 49th Avenue E between Idlewild Street and alley by Kelly Lee Greenwalt

Staff: Chris Lee introduced the applicant's proposal to vacate a 66 foot wide, 140 foot long unimproved street right of way between Idlewild Street and the Alley. Staff noted the street will not be needed by the city for the promotion of public health, safety, or welfare of the citizens of Duluth since the street is currently unimproved and city engineering does not expect to need it in the future. The alley is not needed for street or pedestrian use. Vacating the right of way will not impact or deny access to other property owners. No utilities are currently located in the right of way. Engineering has reviewed the exhibit and has requested minor edits, which the applicant is working on. Staff recommends approval with the conditions listed in the staff report.

Applicant: Present, and welcomed questions.

Public: Pam Roed, 4855 Idlewild St, addressed the commission. She has concerns about it being a dead-end road and if they vacate, it will permanently take away the turn-around. She urges the commissioners to deny. Mary Serve, 4864 Kingston St, addressed the commission. She represents the neighbors who signed the petition against the vacation. She read the names of the petitioners into the record. Shawn Roed, 4855 Idlewild St, addressed the commission. He would like to see this remain green space. Their kids have used the land as a trail to go to school. He is opposed to the vacation.

Commissioners: Danielle Rhodes asked the applicant what land his purchasing, and would he be able fulfill his goals without the vacation. Kelly Greenwalt addressed the commission. He is purchasing the two lots to the west of the vacation, and would need the vacation. Gary Eckenberg asked if the planning commission had a basis to deny this. Deputy Adam Fulton noted this vacation is a city council action based on the planning commission's recommendation subject to analysis. The land will not be used for city purposes in the future. Commissioner Eckenberg verified the applicant is purchasing two lots to the left of the vacation and will split the avenue in two. Commissioner Andrea Wedul stated there appears to be nubs on Norwood Street, and is this typical to vacate these alleys in this neighborhood. Per Lee, they are vacated on an as-needed bases. Commissioners Eckenberg stated the community has spoken. Has the applicant spoken to the community? How did the community find out? The community found out by word of mouth that a duplex is being proposed. Commissioner Michael Schraepfer noted change is difficult especially when it is in your back yard. The city wants to see infill development. This vacation and subsequent use will not drastically change the fabric of the community. Rhodes noted this land is already used as a private parking lot. Wedul noted informal pass-throughs that occur on public land. She thinks this could set a precedent.

Applicant: Greenwalt wanted to address public concerns. The land is located at the very end of Idlewild. A gravel pad already exists. He will add a bull-nose which will be safer than what exists now. He said street parking is not an issue, but he will add a cold storage building to free up space in the garage for parking. Commissioner Brian Hammond encourages him to reach out to the neighbors.

MOTION/Second: Hammond/Eckenberg recommended approval as per staff recommendation

VOTE: (6-1, Wedul Opposed)

PL 23-202 Variance to the rear yard setback at 319 N 28th Avenue W by Family Rise Together

Staff: Jenn Moses introduced the applicant's proposal for a variance to the rear yard setback for construction of a single-family home, as well as a deck and accessible ramp, which will be located 10' from the rear property line instead of the required 25'. This parcel is irregularly shaped due to its location abutting an adjacent plat. The angled rear lot is not typical for properties in the MU-N zone and existed even before the previous house on the property was built. The applicant proposes a single-family home with a footprint of 1,060 square feet along with a reasonably sized rear deck and a ramp leading to an accessible entrance. The proposed home will be a similar size, with a similar placement, and share the same character as the previous home. This will not alter the essential character of the neighborhood. Staff recommends approval with the conditions listed in the staff report.

Commissioners: Eckenberg asked about the lot size of 4,000 minimum required for a new build. Moses noted the lot is smaller than 4,000, but it was a lot of record prior to the adoption of the UDC rule in 2010. Wedul noted the fence on one side of the property. Is there a requirement for a fence? Moses stated there is no requirement for a fence. Rhodes noted parking close to the property line. Per Moses, parking can go right up to the property line.

Applicant: Rachel Wagner, 2302 Minnesota Ave, addressed the commission. She represents the applicant and welcomed questions. She noted the entire existing fence is on her client's property. The will remove the fence and place it on the actual property line.

Public: No speakers.

MOTION/Second: Hammond/Rhodes approved with added condition that fence be reconstructed between 319 & 321 N 28th Avenue W

VOTE: (7-0)

PL 23-198 Special Use Permit for a Domino's Restaurant at 7002 Grand Avenue by Duane Carlson Jr.

Staff: Chris Lee introduced the applicant's proposal for a special use permit to operate a restaurant in the existing building. The project will consist of a 2,861 sq. ft. pizza restaurant with related parking and landscaping. The proposed restaurant will be 2,861 sq. ft. with some indoor seating for ordering and service. There is no drive-through proposed. The site plan shows 14 parking spaces which meets the minimum requirement. The alternative landscape design plan is approved by the Land Use Supervisor. Staff recommends approval with the conditions listed in the staff report.

Commissioners: Wedul stated this is in line with other areas removing trees along Grand Avenue. She would like to see one tree, but this can probably be arranged internally.

Public: David Sheff, did not list address, asked about the delivery of materials to the restaurant. He is concerned about semi-trailers fitting into the site. Lee defers to the applicant about loading zone details.

Applicant: Duane Carlson addressed the commission. He noted the driveway on the west end of the property. There is room to drive in and pull around within the lot. Commissioner Hammond asked the applicant if he would agree to adding a tree. Carlson stated he is neutral. It is easy enough to do, but there is a lot of salt on Grand Avenue. Wedul thanked the applicant regarding his willingness to add a tree.

MOTION/Second: Wedul/Hammond approved with w/ added condition approved with added condition that a tree be positioned in front

VOTE: (7-0)

PL 23-162 Final Plat for Amity Bluffs Subdivision East of Woodland Avenue by Amity Bluffs LLC

Staff: John Kelley introduced the applicant's property for a final plat of 25 acres of land creating 15 lots ranging from .26 acres to 1.96 acres into "Amity Bluffs". The applicant shall enter into a development agreement. Wetlands shall be fully protected during construction, monitored for impacts due to silt and sediment, and restored if required upon inspection by appropriate city officials. The city Forester must approve the tree replacement plan. Staff recommends approval with the conditions listed in the staff report.

Commissioners: Hammond asked about connectivity, and about a pedestrian trail. Deputy Director Fulton noted in this instance there is no need for an extension. A trail does not seem viable. Wedul asked if there were elevation concerns. Kelley noted there was lots of discussion including even connecting to Vassar Street. This design does not connect to Vassar Street. Commissioner Hammond asked if there was a preliminary plat on file. Kelley stated yes. Hammond was not on the planning commission when the preliminary plat was approved.

Applicant: Present, but did not speak.

Public: No speakers.

MOTION/Second: Crawford/Rhodes approved

VOTE: (6-1, Hammond Opposed)

PL 23-127 Scoping – EAW for Central High School Redevelopment

Staff: Kyle Deming addressed the commission and summarized his memo dated December 2, 2023. They are currently in the first step, which is the 30-day comment period for the Scoping EAW. Comments are due by 1/4/2024. At the 1/9/2024 planning commission meeting staff will present responses to substantive comments made on the Scoping EAW and request planning commission's approval of the Final Order for AUAR. That action will commence the development of the Draft AUAR of the second step.

Applicant: N/A

Public: Louise Levy, 722 N 15th Ave E, addressed the commission. She thanked the Duluth News Tribune for their article. She asked if there will be another time for oral comments. Deming stated there will be a public hearing in February or March for oral comments. Levy asked about the two proposed designs and noted the height restriction.

Commissioners: Eckenberg noted the link to the narrative and appendices appeared to be broken. Deputy Director Fulton noted staff will work on this and printed packet will be available.

MOTION/Second: No Action required – public hearing held

Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton gave an overview and noted staff is working on the UDC alignment with the Building Code and the Fire Code. Vacation rental enforcement.

Historic Preservation Commission Report – Commissioner Eckenberg stated there was no meeting this month.

Joint Airport Zoning Board – Commissioner Eckenberg stated there was no meeting this month.

Duluth Midway Joint Powers Zoning Board – Deputy Director Fulton noted a complaint related to a gravel quarry off Becks Road is unresolved.

Adjournment

Meeting adjourned at 6:39 p.m.

Respectfully,

DocuSigned by:

Adam Fulton

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Adam Fulton – Deputy Director
Planning & Economic Development