

City of Duluth  
Planning Commission  
August 13, 2019 Meeting Minutes  
Council Chambers - Duluth City Hall

Call to Order

President Janet Kennedy called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, August 13, 2019, in city hall council chambers.

Roll Call

Attending: Jason Crawford, Gary Eckenberg, Janet Kennedy, Tim Meyer, Margie Nelson, Michael Schraepfer, Sarah Wisdorf, and Zandra Zwiebel

Absent: Andrea Wedul

Staff Present: Adam Fulton, Robert Asleson, Steven Robertson, Kyle Deming, John Kelley, Chris Lee, Kaleb Montgomery, and Cindy Stafford

Presentations

1. Zenith Awards were presented by Former Director Keith Hamre. For supporting the community and implementing the values of the Imagine Duluth 2035 comprehensive plan, the sixth annual Zenith awards were presented to: Darren Jablinsky of Redstone Lofts LLC, for reuse of a historic structure at 15<sup>th</sup> Avenue East and Superior Street, Joe Kleiman for creative project design and adaptive reuse of a former filling station at the corner of Central Entrance and Arlington Road, and Luke Sydow for his nine years of service and expertise as a planning commissioner.

Approval of Planning Commission Minutes

July 9, 2019

**MOTION/Second:** Nelson/Wisdorf approve the minutes with changes

**VOTE: (8-0)**

Consent Agenda

2. PL 19-093 Interim Use Permit for a Vacation Dwelling Unit (Renewal of Existing Permit) at 1210 South Lake Avenue by Steve and Heather Pitschka
3. PL 19-094 Interim Use Permit for a Vacation Dwelling Unit (Renewal of Existing Permit) at 1535 South Lake Avenue by Steve and Heather Pitschka
4. PL 19-095 Interim Use Permit for a Vacation Dwelling Unit (Renewal of Existing Permit) at 1302 Minnesota Avenue by Steve and Heather Pitschka
5. PL 19-091 Minor Subdivision Dock 7 Lesure Street by Hallett Railroad Storage and Services LLC
6. PL 19-092 Minor Subdivision at 4215 Trinity Road by Michael Simonson
7. PL 19-097 Minor Subdivision at 1317 Minnesota Avenue by 1 LLC

(Item 8. Was removed from the consent agenda for an added condition)

**Staff:** N/A

**Applicant:** N/A

**Public:** N/A

**Commissioners:** N/A

**MOTION/Second:** Eckenberg/Nelson recommend approval of the consent agenda items (items 2 – 7) as per staff's recommendations.

**VOTE: (8-0)**

8. PL 19-101 Concurrent Use Permit for a Monitoring Well at 4609 Grand Avenue

**Staff:** N/A

**Applicant:** N/A

**Public:** N/A

**Commissioners:** Zandra Zwiebel asks how long the monitoring well be in use. The applicant's representative stated indefinitely. Zwiebel would like to add a condition stating the monitoring will be removed once the project is complete and/or there is no longer a need for the monitor.

**MOTION/Second:** Zwiebel/Wisdorf recommend approval with the added condition that the monitoring well be removed once the project is complete.

**VOTE: (8-0)**

#### Public Hearings

9. PL 19-072 Spirit Lake Sediment Remediation Project Environmental Assessment Worksheet (EAW) – Public Comment

**Staff:** Kyle Deming gives an overview.

**Applicant:** N/A

**Public:** Tom Arbour is a member of the Lake Superior Railroad. He asked who completed the EAW. Deming notes the city did with the help of a consultant. Arbor asks where he can get a copy. Deming notes it's on the city's website, and he will assist him in finding it.

**Commissioners:** Chair Kennedy asks how much longer the comment period stays open. Per Deming the comment period ends on August 21, 2019.

**MOTION/Second:** N/A – opportunity for oral comments. The decision on the need for an EIS is anticipate to be made at the planning commission's September 10, 2019 meeting

10. PL 19-103 Variance from Form District Standards (Occupied Space for Parking Ramps/Areas) for a New Structure at 2102 West Superior Street by Rachel Development

**Staff:** John Kelley introduces the applicant's proposal for a variance from the occupied space setback for a multi-family apartment building in an F-5 (Mid-Rise Community Shopping and Office) zone district. One letter was received and shared with the commissioners in opposition of the variance. Staff recommends approval with the conditions listed in the staff report.

**Applicant:** Patrick Cruikshank (agent for Rachel Development) addresses the commission. A retail shop front façade will be mimicked to fit the neighborhood. He welcomes questions. He notes the importance of housing in the community, and the benefits of housing to support existing retail in the community.

Gary Eckenberg asks if they have had contact with the business community in the neighborhood. Cruikshank notes the owner is from the cities, but they are smitten with the Lincoln Park neighborhood. Their next step is community outreach. Eckenberg notes the comment they received regarding having businesses on the lower level. Cruikshank notes this is located in an opportunity zone to bring revitalization back into the area. He thinks housing is missing from this specific area. Housing is their niche, and notes city staff has been supportive. The design will look like retail from the street, including the use of staggered doors and canopies. He thinks it enhances the rest of the retail area. Tim Meyer asked if they looked at creating retail on the ground level. Cruikshank noted if they invited retail to the space, they would have to significantly increase their rental pricing. Meyer asks if they would consider it in the future, if it becomes financially feasible. Cruikshank states there is potential later down the road, but doesn't know if it will be possible.

Eckenberg asks staff to show the site plan and questions the plans along Superior Street. Cruikshank points to the additional facades. Eckenberg clarifies the fitness center and parking would be for tenants only. Cruikshank affirms. The market is asking for studio apartments and 1-bedroom apartments. There will be a total of 81 rooms (which includes some 2-bedroom units) and 86 parking stalls. Their studios are 450-500 square feet. They don't have any micro units, which can be as small as 200 feet. Eckenberg asks if the apartments will be market rate. Cruikshank states they are working with the city to reduce rent on some of the studios to make it more affordable. They are still working out the plans with the city.

Margie Nelson asks if the project is seeking other public assistance. Cruikshank states to move the project forward this component is the only variance needed. They don't have any other public money secured. Interim Director Fulton notes the intent to seek a TIF district, which would be a future consideration.

Zwiebel comments that she appreciates the parking for the tenants. She notes the empty lot next to the proposed development, could it be used for additional public parking? Cruikshank states someone else owns the land, and is currently utilizing it. Zwiebel appreciates the efforts the applicant is making, and notes it's not uncommon not to have retail on the lower level and notes the Lambert project.

**Public:** Tom Hanson, 2210 W. 13<sup>th</sup> St., is excited to see this new project. He drives and walks between Duluth Grill and 19<sup>th</sup> Avenue West every day. There are still vacant buildings available. He welcomes change, and thinks they need provide housing for growth.

Jodi Slick, Eco 3, 2014 W. Superior St., addresses the commission. They are the GDC of Lincoln Park. They support revitalization in the neighborhood. This was an emerging district five years ago. The next big step is new construction and this new project supports this. It would be ideal if there was retail on the bottom, but the design efforts to create a pleasant façade for walkability is appreciated. There is risk to organic growth if they were to bring in box-retail.

Jon Aamodt, Northland Consulting Engineers, adjacent property owner addresses the commission. He is in support of the project. He feels parking for development should be on top of the list. Pam Kramer, 720 E. 4<sup>th</sup> St. of LISC, addresses the commission. It's

important to have people living in the community. The proposal maintains flexibility for the future, and has a positive appearance for walkability. She is in support of the project. She thinks this can take Lincoln Park to the next level, and urges commissioners to support.

**Commissioners:** Michael Schraepfer thinks store frontage is important, but this makes a positive impact, and he appreciates this process. Eckenberg has lived in Lincoln Park for 44 years. He finds this development thrilling.

**MOTION/Second:** Zwiebel/Eckenberg approved as per staff's recommendations.

**VOTE: (8-0)**

(President Kennedy left during the next item. Vice-President Nelson takes over chair duties)

11. UDC Map Amendments to Rezone into Conformance with Imagine Duluth 2035  
-PL 19-109 Rezone from Rural Residential 1 (RR-1) to Mixed Use Business Park (MU-B)  
-PL 19-110 Rezone from Rural Residential 1 (RR-1) and Residential Traditional (R-1) to Mixed Use Business Park (MU-B)

**Staff:** Steven Robertson introduces the city's proposal to rezone property from the current zoning of Rural Residential (RR-1) and Residential – Traditional (R-1) to Mixed Use Business (MU-B) as per Imagine Duluth 2035 Comprehensive Plan. Staff recommends approval. Sarah Wisdorf asks how many existing single-family dwellings are there. She asks if they will be effected by new development and will buffering be required? Robertson states that current homes will be legal non-conforming. Buffering will be required according to the new zoning, but be required of new developments or projects, not required from existing legal structures or uses.

**Applicant:** N/A

**Public:** Jeremy Cash, 1503 99<sup>th</sup> Ave W., addresses the commission. He feels the River side of the railroad should remain residential. He is opposed to the rezoning.

Elliot Zurich, 15 Drava Ct., addresses the commission. He lived in Duluth since the 60's. He bought his home in 1988. He is opposed to the rezoning. New development includes Dollar General. This is a mile from Gary. He doesn't feel new commercial will be added, but thinks a special use for garbage disposal for Veit could be. He feels it will devalue his property and is opposed.

Chair Kennedy asks if this is tax-forfeit land for sale. Robertson usually county is eager to sell land, but could take years. Tim Granquist, 11818 Becks Rd., addresses the commission. He notes the land is state land, not tax-forfeit. He questions what has changed. Per Robertson, this area is a natural fit to change to business park. Interim Director Fulton notes this land is not for sale, it is a rezoning. The speaker is concerned about the value of his property. Per Robertson, usually commercial property will increase the value of property. There are no proposals at this time.

Jason Crawford notes land classified as state of Minnesota land can still be tax forfeited land. City Attorney, Robert Asleson notes this is not an issue of ownership, it's an issue of zoning. The property can be owned by the state. The land is owned by the state, but is administered by the county.

**Commissioners:** Zwiebel would like to table to resolve the neighbors' concerns. She made a motion to table, but there was no second.

**MOTION/Second:** PL 19-109: Eckenberg/Meyer recommend approval as per staff's recommendations.

**VOTE: (6-1, Zwiebel Opposed)**

**MOTION/Second:** PL 19-110: Meyer/Crawford recommend approval as per staff's recommendations.

**VOTE: (6-1, Zwiebel Opposed)**

12. PL 19-100 Mixed Use-Commercial Planning Review for a New Retail (Liquor) Store at 202 North Central Avenue by Miners Incorporated

**Staff:** Chris Lee introduces the applicant's proposal for the construction of a new 11,280 square foot liquor store in the location of an existing liquor store and office building. Both existing buildings will be razed. Staff recommends approval with the four conditions listed in the staff report.

**Applicant:** John Geissler of DSGW Architects addresses the commission. He gives an overview and invites questions. Zwiebel notes the drive through. Will it stay the same? It will be similar, but the design will be improved, and will take away the traffic confusion.

**Public:** No speakers.

**Commissioners:** Zwiebel asks about the landscaping credit. Will it be equal to 125%? Per Lee, they are making it equivalent to the landscaping itself.

**MOTION/Second:** Zwiebel/Crawford approved as per staff's recommendations.

**VOTE: (7-0)**

13. PL 19-082 Special Use Permit at 1028 E. 8th St. by Therese E. Gruba/New Hope for Families

**Staff:** Chris Lee introduces the applicant's proposal to open a new daycare and preschool in a former church building. The daycare will provide space for up to 8 infants and 14 toddlers while the pre-school will house up to 20 students. There will also be assembly space to allow the Ministry to provide faith-based services that include counseling and visitation for foster families among other accessory uses. Staff recommends approval with the two conditions listed in the staff report. Wisdorf asks about the hours of operation. Are there restrictions? Lee it's tough to limit a daycare due to operation. It impacts the operation more to have set pick-up times. The foster care is part of the faith-based ministry.

**Applicant:** Therese Gruba of New Hope for Families is present, and will answer any questions. There are none.

**Public:** No speakers.

**Commissioners:** N/A

**MOTION/Second:** Eckenberg/Meyer approved as per staff's recommendations.

**VOTE: (7-0)**

14. PL 19-096 Interim Use Permit for a Vacation Dwelling Unit (New) at 5801 Grand Avenue (located in form district F-3) by Tanya and Ryan Templer

**Staff:** John Kelley introduces the applicants' proposal to use the upper floor of an existing commercial building with two apartments as a vacation rental property. Each apartment contains one bedroom. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days. Staff recommends approval with the conditions listed in the

staff report. Nelson asks if there are there 2 permits, or are they lumped together? Per Kelley they are accepting one application for both units due to the form district status.

**Applicant:** Tanya and Ryan Templer present.

**Public:** No speakers.

**Commissioners:** N/A

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

**VOTE: (7-0)**

15. PL 19-070 Vacation of Right of Way along Bessemer St. by the City of Duluth

**Staff:** John Kelley introduces the city parks department's proposal to vacate portions of the platted right-of-way of 84<sup>th</sup> Avenue West, 85<sup>th</sup> Avenue West, Bessemer Street and Alley's while retaining a pedestrian and utility easement over a portion of the vacated area of 85<sup>th</sup> Avenue West. Staff recommends approval with the condition listed in the staff report. Wisdorf notes error of the location in the staff report. Per Kelley, it was caught and the commissioners were sent an email.

**Applicant:** N/A

**Public:** No speakers.

**Commissioners:** N/A

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

**VOTE: (7-0)**

16. PL 18-133 Shoreland Variance at 2512 Providence Rd. by Aaron and Lori Davis

**Staff:** Chris Lee introduces the applicants' proposal for a variance from UDC requirements which mandate a 150' structure setback for construction in proximity of a branch of Miller Creek. The applicant is proposing to reconstruct an existing deck from (originally 10' x 10') to 12' x 16' to their single family house. They are requesting to reduce the setback from 150' to approximately 93'. Staff recommends approval with the two conditions listed in the staff report. Eckenberg notes the home was built in 1990. Other decks are located closer to the setbacks. Per Lee the shoreland setbacks are new since 1990. The south home has a deck which is similar, which did not require a variance at the time.

**Applicant:** N/A

**Public:** No Speakers.

**Commissioners:** Zwiebel asks about the rain gardens. In 2018 their plan was to keep the area more natural. She notes she isn't concerned about decks because it's impervious, but doesn't like a rain garden noted if it won't be added. Per Lee, staff will follow up with the applicant.

**MOTION/Second:** Wisdorf/Eckenberg approved as per staff's recommendations.

**VOTE: (7-0)**

17. PL 19-087 Variance to Rebuild Damaged Structure in Rear Yard Setback in an R-1 Zone District at 1509 99th Avenue West by Betty Knapp (Norton)

**Staff:** Kaleb Montgomery introduces the applicant's proposal for a rear yard setback variance to rebuild the interior of a nonconforming structure from recent fire damage where rear yard setback requirements are 25 feet, and the proposed setback is 7.21 feet for the northwest corner to the rear property line and 7.38 feet from the southwest corner to the rear property line. Staff recommends approval with the conditions listed in

the staff report. Zwiebel noted the application was received in time. Montgomery affirms. Zwiebel asks if there is a time limit for them to obtain the building permit. If not there should be. She asks what enforcement will be in place to make sure the property is free of debris. Per Montgomery there is no time limit and Life Safety would follow up on debris issues. Nelson if this variance is not granted, what would happen? Montgomery notes if the application was not received, a condemnation for demolition would have been put into place. Zwiebel asks about the fire escrow amount. Montgomery notes the value is assessed by 25% of the assessed damage to the home. Interim Director Fulton notes the fire escrow is held by the city, which was allotted from the insurance company.

**Applicant:** Betty Knapp (Norton) addresses the commission. She notes the debris is cleaned up on the property. She currently lives 60 miles from the property, so has had a rough time. Zwiebel asks if the applicant will move back to the property once it's fixed up. Knapp (Norton) affirms. Eckenberg asks if it's currently condemned. Montgomery affirms. Knapp (Norton) states nobody is living there currently. Eckenberg notes they received comments from neighbors talking about police calls. Per Montgomery it was due to abandoned vehicles and debris.

**Public:** Jeremy Cash, 1503 99<sup>th</sup> Ave. W., addresses the commission. He lives next door to the property, and has made a police call on the folks that were living there. The applicant's son has been living at the property since the fire. They are burning their garbage while they are staying there. He opposes the variance, and thinks the home should be torn down.

Roberta Bourassa, 1518 Commonwealth Ave., addresses the commission. She lives across the alley. She questions why it took so long to be addressed. There are people living there with no water or sewer. She is concerned about rodents.

Toni Beals, lives in Finlayson (applicant's son's girlfriend), addresses the commission. She notes they don't live there, but are there to clean up the property. She is in support of the variance.

Ms. Berich, 1519 99<sup>th</sup> Ave W., address the commission. She thinks people are living there, and notes traffic early mornings and late nights. She opposes the variance.

**Commissioners:** Zwiebel notes the neighbor's letters in the staff report. She feels the applicant is taking the proper steps to get her home back. Meyer would like to add an additional time frame for construction finish. Schraepfer is supportive. Wisdorf also supportive, but asks what happens if the conditional time frame is not met. Interim Director Fulton notes a condition on the front end is doable.

**MOTION/Second:** Zwiebel/Schraepfer approved as per staff's recommendations with added condition that the building permit be submitted by September 30, 2019.

**VOTE: (5-2, Meyer and Nelson Opposed)**

18. PL 19-098 Variance from Front Yard Structure Setback in an R-1 Zone District at 1030 South 71st Avenue West by Richard Erickson

**Staff:** Kaleb Montgomery introduces the applicant's proposal for a variance to rebuild the front porch. The front yard setback requirement is 25 feet, while the proposed setback would be 13 feet from the home to the front property line. According to the applicant it "would extend the roof line from the primary gable to the front façade of the home in order to increase bedroom square footage for standing room without adding to

the impervious area of the property." Staff recommends approval with the conditions listed in the staff report.

**Applicant:** Applicant's contractor present and invited questions. There are none.

**Public:** No speakers.

**Commissioners:** Meyer asks staff what the practical difficulty is. Montgomery notes the layout and the location of the kitchen.

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

**VOTE: (6-1, Meyer Opposed)**

19. PL 19-099 Variance from Front Yard Parking Standards at 4002 London Road by Ecumen Lakeshore

**Staff:** Kyle Deming introduces the applicant's proposal for a variance to construct 24 off-street parking spaces between the principle structure and London Road. Staff recommends approval with the conditions listed in the staff report. Wisdorf asks about stormwater. Per Deming, they will treat it with a sediment control system.

**Applicant:** Blaine Gamst (Executive Director) of Ecumen Lakeshore addresses the commission, and Tom DesMarais, Civil Engineer, of Northland Consulting Engineers LLP address the commission and invite questions. There were none.

**Public:** No speakers.

**Commissioners:** Zwiebel feels this is good fit, and notes the turf grass, and adding shrubs and parking is great.

**MOTION/Second:** Eckenberg/Zwiebel approved as per staff's recommendations.

**VOTE: (7-0)**

#### Other Business

Discussion - UDC (Unified Development Chapter) Text Amendments, -PL 19-107 Tiny Houses and Small Lot Development and PL 19-108 Tree Preservation, Craft Brewing and Distilleries, Temporary Structures and Shipping Containers

Steven Robertson gives an overview. Tiny houses focusing on flexibility with tiny lots, and among other things, reduces the minimum side yard setback to help promote redevelopment of small lots. Taking out a minimum square footage requirement for a two-family dwelling is also proposed. He also notes cottage housing development language, as a more flexible alternative to "planned developments". He added that this may be a more approachable way for small developments to reuse sites such as parking lots, to allow for groovy housing options. He also stated that the current language on shipping containers would remain, but be further clarified.

Zwiebel asks if they want comments now. Robertson notes they can have another brown bag to discuss before Septembers meeting. Zwiebel notes the shipping container language and feels 14 days may not be enough.

Todd Meyer 4242 MN Ave. comments he approves on the shipping container language. He thinks they are an eyesore and don't belong in someone's front yard.

Jesse, 5326 Glendale St., addresses the commission. He is a proponent for tiny houses. The ability to move around is a plus. He doesn't like the requirements for foundations. Interim



Director Fulton notes needed connections to sewer and water and maintaining sanitation aspect.

#### Communications

- Manager's Report (Verbal) – Per Interim Director Fulton notes at the next planning commission meeting, staffing within the department will be discussed. The Mayor's Housing Task Force will be announced. The city flag is moving forward and will be in the news in the next few days.

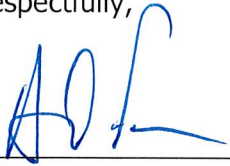
#### Reports of Officers and Committees

- Heritage Preservation Commission Representative – Wisdorf notes they didn't meet.
- Joint Airport Zoning Board – Nelson notes they didn't meet.
- Midway-Duluth Joint Planning & Zoning Commission – Per Interim Director Fulton, Kennedy did attend. They broadly talked about land use and annexed area by Midway township.

#### Adjournment

Meeting adjourned at 8:30 p.m.

Respectfully,



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Adam Fulton – Interim Director  
Planning and Economic Development