

City of Duluth Planning Commission

**Monday, November 27, 2023, 5:00 p.m.
St. Louis County Government Services Center
2nd Floor – Lake Superior Room
320 W. Second St.
Special Meeting Minutes**

Call to Order

President Margie Nelson called to order the special meeting of the city of Duluth planning commission at 5:00 p.m. on Tuesday, November 27th, 2023 in the St. Louis County – Lake Superior Room.

Roll Call

Attendance:

Members Present: Gary Eckenberg, Brian Hammond, Jason Hollinday, Margie Nelson, Danielle Rhodes, and Michael Schraepfer

Members Absent: Jason Crawford, and Andrea Wedul

Staff Present: Ryan Pervanze, Jean Coleman, and Kyle Deming

Public Comment on Items Not on Agenda

None

Other Business

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

Staff: Kyle Deming introduced the above topic and gave an overview. Tonight, the commission needs to consider whether or not the scenarios in the Scoping – EAW document are sufficient to review potential environmental issues relevant to the site, which will be considered in detail in the subsequent Draft AUAR document. The commission needs to determine if the document is ready for distribution to the public and the EQB official distribution list.

Applicant: Lauren Walburg of Stantec (the City's consultant on the AUAR) addressed the commission and provided a presentation with slides. She gave an overview of what an AUAR is. It is a community planning tool to conduct a hybrid environmental review. The format is based on an EAW, but the expected level of detail and analysis is comparable to an EIS. It must be updated every five years, until the AUAR boundary is built out. The AUAR is a good tool by studying multiple development scenarios, like an EIS, rather than just one as is done for an EAW. The AUAR evaluates development impacts over time. The first step in the AUAR process is to establish a study boundary. For this one, the City erred on the side of inclusion additional land. One of the scenarios needs to consider the Duluth Comprehensive Plan and there needs to be at least one alternative. In this case, Scenario B is a mixed residential and commercial project that reflects the most intensive development for the study area. The AUAR identifies and anticipates infrastructure, improvements and other development and establishes mitigation measures to avoid adverse environmental impacts. Once the AUAR is adopted it has the same weight and authority as a local ordinance. The AUAR is a fact-based process and can neutralize controversy. The Central High School Redevelopment Project AUAR is roughly 80 acres. The boundary includes existing and future potential entrances to the site. It is purposefully large to include related and cumulative actions. Commissioner Brian Hammond asked about the 360,000 sq. ft. of light industrial versus office space in Scenario A. Walburg noted the Duluth Comprehensive Plan includes business park, which consists of both industrial and office space uses. Kyle Deming noted the post-COVID market isn't driving a need for more office space and so the scenario is weighted toward light industrial/warehouse distribution. Scenario B is a

mixed-use development, which consists of 1,590 units of residential and 124,000 square feet of commercial development. Commissioner Hammond asked about the sale of parcel. Manager Ryan Pervenanze stated the land has been sold to a private developer by the school district. The developer originally was interested in and paid for an Environmental Assessment Worksheet (EAW), but due to the long time it will take to develop the large property and the potential need for the project to change over time due to market conditions, the City wanted a more extensive process and requested financial assistance from DEDA to provide for an AUAR. Jeff Schiltz and Mike Dosan from ICS introduced themselves. They represent the land owner and are thrilled to be working in their hometown. Scenario B contains much of what their proposed project would include and more and, therefore is the maximum scenario. Walburg stated a traffic impact study is underway, which in the future may include a connection to Harbor Highlands. The study of Central Entrance by MnDOT is providing info. to the traffic study and the AUAR scenarios is providing info. to the MnDOT study. Walburg went over the project timeline with the AUAR Order proposed for the Jan. 9, 2024 Planning Commission meeting, followed by the AUAR document drafting and comment period in winter/spring 2024, with adoption of the Final AUAR with mitigation plan in spring of 2024 being the adoption of the final AUAR and Mitigation Plan. Commissioner Gary Eckenberg asked about the timing of this special meeting and why it was needed. Walburg noted in order to have the scoping EAW published next week, the special meeting was needed tonight. Manager Pervenanze noted they city is trying to best accommodate the developer's schedule. Commissioner Eckenberg affirmed this is the city's first AUAR process. City attorney Jean Coleman noted the AUAR has been an option in Minnesota since the 1990's. Eckenberg asked if the planning commission is the actual RGU, and noted their decision for an EAW being overturned by the city council in the past. Manager Pervenanze stated the past decision was laid out. For this specific AUAR – the development would require an EAW, but the city took into consideration the need for additional scope and wanted to expand the study to an AUAR. Commissioner Danielle Rhodes affirmed an EAW is for a specific development, where an AUAR can cross multiple developments. Walburg stated in this case there is land owned outside of the developer's ownership, and so it is in the city's best interest to own this document. Manager Pervenanze stated this AUAR allows the city to be prepared in case development decisions change. The AUAR allows for flexibility. Commissioner Eckenberg asked why this tool wasn't used or even considered by the city in the past. Manager Pervenanze stated he is unsure why it hasn't been used in the past, and agrees it is an excellent tool. Mike Dosan from ICS noted Eckenberg's comments and stated the developments in the past were for a specific building and a specific timeline, which may have called for an EAW. This project includes multiple buildings and timelines, so would fit well with an AUAR. The AUAR is used widely by cities with large industrial developments that don't have a detailed plan, but want roads and utilities. He noted Hermantown just went through one. Commissioner Rhodes would like to see water ways represented on the scenario maps to avoid public confusion. Walburg explained they were shown on other maps and could be added to the scenario maps. Manager Pervenanze affirmed.

MOTION/Second: Hammond/Hollinday the Scoping EAW is sufficient, and is ready for distribution

VOTE: (6-0)

Adjournment

Meeting adjourned at 5:53 p.m.

Respectfully,

Ryan Pervenanze – Manager
Planning & Development Division