

City of Duluth
Planning Commission
December 10, 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 5:03 p.m. on Tuesday, December 10, 2019, in the council chambers in Duluth city hall.

Roll Call

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

Absent: N/A

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

Presentation

Hartley Natural Area Management Plan – Diane DeSotelle, the Natural Resource Director for the city of Duluth addressed the commission. The Duluth city council nominated the Hartley Natural Area on September 24, 2019, after receiving a positive recommendation from the planning commission on September 11, 2019. City Ordinance requires approval of this Plan from the planning commission and city council in order to finalize the nomination of this area to the Duluth Natural Areas Program. The outline of the plan has five areas. Desotelle presented an overview of the program. A vote on whether to approve the nomination of Hartley Natural Area will be on the planning commission's January agenda. Zandy Zwiebel pointed out the northern half of the map and asks about the northeast corner. The DNAP overview map includes the school lands that were purchased. The area Zwiebel asked about was slated for development and should not be included in the DNAP.

Approval of Planning Commission Minutes

November 12, 2019

MOTION/Second: Zwiebel/Wisdorf approved the minutes

VOTE: (9-0)

Consent Agenda

(Items 1 and 4 were asked to be removed from the consent agenda by Commissioner Gary Eckenberg)

2. **PL 19-159** Vacation of Austin Street Near Calvary Road and Woodland Avenue by City of Duluth

3. **PL 19-161** Variance to Corner Side Yard Setback at 4802 Otsego Street by Kathy Gore

Staff: N/A

Applicant: N/A

Public: No speakers.

Commissioners: N/A

MOTION/Second: Nelson/Zwiebel recommended approval of the consent agenda items as per staff's recommendations.

VOTE: (9-0)

Public Hearings

Schraepfer (recused himself for the next two items)

1. **PL 19-158** Interim Use Permit for a Vacation Dwelling Unit at 1329 Minnesota Avenue by Kate Horvath and Joe Wicklund

Staff: Chris Lee gave an overview. Staff recommends approval with the conditions listed in the staff report. Gary Eckenberg asks staff if this is a new owner of the property. Lee affirms, the permit stayed with the property and the new owner is applying. Deputy Director Adam Fulton noted it is anticipated that a code amendment will be forthcoming soon. Eckenberg noted two items of concern from neighbors which included loud noise. He doesn't understand why neighbor's concerns weren't included but they might wait until it comes up again. Zwiebel asked about the driveway off Minnesota Avenue. Is it shared? Per Lee it belongs to the neighboring property. Zwiebel asked how the back lot is being used. Lee stated there is a back entrance. Andrea Wedul noted complaint stated 4-6 cars. Is there a limit? Lee stated the applicant is providing the required parking spaces, and the rest can park on the street.

Applicant: Kate Horvath, 1617 Minnesota Avenue, addressed the commission. The back parking spaces are accessed in the back. Eckenberg asked if the applicant knew about the concerns. Horvath did not, and she knows the neighbors quite well. Eckenberg asks about parking. Horvath said there is plenty of space there. Horvath hopes to stake out the places where the renters can park.

Public: No speakers.

Commissioners: N/A

MOTION/Second: Wisdorf/Eckenberg recommended approval as per staff's recommendations.

VOTE: (8-0, Schraepfer abstained)

4. **PL 19-166** Interim Use Permit for a Vacation Dwelling Unit at 5802 London Road by Dean and Carin Jablonsky

Staff: John Kelley stated the new owner is applying. There was an error in the staff report. It should be listed as a two-bedroom vacation rental with a maximum of five guests. Eckenberg affirms this address is not going back to the pool or lottery, and transferred with the house. Kelley affirms.

Applicant: Out of the country.

Public: No speakers

Commissioners: N/A

MOTION/Second: Wisdorf/Eckenberg recommended approval as per staff's recommendations.

VOTE: (8-0, Schraepfer abstained)

5. **PL 19-160** Preliminary Plat for Hartley Hills Fourth Addition by Sanford Hoff

Staff: John Kelley introduces the applicant's proposal for the preliminary plat of 11.96 acres of land into 18 lots ranging from .25 acres to .85 acres into "Hartley Hills Fourth Addition." Staff is recommending tabling the application until the January planning commission meeting for more information including: 1) a tree inventory compliant with UDC standards, 2) any necessary utility easements be shown on the plat; 3) applicant should provide sidewalks along both sides of the streets; 4) Provide 10 foot wide pedestrian easement along the southern lot line of Outlot A. Zwiebel asks about the easement. She wants to make sure it's labeled and pedestrian access should remain. Zweibel doesn't think the access needs to be improved, just labeled. Kelley defers to

the applicant. Eckenberg asks why is staff recommending tabling. Tim Meyer thinks maybe they should hold the public hearing after they have more information. Wedul asked if Kolstad Avenue has been vacated. Per Kelley, no it has not, it is a right of way. Wedul asked about stormwater, and needs clarification. Kelley noted city engineering is asking for more detailed drawings, but is comfortable at this time. Wedul would like to see more details as well. She asked about the cul de sac. Is the size in compliance with engineering right of ways? Meyer asked if they can approve a plat prior to the vacation of right of way. Deputy Director Fulton stated that a right of way can be vacated at the time of final plat. The preliminary plat is okay. Deputy Director Fulton stated the neighbors have been notified for a public hearing. The Commissioners have the option to continue the public hearing to the next meeting, if the planning commission decides to table the item.

Applicant: Sandy Hoff addressed the commission. Zwiebel noted several inquiries on why there is no access on Kolstad. Hoff stated it is challenging to develop in Duluth. The current plan is the best scenario they came up with. He noted the balanced lot sizes, and it is financially feasible. Luke Sydow, of SAS Architects addressed the commission. Stormwater in the right of way was requested by Tom Johnson of city engineering for ease of upkeep, and is adequate. More details and designs will be forthcoming. Size of cul de sac has been reviewed by engineering, and has been approved. Kolstad Avenue is not being vacated. Westerly line of Kolstad will be used for utility and pedestrian easements. Trees in right of way will be removed. A tree inventory will be based on each individual lot.

Public: Sarah Mikesell, 412 Hastings Drive, addressed the commission. She is in support, but has concerns. She is proud of future planning for Duluth, which includes housing and recreation. She noted the access road for the development via Hastings Drive. She thinks they should extend Kolstad Avenue. She gives an overview of how to access the new development. There are awkward angles with limited sight lines and a couple of the access points. She is concerned about the width of the street Marshall, Ewing are 28 feet, Northfield and Kolstad are 40 feet wide. Extending Kolstad would allow for safer passage. Eckenberg asked speaker, why not make a left turn on Anoka? Mikesell said there is more traffic, and it's more out of the way. Judy Gordon, plans to build at 3201 Ewing, addressed the commission. She thinks there should be two-way in and out, and doesn't agree with the circuitous route. She requested if the item is tabled, correct plat be distributed. She approves of the development, but not at its current state. Rhett Bonner, 330 Hastings Drive, addressed the commission. There is nothing developed south of the line of Hastings. He doesn't agree with the plat as proposed. He supports entry via Northfield and Kolstad. He disagrees with the plat and is opposed. Patrick Flattery, 324 Hastings Drive, addressed the commission. He is opposed. 10 acres directly adjacent to 10 more acres to extend Hartley Park. He feels the proposed project will hurt the park. The routing is circuitous and not safe for the neighborhood. There are no sidewalks. The streets are used as sidewalks. If the project is built he thinks Kolstad and Northfield would be better options for entry. Faris Keeling, 405 Hastings Drive addressed the commission. He is an emergency physician. He is in favor of the development, but is concerned about the access as it pertains to emergency situations. The circuitous route has terrible sight lines and it's hard to imagine emergency ingress and egress. Carol Thompson, 3230 Ewing Avenue, addressed the commission. She is neither for or against the development. They have lowlands in their back yard and is concerned about flooding. Having the Kolstad access is almost mandatory. She also noted the plowing situation. She is a 15-year resident, and it takes much longer for the plows to get to them. Alayne Degonia, 226 W. Anoka Street, addressed the commission.

Hartley is a jewel. She doesn't think the map they received from staff was very current. She thinks West Anoka is almost a highway at times. Regarding traffic patterns, she thinks there should be 2 ways in and 2 ways out. West Anoka was assessed for being repaved. Her and her neighbors are paying for their street for other peoples' access. Per Deputy Director Fulton, the public hearing will remain open if the item is tabled.

Commissioners: N/A

MOTION/Second: Nelson/Wedul tabled as per staff's recommendations.

VOTE: (9-0)

6. **PL 19-163** Special Use Permit for Parking Lot at 725 E 3rd Street by Human Development Center

Staff: Chris Lee introduced the applicant's proposal for a special use permit to construct a parking lot as a primary use located at 721 E. 3rd Street. As a primary use parking lot, site features such as drive aisles and accesses must function independently of other neighboring sites and businesses. A special use permit is required to construct a primary use parking lot in an MU-N zone district. Staff recommended approval with the conditions listed in the staff report. Eckenberg asked about the HDC location at 810 E. 4th Street. Is the parking lot is for that facility? Lee affirms. Eckenberg asks about access. Will it be on the alley? Deputy Director Fulton notes it's in an area of high pedestrian connectivity. In this case it's a primary parking lot. Eckenberg doesn't see access to sidewalks and notes pedestrians walking in alley. The nearest sidewalk would be 8th avenue east.

Applicant: Human Development Center, Tom Demarais, Nothland Constructors and Gary Vogt of HDC addressed the commission. They invite questions. Eckenberg adding 40 new employees. Will this be used for employees. Gary said yes, during working hours. He is trying to be a good neighbor in regards to neighborhood parking. There is some interest in after hour neighbor parking and they are not opposed.

Public: Tamara Welzant, 727 E. 3rd St. addressed the commission. She is concerned the drain sewer will tear up her yard. Dirt will knock out her solid retaining walls. Will water run-off go underground? She isn't opposed, but has questions. Her land is lower in elevation and is concerned how it will effect her property. Dawn Olson (friend of Tamara) addressed the commission. They are concerned with traffic, and lighting.

Commissioners: Zwiebel called the applicant back to address the previous public speakers' questions. Demarais stated all of their concerns have been addressed. Stormwater run-off will be contained by curb and gutter and will be contained in an underground holding pond. There is not a city stormwater sewer nearby. They will be extending 80' for a direct connection to the city stormwater system. It will be a better situation than it stands today. There is no overhead lighting proposed. Zwiebel asked if traffic will increase. Demarais noted this is a 50-stall parking lot for staff during working hours. It will involve typical staff use. Retaining wall on East 3rd Street will be removed to accommodate the storm sewer. Straight slope grade will be added to the HDC property. Eckenberg is concerned about no lighting. Alley access on an unlit parking lot especially in the winter months may be construed as a safety issue. Wedul asks about the islands on the alley access. For snow removal will the removal of the islands help? Demarais noted the islands helps with the delineation of the parking lot. They want to break up the parking lot to allow for screening and shading.

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

VOTE: (9-0)

7. **PL 19-165** Special Use Permit for Junk and Salvage Services on Rice's Point by Bernard McCarthy (near 1100 Garfield Avenue)
Staff: Chris Lee introduced the applicant's proposal to use the lots as a junk and salvage service operation by Twin Ports Trailer Trash. Twin Ports Trailer Trash is a state licensed junk hauler who picks up discarded items from customers for reuse or disposal. Staff recommended approval with the conditions listed in the staff report.
Applicant: Bernard McCarthy of Twin Ports Trailer Trash addressed the commission. Wedul asked what the applicant is storing on site. Would it include hazardous materials? McCarthy states no hazardous materials are allowed. Materials are either resued, or disposed of. Eckenbeg appreciates what the applicant does, and is eager to make a motion to approve. Meyer has a beautiful clean garage thanks to Bernard. He is in support. Chair Kennedy asks about hazardous waste. McCarthy noted they aren't licensed to carry hazardous waste in their vehicles.
Public: No speakers.
Commissioners: N/A
MOTION/Second: Eckenberg/Wisdorf approved as per staff's recommendations.

VOTE: (9-0)

8. ~~**PL 19-114** Future Land Use Change for Areas Near Highland Street between 59th to 62nd Avenue West~~
 Recommended Motion: Table
 (Staff asked to remove from agenda due to lack of public meetings due to weather.)
9. UDC Map Amendments to Rezone into Conformance with Imagine Duluth 2035, by the City of Duluth
 -**PL 19-149** Rezone from Residential Traditional (R-1) to Urban Residential (R-2), Lake Side of Snively Road Approximately Between Glenwood Street and Morningside Avenue
 -**PL 19-167** Rezone from Rural Conservation (R-C) to and Industrial-General (I-G) Midway Annexation
 -**PL 19-168** Rezone to Extend Shoreland Protection for East Branch Amity Creek (Riley Road Annexation Area) and Mission Creek, Sargent Creek, Stewart Creek, and US Steel Creek (Midway Annexation Area)
 -**PL 19-169** Rezone from Rural-Residential (RR-1) to Park and Open Space (P-1) Hartley Park
 -**PL 19-170** Rezone from Rural-Residential (RR-1) and Rural-Conservation (R-C) to Park and Open Space (P-1) Frederick Rodney Paine Forest Preserve
 -**PL 19-171** Rezone from Rural-Residential (RR-1) to Park and Open Space (P-1) Magney-Snively Natural Area
Staff: Steven Robertson introduced the city's proposal to rezone the above items/areas. The rezonings are consistent with the Comprehensive Plan Future Land Use Map from Imagine Duluth 2035. The proposed zone districts are the most reasonably able to implement the objectives of the Comp plan related to the proposed use for these areas. Material adverse impacts on nearby properties are not anticipated. Staff recommended approval.
Applicant: N/A
Public: (Item PL 19-149): Robert Hollenhorst, 1122 Valley Drive, addressed the commission. He feels this is area is a hidden gem for the city. He is not in support of

changing the rezoning to R-2. He feels the trails are best used for walking and mountain bikers. He would hate to see it be developed. He would like to keep it as an R-1 zoning district.

Eric Zimmerman, 1419 South Ridge Road, addressed the commission. He is opposed to the rezoning. He feels R-1 is more congruous to the neighborhood. Multi-dwelling units would not be a good fit. Land directly adjoining a country club is scarce. Problems with multiples include increased traffic. Glenwood already backs up every morning.

Hugh Renier, 1311 South Ridge Road, addressed the commission. He isn't opposed or for, but has concerns. What impact will this have on the environment? This is an important resource and is in the fly-way of birds of prey. He takes pride in Duluth making informed decisions. He asks that an EIS be done.

Julie Bachhuber, 1034 Valley Drive, lives on the southwest edge of the proposed rezoning. She is opposed to rezoning it to R-2. They have owls, deer and wildlife and thinks it is a huge asset. She is concerned about the stormwater run-off a new development. She also would like to see an EIS performed.

Commissioners: Zwiebel asked if there are any height regulations. Robertson stated 45 feet for R-2, but noted that the skyline overlay doesn't address height.

Wedul noted the topography. She is concerned about what might be allowed. Robertson townhouses and apartments are allowed uses in an R-2. This matches the comprehensive plan. It values having more density in easy transportation areas. Wedul would like to see what the impacts are before changes are made. Margie Nelson doesn't think anything more than a townhouse should be allowed.

Zwiebel noted the allowed special use permits including restaurants and filling stations. Zwiebel asked Deputy Director Fulton about special uses in an R-2. He noted commissioners have the ability to add conditions. This site is well-situated for development. Any SUP would require a neighborhood meeting. Height is a consideration, and they want to be cautious. Traffic in the area is a focal point. City and county infrastructure exist. There are many items to consider for special use permits. Robertson stated as there is no proposal for this site, no EIS should be required. Deputy Director Fulton stated they want to adopt the comp plan to bring sites into conformity. If this site isn't appropriate, the planning commission could consider revisiting the comp plan.

Eckenberg doesn't feel it's the planning commission's role to upend the comp plan. Wedul countered Eckenberg's view and encouraged vision outside and to think through items. Wedul is not in support. Mike Schraepfer asks staff where the closest R-2 is, and what's on it. Nelson noted they need to be very intentional about aligning with the Imagine Duluth 2035 comp plan. Jason Crawford grew up in the area. Comp plan states to change it, but to put something more than R-1 doesn't make sense to him. He is not in support. Meyer agrees with Wedul and Crawford. He thinks it would be disruptive to the neighborhood. Zwiebel is in support.

Chair Kennedy noted involvement in the process of Imagine Duluth 2035. Many neighborhoods started out as single-family homes. Sustaining neighborhoods includes

having multiples. She feels they are investing in their community more than they are invading the neighborhood. Neighborhoods as a whole look and live in a variety of ways. She feels it deals with fairness. Shraepfer asked Chair Kennedy to clarify. She noted the density in East Duluth, and the not in my back yard attitude. She has heard that poor people, or working people maybe not be welcomed in this neighborhood. Wedul does not agree.

Chair Kennedy noted fairness and health as new governing principles in the comprehensive plan. They have an opportunity to continue down a path for discovering growth for housing. She agrees with Eckenberg not to overturn the comp plan's guidelines. Zwiebel noted the importance of green space, but the city does need to develop some areas, especially where utilities are available. They need to give up some, in order to preserve a larger portion. Eckenberg noted the governing principles and mixture of densities.

MOTION/Second: Eckenberg/Wisdorf recommended approval as per staff's recommendations.

VOTE: (6-3, Crawford, Wedul and Meyer Opposed)

19-167 no speakers

MOTION/Second: Wisdorf/Nelson recommended approval as per staff's recommendations.

VOTE: (9-0)

19-168 no speakers

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

VOTE: (9-0)

19-169 no speakers – 1 recommendation letter

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

VOTE: (9-0)

19-170 no speakers –

MOTION/Second: Zwiebel/Wedul recommended approval as per staff's recommendations.

VOTE: (9-0)

19-171 no speakers –

MOTION/Second: Nelson/Wedul recommended approval as per staff's recommendations.

VOTE: (9-0)

Other Business

Chair Kennedy noted there is an added item regarding officers. Deputy Director Fulton noted there will be an upcoming vacancy due to Chair Kennedy becoming a member of the city council. Congratulations are extended to her.

Typically officers are elected at the annual meeting. When there is a vacancy, the practice is nomination (to nominate themselves or nominate others) and then the nomination is voted on by a secret ballot. Deputy Director Fulton noted the by-laws, and they will follow them by proceeding with the process. He recommends a special meeting in advance of the next planning commission meeting. He suggests holding an election at 4:45 to allow for commissioners to

allow for a secret ballot. Chair Kennedy would like the planning commissioners to consider Tim Meyer for vice president. Chair Kennedy stated it was a pleasure to serve with the other commissioners on the planning commission.

Communications

Manager's Report – Deputy Director Fulton gave an overview. Director Chris Fleege started Monday. On 12/19 there will be a Midway Township Board public meeting. Deputy Director Fulton and Roberston will attend to discuss the city's rezonings close to Midway. Appeal for hotel project/19-128 pc commission denied, city council reversed the decision. Council approved the south street rezoning. There are technical tweaks to the zoning code needed. Clean-up amendments will be brought forward to address. Deputy Director Fulton noted the substantial amount of pre-application meetings. The city will continued to keep the rezonings at a measured pace. In January - March there will be a substantial number of items brought before the planning commission.

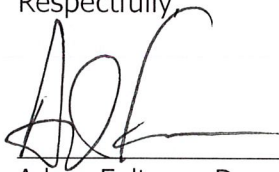
Reports of Officers and Committees

- Heritage Preservation Commission Representative – Wisdorf gave an overview.
- Joint Airport Zoning Board (JAZB) – Nelson gave an overview.
- Midway – upcoming meeting on 12/19

Adjournment

Meeting adjourned at 8:33 p.m.

Respectfully,



Adam Fulton – Deputy Director
Planning and Economic Development