

# City of Duluth Planning Commission

April 9, 2024 – City Hall Council Chambers  
Meeting Minutes

## Call to Order

President called to order the meeting of the city of Duluth planning commission at 5:02 p.m. on Tuesday, April 9, 2024 in the Duluth city hall council chambers.

## Roll Call

### **Attendance:**

Members Present: Chris Adatte, Jason Crawford, Gary Eckenberg, Brian Hammond, Jason Hollinday, Margie Nelson, Danielle Rhodes, Sarvela, and Andrea Wedul  
Members Absent: N/A

Staff Present: Ryan Pervenanze, Jean Coleman, Jenn Moses, Kyle Deming, John Kelley, Hannah Figgins, and Sam Smith

## Approval of Planning Commission Minutes

Planning Commission Meeting – March 12, 2024

**MOTION/Second:** Sarvela/Hollinday approved

**VOTE: (9-0)**

## Public Comment on Items Not on Agenda

Nick Ericson, 341 Hawkins St: Addressed the commission regarding side-yard setbacks.

## Consent Agenda

(PL 24-029 pulled from the Consent Agenda, to be voted on separately, due to conflict of interest; Commissioner Crawford is a board member on Duluth Airport Authority.)

PL 24-017 Interim Use Permit for New Vacation Dwelling Unit in a Form District at 325 Lake Ave South, Unit 1303 by Dan Meierhoff

PL 24-022 Minor Subdivision to Create Two Parcels at 30 W Linden Street by Heidi Mattila

PL 24-023 Variance to Rear Yard Setback for Mud Room Addition at 228 N 25th Avenue E by Adam and Emily Huneke

PL 24-026 MU-W Planning Review for Lobby Expansion at Pier B Hotel, 800 Railroad Street, by Pier B/Sanford Hoff

PL 24-024 Interim Use Permit for Renewal of a Vacation Dwelling Unit at 1615 E Superior Street by ACW Duluth, LLC

~~PL 24-029 UDC Map Amendment from Mixed Use-Business (MU-B) to Airport (AP) at~~

~~the Site of the Proposed Air Traffic Control Tower (ATCT) by the Duluth Airport Authority~~

PL 24-038 Interim Use Permit for Overflow Parking Area at 338 E Central Entrance by Tumble Fresh - Linn Property Development, LLC

**MOTION/Second:** Nelson/Crawford approved the consent agenda

**VOTE: (9-0)**

### **Public Hearings**

PL 24-029 UDC Map Amendment from Mixed Use-Business (MU-B) to Airport (AP) at the Site of the Proposed Air Traffic Control Tower (ATCT) by the Duluth Airport Authority

(Commissioner Crawford left the room for the discussion)

**MOTION/Second:** Rhodes/Wedul approve

**VOTE: (8-0, Crawford abstained)**

PL 24-011 UDC Map Amendment from R-1 to R-P for Residential Uses North of Bald Eagle Circle by Newhaven LLC

**Staff:** John Kelley provided the most recent memo on the item to the commissioners. He reiterated the purpose of rezoning to R-P is to greater preserve natural amenities and resources. Staff are recommending 8 units per acre and mixed housing types including town-homes. He added that governing principles are applied holistically, and not on a spot-basis. Staff have reviewed the original proposal and proposed development, and have subsequently reduced the recommended height limit to 35 ft. The proposed amendment is concurrent with the future land use plan.

**Commissioners:** Commissioners had questions about density in different zone districts, the setbacks that would be required in the proposed R-P, ownership of the access road in the easement, and whether the Planning Commission would be seeing this item again after voting on it tonight. There was also discussion about storm water treatment and the difficult topography of the parcels in question.

**Staff:** Staff members answered Commissioner's questions, confirming the cul-de-sac leading to the access road is city-owned, however whether there are covenants that apply to a public road is a question for the Hawk Ridge Estates. The Planning Commission would be required to review any future permit applications, but they would not be reviewing this specific re-zoning item again.

**Applicant:** Nick Ericson, 341 Hawkins St: Applicant introduced his newly hired architect for the proposed project, who spoke first.

Bailey Hanson, Architect with CF Design: The representative of the applicant addressed the commission, and read a memo from the principle of CF Design, in support of the applicant and the intentions the project aims to bring to the community.

Nick Ericson: He heard the concerns regarding the lack of a visual for the project, so he hired an architect to draw the plan, which was presented to the commissioners. He defended the reasoning for the recommended height limit of 35 ft., and he continues to see R-P as the best zoning option for the development, for flexibility of building placement and increased preservation of natural resources.

**Public:** Mike Casey, 415 88<sup>th</sup> Ave W: The speaker addressed the commission in favor of the proposal, although he signed up as "neutral". He would like to see the new development created with private roads, because these roads would not serve a public purpose, and the city should not take on more streets to maintain while we struggle to maintain the current streets. He supports adding density and housing to our city, in light of the housing crisis we are experiencing. The speaker believes the developer has done a lot to accommodate the public input, and is trying to do something positive in our community.

Eric Nordgren, 5305 Peregrine Circle: The speaker addressed the commission in opposition to

the proposal. He brought attention to the natural beauty that surrounds the parcels in question, including Hawk Ridge Nature Reserve and bird observatory, and Amity creek. The speaker said the proposed height variance would have unintended consequences for migrating bird populations, and the increased density will interrupt the wildlife corridor. He also said the development would contribute to the already worsening erosion of Amity creek, referencing the 2020 Duluth Streams Report. He said he doesn't believe all environmental impacts of the proposed development have been considered, and asks the commission to deny the re-zoning proposal.

David Betts, 3035 Bald Eagle Circle: The speaker addressed the commission in opposition to the proposal, and presented a visual aid. He said the proposed development is too dense at 8 units per acre, and it should be similar to Hawk Ridge Estates, which was meticulously designed. He said the use of the parcels must remain residential, with less than 3 units per acre, and a 30 ft. height limit. He doesn't see a public benefit from the proposed development, and he urges the commission to consider potential future developers, and the need to keep them in bounds, or keep them from developing something too dense, too tall, and with an inconsistent use for the location.

Edward Martin, 2817 E 2<sup>nd</sup> St: The speaker addressed the commission in opposition to the proposal. He introduced himself as a third generation Duluthian, his grandfather being the founder of the Martin Timber Company. In 1927 his grandfather gave 40 acres to the city, in honor of Mayor Snively and his dedication to preserving natural spaces of Duluth for all to enjoy. Skyline Parkway, and Hawk Ridge have amazing views of the area, and nationally renowned bird migrations. He believes the area should be preserved to be enjoyed by all. He thanked the commissioners.

Julie O'Leary, 5128 Arnold Rd: The speaker introduced herself as a representative of the Izaak Walton League in Duluth, which is opposed to the proposal. The League is concerned with open space and resources used by all of Duluth. Amity Creek is an important trout stream within the city, and is already on the MN list of impaired streams. The 2020 Duluth Area Watershed Restoration and Protection report recommends Amity Creek be prioritized for protection from human activities, which includes minimizing impervious surfaces, preserving tree cover, stabilizing stream banks, and enforcing zoning ordinances. The proposed re-zoning and development goes against all of these. The League is also concerned about raptor migration along the north shore of Lake Superior. The taller building heights that would be permitted are likely to be a new collision hazard for migrating birds, of which more than half of all species are in decline. Economic impacts of bird-migration tourism are substantial, and the commission is urged to protect it, and the other natural resources afforded to our community and the visitors that it attracts. She asked Planning Commission to recommend keeping the R-1 zone district, and thanked them for their time.

Chris Freise, 5304 Broadwing Drive: The speaker introduced himself as President of HOA on behalf of 124 members. He stated that there are many questions that were asked in regards to Ericson's project that could not be answered, yet PC is asked to make a recommendation. Freise spoke about the access and drainage easement. He said R-P zoning is about public benefit, yet no parking has been addressed, and it is unknown if the road will be private or public. The speaker was also concerned of the impact to the surrounding neighborhood. Hawk Ridge has narrow winding roads, and there has been no mention of a traffic study up until now.

**Commissioners:** The main concerns of the commission were density, height of the dwelling units, use, traffic in and out of the neighborhood, and natural resource sensitivity. The commission members discussed that R-P zoning allows for more flexibility in comparison to R-1 zoning in regards to how property owners are able to utilize their land. The commissioners also

spoke about how R-P zoning regulations would provide the same density restrictions as R-1 zoning, which was reasonable to them because they wouldn't foresee a big change in traffic or impact to the current landscape. It was also noted that there is a housing crisis, and commissioners pointed out how Ericson's project aims to help remedy this issue. Further discussion ensued the public benefits and disadvantages that would come from having R-P versus R-1 zoning restrictions and regulations. Though there is significant public concern of the impact this project could have on the neighborhood, it was said that all the potential impacts of this project could not be known at this time, but Ericson's proposal seems to be a reasonable use of land. The first motion to recommend City Council approve per staff recommendation was made.

**MOTION/Second:** Wedul/Hammond approve per staff recommendation.

**VOTE: (3-6)**

**MOTION/Second:** Wedul/Rhodes approve the zoning change with a height limit to 30 feet, a density of 6 units per acre, and uses limited to single-family, two-family, cottage home park and townhomes. No manufactured homes or multi-family homes.

**VOTE: (7-2)**

PL 24-016 Proposed UDC Text Amendments to Sections 50-14.5, 50-14.6, and 50-15.2, Amending Dimensional Standards in the R-1, R-2, and MU-N Zone Districts by City of Duluth

**Staff:** Jenn Moses introduced a power point to cover the goals and what planning staff have been discussing, regarding housing in Duluth. It has never been clear in the zoning code that twin-homes and townhomes with shared walls get a 0 ft. setback. Staff want to make it clear shared walls are allowed. Staff would also like to reduce setbacks slightly for property owners that wish to add to their properties with small additions. Setbacks are for aesthetics, providing air and light, and green space. Also, for controlling visual lines of sight, limiting buildings that jut out into the line of vision. The proposal is to add flexibility for homeowners. Jenn Moses also discussed the R-2 district staff proposal to reduce side-yard setbacks to increase potential building size. The goal of R-1 is to continue with the existing pattern of single-family dwellings having a larger lot area per family, but smaller lot overall than those with more dwelling units. R-2 is about an urban setting, so allowing buildings to be built closer to the sidewalk makes it more pedestrian friendly and allows for a stronger presence on the street. The purpose of MU-N allows for a mix of commercial and neighborhood uses located in close proximity.

**Commissioners:**

The commission members had some comments and questions about the proposed setback changes, height change concerns. Commissioners were also curious about the distinction and definitions of between single-family homes, duplexes and townhomes. Commission members also wondered about the distinction between all different types of building that can be built on a corner lot, and inquired about a zoning code that could encapsulate all buildings that can be built on a corner lot so they're under the same regulations in order to simplify the code.

**Public:** David Schimpf, 1125 Brainerd Ave: David introduced himself as neutral, the reason being that he was in support of some of the changes and opposed some of the others. He voiced concerns about storm pollution control, snow removal, flooding, and warns of the big impacts that proposed small changes can bring about. He suggests setting standards for impervious surface area relative to total parcel area.

Nick Ericson, 341 Hawkins St: Speaker addressed the commission to add that height measurements of buildings is taken from the front of the building in Duluth. In other areas, it's the average height from the four corners.

Pete Kreiger, 2109 Minnesota Ave: Addressed the commission as a representative from One Roof

Community Housing in support of changing front-yard setbacks. They are developing affordable senior housing on what is currently a parking lot in Central Hillside. The speaker came to encourage the commission pass the amendment tonight because the project is currently funded, needs to move forward, and every delay adds a big cost to the project given the increasing costs of construction. One Roof would like as much parking as possible, while satisfying city's landscaping requirements, so a 15 ft setback would be appreciated. 1:50:20

**Commissioners:** Rhodes: have you considered R-2? Mixed-use zone

Moses: Future land-use shows this site being residential. We could not recommend rezoning looking at future land use plans, and can't consider this when we see this issue at sites across the city.

Rhodes: Reasonable for single-family and duplex have the same set-backs

Moses: Just to confirm – do you mean lot area or lot frontage.

Rhodes: Minimum lot sizes

Nelson: Staff's job is to look in depth and change language precisely. I worry about us mit-picking.

Rhodes: Simplify side-yard corner lot to 15 ft. This should be studied individually.

Wedul: Question for staff – are these setbacks consistent with what we're seeing, will it change the neighborhoods?

Moses: Good question. This is why these are not extreme changes, this is more for incremental changes. We have tons of neighborhoods where setbacks already aren't there. The example I showed, I tried really hard to find a neighborhood that follows those

Rhodes: amendments – instead of "per family" combine one family and two family for lot size being 4,000 sq. ft total, and frontage being 40 ft total for single and multi, for R-1 and R-2.

Moses: for R-2 and MU-N – lot area in R-2 would be 2,000 sq ft for both.

Rhodes: remove distinct

Public: Debby – One Roof – 3528 E 4<sup>th</sup> St – we came to support the 15 ft setback, but we did not know they would change the side-yard setback Our architect drew it at 5.

Moses: R-2 table, corner lot is 15 ft, proposal is to reduce it to 10.

**MAIN MOTION/Second:** Wedul/Nelson recommended approval as per staff recommendation. Four amendments to the main motion were discussed as follows:

**Amendment 1: Rhodes/Sarvela motion to instead of using "per family" language, combined one-family and two-family lot size being 4,000 sf total, and frontage being 40 ft total. 15 ft for R-1 10 for R-2 single family and duplexes have the same setback requirements. Lot area and lot frontage?**

Combine one family and two family frontage being 40 ft total, both single and two-family. For R-1 and R-2 districts and MU-N – lot area in R-2 is 4,000 sf, allowing for reuse of older buildings and allowing for infill housing.

**Vote: (9-0)**

**Amendment 2: Rhodes/Wedul Motion to require corner-lot, side-yard setbacks 15 ft for all structures in R-1, and 10 ft in R-2**

**Vote: (9-0)**

**Amendment 3: Rhodes motioned to reduce recommended height limit in R-2, keeping the current 45 ft limit**

**NO Vote**

**Amendment 4: Rhodes/Wedul motion to maintain MU-N 15 ft setback between non-residential and residential buildings in MU-N zone district**

**No: Adatte, Crawford, Hammond, Nelson VOTE: (5-4)**

**MAIN MOTION Approved with three amendments**

**VOTE: (9-0)**

Nick Ericson: The measurement of buildings is taken from the front in Duluth. In other areas, Pete Kreiger, 2109 MN Ave: In support of changed front-yard setbacks. We are in the process of developing affordable senior housing on what is currently a parking lot. We are up against the ally, eliminates green space for the seniors, makes front yard not very friendly. Every foot makes a huge difference. If you table this, our project will be really impacted, and we can't wait longer due to prices of construction. We have begun geo-technical work. The City has supported us in this. We would like as much parking as we can get, while satisfying city's landscaping requirements. 15 ft would be really handy.

Rhodes: have you considered R-2?

Moses: Future land-use shows this site being residential. We could not recommend rezoning looking at future land use plans, and can't consider this when we see this issue at sites across the city.

**Other Business**

PL 23-127 Final AUAR (Alternative Areawide Review) for the Central High School Redevelopment Project (consider responses to comments and the Final AUAR document)

**Staff:** Kyle Deming reminded commissioners to refer to the memo when making the motion.

Andrea presented the findings and the final AUAR: Presented a power point. Ideally suited for specific uses and timing are unknown. Informs decisions, is updated over time. She reviewed the AUAR process, which is required to be updated every 5 years. Scenario A: Business park; Scenario B: Mixed Use. Comments received from MNDOT and Pollution Control Agency, public comments, to which all comments were responded to. Themes include climate change considerations, such as storm frequency and intensity, energy efficiency, migratory bird impacts, visual impacts and light pollution. Responses regarding Land Use were then addressed in the Mitigation strategy. Cultural resources, Greenhouse gas emissions, and Traffic concerns were responded to. The city uses the AUAR to guide future development and decision making. The document identifies mitigation needs. Today, we need to approve the distribution of the AUAR

**Commissioners:** Wedul: shovel testing?

Speaker: Shovel testing is needed on as-needed basis, in accordance with SHPO requirements. No findings that would be eligible for listing in the National Register.

Eckenberg: We are to approve two documents – the com

Deming: What the speaker said is correct, today you are to approve the document and the distribution of the document

Speaker: 10 day objection period.

**MOTION/Second: Nelson/** motion to accept the comments and approve the document for distribution

**VOTE: (9-0)**

**Communications**

Land Use Supervisor (LUS) Report – Manager Ryan Pervenanze acknowledged the work City Staff has done. Samantha Smith, welcome,

Heritage Preservation Commission Report – Eckenberg reported the national landmark status of the united protestant church of – looking at the structure, designating it's. He thinks he should not remain in that role, as he is now the president of this commission.

Joint Airport Zoning Board – Eckenberg reported his appointment expired in March 2024, and he would like to give that seat to someone else on the Planning Commission.

Duluth Midway Joint Powers Zoning Board – Pervenanze, in progress with land-use study and in communication with township officials.

**Adjournment**

Meeting adjourned at 8:32 p.m.

Respectfully,

Ryan Pervenanze, Manager  
Planning & Economic Development

\_\_\_\_\_