

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. Governing principles are applied holistically, and not on a spot-basis. Staff has reviewed the original proposal and proposed development, and have subsequently reduced the recommended height limit to 35 ft. The proposed amendment is concurrent with future land use plan,

Commissioners: Danielle Rhodes asked about the 6 units per acre – if the property were developed as a traditional R-1, how many units could be built? The topography of the lot looks like about 20 houses would be the expectation

Staff John Kelley responded that staff have not calculated that density. 20 units might be achievable on the site, but without having done calculations I can't say with any certainty.

Rhodes: setback requirements that aren't represented here

Kelley: Pre-inventory

Rhodes: No matter what we do here tonight, it is possible the natural set-backs will limit the development

Kelley: Yes it would be rather difficult

Rhodes: Storm water treatment

Kelley: Applicant would need to comply with all storm water requirements

If we do approve R-P. would this change apply to all future owners? Yes, including all uses, heights, and setbacks determined by the plan.

Moses: The zoning runs with the property, ,,staff recommends approval of the zoning amendments

Rhodes: Who owns and maintains the culdesac that is being proposed for access to the development

Kelley: The city owns that road

Discussion Ensued

Wedul:

Kelley: UDC – all properties adjacent need to be rezoned together. Three parcels could be combined.

Wedul: Does the access road need to comply with Hawkridge Estate covenants?

Kelley: A public road within an access easement would need to comply with city road

Coleman: Hawkridge covenants apply to the extent that they apply. Whether there are covenants that would apply to a public road is a question for the hawkridge estates.

Sarvela: Will Planning Commission have any further input on the project if this is rezoned.

Kelley: following a rezoning, the plan would not go to the planning commission for review.

Moses: any future applications for permits would require review by planning commission

Hammond: Can we limit the number of units per acre?

Kelley: Yes – PC can recommend use, height, and density.

Hammond: Possible to recommend an absolute height limit, from sea level? Many comments were concerned with heights, somehow developers managed to build higher than what UDC allowed for.

Kelley: Staff will need to consult with Land Use Supervisor and get back to the commissioners at a later date.

Moses: When someone applies for a rezoning, use, height, density, and what the development would contribute to the public.

Rhodes: R-1 district – single family, two-family homes are permitted. R-P permitted across the board, but it has to be in the regulated plan. Would Planning Commission see the regulated plan?

Moses: Regulating plan

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 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 addressed misinformation about the project he has seen online. He said the recommended height limit of 35 ft. is consistent with covenants of Hawk Ridge Estates, 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.

Commissioners: No questions.

Public: Mike Casey, 415 88th Ave W: addressed the commission as neutral, but now is more in favor. The area for the proposed development – 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. He supports the plan because he supports adding housing to our city, and supports density. He sees the developer has bent over backwards to accommodate the public input. This guy is trying to do something positive in our community. We have a housing crisis and we need to do something about it.

Eric Nordgren, 5305 Perigren Circle: Lakeside Lester park is defined, - the land proposed for re-zoning is at the middle of those three landmarks, creating the most dense neighborhood – unintended consequences, migrating bird populations. Moose, wolves, black bears. The added density in housing will interrupt wildlife corridor. Erosion, 2020 duluth streams report, 2/3rd sediments entering creek due to slope failure. Reduction and setbacks would reduce , threaten longterm viability of amity west trail. Natural surface connections, 122 concrete stairs, impractical for maintenance. I don't believe all environmental impacts have been considered. Ask the commission deny the re-zoning proposal.

David Bets, 3035 Bald Eagle Circle: (brought visual aid) Hawk Ridge residents are opposed. The development should be similar to hawk ridge, which was meticulously designed. Far too dense at 8 homes per acre. The applicant can sell their land to anyone who is then legally allowed to develop something to the maximum allowed extent. R-P district requires an R-P plan. The decision to approve an R-P plan is given to the Land Use Supervisor. The use must remain residential, with less than 3 units per acre, and 30 ft height restrictions. Future developers need

bounds. No public benefit. PC's responsibility is to set bounds today.

Edward Martin, 2817 E 2nd St: Opposed, third generation Duluthian, Martin Timber Company. 1927 he was so enamored, gave 40 acres to the city, redone after flood of 2012. Mayor Snively was dedicated to Skyline parkway, the views from there, bird migration. This area should be enjoyed by all people.

Julie O'leary, 5128 Arnold Rd: Eisenwalton League in Duluth: concerned with open space and resources used by all of Duluth. Amity Creek, 50% trout streams won't survive. Amity is on a – Amity be prioritized for climate change impacts. The development plans statements that claim to protect Amity Creek are false. Raptor migration along the shore. The building heights are likely to be a new collision hazard to migrating birds, which more than half of all species are in decline. Economic impacts of tourism-eco-tourism. Trails, - Time to step up and protect it. PC has a mission to protect natural resources. Not the same as rezoning someplace else. PC should recommend keeping the zoning R-1

Chris Freeze, 5304 Broadwing Drive, President of HOA on behalf of 124 members: Many questions were asked that could not be answered, yet PC is asked to make a recommendation. The easement – R-P is about public benefit, yet no parking has been addressed, The impact to the surrounding neighborhood. Hawkridge has narrow winding roads, no mention of a traffic study up until now.

Commissioners: Rhodes, the main benefit of R-P is that the terrain is difficult, they want to build houses while being respectful of surrounding green space. It seems reasonable to me that R-P would give you all the restrictions that come with R-1, but R-P allows for more flexibility. Propose keeping density that is allowed in R-1.

Wedul: R-P will reduce the amount of access, the number of driveways, through the dedicated easement. There is a problem in the code- we talk about density in terms of units per acre. But the dwellings proposed in this project are not comparable to the homes in Hawkridge estates. The hard part is change, no one wants to see it. This is a reasonable use of properties.

Hammond: I did not expect to support this tonight, however, the commenter in favor noted we are in a housing crisis and we do have a need to build housing, which is why I joined the commission. I don't want to exclude townhomes, I appreciate the mixed-housing. Scale was a primary concern we heard from public comments, and it seems the scale will be far less impactful than what was previously thought.

Rhodes: Density is considered 4, but really about 2.6 is really buildable. All the density would be

Hammond: I live in a neighborhood that allows for 6.5 units per acre. I feel this is appropriate, because of the size of the house

Wedul: We've got 8 dwelling units per acre. The developer is putting forth this plan, and we can't control every aspect of a development. We determine whether the density and use and height is appropriate for the area.

Rhodes: The request by the applicant is 6 units per acre

Kelley: Staff recommend 8 units per acre

Sarvela: Really likes the design, minimizing the impact, however the place. traffic concerns, homeowners in that neighborhood have a reasonable expectation of similar density. I do remember when Hawk Ridge was first proposed there was a public outcry, and it has turned out to be a well-planned neighborhood. ER services – any road would have to consider these needs

Kelley: any development would need to meet all life safety requirements

Crawford: asked staff to clarify what the code says for units per acre for R-1. Less than 3 units per acre is not city code, for clarification.

Kelley: Zone code does not call out units per acre. Comprehensive land use plan says R-1 minimum suggests 4-8 units per acre for traditional neighborhood R-1.

Eckenberg: Hard to find HawkRidge estates, twisty roads, not near a bus line. 24 additional units added to the culdesac. One comment said you will turn the culdesac into a roundabout. Typical for homes to have more than one car, he worries the use of that culdesac will intensify traffic. R-1 would accomplish housing in that area.

Hammond: R-p is about street frontage – cottage home development that doesn't have individual 40 ft street frontage. R-1 would be the worst case for impact, because squeezing in as many traditional homes, each with garages, each with 40 ft frontage. Cottage homes are a lot less intense.

Wedul: Agrees with Hammond. What are the impacts that people know are going to be happen. I'm a landscape architect, and I can't tell what impacts would be had from this development. R-1 zone does not limit the tree clearing, that is technically a reasonable land-use. All of HawkRidge developed their homes i. Ericson has done well trying to engage the surrounding neighborhood. Hopefully adjacent neighbors will su

Rhodes: opposed, unless the recommendation included

Wedul: excluding change in height – 5 ft height change.

Hammond: Why don't we allow a friendly amendment of 30 ft height limit.

Rhodes: This represents a story. I want to exclude apartment buildings.

Eckenberg: 8 units per acre would be the maximum.

Kelley: Use specific standards

Wedul: Density – I understand the desire to have a density match of what we see in the plan.

Question for the applicant, would you be amendable

Nick Ericson: in 2003 he tried to price the road through the easement made it non-feasible.

2017, 18, 19, relocate the easement, which also didn't work. After this, I have asked the regulating plan without knowing if this is going to be economically feasible. To commit to 6, I don't think I would spend \$100,000 trying to make that work, but at this time I don't know the numbers. R-1 is 4-8, so I would like to keep proposed density at 8 units per acre.

Comprehensive plan does not want 6, or less density. There's trust that has to happen between us. I believed the comprehensive plan, I believed the

Crawford: 24 units may not work.

Ericson: Dwelling units, the number is 26. Reduction from 8-10. Interior ADUs, within the units on the hill. Design the house to be flexible for the lifetime of the people. Pre-design the house to allow for future. 26 – Bulding at a slow pace, have a crew of 3-4 people, always with a house in front of them to be built.

Eckenberg: Housing Policy – affordable or attainable housing, what is the selling price? Also no material adverse impacts, or anticipated impacts. We are looking at what could be a big impact, but you are telling us there is not going to be a big impact.

Ericson: A cottage is very small, marketed towards people who are looking to retire or downsize. Such as the parents of HawkRidge residents. Sample the internal ADUs. I do not know the sale price. I do not know the cost of building at this time. This goes in to the definition of "impact".

Community buildings are not allowed in R-1, so that is why R-P is required. This is the shared space that brings the community together, as well as the maintenance building for the communcal snow-plow, and communal parking garages.

MOTION/Second: Wedul/Hammond approve per staff recommendation

VOTE: (3-6)

Sarvela: what can city council do with our recommendation?

Moses: Council has the option to approve, deny, or approve with modifications

Rhodes: The purpose is to keep consistency with R-1, while giving some flexibility for where the buildings can be.

Motion/Second: Wedul/Rhodes approve the zoning change with a height limit to 30 ft, a density of 6 units per acre, and uses limited to single-family, townhomes no manufactured home, multi-family home

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 the staff have been discussing, regarding housing in Duluth. Make it clear shared walls are allowed. Reducing 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 site, limiting buildings that jut out in to the line of vision. The proposal is to add flexibility. R-2 district proposing to reduce side-yard setbacks to increase potential building size. Examples of R-2 developments. Minimum lot sizes. See staff report. Commissioner Rhodes sent an email, Jenn intended to keep the words "per family" – lot area per family, and lot frontage per family. R-2 and MU-N build on each other. Purpose is to accommodate traditional neighborhoods. R-2 is about an urban setting. MU-N: mix of scale, uses, and

Commissioners: W SDF

Wedul – 0ft setback for principal structure with a shared wall.

Rhodes: Glad to see these changes, hopefully will make our UDC easier to understand. I would like to consider these changes are applied to – hesitant about the R-2 increase in height because of how many individuals this would impact. I would love it if R-1 and R-2 had the same 20 ft setback. I'm curious why the different structures have different proposed setbacks.

Jenn: These are small-scale incremental changes. Please be clear what it is you would want in the motion.

Wedul: Duplex – what is our definition? Side-by-side, or top-bottom?

Moses: Definition of duplex is that there are two separate entrances on a single lot. Can be side-by-side or top-bottom. Increasing density is a plus.

Hammond: Support what commissioner Rhodes proposes. 6,000 sq ft lot

Public: David Schimpf, 1125 Brainerd Ave: I listed myself as neutral because I support some of the changes and oppose some of the others. The proposal states the purpose is to support development that meets city's economic development goals. I can hardly see how allowing a bigger building on the same size parcel will accomplish those goals. Storm water pollution goals need to be addressed too. Did you consult the MN Pollution Control Agency? Smaller set backs reduce options for piling snow. Duluth has always had a tremendous amount of pervious land. We need to build responsibly, and green. Beware the tyranny of small decisions. I suggest setting - increase housing, begin talks about allowing stacked tri-plexes in R-2. I will submit written comment.

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.

Commissioners: 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 4th 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 set-back 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
