

City of Duluth  
Planning Commission  
April 9, 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, April 9, 2019, in city hall council chambers.

Roll Call

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

Absent: Luke Sydow and Zandra Zwiebel

Staff Present: Keith Hamre, Robert Asleson, Kyle Deming, Chris Lee, and Cindy Stafford

Approval of Planning Commission Minutes

March 12, 2019, Regular Meeting & March 19, 2019 Annual Meeting

**MOTION/Second:** Meyer/Nelson approve the minutes

**VOTE: (7-0)**

March 26, 2019, Special Meeting

**MOTION/Second:** Changes needed, Staff will revise and bring back for consideration next month

**VOTE: (7-0)**

Unfinished Items

1. PL 19-026 Recommendation for Adoption Imagine Duluth 2035 Implementation Actions Matrix for 2018

**Staff:** Director Keith Hamre gives an overview.

**Applicant:** N/A

**Public:** N/A

**Commissioners:** Chair Kennedy asks about leveraging the impacts. How would this work? Director Hamre notes the text that has changed pertains to which party will be implementing the strategies. The Mayor is putting together an energy commission who will work on implementation steps. Chair Kennedy asks if they adopt this, will it have any leverage on the Essentia project? Director Hamre believes so. Chair Kennedy notes the west Duluth community organizations could already be partners in some of the implementation strategies. How is this being equitable across the city? Director Hamre states these are city partners and authorities. Before the final report is completed next year, they will reach out to the non-profit community based organization for their input.

**MOTION/Second:** Meyer/Schraepfer remove from Table

**VOTE: (7-0)**

**MOTION/Second:** Meyer/Nelson recommend approval as per staff's recommendation.

**VOTE: (7-0)**

2. PL 19-014 UDC Text Amendment Exempt Vacation Dwelling Units in Form Districts from the Maximum Cap of 60 Units by the City of Duluth  
**Staff:** Director Keith Hamre would like to leave this item on the table.  
**Applicant:** N/A  
**Public:** N/A  
**Commissioners:** N/A  
**MOTION/Second:** Leave on the Table as recommended by staff.

**VOTE: (7-0)**

#### Public Hearings

3. PL 19-011 UDC Map Amendment to Rezone 5300 Bristol Street and 202/210 North Central Avenue from Mixed Use-Neighborhood (MU-N) and Form District Mid Rise Community Mix (F-4) to Mixed Use-Commercial (MU-C) by Miners Inc  
**Staff:** Kyle Deming introduces the applicant's proposal to rezone the property from the current zoning districts of Mixed Use Neighborhood (MU-N) and Form District 4, Mid-Rise Community Mix (F-4) to Mixed Use-Commercial (MU-C). Staff is recommending approval of the proposed rezoning to MU-C. Tim Meyer asks why this wasn't originally zoned MU-C. Deming noted the consultant included the portions all in one piece with other F-4 zones. Meyer asks what the initial rationale to label it MU-N was. Deming would only be guessing, but thought maybe they were permitted uses at that time. There was automatic rezoning from C-2 to MU-N. Over time form districts were implemented. Chair Kennedy asks about connectivity and safety. F-4 may include more consideration for pedestrian safety. If zoning changes, how can pedestrian safety be ensured? Deming MU-C does state large parking lots have pedestrian connections. If the site changes, connectivity would be addressed at that time.  
**Applicant:** Bill Burns, Hanft Fride P.A., addresses the commission. He thinks the original zoning didn't make sense, and they want to correct it by rezoning. All of the property is owned by Miners. Gary Eckenberg asks about the notch off of Bristol Street. Director Hamre states the small portion is not owned by Miners. Eckenberg asks if it should be included. Per Director Hamre, it's the owner's application being considered. Meyer asks if will there be a change in use after the rezoning. Burns states nothing concrete at this time, but possibly redoing the liquor store for access improvements. Director Hamre notes the planning commission will see it again if they move forward with any major changes.  
**Public:** No speakers.  
**Commissioners:** N/A  
**MOTION/Second:** Schraepfer/Wisdorf recommend approval as per staff's recommendations.

**VOTE: (7-0)**

4. PL 19-013 Upper Central and East Hillside Future Land Use Study  
**Staff:** On behalf of John Kelley who completed the staff report, Kyle Deming introduces the city's proposal to change the Comprehensive Plan – future land use maps. The city's proposal includes two items: 1) Change the future land use from traditional neighborhood to Open Space in the western portion of the study area above East 11<sup>th</sup> Street and below East Skyline Parkway, and 2) Change the future land use from Traditional Neighborhood and Urban Residential to Neighborhood Mixed Use. Staff recommends approval. Eckenberg asks about the open space designation. Does the city

currently own this land? Per Deming it's a combo of city owner land and tax forfeited land.

**Applicant:** N/A

**Public:** Lance Reasor, 130 E. 9<sup>th</sup> St., owner of the former UDAC building addresses the commission. He gives a history of the property, which used to be a food store, and then a shoe company. It was owned UDAC until last November. Reasor purchased the building at that time. He feels the best use would be a commercial use. He is in support of the changes. Kathy Bogen, 501 E. 11 St., addresses the commission. If there is development, she would like to see more parking for the taxi company. She also sees a need for housing in the neighborhood, but agrees it would be beneficial to have a business that supports the neighborhood.

**Commissioners:** Chair Kennedy asks staff to recap the scenarios. Deming goes over the scenarios. Chair Kennedy points out the taxi company location, and it is similar in scenarios 1 and 2.

**MOTION/Second:** Eckenberg/Nelson recommend approval as per staff's recommendations.

**VOTE: (7-0)**

5. PL 19-002 Special Use Permit for a Residential Care Facility (More than 7 Individuals) at 4425 Norwood Street by American Indian Community Housing Organization, Withdrawn from the February 12, 2019, Planning Commission Agenda

**Staff:** Chris Lee introduces the applicant's proposal for a special use permit to create housing for women and children for short-term stays in the home with 24-hour-a-day staff supervision by 2-3 staff. The home will be licensed for 18 beds. Staff recommends approval subject to the conditions listed in the staff report. Eckenberg asks staff about the fire marshal's 4 requirements in her letter dated February 4, 2019. Lee states there could be more before final building permit is issued. But confirms the four items listed are needed.

**Applicant:** Michelle Lebeau, Executive Direction of the American Indian Community Housing Organization (AICHO) addresses the commission and asks for questions. Eckenberg asks what the benefit is of having this facility in this location. Lebeau states there is a wide variety of offerings. And they would like to have a location which allows them to branch out to other parts of the community. There is more green space located here. There is room and land to provide healing, and the kids to go out and play. This site has ample land, and abuts to Hawks Ridge, where the kids can hike and enjoy bird watching. This house will be a place of healing, art workshops and cultural activities. They are conscious that the neighbors may have some resistance, but stresses they are good neighbors in their other properties. Eckenberg asks if there has been any neighborhood meetings. Lebeau states, there have been no meetings, but a sign has been posted. Eckenberg notes the seclusion of the home on the land. Contractors have been out to give estimates on the fire marshal's list. Lebeau wants to have SUP in hand before they move forward with updates. Eckenberg asks about sleeping arrangements for 18 beds. Lebeau notes it will depend on the sprinkler system configuration. There is room for beds, and for art activities. The home is multi-level which allows for privacy between families.

**Public:** Robert Kaner, 4300 Norwood St., addresses the commission and notes he has an attorney, Robert Magie, who will speak on Kaner's behalf. Attorney Magie addresses the commission. They are strongly opposed to this application. At a minimum, it needs

to be tabled. They don't oppose the need of the facility for women and children, but don't feel the location is appropriate. The property is remote from stores, schools and public transportation. Norwood Street is very narrow, and the lighting on the street is minimal. He is concerned about safety. There needs to be a 2-week notice on signage, and a mailing. There wasn't appropriate time given.

Jason Noe, 4433 Norwood St., addresses the commission. He also submitted a letter. He will note key points. His driveway grade is 19% and their driveway is steeper than his. He doesn't feel this location is suitable for 18 people to be living in this home. The neighbors enjoy space and quiet. This facility would be a detriment to their neighborhood. He is concerned this facility would affect his property value. He feels this facility does not comply with requirements of a special use permit, and is opposed.

Dale Fjelstad, 4509 Norwood St., addresses the commission. He opposes this proposal. He has been inside this house, and doesn't feel it would fit 18 beds and also notes the steep grade of the driveway. The lot isn't wide enough to create the angle they need to meet grade. He notes garbage on the site and feels the new neighbor won't have a sense of pride like the current neighbors do. Joe Berger, 4501 Norwood St., addresses the commission. He has lived there less than one year. They moved there for the quiet neighborhood. To fix the grade they will need to take down a bunch of trees, which will affect the privacy. He is opposed.

Robert Finstan, 1627 N 34<sup>th</sup> St., Superior, WI, addresses the commission. He served on the planning commission in Superior years ago. He thinks this a terrible location for a shelter. Beyond the grade issues, there are residents with young children who will have to come down steep driveway. The bus stop five blocks away, and the grocery store is further. He thinks traffic will increase. He praises a facility located in Superior by the Culvers restaurant, which is a more appropriate location. He thinks with this proposed location, their downtown van will be making multiple stops to and from the home. He thinks there will be extra pollution, and is concerned about safety. He notes there are no sidewalks on Norwood Street.

Marissa Berger, 4501 Norwood St., addresses the commission. She notes their access to Hawk's Ridge. She thinks they would need to bring kids to Hawk's Ridge via a vehicle. She thinks there will be increased traffic. She is opposed to the project. Greg Enright, 4402 Norwood St., addresses the commission. He enjoys a quiet neighborhood to raise his family. He feels that jamming 18 people into a single-family home does not fit the neighborhood. There are no sidewalks, and the bus stop is far away. Plowing doesn't occur sometimes until two days after a snowfall. The house is hidden, but to change the grade they would need switchbacks. There is no place for kids to play. He thinks it's a poor location, and is against the proposal.

Niles Batdorf, 4411 Norwood St., addresses the commission. He is a 32 year resident. A relative of his lives in a group home, on 43<sup>rd</sup> Avenue East. Their maximum allowance is four residents. How can this location (although not a group home) jump to 18 residents? Driving and walking up the street is difficult after snow. He is concerned about fire truck access. He assumes people will be allowed to smoke there. He is opposed. LeBeau (applicant) addresses the commission. They will address the neighbors' concerns once

they get approval to move forward with contractors, etc. The garbage on the site does not belong to them. Nobody is living there yet. They need the SUP to move forward. Otherwise, it would be a 5-unit facility with people coming and going.

Commissioner Margie Nelson asks how long would the residents stay. Lebeau states, 30-45 days. They work quickly to move people to permanent housing.

Commissioner Sarah Wisdorf asks if they foresee all 18 beds being used. Lebeau states, yes.

Commissioner Michael Schraepfer asks about room configuration. Lebeau notes there are quite a few rooms. She likes the residential feel, and thinks it is more conducive to healing trauma. Schraepfer confirms if the building is not sprinklered, it would become a five-bedroom rental. He asks about having fewer occupants. Do they really need 18?

Kaner urges the commissioners to go and look at the location.

Chad Peterson, 4410 Norwood St., addresses the commission. He thinks art events would bring non-residents to the facility. He is strongly opposed.

Jeri Noe, 4433 Norwood St., addresses the commission. She is opposed. She loves the neighborhood, but her kids don't play on the street. It's not a kid-friendly place.

**Commissioners:** Meyer encourages the rest of the commissioner to vote in support. Most of the technical concerns can be addressed. 20% grade is not impossible to remedy. He believes the planning commission should move forward and approve. He encourages AICHO to meet with the neighbors and try to address their concerns. Wisdorf asks about the notice requirements and if they were properly given. Lee states the typical notice is a sign posted 14 days prior to the meeting. The sign was initially posted 1/29/19. The neighbors within 350 feet were sent notices on 1/29/19 and 3/26/19. The sign was posted on 1/29/19. The new date was not updated until last Friday. City attorney, Robert Asleson, notes the code requires the posting of a sign and that it is visible. The date may be reused. Adequate notice and the sign could be deemed efficient. Shraepfer feels the driveway grade will be fixed along with the other technical issues. He is concerned about 18 residents. Meyer thinks construction services can address the number of occupants in the building per code. Chair Kennedy asks if the number of beds is based on need, or safe occupancy. Director Hamre, states the permit will from the department of health and construction services will address. They have a need for more beds, but the number is based on the size of the building and what is allowed. Eckenberg is concerned with the technical aspects, and if the notice requirements have been met. Asleson, posted notice requirement – the notice that was posted did not have the correct date 14-days prior. The commission could deem this as unacceptable, but on the other hand, it could be determined that everyone knew the meeting was tonight. Regarding the mailing notices, any defect in the notice given should not invalidate any action of the planning commission or council provided that a bonafide attempt to comply was made. Eckenberg, agrees with Schraepfer about the need for a neighborhood meeting at a neutral location could alleviate concerns. He would like to table until a public meeting is held. Schraepfer agrees and suggests tabling

for future notice of a neighborhood meeting. Director Hamre a tabling action and re-posting would complete the requirements, but notes clause 50-99 is May 8th. The applicant would need to waive the time frame, or it would automatically be deemed as approved. Chair Kennedy notes the planning commission is the time to have open neighbor conversation. She doesn't think a neighborhood meeting, or tabling would change anything. Eckenberg feels a conversation beyond these walls is an appropriate next step, but notes the time frame. Nelson notes the topic of holding a community meeting. She doesn't feel a community meeting would change any of the neighbors' minds. A domestic shelter is different from a group home. She feels they should make a decision tonight. Wisdorf is torn on the community meeting. She is concerned with the number of residents. She confirms the planning commission won't see this again if approved. Eckenberg feels a meeting is the best process, and is needed. He doesn't necessarily believe the neighbors' will change their minds. He feels there should be more conversation. Meyer agrees with Eckenberg but he feels the neighbors' concerns can be handled during execution. He would like to vote on this tonight. Chair Kennedy asks if the applicant would reconsider May 8<sup>th</sup> deadline. Asleson if applicant wanted to waive timeline of 50-99. They would certainly add it to the record. The applicant would need to agree to the extension of a time to 150 days versus 120 days. LeBeau doesn't feel a neighborhood meeting would change anything. She was hoping to have a decision tonight. She would invite neighbors to her other location and talk about their concerns. She wants to do the right thing, but needs to get going on their project.

**MOTION/Second:** Meyer/Nelson approved as per staff's recommendations with amendment to add a condition for the applicant to hold a public meeting to discuss the execution of the project.

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

6. PL 19-017 Mixed Use Commercial (MU-C) Planning Review for a New 82 Room Hotel at 1506 Maple Grove Road by Brutger Equities  
**Staff:** Chris Lee introduces the applicant's proposal to construct a new hotel structure on a vacant lot, which requires a Planning Review in the MU-C district. The proposed hotel will be four-stories in height and contain 82 units. There is currently a single-family residence on the property which will be removed prior to hotel construction. Staff recommends approval with the five conditions listed in the staff report.  
**Applicant:** Melissa Graftaas of Architecture Advantage, LLC, addresses the commission. The owner owns Days Inn, and is excited for another opportunity. She accepts questions. There are none.  
**Public:** Lori Richards, widow of Earl Richards, addresses the commission. She is opposed. She feels the owner does not respect his neighbors. The owner has repeatedly stored snow on her husband's property. They consistently push all of their snow onto the Richards' property. They have rental homes in the area, and she doesn't want more snow pushed onto her property. She also notes the adverse effects of another hotel would be to her renters. Ellen Betzold, 1000 Minnesota Ave., addresses the commission. She is a board member of Visit Duluth, and the former general manager to Fairfield inn. She is opposed to adding another hotel in the area. There are not enough guests to go around. She doesn't believe adding another hotel will add more visitors to the area. She is opposed. Eckenberg asks if visit Duluth is opposed. Betzold states she represents herself. Marie Casper, manager of American Inn, 901 Joshua Ave., addresses the

commission. She opposes the new hotel, and notes adding 82 more rooms will decrease the overall occupancy of other hotels in the area. Peggy Kuepela, 1601 Maple Grove Rd., addresses the commission. She is a renter and lives in a home across from the newly proposed development. This area is getting very busy. She is opposed. Melinda Duvall, 1517 Maple Grove Rd., (Lori Richards speaks on her behalf). She is opposed for many reasons, including increased traffic, bright lights, and looking at a hotel instead of the wooded area she now views. Gail Encarlo addresses the commission. She owns commercial property across the road. This whole area was rezoned commercial. She supports the project and notes both sides of Maple Road is commercially zoned, and not residential. The public meeting was closed

**Commissioners:** Commissioner Eckenberg has questions for the Mrs. Richards.

**MOTION/Second:** Eckenberg/Nelson would like to reopen the public hearing.

**VOTE: (7-0)**

Eckenberg asks Mrs. Richards which property she owns. She states: 1517 Maple Grove Rd., 1601 Maple, 1602 Maple, 1610 and 1618 Maple Grove Rd. Wisdorf asks about buffering. Can they add it, since it's so close to residential properties. Architect Graftaas notes there is the possibility of adding a privacy wall there along the northwest side.

**MOTION/Second:** Wisdorf/Meyer approved as per staff's recommendations with an added condition to include a wall section on the west side of the property.

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

#### Communications

Manager's Report – Director Hamre states Adam Fulton is the designated Land Use Supervisor. He will be in attendance next time. Director Hamre gives an update on the appeals to city council which included the minor subdivision in Lincoln Park and the vacation of the avenue and alley adjacent to 61<sup>st</sup> Avenue West.

#### Reports of Officers and Committees

- Heritage Preservation Commission – Zwiebel – N/A

#### Upcoming Special Meeting

-US Steel and Mud Lake Workshop, Wednesday, May 1, 5:30 PM, Morgan Park Good Fellowship Club, Joint Meeting of Planning Commission, Parks and Recreation Commission, and Heritage Preservation Commission

#### Adjournment

Meeting adjourned at 8:12 p.m.

Respectfully,



Keith Hamre - Director  
Planning and Economic Development