

City of Duluth Planning Commission

**March 27th, 2025 – City Hall Council Chambers
Meeting Minutes**

Call to Order

President Gary Eckenberg called to order the meeting of the city of Duluth Planning Commission at 5:01 p.m. on Thursday, March 27th, 2025, in the Duluth city hall council chambers.

Roll Call

Attendance:

Members Present: Chris Adatte, Brian Hammond, Gary Eckenberg, Danielle Rhodes, Dave Sarvela, and Andrea Wedul

Members Absent: Jason Crawford, Jason Hollinday, and Margie Nelson

Staff Present: Nick Anderson, Amanda Mangan, Chris Lee, Jason Mozol, Jenn Moses, Ariana Dahlen, Natalie Lavenstein, Christian Huelsman, and Sam Smith

Approval of Planning Commission Minutes

Planning Commission Meeting – March 11th, 2025 –

MOTION/Second: Rhodes/Sarvela approved

VOTE: (6-0)

Public Comment on Items Not on Agenda

No comments.

Consent Agenda

PLIUP-2502-0003 Interim Use Permit for a Vacation Dwelling Unit at 5801 Grand Ave, Unit 1
by Tanya Templer

PLIUP-2503-00019 Interim Use Permit for a Vacation Dwelling Unit at 5801 Grand Ave, Unit 1
by Tanya Templer

PLIUP-2502-0004 Interim Use Permit for Vacation Dwelling Unit at 611 W Skyline by CCL
PROPERTIES II LLC

PLIUP-2502-0006 Interim Use Permit for a Vacation Dwelling Unit at 37 England Ave by
Riverside Rentals LLC

PLIUP-2502-0007 Interim Use Permit for a Vacation Dwelling Unit at 124 N Hawthorne Rd by
David and Theresa Hanson

PLSUP-2502-00035 Special Use Permit for a Restaurant at 601 N 56th Ave by Bailey Builds

Commissioners: Commissioner Rhodes asked staff a clarifying question regarding item PLIUP-2502-0007. She asked which door on the structure is considered the front door. Rhodes also recognized that staff notified the applicant that there is no front yard parking, and asked staff if an updated site plan has been submitted.

Staff: Natalie Lavenstein stated that the front door is oriented towards East 2nd St. The required parking for a vacation dwelling unit of this size is 6 spaces, which can be achieved without parking in the front yard, so an updated site plan was not required.

Public: No speakers.

MOTION/Second: Rhodes/Adatte approve the consent agenda items as per staff recommendations

VOTE: (6-0)

Public Hearings

PLSUB-2411-0007 Final Plat at 010-3921-00020 by Duluth HRA

Staff: Chris Lee addressed the commissioners and presented a visual of the plat. The proposal will plat 3.3 acres of unplatted land to form a new plat called the Harbor Highlands First Addition that consists of 24 residential building lots. The preliminary plat for this project came before the commissioners and was approved at the August 20th, 2024 meeting. The property is owned by the Duluth HRA but has given One Roof the rights to develop the property for housing. Back in August, commissioners asked about the history, lot size, and ownership of the subject property. Commissioners also looked at creating a connection from Lake Avenue to the Incline Village site. However, the final plat indicates that there is not a connection from Lake Avenue that would go up to the future Incline Village site. Staff found that the applicant has failed to meet this condition due to other conditions beyond the applicant's control. The current landowner, Duluth HRA, has stated the property has a HUD declaration of trust over the property that prevents this from being platted as right-of-way at this time. These factors are also out of city staff's control.

The final plat is consistent with the comprehensive land use plan designation of this site, which is urban residential allowing a mix of densities and uses. The final plat is located in an area of the city with adequate police, fire, and emergency facilities to serve the anticipated housing development. Staff finds that, other than the items addressed above and referenced in the recommendations below, the preliminary plat conforms to the requirements of Sec 50-37.5. and is consistent with all applicable requirements of MSA 462.358 and Chapter 505. As required under UDC Sec. 50-37.5.H.3.c., Applicant will sign a development agreement committing to the construction of unfulfilled conditions within two years after the approval of the final plat. Staff has reviewed the current conditions on the property and recommends approval of the final plat.

Commissioners: Commissioner Hammond asked staff to explain what other options were explored for connectivity to Lake Avenue regarding Governing Principal #7 in the staff report.

Staff: Lee responded that staff worked with One Roof's development team on other connectivity options for this project. They looked at various connectivity options through Redrock Trail, but those options were determined to be not adequate for providing the proper connection and would create challenges for the Incline developer. Lee explained that they looked at Redrock trail due to the HUD stipulations that eliminated the Lake Avenue connection option.

Jenn Moses added that connectivity is a very important governing principal for staff when helping to shape new developments. Initially, Lake Avenue seemed like a natural and

connection. Staff were not aware of the are legalities associated with HUD's Declaration of Trust over the property at the August meeting. Other adequate connection options largely depend on what is built at the Incline development site, and other additional engineering and design work may be necessary when revisiting this topic in the future.

Applicant: Chad Dipman, Housing Development & Construction Director at One Roof Community Housing, addressed the commissioners. He thanked staff for working diligently with them on this project and had no additional information to convey.

Public: No speakers.

Commissioners: Vice President Wedul expressed her disappointed in HUD's stipulations. She hopes this changes so future projects don't face similar obstacles.

Commissioner Hammond reiterated that he feels Governing Principal #7 is important. He believes that as a city, Duluth has fallen short, both recently and historically, with providing needed connectivity for other developments. He believes that there is a way to incorporate good connectivity into this project and does not feel that staff and the applicant have pursued all viable avenues. Hammond stated that he will be voting 'no'.

Commissioner Rhodes hopes that staff explore the possibility of having West 12th Street be a connectivity opportunity for Incline Village in the future without impacting the Harbor Highlands plat.

Motion/second: Wedul/Rhodes approve as per staff recommendation with the following conditions:

- 1. The Planning Commission President shall not sign the plat until the development agreement has been approved by City Council and signed by the applicant.**
- 2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.**

Vote: (5-1)
Hammond opposed

PLUMA-2502-0001 UDC Map Amendment for a Rezone from R-1 to R-P at 2732 Woodland Ave by FORCE 1 LLC

Staff: Jason Mozol addressed the commissioners. He presented a map of the subject property. Applicant is requesting a UDC Map Amendment (rezoning) from R-1 to Residential-Planned (R-P) to construct two multi-family buildings on the property. The Planning Commission shall review the application, and Council shall approve the application or approve it with modifications, if it determines that the application: 1. Is consistent with the Comprehensive Land Use Plan; 2. Is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use; 3. Is required by public necessity, convenience, or general welfare, or good zoning practice; 4. Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible.

As part of the Map Amendment process, an R-P plan identifying uses, density, and height is required. The comprehensive plan primarily identifies this area as "Traditional Neighborhood" with a goal density of 4-8 units per acre. 5.36 acres of the applicant's property is identified as developable with a proposed density of 14 units per acre. This allows for a maximum of 75 units. The remaining 2.78 acres would be kept as common open space. Taken as a whole, the

total density for the 8.14-acre site would be no greater than 9.2 units per acre. Permitted uses are identified as residential uses including single-family, two-family, townhouse, multi-family, and live work. The applicant has requested a maximum height of 45 feet. This is a 50% modification from the underlying R-1 standard as permitted in Table 50-14.7-1 if the application demonstrates avoidance of substantial impacts to views from uphill sites.

An R-P district requires a level of public benefit that exceeds what would be required in the underlying zone district. The R-P district requires a minimum of 30% of the area of the project be kept in open space; applicant is proposing to preserve 34% of the project as open space. This area includes high quality maple trees, a vegetated buffer around the perimeter of the site, and a shoreland buffer to protect the adjacent tributary to Tischer Creek. In addition to the open space, the public benefit includes a connector trail/sidewalk with pedestrian access through the development from Woodland Ave to Wadena St.

In order to ensure that the public-oriented aspects of the development are completed, the city will enter into a development agreement should this proposal be approved. A public meeting is required in advance of an application for a UDC Map Amendment to R-P. A meeting was held on Monday, January 27, 2025, with 14 people in attendance. The minutes from that meeting are included in tonight's packet.

A total of 50 public comments were received, some in favor some opposed leading up to tonight's meeting. Some of the concerns listed within the public comments include traffic volume and safety. Staff reached out to St. Louis County, as they are the entity that manages Woodland Avenue. They expressed that had no concerns regarding safety or capacity of the street. Woodland Avenue was partially reconstructed last year, and this development was included in the design process for the road. There are turn lanes and curb cuts already in place. Woodland Avenue is designed to carry capacity of between 15 thousand and 20 thousand cars a day and is currently carrying around 8 to 9 thousand cars each day.

There is also some concern about utilities. City engineering staff commented that water, gas and sewer are available to the site with adequate capacity. Services meeting City standards for storm water treatment and fire protection are required.

Concerns regarding tree clearing was brought up in some of the public comments, and with new developments, there will be some impacts to trees. The applicant is proposing some open space that will be preserved around the edge of the site to preserve some trees. Trees that are impacted will be subject to the city's tree preservation requirements and replacement plan. Impacts to Tischer Creek were noted as well. To mitigate the impacts, the shoreland setback will be left naturally vegetated. The development will be required to meet all city stormwater requirements as well.

Finally, another concern that was expressed was impact to neighborhood character, which is considered with any new development project that comes into a neighborhood. Some of those impacts will be mitigated by the project having direct access off of Woodland Avenue and by the vegetated buffers around the property.

Proponents of this project cited the need for housing in the community, an increase in the city's tax base, benefits of dense housing such as walkability and less impacts to natural resources. Staff recommends planning commission recommend approval to city council.

Commissioners: Commissioners asked staff about the live-work dwelling use that is listed as a permitted use for this project in the staff report, as it does not appear to be a permitted use for the R-P.

Staff: Mozol responded that the permitted uses in the R-P district are identified in the Use Table in the zoning code. When the property is rezoned, the permitted uses for the underlying zoning can be proposed as the permitted uses in the regulating plan. He also verified that live-

work is not a permitted use for the R-P. Moses stated that as a condition of recommendation for this project, commissioners may seek to remove the live-work use from the permitted uses.

Applicant: Brian Forcier addressed the commissioners. He was joined by David Bolf from Northland Consulting Engineers, and they were happy to answer commissioners' questions. Bolf has worked with St. Louis County and City Engineering staff for the past few years to help set the groundwork for the reconstruction of Woodland Avenue with Forcier's project in mind. Some pieces of the reconstruction project that were done in consideration of Forcier's vision include the construction of new driveway, putting in a center left turn lane, reducing 4 driving lanes down to 2 driving lanes, and more. Whenever St. Louis County does a project within the city, the County asks for municipal consent from the city. Engineering staff recommended to the city council to review the plan, and ultimately the City gave the County municipal consent for the design and reconstruction of Woodland Ave.

The main concern from the public comments for this rezoning project was traffic. Bolf reiterated that Woodland Ave has the capacity for 20 thousand cars each day but is running at less than half of that number. Adding the traffic from residents of the proposed condos would add around a 2% increase. There are adequate utilities for this project, stormwater management requirements will be met, a tree inventory report has been done, and the tree replacement plan will be followed. Another resident concern was connectivity to the adjacent neighborhood. Bolf stated that connectivity is a priority, and they are committed to insuring that this development has adequate connections to surrounding areas.

Commissioners: Commissioner Hammond asked the applicant if they considered these proposed condos to be "luxury condos".

Applicant: Forcier responded that he would not consider them to be luxury condos, but he believes that it's a relevant term. The price point for each condo will be somewhere between \$400 thousand and \$600 thousand per unit. If Forcier had chosen to design single-family homes in this area instead of the condos, the price point for those would have likely been closer to \$800 thousand to \$1 million, which he feels is more unattainable.

His hope is to create a space where folks can move into these condos to pursue a maintenance-free living situation, so they can then sell their more affordable homes to families who may be just starting out. He clarified that the proposed development would not be age restrictive.

Commissioners: Wedul asked the applicant to speak to how his team decided on the development area vs. the common space. She asked how the character of the site will be preserved, and wanted to know if the applicant would be willing to remove the live work dwelling use from the permitted uses for this plan.

Applicant: Forcier explained that he wanted to save as many of the trees on the site as possible. His team has worked on 17 or 18 different site plans leading up to this one. The alternative to this plan was to clear the site and put up duplexes or single-family homes. Placement of the 2 proposed buildings was carefully considered to help minimize impacts to the trees and the viewshed for the surrounding neighbors.

Bolf stated that the yellow on the site plan represents the development piece, while the green represents the common space. The red line is shoreland setback, which seemed like a natural boundary. There are pine trees planted along Woodland Ave that they plan to preserve, and the big corridor on the east side provides a nice buffer to neighboring residents as well. On the north side, there is a platted street is wooded with another 20 ft buffer, and there is no intent to clearcut those buffers. They plan to preserve as much as possible, and only take out the trees necessary to build the buildings.

Forcier stated that there are no plans for retail in this development, so he is fine with striking the live-work use.

Commissioners: President Eckenberg asked the applicant some clarifying questions regarding placement of the proposed buildings, lot access, turn lanes, and where the tree clearing will take place on the site plan.

Applicant: Bolf responded that that information was part of the January public meeting minutes summary. The previous owner of this property worked with the city planning department and the city council to be granted an easement across the city parcel to access the property from Woodland over a decade ago. This will permit a left-hand turn onto Woodland Ave from the property. The tree clearing will be to the north side of the north building for fire access and surface parking. Staff will have multiple opportunities to give input on building placement and the tree preservation throughout this process.

Commissioners: Wedul asked if there will be connection from the condos to the new bike path.

Applicant: Bolf said that there there will be a sidewalk on Woodland Ave that goes to the front door of each of the buildings, and though it will be steep, there will be direct access to the sidewalk and the bike lane.

Public: Shannon Smith, 1105 N 40th Ave E – Smith is in favor of the project. She was looking at buying the property before Forcier, and she walked the property many times. The applicant's proposal will allow the wooded areas to be saved because constructing condos instead of single-family homes will save more trees. Smith urged against clearing out trees for surface parking and encouraged the development team to find another place for parking if possible.

Mike Casey, 415 S 88th Ave W – Casey is in favor of the project because he was led to believe that the road to this development will be private, which will save taxpayers money. He expressed concerns about short-term vacation rentals being part of regulating plans, and he cited the River West development as an example. There is a housing crisis in Duluth, and he does not want to see more mansions being built.

James Lewis, 1510 Morningside Ave – Lewis is in favor of the project. As one of the owners of Western bank, he is pro-development. His grandfather owned Hartley field, which brought life into the area. He talked about the improvements made to the area over the years. Lewis's previous address was 431 Hartley Place, and his parents live there now. He hopes that his parents can move out of their current home and into one of the condos when they retire for an easier lifestyle, and in turn open up their house for a new family that needs it.

Terri Kronzer, 2135 Woodland Ave – Kronzer is in opposition of the project. She expressed concerns about increased traffic concerns, specifically in the mornings. Kronzer also had concerns regarding stormwater run-off, neighborhood aesthetics, viewshed obstructions, and the potential negative impact to the neighborhood's property values.

Anne Marie Edwards, 210 Wadena St – Edwards is in opposition of the project. She stated that the condos would be in her backyard, and the condos could negatively impact the wildlife near her home. Edwards expressed concerns about traffic safety, high housing costs and property value impacts.

Robin Mainella Annala, 121 W Redwing St – Annala is in opposition of the project. She stated that the Woodland area has been her home for 45 years, and she likes that it's close to nature. She believes the outcome of this development will be devastating to the neighborhood. She feels that developers should build in a thoughtful manner under R-1 zoning. Annala believes the positive changes from the Woodland reconstruction will be undone if this project is approved. She does not believe that residents, wildlife, commuters will benefit from this project.

Ramona Kruchowski, 109 E Anoka St – Kruchowski is in opposition of the project. She expressed concerns regarding traffic during rush hours, snow removal management, incorporating school bus routes, fire and EMS response times, environmental and wildlife concerns, noise pollution

from construction, light pollution, neighborhood integrity, and concerns of the developer changing project plans.

Bonnie Lou Dunphy, 402 Minneapolis Ave – She is in opposition of the project, and she read a letter that she had previously written to her councilor. Dunphy expressed concerns surrounding noise, traffic, crime, light pollution, wildlife, neighborhood character, more construction, and she worried that the condos would turn into college rentals. She believes this would be a good area for senior living instead.

Jill Crawford Nichols, 1505 W Morgan St – Nichols talked about the base zone of R-1 development standards. She pointed out the live work dwelling is not permitted in the R-P, and multifamily dwelling is not allowed in the R-1. She feels there are inconsistencies with how the UDC is applied and interpreted, and she wants commissioners to be aware of this.

Barb Ellingson, 122 Minneapolis Ave – Ellingson is in opposition of the project. She expressed traffic and safety concerns.

Commissioners: Commissioner Rhodes stated that she appreciates the plan as it addresses many community needs. She also like how close the area is to transit options, she likes the green spaces, and she does not believe it will impact neighbors in a detrimental way. She has questions about the rezoning process, and she referenced a staff memo from a different neighborhood in Lakeside. Throughout the staff recommendations, there was talk of what residential uses were included in the R-P zoning conversation. Rhodes said that it seems odd that it was discussed a lot with that application, but not so much with this application. She believes that there should be a more consistent procedure and policy when reviewing these types of applications.

Staff: Moses clarified that the development standards are in Article 4 of the zoning code, and they are not to be deviated from. When someone goes through the rezoning process of a planned district, part of the public process is looking at the big picture things that will be on the site that are in the purview of governing bodies to approve, which includes uses, density, height, and public benefit in exchange for some of the modifications that the applicant is requesting. The uses are included in the permitted use table for somebody to request and put into their concept plan. Staff will remove the live work use from this plan, as it is not a permitted use. Mozol clarified that the residential uses requested by the applicant include single-family, two-family, townhouse, and multifamily dwellings. These are the only residential uses that would be permitted.

Commissioners: President Eckenberg asked staff if vacation dwelling units (VDUs) will be allowed. Commissioner Sarvela asked staff how lighting is regulated in the R-P process.

Staff: Moses responded that vacation dwelling unit is a separate use listed in the use table. Unless that use is specifically listed part of the applicant's request, they would not be eligible for a VDU permit.

Mozol explained that the lighting will be subject to the exterior lighting section of the code and will be reviewed in the regulating plan as well as through the building permit, should one come forward.

Commissioners: Discussion ensued amongst the commissioners regarding the benefits of this project, including added housing, more market-rate housing that will up, and the increase of tax revenue. They also liked that the applicant is not asking for public subsidy, and that this project is a private investment in the community.

Commissioner Hammond addressed the stormwater concerns in the letters and explained that there is a stormwater permitting process that is overseen by the city, not the planning commission.

Motion/second: Wedul/Sarvela recommended approval as per staff recommendation. One amendment to the main motion was discussed as follows:

Amendment: Wedul/Adatte motion to remove the live work use from item 4 under the Review and Discussion Items in the staff report.

Vote: (6-0)

MAIN MOTION Approved with one amendment.

Vote: (6-0)

Other Business

No other business.

Communications

Land Use Supervisor (LUS) Report – Jenn Moses addressed the commissioners and thanked them for making time for tonight's special meeting. The recent floodplain ordinance approved by council, and staff will be working to integrate all of that language into the official copy of the UDC on the city's website. She thanked the commissioners for their work in reviewing that ordinance.

City council is working on interviews for those positions currently, and staff is looking to onboard a couple new commission members to fill the 2 empty seats as soon as the city council has completed their interviews. The next regular meeting is April 8th, and commissioners can expect to see around 15 agenda items.

Moses informed the commissioners that on April 16th there will be a public meeting for the Spirit Valley Core Investment Area Plan, and she will email the commissioners more details for that meeting.

Heritage Preservation Commission Report – No report.

Adjournment

Meeting adjourned at 6:46 p.m.

Respectfully,

Jenn Moses, Manager
Planning & Economic Development