

City of Duluth Planning Commission

**June 11th, 2024 – City Hall Council Chambers
Meeting Minutes**

Call to Order

Vice President Jason Hollinday called to order the meeting of the city of Duluth planning commission at 5:01 p.m. on Tuesday, June 11th, 2024, in the Duluth city hall council chambers.

Roll Call

Attendance:

Members Present: Chris Adatte, Brian Hammond, Jason Hollinday, Danielle Rhodes, Dave Sarvela, and Andrea Wedul

Members Absent: Jason Crawford, Gary Eckenberg, Margie Nelson

Andrea Wedul arrived late at 5:06 p.m.

Staff Present: Ryan Pervenance, Amanda Mangan, Jenn Moses, Kyle Deming, Chris Lee, Jason Mozol, Chad Ronchetti, and Samantha Smith

Zenith Awards for Plan Implementation

Jenn Moses addressed the commission. Ten years ago, Planning Commission awarded its first ever Zenith award for plan implementation. These awards honor projects that implement one or more adopted city plans. The City of Duluth recognizes that the success of city plans depends on having partners that invest in the community. This year at the annual Planning Commission meeting, planning commissioners selected three recipients for the awards.

The first award was given to the Zenith Apartments, received by Mark Laverty of Saturday Properties. Jenn Moses credited Mark's team for renovating and preserving the history of this building while simultaneously providing much needed housing to help the City meet its housing goals. Mark thanked the City of Duluth, planning commissioners, and planning staff for their work that was done with these projects and for the recognition given to him and his team. The second award was given to Lagom In-fill homes, and was received by architect and designer Ben Olson, and Josh MacInnes. The City of Duluth recognized the creative ways Ben and Josh made use of the narrow lots in Irving to create new affordable housing options. Ben spoke about the current housing crisis Duluth is facing and how his work is dedicated to changing that. He thanked staff for the recognition and work that they've done with code changes to help increase density, and he is excited to continue working alongside the City of Duluth to better the community.

The third and final Zenith award was given to Bell Building, and was received by Mike Poupore. The Bell building was originally built as a telephone exchange building. Mike purchased that building with the intention of preserving its beauty and also because it fit in nicely with the rest of the neighborhood. The City recognizes his creativity, dedication, and preservation efforts, and is happy to present this award to him. Mike gave his thanks to the room. He oversees a smaller

crew of people and acknowledges that this project been a long process, but he appreciates the patience of the city, vendors, and everyone else who helped with this work.

Approval of Planning Commission Minutes

Planning Commission Meeting – May 14th, 2024 –
MOTION/Second: Rhodes/Sarvela approved

VOTE: (6-0)

Public Comment on Items Not on Agenda

No comments.

(Item PL 24-064 was removed from the consent agenda and placed under public hearings.)

Consent Agenda

PL 24-037 Concurrent Use of Streets Permit for a Fire Escape at 114 W 1st Street by Sumlee Beede

PL 24-056 Minor Subdivision at 1806 Rice Lake Rd by G & D Developers LLC

PL 24-059 Interim Use Permit for Renewal of a Vacation Dwelling Unit at 416 S 88th Avenue W by Lawrence Telega

PL 24-062 Interim Use Permit for a New Vacation Dwelling Unit in a Form District at 20 Sutphin Street #211 by Canal Park Square LLC

PL 24-064 Variance for Rear Yard Deck in a Shoreland at 130 Charlotte Place by Daniel and Angie Frank

PL 24-065 Interim Use Permit for a New Vacation Dwelling Unit at 1 N Lake Avenue by Jenna Fernandez

PL 24-066 Amendment to Special Use Permit for Expanded Hours at a Restaurant at 1832 E Superior Street by Misha Smith

PL 24-067 Minor Subdivision on 3900 Block of Maxwell Avenue by Gloria Carlson

PLSUB-2405-0002 Minor Subdivision on 3900 Block of Maxwell Avenue by Gloria Carlson

Commissioners: Commissioner Wedul asked staff if there are questions that commissioners would like to ask about a specific item, would the item need to be pulled from the consent agenda in order to ask those questions. Wedul had questions regarding the diagram for item PL24-064. The diagram shows buffering along a trout stream on one side, but not the other side. She wants clarification that there is buffering on both sides before it is voted on.

Staff: Jason Mozol addressed the commissioners and answered Wedul's question. The shore impact zone is 50 ft on both sides of stream. However, there will only be impacts on the one side of the stream where the proposed deck will be built. Mozol believes that the applicant is planning for that area to be a lawn or vegetated space, but commissioners are welcome to ask the applicant directly.

Commissioners: Wedul requests to pull this item from the agenda for further clarification from the applicant.

Public: No comments.

MOTION/Second: Wedul/Rhodes approve the consent agenda items as per staff recommendation.

VOTE: (6-0)

Public Hearings

PL 24-064 Variance for Rear Yard Deck in a Shoreland at 130 Charlotte Place by Daniel and Angie Frank

Staff: Ryan Pervenance addressed the commission and asked if applicant could please come up to the podium to speak and answer questions about his project.

Commissioners: Wedul thanked the applicant for attending the meeting. In the interest of protecting the local water resources, she asked him if there is an intended buffer to Tishcer Creek between the pink no-mow zones where the deck would be built that is perhaps not shown on his diagram. Wedul explains to other commission members that a buffer is a planted area that has a lot of roughness, so it helps slow down storm water and aids in keeping the stream water cool to protect surrounding ecosystems. Lawn by itself does not count as a buffer, which is why she wanted clarification from the applicant.

Applicant: Daniel Frank addressed the commission and explained that the yellow portion on the diagram represents the rain garden. Rain water run-off will drain into the garden, which serves as a buffer. Frank also noted that there is currently vegetation in the no-mow zones on the north side of the creek, which is not indicated on the diagram. They do not plan on adding any extra vegetation as he feels that there is sufficient buffer behind the deck, and they do not want their views blocked. There was also some creek restoration that was previously done by the DNR to take precautions in protecting this area.

Public: No comments.

Motion/second: Wedul/Sarvela approve as per staff recommendation

Vote: (6-0)

PL24-068 Variance from Height Requirement to Build Warehouse at 100 N Central Avenue by Sofidel

Staff: Jenn Moses addressed the commission and presented a site plan for the Sofidel project for the room to view. Sofidel has come up with plans to take production capacity within the existing papermill building further than before with 2 proposed additions: The first addition will be a conversion facility, and the second addition will be the extra warehouse storage space needed to accommodate their equipment. The practical difficulty for this project focuses on site constraints. The papermill is surrounded by freeway access, utilities, and infrastructure. The space behind and immediately around the papermill warehouse must also have circulation room for semi-trucks, roadways, fire access, etc. Since they cannot expand out, the only other way for them to build is up, therefore a height variance request is needed. The staff report details what all of the site constraints are, and the applicant has met all the criteria. Staff recommends the Planning Commission approves the proposed height variance. The recommendation section of the Staff Report has conditions that the applicant must adhere to. The conditions include that they must follow the plans that they have submitted so far, so the warehouse addition can go up to 152 ft. This is only allowed for the warehouse, meaning they cannot build to that height on other parts on the site. The applicant has also been working on an environmental assessment worksheet. City staff has worked closely with their attorneys to make sure that this environmental work is recognized in the Staff Report so it is clear that the applicant is making sure all environmental work is done before proceeding with construction. The third condition

laid out in the Recommendations section is that minor alterations are allowed. Jenn Moses went on to highlight the many sketches provided by the applicant, including ones that demonstrated close-up shots of the site and how the warehouse height would look in comparison to the new conversion facility. The applicant has also taken vantage points from around the city to show how the proposed additions would look to people from different spots such as the Bong Bridge, surrounding neighborhoods, views from people coming into the city, and more.

Commissioners: Commissioner Wedul gave thanks to applicant for the visuals. She asked a clarifying question regarding the proposed height limit of 152 ft. and questioned if any potential expansion plans to add things like rooftop units or a tower in the future would be subject to the 152 ft. limit. Wedul also inquired about the feasibility of the applicant being allowed to add on an array of antennas to the top of the proposed structure.

Staff: Jenn Moses answered Wedul's question, stating that towers (such as the smokestack on the power facility adjacent to the paper mill) are exempt from the height requirements. However, this project is big enough so that it did not meet the exemption requirement for the tower, because it's a warehouse facility. The proposed warehouse addition is the only portion allowed to go up to the 152 ft. max. In regards to the potential addition of a wireless facility, there are so many criteria someone would need to meet in order for that to happen, including getting a special use permit. Moses hands the topic over to Planning staff member Chris Lee, who has ample experience with the city's cell-tower permitting. Lee explains that there are 2 routes an applicant can take to obtain a special use permit for cell towers; the administrative route or public hearing/review route. For example, if there is an existing cell tower and the applicant wishes to add 1 more, that would be handled administratively. However, if this were a new site with no existing cell towers and the applicant wanted to add some, it would come forward to the planning commission for a public hearing. As of right now there are no plans for the addition of any cell towers by the applicant.

Commissioners: Commissioners asked staff if there are any screening requirements for commercial equipment being allowed on the roof with this location's I-G zoning. They also asked about any potential for screening requirements regarding the viewshed of Lake Superior. Commissioner Rhodes also took a moment to thank and plead with applicant to continue to keep the paper mill odor at a minimum, as it has been positively impacting the neighborhood to have the odor kept under control.

Staff: Jenn Moses explained to the commissioners that the zoning code does exempt I-G and I-W districts from the screening of mechanical equipment on the roof. There is currently nothing in the code that would trigger a screening for the viewshed for a variety of reasons. Perhaps there is an opportunity for the Planning Commission to add conditions that control the prospect of adding of mechanical equipment or cell towers. Staff encouraged the commissioners to ask the applicant directly for more information about their future plans with this site.

Applicant: The applicant, Marcello Marzano, addressed the commission. Sofidel would like to expand the existing paper mill facility's capacity for more production, and with more production requires more overall facility space. With these additions, they will be increasing their workforce by 160 people, which also calls for more space. Their company manufactures 1 type of paper that is converted into many different kinds of household products. He also explained to the commissioners that the reason the unpleasant paper mill smells have subsided is due to changes Sofidel has implemented regarding production. Before, the paper mill was using recycled fibers that required chemicals and other components to ensure that the fibers were usable. Now, they will only be using virgin fibers, which do not smell as much.

Commissioners: Commissioners asked the applicant if the proposed storage facility will be for finished goods. They also questioned the applicant about why they needed this much added height for this facility, as well as the color choice of the proposed addition.

Applicant: The applicant responded to the commissioner's questions by stating that the facility will be used to store finished goods like napkins, paper towels, and other products. The added height is for capacity as well as conversion purposes. They will also utilize this space for the machinery that will be used for their paper conversion processes.

Antonio Cuccarese, on behalf of the applicant, jumped in to clarify that 1 type of product takes up a whole bay for storage purposes. Since they are making many products, they need more bays. He also reiterated to the commission that Sofidel has no plans for installing anything on top of the building, including antennas. They will have their heating and cooling system units on top of another building, not the 152 ft. building. They will be painting the facility white with blue, which happen to be their company colors. These colors can help lessen the contrast of the building to make it blend in better with the sky. Sofidel has another warehouse in a different location with a similar look.

Public: Mickey Pearson, 3231 E 4th Street – Mickey addressed the commission and thanked them for their work and service to the community. Mr. Pearson came to the meeting to speak on behalf of APEX (Area Partnership for Economic Expansion) in support of Sofidel's expansion plans. The paper plant has been an important source of employment for people of Duluth. Having recently met with Simone Giacomelli and touring their plant, APEX can say with confidence that Sofidel's plans for the facility align with their own corporate practices, embodying innovation and sustainability. APEX acknowledges that the proposed changes to the facility are substantial, but so too will be the growth in the employment landscape in terms of quantity and diversity.

Commissioners: Commissioner Adatte comments that he feels this is a good project. Big projects can be challenging, and he appreciates the thought that went into this design. He says this is great for job creation, and thanks the applicant for investing in the community.

Motion/second: Wedul/Adatte approve as per staff recommendation

Vote: (6-0)

Communications

Land Use Supervisor (LUS) Report – Ryan Pervenanze introduces attorney Amanda Mangan, who will be filling in for Jean Coleman, who left the city to work for another job opportunity. Ryan also gave an update on the City's new permitting software, EPL/ePlace, that recently went live to the public. The desired purpose of the software is to provide a better quality of services to the public, and it will only get continue to get better and more user friendly. Also, the land use study on Becks road to begin shortly as city staff is currently reviewing proposals.

Heritage Preservation Commission Report – No report as there was no meeting. The next meeting will be in July.

Joint Airport Zoning Board – President Eckenberg gives this report. He is absent, so there is no report.

Duluth Midway Joint Powers Zoning Board – President Eckenberg gives this report. He is absent, so there is no report.

Adjournment

Meeting adjourned at 5:49 p.m.
Respectfully,

Ryan Pervenance, Manager
Planning & Economic Development