

# **City of Duluth Planning Commission**

**May 13<sup>th</sup>, 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 5:04 p.m. on Tuesday, May 13<sup>th</sup>, 2025, in the Duluth city hall council chambers.

## **Roll Call**

### **Attendance:**

Members Present: Chris Adatte, Jason Crawford, Brian Hammond, Gary Eckenberg, Danielle Rhodes, Dave Sarvela, Kate Van Daele, and Andrea Wedul

Members Absent: none

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

## **Approval of Planning Commission Minutes**

Planning Commission Meeting – April 8<sup>th</sup>, 2025 –

**MOTION/Second:** Wedul/Adatte approved

**VOTE: (7-0)**

## **Public Comment on Items Not on Agenda**

No comments.

## **Consent Agenda**

PLIUP-2503-0015 Interim Use Permit for a Vacation Dwelling Unit at 10 Industrial Ave by Nancy Nilsen

PLIUP-2503-0017 Interim Use Permit for a Vacation Dwelling Unit at 1004 S Lake Ave by Southbridge Properties LLC

PLIUP-2503-0018 Interim Use Permit for a Vacation Dwelling Unit at 1235 ½ Minnesota Ave by Lake View Land CO LLC

PLIUP-2503-0020 Interim Use Permit for a Vacation Dwelling Unit at 1210 S Lake Ave by Steven Pitschka

PLIUP-2503-0021 Interim Use Permit for a Vacation Dwelling Unit at 1535 S Lake Ave by Steven Pitschka

PLIUP-2503-0022 Interim Use Permit for a Vacation Dwelling Unit at 13402 W 3rd St by Matthew Evingson

PLCUP-2503-0001 Concurrent Use Permit for Skywalk at 333 E Superior St by Lakeview Properties LLC  
~~PLSUB-2501-0001 Minor Subdivision at 421 Anderson Rd by The Jigsaw LLC~~  
PLSUB-2504-0005 Minor Subdivision at 930 Swan Lake Rd by Alvin Berg  
PLSUP-2502-0018 Special Use Permit for Upgrade and Replacement of Antennas and Radios on an Existing Tower at 1602 London Rd by Mastec Network Solution  
PLVAC-2502-0002 Vacation of Right of Way near 125 Ave W and Highway 23 by Reed and Mistica Blazevic  
PLVAC-2504-0003 Vacation of Easement near 230 W 3rd St by CC San Marco LLC

**Public:** No speakers.

**Motion/second:** Wedul/Van Daele approve as per staff recommendation

**VOTE: (8-0)**  
**Crawford arrived at 5:09pm**

### **Public Hearings**

PLIUP-2504-0024 Interim Use Permit for a Vacation Dwelling Unit at 215 N 1st Ave E by Saturday Zenith LLC

**Staff:** Natalie Lavenstein addressed the commissioners. The subject property, 215 N 1st Ave E, was built in 1892. Formerly the Old Central High School, the building became a multi-family dwelling with 122 units. There are currently no other short-term rental units in the building. The applicants' property is located at 215 N 1st Ave E, Unit 226. The entire unit will be rented. There are 2 bedrooms, which allow for a maximum of 5 guests. 2 off-street parking spaces are provided anywhere in the existing parking lots. Properties located in Form Districts are not required to meet the vacation dwelling unit off-street parking requirements in 50-20.3.V.3. Two public comments were received regarding building safety and the apartment being used as a short-term rental rather than a long-term rental. Staff recommends approval.

**Commissioners:** Vice President Wedul asked staff if this application would be applied to just one unit or multiple units in the building.

**Staff:** Lavenstein responded that this application is specific to unit 226.

**Commissioners:** Commissioner Rhodes noted that this property received TIF assistance in the past. There has been confusion surrounding vacation dwelling units (VDUs) and other projects that have received TIF assistance, so she asked staff to explain how that works with this building and allowing VDUs.

**Staff:** Jenn Moses stated that zoning staff consulted economic development staff about this matter, as they are the ones that oversee TIF funds. They had no concerns with this permit moving forward, so it is her understanding that there is nothing in the TIF policy that precludes this unit from becoming a VDU.

**Applicant:** Teran Lind addressed the commissioners. He is the local contact listed for this application. He stated that the building has several larger units that have faced vacancies, so this permit is an attempt to fill a vacancy.

**Commissioners:** Wedul asked the applicant to address the comments in opposition to this project.

**Applicant:** Lind stated that the building has controlled key fob access, cameras, and any issues that are brought forward to management will be addressed as needed. There will be a lock box for the unit and there is also a call box that will have temporary passcodes for guests.

**Public:** Eddie Posten, 215 N Ave E, Apt 123 – Posten spoke in opposition of the project. He had previously submitted comments via email, and he stated that he was there representing several other renters who live in the building. Posten voiced concerns about security, parking, and the housing crisis in Duluth. He also said that he and several other tenants did not know there would be VDUs in their building when they recently renewed their leases.

**Commissioners:** Commissioners asked staff where the guests parking would be as well as off-street parking requirements for the subject property.

**Staff:** Lavenstein responded that guests would be provided with 2 off-street parking spots in any of the lots on the property. She noted that properties in form districts are not required to provide off-street parking.

**Commissioners:** Discussion ensued regarding the VDU cap, the different action options that planning commissioners can pursue for this project, and front desk staffing regulations in the use specific standards.

**MOTION/Second:** Hammond/Rhodes deny on the grounds that:

- 1. The application does not meet the requirements of Section 50-20, subsection V 8 (a) in the Use Specific Standards.**

**VOTE: (5-3)**

**Adatte, Crawford, and Van Daele opposed**

PLIUP-2503-0016 Interim Use for an Outdoor Living Site at 1533 W Arrowhead Rd by Vineyard Christian Fellowship, Duluth

**Staff:** Jason Mozol addressed the commissioners and provided visuals on the subject property from the staff report. CHUM has been providing services to people in need for over 50 years. Safe Bay is a piece of their programming that works to address homelessness. Safe Bay opened in 2023 under a temporary use permit and operated again in 2024 under an interim use permit at the Damiano Center, providing safe and secure overnight parking and sleeping places for people living in cars.

CHUM is currently undergoing renovations. In the meantime, the CHUM shelter will be moving to the Damiano Center, which does not leave room for Safe Bay operations. Safe Bay will operate at Vineyard Church this summer instead. A time limit on this Interim Use Permit is required because this is an interim living site. The time period for this interim use permit shall be one year from the date of approval. Should the program operate anywhere in Duluth next year, it will need to be renewed, and that permit will come before the planning commission for review again.

The Vineyard Church will provide an overnight parking lot. This is only for people sleeping in vehicles (not tents or other sleeping facilities). It will operate seasonally during the warmer months, May through October, and only at night (6:00 pm – 8:00 am). Vehicles will park in the existing, paved rear lot. Other parking lots in the front of the property will provide parking for other uses. The parking lot has storm water infrastructure on site, and it has a relatively flat grade. Many of the requirements for outdoor living sites can be found in the use specific standards section of the UDC. The rear property line will be buffered by temporary screening. The rear property line adjacent to the parking lot will be delineated by temporary fencing and signage. Trees and vegetation provide additional buffering between the proposed project site and the neighboring residential structures. There were multiple comments received regarding screening concerns. Mozol noted that there is a significant elevation change between parking lot and the adjacent residential properties, and the UDC requirement for screening is being met for this project.

The maximum occupancy for this site is 50 people. Staff from CHUM and overnight hosts provide oversight at all hours that the facility is open, and the site will be vacant during the day. All minors present on the site will be accompanied by a parent or guardian. Safe Bay provides bathroom facilities, garbage and recycling dumpsters, and a sharps container, all meeting the requirements of UDC Section 50-20.1.I.

There were numerous public comments received both in opposition and support of this applicant. This project addresses a need in the community to support the homeless population. Mozol stated that the applicant would be able to answer any questions folks might have. All the UDC requirements for this application have been met, and staff is recommending approval with conditions.

**Commissioners:** Commissioner Rhodes asked staff how the screening material will be attached.

Commissioner Van Daele noted that there seemed to be some confusion in some of the public comments about the snow fencing. She asked staff to clarify the screening requirements for this project. Van Daele also asked if the applicant would be willing to work with the neighborhood to ensure that they are content with the on-site screening.

**Staff:** Mozol directed commissioners to ask the applicant how the screening will be built and established. He visited the site earlier and noticed that the snow fencing that had previously been blown down was being fixed. The snow fencing is in place to delineate property boundaries, not to provide screening. The screening is provided by the proposed screening material, which is a mesh material that will be 5 to 6 ft tall, and then the natural berm will provide the rest of the screening on the site. Mozol encouraged commissioners to ask the applicant how they will address neighbor concerns.

**Commissioners:** Vice President Wedul noted that Duluth has a large recreation community that travels through the city each year, so she asked how this program will differentiate between those recreational travelers and people who own cars but are experiencing homelessness.

President Eckenberg asked staff if the dense screening requirements for this application are being met, as the subject property is located directly adjacent to a residential use.

**Staff:** Mozol responded that there is a sign-in process for this program. Commissioners are welcome to ask the applicant for more details.

The project is required to have screening from any residentially used parcels. The parcel to the East is vacant, so the applicant is not required to provide screening there. The parcel to the North is next to residentially used parcel, so screening is required there. The rest of the project area is screened by a berm. The definition of a dense urban screen says that vegetation, fencing or similar material or a berm can be utilized to create that screening. Mozol presented the UDC definition of dense urban screen to the room.

Moses added that dense urban screening is used to mitigate visual disturbances. It can be vegetation, a wall, fence or berm. In this location, there is a lot of natural vegetation, which can be classified as a dense urban screen as long it meets transparency requirements. The topography of the site also plays a role in meeting the height requirements for the screening provided by the berm.

**Commissioners:** Wedul noted that the screening requirements for subject properties are based on occupancy of the adjacent parcels. She asked if screening requirements should be based on the zoning designation, and she asked if the screening is continuous along the northern property line.

**Staff:** Mozol referenced the site map and explained what the different markings represented. He stated that the berm along with the elevation change provide adequate screening. The east

side of the property does not need screening because the adjacent parcel is not used residentially. The snow fencing does not serve any screening purpose.

**Applicant:** Joel Kilgour addressed the commissioners. He is the project organizer for Stepping On Up, a department within CHUM that addresses the unsheltered homeless population in Duluth. He stated that other Safe Bay/CHUM staff were present and able to answer questions about the project.

Kilgour gave some background on Safe Bay, which was piloted in 2003, to help address Duluth's homeless population. Like other cities, Duluth has seen an increase in the homeless population. Last year, people experiencing homelessness in St. Louis County jumped from 579 to 736, but non-profits assume this to be an underestimation. There are about 200 shelter beds in the city of Duluth. Some folks experiencing homelessness have vehicles that they can legally park on the street and sleep in, which provides a higher level of security, dignity, and safety. However, these people do not have access to bathrooms, showers, and other resources and support that shelters can provide. People who are experiencing homelessness are more likely to be victims of crime rather than perpetrators. Kilgour stated that this is a vulnerable population, and Safe Bay is a way to address this existing public safety and public health problem in the community. Despite budget cuts, Stepping On Up is dedicated to continuing Safe Bay operations because of the successes that have come from the program. Last year, 23 households transitioned into housing with this program.

Vineyard Church offered up their property so Safe Bay could continue operations this season while CHUM is under construction. This will be a comfortable and private place for Safe Bay clients who are looking for a peaceful place to sleep. Many of the folks who utilize Safe Bay work, go to school, and have other appointments that they need to get to each day.

Project staff scheduled a neighborhood meeting because they want to have a good relationship with the neighbors of this area. Some of the neighbors expressed a desire for a clear delineation of property lines, so the project staff put up snow fencing and property markers. Kilgour stated that they are also making changes to how they handle garbage as to not disturb any wildlife in the area. Stepping On Up staff is committed to having recurring neighbor meetings each month going forward.

Kilgour believes that a lot of the worries that folks have are presumptions about the people who use Safe Bay, and that there is a lot of fear surrounding this project. He said that once the program has been in operation for a month, they can evaluate which concerns were legitimate. There were concerns about Safe Bay increasing criminal activity in the area. In 2023, there was a sharp uptick in service calls for that area, including Damiano. When looking closely at the call data, it was found that the calls were for other places along 4<sup>th</sup> street as well as the Damiano. This trend preceded the opening of Safe Bay that year. In 2024 there were 19 calls for service when Safe Bay was open, but only 3 of those calls were for Safe Bay residents.

Kilgour stated that they have not seen any problems with the Safe Bay clients, and having Safe Bay in the neighborhood has helped make the area safer.

**Commissioners:** Commissioner Van Daele thanked the applicant for their work on this project and the efforts they've made to communicate with the surrounding neighbors. She asked the applicant for more details about the community meetings that will be held each month. Commissioner Rhodes asked how the screening will be attached.

**Applicant:** Kilgour responded that their staff used the map that the city used for neighbor letters when inviting community members to the meeting. There was section of folks on Linzie Rd that were not included because they were outside of that map radius, but those people will be included in future meetings. The meetings will be held on the second Thursday of each month.

Kilgour stated that in terms of screening, they will be following zoning code requirements, and they will put up the same screening that was used at Damiano. The screening consists of metal posts and green fabric that hooks onto the posts. They will remove it after the program season is over.

**Commissioners:** Commissioner Sarvela asked the applicant if they expect to meet the maximum occupancy, and he asked what they will do if that number is exceeded.

Commissioner Adatte asked the applicant to elaborate on how the hours of operation will be enforced each day.

**Applicant:** Kilgour responded that last year they had an average of 12 vehicles each night, and the most they had in one night was 22 vehicles. He does not anticipate that they'll see a significant increase beyond that number this year. Safe Bay staff are comfortable with a maximum of 50, but they will reassess staffing levels and other site options ahead of time if they begin to see the number of vehicles increase.

In previous years, Safe Bay staff had some problems with people not clearing out in the morning. Some of the Safe Bay clients did not have anywhere else to go during the day, and they felt comfortable staying parked on 4<sup>th</sup> street because Damiano offers other services outside of Safe Bay hours, which created some parking problems for the surrounding neighbors. This issue was resolved when Damiano staff began requiring folks to park at least 2 blocks away during the day. The Vineyard location will not have these problems as it is private property so people will need to leave each morning. There are also no other daytime services in the area that people would stick around for.

**Commissioners:** Rhodes asked who neighbors should reach out to if they have a concern during hours of operation. Sarvela asked for more details on the screening process for people who want to use Safe Bay.

**Applicant:** Kilgour stated that people should call 911 if there is an emergency. There is a number posted on the Vineyard church door for CHUM staff Drew Filkins, and there will be an overnight number for non-emergencies.

There is an intake process for this program. Safe Bay is for people who have been homeless for a long time and for those who are temporarily displaced, but there is a lot of gray area. People who are moving and struggling to find housing or those who are fleeing domestic violence are not technically homeless but may wish to use Safe Bay services. They have never encountered anyone wishing to use Safe Bay recreationally. People experiencing homelessness endure a lot of barriers, and Safe Bay staff aim to minimize barriers in the intake process.

**Commissioners:** Wedul noted that the screening for this project is made up of temporary material and suggested that the screening should be investigated as a more permanent feature if the program is intended to run long-term. Snow fencing in Duluth can deteriorate easily, and she asked how it will be maintained if damaged.

Eckenberg asked the applicant if they foresee Vineyard church being a second location for Safe Bay in the future after the construction work at CHUM is completed and to clarify whether tents will be allowed on site. He also asked about vehicle requirements and the possible liabilities associated with folks not having the proper forms up to date.

**Applicant:** Kilgour stated that the snow fencing will be replaced as needed. Snow fencing is what they could afford as their funding is limited, but he noted it held up all last year at Damiano. Some neighbors requested privacy fencing, and that option could be explored in the future if funding allows for it. They will investigate more permanent fencing if Vineyard becomes a permanent location for Safe Bay.

As of right now, Kilgour does not anticipate the need for a second Safe Bay location, but they will reassess after this year.

If people have something like a tent attached to their vehicle that makes sleeping more comfortable, they have no problem with it, and everything will leave with people each morning. Folks will not be allowed to stake tents, and there will not be any encampment.

During the intake process, staff request people's license and registration tabs. They have not documented proof of insurance in previous years, but this year they will. However, it is not the role of CHUM/Safe Bay staff to enforce traffic laws.

**Staff:** Jenn Moses stated the requirement for liability insurance is over the site and anything under the site control. After approval, the city attorney's office will review to ensure those requirements are met.

**Public:** Seth Currier, 629 N 7<sup>th</sup> Ave E – Currier has been the Director of the Damiano Center for over 7 years and is in favor on this project. For those who are living in their cars, Safe Bay provides dignity, a safe place for them to sleep and shower, and other basic needs. He stated there were parking problems in previous years, but CHUM staff resolved it, and it has not been an issue since. He also said the 911 calls last year were from people around or on Damiano property, and the parking lot there sees a lot of foot traffic. When Safe Bay is not in operation during the colder months, there is more destruction of property and other disturbances. When Safe Bay is up and running, it makes Damiano and the neighborhood safer. The folks who use Safe Bay simply want to get a full night's sleep so they can go to work, school, etc. The fence that has been used in previous years was not to keep Safe Bay in, but rather to keep others out. Without fencing, they would have problems with people looking into cars while they slept, making them feel unsafe. Currier does not anticipate Safe Bay being an issue at Vineyard Church.

Mike Tusken – Tusken served as an officer in Duluth for 30 years and served the last 7 years as the Police Chief. He is in favor of the project and believes that this program helps keep people safe. The 1-year timespan of the permit allows CHUM to evaluate how things went to perform better the following year. Tusken shared that his experience working with CHUM has been positive. The communication was always open and if there were problems in the community, CHUM would work with the police to fix them. There were similar concerns with other programs, such as the warming shelter, but he said that program proved to be beneficial for its users. Tusken noted that even though there have been occasional calls to service for these programs, there is always supervision and open communication between program staff and police. Police receive all types of calls across all neighborhoods in the city, and he does not anticipate an increase in 911 calls in this neighborhood.

Ethan Powers, 414 W 1<sup>st</sup> St – He is the shelter director for Safe Haven and is in favor of the project. There were similar concerns and conversations surrounding the public safety ordinances that went before city council last year. At Safe Haven, they work with survivors of domestic violence. People who are fleeing domestic violence are also considered unhoused. Last year they worked with about 700 people at their shelter, and roughly 50% of them owned cars. Part of Safe Haven's safety planning is to inform those with cars about the Safe Bay program because it provides safety, supervision, and other amenities. Not allowing Safe Bay to operate does not mean the problem goes away. Along with the other local non-profits, Safe Bay plays a small role in a larger effort to serve the unhoused community.

Deb Holman, 1208 E 11<sup>th</sup> St – Holman has worked as a street outreach worker for CHUM over the last 21 years and is in favor of the project. She stated that before Safe Bay, this population of folks who live and sleep in their cars was invisible. Having a space like Safe Bay provides dignity and respect, and it encourages people to utilize other services that can help them achieve more stable housing situations. Holman also noted that pets are allowed at Safe Bay, and they have resources to help people with pet care.

Hal Moore, 502 Madison Ave – Moore has lived near Vineyard Church for 20 years and is in favor of the project. He served as a teacher for the underprivileged for most of his life. He is not a member of Vineyard Church, but he approves of their outreach efforts in the community. Moore believes that community members have a responsibility to assist one another when people need help. He has volunteered to help at Safe Bay and urges commissioners to approve the permit.

Corrine Freedman Ellis, 1414 Mississippi Ave – Ellis is in favor of the project. She lives less than 1 mile from Vineyard Church, and she serves as lead pastor at Peace United Church of Christ (PUCC) in Duluth. As a Christian, Ellis believes that their faith calls them to co-create a world where all people are safe, housed and fed. Since January 2025, PUCC has been a host site for another Stepping On Up project, which is a youth shelter for 18- to 24-year-olds. Like Safe Bay, their project process involved neighbor concerns about unsafe activities. They put trust in CHUM and Stepping On Up, and their program has been successful. Ellis supports Safe Bay as a pastor, a neighbor and a mom.

James Callaway, 829 E 3<sup>rd</sup> St – Callaway is in favor of the project. He was previously homeless and living out of his vehicle and stayed at Safe Bay. Callaway experienced domestic abuse, and Safe Bay was a good resource for him and believes churches should help people. Folks in less fortunate situations should have a place to get cleaned up and feel safe when they sleep.

Heather Jellum, 25 Howard Gnesin Rd – Jellum is opposed to the project. The subject property shares a border with her property. She stated that the application plan relies on private land to meet screening requirements. Jellum expressed concerns regarding screening materials, folks trespassing on her property, security, privacy, wildlife containment, waste from the church dumpster, fire risk prevention, and the transparency of both the applicant and city staff. Jellum believes that there was a lack of communication from both CHUM and the city about plans for this project. She feels that project details surrounding enforcement of hours of operation, tent rules, and occupancy limits have been inconsistent throughout this process, and can put the city at risk for liability. Jellum stated that the dense urban screen requirement for this project should be re-evaluated.

Jessica Thiel, 1625 Linzie Rd – Thiel is opposed to the project and provided visuals of the subject property to the commissioners. She spoke about the UDC regulation for screening requirements pertaining to interim outdoor living sites and recited the UDC definition of dense urban screen. Thiel expressed concerns about the dense urban screening requirements not being met, noise pollution, light pollution, and security. She also stated that lack of funds is not an appropriate reason to forgo city codes and compared the Safe Bay application standards to other applications on the agenda. She urged the commissioners to deny the application.

Darren Phillips, 1527 Linzie Rd – Phillips is opposed to the project. He expressed concerns surrounding the lack of transparency and inconsistent information from both CHUM and Vineyard Church. He does not believe that Vineyard is a safe location for this program due to pending lawsuits and the allegations that came forward last year regarding the former church youth pastor. Phillips also stated that the church's senior pastor was recently asked to step aside. He believes that the city would be at risk of liability if the application is approved.

Laura Seitz, 1717 Linzie Rd – Seitz is opposed to the project. She voiced her concerns regarding inconsistent project information from various new sources, screening requirements and the enforcement of project conditions. Seitz questioned if the city is doing their due diligence in reviewing this permit and doesn't feel that the applicant can be trusted to carry out the project as they say they will. She urged the commissioners to deny the application.

Marybeth Hamilton, 1528 Linzie Rd – Hamilton lives one parcel away from the proposed project site and is opposed to the application as it's currently written. She stated that she supports Safe

Bay but has concerns with key outdoor living site requirements that are missing in the application, including requirements for dense urban screening, noise, light, and landscape buffering. Other public hearings on tonight's agenda have high standards that must be met, but she feels this application does not seem to meet those same standards. She anticipates impacts to her property, and urged the commissioners to deny or have the applicant revise the application to ensure all requirements are being met.

Greg Hill, 1503 W Arrowhead Rd – Hill leaves to the east of vineyard church and is opposed to the project. He feels that the screening requirements are not being met. CHUM does good work to help remedy Duluth's homeless problem, but he feels that CHUM is enabling people experiencing homelessness with this project. Hill offered a couple alternative options for Safe Bay – he suggested the program take place at Spirit Mountain instead. He also offered to host 1 or 2 cars at his house, where he would provide food, shelter and clothing.

**Commissioners:** Van Daele asked staff about the possibility of adding a condition of approval to the permit, which would be to have an after-action review or feedback session for the applicant and neighbors to participate in following completion of the Safe Bay program season.

**Staff:** Mozol responded that staff have not seen that kind of condition in past permits that have gone through this commission, and he is not sure if that is something within the commission's purview.

**Commissioners:** Rhodes commented that she lives near the original Safe Bay site and has seen crime rates decrease since the program began. There is a lot of fear surrounding this project, but nothing has happened yet. This permit is for one year, and she reminded folks this will be reviewed again next year.

Wedul stated that she supports the program, but she also supports adhering to regulations. She believes that the commission needs to address the dense urban screen requirement as they would with any other application. She asked if the applicant is committed to providing the required screening to alleviate some of the tension with the neighbors.

**Staff:** Mozol responded that the application in front of the commission is what is being proposed. Staff find that the berm along with the proposed screening material meet the dense urban screening requirements for this project. If there is further discussion that commissioners would like to pursue regarding the ability of the applicant to do more in terms of screening, he encourages commissioners to speak to the applicant about that request.

**Commissioners:** Van Daele asked staff about adding conditions of approval.

Rhodes added that the snow fence is not serving any screening purposes, and it is in place to delineate property boundaries. The dense urban screening has yet to be installed.

Wedul stated recited the different dense urban screening options in the UDC. She does not believe the proposed screening in the application does not meet the code requirements, and the screening needs to be a permanent feature to be consistent with the zoning code.

**Staff:** Moses responded that commissioners can add conditions of approval, but she recommends that those conditions be made clear in the motion. In the interest of clarity, she highlighted the distinction between dense urban screening and landscape buffer. As the Land Use Supervisor, she interprets the code to say that the applicant is required to provide a dense urban screen along the residential buffer, and the applicant can meet this requirement by choosing between additional landscaping or the natural vegetation.

Dense urban screen does not have to be a fence. Dense urban screening focuses on opacity and height.

**Commissioners:** Discussion ensued amongst the commissioners about screening and landscaping requirements and definitions. Commissioners urged staff to clarify between buffers and screening going forward.

**MOTION/Second:** Wedul/Sarvela approve as per staff recommendations with conditions:

- 1. The project be limited to, constructed, and maintained according to the information submitted with the application and all criteria in UDC Section 50-20.1.I.**
- 2. This Interim Use Permit has a duration of one year and shall expire one year from the date of approval; however, the site will only be open from May - October.**
- 3. Before operation commences, the applicant will ensure that the operator's name, telephone number, and e-mail address are posted on the site and easily visible to the public and will provide a photo of this signage on the site to the Land Use Supervisor.**
- 4. 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; however, no such administrative approval shall constitute a variance from the provisions of UDC Chapter 50.**

**VOTE: (8-0)**

PLIUP-2504-0023 Interim Use Permit for a Laundromat and Multifamily Dwelling (Adaptive Reuse) at 2403 W 6th St by Festies INC

**Staff:** Chris Lee addressed the commissioners. The applicant proposes to use the existing historic structure as a laundromat on the main floor with 6 residential units on the upper floor. Adaptive reuse of a historic structure is allowed under an Interim Use Permit. The current zoning is R-1, and all uses that are permitted in the MU-N zone district shall be considered as eligible for an interim use permit in R-1, R-2, or R-P district. The time limit for this permit is 10 years. This time limit is to ensure there are no impacts on the surrounding uses. Staff have determined that 10 years is an acceptable expiration date based on the substantial financial investment the owner is making into the property.

The primary structure on the property was constructed in 1916 and is called the F. Belanger Block. The property was locally designated as a historic property in February 2024. There is a preservation plan that was done by New History in June 2024 (PL23-224). This designation allows for the property to have a variety of uses via an Interim Use Permit for Adaptive Reuse, which would allow the applicant flexibility in restoration and preservation. The proposed uses are a small footprint laundromat on the main floor and a 6-unit multi-family use on the upper floor. The operating hours of the laundromat will be 6am to 11pm. Interior and exterior building renovation are needed to restore the building to create the laundromat and apartments.

There are no planned additions or expansion to the structure aside from renovations to the stoop for an accessible ramp. All building renovations will need to comply with the historic preservation plan and will be required to receive a historic construction permit from the Heritage Preservation Commission. There are 6 proposed parking stalls at the rear of the property with access off the alley; per UDC requirements, a parking area will be paved. These parking stalls will be for the tenants of the apartments. In addition to meeting the historic requirements, all proposed building changes will need to meet UDC requirements for any exterior trash enclosures and exterior lighting. The use is expected to have minimal impacts with noise, light, and traffic to the surrounding area.

One public comment was received concerning parking. Staff recommends approval with conditions.

**Applicant:** David Sundberg addressed the commissioners. He stated that this building has been sitting vacant for many years and used to be a corner store. Through the historic designation and adaptive reuse channels, he was able to bring these project plans to fruition, and he is happy to invest in his community.

**Commissioners:** Van Daele thanked the applicant for the work they've put into this building. Eckenberg asked the applicant to explain why he chose smaller units for this project. He also asked the applicant to clarify where the parking spaces will be.

**Applicant:** Sundberg responded that the rationale for 6 smaller units as opposed to fewer larger units was that the space is more suitable for several smaller units rather than a couple large ones. With large units, 1 tenant could pass a background check and then proceed to bring in others who might not. He feels that 6 smaller units leave less room for potential problems. Sundberg explained where the parking spaces and access points will be.

**Public:** Rosanne Mellsmoen, 506 N 25th Ave W – She lives near the building is in favor of the project. Mellsmoen stated that she's watched this building deteriorate for years and is happy to see it being used. She expressed concerns regarding parking, property access, and folks who would have access to the laundromat.

**Commissioners:** Eckenberg asked the applicant to address Mellsmoen's concerns.

**Applicant:** Sundberg stated the laundromat will be primarily for the tenants in the units above. The laundromat will have card or fob access, so one must be approved to use it. There is no rear access, but there will be handicap accessible ramp.

**MOTION/Second:** Van Daele/Wedul approve as per staff recommendations with conditions:

- 1. The Interim Use Permit be in effect for a period of 10 years. Applicant may apply for a subsequent Interim Use Permit prior to expiration of this permit.**
- 2. Project shall comply with all UDC requirements, including but not limited to exterior lighting, screening, landscaping, and parking lot requirements. These shall be confirmed at the time of building permit.**
- 3. Any alterations to the approved plans that do not alter major elements of the plan and do not constitute a variance from the provisions of Chapter 50 may be approved by the Land Use Supervisor without further Planning Commission review.**

**VOTE: (8-0)**

PLSUB-2501-0001 Minor Subdivision at 421 Anderson Rd by The Jigsaw LLC

**Staff:** Jason Mozol addressed the commissioners. He gave a presentation that combines this application along with PLSUP-2412-0029 and PLSUP-2412-0030, and recommends each item be voted on separately.

This area was re-platted in 2018 for future mixed-use development. The first two parcels in this plat are currently under development for a carwash and a fast-food restaurant. There are two special use permits before the commission tonight – one being for an oil change business and another for a coffee shop. These permits are from December 2024, but there were some discrepancies in their landscaping plans when the development was beginning to be constructed. The applications were considered incomplete until the developer provided plans to show compliant landscaping.

For the first application, PLSUB-2501-0001, the applicant is proposing a minor subdivision to create separate lots for two commercial developments. The land is owned by the applicant. The proposed parcels, Parcel 3-1 and Parcel 3-2, that will be created by the minor subdivision are both vacant with previous earthwork preparing them for future development. Lots created by

this subdivision are subject to the zoning requirements of the MU-N district in UDC Table 50-15.2-1. Parcel 3-1 is proposed to have 102.74' of frontage and a lot area of 21,379 sq/ft. Parcel 3-2 is proposed to have 510.27' of frontage and a lot area of 57,291 sq/ft. Both proposed parcels exceed the 50' minimum frontage and the 4,000 sq ft minimum lot area requirements. The proposal for PLSUP-2412-0029 is to construct a 1,740 sq/ft oil change business, like other oil change businesses around Duluth. The proposal for PLSUP-2412-0030 is to construct a drive-through coffee shop with combined structure footprints of 780 sq ft.

There is screening required in the rear of the property with the proposed oil change business, which is shown in the landscaping plan. The site is proposed to contain 6 off-street parking spaces; one identified as ADA accessible. The project must provide two bike parking spaces that are proposed to be located at the rear of the building. Trash and recycling containers will be screened by proposed fencing. If any exterior mechanicals are added, these will need to be screened as well.

The other special use permit for the proposed coffee shop is slightly different than other coffee shops around Duluth. 7 Brew is a drive-through only coffee shop, with no internal space for customers to order, and all ordering for this drive-through is done exclusively via an online platform and will not have an associated speaker box or menu board. The drive-through may operate from 6am to 10pm Monday-Friday and 7am to 10pm on Saturday and Sunday. Adjacent residential properties will be screened from glare and noise associated with drive-through traffic by existing and proposed vegetation and required fencing. The site is proposed to contain 5 off-street parking spaces; one identified as ADA accessible. The project must provide two bike parking spaces that are proposed to be located at the rear of the building. Trash and recycling containers will be screened by proposed fencing. If any exterior mechanicals are added, these will need to be screened as well.

Landscaping responsibilities are divided between the overall site developer (Jigsaw LLC) and the applicants (7 Brew and Take 5). Previous development within the larger Jigsaw Subdivision has resulted in areas of non-compliant landscaping in the rear of the site and along the retaining wall in the front. Two separate landscape plans are attached that, in aggregate, meet minimum landscaping standards for street frontage landscaping, parking lot landscaping, buffering between land uses and tree preservation. The attached landscape plan proposed by Jigsaw LLC remedies the areas of non-compliance and Jigsaw LLC has provided financial security to the City to complete the work. Staff spoke with one neighbor on the phone that expressed concern regarding the project and how adequate screening will be provided. Staff feel that requirements for this development are being met and recommend approval of these applications with conditions.

**Commissioners:** Wedul asked staff to clarify what the subdivision application would accomplish. Rhodes asked about the screening material for the dense urban screening requirements.

**Staff:** Mozol responded that there are currently separate parcels for Mr. Carwash and Popeye's, and the subdivision will create separate parcels for both the oil change business and the coffee shop. The request from the neighbor was for a fence specifically, and these developments will be there for a long period of time. The developer agreed to this condition.

**Commissioners:** Eckenberg asked Mozol a question regarding access. Wedul asked about the sidewalk completion requirements.

**Staff:** Mozol informed the commissioners that there will be two access points for this area, one coming off Central Ent and the other coming off Anderson Rd. There is sidewalk shown in the site drawings coming up off Anderson Rd, and there are pedestrian connections through the site, and are required in the final drawings.

**Applicant:** Bruce Carlson addressed the commissioners. He is the Senior Vice President of Construction & Development with Launch Properties. This has been a challenging project for his team due to Covid, labor shortages, and landscaping costs. There was a large amount of unexpected granite that was discovered on the site, and it is currently still there. The city asked them to remove the granite, but this has proven to be challenging for several reasons. Instead of hauling off the existing rock, they are hoping the city and planning commission might consider an alternative approach. They'd like to explore the possibility of leaving the granite on site to be used as a landscape element. Doing this could also be a more sustainable approach, as there would be less fuel used moving rock and maintaining the sod. The granite could also serve as an aesthetic piece. They intend to be compliant with the original application, but they wanted to float this idea to staff.

**Commissioners:** Rhodes asked if they designed their landscaping with an opaque fence.

**Applicant:** Carlson responded that they are going with staff direction. The fence will help debris from blowing into neighboring properties.

**Public:** Jessica Thiel, 1625 Linzie Rd – Thiel noted that the staff report says that the rear property line will be screened by vegetation and required fencing to meet the standard of a dense urban screen because the adjacent property is used residentially. It also states that in addition to the proposed vegetative screen, 6 ft tall opaque fencing must be installed on the rear of the site. She asked the commissioners what they believe meets the standard of a dense urban screen, and how staff determined the requirements were met for this application.

Sam Glennon, 604 W Central Ent – Glennon works on the Mr. Carwash Real Estate & Development team and is in favor of all 3 projects. They are excited to have more tenants near them. These projects will help drive more traffic into the development, which will serve all the retail businesses there. He referenced a letter that was sent to the staff that outlined their concerns about the developer's unfinished site work, including the unfinished access roads and the landscaping. They request that any future approvals within the development are conditioned on the master developer completing the work that was previously approved. They also ask that the master developer post some sort of bond or financial security with the city if their work is not completed.

**Commissioners:** Crawford asked staff to address the concerns brought forward by Glennon.

**Staff:** Mozol reiterated that the city has mechanisms in place to ensure that the work that was proposed is done as proposed. The private financing dispute between the developer and Mr. Carwash is not within the purview of this commission and should be handled privately.

Moses added that the city does have escrow from the developer to make sure that the landscaping is completed.

**Commissioners:** Wedul asked if there is a tool in place to ensure that the developer completes the site access for Mr. Carwash. Van Daele asked when escrows are typically collected.

**Staff:** Mozol responded that there are checks throughout the process to ensure the work is done. The developer must provide compliant plans prior to a building permit being issued. After the building permit is issued, the buildings are not permitted to be occupied until a certificate of occupancy (COO) is issued.

Moses explained that the city can collect escrow for financial security to ensure work is completed. In some projects, the site work gets done before the COO is issued, so there would be no need to collect escrow. In other projects, the developer may be ready for a COO because everything inside the building is complete, but the site work isn't finished. Escrow is a useful tool in many cases. The developer has been cooperative throughout this process.

**MOTION/Second:** Sarvela/Adatte approve as per staff recommendations with conditions:

1. Appropriate deeds be filed with St. Louis County within 180 days. Prior to recording the deed that results from this adjustment, the Planning Division will need to stamp the deed, indicating compliance with the local zoning code.
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 approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

**VOTE: (8-0)**

PLSUP-2412-0029 Special Use Permit for Auto Service at 421 Anderson Rd by Take 5 Oil Change

**Motion/second:** Wedul/Van Daele approve as per staff recommendation with conditions:

1. The project, as modified by the conditions summarized below, be limited, constructed, and maintained consistent with plans submitted with the application.
2. The auto service use may operate between 7am and 8pm.
3. In addition to the proposed vegetative screening, 6' tall, opaque fencing must be installed along the rear of the site.
4. Final, compliant exterior lighting and landscaping plans must be submitted to and approved by the Land Use Supervisor prior to a building permit being issued.
5. 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; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.

**Vote: (8-0)**

PLSUP-2412-0030 Special Use Permit for Restaurant at 421 Anderson Rd by 7Brew

**Motion/second:** Crawford/Adatte approve as per staff recommendation with conditions:

1. The project, as modified by the conditions summarized below, be limited, constructed, and maintained consistent with plans submitted with the application.
2. The drive-through may operate between the hours of 6am to 10pm Monday-Friday and 7am to 10pm on Saturday and Sunday.
3. In addition to proposed vegetative screening, a 6' tall, opaque fence must be constructed along the west side of the entrance from Anderson Rd and along the rear of the site.
4. Final, compliant exterior lighting and landscaping plans must be submitted to and approved by the Land Use Supervisor prior to a building permit being issued.
5. 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; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.

**Vote: (8-0)**

PLSUP-2504-0049 Special Use Permit for a Daycare at 404 E 5th St by One Roof Community Housing

**Staff:** Natalie Lavenstein addressed the commissioners. The applicant proposes a daycare facility serving a maximum of 124 students on the first level of a proposed multi-family dwelling in Central Hillside. Daycare facilities with more than 15 students in an R-2 District require a special use permit. The applicant is proposing to construct a new multi-family building which will contain a daycare center on the first level and multi-family dwellings in the upper levels. The daycare will have a maximum licensure capacity of 124, with hours of operation between 6:45 am – 5:30 pm. The existing parking lot and structure will be demolished and a new building with parking spaces will be constructed.

The site plan includes 7 on-site parking spaces dedicated to family pick-up and drop-off, as well as 2 designated parking spaces along 4th Avenue. The 2 parking spaces are proposed as flexible-use spaces – reserved for child drop-off and pick-up during peak traffic period, and available for general or alternate use during other times of the day. A parking narrative is attached with a detailed analysis of the number of families arriving at a time. Staff find the applicant has prepared a reasonable plan for pick-up and drop-off and recommend that a condition of approval be placed regarding ensuring no traffic flow is impeded with this parking. The daycare is proposed to be in the Brae View apartment building and will have shared parking and site use. Preliminary plans for Brae View show all landscape requirements will be met. Landscaping will be confirmed prior to Brae View receiving the building permit for the site. The day care will provide an exterior play area; any fence installed for the play area will need to meet all fence criteria, including regulations related to materials and height. No additional outdoor dumpsters will be placed on site for the daycare. The day care proposes no building features or exterior lighting other than what is being constructed as part of the Brae View project. Brae View must meet all building design standards and exterior lighting requirements. No public or agency comments were received. A city comment was received stating the loading zone requires Parking Commission approval prior to construction. Staff recommends approval with conditions.

**Applicant:** Debbie Freedman, 3528 E 4<sup>th</sup> St – Freedman is the Executive Director at One Roof. The Brae View project has been in the works for several years and they have received ARPA funding and Minnesota Housing to move forward with this project. Childcare has always been part of the project. She is happy to answer commissioners' questions.

**Commissioners:** Eckenberg about the timeline for this project. Wedul questioned whether the applicant wants the black walnut trees on the site near cars and children.

**Applicant:** Freedman explained that they were hoping to start construction this summer, but the financial closing process with Minnesota Housing is lengthy and construction may be pushed back to spring of next year.

**Public:** No speakers.

**Motion/second:** Van Daele/Rhodes approve as per staff recommendation with the following conditions:

- 1. The daycare will be constructed and maintained consistent with the site plan and narrative submitted with the application.**
- 2. The applicant shall provide clear communication and signage regarding spaces available for pick-up and drop-off and will instruct families on overflow parking so that there is no queueing of cars and no impediment to traffic flow.**
- 3. The proposed loading zone must be approved by the City of Duluth Parking Commission prior to construction.**

- 4. 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 administration approval shall constitute a variance from the provisions of Chapter 50.**

**Vote: (7-0)**  
**Crawford abstained**

PLSUP-2503-0043 Special Use Permit for Bed and Breakfast at 5820 London Rd by Meredith Anderson

**Staff:** Chris Lee addressed the commissioners. The applicant proposes to use a 3-bedroom home as a bed and breakfast. A bed and breakfast is permitted in the R-1 as a special use. The primary structure on the property is a 3-bedroom, 3 bath centennial home built in 1891. The property also contains a detached garage and a small sauna. The parcel is .63 acres in size exceeding the minimum required for a Bed and Breakfast and the applicant will reside at the adjacent property. There is ample guest parking on the property's existing driveway, and the property appears outwardly to be a single-family dwelling with a structure and features that are common at residential properties. The proposed bed and breakfast is not anticipated to create any impact on surrounding properties if it is approved.

Staff received letters from the applicant's legal counsel. Staff recommends denial of the application on the grounds that the property does not meet the first-floor minimum area requirement of 1,500 square feet in UDC sec. 50-20.3.F., paragraph 5. The first floor of the property only contains 1,200 square feet, so it does not meet the criteria for a bed and breakfast.

**Commissioners:** Rhodes noted that the two comments received from the applicant's lawyers state that staff's interpretation of square footage is incorrect. She asked if this impacts staff's interpretation of the UDC or how commissioners should interpret this application. Rhodes also asked what the intention of the minimum square footage requirement on the main level is. She also wondered if the applicant was pursuing this permit as a way of getting around the vacation dwelling unit (VDU) rules with an alternative way of getting the same privileges and asked about other departments' requirements for this type of use.

**Staff:** Lee responded that legal counsel has determined that some definitions of gross floor area within the building code state that all parts of the foundation are included as part of the floor area. Staff determines that the floor area that is usable, livable space is between the walls where people will be occupying. This does not include the exterior porch space.

The intention of the square footage requirement was put in place to ensure that the properties being used as bed and breakfasts are meeting a certain size threshold. At the time of these rules being written, it was implied that bed and breakfasts would be larger structures to support more people residing in them with a comfortable amount of space.

Bed and breakfasts could be posted and rented out via Airbnb or VRBO websites, but that is up to the applicant how they want to run their business. Bed and breakfasts are permitted under a special use permit in the R-1, while VDUs are permitted under an interim use permit and are subject to the VDU cap. Lee stated that he cannot speak to what other departments require of bed and breakfasts.

**Applicant:** Bill Burns addressed the commissioners on behalf of the applicant Meredith Anderson. He stated that the subject home is historic and spacious enough for a bed and breakfast. The footprint of the home meets the square footage requirements. He believes that zoning code should be interpreted in this case to favor the landowner, not the city. They have

been able to find several different ways to include pieces of the home to meet the square footage requirements.

Meredith Anderson addressed the commissioners. She also believes her home meets all of the requirements for a bed and breakfast, including the square footage requirement. Anderson stated that the porch is part of the home and should be included in the gross square footage.

**Commissioners:** Crawford asked if there have been any appraisals done on the home that would include the square footage in the report. Wedul asked the applicant if they intended to use this property as a VDU as opposed to a bed and breakfast.

**Applicant:** Burns responded that he has not seen an appraisal and wasn't sure that it would be relevant to the matter at hand. He believes that the commissioners should make their decision based on what the zoning code says. The applicant intends to run a bed and breakfast, and the property meets all requirements for that type of use.

**Commissioners:** Wedul stated that in her experience, the finished floor area between walls is how gross square footage is counted.

Eckenberg asked the applicant what the gross square footage would be if the porch space was added to the total.

**Applicant:** Burns responded that the gross square footage with the porch included would come out to be over the required 1500.

**Public:** No speakers.

**Commissioners:** Discussion ensued about the interpretations bed and breakfast requirements in the zoning code as well as building code requirements.

**Motion/second:** Rhodes/Sarvela deny as per staff recommendation on the grounds that:

- 1. The property does not meet the minimum square footage requirement of 1,500 square feet on the main floor.**

**Vote: (2-6)**

**Adatte, Crawford, Hammond, Van Daele, Wedul, and Eckenberg opposed  
Motion fails**

**Motion/second:** Hammond/Van Daele approve the application on the grounds that:

- 1. The property does meet the minimum square footage requirement of 1,500 square feet on the main floor with the porch space included.**

**Vote: (5-3)**

**Rhodes, Sarvela, and Wedul opposed**

PLSUP-2504-0052 Special Use Permit for Personal Service and Repair, Small at 2517 W 1ST ST by Lara Hill

**Staff:** Natalie Lavenstein addressed the commissioners. The applicant proposes to use the main level of an existing single-family home as a chiropractic office. A chiropractic office is considered a personal service and requires a special use permit in the R-2 District. The subject property was built in 1921 and is a single-family home with a detached garage. The home is approximately 2,300 sq/ft and contains 2 bedrooms.

The applicant is proposing to use the main level of the home as a chiropractic office. The main level consists of a desk area, reception area, adjusting area, exam room, and office space. The home is approximately 2,300 sq/ft. The applicant is the only employee but anticipates hiring up to 2 employees. There will be an average of 2-4 clients per hour. The chiropractic office will operate between the hours of 8 am and 6 pm, except for occasional small educational events for clients and their guests which may occur between 6 pm and 8 pm. Attached to the staff

report is a narrative provided by the applicant which describes the general operations of the chiropractic office.

The requirements in UDC Sections 50-25 (Landscaping and Tree Preservation), 50-26 (Screening, Walls and Fences), 50-29 (Sustainability Standards), 50-30 (Building Design Standards), and 50-31 (Exterior Lighting) do not apply to this application because it does not contemplate new construction and will not result in significant alteration or expansion of existing structures. No public, agency, or City comments were received. Staff recommends approval with conditions.

**Commissioners:** Eckenberg asked staff if there is parking provided for customers.

**Staff:** Lavenstein responded that there is no required parking for this use.

**Applicant:** Lara Hill, 2517 W 1<sup>st</sup> St – Dr. Hill addressed the commissioners. She stated that her clients come to her to relieve their pain and expand their health. She also regularly partners with other local organizations and small businesses to give back to her community. There are three off-street parking spaces available at her location, and she is looking for more options across the street.

**Public:** No speakers.

**Commissioners:** No further discussion.

**Motion/second:** Crawford/Sarvela approve as per staff recommendation with the following conditions:

**Vote: (8-0)**

PLUMA-2503-0002 UDC Map Amendment from MU-C to R-1 near 46th Ave E and Regent St by 3 Stooges LLC

**Staff:** Jason Mozol addressed the commissioners. Applicant is requesting a UDC Map Amendment (rezoning) from Mixed-Use Commercial (MU-C) to Residential-Traditional (R-1). Rezoning this property will align the zoning and comprehensive plan designations. This change will support compatibility of future neighborhood uses.

Previously, there seemed to be something like a natural gas tank with a pump on the site, which is where the current zoning came from. That structure was removed about 10 years ago. The applicant proposes to rezone to Residential-Traditional (R-1) to support anticipated residential development. The future land use map in the comprehensive plan identifies this area as Traditional Neighborhood. This proposal is consistent with the comprehensive plan and implements several governing principles including reuse of existing developed area; investing in neighborhoods; and supporting private actions that contribute to the public realm. One public comment was received in support. Staff recommends approval with conditions.

**Commissioners:** Wedul noted that the title of the item says MU-B but the staff report says MU-C. She asked staff to clarify so the record can show the correct zoning.

Eckenberg asked staff to speak about the comment received.

**Staff:** Mozol responded that MU-B is correct, not MU-C. This will be reflected in the record. Mozol stated that he briefly looked into the neighbor situation, and he does not feel he is qualified to give a recommendation pertaining to that matter. He also feels that it is not relevant to tonight's action.

**Applicant:** Not present.

**Public:** No speakers.

**Motion/second:** Van Daele/Adatte approve as per staff recommendation with the following conditions:

**1. This proposal is consistent with the Comprehensive Land Use Plan.**

2. **The proposed amendment is consistent with the future land use category of “Traditional Neighborhood”, as well as the character of the neighborhood.**
3. **Material adverse impacts on nearby properties are not anticipated or will be mitigated.**

**Vote: (8-0)**

### **Other Business**

#### **PL 25-0502 Updated Nomination Packet for the Proposed Lester-Amity-Hawk Ridge Designated Natural Area**

Gini Breidenbach, Janelle Long, Tim Beaster, and John Lenczewski gave a brief presentation on the Duluth Natural Area Program Nomination for the Lester-Amity-Hawk Ridge natural area. They presented a visual of the proposed boundary for the land they are proposing to nominate, which covers 82 city-owned parcels and a total of 1184 acres. Some of the land is designated as park land. The proposed boundary includes Amity-Lester ski trails and hiking trails from Hawk Ridge.

Breidenbach listed the criteria that must be met for this designation under the Duluth Natural Area Program Ordinance, which includes Important Bird Congregation Area, Natural Water Feature Area, Special Species Area, Significant Plant Communities Area, and Geological Landform Area.

There are two important parts to this nomination package. One important part of this nomination is the Bird Congregation Area, which is the Hawk Ridge Nature Reserve. It serves a globally important migratory corridor. 60,000 raptors and 200,000 other birds are counted annually during Fall migration. The economic impact during fall migration is \$22 million from 35,000 tourists. The other important part of this nomination is the Natural Water Feature, Amity Creek. The east branch of Amity Creek is the best trout fishery in Duluth. It ranks 5th among north shore streams based on Brook Trout sampling, and it is a unique feature to Duluth. The purpose of this nomination opportunity is to protect this resource within our city. It is also an opportunity for the partners involved to work collaboratively with the city. The partnership brings committed funds to the restoration of this area, and this designation would provide more grant funding opportunities. They request that the planning commission recommend approval to city council.

**Commissioners:** Commissioner Hammond asked what the purpose of this nomination is. He also asked if there will be any impact to recreational areas, such as hiking trails.

**App:** The city's natural resources program has a very limited budget and staff. The city has determined that their time and resources within the natural resources program are going to go to the natural areas system. This designation allows them to work in collaboration with the city, who is the owner and manager of this land, as a partner. There will be no impact on the recreational trails. Approval of this nomination shows commitment to protecting natural resources in the city.

**Public:** No speakers.

**Motion/second:** Wedul/Sarvela recommend approval to city council

**Vote: (7-1)**  
**Hammond opposed**

## **Communications**

Land Use Supervisor (LUS) Report – No report.

Heritage Preservation Commission Report – No report.

## **Adjournment**

Meeting adjourned at 10:05 p.m.

Respectfully,

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Jenn Moses, Manager  
Planning & Economic Development