

City of Duluth Planning Commission

**June 14, 2022 – City Hall Council Chambers
Meeting Minutes**

Call to Order

President Sarah Wisdorf called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, June 14th, 2022 in the Duluth city hall council chambers.

Roll Call

Attendance:

Members Present: Jason Crawford, Jason Hollinday, Margie Nelson, Michael Schraepfer, Andrea Wedul, and Sarah Wisdorf

Member Absent: Gary Eckenberg

Staff Present: Steven Robertson, Robert Asleson, John Kelley, Chris Lee, and Kyle Deming

Approval of Planning Commission Minutes -

Planning Commission Meeting – May 10, 2022

MOTION/Second: Nelson/Hollinday approved

VOTE: (6-0)

Public Comment on Items Not on Agenda

None

Consent Agenda

PL 22-095 Vacation of an Easement Dedicated for Park Purposes, to be Replaced by an Easement with Correct Legal Description at 515 W 1st Street by the City of Duluth

PL 22-079 Vacation of a Portion of Ebony Avenue near 155 W Central Entrance by the Lakeview Christian Academy

PL 22-073 Vacation of an Alley near 420 W 9th Street by Ben Gasner

PL 22-083 Interim Use Permit for a Vacation Dwelling Unit at 940 S Lake Avenue by Carl Sherman

PL 22-082 Interim Use Permit for a Vacation Dwelling Unit at 2226 W 6th Street by Caleb Korzenowski

PL 22-074 Interim Use Permit for a Vacation Dwelling Unit at 232 S 59th Avenue West by ALN Properties, LLC

PL 22-088 Variance to Maximum Building Height for Dwellings at 3731, 3819, 3829, and 3867 London Road by Stocke Construction

Commissioners: Michael Schraepfer asked staff to elaborate on PL 22-088. Kyle Deming gave an overview. The variance is for an extra 10 feet of building height. Andrea Wedul asked if this is as high as they will be allowed. Per Deming these are single-family dwellings. They should be the same height as the two-family dwellings already constructed on site. Wedul asked what the hardship is. Per Deming the unique lot constraints are caused by the linear nature of the land between the railroad and the highway with limited access allowed. The need for a frontage road along with the stormwater treatment constrains the site.

Public: No speakers.

MOTION/Second: Crawford/Hollinday approved consent agenda items as per staff recommendations

VOTE: (6-0)

Public Hearings

~~PL 22-036 Interim Use Permit for a Vacation Dwelling Unit at 619 W Skyline Parkway by Dawn M. Holmberg~~

Item removed from the agenda

(Commissioner Schraepfer recused himself from the following item.)

PL 22-077 Interim Use Permit for a Vacation Dwelling Unit at 2835 Minnesota Avenue by Tri-Waters Property, LLC

Staff: Kyle Deming introduced the applicant's proposal to use an 1,871 square foot, 3-bedroom detached home as a vacation dwelling unit with 2 off-street parking spaces, for a maximum of seven occupants. The proposed vacation dwelling is located in an R-1 district and was on the vacation dwelling unit eligibility list. The property will be managed by Heirloom Properties. Two email comments were received, which were shared with the commissioners. Staff recommends approval with the conditions listed in the staff report.

Applicant: Heather Grazzini-Sims addressed the commission. She appreciates staff recommendation of approval, but finds it unfortunate that untrue statements were provided by the property's neighbor. She said there are future bookings, and it was rented.

Public: No speakers.

Commissioners: Margie Nelson noted the City Council has set the rules for the amount of vacation rentals allowed, and this application is based on that.

MOTION/Second: Nelson/Hollinday motion to approve (not voted on)

Staff: Interim Manager Steven Robertson noted it is concerning if the home was in fact being rented out before it had a permit, and suggests the commission table the item for more research.

MOTION/Second: Wedul/Nelson tabled for more research

VOTE: (5-0, Schraepfer abstained)

PL 22-068 Special Use Permit for a Preschool in Trinity Lutheran Church at 1108 E 8th Street by Mandy Stanius

Staff: John Kelley introduced the applicant's proposal for a special use permit for a Daycare Facility for 20 students ages 3-5 years old. There is plenty of parking available and no additional

landscaping or lighting requirements needed. The daycare hours of operation shall be 7 a.m. to 5 p.m. Monday through Friday. Staff recommends approval with the conditions listed in the staff report.

Applicant: Mandy Stanius addressed the commission. She thanked the commissioners and welcomed questions. There were none.

Public: No speakers

MOTION/Second: Wedul/Crawford approved as per staff recommendations

VOTE: (6-0)

PL 22-081 Special Use Permit for a Daycare at 2344 Nanticoke Street by Three Trees, LLC

Staff: John Kelley introduced the applicant's proposal for a special use permit for a daycare facility for 52 children for daytime, and 20 children for evening care. The daycare hours of operation shall be 7 a.m. to 11 p.m. Monday through Friday. The daycare uses the existing church parking lot located on the west side of the building. The parking lot has ample space available to accommodate parking, drop off and pick up. Staff received 2 emails from citizens who were concerned. Staff is recommending that a dense urban screening be installed around all outdoor play areas to mitigate impacts on the adjacent residential properties. The applicant will also need to provide sufficient screening to eliminate glare from nighttime pick ups. Staff recommends approval with the conditions listed in the staff report.

Commissioners: Wedul asked if a lighting plan is required. Per Kelley, due to the existing church already in operation, an additional lighting plan is not required.

Applicant: Anna Buchanon addressed the commission. She noted the need for daycare.

Public: No speakers

Commissioners: Chair Wisdorf noted condition #3 in the staff report that listed other proposed uses must meet UDC criteria, and asked about the church. Kelley stated the church still has a small congregation. Chair Wisdorf asked if the daycare wanted to expand their hours of operation – how would they go about it? Per Robertson, a minor change could be approved by the land use supervisor. A major change would need to be brought back to the planning commission.

MOTION/Second: Nelson/Hollinday approved as per staff recommendations

VOTE: (6-0)

PL 22-089 Variance to Maximum Parking Requirements for a Planet Fitness at 1320 Mountain Shadow Drive by Planet Fitness

Staff: Chris Lee introduced the applicant's proposal for a variance to maximum parking requirements to allow 178 parking spaces for a 22,000 sq. ft. fitness center. Maximum parking without a variance is 134 spaces. According to the developer, Planet Fitness needs the ability to park 180 clients and staff during peak hours and days. The maximum variance the planning commission can approve is 200% of the minimum parking, or 178 parking spaces. The developer has demonstrated that there is space on their site to located the requested parking while meeting landscaping and basic storm water requirements. No comments from citizens, city staff, or any other entity were received regarding this application. Staff recommends approval with the conditions listed in the staff report.

Commissioners: Wedul commented that the landscaping plan looked sparse. Per Lee, the applicant is working on filling in the sparse areas in the parking lot. Wedul commented that the tree species listed are better suited for warmer climates. She also noted a fence for screening. Per Lee, this is a high traffic route and other than screening around trash bins, screening is not required.

Applicant: Todd Reyling addressed the commission. The applicant is putting eight million dollars into this project, and they need the additional parking spaces, since they are heavy parkers. He welcomed questions. There were none.

Public: No speakers

MOTION/Second: Nelson/Crawford approved as per staff recommendations

VOTE: (6-0)

Old Business

PL 22-045 Planning Review for the Higher Education Overlay District at 1303 W. Arrowhead Road by 1303, LLC

Staff: John Kelley introduced the applicant's proposal to construct a 3,500 square foot office/restaurant building and outdoor dining area in the Higher Education Overlay (HE-O) with associated parking, landscaping, lighting, and connectivity located adjacent to Arrowhead Road and Dodge Avenue. There was a previous proposal for a special use permit, which the planning commission denied, and the city council overturned. The revised plan is 1,500 square feet and just for a restaurant. Parking and connectivity will be provided. Shrubs need to be placed between the fence and the neighboring properties. A revised landscaping site plan is required. Comments were received and shared with commissioners. Staff recommends approval with the conditions listed in the staff report.

Commissioners: Wedul asked about the trees. Per Kelley the land use supervisor deemed the trees would need to be removed to allow for development. He defers to the applicant on what is now being proposed. Interim Manager Robertson reiterates that Wedul would like to see the 5-6 existing trees be preserved, but if they can't due to construction, that they be replaced. Wedul affirmed and noted the importance of buffering. Kelley noted the city forester has approved the plan, but it could certainly be revisited.

Applicant: Mike Schoonover addressed the commission. He operates Jersey Mike restaurants here and in Brainerd. He said 1303, LLC is no longer the owner. He is the owner and developer of the site, and submitted a revised site plan. His intention is to keep the mature trees which will create a buffer for the neighbors. They are meeting the UDC requirements, but he will make sure the plan is top notch, because, it is the right thing to do. They eliminated a curb-cut off of Arrowhead Road. He welcomed questions. Wedul verified if the trees need to be removed, that they will be replaced. The applicant affirmed.

Public: Emily Johnson of 1625 Dodge Avenue addressed the commission. They purchased house three weeks ago. She is concerned about the impact it will have on Dodge Avenue. She has safety concerns regarding access to Arrowhead Road, which the elimination of a curb cut will not alleviate. She doesn't think it meets the standards of the HE-O, because it will impact their neighborhood road. Safety is still a concern. She and her neighbors are opposed.

Staff: Interim Manager Robertson noted this proposal meets the standards of the HE-O. Planning commission can add conditions as they see fit, including landscaping escrow. He stated additional curb cuts are hazardous to pedestrians on Arrowhead Road. The traffic for this restaurant will be minimal compared to the thousands of cars using Arrowhead Road.

Commissioners: Wedul questioned the access on Dodge versus Arrowhead. Robertson noted the HE-O language is geared more in the context of moderating impacts of large student housing. City Engineering will not allow any more curb cuts onto Arrowhead Road. Wedul understands the neighbors' concerns about their narrow street now seeing more traffic. Per Robertson, planning review is focused on landscaping, lighting, and connectivity. Engineering trumps their decision for access onto Arrowhead Road. Jason Crawford likes the new plan and thinks adding more options to this area is good. Nelson stated the city council tied their hands a little here. She will be changing her vote from last month. Wedul appreciates the applicant

working with the neighbors to increase the buffering, and urges the applicant to continue to work with the neighbors as they are the support system, and hopefully will be customers at some point. Jason Hollinday reiterates Wedul's point and would like to see the applicant continue to work with the restaurant's neighbors.

MOTION/Second: Crawford/Schraepfer approved as per staff recommendations

VOTE: (6-0)

Other Business

PL 22-102 Citizen Petition for Environmental Assessment Worksheet (EAW) for Lester Park Golf Course Development

Staff: Steven Roberston gave an overview. The entire petition is included in the commissioners' staff report packet. Per Robertson, there is no official project yet, and no requests for proposal. When an RFP is issued by the city and a detailed proposal is accepted, an EAW may be warranted based on the size of the proposed development, but right now an EAW is premature.

Commissioners: Nelson is in support of an EAW when an official project is proposed, but at this time, it would be a waste of time. Wedul concurs.

MOTION/Second: Nelson/Hollinday denied since no project is proposed

VOTE: (6-0)

Communications

Land Use Supervisor (LUS) Report – Interim Manager Robertson noted there is a special DEDA meeting coming up. Planning Commissioners are encouraged to attend.

Heritage Preservation Commission – They met yesterday and decided to table the item of the demo of the Old Astoria Hotel.

Joint Airport Zoning Board – No update.

Duluth Midway Joint Powers Zoning Board – No update.

Adjournment

Meeting adjourned at 6:20 p.m.

Respectfully,

Adam Fulton – Deputy Director
Planning & Economic Development