

City of Duluth Planning Commission

December 13, 2022 – City Hall Council Chambers Meeting Minutes

Call to Order

President Margie Nelson called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, December 13th, 2022 in the Duluth city hall council chambers.

Roll Call

Attendance:

Members Present: Gary Eckenberg, Jason Hollinday, Samuel Lobby, Margie Nelson, Danielle Rhodes, and Michael Schraepfer

Members Absent: Jason Crawford, and Andrea Wedul

Staff Present: Adam Fulton, Jenn Moses, Kyle Deming, Chris Lee, Tom Church, and Cindy Stafford

Approval of Planning Commission Minutes -

Planning Commission Meeting – November 7th, 2022 (brown bag) and November 9th, 2022

MOTION/Second: Lobby/Eckenberg approved with one minor change

VOTE: (6-0)

Public Comment on Items Not on Agenda

None

Consent Agenda

PL 22-188 Variance for an accessory structure between house and street at 4920 London Rd. by John and Carolyn Duba

PL 22-200 Minor Subdivision at 418 N 8th Ave. W by Rodney Graf

PL 22-202 Interim Use Permit for a Vacation Dwelling at 1330 E 1st St. by Gitche Gumees Rentals, LLC

PL 22-206 Interim Use Permit for a Vacation Dwelling at 712 S 63rd Ave. W by Connie Moeller

PL 22-210 Minor Subdivision at Lots 5 and 7 on Chinook Dr. by Jennifer and Fred Harris

PL 22-213 Vacation of Right of Way at 6700 Block of Main St. by DEDA

Public: PL 22-213: Allan Kehr, 12 S 66th Ave W, addressed the commission. He is an advocate for the urban wilderness and is a resident of the Fairmont area. He handed out maps for staff to distribute to the commissioners listing urban wilderness areas. He received 117 signatures in favor of protecting the urban wilderness. He said they were promised by the city to keep the area protected. It makes most sense to locate more housing where housing has been in the past. He is not against development, but doesn't want it here. PL 22-202: Kathryn Daugherty,

1330 E 1st St., addressed the commission. She gave an overview of her proposal for a vacation dwelling, and asked if there were any questions. There were none.

Commissioners: Gary Eckenberg asked staff about the handout they received from Mr. Kehr and about the urban wilderness term. Jenn Moses said this was from the comp plan in 2006, and it has now been updated. Tom Church explained the area is now zoned R-1 and R-2. Commissioner Samuel Lobby asked about development. Deputy Director Fulton stated the action tonight is just to vacate. The city doesn't use the term "Urban Wilderness" anymore. The land use plan now includes the term "Open Space".

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

VOTE: (6-0)

Public Hearings

PL 22-199 Preliminary Plat at 2221 N Arlington Ave. by John Hansen

Staff: Chris Lee introduced the applicant's proposal to create a new plat for 8.97 acres of currently unplatted land with an existing structure on it. Platting this parcel will establish two buildable lots. Lot 1 will contain the existing principle and accessory structures; Lot 2 will remain vacant. Staff recommends approval with the conditions listed in the staff report.

Applicant: Did not speak.

Public: No speakers.

MOTION/Second: Rhodes/Lobby approved as per staff recommendations

VOTE: (6-0)

~~PL 22-203 Special Use Permit for a seasonal camp or cabin in the RR-2 district at 9439 Congdon Blvd. by Outbound Lodges, LLC~~

~~Item removed from Agenda by Staff – requires further review~~

PL 22-208 Interim Use Permit for a vacation dwelling unit on 5800 Block of London Rd. by Dean Jablonsky

Staff: Kyle Deming introduced the applicant's proposal to convert an existing space located below the garage into a vacation dwelling unit containing two bedrooms (with a limit of five guests) and a patio. Proper configuration of the space will be evaluated during the building permitting process and Fire Department inspections that typically follow the approval of the interim use permit. Two off-street parking spaces will be provided in the garage. The applicant has provided an updated site plan showing the location next to garage of required parking for a vacation dwelling unit owned by him at 5802 London Rd. Also, applicant provided a signed waiver for providing landscape screening from 5802 London Rd. since he also owns that property. One of the recommended conditions of approval is that landscape screening be provided for property to the west. Staff recommends approval with the conditions listed in the staff report.

Applicant: Present, but had nothing to add.

Public: No speakers.

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

VOTE: (6-0)

PL 22-209 Special Use Permit for automobile repair and service in an MU-N district at 714 W. Central Entrance by Halle Properties, LLC

Staff: Chris Lee introduced the applicant's proposal for a special use permit for an automobile and light vehicle service use to conduct a tire sales and installation business. The site plan shows 36 parking stalls with 17 located in the front yard area. This is the maximum allowed on the site. The tree inventory and replacement plan must be approved by the Land Use Supervisor before issuance of any land-disturbing permit is issued. The applicant proposes to plant 11 trees and 15 shrubs as part of the street frontage landscaping. Staff recommends approval with the conditions listed in the staff report.

Applicant: Todd Mosher addressed the commission and stated they agree with the conditions, and welcomed questions. Commissioner Eckenberg asked about the location from their other store. Mosher stated this will replace their existing store, and create a larger and more modern facility.

Public: No speakers.

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

VOTE: (6-0)

(Commissioner Michael Schraepfer recused himself from the following agenda item, because his company is the managing agent for the property.)

PL 22-211 Interim Use Permit for a renewal vacation dwelling unit at 511 N 4th Ave. W by Ingrid Johnson

Staff: Jenn Moses introduced the applicant's proposal to renew an interim use permit (PL16-042) for a vacation dwelling unit. The permit would allow for a 2-bedroom house with a maximum of five occupants. Staff received one public comment, which was shared with the commissioners in their packet. Staff recommends approval with the conditions listed in the staff report.

Applicant: Ingrid Johnson addressed the commission and commented on the public comment they received. The shrubs will be cut back, and snow removal will be ongoing.

Public: No speakers.

MOTION/Second: Rhodes/Eckenberg approved as per staff recommendations

VOTE: (5-0, Schraepfer Abstained)

PL 22-212 MU-I Planning Review for additional stories on Building A at 1012 E 2nd St. by St. Luke's Hospital

Staff: Jenn Moses introduced the applicant's proposal for a plan review for a 3-story vertical expansion project above the existing Building A at the St. Luke's campus. This addition will include 58 patient rooms, which will be relocated from the existing St. Luke's Hospital building. The height of the building is 114 feet. No new parking is needed. The only exterior lighting proposed is a downcast wallpack at the door from the stairs onto the roof for worker safety. Staff recommends approval with the conditions listed in the staff report.

Commissioners: Eckenberg asked about the building height, and if more levels can be added in the future. Per Moses, the MU-I district allows for 15% of the building to go up to 300', but deferred to the applicant for their future plans. Lobby noted they met sustainability standards, but asked if they will do anything additional for the new addition. Moses deferred to the applicant.

Applicant: Neil Bright addressed the commission. His company (Erdman) has a long-term relationship with St. Lukes and the city of Duluth. They built the original Building A. The building does have the ability to go to 11 stories on part of their L-shape design, but they are not considering it at this point. He noted sustainability issues, and that their roofing and air systems are newer and more sustainable in nature. He thanked staff for their efforts.

Public: No speakers.

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

VOTE: (6-0)

PL 22-214 MU-I Planning Review for a student center addition at 1200 Kenwood Ave. by St. Scholastica

Staff: Kyle Deming introduced the applicant's proposal for construction of a 17,050 sq. ft. two-story student center addition to the Mitchell Auditorium, reconfiguration of the driveway and loading space west of the building, and conversion of parking in front of the building to a "campus quad" and the addition of parking lot landscaping in the remaining parking lot. The project is not within a wetland or shoreland area. The amount of impervious surface is not increasing significantly and the plans include storm water catch basins directing water to existing detention and treatment basins. The landscape plan accounts for 144 inches of trees to be removed and 149 inches of replacement special trees to be planted. Staff recommends approval with the conditions listed in the staff report including the removal of existing parking lot flood lights from the project area.

Applicant: Dan Shaw of LHB addressed the commission and welcomed questions. There were none.

Public: No speakers.

MOTION/Second: Holliday/Rhodes approved as per staff recommendations

VOTE: (6-0)

PL 22-220 UDC Text Amendment to amend section 50-20, use specific standards; 50-21, Dimensional Standards; 50-36, Reviewers and Decision Makers; 50-37, Review and Approval Procedures; 50-38, Non-conformities; and 50-41, Definitions

Staff: Jenn Moses introduced the City's proposal for several changes to the Unified Development Chapter (UDC) of the City of Duluth Code (Chapter 50) and verbally reviewed the entirety of the staff report. These changes were properly noticed with legal ads in the Duluth News Tribune. The proposed changes are organized by topic in the staff report.

Commissioners: Schraepfer asked about the accessory dwelling unit size restriction. Per Moses, the 800 sq. ft. maximum is already in place. There has been confusion in the past regarding home share and accessory dwelling units. Accessory home share includes a shared public space.

Public: No speakers.

MOTION/Second: Rhodes/Lobby recommended approval as per staff recommendations

VOTE: (6-0)

Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton gave an overview. There are management changes in the Planning Department. Ryan Pervanze is the new manager and will be starting on Monday. Steven Robertson is now the manager for Construction Services and Inspections. Blake Nelson will be the new Building Official effective Monday. Other updates include: flood plain maps coming up, I-35 study, DEDA predevelopment agreement for Lot D, Tischer creek water shed, downtown task force, appeal of hotel will be heard by city council on 12/19. Commissioner Rhodes asked about the neighbor letter notifications being late status. Fulton noted the mail service is being evaluated, and staff will ensure mailings are sent first class and mailed out at a minimum of ten days before the meeting. A quality control test will be performed to a sample of households. UDC Parking changes – Moses handed out a draft copy.

Heritage Preservation Commission – Gary Eckenberg gave an update. There are seven members, which comprise of two appointed members (which he is) and five citizens of which two need to have professional experience. Jessica Glander is the new HPC President. Glander has accepted on behalf of the HPC to participate in the Section 106 process for the Highway 61 Corridor Improvement project by the Minnesota Department of Transportation.

Joint Airport Zoning Board – No update.

Duluth Midway Joint Powers Zoning Board – No update.

Adjournment

Meeting adjourned at 6:56 p.m.

Respectfully,

Adam Fulton – Deputy Director
Planning & Economic Development