

City of Duluth
Planning Commission
January 14, 2020 Meeting Minutes
Council Chambers - Duluth City Hall

1. Call to Order

President Margie Nelson called to order the meeting of the city planning commission at 5:02 p.m. on Tuesday, January 14, 2020, in the council chambers in Duluth city hall.

Roll Call

Attending: Jason Crawford, Gary Eckenberg, Margie Nelson, Andrea Wedul, Sarah Wisdorf, and Zandra Zwiebel

Absent: Tim Meyer and Michael Schraepfer

Staff Present: Adam Fulton, Robert Asleson, Steven Robertson, Chris Lee, John Kelley, and Cindy Stafford

2. Public Comment – Rod Per 664 Everett St. – consent agenda item.

Approval of Planning Commission Minutes

3. December 10, 2019

MOTION/Second: Zwiebel/Wisdorf approved the minutes with minor changes

VOTE: (6-0)

4. August 27, 2019 (Brown Bag)

MOTION/Second: Wisdorf/Wedul approved the minutes

VOTE: (6-0)

Consent Agenda

5. PL 19-058 Duluth Natural Areas Program (DNAP) Nomination for Hartley Presented at the December 10, 2019, Planning Commission Meeting)
6. PL 19-149 Rezone from Residential Traditional (R-1) to Urban Residential (R-2), Lake Side of Snively Road Approximately Between Glenwood Street and Morningside Avenue (Second Public Hearing to Allow Additional Public Comment)
7. PL 19-173 Interim Use Permit for Renewal of a Vacation Dwelling Unit at 1520 Minnesota Avenue by William Michels
8. PL 19-176 Interim Use Permit for a New Vacation Dwelling Unit at 20 N. 12th Avenue East (1 of 4) by North Shore Land Company, LLC (F-4 District)
9. PL 19-177 Interim Use Permit for a New Vacation Dwelling Unit at 20 N. 12th Avenue East (2 of 4) by North Shore Land Company, LLC (F-4 District)
10. PL 19-178 Interim Use Permit for a New Vacation Dwelling Unit at 20 N. 12th Avenue East (3 of 4) by North Shore Land Company, LLC (F-4 District)

11. PL 19-179 Interim Use Permit for a New Vacation Dwelling Unit at 20 N. 12th Avenue East (4 of 4) by North Shore Land Company, LLC (F-4 District)
12. PL 19-180 Minor Subdivision at 5808 London Road by Dean Jablonsky
13. PL 19-182 Special Use Permit for a Daycare at 26 E. Superior Street by Shelly Vanneste
14. PL 19-183 Concurrent Use of Streets Permit at 1832 W. Superior Street by 1 LLC
Staff: N/A
Applicant:
Public: Rob Prusak, 664 Everett St., addressed the commission regarding item PL 19-149. He feels this rezoning is "spot" zoning, and doesn't think it fits. Aaron Meyering, 12 E. Superior St., (representing Electric Fetus) addressed the commission regarding item PL 19-182. He noted Superior Street is challenging for customer parking. He wants to know if there is a plan for morning and evening drop-off for the daycare center. Would this daycare business effect their tobacco license in the future? Shelly Vanneste (Applicant for item PL 19-182) addressed the commission. She noted drop-off and pick-up zones will be located on Michigan St. Most downtown patrons already have parking spaces, and she anticipates parents walking their kids to the location. The ages of the daycare kids will be 6 weeks to 5 years old. Vanneste doesn't think tobacco sales at the Electric Fetus will be an issue. Tiffany Hughes, of A&L properties, addressed the commission. The daycare will be located along Michigan St, and shouldn't effect Superior Street. (There were some speakers who incorrectly signed up for 19-058, but meant to sign up for 19-160. They will defer their comments until item is discussed.)
Commissioners: N/A
MOTION/Second: Eckenberg/Zwiebel recommended approval of the consent agenda items as per staff's recommendations.

VOTE: (6-0)

Public Hearings

15. PL 19-160 Preliminary Plat for Hartley Hills Fourth Addition by Sanford Hoff (Tabled from the December 10, 2019, Planning Commission Meeting)
Staff: John Kelley introduced the applicant's proposal for a preliminary plat of 11.96 acres of land into 18 lots ranging from .24 acres to .84 acres into "Hartley Hills Fourth Addition". Staff recommends approval with the conditions listed in the staff report, which include: 1) any necessary utility easements should be shown on plat and 2) applicant should provide sidewalks along both sides of the streets. Zandy Zwiebel noted the map was not the same in the packet. It is correct online.
Applicant: Sandy Hoff addressed the commission. ISD intentionally separated and labeled this area as a future housing development infill. In June of 2018 Greg Follmer listed this property for sale. Hoff waited for a year. In the Spring of 2019, there were still no inquires or conversations. Hoff as a developer noted the critical shortage of housing. He partnered with Luke Sydow to work on the current plat. Access to the park will be retained. Last month they listened to the community members regarding access off of Hastings. They assumed it would be logical, but the option to access via Northfield was a more direct route. Northfield is wider. After last months meeting they separated

out the emotion. Looking at facts, it made more functional sense to access via Northfield. Regarding concerns over stormwater and drainage. They are working with city staff to ensure compliance. This is a desirable location for housing, and will include easy access for cross-country skiing. The community excitement is high. Sydow addressed the commission and noted there is a process in place for tree inventory on each individual lot. Zwiebel asked how wide the roads are. The road is 28 feet wide, which includes sidewalks on 1 side of the street. Chair Nelson affirms the originally plotted for 19 homes, and now they are now proposing 18. Andrea Wedul noted she is struggling with the addition of three cul-de-sacs. Sydow noted in meeting with neighbors, nobody wanted a through street. The cul-de-sacs are a good compromise for this. Fire truck access needs to be accessible. Wedul asked about a reconfiguration of the cul-de-sac.

Public: Susan Cutshall, 116 Northfield St., addressed the commission. She is against access on Northfield Street. Adding more traffic would be unsafe. She presents a statement, which includes signatures from 25 of her neighbors. They would like the traffic rerouted to Anoka Street. Northfield Street has no sidewalks, and increased traffic is deeply concerning. The Volume and speed of traffic has already increased. She doesn't feel it is equitable for Northfield Street to bear all of the increased traffic. Melissa Sjolund, 136 Northfield St., addressed the commission. There are families with small children in the neighborhood, and they are concerned about traffic. They won't be able to safely enjoy their current neighborhood. Speed bumps are requested. She applauds the Hartley DNAP, and feels there should be special consideration given to limit the environmental impacts. Harry Anderson, 126 Northfield St., addressed the commission. He is opposed. He is concerned with safety. He feels they should review the current situation, and then review what the impact would be for the additional development. He feels, the planning commission, city council, developers, and neighbors should have further conversation to the development is safe, vibrant and has minimal impacts. Larry Suomi, 3301 Kolstad Ave. (corner of Northfield St.), addressed the commission. He is opposed. In winter months it is difficult to assess water issues. He would like to postpone until a later date. Ginger Jensen, 320 W. Redwing St., addresses the commission. She has lived there for more than ten years. She is worried about disturbing the area. Progress is good for humans, but she noted wildlife impacts are important, too. The proposed \$370,000 for housing is not affordable. She would like to see more affordable housing. She feels there will be a negative impact on existing homes. This development is reckless for the neighborhood and wildlife, and requires more thought and time. There are other areas which are better suited for housing. Todd Arbruster, 14 Northfield St., addressed the commission. He would like to see traffic be directed onto Anoka Street. The current proposal has wetland impacts. Chris Audette of Grandview Ave, addressed the commission. He is for the development. Duluth needs housing. He works in construction, and feels a lot of consideration has been put into this development. The needs of the many should outweigh the cries of a few. Mary Dowell, 221 Northfield St., addressed the commission. He noted the Woodland Avenue construction, which caused increased traffic on Northfield. Impacts of increased traffic will detrimentally effect their neighborhood.

Commissioners: Zwiebel noted she lives on Wabasha Street. She hears what the speakers are saying, but stated it won't be the same as the construction impacts were. The addition of 18 homes will not be life changing. The plat shows sidewalk on one side of the streets. John Kelley stated that the UDC requires sidewalks on both sides of the streets. Deputy Director Fulton noted city policy calls for safe pedestrian access. They will clarify with city engineering before the final plat. Zwiebel doesn't feel they need to

add the extra burden to the neighbors. Wedul confirmed 28 feet wide streets. Sydow will meet 28, but they are proposing 26 feet with limited parking. Up to city engineers about parking options.

MOTION/Second: Eckenberg/Wisdorf approved as per staff's recommendations with consideration that condition item 2 (regarding sidewalks on both sides of the street) be removed in the final plat

VOTE: (6-0)

16. PL 19-184 Mixed Use Commercial (MU-C) Planning Review for a Car Wash at 315 and 321 East Central Entrance by PWS Holdings 19, LLC

Staff: Chris Lee introduced the applicant's proposal to construct a new automated drive-through carwash with 11 vacuums. This carwash will be a self-serve operation with a small staff to oversee daily operations. Staff recommends approval with the conditions listed in the staff report.

Applicant: Joe Christiansen addressed the commission, and asked if there are any questions. There were none.

Public: No speakers.

Commissioners: N/A

MOTION/Second: Zwiebel/Wedul approved as per staff's recommendations.

VOTE: (6-0)

A 3-minute break was called. (6:20 p.m. – 6:23 p.m.)

(The following 3 rezonings were be made by Steven Robertson in one presentation.)

17. PL 19-148 Rezone from Residential Traditional (R-1) to Mixed Use Neighborhood (MU-N), Intersection of Oxford Street and Woodland Avenue

Staff: Steven Robertson introduces the city's proposal to rezone property from the current zoning of R-1 to MU-N. The proposal is consistent with the Comprehensive Plan. Staff recommended approval without conditions. This is not being driven by the addition of a gas station. Zwiebel asked if these homes could be converted into businesses. Robertson stated the idea is to allow more density, but not change the character of the neighborhood.

Applicant: N/A

Public: Marty Maclean, 2415 Butte Ave., addressed the commission. He is concerned as owner of a historic property. Homes East side of Woodland currently used as multi-family housing. They support the current small businesses, but there is a fear that in time something could be changed into a large housing development. He would like clarification on why it's being rezoned. Robertson noted through meetings and discussions, the steering group liked the idea, and considered it an asset for neighborhood to have small restaurants and coffee shops.

Commissioners: Wedul thinks this feels like spot-zoning. Gary Eckenberg noted this area was historically a small commercial node, and feels the rezoning is appropriate.

MOTION/Second: Wisdorf/Eckenberg recommended approval as per staff's recommendations.

VOTE: (6-0)

18. PL 19-185 Rezone from Residential-Traditional (R-1) and Mixed Use Neighborhood

(MU-N) to Rural Residential (RR-1), 8600 to 9200 Block of West Skyline Parkway (Thompson Hill)

Staff: Steven Robertson introduces the city's proposal to rezone property from the current zoning of MU-N and R-1 to RR-1. The proposal is consistent with the Comprehensive Plan. Staff recommended approval without conditions. This item is being amended to include changing RR-2. RR-2 has a 2-acre minimum lot size. Staff requested the item be tabled to make the change.

Applicant: N/A

Public: Gerald Sjoberg, 9001 W. Skyline Parkway, addressed the commission. He supports the RR-2 designation. He owns 3 lots. Mary Ellen Shoberg, 9001 W. Skyline Parkway, addressed the commission. She supports the rezoning as amended to RR-2. Lived there for 24 years. She encourage commissioners to approve the rezoning as amended. Steve Yagoda, 9107 W. Skyline Parkway, addressed the commission. He is in favor of the amended rezoning to RR-2.

Commissioners: N/A

MOTION/Second: Eckenberg/Zwiebel Tabled until next meeting

VOTE: (6-0)

19. PL 19-186 Rezone In Accordance with the Irving and Fairmount Brownfields Revitalization Plans, Portions of Irving and Fairmount Neighborhood to R-1, R-2, MU-N, and MU-B

Staff: Steven Robertson introduced the city's proposal to rezone property in accordance with the 2017 Irving and Fairmount Brownfields Small Area Plan. Staff recommends rezoning to R-1, R-2, MU-N and MU-B. The proposal is consistent with the Comprehensive Plan. Staff recommended approval without conditions.

Applicant: N/A

Public: Sondra Kobus, 31 S 68th Ave. W., addressed the commission. She is concerned about traffic in the area. Dead-end roads. Takes away from neighborhood. She is opposed to rezoning to R-2. Allan Kehr, 12 S. 66th Ave. W., addressed commission, and gave commissioners hand-outs. He is concerned about the proposed changes. He didn't think enough of his neighbors received the mailing notification. The letter was dated 12/27, and he doesn't feel there was sufficient notice. He thinks a 1,000 feet notification is warranted on such a large rezoning. He isn't against development, but feels this area should be preserved as R-1. Not characteristic of neighborhood. He urges commissioners to deny, and to honor the commitment of the 2006 handout. Mary Rogers, 6301 Sherburne St., addressed the commission. She asked if her property will be effected. Deputy Director Fulton will get her information and follow-up with her.

Commissioners: Sarah Wisdorf asked about the neighbors' notification. Robertson stated they followed the standard 350 feet rule, and sent the notification in plenty of time. Zwiebel noted the DWP trail, and the need for housing in the community. There can still be access to trails if development happens in this area. She is in support of the rezoning. Wedul doesn't feel a higher density is appropriate. They need housing, but not here.

MOTION/Second: Zwiebel/Eckenberg recommended approval as per staff's recommendations.

VOTE: (5-1, Wedul Opposed)

Other Business

20. Discussion on potential amendments to the UDC Related to Short Term Vacation Rentals – Deputy Director Fulton gave an overview. Accessory Home share permit length will be extended from 1 year to 3 years. Accessory Vacation dwelling units clarify maximum stay is 29 nights. Vacation dwellings voided if permit holder sells their property or discontinues the use. An increase in the number of allowed permits. Add a new use to the use table as a companion between hospital and Medical or Dental Clinic. Wisdorf clarifies the 29 nights is continuous. She is support of increasing the vacation rental cap. Wedul asked about vacation rental density. Deputy Director Fulton noted tourism in the park point area as well as skyline parkway, but the 60 permits are dispersed throughout the city. He doesn't recommend a geographic provision. They could reevaluate in the future. Fulton is appreciative for the feedback, and will bring back topic in February.
21. Options for Annual Planning Commission Meeting – Feedback from commissioners is appreciated.

Communications

22. PL 19-114 Future Land Use Change for Areas Near Highland Street between 59th to 62nd Avenue West. Steven Robertson gave an overview and shared with the commissioners his memo dated 1-6-2020. This will be brought back for action at the planning commission February meeting.
23. Manager's Report – Deputy Director Fulton gave an overview.
24. Reports of Officers and Committees
 - Heritage Preservation Commission Representative – Wisdorf gave an overview. Approved mitigation plan for the Pastoret Terrace. The HPC meeting time was changed to the 2nd Monday of the month at noon. There was a presentation regarding changing the lighting on the aerial lift bridge to LED lights, which will allow for different colors. Nothing will be permanently attached to bridge, so it is not historically significant.
 - Joint Airport Zoning Board (JAZB) – Chair Nelson noted there was no meeting.
 - Duluth -Midway Joint Powers Zoning Board – Deputy Director Fulton noted they need to find a replacement for outgoing planning commissioner President Kennedy. The board met in December, and they had good dialog.
25. Adjournment
Meeting adjourned at 7:35 p.m.

Respectfully,

Adam Fulton – Deputy Director
Planning and Economic Development