

City of Duluth
Planning Commission
March 10, 2020 Meeting Minutes
Council Chambers - Duluth City Hall

Call to Order

President Margie Nelson called to order the meeting of the city planning commission at 5:02 p.m. on Tuesday, March 10, 2020, in the council chambers in Duluth city hall.

Roll Call

Attending: Gary Eckenberg, Tim Meyer, Margie Nelson, Andrea Wedul, and Zandra Zwiebel
Absent: Jason Crawford, Michael Schraepfer, and Sarah Wisdorf
Staff Present: Adam Fulton, Robert Asleson, Steven Robertson, Chris Lee, John Kelley, and Cindy Stafford

Public Comment –N/A

Approval of Planning Commission Minutes

February 11, 2020

MOTION/Second: Meyer/Wedul approved the minutes with one change

VOTE: (5-0)

Consent Agenda

~~PL 20-007 Minor Subdivision at 538 Rose Street by One Roof Community Housing~~ (removed from consent agenda and placed under public hearings)

PL 20-008 Minor Subdivision at 3910-3912 W. 6th Street by Susan Hall

PL 20-009 Variance at 3910-3912 W. 6th Street by Susan Hall

PL 20-011 Concurrent Use of Streets Permit at 394 Lake Avenue South for Dewitt Seitz Building by Oneida Commercial Real Estate Services

PL 20-018 Minor Subdivision at South 69th Avenue West for Sherri Irving/Northland Homes

PL 20-024 Variance from Rear Yard Setback at 1314 Commonwealth Avenue by Larry Pulkrabek

Staff: N/A

Applicant: N/A

Public: No speakers.

Commissioners:

MOTION/Second: Zwiebel/Meyer recommended approval of the consent agenda items as per staff's recommendations.

VOTE: (5-0)

Public Hearings

PL 20-007 Minor Subdivision at 538 Rose Street by One Roof Community Housing (removed from consent agenda and placed under public hearings)

Staff: Deputy Director Adam Fulton asked if the commissioners would like staff to present the item. A presentation was not requested.

Applicant: N/A

Public: No speakers.

Commissioners: Gary Eckenberg noted he is on the One Roof Board and needs to abstain from the vote and therefore asked for this item to be removed from the consent agenda.

MOTION/Second: Wedul/Meyer recommended approval of the consent agenda items as per staff's recommendations.

VOTE: (4-0, Eckenberg Abstained)

PL 20-012 Vacation of Street at 715 N. 57th Avenue W., St. James Church by Richard Kunst

Staff: John Kelley introduces the applicant's proposal for the vacation of the North 58th Avenue alley between Kinnear Place and Elinor Street alley in order to unify property they own on both sides to allow for the expansion of the parking area on the west side of the St. James church and school buildings. As part of the vacation process, the applicant is also submitting an application for a special use permit for improvements to the existing parking lot (PL 20-013). Staff is recommending approval with the conditions listed in the staff report.

Applicant: N/A

Public: No speakers.

Commissioners: N/A

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

VOTE: (5-0)

PL 20-013 Special Use Permit for Expanded Church Parking at 715 N. 57th Avenue West, St. James Church, by Richard Kunst

Staff: John Kelley introduced the applicant's proposal for a special use permit for a church and 88 stall accessory parking lot in an R-1, Residential Traditional zone district. Staff recommends approval with the conditions listed in the staff report.

Applicant: N/A

Public: No speakers.

Commissioners: Eckenberg noted item #2 in the staff report stating the church will demo two buildings. He noted the map shows four buildings. He asked staff to clarify. Kelley noted there are existing homes on the site. Kelley noted the homes along Elinor will remain. There are four houses owned by the church, which will be removed. Andrea Wedul clarified two houses will remain on the block. Kelley affirmed. There is no need for alley access. Wedul noted the citizen comment they received to leave the existing trees. Kelley affirmed existing trees will remain and additional plantings will be added.

MOTION/Second: Eckenberg/Meyer approved as per staff's recommendations.

VOTE: (5-0)

PL 19-187 Special Use Permit for Hotel at 808 E. 2nd Street by Nick Christensen

Staff: Chris Lee introduces the applicant's proposal for the creation of a hotel through the addition of six units that are being built into the existing multi-use commercial building. This

hotel will provide furnished units marketed to patients and employees of nearby hospitals. As such, it will function similarly to an extended stay hotel. Staff recommends approval with the conditions listed in the staff report. Chair Nelson noted the congestion in the area. Is there a parking plan?

Applicant: Nick Christiansen noted there is parking available on 2nd street after regular hospital hours. Eckenberg asked if they have exterior plans for the building. Christiansen noted they do plan on updating the façade and replacing windows and doors. The proximity to the hospital allows for renters to walk to work without having a car. Second Avenue is being redone. Wedul asked about accessibility. The main grade enters on 2nd Street and the units are being built in compliance with ADA requirements. Deputy Director Fulton noted it is regulated by the building code.

Public: No speakers.

Commissioners: Tim Meyer also has parking concerns. He wonders about long-lease parking. Can they add this as a condition? Deputy Director Fulton suggests asking the applicant. Meyer suggested a friendly amendment to add a condition to have leased parking. Meyer asked if a year would be enough time to secure parking. The applicant asked what happens if he is unable to secure parking. Deputy Director Fulton noted enforcement could include the possibility of permit revocation. Zandy Zwiebel noted the large gravel lot. Who is this owned by? Christiansen noted a Mr. Murphy. JAS also owns an adjacent lot. Deputy Director Fulton noted the applicant will advertise to hospital staff, and noted there will be a high degree of access to hospital and to the Duluth transit System.

MOTION/Second: Zwiebel/Nelson approved as per staff's recommendations with friendly amendment to add leased parking to renters in need and will come back to planning commission within in a year.

Meyer/Eckenberg add a minimum of five leased parking spaces within two years as a condition of the special use permit.

VOTE: (3-2, Zwiebel and Nelson Opposed)

Christiansen wasn't expecting a parking caveat. It would cease and halt what he is working on now. Housing need is being met. Not everyone visiting Duluth will have a car. Meyer asked about his current development guidelines. They are already under construction and plan to open in June. Zwiebel doesn't agree with the parking condition. It's a throwback to a different time, and unrealistic.

Meyer agrees people visit Duluth without a vehicle, but there are parking issues already in that neighborhood, and feels it would be irresponsible not to have provided parking.

Wedul suggested allowing the hotel to be open and be operational within two years as long as five spaces are provided after.

City attorney Robert Asleson noted if the commission were to vote down the motion they could make another motion to vote on.

Vote to reconsider the amendment

MOTION/Second: Zwiebel/Nelson approved as per staff's recommendation.

VOTE: (2-3, Wedul, Eckenberg and Meyer Opposed) – Motion Fails

MOTION/Second: Eckenberg/Meyer approved with added condition the applicant secures five leased parking spaces within two years' time.

VOTE: (5-0)

PL 20-010 UDC Map Amendment at 108 E. 6th Street by 108 Lofts, LLC

Staff: Chris Lee introduced the applicant's proposal to rezone to Mixed Use – Neighborhood (MU-N) to allow for expanded uses in an existing structure. The proposal is consistent with the Comprehensive Plan and the future land use. Staff recommends approval without conditions. Wedul asked about MU-N versus R-2 Zoning. Surrounding properties are R-2. Lee cited the requirements for multi-family buildings and daycare. Lee noted the future land use has been designated MU-N. Deputy Director Fulton indicates that it is staff understanding that zoning change will help to accelerate property redevelopment. Nelson asked whether, if applicant didn't apply, would staff eventually bring forward for consistency with comp plan? Lee affirmed.

Applicant: N/A

Public: Dan Kuluvar, 618 N 1st Ave East, addressed the commission. He thinks a lot of construction activity will be going on by his property. He affirmed remodeling would be internal. Linda Alcott, 120 E. 7th St., addressed the commission. She would like to see a buffer between the properties and would like to see landscaping. She also questioned where parking will go. She wants to see the greenspace protected. She is also concerned about garbage screening. Therese Neo, 516 N 2nd Ave E., addressed the commission. She is concerned about parking. She doesn't know where 60-70 additional people will park. She hopes property managers will do a good job, and is excited to see new things happen. She is concerned about parking and the volume of traffic. Kuluvar asked if the owner has drawn up parking plan at this point.

Applicant: Nick Adams, 250 MacDonald Rd., represents applicant and addressed the commission. They don't have a full set of building plans yet. Tentatively they plan to convert the gymnasium to indoor parking. 81 parking spaces is tentatively what is planned. Garbage will be housed in an indoor garbage corral. Deputy Director Fulton indicated that commissioners are evaluating an application for the rezoning, the present application does not include anything about building details which would be addressed in a future application based on underlying zoning requirements. Meyer asked what is the next step of review by planning commission. Lee noted that multi-family residential is a permitted use in both MU-N and in R-2, so it will go through normal permitting processes. Meyer asked if the neighbors will get details of the project ahead of time. Lee stated it is at the discretion of the applicant, but staff recommends that the applicant do so.

Commissioners: Wedul noted this is an exciting project, and will improve the neighborhood. She congratulates the applicant moving forward. Meyer stated this is great project, but would like to see the neighbors informed of the applicant's plans.

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

VOTE: (5-0)

PL 20-019 UDC Text Amendment Related to Sober Houses and Medical Uses, Land Use Supervisor Interpretations, and MU-W District 200 Foot Rule

Staff: Steven Robertson introduced the city's proposal for two ordinance changes to the Unified Development Chapter, which is summarized in the staff report. Adding a public notice clause to the land use supervisor interpretations. More transparent and improving public notice. Adding two new uses including sober houses. Definitions are most important part of the code. Took excerpts from St. Paul, more housing than supportive services. Treat similar to single homes or residential care facilities. SUP in R-1, addresses a potential need in the community.

Medical ambulatory care facility which is a middle sized. Care facilities must be licensed. Eckenberg regarding sober house, 4 lines of text stating what a sober house is not. Share common units. No onsite care. He is questioning what it is. Atypical to list what it is not. Facility with other folks in same situation. Loose collection of people living together. Robertson noted it is not state licensed, and they are more voluntary in nature. There is a need for places for people going through treatment to stay. Meyer noted a facility in lake side and blends in well. Wedul noted the term sober houses, and compared to a battered women shelter. Can you open it up to broader definition? Recovery house or protection house. Deputy Director Fulton, for clarification purposes a number of inquiries treat the same as a rooming house. It is protective healthy living. Eckenberg as of the 1st of the year Duluth has a facility called New Way. Eckenberg allow single family home w/ 3 bedrooms. Owner of rental property. Do these tenants pay? Is the rent paid by New Way? Robertson noted the financial arrangements are at the discretion of the provider. Most likely there is compensation from the tenants to the owner. More than six units would not be allowed in R-1.

Applicant: N/A

Public: Jim Adams, 4615 Grand Avenue, owns sober houses and addressed the commission. Largest operator in the region which includes the metro area. Came to Duluth in January to support New Way. They are part of the MN Association of sober houses. They regulate themselves. He would like to see this piece delayed, and feels it is missing the target just a bit. He would like to see the number increased from 6 to 10, which would create a stable environment. Structure and managers. Need to stay in compliance with their organization rules. Federal fair housing act – permitted use. Needs to be allowed in all municipalities. Doesn't fit Imagine Duluth Plan for housing for all. He would like to see the item tabled for more conversation. Nate, the program director for sober homes, addressed the commission. He has experience coming through the sober house system. Invaluable community effort is important to people in recovery. Married, homeowner, started small business co-leadership with other house managers. He stated New Way is an amazing program. Brian Annis, 1902 E 3rd St., addressed the commission and noted in 2012 he applied for Special Use Permit. He was directed to the Life Safety office, and then to Construction Services and then back to Planning. He has been sober since 2004. He was in a treatment center for 6 months and then lived in a sober house. There needs to be a level of accountability with an on-site manager. Greatly increases success of long-term recovery. He commended staff for bringing this item forward. He agrees that six is too low. But he is waiting to open, and wants to move forward. Angel Gilbertson, program manager of New Way, opened October of last year. The RISE model recover/environment. No where safe to go after treatment. Goal is tackling barriers so people can get well. Overdose numbers in Duluth are scary. People aren't shamed into box where they have to live in a certain area. UMD grad and student housing is completely different. No police calls. Sober house residents have been known to shovel elderly neighbors' sidewalks, etc.

Commissioners: Zweibel noted sober house care facility and rooming houses. She doesn't understand why it needs its own category. Robertson rooming house aren't allowed in R-1. Create a new use "sober houses". Sober houses are not inspected by state. Meyer disagrees with the term and feels it should be more generic. Supportive housing or recovery residence. This may require more research. Wedul agrees and would like to see the term be more flexible. Eckenberg is in favor of tabling. He would like more discussion with the people involved. Deputy Director Fulton appreciates the testimonies and recommends having more dialog. He suggests a brown bag session where the public would be invited. Robertson is okay with tabling the entire item.

MOTION/Second: Wedul/Eckenberg tabled for more discussion

VOTE: (5-0)

DRAFT

Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton gave an overview. Construction projects upcoming. Major construction on Superior Street will begin in April. MNDOT will be working on Lake Avenue. There will also be lake walk work. DTA embarking on feasibility analysis. Vacation rental issue went to council last night. Amendments upcoming. They are working on filling the planning commission vacancy. The pc annual meeting is next Monday at the Lake Superior Zoo at 5:30 p.m. OMC is catering.

Joint Airport Zoning Board (JAZB) Report – Chair Nelson no longer on JAZB. Deputy Director Fulton noted there is no report at this time.

Duluth – Midway Joint Powers Zoning Board (DMJPZB) Report – Deputy Director Fulton no update.

Proposed UDC Changes for Solar Generation Facilities – Robertson noted ideas from staff about text changes. City proposes solar power to pumping station.

Eckenberg noted a situation in the Lincoln park neighborhood. He noticed the intersection of Garfield and W. Superior Street. There are lots of walkers at night, but it's really dark. He is concerned about traffic speed. Deputy Director Fulton will bring the item to the city Engineer Department.

Adjournment

Meeting adjourned at 7:18 p.m.

Respectfully,

Adam Fulton – Deputy Director
Planning and Economic Development