

City of Duluth
Planning Commission
June 09, 2020 Meeting Minutes
Council Chambers - Duluth City Hall

Due to the COVID-19 emergency, many planning commission members participated through video conference from home. The meeting was held as a Special Meeting pursuant to Minnesota Statute 13D.021 in response to the Covid-19 emergency. Public comment was taken at planning@duluthmn.gov prior to and during the meeting, and via verbal comment through public attendance in the WebEx video conference during the meeting.

Call to Order

President Margie Nelson called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, June 9th, 2020.

Roll Call

Attendance: (* Via WebEx video conferencing – all votes conducted via roll call)

Members Present: Jason Crawford*, Gary Eckenberg*, Tim Meyer*, Margie Nelson*, Michael Schraepfer*, Andrea Wedul*, Sarah Wisdorf*, and Zandra Zwiebel* (arrived during item 5)

Members Absent: N/A

Staff Present: Adam Fulton*, Robert Asleson*, Kyle Deming*, and Chris Lee*

Public Comment – No speakers.

Approval of Planning Commission Minutes

March 10, 2020

MOTION/Second: Eckenberg/Crawford approved the minutes

VOTE: (7-0)

April 14, 2020

MOTION/Second: Schraepfer/Eckenberg approved the minutes

VOTE: (7-0)

May 12, 2020

MOTION/Second: Meyer/Wisdorf approved the minutes

VOTE: (7-0)

Consent Agenda

1. PL 20-056 Minor Subdivision at 3xx Bellis Street by James Gruba
2. PL 20-047 Minor Subdivision at 54xx Tioga Street by Jay Isenberg
3. PL 20-058 Final Plat of London East at Upper Side of 3700-3800 Block of London Road by TJS Construction, LLC
4. PL 20-042 Concurrent Use Permit for Laydown Area by Seaway Port Authority

Staff: N/A

Applicant: N/A

Commissioners: (PL 20-058): Andrea Wedul noted a sign stating the London Road development is for sale. Deputy Director Adam Fulton stated the plat has to be filed, but this does not prohibit them from marketing.

Public: No speakers.

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

VOTE: (6-0, Crawford abstained due to technical difficulties)

Public Hearings

5. PL 20-052 Variance to Number of Parking Spaces for a Multi-Family Building at Burning Tree Road by Center City Housing Corp.

Staff: Kyle Deming introduced the applicant's proposal for a variance to reduce the minimum number of required parking stalls from 37 to 15 at a proposed 30-unit multi-family residential building for low income residents who also receive services. Staff recommends approval with the conditions listed in the staff report.

Applicant: (see below)

Commissioners: Gary Eckenberg noted the email they received from Duluth Core Learning Center stating they were a close neighbor. He asked staff to identify their location on a map. Deming located on map and noted there are other buildings between locations. Wedul asked if there would be off-site parking. Deming noted there was a separate action to add land to the north. Deming stated the site plan notes the parking is within their property boundaries. (5:23 p.m. Zandy Zwiebel entered the meeting.) Wedul questioned the road dimensions for overflow parking. Deming stated it is 25' which is not wide enough for on-street parking. On-street parking would need to be further to the north, beyond the Birch Tree property, where the street is wide enough. Eckenberg asked about the need for overflow parking. Deming deferred to the applicant, but stated staffing maximum would be seven parking stalls, which would leave eight spots for residents, which would be enough for the low demand. Eckenberg questioned item 9 – no dedicated pedestrian walkway leading to the transit stop. Deming noted cars and people can co-exist on some short, slow-speed roadways, but will defer to the applicant. Wedul agrees with Eckenberg that a pedestrian way is needed. She asked about the depth of parking stalls, could you add more spaces? Deming noted they appear to be standard size.

Applicant: Bill Burns of Hanft Fride P.A. addressed the commission. He has represented Center City for 20 years. Other care facilities have similar parking situations including San Marco. Overflow parking is not an issue. Nancy Cashman of Center City addressed the commission. They are happy to be adding affordable housing to Duluth. They will have a van to assist tenants. Cars are not affordable to the residents. They don't expect any tenants to have a car based on their experience with similar apartments with services they operate in Duluth. On-site spaces are for staff. Eckenberg noted the staff report which stated they were expecting six resident cars. Cashman reiterated parking is for staff, not the residents. Burns noted the phrasing in the staff report may have been copied from an errant application document. Eckenberg noted this only allows for two people visiting. Cashman stated most residents have lost connectivity to family and friends. The residents do not have many guests. Wedul asked about transit stops. Can the residents walk anywhere? Cashman stated they take people

to activities via a van. Very few residents choose to use the bus. The center also provides on-site activities.

Public: No speakers.

MOTION/Second: Eckenberg/Wisdorf approved as per staff recommendations.

Commissioners: Eckenberg noted the road is in bad shape. Recourse to suggest the road be better maintained, or a pedestrian access be created. Deputy Director Fulton agrees about the road condition, but noted this is part of the street program which is being looked at. Pedestrian connectivity is important in this vicinity. Grocery stores and transit are close in proximity, but will require walking in a vehicular lane. Tim Meyer agrees with Eckenberg and Wedul about better access to a transit stop. Can they add a condition which requires a safe path for pedestrian access? He is concerned if, down the road, the housing facility becomes market rate, there will be more tenant mobility. He noted Center City Housing is involved in great projects, and is in support. Zandy Zwiebel noted it is important to work hard in this area to include natural space and ground cover rather than excess pavement. She is in support of the variance. Wedul would like to add the condition of safe pedestrian access. City attorney Robert Asleson, noted they can move to amend the original motion to add a condition, but commissioners will need to specify if it is a sidewalk. Deputy Director Fulton suggests redirecting back to the applicant for a specific description.

MOTION/Second: Wedul/Eckenberg motion to add a condition for a 4' concrete walk connecting the site to Burning Tree Road.

VOTE: (4-4, Crawford, Nelson, Wisdorf and Zwiebel Opposed – Motion Fails)

Applicant: Burns stated they do not have the funding and don't have control over the surrounding properties to add a sidewalk. They would consider working with the neighborhood and the City for more pedestrian connectivity. Cashman reiterated they do not have the money to add this component. Cashman noted if it's on the drawing, it is most likely a requirement. Nothing is extra in this project. Burns noted it is very concerning to him to consider a potential property redesign. Wedul stated connection along the strip of road to the development is warranted. It would be ideal to have a continuous walkway. Burns stated they agree to pursue the connectivity in the future.

MOTION/Second: Eckenberg/Wisdorf approved as per staff recommendations.

VOTE: (8-0)

6. PL 20-055 Special Use Permit for Auto Glass Repair in an MU-N District at 3802 Trinity Road by George Weller

Staff: John Kelley introduced the applicant's proposal for a special use permit for an automobile and light vehicle, service/auto glass repair located in an MU-N, Mixed Use Neighborhood zone district. Staff recommends approval with the conditions listed in the staff report

Applicant: George Weller asked about the escrow for repaving. Deputy Director Fulton stated the escrow amount is based on estimates and should be between \$2 and \$5k. This money will be released when the paving is complete.

Commissioners: Eckenberg asked about parking. They are proposing 27 and only 16 spaces are required. Kelley affirmed. The site will not be used for storage of vehicles, and is for auto glass repairs only. There will not be a large number of vehicles parked overnight.

Public: No speakers.

MOTION/Second: Wedul/Meyer recommended approval as per staff recommendations.

VOTE: (8-0)

New Business

7. PL 19-018 Minor Amendment to PL 19-018 Essentia Health's Vision Northland MU-I Planning Review

Staff: Steven Robertson gave an overview. The applicant would like to move the transformer utility yard closer to the Fourth Avenue ROW line. Staff recommends approval with the condition that the project is constructed as shown in the plans and that this project is an integral part of a larger parking ramp, which the commissioners will see come before them in two months.

Applicant: N/A

Commissioners: Zwiebel clarified this is only a change to the utility yard, and is contingent upon parking ramp being built. Robertson affirmed. Wedul asked about the setbacks. Will it align with the adjacent garage? Robertson affirmed and noted the setbacks are very small which allows for flexibility.

Public: Not a public hearing.

MOTION/Second: Wisdorf/Eckenberg approved as per staff recommendations.

VOTE: (8-0)

Old Business

8. Variance from Corner Side Yard Setbacks for a Single-Family House at 301 S 58th Ave W by DEDA

Staff: Deputy Director Fulton noted this was tabled from the last planning commission meeting. A land swap was not a possible option. The applicant thought it best to modify their proposal from a two-family home to a single-family dwelling. City Attorney Asleson noted the commissioners must vote to remove from the table.

Applicant: DEDA

MOTION/Second: Wisdorf/Eckenberg motion to remove variance for a duplex from table

VOTE: (8-0)

MOTION/Second: Wisdorf/Eckenberg motion to deny variance for a duplex

VOTE: (0-8) - Failed

Public: Deputy Director noted there were people in attendance with their hands raised to speak, but a public hearing isn't required. Chair Nelson asked the commissioners for their input. Wisdorf stated they did receive a written comment which is part of the public record. They moved to a motion and vote.

MOTION/Second: Wisdorf/Eckenberg motion to approve variance for single-family house as revised

VOTE: (8-0)

Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton gave an overview. The department receive many applications for Temporary Use Permits and sidewalk permits for restaurants reopening. The city council passed a resolution to waive fees. The 1st Street project is going to the city council in June. City hall is open for appointments Monday through Friday from 8 a.m. – 1 p.m.

Heritage Preservation Commission – Commissioner Wisdorf gave an overview. They have had two meetings and discussed new windows going in the Temple Opera Building. They received a CLG grant for design guidelines for the historic district. There is a possibility that there will need to be UDC changes.

Joint Airport Zoning Board – Deputy Director Fulton noted Kyle Deming has been working with the airport.

Duluth Midway Joint Powers Zoning Board – No report.

Date for Brown Bag Meeting to Discuss Proposed UDC Text Changes – Robertson noted there are more items to discuss. He will send a doodle poll to commissioners to check their date availability.

Other Business

City councilor Janet Kennedy addressed the commission and thanked Commissioner Eckenberg for his involvement in the project in her district on 58th Avenue West. She was concerned that they didn't take the time during the item to address public questions.

Taimi Ranta (owner of the property next door to 301 S. 58th Ave West - agenda item 8) addressed the commission. She was against the variance, and feels it will reduce her property value. She wanted to purchase the land, and is disappointed they didn't take the neighbors' concerns into consideration.

Adjournment

Meeting adjourned at 6:57 p.m.

Respectfully,

Adam Fulton – Deputy Director
Planning and Economic Development