

City of Duluth
Planning Commission
March 12, 2019 Meeting Minutes
Council Chambers - Duluth City Hall

Call to Order

President Michael Schraepfer called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, March 12, 2019, in city hall council chambers.

Roll Call

Attending: Jason Crawford, Gary Eckenberg, Janet Kennedy, Tim Meyer, Margie Nelson, Michael Schraepfer, Luke Sydow, Sarah Wisdorf, and Zandra Zwiebel

Absent: N/A

Staff Present: Keith Hamre, Robert Asleson, Steven Robertson, Chris Lee, and Cindy Stafford

EAW Public Hearing (Estimated 30-45 Minutes)

1. Public Comments on the Vision Northland Environmental Assessment Worksheet (EAW) for a New Institutional Structure Near the Corner of East 2nd Street and North 4th Avenue East by Essentia Health – Director Keith Hamre gives an overview. This is an optional public hearing. They welcome public comments. There are written comments which were distributed. Comments tonight will be added and reviewed. Responses will be supplied at the next meeting. Meg Pierce-Welsh of BARR engineering addresses the commission. The EAW lays out the basic facts of a project. It also assesses environmental impacts. The EAW includes 20 questions/factors related to the environment and project. Tonight is the voluntary public comment period. She shares the overview map and a rendering of the proposed Vision Northland building. The view scapes were shared. She notes the record of decision will be made at the March 26th, 2019, planning commission special meeting. Steven Robertson goes through a list of people who have submitted public comments.

Public: Scott Vesterstein of Fitgers addresses the commission. He urges them to use environmentally friendly lower Kelvin lighting. Fitgers uses 2700 Kelvin. They don't want to effect nocturnal species, and encourages Essentia to keep them in the loop in regards to the lighting program. Laura Erickson who has been a Duluth resident for 38 years addresses the commission. She notes two factors why she favors Duluth. (Birds and State of the Art Hospital facilities.) She is concerned with birds injuring themselves on glass, especially during the migration period. The birds are terribly disoriented during fog and drizzle. Lighted windows kill thousands of birds. She wants to see her children and her children's children enjoy a healthy bird population and Essentia. Randy Larson addresses the commission. He would like no light pollution. Artificial lights at night impact ecological health. New technologies can eliminate the adverse effects. Lance Reasor, 130 E. 9th St., addresses the commission. He appreciates seeing the stars at night. He encourages low kelvin lighting projected downward.

Approval of Planning Commission Minutes – February 12, 2019

MOTION/Second: Kennedy/Wisdorf approve the minutes with one small change.

VOTE: (9-0)

Consent Agenda

2. PL 19-008 Vacation of Unimproved Right of Way of Sundby Street (Approximately 400 Feet, South of Page Street) at 1410 West Page Street by Michael and Jennifer Hudyma

3. PL 19-009 Vacation of Unimproved Right of Way of N 61st Avenue West (Approximately 400 Feet, North of the Intersection of 61st Ave West and West 8th Street) at 12 S 61st Avenue West by David Polson

Staff: Steven Robertson gives an overview of the consent agenda items and notes there are people signed up to speak. Chris Lee shares the exhibits for both vacations.

Applicant: N/A

Public: Ron DeGrio, 1415 W. Page St., addresses the commission and speaks on 19-008. He is in support of the vacation. Jeanne Severin addresses the commission. She has vacant land in west Duluth. She notes the shortage of housing in Duluth. She is not in support of this vacation (PL 19-009). How will it benefit the city? She doesn't want to eliminate her access. Mike Hudyma addresses the commission. They own the land surrounding the area. He notes future development will have access along another point.

Commissioners: N/A

MOTION/Second: Sydow/Kennedy remove 19-009 from consent agenda.

VOTE: (9-0)

MOTION/Second: Sydow/Kennedy table.

VOTE: (9-0)

MOTION/Second: Nelson/Wisdorf recommend approval on consent agenda item (PL 19-008) as per staff's recommendations.

VOTE: (9-0)

Public Hearings

4. PL 19-003 Minor Subdivision to Split Existing Lot (Tract A of RLS 93) into Two Parcels at 2906 West 15th Street by Gregg Anderson

Staff: Chris Lee introduces the applicant's proposal for a minor subdivision to divide one platted lot into two lots. The current parcel is 57,342 square feet, and the division will create a 15,658 square foot parcel (A) and a 41,713 square foot parcel (B). Staff recommends approval with the conditions listed in the staff report.

Applicant: Gregg Anderson addresses the commission.

Public: Steve Filipovich, 2924 W. 15th Street addresses the commission. He doesn't agree this is a minor subdivision. Houses in the area were built 25 years ago. He doesn't think the smaller lot sizes make sense for the neighborhood. It's not consistent with the neighboring properties. He is opposed to the subdivision. Tom Muehlberger, 2907 W. 15th Street, addresses the commission. He found a lot with a view and was told the lot in front of them was unbuildable. He doesn't think there is enough room for a house on a 75-foot lot. He urges the commission to reject this proposal. The adjacent property owners will be adversely effected. Gary Eckenberg asks about a house already there. Muehlberger notes there was a house built on the outlot property to the 2902 W. 15th St. which was built without notice to the neighbors. Muehlberger notes none of the neighbors received a mailed notice. Per Robertson, a mail notice is not required for a minor subdivision. The speaker was made aware by a sign posted on the property. Brian Mart, property owner adjacent, 2916 W. 15th Street, addresses the commission. He thinks the lot size is way too small of what is consistent in the neighborhood. He is

worried about his property investment. He is opposed. Wisdorf notes the subdivision neighborhood and asks about their covenant. Wisdorf confirms there is no deed restrictions. Zwiebel asks staff to clarify 4 lot, versus 5 lot confusion. RLS was approved in 2010. Robertson explains there are 2 lots divided into 2. Marty Soukup, 2911 W. 15th St., addresses the commission. He is opposed to the subdivision, because it doesn't fit the neighborhood, and seems a bit off.

Commissioners: Gregg Anderson bought this property about 15 years ago. He thinks there is a lot of room in the area. He would like a nice house in this nice neighborhood. Eckenberg asks if this house is for sale. Anderson said it was in the past, and it will go back up for sale. Meyer asks staff about the development code. Was there consistency given to lot size in a sub-division? Robertson states in 2010 lot frontage wasn't considered. The standard was given to R-1 across the board. This meets the minimum standards. Zwiebel doesn't feel this is going against anything in the zoning code. Eckenberg will support. The proposed division is not out of line.

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

VOTE: (8-1, Nelson Opposed)

5. PL 19-007 Minor Subdivision to Split Existing Lot (Tract C of RLS 93) into Two Parcels at 2906 West 15th Street by Gregg Anderson

Staff: Chris Lee introduces the applicant's proposal for a minor subdivision to divide one platted lot into two lots. The current parcel is 37,401 square feet, and the division will create a 18,227 square foot parcel (A) and a 19,201 square foot parcel (B). Staff recommends approval with the conditions listed in the staff report.

Applicant: Gregg Anderson addresses the commission. These are lots above Skyline. He would like to split in half and divide with his neighbors. There is no proposal to build.

Public: Steve Filipovich, 2924 W. 15th St., addresses the commission. He notes the zoning at the time he bought was much more restrictive. He is opposed to the subdivision.

Commissioners: Eckenberg asks staff about the infrastructure on the parcels. Are there bike trails near the parcels? Lee there are easements for roads, but no bike trail easements. Sydow asks if it was developed, where would the front yard setback start? Director Hamre notes it would be from the right of way noted by the black dots.

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

VOTE: (9-0)

(Commissioner Crawford recused himself from the following agenda item.)

6. PL 19-012 UDC Map Amendment to Rezone 3802 Trinity Road (NE Corner of Anderson Road and Trinity Road) from Mixed Use Neighborhood (MU-N) to Mixed Use-Business (MU-B) by Republic Bank

Staff: Steven Robertson introduces the applicant's proposal to rezone the subject property from the current zoning districts of Mixed Use Neighborhood (MU-N) to Mixed Use Business Park (MU-B). Staff recommends denial because the proposal is not consistent with the comprehensive plan. It is not reasonably related to the overall needs of the community. It is not required by public necessity, and it can be expected to create material adverse impacts on nearby properties. Eckenberg notes this was a Phillips 66 store. Was it MU-N then? Robertson notes it was R-1-B, and most recently C-

2. Per Robertson this was not on the list to rezone. Robertson states Central Entrance is a more appropriate location. Eckenberg clarifies it will not be a bank, but will be for car sales. Nelson asks why they didn't support MU-C with a special use permit. Robertson feels it would be inappropriate. He doesn't feel it would benefit the neighbors.

Applicant: Republic Bank, William Burns, attorney, addresses the commission for proposed purchaser. The bank foreclosed on property. What happens here? The facility is there. If a use isn't found, then what? It will go unused. Will an eyesore develop? He refers to his letter. John Geisler of DSGW architects addresses the commission. The building is sound, and is almost 10,000 square feet. The run-off was working fine at the time of their site visit in November. There will be no changes to the building or to impervious surfaces. He notes this is an existing building and is not new. He encourages new life to the building and urges the planning commission to approve. Eckenberg asks what the intention is of the property. Burns states selling of used cars. Meyer if agreed to rezone, would the applicant be in support of making concessions to the neighbors. Burns proposed some conditions to confine to same footprint. Meyer is concerned it would turn into a blighted property. He has an easier time supporting it if there are conditions making it more palatable to neighbors. Zwiebel is in support of Nelson's suggestion of MU-C with a special use permit. Robertson, urges planning commission to think of future development and commercial uses that would want to pop up next door.

Public: Greg Toon, 1601 Anderson Rd., addresses the commission. He's lived in his house for almost 20 years. He mentions the extra lighting that would be needed for a car lot. It never should have been built in the first place. He is strongly opposed.

Commissioners: Nelson asked about the staff's recommendation to deny. Can they add conditions? Per Director Hamre, conditions could be added for a special use permit. This item is to rezone. The pc could ask staff to go back and consider the use table and if a special use permit table. Wisdorf can they table? Director Hamre states certainly. Chair Schraepfer notes this is foreclosed property. Wisdorf isn't opposed to the proposed use, but would like to see a special use permit be allowed, so they can make conditions to appease the neighbor. Zwiebel thinks Toon's comments are valid. She agrees with staff's recommendations. There are other options.

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

VOTE: (6-2, Meyer and Wisdorf opposed - Crawford abstained)

7. PL 19-014 UDC Text Amendment Exempt Vacation Dwelling Units in Form Districts from the Maximum Cap of 60 Units by the city of Duluth

Staff: Steven Robertson introduces the city's proposal for a UDC text amendment to provide flexibility for vacation dwelling units in form districts.

Applicant: Kennedy is concerned about density. She doesn't want single-family housing turned into vacation dwellings. Per Robertson there aren't a lot of areas labeled Form Districts. Chair Schraepfer feels it is excessive to have no limit. Meyer asks if there was a specific example that lead to this change. Robertson supports form districts, and how to make them more attractive. It gives potential buyers another tool. Eckenberg asks how this relates to Lincoln park specifically. There are fewer parking restrictions in a form district. Robertson clarifies, a form district, a lot more uses are allowed. The planning commission rarely sees items in a form district. In form districts there is usually abundant parking, and parking rules don't apply. Sydow is concerned about the area by the campus where there are parking concerns. Initial conversation didn't include

parking. Kennedy confirms there would be no limit in form districts? Robertson affirms. Kennedy feels it's like the wild west. Chair Schraepfer likes the idea, but notes there are a lot of form districts. Can it apply to all form districts? Wisdorf confirms they could apply, but not necessarily obtain without commission approval. Meyer asks if the concept has been run by city council yet. He feels the city council had more interest in putting a cap limit. Director Hamre has had discussion with five of the city councilors. They are in support of the general concept, and want to preserve single-family housing.

Public: No speakers.

Commissioners: Nelson thinks it would be appropriate in some form districts. Sydow agrees. Kennedy notes the community doesn't feel there is enough housing. She wants to make sure it is appropriate.

MOTION/Second: Kenney/Zwiebel table

VOTE: (9-0)

Communications

Manager's Report – Director Hamre highlights the -US Steel and Mud Lake Workshop, Wednesday, May 1, 5:30 PM, Morgan Park Good Fellowship Club, Joint Meeting of planning commission, parks and recreation commission and heritage preservation commission. They hope to have the 106 process substantially completed.

City council received comments regarding the golf courses. If there is development:

8 city councilors must approve, but 7 out of 9 planning commissioners have to approve first.

-Annual Meeting, Tuesday, March 19, 6:00 PM, Discuss: Election of Officers, Zenith City Awards, Imagine Duluth 2035 – Greysolon Ballroom

Reports of Officers and Committees

- Heritage Preservation Commission – Zwiebel notes the revitalization of Lincoln Park, which is being proposed.

Adjournment

Meeting adjourned at 7:40 p.m.

Respectfully,



Keith Hamre - Director
Planning and Economic Development