

City of Duluth
Planning Commission
October 10, 2017 Meeting Minutes
Council Chambers - Duluth City Hall

1. Call to Order

President Terry Guggenbuehl called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, October 10, 2017, in city hall council chambers.

Roll Call

Attending: Terry Guggenbuehl, Tim Meyer, Garner Moffat, Margie Nelson, Luke Sydow, Heather Wright Wendel, and Zandra Zwiebel (arrived during the first presentation)

Absent: Michael Schraepfer, Janet Kennedy

Staff Present: Adam Fulton, Steven Robertson, John Kelley, Kyle Deming, Kate Van Daele, and Cindy Stafford

2. Approval of Planning Commission Minutes – September 12, 2017

MOTION/Second: Meyer/Wright Wendel approved the minutes

VOTE: (6-0)

3. Presentations

➤ 15-20 Minute Presentation: 2016 Duluth-Superior Port Land Use Plan

Ron Chica and Mike Wenzholz of the MIC addresses the planning commission and gives an overview. Their focus is to guide development around the port. He shares their future land use map. The plan prioritizes maritime uses for lands adjacent to the shipping channel. This is a useful tool for the city of Duluth and the city of Superior and helpful in their comprehensive plans. Summary combines the future land use map with the dredge shipping channels. Finding balance and utilizing assets are their two main goals. Tim Meyer asks how this fits in to the city comp plan. Community Planning Manager Adam Fulton states port land uses don't always gel completely. The Port has economic potential. Sometimes there are competing uses. Steven Robertson the port isn't just for tourism, but is a big asset as a working port. He appreciates the work the presenters have done.

➤ 15-20 Minute Presentation: Spirit Mountain Master Plan Update

Staff: John Kelley introduces the Spirit Mountain Master Plan Update. The plan was last updated in 2008. He shares maps which show winter uses and summer uses. Updates include improved parking, signage, enhancing Nordic skiing, continue year-round use, and development in the area. Winter notables include more parking for tubing area and the addition of surface lifts. Adding amenities to the lower chalet area including farmers' markets and concert events. Potential additions to the adventure park were shared. There is potential for additional camping and an RV Park. The need to repair, renovate and renew aging buildings was discussed. There are opportunities for development adjacent to and within the SMRA. Margie Nelson asks staff if this idea for a plan and is separate from funding. Kelley affirms. There is a need for future funding. Manager Fulton notes this plan recognizes the growing summer business, which is different than it looked ten years ago. Zandra Zwiebel asks if the restaurant will be open year-round. Kelley isn't sure and states it's an operational question. Kelley notes Spirit Mountain is trying to add more amenities which will add value and bring more people in. Zwiebel asks about runoff concerns due to impervious pavement. Manager Fulton states they have a stormwater treatment pond at the lower chalet area. Manager Fulton states that

Northland Engineering completed an analysis of the upper and lower parking areas, and how better park and modernize them. Zwiebel appreciates run-off concerns are being addressed.

Applicant: N/A

Public: N/A

Commissioners: N/A

MOTION/Second: Zwiebel/Nelson recommend approval of the Spirit Mountain Master Plan

VOTE: (7-0)

4. Unfinished Business (Both items were Tabled from September 12, 2017, PC Meeting)

- A. PL 17-139 UDC Map Amendment to Rezone from Rural Residential 1 (RR-1), Residential Traditional (R-1), and Mixed Use Commercial (MU-C) to Urban-Residential (R-2) and Mixed Use Neighborhood (MU-N), Property Marble Street and Arrowhead Road, and North Arlington Road and Stanford Avenue; and from Mixed Use Commercial (MU-C) to Mixed Use Neighborhood (MU-N) Property at approximately the 3500 Block of West Arrowhead Road, by the city of Duluth

Staff: Steven Robertson introduces the city's proposal which is substantially similar to the proposal presented in September, but with two minor amendments as listed in the staff report. Staff recommends approval. Zwiebel asks if there is still a preservation area being considered. Per Robertson, the preservation area is still listed as RR-1. Generally, the land uses are the same, but the difference is the lot size. Meyer is concerned and notes the intersection is already commercial. Would MU-N be more appropriate? Robertson comments they are adding more MU-N districts and are trying to achieve balance.

Applicant: N/A

Public: Greg Follmer, 230 E. Superior St., thanks the commissioners and planners for their nice work. He is in support.

Commissioners: Nelson asks about the correspondence they received. Was it before or after the adjustments? Robertson states it was before. Zwiebel thinks staff did a good job and thanks them.

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

VOTE: (6-1, Meyer Opposed)

- B. PL 17-107 Final Plat (Harbor Light) on the south side of Arrowhead Rd. ¼ mile west of Arlington Avenue by Pentecostal Assembly of God/Duluth Gospel Tabernacle

Staff: Kyle Deming introduces the applicant's proposal for a final plat review which was tabled at the September 12, 2017 planning commission to consider access points to and around the plat, including holding a public meeting with affected landowners. This meeting occurred on Tuesday, September 19, 2017, with 17 landowners in attendance. The county determined that only one full access intersection would be allowed on West Arrowhead Road to be located a minimum distance of ¼ mile west of Arlington Avenue. Several landowners agreed that an eventual full intersection at Stanford Avenue was most desirable if costs and permitting could be worked out. Staff recommends approval with the conditions listed in the staff report. Chair Guggenbuehl states it's good to see the county came up with a good access plan.

Applicant: Did not speak.

Public: No speakers.

Commissioners: Heather Wright Wendel thinks this is a tricky parcel. The grading activity will go immediately next to the wetland boundaries. She is concerned and thinks

it has benefits to the community for flood reasons. She is having a hard time supporting this item. Meyer notes this parcel has already gone through a lot of changes. Can they attach the site plan to the plat, so they know how it's going to be developed? He would like to see an overall plan before it comes back changed again. Deming affirms there are some things you can add as conditions to plats, but not a site plan. He states any uses that require a special use permit would come back to the planning commission. Manager Fulton notes the area is tricky because there are wetlands that drain to the North towards Chester Creek. The design of the lots will complement the infrastructure. Meyer asks if they can require a regulating plan. Deming states the zone does not require a regulating plan. Robertson states staff has been working with the developer, and thought was given to change to a zone district which requires a regulating plan, but it seemed like an unnecessary step, since the uses were already permitted in the zoning. Zwiebel asks if the wetlands will be considered. Robertson affirms. Wetland impacts have been reviewed by the TEP and approved at around an acre. Chair Guggenbuehl is concerned about a gas station, but reiterates the use would require a special use permit. Chair Guggenbuehl doesn't think the adjustment of the plats change the underlying zoning.

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

VOTE: (5-2, Wright Wendel and Nelson Opposed)

5. Public Hearings

- A. PL 17-149 Mixed Use Waterfront (MU-W) Planning Review for a New Accessory Structure at 1033 Minnesota Avenue by Globe Duluth Enterprises and Terry Anderson
Staff: Manager Fulton presents the applicant's proposal for a 6,040 square foot accessory boat maintenance building at Harbor Cove Marina on Park Point. The height of the building will be 35'. It is zoned mixed-use waterfront. Staff recommends tabling the item until more information. Zwiebel if we table can they keep the public hearing open until next time. Fulton affirms. Meyer thinks there are building and life safety issues that need to be addressed.

Applicant: Terry Anderson and Ryan Arola of Arola Architects address the commission. They don't agree with tabling the recommendation. They are going to have state of the art sprinkling systems and safety will be addressed in the building permitting process. Arola this is the first step (phase 1) approval of a structure in the MU-W.

Public: Troy Hoekstra, 921 1st St. North, St. Cloud, MN, (Managing Partner of Lakehead Hotel Partners LLC) addresses the commission. They are strongly opposed. They are five feet off the water line. They invested 12 million dollars in their building and now the 1st and 2nd floors will see the back of this shed. They are opposed from a common sense perspective. You shouldn't be able to build 10 feet away from a Marriott hotel. He is also concerned about safety. No suppression system in the world will contain an explosion. He is also concerned about rainwater. It will hammer the hotel and erode the efface on their project. The run-off of the roof will hit their building and no gutter system will stop it. He is also concerned about the venting/air-take systems as it pertains to odors and safety for his hotel guests. He mentions a waterline they have agreed to replace which now will be replaced again. He is opposed and asks the planning commission to deny. Chair Guggenbuehl states this public hearing will remain open if the item is tabled.

Commissioners: N/A

MOTION/Second: Nelson/Meyer tabled as per staff's recommendations for more information.

VOTE: (7-0)

- B. PL 17-147 Vacation of Platted Street Easement while Retaining a Utility Easement at 109 Minneapolis Avenue by Louise Pell

Staff: Kate Van Daele introduces the applicant's proposal to vacate 10 feet of the Mendenhall Division street easement in order to rebuild a pre-existing garage. A tree fell on the garage earlier in the year, and the homeowner would like to rebuild it on the original footprint. Staff recommends approval with the conditions listed in the staff report.

Applicant: Did not speak.

Public: No speakers.

Commissioners: N/A

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

VOTE: (7-0)

- C. PL 17-148 Variance from Mixed Use Business (MU-B) Standards for Loading Dock at 4429 Venture Avenue by Jeff Engbrecht of Clearwater Composites, LLC

Staff: Kate Van Daele introduces the applicant's proposal for a variance from the Mixed-Use Business Park development standards related to construction of a loading dock (MU-B Section 50-15.5.D.) The practical difficulty and the need for a variance is due to the exceptional narrowness of the lot (160') which does not provide adequate width to create a truck turnaround within the site. They looked at other options in order to meet the requirements, but it wasn't possible without a variance. Staff recommends approval with the conditions listed in the staff report which includes the business will limit deliveries to no more than ten per week. Luke Sydow notes internal islands needed in parking. Van Daele refers to the landscaping plan. The tree canopy of 30% is required and will be met. In terms of an island, because of the narrowness of the lot already an island would create more navigation problems. Sydow doesn't want to set a precedent. Manager Fulton notes airport was platted in the 70's. There was no robust development at that point. It's not an abnormal request for an island on larger lots, but on this lot it would not be feasible. Garner Moffat doesn't think there is a large ecological value to the site, but maybe a conservation land swap could be used.

Applicant: Jeff Engbrecht of Clearwater Composites and Ryan Arola of Arola Architects address the commission. They are working on a landscaping plan and will meet the UDC requirements, which will be their next step. They are here today for a variance for the loading dock. Moffat also suggests the possibility of installing a green roof.

Public: No speakers.

Commissioners: N/A

MOTION/Second: Sydow/Moffat approved as per staff's recommendations with the added condition that UDC landscape requirements be met.

VOTE: (7-0)

- D. PL 17-158 Special Use Permit for Renewed Approval for Existing Radio Broadcast Tower at 1120 East Orange Street by Minnesota Public Radio

Staff: Steven Robertson introduces the applicant's proposal to renew the Special Use Permit for a 410-foot radio broadcast tower that was given a 35-year approval by a city council issued Special Use Permit in 1974. The applicant is not proposing any expansion of the structure or equipment shed, just renewing the approval to allow the structure to be a legal, conforming use. Staff recommends approval with the conditions listed in the staff report.

Applicant: Natalie Grossfield of Minnesota Public Radio (MPR) addresses the commission. MPR celebrating their 50th year anniversary. They provide services for the blind and emergency signals and they are an amber alert provider. She thanks staff for their help.

Public: No speakers.

Commissioners: Moffat states MPR provides important services to the community. He is comfortable with approving the special use permit since the tower already exists. Moving forward with other applications, he questions how staff is looking at future planning for cell towers. He would like to have the towers be condensed or hidden in the future. Per Robertson, before a new cell tower is constructed, a bond is needed for demo. There has been less interest in large antennas. Staff is seeing more of a demand for smaller towers being more densely spaced and located on existing power poles. Chair Guggenbuehl suggests this could be a future brown bag topic.

MOTION/Second: Moffat/Wright Wendel approved as per staff's recommendations.

VOTE: (7-0)

- E. PL 17-145 UDC Map Amendment to Rezone from Mixed Use Business (MU-B) to Residential-Traditional (R-1) Property between East Gary Street and East House Street, and Between 95th Avenue West and 96th Avenue West, and from Mixed Use Business (MU-B) and Residential-Traditional (R-1) to Mixed Use Neighborhood (MU-N) for Property on the South Side of East House Street between 98th Avenue West and 95th Avenue West, by the city of Duluth

Staff: Steven Robertson introduces the city's proposal to rezone properties in the general area of the south side of East House Street from 98th Avenue West to 95th Avenue East from R-1 and MU-B to MU-N, and west side of 95th Avenue West from East House Street to East Gary Street from MU-B to R-1, in conformance with the future land use map. Staff recommends approval based on the findings listed in the staff report.

Applicant: N/A

Public: Trent Eckdahl, 1101 97th Ave. W., addresses the commission and asks about a property in this zone that was tore down. He was under the impression this would be maintained green space. Robertson states if they got federal money they would not be able to add another home. Chair Guggenbuehl regardless it won't affect the rezoning, but thanks the speaker for his comment.

Commissioners:

MOTION/Second: Moffat/Meyer recommend approval as per staff's recommendations.

VOTE: (7-0)

- F. PL 17-146 UDC Map Amendment to Rezone from Mixed Use Neighborhood (MU-N) to Residential-Traditional (R-1) for Property on the North Side of Cody Street, between North 66th Avenue West and North 68th Avenue West, and Property from Mixed Use Neighborhood (MU-N) to Rural Residential 1 (RR-1) for Property on the North Side of Cody Street along West Gate Boulevard, by the city of Duluth

Staff: Steven Robertson introduces the city's proposal to rezone properties in the general area of US Highway 2/Interstate 35 and Cody Street/West Skyline from MU-N to RR-1 in conformance with the future land use map. Staff recommends approval based on the findings listed in the staff report. Moffat asks why the change. We should encourage development along existing sites. Manager Fulton states with the freeway configuration and rivers they don't see higher density as appropriate. There is a 5-unit apartment building already there. They would like to see housing. But the site doesn't

allow for more than exists today. Zwiebel asks about the letter they received from the former hotel owner. She asks Steven to clarify their boundaries. They could leave that portion as MU-N. Chair Guggenbuehl asks if R-2 was considered. Robertson affirms.

Applicant: N/A

Public: Matt Judnick, 8201 W. Skyline Pkwy., addresses the commission. He is the owner of the 5-unit apartment complex. He is opposed. He just bought the property in July. He is in the business of residential housing. He would either add on, or tear down and build an additional building with more units. He is in agreement with the northern parcel changing to RR-1, or R-2, but he would like the apartment complex to remain MU-N. Zwiebel asks Judnick if he would be comfortable with an R-2 designation. Judnick not sure and asks for clarification. Robertson states R-2 is meant for higher density multiple-family dwelling units. Moffat the line doesn't conform with the parcel lines. Robertson if this is rezoned from RR-1 to R-2. Sydow suggest tabling until next month for more clarity.

Commissioners: Zwiebel would prefer not to table, but would like to see an R-2 designation for the property owner. Moffat has concerns because this is part of three parcels. They are trying to put on a band-aid on it, rather than fixing it. Meyer states the reason is to match the comp plan. Robertson affirms. Sydow understands Moffat's concerns, but they can look at it topographically versus lot lines.

MOTION/Second: Zwiebel/Wright Wendel recommend approval as per staff's recommendations with an update that a portion of the subject area be rezoned to R-2.

VOTE: (6-1, Moffat Opposed)

- G. PL 17-154 UDC Map Amendment to Rezone from Residential-Traditional (R-1) to Mixed Use Institutional (MU-I) Lake Superior College Main Campus at 2102 Trinity Road and at the Lake Superior College Emergency Response Training Center (ERTC) at 11501 Highway 23, by the city of Duluth

Staff: Steven Robertson introduces the city's proposal to rezone properties operated by Lake Superior College (Main Campus on Trinity Road/53 and the Emergency Response Training Center on 23) from R-1 and RR-1 to MU-I in conformance with the future land use map. Staff recommends approval based on the findings listed in the staff report.

Applicant: N/A

Public: Mary Branovich, (family resides at 2121 Trinity Rd.) addresses the commission. She is concerned about what impact it will have on her family's property. Robertson states if the property is zoned MU-I, they could not add on to their property. Chair Guggenbuehl asks why the residential areas were included. Per Robertson, rezoning the 4-5 homes along that stretch would allow campus expansion years down the road if the homeowners wish to sell.

Commissioners: Moffat states for better traffic flow the smaller lots along Trinity Road should also be included. Robertson affirms all properties designated on the map in yellow would be rezoned institutional.

MOTION/Second: Sydow/Moffat recommend approval as per staff's recommendations.

VOTE: (7-0)

- H. PL 17-156 UDC Map Amendment to Rezone from R-1 (Residential-Traditional) to MU-C (Mixed Use-Commercial), Central Entrance from Approximately Pecan Avenue to Mall Drive, by the city of Duluth

Staff: Steven Robertson introduces the city's proposal to rezone properties in the general area of Central Entrance between Pecan Avenue to Mall Drive from R-1 to MU-C

in conformance with the Comprehensive Plan Future Land Use Map. Staff recommends approval based on the findings listed in the staff report. Zwiebel confirms the residential homeowners would be allowed to sell their homes. Robertson affirms.

Applicant: N/A

Public: Greg Follmer, 230 E. Superior St., addresses the commission. He represents the owner at 602 Upham Rd. They are in support and doesn't feel there is a residential need. Judi Mosher, 302 Stroll Ave., addresses the commission. She asks if Myrtle Street is included. Robertson doesn't foresee any additional rezoning in the area.

Commissioners:

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

VOTE: (7-0)

6. Communications

- **Manager's Report** – Manager Fulton gives an overview. He mentions Linda Ross Sellner's comments weren't included in the previous Launch Property agenda item and recognizes it was staff's error. Hartley Park is reaching out to commissioners to volunteer for the Duluth natural areas program. Duluth natural areas program is coming in about a year. Ed Barbo appealed to the city council who upheld the planning commission's denial recommendation. The applicant is still trying to figure out what's next for the site. Imagine Duluth update: two public hearings will be held. They will wait until January to have the social engagement sessions with hopes to adopt in March. Manager Fulton asks the commissioners what time they would prefer to meet to discuss Imagine Duluth. Fulton asks them to target end of October or beginning of November. He will send out a poll.

A. **Reports of Officers and Committees**

Heritage Preservation Commission Representative chair Guggenbuehl gives an overview. They are looking at Leif Erickson band stand for local designation.

- B. **Tax Forfeit Subcommittee** – Review of Tax Forfeited Parcel Reclassification to reclassify from "Conservation" to "Non-Conservation" under Minnesota Statute 282.01. Fulton gives an overview. They are mostly in-fill developments. Moffat thinks this is a huge improvement to the way they used to present the parcels.

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

VOTE: (7-0)

- C. **Vote on Interim Changes to the Bylaws, Nomination Committee** - Changes include allowing members to nominate themselves and change the majority count from 7 to a 5-person majority.

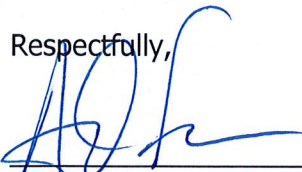
MOTION/Second: Moffat/Zwiebel recommend approval

VOTE: (7-0)

Next meeting there will be an election for officers.

- D. Meeting adjourned at 8:07 p.m.

Respectfully,



Adam Fulton - Manager
Community Planning