

City of Duluth
Planning Commission
September 11, 2018 Meeting Minutes
Council Chambers - Duluth City Hall

Call to Order

President Mike Schraepfer called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, September 11, 2018, in city hall council chambers.

Roll Call

Attending: Jason Crawford, Gary Eckenberg, Janet Kennedy (arrived during consent agenda items), Tim Meyer, Margie Nelson, Mike Schraepfer, Luke Sydow, Sarah Wisdorf, and Zandra Zwiebel (left before item 11)

Absent: N/A

Staff Present: Keith Hamre, Robert Asleson, Steven Robertson, John Kelley, and Cindy Stafford

Approval of Planning Commission Minutes – August 14, 2018

MOTION/Second: Zwiebel/Wisdorf approve the minutes

VOTE: (8-0)

Consent Agenda and hearing

Items that are perceived to be non-controversial or routine will be placed on the consent agenda. There will be no staff presentations on these items; the Planning Commission will be acting upon the staff recommendation and conditions written in the staff reports. There will not be an individual public hearing on each of these items unless the applicant or a member of the public wishes to speak to the matter. Instead there will be one public hearing for all the items on the consent agenda, and they will be addressed by the Planning Commission with one vote.

1. PL 18-102 Vacate Platted Unimproved Alley at 901 North Arlington Avenue by Adrienne Michael Pearson
2. PL 18-106 Special Use Permit for Preschool at 8708 Vinland Street by Arrowhead Head Start
3. PL 18-119 Special Use Permit at 4628 Pitt Street by St. Michael's Catholic Church
Staff: Director Keith Hamre discusses email they received. They are concerned with traffic speed. Engineering can add a 4-way stop sign if needed.
Public: No speakers.
MOTION/Second: Zwiebel/Crawford approve staff's recommendations for consent agenda items.

VOTE: (9-0)

Unfinished Items (From August 14, 2018, Regular Planning Commission Meeting)

4. ~~PL 18-100 Amend the Future Land Use Map from Neighborhood Mixed Use and Urban Residential to Urban Residential and Traditional Neighborhood Near the Intersection of Kenwood and Arrowhead Road (Tabled Until 10-9-18 Meeting)~~

5. ~~PL 18-068 UDC Map Amendment to Rezone Portions of Arrowhead Road and Kenwood Avenue from Residential Traditional (R-1) and Residential Urban (R-2) to Mixed Use Neighborhood (MU-N) by the City of Duluth by the City of Duluth (Tabled Until 10-9-18 Meeting)~~

Public Hearings

6. 10 Minute Presentation on the Duluth Natural Areas Program (DNAP) Proposal for Inclusion of Hartley Park in the DNAP program

Staff: The city natural resource coordinator, Diane Desotelle, addresses the commission and gives an overview. They are bringing the nomination to the planning commission for a vote. Hartley meets the requirements for a DNAP because of its significant plant communities, designated cold water stream, and geologic features. This designation will help the city better manage the natural resources through restoration, monitoring and education. She encourages the planning commission to support the nomination.

Applicant: N/A

Public: No speakers.

Commissioners: Gary Eckenberg asks to clarify the two maps listed. Why are they different? Desotelle explains the city is in process of buying land and wanted it to be included in the overall plan. The 2nd map incorporates the new land. Director Hamre clarifies on the map which part is tax forfeited land. Zandra Zwiebel notes the Hartley area with the building and the parking lot is not included in the plan, but is still part of the park. Trails will remain the same. Zwiebel understands the city can have easements and access points. She is concerned about maintaining connectivity through easements. She wants to know why ISD 709 or the city would include the five lots with direct access to Northfield Street and zoned R-1 in the designation. Director Hamre notes the funding they received didn't allow the city to develop. There are also wetlands which prevent development. Luke Sydow is concerned about management plan and how conflict issues are resolved. Once it becomes natural, how do you change a trail or add a trail, etc.? Per Desotelle, they met with trail users. The master plan lays out the trail design. Connectivity is important. Using trails appropriately is their goal. Director Hamre states if approved by the planning commission, it will go to the city council. The management plan will be brought before the planning commission in the future. Sydow clarifies it becomes a DNAP once the management plan is adopted.

MOTION/Second: Nelson/Meyer recommend approval supporting the DNAP nomination.

VOTE: (9-0)

7. PL 18-121 UDC Map Amendment to Rezone from Residential-Traditional (R-1) to Residential-Urban (R-2) for the Property at 515 North Lake Avenue by Sven and Kelsey Berg
- Staff:** Steven Robertson introduces the applicants' proposal to rezone property from Residential-Traditional (R-1) to Residential-Urban (R-2). By rezoning the property to R-2, the property owner can reuse the existing structure as a triplex apartment, which is allowed in the R-2 zone district. Staff recommends approval without conditions. Sarah Wisdorf asks about the dimensions of the lot and the building. Robertson later noted the lot is 60 x 140 which is 8,400 square feet in area. The structure is 1,700 square feet in total.

Applicant: Kelsey Berg address the commission. They bought the property as a triplex and want to move forward with their plans. Sven Berg (after public comment) addresses the commission. They love Duluth and want to fix up a building that has fallen out of use. They want to revitalize the structure and feel it is a good fit for the neighborhood.

Public: Gena Johnson-McKeever 521 N. Lake Ave, resident of 25 years addresses the commission. She is concerned about the allowance of raising the height of the building. She is opposed to the triplex. JP Rennquist, 15 W. 5th St., addresses the commission. He is opposed to this proposal. He isn't opposed to single-family or duplexes. He doesn't feel this would fit in his central hillside neighborhood. Claudie Washington, who lives 2 blocks below and has lived in the neighborhood for 33 years, addresses the commission. Once the past owner moved out, it became rental property and they had some trouble with vandalism. He asks about rules for obtaining a building permit. He is opposed to the applicants' proposal.

Commissioners: Eckenberg asks about money to revitalize a building. Director Hamre states if repair of a damaged structure is more than 60% of the market value, it can be condemned for demolition. It has not met the first step of being condemned for habitation. Ten years ago the building was used as a triplex, and it did have a rental license. Eckenberg questions why is it now being rezoned. Director Hamre states it could have been from a future land use map. Zwiebel confirms with a special use permit, up to six units can be allowed. Robertson notes a duplex is side by side, so the special use permit wouldn't apply. Janet Kennedy wants to make sure the height isn't changed. She asks if that could be a condition. Per Director Hamre they can't put a condition on a rezoning. The neighbors and applicant can outside of this rezoning, put a restrictive deed on it. Zwiebel is also concerned about the height and would like to ask the applicants if they would be interested in a deed restriction. Sven Berg states they have no problem with that. Zwiebel confirms they will not live in the building, but do live in the area. Eckenberg asks the applicant if they would still consider a duplex. Kelsey wants to move forward with a triplex. They weren't aware they would receive neighbor opposition. Chair Schraepfer believes it would be a good fit, and is a large lot. Kennedy doesn't think it's right for the neighborhood and urges the neighbors in opposition to attend the city council meeting if it is passed.

MOTION/Second: Eckenberg/Kennedy deny which is opposed to staff's recommendations.

**VOTE: (3-6, Wisdorf, Nelson, Schraepfer,
Zweibel, Meyer and Crawford Opposed)
– Motion Fails**

MOTION/Second: Zwiebel/Wisdorf recommend approval as per staff's recommendation.

VOTE: (6 and 3, Sydow Kennedy and Eckenberg Opposed)

8. PL 18-112 Preliminary Plat for The Jigsaw at the Southwest Corner of Anderson Road and Central Entrance by Launch Properties

Staff: Steven Robertson introduces the applicant's proposal to approve a preliminary plan to replat approximately 3.5 acres of 7 lots into 3 lots. The applicant intends to ultimately construct 3 new principle structures for commercial uses (primarily restaurant and retail). Staff recommends approval with the conditions listed in the staff report. The

applicant held a public meeting and there is a summary of neighbor's concerns and the responses located in the staff report. Concerns included: lighting and connectivity issues, stormwater and traffic flow. Zwiebel asks if they are only vacating half of Apple Street. Robertson affirms. Zwiebel asks about a cross walk. Can the city request this of the applicant? Director Hamre notes the applicant will work with MNDOT to gain access to Anderson Rd. It can be a condition to work with MNDOT on crosswalk access. Sydow asks about the tree count outside. Robertson notes shrubs and plantings will shield views from the public view. Sydow asks about the drive-thrus and traffic back on Central Entrance. Director Hamre states now they are looking at lot layout and connectivity. There will be further details shared on the final plat.

Applicant: Scott Moe of Launch properties addresses the commission. They will take pressure off of Central Entrance and have reached an agreement with MNDOT. Eckenberg asks about the 9/6/18 public meeting. Was this the first time they had a conversation with the Tuominen owners? Per Moe, they reached out multiple times to the Tuominen residence. There was confusion as to who is in control of selling. They don't need to buy that property, but would consider it. If they can't acquire the property, they will consider screening to include architectural berms or a fence. Zwiebel appreciates the applicant's reconsideration of the Tuominen property and their thorough report.

Public: Heather White, 519 Anderson Rd, addresses the commission. She loves her neighborhood and good location to eating and shopping establishments. She is concerned about the increased traffic and increased speed on Anderson Rd. They need a sidewalk. She notes the decrease in water pressure when a new development goes in. She asks the commission to please consider those factors. Laura Gregory, 506 W. Orange St., addresses the commission. She echoes her neighbor's concerns about increased traffic. The neighborhood meeting was only two weeks ago. They would have liked more time and more notification for the planning commission meeting. Her water pressure is also effected. Jacob Brotek, 501 Anderson Rd., addresses the commission. His biggest concern is traffic and screening. Currently located behind his house it is a wooded area. It will dramatically affect his property, and he will be now be looking at a parking lot and a screening wall. Dan Jacobson addresses the commission. In 2012 there was a MIC study to recommend backage roads to relieve stress on Central Entrance. There are two accesses needed to any new development. He is for the development, but thinks another access road is needed. John Regenold, (refers to himself as the smiley neighbor across the road) has concerns about secondary access. They understand development, but as neighbors, he is concerned with his children and his neighbors' children. He appreciates the communication with Launch Properties, but wants it be redesigned, so there aren't cars' headlights pointed directly at their house. He is concerned about the traffic. He urges the commissioners to be respectful of the neighborhood, and yet still allow development. Julie Zastrow, 502 Anderson Rd., addresses the commission. She is concerned about traffic and lighting. Anderson Road is a commuter road with a ton of traffic already. Allowing access to the new development will make it worse. She suggests a stop sign, because it will be a dangerous situation if left as is.

Commissioners: Tim Meyer states commercial development was an eventuality. He would like the developer to be a good neighbor and Meyer requests screening and buffering be added to make it as easy of a transition as possible. He thanks the applicant for their thorough report and is in support of the replatting. Margie Nelson

asks staff about utilities. Can the city improve water pressure? Director Hamre, will make a note of it, and ask utility engineer Eric Schaffer to look into it. Zwiebel asks the applicant if they spoke to the neighbors to the southwest of the property. Moe states there will be a significant buffer with trees and hasn't spoke to them directly. Sydow asks if it's possible to reduce access to Anderson Road. Moe states they functionally need access from both directions. Chair Schraepfer asks about berming. Moe states there will be significant landscaping around entire property, but berming will not be located on Anderson Road. Sydow states it is important that lighting issues are addressed. Zwiebel states if they obtain the Tuominen property, they could change the road so the traffic is going towards Central Entrance. Moe affirms the neighbors are concerned about traffic, but it's just a part of economic growth.

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

VOTE: (9-0)

9. PL 18-113 Vacation Platted Unimproved Right of Way for the Jigsaw at the Southwest Corner of Anderson Road and Central Entrance by Launch Properties

Staff: Steven Robertson introduced along with the above item. Staff recommends approval without conditions.

Applicant: See above.

Public: See above.

Commissioners: Kennedy urges the neighbors to attend the city council meeting.

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

VOTE: (9-0)

10. PL 18-115 Mixed Use Commercial (MU-C) Planning Review for a New Restaurant at 4426 Grand Avenue by Marvin Development LLC

Staff: John Kelley introduces the applicant's proposal to develop a vacant parcel into a 2,723 square foot Taco Bell restaurant building with a drive-thru and a 23-stall parking lot. Staff recommends approval with the conditions listed in the staff report. Eckenberg asks for clarification where the vacant lot currently is. Per Kelley it's behind the Subway restaurant and the Whole Foods Coop is located to the west of the proposed development. Eckenberg notes Taco John's is just a block away, and they could have been more imaginative.

Applicant: Barb Schneider of Marvin Development IV, LLC and Border Foods addresses the commission. There was a Taco Bell in a Little Store years ago, so it's their advent back into the neighborhood. She welcomes questions. There are none.

Public: Sarah Hannigan, general manager of the Whole Foods Coop, 4426 Grand Ave., addresses the commission. She is concerned with the access behind these buildings on 45th and 44th Avenues West. It is important for Whole Foods that these accesses remain open. Will it be improved? Kelley affirms. It will be paved, and it will be accessible. Hannigan notes the Whole Food Coop also has Mexican food available and pizza.

Commissioners: Zwiebel asks about the current cars which are parking the proposed site. Sydow thinks the shrub count seems short. They have a considerable amount of frontage, which should be more than 6 shrubs. Staff will verify. Eckenberg asks what role does the city have in determining what is a good fit for the neighborhood. Kelley there are a number of uses permitted. If the applicant meets the standards, this is what

is brought to the pc. Vetting is not part of the process. Nelson asks about the address. Director Hamre states the address will be assigned and will most likely be on 44th Avenue West. Kennedy wants to see healthy neighborhoods and doesn't feel this is the healthiest choice. Nothing against Taco Bell, but wants to see healthy option. Director Hamre notes Kennedy's comments and explains when Business Development is charged with recruiting, they take into account many factors and recruit in a proactive way. When it is reactive, they have less input.

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

VOTE: (8-1, Eckenberg opposed)

(Zwiebel left before the next agenda item.)

11. PL 18-116 Concurrent Use Permit for Private Obstructions (Small Cell Antennas) in the Public Right of Way in the Public Right of Way in Six Locations (W College Street, W St. Marie Street, Junction Avenue) Near University of Minnesota Duluth West by CommNet Cellular Inc d/b/a Verizon Wireless

Staff: Steven Robertson introduces the applicant's proposal to install six small wireless facilities on existing distribution poles that are owned and operated by Minnesota Power within the dedicated public right of way. The six proposed locations are located within a one-mile area surrounding the UMD campus. The attachments will include one exterior mounted panel antenna, and two radio units mounted approximately between at least 23 to 37 feet above the ground. The replacement poles will be approximately 35 feet tall. Staff recommends approval with the conditions listed in the staff report. Sydow asks if they can remove the overhead power lines from the previous poles and move it underneath. Robertson states the UDC does not require it. Director Hamre states it is possible to ask Minnesota Power to move the lines underground, and perhaps share the cost with Verizon. Chair Schraepfer asks if there is any way to know how feasible this is. Director Hamre suggests they can ask the applicant, but it's not required by the UDC at this point.

Applicant: Amy Dresch a consultant for Verizon Wireless addresses the commission. They want to improve the coverage around the UMD area, which is especially in need of data. She clarifies that they submit an application to Minnesota Power, who then turns around and gives them a quote. At the base of the pole where the fiber is connected, they work with 3rd party provider to bring the fiber line there. Minnesota Power brings the power to the base of the pole. Reducing the number of overhead lines is based on Minnesota Power's discretion. The issue hasn't been brought up to them in the past. Sydow refers to the far side of the street and notes it seems simple to move the utility underground.

Public: No speakers.

Commissioners: N/A

MOTION/Second: Wisdorf/Crawford recommend approval as per staff's recommendations.

VOTE: (8-0)

12. PL 18-110 Interim Use Permit for Vacation Dwelling Unit at 5727 Grand Avenue by Nathanael and Anna Bailey

Staff: Director Hamre introduces the applicants' proposal for an interim use permit to use a single-family home with one legal bedroom as a vacation rental property. This

permit would allow for a maximum of two guests. Staff recommends approval with the conditions listed in the staff report. Kennedy asks about parking and is concerned with the congestion. She is in support, but wants to clarify parking.

Applicant: Nathanael Bailey address the commission. They own the parking lot and there are four open spots for parking. He affirms it's one unit which is an apartment upstairs. They are excited and hope the planning commission approves. Kennedy notes the safety of neighbors coming down 58th Avenue West. Can they add signage for pedestrians? Bailey adds that very few people walk on the sidewalk. They use the parking lot as a cut through.

Public: No speakers.

Commissioners: N/A

MOTION/Second: Wisdorf/Kennedy recommend approval as per staff's recommendations.

VOTE: (8-0)

Communications

- A. Manager's Report – Director Hamre notes there is no manager's report as issues were discussed at their last brown bag meeting.
- B. Reports of Officers and Committees
-Heritage Preservation Commission – Director Hamre shares they considered the nomination of the Lake Superior and Mississippi Railroad. It was tabled for another month for more information.
- C. Meeting adjourned at 7:44 p.m.

Respectfully,



Adam Fulton - Manager
Community Planning