

City of Duluth
Planning Commission
January 13, 2015 Meeting Minutes
Council Chambers - Duluth City Hall

I. Call to Order

Vice-President Zandra Zwiebel called to order the meeting of the city planning commission at 5:00 pm on Tuesday, January 13, 2015, in City Hall Council Chambers. (President Sarvela is in attendance, but temporarily unable to speak loudly).

Roll Call

Attending: Marc Beeman, Drew Digby, Terry Guggenbuehl, Tim Meyer, Garner Moffat, David Sarvela, Luke Sydow and Zandra Zwiebel

Absent: Patricia Mullins

Staff Present: Keith Hamre, Chuck Froseth, Nate LaCoursiere, Steven Robertson, and Cindy Stafford

II. Unfinished Business

- A. PL 14-156 MU-C Planning Review for a New Hotel at the Southeast Corner of East Central Entrance and Blackman Avenue by Northridge Development (Public Hearing Held on December 9, 2014). **Withdrawn by applicant.**

III. Public Hearings

- A. PL 14-180 Rezone from R-2 to R-P for Campus Park Villas and Townhomes at 2338 Rice Lake Road by the City of Duluth
Staff: Would like to table until next month to allow staff more time to review some late arriving comments.

MOTION/Second: Guggenbuehl/Moffat Table until next month.

- B. PL 14-177 Vacation of Utility Easement Southeast Corner of London Road and 21st Avenue East by Harbor Bay Real Estate Advisors
Staff: Steven Robertson introduces the applicant's proposal for a vacation of an active utility easement. The easement is 400 feet by 20 feet and is located in the middle of Block 25 of Endion Division of Duluth. The easement is used by the city of Duluth and Minnesota Power. The applicant would relocate all the existing utilities and rebuild them to city standards prior to the easement vacation request being brought before the City Council. Staff recommends approval with the conditions listed in the staff report.

Applicant: Present, but did not speak.

Public: N/A

Commissioners: N/A

MOTION/Second: Sydow/Beeman recommend approval as per staff's recommendation.

VOTE: (8-0)

- C. PL 14-174 Special Use Permit for Religious Use at 518 N 24th Ave West by Rock Hill Community Church

Staff: Steven Robertson introduces the applicant's request. They would like to use an existing house at 518 N. 24th Avenue West for a small group meeting space, pastoral meetings, and study space. The house was previously used for similar church use, but not this church. Staff recommends approval with the conditions listed in the staff report.

Applicant: Kyle Eaton, 105 W. Wabasha Street, represents the church and addresses the commission. Eaton noted they are purchasing it from the previous church and asks if there are any questions.

Public: N/A

Commissioners: Drew Digby asks staff to clarify the alternative landscaping provision. Robertson reads the definition from UDC for alternative landscaping and screening. He states staff explained to the applicant the provision is not a way to have less screening or no screening, but to think of ways to alternatively screen their property due to unique site conditions.

MOTION/Second: Moffat/Sarvela approve as per staff's recommendation.

VOTE: (8-0)

- D. PL 14-178 Special Use Permit for Daycare at 410 North Arlington Avenue by Melissa Reisdorf

Staff: Steven Robertson introduces the applicant's request to start a day care center in an existing church building to provide care for up to 85 children. Staff noted that the applicant received approval for a similar use from the Planning Commission two years ago, but the approval lapsed and the applicant had to resubmit their application. Staff recommends approval with conditions listed in the staff report, including restrictions on hours which states the day care shall operate on weekdays only, no earlier than 6:00 a.m. and no later than 6:00 p.m.

Applicant: Present, but did not speak.

Public: N/A

Commissioners: N/A

MOTION/Second: Guggenbuehl/Moffat approve as per staff's recommendation.

VOTE: (8-0)

- E. PL 14-181 Special Use Permit for Fill in Floodplain at Interstate Island by Minnesota DNR

Staff: Steven Robertson introduces the DNR's proposal for a habitat restoration project on Interstate Island, which is critical habitat for the Great Lakes Piping Plover and a nesting colony for the endangered Common Tern. The project would replace materials lost through erosion with 20,000 to 30,000 cubic yards of material. Placement of this amount of fill in a floodplain requires a Special Use Permit. Staff recommends approval subject to the conditions listed in the staff report.

Applicant: Martha Minchak from the MnDNR, addresses the commission asking if there are questions. Terry Guggenbuehl asked about the placement of the fill and future erosion. Minchak replied cobbles will be installed around sandy area to prevent erosion.

Public: Fred Strand, 3240 Strand Rd of Iron River, addresses the commission. Strand formerly worked on this project and noted the importance of preserving the bird habitat. He is in support and urges the commission to approve.

Commissioners: N/A

MOTION/Second: Moffat/Sarvela approve as per staff's recommendation.

VOTE: (8-0)

IV. Other Business

- A. Superior Street Pilot Parklet Presentations (moved forward in the agenda until presenters are in attendance).
- C. Expansion of Development District 17. Chuck Froseth addresses the commission and notes the map of what is being proposed for expansion. It's a large geographic area, so staff looked at what was zoning appropriate for development. Staff asks for approval from the commissioners. Chair David Sarvela asks where the western boundary is of the expansion area. Froseth, it expands to the boundary of the US Steel site. Digby would have liked to see a comparison map of what exists now and what is proposed. Froseth notes the yellow areas on the maps are the proposed expansion areas. Chair Sarvela notes he was on a committee that helped determine the borders of this district. He noted they agreed to set the western border at Becks Road. What has changed since then? Froseth defers to Director Keith Hamre. Chair Sarvela notes the reason for his question is the Becks boundary would include the Atlas Cement site. (Items B. and C. moved forward in the agenda until Director Hamre can elaborate on the discussion including defining the western border.)
- E. Discussion on Pending Midway Annexation. Vice-Chair Zandra Zwiebel notes she was part of the Midway Joint Powers Board which was comprised of 6 members: 3 from Duluth and 3 from Midway. The area that impacts Duluth most is the area south of Interstate 35. The comprehensive plan for Midway Township will be completed sometime in March or April. Froseth notes this is comprised of phases and eventually they will be looking at rezoning for the property annexed into Duluth. Froseth indicated the house(s) are located in this annexed area and the gravel pits that had been granted a conditional use permit under Midway Township. The city will need to review the files to determine hours of operation and location to streams, and other for continued operation of the gravel pits. Parcel information for rezoning will also be studied.
- A. Superior Street Pilot Parklet Presentation – Lisa Luokkalo the director of the Healthy Duluth Area Coalition, and Shawna Mullen Eardley the transportation coordinator, address the commission. The intent of the parklet is to implement temporary infrastructure changes to see what permanent changes would look like. Parklets use a parking spot and turn it into a people space or a green space. They started working with the planning department last February. There is a desire for more people space on the street including bike and pedestrian paths. Eardley stated there was a designer from DSGW involved in the layout of the Parklet. They identified locations of early supporters including Jitters and the Duluth Coffee Company. Costs included \$3,000 in materials and \$5,000 in staffing time including volunteer hours. Their end goal is to see if the temporary parklet is a desirable permanent end result. In 35 days, the parklet averaged 6 users per hour. Activity was evenly spread between the two locations and was used by

business people for breaks and lunches. A user survey showed the highest use was from the demographic age group of 20-39 years old. No nuisances or vandalism were reported. Fannie Mae candy shop and Coney Island have asked if they could have a parklets. Some draft recommends for establishing a parklet include; a seasonal permitting process would be implemented in 3-6 month time frames, no more than 1 parklet per block, maximum count has been identified and they will have a parklet tool kit which will outlines the process for interested businesses. Completion is aimed for spring. Marc Beeman clarifies the parklet is removable. Yes, the parklet can moved in less than an hour. Tim Meyer asks if other Duluth neighborhoods have been involved. At this time no. They are looking at a year 2 pilot and will work with parking and planning staff. Guggenbuehl asks if the hosting businesses can request umbrellas and such. Moving forward owners who host will be directly involved. Meyer asks about possible liabilities and safety issues. Safety measures will be listed in the parklet manual, and extra insurance may be needed. Guggenbuehl asks if liquor will be involved. It will be a public space, and they do not think alcohol can be served under present regulations. Hamre notes sidewalk use permits could be obtained. Digby states he is on the coalition and notes transportation engineers are involved. The *New York Times* did a story about parklets in San Francisco and stated it does spur customer activity. Hamre said there is no fee for the parklet yet. Currently if you utilize it for the day, the parking meter fee would be \$6.75. Moffat comments about the parking fee and doesn't feel it should be charged for the public good. He feels it is a good transition point, and hopes business owners will see the benefits. Meyer asks if the Chamber and Greater Downtown Council have been involved. Yes, they have been involved. Vice-Chair Zwiebel thanks the presenters for their time.

(Brought back from earlier in the agenda.)

B & C.PL 14-169 Conformance with Comprehensive Plan for London and 21st Avenue Project, and Tax Increment Financing (TIF) Plan and Expansion of Development District 17. Hamre notes TIF District 17 created the expansion of what is known as the project area. It is outlined in red on the map. The expanded areas are listed in yellow. An advisory group (comprised of Sarvela, Hamre, Nancy Norr, David Ross, and Heidi Timm-Bijold) met to recommend the expansion of the project area. The expansion of the eastern boundary is from 21st to 26th Avenue east up to 4th Street and connects to Wallace Avenue. The southern boundary extends to Commonwealth Avenue at the junction of Commonwealth and Becks Road. This boundary will incorporate the Atlas Cement plant and a portion of the US Steel site. The next item for the planning commission is to assure the new boundary is in conformance with the comprehensive plan. Digby asks about the legal process and if they are the deciding body, and can they make a decision if the map is unclear. Hamre responded the planning commission is not the deciding body. The question being asked of them is, does it does it comply with the comprehensive plan? The project area and the TIF District boundary decisions go to the Economic Development Authority and the final vote rests with the city council, which includes a public hearing at both of those bodies. Digby notes the large southern portion of the expansion. Are there specific projects already slated? Or is it speculative? Hamre, mentions Chair Sarvela and his involvement in expanding the area from Morgan Park further south to include the Atlas Cement plant site which is a prominent redevelopment project of the city. Guggenbuehl asks is there a difference between expanding a

development district versus creating a new one. Hamre, notes the districts need to be within the project area and there is only one other project area for a TIF Housing District. Moffat asks about why they don't make the entire city a project area. Hamre stated the housing development project area is city wide (with exception of newly annexed parcel one with Midway Township). The economic development and redevelopment TIF District is limited because it brings further scrutiny from the state auditor. Moffat asks about the mixed use district which includes the new housing development at 21st Ave East. What determines which projects will receive TIF funds? Hamre states the city has a living wage ordinance and anything in regards to tax increment financing (most recently Bluestone) must comply. In regards to affordable housing, the requirements fall within the statutory guidelines of TIF Districts. Housing districts have an affordability requirement. Redevelopment Districts have an even lower affordability requirement. Certain thresholds must be met to be eligible. 70% of parcels must be occupied, and 51% of the structures have to be substandard by state statute. Strict requirements must be met including the "but for" test. But for this public assistance, the development would not happen.

MOTION/Second: Guggenbuehl /Sarvela approve the resolution for conformance with comprehensive plan for London Rd. and 21st Avenue East project, and Tax Increment Financing (TIF) Plan and Expansion of Development District 17

VOTE: (8-0)

D. Planning Commission comments on proposed trail alignment between Bong Bridge and Denfeld School. Hamre asks for commission input. James Gittemeier, transportation planner with Metropolitan Interstate Council, addresses the commission. There is not a clear idea of where the Cross City Trail will go in the west end. The connection in question is from Bong Bridge to Grand Avenue. Sydow asks about 43rd, 46th and 45th, noting 46th Avenue West is not a fun road to bike on. Chair Sarvella agrees with Sydow and notes the dangers of 46th Avenue West and 1st Street. Digby thinks 46th is a dangerous option and painting a bike lane is not a good solution. It is unclear where a protected bike lane would be. He notes other destinations including the Coop. He would like to see a non-competing car route. 44th Avenue West must receive an agreement with property owners. Moffat thinks 44th Avenue West is a good alternative, but also notes the location of Subway and there is a traffic light at the intersection. Hamre reported that coming off the Bong Bridge is not a clear straight route. Mike Casey of the River Corridor Coalition addressed the commission. He doesn't agree with the Cross City Trail's 6th street plan. He suggests 1st Street and Mike Colalillo Drive as the connecting router. Yes, he agrees 46th Avenue is busy, but it is controlled with traffic lights and prefers to see a direct route to the short road where Subway and Acme are located. Sydow asks what they have been asked to decide. Hamre, City Council would has requested the Commission to weigh-in on what the most favorable route going west would be. Sydow makes a recommendation to use 44th.

MOTION/Second: Sydow/Digby recommend keeping the proposed 44th Avenue West trail alignment, and usage of the utility easement and negotiations with property owners for future trail expansion.

VOTE: (8-0)

V. Communications

- A. Managers' Report – Froseth discusses his report. He notes the Lincoln Park Small Area plan is going well. Superior Street redesign meeting has been postponed until February. The Brown Bags meetings are slated for: Wednesday, 1/21/15 at noon (code of conduct for planning commissioners), Wednesday, 2/18/15 at noon (small lots and variance requests), and Wednesday, 3/18/15 at noon (staff reports and communication).
- Moffat can't attend the first meeting, but he is looking forward to the Brown Bag on small lots and notes the many small lots in the Lincoln Park neighborhood and how they can better utilized.
 - Digby notes the Planning Commission annual meeting date of Wednesday, February 25, conflicts with the Duluth and St. Louis County at the Capitol Days event. Hamre responds we can change the meeting to a Special Annual meeting date. March 4th was decided on. Topics could include the Lincoln Park Small Area Plan and Kayak Bay.
 - Chair Sarvela would like to see a brown bag discussion the planning commission's role in R-Ps and MU-Ps. Hamre asks Froseth to schedule the Brown Bag.
 - Hamre will be looking for volunteers to sit on the Citizen's Committee for the Comprehensive Plan update in June noting Chair Sarvela's past work on the comp plan and hopes he will be involved in the update process.
 - Digby asks about replacement candidates for Planning Commission. Hamre, there are two openings and a re-appointment (Sydow). Chair Sarvela notes they will need a Nominating Committee for officers. He will send out an email and ask for volunteers.

B. Consideration of Minutes (see below)

C. Reports of Officers and Committees

-Heritage Preservation Commission – Froseth reported City Council denied St. Peter's Local Landmark designation. A Legacy grant was received to do a surface survey of Heritage Park in the Fon Du Lac neighborhood. An intern has been working on potential nominations for landmark status.

D. Annual Meeting is set for **Wednesday, March 4th at 5:30 p.m.**

- Proposed Changes to the Bylaws Need 30 Day Advance Written Notice
- Standing Committee Appointments (Education, Tax Forfeited Land), Appointed at the Regular Meeting following the Annual Meeting
- Nominating Committee for Officers, Election to be Held at Annual Meeting

B. Consideration of Minutes – December 9, 2014

MOTION/Second: Guggenbuehl/Beeman

VOTE: (7-0, Moffat abstained)

E. Adjournment

Meeting adjourned at 6:53 p.m.

Respectfully,



Charles Froseth, Land Use Supervisor