



City of Duluth  
Planning Division

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City of Duluth  
Planning Commission  
December 10, 2013 Meeting Minutes  
City Council Chambers - Duluth City Hall

I. Call to Order

President Terry Guggenbuehl called to order the meeting of the City Planning Commission at 5:00 pm on Tuesday, December 10, 2013, in City Hall Room 303.

Roll Call

Attending: Drew Digby, Terry Guggenbuehl, Tim Meyer, Patricia Mullins, David Sarvela, Luke Sydow and Zandra Zwiebel

Absent: Marc Beeman and Garner Moffat

Staff Present: Steven Robertson, Charles Froseth, Keith Hamre and Cindy Stafford

II. Public Hearings

A. PL 13-145 UDC Text Amendments

**Staff:** Steven Robertson introduces the proposed amendments.

**Applicant:** N/A

**Public:** N/A

**Commissioners:** N/A

**MOTION/Second:** Mullins/Sydow Continue the public hearing until January 14, 2014.

**VOTE: (6-0, Zwiebel abstained)**

B. PL 13-156 MU-C Plan Review for a Hotel at 1805 Maple Grove Road by Dell, Inc and LaQuinta Inn and Suites

**Staff:** Steven Robertson introduces the applicant's proposal to build a 3-story, 96-room hotel. Any new structure over 500 square feet needs a plan review at a public hearing by the Planning Commission. Staff recommends approval subject to the conditions listed in the staff report. Drew Digby asks about traffic congestions.

Robertson notes the sidewalks along the front of the property, but doesn't know about City traffic studies, and added that this is a MnDOT road. Tim Meyer and Luke Sydow ask about the site plans in regards to topography and retaining walls.

**Applicant:** Will Rogers, employee of Associated Architects, who represents the owner addresses the commission. He explains the project has been scaled back. 50% of the parking will be behind and to the side of the building. They are working with civil engineers on the grading and drainage. There are some small retaining walls planned on the east side of the building. The grading issues are challenging. Sydow questions the retaining walls and clarifies there will be no retaining walls in the front of the building. Patricia Mullins asks about the architectural towers. Per Rogers, just one will be removed from original plan in order to meet the height limit. Meyers brings up the grading difficulties and ADA compliance. Chair Guggenbuehl asks if the signs will be lit. The applicant states they will be internally illuminated.

**Public:** N/A

**Commissioners:** Discussion about retaining walls, and elevation changes. Meyer would like to see a grading plan and revised elevation drawing that reflects a grade line around the building.

**MOTION/Second:** Zwiebel/Mullins recommend approval based on staff recommendation.

Digby brings up retaining walls and grading issues for more discussion. Per Robertson the elevation plan is done, but not included in the staff report. The lighting plan is discussed. David Sarvela notes this is a plan review and feels the applicant should provide more information.

Digby/Meyer motion to table until next week for request of more information on the grading plan.

**VOTE: (7-0)**

- C. PL 13-144 Special Use Permit for a Preschool at 3001 Woodland Avenue by Hartley Nature Center

**Staff:** Steven Robertson introduces the applicant's request for a Special Use Permit to operate a preschool in the existing space within Hartley Nature Center. This is a special use in areas zoned RR-1. Staff recommends approval based on the conditions listed in the staff report. Zwiebel asks if it is City owned land. She notes Hartley's long range plan and wants to clarify the ownership of the building is Hartley Nature Center.

**Applicant:** The applicant Tom O'Rourke addresses the Commission. He notes the newly built yurt and the fenced enclosure which will serve as an additional classroom for what the preschool is displacing. He clarifies that the nature center building is owned by the City. They have a lease through 2052. Sydow asks if it has been brought to the parks commission. Per O'Rourke, it has not, but it has been discussed with Kathy Bergen of the Parks and Rec Department. Kaitlin Erpestad, preschool director, addresses the commission and notes the age group would be 3 to 5. Guggenbuehl asks about the access/safety issues in regards to the public. A security company has been hired to address safety issues, including the doors and the shared-use bathrooms.

**Public:** N/A

**Commissioners:** N/A

**MOTION/Second:** Zwiebel/Sarvela approved based on staff's recommendation.

**VOTE: (7-0)**

- D. PL 13-152 Special Use Permit for a Religious Use at 4424 Venture Avenue by GPM

**Staff:** Steven Robertson introduces the applicant's request for a Special Use Permit for a religious assembly in a portion of an existing industrial/manufacturing structure. The religious use includes two Sunday morning services and a Wednesday service. Due to limited size and scope, no additional buffering or screening will be required. This is a special use in the MU-B zoning district. Staff recommends approval based on the conditions listed in the staff report. Digby asks about safety concerns. Sydow asks about parking requirements. Per Robertson, standard codes have been met. Guggenbuehl asks about signage.

**Applicant:** Greg Strom, architect for the applicant, addresses the commission. He notes the building is sprinklered. Meyer asks about the future plan. Per Strom this is a short-term plan. They hope to be out in less than a year. The Church has grown enough to have their own location elsewhere.

**Public:** N/A



**Commissioners:** Meyer doesn't like the idea of a religious assembly in an industrial zone, but would approve the project in the short term. Digby asks if the special use permit belongs to the building or the organization. Robertson states the SUP goes with the property. Meyer asks about the duration of Interim Use Permits. Per Robertson typically 5-7 years, but it is at the discretion of the City Council.

**MOTION/Second:** Mullins/Sarvela approve the special use permit per staff's recommendations and conditions listed in the staff report.

**VOTE: (6-1, Meyer opposed)**

- E. PL 13-150 Special Use Permit for Filling Station at 4201 Grand Avenue by Kwik Trip Inc

**Staff:** Steven Robertson introduces the applicant's request for a Special Use Permit for a filling station in an MU-N Zone. Staff recommends approval based on the conditions listed in the staff report. Digby asks about the space between the alley and the site and asks if there will be a fence. Per Robertson, there will be a buffering fence. Digby notes there needs to be a 25 foot rear yard setback.

**Applicant:** Scott Tigen, CFO for Kwik Trip addresses the commission and gives an overview of their company. Their traffic will not be in the alley. Robertson brings up changing the orientation of the building to face to 42<sup>nd</sup> Ave W, which would then only require a 15 foot side yard setback and no parking variance would be required. Digby asks about snow removal. Per Tigen it would need to be hauled off site. Sydow asks about grading issues. Joel Radek, engineer, addresses the commission and notes no retaining wall be needed. Sydow asks about truck traffic. Mullins asks if they would be opposed to changing the entrance orientation. Applicant is not opposed. Sydow asks staff about future developments and if this would be setting a precedent in regards to entrance location. Per Robertson, staff relies on the default language listed in the code for determining what the front of a lot is. Guggenbuehl asks the applicant about timing. Tigen notes the issue of closing with the property owners. Robertson reiterates if the entrance location is changed, a variance would not be needed. Sydow asks if the sidewalks can continue into the store area and stay away from drive lane. Applicant states yes.

**Public:** Tammy Marotta, Fair Food Access and resident of Lincoln Park addresses the commission. She is in support of a healthy food option for the area. Dave Hollapa represents Murphy Oil addresses the commission. Currently the site is an eyesore, and this development would improve it. He is in support of the project. Jeff John who owns machine shop across the street addresses the commission. He supports the project.

**Commissioners:** N/A

**MOTION/Second:** Digby/Sydow approve with conditions that the front be relocated to the 42<sup>nd</sup> Avenue West side, and sidewalks be installed.

**VOTE: (7-0)**

- F. PL 13-149 Variance from Front Yard Parking Regulations at 4201 Grand Avenue by Kwik Trip Inc.

**Staff:** Steven Robertson notes this is no longer needed and suggests the commission motion to table.

**Applicant:** N/A

**Public:** N/A

**Commissioners:** N/A

**MOTION/Second:** Sarvela/Sydow – tabled.

**VOTE: (7-0)**



- G. PL 13-151 Variance from Front Yard Parking Regulations at 2716 West Superior Street by Kwik Trip Inc.

**Staff:** Steven Robertson introduces the applicant's request for a variance for front yard parking requirements. The applicant would like to allow greater than 50% of parking within the front yard of the site. The applicant is providing 33 off-street parking spaces (not including 14 parking spaces under the gas station canopy). Of the 33 parking spaces, 28 are in the front yard. Based on the findings listed in the staff report, staff recommends denial because the application does not meet the standards for a variance. Digby asks which street is the busiest. Per Robertson he doesn't have an exact count, but believes its West Michigan Street. Mullins asks where the extra parking spot would go. Robertson doesn't have an exact location picked out. Sydow asks about future plans in regards to pedestrian sidewalks on West Michigan Street or 27th. Engineering expressed the interest in having the applicant add a sidewalk along Michigan. Sydow notes the back side of the building facing Superior Street and asks about design opportunities. Per Robertson, it's zoned I-G, so only parking requirements were analyzed. Digby asks about the cross city trail and asks if it's compatible. Mullins questions if an entrance relocation would make sense. Per Froseth, it would not meet the intent of the code. Digby notes the possibility of removing a line to combine a parking space.

**Applicant:** Scott Tigen of Kwik Trip addresses the commission and discusses their parking plan. Sydow asks their engineer about narrowing the 75' wide opening for the trucks. Guggenbuehl clarifies this is a variance for parking regulations. Sydow asks about adding sidewalks. Yes, applicant agrees.

**Public:** Tammie Marotta is in support of healthy fresh food alternatives and is in support. Steven Veit owns the property and addresses the commission. He acknowledges his current site is an eyesore and he is in support.

**Commissioners:** Mullins questions what the hardship or practical difficulty is. Digby stated that he believes the practical difficulty is three busy streets which creates a safety hazard. He thinks changing the three parking spaces into two, would be the easiest solution.

**MOTION/Second:** Digby/Zwiebel denied as per staff recommendation.

**VOTE: (7-0)**

- H. PL 13-148 Variance from Front Yard Setback Requirements at 4211 McCulloch Street by Rob and Mary Sailstad

**Staff:** Steven Robertson introduces the applicants' request for a variance for the front yard setback requirements. The applicants are seeking a variance to construct an enclosed porch addition to the existing single family home that would be 20.5 feet from the front lot line instead of the required 25 feet. Based on the findings listed in the staff report, staff recommends denial because the application does not meet the standards for a variance.

**Applicant:** Rob Sailstad, owner of the property, addresses the planning commission. The existing porch foundation settled, and they need to make repairs. He notes the nuisance of the pigeons. He wants to enclose it in order to exclude the pigeons. Sydow asks about a screening option. Sailstad notes the pigeons would go right through the screening.

**Public:** N/A

**Commissioners:** Mullins sympathizes with the applicant. She had the same problem and ended up moving. Meyers asks staff if the pigeon problem would constitute a practical difficulty. Per Robertson, that would be up to the commission to decide, but staff recommendation is still to deny the application.



**MOTION/Second:** Zwiebel/Digby recommend approval due to unique property condition that property has become a habitat for birds.

**VOTE: (5-2, Guggenbuel and Sydow opposed)**

- I. PL 13-153 Variance from Coldwater Shoreland Setbacks at 2401 Hutchinson Road by Chris and Laura Jacobson

**Staff:** Steven Robertson introduces the applicants' request for a shoreland variance. The applicants are seeking a variance to construct a detached accessory structure (20 feet by 12 feet) 100 feet from the ordinary high watermark of a tributary of Merrit Creek. The structure setback for Coldwater Rivers is 150 feet. Based on the findings listed in the staff report, staff recommends denial because the application does not meet the standards for a variance.

**Applicant:** Gary Doty representing the applicant addresses the commission. He clarified it is not a garage, it's a shed. It's not out of the ordinary, their neighbors have sheds. He notes their hardship being lack of storage space because the existing two car garage is full.

**Public:** Rick Misiewicz lives on Hutchinson Road. He opposes the variance. He likes the view of the woods. Bill Henderson lives behind the address, and is okay with the shed, but he opposes the cutting of trees on city property that happened last year.

**Commissioners:** Digby asks staff about R-1 zone and rules regarding detached accessory buildings. He asks if it meets the setback requirements. Per Robertson, yes, five feet from rear lot line, adding that there is also a ten foot utility easement along the rear lot line. Meyer asks if a temporary structure is allowed within the shoreland setback. Robertson replied that the definition of temporary in the zoning code 180 days, and that likely the applicants want this structure for many years to come. Mullins asks if another location on the property would be acceptable. Sarvela notes impact of additional water run off. Meyer suggests giving the applicant more time to improve their application and site plan, and find a reasonable hardship for the Planning Commission to consider. Sydow asks if the applicant would prefer tabling or denial. The applicant would prefer tabling.

**MOTION/Second:** Sydow/Digby deny per staff recommendation. Sydow withdraws motion.

Meyer/Mullins motion to table for relocation of shed and mitigation efforts which may include a rain garden.

**VOTE: (7-0)**

- III. 10 Minute Presentation from MN Sea Grant and St. Louis River Alliance  
Gina Temple-Rhodes of the St. Louis River Alliance addresses the commission. Their goal is to work with citizens and government and businesses to protect and enhance the St. Louis River. She gives a brief overview and discusses climate adaptation. Hillary Sorenson of MN Seat Grant addresses the commission. They provide environmental outreach and education entity funding. They share scientific data for coastal communities.

- IV. Consideration of minutes (November 12, 2013)

**MOTION/Second:** Meyer/Zwiebel

**VOTE: (7-0)**

- V. Communications

Managers' Report – Chuck Froseth gives an overview and refers to the handout.

VI. Reports of Officers and Committees

No quorum for meeting. Chester Park was discussed. Council passed HPC changes.

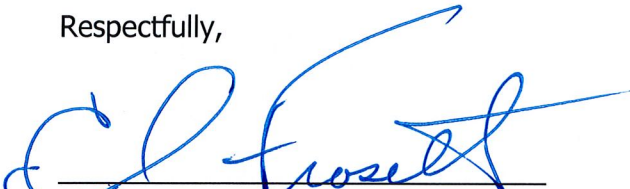
VII. Other Business

- A. Future Land Use Change Question, Kenwood/Arrowhead
- B. Reminder, Special Planning Commission Meeting Dec 17, 5:00 PM, for Park Point Small Area Plan
- C. Note that item PL 13-147 Future Land Use Change from Institutional to Neighborhood Mixed Use for Nettleton School at 108 East 6<sup>th</sup> Street will be on the January 14, 2014, Planning Commission calendar.

VIII. Adjournment

Meeting adjourned at 8:08 p.m.

Respectfully,



Charles Froseth, Land Use Supervisor