

City of Duluth  
Planning Commission  
December 9, 2014 Meeting Minutes  
Council Chambers - Duluth City Hall

I. Call to Order

President David Sarvela called to order the meeting of the city planning commission at 5:00 pm on Tuesday, December 9, 2014, in City Hall Council Chambers.

Roll Call

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

Absent Excused: Tim Meyer and Garner Moffat

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

II. Unfinished Business

- A. PL 13-003 Special Use Permit for Expansion of an Existing Telecommunications Facility (Monopole) at 218 East Central Entrance by Faulk and Foster (Public Hearing Held November 10, 2014)

**Staff:** Steven Robertson introduces the applicant's request and notes the public hearing was last month. Staff recommends approval as per the staff report which includes a full structural analysis to verify the structure can handle the extra weight.

**Applicant:** Bill Burns addresses the commission. He notes the tower is owned by AT&T. It is existing and in a commercial neighborhood. There is need for coverage to accommodate the increasing demand from smart phones and more data.

**Public:** N/A

**Commissioners:** Patricia Mullins states moving forward it would be helpful for the commission to agree on certain standards for cell towers including different designs (i.e. flagpole) to better blend in to the surrounding area.

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

**VOTE: (7-0)**

- B. PL 14-157 Variance to Corner Side Yard Setback at 101 Vassar St. by Kevin Erickson (Public Hearing Held November 10, 2014)

**Staff:** Jenn Moses revisits the variance request. Staff recommends denial for the reasons listed in the staff report.

**Applicant:** Kevin and Kelly Erickson address the commission. They ask if there are any questions. Zandra Zwiebel asks for verification where the road would be. Moses notes the property line and the edge of the right of way. Terry Guggenbuehl asks if there are trees planted in the right of way, as it appears narrow. Per Moses, yes there are trees and utilities located in the right of way. Mullins asks the applicant what their practical difficulty is. Mr. Erickson states there is no other option based on his property's set-up.

**Public:** N/A

**Commissioners:** Zwiebel notes adding trees for screening, but they would have to come down if a road is developed. Luke Sydow commented on the issue of setting a precedent. There are many narrow lots within the city. Guggenbuehl feels the

narrowness of the lot is sufficient and their role is to review these request on a case to case basis. Drew Digby agrees with Sydow and doesn't want to set a bad precedent. He wants to be respectful of the character of the neighborhood. Moving forward they need to address the UDC. Mullins notes this variance will not affect the character of the neighborhood and it is not creating an unsafe condition. Zwiebel thanks the applicant for submitting their additional information.

**MOTION/Second:** Guggenbuehl /Zwiebel approve based on the narrowness of the lot and the existing location of the house on the lot.

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

### III. Public Hearings

#### A. PL 14-162 Vacate Railroad Easement at 44<sup>th</sup> Avenue West and First Street by J&S Partnership

**Staff:** Steven Robertson introduces the applicant's request for a partial vacation of an inactive railroad spur easement. Staff recommends approval without conditions. Digby questioned if there is a commitment on where the cross city trail will go through the neighborhood. Per Robertson, currently the proposed trail will be about 4 blocks away.

**Applicant:** Bill Burns addresses the commission. He notes there is no use for the railroad spur. He inquired if there are any questions from the commissioners. Digby asked if 44<sup>th</sup> Avenue West has been vacated. He reflected that the area is has new development and states the with the cross city trail, perhaps the spur wouldn't be useless. Burns states this is a railroad spur which can't use it for something else. Vacation is critical for future development. Robertson commented it was re-platted in the 1980s, and part of the former 44<sup>th</sup> Avenue right of way is now private lots. He notes the existing 20 foot utility easement and the possibility of expanding the easement for pedestrian access.

**Public:** Mike Casey addresses the commission. He is a proponent for the cross city trail. He disagrees with the staff report as the railroad spur easement could be used for pedestrian or trail access. He commented the cross city trail is in the works and vacation of easements such as this one are limiting the possibilities for future locations of the cross city trail. Casey feels there is a lack of long-term vision and appreciate a condition of vacating by adding access to Denfeld.

**Commissioners:** Mullins asks if a condition could be added to allow for the cross city trail. Robertson stated that while it may be technically feasible, staff does not recommend it. Chair David Sarvela asks if the trail could go on the utility easement. Robertson, it is a possibility. Digby notes the UDC summary of code requirements and they can't vacate the land if it will be used in the future for the public. He is in favor of tabling and asking staff to come back with an alternative for pedestrian access to the utility easement. Sydow asks if the applicant would agree to shifting to the eastern property line as an alternative to Digby's comment. Burns respectfully disagrees stating it is a railroad spur and it can't be used for other uses. According to Burns, City Attorney Allison Lutterman has previously concurred. Burns requested commissioner to approve the vacation. Sarvela asks if legal counsel could confirm if the spur could only be used for railroad use. Nate LaCoursier states he was not privy to the conversation between city attorney Lutterman and William Burns' conversation. LaCoursiere defers to staff on whether a trail can be placed on the easement. Sydow notes the orientation of this spur isn't conducive to a bike trail. Robertson notes it requires resolution approved by city

council and tabling it, would delay action until the fourth Monday in January (versus the second Monday in January – due to holiday season).

**MOTION/Second:** Zwiebel/Beeman recommends approval as per staff's recommendation.

**VOTE: (5-2, Digby and Mullins opposed)**

B. 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

**Staff:** Robertson introduced the applicant's request for a plan review. The applicant is proposing to build a 4-story and 98-room hotel. Any new structures in the MU-C district over 500 square feet need a plan review at a public hearing by the planning commission. Staff recommends approval subject to the conditions listed in the staff report. Digby asks if Clearwood is a public road. Robertson commented that Clearwood is a public road. Digby wants to make sure the bike way is maintained and wants to make it part of the condition for approval. Robertson, yes it is listed as condition ten of the staff report. Sarvela asks if there is anything platted to connect Clearwood to Pecan. Robertson that the platted right of connects the two street sections, but to his knowledge there are no plans to build a city road connecting the two.

**Applicant:** Brett Carlson of Northridge Construction and David Bolf of Northland Consulting addressed the commission by stating most of their guests will be staying a week or more. Carlson said the traffic will be less than normal and will comprise only 17 check-ins per day, which is less than a shorter-stay hotel. Bolf commented on the need for a traffic study and feels the developer would agree, but notes it be \$750,000 to conduct a full traffic and intersection study and install a traffic signal. Guggenbuehl questioned if their restaurant will be open to the public. No, there will be limited service catering to their guests. Zwiebel inquired about the traffic study and if a street light was needed. Robertson, it's a prime location and development is encouraged, but a traffic study is needed and maybe they can work with MN DOT. Beeman asks if it's considered an extended stay hotel, will guests still be going out for dinner. Carlson states there are kitchenettes and guests are given the opportunity to stay in their room. Mullins asks if an exit on to Central Entrance be limited to a right turn only. Robertson, the only access will be off of Blackman and Clearwood. Hamre notes there are also houses on Blackman Avenue and limiting turning would not be an option. Digby questioned staff and the developer if there is a connection from Clearwood to Pecan, since it is already signaled? Is Pecan an option for the main entrance versus Blackman? Robertson, it could be a long term goal, but there is a creek to cross and a property owner who would be affected.

**Public:** Linda Ross Sellner of 402 W. Arrowhead Road addresses the commission. She is concerned with the impervious surface area the new hotel will create. She is concerned about Brewery Creek and feels it will greatly be impacted by stormwater reception into the creek. Bolf addresses her concerns by reporting he met with city engineer Tom Johnson and the stormwater ordinance requires run-off be treated to meet the required standards. Chair Sarvela asks what methods they are using for stormwater management. Bolf responded nothing definite yet, but tools include: grass swales, a filtration pond and underground storage. Chair Sarvela inquired about snow removal. The developer states they have options including melting the snow. The

stormwater will be controlled by curbs and gutters, and will not affect the neighboring property.

**Commissioners:** Digby notes on page 2-25 in UDC and any traffic improvements should be paid by the property owner at no cost to the city. He notes it's a great project if traffic issues can be solved. He doesn't want a dangerous situation or additional cost be incurred by the city. Mullins notes the Blackman Avenue residents and if they could find an alternative route for a left turn. Digby asks staff if the commission could receive a formal report from engineering. Robertson, it would be MN DOT's call. Zwiebel asked staff to clarify what their recommendations are. Robertson states they are requesting the applicant: 1) build a portion of Clearwood to city standards as per the city engineer; 2) traffic study be reviewed and approved by MNDOT and the city; 3) applicant agrees not to contest any future road assessments and 4) build required traffic items as recommended by the traffic study. Zwiebel notes his conditions don't specify where the money will come from. Robertson, the cost would be paid by applicant and MN DOT and he doesn't think the city will be involved. Guggenbuehl doesn't feel the total cost should be placed on the applicant. Sydow commented on the site plan and landscaping plan. Robertson stated they have submitted a revised plan which is required to meet the UDC standards. Mullins agreed with Digby's point about the applicant paying for the entire traffic light cost. Robertson, MN DOT may voluntarily pay for it due to high traffic existing volumes. Digby doesn't feel it is ready at this point. He wants these issues addressed before he can vote for it. Mullins questioned if there are provisions they could add to make Digby more comfortable. Digby feels there isn't enough clarity at this point as there are four or five items that aren't being addressed, which is too much to push through. Mullins asks if there is time before the January meeting to hear feedback from MN DOT. Robertson commented that with the holiday season, he feels it wouldn't be possible until February's meeting. Bolf commented on the traffic study by stating he has reviewed traffic studies in Duluth and Hermantown. Traffic studies need to prove what the traffic will do in the future. Vehicle traffic in the hundreds per day will not warrant a signal. A signal is originated based on MN DOT's review. Each owner would be responsible for their leg of usage. Years of planning and allocating would be needed for the improvement. Adding a traffic signal is a large and costly project. Carlson notes they are on a strict timeline. Zwiebel inquired if the other issues can be addressed by the next meeting. More information is needed on BMPs, bike trail, Clearwood Drive, landscaping and lighting plan. The applicant has had previous meetings with engineering staff including Cari Pederson, Erick Shaffer and Tom Johnson. City staff is comfortable bringing the road and the water main to the center of the property on Clearwood. The applicant stated they have the tools to meet stormwater requirements. Landscaping and lighting designs could be provided if the item is tabled until January. Digby feels they should table this item until the January meeting until the answers are put in writing.

**MOTION/Second:** Zwiebel/Mullins approve based on staff recommendation. Zwiebel withdraws the motion.

**MOTION/Second:** Digby/Mullins Table for more details including, stormwater run-off, landscaping, what the agreement is on Clearwood Road, and the bike pathway. In particular how will the traffic study proceed and what costs would be concurred as a result of it.

**VOTE: (7-0)**

IV. Other Business – N/A

V. Communications

- A. Presentation by Cunningham Group - 6<sup>th</sup> Avenue East Corridor Development Study for One Roof Community Housing. Andrew Dresdner addresses the commission. He acknowledges Jenn Moses, Sarah Kilgour of One Roof Housing, James Gittemeier of the MIC and Pam Kramer of LISC. This was a state road which was turned back to the city in the 80s. It was developed according to state highway standards. And is too wide and unsafe to cross. They are proposing a boulevard feel to the avenue. The project has four goals: 1) a street that connects, not divides; 2) a place more people can call home; 3) things to do and places to go; and 4) a safe place to live and work. Primary recommendations are: 1) line it with multi-family housing; 2) keep the neighborhood the same; 3) consolidate hospital land; 4) manage development scales across the street; and 5) reinforce 4<sup>th</sup> Street as the main commercial corridor. He notes increasing the building height allowance; adding public open spaces, including pocket parks; commercial development; and locating towers strategically. Digby thanks the speaker for his report and would like to see the changes happen. He inquired about the hospital's feedback on the plan. Response is they would like to consolidate as much as possible on the bottom side of the hill as they need room for growth. Zwiebel asks where the traffic will go. The consultant responded traffic will stay on 6<sup>th</sup>, but will be managed in a better way. Slower traffic has higher capacity since you can drive closer to the person in front of you. Chair Sarvela notes similar studies on 21<sup>st</sup> Ave East and Woodland Avenue and they too used to be four lanes. James Gittemeier addresses the commission by commenting that a three lane road would be a good fit for the neighborhood. They are working on a traffic study with modeling and noted 7<sup>th</sup> St during peak periods becomes inoperable. Pam Kramer of the Local Initiatives Support Corporation (LISC) addresses the commission. They are excited about the 6<sup>th</sup> Avenue project including the mixed use development and working with the medical district partners. LISC is working on redevelopment and implementation strategies for 6<sup>th</sup> Avenue. The project is an extension of the Higher Education SAP. Chair Sarvela thanks the presenters. Moses commented once the plan is finalized it will be wrapped into the greater hillside plan which One Roof is putting together. She will make sure the commissioners get copies of both plans.
- B. Managers' Report – Froseth notes the Lincoln Park SAP and is pleased with the discussions so far. No update on Superior Street re-design. Kayak Bay request for proposals has been sent out to 10 consultants with responses due December 30. City council upheld planning commission decisions on the variance for a home on Skyline Drive and the decision on the cell tower in Chester Bowl.
- PL 14-171 Concept Plan for Atlas Subdivision (Informational Item) – shared with commissioners.
  - PL 14-164 Temporary Use Permit for RV Parking (Informational Item)
  - Rezoning for Midway Annexation at the January PC Meeting.
- Cell towers in parks. In general – wilderness parks should omit cell tower, but structures i.e. Wade stadium may be more permissible. Chair Sarvela asks if the parks will be prioritized based on natures. Digby notes when are brown bags scheduled with topics to perhaps to include; Higher Ed small area plan implementations and the Kwik Trip proposal on 4<sup>th</sup> street – would this be a good for a brown bag? Froseth, it's a little early

yet for Kwik Trip. Sarvela notes December is a bad month, but hopes to see brown bags in the new year including topics on additional planning commission involvement in RP's and setbacks on narrow lots with a general variance discussion.

C. Consideration of Minutes - November 10, 2014

**MOTION/Second:** Sarvela/Beeman

**VOTE: (7-0)**

D. Reports of Officers and Committees

-Heritage Preservation Commission Representative Mullis reported the HPC is working on nominations for properties to landmark status, they would like a summit on heritage preservation, and looking at tourist development via historic tours. Mullins will no longer be on the commissions due to her moving out of city limits.

E. 2015 Planning Commission Meeting Schedule handed out.

F. Adjournment

Meeting adjourned at 7:36 p.m.

Respectfully,



Charles Froseth, Land Use Supervisor