

City of Duluth
Planning Commission
Minutes of Tuesday, March 10, 2009
City Council Chambers

I. Call to Order: President Harries called the meeting of the Planning Commission to order at 5:00 p.m., **Tuesday, March 10, 2009**, in the third floor Council Chambers of Duluth City Hall and explained the public hearing procedure to the audience.

II. Roll Call:

Members Present: Mike Akervik, Mindy Appold, Henry Banks, Mindy Granley, Gil Harries, Joan Morrison, David Sarvela, Jim Stebe, John Vigen, Roger Wedin

Members Absent Excused: Joan Barrett, Ruth Ann Eaton, Heather Rand

Staff Present: Terri Fitzgibbons, Chuck Froseth, Alison Lutterman, Cindy Petkac

III. Public Hearings (staff reports of matters are on file in the Planning & Development Department)

A. **FN09010** - Special Use Permit for 4587 Ridgeview Road by Western Lake Superior Sanitary District, WLSSD/Brandon Kohlts (CP)

Staff: Petkac stated this request is to extend the appliance pad and provide a loading dock for appliances to be unloaded and hauled away. This is a requirement for the contractor that will be hauling away the appliances. Staff recommends approval.

Discussion: Appold asked about impervious surface increases, and Petkac stated the amount of impervious surface is not being increased.

MOTION/Second: Vigen/Morrison to Recommend Approval of Special Use Permit for 4587 Ridgeview Road by Western Lake Superior Sanitary District, WLSSD/Brandon Kohlts

Vote: Unanimous (10-0)

B. **FN09008** - Special Use Permit for vehicle impound lot at 2501 Rice Lake Road by St. Louis County (CP)

Staff: Petkac stated this request is for a shared public impound lot between St. Louis County and the Duluth Police Department. This improvement was already made, and once the County was aware they needed a permit, one was applied for. The total area of the lot is 39,500 square feet. The security fence is eight feet high with four entrances. Light poles are approx 30 feet tall. This project complies with the Comprehensive Plan. Staff recommends approval.

Applicant - Tony Mancuso, St. Louis County: Mancuso stated this is an impound lot for vehicles with fencing and lighting.

Discussion: Vigen asked if the lighting is set in a downcast manner, and Mancuso stated the lights are pointed down at an angle. Additional lights were added so they could illuminate more area and still be downcast. Appold asked if there have been any complaints reported since the impound lot was built. Petkac was not aware of any complaints but stated they would not have come to her. Morrison asked if there is a glare for residents at Aspenwood. Petkac did not notice any lighting when she was driving by in late afternoon. Mancuso stated the site was selected based on its proximity to an old barn which is used to store other vehicles. This lot is in the middle of a 40-acre parcel and was selected for this reason. The only place the impound lot is visible is from Rice Lake Road, and Mancuso was not aware of any complaints received regarding lighting. Granley asked about the use of the lot, and Mancuso stated it is strictly for the storage of impounded vehicles.

MOTION/Second: Vigen/Wedin to Recommend Approval of Special Use Permit for vehicle impound lot at 2501 Rice Lake Road by St. Louis County	Vote: Unanimous (10-0)
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- C. **FN09009** - Partial alley vacation at 202 West Second Street to accommodate encroachment of the building into the alleyway, American Indian Community Housing Organization (CF)

Staff: Froseth stated this is a request to vacate .01 feet of an alley for the AICHO. There will be no changes to the use. A permit from Building Safety was issued, and it was discovered when the building was built in 1908 the building was overbuilt .25 foot into the alley. The building has not caused detriment or inconvenience to the public since it was built.

MOTION/Second: Akervik/Banks to Recommend Approval of partial alley vacation at 202 West Second Street to accommodate encroachment of the building into the alleyway, American Indian Community Housing Organization	Vote: Unanimous (10-0)
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- D **FN09011** - Concurrent Use Permit for a skywalk crossing the alley from 302 West First Street (YMCA Building) to 5 North Third Avenue West (Beal Building), YMCA and Heritage Foundation (CF)

Vice President Wedin recused from this matter.

Staff: Froseth stated this is a request for a concurrent use permit to build a skywalk, which will be private. The City will require a specific level of insurance to be carried by the property owner. Staff recommends approval.

Discussion: Vigen asked about private access to the YMCA. Jeff Palmer of the YMCA stated it would be a controlled access for only members and staff. Morrison asked who will be paying for the skywalk, and Palmer stated the YMCA will be paying the cost.

MOTION/Second: Vigen/Sarvela to Recommend Approval of Concurrent Use Permit for a skywalk crossing the alley from 302 West First Street (YMCA Building) to 5 North Third Avenue West (Beal Building), YMCA and Heritage Foundation Vote: 9-0-1 (Wedin Abstained)

- E. **FN09012-** Determination for Environmental Assessment Worksheet for Kohl's Parking Lot located at, 2115 Miller Trunk Highway, Kohl's Department Store/Robert Doren (CF)

Commissioner Vigen recused from this matter.

Staff: Froseth stated the Minnesota Department of Transportation (MNDOT) is making improvements to Highway 53 which has included moving Kohl's access. Currently there are 424 parking stalls, and the same amount will remain after the change. Kohl's feels they need to recover their lost spaces and propose doing so by building a parking platform for 72 spaces. The proposal also includes truck access around the entire building. Staff has no recommendation. A Brown Bag will be held this Friday for Commissioners. The matter is also being reviewed by the Technical Evaluation Panel (TEP).

Discussion: Appold asked if there are plans to restore the affected area. Froseth stated MNDOT will be restoring the wetland. Appold asked about the use of solar energy. Froseth deferred to Kohl's for this answer. Granley asked about the TEP's concerns. Froseth stated the TEP proposes a pond under the parking platform. The TEP also wants the computation of the fill in the back of the store recalculated.

Applicant - Lynn Bruns, I & S Group: Bruns stated 424 parking spaces were existing, and after the condemnation 327 parking spaces would be left. Kohl's proposed the EAW themselves to proactively go through this process.

Mark Lee, Kohl's Stores: Lee described Kohl's environmental initiatives and Kids Cares program through St. Mary's. Kohl's is taking steps to enhance the environment during this expansion by reducing runoff which now goes directly into Miller Creek by removing the entrance from Sundby Road. Kohl's will further screen runoff to reduce water temperatures. To address Appold's earlier question, Lee stated the Duluth Kohl's site has been deemed to be not a good candidate for solar power.

Discussion: Granley asked about adding square feet of impervious surface and how runoff will be addressed. Bruns stated they propose a system that separates roof water from ground water as it doesn't include as many pollutants and would be directed to a location as specified by the TEP. Impervious surface runoff will be treated onsite and directed to the restored wetland or the area below the parking platform, as per the TEP. Granley asked about the temperature of runoff from the roof water. Bruns stated the water would be routed to a shaded area or plantings created to shade the water and cool it prior to entering Miller Creek.

Appold asked how high the platform will be, and Bruns answered a minimum of 4 feet and as much as 8 feet in some areas. The vegetation below the platform may be moss but it will not support a typical wetland vegetation. The main benefit is to provide additional floodway storage. Bruns stated they are planning no construction on the Miller Creek side, but MNDOT is planning construction there. Appold asked if the platform will be visible from Highway 53, and Bruns stated this will impact 10 feet outside of construction, and shrubbery and wetland 8 to 10 feet high will be preserved as much as possible.

Sarvela asked why Kohl's needs 427 parking spaces as it is more than required. Lee stated with the existing amount they still experience parking overflows and shortages which occurs 10 days per year. These additional spaces are significant and are required to keep the store open. Lee stated parking shortages occur during the most important time of the year for the company.

Bob Doren, Kohl's: Doren stated they have conducted traffic and store volume studies and must have at least the number of existing spaces. The lot is full 30 days out of the year. Granley asked if there will be bus service at the store. Doren stated MNDOT is considering bus stops in both directions at this site.

Appold asked if a railing will surround the parking platform and about extending parking further along the building instead of jutting out into the wetland. Bruns stated there will be a railing for safety around the parking surface. Bruns stated several options were considered including parking further along the side of the store. The reason for the roadway is to provide access for trucks to go around the store and not cross the front of the store. Granley asked when truck access is needed. Doren did not have specific times but stated deliveries are received 3 to 7 times per week. The truck access on the west side of the building is on land owned by Kohl's and is the minimum width necessary for truck access.

Harries confirmed with Froseth and Lutterman that no action is required on this date. The public hearing comment period ends tomorrow at 4:30 p.m.

Granley will not be at the voting meeting and asked if Kohl's plans to purchase wetland credits from a bank. Bruns stated 18,700 square feet will be impacted and 24,000 square feet will be replaced. Calculations have changed due to modifications since they met with the TEP. Granley was pleased to see Kohl's environmental initiatives but indicated if they had been more careful during initial site selection, this would not be an issue. Bruns stated if it weren't for MNDOT's taking of the right of way, this would not be a project; Kohl's has been forced into this situation; however, Bruns agreed with Granley regarding the importance of site selection.

Appold asked about the area under the parking platform and questioned if it can even be considered a wetland. Bruns confirmed this is not a wetland, but it is an area being impacted and provides a way of minimizing the impact and for hydrology so the other areas may function. The goal of the Department of Natural Resources was to maintain as much floodway storage, and it will also facilitate the cooling of water.

IV. Consideration of minutes - February 18, 2009. Motion by Morrison/Appold - approved unanimously.

V. Communications

VI. Old Business

Petkac stated there will be a Committee of the Whole hearing on the Sundby Road rezoning on April 13, 2009. Council has asked the Planning office and applicant provide additional information.

Froseth stated Kerry Leider and the Duluth School Board provided documents to Commissioners regarding the School District's proposal for various sites throughout the city.

VII. Reports of Officers and Committees

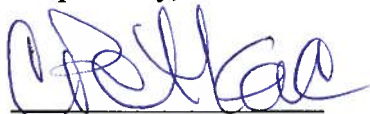
- A. Downtown Waterfront Mixed Use District (DWMX) Report: Morrison stated there was no meeting in March.
- B. Zoning Advisory Committee to Implement the Comprehensive Plan: Petkac stated they met two weeks ago and Clarion joined via conference call to present the diagnosis of our current code and an outline of the new code. A public meeting will be held March 24 at 6 p.m. in the Central High School cafeteria.

VIII. New Business

IX. Other Business

- X. Adjournment. President Harries adjourned the meeting at 6:02 p.m.

Respectfully,



Cindy Petkac
Land Use Supervisor



Charles Froseth
Senior Planner

CP:CF:tf