

City of Duluth  
Planning Commission  
November 10, 2014 Meeting Minutes  
Room 303 - 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, November 10, 2014, in City Hall Room 303.

Roll Call

Attending: Drew Digby, Terry Guggenbuehl, Tim Meyer, Garner Moffat, Patricia Mullins, David Sarvela, Luke Sydow and Zandra Zwiebel (arrived after item III. B)

Absent Excused: Marc Beeman

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

II. Unfinished Business

A. PL 14-099 Special Use Permit for Townhouses at Mississippi and Lyons Street by Green Capital LLC (Public Hearing Held on August 12, 2014). **Update: application withdrawn by applicant.**

B. PL 14-101 Quick Plat at Mississippi and Lyons Street by Green Capital LLC (Public Hearing Held on August 12, 2014). **Update: application withdrawn by applicant.**

III. Public Hearings

A. PL 14-148 Rezone from Industrial-Waterfront (I-W) to Parks and Open Space (P-1) properties on the south side of St. Louis Avenue, between 13<sup>th</sup> Street South and 15<sup>th</sup> Street South, by the City of Duluth

**Staff:** Chuck Froseth introduced the city's proposal to rezone land on Park Point, South of St. Louis Avenue, to the shoreline of the Duluth Harbor Basin, from 13<sup>th</sup> Street South to 15<sup>th</sup> Street South from Industrial Waterfront (I-W) to Park and Open Space (P-1).

Staff recommends approval. Drew Digby asks if this is city property. Froseth, yes this is city owned. Luke Sydow asks if the boat club be a continued use. Froseth, yes, with a new agreement with them is in the works.

**Applicant:** N/A

**Public:** N/A

**Commissioners:** N/A

**MOTION/Second:** Moffat/Meyer recommend approval as per staff's recommendation.

**VOTE: (7-0)**

B. PL 14-139 Vacation and Dedication of Public Right of Way of Alden Avenue Between Red Wing Street and Faribault Street by Ridgeview Country Club

**Staff:** Jenn Reed Moses introduces the applicant's request to vacate Alden Avenue between Red Wing Street and Faribault Street, maintaining a utility easement over the western 10'. A new right of way will be dedicated via a separate resolution to the city council. Staff recommends approval of the vacation.

**Applicant:** N/A

**Public:** N/A

**Commissioners:** N/A

**MOTION/Second:** Guggenbuehl/Moffat recommend approval as per staff's recommendation.

**VOTE: (7-0)**

- C. PL 14-153 Vacation of Public Right of Way at 218 South Blackman Avenue by Gary and Patricia Kolojeski

**Staff:** Jenn Reed Moses introduces the applicants' proposal for a vacation of the undeveloped alley between lots 10 and 11, block 3, Clearview Park, running eastward from Blackman Avenue. Based on the findings listed in the staff report, staff recommends approval.

**Applicant:** Present and asks if there are any questions.

**Public:** N/A

**Commissioners:** N/A

**MOTION/Second:** Mullins/Meyers recommend approval as per staff's recommendation.

**VOTE: (8-0, Zwiebel in attendance)**

- D. PL 14-151 MU-I Plan Review for Essentia for Utility Service Walkway and Electrical Penthouse at 400 East Third Street

**Staff:** Jenn Reed Moses introduces the applicant's request to construct a service walkway from St. Mary's Medical Center "Service Building" to the "East Building," and an electrical penthouse on top of the fifth floor of the "Northwest Building" in order to accommodate back-up power service and distribution from the new generator building. Based on the findings and conditions listed in the staff report, staff recommends approval.

**Applicant:** Evan Aljoe of LHB who represents the owner addresses the commissioners and asks if there are any questions. Terry Guggenbuehl asks if noise will be a factor. Aljoe, no, switches only. Garber Moffat asks staff about building design standards. Moses it's less than 10,000 square feet and is utility related.

**Public:** N/A

**Commissioners:** N/A

**MOTION/Second:** Guggenbuehl/Zwiebel approved as per staff's recommendation.

**VOTE: (7-1, Moffat opposes)**

- E. PL 14-152 MU-I Plan Review for Essentia for a Backup Generator Structure at 503 East Third Street

**Staff:** Moses introduces the applicant's request to replace the existing generator building structure with a new 43' x 95' generator building that will house up to five generators and two fuel tanks. Staff recommends that prior to a building permit being issued, Essentia document that all noise standards will be met. Based on the findings and conditions listed in the staff report, staff recommends approval. Zandra Zwiebel clarifies the number of generators. Moses, the capacity will house up to five, but will currently hold two.

**Applicant:** Evan Aljoe - designed so noise levels will comply. They are working with an acoustic engineer to make sure they meet the standards. Guggenbuehl asks about exhaust height. Aljoe states it is high enough to avoid hospital air intakes. Digby clarifies these are back-up generators. Aljoe stated this is correct and they will be tested regularly, but would not be used unless there was a power loss. Drew asks about the exterior color scheme. Will it be designed based on buildings around it? Aljoe, yes, the exterior will be reddish brick, which is also found around the hospital campus. Chair Sarvela asks where the tanks will be fueled. Applicant states from the alley.

**Public:** N/A

**Commissioners:** N/A

**MOTION/Second:** Digby/Guggenbuehl approved as per staff's recommendation.

**VOTE: (8-0)**

- F. 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 **Update: Applicant has asked that this project be reviewed at the December 9, 2014, PC meeting, and granted the city a 30 day extension to the 15.99 limits.**
- G. PL 14-155 MU-C Planning Review for a New Mixed Use Residential and Commercial Building at the Southeast Corner of London Road and 21<sup>st</sup> Avenue East by Harbor Bay Real Estate Advisors
- Staff:** Steven Robertson introduces the applicant's request for mixed use (residential and commercial) structure. The applicant states that the project will be "approximately 148 market rate multi-family units and approximately 12,900 square feet of retail". The project will involve demolishing all the existing structures on the block, as well as (in the near future) petitioning the city and state for vacation of public right of way. Based on the findings and conditions listed in the staff report, staff recommends approval. Tim Meyer asks where the shoreline overlay is. Robertson, normally 300' for General Development Waters, but is 1,000' due to the lake. Chair Sarvela asks about underground stormwater storage tanks and Meyer asks about impervious surface requirements. Robertson notes standards will be met and defers to engineering. Robertson notes the height requirement is in compliance based on the structure's primary entrance. The building will be three stories in the front and six stories in the back; Robertson noted the elevation and slope of the property. Zwiebel questioned the height elevation. Is the flat level of the roof considered, or the two feet extensions above that? Robertson stated that the design meets the height requirements. Zwiebel asks about the traffic study. Robertson responded the applicant has paid for a traffic study, and engineering is reviewing it. She asks about turn lanes. The entrance is not near the turn lanes. Moffat states this is overall an exciting project. He inquired about the drive-thru. Should the traffic flow go in the other direction? Robertson, the set-up is not ideal, but the corner location maximizes the site's marketability for retail, and the drive through window needs direct access to a car's driver side window for food and money transactions. Moffat notes the units will be sold at market rate. He states it would be great to see some mixed income housing. Sydow notes the retail aspect of the property and feels there should be more pedestrian access points. Chair Sarvela notes the site should allow for access points to get pedestrians across the parking lot safely.

**Applicant:** John Erickson of DSGW addresses the commissioners on behalf of the developers. The developers attempted to be at tonight's meeting, but were deterred by the weather. He pointed out there will be pedestrian access sidewalk, landscaping and the gas lines will be kept under the current sidewalk to minimize impact. Digby appreciates the connectivity issues. He is concerned by residents of the 140 units wanting access to Lakewalk. Erickson notes there will be an access for the residents, and the sidewalks will connect. Digby asks what the scale is of available retail space. The applicant stated the retail space will focus on the needs and conveniences for the residents noting it will be smaller retail, with a coffee shop being the largest are in square footage. Keith Hamre reported the retail space will be 18,000 – 20,000 square feet. Digby questioned the possibility of another restaurant and perhaps an additional drive-thru - is there a limit on drive-thrus? Hamre, the site is the limiting factor, and they would also lose parking spaces with another drive thru, but this zone district does not limit the number of drive thrus. Digby asks about the possibility of a restaurant with a view. Hamre states the retail site faces London Road. The only possibility would be to build higher, and that would violate the 35 foot height restriction. Robertson stated the possibility of rooftop dining or viewing. Erickson responded the amenities have not been finalized. Fire pits have been discussed, and a multi-use/party room will be available. Digby asks about retail possibilities and if the amenity zone might allow for the public to enjoy an adult beverage while enjoying the lake view. Hamre states the facility would need to comply with liquor license requirements, and separation from service and consumption may be an issue. Chair Sarvela asked if changes to the development would be presented to planning commission. Robertson notes minor changes can be approved by the Land Use Supervisor, but any other major or significant revision . Patricia Mullins wondered what is included in the amenity level. Is this how residents will access their garage? Erickson responded the lowest level vehicle access will be off of South Street. The next level up will be accessed off of 22<sup>nd</sup> Avenue East. They are separate points, which will eliminate the need for a ramping system. There will be an egress stairway from the amenity deck. Erickson notes there will be a dedicated loading zone on the property side of 22<sup>nd</sup> Avenue East. Meyer inquired about their plan for storm water retention. Erickson, the plan is to contain the water in underground tanks under the parking area. Sydow questioned about the screening of the rooftops. Erickson responded the residential rooftops will be residents only. The commercial side will allow for 20' internal height, which is ideal from a marketing standpoint. Chair Sarvela asks about snow removal with Erickson reporting it will be a challenge and they likely will be trucking out the snow. Digby asks if there are snow storage requirements in the UDC. Robertson, storage is allowed on-site or off-site and the development will be trucking the snow off-site. If they don't truck it out, they will be losing parking spaces. Chair Sarvela inquired if there is a formal entrance for the residents. Erickson, yes, the entrance is on the 22<sup>nd</sup> Avenue East side of London Road.

**Public:** Don Johnson, resident of 2619 Branch Street, addresses the Commission. He thinks the development will be a wonderful addition to the neighborhood. Johnson did attend the neighborhood meeting and everyone he spoke to was in favor of the project. Andy Strom addresses the commissioners. Strom owns the blighted property near-by. He has heard positive feedback about the development.

**Commissioners:** Digby will make a motion, but asks if there are any additional conditions about connectivity the commissioners want to include. Digby would like the applicant to submit a connectivity plan which includes residential paths. Zwiebel states

there already is one. Chair Sarvela stated they could formalize it in a condition. Sydow would like the neighbors to have walkways through the parking lot to the retail area, and then connect to the pedestrian walkway to the lake walk.

**MOTION/Second:** Digby/Mullins approved as per staff's recommendation with the additional requirement that the applicant submit a pedestrian connectivity plan with two elements, including: 1) how the residents from the building will connect with 21<sup>st</sup> Avenue East; and, 2) how the residents of the neighborhood will access the commercial businesses through the parking lot and then access the lake walk.

**VOTE: (8-0)**

- H. PL 13-003 Special Use Permit for Expansion of an Existing Telecommunications Facility (Monopole) at 218 East Central Entrance by Faulk and Foster

**Staff:** Steven Robertson introduces the applicant's request for a special use permit to expand an existing telecommunication facility. The applicant wants to add height, equipment shelter, and additional antennas. Based on the findings and conditions listed in the staff report, staff recommends approval. Sydow asked about the determination of need. Consultant Bob Newman is the expert, but Robertson notes the propagation maps and felt there was an argument for the need of capacity or coverage. Chair Sarvela asks why this application has taken so long. Robertson, it isn't unusual for a year to pass before a complete application is submitted. The new height of the adjusted structure will be 68 feet. The bird migration standards caps the tower to 75'. Digby asked about the letters sent to adjoining property owners. The letters go to the property owners and also signage is posted on the property. Chair Sarvela does not like the design of the pole. Moffat states it's already ugly and might be a good place for it. He wouldn't approve it for a new tower. Mullins agrees with Moffat but wonders if there are other screening options. Meyer thinks additional height might help get it out of the view shed. Chair Sarvela inquired if they could make the structure more uniform and this could be tabled for alternative designs and feedback from the owner.

**Applicant:** N/A

**Public:** N/A

**Commissioners:** N/A

**MOTION/Second:** Sydow/Meyer table for more information on the aesthetics and proof of need.

**VOTE: (8-0)**

- I. PL 14-157 Variance to Corner Side Yard Setback at 101 Vassar St. by Kevin Erickson

**Staff:** Jenn Reed Moses introduces the applicant's proposal to construct a 20' x 12' deck along the rear of the house. Based on the findings (including no practical difficulty) listed in the staff report, staff recommends denial. Applicant could put a smaller deck off the rear entry or a larger deck if they had not decided to start construction of the current driveway and garage project. Digby asks if Minneapolis Avenue would be available for a vacation. Moses responded that there is privately owned land to the north which is guided for traditional neighborhood as a future land use, and has potential for development; Minneapolis Avenue would be needed for access. Chair Sarvela asks about the size of the easement. Moses states there is enough room, to put a road through.

**Applicant:** Kevin Erickson and son address the commissioners. His family has lived on Vassar Street for 62 years. They have a strong connection to the neighborhood and are

trying to complete the last phase of their house project. Stairway is currently collapsing. He feels the area surrounding the home is remote and the narrowness of the lot also applies. Zwiebel asks about the original variance. Moses states the previous variance was in 2001 under the board of zoning appeals (different body) and different standards. Applicant adds the variance was for an addition to the house. The measurements were off of survey markers and the applicant feels it is closer to 9 feet. The lot is 61 feet wide. Meyer asks about other options which would comply. Guggenbuehl questioned if they could lessen the width of the driveway. Digby felt setback rules are sometimes antiquated and need revision. He wants to find a reason to accept. Meyer notes fire separation rules for safety reasons. Guggenbuehl agrees with Digby in this case since the deck is the same width of the house. Mullins agrees she wants to approve, but having a hard time finding practical difficulty. Sydow notes the hardship can't be created by the landowner. Chair Sarvela states their hands are tied.

**Public:** N/A

**Commissioners:** Moffat feels the owner has created his own hardship and he can't approve this with without a practical difficulty. Guggenbuehl feels the garage and the driveway are irrelevant, and considers this a replacement deck. Moffat feels he can replace the deck, make it larger and still comply with the UDC. Digby notes the general variance criteria and feels the intent of the comprehensive plan is to create great neighborhoods, and adding a deck fits this intent. He is in support of the variance.

**MOTION/Second:** Moffat/Meyer denied as per staff's recommendation.

**VOTE: (4-4, Digby, Guggenbuehl, Zwiebel, Mullins opposed)**

**MOTION/Second:** Guggenbuehl/ Digby approved due to narrowness of lot and the location of the existing structure on the lot.

**VOTE: (4-4, Moffat, Sarvela, Meyer, Sydow opposed)**

**MOTION/Second:** Digby/Guggenbuehl Table for more information.

**VOTE: (7-0, Meyer abstained)**

IV. Other Business/ Communications

- A. Robert Herling of the MIC addresses the commission with the topic "Long Range Transportation Plan & Potential Impact on Future Land Use in Duluth" sharing a power point presentation on the MIC Area. There is a federal mandated plan which includes all local plans slated for the next 25 years. Historic trends are studies to try and determine future needs. He shared the anticipated traffic growth into the region, the average household size is declining and a larger portion (over 1/3) will be 55 or older. Not as much traffic growth within the area itself. Modeling enables pinpointing of future congestion areas. Congested areas for peak travel times include London Road and UMD. He notes projects and costs. The largest cost is highway preservation. The only construction projects are the Lake walk Trail, Air Base Road and Cross City Trail. Most of the funding is going to highway reconstruction with very little going to new construction projects. Duluth has a high cost estimate for highway reconstruction. They understand there is a significant need for maintenance. Interactive maps are listed on the MIC website. MIC staff will be looking closely, and work on, the updated comprehensive

plan and will base their plan recommendation on the plan. Digby thinks there should be a transportation aspect in the next comprehensive plan in 2015. Digby notes 6<sup>th</sup> Avenue E. and inquired how we want our major arteries to look like.

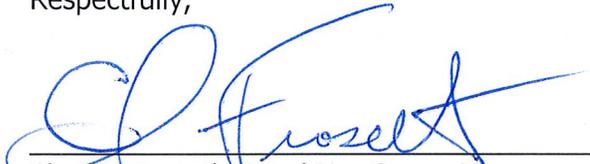
- B. Managers' Report – Froseth asks if there are any questions. Chair Sarvela questioned the status of the RFP for Kayak Bay. Froseth responded they are reformulating ideas and concepts. Moffat inquired about Superior Street reconstruction – bike routes stop at the edge of downtown. Hamre reported retail businesses want more parking spaces. Digby feels not all retail places want more parking with added sidewalk space we could create more walking and pedestrian traffic. The project is pushed back to 2017.
- C. Annexation Discussion Update – Chuck will share with commissioners next month.
- D. Consideration of Minutes - October 14, 2014

**MOTION/Second: Meyer/Guggenbuehl**

**VOTE: (8-0)**

- E. Reports of Officers and Committees
  - Heritage Preservation Commission Representative – Mullins states more properties are being considered for landmark status. There is excitement about using Duluth's rich heritage as a commercial draw.
  - Miscellaneous: Brown Bag meeting still in the works. The commissioners would like more UDC discussion about variances and setback issues.
- F. Adjournment
  - Meeting adjourned at 8:04 p.m.

Respectfully,



Charles Froseth, Land Use Supervisor