

City of Duluth
Planning Commission
Minutes of Tuesday, January 12, 2010
City Council Chambers

I. Call to Order: President Akervik called the meeting of the Planning Commission to order at 5:00 p.m., **Tuesday, January 12, 2010**, 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 (*left at 6:48 pm*), Joan Barrett, Drew Digby, Frank Holappa, Heather Rand, John Vigen, David Sarvela

Members Absent Excused: Katelyn Blazevic, Joan Morrison, Jim Stebe

Staff Present: Jen Bergum, Kyle Deming, John Judd, Alison Lutterman, Cindy Petkac

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

A. **FN 10002** - Special Use Permit for the replacement of a wooden wireless communications tower with a 60' monopole and equipment shelter at 3456 Haines Road by Pinnacle Towers Acquisition LLC for AT&T. (KD)

Staff: Deming reported on the replacement of the wooden pole with an array of antennae mounted on a steel monopole and the replacement of equipment on the ground. There was one neighbor comment regarding noise of the existing facility. Haines Road will be reconstructed next summer and the widening will be remove the vegetation between the current roadway and the tower. Staff recommends approval of conditions one, two, and three.

Discussion: Sarvela questioned if the existing pole should be removed? Applicant said yes it will be removed. Vigen asked about additional units and if they require additional permits. He also asked if the set back be increased so there's more space for screening. Lutterman said the monopole just needs a special use permit. Barrett asked if this is a flyway for birds.

Applicant: Nick Limberopoulos: Moving the site is a possibility. The old tower can't handle the additional antennae and so they need a new tower.

Vigen asked if is there was a set back from the road required. Staff answered, no. Limberopoulos said he is certain this tower will comply with National Migratory Birds Act as towers under 200 feet usually have no effect on migratory birds. Rand questioned noise and screening. Vigen asked why they would build the tower, then the county reconstructs the road, and then be forced to move the tower because it's too close to the road. Rand recommended the issue be tabled and have the company talk to the county. Vigen agreed tabling would be the best decision as he doesn't want to vote it down because we need it.

MOTION/Second: Vigen/Barrett to Table the Special Use Permit for the replacement of a wooden wireless communications tower with a 60' monopole and equipment shelter at 3456 Haines Road by Pinnacle Towers Acquisition LLC for AT&T. Vote: Unanimous 9-0

- B. *FN 10003* - Rezone from R-1-B (One-Family Residential) to S (Suburban) property at the southwest corner of Rice Lake Road and Pecan Avenue by Miller Dwan Foundation. (KD)

Staff: Deming reported on the proposed rezoning by the Miller Dwan Foundation and the four points of the application. City of Duluth is co-applicant as it owns one acre of land here. Staff recommends approval.

Discussion: Digby asked if there is a limit on size. Sarvela was concerned this would constitute spot-zoning. Lutterman said it is consistent with the Comprehensive Plan so it would not be spot-zoning.

Applicant: Bill Burns, Attorney for Miller Dwan Foundation: One thing missing from the staff report is Miller Dwan Foundation would purchase the one acre from the city for a buffer along Pecan Avenue. The entrance would have to be on Pecan Avenue which eliminates Rice Lake Road traffic issues.

Patricia Burns: Looked at what the most pressing issue facing the community was. After extensive research, the most need is mental health care for our youth. They spent two years examining this problem & solutions for it. This would take kids out of a hospital setting and put them into a home-like setting with age appropriate care. This is a day use facility, not a residential facility. They have \$2.2 million in gifts raised so far.

Bob Kern: The entrance road will be "S" shaped so the building will not be seen much from Pecan Avenue. There will be landscaping around the facility and the light fixtures are downcast to reduce excess light.

Barret asked if there was any access for public/bus transportation or bike. Kern said not DTA but maybe smaller transport vans. P. Burns said there is a bus stop near by and sidewalks will be there as well. Holappa asked about the staffing level and how busy it will be. P. Burns said it will be like a school day: Two hours of school every day and 5 hours of therapy as well as an evening program for 18-25 year olds.

Public Input: Mark Lambert owner of Boulder & Summit Ridge came to support the project. He thinks it is a good use for the neighborhood.

John L, Vice Chair of Miller Dwan Foundation: Northwoods has been a great neighbor since they have lived there. He is proud we have things like this for the youth.

Ron Neimi, Mental Health Professional: Has a 25 year old son who was successfully treated for depression. He supports this project saying we need it to help our community.

Margaret Walters from Hospice House: We will build a stronger community and healthy families with this project.

Sharon Baaken, Nurse Manager for Soveig Hospice House: This is a good opportunity for these kids to volunteer at Hospice House.

Betsy Johnson, 18 year old Senior at Central: She is a survivor of suicidal attempts because of this program.

Tracy Marciniak: Brought a letter from Rhonda Crosner licensed psychologist believes that she and other neighbors would be very anticipatory and excited about this project and would support it.

Sharon Booth 316 Wildwood Drive: Concerned on the rezoning. They support the need for the facility in the community, however, they are worried about increased traffic, lighting and noise. Believes it will be the first step in destroying their neighborhood.

Terry Rapshard: Concerned about neighborhood safety with chemically-dependent children wandering the neighborhood, property devaluation, tax increases, increased traffic, additional road assessments, construction, and sewage systems.

David Johnson, neighbor and teacher in the area: Concerned about Brewery Creek.

Michael Gabler 432 East 10th Street, Teacher at Marshall School: Questions if this is the right spot for the project due to the destruction of the vegetation. Students study nature here and that will be impacted greatly.

Barrett questioned the difference between R-1-B and S. Deming described the differences. Sarvela asked how many houses could be constructed on the site with R-1-B zoning. Petkac answered: 31 houses. Sarvela asked if this land was set aside to be preserved by the City? Deming said there were conversations of uses for the land at the time that Boulder Ridge was being considered, but there was no definitive answer. The 18 acres of land to the west of Solveig Hospice House has been preserved by the City.

MOTION/Second: Barrett/Appold to **Recommend Approval** to Rezone from R-1-B (One-Family Residential) to S (Suburban) property at the southwest corner of Rice Lake Road and Pecan Avenue by Miller Dwan Foundation. **Vote: Unanimous 8-0 (Rand Abstained)**

- C. **FN 10004** - Concurrent Use Permit for a retaining wall at 610-618 West Skyline Parkway by Jeff Smith and Peter Lambert. (JJ)

Staff: Judd reported on the neighbors at 610-618 building a retaining wall to build a parking pad. There were no comments from neighbors. Engineers asked the curb-cut be reduced to 24 feet. Staff Recommends approval.

Discussion: Barrett was concerned about where the drainage and snowmelt will go. Jeff Smith, applicant, said there is a widespread area between the two houses and that is the way water the water usually flows. Appold was concerned if it is visually safe for backing out. Judd reported that the new parking pad would actually provide improved visibility. Holappa was concerned if there is a permit needed for front yard parking. Lutterman said this is not an issue as there is no front yard parking permit required.

MOTION/Second: Vigen/Rand to **Recommend Approval** of a Concurrent Use Permit for a retaining wall at 610-618 West Skyline Parkway by Jeff Smith and Peter Lambert. **Vote: Unanimous 8-0 (Banks had left)**

- D. **FN 10005** - Vacation of a portion of Allendale Avenue by Woodland Hills. (KD)

Staff: Deming reported on the vacation for Woodland Hills. The right-of-way is useless for vehicular purposes but necessary for utility purposes. Staff recommends approval of the vacation while retaining the full width of the right of way for utility purposes.

MOTION/Second: Barrett/Akervik to **Recommend Approval** of the Vacation of a portion of Allendale Avenue and retaining the full width for utility purposes.

Vote: Unanimous 8-0

IV. Consideration of Minutes: December 8, 2009. Motion/Second by Akervik/Rand

Vote: Unanimous (8-0)

V. Communications

VI. Old Business

VII. Reports of Officers and Committees

A. **Zoning Advisory Committee:** Rand reported there is another meeting this Friday on the University Housing Overlay.

VIII. New Business

A. **FN10006** - Review of the December 3, 2009 list of tax forfeited land reclassified to Non-Conservation by the St. Louis County Board in preparation for sale. (KD)

Discussion: Appold reported on the Tax Forfeited Land Subcommittee that met at 4:30 p.m. that day. The committee support staff recommendation of objecting to reclassification of two parcels adjacent to Wheeler Field so that they can be obtained by the City for park purposes and a third parcel that has a 36" storm sewer crossing it.

MOTION/Second: Appold/Vigen to **Recommend Approval** of the Review of the December 3, 2009 list of tax forfeited land reclassified to Non-Conservation by the St. Louis County Board in preparation for sale.

Vote: Unanimous 8-0

IX. Other Business

X. Adjournment. Motion: Akervik/Barrett to adjourn. President Akervik adjourned the meeting at 7:11 p.m.

Respectfully,



Cindy Petkac
Land Use Supervisor

CP:jb