

City of Duluth  
Planning Commission  
June 13, 2017 Meeting Minutes  
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 p.m. on Tuesday, June 13, 2017, in city hall council chambers.

Roll Call

Attending: Terry Guggenbuehl, Janet Kennedy, Tim Meyer, Garner Moffat, Margie Nelson, Michael Schraepfer, Heather Wright Wendel, and Zandra Zwiebel (arrived during agenda item A)

Absent: Luke Sydow

Staff Present: Keith Hamre, Steven Robertson, John Kelley, Chris Lee, Kate Van Daele, and Cindy Stafford

II. Approval of Planning Commission Minutes – May 9, 2017

**MOTION/Second:** Meyer/Wright Wendel approve the minutes.

**VOTE: (7-0)**

III. Public Hearings

- A. PL 17-080 Special Use Permit for Preschool and Daycare in an R-1 District at 3917 Woodland Avenue by Many Rivers Montessori

**Staff:** Chris Lee introduces the applicant's proposal to operate a pre-kindergarten through 8<sup>th</sup> grade Montessori School in the Cobb School location. The special use permit is to operate a pre-kindergarten school in the location. Engineering noted the parking improvement will need to take stormwater runoff into their consideration for the neighboring properties. Staff recommends approval with the conditions listed in the staff report. Zandra Zwiebel asks if there is a reason why staff isn't requesting a retainer for landscaping. Lee states it can be added as a condition.

**Applicant:** Mark Niedermier of Many Rivers Montessori addresses the commission and asks if there are any questions. Zwiebel asks if the playground is public. Niedermier affirms.

**Public:** Cecelia Benson - 141 W. Redwing St. – addresses the commission. She is concerned about an increase in traffic and asks if there will be buses. She notes both Redwing Street and Woodland Avenue are both already busy streets, and asks if there has been a traffic study. Cheryl Blue – 123 W. Faribault St. – addresses the commission through an interpreter. She has lived on Faribault Street for 25 years. She is frustrated with water getting funneled from the parking lot and into her yard. She looks forward to improved runoff conditions and would like to see the trash moved further away from her backyard. She thanks the commissioners for their time and she looks forward to the improvements.

**Commissioners:** Chair Guggenbuehl asks the applicant to comment on buses. Niedermier states they are exploring the option in the future, but no buses are planned at this time. Chair Guggenbuehl asks the applicant to comment on traffic. Niedermier states a lot of parents will park and wait for their kids to exit the building. He doesn't anticipate a high volume of cars. Janet Kennedy asks why they are waiting a full year

before building the parking lot. Niedermier is happy to have the lot paved prior to occupancy, but they aren't planning to occupy until August of 2018. Garner Moffat comments that large paving projects can take time, and he doesn't think a year is unreasonable. He is confident engineering will address runoff concerns. Tim Meyer asks if the applicant has had conversations with the neighbors. Niedermier states not yet. Meyer suggests keeping an open dialog with them to alleviate their concerns. He is in support. Zwiebel asks about the trash receptacles. Kane Tewes of Architecture Advantage states there will be a fence in-between as well as an actual trash enclosure. Kennedy is in support, but thinks one year is too long for the parking lot to be paved. Zwiebel would like additional criteria to ensure conversations with the neighbors. Zwiebel feels there should be consistency with applications regarding a retainer for landscaping. Niedermier agrees they will follow the requirements, but they would prefer not to pay the retainer, since they are a non-profit organization. Zwiebel is in support and states the current school has become rundown. The renovations are appreciated. She asks staff about a traffic study. Director Keith Hamre states this project did not rise to the level of needing a traffic study. Robertson states the landscaping escrow omission was an oversight. Staff may recommend a small escrow for consistency purposes.

**MOTION/Second:** Moffat/Meyer approved as per staff's recommendations with added conditions that the adjacent property owners be informed by the applicant of their drainage plan and the location of trash receptacles, and a landscape retainer be added for an amount agreeable by staff.

**VOTE: (8-0)**

- B. PL 17-087 Minor Subdivision at 614 N 7<sup>th</sup> Avenue East by Sandra and Paul Robinson
- Staff:** John Kelley introduces the applicants' proposal to approve a minor subdivision that splits an existing lot into three lots. The existing lot is triangular in shape and is currently vacant with the exception of a parking pad located on the north end of the parcel. The applicant would like to use the minor subdivision process to create additional parking for 707 East 6<sup>th</sup> Street, add a small portion of land to 709 East 6<sup>th</sup> Street and to leave a buildable lot at 614 North 7<sup>th</sup> Avenue East. Staff recommends approval with the conditions listed in the staff report. Heather Wright Wendel notes the three parcels and comments on the parking situation. Will it trigger stormwater requirements? Kelley states it won't be a large enough area to require stormwater management.
- Applicant:** Present, but did not have anything to add.
- Public:** N/A
- Commissioners:** Kennedy concerned about the impervious surface area. Kelley it's a vacant lot, with no intention for a paved parking lot.
- MOTION/Second:** Zwiebel/Moffat approved as per staff's recommendations.

**VOTE: (8-0)**

- C. PL 17-081 Special Use Permit for Expansion (10 Rooms) of an Existing Hotel in an MU-N District at 2211 London Road
- Staff:** John Kelley introduces the applicant's proposal to expand the number of hotel rooms and complete interior renovations to the existing structure and modifications to the existing exterior site. Hotels in the MU-N District require a special use permit. Moffat comments on the landscaping requirements. Can the city request green roof areas versus trees? Kelley states they can offer it to the applicant for their consideration.

Director Hamre states the city has the ability to approve an alternative landscaping plan, and they are willing to discuss an alternative landscaping plan with the applicant.

**Applicant:** Steve Goins with Hall Equities Group addresses the commission. They own 165 properties in 16 states. They would like to enhance the property, and want to ensure the property remains viable in the future. They are in agreement with the conditions listed in the staff report. Wright Wendel states there are upfront costs with green roofs, but it would extend the life of the roof, and there would be cost savings.

**Public:** Shawn Bartlette - 2232 Jefferson St. – addresses the commission. He is ok with the development, but is concerned about the trees. He thinks it will restrict his view and his neighbors view. Kelley states city staff will ensure the landscaping plan takes into account the height of the trees. Don Bjoralt - 2302 Jefferson St. – addresses the commission and is concerned about additional parking on the street. He asks if they could use the parking lot across the street. He is also concerned about the traffic. The applicant comments they do own the land across the street and their employees park there. It could be also be used for visitor parking.

**Commissioners:** Zwiebel likes the idea of green roof areas, but doesn't think it should necessarily be mandated. Moffat notes the planning commission imposed a partial green roof on a hotel on park point, and is a matter of precedence. Robertson thinks it's okay for an option, but doesn't think it should be a mandatory requirement. Mike Schraepfer states the park point hotel was a unique situation. He also feels in this case it should be an option. Meyer would also like to see it as an option. Wright Wendel comments on an optional landscaping plan and does staff have thoughts to what it might look like? Kelley in the past they have included additional shrubs and grasses. Wright Wendel thinks they can enhance the visitors experience without it being all trees. Kennedy agrees and thinks they could add additional grasses. Meyer suggests they can leave it to the staff to blend it into the neighborhood and to consider the neighbors' views by using low-level plantings.

**MOTION/Second:** Moffat/Meyer approved as per staff's recommendations with the added condition that a green roof be required in their alternative landscaping plan.

**VOTE: (2-6, Guggenbuehl, Kennedy, Nelson, Schraepfer, Wright Wendel and Zwiebel Opposed)**

**MOTION/Second:** Meyer/Wright Wendel approved as per staff's recommendations with emphasis put on additional options for green infrastructure in the landscaping alternative plan.

**VOTE: (8-0)**

- D. PL 17-084 Partial Street Vacation of Matterhorn Circle by Capstone Apartments LLC and Scott Vesterstein

**Staff:** Steven Robertson introduces the applicant's proposal to vacate portions of an existing cul de sac along Matterhorn Circle in the Duluth Heights neighborhood. While part of the roadway was previously developed, the portions proposed for vacation have not been developed. Due to a small technical issue on the legal description, a signed exhibit is not included yet, but it will be included before it goes to the city council. Zwiebel asks if staff is in support and notes it wasn't included in the staff report. Robertson states staff is in support.

**Applicant:** Bill Burns/Scott Vesterstein present and will wait until the next agenda item to comment.

**Public:** N/A

**Commissioners:** N/A

**MOTION/Second:** Moffat/Nelson recommend approval as per staff's recommendations.

**VOTE: (8-0)**

- E. PL 17-083 Mixed Use Commercial (MU-C) Planning Review for Two Multi Family Dwellings (Capstone Apartments) at Matterhorn Circle by Capstone Apartments LLC and Scott Vesterstein

**Staff:** Steven Robertson introduces the applicant's proposal for a 50-unit apartment building and 30-unit apartment building along Matterhorn Circle in the Duluth Heights neighborhood south of the Village Mall. A new multi-use trail will connect these new buildings and the existing residential development to the south. Staff recommends approval with the conditions listed in the staff report.

**Applicant:** Attorney Bill Burns, Scott Vesterstein, and Tom DesMarais of Northland Consulting address the commission. Burns states they are comfortable with staff recommendations, and they are complying with the rules as they exist. Thoughtful effort was made to create a mixed-income community. Wright Wendel asks if they are the doing anything for bicycle activity. Vesterstein affirms and states bike racks will be placed on site and they want to make the development pedestrian and cyclist friendly. Chair Guggenbuehl comments on the trails and sidewalks and confirms they will be connected as per staff's recommendation. The applicant affirms. Chair Guggenbuehl asks about snow storage. DesMarais states there will be a designated area on site.

**Public:** N/A

**Commissioners:** Wright Wendel comments on the wetlands and feels the city should not allow development right up to the boundary of a wetland area. She appreciates a barrier fence being added during construction. Meyer is also concerned about erosion control and wants to capture it before it reaches the wetlands. Meyer thinks erosion control is just as important. Director Hamre notes they have been in discussion with Tom Johnson who is the city stormwater engineer. Robertson affirms no setbacks are required as long as you don't directly impact the wetlands.

**MOTION/Second:** Moffat/Zwiebel approved as per staff's recommendations which include changing #5 to remove escrow verbiage and have it included in the city's development agreement, and the addition of item #7 which requires an orange barrier fence be added on the site for grading construction to protect the wetlands.

**VOTE: (8-0)**

- F. PL 17-073 Interim Use Permit for Vacation Dwelling at 11 East 4<sup>th</sup> Street by Nikki Olson
- Staff:** Kate Van Daele introduces the applicant's proposal to use their condo for a vacation dwelling unit. The condo has two bedrooms with would allow for a maximum of five people. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of two consecutive nights. Staff recommends approval with the conditions listed in the staff report.

**Applicant:** Nikki Olson addresses the commission. She appreciates staff's help, and wants to see the downtown area improve and thrive.

**Public:** N/A

**Commissioners:** N/A

**MOTION/Second:** Moffat/Wright Wendel recommend approval as per staff's recommendations.

**VOTE: (8-0)**

- G. PL 17-078 Special Use Permit for Credit Union at 1515 Kenwood Avenue by Duluth Teachers Credit Union

**Staff:** Kate Van Daele introduces the applicant's proposal to relocate to a location within Kenwood Village, a mixed-use development. The applicant's existing credit union is at 1358 W. Arrowhead Road. A special use permit is required for commercial spaces within a mixed-use zoned area. Staff recommends approval with the conditions listed in the staff report.

**Applicant:** Brian Arola of AROLA Architecture Studio, LLC addresses the commission. They have approximately 30 feet of frontage on Arrowhead Road. The entrance for patrons is located via the parking lot.

**Public:** N/A

**Commissioners:** N/A

**MOTION/Second:** Moffat/Meyer approved as per staff's recommendations.

**VOTE: (8-0)**

- H. PL 17-091 Special Use Permit for Kennel at 211 West Michigan Street by Andrea Schokker

**Staff:** Steven Robertson introduces the applicant's proposal to develop a pet daycare facility in the lower level of the former downtown Ace Hardware store, with access and frontage along Michigan Street. Pet daycare (kennels) require issuance of a Special Use Permit in the F-8 form district. Staff recommends approval with the conditions listed in the staff report.

**Applicant:** Andrea Schokker addresses the commission and asks if there are any questions. Margie Nelson asks what is on the Superior street level. The applicant states it's a marketing firm (Giant Voices) which they rent from. Currently there are parking meters located on the Michigan Street level. Their clients will include downtown residents and workers.

**Public:** N/A

**Commissioners:** N/A

**MOTION/Second:** Zwiebel/Meyer approved as per staff's recommendations.

**VOTE: (8-0)**

- ~~I. PL 17-082 Variance from Lot Frontage Requirements in Rural Residential 1 (RR-1) at 10013 West Skyline by Ed Barbo (this item will be removed from the June agenda and will instead be heard at the July 11, 2017, Planning Commission meeting).~~

IV. Communications

- A. Manager's Report –Director Hamre gives an overview of the imagine Duluth comp plan social engagements. He encourages commissioners to attend. Last evening the city

council voted on the Boundary Avenue rezoning. They thought they approved it, but it required six votes, and they received 5 votes, so technically it didn't pass.

B. Reports of Officers and Committees

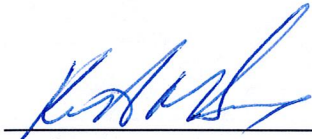
Robertson gives an overview - the Duluth Woman's Club is seeking Historic Designation for their building located at 2400 E. Superior Street. The planning commission is tasked with evaluating the proposal and forwarding their input to the HPC. Chair Guggenbuehl as the HPC rep is in support. He invites the pc to make a motion for their support. Ruth Eaton the vice president of the Duluth Woman's Club addresses the commission. The Club is excited to be designated and they feel it's the right thing to do. Kennedy comments on the handicapped accessibility. Chair Guggenbuehl agrees it's a good comment, but thinks there would need to be an allowance for the ADA rules. Director Hamre states the building code will address this issue, but can give historic buildings some options. Meyer notes historic tax credits are available for improvements. He feels it's a significant property in the community and is in support.

**MOTION/Second:** Moffat/Zwiebel recommends their support and approval to the Heritage Preservation Commission.

**VOTE: (8-0)**

C. Meeting adjourned at 6:57 p.m.

Respectfully,



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Keith Hamre - Director  
Planning and Construction Services