

City of Duluth  
Planning Commission  
March 13, 2018 Meeting Minutes  
Council Chambers - Duluth City Hall

1. Call to Order

President Michael Schraepfer called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, March 13, 2018, in city hall council chambers.

Roll Call

Attending: Janet Kennedy, Tim Meyer (arrived during item 3.C), Margie Nelson, Michael Schraepfer, and Luke Sydow

Absent: Heather Wright Wendel, and Zandra Zwiebel

Staff Present: Adam Fulton, Robert Asleson, Steven Robertson, Kyle Deming, Emilie Voight, and Cindy Stafford

2. Approval of Planning Commission Minutes (February 13, 2018)

**MOTION/Second:** Nelson/Kennedy approve the minutes.

**VOTE: (4-0)**

3. Consent Agenda and hearing

**Items that are perceived to be non-controversial or routine will be placed on the consent agenda. There will be no staff presentations on these items; the Planning Commission will be acting upon the staff recommendation and conditions written in the staff reports. There will not be an individual public hearing on each of these items unless the applicant or a member of the public wishes to speak to the matter. Instead there will be one public hearing for all the items on the consent agenda, and they will be addressed by the Planning Commission with one vote.**

A. PL 18-008 Vacation of South 18<sup>th</sup> Avenue East Platted Right of Way, With Retention of Utility Easement, at 1826 West Michigan Street by West End Properties Inc and Joe Kleiman

B. PL 18-009 Minor Subdivision to Separate One Tax Parcel into Two Separate Previously at 3600 Block of London Road by Ted Stocke

**Public:** No speakers.

**MOTION/Second:** Kennedy/Nelson approve staff's recommendations for the above two items.

**VOTE: (4-0)**

(The below items were pulled from the consent Agenda).

C. PL 18-015 Registered Land Survey for the Board of Trade Building

**Staff:** Kyle Deming introduces the applicant's proposal for the vertical subdivision of the historic Board of Trade Building by Registered Land Survey (RLS) in order to separate the multi-family apartments from the remainder of the building, which will be used for commercial uses. The city of Duluth owns a skywalk through the building on floors 1-4 that will also be separately identified on the RLS. Staff recommends approval with the condition listed in the staff report.

**Applicant:** N/A



**Public:** No speakers.

**Commissioners:** N/A

**MOTION/Second:** Nelson/Kennedy approved as per staff's recommendations.

**VOTE: (4-0, Meyer Abstained)**

D. PL 18-019 Harbor Light Replat

**Staff:** Kyle Deming introduces the applicant's proposal to replat 39.2 acres of vacant forested land into four lots ranging from 3 to 17.6 acres and an .8 acre outlot. The replat dedicates two public roads for "development of a new church and mixed-use property." Staff recommends approval with conditions listed in the staff report.

**Applicant:** Steve Burns of Esko addresses the commission. He represents the owner. He is pleased with the replat. He thanks the commissioners for their consideration.

**Public:** Eric Gulland, 154 W. Marble, addresses the commission. There was a meeting about traffic flow, and he didn't hear anything back. He would have liked more discussion on the traffic flow, and wants to make sure the development is done correctly. Was there a new wetland study performed? Deming states it's the same wetland footprint as it was before, which was approved. Deming notes at the traffic meeting it was determined that Mission Road would be a public road versus just an easement which would benefit the four quadrants of land owners. Paul Vogel of LHB addresses the commission. His firm created the final plat. The city and county have the control for entering and exiting Arrowhead Road. This plan was well thought-out. Gulland confirms Evergreen and Mission will both be public roads.

**Commissioners:** Luke Sydow asks about trail width. Deming states the trail width was not addressed. Manager Adam Fulton explains the specific details will be covered in the next step. Margie Nelson confirms any development will need to come back to the planning commission for approval. She mentioned wetland impacts. Per Deming, the wetland approval was already given. If the project requires a special use permit, (church or filling station) it will come back to the planning commission. Janet Kennedy asks staff to clarify item E on the first page of the staff report. Manager Fulton reiterates there needs to be available public services provided to the subdivision. This will go into further detail when the plan is created.

**MOTION/Second:** Sydow/Meyer approve as per staff's recommendations.

**VOTE: (5-0)**

4. Public Hearings

A. PL 18-020 Preliminary Plat for Hallett Dock

**Staff:** Kyle Deming introduces the applicant's proposal for the approval of the preliminary plat (a re-platting) of 102.5 acres of industrial land on Grassy Point into nine lots ranging from 0.6 acres and an outlot in a new plat called "Hallett Industrial Park". Staff recommends approval with the conditions listed in the staff report.

**Applicant:** Jennifer Carey (Hanft Fride), represents the applicant. She thanks staff for their help and consideration. The applicant supports the conditions listed in the staff report. It is a necessity for the applicant to use their spur track.

**Public:** N/A

**Commissioners:** Kennedy notes the recording of the plat as deemed necessary by the Examiner of Titles.

**MOTION/Second:** Sydow/Nelson approve as per staff's recommendations.

**VOTE: (5-0)**



- B. PL 18-005 Shoreland Variance for a New 48 Unit Senior Housing Apartment at 3900 London Road by OneTwoOne Development

**Staff:** Kyle Deming introduces the applicant's proposal to redevelop the 2.75 acre property into a 49-unit, 4-story apartment building with underground parking, driveways, and 16 surface parking spaces. Portions of the driveway and parking stalls are proposed to be located within the 50-foot shoreland setback for impervious surfaces. Based on the findings listed in the staff report, including the irregular shape of the parcel and steep creek ravine create a practical difficulty in the use of the property. Staff recommends approval with the conditions listed in the staff report. Chair Schraepfer asks about the stream. Per Deming it is not a designated trout stream. Kennedy asks if the stream goes into Lake Superior. She comments on walkway and the ravine is quite steep. Per Deming they will stay above the ravine. Tim Meyer asks if the DNR setback is 100 feet. Deming states it's 50 feet. Meyer asks about the height restrictions in an MU-N. Deming states 45 feet. Meyer comments about added traffic. The density is greatly increasing. Deming the driveway is under review by MN/DOT. Meyer states due to size and density, stormwater treatment is important. Manager Fulton agrees stormwater is important. This project is consistent to the character of what is to the east and to the west. If it was a stand-alone development, they might look at it in a different way. A formal drainage plan will be submitted to the city prior to the issuance of any permits. According to Tom Johnson (city stormwater engineer), the site plan shows stormwater management will meet the intent of the UDC. The design will not come back to the planning commission because it's an allowed use in the MU-N.

**Applicant:** Tom DesMarais (Northland Consulting Engineers) addresses the commission. They are meeting the requirements of the city. They will treat all stormwater before it gets to Lake Superior or the creek. They have met with MN/DOT and will use one-way (right-in, right-out) traffic controls as their tentative plans moving forward. Blake Wilson of Ecumen addresses the commission. This is the fourth senior coop that Ecumen has developed in Minnesota. This is age-restricted housing for individuals who are 60 and older. They hope to provide housing for area residents. Parking needs are much less than a regular apartment complex. Nelson notes the lake setbacks. DesMarais states the parking surfaces will be treated before it gets to lake or stream.

**Public:** James Martin, 4004 London Rd., addresses the commission. He urges the planning commission to table. He would like more discussion about the increased traffic congestion on 40<sup>th</sup> Avenue East and London Road. He thinks the parking at Ecumen is already inadequate. There are cars parked in fire lanes and in the vacant coop building. Traffic will be pulling into Ecumen to turn around to go East creating more traffic congestion. He feels the applicant (oneTwoOne Dev.) has been unresponsive to his calls with questions.

**Commissioners:** Kennedy has traffic concerns. Can this move forward without MN/DOT's final blessing? Manager Fulton states it's not a-typical to move forward subject to further conditions. This is a complicated area for traffic. City engineering and MN/DOT are evaluating. In context to London Road (which is a major artery), the overall impact of this project is very small. Meyer notes this location is right on a curve. Could they share access with Ecumen off of 40<sup>th</sup> Ave. E.? The applicant states the opportunity to cross the bridge was denied. Nelson confirms if they deny this item, it could be appealed to the city council. She is concerned about stormwater run-off and traffic.

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

**VOTE: (3-1, Nelson Opposed, Sydow Abstained)**



- C. PL 18-012, 18-013, and 18-014 Mixed Use Commercial (MU-C) Planning Review, and Structure and Impervious Surface Setback Variance, for Two New Commercial Structures (Restaurant, and Office/Commercial) at 1722 Miller Trunk Highway/4932 Decker Road by Steve Letnes

**PL 18-012 Planning Review**

**Staff:** Steve Robertson introduces the applicant's proposal to remove the existing structures on site and build two new buildings. The building with frontage along Miller Trunk Highway will be used for a 2,200 square foot drive-thru restaurant. The second building, fronting Decker Road, will be a two-floor, 22,000 square foot structure for office and retail space with parking. Staff recommends approval with the conditions listed in the staff report. Meyer mentions the flash flooding in 2012. How does stormwater management fit into long-term management? Per Robertson, short-term the new plan is better than what it is now. They will collect stormwater underground and release it slowly. Manager Fulton in the longer term they are paying great attention to Miller Creek. He notes the South St. Louis Soil District /BARR study. How do make the mall better? This project will help get to the long-term storm management plan. Meyer states 2012 was a big lesson. Moving forward they need to address it. Kennedy likes the attention paid to stormwater. She thinks green infrastructure could help mitigate.

**PL 18-013 Variance, Shoreland**

**Staff:** Steven Robertson introduces the applicant's proposal for a variance from shoreland regulations of building within 150 feet of a cold water stream. The applicant is proposing to remove the existing structures on the development parcels and build two new buildings. The building with frontage along Miller Trunk Highway will be used for a 2,200 square foot restaurant. The second building, fronting Decker Road, will be a two-floor, 22,000 square foot structure for office and retail space. The proposed second building would be constructed approximately 70 feet from the Miller Creek tributary. Staff recommends approval with the conditions listed in the staff report.

**PL 18-014 Variance, Impervious Surface and Vegetative Buffer**

**Staff:** Steven Robertson introduces the applicant's proposal for a variance from shoreland regulations for impervious surfaces and naturally vegetative buffer within 150 feet of a coldwater stream. The applicant is proposing to remove the existing structures on site and build two new buildings. The building with frontage along Miller Trunk Highway will be used for a 2,200 square foot restaurant. The second building with street frontage along Decker Road will be a 22,000 square foot structure for office and retail space. The second building would be constructed approximately 70 feet from Miller Creek tributary with the rear access drive constructed within 5' of the property line and approximately 30' from the tributary. Staff recommends approval with the conditions listed in the staff report.

**Applicant:** Greg Strom, Architect addresses the commission. They have kept their setbacks as small as they can. The use of the front building will be a smaller drive-thru restaurant. Adam Zwak addresses the commission. They intend to grade the property so all of the surface run-off will be treated. Meyer asks about pervious paving. Zwak states it's not part of this project. They will have catch basins to route run-off into underground treatment.

**Public:** Linda Ross Sellner, 402 Arrowhead Rd., addresses the commission. She is not opposed to everything here. Miller Creek is one of the city's best designated trout streams. She encourages improvement, but doesn't feel this new design has been proven. 150' setback from a natural resource which serves everyone. She urges commissioners to uphold the 150' setback.



**Commissioners:** Chair Schraepfer asks staff about the study. Fulton states the study he is referring to is based on the mall itself, and this is not on mall property. Any development moving forward in which they can improve stormwater management is encouraged.

**MOTION/Second:** Kennedy/Nelson approved as per staff's recommendations.

**VOTE: (4-0, Sydow Abstained)**

Power went off in city hall – 7:33 p.m. during the following agenda items:

D. PL 18-018, 18-017, 18-021 Vacation of Platted Utility Easements, Front Yard Setback Variance, and Off-Street Parking Variance, for a 50-Unit Apartment Building at 1601 West Superior Street/10 Piedmont Avenue by CCHC

**Staff:** Emilie Voight introduces the applicant's proposal to vacate two platted utility easements on their property to allow for construction of a 50-unit multi-family residential building and parking lot. This application is being submitted in conjunction with two others: PL 18-017, for a variance from front yard setbacks, and PL 18-021, for a variance from off-street parking requirements. Staff recommends approval of all items with the conditions present in the staff reports.

**Applicant:** Bill Burns of Hanft Fride, who represents the applicant, addresses the commission and invites questions. He mentions the variance from off-street parking requirements. This is a low-income tax credit project with a 30-year affordable housing commitment, so conversion to market-rate units in the near term is not a factor.

10 Minute recess given – to see if power returns.

**Public:** N/A

**Commissioners:** N/A

**MOTION/Second:** Meyer/Nelson motion to table all three items due to power outage

**VOTE: (5-0)**

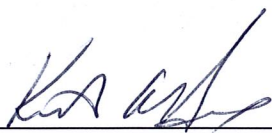
5. Communications

A. Manager's Report – N/A

B. Reports of Officers and Committees – N/A

C. Meeting adjourned at 7:36 p.m.

Respectfully,



Keith Hamre - Director  
Community Planning and Construction Services