



**City of Duluth
Planning Division**

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City of Duluth Planning Commission
April 30, 2014 Meeting Minutes

(Rescheduled from April 8, 2014 – lack of quorum and April 16, 2013 – weather related)
City Council Chambers - 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 Wednesday, April 30, 2014, in City Hall Council Chambers.

Roll Call

Attending: Marc Beeman, Drew Digby, Terry Guggenbuehl, Tim Meyer, Garner Moffat, David Sarvela, Luke Sydow and Zandra Zwiebel

Absent: Patricia Mullins (Excused)

Staff Present: John Judd, Jenn Moses, Steven Robertson, Nate LaCoursiere, Chuck Froseth, Keith Hamre and Cindy Stafford

- II. Presentation of Zenith Award for Plan Implementation to Mark Lambert of Bluestone Development and the University of Minnesota-Duluth for their work on Woodland Avenue and to St. Luke's Hospital for implementation of their campus plan.

III. Public Hearings

- A. Park Point Small Area Plan (Held over from February 11 Planning Commission Meeting). Public Open House in Room 303 from 3:30 to 4:30 p.m. before the Planning Commission meeting.

Staff: Keith Hamre addressed the Planning Commission noting that a recommendation is needed tonight from the Planning Commission. Recommendation can be one of three options: 1) full agreement with all strategies, 2) mixed agreement or, 3) no recommendation. John Judd introduces the Park Point Small Area Plan. Commissioner Zandra Zwiebel asked if Lake Avenue will be blocked off. Per Judd, no. The only change will be the summer parking is to be allowed on the lake side of Lake Avenue. Commissioner Drew Digby asked if staff supports the tier two access points. Per Judd, yes. Hamre commented this plan is setting a precedent for other parts of the city where there are street ends, or other similar easements, in that the city needs to state what public purpose an easement serves. Digby asks how the tier two access points would be recognized. Per Judd, they would be identified via a medallion in sidewalk, but not overly promoted. Commissioner Guggenbuehl inquired staff to clarify the small area plan and what is the timing of how long it will be in effect. Per Judd, recommendations are looking to the future in different increments: one to two years, two to five years and five to ten years and beyond. The Small Area Plan includes recommendations which look forward serving as a reference template for future development. Judd, states the "S" for example, are plan drawings, not design drawings. President Sarvela opened the public hearing. He would extend the opposition comment period to twenty minutes, and asked the public to focus on new information which the Commissioners have not heard at previous meetings.

Applicant: N/A

Public: Fred Bruno 2501 S. Lake Ave. (lakeside) – as an attorney is representing three homeowners adjacent to 25th Street who would like clarification on the process. They are considering vacating their easement as the city would benefit with an increase in tax revenue, would decrease liability for public safety, and decrease city maintenance expenses. Joel Sipress 2023 E. 4th St. and City Councilor – commented on the S-Curve recommendations. He shares the highlights from the minority report as prepared by Heather Rand and Councilor Gardner. Sipress became aware of Park Point issues when it was rezoned a few years ago to allow for a hotel. He feels the plan will channel development to Minnesota Avenue which he makes sense for future development. If Minnesota Avenue is developed, the S-Curve will alleviate traffic snarls as people try to cut through to get to the developed area. Addressing traffic concerns now are important by having a well thought out plan which anticipates proactively for projected traffic problems. Gerald Hadland – 1119 Minnesota Avenue stated there is no room for a strip mall and attention to traffic snarls in Canal Park should be addressed first. He is not in favor of the S-Curve as six homes will be negatively affected. Lisa Berthel – 2419 Minnesota Ave opposes not only the S-Curve but the tier two access points. There is no precedent or legal standing in the State of Minnesota on how much or location of public access is actually required. She stated in Michigan they have access points every two miles of beach frontage, access points would negatively impact her community, and over 50% of Park Point is already designated as public space. Burke Edgerton – 809 S. Lake Avenue is part of new coalition which is against the SAP. Edgerton talked about bike/pedestrian path along the avenues and is against the plan. Roy Marlo – 24th Street supports hotel development, against tier two access points, and the designated points are too arbitrary. He would support the tier two access points of the SAP. Bill Burns – 20 year park point resident and is an attorney, wants Planning Commission to recommend no action and not just “no recommendation”. Brian Nelson - 50 year park point resident and co-founder of Park Point coalition is opposed to the S curve and is against the plan. Brandon Robinson - General Manager of South Pier Inn opposes the S curve and in addition is against changing the traffic flow.

Commissioners: Tim Meyers asks staff if meetings with the business owners have taken place. Judd states yes. Commissioner Garner Moffat thanked the neighborhood for their involvement and compliments the staff on work completed. Moffat commented there are neighbors in support of the SAP and its recommendations, but not in attendance for whatever reason. Guggenbuehl stated that in prior public meetings, before the small area plan room was initiated, the hearing was filled with people talking about traffic problems on Park Point. He is in support of the plan as a concept as it addresses the many issues facing Park Point. Commissioner Sydow commented that being able to access less public areas to avoid the crowds for a different experience is a good idea. He agrees with the tier two access points and taking no action is not reasonable. Digby thanks the audience and former planning commissioner Rand and City Councilor Gardner. Digby related these are important issues which were brought to the table including the infrastructure on Park Point, and identifies the limits of big development. The street end issues are valid. He prefers the tier two access points as a secondary access noting Park Point and the water are an important resource for the city. Zwiebel asks about the alternatives to improvements on Minnesota Avenue, but not shutting off access entirely. She supports the alternative route but would not support the motion with the S curve as is. Sarvela asks staff about traffic flow with Judd responding there would be a turn lane.

MOTION/Second: Moffat/Meyers recommend approval based on staff’s recommendation, adding in the alternate plan the S curve recommended as an additional option for the future. With friendly amendment from Digby/Zwiebel to include

access points will be given appropriate emphasis in all city documents with tier one being considered the primary access points to the beach.

VOTE: (5-3, Beeman, Zwiebel and Sarvela opposed)

- B. PL 14-029 Rezoning from Form District 3 (Mid-Rise Community Shopping) and F-4 (Mid-Rise Community Mix) to Mixed Use Commercial (MU-C) properties at Spirit Valley Mall by Kent Oliver.

Staff: Robertson notes the applicant has withdrawn their application until the June 10, 2014, Planning Commission meeting.

- C. PL 14-015 Rezoning from Residential Traditional (R-1) to Mixed Use Institutional (MU-I) properties at 2501 Rice Lake Road by St. Louis County

Staff: Robertson reviewed the request to rezone the current site of the Chris Jensen Nursing Home and Public Safety Facility. According to the applicant, "rezoning to MU-I will bring these uses into compliance with the UDC and will make the property consistent with the comprehensive land use plan". Staff recommends approval. Commissioner Sydow asks staff to clarify locations to be considered for rezoning. Robertson did so.

Applicant: Scott Smith, St. Louis County Land and Mineral Department, addressed the commission. Smith noted the Director of Property Management, Tony Mancuso, could not be in attendance this evening and asks if there are any questions. The catalyst of the rezoning is the sale of Chris Jensen Nursing Home with no other development plans being proposed at this time.

Public: Robert Zallar of 2005 Arlington Avenue N. owns land adjacent to the rezoning. Zallar asked commissioners if they would modify the rezoning the residential portion (R-1) from 233' deep from Arlington to 283' deep. He would like to maintain the residential feel of the neighborhood and have enough room for the septic system to be located in the back of the home.

Commissioners: Guggenbuehl agrees with the 283' and asks the applicant for comment. Smith stated he cannot make policy decisions for the County, but notes it's actually 253' as was based on the cemetery survey north of Marble Avenue.

MOTION/Second: Moffat/Beeman recommend approval of the rezoning of the western portion of the parcel with the exception of the 253' foot strip directly adjacent to North Arlington in accordance with staff's recommendation. Commissioner Zwiebel notes the speaker's comment about requested additional area for an on-site mound system. Robertson stated septic requirements are based on County regulations. The portion south of Marble Avenue is roughly 6 acres, which affects 2 or 3 homes. Digby clarifies the zoning is based on the center of the road noting conflicting verbiage stating "adjacent" to the road and wants to make sure wording is accurate. Robertson commented that adjacent may be correct due to the way rural roads are platted. Digby adds a friendly amendment to the motion which would allow the land use supervisor to make a technical correction if needed.

VOTE: (8-0)

- D. PL 14-020 MU-C Planning Review for New Commercial Development at 1661 Miller Trunk Highway by Platinum Plaza, LLC

Staff: Moses introduced the request stating the proposed development will contain two buildings with a total of 24,200 square feet of commercial uses such as retail and restaurants. Depending on the market, the applicant may want to include other uses permitted in the MU-C, such as a clinic or office. Staff recommends approval with the conditions as listed in the staff report.

Applicant: Joseph Peterson address of 4240 Washington Drive Hermantown and developer of Platinum Plaza, addresses the commission asking the commissioners if

there are any questions. Sydow asks about drive-thru and Sarvela questioning about loading docks and if large trucks would be accessing the development site. Petersen stated future tenants have asked for drive thru's and loading docks for large trucks like semi's will not be accessing the stores. Sarvela asks about sidewalks along Highway 53 with Moses responding the elevation of property is too high for sidewalks to be feasible.

Public: N/A

Commissioners: N/A

MOTION/Second: Zwiebel/Guggenbuehl approved in accordance with staff's recommendation with a friendly amendment by Sydow for street frontage landscaping along Highway 53 to be concentrated in location that will screen the queued cars in the drive thru.

VOTE: (8-0)

- E. PL 14-019 Quick Plat at 1661 Miller Trunk Highway by Platinum Plaza, LLC

Staff: Moses reviewed request to develop three current parcels into a retail development with two parcels, each with a separate building. The stormwater system for the two parcels will be incorporated into one sub-surface system. Staff recommends approval with the conditions listed in the staff report.

Applicant: Joe Peterson addresses the commission.

Public: N/A

Commissioners: N/A

MOTION/Second: Moffat/Meyers approved in accordance with staff's recommendation.

VOTE: (8-0)

- F. PL 14-023 MU-C Planning Review at 210 West Michigan Street for Transit Facility by Duluth Transit Authority (DTA)

Staff: Moses introduces the planning review for a 180,000 square feet multi-modal transportation facility located at the southeast corner of Michigan Street and Third Avenue W (existing Wells Fargo parking ramp and FA Salter office building) which includes Transit Center East, (on Superior Street), Northwest passage, Harbor Center skywalk (skywalk across freeway to DECC) and Wells Fargo skywalk. Facility will contain 410 parking spaces, 9 bus platform spaces and 3 bus platform spaces, and capacity for 120 bikes. Staff recommends approval with the conditions as listed in the staff report with revisions made to items 5 and 6, (instead requesting that the rear façade that will provide visual interest in accordance with the UDC design standards).

Applicant: Jim Lasher, LSA Architects, represents applicant and addressed the Commission. Lasher at present cannot commit to what the back design/facade will be as they are in the middle of budget and design decisions. DTA does intend to meet the UDC requirements, but have no final design at the moment.

Public: N/A

Commissioners: Digby is concerned about the design standards and doesn't want a giant parking lot. Guggenbuehl has concerns with the design since the facility is in a very visible location. Moffat notes the generational shift and feels the capacity of the structure will be revisited in 20 years. Digby and Meyer are uncomfortable in not knowing the final design ahead of time. Sarvela concerned to move ahead without final design.

MOTION/Second: Meyer/ (no second) motion to table. No second consequently the motion failed. Sydow/Zwiebel approval in accordance with staff's recommendation with additional condition that the rear façade be approved by planning commission.

VOTE: (7-1, Digby opposed)

Item H – moved forward in the agenda;
MOTION/Second: Guggenbuehl/Moffat

- H PL 14-024 Transparency Variance for Harbor Center Skywalk over 3rd Avenue West by DTA

Staff: Moses summarized applicant's request for a variance to reduce the amount of transparency on the Harbor Center Skywalk to 37%. Applicant proposes to add insulation on existing skywalk which would add to non-transparent area although actual window size will not be decreasing. Staff recommends approval based on conditions listed in the staff report.

Applicant: N/A

Public: N/A

Commissioners: N/A

MOTION/Second: Moffat/Guggenbuehl approved in accordance with staff's recommendation.

VOTE: (8-0)

- G. PL 14-026 Lighting Variance at 210 West Michigan Street for Transit Facility by DTA

Staff: Moses introduces applicant's request for a light level of 7.0 foot-candles at the right of way with Michigan Street, where downward facing lights would illuminate the passenger boarding area. Staff finds light levels are reasonable for a bus loading area. Applicant will need to show that no additional light trespass will occur on building across Michigan Avenue. Staff recommends approval with conditions listed in the staff report.

Applicant: N/A

Public: N/A

Commissioners: N/A

MOTION/Second: Moffat/Guggenbuehl approved in accordance with staff's recommendation.

VOTE: (8-0)

- I PL 14-025 Transparency Variance for Wells Fargo Skywalk over Michigan Street by DTA

Staff: Moses introduces the DTA's request to add a Mylar film to the skywalk glass. This variance request would reduce the transparency along the west side to 0%. Staff recommends denial as there is no practical difficulty shown. Revised proposal increases transparency but still has no showing of practical difficulty.

Applicant: Trying to keep as much light in the skywalk as possible, you can see through it, but can't make out individual bus numbers. Principal motivation was to alleviate loitering with people waiting for their bus in the skywalk. Sydow questions the timing of the variance and feels the cart is getting put in front of the horse. Meyers sees it more as an enforcement issue and security should discourage loiterers versus an opaque film. **Public:** N/A

Commissioners: N/A

MOTION/Second: Guggenbuehl/Meyers deny in accordance with staff's recommendation.

VOTE: (7-1, Beeman opposed)

- J. PL 14-017 Vacation of Alley Easement 3800 West 2nd Street by Miner's Inc.

Staff: Robertson reviewed the applicant's request. Staff recommends approval.

Applicant: John Geissler of DSGW represents the owner asks if there are any questions.

Public: N/A

Commissioners: N/A

MOTION/Second: Zwiebel/Meyers recommend approval in accordance with staff's recommendation.

VOTE: (8-0)

- K. PL 14-018 Vacation of Street Easement at 3800 West 2nd Street by Miner's Inc.

Staff: Robertson introduces the applicant's proposal of a partial vacation of an improved street. The portion of the improved street is approximately 20 feet wide and 320 feet long. Staff recommends approval.

Applicant: John Geissler of DSGW represents the owner asks if there are any questions.

Public: N/A

Commissioners: Sydow appreciates the landscaping design.

MOTION/Second: Sydow/Guggenbuehl recommending approval in accordance with staff's recommendation.

VOTE: (8-0)

- L. PL 14-013 Vacation of Street Easement at 714 West Central Entrance by Donald Ellison

Staff: Robertson reviewed the proposal to vacate an unimproved public right of way. Staff recommends approval without conditions.

Applicant: Robert Kanit (Fryberger Law Firm) represents the owner and asks if there are any questions.

Public: N/A

Commissioners: N/A

MOTION/Second: Guggenbuehl/Zwiebel recommend approval in accordance with staff's recommendation.

VOTE: (8-0)

- M. PL 14-016 Variance from Required Front Yard Setback at 714 West 4th Street by Louise and John Hawley

Staff: Robertson introduced the request for a variance from the front yard setback requirements to allow for a 240 square feet structure to be constructed between the home and garage. According to the applicant, "the additional (space) will allow for covered, conditioned access from the garage to the residence and will allow for the addition of an accessible main floor bedroom/bathroom and expanded kitchen". Staff recommends denial for conditions listed in the staff report as no practical difficulty is shown.

Applicant: Louise and John Hawley address the commissioners. John Hawley discusses the power point presentation commenting their project does meet the conditions for a variance. They want to continue to improve their property and feel the new design will better suit their needs as they age. Their neighbors are in support of the variance. Meyers clarifies their main concern is due to accessibility issues.

Public: N/A

Commissioners: Meyers asks staff if this could be considered to be an undue hardship. Robertson, it would be up to the commission to decide.

MOTION/Second: Digby/Beeman approved based on the practical difficulty being the unique conditions of the property including the steep slope of the property and safety concerns.

VOTE: (8-0)

- N. PL 14-027 UDC Text Amendment for Subdivisions

Staff: Robertson introduces the proposed changes.

Applicant: N/A

Public: David Szyszkoski - 6559 Island Lake Dam Rd is a Minnesota Professional Land Surveyor and speaks on behalf of clients at hearings. He has an issue with the conveyance of unplatted abstract land as he would like abstract land to not have to be forced through the Section 505 process. Commissioner Marc Beeman asks what the Section 505 process would cost. Response the process could cost in excess of \$3,000.

Commissioners: Sydow clarified the ordinance would in fact receive two readings in front of the council.

MOTION/Second: Sydow/Beeman Table until the May 13, 2014 meeting.

VOTE: (8-0)

- O. PL 14-028 UDC Text Amendment of Use Table (Restaurants in R-P/MU-P, Gravel Pits in RR-1, Telecommunication Facilities in P-1, and Elementary Schools, Middle, and High Schools in MU-I)

Staff: Robertson reviews and comments on the changes. Staff recommends approval. Digby asks about mining issues within city limits. These will be addressed in a more professional manner than in previous years.

Applicant: N/A

Public: Greg Kunst – 3339 Oak Street is in the gravel/septic business and is in favor of amendments to the mining/gravel businesses. Al Eastment – 3433 Medin Road supports the text amendments in regards to gravel pits. Eastment agrees the change is a small adjustment to what should in place anyway. Many gravel pits are isolated and owned by the contractors who use them and it's safer to have local availability of the product versus shipping it in from outside areas.

Commissioners: N/A

MOTION/Second: Moffat/Sydow approved in accordance with staff's recommendation.

VOTE: (8-0)

IV. Consideration of Minutes

February 26, 2014

MOTION/Second: Guggenbuehl/Beeman recommend approval.

VOTE: (8-0)

March 11, 2014

MOTION/Second: Guggenbuehl/Sydow table for corrections and additional notes are needed to be added to the multi-modal center applicant presentation.

VOTE: (8-0)

V. Other Business

- A. PL 14-014 Sale of Park Land (Forsberg)

Staff: Robertson introduced the request to purchase two lots by the Forsberg's. Planning staff believes there is no conflict with selling the parcel 010-2100-04180, but notes parcel 010-2100-04200 should either be maintained by the City or sold with the condition that a street or trail easement be maintained on the rear quarter of the parcel. Nate LaCoursiere commented that three-fourths vote of the Planning Commission is required to sell the property(s). Sydow questions if the entire parcel (010-2100-04200) is the easement. LaCoursiere stated a resolution was drafted for appropriate city staff to the identify scope of trail requirement that need to be preserved. The final resolution will on the lower half parcel will be an either/or situation: either maintained entirely by the city or sold with the condition that a street or trail easement be maintained. This is based in part on the Park Commission review and Planning Commission consideration

that this is consistent with the comprehensive plan. At that point the applicant and the city can move forward. This is the Forsberg's first step in the process.

Applicant: Jerold Forsberg – 2132 W. 13th St. - addresses the commission.

Public: N/A

Commissioners: Sydow questions trail width.

MOTION/Second: Digby/Zwiebel recommend approval in accordance with staff recommendation and to correct the date in staff report to reflect April 30, 2014. Digby agrees with Sydow's concerns, this motion will force a formal easement for the trail, and feels it is a step in the right direction.

VOTE: (8-0)

B. Approve Proposed Interim Bylaw Amendments

Staff: Steven Robertson discusses the two proposed amendments.

Applicant: N/A

Public: N/A

Commissioners: N/A

MOTION/Second: Guggenbuehl/Zwiebel approved Bylaw amendments as presented.

VOTE: (8-0)

C. PL 14-022 EAW for Stewart Creek Bank Stabilization is on the May 13 Commission meeting.

Staff: Steven Robertson gives a brief overview. The EAW will be in packet for the next Commission meeting.

D. PL 14-030 Historic Designation of Clayton Jackson McGhie Memorial

Staff: Charles Froseth introduces the topic. Two public hearings were held.

Applicant: N/A

Public: N/A

Commissioners: Meyer was president of the Public Arts Commission and is in support of landmark status designation as it would present a broader picture in a statement against racism. Moffat asks who owns the land. Staff responded the city of Duluth is the landowner.

MOTION/Second: Zwiebel/Moffat that the Memorial designation conforms to the Comprehensive Plan and the UDC. Approved.

VOTE: (8-0)

VI. Communications

- A. Managers' Report – Charles Froseth asks commissioners if they have any questions. Moffat asks about the Superior Street Reconstruction project. Moffat would like to be on a subcommittee to work with the design committee and asked for other volunteers to be on the subcommittee; Sydow, Guggenbuehl, and Meyers volunteer. Meyer clarifies where they are in the design phase. A couple of proposals have been discussed: spine strategy with parallel parking on both sides, and the district which would be a mix of diagonal and parallel parking with some bump-outs for gathering places. Digby notes the consultant will be back in June. He would like the sub-committee to be invited to the stakeholder meetings. President Sarvela appoints: Moffat, Guggenbuehl, Sydow, and Meyers to the Superior Street Reconstruction project subcommittee. Digby inquired about the Maurice's Tower project and if the planning commission will be seeing any variances or design reviews. Froseth, in May a variance for anchoring/footings will be brought forth. Robertson, they intend to meet form district standards which will not require a review by the planning commission. Digby asks if they could receive an update

on what the building design will look like. Guggenbuehl suggested a brown bag session. Meyer questions how something that large can be constructed in the city without a review. As long as the development meets UDC requirements there is no Planning Commission review or approval.

VII. Reports of Officers and Committees

Tax forfeit committee has not met and HPC representative is not present at tonight's meeting.

VIII. Adjournment

Meeting adjourned at 9:45 p.m.

Respectfully,



Charles Froseth, Land Use Supervisor