



City of Duluth  
Planning Division

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City of Duluth  
Planning Commission  
March 11, 2014 Meeting Minutes  
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 Tuesday, March 11, 2014, in City Hall Council Chambers.

Roll Call

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

Absent: Terry Guggenbuehl

Staff Present: John Kelley, Jenn Reed Moses, Steven Robertson, Nate LaCoursiere, Chuck Froseth and Cindy Stafford

II. Public Hearings

A. Gary New Duluth Small Area Plan

**Staff:** John Kelley introduces the Small Area Plan (SAP). The process began in June of 2013 with a joint meeting of the SAP steering committee and the Health Impact Assessment (HIA) Technical Advisory Committee. Complete documents of both the SAP and HIA are being assembled along with the draft recommendations. Included in the staff report are comments received via email regarding the plan recommendations.

**Applicant:** N/A

**Public:** N/A

**Commissioners:** N/A

**MOTION/Second:** Digby/Moffat recommends approval.

**VOTE: (8-0)**

B. PL 14-004 Environmental Assessment Worksheet (EAW) Review for Coffee Creek Bank Stabilization in Enger Park. Public Comment Period from February 3 to March 5.

**Staff:** Steven Robertson gives a brief overview of the EAW process. He notes the commissioners will be voting on whether an Environmental Impact Statement (EIS) is needed, and what can be done to lessen the impact of the project. Chris Kleist, Program Coordinator, addresses the commissioners and refers to map of project. Commissioner Patricia Mullins asks about the culvert. Commissioner Luke Sydow asks about the service road and how long the project will take.

**Applicant:** N/A

**Public:** N/A

**Commissioners:** N/A

**MOTION/Second:** Sydow/Zwiebel an EIS is not necessary.

**VOTE: (8-0)**

- C. PL 14-008 Special Use Permit for Development within Flood Way by Duluth Seaway Port Authority at 800 Helberg Drive

**Staff:** Jenn Reed Moses introduces the applicant's request for improvements to the Garfield C and D docks, including filling a small footprint of Lake Superior Bay for the construction of a new dock wall and a roll-on/roll-off dock. A portion of this area is a designated flood plain, requiring a Special Use Permit. Filling 9,000 sq. ft. will be more than offset by dredging for the project. Staff recommends approval with the conditions listed in the staff report.

**Applicant:** Present, but did not speak.

**Public:** N/A

**Commissioners:** N/A

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

**VOTE: (8-0)**

- D. PL 14-011 MU-C Plan Review for Wendy's Restaurant at 1720 Miller Trunk Highway

**Staff:** Jenn Reed Moses introduces applicant's request for project which includes remediation of fire damage, building and site improvements, and two additions (front seating area and rear cooler) which totals 806 square feet. An addition over 500 square feet triggers MU-C Planning Review. Project meets all UDC requirements. Staff recommends approval with the two conditions listed in staff report.

**Applicant:** Wes Stabs of Scalzo Architects representing owner Bob Sullivan, addresses the commission and asks if there are any questions.

**Public:** N/A

**Commissioners:** N/A

**MOTION/Second:** Moffat/Beeman approve as per staff's recommendations.

**VOTE: (8-0)**

- E. PL 14-005 Quick Plat/Registered Land Survey for George Murray Near the Corner of Old Howard Mill Road and Glenwood Street

**Staff:** Steven Robertson introduces applicant's request to split one 14 acre lot into two parcels; one 6 acre parcel and one 8 acre parcel. Staff recommends approval with the conditions listed in the staff report.

**Applicant:** The owner's representative asks the commission if there are any questions. Commissioner Sydow asks if there were flooding issues. The property has not had a topographical study performed. They are only in the first stage.

**Public:** Doug Bennet, adjacent property owner addresses the Commission. He questions Old Howard Mill Road and if there is any interest in opening the road. Robertson states the lot is conforming and he notes the difference between a public or private road. Single or two-family houses are permitted now in R-1 zone.

**Commissioners:** N/A

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

**VOTE: (8-0)**

- F. PL 14-007 Variance for Shoreland Setback Requirements for Gregory and Kelly Yetter at 418 Lakeview Avenue

**Staff:** Steven Robertson introduces the applicant's request to receive a variance from the Coldwater River shoreland structure setback. The applicant wishes to construct a new single family home and attached garage 110 feet from the ordinary high watermark, instead of the 150 feet as required. Staff originally recommended denial, but

due to further information from the applicant and city engineering regarding storm water issues, staff now recommends approval with the conditions listed in the revised staff report. Commissioner Drew Digby asks if there is specific language needed to state a hardship in order to approve the variance. Per Nate LaCoursiere, he asks if a variance is needed. If the commission moves forward it should include a practical difficulty. Staff believes there is an accurate high water mark and the applicant wants to move forward right away. Commissioner Sydow notes the ongoing the conundrum. Commissioner Meyer asks if Amity Creek ever had water in it? Per Robertson, very little, but it is still a protected waterway.

**Applicant:** Bill Moser, Architect who represents owner Greg Yetter addresses the commission. Commissioner Moffat asks if they would add a rain garden. Mosier notes the pond and the catch basin which collects the storm water. Owner, Greg Yetter addresses the commission and notes he would support adding a rain garden.

**Public:** N/A

**Commissioners:** N/A

**MOTION/Second:** Zwiebel/Sydow approve the variance due to the improvement of the overall stormwater system, the practical difficulty being lot constraints, and the condition of the applicant's addition of a rain garden to mitigate impacts.

**VOTE: (8-0)**

G. PL 13-156 UDC Text Amendment for Platting Process

**Staff:** Steven Robertson introduces the city planning division's proposed last change for the Unified Development Chapter.

**Applicant:** N/A

**Public:** N/A

**Commissioners:** N/A

**MOTION/Second:** Digby/Meyer recommend to continue the public hearing until April 8, 2014 planning commission meeting.

**VOTE: (8-0)**

III. Consideration of minutes

January 14, 2014

**MOTION/Second:** Meyer/Digby recommends approval with one small change.

**VOTE: (8-0)**

February 11, 2014

**MOTION/Second:** Sydow/Moffat recommend approval with correction to include all restaurant drive-thru.

**VOTE: (8-0)**

IV. Other Business

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

**Staff:** Steven Robertson introduces the applicant's request. Commissioner Meyer asks if the city has a preference. Per Robertson the parks commission hasn't met on it. Commissioner Sydow notes if it is sold will it go into a park fund. Commissioner Moffat agrees. Mullins agrees with an easement. Zwiebel asks when the park commission meets next. Per Robertson they meet before next pc meeting.

**Applicant:** Jerald Forsberg addresses the commission and shares a satellite photo. They thought they already owned the property. Zwiebel confirms with applicant where the fenced area is.

**Public:** N/A

**MOTION/Second:** Sydow/Moffat motion to table until further information is provided from the park commission.

**VOTE: (8-0)**

- B. Presentation on Proposed Multi-Modal Transportation Center – Jim Heilig of the Duluth Transit Authority (DTA) and Jim Lasher of LSA (owner's agent) introduced the new design using slides and pictures. They will be seeking three variances in the upcoming months. The multi-modal center will be a transportation center for downtown Duluth, which will include all modes of travel. Transit options will include: DTA, Jefferson Lines and regional coaches. There are many components to the project including four skywalks. Traffic changes include two-way traffic on 2<sup>nd</sup> and 3<sup>rd</sup> Streets to allow for better traffic flow and improved access. The center's main level will include 20 secured spaces for bikes with a proposed fob system for security. There will be additional parking for bikes on the 2<sup>nd</sup> level. Commissioner Sydow asks how the bike traffic will access the center. Per Lasher, they can walk bikes in from 3<sup>rd</sup>, which will be fully enclosed with a fenced area and includes adequate space. The top level of the center will be exposed to the elements and will not include bike storage. Total footage of center will be 180,000 square feet. The facility will include 410 parking stalls, 16 charging stations, and bike capacity of 120 bikes. State Historic Preservation Office (SHPO) has reviewed the project's design will approve final design plan for project. The multi modal center is receiving federal funds, thus SPHO is reviewing the project design. Commissioner Moffat asks if retail kiosks will be located in the center. Per Lasher, their agreement with Minnesota Department of Transportation (MnDOT) will not allow permanent retail opportunities. Commissioner Moffat asks if people will have to walk their bikes in the skywalk. Yes, according to Lasher. The project will seek a variance for additional lighting of bus platform for safety reasons. The bus routes will change as boarding will no longer be available at the Superior Street location and will only be located on Michigan Street. Crosswalks will not have a safe harbor in the middle, but will continue across the entire street. An exception is the crossing on the lower side of Michigan at 3<sup>rd</sup> Street. Commissioner Sydow asks where is the 95' wide crosswalk. Per Lasher, Lake Avenue. Commissioner Sydow questions the metered parking along the avenue and if people try to skirt along the edge or go up the stairs? Per Lasher, there will be a sloped area now to discourage foot travel from skirting along the edge. Commissioner Digby asks about bike access points. Lasher states the bikers could ride in the drive lane up 3<sup>rd</sup> from the frontage road and take a right and go in the front door of the center where they can then take the adequately sized elevators to the skywalk level. He notes most people will access the center from the front/Michigan Street side. Commissioner Meyer notes the dangerous intersection located at 3<sup>rd</sup> Avenue West and Michigan Street and questions what it will be like with added bus and foot traffic. Per Lasher, the parallel parking spots will be removed. There will be a temporary loading area available for commerce. Per Lasher, city engineering may determine if additional parallel parking will need to be removed on Michigan Avenue on the adjoining blocks. The traffic light will help organize this corners traffic flow. Commissioner Meyer notes there is constant office remodeling and the debris containers are present year round. Lasher thinks if cars and containers were only allowed on one side of the street it would make the road more functional. While constructing the Northwest Passage, a temporary exterior sidewalk extension will be in place from 6/16/14 until 4/4/15. He discusses

their timeline. Commissioner Sydow asks about lighting and how this might be setting a precedent. Applicant states lighting is directly related to transit center. Commissioner Moffat agrees with the increased lighting for this particular usage. He is concerned with the high-traffic corner cab stop. He feels the bus drivers will be accustomed to the system, but add into the mix - cab drivers and delivery drivers who may be unfamiliar to the area and it could create a chaotic situation. He feels signage and lighting will be key, and hopes it will be incorporated into the building design. He asks about the structure's capacity and if it could be added on to in the future. Applicant feels the cab stop issue is a valid point and will have traffic designers consider. Digby comments about signage and wayfinding. He credits staff for prototypes shared at the last meeting. He questions where bus stops will be located on the redesigned Superior Street and how far patrons will need to walk to board a bus to access the modal center. Per applicant, only two stops will change (in front of Holiday Center, and in front of the east transit center). The rest of the bus stops will remain the same. Lasher notes the stair tower in the back, which would accommodate a future rail connection.

C. Interim Bylaw Amendments for April Meeting – Chuck Froseth discussed the memo and will be discussing it further at the April Meeting.

D. TIF District Conformance, Lincoln Park School

**Staff:** Steven Robertson discusses the TIF plan from the packet. He summarizes the project and staff is in support. Commissioner Meyer asks if there is specific developer looking at the site. Per Robertson, Sherman and Associates owns the property. They are leasing space to two non-profits. Meyer questions if TIF is even needed, and that it would erode the tax basis. Commissioner Moffat lives and works in Lincoln Park. He said there are great development opportunities and the neighborhood needs some help. He feels it is important to support.

**Applicant:** N/A

**Public:** N/A

**MOTION/Second:** Digby/Moffat supports the TIF District and feels it conforms to the comprehensive plan.

**VOTE: (8-0)**

V. Communications

Managers' Report – Chuck Froseth discusses topics listed on the handout.

VI. Reports of Officers and Committees

Heritage Preservation Commission - Commissioner Mullins gives a brief overview and discusses memorial mounds possibly located at the Enger Tower site.

Tax Forfeit Committee – let Chair Sarvela know if you are interested.

VII. Adjournment

Meeting adjourned at 7:58 p.m.

Respectfully,



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Charles Froseth, Land Use Supervisor