



City of Duluth  
Planning Division

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City of Duluth  
Planning Commission  
March 13, 2012 Meeting Minutes  
City Council Chambers, Duluth City Hall

- I. President Digby has called a meeting of the City Planning Commission for 5 p.m., Tuesday, March 13, 2012, in the City Council Chambers.
- II. Roll Call: Henry Banks, Drew Digby, Terry Guggenbuehl, Frank Holappa, Heather Rand, David Sarvela, Luke Sydow, John Vigen and Zandra Zwiebel
- I. Staff Present: Keith Hamre, John Judd, Steven Robertson, Kyle Deming, Jennifer Reed Moses, John Kelley, Alison Lutterman, Nathan LaCoursiere and Edna Ulrich
- II. Public Hearings
  - A. PL 12-020 - Higher Education Small Area Plan. **JRM**

Sandy Robinson - 723 E 7th Street. They are concerned about the plan as it is a little weak in the area of enforcement. The committee stated that that they were on – where the put their entrance would be. UMD is considering a trimester which may have an impact. She thinks that it is less important but she wants the follow up and oversight. Consider to move forward that there can be a formal review. Asks that this be structured and they have a committee that put some plan together and some formal review to see if the plan is working. UMD is also looking at having trimesters. She is wondering if there could be and formal review in 3-6 months.

Sue Banovetz – UMD-Darland Administration Building. Sue Banovetz, Director of External Affairs of UMD. She thanks them for the opportunity to participate in the small area plan. It is UMD's commitment to be a good a neighbor. UMD was very involved in the process. They and Chancellor Black are being good neighbors which is a priority of theirs. UMD was very involved and neighbors also put in a lot of time and commitment in this. The Campus master plan is under way and it may make a huge impact with the Grand entrance. They will have meetings and public hearings. The Trimester that the Twin Cities are looking at will be moving toward a year round school. With 94% of students they have a big impact. There will be opportunity for the neighbors to be part of the collaboration.

Mike Peller - 405 W. St. Marie Street. He served on the Small Area Plan committee. He lives about 3 blocks from campus. He has been doing this for about 21 years. When all was said and done, he is in

favor of the plan. He gives his support of the process and that Moses did a wonderful job and it was incorporated in what we see. Vigen added that they have about 140 beds in housing and it is all walking – which is generally only about 3 blocks. Students need to have a car if they are going more than 3 blocks.

Digby stated that one of the differences between this and others is that it has an implementation plan as well as a formal committee to work with.

Jessica Olson – Part of the Small Area Plan Committee. She is very appreciative being a part of this. There are lots of goals and it would be nice to touch base with this in the future. They have recognized that there are some homes that create houses for students and there are other housing going back to residential.

Pam Kramer - Duluth. She is located at home in Duluth and in a collaborative with 5 neighborhoods in Duluth. She thinks that this is a plan and long in coming. It is exciting to see this plan moving forward. They would like to have benchmarks to see how this is going. She would like to make sure that one of the important parts of this plan is creation of Land Bank that looks at vacant houses. Some key objectives are including 6<sup>th</sup> Avenue. She gives compliments to the planning staff and the committees that were involved. This is a big plan.

Digby thought that his understanding with this is that there will be an implementation plan and a formal committee. Does this fit with what they are asking for? Moses stated that that committee would be involved. The type of the committee and the models she has seen is usually started by the university and sees that committees will work within many areas that have overlap.

Guggenbuehl and Rand Moved to continue the discussion.

Vigen has been here 10 years and he anticipates that they would have an opportunity for having the final document. He thinks that Moses is correct that this is the largest Small Area Plan. He wants to go back to the executive summary and would like to revisit article 1 and 2. He thinks that there is a certain theme. Goal 1 is to strengthen neighborhoods. In 2007 there was a regulation passed in city of Duluth. This was 1 part of a 3 or 4 step process. The reason for this was that it was going to be complex. This was then repealed by the city council. It was then that they could create an overlay district. What will happen with housing and the housing issues if it would no longer be on the table?

The purpose was to balance the needs to the surrounding neighborhoods. The common theme is part of the "neighborhood" has been left out. Page 14/15 of the plan tells the population and outflow of families and a flip on 2011 had a higher student population. We will see that the surveys and students want to be within the walking distance to the campus. The study also shows that it is predominately zoned R1 single family. The recommendation was to implement a target neighbor for 8<sup>th</sup> street and below. This has historically been for rentals. There was a caution of what it will cost to build these and have higher rent and may not want to live farther away. SMDC has done well with this and about 6 years ago. Why does this not apply to the upper neighborhoods? This plan is on the assumption that there will be code enforcement. He thinks the administration stated they won't enforce it. Rental licenses have spiked in the city of Duluth. This preceded the housing code. If this goes away, what do those neighborhoods have left?

Following up on Vigen's neighborhood stabilization, the market study provided shows that the neighborhood most likely to see people that are leaving and some can't afford to move into new developments. When you look at it is the east hillside area that has the potential to face some vacant homes. This came out of our market study and make sure it is a careful transition. There are many recommendations in the plan that due apply to all the areas. One example is that the Nuisance Colaborative and the committee is a way to strengthen their work be improved and be strengthened. This will apply though-out the study area.

Rand is supportive of this plan and the recommendations of Sandy Robinson. Maybe the issue would be to come back in another year and to circle back in a year, but we don't want to hold up or stop other applications going forward.

Sydow stated that he lives in this district and biking in the Kenwood Arrowhead 4<sup>th</sup> street and 6<sup>th</sup>. He would like to reinforce this. As a part of the community we need to have comfort levels with biking. He still does not feel safe unless it is in a designated bike lane. He thinks that it is not strong enough and we should have a bike lane. There are bike standards on Page 42.

Guggenbuehl thinks that plan is awesome and they also need to have more specifics on sidewalk improvements on College Avenue. Moses stated that the MIK has a detailed study of bike lanes. Guggenbuehl will look forward to the study. Digby is very positive of Duluth and a lot of exiting things going on. This is the first time to look at this plan. There are more positive steps about where is a right place to live. This envisions a Woodland Avenue corridor and makes it safe with pedestrians and with bikes. Vigen stated that there are positive aspects and if this is coming to the City Council - what kind of appropriate mix of neighborhoods could be strengthened?

Digby said that his understanding with this is that there is the implementation plus a formal committee. Does this fit with what they are asking for?. Moses stated that that committee would be involved. The type of the committee and the model she has seen is usually started by the university and she sees that the committees will work with many areas that have overlap.

- B. PL 12-017 - UDC Zoning Map Amendment to Rezone Property from Industrial-Waterfront (I-W) to Mixed-Use Waterfront (MU-W) at 1003 Minnesota Avenue by Globe Duluth Enterprises Inc.  
**JJ**

This is the application of Globe Enterprises Inc. The staff report includes their proposal, map and outlined in yellow is the mixed use waterfront. As part of the comprehensive plan the rezoning request is being supported by the planning department to change from Industrial Waterfront to Mixed Use Waterfront. This site was still an industrial site and their request was for a hotel on the property in August 2009. They did not exercise to build this at that time. This goes along with the city's comprehensive plan to be rezoned Mixed-Use Waterfront. They did have notification from the engineering department with development regarding potable water and water supplies in the area. We are supporting the rezoning to meet the comprehensive plan. There was also a letter from Jim Wood and they were talking about safety and the intensity of having increased services on site. Wood had problems with the water supply which were not directly related to this. Currently, if it stays industrial waterfront and under the current use it will be a less intense use of the area. They would be supportive of the Rezoning.

Banks was wondering about infrastructure that the city is going to implement. We are seeing all types of things. They have expressed their concern and the engineers would weigh in on this.

Applicant – Terry Anderson and Wayne Dahlberg. This is the potential that the city engineer had a study for the proposed use. It should be a non issue and still needs to have a building permit. Rand understands that we are not above and looking when they have a plan and be very helpful.

Vicki McNaby – she is a resident from Park Point and has lived here since 1967. She has no problem but the main concern is that the tower extends 25 feet. There are no sidewalks and during the summer they have huge amounts of people walking. During the winter when they walk their dogs it can be very treacherous. You can see that this is no place to build a hotel and no infrastructure for safety. There are beautiful pine trees and they had cut some of these down. The residents have a panoramic view of wildlife. The noise and pollution with this development will only be more of it.

Bob Campbell. He has a little slice at the end of the rezoning. There are 2 lots 43 feet wide. Lutterman stated that the individual they would need to go through the process. It would not be a spot zoning if it goes with the comp plan and does not apply as a spot zone. Lutterman stated that they should come and do their planning process for that. Economically an \$800 fee is quite steep for him. Would the plan eventually have 2 properties like this? Staff is working to get caught up the with comp plan. If they came in together they would consider it as a single application.

John Schmidt is from park point when the other hotel was before the council. One of the arguments that it would be better to use as mixed use. As a single family homeowner, his neighborhood be completely changed. There needs to be a plan that doesn't have large scale development or larger development. He is asking for someone in Planning to change this and then there will be a hotel and they will have to deal with this again.

Rand wanted to make clear that this is consistent with the comp plan. She is looking on a list for priorities and contact your city councilors and if that small area plan is what you want. She is still voting for this. Digby stated that the city has mixed and what this can handle. Vigen stated that he supports the rezoning.

**MOTION/Second:** Rand/Vigen to **Approve** the Rezoning as presented from Industrial-Waterfront (I-W) to Mixed Use Waterfront (MU-W) at 1003 Minnesota Avenue by Globe Duluth Enterprises Inc.

**Vote:** 6-2 (Digby and Sarvella Against, Sydow Abstained)

- C. PL 12-015 - Vacation of Streets and Alleys for the Construction of a New Chalet and Parking Facility at 9500 Spirit Mountain Place by the Spirit Mountain Recreation Area Authority. **SR**

This is for a vacation of a public right of way and the standard is uselessness. Robertson showed the utilities in the area, a future land use and there is also a right of way. The Spirit Mountain Authority's intent is to provide a chalet. There is no compelling reason to have the right of way. Staff recommends to approve the vacation without any conditions.

Jay Thompson – resident of Bessemer Street. Why would they not go all the way through with the vacation? Robertson stated that half of this has already been vacated. We only act upon what was supplied to us. The alleyway has been partly vacated already. We only act upon what was supplied to us. Typically they look at a vacation which is useless.

Vigen stated that between the Bessemer Street and above it is the 85<sup>th</sup> street which has been partially vacated. It is the alleyway. Mr. Thompson stated there is a garage here and if there is any plan for an access road. If they want to vacate this - they could have the neighbors go along to vacate this. Lutterman stated that the rule is that if the abutting property owners petition to vacate it would be removing an easement on land you already own. Robertson stated that you may have some of them to get together and contact us if they want a meeting.

**MOTION/Second:** Rand/Sydow to **Approve the Vacation of Streets and Alleys** for the construction of a new Chalet and Parking Facility at 9500 Spirit Mountain Place by the Spirit Mountain Recreation Area Authority.

**VOTE:** 9-0 (Unanimous)

D. PL 12-029 - Plan Review for New Chalet at Spirit Mountain. **SR**

This is related to a vacation. Spirit Mountain is planning to add a Chalet to their facilities. The intent is to show that a year ago to look at their plan and that move forward with a work permit. He has some graphics of their chalet. They wish to look for the planning commission approval for this. We have found a way to put this through. They are asking for their approval. Holappa asked if they notified the neighbors and had ample time to comment. She thinks that this fits the plan. Vigen said that he wishes it was here now. One of the things is that it is a unique ski hill. That will be a real draw. There will also be a drop off and it would be more accessible as well. Sarvela likes the design – he works in this area and noticed pedestrians and that there are no sidewalks. The Bus stop will be right at the building. Sydow stated that this will be a winter facility but not be a 'used car lot'. There will be trees in the islands to capture from the parking lot.

This is exciting for them which calls for the development. In the Fall with your approval it will be exciting and it fits the direction that they are going. Holappa asked about neighborhood impact and the neighbors had ample time to respond. One of the things is that it is a unique ski hill. So many people come out to see their kids ski. She stated that you are seeing your children coming down from the hill. This is a lovely chalet and have the opportunity and more accessible as well. Sarvela stated that he likes the design. He works in this area and noticed pedestrians and that there are no sidewalks. She stated that the bus will be right at the building and the trails will come later. Sydow thinks that this makes a lot of sense. Lighting levels is also shown.

Digby thinks that this is a great idea – and not getting closer to the other houses. There is a preservation of Cedars which will not be touched at all. The trails are just above the building and being a trail hub. They can be a service center for bikes and will be constructing walking trails. Digby asked how this will fit in with the trail system? It will be a service center for bicycles. Lutterman is looking at Section 5 clause E. You are making an approval and already

looked at the master plan. She sees where the planning commission is to ensure that they shall have full compliance.

Jay Thomson – Bessemer Street. His concern is the lighting – he is in support of this and to make sure that they have good neighborhood meetings.

Vigen moved for them to have an appropriate walking path. She stated that they can have Class 5 would work. At this point they are cutting back now. It is important to just have a walking surface within 5 years.

**MOTION/Second:** Zwiebel/Vigen to **Approve** the Plan Review for the New Chalet at Spirit Mountain Recreation Area Authority with **one condition:** That the walking path be constructed within 5 Years. **VOTE:** Unanimous (9-0)

- E. PL 12-018 - Special Use Permit For Broadcast Radio Station at 415 W 9th Street by State of Wisconsin Educational Communications Board. **SR**

Robertson is looking at a section of our city which has placed a tower farm. The use table is zoned in R1 but we want it in the tower farm. This has been defunct for some time and Rand had some problems from the towers that are now there. She was told that there could be a problem with this remove the existing micro- antenaes and put in new ones. Staff believes that this an appropriate use. Staff would like to recommend to allow this type of use and it is in the right area. Rand asked about satellite TV and that it is interference from the towers.

**MOTION/Second:** Zwiebel/Vigen to **Table** the Special Use Permit for Broadcast Radio Station at 415 W 9th Street by State of Wisconsin Educational Communication Board. **VOTE:** Unanimous (9-0)

- F. PL 12-007 - Special Use Permit for Mixed-Use Office and Residential Uses in a Residential-Urban (R-2) at 1303 W Arrowhead by Joe Kleiman. **JK**

Kelley stated that this is for a special use permit at 1303 W Arrowhead Road. The applicant is proposing to utilize the existing structure and remove the curb cut from West Arrowhead utilizing the existing structure for Office Use. This is in an R2 Zone. In August 2011 there was a special use and it was rezoned from R1 to R2. This has triggered landscaping and buffering. Staff recommends approval.

Joe Kleiman - Applicant. He applied for the Special Use Permit at this site to uplift the existing structure and using the same footprint. Vigen stated that the new curb cut would come up Dodge Avenue and and there will be an 8 space parking lot which is where the existing trees are. Kleiman stated that they are the existing grove of trees - how many will be cut? Kleiman stated that they will have plenty of landscaping. Sydow stated that there are small shrubs and some are along in the 6 feet fence.

**MOTION/Second:** Sarvela/Vigen to **Table** the Special Use Permit for Mixed-Use Office and Residential Uses in a Residential-Urban (R-2) at 1303 W Arrowhead by Joe Kleiman. **VOTE:** Unanimous (9-0)

- G. PL 12-003 - Variance to Reduce Front Yard Setback from 25 to 20 feet at 7607 Grand Avenue by Philip Filiatrault. **KD**

The UDC was amended for office use in February of this year. The adjacent property was for a Special Use for office. Deming showed the map. The cost of the renovations did trigger 50-25 which needs to have buffering which would include a 6 foot fence. They recommend approval with the staff report.

The applicant stated that the curb cut would come where the existing grove of trees are. How many would they need to take away? There is a trigger which he needs to comply with the landscaping. Sydow asked if they can screen the parking and on Arrowhead Road.

**MOTION/Second:** Holappa/Guggenbuehl to **Approve** the Variance to Reduce the Front Yard Setback from 25 to 20 feet at 7607 Grand Avenue by Philip Filiatrault. **VOTE:** Unanimous (9-0)

- H. PL 12-016 - Variance to Have No Screening of Mechanical Equipment at 207 Technology Drive by Jeff Thorsteinson, Involta. **KD**

Deming went over the site plan. The applicant's property will be extended. This is common to have screening for this. The units are 18 feet wide and the special circumstances are common to all types of screening and not particular to this site. If the variance is granted it would be more visible than on the ground. The special circumstance is not unique to this particular site. There are other buildings have visible units as well. Staff finds that granting the variance would impair the intent of the code.

Applicant: Lisa Bodine from Involta. They have had several conversations on this. They said there is some confusion about the address. They do agree that the parapet should screen the ACL unit. As Kyle mentioned it was to not approve this as there was no practice difficulties.

**MOTION/Second:** Vigen/Banks for the **Variance** to have no Screening of Mechanical Equipment at 201 Technology Drive by Jeff Thorsteinson, Involta. **VOTE:** Unanimous (9-0)

III. Consideration of minutes – February 14, 2012 – February 21

IV. Communications

V. Old Business

A. PL 11-134 - Zoning Map Amendment of the Downtown from Mixed Use-Commercial (MU-C) to Form Districts, Mid-Rise Community Shopping/Office (F-5), Downtown Shopping (F-7), and Downtown Mix (F-8). Boundaries of the Area are from approximately Mesaba Avenue to North 3rd Avenue East and from Michigan Street to the alley above 2nd Street by City of Duluth. **JJ**

B. PL 11-141 - Comprehensive Plan Map Amendment at Central High School at 800 E. Central Entrance from Institutional to Business Park, Neighborhood Commercial, Recreation, Preservation, and Transportation and Utilities by the City of Duluth. **SR**

VI. Reports of Officers and Committees

A. Duluth Historic Preservation Commission

VII. New Business

VIII. Other Business

IX. Adjournment (Recess until March 27, 2012)

Respectfully,



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Keith Hamre  
Interim Planning Manager