

City of Duluth
Planning Commission
October 9, 2018 Meeting Minutes
Council Chambers - Duluth City Hall

Call to Order

President Mike Schraepfer called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, October 9, 2018, in city hall council chambers.

Roll Call

Attending: Gary Eckenberg, Janet Kennedy, Tim Meyer, Margie Nelson, Mike Schraepfer, Luke Sydow, and Zandra Zwiebel

Absent: Jason Crawford and Sarah Wisdorf

Staff Present: Adam Fulton, Robert Asleson, Steven Robertson, and Cindy Stafford

Approval of Planning Commission Minutes – September 11, 2018

MOTION/Second: Sydow/Nelson approve the minutes with minor changes

VOTE: (7-0)

Presentation

Manager Adam Fulton gives an overview regarding Twin Ports Interchange, Community Connections. Meetings were held at the meeting and convention area of Clyde Iron Works. The Minnesota Department of Transportation (MNDOT) proposes a new bridge by the M&H gas station. Lots of dialog occurred between the neighbors and MNDOT. Issues were discussed including how much traffic volume the bridge could handle. The big picture is an issue of visibility. The downtown Lincoln Park community would like easy and intuitive access. Planning commission will be involved in future planning. The city continues to have open dialog with the neighborhood. Manager Fulton welcomes feedback from the planning commission.

Zandra Zwiebel notes the importance of connections to the community. Chair Schraepfer notes the design, and asks if there will be elevation changes. Manager Fulton states some of it will change. Roberta Dwyer, project manager from MNDOT, addresses the commission. There are not a lot of footprint changes. Their goals are to remain inside the footprint and not negatively impact the neighborhood. They wish to add lanes and reduce the bridge structure. There will be one signal on 53. Gary Eckenberg asks Dwyer about connecting Portland Street to Garfield Avenue. Dwyer notes it would impact the railroad too much to be feasible. Factors included contamination issues, and possible impact on sacred burial sites; there were too many obstacles to overcome. Margie Nelson states it would be counter-intuitive to put in another bridge. Manager Fulton states the main purpose is to talk about why as it pertains to economic rationale. The location is central to our city and need to be mindful to maintain industrial properties. Janet Kenney wants to maintain a pedestrian trail without having to use a car. Manager Fulton notes they are working with closely with MNDOT.

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.

1. PL 18-123 Final Plat for Superior Industrial LLC at 15 South 38th Avenue West
2. PL 18-124 Minor Subdivision at 4516 Cooke Street by Lynn Shearer and Steven and Linda Zimski
3. PL 18-130 Minor Subdivision at 6023 London Road by Will Norman
4. PL 18-126 Concurrent Use Permit for Private Obstructions (Small Cell Antennas) in the Public Right of Way in the Public Right of Way at 8551 Grand Avenue by CommNet Cellular Inc d/b/a Verizon Wireless
5. PL 18-127 Concurrent Use Permit for Private Obstructions (Small Cell Antennas) in the Public Right of Way in the Public Right of Way at 6001, 6002, and 6025 East Superior Street by CommNet Cellular Inc d/b/a Verizon Wireless

Staff: Steven Roberston gives an overview

Public: No speakers.

MOTION/Second: Eckenberg/Zwiebel approve staff's recommendations for consent agenda items.

VOTE: (7-0)

Unfinished Items (From August 14, 2018, Regular Planning Commission Meeting)

6. ~~PL 18-100 Amend the Future Land Use Map from Neighborhood Mixed Use and Urban Residential to Urban Residential and Traditional Neighborhood Near the Intersection of Kenwood and Arrowhead Road.~~
Removed from consideration at this time; a neighborhood meeting is scheduled for 10/11/18 at 6:00 p.m., city hall Room 303.
7. ~~PL 18-068 UDC Map Amendment to Rezone Portions of Arrowhead Road and Kenwood Avenue from Residential Traditional (R-1) and Residential Urban (R-2) to Mixed Use Neighborhood (MU-N) by the City of Duluth by the City of Duluth~~
Removed from consideration at this time; a neighborhood meeting is scheduled for 10/11/18 at 6:00 p.m., city hall Room 303.

Public Hearings

8. PL 18-111 Final Plat for The Jigsaw at the Southwest Corner of Anderson Road and Central Entrance by Launch Properties
Staff: Steven Robertson introduces the applicant's proposal for a final plat to replat an area of approximately 3.5 acres from 7 lots into 3 lots. The Applicant intends to develop

a shopping center, and will construct 3 new principle structures for commercial uses (primarily restaurant and retail.)

This area is served by two different water systems. This development will have no impact on the water pressure of property owners SE of Anderson Road, as was asked about during the public hearing for the Preliminary Plat. Staff also discussed potential traffic generation and impacts, noting that there will be a right in and a right out on Central Entrance. Staff recommends approval with the conditions listed in the staff report.

Zwiebel asks staff to clarify access roads. Per Robertson in the 2009 Central Entrance Small Area plan, there were ideas proposed to extend or create frontage roads. It was a good recommendation to improve future traffic circulation, but there was no money allocated in previous budgets to acquire land for right of way or prepare preliminary engineering drawings. Chair Schraepfer asks about the landscape berm on Anderson Road. Robertson stated that the applicant was proposing it as a way to reduce glare and light impacts of exiting vehicles. Tim Meyer asks if additional screening can be added to the condition of the plat. Per Robertson, the additional berm was already agreed on by the applicant. Zwiebel notes the crosswalk over Central Entrance, and asked if the developer will build additional facilities beyond what is shown in the current application. Manager Fulton notes MNDOT is taking into account local streets and access and there is currently a stoplight at the intersection of Anderson and Central Entrance. In the opinion of Manager Fulton, it is not an appropriate condition to place on the applicant to expect them to build a crosswalk across central entrance.

Applicant: Scott Moe of Launch Properties addresses the commission. Zwiebel asks if they have heard back from the Tuominen property owners. Moe states no. Zwiebel asks the applicant if they would still entertain an offer. The applicant stats it is time to move on with the project as proposed.

Public: No speakers.

Commissioners: N/A

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

VOTE: (7-0)

(Sydow left the council chambers for the next item.)

9. PL 18-122 MU-W Planning Review for 15 Room Expansion at the Existing Hotel at 1033 Minnesota Avenue by Park Point Marina Inn and Suites, LLC

Staff: Steven Robertson introduces the applicant's proposal for a 3-story, 6,100 square foot, 15 room addition to the southeast side of the existing hotel. He notes the recent correspondence staff received after the Planning Commission packed was printed and mailed, which was shared with the commissioners. Staff recommends approval with the five conditions listed in the staff report.

Meyer asks what the purpose of the 90-day window is. Manager Fulton this plan has been approved a number of times, and this is a limited extension of previous plan approvals. The expectation is that the applicant should submit for a building permit application shortly, and not linger on the approval for another year or two. Meyer asks

why can't the applicant use some on-street property to meet their parking requirements. Per Robertson, any citizen can park on the street, where allowed by parking signage and restrictions. But the point of the parking requirement in the UDC is that generally developers are expected to provide sufficient parking options on site for their employees and customers, and not rely on public on-street parking to meet most or much of their parking needs. Eckenberg refers to the Mariott Hotel parking requirements, and the possible lack of consistency. Robertson states in 2015 staff made a mistake when writing a staff recommendation for an adjacent development and overlooked the additional standards for off-street parking in the MU-W zone district. Despite the fact that staff had an oversight when applying the rules to a different development does not exempt other future developments in the MU-W zone district from conforming to the zoning code; the rule needs to be followed moving forward. Robertson noted that a recent ordinance change in the MU-W zone district clarified some of the language related to off-street parking standards, which should reduce confusion in the future.

Applicant: Terry Anderson of Park Point Marina Inn and Suites LLC addresses the commission. He feels he should be entitled to a reduction in the required parking and would like to see the condition for an additional 13 parking spaces stricken from the staff report. He also feels that submitting a building permit application within 90 days is not reasonable. He would like to start construction in the late fall 2019, and not July 2019. He would like to meet all of the code requirements without asking for a variance, but he may need to ask for a variance in the future. Eckenberg asks the applicant which recommendation he would like to see removed. Applicant clarified conditions: 1, 2 and 4.

Public: Dawn Buck, lives on park point. She asks what the hotel width is now. She urges commissioners to look and follow the rules. When is enough, enough? She is concerned about parking, noise and additional developments.

Pete Raukar on behalf of Deb and Mike Medlin. This expansion violates UDC rules which limits the width of the building to 200 feet. There needs to be space between the structures. This decreases the homeowner's rights. He opposes the expansion.

Vicki McNabny, 1123 MN Ave. She is concerned about carbon monoxide. She is concerned with global warming and erosion. She is also concerned about the plants and animals. She is opposed to the hotel expansion.

Andrew Slade, 1026 MN Ave. He lives a block away, and doesn't want the parking reduction granted. The transit bus is not suitable for hotel guests. There are no weekend busses. Currently the view out his front door is the harbor. He is concerned about the decreased view.

Gerald, 1119 MN Avenue. He disagrees with Director Hamre's interpretation/decision of the 200 foot rule. He thinks it needs to be enforced.

Terry Anderson, applicant, notes the views obstructed doesn't apply to the existing obstructed views.

Commissioners: Zwiebel asks for clarification on 200 foot rule. Robertson explained the reason for limiting the width of new, or additions to existing, structures in the MU-W district. He also explained briefly the decision that the City made relate to how to apply the 200 foot rule to this hotel and existing structures on site already blocking views to the waterfront. Eckenberg asks if there was litigation related to the 200 foot rule. Per Robertson, not to his knowledge, and notes there were internal staff decisions in 2015/2016 as to how to fairly interpret the 200 foot rule.

Manager Fulton states construction was to begin within a certain time frame of previous approvals. The 90 day timeline ensures current circumstances are appropriate and that there is not another long delay before beginning construction. Staff doesn't want to keep extending the time frame indefinitely, considering how the building and zoning code changes. Meyer adds discussion about mitigation with added parking.

Chair Schraepfer re-opens the public meeting.

Deb Medlin addresses the commission. She notes all structures should have a 200 foot maximum width. Director Hamre's interpretation is not binding. She opposes.

Manager Fulton states if the commissioners would like to table the item, staff can provide additional information on the 200 feet rule. Zwiebel notes this item is before them because it was initially approved. Per Robertson, this application was submitted three months ago and was withdrawn at that time, before being resubmitted with an updated building elevation/transparency exhibit.

MOTION/Second: Kennedy/Zwiebel table for more information

VOTE: (3-3, Zwiebel, Meyer and Eckenberg opposed, Sydow Abstained) – MOTION FAILED

MOTION/Second: Meyer/Eckenberg Approve with added changes to allow until 11/1/19 to apply for a building permit, and acceptable parking mitigation for offsite parking to be approved by planning staff

VOTE: (3-3, Nelson, Kennedy, and Schraepfer opposed, Sydow Abstained) – MOTION FAILED

MOTION/Second: Zwiebel/Kennedy table for more information

VOTE: (6-0, Sydow Abstained)

(Sydow returns to the council chambers. Chair Schraepfer leaves the council chambers for the next item, and Kennedy is acting chair in his absence.)

10. PL 18-107 Interim Use Permit for Vacation Dwelling Unit at 3 Mesaba Place by Lake View Land Co, LLC and Michael Schraepfer

Staff: Steven Robertson introduces the applicant's proposal for an interim use permit for the use of a single-family home with three legal bedrooms as a vacation rental property. Staff recommends approval with the standard conditions.

Applicant: Dana Morrison of Heirloom Property Management (managing agent) addresses the commission. They currently manage two other vacation rentals. She invites questions. There are none.

Public: Jeff Strencha, addresses the commission. He is concerned with the aggregate impact of vacation rentals, which brings outside people into neighborhoods. He doesn't have a specific concern with this particular vacation rental, and is neutral.

Commissioners: Zwiebel notes the city has capped the limit at 60. She doesn't feel there are negative impacts. Per Robertson, in the past two years he has not heard of any complaints. Kennedy affirms the city council has had many conversations about this issue. They are still weighing the impacts before they vote to increase the limit.

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

VOTE: (6-0, Shraepfer Abstained)

(Chair Schraepfer re-enters the council chambers.)

Communications

- A. Manager's Report – Adam Fulton gives an overview. There is a neighborhood meeting for the Kenwood neighborhood on Thursday. The Medical District Update meeting is scheduled for 10/30 at 5:30 p.m. at the Central Hillside Community Center. The city has wrapped up the Imagine Canal Park summer pilot projects. The final report will be shared with the commissioners probably in the next two months.
- B. Reports of Officers and Committees
 - Heritage Preservation Commission – Zwiebel gives an update. The HPC nominated the Lake Superior and Mississippi Railroad for historic nomination. The nomination will now go to the city council.
- C. Meeting adjourned at 7:22 p.m.

Respectfully,

Adam Fulton - Manager
Community Planning