

City of Duluth
Planning Commission
April 10, 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, April 10, 2018, in city hall council chambers.

Roll Call

Attending: Janet Kennedy, Tim Meyer, Michael Schraepfer, Luke Sydow, Heather Wright Wendel, Sarah Wisdorf, and Zandra Zwiebel

Absent: Jason Crawford and Margie Nelson

Staff Present: Keith Hamre, Robert Asleson, John Kelley, Kyle Deming, Chris Lee, and Cindy Stafford

2. Approval of Planning Commission Minutes (March 6, and 13, 27 2018) voted on later in the agenda.

MOTION/Second: Wisdorf/Wright Wendel approve the minutes.

VOTE: (7-0)

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 17-053 Vacation of Platted Right of Way at 503 North 50th Avenue West by Menards, Inc

B. PL 16-120 Final Plat of at 503 North 50th Ave West by Menards, Inc.

C. PL 18-025 and -026 Vacation of Alley and Utility Easement Near Missouri Avenue and Chester Way by Donn Olson

D. PL 18-024 Shoreland Variance at 2401 Asbury Drive by Donald and Tamara Renne

Public: No speakers.

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

VOTE: (7-0)

4. Presentation

DNR Presentation: EAW of the Kingsbury Bay/ Grassy Point Restoration Project. Darrell Peterson addresses the commission and gives an overview. Both projects will total about 14 million dollars. Funding will come from various sources. A 30-day public review and comment period began on March 19, 2018 and will end on April 18, 2018. THE EAW is posted on the MNDNR's website at:

<http://www.dnr.state.mn.us/input/environmentalreview/kingsbury-grassy/index.html>

5. Public Hearings

A. PL 18-035 UDC Text Amendment of Section 50-18.1.D Related to Structures in the Shoreland Structure Setback, Adding Shoreland Permit to Allow Exceptions for Property Owner Access to Water (Stairway, Steps, Landings) by the City of Duluth

Staff: John Kelley introduces the UDC Text Amendment proposal from the city. The DNR has a 30-day review process and staff understands there may be suggested revisions to the regulations. An email received from Patricia Fowler of the MN DNR was shared. Janet Kennedy asks about the timeline. Could there still be revisions after the pc votes on it? Kelley states there may be additional revisions, but substantial changes would be brought back to the planning commission. Kennedy asks why the commissions doesn't wait until after the 30-day comment period. Director Keith Hamre states it's more of a technical clean-up. Staff feels the DNR's feedback is now sufficient, but if more substantial changes are made it would come back to the planning commission. Director Hamre states there are 60-days until this could go into effect, so they are confident for the 30-day window within. Zandra Zwiebel clarifies what revisions were made. Kelley notes access points are only one per lot. Tim Meyer asks if this is consistent with the standard DNR overlay used throughout Minnesota. Kelley affirms. Kennedy asks what the city liability on this. Per Kelley it's up to the homeowners. Director Hamre confirms it is a private matter and would be added to the homeowners' insurance. Lake Superior is unique and staff wants to make sure they get it right.

Applicant: N/A

Public: No speakers.

Commissioners: N/A

MOTION/Second: Sydow/Meyer recommend approval as per staff's recommendations.

VOTE: (6-1, Kennedy Opposed)

- B. PL 18-027 Special Use Permit for Auto Repair and Service in a Mixed Use Neighborhood District (MU-N) at 202 Commonwealth by Richard Carlson

Staff: John Kelley introduces the applicant's proposal to operate an automobile and light vehicle repair service in an existing 1,380 square foot building in an MU-N district. An auto repair service in an MU-N district requires a special use permit. Staff recommends approval with the conditions listed in the staff report.

Applicant: Tommy Archer who represents the owner addresses the commission and invites questions. Zwiebel asks if the applicant is aware they need to provide screening. Archer said staff must have conveyed the information to the applicant.

Public: No speakers.

Commissioners: N/A

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

VOTE: (7-0)

- ~~C. PL 18-016 Mixed Use Waterfront (MU-W) Planning Review for Hotel Expansion at 1033 Minnesota Avenue by Park Point Marina Inn and Suites. Withdrawn by Applicant (4/9/18)~~

- D. PL 18-031 Special Use Permit for a 7,100 Square Foot Filling Station in an Urban Residential District (R-2) On the South Side of Arrowhead Road, Approximately Between Rice Lake Road and Swan Lake Road by Brad Fry and Kwik Trip Inc.

Staff: Kyle Deming introduces the applicant's proposal for a special use permit for a filling station consisting of a 7,231 sq. ft. station store, a 1,925 sq. ft. car wash, and 67,975 sq. ft. of pavement on a 3.0-acre site in the newly subdivided Harbor Light plat. Under the gasoline canopy will be 16 fueling points (8 pumps) and 2 fueling lanes (4 pumps) under the diesel canopy. A connectivity path for pedestrians will be required to give access to the Marble St. area. Staff recommends approval with the six conditions

listed in the staff report (omitting #2). Heather Wright Wendel asks staff to clarify the language about the future streets. Deming notes the streets will be shown in the final plat. Wright Wendel has some concerns about the development, as it pertains to the surrounding wetland areas. She notes the parking spaces and doesn't feel there should be more than 28 spaces, and could hurt the wetlands. Deming notes the impacted wetlands were reviewed and approved in a separate process. Stormwater will need to be addressed before building permits are issued. Meyer asked about how the site will be accessed from Arrowhead Rd and what the slope will be. He asks if there will be a retaining wall. Deming answers that there will be a 4' retaining wall holding back the fueling area above the storm water pond.

Applicant: Scott Teigen, Vice-President of Kwik Trip addresses the commission. He thanks the commissioners and notes this project will bring 20+ jobs to Duluth. He notes the need for the parking. They are constrained at this location by the wetlands. On average they have 8-10 co-worker cars. Regarding the wetlands, he explains the church had stringent rules they had to follow. The slope has been addressed and they are comfortable with it. Luke Sydow asks about ADA ramp/patio area adjacent to sidewalk and swapping the parking and the picnic area to give better pedestrian access. Teigen states they will switch it. Zwiebel asks about condition #6 which requires financial securing for 125% of the cost of landscaping. She doesn't see a clause to hold the funds to the following year to make sure plants stay alive. Per Deming, a condition can be added, but be mindful that it will need to be monitored, too. Director Hamre suggests a 5% retention for the 2nd year. The applicant is in agreement.

Public: Brad Johnson of Lotus Realty who represents the church addresses the commission. They started the process three years ago. They are in support of the special use permit and will be happy to have Kwik Trip as their neighbors.

Commissioners: Wright Wendel feels the project might be detrimental in the long run to the community and to the important watershed. Meyer notes Kwik Trip has the resources to make sure the technical aspects are handled in the correct manner.

MOTION/Second: Wisdorf/Meyer approved as per staff's recommendations with the addition that 5% of the financial security be held until one year after the project to ensure landscaping health.

VOTE: (6-1, Wright Wendel Opposed)

- E. PL 18-011 Special Use Permit for a 7,100 Square Foot Filling Station in a Mixed Use Neighborhood District (MU-N) at the Intersection of Boundary Avenue and Grove Street (Proctor) by Brad Fry and Kwik Trip Inc.

Staff: Chris Lee introduces the applicant's proposal for a special use permit to construct and operate a 7,243 sq. ft. convenience store and a 1,613 sq. ft. car wash on a 147,851 square foot impervious surface. There will be 20 fueling points (10 pumps) for fueling standard gasoline, and 2 fueling lanes (4 pumps) for diesel fuel. Sidewalk connectivity is required. There will be 24 trees. Staff recommends approval with the conditions listed in the staff report. Chair Schraepfer asks about screening. How much is on the north side between the closest house? Lee states there will be 5 bushes, 2 trees and a privacy fence.

Applicant: Scott Teigen, Vice-President of Kwik Trip addresses the commission. They are in full agreement with the conditions listed in the staff report. 25-30 jobs will be created. Sydow asks about the trees. Would the applicant agree to twice as many trees and twice the height? Teigen affirms.

Public: Ken Sorvari, 9231 Park Place, addresses the commission. 92% of the property owners are opposed to this. The children in his neighborhood have moved away because they don't want a Kwik Trip in their back yard. He states this is a wetland area.

He doesn't want a carwash. He is opposed to the special use permit. He thanks the commissioners for their time. Ray Payne, 9231 Park place, addresses the commission. He is opposed to the special use permit. He refers to the email he sent and will answer any questions. Zwiebel notes his comments about snow removal and fire and police service. Director Hamre states Boundary Avenue is a county road. The city of Duluth police and fire are responsible, but the plowing is done by the county. The Proctor police and Duluth police could both be called. Per Sorvari, there is no such agreement. Payne states they didn't get a 3-d rendering of what this will look like. Brad Johnson of Louts Realty, who represents the residents of Zenith Terrace addresses the commission. Zenith Terrace residents need a better place to buy their groceries, and they feel Kwik Trip is a good fit. He is in support of the special use permit. He notes the owners of Zenith Terrace have purchased the gas station on the corner, so they will be losing one and gaining one.

Commissioners: Zwiebel asks about the sidewalks. Per Lee they will add connectivity to the north and to the south. Chair Schraepfer notes this is somewhat of a contentious issue, but with the added screening, he feels it will be adequate. Zwiebel notes previous discussions were made from the rezoning from residential to mixed-use area. Now at this point, she feels it is wanted in this area. Kennedy notes now the other store isn't going to be there. She has heard both sides. She is unsure how she is going to vote. She feels Kwik Trip has done a good job in other areas and fits into the area.

MOTION/Second: Zwiebel/Wisdorf approved as per staff's recommendations with the addition that 5% of the financial security be held until one year after the project to ensure landscaping health and additional trees and height be added to the screening/landscaping.

VOTE: (6-1, Kennedy Opposed)

6. Communications

A. Manager's Report – Director Hamre gives an overview. Regarding vacation rentals, the city council voted to split the reading into two parts. The total number would increase to 114, and there would be a limit of three given to any one individual. On April 23rd the council will have their second read. Brown Bag dates will be shared soon. Topics will include the consent agenda, Robert's rules, and tax forfeit property.

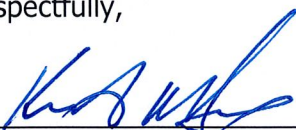
B. Reports of Officers and Committees –

-Tax Forfeit Parcel Subcommittee – Director Hamre states the committee met yesterday. It will be brought forth at the next meeting. Kennedy asks if they can get the parcel descriptions ahead of time. Director Hamre affirms.

-Heritage Preservation Commission Representative Zandra Zwiebel gives an overview. The holdup to designate the railroad is based on funding issues. The planning commission can expect a report in July. There was an interest in an archaeological survey around Enger Tower.

C. Meeting adjourned at 6:41 p.m.

Respectfully,



Keith Hamre - Director
Community Planning and Construction Services