



City of Duluth
Planning Division

411 West First Street • Room 208 • Duluth, Minnesota 55802-1197
218-730-5580 • Fax: 218-730-5904 • www.duluthmn.gov

An Equal Opportunity Employer

City of Duluth
Planning Commission
September 18, 2012 Meeting Minutes
City Council Chambers, Duluth City Hall

Call to Order

Attending: Henry Banks, Marc Beeman, Drew Digby, Patricia Mullins, Heather Rand, David Sarvela, Luke Sydow and Zandra Zweibel

Excused: Terry Guggenbuehl

Public Hearings

- A. PL 12-125 UDC Map Amendment from Residential-Traditional (R-1) to Mixed Use-Neighborhood (MU-N) at 4131 Grand Avenue by Khai King

Robertson reported on the application, stating that the applicant has been joined in his petition with two other landowners, Murphy Oil and Christ the King Lutheran Church. All want their properties rezoned to MU-N. Staff added that the future land use supports the rezoning to MU-N.

Dan Williams He and his wife would like to expand their business with a beer and wine license, which creates a conflict with their property as it zoned residential.

Mullins asked why applicant didn't wait for the City to rezone the property as part of the rezoning process. Robertson replied that they could have, but it may be 1 or 2 years from now, and the applicant doesn't want to wait.

MOTION/Second: Zwiebel/Sarvela to **Approve** the UDC Map Amendment from Residential-Traditional (R-1) to Mixed Use Neighborhood (MU-N).

VOTE: 8-0

- B. PL 12-114 Special Use Permit (SUP) to Alter Existing Communications Facility at 218 East Central Entrance by AT&T

Robertson gave a brief overview of the application, and the recent history of the City's regulation of these types of land uses. Robertson concluded by stating that this is adding additional equipment on to the existing tower, and is not increasing height.

MOTION/Second: Rand/Beeman to **Approve** file 12-114 for the Special Use Permit (SUP) to Alter existing Communications Facility at 218 East Central Entrance by AT&T with the following conditions: 1. That the project be maintained according to the documents titled "MNL05442 Central Entrance Relo", dated June 27, 2012. 2. That the applicant secure all necessary permits required by Federal, State, County or City laws and regulations. 3. That the applicant shall submit proof of removal bond and show "no loss of coverage" by December 31, 2012. 4. That the applicant comply with items identified in "CMS Application Review" for 218 East Central Entrance dated 8/20/12.

VOTE: 8-0

C. PL 12-115 Special Use Permit (SUP) to Alter Existing Communications Facility at 3780 London Road by AT&T

Robertson gave a brief overview of the application, and added that the Planning Commission may remember this site from the easement vacation at their last Planning Commission meeting. Staff added that based on the site characteristics and the letter from the only adjacent residential property, that additional screening may not be necessary. Robertson concluded by stating that this is adding additional equipment on to the existing roof-top site.

MOTION/Second: Beeman/Mullins to **Approve** the Special Use Permit to Alter Existing Communications Facility at 3780 London Road by AT&T with the following conditions: 1. That the project be maintained according to the documents titled "MNL05091 Chateau", dated May 7, 2012. 2. That the applicant secure all necessary permits required by Federal, State, County or City laws and regulations. 3. That the applicant shall submit proof of removal bond and show "no loss of coverage" by December 31, 2012. 4. That the applicant comply with items identified in "CMS Application Review" for 3780 London Road dated 7/25/12.

VOTE: 8-0

D. PL 12-116 Special Use Permit (SUP) to Alter Existing Communications Facility at 1407 Maple Grove Road by AT&T

Robertson gave a brief overview of the application, and added that the applicant will remove existing antennas from the site, so there will be a net reduction to the number of antennas on the site.

MOTION/Second: Rand/Sarvela to **Approve** the Special Use Permit (SUP) to Alter Existing Communications Facility at 1407 Maple Grove Road by AT&T with the following conditions: 1. That the project be maintained according to the documents titled "MNL05027 Miller Hill", dated June 28, 2012. 2. That the applicant secure all necessary permits required by Federal, State, County or City laws and regulations. 3. That the applicant shall submit proof of removal bond and show "no loss of coverage" by December 31, 2012. 4. That the applicant comply with items identified in "CMS Application Review" for 1408 Maple Grove Road dated 8/21/12. 5. That the applicant address stealth or concealment options to reduce visual impact on adjacent residential property.

VOTE: 8-0

E. PL 12-129 Special Use Permit (SUP) to Alter Existing Communications Facility at 100 North Central Avenue by AT&T

Robertson gave a brief overview of the application, and added that based on the zoning and usage of this structure (industrial), the additional antennas will not add to the visual impact of the area. He did not believe that additional screening of the new antennas would be necessary.

MOTION/Second: Zwiebel/Beeman to **Approve** the Special Use Permit (SUP) to Alter Existing Communications Facility at 100 North Central Avenue by AT&T with the following conditions: 1. That the project be maintained according to the documents titled "MNL05117", dated July 19, 2012. 2. That the applicant secure all necessary permits required by Federal, State, County or City laws and regulations. 3. That the applicant shall submit proof of removal bond and show "no loss of coverage" by December 31, 2012. 4. That the applicant comply with items identified in "CMS Application Review" for 100 North Central Avenue dated 8/21/12.

VOTE: 8-0

F. PL 12-130 Special Use Permit (SUP) to Alter Existing Communications Facility at 100 Elizabeth Street by AT&T

Robertson gave a brief overview of the application. Digby asked about the other antennas on the site. Sydow asked about other screening options.

Steve Stulz, on behalf of AT&T, stated that because the antennas are on the back of the building, he believes additional screening is not necessary and may draw attention to the roof top and be counter-productive.

Sydow expressed concern for not spending more time examining screening options.

MOTION/Second: Mullins/Beeman to **Approve** a Special Use Permit (SUP) to Alter Existing Communication Facility at 100 Elizabeth Street by AT&T with the following conditions: 1. That the project be maintained according to the documents titled "MNL05055 Chester Park", dated July 17, 2012. 2. That the applicant secure all necessary permits required by Federal, State, County or City laws and regulations. 3. That the applicant shall submit proof of removal bond and show "no loss of coverage" by December 31, 2012. 4. That the applicant comply with items identified in "CMS Application Review" for 100 Elizabeth Street dated 8/21/12.

VOTE: 8-0

G. PL 12-131 Special Use Permit (SUP) to Alter Existing Communications Facility at 2011 West Second Street by AT&T

Robertson stated that this is another roof top site. He added that the additional antennas will be level with the penthouse, and will limit the visual impact on adjacent properties.

MOTION/Second: Sarvela/Beeman Amended to **Approve** the Special Use Permit (SUP) to Alter Existing Communications Facility at 2011 West Second Street by AT&T with the following conditions: 1. That the project be maintained according to the documents titled "MNL05048 Lincoln Park", revised June 12, 2012. 2. That the applicant secure all necessary permits required by Federal, State, County or City laws and regulations. 3. That the applicant shall submit proof of removal bond and show "no loss of coverage" by December 31, 2012. 4. That the applicant comply with items identified in "CMS Application Review" for 2011 West Second Street dated 8/21/12.

VOTE: 8-0

H. PL 12-132 Special Use Permit (SUP) to Alter Existing Communications Facility at 4901 Grand Avenue by AT&T

Robertson gave a brief review of the application, adding that this is adding additional antennas to an existing roof top site.

Sydow asked if they are looking at alternatives? Sydow would like to see more information on this in the future. Beeman asked why they needed the bandwidth and are they are working for a smaller antennae?

Steve Stulz state there are two different ones and one is better aesthetically.

MOTION/Second: Zwiebel/Beeman as Amended to **Approve** the Special Use Permit (SUP) to Alter Existing Communications Facility at 4901 Grand Avenue by AT&T with the following conditions: 1. That the project be maintained according to the documents titled "MNL05076 Duluth West", dated July 19, 2012. 2. That the applicant secure all necessary permits required by Federal, State, County or City laws and regulations. 3. That the applicant shall submit proof of removal bond and show "no loss of coverage" by December 31, 2012. 4. That the applicant comply with items identified in "CMS Application Review" for 4901 Grand Avenue dated 8/21/12.

VOTE: 8-0

I. PL 12-133 Special Use Permit (SUP) to Alter Existing Communications Facility at 3456 Haines Road by AT&T

Robertson gave some background information on the application. He added that this site came before the Planning Commission in early 2011 for a special use permit. At the time, neighbors had objected to the noise created by the Cellular on Wheels (COW); a temporary cell device that is transported by semi-trailer and powered by a generator. The site has been improved per the conditions of the earlier SUP.

Beeman stated that this was the best application and site out of all the items on the agenda.

MOTION/Second: Mullins/Beeman to **Approve** the Special Use Permit (SUP) to Alter Existing Communications Facility at 3456 Haines Road by AT&T with the following conditions: 1. That the project be maintained according to the documents titled "MNL05443 40th AND HAINES RELO", dated July 25, 2012. 2. That the applicant secure all necessary permits required by Federal, State, County or City laws and regulations. 3. That the applicant shall submit proof of removal bond and show "no loss of coverage" by December 31, 2012. 4. That the applicant comply with items identified in "CMS Application Review" for 3456 Haines Road 7/24/12.

VOTE: 8-0

J. PL 12-134 Special Use Permit (SUP) to Alter Existing Communications Facility at 222 North Second Avenue E by AT&T

Robertson gave some background information on the application.

Sydow asked if the neighbor letters were sent out and if it included this area? Robertson stated that they were sent to within 350 feet of the property. Banks was concerned that the tenants did not get notices. Robertson stated that only property owners get notices, but a sign is required to be posted on the property, giving citizens a chance to be aware of the pending action. Beeman asked how the antennas on the structures were used.

MOTION/Second: Beeman/Rand to **Approve** the Special Use Permit to Alter Existing Communications Facility at 222 North Second Avenue E. by AT&T with the following conditions: 1. That the project be maintained according to the documents titled "MNL05106 TRI TOWERS", revised June 28, 2012. 2. That the applicant secure all necessary permits required by Federal, State, County or City laws and regulations. 3. That the applicant shall submit proof of removal bond and show "no loss of coverage" by December 31, 2012. 4. That the applicant comply with items identified in "CMS Application Review" for 222 North 2nd Avenue East dated 8/21/12.

VOTE: 8-0

K. PL 12-135 Special Use Permit (SUP) to Alter Existing Communications Facility at 1200 Kenwood Avenue by AT&T

Robertson gave a brief overview of the application. Because this project will only be able to be seen by visitors of St. Scholastica, staff felt the level of screening being proposed was sufficient.

MOTION/Second: Rand/Beeman to **Approve** the Special Use Permit, with the following conditions: 1. That the project be maintained according to the documents titled "MNL05089 ST SCHOLASTICA", dated July 2, 2012. 2. That the applicant secure all necessary permits required by Federal, State, County or City laws and regulations. 3. That the applicant shall submit proof of removal bond and show "no loss of coverage" by December 31, 2012. 4. That the applicant comply with items identified in "CMS Application Review" for 1200 Kenwood Avenue dated 8/21/12.

VOTE: 8-0

Respectfully,



Keith Hamre, Director of Planning and Construction Services