



City of Duluth
Planning Division

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CITY OF DULUTH
PLANNING COMMISSION
MINUTES OF APRIL 10, 2012
CITY COUNCIL CHAMBERS

- I. Call to Order: President Digby has called a meeting of the City Planning Commission for 5 p.m., Tuesday, April 10, 2012, in the City Council Chambers.
- II. Roll Call: Henry Banks, Marc Beeman, Drew Digby, Terry Guggenbuehl, Patricia Mullins, Heather Rand, David Sarvela

Excused: Zandra Zwiebel

Absent: Luke Sydow

- I. Public Hearings

- A. PL 12-023 – UDC Map Amendment from Mixed Use-Business (MU-B) to Residential-Traditional (R-1) at 4526 Regent St **JK**

Kelley stated that there are two lots currently zoned Mixed Use-Business (MU-B). The owners of these lots have petitioned the city to rezone from MU-B to Residential-Traditional (R-1). The proposed rezoning is consistent with the Comprehensive Land Use Plans future land use category for the area as Traditional Neighborhood and is consistent with the existing land use.

Dawn Strumbel stated she went to refinance her home and found out her property was zoned MU-B, which has affected the refinancing.

Rand made a motion to approve this rezoning from MUB to R-1 of PL 12-023 and that it is consistent with the Comprehensive land use plan and there are no adverse impacts. Second Guggenbuehl.

MOTION/Second: Rand/Guggenbuehl to **Approve** the UDC Map Amendment from Mixed Use-Business (MU-B) to Residential-Traditional (R-1) at 4526 Regent Street.

VOTE: Unanimous (7-0)

- B. PL 12-025 - UDC Map Amendment from Residential-Traditional (R-1) to Mixed Use-Neighborhood (MU-N) at 1924 East 8th St. **JK**

Kelley stated the applicant is petitioning to rezone from Residential-Traditional (R-1) to Mixed Use-Neighborhood (MU-N) on 2 lots. The site has split zoning with MU-N on the east half of the site and R-1 on the western portion of the property. Rezoning this site to MU-N is not completely consistent with the Comprehensive Land Use Plan because it designates the area of the site to be rezoned as "Traditional Neighborhood". Rezoning to MU-N will allow for the proposed mixed use building and is reasonably related to the existing land uses in the area such as residential and commercial uses including Sara's Table Chester Creek Cafe, and a VIP Pizza. Multi-family dwellings are also a permitted use in the MU-N district. Residential development, if proposed, will require a plan review by the Planning Commission. Based on the findings in staffs report, staff is recommending approving the rezoning.

Rand asked what the maximum height is in MU-N. Kelley stated it is 35 feet within 200 feet of a residential district. Rand asked if a 3 story building be allowable and Kelley stated it is. Rand asked if it were rezoned to R-2 it could permit office of special use. The maximum height is R-2 would be 45'.

Carla Blumberg. She owns Sarah's Table and she has been in the area about 10 years. Blumberg stated the 3 stories would be towards the front and the alley and it will only be 2 stories in the back. There would be a possible office, retail and residential. She thinks that it makes sense for that location. They would like to have a garden that would serve the restaurant.

Guggenbuehl has some issues with the inconsistency with the comprehensive land use plan. One of the uses can be a gas station in the MU-N and this is not acceptable. Kelley stated there has been past commercial use of the site and a gas station existed on the site at one time.

Rand stated she is trying to envision this site with a 3 story building and said that it will put right next to R-1. She likes the project but not the height allowed in the MU-N. Digby stated that creating these mixed use nodes in Duluth will help in creating centers for walkability.

Mullins asked why this area has a future land use classification of Urban Residential and Neighborhood Mixed Use. Mullins stated there appears to have been commercial activity at some time on the site. Hamre added that one of the issues is dealing with buffering for adjacent properties and looking at the node and determining how far it should expand. Hamre stated this is the kind of walkable, neighborhood, commercial type of area and this node probably does this.

MOTION/Second: Banks/Beeman to **Approve** the UDC Map Amendment from Residential-Traditional (R-1) to Mixed Use-Neighborhood (MU-N) at 1831 East 8th Street and 1819 East 8th Street.

VOTE: 5-2 (Rand, Guggenbuehl)

- C. PL 12-022 – Plan Review for Residential Redevelopment in Residential-Urban (R-2) at the former Kenwood School Site at 1750 Kenwood Avenue **JK**

Greg Carlson has an application for a Plan review for the Kenwood School Building at 1750 Kenwood Avenue. Kelley stated there was a petition for rezoning of this site on the west side from R1 to R2 and the Planning Commission recommended approval. The applicant has now applied for a Plan Review for developing a 25 unit apartment building with 35 parking spaces. The proposed site plans shows the applicant is proposing to take out a lot of the existing gravel area and put in grass as well as landscaping. Staff is recommending approval of the Plan Review based on the findings in staff's report.

Greg Strom and Greg Carlson. Greg Strom thanked the Planning Commission for allowing them to present their plan. Strom stated that the applicant had an independent neighborhood meeting. The neighborhoods first major concern was traffic and the study shows there would be about 30% less than when it was a school. The applicant is proposing a new access to the site off of Maryland Street. Strom stated that additional parking in front of the building is for accessible access and has been added to a revised site plan along with a sidewalk for pedestrian concerns. Rand appreciates that the applicant had focused on the neighbors' concerns.

Tom Bowman - 1231 Maryland. Bowman spoke at the last Planning Commission meeting in opposition to the rezoning. It was R-1 and a school is an asset. Bowman stated that there was a city park on the property and it was given to the school district. Bowman thinks the whole idea is wrong as it should not have been rezoned.

Carol Thibault - 1211 Maryland . She states that there are a lot of first time homeowners in the neighborhood and now they will have a dormitory by UMD. She hopes that this will not decrease the values of homes in the neighborhood as a result of this rezoning. She supports walkable neighborhoods.

Tom O'Rourke - 1215 W. Victoria. O'Rourke stated that part of the argument for the plan is that there is a rural feel to the neighborhood. O'Rourke stated that Victoria Street is an unimproved road and the neighborhood would like to keep it that way. O'Rourke stated that this plan for apartments runs counter to the feel of the neighborhood that they want.

Kerry Leider - Property Manager of the Duluth Schools. Leider stated that the applicant has a reasonable use that is requested and he thinks that the housing type that is proposed can be an asset. Leider stated that Duluth Schools appreciates that the Planning Commission can consider re-uses for the school buildings.

Rand Recommends approval per staffs recommendation - Any negative impacts have been mitigated and the applicant is meeting the UDC requirements. Second Banks.

Sarvela asked where the sidewalks are located and Kelley stated that they are in front of the building.

LaCoursier stated in relation to the sidewalks, this can be added as a condition of approval that the sidewalk be installed in accordance with the location depicted on the revised site plan. LaCoursier also stated that plan review approval be contingent on City Council approving the rezoning of the west portion of the property from R-1 to R-2 in accordance with the Planning Commission's March 27, 2012 recommendation and that the applicant shall remove the existing warming house on site by November 30, 2012, unless, by September 30, 2012, applicant and the City have reached agreement on continuing use of the structure for recreational or other public purpose.

MOTION/Second: Rand/Banks to **Approve** the Plan Review for Residential Redevelopment in Residential-Urban (R-2) at the former Kenwood School Site at 1750 Kenwood Avenue with the following Conditions: 1. The project be limited to, constructed, and maintained according to documents drawn by Foundations Architecture dated March 30, 2012. 2. Applicant to apply for permit prior to construction, and demonstrate compliance with any applicable stormwater requirements. 3. Applicant shall apply for a sign permit prior to the installation of any sign on the property. 4. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50. 5. Applicant shall remove the existing warming house on site by November 30, 2012, unless, by September 30, 2012, applicant and the City have reached agreement on continuing use of the structure for recreational or other public purpose. 6. The City Council approves the rezoning of the west portion of the property from R-1 to R-2 in accordance with the Planning Commission's March 27, 2012 recommendation. 7. Applicant to install a sidewalk in accordance with the location depicted on the revised site plan submitted on April 3, 2012.

Vote: Unanimous (7-0)

- D. PL 12-028 – Plan Review for Hotel in Mixed Use-Waterfront (MU-W) at 1003 Minnesota Avenue
JRM

This is for the Harbor Cove Marina which was recently rezoned to MU-W and needs a plan review. The hotel is on the front portion of the lot. The site plan shows 55 rooms with an entrance on Minnesota Avenue. There are no sidewalks along Minnesota Avenue but the applicant is proposing sidewalks on site to make it walkable. Landscaping and parking meet all the requirements. The building elevations meet design requirements. They are mirroring the style of the old Boat House on Park Point. Any signs on the site will need to receive sign permits. Applicant is working with the engineering staff on utilities. Staff supports approval.

Sarvela likes the design and is looking at 3d. It shows the lighting of the property and a max of 44.8 foot candles - where is this? Moses states that they do meet the average and maximum requirements at the property line. Digby likes the design. He would like to have a definitive answer that it is appropriate for water and sewer for this size. Hamre stated that there is appropriate infrastructure for this kind of development. There is the ability to provide water main service from St. Louis Ave. Digby asked about the traffic on park point. Moses stated what their input on traffic stated that they did not have any concerns.

MOTION/Second: Guggenbuehl/Beeman to **Approve** the Plan Review of the Harbor Cove Marina hotel, subject to the following conditions: 1. The project be limited to, constructed, and maintained according to documents drawn by bdp architects, as follows: Site Plan with Grading Plan, dated March 1, 2012; Preliminary Landscape Plan, Revised March 30, 2012; Lighting Plan E1.0; and attached building elevations and lighting specifications. 2. Project will demonstrate compliance with transparency requirements in Section 50-15.6.E. 3. Plant materials to be chosen from the UDC species List in effect at the time construction. 4. Applicant apply for and receive shoreland permit prior to construction, and demonstrate compliance with any applicable flood plain and stormwater requirements. 5. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50. 6. The applicant comply with lighting standards in Section 50-31 in effect on April 10, 2012.

VOTE: Guggenbuehl/Beeman (7-0)

E. PL 12-031 – Variance from Shoreland Setback at 1019 North Basswood Avenue by Michael Taylor **JRM**

Moses stated that this application is for a shoreland variance for a setback. To the south of the property there is a right of way (paper street). The addition that they are proposing is for a 116' setback and they are asking for a variance from that standard 150' setback. The addition to the house would replace an existing covered porch. Stream is bordered with trees and natural vegetation. Use of the property is consistent with the comprehensive plan. Attorneys have asked for a condition that this project either meet setbacks from adjacent paper street or get a variance. Digby asked if there are any plans for developing this roadway. Moses stated that there were no future plans to develop this road but other parcels would be land locked if the road was vacated.

Michael Taylor - 1019 Basswood Avenue: He is hoping to build an addition on the house and have a bedroom and bathroom and to access this without going up and down stairs. He decided to wait on a variance for setback from the roadway and will submit an application for this at a future date.

MOTION/Second: Guggenbuehl/Rand to **Approve** the Shoreland Variance to the 150-foot shoreland setback to build an addition 116 feet from the stream is granted with the following conditions: 1. That the applicant either meet existing setbacks from adjacent roads or receive a variance for those setbacks 2. That the applicant receive a shoreland permit in accordance with UDC Section 50-37.13. **VOTE:** Unanimous (7-0)

F. PL 12-019-UDC Text Amendments (Revisions to the UDC) **SR**

Robertson stated that there was a public hearing and need to make a few more comments.

1. Changes to our Use Table. We have been tabling an item for downtown rezoning on this for more comments. Nothing significant has changed on these. 2. Banks in an RP. 3 Redevelopment in Form Districts. 4. That lawful parking can be continued. 5. Location of Parking Spaces 6. Clarified landscape standards. 7. Allow later date to install landscaping 8. Clarify Alternative Landscaping provisions 9. Clarify Screening applicability Standards 10. Reword small changes. 11. Being more flexible for parking ramps. 12. New Parking Ramp Design Standards. 13. Update lighting Standards 14. Land Use Supervisor Administrative Adjustment 15. Clarify vacations. There was discussion on twin homes and transparency requirements. Our code currently asks for 75% transparency in MU-W, which seems high.

Digby – issue 1 – Form Codes. Does staff think this is appropriate? Hamre stated that it is tough with the form based districts. They had a couple of meetings with the greater downtown Council and they are requiring retail and retail left the Downtown a while ago. They want flexibility for offices but help us out. We need help with it and it wasn't our first recommendation. They heard from the Staff and others. What they want is transparency. They are trying to be sensitive to them to provide us with transparency. There are other elements and uses that they can use.

Hamre added that this would be bank usage, the university usage, personal usage and interim usage. Woodland school will not be more than 10-15 years old. Mark Lambert is looking at a fitness center in his Woodland Development. Guggenbuehl stated that lighting is confusing. We do call for downward lighting and limit the height and that is the extent to our lighting standards.

Hamre stated that they looked through this and heard from commercial developers that these landscaping thresholds are very low standards and causing delays. We raised the threshold, but it is understood that parkings lot should have landscaping to alleviate the storm water concerns.

Motion/Second: Rand/Sarvela To **Approve** the Text Amendments (Revisions to the UDC). **VOTE:** Unanimous (7-0)

- II. Consideration of Minutes – March 13, 2012. Guggenbuehl/Rand to Approve the minutes as written.
- III. Communication
- IV. 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

MOTION/Second: Rand/Guggenbuehl to **Move Off** the Table: **VOTE:** Unanimous (7-0)

Robertson stated that this was presented in the December 13th Planning Commission Meeting. Hamre added that they will move this forward with the downtown form district on the street level.

MOTION/Second: Rand/Sarvela to **Approve** the Mixed Use Commercial to Form Districts. **VOTE:** Unanimous (7-0)

- 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.

Hamre stated that we will be scheduling another meeting for the land use of Business Park and a portion adjacent to Harbor Highlands to bring it toward Central Ave W. He would rezone to Mixed Use Business or Commercial. The consultant Mike Fischer had and talked about how and this lent to create a standard of 70%. They had also looked at Planned Mixed Use Business Park.

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

MOTION/Second: Rand/Guggenbuehl to **Move Off** the Table: **VOTE:** Unanimous (7-0)

Robertson stated that this application can be approved with a condition. There is a broadcast tower and the problem is that it is zoned R-1. Our recommendation is that staff look at this in this area.

MOTION/Second: Rand/Sarvela to **Approve** the Special Use Permit and is conditioned on appropriate zoning. **VOTE:** Unanimous (7-0)

D. PL 11-122 - Special Use Permit Amendment for Telecommunications Facility (49' Monopole) in a Residential-Traditional (R-1) zone at 2010 E. 7th St. by Buell Consulting.

V. Reports of Officers and Committees
A. Duluth Historic Preservation Commission

VI. New Business

VII. Other Business

VIII. Adjournment

Respectfully,

Keith Hamre, Interim Planning Manager