



City of Duluth
Planning Division

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City of Duluth
Planning Commission
November 12, 2013 Meeting Minutes
Room 303 - Duluth City Hall

I. Call to Order

President Terry Guggenbuehl called to order the meeting of the City Planning Commission at 5:00 pm on Tuesday, November 12, 2013, in City Hall Room 303.

Roll Call

Attending: Marc Beeman, Drew Digby, Terry Guggenbuehl, Tim Meyer, Garner Moffat, Patricia Mullins, David Sarvela, Luke Sydow and Zandra Zwiebel

Absent: N/A

Staff Present: Charles Froseth, Steven Robertson, Jenn Reed Moses, Allison Lutterman and Cindy Stafford

II. Public Hearings

A. PL 13-145 UDC Text Amendments: City Designation of Locally Designated Historic Landmarks and Adaptive Reuse of Historic Landmarks

Staff: Steven Robertson introduces the proposed amendments which will likely be reviewed the City Council at the November 25 and December 9 City Council meetings. Adaptive reuse would permit some uses in designated local landmarks, via an Interim Use Permit, in R-1 and R-2 districts that are not currently allowed.

Applicant: N/A

Public: Sharla Gardner, City Councilor addresses the planning commission. She is in support of the text amendment for City Designation of Locally Designated Historic Landmarks.

Carolyn Sundquist addresses the commission. She is a former member of the Heritage Preservation Commission (HPC). She is in favor of the UDC change. She notes the most powerful preservation is embodied at the local level. She feels the power of 28A (Duluth City Code) should be upheld and states the need for the HPC to designate properties for landmark status regardless of owner consent.

Dan Hartman, City Councilor, addresses the planning commission. He supports the UDC Text Amendment, and wants Duluth to be in line with other communities and state standards.

Commissioners: N/A

MOTION/Second: Digby/Beeman motion to recess the public hearing and bring back topic later in the meeting.

VOTE: (9-0)

III. Presentation to the Planning Commission. Update on Duluth bikeways is presented by Cindy Voigt (City Engineer) and James Gittemeier, (planner for Metropolitan Interstate Commission). They share a slide presentation showing bike rider designated lanes. A study performed shows a bicycle count at specific intersections and reveals an increase in bike traffic. The proposed plan is shared including a five-year vision and also a 20-

year long term vision. Per Voigt the plan will evolve and grow over time. Kick off meeting is tomorrow at Clyde at 6:00 p.m. Information can be found at: www.dsmic.org.

London Road proposed restriping is presented by Steve Forslund (City Engineer). The city proposes adding a center turn lane and bike lanes with button activated lights on certain crosswalks.

MOTION/Second: Moffat/Mullins recommend approval of staff's recommendation that the City Council adopt a resolution authorizing City Engineering, to restripe/reconfigure the stripes on the surface of London Road to provide for 2-10' parallel parking lanes, 2-5' bike lanes, 2-12' driving lanes, and a 14' median-center/left turn lane.

VOTE: (9-0)

IV. Public Hearings (continued)

MOTION/Second: Digby/Moffat to bring back previous public hearing on UDC text amendments.

VOTE: (9-0)

Public: Bob Zallar (lawyer for Johnson, Killen & Seiler) representing St. Mary's Star of the Sea Church of Duluth, addresses the commission and asks the commission to table the UDC text amendment. He clarifies ownership of St. Peters Church is not the Diocese, but is his client, St. Mary's Star of the Sea. He is concerned about private property individuals' rights. He notes arbitrary guidelines and foresees potential city litigation.

Robin Mainella has been trying to save St. Peters for three years. She is in support of the UDC text amendment change.

Commissioners: Tim Meyer notes he was a previous member of the HPC and supports the change to allow for the language to be put back in the UDC. Drew Digby is in strong support of the UDC changes. He notes the HPC was assured all of their rules would be fully adopted into the UDC, which wasn't the case. Local landmark status designation is a well-established historic tool. Garner Moffat asks staff to comment on what notice is given to the potentially nominated property owner. Allison Lutterman (city attorney) notes the legal language which outlines the procedure. Moffat feels the HPC is conservative and supports their role. Patricia Mullins has reservations and feels it's uncomfortable with the possible conflict with private property owners. David Sarvela and Luke Sydow also have reservations. Digby asks staff about the restrictions on property owners. Robertson notes the restrictions are mostly based on exterior modifications of the structure. Per Charles Froseth it depends on the individual historic landmark preservation plans, which can also include interior modifications. Froseth asks the planning commission to separate the UDC text amendment to allow adaptive reuse.

MOTION/Second: Moffat/Meyer recommend approval as per staff's recommendation.

VOTE: (4-3-2, Beeman, Mullins, Sarvela opposed; Sydow and Zwiebel abstained)

Public Hearing on The Following Items to Start No Earlier Than 5:30 pm

- B. Amendments to Chapter 33 of the Duluth Legislative Code Related to On-Street Parking in Certain Zone Districts

Staff: Matthew Kennedy (City Parking Manager) addresses the commission. He discusses the verbiage in the code pertaining to camping trailers and recreational vehicles (RVS). He notes the size definition of an RV as being 400 square feet or less. He points out other verbiage changes proposed to correctly

update the code language. Digby clarified a visitor from out of town would not be able to park an RV in front of his house. Per Kennedy, this is correct, as is true city wide.

Applicant: N/A

Public: N/A

Commissioners: N/A

MOTION/Second: Moffat/Beeman recommend approval as per staff's recommendation.

VOTE: (9-0)

- C. PL 13-067 UDC Zoning Map Amendment to Rezone from Residential-Planned (R-P) to Mixed Use-Planned (MU-P) at 201 Clover Street (Woodland Middle School and Bluestone Commons) by the City of Duluth (item held over from May 14th meeting agenda)

Staff: Jenn Reed Moses introduces the city zoning proposal. Staff recommends approval. Digby asks about height restrictions in the regulating plan. Reed Moses notes it's the same in either zoning district.

Applicant: N/A

Public: Mark Lambert (developer of Bluestone Commons) addresses the commission. He is in support of the rezoning, and asks for unanimous support from the commissioners. Roxanne Axdahl addresses the commission. She lives at 2331 E 8th St. and the back of her property abuts Clover Street. She is concerned about no buffer zone between her property (R-1) and the proposed rezoning. She is not concerned in short term, but is concerned about the long term impacts.

Commissioners: Digby supports Lambert's development, but is concerned about the zoning and the possibility of major changes not being required to be brought before the Planning Commission. Sydow wants to support the plan, but feels there is too much of a departure from the original proposal. He notes the use table and the possibility of drive-throughs and large grocery stores. Reed Moses notes both items are currently in the regulating plan. The map and list of uses have to be approved by the city council. Meyer is in support of the rezoning and feels any changes in the Regulating Plan will come back for review. He notes the high quality standards of Phase 1 of the project. Chair Terry Guggenbuehl revisits Digby's request for future Regulating Plans to come back to the Planning Commission for approval/discussion and asks staff to add to future UDC amendment list. Chair Guggenbuehl confirms the Regulating Plan is independent of the rezoning request. Digby asks about the asterisks in the regulating plan, and what the rezoning would mean. Lambert stated that the thought the asterisks were allowed, but would require a special use permit. Keith Hamre stated that requests for interim use/special use permits would be brought to the Planning Commission for approval.

MOTION/Second: Digby/Meyer moved to recommend approval per staff's recommendation. For the record, Zwiebel confirms the asterisks would still need commission approval.

VOTE: (7-2, Sarvela and Sydow opposed)

- D. PL 13-139 Quick Plat at 3515 Chambersburg Avenue by Kelly and Elizabeth Fleissner

Staff: Steven Robertson introduces the quick plat. The applicant wants to subdivide their current property into two smaller lots. Parcel A would contain

about .6 acres, and parcel B would contain about 2 acres. Staff recommends approval.

Applicant: Present but did not speak.

Public: N/A

Commissioners: N/A

MOTION/Second: Zwiebel/Moffat approved as per staff's recommendation.

VOTE: (9-0)

Public Hearing on The Following Items to Start No Earlier Than 6:00 pm

- E. PL 13-138 Planning Review for New Maintenance Building at 502 East 4th Street by Benedictine Sister Benevolent Association

Staff: Steven Robertson introduces the applicant's wishes to build a small structure to maintain the surrounding properties and parking lots; the building will be used as a maintenance shed for storage of sand and salt. The MU-I district requires a plan review in front of the planning commission for all new structures. Staff recommends approval.

Applicant: Present, but did not speak.

Public: N/A

Commissioners: N/A

MOTION/Second: Mullins/Meyer approved as per staff's recommendation.

VOTE: (9-0)

- F. PL 13-143 Special Use Permit for Natural Gas Utility Station at 502 East McCuen Street by City of Duluth Engineering

Staff: Steven Robertson introduces the city's wishes to build a 24' x 24' structure over existing natural gas utility equipment to protect it from the elements and reduce noise impacts on neighboring properties. The expansion of this use requires a special use permit in the MU-B zone. Staff recommends approval.

Applicant: N/A

Public: N/A

Commissioners: Moffat comments about possibly upgrading the appearance of future structures.

MOTION/Second: Sarvela/Mullins approved as per staff's recommendation.

VOTE: (9-0)

- G. PL 13-135 Special Use Permit for Assisted Living Facility on Trinity Road by Northern Health Care Properties LLC

Staff: Jenn Reed Moses introduces the applicant's request and presents a revised site plan with parking on the side of the building. The applicant proposes a 16-unit residential assisted living facility. Staff recommends approval subject to the four conditions found in the revised staff report.

Applicant: Present, but did not speak.

Public: N/A

Commissioners: N/A

MOTION/Second: Zwiebel/Moffat approved per staff's recommendation.

VOTE: (9-0)

- H. PL 13-137 Shoreland Variance for New Accessory Structure at 401 Halsey Street by Andrew and Shannon Sharpe

Staff: Jenn Reed Moses introduces the applicant's request for a storage shed and deck remodel. The applicant would move existing nonconforming shed out of the adjacent right of way. Mitigation requirements will be met. Staff recommends approval and notes the conditions as listed in the staff report (excluding item 2).

Applicant: Present, but did not speak.

Public: N/A

Commissioners: Sydow asks staff if they need the shed. Per Moses staff notes it is a reasonable use for a residential property.

MOTION/Second: Digby/Zwiebel approved per staff's recommendation.

VOTE: (9-0)

- I. PL 13-102 Variance from Front Yard Parking Regulations at 1529 East 5th Street by Scalzo Properties, LLC

Staff: Steven Robertson introduces applicant's request. The applicant is seeking a variance from front yard parking requirements to allow for two off street parking spaces instead of the existing one. Staff finds the requested variance does not meet the general variance criteria and there is no valid hardship or practical difficulty. Staff recommends denial. Digby asks about parking spaces in the right of way. Lutterman notes legal code.

Applicant: Bill Scalzo (Scalzo Architects) addresses the planning commission. They want to expand parking and notes the difficulty of convenient parking in the area. They would like to see long term tenants and feel the current configuration hampers their rights. He feels there is a legitimate practical difficulty. Digby asks about access issues regarding the driveway.

Public: N/A

Commissioners: Mullins and Meyer feel the parking situation is a practical difficulty. Sydow feels it is a slippery slope and will create a precedent. Moffat refers to his experience in the St. Cloud area neighborhood. Per Meyer, this is a case by case basis. Sarvela wants to help the applicant, but there isn't even a door on that side of the house.

MOTION/Second: Moffat/Sarvela denied as per staff's recommendation.

VOTE: (3-6, Beeman, Digby, Meyer, Mullins, Sydow and Zweibel opposed)

Meyer/Mullins approved with the practical difficulty being the narrow lot.

VOTE: (6-3, Guggenbuehl, Moffat and Sarvela opposed)

- J. PL 13-131 Concurrent Use of Streets for Parking at 1529 East 5th Street by Scalzo Properties, LLC

Staff: Steven Robertson introduces applicant's request. The applicant wishes to add one off-street parking space in front of the applicant's apartment building. The parking space would be located in the right of way of East 4th Street. Staff recommends denial.

Applicant: Bill Scalzo notes the lot configuration is a practical difficulty.

Public: Greg Novak lives in the building. He is in support of the extra off-street parking and feels it makes sense.

Commissioners: Sarvela asks if this would block the sidewalk. Lutterman states blocking the sidewalk would invite a ticket. Robertson notes the proposed space is sufficient for a standard vehicle to parking, 18 feet, without overhanging the sidewalk.

MOTION/Second: Moffat/Sarvela recommend denial as per staff's recommendation.

VOTE: (2-7, Beeman Digby, Meyer, Mullins, Sarvela, Sydow and Zweibel)

MOTION/Second: Digby/Meyer recommend approval with condition that space be approved for public use.

VOTE: (7-2, Guggenbuehl and Moffat opposed)

K. PL 13-129 Variance from Side Yard Setback at 508 East 9th Street by Kenneth Leskey

Staff: Steven Robertson introduces the applicant's request to allow the construction of an 11' x 10.5' addition to the existing family home. Staff recommends approval.

Applicant: Present, and notes the space is needed for his boys' bedrooms.

Public: N/A

Commissioners: N/A

MOTION/Second: Sydow/Moffat approved as per staff's recommendation.

VOTE: (9-0)

L. PL 13-140 Variance from Front and Side Yard Setback Requirements at 506 West 5th Street by James Olson

Staff: Steven Robertson introduces the applicant's request to expand the height of a non-conforming building by 9 feet. The existing single family home is located in the front and side yard setbacks. Staff recommends approval.

Applicant: James Olson addresses the pc. He would like to improve his property and needs this variance in order to move forward.

Public: N/A

Commissioners: N/A

MOTION/Second: Zwiebel/Moffat approved as per staff's recommendation.

VOTE: (9-0)

V. 5 to 7 minute meeting recess

VI. Other Business

a. PL 13-132 (Senich), Sale of City Park Land, Planning Commission Review for Conformance with Comprehensive Plan. Tabled from October 8, 2013 Meeting

Staff: Steven Robertson notes the staff report and recommends approval.

Applicant: N/A

Public: N/A (not a public hearing)

Commissioners: Sydow notes you can't maintain an 8 foot trail in 8 feet. He doesn't feel the need to sell the land. Mullins asks if there can be a condition to increase the easement. Lutterman said the City as the land owner can make that condition.

MOTION/Second: Sydow/Moffat recommend denial, which is opposed to staff's recommendation.

Amended to approve the sale with the condition of an expanded easement.

MOTION/Second: Sydow/Digby recommend approval with the added condition of expanding the easement requirements to 20 feet.

VOTE: (8-0, Meyer Absent)

- b. PL 13-154 Proposed Tax Increment Financing (TIF) District for Corporate Towers at 425 West Superior Street, Planning Commission Review for Conformance with Comprehensive Plan

Staff: Charles Froseth introduces the proposed tax increment financing. Staff recommends approval.

Applicant: N/A

Public: N/A

Commissioners: Digby clarifies the additional TIF areas.

MOTION/Second: Digby/Beeman approved as per staff's recommendation.

VOTE: (8-0, Meyer Absent)

- c. Planning Commission Review of Properties Proposed for Local Historic Designation:

-PL 13-123 Chester Creek Methodist Church at 819 North 18th Avenue East

Staff: Charles Froseth introduces the planning commission review of local historic designation. He notes adaptive reuse. Staff recommends approval.

Applicant: N/A

Public: Proposed owner Stacy is in favor of the historic designation.

Commissioners: Guggenbuehl notes the positive aspects to the neighborhood. Digby notes the criteria needed for the designation. He refers to the UDC and notes the historical, cultural and architectural significance which is needed and has been met.

MOTION/Second: Moffat/Sarvela recommend approval as per staff's recommendation.

VOTE: (8-0, Meyer Absent)

-PL 13-134 St Peter's Church at 810 West 3rd Street

Staff: Chuck Froseth notes no vote is needed since they don't have a signed application.

Applicant: N/A

Public: Not a public hearing.

Commissioners: N/A

MOTION/Second: N/A

- d. Information on Proposed Changes for UDC (Public Hearing in December). Robertson notes the proposed changes. He asks the commission about their timeline in regards to changing the regulating plan process. Digby notes the details of the plan is important and should be approved by the pc. He notes concept maps. Sydow notes minor modifications ok to approve by staff, but questions where the line is drawn. Commission agrees spring timeline is okay, unless project comes in.

VII. Consideration of minutes (October 8, 2013)

MOTION/Second: Zwiebel/Beeman

VOTE: (7-0, Moffat abstained, Meyer absent)

VIII. Communications

- A. Managers' Report – Froseth gives an overview and refers to the handout.

Reports of Officers and Committees

- A. PL 13-155 Report from Tax Forfeit Committee (Sarvella, Zwiebel, and Mullins) on Classification of State Tax Forfeited Land to Non-Conservation. Robertson discusses the list of 40 tax forfeited lands the city wants to sell.

MOTION/Second: Digby/Sarvella recommend approval as per staff's recommendation.

VOTE: (8-0, Meyer Absent)

IX. Adjournment

Meeting adjourned at 8:33.

Respectfully,



Charles Froseth, Land Use Supervisor