

City of Duluth  
Planning Commission (Special Meeting)  
September 22, 2015 Meeting Minutes  
Council Chambers - Duluth City Hall

I. Call to Order

President Zandra Zwiebel called to order the special meeting of the city planning commission at 5:00 p.m. on Tuesday, September 22, 2015, in city hall council chambers.

Roll Call

Attending: Terry Guggenbuehl, Janet Kennedy (left early during item II. C), Garner Moffat, Heather Rand, Mike Schraepfer, Luke Sydow and Zandra Zwiebel

Absent: Marc Beeman and Tim Meyer

Staff Present: Kyle Deming, John Kelley, Keith Hamre, and Cindy Stafford

II. Public Hearings

- A. PL 15-136 UDC Map Amendment to Rezone Canal Park, Franklin Park, Hartman Park, Lafayette Square, Minnesota Point Shoreline, Park Point Hiking Trail Park, and Southworth Marsh from R-1, R-2, MU-N, F-5 & F-9 to P-1 (Parks and Open Space) by the City of Duluth

**Staff:** John Kelley introduces the city's proposal to rezone park property including Canal Park, Franklin Park, Hartman Park, Lafayette Square, Minnesota Point Shoreline, and Park Point Hiking Trail Park located on Park Point from the current zoning districts of Residential-Traditional (R-1), Residential-Urban (R-2), Mixed Use-Neighborhood (MU-N), Form District 5 (F-5) Mid-Rise Community Shopping and Office, and Form District 9 (F-9) Canal Park Lakefront to Park and Open Space (P-1). Southworth Marsh was already rezoned to P-1. Staff recommends approval.

**Applicant:** N/A

**Public:** N/A

**Commissioners:** N/A

**MOTION/Second:** Moffat/Guggenbuehl recommend approval as per staff's recommendations.

**VOTE: (7-0)**

- B. PL 15-130 Riverside Small Area Plan, Presentation of Plan Recommendations

**Staff:** John Kelley introduces the Riverside Small Area Plan and introduces the presenter.

**Applicant:** Erick Maass of WSB and Associates addresses the commissioners and gives an overview of the process. He discusses land use, and the preservation of environmentally sensitive areas. He shows the existing land use map and then the proposed future land use map. He discusses transportation. Public input revealed the need for safe crossings along Grand Avenue. Maass notes the environment characteristic vision which is to enhance and protect local ecosystems that provide both recreation and preservation opportunities. Community characteristics include the rich history and culture of riverfront activity. He asks if there are any questions.

**Public:** Robert Fierek – 321 Harbor Point Circle - addresses the commission he is the founder of the Duluth Trading Company. He is the owner of 11-13 acres which is

approximately 20% of the area. He was not notified and feels excluded in the process. He doesn't feel it represents the community and requests going back to ground zero. Janet Kennedy asks the speaker about specifics. He thinks it only represents a small portion of the community. Maass states no public planning will get 100% involvement. Hundreds of flyers were distributed. Fierek's property is slated as commercial waterfront, so there will be no land change. Kennedy asks why Fierek wasn't notified. Was it because he didn't live there and is just the property owner? Maass states correct. Chair Zandra Zwiebel asks about notification. Per Maass, there were flyers, emails, and meetings. Kennedy states with no specifics listed by Fierek regarding the small area plan, she would not deny.

**Commissioners:** Terry Guggenbuehl thinks this is a good plan with lots of public involvement. He asks staff about amending the landscape buffering recommendations and could it be adopted city wide. Kelley states it's worth exploring. Kennedy likes the plan and attempts were made to include as much involvement as possible.

**MOTION/Second:** Guggenbuehl/Kennedy recommend approval of the small area plan recommendations.

**VOTE: (7-0)**

- C. PL 15-090 Hearing Public Comments on the Environmental Assessment Worksheet (EAW) for Hartley Park Master Plan Phase 1 – Kyle Deming addresses the commissions and notes another special Planning Commission meeting to make the decision coming October 27. Additional written comments from Mike Seyfer and Daniel Mundt with info. about Gender Matters was provided to the commissioners on their desks. (Note: Luke Sydow recused himself.)

**Public:** Russ Conrow – addresses the commission. He represents a non-profit organization called Gender Matters that uses Hartley Park for their program. He doesn't feel the EAW properly discusses habitat and that it doesn't address the possible removal of the dam and Hartley Pond. He said the EAW doesn't address whether Hartley Park is nature reserve or a recreation park. He is concerned with bike trails running through the park that the habitat will be impacted. He said the EAW addresses soil and erosion, but not habitat impacts. He is concerned about logging/removing trees, what will happen to the animals living in the trees? He's see other places where logging impacts more trees than expected with little penalty. The ecosystem will be affected. He feels the EAW provides a "quick look," but that an EIS is needed to look at habitat impacts from logging and trails. Linda Ross Sellner – addresses the commission. She notes the land is classified "Preservation" in the Comprehensive Plan Future Land Use Map and she read several of the items in the definition of Preservation including low intensity uses, high resource value, limited parking. She noted Comp Plan Principal #2 – protect open spaces – and the Sensitive Lands Overlay – protect natural functions of the land – also from the Comprehensive Plan. She noted that impervious surfaces will increase by 1/3 with the addition of parking and wetland impacts. She mentioned concern about impacts to the Northern Long-Eared Bat with forest thinning. She is in favor of an EIS. Director Keith Hamre notes the additional comments provided to the commissioners on their desks. Deming notes the open comment period. **The City will continue to receive written comments until September 30, 2015.**

III. Other Business

A. Tax Forfeit Review Committee

**Staff:** Chair Zwiebel gives an overview of what the committee recommended. 19 parcels they are recommending to be withheld due to easements, bike trails, superior hiking trails, or traverse. Director Hamre stated they looked for conservation status. Are there environmental concerns? A couple of parcels needed a right of way. 20<sup>th</sup> Ave. W. Decker Road. Luke Sydow requests they look at the entire topography as it pertains to superior hiking trail. Hamre will bring up his concerns with parks and recreation.

**Applicant:** N/A

**Public:** N/A

**Commissioners:** N/A

**MOTION/Second:** Sydow/Guggenbuehl agree with recommendations of the tax forfeit committee.

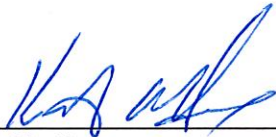
**VOTE: (6-0)**

- B. Discuss Land Uses – Director Hamre notes there is a property owner on London Road who would like to introduce a new use: vehicle retail sales considered boutique car shopping. There would be approximately 3-4 cars very nicely displayed. Brands to include Jaguar and Mercedes - higher end cars. There was no additional information provided before meeting time.

There is a planning commission Special Meeting scheduled for 10/27/15. Their next Brown bag meeting will be 10/21/15 at noon and will discuss future land use maps.

- C. Meeting adjourned at 6:20 p.m.

Respectfully,



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Keith Hamre  
Director of Planning and Construction Services