

City of Duluth  
Planning Commission  
August 9, 2016 Meeting Minutes  
Council Chambers - Duluth City Hall

I. Call to Order

President Zandra Zwiebel called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, August 9, 2016, in city hall council chambers.

Roll Call

Attending: Terry Guggenbuehl, Janet Kennedy, Tim Meyer (left after the last public hearing), Garner Moffat, Mike Schraepfer, Luke Sydow, Heather Wright Wendel, and Zandra Zwiebel

Absent: Marc Beeman

Staff Present: Keith Hamre, Nate LaCoursiere, Steven Robertson, Jenn Reed Moses, Intern George Knutson, Kyle Deming, Chris Lee, Kate Van Daele and Cindy Stafford

II. Unfinished Business

PL 16-041 Decision on Spirit Mountain Recreation Area Environmental Assessment Worksheet (Wright Wendel left the dais and did not participate in the review)

**Staff:** Kyle Deming gives an overview of the documents provided to the commission. Staff responded to substantial comments and incorporated this into the draft findings of fact and record of decision. Tonight the planning commission, as the Responsible Government Unit (RGU), will make a decision on whether an Environmental Impact Statement (EIS) is required for 2016-2017 Improvements to be made at Spirit Mountain Recreation Area. An EIS shall be ordered for projects that have the potential for significant environmental effects. Deming refers to page 10 of the Findings of Fact and Record of Decision document which lists the four criteria for consideration.

**Applicant:** Jeff Lee of Barr Engineering addresses the commission. He went over the issues summary section and the draft findings of fact. The new trail segments will have a very small cumulative effect with the overall number of trails increasing. Nothing done will be irreversible. He asks if there are any questions.

**Public:** N/A (Public Meeting was held on 7/12/2016.)

**Commissioners:** N/A

**MOTION/Second:** Moffat/Guggenbuehl an Environmental Impact Statement (EIS) is Not Necessary.

**VOTE: (7-0, Wright Wendel Abstained)**

III. Public Hearings

A. PL 16-087 UDC Map Amendment to Rezone to 5103 Ramsey Street in the Ramsey Village TND to Allow for Building Type VIII Joe Kovich and Mike Poupore

**Staff:** Steven Robertson introduces the applicant's proposal to expand the footprint of the current commercial structure (office use), which would require the city to rezone the parcel to also allow Type VIII buildings (Mixed Use Residential and Commercial/Retail). Any change to the approved plan of the Ramsey TND needs to be approved by the city through a rezoning process. Based on their findings, staff recommends that the planning commission recommend approval to the city council. Director Keith Hamre notes this is a change in use.

**Applicant:** Mike Poupore (owner's agent) present, but nothing more to add.

**Public:** N/A

**Commissioners:** Luke Sydow asks about the architecture. Is it being recommended as proposed? Robertson states they are recommending approval regardless of the site plan; they are not conditioning rezoning approval on the site plan submitted. The application will, however, need to supply very specific information when the building permit application is submitted.

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

**VOTE: (8-0)**

- B. PL 16-081 UDC Map Amendment to Rezone 3727 West Arrowhead Road from Rural Residential 1 (RR-1) to Urban Residential (R-2) by Eastridge Church.

**Staff:** Chris Lee introduces the applicant's proposal to rezone parcels at 3727 W. Arrowhead Road from Rural Residential (RR-1) to Urban Residential (R-2). The proposed rezoning will allow Eastridge Church to better utilize their property in alignment with their ministry goals and will allow for growth in the suburban campus of the church. Staff recommends approval based on the findings in the staff report.

**Applicant:** Howard Jacobson (member of Eastridge Church) addresses the commission and thanks them for their consideration.

**Public:** Linda Ross Sellner - 402 W. Arrowhead Road - addresses the commission. She is concerned about the church increasing their impervious surface and is concerned about the natural environment. She is opposed to the rezoning.

**Commissioners:** Terry Guggenbuehl approved the amendments to the comp plan. He asks about the status of the rezoning of the rest of the properties. Director Hamre states this is the individual's prerogative to move ahead with the rezoning. They are looking at the October/November meetings for the rest of the rezoning changes. Chair Zwiebel asks about Chester Creek. What areas are non-developable due to the creek? Per Lee, it's a 150 foot setback. Garner Moffat states there is so much land that we don't want to develop in order to preserve creeks and the corridors around them. He feels comfortable with this rezoning and feels they are pushing density to where it makes sense. Sydow asks if they still have to meet landscaping rules. Robertson states yes.

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

**VOTE: (8-0)**

- C. PL 16-054 Vacation of Public Right of Way and Dedication of Pedestrian Easement at 4501 Norwood Street by Brian Blatnik

**Staff:** Chris Lee introduces the applicant's proposal that the city vacate an alley in exchange for a pedestrian easement directly west of the alley. The applicant intends to use the alley to create access to the house via a driveway and garage. Staff recommends approval with the conditions listed in the staff report. Sydow asks why there is a 4 foot jog in it. Lee states it helps fit with the setbacks of the garage. Tim Meyer asks about the possibility of development above the houses and Skyline Parkway. Per Hamre there is no proposed development since it is zoned as parkland. The access to Hawks Ridge will be moved, but will remain.

**Applicant:** Brian Blatnik present, but did not speak.

**Public:** N/A

**Commissioners:** N/A

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

**VOTE: (8-0)**

- D. PL 16-075 Vacation of Unimproved Alley/Public Right of Way at 1505 North 28<sup>th</sup> Avenue West by Renee Borson

**Staff:** Intern George Knutson introduces the applicant's proposal for the city to vacate an undeveloped alley. The applicant intends to use the alley to extend their garage and landscaping. Jenn Reed Moses states they received two comments total. The first comment is attached to the staff report and opposes the vacation. Per Moses there is no feasible way to add a conforming alley. The second comment is concerned about connection to trails. This alley does not provide access to the trails and none are planned. Staff recommends approval with the condition listed in the staff report.

**Applicant:** Seth Johnson represents the owner asks if there are any questions. There are none.

**Public:** Dale Sellner – 2811 W. 15<sup>th</sup> Street – addresses the commission. They are in support, but he has questions about taxes. He also asks about the boundary line adjustment. Director Hamre states there are no assessments. There would be a boundary line adjustment which divides the property in half if they are on the same plat.

**Commissioners:** N/A

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

**VOTE: (8-0)**

- E. PL 16-080 Interim Use Permit for Accessory Vacation Dwelling at 130 Charlotte Place by Daniel Frank

**Staff:** John Kelley introduces the applicant's proposal to use an existing 480 square foot, one-bedroom accessory dwelling unit as a vacation rental property. Staff recommends approval with the conditions listed in the staff report.

**Applicant:** Daniel Frank addresses the commission. He thanks staff and commissioners. His neighbors are in support. He asks for clarification that four occupants would be allowed. Kelley states yes. Guggenbuehl asks about the site plan found in their packet. What do A & B represent? Per Frank, "A" is a retaining wall and "B" shows the trees. It's the screening detail.

**Public:** N/A

**Commissioners:** N/A

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

**VOTE: (8-0)**

(Michael Schraepfer and Garner Moffat recuse themselves for the next agenda item.)

- F. PL 16-085 Special Use Permit for 5 Unit Townhome and Accessory Off-Street Parking at 1726 East Fifth Street by Michael Schraepfer.

**Staff:** John Kelley introduces the applicant's proposal to provide a parking area and a refuse enclosure for the existing adjacent 5-unit townhouse building which was built in 1911. Staff recommends the planning commission approve the special use permit with

the conditions listed in the staff report along with the added condition the applicant prepare a proposed improvement plan with existing and proposed grades that will show drainage paths both pre and post project. The improvement plan should be submitted with a fill permit and an erosion control permit, and be approved by the city engineer. Sydow asks if the parking spaces meet the UDC parking width of 20 feet. Sydow is concerned there isn't enough room to turn around in the parking lot. Robertson notes if there is problem with turning around, there is a possibility the dumpster could be moved to allow for extra space. The UDC notes parallel parking should allow 21 feet. The proposed parking lot drive isle appears to be a hybrid of the 90 degree and parallel parking isle requirements.

**Applicant:** N/A (He has recused himself.)

**Public:** Alexandra Meissner-Bruns – 1720 E. 5<sup>th</sup> Street - addresses the commission. She represents the neighbors and she used to live next door. She is an environmental engineer and is concerned about stormwater runoff. She did some calculations on fill. 400 square feet would be needed. Disturbed area is greater than 3,000 feet it would require a stormwater retention plan. Environmental Assessment required. They understand the need for off-street parking, but feels this is too large of a parking lot to be put in such a small area. She opposes the special use permit

Charles Bruns – 1720 E. 5<sup>th</sup> Street – addresses the commission. They worked hard on their property and are serious about their gardening. He doesn't think a parking lot will be appropriate and wants the space to remain green. He read a letter from his wife who couldn't attend the meeting. She is opposed to the parking lot. She thinks an engineering review would be needed and doesn't think a parking lot is permitted in their R-1 neighborhood.

**Commissioners:** Director Hamre notes if the commissioners are considering tabling this item. They need to give the applicant direction. Sydow notes stormwater concerns, turn-around concerns (dimension of parking drive isle), the location of the refuse container and consideration for landscaping for a buffer.

**MOTION/Second:** Sydow/Meyer Tabled for More Information.

**VOTE: (6-0, Schraepfer and Moffat Abstained)**

- G. PL 16-086 Variance from Coldwater Stream Shoreland Structure Setback at 5327 Kingston Street by James and Janice Larson.

**Staff:** Kate Van Daele introduces the applicants' proposal to construct an 8' x 8' deck on the second story of their home within the Shoreland Overlay. The applicant has applied for a shoreland variance. The closest corner of the deck would be 102' from the east branch of Amity Creek (a cold-water trout stream). The minimum shoreland setback is 150'. All of the proposed deck would be within the setback. The applicant is requesting the deck: 1) to be able to enjoy the backyard; 2) because a second deck would be easier for the applicant and his wife to use because of a heart condition and knee replacements; and 3) for safety reasons as there have been wolf and bear present in this area of the city. Based on the findings listed in the staff report (including the applicant has not demonstrated a practical difficulty that would require a variance to enjoy the use of their property), staff recommends the planning commission deny the variance.

**Applicant:** James Larson addresses the commission. He disagrees with staff's recommendation to deny. Chair Zwiebel they would be setting a poor precedent if they

approve this without a valid practical difficulty. She asks if they would consider removing a shed to reduce impervious surface, and also consider adding a rain garden.

Guggenbuehl isn't comfortable approving this variance.

**Public:** Dan Morrin (their contractor) addresses the commission. The deck will not be accessible from the exterior and will require minor construction.

The applicant readdresses the commission and confirms there won't be extra water run-off.

**Commissioners:** N/A

**MOTION/Second:** Meyer/Schraepfer tabled to identify further stormwater mitigation and a valid practical difficulty.

**VOTE: (6-2, Moffat and Sydow opposed)**

- H. PL 16-067 Special Use Permit for 3 New Small Wireless Telecommunication Sites at 1200 Kenwood Avenue by St. Scholastica and Verizon Wireless.

**Staff:** Steven Robertson introduces the applicant's proposal to construct three stealth telecommunication facilities on three street light poles along a private street within the St. Scholastica campus. The facilities will be approximately 23 feet tall and will be stealthed; they will be designed to blend into the surrounding streetscape and not be visually intrusive. The facilities are being requested to bolster Verizon's current capacity (coverage is sufficient without the additional sites). Staff recommends the planning commission approve the special use permit subject to the conditions listed in the staff report.

**Applicant:** Courtney VanDars on behalf of Verizon addresses the commission and asks if there are any questions. Sydow asks if there will be abandoned equipment on the site. VanDars states no, adding that St. Scholastica will own the three poles.

**Public:** N/A

**Commissioners:** Guggenbuehl likes the way they look. Moffat also agrees with Guggenbuehl. They have done a great job with approving the appearance.

**MOTION/Second:** Guggenbuehl/Meyer approved as per staff's recommendations with the added condition that if the property owner assumes ownership it will relieve the applicant of the necessity for a removal bond.

**VOTE: (8-0)**

(Meyer leaves the meeting.)

IV. Communications

- A. Manager's Report – Director Hamre gives an overview of his report. Next WPAN meeting is scheduled for 9/28/16.

- B. Consideration of Minutes – July 12, 2016

**MOTION/Second:** Moffat/Guggenbuehl approve minutes with changes.

**VOTE: (5-0, Sydow and Wright Wendel Abstained)**

- C. Reports of Officers and Committees

- Heritage Preservation Commission Representative – Terry Guggenbuehl states their July meeting was canceled.

- Update on Imagine Duluth 2035 – Director Hamre notes there will be a kickoff event on 9/21/16 at Denfeld High School, 5-7 p.m. Surveys are being turned in, and staff continues to attend community events. October/November governing principles will be provided. Moffat appreciates staff's efforts to actively seek input.
  
- Update from Nate LaCoursiere – In wake of the planning commission's final decision to uphold TEP's (Technical Evaluation Panel) recommendation to deny the wetland replacement plan, Pacific Partners and Duluth Public Schools academy has filed an appeal with BWSR (Board of Water and Soil Resources). BOWSR has 30 days to decide on the appeal. After that planning staff will forward the entire record (including the minutes and the audio recording) from the last planning commission meeting to BWSR for consideration as part of their appellate review.

D. Meeting adjourned at 7:03 p.m.

Respectfully,



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Keith Hamre - Director  
Planning and Construction Services