

City of Duluth
Planning Commission
September 13, 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, September 13, 2016, in city hall council chambers.

Roll Call

Attending: Terry Guggenbuehl, Janet Kennedy, Tim Meyer, Garner Moffat, Mike Schraepfer (left after agenda item H), Luke Sydow, and Zandra Zwiebel

Absent: Marc Beeman and Heather Wright Wendel

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

II. Unfinished Business

(Mike Schraepfer and Garner Moffat recuse themselves for the following agenda item.)

- 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 for a Special Use Permit for an accessory parking lot and site improvements for an existing 5-unit townhome. This item was tabled for more information at the planning commission's August 9th meeting. The commission requested an improved site plan and additional site information pertaining to drainage and storm water runoff. The new site plan reflects an improved layout and site design for the proposed parking lot. In the commissioner's packets there are additional maps showing existing and proposed site drainage. Staff recommends approval.

Applicant: Nick Adams (representing the applicant) addresses the commission. They increased the buffer from the neighbor. The garbage enclosure will have a fence surrounding it. Terry Guggenbuehl asks about drainage. Adams refers to the diagrams before and after. They will remove the crest to move the fill back improving drainage on the neighboring side.

Public: N/A (Public hearing was held last month.)

Commissioners: Luke Sydow asks about the trees. Does it meet the 30% density cover for the parking lot? Kelley didn't get the measurement, but another tree can be added.

MOTION/Second: Sydow/Meyer approved as per staff's recommendation as presented today with added condition that landscaping will include the required 30% tree canopy coverage.

VOTE: (5-0, Schraepfer and Moffat Abstained)

Neighbors from 1720 E. 5th Street were in attendance, and wanted to speak. Per city attorney, Nate LaCoursiere the public comment period is closed, but it's the chair's discretion to allow them to comment. Chair Zwiebel invited them to speak. The neighbors declined to do so, since the motion had already been approved.

III. Public Hearings

(Schraepfer and Moffat re-enter the meeting.)

- A. PL 16-074 Variance from Required Off-Street Parking Requirements for a Vacation Dwelling at 1235 Minnesota Avenue by Thomas and Marianne Thiry.

Staff: John Kelley introduces the applicants' proposal for a variance from the off-street parking requirement for a vacation dwelling unit. Staff recommends denial for the reasons listed in the staff report including the applicant has not demonstrated a practical difficulty.

Applicant: Marianne Thiry addresses the commission. They are withdrawing their application and will continue to renew their license agreement for parking with Minnesota power every two years for the duration of their 6-year term on their Interim Use Permit.

Public: N/A

Commissioners: N/A

MOTION/Second: Withdrawn

- B. PL 16-098 Vacation of Alley Right of Way and Retention of Utility Easement Between Central and 54th Avenue West, and Bristol Street and Roosevelt Street by Valarie Hammond and Spirit Valley Laundromat and Dry Cleaners

Staff: Steven Robertson introduces the applicant's proposal to vacate a platted right of way (alley), and retain utility easement. The proposed vacation is located in the Spirit Valley neighborhood, just to the east of North Central Avenue. The applicant is making the request in association with concerns for pedestrian/customer safety. Staff recommends approval with the conditions listed in the staff report. Guggenbuehl asks about the adjacent property owners. Per staff, they would own a portion of that vacated alley. Robertson states that all property owners have frontage on a public road, but one of the property owners access from the rear of their property formerly provided by the alley would be limited. Tim Meyer asks if it's a road right of way or utility. Robertson states it was a platted alley. Garner Moffat considers making it a condition for an access easement.

Applicant: Valaree Hammond (property owner of 232 Central Avenue) addresses the commission. She is concerned about her customer's safety. They are close to an agreement with Super One Foods to create a new entrance, which will eliminate the back-up on Central Avenue. Moffat asks if access in the back is available to neighbors. Hammond states they have their own entrance. She will close off the front access and will just use their back access. Moffat agrees it's good for the community, but he wants to verify the other owners have access. Nate LaCoursiere states they don't have the authority to condition the vacation on a private property agreement. Moffat states other parties are involved, so he is taking that into consideration.

Public: Lawrence Carl Sr. – 604 W. Central Entrance addresses the commission and is in support. Tim Kleiman 1011 E Central Entrance represents Super One/Miner's. They are working on private easements with Hammond and Evergreen. He wishes the planning commission table the issue until the private property easements are fully executed. Director Keith Hamre states this is a two-step process. The planning commission is making a recommendation to city council. John Marshall -15 Riverside Drive – addresses the commission. He was almost hit and feels the alleyway is a hazard and needs to be vacated. He is in support. Hammond states she has been trying to vacate the alley for over six years.

Commissioners: N/A

MOTION/Second: Moffat/Guggenbuehl recommend approval as per staff's recommendations with added condition that there is a private access agreement between business to allow access to the rear of their buildings.

VOTE: (7-0)

- C. PL 16-095 Vacation of Utility Easement for New Medical Clinic at the Corner of West Myrtle Street and West Central Entrance, by L.J.A.

Staff: Chris Lee introduces the applicant's proposal to vacate a 179.88 feet long by 10 feet wide unused utility easement. Staff recommends approval with the condition listed in the staff report. There has been an additional vacation proposal made from Engineering for the next parcel. Meyer asks why the easement existed in the first place. Per Robertson, the initial plat and the 2011 replat had a sewer line, which is no longer in service.

Applicant: Eric Dietz of MedExpress addresses the commission. He has no issue with the added vacation that engineering proposed.

Public: Lawrence Carl Sr. – 604 W. Central Entrance – addresses the commission. He sees no purpose for the easement, and is in support.

Commissioners: N/A

MOTION/Second: Moffat/Meyer recommend approval as per staff's recommendations with the added condition that the additional lot in the subdivision be added to the vacation.

VOTE: (7-0)

- D. PL 16-090 Mixed Use Commercial (MU-C) Planning Review for New Medical Clinic at the Corner of West Myrtle Street and West Central Entrance, by L.J.A.

Staff: Chris Lee introduces the applicant's proposal to build a 4,736 square foot walk-in medical clinic with the associated site improvements, including parking, lighting and landscaping. This is located in the Duluth Heights neighborhood adjacent to a Residence Inn Hotel. Staff recommends approval with the conditions listed in the staff report. Sydow asks about a shared parking easement. Lee states currently there is no agreement. Chair Zwiebel mentions a monetary holding to ensure planted trees stay vibrant. Robertson states a performance bond be added as a condition. Chair Zwiebel refers to lighting requirement information and states the packet printouts are very small. She appreciates there being a sidewalk connecting to the existing sidewalk. Guggenbuehl asks about the sidewalk on West Myrtle Street. Are there any requirements for sidewalks along that street? Lee states no.

Applicant: Eric Dietz of MedExpress addresses the commission and asks if there are any questions. Sydow asks if there are easements in place for shared parking. Dietz states it's in the works and will be instated with the purchase of the property.

Public: N/A

Commissioners: Sydow asks about maximum parking requirements. Robertson states both the hotel and clinic combined does not exceed the maximum. Moffat is glad there will be a shared parking arrangement. Meyer likes the project and feels it's a good example of infill development.

MOTION/Second: Meyer/Moffat approved as per staff's recommendations with added conditions that shared parking access/easement be approved, and a performance bond for landscaping is obtained.

VOTE: (7-0)

- E. PL 16-055 Special Use Permit for Automobile Repair in MU-N Zone District at 5718 Cody Street by J and E Motorsports and Repair

Staff: Chris Lee introduces the applicant's proposal for a Special Use Permit for an automobile and light vehicle repair and service business in an MU-N district. Staff recommends approval with the conditions listed in the staff report. Guggenbuehl asks about the history of the site. Is it currently a non-conforming use? Lee it is not grand-fathered in, but it is a non-conforming use. Chair Zwiebel asks how enforcement of the paving will be handled. Robertson states they can add a condition for a performance bond to ensure satisfaction. Moffat asks if this will trigger landscaping requirements. Robertson states there is a balance between a new building and conformity. Sydow asks if selling cars is allowed in a mixed-use neighborhood. He would like to see an affordable way to help the business and still help the neighborhood. Lee states staff determined it is allowed for cars to be on sale on the lot, as long as they aren't parked on the sidewalks or the right of ways. Robertson states with a special use permit the commissioners can attach additional conditions.

Applicant: Jesse Witt bought the building a year ago. He states it was grand-fathered in as a car dealership. Witt would like to add a two-stall facility for automobile repairs. He has a 2-lot grass buffer which cars will not be used for auto sales or storage. Director Hamre suggests to the commissioners they can add conditions including hours of operation. Sydow is concerned about setting the precedent to meet landscaping/screening requirements. Robertson notes this has been a commercial site for several decades. Mitigate landscaping requirements because the applicant is already using his land for a buffer, and planning staff should be some flexibility per alternative landscaping provisions.

Public: N/A

Commissioners: Sydow is concerned about setting the precedent to loosen landscaping requirements. Guggenbuehl agrees with Sydow, but note the owner has made improvements and is trying to comply. He notes this is a special use permit and not a variance therefore he isn't as concerned about setting a precedent. Moffat is concerned about the landscaping, but notes the two lot grass buffer.

MOTION/Second: Guggenbuehl/Moffat approved as per staff's recommendations with added conditions that hours of operation be between 7 a.m. and 8 p.m., and the 2 lot grass buffer be maintained (with no cars parked on buffer, sidewalks or right of ways) in lieu of landscaping requirements per alternate landscaping plan.

VOTE: (7-0)

- F. PL 16-102, PL 16-103, and PL 16-104 Special Use Permit for Restaurants in MU-N Zone District at 1515 Kenwood Avenue by Kenwood Village LLC and Rick McKelvey

Staff: Kate Van Daele will address each item separately with Public comment being heard all at once.

PL 16-102 Kate Van Daele introduces the applicant's proposal for a Special Use Permit for a restaurant to be in their mixed-use Kenwood Village development. Crooked Pint is a full service sit down restaurant that has locations in Apple Valley, Chaska, Minneapolis and Rochester. The Crooked pint space is the largest of the five commercial areas at 4,959 square feet that are located on the ground floor of Kenwood village. The restaurant anticipates opening in the Spring of 2017.

PL 16-103 is a special use permit application for one of the five commercial spaces at Kenwood Village. Caribou Coffee and Einstein Bagels will fill a 2,500 square foot storefront that will feature a drive through and outdoor patio.

PL 16-104 is a special use permit for Little Caesars to occupy one of the commercial spaces.

Staff recommends approval on all items. Van Daele states the applicant did a good job with communicating with neighbors. Chair Zwiebel asks about the neighbors who were concerned with the fencing. Van Daele on appearance it seems the neighbors are in support.

Applicant: Rick McKelvey of United Properties addresses the commission. He expresses his gratitude. They are 75% complete and have received commitments from 4 out of the 5 tenant spaces. Moffat asks if they have had a conversation with transit authority about a bus shelter. McKelvey states at this time the transit authority believes it's existing stops are sufficient. They didn't see adequate space on their site for an additional shelter. Sydow asks about parking quantities. The applicant will provide 186 stalls for guests, residents and employees. McKelvey states they added more than required to resolve complex parking issue.

Public: N/A

Commissioners:

PL 16-102 – Moffat has concerns on this particular tenant. The others are local neighborhood establishments. He notes this restaurant may be more of a destination establishment; which is wonderful, but not necessarily a good fit for the project. His concerns include parking, and he would like to see a bus shelter installed as a condition. Director Hamre states the city plans on continued conversations about bus shelters with surrounding businesses, too. The main issue right now is traffic. The city will look at the best location for bus movement. Director Hamre states making that condition now would be pre-mature.

16-102 Special Use Permit for Crooked Pint

MOTION/Second: Guggenbuehl/Meyer approved as per staff's recommendations.

VOTE: (6-1, Moffat Opposed)

16-103 Special Use Permit for Caribou Coffee/Einstein Bagels

MOTION/Second: Moffat/Meyer approved as per staff's recommendations.

VOTE: (7-0)

16-104 Special Use Permit for Little Caesars

MOTION/Second: Moffat/Kennedy approved as per staff's recommendations.

VOTE: (7-0)

G. PL 16-088 Minor Subdivision at 114 N 26th Avenue East by Tim McShane.

Staff: Chris Lee introduces the applicant's proposal to divide the lot into two new parcels. Parcel B will contain a house with .15 acres and Parcel A will have .49 acres and will be undeveloped for the time being. The applicant plans to sell the parcel with the house and retain the empty parcel for himself. Staff recommends approval with the condition listed in the staff report.

Applicant: Tim McShane 2600 E. 2nd St. addresses the commission. He thanks Chris Lee and will answer any questions the commissioners may have.

Public: N/A

Commissioners: N/A

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

VOTE: (7-0)

- H. PL 16-097 Minor Subdivision at 8200 East Spirit Cove Drive by H&M Properties and Charles Hanson

Staff: Jenn Reed Moses introduces the applicant's proposal to divide a 3.72 acre parcel into two parcels; one will be .64 acres and will include the existing building and garage. The second parcel will be 3.08 acres. The proposal does not result in any new zoning non-conformities. Staff recommends approval with the conditions listed in the staff report. Chair Zwiebel asks about Bayhill Drive. Moses states there is nothing on the public record. There is a sewer easement. Sydow asks what will be the front yard of the new lot. Moses states, East Spirit Cover Drive. It's the narrowest dimension.

Applicant: Charles Hanson addresses the commission. They purchased this building three years ago. The county raised the taxes exponentially on the land portion. There is a private easement that WLSSD has with the previous owners. There is also a city of Duluth sewer easement. He thanks planning staff for their work to make this work. It was zoned industrial but was approved for a mobile home park. He wants to sell two acres on St. Louis River.

Public: N/A

Commissioners: They hope a variance doesn't come through for an irregular sized lot.

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

VOTE: (7-0)

(Schraepfer leaves the meeting.)

- I. PL 16-100 Variance from Coldwater Stream Shoreland Structure Setback at 1807 Springvale Road by Jaron Larson

Staff: Jenn Reed Moses introduces the applicant's proposal for a shoreland variance to build a 26' x 26' garage that would be 110' from Miller Creek (in the Piedmont neighborhood) instead of the required 150' setback. The house was built in 1922. Swails will be created to control runoff from the structure. Staff recommends approval subject to the conditions listed in the staff report. Chair Zwiebel asks staff if the standard garage size is 1-stall. Robertson states it is not written in the UDC, but it has been used as the standard in the past. Moses is comfortable with the applicant's proposal. Meyer states the practical difficulty is there is no other allowable spot to put a garage on the lot.

Applicant: Jaron Larson addresses the commission. He feels a two-car garage is reasonable. He is currently receiving bids. Sydow notes new asphalt driveway. He is concerned with increased impervious surface. Larson just wants something to work. Moffat asks if he is comfortable with a smaller garage. Moffat agrees the site location is correct, but thinks the scale is too big. Larson explains everyone else in neighborhood has a two stall garage. The applicant is not opposed to removing the pavement, but would need some time. Janet Kennedy notes others in the area are 24' x 24'. Larson stresses the need for a slightly larger garage and feels it's a reasonable request. He would consider doing something with the paved area.

Public: N/A

Commissioners: Guggenbuehl feels this is a reasonable request. It's a marginal difference between 26' and 24'. Moffat feels the scale is beyond what is in the neighborhood and doesn't feel it's reasonable. Kennedy if it's smaller it would move him back from the stream which would provide more protection to the stream. Chair Zwiebel asks what the length of the asphalt driveway is. Moses states it's approximately 40 square feet Chair Zwiebel would like to leave some of these decisions to staff and notes Engineering has also approved the run off.

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

VOTE: (3-3)

MOTION/Second: Moffat/Kennedy tabled for More Information (Solutions of less impervious surface area)

VOTE: (6-0)

- J. PL 16-110 Special Use Permit for a Daycare Facility in an R-2 Zone District at 1533 West Arrowhead Road by the Vineyard Church and YMCA

Staff: Steven Robertson introduces the applicant's proposal to operate a day care within the Vineyard Church. A large daycare facility (more than 15 children) requires a Special Use Permit in an R-2 zone. The Vineyard Church is located on Arrowhead Road just west of its intersection with Kenwood Avenue. The proposed daycare is moving from another location in the city to the church. Staff recommends approval with the conditions listed in the staff report.

Applicant: Chris Francis addresses the commission and thanks staff.

Public: N/A

Commissioners:

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

VOTE: (6-0)

IV. Communications

- A. Manager's Report – Director Hamre gives an overview of Adam Fulton's report. Next Wednesday is the comp plan kick-off event. The following Wed. is the WPAN kick-off event. Focus Group Dates are as follows: 10/3 economic development, 10/4 open space, 10/11 transportation and 10/20 housing. The commissioners will be notified via email. Commissioners are encouraged to attend. Staff is working on vacation rental enforcement and front yard parking enforcement.

- B. Consideration of Minutes:

July 26, 2016

MOTION/Second: Guggenbuehl/Kennedy approve minutes with minor change.

VOTE: (6-0)

August 9, 2016

MOTION/Second: Guggenbuehl/Meyer approve minutes with minor change.

VOTE: (6-0)

- C. Reports of Officers and Committees

- Heritage Preservation Commission Representative – Terry Guggenbuehl gives an overview. The RFP has gone out for bids for the Lincoln Park Historic Survey.

- D. Meeting adjourned at 7:53 p.m.

Respectfully,



Keith Hamre - Director
Planning and Construction Services