



**City of Duluth
Planning Division**

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City of Duluth
Planning Commission
February 12, 2013 Meeting Minutes
City Council Chambers - Duluth City Hall

I. Call to Order

President Digby called to order the meeting of the City Planning Commission at 5:00 pm on Tuesday, February 12, 2013, in the City Council Chambers.

II. Roll Call

Attending: Henry Banks, Marc Beeman, Drew Digby, Terry Guggenbuehl, Patricia Mullins, Heather Rand, David Sarvela, Luke Sydow and Zandra Zwiebel

Staff Present: Charles Froseth, Nate LaCoursiere, Steven Robertson, John Judd and Cindy Stafford

III. Public Hearings

- A. PL 12-172 UDC Map Amendment from R-1, R-2, and MU-N to R-C, RR-2, R-2, and MU-N for various sites in the Kenwood Area by the City of Duluth

Staff: John Judd introduced the proposal to rezone six areas as follows:

- A. A portion of "Campus Park," east of Rice Lake Road, from Residential-Traditional (R-1) to Residential-Urban (R-2)
- B. East of Rice Lake Road and west and south of the St. Scholastica campus, from Residential-Traditional (R-1) to Rural-Conservation (R-C)
- C. West of Kenwood Avenue and south of the St. Scholastica campus, from Mixed Use-Neighborhood (MU-N) to Residential-Urban (R-2)
- D. West of Rice Lake Road along Hickory Street, from Residential-Traditional (R-1) and Residential-Urban (R-2) to Mixed Use-Neighborhood (MU-N)
- E. East of Rice Lake Road and north of Pecan Avenue, from Residential-Traditional (R-1) to Rural Residential 2 (RR-2)

Commission: Is the current proposal to go ahead with this revised map or are we going to revise item by item? Judd – review each area but act all items with one motion. Sydow – questions on the reduction of the R-C zone on the revised map. Judd – Comprehensive Plan and the Higher Education Small Area Plan called for more study on that specific area so didn't want to rezone to something that might not work or need to be change again. Is there an environmental study slated for the former shooting range? Judd and Froseth – not at this time. Rand asked staff what the downside is to removing item D from the agenda (see public comment). Judd – administration is not opposed, considering Summit's request. Sydow – regarding MU-N, he doesn't feel the need to exclude it today as it could be amend it as needed.

Public: Mick Conlan (for Summit Management) He discussed their proposed development map, which includes their proposal for rezoning more of this area MU-N. They would like to have retail next to Boulder Ridge, and requested item D to be removed from the agenda to allow for more detailed review at a later time

Meredith Cornett (neighborhood resident) saw the sign notification and supports the rezoning of area/item B from Traditional Residential (R-1) to Rural Conservation (R-C)

MOTION/second: Zwiebel/Banks. Planning Commission recommends approval of all of the proposed rezonings with the removal of item D.

VOTE: (8-1, Sydow opposed)

- B. PL 12-173 UDC Map Amendment from R-1, R-2, and MU-N to R-1, R-2, and MU-N for various sites in the East Hillside and Endion Areas by the City of Duluth

Staff: John Judd introduces Part 1 of UDC Map Amendment rezoning of 4 areas:

A. Along E. 9th St. from N. 6th Ave. E. to west of N. 11th Ave. E., from Residential-Traditional (R-1) to Residential-Urban (R-2)

B. Between E. 5th St. and E. 7th Alley, east of N. 6th Ave. E. to N. 11th Ave. E., from Residential-Urban (R-2) to Residential-Traditional (R-1)

C. North of E. 3rd St. between 6th and 7th Ave. E., from Residential-Urban (R-2) to Mixed Use-Neighborhood (MU-N)

D. Between E. 1st St. and E. 2nd St. from west side of N. 7th Ave. E. to N. 9th Ave. E.

John Judd introduces Part 2 of UDC Map Amendment rezoning of 5 areas:

E. Northeast of the intersection of E 1st St. and N 12th Ave. E, from Residential-Urban (R-2) to Mixed Use-Neighborhood (MU-N)

F. Along E. 4th St. from N. 14th Ave. E. to N. 19th Ave. E., from Residential-Urban (R-2) to Mixed Use-Neighborhood (MU-N)

G. Along E. 1st St. from east of N. 13th Ave. E. to N. 15th Ave. E., from Residential-Urban (R-2) to Mixed Use-Neighborhood (MU-N)

H. Along E. 3rd St. between N. 17th Ave. E. and N. 18th Ave. E., from Mixed Use-Neighborhood (MU-N) to Residential-Urban (R-2)

I. An area centered on the intersection of E. Superior St. and N. 19th Ave. E., from Mixed Use-Neighborhood (MU-N) to Residential-Urban (R-2)

Commission: Various questions on existing businesses, versus new businesses and why we would want to implement these amendments. Map questions: doesn't seem to be consistent. Judd – The extension of mixed use zone along 4th Street but would not be form based. Because the Maps are not separated into part 1 and part 2 there is some confusion. The Zoning layer on the map has not been updated to show the extension of Form based district along 4th Street.

Public: No Speakers.

MOTION/second: Table until next meeting for updated zoning maps.
Digby/Guggenbuehl

VOTE: (9-0)

- C. PL 12-184 Vacation of Street Easement for Unimproved Road in Heritage's Rearrangement Plat by Raymond and Leona Royseth

Staff: Steven Robertson presented the proposal. Property owner is requesting a vacation of an unimproved street easement noting "there will not be any need for development for access or utility purposes in the future." Right of way was dedicated in the 1940's and the adjacent property owner is now seeking the vacation. Staff discussed the vacation with Engineering, Parks and Rec, and MN Power. Because of lack of continuation of road and rural area staff believes there is no valid reason for the City to maintain their interest. No current or future purpose. Majority of neighbors signed the petition.

Commission: No comments or questions.

Public: No Speakers.

MOTION/second: Guggenbuehl/Rand. Planning Commission recommends approval of the request.

VOTE: (9-0)

- D. PL 13-001 Variance from Minimum Parking Requirements by Hillside Apartments Duluth LLLP

Staff: Steven Robertson presented the request for a variance from minimum parking requirements. A structure with 50 dwelling units and 5 offices would need approximately 39 parking spaces after the 30% discount for being within ¼ mile of a DTA bus route; 30 spaces are proposed. Because of the clientele that is proposed to live in the development, not as many parking spaces are needed as with other multi-family dwellings.

Commission: Will the 8 spaces for staff be needed at all times? Robertson – raw number is 30 spaces, so applicant can determine the configuration. What happens if the DTA changes their route? Robertson – due to downtown location, bus route will likely always be close by. Should the parking lot across the street be included in the address? Robertson – variance is associated with building address itself.

Applicants: Jeff Corey (Director of One Roof Community Housing) addressed the Commission about their project. He appreciates staff's recommendation. Along with housing, social services will be provided on site including 24 hour staffing. They hope to provide assistance to homeless families with children to give them a stable living environment.

Rick Klun (Director of Center City Housing) stated they are honored to be part of this project. He reinforces their goal of helping the children. They are trying to maximize the green space and explained staffing needs with 8 parking spaces is sufficient. Stresses that this is permanent supportive housing, which means that families who abide by the rules will be allowed to stay as long as they want to. Commissioner Banks mentions the issue of the proportion of the homeless who are minorities and asks if staffing will be proportionate. Rick noted the Native American population at San Marco and they are very conscientious to hire people of color in their staffing pattern. They have looked at the adjoining building and they have an interest in it, but not enough funds.

Doug Zahn (Architect) – stated they looked at various scenarios for parking. With the 1-way alley, they felt that providing access off the avenue was the most appropriate and cost-effective.

Nate LaCoursiere noted that on-site parking includes the parking within 500 ft.

Public: No Speakers.

MOTION/second: Zwiebel/Sarvela. Planning Commission recommends approval of the variance for a reduction in the required parking spaces to 30 as per staff report.

VOTE: (9-0)

- E. PL 13-002 Variance from Front Yard Setback in MU-N from 25 Feet to 4 Feet by Hillside Apartments Duluth LLLP

Staff: Robertson presented the variance request noting the applicant has proven a reasonable case for relief. Staff recommends that the Planning Commission approve the variance to reduce the front yard setback from 25 feet to feet based on conditions listed in staff report.

Commission: Commissioner Sydow noted the width of the sidewalk and asked if it will be right next to the building? Applicant states the setback will vary between four feet and seven feet. Landscaping and streetscaping will soften the look. Commissioner Rand notes that in evaluating setbacks staff to take into account intersections and if they are controlled or not. San Marco building on the lower side of the street creates a sight vision safety hazard for traffic, which is a situation we need to be aware of and limit where possible

Public: No Speakers.

MOTION/second: Sydow/Guggenbuehl recommends approval of variance as recommended by staff.

VOTE: (9-0)

F. PL 13-007 Concurrent Use Permit (New Skywalk) for Duluth Transit Authority at 236 West Michigan Street

Staff: Robertson presented the applicant's request for a Concurrent Permit Use to allow for construction of a skywalk. This is part of the multi-modal project. The applicant is proposing to build a private skywalk (one not covered under the normal rules for skywalks found under the City Code) over the right of way of West Michigan Street. At this point, the City is asked to approve the general area that the Skywalk will occupy, and the specific construction schematics will be approved by the City at a later date.

The proposal will not harm or inconvenience the health, safety and general welfare of the city and while the right of way is currently being physically used by the public, the proposal project will not interfere with the public's ability to use the right of way.

Staff recommends approval.

Commission: Commissioner Zwiebel has a question on discussion item #1. Robertson - the public has a right to be in the skywalk. President Digby - is this the only time we'll see the multi-modal center? Robertson - you will see more in the future, such as MU-C Plan Review. Digby - concerned that we're approving skywalks without the total picture such as pedestrian access and bikes in skywalk.

Applicant: Dennis Jenson (DTA) commented the total proposal will go to City Council at the same time. 1) Amendment to allow bikes in Northwest passage (bikes walking/not riding). 2) Wants to keep hours open longer. 3) Behavior - ordinance will encompass behavior on busses, bus stops, and bus shelters. DTA will be the enforcing behavior ordinance. Commissioner Sydow had a question about the Holiday Center stop. Jenson stated buses will stop and deboard only at Holiday (not board passengers).

Public: No Speakers.

MOTION/second: Sydow/Banks - with conditions (pedestrian crossway at Michigan & 3rd) and bikes be permitted to be "walked" within the new Skywalk.

VOTE: (9-0)

G. PL 13-008 Concurrent Use Permit (New Canopy and Skywalk) for Duluth Transit Authority at 236 West Michigan Street.

Staff: Robertson presented second part of project. Staff recommends approval for applicant's request for a Concurrent Use Permit to allow the construction of a skywalk and a canopy structure.

Commission: President Digby asks specifically what they are voting on (maps themselves or the language)? Robertson - the Commission will be approving the language of the legal description to use the public right of way for a canopy and a skywalk.

Public: No Speakers.

MOTION/second: Guggenbuehl /Sydow recommends approval of concurrent use permit as presented by Staff. Digby commented he would like to see the stairwell access be as open as possible for safety reasons.

VOTE: (9-0)

IV. Consideration of minutes – January 8, 2013

MOTION/Second: Rand/Guggenbuehl

VOTE: (9-0)

V. Communications

See letter hand-outs.

VI. Old Business

VII. Reports of Officers and Committees

Commissioner Mullins gives brief overview of the Historic Preservation Commission (HPC). The HPC is applying for another grant for Phase 5 which is to inventory part of the Central Hillside neighborhood.

VIII. New Business

IX. Other Business

MU-N District. Robertson addressed the Commission asking if there can be a discussion on uses and re-evaluating MU-N. He noted Councilor Krause in November asked the Commission to re-examine the MU-N District. Councilor Krause questions if MU-N is overly broad. Staff has discussed options which are presented in the tonight's meeting packet. If there is a clear consensus with the Commission, staff will take suggestions and schedule a public meeting with citizens, and report back with a proposed ordinance in March or April. Digby asked if other cities have size standards for restaurants and hotels? Robertson – one desire was to try to limit traffic generation, but it's too outside of normal zoning regulations. Some cities have rules about drive-thru's but size limits are uncommon. Commissioner Guggenbuehl do not like a special use permit for grocery stores. He thinks of them as a transition zone servicing neighborhoods. Sydow – based on political climate there should be restraints. Mullins – system worked well by going through the proper channels. Digby – shared consensus with staff. Guggenbuehl would like special uses permits for hotel/motels and filling stations. Restaurants should not to exceed 5,000 square feet and keep restaurants as permitted uses. Drive-thru's are not allowed in MU-N. Theaters – no size distinctions. Grocery Store – leave as permitted use. Filling stations in both R-2 and MU-N as a special use. Personal services – large (fitness center). Robertson discussed size definitions: 15,000 sq. ft. for retail, 50,000 sq. ft. for grocery stores, 5,000 sq.ft. for restaurants and 40,000 sq. for churches. Mullins – why sewer pump reservoirs. Banks – questioned the size of grocery stores. Permitted use in MU-N and R-2 – can we limit the size.

Re-evaluate zoning. For example, the Holiday Station store on Arrowhead and Rice Lake Road is currently zoned MU-N but future land use implies MU-C.

Report from Land Use Supervisor – Froseth noted the following projects: Baywalk Planning, Park Point Plan, Economic Development Strategic Plan, Downtown Streetscape Design, Higher Ed Plan update, and Metro Interstate Commission planning efforts.

Next Tuesday is the annual meeting. Rand and Banks will meet before the meeting to discuss nominations for President and Vice-President. If you are interested in serving, please let Rand know.

March is an extremely busy month and staff requested a special meeting on March 26th to split up topics.

February 25th the University will be presenting its campus plan to City Council at 6:30 pm.

President Digby requested a summary of the Council's amendments.

- X. Adjournment
Meeting adjourned at 7:30 p.m.

Respectfully,



Charles Froseth, Land Use Supervisor