



**City of Duluth  
Planning Division**

411 West First Street • Room 208 • Duluth, Minnesota 55802-1197  
218-730-5580 • Fax: 218-730-5904 • www.duluthmn.gov

An Equal Opportunity Employer

**City of Duluth  
Planning Commission  
November 13, 2012 Meeting Minutes  
Room 303, 3<sup>rd</sup> Floor of Duluth City Hall**

Call to Order

President Digby called to order the meeting of the City Planning Commission at 5:00pm on Tuesday, November 13, 2012, in the City Council Chambers.

Roll Call

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

Absent: David Sarvela and Zandra Zwieber

Staff Present: Keith Hamre, Chuck Froseth, Steven Robertson, Kyle Deming, Jenn Reed Moses, John Kelley, and Cindy Stafford

Keith introduced to Committee new staff including clerical and new Land Use Supervisor: Charles Froseth

Public Hearings

- A. PL 12-143 UDC Text Amendments to Section 50-2, 50-27, and 50-41, to Amend Sign Regulations and add Definitions Pertinent to Sign Regulations. Note: Item tabled from the October 9, 2012 Planning Commission meeting.

**Staff:** Steven Robertson presented an overview of the proposed changes. City has been working on the sign code for several months; they had several public workshops to hear public input and this is the 3<sup>rd</sup> time brought to the Commission. The following are changes the Commission wanted from discussion at the previous public hearing in October: items of information – this was removed completely which doesn't harm the intent of the code; landscape requirement still needed but amended to exclude industrial and commercial areas; clarified LED and accent lighting for free-standing signs; revision to parking lot signs (informational and directional); amended size for freestanding signs; and change in size to scoreboard signs. A handout was given to the commissioners showing examples of signs constructed in the last few years to illustrate typically sign size and height. Commission members expressed their concerns including maintaining City beauty and concerns about omitting landscaping from mixed-use commercial and sign size, and size limits to maximum allowed in MU-N areas.

**Public:** Todd Johnson – owner of Todd Signs opposes the ordinance and is concerned with the height of free-standing pole signs.

**MOTION/Second:** Rand/Mullins. Planning Commission recommended approval of proposed UDC changes as presented by staff, with the following changes: change in height and area of pole signs in MU-N from 20 feet to 17 feet and changed maximum area to 42 square feet, and changes height of wall signs on parapets in MU-C

**VOTE:** (7-0)

- B. PL 12-152 UDC Text Amendments to Section 50-14.6.A, 50-14.6.D, 50-14.6.E, 50-15.2.D, 50-15.2.E, 50-18.4, and 50-18.5, 50-22, and 50-35, to Amend Density in R-2, Remove R-2 and MU-N Development Standards, Amend the Skyline Overlay District Map, Create a Higher Education Overlay District, Amend Form District Standards, and Summary Table

**Staff:** Planner Jenn Reed Moses discussed the above 3 changes.

**Public:** No public comments.

**MOTION/Second:** Rand/Guggenbuehl. Planning Commission recommended approval.

**VOTE:** (7-0)

- C. PL 12-151 UDC Text Amendments to Section 50-14.7, 50-17.5, 50-17.6, 50-19.8, and 50-37.11, to Amend Residential-Planned Development, Create Commercial-Planned Development, and Amend the Plan Review Process

**Staff:** Planner Jenn Reed Moses and Director Keith Hamre commented. For the proposed Mixed Use-Planned district, Planning Commission was asked whether they would consider reducing 4 acres to 2 acres. Guggenbuehl stated he likes the added flexibility. Digby expressed frustration with the role of the Planning Commission in approving the regulating plan (i.e. Bluestone Commons). Moses answered that under the proposal, any rezoning to MU-P requires a concept plan.

**Public:** No public comments.

**MOTION/Second:** Guggenbuehl/Rand. Planning Commission recommends text amendments with alteration to 2 acre minimum parcel size, and requirement that cross sections be provided as part of regulating plan.

**VOTE:** (7-0)

- D. PL 12-148 UDC Text Amendments to Section 50-19.8, 50-20, and 50-41, to Add "Vacation Dwelling Unit" as an Interim Use, to Add "Accessory Vacation Dwelling Unit" as an Interim Use, to Establish Use Specific Standards for the Uses, and Amend Definitions

**Staff:** Planner Kyle Deming explained information provided to Commissioners regarding the two issues they wanted reviewed from last month's meeting. Staff reviewed 10 other communities' ordinances and none use square footage as a basis for setting the maximum number of guests at a property. Staff had an additional public meeting, as requested by the Commission. Staff recommends approval of the ordinance amendment. Commissioner Sydow concerned with motor homes parking in front of homes. Staff responded that there are already provisions that take care of this.

**Public:** Ken Aparicio of 2309 E. 1<sup>st</sup> St. owns a Bed and Breakfast. He commented on vacation rentals. He noted the difference between an owner who is living on site or in close proximity to the rental versus an out of town owner. Concerned that amendment doesn't list specific language.

Bill Burns – 3332 Minnesota Avenue. Mr. Burns is a vacation rental owner and represents other vacation rental owners. Sees vacation rentals as a positive aspect of the community. Extended thanks to staff and endorses the proposed amendment.

**MOTION/Second:** Sydow/Guggenbuehl. Planning Commission passes the above amendment as written.

**VOTE:** (7-0)

- E. PL 12-159 UDC Map Amendment for Bob Bissel-North Shore Development. Previously approved Low Density Planned Development (LDPD) (07-0159R). Rezoned to Residential-Planned (R-P) per Section 50-14.7.H of the UDC

**Staff:** Planner John Kelley presented an overview of the proposed rezoning from RR-2 to R-P. Planner Kelley discussed the previously approved LDPD. Staff recommends the Planning Commission recommend approval to the City Council.

**Public:** No Public response

**MOTION/Second:** Guggenbuehl/Rand. The motion to approve the rezoning from Rural-Residential 2 (RR-2) to Residential-Planned (R-P), by the city council must prevail with a simple majority.

**VOTE:** (7-0)

- F. PL 12-162 UDC Map Amendment for David Bell-Freedom Development Consulting/Bluff Ridge Estates Development. Previously approved Low Density Planned Development (05-0078R). Rezoned to Residential-Planned (R-P) per Section 50-14.7.H of the UDC.

**Staff:** Planner John Kelley presented and overview of the proposed rezoning from Residential-Traditional (R-1) to R-P. Based on Staff's review, staff recommends the Planning Commission recommend approval to the City Council.

**Public:** Denise Letourneau of Lakeview Drive land-locked due to development. She would like staff to look into access possibilities. Staff will follow-up. Planner Kelley stated that passing this UDC Map Amendment will only change the zoning and will not affect the previously approved Special Use Permit for the Low Density Planned Development.

Didgby asked if Staff could look into this matter and get back to Mrs. Letourneau.

**MOTION/Second:** Guggenbuehl/Banks. The motion to approve the rezoning from Residential-Traditional (R-1) to Residential-Planned (R-P), City council must prevail with a simple majority.

**VOTE:** (6-1, Beeman opposed)

- G. PL 12-156 Change Future Land Use Map from Traditional Neighborhood and Neighborhood Commercial to Neighborhood Mixed Use Along Commonwealth Avenue, from Stowe Street to Prescott St in Gary New Duluth

**Staff:** Planner Jenn Reed Moses explained the proposal. Comments received via phone calls and public meetings focused on what type of development will be going in. Moses stated the City is looking to sell some property that would be used for Dollar General; however, this includes a 6-block stretch that extends beyond those parcels. Commissioner Sydow added that although this is along a state highway, traffic is traveling slow.

**Public:** No public comments.

**MOTION/Second:** Guggenbuehl/Mullins. Planning Commission recommends approval to the City Council of the Comprehensive Plan Amendment from Traditional Neighborhood and Neighborhood Commercial to Neighborhood Mixed Use along Commonwealth Avenue from Stowe Street to Prescott Street.

**VOTE:** (7-0)

H. PL 12-157 Vacation of Easement at 330 and 324 Hastings Drive by Laurie Anderson

**Staff:** Steven Robertson presented a request to vacate a utility and pedestrian easement. Close to Hartley Nature area. Other trails in area. School district owns land close by.

**Public:** Laurie Anderson of Hastings Dr. – Property owner bought home in April did not realize restrictions. Would like to build an entry porch area.

**MOTION/Second:** Guggenbuehl/Beeman. Planning commission approves the vacation of Easement at 330 and 324 Hastings Drive.

**VOTE:** (6-1, Sydow opposed)

I. PL 12-165 Concurrent Use of Streets for Handicap Accessibility Structure at 103 North 29<sup>th</sup> Avenue West by Richard Makowsky

**Staff:** Steven Robertson presented request to add a ramp for wheelchair access which extends 4 feet into right of way. The ramp would be in the right fo way, and would require a concurrent use permit.

**Public:** Bill Scalzo - Architect – represents owner of property. Owner would like to build a ramp to better facilitate wheelchair access. This will not interfere with public walkway. Chuck – mentioned listing feet from lot line and not sidewalk.

**MOTION/Second:** Sydow/Banks On November 13, 2012, the planning commission held a public meeting on the proposal, and voted 7 yeas, 0 nays, and 0 abstentions to recommend that the city council approve the request for a concurrent use of right of way as requested.

**VOTE:** (7-0)

J. PL 12-158 Special Use Permit for Retail Business in a Residential-Urban (R-2) at 1311 Woodland Avenue by Beth Magomolla

**Staff:** Planner Jenn Reed Moses explained owner would like a retail store in the ground floor of her building. There are no abutting single-family residences; house is near UMD and new Bluestone development. Applicant is proposing three parking spaces in the rear of her house.

**Public:** Beth Magomolla 1311 Woodland Avenue. Would like to sell African artwork that she buys herself to resell. She states that her products would be an attribute to the University setting. She would like to have a small store room with a side office.

**MOTION/Second:** Beeman/Banks. Resolved that the petition for a Special Use Permit be approved with the following conditions:

- 1) The project be limited to, constructed, and maintained according to the site plan received November 2, 2012.
- 2) The retail store be limited to no more than 400 square feet and on the ground floor only.
- 3) Store hours be limited to the times between 10:00 am and 8:00 pm.

- 4) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.
- 5) The Special Use Permit shall expire upon change in ownership of the property.

**VOTE:** (7-0)

Consideration of minutes – October 9, 2012

**MOTION/Second:** Sydow/Guggenbuehl

**VOTE:** (7-0)

Communications

Skyharbor Airport Discussion, EAW and Future Zoning Options

Update from Casey from SEH – the consulting firm doing the environmental study. Scott noted the area is zoned parkland which would now be a non-conforming use for the airport and beach house. Public reviews assessment. The City of Tower is the closest location with water landing capabilities. Casey explained different runway scenarios. Describes the process as “threading a needle”. When asked about the Park Point residents’ reactions, Scott says they are happy to be going through an environmental review.

Five Minute Presentation: Conflict of Interest – Keith Hamre

Keith opened the discussion and noted two types of conflict: financial conflict and perceived conflict. If Commissioners feel that either one applies they are encouraged to excuse themselves from the vote.

Discussion on Commissioners’ options on how to recuse themselves if they feel there is a conflict of interest. Should members sit back from the table and abstain from vote, actually leave the meeting, or sit in the audience.

Commissioner Banks noted the trouble that the Minneapolis Commission is having and suggested that other members should be notified ahead of time.

Confidentiality issue – Per Keith Hamre, a commissioner does not need to specify what the conflict is, only that there is a conflict.

Commissioner Rand stated that when in doubt, step out.

President Digby also noted that sitting in the back of the audience versus sitting up front would be optimal. Also, an announcement should be made informing everyone that, “Commissioner (blank) has recused themselves”.

Chuck also noted that staff is included in potential conflict of interest issues, and should use their best judgement as well as following city codes.

Changes to MU-N Discussion

Buffer between commercial and residential. Staff would like guidance from commission on potential changes before a community meeting is held. Is there a way to divide up restaurants between small and large. Permitted uses (restaurants, hotels/motels) that should be specially permitted uses that would require more scrutiny by the Commission. Trying to reduce zone

districts to streamline. Commission brought up the possibility of limiting square footage of hotel/motel, restaurant and parking areas/traffic. Public meeting December/January. Staff to report back to Commission in February with the results of the study and any proposed changes.

Commissioner Rand appreciates the Staff's updates and mentioned the Central Entrance corridor from Rice Lake Rd to Anderson Rd. and possible transportation changes including a median. Also would like a coherent plan for more of a community feel versus a back alley.

Higher Education update by President Digby. UMD has internally changed their community plan which could be controversial. Community didn't feel involved. Also moved light on Woodland Avenue. They haven't rolled out their plan to the community yet, but be aware of the possibility of backlash.

#### Old Business

1924 MN Ave variance on Garage – City Council Overturned. Frustrating to Keith Hamre, because he doesn't feel that the Commission was fully informed by the professional designer.

#### Reports of Officers and Committees

Commissioner Mullins volunteered to be an HPC representative.

#### New Business

None.

#### Other Business

The next Planning Commission Brown Bag is November 15 topic Climate Change...

President Digby requested a copy of the Charrette be provided to the Commissioners.

#### Adjournment

Meeting adjourned at 7:58.

Respectfully,



Charles Froseth, Land Use Supervisor