



**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
September 11, 2012 Meeting Minutes
City Council Chambers, Duluth City Hall

Call to Order

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

Excused: Terry Guggenbuehl

Committee of the Whole

Digby stated that the applicant wanted the File 12-121 be tabled.

MOTION/Second: Sarvela/Mullins to Table File 12-121.

VOTE: 8-0

Arista Strungys from Camiros Ltd gave a presentation to the Planning Commission on proposed changes to the sign code for the UDC.

Members of the Planning Commission asked questions about the proposed changes. Zwiebel asked about size limitations for relator signs. Digby asked about attention getting devices. Sydow stated that he has a concern with for rent signs that are always on the same property but are advertising other properties owned by the landlord. Mullins was concerned for limiting creativity with new signs. Rand asked about changes to marquee signs. Mullins questioned the exemption for government signs. Sydow asked about canopy signs and their distance from the curb.

Public Hearings

- A. PL 12-118 UDC Map Amendment from Residential-Traditional (R-1) to Parks and Open Space (P-1), at Park Point (Minnesota Point), by the City of Duluth.

John Kelley reviewed the proposed rezoning area from the August 14, 2012 Planning Commission meeting and the revised area to be rezoned. Staff met the County Lands and Minerals Department to discuss the removal of tax forfeited lands that are within the rezoning area. Staff also met with representatives of the Sky Harbor Airport regarding airport use within R-1 and P-1. Staff is working with Airport representatives on zoning options. Therefore staff has removed the tax forfeited lands, airport and lands to the south from the proposed rezoning.

Kelley stated that the area for rezoning depicted on the revised map should be rezoned from R-1 to P-1.

Sydow wanted to know if docks were considered and accessory use in R-1? Kelley stated that they were. Digby asked if this matter will be resolved with this change? Kelley stated that this would.

Mullins asked for clarification on tax forfeited land? Keith Hamre stated that tax forfeited land is managed by the county land and minerals department. The County would like to sell these properties.

MOTION/Second: Rand/Beeman to **Approve** the UDC Map Amendment from Residential-Traditional (R-1) to Parks and Open Space (P-1), At Park Point (Minnesota Point), by the City of Duluth.

VOTE: 8-0

- B. 12-120 UDC Map Amendment from Mixed-Use Neighborhood (MU-N) to Form District 1 and 2, in the Lester Park Neighborhood (MU-N) by the City of Duluth.

Kelley stated that this is a rezoning along Superior Street from North 44th Ave E. to North 60th Ave E. from Mixed Use-Neighborhood to Form Districts F-1 and F-2 for properties identified on the map. Staff did meet with the Lakeside-Lester Park Business Association and neighborhoods. They looked at zoning based on the recommendation that the area be rezoned from MUN to F2. Staff is recommending approval of the rezoning based on the findings in Staff's report.

Beeman about refinancing a mortgage for a residential use in a commercial zone district. Hamre stated that this can occur in the MU-N district because residential is a permitted use.

Murray - 2215 E Superior Street. His property was identified for rezoning on the map he received is in a possible F2 district. Kelley stated that the property was removed from the rezoning.

Motion/Second: Beaman/Mullins to **Approve** the UDC Map Amendment from Mixed-Use Neighborhood (MU-N) to Form District 1 and 2, in the Lester Park Neighborhood, by the City of Duluth.

VOTE: 8-0

- C. PL 12-119 UDC Map Amendment from Industrial-Waterfront (I-W) to Mixed Use-Waterfront (MU-W) at 1127 Minnesota Avenue by Ray Robbins. Note:Item tabled from August, 2012 Planning Commission meeting.

Kelley stated that this was tabled at the August 14th, 2012 Planning Commission meeting due to not being signed properly. Kelley stated that some comments have been received regarding

future plans for the property and that the applicant may wish to speak on this. Staff is recommending approval of the rezoning.

Ray Robbins. He is considering other uses permitted in the MU-W district.

MOTION/Second: Rand/Banks to **Approve** the UDC Map Amendment from Industrial-Waterfront (I-W) to Mixed Use-Waterfront (MU-W), at the properties identified for rezoning.

VOTE: 8-0

D. PL 124 Vacation of Easement (Utility) at 3780 London Road by Chateau Manor, LLC.

Robertson presented the application, and added that this is a request for an easement vacation. Staff have concluded that there is no purpose for the utility easements and that it likely never be needed for the purpose of which it was dedicated.

MOTION/Second: Zwiebel/Sydow to **Approve** the easement (Utility) at 3780 and 3820 London Road by Chateau Manor, LLC. With the following conditions: 1. Vacation goes into effect after being recorded at the County Recorder's office. 2. Applicant will work with Duluth City Clerk's office.

Vote: 8-0

E. 12-126 Plan Review for Expansion of Existing Commercial Structure at 1600 Miller Hill Trunk Highway by Simon Property Group.

Jenn Reed Moses stated that this is a plan review for Miller Hill Mall. Moses went over the map of the properties. The applicant is proposing to accommodate a retail store. This is on the side away from Miller Creek and shoreland issues. This will be for a sporting goods store. The proposal is consistent with the zoning and future land use. The addition results in the removal of 153 parking spaces; however, currently the mall has 5 spaces per 1,000 square feet, which exceeds the required parking. Reconstruction of the parking lot will require landscaping. Applicant is proposing to exceed landscaping amounts and is proposing an alternative landscaping plan that locates some of the required landscaping in the eastern end of the lot. City Engineering stated that they want to see the plans for the whole site and how it is to be constructed. Applicant can apply and receive sign permits and any minor alterations can be done by the land use supervisor.

Beeman stated that they are taking up parking spots. Moses replied that the mall meets the required parking even with the removal of parking spaces.

MOTION/Second: Sarvela/Beeman to **Approve** the Plan Review for Expansion of Existing Commercial Structure at 1600 Miller Trunk Highway by Simon Property Group with the following conditions: 1. The project be limited to, constructed, and maintained according to the following documents: Overall Site Plan dated 8/29/12, Site Plan Detail dated 8/29/12, Landscape Plan dated 8/29/12, and Grading Plan dated 8/7/12. 2. Any signs to be installed as part of the project will apply for and receive sign permits in accordance with sign regulations in place at the time of application. 3. Applicant submit a stormwater plan for entire mall property to City Engineering, and plan be approved by Engineer. 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.

VOTE: 8-0

F. 12-126 - Special Use Permit (SUP) for Day Care in Residential-Traditional (R-1) at 410 North Arlington Avenue by Melissa Reisdorf.

Moses went over the property. The applicant is proposing using the existing church building for a day care with 20-60 children. The property is zoned R-1. No construction would be needed. An outdoor play area of 20'x30' would be placed on the property, and is screened by trees at the rear of the property. Parking in the southern portion parking lot is signed for use by the apartment building to the south, but even without those spaces, the parking on-site meets the required minimums for both a church and day care use. One neighbor called to say he was supportive of a day care use; no other comments were received.

MOTION/Second: Zwiebel/Sydow to **Approve with Conditions** for the Special Use Permit (SUP) for Day Care in Residential, Traditional (R-1) at 410 North Arlington Avenue by Melissa Reisdorf. with the following conditions: 1. The day care is limited to a maximum of 60 children. 2. 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. 3. Applicant maintain state licensure for the day care use.

VOTE: 8-0

G. 12-094 Variance from Front Yard Setback in a Residential-Traditional (R-1)

Moses stated that the building is built on the rear of the lot. The applicant reconstructed an old stairway without a building permit, but it did not meet the building code and needs to be rebuilt. This is very close to the rear property line and they are proposing a 1' setback. Access could still be provided to each unit if the staircase was built on the northeast side of the

building, further away from the property line. Because of this, staff finds that the need for the staircase does not meet the criteria of exceptional and peculiar practical difficulty.

Banks stated that the owner did not have the permit for this. Moses stated that they did not. The staircase wraps around the building. This would be 1 foot from the property line. Moses stated that this has to be rebuilt. Beeman stated the doors providing access are on the rear of the building. Applicant John Almquist stated there is not head room on the top floor of the northeast side of the building, and that there are heating and pipes on that side of the building. Commissioners felt these could be reasons for practical difficulty if the applicant could provide further evidence.

MOTION/Second: Zwiebel/ Banks to **Table** the Variance for Rear Yard Setback in a Residential-Traditional (R-1) at 218 E 4th Street by John Almquist.

VOTE: 8-0

H. PL -12-122 Variance from Required Lot Area Minimums in a Residential-Traditional Zone (R-1) at 1839 Woodland Avenue by Lawrence Skoglong.

Robertson presented the zoning application and request for a variance. Staff noted that some of the land from the applicant's lot was acquired for expansion of the adjacent road. Based upon reviewing the applicant's information, staff believe that the applicant meets the standard establish for a variance of lot area.

Larry Skoglund. He lives in Minneapolis. They bought this house a few years ago. He inspected the property and tries to comply with all the requests with the city.

MOTION/Second: Zwiebel/Banks to **Approve** the Variance from required Lot Area Minimums in a Residential-Traditional Zone (R-1) at 1839 Woodland Avenue by Lawrence Skoglong with the following conditions: 1. The project be limited to, constructed , and maintained according to the site plan submitted with the variance application. 2. Applicant comply with City rental license requirements, and other.

VOTE: 8-0

New Business

A. 12-139 Appeal of a Decision from the Land Use Supervisor (Accessory Dwellings Allowed Only on Lots with Single Family Homes)

Applicant would like to convert their single family home into a duplex while maintaining their accessory dwelling; the UDC only allows accessory dwellings on lots with a single family home. The applicant would like to appeal this decision of the Land Use Supervisor. Applicant states that this area is zoned R-2 and is near some higher density structures; this proposed change to

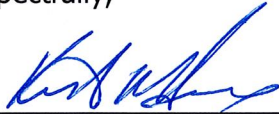
a duplex would not change the footprint of the structure and would have no impact on the neighborhood.

LaCoursier stated that the applicant is requesting what is similar to a use variance. While he understands the applicants concerns, we are not allowed to do for a use which is not permitted in our code. LaCoursier stated that the Planning Commission can affirm the decision of the land use supervisor, or determine an error was made in interpreting the code and overrule the land use supervisor.

MOTION/Second: Sydow/Zwiebel to **Uphold** the Appeal of a Decision from the Land Use Supervisor (Accessory Dwellings allowed only on Lots with Single Family homes)

VOTE: 8-0

Respectfully,



Keith Hamre, Director of Planning and Construction Services