



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
February 11, 2014 Meeting Minutes
City Council Chambers - Duluth City Hall

I. Call to Order

President Terry Guggenbuehl called to order the meeting of the City Planning Commission at 5:00 pm on Tuesday, February 11, 2014, in City Hall Council Chambers.

Roll Call

Attending: Marc Beeman, Terry Guggenbuehl, Tim Meyer, Garner Moffat, Patricia Mullins, David Sarvela, Luke Sydow and Zandra Zwiebel

Absent: Drew Digby (Excused)

Staff Present: John Kelley, John Judd, Steven Robertson, Allison Lutterman, Keith Hamre, Charles Froseth and Cindy Stafford

II. Update on Gary New Duluth Small Area Plan

John Kelley summarizes the plan and discusses the draft recommendations. The small area plan will detail and build on the goals, policies, and implementation strategies in the City's comprehensive plan. Commissioners David Sarvela and Zandra Zwiebel are on the sub-committee and reviewed the five goals of the plan, including the rationale and recommendations for each goal.

III. Public Hearings

A. Park Point Small Area Plan

Staff: John Judd gave an overview of plan and the packet information which includes: the chronological list and discussion topics of plan meetings, the demographic data for the 2000 and 2010 censuses, a build-out analysis, the results of an alignment and traffic study, summaries of comments from the two public meetings, the collected public comments, a copy of the park point community club survey questions and responses, and a set of implementation maps and a draft of the recommendations small area plan process. Due to the complexity of the issue, President Terry Guggenbuehl had previously appointed three commissioners to serve on the sub-committee: Marc Beeman, Garner Moffat, and Luke Sydow.

Applicant: N/A

Public: Lisa Berthel: lives on park point and owns three properties there, she disagrees with plan and doesn't need more connections "S" curve is not a good solution more residents should have been involved. She feels more research is needed. Brian Nelson: co-founder of Park Point Street End Coalition. Tier 1 access points are not maintained now. The picking of street end access points was arbitrary. Questions the S-curve planning and line of sight to bridge. Nelson notes existing signage already shows access points. Tom Rushenfels: has seen many changes on Park Point over the past 50 year; including an increase in taxes, and an increase in the prices of homes. His main concern is street end issues as he feels the city doesn't take care of what it has now (garbage and porta potties) and why open up more access points? Burke Edgerton:

Property is between n the western side of South Lake Avenue and Minnesota Ave. residential area and doesn't think the traffic pattern should be changed. He feels changing the road would be costly, and would only compound the problem. Betty Sola: notes the S-curve issue and the Plan committee first recommends keeping the S-curve where it is then change with the minority report. She recommends tabling the issue. Dale Sola: is owner of the South Pier Inn. Don't encourage more people to Park point it is over used already. He doesn't feel their concerns have been addressed. Dave Poulin: notes traffic and parking issues near in the Lafayette Square neighborhood. He would like the city to add public access points and not allow access on public street ends. Steve Sola: doesn't feel this plan makes any sense. The proposed turn will create anxiety, because it will take away the line of sight to the bridge. Larger trucks and loads will cause back-ups on Minnesota Ave. The city doesn't have answers about the South Pier Inn traffic access. He doesn't feel 50 access points on Park Point is needed. Sola stated the process has created enemies amongst neighbors. Travis Schwarz: owns property a block over from the bridge and says the Corps of Engineers access is historic should not be changed. Jan Karon: was on the Plan committee and currently lives on Park Point. She is concerned about the process, and she asks if the subcommittee was recommending moving the S-curve. **Commissioners**: Moffat notes the Tier 2 access points would have a subtle marking and would not be overly advertised to the public. The Planning Commission does not have control over park improvements. Vacations would be subject to further review. Traffic issues (including the S-curve) were discussed in the subcommittee and the final design plan will be developed by city engineering. President Guggenbuel reiterates the reasoning behind the small area plan is in reaction to developments on Park Point and has short, medium and long range recommendations. The Commission has seen many Park Point issues arise in regards to development with concerns including traffic and sewer capacity issues. A small area plan would serve as a guide for the Planning Commission and City Council in regards to future development. The tendency is to focus too much on the specific details without seeing the bigger picture. Meyer asks if there have been traffic studies prior to this process. He wants to make sure the situation is handled correctly. Beeman agrees and doesn't think they are at a point to make a decision, due to the lack of a clear bigger picture. Patricia Mullins also feels a decision can't be made until the residents are more in agreement. She notes the importance of having a visual of the bridge while being stopped in traffic. Sarvela and Zwiebel are concerned with the S-curve and are unclear about the reasons for or against it. Moffat notes some of the speakers who are opposed would be directly affected. Staff and the committee(s) have put a lot of effort into creating long-term guidelines, and although it might make people happy in the short-term, to do nothing would ignore long-term principles. Sydow is concerned with the S-curve and bicycle access. He asks about tabling to break out the separate issues. Keith Hamre (Director of Planning and Construction Services), asks the Commissioners if they would consider tabling until the regular April Commission meeting. Moffat asks what will be changed between now and then. Hamre notes more research will be done. The Canal Park Merchants Association has asked to meet with staff to discuss how the canal park area might be impacted.

MOTION/Second: Zwiebel/Meyer - Table until April's Regular Planning Commission Meeting

VOTE: (7-1, Moffat Opposed)

- B. PL 14-002 Special Use Permit for Clinic in an R-2 Zone at 1414 Woodland Avenue by Michael Edmunds, Gerald Smith, and Ronald Edmunds
Staff: Robertson introduces the applicant's request to construct a new two-story structure for a medical clinic (for dermatology). Clinics are a special use in the R-2 zone

district. Staff recommends approval with conditions listed in the staff report which include the new structure be built 20 feet from the front lot line facing Woodland Ave (per Higher Education Overlay requirements), and six off-street spaces will be required on an adjacent parcel with the applicant providing proof of the parking arrangement.

Applicant: Brian Morrison (architect who represents the owners) addresses the commission and asks if there are any questions.

Public: N/A

Commissioners: N/A

MOTION/Second: Mullins/Zwiebel approve as per staff's recommendations.

VOTE: (6-0, Sydow abstained, Moffat absent)

- C. PL 13-165 MU-C Plan Review for Credit Union at 609 West Central Entrance by Members Cooperative Credit Union (Tabled from January Meeting)

Staff: Robertson introduces the applicant's proposal of a new 4,400 square foot credit union with three drive-through lanes. City Engineers requested a sidewalk be added to the plans, and the southern parking lot access point be moved back. The revised site plan did meet the conditions requested by Engineering. Staff recommends approval based on the conditions listed in the staff report.

Applicant: Tammy Heikkinen of Members Coop addresses the commissioners and asked if there are any questions.

Public: N/A

Commissioners: N/A

MOTION/Second: Zwiebel/Meyer approve as per staff's recommendations.

VOTE: (8-0)

- D. PL 13-164 Variance to Maximum Off-Street Parking Limits at 609 West Central Entrance by Members Cooperative Credit Union (Tabled from January Meeting)

Staff: Robertson introduces the applicant's request for a variance from 19 spaces instead of the maximum 17 allowed by the UDC. Staff recommends denial as the applicant has not identified a hardship or practical difficulty that would require relief from zoning code.

Applicant: Tammy Heikkinen of Members Coop addresses the commissioners and asked if there are any questions.

Public: N/A

Commissioners: N/A

MOTION/Second: Moffat/Sydow deny as per staff's recommendation.

VOTE: (7-1, Meyer opposed)

- E. PL 13-167 Variance from Shoreland Setback Requirements at 302 Ridgewood Road by Rita Rosenberger and David Barthel

Staff: Robertson introduces the applicant's request for a variance to add a small addition (90 square feet porch and 70 square feet entry addition) to an existing single family home. The proposed addition is within the Coldwater River shoreland setback of Tischer Creek. Staff recommends denial due to lack of practical difficulty, and that the applicant currently has a reasonable use of the property.

Applicant: Rita Rosenberger addresses the Commission and explains her safety concerns for her house layout. She explains they do plan for mitigation including a rain garden and landscaping. Mullins asks about the landing area safety concerns.

Public: N/A

Commissioners: Meyer would like to see the setback rule changed. Froseth noted the DNR sets the rules. Zwiebel notes the house was built prior to the DNR rules. She feels the hardship concern would be the safety issue. Sarvela notes the large lot and the

intent of the law is to reduce impervious surfaces near the tributary. Moffat asks staff when setbacks were put in place. Roberston responded the UDC was adopted in December 2010. Hamre noted the DNR gives special attention to stream tributaries. A recurring theme is occurring and may require reconsideration by the DNR. As the regulations stand now, unfortunately, the city recommendation is for denial. Sydow finds the shoreland setbacks troubling and he sees the project as being proposed in an environmentally friendly way.

MOTION/Second: Moffat/Sarvela deny based on staff recommendations.

VOTE: (1-7; Beeman, Guggenbuel, Meyer, Mullins, Sarvela, Sydow and Zwiebel opposed)

MOTION/Second: Beeman/Meyer motion to approve based on their unique situation; including, the home was built and acquired prior to DNR regulations, safety issue concerns, it doesn't increase impervious surfaces, and there is no other location on the property deemed buildable.

VOTE: (7-1, Moffat opposed)

F. PL 13-146 UDC Text Changes (Tabled from December Meeting)

MOTION/Second: Sarvela/Sydow bring UDC Text Changes back to table.

VOTE: (8-0)

Staff: Robertson introduces the proposed changes to the UDC.

Applicant: N/A

Public: Tom Ryther of "FORridge- Friends of Rockridge" distributes a handout in regards to the R-P district. He requests the Commissioners consider his proposed amendments to the UDC.

Commissioners: Zwiebel asks Hamre about the RP and MUP plans. Hamre stated that the concept plan includes restrictions: density, maximum height and uses. Regulating plans are not reviewable by Planning Commission. Sydow voices his concern about drive-thrus in mixed-use neighborhoods. Hamre responded it could be amended to be a special use permit, which would require approval from the Commission.

MOTION/Second: Mullins/Meyer approve changes with amendments that a community meeting requirement be added for R-P and MU-P districts, and a special use permit be required for all restaurants, regardless of square footage, in R-P and MU-P districts.

VOTE: (8-0)

IV. Consideration of minutes (December 17, 2013)

MOTION/Second: Guggenbuehl calls for vote.

VOTE: (8-0)

V. Communications

A. Managers' Report – Froseth reviews the status of upcoming planning projects.

VI. Reports of Officers and Committees

N/A

VII. Other Business

- A. PL 14-006 Review Conformance with Comprehensive Plan for Proposed Pier B Project
MOTION/Second: Guggenbuehl calls for vote.

VOTE: (8-0)

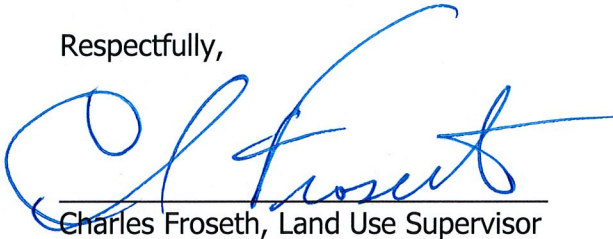
- B. PL 14-004 Coffee Creek Bank Stabilization in Enger Park. Public Comment Period From February 3 to March 5, 2014. Decision at March 11, 2014 Regular Planning Commission Meeting.

- C. 2014 Annual Meeting and Election of Officers Wednesday, February 26, 2014, 5:30 pm, at Tycoons (132 East Superior Street)

VIII. Adjournment

Meeting adjourned at 8:05 p.m.

Respectfully,



Charles Froseth, Land Use Supervisor